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SENATE—*Thursday, December 2, 1971*

(Legislative day of Monday, November 29, 1971)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, without whose help we do nothing aright, help us to commit ourselves and the destiny of this Nation to Thy keeping. Consecrate us in body, soul, and spirit to Thy service. Make us mindful that we are trustees and not owners of this planet. Give us both the wisdom and the will to be good caretakers of the earth and to be faithful stewards of the Nation's welfare. May peace come on earth, beginning with each of us.

We pray in the name of the Prince of Peace. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 2, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, December 1, 1971, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of items on the calendar, beginning with Calendar No. 503 and ending with Calendar No. 508.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL ADVISORY COMMISSION ON HEALTH SCIENCE AND SOCIETY

The Senate proceeded to consider the joint resolution (S.J. Res. 75) to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That this joint resolution may be cited as the "National Advisory Commission on Health Science and Society Resolution".

ESTABLISHMENT OF COMMISSION

SEC. 2. There is hereby established a National Advisory Commission on Health Science and Society (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of fifteen members to be appointed by the President from the general public and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanities, health administration, government, and public affairs.

(b) Any vacancy in the Commission shall not affect its powers.

(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall undertake a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology, which shall include, without being limited to—

(1) analysis and evaluation of scientific and technological advances in the biomedical sciences, past, current and projected;

(2) analysis and evaluation of the implications of such advances, both for individuals and for society;

(3) analysis and evaluation of laws, codes, and principles governing the use of technology in medical practice;

(4) analysis and evaluation through the use of seminars and public hearings and other appropriate means, of public understanding of and attitudes toward such implications; and

(5) analysis and evaluation of implications for public policy of such findings as are made by the Commission with respect to biomedical advances and public attitudes toward such advances.

(b) The Commission shall make maximum feasible use of related investigations and studies conducted by public and private agencies.

(c) The Commission shall transmit to the President and to the Congress one or more interim reports and, not later than two years after the first meeting of the Commission, one final report, containing detailed statements of the findings and conclusions of the Commission, together with its recommendations, including such recommendations for action by public and private bodies and individuals as it deems advisable.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or members thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at daily rates for individuals not in excess of the maximum daily rate for GS–18 of the General Schedule under section 5332 of such title.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

COMPENSATION OF MEMBERS

SEC. 6. Members of the Commission (other than members who are officers or employees of the Federal Government) shall receive compensation for each day they are engaged in the performance of their duties as members of the Commission at the rate prescribed for positions at level II of the executive pay schedule in section 5313 of title 5, United States Code. Members of the Commission who are officers or employees of the Federal Government shall receive no additional pay on account of their services on the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

APPROPRIATIONS AUTHORIZED

SEC. 7. For the purpose of carrying out this joint resolution, there are authorized to be appropriated such sums as may be necessary, but not to exceed $1,000,000 for each of the two years during which the Commission shall serve.

TERMINATION

SEC. 8. On the ninetieth day after the date of submission of its final report to the President and the Congress, the Commission shall cease to exist.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–517), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COMMITTEE AMENDMENT

The amendment is as follows:

That this joint resolution may be cited as the "National Advisory Commission on Health Science and Society Resolution".

ESTABLISHMENT OF COMMISSION

SEC. 2. There is hereby established a National Advisory Commission on Health Science and Society (hereinafter referred to as the "Commission").

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(b) Any vacancy in the Commission shall not affect its powers.

(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

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(4) analysis and evaluation through the use of seminars and public hearings and other appropriate means, of public understanding of attitudes toward such implications; and

(5) analysis and evaluation of implications for public policy of such findings as are made by the Commission with respect to biomedical advances and public attitudes toward such advances.

(b) The Commission shall make maximum feasible use of related investigations and studies conducted by public and private agencies.

(c) The Commission shall transmit to the President and to the Congress one or more interim reports and, not later than two years after the first meeting of the Commission, one final report, containing detailed statements of the findings and conclusions of the Commission, together with its recommendations, including such recommendations for action by public and private bodies and individuals as it deems advisable.

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(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

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(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at daily rates for individuals not in excess of the maximum daily rate for GS–18 of the General Schedule under Section 5332 of such title.

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SEC. 6. Members of the Commission (other than members who are officers or employees of the Federal Government) shall receive compensation for each day they are engaged in the performance of their duties as members of the Commission at the rate prescribed for positions at level II of the executive pay schedule in Section 5313 of Title 5, United States Code. Members of the Commission who are officers or employees of the Federal Government shall receive no additional pay on account of their services on the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

APPROPRIATIONS AUTHORIZED

SEC. 7. For the purpose of carrying out this joint resolution, there are authorized to be appropriated such sums as may be necessary, but not to exceed $1,000,000 for each of the two years during which the Commission shall serve.

TERMINATION

SEC. 8. On the ninetieth day after the date of submission of its final report to the President and the Congress, the Commission shall cease to exist.

SUMMARY

The resolution establishes a National Advisory Commission on Health Science and Society, to consist of 15 members appointed by the President. The members would be drawn from the general public and from a variety of disciplines relevant to biomedical research and technology and to the implications thereof.

The commission would make a two-year investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology. After submitting to the President and to the Congress one or more interim reports and a final report, not later than two years after its first meeting, the commission would cease to exist.

EXPLANATION OF NEED

Advances in biology and medicine have been occurring at a rate which is sometimes startling. The tremendous benefits to mankind resulting from such advances are well known. But they are accompanied by a wide range of serious, indeed awesome, implications for man and society. We are acquiring the capacity to modify, perhaps even control, the behavior of human beings. Techniques already exist, and others are being developed, to intervene directly into and manipulate the bodies and minds of individuals.

Developments in the field of genetics have profound implications. The fertilization of human egg cells in the laboratory has already been accomplished. The probable success of efforts to implant such eggs in human beings, and have the fetus carried to full term, has already been suggested. The potential for developing so-called duplicate people has already been forecast by successful experiments in laboratory animals.

In the field of organ transplants and the use of artificial organs, significant new questions have been posed for which our laws and customs do not provide adequate answers. The opportunity to predict that parents may produce defective children, and prenatal diagnosis of genetic defects, present options to parents and potential parents which have not previously existed. Their interests, the interests of the child-to-be, and the role of the health professions and of society need to be reinterpreted in the light of these new possibilities.

Questions of the prolongation of life and the definition of death have long been with us. But the advent of new technologies has greatly increased the complexity of these issues and expanded the occasions when such difficult decisions need to be made.

It is clear that the issues that need to be resolved greatly transcend the area of expertise of health science professionals. We can no longer ask them to grapple with these issues alone. Scientists and laymen, ethicists and lawyers, philosophers and administrators, medical practitioners and humanists all have something to contribute to and learn from each other. We need to develop new institutions, procedures and mechanisms which will permit all of the relevant points of view to be brought to bear on these most important issues. Not the least, the general public must be brought into the debate and must contribute to the development of approaches to solving these pressing problems. Only in this way, can the necessary societal consensus be achieved.

BACKGROUND

Substantially similar legislation was first proposed on Feb. 8, 1968 as S.J. Res. 145 in the 90th Congress. The Subcommittee on Government Research of the Government Operations Committee held seven days of hearings on that proposal during the months of March and April, 1968. Oral testimony was received from two dozen leading spokesmen, including physicians, teachers, biomedical researchers, theologists, lawyers, ethicists, economists, government officials and others. Prepared statements and letters were submitted by nearly 150 individuals.

A slightly revised resolution was introduced as S.J. Res. 47 on February 17. 1969 in the 91st Congress. The bill was referred to the Committee on Labor and Public Welfare but no action was taken on it.

The present resolution was introduced on March 24, 1971, by Senator Mondale and 17 co-sponsors. Since then, four additional co-sponsors have joined in support of the bill. The Subcommittee on Health and the Special Subcommittee on the National Science Foundation held a full day of joint hearings on this resolution on November 9, 1971. Testimony was heard from the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs and from five other witnesses representing medical education, law, medicine, ethics, and philosophy. The subcommittee also received supporting statements from research scientists who were unable to appear.

With some perfecting amendments, the committee reported the bill on November 16, 1971.

HEARINGS, AGENCY REPORTS, AND COMMITTEE AMENDMENTS

All of the witnesses presented testimony which strongly supported the need for intensive work on the subjects which the proposed commission would study. For example, Assistant Secretary of HEW DuVal said:

> This century, beyond question, has witnessed a revolution in the biological and medical sciences—a revolution that raises a whole spectrum of critical problems, which at least in some instances appear to transcend the inherent capabilities of science and scientists alone to deal with them, and present acute challenges to both existing law and conventional wisdom.

He then mentioned, among the problems which need further study, population growth, prenatal diagnosis, genetic engineering, production of "duplicate" individuals, the general question of human experimentation, organ transplantation, the prolongation of life, artificial organs and behavior modification.

Dr. Henry Beecher of Harvard Medical School commented on the significant advances which can be achieved by experimentation in man. But he observed that:

> These purposes thus become deeper and more complex than ever before and so also do the ethical problems surrounding them.

Professor Abram Chayes, of Harvard Law School, is co-chairman of the Commission on Law, Biology and Ethics, established by the Council on Biology and Human Affairs of the Salk Institute. This commission has been concerned principally with problems arising in the field of genetics but has recently turned to behavior modification. After two years of experience with this commission, Professor Chayes said that this field is more baffling and difficult and, at the same time, is as portentious as any that I have dealt with.

Commenting on the limited resources which have caused this commission to make "very little concrete progress", he said that a National Advisory Commission was needed because it would have the time, staff and resources and the concentration of energy and effort sustained over a long time to make an impact on the problems in this area.

Professor John Najarian, from the University of Minnesota, stressed the contribution which such a commission could make to the development of guidelines which would be helpful to those engaged in medical research. He commented on ethical questions which had arisen, and been inadequately handled, in transplantation and "which may occur in genetic engineering and human research."

Professor Najarian also commented on he problem of definition of death which has long been discussed as something such a commission could work on. He said, concerning this issue:

> What has happened is that a variety of people and a variety of groups have looked at this, and they all have definitions of death . . . they are all different, they are all relative, and in each institution. perhaps as standard has been established.
>
> What I am saying is that there ought to be, here again, some specific guidelines on what we consider a definition of death in the modern sense, with the advent of the machinery we have and the capability we have of extending life and continuing heartbeat and breathing in a patient who is "brain dead."

Dr. Daniel Callahan, of the Institute of Society, Ethics and the Life Sciences, spoke about a number of the problems presented by new medical technologies. For example, he said that electrical stimulation of the brain poses many unsolved scientific questions. But as an ethical and social problem, the questions are far more difficult:

> Who would control such a power should it come to pass on a massive scale? What kind of society would it produce, and would it be the kind of society we would want to live in?

Dr. Callahan went on to say that there are many issues that arise even in the everyday practice of medicine for which ethical standards are lacking. In deciding how long to prolong life, for example, physicians are in need of "some minimum consensus . . . some public mechanisms for wise decisionmaking, some means of bringing out into full public view the private dilemmas of physicians, of families, and of patients."

He also saw the need for public examination and discussion in order to bring—

> some common wisdom to decisions which are too often unnecessarily private and isolated; to establish ethical and social norms for assessing technical developments; and, finally, to enable the public to understand the exact nature of the issues at stake.

The committee felt that some of these important issues that were referred to by Dr. Callahan and other witnesses might not explicitly be covered by the charge to the commission to study "advances in biomedical research and technology." Accordingly, it added, as section 4(a) (3), to the duties of the commission, the responsibility to make an "analysis and evaluation of laws, codes, and principles governing the use of technology in medical practice."

Professor Hans Jonas, of the New School for Social Research, stressed the value of the proposed commission as a case of "foresight versus hindsight" and commented on the "supreme seriousness of the issues." He observed that—

> The depth of interventions that are becoming feasible is such that they put the destiny of man at issue. A timely assessment of potential gains and losses, of promises and dangers, becomes imperative.

The testimony by Assistant Secretary of Health, Education, and Welfare DuVal and the reports received from other government agencies did not support enactment of S.J. Res. 75. No other statements or letters opposing the resolution were received by the subcommittee.

Basically, the agencies' views were that sufficient progress was being made through a variety of mechanisms and studies, both public and private, so that a new national advisory commission would be unnecessary. In addition, Assistant Secretary DuVal observed that:

> The issues are so complex and the underlying currents of change moving so swiftly that in our view no attempt to describe this particular healthscape, at what would have to be a given moment of time, could be definitive for long.

The Committee, however, was impressed by the observations of Professor Najarian who had testified on a similar proposal in 1968. He said that "I feel the need for such a commission even more urgently today than I did at that time." Both Professor Chayes and Dr. Callahan, who are actively engaged in the kinds of studies referred to by Assistant Secretary DuVal, believe that a public commission is necessary in order to bring the issues to the necessary level of public participation and to provide the resources which would be needed to have an impact. In order to assure even greater public involvement, the committee revised section 3 to provide expressly for appointment of commission members from the general public, as well as from the fields of special competence already listed.

The committee has no fear that the commission would merely produce a "one-shot" contribution to policies which would soon be obsolete. Rather, the committee feels that the commission would most likely make recommendations for new procedures and mechanisms to grapple with these important problems on a continuing basis. Where feasible, specific policy recommendations by the commission would, of course, be valuable for the consideration of public and private groups.

As Professor Chayes said, the commission could be concerned (among other things) with the composition of review panels. The testimony revealed that such panels may have a sufficiently broad base of specialties at the NIH level, but did not necessarily have such composition at all of the institutions where the research was being monitored. And many of the problems which the commission would be concerned with, including those involving the application of technology in medical practice, are not now, necessarily, subject to any peer-review mechanism at all.

Furthermore, while the HEW witness expressed great confidence in the established mechanisms for review of experiments on humans, Professor Henry Beecher, one of the leading experts in the nation on the ethics of human experimentation, expressed serious doubts as to the adequacy of existing controls. He cited numerous examples of persons being used in experiments without their knowledge, let alone consent. Dr. Beecher has written about and referred to examples of hundreds of cases in this country where the patient's knowledge and consent was lacking.

The National Science Foundation, in a report dated Nov. 5, 1971, expressed concern as to whether the phrase "biomedical sciences" adequately covered research on organisms other than human beings. The committee intends that phrase to include such research in biology as is relevant to understanding the life processes of human beings. In addition, the committee believes that the word "advances," itself, should be interpreted broadly and has modified section 4(a)(1) make this clear.

NO ROLLCALL VOTES CAST

As the only vote cast on the bill was the unanimous voice vote to report it out of committee, there is no application of Section 133(b) of the Legislative Reorganization Act of 1946 as amended.

COST ESTIMATES

In accordance with Section 252(a) of the Legislative Reorganization Act of 1970 (P.L. 91-510) the committee estimates that the cost which would be incurred in carrying out this resolution in fiscal years 1972, 1973, and 1974 would be $250 thousand, $1 million, and $750 thousand, respectively.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the resolution may be cited as the National Advisory Commission on Health Science and Society resolution.

Section 2 establishes the commission.

Section 3 provides that the commission shall consist of 15 members appointed by the President from the general public and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanities, health administration, government, and public affairs. It also provides that the President shall designate the chairman and that a majority of members shall constitute a quorum.

Section 4 directs the commission to make a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology. This is to include analysis of scientific and technical advances; evaluation of their implications; a study of laws, codes, and principles governing the use of medical technology; analysis of public understanding and attitudes, through seminars and public hearings; and evaluation of implications for public policy of the findings of the commission. The commission is directed to make maximum feasible use of all other relevant studies, whether public or private, and to make its final report, including conclusions and recommendations, to the President and to the Congress not later than two years after its first meeting.

Section 5 confers the necessary administrative powers upon the commission and directs other agencies of the government to cooperate with it.

Section 6 provides that members of the commission (other than those who are officers of the government) shall be compensated at the rate for executive level II and shall be entitled to expenses for travel and subsistence.

Section 7 authorizes appropriations, not to exceed $1 million for each of the 2 years during which the commission shall serve.

Section 8 provides for termination of the commission 90 days after the submission of its final report.

CHANGES IN EXISTING LAW

Since S.J. Res. 75 makes no changes in existing law it is unnecessary for this report to include material in compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate.

Mr. KENNEDY. Mr. President, advances in modern medical science have lengthened the span, and changed the quality and very meaning of human life. At the same time, these advances have opened a Pandora's box of ethical, social, and legal issues in areas such as heart transplants, artificial kidneys, test tube babies, genetic intervention, behavior modification, and experiments on humans.

For example, the family of a deceased recently sued a hospital in Virginia for allegedly allowing a black laborer to die so that his heart could be used in a transplant operation. It would not be proper to comment on the merits of the particular case, but it illustrates the range of difficult questions which must be faced: When heart beat and other vital signs can be maintained by artificial means, how is death to be defined? Under what circumstances may the organs of the deceased be used for transplants? Who should give permission for such transplants? Did racial considerations affect the decision to use this heart, as is alleged in the suit?

Another example is the human radiation project at the University of Cincinnati. This project, which receives a substantial portion of its funds from the Defense Department, utilizes whole body radiation on incurable cancer patients. The results are analyzed for what light they can shed on combat conditions in a nuclear war. The news story which reported this project alleged that the patients, who were charity cases with little education and low IQ's, had not been adequately informed of the military purposes of the project.

Although the case is still under investigation, it illustrates the dangers and dilemmas involved in human experimentation. Does the whole body radiation used in this project shorten the patients' life span? Does it increase their suffering or discomfort? How should answers to such questions be determined? And by whom? What information and guidance should be provided to the potential subjects of the experiment? How should their consent be obtained? And how should their rights be safeguarded?

Scientific advances pose many other difficult ethical and social questions:

Should they be so counseled against having or be prohibited from having children? Should they be counseled against having them?

Should retarded persons be segregated from members of the opposite sex? Should they be sterilized?

What are the ethical implications of test tube babies? What will happen to our population when men and women are free to determine the sex of their children? Or to fabricate babies with preestablished characteristics?

How should society regulate the use of behavior modification drugs and other techniques to control human behavior? How can we control the controllers?

How should the Nation allocate scarce medical resources between organ transplants for a few individuals versus research and services which can help many?

Which individuals should receive the life and death benefit of artificial kidney facilities? How should we choose among those who need this help?

How long will the Nation tolerate a situation in which 50,000 need kidney services, and only 2,000 can receive them because of financial limitations?

The solutions to these sorts of problems cannot be found within science alone. As Dr. Jerome Wiesner said, "Science is no substitute for thought." These issues cannot be resolved by complex mathematical formulas or high speed computers.

They fundamentally involve questions of ethics and social responsibility. To come to grips with them, we must focus the full range of human talent and imagination—from the natural and social sciences, the arts and humanities, religion and philosophy, and the professions of law, medicine, and public service.

We must draw on all the resources mankind has to offer; for after all, it is the quality of man's life which is at stake.

Last month the Joseph P. Kennedy, Jr., Foundation sponsored an international symposium on these questions in Washington. The symposium drew together 1,200 outstanding scientists, physicians, theologians, lawyers, and others from all disciplines and professions, from all over the world, to explore these problems and stimulate needed research and action.

In a public statement following the symposium, 21 of the leading participants urged the establishment of programs that "improve the quality of our thinking and acting in matters so laden with potential for human welfare or woe, for human decency or human callousness." While the symposium was not designed to provide specific answers, one conclusion was clear: there is a great need for the kind of study called for in Senate Joint Resolution 75.

This resolution establishes a National Advisory Commission on Health Science and Society, consisting of 15 Presidentially appointed members from the general public and from a variety of disciplines and professions. The Commission would be authorized $1 million a year for 2 years to study the legal, ethical, and social issues arising from advances in biomedical technology. The Commission would present its findings and recommendations to the President and the Congress for appropriate action.

On November 9, as chairman of the Senate Subcommittee on Health, I held a hearing on this resolution. The administration testimony was presented by the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs, and the Director of the National Institutes of Health. Five distinguished public witnesses included the Director of the Institute of Society, Ethics, and the Life Sciences; the cochairman of the Salk Institute's Commission on Law, Biology, and Ethics; the chairman of the Department of Surgery at the University of Minnesota Medical School; a professor of philosophy from the New School for Social Research; and a professor emeritus from Harvard Medical School.

The testimony received was overwhelmingly in favor of the purposes of the resolution. Several improvements which were suggested, have been incorporated in the amended resolution which the Committee on Labor and Public Welfare unanimously voted to report favorably on November 16.

We are entering a new age in which medical science has the power to manipulate individual lives and alter the very character of the human species. What was science fiction a decade ago, is performed in the laboratory today. And what can be done in the laboratory today, may become accepted medical practice in the years ahead.

Our doctors, our scientists, and all of us need help in confronting the profound ethical and social issues at stake. We cannot afford to ignore these problems or defer them until it is too late. Now is the time to tackle these issues, when there is still time to bend these new medical powers to man's purposes. I urge each Senator to vote for this important resolution.

Mr. JAVITS. Mr. President, I strongly support Senate Joint Resolution 75, a bill that would create a "National Advisory Commission on Health Science and Society" to conduct a study of the ethical, social, and legal implications of advances in biomedical research and technology.

Our rapid advances in the fields of biology and medicine have left us with some serious questions. While these advances serve to benefit mankind, their subsequent implications, for man and society, must be carefully studied. There are many efforts taking place in the medical field that leave open the question of how far we can or should go. We are acquiring the capacity to modify and perhaps even control human behavior. In the field of genetics, there have been many advances but also many questions. What are the implications when we fertilize an egg in the laboratory—and possibly implant that egg into a human being?

In the field of organ transplants and the use of artificial organs, new questions have been posed which our laws—and even ethics—are not equipped to deal with. Significant questions have been raised regarding the prolongation of life and the definition of death and with the advent of new technologies we have further increased the complexity and have expanded instances in which these decisions have to be made. I ask by whom and under what circumstances.

We are now at a point where we need to look toward new solutions if we are ever to be able to cope with the problems that present and future advances in our technology will bring.

It is significant that the members of this Commission would be drawn from many different fields. This would insure a final study that would be the result of various and divergent thoughts and beliefs, and no one interest would be represented. The membership of the Commission would be drawn from the general public, and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanity, health administration, government, and public affairs.

As our society and world progress, we must ask ourselves more and more questions about the nature of human life. The study provided by the Commission authorized under this bill should help us to deal with these increasingly difficult and complex questions, for which we must find answers if civilization is truly to progress on all fronts.

Mr. MONDALE. Mr. President, I am very pleased at the prompt action taken by the chairman of the Senate Health Subcommittee (Mr. KENNEDY) on Senate Joint Resolution 75, which would create a National Advisory Commission on Health Science and Society. I first introduced a similar measure in 1968, and I believe that developments since then have demonstrated that it is time to take this step.

Extensive hearings were conducted on the proposal in the 90th Congress. In the hearings this year, and in statements received by the subcommittee, it was suggested that the need for action was even more urgent. As I said in the Senate upon introducing this proposal last March:

> We can ill afford to wait until the crush of events forces us to make hasty and often ill-considered decisions.

This thought was echoed by Prof. Robert L. Sinsheimer, a prominent biological scientist at the California Institute of Technology, in a statement he sent in support of the resolution. He referred to "the potential for change in and control of the living world" and pointed out that—

> Such potentials to influence man's biological nature must affect our entire perception of the nature of humanity and the meaning and purpose of human life.

He went on to say:

> Profound thought and reflection is thus warranted and indeed demanded before such potentials are unleashed and their consequences cast casually into the social vortex. The proposed commission could consider such issues—and all possible means for the effective deployment of social conscience in this field—before it is too late and the irreversible steps have been taken.

Another prominent scientist who was unable to appear at the hearings, Prof. John T. Edsall, of the biological laboratories of Harvard University, observed that the Commission proposed by Senate Joint Resolution 75 "could perform a great service for the American community and indeed for other communities throughout the world." Referring to such developments as prenatal diagnosis, prolongation of life, definition of death, organ transplantation, cloning of human beings, and experimentation on humans, Professor Edsall said that these topics "illustrate the need for an authoritative commission of inquiry" such as that proposed.

I am glad that the resolution has such wide, bipartisan cosponsorship, including that of the subcommittee chairman and the ranking minority members of the Labor and Public Welfare Committee and of the Health Subcommittee. A companion measure in the House, H.R. 10301, introduced by Congressman TOM FOLEY, of Washington, has similar bipartisan cosponsorship. I think this reflects the growing concern in the public and in the professional community with such matters as were mentioned by Professor Edsall and with other troubling areas such as the modification of behavior.

I do not believe it is reasonable or fair to expect health science professionals, alone, to cope with these complex issues affecting the very future of our society. We must arrange for ethicists, lawyers, philosophers, administrators, and humanists, all to work with scientists and medical practitioners.

Not the least, the public must also be involved. For we cannot depend entirely on studies by academics, health professionals, and learned societies. We need public participation if we are to develop consensus as to how society should deal with these profound problems. The proposed commission would provide a vehicle for such broadly based discussions.

I welcome the greatly increased attention to these problems by a number of new organizations. The Kennedy Foundation has made possible the establishment of such an institute at Georgetown University and other leading study groups have been established at the Salk Institute and in Hastings-on-Hudson in New York. I think it is significant that the proposed resolution calls on the commission to make maximum use of studies conducted by other institutions, both public and private.

The time has certainly come when we need to develop new ways in which society can organize itself to cope with these unprecedented problems. I urge my colleagues to approve the establishment of the commission, under Senate Joint Resolution 75, which could provide substantial impetus to such a development.

Mr. President, I ask unanimous consent that the statements I have referred to be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT CONCERNING SENATE JOINT RESOLUTION 75

I would like to record my strong support for the resolution introduced by Senator Mondale and others to create a National Advisory Commission on Health Science and Society. The great advances in the sciences of physics and chemistry in the earlier part of this century have paved the way for equally great progress in the biological sciences and in our understanding of the nature of life—including human life. This progress has created the potential for change in and control of the living world comparable to the mastery we have already achieved over our physical environment.

Since the living world includes man, such potentials to influence man's biological nature must affect our entire perception of the nature of humanity and the meaning and purpose of human life. They thus affect our most profound philosophies and our most basic institutions.

Profound thought and reflection is thus warranted and indeed demanded *before* such potentials are unleashed and their consequences cast casually in the social vortex. The proposed commission could consider such issues—and all possible means for the effective deployment of social conscience in this field—before it is too late and the irreversible steps have been taken. There is a clear and present need for the establishment of ethical guidelines in this complex area.

I would hope that this commission could consider these problems not only in a national framework but also with regard to their international extensions—for science, like humanity, is international—and a world viewpoint must be developed (and soon) lest these great potentials be disastrously coupled to the virulent nationalism of our time.

I believe the questions as presented in Senator Mondale's introduction are urgent. and thus so is the need for this commission

ROBERT L. SINSHEIMER,
Chairman, Division of Biology, California Institute of Technology.

HARVARD UNIVERSITY,
Cambridge, Mass., November 23, 1971.

Hon. WALTER F. MONDALE,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: I am glad to support your proposal (S.J. Res. 75) to establish a National Advisory Commission on Health Science and Society. The phenomenal progress of biology and medical science in our time raises difficult ethical issues of the utmost importance. It is, for instance, now possible to diagnose many genetic diseases by examining cells from a human fetus in its early stages, and to abort the fetus if a serious condition, such as Tay-Sachs disease, is discovered. (See for instance "Prenatal Diagnosis of Genetic Disease" by Theodore Friedmann, *Scientific American,* Nov. 1971, page 34). The technique requires a highly skilled operator, in order to avoid damage to the fetus. It also raises the question: how serious must the genetic or other abnormality be, to justify abortion? Indeed the whole question of abortion, and its justification, requires careful examination. Certainly I for one would consider it justifiable for a large variety of reasons, but our community standards in this matter are in a state of flux, and we must search for guiding principles of policy that would command wide assent.

At the other end of our lives, modern medicine has learned to prolong the life of vast numbers of people who would have died earlier. Often this prolongation brings only grief and misery to many old people, and their families, during their last years. Many would rather die far sooner than they do. Our ethical standards forbid mercy killings, yet the effort to prolong the patient's life is often an act of cruelty. We must face the very difficult ethical dilemmas involved; these involve the problem of insuring, if possible, that the patient dies with dignity and in association with his family and friends, not in an impersonal hospital surrounded by medical machines and without people who care. There is also the difficult related problem of criteria of death, and the use of the dead person's organs for transplantation into other patients.

The cloning of human beings, which would permit the production of multiple copies of the same person, in unlimited numbers, is not yet technically feasible, although it may become so in the not very distant future. It would clearly raise extremely serious ethical issues, and it will be important to face these issues *before* such experiments on man become technically possible. Are we to ban certain type of experimentation, as my colleague James D. Watson has suggested might be desirable? Certainly experiments involving actual cruelty to the subject should probably be banned, although some people will and should undergo danger and suffering in experiments for sufficiently important ends. But here we must have the informed consent of the subject. What, indeed, is "informed consent"? How does it apply to the feeble minded or the mentally ill, or terminal cancer patients? Is it right that parents should give "informed consent" for experiments on their infant children? To state these problems is to reveal their complexity.

These topics do not exhaust the subject by any means, but they do illustrate the need for an authoritative commission of inquiry, such as your proposal calls for. I think it would probably be best, as the text proposes, that the commission should produce a report with recommendations, at the end of a specified interval, and then go out of existence. Such a report should clarify many important issues, for medical scientists and practitioners and for the public at large, and in doing so it could perform an immense service. However it will certainly not give what could be considered a final answer to many of the questions with which it would have to deal. These would have to remain the subject of continuing inquiry, but the level of the inquiry could be lifted to a higher plane by the analysis furnished by the Commission. It might be able to come up with what would be generally accepted as definitive answers on at least some matters. I believe that, if the commission could dc this, for even a few of the questions, it would confront, it could perform a great service for the American community and indeed for other communities throughout the world.

Yours sincerely,

JOHN T. EDSALL.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ENVIRONMENTAL CENTER ACT OF 1971—BILL PASSED OVER

The bill (S. 1113) to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be passed over.

LIBERALIZATION OF DISABILITY AND DEATH PENSION

The bill (S. 2866) to amend title 38, of the United States Code, to liberalize the provisions relating to payment of disability and death pension, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $130. For each $1 of annual income in excess of $300 up to and including $1,000, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,000 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,800, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,800 up to and including $2,200, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,200 up to and including $2,600, the monthly rate shall be reduced 7 cents. No pension shall be paid if annual income exceeds $2,600."

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $140 for a veteran and one dependent, $145 for a veteran and two dependents, and $150 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $900, the particular monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $900 up to and including $3,200, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,200 up to and including $3,800, the monthly rate shall be reduced 5 cents. No pension shall be paid if annual income exceeds $3,800."

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $87. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $600 up to and including $1,900, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,900 up to and including $2,600, the monthly rate shall be reduced 4 cents. No pension shall be paid if annual income exceeds $2,600."

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $600 or less, the monthly rate of pension shall be $104. For each $1 of annual income in excess of $600 up to and including $1,400, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,400 up to and including $2,700, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,700 up to and including $3,800, the monthly rate shall be reduced 3 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $3,800."

(e) Subsection (d) of such section 541 is amended by striking out "$16" and inserting in lieu thereof "$17".

(f) Subsection (a) of section 542 of title 38, United States Code, is amended by striking out "$40" and "$16" and inserting in lieu thereof "$42" and "$17", respectively.

SEC. 2. Section 503 of title 38, United States Code, is amended by (a) inserting "(a)" immediately preceding "In" at the beginning of such section, and (b) adding at the end thereof the following new subsections:

"(b) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

"(c) The Administrator may provide by regulation for the exclusion from income under this chapter of amounts paid by a veteran, widow, or child for unusual medical expenses."

SEC. 3. Paragraph (2) of section 3012(b) of title 38, United States Code, is amended by striking out "month" and inserting in lieu thereof "calendar year".

SEC. 4. Section 4 of Public Law 90–275 (82 Stat. 68) is amended to read as follows:

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $2,200 and $3,500, instead of $1,900 and $3,200 respectively."

SEC. 5. (a) Paragraph (30) of section 101 of title 38, United States Code, is amended by striking the phrase "for ninety days or more".

(b) Paragraph (3) of subsection 521(g) of such title 38 is amended by inserting immediately before "World War I" the phrase "the Mexican border period or".

SEC. 6. This Act shall take effect on January 1, 1972.

Mr. HARTKE. Mr. President, I am most gratified that the Senate passed this morning and sent to the President for signature legislation increasing the benefits for those receiving non-service-connected pension as well as those entitled to dependency and indemnity compensation.

S. 2866—passed in the House as H.R. 11651—which I introduced together with each member of the Committee on Veterans' Affairs provides for an average 6.5 percent increase in the rate schedule to needy veterans. This has been coupled with a $300 increase in the permissible maximum income limitation for a veteran so as to accommodate recent social security increases. Because of this increase, no veteran will suffer a reduction in his pension by virtue of the recent increases in social security. Had this legislation not been passed over 1.1 million pensioners were scheduled for pension reductions effective January 1, 1972. In addition, this legislation establishes a new formula for the payment of pensions which will prevent disporportionate loss of pension by virtue of small increases in outside income. Previously a veteran could receive a small increase in outside income and suffer a larger decrease in the amount of pension which he received.

The second bill, S. 2867—passed in the House as H.R. 11652—I also had the privilege of introducing together with each member of the Committee on Veterans' Affairs. This bill will provide cost-of-living increases to widows, orphans, and needy parents of those veterans who have died of service-connected causes. These increases in dependency and indemnity compensation will effect 176,000 widows, 46,000 orphaned children, and some 68,500 dependent parents.

The total first-year cost of these bills is $195 million. I am gratified that Congress has recognized its responsibility to acknowledge to the veteran and his family our gratitude for his sacrifices. Of course, no amount of financial return can possibly compensate for their losses in time and life, but I am pleased even in this small way that we can tangibly demonstrate our pride and thanks for those who have served their country in uniform. I urge the President to sign these bills into law immediately.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–519), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. BACKGROUND OF LEGISLATION

A. DEVELOPMENT OF CURRENT PENSION SYSTEM AND ITS RELATION TO SOCIAL SECURITY

Pensions based on non-service-connected disability or death of a veteran date back to the Revolutionary War era. Prior to 1960, pensions were provided on the basis of a flat award if the veteran's income did not exceed a specific figure. Public Law 86–211 abandoned this concept and instead established a three-level system of pension payments based on need as principally determined by the veteran's income. Under the new law, most of the veterans then receiving pensions were entitled to higher benefits. Those who had been receiving pensions prior to the change, however, were allowed if they wished to continue receiving benefits under the "old law." Presently, some 303,000 or about 13.6 percent of all pensioners continue to receive benefits under the "old law."

In 1964, faced with a prospective increase in social security benefits, Congress amended the recently revised pension law by choosing to exclude 10 percent of all payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs in determining the "annual income" of the veteran. "Annual income" determines the amount of pension, if any, to which the veteran is entitled. Thus in addition to a general rate increase, the 10 percent exclusion provided for in PL 88–664 assured that no individual pensioner would be adversely affected because of the contemplated increased social security benefits.

In 1967, Congress provided for an average overall cost-of-living increase of 5.4 percent in Public Law 90–77. The following year in 1968, Congress in PL 90–275 again increased pension rates and also provided for a $200 increase in the income limitations which assured that there would be no pension loss because of the 13 percent increase in social security benefits that year. The same act also replaced the three-level system of pension rates with a multi-level increment system. Under the previous three-level system, a slight increase in outside income could result in a disproportionate decrease in a veteran's pension. The enactment of a twenty-plus increment system of $100 gradations permitted a more orderly and gradual reduction in monthly benefits because of slight increases in outside income.

Finally, last year in enacting Public Law 91–588, Congress provided that there would be no loss or reduction of pension because of a 15 percent increase in social security benefits. It raised the current maximum annual income limitation $300 and increased virtually all current law pensions through a raise in the rates payable.

B. CURRENT PENSION BENEFITS AND CHARACTERISTICS OF PENSIONERS

Pension law applies to veterans of World War I, World War II, the Korean Conflict, and the Vietnam Era. Under the current law, a veteran may be eligible for pension benefits if:

He served in the Armed Forces at least 90 days, including at least one day of service during wartime;

His income does not exceed the limits specified in the law (currently $2,300 if the veteran is single, $3,500 if he has a dependent);

He is permanently and totally disabled (for the purposes of pension law all veterans age 65 or older are defined as permanently and totally disabled);

His net worth is not excessive as determined by the Veterans' Administration. Widows and children of deceased wartime veterans are also eligible for pension benefits if they are needed.

Currently there are 2.2 million pensioners of whom 1.1 million are veterans and the remainder their survivors. About 60 percent of all those who receive pension benefits are veterans of World War I or their survivors. The present cost of non-service-connected pensions is approximately $2.4 billion a year. A significant number of pensioners under the current law have virtually no source of income other than their pension. The annual income of pensioners (other than their pensions and excludable income) is shown in the following table:

PENSIONERS UNDER CURRENT LAW BY INCOME OTHER THAN PENSIONS

Income range	Veteran alone		Veteran with dependents		Widow alone		Widow with children	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than $100	78, 200	26	59, 000	10	100, 400	17	9, 100	6
$100 to $500	10, 400	3	10, 900	2	26, 400	4	11, 100	8
$500 to $1,000	78, 500	26	73, 900	13	178, 000	29	32, 700	22
$1,000 to $1,500	76, 300	25	128, 200	22	207, 600	35	46, 200	32
$1,500 to $2,000	52, 000	17	150, 200	28	80, 900	13	18, 400	13
$2,000 to $2,500	9, 300	3	66, 900	12	11, 200	2	11, 900	8
$2,500 to $3,000			47, 600	8			10, 300	7
$3,000 to $3,500			30, 000	5			6, 700	4
Total	304, 700	100	566, 700	100	604, 500	100	146, 400	100

C. EFFECT OF RECENT INCREASES IN SOCIAL SECURITY BENEFITS

Currently 1,517,000 people or nearly 76.4 percent of all pensioners also receive social security benefits. As such, they were recipients of the approximately 10 percent increase in social security benefits enacted in March of this year (PL 92–5). Section 3012(b)(4) of title 38 provides that the effective date for reduction or discontinuance of disability or death pensions occasioned by change of income shall be the last day of the calendar year in which the change occurred. Under the present law, then, 1,146,000 pensioners are scheduled for pension reductions effective January 1, 1972. An additional 16,196 will go off the rolls entirely. Below are some typical examples of reductions scheduled to go into effect in January:

(1) A veteran with no dependents who received $98.80 in social security before the most recent increase was eligible for pension of $96 for a monthly income of $194.80. Under current law, his pension will be reduced $4 monthly beginning in January due to the social security increase.

(2) A married veteran receiving $110 pension would have it reduced by $6 each month beginning in January, 1972, if action is not taken.

(3) A widow with one child who is entitled to an $88 widow's pension would find her pension cut by $2 as a result of these increases.

D. REASONS FOR THE BILL

For those living on fixed incomes in an economy which has been consistently inflationary, the reductions which are scheduled will have a considerable adverse impact. Furthermore, as the considerable mail of most Senators will attest, the average pensioner does not understand why a small pension should be reduced because of cost-of-living increases in payments under a federal retirement program.

The Committee, which considered several alternatives, has concluded that the most equitable approach would be to follow the past practice of a cost-of-living boost together with an increase in the income limits to an amount which would accommodate recent social security increases.

II. EXPLANATION OF THE BILL

A. INCREASES IN RATES AND INCOME LIMITS

The maximum annual income limitations have been increased by $300. This would provide an income limitation of $2,600 for single pensioners and $3,800 for those pensioners with dependents. If these limits are adopted, no individual will go off the rolls or have his pension reduced in January because of the recent social security increase. The bill also provides an average 6.5 percent cost-of-living increase in the pension rates schedule.

Under the present rate schedule, an eligible veteran without dependent receives a monthly pension ranging from $29 to $121. This bill would provide for a new range of payments from $22 to $130. For a veteran with a dependent the rate would change from a current $34–$132 to a $33–$140 range. A widow alone is presently entitled to a minimum rate of $17 and a maximum rate of $81. Under the bill, the maximum is increased to $87. The new rates for a widow with a child would range from $42 to $104, an increase above the present maximum rate of $99. The current $16 rate for each additional child is increased to $17 under the bill as well.

Rates for children entitled to pensions under 38 U.S.C. 542, are also correspondingly increased.

B. FORMULA APPROACH FOR BENEFIT RATES

Perhaps the most important provision of this bill is the adoption of a new formula approach for the payment of pensions which replaces the present 20-plus-tier system of $100 increments. The formulae will preclude the loss of aggregate income in the future where there is an increase in income from other sources. It specifies a maximum monthly rate for each group within designated income categories, and each individual's monthly benefit rate is to be computed by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded. For example, for a single veteran receiving a pension under 38 U.S.C. 521, the maximum monthly pension would be $130 based on annual income of $300 or less. This monthly amount would be reduced by 3 cents for each dollar of annual income which exceeds $300 up to and including $1,000; by 4 cents for each dollar of income in excess of $1,000 up to and including $1,500; by 5 cents for each dollar of income exceeding $1,500 up to and including $1,800; by 6 cents for each dollar of income up to and including $2,200; and by 7 cents for each dollar of income up to and including $2,600. The minimum monthly rate would be $22. No pension will be paid if annual income exceeds $2,600.

The Veterans' Administration in recommending the adoption of formulae to the Committee said:

"It seems to us that those programs, based on need, should be so structured as to better allocate benefits according to relative need. They should also be sensitive enough to avoid a disproportionate reduction of benefits when outside income increases. The current rate in income limitation structures are deficient in those respects.

"In our judgment, a formula approach would better meet the aforementioned criteria, and remedy existing deficiencies. Adoption of a formula could permit those of little or no income to keep more of each dollar of outside income than those with greater income. Also, aggregate income could be protected for those remaining on the rolls regardless of the source of that income."

The following tables illustrate the current rates payable to veterans and widows together with typical examples of pensions payable under the proposed bill which incorporates both the increased rates and the new formula system:

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	Veteran alone		Veteran and dependents			
				No loss formula		
	Current	No loss formula	Current	1 dependent	2 dependents	3 or more
Income not more than—						
$100	$121	$130	$132	$140	$145	$150
$200	121	130	132	140	145	150
$300	121	130	132	140	145	150
$400	119	127	132	140	145	150
$500	117	124	132	140	[1] 145	[1] 150
$600	115	121	130	130		
$700	112	118	128	136		
$800	108	115	126	134		
$900	104	112	124	132		
$1,000	100	109	122	129		
$1,100	96	105	119	126		
$1,200	92	101	116	123		
$1,300	88	97	113	120		
$1,400	84	93	110	117		
$1,500	79	89	107	114		
$1,600	75	84	104	111		
$1,700	69	79	101	108		
$1,800	63	74	99	105		
$1,900	57	68	96	102		
Income not more than—Con.						
$2,000	$51	$62	$93	$99		
$2,100	45	56	90	96		
$2,200	37	50	87	93		
$2,300	29	43	84	90		
$2,400		36	81	87		
$2,500		29	78	84		
$2,600		22	75	81		
$2,700			72	78		
$2,800			69	75		
$2,900			66	72		
$3,000			62	69		
$3,100			58	66		
$3,200			54	63		
$3,300			50	58		
$3,400			42	53		
$3,500			34	48		
$3,600				43		
$3,700				38		
$3,800				33		

[1] With higher income, lesser rates are paid according to formula.

Income not more than—	Widow alone		Widow and 1 child	
	Current	No loss formula	Current	No loss formula
$100	$81	$87	$99	$104
$200	81	87	99	104
$300	81	87	99	104
$400	80	86	99	104
$500	79	85	99	104
$600	78	84	99	104
$700	76	81	98	103
$800	73	78	97	102
$900	70	75	96	101
$1,000	67	72	95	100
$1,100	64	69	94	99
$1,200	61	66	92	98
$1,300	58	63	90	97
$1,400	55	60	88	96
$1,500	51	57	86	94
$1,600	48	54	84	92
$1,700	45	51	82	90
$1,800	41	48	80	88
$1,900	37	45	78	86
$2,000	33	41	76	84
$2,100	29	37	74	82
$2,200	23	33	72	80
$2,300	17	29	70	78
$2,400		25	68	76
$2,500		21	66	74
$2,600		17	64	72
$2,700			62	70
$2,800			59	67
$2,900			56	64
$3,000			53	61
$3,100			51	58
$3,200			48	55
$3 300			45	52
$3,400			43	49
$3,500			41	46
$3,600				43
$3,700				42
$3,800				42

C. "OLD LAW" PENSIONS

Individuals receiving "old law" pensions, under section 9(b) of the Veterans Pension Act of 1959, will be protected against loss or reduction of pension because of the recent social security increase by increasing the annual income limitation $300 to $2,200 for the single veteran or widow and $3,500 for the veteran with dependents or a widow with children. Because no more veterans or widows may come on the "old law" rolls, the income limitation change will not result in any additions to this group of non-service-connected pensioners. The Veterans Administration estimated that 5,038 old law pensioners would be affected by the proposed amendment in this Bill at a first year cost of $1.7 million.

D. OTHER PROVISIONS

The bill would also authorize the Administrator to provide by regulation for the exclusion of amounts payable by a veteran, widow, or child for unusual medical expenses in the annual income determined for pension eligibility. Such authority presently exists in 38 U.S.C. 415(g)2 in determination of income of parents eligible for dependency and indemnity compensation. The Veterans Administration has advised that, should Congress adopt this provision, it would issue similar regulations to those now in force for DIC purposes.

The bill would also amend paragraph 2 of section 3012(b) of title 38 so as to provide that where there is a loss of dependent by reason of marriage, divorce, or death, pension compensation and DIC benefits would continue until the end of the calendar year rather than be reduced or terminated at the end of the month prior to the date of such event as the law presently requires.

Finally, the bill would liberalize the law with regard to the number of days a veteran of the Mexican border period must have served on the Mexican border. While the 90-day service period is retained, one day of service on the Mexican border itself would now qualify the veteran for benefits. The Veterans Administration advises that the cost impact of this liberalization would be "minimal".

E. EFFECTIVE DATE

The new income limits and monthly benefit levels would become effective January 1, 1972, assuring that no pensioner would drop from the rolls or suffer benefit reduction because of this year's social security increase.

F. VETERANS ORGANIZATIONS' POSITION

All major service organizations have testified or advised the Committee of their full support for S. 2866.

III. COST

A. RELATIONSHIP OF THIS BILL TO THE ADMINISTRATION'S ECONOMIC PROGRAM

In an appearance on November 8, 1971, before the Senate Subcommittee on Compensation and Pensions, a Veterans Administration spokesman testified that:

"The Cost-of-Living Council has exempted income maintenance programs, like pensions and compensations, from coverage during the current freeze period. Based on this ruling, and recognizing our obligations to both the nation's economic goals and to the veteran and his family in this critical time, the Veterans Administration feels justified in supporting an adjustment in these benefit payments to compensate for price increases since the time when benefits were last increased. We feel that price changes constitute a reasonable and appropriate benchmark for the subcommittee to use in determining the magnitude of adjustment needed."

The average 6.5 percent increase in pension rates provided for in this bill is consistent with the criteria set out above.

B. FIVE-YEAR COST ESTIMATES

The fiscal year '72 budget estimate is approximately $63.6 million. The first full-year cost is $127.2 million increasing to $136.9 million for the fifth year.

The following is an itemized breakdown of cost of S. 2866 for the first five years:

Cost

There follows an itemized breakdown of the cost of S.2866 by years, by categories of beneficiaries, and in toto for the first 5 years:

S. 2866

SEC. 1

Year	Caseload	Costs
The first 5 year costs and caseloads for paragraphs (a) through (d)—Increased pension rates for veterans and survivors are:		
1	1,637,246	$110,700,000
2	1,647,773	112,500,000
3	1,661,103	114,200,000
4	1,672,332	115,900,000
5	1,692,684	118,100,000
5 year costs and caseloads for paragraph (e)—Increase in rate for children from $16 to $17 are:		
1	147,211	2,100,000
2	151,524	2,200,000
3	156,070	2,200,000
4	159,800	2,300,000
5	164,346	2,400,000
Paragraph (f)—Increases in children's rate to $42 and $17 are:		
1	594,100	9,000,000
2	643,100	9,800,000
3	688,400	10,400,000
4	722,300	11,000,000
5	746,900	11,300,000
Total costs of sec. 1 [1].		
1st year		121,800,000
2d year		124,500,000
3d year		126,800,000
4th year		129,200,000
5th year		131,800,000
Fiscal year 1972 cost		60,900,000

SEC. 2

Year	Number affected	Costs
Paragraph (b)—Minimal. Paragraph (c)—Exclusion of unusual medical expenses are:		
1	26,750	$1,900,000
2	27,200	2,000,000
3	27,650	2,100,000
4	28,150	2,100,000
5	28,600	2,100,000
Fiscal year 1972 costs		950,000

SEC. 3

Year	Number affected	Costs
End-of-year rule for changes of dependency are:		
1	10,300	$1,800,000
2	10,300	1,800,000
3	10,300	1,800,000
4	10,300	1,800,000
5	10,300	1,800,000
Fiscal year 1972 costs		950,000

SEC. 4

Year	Number affected	Costs
Increases in limitations for old law cases are:		
1	5,038	$1,700,000
2	4,831	1,600,000
3	4,481	1,500,000
4	4,129	1,400,000
5	3,776	1,200,000

SEC. 5

Year	Number affected	Costs
Paragraph (a)—Minimal. Paragraph (b)—No cost:		
Total cost of S. 2866 [1]		
1st year		$127,200,000
2d year		129,900,000
3d year		132,200,000
4th year		134,500,000
5th year		136,900,000
Costs by fiscal year:		
1972		63,600,000
1973		128,600,000
1974		131,100,000
1975		133,400,000
1976		135,700,000
1977		138,200,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the bill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

LIBERALIZATION OF DISABILITY AND DEATH PENSION

The bill (H.R. 11651) to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

LIBERALIZATION OF PROVISIONS RELATING TO PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION

The bill (S. 2867) to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband at monthly rates set forth in the following table:

"Pay grade:	*Monthly rate*
E-1	$184
E-2	189
E-3	195
E-4	206
E-5	212
E-6	217
E-7	227
E-8	240
E-9	[1] 251
W-1	232
W-2	241
W-3	249
W-4	262
O-1	232
O-2	240
O-3	257
O-4	272
O-5	299
O-6	337
O-7	365
O-8	399
O-9	429
O-10	[2] 469

"[1] If the veteran served as sergeant major of the Army, senior enlisted adviser of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, at the applicable time designated by section 402 of this title, the widow's rate shall be $270.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the widow's rate shall be $503.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $22 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $55 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $92.

"(2) Two children, $133.

"(3) Three children, $172.

"(4) More than three children, $172, plus $34 for each child in excess of three."

Sec. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$32" and inserting in lieu thereof "$55".

(b) Subsection (b) of section 414 of such title is amended by striking out "$88" and inserting in lieu thereof "$92".

(c) Subsection (c) of section 414 of such title is amended by striking out "$45" and inserting in lieu thereof "$47".

Sec. 4. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less the monthly rate of dependency and indemnity compensation shall be $100. For each $1 of annual income in excess of $800 up to and including $1,200, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,200 up to and including $1,600, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,600 up to and including $1,900, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,900 up to and including $2,100, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,100 up to and including $2,600, the monthly rate shall be reduced 7 cents. No dependency and indemnity compensation shall be paid if annual income exceeds $2,600.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula."

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $70. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,700, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,700 up to and including $2,600, the monthly rate shall be reduced 4 cents. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $2,600."

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $67. For each $1 of annual income in excess of $1,000 up to and including $1,300, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,300 up to and including $3,400, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $3,400 up to and including $3,800, the monthly rate shall be reduced 3 cents. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $3,800."

(d) Subsection (g) of such section 415 is amended by redesignating paragraph (2) as (3), and by inserting immediately after subparagraph (1)(M) the following new paragraph:

"(2) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar."

(e) Such section 415 of title 38, United States Code, is further amended by adding the following new subsection at the end thereof:

"(h) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by $55 if such parent is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

Sec. 5. Section 417 of title 38, United States Code, is amended by striking out subsection (a) thereof, and by striking out "(b)."

Sec. 6. Sections 321 and 341 of title 38, United States Code, are each amended by striking out "(or after April 30, 1957, under the circumstances described in section 417(a) of this title)".

Sec. 7. Section 724 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) In any case in which insurance continued in force under this section matures on or after January 1, 1972, an amount equal to the amount of premiums, less dividends, waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the proceeds. In such case, the liability of the Government under subsection (b) of this section shall be reduced by the amount so deducted from the proceeds."

Sec. 8. Any person who before January 1, 1972, was not eligible for dependency and indemnity compensation under such title by reason of the provisions of the prior section 417(a) of title 38, United States Code, may elect, in such manner as the Administrator of Veterans' Affairs shall prescribe, to receive dependency and indemnity compensation, and an election so made shall be final. A person receiving, or entitled to receive, death compensation on December 31, 1971, shall continue to receive death compensation, if otherwise eligible, in the absence of an election to receive dependency and indemnity compensation.

Sec. 9. Subsection (b) of section 322 of title 38, United States Code, is amended to read as follows:

"(b) The monthly rate of death compensation payable to a widow or dependent parent under subsection (a) of this section shall be increased by $55 if the payee is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

Sec. 10. This Act shall take effect on January 1, 1972.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-520), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXPLANATION OF BILL

This bill provides cost-of-living increases in dependency and indemnity compensation benefits to widows, children, and needy parents of veterans who died as a result of service-incurred disabilities. Our present system of dependency and indemnity compensation dates from the passage in 1965 of the Servicemen and Veterans Survivors Benefits Act (Public Law 84-881). Since that time, periodic cost-of-living increases in the rate schedules have been authorized. This bill would continue that procedure.

A 10-percent increase is granted to 176,000 widows presently receiving benefits which covers the general rise in the cost of living since December 1, 1969, the effective date of the last statutory increase. Existing law authorizes monthly payments of DIC to widows of a sum based upon the pay grade of her deceased husband. Currently the monthly rates range from a minimum of $167 to a maximum of $457. The rates are increased by $20 for each dependent child of the widow. The following table sets forth the current rates of dependency and indemnity compensation payable to the widow and shows the new rates which would be authorized under the bill:

S. 2867 DIC—WIDOWS

Pay grade	Current rate	Proposed 10-percent increase
E-1	$167	$184
E-2	172	189
E-3	177	195
E-4	187	206
E-5	193	212
E-6	197	217
E-7	206	227
E-8	218	240
E-9	228	251
W-1	211	232
W-2	219	241
W-3	226	249
W-4	238	262
0-1	211	232
0-2	218	240
0-3	234	257
0-4	247	272
0-5	272	299
0-6	306	337
0-7	332	365
0-8	363	399
0-9	390	429
0-10	426	469
E-9—Senior NCO of Service	245	270
0-10—Chairman Joint Chiefs or Chief of Staff	447	500

There are presently 46,000 orphaned children of service-connected deceased veterans. They are paid a flat statutory rate which is unrelated to the military rank of their deceased fathers. This bill would provide for a 5 percent increase which covers cost-of-living increases since July 1, 1970, the effective date of the statutory increase for children provided for by Public Law 91-262. The rate would be increased from $88 to $92 for one child; from $127 to $133 for two children; from $164 to $172 for three children; and from $32 to $34 for each child in excess of three.

This bill would also provide for an average 6.5 percent increase in the rates payable under section 415 of title 38 to the approximately 68,500 dependent parents who qualify for DIC by reason of their low income. The maximum income limitation for parents has also been increased by $300 which will prevent a reduction in aggregate income which would otherwise occur because of recent increases in social security benefits this year. The present monthly DIC benefits range for an only parent from $10 to $96. Under this bill the maximum would be raised to $100. If there are two parents—but they are not living together—the maximum would increase from $66 to $70. In both of the instances above, no compensation would be paid if a parent's annual income exceeded $2,600. If there are two parents who are living together, or if a parent has remarried and is living with a spouse, the maximum rate would be $67 based upon a combined annual income of $1,000 or less, which represents an increase above the present rate of $64.

The bill would also authorize an aid and attendance allowance of $55 per month for dependent parents if they are in a nursing home or so disabled as to require the regular aid and attendance of another person. It would also authorize an increase from $32 to $55 in the amount of aid and attendance allowance payable to a helpless child.

Perhaps the most important provision of the bill relating to DIC payments for dependent parents is the adoption of the new formula approach for the payment of compensation which replaces the present multilevel system of $100 increments. In Public Law 89–730, Congress established a five-level system of income levels and payments. Under that system it was possible for a small increase in the parents outside income to result in a disproportionate reduction in compensation payments. Public Law 90–275 amended the law to restructive benefits on rates adapted to each $100 of income. This new system made the rates more sensitive to outside income but disproportionate losses were still possible. In the proposed formula, there is specified a maximum monthly rate for each group within designated income categories and each individual's monthly benefit rate is to be computed by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded. For example, for a parent alone, the maximum monthly DIC payable would be $100 based upon an annual income of $800 or less. This monthly amount would be reduced by 3 cents for each dollar of annual income by which the income exceeds $800 up to and including $1,200; by 4 cents for each dollar of income in excess of $1,200 up to and including $1,600; by 5 cents for each dollar of income exceeding $1,600 up to and including $1,900; by 6 cents for each dollar of income exceeding $1,900 up to and including $2,100; and by 7 cents for each dollar of income up to and including $2,600. The minimum monthly rate for a single parent would be $10 if the annual income did not exceed $2,600. The following table sets forth the current rate of dependency and indemnity compensation payable to parents and shows certain typical new rates which would be authorized under the bill:

S. 2867 DIC—PARENTS

	Only 1 parent		2 parents not together		2 parents—together or remarried with spouse	
	Current	Formula	Current	Formula	Current	Formula
Income not more than—						
$100	$96	$100	$66	$70	$64	$67
$200	96	100	66	70	64	67
$300	96	100	66	70	64	67
$400	96	100	66	70	64	67
$500	96	100	66	70	64	57
$600	96	100	66	70	64	67
$700	96	100	66	70	64	67
$800	96	100	66	70	64	67
$900	94	97	64	68	64	67
$1,000	91	94	61	66	64	67
$1,100	87	91	58	64	62	66
$1,200	81	88	54	61	60	65
$1,300	75	84	50	58	58	64
$1,400	69	80	46	55	56	62
$1,500	62	76	41	52	54	60
$1,600	54	72	35	49	52	58
$1,700	46	67	29	46	49	56
$1,800	38	62	23	42	46	54
$1,900	31	57	20	38	44	52
Income not more than—Con.						
$2,000	$25	$51	$16	$34	$42	$50
$2,100	18	45	14	30	40	48
$2,200	12	38	12	26	38	46
$2,300	10	31	10	22	35	44
$2,400		24		18	33	42
$2,500		17		14	31	40
$2,500		10		10	29	38
$2,700					27	36
$2,800					25	34
$2,900					23	32
$3,000					21	30
$3,100					19	28
$3,200					17	26
$3,300					14	24
$3,400					12	22
$3,500					10	19
$3,600						16
$3,700						13
$3,800						10

Finally, the bill would further amend the law by liberalizing provisions dealing with in-service waiver of premiums so that widows may now receive higher DIC rates. At present there are certain restrictions contained in 38 U.S.C. 417(a) which prohibit the payment of DIC in certain cases where a veteran's death occurs while his United States Government Life Insurance or National Service Life Insurance is in force under an in-service waiver of premium. The in-service waiver of premium provisions was originally designed to equalize benefits for those individuals who had purchased government insurance prior to the adoption of the Servicemen's Indemnity and Insurance Act of 1951 which provided indemnity protection in the maximum amount of $10,000 for a death occurring while on active duty.

In 1956, however, Congress in Public Law 84–881 extensively revised and consolidated the law into the present system of service-connected death benefits, dependency and indemnity compensation. Because this law continuation of in-service waiver of premium often became a liability. As a consequence, certain widows were relegated to drawing death compensation rather than the higher DIC rates because their husbands had unfortunately died with an inservice waiver of premiums on a government insurance policy. Although Congress acted to alleviate this situation last year in Public Law 91–291, certain inequities still exist. With the support of the Veterans' Administration this bill would further liberalize the law so that all widows may now receive the higher DIC rates.

COST

In an appearance on November 8, 1971, before the Senate Subcommittee on Compensation and Pensions, a Veterans' Administration spokesman testified that:

"The Cost of Living Council has exempted income maintenance programs like pensions and compensation from coverage during the current freeze period. Based on this ruling, and recognizing our obligations to both the nation's economic goals and to the veteran and his family in this critical time, the Veterans' Administration feels justified in supporting an adjustment in these benefit payments to compensate for price increases since the time when benefits were last increased. We feel that price changes constitute a reasonable and appropriate benchmark for the subcommittee to use in determining the magnitude of the adjustment needed."

The Committee believes that the increase in DIC rates provided for in this bill is consistent with the criteria set out above.

The fiscal year 1972 budget estimate is approximately $33.9 million. The first full-year cost is $67.8 million increasing to $70.9 million for the fifth year.

The following is an itemized breakdown of the cost of S. 2867 for the first five years:

S. 2867

SEC. 1

The estimated 5-year costs for sec. 1 are as follows:[1]

Year:	Cost
1	$45,500,000
2	47,100,000
3	48,200,000
4	49,500,000
5	50,700,000
Fiscal year 1972 costs (6 months)	22,700,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the fill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

The costs and caseloads detailed by paragraph are:

PAR. (a)—DIC RATE INCREASE TO WIDOWS

Year	Widows	Annual cost
1	183,000	$43,600,000
2	190,000	45,200,000
3	194,000	46,200,000
4	199,000	47,400,000
5	204,000	48,600,000

PAR. (b)—DIC WIDOWS WITH 1 OR MORE CHILDREN; EACH CHILD FROM $20 TO $22

Year	Children	Annual cost
1	75,400	$1,800,000
2	79,900	1,900,000
3	82,490	2,000,000
4	85,900	2,100,000
5	89,300	2,100,000

PAR. (c)—DIC WIDOWS A. & A. AT $55

No change to present law.

SEC. 2

The estimated 5-year costs and caseloads for sec. 2 are:

INCREASED RATES TO DIC CHILDREN ALONE

Year	Children	Annual cost
1	46,600	$1,800,000
2	46,100	1,800,000
3	45,600	1,700,000
4	45,100	1,700,000
5	44,700	1,700,000

SEC. 3

The estimated 5-year costs and caseloads for sec. 3 are:

PARS. (a), (b), AND (c)—HELPLESS DIC CHILD, 1 CHILD FROM $32 TO $55, CHILD FROM $88 TO $92 AND (c) $45 TO $47

Year	Children	Annual cost
1	6,700	$700,000
2	7,700	700,000
3	8,700	800,000
4	9,600	900,000
5	10,500	1,000,000

SEC. 4

The 5-year estimated costs for sec. 4 are:

Year:	Costs
1	$15,500,000
2	15,000,000
3	14,300,000
4	13,700,000
5	13,100,000
Fiscal year 1972 costs (6 months)	7,750,000

The costs and caseloads for sec. 4 detailed by paragraphs are:

PARS. (a) THROUGH (d)

Year	Caseload	Costs
1	50,427	$2,900,000
2	48,551	2,900,000
3	46,440	2,700,000
4	44,329	2,600,000
5	42,218	2,500,000

PAR. (e)—DIC TO PARENTS $55 A & A AND SEC. 9. DEATH COMPENSATION TO PARENTS $55 A & A

Year	DIC parents		Compensation parents		Total parents	
	Number	Annual cost	Number	Annual cost	Number	Annual cost (million)
1	3,200	$2,112,000	15,900	$10,494,000	19,100	$12.6
2	3,300	2,178,000	15,100	9,966,000	18,400	12.1
3	3,400	2,244,000	14,200	9,372,000	17,600	11.6
4	3,500	2,310,000	12,300	8,778,000	16,800	11.1
5	3,600	2,376,000	12,400	8,184,000	16,000	10.6

SEC. 5 THROUGH 8

The 5-year estimated costs and caseload for secs. 5-8 are:

Year	Caseload	Costs
1	3,400	$4,400,000
2	3,400	4,400,000
3	3,400	4,400,000
4	3,400	4,400,000
5	3,400	4,400,000

Note: Though there would be some savings to the insurance fund(s) as a result of implementation of sec. 7, the amount would be insignificant. The amounts shown above, thus, would be attributable to the "Compensation and pensions" appropriation.

Total cost of S. 2867 [1]	
1st year	$67,800,000
2d year	69,000,000
3d year	69,400,000
4th year	70,200,000
5th year	70,900,000
Costs by fiscal year:	
1972	33,900,000
1973	68,400,000
1974	69,200,000
1975	69,800,000
1976	70,600,000
1977	71,200,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the fill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

LIBERALIZATION OF PROVISIONS RELATING TO PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION

The bill (H.R. 11652) to amend title 38 of the United State Code to liberalize the provisions relating to payment of dependency and indemnity compensation was considered, ordered to a third reading, read the third time, and passed.

Mr. TALMADGE. Mr. President, today the Senate passed, without a dissenting vote, two bills, H.R. 11651 and H.R. 11652, which will insure that veterans and their survivors will not suffer a reduction in their VA benefits as a result of recent increases in social security and other retirement benefits.

As chairman of the Subcommittee on Compensation and Pensions of the Senate Committee on Veterans Affairs, I was pleased that the Senate acted promptly and favorably on this badly needed legislation.

I ask unanimous consent that there be inserted, at this point in the RECORD, a letter from the Veterans of Foreign Wars and a telegram from the American Legion expressing those organizations' support for these bills.

There being no objection, the letter and telegram were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., Nov. 29, 1971.

The Honorable HERMAN E. TALMADGE,
Chairman, Subcommittee on Compensation and Pensions, Veterans Affairs Committee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR TALMADGE: This is in reference to S. 2866 and S. 2867 which have been introduced by Senator Hartke, Chairman of the Veterans Affairs Committee, and co-sponsored by all members of the Committee.

These bills were introduced following hearings held by your Subcommittee with respect to pension and dependency and indemnity compensation bills. Since these bills were not before your Subcommittee at that time, the following are the comments and recommendations of the Veterans of Foreign Wars as reflected in the mandates approved by the 12,000 delegates representing 1.7 million members at our Dallas Convention which was held August 13–20, 1971.

Both of these bills carry out V.F.W. national mandates. Both of these bills also carry out a Priority Legislative Goal of the Veterans of Foreign Wars as approved by our Commander-in-Chief, Joseph L. Vicites.

S. 2866 would provide an average increase of approximately 6.5% in the rates of nonservice connected pension payable to about two million veterans and widows. In addition, the maximum income limitation would be increased by $300. A relatively few World War I veterans who are still under the so-called "old" pension law a similar increase of $300 in the maximum income limitation is provided.

A new formula is also proposed in this bill, so that a VA pension check would change if a veteran's annual income were increased or decreased, even if only by one dollar. The new formula is a further refinement of the veterans pension program which was enacted by Congress and went into effect on July 1, 1960. The Veterans of Foreign Wars has supported this program, with its emphasis on the larger pension payment beng provided for veterans in the greatest need. The new pension formula, as proposed in S. 2866, does not change this philosophy but further refines the method of computing the pension check paid to veterans and their dependents.

Lastly, and most important to the Veterans of Foreign Wars, is that S. 2866 will carry out our top Priority Goal that no veteran or his dependent will suffer a reduction in his VA pension payment of the 10% increase in social security which went into effect in 1971 or an equivalent increase in retirement income.

For these reasons the Veterans of Foreign Wars strongly supports S. 2866, the veterans pension bill, which was developed by your Subcommittee on Compensation and Pensions and is expected to be considered by the full Veterans Affairs Committee in the near future.

The dependency and indemnity compensation bill, S. 2867, has the full support of the Veterans of Foreign Wars. There are approximately 200,000 widows and children of servicemen who were killed on the battlefield or who have died from service connected causes. This relatively small group of dependents is entitled to dependency and indemnity compensation payments from the Veterans Administration.

S. 2867 will provide a cost of living increase in the DIC rates for these dependents. This increase represents approximately the increase in the cost of living which has occurred since the last increase in the DIC rates for this group, which was in 1969 for widows, and on July 1, 1970 for children receiving DIC payments.

In addition, Mr. Chairman, there are about 70,000 dependent parents who receive DIC payments from the Veterans Administration. To qualify the dependent parent must meet strict income limitations which are almost identical to the requirements for a veteran to receive a VA pension. These dependent parents will suffer a decrease in their VA payments, unless there is an increase in the DIC payments and the maximum income limitation is increased. It is noted that S. 2867 provides both an average increase in the DIC rates for dependent parents and an increase in the maximum limitation by $300 a year. This will assure that no dependent parent will have his VA pension cut because of the 1971 social security increase or equivalent increase in retirement income.

The Veterans of Foreign Wars also strongly supports, pursuant to a long-standing national mandate, the provision in S. 2867 which will permit all widows to receive the higher DIC rates. Under present law certain widows have no choice but to take the lower death compensation rates paid by the VA rather than the higher DIC rates because at the time their husband died he was under what is called an in-service waiver of their National Service Life Insurance premium.

In summary, Mr. Chairman, the Veterans of Foreign Wars strongly recommends approval of S. 2866 and S. 2867 by your full Veterans Affairs Committee and the Senate at the earliest practicable date. Approval of these two bills will not only provide a much-needed cost of living increase to a large group of veterans who are subsisting in whole or in part on a fixed income but will assure that no veteran or his dependent will suffer a cut in his VA check because of the 1971 social security increase.

Your favorable consideration of these views and recommendations will be deeply appreciated.

With kind personal regards, I am
Sincerely,

Francis W. Stover,
Director, National Legislative Service.

The American Legion,
November 30, 1971.

Hon. Herman E. Talmadge,
U.S. Senate,
Washington, D.C.:

The American Legion is grateful to you, your Subcommittee on Compensation and Pensions, and the full Committee on Veterans Affairs for favorably reporting S. 2866 and S. 2867, to liberalize and improve the VA pension and DIC programs.

The Legion strongly supports these measures which are identical to H.R. 11651 and H.R. 11652 that passed the House November 15 and urge their enactment before January 1, 1972. Action prior to adjournment will assure that no beneficiary suffers a loss in net income as a result of the 1971 increase in social security benefits.

Herald E. Stringer,
Director, National Legislative Commission.

INDEFINITE POSTPONEMENT OF S. 2866 AND S. 2867

Mr. MOSS subsequently said: Mr. President, while we are still proceeding as in legislative session, I ask unanimous consent that the action taken earlier during the call of the calendar on bills S. 2866 and S. 2867 be vacated, and that they be indefinitely postponed, as they are identical to the companion House bills, H.R. 11651 and H.R. 11652, which have been passed.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from New Hampshire desire recognition at this time, in behalf of the minority leader, under the standing order?

Mr. COTTON. No, Mr. President.

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the distinguished junior Senator from Delaware (Mr. Roth) is recognized for a period not to extend beyond 9 o'clock.

(The remarks of Mr. Roth when he introduced S.J. Res. 180 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

EXECUTIVE SESSION

Mr. HARRIS. Mr. President, in accordance with the previous order, I move that the Senate go into executive session to consider the nomination of Earl Lour Butz Secretary of Agriculture.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The question is on the confirmation of the nomination of Earl L. Butz to be the Secretary of Agriculture. Time is equally divided between now and 1 o'clock this afternoon.

Mr. HARRIS. Mr. President, out of my time, I ask unanimous consent that I may yield 5 minutes to the distinguished Senator from Utah (Mr. Moss) on a nongermane matter.

The ACTING PRESIDENT pro tempore (Mr. Allen). Without objection, the Senate will proceed for 10 minutes as in legislative session.

HIGHWAYS VERSUS THE ENVIRONMENT

Mr. MOSS. Mr. President, in his recently published book "The Pavers and the Paved," Ben Kelley challenges, in hard-hitting prose, the wisdom of the prohighway decisions of Congress and foretells unhappy economic, social, and environmental consequences if we extend the present highway construction programs beyond 1977.

Mr. Kelley's views are particularly explosive because he has about-faced, and now attacks the policies he once upheld as Director of Public Affairs for the Federal Highway Administration.

He zeroes in primarily on the highway trust fund, which takes a percentage of every dollar spent on gasoline and sets it aside for the exclusive use of constructing the 42,000 mile Interstate Highway System.

According to Kelley, each year Americans spend upwards of $19 billion to maintain old roads and pour more than 20,000 miles of new highways that consume at least 200,000 acres of land, disperse more than 56,000 people and accommodate about 4 million newly registered motor vehicles worth another $19 billion.

The book is divided into two major sections.

The first, entitled "The Pavers," offers an explanation of the "whys" of the current highway program. Kelley says misleading claims made by road supporters have bolstered public acceptance of the interstate highway construction program, and he holds that the Federal highway trust fund is a self-perpetuating and a constantly growing source of tax dollars for highway builders and their allies. He charges that the fund has become an insurmountable obstacle to public funding or other transportation systems.

The second section, entitled "The Paved," is dedicated to those who are opposed to increased highway construction and includes a manual for freeway fighters. Kelley talks of a growing "national disenchantment" with the highway program and concludes with proposals for overhauling national spending priorities in the field of transportation. He advocates an end to the "highways only" philosophy which he feels has reigned since the Eisenhower days, and favors the establishment of a "transportation trust fund" similar to that enacted by Gov. Marvin Mandel, of Maryland.

There is no doubt, Mr. President, that it is time to take another close look at our highway programs. We have been building highways at a greatly stepped up rate—especially interstate highways—for some years now. Perhaps in some areas we will have built the major links when the present system is completed, and should concentrate on other types of transportation.

But certainly this is not true in Western States like Utah. We have only begun to build the highways and roads that we need—interstate, primary, or secondary. As of December 1970, more than half of the roadways and streets in Utah were still unpaved or surfaced with only soil or stone. We have years of construction work ahead of us. Furthermore, Mr. Kelley's suggestion that people be taken out of private cars and put into public conveyances as a way of reducing traffic on highways, or reducing the need for more roads and highways, would be met with considerable skepticism in my area of the country.

It is important also that we look at our highway program in terms of its ecological impact—just as it is important that we examine all construction in this light. All too many projects debase the quality of our air and water to an intolerable degree. But that does not mean that we should stop them all. It simply means that we must develop protective technologies and methods to protect and preserve our environment. The major challenge in the West so far as highways are concerned is how to construct those we need with a minimum impact on our air and water and the quality of our lives generally.

So, I must question some of the conclusions which Mr. Kelley draws. But I do feel that his insight into the transportation crisis facing America in the seventies can be of value to the Congress and the Nation as we attempt to reconcile our overall transportations needs with our agonizing need to protect our environment.

I therefore ask unanimous consent, Mr. President, to have printed in the Record four reviews of "The Pavers and the Paved." The first, from Business Week of May 15, 1971, sees in the book the beginning of an attack on the highway trust fund. The second, from American Road Builder (vol. 48, No. 5, May 1971), is critical of the book contending that it does not offer much in the way of new thinking. The third, by Susan P. Baker and appearing in the Baltimore Sun of June 6, 1971, analyzes the Kelley recommendations for creating alternatives to our dependence on highways. The fourth, written by Jesse Merrell, and published in Transport Topics of May 17, 1971, is highly critical of Kelley, attacking his credibility because he is antihighway in his book but was prohighway in his speeches made while serving with the Federal Highway Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Business Week, May 15, 1971]

A New Push for Public Transportation

Highway critics are ready to buck the highway lobby or go around it to get people out of private cars and into public conveyances.

Ben Kelley is not exactly a neophyte in transportation matters—particularly when they pertain to highways. Once director of public affairs for the Federal Highway Administration, and now a high official in the Insurance Institute for Highway Safety, Kelley speaks with authority.

Next week his first book, *The Pavers and the Paved,* will be published, and it is going to stir up an unholy row. The reason: Kelley comes out strongly against that most sacred of cows, the Highway Trust Fund.

He could hardly have picked more powerful enemies. The companies involved in the building and use of highways are led by the automotive and oil industries. And it has been estimated that the so-called highway lobby accounts for more than half of all political contributions.

But it is just possible that Kelley's book is the beginning of the first successful attack on the fund and of serious attention to public transportation.

"Each time a new expressway is opened," writes Kelley, "it produces an increase in highway use, which, in turn, adds a new increment to gasoline and tire sales, which . . . generates an increase in money available for building yet more highways."

On June 1 and 2, a lot of people who think the same way will gather for a Washington conference on public transportation. Participants range from the Center for Urban Ethnic Affairs and the National Welfare Rights Organization, through the Sierra Club, to consumer organizations and several large unions, including the United Auto Workers. Says Hazel Henderson, a director of the Council on Economic Priorities, "We certainly are collecting a lot of very strange bedfellows."

The point, according to conference organizers, is to see whether enough public support can be marshaled to generate meaningful federal investment in public transportation. Such a "positive" goal avoids an early confrontation with the highway lobby.

But no amount of prudence or goodwill is likely to get around the key reality that the annual $5-billion in earmarked highway funds drains off most of the government's transportation spending resources. And while Kelley cries for the abolition of the Highway Trust Fund as a necessary first step toward reordering public transportation priorities, realists agree that the fund has too much pork-barrel appeal to be seriously altered. That is why public transportation champions are avoiding a direct attack on the trust fund.

The varying alternative approaches—in bewildering variety—employ either the "stick" or the "carrot" to induce people to leave their cars and board buses and trains. Naturally, the stick has been the most popular, since most of the schemes involve penalizing motorists as well as raising cash.

The Transportation Dept. once thought up a plan to tax urban area autos driven regularly into congested center cities. The tax would have raised $11-million annually for a proposed Urban Mass Transit Trust Fund. The Administration killed it.

Now both Transportation and various cities are toying with similar ideas. These include sliding scale taxes on parking garages to discourage all-day parking downtown, imposts to penalize the motorist driving alone, and, in New York City, big jumps in tolls on bridges and tunnels leading to Manhattan. New York, of course, has special problems. With the nation's biggest—and brokest—mass transit system, it must find some way to avoid major fare increases, which fall most heavily on the poor.

Even if such money-raising plans pay off, the money must indeed improve public transportation before commuters will abandon their cars. Merely making it more costly to get to work without providing good public transportation alternatives will simply drive business out of the cities.

That's where the "carrot" comes in. Exclusive bus lanes between Washington, D.C. and Virginia, and between the New Jersey Turnpike and the Lincoln Tunnel have saved commuters as much as 20 minutes each trip and are good, though primitive, examples of the "carrot." In higher density areas, new rail rapid transit systems, free of costly union work rule provisions, are thought more attractive. Besides being more comfortable, all-new systems can be more automated and thus cheaper to run.

In the long run, though, a different approach may be needed. Paul W. Cherington, professor of transportation at Harvard, and a trustee of the Boston & Maine RR, is currently exploring the possibility of paving over one of the B&M's commuter branches. He wants to run new, speedy buses along the right of way. In addition, a certain number of slots per hour could be sold to motorists. The fee would include all-day parking at Boston's cavernous North Station and free transfer to city transportation. This, says Cherington, "is the direction our thinking should be taking."

[From the American Road Builder, May 1971]

The Pavers and the Paved

(By Ben Kelley and Donald W. Brown)

The argument runs something like this: We depend too much on highway transportation. We need something more efficient, less expensive, less damaging to the environment. Unfortunately, the people in charge of transportation development are so sold on highways that they don't really want to try anything else. The industrial complex which has a vested interest in highway development supports its interests so powerfully that the alternative solutions don't emerge, and can't emerge until we abolish the Highway Trust Fund and cut way back on the highway construction program.

But what are the alternatives? Ben Kelley, in *The Pavers and The Paved,* mentions "hovercraft, intercity high-speed trains and subways, TV-monitored traffic flow, crash-proof experimental cars, short-takeoff-and-landing aircraft, computer-run mass transit services." He doesn't bother with the details. Stop building freeways, he suggests, and somebody will work out the alternative solution.

The big disappointment in Kelley's book is that he doesn't offer much in the way of new thinking.

Two years ago, the anti-freeway book of the year was Alan Mowbray's *Road to Ruin.* A professional writer who had done well previously with a book attacking the grocery business. Mowbray creamed the highway program with the same stylish skill.

Last year, it was Helen Leavitt and *Superhighway: Super Hoax.* Mrs. Leavitt got mad when it seemed to her that she was going to be pushed out of house and home to make for a freeway she didn't want and couldn't use.

Now comes Kelley, plowing much the same journalistic ground. Mrs. Leavitt writes with more passion; Mowbray writes with more skill. Kelley's advantage is that he has better credentials as an authority on the federal-aid highway program. He was director of public affairs for the Federal Highway Admintration in the days when Lowell Bridwell was in charge.

So Kelley was on the inside during the frenetic period when the Department of Transportation was brand new and Alan Boyd was putting it all together, using what sometimes appeared to be the trial-and-error method. Kelley, to his credit, refrains from ladling out the backstairs gossip. Practically all of his source material is public record.

One exception, significantly, is his account of his personal effort, while he was a federal official, to have federal funds applied to the improvement of a local road serving 15 rural families in Kentucky. Billions for freeways, but not one dime for Nelson Branch Road! Kelley got nowhere with his mini-crusade in behalf of the 15 families, and he was outraged.

Since neither hover craft nor subways will do much for Nelson Branch Road, it has to be assumed that Kelley would opt for a certain amount of local road construction. He might see Special Transportation Revenue Sharing as a partial answer to the transportation problem, but he doesn't say so.

His book says nothing about revenue sharing, and nothing about the 1970 Federal-Aid Highway Act, though it says quite a bit about the 1968 Act and prior legislation. One of the book's flaws is that it seems a little bit out of date.

When it comes to knocking the freeway program, Kelley does a workmanlike job of trotting out all the standard arguments and adding a couple new ones. His rebuttal to the claim that the Interstate System is saving lives is ingenious, if not convincing. A chapter comprising a "manual" for citizens to use when they want to stop a freeway should prove useful for anyone interested in that kind of activity.

[From the Baltimore Sun, June 6, 1971]

Freeways Are Not Always Worth More

(By Susan P. Baker)

Six sidewalks to the moon could be built with the concrete needed for our 42,500-mile interstate highway system. Americans may not want to walk to the moon, but many of them would like attractive alternatives to our dependence upon highways.

Ben Kelley makes it clear that it will be an uphill battle. The $70-billion interstate system has the backing of oil, concrete and tire companies, trucking and roadbuilding interests, the automobile and steel industries. Small wonder that the highway lobby has been able to ensure a self-perpetuating cycle; more superhighways, more highway usage, more gasoline and tire sales, more taxes into the Federal Highway Trust Fund, more superhighways.

Mr. Kelley was the first director of the Federal Highway Administration's office of public affairs. His hard-hitting book describes the Highway Trust Fund and its unfortunate effect upon our transportation system.

Each year, roughly $5 billion goes into the fund from gas and tire taxes, heavy vehicle use taxes and sales taxes on trucks, buses and trailers. Earmarked for superhighways (about 80 per cent is spent on the interstates) and other federal-aid highway projects, the fund is autonomous and immune from meaningful congressional review.

LIMPING URBAN TRANSIT

The result is what one would expect. Preoccupation with superhighways has meant starvation for other transportation needs. Limping urban transit systems and archaic local roads attest to the success of the Trust Fund.

Claim of highway proponents notwithstanding, public opinion polls indicate a desire for a more balanced program that will upgrade existing roads and improve public transportation. The highway user has found that highways intended to provide freedom of movement are not necessarily characterized by either freedom or movement.

"The Pavers and the Paved" is peppered with case-histories illustrating local opposition to federal interstate highways projects.

San Francisco renounced almost $300 million in federal funds that had been earmarked for freeways and voted approval of a rapid transit project, although virtually no federal funds were available for this type of facility.

IN NASHVILLE

Highway resistance was less successful in Nashville. Reassuring the about-to-be-injured black community that the proposed routing was only preliminary, state highway officials quickly and quietly acquired a right-of-way. Bulldozers began to cut a swath that ultimately would destroy or adversely affect an estimated 80 per cent of all Negro-owned business in greater Nashville.

Appeals were fruitless. Pledges to soften the effect of the freeway eased the tension, but were not all implemented.

Forceful in style, sobering in its implications, the book attacks the presumption that a freeway is always worth more than the countryside it supplants or the community it ruptures.

Mr. Kelley, is not content merely to describe a dismal state of affairs. He adds a "how to" chapter: "How to Halt a Highway." Acting quickly and avoiding actions that only waste time, groups familiar with their rights and knowledgeable about the regulations may have a chance.

"The Pavers and the Paved" concludes with recommendations for loosening the stranglehold of the highway lobby on our national transportation policy.

[From the Transport Topics, May 17, 1971]

Kelley at the Crossroads: Highway Pitch Skids Full Circle

(By Jesse H. Merrell)

Will the real Ben Kelley please stand up? It's hard to tell who he is when comparing his new anti-highway book, *The Pavers and the Paved,* to the pro-highway speeches he made while serving as the first director of the Federal Highway Administration's office of public affairs.

In his maiden speech at FHWA, he referred to the Interstate highways as a "fantastic road system" which was the "most awe-inspiring transportation undertaking since the beginning of mankind."

In his book, however, the beautiful "awe-inspiring" princess is suddenly transformed into an ugly toad called "land-gulping superhighway construction projects."

In that same speech before the Marketing Division of the American Petroleum Institute in New Orleans on May 18, 1967, Mr. Kelly saw no "land-gulping," but said procedures for acquiring highway-use acreage "are constantly being refined and improved to insure their responsiveness to contemporary needs of affected communities."

He is wearing a different hat in his book, of course, and devotes a 23-page chapter to "How to Halt a Highway," mobilizing people against the monster that was so beautiful a few years ago.

In the introduction of his book, Mr. Kelly condemns the "alarmingly expensive" highways which will be built in the next six years because the Federal-Aid Highway Act of 1970 extends the "multi-billion dollar federal expressway construction program" through the fall of 1977.

Only three years ago, however, wearing his FHWA hat, he wrung his hands in bemoaning dismay at the bleak disappointment that: "We cannot complete the 41,000-mile Interstate system by its target date of 1972—and completion may be delayed until as late as 1975!!"

Donning still a third hat—with visions of dollars lining the band—Mr. Kelley comments in the introduction of his book that the lengthening of the highway construction program will be to his "good fortune" as an author since, hopefully, his book will sell and he can make some money out of the situation.

Space permitting, one could almost write a book from the inexhaustible fountainhead of contradictions between Mr. Kelley's utterances while at FHWA and that in his new book.

For example, his book belittled a reference by one congressman to "a magnificent highway system for America, the like of which no other nation has ever dreamed."

He apparently forgot the words he spoke in a June 20, 1967, Chicago speech, which now come back to haunt him:

"A substantial contribution is being made to national road capacity needs by the Interstate Highway System. When this magnificent network of safe, swift and efficient highways is completed, it will carry over 20% of the nation's motor vehicle traffic—even though it will constitute only slightly more than 1% of the nation's 3.6 million miles of roads and streets—and it will do so more safely and swiftly than any road network every built."

Now he is twisting figures and statistics around to try and prove that is not so in his 183-page book, and facts are not exactly falling on his mind like pristine seed on virgin soil.

He might not "tell lies that could walk a barbed wire fence," as the old country saying goes, but he is apparently not above stretching the truth until it can be slithered through a silk handkerchief.

For example, he claims the Interstate program is consuming about 130,000 acres of land, or about 43 acres per mile, annually. If you accept his figure, of 43 acres per mile, it would mean about 3,000 miles of Interstate roads are being built per year—and 45,000 miles would have been built already.

The entire system, which won't be finished before 1977, will only be 42,500 miles.

But Mr. Kelley is even off base in his figures. Design standards by the American Association of State Highway Officials allow only 30.3 acres per mile for four-lane divided highways—and only 36.3 acres per mile for eight-lane divided roads, which most aren't. But even if they were, they would still take nowhere near the 43 acres per mile claimed by Mr. Kelley on Interstate roads.

In his book, he referred to the Highway Trust Fund as a "new and untested devil." The truth is that when the Trust Fund was established by Congress in 1956, four other federal trust funds already existed, and there are now a total of eight.

The seven besides the Highway Trust Fund are federal old-age and survivors insurance, federal disability insurance, health insurance, unemployment insurance, railroad retirement, federal employes retirement and veterans life insurance.

There are other contradictions in his book. In his introduction, he says the federal-aid expressway program is "accountable not to Congress or the public but to a handful of road builders and administrators. . . ."

Yet on page 19 he does a complete flip-flop and says: "What keeps the mammoth highway program going are not road engineers, but the Federal Highway Trust Fund (and) the Interstate expressway construction program. . . ."

To complete the cycle, on page 21 he calls the Interstate expressway construction program and the Highway Trust Fund the "twin pillars" of the federal-aid highway programs and says "each was enacted by Congress."

First Congress has no control over roadbuilding; it is all done by a "handful of roadbuilders." Then he turns around and says it's not the roadbuilders but Congress—which suddenly has control—that keeps it going.

As noted, it's hard to tell the real Ben Kelley, whose speeches at FHWA are affixed with the more sedate name of Albert B. Kelley. While at FHWA, Mr. Kelley also usually sported dignity-seeking horn-rim glasses, with which he was known to gesture authoritatively to punctuate his ceremoniously delivered speeches.

In his book, he wants to tie granny knots in the federal highway purse. In his speeches at FHWA, he said highway building "must be continued at a high level of investment" and "even taking the most optimistic view of continued programs of new construction, we have to accept that they will not be enough."

Now, however, he says what was not nearly enough is too much, and the paved must halt the pavers to save the country from utter destruction by a concrete and asphalt jungle.

He now aims Gatlin-gun bursts at the highway program with the same fervor which, while at FHWA, he aimed it at the "allegation and speculation that blames all of the nation's ills on highways, forgetting the unique and immense good which the federal-aid highway system has done and will continue to do for the United States."

In his FHWA speeches, Mr. Kelley looked forward to a "new era of highway progress" and said the highway 'has long been recognized as the backbone of surface transportation."

His book, however, laments "limping urban transit services and archaic local streets and roads that have been starved of public funds by the Federal Highway Trust Fund's policy."

In his book, Mr. Kelley bemoans that the Highway Trust Fund is "securely tucked into (the) hip pocket" of the Bureau of Public Roads and "is in many instances the tail that wags the departmental dog (DOT)." This was one of several suggestions to bust up the fund and channel it into other transportation modes.

While at FHWA, however, Mr. Kelley complained that the Highway Trust Fund "still is inadequate to provide the financing required" for work on the Interstate system and said "we are simply not doing enough today to meet our national need for highways tomorrow," even though the government has a "deep commitment" to "the establishment and maintenance of the world's finest highway system for this country."

Mr. Kelley now wants to raid the Highway Trust Fund to use for non-highway purposes. But while with FHWA, he assured the Asphalt Institute in 1967: "Neither Congress nor this Administration is about to weaken the integrity of the Trust Funds."

Will the real Ben Kelley please stand up?

(The remarks of Mr. Moss when he introduced sundry bills are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

Mr. AIKEN. Mr. President, as in legislative session, I yield 5 minutes to the Senator from Kansas (Mr. Dole).

(The remarks of Mr. Dole when he

submitted Senate Resolution 205 are printed in the RECORD under Submission of a Resolution.)

Mr. DOLE. Mr. President, I yield the remainder of my time to the distinguished Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I thank the Senator from Kansas.

DEPARTMENT OF AGRICULTURE

The ACTING PRESIDENT pro tempore. The Senate, in executive session, will continue with the consideration of the nomination of Earl L. Butz, to be Secretary of Agriculture.

Who yields time?

Mr. HARRIS. Mr. President, I yield myself 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 30 minutes.

Mr. HARRIS. Mr. President, since World War II, sweeping changes have taken place in American agricultural productivity, and much more is at stake than efficient food production.

In fact, the very shape and substance of the American countryside has been radically altered—there has been nothing short of a revolution in rural America. Consider these facts:

More than 70 percent of our people are now packed onto less than 2 percent of the land.

In 1970, for the first time since the Nation was settled coast to coast, our farm population fell below 10 million.

There were more than 6 million farms in 1940—there are less than 3 million today, and USDA benignly predicts that at least another million farms will shut down during the next 9 years.

Over the last three decades, 30 million rural Americans have had no economic alternatives but to leave their land and their rural homes and to move into the alien environment of our urban concentrations—this forced migration continues today at the rate of 800,000 people a year.

About 14 million rural Americans are left behind in rural poverty, with millions more existing just on the edge of poverty.

About 47.1 percent of the farm families in this country have annual incomes that fall below the poverty level of $3,000.

Some 1.5 million farmworkers averaged an income of $1,083 in 1970, another 1 million farmworkers raised their average income to $2,461 in 1970 by also doing some nonfarm work.

Why cannot independent family farmers, farmworkers and small town businessmen make a living in rural America?

There are two basic reasons. First, there has been a corporate invasion of American agriculture. Second, Government has sided with agribusinessmen, turning its back on the little man who traditionally has been the strength of this country.

Food has become big business. In 1970, America's food tab came to $114 billion. It is not the independent farmer and the farmworkers who are bringing that food to market and pocketing those billions. It is agribusiness—corporations such as Tenneco, Del Monte, Bud Antle, Ralston-Purina, Green Giant, Safeway, Swift, Heinz, U.S. Sugar, and General Foods. Also, a number of "brave new farmers" are trying to harvest those profits—these are major industrial giants such as Boeing Aircraft, Dow Chemical, Prudential Insurance, Coca-Cola, Standard Oil, Goodyear Tire & Rubber, American Brands, and Purex.

If the tractor was the symbol of American agriculture 30 years ago, the corporate board room is its symbol today.

Increasingly, agribusinessmen are in control of the land, of agricultural production and of farm markets. As they have moved into rural America, the little man has been moved out:

While the number of farms has declined by half over the last 30 years, the average size of farms has doubled;

Small farms still constitute more than half of the number of farms, but they account for only 7.8 percent of farm sales;

During the past three decades, an average of almost 2,000 farms a week have folded;

For every six farms that fold, one small town businessman shuts his doors.

Yet why, if the corporate giants are so efficient, do they need the support of the American taxpayer in the form of billion dollar subsidies and other benefits? An investigation of tax returns of large scale corporate farmers would show many losing money. Of course, some intend to show a loss in order to get a tax break. For others, losses in production can be easily covered by huge profits in processing or marketing. The individual farmer does not have these options.

What is particularly galling to the independent farmer is that numerous USDA and university studies show that he possesses the needed acreage to farm efficiently. For example, maximum cost-saving production efficiency is reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches.

Mr. President, the corporatization of American agriculture is not the inevitable result of any economic process. The decisions to create and administer a farm policy aiding the giant agribusinesses are conscious ones; they are no more inevitable than a Communist nation's decision to create massive State farms. And the result for the independent farmer and farm worker is the same whether State or corporate interests control rural America: they have no power over their own lives.

We are at a crossroads in the Nation today. We can decide that rural America should be a place in which people can live and work in dignity or that it will simply be a giant food factory to produce more corporate profits. This is a fundamental issue, and America has not faced up to it. We have no national rural policy. Instead, we have allowed vested economic interests, guided by nothing nobler than profit, to determine what will exist in the countryside and what will be the fate of millions of rural people.

President Nixon has let us know what kind of rural America he wants to see. I do not share his vision. Dr. Earl Butz, the President's nominee as Secretary of Agriculture, is clearly an agent of the giant agribusiness corporations that are driving the small farmers of America off the land. What we need is an Agriculture Secretary dedicated to stopping the tragic outmigration from rural America. We need a man who will speak for the small farmer, not the corporate executive. Dr. Earl Butz is not that man.

Dr. Butz at the time of his nomination served on the board of directors of Ralston-Purina, International Minerals and Chemical Corp., and Stokeley-Van Camp—all major agribusiness giants. In addition, he served on the board of J. I. Case, a leading farm machinery company, until that company was acquired by Tenneco. As Dr. Butz has readily acknowledged, he was paid $12,000 a year by Ralston-Purina; $10,000 by International Minerals and Chemicals; $4,800 by Stokeley-Van Camp; and $3,000 by J. I. Case. He owns stock in all of these corporations, except, to my knowledge, J. I. Case.

Mr. President, I have with me a report by the Agribusiness Accountability Project on the agribusiness corporations served by Dr. Butz. This report offers a valuable insight into the major agribusiness ties of Dr. Butz, and I should like to read parts of it.

The report is entitled "Report of the Agribusiness Accountability Project." It was prepared under the direction of Mr. Jim Hightower, and dated November 17, 1971.

It states in part:

> Dr. Butz states forthrightly that rural America is a place to do business, not a place to live. And for him, doing business is big business. It means that large, agribusiness enterprises will be in charge, "with more highly concentrated capital, higher levels of management, more specialization of labor, and, if you choose, with a higher degree of integration."
>
> Dr. Butz' vision of rural America is of an assembly line running from the field to the table. As corporations become vertically integrated and food production becomes otherwise concentrated, fewer independent farmers will be needed, and those that are left will be brought more and more under corporate control. Farm workers will not be a problem, for mechanization will eliminate the need for them. Purchase of farm machinery, seeds and feeds and other agricultural inputs will be either from a corporate subsidiary or will be coordinated at corporate headquarters, so the small-town supplier will be expendable. Rural communities themselves will fold as people move to larger urban centers.

Mr. President, I ask unanimous consent that the report be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRIS. Mr. President, I also ask unanimous consent that there be printed at the conclusion of my remarks a report on the activities of the Standard Life Insurance Co., of Indiana, prepared by the agribusiness accountability project.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HARRIS. Dr. Butz has recently announced his intentions to disassociate himself from these corporations. This action will not solve the problem of Dr. Butz' corporate ties, because he cannot so easily give up lifelong attitudes.

The incestuous relationship between regulatory agencies in our country and those being regulated has increasingly become a point of public concern. The relationship between the U.S. Department of Agriculture and the giant agribusinesses should similarly be of great concern. It is curious indeed that the outgoing Secretary should accept a high salaried job with Ralston-Purina while the new Secretary arrives from the board of directors of the same corporation.

Mr. President, I believe the nomination of Dr. Butz raises very serious conflict-of-interest questions. Dr. Butz has been and is now an agribusinessman. Moreover, his record gives no indication that this situation will change should he become Secretary of Agriculture.

At Purdue, a national symposium was held this past April 14–16 on the subject "Vertical Coordination In The Pork Industry." The symposium was sponsored by Purdue and USDA with industry cooperation. The symposium was attended by representatives of feed companies, food chains, economists, and by USDA officials. At least nine major executives of the Ralston-Purina Co., of which Dr. Butz was then a director, were on hand. A part of the program at the symposium included the showing of a Ralston-Purina film depicting the history of the hog industry—an industry fast being taken over by Ralston-Purina. Twenty-four USDA officials, including two Deputy Administrators, were also on hand; and on one of those days, Dr. Butz was the luncheon speaker.

I do not know whether Dr. Butz in his position as dean of continuing education, arranged this symposium bringing together academics, Government officials, and corporate farm interests. But it is a fact that the company paying Dr. Butz $12,000 a year was able to present its position very forcefully at the symposium. I wonder if small hog farmers were as well represented at the conference?

Mr. President, a symposium of this kind involves the use of tax dollars—State and Federal.

The agribusiness accountability project in May 1971 issued a report called Land-Grant Colleges—Power and Poverty, which called attention to the problem of too much service of agribusiness rather than the small independent farmer by land-grant colleges. I ask unanimous consent that the report be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HARRIS. Mr. President, rural Americans have too much at stake for us to take only a cursory glance at who this man Dr. Butz is. Gov. David Hall, of my State of Oklahoma, is evidence of the concern in rural America over this nomination. On November 18 I received from him a 6-page telegram stating his objections to Dr. Butz. Among other things Governor Hall said:

> Mr. Butz' strong connections with farm conglomerates . . . would cast serious doubt as to his acceptability as Secretary of Agriculture.

Further, he said:

> While President Nixon is to be commended for changing his mind about abolishing the Department of Agriculture, the confirmation of Mr. Butz as Secretary could have the same impact on Oklahoma Ranchers and Farms if his views have been correctly reported.

Mr. President, I ask unanimous consent that the complete text of the telegram be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HARRIS. Mr. President, the nomination of Dr. Earl L. Butz as Secretary of Agriculture involves more than the selection of a new Secretary of Agriculture. The vote on his nomination involves the ordering of national priorities.

The first priority we must determine is the future of rural America. We can decide that rural America should be a place where people can live and work in dignity or that it should exist as a food factory for corporate profits alone. We can decide to halt, if not reverse, the outmigration from rural America or we can support the tragic exodus of almost one million rural Americans a year to our already overcrowded cities—we can allow farming to continue as "a way of life" as well as "a way of making a living," or we can replace the independent family farmer with agribusiness concerns motivated solely by profit.

Dr. Earl L. Butz is not the man to make these choices. His professional record is one of consistent and enthusiastic support for the giant agribusinesses that are driving the independent farmer off the land. As a former Assistant Secretary of Agriculture under Ezra Taft Benson, as the dean of a land-grant university, and as a director and shareholder of several of the largest agribusiness firms in America, Dr. Butz has put himself clearly on record as an advocate of corporate farming interests. My opposition to his nomination is based primarily on these grounds.

The questions raised by Dr. Butz' nomination, however, go beyond traditional farm issues. Other fundamental national priorities are also at stake.

The vote on his nomination will determine the depth of our commitment to feed the hungry and assist the needy in America. Dr. Butz has shown a callous disregard for this commitment. In an April 26, 1971 speech, Dr. Butz said:

> What were we marching for then? Then the big clamor was hunger and malnutrition. . . . And what came out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts of this country. Out of it came a welfare program that President Nixon is recommending to the Congress that is so far out that even the Democrats in Congress won't buy it.

The National Council on Hunger and Malnutrition in the United States has issued a statement through its executive director, John R. Kramer, in opposition to the nomination. I ask unanimous consent that that statement be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 5.)

Mr. HARRIS. Mr. President, Friends of the Earth are very disturbed about this nomination because of Dr. Butz' rather cavalier attitude toward environmental concerns as a passing fad. Their president, David Brower, on November 29, issued a statement in opposition to the nomination. I ask unanimous consent that his statement be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 6.)

Mr. HARRIS. Mr. President, I have received similar communications from other organizations that oppose Dr. Earl Butz.

Mr. President, I ask unanimous consent that a news release and a letter issued by eight national antipoverty groups, and a statement by Mrs. Johnnie Tillmon of the National Welfare Rights Organization be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 7 and 8.)

Mr. HARRIS. Mr. President, Dr. Butz is certainly not the kind of man we need to administer a food stamp program that feeds 10.5 million people and still does not help all those in need or a school balanced meal for millions of children.

Nor is Dr. Butz the kind of man we need to fulfill the very important environmental duties of a Secretary of Agriculture. His past remarks have shown a rigidity and hostility toward environmental issues and the environmental movement itself that would be very alarming in a man who is responsible for administering our 187 million acres of public forest lands and who has a great deal to say about the use of chemicals, fertilizer, and insecticides for agricultural use.

Farm organizations have already been heard from concerning the nomination of Dr. Butz, and those that truly represent the farmer have issued a resounding no to his nomination. Others, including those in the front ranks fighting against hunger and poverty and for a better environment, are also opposed to this nomination.

Mr. President, on Monday of this week I held a press conference at which the following nonfarm groups stated their opposition to Dr. Butz' nomination: The Sierra Club, the Friends of the Earth, Environmental Action, the UAW, the National Welfare Rights Organization, Southern Christian Leadership Conference, National Sharecroppers Fund, Washington Research Project Action Council, Crusade Against Hunger, National Association of Social Workers, National Council on Hunger and Malnutrition, and the Americans for Indian Opportunity Action Council.

Mr. President, in 1968 President Nixon's campaign pledge was "to bring us together" in this country. Unfortunately, the nomination of Dr. Earl Butz as Secretary of Agriculture has succeeded only in bringing together almost every major farm organization, labor group, environmentalists, poverty groups and others in opposition to the nomination. I say "unfortunately," Mr. President, because this is not a partisan issue.

I have heard the charge made by some that the Democrats want to gather just enough votes to make Dr. Butz look bad, but not enough to defeat him; in that way we could use him as a whipping boy in 1972. Mr. President, that kind of cynicism is a dangerous thing. Too many farmers do not have until 1972 to wait for things to start getting better, and no responsible Member of the Senate would use the Nation's farmers as a pawn. If this were a partisan issue, I ask why it is that the ranking Republican member of the Committee on Agriculture, the Senator from Iowa (Mr. MILLER), and the Senator from North Dakota (Mr. YOUNG) also on the Committee on Agriculture, are ready to cast their votes against this nominee. The farm vote in this country, as many Senators well know, is neither Republican nor Democratic; it is profarm. The farmers in this country do not think Dr. Butz is the man to represent them in Washington.

Mr. President, another argument I have heard in the last few days in support of Dr. Butz is that the President has the right to select his own Cabinet members, and that because these men serve only during a President's tenure, and not for a lifetime, such as Supreme Court Justices, the Senate ought to confirm their nominations. I share the opinion that the President ought to be able to nominate his own Cabinet members. But I am not about to abdicate my constitutional obligation as a Senator to advise and consent to the President's nomination, and I trust that none of my colleagues are ready to do so either. I called upon the President to withdraw the nomination of Dr. Butz, as did some members of the President's own party, and I would hope that he still might see fit to withdraw the nomination and nominate someone who could really stand up for the independent farmer in this country. I would be glad to vote for that man. But instead the President has chosen the wrong man.

Dr. Butz, if his nomination is confirmed, will not serve simply as an adviser to the President. He will head a Government agency that affects every single farm in the Nation. He will head a Department that has a great regulatory responsibility.

Mr. President, this century has witnessed a great erosion of congressional power and a concomitant increase in the power of the executive. We have already reached the point where many consider the setting of farm policy to be the prerogative of the administration and the Department of Agriculture. I do not share that view, and I am sure that some of my colleagues on the Agriculture Committee do not subscribe to that philosophy. But now, for some to insist that the President has the right to choose a man to head his farm policy, without the advice and consent of the Senate, is farther than I am willing to go.

Mr. President, I have also heard from some during this debate on Dr. Butz that the Democratic criticism is rather shallow because we have no alternatives to offer in the way of a farm policy. That is not true. There have been a number of good farm proposals made in this Congress which would insure the future of the independent farmer. I should like to talk about a few of those proposals to point out that there are alternatives to Dr. Butz' vision of huge corporate farms.

The first thing we have got to do is to put some reality behind the rhetoric of our support for the family farm. A bill introduced by the distinguished Senator from Wisconsin (Mr. NELSON), of which I am a cosponsor, does just that by finding that it is "desirable to preserve free, private enterprise, to protect small business and prevent monopoly, and to protect opportunity for family farmers in interstate commerce." The bill, known as the Family Farm Act of 1972, would prohibit giant corporations with large nonfarm holdings from farming. It would stop the tax-loss farmers, the conglomerates, and the vertically integrated giants from destroying the independent farmers in America.

Mr. President, another thing that Congress must do is to give the independent farmer bargaining power. I have tried to do that by cosponsoring two bills introduced by the Senator from Minnesota (Mr. MONDALE): S. 726 and S. 727, the National Agricultural Bargaining Act of 1971 and the National Agricultural Marketing Act of 1971. The Bargaining Act would enable farmer-elected marketing committees to bargain and negotiate with processors and buyers to obtain decent and adequate prices on a commodity-by-commodity basis. The Marketing Act would enable the producers of any commodity to form a market order, and would provide a broad range of new powers for farmers under the order—including collective bargaining for minimum prices and other terms of sale. These programs, in some form, are essential to the independent farmer. Everyone in the chain of our food production system is making money—except the farmer. That has got to end.

Another thing we can do to help the independent farmer is something I talked about earlier; and that is to direct the research of the land-grant colleges towards helping the independent farmer. We have got AID research projects to help small farmers in India, Mr. President, and we do not even help the small farmer here in America.

We have also got to end the labor subsidy which gives the giant agribusinesses an unfair advantage over independent farmers. These corporations do not have to pay the same minimum wage as in other comparable industries; nor do they have to pay unemployment or workmen's compensation. In addition, our immigration policies always provide them with a constant flow of cheap labor from foreign countries—thus pitting the working man of this Nation against the poor in other nations. It is no wonder that the agribusinesses enjoy such a cheap cost of labor. The individual farmer is rather hard pressed in the face of these odds.

I ask unanimous consent that a statement of the agribusiness accountability project dated September 16, 1971, entitled "Minimum Wage for Farm Workers," together with a report on Stokeley-Van Camp, Inc., and migrant farmworkers in Illinois be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 9).

Mr. HARRIS. Mr. President, when a giant conglomerate like Tenneco or a company like Standard Oil can go into agriculture and not be faced with the same labor laws that they are faced with in other operations, that is a direct incentive for these huge corporations and conglomerates to go into farming and compete with the small, independent farmer.

The same is true of tax-loss farming and hobby farming. They come into competition with the independent farmer many times to take a tax loss so they can charge that loss against profits made in other operations. A small farmer like my father has no such incentive. Farming is the only business in which he tries to make a living. It is not a question of efficiency. My father is efficient enough. The trouble is that the Government subsidizes the big farmers and corporate farmers. If they are so efficient, why do we have to give them so many billions of dollars of the taxpayers' money? We are subsidizing the competition of the huge conglomerates and rich farmers against the independent farmers who really make their living on the farm.

Mr. President, there is much we can do to give the independent farmer a fair chance.

We can end the scandalous situation wherein the top 5 percent of U.S. farms—the giant agribusiness—received almost half of our billion dollar subsidy program to farmers. This program was intended to aid small farmers but through various strategems the corporate giants have been the beneficiaries of our generosity. An effective limitation of $20,000 on the subsidy payments could put an end to this.

The Federal Government purchases $4 billion of food annually. We ought to make sure that the bulk of that food is purchased from the independent operator.

Last, Mr. President, there is the illegal billion dollar water subsidy with which we favor giant corporations in the West while independent farmers cannot get access to irrigated land. I introduced a bill to remedy this situation, and I should like to discuss it here today and show how this country has consciously chosen to aid giant corporations at the expense of small farmers.

I ask unanimous consent that the bill and the statement I made at the time I introduced it be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 10.)

Mr. HARRIS. Mr. President, the law

says that if a farmer is to get the benefit of federally financed irrigation water projects, he should not own more than 160 acres. That law has never been enforced. In California now, the giant corporations and conglomerates are coming into farming, gobbling up thousands and thousands and thousands of acres which are irrigated, because the taxpayers paid for the irrigation projects, and they are doing that in violation of the law. For that law to be enforced, they would have to divest themselves of the extra acreage. The bill I have introduced would require them to do so.

All the measures I have spoken about here today and last night are ways by which we subsidize bigness in agriculture. It is unnatural for corporations to take over agriculture, for the rich to get richer while the poor get poorer. That is unnatural. The reason why it is happening despite the fact that it is unnatural is that we subsidize that bigness. We ought to stop it. It has been going on under Democrats and under Republicans. We have got to turn it around.

We have driven the people off the small farms and out of small towns into the big cities where their problems have been infinitely greater. We can stop that outmigration. We can have an independent farm population in this country fully efficient, but we are not going to do it if we put a man like Dr. Butz in as Secretary of Agriculture, who believes that that is the way agriculture ought to go, as he so often has said.

I, therefore, oppose this nomination, and I hope its confirmation may be defeated.

EXHIBIT 1

REPORT OF THE AGRIBUSINESS ACCOUNTABILITY PROJECT

Agribusiness corporations served by the U.S. Agriculture nominee, Dr. Earl Butz.

Contacts: Jim Hightower, Martha Hamilton.

Agribusiness Accountability Project, 1000 Wisconsin Avenue, N.W., Washington, D.C. 20007. (202) 338–5365.

The nomination of Dr. Earl L. Butz to be Secretary of Agriculture poses a crucial and fundamental question: "What do we want in rural America?"

Dr. Butz states forthrightly that rural America is a place to do business, not a place to live. And for him, doing business is big business. It means that large, agribusiness enterprises will be in charge, "with more highly concentrated capital, higher levels of management, more specialization of labor, and, if you choose, with a higher degree of integration."

Dr. Butz' vision of rural America is of an assembly line running from the field to the table. As corporations become vertically integrated and food production becomes otherwise concentrated, fewer independent farmers will be needed, and those that are left will be brought more and more under corporate control. Farm workers will not be a problem, for mechanization will eliminate the need for them. Purchase of farm machinery, seeds and feeds and other agricultural inputs will be either from a corporate subsidiary or will be coordinated at corporate headquarters, so the small-town supplier will be expendable. Rural communities themselves will fold as people move to larger urban centers.

Dr. Butz has spent a lifetime working for this vision. In every phase of his career, he has been close by the side of agribusiness, serving its needs as an academician at Purdue University, as a politician during the Ezra Taft Benson era, as an author and lecturer, and as a stockholder and board member of agribusiness corporations. From his background and with his perspective, Earl Butz is better suited to be Secretary of Commerce.

It is possible to ask more from rural America than corporate profits. Earl Butz is not the only one with visions of what should exist. Millions of people—independent family farmers, farm workers, small town businessmen and other rural citizens—still would like to think of it as home. They want to live and to work there with dignity. They want more alternatives than merging into the corporate structure or moving into the cities. Of course, Dr. Butz puts it to them more bluntly: "Adapt or die," he said. As Secretary of Agriculture, he will be in a position to enforce that admonition.

EARL LAUER BUTZ

Birth: Albion, Indiana—July 3, 1909.

Education: B.A., B.S.A. Purdue, 1932; Ph.D., Purdue, 1937; and Student, University of Chicago, Summer, 1936.

Married: December 22, 1937, Mary Emma Powell. Two children: William Powell, Thomas Earl.

Professional Career: Farmer, Noble County, Indiana; Grad. Research Assist. in Agricultural Economics, Purdue U., 1934–35; Research Economist, Federal Land Bank, Louisville, Ky., 1935–36; Instructor, Agricultural Economics, Purdue U., 1937–39; Assistant Professor, 1939–43; Associated Professor, 1943–46; Professor, Head—Agricultural Economics Dept. Purdue U., 1946–1954; Assistant Secretary, Department of Agriculture (USDA) 1954–57; Director, CCC; Dean of Agriculture, Purdue U., 1957–1967; Dean of Continuing Education, Purdue U., 1968–1971 (Present). Research Economist—Brookings Institute, 1944, 1951; Research Staff—National Bureau of Economic Research, 1944–45; Lecturer, School of Banking, Univ. of Wisconsin, 1946–1965; and Lecturer, Rutgers Univ., 1950–1958.

Affiliations: Director, Standard Life Insurance Company of Indiana; Ralston-Purina Company; International Minerals and Chemical Corp.; Stokely-Van Camp, Inc. (Ex.) J. I. Case Company; Farm Foundation (Chicago, Ill.); and Foundation for American Agriculture (Washington, D.C.).

Chairman, U.S. Delegation FAO, Rome, 1955, 1957; Member, American Farm Economic Association: Vice-President, 1948, and Sec.-Treas., 1953–54; Member, American Society of Farm Managers and Rural Appraisers; Member, Indiana Academy of Social Science, Vice President, 1948; Member, Canadian-American Committee; Member, International Conference of Agricultural Economists; and Member, American Association of University Professors.

Publications (Books): *The Production Credit System for Farmers* (1944).

Office: Purdue University, Lafayette, Indiana.

Home: 312 Jefferson Drive, West Lafayette, Indiana.

Also served on a 16-member committee appointed by President Nixon to study American foreign aid in 1969–1970.

Currently Vice-President of the Purdue Research Foundation.

RALSTON PURINA

Earl Butz was elected to the board of directors of Ralston Purina in 1960. As a member of the board, he received $12,000 annually in compensation and held 2,000 shares of stock. During his tenure, the company expanded from sales of $646,753,000 and net earnings of $22,859,000 during fiscal year 1961, to sales of $1,567,009,000 and net earnings of $56,770,000 during fiscal year 1970.

The first half of fiscal 1971 has been good to Ralston Purina, with the firm reporting record high sales of $859,170,000 and its second highest earnings ($28,948,000) for that six month period. Fortune magazine ranks Ralston Purina 71st in sales among the 500 largest industrial corporations in the U.S.

Ralston Purina describes itself in its annual report as "diversified in . . . operations, multinational in organization, and global in outlook." Its diverse operations are primarily agricultural, including:

Soybean processing for feed production and sale; commercially sold by-products.

Grain merchandising.

Manufacture of sanitation and biological products for animal disease prevention and control.

Animal and poultry feed formulation from grain and grain products, soybean meal, alfalfa meal, cottonseed meal, fishery products, molasses and vitamin concentrates.

Manufacture and distribution of breakfast cereals, hot and cold, and crackers.

Canning and marketing of tuna fish.

Production and processing of catfish.

Pet food manufacture.

Industrial cleansers and waxes manufacture.

Production and leasing of swine.

Production of mink and pathogen-free laboratory animals for medical research.

Frozen convenience food product on.

Restaurant operation and restaurant supply (including warehousing and processing).

Protein products production.

Operation of a ski resort.

Research in feeds, pet foods, beverages, and protein products.

In some categories, Ralstan Purina leads the industry, *Feedstuffs,* and agribusiness weekly, calls Ralston Purina "the largest single factor in the total poultry industry."

In its annual report for 1969, Ralston Purina dubs itself the number one pet food manufacturer.

The following table shows the amount and percentage of consolidated net sales and consolidated earnings contributed by each lines of business:

[Amount in millions of dollars]

	Net sales					Earnings				
	1966	1967	1968	1969	1970	1966	1967	1968	1969	1970
Agricultural products: Animal and poultry feeds, poultry products, soybean processing, and other related operations—										
Amount	709.0	775.1	734.8	790.5	878.9	61.3	32.5	42.8	53.6	70.3
Percent	60	60	57	57	56	58	39	43	44	49
Consumer products: Pet foods, seafoods, cereals, and other products—										
Amount	210.5	220.0	258.3	293.2	325.6	24.5	30.4	36.8	42.8	43.4
Percent	18	17	20	21	21	23	37	37	36	30
Restaurant: Jack-in-the-Box fast service restaurants and other restaurant operations of Foodmaker, Inc.—										
Amount	20.7	26.0	33.1	46.1	69.2	3.4	4.5	6.4	10.0	12.2
Percent	2	2	3	3	4	3	5	6	8	8

[Amount in millions of dollars]

	Net sales					Earnings				
	1966	1967	1968	1969	1970	1966	1967	1968	1969	1970
International (including Canada): Animal and poultry feeds, poultry products, pet foods, and other related operations—										
Amount	234.5	280.1	255.3	256.5	293.3	16.8	15.1	13.6	14.9	18.0
Percent	20	21	20	19	19	16	19	14	12	13
Total (dollars)	1,174.7	1,301.2	1,281.5	1,386.3	1,567.0	106.0	82.5	99.6	121.3	143.9
Unallocated corporate expenses						10.2	11.9	12.4	9.1	12.1
Interest expense						6.3	10.0	13.2	13.5	15.6
Earnings before income taxes						89.5	60.6	74.0	98.7	116.2

Ralston's "multinational organization" includes activities in 23 foreign countries with markets in Europe, Japan, and Australia accounting for the major sales. Ralston Purina was one of 12 founding companies of a U.S. investment concern, the Latin American Agribusiness Development Corporation.

* * * * *

Several aspects of Ralston Purina's business are subject to regulation by USDA:

Commodity and Exchange Authority—Ralston "protects part of its inventory position . . . by trading in futures markets." Abuses of future trading are subject to regulation.

Consumer and Marketing Service—C & MS conducts meat, poultry and egg inspection marketing regulatory programs and a plant variety protection program.

Packers and Stockyards Administration—P & S uses its regulatory powers to insure free competitive practices in the meat and poultry marketing and meat and poultry packing.

Agricultural Research Service—ARS inspects certain exported products and through its veterinary service provides for the humane treatment of animals used in research facilities.

In addition, USDA's activities affect Ralston Purina states:

"A very large portion of the cost of producing feeds is represented by the cost of raw materials . . . The government's price support programs have a significant effect on the prices of certain of the Company's raw materials."

Ralston Purina sells to USDA. For example, in fiscal year 1971, approximately 9% of the funds expended for the purchase of frozen turkeys through Section 32 funds went to Ralston Purina. (The Company also manufactures cereals for government usage.)

* * * * *

Two private antitrust suits have recently been brought by and on behalf of persons who were leasees of Jack-in-the-Box restaurants. The suits seek substantial damages "for alleged illegal resale price maintenance and alleged illegal requirements that leasees lease property and purchase restaurant items from Foodmaker or Foodmaker designated sources at higher than competitive rates."

* * * * *

Four members of the board of directors of Ralston Purina have close ties with other agribusinesses. Donald B. Smiley, is a director of the RCA Corporation which produces Banquet Foods. Erwin A. Stuebner is a former director of Rohm and Haas Company. Leif J. Sverdrup, Jr., is on the board of the St. Louis National Baseball Club, Inc., a subsidiary of Anheuser-Busch. Albert J. O'Brien is a director of General American Life Insurance Company which owns stock in the following agribusinesses: Tenneco, Anheuser-Busch, Dow, Pet, Ralston Purina and Transamerica.

INTERNATIONAL MINERAL AND CHEMICAL CORP.

Earl Butz was elected to the board of directors of International Minerals and Chemical Corporation in 1961. As a member of the board, he received $10,000 in remuneration and owned 2,000 shares of stock. During his tenure at International Minerals, net sales increased from $133,786,000 in 1961 to $505,932,000 in 1970. Net earnings changed from $9,039,000 in 1961 to $4,503,000 in 1970. *Fortune* magazine listed IMC as 218th in sales among the top 500 corporations.

IMC is an international corporation with 109 subsidiaries throughout the world. The Company engages in four major lines of business:

Industrial products—including feldspathic materials and sand binders; highly formulated resins, oils and esters, bentonite clays.

Food Products, including monosodium glutamate sold under the brand name AC-CENT. Other food products include rices, pepper, spice and vegetable products.

Business losses ascribed to 1970 publicity questioning the safety of monosodium glutamate led to a decision to sell that line of business.

Trading operations, among them Continental Ore Corporation, a wholly owned subsidiary that engages in the purchase and sale of ores, minerals, ferroalloys metals, carbon products and industrial products and materials.

Agricultural, as a world supplier of fertilizer materials, mixed fertilizers, plant growth regulators, and microbiological insecticide.

Contributions of the four divisions to net sales and income are:

[In thousands of dollars]

	Fiscal year—				
	1967	1968	1969	1970	1971
Rules:					
Agricultural products:					
Phosphate products	82,100	73,400	72,000	76,200	74,300
Potash products	50,400	49,000	42,400	46,300	51,000
All other agricultural products	101,500	106,700	96,700	70,000	77,100
Total	234,000	229,100	211,100	192,500	202,400
Industrial products	75,600	102,500	99,200	86,400	68,100
Food products	21,500	26,400	25,600	22,800	23,300
Trading operations	130,600	143,800	168,700	204,200	223,800
Net sales	461,700	501,800	504,600	505,900	517,600

	Fiscal year—				
	1967	1968	1969	1970	1971
Operating income:					
Agricultural products	26,900	16,500	5,800	11,900	25,800
Industrial products	5,200	4,500	4,600	3,200	100
Food products	2,600	3,000	(100)	(2,300)	(2,900)
Trading operations	4,900	5,600	3,300	6,500	7,000
Operating income	39,600	29,600	13,600	19,300	30,000

IMC is the largest domestic producer of monosodium glutamate and the fifth largest producer of agricultural fertilizers in the U.S. IMC mines raw phosphate and potash for its own fertilizer products and for shipment to other producers. "Virtually all of the phosphate mined by IMC goes to agriculture . . . almost none to industry." Phosphate is mined by open pit method in Florida where IMC controls or owns 49,300 acres of land. Of the phosphate recovered in 1970, 50% went to foreign markets and 4% was used by IMC within its own plants. In 1971, IMC formed an association to assist in export shipments of phosphate.

In its potash operation, IMC has federal cooperation. IMC leases land from the U.S. government through the Bureau of Interior to mine potash. Two tracts of land, one consisting of 1,342.37 acres and the other of 2,550 acres, are leased for $1.00 an acre under contracts that have been modified on several occasions.

Among IMC's potash mines are high grade deposits near Esterhazy, Saskatchewan, Canada. IMC's income for agricultural products has increased significantly because of higher prices for potash resulting from production controls and a "floor price" higher than prevailing prices set on January 1, 1971 by the Canadian government. IMC's Canadian operations in 1967 netted them an investigation. The United States government "initiated an investigation into the alleged 'dumping' of potash into the U.S. by the Canadian producers thereof, including IMC (Canada) . . ." The investigation determined that Canadian producers sold potash in the U.S. market at lower prices than the prices charged by such producers in the Canadian market and that such sales had injured the domestic industry. Although IMC will be required to pay increased duties, the Treasury Department as late as June 30, 1971 had not determined the extent of the liability.

* * * * *

IMC's operations involve the corporation with USDA in one area. Continental Ore Corporation engages in "barter transactions with the U.S. government under which COC receives surplus agricultural commodities for export in return for supplying materials to the U.S. government agencies or for providing funds for operations of government agencies abroad."

* * * * *

During 1969 IMC reached agreement with the Internal Revenue Service on a substantial number of issues raised by the service units examination of the Corporation's federal income tax returns for the years 1960 through 1963. Accordingly, IMC provided $5,500,000 by a charge to retained earnings for additional income taxes relating to all issues through June 30, 1969, including interest (no income tax effect).

In November 1963, the federal government filed an indictment charging violations of the Sherman Act with respect to export prices of phosphate rock from 1956 to 1962. (United States vs. International Minerals and Chemical Corporation.)

On December 1964, an indictment was filed claiming that sales by Concentrated Phosphate Corporation Association (IMC is a member) to the Republic of Korea which were financed by the U.S. government through AID are beyond exemption under the Webb-Pomerene Act and in violation of the Sherman Act. (U.S. vs. Concentrated Phosphate Export Association, Incorporated, et. al.)

In 1970, the U.S. government filed a complaint regarding pollution caused by a chlor-alkali plant in Maine.

* * * * *

In addition to Butz, at least three members of the 12-man board of International Minerals and Chemical Corporation served on the boards of other agribusiness corporations (they continue as directors). Robert W. Purcell is a director of the International Economy Corporation and the Agricultural Insurance Company. John T. Ryan is a member of the board of H. J. Heinz, and Thomas H. Roberts is a director of DeKalb AgResearch, Inc.

STOKELY VAN-CAMP, INC.

Earl Butz was elected to the board of directors (Class II) of Stokely Van-Camp, Incorporated on October 7, 1970. His remuneration is reported at $4,800. Upon election he held no stock in the company, but has publicly stated that at the present he does now own stock.

For the year ending May 31, 1971, Stokely's net sales and operating revenues were $280,863,388, an advance of $6.2 million from 1970. Net earnings were $6,602,058, up $2.3 million from 1970.

The company is listed 362d in sales according to *Fortune* magazine's top 500, number 420 in net earnings with a year's growth rate of 0.69%.

Stokely Van-Camp, Incorporated is a processor of foods for human consumption. In addition to its executive headquarters in Indianapolis, Indiana, its canned foods division (Van Camps, Stokely's Finest, Gatorade) operates in California, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, New Jersey, Ohio, Tennessee, Texas and Wisconsin. Its frozen foods division (Stokely's Finest, Picsweet) operates in California, Florida, Indiana, Minnesota, Oregon and Washington. In the latter operation, Stokely Van-Camp, Inc. leases land from Indian reservations (tax free) to grow crops, according to one report.

The Capital City Products Division, a processor of food oils to produce highly specialized products utilized by other processors as ingredients, has its general offices and operations in Columbus, Ohio. Pomona Products Division's general office and operations are in Griffin, Georgia. It distributes and processes a line of southern vegetables (Sunshine). It is the major marketer of pimientos in the United States.

The Kuner Empson Company Division, with headquarters and operations in Brighton, Colorado, distributes a line of canned fruits and vegetables (Kuners) in the Rocky Mountain and Plains areas. Purity Mills Division, with headquarters in Dixon, Illinois, and operations in Illinois, Indiana, and Ohio is a processor of unpopped popcorn (Popeye, Betty Zane) and puffed wheat and rice (Popeye).

Stokely's Can Manufacturing Division, with a general office in Indianapolis, Indiana, and operations in California, Indiana, Tennessee, and Illinois, is a manufacturer of cans from tin plate. The cans are supplied to other divisions for use in canning.

* * * * *

Subsidiaries include:

M. W. Graves and Company, Ltd., and Canada Foods, Ltd., Berwick, Nova Scotia:

Distributors and processors of canned and frozen vegetables and fruits sold in Maritime Provinces of Canada under their own labels.

Hawaiian Fruit Packers, Ltd., Kapaa, Kauai, Hawaii:

Packer of pineapple products for sale and use of Stokely Van-Camp, Inc.

Stokely Van-Camp of Puerto Rico, Manati, Puerto Rico:

Sales corporation.

Stokely Van-Camp of Canada, Ltd., Essex, Ontario, Canada:

Processor and distributor of canned vegetables distributed in Prairie Provinces of Canada under its own label.

* * * * *

The U.S. Department of Justice filed suit August 11, 1971, against Stokely Van-Camp, Incorporated, seeking to recover all the "substantial profits" made by the company on sales of the drink, Gatorade. The complaint stated that the formula for the drink had been developed at the University of Florida under grants from the Department of Health, Education and Welfare. All such inventions arising out of such grants are the property of the government, the Justice Department contends. In 1968, Dr. James Robert Cade, the developer of the drink, along with a few assistants formed a trust and sold the marketing rights for Gatorade to Stokely Van-Camp. A 1969 company report states the company pays the trust an annual royalty of $25,000 plus 3¢ per gallon sold. Three weeks prior to the government suit the Board of Regents at the University of Florida filed a similar suit against its employee, Dr. Cade, asserting that it had property rights to the drink.

The U.S. Department of Agriculture has twice suspended (in 1969 and 1970) its meat inspection operations at Capital City Products Company because of below-standard operations.

On November 1, 1971 the Food and Drug Administration rescinded a previous botulism warning on a 15,000 can batch of Stokely Van-Camp green beans.

Stokely Van-Camp has large exemptions for its workers from overtime provisions of the National Labor Relations Act. Agricultural workers are exempt from almost all provisions (except the $1.30 hour minimum wage and some child labor provisions) of the Fair Labor Standards Act. The company makes almost full use of interstate recruiting system for seasonal agricultural employees under the Wagner-Peyser Act.

On July 31, 1967, the Securities and Exchange Commission, alarmed by two weeks of heavy speculation on Stokely Van-Camp, Inc. stock due to the announced marketing of Gatorade, imposed a ban against margin buying of the stock, i.e. margin was set at 100%.

The U.S. Government (Defense Personnel Support Center and Veterans Administration Marketing Center) was a major 1970 purchaser of Stokely Van-Camp, Incorporated, products ($1,398,757).

* * * * *

In addition to Butz, at least five other members of the 9-man Stokely Van-Camp, Inc. board of directors serve in agribusiness-related organizations. J. W. Fisher is president of the Ball Corporation, a glass and bottle-maker, which is a supplier to Stokely Van-Camp and serves on the board of Calvert Exploration Company, a chemical manufacturer. H. R. Warren is on the board of directors for K-B Farms, Incorporated. W. B. Stokely III is president of the Indiana Canners Association and D. H. McVey (who served with General Mills from 1930–1960) is on the board of directors of the Rockford Can Company, which is owned jointly by Stokely Van-Camp, Inc. and Quaker Oats Company and is a major supplier to Stokely Van-Camp, Inc.

EXHIBIT 2

A REPORT ON THE ACTIVITIES OF STANDARD LIFE INSURANCE CO. OF INDIANA

CORPORATE PROFILE

Standard Life Insurance Company of Indiana, with its home office in Indianapolis, Indiana, lists its "products" as individual life insurance, joint life, emlpoyee benefit counseling, pension and profit sharing plans, deposit administration contracts, I.R.S. approved Keogh prototypes, actuarial plan design, servicemen's group life insurance, group ordinary, group term, group permament, salary savings, estate planning, retirement annuities, tax-favored annuities, college education plans, mortgage protection, credit life, reinsurance, mutual fund affiliate and broker dealer affiliate.

The company's field force is located throughout 45 states, the District of Columbia and Europe.

SALES AND ASSETS

Sales for Standard Life Insurance Company of Indiana in 1970 were a record high of $52,614,948, while premium income totaled $8,358,735. The company's net gain from operations amounted to over $592,000. Insurance in force increased by 8.2% and assets increased in 1970 to $68,928,331.

The yield on new investments in 1970 by the company was a record high figure in excess of 8.25%. Gross investment income for the year was also a record, amounting to $3,419,487. The net return on the entire portfolio amounted to 4.65%, also a record high.

The distribution of assets were:

[In percent]

Bonds	65
First Mortgages	13
Investment Real Estate	8
Policy Loans	5
Home Office Real Estate	4
Stocks	2
Cash	1
Due from Policyowners	1
Other	1
Total—$68,928,331	100

In the first six months of 1971 company sales of ordinary life insurance totaled over

$28.2 million, a record increase of 76% over the same period in 1970. The company's investment income increased 12.8%, a 5% increase over the first six months of the previous year.

Assets for the first half of 1971 also showed a record increase of $1.75 million to $70,818,000.

The company has also reported that in the first nine months of 1971 the direct sales of ordinary life insurance was over $40 million, an increase of 71% over 1970.

Approximately four percent of the company's bond investments, 25% of its preferred stock and 20% of its commonstock investments are in agribusiness or agribusiness-related industries.

PORTFOLIO OF INVESTMENTS

The following is a general summary of the securities which were owned by Standard Life Insurance Company of Indiana as of December 31, 1970. Also included are total amounts of mortgages and real estate owned by the Company as of that date.

Bonds:	*Par value*
U.S. Government	$2,389,000.00
Canadian Government and subdivisions	130,000.00
Government other countries	528,000.00
States—United States	754,000.00
Territories—Canada	2,687,000.00
U.S. political subdivisions	898,000.00
Canadian political subdivisions	803,000.00
Special revenue obligations—United States	50,000.00
Special revenue obligations—Canada	983,000.00
Railroads—United States	840,500.00
Railroads—Canada	100,000.00
Public utilities—United States	26,013,500.00
Industrial and miscellaneous	9,159,100.00
Total all bonds	45,335,100.00
Preferred stocks:	*Asset value*
Public utilities	$301,077.06
Industrial and miscellaneous	218,441.08
Total preferred stocks	519,518.14
Common stocks:	*Market value*
Railroads—United States	$40,621.25
Public utilities	416,895.00
Industrial and miscellaneous	667,680.70
Total common stocks	1,125,216.95
First mortgage loans	$8,832,745.41
Investment real estate	5,310,962.14
Home office buildings and properties	2,458,292.73

SELECTED LIST OF BONDS

Description	Interest rate	Maturity date	Par value
Tr. Purdue University—			
Dorm. fac	3½	1990	$50,000
Do	3½	1992	84,000
Do	3⅝	1995	100,000
Do	3⅝	1998	50,000
Do	3½	2003	100,000
Norfolk-Western Railway	6	1981	200,000
Penn Central Co	8¾	1989	237,500
Western Pacific Railway Co	4.55	1980	300,000
American Can	4¾	1990	60,000
American Tobacco Co	3¼	1977	15,000
Anheuser-Busch, Inc	3⅜	1977	23,000
Do	4½	1989	65,000
Burlington Industries	4¾	1990	50,000
J. I. Case Co. (Tenneco)	3½	1978	48,000
Caterpillar Tractor Co	5⅛	1986	50,000
Chase Manhattan Bank	4⅞	1993	20,000
Consolidated Cigar Co	4¼	1975	25,000
Container Corp. of America	3.30	1980	90,000
Continental Can Co., Inc	5⅛	1985	44,000
Dan River Mills	4⅝	1990	100,000
Deere & Co	3⅛	1977	30,000
Do	4½	1986	50,000
Deere & Co. Credit Co	4⅞	1985	$50,000
Del Monte Corp	5¼	1994	15,000
Dow Chemical Co	4.35	1988	50,000
F.M.C. Corp	4¼	1992	25,000
Food Fair Stores, Inc	3⅜	1974	25,000
Fruehauf Trailer Co	3¾	1974	50,000
Fruehauf Corp	6	1987	200,000
General Motors Corp	3¼	1979	120,000
Georgia Pacific Corp	5¾	1994	20,000
Greyhound Corp	6½	1990	100,000
Gulf Oil Corp	8½	1995	50,000
Household Finance Corp	4⅝	1977	50,000
Do	7¼	1990	25,000
Libby McNeil & Libby	5	1989	30,000
Liggett & Myers Tobacco Co	6	1992	50,000
P. Lorillard Co	3	1976	10,000
Do	4⅞	1986	50,000
National Tea Co	5	1977	29,000
Packaging Corp. of America (Tenneco)	4⅜	1987	75,000
Do	6.85	1993	50,000
Pepsi-Cola General Bottlers Inc	5½	1988	30,000
Pillsbury Co	4¾	1989	15,000
Purex Corp	4⅞	1994	40,000
Jos. E. Seagram & Sons, Inc	4¼	1983	50,000
Tenneco Co	7	1988	50,000
Times Mirror	4½	1990	100,000
White Motor Co	5¼	1993	25,000
Witco Chemical Co	5	1980	34,000

SELECTED LIST OF STOCKS

Description	Yield (percent)	Number of shares	Asset value (cost)
Household Finance Corp. (supermarkets)	2⅜	[1] 400	$24,630.46
Ingersoll Rand		[1] 300	9,569.25
Occidental Petroleum	4	[1] 800	61,861.09
American Metal Climax	4	[1] 700	64,357.00
Norfolk & Western Railway Co		610	[2] 40,641.25
American Standard Corp		1,800	[2] 54,900.00
E. I. DuPont DeNemours & Co		400	[2] 53,350.00
General Motors		1,300	[2] 104,650.00
Seneca Grape Juice Corp		175	[2] 853.12
Union Carbide Corp		2,200	[2] 87,725.00
Westinghouse Electric Corp		800	[2] 53,400.00

[1] Preferred.
[2] Market.

PERSONNEL

Among the 19-member Board of Directors for Standard Life Insurance of Indiana is Dr. Earl L. Butz, Vice President, Purdue Research Foundation; Dean of Continuing Education, Purdue University, Lafayette, Indiana; Director, Ralston Purina, Stokely-Van Camp, Inc. and International Minerals and Chemical Corp.

Dr. Butz was first elected in 1951 to the Standard Life Insurance of Indiana board of directors and was elected to a new three-year term on the board on April 30, 1971.

As of December 31, 1970 he owned 2,310 shares of the company (November 24, 1971 market value—$21,367).

In addition to Dr. Butz two other members of the Standard Life Insurance of Indiana board have served in agribusiness-related organizations.

John L. Richardson, Vice President of Agricultural Relations for the company is the retired director of advertising and public relations for Allied Mills, Inc., Chicago Illinois, and Robert B. Stewart, Vice Chairman of the board and Senior Vice President of the company is retired Vice President of the Purdue Research Foundation, Lafayette, Indiana.

EXHIBIT 3

LAND GRANT COLLEGES: POWER AND POVERTY

(By Jim Hightower)

There is a troubling paradox in rural America. On the one hand, the mechanization and incorporation of the farm has led to an industrialized agriculture that has produced an enormous bounty of food products and that has created great agri-business wealth for the few. On the other hand, those same forces of industrialization have produced enormous poverty for the many—some 2.5 million farm workers receive exploitative treatment from their agri-business employers and live in misery and degradation; over half of the farmers in the country make sales of under $5,000 a year and steadily are being forced out of the markets and off the land; entire rural communities are folding up and becoming ghost towns, and their residents are trying to squeeze into cities that do not want them and cannot accommodate them.

The sixty-nine land-grant colleges in this country have been a major force in the creation of this paradox. On the one hand, they have lent their considerable resources to the development of an agricultural industry and to the service of agri-businessmen; on the other hand, they have withheld their considerable resources from the development of a total rural community and the crying needs of all rural Americans.

Land-grant colleges are the result of a deliberate national policy to foster the agricultural arts and to put science to work for the well-being of rural America. This was a policy developed at a time when the overwhelming majority of all Americans lived in rural areas, and when all rural Americans either were farmers or were economically dependent on farmers.

The colleges were created through the Morrill Act of 1862, which offered a grant of Federal land to each state that would agree to establish an agricultural college. Then, in the Hatch Act of 1887, the Federal government established an agricultural experiment station on each of these campuses. As the research and teaching staffs grew, there developed a need to disseminate the practical knowledge throughout the countryside; Congress met that need in 1913 by passing the Smith-Lever Act, which created the Agricultural Extension Service. These three acts are the legislative basis for today's land-grant colleges, and the contemporary history of the acts makes clear that the institution they created was to serve the most inclusive rural constituency and was to be concerned with the broad needs of rural America.

That they have failed to honor this broad mandate is obvious. Instead, they have narrowed their focus almost to the exclusive service of agri-business, leading a *Wall Street Journal* writer to describe the land-grant college as "a tax-paid clinic for a major industry." After World War II, the land-grant college scientist and economist became a partner to agri-business much in the same sense that other academicians entered into unquestioning partnerships with the defense establishment. Farm machinery, pesticides, hybrid plants, new feeds, processing systems, management techniques, packaging materials, marketing schemes, and literally every other agri-business need has been developed on these campuses, often at the specific request of the industry. The expertise has been on call to those who had the power to call it; those without power—farm workers, small farmers, the rural poor and aged, and the small rural businessmen—have not been invited to help make research decisions, though they have had to suffer the enormous social and economic consequences of those decisions. To their discredit, land-grant college academicians have failed to look hard at the total impact of their work or to question seriously their research priorities.

There recently came to light a graphic demonstration of land-grant college insensitivity to the needs of its broader rural constituency. In this case, Cornell University is the offending institution.

The New York State College of Agriculture at Cornell University is considered generally to be one of the very top land-grant colleges in the country. Including its carry-over from the previous year, the College operated in 1970 with a $41 million budget, and its annual report literally is stuffed with beaming references to the good it was able to do agri-business. In his 1969 report, Dean Charles E. Palm noted this achievement of his College: "Apple growers, faced with a diminishing supply of seasonal labor, were assisted in exploring various ways to mechanize operations to eliminate labor."

That passage takes on a poignant dimension when it is realized that the Cornell College of Agriculture itself is the owner-operator of an apple farm that until very recently employed migrant farm labor.

The College owns or has use of about 13,500 acres of land in New York. Two hundred acres of that can be found far upstate, outside the town of Sodus. This is apple country. The Cornell fruit farm spreads off US 104 right to the water's edge of Lake Ontario. Far back from the highway, discreetly set out of sight behind the well-kept trees, was Cornell University's very own migrant labor camp. Over the years, about 50 farm workers—mostly Blacks and Puerto Ricans—have been coming up from their homes in Florida to work the Cornell apples during the June-November growing season.

Cornell did not provide much in the way of a summer home—as a doctor in a countywide health clinic observed: "It is ironic that a humanitarian institution [he means Cornell] should run one of the worst camps in New York. The conditions at Sodus were what migrants have come to expect wherever they go: a family of eight lived all season in 1½ rooms; there were outdoor toilets only, with no heat or light; walls were cracked and leaking; and there was no heating system, so workers were forced to keep their gas burners on their cooking stoves going 24 hours a day. It's the same old stuff, only this time there is the bitter irony of knowing that it's coming from a tax-supported institution with a legislative mandate to serve all rural residents."

This is no innocent oversight. The College of Agriculture has held the deed to this farm for ten years, and they were using the farm (and the workers) long before they acquired the deed. It can be stated bluntly: the New York State College of Agriculture knowingly exploited these workers.

Worse yet, this powerful and rich institution has reacted either with hostility or with benign neglect whenever it has been suggested that the College is accountable for the plight of those workers. In 1968, an organizer for the United Farm Workers Organizing Committee telegraphed the president of Cornell, requesting recognition of UFWOC as the bargaining representative of the 52 workers then living in the College's camp. The College disvowed everything but actual ownership of the farm, claiming that their resident manager was "solely responsible for the entire operation of the farm. Cornell University has no employees, I repeat, no employees of any kind at the . . . farm."

That is a ludicrous bit of wriggling on the hook. Of course Cornell has workers there —who does the farm manager and the crew leader and the migrants themselves work for if not the institution that owns and profits from the farm and that directly or indirectly pays their salaries? The final word on unionization was handed down through the farm manager, who told the UFWOC organizer that if "any of my workers start talking about that union, I'll put them on a bus and send them back home."

In 1968, Cornell had an opportunity to respond to the obvious needs of its own farm workers and to offer an exemplary labor policy that could benefit others. A professor in Cornell's school of Industrial and Labor Relations came forward with a research proposal to study the conditions of migrant workers in New York and to demonstrate means of self-help, using the Cornell farm, camp and workers as a demonstration unit. His plan—which would have cost just over $10,000—was scuttled: "I can only conclude that the decision to abort the project stems from the traditional concerns that the College of Agriculture has with its traditional clientele, the growers of New York State."

In August of 1970, Cornell took still another step backward of this issue. During his campaign for the attorney generalship of New York, Adam Walinsky made a highly publicized tour of upstate migrant labor camps. Just before Walinsky made his rounds—perhaps the very day before—a sign that designated the Sodus farm as a Cornell Demonstration Orchard prudently was taken down. People in the area report that the sign had been in good repair and, in fact, had been freshly painted. It has not been put up again.

By late 1970 and early 1971, the Cornell camp was becoming an increasingly visible embarrassment to university officials. Outside interests, including the Migratory Labor Subcommittee of the U.S. Senate, were making inquiries. On campus, students had learned about the camp—the university senate was investigating and reporters from the *Cornell Daily Sun* began to come around with questions. Finally, the story broke to a national audience in the *New York Times*.

Here was the chance to admit past error and to announce a positive program of response. This influential rural institution could have chosen to apply its resources and its experience to the development of a model labor community and to the pursuit of answers to the difficult questions of farm labor relations. It could have begun here to meet its obligation to seek solutions for the really crucial problems facing rural New York. Instead, the College simply tried to wash its hands of the whole affair—"We're going to beat the hell out of the thing," blurted Dean Charles Palm. And they were.

On March 18, Cornell President Dale Corson met with two students who had come to ask him to intervene in behalf of the farm workers. Not only did he refuse their plea, but he also revealed that the College of Agriculture already had dealt with the issue—just hours before the meeting with the students, a bulldozer had razed the camp and covered the site with dirt. It had been decided to mechanize the farm; ironically, mechanization would be possible because of the apple shaker developed at the College.

The workers in Florida have been notified that Cornell will not be needing them any more—never mind that they have depended on that income (half a year's worth) for more than a decade. Not only was there no consultation with the workers on this decision, but those workers will get no severance pay, and they are excluded nationally from the unemployment compensation program. At least, they no longer will be Cornell's problem. Because of the public exposé and because of continuing student pressures, the College of Agriculture has offered a token proposal that will do nothing for the farm workers they have displaced, but that will provide 1¼ additional county agents to work in the Sodus area during the next year.

Obviously, more than that is required. Just as Cornell could not avoid its accountability by turning its back, neither can it meet its responsibility simply by posturing toward reform. A fundamental shake-up is required—a shake-up that will re-orient the College of Agriculture and cause it to respond to the needs of farm workers, small farmers, and rural communities.

Despite its failures, Cornell cannot be singled out as the sole villain. The narrow agri-business focus that is found at the New York State College of Agriculture pervades land-grant colleges throughout the country. The entire land-grant system—the 69 colleges, the experiment stations, the extension service, and the research offices of the U.S. Department of Agriculture—must bear the burden of accountability, and that system must be made to respond to all elements of its rural constituency.

A drive through rural America today, or a glance at the statistics on rural poverty and rural out-migration, is clear evidence that what has been good for agri-business has not proven good for all, or even for most. Those most in need have received the least attention. No one proposes that the land-grant system should abandon its traditional concern with farm productivity, nor is it even suggested that agri-businessmen no longer should be consulted about research. Rather, the point simply is that agri-businessmen are but one element in rural America, and the tax-paid land-grant system must be forced to consider agri-business research demands within the broader context of total rural need.

I am concerned in examining Dr. Butz's affiliations and background if he, as Oren Lee Staley, president of the National Farmers Organization has asked, "is a symbol of the betrayal of agriculture by some of its educational institutions to giant corporate interests?"

Dr. Butz is a product of the land grant college of Indiana—Purdue University. He has a B.A., a B.S.A. and a Ph.D from Purdue. He has been on and off the Purdue payroll since 1934, serving as a graduate research assistant, a professor of the Department of Agricultural Economics, Dean of Agriculture, Dean of Continuing Education and Vice-President and Director of the Purdue Research Foundation.

Land grant colleges were authorized and endowed under the Morrill Act of 1862, the same year that the Department of Agriculture was created. In 1887, the Hatch Act created a system of Agricultural Experiment Stations, attached directly to these campuses.

In 1914, the Smith-Lever Act created the Extension Service to carry the benefits of the land grant college research to the people of rural America. In each of these acts, the intention was that the benefits of this land grant college system would flow to all rural Americans.

There are 69 land grant colleges today, located in every state. In fiscal year 1969, federal and state taxpayers put $223 million into research alone at these colleges. Add in tax money for Extension, and the figure approaches half a billion a year.

That is the largest research and development focus there is in rural America. But, in spite of its congressional mandate to serve all rural Americans, the land grant college system has focused the overwhelming share of its resources on agricultural efficiency and on the peculiar needs of agribusiness.

Purdue University has been no exception. In 1969, for example, the Agricultural Experiment Station at Purdue received a total of $8,101,673 for research on projects involving 172.9 scientific man-years (SMY). Very few of these resources were expended on what the U.S. Department of Agriculture calls "people oriented research."

	SMY	Amount
People as individuals	0.07	$38,819
Family members	2.30	31,885
Food	3.20	127,423
Total	5.57	188.127
As compared to—		
Corn	16.3	575,577
Poultry	5.7	331,520
Swine	9.9	506,811
Total	31.9	1,413,908

Of the Station's research bulletins (July, 1969–June, 1970) not one was aimed at the general rural community.

There was, however, a bulletin titled "An Examination of Furniture Casters."

In a list of over 350 scientific papers (July, 1969–June, 1970) not one paper was on a topic of value to the general rural community.

Yet, there was a paper titled "Evaluating Sands for Athletic Turf."

In 1969–70, Purdue received over $330,000 in research money from private industry. Many of the contributions were from chemical and oil companies. Names appear such as Chemagro, Chevron, Niagara, Gulf, Monsanto, Uniroyal Chemical, Union Carbide, and Eli Lilly. Other well known names associated with food processing appear such as Swift, Armour, Beech-Nut, General Foods and Quaker Oats.

Other industries that have a more intimate relationship with Dr. Butz also sponsored research.

They include International Minerals and Chemical Corporation (from which Dr. Butz received a $10,000 remuneration as a member of the board of directors and in which he owned 2000 shares of stock) and the Indiana Canners Association. IMC Corp. contributed $15,495 for use in developing growth regulators in field crop production and $550 for an evaluation of Thurdide-Pyrethrin mixture in pressurized spray. The Indiana Canners Association (whose president is W. B. Stokely, who is on the Stokely Van-Camp board of directors with Dr. Butz) contributed $12,500 for improvements in productivity and handling of raw products for the canning industry.

One question that arises here when discussing industry supported research is whether the grant for the project covers the real cost of the research for it is a fact that any improvements made by the experiment station while testing goes to the company gratis.

EXHIBIT 4

[Telegram]

OKLAHOMA CITY, OKLA,
November 15, 1971.

Hon. FRED HARRIS,
U.S. Senate,
Washington, D.C.:

Press reports about the philosophies of Secretary-designate Earl L. Butz appear to place him in direct opposition to the best interest of Oklahoma Farmers and our State's economy.

Mr. Butz's strong connections with corporate conglomerates who are making major inroads into farming-ranching enterprises would cast serious doubt as to his acceptability as Secretary of Agriculture.

Mr. Butz's endorsement of consolidated farming and fewer farm families, as quoted by Nick Kotz of the Washington Post and reported in the Oklahoma Journal, ignores two factors:

First—the family farm is a way of life. By forcing families from the farms the rural people are moving into congested urban areas and adding to the problems of our cities.

Second, the experience and tradition of the family farm has produced food for Americans at historically low price, Americans now pay about 16% of their income for food. There is no guarantee that agribusiness combines will continue this trend. Indeed, evidence points sharply toward the fact that the opposite is inevitable with conditions moving closer to monopolies.

While President Nixon is to be commended for changing his mind about abolishing the Department of Agriculture, the confirmation of Mr. Butz as Secretary could have the same impact on Oklahoma Ranches and Farms if his views have been correctly reported.

Your courageous opposition to Mr. Butz appears sound and in the best interest of Oklahoma Agriculture.

Mr. Butz should answer many questions including the following:

1. Should farmers be given collective bargaining power to deal with agribusiness?

2. With fewer food processors, would not opportunities for monopolistic control and subsequent consumer price increases be inevitable?

3. With competition reduced would not the food and fiber industry be tempted to less innovative and reduced productive thinking?

4. Were not the great advancements in agriculture made in a highly competitive, family farm environment?

5. Does not your past close relations with corporate conglomerates place you into a position that would detract from your understanding of the needs of a farmer who desires to serve his nation and make a living on his own free enterprise farm?

6. As farm families are displaced and move to urban areas, how do you propose to utilize workers with farm training in city settings?

Having recently returned from the Soviet Union, I toured the collective farms and saw the listless inefficient and high-cost production of state farms, that was the result of a far-leftwing swing.

In studying Mr. Butz' promonopolistic point of view, especially in light of agribusiness' declaration to control food from the "seedling to the supermarket", I foresee uninspired peonage for farmers and higher prices for consumers, that could be the result of a far-right-wing swing.

Oklahoma farmers want a voluntary farm program that will provide fair and equitable prices for their work and products. They want a responsive Secretary of Agriculture who believes that a viable farm program can preserve family farms which produce quality food at reasonable prices.

Your support of these positions would be deeply appreciated, you have my warmest best wishes.

DAVID HALL,
Governor of Oklahoma.

EXHIBIT 5

NATIONAL COUNCIL ON HUNGER CONDEMNS BUTZ APPOINTMENT

To approve Earl Butz's ascension to the post of Secretary of Agriculture—entrusting him with the task of safeguarding the Federal programs designed to feed our hungry and malnourished poor—is to welcome the laughing hyena as the shepherd's watchdog. The shepherd may want the hyena confirmed as his sentinel, but that will not be doing the flock any favor.

The hyena laughs, but the joke is upon those he destroys. He prays upon the weak and disabled, attacking only those who have not the strength to fight back. So Dr. Butz courageously makes sport of the starving migrants and Eskimos whose nutritional well-being he may be charged with guaranteeing. So Dr. Butz ridicules as too "generous" a food stamp program that has stagnated in reaching only 41% of its target population (10.6 million of 25.5 million poor) with the cornucopian sum of 30 cents a meal. What a comfort to those twenty-five million to realize that he may soon become the guardian of their survival.

The metaphor is appropriate. The appointment is not. The shepherd must not be permitted to have his way.

For nearly two years, the Office of Management and Budget (OMB), disguised in sheep's clothing labelled "End Hunger in America Itself for All Time,' has been gnawing away at each of the food programs in turn. The Department of Agriculture (USDA), never noted for its clout, ineffectually protests, and, bit by bit, the programs dwindle, until Congress and the public intervene to fend off the wolf. In 1970, USDA did manage to keep the food stamp budget intact and even salvage funds to finance congressionally-dictated expansion of school lunch. But 1971 has not been a very good year at USDA:

In April, OMB sliced 1.7 million welfare recipients from the food stamp rolls (restored later under pressure).

In June, it was one million ghetto children who watched OMB wolf down their summer meals (restored later under pressure).

In July, it was the upper-level poor who had a large bite taken out of their food stamp benefits (no restoration).

In August, it was the school children's turn to have their lunches devoured because of curtailed funds to the states (restored later under pressure).

In September, it was commodity recipients who learned that an irregular diet of rotten food was to continue to be their lot (no change).

In October, it was 1.5 million pupils whose lunches were in jeopardy from the jaws of OMB (restored later under pressure).

In November, the threat is to breakfasts in schools and meals in day-care centers.

By now OMB has almost run out of programs to consume. What better ally could it have by its side as it confronts the challenge of 1972—denying more food aid to more needy people—than Dr. Butz. No longer need it put up with objections from USDA as it guts the pledged efforts to terminate hunger. At least someone after its own heart (or, rather, lack of it) will be in command. The wolf and the watchdog can lie down together. May the flock rest in peace.

EXHIBIT 6

FRIENDS OF THE EARTH OPPOSES THE NOMINATION OF DR. BUTZ AS SECRETARY OF AGRICULTURE

Friends of the Earth is opposed to the nomination of Dr. Earl L. Butz as Secretary of Agriculture because of his close identification with socially and environmentally farm policies. It would be hard to find a person more closely associated with agribusiness and the big corporate farm than Dr. Butz. Agribusiness has not only been a major polluter of the environment but has also been one of the forces responsible for driving the family farmer off the land.

Statements made by Dr. Butz indicate that he is openly antagonistic toward the environmental movement and completely unsympathetic to the environmental problems facing the country and the world. In a speech last April 26, 1971, Dr. Butz asserted:

"This fadism that we follow as a nation and currently its ecology and pollution and it hits us in agriculture right in the solar plexus. But, we are now completely dependent on a scientific agriculture, upon the use of these things which are dangerous."

". . . then I see these environmentalists on the other side trying to hold us back and trying to impede—not trying, but the net effect is to impede—the progress we're making in scientific agriculture."

Dr. Butz is completely oblivious to the significant environmental dangers resulting from the excessive use of pesticides and inorganic fertilizer, the clear-cutting of our National Forests, and the channelization of our rivers and streams. Yet as Secretary of Agriculture he will administer many programs which have far reaching environmental consequences for our land, our forests and our rivers and streams.

Friends of the Earth urges the Senate not to approve the nomination of Dr. Butz.

EXHIBIT 7

ANTIPOVERTY GROUPS OPPOSE BUTZ

Eight national anti-poverty groups today urged the United States Senate to vote against the nomination of Earl L. Butz to be Secretary of Agriculture. In a letter to all Senators, the groups stated that "a vote for Earl Butz is a vote against poor and hungry people."

The letter placed particular emphasis on Butz' public statements against food assistance programs which come under UDSA jurisdiction:

"One third of the total budget of the Department of Agriculture ($2.8 billion) is authorized for food assistance programs. 25.5 million Americans living on incomes below the poverty line are meant to benefit from these programs. Yet these are the programs that Dr. Butz has judged so harshly in public."

Noting Butz' "ties" to large agribusiness interests" and "his philosophy that the small farmer must 'adapt or die,'" the groups assert that Butz "speaks for the forces and policies that cause rather than curtail forced migration" from "rural areas to urban ghettos and slums." 30 million people have migrated "in the last few decades . . ."

"Some Senators are already prepared to vote against Earl Butz because farm income is too low," the letter continues. "The Senate must also consider the price the poor will have to pay. We submit it is too great a price."

Groups signing the letter were: Americans for Indian Opportunity Action Council, Crusade Against Hunger of the National Council of Churches, National Association of Social Workers, National Council on Hunger and Malnutrition, National Sharecroppers Fund, National Welfare Rights Organization, Southern Christian Leadership Conference, and the Washington Research Project Action Council.

NOVEMBER 29, 1971.

DEAR SENATOR: We urge the United States Senate to refuse to confirm Dr. Earl L. Butz as Secretary of Agriculture. We are convinced that a vote for Earl Butz is a vote against poor and hungry people.

As more information about Dr. Butz has become public—his ties to large agribusiness interests, his philosophy that the small farmer must "adapt or die," his belief that the Nixon proposed Family Assistance Plan is "too generous," his opposition to an adequate food assistance program—it has become abundantly clear that this man, a spokesman for a small, powerful, and often destructive minority in rural America, can only exacerbate the crisis which confronts the majority of poor people in America and weighs most heavily against the rural poor.

One third of the total budget of the Department of Agriculture ($2.8 billion) is authorized for food assistance programs. 25.5 million Americans living on incomes below the poverty line are meant to benefit from these programs. Yet these are the programs that Dr. Butz has judged so harshly in public.

We point out that the Department of Agriculture has a mandate to serve poor people. Poor people in America have President Nixon's promise to "end hunger in America for all time." That includes rural Americans: the small farmers, sharecroppers, tenant farmers, farmworkers, Indians, and men, women and children dependent upon agriculture. A large percentage of this constituency is poor or near poor. Look at the facts 12 million people in rural America live in poverty; ⅔rds of the bad housing in this country is in rural America; 10,000 rural schools do not have lunch programs; 30,000 rural communities have no water or sewer systems.

And that mandate applies to urban America as well: the poor who qualify for school lunch and food stamps and commodities, and the continuing tide of people being forced to migrate from rural areas to urban ghettos and slums (30,000,000 in the last few decades) because of corporate farming, mechanization, and the failure of the government to find alternatives to the decline of small-scale farming. Does Dr. Butz's dictum "adapt or die" apply to these people?

If Dr. Butz is appointed, will he speak and act progressively for these interests and concerns? We think not. He speaks for the forces and policies that cause rather than curtail forced migration. He speaks against the programs that help the poor. A vote for Dr. Butz is a vote against the poor, who are dependent upon a range of USDA programs from food stamp and food distribution programs to rural housing and farmer cooperative assistance.

Some Senators are already prepared to vote against Earl Butz because farm income is too low. The Senate must also consider the price the poor will have to pay. We submit it is too great a price. If hunger and malnutrition are to end in America and if rural America is to become something other than an "underdeveloped country" in our midst, the nomination of Earl Butz must be defeated.

Americans for Indian Opportunity Action Council; Crusade Against Hunger (National Council of Churches); National Association of Social Workers; National Council on Hunger and Malnutrition; National Sharecroppers Fund; National Welfare Rights Organization; Southern Christian Leadership Conference, and the Washington Research Project Action Council.

EXHIBIT 8

STATEMENT OF NATIONAL WELFARE RIGHTS ORGANIZATION

Gentlemen: I am Mrs. Johnnie Tillmon and I represent the National Welfare Rights Organization which represents 100,000 welfare recipients and other poor people in this country.

We understand the appointment of Dr. Earl Butz to head the Department of Agriculture—the message comes through to us loud and clear.—Mr. Nixon is out to get the poor.

President Nixon fathered the Family Assistance Plan, welfare 'reform' which forgets the humanity and destroys the dignity of millions of Americans who can't "make it" in his sagging economy.

Mr. Nixon made a "deal" with Congressman Mills and with Senator Long, Senator Percy and Senator Ribicoff so that the States won't get hurt by losing money under the Family Assistance Plan. But Nixon and his dealers have not even considered making a program that will keep the people from getting hurt . . . 90% of all welfare recipients will have their total grant cut under FAP. And in 21 states plans to cut the pittance to the poor are already going into effect.

Mr. Nixon authorized the enslavement of the welfare recipients in New York.

A man with that philosophy is a man who lives in the past, in the days of the English Poor Laws, a man who has already written off any personal concern for the reality of American poverty and American hunger. Our concern is that if such a man were to head the Department of Agriculture he would "write off" the food stamp program the commodities program the child nutrition programs, and take the $2.8 billion that USDA gets for those programs and spend it on chemical pest control research and Senator Eastland's welfare check.

Dr. Earl Butz would like to ignore the poor. The poor would like to "forget" Dr. Earl Butz.

Dr. Earl Butz refuses to recognize the poor. The poor would like to refuse to recognize Dr. Butz.

EXHIBIT 9

(Statement of the Agri-Business Accountability Project, Presented by Jim Hightower before the Senate Subcommittee on Labor, September 16, 1971)

Mr. Chairman, my name is Jim Hightower, and I am testifying for the Agri-Business Accountability Project. Our Project is a public interest research effort that has been working since last October on an examination of the role of big business in agriculture and in rural America. The Project is sponsored by three Washington, D.C. organizations—the Center for Community Change, the Project on Corporate Responsibility, and the Washington Research Project. The Project is based in Washington, D.C. and is funded by the Field Foundation.

This Project is here to tell you flatly that there simply is no excuse to deny farmworkers *exactly the same* minimum wage coverage enjoyed by all other industrial workers. Anything short of equal coverage now is to steal from the pockets of thousands of America's most deprived workers and to put that little savings into the corporate bank accounts of American agri-business.

The condition of America's farm workers and their families is no secret. Since the early New Deal, a year has not passed without a congressional hearing, a presidential report, a White House conference, a major book, a television documentary, or some other high-intensity exposure of farm worker misery. That misery need not be detailed again here. Suffice it to report that nothing has changed—farm worker families today live in stifling shelters that are without heat, plumbing, privacy, or hope for human happiness; their health continues to make a mockery of this nation's enormous wealth; their exploitive wages and inhuman working conditions persist in a day when all other laborers are ensconced in powerful, protective unions; and their economic and political powerlessness put the lie to this country's pretensions about freedom of opportunity.

John Steinbeck said all that needs to be said in this passage from The Grapes of Wrath:

"There is a crime here that goes beyond denunciation. There is a sorrow here that weeping cannot symbolize. There is a failure here that topples all our success."

It might be expected that the government of a civilized society would respond to such obvious need. The American government has not. Because of the opposition of agri-business, farm workers deliberately were excluded from practically every piece of New Deal labor legislation. Still today, they are denied the right of collective bargaining, which was assured other workingmen by the Wagner Act of 1935. Whether a man is a government bureaucrat, a university professor, a carpenter, an aircraft engineer, or even a grower, he is entitled to unemployment compensation when he is out of work; the farm worker is not, even though his employment is among the most insecure. Farm work is the third most hazardous industry in this country, but only 21 states allow workmen's compensation for farm workers, and only 14 of those give him the same protection afforded others. Farm workers did not get minimum wage protection until 1963, and even then the coverage was made dramatically less than that enjoyed by other workers. The child labor standards are lower for farm workers, allowing an estimated 375,000 children of 10 to 13 years old to do farm work in 1969. Coverage of farm workers under the Social Security Act did not come until 1951, and today it remains less comprehensive than coverage for all other workers.

Mr. Chairman, the U.S. Department of Agriculture reports that "about 2.5 million different persons did some work on farms for cash wages or salary in 1970." About one and a half million of those did farm work only; on the average, they were able to find work for only 102 days of the year and were able to earn a pitiful $1,083. The remaining million workers combined an average 114 days of other jobs with 49 days of farm work in an effort to make ends meet; they came away with $2,461 for their year's labor. Less than 12 percent of this country's farm workers were employed year-round; they were the highest paid, pulling down a whopping $3,467 for 1970.

These wages are a scandal. These are the miserable earnings of families who are engaged in some of the very hardest work of our society and who are employed in one of our most dangerous industries. These are not people unwilling to work; on the contrary, they are so eager to work that many of them travel thousands of miles a year looking for jobs. They work for some of the biggest corporate names on Wall Street, yet they have been denied full coverage of our minimum wage laws.

This Subcommittee, previous congresses and a succession of presidents must bear the shame for that and be held accountable, for all of you have had the power to make the difference and you have refused to exercise it. Again and again, farm worker needs have been traded off in order to gain something for someone else. The Agri-Business Accountability Project looks directly to the members of this Subcommittee finally to demand and to hold firm for this small bit of simple justice for laborers in our agricultural industry.

Just as we have seen today, there has been a constant parade of agri-business spokesmen coming before committees to oppose any legislation that would provide amelioration of the farmworker's plight. They have come in the name of the small family farmer, seeking to pit his misery against that of the farm workers. In fact, these organizations do not speak for small family farmers at all and are not concerned with his needs, any more than they are concerned with the needs of farm workers. By accepting the agri-business line, congress has been sold a bill of goods, while small family farmers have been badly used and farm workers have been kept in bondage.

Mr. Chairman, food is an industry in this country, just as automobiles, electronics, and defense hardware are industries. In fact, food is the largest industry in America. The country's grocery bill ran to $91 billion in 1970. Restaurant food tabs ran that total to $114 billion. But it is not the small family farmer who has brought that bounty to us—it is a massive, industrialized system called agri-business.

In the last published census of agriculture, the farm wage bill totalled $2.8 billion. More than $1 billion of that (37 percent) was paid by those farmers classified as "large" by the U.S. Department of Agriculture. Another $1.1 billion (41 percent) was paid by the .9 percent of growers in USDA's "largest" category. *In short, the "large" and "largest" growers were accountable for 78 percent of the total farm labor wage bill.*

The 1.8 million "small" farmers, who are the focus of so much agri-business concern here in congress, laid out only $144 million for wages—only 5.2 percent of the total. In fact, 92.7 percent of the farms in this country employed no laborers, or what amounts to one hired hand for less than a full year.

Without question, Mr. Chairman, farm workers are the responsibility of agri-business—the "large" and "largest" growers who comprise less than 13 percent of all farms, but who hire the overwhelming majority of farm workers. These are industrial giants. The "largest" growers—a mere nine-tenths of one percent of the farms (about 26,000 in number)—averaged $272,000 in sales. In addition, they accounted for:

29 percent of all feed bought.

39 percent of all livestock and poultry bought.

24 percent of all machinery hired.

11 percent of all fuel bought.

17 percent of all seed bought.

16 percent of all fertilizer bought.

41 percent of all labor hired.

These massive operations are growing more dominant every year. Who are they? Who are some of these "farmers" in whose names and through whose lobbies farm workers are denied something so minimal as the minimum wage paid in all other industries?

One of them is Del Monte Corporation, the largest producer and distributor of canned fruits and vegetables in the world. This agribusiness giant owns 32,000 acres of farm land and leases an additional 77,600 acres throughout the United States. It directly hired up to 39,000 seasonal laborers in 1969. It was accountable for many more farm workers through crew leaders and other contractual arrangements. This farmer had 1970 sales of $681,492,000 and profits of more than $14 million. Considering their salaries alone, Del Monte directors and officers were paid $1,336,575 in 1970. Mr. Eames, the President of the corporation, received a salary of $110,000 and additional benefits amounting to more than $77,000.

Another big time fruit and vegetable processor is Green Giant. This corporation, with annual sales in the vicinity of $200 million, has some 285,000 acres under cultivation and hires some 18,000 seasonal workers. In the 1960–1967 period, Green Giant's profits more than tripled. It is interesting to note that this corporation plows 10 percent of its sales into marketing, including advertising with little cartoon farm workers who assure us that all is happy in the valley of Green Giant. While their real life farm workers try to make it on a minimum wage of $1.30 an hour, the officers and directors of the company are pulling down well over $600,000 in salaries and retirement benefits. Mr. Cosgrove, Chairman of the Board of Green Giant, made off with $100,000 of that.

Stokely van Camp is another giant canner. It had $274 million in sales and revenues in 1970. The company employed 19,000 seasonal workers in its plants and fields that year. The Agri-Business Accountability Project found last spring that Stokely van Camp farm workers in Illinois were averaging $57.78 a week take-home pay for an average of 41 hours work snapping asparagus. Asparagus may be tender on our plates, but it is tough to harvest, and with $57.78 a week coming in you cannot afford to enjoy much Stokely van Camp asparagus anyway. Stokely's top officers and directors could enjoy life a bit more, pulling down a total of $318,000 in 1969. Mr. Stokely himself received more than $82,000 in salary, profit sharing and retirement benefits.

Mr. Chairman, these are only three of the "farmers" who we are asking to pay a fair minimum wage. We could as easily have selected some of their farming colleagues—such familiar names as Tenneco, Bank of America, General Foods, Dow Chemical Company, Royal Crown Cola, Purex, McNeil & Libby, Prudential Insurance Company, Union Carbide, Coca Cola, American Brands, United Brands, Alico, and Goodyear Tire and Rubber Company. Or we could have chosen some of the agribusiness family corporations—Duda and Sons or Wedgeworth in Florida; Senator Bentsen or Griffin and Brand in Texas; DiGiorgio or Bud Antle in California.

These are the enterprises hiring farm workers, not small family farmers. In Illinois, for example, 80 percent of the farm workers are hired by only four giant companies. These firms have the money and the managerial apparatus to pay minimum wage without any burden whatsoever. It is ludicrous to deny farm workers any benefits on the basis that their employers will be hurt.

We do recognize that small farmers and medium-size farmers employ some farm workers, and we can see that a fair minimum wage for their farm workers can be an unfair burden. But the answer is not to deny that minimum wage. The answer is to subsidize the small farmer's wage bill. Even if the public were to pay the entire wage bill of the small farmers, it would amount to under $200 million a year. Mr. Chairman, that is less than this Congress and the Nixon Administration gave away to Lockheed. It is a sum that is insignificant in the light of the $3.7 billion that is allocated to growers through the farm subsidy payment program. It is a proposal that has been suggested by no less a radical than Chairman Bob Poage of the House Agriculture Committee. It is a proposal that this Subcommittee should consider seriously.

The Agri-Business Accountability Project looks directly to this Subcommittee to call a halt, finally, to the tactic of playing the small farmer against the farm worker. Call the hand of those agri-business spokesmen. It is time that farm workers had their minimum wage, equal to that paid in other industries.

AGRIBUSINESS ACCOUNTABILITY PROJECT

(A report on Stokely-Van Camp, Inc., and migrant farmworkers in Illinois)

CORPORATE PROFILE

Stokely-Van Camp, Inc., according to a 1970 report, ranks 42nd among all food processing firms and sixth among canning firms in the nation.

It is engaged in purchasing, processing, and packaging a complete line of canned and frozen fruits and vegetables under several labels, including "Van Camps," "Stokely's Finest," "Fame," "Exquisite," "Stokely's Jellies and Preserves," "Honor Brand," "Sunshine," and "Picsweet."

Its stock is listed on both the New York and American Stock Exchanges.

For the year ending May 31, 1971, Stokely's net sales and operating revenues were $280,863,388, an advance of $6.2 million from 1970. Net earnings were $6,602,058 up $2.3 million from 1970.

The company is listed 362nd in sales according to *Fortune* magazine's top 500, number 420 in net earnings with a year's growth rate of 0.69%.

As of May 31, 1971, Stokely-Van Camp had outstanding 156,098 shares of Second Preferred Stock and 3,360,015 shares of common stock, both entitled to vote, collectively. (It also had no-voting Preferred Stock). An aggregate of nearly 13% of the outstanding voting stock is controlled by the Stokely family and high officials of the company.

The company at the end of Fiscal 1970 was owned by 14,364 individuals, partnerships, estates, trusts, investment companies and other institutions who were holders of record as well as by many other whose stocks were held for them in the names of others.

It has 6000 permanent employees and a large number of seasonal or temporary employees during the packing season (See Workers).

Of the nearly 12,000 acres producing vegetables for processing by Stokely-Van Camp, 9000 acres are under contract. It owns 2350 acres of farm land in Tennessee and leases smaller amounts in other states, including 373 acres in Vermilion County for part of its Hoopeston, Illinois operations.

Incorporated in Indiana in 1936, Stokely-Van Camp has its executive headquarters in Indianapolis.

In addition to its four subsidiaries (see below) its canned foods division (Van Camps, Stokely's Finest, Gatorade) operates in California, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, New Jersey, Ohio, Tennessee, Texas and Wisconsin. Its frozen foods division (Stokely's Finest, Picsweet) operates in California, Florida, Indiana, Minnesota, Oregon and Washington. In the latter operation, Stokely-Van Camp Inc. leases land from Indian reservations (tax free) to grow crops, according to one report.

The Capital City Products Division, a processor of food oils to produce highly specialized products utilized by other processors as ingredients, has its general offices and operations in Columbus, Ohio. Pomona Products Division's general office and operations are in Griffin, Georgia. It distributes and processes a line of southern vegetables (Sunshine). It is the major marketer of pimientos in the United States.

The Kuner Empson Company Division, with headquarters and operations in Brighton, Colorado, distributes a line of canned fruits and vegetables (Kuners) in the Rocky Mountain and Plains areas. Purity Mills Division, with headquarters in Dixon, Illinois, and operations in Illinois, Indiana and Ohio is a processor of unpopped popcorn (Popeye, Betty Zane) and puffed wheat and rice (Popeye).

Stokely's Can Manufacturing Division, with a general office in Indianapolis, Indiana, and operations in California, Indiana, Tennessee, and Illinois, is a manufacturer of cans from tin plate. The cans are supplied to other divisons.

Subsidiaries of Stokely-Van Camp include: M. W. Graves and Company, Ltd., and Canada Foods, Ltd., Berwick, Nova Scotia are distributors and processors of canned and frozen vegetables and fruits sold in Maritime Provinces of Canada under their own labels.

Hawaiian Fruit Packers, Ltd., Kapaa, Kauai, Hawaii are packers of pineapple products for sale and use of Stokely-Van Camp, Inc.

Stokely-Van Camp of Puerto Rico, Manati, Puerto Rico is a sales corporation.

Stokely-Van Camp of Canada, Ltd., Essex, Ontario, Canada, are processors and distributors of canned vegetables distributed in Prairie Provinces of Canada under its own label.

In addition to Dr. Earl L. Butz (who serves on the board of directors of Ralston Purina, International Minerals and Chemical, and Standard Life Insurance Company of Indiana), at least four other members of the nine-man Stokely-Van Camp, Inc. board serve in agribusiness-related organizations.

J. W. Fisher is president of the Ball Corp., a glass and bottle-maker, which is a supplier to Stokely-Van Camp, and serves on the board of Calvert Exploration Company, a chemical manufacturer.

H. R. Warren is on the board of directors for K-B Farms, Inc.

W. B. Stokely III is president of the Indiana Canners Association.

D. H. McVey (who served with General Mills from 1930–1960) is on the board of directors of the Rockford Can Company, which is owned jointly by Stokely-Van Camp, Inc. and Quaker Oats Company and is a major supplier to Stokely-Van Camp, Inc.

Stokely-Van Camp, Inc. is also the largest packer of institutional canned goods in the United States. It offers a full line of 163 canned fruits and vegetables and 80 specialty items, including some soups that it does not market for non-institutional purposes.

About 20% of its total sales in frozen foods and 12–15% of its sales in canned foods are to institutions.

The U.S. Government is a major purchaser from Stokely-Van Camp, Inc. through the Defense Personnel Support Center, Philadelphia, Pa., and the Veterans Administration Marketing Center, Hines, Illinois.

Because of its large reliance on seasonal pack items as a mainstay of its total production, Stokely-Van Camp is well suited to the use of temporary seasonal workers in its processing operations.

According to *Standard and Poor*, Stokely-Van Camp employs 15,000 seasonal workers. According to *Moody's Industrial Manual*, it employs 19,000 seasonal employees.

These figures, however, do not take into account the number of non-migrant local people who work for Stokely at the height of the seasonal pack. Also it is unclear whether these figures are merely the sums of all seasonal employees working for Stokely at various periods between April 1 and November 15, in which case some employees are counted more than once.

Figures based on the clearance orders sent through the U.S. Department of Labor, Farm Labor and Rural Manpower Service and Manpower Administration Regional Office in Chicago on August 15, 1970 (the time when Stokely employs the greatest number of migrants in its midwest operations) in its operations in Illinois, Indiana, Minnesota, Michigan, Wisconsin and Ohio, Stokely hoped to employ 2154 migrant workers.

This region contains 23 of the Stokely-Van Camp plant operations in the United States.

These figures do not include the number of minors working illegally or any over-recruiting.

The migrants recruited by Stokely for its midwest operations come from Arkansas and Missouri, but principally from Texas (moreover, in Texas they come mainly from the southern tip—the Lower Rio Grande Valley counties of Hidalgo, Cameron, Starr and Willacy).

These counties, plus Webb (from which Stokely recruits migrants) accounted for 49,000 migrants to all firms, in all parts of the country in 1969, the largest concentration of migrant workers in Texas.

The three worst pockets of poverty in the United States are in these counties. Families-with-Spanish-Surname percentages are: (incomes less than $3,000 per year)

	Percent
Webb County	59.8
Hidalgo County	72.0
Cameron County	66.7
Starr County	76.8
Willacy County	71.1

The migrant workers recruited by Stokely (primarily Mexican Americans in family groups and individuals) work at its midwest operations in Norwalk, Paulding and Curtis, Ohio; Scottsville and Croswell, Michigan; Columbus, Horicon, Plymouth and Appleton, Wisconsin, where they perform mostly in-plant canning work; Rochelle, Illinois and Tipton, Indiana, where they work as hand harvesters; Hoopeston and Gibson City, Illinois, where they hand harvest snap asparagus and work on other in-plant operations.

Stokely-Van Camp, Inc. recruits all of the migrant workers for its Illinois operations via the United States Employment Service.

CREW LEADERS

The crew leaders recruit and transport migrants from Texas to their place of employment in addition to performing supervisory functions.

At Hoopeston, Illinois, they are compensated by receiving .7¢ for every pound of asparagus picked by a member of their crew though they do no picking themselves. According to the Labor Transportation Agreement they are also paid $20.00 for each crew member they bring to the company plant.

Many of them also have trucks in which they transport the workers to and from the fields and are paid by Stokely at the rate of 20¢ per mile against a minimum of $8.00 per day.

In addition they are also allowed to operate grocery stores within the Hoopeston camp. A sample of the prices include 15¢ for a lemon, 10¢ for a banana, 17¢ for an ice cream cone, and $7.00 for five pounds of uninspected goat meat. It has been alleged that these groceries are not registered with the State of Illinois Tax Division.

It has also been reported that crew leaders arrange work thereby being the only person who knows what the farmer is offering as the working wage, *e.g.*, the going rate is $1.80 but the worker only receives $1.30.

Crew leaders also often appoint certain people to better paying jobs. Also all advances and loans made by Stokely to the workers for transportation, medical, hospital, doctor and funeral expenses has to be repaid by the crew leader.

This often encourages the crew leader to get as much work as possible out of his crew members, often forcing them to work picking asparagus while it is raining, etc.

The control the crew leaders maintain over the workers has been described as "bossism." The primary fault, however, for this lies with Stokely for they use members of the workers' own ethnic group to make the control over the workers more subtle.

The company, in giving money to the crew leaders to lend to the workers, yet holding the crew leaders responsible for this money creates control over the crew leaders by the company and control over the migrants by the crew leaders.

WAGES

Many migrants working for Stokely-Van Camp in the Midwest perform field work, primarily hand-harvesting, including the snapping as asparagus and beans and the picking of tomatoes. They are also involved in hoeing, and in setting of asparagus roots.

The migrants working on asparagus and beans are paid a minimum of $1.30 per hour (the minimum payable in 1970 according to the Fair Labor Standards Act of 1966, or in the case of asparagus snapping, a price rate, 4½–5½¢ per pound depending on the age and yields of the Hoopeston fields, and 5–6¢ per pound, including orienting in the box, in the Rochelle area.

They receive the higher of the piece rate or minimum hourly wage. However, at the Hoopeston operation, each crew leader receives .7¢ for every pound or asparagus picked by a member of his crew, or 15.5% of what each picker in his crew is paid for a *good* field, or 12.7% of what each picker in his crew is paid for a *bad* field.

In most cases in asparagus picking around Hoopeston the picking is done entirely by Mexican-Americans. The only times that "Anglos" or crew leaders are present in the fields is to supervise and to operate tractors or other machinery, for which they are paid a higher wage.

In the fruit and vegetable processing industry nationally, in the usual peak week (at the height of the seasonal pack), 39% of all nonsupervisory employees work fewer than eight hours per day, every day; and this is during the peak week; during the 20th highest week, 59% of the nonsupervisory employees work fewer than 8 hours a day.

According to Arturo Lopez of the Illinois Migrant Council, "the migrant family's income is $2,000 to $2,500 for 12 months and that includes work at Hoopeston and for many of them other trips to Michigan for cherries and into Florida later for citrus."

DEDUCTIONS

Deductions usually average about 18% of gross income per person per week. Of the deductions the largest single item generally is "other" or "manpower." This item includes deductions made for advances to workers made in Texas (after they had signed a work agreement); deductions made for hospital, medical and other expenses paid by Stokely-Van Camp. According to the clearance orders for Hoopeston, Stokely-Van Camp stated that "advances deducted at rate of $10.00 per week from workers pay." Pay stubs, however, show in many instances more than $10.00 was deducted and on one case $35.00 was deducted.

In some instances interest has been charged although at no point is the worker ever informed of this interest charge.

In addition, Stokely-Van Camp often acts as a collection agency for local merchants, doctors, and hospitals, deducting amounts these people *claim* are owed them by the migrant workers, without ever informing the migrants of these deductions until after they are made, and then only in a summary fashion, noted on a pay stub.

INSURANCE

Stokley-Van Camp has arranged for health, accident and life group insurance policies for its migrant workers. The company claims it is voluntary although there is some evidence that it is compulsory.

The life insurance policy on each migrant is $1,000; accident pays up to $240 in daily hospital benefits and up to a maximum of $200 for surgical expenses. Lesser benefits are also paid to a non-working spouse and children of the principal beneficiary.

The principal beneficiary pays $2.70 per week for coverage of both himself and non-working members of his immediate family. Each member of the worker's family pays 98 cents per week for his own coverage.

These policies do not cover the most recurrent medical expense of migrants—maternity and miscarriage expenses.

Stokely-Van Camp contributes nothing to the health and accident insurance policies (except administrative expenses) although the company does claim to contribute to the life insurance policy.

The company does not give each worker a copy of the policy, but only a small slip of paper summarizing the benefits.

In 1970 the company insuring the workers was Liberty Life Mutual Insurance Company, owned entirely by Liberty Mutual Insurance Co. (Boston, Mass.), the company being established for the purpose of providing private Workmen's Compensation to workers not otherwise covered by it.

Until 1970 Herbert F. Krimendahl served on the board of directors of both Liberty Mutual and Stokely Van Camp. After he retired he was replaced by Dr. Earl Butz (Director, Ralston Purina; Director, International Minerals and Chemical Co.; Director, Standard Life Insurance Co. of Indiana) on Stokely-Van Camp's board.

DISCRIMINATION

There is some evidence that "Anglos" are paid a higher hourly wage for work in the warehouse where migrants are paid a $1.75 per hour. If true, this would violate the Wagner-Peyser Act Regulations prescribing that wage scales for jobs performed by migrant workers must be the same as those for similar jobs performed by local workers.

The company would also be in violation, if this charge of discrimination were true, of Executive Order No. 11246 informing all government purchasing agents that they are to do business only with equal opportunity employers. In 1970 Stokely-Van Camp did over $1.3 million worth of business with the Federal Government.

HOUSING

Chester Sheard, a reporter, has described the Hoopeston, Illinois camp as follows:

"Less than a block from downtown Hoopeston, situated on land which once housed a concentration camp, stands the $10 million a year Stokely-Van Camp plant. . . . The cannery compound consists of factories for processing field crops picked by migrant workers and buildings for housing the migrants during the harvesting months . . .

"The quonset-hut type warehouses have been converted to living quarters . . .

"Rows of one room plywood cubicles have been built on each side of the building. The rooms are approximately 12'x15' and house as many as ten people. Regardless of the size of the family, there is only one cubicle per family . . .

"The floors are bare concrete and until recently, when forced to put in windows in each room, the only type of ventilation furnished by Stokely-Van Camp came from the six inch space at the bottom of the door leading to the room . . .

"The dark dreary halls must also serve as a play area for the children. The filth and make-shift appearance of the whole building is appalling."

Another report from Herb Stevens reads:

"There are a few older wooden barracks but mostly the Mexican Americans are housed inside a warehouse-like building in which one-room plywood cubicles have been fashioned . . . Stokely-Van Camp, too, provides a single bed, a stove and refrigerator and the toilet and shower facilities."

In 1970 the following violations of the Wagner-Peyser Act Regulations (regarding migrant housing) were observed:

The housing borders on the railroad tracks and is well within smelling distance of the lagoon into which Stokely-Van Camp drains its processing wastes.

There is poor traffic safety in the camp.

There were insufficient recreation facilities.

The housing was not in good repair.

The floors were coarse concrete.

There was no partition between the sleeping area of the husband and wife and the children.

Storing arrangements for the clothes were inadequate.

Unscreened spaces at the top and bottom of each door.

There was inadequate heat in the room as there were two blowers in each building which blew the air across the opened ceilings of each room.

Stoves were not vented.

No toilet paper roll holders and an inadequate supply of toilet paper.

Toilet facilities did not look sanitary.

There was no dry dressing area near the showers.

Laundry facilities were inadequate.

Food storage shelves were inadequate.

Many garbage cans were not fly tight.

Barracks contained flies, mice and cockroaches.

Mattresses were dirty (workers also reported that some mattresses had been stored during the off-season in a pesticide storage room).

Space between top and bottom bunks was inadequate.

HOOPESTON'S FORGOTTEN FAMILIES: OR LIFE IN A SLUM

(By Herb N. Stevens)

Their ads in deep southern Texas newspapers might well be worded: Spend the Summer in Sunny Illinois; Plenty of Open Air Work and Free Housing—in Your Own Ghetto . . . Except that the 1,000 migrant Mexican-Americans who come to Hoopeston early each April to work for the 2 large $10-million-a-year-volume field crop canners and who stay until as late as November 1st mostly cannot read.

The question, and the problem, finally focalizes on just what responsibility do the employers, Joan of Arc and Stokely-Van Camp, have for these Mexican-Americans, most of them illiterate even in their native Spanish . . . That these migrants are at the lowest economic level of all of America's ethnic groups is clearly evident in a tour of their free housing compounds, Joan of Arc's bordering Route 9 East and Stokely-Van Camp's less than a block from downtown Hoopeston.

The workers' only hope of escaping the poverty and misery of their Texas-to-Hoopeston-and back life cycle is to settle out of the migrant stream . . . It could happen, but more probably it won't.

Joan of Arc, which is especially big in red kidney beans, employs 179 year-round workers, 2 of whom are Mexican-Americans . . . At Stokley-Van Camp there are 100 full-time employees, and none of them are from the migrant camp.

"We have tried to keep some of our better Mexican-Americans year-around," insists Rich Tosi, the personnel manager at Joan of Arc, "but most of them want to go back to Texas, where it is warmer, for the winter. Even when there is field work here in the fall, we have trouble keeping them from leaving and going back."

He says that "nearly 85 percent of our 385 workers come back with us year after year—which speaks well for the way Joan of Arc treats them."

At Stokely-Van Camp, 5-plant Illinois Manager Maurice Schellhardt leaned back in the chair in his office and offered a little different view of why the Mexican-Americans don't want year-round work in Hoopeston: 'You see when they are here in the summer to pick our crops and work in the cannery we give them free housing, but if they worked for us full-time they would have to get their own homes. Not only would they lose from a financial standpoint, they wouldn't be happy living away from their own kind."

Asked what is the biggest improvement in the migrants' way of life in the 20 years he has been associated with Stokely-Van Camp, Schellhardt said: "It would have to be in their transportation to-and-from Texas. Now 85 percent of them come in cars—back in 1950 they all come up jammed in the back of trucks." . . . The canning companies have nothing to do with the cost or mode of transportation, however.

At Joan of Arc the housing is inside a compound and you need special permission to get inside . . . "This is at the migrants' own request," explains Tosi, who says they have been chronically bothered by salesmen.

The Joan of Arc migrant workers, who currently are picking asparagus by hand, most of it grown on company-leased land along Route 1 near Hoopeston, live in barracks-style wooden buildings although there is a newer barracks constructed of concrete block . . . The row-type housing is separated into 12-by-12-foot apartments with a partition separating a single bedroom from the kitchen-living room . . . Each unit is equipped with a single bed, a gas stove and an electric refrigerator.

With an average of 6 people to a family, the housing is crowded and uncomfortable. Each family cooks its own food and at Joan of Arc some families raise their own chickens or have goats . . . There are smaller wooden buildings where there are men's and women's latrines and showers.

Stokely-Van Camp's housing is clearly more forbidding . . . There are a few older wooden barracks but mostly the Mexican-Americans are housed inside a warehouse-like building in which one-room plyboard cubicles have been fashioned . . . It is dark and poorly ventilated although Schellhardt pointed out that blower-type heaters were installed just last year to provide warmth in colder weather.

Stokely-Van Camp, too, provides a single bed, a stove and a refrigerator and the toilet and shower facilities are in separate buildings in the middle of the camp.

Schellhardt said that company policy forbids the workers bringing any live animals, such as chickens or goats, into the compound.

Migrant families are covered by a basic hospitalization insurance plan for which Joan of Arc charges $3.92 a week per family and Stokely's $2.45 . . . The plan provides hospital room and board up to 31 days, plus surgical benefits to $240 and pays $3 for in-hospital visits.

Pregnancies, which are commonplace among the Mexican-American women, are not covered by insurance and pose a serious problem . . . "We try to identify the women who are pregnant early and encourage the families to get money ahead to pay for the hospital-doctor costs—but somebody usually gets stuck," says Stokely's Schellhardt . . . He added: "When we are hiring in Texas in the winter we try not to employ any families where the woman is pregnant."

He said that miscarriages "are the biggest health problem. Women keep working when they are 2 or 3 months pregnant—and there are a lot of miscarriages, which are expensive and which aren't covered by insurance."

He said that Stokely's "will give a free bus ticket to get 'em back where they belong when a worker gets ill—I mean like with cancer or something like that."

There is a 3-week lull in work at Hoopeston after the asparagus pack ends late in June, and the migrant families have trouble getting enough to eat . . . Both Tosi of Joan of Arc and Schellhardt of Stokely's say "we don't let our workers starve." . . . Both canners allow their workers to draw grocery advances and Joan of Arc helps workers qualify for federal Food Stamps.

But Schellhardt opposes the Food Stamp plan . . . "We take care of our workers ourselves. When they get Food Stamps they get so they don't want to work when there is work available."

Tosi says that Joan of Arc's better migrant male workers "can make $3,300 in a season, and if they have a wife who is working she can add another $1,800 to their income." . . . Schellhardt said that Stokely's workers have a similar wage total.

"The basic wage is $1.30 an hour for field picking but many make as much as $2.60 an hour based on piece work in the asparagus," says Schellhardt . . . Other work, such as driving a tractor, is better paid, at $1.75 an hour.

Weather plays an important part in the raising of such crop as peas, beans and corn, and much of the time is idle for the migrants . . . When we were at the canning plants Wednesday workers came in from the asparagus at 11 a.m. because cool weather had closed the plants' sprouts and stopped the harvest . . . When it rains, there is no work and no pay and during the constant day-to-day wait for maturity of a crop, there are work lulls.

The Hoopeston Migrant Council is helping at the camps . . . They will provide a Day Care Center manned by college girls beginning early in June, and the Council also has a camp nurse, Mrs. Dan Kaufmann, who visits each compound daily . . . Her special concern is with pregnant women.

Hoopeston's Migrant Council is alienated from the Illinois Migrant Ministry which is a division of the Illinois Council of Churches . . . The biggest contributors to the local Migrant Council are the two canning companies which admittedly are sensitive to criticism they have been receiving from the Illinois Council of Churches.

Both Joan of Arc and Stokely's have playgrounds of a sort as each has a ball field . . . There is, however, no organized recreation or movies at the camps.

There are 48 children from the Stokely's camp who attend school in Hoopeston, and only 5 have dropped out, Schellhardt said . . . About half of these migrants can speak English, although most are in regular school classes, 4 in high school, 2 in Junior high and the rest in the elementary grades . . . Seventy youngsters from Joan of Arc are enrolled in Hoopeston schools.

When the Mexican-Americans leave Hoopeston in the fall to return to the Rio Grande Valley of Texas, few of them have winter jobs although many of the children attend migrant schools there . . . "Their interest in getting their children back to Texas for school in September often leaves us short-handed," says Tosi.

Canning field crops is big business in Hoopeston and the migrants are important because of the seasonal nature of the work . . . Joan of Arc raises 2,400 acres of asparagus, another 6,600 acres of corn which it cans both creamed and whole kernel, 600 acres of peas and 3,300 acres of kidney beans . . . Joan of Arc is a bigger year-round employer than Stokely because it cans kidney beans and dry beans through the winter . . . Stokely's canning operation mostly is shut down after November.

Joan of Arc was bursting with activity Wednesday, since it was announced that day that the firm has been bought by Princeville Canning Co., which is located north of Peoria and which specializes in the canning of yams and sweet potatoes which it sells under the Royal Prince label.

Joan of Arc has a smaller canning operation at Fowler, Ind., while Stokely's has other canning plants at nearby Milford and Gibson City . . . Some 275 migrants are housed by Stokely's at Hoopeston, with 125 at Milford and 100 at Gibson City.

Truly sensitive to the needs of the migrants is the Rev. Father Raymond J. Boyle, priest at Hopeston's Catholic Church . . . He has set up regular Masses in Spanish and even has Confession in Spanish.

Tosi said that "Father Boyle invites our workers to the Hoopeston church every Sunday for Mass." . . . Schellhardt wasn't sure just how many Stokely's migrants go to Mass in town but he said that "Father Boyle visits the camp occasionally and sometimes he has a special service at the camp on Sunday evening. I'm not around all the time and I don't know just how often that happens."

There are questions yet to be asked in Hoopeston . . . We have planned interviews with the school principals, with Father Boyle and with the administrator of Hoopeston hospital, as well as with the leaders of the Hoopeston Migrant Council.

We are still undecided about the extent of the exploitation of these migrants, and we told two other concerned people, Cayetano Santiago and Rev. Fay H. Smith, just that at a meeting Thursday afternoon in Springfield . . . Santiago is the director of the federal government-endowed Illinois Migrant Council with his office in Chicago while Smith is the director of the Illinois Migrant Ministry of the Illinois Council of Churches.

Both agreed that they had "lost comunication with Hoopeston." . . . A hearing has been planned on July 24 in Hoopeston . . . The topic is: "The Governor's Spanish Speaking Commission on the Problems of Migrants at Hoopeston."

How bad is the communication? . . . When we told them we were given a copy of the migrants' insurance policy by Stokely-Van Camp, Santiago said: "We have been trying to learn the details of that insurance for two years."

HUMAN DIGNITY—DESPITE IT ALL

(By Herb N. Stevens)

"I visited the Stokely-Van Camp migrant camp today and I just cried—I cried real tears for these people," said a Baptist minister who is a member of the Spanish Speaking People Study Commission which held a hearing all-day Friday in Hoopeston.

"We're not running rest camps for these workers," testified Maurice Schellhardt, the Illinois manager of canning companies at Hoopeston, Gibson City and Rochelle for Stokely-Van Camp in complaining to the Commission about "a lack of investigation by federal officials before allowing migrant workers to qualify for federal food stamps.'

Said 19-year-old Manuel Garcia, a Mexican-American migrant who works at Joan of Arc: "We have had 2—maybe 3 days of work during this entire month of July."

"I went to the Stokely-Van Camp compound this noon and I was appalled—and what's more it is illegal to house people in a quonset warehouse building with no windows," said another member of the Study Commission.

Garcia, asked if he had ever seen a state inspector at Joan of Arc during his 2 years in the Migrant Stream at Hoopeston, said: "No, never." . . . He was asked how many people live in the Joan of Arc barracks-style cubicles which are 14 by 15 feet: "It is by families—sometimes there are 8 to a room, other times 12—and sometimes 15 in a single room." . . . The canning company furnishes one bed for each family, "but when we came in here in the spring we found nothing was ready. We had to go find the beds and mattresses and put them inside," said Garcia.

Said State Representative Arthur A. Telscer, a Chicago Democrat and the chairman of the investigating committee midway through the hearing: "I find it disappointing that there are no public officials here from the Hoopeston community. It is beyond me how public officials can turn their backs on these people."

The hearing, which drew NBC television coverage during both the morning and afternoon sessions, had received no mention this past week in either the local Hoopeston daily newspaper or in the Danville Commercial-News, which is widely circulated in the Hoopeston community.

There was a decided lack of Anglo faces in the hearing room, and the only elected official present was State Senator Tom Merritt, a Hoopeston insurance agent, who sat at the rear of the room during a part of the morning's testimony . . . Joan of Arc had no officials in attendance, and Schellhardt left immediately after being the first witness at the hearing.

Said a Study Commission member to Schellhardt after an intensive questioning of the Stokely-Van Camp manager about company's compulsory hospital insuranse program: "I hear you tell that you are so nice and so good—and now I find that you are not so good and so nice. You make these migrants pay the entire cost of this insurance and your company pays nothing." . . . Answered Schellhardt: "My company pays the entire cost of administration of the insurance program."

Other testimony brought out that Anglos are paid a higher hourly wage for work in the warehouse where migrants are $1.75 an hour . . . It also was charged that Mexican-Americans have deductions taken from their pay without explanation by both Stokeley's and Joan of Arc. . . . "These deductions are for wage advances during times when there is no work or for things like unpaid hospital bills; we have a woman in charge of payroll who decides how much to deduct from the worker's pay—the amount taken out varies according to how large the worker's pay check is for that week," said Schellhardt.

Asked now young are children who work in the spring picking asparagus, Garcia said: "Oh, sometimes 10 years old, or 8 or 6." . . . He said that migrants are paid the same for picking a poor field of asparagus as for one which is rich and ripe with the vegetable, although often "a good field yields twice as much asparagus as a poor field in the same amount of picking time."

When the harvest is in full sway, migrants get up as early as 1 or 2 o'clock in the morning and work 7 days a week, even in the rain, it was testified. . . . Workers are paid $1.30 an hour for picking asparagus or 4½ cents per pound on a piecework basis . . . Because children pick with their parents, and their asparagus is taken to the weighing scales by the adults, the piece work rate prevails and with the children's help the income may be as high as $2.75 an hour.

A younger child can pick up to 150 pounds of asparagus in a day while an adult's yield may be 500 pounds.

Another topic during the hearing was the question of automation and a resulting decline in the need for migrant field work by the canning companies . . . It was testified that many of the Hoopeston migrants who formerly had gone to Michigan to pick cherries and then come back to Hoopeston on August 1st for the corn pack had to remain in Illinois this year because Michigan canners have new virating machines which automate the picking of cherries.

The Illinois Migrant Camp Law, which dictates the quality of housing provided by such companies as Joan of Arc and Stokely-Camp, was described as "a skeleton law which allows flagrant exploitation of Mexican-American workers." . . . Neither Hoopeston housing compound has water inside the buildings and only a single light bulb in each living cubicle . . . Toilet facilities are outhouse-style and there are central lavatories and showers.

Mrs. Jo Jordan, a field worker for the Illinois Migrant Council in the Hoopeston area, told the Commission: "Now is the time for action. These people are taken advantage of in so many ways. There must be new legislation requiring adequate schooling for the migrants." . . . A former Head-Start teacher, Mrs. Jordan said: "The Hoopeston schools have no remedial programs for these predominantly Spanish-Speaking children who are in the community 6 months of the year."

She said that a Day Care Center for children through the age of 5 is a must in Hoopeston . . . A federally-funded Day Care Center is operating now in Hoopeston, but it is for one summer only . . . Of 62 children enrolled, only 4 can speak English.

Arturo Lopez, director of the Illinois Migrant Council office in Hoopeston, read a list of recent pay checks received by migrants which varied from $18 to $38 for a week.

Dr. Eugene Kosyak, a physician and surgeon, said that ailments of migrants which are chronic in nature or which could be delayed for treatment "are let go. The policy seems to be to let them go back where they came from to get those things taken care of." . . . He said there is a prevalence of back ailments among the Mexican-Americans "because of the type of physical labor which they do."

Schellhardt had testified earlier that "migrants who are seriously ill are given bus fare to get back where they came from." . . . All of the migrants at Hoopeston come from the Rio Grande Valley of Texas where it was testified there is "no work almost all the time."

A teenage migrant girl told the Study Commission that crew leaders run the people. "They take what work there is for themselves and don't give the rest of us work." . . . Both Stokely-Van Camp and Joan of Arc operate their field work through Mexican-American crew leaders who are in charge of from 20 to 40 workers.

Ernesto Cordoba, a settled-out migrant in Hoopeston who is employed by American Can Co., said that the migrants are taken advantage of, testifying that he knew of 4 teenage boys who were arrested in Paxton recently for illegal possession of liquor and when Stokely-Van Camp officials were notified in Gibson City "they said, 'do what you want to with them; we don't want them back.' "

Testimony indicated that most of the migrants lead a hand-to-mouth existence and that a week with no work jeopardizes food for the family . . . Garcia, who at 19 pursues his high school degree at a migrant school in Texas, says:

"I must get an education. I want to leave this life and get a job away from the Migrant Stream. I don't think that in 10 years there will ever again be such a thing as migrant farm workers."

The Hoopeston Migrant Council, which in past years has been publicized as a model for other communities trying locally to help migrants, was criticized before the Study Commission as "a do-nothing organization." . . . It was charged that the council's most recent meeting was in February and that its only program for the migrants has been a part-time in-camp so-called Day Care where younger children are told stories and taught to play games by non-Spanish-speaking college girls from the Hoopeston community . . . The Day Care has been suspended the past 2 weeks while the college girls were on vacation.

It also was pointed out that the Hoopeston community's general attitude toward migrants is reflected in its schools where officials refused to provide classrooms for the federal Day Care Center from January, when the request was made, until late in May "when for some reason they changed their minds and agreed to let us use space during the summer in the John Greer school."

It was suggested to the Study Commission that legislation be enacted to force better housing for the migrants, that hospital insurance be required by law with the companies paying a part of the cost, that a Day Care Center be required at migrant camps, that a higher wage rate be enacted for farm workers and that the state employment service try to provide more work for the migrants who actually work less than 3 of the 6 months they are in Illinois.

It was charged that "because the companies make no voluntary improvements of any kind the only answer is legislation which will force a lessening of this inhumane treatment of more than 1,500 migrants living in the Hoopeston-Rossville-Milford-Gibson City communities."

State Representative Telcser, who will make a report of his findings at the 77th General Assembly in January of 1971, said: "We have the facts—and I think you will find that something will be done legislatively."

EXHIBIT 10

[From the CONGRESSIONAL RECORD, Nov. 16, 1971]

S. 2863—THE RECLAMATION LANDS AUTHORITY ACT

S. 2863. A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902. Referred to the Committee on Interior and Insular Affairs.

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference, for myself and Mr. BAYH, Mr. CRANSTON, and Mr. HART, a bill designed to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902.

Our predecessors in Congress, recognizing that irrigation is essential to American agriculture, wisely chose to make a public investment in irrigation when they passed this historic 1902 act. Just as wisely, they sought to assure that the benefits of Federal irrigation projects—which would literally transform desert wastelands in the West into the richest agricultural areas in the world—would accrue to small homesteaders rather than land speculators or monopolists. The Reclamation Act stated that landholders could receive federally subsidized water for farms of 160 acres or less, or 320 acres in the case of a man and wife, provided that they live on, or very near, their land. In 1926, Congress strengthened the 1902 act by providing that any federally irrigated holdings in excess of the 160-acre limitation had to be sold within 10 years at preirrigation prices.

Critics of the acreage limitation provision, both in 1902 and today, insist that huge farms are necessary for their efficiency. That is a myth. The giant agribusinesses are efficient only in stifling farm competition and in tapping the Federal Treasury for subsidies. One hundred and sixty acres of prime irrigated farmland, or 320 acres in the case of man and wife, are more than enough to support a prosperous family farm.

Mr. President, the men who championed the Federal Reclamation Act of 1902 were visionary Americans. They understood that land and water, America's greatest resources, were not boundless, and that they must be protected from the few who would monopolize their use.

Delegates to the irrigation Congress in the 1890's, which sought to enlist the Federal Government in irrigation projects, repeated a warning given to Americans by the English historian T. B. Macaulay:

"Your national safeguard lies in your boundless public domain . . . But the time will come when this heritage will have been consumed, this safeguard will have vanished. You will have your crowded Brimminghams and Manchesters, and then will come the test of your institutions."

Congressman Oscar W. Underwood of Alabama, who was instrumental in the passage of the Reclamation Act, sounded this same theme when he pointed to the decline of free land and the beginnings of urbanization. In a statement supporting the Reclamation Act, which has a perculiarly modern ring, he said to the applause of the House of Representatives:

"The farm boys in the East want farms of their own. If (the Reclamation Act) gives them a place where they can go and build homes without being driven into the already overcrowded cities to seek employment.

"It will provide a place for the mechanic and wage-earner to go when the battle for their daily wages becomes too strenuous in the overcrowded portions of the East. . . . If this policy is not undertaken now, this great Western desert will ultimately be acquired by individuals and great corporations. . . .

"I believe the passage of this bill is in the interest of the man who earns his bread by his daily toil. It gives him a place where he can go and be free and independent; it gives him an opportunity to be an owner of the soil and to build a home. These are the class of men we must rely on for the safety of the nation. In times of peace they pay the taxes and maintain the Government; in times of peril and strife they are the bulwark of the nation, and it is justice to them that this legislation be enacted into law."

And President Theodore Roosevelt, who signed the Reclamation Act into law and insisted upon its 160-acre provision, said:

"We have a right to dispose of the land with a proviso as to the use of the water running over it, designed to secure that use for the people as a whole and to prevent it from ever being absorbed by a small monopoly."

Mr. President, those men were fighting to carry out the Jeffersonian vision of agrarian democracy. They wanted to see an America peopled by prosperous and independent men, free of the control of the baronial landed classes.

Today, nearly two centuries after Jefferson and 70 years after the passage of the Federal Reclamation Act, agrarian democracy exists only as a myth. America's land, once publicly owned, and the federally financed water used to irrigate much of it, are illegally in the control of large land interests.

Not surprisingly, Mr. President, the large land interests in this country have always opposed the Reclamation Act's antimonopoly provisions. The railroads, land speculators, and giant agribusinesses have employed various strategies to get around the 160-acre limitation. What is surprising is the Federal Government's acquiescence in what amounts to a giant land steal and a raid on the public treasury.

Federal reclamation has delivered water to 8 million acres with an annual crop value of $1.7 billion. Congress has appropirated or authorized spending $10 billion on reclamation projects. The amount of the subsidy to Western landowners for irrigation has been estimated to range from $600 to $2,000 per acre.

This money, supplied by the average taxpayer, is buying water for hundreds of thousands of acres of land owned by giant corporations while independent family farmers have not been able to get access to irrigated land. California—the home of the giant agribusinesses—provides a typical example of where the taxpayer's money is being spent. California's Imperial Valley produces about $250 million annually of cotton, sugar beets, lettuce, alfalfa, and other crops. What makes the Imperial Valley so fertile and productive is water brought from the Colorado River by a network of dams and canals built by the Federal Government at a cost of over $200 million.

Because of the Government's outrageous record of nonenforcement of the Reclamation Act, more than half of the irrigated acreage in the Imperial Valley is held by owners of more than 160 acres, and two-thirds of it by absentees. Agribusiness giants such as Purex, United Fruit, and the Irvine Land Co., which owns 10,000 acres in the valley, are reaping huge profits because of the water subsidy. Federally subsidized water is also being delivered to lands in California owned by Tenneco, Getty Oil, Standard Oil of California, and the Southern Pacific Railroad.

The record elsewhere is no better. In the Pacific Northwest, federally dammed water from the Columbia River will soon flow to the vast lands held by Boeing Aircraft, Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii.

Increasingly, the giant agribusinesses are taking control of American agriculture, and they leave no room on the land for the independent, family farmers who have been disappearing from rural America at the rate of 800,000 a year.

I do not think the Congress of the United States ever intended to subsidize Boeing Aircraft or Standard Oil in their farming ventures. I certainly hope not.

Mr. President, it is time to put an end to this outrage. At a time when 70 percent of our people are packed onto less than 2 percent of the land, when our cities are on the verge of collapse because of overcrowding, unemployment and welfare, it is essential that we gice people a chance to make a living in rural America. But America has no national rural policy for people. Instead, we have allowed vested economic interests, guided by nothing nobler than profit, to determine the future shape of this Nation.

The bill I am introducing today, the Reclamation Lands Authority Act, could be the beginning of a national rural policy. The emphasis of that policy is to serve people and the public interest, not few large corporations.

The bill, which has been introduced in the House of Representatives by several California Congressmen, requires the Federal Government to buy "excess" land at a preproject market price and to lease or sell it at a postproject market price. This mechanism is greatly preferable to a simple enforcement of the 1902 law. For in that case those purchasing the land at the preirrigation prices called for in the law could receive the enormous windfall now in the hands of the giant corporations.

The American taxpayer has built and paid for the irrigation system that has made our land in the West so valuable. Therefore, he should reap at least part of the gains.

The profits from the sale, lease or use of these lands are to be placed in an education, conservation, and economic opportunity fund. Seventy percent of the revenues from the fund are to be earmarked as grants for public education, following our historic heritage of financing education with land grants. Ten percent of the funds will go into the already existing land and water conservation fund. The remaining 20 percent of the fund shall be made available upon specific appropriation by Congress for the development of public facilities servicing project areas, for promoting economic opportunities of veterans and persons living in substandard conditions and for such environmental and ecological benefits as Congress may authorize.

To administer this program, the bill creates a Reclamation Lands Authority as an independent agency under a board of three members appointed by and responsible to the President.

The Authority is empowered to determine the uses for which purchased excess lands may be sold, leased or made available for public purposes, and is charged with attaching such conditions to any use of the land "as will preserve open spaces and agricultural greenbelts and into her respects preserve an environment of beauty, health and attractive quality for now and for the future."

The Authority is also charged with encouraging "effective regional, State and local planning of land usage and environmental adjustment in the areas where excess lands are located."

Mr. President, the Reclamation Lands Act provides the chance for us to rekindle the spirit that made America the land of opportunity. This bill would give the independent family farmer, the veteran, and the economically disadvantaged from both our cities and rural areas a chance to start all over again. It would enable us to finance public education—the strength of any free society—with funds created by public water and land development. And it would mark the day when Americans realize that our limited land and water resources cannot be left in the hands of big business.

I would hope that each of my colleagues will give this proposal the serious consideration it merits, and I welcome their cosponsorship of it. Furthermore, I would hope that the Interior Committee will be able to hold hearings on this proposal in the near future.

Mr. President, I ask unanimous consent that at this point the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2863

A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess lands provisions of the Federal Reclamation Act of June 17, 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Reclamation Lands Authority Act".

STATEMENT OF PURPOSE

Sec. 2. (a) The Congress declares that it shall be the purpose of this Act to reaffirm the historic purpose of the Federal Reclamation Act, especially as it applies to the development and use of excess lands, and to make that intent and purpose operative in the national interest and the direct benefit of its citizens.

(b) The Congress further declares that it shall be the purpose of this Act to make such disposal and uses of these excess lands as will improve the environment of the Nation through the use of these natural resources to provide resident ownership and operation of family-sized farms, to open new opportunities for veterans and to create open spaces, protect the natural beauty and quality of the habitat of all living things within Federal reclamation project areas, and to provide by the application of the net revenues from the sale or lease of said excess irrigated or irrigable lands to the demonstrated needs of public education and community development, and for other purposes consistent with the historic purpose of the Federal reclamation law.

Sec. 3. To effect these expressed purposes and others which may become imperative as the Nation faces its responsibilities and opportunities to create a healthful environment consistent with the ecological needs of the land entrusted to our care, there is hereby created by a body corporate to administer the excess lands resulting from the enforcement of the provisions of the Federal Reclamation Act of June 17, 1902 (32 Stat. 388) as amended and supplemented, to be designated as the Reclamation Lands Authority (hereinafter referred to as the "Authority").

Sec. 4. To administer the purposes expressed in this Act and enforce the laws pertaining to excess land as prescribed in the Federal Reclamation Act of June 17, 1902 (32 Stat. 388), as amended and supplemented, the Authority shall be an independent agency responsible to the President, and subject to all laws pertaining to accountability and report. It shall be directed and its activities managed by a Board of three members, appointed by the President by and with the consent of the United States Senate. Their terms shall be staggered, in such a manner as to provide an eight-year term for the designated Chairman, a five-year term for one member, and a three-year term for the other member. They may be reappointed. Their salaries shall be fixed by the President in keeping with the accepted schedule of remuneration for heads of important Government agencies. The Board shall organize itself and its operation, shall select its officials, agents, and employees in keeping with Civil Service standards and practices and said employees shall be included in the Federal roster to share in all legal benefits of Federal Government employment and to be subject to such requirements as to ability and conduct as are thereby prescribed.

Sec. 5. The principal place of business of the Authority shall be located at a place of accessibility within the region of excess lands which it administers.

Sec. 6. Immediately upon the passage of this Act into law, the Authority shall be provided by the Department of the Interior a listing of all irrigated and irrigable lands administered under reclamation laws, denoting specific compliances and failure to comply, declaring noncompliance as excess lands to which all titles, claims, access, entry, and control shall transfer to the Authority forthwith, to be sold, leased, or managed according to the determination and within the purpose of the Act. Such a listing and transfer of lands subject to reclamation law shall be provided the Authority at six-month intervals.

SEC. 7. The Board of Directors of the Authority shall have power and it is hereby conferred upon it, to adopt and enforce all the necessary bylaws, orders, rules and regulations required to effectuate the will of Congress as expressed in this Act.

SEC. 8. The Authority shall have such powers as are conferred on Government corporations generally, and specifically shall have the power of eminent domain. Except as otherwise specifically provided in this Act, the Authority—

(a) shall have succession to its corporate name;

(b) may sue and be sued in its corporate name;

(c) may adopt and use a corporate seal, which shall be judicially noticed;

(d) may make contracts and enter into agreements as herein authorized;

(e) may adopt, amend, and repeal bylaws or provisions thereof; and

(f) may purchase, lease, or accept, hold and use such real and personal property as it deems necessary or convenient in the transaction of its duly authorized business, and may dispose of any property, real or personal, to which it has title according to its authority under this Act.

SEC. 9. In the development of its purpose and the exercise of its duties, the Board of Directors shall select a treasurer and as many assistant treasurers as it deems proper. Board members and treasurers shall be bonded, giving such bonds for the safekeeping of the securities and moneys entrusted as are required by law, and in the case of subordinate officials as the Board shall determine.

SEC. 10. Any member of the Board may be removed from office at any time by the passage of a concurrent resolution of the Senate and House of Representatives, said concurrent resolution stating in specific terms the reason for such action.

SEC. 11. The powers of eminent domain residing in the Board by this Act shall extend to the purchase of any real estate or acquisition of real estate by condemnation proceedings, the title to such real estate being taken in the name of the United States of America, and thereon all such real estate shall be entrusted to the Authority as the agent of the United States to accomplish the purposes of this Act.

SEC. 12. There is hereby conferred upon the Authority all of the powers now residing in the Secretary of the Interior to enforce all the provisions of section 5 of the Federal Reclamation Act of June 17, 1902, section 46 of the Act of May 25, 1926, and all Acts amendatory and supplementary thereto as these apply to the limitation of size of farms to be served by and under provisions of Federal reclamation projects.

SEC. 13. The Authority is hereby authorized and directed to acquire by purchase, eminent domain proceedings, or otherwise, all excess lands in projects governed by Federal reclamation laws at preproject prices as defined in section 46 of the Act of May 25, 1926, and to deposit the proceeds from the sale or lease or use of such lands in the Treasury of the United States in a specially designed "Education, Conservation and Economic Opportunity Fund" which is hereby created to be used exclusively for the purposes of this Act.

SEC. 14. The Authority shall purchase all excess lands at preproject prices which do not reflect the benefits of the Federal financing or construction. The proceeds from the sale, lease, or use of such lands shall be paid into the "Education, Conservation, and Economic Opportunity Fund," and are to be used for the purposes of this Act and administered for said purpose by the Board.

SEC. 15. The Education, Conservation, and Opportunity Fund shall be operated as a revolving fund for the purposes of this Act. Moneys in the fund equal to the cost of lands purchased by the Authority at pre-water-project prices, together with such moneys as Congress may appropriate for deposit in the fund for the purchase and management of excess lands, shall be available to the Authority for further purchase of excess lands. Ten percent of the balance in the fund remaining thereafter shall be transferred to the Land and Water Conservation Fund already established by the Congress to be used for purposes consonant with those of this Act, and an annual accounting shall be made to the Authority by said fund and made a part of its annual report. Seventy percent of the balance in the fund available for use by designated agencies and purposes under this Act shall be made available for the benefit of public education and for such expenditures or allocations as the Congress may authorize. Such funds shall be transferred by the Authority to agencies specified by the Congress. The remaining allocable amount in the fund made available for public purposes under the Act shall be made available upon specific appropriation by the Congress for the development of public facilities serving project areas, for advancing economic opportunities of veterans and persons living in substandard conditions, for development of healthful environments and communities needing open spaces, and for such other environmental and ecological benefits as Congress may authorize to be made from the fund.

SEC. 16. The Authority shall determine the uses for which purchased excess land may be sold, leased, or made available for public purposes, and shall attach such conditions at time of sale, lease, or public use as will preserve open spaces and agricultural greenbelts and in other respects preserve an environment of beauty, health, and attractive quality for now and for the future. In determining as between sale, lease, or public use of excess lands purchased, the Authority shall give due weight to benefits to the revolving fund and the advancement of economic opportunity for persons who have served the Nation in the Armed Forces and disadvantaged citizens seeking such opportunity as ownership, lease, or use of irrigated or irrigable lands afford. In the pursuit of these purposes, the Authority shall encourage effective regional, State, and local planning of land usage and environmental adjustment in the areas where excess lands are located.

SEC. 17. In the exercise of its charter under this Act, the Authority is herewith authorized to obtain lands excess to the direct needs of other Federal agencies of the Government which may be declared available where such lands may become a unit of lands administered by this Authority. Such acquired lands shall be treated in the same manner as other excess lands of the Authority.

SEC. 18. The Authority may establish an Advisory Committee to which it shall appoint citizens who neither have nor represent vested interest in excess lands purchased or in the water brought to such lands. The Authority may service such an Advisory Committee and provide for the expenses thereof. Committee members shall serve without remuneration.

SEC. 19. There is hereby authorized for appropriation an amount as may be necessary from the general fund of the Treasury for deposit in the revolving fund designated as the "Education, Conservation and Economic Opportunity Fund" of this Authority, for the purposes of this Act, to be accounted for in the usual manner and to be subject to the same accounting practices as other Government agencies.

SEC. 20. There are hereby authorized to be appropriated for the purchase, lease, and use of excess lands such amounts out of the Education, Conservation and Economic Opportunity Fund as are available and needed by the Authority to carry out the intent and purposes of this Act.

Mr. AIKEN. Mr. President, I yield 10 minutes to the minority leader.

Mr. SCOTT. Mr. President, I hasten to speak early in order to allow ample time for our presidential candidates to postulate their rejoinders as we draw near the noon deadline for the afternoon paper. I would not want to deprive them of their daily headlines, and we must, of course, in all our deliberations, allow for the opportunity of the ambitious to arrange to be heard. After all, one of them has his eye on that $20 million—in fact, I think all of them have their eyes on that $20 million in the great lottery which we built into the tax bill. I notice that the attendance is smaller when we are talking about the loss to the farmers than when we are talking about personal opportunities for political enrichment at the expense of the American taxpayer.

My observation over the years, in both Houses of Congress, has been that there are a few farmers in Congress, but there are a lot more politicians who, instead of being farmers, are busy farming the farmers, which is still a relatively rich lode, and it is, I suppose, not too surprising.

Nevertheless, what a pity it is that this Chamber is nearly empty, and thereby deprived of the aural excitation which would come from listening to my mellifluous tones. This I regret, of course, but it has to be borne. We wait in patience for our presidential candidates to arrive and unload on us the accumulation of their acquired wisdom regarding sons of the soil, and a good bit of the soil will be distributed toward the fan, as usual.

And so we discuss something as important as the confirmation of the nomination of a Secretary of Agriculture while those who would be stimulated by thoughts of a checkoff are sedated in the face of the problem of those on the farm. Well, this is the way it goes in Congress. You get a bigger crowd at the sweet smell of green money than at almost any other reason for rallying around.

The confirmation of Earl Butz as Secretary of Agriculture is, in my judgment, something which will occur when we vote, and something which ought to occur, because the President of the United States is normally accorded the right to nominate his own members of the Cabinet, with the expectation that, assuming their good character and a record of integrity, he is entitled to the judgment of those upon whom he relies.

I suppose one of the rarest sights to be seen in America is a happy farmer. This is because the problem of scratching a living from the soil is such a chancy thing, such a tremendous risk and gamble against nature, or hopefully with nature, that it is easily understandable that the farmer's fears of the results of his dealing with the middleman and with the distributor, his competition with others to reach the consumer through the market, and his concern for either famine or glut within the market.

It is understandable that farmers do not have quite the same opportunity to be joyful as those on more fixed incomes, whose dragons are the fears of inflation and such like.

The Secretary of Agriculture will need to reassure the farm population of this country. He will need to find ways by which they can receive adequate prices for their grain and for their food and fiber production. It is very important that this happen, and happen soon.

I think under the next Secretary of Agriculture there will be considerable good news. I think the fears that have been expressed will be allayed. I think the future will bring with it a considerable content of good news for the farmers. I believe there will be improvements in the prices of the things they grow and wish to sell.

In a very real sense, the farmer is the seed corn of the Nation, because obviously without him, and without the fact that he is willing to take the enormous risks that come with the production, growth, distribution, and sale of his products, this country would be thrown back upon the necessity of importing that with which we feed ourselves and those things which we wear.

And so, while the proportion of farmers has been decreasing constantly in America, the attendance of America upon the farmer has been increasing at the same time. I have had a number of talks with Dr. Butz. He is a formidable, able, and articulate man, fully prepared, he assures me, to implement the President's mandate that the farmers must be spoken for and not spoken at. He was born and raised on a family farm. He has been an operating farmer. He has close ties to rural life, and he is a man who is experienced in the agricultural economy; therefore, he has the characteristics to meet and to tackle head on these extremely difficult problems. I would expect him to speak for and continue to speak for the farmers, all of them, small as well as big, and to listen with compassion to the problems of the American farmer, and above all to make sure that a rural voice is heard in the highest councils of government, and heard loud and clear, because the farmer has a number of just causes for complaint.

My own experience, for example, with the milk producers in my own Commonwealth, indicates to me how important it is that in the Federal Government there be someone who is fully aware of the problems that go with the administration of the milksheds of the country, how important it is that someone understand the gambles they take, and the necessity for the assurance that they will have a fair price for that which they sell.

I believe that, in spite of the fact that even in my own Commonwealth there are those who have expressed misgivings, we must remember that misgivings are always expressed where a change is contemplated in the Department of Agriculture. I think it is a good thing that we are going to continue this Department, that the reorganization of the Government proposed will not remove from the farmers of this country their right to have a voice in the highest councils of the land, the President's Cabinet. That is why I believe he will be a good and strong Secretary. He has been made fully aware, through many consultations with Senators, of their concern and their problems. Senators have long felt that the problems of agriculture have not always been made apparent to the action level of this country; namely, to the President.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SCOTT. Will the Senator from Vermont yield me 5 additional minutes?

Mr. AIKEN. Yes.

Mr. SCOTT. I am glad to yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I fully share the views expressed by the distinguished minority leader, and I would say that if we could use the $46 million that will be in the slush fund if the checkoff prevails, we could do a lot for the American farmer, and a lot for others about whom we have heard great concern expressed here this morning.

I also share the view that it is a little early for presidential candidates to appear in the Chamber, but they will be here, some under the wrong impression that they have a right to choose the Cabinet before they are elected. Of course, if they are elected, then they can name to their Cabinets men and women of their choice. But it is the right, as the Senator from Pennsylvania knows much better than I, of the President.

I think it appropriate at this point to quote the distinguished junior Senator from Arkansas (Mr. Fulbright), who said on the floor of the Senate on March 26, 1970:

> Mr. President, I wish to emphasize that I have great respect for the President's prerogative in the nomination of high officials in the judicial and especially the executive branches of our government.

The senior Senator from Idaho (Mr. Church) said when talking about Executive appointments:

> It has long been recognized that the President is entitled to have in his Administration men and women of his own choice.

That is the issue, whether the Democrats—some Democrats—want to name the Secretary of Agriculture. This is a right reserved to the President, unless the nominee is unfit or incompetent, lacks integrity, or lacks honesty. None of these allegations has been made about Dr. Butz. He is an honorable man. He is an honest man. He is a man of great character and integrity.

So I would suggest, as the Senator from Pennsylvania has, that perhaps we missed the point in the debate so far.

Mr. SCOTT. I feel that the distinguished Senator from Kansas could not be more right. After all, one of these candidates for the Presidency may, in some 5 years or more from now, succeed to the Presidency himself, and want his own nominees to be confirmed.

I have stood on this floor and in the other body and supported the nominees of a number of Presidents—not of my party—for Cabinet officers. Some of the Senators who have expressed doubts here have supported unquestionably nominees of Presidents of their party. It would seem to me that they ought to be as generous here.

I agree, too, that this $46 million slush fund, this raid on the Treasury, this gross and greedy grabbing, recklessly attempted to be legislated onto the statute books, would do the farmer a lot of good. This $46 million would help in the purchase of feed grains and corn and wheat. This $46 million would help to strengthen our export program. This $46 million, which does not really belong to those who are seeking to slide it from the taxpayers' pocket into their own could do a lot more good if it were made available within the regular income of the Federal Government, for purposes of Government aid and assistance.

Mr. DOLE. The $46 million is not the total cost. When you add on the administrative costs and the other nightmares associated with such a scheme, I would guess it may reach $100 million. I have no way of knowing what the total cost will be.

Last week, during this debate, we had perfect attendance. Every potential and announced candidate was in the Chamber and voting, canceling speeches all across the country. In fact, I understand that the Senator from South Dakota left a meeting in the dark last night. He leaves most meetings in the dark. In this meeting, the lights went out, and he rushed back to vote against Dr. Butz. All those candidates will be back to express their great concern about the family farmer, but they are really concerned about, "How can I get $20 million for my campaign next November?"

Mr. SCOTT. I agree with the distinguished Senator from Kansas.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. AIKEN. I will yield more time.

I was interested in what the Senator from Kansas just said. I was hoping some of the candidates would show up and make their speeches even though the galleries are comparatively empty and the floor is in similar condition. I hope that all the candidates do not show up at half past 12, expecting to use the last half hour. There is a great tendency to want the last half hour of a debate such as this.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. AIKEN. I yield the Senator 10 additional minutes.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield for a question.

Mr. HARRIS. Does the Senator find it as laughable as I do to hear the Republican leader of the Senate, the former Republican chairman, and the present Republican chairman accusing the opposition of being partisan in this matter?

Mr. SCOTT. Oh, no, we are not accusing you of being partisan. We are accusing you of being partisan beyond principle, and there is a great difference. We are accusing you of being partisan for the sake of grabbing Treasury money. We are partisan; you are partisan; they are partisan. I am saying that there is a difference between partisanship and principle.

I was about to point out that the distinguished Senator from Kansas and I both shared the privilege of being chairman of our political party, as has the distinguished Senator from Oklahoma. That is why I was referring to the loss of the $46 million to the farmers, because the presidential candidates wanted it more than they wanted to give it to the farmers. This iniquitous and pernicious provision, this checkoff, is not hermaphroditic by any means. It arises from only one side of the aisle. It is parthenogenetic or, one may say, springs straight from the forehead of Larry O'Brien, because out of the secret meeting with Larry O'Brien and the leaders of the other party in Congress arose this decision to cut and run with a slice of the Treasury. We suggested that before they grab the money, they pay their bills. That was our amendment. The Senate rejected other amendments which would at least have tinged the proposal with a touch of equity, because the Democrats wanted the clear, cold, ruthless, sharply cutting effect of being able to excise from the Treasury's funds a sufficient amount to finance themselves.

Make no mistake about it. If this tax bill has that iniquitous provision in it, it will be vetoed. The first move up here was to say that the President was bluffing. He is not bluffing, and he is not a man to bluff. The next move is going to be, "We won't give him a tax bill." Just try to get away with that. Just try it. Let me say what will happen.

During the present year, so far, 1,357,652 automobiles have been sold. On these automobiles, a promise has been made, in some cases of refunds totaling approximately $200 per car. Some of these refunds, notably by American Motors, have been made.

Congress has just voted to repeal the excise tax on automobiles in order to provide a stimulus for the purchase of cars and also because of the jobs this is expected to create. Upon the enactment of the repeal consumers who purchased new automobiles beginning on August 16, 1971, will receive refunds of the excise tax paid on their cars. In fact, one manufacturer—American Motors—has already been providing purchasers with refunds in anticipation of the repeal. Generally, refunds will total approximately $200 per car.

Statistics released by the automobile manufacturers reveal that the promise of an excise tax refund to new-car purchasers has in fact resulted in increased automobile sales. For example, for the month of September, the first full month to which tax refunds on sales would apply, sales of domestic cars increased from 488,211 in the same period in 1970 to 755,233 in this year, or an increase of 54.69 percent. For October, sales of domestic cars totaled 629,152 in 1970 and 933,713 in 1971, or an increase of 48.41 percent. For the first 20 days of November, the increase in sales of domestic cars was even more dramatic: 296,593 for the like period in 1970 and 596,358 for this year, an increase of 101.06 percent.

While it is true that in part of the fall of 1970 domestic car sales were reduced by reason of a strike at General Motors, it should be noted that the recent increases in sales have been such that for the whole of the year January 1 to November 20, 1971, sales of domestic automobiles increased by 18.69 percent over a similar period in 1970. The actual cars-sold total was 6,551,629 in 1970 and 7,776,547 in 1971.

In addition, the major automobile manufacturers have pledged that, following repeal of the tax, they will pass the tax reduction on to consumers. This will mean continued benefit to the purchaser of a new car of approximately $200 per car.

INCREASE IN IMPORTS (CARS)

	1970	1971	Increase (percent)
August	112,400	158,528	41.03
September	91,784	128,392	39.77
October	124,000	116,000	—6.45
Total to Oct 31	1,064,515	1,357,652	27.53

Whether this tax bill or another, there will have to be a tax bill unless this Congress wishes to break faith with all those who purchased automobiles relying in good faith on the promised excise tax refund.

Stand up—stand up—and say to 1.3 million auto buyers, "We, the Democrats, are going to take your $200 away from you, because we are the party of the people. We are the party of the people, and we can do to the people anything we want, because we can always talk enough of you into voting for us. We will take your 200 bucks, and you will lose your 200 bucks; and all of you will join in this total and collective sacrifice on the altar of Democratic rapacity and avarice."

Try it. Try it and see what happens in the next election. Kill the tax reform bill. Say that we will not have a bill. We will be back in special session, and it will not be a turnip session, either. It will be a session to repeal the carrot which the Democratic Donkey has grabbed and run away with. That is what it will be. It will not be Truman's turnip session. It will be a carrot session; because this, to turn the word "carrot" a little, was a 22-carat grab on the U.S. Treasury.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. DOLE. I am pleased that the Senator from Pennsylvania has emphasized the $20.4 million grab, and it is that—and I say that with all respect to those who may have supported it.

I am also in accord with the Senator's view that this bill in this form will be vetoed. We should make no mistake about it.

I suggest—and I suggested before—that this is rather a high ransom to pay. Apparently, the Democrats who are running for President do not care what the ransom is, because they are not going to pay it. They are looking for $20.4 million from the Treasury. They are some $9 million in debt, and I sympathize with them for being in debt. Eighty percent of the contributions to the Republican National Committee average $15 or less. We are not the party of fat cats. I would point that out to the presidential candidates who are talking about being the party of the people who are now out raising hundreds of thousands of dollars for the primary campaigns to gain the nomination so that they can get the $20.4 million of Federal money for the presidential campaign. That is not reform—in no way is it reform. I think it is time that the American people understood it for what it is; namely, a raid on the Federal Treasury, as the distinguished Senator from Pennsylvania has said before.

Mr. SCOTT. Mr. President, will the Senator from Kansas yield me 1 minute?

Mr. DOLE. I yield 1 minute to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SCOTT. Mr. President, a married couple will contribute $2 to the Democratic Party. I suggest that we use the nice, shiny Eisenhower dollars because they make such good blinders—$1 for the husband, and $1 for the wife.

Let us take the Eisenhower dollars—the dollars that commemorate a singularly respected man for his honesty and integrity—and symbolically put one over the husband's eye and another over the wife's eye, thus blinding them, and then let the Democratic Party tell them that while it may be darkness for them, all is light and effulgence for the Democratic Party.

I thank the distinguished Senator from Kansas for yielding me this time.

Mr. HARRIS. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 5 minutes.

Mr. HARRIS. Mr. President, at first glance it might seem strange that the distinguished Senator from Pennsylvania (Mr. Scott) and the distinguished Senator from Kansas (Mr. Dole), instead of talking about the Butz nomination, are talking about the campaign financing bill. But it is not strange because campaign financing is related to the big rich farmers and the big corporations in agriculture who have dictated the nomination of this man Butz. He comes from Ralston-Purina, and the outgoing Secretary of Agriculture is going to Ralston-Purina. The rich and the big corporations have come more and more to dominate American politics. My colleagues across the aisle are satisfied with that. I am not. Neither are the American people. What we are going to do is give them a chance voluntarily to give or not give $1 each to the party of his or her choice so that the big, rich farmers and the big corporations will not dominate agriculture, but the people themselves will have a chance to control politics and government a good deal more than they have been able to do for a period of years past.

We have heard the threat again today

on this floor that the President will veto the tax bill if the campaign financing section is kept in it. Mr. President, if he does, there is not going to be any tax bill this year. I do not like that tax bill anyway. We seem to be dropping the people's portions of it and getting back to the Nixon program alone which means $74 billion worth of tax cuts will go to the big corporations over the next 10 years and crumbs for the average taxpayer.

What I like about that remaining package is the campaign financing section, which may allow the little people to get more of their people in office, particularly in the Presidency, to change this favoritism from the rich back to the average taxpayer.

That tax bill is a bad bill without the campaign financing section in it. It should be killed if the campaign financing bill is forced to be dropped.

Mr. President, I say as a member of the Finance Committee—and this is no bluff—that if the President vetoes that bill and it comes back here without the campaign financing section in it, I shall stand on the floor of the Senate and try to prevent it from being passed.

Mr. HUGHES. Mr. President, I yield myself such time as I may need.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, I yield 10 minutes to the distinguished Senator from Massachusetts (Mr. KENNEDY).

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I rise to express my opposition to the confirmation of the nomination of Dr. Earl L. Butz as Secretary of Agriculture.

At the outset, let me say that I do so with a belief that in most circumstances the President should have great leeway in deciding on his Cabinet choices.

But I believe that on many tests, the current nominee fails to demonstrate the concern for important and overriding humanitarian issues. There is ample justification to oppose this Presidential Cabinet nomination.

On November 17—in a letter to the distinguished chairman of the Committee on Agriculture and Forestry—I expressed my concern over some aspects of the record of Dr. Butz. As chairman of the Judiciary Subcommittee on Refugees my particular concern relates to Dr. Butz' views and attitudes toward the overseas distribution of American surplus food commodities and the role of the private voluntary agencies in this program.

As I indicated in my letter to Senator Talmadge, several representatives of the voluntary agencies expressed strong reservations to me regarding Dr. Butz' confirmation. They suggested that during his previous service with the Department of Agriculture he was "less than sensitive to the aims and objectives of voluntary agencies," and to national humanitarian concerns overseas. This situation is best illustrated, perhaps, by reference to issues of deep concern to the agencies at the time.

The primary issues were defined in a report of findings and recommendations on "The Continuing Challenge of American Abundance." The report was prepared by the American Council of Voluntary Agencies—ACVA—in November 1956, and transmitted to Secretary of Agriculture Ezra T. Benson by Mr. Charles P. Taft, chairman of the State Department's advisory committee on voluntary foreign aid. The report noted the vast abundance and surplus of American agriculture, and the continuing challenge to use this abundance effectively—"as the flood of refugees swells and more people become the victims of violence over which they have no control." The report specifically mentioned the needs of a million refugees who fled from North to South Vietnam, the Chinese refugees in Hong Kong, the Hungarian refugees in Europe, the Arab refugees in the Middle East, and others.

The report went on to express the agencies' concern over the fact that many commodities, "made available by the Department of Agriculture as a result of legislation," were being "withdrawn from availability." The report made a number of recommendations.

First, the report recommended that rice be kept on the availability list for overseas distribution by the agencies. Rice was one of several commodities which the Department of Agriculture had suddenly withdrawn from the list—contrary to the expressed wishes of Congress, and despite the fact that some of the hungriest peoples in the world, including the destitute refugees in Asia, were rice eaters.

Second, the report recommended that our vast wheat surpluses be processed into a form—called bulgur wheat—acceptable for consumption by the millions of people being served by the agencies overseas.

Third, the report recommended that agency feeding programs be approved on a yearly rather than a quarterly basis, for planning and efficiency reasons.

Fourth, the report recommended that the Department of Agriculture apply more flexibility in assessing the responsibility for payment of the ocean freight costs of food shipments. A pattern was developing in the Department's decisions to place this responsibility more and more on the recipient government—at a time when many governments could not really meet this responsibility and when Congress had set aside increased funds for the payment of freight charges on agency food shipments.

And finally, the report recommended that—in the interest of balanced feeding programs and with the absence of other food fats and oils—surplus corn be processed into oil, sirup, and similar byproducts.

The report said, in conclusion, that the recommendation represented "a realistic assessment" of what could be done, in the interest of strengthening an area of policy strongly supported by the American people.

The Department of Agriculture's response to the agencies' recommendations was contained in a letter to Mr. Taft from Dr. Butz. The letter—dated March 15, 1957—was a litany of negativism. Its contents were devoid of sensitivity to legitimate humanitarian concerns. They applied the "trickle down" theory for meeting the needs of the voluntary agency programs—but were full of strong concern for those commercial interests which had much to gain by limiting and cutting back on the volume and content of food donations to the disadvantaged in this country and overseas.

Four of the agencies' recommendations were rejected out of hand—and frequently, according to agency personnel involved at the time, for reasons contrary to the facts.

Dr. Butz refused to put rice—let alone some other commodities—back on the availability list. He called the recommendation on bulgur wheat "impracticable." He rationalized away the recommendation for an annual approval of agency feeding programs. And on the recommendation that the vast quantities of surplus corn be processed into more useful products, he suggested it would be a "costly departure" from established policy. And then he said:

> Donation of the corn products which could be used as food (oil, grits, flour, starch, and syrup) into foreign programs would require that they also be made available for domestic donation to schools, institutions, and needy persons. It is our belief that such distribution would tend to displace some normal commercial purchases of such products with harmful results to wholesalers and retailers engaged in such trade.

A fifth recommendation—on the flexible handling of ocean freight costs—was ignored in Dr. Butz' letter. But the record is clear on what happened at the time. Ocean freight regulations were substantially modified, requiring most foreign governments to pay 50 percent of the freight charges. In some countries, such as Yugoslavia and Greece, needed food and humanitarian programs for the disadvantaged and refugees were seriously crippled by the lack of resources in recipient countries. And the operation of such agencies as CARE, Catholic Relief Services, and Church World Service were badly hampered. Needless to say, the friction generated in our foreign relations by this situation was unnecessary, and subsided only when more reasonable arrangements were made with the countries and agencies involved.

The agencies' letter and Dr. Butz' response typifies the kind of relationship which existed between the Department of Agriculture and the private humanitarian sector during the time of Dr. Butz' previous service. Just a few days ago, his letter was labeled by one agency representative "as another instance of being stymied all over during the midfifties." The situation contributed a great deal to a deterioration in the humanitarian partnership developed between Government and the agencies following World War II—a situation which was remedied through legislation and administrative decision after Dr. Butz left the Department. I should add here that our able colleague, the junior Senator from South Dakota, contributed much toward repairing the partnership when he served as director of the food-for-peace program some 10 years ago.

And so all the recommendations in the agencies' 1956 report, and many more of their suggestions, were adopted. All them immeasurably strengthened a significant area of public policy and concern. Bulgur wheat, for example, has become a mainstay in overseas feeding programs.

I fully appreciate that the institutional arrangements relating to food programs and the voluntary agencies have been modified and changed over the years and that the Department of Agriculture plays a lesser role than it did during Dr. Butz' previous service with the Department. But in view of his record of previous service with the Department of Agriculture, I strongly feel the agencies have a legitimate concern over his nomination and the kinds of attitudes and policies he may carry with him to the Cabinet.

Widespread citizen concern for disadvantaged people overseas is a longstanding tradition in our Nation's history. Despite this, however, the record is clear that this concern—as expresed so well in the program of the voluntary agencies—has often been lost in a tide of negativism and redtape toward humanitarian programs. The record toward today's tragedy in South Asia is no exception. Perhaps all of this is unavoidable, because in political terms humanitarian causes lack the powerful lobbies and constituencies backing other interests. But great power creates and carries with it great responsibility. And in terms of the world leadership we claim is ours, what is too often missing is that dimension of compassion toward the weak and downtrodden, who have traditionally looked to America for comfort and hope.

It is important that we have strong national leadership in this area. Dr. Butz' record, however, leaves much to be desired. And for this reason, among others, I will vote against his confirmation.

Mr. President, I ask unanimous consent to have printed in the Record the report of the American Council of Voluntary Agencies for Foreign Service, Inc., under date of November 15, 1956, and Dr. Butz' letter under date of March 15, 1957.

There being no objection, the report and letter were ordered to be printed in the Record, as follows:

The Continuing Challenge of American Abundance

Since the more than forty voluntary agencies united in the American Council of Voluntary Agencies for Foreign Service presented, in the spring of 1954, a paper entitled "The Moral Challenge of our Abundance," two changes have occurred. First, our American abundance has grown to such proportions that ordinary storage facilities have become insufficient—millions of bushels of wheat are stored in the holds of the ships of the Ghost Fleet, and in tents in the great expanses of the Southwest. Secondly, the challenge has become more intense as the flood of refugees swells, and more people have become the victims of violence over which they have no control.

Since the Spring of 1954, a million refugees from North Vietnam have moved southward as destitute exiles in their own land. A steady stream of Chinese, representing every walk of life from fisherman to professor, has flowed into the haven of Hong Kong. Hungarians, whose compatriots with their blood bought freedom for a day in their homeland, now put their foot on the threshold of the Western World, via the Austrian frontier, and ask for our help. And now, in addition to the continuing programs for the Arab refugees in the Near East, there are new groups of needy people among the Egyptians.

Due to the upheavals in Central Africa, certain very specific programs have been undertaken to meet special needs. The agencies have endeavored to reach the needy of every race, color and creed, thus creating bond of mercy which is a bond of peace.

American voluntary agencies, including those supported by the three great faiths, have been in Vietnam, Hong Kong, at the Hungarian frontier, and in seventy-five other countries and areas of the world giving not only first aid, but planful care to the most dispossessed of humanity.

The voluntary agencies, as visible expressions of great American traditions, work ceaselessly around the world so that those who escaped from one bondage at so great a cost to themselves, will not become victims of the bondage of starvation. Voluntary agencies also conduct continuous programs of aid for those who are victims of a starvation that is endemic in underdeveloped and over-populated areas of the world.

It is of the American tradition to nurture not only the free individual, free from all tyrannies, including the tyranny of hunger, but also the free society. There is no doubt that the struggle is becoming more intense for the mastery of the patterns of society—the free, open society being pitted against the totalitarian rigid society. This was never more evident than in Budapest when the offer of American surplus foods and gift medicines to a people fighting for its freedom, was instead blocked by the guns and tanks of a re-imposed totalitarian system. The dread pattern has now been re-established in which an all-powerful despotic State reduces to a lonely and powerless entity the individual within its borders.

The very existence of voluntary agencies, and their activity in every corner of the Free World, bears witness everywhere to the reality of a free society, a society which permits and nurtures free associations formed by free men.

The Congress heeded the recommendations of the combined voluntary overseas aid agencies expressed in "The Moral Challenge of our Abundance" and, as a result, the American voluntary agencies have been able to plan and gradually to expand the distribution of surplus commodities through their ongoing programs so that in the Fiscal Year of 1955, they distributed 403,046,224 pounds, in the Fiscal Year 1956, 1,205,679,566 pounds and in the first Quarter of the Fiscal Year 1957, 494,557,354 pounds, or a total of over two billion pounds since June 1954. If shipments continue at the rate established in the first Quarter of the current fiscal year, the commodities shipped in the three year period since the Spring of 1954 will have exceeded the value of one billion dollars estimated in the joint paper "The Challenge of American Abundance." These commodities were distributed in 78 countries and areas of the world.

These distribution plans could only have been carried out because of the great welfare and health channels that the agencies have long since established overseas—channels that could not be duplicated by government with any amount of money. These feeding projects are integrated into existing welfare, health and training programs which the agencies conducted before the availability of surplus foods, and which will continue, irrespective of the availability of such foods. This is not to underestimate the vital importance of surplus commodities as a supplement to the agencies' regular programs.

For the first time, in December 1955, surplus corn, wheat, beans and rice, were made available to American agencies serving the dispossessed and needy overseas. By August 1956, the supply of beans was exhausted, when the agencies had shipped 72,228,494 pounds of that commodity. Announcement has been received that rice will no longer be available after December 31st of this year. By that time the agencies will have shipped over 300,000,000 pounds of rice for overseas distribution.

In a three-year period, supplies of certain other commodities, made available by the Department of Agriculture as a result of legislation, were withdrawn from availability. Of these, the agencies used 81,675,255 pounds of shortening and cottonseed oil, withdrawn as of July 1, 1955, and 305,837,106 pounds of butter and butter oil, withdrawn as of July 1, 1956.

Milk has been on a "current" basis since the beginning of the calendar year, meaning in effect that there are no stocks from which to draw, and while there is sufficient milk for distribution during the flush season, in the months of January through March, very little is available for ongoing feeding programs.

This, then, is the statistical record of the agencies participating in the surplus commodity disposal program. On the matter of program performance, there seems to be agreement that the distribution has been on a non-discriminatory basis to those in greatest need. Machinery has been set up to avoid duplication, and the aid given through the agencies has not interfered with national or international economies. Every effort is made to assure that the American origin of the supplies is known to the recipient individuals and organizations overseas, and most important of all, lives have been saved and hope renewed among dispossessed and uprooted people.

To preserve the unquestioned gains achieved throughout the world by the ongoing feeding and welfare projects of American voluntary agencies, it would seem that it is time for a "new look" at certain aspects of the program. From such a "new look" arise the following specific recommendations:

1. Among the hungriest people in the world are the habitual rice eaters, and therefore it is recommended that rice remain on the availability list for the feeding programs of the voluntary agencies.

2. It is recommended that we utilize added millions of pounds of our wheat surpluses in a form acceptable for consumption by great groups of people served by the voluntary agencies—especially in Africa, the Near and Middle East and Asia. This form is known as parboiled or bulgur wheat.

3. Since voluntary feeding programs are planned in conjunction with our welfare programs of long-term effect, it is recommended that the agency programs be approved on a yearly basis and that sufficient surplus stocks be allocated to fulfill planned programs. Such a planful approach would prevent the periodic unavailability of such basic items as milk.

4. Since the surplus food stocks made available through the voluntary agencies derive from the productivity of some American people and the efforts of others who pay taxes, the resulting surplus distribution programs of the voluntary agencies are a direct people-to-people operation. We are in agreement that whenever the host government is in a position to contribute to ocean freight costs on voluntary agency surplus commodity shipments, this should be encouraged. Where, however, such contributions tend to negate the people-to-people aspect of such agency programs or to render it impossible for the agencies to meet existing needs adequately, it is is recommended that the United States Government absorb the ocean freight charges. This is especially true where the agencies are serving groups of refugees or enclaves of people in whose welfare the host government may have less than moderate interest.

Since Congress has set aside increased funds (under permissive legislation in the Agricultural Act of 1956) for freight on voluntary agency surplus commodity shipments, it is recommended that these funds be utilized to include additional areas of need at the earliest possible moment.

5. Balanced feeding programs are especially necessary in aiding the most threatened and poorest members of the world community whom we are able to reach with our aid. Fats are a vital requirement of diet. Even though other fats and oils are presently unavailable, the huge corn surplus permits the processing of that commodity into corn oil, corn syrup and other useful by-products.

The above recommendations are based on a realistic assessment of the part that overseas sales and domestic school lunch and other programs play in the disposal of surplus agricultural and dairy products. The agencies take into account the fact that as underdeveloped countries become stronger economically, they will become market areas for such items as are now held in surplus. They are keenly aware that the friendship which grows out of cooperation in meeting human needs is a long-term spiritual investment of immeasurable value for the people of our nation.

It is seldom that a happy circumstance prevails whereby an abundance of surplus stocks and burdensome storage costs are diminished with proportionate expansion of understanding and goodwill; whereby an exchange is effected which in a sense translates material gifts into spiritual realities among peoples.

Thus are expressed the abiding concerns of the voluntary associations of Americans for the building of true brotherhood among peoples by people-to-people efforts; for the strengthening of the sense of personal worth among those disinherited and cast off by the world; for the reassertion of eternal values among those for whom all values have failed; for the sowing of peace among those anguished by violence, insecurity and unending want.

DEPARTMENT OF AGRICULTURE,
March 15, 1957.

Hon. CHARLES P. TAFT,
Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, Washington, D.C.

DEAR MR. TAFT: In our letter of January 24, 1957, we acknowledged receipt of the paper "The Continuing Challenge of American Abundance" and advised you that we would carefully study the recommendations contained therein.

The contributions which have been made by the American Voluntary Welfare agencies in their distribution of surplus foods abroad have been very worthwhile and have materially assisted us in our care and management of CCC food stocks. I have discussed the proposals which have been made by the American Council of Voluntary Agencies for Foreign Service, Inc., with several of my staff members in the interest of giving every possible consideration to each proposal and would like to comment on them in the order in which they were mentioned.

Within the past year there has been a very active market demand for rice and sizeable sales have been transacted with India, Japan, Pakistan, Korea, and Indonesia under Title I, Public Law 480 and the ICA Section 402 authorities. Rice was taken from the list of commodities available for foreign donation effective December 31, 1956, because it became apparent in the fall of 1956 that the stocks remaining in CCC inventory would be required for sales which had been, or were anticipated to be made. We anticipate that the export market demand in 1957 will not only exceed the quantity exported in 1956 but will permit complete liquidation of stocks in CCC inventory from the 1954, 1955, and 1956 crops.

As you know, the donation authority in Section 416 of the Agricultural Act of 1949, as amended, provides that CCC give primary consideration in the disposition of its stocks to normal domestic and export channels of trade. In view of the anticipated volume of export sales in 1957 we have no recourse but to deny the proposal that rice be reestablished as available for foreign donation at this time. We shall continue to periodically appraise the export demand for rice as it relates to quantities in CCC inventory, and in the event that the export demand does not meet our anticipations, we shall be happy to give consideration to making rice available for foreign donation at such time.

The recommendation to have CCC process wheat into parboiled or bulgor wheat for foreign donation presents several problems. Representatives of the trade who are equipped to process wheat into bulgor have stated that the Soft White varieties of wheat are preferred in the manufacture of this product. There has been a very active export demand for these varieties of wheat and we anticipate that we will be able to liquidate the approximately 70 million bushels of Western Soft White wheat which we have in inventory.

We further expect to take over very little, if any, 1956 crop Western Soft White wheat and anticipate that we will have a market for any which may be taken over.

We would further question the advisability of engaging in such a program because the production output of the four plants which process bulgor could supply only a small percentage of the orders we could anticipate receiving from the voluntary agencies. We would consider it inappropriate for CCC to encourage the expansion of production facilities for this product by offering it for donation. We therefore consider it impracticable to adopt the recommendation to process CCC wheat into bulgur.

We can readily understand the desire of the Voluntary Welfare Agencies to have CCC commodities allocated to them on an annual basis rather than a calendar quarter basis in order that they can better plan their foreign distribution programs. This could be accomplished by reserving or setting aside specific quantities of commodities in CCC inventory for such use. Such action however would necessarily require that we be in a position to accurately forecast the quantities of price supported commodities to be produced in any program or crop year, the quantities to be taken into CCC inventory, the quantities to be disposed of through domestic and export sales, and the residual quantities to be made available for donation. The uncertainties of weather, prices in the open market and foreign demand as it is influenced by changing international conditions cannot be assessed accurately enough to make such a forecast.

It is because of these limitations that we request that the Voluntary Welfare Agencies continue to submit their Section 416 food requirements on a calendar quarter basis. In our conversations with their representatives we will endeavor to provide them with all possible information on the supply outlook for each commodity in order that they may plan their programs as far in advance as possible.

The inclusion of fats and oils in the foreign donation program by conversion of CCC corn into oil, starches, livestock feeds and other byproducts would be a costly departure from our basic concept of the purposes of the donation program and could generally impair the purposes of the price support program. The amount of oil obtained from corn is 1 percent under the dry milling process and 2.7 percent under the wet milling process. The quantities of oil which would be obtained would be relatively small in relation to the cost. CCC would however obtain sizable quantities of livestock feed products which could not be donated and would have to be sold in the open market in competition with commercial feeds either directly, or through the corn processing firm. Donation of the corn products which could be used as food (oil, grits, flour, starch and syrup) into foreign programs would require that they also be made available for domestic donation to schools, institutions and needy persons. It is our belief that such distribution would tend to displace some normal commercial purchases of such products with harmful results to wholesalers and retailers engaged in such trade.

I should like at this time to thank you, members of your Committee and all the members of the American Council of Voluntary Agencies For Foreign Service, Inc., for the excellent cooperation we have received in carrying out the Section 416 foreign donation program. We shall continue to give the most careful consideration to recommendations which are made to improve this program in the mutual interest of obtaining the maximum benefits to the United States.

Sincerely yours,

EARL L. BUTZ,
Assistant Secretary.

Mr. KENNEDY. There are other reasons as well. In speeches as recent as last April, Dr. Butz has displayed a callous disregard for the needs of the Nation's poor and hungry.

He implied that the concern of hunger and malnutrition was "a fad" and stated:

> And what came out of that? Out of that came the food stamp plan—so generous, extensive—that it's just short of ridiculous in some parts of this country.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HUGHES. Mr. President, I yield 2 additional minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I find that to conflict with my view that there is a fundamental requirement that this Nation prevent any of its citizens from going hungry.

Also, through those speeches, his views of the importance of preserving our environment clearly demonstrates that he is out of step with the Nation.

Thus, he said a choice must be made between "a little thermal pollution in our waters" or "brownouts in our cities." I think we are committed to prevent both and I find it objectionable that the proposed nominee is willing to trade one against the other.

There is another reason as well, a reason that is directly related to the farm needs of the Nation.

For this nominee has openly acknowledged that he would like to see the continued disappearance of millions of farmers from rural America. He has urged the conglomeration of American agriculture as a board member of the giants of agribusiness in this Nation, and we can be sure that he will be endorsing policies to do exactly that as Secretary of Agriculture.

Already the farmers of this Nation have had to suffer under policies that have brought parity for the farmer down to 69 percent, the lowest level since the depression years.

In the past 2½ years, 100,000 farms have disappeared across the Nation, 595,000 men and women have left the fields, and farm machinery costs have climbed 13 percent while farm prices have barely edged up 3 percent.

And this nominee would speed up the process of consolidation, speed up the process that already has deeply endangered rural America.

And so, for all of these reasons, I oppose confirmation of the pending nomination.

Mr. HUGHES. Mr. President, I yield 5 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 5 minutes.

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from Iowa for yielding to me.

Mr. President, I regret that I am going to have to vote against the nomination of Earl Butz to be Secretary of Agriculture. I say this because of my philosophy that the President should generally have the choice of selecting his own Cabinet, and the power of advice should be only sparingly utilized. However, this is one of those occasions where I feel that the Senate must act.

There are a number of important reasons why Earl Butz should not be confirmed as Secretary of Agriculture. First, he has received a general vote of no confidence from a great many farm groups, including the National Farmers Union, the National Farmers Organization, the Midwest Farmers Association, the National Corn Growers Association, as well as from individual farmers contacting my office. Just before coming here this morning, I took a look at my mail, and I find that I have had 185 letters in opposition to Dr. Butz and three in favor of him.

Second, Dr. Butz indicated a predisposition against congressional enactment of price supports and supply adjustment programs and for the return of the farmers to the marketplace.

Dr. Butz' earlier writings and speeches also indicate that in the past he has opposed price support and supply adjustment programs which, for the past 20 years have been important in stabilizing prices and income for cotton, wheat, feed grains, rice, peanuts and dairy producers. Producers of these products do not trust Dr. Butz, on the basis of his past record, to be a good administrator of these programs that are favorably inclined to maintain their income.

Third, in answer to the questions by members of the Senate Committee on Agriculture and Forestry, Dr. Butz expressed interest in, but would not take a position regarding legislation needed to strengthen the farmers' bargaining positions with agribusiness corporations.

Thus, Dr. Butz would apparently return the farmers to the marketplace without strengthening their bargaining power.

Fourth, Dr. Butz has a long association with agribusiness including membership on the board of directors of the Ralston Purnia Corp.

During his period of service, Ralston Purina acquired a dominant position in the broiler industry and vigorously opposed legislation to strengthen the bargaining position of farmers. This makes Dr. Butz suspect as an adequate spokesman for the family farmers who are in support of strengthening the farmers' bargaining power in marketplace.

In view of his vigorous opposition in the recent past, farmers are unlikely to trust him in the very important areas of farm bargaining and farm support programs, even though he promises to support their interests.

Fifth, Dr. Butz has made statements in the past indicating his lack of support for the food stamp and the school lunch programs, which it would be his responsibility to administer if he were confirmed.

Sixth, I must also oppose Dr. Butz' appointment because, on the basis of his past statements and activities, he has shown a lack of concern for conservation and the abatement of pollution and the improvement of the environment.

He has always championed the private interests of agribusiness firms rather than the public interest. The position of Secretary of Agriculture, is a position of public trust with the responsibility for defending the public interest. Dr. Butz is a man who has been associated primarily with the larger corporate agribusinesses.

This appointment would be too much like putting the fox in the chicken coop.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. DOLE. The Senator is not questioning Dr. Butz' honesty or integrity, is he?

Mr. TUNNEY. I certainly am not questioning his honesty or his integrity. I think as far as his integrity is concerned as a person, he is a man of high ethics.

Mr. DOLE. The Senator does not question the President's right to name his Cabinet, I understand.

Mr. TUNNEY. I do not question the right of a President to name a person to the Cabinet that he thinks will support his own philosophical point of view. On the other hand I feel that the Senate and an individual Senator has the right to determine whether a Cabinet appointment is going to be detrimental to the interests of a significant portion of the society and citizenry. If it is, then a Senator in conscience has to vote against that nomination.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. TUNNEY. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. HUGHES. I yield 2 minutes to the Senator from California.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. TUNNEY. I yield to the Senator from Kansas.

Mr. DOLE. I commented earlier about the general right of the President to name men of competence and honesty to the Cabinet. Certainly we have a responsibility in the Senate. We suffered for 8 years under Orville Freeman, and I assume that upset many Senators in this Chamber, and that is part of the reason we are in great difficulty in this country now. But it was not all the fault of Orville Freeman. We pass the laws and we call upon the Secretary of Agriculture——

Mr. HARRIS. Mr. President, I object to the Senator from Kansas talking on our time.

Mr. DOLE. I want to know, if the Senator does not question his honesty and integrity, it is because the Senator does not want the President to name him or because the Senator wants to name him himself?

Mr. TUNNEY. It is not a question about wanting to name the man in the Senate.

Those of us who oppose Dr. Butz feel that to put a person in charge of the Department of Agriculture, who has been associated with the large corporations, who has identified more with an old-fashioned outmoded concept of supply and demand, not interested in seeing support prices maintained so that the small farmer will still have a chance to earn an income—that such a person should not be in a position of high responsibility and should not be in a position to administer the food stamp and school lunch programs.

We know that through administrative rulings it is possible and it is easy for a Secretary to cut back, curtail, and curb the programs beyond what Congress originally intended when they were passed.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator yield to us 2 additional minutes?

Mr. AIKEN. I yield to the Senator from Kansas.

Mr. TUNNEY. Inasmuch as the average family farmer feels that Dr. Butz is not going to protect his interest, and inasmuch as I agree with the average family farmer, I do not see how I can do anything other in conscience but vote against the nomination.

Mr. DOLE. I do not quarrel with the Senator's right to vote against Dr. Butz. We cannot reach the same conclusions based on the six or seven reasons the Senator mentioned. But Dr. Butz does support the 1970 Agriculture Act. He said that there were abuses in the food stamp program, and there are abuses in the food stamp program. We provide food stamps to some who do not need them and thereby deprive those who are needy. He has made speeches on the environment and the swine industry.

He has expressed his concern for the American farmer. He was born and reared on a farm, and he was a farmer himself. He has been an articulate spokesman for American agriculture. That would qualify him, in my mind, more than Orville Freeman, who was nominated by President Kennedy, and he was a big city lawyer from Minneapolis and never worked on a farm.

Mr. TUNNEY. I wish to ask the Senator how his mail is running on this question.

Mr. DOLE. I do not vote solely on the basis of my mail, because the mail is often not a clear indication of how the majority views a situation.

Mr. TUNNEY. I do not either, but how the average family farmer feels is extremely important.

Finally and perhaps most important for the future of agriculture, I must oppose Dr. Butz because family farmers are in a severe cost-price squeeze at the present time and deeply resent the competition of conglomerate corporations and agribusiness firms. They believe the Secretary of Agriculture should be a strong spokesman for family farmers. Dr. Butz's activities and statements in the past 30 years raise substantial doubts regarding his philosophical position on this sensitive issue.

Agriculture today is at a very serious crossroads. Decisions made by the Secretary of Agriculture in the next few years will have an enormous impact on type of agricultural economy this Nation will have in the future. I believe that rural America deserves a progressive rather than a regressive voice. I believe that all Americans deserve an agricultural voice that puts the public's interest first. I do not believe that Earl Butz is that voice.

I would like to conclude my statement by including in the RECORD excerpts of statements made by Dr. Butz on the various areas of concern to me.

As Assistant Secretary of Agriculture under Ezra Taft Benson, Dr. Butz is quoted as advising farmers to "adapt or die, resist and perish—too many people are trying to stay in agriculture that would be better off someplace else." This statement was made in a March 7, 1955, speech before the National Farm and Ranch Congress in Denver.

Charles Bailey of the Minneapolis Sunday Tribune quoted Dr. Butz in 1958 as follows:

> Farmers ultimately will lose their vocational identity as members of the community. At this point farming no longer will be a way of life.

At a Minneapolis Marketing Seminar sponsored by the General Motors Speakers Bureau on April 26, 1971, Dr. Butz said:

> I suppose in history we'll look back 5 or 6 years from now and we'll call this the year of the environment.
>
> * * * * *
>
> But look back 3 or 4 years before this . . . the big clamor with hunger and malnutrition.
>
> * * * * *
>
> Senator McGovern had his televised hearings in Florida to show the bad plight of migratory workers . . . Ted Kennedy took a planeload of cameramen to Alaska to see the starving Eskimos . . . Out of that came a Food Stamp Plan so generous that . . . it's just short of ridiculous . . . Out of it came a welfare program that President Nixon is recommending to the Congress that is so far out that even the Democrats in Congress won't buy it.
>
> * * * * *
>
> We always overreact to crisis.
>
> Lake Erie—How many of you have heard that Lake Erie is a dead Lake and the other lakes dying. Last year the commercial fish take in Lake Erie was a record. It can't be very dead. . . . Let's come down to earth on this propaganda and agitation that we're getting about environment and be sensible about it.

In the same speech Dr. Butz remarked:

> But I'm going to talk about something this morning that I think is a real threat to American agriculture. It involves our future. Something you can help with. And that's the threat that comes from the environmentalists, from the do-gooders or from consumerism, or from whatever you want to call it.

Dr. Butz continued to say:

> We need to extol the benefits that come from these chemicals and pesticides and antibiotics that we use.
>
> . . . then I see these environmentalists on the other side trying to hold us back and trying to impede—not trying, but the net effect is to impede—the progress we're making in scientific agriculture.
>
> This fadism that we follow as a nation and currently its ecology and pollution and it hits us in agriculture right in the solar plexus.

In an article in Successful Farming in 1949, Dr. Butz indicated his views toward the price support program:

> I am alarmed by the growing agitation for programs of one kind or another that will lead directly or indirectly, to controls on the individual farmer . . . If and when such a situation occurs, there can be no voluntary compliance.

In a speech at North Carolina State College on February 13, 1956, Dr. Butz once again spoke of the price support program:

> At the root of much of agriculture's price and income problem today lies the tremendous hoard of farm products . . . As a nation we have gotten ourselves into our current almost unbelievable surplus situation, primarily because many of our people believed . . . that an Act of Congress could brush aside fundamental demand and supply relationships . . . American farmers find themselves saddled with the most stringent set of production and marketing controls in their history . . . They are the inevitable aftermath of a price support system conceived in short run profits.

Mr. DOLE. Many family farmers have been told by Tony Desafo and the National Policy Committee, and Staley was on the policy council, to write to their Congressman and tell them to vote against Dr. Butz and they have done that. I have a lot of mail, probably 2 to 1, against Dr. Butz but most of it has been inspired by this.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. I yield myself 1 minute for a question.

Mr. HUGHES. Mr. President, I would like to ask the distinguished Senator from Kansas a question since he has mentioned the NFO. I have already referred to his questioning of Mr. Staley which appears on page 104 of the hearings. Does the Senator from Kansas refute the statement of the president of the National Farmers Organization?

Mr. DOLE. We checked on Tuesday of this week and he is still listed as a member of the council. He did not say take me off.

Mr. HUGHES. Mr. President, would the Senator respond to the question. Does the Senator from Kansas repudiate the words of the president of the National Farmers Organization, Oren Lee Staley, given in testimony before the committee when the Senator from Kansas was asking the questions?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. Mr. President, if the Senator will yield himself 1 minute I will answer the question.

Mr. AIKEN. I yield the Senator 1 minute and then I would like 1 minute.

The ACTING PRESIDENT pro tempore. How much time is yielded?

Mr. AIKEN. One minute.

Mr. DOLE. I am a friend of Staley. Do not misunderstand me. I know he is an active Democrat but the point I make is they are paraded before our committee as nonpartisan witnesses, and that is not a fact. He was listed on Tuesday, November 30 as a member of the Democratic Policy Council of the National Democratic Committee. He has not asked Larry O'Brien to take his name off that list. He has not done so. I asked him as recently as yesterday and he has not done so.

Mr. AIKEN. Mr. President, I yield myself 1 minute to make a comment with respect to the Senator from California protesting against the Food Stamp Act.

When the last food stamp bill was reported from the Committee on Agriculture. It did not include this national standard about which the opposition to Earl Butz now complains, that provision was inserted by amendment in the Senate.

So I hope we do not get blamed for something we did not do in our committee or in the Department of Agriculture.

Another thing I would like to point out is of all the witnesses against Mr. Butz in the committee we were unable to get any of them to suggest the name of the person they would like for Secretary of Agriculture. In other words, they wanted to beat him but they did not have any other proposal.

Further than that, much has been made of the position of Mr. Butz on the environment. I think that is very logically explained in a speech he made December 1, 1970, at a dinner in Chicago hosted by the Foundation for American Agriculture.

I think in view of the discussion I will ask unanimous consent to have the speech printed in the RECORD if it has not already been done, and I do not think it has been.

Mr. President, I ask unanimous consent to have printed in the RECORD the speech by Earl L. Butz entitled "Man and His Environment—Crisis or Challenge," given in Chicago on December 1, 1970.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

INTRODUCTION

"Who's Who in America" contains a prosaic account of the accomplishments of the Hon. Earl Lauer Butz. Inevitably it fails to indicate that in Dr. Butz America has one of the most brilliant and penetrating minds that has marched up the talent-filled Indiana turnpike in many a Wabash moon. It is a march that has brought to him national and international recognition. Unhappily, because of the single page assigned to this introduction, and the fact that rubber type is still not available, it is impossible to do justice here to this wise, humane and witty gentleman, so, in desperation we are forced to retreat to the colorless format of "WHO'S WHO" and present a condensed account of his career as recorded therein.

From Purdue University. Earl Butz received his B.S. Degree in 1932 and his Ph.D. in 1937. He has served as Research Economist for the Federal Reserve Bank of Louisville, as Professor and later Head of the Agricultural Economics Dept. of Purdue and as Dean of its College of Agriculture. During the Eisenhower Administration, he was an Assistant Secretary of Agriculture, a member of the Board of Directors of the Commodity Credit Corporation and Chairman of the U.S. Delegation to FAO, 1955 and 1957. He has been an officer of the American Farm Economics Association and a member of the Canadian-American Committee, the International Conference of Agricultural Economists and the American Association of University Professors. He serves on the Boards of International Minerals and Chemical Co., Ralston-Purina Co., J. I. Case Co., Stokely-Van Camp Co. and Standard Life Insurance. Co. of Indiana. Presently he is Vice Chairman of the Board of the Foundation for American Agriculture, Vice President of the Purdue Foundation and Dean of Continuing Education at his alma mater.

On December 1, 1907 at a dinner in Chicago hosted by the Foundation for American Agriculture and moderated by Vice Chairman J. W. Stuart, Board member Clifton B. Cox introduced Dr. Butz, who spoke to the Foundation's Board and their guests on "Man and His Environment—Crisis or Challenge?" The foundation is privileged to publish his talk herein, but it should be added most emphatically that the printed words only faintly indicate the dynamic impact of these remarks as delivered in person by their author.—C.D.B.

MAN AND HIS ENVIRONMENT—CRISIS OR CHALLENGE?

(By Earl L. Butz)

Man has been a polluter, of sorts, ever since he discovered fire. Indeed, he wasn't nearly as clean in his living patterns and as sanitary in his personal habits centuries ago as are his modern descendants. We know something about the way the caveman lived by examining his rubbish pile. He polluted the air, the water, and the soil. But he didn't live in dense urban concentrations, and he had such a vast array of space and natural resources available to him that any pollution was so diluted that it was inconsequential, if it was even noticeable. Indeed, his animal and human wastes were recycled into the soil, and became an asset in his plant culture.

From that early day until now, our population-resource ratio has narrowed markedly, our per capita demand for resources has risen sharply, our population curve has accelerated upward at an alarming rate, and the opportunity to move on to virgin and unspoiled areas is virtually nonexistent.

FEVER PITCH IS REACHED

Small wonder, then, that we are all concerned about environment, resource use, pollution, and quality of life. In the last half dozen years interest in these areas has built up to near fever pitch. We are probably right now at a peak in our national clamor to "do something" about pollution.

We have a certain amount of faddism in our support for public causes. Think back over the last half dozen years or so. A couple of years ago our great national concern dealt with malnutrition and hunger. A greatly expanded federal food stamp program resulted. A revolutionary new concept in welfare was placed before the Congress by this administration. Before that we were all steamed up over racial and ethnic discrimination, with a wide variety of organizations carrying that flag.

Today I think it can be said that 1970 will go down in history as *the year of the environment*. In another year or two the very same organizations and media that wave the environment flag so vigorously today will have still another torch in their hands—and wave it just as enthusiastically. It is difficult to keep public interest at fever pitch in any movement more than a year or two.

Perhaps it's better this way. It is a well demonstrated American trait to over-react to crisis. When any issue is at the crest of its "agitation curve," exaggerated statements are made, perils are overemphasized, emotions are stirred up, and some unwise things are done. But on the other hand, governments are moved to act, corporate managers are made aware of their public responsibilities, and Mr. John Q. Citizen also decides that he too may be called upon to share in the cost of improving the situation. When public clamor subsides a bit and we enter the sub-crisis stage of public discussion and concern, it is always possible to make sounder decisions, to formulate better programs, and to move forward on a rational basis. There is evidence that our nation is just now entering that phase of environmental awareness.

PEOPLE GENERATE POLLUTION

The current furor over environmental pollution is, in fact, merely an expression of *people-lution*. The classical "solution to pollution is dilution" is completely inadequate as the concentrating population generates pollutants faster than the available dilutants of air, water, and space can absorb them.

The astonishing fact is that the human race as a whole is currently doubling every 30 to 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If the population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, that rate of growth cannot persist indefinitely because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

Or to put it in still different terms, within 100 years from now at present rates of increase, the world population will aggregate nearly 50 billion humans, equivalent to 1,000 people per square mile, or more than the density of people in New Jersey, over the entire land mass of the planet, including all the mountains, all the deserts, and both polar icecaps.

We haven't been doing quite that well in the United States, but we have been growing pretty rapidly. We reached 50 million by about 1880, 100 million by 1917, and 200 million in 1968. It looks like we'll hit 300 million by 2000.

Obviously, this is a geometric increase. But alarming as it is, it falls short of describing our trouble in true proportion, for certain social and environmental conditions are changing even more rapidly than the population.

DISEASE POTENTIAL INCREASES

In the first place, we don't know a great deal about the effects of high density population on human beings. It is clear that concentrations of people commonly produce high rates of abnormal social and psychological behavior. We know that disease potential increases with high density population. We don't know enough about the relationship between high density population and the rapidly accelerating increase in competition and the complexity of relationships among individuals. The resulting higher sociological and psychological stress no doubt is a contributing factor to high drug usage, breakdown of law and order, and a threat to organized society itself.

In the United States in 1970, only about 25 per cent of the population lives in rural areas. Or putting it another way, three-fourths of all the people live on one per cent of all the land.

Another aspect of the environmental problem, in the western world anyway, involves the skyrocketing curve of human wants and needs. The production of electric power is doubling every decade, and with it the thermal pollution of water, increased pressure on clean air, and marked invasion into our limited supply of fossil fuels. In North America, automobiles are increasing twice as fast as people; draw your own conclusions relative to the impact on atmospheric pollution and the growth of unsightly junkyards. As per capita income levels have risen and dietary patterns have grown more sophisticated, our food supply is possible only through increased use of chemicals and pesticides with their attendant regulatory and residue problems, animal feeding in large concentrated units with concomitant waste disposal problems, and a higher solid waste production associated with modern food merchandising and processing. These simple illustrations are indicative of the manner in which a geometric growth curve of human desires imposed upon a geometric growth curve of population can, in time, stretch the population-resource ratio to the breaking point. We are not there yet, but we are on the way.

SOLID WASTE IS GROWING

Solid waste production is also growing. Even this is on a geometric curve. The per-capita production of solid waste in this country is now about five pounds per person per day. This has doubled in the last couple of decades. The figure is increasing at about 3 per cent each year, which when added to an increase of 2 per cent in population each year, means about a 5 per cent increase annually. If we were to include all industrial and agricultural wastes, the figure would rise to 8 pounds per person per day, or nearly 1½ tons per person annually. This aggregates to almost 300 million tons annually for the entire nation. What a load for incinerators, dumps, land-fills, garbage disposals, and sewage treatment plants!

Attempts to categorize and measure the various kinds of pollution have met with only limited success. We can pretty well quantify our solid wastes that move out of home, factory, and feedlot. Likewise, there are reasonable estimates about the quantity of emission of solids into the atmosphere, particularly from the automobile. The measurement of water pollution is different, as it occurs both from run-off from our farms and industrial discharge into our waters, and also thermal pollution, particularly from electrical generating plants. And in recent years we have heard a lot about noise pollution, especially near airports and busy highways.

We all point to the automobile as the major air pollutant. While one should not minimize the contribution automobiles make to air pollution, their share of the total pollution is often exaggerated.

In spite of all the talk about electric automobiles, steam-powered cars, and the like, it is reasonably clear that the internal combustion engine is here to stay as an essential part of surface transportation. We have taken the sensible approach as we make modifications, even though they cost a little money, that reduce the emission problem to acceptable levels. It has been estimated by the automotive industry that auto emissions climbed to their peak a couple of years ago and have been going down since then. They will continue to go down each year, even though car population and vehicle miles driven will go up, so that by the early 1980's total vehicle emissions will be nearly comparable to what we had in 1940. And no one worried much about them then.

TROUBLE SOURCES LISTED

We should not let our daily awareness of the automobile obscure other important sources of air pollution, such as industrial plants and municipal and private burning.

Most industries, whether they contribute by smokestacks or through exhaust systems, add several types of air pollution to the atmosphere. Open burning on municipal dumps adds smoke and particulate waste in addition to deadly fumes.

Municipal and private utility companies are also examples of secondary sources of pollution. Electrical companies, while producing a non-pollutant source of energy and heating use coal as a source of power. This coal consumption adds significantly to the smoke, particulate, and sulphur dioxide content in the atmosphere. Finally, the individual, farmer and city slicker alike, pollutes when he burns off his fields or burns his trash in the back yard.

We are making substantial progress in reduction of water pollution. It is estimated that in 1970 total expenditures in this country by government (federal, state, and municipal) will be $3,680,000,000 for water and sewage treatment facilities of one kind or another. In the federal budget that President Nixon recommended to Congress last January, he included $800 million for 1970 for water pollution control. This compares with only $214 million the year previously. He estimated that over the next five years, a total of $10 billion of federal funds should be appropriated for this purpose. However, we should recognize that solid waste disposal problems are compounded by the abatement of water and air pollution. Chemicals and sludge collected in waste water treatment plants and particulates washed from industrial smoke must be collected and disposed of in some manner.

Agriculture is one of our big solid waste producers. On top of that, agriculture contributes its share of water pollution in the nature of nitrates and nitrites, ammonia, and persistent pesticides such as DDT, Deildrin, Endrin, and Toxaphene. Yet we must hasten to point out that it would be impossible to produce our modern food supply without the use of such pesticides.

One of agriculture's "messiest" problems is manure disposal. And it is going to get worse in the future.

FARMERS CAUGHT IN MIDDLE

Farmers are caught right in the middle of consumers' demand for more red meat—with less pollution from its production. But we have not yet found a way to produce a tasty sirloin without some cow manure as a by-product.

Historically, manure disposal on the American farm was relatively simple, when most farmers were diversified with both livestock and crops. Manure that fell in the pasture was automatically recycled back into the land. Manure that fell in the barnyard or barn was spread on adjoining cropland where the nutrients were re-used by next-year's crops.

Today much of the two billion tons of manure produced by farm animals each year is dropped by animals concentrated in large units. Since we have developed methods to produce inorganic fertilizers cheaply, the value of manure as fertilizer today is often less than the cost of storing and spreading it. Thus, it is regarded as a costly disposal problem.

Animal wastes thus accumulated must be disposed of somehow. However, animal wastes pollute the environment in a number of ways. Odor is an obvious pollutant; it is one that livestock producers have learned to tolerate or even appreciate, depending on the price of livestock. But neighbors—especially if they are not farmers—don't have the same economic interest in that smell.

The run-off from barnyard manure, entering streams, ponds, or lakes, can pollute those waters in several ways.

It is little wonder that cities show increasing interest in concentrated livestock operations anywhere within or even near the watershed from which they draw their water supply.

Fortunately, there are safe and sanitary ways of disposing of barnyard manure besides spreading it back on the land, but try to convince an urban politician that his water supply is safe so long as one of those fully modern feeding installations is located anywhere within his watershed!

We now come to the $64 question. Can pollution be controlled? Can it be slowed down? Can it, hopefully, be reversed?

AGRICULTURE MAKES STRIDES

The answer to all of these questions is a resounding YES—if we want to pay the cost. We have already reduced substantially the pollution from the internal combustion engine. Industrial plants have spent and are spending tremendous sums to reduce both air and water pollution. Agriculture has made great strides in the safe use of chemicals, biologicals, and herbicides, and is making real progress in the disposal of animal wastes.

While of course we always need added research on any problem, and there are additional refinements that can be made in practically any process, we do know how to reverse our headlong plunge toward a complete fouling of the nest in which we live. We are making progress. While much remains yet to be done, let's not discount for a moment the advances we have made.

A study made earlier this year and reported in *U.S. News and World Report* indicated that it would take $71 billion to clean up polluted air, land, and water in this country in the next five years. The study estimates that $54 billion is required to clean up the waterways, $13 billion to combat dirty air, and $4 billion to improve methods for disposing of solid wastes.

Give or take $20 billion one way or the other, and you still have a pretty sizable price tag on our cleanup job. It is very likely more than the body politic will appropriate for that purpose. But all of it won't have to be appropriated. Part of it will come out of your pocket and mine in a higher cost for the automobile we buy, the electricity that lights our house, or the food that comes to our kitchen.

It is important that we as a nation recognize that solutions to these and similar problems rest not with some distant entities such as corporations or the government, but with each of us as individual citizens.

Some while back the comic strip character Pogo said about pollution, "We have met the enemy . . . and they are us!"

THERE IS NO SHORT CUT

The emission control systems on the automobile don't come for free—the purchaser pays for them. If ultimately we get lower compression engines, unleaded gasoline, with perhaps lower energy conversion ratios, we'll have to pay for it. There is no short cut.

If power generating plants install emission controlled devices and minimize thermal pollution, those of us who buy electric power will pay for it.

If the disposable soft drink can, the no-return beverage bottle, and the plastic detergent container give way to some other—and perhaps more costly—method of distribution, we'll pay for it. There is no short cut.

On the other hand, we should recognize that economic benefits also flow from pollution control. Therefore, the total cost of cleaning up our environment, estimated earlier at $71 billion over five years, is gross cost and not net.

Cleansing the environment actually will save vast sums, in addition to enhancing the quality of day-to-day living. It has been estimated that polluted air costs some $13 billion a year in property damage from soiling, corrosion, and abrasion of materials. It is difficult to esimate how many more billions should be added for health care bills and the loss of farm crops.

Similarly, polluted water costs the nation perhaps $12 billion a year. The five-year economic loss of $60 billion is more than the estimated tab for making waterways cleaner. Improving the disposal of solid wastes, authorities say, would contribute to better public health, save money on trash collection, incineration, and dumping.

Government and industry together are spending only millions annually to fight air pollution. The study cited above indicated the five-year bill for air pollution would be about $13 billion over five years, or about $2.6 billion annually. It has been estimated that damage caused by air pollution probably exceeds $13 billion a year.

MODEST FRACTION IS REQUIRED

The gross national product in the U.S. in 1970 was approximately $970 billion. The National Planning Association has projected that it will grow about $45 to $50 billion annually at constant 1970 prices. Only a modest fraction of his annual increment will be required to conserve our resources and enhance our environment. Ten billion dollars per year or more put into environmental improvement would be less than one per cent of our G.N.P. We can and will do at least that much. While this may mean a slight reduction in the growth rate of real personal disposable income, Americans have always made greater sacrifices in income in order to improve the quality of living. Look for example at the reduction in the workweek from the 60 or 70 hours of a century ago to some 35 hours today. It is clear, in this instance, that our society has elected to trade off several hundred billion dollars per year in personal income in order to work fewer hours and increase the quality of living through expanded leisure time. However, we are now at the point where the enjoyment of leisure time has been seriously impaired by the limitations on recreational opportunities through environmental pollution.

Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything *absolutely* safe.

This is a world in which we constantly offset risk against benefit. We never completely insure our car against all hazards, our dwelling against total loss, our life for what it is *really* worth, or our health against every hazard. In practically every phase of our activity we take some chance. We are constantly trying to evolve a risk-benefit ratio which satisfies each of us, and which each of us can afford. If we completely insure against every risk, we may end up with nothing left to enjoy our new-found safe position.

ILLUSTRATIONS ARE GIVEN

A few illustrations will suffice. We must shortly decide whether we want to build additional power generating plants, with perhaps a tolerable amount of thermal pollution and atmospheric pollution, or whether we want to experience electrical brown-outs on midsummer afternoons when everybody turns on his air conditioner. We must decide how much additional cost we want to add to our total transportation bill to reduce pollutants from that source to, or even below, tolerable levels. We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious, and economical food supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals or antibiotics. If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and overall quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the fabulous American standard of living.

We can go back to organic agriculture in this country if we must—we once farmed that way—75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed, even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

Our problem today is that two-thirds of living Americans never had the experience of biting into a wormy apple, seeing the wormhole, and wondering "Did I eat that worm or is he still in the apple?" They think that God and nature made all apples good.

ECOLOGY IS SEVERE ON MAN

The plain truth is that the ecology of nature is pretty severe on man, and man is constantly trying to modify it.

Let's be honest: God put the worm in the apple; man took it out.

God put the cockroach in the cracker barrel; man took it out.

God put the potato bug on the potato; man took it off.

God put the termite in the timber; man took it out.

God put the malaria-laden mosquito in the backyard; man took it out.

God put the mildew on the rose; man took it off.

God put the parasite in the pork; man took it out.

How far back to Nature do our ecologists want to go? Or, if they are honest with themselves, do they really want to go at all? Let's be honest about it.

By all odds the most serious pollution threat facing the world is the *people-lution* discussed earlier in these remarks. This is the real source of the other pollutions. We simply are getting too many people relative to the resource base to support them. Population is increasing on a geometric curve, while food production is increasing on an arithmetic curve. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a dis aster of such proportion as to threaten the peace and stability of the western world itself.

If our world population doubles in the next three decades, as it very likely will, this means that we must learn somehow in the next generation how to feed as many more people as we have learned to feed since the dawn of history. And we must do this on even less arable land resources than we now use in agricultural production.

About a billion people live in the industrialized western nations of the world. They have access to half of the available arable land, and are using much more than half of the earth's yield of material products. About 2.5 billion people live in the largely agrarian, underdeveloped nations, and more than half of them are undernourished and otherwise underprivileged.

It has been estimated that a child born in the United States requires in its lifetime at least 20 times the resources that will be used by a child born in India. This is a difference in living standards, and it measures the rate at which our natural assets are used up by an industrialized society. It implies that a great deal of the world is not likely to be industrialized if anything near the present population level is maintained.

POGO IS QUOTED

In closing, we come back to Pogo's observation about pollution, "We have met the enemy . . . and they are us!"

Therefore it is we, as individual citizens, who will have to decide how much we are willing to pay for a better quality of life beyond that which is truly necessary. And that includes population control. When we quit thinking of these problems as the concern of others and face the fact that they are ours—this nation can move forward with greater effectiveness toward the achievement of a better quality of life for all.

It is completely unacceptable to believe that there is no way out of the problems we have created. Unquestionably, there are risks involved, but none so great as the risk that we may quit risking, try vainly to set the clock back, abjectly surrender the goal of a better world in the mistaken belief that this one is as good as can be.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 6283) to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes.

The message also announced that the House had passed a bill (H.R. 11589) to authorize the foreign sale of certain passenger vessels, in which it requested the concurrence of the Senate.

The message informed the Senate that Mr. Stuckey had been appointed as a conferee at the conference on the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes, vice Mr. Abernethy, excused.

NOMINATION OF EARL L. BUTZ

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. AIKEN. I yield back the time I did not use.

Mr. HUGHES. Mr. President, I yield myself such time as I may use.

On page 104 of the hearings I want to read a statement of my colleague from Iowa, the ranking Republican member of the Committee on Agriculture, in response to a question to Mr. Staley.

> Senator Miller. I would just like to say to my colleague from Kansas, I have known Mr. Staley a long time, and from my observation, Mr. Staley has been very bipartisan in his attitude, and I was somewhat shaken when I saw his name on the Democratic advisory committee, which the Senator from Kansas has now brought to this committee's attention.
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> I am relieved, may I say, to know that Mr. Staley is not a member of that committee, and that he is continuing to preserve his bipartisan approach.
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> Senator Dole. Let me say the same thing. Oren knows, as well as anyone, that we have worked very closely on a number of things. In fact, I guess they decided, some wanted a speaker at their convention, and some did not want a speaker, so they asked me to come in December.

I want to get back to the matter of research policies of land-grant colleges, because it is a matter I think we need to focus attention on in the future in the Agriculture Department, and because it poses a question that may not be unique at all to a single land-grant college or university, or may not be unique at all to a single research foundation. In fact, this may be widespread in the United States, and I feel it is important to be investigated in the future.

Perhaps the agribusiness-government complex and its importance is best illustrated by the activities of the Purdue Research Foundation of which Mr. Butz serves as vice president and received $10,816.50 in 1970. The Purdue Research Foundation is a private, nonprofit foundation created as an arm of the university in 1930. It purchases land for the university, acts as a funnel for research grants from Federal, State, and private sources, and holds patents for the university. In 1970, it received over $12 million from public and private contributions and $3 million primarily from proceeds from the sale of property, and interest and dividends from its stock and bond investments.

About 80 percent of the money received by the Purdue Research Foundation comes from the Federal Government, primarily the Public Health Service, the Department of Defense, and the National Science Foundation. Approximately $2.7 million comes from industry. Most research funds from both public and private sources are channelled through the foundation.

Despite Dean Butz' statement, as reported in the Washington Post on November 14, 1971, that the industry-financed research projects of Purdue were taken on without any restrictions and with the results made public, it has been extremely difficult to obtain information about that industry-financed research. But enough is known to raise a series of questions that demand thorough review by the Department of Agriculture.

That is the reason why I am placing this in the Record this morning.

Let me stress again that these are not questions of anyone's honesty. They are questions of policy, important questions, but questions that Mr. Butz is particularly ill-suited to pursue because of his personal involvement in those policies.

Let me also point out that the agribusiness-Government triangle evidenced in the Purdue Research Foundation—PRF—is not confined to Purdue. Other land-grant colleges have similar foundations and similar policies. A review of these matters by USDA should not be confined to any one particular campus.

Of particular concern is whether or not public agriculture colleges are being turned into research labs for agribusiness, whether public resources are being used to subsidize essentially private research.

PRF, in addition to buying and holding land for the university, serves as a middleman between public and private finances and faculty research. In some cases, the research and development process is initiated by the agribusiness company, which may be interested in testing a particular product or developing a new product or process. In those cases, the agribusiness company sponsors the research, often channeling the money through PRF with the understanding that it will have first rights to license any patented process or product resulting from that research. In other cases, PRF searches for public or private resources to underwrite a research project conceived by an individual faculty member and perhaps already partially developed.

Let us examine one example of this relationship, an example that underscores some of the problems with it. International Minerals & Chemical Corp., on whose board of directors Mr. Butz has served since 1961 at an annual salary of $10,000, contributed at least $50,000 to Purdue research since 1963 for the development of new processes for regulating the growth of soybeans. That research was undertaken by a Purdue Agriculture School research team which in fact developed a new process for regulating soybean growth. That process was patented by the Purdue Research Foundation on August 5, 1969. Soon afterward. International Minerals & Chemical Corp. received an exclusive license from PRF to use that process for its own business purposes.

I think that it can be safely assumed that the funds given by IMC for this research were granted with the understanding that IMC would receive the benefits of that research.

There are many important but unanswered questions. Did the contributions of IMC fully pay for the research undertaken or was there a hidden public subsidy to this bit of private research? Is this a cheaper way for agribusiness companies to conduct their research and development than if they did it themselves?

When new products or processes are developed by faculty members and then patented by PRF, how are the licensees chosen? Of 12 known patents held by PRF, seven have been licensed to private agribusiness companies. At least four of those seven companies have directors who also serve on the board of the Purdue Research Foundation. In addition to the interlock between IMC and PRF through Dean Butz, two PRF patents are licensed to Commercial Solvents Corp. of Terre Haute, Ind. Dr. Maynard C. Wheeler is a director of Commercial Solvents and a director of PRF. Mr. Robert Wheeler is a director of Commercial Solvents and one of the 98 members of PRF. One PRF patent is licensed to Duncan Electric Co. Mr. Jack Bixler is a director of Duncan Electric and a director of PRF. Mr. Charles H. Lawshe is a director of Duncan Electric and a member of PRF.

How are these licensees chosen? Is there competitive bidding? Does that vary when the product or process involved has been developed partially or wholly with State or Federal funds?

I raise these questions, because what is at stake here is nearly half a billion dollars of State and Federal research money that is channeled through our 69 land-grant colleges and their affiliated extension services each year.

That is the largest research and development resource there is in rural America. Is that money benefiting all segments of agriculture and rural America evenly, or is it largely directed toward more efficiency and more bigness? Are the peculiar and immediate problems of small, independent farmers and farmworkers being sufficiently tackled, or are most of the direct benefits of this research money going to agribusiness, with the other segments of agriculture confined to a "trickle down" benefit?

I do not know the answers to these questions, but the example of the Purdue Research Foundation indicates that it is imperative that we inquire. For it is the half billion dollars a year of public research money that has, is, and will continue to set the direction of American agriculture and the path of rural America.

Mr. Butz is clearly not the man to direct USDA into a reexamination of those policies because he is the product of them himself. But if he is confirmed in his nomination, it certainly is imperative that he direct and set up a panel which is nonpartisan, bipartisan, or whatever, to do this investigation, and to do it properly.

Now is not the time, in my opinion, to approve a nominee for Agriculture Secretary whose career has largely focused on agribusiness and sorely neglected the immediate problems of small- and medium-sized commercial farmers and farmworkers.

The question is not the ability of Dr. Butz in the fields he has followed. He has distinguished himself in the fields of development that he has followed. I do not question these points.

In conclusion, I want to point out, in the points raised, specifically directed at the Purdue Research Foundation only, that there are many other research foundations and many other college and universities doing similar type of research for similar reasons. The question is that these things should be brought into focus, that they should be studied, and recommendations should be made to assure that all segments of our agriculture receive a fair benefit from the research dollar we are appropriating and expending for agriculture in America.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "The Purina Sale."

There being no objection, the article was ordered to be printed in the Record, as follows:

The Purina Sale—Don Danforth's Amazing Bid To Make It On His Own

Who ever thought that Don Danforth, Jr., would turn out to be an "Up the Organization" man? But that is precisely what history will record him to be if he and his associates, who include his father and a brother, are successful in bidding for the soon-to-be- divested poultry division of Ralston Purina Co., the Danforth-founded feed-food corporation that today does about $1.8 billion a year in business.

The popular "U-the-O" book was written by Robert Townsend, whose unorthodox management turned underdog Avis into the world's second largest rent-a-car business.

Don Danforth, who is 39, is a grandson of the founder of Ralston-Purina, William H. Danforth. Don, Jr.'s father is a former chairman of the board. A brother, William, is chancellor of Washington University in St. Louis. (It was from there that his grandfather was graduated in 1894.) Another brother, John, is attorney general in Missouri. (He lost a bid for a U.S. Senate seat to veteran Stuart Symington by less than a 2% margin in 1970).

It has been long suspected that young Don has always wanted to do his own thing. It isn't easy when you're part of a family who owns at least $40 million worth of common stock in Purina, the dividends on which last year alone amounted before taxes to about $2.7 million. Don was the only one of the three brothers who seemed to have the desire to remain in the feed-food business.

He is an executive vice-president of Purina, a member of the board, and president of the agricultural products group (in itself a $900 million segment of the company's total sales).

Danforth, his father and his brother, Bill, have temporarily disassociated themselves from discussions pertaining to the intended sale of the broiler and egg segments of the Checkerboard Farms division.

R. Hal Dean, chairman, as is known, has relieved Danforth of all operating duties in the interim, along with Tom M. Reese, a corporate vice-president and director of the CF division, and Max O. Bradshaw, vice-president for operations and processing in the CF division. Both intend to go with the new package if the "Danforth Group" is successful in its bid to buy the poultry division. The latter does not include frozen branded poultry products group.

What will it cost? Somewhere around $35 million, industry assumes, with about two-thirds of the assets current, in the form of feed and bird inventory.

Chairman Dean had stated earlier that he hoped Purina would be able to retain some of its Chow (feed) tonnage from the new buyer or buyers. Otherwise, the Chow division will have lost all 700,000 tons of feed in intracompany sales as a result of the divestiture.

It is probable that the possibility of continuing some business, at least, with the Chow division, on the part of the new purchaser(s), will be factored into the bids. This is because it would add income to Purina as a company.

The Chow division, incidentally, in late October laid off about 100 employees, both at headquarters and in the field. One of the casualties is the widely known and liked Dr. Richard Eaton (formerly a public relations representative in Washington for Purina).

Even without the captive tonnage, the Chow division sells about 6.4 million tons of feed a year, about one-third of which is to poultry customers, most of whom are in the table egg business.

To insure that Purina's stockholders get the highest benefit possible from the intended sale, the company already had been taking highly unusual precautions. (The three Danforth directors involved own about 4% of the company's common stock, and the nonprofit Danforth Foundation, another 9%.)

Purina, after the board's decision to sell on October 4, immediately asked for informal offers on its poultry properties. By the time young Danforth had sent his letter to the board on October 28, the company was in the process of supplying additional financial details to all prospects, including some which had not made offers.

Finally, Chairman Dean and a special executive committee employed Lehman Bros., the prestigious New York investment firm, to make a full appraisal of the properties and to analyze final bids.

The internal timetable is to terminate bidding on November 30, and to try to wrap up the sale by January 1, 1972. Meanwhile, like Caesar's wife, the three Danforths are remaining at arm's length with regard to this particular transaction. They want to insure that all stockholders are satisfied that the "color and the count of the green" are all that matters—not where it happens to come from.

Young Danforth's decision apparently is based on a long-felt desire to do something on his own, away from the stifling restrictions of a big business. Undoubtedly, he could have climbed to the 15th floor and the president's chair, given a little time. Why, then, is he possibly turning his back on this opportunity?

He will tell one that he had to make his disclosure for legal reasons, and that he is merely "considering" making a bid. He says he has a lot of fine-comb analyzing to do on what the size of the bid might be, or even if, indeed, he will bid. Still, to have made that disclosure of intention, was like crossing the Rubicon.

His emotions at even Stage One, of course, were very mixed. The idea is intriguing, challenging and exciting to him—the possibility of creating a new business, running one's own show. On the other side, how much deeper can one's roots go in such an organization, spanning three generations of Danforths?

Part of the answer must lie in a very deep mutual respect running between young Danforth and Tom Reese, the "can do" 42-year-old director of Checkerboard Farms. And both, in turn, have much regard for the back-up managerial capabilities of Max Bradshaw.

Then there is the warm support of a family who desires, above all, to give a cherished member a chance to do what he really most wants to do. After the sale, the Danforths' position will return to status quo, except that if the Danforth bid is successful, Don will leave Purina.

Finally, there is the very great challenge to Don, Reese *et als.* of turning a cyclical poultry business into a high profit winner—the goal they had within Purina, but which, by their own considered judgment, needed to be divorced from the "new" kind of company Purina had begun to establish for itself.

Wall Street applauds the divestiture, which should be assurance enough that the rate of return on assets, and the wobbly nature of contributions to dividends from non-frozen, nonbrand poultry, simply no longer suited the giant consumer market-oriented food company's future objectives.

As Chairman Dean noted last month to Broiler Industry, it was a very difficult decision, but October 4 the board backed up his recommendation to sell (earlier sustained by Reese, Danforth and others in the executive group).

At that time, the board said it expected to incur an after-tax loss on the sale of about 15 cents a share. Based on some 31 million shares, this would amount to about $4,675,000; pre-tax, about twice that. At that time, the Danforths had no intention of making a private bid for the poultry division.

Ralston's sales for the fiscal year ending September 30 were about $1.8 billion, and poultry sales were about 10%, or $180 million. However, the division represents only about 5% of total assets of $775 million, or about $40 million.

What kind of competition will the "Danforth Gorup" face in the bidding process? National and regional firms are interested in at least parts of everything that Purina is offering for sale. Among the spirited bidders will be regional managers themselves—who all along have had faith in their operations.

Should Danforth's bid win, one might speculate that the new company would retain most of the current cadre of key managers and able employees, and would provide for participation in ownership. Suppliers see every indication that the current sale is one of a going business. "Business as usual" orders are rolling in to insure continuity and integrity of the regional operations.

Should young Danforth be the purchaser, he'll be burning all bridges behind him so far as Purina is concerned. If he comes back into that company at all—which perhaps is too far away to speculate upon now—it certainly would be only as an individual who had proven—mostly to himself—that he could make it on the outside.

If this analysis of the reasons for his decision is correct, then the poultry division divestiture was merely a triggering device.

Mr. HUGHES. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOLE. Mr. President, I yield myself 3 minutes.

Mr. President, in connection with the discussion by the distinguished Senator from Iowa, I ask unanimous consent also to have printed in the Record at this point a letter from Dr. Butz to the chairman of the Committee on Agriculture and Forestry, the distinguished Senator from Georgia (Mr. Talmadge), with reference to the Purdue Research Foundation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., November 23, 1971.

Hon. Herman E. Talmadge,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: At the confirmation hearings last week, Senator McGovern raised a question relative to the Purdue Research Foundation in acceptance of grants for support of research.

The Purdue Research Foundation, a non profit corporation was established in 1930 to assist in the development of the University and its facilities. The foundation may accept gifts, administer trusts, acquire property, negotiate research contracts, and perform other services helpful to Purdue University. Practically the only restriction in the corporate charter is that no individual may profit from its operation.

The president of the University is presently the president of the foundation. Though the operation of the foundation is conducted by the board of directors, the day-by-day activities of the foundation are centered in the offices of the vice-president and general manager, the director of the division of sponsored programs, the treasurer, and the secretary.

Staff members will find a variety of ways in which the Purdue Research Foundation may be helpful. Some specific ways are:

1. Assistance in obtaining support for research programs.

2. Conducting contract negotiations in connection with research programs.

3. Through a special restricted fund, known as the XR Fund, providing support for a wide variety of research projects for graduate students and staff.

4. Through a second restricted fund, known as the XL Fund, helping carry out individual scholarly programs by staff members themselves, particularly during the summer months.

5. Providing funds for travel for scholarly purposes.

6. Providing special grants for research and other scholarly pursuits when funds cannot be obtained from other sources.

7. Conducting negotiations over patents resulting from research or investigations performed by staff members or students of the University on University time or with its facilities.

During the past three years, I have served as Vice President of the Purdue Research Foundation for special projects. One of my prime responsibilities was to direct a Centennial capital fund campaign to raise money for the University from alumni, faculty and friends of the University.

Much of this money was or will be channeled through the Purdue Research Foundation. Purdue Research Foundation, like all foundations of this character, accepts research grants from industrial companies only on the condition that the research be completely under the control of the University, that it be research of a character that the University does for its own benefit or the public good and that the results of the research be a part of the public domain and not accrue to the benefit of the organization that made the research grant in the first instance.

In some cases, the University does contract work with the U.S. Government or agencies of the U.S. Government on specific projects which are sometimes classified where national defense is involved. This is, of course, different from research from an industrial grant. In no case has the University taken money from an industrial company that has been done for the benefit of the grantor.

Sincerely,

Earl L. Butz.

Mr. DOLE. Mr. President, there has been some talk about Dr. Butz' attitude on food stamps. From what I can understand, he merely made a realistic statement that in some cases, the program has been so generous that there have been abuses, and I think that is true. We have seen a major expansion of the food stamp program in the past 2½ years, and now we are expending for food stamps more than $2 billion annually, with the total value of food stamps being used about $4 billion.

So that is a very generous program. It is a very large program. It will be expanded. It will be extended. But it is a program that has grown very quickly, and no doubt there are always those around who take advantage of any program, and there are those who are undeserving as well as those who are actually willing to violate the laws and regulations; and that is a fact of life, which Dr. Butz has recognized as a fact of life. The undeserving should not participate, nor should those who violate the law participate.

The U.S. Department of Agriculture is well aware of the large number of abuses of this program and has been vigorously taking steps to eliminate all of these. A few examples: The food stamp program is administered by local county welfare agencies. In many instances there has been considerable carelessness in certification of eligible and ineligible people. Last year the Department of Agriculture billed the District of Columbia for over $60,000 as a claim for improper certification and in a similar situation billed the State of Illinois for over $200,000 for improper certification procedures in Chicago.

Throughout the country there have been instances of theft of stamps from local offices. Responsibility for losses of this kind have been placed in the States and the States are held responsible for these losses. As a result much greater security measures have been taken and the volume of theft has gone down very sharply.

Of real concern to the Department is the illegal abuses of stamps. That is cashing of stamps for products for which they are not intended. Recently a grocer in the District of Columbia was indicted on the basis of illegal conversion of stamps. This has happened in many other areas of the country and a number of retail establishments have been denied the right to redeem stamps, because of improper procedures.

Last year the Congress passed amendments to the food stamp law which are now being implemented in new regulations by the Department of Agriculture. These go a long way toward eliminating abuses. Households of unrelated persons, "so-called hippie communes," are not eligible under the law and regulations for food stamps. There is a work registration requirement whereby recipients of food stamps who are physically able to work must register for work. It is now illegal for unauthorized persons to possess authority to purchase cards. This brings up a serious abuse. The new regulations call for quality control viewing procedures to make it possible to be sure that only legal people are receiving food stamps.

Mr. President, many people have expressed concern about strikers being eligible for food stamps. The Congress of the United States debated and voted on this issue and in every instance the vote has maintained in the law the right to strikers to receive food stamps. This is not a matter of discretion with the Department of Agriculture.

Mr. President, Dr. Butz has in many public statements made it absolutely clear that he will give every support to the President's pledge to eliminate poverty-caused hunger and malnutrition in this country and will enthusiastically administer these dynamic programs of the U.S. Department of Agriculture which are making such great progress in that direction.

Finally, Mr. President, there have been references made last evening, and again today, about Secretary Butz' philosophy, about his concern for the American farmer.

I served on the Agriculture Committee in the other body for 8 years and recognize the difficulties that Secretary Freeman had. I did not always agree with Secretary Freeman, but sometimes did.

The Under Secretary of Agriculture during most of that time was a fellow Kansan, John Schnittker. He was popular in some areas and unpopular in other areas, as most of us are who are engaged in politics or have some administrative job.

There has been a lot of concern expressed about the number of farmers, and now we are down to 3 million and are going lower and lower. I thought it might be well to quote the former Under Secretary of Agriculture, John Schnittker, who appeared before the Subcommittee on Feed Grains in the House of Representatives on December 3, 1969.

In his statement, he said in part:

> The principal objectives of agricultural price and income support and production adjustment policies and programs are to stabilize the agricultural economy, to benefit those who produce and market agricultural products, and to help insure an adequate and reasonably priced food supply. In the early years of modern farm policy, there was an element of truth to the rhetoric which said that farm programs were needed to help or even to save the small family farmer. This meant most farmers in the 1930's. It is different today. The United States counts 3 million farms in the census but only 1 million of them are serious producers and major beneficiaries of farm programs.
>
> This is increasingly obvious, but still not fully acceptable politically. Conventional farm programs can seldom help persons on small farms get the better life they want.

That was the former Under Secretary of Agriculture appointed by President Kennedy.

Then we had Secretary Freeman, under whose 8 years as Secretary we saw the disappearance of 30 percent of the American farmers from the scene, and I have not noticed that that has been discussed much in this debate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. I yield myself 1 additional minute.

In a speech by Secretary Freeman called "Drawing Nations to New Markets," in June 1967, Secretary Freeman was looking ahead toward the 21st century when he said:

> In the 21st century we may find that no more than 2 million of the 300 million people in America are farmers. Computer-controlled machines plant the crops, fertilize by prescription, determine when produce is ready for market, harvest on order, and grade and package the commodities for delivery by supersonic cargo planes to fully automated warehouses.

I think again that was a recognition of a fact of life, and I share the view expressed by the Senator from Iowa and the Senator from Oklahoma that we have got to turn it around. That is why, in our Committee on Agriculture and Forestry, we have been discussing rural development. That is why we have been looking for ways to keep people on the farm and in the country, to provide additional employment through rural development, and I see some success for that program, if not this year next year, and perhaps some hope, in a bipartisan way or a nonpartisan way.

I know of no one in this body who wants to see the American family farmer vanish from the scene, whether he is a Democrat or a Republican.

Farmers are very independent. Farmers vote their pocketbooks. I was not consulted about the appointment of Dr. Butz. Perhaps I should not have been but I am a Senator from a farm State, and also the chairman of the party. That obviously is not always the criterion for consultation in any administration.

But I would guess that all the controversy and all the heat generated over this appointment may be good for agriculture. I see some benefits coming from what may be a very close vote at 1 o'clock.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. Two additional minutes.

I think Dr. Butz has gotten the message. I think those in the White House and those in the USDA have gotten the mesage. I think they know agriculture is important, not just politically important, but important to our economy. So I should hope that my friends on the other side are sincere—and I assume most of them are—in their opposition to Dr. Butz, but I see that there are some benefits coming from this debate. For once the Senate has focused national attention on the American farmer, and for once, for 1 day, for 2 days, or perhaps 3 days, the American people—consumers and farmers alike—will know that the U.S. Senate is concerned about agriculture. I think that is important, as does the Senator from Oklahoma and the Senator from Iowa and the Senator from Vermont, not as partisans, but as those representing rural States. If Dr. Butz has not gotten the message, and if the message has not permeated the White House and those in the USDA, and some career employees—I do not know their politics—then perhaps at a later time the Senator from Kansas will join some of the opponents. However, if these segments have gotten the message, and if there are increases in prices, and if there are successes, then I would hope, in the same spirit, that some of the opponents would join some of us who now support Dr. Butz as a man of honesty, a man of integrity, and an articulate spokesman for American agriculture.

Mr. President, I yield 25 minutes to the distinguished Senator from South Carolina.

Mr. HARRIS. Mr. President, will the Senator first permit me to yield to the Senator from Virginia?

Mr. THURMOND. I am happy to permit the Senator from Oklahoma to speak on his own time.

Mr. HARRIS. Yes. Mr. President, first, on my time, may I say that the distinguished Senator from Virginia (Mr. SPONG) is not going to vote with us, but he dislikes this nomination as much as we do, so I am pleased to yield him 5 minutes.

Mr. SPONG. I thank the Senator from Oklahoma, and I thank the Senator from South Carolina for allowing me to make this brief statement.

Mr. President, along with many Virginians, I am concerned by statements made by Dr. Earl L. Butz prior to his nomination by the President to be Secretary of Agriculture. I have serious misgivings over the attitude of the nominee toward the family farm. His comments reflect a lack of sensitivity to the immense contribution made by family farmers to the Nation's well-being—farmers like those in Virginia's Southside and on our Eastern Shore.

At a time when farm prices are seriously depressed, one might question why the President has selected a person who does not have more support within the agricultural community. It would seem that a special effort would have been exerted to find someone whose background is more compatible with the views of the family farmer.

Nevertheless, while I am concerned over some of Dr. Butz' statements, and his background, I also am mindful of the established tradition that the Senate will accord the President great leeway in the selection of members of his Cabinet unless they are demonstrably unfit on grounds of personal character. To my knowledge, no one has challenged the integrity of the nominee. He is a man of character and ability.

The President is responsible for the official acts of his principal advisers, and he should be given wide latitude in their selection. The Senate and the American public cannot hold the President responsible for the administration of the executive branch of Government if we frustrate him in the selection of advisers to serve on his Cabinet. Only eight Cabinet nominees have been rejected by the Senate in our Nation's history.

There is a distinction between nominees for the judiciary and nominees for Cabinet positions. Federal judges, for all practical purposes, enjoy lifetime tenure. Members of the Cabinet are subject to the political process through our quadrennial presidential elections. Moreover, a member serves at the pleasure of the President.

Mr. President the Senate Agriculture Committee has chosen to report the nomination of Dr. Butz favorably to the Senate. A majority of the Committee concluded that Dr. Butz responded adequately to the questions raised about his nomination. I am prepared to concur with the Committee, although I do so with reservations.

The debate over the pending nomination involves some of the issues that arose during the controversy over the nomination of Walter J. Hickel to be Secretary of the Interior nearly 3 years ago. Mr. Hickel's business associations were questioned and he was criticized for comments that indicated he was not in sympathy with conservation efforts he would have the responsibility to lead. I supported with reluctance the nomination of Mr. Hickel. During his period of service as Secretary of the Interior I found nothing to justify the reservations I had expressed. The former Secretary demonstrated a concern for the public interest that belied the misgivings I had at the time of his nomination.

It is essential in my judgment that the Secretary of Agriculture be sensitive to the plight of our family farmers, and that he have some understanding of the potential environmental problems posed by some agricultural practices. He also should demonstrate concern that less fortunate citizens of a nation producing large agricultural surpluses should have an adequate supply of food.

The great opposition expressed to Dr. Butz' nomination should make him more mindful of these matters. I hope so. I shall, with reservations, vote for confirmation.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for not to exceed 25 minutes.

Mr. THURMOND. Mr. President, I shall vote to confirm Dr. Earl L. Butz as Secretary of Agriculture.

Due to the propaganda of those who have opposed Dr. Butz, I asked him to come to my office Monday afternoon, November 29, 1971. Since my first obligation is to my constituents, I desired to know where he stood with regard to our tobacco, cotton, soybean, and peanut programs, as well as his interest in dairying and livestock.

After conferring with Dr. Butz in detail, he assured me of his deep interest in the crop and livestock programs of our South Carolina and Southern farmers and that he stood solidly behind them. Dr. Butz stressed his interest in preserving the family farms and in programs to help the family-sized farms.

Mr. President, I talked with Mr. J. Phil Campbell, Under Secretary of Agriculture, who formerly served 14 years as Commissioner of Agriculture in the State of Georgia, and he assured me of Dr. Butz' genuine interest in the welfare of our Southern farmers and of his support of their crop and livestock programs and recommended him highly.

I also talked with Dr. R. C. Edwards, president of Clemson University, our State agricultural university, and he said that he had known Dr. Butz for a long number of years and was deeply impressed with his dedication and ability as an agriculture leader and he felt that a finer appointment could not have been made.

The Farm Bureau and the Grange have endorsed him, as well as many individual farmers.

At this point, I would like to read Dr. Butz' letter to me:

> I appreciate the opportunity of personally giving you my views regarding U.S. Department of Agriculture programs important to the farmers of your State and the southeastern United States.
>
> As I stated in my testimony before the Senate Committee on Agriculture and Forestry, I have a deep and abiding interest in the welfare of the peanut, cotton, tobacco, and soybean growers as well as the livestock and dairy farmers. I wholeheartedly endorse the one price system for cotton. I am especially pleased that farm prices for cotton are substantially above the loan levels and that farmers are getting these higher prices. Farmers' income for cotton is more than $200 a bale for cotton for only the third time in this century. I support the present program which permits U.S. mills to buy their cotton at the same price here as foreign mills. This is sound economics. The present tobacco, soybeans, cotton, and peanut programs are working well and if confirmed as Secretary of Agriculture I shall work to continue these programs in a manner which continues to be beneficial to producers.
>
> Having been reared on a family farm, I am earnestly interested in preserving these farms. Their preservation is absolutely essential to our economy and I shall do all within my power as Secretary to keep as many family farms in operation as possible. As an economist, I know the importance of continuing to expand exports of farm produce and livestock products so that the family farmer as well as others will benefit economically from expanded overseas markets.
>
> I believe my overall background and experience will enable me to assure that all segments of our agricultural economy work together for the benefit of every element of that economy rather than having any segment pitted against the other.

Mr. President, Dr. Butz has an outstanding background in agriculture, a personal background of having been born and brought up on a family farm, and a career as an able administrator and academic expert in agricultural matters.

He is dean of continuing education and vice president, Purdue Research Foundation, Purdue University, Lafayette, Ind. He served from 1937 to 1954 as a professor of agricultural economics at Purdue University. After 3 years as Assistant Secretary of Agriculture, from 1954 to 1957, he returned to serve for 10 years as dean of agriculture at Purdue.

Mr. President, I should also like to point out that it would be unfair to prevent confirmation of the nomination of this able man by holding him responsible for policies which were controversial in a previous administration in which he served, particularly when Dr. Butz was not head of the Department.

In view of the assurances which Dr. Butz gave to me orally and in writing, his strong backing by the Farm Bureau, the Grange, and many prominent farm leaders, and the fact that not one of his opponents has questioned his character, integrity, and ability, I shall support his nomination and urge my colleagues to do likewise.

Mr. AIKEN. Mr. President, I would now like to yield 3 minutes to the senior Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. EASTLAND. Mr. President, the nomination of Earl L. Butz as Secretary of Agriculture has proven very controversial. I am sorry that this situation has developed, because it will discourage men of competence and performance from considering such appointments offered to them in the future. We need men of proven ability to fill leadership posts in our Government.

Any man who has risen above the crowd in his profession, who has had to make decisions, to take a stand, has necessarily touched tender spots with those who have conflicting philosophies. Earl Butz is such a man. He has abilities beyond those required as a dean at Purdue University. This was stated clearly by its president in a letter to our committee chairman and his activities outside of the university were approved by the university. Had he not used these opportunities he would have denied and left unused his talents. They would have been wasted.

Earl Butz was head of the Agricultural Economics Department at Purdue for 8 years. He knows the economics of agriculture, and his record was such that he was promoted to dean of agriculture at Purdue. He has had a long and progressive tenure of service at this great institution where he was serving as dean of continuing education, which deals not only with agriculture but the total of our economy.

I was a Member of the Senate when Earl Butz served as Assistant Secretary of Agriculture from 1954 to 1957. I worked with him closely and personally throughout that period. We did not always agree, but I found him intelligent, dedicated, open-minded, and fair. He had to carry out administration policy, and I represented my constituents.

When he was forbidden to bend within administration policy, we tried and sometimes succeeded in amending the law. When this was done, he was equally diligent in carrying out the provisions.

Mr. President, Earl Butz is fully capable of being Secretary of Agriculture. He has all of the essential qualities. He is a man of unimpeachable integrity and great ability. He is tall in stature, broad in knowledge, dedicated and determined in the performance of his duty. He will make a great record for the farmers of

America. I hope the Senate will confirm his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I yield 15 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 15 minutes.

Mr. McGOVERN. Mr. President, I thank the Senator from Oklahoma.

The nomination of Dr. Butz to be Secretary of Agriculture has met with unprecedented grassroots opposition.

I cannot recall any time in the years that I have been in public life, going back to 1953, when any Cabinet nomination has met with such instant and vigorous opposition from the constituency that that officer was especially appointed to serve, in this case the farmers of the United States. I regard this appointment as bad news for every farmer in America.

There is no question in my mind that Secretary-designate Butz is a man whose heart beats primarily for corporate agriculture, for the enormous concentrations of corporate power, many of them owned by absentee interests, and that there is where the interest of Earl Butz lies, rather than with the well-being of our traditional family-type farming operations.

There are ample reasons for the opposition that has been raised to Dr. Butz. Farmers I have talked to in a number of States, including my own, are convinced they will not have a sympathetic voice or sympathetic ear in the Department of Agriculture if this man's nomination is confirmed. They are alarmed that the nominee, the man who is supposed to be their advocate, has spent much of his career, especially in recent years, in close association with agribusiness concerns and large corporations that are now seeking to dominate the rural areas of our Nation.

Dr. Butz has also questioned the wisdom of food assistance programs, programs I regard as absolutely essential to the health and well-being of the American people; namely, the school feeding programs, the food stamp programs, and other forms of food assistance designed to eliminate hunger in the United States.

It seems to me to be a moral outrage that in this country over the last 15 years, at a time when we have been worried on the one hand about agricultural surpluses, we have moved so slowly to deal with another surplus, which is the surplus of hunger and underfed human beings.

They are also concerned about the philosophy of Dr. Butz as it relates to the total economy. This may be the most important consideration for us as we vote on the nomination because this gentleman has in no uncertain terms preached a survival-of-the-fittest doctrine for agriculture. In the late 1950's, he told American farmers it was time to "resist or die, adapt or perish."

The Government of the United States did not tell the Lockheed Corp. to resist or die when it got into trouble, in spite of the fact it has been treated lavishly by Federal contracts over a good many years.

Yet farmers, confronted with rising costs of operations and unfair low prices, are being offered a Secretary of Agriculture who tells them to "resist or die, adapt or perish."

Many of our farmers are perishing, not because they are inefficient. We have the most efficient food producers in the world in this country. They produce more food at less cost for this country than farmers anywhere else on the face of the earth. But they are in trouble. They are perishing because their prices are low; and the costs of operation are so high, including interest rates and operating costs, that many farmers, especially the younger ones, have been forced to leave the land.

It is a matter of some note that the average age of farmers in the United States is now 58. The one positive note about that advanced age for the average farmer is that they remember the philosophy of Ezra Taft Benson in the 1950's; they know that Dr. Butz was his closest associate; and they have alerted many of us in Congress that the confirmation of the appointment of Dr. Butz as Secretary of Agriculture will mean once again that the Department of Agriculture will be headed by a long-time advocate of the Benson philosophy, which came close to destroying our Federal farm programs 20 years ago.

No single segment of our economy receives a lower return for labor and investment than the American farmer. When I see how hard these farm families work, the risks they take with weather, pests, falling markets, the international situation that they cannot control or predict—when I see all that and the faithfulness they bring to their labor and investment, it almost breaks my heart to see the returns they receive. This is what the next Secretary of Agriculture should be concerned about, rather than giving lectures to farmers on how they should "adapt or perish."

The farmers who are protesting are the farmers we depend on for the bulk of our food and fiber. They are the farmers who provide us with the best food supply offered any country in the world. These farmers have not resisted change. They have modernized their farms. They have purchased equipment, they have taken advantage of technical assistance and changes in agriculture, and their efficiency is the marvel of the world.

But that very efficiency has created the kind of production that has sometimes driven down farm prices at a time when costs of operation were increasing. That is not my view alone. It is not the view alone of those who oppose the nomination of Dr. Butz.

On that score, let me say that I do not raise any questions about the character or personality of Dr. Butz. I have had congenial relations with him. But I think it would be a disaster to name this man as Secretary of the Department of Agriculture at this time, when farmers across the country are in trouble.

There is no question that Dr. Butz is entirely honest, but he is wrong in his economic philosophy and his view on what is needed to be done in rural America to save the family farm operation.

Last summer, Dr. Carroll G. Brunthaver, associate administrator of the U.S. Department of Agriculture's Agricultural Stabilization and Conservation Service said:

> Our most productive and efficient farms are extremely vulnerable to continued inflation or any significant downward adjustment in net income . . . Highly capitalized, many of these farms must carry a heavy debt load. Anything which cuts into their net returns threatens their economic survival. "If our commercial farmers are going to make the needed investments in our farming industry, if they are going to continue feeding the nation efficiently and continue to risk hail, drought, plant diseases and all of the other uncertainties in farming; if they are to continue feeding the nation efficiently and continue winning export market—they must have adequate returns."

Dr. Brunthaver's statement was made before this year's record yield and plummeting prices materialized. Our action today comes at a time of falling farm income, and, in too many instances below cost of production prices for basic farm products. Under the administration's set-aside program, a program strongly applauded by Dr. Butz during the Agriculture Committee hearings on his nomination, the carryover for wheat this year will approach nearly 2 billion bushels, with the selling price of wheat down roughly 10 percent from a year ago. The on-the-farm price for corn is at about 90 cents a bushel, and is below the actual cost of production to say nothing of a return to the farmer for his labor and his investment.

The blunt fact is that no farmer can survive 90 cent corn prices and comparable prices for wheat and other prices. Those prices are at just slightly above two-thirds of the parity level, which is another way of saying they are only two-thirds of the level at which they ought to be if they were in relation with other prices elsewhere in our economy.

So what it seems we need now desperately in the Department of Agriculture is a man who will fight to lift the level of farm price supports and farm prices rather than tell farmers who are trying to survive at 68 percent of parity that they ought to adapt or perish.

These surpluses were basically caused by additional crops planted as a hedge against the corn blight, excellent weather conditions as well as administration of the set-aside program which encouraged even more feed grain production on non-set-aside acres.

In my view, it was reasonable to increase corn production this year because there was a distinct possibility of the blight returning. Farmers cooperated and planted more corn. But it is the American farmer who is paying for this food supply insurance. The Administration has refused to accept any meaningful responsibility to assist our Nation's farmers if the blight failed to occur and consequent low prices followed, which many of us saw as a possibility.

Adoption of a measure I introduced last spring would have increased the price support level by 25 percent on wheat, corn, and other feed grains in the event of such an oversupply. It would have increased farm income by this year $1.75 billion at an additional cost of $39 million in cash and $241 million in loans. The administration opposed this measure. For 1972, the administration proposes to spend an extra $600 million to $800 million to reduce corn acreage to about 4.6 million bushels. This money would come, incidentally, just before the election. There is no commitment for a better program now or one after.

There are ample grounds for belief that the program announced October 18 by former Secretary Hardin may provide little, if any, real help for the farmer. While the administration hopes for a total set-aside of 38 million acres for 1972, if there is a normal feed grain crop production in 1972, the best the Department can hope for is total year stocks that would add only slightly to reserves. Corn stocks in particular would continue to be in surplus, possibly as high as 800 million bushels.

Aside from saying the price of corn was too low, Dr. Butz in appearing before the Senate Agriculture Committee, was disturbingly vague about what he would do to improve farm income. In general, he said he was satisfied with the present farm law and the program for 1972. In view of the fact that he did not announce that he would use his authority under the Farm Act of 1970 to put positive acreage limitations on next year's wheat and feed grain crops for 1972, there is little hope to improve farm income next year despite the expensive program. But his longstanding opposition to sound Federal farm programs are reason enough to oppose his opposition.

Dr. Butz assured us during the hearings on his confirmation that he would be an articulate spokesman on behalf of the family farmer in the Nixon administration. In response to questions about serving on the boards of agribusiness giants, he told us he served on these boards only to give agriculture a voice in these large firms. But the efforts Dr. Butz made on behalf of those firms were diametrically opposed to our family farm system of agriculture. He was not speaking on behalf of the family farmer when he gave a recent speech entitled, "Opportunities Unlimited" at a seminar on vertical integration of the pork industry held at Purdue University last April. Farmers are genuinely concerned about this attempted corporate takeover of American agriculture. Dr. Butz said in his testimony he was glad to see some of the corporations getting out of agriculture. But there is no evidence that as a director of Ralston-Purina, he did anything to reverse the growth of corporate agriculture.

A newspaper account of a speech Dr. Butz made in 1958 said:

> Butz sees the possibility that ownership of some family farms will pass into the form of family shares of ownership, with professional farm-management outfits moving in between the owners and operators of a farm.
>
> Commercial farms will come to look more and more like manufacturing establishments, with farm managers giving more attention to assembling custom-built packages of technology in the farming operation, with a bigger share of receipts going back to production costs, gross margins shrinking, and profits depending increasingly on growing sales volumes.
>
> Farmers ultimately will lose their vocational identity as members of the community. At this point farming no longer will be a way of life, but will be a way of making a living, just the same as other business enterprises.

This statement and others Dr. Butz has made clearly indicates that he sees no social or humane value in preserving our family farm system of agriculture as both a way of life and a way of making a living. I also challenge his economic rationale, since the agricultural segment of our economy is twice as productive as the nonfarm sector. We have paid a tremendous price for this high degree of efficiency. Millions of persons have been forced to leave our farms and rural areas in a mass migration to our cities and we all know the result. The time has come to do what we can to reverse the flow of people from rural America to overcrowded cities. Dr. Butz is not the man to do it.

The family farm is vital to American society. If we fail to protect it now, farming will become the province of large corporations. Food prices will no longer be dictated by market considerations, but will be administered by those large corporations which have made clear their desire to control our food supply from the seedling to the supermarket. As a result, prices the consumer pays for food will rise rapidly. The consumer clearly has a vital stake in this nomination.

Mr. President, there is further cause for consumer concern.

Back at the time he was an Assistant Secretary of Agriculture, Dr. Butz testified on the bill offered by Senator James E. Murray of Montana to establish compulsory poultry inspection. He agreed that it was needed, but would not agree that inspection should be placed either in the Food and Drug Administration, or in the meat inspection division of the USDA.

There was fear that it would wind up in the marketing service, which is oriented toward getting things sold for agribusiness concerns rather than toward consumer protection. And, with Mr. Butz serving as Assistant Secretary, that is exactly where it did wind up, in the marketing agency.

What is the result?

Last week the GAO issued a report on its review of 68 poultry processing plants which recites the continued existence of "unacceptable conditions" in most of the plants they inspected including 17 that the GAO had previously reviewed and criticized.

I have just been given a copy of an article from the Des Moines Register of November 28, by James Risser, which tells of conditions in one of these plants that would turn the stomach of any normal person; absolute filth existing in spite of the fact that the plant is supposed to be under Federal inspection. The story reveals that the owner of the plant—who was associated with Mr. Butz' Ralston-Purina Co. a year or so ago in an injunction suit against growers—is also the vice president of the great National Poultry Council and that it was at his plant that a manager twice threatened the life of a poultry inspector. Yet this man still gets inspection so he can market his dirty birds to unsuspecting consumers.

Dr. Earl Butz is not directly responsible for the condition of this plant at the time of the recent report on it, except as he had responsibility 15 years ago for locating poultry inspection in the Department's Marketing Service where the trade wanted it, instead of in an agency that would have been entirely free of pressure from such big poultry integrating firms as Dr. Butz later joined when he became a director of the Ralston-Purina Co.

I think Senators should be fully aware of today's results of a bias in favor of agribusiness at the Department of Agriculture 15 years ago before it votes to put a man out of the agribusiness establishments which USDA regulates in complete charge of that Department.

Since the Record will not be printed before we vote on Dr. Butz' nomination, I shall read portions of the Des Moines Register article.

The headline says "Cite 'Filth' at Poultry Plant," by James Risser of the Register's Washington Bureau.

Mr. Risser's almost unbelievable report reads:

> The GAO investigators found that in portions of the Jasper, Alabama, plant operated by Marshall Durbin Co., sanitation was "nonexistent."
>
> Floors were described as "filthy," equipment was covered with feathers, dirt and fecal material, and birds being processed were contaminated by rusty drippings from pipes and machinery, the investigator's report said.
>
> The GAO said "general housekeeping" at the plant was "poor." A scalder was "unacceptable due to dirty water covered with bloody foam."
>
> Picking machines had been "improperly cleaned" and had "dirt, feathers, and old fat" on them. Coolers had "green algae" on their walls, an icemaking machine and a freezer were "totally unacceptable," the report said.
>
> "Giblet preparation was unacceptable due to contamination and improper preparation," (improper drainage from the building created "a swampy area" of "foul greenish, brackish material,") and restrooms were "unfit for use" and had no soap for employees to wash their hands, the GAO said.
>
> Plant management "objected strongly" to corrections required by inspectors, the GAO found.

There is one other area of concern which I have regarding Mr. Butz' record. That is the question I have about his commitment to the fight we have been waging in the past several years to put an end to hunger in all its forms in America.

What particularly concerns me is the timing of the nomination of this man. He has been nominated at a time when legitimate questions are being raised by our fellow citizens about the Federal commitment to end hunger and malnutrition, of following through on the President's pledge and the clearly expressed intent of Congress to finish our job of feeding the hungry.

As so many of my colleagues know, this past year has been as much a fight to keep from falling backward as it has been to move forward in the fight against hunger. Although the President and the Congress pledged to put an end to hunger several years ago, that pledge has not been fulfilled. In May of 1969, the President said:

> The moment is at hand to put an end to hunger in America itself for all time.

Soon thereafter, the Congress passed a new food stamp law which was designed to provide a legislative seconding of that pledge. Yet, today, at least 11 million Americans still go hungry at home. And, again, just 6 months later in 1969 the President pledged that by Thanksgiving Day of 1970 every needy child in America's schools would be fed a daily free or reduced-price lunch. Again, Congress passed a law to back up this pledge. But as many as 4 million children go hungry in school.

There is just one reason for this failure to end hunger in America: Leadership. It has been lacking in the past year. Instead of the determined leadership which President Nixon demonstrated in 1969 on this issue, he has slipped into a leadership determined to end inflation by budget cutting in those programs most vital to America's health and well-being within, rather than in those programs which offer only superfluous health and safety against the "enemy" without. Chief among the victims of this misdirected economy drive have been the food programs which could end hunger in America—most notably, the food stamp and the school lunch and breakfast programs.

When we passed the new food stamp law, we fully expected it to reach more of the Nation's 25 million hungry, even though it had some serious defects in it. Soon, however, came the new regulations from the Department of Agriculture. As originally proposed these regulations would have summarily eliminated at least 350,000 aged, blind, and disabled citizens from the food stamp program simply because their public assistance benefits would have exceeded $160 per month for one person or $220 per month for two persons. In addition, another 1.75 million of the poor would have had their program benefits reduced for virtually the same reason. And, because the regulations were poorly written, about 1 million migrant workers would also have been eliminated from the program. Public and congressional opposition to the proposed regulations was minimally successful in preventing this money-saving elimination of participants from the program. The 350,000 aged, blind, and disabled were brought back into the program, though with very small benefits; the other 1.75 million poor were still cut back in their benefits, and the migrants were still cut out altogether.

The effect of this has been to level off the participation in the program, which had been expanding, to about 10.5 million for the past 5 months. There is only one explanation for this policy: To save money.

The second indication of our loss of leadership on the hunger issue came last June, on a different front in the hunger battle; namely, the small, but growing and vital, summer feeding program. All through the winter months the USDA had been encouraging the States and cities to plan bigger programs than they had in the previous year. Fully $32 million in requests came to the Department in response to their encouragement. Then, just days before the program was to begin operations in many cities, the Department announced that money for expanded programs was unavailable.

Again, the only explanation for this could be heartless, callous and misguided effort to save money. I, along with the other members of the Select Committee on Nutrition and Human Needs, introduced legislation which quickly passed the Congress, giving the Department special funds to spend for the summer program. It finally took not only this legislation, but a letter written by 46 Senators, to have the authorized funds spent to feed hungry children this summer.

Finally, and this matter comes last only chronologically, for it may be the most important battle to date, in August the Department of Agriculture issued proposed school lunch regulations for the present school year.

In response to the President's pledge to feed all of America's hungry children with this program and guided by the unequivocal language of Public Law 91–248, that every needy child shall be fed, school lunch administrators all over the country were gearing up to reach all of the Nation's 10 million needy children.

But, once again, the administration attempted to reduce costs by cutting participation. In August, the Department announced a new regulation which would reduce the amount of Federal reimbursement from a possible 60 cents per lunch to a mandatory statewide average of 35 cents per lunch. More emergency congressional hearings were held and more legislation was passed. When this effort to cut participation was defeated, the administration then attempted to ignore the clearly expressed congressional intent of Public Law 91–248, by declaring that henceforth the national eligibility level set by Congress would be a maximum level rather than a minimum. The effect of this move would have been to eliminate some 1.5 million poor children from the school lunch program. Fortunately, legislation which had passed the Senate was amended in the House to prohibit this final money-saving action.

These are the absurd lengths which the administration will go to under the use of fiscal responsibility. This is a bitter lesson in the fumbling processes of American Government for millions of our Nation's schoolchildren.

It is against this background that I must judge the appropriateness of the nomination of Earl Butz. This nomination comes at a time when there is clearly a vacuum of leadership in the administration on the hunger issue. A new Secretary of Agriculture should provide that leadership, particularly in light of the fact that nearly one-fourth of USDA's total budget involves these programs.

It is for this reason that I become concerned when Mr. Butz gives a speech which contains the following remarks:

> Then, the big clamour was hunger and malnutrition. And we in Agriculture, were, of course, intensely interested in that, too. And we were quite concerned about hunger and malnutrition. You remember Senator McGovern had his televised hearings down in Florida to portray the bad plight of the migratory workers in Florida. Ted Kennedy, not to be outdone, took a planeload of cameramen to Alaska to see the starving Eskimoes, you know.
>
> And that was portrayed in several TV features back here. And what came out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts in this country. Out of it came a welfare program that President Nixon is recommending to the Congress that's so far out that even the Democrats in Congress won't buy it [Laughter].

Then the secretary who took down the speech has, in parentheses, laughter, which this was designed to do. It was an effort on the part of Dr. Butz to ridicule the efforts of the Senate Select Committee on Hunger and Human Needs, to ridicule the efforts of the Senator from Massachusetts (Mr. KENNEDY) and others, to turn the spotlight of this Nation on hunger and malnutrition.

Dr. Butz went on to say:

> My point is, we always overreact to crisis.

Mr. President, I do not think we overreacted at all to the fact that some 15 to 20 million Americans were suffering from hunger and malnutrition, and when we responded with the kind of school lunch program that we did. The truth of the matter is that we did not react strongly enough. We did not act with enough force and with enough generosity, and the fact is that, as we consider this nomination, there are still 11 million adult Americans suffering from hunger in their homes and another 4 million children suffering from malnutrition because of inadequate school lunch programs in various parts of the Nation. Yet Dr. Butz tells us we overreacted to the problems of hunger in America.

Mr. Butz seems to think that the existence of hunger in America did not demand a strong reaction. He feels we overreacted to hunger. Does this record demonstrate that Mr. Butz can provide the leadership so lacking in this area? I think not.

In response to the public disclosure of these remarks I just naturally had to overreact. So, I sent Mr. Butz a letter requesting all of his public speeches in the past year. Mr. Butz has responded to my letter in an envelope from the Secretary of Agriculture's office.

The inconsistency of his letter, in which he expressed full "support (of) President Nixon's pledge to eliminate poverty related hunger and malnutrition in this Nation" and the speech text which I have read baffles me.

Yesterday it became apparent that there would be very little time to look over these speeches before the crucial vote which we will be facing in several hours. So I instructed a member of my staff to pursue the matter further and request that the speeches be delivered by this morning. I offered to fly someone out to Indiana last night to pick up the speeches if necessary. However, Mr. Butz' secretary informed my staff member that she did not know anything about the speeches and would be unable to put them together in his office. Finally after a futile attempt at seeking out Mr. Butz personally yesterday afternoon the present Secretary's office called my staff member last evening and told him that the speeches would be delivered early this morning to his office. After several phone calls this morning several disturbing things became apparent.

My staff member was told that the only speeches available were those sent to the Department by Mr. Butz' secretary. It greatly disturbs me that Mr. Butz' office in Indiana was able to send his speeches to the Department and not to my office.

It has also become apparent to me that these speeches were in the hands of the Department of Agriculture in Washington, D.C. while I and my staff were sent on a wild goose chase by stories that the speeches were unavailable.

Finally at 10 this morning we received two articles and three speeches from the Department. We had expressed particular concern about receiving a speech by Mr. Butz on hunger given in 1965. This speech although specifically requested was not included in the material sent to us by the Department. After another angry phone call this speech was finally delivered at 10:40. I certainly hope that should Mr. Butz become the new Secretary of Agriculture we will see somewhat better form in the areas of congressional relations, cooperation, and courtesy.

Mr. President, because of this and other considerations, I urge that the nomination be rejected. I ask unanimous consent that a number of supporting documents, including correspondence I have had with Dr. Butz, be printed to the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., November 23, 1971.

Dr. Earl L. Butz,
Dean of Continuing Education,
Purdue University, Lafayette, Ind.

Dear Dr. Butz: As you know, during the past several years, I have been actively involved as Chairman of the Senate Select Committee on Nutrition and Human Needs in seeking to improve the nutritional status of the American people, particularly millions of poor Americans. During this time, the Select Committee has held numerous hearings and heard hundreds of witnesses documenting the widespread existence of malnutrition in America. The existence of malnutrition has been further verified by a National Nutrition Survey conducted by the Department of Health, Education, and Welfare. In response to these investigations of hunger in America, the President and the Congress have moved to expand and strengthen major Federal feeding programs under the jurisdiction of the Department of Agriculture. These programs include food stamps, surplus foods, school lunches, school breakfasts, out of school feeding programs and programs for the elderly.

I was, therefore, extremely distressed to read an account in a newspaper article recently that you had criticized in a speech the expansion of the food stamp program and proposals for a strengthened and expanded welfare program. I believe it is of the utmost importance that I and other members of the Senate have as full an account as possible of your opinions regarding the efforts to end hunger in America. For that reason, I respectfully request that you transmit to me as quickly as possible all public speeches that you have given within the last year. I believe that this would be of great assistance to myself and my colleagues in the Senate in passing on your fitness to become the next Secretary of the Department of Agriculture.

Sincerely yours,
George McGovern.

November 30, 1971.

Hon. George McGovern,
U.S. Senate,
Washington, D.C.

Dear Senator McGovern: Thank you for your recent letter requesting a copy of all public speeches that I have made within the past year.

I do not have these readily at hand here in Washington, however, I am assembling them and will forward them to you as soon as possible.

I know of the efforts that this Administration and the Senate Select Committee on Nutrition and Human Needs have made in combating hunger and malnutrition and I fully support President Nixon's pledge to eliminate poverty related hunger and malnutrition in this Nation.

Since the President's historic "Hunger Message" on May 6, 1969, the accomplishments comprise the largest and most successful nutritional undertaking in all history.

I will give high priority, as Secretary of Agriculture, to continued USDA efforts to reach the President's goal. I will energetically work toward improvements in the programs to feed needy families and to improve the nutritional health of this Nation's children.

Sincerely,
Earl L. Butz.

[From the Des Moines Register, Nov. 28, 1971]

Cite "Filth" at Poultry Plant

(By James Risser)

Washington, D.C.—An Alabama poultry plant, cited by the General Accounting Office (GAO) as a prime example of continuing unsanitary conditions in the poultry business, is the same firm whose plant manager twice threatened the life of a federal poultry inspector earlier this year.

Marshall Durbin, jr., who heads the firm, is vice-president of the National Broiler Council, the trade and lobbying organization of the poultry industry.

The GAO investigators found that in portions of the Jasper, Ala., plant operated by Marshall Durbin Co., sanitation was "nonexistent."

Floors were described as "filthy," equipment was covered with feathers, dirt and fecal material, and birds being processed were contaminated by rusty drippings from pipes and machinery, the investigators' report said.

A federal supervisory inspector who accompanied the GAO personnel reported that "the over-all picture of the plant and premises is certainly not one of a food processing establishment."

CLOSED, REOPENED

The GAO report also said that the plant was shut down briefly last January by federal inspectors of the U.S. Department of Agriculture but was reopened a few days later on advice of a USDA official in Washington.

Dr. Clayton Yeutter, administrator of USDA's Consumer and Marketing Service, said Friday that the Washington official involved did not intend to have the plant reopened if conditions were bad, and that the regional official at Atlanta, Ga., who ordered the reopening has been "thoroughly reprimanded."

The inspection personnel involved may have felt that the Durbin plant situation "was a particularly sensitive one because Marshall Durbin has been a big name in the poultry field for years and years," said Yeutter.

Yeutter, who has ben in charge of federal meat and poultry inspection for about a year, said he is working hard to eliminate past favoritism that may have existed toward certain plants and is trying to see that federal inspectors receive strong Washington backing when they move against violators.

The Register disclosed in September that the Durbin firm got off with only a warning letter from USDA after its plant manager threatened on two different occasions to kill a federal inspector. Such actions involve a potential federal criminal violation, with a fine of $5,000 and three years in prison.

TOUGH ENFORCEMENT

Yeutter said then that he was investigating the incident to determine whether USDA had backed up its inspector strongly enough. If not, "Some heads will roll," he said.

Yeutter said last week he has completed his investigation of the threats and of the incident involving the reopening of the plant. In addition to reprimanding one official, he said he has made it clear to all involved that he wants tough enforcement of the poultry inspection laws.

Marshall Durbin, jr., said in September that he had fired the plant manager who allegedly issued the threats, but he complained that the incident "may have been exaggerated" and contended that some federal inspectors "would like to have life and death economic control over plants."

The GAO report, released Nov. 16, says that the Durbin operation was one of 68 poultry plants studied because "it had been identified by inspectors for repeated violations of sanitation standards."

The report did not name the Durbin firm. Of the 68 plants studied, the conditions at four were described in detail in the report. They were identified as plants A, B, C and D.

RELEASED NAMES

However, Senator Abraham Ribicoff (Dem., Conn.), whose subcommittee on executive reorganization has been probing various government consumer protection programs, including meat and poultry inspection, released the names of the plants a few days later. "Plant A" was the Durbin plant.

The GAO said "general housekeeping" at the plant was "poor." A scalder was "unacceptable due to dirty water covered with bloody foam."

Picking machines had been "improperly cleaned" and had "dirt, feathers and old fat" on them. Coolers had "green algae" on their walls, an ice-making machine and a freezer were "totally unacceptable," the report said.

"Giblet preparation was unacceptable due to contamination and improper preparation," (improper drainage from the building created "a swampy area" of "foul greenish, brackish material,") and restrooms were "unfit for use" and had no soap for employes to wash their hands, the GAO said.

Plant management "objected strongly" to corrections required by inspectors, the GAO found.

"UNSATISFACTORY APPEARANCE"

A follow-up survey, made this month by USDA personnel, says that "the over-all condition of this plant has improved since the GAO visit. However crowded conditions result in maintenance problems and present an unsatisfactory appearance."

Corrections are underway, but if they are not carried out "failure to maintain acceptable standards will result in withdrawal of federal inspection," the USDA survey said.

The conclusion of the GAO report was that there still appear to be "widespread weaknesses" in the enforcement of the poultry inspection laws. "Unacceptable conditions" existed at most of the 68 plants, 17 of which were studied because of past problems and the other 51 chosen at random.

The GAO called for tougher action by the Consumer and Marketing Service, and also suggested that Congress consider transferring meat and poultry inspection out of the USDA because of a possible conflict may exist between the department's regulatory duties and its marketing promotion activities.

INDIANA FARMERS UNION,
Indianapolis, Ind., November 29, 1971.
Hon. GEORGE MCGOVERN,
Senator of South Dakota,
Washington, D.C.

DEAR SENATOR: Since I have known Mr. Earl L. Butz personally for over 35 years a number of my Indiana friends called recently and inquired if I would recommend Mr. Butz for our next Secretary of Agriculture.

Thirty years ago or prior thereto no doubt my answer would have been favorable. A few years later he signed in with various Manufactures of Agricultural Products and became a stockholder and in certain cases a member of the Board of Directors of several such organizations. I believe at that time Mr. Butz' attitude definitely changed in regard to our agricultural producers' interests.

He evidently at this time layed aside his interest in our farmer's income and devoted much of his efforts to solving the manufacturer's problems. He hoped that with increased returns to the manufacturers and handlers of such products no doubt a certain portion of such income would trickle down in our economy to the producers of our farm products.

Labor forces united, fought and retained their place and financial returns in our National Economy. During recent years our agricultural producers have not received their proportionate share of our National Income due largely to lack of ability to produce a united front in presenting their problems.

Mr. Butz as an Ass't. Secy. of Agriculture in 1953 joined with Ezra Taft Benson, Secy. of Agriculture in rewriting our Farmer's Parity Price Formula. This resulted in a reduction of our Price Support level on our basic farm crops approximately 7%.

The overall policy of the Administration at this time was to reduce the Price Support on feed grains so they could be shipped from the production points South and West for livestock feeding in range areas or areas adjacent thereto.

Legislation also was introduced at this time to provide authority for the Secy. of Agriculture to reduce price supports on the basic grain crops from the 90% Parity Price Level to somewhere within the 60% to 90% level of the Parity Price if it was determined that conditions justified the same. This reduction in price would permit a step up in our grain exports with the products taking care of much of the expense incident to the grains shipments.

This Bill was passed by the Republican House of Representatives majority in record time. However, when the same Bill was presented in the Senate it resulted in a tied vote. A Conference between Vice-President Nixon and Secy. Benson plus his helpers produced their desired vote and the Bill when duly signed became law. The provisions of this bill were carried out during next few years and materially reduced the price of feed grains and our Farmer's income.

The result was that Farmer's grain prices were all reduced to approximately the Price Support level which was established at about 53% of the original Parity Price Support levels that had been established for our major grain crops. This was the Legislation that started thousands of our farmers down the road to bankruptcy and Mr. Butz deserves credit along with other Administration leaders at that time of setting up this situation on our Farmer's prices that has had a serious affect on our Farmer's buying power and helped to drag down the entire National Economy since much of our Farmer's buying power was eliminated at this time. This condition has recently resulted in forcing over 50% of our farmers in the grain belt to file bankruptcy cases.

A number of Corporations who in recent years devoted some of their funds to Agricultural production have sold out or took similar steps to our Farmers after a couple years experience under the present level of Agricultural Prices.

The action taken by the Administration at that time was largely due to Campaign Time criticism of the estimated cost of our Farmers Price Support Programs which had been in effect for over 17 years under U.S.D.A. and C.C.C management The new Administration called for a detailed investigation and a cost report on all the Grain Price Support Program. This investigation was authorized in 1953 but no action was taken in the next two years.

After the 1954 election there was a Democratic majority in the House of Representatives. Representative John F. Kennedy who was elected as a Representative from Mass. was named as chairman of the Sub-Comm. that was to investigate the Record of C.C.C. in regard to Grain Handling as indicated above. In March 1955 a meeting of the Sub. Comm. was called by Rep. Kennedy with the U.S.D.A Grain Branch Director, Mr. McClain and myself who was the Deputy Director in Charge of Price Support Operations. The investigation then got underway and not only was the material, records and instructions issued by our Washington, D.C. Office reviewed but representatives of this committee rechecked the records of expenses, sales and disbursements in the C.C.C. Area Offices located at Chicago, Kansas City, Minneapolis and Portland, Oregon.

A Thirty-six page report then was completed and was filed by this committee showing a full and complete record of price support operations, expenses and transactions, during the 17½ years these Price Support operations had been in effect. The Committee's Report indicated that transactions had been handled in a business like manner. The report also indicated that during this period under the Original Grain Price Support Programs the grain received in liquidation of the loans had been disposed of and the expenses including Storage, Handling, Shipping plus Office Expenses incident thereto had resulted in an overall profit to C.C.C. during that period of $13,000,000. which had been returned to the U.S. Treasury. The final report may be reviewed by anyone interested and is filed under the following identification Report #1635 House of Representative's Comm. on Agriculture, 2nd session 86th Congress filed May 20th 1960.

Our Economic drag today is largely due to our farmers lack of buying power. Increased operational costs of production along with high taxes and high interest rates results in many of our farmers donate their time, labor plus financial support to carry on their operation at a loss in a few such years and they are forced out of operation.

In 1933 Farmers overall indebtness is shown as 8.2 billion dollars but it passed the 50 billion dollar mark in 1968 and in Sept. 1970 the records show over 60 billion dollars of Farmers indebtness outstanding. In regard to the farmer's indebtness the average interest during 1971 is indicated at approximately 8%. The above amount at this rate would require $480,000,000 of Farmer's income to pay interest charges alone. To this amount an amount at approximately the same level is required to meet the Farmer's Federal, State and Local Taxes along with their operational costs. I doubt very much if our Farmer's buying power can be restored by a Secy. of Agriculture who has catered to our food processors and manufactures during the last 30 years.

Isn't it about time for our Congressmen to do something about the economic mess our Politicians have developed for our agricultural producers and those who are dependent upon them as well as our rural areas in general?

Enough for the past and present let us look ahead in regard to the effect such conditions may have on our country's future. A couple of months ago we were told while our present United States' population was 205 million that by the year 2000 the U.S. population would equal or pass the 400 million population mark. With our population practically doubled in a 30 year period what about food and clothing needs for such a population?

Present conditions and lack of income has eliminated many of our skilled Farmers. Present farmers are required to operate power machinery for long hours, work out their crop rotations, handle and feed livestock, determine seed and fertilizer requirements as well as to fight their financial problems. I have been told that it requires today 10 times as much brains, knowledge, training and experience to successfully operate the average farm today as it does to drive a truck or operate a power machine in our modern factories. If we plan to adequately feed our future generations it will be necesary to establish and support fair values and adequate income for all agriculture products at an early date or our nation may be forced to suffer as many of the Nations in Africa and Asia are suffering today.

Respectfully Submitted for Your Consideration.

ALVAH F. TROYER,
Vice President, Indiana Farmers Union, (also) President of the Soybean Growers of American Inc.

THE DEVELOPING WORLD CRISIS IN THE POPULATION-FOOD RATIO

My name is Earl L. Butz. For the past eight years I have been Dean of Agriculture at Purdue University. For three years prior to that, from 1954 to 1957, I served as Assistant Secretary of Agriculture in charge of Marketing and Foreign Agriculture. During this time, on two occasions I served as chairman of the U.S. Delegation to the Food and Agriculture Organization Conference in Rome. Among other things, I was in charge of the Foreign Agricultural Service, and traveled extensively in many parts of the world studying food and agriculture conditions. Prior to going to Washington as Assistant Secretary of Agriculture, I was eight years head of the Department of Agricultural Economics and Professor of Agricultural Economics at Purdue University. My entire professional life has placed me in close proximity with food-population problems, both in this country and abroad.

The North American food industry is now relaxed in the calm which precedes the greatest challenge it has ever faced. We must exercise every opportunity to keep our entire food machine in a healthy state of preparedness, if we expect to meet this challenge successfully.

The world is on a collision course. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the Western World itself.

The long-run outlook for international agriculture is essentially one of a race against time and capital in an effort to meet the onslaught of a tremendous upsurge in world population.

The man-food ratio around the world, never high enough to be very exciting to two-thirds of the world's population, has actually been in a decline the last half dozen years. Total food output has increased during those years, to be sure, but at a slower rate than population increase. In many of the world's underdeveloped areas, the man-food ratio is in a serious decline.

Those of us in North America who wrestle with perennial surpluses of both food and feed grains too frequently view our problem in the short run. We are export conscious, particularly in relation to the current situation. While this may be important in a particular year, it is high time that we begin to fashion our domestic programs and policies with a view toward the political and economic realities of the developing world food crisis. It is high time that all of us begin to view the developing crisis in the world population-food ratio in its proper perspective.

Although I use the word "crisis," it need not develop in our lifetime if we can apply the intelligence we possess to the twin areas of food production and international trade.

FOOD IS THE FIRST LAW OF LIFE

The first claim of any society on its total production resources is to produce enough food to keep the population alive and reproducing itself. This is true in primitive societies as well as our own advanced American economy. Some Far Eastern nations require 80 to 90 per cent of their population on the land to get the job done. In the United States we do it with less than 6 per cent of our working population on our farms, and could do our commercial agriculture with about 3 per cent of our working population on our farms. There is room for substantial expansion of food production, both in the undeveloped and in the developed areas of the world, through continued application of science, infusion of capital, and nonrestrictive governmental programs.

When many of us in this room were students, perhaps a third of a century ago, we were concerned about the foreseeable leveling off and eventual decline of population, especially in the non-Asiatic world. It was popular then to explain why Malthus had been so wrong with his forecasts about the population-food ratio. It is now rather fashionable to dust off Malthus' volume and to quote from him occasionally.

THE POPULATION EXPLOSION

At the beginning of the Christian Era, world population was estimated to have numbered around 250 million. In the next 15 centuries it doubled, reaching 500 million by 1600. Three centuries later, by 1900, world population had tripled, and stood at about 1.5 billion. In the less than two-thirds of a century since 1900, world population has approximately doubled again, and now exceeds 3.0 billion. Reliable estimates indicate that in the little over one-third of a century remaining until the year 2000, it will double again, and will stand at about 6.3 billion people.

During the first 15 centuries after Christ, the rate of increase in world population ranged between 2.5 and 5 per cent *per century*. By 1900 the *annual* rate of increase was approximately 1 per cent, or 100 per cent per century. As of 1960, the *annual rate* was about 2 per cent, and it is expected to rise even above this figure for the remainder of this century. The astonishing fact is that the human race is currently doubling in numbers every 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If a population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, the rate of growth cannot persist indefinitely, because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

While it is true that projected rates of population increase are greater in the underdeveloped nations than in North America, yet we too shall experience a substantial increase in Canada and the United States. A United Nations projection has forecasted that the combined population of our two countries will move from 197 million in 1960 to 312 million in the year 2000. This is an increase of 60 per cent just within our own boundaries. Projected rates of increase are approximately the same for Western Europe and Russia. However, population in Latin America is projected to increase 188 per cent, from 206 million to 592 million. Likewise, the African population increase is projected at 120 per cent, and Asia at 139 per cent. In the latter case, population is expected to increase from 1.6 billion in 1960 to 3.9 billion in the year 2000.

We are experiencing substantial population increases during the decade of the 1960's. A United Nations projection has predicted an increase during this decade of 35 million for the States, 61 million for Latin America, 72 million for Africa, 266 million for Asia excluding China, and about 750 million for Asia including China. This means an increase during the present decade of over 800 million. We are already halfway through this decade, and nearly halfway toward the projected increase.

The United States now has approximately 6 per cent of the world's population. It is projected that by 1975 the U.S. will have approximately 5 per cent of the world's population, and by 1985 only 4 per cent. These figures underscore the fact that the world areas of dense population and of bountiful food supplies do not coincide.

FOOD PRODUCTION TRENDS

From the beginning of history, man has always been in a struggle to feed himself, with the possible exception of the Western World in the last two or three decades. From the beginning of the human race until now, man gradually developed the food production capacity required to sustain 3 billion people on the earth, although many many persons have a very meager available food supply per capita. If the 6 billion plus people predicted by the year 2000 are to be sustained, with no improvement in diet whatever, man will need to develop the capacity to feed another 3 billion people—and this must be done in the short term of one-third of a century. This means that we must duplicate in the next generation the production record that man has achieved since the dawn of history. And we must do this at a time when nearly all of the virgin islands of the world have been brought into production and when we face increasing inroads on arable land by the urban sprawl, developing highways, parks, recreation sites, and the like.

The challenge is great, but the situation is far from hopeless. The world's land surface is currently estimated at 32.9 billion acres. Of this, 3.5 billion acres, or just under 11 per cent, is classified as arable land and land in three crops. We actually plant to crops considerably less in a given year, usually under 2.4 billion acres, or only about 7.6 per cent of the earth's land surface. We have another 6.4 billion acres, or 19 per cent of the earth's surface, in permanent meadows and pastures. Thus, if we include this with crop land and tree land, we account for about 30 per cent of the earth's land surface. It is possible that some of the remaining 70 per cent may someday be brought into agricultural production, as capital becomes more plentiful, as cheaper sources of energy are developed, and as more efficient means of converting sea water to usable water become available. It should be noted that until a generation ago, most of the increase in the world's food production came from opening up virgin lands. In the immediate future, however, we cannot count on a substantial addition to arable land from this source.

There are only two possible answers to the problem posed above: (1) increased agricultural production worldwide, with sufficient trade flexibility to permit effective geographical distribution, and (2) a widespread and rapid increase in birth control practices. In the long run, say by the close of this century, birth control is the only solution. But this is developing extremely slowly in the population pressure areas of the world, and probably will continue to develop slowly because of the low levels of education and living standards. In the heavy population areas of the world, the girl babies are here. They can be mounted. When they mature, just a few years hence, it is inevitable that births will increase markedly. The only thing that can alter this will be a marked increase in education, in economic levels, or a substantial change in religious attitudes and social mores. These factors have not changed markedly in the last decade. There is little reason to believe that there will be sufficient improvement in the next decade to provide the kind of environment in which birth control can become rapidly effective on a broad scale. Hence the immediate need before us is to increase agricultural production and to work out more effective means for distribution of our foodstuffs—just the converse of some of the agricultural and trade policies currently popular in the United States.

Individual countries vary markedly in the share of land suitable for cultivation. Moreover, population and arable land are not at all evenly distributed. This accentuates the need for realistic trade policies. Asia, for example, has about 56 per cent of the world's people but only 31 per cent of the arable land. Western Europe, likewise, runs behind in arable land. In most of the rest of the world the inverse is true.

Perhaps the greatest variation among the nations in agricultural productivity lies in capital inputs, particularly in the form of fertilizer, drainage, irrigation, and technology. In this respect North America leads the world. The record of increased efficiency of production by North American farmers since the decade of the 1930's is nothing short of phenomenal. It is meaningful to use the trend in per capita grain production as an indicator of both agricultural progress and the quality of diet. A majority of all calories consumed comes from grains, either directly or indirectly, after conversion into meat, milk or eggs. Thus a rising per capita output of grains in any population makes possible either a rise in calorie intake or the production of additional animal protein if this is needed or desired.

World grain output increased 47 per cent during the 25 years from 1934–38 to 1960–61. During this time total harvested area increased by 15 per cent, and average yield by 28 per cent. However, there was tremendous regional variation. During that quarter century, both North America and Oceania more than doubled total grain production. Eastern Europe and the USSR gained only 24 per cent, Western Europe 31 per cent, Asia 41 per cent, Latin America 42 per cent, and Africa, undisturbed by the war, 54 per cent. The latter increases did not keep up with population growth. North America expanded its share of world grain output from 16.7 per cent in the years 1934–38 to 22.8 per cent in 1961. During this same period the Soviet Bloc share of world output was steadily shrinking from 23.5 to 19.8 per cent. Or if we divide the world into the two dominant economic regions—developed and undeveloped—we discover that output in the developed regions increased 51 per cent during this period, while that in the underdeveloped regions increased only 42 per cent. This is significant when it is remembered that the rapid population growth is in the undeveloped region.

A generation ago the underdeveloped areas of the world (Asia, Africa, and Latin America) were food surplus regions. Before World War II, the underdeveloped areas were exporting annually about 11 million tons of grain to the developed countries, notably Europe. During the early post-war years this flow of net exports was reversed, with a modest 4 million tons going annually from the developed to the underdeveloped countries. The population explosion in the underdeveloped world in the last couple of decades, coupled with a much, much slower increase in food production, has pushed food needs so high that the estimated movement into those areas in 1964 was 25 million tons of grain.

The underdeveloped areas of the world, once able to feed themselves, now clearly are dependent for their very existence on sustained food shipments from the developed nations, largely from North America, with the U.S. Food For Peace program figuring prominently.

The output of grain per capita of farm population has shown a striking increase in North America, more than trebling in the 25 years from 1934–39 to 1961. During the same interval, grain output per capita of farm population actually declined in Latin America and increased only modestly in Africa and Asia.

The supply of new land that could be brought under cultivation has been negligible during the past quarter century. Rising yields per acre have been the source of increased food production during that period, just as they constitute the only real hope for the next quarter century. Here again, unfortunately, the evidence is that the advanced nations can generate a sustained trend of rising yields much better than can the underdeveloped areas. Over the past quarter century, per acre yield in North America increased 109 per cent, as contrasted with only 7 percent in Asia and only 8 per cent for the entire underdeveloped world.

The major factors associated with rising per acre yields (yield take-offs) are effectively outlined by Lester R. Brown in an excellent USDA publication, "Increasing World Food Output," published in April 1965. These factors, briefly stated, are:

1. Reasonably high level of literacy. A yield take-off calls for the effective movement of new ideas and techniques from the research plot to the farmer. This is difficult in an illiterate society.

2. Per capita income above mere subsistence. There must be sufficient income to permit the manufacture and purchase of yield-raising inputs, such as fertilizer, drainage, etc.

3. Development of a market oriented agriculture. A sufficient share of individual farm output must enter the market to provide cash for the purchase of commercial yield-raising inputs. This is particularly necessary in a country with no unexploited land in which to expand, and this includes all the underdeveloped regions.

4. "Favorable prices" for farm products. Food prices at the farm must be sufficiently high relative to the cost of purchased production inputs to induce the use of the added input. For example, a pound of rice in Japan buys roughly three times as much commercial fertilizer as a pound of rice in India. Japanese farmers are among the world's heaviest users of commercial fertilizers, while only a very small share of India's 60 million farmers have ever used commercial fertilizer, insecticides, or fungicides. It pays to use these inputs in Japan but not in India. Yields are high and rising in Japan, but low and relatively stable in India.

Brown concludes: "To describe what it takes to generate a yield-per-acre take-off is, in a sense, to describe the process of modernization and development. Stated otherwise, the more advanced an economy is, the easier it is to generate a yield take-off. The densely populated, less developed countries, which have virtually exhausted the supply of new land that can readily be brought under cultivation, must compress a lot of progress into a very short period of time if they are to generate the yield take-off needed to feed their rapidly growing populations."

The transposition of the advanced mid-20th century agricultural technology of North America into the underdeveloped areas of the world will be, at the best, a very slow and arduous process. Yet, we must not despair in our efforts to build up the agricultural economies of the underdeveloped nations. To the extent that this can be done it will both promote economic and political stability within those nations, and will in part alleviate the burden that must inevitably fall on North American agriculture in the latter part of this century to prevent mass starvation in large areas of the underdeveloped world.

HIGHER PRODUCTION NEEDED

We thus face the prospect a decade hence that the great bread baskets of North America will be called upon to supply food for large areas of the world until the population-food ratio can again be brought into approximate equilibrium. The latter cannot be accomplished quickly or painlessly. We therefore face the challenge, in North America, to keep our food machine in a healthy state, fueled for a massive effort in the years ahead. We can add only a limited supply of additional arable land. We can get some additional food from the sea—but here again we face practical limits.

The only practical alternative available to us is the accelerated application of capital and technology to our own agricultural and food systems in an effort substantially to increase output per acre and per man. This means accelerated application and use of fertilizers, irrigation, better seed varieties, more pesticides, and extensive research inputs. We must not be lulled into a position of retreat on the North American agricultural front, because of current selective surpluses within our boundaries, because of uncertainties over the agricultural policies of the European Common Market, because of our declining number of farms and farmers, or because of the temporary rise of agricultural nationalism in many of the newer and undeveloped nations of the world.

The public conscience of the United States has moved toward a commitment, neither written nor enacted into legislation, but nonetheless real, that we will not permit mass starvation any place in the world. The two decades since the close of World War II have been the longest famine-free period in the history of the world. This has been possible largely because of the strategic deployment of American surplus foodstuffs under the Food For Peace Program. Many of these have been given away. It is true that substantial quantities have been exchanged for foreign currency under PL–480, but many of these transactions really represent ultimate gifts. We just haven't completed the bookkeeping transaction.

Since the start of this year, both President Johnson and Vice President Humphrey, the latter more specifically than the former, have indicated that we should give consideration in our agricultural policy to producing specifically to meet the food needs of the underdeveloped nations. Increasing numbers of congressmen also speak along this vein. When the time comes that food needs abroad are more apparent than now, it is my prediction that the U.S. Congress will find some way to meet them, perhaps under some kind of arrangement that resembles a sale, just like many people in this country think that our massive "sales for foreign currency" of surplus commodities over the last decade represent a genuine sale, when many of these transfers really were in the nature of a gift.

We must, therefore, view the tremendously efficient food industry of North America as one of the most powerful tools in our kit of international diplomacy. And then, having viewed it this way, we must pursue more sensible internal price support and production control programs than have persisted in recent decades. We must build strength under our great food processing and distribution system. Likewise, we must follow trade policies which are fitted more nearly to the economic realities of our times.

If we can catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead, then we can only be optimistic concerning the position of our agriculture in the international scene.

The opportunity for increased food production on the North American continent is tremendous. Agriculture is essentially a process of converting radiant solar energy into a form usable by humans. We use the plant as a vehicle to accomplish this energy transformation. Sometimes we use the animal as a further vehicle.

We are extremely inefficient in making this energy conversion. In the temperate zone, on a warm summer day, the solar energy that hits an acre of land is roughly equivalent to the energy in 5 tons of coal. If this is averaged through the calendar year, to include the winter season, the daily solar energy impact per acre is equivalent to approximately 3 to 4 tons of coal. If we assume that, through our best agricultural techniques, we can produce 120 bushels of corn per acre per year, year in and year out, this has an energy equivalent to about 3 to 4 tons of coal. This means, therefore, that we have now learned in our advanced agriculture how to capture as much energy in our year as God pours on our acres every day.

We think we are pretty efficient, when as a matter of fact, we are extremely inefficient. We get only about 1/360 part of the energy available. If we should somehow learn how to double production per acre, we would still be getting only about 1/180 part of the energy available. This means, therefore, that the potential area for the application of science in our agriculture is almost without limit. It staggers the imagination. The energy is here, the opportunity is here, the need is here. All we need is a complete national dedication to be on with the job.

Our danger today is that too many Americans are "At Ease" in a world still struggling Two-thirds of the world's people live in chronic poverty, illness, malnutrition, disease, and general wretchedness. Ghandi once remarked "Even God dare not approach a hungry man except in the form of bread."

It is futile to preach to hungry people about individual freedom, democracy, and the dignity of man. Their compelling desire is bread.

This is the first time in the history of the world that hungry peoples have been clothed with political power. The number of nations in the world has more than doubled in the last two decades. These people are aware, through modern communication, that not everybody in the world accepts starvation, privation, and premature death as his inevitable partner. It will be impossible, in the generation ahead, for the Western World to live as an island of affluence in a sea of misery.

The North American continent, and primarily the United States, will be called upon within the decade for a massive effort to meet the impending crisis in the world population-food ratio.

It must be a major responsibility of all of us to keep our national food producing machine healthy and efficient. We must catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead. We must strengthen public confidence in the capacity of our food industry to meet the great challenge ahead of it.

To prepare for less than this will be to condemn a large part of the world to widespread famine and political instability on a wide scale unprecedented in history. In modern times, our own nation cannot remain insulated from such a catastrophe on the other side of the globe, either east or south.

Hence there is no realistic alternative except for us to gear up to meet this challenge.

The Penalty of Leadership

SUMMARY OF REMARKS BY EARL L. BUTZ, PURDUE UNIVERSITY, BEFORE THE ANNUAL MEETING, PARKE COUNTY REMC, ROCKVILLE, IND., SEPTEMBER 9, 1971

Tonight we pay tribute to leadership—the leadership of a great man whom we know as Reuben Dooley, and the leadership of a great organization we know as the REMC.

The Parke County REMC is thirty-five years old. No one knows for sure how old Reuben is! But we do know for sure that for over one-third of a century this man and this organization have teamed up with this community and this state and nation to provide the inspired and imaginative leadership so essential for a progressive and a prosperous community.

Leadership has its own inherent rewards, but it also has its penalties. The leader can't pause to look back, lest he finds himself in second or third place. If he chooses to rest on his laurels, someone surpasses him with a newer and more attractive set of laurels. If he slips, there is only one way to go.

As the leader presses on toward his dreams, he cannot be dissuaded by the criticisms and small remarks of doubting people. The standard of leadership is never held in trembling hands.

Let's take a quick look at some of the things that have happened in Parke County over the last third of a century.

Some skeptics said that the fledgling REMC in little old rural Parke County would not become one of the nation's greatest and strongest—but it is.

Many people doubted that electricity would be brought to every nook and cranny of Parke County—but it was.

There were doubts about making Parke County one of the state's leading recreational centers—but it is.

Skeptics said that you couldn't capitalize on the beautiful and historic covered bridges in your county—but you did.

There were those who doubted that a wide variety of industrial enterprises would locate in Parke County—but they did.

Skeptics scoffed at the idea of a public golf course, county park, swimming pool, and this very Community Center where we meet tonight—but here they are, enjoyed by thousands of people. County planning and area planning were bad words for some people two or three decades ago—but just look at what they have produced in Parke County.

Obviously, no one man or any one organization can lay claim to being *the* prime mover in community affairs, but when a dedicated community builder like Reuben Dooley teamed up with a great service organization like REMC, and enlisted the volunteer help of literally thousands of good citizens of your county, Parke County simply had to become one of the best places to live in Indiana.

LEADERS, LABORERS, AND LOAFERS

At any moment of time our population can be divided into three categories: Leaders, Laborers, and Loafers. At some time each of you has found yourself in all three of these classifications. A much larger than typical share of this audience will usually be found in the leadership category.

The critical elements of leadership are brainpower and heartpower. These two items represent the most powerful resources at our disposal in America. Yet we seldom regard these items as one of our main resources.

The resource of trained leadership and intelligent minds is not exhaustible. Indeed, it increases with use. It wastes from nonuse. The more you use it, the more you have of it. The more you share it, the more there is to share. In this respect it is truly a unique resource.

In this scientific and technological age in which we live, with far-reaching economic and sociological adjustments taxing our very imagination, brainpower and heartpower are the critical factors undergirding further growth of our economy. Indeed, strength in this department is essential for our national security and for our very existence as the *Land of the Free.*

Our challenge is to produce leaders among our people, who can grow with the changing times.

There are today two great areas of leadership need. The first one is professional leadership. This is in the vocation where you work. The second need is leadership in living together. This is in the field of government.

LEADERSHIP IN YOUR PROFESSION

The need for professional leadership is obvious to all of us. Modern America is growing and dynamic, undergirded with large amounts of research, science, technology, and managerial capacity. It constantly calls for more capable leadership and trained minds in every sector.

America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—a 50 per cent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 30 years, at current consumption and production rates, we must add each year about 325,000 beef cattle, 50,000 dairy cows, 800,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction, in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

America Doubled in Your Generation! Think of what that means in terms of the need for skilled workers, service trades, recreation, and opportunities in a wide variety of fields of activity.

In the decade of the 1970's, 50 per cent more people will reach age 21 than in the decade of the 1960's. We're going to have at least 40 per cent more net new households next decade than last.

Downtown is being rebuilt in every major city across the land—and the process is only nicely begun.

The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need a lot of people who understand that, like Alice in Wonderland, they'll have to run like the dickens just to stay where they are. If they want to advance, they'll have to run faster.

A program of continuous education throughout life will be necessary for leaders in every profession to keep up with the rapid advances we face.

Science and innovation are constantly inducing obsolescence all through our industries and our professions. This underscores the fact that education is your responsibility and mine. An obsolete machine can be melted down and recast into a modern, efficient machine. However, an obsolete person, whose skills are no longer needed, cannot be cast on the "scrap pile". He must be retooled for a useful place in modern society.

It has been estimated that today's graduate will change vocations two or three times before he retires. This means he must be trained for a constant program of re-education. This is equally true for workers in the skilled trades and professions.

Half of the technical information possessed by today's specialist will be obsolete in 10 years. Half of what you must know to be successful 10 years from now has yet been discovered.

The very process of education in our generation has accelerated the rate of obsolescence as it applies to techniques, to communities, and to people.

Let us teach our young people in the professions and in business to be proud of their profession. Let us look with confidence and optimism to the challenging opportunities that face us. Let us catch a vision of the great task that is right now upon us.

LEADERSHIP IN GOVERNMENT

The second area where we need to develop leadership—and this is just as important if not more so than the first—is in the field of living together. This we call government. It may be at the community level, at the county level, city level, state, national, or international level.

Let us make government an honorable profession. Democracy needs intelligent leadership. Let us stop cursing the darkness and light a candle.

One of the challenges we face is to interest capable young brains and competent young leadership with vision in the challenging job of governing ourselves. It matters not what political party you affiliate with. Get into one of the parties. We're never going to have good government until we do interest the young men and young women of our country in assuming responsible leadership in the field of government.

Plato once said, "The price that men pay for not being interested in politics is to be governed by men worse than themselves." So it is today.

We are engaged in a global struggle for power today, with one center in Washington and one in Moscow. These are days when foreign idealogies wash our shores, and alien philosophies circulate in our midst—sometimes on the very campus here our children go to school. This is more than a material struggle. This is a battle for the hearts and minds of men.

Those of us who call ourselves leaders and who have the opportunity to fashion others into positions of leadership have on our shoulders the mantle for the kind of America we want to develop.

One of the most critical things we face in America today is the growing disrespect among millions of our people for law and order. This situation must be corrected.

A generation ago, both Indiana and the nation were predominantly rural. Family life was home-centered, and communities were viable organizations. Our citizens, in the main, placed a pretty high value on such traits as work, production, integrity, dependability, self-reliance, self-help, and old-fashioned patriotism.

Living close to the soil as our people did, or being only one generation removed from those who did live close to the soil, they understood production. They knew that if they would have more, they must produce more. They didn't subscribe to the philosophy of slowdown and strife that characterizes some groups in America today. Being small entrepreneurs themselves, or being closely associated with someone who was, they believed in the free enterpirse and profit system. They understood the incentives for excellence inherent in this system.

Today we are predominantly an urban nation, and members of many farm families are essentially urban oriented in activity and in thought. Family life as we knew it a generation ago is under stress. Communities are difficult to identify.

In this new environment some of the values to which we subscribed a generation ago are threatened. We have among us too many apologists for America. There are too many of us who are at ease; too many who seek the soft comforts of affluence; too many who seek leisure—not production; extravagance—not thrift; personal indulgence—not personal sacrifice; personal license—not economic discipline. There are too many of us who regard old-fashioned patriotism as out of date and "for the birds."

There are growing numbers of us who feel that the only Commandment which really should not be violated is the Eleventh Commandment, "Thou shalt not get caught". The others may be violated with impunity.

We need to spend less time selling America to people overseas, and spend more time selling America to Americans. We need to spend more time talking about the many good things that are right with us, and less time crying about the little things that are wrong with us. The things that are right about America so far outstrip the things that are wrong with her that any honest comparison is ridiculous.

We must make our people proud of the institutions which have served our democracy so well in decades past. We must convince the young men and women in our schools and in our colleges that the American system works. Then we must somehow instill in them the idea that they must become a leader in government, a leader in politics, and a tireless booster for perpetuation of the American philosophy of freedom and opportunity.

We need to instill in our youngsters some of the old-fashioned patriotism that you and I got in the little one-room country schools we used to attend. Nobody then thought it was sissy to really thrill deep down in your heart when you studied about George Washington, Nathan Hale, Thomas Jefferson, and Abraham Lincoln. These men believed in a great idea and were willing to put their lives on the line to achieve it.

It's not enough for our people nowadays to stand up and sing America the Beautiful or The Land of The Free. They must sing the whole song. When they sing The Land of The Free, they must also sing The Home of The Brave. The two go together. If we ever lose the spirit of the latter, the substance of the former will disappear.

The Future Belongs To Those Who Prepare For It!

WHEN WILL OUR PROFITS RETURN?

REMARKS BY EARL L. BUTZ, PURDUE UNIVERSITY, BEFORE SOUTHEASTERN POULTRY AND EGG ASSOCIATION, ATLANTA, JANUARY 26, 1971

Some years back when I taught a course in agricultural prices, my students used to ask, "What is a fair price for eggs?" The only quick answer I could give was, "Ten per cent more."

The next question was, "What is a fair cost for feed?" Again, the only quick answer I could give was "Ten per cent less."

The answers I gave are always correct, especially from an individual point of view. The entrepreneur, whether private or corporate, always tries to maximize price and to minimize cost—in the hope of increasing his profit.

Profit is a perfectly legitimate goal in our society. The desire for profit in a free enterprise society is one of the most powerful incentives in the mind of men ever devised to make men dream, work, risk, venture, invest, and grow. It's a principal reason why the free world continues so far to outstrip the Iron Curtain world in terms of the everyday goods and services that make life so pleasant for so many million Americans.

However, sometimes our price-cost structure gets out of kilter. Profit opportunities become uncomfortably adverse. That's where poultrymen find themselves today. If my students of 20 years ago were to ask me today about prices and costs. I would have to answer, "Prices are 10 per cent too low" and "costs are 10 per cent too high." That puts profits well below the equilibrium line—and in many cases below the zero line.

WHY DID OUR PROFITS VANISH?

As nearly always happens when prices maintain above the "equilibrium level" for any sustained period of time, resources are attracted into the industry, production expands, and prices suffer. The poultry industry is no exception. That's just the way producers respond to price incentive, in nearly any industry which has a large number of independent producers. Eggs enjoyed pretty good prices for some 18 months prior to the second quarter of 1970. During that same period feed costs were relatively low, making for comfortable profit margins. This was also a period of relatively high prices for red meats. It was a time when the economy was generally expanding, at least at a more rapid rate than it has in the past several months.

A year ago this month, fancy large shell eggs topped 62 cents on the New York wholesale market. That was nearly twice the 33 cents on the same market just two years earlier. It was too good to last—and it didn't.

Egg production in late 1970 averaged moderately above a year earlier. The laying flock, last October 1, was 2 per cent above a year earlier, and there were nearly 5 per cent (4 million) more pullets three months or older not yet laying. Although the egg-type replacement chick hatch last August was down nearly a fourth, September hatchings held their own, and increased 4 per cent in both October and November. The turnaround occurred in December, with hatchings down 10 per cent from a year earlier. In January, eggs in incubators were down 12 per cent from a year earlier. Hatchings will likely continue below year earlier levels until late summer, perhaps September or October, when they may start up again.

The rate of lay per hen in the months ahead will probably be above a year ago because of the larger number of pullets entering the laying flock and increased culling of old flocks. This means that the laying flock likely will increase still further, and average moderately above a year earlier, at least through mid-1971. If rate of lay increases slightly, eggs available will increase even more than the laying flock.

This expansion in production comes at a time when the general economy is soft, when unemployment is up, when overtime pay has been substantially reduced, when consumer spending is down and saving is up.

At the same time, pork prices are markedly lower than a year ago, reflecting increased supplies and heavy promotional programs in the meat counters. Chicken meat prices are down, and beef prices are off from a year ago.

This all adds up to lower egg prices. While it may be difficult to demonstrate a statistically significant relationship between high red meat supply, low pork prices, and lower egg prices, logic dictates that any effect, even though moderate, must be on the adverse side.

Couple this with the fact that the demand for eggs has apparently become less responsive to price than formerly, and you get aggravated price declines in the present situation. Economists used to figure that a 4 per cent change in price of eggs would call forth a 1 per cent change in quantity taken. Recently the swings have sometimes been as much as a 10 per cent change in price for a 1 per cent change in quantity. As a consequence, the difference between shortage and extreme oversupply really has a knife-edge impact on price.

THERE ARE HIGHER PRICES AHEAD

The egg price situation really isn't as bad at this point as it might be. Prices are holding fairly well (at 37–40 cents New York wholesale) compared with the disastrously low levels of three years ago that in some months broke through 30 cents. In recent months movement into processed egg products has been good. This does represent in part response to a relatively low stock build-up during the flush season last summer. People expected lower prices last fall and did not build the usual amount of stocks.

Further price declines are in prospect during the first quarter and into the second quarter of this year.

Egg prices this spring likely will show about the usual seasonal decline, which fortunately is much less than the sharp decline that occurred in the spring months of 1970. In addition to the larger expected production in the six months ahead, egg prices will be under pressure from larger supplies of other high protein foods. However, the demand for shell eggs for breakers will be higher than usual during the first half of 1971, and will tend to lessen the pressure on prices.

Prices may swing near the 30 cent wholesale New York level in May 1971. Following that they should increase, and should be back up slightly above the 40 cent level by fall of 1971.

While this isn't a too happy prospect, indications by the fall of 1971 are that supplies will be coming under control and that prices during the 1971–72 season will again be trending upward.

FEED WON'T ALWAYS BE THIS EXPENSIVE

The other side of the profit equation is feed costs. Laying ration ingredients will continue high priced at least through the first half of 1971. What happens after that depends on crop conditions in the summer of 1971. While it is impossible at this juncture to forecast the effect of the southern leaf blight on corn production in 1971, we always have a tendency to overestimate the long-range impact of any unusual situation, like the leaf blight in 1970.

While blight did seriously impair the 1970 corn crop, this writer stakes his reputation on the prediction that the Corn Belt is going to stay in the corn business—in a big way—and in the soybean business too. It may well be that 1971 production will be down moderately until we can shift more fully to blight-resistant varieties. However, at this juncture, knowing as we do the ability of both scientists and farmers to respond to a threat to a major crop, a reasonable prediction is that total feed production in 1971 will be up, and by the end of the year ingredient prices may be somewhat lower, perhaps even more than the futures markets currently indicate.

The poultry industry is now sufficiently mature that it should be able to iron out violent fluctuations in supply, and consequent inverse fluctuations in price. Sixty-cent eggs (New York Wholesale prices) are pleasant while they last, but I don't know of anyone who believes them to be in the long-time interest of the poultry industry. They are always followed by disaster. A basis for rational decision making exists in the marketing guides issued by USDA. However, these guides have been something less than effective. Recent action of United Egg Producers and the National Broiler Marketing Association are steps in the right direction, and evidently claim some measure of success. A continuing educational program may keep rational producers from going overboard when prices are abnormally high. The resulting crash just isn't worth it!

LONGER RANGE PROSPECTS LOOK UPWARD

Total U.S. demand for food has been increasing about 2 per cent annually, based on a population increase of about 1½ per cent and an upgrading of our per capita eating by about ½ per cent. This trend will likely continue.

It appears that the government clearly got the message in last fall's election. Our people are more interested in an expanding economy, full employment, and rising wages, than they are in rigid inflation control. This means that by the latter part of 1971, and especially by the middle of 1972, the economy should be moving upward vigorously. This probably means increased consumer spending—perhaps at the expense of the rate of saving.

But be these short-time economic and political fluctuations as they may, the long-time trend is vigorously upward. America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—a 50 per cent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 30 years, at current consumption and production rates, we must add each year about 325,000 beef cattle, 50,000 dairy cows, 800,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

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The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need to be provided with a growing supply of adequate, healthful, and nutritious food.

COWS AND CATALYSTS

SUMMARY OF REMARKS BY EARL L. BUTZ, PURDUE UNIVERSITY, BEFORE TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION, FORT WORTH, TEX., MARCH 16, 1971

A catalyst is defined as a substance which accelerates a reaction, but is itself unaffected by the reaction. Many kinds of catalysts are used in manufacturing processes to speed up desirable reactions.

If some catalyst could be compounded which would markedly increase the total effective demand for beef, and at the same time reduce production costs, the cattle industry would be in the "Promised Land."

Fortunately, some such catalysts are available, and are working in the interest of the beef industry. They're not spectacular, but they're nonetheless real. Two of these catalysts operate largely independent of beef producers, and two others are at least partly under the direction of beef producers.

TOTAL DEMAND FOR BEEF WILL RISE

The total effective demand for beef in the years ahead will depend on two factors: (1) Size of the population, and (2) changes in the amount of beef consumed per capita.

The latter factor in turn is dependent upon three things: (1) The amount of increase which may be expected in per capita real income (taking into account the relatively low income elasticity for food); (2) the impact on per capita consumption of an aggressive promotional and merchandising campaign; and (3) the impact on per capita consumption from lower relative selling prices and improved quality in the retail counter as a result of a stepped-up research program in the whole beef industry.

The first two "catalysts" listed above operate largely independent of anything the beef industry can do. The second two are largely under control of the leaders in the beef industry.

Each of these items will be discussed briefly.

Our exploding population means a substantial increase in our consumption potential, even assuming for the moment a static per capita consumption. Our population now surpasses 205 million. It's growing by about 3 million per year. It has been estimated that by 1980 our population will be around 235 million. By the year 2000, it will be skirting around the 300 million mark. That's an increase of some 95 million in less than three decades. That's nearly equal to our population growth over the past five decades—from 1920 to 1970. It's a fourth greater than our population growth during the entire nineteenth century—when Texas ranches were being developed to feed our "growing nation." A 95 million increase in population represents a 46 per cent increase from the present base. Therefore, assuming no change in per capita consumption of beef, we could expect a 46 per cent increase in total domestic outlet for beef in the next 29 years.

Let's look now at the second "catalyst"—the rising purchasing power of our people. In the last 25 years the per capita real income of our people (after taxes and inflation) has increased by some 50 per cent. Reliable predictions are that it will increase by another 50 per cent in the next 25 to 30 years. Many economists think it won't take that long to go up 50 per cent.

While we don't increase our food consumption proportionately as income increases, we do eat some better. We improve the quality of our diet.

We do this by shifting to a protein diet, and other more expensive protective foods.

It is common knowledge that beef is a relatively desirable item in our national diet. It has sometimes been called a "luxury meat."

If our per capita real incomes go up by 50 per cent in the next two or three decades, we can be almost certain that the demand for meats, including beef, will rise some, although not by a like amount. And it's probable that the effective demand for beef, as a result of this income rise, will go up a little more than that for other competing meats.

If we can assume that the income elasticity for beef is 0.20, and it's my feeling that this assumption is on the conservative side, then we conclude that a 50 per cent increase in per capita income would result in a 10 per cent increase in the relative amount that would be spent for beef and beef products. This of course is at the retail level. It is likely, however, that as incomes rise, consumers will purchase more services with their food. Therefore, not all of this increase in expenditures for beef would be reflected back to producers. Hence, just to be conservative, if we cut the estimated income elasticity from 0.20 back to 0.10, this would then give us an estimated 5 per cent increase in the amount of money spent for beef and beef products (at the farm level) resulting from a 50 per cent increase in real income per capita. Multiply this by a projected 146 per cent people base (46 per cent more by the year 2000) and you get an increased demand of 8 per cent. When you add this to the 46 per cent increase in people, you get a projected effective increase in demand of 53 per cent. Give or take 10 per cent one way or the other, that's a pretty sizable job ahead of us.

PROMOTIONAL POSSIBILITIES ARE OFTEN OVERRATED

We turn now to the third "catalyst"—promotion. Some enthusiastic supporters of a greatly stepped-up promotional campaign for beef expect results which it probably will be difficult to attain. We should be relentless in our efforts to acquaint the consuming public with the advantages of a high protein diet based upon a growing animal agriculture. Our efforts should be to expand the consumption of all meats. If we dissipate our resources in attempting to persuade consumers that they should eat more beef—perhaps at the expense of pork or lamb or poultry, about all we accomplish is to induce the pork, lamb, and poultry industries to spend an equivalent amount of money in "offset promotion," and the whole industry ends up about where it started except with a big promotional bill on its hands.

This is clearly an area that calls for a well-coordinated effort by all of animal agriculture.

THERE'S GREAT PROMISE IN RESEARCH

Research—the fourth "catalyst"—is under our control. It offers real promise on both the production and the marketing side. Research on the production side can be cost-reducing, and research on the marketing side can be consumption-expanding. Indeed, reduction in production costs themselves can be consumption-expanding, if such cost reductions are at least partly translated into relatively lower selling prices at retail.

We have stepped up our efficiency of beef production in recent years, but not enough. Over the past 30 years, cattle numbers in this country have grown only a little faster than our population. Cattle numbers increased about 64 per cent and population about 54 per cent from 1940 to 1970.

Thus, if beef marketings were geared to cattle numbers alone, consumers would be getting only 20 per cent more beef per capita now than they did 30 years ago. But the production of beef per head has also increased by some two-thirds, so that consumers now eat substantially more beef per capita than three decades ago. Our people in 1970 ate a record-shattering 113 pounds of beef per capita, contrasted with 55 pounds per capita in 1940. This is an increase of 106 per cent from 1940, and an increase of 38 per cent just from 1957–59.

This remarkable increase in beef output per animal results from (1) a change in the product mix including a relative decline in dairy cow numbers, (2) sharply increased supplies of fed beef, and (3) a substantial input of research in the beef industry.

However, before we rest on our research laurels in the beef industry, we must take a look at our cousins in the poultry industry. Per capita consumption of poultry meat in this country has nearly tripled since 1940, being 290 per cent of the earlier figure in 1970.

American consumers have not flocked to increased poultry and turkey consumption in such record proportions because they suddenly preferred drumsticks over T-bones. They did it because poultry and turkey meat have been placed in the retail counters of America at such attractive prices that Mrs. Housewife just couldn't resist picking up an extra package or two. And these attractive prices were made possible because the modern poultry industry is based almost entirely on research. Today's poultry industry would have been impossible 30 years ago, without the research applications that have gone into it since World War II. Research in the poultry industry has advanced on the multiple fronts of genetics, physiology, nutrition, and management. No sector of the industry has been left unexamined, from the feed bag to the retail counter. Costs have been cut everywhere. Efficiency has been stepped up wherever possible. Even the time-honored breeds yielded before the more efficient production records of hybrid strains. An aggressive program of research enabled the poultry industry to build a great new market in this country where only a small one existed before.

We need to step up our total research program in the U.S. beef industry. If we are going to meet the anticipated more than 50 per cent increase in effective demand for beef in the next 30 years, we'll probably do about half of this with increased cattle numbers and about half with increased production per animal. The cattle cycle will continue in the foreseeable future, with ups and downs in numbers about as in the past. However, each peak will be higher than the previous peak, and each trough higher than the previous trough. In 30 years we'll need at least 140 million head of cattle in this country to feed our growing population. assuming that we can in the same time increase our beef output per animal by one-fourth.

A one-fourth increase in beef output per animal won't be easy. We can't reduce dairy numbers much more. Cattle feeding will grow some more, but it can't continue to increase at the same rate as in the last decade. By the late 1970's, growth in cattle slaughter will be closely tied to calf crop increases, because by that time cattle feeders will be feeding nearly every suitable animal.

This is the job cut out for research.

Research is the expandable term in the beef equation for tomorrow.

The people will be here by the millions, their incomes will be high, and their appetite for beef will be whetted.

What a fertile reactor into which to pour a generous quantity of our most effective catalyst—Research.

THE GROWTH FACTOR IN AMERICA WAS NEVER GREATER

An important catalyst affecting all of us is the rate of growth in the U.S. economy. It is headed sharply upward.

The government clearly got the message in last fall's election. Our people are more interested in an expanding economy, full employment, and rising wages, than they are in absolute inflation control. This means that by the latter part of 1971, and especially by the middle of 1972, the economy should be moving upward vigorously. This probably means increased consumer spending—perhaps at the expense of the rate of saving.

But be these short-time economic and political fluctuations as they may, the long-time trend is vogorously upward. America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—nearly a 50 percent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

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MAN AND HIS ENVIRONMENT—CRISIS OR CHALLENGE?

(By Earl L. Butz, Ph. D.)

Man is the most versatile and adaptable of all the animals. He has learned, in varying degree, to tame the natural elements and to modify the physical environment in which he lives.

In the last 30 minutes on the 24-hour time clock of recorded human history, man has extended his habitat from the tropic (and friendly) Garden of Eden to the frigid (and hostile) tundra of the Arctic; from the high Alps of Switzerland to the below-sea levels of Death Valley, from the parched plains of the Gobi Desert to the rain-drenched isles of the South Pacific; from the 24-hour cycle of day and night where you and I live to the six-month-long days and nights of the sub-Arctic. In this short time, enlighted humans have found it possible to survive in habitats that formerly were marginal or even impossible.

In short, man has disturbed the balance of nature. He has altered his ecosystem. This has brought great rewards to him, but not without peril and cost. It is to a consideration of both the rewards and the costs that this paper is primarily addressed.

POLLUTION IS NOT NEW— JUST MORE INTENSE

Man has been a polluter, of sorts, ever since he discovered fire. Indeed, he wasn't nearly as clean in his living patterns and as sanitary in his personal habits centuries ago as are his modern descendants. We know something about the way the caveman lived by examining his rubbish pile. He polluted the air, the water, and the soil. But he didn't live in dense urban concentrations, and he had such a vast array of space and natural resources available to him that any pollution was so diluted that it was inconsequential, if it was even noticeable. Indeed, his animal and human wastes were recycled into the soil and became an asset in his plant culture.

From that early day until now, our population-resource ratio has narrowed markedly, our per capita demand for resources has risen sharply, our population curve has accelerated upward at an alarming rate, and the opportunity to move on to virgin and unspoiled areas is virtually nonexistent.

Small wonder, then, that we are all concerned about environment, resource use, pollution, and quality of life. In the last half dozen years interest in these areas has built up to near fever pitch. We are probably right now at a peak in our national clamor to "do something" about pollution.

We have a certain amount of faddism in our support for public causes. Think back over the last half dozen years or so. A couple of years ago our great national concern dealt with malnutrition and hunger. A greatly expanded federal food stamp program resulted. A revolutionary new concept in welfare was placed before the Congress by this administration. Before that we were all steamed up over racial and ethnic discrimination, with a wide variety of organizations carrying that flag.

Today I think it can be said that 1970 will go down in history as *the year of the environment*. In another year or two the very same organizations and media that wave the environment flag so vigorously today will have still another torch in their hands—and wave it just as enthusiastically. It is difficult to keep public interest at fever pitch in any movement more than a year or two.

Perhaps it's better this way. It is a well demonstrated American trait to over-react to crisis. When any issue is at the crest of its "agitation curve," exaggerated statements are made, perils are overemphasized, emotions are stirred up, and some unwise things are done. But on the other hand, governments are moved to act, corporate managers are made aware of their public responsibilities, and Mr. John Q. Citizen also decides that he too may be called upon to share in the cost of improving the situation. When public clamor subsides a bit and we enter the sub-crisis stage of public discussion and concern, it is always possible to make sounder decisions, to formulate better programs, and to move forward on a rational basis. There is evidence that our nation is just now entering that phase of environmental awareness.

THE POPULATION EXPLOSION

The current furor over environmental pollution is, in fact, merely an expression of *people-lution*. The classical "solution to pollution is dilution" is completely inadequate as the concentrating population generates pollutants faster than the available diluents of air, water, and space can absorb them.

At the beginning of the Christian Era, world population was estimated to have numbered around 250 million. In the next 15 centuries it doubled, reaching 500 million by the year 1600. Three centuries later, by 1900, world population had tripled, and stood at 1.5 billion. In a little more than two-thirds of a century since 1900, world population has doubled again, and now stands at about 3.5 billion. Reliable estimates indicate that in the little less than one-third of a century remaining until the year 2000, it will double again, and will stand somewhere between 6.5 and 7.0 billion people.

Let's put the same growth curve another way. The human population in the world reached its first billion about 1850, the second billion by 1930, and the third in 1961. The fourth billion is due in 1975, and the seventh is due by 2000. At that point the doubling time is likely to be about 23 years.

This means the population of the earth will increase within 30 years by as much as it has increased over the last 30,000 years.

The astonishing fact is that the human race as a whole is currently doubling every 30 to 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If the population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, that rate of growth cannot persist indefinitely because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

Or to put it in still different terms, within 100 years from now at present rates of increase, the world population will aggregate nearly 50 billion humans, equivalent to 1,000 people per square mile, or more than the density of people in New Jersey, over the entire land mass of the planet, including all the mountains, all the deserts, and both polar icecaps.

We haven't been doing quite that well in the United States, but we have been growing pretty rapidly. We reached 50 million by about 1880, 100 million by 1917, and 200 million in 1968. It looks like we'll hit 300 million by 2000.

Obviously, this is a geometric increase. But alarming as it is, it falls short of describing our trouble in true proportion, for certain social and environmental conditions are changing even more rapidly than the population.

In the first place, we don't know a great deal about the effects of high density population on human beings. It is clear that concentrations of people commonly produce high rates of abnormal social and psychological behavior. We know that disease potential increases with high density population. We don't know enough about the relationship between high density population and the rapidly accelerating increase in competition and the complexity of relationships among individuals. The resulting higher sociological and psychological stress no doubt is a contributing factor to high drug usage, breakdown of law and order, and a threat to organized society itself.

In the United States in 1970, only about 25 per cent of the population lives in rural areas. Or putting it another way, three-fourths of all the people live on one per cent of all the land.

HUMAN DEMANDS ALSO SKYROCKET

Another aspect of the environmental problem, in the western world anyway, involves the skyrocketing curve of human wants and needs. The production of electric power is doubling every decade, and with it the thermal pollution of water, increased pressure on clean air, and marked invasion into our limited supply of fossil fuels. In North America, automobiles are increasing twice as fast as people; draw your own conclusions relative to the impact on atmospheric pollution and the growth of unsightly junkyards. As per capita income levels have risen and dietary patterns have grown more sophisticated, our food supply is possible only through increased use of chemicals and pesticides with their attendant regulatory and residue problems, animal feeding in large concentrated units with concomitant waste disposal problems, and a higher solid waste production associated with modern food merchandising and processing. These simple illustrations are indicative of the manner in which a geometric growth curve of human desires imposed upon a geometric growth curve of population can, in time, stretch the population-resource ratio to the breaking point. We are not there yet, but we are on the way.

Solid waste production is also growing. Even this is on a geometric curve. The per capita production of solid waste in this country is now about five pounds per person per day. This has doubled in the last couple of decades. The figure is increasing at about 3 per cent each year, which when added to an increase of 2 per cent in population each year, means about a 5 per cent increase annually. If we were to include all industrial and agricultural wastes, the figure would rise to 8 pounds per person per day, or nearly 1½ tons per person annually. This aggregates to almost 300 million tons annually for the entire nation. What a load for incinerators, dumps, land-fills, garbage disposals, and sewage treatment plants!

Attempts to categorize and measure the various kinds of pollution have met with only limited success. We can pretty well quantify our solid wastes that move out of home, factory, and feedlot. Likewise, there are reasonable estimates about the quantity of emission of solids into the atmosphere, particularly from the automobile. The measurement of water pollution is difficult, as it occurs both from run-off from our farms and industrial discharge into our waters, and also thermal pollution, particularly from electrical generating plants. And in recent years we have heard a lot about noise pollution, especially near airports and busy highways.

We all point to the automobile as the major air pollutant. While one should not minimize the contribution automobiles make to air pollution, their share of the total pollution is often exaggerated.

The internal combustion engine that propels our automobiles emits 3 common pollutants:

1. Carbon monoxide (CO)
2. Hydrocarbons (HC)
3. Oxides of nitrogen (NOx)

Just a word about them and what is being done is in order.

It is estimated that motor vehicles produce 66 million tons per year of carbon monoxide—about 55 per cent of the total which is being emitted to the atmosphere. Other kinds of combustion produce about 23 per cent. The remaining 22 per cent comes from natural sources.

Automotive controls have removed about two-thirds of the carbon monoxide emissions from new cars with control systems which were installed on California cars starting with 1966 models, and nationwide on 1968 models. The greatest effect of this reduction probably is being felt in congested urban areas, where the number of vehicles during traffic peaks is increasing only slightly, if at all.

With respect to hydrocarbons, it is estimated that motor vehicles emit approximately 12 million tons per year—about 6 per cent of the total in the atmosphere. An estimated 85 percent of air-borne hydrocarbons are produced by natural biological processes.

Engineers in the automotive industry and in college laboratories have given high priority to control of hydrocarbons, largely because of the role which they play in the formation of photochemical smog. They have met with considerable success. Control mechanisms were placed on all cars in the California area in 1968, and in 1970 all new models were equipped with the latest control systems. Car manufacturers claims that it would take five 1970 models with the latest control systems to equal the hydrocarbon output of one uncontrolled car. As a consequence, the total emission of hydrocarbons from automobiles reached a peak in 1966 of about 16 million tons per year. Even with the increased number of automobiles in 1970, total hydrocarbon emission was estimated at 13 million tons, down nearly 20 per cent. As the older uncontrolled cars are retired from use, and replaced with newer cars equipped with full control systems, it is estimated that by 1975 total hydrocarbon emission from automobiles will be to 8 million tons, and by 1980 to 6 million tons. These estimates make allowance for the increased number of automobiles which will be in use by 1980.

It is estimated that motor vehicles emit 6 million tons of oxides of nitrogen (NOx)—only a small fraction (0.7%) of the total in the atmosphere. An estimated 95.3 per cent comes from natural sources. These oxides take part in the formation of photochemical smog, sometimes encouraging it and sometimes inhibiting it, depending upon atmospheric conditions. Automobile manufacturers claim substantial progress in reduction of this emission.

This is clearly a case where public concern over air pollution resulted in effective action, both on the part of governments and of the manufacturers themselves.

In spite of all the talk about electric automobiles, steam-powered cars, and the like, it is reasonably clear that the internal combustion engine is here to stay as an essential part of surface transportation. We have taken the sensible approach as we make modifications, even though they cost a little money, that reduce the emission problem to acceptable levels. It has been estimated by the automotive industry that auto emissions climbed to their peak a couple of years ago and have been going down since then. They will continue to go down each year, even though car population and vehicle miles driven will go up, so that by the early 1980's total vehicle emissions will be nearly comparable to what we had in 1940. And no one worried much about them.

We should not let our daily awareness of the automobile obscure other important sources of air pollution, such as industrial plants and municipal and private burning. Most industries, whether they contribute by smokestacks or through exhaust systems, add several types of air pollution to the atmosphere. Open burning on municipal dumps adds smoke and particulate waste in addition to deadly fumes.

Municipal and private utility companies are also examples of secondary sources of pollution. Electrical companies, while producing a non-pollutant source of energy and heating, use coal as a source of power. This coal consumption adds significantly to the smoke, particulate, and sulphur dioxide content in the atmosphere. Finally, the individual, farmer and city slicker alike, pollutes when he burns off his fields or burns his trash in the back yard.

We are making substantial progress in reduction of water pollution. It is estimated that in 1970 total expenditures in this country by government (federal, state, and municipal) will be $3,680,000,000 for water and sewage treatment facilities of one kind or another. In the federal budget that President Nixon recommended to Congress last January, he included $800 million for 1970 for water pollution control. This compares with only $214 million the year previously. He estimated that over the next five years, a total of $10 billion of federal funds should be appropriated for this purpose. However, we should recognize that solid waste disposal problems are compounded by the abatement of water and air pollution. Chemicals and sludge collected in waste water treatment plants and particulates washed from industrial smoke must be collected and disposed of in some manner.

Agriculture is one of our big solid waste producers. On top of that, agriculture contributes its share of water pollution in the nature of nitrates and nitrites, ammonia, and persistent pesticides such as DDT, Dieldrin, Endrin, and Toxaphene. Yet we must hasten to point out that it would be impossible to produce our modern food supply without the use of such pesticides.

One of agriculture's "messiest" problems is manure disposal. And it is going to get worse in the future.

Farmers are caught right in the middle of consumers' demand for more red meat—with less pollution from its production. But we have not yet found a way to produce a tasty sirloin without some cow manure as a byproduct.

Historically, manure disposal on the American farm was relatively simple, when most farms were diversified with both livestock and crops. Manure that fell in the pasture was automatically recycled back into the land. Manure that fell in the barnyard or barn was spread on adjoining cropland where the nutrients were re-used by next year's crops.

Today much of the two billion tons of manure produced by farm animals each year is dropped by animals concentrated in large units. Since we have developed methods to produce inorganic fertilizers cheaply, the value of manure as fertilizer today is often less than the cost of storing and spreading it. Thus, it is regarded as a costly disposal problem.

Animal wastes thus accumulated must be disposed of somehow. However, animal wastes pollute the environment in a number of ways. Odor is an obvious pollutant; it is one that livestock producers have learned to tolerate or even appreciate, depending on the price of livestock. But neighbors—especially if they are not farmers—don't have the same economic interest in that smell.

The run-off from barnyard manure, entering streams, ponds, or lakes, can pollute those waters in several ways.

It is little wonder that cities show increasing interest in concentrated livestock operations anywhere within or even near the watershed from which they draw their water supply.

Fortunately, there are safe and sanitary ways of disposing of barnyard manure besides spreading it back on the land, but try to convince an urban politician that his water supply is safe so long as one of those fully modern feeding installations is located anywhere within his watershed!

CAN POLLUTION BE CONTROLLED?

We now come to the $64 question. Can pollution be controlled? Can it be slowed down? Can it hopefully be reversed?

The answer to all of these questions is a resounding YES—if we want to pay the cost. We have already reduced substantially the pollution from the internal combustion engine. Industrial plants have spent and are spending tremendous sums to reduce both air and water pollution. Agriculture has made great strides in the safe use of chemicals, biologicals, and herbicides, and is making real progress in the disposal of animal wastes.

While of course we always need added research on any problem, and there are additional refinements that can be made in practically any process, we do know how to reverse our headlong plunge toward a complete fouling of the nest in which we live. We are making progress. While much remains yet to be done, let's not discount for a moment the advances we have made.

HOW MUCH WILL IT COST?

A study made earlier this year and reported in *U.S. News and World Report* indicated that it would take $71 billion to clean up polluted air, land, and water in this country in the next five years. The study estimates that $54 billion is required to clean up the waterways, $13 billion to combat dirty air, and $4 billion to improve methods for disposing of solid wastes.

Give or take $20 billion one way or the other, and you still have a pretty sizable price tag on our cleanup job. It is very likely more than the body politic will appropriate for that purpose. But all of it won't have to be appropriated. Part of it will come out of your pocket and mine in a higher cost for the automobile we buy, the electricity that lights our house, or the food that comes to our kitchen.

It is important that we as a nation recognize that solutions to these and similar problems rest not with some distant entities such as corporations or the government, but with each of us as individual citizens.

Some while back the comic strip character Pogo said about pollution, "We have met the enemy . . . and they are us!"

The emission control systems on the automobile don't come for free—the purchaser pays for them. If ultimately we get lower compression engines, unleaded gasoline, with perhaps lower energy conversion ratios, we'll have to pay for it. There is no short cut.

If power generating plants install emission controlled devices and minimize thermal pollution, those of us who buy electric power will pay for it.

If the disposable soft drink can, the no-return beverage bottle, and the plastic detergent container gave way to some other—and perhaps more costly—method of distribution, we'll pay for it. There is no short cut.

DON'T OVERLOOK THE BENEFITS

On the other hand, we should recognize that economic benefits also * * * the total cost of cleaning up our environment, estimated earlier at $71 billion over five years, is gross cost and not net.

Cleansing the environment actually will save vast sums, in addition to enhancing the quality of day-to-day living. It has been estimated that polluted air costs some $13 billion a year in property damage from soiling, corrosion, and abrasion of materials. It is difficult to estimate how many more billions should be added for health care bills and the loss of farm crops.

Similarly, polluted water costs the nation perhaps $12 billion a year. The five-year economic loss of $60 billion is more than the estimated tab for making waterways cleaner. Improving the disposal of solid wastes, authorities say, would contribute to better public health, save money on trash collection, incineration, and dumping.

Government and industry together are spending only millions annually to fight air pollution. The study cited above indicated the five-year bill for air pollution would be about $13 billion over five years, or about $2.6 billion annually. It has been estimated that damage caused by air pollution probably exceeds $13 billion a year.

John T. Middleton, Commissioner of the National Air Pollution Control Administration, recently said, "When we consider the priceless benefits of clean air to our health, adequate control of pollution is a bargain."

Air pollution corrodes steel 2 to 4 times faster in urban industrial areas than in the countryside. Farm losses caused directly by air pollution are estimated at over $500 million annually. Property values are depressed in residential areas where air is dirty.

Costs of this magnitude are easily within the range of reason. Our society will ultimately come to the conclusion that it can afford to spend whatever sums will be necessary to halt the degradation of our natural resources. In addition, it may decide one day to find substantial additional funds for restoration and enhancement of environmental quality. Increasingly we will come to regard the *quality of life* in this country worth putting real money into.

The gross national product in the U.S. in 1970 will be approximately $970 billion. The National Planning Association has projected that it will grow about $45 to $50 billion annually at constant 1970 prices. Only a modest fraction of this annual increment will be required to conserve our resources and enhance our environment one billion dollars per year or more put into environmental improvement would be less than one per cent of our G.N.P. We can and will do at least that much. While this may mean a slight reduction in the growth rate of real personal disposable income, Americans have always made greater sacrifices in income in order to improve the quality of living. Look for example at the reduction in the workweek from the 60 or 70 hours of a century ago to some 35 hours today. It is clear, in this instance, that our society has elected to trade off several hundred billion dollars per year in personal income in order to work fewer hours and increase the quality of living through expanded leisure time. However, we are now at the point where the enjoyment of leisure time has been seriously impaired by the limitations on recreational opportunities through environmental pollution.

We'll decide one of these days, as a body politic, to put more of our total resources into pollution control and environmental improvement to restore an ecosystem in which opportunities for meaningful living will be enhanced, with something like optimal balance that a rational ecological system would suggest.

RISK-BENEFIT RATIOS

Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything *absolutely* safe.

This is a world in which we constantly offset risk against benefit. We never completely insure our car against all hazards, our dwelling against total loss, our life for what it is *really* worth, or our health against every hazard. In practically every phase of our activity we take some chance. We are constantly trying to evolve a risk-benefit ratio which satisfies each of us, and which each of us can afford. If we completely insure against every risk, we may end up with nothing left to enjoy our new-found safe position.

A few illustrations will suffice. We must shortly decide whether we want to build additional power generating plants, with perhaps a tolerable amount of thermal pollution and atmospheric pollution, or whether we want to experience electrical brownouts on mid-summer afternoons when everybody turns on his air conditioner. We must decide how much additional cost we want to add to our total transportation bill to reduce pollutants from that source to or even below tolerable levels. We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious, and economical food supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals or antibiotics. If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and overall quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the fabulous American standard of living.

We can go back to organic agriculture in this country if we must—we once farmed that way—75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed, even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

THE WORLD IS ON A COLLISION COURSE

By all odds the most serious pollution threat facing the world is the *people-lution* discussed earlier in this manuscript. This is the real source of the other pollutions. We simply are getting too many people relative to the resource base to support them. Population is increasing on a geometric curve, while food production is increasing on an arithmetic curve. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the western world itself.

If our world population doubles in the next three decades, as it very likely will, this means that we must learn somehow in the next generation how to feed as many more people as we have learned to feed since the dawn of history. And we must do this on even less arable land resources than we now use in agricultural production.

About a billion people live in the industrialized western nations of the world. They have about 10 percent of the available arable land, and are using much more than half of the earth's yield of material products. About 2.5 billion people live in the largely agrarian, underdeveloped nations, and more than half of them are undernourished and otherwise underprivileged.

It has been estimated that a child born in the United States requires in its lifetime at least 20 times the resources that will be used by a child born in India. This is a difference in living standards, and it measures the rate at which our natural assets are used up by an industralized society. It implies that a great deal of the world is not likely to be industrialized if anything near the present population level is maintained.

The U. S. has spent tremendous sums since the inauguration of the Marshall Plan in 1947 for rehabilitation of developing nations around the world. However, our outlook for the have-not nations should keep in sight some basic trends. This year the gain in world population will be 72 million. Next year it will be more, and the year after that still higher. If today half the world is underfed, underclothed, and undersheltered, what chance is there of catching up with that kind of population growth?

If we find it difficult to feed these pepole, what hope is there for the more costly aspects of our culture like education, medical care, recreation, and the like?

THE PROBLEM IS OURS

In closing, we come back to Pogo's observation about pollution, "We have met the enemy . . . and they are us!"

Therefore it is we, as individual citizens, who will have to decide how much we are willing to pay for a better quality of life beyond that which is truly necessary. And that includes population control. When we quit thinking of these problems as the concern of *others* and face the fact that they are ours—this nation can move forward with greater effectiveness toward the achievement of a better quality of life for all.

It is completely unacceptable to believe that there is no way out of the problems we have created. Unquestionably, there are risks involved, but none so great as the risk that we may quit risking, try vainly to set the clock back, abjectly surrender the goal of a better world in the mistaken belief that this one is as good as can be.

AMERICAN FREEDOM FROM
HUNGER FOUNDATION, INC.,
Washington, D.C., November 18, 1971.

DR. EARL BUTZ,
Secretary-Designate, Department of Agriculture, Mayflower Hotel, Washington, D.C.

DEAR DR. BUTZ: The enclosed resolution was unanimously passed at the annual meeting of the American Freedom from Hunger Foundation.

Not only was this an expression of the good will of the group in your new and difficult assignment, but it also was a warm word of gratitude for the many tangible contributions you have made as a member of the board. Though we understand you had to tender your resignation from our board, it is our hope that we may continue in a supportive relationship.

Sincerely,

L. DAVID BROWN,
Executive Director.

RESOLUTION

Motion made by Mr. Herbert Waters, seconded by Mr. Aled Davies:

Resolved, by the Board of Trustees of the American Freedom from Hunger Foundation, assembled in its annual meeting November 15, 1971, that we extend our congratulations and good wishes to the Honorable Earl Butz upon his selection by President Nixon to be Secretary of Agriculture; and

Express our sincere appreciation for his effective support of the work and objectives of our Foundation during his years of service as a member of our board; and

Look forward to continuing cooperation with Secretary-designate Butz in his new role, knowing his dedication to combatting hunger, poverty, and malnutrition at home and abroad.

Minutes, AFFHF Annual Meeting, Nov. 15, 1971.

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

The distinguished Senator from South Dakota has called attention to a statement by Dr. Butz about the small farmer having to adapt or perish. I want to say just two things about that. First of all, Mr. President, the farmer did not perish. He left the farm. I can say, as one who served on the National Advisory Commission on Civil Disorders that many of them went into the cities.

Mr. President, where do you think all those people came from who are poor, who occupy most of the central cities of America? They are people who did not perish and did not adapt, but were forced off the farms into the big cities, where their problems are infinitely greater and America's problems are infinitely greater. They did not perish. They continue to be with us, and they continue to have lives which are not the kind of decent lives Americans are entitled to.

The other thing I wanted to say about it is this: Dr. Butz would have us believe that corporate agriculture and big agriculture are with us and are going to increase because they are more efficient. I say, hogwash. If big agriculture and agribusiness and corporate agriculture are so efficient, why do they have to get so many billions of dollars out of the American taxpayers' pockets in subsidies?

The truth is that, under Democrats and under Republicans, we have subsidized the corporate and bigness takeover of American agriculture, first of all with big subsidies, half of which go to the big, rich farmers and corporations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRIS. I yield myself 1 additional minute.

We ought to say, "You cannot get more than $20,000 a year in farm subsidies," and then we would quit subsidizing bigness in agriculture with American taxpayers' dollars.

Second, with respect to land-grant colleges, as we have seen in Dr. Butz' background. While earning fees from large agribusiness corporations with which he was identified, he was also dean of a land-grant college which did research and had programs that directly served, not the small farmer, for which the land-grant colleges were established, but those huge agribusiness with which he was himself financially connected, I say that is a serious conflict of interest, as I said before the Committee on Agriculture and Forestry.

Third, we have subsidized bigness in agriculture by not enforcing the laws with regard to irrigation water. The taxpayers paid for the irrigation water projects and now we see huge conglomerates and huge corporations, particularly in California and other parts of the West, coming in and taking the taxpayers' irrigation project waters and violating the law which provides that a person receiving the benefits of those waters cannot have more than 160 acres. We ought to stop that. We are subsidizing bigness.

Fourth, we are subsidizing bigness by the tax laws that allow hobby farmers, doctors and lawyers and big corporations, like Tenneco, to get into farming, using losses under the tax laws so that they can compete unfairly with independent farmers like my father, who has no other way to make a living other than by farming.

Fifth, we subsidize bigness by not making Tenneco, Standard Oil, and other corporations like that subject to the same labor laws in farming that they must adhere to in their nonfarming operations. They are not subject to unemployment compensation and workmen's compensation and National Labor Relations laws in their farm operations, as they are in their nonfarm operations, and that gives them a special incentive to get into agriculture and into competition with those who make their living in agriculture.

Bigness is not natural. It is unnatural in agriculture, but we subsidize it. We have to stop it. We are not going to do so if when we put in as Secretary of Agriculture a man who has been in favor of it all along and who is still in favor of it.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the Senator from Vermont for yielding a few moments to me to comment on this nomination, and on the prospects that it holds for the country.

Whatever may be said of Dr. Butz, I think we all have to agree that he has made himself entirely available, in recent weeks, to discuss the national agricultural problems and his views on them, and I have taken advantage of that availability. Let me say I hope that he is as available in the future as he has been in the past to Members of the Senate to discuss these problems, and I think he will be. But I have taken advantage of that availability to discuss with him such questions as school lunches and food stamps, and I am satisfied that he does have an understanding of the necessity for these programs to the Nation, to the people of the country, and that his influence will not be cast in the direction of diminishing the beneficial effects of programs of this sort, but, on the other hand, will be toward promoting the useful progress and growth of the programs where they are necessary.

But more than that, I discussed with Dr. Butz what, I think, has been an outstanding failure of most Secretaries of Agriculture during my term of service in Congress. Since I first came here in 1960, I have seen a good many Secretaries of Agriculture come and go, and I must say, Mr. President, I have not found one of them who was aware that any farming at all was carried on between the eastern slope of the Appalachian Mountains and the Atlantic beaches. As far as I can see, the whole Agriculture Department has been conducting its operations with a view to what happens west of the Appalachians.

So I asked him the question. I said, "Dr. Butz, do you know that there are some farmers east of the Appalachian Mountains, and do you know that they have got other and different problems than farmers in other parts of the country, and do you know that they are a significant part, not only of the economy and of the society of the States where they live and work, but a significant part of the whole national agricultural economy and the entire national economy?"

I am sick and tired of having to witness the construction of farm programs that really aggravate the problems of east coast farming, rather than mitigating them—aggravate them in the most injurious possible way, when the east coast farmers have to contribute to the taxes to support programs that are actually damaging their own interests. I think it has been an inexcusable part of the national agricultural tragedy.

I am glad to say that I think Dr. Butz does have some understanding of this particular part of the problem, and I am going to vote for him. I am going to vote for him on the basis of these conversations. They are conversations that I am not going to forget, and conversations that I am expecting him not to forget.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. HARRIS. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. SPARKMAN. Mr. President, during the 25 years that I have been in the Senate there have been very few instances in which I have opposed a person nominated by the President to serve as a member of his official family. I have given much thought to the present nominee, Dr. Earl L. Butz. I have adhered in my reasoning to my long time philosophy that doubts should be resolved insofar as reasonable in behalf of the nominee. I have studied the present situation as best I can and I have come to the conclusion that I cannot support the nomination of Dr. Butz. I regard him as a man of ability, good character, and unimpeachable integrity. From the hearings, however, and from discussions with people whom I regard as among the best agricultural experts in this country, Senators and others, in whom I have great confidence, I have been driven to the conclusion that Dr. Butz is not the man who should head the Department that is supposed to have at heart, the interests of the farmers of this country. The farm situation is not good. It needs someone who will actively lead the country back to a degree of prosperity for the farmers that can compare favorably with others in our economy.

Like others of my colleagues who have already spoken, I am greatly concerned about the future of the small farmer, the independent farmer, and indeed the so-called marginal farmer. I do not believe that we should tolerate a system of agriculture that allows them to be pushed off the farms and, yet, I feel that the background of Dr. Butz is not such as to make one confident that these small, independent, family farmers will be protected.

Back in the days that Ezra Taft Benson was the Secretary of Agriculture, when Dr. Butz served with him, there seemed to develop a rather strong feeling, in official circles, that the small farmer was headed for elimination and particularly was this to be the case with the so-called marginal farms.

I know something about marginal farming and about the small family farms. My State is essentially a small farm area. There are many families whose farm operations could be called marginal, but who actually enjoy perhaps a better living than many of their higher paid urban neighbors working in manufacturing.

I grew up on a farm which I suppose would be termed by Dr. Butz as a marginal farm. Certainly, in that day when we had no farm programs it was difficult to make a living out of such a farming operation. However, in thinking back, I remember that we always had plenty of food, practically all of which we produced ourselves, and actually we had a good living.

I own a small farm today, a family-sized farm of 160 acres. I do not try to run it myself, but I rent it to a tenant. I am sure that his operation would be called marginal. However, I know that he and his family, a rather large family, by the way, have a good living. They grow practically all of the food that they require, they own an automobile, a truck, a tractor, good farm machinery, radio, TV, telephone—just about everything that any family could expect or want to have in order to enjoy a good life, even with a modest cash income.

I believe there is a place in agriculture and in our economy for the so-called marginal farms and for the small, independent family farms. I want them preserved. I want them protected.

I recall that when I first came to Congress, in the House of Representatives, lacking exactly 1 month of being 35 years ago, the first speech I made was in behalf of the Bankhead-Jones Farm Tenant Purchase Act. I had grown up on a tenant farm, and I knew what it was for a tenant farmer to desire, to have a craving, to be a farmowner himself.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. I yield the Senator 1 additional minute.

Mr. SPARKMAN. I was proud to be able to make that first speech in Congress on that program, and I am glad to know of the great success that it has been throughout the years.

At the present time the Senate Agriculture Committee is working on legislation for rural community development in the hope that the rural areas will be made a better place for people to live and that farming conditions may be such that the small farmer can make a living. The philosophy of fewer farm families runs contrary to this proposal and could spell, I believe, the doom of rural America and could mean a further glutting of our cities with frustrated men, women, and children of all ages.

I close simply with a quotation from Goldsmith:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.

I cannot feel that Dr. Butz has the feeling or the philosophy to provide protection and to assist in the preservation of the small, independent, marginal farms.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield myself 2 minutes.

Mr. President, President Nixon's nomination of Earl Butz for Secretary of Agriculture is a blow to our farmers not only because of Mr. Butz' devotion to agribusiness, but also because of his obsession with agribusiness.

Mr. Butz' record on this is clear and consistent: the steady decline in the number of farms in America is inevitable, it will continue, it is not bad, there is nothing government can do about it.

Mr. Butz predicts that we will lose another 1 million farms in this country by

1980. And he predicts that of the Nation's 1 million "commercial" farms, 400,000 will be out of business by the end of this decade.

Who are those 400,000 commercial farms over whose economic demise Mr. Butz will willingly preside? The top 1 million farms in this country, according to the last reported U.S. Census of Agriculture, sold nearly $10,000 a year of farm products or more. These are not inefficient operators, tilling the soil with horse-drawn plows. These are highly capitalized, large-scale operations with over 200 acres of farmland each. And yet Mr. Butz predicts that 40 percent of these farmers will be out of business by the end of the decade.

The psychology of bigness, of which Mr. Butz is a leading apostle, is largely responsible for the mess that farmers are already in. Over the past 20 years, the land-grant colleges, the Extension Service, and some farm organizations have been preaching bigness and growth for growth's sake. But lack of efficiency is no longer the crucial farm problem. Most agricultural economists agree that operations the size of those for which Mr. Butz predicts failure are efficient production units. The basic agricultural problem is not insufficient production, but surplus production.

The record of the past two decades is clear: the decline in the number of farms has not meant a decline in total farm production. In fact, farm production has steadily increased each year while 70,000 farmers annually were driven from their farms. For as the number of farms has decreased sharply, the average size of each farm has grown dramatically.

The overriding trend in agriculture over the past two decades has been the concentration of farm production into fewer and fewer hands. Today, less than 1 percent of the Nation's farms generate about one-third of all farm sales. The smallest 56 percent of our farms produce only about 8 percent of all farm sales.

Those of us who deplore this creeping concentration are not simply romantics who long for a return to the 18th century. We are pragmatists who realize that the backbone of a rural economy must be in its agriculture, and that unless we can preserve the small, independent, and already efficient farm operations, we cannot reverse the flow of population to our already overcrowded cities.

Too many farmers have already been trapped by the growth syndrome. They are told to get bigger so they buy more acreage. In order to work the increased acres, they are forced to buy more farm machinery and go more deeply in debt to pay for it. To amortize their debt they are pressured to produce even more, to expand even further, to go more deeply in debt.

It is like running on a treadmill where the treadmill is moving faster than the runner.

The farmers who are being squeezed out of business by the larger operators do not want to leave farming. I have never seen a smiling farmer boarding up his barns. This is an essential fact that Mr. Butz does not seem to recognize. The drive of the Department of Agriculture, Mr. Butz told his confirmation hearings in the Senate Agriculture Committee, must be to find rural alternatives to farming for farmers forced to leave. "The trends are going to continue."

He told the Washington Post in a recent interview:

> No matter what government does . . . This trend toward less farms is not bad . . . (It) releases people to do something else useful in our society.

With about 5 million Americans presently unemployed, and welfare rolls bulging in our cities, where does Mr. Butz suggest these "released" farmers go?

Bigness and concentration in farming are neither accidental nor inevitable. They are in large part the product of farm policies, tax laws, and Department of Agriculture practices over many years. The farm subsidy program, as it is presently designed, disproportionately favors the large operator. The bulk of farm-price-support payments go to the largest farm operators. Our tax laws encourage bigness. The Federal Extension Service, part of the Department of Agriculture, has from its beginnings had a strong bias toward the larger farmers in the Nation. The research policies of the Department of Agriculture and the land-grant colleges have shortchanged the problems of the small operators in their rush to serve agribusiness and large farm operations.

There is much that a willing Secretary of Agriculture could do to reverse the trend toward concentration and bigness. But Earl Butz shows no disposition to marshal the resources of that Department to save the small operator.

"Adapt or die, resist and perish," summarizes Mr. Butz' agricultural philosophy. It is not a conclusion he has recently arrived at, but an essential tenet of his agricultural thinking.

On March 10, 1955, he told the Record-Stockman:

> Too many people are trying to stay in agriculture that would do better some place else.

On November 29, 1957, he told the U.S. News & World Report that what is wrong with the Nation's farm economy is "too many farms." "There are some people who just weren't cut out to be farmers," he went on, explaining that many of these will leave the farms for other jobs "if the politicians will stay out of their hair."

Perhaps the most comprehensive statement of Mr. Butz' vision, at least at the time, was a statement he made to the Cincinnati Post on May 6, 1958.

> This is not a new trend toward larger and fewer commercial farms. It has been going on for decades. It has only been accelerated in the present decade. It will accelerate still more in the decade ahead. All the power of government can't stop it. Nor should it. It can only confuse the issue. The big growth will be in enterprise managers. After all, integration generally involves single enterprises, not whole farms.
>
> These changes may alter the traditional entrepreneurial, risk-taking function of the individual farmer. It may even move him in the direction of a quasi-riskless, semi-guaranteed wage earner. But this is not necessarily bad, per se. He may be, and frequently is, better off this way than he was before.
>
> The commercial farm will increasingly assume the characteristics of a manufacturing establishment. The gross margin per dollar of receipts will become narrower, and profits will depend increasingly on growing volume. This will place still more pressure on the smaller and less productive farm units.
>
> Our country-side will become "rurbanized." Our modern science and technology have made it possible for farm and city folk to live alongside each other in our newly "rurbanized" communities. The effect of the resulting intermingling has been that there is no longer a clearly defined farm population and industrial population, especially within forty or fifty miles driving distance of our big industrial centers.
>
> Ultimately farmers will lose their vocational identity. At this point farming will no longer be a "way of life," but will be a "way of making a living," just the same as other business enterprises.
>
> Political leaders will resist the trend toward large, well-capitalized units in agriculture, in their oratory, in their congressional hearings, and in their legislation. The philosophy of the small-owner-operated family farm is deeply ingrained in our social and political pores. The controversy over this issue is often more emotional than economic.
>
> Political pressure will continue to be on the side of maintaining small, family farms, even though modern technology dictates strongly that family farms become larger.
>
> There is no prospect that ambitious politicians in Congress will stop demagoging the emotionally explosive family farm issue, any time in the foreseeable future.

I do not share Mr. Butz' vision. The efficient, but small independent operator who has spent his life building his farm business should have a right to stay in farming. We must break our obsession with business and growth for its own sake. As Edward Albee once wrote:

> Growth for the sake of growth is the ideology of the cancer cell.

Mr. HUGHES. Mr. President, I ask unanimous consent to have printed in the RECORD various excerpts from a speech of Dr. Butz.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> Dr. Butz attitude and views regarding food and hunger programs, as well as his opinions on environment and consumer matters, must be judged on the basis of his public statements. As you know, there were no real food programs for the needy administered at the federal level during the period he served as Assistant Secretary of Agriculture (1954–1957). In fact, the Department of Agriculture under Ezra Taft Bensen consistently opposed proposals for a federally financed food lunch program.
>
> Mr. Butz delivers a fairly standard speech around the country, under the sponsorship of the General Motors Company.
>
> The following are quotes from that speech, in this case delivered on April 26, 1971:
>
> "But I'm going to talk about something this morning that I think is a real threat to American agriculture. It involves our future and something that you can help with. And that's the threat that comes from the environmentalists, or from the do-gooders, or from consumerism, or from whatever you want to call it. . . ."
>
> "You know, we follow fadism in America in the public causes we espouse. In recent times, I guess the last fifteen or twenty years, we're always marching for something and we have a great tendency to follow

fadism in the causes we espouse. I suppose in history we'll look back five or six years from now, we'll look back on 1970–1971 and we'll call this the year of the environment, I suppose, if we have to characterize it for anything. But look back three or four years before this. What were we marching for then. Then, the big clamour was hunger and malnutrition. And we in Agriculture, were, of course, intensely interested in that, too. And we were quite concerned about hunger and malnutrition. You remember Senator McGovern had his televised hearings down in Florida to portray the bad plight of the migratory workers in Florida. Ted Kennedy, not to be outdone, took a planeload of cameramen to Alaska to see the starving Eskimoes, you know. And that was portrayed in several TV features back here. And what come out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts of this country. Out of it came a welfare program that President Nixon is recommending to the Congress that's so far out that even the Democrats in Congress won't buy it (laughter).

But my point is that we always over-react to crisis. It's a typical American characteristic to over-react to crisis. Before the hunger and malnutrition binge we were on, it was integration and segregation and we were all hepped up about that, you recall. And the people who are really suffering from this environmental binge we are on now are the integrationists. Their money's dried up, the support is dried up. These fellows are really hurting because we've forgotten about that. Well right now, I think that we're at the crest of what I would call the agitation curve in this environmental binge we're on. I think that there is some evidence that we may be headed downward in this agitation curve a little bit.

Last week, we had Earth Week. And I am informed that attendance at the various meetings and seminars we had at Earth Week was down substantially from what it was a year ago. You can only run this stuff through the press and through the news media once and the edge is off of it, you know. So our real problem then is to get through this next year—1971—without doing some very, very silly things—in legislatures, in the Federal Congress, the regulatory bureaus of the government, in the Environmental Protection Agency, which is now headed by a very capable fellow-Hoosier of mine, Bill Ruckelshaus. But he's got a whole battery of bureaucrats there that have been put together various sources and it's in their very nature to regulate, you know. That's the way they survive . . ."

"And when I figure the large amount of scientific and technological inputs that will have to be put into agriculture to get that job done, then I see these environmentalists on the other side trying to hold us back and trying to impede—not trying, but the net effect is to impede—the progress we're making in scientific agriculture . . ."

". . . we're going to have to have twice as much electric power production capacity ten years from now as we have today. And we're talking now about thermal pollution of water, and pollution of our air and so forth . . ."

"We don't hear much about the benefits of DDT. You don't hear much about malaria having been wiped from the face of the earth. You don't hear much about human health having been improved. You hear about DDT being found in the fish taken out of Lake Michigan over here running off the Wisconsin hillsides and the like of that to which I argue that, something like this: That Lake Michigan has DDT in it. The Cohoe salmon thrives in Lake Michigan. Lake Superior has no DDT. There are no Cohoe salmon in Lake Superior. Moral: Let's put DDT in Lake Superior so Cohoe salmon can grow there (laughter). Absurd! Of course, it's absurb. But no more so than the argument on the other side. Lake Erie—how many of you have heard that Lake Erie is a dead Lake and the other Lakes dying? Last year the commercial fish take in Lake Erie was a record. It can't be very dead. Now the character of the fish change some I know. But they were commercially important fish. And it was a record that came out of Lake Erie. My only point is, let's come down to earth on this propaganda and agitation that we're getting about environment and be sensible about it . . ."

"Well—absurd, but not so absurd. That's the direction in which we push ourselves in this country with all these big scares, these agitations, the height of the agitation curve I'm talking about, the fadism that we follow as a nation and currently it's ecology and pollution that hits us in agriculture right in the solar plexis because we are now completely dependent on, a scientific agriculture, upon the use of these things that are dangerous. And I don't want to underemphasize that. Our chemicals, our pesticides, our herbicides, our anti-biotics are dangerous—they're poison. But so is aspirin dangerous if you take enough. The doctor prescribes poisons to you when you go to him . . ."

"We've got to decide shortly, for example—I said a while ago electric power production demands are doubling every ten years in this country—we've got to decide shortly whether we're going to have a little thermal pollution in our waters or have brownouts in our cities at 3 o'clock in the afternoon when you turn the air conditioners on. You take one or the other . . ."

"Consumers would quickly experience a rise in the food cost, a deterioration in the quality of food, in the variety of food, and they'd have much less to spend for everything else that goes into this fabulous American standard of living, if somehow we curtail the use of these things in American agriculture. And they won't necessarily be curtailed or the use be impaired by legislation. That can be by regulation too. Because as you well know, the most powerful branches of government often are those who interpret the laws and who put words around the laws of Congress and write the regulations . . ."

"And yet now comes this new movement, this environmentalist movement, to move us backward—to stop risking—giving up the idea of balancing risks against benefits. And that can be done I'm quite sure . . ."

It seems to me, that these statements reflect a clear insensitivity on the part of Mr. Butz, not only toward the food stamp program that he would be charged with administering as Secretary of Agriculture, but also toward the legitimate objectives of the environmental and consumer movement.

The Secretary of Agriculture has tremendous power in this area: administration of food stamp programs, administration of food distribution programs to the needy, pesticide control, meat inspection programs, among others. If Mr. Butz is now expressing his unqualified endorsement of all these programs then that is in conflict with his statements as recently as a few months ago.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. I yield 7 minutes to the distinguished Senator from Wisconsin.

Mr. NELSON. Mr. President, this debate over whether the Senate should consent to the appointment of Dr. Earl Butz as Secretary of Agriculture has, I think, provided a valuable forum for the dramatization of a national issue related to agriculture.

This is the methodical destruction of rural America—the uprooting of millions of farm families and decimination of thousands of small-town businesses to be replaced by giant corporations and conglomerates.

The debate has been valuable. But if we are to learn anything from all the discussion that has followed the nomination of Dr. Butz it is that America can ill-afford an Agriculture Secretary who is insensitive to the plight of rural America and who is a strong proponent of the domination of crop production by agribusiness corporations.

At this point in time, an advocate for corporation farming is the last person we should place in the high position of Agriculture Secretary. What is needed is a person who will meet head on the challenge of preserving the family farmer, of preserving the small towns—a person who is willing to face up to the need for revitalizing rural America.

The family farm is today, and always has been, the most productive agricultural unit in the world. In addition to being the most efficient producer of food and fiber, the family farmer has provided the basis for a viable rural economy that today is being destroyed by the corporations and conglomerates who are gaining control of land production and in the process displacing the independent farmer and contributing to the decline of the smalltown businessman.

Agriculture is America's basic industry. What happens to it is felt in every social and economic sector in the country. The expansion of corporation farming has become a paramount national issue, but all we hear from Dr. Butz is that this insidious trend toward bigness in agriculture neither can be stopped nor should it be stopped.

Mr. President, Dr. Butz and others would have us believe that there is something holistic in the dictum of free enterprise that big business has the right to get bigger. But lest the corporate giants dominate every economic and social aspect of this country, we must recognize, too, that free enterprise implies the right to begin and the right to compete fairly.

Dr. Butz accepts as inevitable the continued decline of farm populations. Rural America has lost 1 million people per year for the last 40 years, and every time six farm families have left the land one smalltown business has had to close its doors. Today, there are 2.9 million independent farmers in rural America with predictions that there will be 1 million less by 1980 unless the current trend is reversed.

Dr. Butz offers little solace for this modern tragedy. He was quoted recently in the Washington Post as saying:

> This trend toward less farms is not bad. From a national point of view it is good that we have been able to produce an increasing amount of food with the work of a smaller percentage of our population. This releases people to do something else useful in our society.

There is no doubt in my mind that the total demise of the family farmer will finally come if the corporate giants of agribusiness are permitted to continue to expand their land holdings, control production and ultimately control the agricultural market.

There is little encouragement from Dr. Butz. His remark, "adapt or die: resist and perish," is ringing through rural America today, not as a warning but as a death knell.

A family farmer does not adapt to corporations—he dies in their wake.

A family farmer cannot resist the dominance of corporations. He simply perishes without a choice.

Dr. Butz offers the integration of agricultural production into the corporate scheme as an event that is inevitable, no matter what the Government does about it. And that I disagree with entirely.

Let me quote from an article by Dr. Butz published by the Farmer's Digest in 1959:

> Agriculture is changing from a way of living to a way of making a living. . . From a business of arts and crafts to a business of science and technology.

In the same article:

> There is much good in integration. With proper direction, it will result in increased production and distribution efficiency, added control of quality, a more even flow of products seasonally and geographically, less risk of price and income variation to the producer, more rapid adaptation to scientific and technological innovations, and increased incomes to many producers.

In other words, what we need in agriculture today is a giant factory that grows the crops and moves the produce from field to supermarket with all the click, click rythym of an assembly line.

If there is much good in integration of agriculture, we should ask for whom?

Certainly not for the family farmer who either is forced off the land or who becomes a peon in the corporate factory. Certainly not for the small town businessman who is bypassed by the corporate managers who prefer to buy wholesale or directly from the manufacturer. Certainly not for the consumer whose influence on prices is severely diminished as the market system is controlled by fewer and fewer corporate entities. Certainly not for the public treasury which receives all the loss statements from farm production subsidiaries of corporate giants who use the losses as tax writeoffs against nonfarm gains.

If there are efficiencies in corporate farming, then we should ask what they are.

The evidence suggests that the large corporation farm is not the panacea for efficiency that the corporate managers, and Dr. Butz, claim it is. In fact, the U.S. Department of Agriculture has said—in Economic Research and Survey Report No. 107—that the one- and two-man crop farms are just as efficient as any other farming operation. And Purdue Mimeograph—EC-255—suggests that costs actually increase as the size of the farming operation is increased beyond the optimum family farm size.

There is little to suggest that the quality of crops is increased with corporation farming, as was suggested by Dr. Butz. Indeed, we hear more and more about new, tough strawberries and tomatoes developed to withstand handling by automatic harvesters. Or is quality increased by the use of more pesticides and herbicides on field crops, more growth hormones in livestock, and more antibiotics in poultry? Dr. Butz has said he believes this is true, but the evidence strongly suggests the contrary.

Mr. President, the destruction of rural America is occurring because we have done nothing to stop it. The corporation production factories are expanding in rural America because the Federal Government has made it possible.

The corporations and conglomerates are assisted by the Government through subsidized water, substantial capital gains advantages, favorable rates of depreciation, and the advantage of tax-writeoff losses against nonfarm income. These privileges for the most part are unavailable to independent farmers.

The production of food and fiber is this country's basic industry. What happens to this industry—who controls what, for what purpose, and at what social cost—is the legitimate concern of everyone. The consumer, the small businessman, the managers of our metropolitan areas, the mayors and councilmen of our small communities, the investor, the small farmer, and the environmental advocates all have a stake in the agricultural industry.

Obviously, the area that is hardest hit by the invasion of the corporate giants is the rural area. Probably the best existing study on the social and economic impact of corporation farms was published in 1946 by the Senate Committee on Small Business.

Although 25 years old, this study probably reflects, better than anything published before or since, the kind of problem that is involved.

The study, by Walter Goldschmidt, involved the social organization of two towns in California in land areas of equal productivity. The only difference in the two communities was in the type of agriculture in the areas they served.

Arvin, Calif., served a corporate farming area worked predominately by hired labor. It was a town of honky-tonks, poor housing, a few weak service clubs, shaky businesses, a single elementary school, and one playground loaned by a local industry.

Dinuba, Calif., served an area of family farms. It was a town of attractive residential streets, permanent churches, three parks, three elementary schools, and a high school, strong service clubs, lodges, and veterans organizations, furniture and household furnishings stores, implement dealers, and hardware and clothing stores.

The town serving the family farm area had twice as many business establishments, nearly twice as much annual trade—$4.4 million versus $2.5 million for Arvin—and three times the volume of trade in household supplies and building materials and equipment.

Goldschmidt's summary of findings added:

> The investigation disclosed other vast differences in the economic and social life of the two communities and affords strong support for the belief that small farms provide the basis for a richer community life and greater sum of those values for which America stands, than do industrialized farms of the usual type.

The social and cultural consequences of the trend to big corporate farms is easily recognized. The rural towns suffer a population loss that is an almost direct proportion to the loss of farm families from the community.

Churches, schools, and other social service groups wither and disappear for lack of people to use their services and for inability to hold the type of community leaders needed to make them effective.

The Goldschmidt study of the California towns provides some data in the people-oriented aspect, too, of differences between communities in trade areas with family farms and those with corporate farms.

More than one-half of the breadwinners in the small farm community are independent businessmen, persons in white-collar employment, or farmers: In the corporate farm community the proportion is less than one-fifth.

Less than one-third of the breadwinners in the small farm community are agricultural wage laborers—characteristically landless and with low and insecure income—while the proportion of persons in this position in the corporation farm community is about two-thirds.

Schools are more plentiful and offer broader services in the small farm community.

The small farm community has more than twice the number of organizations for civic improvement and social recreation than its corporation farm counterpart.

Provision for public recreation centers, Boy Scout troops, and similar facilities for enrichment of people is much greater in the small farm community.

The small town community supports two newspapers, each with many times the news space carried in the single paper of the corporate farm community.

Facilities for making decisions on community welfare through local popular elections are available to people in the small farm community while the corporate farm community's decisions are made through a county government setup.

Goldschmidt's study sums up the relationships and what they mean in this way:

> The small farm community is a population of middle-class persons with a high degree of stability in income and tenure, and a strong economic and social interest in their community. Differences in wealth among them are not great and the people generally associate together in those organizations which serve the community.
>
> Where farms are large, on the other hand, the population consists of relatively few persons with economic stability, and of large numbers whose only tie to the community is their uncertain and relatively low-income job. Differences in wealth are great among members of this community and social contacts between them are rare.
>
> Indeed, even the operators of large scale farms are frequently absentees: and if they do live in Arvin, they as often seek their recreation in the nearby city. Their interest in the social life of the community is hardly greater than that of the laborer whose tenure is transitory.
>
> Even the businessmen of the large farm community frequently express their own feelings of impermanence; and their finan-

> cial investment in the community, kept usually at a minimum, reflects the same views.
>
> Attitudes such as these are not conductive to stability and the rich kind of rural community life which is properly associated with the traditional family farm.

All that was 25 years ago. Yet the invasion of agriculture by large, absentee corporate interests continues, unabated. All of which is aided by the U.S. Department of Agriculture which often financed research with taxpayer dollars that is aimed at ways to make farms bigger, rather than ways to make small farms sustain families who can compete economically in dignity and reasonable living standards.

So, what are the real economies of the corporation farm? Few, if any. What are the social consequences of corporation farming? Obviously, they are many.

There are two other issues that have been raised in the discussion on this nomination, Mr. President, that I would like to address.

One is the insensitive remarks made by Dr. Butz on the food stamp program, which is administered by the U.S. Department of Agriculture.

In his April 26, 1971, speech before an agricultural advertising and marketing seminar in Minneapolis, Dr. Butz said that a few years ago—

> The big clamour was hunger and malnutrition. And what came out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts of this country. Out of it came a welfare program that President Nixon is recommending to the Congress that is so far out that even the Democrats in Congress won't buy it.

These kinds of remarks are directed at such programs as the food stamp plan that feeds more than 10.5 million hungry people, against the school lunch program that feeds millions of needy children throughout the country.

I consider the remarks by Dr. Butz to be inexcusably callous.

The other issue that I would like to address is the insistence by Dr. Butz that agriculture needs pesticides to assure an adequate supply of food and fiber.

Writing in the January 1971 issue of the Communique, published by the Environmental Health Institute at Purdue University, Dr. Butz said:

> We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious and economical good supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals, or antibiotics If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and over-all quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the . . . American standard of living.
>
> We can go back to organic agriculture in this country if we must—we once farmed that way 75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed, even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

Mr. President, it is a myth that the massive application of pesticides on agricultural crops stand between us and starvation. Dr. Butz is not alone in perpetuating the myth. But, quite frankly, we should expect much more from a man who is nominated to be the top administrator of America's food supply system.

What Dr. Butz, and others, are saying is that the only alternative to the massive use of pesticides is that we use none at all. I have spent a lot of time on the issue of pesticides, and I know of no responsible critic of pesticides who has suggested that we should do away with these chemicals altogether.

The evidence is substantial that the environmental damage and potential human health danger posed by pesticides is very great. It is a fact that our present pesticide laws are not adequate to protect the environment and people from the dangers of pesticides, and it is amply documented that the U.S. Department of Agriculture has been inexcusably lax in enforcing the existing pesticide laws.

There is an urgent need for reform in our thinking that pesticides are a panacea. We must learn that pesticides are of value when, and only when, they are applied in a carefully controlled manner under special circumstances and under the direction of experts who have the special skills to know when those circumstances exist.

Dr. Butz' philosophy on pesticides is precisely what is not needed in the person who heads the U.S. Department of Agriculture. We're having enough trouble getting that Department to recognize that chemical pesticides are failing to control agricultural and forest pests.

This failure is dramatically evident in the high plains of Texas and surrounding States where producers of cotton, grain sorghum, and other crops have become alarmed over the invasion of pests—in this case a new strain of the greenbug — despite massive chemical treatments. In California, many cotton farmers have seen their cost of chemical control double in the last 20 years. In northeastern Mexico, more than 700,000 acres of fields have been abandoned in the face of massive tobacco budworm infestations—a direct result of massive chemical pest control programs. In regions where citrus, soybean, alfalfa, stonefruit, and forest crops are produced pests are increasing in number and pesticides are decreasing in effectiveness.

The fact of the matter is that the single strategy of chemical pest control has been an agricultural, economic, and environmental failure. This is true because the use of broad-spectrum chemicals ignored the phenomenon of genetic diversity—that remarkable ability of insects to continually evolve and develop resistance strains capable of withstanding even heavy dosages of toxic chemicals.

Insect resistance to chemicals is the primary reason why farmers are seeing their cost of chemical control rise to the point where, in the case of some, the break-even threshhold is perilously close.

Still, Dr. Butz and others would have us believe that either we use pesticides or starve. The evidence, however, suggests the contrary: If we continue to rely on broad-spectrum chemicals we may very well imperil our abilities to continue to produce an adequate supply of food and fiber.

Mr. President, there is an alternative to our rigid reliance on pesticides. It is integrated pest control, which utilizes the best-suited combination of alternate pest control methods to suppress pest insects in given crop situation below the economically disruptive threshold. There has been much research in this method, but more is needed. There are underway several field programs in integrated pest control, and they are successful programs. Several farmers in the Coachella Valley of California who have been practicing integrated control for the past 11 years have told me that their crops are of equal or better quantity and of better quality than nearby fields growing the same crops with the aid of massive amounts of pesticides. Moreover, the cost of pest control in an integrated control program is less, the farmers told me, because they escape the exceedingly high price tag attached to chemicals.

I have introduced legislation to accelerate research in this area and to establish several demonstration projects throughout the country to demonstrate this alternative to heavy reliance on pesticides. The legislation was taken up in hearings 2 months ago before the Senate Agriculture Committee's Subcommittee on Agricultural Research and General Legislation.

At that hearing there was unanimous support from every public witness. They included representatives from the National Farmers Union, the National Farm Organization, the Associated Milk Producers, Inc., Mid-America Dairymen, Inc., the National Cotton Council, the Delta Council of Mississippi, the National Council of Farmer Cooperatives, the Garden Club of America, the National Forest Products Association, the Sierra Club, and the environmental defense fund. I might add that the Plains Agricultural Council of Texas and surrounding States have endorsed the legislation.

Also at the hearings, expert witnesses from 11 universities throughout the country were strongly in support of the legislation.

Their messages were the same: we must get on with the job of assuring a stable and productive farm economy by getting off pesticides. The present course, advocated by Dr. Butz, is a course to disaster.

Mr. President, I oppose the nomination of Dr. Butz to serve as Secretary of Agriculture. I do not believe he would represent the best interests of American farmers, nor the best interests of this country.

The **PRESIDING OFFICER.** Who yields time?

Mr. **HARRIS.** I yield 1 minute to the distinguished Senator from California.

Mr. **CRANSTON.** Mr. President, on November 24, 1971, I announced my opposition to the nomination of Dr. Earl L. Butz as Secretary of Agriculture. I rise today to reiterate my opposition to this nomination.

The most basic reason for my opposition is that Dr. Butz does not enjoy the confidence of the majority of farmers. Indeed, several major farmer organizations—the National Farmers Organization and the National Farmers Union—are actively opposed to this nomination. It is not hard to understand why. Small farmers have good reason to be concerned about the prospects of a new Secretary who has devoted his entire professional life to serving the very segment of agriculture which is driving them out of business.

As an agricultural economist, department head, Assistant Secretary of Agriculture under Ezra Taft Benson, dean of the School of Agriculture at Purdue University and members of the boards of directors of several major corporations which have moved into the production phases of agriculture, Dr. Butz has clearly alined himself with corporate agriculture.

His longstanding ties with "industro-agriculture," his tendency to equate bigness with efficiency, and his philosophy on farmer bargaining and cooperatives, supply management and price supports, indicate that the rural America favored by Dr. Butz would amount to little more than a giant food factory.

Dr. Butz has extolled the virtues of vertical integration, a phenomenon which brings giant agribusiness corporations into the production phases of agriculture and drives out small farmers.

Dr. Butz believes in a free market agriculture which sees current economic trends in agriculture—such as vertical integration and corporate diversification—as inevitable, and which falsely equates bigness with efficiency. Small farmers are not inefficient. They are being put out of business because they cannot compete with giant conglomerates with multibusiness revenues which can operate on small margins of profit or which can even operate at a loss while relying other their other diverse resources.

Dr. Butz views the environmental issue as too emotional and as a "fad" and suggests that environmentalists and "consumerism" are a threat to agriculture. Yet, if confirmed, he will be heading a department with important environmental and consumer responsibilities—the Forest Service alone administers 187 million acres of public forest land in 42 States.

Dr. Butz has denigrated the value of our Federal food programs, suggesting that the food stamp program, "which is just short of ridiculous in some parts of this country," is the result of an emotional overreaction to a previous fad in America—that of the protests 4 and 5 years ago over the existence of hunger and malnutrition in our affluent Nation. I find this attitude appalling. As Secretary of Agriculture, Dr. Butz would administer all of our Federal food assistance programs. Indeed, 40 percent of the total USDA budget this year is allocated to these food assistance programs.

As the Senator from a State which is both the most populous and the richest agricultural State, I stand in a somewhat unique position on this nomination. My urban constituents have expressed concern about the positions of Dr. Butz on the environment and on welfare and consumer matters. My friends in rural areas are deeply concerned about his agribusiness connections and his agricultural philosophy. I have received more than 300 letters and telegrams over the past week urging me to oppose the nomination of Dr. Butz.

Clearly, the State of California has a tremendous involvement in the programs and policies of the U.S. Department of Agriculture. The philosophy and leadership positions of the next Secretary of Agriculture are thus of critical importance.

But California's specific involvement in USDA programs is not my sole concern in considering the merits of this nomination. Of crucial importance is the health and vitality of rural America.

The single most pervasive phenomenon in rural America today is the corporate invasion of the production phases of agriculture. Giant corporations like Tenneco are buying up acres of prime farmland and producing a tremendous volume and variety of farm products. Tenneco, which is engaged in such diverse industries as shipbuilding, oil and gas production, farm machinery and chemicals, also produces an enormous variety of crops in Kern County, Calif. These include corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears, and plums. Tenneco officials frankly admit that their aim is "to accomplish integration from the seedling to the supermarket."

If Tenneco and other corporations engaged in farming, achieve their aim of total integration of the food production process, there will be no small family farms in America. At best, small farmers will become little more than serfs in a modern feudal system that demands the production of cheap raw commodities for the benefit of these giant conglomerates.

I believe that this corporate invasion of agriculture must be stopped. But it can be stopped only by specific congressional policy and action—by the development of a farm program that makes some sense and which can provide a measure of security to the small farmer. While these goals are the primary responsibility of the U.S. Congress, they cannot be accomplished without the cooperation and involvement of the administration, and particularly the Secretary of Agriculture. If Dr. Butz is confirmed today, I have serious doubts about whether such essential cooperation will be forthcoming from the Department of Agriculture.

I will vote against the confirmation of Dr. Butz because I do not feel that he is committed to the needed reshaping of rural America.

He does not seem to understand the magnitude and urgency of our environmental and human problems.

He seems willing to allow current economic forces in agriculture to continue, regardless of their impact on human beings.

It is just too easy to speak about a "scientific agriculture"—and all the chemical and industrial inputs it requires—and to forget about all the people who want to stay in their hometowns and on their farms, but who are being forced out by the industro-agricultural giants of America. It is high time we remembered these millions of rural Americans who operate efficient, family-sized farms and who participate in the social life of their communities and who have contributed so much to the well-being of America.

I oppose the nomination of Dr. Butz because he has failed to indicate any real concern about the declining quality of life in rural America which is the direct result of the kind of agriculture he has endorsed and promoted.

I will vote against Dr. Butz for a great many reasons.

I know that many other Senators feel just as strongly on this issue as I do.

But if Dr. Butz is confirmed today, I want the record clear that my opposition to his nomination is not personal, but is based on my convictions about the urgency of reversing what is happening in rural America.

If he is confirmed and if, upon reflection, Dr. Butz decides to support legislation and policies to aid the small farmer, I hope he will not hesitate to call on me for any assistance that I may be able to provide.

But let us today—by our votes on this nomination—indicate that we know what is at stake. Let us indicate that we in the U.S. Senate will do our part to revitalize rural America.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. I yield 15 minutes to the Senator from Oklahoma (Mr. BELLMON).

Mr. BELLMON. Mr. President, I have listened with great interest to the debate and the controversy surrounding the nomination of Dr. Earl Butz to be Secretary of Agriculture. Until he was nominated, I had never heard of Earl Butz. I have listened to these discussions without any preconceived ideas and with a completely open mind.

As Members of the Senate will know, I have spent my life in agriculture and I feel perhaps more than some other Members the great importance of this appointment. I know from firsthand experience the great influence which the Secretary of Agriculture and the USDA have over the agricultural enterprise of this Nation. I know how much effect decisions made by the Secretary of Agriculture have upon the prosperity of a majority of this Nation's farmers and rural people. Therefore, I have taken an intense, personal interest in this appointment.

Mr. President, the charges made against Dr. Butz may be broken down into five categories:

First. His connection with agri-business.

Second. His statements relating to the reduction in the number of farmers, which has been interpreted to mean that he favors corporate farms as compared to family farms.

Third. The fact that he is an educator not an active farmer.

Fourth. His prior service in the Eisenhower administration.

Fifth. The present price of feed grains

and criticism of the farm program created by the Agriculture Act of 1970.

Mr. President, let me take these issues in reverse order. First, prices of farm products. During the hearings on Dr. Butz, the question of present farm prices was brought up repeatedly. As a result the staff of the Agriculture Committee was requested to provide information on seasonal average prices and prices for selected months to farm program participants for corn, grain sorghum, soybeans, barley, and wheat for the years 1968–69–70–71.

Mr. President, I have that information which the Agriculture Committee staff developed and I ask unanimous consent that the tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—SEASON AVERAGE PRICES RECEIVED BY FARMERS, UNITED STATES

	Corn (dollars per bushel)	Sorghum grain (dollars per hundredweight)	Barley (dollars per bushel)	Soybeans (dollars per bushel)	Wheat (dollars per bushel)
Crop year:					
1968	1.08	1.70	0.911	2.43	1.24
1969	1.16	1.91	.872	2.35	1.24
1970	1.36	2.04	.956	2.84	1.34
1971[1]	1.00	1.75	.90	3.00	1.30

[1] Preliminary estimates.

TABLE 2.—SEASON AVERAGE PRICES RECEIVED BY PARTICIPANTS IN THE FEED GRAIN AND WHEAT PROGRAMS, UNITED STATES

	Corn[1] (dollar per bushel)	Sorghum grain[1] (dollar per hundredweight)	Barley[1] (dollar per bushel)	Wheat[2] (dollar per bushel)
Crop year:				
1968	1.32	2.13	[3]0.911	1.79
1969	1.40	2.36	1.02	1.89
1970	1.62	2.54	1.09	2.09
1971[4]	1.25	2.20	[3].90	1.85

[1] The season average price of a feed grain to participants is computed as follows: The total estimated production of participants is divided into the total value of price support payments to obtain an average payment per bushel produced. This payment per bushel is then added to the season average price received by farmers to get the estimated participants price.

[2] The estimated season average price of wheat to participants in 1971, for example, has been calculated as follows:

Total wheat production (million bushels)	1,628
Producer participation in 1971 program (percent)	×95
Production of participating farmers (million bushels)	1,547
Season average price (per bushel)	$1.28

—Continued

Market value of participants production (million)	$1,980
Market certificates (million)	877
Gross income to participating farmers (million)	$2,857
Production of participants (million bushels)	÷1,549
Average price received by participants (per bushel)	$1.847

[3] No program.

[4] Preliminary estimates.

TABLE 3.—SEASON AVERAGE PRICES RECEIVED BY FARMERS, UNITED STATES, SELECTED MONTHS

Date	Corn (dollars per bushel)	Sorghum grain (dollars per hundredweight)	Barley (dollars per bushel)	Soybeans (dollars per bushel)	wheat (dollars per bushel)
1968:					
August	0.99	1.63	0.99	2.51	1.19
September	1.01	1.62	.98	2.40	1.22
October	.96	1.60	.93	2.32	1.26
November	1.04	1.68	.81	2.40	1.29
1968:					
August	1.18	1.92	.98	2.51	1.19
September	1.15	1.97	1.04	2.28	1.24
October	1.12	1.91	.95	2.23	1.28
November	1.07	1.94	.82	2.30	1.29
1970:					
August	1.27	1.91	0.90	2.65	1.31
September	1.38	2.07	.94	2.66	1.41
October	1.34	2.02	.90	2.77	1.43
November	1.29	2.02	.85	2.86	1.45
1971:					
August	1.19	2.27	.87	3.09	1.28
September	1.11	2.01	.90	2.95	1.26
October	1.00	1.76	.94	2.96	1.30

TABLE 4.—CORN: MONTHLY PRICES RECEIVED BY FARMERS IN SELECTED COUNTIES OF ILLINOIS, IOWA, MINNESOTA

State and county	1968				1969			
	August	September	October	November	August	September	October	November
Illinois: McDonough	0.96	0.96	0.93	1.05	1.22	1.16	1.08	1.04
Iowa: Pocahontas	.93	1.02	1.07	1.08	1.11	1.03	1.05	1.03
Minnesota: Kandiyohi	.98	1.00	.90	1.04	1.10	1.06	1.04	1.00

State and county	1970				1971			
	August	September	October	November	August	September	October	November
Illinois: McDonough	1.31	1.29	1.31	1.32	1.16	1.02	0.92	
Iowa: Pocahontas	1.21	1.18	1.21	1.38	1.06	.95	.88	
Minnesota: Kandiyohi	1.15	1.10	1.23	1.19	1.10	1.03	.93	

Mr. BELLMON. Mr. President, I would like to call attention of Members of the Senate to certain of these facts.

In the case of sorghum grain, barley, and wheat, the prices for 1971 are higher in every case than they were in 1968 before the present farm bill was written. The one exception to the rule is in the case of corn, where the average price of $1 is 8 cents per bushel less than the 1968 price of $1.08. When Government payments to participants of the feed grain and other programs are included, we find the average price in 1968 was $1.32. In 1971 the average price figures out to be $1.25 per bushel to program participants.

Mr. President, certainly no one who understands the high costs of farm production will take the position that these prices are high enough to properly compensate farmers. At the same time the charges that the 1970 program has brought about a disastrous decline are certainly not well founded. Therefore, the statements that the confirmation of Dr. Butz who in his testimony has generally supported the 1970 farm bill will mean lower farm prices are absolutely not true. Dr. Butz has repeatedly stated his conviction that farmers must have a better break in the marketplace and has expressed his determination to work with them to achieve better prices.

To refuse to confirm Dr. Butz because of his prior association would, in my mind, be totally unfair. This would be guilt by association in its very worst form. The fact is that Congress, and not the administration, writes the farm bills. It is true that there is always a degree of Executive influence. Dr. Butz' role was to administer the law that was on the books.

Mr. President, as an active farmer, I must confess disappointment that President Nixon did not nominate a practicing farmer to be Secretary of Agriculture. I feel there are large numbers of practicing farmers in this country who could handle the duties of Secretary of Agriculture. The appointment of an active farmer to the secretaryship would, in my opinion, bring new life to the Department of Agriculture. That agency badly needs an infusion of practical farm knowledge which would be healthy for all concerned.

The fact is that the President in his wisdom has decided otherwise. He chose an educator in Secretary Hardin, and the Senate confirmed that nomination without a single objection being raised. To now oppose the nomination of Dr. Butz because he is an educator seems to me to show a totally unfair and unfounded bias on the part of the Senate. I doubt the objections on this basis to be serious.

I am confident that President Nixon shares the view that a practicing farmer should be Secretary of Agriculture. The problem is that 1972 is a political year. To bring in a practicing farmer who is unacquainted with the world of politics or the way of Washington would likely be like sending a sheep to guard the wolves. I feel that President Nixon felt that to be effective during this period, the new Secretary of Agriculture would need some familiarity with the Washington scene and some prior experience in Government. Dr. Butz qualifies.

The charge that Dr. Butz favors corporate farming over family farming is one that has troubled me considerably. During my service as Governor, I was called upon to defend the Oklahoma law which prohibits the corporate ownership of farm land. I strongly feel that the Oklahoma law is a good law. I will do everything in my power to oppose any changes which will turn American farmers into peasants who owe their livelihood to a cold-blooded corporate entity. To me, farming is and must continue to be a way of life. The individuals who run this Nation's highly efficient farms must always have the opportunity and the hope of becoming the owners of the lands they till. If this Nation ever allows the ownership of the farms and ranches to pass forever into the hands of corporations, we will have set the stage for our own destruction.

Because of my strong belief in the wisdom and efficiency of the farm family approach I have questioned Dr. Butz closely on this question. In his replies Dr. Butz clearly stated his firm belief in family farming as opposed to corporate farming. I am convinced that in spite of the charges made against him Dr. Butz is a strong defender of the family farm as the foundation of American agriculture and that as Secretary of Agriculture he will use the full powers of his office to defend and strengthen the family farm concept. His connection with agribusiness has been with companies that provide a valuable and vital service to agriculture and not with companies that have used their corporate muscle to buy up land and dispossess farm families.

Mr. President, during his appearance before our committee I questioned Dr. Butz on several of the points that have been raised concerning his nomination. I ask unanimous consent that that portion of his testimony be printed in the RECORD. The testimony appears on pages 67 to 70 of the committee report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The CHAIRMAN. Senator Bellmon?

Senator BELLMON. Thank you, Mr. Chairman.

Mr. Butz, in your statement yesterday you made a statement or took a position that as a member of the board of the various corporations that you had been associated with, that in many cases you were the sole spokesman for agriculture. Now, one thing that troubles me as a farmer and a representative of a farm State, is that agriculture has not had a highly visible, articulate, dedicated spokesman at the national level. I remember some Secretaries who seemed to be happiest when food prices went down and I have never seen a Secretary who can really tell the agricultural story.

Could you enlarge a little bit on your ideas of what the Secretary could do and should do in the role of being the agricultural voice here in Washington and to the consumers of this Nation?

Mr. BUTZ. Well, yes, I think the entire Department has to be vigorous in telling agriculture's story. It is a marvelous story to tell. It is a story of a food supply that is adequate, nutritious, healthy, and economical in terms of the share of your income you spend for food; I think that story has been undertold. It is a story of sacrifice of the farmers to get this job done. I think that story has been undertold both in Washington and in the country. With a shrinking agricultural-political muscle in our State legislatures and in the Congress, it is a story that gets more difficult to tell. With producers being a shrinking share of the population it is more difficult to tell.

All I can do is say that I have spent my life trying to tell this story and I am going to spend the rest of it telling it.

Senator BELLMON. How did you propose to go about doing it?

Mr. BUTZ. Publications in the Department, telling it right here in the councils of Washington, making sure the rest of Government understands this, using every channel of communication we can.

Senator BELLMON. I wish you well.

One other point, not on that subject but there has been some comment about the Agricultural Act of 1970 and the fact it isn't working well. I want to say to you one reason it isn't working well is because the Office of Management and Budget won't let it work well. I don't know the inside of what happened but I am almost certain that the Secretary of Agriculture went to the Office of Management and Budget last year and tried to get permission to get a larger set-aside and was turned down because the people of the Office of Management and Budget said, "We are going to save some money this way; we are going to hold down the set-aside and hold back on Federal outlays." So what happens? The price of corn has gone down and now they are going to be faced with a much larger outlay.

Are you going to have better luck? There is no use in our passing a law and then let a bunch of pencilpushers in the Office of Management and Budget shoot it down.

Mr. BUTZ. Senator, that remains to be seen. You ask whether I will have any luck.

Senator BELLMON. You have been in the office before.

Mr. BUTZ. I think the Office of Management and Budget recognizes the problem we are in now and they are charged with some degree of maintaining fiscal sanity with the total decision.

Senator BELLMON. Do you think their decision last year was a good decision?

Mr. BUTZ. No, it was not a good decision. It is going to cost more for the 1972 adjustment than if they had spent a little more money on the 1971 adjustment. In retrospect it was not a good decision but my hindsight is 20/20 without glasses and I suppose theirs is, too; and it may well be had I been on the scene at that time I might have made the same decision as Seccretary Hardin made. I don't know what pressures he had from OMB; he undoubtedly had some.

I simply want to say I have known Dr. George Shultz for a good many years. I have a lot of respect for him and I feel confident I can work with him.

Senator BELLMON. What do you think he knows about agriculture?

Mr. BUTZ. Well, I am going to see that he knows more than he does now. [Laughter.]

Senator BELLMON. One other thing about this whole procedure that kind of troubles me: I am a member of the Committee on Interior where we are continually faced with the problem of conflict of interest because of the management of the mineral estate of the Nation by the Department of the Interior and we have an absolute ironclad rule in the Interior Committee that individuals, officials who come up for confirmation who own stock in oil companies, will absolutely have to divest themselves of those stocks. You perhaps have been in this fish-bowl of public life before, but I guarantee you haven't been into it as you will be as a member of the Cabinet; and one thing I will tell you a public official has to protect most vigorously is the appearance of integrity, not only the fact of integrity.

Mr. BUTZ. I agree.

Senator BELLMON. So it looks like he is not making any decisions that in any way are to his personal advantage.

You mentioned you are going to put the corporate stocks in a blind trust. I am a country boy and I don't know what a blind trust is and I will venture to say 90 percent of the people in the country don't know what it is.

Mr. BUTZ. It means the person who owns it doesn't know either. I couldn't even talk to the trustee.

Senator BELLMON. You mean you couldn't call the trustee and say, "We are going to buy 100 million bushels worth of wheat and let's get busy"?

Mr. BUTZ. I can't even talk to him. He could even convert these stocks I have into higher paying securities. These stocks I have don't pay very well, frankly.

Senator BELLMON. Why do you own them?

Mr. BUTZ. I was on the board.

Senator BELLMON. You had to own the stocks in order to serve on the board?

Mr. Butz. Yes, sir; and for your information, when the J. I. Case board was dissolved I sold my stocks because it hadn't paid any dividend for years.

Senator Bellmon. Mr. Butz, I don't want to speak for the committee but it is my honest opinion that a blind trust isn't good enough to answer a lot of the questions that have been raised, either fairly or unfairly, about the involvement of the Secretary of Agriculture with agribusiness.

Mr. Butz. If the committee feels strongly about it, I will dispose of them before I put them in the trust, although, as you know, the market right now is not a favorable one.

Senator Bellmon. I am not in the market but I understand it is not favorable to the farmers.

Mr. Butz. It is not only farm prices that are low.

Senator Bellmon. I have one other area. You mentioned as an Assistant Secretary of Agriculture one of the responsibilities you had was with the Foreign Agricultural Service. I feel one thing that hurts the farmers worse than anything is the absolutely detestable job we do about marketing; it isn't that the farmer can't produce; he does it with admirable ability and great results, but the problem comes when we try to move farm products into the channels of trade where it is needed. And one of the great problems is that we don't have in agriculture very many IBM's or Standard Oil's or even Ralston-Purina's handling a lot of our commodities and to me there is a role here, an absolute necessity for the USDA to do a better job of helping the farmers to do their marketing. I think as time passes there will be some pickup in this area.

For instance, in the marketing of meat or more realistically the marketing of live feeder cattle, if you try to sell them in Japan you have $135 input tariff at present exchange rates on a very light calf (300 pounds and below).

Can you tell the committee what you think you can do as Secretary of Agriculture to help us get past some of these barriers and also tell a little bit about what you think the role of the Foreign Agricultural Service ought to be?

Mr. Butz. Well, the role of the Foreign Agricultural Service is to pursue vigorously for the elimination of barriers, whether tariff or nontariff. This must be in consultation with the State Department since it involves foreign policy; to assist our domestic exporters, as the Department of Agriculture did assist in the 3-million-ton sale of feed grain to Russia. Our Foreign Agricultural people under Clarence Palmby had a very vigorous part to play in working with Continental Grain and Cargill, the two principal exporters, and I think that is the role, to be vigorous in this thing.

Now we have got a problem in grading. In some of our grains that go for export there is a range within a grade, and foreign buyers will buy on a grade here and then will commingle just before shipment. These are areas that need attention.

Senator Bellmon. I have attended meetings of the agricultural attaches in Canberra and also only last week in London, and while I have respect for these individuals personally, it is my opinion that most of them consider their role to be primarily that of a reporter and they frequently sit on their hands and tell us what's happening but so far as taking the bull by the horns and changing anything, it seems to be totally foreign to their concept.

Mr. Butz. Senator, this is the historic role of the agricultural attache and to the extent I am able we are going to change emphasis in that respect.

Senator Bellmon. You are going to change emphasis?

Mr. Butz. Yes.

Senator Bellmon. In what way?

Mr. Butz. I want them to be a salesman for American agriculture. There is a reporting job to do and they have done it well, but we need more than that. We need a salesman on the spot to assist our private salesman, the Continental Grain people, the Cargill people, the Farmers Union National Grain Terminal people, or whoever it is that is involved in export, we need a man on the scene to sit beside them to help.

Mr. BELLMON. Mr. President, as a former Governor, I strongly support the prerogative of a Chief Executive to select persons of his own choosing as members of his official family. The Senate has a constitutional responsibility to advise and consent to appointments and certainly should exercise this responsibility to make sure Presidential appointees have the necessary competence and qualifications for the job. It would be folly, however, to believe that Members of the Senate would be in total agreement with a man's philosophical views, and that should not be our role.

On the basis of my examination of Dr. Butz' past record and his statements in the committee hearings, I am convinced that he is competent and qualified to hold this most difficult job. What is more, it has been said that he is a "scrapper" and American agriculture certainly needs a "scrapper" to fight the battles that must be fought to give farmers and other citizens of rural America their rightful place in our society.

Therefore I support the nomination of Dr. Earl Butz to be Secretary of Agriculture.

The PRESIDING OFFICER (Mr. Hollings). Who yields time?

Mr. HARRIS. Mr. President, I would rather the other side use up some of its time. They have so much and we have so little.

Mr. AIKEN. Mr. President, I have some requests for time from Senators on this side of the aisle but, unfortunately, they are now in attendance at very important conferences in committees at this time.

Mr. President, I do not regard this issue as a party political issue, although it is apparent that there are those who would make it such. It never ought to be an issue between political parties. There is always a competitive spirit going on. There is always a yen for power on the part of various groups and various organizations on one side or the other. The thing that bothers me most about the debate which has taken place so far has been the attack on agribusiness.

Were it not for agribusiness, we would not be able to handle the processing and marketing of agricultural products from the farmer to the consumer.

Let me point out that about one-third of agribusiness in this country is done by farm cooperatives. They keep the proprietary interests in line.

An agribusiness like Land O' Lakes handles a tremendous amount of dairy products. In fact, 70 percent of all dairy production in this country is processed and handled by farm cooperatives which act as an agribusiness.

We have got the Agway Cooperative up in the Northeast which started some 40 years ago and has now developed into a $700 million-a-year business on behalf of the farmers. I do not want to see attacks on these people. On the other side we have companies like Ralston-Purina. They probably have not done as much agribusiness work for the farmers of Missouri as the Missouri Farmers Association have, but I am glad we have these.

In Minnesota, besides certain large cooperatives, we have private interests like Archer Daniels Mid-Land, whom we all know, and others. But I do not like to see this attack upon those industries that make it possible for us to market the products of our farms.

We will export to other countries this year approximately $8 billion of farm products, or the production of one acre out of four, and we just could not do it otherwise. We have to have cooperation between individuals. Without the farm cooperative, the small farmer would be in a very precarious situation, and without the other processing plants, we would also find it difficult to make the progress that we have.

I have received, I think, 67 telegrams, and later a couple more, all of which were inspired by the National Farmers Organization. Those are the ones I have received in opposition to Mr. Butz.

I have received other equally urgent wires and letters in his behalf in the last 4 or 5 days. But I will say this—and I am sorry I have to say it—I think virtually 99.9 percent of the letters and telegrams and communications I have received for and against Mr. Butz as Secretary have been inspired by organizations, and inspired by organizations which employ people to do this work. Some of them I call panic promoters, which we have had some experience with in the field of atomic energy.

It is very unfortunate that the interest in agriculture in this country has dropped as low as it has today. Twenty years ago if this issue had been before us, the galleries would have been packed and half of the Senators would have been on the floor. That does not happen today. Agriculture is represented by these organizations, and sometimes misrepresented by them, and that is not my idea of progress entirely.

I have long advocated support for farm cooperatives. I do not know what we would have done without them. More farmers would have had to leave the land. But as I pointed out yesterday, when a small farm goes out of business in Vermont, it is usually taken up by two or three families instead of one.

Much has been said about the decline in farm population. I do not know how I can stop it. One cannot tell a farmer he has got to stay on the land and leave his family without education, without adequate supplies, clothes, and other things, just because his vote is useful at election time.

There has been a very large decline in farm population. During the 7 years that Secretary Freeman was in office there was a 30-percent drop in farm population. That was not his fault. He could not help it. I believe that the drop in the last 3 years has been 10 percent, almost the same proportion because there are fewer farms each year. However, I do not know how we can stop that. I do not know how we can tell a farmer who perhaps paid $15,000 for his farm and who has been offered $250,000 for it that he should not go out of business; yet those things are happening.

Dr. Butz has been attacked on unfair grounds as being unfriendly to the voluntary agencies. I have to say here that under Dr. Butz as Assistant Secretary of Agriculture, the voluntary agencies first took part in the food for peace program, as it is called now. Foreigners still call it the Public Law 480 act. We did not have any contributions like this until Earl Butz became Assistant Secretary of Agriculture, and then in 1955, $135 million was contributed in the way of food to voluntary agencies. That went up to $184 million, the next year to $165 million, and to $180 million finally in 1966, and then it began to drop. It dropped to $152 million.

We cannot say that he has not been friendly to the voluntary agencies, and I do not think that these attacks on him have been fair. I agree that the farmers are not very good campaign contributors. I agree that what is going on here today probably will affect them somewhat in that respect, at least those who work as cooperatives and as agribusinesses. But I am very sorry that politics has been injected in this. Anyone who is not blind and deaf would realize that fact.

I also apprehend that many of the speakers on both sides of this matter have not brought party politics into the issue.

Mr. President, how much time do I have remaining I have promised some, and I cannot use any more.

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. AIKEN. How much time does the opposition have?

The PRESIDING OFFICER. Fifteen minutes.

Mr. AIKEN. I will yield at this time. As I say, I have other speakers coming in at 12:30. I realize there is a lot of competition to get this 12:30 to 1 o'clock spot. I have said what I said prematurely because I did not want to use that time if somebody else really felt they wanted to have it—somebody with high-level ambitions maybe. However, we still do not have the galleries as full as they used to be, and we still do not have the Senators on the floor. I yield 2 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, much has been said about Dr. Butz' view of the environment, his concern for the American farmer and his concern for hunger. Rather than to speculate about what he may think, since he has been pictured in effect as a cruel, heartless man who would let people starve and let the corporate giants stamp out the small farmer, I think it might be better, rather than to speculate or to second guess Dr. Butz, if the Record might have in it copies of speeches made by Dr. Butz. I think we can all conclude from what a man says from time to time what he may mean.

Mr. President, first of all, I ask unanimous consent to have printed in the Record testimony given by Dr. Butz November 19, 1965, before the National Commission on Food Marketing in Washington, D.C., entitled "The Developing World Crisis in the Population-Food Ratio."

There being no objection, the testimony was ordered to be printed in the Record, as follows:

The Developing World Crisis in the Population-Food Ratio

My name is Earl L. Butz. For the past eight years I have been Dean of Agriculture at Purdue University. For three years prior to that, from 1954 to 1957, I served as Assistant Secretary of Agriculture in charge of Marketing and Foreign Agriculture. During this time, on two occasions I served as chairman of the U.S. Delegation to the Food and Agriculture Organization Conference in Rome. Among other things, I was in charge of the Foreign Agricultural Service, and traveled extensively in many parts of the world studying food and agriculture conditions. Prior to going to Washington as Assistant Secretary of Agriculture, I was eight years head of the Department of Agricultural Economics and Professor of Agricultural Economics at Purdue University. My entire professional life has placed me in close proximity with food-population problems, both in this country and abroad.

The North American food industry is now relaxed in the calm which precedes the greatest challenge it has ever faced. We must exercise every opportunity to keep our entire food machine in a healthy state of preparedness, if we expect to meet this challenge successfully.

The world is on a collision course. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the Western World itself.

The long-run outlook for international agriculture is essentially one of a race against time and capital in an effort to meet the onslaught of a tremendous upsurge in world population.

The man-food ratio around the world, never high enough to be very exciting to two-thirds of the world's population, has actually been in a decline the last half dozen years. Total food output has increased during those years, to be sure, but at a slower rate than population increase. In many of the world's underdeveloped areas, the man-food ratio is in a serious decline.

Those of us in North America who wrestle with perennial surpluses of both food and feed grains too frequently view our problem in the short run. We are export conscious, particularly in relation to the current situation. While this may be important in a particular year, it is high time that we begin to fashion our domestic programs and policies with a view toward the political and economic realities of the developing world food crisis. It is high time that all of us begin to view the developing crisis in the world population-food ratio in its proper perspective.

Although I use the word "crisis," it need not develop in our lifetime if we can apply the intelligence we possess to the twin areas of food production and international trade.

FOOD IS THE FIRST LAW OF LIFE

The first claim of any society on its total production resources is to produce enough food to keep the population alive and reproducing itself. This is true in primitive societies as well as our own advanced American economy. Some Far Eastern nations require 80 to 90 per cent of their population on the land to get the job done. In the United States we do it with less than 6 per cent of our working population on our farms, and could do our commercial agriculture with about 3 per cent of our working population on our farms. There is room for substantial expansion of food production, both in the undeveloped and in the developed areas of the world, through continued application of science, infusion of capital, and nonrestrictive governmental programs.

When many of us in this room were students, perhaps a third of a century ago, we were concerned about the foreseeable leveling off and eventual decline of population, especially in the non-Asiatic world. It was popular then to explain why Malthus had been so wrong with his forecasts about the population-food ratio. It is now rather fashionable to dust off Malthus' volume and to quote from him occasionally.

THE POPULATION EXPLOSION

At the beginning of the Christian Era, world population was estimated to have numbered around 250 million. In the next 15 centuries it doubled, reaching 500 million by 1600. Three centuries later, by 1900, world population had tripled, and stood at about 1.5 billion. In the less than two-thirds of a century since 1900, world population has approximately doubled again, and now exceeds 3.0 billion. Reliable estimates indicate that in the little over one-third of a century remaining until the year 2000, it will double again, and will stand at about 6.3 billion people.

During the first 15 centuries after Christ, the rate of increase in world population ranged between 2.5 and 5 per cent *per century*. By 1900 the *annual* rate of increase was approximately 1 per cent, or 100 per cent per century. As of 1960, the *annual rate* was about 2 per cent, and it is expected to rise even above this figure for the remainder of this century. The astonishing fact is that the human race is currently doubling in numbers every 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If a population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, the rate of growth cannot persist indefinitely, because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

While it is true that projected rates of population increase are greater in the underdeveloped nations than in North America, yet we too shall experience a substantial increase in Canada and the United States. A United Nations projection has forecasted that the combined population of our two countries will move from 197 million in 1960 to 312 million in the year 2000. This is an increase of 60 per cent just within our own boundaries. Projected rates of increase are approximately the same for Western Europe and Russia. However, population in Latin America is projected to increase 188 per cent, from 206 million to 592 million. Likewise, the African population increase is projected at 120 per cent, and Asia at 139 per cent. In the latter case, population is expected to increase from 1.6 billion in 1960 to 3.9 billion in the year 2000.

We are experiencing substantial population increases during the decade of the 1960's. A United Nations projection has predicted an increase during this decade of 35 million for the United States, 61 million for Latin America, 72 million for Africa, 266 million for Asia excluding China, and about 750 million for Asia including China. This means an increase during the present decade of over 800 million. We are already halfway through this decade, and nearly halfway toward the projected increase.

The United States now has approximately 6 per cent of the world's population. It is projected that by 1975 the U.S. will have approximately 5 per cent of the world's population, and by 1985 only 4 per cent. These figures underscore the fact that the world areas of dense population and of bountiful food supplies do not coincide.

FOOD PRODUCTION TRENDS

From the beginning of history, man has always been in a struggle to feed himself, with the possible exception of the Western World in the last two or three decades. From the beginning of the human race until now, man gradually developed the food production capacity required to sustain 3 billion people on the earth, although many, many persons have a very meager available food supply per capita. If the 6 billion plus people predicted by the year 2000 are to be sustained, with no improvement in diet whatever, man will need to develop the capacity to feed another 3 billion people—and this must be done in the short term of one-third of a century. This means that we must duplicate in the next generation the production record that man has achieved since the dawn of history. And we must do this at a time when nearly all of the virgin lands of the world have been brought into production and when we face increasing inroads on arable land by the urban sprawl, developing highways, parks, recreation sites, and the like.

The challenge is great, but the situation is far from hopeless. The world's land surface is currently estimated at 32.9 billion acres. Of this, 3.5 billion acres, or just under 11 per cent, is classified as arable land and land in tree crops. We actually plant to crops considerably less in a given year, usually under 2.4 billion acres, or only about 7.6 per cent of the earth's land surface. We have another 6.4 billion acres, or 19 per cent of the earth's surface, in permanent meadows and pastures. Thus, if we include this with crop land and tree land, we account for about 30 per cent of the earth's land surface. It is possible that some of the remaining 70 per cent may someday be brought into agricultural production, as capital becomes more plentiful, as cheaper sources of energy are developed, and as more efficient means of converting sea water to usable water become available. It should be noted that until a generation ago, most of the increase in the world's food production came from opening up virgin lands. In the immediate future, however, we cannot count on a substantial addition to arable land from this source.

There are only two possible answers to the problem posed above: (1) increased agricultural production worldwide, with sufficient trade flexibility to permit effective geographical distribution, and (2) a widespread and rapid increase in birth control practices. In the long run, say by the close of this century, birth control is the only solution. But it is developing extremely slowly in the population pressure areas of the world, and probably will continue to develop slowly because of the low levels of education and living standards. In the heavy population areas of the world, the girl babies are here. They can be counted. When they mature, just a few years hence, it is inevitable that births will increase markedly. The only thing that can alter this will be a marked increase in education, in economic levels, or a substantial change in religious attitudes and social mores. These factors have not changed markedly in the last decade. There is little reason to believe that there will be sufficient improvement in the next decade to provide the kind of environment in which birth control can become rapidly effective on a broad scale. Hence the immediate need before us is to increase agricultural production and to work out more effective means for distribution of our foodstuffs—just the converse of some of the agricultural and trade policies currently popular in the United States.

Individual countries vary markedly in the share of land suitable for cultivation. Moreover, population and arable land are not at all evenly distributed. This accentuates the need for realistic trade policies. Asia, for example, has about 56 per cent of the world's people but only 31 per cent of the arable land. Western Europe, likewise, runs behind in arable land. In most of the rest of the world the inverse is true.

Perhaps the greatest variation among the nations in agricultural productivity lies in capital inputs, particularly in the form of fertilizer, drainage, irrigation, and technology. In this respect North America leads the world. The record of increased efficiency of production by North American farmers since the decade of the 1930's is nothing short of phenomenal. It is meaningful to use the trend in per capita grain production as an indicator of both agricultural progress and the quality of diet. A majority of all calories consumed comes from grains, either directly or indirectly, after conversion into meat, milk or eggs. Thus a rising per capita output of grains in any population makes possible either a rise in calorie intake or the production of additional animal protein if this is needed or desired.

World grain output increased 47 per cent during the 25 years from 1934–38 to 1960–61. During this time total harvested area increased by 15 per cent, and average yield by 28 per cent. However, there was tremendous regional variation. During that quarter century, both North America and Oceania more than doubled total grain production. Eastern Europe and the USSR gained only 24 per cent, Western Europe 31 per cent, Asia 41 per cent, Latin America 42 per cent, and Africa, undisturbed by the war, 54 per cent. The latter increases did not keep up with population growth. North Africa expanded its share of world grain output from 16.7 per cent in the years 1934–38 to 22.8 per cent in 1961. During this same period the Soviet Bloc share of world output was steadily shrinking from 23.5 to 19.8 per cent. Or if we divide the world into the two dominant economic regions—developed and undeveloped—we discover that output in the developed regions increased 51 per cent during this period, while that in the underdeveloped regions increased only 42 per cent. This is significant when it is remembered that the rapid population growth is in the undeveloped region.

A generation ago the underdeveloped areas of the world (Asia, Africa, and Latin America) were food surplus regions. Before World War II, the underdeveloped areas were exporting annually about 11 million tons of grain to the developed countries, notably Europe. During the early post-war years this flow of net exports was reversed, with a modest 4 million tons going annually from the developed to the underdeveloped countries. The population explosion in the underdeveloped world in the last couple of decades, coupled with a much, much slower increase in food production, has pushed food needs so high that the estimated movement into those areas in 1964 was 25 million tons of grain.

The underdeveloped areas of the world, once able to feed themselves, now clearly are dependent for their very existence on sustained food shipments from the developed nations, largely from North America, with the U.S. Food For Peace program figuring prominently.

The output of grain per capita of farm population has shown a striking increase in North America, more than trebling in the 25 years from 1934–39 to 1961. During the same interval, grain output per capita of farm population actually declined in Latin America and increased only modestly in Africa and Asia.

The supply of new land that could be brought under cultivation has been negligible during the past quarter century. Rising yields per acre have been the source of increased food production during that period, just as they constitute the only real hope for the next quarter century. Here again, unfortunately, the evidence is that the advanced nations can generate a sustained trend of rising yields much better than can the underdeveloped areas. Over the past quarter century, per acre yield in North America increased 109 per cent, as contrasted with only 7 per cent in Asia and only 8 per cent for the entire underdeveloped world.

The major factors associated with rising per acre yields (yield take-offs) are effectively outlined by Lester R. Brown in an excellent USDA publication, "Increasing World Food Output," published in April 1965. These factors, briefly stated, are:

1. *Reasonably high level of literacy.* A yield take-off calls for the effective movement of new ideas and techniques from the research plot to the farmer. This is difficult in an illiterate society.

2. *Per capita income above mere subsistence.* There must be sufficient income to permit the manufacture and purchase of yield-raising inputs, such as fertilizer, drainage, etc.

3. *Development of a market oriented agriculture.* A sufficient share of individual farm output must enter the market to provide cash for the purchase of commercial yield-raising inputs. This is particularly necessary in a country with no unexploited land in which to expand, and this includes all the underdeveloped regions.

4. *"Favorable prices" for farm products.* Food prices at the farm must be sufficiently high relative to the cost of purchased production inputs to induce the use of the added input. For example, a pound of rice in Japan buys roughly three times as much commercial fertilizer as a pound of rice in India. Japanese farmers are among the world's heaviest users of commercial fertilizers, while only a very small share of India's 60 million farmers have ever used commercial fertilizer, insecticides, or fungicides. It *pays* to use these inputs in Japan but not in India. Yields are high and rising in Japan, but low and relatively stable in India.

Brown concludes: "To describe what it takes to generate a yield-per-acre take-off is, in a sense, to describe the process of modernization and development. Stated otherwise, the more advanced an economy is, the easier it is to generate a yield take-off. The densely populated, less developed countries, which have virtually exhausted the supply of new land that can readily be brought under cultivation, must compress a lot of progress into a very short period of time if they are to generate the yield take-off needed to feed their rapidly growing populations."

The transportation of the advanced mid-20th century agricultural technology of North America into the underdeveloped areas of the world will be, at the best, a very slow and arduous process. Yet, we must not despair in our efforts to build up the agricultural economies of the underdeveloped nations. To the extent that this can be done it will both promote economic and political stability within those nations, and will in part alleviate the burden that must inevitably fall on North American agriculture in the latter part of this century to prevent mass starvation in large areas of the underdeveloped world.

HIGHER PRODUCTION NEEDED

We thus face the prospect a decade hence that the great bread baskets of North America will be called upon to supply food for large areas of the world until the population-food ratio can again be brought into approximate equilibrium. The latter cannot be accomplished quickly or painlessly. We therefore face the challenge, in North America, to keep our food machine in a healthy state, fueled for a massive effort in the years ahead. We can add only a limited supply of additional arable land. We can get some additional food from the sea—but here again we face practical limits.

The only practical alternative available to us is the accelerated application of capital and technology to our own agricultural and food systems in an effort substantially to increase output per acre and per man. This means accelerated application and use of fertilizers, irrigation, better seed varieties, more pesticides, and extensive research inputs. We must not be lulled into a position of retreat on the North American agricultural front, because of current selective surpluses within our boundaries, because of uncertainties over the agricultural policies of the European Common Market, because of our declining numbers of farms and farmers, or because of the temporary rise of agricultural nationalism in many of the newer and undeveloped nations of the world.

The public conscience of the United States has moved toward a commitment, neither written nor enacted into legislation, but nonetheless real, that we will not permit mass starvation any place in the world. The two decades since the close of World War II have been the longest famine-free period in the history of the world. This has been possible largely because of the strategic deployment of American surplus foodstuffs under the Food For Peace Program. Many of these have been given away. It is true that substantial quantities have been exchanged for foreign currency under PL–480, but many of these transactions really represent ultimate gifts. We just haven't completed the bookkeeping transaction.

When the time comes that food needs abroad are more apparent than now, it is my prediction that the U.S. Congress will find some way to meet them, perhaps under some kind of arrangement that resembles a sale, just like many people in this country think that our massive "sales for foreign currency" of surplus commodities over the last decade represent a genuine sale, when many of these transfers really were in the nature of a gift.

We must, therefore, view the tremendously efficient food industry of North America as one of the most powerful tools in our kit of international diplomacy. And then, having viewed it this way, we must pursue more sensible internal price support and production control programs than have persisted in recent decades. We must build strength under our great food processing and distribution system. Likewise, we must follow trade policies which are fitted more nearly to the economic realities of our times.

If we can catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead, then we can only be optimistic concerning the position of our agriculture in the international scene.

The opportunity for increased food production on the North American continent is tremendous. Agriculture is essentially a process of converting radiant solar energy into a form usable by humans. We use the plant as a vehicle to accomplish this energy transformation. Sometimes we use the animal as a further vehicle.

We are extremely inefficient in making this energy conversion. In the temperate zone, on a warm summer day, the solar energy that hits an acre of land is roughly equivalent to the energy in 5 tons of coal. If this is averaged through the calendar year, to include the winter season, the daily solar energy impact per acre is equivalent to approximately 3 to 4 tons of coal. If we assume that, through our best agricultural techniques, we can produce 120 bushels of corn per acre per year, year in and year out, this has an energy equivalent to about 3 to 4 tons of coal. This means, therefore, that we have now learned in our advanced agriculture how to capture as much energy in our year as God pours on our acres every day.

We think we are pretty efficient, when as a matter of fact, we are extremely inefficient. We get only about 1/360 part of the energy available. If we should somehow learn how to double production per acre, we would still be getting only about 1/180 part of the energy available. This means, therefore, that the potential area for the application of science in our agriculture is almost without limit. It staggers the imagination. The energy is here, the opportunity is here, the need is here. All we need is a complete national dedication to be on with the job.

Our danger today is that too many Americans are "At Ease" in a world still struggling. Two-thirds of the world's people live in chronic poverty, illness, malnutrition, disease, and general wretchedness. Gandhi once remarked "Even God dare not approach a hungry man except in the form of bread."

It is futile to preach to hungry people about individual freedom, democracy, and the dignity of man. Their compelling desire is bread.

This is the first time in the history of the world that hungry peoples have been clothed with political power. The number of nations in the world has more than doubled in the last two decades. These people are aware, through modern communication, that not everybody in the world accepts starvation, privation, and premature death as his inevitable partner.

The North American continent, and primarily the United States, will be called upon within the decade for a massive effort to meet the impending crisis in the world population-food ratio.

It must be a major responsibility of all of us to keep our national food producing machine healthy and efficient. We must catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead. We must strengthen public confidence in the capacity of our food industry to meet the great challenge ahead of it.

To prepare for less than this will be to condemn a large part of the world to widespread famine and political instability on a scale unprecedented in history. In modern times, our own nation cannot remain insulated from such a catastrophe on the other side of the globe, either east or south.

Hence there is no realistic alternative except for us to gear up to meet this challenge.

Mr. DOLE. Mr. President, I wish to call attention specifically to several sentences in that testimony.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator from Vermont yield to me for 2 additional minutes?

Mr. AIKEN. I yield 2 additional minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, Dr. Butz said at that time:

> The public conscience of the United States has moved toward a commitment, neither written nor enacted into legislation, but nonetheless real, that we will not permit mass starvation any place in the world.

Later in the same speech Dr. Butz said:

> It will be impossible, in the generation ahead, for the western world to live as an island of affluence in a sea of misery.

That is an indication as far back as 1965 of his recognition and concern for hunger in the world and in America.

Other opponents have indicated that he has an improper attitude on the environment. I ask unanimous consent to have printed in the Record a speech by Dr. Butz given on April 26, 1971, entitled "Man and His Environment—Crisis or Challenge?"

There being no objection, the speech was ordered to be printed in the Record, as follows:

MAN AND HIS ENVIRONMENT—CRISIS OR CHALLENGE?

Man is the most versatile and adaptable of all the animals. He has learned, in varying degree, to tame the natural elements and to modify the physical environment in which he lives. Enlightened humans have found it possible to survive in habitats that formerly were marginal or even impossible.

In short, man has disturbed the balance of nature. He has altered his ecosystem. This has brought great rewards to him, but not without perils and cost.

In recent decades our population-resource ratio has narrowed markedly, our per capita demand for resources has risen sharply, our population curve has accelerated upward at an alarming rate, and the opportunity to move on to virgin and unspoiled areas is virtually nonexistent.

Small wonder, then, that we are all concerned about environment, resource use, pollution, and quality of life. In the last half dozen years interest in these areas has built up to near fever pitch. We are probably right now at a peak in our national clamor to "do something" about pollution.

We have a certain amount of faddism in our support for public causes. Think back over the last half dozen years or so. A couple of years ago our great national concern dealt with malnutrition and hunger. A greatly expanded federal food stamp program resulted. A revolutionary new concept in welfare was placed before the Congress by this administration. Before that we were all steamed up over racial and ethnic discrimination, with a wide variety of organizations carrying that flag.

Today I think it can be said that 1970–71 will go down in history as *the year of the environment*. In another year or two the very same organizations and media that wave the environment flag so vigorously today will have still another torch in their hands—and wave it just as enthusiastically. It is difficult to keep public interest at fever pitch in any movement more than a year or two.

Perhaps it's better this way. It is a well demonstrated American trait to over-react to crisis. When any issue is at the crest of its "agitation curve," exaggerated statements are made, perils are overemphasized, emotions are stirred up, and some unwise things are done. But on the other hand, governments are moved to act, corporate managers are made aware of their public responsibilities, and Mr. John Q. Citizen also decides that he too may be called upon to share in the cost of improving the situation. When public clamor subsides a bit and we enter the sub-crisis stage of public discussion and concern, it is always possible to make sounder decisions, to formulate better programs, and to move forward on a rational basis. There is evidence that our nation is just now entering that phase of environmental awareness.

RISK-BENEFIT RATIOS

Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything *absolutely* safe.

This is a world in which we constantly offset risk against benefit. We never completely insure our car against all hazards, our dwelling against total loss, our life for what it is *really* worth, or our health against every hazard. In practically every phase of our activity we take some chance. We are constantly trying to evolve a risk-benefit ratio which satisfies each of us, and which each of us can afford. If we completely insure against every risk, we may end up with nothing left to enjoy our new-found safe position.

A few illustrations will suffice. We must shortly decide whether we want to build addional power generating plants, with perhaps a tolerable amount of thermal pollution and atmospheric pollution, or whether we want to experience electrical brown-outs on midsummer afternoons when everybody turns on his air conditioner. We must decide how much additional cost we want to add to our total transportation bill to reduce pollutants from that source to or even below tolerable levels. We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious, and economical food supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals or antibiotics. If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and overall quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the fabulous American standard of living.

We can go back to organic agriculture in this country if we must—we once farmed that way—75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

When we talk about restoring the ecological balance of nature, we must seriously ask ourselves just how far we want to go in "returning to nature."

Part of the trouble with us is that two-thirds of all living Americans never bit into a wormy apple, looked at the worm hole, and wondered whether the worm was still in the apple or in their mouth. They think that the God of Nature automatically produces nice, plump, red, juicy apples free from parasites and blight. Let's be rational about this whole matter.

God put the worm in the apple—man took it out,
God put the parasite in the pig—man took it out,
God put the termite in the timber—man took it out,
God put the webworm in the lawn—man took it out,
God put the blight on the rose—man took it out,
God put the blight on the corn—man took it out,
God put the mosquito in the back yard—man took it out,
God put the potato bug on the potato—man took it off,
God put the tick on the dog—man took it off.

Just how far do we want to go back to the balance of nature anyway? That balance was pretty harsh on man.

THE PROBLEM IS OURS

As we approach the problem of pollution and environmental control, we should come to one of Pogo's recent observations in the comic strip, "We have met the enemy—and they are us."

Therefore it is we, as individual citizens, who will have to decide how much we are willing to pay for a better quality of life beyond that which is truly necessary. And that includes population control. When we quit thinking of these problems as the concern of others and face the fact that they are ours—this nation can move forward with greater effectiveness toward the achievement of a better quality of life for all.

It is completely unacceptable to believe that there is no way out of the problems we have created. Unquestionably, there are risks involved, but none so great as the risk that we may quit risking, try vainly to set the clock back, abjectly surrender the goal of a better world in the mistaken belief that this one is as good as can be.

Mr. DOLE. Mr. President, reference has been made to a speech given on April 15, 1971, at the National Symposium on Vertical Coordination in the Pork Industry at Purdue University. Reference has been made to the speech but no one has stated what Dr. Butz said at that time. He did indicate concern for the farmer and said that the farmer could meet the challenge.

Mr. President, I ask unanimous consent that that speech which was given on April 15, 1971, may be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

An Optimist Looks at the Swine Industry

The dictionary defines an optimist as "one who looks on the bright side of things." This implies that there must also be a dark side. Hence, an optimist must be one who feels the bright side outweighs the dark side. This definition fits me.

After what has happened to hog prices in the past fifteen months, it is not too easy for hog producers to wear a very broad smile. However, the look we take at the swine industry today must be longer than half a hog cycle, or even an entire cycle. It must be secular. It must be independent of normal seasonal or cyclical price and production variation.

OPTIMISM MUST BE BASED ON PROFIT PROSPECTS

Profit is the key word for economic optimism, for both producers, processors, and distributive agencies. Therefore, if one desires to be characterized as an optimist in the swine industry, or in any industry for that matter, he ought to see some profit prospects lurking around the corner somewhere.

Profit in any industry is determined largely by the relationship between selling price and production cost. This is also true for the individual operator, except that his profits depend on a third factor—volume. It may therefore be stated that profit to the individual producer is determined by three factors: 1) selling price, 2) production cost, and 3) volume of output.

Now for a bit of price and production theory. In the long run, selling price must equal marginal production cost, including normal entrepreneurial profit. If perchance total demand is rising while production costs are falling, profit margins will be wider than equilibrium, and volume will rise, even though selling prices may trend downward.

This is the prospect for the swine industry over the next decade or two.

TOTAL DEMAND FOR PORK WILL RISE

The total effective demand for pork in the years ahead will depend on two factors: 1) Size of the population, and 2) changes in the amount of pork consumed per capita.

The latter factor in turn is dependent upon three things: 1) the amount of increase which may be expected in per capita real income (taking into account the relatively low income elasticity for food); 2) the impact on per capita consumption of an aggressive educational and promotional campaign; and 3) the impact on per capita consumption of lower relative selling prices and improved quality in the retail counter as a result of a stepped-up research program in the whole pork industry.

The first two factors listed above operate largely independent of anything the swine industry can do. The second two are largely under control of the leaders in the swine industry.

Each of these items will be discussed briefly.

Our exploding population means a substantial increase in our consumption potential, even assuming for the moment a static per capita consumption. Our population now surpasses 205 million. It's growing by about 3 million per year. It has been estimated that by 1980 our population will be around 235 million. By the year 2000, it will be skirting around the 300 million mark. That's an increase of some 95 million in less than three decades. That's nearly equal to our population growth over the past five decades—from 1920 to 1970. It's a fourth greater than our population growth during the entire nineteenth century. A 95 million increase in population represents a 46 per cent increase from the present base. Therefore, assuming no change in per capita consumption of pork, we could expect a 46 per cent increase in total domestic outlet for pork in the next 29 years.

Let's look now at the second factor—the rising purchasing power of our people. In the last 25 years the per capita real income of our people (after taxes and inflation) has increased by some 50 per cent. Reliable predictions are that it will increase by another 50 per cent in the next 25 to 30 years. Many economists think it won't take that long to go up 50 per cent.

While we don't increase our food consumption proportionately as income increases, we do eat some better. We improve the quality of our diet. We do this by shifting to a protein diet, and other more expensive protective foods. We eat higher up on the hog. Or perhaps it would be more accurate to say that we eat "higher up on the steer." In the last couple of decades we've been eating much more beef—not pork.

If our per capita real incomes go up by 50 per cent in the next two or three decades, we can be almost certain that the demand for meats will rise some, although not by a like amount. If recent consumption patterns have any predictive value, it's probable that the effective demand for beef will rise a bit more than for the average of all red meats, and effective demand for pork a bit less. Therein lies part of the problem we face—and out of that springs one of the challenges we must meet.

If we can assume that the normal income elasticity for red meat is 0.20, and it's my feeling that this assumption is on the conservative side, then we conclude that a 50 per cent increase in per capita income would result in a 10 per cent increase in the relative amount that would be spent for meat, and hopefully for pork and pork products. This of course is at the retail level. It is likely, however, that as incomes rise, consumers will purchase more services with their food. Therefore, not all of this increase in expenditures for pork would be reflected back to the producers. Hence, just to be conservative, if we cut the estimated income elasticity from 0.20 back to 0.10, this would then give us an estimated 5 per cent increase in the amount of money spent for pork (at the farm level) resulting from a 50 per cent increase in real income per capita. Multiply this by a projected 146 per cent people base (46 per cent more by the year 2000) and you get an increased demand of 8 per cent. When you add this to the 46 per cent increase in people, you get a projected effective increase in demand of 54 per cent. Give or take 10 per cent one way or the other, that's a pretty sizable job ahead of us.

PROMOTIONAL POSSIBILITIES ARE OFTEN OVERRATED

We now turn to the third factor—education and promotion. Some enthusiastic supporters of a greatly stepped-up promotional campaign for pork expect results which it probably will be difficult to attain. We should be relentless in our efforts to acquaint the consuming public with the advantages of a high protein diet based upon a growing animal agriculture. We should use every fact and every valid technique to zero in on the adverse propaganda which diet and health faddists have heaped upon pork. At the same time, our efforts should be to expand the consumption of all meats. If we dissipate our resources in attempting to persuade consumers that they should eat more pork—perhaps at the expense of beef or lamb or poultry, about all we accomplish is to induce the beef, lamb, and poultry industries to spend an equivalent amount of money in "offset promotion," and the whole industry ends up about where it started except with a big promotional bill on its hands. Madison Avenue will be the chief gainer.

This is clearly an area that calls for a well-coordinated effort by all of animal agriculture.

THERE'S GREAT PROMISE IN RESEARCH

Research—the fourth factor—is under our control.

We have stepped up our efficiency of pork production in recent years, but not enough. Swine production, as practiced in this country, is essentially a means of converting corn into meat. This is recognized by the importance we attach to the corn-hog ratio as an economic indicator in the swine industry. When the ratio is wide, we expand hog production. When it is low, we contract. In a sense, therefore, any long-time change in the average corn-hog ratio in this country may be interpreted as a change in the over-all efficiency of our total swine industry.

From this point of view, we must conclude that, at least until recent years, there has been little change in the over-all efficiency with which we have converted corn into hogs, as measured by this single index. When you take out the wide cyclical swing (from an all-time high of 24.0 in February 1970, to a fifteen-year low of 11.1 in December 1970), the long-time average ratio hasn't changed much over many decades. It is true that efficient individual producers have operated on a much narrower ratio, and have therefore made greater-than-average profits. However, large numbers of less efficient producers persisted, and even got back into the business a year ago under the incentive of high hog prices and wide profit margins. Fortunately, there is substantial evidence that the impact of science in the hog lot is bringing narrower feed conversion ratios.

We need to pursue this phase of hog production relentlessly. Our goal must be increased production efficiency, combined with a superior product and aggressive merchandising, and increased per capita consumption of pork without the kind of price disruption that has occurred in the past year when supplies did increase.

Our work is cut out for us in the swine industry. Take a look at beef. Our people in 1970 ate a record-shattering 113 pounds of beef per capita, contrasted with 63 pounds in 1950. By way of comparison, we ate 66 pounds of pork in 1970, contrasted with 69 pounds per capita in 1950. As a matter of fact, practically all of our gain in the domestic pork market in recent decades has come from population growth—not from increased per capita consumption. Indeed, in the four decades since 1930, with minor and short-time exceptions, per capita pork consumption has fluctuated between 60 and 70 pounds annually. Per capita beef consumption had a slow growth from 1930 to 1950, and has really taken off in the last two decades. The same is true of poultry.

It won't be easy for the per capita supply of beef to keep up a rate of growth anything like it has the last two decades, without some increase in beef imports. Our range lands in the West now carry about as many cow-calf units as available rainfall permits. We can't reduce dairy cow numbers much more. Cattle feeding will grow some more, but it can't continue to increase at the same rate as in the last decade. By the late 1970's, growth in cattle slaughter will be closely tied to calf crop increases, because by that time cattle feeders will be feeding nearly every suitable animal.

The supply situation facing beef, combined with growing population and rising real incomes, should create fertile soil in which research in the swine industry can flourish.

Just for inspiration, let's take a look at our cousins in the poultry industry. Per capita consumption of poultry meat in this country has nearly tripled since 1940, being 290 per cent of the earlier figure in 1970.

American consumers have not flocked to increased poultry and turkey consumption in such record proportions because they suddenly preferred drumsticks over pork chops or T-bones. They did it because poultry and turkey meat have been placed in the retail counters of America at such attractive prices that Mrs. Housewife just couldn't resist picking up an extra package or two. And those attractive prices were made possible because the modern poultry industry is based almost entirely on research. Today's poultry industry would have been impossible 25 years ago, without the research applications that have gone into it since World War II. Research in the poultry industry has advanced on the multiple fronts of genetics, physiology, nutrition, and management. No sector of the industry has been left unexamined, from the feed bag to the retail counter. Costs have been cut everywhere. Efficiency has been stepped up wherever possible. Even the time-honored breeds yielded before the more efficient production records of hybrid strains. An aggressive program of research enabled the poultry industry to build a great new market in this country where only a small one existed before.

A 50 per cent increase in total pork production the next three decades won't be easy—but it can be done. We'll have the feed to do the job, too. Let's don't panic because of what happened to corn production in 1970. The Corn Belt is going to stay in the corn business—and in a big way. Memory takes me back to the scare we had in the late 1920's from the invasion of the European corn borer, and a decade later from the chinch bug. In each case there were those who began to look around for an effective substitute for corn. In each case our scientists and our farmers pooled their imagination and their talent to do a better job in succeeding years. It is easy to forget that as recently as 1930 the U.S. average yield of corn was still below 30 bushels per acre. In 1969 (before the blight year of 1970) the average national yield was 81 bushels per acre. It is easy to forget that as recently as a decade ago the U.S. average yield of grain sorghum was around 35 bushels. In ten years sorghum yields have gone up some 20 bushels.

The above paragraphs summarize the job cut out for research.

Research is the expandable term in the pork equation for tomorrow.

People will be here by the millions, their incomes will be high, and their appetite for pork will be whetted.

What a fertile reactor into which to pour a generous quantity of our most effective catalyst—Research.

THE GROWTH FACTOR IN AMERICA WAS NEVER GREATER

An important economic factor affecting all of us is the rate of growth in the U.S. economy. It is headed sharply upward.

The government clearly got the message in last fall's election. Our people are more interested in an expanding economy, full employment, and rising wages, than they are in absolute inflation control. This means that by the latter part of 1971, and especially by the middle of 1972, the economy should be moving upward vigorously. This probably means increased consumer spending—perhaps at the expense of the rate of saving.

But be these short-time economic and political fluctuations as they may, the long-time growth trend is vigorously upward America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—nearly a 50 per cent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 3 years, at current consumption and production rates, we must add each year about 500,000 beef cattle, 50,000 dairy cows, 1,000,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction, in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

America Doubled in Your Generation! Think of what that means in terms of the need for skilled workers, service trades, recreation, and opportunities in a wide variety of fields of activity.

In the decade of the 1970's, 50 per cent more people will reach age 21 than in the decade of the 1960's. We're going to have at least 40 percent more net new households next decade than last.

Downtown is being rebuilt in every major city across the land—and the process is only nicely begun.

The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need to be provided with a growing supply of adequate, healthful, and nutritious food.

THESE CHANGES WILL NOT BE EASY OR PAINLESS

Changes of the character we envision here always benefit some and hurt others. These changes do not mean the end of the small producer. They only mean difficulty for the inefficient producer. Some small producers who are efficient will survive, and make money. They may have to engage in other lines of activity to make a satisfactory total income, but that's often done.

Change is the law of progress. Ours is a dynamic economy. This is especially true of American agriculture.

The challenge we face is to direct the change along constructive and beneficial channels.

None of us would want to live under the same economic institutions which prevailed just a short 20 years ago. Yet I am confident that some of us in this room, 20 years ago, vigorously resisted changes which were then occurring in patterns of production, processing, and distribution. As we look back now, we wonder why.

Likewise, 20 years from now, we'll look back on 1971 and be a little amused that we were so fearful of change, rather than directing our energy toward channeling change down beneficial pathways.

At the start of this paper I defined an optimist as one who feels the bright side outweighs the dark side. This definition still fits me. It will also fit you if you decide to give intelligent direction to the changes ahead, so that our great food industry will function even better than now.

Mr. DOLE. Mr. President, I yield back any time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I find it rather amazing that no one wants to speak for Dr. Butz after all we have heard about this nomination. Where are they? Where are those who are for Dr. Butz?

Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I take these 5 minutes in the full knowledge that the galleries are not full and I doubt that they will be full.

Mr. President, I rise to oppose the Senate's confirmation of Dr. Earl L. Butz as Secretary of Agriculture. I do so, not on the basis of questioning his personal integrity, honesty or his professional ability, but on the basis of his previous record and his basic philosophy concerning national farm policy and our Nation's family farm system.

As I stated in the Committee on Agriculture and Forestry's nomination report, I more specifically oppose Dr. Butz' confirmation:

Because of the past and recent statements and speeches he has made regarding agricultural policy;

Because of his belief that Government should play only a minimum and ineffective role in trying to help farmers to stabilize and strengthen their prices and income;

Because of testimony and statements made during his confirmation hearings regarding what he considered to be an adequate price for feed grains;

Because of his failure to commit himself—or the administration—to changes in current farm policy needed to immediately strengthen prices for wheat and feed grains and to adjust programs for these commodities in 1972 to insure that production is brought in line with utilization demands;

Because of his lifelong orientation and belief that economic efficiency alone should be the sole measurement or yardstick in determining how and by whom agricultural commodities are produced;

Because of his long association with the nonfarm, agribusiness elements of American agriculture which more often than not support and promote an increase in the integration of the production, marketing, and distribution functions of agricultural commodities. Such integration permits complete control over the product from seed to sale by usually only a very few people; and

Because of his entire record which shows weaknesses with respect to:

Sustaining adequate levels of farm income;

A lack of concern for the economic survival and viability of family-farm agriculture;

Vigorously combating hunger and malnutrition both in this country and in other parts of the world;

Protection for consumers against food product contamination;

Revitalization and development of our rural countryside and smaller communities.

There are Members of this body, as well as others, who believe that the Senate should almost automatically confirm any nominee whose name is submitted to it by a President—the theory being that a President should always have the right to appoint the people he wants to work in his administration. While I do not believe the Senate should be capriciously obstructionistic regarding such matters, I do believe that the "advice and consent of the Senate" language in the Constitution, is there for the purpose of requiring the Senate to fully exercise a responsibility of review and judgment regarding such nominations or executive branch recommendations. In other words, it is the duty of the Senate to exercise its independent judgment regarding these matters and not permit itself to become a "rubber stamp" for the President or any administration.

The nomination of Dr. Earl Butz as Secretary of Agriculture illustrates the importance of the Senate meeting its "advise and consent" responsibilities. If Dr. Butz' nomination is confirmed by the Senate, I believe that the interests of the people of this country, especially the farm families of this Nation, will suffer as a result of such action.

The Department of Agriculture was once referred to by President Lincoln as "the people's Department." And that statement is more applicable today than it was when President Lincoln made it during the early 1860's. Today the U.S. Department of Agriculture serves more people than probably any other Department of the Federal Government. It provides programs and services to farmers, landowners, businessmen, poor people, consumers, sportsmen, communities, and to citizens living in all parts of the Nation—both in urban and rural places. Its services include income and price stabilization programs for farmers; food programs for children and low-income families; housing for rural residents; water and sewer programs for rural communities; recreational opportunities for all Americans in National Forests; fire and natural resource protection on national forests and private rural lands; economic and other basic research for both farm and nonfarm interests—including biological and medical research; planning assistance for communities; flood control and water resource development; food inspection and grading services to protect consumers; crop insurance; commodity trading control; financial credit for farming; electric and telephone systems; and other community utilities; foreign food assistance; and technical assistance for cooperatives, conservation and resource development, and for a host of other purposes.

I cite these many and varied responsibilities of the Department of Agriculture to illustrate the broad range of powers and influence that Department and the man who heads it, has on the welfare of the people of this Nation. As I indicated earlier, Dr. Butz, based both upon early and recent statements he has made, has convinced me that he is not the man the American people want as their Secretary of Agriculture.

While I join with others who have raised concern about Dr. Butz' previous affiliations with large agribusiness firms, I am more concerned about Dr. Butz' basic dedication to further achievements in so-called economic efficiency in agriculture no matter what the cost in human adjustment. While nonfarm corporations produce about 8 to 10 percent of all farm marketings and control about 7 percent of our Nation's farmland today, about 98 percent of our Nation's farms are owned or controlled by individuals or families, most of whom operate those farms. And it is within this sector of our farming system that we should direct most of our attention.

The cheap food policy promoted and sustained by our National Government continues to force small farmers off the land and encourages big farmers to get bigger. This is exemplified by reliance upon Government farm programs that promote overproduction, low-farm prices, and reluctance to give farmers the bargaining power they rightfully deserve to insure a fair return on their investments and labor.

And it is in this regard, that I find most fault with Dr. Butz. As I indicated in the committee report on Dr. Butz' nomination, I believe he has been dedicated to these concepts and philosophy too long to suddenly expect him to change now. While we need a Secretary who will be concerned about commercial agriculture, we also need a man in this post who has some understanding and empathy for the "people left behind"—the small farmers, the rural poor, and the young people who want to remain in Rural America but who will have to leave because few or no job opportunities are there for them to take advantage of.

And we also need a Secretary who will fight to help farmers secure some bargaining power in the marketplace, who will fight to get their prices up to where they should be, who will fight to get funds that are so urgently needed for rural electric and telephone loans, community facilities and conservation work released from the grips of the Office of Management and Budget. And of course we also need a man who can command the respect and support of farmers, rural citizens, consumers, and other people who are interested in protecting our environment and in working aggressively to alleviate hunger in the United States.

I think possibly the most thoughtful statement made here today is that much of our interest in the Nation is no longer with agriculture. I think the greatest contribution that has been made to agriculture was possibly the President's nomination of Mr. Butz in the sense that at least we got some attention for agriculture. The President's nomination of Dr. Butz has caused us to realize what has happened and what could happen to American agriculture if Dr. Butz is confirmed.

I have said in this Chamber before that the press of this country, prior to this nomination, was almost devoid of any reference to the family farm, unless one is in the Midwest or in some small country town. I do not blame the press for this because there has been little talk and concern about agriculture.

I serve on the Joint Committee on Economic Opportunity and I have heard our most eminent economists talk about the economy. Without exception they ignore agriculture, as if we could have an improvement in gross national product with a depressed agriculture. It is utterly ridiculous and nonsensical.

The American economy is like a three-legged stool: capital, labor, and agriculture. When one of those legs is cut short, our Nation's economy is in serious trouble. I suggest, Mr. President, that you cannot have any new prosperity in this country with a recession going on in agriculture, and that is what you have today.

I oppose the nomination of Dr. Butz, not because of his former agribusiness ties. We have large agribusiness firms in my State that are good firms; I am not trying to give them a hard time. I know we need them. But we do not want an integration of agriculture from seed to final product within a few companies, and that is what has happened already in some areas of agriculture.

I oppose Dr. Butz because I do not believe he will fight for the farmer. I think he is a good speaker, is brilliant, and a man of integrity. I do not question his professional competence.

But I believe he will not battle for family farmers and we need somebody in that Department who will fight for the farmer and talk up to the Bureau of the Budget; even when there is a friendly administration, you need a fighter.

I served in the executive branch and I do not think that we have done all we could do for American agriculture since the days of Harry Truman. We have had people trained at Harvard, Dartmouth, and Yale in economics, people who do not know the difference between a ukulele and a corncob when it comes to American agriculture. That is a fact. When they talk about economic policy they talk about labor, and industry but say nothing about crops, soybeans, and dairying. They have forgotten agriculture.

I want somebody in the Department of Agriculture to look out across this Nation and see a family farmer and say, "What share of our national income are you getting?" and then be heartsick when he finds what it is, and says, "I am going to fight to get you a greater share. I am going to talk to the President and the Bureau of the Budget."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, will the Senator yield to me an additional 2 minutes? I am just getting warmed up.

Mr. HARRIS. I yield 2 additional minutes to the Senator from Minnesota.

Mr. HUMPHREY. That kind of support is now lacking. We have people in the Department today who say, "Let us look at our textbook. What does it say?"

Well, it says that farmers are going broke. Farmers are going broke and losing their income. It says that Main Streets across America are being rubbed out.

In Nobles County, Minn., one of the richest farm producing areas in this Nation, 200 family farms have been lost in the last 9 years.

Do not give me this business about national averages on the price of corn, because I will take you to southern Minnesota, where corn is now selling for 90 cents a bushel and you cannot produce it for that; hogs are selling at $18 a hundredweight and you cannot produce them for that.

I say the American farmer is entitled to better, and I say Mr. Butz will not fight for them, because I have looked at his record. I do not think that he is a bad man, but I think he feels, "Well, agriculture needs to be very, very efficient and if you get big, big, big, you get more efficient." Yes, they get efficient and they get people out of business.

I oppose the confirmation of Dr. Butz after a thorough study of the record of this distinguished gentleman and I say he is not good for family-farm agriculture. I say he is not good for farm income. I say that a man who opposed the food stamp plan is not good for farmers or needy families. I say that the man who calls the President's welfare program far out is not good for this country. One who chides us as being on a "hunger and malnutrition binge" is not good for America.

I think the nomination should be defeated. I do not think farmers and rural America can take any more of this kind of neglect, which is so characteristic these days.

Again, as I cited in the committee report, I do not believe Dr. Butz's record regarding these matters is very convincing. In fact, it raises genuine doubts in my mind as to how he would approach or handle these important matters if confirmed as Secretary. And I believe there is more than enough evidence in his record to warrant the Senate turning down his confirmation. Therefore, I respectfully urge my Senate colleagues to vote against confirming his nomination as Secretary of Agriculture.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, if the other side will yield some of their time we will speak against the nomination of Dr. Butz.

Mr. AIKEN. Over here we are good conservationists—better than some who claim to be for conservation.

Mr. DOLE. Mr. President, will the Senator yield to me for 2 minutes?

Mr. AIKEN. I yield 2 minutes to the Senator from Kansas, begrudgingly because these minutes now are valuable and worth a lot.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I listened with great interest to the Senator from Minnesota, as I always do. I consider him to be one of the leading presidential candidates so I pay very careful attention to what he has to say. I know of his great concern for agriculture. We both serve on the Rural Development Subcommittee.

I want to be as nonpartisan as I can, as I know the distinguished Senator from Minnesota does. I am reminded of the Freeman years in agriculture and their record in American agriculture. Mr. Freeman came to be Secretary of Agriculture from a big law firm in Minneapolis.

He had no farm background, no experience on a farm. I compare that experience with the experience of Dr. Butz. I worked closely with Orville Freeman, sometimes in agreement, sometimes in disagreement.

As the Senator from Vermont emphasized—we pass the laws in Congress. It is easy for us to fault any Secretary of Agriculture, whether his name be Wallace, Benson, Freeman, Hardin, and now Butz, but we also have some responsibility in Congress. We pass the laws we ask them to administer. I think many of the faults of Secretary Freeman were really the fault of legislation passed by Congress.

What is the opposition to Dr. Butz? He is an honest man. He does not lack character, integrity, or ability. Nobody has charged him with being dishonest or with lacking character, integrity, or ability. On the contrary, they stand up and say he is a man of honor, a man of character, a man of integrity, but "I am against him." So the question is, Who has the right and who has the prerogative to name members to his Cabinet?

That right is reserved to the President. Had the Senator from Minnesota won—he lost a very close race, and I am plugging for him to run as the nominee in 1972, and I know he appreciates that—but had the Senator from Minnesota won, he would have named his Cabinet officers, and he would have expected the Senate to be objective, if he named men of honesty, integrity, and character to Cabinet positions.

That is the question today.

I agree with the junior Senator from Minnesota—that we have focused the attention of America on agriculture. The controversy and debate over this appointment have alerted America to the fact that there is still a rural America, that there are still farmers in America.

Mr. GOLDWATER. Mr. President, will the distinguished Senator from Vermont yield me 3 minutes so I may make a comment?

Mr. AIKEN. Yes, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I was very interested in the remarks of my distinguished friend from Minnesota, who sees nothing but chaos in the appointment of Mr. Butz. My memory may not be as sharp and retentive as my friend from Minnesota's, but I cannot recall a time in the last 35 years or more, since 30 percent of the agriculture of this country has been controlled by the Federal Government, when the American farmer has not been in trouble.

The Senator from Kansas is from a farm State, made up of small farms. Can he recall a time when the Federal Government, regardless of who the Secretary of Agriculture has been, could point with any pride at what it had been able to do for the American farmer?

Mr. DOLE. I cannot recall anything but decreasing numbers of farmers in my State each year, good men and good women leaving the farm because of the lack of opportunity. Perhaps it was because of Government interference 30 years ago. Perhaps it was because of too much interference by Secretaries like Orville Freeman, who wanted more and more controls, and who suggested fines and jail sentences for farmers if they did not keep proper records. Perhaps we are going more in the right direction by providing some flexibility for American farmers, but whether it has been in Kansas or Vermont or Arizona or Minnesota, rural America has taken a back seat.

Mr. GOLDWATER. I might say I see in Mr. Butz a man who certainly is not married to the big farmer or the small farmer, but an agricultural student who understands administering the ridiculous laws which the Congress has passed in the field of agriculture as almost an impossibility, and I would hope Mr. Butz' first actions as he comes down here before our committees will be to suggest ways in which we could amend those laws.

I am from a State that raises cotton. We raise the finest cotton in the world, alongside of Egypt. I think I can safely prophesy that if we continue the ridiculous controls over cotton in this country, America will not grow cotton in 5 years, except for the extremely long staple such as we have.

Under the laws over the last 35 years, there has been a great diminution in the effect of the American farm on American life. It is not the fault of the Secretary of Agriculture. It is the fault of Members of the American Congress seeking votes, who have promised a pie in the sky with 160 acres, which they knew, when they voted for that, could never be effective.

I agree that the Senator from Minnesota should be the candidate in the coming election. He has had wonderful experience. I had the pleasure of running against him. I thank him for so roundly defeating me, because it gave me a new perspective on life. If he were only a Republican, I would be inclined to support him. I do hope he becomes the nominee. He will not win, but at least we will have a man running who does have an understanding about a great many subjects.

Mr. DOLE. And he understands each of us.

Mr. HUMPHREY. Mr. President, I just want to express my appreciation to those who have given me this dubious honor and support. I will consult with them later.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. AIKEN. Mr. President, so much has been said about agriculture being on the downgrade the last 3 years that I think we should put a few figures in the Record.

In 1968 farm income was estimated at $50 billion. In 1969 it went up to $55.5 billion. In 1970 it was $56.6 billion. The estimate for this year is $2 billion more in gross farm income over last year.

This makes a lot of business, not only for farmers, but cooperatives and agribusinesses, and it looks awfully good to the consumer to know that in this country we have somewhat more than enough food to eat, and it looks awfully good around the world to know that the days of famine and picking up dead people on the streets, as they used to do, are well over—over forever, I hope. I think those authentic figures should go in the Record.

Mr. HARRIS. Mr. President, I yield 1 minute to the Senator from Washington (Mr. Magnuson).

Mr. MAGNUSON. Mr. President, I am opposed to the nomination of Dr. Earl C. Butz to be the next Secretary of Agriculture and I will vote against his confirmation.

Dr. Butz has not demonstrated the positive concern for the plight of the family farmer, hungry Americans, and our environment which the Secretary of Agriculture must have if the small farmer is to survive, if hungry people are to be fed, and if American agriculture is not to become just another corporation.

At a time when industrial unemployment is at a 10-year high we cannot casually accept Dr. Butz' conclusion that the family farmer should abandon rural America to corporate giants and go quietly to join the unemployment, food stamp, and welfare lines in our cities.

Nor can this Nation afford a Secretary of Agriculture who has shown so little understanding of the needs of hungry Americans. In a speech delivered in Minneapolis on April 26 of this year Dr. Butz characterized the food stamp program as being "so generous, so extensive, that it is just short of ridiculous in some parts of the country." And in that same speech Dr. Butz called efforts by Members of Congress to focus national attention on the problem of hunger a "hunger and malnutrition binge."

At a time when Seattle churches are feeding 8,000 people a week and turning away another 12,000 weekly because the Agriculture Department refuses to provide Government-owned surplus food to feed them, we cannot afford a Secretary of Agriculture who refers to congressional action for the hungry as a "malnutrition binge."

Mr. President, this morning's Washington Post carried an extremely timely editorial, entitled "The New Poor of Seattle," describing the tragedy of hunger in Seattle and the Agriculture Department's obstinate refusal to use funds which Congress has appropriated to feed hungry people. That editorial quotes an anonymous Agriculture Department official who, when asked what the Department intends to do about hunger in Seattle, would only say that there is "a chance we'll change."

Mr. President, it is long past the time for this administration to stop taking chances with hungry people and to start feeding them. But Dr. Butz' statements give us little reason to expect that he is prepared, if confirmed, to stop taking those chances and to start feeding those people.

The need for immediate action has most recently been made clear in a report entitled "Seattle: Unemployment, the New Poor and Hunger" which was prepared by the Select Committee on Nutrition and Human Needs. It describes in forceful detail the urgent plight of hungry people in my State and I hope that the next Secretary of Agriculture, whoever that may be, will study this report and then take immediate action to feed these hungry people.

Mr. President, I ask unanimous consent that excerpts from the aforementioned Senate report and editorial from this morning's Washington Post be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE NEW POOR OF SEATTLE

It has been known for some time that hard days have come to Seattle and surrounding areas in Washington state. The unemployment rate for Seattle has reached over 13 per cent, now the highest in the nation. As is commonly known, this economic plunge has been largely caused by the declining activity of the aerospace industry over the past several years; it is said that from January 1970 through August 1971, unemployment went from 43,900 to 106,400.

A unique situation exists for many of the families who are now getting by on unemployment insurance, public assistance, food stamps, school lunches or neighborhood generosity: they are both poor and not poor. The newly unemployed are, in large part, well educated and highly skilled. They possess houses, cars, life insurance policies, belong to clubs, go on vacations and are generally accustomed to a comfortable life. Yet they are barely able to get by. A report of the Senate Select Committee on Nutrition and Human Needs, issued earlier this week, calls this group "the new poor." The irony of their situation, said the report, is that the accumulated assets of the family "have only bargain-sale value on the open market, and therefore, could only be sold at staggering losses. Yet, these assets render many of the new poor ineligible for the benefits of the state's public assistance program and for the federal food stamp program."

An immediate and increasingly desperate problem for many of the newly unemployed is food. A well-run food stamp program has been operating, along with school lunches; both are federal programs and both have been rapidly expanded for the crisis. In addition, some 34 church-sponsored food banks have been helping out. But city, county and state officials have stated that these efforts—federal and private—are not enough. One serious problem, as Rep. Thomas Foley (D-Wash.) has noted, is that a family receiving unemployment insurance must use that money for such things as mortgage payments, utilities, medical expenses, transportation (to seek a new job); thus, little or no money is left over to buy food stamps.

Congress foresaw such emergencies and wrote provisions into the law in 1970 for the Department of Agriculture to run a direct food distribution program concurrently with a food stamp program. An advantage of the former is that although the food is less varied, it is free. In normal conditions, the law prohibits the two programs in one area, but an exception may be made when the state or local government believes it has an emergency and is willing to pay for the administrative costs. This willingness has been expressed. To date, however, the Department of Agriculture has refused to establish the second program of free food distribution. A department official says that the government has no "hard evidence" of a grave food problem in Seattle. This is odd; staff members of the Senate Nutrition Committee had no trouble finding hard evidence, nor have city and state officials. What are the 34 emergency food banks in business for?

Since no area has yet to have these two programs running concurrently, the Agriculture Department is apparently reluctant to set a precedent. If Seattle is allowed two programs, other places will soon be in line for the same request. But what does this argument—and the one of "no hard evidence"—mean to a community where many have little or no food. Regarding its current stance, an official in the Department of Agriculture said there is "a chance we'll change." If so, the department has little time to waste; the reasons for change are strong and growing.

Seattle: Unemployment, the New Poor, and Hunger

INTRODUCTION

During the past several years, a number of areas around the country have experienced severe economic setbacks resulting in high unemployment. In some areas, this economic setback is related to specific industries. The aerospace industry, in particular, has gone into a protracted slide from which it is only now beginning to recover. Seattle, Washington, and its surrounding area experienced an unprecedented boom during the middle-sixties because of the rapid and extraordinary growth of a leading aerospace firm, the Boeing Company. Seattle was thus especially vulnerable to the industry's reduced economic prospects.

Seattle's general unemployment rate is now the highest in the Nation, reaching over 13 percent. This rate of unemployment places an enormous burden on the social welfare agencies of Seattle, King County, and the State of Washington. This burden is magnified by the somewhat unique nature of the unemployed in Seattle—men and women who have worked all their lives, many of them highly paid professionals. These newly unemployed are now popularly called "The New Poor."

Unlike the old poor, they are for the most part well educated and highly skilled. During their working lives they have established a solid basis in the community, and have built up valuable assets—houses, cars, life insurance policies, even recreational luxuries like boats and campers. The Pacific Northwest is unparalleled in its opportunities for outdoor recreational and overall quality of life; a reality which, in great part, accounts for the unwillingness of unemployed families to try to relocate in some other part of the country.

The social welfare agencies of the area have, and continue to extend, every available assistance to the New Poor as well as the old poor. For the New Poor, unemployment compensation has been the first resort. Unemployment compensation, combined with careful planning and husbanding of other resources, has enabled most families to retain the assets of a lifetime's work. The irony of the assets of the New Poor is that they have only bargain-sale value on the open market; and, therefore, could only be sold at staggering losses. Yet these assets render many of the New Poor ineligible for the benefits of the State's Public Assistance Program and for the Federal Food Stamp Program. Furthermore, public assistance benefits have recently been sharply reduced because of rising numbers of persons on the rolls and the limited fiscal abilities of the State. One of the last resorts for the New Poor—and old poor alike—are food assistance programs.

The major federally funded food assistance programs, Food Stamps and National School Lunch Program, have responded to the area's economic difficulties by a rapid expansion of new participants. The Food Stamp Program, in particular, has grown from 93,035 participants in 1969 to 263,259 participants in 1971. The dollar value of bonus stamps went from $6.6 million to an estimated $44.2 million. Despite this response, however, only 50 percent of the States' public assistance cases are enrolled in the Food Stamp Program; and there is a significant lag between the number of New Poor losing unemployment benefits and enrolling in the Food Stamp Program. It is generally agreed that the cash cost of the food stamps discourages many needy persons from participating.

The apparent failure of the Food Stamp Program to fill all the hunger needs of Seattle's needy has resulted in a widespread community effort to provide stop-gap nutritional assistance. This has taken the form of church-sponsored Food Banks manned by volunteers handing out cartons of foodstuffs. There are about 34 such Food Banks operating in the Seattle area. Since they began operating, it is estimated that 300,000 persons have received food through their auspices. Lately it has become apparent that this volunteer effort is rapidly slowing down because of dwindling contributions. There is deep concern throughout the community about the possible adverse effects of a termination of the volunteer food effort.

City, county and State officials have responded to the uncertain future of the volunteer effort by seeking to institutionalize the direct food distribution effort. They have requested that the U.S. Department of Agriculture authorize the State to operate a federally-supported Direct Distribution Program concurrent with the Food Stamp Program. Such concurrent operation of the two major federally-supported family feeding programs is expressly authorized in the Food Stamp Act of January 1971.

The U.S. Department of Agriculture has taken the position that it is not required to implement this provision of the Act and has, therefore, rejected the State of Washington request to operate both food programs. The Department has further taken the position that the Food Stamp Program should be adequate to the nutritional needs of the poor in Washington State.

In the past several months, the hunger situation in Seattle has been increasingly brought to the attention of the U.S. Senate Select Committee on Nutrition and Human Needs. The Washington State congressional delegation has unanimously supported the application for concurrent Food Stamp and Direct Distribution Programs; and, leaders of the delegation have requested the Select Committee to investigate the situation.

Members of the committee have had brief opportunities during public hearings to query USDA officials regarding this situation. These queries have resulted in sympathetic responses, regarding the widespread unemployment and consequent nutrition problems affecting the Seattle area; but, also a reiteration that concurrent food programs are not the appropriate responses to those problems. It is clear that there is a wide divergence in understanding the nature of the Seattle situation and its possible resolution between Washington State officials, the Washington State congressional delegation, and the officials of the U.S. Department of Agriculture. For this reason, the Chairman and Ranking Minority Member of this Select Committee authorized a special study of the situation by the committee staff.

The study was conducted by the committee staff in Seattle the week of October 25—in cooperation with the staffs of Senators Warren Magnuson and Henry Jackson, Governor Dan Evans, King County Executive John D. Spellman, and Seattle Mayor Wesley Uhlman. In the conduct of the study, the committee staff interviewed representatives of the Seattle medical community, business community, State Northwest Regional Office, and the Seattle-King County Legal Aid and local social welfare agencies, U.S. Department of Agriculture Bureau, Inc. The committee staff also personally visited Food Banks and interviewed volunteers, a Food Stamp Center where the staff was interviewed, and warehouses where food supplies are being stored.

The Economic Situation

The economic situation in the State of Washington has shifted dramatically in a relatively short period of time. Two years ago the area was still enjoying a period of economic growth and prosperity. At the present time it could easily be considered an "economic disaster area."—*Hunger in Washington, July 1971, A publication of the Secretary of State, Ludlow Kramer.*

We have perhaps the finest environmental quality in the United States, and an active determination to preserve and enhance it. This increasingly is going to be a factor in attracting the types of employment opportunities which will diversify our industrial base. Our civic efforts are pointed in that direction. But the payroll will not be tomorrow nor even next year. Right now we need help and lots of it. This is an economic disaster area.—*Miner H. Baker, Vice-President and Economist, Seattle First National Bank.*

The Pacific Northwest region today contains 6.25 million Americans, almost 3 million more than lived there 30 years ago. Over half of this total live in Washington State, and half of those people live within 40 miles of downtown Seattle. The four counties surrounding Seattle have a population of 1.9 million. The population of that area exploded during the last decade, increasing by 421,000 persons—or 27 percent of the current number. Nearly 60 percent of this increase, or 259,000, occurred from 1965 to 1970. Most of these people were attracted to the area by about 50,000 new jobs in the growing aerospace industry of 1966–68. Employment rose by 43 percent during the decade, from 527,000 to 725,000 jobs.

In mid-1968, the aerospace industry in the greater Seattle area employed a peak of 106,000 workers. In 1969, the aerospace payroll was cut by 17,000 workers. Total employment in the area only dropped by 14,000, however, which meant that jobs were still being created in other sectors of the economy. In 1970, aerospace employment dropped another 34,000, twice the amount of the previous year.

This time—instead of being partially offset by other economic activity—it resulted in total employment plunging 60,000. Most of this secondary loss occurred in areas of trade, services, utilities and construction.

The plunge has continued during 1971. During the first 5 months of the year, 18,000 jobs were lost; 8,000 at the Boeing Company alone and 10,000 elsewhere. Estimated job losses for the entire year are around 40,000—equally divided between aerospace and other activities.

The magnitude of the Seattle area's rise and fall are, perhaps, best summed up in the following way:

From 1965 through 1968, employment increased by 170,000, a record unequalled since the early days of World War II—that was the rise.

From January 1970 through August of this year, unemployment went from 43,900 to 106,400—that was the fall.

Putting it another way, now there are as many people unemployed as were employed by the Boeing Company at its peak.

The unemployment rate from the State during these years mirrors the actual job losses. From 1966–68, the unemployment rate averaged 4.3 percent or less each year. In 1959, when the slide began, the rate rose to 4.8 percent. By January of 1970, the rate rose to 6.5 percent. By the end of 1970, unemployment was 10.1 percent. And, by the beginning of 1971, the rate was 11.8 percent and still climbing. During June—with the labor market swelled by summer job seekers—the unemployment rate stood at 12.4 percent, and the total number of unemployment was placed at 181,700 persons.

Sixty-eight percent of the June unemployment occurred in the State's three principal urban areas. The Seattle area was hardest hit—the rate reaching a high of 15.7 percent, a 156-percent increase from June 1970, and the most severe in the Nation for a metropolitan area.

The rate throughout the area this fall has hovered around 12.5 percent and is expected to rise to slightly over 12 percent by this winter. Slight improvement is expected during the remainder of next year—the rate is predicted to hover around 11 percent.

Despite this drain on the area's economy during the past 3 years, the area still has a net-job gain—96,000 at the end of last year—as compared to the pre-aerospace boom era. But most of this gain is in areas of secondary economic activity such as service stations, department stores, insurance companies, schools, hospitals, hotels, restaurants, and banks. One of the key questions facing the area now is: How long can these secondary jobs survive until the recession in primary jobs bottoms out and rights itself?

The stability of these secondary jobs is a tribute to the fundamental soundness of the economic base of Seattle and Washington State. This area is rich in natural resources, producing over $2 billion of forest products, and $800 million of farm products annually. Washington is one of the Nation's leading wheat producing and exporting States. The Washington Customs District is fast becoming a major trading center, doing $3 billion business last year, an increase of 21 percent, and 12 percent annually for the past decade. Tourism is a $400 million a year industry with a growth rate of 6 percent annually.

This fundamental soundness makes it difficult for the casual visitor to Seattle to see the depths of the area's economic decline. The freeways are still crowded with cars. The city's skyline is being enlarged by new high-rise office buildings and hotels. The view of Puget Sound and the Olympic Mountains from a room of a high-rise hotel, just completed, is still spectacular. Downtown stores seem busy and the figures indicate that, for the most part, retail sales are holding up. The best restaurants still do a respectable business at lunchtime.

The truth, of course, is that there are two Seattles. For the employed 85 percent of the work force and their families, life is still good and getting better. This is the Seattle that the casual visitor sees. For the 15-percent unemployed—the 100,000—life is hard and getting harder. This Seattle is hidden to the casual eye, but painfully visible beneath the city's surface. Or, as one of the city's leading business bulletins put it:

For the employed, Seattle still offers the good life; but, for a steadily increasing part of the community, the present situation is murky and the future looks dark.

RESPOND TO THE ECONOMIC CRISIS

Unemployment Insurance, Public Assistance, Food Stamp, School Lunch, and Food Bank programs have all responded to Seattle's economic crisis. But, there is now widespread concern over the fact that these programs are no longer adequate to deal with the situation—without additional resources and other kinds of assistance.

Unemployment insurance

Unemployment Insurance has been the mainstay of the 100,000 men and women who have been laid off during the area's recession. In June of this year, a total of 103,354 persons were receiving benefits under Federal, State regular and extended programs. This figure represented an increase of 37 percent over the previous year. But the program is now beginning to be unequal to the burden placed upon it.

During the year prior to May 1971, almost 48,000 workers had periods of unemployment of sufficient length to exhaust regular unemployment compensation benefits. This represented about half of all new beneficiaries filing during the same period. In recent months, the number of workers exhausting extended benefits has been heavy. It is estimated that, in the year prior to last August, 11,000 workers in the Seattle area exhausted eligibility for extended benefits. The estimate for the State is nearly 93,000 workers losing their regular benefits, with 21,000 more terminating their extended benefits.

As of October 2, the situation took a decided turn for the worse, with another 10,000 workers exhausting their extended benefits. It is now estimated that the monthly rate of workers exhausting benefits has increased from 4,000 to 9,000 a month; and, that by next March, an additional 27,000 workers will lose their benefits.

A working paper drafted by the staff of the Health, Education and Welfare Policy Advisory Committee of the Puget Sound Governmental Conference described the Unemployment Insurance crisis this way:

. . . the gravity of the unemployment situation had been greatly ameliorated by unemployment compensation until recent months when the gap between total employment and benefit coverage began to widen dramatically. This trend will continue in the immediate future, as a consequence the number of unemployed not receiving benefits will exceed those covered. Thus even though the economic situation will in all likelihood improve and the number of unemployed decline steadily during the coming months, the problem as measured in human need will increase in gravity.

Saying it in somewhat simpler terms, the thread by which so many workers and their families have hung thus far is fast running out. And, as that thread breaks, the already heavy burden on the remaining support programs can only increase.

Public assistance

The growth of the Seattle and State welfare rolls is another indication of the area's economic need. By the end of last May, the number of persons receiving some form of assistance was 234,105—an increase of 45 percent from May of 1969. During the same period, the number of persons receiving Aid To Dependent Children benefits had risen from 77,959 to 145,051—a percentage increase of 86 percent. In Seattle and King County nearly 67,643 persons are receiving assistance. And, in Seattle's Model City Neighborhood, the number of welfare recipients has increased by about 250 percent in the past 2 years, to a point where nearly 20 percent of its residents are receiving some kind of assistance.

The State's total expenditures on public assistance will have increased from $123.3 million to $171.6 million during the period of Fiscal Year 1970–72. This increase and projected increases could not be borne by the State budget. This fact resulted in a 15 percent reduction in public assistance grants across the board last April. The effect of this cutback on recipients was immediate. Those who had been surviving suddenly found their income reduced while their basic costs of living remained the same or increased. The effect of the cutback was aggravated by the fact that the State's public assistance payments are pegged to the 1967 cost-of-living and, therefore, do not account for the inflation of the past 4 years.

While it is, as yet, difficult to estimate the increased burden facing the Public Assistance Program, because of the increasing loss of unemployment benefits to area workers, there is little doubt that the burden will grow.

The effect of the 15-percent cut on the ability of people to participate in the Food Stamp Programs, however, is already clear and, unfortunately, quite adverse.

Food stamps

The Food Stamp Program in Seattle and Washington State is generally considered among the most efficiently operated in the country. There is no question that State and local officials have made significant efforts to put the program within reach of those who are potentially eligible. Those eligible were estimated to be nearly 164,000 households—or 442,000 individuals—in 1969, when the unemployment rate was about 5 percent, or less than half the current figure.

The Food Stamp Program has responded remarkably well to the crisis. In May 1969, 93,035 persons were utilizing the program. Two years later, the number was 263,259—an increase of 182 percent. In fact, the increase was so striking that Seattle began to be called the country's "food stamp capital."

The adverse effect of the public assistance cutback on food stamp participation, however, showed itself by July of this year. The official report of the State's Department of Social and Health Services says:

"The first month of fiscal 1972 showed a decrease in the number of participating food stamp households of 4,638 or 5.1 percent from the 91,143 households in June to 86,505 households in July. The July figure represents the lowest number of participating households since October 1970. The greatest decrease was in assistance households which dropped from 51,604 households in June to 49,025 households in July—a decline of 2,579 or 5.0 percent; and nonassistance households decreased from 39,539 households in June to 37,480 households in July—a decline of 2,059 or 5.2 percent."

The latest estimate of participation in the Food Stamp Program stands at 255,388 persons—as few as 52 percent of the minimum number potentially eligible. The two key problems in qualifying for food stamps are delays in getting certified—a minimum of 8 days—and the requirement to get to a particular office and present complete documentation of all income, assets, and expenses including rent and utilities. The primary problem is that people can't afford food stamps because it requires cash and they *won't* or *can't* sell their house or car or other vital family assets.

Food banks

Late in 1970, the Church Council of Greater Seattle, the Ecumenical Metropolitan Ministry, the Fellowship of Christian Urban Service, and the Churches of Greater Seattle joined in establishing an emergency food program called "Neighbors in Need." In the first 4 months of 1971, the 34 emergency Food Banks set up by Neighbors in Need distributed cartons of food to 75,000 persons. This demand prompted the following telegram to President Nixon from the Presbyterian United Synod of Washington-Alaska:

Dear Mr. President: Unemployment in Seattle now past 15 percent. In black Central District over 48 percent. State Welfare seriously reduced; church sponsored food banks serving emergency needs of 20,000 monthly. $750,000 in food has been given by churches. Religious community of Seattle unable to meet growing need unaided.

Since its inception, Neighbors in Need has filled 300,000 requests for food from its 34 Food Banks. As the year has gone by, the volume of requests has increased. During February and March of this year, requests went up 50 percent and, in April, an additional 33 percent. The increase in April coincided with the cut in public assistance payments. In March, 32.8 percent of those served by Food Banks were receiving some form of public assistance. After the April cuts, that figure rose to 52 percent. It is currently estimated that the Food Banks are serving 12,000 persons a week, 48,000 monthly.

While there may be some nonindigent persons using the Food Banks, and while a significant number may be repeaters, this is still an important indicator of the nutritional needs of the Seattle area.

THE HUNGER GAP

The failure of the Food Stamp Program to fill Seattle's hunger gap by itself is perhaps best described in the report "Hunger in Washington" compiled by the office of the Secretary of State:

"The best way to fully appreciate the dramatic efforts of the drop in real personal income . . . has on a family is to construct an average family budget. This process shows why the present Food Stamp Program and lack of commodities are causing such hardship for so many families in Washington State.

"For a family of four, the Washington Department of Labor and Industries cites the following monthly average costs in the Seattle metropolitan area. These costs are from the department's 'lower budget' which utilizes minimum expenditures below which elements of a family's health, security, and nutrition would be jeopardized:

Transportation	$ 40.50
Personal care and clothing	69.70
Medical care	47.00
Other family consumption costs	27.00
Housing	137.50
Food	161.25
Taxes	56.90
Other	56.90
Total	599.35

"To be eligible for food stamps the income of a family of four cannot exceed $355, which is only 60 percent of the above budget. In order to purchase food stamps the family must save $80 which leaves only $275 to pay for $438.10 of expenses (above total less food). As can be seen by the total below, even if the family paid no transportation costs, no 'other family consumption costs,' and no 'other' expenses, the $275 would not cover housing, medical care, clothing, and taxes:

Housing	$137.50
Personal care	69.70
Medical care	47.00
Taxes	56.90
Total	311.10

Clearly something must give. The family will fall behind in payments. Their medical expenditures will drop dangerously low. Perhaps clothing and personal care expenses will be sacrificed. This lack of income leads to garnishment, mortgage foreclosures, utility shut-offs, evictions, poor health, and loss of jobs through lack of transportation or improper clothing. The $80 Food Stamp requirement obviously impairs many familys' (sic) ability to meet their budgets by paying their other bills, foregoing food stamps, and getting (additional income) from the food bank—or else they go hungry.

In a survey of people waiting in food lines, 38 percent said they couldn't afford food stamps and 50 percent said they had once been on food stamps but could no longer afford them. The budget also indicates that many of those who are purchasing food stamps (the number has increased by 189 percent in 2 years) are doing so at the expense of other needs such as medical and dental care, housing, utilities, and clothing.

The adverse situations of a number of actual families is further detailed in a law suit filed recently against the U.S. Department of Agriculture by the Center on Social Welfare Policy and Law in New York City, and the Seattle-King County Legal Aid Bureau, Inc. The purpose of the suit is to require the USDA to approve concurrent programs. The plaintiffs in the suit were described as having the following resources to draw upon for food stamps:

Plaintiff Florence Sloan, aged 66, has a total monthly income of $151.66. Her monthly expenses, for rent ($98), past debts ($22), utilities ($13), telephone ($8.33), and laundry ($5) total $146.33. These expenditures do not even include such necessities as clothing, food, medical costs, transportation, household supplies, and hygienic items. As a result, she is unable to pay the $14 purchase price for food stamps. She barely survives on irregular donations from the Churches' Food Bank; her total monthly food expenditures for September were only $6.

Plaintiff Selma Waldman, together with her child aged 15, barely subsist on $200 of monthly income. Out of this meager income, she must monthly pay for rent ($110), oil heat ($35), electricity ($10), water and garbage ($5), telephone ($7), and transportation ($6), a total of $173. The $27 that remains must be utilized for such necessities as food, clothing, school supplies, medical costs, laundry, household supplies and hygienic items. Since plaintiff Waldman must pay $28 to obtain her monthly food stamp allotment, she has been unable to purchase a full month's worth of food stamps.

Plaintiff Josephine Evans, and her five children, receive a total monthly income of $272. Her total expenditures for rent, electricity, oil, telephone, school lunch fees, school transportation fees, and her transportation expenses total $192.25. This leaves her with $79.75 for such necessities as food, clothing, school supplies, medical costs, laundry, household supplies and hygienic items. She is unable to pay the $82 monthly purchase price required to buy food stamps for her family and has, therefore, failed to obtain food stamp relief for over a year.

Plaintiff Beatrice Smith's seven-person household has a total monthly income of $360. After paying her family's expenses of house payment, oil for heating, water, electricity, telephone, debts, household supplies, clothing, laundry, and medical expenses—such expenses totaling over $273—she has less than $87 left for food, house repairs, school expenses, transportation, and several other necessities. As a result, she cannot pay the $100 monthly purchase price to buy her way into the Food Stamp Program. Plaintiff Smith's household has, therefore, been unable to purchase the full monthly food stamp allotment for the past 4 months.

The office of King County Executive John Spellman has conducted a thorough study of the food availability and hunger problems in the area. The following findings are listed in that study:

1. There is an extensive group of county residents, which for reasons of geographical isolation and lack of adequate transportation facilities, is experiencing great difficulty in making use of the Food Stamp Program. Located in the unincorporated area of the county or on the fringes of incorporated jurisdictions, these people, often elderly, experience problems in reaching Food Stamp Certification Centers, Food Stamp Distribution Centers and food outlets . . .

2. A second problem area is indicated by the present situation in the housing market in King County. Homes reacquired and in inventory by FHA now exceed 2,700 units in this area. There are many thousand delinquencies and there is virtually no market for homes. The effect of this situation is to provide no alternative for persons whose income has been drastically reduced, other than to continue making substantial home payments, thereby reducing disposable income available for food purchase.

3. Associated is the problem of persons qualifying for the Food Stamp Program near the high end of the income standard. Fixed costs of living tend to reduce actual disposable income below the Food Stamp cost requirements thereby effectively eliminating such persons and families from the program. A variety of individual solutions to this problem have been attempted, but the problem has been compounded by other factors.

As an example: Many people, including many elderly persons, are seeking relocation in order to reduce rental costs and free additional dollars for food. During the first quarter of 1971, local requests were made for 2,200 additional rental units under the provisions of Section 23 of the Housing Act to provide rental assistance. At present, there are insufficient low cost or supplemental units for people threatened with dislocation as a means of remaining in the Food Stamp Program.

The final step in this tragic chain has been the increased cost of stamps under the new Food Stamp regulations. People who can't relocate to reduce their rent because of a lack of low cost units, whose welfare allotments have recently been cut, whose basic cost of living has increased since welfare standards were last updated, whose minimal resources are, in fact, not liquid under present economic conditions now must pay an increased cost for food stamps.

Clearly, there are many people who simply cannot avail themselves of the Food Stamp Program even though on paper they seem to qualify. Statistics from the Washington State Department of Social and Health Services show a continuing decline in the number of Food Stamp recipients in recent months even though unemployment continues to rise.

4. Current State Public Assistance Rules still preclude payments to single individuals between the ages of 18 and 50. Without the benefits of some assistance, many of these people just cannot afford to take part in the Food Stamp recipients in recent months to obviate potential State fiscal problems; but, it has a singularly bad effect in an economy like King County where unemployment exceeds 15 percent.

5. Single people, attempting to pool resources in order to survive in the present economic climate, find they are not eligible

for food stamps due to restriction on communal living arrangements—even though such arrangements could make possible utilization of the combined resources of the people involved. In King County we are not talking about groups of idle, voluntarily unemployed persons. Voluntary unemployment is an invalid and untenable consideration when there are no jobs or when your age precludes you from active employment.

6. As Case No. 1 from the visiting nurses points out, individuals who attempt to gain employment are, in fact, penalized by rules of the Food Stamp Program. Casual workers with variable monthly incomes are required to obtain monthly recertification. As income rises, so does the cost of food stamps. Yet, other bills don't change with increased income—housing, utilities and medical bills remain constant. Only under the Food Stamp Program rules do we create a basic living cost increase with expanded income.

7. Still another problem area relates to seasonal variations vis-a-vis living costs. It is obvious that utility costs are higher during the winter months as more heat and light are required in the home. (In fact, the cold spring and early summer in the State probably kept utility costs high past their normal downturn point.) No consideration is given such factors in determining costs standards. Along the same line, families with children in school can avail themselves, in some cases, of hot breakfast and, in most cases, hot lunch programs during the school year. In the summer months, however, these programs drop leaving families with effectively increased food costs and no built-in adjustment to compensate for this very real seasonal change. If such adjustments are not possible, these other special food programs should be extended on a year-round basis.

8. Finally, we find the general emergency kinds of cases. This area includes persons awaiting qualification for Food Stamp and other assistance programs, persons experiencing unexpected costs such as medical bills, and those whose food stamps or cash are lost or stolen. Considered as a single problem type, it appears that State and Federal programs fail, at present, to consider these short-term problems which result in hunger for many households. A capability for immediate action to feed people for the duration of emergencies would be a major improvement in the Food Stamp and other assistance programs.

As a result of this study, King County Executive John Spellman requested the Department of Agriculture to authorize concurrent Food Stamp and Direct Distribution Programs, certification and distribution of food stamps through retail stores, revised standards of food stamp eligibility to recognize the difference between "real" and "apparent" assets; and, either a reduced cash contribution by an individual to his stamp purchase, or granting of the bonus stamps without requiring the cash contributions at all. The Agriculture Department responded by offering the following opportunities to the State and the county to improve the operation of the stamp program and otherwise alleviate the hunger problem. The Department offered to permit stamps to be distributed through post offices, to have permit certification for the program to take place at unemployment offices, to expand the special feeding program for infants and mothers from 750 to 1,500 slots and to permit nonprofit institutions to take advantage of Federal surplus commodities. Beginning on October 12, there were 33 post office branches dispersing food stamps in King County. This effort has been received with great enthusiasm and praise in the Seattle area and it may be propitious to now expand this experiment on a national basis.

The Department also conducted an on-site investigation of the Seattle Food Stamp Program to determine in what manner it might be better operated to serve potential recipients. The investigators determined, on the whole, that the program was among the best operated in the country but that hardship provisions—special deductions from gross income for unused expenses—would not be uniformly administered. State officials agree that better administration of hardship provisions might enable more persons to participate in the program. And the State was recently given permission by the Agriculture Department to calculate real utility expenses, rather than a previously fixed amount, in granting hardship allowances. This concession should be of some assistance to a number of the area's poor. But State officials, while pleased with this further flexibility on hardship allowances, fear that its impact will be necessarily limited by the ability of caseworkers to implement it. The granting of the allowances involves increased documentation and verification, further complicating an already burdensome application process for both the administrator and the applicant.

Even if this additional use of hardship provisions should prove helpful in a number of individual cases. State officials believe this help will be more than offset by the grossly adverse effects of the new Federal Food Stamp Regulations scheduled to be implemented in the State within the next month. The officials estimate that at least 26,000 families, and as many as 35,000 persons, may be rendered ineligible for food stamp benefits because of the new regulations.

The inherent limitations of the Food Stamp Program plus the inadequate and now increasingly unavailable benefits from Unemployment Insurance have made the volunteer Food Banks the last resort for many of Seattle's needy. A newspaper series by the Associated Press, published in the Seattle Times, described the New Poor who had come to depend on the Food Bank:

> Society may be evolving ways to impoverish people faster than it is developing means to help them, a survey of the hungry in Washington indicates.
>
> The chasm between new needs and old solutions widens so much daily that private efforts often reach back to the frontier spirit of neighbors helping neighbors.
>
> Society is not prepared to think of a middle class suburban home owner with two cars in the garage as being in need of outside help to put food on his table.
>
> But neither can that man bring himself to sell his property in order to fit the official definition of poor.
>
> Advancing technology and shifting economic trends have combined to create a new class of poor.
>
> They are too well-to-do to receive assistance meant for the poor but yet unable to provide for themselves.

In that same series, one of the Neighbors in Need organizers, the Reverend Alan Ward of the Metropolitan Ecumenical Ministry of Seattle, described the emotional state of many of the New Poor by the time they show up at one of the Food Banks:

> The one thing that will drive proud people to seek charity when they wouldn't otherwise is the hunger of their kids.
>
> We've had family after family which has gone without food for several days. Usually the father comes in and says "I wouldn't be here but I can't stand to have my kids hungry."

The Committee staff visited several Food Banks, one located in an old house in a neighborhood known as Capital Hill. Food was being handed out when the staff arrived. The process for giving out the food was courteous and quick. The people had all received numbers and were milling around in front of the house, or waiting in line at the door for their number to be called. Once a person's number was called, he would move into a front room of the house for an interview with one of the volunteers. The interview consisted mainly of questions regarding the person's participation in other programs such as Unemployment Insurance, Food Stamps or Public Assistance. Invariably the replies indicated that most people were either not in these programs, or that the programs still did not supply enough for adequate nutrition. After this interview, the person moved to a nearby table where he was handed a carton of groceries. The cartons clearly contained no more than several days worth of food, certainly no more than a week's supply. As the line of recipients began to dwindle, so did the food available.

One of the volunteer staff said that the recipients actually had to arrive at the house early in the morning—sometimes as early as 6 a.m.—to receive their numbers. If, on a particular day, the crowd was especially heavy, there would be an attempt to refer an overflow to other Food Banks that were less crowded. Food began to be distributed around 9 a.m. and distribution was usually completed by noon or 1 p.m. Sometimes, when food was in short supply and the needy were out in force, the atmosphere of the Food Bank could turn frightened and angry. The strain on the staff is terrible when that happens," said one of the volunteers They have to start keeping track of how much food is left and how many people they still have to go. A couple of times, we have had to close the Bank down because we were running out. Once we had a near riot."

The increasing likelihood of this difficulty was evident during a visit to the Neighbors in Need warehouses at the Sand Point Naval Station. The warehouses, stocked full months ago, were practically bare—except for cartons of canned salmon which had been processed and donated by the State. Not only was the warehouse practically bare, but there was no assurance of a supply of food to restock it again.

The latest effort to raise money for Neighbors in Need was called Operation Hunger. According to its director, Mike McManus, Operation Hunger succeeded in raising between $30–$40,000 over the summer—and another $10,000 more recently. But now the well of volunteer donations is about dry. "The community has simply run out of the ability to give," said McManus. "People have no idea where it is going to end. Twenty to 25 percent of the givers in the past have been unemployed themselves."

McManus and others knowledgeable regarding the Food Banks said they are now existing day-to-day and may have to close down soon. "If that happens," said one volunteer, "I don't know what people will do this winter. They just might get themselves together and march down to the Federal food warehouse at Sand Point and take the food they need."

FEASIBILITY OF A FEDERAL SURPLUS FOODS PROGRAM

The warehouse mentioned by the Food Bank volunteer is the USDA storehouse for surplus commodites—now primarily used for the State's School Lunch Program. When the State operated a Direct Distribution Program, the warehouse served that purpose as well.

The existence of the Sand Point warehouse and its stock of food—so close to the Neighbors in Need warehouses, that are now practically bare—is a source of great discontent in the Seattle community. An editorial in the Seattle Times summed up this feeling:

> Those involved in food-bank and hot-meal programs are becoming concerned that government agencies are deliberately ignoring their responsibilites and leaving things to the volunteer organizations.

Ironically, this Nation sends aid to the hungry of other nations, yet is failing to provide minimal basic relief of hunger for people walking Seattle streets.

It is difficult for people to understand, for instance, why the food that is so desperately needed cannot simply be transferred from one warehouse to the other. The difficulty with such a transfer, as the Agriculture Department has explained, is that the Neighbors in Need Food Banks do not use any eligibility or screening requirements when they distribute food. This is because of a deep conviction on the part of Neighbors in Need staff that only desperately hungry individuals come to the Food Banks, and that it would be an intrusion on their already invaded privacy to ask detailed personal questions. The USDA, on the other hand, must account for Federal food which is distributed and prove that it only goes to truly needy individuals.

It is for all these reasons—the dwindling unemployment benefits, the limitations of the Food Stamp Program and the crisis facing the volunteer food effort—that Washington State applied officially for permission to operate a Direct Distribution Program concurrent with the State's Food Stamp Program. The Direct Distribution is less satisfactory than the Food Stamp Program in almost every conceivable way except one. It does not provide most recipients with as much food or as good quality nutrition as food stamps. It is often more difficult for recipients to take advantage—because of the bulky nature of the food package. It offers less choice than food stamps used in the neighborhood market. It is less satisfactory in all of these ways, but it has one overwhelming advantage for those that do not have enough money to buy stamps. It is completely free. There is no purchase price requirement for surplus food as there is for stamps. A food stamp allotment of $28 to a person—when he needs $14 to buy the stamps and doesn't have that $14—is useless. That same person, however, would be entitled to $18 worth of surplus food for nothing.

There are clearly a significant number of persons in the Seattle area who are in exactly that kind of situation. It is for that reason that the State has applied for permission to operate a Direct Distribution Program.

THE STATE'S REQUEST FOR CONCURRENT PROGRAMS

The initial involvement of the State of Washington in requesting an expanded role for USDA feeding programs came in a joint letter from Senators Magnuson and Jackson, and Congressmen Foley, Adams, and Hansen on December 14, 1970. That letter requested that the pilot Food Certificate Program then in operation in Yakima, Washington, be extended to the whole State; or, that the Supplemental Food Program then in operation in Seattle be extended to the entire State. On December 15, 1970, Governor Evans wired Secretary Hardin in support of the congressional delegation's letter.

The response from Assistant Secretary Lyng came on January 4, 1971, and indicated that the U.S. Department of Agriculture was "firmly committed to the Food Stamp concept for supplying the family with its basic food needs" and that, nonetheless, "budgetary limitations" would not permit significant expansion of either program. On January 5, 1971, Senator Magnuson wrote again to Secretary Hardin about the inconsistencies in Assistant Secretary Lyng's statements concerning budgetary requirements.

The next significant request from the State came on May 1 when Governor Evans wrote to Secretary Hardin asking that any future pilot projects include areas in Washington State. On May 28, the Secretary wrote to the Governor indicating that the Department of Agriculture was evaluating its programs to determine if expansion was warranted.

On July 15, Assistant Secretary Lyng met with the Washington State Congressional delegation in Senator Magnuson's office. At that meeting, Lyng said that he could not possibly foresee circumstances under which a dual program would be operated in Washington State or anywhere in the Nation. Later that day the Governor received a call from Lyng denying any such dual operation. Upon the Governor's arrival at the Western Governors Conference at Jackson Hole, Wyoming, on the same day, he told reporters that he was "disappointed and angry" with USDA's decision.

On July 21, the dual operation request was formally submitted through USDA channels. Mary Lou Everson, Assistant Secretary for Economic Services in the State Department of Social Health Services, wrote to Charles Ernst, Western Regional USDA administrator, making the request. Miss Everson's letter was based on the authority contained in Public Law 91-671 and Public Law 92-32. Her letter made it clear that the State of Washington was fully committed to paying for the modest administrative expenses involved in a Direct Distribution Program.

The following day Governor Evans received a letter from Assistant Secretary Lyng which, in effect, reduced his telephone conversation of July 15 to writing. Lyng said, in effect, that the Food Stamp Program was doing an effective job and was being well administered. Governor Evans traveled to Washington, D.C. on July 28 to present a whole economic package to the Office of Management and Budget which included the dual operation of both feeding programs.

Finally, on August 5, Mr. Ernest of USDA responded to Miss Everson's official letter of request. He said that "while Public Law 91-671 does permit the dual operation, the Department has decided it will not approve any dual operation . . . it cannot be justified."

Subsequently, during the course of hearings by the U.S. Senate Select Committee on Nutrition and Human Needs on the Commodity Distribution Programs, Senator Percy questioned Assistant Secretary Lyng very closely on the Department's refusal to grant the State of Washington's request for dual program operation.

Lyng admitted that the Department would be "perfectly willing to permit simultaneous distribution of these commodities and food stamps where there seems to be . . . a practical, sensible reason for so doing. But we don't think that situation exists or a good cause has been made for it by Washington State." Furthermore, Lyng stressed that there is "no hard evidence" that the Food Stamp Program was not meeting the needs of the people of Washington.

On October 13, Governor Evans held another press conference in which he indicated that Assistant Secretary Lyng did not know the difficulties and problems that confronted the people of Washington. Then, later last month, Secretary Lyng came to Seattle to meet with the Governor and County Executive, and to visit the Food Banks run by Neighbors in Need. At this moment, the Agriculture Department maintains that there is simply no need for dual food program operation in Washington State.

CONGRESSIONAL INTENT: CONCURRENT PROGRAMS

The Food Stamp Act before 1970 clearly prohibited concurrent programs, except in unusual circumstances. The language of the Act before 1970 read:

> In areas where a food stamp program is in effect, there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a national or other disaster as determined by the Secretary. (7 U.S.C. § 2013(b))

Under this language, the Agriculture Department only permitted direct distribution programs to operate in areas struck by a natural disaster—such as a hurricane or flood. The reasoning, in such a case, was that the normal channels of food distribution had been disrupted.

In the past several years, however, as the Food Stamp Program expanded dramatically—replacing Direct Distribution programs—the problem of people having enough money to purchase food stamps became more apparent. In many places, there were dramatic reductions in participation in Food Stamp Programs as opposed to previously-operating Direct Distribution Programs. This problem was communicated to the Congress and played a significant part in the changes that were made in the Food Stamp Act in 1970. Specifically, Section 4(b) of the Act was changed to read:

> In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such periods of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) *on request of the State agency: Provided, That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods under this clause* (3). (7 U.S.C. § 2013(b)) (emphasis added)

It should be noted that—while there was considerable controversy and disagreement over the differing Food Stamp amendments passed by the Senate and the House of Representatives in 1970—there was unanimity between the Senate and the House conferees on this provision. It was clearly the purpose of the conferees to encourage States and local jurisdictions—where they are willing to pay the administrative cost—to operate a Direct Distribution Program concurrent with the Food Stamp Program.

The House Report to the 1970 Food Stamp Act amendments states: "If the State agency requests simultaneous operation for a period of time beyond that deemed necessary for an orderly transition to a stamp program, or if the State agency wishes to institute the Commodity Distribution Program in an existing food stamp area, the full cost of handling and issuing the commodities in the food stamp area would be at the expense of the State agency or the local government unit." (House Rep. No. 91-1402, 91st Cong., 2d Sess. (1970)).

The conferees further had reason to believe that the provision was fully supported by the Administration speaking through the Secretary of Agriculture. Testifying before the House Agriculture Committee, former Agriculture Secretary Clifford Hardin said:

> "At present, State and local governments may not operate both food stamp and commodity programs in the same area except during a brief period of transition from one program to the other. We have proposed that *both programs should be allowed to operate simultaneously wherever the local government is willing to assume the additional administrative expenses.*" (Hearings on the Amendments to the Food Stamp Act before the House Agriculture Committee (1970), at 9) (emphasis added).

After Secretary Hardin's prepared statement was completed, he had the following exchange with Congresswoman Katherine May:

> Mrs. MAY. Now, to go to the direct distribution program question again, you have requested that we be able to continue direct distribution of commodities along with food

stamp programs, which in the original presentation of this bill to Congress, was not to be allowed if saying dollar-wise and more efficient distribution of nutritional food were to be accomplished. But I understand you propose now being able to have both programs. *Now, under what circumstances in a county would this be necessary?*

Secretary Hardin. This would be, first, if the city or county was willing to carry the total cost of administering both programs.

Mrs. May. The total cost of administration, not the cost of the program?

Secretary Hardin. No, administration. And of course any one family or individual would be on only one or the other of the programs, not both . . . (Hearings, *Ibid*, at 24–25) (emphasis added)

The Secretary was then pressed to explain the rationale for implementing both food relief programs, and under what circumstances such concurrent operations would be accomplished. The Secretary provided the following information to the committee:

Since the Food Stamp Program has been in operation there have been requests to operate both the Food Stamp Program and the Commodity Distribution Program in the same area. In most instances, these requests were made by groups or governmental agencies which felt that the Food Stamp Program was not reaching all of the needy people because some could not afford to purchase the stamps or that the lowest-income families were not receiving enough stamps to meet their minimum nutritional needs.

* * * * *

We . . . believe that when a State or local government feels it has a special problem, and if they are willing to bear the additional administrative cost, we believe that such simultaneous operations should be permitted. (Hearing, *Ibid*, at 25) (emphasis added)

Congressman W. R. Poage, Chairman of the House Agriculture Committee, taking Secretary Hardin at his word, had the following to say on the floor of the House before the 1970 amendments were voted on:

The Department of Agriculture has endorsed the bill and calls attention to some of the provisions of the committee bill which are clearly intended to and do liberalize the existing law. Here are the provisions with which the Department is especially pleased: . . . Simultaneous distribution of food stamps and commodities in local areas requesting both programs. (Cong. Rec., 91st Cong., 2d Sess. (December 15, 1970), at H 1118)

Further congressional intent on concurrent programs, particularly in areas of high unemployment such as Seattle, was indicated in the passage of the 1972 Appropriations Act for the Departments of Labor, and Health, Education, and Welfare, and Related Agencies. The Act included an amendment—sponsored by Senator Warren Magnuson, Chairman of the Appropriations Subcommittee on Labor-HEW—providing:

That $20 million of this appropriation shall be used by the Office of Economic Opportunity to finance Emergency Food and Medical Services programs in eligible areas of exceedingly high unemployment, as defined in Section 6 of the Emergency Employment Assistance Act of 1971, to be reimbursed to the Manpower Training Services Appropriation by the Office of Economic Opportunity immediately upon enactment of an Appropriation Act for the Office of Economic Opportunity in fiscal 1972.

Senator Magnuson's purpose in sponsoring this amendment to the Appropriations Act was to provide funds—for Seattle, and similar areas—to finance the operation of concurrent food programs.

Following the passage of the Appropriations Act, Senator Magnuson wrote the Director of the Office of Management and Budget, George Shultz, requesting immediate implementation of the emergency food provision. The OMB replied that it did not believe the emergency funds were required to meet the nutritional needs created by Seattle's economic difficulties, since the area had an operating Food Stamp Program. If the Food Stamp Program proved inadequate to the crisis, the OMB said, then the emergency money would be released.

CONCLUSIONS

1. Seattle and its surrounding areas have suffered a severe economic setback in the past several years. There are now almost as many people unemployed as were employed by the aerospace industry at its peak. There are no immediate prospects for a rapid improvement in the area's economy. The unemployment rate is expected to remain at an extremely high level—probably around 11 percent—during the next year. Despite the generally sound economic base of the State as a whole, it is not unfair to call Seattle an area of "economic disaster."

2. As a consequence of the depressed economic conditions, there is widespread evidence that many families are suffering nutritional deprivation. This deprivation is likely to become more severe as the available social welfare support programs become more inadequate to meet visible needs. Unemployment Benefits are being exhausted at an increasing rate, now estimated at 9,000 a month. The Public Assistance Program—despite a dramatic growth in the past 2 years—is proving inadequate to fill all of the area's nutritional needs and has been cut back 15 percent by the State in order to balance its budget. It is probable that less than half of those eligible for the Food Stamp Program are participating in it. Clearly, many are not participating because they cannot afford to buy into the program to receive their bonus stamps.

3. The Seattle community has made a remarkable effort to fill the area's hunger gap by sponsoring a network of volunteer Food Banks. Since they began operating, it is estimated that the Food Banks have filled 300,000 requests for food. A large number of those persons going to the Food Banks report that they are unable to afford the cost of food stamps and that public assistance payments do not provide enough for them to eat adequately. This volunteer effort—a last resource for so many Seattle needy—is in danger of collapsing. As one official put it: "The community has simply run out of the ability to give." There is deep concern throughout the community about the possible adverse effects of an end to the Food Banks—particularly should it occur as winter approaches.

4. There is clearly a demonstrated need for further food assistance in the Seattle area. The Food Banks indicate the usefulness and feasibility of a Direct Food Distribution Program. The Federal Government's Direct Distribution Program could be of vital assistance in alleviating the area's nutritional needs. The Agriculture Department has ample foodstuffs available and has clear legislative authority to approve the State of Washington application to operate a Direct Distribution Program concurrent with the Food Stamp Program in the Seattle area. The Agriculture Department has taken the position that it does not intend to approve such an application for Seattle—or any other jurisdiction. This position is clearly contrary to the intent of Congress, as expressed in the Food Stamp Amendments of 1970. The U.S. Department of Agriculture should approve the application of Washington State for concurrent programs forthwith.

5. Many of the New Poor will still be ineligible for Federal food benefits because of other resources and assets. It is imperative that these families have someplace to turn in moments of crisis, so that they will not go hungry. The volunteer Food Banks have served this purpose in the past and, with additional support, can continue to do so in the future. These Food Banks represent an ideal opportunity for the Federal Government to experiment with a Food Assistance Program to serve those who are clearly needy but do not fall within the minimum eligibility requirements governing other programs. It would appear that funds made available in the 1972 HEW-Labor Appropriations Act for the Emergency Food and Medical Services Program of the Office of Economic Opportunity for emergency food programs in high unemployment areas are ideally suited for the crisis now facing the volunteer food assistance effort in Seattle. Efforts should be made immediately to provide those funds, on a flexible basis, to Neighbors in Need that they may continue operating their volunteer Food Banks.

Mr. HARRIS. Mr. President, will the Senator from Vermont yield me some time?

Mr. AIKEN. Mr. President, I have been momentarily expecting the Senator from Nebraska (Mr. Curtis) to appear. He has asked for 15 minutes. I have only 15 minutes remaining.

Mr. HARRIS. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. Six minutes on the side of the opponents, and 15 minutes on the other side.

Mr. HARRIS. It only seems right that somebody ought to defend poor old Dr. Butz.

Mr. AIKEN. How many Presidential candidates do we have, anyway?

Mr. HARRIS. Mr. President, they have considerable time over there; it would seem to me somebody ought to speak for him.

Mr. AIKEN. As I say, how many candidates are there?

I yield 5 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, since we have a difference and to be completely fair to the other side, I would like to cite a few positive aspects of this administration in agriculture.

Mr. President, from 1961–68, American farmers posted a realized net farm income level that averaged $13.8 billion. From 1969–71, however, during the Nixon Hardin period, farm income averaged $16.1 billion, up 16 percent—for accumulative total increase of $6.6 billion.

Farmers need to get incomes commensurate to their work, as do most workers in other segments of the economy. Secretary Butz has told President Nixon he will do everything economically feasible to improve this record. I believe that realized net farm income in 1972 will improve measurably. This is President Nixon's goal. It is also Dr. Butz' objective.

The Republican Party knows that in 1972, it will have to run on its record. We will have a successful story to tell about this administration's work for American agriculture—much better than the low income Kennedy-Johnson years.

We attained a "triple" record for U.S. agriculture exports in the last fiscal year.

First. The value of farm exports was $7.8 billion—a new record by a wide range.

Second. Sales for dollars were a record $6.8 billion.

Third. The volume of these exports were about 8 percent above the volume of the previous record export years.

We are proud of this record—but not complacent. We know we must do more, and we have set a new export objective of $10 billion—by the end of this decade.

Our programs look to overseas markets. And these programs were initiated by both Democrats and Republicans, who recognized that the future of agriculture lies in expanding markets overseas. The programs look to overseas markets, and we intend to compete for maximum utilization for our products throughout the world.

If U.S. farm exports are to reach our $10 billion goal by the next decade—a necessary objective—they must move competitively in the world market. It will be our problem to do everything feasible in our discussions with foreign governments to stimulate export markets for U.S. farm families. We are not satisfied with the results of the Kennedy round of trade negotiations. In this round agriculture was treated as a poor relative.

It is the intent of this administration to obtain our fair share of the world markets. Producers deserve every consideration and we intend to see that they get it and exports improve prices paid to farmers.

I have listened in committee sessions to my colleagues' comments on the need to help grain producers—a worthwhile objective to which Dr. Butz committed himself from the moment of nomination. He stated cogently and clearly as possible as follows:

> In a real sense, it is going to be a great experiment. I have had conversations with the President. He is going to back us all the way in efforts to give our farmers the income they are entitled to. Our President is fully understanding and deeply sympathetic with he economic position of some of our farmers, especially in the corn belt where the price of corn is too low for comfort and below the cost level.

I noted a great absence of oral activity when mention was made of the great harm the dock strike was causing farmers and the Nation. It is to be noted that since the President invoked the Taft-Hartley provision, corn prices have responded by going up about 10 cents per bushel to the farmer.

Those of us who are truly the friends of all farmers can demonstrate the effect by supporting S. 560, the Emergency Public Interest Protection Act. This bill will keep the transportation channels open all the time so that price firming export can continue all the time, and Dr. Butz has indicated his support of this legislation.

We intend to see that wheat and corn prices are higher than the October 15, 1968, prices of $1.26 and $0.96 per bushel respectively. We recognize that these prices were a handicap to the Democrat candidates in the 1968 election.

Many of you will recall the massive dumping of grains we saw in the 1961 to 1968 period of depressed prices. Many of you will recall the efforts made to raise the resale price to 115 percent of the loan rate, and the pressure of the Johnson administration that defeated those efforts. We now have the 115 percent of the loan rate minimum resale for grains. I assure you that Dr. Butz will see to it that this provision of the law is implemented with a plus factor so that farmers will not be competing with the Government for available markets with low levels.

As a member of the Senate Nutrition Committee, I have seen what hunger does to people. Under this administration, Government feeding programs have been improved and millions of needy people, heretofore outside this program will be reached.

The Nation is now committed to a drive to eliminate hunger and malnutrition. We now have programs to do the job of providing an adequate diet to every American. We also have the will to achieve this goal within the vitality of the system that makes abundance possible.

The revised food stamp program provided the means whereby even the poorest of the poor can obtain an adequate diet; we have a food donation program; we have an amended School-Lunch Act to improve the nutrition of needy school children; we have a food certification program for infants and expectant mothers; and we have a nutrition-education program to help low-income families get the most from their food dollar. We are on the right road.

Now, I feel confident that we will conquer hunger and malnutrition in this Nation. While we are improving the health and well-being of our neediest we are increasing the demand for food, especially animal proteins.

I want to assure this great body that Dr. Butz will be a great Secretary of Agriculture and will carry forward the President's program with great wisdom and energy.

In 1968, corn was 96 cents a bushel and wheat $1.26. That was too low. It did affect the Democrats that year.

We understand farm politics. We understand the need for increased farm prices, and this has been made very clear to Dr. Butz, not once or twice but a dozen times, by Senators of all persuasions.

We recognize that rural America is vital—vital to what we do in the world, and vital to what we do in our own country.

I come from a farm State. I am proud to come from rural America. We may have our faults and our shortcomings, but we also have made outstanding progress.

In States like Kansas, Montana, North Dakota, and South Dakota, we want solid farm programs. In Minnesota, Missouri, Oklahoma, and all those States where someone might be running, we want solid farm programs and improved farm income. And in Massachusetts. [Laughter.]

So, Mr. President, I urge the confirmation of Dr. Butz.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, will the Senator from Vermont yield me some of his time?

Mr. AIKEN. I believe the Senator from Oklahoma has 6 minutes remaining. Could he not put that to good use first?

Mr. HARRIS. How much time does the opposition have left?

The PRESIDING OFFICER. The opponents have 6 minutes, and the proponents 9. Who yields time? If time is not yielded, the Chair will order the clerk to call the roll.

Mr. HARRIS. Mr. President, I yield 4 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I ask the careful attention of the Members of this body, without regard to their vote, to the following considerations. These considerations, I think, tell why some of us are deeply concerned about this nomination.

We are called upon to advise and consent, but the consent is not automatic. It requires that we fulfill our responsibilities in examining the record.

In the President's state of the Union address of 1970, there was no mention of the family farmer or agriculture.

In the President's state of the Union message of 1971, there was but a scant mention of the plight of American agriculture.

Make no mistake about it, agriculture, as the Senator from Vermont and the Senator from Kansas have said, has been in trouble for a long time.

In the May 1970, economic message of the President, which was telecast, there was no mention of American agriculture. Agriculture has had attention, in this administration, in the form of a county fair on the White House lawn some months ago. And the first real information about the administration's agricultural program has come out only now as we discuss the nomination of Dr. Butz.

Mr. President, I think the facts are manifestly clear. Agriculture has been in trouble a long time, but it is in more trouble now—trouble with taxes, trouble with high interest rates, trouble with low prices, trouble with high transportation costs—and the parity ratio for farmers today is 70. It was bad enough in 1968, when it was 74; and the man who was then the winning candidate for President said it was intolerable, and he said, "I will do better."

I remember it well. He carried every Midwestern agricultural State, maybe not for that reason, but he carried those farm votes; and those farmers have been let down.

It is not a partisan matter; it is an economic matter. I happen to know that if we are going to have anything happen to the farmers of this country that is helpful, we have got to have a Secretary of Agriculture who will literally pour his heart out for them.

It has been said here that much of agriculture has been in trouble for a long time. Yes; that is why the Department of Agriculture is so important, and that is why that Secretary has got to be able to do battle with the Bureau of the Budget. It is not true that the laws we pass determines what happens to agriculture. Laws have flexibility, and it is a question of how the Secretary administers these laws. When funds are impounded, when the Commodity Credit Corporation is not used properly, when the food stamp plan is cut back, when the school lunch program is tinkered with, and when farmers are told that a dollar for corn is enough, I do not think that is what we want for an agricultural policy.

Mr. President, there are going to be a number of votes against Dr. Butz. I think it is most unfortunate that this nomination has been maintained before this body. We need a Secretary of Agriculture who can command the respect and confidence of the total American community.

The nomination of Dr. Butz will most likely be confirmed. If it is, I wish him well, and I predict that we will have accomplished something here. We have at least forced the hand of the administration. They are going to have to dip into the Treasury now, to help the American farmer.

And let this prediction be on the record: After Dr. Butz is confirmed, as I expect he will be, we will see from the Treasury of the United States, for the first time, money being released to help the farmer. Hopefully this Senate debate and argument has been worth a billion dollars in additional farm income. I think it has been well worth the effort. We, at long last, have won something for the farmer, because we have put up a fight, because we have laid it on the line to this administration: "Stand up, now, Mr. President, Mr. Secretary, and give our farm families a break. Release that money for REA. Release that money for ACP and for sewage plants. Release that money for the food stamps and housing. Get going."

I think we have done all right. Perhaps Dr. Butz may be able to do something as a result of this debate over his nomination and if he gets a little help out of the President.

Mr. HART. Mr. President, my concerns and reservations about Mr. Butz are the same as those voiced by colleagues who have opposed him. Most particularly, his recent statements which indicate a lack of sensitivity with respect to need to engage our fullest resource to eliminate hunger in this country, reflect an attitude with which I am in complete disagreement. So, too, is his suggestion that concern for the environment is a "fad." Mail from my constituents, including farmers, has been overwhelmingly in opposition. Respected friends and associates recommend that I vote "no."

But I hope, as was the case with former Secretary Hickel, that Mr. Butz' performance will show that our concerns are without foundation, or that he has learned from the criticisms. I think the responsibility we assign the President to operate the executive branch of the Government, with his accountability for its performance, entitles him to surround himself with those he nominates—absent overriding evidence of personal impropriety.

This is not, as we will debate tomorrow, the advising and consenting to members of the Supreme Court of the United States. Here there is a basic and significant difference which I respect, although I am deeply troubled.

A Cabinet secretary is not appointed for life. He is accountable to the President and so an elected official remains at all times responsible for his conduct.

Thus, for me, the overriding principle remains the right of the President to choose his Cabinet associates—employees if you will—provided that the candidate has not been guilty of serious misconduct.

Mr. CURTIS. Mr. President, the reason we have a farm program is for the purpose of raising farm prices. If it were not for the need to raise farm prices there would be no occasion to enact a farm program. Over the last 35 or 40 years both political parties have wrestled with that problem and have not been too successful. We must keep in mind, however, that what has been done for agriculture has been a very material help. The situation would have been much worse had there been no farm program.

Today the need for raising farm income is more acute than ever. This is particularly true in the light of high land taxes, high costs and inflation throughout our economy. While some farm prices are quite good, the total net farm income is not nearly what it ought to be and the great problem that agriculture faces this fall could well be termed a corn price crisis. In most of the towns in Nebraska the price of corn at the local elevator was around $1.35 in midsummer. In a very short period it dropped to the neighborhood of 90 cents. It need not be argued that such a price for corn is disastrous.

Early in 1971 I went to the White House along with Members of the Senate and the House to urge a greater set aside and a lesser planting of corn. Admittedly, the problem was complex. There were many who feared that the corn blight which was so disastrous in a number of States in 1970 might in 1971 spread throughout the corn belt. As it turned out this did not happen. We have too much corn and feed grains. It is not a question as to whether or not this error of the Government has an explanation or not. Certainly the individual farm families should not suffer because of this error. Our corn crop for 1970 was around 4.1 billion bushels and for 1971 it is going to be about 5½ billion bushels. This huge, almost unmanageable, surplus together with the ruthless and prolonged dock strike has dealt a body blow to agriculture.

I reiterate my statement that the basic purpose for a farm program is to raise prices. Over the years we have heard the virtues of a so-called flexible price support program. Now is the time for the Department of Agriculture to be flexible and use the power and authority granted in the farm program to meet a need in agriculture that is of crisis proportions.

In the late summer I began to urge that the support loan rate on corn be increased. I attended one meeting at the office of Senator MILLER, of Iowa.

The corn belt was well represented and officials of the Department of Agriculture were present. At that time I urged an increase in the support loan rate or other steps taken to raise the price of corn.

Later on, on October 15, 1917, I wrote a letter to the President of the United States urging an increase in the support loan rate on corn and also to the Secretary of Agriculture. That letter is found in the CONGRESSIONAL RECORD for that date on pages 16324 and 16325.

During this time I had asked for a conference with President Nixon. I was able to spend a half hour with him on November 10. It gave me an opportunity to give him a report from the grassroots. I told of the effect of this drop in the price of corn from in the neighborhood of $1.35 to 90 cents or below. I was able to report to the President the fact that practically all the corn is still owned by the farmers who produced it. I stressed the need for action soon with reference to the 1970 crop. I pointed out that it would not be satisfactory at all to limit the Government's actions to matters that would raise the price in 1972.

I left the President's office knowing that he realized the real situation that we are facing. As a result of our conversation I became hopeful that steps would be taken that would result in higher prices for our 1971 production of corn and feed grains. I was aware that President Nixon did step in some months ago in reference to dairy products and that the supports for dairy products were raised. I became convinced, and I am still convinced, that the President intends action in reference to the problem we face now. I have no reason to doubt the sincerity of President Nixon.

I had no advance knowledge of Secretary Hardin's resignation, nor who was under consideration to take his place. President Nixon has selected Mr. Earl Butz for Secretary of Agriculture in order to carry out Mr. Nixon's plans in reference to agriculture.

The fact that a storm of protest has arisen over the nomination of Mr. Butz is well known. Charges have been made, accusations hurled, and the news media has been filled with the comments of Mr. Butz' critics.

It is said that Mr. Butz cannot carry out a good program for agriculture, because he served under Secretary Benson. Mr. Butz points out that the Benson Farm Law was enacted before he joined the Department of Agriculture back in the Eisenhower days.

Another charge against Mr. Butz is that he served as a director of some agribusiness corporations. Mr. Butz' answer to that is that he did so serve, that he was asked to serve, because there was no one on those boards to speak up for agriculture, and he accepted the offer.

Mr. Butz has spent considerable of his time in recent days calling attention to statements attributed to him that he points out were either misquotations or taken out of their context.

One well-meaning Nebraska farmer advised me by telephone that Mr. Butz had made a statement that he wanted, and that he favored, the reduction of the number of family sized farms and that the number ought to be reduced by a million or so. This is a serious charge. I not only asked Mr. Butz about it but I asked him for a letter. He gave me one. I received it on November 30, 1971. In his letter he not only refutes that statement, but he declares his positive determination to fight for the family sized farm. This letter also carries some strong statements at to what Mr. Butz pledges to do as Secretary of Agriculture. I wish to read the letter. It is as follows:

Hon. CARL T. CURTIS,
U.S. Senate.

DEAR SENATOR CURTIS: I appreciate the opportunity to provide you with information regarding my views on the need to retain family farms in America. Unfortunately, some persons have misconstrued my position on this important question due to the way my testimony was reported in the news media.

In my testimony I referred to a widely quoted, objective analysis on the number of farms in this Nation published by the Economic Research Service, U.S. Department of Agriclulture, which stated there will be a decline of approximately 1,000,000 farms by 1980. (A copy of that report is attached for your information.) In quoting from this report, I was in no way agreeing with this projection nor advocating it. On the contrary, I believe it is very important for the Secretary of Agriculture, whoever he may be, to be aware of such trends so that he may bring all the Department's resources to bear on the problem in the form of corrective action. Having been reared on a family farm, I am earnestly interested in preserving these farms. Their preservation is absolutely essential to our economy and I shall do all within my power as Secretary to keep as many family farms in operation as possible.

In order to do the very best job possible of being the farmers' advocate in Washington to build, and in some cases, rebuild agricultural programs around a strong, family-based farm economy, I have severed all ties with agribusiness corporations. I do believe, however, that my experience in agribusiness, combined with my background in the Department of Agriculture and in agricultural education, will enable me to do a better job for the farmers. America's farmers are entitled to a fair return for their labor and their investment and their spokesman, in order to help them get this return, should be familiar with all facets of agriculture. I am dedicated to working in every way that I can and by every conceivable means of administrative, legislative, and personal persuasion to achieve these goals.

You will recall in my testimony I stated that prices for corn and feed grains, so important in Nebraska and the Midwest, are too low. Because so many facets of agriculture are tied to feed grain prices, it is imperative that the Secretary take immediate steps to improve these prices. Some of the alternatives open to us to accomplish this were discussed before the Committee. Upon confirmation I intend to take all appropriate actions authorized to me under the law to bolster these prices and strengthen family farms. And, where the authority is lacking for me to take the steps I believe are necessary, I will ask for that authority from Congress.

Please know that I intend to fight the battle of the farmer not only through the halls of Congress but also through the Office of Management and Budget to get released the funds appropriated by Congress for soil conservation, rural electrification, the Rural Environmental Assistance Program, and other functions so vital to your State. I look forward to working with you in this cause.

Sincerely,

EARL L. BUTZ.

Mr. President, this letter is indeed a strong commitment in behalf of American agriculture. It confirms what I believe is the intention and the plan of President Nixon. It promises a program that is going to be beneficial to the farmers within the very near future.

My primary concern is raising the income of Nebraska farmers. I know that this is what the President plans to do. I am equally convinced that it will not serve the economic interest of the Nebraska farmers to either delay or defeat the confirmation of President Nixon's Secretary of Agriculture-designate, Mr. Butz.

I shall vote for Mr. Butz and I shall expect compliance in full faith of the commitments made.

Mr. McINTYRE. Mr. President, I will not vote for the confirmation of Dr. Earl Butz as Secretary of Agriculture. I have arrived at this decision after many hours of study of the record and reflection on the philosophy he would bring to the office.

I do not question Dr. Butz' competence, nor do I object in principle to the President's privilege of naming men to high office who share his philosophy and are personally loyal to him.

In all but a very few instances I have voted to honor that Presidential privilege. But in each case I have also tried to measure the nominee against a third criterion—his dedication to the intended goals and purposes of the office for which he has been nominated.

It is this third consideration that has determined my decision to oppose the Butz nomination.

I have always believed that a Secretary of Agriculture should be dedicated to enhancing the quality of all rural life, and to making sure that our harvest bounty benefits all Americans, however disadvantaged.

Dr. Butz' public record would indicate that he speaks for huge corporate farming—not for the family farmer, and that he speaks for the concentrated wealth and power of agribusiness conglomerates—not for the Main Street economy.

His devil-take-the-hindmost attitude would result in still more farmers being driven off the land and still more rural enterprises going out of business.

Right now some 2,000 farmers are leaving the land every week. This is tragic enough. But when we consider the fact that for every six families that leave farming one Main Street business closes down, then we can begin to see the full extent of the economic as well as the social costs.

I sincerely fear that Dr. Butz' farm philosophy would make it even more difficult to achieve proper rural-urban balance because it would drive more and more people out of the countryside and into the crowded, trouble-torn big cities of America.

I am also disturbed by Dr. Butz' seeming indifference to the plight of farmworkers, to the hungry of America, and to threats to the environment.

I agree with an editorial of last week which appeared in the Keene Sentinel, of Keene, N.H. As this editorial states, Dr. Butz hardly seems to be the kind of neutral spokesman we need today when rural America is torn between the corporate farm and the family farmer, between continued economic downturn and the need to revitalize the countryside.

Mr. President, I ask unanimous consent to have this editorial printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Keene Evening Sentinel,
Nov. 26, 1971]

FARMERS' "FRIEND"

The number of farmers may be declining, but those remaining still vote.

President Nixon knows this. He knows, too, that midwestern voters who granted him an electoral bonanza in 1968 turned visibly toward the Democrats in 1970's congressional and gubernatorial elections.

The disaffection among farmers is tied largely to the level of government price support on grains and to the slumping corn market.

Midwestern farm interests want price supports raised and they want the government to purchase a significant portion of this year's excess corn harvest.

As with most economic problems, there are distinct political facets as well.

Rather conveniently, Secretary of Agriculture Clifford M. Hardin has resigned to accept "an unusual business opportunity" with the Ralston Purina Co.

Hardin appears not to have been as politically effective as the secretary's job evidently requires between now and next November. So the low-profile Hardin departs.

In his stead, the President has nominated a self-styled "political animal"—Dr. Earl L. Butz—to steward the agriculture department, but more specifically to convince the men and women of America's heartland that their salvation is the Republican Party.

Parenthetically, it is interesting to speculate upon the mechanics of changing secretaries.

What prompted the Ralston organization to approach an incumbent cabinet member whose attainments in office have been described by the President in haloed terms? And is it merely coincidental that Dr. Butz, until his nomination, was a director of the Ralston company?

However innocent the answers to these questions may be, there is an unmistakable suggestion of the "old boy" network that commonly shuffles men such as Hardin and Butz back and forth between government agencies and related positions in industry or academe.

Butz, for instance, served as an assistant secretary of agriculture under Ezra Taft Benson in the 1950s. He has since been dean of agriculture at Purdue University and amassed an impressive portfolio of stocks in three large agribusiness concerns. (He has resigned directorships in all three and agreed to sell his agricultural stocks if confirmed as secretary.)

Butz received a narrowly favorable reading Monday in the Senate Agriculture Committe. Among the six members who dissented were the committee's ranking Republican, Sen. Jack Miller of Iowa, and Democratic chairman, Herman Talmadge of Georgia.

Opposition to the Butz nomination has been fairly widespread. It centers on his alleged bias toward large-scale agriculture and agribusiness at the expense of the smaller farmers.

Oren Lee Staley, president of the National Farmers Organization, labeled Butz as "one of those land grant college educators who was supposed to assist all farmers in America, but who identified instead with giant agribusiness corporations . . . at the very time they were driving thousands of bonafide family farmers to the wall."

Butz defended himself in a Senate hearing last week, declaring that he would be a "vigorous spokesman" in behalf of efforts to preserve the family farm and to solve the economic and social problems of rural America.

Earlier, however, Butz told The Washington Post that the "trend toward less farms is not bad. From a national point of view it is good that we have been able to produce an increasing amount of food with the work of a smaller percentage of our population . . .

Agriculture is making a transition from being a way of life to a way of making a living."

Butz does command support of the American Farm Bureau Federation. Oddly, though, he has been noncommittal on current legislation backed by the conservative Farm Bureau, to require agribusiness processors to bargain collectively with farmers.

Butz questioned the need of such legislation and suggests that farmers' cooperatives provide bargaining leverage with agribusiness firms.

It is worth noting that two agribusiness companies Butz served as a director have refused to enter collective bargaining arrangements with the Farm Bureau in one instance and with the NFO in the other.

Much of the criticism of Butz inside the Senate and within such farm groups as the NFO and the National Farmers Union rests on admittedly circumstantial evidence.

However, Butz has stated in his own words a philosophy that seems to say the small scale farmer is an anachronism, a romantic throwback to a simpler era of pioneers and sturdy families of the sod.

His appointment, while overtly political, ironically offers no sound assurance to many of the nation's surviving family farmers that they have much of a future.

As Butz said recently, the consolidation of farm units and reduction of farm families "releases these people to do something else useful in our society."

Perhaps this trend is inevitable. But we would expect the President would have discovered a more "neutral" spokesman to present such an unpalatable reality.

Mr. METCALF. Mr. President, I have received a letter from the Honorable C. R. Thiessen, State senator from District No. 3, including McCone and Richland Counties in eastern Montana. Senator Thiessen has served with distinction for many years a primarily agricultural community. He knows agriculture, is himself a rancher and he knows his constituents. He is one of those rare individuals who has labored without compensation throughout his life to organize cooperatives, to build the rural electric program and to contribute his share and much more to providing leadership to the movements which would make family farming a good and remunerative life. He strongly opposes the confirmation of Earl L. Butz as Secretary of Agriculture.

During the Eisenhower administration when Mr. Butz was an Assistant Secretary for Ezra Taft Benson, Senator Thiessen served on the Rural Telephone Advisory Committee to the REA Administrator Ancher Nelsen. Mr. Butz visited Montana to assist in the campaign of Wesley D'Ewart and while there, invited Senator Thiessen to bring to him in Washington the proposals of farmers in his area to improve farm programs. Mr. D'Ewart was defeated and Mr. Butz' subsequent reception of the Montana legislator is not reassuring to Montana farmers.

Senator Thiessen writes:

> Mr. Butz personally invited me into see him on my next trip to Washington and for me to bring with me proposals from farmers to improve the farm program. In good faith I met with farmers in Eastern Montana as he requested. However, Mr. D'Ewart was not returned to Washington. Upon my visit to his office in Washington I found him very uncordial and insulting. I quote some of the nasty remarks he made to me. "You, you come from the most radical state in the union, a Farmers Union state. All you farmers want is another dollar in your pocket. Here we have a farm program heaped on our desks which we do not believe in and yet we have to administer the same."

Mr. President, here is further evidence of Mr. Butz' intransigence respecting laws written by Congress that he would be required to administer as Secretary of Agriculture, if the Senate confirms his nomination. The Senate has already seen that as an Assistant Secretary Mr. Butz met his enforcement responsibilities selectively and casually. He has long been a defender, even a promoter, of agribusiness and vertical integration of food production. There is no space, in his lexicon, for the family farmer, particularly if he is a Montana farmer.

Mr. President, I hope the Senate will vote to deny confirmation of Mr. Butz.

Mr. PEARSON. Mr. President, after lengthy discussions with Dr. Butz yesterday and upon receipt of a letter from Dr. Butz, setting out his views on a number of issues which were of particular concern to me, I have decided to vote for Dr. Butz' confirmation.

Dr. Butz has indicated to me that he will work vigorously to protect and preserve the family farm system. He has expressed a strong commitment to increasing all farm prices and specifically the prices for wheat, corn, and feed grains. He states that, within the authority of his office, he will seek to advance the cause of rural development and balanced national growth.

At the time I wrote President Nixon asking that he withdraw the nomination of Dr. Butz, I indicated that I had a deep respect for the prerogatives of the President to name his Cabinet. This is an additional reason why I have decided to vote for confirmation.

I also want to reaffirm at this time my own personal commitment, as a Member of the Senate, to working toward a strengthening of farm prices and the preservation of the family farm. We must slow the decline in the number of farms. We must discourage any growth in vertical integration and large scale corporate farming.

Mr. President, I ask unanimous consent that Dr. Butz' letter to me of December 2 be placed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 1, 1971.

Hon. JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: I appreciate the opportunity of providing you information which may be helpful in resolving questions regarding my position on basic issues such as improving farm income, bettering the quality of life in rural America, and preserving family farms.

Having been reared on a family farm, I am earnestly interested in preserving these farms. Their preservation is absolutely essential to our economy and I shall do all within my power as Secretary to keep as many family farms in operation as possible. In my testimony before the Committee on Agriculture and Forestry, I quoted from a report of USDA's Economic Research Service which stated there may be a decline of approximately 1,000,000 in the number of farms by 1980. In quoting these figures, I was in no way approving of these projections nor advocating that this occur. On the contrary, it is my very firm belief that the Secretary of Agriculture, whoever he may be, should recognize such trends and bring all the resources of his Department to bear in the form of corrective action.

You will recall that during my testimony I stated my belief that corn and wheat and feed grain prices are too low. Because so many facets of agriculture are tied to feed grain prices, it is imperative that the Secretary take immediate steps to improve these prices. Some of these alternatives were discussed before the Committee. When confirmed, I shall take all steps authorized by law to bring these prices up and if other steps are required which are not authorized by existing statutes, I shall ask for that authority from Congress. Winter wheat planting estimates are made December 22. If this report should indicate that the ASCS estimated of wheat for harvest in 1972 is too low, we will consider authorizing additional wheat diversion for payment. As an economist, I know the importance of continuing to expand exports of farm produce and livestock products so that the family farmer as well as others will benefit economically from expanded overseas markets. I plant to actively apply myself toward reaching the goal of $10 billion in agricultural exports. America's farmers are entitled to a fair return for their labor and their investment and I want to be their spokesman in this cause.

I feel that it is a proper function of the federal government to strengthen our traditional family farm type of farm operation so that we will not move in the direction of large-scale corporate farming. Less than one percent of all farms are corporation farms and more than 4/5 of them are smaller family farm corporations. There is considerable evidence in the last couple of years that large corporations have been unsuccessful in their farming ventures, and many of them are backing away from this type of operation. We must bend every effort to preserve and strengthen the individual family farm.

It is my intention to be a vigorous and articulate spokesman for agriculture, both clear across the country as well as in the top councils of government in Washington. I feel that when Congress has appropriated funds, for example, for the Rural Electrification Administration or the Farmers Home Administration, and when there is a demonstrated need for these funds that the Secretary of Agriculture should use his influence to see that authorized funds are made available.

Our discussion yesterday also touched on the program of Farmers Home Administration.

I am firmly committed to support this important program for farmers in need of credit. President Nixon in his speech at San Clemente earlier in 1971 made it abundantly clear that we will provide sufficient resources for the Farmers Home Administration for its operational budget and for operating loans. You are aware, I am sure, that in this Administration the Congress has authorized an insured program for operating loans. The Senate has enacted such a provision for ownership loans with House action pending. Under these restrictions which have limited them in past years. I hope that authorization will be forthcoming shortly for FHA to insure ownership loans as they now do with operating loans.

Rural development is one of the great challenges facing this Administration and I conscientiously believe the programs of the Department of Agriculture can contribute more significantly toward improving the quality of rural life. By providing rural communities with the basic facilities needed to sustain electric power, we can also attract industries. This will provide jobs and take the pressure off our crowded cities where so many rural residents have been forced to move for lack of opportunity in the country-side because mechanization of agriculture has reduced available jobs.

I am dedicated to working in every way that I can and by every conceivable means of administrative, legislative, and personal persuasion to achieve these goals. Your assistance will be most appreciated as we work toward these ideas which are so vital to our Nation.

Sincerely,

Earl L. Butz,
Secretary-Designate.

Mr. MILLER. Mr. President, I regret that I cannot support the nomination of Earl Butz to be Secretary of Agriculture.

My views were made clear at the time of my vote against this nomination in the Senate Agriculture Committee.

As I stated then, the decisive point is the position of the nominee that no administration or Government can do anything about the trend which could lead to the loss of 1 million farms—out of the present 2,900,000 farms—by 1980. I feel very strongly that this administration and our Federal Government can do something about it and should do something about it. For over 2 months I have, along with other Senators and Congressmen from the Midwest tried to persuade this administration to do something about the depressed corn price situation—preferably through an increase in the loan price support for 1971 crop corn. Although the Department of Agriculture has taken some action to ease the problem—such as permitting farmers to obtain loans on corn stored on the ground—these actions have been inadequate. Unless more is done, the loss of family farms will continue—a loss which need never have occurred. Simultaneously the depressed economics of numerous small- and medium-sized cities and towns will prevent the economic recovery which is the number one domestic objective of most of us and certainly of this adminstration.

It is easy to oppose a presidential nomination for partisan political purposes. It is not easy to do so when partisanship is irrelevant. However, I deeply feel that when it comes to agriculture, my first duty, as a Senator from Iowa, is to stand up for the farmers of my State. And I am well persuaded that the great majority of my farmers share my belief that a national policy to assure the American consumer of an adequate supply of quality food and fiber should be matched by Federal Government action to see to it that the farmers do not bear an unfair share of the cost of that national policy.

A national policy resulted in serious overproduction in 1967 accompanied by disastrously low grain prices which carried through 1968. The Democratic administration took no meaningful action to prevent our farmers from bearing the cost of that policy. But that does not mean that this administration must or should follow that example. If my voice of opposition to this nomination contributes to an awareness that prompt action must be take by our Government, the cause of the Midwest farmers will have been well served.

Mr. BUCKLEY. Mr. President, I ask unanimous consent to have printed in the Record two telegrams urging confirmation of the nominations of Dr. Earl Butz as Secretary of Agriculture; the first being addressed to me by the New York Farm Bureau, and the second being addressed to the chairman of the Committee on Agriculture and Forestry by the New York State Commissioner of Agriculture and Markets:

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Albany, N.Y., *December 1, 1971.*

Hon. James L. Buckley,
U.S. Senate Building,
Washington, D.C.

Dear Senator Buckley: This telegram will serve to confirm that New York Farm Bureau supports the nomination and confirmation of Dr. Earl Butz as Secretary of the U.S. Department of Agriculture to replace Clifford Hardin retired.

Because of his agriculture background and experience, we believe Dr. Butz to be uniquely qualified to assume the responsibilities of Secretary of the Department. We further believe that his eloquence and expertise as spokesmen for agriculture will be beneficial in public relations effort with all citizens. He is a defender of the competitive enterprises. Personal contacts with Dr. Butz indicate that in general he supports farm bureau policy relative to agriculture.

We request that you support confirmation of the appointment of Dr. Butz to serve as Secretary of the Department of Agriculture.

Richard McGuire,
President, New York Farm Bureau.

New York, N.Y., *November 19, 1971.*

Hon. Herman E. Talmadge,
Committee on Agriculture and Forestry,
Senate Office Building, Washington, D.C.:

Sorry unable to remain to testify at committee hearing today re. confirmation of Earl Butz. My presence at committee session yesterday affirmed my belief your committee respects Dr. Butz ability, honesty, integrity and broad knowledge of agriculture. We are fortunate in having such a man willing to assume responsibility of Secretary of Agriculture. Respectfully request your approval of his appointment.

Don J. Wickham,
New York State Commissioner,
Agriculture and Markets.

Mr. ALLOTT. Mr. President, we have heard a plethora of oratory on the selection of Dr. Earl Butz as President Nixon's choice for Secretary of Agriculture, most of it politically inspired. While it may also be true that a few Senators of my own party are miffed because they were not consulted in this selection, and others are sincerely in doubt that Dr. Butz is the man for the job at this stage of the administration's efforts to improve the farm income situation, I have weighed the alternatives and have reached a conclusion that the Secretary-designate should be confirmed.

The Cabinet post which Dr. Butz has been willing to accept is perhaps the most difficult of all the positions in this or any administration. I am deeply troubled by the fact that down through the years no Secretary, no matter what weapons are provided by Congress, has been able to stem the exodus from our farms. Nor have any of them been able to provide means for farmer income that would average out comparably with their city counterparts.

In recent years, during the past Democratic administration, it became increasingly difficult to reach a point where the cash flow from agricultural profits would sustain a family's needs. Each year more of the cash for farm families has come from jobs outside of agriculture, until at the present time 48 percent of total farm population income is earned off the farm.

And each year more than 100,000 farms have been vacated and absorbed either by urban development or by sales to larger operators who needed to expand to remain in business. All of this has meant continued higher borrowing for those remaining on farms. Farm debt today is several times that of a generation ago when there were three times as many farmers.

Now, what does all this mean? It spells out the position in which any Secretary of Agriculture finds himself—an almost impossible condition for curtailing farm failures, but also one that is a constant challenge.

Today, we are directing every effort toward maintaining the small efficient farm family. These families are the hope of our opportunity to revitalize rural America. These families are the basis upon which we can rebuild a prosperous rural America. This is something we must do. Our cities are unmanageable, and almost unliveable. Without these farm families a new program would have to start from scratch—an unthinkable position for any administration.

After having talked with Dr. Butz at length just recently, I am convinced that he is fully aware of the need to not only retain our existing family farms but to increase their income. Every community in nearly 3,000 counties is dependent upon this premise, and in turn any plan to reverse the outmigration to the cities is interdependent upon making our rural areas a place where young people are going to find good jobs or can remain on the farm. Mr. President, I look forward to working with Dr. Butz to accomplish this goal—one which we can accomplish if we redirect our resources.

If we want to be politically cynical, and I note considerable evidence of this factor since nomination of Dr. Butz, I cannot conceive of a Secretary of Agriculture who would do anything other than use every tool available to him to increase farm income to the fullest extent possible under existing laws. I am convinced from conversation with Dr. Butz that his every considerable effort is going to be directed wholeheartedly and positively in this direction.

Since I have complete confidence that the President is thinking only in terms of striking down the inflationary trend that has doubly injured the agricultural producers of the Nation, and of making certain that farm prices are brought up to a profitable level for every possible commodity, I rise today in support of confirmation of Dr. Butz.

I sincerely believe that the best interests of agriculture at this time will be best served by getting a new Secretary of Agriculture installed as rapidly as possible so he can demonstrate our faith in his ability and willingness to advance agriculture on every front in an accelerated series of actions so mandatory to the well-being of rural America.

Mr. BROOKE. Mr. President, I shall vote to confirm the nomination of Dr. Earl L. Butz to be Secretary of Agriculture. I do so in the belief that the President of the United States is entitled to select his own Cabinet and that the Senate of the United States should properly reject Cabinet nominees only if there are sufficient doubts as to the nominee's competence or integrity.

Unlike members of the Supreme Court, Cabinet members serve at the will and direction of the President. They carry out his policies and directions and do not chart their individual courses.

In the case of Dr. Butz, I find that his extensive background in and understanding of agricultural problems make him well qualified for the post of Secretary of Agriculture.

I find too that he is an honest man of unquestionable integrity.

While I support his nomination and will vote to confirm him, this should not be construed as an acceptance of all of his views or actions past, present, or future.

Representing as I do a significant number of small farmers in the commonwealth, I am concerned by charges that Dr. Butz may be unsympathetic toward the small farmers and inclined to view the future of farming in terms of large combines.

However strongly felt by some, these charges must be weighed with Dr. Butz' testimony before the committee. In discussing agricultural production by large firms with Senator McGOVERN, Dr. Butz said:

> I think evidence is clear in recent times that the large corporations that attempted to get into agricultural production got its fingers burned, and is (sic) backing out. You simply can't produce that way.

Concern has also been raised about the nominee's positions on food stamps and the school lunch program. This concern stems from an April 26, 1971, speech by Dr. Butz in which he raised questions about President Nixon's welfare reform proposal and the school lunch program. A careful reading of the text reveals that Dr. Butz merely raised questions about, but did not express his opposition to welfare reform or the school lunch program. In his testimony before the committee he expressed strong support for a subsidized program of food distribution to the poor.

I find on balance that there is no evidence upon which to conclude that as Secretary of Agriculture, Dr. Butz would work against the interests of small farmers and disadvantaged Americans.

In considering the nomination of Dr. Butz I am reminded of the confirmation proceedings for Gov. Walter J. Hickel, who was subjected to the most intense scrutiny and questioning. In announcing my intention to vote for Mr. Hickel's confirmation, I said in part:

> He is fully aware that his every step in office will be watched, both by his critics and by those of us who feel, with absolutely no personal rancor, that he must prove himself by the way in which he executes his impending duties. To overcome the doubts which have been raised about his suitability for the position, the Secretary-designate will have to turn in an exemplary performance . . . he will in fact have to do a superior job if he is to win over the skeptics. For my part, I am willing to be convinced, and I wish the Secretary-designate every success in the demanding tasks he will now undertake.

Secretary Hickel proved himself to be an outstanding Secretary of the Interior. Those of us who had doubts, were pleased with his performance. If confirmed, it will similarly be necessary for Dr. Butz to perform excellently to please his critics and supporters alike. I believe he has the capacity to serve as an outstanding Secretary of Agriculture and will so serve. Thus, I shall vote to confirm his nomination.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the distinguished Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENNETT

It would indeed be unfortunate for American Agriculture if the nomination of Earl Butz to be Secretary of Agriculture were defeated by the Senate. Mr. Butz is a strong proponent of Agriculture at a time when agriculture needs a staunch defender.

Dr. Butz first came to my attention as the Assistant Secretary of Agriculture under the Eisenhower Administration. He served very effectively in that post, acting as the Chairman of the United Nations Delegation to the United Nations Food and Agriculture Organization in Rome and traveling extensively throughout America as an observer and advisor on Agricultural subjects, and he has gone on to compile a very impressive record.

Mr. Butz was born and raised on a farm. He was graduated from Purdue in 1932, and gained his doctrate there in 1939. He has been an instructor in Agricultural economics, Dean of the Agriculture Department and the Vice President of the Purdue Research Foundation. In addition, he has served as a research economist for the Brookings Institution, as an economist for the Federal Land Bank at Louisville, Kentucky, and as the director of a number of private businesses. This man has a balanced background in education, business, economics and administration and the depth of his experience is all related to agriculture.

The arguments of those who oppose Mr. Butz have centered on political considerations. I do not feel that the substance of these arguments is valid, and I am disappointed at the tactics which have been attempted to discredit the nominee. The opposition to the nominee has been directed at his business associations and what some have defined as conflicts of interest and at what has been interpreted in various way by various individuals to be his attitude toward farm programs.

In regard to the "supposed" conflicts of interest allegation with "agri-business" the nominee has made his point very clear. He served on the Board of Directors of three business firms. As he explained, "I went on these boards with a clear understanding that I would be a spokesman for agriculture . . . I was about the sole spokesman for agriculture and tried in every case to present agriculture's position as vigorously as possible." The nominee is a product of a family farm. He has expressed his understanding of and sympathy for the difficulties facing the small farmer.

I am impressed with the nominee's concept of the family farm. His opponents have suggested that because he will not completely outline his plans for agriculture that he is not sympathetic to the needs of the small farmer. Instead, I believe that he has envisioned a flexible role for agriculture. As he states:

"The family farm must be preserved, but I do not want to lock it into concrete. I want it to be able to grow too and to adjust . . . The family farm has to adjust, it has to produce more in the days ahead to survive. So I am strongly in favor of the family farm with the flexibility to adjust and to provide an adequate living for the farm family."

Mr. Butz has stated that the decline in the number of family farms will continue, but I believe this statement has been grossly misinterpreted. He is not suggesting that it would be the policy of a department under his direction to force small farmers off the land. Such a conclusion is ridiculous. He has pointed out that America lost 1,000,000 farmers during the Eisenhower years, and another million under the policies of Orville Freeman. These men did not work to eliminate family farms. America is not a nation of subsistance agriculture, and it will continue to move further away from that concept. This movement is the fault of no one—it is the product of our technological and rapidly progressing society.

The nominee has clarified his position in this regard, and I am impressed with this commitment to Agriculture. He has said, "I think I spent my life being a vigorous and articulate advocate for agriculture, for a progressive agriculture. I have tried to make farmers proud of their profession for I think agriculture is a proud profession. Food is the first law of life and those who produce it are top on the priority list in a country like this."

I am more than satisfied with the nominee's sincerity in this regard and I must be critical of those who have been so willing to attack him on the basis of surface appearances without regard for the actual facts of his beliefs and responsibilities.

The second major criticism of the nominee has been leveled at his "attitude" toward farm programs. The nominee has expressed his thoughts on farm programs, price supports and acreage controls. He has stated that, "I in some way favor the Agricultural Act of 1970, which I think is a good approach because it permits our farm prices to be at the export level so that we can export a maximum amount of farm products and yet get the income to our farmers."

The nominee has expressed his support for the program for diverted acres as a production control. He has said, "I subscribe to this and I like the idea of letting farmers have maximum flexibility within the acre they plant and what they plant."

In regard to farm income, Dr. Butz has stated that "the level is much too low for farm income. I want adequate income and I want good prices. We now export roughly one acre out of four in this country and I want to keep those exports high."

The nominee has asked that he not be required to commit himself to specific programs at this time, and for this reasonable request he has been heavily criticized. I personally would much rather see him make difficult program decisions after he has had time to make a thorough study and evaluation with adequate staff, than commit himself to specific programs now. He is willing to take flexible approach to the Department and its problems, and I believe his attitude should be commended.

Mr. President, the Committee has indicated its approval of the nominee. He is a man of integrity and he has expressed a desire to work diligently in behalf of American Agriculture. Dr. Butz has the balanced background to be Secretary of Agriculture and the desire to further its interests. Agriculture could not ask for a finer representative, and I am pleased to support him.

FROM THE PRESIDENT WHO BROUGHT YOU NO FARM MESSAGE

Mr. CHURCH. Mr. President, ever since President Nixon announced his selection of Earl L. Butz as Secretary of Agriculture, my office has been flooded with telegrams, letters, and phone calls in opposition to his confirmation by the Senate.

As a Senator from a major farm state, I do not take lightly the appointment of a new Secretary of Agriculture. Neither do I dismiss lightly the right of a President to be served by Cabinet officers of his own choice. I feel strongly that the Senate should not, except for the most clear and convincing reasons, deny confirmation of a presidential appointee to the Cabinet. Generally speaking, the nominee is entitled to the benefit of the doubt.

Because of my belief in the normal practice of confirming the President's Cabinet appointees, my decision to vote against Mr. Butz has been an especially difficult one. I reached my decision only after considerable deliberation, and I think that the farmers of Idaho deserve an explanation.

Mr. President, we are all aware that President Nixon has not devoted much time or energy to the solution of the farm problem. During his first year in office, he did not even send a farm message to Congress. He was the first President since Herbert Hoover not to deliver such a message.

It is also true, however, that rural America has been in decline for many years, under both Democratic and Republican administrations. I do not single out either party, or any particular President, or any one Secretary of Agriculture, for blame. I do not consider the problems of the farmer to be a subject of partisan politics. I look upon the problems facing the farmer as an urgent shortcoming we must remedy before the family farm disappears, and, along with it, the wholesome character of rural life in America.

Mr. President, Mr. Butz, if one may judge from his statements through the years, believes in a different hypothesis, that more and more farmers should leave the land. In a recent article in the Washington Post, Mr. Butz gave the impression that he felt the loss of another million farmers was inevitable between now and 1980. Apparently, Mr. Butz regards these million farmers as simply expendable. He feels they should no longer attempt to make a living from the soil. He is an advocate of "integrated" agriculture, a one-conveyer belt system, providing farm products "from the field to the grocer's shelf" which less kind observers have called the formation of huge vertical trusts.

It is argued that such a system would reduce retail prices for food, and assure steady, well-regulated supplies of farm products, that it would be more efficient and, therefore, better for the Nation as a whole.

The basic problem, in my judgment, with this thesis is that it looks only at the food conveyor belt which extends from farm to market. It fails to take into account the other economic consequences of vertical integration in the food and fiber industry. The attendant effects of the trend toward giantism upon the overall rural economy must also be considered.

I am alarmed at the steady migration from the countryside into the cities of America, brought about by the collapse of so many family farms. I think that it would be well for every Member of this body to study closely a report issued by the Senate Select Committee on Small Business, dated December 20, 1969, and entitled "Impact of Corporation Farming on Small Business." It is not a long report, but the questions it raises give strong validity to the assumption that while agribusiness could result in lower food prices—which is itself a questionable assumption—it is cutting the heart out of our rural economy.

In place of the family farmer, intimately involved in the life of his neighborhood, the corporate farm is run by managers who may live and transact business miles away.

The remote, impersonal corporate entity secures its financing through large central banks, as opposed to utilizing the local bank. The result is that rural credit systems suffer losses and cash flow and the rural economy becomes restricted.

The corporate farm buys its machinery from the factory or from large implement dealers, with the result that local dealers can no longer realize sufficient profit margins.

Large corporate farms bypass many of the dependent small community businesses and, as their number grows, small businesses are strangled for lack of trade.

The effect is thus compounded. The farmer is forced from the soil. The small businessman is forced from Main Street. And the people who depend upon them both are left without employment.

We all know where the vast bulk of these displaced people go, Mr. President. They flow in an endless tide into our already overcrowded cities. Many with little or no specialized training find themselves on the welfare rolls or in low-paying dead end jobs. The flood to the cities means higher taxes to our urban dwellers and mounting costs for already bankrupt cities.

For the sake of more "efficiency" on the farm, we create chaos in our cities. It is a strange paradox, Mr. President, to pour food and fiber into one end of the horn of plenty, and at the other reap a harvest of jobless malcontents.

In a rural State like Idaho, the movement away from the farms is startling. From 1961 to 1965, Idaho's total farm employment averaged 66,000 persons. By 1967, the total had dropped to 50,000. In 1968 it stood at 48,000. In 1969 it was 46,000 and the downward trend continues. It hardly needs to be pointed out what these losses have meant to our rural economy.

We need a Secretary of Agriculture who is determined to save the family farm, which is, in truth, indispensible to a prosperous countryside. If we fail to revitalize the economy in our rural areas, we will not have 70 percent of our people on 1 percent of the land—we will have 80 percent and then 90 percent. All that will remain of rural America, as we have known it, will be huge fiefdoms, plantations of a size to put the Old South to shame. Worse still, they will be operated by hired hands, on behalf of absentee stockholders interested only in maximizing their dividends. And as the small country towns shrink and disappear, the city slums will grow ever larger. What a price to pay, in the name of efficiency. I simply cannot vote to confirm, as the next Secretary of Agriculture, a man who considers the preservation of the family farm a waste of time.

I oppose Mr. Butz for no other reason than my utter disagreement with him on this fundamental issue. We can reverse the exodus to our cities only by profitable family-sized farms, not by supplanting them with gigantic corporate fiefdoms.

Mr. President, because its contents so clearly point out the problems caused by corporate farming in America, I ask that excerpts from the report of the Select Committee on Small Business, entitled "Impact of Corporation Farming on Small Business," together with the appendix to the report appear at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Impact of Corporation Farming on Small Business

I. INTRODUCTION

This is a preliminary report on the subcommittee's findings in a continuing investigation of the impact of corporation farming on small business and the economic and social structure of rural America.

The subcommittee is vitally interested in public policy implications of rapid movement of large corporations,[1] including conglomerates, and other nonfarm interests into farming. The evidence indicates direct business involvement in agriculture is relatively new, becoming important in the 1950's and a significant trend in the last 5 years or so.

Preliminary study shows increasing corporate control by companies, many in the food and feed fields, of poultry, egg, and livestock production. This normally involves some degree of vertical integration with little or no actual ownership of land or direct operation of the agricultural enterprises involved.

The investigation also has turned up a large number of corporations buying and operating large tracts of agricultural lands, particularly in the Great Plains States. These are farming companies that displace independent farmers and ranchers in a community.

A 1967 survey, completed with assistance from both county assessors and Federal officials, showed 452 corporations owned 1,633,529 acres of South Dakota farm land.[2] The number of corporations involved in farming in Nebraska was estimated at 500.[3] A preliminary study in Minnesota shows at least 230 corporations engaged in farming in that State.[4]

Footnotes at end of article.

An Internal Revenue Service report showed 17,578 farming companies filed Federal income tax returns in 1965.[5]

A. Scope of investigation

The investigation is designed to determine the effect of corporation farming on small business in rural communities, the impact on the sociological and moral environment of existing independent family farms and ranches, and likely patterns of use of water and other natural resources by corporate farm operators.

Incorporation by partners or families, usually done to take advantage of special tax provisions or facilitate transfer of farm and ranch units from generation to generation, is not at issue in the investigation. It is estimated these farming corporations make up 20 to 30 percent of the total.

Several other important areas, related to corporation farming and raised repeatedly in the testimony, also are not dealt with directly. One is the impact of corporation farming on consumer price levels. Another is the efficiency of different types of agricultural systems and the question of whether the family farm system deserves protection and support.

The subcommittee began the investigation after receiving reports, mainly from farm oriented organizations, of widespread concern over the growth of corporation farming. Farm rural spokesmen express concern that corporation farming is being accepted, and occasionally given Government support, without public discussion or questioning of its benefits or its consequences.

Several witnesses urged the subcommittee to push corporation farming controls to give policymakers time to consider its impact before it becomes an irreversable trend. To permit farm incorporation to proceed without control, one farm economist testified,[6] appears to be an unjustified gamble. He said the evidence points to the need for a policy of cautious experimentation that includes explicit provisions for slowing farm incorporation until probable long run consequences have been fully analyzed.

The investigation deals with the important policy question of whether this nation wants an agriculture made up of independent farmers and ranchers or whether it is willing to shift to an industrialized agriculture.

There is considerable opposition to the latter course. One farm leader termed growth of corporation farming one of agriculture's most urgent problems. A sociologist said this trend, if allowed to continue, will erode the social and economic strength of rural communities. Still another witness predicted stepped-up farm-to-city migration, slowed economic activity in small towns and cities, more rural poverty, and monopoly control of food production if company farms become dominant.

The subcommittee, in opening the investigation, returned to a problem area last considered more than 20 years ago by the Senate Small Business Committee. That study, entitled "Small Business and the Community—A Study in Central Valley of California on Effects of Scale of Farm Operations," was completed in 1946.[7]

The committee carefully compared the economic and social life of the Central Valley communities of Arvin and Dinuba, one surrounded by independently owned and operated family farms and the other by large corporation farms. Except for the difference in size and makeup of farming enterprises, these agricultural communities were nearly identical.

Despite these basic similarities, the study disclosed some striking economic and social differences.[8] The family farm community supported 20 percent more people at a better standard of living than the corporation farm community. It had nearly twice as many individual establishments with 61 percent more retail trade. In addition the family farm community had more and better schools, churches, recreation facilities, civic organizations, and public services.

B. Field hearings held

The subcommittee has held public hearings in two cities thus far. At initial hearings May 20–21 in Omaha, testimony was taken from 15 witnesses from nine States in the Great Plains. The subcommittee heard 19 witnesses from three Upper Midwest States at the second hearing July 22 in Eau Claire, Wis.

Witnesses included representatives of Farmers Union, the Grange, Independent Bankers Association, National Farmers Organization, and National Catholic Rural Life Conference. Farm economists and sociologists, farm cooperative and poultry producer representatives, church leaders, and other experts also appeared.

Most of the testimony centered on (1) exploitation of underground water; (2) federal tax favoritism; (3) corporate buying patterns for farm production items; (4) inflationary land acquisition practices; (5) government sales of large-acreage surplus installations; (6) corporate production of poultry, eggs and livestock; (7) erosion of the public livestock marketing system; (8) breakdown of rural institutions; (9) migration of farm and rural people to the cities, and (10) threat to banks, dealers and retailers in towns and cities in agricultural trade areas.

All of these issues are dealt with in detail in succeeding sections of this report.

C. Lack of data

Preliminary subcommittee study indicated there has been no recent indepth, comprehensive investigation of either corporation farming or its implicatons. Questioning of witnesses about current research, whether by organizations or universities or individuals, clearly showed this to be the case. A few state or regional studies are underway but none deal on a national basis with the overall problem.[9]

This issue has not had the attention its importance would seem to indicate, either in or out of Government. Howard Bertsch, administrator of the Farmers Home Administration, expressed dismay in his testimony at lack of public discussion of social implications of this basic change in agriculture's structure.[10]

"The whole dialog of the social virtues and social values of family farming in this country had died. And I believe the most important product, perhaps of these hearings which this committee is conducting, will be the renewal of this dialog because if we ever get the American people talking about this issue and understanding this issue, I have the greatest faith in the utlimate outcome. But when we let dialogs like this subside, then we encourage evils like corporate farming to grow."

Although the economic and social ramifications of this issue are important to farm and city people alike, the subcommittee found that it has had little attention and consideration in agriculture and almost none elsewhere. The Department of Agriculture has recognized, through public statements, that the issue needs attention. But there is no evidence the agency has done more than conduct some cursory surveys through field offices.

The record indicates this policy area needs much more attention from university researchers, too. Even the publicly-supported land grant institutions, which traditionally are looked to for farm-rural policy direction, have done little to build public awareness or understanding of this issue. As one university witness put it: [11]

"We need some research, we need it now, not next year, we need it tomorrow. We don't really know what the social impact is of this change that is going on. We can talk all we want to today but I am embarrassed, we have very few answers."

II. IMPACT ON SOIL AND WATER RESOURCES

A good deal of testimony at the hearings dealt with the impact of corporaion farming on soil and water resources. The possibility that companies would "mine" both land and water to obtain rapid profits, then move on to new areas, was repeatedly suggested.

Heavy and unregulated pumping of underground water for irrigating large-scale company projects was singled out as a relatively new and critical problem area. The subcommittee concludes that fear of exploitation is based on sufficient experience with older corporate farming operations in California and elsewhere to be seriously considered.

Most of the water problems cited in the testimony dealt with the Ogallala Basin, a vast underground reservoir underlying parts of Nebraska, Colorado, Kansas, Oklahoma and Texas. This water resource has been built up over centuries.

Farm-rural witnesses emphasized that they oppose heavy withdrawal from the Ogallala because it is a closed basin that could be pumped dry in a generation or less. It is not fed by surface streams or lakes. Its recharge rate is severely limited, coming solely from rain water seeping through the soil.

It is obvious to the subcommitee that both Federal and State agencies know too little about this basin or what is happening to it. The U.S. Geological Survey has sufficient data to estimate the basin's capacity at 80 million acre-feet of water. It has calculated that about 30 million acre-feet is recoverable through surface pumping.

The serious and long-term consequences of heavy pumping from the basin were suggested in this exchange.[12]

"Question. (You say) the resource is replenished at the rate of less than one inch per year. How much is that in terms of this?

"Witness. Well, the average annual rate of recharge is estimated at 430,000 acre-feet. But the recharge rate is not a sufficient factor in the development of the reservoir for beneficial use since the recharge is balanced by outflow. This balance in the reservoir has been established over many centuries. Consequently any withdrawal from the reservoir is, in effect, "mining" of the water. It begins to throw that reservoir out of balance as it is tapped * * *"

There is considerable concern over public policy implications if, through heavy pumping for irrigation, an underground water resource is exhausted. The long-term outlook appears grim for dryland areas now drawing on Ogallala Basin water.

That specific problem was described this way by a witness who has studied soil and water conditions in northeast Colorado for many years: [13]

"Many wells have been developed on sagebrush covered sand dunes, generally considered to be unsuited to crop production. By the heavy application of fertilizer, high yields of feed grains are being obtained. However, these soils under row-crop production will sift during the winter months without fall cover crops. If the water resource is exhausted, these fields will have to be abandoned and they will become barren, blowing desert."

Another witness told the subcommittee that heavy pumping for a new 40,000-acre corporation farm in northwestern Florida already has stopped the flow of artesian wells in the area.[14]

The subcommittee concludes that the critical policy question revolves around whether the water use will be regulated, how rapidly it will be exhausted, and who will benefit. It is clear that the entire Nation—not merely the farmers, ranchers and businessmen in these areas—has a stake in proper use of water from the Ogallala and similar underground sources.

Footnotes at end of article.

It was suggested repeatedly in the testimony that farming companies and other absentee investors lack the permanence, and thus a strong commitment, to long-term soil and water conservation. There is evidence this concern is well founded.

One witness contended soil conservation is often ignored by corporate operators, who remove waterways, contour strips and terraces to accommodate big machinery. He described one specific example.[15]

"Soil stewardship is something that the average farmer is dedicated to, but is not held in very high esteem by corporation operations. I know of instances in my community where a large operator removed the fences, ignored the waterways, and planted the whole farm with one crop. A heavy rain struck and took enough topsoil from the field to fill the road culvert and then buried the road with so much mud that the road grader got stuck in an attempt to remove it. These things are serious, they affect generations to come."

A similar report came in testimony on developments in Central Wisconsin's sandy soil area, where a good supply of underground water is attracting investors. Specifically criticized was bulldozing of shelter belts, wide strips of trees up to 20-feet tall planted under government programs in the drought years of the 1930's. The belts, which have served for 30 years or more as permanent windbreaks, are uprooted to clear the way for irrigation equipment and longer rows for big machinery.

Wind erosion of the sandy soil involved was described this way by a witness who illustrated his critical remarks with photographs: [16]

"It has progressively built up a fence row until it is 6- to 15-feet high. When the old fence is built up in the sand you build another. In these two pictures overdrift is gradually sifting into the next field, it already has destroyed a large part of an alfalfa crop. It must be remembered that these drifting-like particles make up part of the area's topsoil.

"We can go through this area and we find where the shelter belt has been bulldozed out, we see pictures of what happens when winds come along. Some day that impersonal decisionmaking process will decide if it is no more economically feasible to produce on this land, and then the people left in that community will have to live with whatever is there, and our Government again perhaps will have to go on a planting program to preserve what is still left there."

One farm leader contended corporation managers are so pressed with demands for profits that they should not be trusted with either soil or water resources. His testimony was interrupted at that point by this exchange dealing with underground water exploitation, temporary status of the corporate farm operator, and public costs of restoring an exhausted water reource: [17]

"Question. Now, if a corporation gets into corporate farming and starts, for example, vast irrigation projects and is only concerned about the immediate profit for the next 5 or 10 years * * * may they not simply destroy the soil and deplete the water table and then walk off and leave it?

"Witness. I think that is true. It has already happened in many areas and this seems to be the pattern.

"Question. I conducted some hearings * * * on the Central Valley, Calif., project where we now have a Federal reclamation project costing $500 million. There were vast corporate landholders. One of the railroads is holding 55,000 acres, who have punched wells down 600 feet and drained the water table down to what's called the corcoran clay.

They soon were out of water, so they punched through the corcoran clay some 300 feet and drained the water table down there. It is down 1,200 feet and they're beginning to get brackish water in all parts of the Central Valley. So now we're engaged in a reclamation project, part of the objective of which is to spend some taxpayers' money to restore the water table and bring it above the corcoran clay again. Now, isn't this the kind of problem that we could run into with uncontrolled exploitation and use of the land by irrigation and otherwise?

"Witness. I certainly think so * * *"

It also was suggested that huge poultry and livestock feeding operations, which are concentrated in limited areas and produce odors and a high volume of manure, will create serious air and water pollution problems. Scientists calculate that a 10,000-head beef feedlot creates as much waste matter as a city of 160,000 persons.[18]

Public tension over waste disposal methods is sure to accompany development of these company operations, creating serious environmental quality problems for State and local governments.

The subcommittee concludes that serious resource policy questions have been raised regarding the likely impact of corporate farming on soil and water conservation. It is clear that too little is known about the problem. It also is clear that time is a critical factor in dealing with exploitation of resources that can be depleted in a generation or less. This policy area needs immediate attention.

III. IMPACT ON LOCAL SERVICES AND BUSINESS

Several months ago the daily newspaper in a small agricultural community in Kansas (pop. 8,483) published an editorial alerting its readers to the dangers of corporation farming. The Wellington Daily News, itself a small business with a farm-rural trade area readership, summed up its concern this way: [19]

"The thought of one giant corporation controlling all of the agricultural wealth of Sumner County would provide a lifetime of nightmares for our merchants. Small town insurance firms wouldn't have anyone to insure. Realtors wouldn't have anything to sell to anyone. Implement dealers could forget it. Petroleum dealers would go out of business or out of town, or like most of us, both."

There was considerable evidence submitted at the hearings to show that this is the likely impact of widespread company farming in the trade area of any small town or city directly tied to agriculture.

The large company farms, as a general practice, buy equipment and production supplies discounted and direct from either wholesalers or the factory, bypassing retail and dealer establishments in nearby towns and cities.

One example of direct buying was provided in the report of purchase of $250,000 in farm equipment by Shinrone Inc., which operates a large farm in Sac County, Iowa.[20] The equipment was purchased from manufacturing plants in Brantford, Canada, and in Detroit, Mich., and Algoma, Wis. The same witness reported corporation farming companies also play off local dealers against each other so low bids, if they are made locally, provide little or no profit.

Also obtained direct are credit, insurance, legal assistance, and other business services obtained locally by independent farm and ranch operators.

One witness [21] pointed out that many company farms are directly affiliated with large oil, tire and other makers of farm production supplies and thus find it doubly profitable to buy direct.

These company farm practices result in a competitive production cost advantage over independent operators and lost volume sufficient to drive small retailers, dealers and service establishments out of business. Especially hard hit are local implement dealers, farm supply stores, and feed and seed outlets.

Service establishments, highly important in small towns and cities, would be hit hard, too. A substantial drop in local demand will eventually force banks, law offices and similar service institutions to cut back or close entirely. The outlook was described this way by one rural banker witness: [22]

"The rural community lives from the gross income of the family farm or the small, closely held family farm corporation. Because towns and banks are in the business of serving people, the banker sees that the disappearance of these families would cause his town and his bank to disappear. * * * The fact remains that the small town can not exist without people on the land, no matter how productive a vast corporation farm may be."

Buying and financing practices of company farms also work against attempts by banks and other local institutions to keep money circulating in the community's trade area. A banker from Chippewa Falls, Wis., (pop. 11,708) told the subcommittee: [23]

"* * * it hurts our communities because they (company farms) have a tendency to purchase supplies, feed, fertilizer outside the service area of the community. They hurt us in our business of banking particularly in that financing automatically comes from the bank at their head office and, in turn, any excess deposits eventually will drift back into the home office and circulate in that monetary system rather than in the system in which its original origin was."

A study [24] of 190,000 farm families using supervised credit of the Farmers Home Administration in 1967 showed they grossed $3.2 billion and spent all of it locally. The breakdown showed $736 million spent for clothing, food and other consumer items; $1.7 billion for goods and services to produce crops and livestock, and $704 million to retire debts and buy new farm machinery.

Commenting on the close relationship the study showed between farm families and local business firms, the agency's administrator told the subcommittee:

"The managers of large-scale corporation farms deal directly with the wholesalers or even the manufacturers of the products they need * * * In an area where corporation farms dominate there is no place for the village farm supply dealer, the co-op grain elevator, the small banker. You simply can not have corporation farms and small business enterprises cheek and jowl. On the other hand, where family farms thrive, small businesses flourish, too."

The economic health of many small businesses in farm-rural communities already is substantially weakened by population attrition. Business volume provided by farm families has been dropping steadily in America's agricultural midsection, where roughly every third farmstead now is vacant.[25]

Although the subcommittee did not receive any testimony on the subject, it also is interested in the impact of corporation farming on franchise businesses, both independently-owned and otherwise. These small businesses are an important element in small towns and cities dependent on the agricultural economy. These include outlets of such companies as J. C. Penney, Western Auto, Gamble's, Woolworth's and Ben Franklin.

The long-term outlook for corporation farm purchase patterns was described recently by John A. Hopkin, finance at the University of Illinois.[26] He said corporate farms in the future will either be closely linked with certain suppliers or will set up their own supply subsidiaries.

A limited amount of research has been completed in an attempt to show the consequences to small business of sharp declines

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in the number of farm customers. It appears that a measurable farmer-customer relationship with businessmen exists.

The Department of Commerce, in a survey involving South Dakota,[27] showed the State had a net loss of 6,027 farm families in a five-year period ending in 1963. In the same period 1,101 businesses closed their doors in that State.

Farm-rural observers told the subcommittee this shows that one small business, on the average, is forced to close its doors every time six farm families leave a trading area. This rule of thumb, it was indicated, could be applied to most agricultural trade areas.

IV. IMPACT OF LAND PRICES AND AVAILABILITY

The land resource base has long been recognized as one of this country's most precious endowments. It has been developed through policy decisions designed both to conserve it and to accomplish social and economic objectives.

Congress since the 1850's has adopted policies to encourage families to settle on the land and to develop its agricultural potential. Family farming has been developed and protected since through such legislation as the Homestead Act, the Morrill Act, the Farm Credit Act and the Capper-Volstead Act.

Ownership and control of the land remain a most important consideration. The subcommittee, therefore, is attempting to determine the impact of corporation farming on both land prices and availability.

The issues involved include the effect of outside investment capital on land prices, the availability of land for expanding independent farm and ranch operations, and the question of whether the public interest is served when large land tracts are acquired by farming companies.

Evidence submitted at the hearings deals with land prices, corporate land acquisition practices, and the availability of good farm land. Little research has been done on land policy changes that appear to be taking shape. It is difficult, therefore, for the subcommittee to come to any significant conclusion.

Prices of good farmland have been going up steadily since World War II. But there is evidence that competition for good land in areas where large corporate farming operations have been started, or are being set up, is forcing prices up to unusually high levels.

Prices well above what appears justified by normal returns on investment are paid in assembling large holdings, some totaling 10,000 acres or more. Nonfarm investors appear able to pay $25 to $100 an acre more over the going price to acquire desired land parcels.

This makes it difficult for independent owners and operators to buy or rent additional land, either to get bigger or to put together economically viable units. This is especially true of younger operators with limited borrowing ability. It raises the possibility that high bids by outside interests are pricing land out of the market for most independent farmers and ranchers.

The former director of the Farmers Home Administration in Colorado testified that nonfarm capital has been a major factor in the "inflationary competition" for land. The competition for productive agricultural land, this farm-rural expert said, has driven present market values well above the present capacity to earn a reasonable return on investment.[28]

Recent data on this problem was submitted to the subcommittee by the chairman of a task force investigating corporation farming in Minnesota.[29] The task force found that more than half the acquisitions of farmland by business interests had taken place in the last 3 years. Purchases by 41 nonfarm investors during that period totaled more than 100,000 acres.

The researchers also found, in analyzing questionnaire returns, that 27 real estate dealers know of standing offers by outside companies or investors to buy large tracts of Minnesota farm land.

The standing offers are likely to result in purchases because they include a sizable premium over going market prices. Eleven real estate dealers reported a $25-an-acre premium offered for land in large tracts. Three reported a premium of $50 an acre. Five said the standing offer was $100 or more an acre over the going market price.

Land acquisition practices of one large corporation in northeast Colorado were described by one witness to show the likely impact on land prices.[30] Purchases involved were arranged by a real estate firm for Gates Farms Inc., a subsidiary of the Gates Rubber Co.

The unusual pattern, which involved water rights as well as cropland, was described this way:

"The expansion of underground water development by individual farmers and small corporations between 1960 and 1966, as a result of the introduction of new cash crops and mechanical irrigation methods, was very rapid.

"Then in 1967, a real estate broker began optioning land for an undisclosed principal. The option required the seller to establish the availability of ground water in a minimum amount of 1,000 gallons per minute under pumpage and to obtain a well permit from the State ground water commission.

"When the options were exercised, the undisclosed principal was identified as Gates Farms, a subsidiary of the Gates Rubber Co., a substantial conglomerate corporation. The already disordered development at this point began showing signs of panic. Some farmers obtained permits, drilled wells and capped them in order to protect their potential development rights.

"At the same time the Ground Water Commission, influenced to a considerable degree by local pressure, tightened its policies for granting permits. As a result a good many farmers can not now obtain permits, including some who had sold part of their land to the Gates Farms."

Studies by the Department of Agricultural Economics at the University of Minnesota show that 14 percent of land sales in that State in 1967 were to investor buyers, midway in the 11- to 17-percent range of the last 10 years. The possibility that this could sharply reduce the amount of land available to individual farm operators, however, is suggested in this comment from an expert witness.[31]

"Although still a relatively low figure, sales to investor buyers at the rate of 14 percent of all sales in each year could bring about a major change in the landownership pattern in the course of a relatively few years, if investors buy land but do not sell."

Concern over land availability in the future also involves the fact that farming companies are permanent entities, unbroken by death, retirement or other personal considerations. This comment by a witness makes the point.[32]

"* * * once the land is permitted to get into corporate hands it is going to be difficult to reverse the process and restore family ownership. A corporation is a "legal person" which may have a hundred year life or a perpetual life. In family farming there is a turnover in ownership, once in a lifetime. On the average there is a change of ownership at least once in each generation, either from the members of a family to a relative or from one private owner to another. But, since a corporation never dies, the land tends to remain in the corporate hands even though some of the stockholders may change from time to time. And I think this is a key point because how are the family farmers going to have access to land once that has gotten into corporate hands? Land which is swallowed up by the corporations is likely to be gone for good as far as family-type operators are concerned."

It seems clear, based on information submitted to the subcommittee, that corporation farming has considerable impact on land prices and availability.

The upward pressure on land prices, the insistence of acquiring the best land, and permanence of corporate ownership would seem to work against the traditional policy of supporting and protecting the independent farmer and rancher. There is no doubt that continuing this trend will erode, and eventually undermine, the position of the independent operator in the agricultural economy.

V. SOCIAL AND MORAL IMPLICATIONS

One of the most significant results of the study comparing Arvin and Dinuba was the conclusion that the family farm community had more and better schools, churches, recreational facilities, civic organizations and public services.

The hearings reflected a fear that these same things would be undermined in any community where company farming becomes dominant. The concern also involves prospects for a "company town" atmosphere in these communities with local government and public services eroded by the influence of absentee owners.

The problem deals, too, with such intangibles as community spirit and the need for good neighbors. One witness, a Kansas wheat farmer, put it this way: [33]

"In closing I wonder how many farm people realize what it would be like to have a 40,000-acre corporation farm for a neighbor. Do you think it would cast a vote for a school bond issue? Or support good roads down every section line? Or help you combine wheat if you were laid up and unable to work? Or support the church building fund drive?"

The threat of an eroded tax base was mentioned repeatedly. This drop in the amount of taxable property is expected to result from removal of family farm buildings from large tracts acquired by company farms and small business closeouts resulting when company farms take their business outside the community. One witness described the likely impact: [34]

"* * * declines in the tax base will make it more difficult to provide good education, police protection and other locally-controlled public services. If the towns industrialize, they may not feel these effects. But the open country residents will be especially vulnerable."

The same witness told the subcommittee that the change in the characteristics of the farm-rural population that would accompany corporation farming—hired managers and migrant workers becoming predominant—would erode the quality of local government. Here is his statement: [35]

"There could be strong tendencies toward local political apathy on the part of new farm population. Resident farm-owners have a sense of responsibility to hold offices and to participate in financing public services. The new farm employes may not see that they have much of a stake in local political participation. Moreover they will be few in number and are likely to be pressured by companies that employ them. Local political participation of the farm population may very likely decrease."

In addition to eroding the tax base, there are indications company farms also would be able, and anxious, to cut tax rates as well. The prospects for this reduction in support for locally-controlled public services are explored in this comment: [36]

Footnotes at end of article.

"With only a small population to contend with, many of whom will be employed by them, the farming companies will see little need to assume fiscal and other responsibilities for the local areas. This will be especially pronounced if nonfarm population does not increase. If it does, the townspeople might succeed in getting the companies to carry their share of the taxes. But even then, local politicians could be influenced by the farming companies."

The churches, which exert considerable influence in most farm-rural communities, also would be hard hit by the changes that company farming would bring. The same expert witness explores this possibility: [37]

"The local churches, especially those few that remain in small hamlets and in the open country, might close up. There will be fewer farm families to support them. Besides, many of these are tied to ethnic groups and extended families. Out-migrating members of the old ethnic groups of families may well be replaced with personnel with other (or perhaps no) ethnic ties and who will not be members of the local family groups. Churches depending on such groups are more apt to fail."

The evidence clearly shows that one of the social consequences of a shift to corporate farming is continued, and probably accelerated, farm-to-city migration. The cost of this upheaval has not been adequately measured. There is no doubt, however, that the price is substantial both in terms of human hardship and of public dollars to underwrite solutions to already critical urban problems.

Also involved are the human characteristics that many sociologists and religious leaders feel are most fully developed in a farm-rural setting. One witness, for example, said working on the land is desirable because it demands a capacity for orientation and adaptation, patient waiting, a sense of responsibility, and a spirit of perseverance and enterprise.[38]

These intangibles usually are dismissed, however, by social scientists and other researchers who contend they are difficult to quantify through empirical research. Admittedly it is difficult to reduce them to the statistics need for charts and graphs. These factors should be among those considered, however, in making policy judgments about corporation farming and other farm-rural policy choices.

The larger question of the kind of "citizen" a farming company becomes in a community is a critical consideration. One expert witness suggests that most corporations entering agriculture are likely to fail this important social test: [39]

"I see corporations appearing in agriculture that are not large enough to be socially responsible but are large enough to ignore the wishes of their communities. And I am afraid that we may emerge from this period of change having gotten the worst of both possible worlds, having traded effective and efficient small units of production which were not growing rapidly enough to keep pace with technological change for larger corporate units of production which were not large enough and well financed enough to be socially responsible and financially flexible."

It is clear to the subcommittee that these considerations are highly important in assessing the impact of corporation farming on the social and moral strength of farm-rural communities. Although much more research is needed, it appears a compelling case is made that the impact would be both considerable and highly undesirable from a public policy standpoint.

VI. IMPACT ON MARKET STRUCTURE

There is evidence that much of this country's corporation farming is a nearly invisible type operation aimed at control of farm commodities at the producer level and bypassing of traditional markets rather than direct operation of farms and ranches.

This is achieved through contracts with producers, plus some actual ownership and operation of feedlots and similar facilities. One common characteristic is that little or no corporation-owned land is involved.

The objective may be vertical integration of production and processing of a product within a single firm. It may be building a captive market for manufactured feed or some similar product. Or it may be having fat cattle or other meat animals directly available for slaughter when markets are strong.

Large nonfarm corporations using this approach can control sizeable volumes of farm products without acquiring large land tracts; investing in farm machinery, or establishing farming subsidiaries.

Most companies involved are either processors (packers, freezers, canners, etc.) or suppliers (mainly feed manufacturers). Heavy applications of technology also are usually programed in these operations (prepared feeds, growth stimulants, automatic feeders, etc.).

It is estimated that nonfarm corporations, including some of the largest feed companies, now control 98 percent of U.S. broiler production.[40] Companies also are involved in production of feed cattle, hogs, lambs, turkeys, eggs and vegetables.

This corporation-controlled production bypasses the regular market system, thus upsetting supply-demand factors that set prices. The result is a breakdown of markets for products where buyers and sellers no longer are numerous enough to impose competitive checks on each other. Markets in some instances are totally destroyed.

A witness with first hand experience as a contract grower explained to the subcommittee how nonfarm corporations destroyed the market by gaining control of virtually all broiler production: [41]

"Question. Are these mostly feed firms?

"Witness. There are quite a few * * * a producer or grower cannot grow broilers without first having a contract with a processor. There is no market at the grower level * * * it is reasonable to project that it will not be very many years when a half dozen firms will produce all of the broilers * * * through contracts with growers; these farmer producers are growers being no more than glorified hired men, deprived of management and financial risks.

"Question. How are they deprived of financial risks? A good percentage of them have gone bankrupt in my part of the country * * *

"Witness. Their feed company or the integrated firm furnishes the broiler to the farmer. All the farmer furnishes is the building and equipment. The firm furnishes the broilers and they furnish the feed and it's their chickens. When they want you to bring it in, you sell it.

"Question. But they set the price of the feed and they set the price they'll pay for the broiler?

"Witness. They set the price of the feed but I don't know where the market price of a broiler is set. It's their chicken and they just take it away. I can't sell it to anybody else.

"Question. They set the price that you're going to get for it; isn't that correct?

"Witness. Yes. These farmers will probably never receive the just wages and hours deserved, without becoming a labor union * * * the egg and turkey industries are fast following the route of broilers. I think you know that last year the turkey industry has really gone through the wringer, you might say, and the egg business the same. In the South they * * * call it a burnout. The firms that can stand the financial strain, will end up owning or controlling the egg and turkey industries."

One expert witness told the subcommittee that these attempts by corporations to control the product will, as they expand, gradually dry up open markets with prices set in these markets becoming less and less representative of supply-demand conditions. He also explained other expansion consequences: [42]

"Management will likely continue to gravitate from the hands of farmers to those of processors and suppliers and the farmer's role reduced further toward that of a laborer. Integrating companies may not completely take over the production of food and fiber by owning the land and capital and hiring the labor so long as they can earn more with their resources in other uses. Also, by using contract, integrating companies may be able to avoid some employee costs, such as social security, workmen's compensation, and possibly union wages, which would likely come with complete ownership of land and other production resources."

One farm leader [43] contended integrators and others contracting for production frequently are large enough to be a key factor in establishing local market prices. One of the most serious aspects of the entry of the corporation into farming, he stated, is its ability to "interfere with and manipulate" the market.

A critical statement also was submitted by a leading dairy economist [44] who contended there is more cause for concern as a result of contract farming than with outright corporate farmownership. He explained its market impact:

"When this approach is taken, the corporation offers a select group of farmers a modest income with reduced risk, but takes away from the farmer his managerial freedom and the possibility of a higher income in a competitive market. The production of those farms under contract to the corporation may be used in turn to force down prices to the remainder of agriculture."

It is clear from the testimony that contract farming and other approaches used by nonfarm corporations has an impact on the market system, ranging from total destruction in the broiler industry to lesser degrees in other areas. The extent to which it undermines the open market is not well documented. Much more public discussion and research is needed on this issue so obvious abuses can be curbed and the public interest protected.

VII. IMPACT OF FEDERAL TAX POLICIES

A number of witnesses criticized "tax loss farming" and other Federal tax advantages and contended they are the most important factor attracting corporation and other nonfarm investors into agriculture.

The subcommittee concludes from the limited evidence available that Federal tax policy is one of the main determining factors, if not the most important. It is clear that substantial capital gains, favorable depreciation rates on machinery and equipment, and tax losses written off against nonfarm income are returning sizable tax savings to absentee investors.

Independent operators earning a living entirely from farming or ranching make some use, of course, of capital gains and depreciation provisions. But they normally have little or no taxable nonfarm income against which to offset farming losses. The tax loss advantage, therefore, accrues almost entirely to outside investors.

The independent farmer normally is not as concerned with tax brackets as he is in managing his farm to maximize current income. The very wealthy operator, on the other hand, normally seeks to maximize capital gain in an attempt to cut his tax bite from 50 percent or more down to a maximum of 25 percent.

Widespread incidence of "tax loss farming"

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was clearly shown in the hearings, both for wealthy individuals using farm investments as a tax haven and for corporations whose principal business is farming.

Recent Internal Revenue Service figures [45] show a large proportion of the wealthy taxpayers involved in some phase of farming write off sizable losses against nonfarm income. They show, for example, that 119 individuals reporting incomes of $1 million or more in 1965 were involved in some phase of farming. Of this total, 103 wrote off farm losses against other income.

It is clear that this tax writeoff provision is widely used.[46] The IRS figures show that 680,000 of the 3 million farm income tax returns filed in 1965 had farm losses offsetting nonfarm income.

It was estimated this represented a loss of up to $400 million in Federal revenue. The subcommittee was told that much of this "loss" would appear later on returns as capital gains taxed at a much lower rate.

The Government also had data on the 17,578 corporations reporting farming as their principal business in 1965. The figures showed these corporations had $4.3 billion in gross receipts in the most recent tax year—roughly 10 percent of total farm gross income. Yet only 9,244 reported a profit for tax purposes. And the taxable income involved totaled a mere $199 million.

Favorable capital gains treatment also is a most important factor in the tax favoritism hit by farm-oriented witnesses. One expert witness,[47] singling out for criticism the 25-percent ceiling on the tax on long-term capital gains, called it a "graduated and progressive subsidy" to wealthy nonfarm investors moving into agriculture. He added these critical comments:

"There is nothing sacred about the 25-percent ceiling on the tax on long-term capital gains. As it stands now, this relatively low ceiling is an open invitation to speculation in land. It is difficult to avoid the conclusion that much of the recent interest in farm investments by nonfarm investors would fall away if the capital gains tax ceiling were raised, say, to 40 or 50 percent. This 25 percent limit on capital gains taxes is inconsistent with the principle of the progressive income tax and is distorting capital flows, with no clear benefit to the public interest."

One witness [48] submitted a copy of a magazine article that spells out how off-farm investors use Federal tax provisions to build tax-free wealth. A section of the article, carried under the subhead "How to 'Grow' Tax-Sheltered Fortunes in Cattle," spells out which tax provisions are used to write off investment expenses against personal income, "time" the income, and convert regular income to capital gains:

1. Depreciation on farm machinery and buildings, farm supply expenses, and all labor and management costs are deductible.

2. Expenditures for soil and water conservation and land clearing are deductible (in every other business costs of a similar character must be characterized).

3. Income from Commodity Credit Corporation loans is controllable, making it possible to choose the most convenient tax year in which to report the income.

4. Timber, farm buildings, livestock and unharvested crops sold with the land get capital gains treatment.

The article sums up ways investors write off expenses against personal income, use the investment credit, take profits taxable at capital gains rates, and accumulate a cattle operation sheltered indefinitely from the bite of Federal income taxes:

"* * * all expenses (except the cost of land) are deductible from ordinary income either as business expenses or by way of depreciation. So, while the herd is building up, you can use these deductions to offset other highly taxed income.

"* * * many of the expenses you will incur qualify for the 7-percent investment credit—producing an immediate dollar-for-dollar slash in your personal tax bill. These would include, for example, the cost of fences to contain the cattle, drain tiles to improve pasturage, paved barnyards and water wells, but not the cost of purchasing the cattle.

"* * * * the herd builds up tax free * * * Simply trade off the calves produced by your herd for additional heifers, which will produce more calves * * * trade off for more heifers, and so on.

"* * * much of the income produced by the herd will be tax-sheltered, long-term capital gain. For example, you get long-term gain if you sell out the whole herd. Furthermore, if you've held them at least 12 months, you get a long-term gain on the sale of cattle culled from the breeding herd, even if they've been fully depreciated."

The beef cattle operation was called the classic illustration by one expert witness.[49] With most of the investment in land and a breeding herd, he pointed out, opportunities are maximized for appreciation in capital value and subsequent taxation of gain at not more than 25 percent. This advantage is progressively attractive to investors with annual incomes exceeding $25,000.

The same witness contended any attempt to help agriculture by income tax concessions contains an automatic bonus for bigness.[50] He added:

"Completely apart from any question of concessions to farmers, or favored tax treatment, the nature of the farm business creates certain attractions for the wealthy investor. To him, the primary advantage lies in the high ratio of durable assets to total assets in an agricultural investment. Assets that can be treated as capital, and taxed under capital gains provisions, are an invitation to the man of wealth to acquire them and seek ways to convert the largest possible amount of current income into an appreciation in his asset values."

Thus, the subcommittee finds, it is both capital gains and "tax loss farming" that attracts industrial corporations and other nonfarm interests into agriculture. Both must be dealt with if this trend is to be slowed or reversed.

VIII. SURPLUS LAND SALES AS A FACTOR

There is some evidence that Government surplus disposal policies have resulted in transfer of large-acreage surplus defense establishments to corporations and other nonfarm interests for farming, livestock feeding, and other agricultural purposes.

These abandoned installations are attractive to these nonfarm interests because they provide an easy way to obtain large land tracts, clear in most instances of farm buildings, hedgerows, terraces, and other deterrents to large-scale farming. They also have appeal because they no longer contain public roads or other right-of-way rights.

These military installations, usually dating from the 1940's, are normally sold as a unit after being declared surplus. It is impossible to sell this land to previous owners, who long ago obtained other farming units or moved to the city, or to find a way to break them up into units that could be purchased by individual farm operators.

Evidence was presented to the subcommittee on only one example.[51] It was the recent transaction involving the 27-year-old Hastings (Nebr.) Naval Ammunition Depot. A sizable portion was purchased by the city of Hastings under provisions of the State's Industrial Development Act. The city, according to the testimony, immediately entered into a lease-purchase agreement that turned it over to a corporation for a huge hog feeding operation.

Several members of the Nebraska Legislature tried unsuccessfully to amend the State's Development Act in time to stop revenue bond financing to the city that made the purchase possible. The amendment specifically would have barred issuance of bonds under the act for livestock production purposes.

Opponents of the Hastings transaction contended attempts by Government, both State and Federal, to provide new jobs by returning installations to the public fall short when corporations are allowed to take them over for agricultural purposes.

Although the Hastings situation involves the Defense Department, it is suggested that the Atomic Energy Commission and other Federal agencies also have been involved in transfers of large-acreage surplus installations to corporate interests. The subcommittee feels this is a policy area that should be explored further.

IX. SUMMARY OF REMEDIAL PROPOSALS

Many of the witnesses urged the subcommittee to consider specific proposals to meet the challenge posed by industrial corporations and other nonfarm interests moving into agriculture.

Several of the proposals have been before Congress in one form or another in recent years or considered by the Food and Fiber Commission, the Food Marketing Commission, or other studies authorized by Congress.

The changes proposed generally involve one of two approaches. One is strengthening the farmer and rancher, through such things as bargaining power and credit and better prices, so competition from nonfarm interests can be overcome. The other involves removing tax and other incentives encouraging nonfarm investors and adopting land use restrictions and other roadblocks to corporate entry into agriculture.

Also included are requests for various kinds of investigations into corporation farming and related issues.

Congress clearly has authority to act on many of the proposals (Federal tax policy, disposal of surplus military installations, etc.). Others involve policy decisions reserved to the States (land use regulations, irrigation well permits, etc.). Still others fall into undefined areas or those involving joint government action (soil conservation, air and water pollution, reporting procedures for publicly owned corporations, etc.).

These are the main proposals submitted:

1. Limit use of underground water for irrigation to quantities normally restored to these aquifers by natural recharge.

2. Control Government sales of large-acreage surplus defense establishments to prevent them from coming under control of corporations for farming, livestock feeding, or other agricultural purposes.

3. Tighten antitrust laws to assure competition, specifically making it illegal for a single corporation to produce, process, and retail farm products.

4. Enforce existing laws limiting use of public irrigation water to a specified number of acres per user and includes a similar limitation on all future Government water development projects.

5. Use the Government's subpena powers to determine (1) the names of stockholders of corporation farms; (2) whether company farms are involved in an effort to monopolize food processing, distribution and production, and (3) whether company farms violate antitrust laws in buying equipment, fertilizer, feed, and other production items direct and discounted.

6. Restrict farm size by limiting either the number of acres or volume of sales.

7. Increase the State homestead exemption on agricultural real estate where a farm family makes its home.

8. Require farm and ranch ownership registration (owner's name and address, property size and location, acquisition date and

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type of ownership) with farm companies required, in addition, to list stockholders with more than a 5-percent interest and report any ties to farm supply, processing or marketing firms.

9. Prohibit obstruction, boycott or intimidation of farmers organizing cooperatives or other collective efforts to increase bargaining power.

10. Provide authority and funds for continuing economic studies of the food and fiber industry structure by Government regulatory agencies, Federal economic research groups, and educational and private research institutions.

11. Enact legislation to assure parity prices and income protection, through Government payments and other assistance, to a family farm level of production with the Department of Agriculture defining family farm units on a county-by-county basis.

12. Enact Federal tax legislation to prohibit persons who are not bona fide farmers from using losses incurred in their farming operations as an offset to income from other sources.

13. Prohibit chain grocery stores and others engaged in food processing and distribution from operating feedlots and other agricultural facilities.

14. Enact a graduated land tax to discourage large land holdings by either individuals or corporations.

15. Enact a law prohibiting purchase of farm land by corporations with stockholders exceeding a certain number.

16. Empower county boards to set up farm land resources commissions directed to (1) regulate farm land transfers; (2) prohibit undesirable forms of agricultural enterprises that represent poor land use or are out of character with those existing in the county; (3) regulate public nuisances resulting from air and water pollution arising from feedlots, egg factories, and confinement types of dairy and livestock operations, and (4) licensing and regulating water use for irrigation.

17. Refine, expand, and adequately fund the farm credit system.

18. Extend and improve restraint of trade, monopoly and unfair trade practices laws that limit capacity and thrust of corporate growth and made at the expense of smaller independent enterprises.

APPENDIX

A. Summary of Arvin-Dinuba study[52]

Whether industrialization of farming is a threat not only to the family farm, but also to the rural society founded upon the family farm, is the specific subject of the present report. The purpose of this study is to test by contemporary field research the historic hypothesis that the institution of small independent farmers is indeed the agent which creates the homogeneous community, both socially and economically democratic.

The present inquiry consists of a detailed analysis and comparison of two communities, one where agricultural operations are on a modest scale, the other where large factory-like techniques are practiced. Both communities lie in the fertile southern San Joaquin Valley in the Great Central Valley of California, where highly developed and richly productive agriculture is characteristic. Limitations of time and resources dictated that no more than two communities be studied. Numerous other pairs might have been chosen which doubtless would have yielded comparable results.

The two communities studied naturally vary in some degree with respect to proportions of surrounding lands devoted to this or that crop, with respect to age, to depth of water lift for irrigation, etc., as well as with respect to the scale of the farm enterprises which surround them. Controls as perfect as are possible in the chemist's laboratory are not found in social organizations. Yet the approximation to complete control achieved by selection of the communities of Arvin and Dinuba, is surprisingly high. Other factors, besides the difference in scale of farming, which might have produced or contributed to the striking contrasts of Arvin and Dinuba have been carefully examined. On this basis the conclusion has been reached that the primary, and by all odds the factor of greatest weight in producing the essential differences in these two communities, was the characteristic difference in the scale of farming—large or small—upon which each was founded. There is every reason to believe that the results obtained by this study are generally applicable wherever like economic conditions prevail.

Summary of findings

Certain conclusions are particularly significant to an understanding of the importance of his place in a community. Not only does the small farm itself constitute small business, but it supports flourishing small commercial business.

Analysis of the business conditions in the communities of Arvin and Dinuba shows that—

(1) The small farm community supported 62 separate business establishments, to but 35 in the large-farm community; a ratio in favor of the small-farm community of nearly 2 to 1.

(2) The volume of retail trade in the small-farm community during the 12-month period analyzed was $4,383,000 as against only $2,535,000 in the large-farm community. Retail trade in the small-farm community was greater by 61 percent.

(3) The expenditure for household supplies and building equipment was over three times as great in the small-farm community as it was in the large-farm community.

The investigation disclosed other vast differences in the economic and social life of the two communities, and affords strong support for the belief that small farms provide the basis for a richer community life and a greater sum of those values for which America stands, than do industrialized farms of the usual type.

It was found that—

(4) The small farm supports in the local community a larger number of people per dollar volume of agricultural production than an area devoted to large-scale enterprises, a difference in its favor of about 20 percent.

(5) Notwithstanding their greater numbers, people in the small farm community have a better average standard of living than those living in the community of large-scale farms.

(6) Over one-half of the breadwinners in the small-farm community are independently employed businessmen, persons in white-collar employment, or farmers; in the large-farm community the proportion is less than one-fifth.

(7) Less than one-third of the breadwinners in the small-farm community are agricultural wage laborers (characteristically landless, and with low and insecure income) while the proportion of persons in this position reaches the astonishing figure of nearly two-thirds of all persons gainfully employed in the large-farm community.

(8) Physical facilities for community living—paved streets, sidewalks, garbage disposal, sewage disposal, and other public services—are far greater in the small-farm community; indeed, in the industrial-farm community some of these facilities are entirely wanting.

(9) Schools are more plentiful and offer broader services in the small-farm community, which is provided with four elementary schools and one high school; the large-farm community has but a single elementary school.

(10) The small-farm community is provided with three parks for recreation; the large-farm community has a single playground, loaned by a corporation.

(11) The small-farm town has more than twice the number of organizations for civic improvement and social recreation than its large-farm counterpart.

(12) Provision for public recreation centers, Boy Scout troops, and similar facilities for enriching the lives of the inhabitants is proportioned in the two communities in the same general way, favoring the small-farm community.

(13) The small-town community supports two newspapers, each with many times the news space carried in the single paper of the industrialized-farm community.

(14) Churches bear the ratio of 2 to 1 between the communities, with the greater number of churches and churchgoers in the small-farm community.

(15) Facilities for making decisions on community welfare through local popular elections are available to people in the small-town community; in the large-farm community such decisions are in the hands of officials of the county.

These differences are sufficiently great in number and degree to affirm the thesis that small farms bear a very important relation to the character of American rural society. It must be realized that the two communities of Arvin and Dinuba were carefully selected to reflect the difference in size of enterprise, and not extraneous factors. The agricultural production in the two communities was virtually the same in volume—$2½ million per annum in each—so that the resource base was strictly comparable. Both communities produce specialized crops of high value and high cost of production, utilizing irrigation and large bodies of special harvest labor. The two communities are in the same climate zone, about equidistant from small cities and major urban centers, similarly served by highways and railroads, and without any significant advantages from nonagricultural resources or from manufacturing or processing. The reported differences in the community may properly be assigned confidently and overwhelmingly to the scale-of-farming factor.

The reasons seem clear. The small-farm community is a population of middle-class persons with a high degree of stability in income and tenure, and a strong economic and social interest in their community. Differences in wealth among them are not great, and the people generally associate together in those organizations which serve the community. Where farms are large, on the other hand, the population consists of relatively few persons with economic stability, and of large numbers whose only tie to the community is their uncertain and relatively low-income job. Differences in wealth are great among members of this community, and social contacts between them are rare.

Indeed, even the operators of large-scale farms frequently are absentees; and if they do live in Arvin, they as often seek their recreation in the nearby city. Their interest in the social life of the community is hardly greater than that of the laborer whose tenure is transitory. Even the businessmen of the large-farm community frequently express their own feelings of impermanence; and their financial investment in the community, kept usually at a minimum reflects the same view. Attitudes such as these are not conducive to stability and the rich kind of rural community life which is properly associated with the traditional family farm.

FOOTNOTES

[1] These large corporations, including conglomerates, were cited by various witnesses (during the hearings or in material submitted for the record) as being engaged in farming: American Cyanamid, Bunge Inc., CBK

Inc., Del Monte, Gates Rubber Co., Goodyear Rubber Co., Gulf & Western, H. J. Heinz Co., International Systems & Controls Co., Jewel Tea Co., Libby, McNeill & Libby, Massey-Ferguson, Minute Maid Groves, Oppenheimer Industries, Pacific-Gamble-Robinson Co., Pillsbury Co., Ralston Purina, Swift & Co., Tenneco, and Textron Inc.

[2] "Corporation Farming," hearings before Subcommittee on Monopoly, Select Committee on Small business, U.S. Senate, 90th Cong., second sess., Ben H. Radcliffe, p. 23.

[3] Hearings, Elton Berck, p. 44.

[4] Ibid., Arnold Onstad, p. 264.

[5] Ibid., Ben H. Radcliffe, p. 24.

[6] Ibid., Prof. Philip M. Raup, p. 249.

[7] Report, "Small Business and the Community—A Study in Central Valley of California on Effects of Scale of Farm Operations," prepared by the Special Committee to Congress, December 23, 1946.

[8] See Appendix A for a summary of the Arvin-Dinuba study.

[9] Examples are the Minnesota Task Force on Corporation Farming, a citizens study group, with work described on pp. 263–269 of the hearing record; and a legislative council study, South Dakota Legislature, p. 20 of the same period.

[10] Ibid., Howard Bertsch, p. 99.

[11] Ibid., Douglas G. Marshall, p. 228.

[12] Ibid., Amer Lehman, pp. 102–103.

[13] Ibid., Amer Lehman, p. 105.

[14] Ibid., Howard Bertsch, p. 98.

[15] Ibid., Edwin Sommers, p. 219.

[16] Ibid., Gilbert Rohde, p. 202.

[17] Ibid., Tony T. Dechant, p. 11.

[18] Ibid., Arnold Onstad, p. 263.

[19] Ibid., Tony T. Dechant, p. 69.

[20] Ibid., Tony T. Dechant, p. 68.

[21] Ibid., Edwin Sommers, p. 219.

[22] Ibid., Pat DuBois, p. 71.

[23] Ibid., William Pickerign, p. 277.

[24] Ibid., Howard Bertsch, p. 96.

[25] Ibid., Keith C. Davison, p. 192.

[26] Ibid., Tony T. Dechant, p. 68.

[27] Ibid., Ben H. Radcliffe, p. 23.

[28] Ibid., Amer. Lehman, p. 106.

[29] Ibid., Arnold Onstad, p. 263.

[30] Ibid., Amer Lehman, p. 105.

[31] Ibid., Philip M. Raupe, p. 243.

[32] Ibid., Edwin Christianson, p. 206.

[33] Ibid., Philip Doyle, p. 112.

[34] Ibid., Douglas G. Marshall, p. 232.

[35] Marshall, *op. cit.*

[36] Marshall, *op. cit.*

[37] Marshall, *op. cit.*

[38] Ibid., Msgr. John G. Weber, p. 113.

[39] Ibid., Philip M. Raup, p. 241.

[40] Ibid., Albert Ebers p. 165.

[41] Albert Ebers, *op. cit.*

[42] Ibid, Paul L. Farris, p. 177.

[43] Ibid, Tony T. Dechant, p. 66.

[44] Ibid, Arthur Miller, p. 273.

[45] Ibid, Ben H. Radcliffe, pp. 24–25.

[46] The Internal Revenue Service figures show this 1965 breakdown: Individuals with $1 million or more income—119 engaged in farming with 103 writing off farm losses; $500,000 to $1 million—202 in farming with 170 reporting farm losses; $100,000 to $500,000—3,914 in farming with 2,874 reporting farm losses; $50,000 to $100,000—12,398 in farming with 7,424 reporting farm losses; $20,000 to $50,000—69,132 in farming with 30,380 reporting farm losses; $15,000 to $20,000—66,003 in farming with 23,843 reporting farm losses.

[47] Ibid, Philip M. Raup, p. 249.

[48] Ibid, Elton Berck, p. 49.

[49] Ibid, Philip M. Raup, p. 246.

[50] Raup, *op cit.*

[51] Ibid, Elton Berck, pp. 46–47.

[52] This brief report is taken from pp. 4–6 of the hearing record of the Subcommittee on Monopoly.

Mr. PELL. Mr. President, after considerable deliberation I have decided that I shall not vote for confirmation of Dr. Earl L. Butz as Secretary of Agriculture.

I have reached this decision reluctantly, for I believe as a general rule the President of the United States should be given wide latitude in selecting the administrators who will serve as members of his Cabinet.

In this case, however, I find the nominee to be basically unsympathetic and insensitive to two of the major problems which confront our society today—environmental quality and the problem of providing food for the disadvantaged members of our society.

In both of these areas, the Department of Agriculture has direct, major responsibilities, and it is important, I believe, that the head of the Department be a man who believes positively in programs to protect our environment and in programs of food distribution.

We have just gone through an experience with the Department of Agriculture in which it took the full force of the Senate and the House of Representatives to rescue the school lunch program from crippling, pennypinching, regulatory actions designed to thwart the will of Congress and to deny school lunches to millions of children.

We need a Secretary of Agriculture who believes positively in these programs, and Dr. Butz apparently does not. He has, for example, expressed some doubts about the extent of the food stamp program.

He has summarily dismissed the concern of environmental organizations over wholesale use of pesticides and chemical fertilizers.

These are matters that are of deep and legitimate concern to a large and increasing number of Americans. I regret very much that the nominee has not demonstrated a sensitivity to these concerns.

Mr. President, until today I have opposed in the Senate the confirmation of only one Cabinet appointment submitted by President Nixon. I voted against the confirmation of Walter Hickel as Secretary of the Interior, because of his demonstrated lack of concern, at that time, for environmental problems. I came to admire Secretary Hickel for his ability to learn in his post. He became an extremely effective and articulate defender of the environment, and I like to think that the confirmation process in the Senate played an important part in preparing him for that role.

If Dr. Butz is confirmed, I would hope that the concerns that I and others have expressed will impress upon him the importance with which many Americans view our food distribution and environmental programs.

I would hope also that Dr. Butz would make strenuous efforts to place the farm economy on a sounder basis—both for the sake of our farmers and for our taxpayers—and would come forward with proposals to reduce the continuing taxpayer burden of supporting the large farm subsidy program.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont has 9 minutes remaining and the Senator from Oklahoma has 1 minute.

Mr. AIKEN. I might ask whether any Senators who are supporting the nomination of Dr. Butz would like time. If not, if the Senator from Oklahoma will yield back his 1 minute, I will yield back the remainder of our time.

Mr. HARRIS. Will the Senator yield me his time? There are others who would like to speak against Dr. Butz.

Mr. AIKEN. I could not do that. We are going to hear the candidates from now until next November. I do not think anything new can be added. Although I would like to accommodate the Senator, I am a conservationist first and an accommodater second.

I yield back the remainder of our time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The vote cannot occur until 1 o'clock, except by unanimous consent.

Mr. HUGHES. I object.

Mr. HARRIS. Mr. President, if no one will speak on behalf of Dr. Butz on their side, may we have about 6 minutes of silence on their time? [Laughter.]

Mr. DOLE. Mr. President, I suggest the absence of a quorum, on our time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HARRIS. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute to each side.

Mr. HARRIS. I yield myself 1 minute.

Mr. President, big, rich farmers and big corporations are taking over agriculture, not because they are more efficient, but because people like Dr. Butz have favored them over the years, and he will continue to favor them as Secretary of Agriculture, with the water irrigation laws, with our tax laws, our labor laws, the laws in regard to subsidies. All those laws subsidize the big, rich farmer and the corporate farmer, to the detriment of the little farmer. Let us cast a vote for the little farmer and against this nomination.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I can only repeat what I said yesterday. The President is responsible for carrying out the programs established by Congress. He appoints his Secretaries and the heads of his departments to carry out the programs. If they do not go right then the President is to blame.

I have heard on this floor Orville Freeman being criticized for some things that went on, such as loss of income, and so forth, while he was Secretary of Agriculture, when Orville Freeman was not to blame.

That is true of every Secretary of Agriculture.

The Department of Agriculture has been in existence for 108 years and during that time no President has ever been denied the right to select his own Secretary.

If we are to establish a precedent now,

we will not only be making it more difficult for the present administration to improve the lot of the farm people of this country, but we will also be embarrassing future Presidents of one party or the other who might take up residence in the White House.

I do not want to embarrass any future President.

The PRESIDING OFFICER (Mr. Hollings). Will the Senator from Vermont ask for the yeas and nays?

Mr. AIKEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Hollings). The hour of 1 o'clock having arrived, the question is, Will the Senate advise and consent to the nomination of Earl Lauer Butz to be Secretary of Agriculture?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii (Mr. Inouye) is absent on official business.

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from Hawaii (Mr. Inouye).

If present and voting, the Senator from Colorado would vote "yea" and the Senator from Hawaii would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Colorado (Mr. Dominick) is necessarily absent.

The Senator from Utah (Mr. Bennett) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Utah (Mr. Bennett) would vote "yea."

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from Hawaii (Mr. Inouye). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Hawaii would vote "nay."

The yeas and nays resulted, yeas 51, nays 44, as follows:

[No. 428 Ex.]

YEAS—51

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Cotton
Curtis
Dole
Eastland
Ellender
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hatfield
Hruska
Javits
Jordan, Idaho
Long
Mathias
Packwood
Pearson
Percy
Randolph
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Taft
Thurmond
Tower
Weicker

NAYS—44

Bible
Burdick
Cannon
Church
Cook
Cooper
Cranston
Eagleton
Ervin
Fulbright
Gambrell
Gravel
Harris
Hartke
Hollings
Hughes
Humphrey
Jackson
Jordan, N.C.
Kennedy
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Sparkman
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NOT VOTING—5

Bennett
Dominick
Inouye
Mundt
Saxbe

So the nomination was confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mr. Stevenson). The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. Stevenson) laid before the Senate a message from the President of the United States submitting the nomination of Robert Anderson, of the District of Columbia, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Dahomey, which was referred to the Committee on Foreign Relations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate and in the galleries?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and desist from conversations. There will be order in the galleries.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that S. 2097 is to be laid before the Senate automatically. However, before that is done, I ask unanimous consent that I may have the floor for the purpose of yielding it to the Senator from North Dakota briefly.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY VISITORS FROM MICRONESIA ATTENDING THE WHITE HOUSE CONFERENCE ON AGING

Mr. BURDICK. Mr. President, as chairman of the Subcommittee on Territories and Insular Affairs, I am delighted to advise the Senate of a number of visitors from the Trust Territory of the Pacific Islands who are representing the area, perhaps better known as Micronesia, at the White House Conference on Aging being conducted this week. It gives me particular pleasure to be able to welcome these distinguished delegates from Micronesia since I know many of them personally and have enjoyed their hospitality while visiting their respective districts and being a guest in their homes.

I know all of my colleagues join me in the hope that during this week the delegates from Micronesia, who represent traditional leadership, the elected leadership, and the administration of the territory, will come to have a better understanding of the United States and the operations of our Government.

The gentlemen who are here for the conference are:

Mr. Edward Capelle, Coordinator, Senior Opportunity Services, CAA, Marshall Islands District.

Chief Alper Domsin, Chief Magistrate, Kitti, Ponape District.

Mr. Dwight Heine, Special Consultant to the High Commissioner, Trust Territory Headquarters.

Mr. Kintoki Joseph, Coordinator, Community Action Agency, Truk District.

Chief Reklai Limisang, Paramount Chief, Palau District.

Chief Francisco Luktun, Civic Affairs Officer, Yap District.

Mr. Eskiel Moses, Student Nurse, Mariana Islands District.

Chief Ibedul Ngoriakl, Paramount Chief, Palau District.

Mr. Henry S. Pangelinan, Self-employed, Mariana Islands District.

Chief Andrew Roboman, President, Yap Islands Council, Yap District.

Mr. Ben Sablon, Self-employed, Mariana Islands District.

Representative Henry Samuel, Vice-Speaker, House of Representatives, Congress of Micronesia, Marshall Islands District.

Representative Joab Sigrah, Member, House of Representatives, Congress of Micronesia, Ponape District.

Mr. Norman Skilling, Chief Magistrate, Kusaie, Ponape District.

Mr. Kakwe Telinej, Retired, Marshall Islands.

Mr. Rosendo Tonga, Student, Community College of Micronesia, Ponape District.

Mr. Sabi William, Educator, Truk District.

Mr. William Allen, staff: Chief, Community Development Division, Trust Territory Headquarters.

Mr. Hilary Conrad, staff: Community Development Officer, Ponape District.

Mr. William Jackson, staff: Acting Program Development Officer, Community Development Division, Trust Territory Headquarters.

Mr. Isaac Ngiraeluolw, staff: Program Analyst, Office on Aging, Trust Territory Headquarters.

Mr. Luke Tman, staff: Chief, Civic Affairs Division, Trust Territory Headquarters.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senator from North Dakota on behalf of the joint leadership in welcoming our Micronesian friends to the Capital of the Nation.

Mr. SCOTT. Yes, indeed. We are delighted they are here.

THE PROGRAM

Mr. SCOTT. Mr. President, I would like to inquire of the distinguished majority leader as to the future business.

Mr. MANSFIELD. Mr. President, it has not been worked out as yet.

Mr. President, I yield to the distinguished Senator from Missouri.

DISTRICT OF COLUMBIA REVENUE ACT OF 1971

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11341.

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. STEVENSON) appointed Mr. EAGLETON, Mr. INOUYE, Mr. STEVENSON, Mr. MATHIAS, and Mr. WEICKER conferees on the part of the Senate.

ORDER FOR H.R. 11589 TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the House on H.R. 11589, to authorize the foreign sale of certain passenger vessels, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, the pending business is S. 2097, the so-called Drug Abuse Act.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? Will the Chair please clear the well?

The PRESIDING OFFICER. The Senate will be in order. The well will be cleared. Senators will cease conversations and the staff will please be quiet.

Mr. MANSFIELD. Mr. President, to repeat, on the drug abuse measure there is a time limitation. That measure is to be followed by the conference report on OEO, which likewise has a time limitation. Hopefully we will wind up the day's work with S. 2824, the so-called fish inspection bill.

Tomorrow we will have the District of Columbia appropriation bill, to be followed by the supplemental appropriations. Hopefully we will have a chance to take up the voter registration bill in which the distinguished Senator from Wyoming (Mr. MCGEE), the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished Senator from Hawaii (Mr. FONG), the distinguished Senator from North Carolina (Mr. ERVIN), and others have an interest.

With these matters out of the way it is anticipated we will turn to the Supreme Court nominations with the understanding, of course, that in the consideration of those nominations conference reports and the like will be given prior consideration.

As far as the foreign aid bill is concerned, it is still in conference. I do not know what the effects will be of the continuing meeting between the conferees of both houses. So at the moment I am unable to say anything except that a stalemate exists.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I would hope we could lay before the Senate and begin debate on the two Supreme Court nominations sometime tomorrow after these privileged and otherwise scheduled matters have been disposed of. I think we are both anxious to do that.

Mr. MANSFIELD. I would agree, yes. I do not know if the distinguished Senator from Maryland will be in a position to advise us as to his wishes on amending the American Revolutionary Bicentennial Commission measure.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MATHIAS. I am prepared to go forward with that. The distinguished Senator from Massachusetts, who is the author of the bill, and the distinguished Senator from Nebraska, who is also interested in the matter, I think, are all agreed to go forward and that perhaps in 30 minutes it could be disposed of at any time the leadership can schedule it.

Mr. MANSFIELD. Would some time tomorrow be agreeable?

Mr. MATHIAS. I think the Senator from Massachusetts has some reservations about doing it tomorrow and had hoped it could be done today.

Mr. MANSFIELD. Maybe later today.

Mr. BROOKE. Yes.

Mr. MANSFIELD. Very well.

We are going into the Federal Aviation Act, in which the distinguished Senator from New Hampshire (Mr. COTTON) and the distinguished Senator from Washington (Mr. MAGNUSON) have an active interest, as well as the distinguished Senator from Nevada (Mr. CANNON) who likewise has a special interest.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. I apologize. I just entered the Chamber. Did the Senator say that the fish bill is likely to come up later this evening?

Mr. MANSFIELD. Later this evening, if it meets with the approval of the Senator, who is very much interested in the measure.

Mr. COTTON. Oh, certainly.

Mr. SCOTT. Mr. President, I wish to make further comment that if it should happen that the conference report comes in on the tax bill and the conferees have come in with something which is generally acceptable and which perhaps has resolved those major differences, I would assume we would, as a privilege matter, take up the tax bill at the earliest possible moment.

If we find ourselves in a state of less than harmony we can let the bells ring and go home to hear them.

Mr. MANSFIELD. The Senator is correct.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STEVENS. As I gather the time limitation, there is to be about 6½ hours before we would get to the fish inspection bill.

Mr. MANSFIELD. It depends on how much time is taken on the drug bill and the conference report on OEO. I understand the anticipated amendment to the drug bill will not be offered.

Mr. STEVENS. I did have other plans and I will be pleased to cancel them; but could some other bill come third today so we could start tomorrow on the fish inspection bill?

Mr. MANSFIELD. We are stuck and we have to do that.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wish to register a little concern.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so we can hear the leadership on both sides of the aisle?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. I know that the minority whip—and I am sure it is true in the case of the majority whip as well—has been trying to convey to the membership information concerning the schedule as it is announced.

On several occasions it was announced that the Supreme Court nominations would follow the disposition of the Butz nomination. More recently there have been some variations on this.

Now, the majority leader has mentioned that several bills as to which no time agreements have been reached will be called up after the Butz nomination and prior to the Supreme Court nominations. One of the matters is very controversial, to say the least. I am referring to the voter registration by mail.

If some of these bills are brought up I can conceive of debate going on for quite awhile on them. It bothers me because I thought it had been announced that the Supreme Court nominations would follow the disposition of the Butz nomination.

Mr. MANSFIELD. The Senator has a point. I can well understand it. But I am sure the Senator realizes also, being in the position of leadership that he is in, that a certain amount of flexibility has to be accorded, as a matter of course, to the joint leaders in the scheduling of legislation. I might add that time and time again I have announced that these nominees would likely be the very last order of business this session.

We will attempt, if possible, to get a time limitation on the voter registration bill, however. We do not intend to spend days and days on it this late in the session.

Mr. GRIFFIN. I am glad to have that assurance.

Mr. MANSFIELD. Maybe it could be worked out in a way that is not unsatisfactory.

Mr. SCOTT. I do not think it should be brought up in this session unless we get a time limitation. I would assume we could get one.

Mr. ERVIN. Mr. President, will the Senator yield

Mr. MANSFIELD. I yield.

Mr. ERVIN. Mr. President, for the information of the majority leader I would like to say that I would object to a time limitation on the Voter Registration Act. I think there will be quite a debate on the subject or on a motion to commit that to the committee which under the rules of the Senate has jurisdiction, and that would be either the Committee on Rules and Administration or the Committee on the Judiciary.

Furthermore, I have a number of amendments to that bill that I think I would have to discuss at some length.

Mr. MANSFIELD. That answers the question on the time limitation. Again I ask the Senate to understand the position of the leadership and I want to assure the Senate that this will not unduly delay the consideration of the nominations.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. PERCY. Mr. President, I wish to raise the question that I put yesterday to the assistant majority leader. Although he rendered a partial opinion he said he would defer until the majority leader was on the floor. Would it be possible to consider the two Supreme Court nominations en bloc so that either one of them could be discussed during the proceedings and then have a vote on both of them separately, but one following another?

I presume every Senator would want to be back for those votes, and some of us have commitments out of town, presuming we would have adjourned by December 4.

We will have to work out those commitments and be back here. But if a Senator is on the west coast or some distance from here, it might be easier to come back for one vote rather than two.

Mr. MANSFIELD. It is not unusual to consider nominations en bloc, but that is only the case when there is no trouble or concern.

In this matter, perforce, we will have to consider each separately and debate and vote on each separately and at an appropriate time I would assume the responsibility and make the decision as to which one will come up first.

Mr. PERCY. About how much advance notice will Senators have as to a time certain on the respective votes?

Mr. MANSFIELD. That is hard to say, because I daresay in one of these instances it will be impossible to begin arriving at an agreement covering a time certain to vote.

SHIFT IN WORLD MILITARY POWER BALANCE

Mr. THURMOND. Mr. President, today many people are worried, and properly so, about inflation, unemployment, drugs, and permissiveness in the lives and activities of our people. These are important, even critical issues, but their resolution will come to naught if we continue to permit our military power to dissipate.

Whether the American people want to hear it or not, those of us in public life have a responsibility to warn that the security of the United States is imperiled to a degree unparalleled in modern times. When people think about a threat to our security, they think of a nuclear attack.

The possibility of a nuclear holocaust engulfing the world rests mainly on two possibilities. First, the possibility that the Soviet leadership could fall into the hands of a paranoid or insane man who would push the buttons the Soviets control.

There is not a great deal we can do to prevent such an eventuality. The Soviets operate in a closed society, completely control their people and determine their leaders by intrigue and conspiracy. The best hope for insuring a more stable Soviet leadership is to involve them as much as possible in the real world and thereby force more responsibility into their political system.

The second possibility of a nuclear exchange turns on a confrontation between the major powers such as we witnessed during the Cuban missile crisis. At that time the U.S. missile superiority gave us a clear advantage.

If such a situation would arise today or in the next few years, the world would be in much greater danger. The reason is that the United States no longer has a clear strategic weapon advantage over the Soviets and a miscalculation is more likely to occur on the part of either side. Such a confrontation becomes more dangerous each day as the United States fails to respond to the fantastic Soviet buildup in the past few years.

This rapidly shifting balance of power and the dangers it brings must be understood by the American people. A conscious policy to allow the Soviets to catch up was undertaken during the McNamara years on the belief the Russians would never deal with us so long as they were in an inferior military position. The idea was to allow them to achieve parity, or equality, and then agreements could be reached which would slow the arms race. What has happened is that the Soviets have achieved parity and now are accelerating their military buildup seeking an advantage which they could use in the world arena.

A superiority, or even an impression of superiority, by the Soviets, would not only increase the possibility of a nuclear exchange, but could also wreck our free world alliances. The more probable result, assuming a nuclear exchange is less likely to occur, is that the Soviets will greatly expand their sphere of influence. This could be accomplished through economic and political means, backed by their new military power. Such an event could isolate the United States during the 1980's except for contacts in the Western Hemisphere.

The next question is when will such a power shift take place. The answer to that question may be soon forthcoming. Presently, many experts contend the Soviets have achieved a strategic parity with the United States based on their ICBM and submarine buildup.

This is clearly shown by contrasting the strategic, or long-range, offensive and defensive capability of the Soviets to that of the United States.

Consider this chart:

STRATEGIC OFFENSE

	Soviets	United States
1. Intercontinental ballistic missile launchers	1,500	1,054
2. Medium and intermediate range ballistic missile launchers	600	0
3. POLARIS-type submarine launched ballistic missile boats	20	41

Mr. President, I want to add here that the Soviets are building 22 Soviet subs in this type, which are now under construction, which will give them one more than we have:

	Soviets	United States
4. Heavy bombers	195	569
5. Medium bombers	1,150	0

STRATEGIC DEFENSE

1. Surface-to-air missile launchers	10,000	1,136
2. Anti-ballistic missile launchers	64	0
3. Fighter interceptors	3,300	599

These figures should sober anyone who can count. They result from the fact that, with the exception of Minuteman III and Poseidon missiles, the United States has the same strategic forces as in 1965.

Alarming signs that this situation may soon grow worse abound everywhere. For instance, the Soviets have more than 85 large holes at present ICBM sites and as yet have not filled these holes. The idea of digging large numbers of holes before filling them is new and poses the possibility of dramatic consequences. Any weapon placed in these holes could very well be newer and more powerful than its predecessors. The psychological impact of such additional missiles would be highly significant. One thing for certain is that it will give the Soviets a momentum which will be difficult to counter.

There is also the question of the psychological impact on this country and the world, should the Soviets clearly establish a missile superiority through some dramatic action. We can all remember the effect of sputnik passing over our soil regularly as it whizzed around the world each day.

That such a moment as I have described is approaching seems highly possible. If the Soviet missile breakthrough does not provide it, something else will. The Soviets are presently outspending us in the area of research and are greatly advanced in preparation of such strategic weapons as the orbiting bomb.

Hard evidence of the shifting military balance of power is becoming clearer each week. The latest edition of the authoritative "Jane's Weapon Systems" notes that the Soviets are outstripping the United States in development of sophisticated weapons to an extent which may tip the relative balance between the two nuclear powers.

The only response this Nation can give is to strengthen our strategic weapons systems—the ICBM's, the submarine launched missiles and our bomber force. These systems must be given priority.

We can improve our strategic posture by taking action in the following areas:

First. Convert all 1,000 of our Minuteman II ICBM's to the more advanced Minuteman III version.

Second. Increase the number of our submarine launched ballistic missile—SLBM's—boats and convert all of the present SLBM's to the advanced Poseidon-type missiles. Present plans call for conversion of only three-fourths of our 41 boats.

Third. Accelerate the underwater launched missile system known as ULMS because it offers an invulnerability not achievable in land-based missiles.

Fourth. Accelerate the B–1 advanced manned bomber program to replace our aging B–52 bomber force. The old B–52's simply cannot handle the sophisticated defense systems and new delivery systems of the present and future. Our bomber force is also vital, because of its use in nonnuclear combat roles and because, when committed in a nuclear role, it can be recalled if necessary.

Fifth. Step up our research and development programs in order to develop the important new technology before any would-be aggressor could do so.

It should also be realized that the strategic missile game does not rest on numbers alone. Although the Soviets have more missiles in hand or in production, we presently enjoy some advantage through better accuracy and more warheads per missile. However, the technological skill which gives us this edge is something the Soviets may achieve at any time.

Despite the need to increase our strategic forces, we must maintain a modern and viable conventional or general force capability. Whether we want to think about it or not, the chances of any future fighting by U.S. forces are more likely to be in a conventional role. This could develop as Communist expansionists test our will to resist on the land of some third nation. The Nixon doctrine argues against U.S. manpower commitments in such engagements, but whether we can adequately deal with Communist expansion only through aid remains to be seen.

The general purpose force ledger is also weighted toward the Soviets as the following chart shows:

	Soviet	United States
1. Ground force personnel	2,100,000	1,200,000
2. Tanks (heavy and medium)	35,000	9,000
3. Tactical aircraft	5,000	4,600
4. Cruise missile subs	60	0
5. Attack subs	220	85
6. Major naval surface combatants	215	240

While a strong conventional or general purpose capability remains essential, it appears we must establish a strategic defense posture stronger than McNamara's policy of "assured destruction" or the stance in the present administration's policy of "realistic deterrence."

If history has taught us anything, it ought to be clear that the Soviets are as dangerous, unpredictable, and expansionistic as always. Communist states do not build military power unless they intend to use it.

U.S. security and foreign policy objectives will suffer if we permit the present shift in military power away from the United States to continue. Defense budgets must be increased to whatever extent necessary to insure that the United States not become second best.

The Nixon administration has reduced defense spending in the past few years and the Congress has cut even deeper. I have opposed these reductions both within the administration and Congress. The accomplishments of President Nixon in the foreign policy arena have been possible only becasue of our military strength. The President realizes this fact. Therefore, I expect that the fiscal year 1973 defense budget will be higher than past budgets in recognition of the realities of the Soviet buildup. When Secretary of Defense Melvin Laird comes before Congress in January to present the fiscal year 1973 budget, I expect he will ask for one of the largest defense budgets in history, based on the gravest threat we have ever faced. It will then be up to the Congress to examine this budget carefully and fund it to the fullest extent possible.

While the United States possesses only 6 percent of the world's population, we are nevertheless the free world leader. The defense burden we bear is small when one weighs it against the safety of our land and families. Thomas Paine once said:

> Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it.

Those words are as true today as they were 200 years ago.

It is time to fully inform the people of our Nation that we are falling behind in our defense posture. It is time for the President to speak this warning as only he can do. The people will respond once they fully understand the peril which is rapidly overtaking us.

DRUG ABUSE OFFICE AND TREATMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. Pursuant to the previous order, the Chair now lays before the Senate S. 2097, which the clerk will read by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

The Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations and the Committee on Labor and Public Welfare with amendments, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Drug Abuse Office and Treatment Act of 1971".

TITLE I—FINDINGS AND DECLARATION OF POLICY

SEC. 101. (a) The Congress hereby finds—

(1) that drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation;

(2) that drug abuse seriously impairs individual, as well as societal, health and well-being;

(3) that drug abuse, especially heroin addiction, substantially contributes to crime;

(4) that the adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions;

(5) that too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse;

(6) that the success of Federal drug abuse programs and activities requires a recognition that education, training, treatment, rehabilitation, research, and law enforcement efforts are interrelated;

(7) that the effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, and between States and localities, and among the Federal Government, the States and localities, and throughout the Federal establishment;

(8) that control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse; and

(9) that the increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring immediate and effective Federal Government response.

(b) The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse in the United States within the shortest possible period of time consistent with a comprehensive coordinated long-term Federal strategy to combat drug abuse.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ESTABLISHMENT OF THE OFFICE

SEC. 201. (a) There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office").

(b) There shall be at the head of the Office a Director of the Office (hereinafter referred to as the "Director"). He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313).

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed six Assistant Directors who shall be appointed by the Director and shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule (5 U.S.C. 5316).

CONCENTRATION OF FEDERAL EFFORT

SEC. 202. (a) (1) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse programs and activities relating to education, the preparation of any educational material, training, treatment, rehabilitation, and research, exclusive of diplomatic or international negotiations and the following law enforcement activities and proceedings:

(A) the investigation and prosecution of drug offenses:

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; or

(D) the detection and suppression of illicit drug supplies.

(2) The authority of the Director under this section shall also extend to the programs and activities associated with education, training, treatment, rehabilitation, and research functions performed by or in connection with law enforcement and international aspects of Federal drug abuse programs and activities;

(3) Pursuant to his responsibilities under this section, the Director, in addition to exercising this authority under section 202(e), shall—

(A) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, and procedures in accordance with the policies, priorities, and objectives he establishes;

(B) recommend changes in organization, management, personnel, and standards which he deems advisable to implement the policies, priorities, and objectives he establishes;

(C) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that respective administering agencies construe drug abuse as a health problem eligible for funding, benefits, or services, where appropriate, within the purview of such laws;

(D) conduct and support evaluations and studies of (i) the performance and results achieved by Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, (ii) the performance and results of other Federal drug abuse programs and activities that relate to the effectiveness of Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, and (iii) of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered; and

(E) require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct such studies and surveys as the Director determines to be necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Director such information, reports, studies, and surveys.

(b) In connection with drug abuse programs and activities conducted by any Federal department or agency, relating to law enforcement, border control, negotiation of written or unwritten agreements or understandings with foreign governments, or with other foreign governmental or nongovernmental persons or organizations of any kind, or with any international organization of any kind, the Director may make recommendations to the President, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such programs and activities.

(c) If the Director determines in writing that any program or activity referred to in section 202(a) or section 202(b) substantially impairs the effective operation of any other program or activity referred to in section 202(a) or 202(b), he shall submit in writing his findings and determinations on the matter to the President, who may direct the Federal department or agency conducting such a program or activity to do so under such policy guidelines as the President shall specify in order to assure the effective operation of such other program or activity.

(d) The Director shall coordinate Federal drug abuse programs and activities among Federal departments and agencies and between Federal drug abuse programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal drug abuse effort.

(e) Pursuant to the responsibilities in this section, the Director shall—

(1) develop annually, and submit to the President of the United States and the Congress, prior to March 1 of each year, a written report on the activities of the Office, which report shall specify the objectives, activities, and accomplishments of the Office, and contain an accounting of funds expended pursuant to sections 205 and 207 of this title;

(2) in his discretion, support the development of new, and the expansion of effective drug abuse programs and activities by utilizing the sums available in the special fund established in section 205 of this title;

(3) whenever designated by the President, represent the Government of the United States in discussions and negotiations with foreign governments and before international organizations;

(4) convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for drug abuse programs and activities to promote the purposes of this Act;

(5) using the sums available under section 205(c) of this title, develop and demonstrate new approaches, techniques, and methods to combat drug abuse, especially with respect to short-term and multiagency activities; and

(6) perform such other functions as the President may assign.

FUNDING AUTHORITY

SEC. 203. (a) In addition to his authority under section 202, the Director is authorized to (1) review and, if he deems necessary, modify the budget requests of Federal departments and agencies, and (2) make funds available from appropriations for program implementation to Federal departments and agencies and review implementation plans for each program for all Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities (exclusive of diplomatic or international negotiations and those law enforcement activities and proceedings enumerated in section 202 (a) (1) (A), (B), (C), and (D)), including but not limited to such programs and activities under the following provisions of law:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a) (1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a) (9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity;

(7) section 306(a) (2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance Administration of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare;

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) titles IV and V of this Act.

(b) The Director, with the approval of the President, shall exercise the authority under section 203(a) with respect to such other Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities as he determines appropriate.

(c) The authority of the Director to provide overall planning and policies and establish objectives and priorities granted under section 202(a) shall extend to the funding authority under this section.

TECHNICAL ASSISTANCE TO STATE AND LOCAL AGENCIES

SEC. 204. (a) The Director shall—

(1) coordinate or assure coordination of Federal drug abuse programs and activities with such programs of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) Pursuant to his responsibility under this section, the Director may—

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses incurred in the participation of individuals in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms for grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In carrying out his duties under subsection (b) (1) of this section, the Director is authorized—

(1) to take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse programs and activities to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) to assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) to enter into contracts or other agreements with any persons or organizations to serve on or work with such task forces.

SPECIAL FUND

SEC. 205. (a) There is hereby established a special fund (hereinafter referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse programs and to give the Director the flexibility to encourage and respond quickly and effectively to the development of promising programs and approaches.

(b) The Director is authorized, subject to conditions which he shall impose, to transfer during any fiscal year sums appropriated to the fund to any Federal department or agency in order to—

(1) develop and demonstrate promising new drug abuse programs, activities, and approaches; and

(2) supplement and expand existing drug abuse programs and activities.

(c) Notwithstanding the transfer requirement in section 205(b), the Director may utilize not more than 10 per centum of such sums for research and demonstration purposes pursuant to section 202(e) (5).

ADDITIONAL AUTHORITIES

SEC. 206. (a) With respect to the drug abuse programs and activities referred to in section 203, when the President, after investigation by the Director, finds that such action is necessary to carry out the purposes of this Act, he shall prepare a reorganization plan in accord with the provisions of sections 902 to 913 of title 5, United States Code, or successor sections, for submission to the Congress pursuant to this subsection. Notwithstanding section 905(b) of title 5, United States Code, or successor sections, or the pendency of other reorganization plans, any plan submitted pursuant to this subsection may take effect as if it were the only plan pending before Congress in accord with sections 902 to 913 of title 5, United States Code, or successor sections if the plan is transmitted to the Congress before June 30, 1975.

(b) The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the authorities and responsibilities conferred by any of the statutory provisions identified in section 203, by an officer of any Federal department or agency other than the department or agency on whom such powers or functions are conferred by such provisions. Such officer shall submit a written report to the Director concerning his findings.

(c) The Director shall consult with and be consulted by the Attorney General of the United States with respect to classification of drugs within the schedules of controlled substances, consistent with the standards and criteria in part B of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(d) The Director shall consult with and be consulted by responsible officials with respect to the classification of drugs in connection with international agreements and schedules.

(e) The Director shall consult with and be consulted by the Secretary of the Department of Health, Education, and Welfare, or his designee, with respect to the investigational new drug (IND) or new drug authority (NDA) status of drugs which have a potential for abuse or which might be used therapeutically for the treatment or rehabilitation of drug abuse or drug dependence, consistent with standards and criteria described in the Federal Food, Drug, and Cosmetic Act.

(f) The Director shall—

(1) advise the Civil Service Commission and other Federal agencies with respect to appropriate policies and services for the control and treatment of drug abuse among Federal civilian employees, assuring optimal use of existing resources. (1) The Civil Service Commission, cooperating with the Director, shall establish policies and services for the control and treatment of drug abuse among Federal civilian employees including employees of the United States Postal Service. Such policies and services shall make optimal use of existing resources. Federal civilian employees, including employees of the United States Postal Service, who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not because of their drug dependence lose pension, retirement, medical, or other benefits. In lieu of sick leave status, a good faith attempt shall be made, during the employee's period of rehabilitation, to find appropriate work within the Federal Government which does not involve the national security or otherwise involve undue risk to the health or property of the employee or other persons; and persons.

(2) promote similar drug abuse control and treatment services in State and local governments and shall actively encourage labor and management to develop such services in private industry.

(g) The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies. Such services shall, pursuant to regulations promulgated by the Administrator of the Veterans' Administration, include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

(h) Except as expressly authorized, nothing in the foregoing provisions of this title shall be construed as authorizing or permitting the Director to waive or disregard any requirement, including standards, criteria, or cost-sharing formulas prescribed by law with respect to Federal dug abuse programs or activities.

(i) Where funds are made available by more than one Federal department or agency to be used by an agency, organization, or individual to carry out a Federal drug abuse program or activity, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established as in the regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

GRANTS AND CONTRACTS

SEC. 207. (a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual, except that the Director shall first secure the advice and counsel of non-government individuals qualified to review the topic and type of activity proposed to be undertaken under such grant or contract.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Notwithstanding any other provision of law, any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be avialable to such department or agency under such contract or grant for the performance by it of related functions.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 208. (a) The Director may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, select, appoint, and employ not to exceed (1) fifteen officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall no exceed the maximum rate now or hereafter prescribed for GS–13 of the General Schedule by section 5332 of the United States Code, and (2) ten officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall not exceed the maximum rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(d) The Director is authorized to accept and employ, in furtherance of the purpose of this Act or any Federal drug abuse control or treatment program or activity, voluntary and uncompensated services nowithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

TRANSITIONAL PROVISIONS

SEC. 209. (a) The President may authorize any person who immediately prior to the date of enactment of this title held a position in the executive branch of the Government to act as the Director of the Special Action Office for Drug Abuse Prevention until the Office of Director is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an active capacity under the foregoing provisions of this section to receive the compensation attached to the Office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

(d) Except as otherwise provided by the Director, no Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency may have had on the date of enactment of this title.

APPROPRIATIONS AUTHORIZED

SEC. 210. (a) For the purposes of carrying out the provisions of this title, except for the provisions of section 205, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1972, the sum of $5,000,000; for the fiscal year ending June 30, 1973, the sum of $10,000,000; for the fiscal year ending June 30, 1974, the sum of $12,000,000; and for the fiscal year ending June 30, 1975, the sum of $15,000,000.

(b) For the purpose of carrying out the provisions of section 205, there is hereby authorized to be appropriated the sum of $40,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975.

(c) Any unexpected sums appropriated to the authority stated in subsection (a) or (b) of this section may be carried over without fiscal year limitation.

EFFECTIVE DATE; TERMINATION

SEC. 211. (a) The provisions of this title shall take effect thirty days after the Director or Acting Director first takes office or on such earlier date as the President may prescribe and publish in the Federal Register, except that any of the officers provided for in section 201 of this title may be nominated and appointed and any of the interim officers provided for by section 209 may be authorized to serve at any time after the date of enactment of this title.

(b) This title shall terminate on June 30, 1975, unless specifically extended by the Congress.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

COMPREHENSIVE, COORDINATED LONG-TERM STRATEGY

SEC. 301. (a) (1) There shall be developed a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

(2) The President shall direct the preparation of such strategy immediately upon enactment of this title.

(3) To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate, and the Director of the Special Action Office shall provide such services as are required to assure that the strategy is prepared.

(4) Such strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

(5) The strategy shall then be determined and promulgated by the President no later than nine months after enactment of this title.

(b) The strategy shall consist of—

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal drug abuse plan which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operations and coordination of the various Federal drug abuse programs and activities.

(c) To facilitate the preparation of such strategy, the Council shall—

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct studies and surveys as are necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Council and to the requesting member such information, reports, studies, and surveys;

(3) evaluate the performance and results achieved by Federal drug abuse programs and activities and the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered.

(d) The Federal strategy shall be reviewed and updated from time to time as the President deems appropriate, but the President shall determine and promulgate an updated strategy at least once in every calendar year following the initial promulgation of such strategy.

The amendments of the Committee on Labor and Public Welfare are as follows:

On page 30, line 4, after "(f)", strike out:

The Director shall—

(1) advise the Civil Service Commission and other Federal agencies with respect to appropriate policies and services for the control and treatment of drug abuse among Federal civilian employees, assuring optimal use of existing resources.

and insert:

(1) The Civil Service Commission, cooperating with the Director, shall establish policies and services for the control and treatment of drug abuse among Federal civilian employees including employees of the United States Postal Service. Such policies and services shall make optimal use of existing resources.

At the beginning of line 15, insert "including employees of the United States Postal Service,"; on page 31, line 1, after the word "other", strike out "persons; and" and insert "persons."; in line 3, after "(2)", insert "The Director shall"; in line 7, after "(g)", strike out "The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding" and insert "Notwithstanding"; in line 17, after the word "of", strike out "the Veterans' Administration" and insert "Veterans' Affairs"; at the top of page 40, insert a new title, as follows:

TITLE IV—NATIONAL INSTITUTE ON DRUG ABUSE

ESTABLISHMENT OF INSTITUTE

SEC. 401. (a) There is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by the remaining titles of this Act and by part D of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.

(b) The Institute shall be under the direction of an Administrator who shall be appointed by the Secretary and who shall conduct all the programs of the Institute hereinafter enumerated in accordance with the policies, priorities, objectives, guidelines, and, where appropriate, funding controls established by the Director of the Special Action Office.

(c) The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

REPORTS BY THE SECRETARY

SEC. 402. The Secretary shall—

(a) develop and submit to the Congress and the Director within ninety days after the effective date of this Act, a written plan for the administration and coordination of the various drug abuse programs and other programs (to the extent that such other programs provide for drug abuse education, prevention, treatment, rehabilitation, research or training services) within the Department. Such report shall list such programs and services, describe how they are to be administered so as to insure such coordination, and describe the steps taken or to be taken to insure that such programs will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. Action taken under this subsection shall be in accordance with the policies, priorities, objectives, and guidelines established by the Director; and

(b) submit to the Director for inclusion in the annual report required by section 202(e) (1) of this Act, a report describing the various existent model and experimental methods and programs for the treatment and rehabilitation of drug abusers and the advantages of each, describing their indications of success or failure or both; making recommendations for future development of these areas; making such recommendations for community implementation of the treatment and rehabilitation methods as may be appropriate; and making such recommendation for legislation and administrative action in these areas as may be appropriate.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

SEC. 403. The Secretary shall—

(a) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research and other pertinent data and information;

(b) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by an individual and effects which individuals are likely to experience from such use;

(c) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse;

(d) review and provide in writing an evaluation of the adequacy and appropriateness of any provisions relating to the prevention and treatment of drug abuse and drug dependence contained in the comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d) (2) (K) and 604(a) of the Public Health Service Act, section 1902 (a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

On page 43, after line 8, insert a new title, as follows:

TITLE V—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 501. There are authorized to be appropriated $15 million for the fiscal year ending June 30, 1972, $30 million for the fiscal year ending June 30, 1973, $40 million for the fiscal year ending June 30, 1974, $45 million for the fiscal year ending June 30, 1975, and $50 million for the fiscal year ending June 30, 1976, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective education, training prevention, treatment, and rehabilitation programs to deal with drug abuse. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 502. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to section 501 for such year among the States on the basis of the relative population, financial need, and need for more effective education, training, prevention, treatment, and rehabilitation programs; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 503. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the preparation, and administration of the plan, or designate such agency as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to implement such plan in conformity with this part and with Federal policy established under this Act;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers, and require compliance with the plan and cooperation with other programs and activities as a condition for financial support under this title;

(6) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d) (2) of the Public Health Act;

(7) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(8) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(9) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (7);

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) Funds authorized under section 501 of this part may be used to develop the State plan required by subsection (a) of this section;

(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a) of this section.

ALLOCATION OF RESOURCES

SEC. 504. Funds authorized under section 501 of this Act which are not expended in developing or modifying the State plan shall be available only to—

(a) provide direct education, prevention, treatment, and rehabilitation services to those drug abusers who are in the areas of greatest need within the State, as evidenced by the State plan, or provide training of persons who will provide such services; and

(b) evaluate direct education, prevention, treatment, and rehabilitation services and the training of persons who will provide such services.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

PROGRAM AND AUTHORIZATION

SEC. 511. (a) The Secretary shall—

(1) make grants to public and private nonprofit agencies, organizations, or institutions

and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention, treatment, and rehabilitation programs within state and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and institutions, and individuals for research efforts to discover, develop, or improve substances or technique for using substances for use in the prevention and treatment of drug abuse, including but not limited to, (A) a long-lasting blocking or antagonist drug for treatment of drug dependence; (B) improved detoxification agents; and (C) improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention and treatment programs.

(b) There are authorized to be appropriated $65 million for the fiscal year ending June 30, 1972; $170 million for the fiscal year ending June 30, 1973; $260 million for the fiscal year ending June 30, 1974, and $400 million for the fiscal year ending June 30, 1975, and $450 million for the fiscal year ending June 30, 1976, to carry out the purposes of this part. Any appropriated funds shall remain available until expended.

ADMINISTRATION OF GRANTS AND CONTRACTS

SEC. 512. In administering section 511:

(a) The Secretary shall require coordination of all applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(b) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 503, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 503. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this section.

(c) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria that—

(1) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

PART C—ADMISSION OF DRUG ABUSERS TO HOSPITALS

EMERGENCY HOSPITAL TREATMENT

SEC. 521. (a) Drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency solely because of their drug abuse or drug dependence.

(b) The Secretary is authorized to promulgate regulations establishing procedures to be used in determining whether section 521 (a) of this Act has been violated. Such procedures shall include an opportunity for the hospital concerned to bring its policy into conformity with section 521(a) of this Act before any sanction is imposed against it. In the event that, after such opportunity, a hospital continues to violate section 521(a) of this Act, the Secretary is authorized to suspend or revoke all or part of any support of any kind received by such hospital from any program administered by the Secretary, and to consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

PART D—GENERAL

LEASING OF FACILITIES

SEC. 531. (a) Section 251(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, outpatient services, or" immediately before "posthospitalization facilities".

(b) Section 251(b) of the Community Mental Health Centers Act is amended by inserting "or leasing" after "construction".

RECORDS

SEC. 532. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

PAYMENTS

SEC. 533. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

On page 55, after line 17, insert a new title, as follows:

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

ESTABLISHMENT OF COUNCIL

SEC. 601. Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members who are appointed by the Secretary without regard to the civil service laws. These twelve appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

"The Council shall:

"(1) advise, consult with, serve as a sounding board for, and make recommendations to the Secretary—

"(a) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including but not limited to the development of new programs and priorities; the efficient administration of programs; and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

"(b) concerning policies and priorities relative to grants and contracts in the field of drug abuse which are made by the Secretary or by agencies and individuals responsible to him.

"(2) submit to the secretary and to the Director of the Special Action Office, for inclusion in the annual report required by section 202(e)(1) of this Act, a report which:

"(a) summarizes the activities of the Council,

"(b) summarizes their recommendations to the Secretary, their reasons therefor, and the extent to which their recommendations have been adopted, and

"(c) includes copies of resolutions and other appropriate official documents of the Council."

REVIEW BY COUNCIL OF CERTAIN GRANTS UNDER PART D OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 602. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "and part D" immediately after "(other than part C)", and (2) by adding immediately after the period in the second sentence the following: "Grants under part D of this title for such costs will undergo such review as is provided by section 217(e) of the Public Health Service Act."

On page 57, after line 18, insert a new title, as follows:

TITLE VII—CONFIDENTIALITY OF RECORDS

CONFIDENTIALITY

SEC. 701. (a) All patient records prepared or obtained under this section or in connection with any treatment authorized pursuant to this Act and all information contained therein, shall remain confidential and may be disclosed, with the patients consent only, to medical personnel and then only for the purpose of diagnosis and treatment of the patient, or to Government or other officials only for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence. Disclosure may be made for purposes unrelated to such treatment or benefits upon an order of a court only after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against possible harm of disclosure to the person to whom such information pertains, the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate any action or charges against a patient or a former patient under any program pursuant to this title under any circumstances.

(b) Nothing in this section shall be construed to limit the use of information by persons engaged in research provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics thereof.

And, on page 58, after line 19, insert a new title, as follows:

TITLE VIII—GENERAL

SAVING PROVISION

SEC. 801. If any section, provison, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

REGULATIONS

SEC. 802. The Secretary may promulgate regulations pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

SEC. 803. Part C, title VIII of the Economic Opportunity Act of 1964 is amended by adding the following new section:

"SEC. 836. OFFICERS OF ACTION.—

"(a) There shall be at the head of Action the Director of Action. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

"(b) There shall be in Action a Deputy Director of Action who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director of Action shall from time to time assign or delegate, and shall act as Director of Action during the absence or disability of the latter or in the event of vacancy in the office of Director of Action.

"(c) There shall be in Action, two Associate Directors of Action one of whom shall be designated as Associate Director for Domestic and Antipoverty Programs, and one of whom shall be designated as Associate Director for International Programs who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Associate Director will be primarily responsible for the program operations of Action within his respective jurisdictional area. In addition, they shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(d) There shall be in Action not to exceed four Assistant Directors who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(e) The provisions of section 1(d) of Reorganization Plan Numbered I of 1971 are hereby superseded by the provisions of this section."

So as to make the bill read:

S. 2097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Abuse Office and Treatment Act of 1971".

TITLE I—FINDINGS AND DECLARATION OF POLICY

SEC. 101. (a) The Congress hereby finds—

(1) that drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation;

(2) that drug abuse seriously impairs individual, as well as societal, health and well-being;

(3) that drug abuse, especially heroin addiction, substantially contributes to crime;

(4) that the adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions;

(5) that too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse;

(6) that the success of Federal drug abuse programs and activities requires a recognition that education, training, treatment, rehabilitation, research, and law enforcement efforts are interrelated;

(7) that the effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, and between States and localities, and among the Federal Government, the States and localities, and throughout the Federal establishment;

(8) that control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse; and

(9) that the increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring immediate and effective Federal Government response.

(b) The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse in the United States within the shortest possible period of time consistent with a comprehensive coordinated long-term Federal strategy to combat drug abuse.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ESTABLISHMENT OF THE OFFICE

SEC. 201. (a) There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office").

(b) There shall be at the head of the Office a Director of the Office (hereinafter referred to as the "Director"). He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313).

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed six Assistant Directors who shall be appointed by the Director and shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule (5 U.S.C. 5316).

CONCENTRATION OF FEDERAL EFFORT

SEC. 202. (a) (1) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse programs and activities relating to education, the preparation of any educational material, training, treatment, rehabilitation, and research, exclusive of diplomatic or international negotiations and the following law enforcement activities and proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; or

(D) the detection and suppression of illicit drug supplies.

(2) The authority of the Director under this section shall also extend to the programs and activities associated with education, training, treatment, rehabilitation, and research functions performed by or in connection with law enforcement and international aspects of Federal drug abuse programs and activities;

(3) Pursuant to his responsibilities under this section, the Director, in addition to exercising this authority under section 202(e), shall—

(A) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, and procedures in accordance with the policies, priorities, and objectives he establishes;

(B) recommend changes in organization, management, personnel, and standards which he deems advisable to implement the policies, priorities, and objectives he establishes;

(C) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that respective administering agencies construe drug abuse as a health problem eligible for funding, benefits, or services, where appropriate, within the purview of such laws;

(D) conduct and support evaluations and studies of (i) the performance and results achieved by Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, (ii) the performance and results of other Federal drug abuse programs and activities that relate to the effectiveness of Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, and (iii) of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered; and

(E) require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct such studies and surveys as the Director determines to be necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Director such information, reports, studies, and surveys.

(b) In connection with drug abuse programs and activities conducted by any Federal department or agency, relating to law enforcement, border control, negotiation of written or unwritten agreements or understandings with foreign governments, or with other foreign governmental or nongovernmental persons or organizations of any kind, or with any international organization of any kind, the Director may make recommendations to the President, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such programs and activities.

(c) If the Director determines in writing that any program or activity referred to in section 202(a) or section 202(b) substantially impairs the effective operation of any other program or activity referred to in section 202(a) or 202(b), he shall submit in writing his findings and determinations on the matter to the President, who may direct the Federal department or agency conducting such a program or activity to do so under such policy guidelines as the President shall specify in order to assure the effective operation of such other program or activity.

(d) The Director shall coordinate Federal drug abuse programs and activities among Federal departments and agencies and between Federal drug abuse programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal drug abuse effort.

(e) Pursuant to the responsibilities in this section, the Director shall—

(1) develop annually, and submit to the President of the United States and the Congress, prior to March 1 of each year, a written report on the activities of the Office, which report shall specify the objectives, activities, and accomplishments of the Office, and contain an accounting of funds expended pursuant to sections 205 and 207 of this title;

(2) in his discretion, support the development of new, and the expansion of effective drug abuse programs and activities by utilizing the sums available in the special fund established in section 205 of this title;

(3) whenever designated by the President, represent the Government of the United States in discussions and negotiations with foreign governments and before international organizations;

(4) convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for drug abuse programs and activities to promote the purposes of this Act;

(5) using the sums available under section 205(c) of this title, develop and demonstrate new approaches, techniques, and methods to combat drug abuse, especially with respect to short-term and multiagency activities; and

(6) perform such other functions as the President may assign.

FUNDING AUTHORITY

Sec. 203. (a) In addition to his authority under section 202, the Director is authorized to (1) review and, if he deems necessary, modify the budget requests of Federal departments and agencies, and (2) make funds available from appropriations for program implementation to Federal departments and agencies and review implementation plans for each program for all Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities (exclusive of diplomatic or international negotiations and those law enforcement activities and proceedings enumerated in section 202 (a)(1) (A), (B), (C), and (D)), including but not limited to such programs and activities under the following provisions of law:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity.

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare.

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) titles IV and V of this Act.

(b) The Director, with the approval of the President, shall exercise the authority under section 203(a) with respect to such other Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities as he determines appropriate.

(c) The authority of the Director to provide overall planning and policies and establish objectives and priorities granted under section 202(a) shall extend to the funding authority under this section.

TECHNICAL ASSISTANCE TO STATE AND LOCAL AGENCIES

Sec. 204. (a) The Director shall—

(1) coordinate or assure coordination of Federal drug abuse programs and activities with such programs of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) Pursuant to his responsibility under this section, the Director may—

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses incurred in the participation of individuals in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms for grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In carrying out his duties under subsection (b)(1) of this section, the Director is authorized—

(1) to take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse programs and activities to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) to assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) to enter into contracts or other agreements with any persons or organizations to serve on or work with such task forces.

SPECIAL FUND

Sec. 205. (a) There is hereby established a special fund (hereinafter referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse programs and to give the Director the flexibility to encourage and respond quickly and effectively to the development of promising programs and approaches.

(b) The Director is authorized, subject to conditions which he shall impose, to transfer during any fiscal year sums appropriated to the fund to any Federal department or agency in order to—

(1) develop and demonstrate promising new drug abuse programs, activities, and approaches; and

(2) supplement and expand existing drug abuse programs and activities.

(c) Notwithstanding the transfer requirement in section 205(b), the Director may utilize not more than 10 per centum of such sums for research and demonstration purposes pursuant to section 202(e)(5).

ADDITIONAL AUTHORITIES

Sec. 206. (a) With respect to the drug abuse programs and activities referred to in section 203, when the President, after investigation by the Director, finds that such action is necessary to carry out the purposes of this Act, he shall prepare a reorganization plan in accord with the provisions of sections 902 to 913 of title 5, United States Code, or successor sections, for submission to the Congress pursuant to this subsection. Notwithstanding section 905(b) of title 5, United States Code, or successor sections, or the pendency of other reorganization plans, any plan submitted pursuant to this subsection may take effect as if it were the only plan pending before Congress in accord with sections 902 to 913 of title 5, United States Code, or successor sections if the plan is transmitted to the Congress before June 30, 1975.

(b) The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the authorities and responsibilities conferred by any of the statutory provisions identified in section 203, by an officer of any Federal department or agency other than the department or agency on whom such powers or functions are conferred by such provisions. Such officer shall submit a written report to the Director concerning his findings.

(c) The Director shall consult with and be consulted by the Attorney General of the United States with respect to classification of drugs within the schedules of controlled substances, consistent with the standards and criteria in part B of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(d) The Director shall consult with and be consulted by responsible officials with respect to the classification of drugs in connection with international agreements and schedules.

(e) The Director shall consult with and be consulted by the Secretary of the Department of Health, Education, and Welfare, or his designee, with respect to the investigational new drug (IND) or new drug authority (NDA) status of drugs which have a potential for abuse or which might be used therapeutically for the treatment or rehabilitation of drug abuse or drug dependence, consistent with standards and criteria described in the Federal Food, Drug, and Cosmetic Act.

(f) (1) The Civil Service Commission, cooperating with the Director, shall establish policies and services for the control and treatment of drug abuse among Federal civilian employees including employees of the United States Postal Service. Such policies and services shall make optimal use of existing resources. Federal civilian employees, including employees of the United States Postal Service, who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not because of their drug dependence lose pension, retirement, medical, or other benefits. In lieu of sick leave status, a good faith attempt shall be made, during the employee's period of rehabilitation, to find appropriate work within the Federal Government which does not involve the national security or otherwise involve undue risk to the health or property of the employee or other persons.

(2) The Director shall promote similar drug abuse control and treatment services in State and local governments and shall actively encourage labor and management to develop such services in private industry.

(g) Notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies. Such services shall, pursuant to regulations promulgated by the Administrator of Veterans' Affairs, include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

(h) Except as expressly authorized, nothing in the foregoing provisions of this title shall be construed as authorizing or permitting the Director to waive or disregard any requirement, including standards, criteria, or cost-sharing formulas prescribed by law with respect to Federal drug abuse programs or activities.

(i) Where funds are made available by more than one Federal department or agency to be used by an agency, organization, or individual to carry out a Federal drug abuse program or activity, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established as in the regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

GRANTS AND CONTRACTS

SEC. 207. (a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual, except that the Director shall first secure the advice and counsel of non-government individuals qualified to review the topic and type of activity proposed to be undertaken under such grant or contract.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Notwithstanding any other provision of law, any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency under such contract or grant for the performance by it of related functions.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 208. (a) The Director may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, select, appoint, and employ not to exceed (1) fifteen officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall not exceed the maximum rate now or hereafter prescribed for GS–13 of the General Schedule by section 5332 of the United States Code, and (2) ten officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall not exceed the maximum rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(d) The Director is authorized to accept and employ, in furtherance of the purpose of this Act or any Federal drug abuse control or treatment program or activity, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

TRANSITIONAL PROVISIONS

SEC. 209. (a) The President may authorize any person who immediately prior to the date of enactment of this title held a position in the executive branch of the Government to act as the Director of the Special Action Office for Drug Abuse Prevention until the Office of Director is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the Office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

(d) Except as otherwise provided by the Director, no Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency may have had on the date of enactment of this title.

APPROPRIATIONS AUTHORIZED

SEC. 210. (a) For the purposes of carrying out the provisions of this title, except for the provisions of section 205, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1972, the sum of $5,000,000; for the fiscal year ending June 30, 1973, the sum of $10,000,000; for the fiscal year ending June 30, 1974, the sum of $12,000,000; and for the fiscal year ending June 30, 1975, the sum of $15,000,000.

(b) For the purpose of carrying out the provisions of section 205, there is hereby authorized to be appropriated the sum of $40,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975.

(c) Any unexpended sums appropriated pursuant to the authority stated in subsection (a) or (b) of this section may be carried over without fiscal year limitation.

EFFECTIVE DATE; TERMINATION

SEC. 211. (a) The provisions of this title shall take effect thirty days after the Director or Acting Director first takes office or on such earlier date as the President may prescribe and publish in the Federal Register, except that any of the officers provided for in section 201 of this title may be nominated and appointed and any of the interim officers provided for by section 209 may be authorized to serve at any time after the date of enactment of this title.

(b) This title shall terminate on June 30, 1975, unles specifically extended by the Congress.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

COMPREHENSIVE, COORDINATED LONG-TERM STRATEGY

SEC. 301. (a) (1) There shall be developed a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

(2) The President shall direct the preparation of such strategy immediately upon enactment of this title.

(3) To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate, and the Director of the Special Action Office shall provide such services as are required to assure that the strategy is prepared.

(4) Such strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

(5) The strategy shall then be determined and promulgated by the President no later than nine months after enactment of this title.

(b) The strategy shall consist of—

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal drug abuse plan which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operations and coordination of the various Federal drug abuse programs and activities.

(c) To facilitate the preparation of such strategy, the Council shall—

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct studies and surveys as are necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Council and to the requesting member such information, reports, studies, and surveys;

(3) evaluate the performance and results achieved by Federal drug abuse programs and activities and the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered.

(d) The Federal strategy shall be reviewed and updated from time to time as the President deems appropriate, but the President shall determine and promulgate an updated strategy at least once in every calendar year following the initial promulgation of such strategy.

TITLE IV—NATIONAL INSTITUTE ON DRUG ABUSE

ESTABLISHMENT OF INSTITUTE

SEC. 401. (a) There is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by the remaining titles of this Act and by part D of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.

(b) The Institute shall be under the direction of an Administrator who shall be appointed by the Secretary and who shall conduct all the programs of the Institute hereinafter enumerated in accordance with the policies, priorities, objectives, guidelines, and, where appropriate, funding controls established by the Director of the Special Action Office.

(c) The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

REPORTS BY THE SECRETARY

SEC. 402. The Secretary shall—

(a) develop and submit to the Congress and the Director within ninety days after the effective date of this Act, a written plan for the administration and coordination of the various drug abuse programs and other programs (to the extent that such other programs provide for drug abuse education, prevention, treatment, rehabilitation, research or training services) within the Department. Such report shall list such programs and services, describe how they are to be administered so as to insure such coordination, and describe the steps taken or to be taken to insure that such programs will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. Action taken under this subsection shall be in accordance with the policies, priorities, objectives, and guidelines established by the Director; and

(b) submit to the Director for inclusion in the annual report required by section 202(e)(1) of this Act, a report describing the various existent model and experimental methods and programs for the treatment and rehabilitation of drug abusers and the advantages of each, describing their indications of success or failure or both; making recommendations for future development of these areas; making such recommendations for community implementation of the treatment and rehabilitation methods as may be appropriate; and making such recommendations for legislation and administrative action in these areas as may be appropriate.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

SEC. 403. The Secretary shall—

(a) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(b) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by an individual and effects which individuals are likely to experience from such use;

(c) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse;

(d) review and provide in writing an evaluation of the adequacy and appropriateness of any provisions relating to the prevention and treatment of drug abuse and drug dependence contained in the comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902(a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

TITLE V—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 501. There are authorized to be appropriated $15 million for the fiscal year ending June 30, 1972, $30 million for the fiscal year ending June 30, 1973, $40 million for the fiscal year ending June 30, 1974, $45 million for the fiscal year ending June 30, 1975, and $50 million for the fiscal year ending June 30, 1976, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective education, training prevention, treatment, and rehabilitation programs to deal with drug abuse. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 502. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to section 501 for such year among the States on the basis of the relative population, financial need, and need for more effective education, training, prevention, treatment, and rehabilitation programs; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust territory of the Pacific Islands) shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments, of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 503. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the preparation, and administration of the plan, or designate such agency as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to implement such plan in conformity with this part and with Federal policy established under this Act;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers, and require compliance with the plan and cooperation with other programs and activities as a condition for financial support under this title;

(6) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Act;

(7) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(8) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(9) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (7);

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) Funds authorized under section 501 of this part may be used to develop the State plan required by subsection (a) of this section;

(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a) of this section.

ALLOCATION OF RESOURCES

SEC. 504. Funds authorized under section 501 of this Act which are not expended in developing or modifying the State plan shall be available only to—

(a) provide direct education, prevention, treatment, and rehabilitation services to those drug abusers who are in the areas of greatest need within the State, as evidenced by the State plan, or provide training of persons who will provide such services; and

(b) evaluate direct education, prevention, treatment, and rehabilitation services and the training of persons who will provide such services.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

PROGRAM AND AUTHORIZATION

SEC. 511. (a) The Secretary shall—

(1) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and institutions, and individuals for research efforts to discover, develop, or improve substances or techniques for using substances for use in the prevention and treatment of drug abuse, including but not limited to, (A) a long-lasting blocking or antagonist drug for treatment of drug dependence; (B) improved detoxification agents; and (C) improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention and treatment programs.

(b) There are authorized to be appropriated $65 million for the fiscal year ending June 30, 1972; $170 million for the fiscal year ending June 30, 1973; $260 million for the fiscal year ending June 30, 1974; and $400 million for the fiscal year ending June 30, 1975; and $450 million for the fiscal year ending June 30, 1976, to carry out the purposes of this part. Any appropriated funds shall remain available until expended.

ADMINISTRATION OF GRANTS AND CONTRACTS

SEC. 512. In administering section 511:

(a) The Secretary shall require coordination of applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(b) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section shall submit a copy of its application for review by the State agency designated under section 503, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 503. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this section.

(c) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the applications substantially meets a set of criteria that—

(1) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

PART C—ADMISSION OF DRUG ABUSERS TO HOSPITALS

EMERGENCY HOSPITAL TREATMENT

SEC. 521. (a) Drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency solely because of their drug abuse or drug dependence.

(b) The Secretary is authorized to promulgate regulations establishing procedures to be used in determining whether section 521(a) of this Act has been violated. Such procedures shall include an opportunity for the hospital concerned to bring its policy into conformity with section 521(a) of this Act before any sanction is imposed against it. In the event that, after such opportunity, a hospital continues to violate section 521(a) of this Act, the Secretary is authorized to suspend or revoke all or part of any support of any kind received by such hospital from any program administered by the Secretary, and to consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

PART D—GENERAL

LEASING OF FACILITIES

Sec. 531. (a) Section 251(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, outpatient services, or" immediately before "posthospitalization treatment facilities".

(b) Section 251(b) of the Community Mental Health Centers Act is amended by inserting "or leasing" after "construction".

RECORDS

Sec. 532. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

PAYMENTS

Sec. 533. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

ESTABLISHMENT OF COUNCIL

Sec. 601. Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members who are appointed by the Secretary without regard to the civil service laws. These twelve appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the field of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

"The Council shall:

"(1) advise, consult with, serve as a sounding board for, and make recommendations to the Secretary—

"(a) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including but not limited to the development of new programs and priorities; the efficient administration of programs; and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

"(b) concerning policies and priorities relative to grants and contracts in the field of drug abuse which are made by the Secretary or by agencies and individuals responsible to him.

"(a) concerning matters relating to the Director of the Special Action Office, for inclusion in the annual report required by section 202(e)(1) of this Act, a report which:

"(a) summarizes the activities of the Council,

"(b) summarizes their recommendations to the Secretary, their reasons therefor, and the extent to which their recommendations have been adopted, and

"(c) includes copies of resolutions and other appropriate official documents of the Council."

REVIEW BY COUNCIL OF CERTAIN GRANTS UNDER PART D OF COMMUNITY MENTAL HEALTH CENTERS ACT

Sec. 602. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "and part D" immediately after "(other than part C)", and (2) by adding immediately after the period in the second sentence the following: "Grants under part D of this title for such costs will undergo such review as is provided by section 217(e) of the Public Health Service Act.

TITLE VII—CONFIDENTIALITY OF RECORDS

CONFIDENTIALITY

Sec. 701. (a) All patient records prepared or obtained under this section or in connection with any treatment authorized pursuant to this Act and all information contained therein, shall remain confidential and may be disclosed, with the patients consent only, to medical personnel and then only for the purpose of diagnosis and treatment of the patient, or to Government or other officials only for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence. Disclosure may be made for purposes unrelated to such treatment or benefits upon an order of a court only after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against possible harm of disclosure to the person to whom such information pertains, the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate any action or charges against a patient or a former patient under any program pursuant to this title under any circumstances.

(b) Nothing in this section shall be construed to limit the use of information by persons engaged in research provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics thereof.

TITLE VIII—GENERAL

SAVING PROVISION

Sec. 801. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

REGULATIONS

Sec. 802. The Secretary may promulgate regulations pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

Sec. 803. Part C, title VIII of the Economic Opportunity Act of 1964 is amended by adding the following new section:

"Sec. 836 Officers of Action.—

"(a) There shall be at the head of Action the Director of Action. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

"(b) There shall be in Action a Deputy Director of Action who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director of Action shall from time to time assign or delegate, and shall act as Director of Action during the absence or disability of the latter or in the event of vacancy in the office of Director of Action.

"(c) There shall be in Action, two Associate Directors of Action one of whom shall be designated as Associate Director for Domestic and Antipoverty Programs, and one of whom shall be designated as Associate Director for International Programs who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Associate Director will be primarily responsible for the program operations of Action within his respective jurisdictional area. In addition, they shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(d) There shall be in Action not to exceed four Assistant Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(e) The provisions of section 1(d) of Reorganization Plan Numbered I of 1971 are hereby superseded by the provisions of this section."

The PRESIDING OFFICER. On this bill there is a time limitation of 2 hours, to be equally divided between the Senator from Iowa (Mr. HUGHES) and the Senator from Illinois (Mr. PERCY), with a limitation of 30 minutes on amendments in the first degree and 20 minutes on amendments in the second degree.

PRIVILEGE OF THE FLOOR

Mr. PERCY. The Senate is now taking up a bill of which I am a principal sponsor and floor manager for the minority, S. 2097, the Drug Abuse Office and Treatment Act of 1971. In connection with my floor responsibilities, I ask unanimous consent that Mr. Stuart M. Statler, minority counsel to the Subcommittee on Executive Reorganization, be permitted to remain on the floor with me throughout the period allotted for debate, discussion and vote on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I ask unanimous consent that Mr. Wade Clarke and Mr. Julian Granger, of the staff of the Subcommittee on Alcohol and Narcotics, Mr. Hendrick Gideonse, Mr. Al From, and Mr. Tim McCarthy be given the privilege of the floor during the consideration of this bill.

Mr. RIBICOFF. And Mr. Robert Wager of the staff of the Government Operations Committee.

Mr. HUGHES. And Mr. Robert Wager.

Mr. McCLELLAN. And also Mr. James Calloway of the staff of the Government Operations Committee.

Mr. HUGHES. And Mr. Calloway.

Mr. President, I ask unanimous consent that the chief counsel of the Government Operations Committee be allowed access to the floor during the consideration of the bill also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. HUGHES. Mr. President, I yield myself such time as I may require.

The Labor and Public Welfare Committee has recommended that amendments be made adding titles IV through VIII to the titles reported by Government Operations. These titles would include provisions for the establishment of a National Institute on Drug Abuse, the development of State and local prevention and treatment programs and formation of a National Advisory Council on Drug Abuse to advise the Secretary of Health, Education, and Welfare.

That committee has also recommended several agreed-upon changes in the earlier titles of the bill. The Labor and Public Welfare Committee reported the bill favorably, with the recommended amendments, on November 23. I would like to ask the senior Senator from Connecticut if he would accept the amendments recommended by the Labor and Public Welfare Committee.

Mr. RIBICOFF. Mr. President, I have reviewed the amendments proposed by the Committee on Labor and Public Welfare, and find them acceptable. They further strengthen and improve the bill. I have discussed them with Chairman McClellan, with the ranking minority member (Mr. Javits), and with the Senator from Illinois (Mr. Percy). We find them acceptable, and, on behalf of the Committee on Government Operations, I accept the amendments en bloc.

Mr. HUGHES. I thank the Senator from Connecticut, and yield him whatever time he may require.

Mr. RIBICOFF. Mr. President, the bill we consider today is a piece of landmark legislation. It is a major bipartisan effort to combat one of our greatest national problems—drug abuse.

The Nation has been justly alarmed by the growing menace of drug abuse. The problem is not confined to one area of the country or a single segment of society. It is pervasive, affecting cities, suburbs and rural areas, civilians and military personnel. It particularly affects the Nation's youth.

I have long been concerned with the problem of drug abuse, and so when this bill was jointly assigned to my Subcommittee on Executive Reorganization and Government Research and Senator Muskie's Subcommittee on Intergovernmental Relations, I moved for immediate hearings.

The bill which we brought out of these hearings and the long, bipartisan negotiations which followed them, responds to the need for better organization and increased funds for drug abuse programs. We have added several innovative provisions, not included in the original bill and our final product is a great improvement over the bill as introduced.

We have provided that it attacks the drug problem on a broad spectrum—law enforcement, prevention, treatment, and rehabilitation. It is a constructive bill which I believe will lead to controlling the problem of drug abuse throughout the Nation.

Mr. President, S. 2097, as amended, has two sections. The first section, containing titles I, II, and III, was drafted and will be managed on the floor by the Government Operations Committee. The second section, containing titles IV, V, VI, VII, and VIII, was drafted by the Committee on Labor and Public Welfare and will be managed on the floor by that committee.

Despite this division of labor, the bill is a coordinated, bipartisan effort by two committees to deal with the problem of drug abuse.

Several Senators played major roles in constructing the bill in its present form. On the Government Operations Committee the Chairman (Senator McClellan), Senator Muskie, Senator Percy, Senator Javits, Senator Gurney, and I worked together to shape the provisions of the bill. From the Committee on Labor and Public Welfare Senator Hughes and Senator Javits, as ranking members of the Subcommittee on Alcoholism and Narcotics, made major contributions to the legislation.

The origins of this bill can be found in S. 1945, introduced by Senator Muskie on May 25 of this year; S. 2097, introduced for the administration on June 18, following the President's comprehensive drug message, by Senator Percy and 15 bipartisan cosponsors; and S. 2217, introduced June 30 by Senator Hughes with Senators Javits and Muskie as cosponsors.

The administration bill and Senator Muskie's bill were assigned jointly to the Subcommittees of the Committee on Government Operations which Senator Muskie and I chair. We began hearings quickly, taking 6 days of testimony, and directing inquiries to all the States, the District of Columbia, and 20 large cities.

Testimony was given by several Senators, including the Chairman of the Committee on Government Operations, a Congressman, the Governor of Georgia, representatives of State and local drug abuse programs, doctors and researchers, and former victims of drug abuse. We received 49 replies from States and the District of Columbia, and nine replies from cities in response to our letter of inquiry. One State response, that from Governor William A. Egan of Alaska, came in after the hearing record was printed and I ask unanimous consent that it be printed after my remarks so that it will be available along with the responses of the other States.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIBICOFF. Witness after witness testified to the tremendous expansion in the amount of drug abuse, the increase in the types of abuse, and the extent to which new population groups have become increasingly and heavily involved.

The availability of drugs on the virtually open illicit market was well described by some of the younger witnesses before us who themselves had been drug abusers. One young lady told us, for example, that it was easier to get heroin than liquor, and a returned GI from Vietnam told us heroin was easier to get than a clean glass of water. We were also told that in urban neighborhoods it was possible to get drugs from almost anyone, including police officers and, further, that the image of the older, gangster drug pusher needed to be replaced by a picture of a widely dispersed and fluid drug distribution network involving persons who are peers to the users themselves.

The range of drugs being abused is long and well known: marijuana, amphetamines, barbiturates, heroin, cocaine, LSD, mescaline. We have all become familiar in this country, some of us painfully familiar, with the names. Furthermore, we heard testimony which suggests that we are on the threshold of a new era of drug proliferation as the work now being done for legitimate scientific, medical, or pharmacological purposes discovers new psychoactive substances.

Testimony also made it very clear that the characteristics of those abusing drugs have changed radically in the last few years. Once largely confined to the inner city poverty areas where, like all other problems there, it could be conveniently ignored by the rest of society, drug abuse now substantially involves young, middle class residents of the suburbs, college students, and military personnel. In fact, it is quite clear that one of the most compelling forces behind the President's initiative was the disclosure of widespread use of heroin among GI's in Vietnam.

The problems addressed in S. 2097 are complicated. They do not stand by themselves, but are linked to the larger issues afflicting our society. We considered many proposals. We engaged in extensive deliberation. Before we were done the administration bill was substantially and significantly altered. As a result we believe this legislation is a major advance in the national effort to control and treat drug abuse.

The purpose of titles I, II and III of

S. 2097 is to establish a Special Action Office for Drug Abuse Prevention in the Executive Office of the President and to develop a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

The Special Action Office for Drug Abuse Prevention would have major responsibilities. For drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation, and research, the Office would provide overall planning and policy, establish objectives and priorities, review and, if necessary, modify budget requests, review implementation plans, and make appropriations available. With respect to these same programs and activities, the Director of the Office would be able to require the submission of information, evaluate their performance and results, assist in the development and review regulations, criteria, guidelines, requirements, standards, and procedures, and make recommendations regarding changes in management, organization, personnel, and standards.

These provisions represent significant changes in the powers requested in the original version of S. 2097.

In several respects the powers sought in the original bill were unprecedented. Authority was requested for the President to extend the life of legislation and to transfer appropriations from one program to another, transfer programs from one agency to another, and replace personnel. We felt there were insufficient reasons for conferring these kinds of powers on the President and Director. Furthermore, the requested powers would have infringed on powers reserved to Congress and conflicted with provisions of the Civil Service system.

On the other hand, the evidence presented convinced us that some powers not ordinarily exercised were called for if the existing confusing, uncoordinated situation in the executive branch was to be corrected and renewed vigor and direction imparted to the programs against drug abuse. The solution we finally decided upon was to define sharply the planning, policy, priority, and objective-setting responsibilities for the education and treatment approaches and then to extend additionally to the Director only those powers and responsibilities now exercised by the White House or the Office of Management and Budget.

A second major change we made in the original S. 2097 is to give the Director authority to make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs and activities as well as to consult with the Justice and Treasury Departments, intelligence agencies and all other Federal departments and agencies with respect to international control and law enforcement policies, priorities, and objectives relating to drug abuse. Further, when the Director determines that the operation of any Federal drug abuse program or activity impairs the effectiveness of any other Federal drug abuse program or activity, a mechanism is provided whereby the Director may formally notify the President of such a problem for his resolution. These important provisions were added to the bill by the committee.

It is no secret that there has been antagonism and competition between proponents of law enforcement and medical approaches to the control, prevention and treatment of drug abuse. With the notable exception of the Attorney General, who asserted that there were only a few points of cross-action between law enforcement and treatment, all the witnesses, in one fashion or another, pointed out the positive and negative effects which different approaches to law enforcement or treatment had upon one another.

Examples of the interrelationship between law enforcement and treatment approaches are numerous. Various ways of carrying out law enforcement, for example, appear to certain population groups to be expressions of the very shortcomings of our society which are among the larger social issues which underlie certain forms of drug abuse. Some approaches to treatment are considered by others to be questionable because of the potential risk of poor control over narcotic substances, increasing the availability of new drugs on the streets. The fact that possession of heroin is a felony in many States means that on conviction an addict is automatically denied access to nearly half the jobs in the Nation, a significant deterrent to effective rehabilitation. The confusion between medical approaches to treatment and criminal definitions of drug taking behavior is another problem.

The manner and order in which supplies of illicit drugs are controlled, may have direct effects on the types of drugs being used and the nature of the demand for places in drug treatment programs and facilities. We heard evidence, for example, that successful efforts to cut off marihuana supplies during Operation Intercept, led directly to an increase in heroin use, since that substance was still freely available, even though marihuana supplies had been effectively interdicted for a while. A recent report suggests much the same mechanism was at work in Vietnam and is a partial explanation of the rapid increase in heroin use there.

The consistency with which these views came up and the clear consensus that emerged led us to conclude that to deal with the problem of drug abuse in this country, the full range of approaches to its control and prevention had to be addressed.

These same concerns led us to make a second major addition to the bill. Title III creates a mechanism whereby a national strategy against drug abuse shall be developed. The President is directed to prepare such a strategy through the establishment of a Strategy Council composed of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of the Veterans' Administration and such other officials as the President may designate. The Director of the Special Action Office is authorized to provide whatever services are necessary to prepare the strategy.

The strategy will contain an analysis of the nature, character, and extent of the drug abuse problem including an examination of the interrelationships between various approaches to solving the problem and their potential for interacting positively and negatively with one another. It is to include a comprehensive Federal plan specifying the objectives of the strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used. Finally, the strategy shall contain an analysis and evaluation of the programs conducted, results achieved, and problems encountered by all Federal agencies.

The Council is authorized to engage in the planning necessary to achieve the objectives of the strategy. It shall require departments and agencies to submit such information as any member of the Council may request. Finally, it is required to evaluate the performance and results achieved by all Federal drug abuse programs and activities. The bill provides for review of the strategy by those participating in its development and for periodic updating at least once a year.

In addition to the responsibilities I have already outlined, the Director possesses other important powers that cut across all drug abuse programs and activities. He is empowered to coordinate all Federal drug abuse programs and activities with one another and with other Federal programs and activities which might have an important bearing on the success of the entire Federal drug abuse effort. He is authorized to perform coordination and technical assistance functions regarding State and local drug abuse programs and activities.

The Director would also be required to submit an annual report on the activities of the Office, particularly with respect to his use of grant and contract funds and transfers of moneys which he might effect. Using a special fund, provisions for which the committee added to the original bill, he would be authorized to develop or support new approaches, demonstrations, techniques, and methods for achieving the purposes of the act. He could also use the fund to increase the size of ongoing programs which have proven themselves effective. He is empowered at the President's discretion to represent the Government of the United States in discussions and negotiations with foreign governments and before international organizations. To carry out the purposes of the act he may convene a council of Federal officials representative of the departments and agencies responsible for Federal drug abuse programs and activities.

These additional provisions should substantially enhance his position as the focal point for the national program against drug abuse. They give promise of aiding the development and implementation of the national strategy. They provide incentives to develop new approaches and expand effective ones that are already ongoing. In addition to these provisions, we have also defined congressional policy respecting the manner in which the Veterans' Administration and the Civil Service treat drug abusers and provided a special reorganization authority to the President respecting the drug abuse programs over which the Special Action Office has budgetary authority. This authority, based directly on the provisions contained in the Executive Reorganization Act of 1949, as amended will assure that for the 4-year life of the Office, program transfers may be made promptly.

The appropriation figures were arrived at with a view to carrying out the Director's functions with the greatest effectiveness. For each of the 4 years of the life of the Office, we have authorized appropriations of $40 million for the special fund, an amount which is approximately 10 percent of the total currently budgeted for drug abuse programs and activities and approximately 2½ percent of the total that will be authorized when this bill is passed. For the activities of the Office itself we have authorized amounts of $5, $10, $12, and $15 million for the 4 successive years. We think these sums are adequate for the responsibilities of the Office, and the special fund authorization should make it a substantial lever in redirecting old programs and expanding effective ones.

Clearly we have made significant changes in the original bill. Committee action has improved the bill and made it a substantially different measure. We have increased the scope of the office, differentiated the powers according to the areas of responsibility, and confined them to those appropriate for a White House office. We have provided for the development of a national strategy against drug abuse. I ask unanimous consent to insert after my remarks a brief summary I have prepared of the diffferences between the original bill and the one the Committee has reported.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibits.)

Mr. RIBICOFF. We have given the Director of the Special Action Office responsibilities with a scope as broad as the problem and the full range of approaches to its solution. We expect the Director to range widely and with energy over all areas in which he has duties and responsibilities.

We have carefully defined the Director's powers. His responsibilities are differentiated, however. We expect him to respect the differences between prescription and recommendation, for example, that we have provided as between treatment programs and law enforcement. But we expect him to carry out his functions actively and fully as broadly as the bill itself is written.

One responsibility of great importance will be the activities he carries out in connection with the development of the comprehensive, coordinated Federal strategy against drug abuse. We believe that the Director, as the President's highest level adviser on drug policy, will play a key role in the discussions of the strategy council, but we also intend that his service role to the council should be as active as he believes necessary.

We expect the Director to play a major role in defining what kinds of studies and reports and what kinds of information and data are needed. We expect him to insure that responsibilities of this kind are carried out by the departments and agencies administering drug abuse programs and activities.

Having studied the drug problem in depth these past 6 months, it is obvious how little we know about it and how, when we examine it carefully, its characteristics are quite different from the presuppositions we started with. We know far too little about the reasons why drugs are abused. We know far too little about the patterns and mechanisms of abuse. We know very little about the ways in which illicit supplies are distributed internationally. We know a little more but still not enough about the physiological and psychological effects of single and multiple drug use and abuse.

An example of the kind of knowledge we need much more of is contained in a recent report prepared for the Drug Abuse Council by Dr. Norman Zinberg on the rehabilitation of heroin users in Vietnam.

In his paper Dr. Zinberg, who testified before the two subcommittees in July, describes the social and group-oriented culture of drug taking in Vietnam, a significant difference from the classic picture of the loner ghetto user. He raises as a consequence some provocative questions about the future effect of this form of drug abuse on the domestic scene when the GI's return.

The kind of rethinking Dr. Zinberg was forced to do as a result of his careful examination of the drug and rehabilitation cultures will be repeated as more intensive empirical studies of drug abuse are undertaken.

Finally, I came to the conclusion, as did, indeed, all of us who actively worked on the bill, that rhetoric which talks about epidemics and crusades is inappropriate and counterproductive. Fear and emotion are not going to resolve the issues here, nor lead to productive solutions. In different forms the drug problem has existed in this country for a very long time. It will not yield to effective prevention and control simply by a new burst of zealous energy. What we need is a major sober, rational effort, filled with compassion and committed to the long pull.

I believe we have before us a bill which is a major step forward in the effort against drug abuse and will do the kind of job I have just outlined.

It covers the ground which needs to be covered. It creates an Office with high visibility to express the full extent of our concern. The language we have used is reserved because we understand how serious the problem is, how deeply it is tied to other problems of our society, and how unlikely it is to yield to quick solutions or emotional terminology.

The Director's powers are substantial. They will enable him to give renewed direction to education, treatment, rehabilitation, and research programs and to eliminate overlap, and improve their coordination. He can play an important role in the development of law enforcement policies and has authority to identify conflicts between law enforcement programs and treatment programs if and when they occur.

Most important, the development of a national strategy will assure that at the highest levels of government issues which have undermined the effort against drug abuse will receive considered attention. For the first time the policy basis for controlling and preventing drug abuse will receive the kind of comprehensive treatment that it needs.

The bill before us is a good one. It provides the authority needed to begin the job that needs doing. I urge its passage.

EXHIBIT 1

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, Alaska, November 18, 1971.

Hon. ABRAHAM RIBICOFF and Hon. EDMUND S. MUSKIE,
Committee on Government Operations,
U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF AND SENATOR MUSKIE: This is in further reply to your letter of August 6, 1971, concerning joint hearings on S. 1945 and S. 2097 which would establish a new White House office to coordinate programs concerned with drug abuse. A response to your letter was deferred until this time because while our drug abuse programs have not reached the proportions felt in other states, recent experience has given rise to great concern. Recent planning and commencement of some programs have provided the answer to some of the questions posed in your letter.

The following answers are provided through coordination with the Alaska Department of Health and Social Services.

1. Describe your State's narcotic drug abuse treatment and rehabilitation programs(s). If possible, please include information on each of the following:

(a) organization;
(b) purposes;
(c) scope of activities;
(d) budget (1968–1971);
(e) Federal assistance (if any);
(f) number of persons treated and rehabilitated;
(g) results to date;
(h) planning and evaluation methods;
(i) relationship to local and private programs; and
(j) relationship to other State drug and nondrug programs.

Answer. Alaska faces a growing problem in drug abuse. I am vitally concerned with the problem and have designated drug abuse and drug abuse related problems as a primary issue for Fiscal Year 1973. At the present time, the Task Force is engaged in an in-depth study of the issue with a view towards developing budget and legislative proposals. Additionally, I have designated the Department of Heath and Social Services as the single drug authority for Alaska in order that the State might be responsive to Federal grant proposals as well as develop a united and coordinated State-wide program for treatment and prevention.

The Task Force is currently holding regular meetings, securing data, talking with and seeking the counsel of former users and abusers, and studying existing programs. State monies to date have been used in an educational approach to prevention, primarily through the Alaska Department of Education. A small Federally funded program has just gotten underway in Fairbanks and it is much too early to report any results from program activities.

The Greater Anchorage Area Borough Health Department and the Alaska Psychiatric Institute are cooperating in a joint program effort directed toward the treatment and rehabilitation of persons suffering from the abusive use of drugs. Application is being made for $200,000 of Federal monies to assist in the financing of this program.

Present treatment resources for drug abusers consist primarily of a free open door clinic located in Anchorage and physicians throughout Alaska.

In addition to the planned demonstration project for the Greater Anchorage Area Borough, it is also planned to seek Federal monies for the establishment of drug abuse programs through the community mental health centers and our State-operated regional mental health clinics. It is hoped that those programs, facilities, methods, and techniques that have been helpful and successful in the demonstration project will be implemented in the community's program.

A research and evaluation component has been built into the demonstration project and should prove useful in screening out those program aspects that have little or no value in the restoration process of helping this high-risk group. The programs that are planned for Alaska would enlist, encourage, and utilize the help of all private treatment facilities and volunteer citizens and citizen groups.

2. What is your estimate of the number of heroin addicts in your State for each year from 1968 to 1971? (Please explain the method used in calculating the totals.)

Answer. Statistical data is incomplete for most of the State. Some statistics for the Anchorage area were furnished by the Anchorage Police Department. The figure given by the police for known addicts is 300 for the Anchorage area with another probable 300 who are at present unknown or unemerged.

3. What is the State program's major goals for 1971 and 1976?

Answer. Alaska's goals for 1971 include the completion and submission of the application for the demonstration project for the Anchorage area which involves 43 per cent of Alaska's entire population. Alaska recognizes the importance of the development of a data gathering system which is vital to meaningful planning and efforts will be made towards the establishment of such a system.

By 1976 Alaska hopes to have adequate treatment and rehabilitative services available to all persons who suffer from drug abuse and who desire to help. A meaningful public educational and informational program is essential, especially in the public school systems. It is felt that the best preventive approach must involve education and family life programs designed to promote good mental health.

Hopefully, Alaska will have made some good progress toward drying up the sources of supply, but the most effective method would involve greatly reducing the number of customers and potential customers.

4. How much assistance and what kinds of assistance will you need from the Federal Government to achieve these goals?

Answer. The Federal Government must make drug abuse program monies available to those states who endeavor to find solutions to the very complex and highly complicated social problem of drug addiction. The Federal Government is in the best position to gather, coordinate, interpret, and disseminate information and data and to conduct research and centralize bodies of training knowledge.

5. What are the most important areas—prevention, treatment and rehabilitation, research and training, or law enforcement—in which the Federal Government should be concentrating its efforts at this time?

Answer. Treatment and rehabilitation are essential for current victims and sufferers who desire and respond to help and continued efforts must be made to seek methods and techniques to reach and help those who presently have not responded. Demonstration projects must have the flexibility to be creative and innovative in their aproaches to reach the "unreachable" and treat the "untreatable."

Treatment and rehabilitation, which is primarily a case by case method, is in reality reading with the symptoms of an individual and a society who thus far have not adjusted to each other, for whatever the reason. Research should be aimed at solutions to that dilemma.

The task of law enforcement and the judicial system cannot merely concern itself with sources of supply and lawbreakers, but must become advocates of treatment and rehabilitation, and not punishment and lengthy sentences of imprisonment.

6. What do you consider the major problems today with Federal drug abuse programs, and what better mechanisms can you suggest for delivering Federal assistance to the States?

Answer. There appear to be some shortcomings with Federal treatment programs. Current literature seems to reveal the efficacy of the smaller, more intimate treatment facility. It seems that Federal assistance can better be utilized at a more local level. Some decentralization would be accomplished if more decision-making powers were granted at the regional level where a more intimate knowledge and a clearer picture of a state's problems, needs, and probable solutions exist.

7. By what means and by whom are drug abuse prevention, treatment, rehabilitation, research, training, and law enforcement programs coordinated in the State government?

Answer. The single state authority will have coordination responsibility for those functions that are not directly under its jurisdiction; law enforcement is an example of this kind of coordination function.

8. Describe some of the most innovative approaches to drug abuse treatment and rehabilitation which you are funding or operating.

Answer. At this point in time the State of Alaska has limited experience in, and is not directly funding, substantial drug abuse treatment or rehabilitation programs.

9. Have you funded, operated, or evaluated any methadone maintenance treatment projects, and if so, what have you discovered that might be useful to other States and to the Federal Government?

Answer. We do not have any direct experience with a methadone program, although this is a possible consideration for the demonstration project.

10. Do you support the bills S. 1945 and S. 2097, or the general idea of a White House Office to coordinate Federal drug abuse programs? Please include your suggestions on what should be such an office's

(a) functions;

(b) scope of authority;

(c) relationship to State and local programs.

Answer. The drug abuse problem exists in such proportion throughout the nation that the Federal Government must assume the leadership in seeking solutions to one of our gravest social problems. The establishment of an agency at the Federal level, such as outlined in bills S. 1945 and S. 2097, would appear consistent with the assumption of a leadership role.

a. The Federal Government should definitely serve as the focal point for data gathering and the dissemination of research and other information to the various states. The Federal Government is in the best position to be the forerunner in research.

b. The scope of authority of the Federal Government would hopefully fall into three main areas:

1. establishment of guidelines for use of Federal monies and a uniform reporting system;

2. advisory capacity to program formations, needed research, needed legislation, and training programs;

3. set precedent in establishing legislation that stresses rehabilitative and treatment rather than punishment which all too often is the approach of law enforcement and the judicial system.

c. The Federal Government must be the major source of monies if the problem is going to be attacked on a nationwide basis.

I hope that this information will be of help to you and your Subcommittee.

Thank you for the opportunity to state my thinking and to present something of the situation and needs in Alaska.

Sincerely,

William A. Egan,
Governor.

Exhibit 2

Comparison Between Original and Amended S. 2097

SCOPE

Original

Education, training, treatment, rehabilitation, research—"treatment side" only.

Amended

Education, training, treatment, rehabilitation, research—plus limited powers over law enforcement, international control.

Original

No provision.

Amended

Calls for a National Strategy integrating law enforcement and treatment.

POWERS

Original

President extends life of Act.

Amended

No provision.

Original

Replace personnel.

Amended

No provision.

Original

Transfer monies from program to program.

Amended

No provision.

Original

Direct operation of programs.

Amended

No provision.

Original

Provide overall planning and policies and establish objectives and priorities on treatment side.

Amended

Same.

Original

Prepare and make available appropriations for treatment side.

Amended

Review and modify budget requests and make appropriations available for treatment side.

Original

Transfer programs without Congressional approval.

Amended

Transfer programs only with Congressional approval.

Original

No provision.

Amended

Recommend and consult on law enforcement and international controls.

Original

No provision.

Amended

Consult on classification of drugs and IND and NDA drug status.

SPECIAL PROVISIONS

Original

No provision.

Amended

Special fund to provide additional support for successful programs and encourage innovation and demonstrations.

Original

No provision.

Amended

Technical assistance to State and local governments to assist them in assessing their drug problem and meeting these problems.

Original

No provision.

Amended

Policy defined for Civil Service and Veterans' Administration respecting drug abuse.

ADDED BY HUGHES' SUBCOMMITTEE

Original

No provision.

Amended

Drug abuse institute in NIMH.

Original

No provision.

Amended

Grant program for treatment and rehabilitation programs in States and localities.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the amendments of the Committee on Labor and Public Welfare to the substitute amendment of the Committee on Government Operations be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BYRD of West Virginia. I thank the distinguished Senator for yielding, and I ask unanimous consent that the time I utilize not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have discussed this matter with the distinguished assistant Republican leader; and, at the direction of the distinguished majority leader, I ask unanimous consent that upon the disposition of the OEO conference report this afternoon, the Senate proceed immediately to the consideration of S. 2824, the so-called fish inspection bill.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—Senator Nelson is not on the floor. Senator Nelson was very deeply troubled about the fact that we put the conference report on the poverty bill after the drug abuse bill. I happen to be a factor in both, and I speak only out of a sense of responsibility.

Does not the Senator feel that he had better talk to Senator NELSON first?

Mr. BYRD of West Virginia. No, because this bill would come after the conference report is disposed of.

Mr. JAVITS. I beg the Senator's pardon. I thought he had said "after." I am sorry.

Mr. BYRD of West Virginia. No. Following disposition of the conference report on the OEO, the Senate will proceed to the consideration of S. 2824.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a time limitation on the District of Columbia appropriation bill of 1 hour, to be equally divided between the distinguished manager of the bill, the Senator from Hawaii (Mr. INOUYE), and the distinguished ranking Republican member of the committee, the Senator from Illinois (Mr. PERCY); that time on any amendment thereto be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill; that time on any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 10 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. INOUYE).

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object—I want to invite the attention of the distinguished majority whip to the matter of the Bicentennial Commission. I think there was agreement that it could be disposed of in 30 minutes, and it was of interest to the Senator from Massachusetts (Mr. BROOKE) that, if possible, that could follow on the disposition of the fish inspection bill. I do not know whether the Senator may have forgotten that.

Mr. BYRD of West Virginia. Mr. President, I had forgotten it, and I appreciate its being recalled to my mind by the distinguished assistant Republican leader.

I ask unanimous consent that upon the disposition of S. 2824, the fish inspection bill, the Senate proceed to the consideration of S. 1857, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; that time on that bill be limited to 30 minutes, to be equally divided between the distinguished Senator from Massachusetts (Mr. BROOKE) and the distinguished majority leader or his designee; that time on any amendment thereto be limited to 30 minutes, to be equally divided between the mover of such and the distinguished Senator from Massachusetts (Mr. BROOKE); that time on any amendment come out of the 30 minutes allotted to the bill; and that action on the bill be completed today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that rule XII be considered to have been waived prior to the unanimous consent order that was entered regarding the Bicentennial Commission resolution.

The PRESIDING OFFICER (Mr. MATHIAS). Without objection, it is so ordered.

Mr. GRIFFIN. The other request is pending, but there is no objection to it. Has the Chair ruled on the District of Columbia appropriation bill?

Mr. BYRD of West Virginia. Mr. President, I repeat my request on the District of Columbia appropriation bill: That time thereon be limited to 1 hour, to be equally divided between the distinguished ranking Republican member, the Senator from Ohio (Mr. PERCY), and the distinguished manager of the bill, the Senator from Hawaii (Mr. INOUYE); that time on any amendment thereto be limited to 30 minutes, to be equally divided between the manager of the bill, Mr. INOUYE, and the mover of such amendment; that time on any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, the Senate proceed to the consideration of the District of Columbia appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG ABUSE OFFICE AND TREATMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

Mr. McCLELLAN. Mr. President, S. 2097 represents America's foremost commitment to develop, through a White House Special Office for Drug Abuse Prevention, a comprehensive and coordinated long-term Federal strategy against illegal drug traffic as well as creating new and invigorating old health programs to rehabilitate the victims of drug abuse.

I commend those members of the Committee on Government Operations who have worked so diligently to have this measure reported. Six days of hearings were held by Senator ABRAHAM RIBICOFF's Subcommittee on Executive Reorganization and Government Research and Senator EDMUND MUSKIE's Subcommittee on Intergovernmental Relations. The fruits of their labor—along with those of our ranking minority members, Senators PERCY and JAVITS—augur a major breakthrough in curtailing those pernicious parasites who deal in the trafficking of harmful substances and in curing those innocent victims who have fallen prey to these instruments of destruction.

I also wish to pay the same compliments and express my appreciation to those members of the Labor and Public Welfare Committee who have made such valuable contributions to this measure and for expeditiously processing it in order that it might be brought to the floor.

The pending measure represents a truly bipartisan commitment to halt the scourge of drug abuse. And rightfully so, Mr. President, for this pestilence affects all Americans—rich or poor, black or white, residents of our inner cities, suburbs or rural communities. The ravages of drug abuse have already taken an irreparable toll and succumbed countless victims. We cannot afford to continue a lackadaisical or haphazard approach to this immense national problem.

The cost of flagrant drug abuse is devastating to our Nation. Beyond the physical pain and miseries—which exact an incalculable human toll—there is an incalculable price being paid in dollars for the addict to cope with his insatiable appetite. The hard statistics of addiction are shocking, cruel, and pathetic. They sound their own clarion call for action and relief. They—more than any words or rhetorical utterances—speak for the cogent need to make S. 2097 a part of America's arsenal against drug abuse.

There are at least 330,000 addicts in this country, but some experts say that the true figure is more than likely as high as 1 million users and addicts.

In the past 2 years, 16,000 American servicemen have been discharged for drug-related reasons—as many as 30,000 American troops in Vietnam are reportedly heroin users.

Drug addiction is the greatest, single cause of death among young people between the ages of 15 and 35 in New York City—where over half of the Nation's drug addicts reside. This great metropolitan area has lost more lives from drug overdoses in the past 8 years than the entire State of New York has lost to the war in Vietnam.

Fifty percent of the property crimes committed in our major cities are drug related, according to expert reports.

The economic cost to this Nation is believed to run as high as $10 billion per year—and may, in fact, be much higher—from drug abuse.

The social impact of addiction cannot be quantified, but it is staggering and disheartening. The addict's frantic search to satisfy his craving affects everyone within his reach, spreading fright and violence—tearing apart the fabric of a free and law abiding society—pulling asunder the fibers of national progress and growth. The pusher penetrates his poisonous fangs not only into the addict's life blood, but into the very life blood of society itself.

The drug-user's habit is freedom's bane. The corrupt, subrosa and ugly elements in this land prey upon the drug victim—just as he preys upon innocent victims on the streets of his habitat. Organized crime has grown fat from its perpetuation of this disease—annually reaping, by some estimates, up to $5 billion from illegal drug enterprises. The underworld and its syndicated operations have spread their vicious tentacles into every facet of the narcotics scene.

Our courts and jails—our entire criminal justice system—are hard pressed to aedquately cope with the burgeoning demands and overloads this terrible twilight world of drugs has wrought. We are, indeed, Mr. President, faced with a national tragedy—which threatens to reach epidemic proportion unless we act now to crush the purveyors of this sickness.

S. 2097 offers an effective vehicle to reverse the corresponding proliferation and availability of drugs and the number of drug abusers. The bill changes our position as on-lookers and witnesses to such devastation—to fighters—and hopefully—conquerors of this major social ill.

It would, in title II, create a Special Action Office for Drug Abuse Prevention in the White House with authority to plan, develop and coordinate our Nation's war on narcotics addiction. The Director of this office is empowered to establish priorities—to set out the objectives of our national drug campaign—and to supervise their implementation. He would be entrusted with the vital task of utilizing and concentrating America's drug fighting resources to best advantage.

Equally important, the Director would be responsible for allocating moneys from a special fund to carry forward critically needed research for new approaches, cures and understandings of the drug problem.

Title III of this bill also fills a long standing void in our efforts to stop drug abuse. It would create a mechanism—a Strategy Council—by which the President would promulgate the strategy he feels is imperative to combat narcotic abuse. Such strategy would be developed by the Council, which would be comprised of various Cabinet members, the Director of the Special Action Office and other appropriate officials.

In addition, a National Institute on Drug Abuse would be created within the National Institute of Mental Health as a vehicle to administer its drug programs. And, further, a National Advisory Council on Drug Abuse would be set up to make the relationship between our scientific community and drug programs more effective.

S. 2097 seeks an authorization of $202 million—over the present and next 3 fiscal years—to accomplish the goals of the Special Action Office. An additional $1.5 billion authorization is provided through fiscal 1976 for grants to State and public and private organizations for their drug abuse programs and activities.

Mr. President, S. 2097 is urgently needed—and needed now. I am confident that it will help us meet—and overcome—the devastating effects of drug abuse and its grave threat to our people and our society.

Mr. President, after S. 2097 was reported to the Senate, it came to my attention that possibly there should be an exemption for the Federal Bureau of Investigation from the provisions of section 206(f)(1) of the bill. That section presents some problems for law enforcement agencies, and I believe that some form of exemption should be made for agencies such as the FBI. But rather than delay passage of the bill—and I had intended to offer an amendment—I am willing to let this bill be passed in its present form and I am hopeful that appropriate language can and will be worked out on the House side. This matter can then be properly resolved in the subsequent conference on the bill.

I do believe this to be a serious matter, and request my colleagues who will be on the conference committee to give the matter their earnest attention.

Mr. HUGHES. Mr. President, if the Senator will yield, the chairman has discussed this matter with me, and our staffs have discussed it. We have worked on possibilities of acceptable language and an effort at compromise, and I believe, as the chairman does, that if it is possible to pass this bill today and it goes to the House of Representatives, and they make a change, in conference we can work out acceptable language which will be agreeable to everyone, and I am willing to work toward that goal in that fashion.

Mr. McCLELLAN. I thank the Senator, and I appreciate his yielding so that I was able to make my remarks at this time.

I ask unanimous consent that my remarks follow the remarks of the distinguished Senator from Iowa, and also those of the distinguished Senator from Connecticut. I requested to be allowed to make my statement at this time, because I cannot be present during further debate or discussion of this matter; I must go to a meeting of the Appropriations Committee. However, I did want to express my strong approval of S. 2097, and commend those who have worked so diligently to bring this product to the floor for action today.

Mr. HRUSKA. Mr. President, as one with a longstanding and deeply rooted interest in the problems of drug abuse, I offer my sincere congratulations to the members of the Committees on Government Operations and Labor and Public Welfare for the important national service they have performed in reporting out S. 2097, the Drug Abuse Office, Control, and Treatment Act of 1971.

I take extreme personal satisfaction in the manner in which the Congress has responded in the last 2 years to the severe and growing drug abuse problem. Last year our labors produced the Comprehensive Drug Abuse Prevention and Control Act of 1970, broadly hailed as one of the most sweeping legislative reforms ever to take place in the field of law enforcement. While it also contains provisions for education and rehabilitation, this act is primarily devoted to the difficult task of controlling dangerous substances and elimination of the illicit traffic in drugs of abuse.

With the enactment of the bill now before us, an event which I am sure will occur shortly, we will have completed the legislative cycle—at least for the immediate future. HEW Secretary Richardson aptly pointed out before the Government Operations Committee that the drug abuse problem is imbedded in the larger social issues which confront the Nation. Only with the resolution of these issues will we truly put to rest difficulties such as the one we deal with today.

As legislators we are seldom totally satisfied with bills on which we are required to pass judgment. So it is with S. 2097 and the reaction of this Senator to its provisions. It is a good bill, basically, and titles I through III are generally responsive to the President's statement of June 17, 1971. As for the remaining titles, I would have no quarrel with the need to further refine, expand, and coordinate the contribution of the Department of HEW to drug abuse prevention, treatment, and rehabilitation.

Nevertheless, I do have some concerns. I do not intend to take the time to elaborate on every one of these, for the sum total of them is insufficient to make me do other than support S. 2097. This is a highly necessary bill, and its enactment will stand as a principal accomplishment of the 92d Congress.

One of my concerns, as a member of the Judiciary Committee, is the effect of this bill on law enforcement. It would be a backward step if we were to inadvertently take away with this bill some of what we accomplished last year in the Comprehensive Drug Abuse Prevention and Control Act. I therefore had some initial reservations about sections 206 (c) and (d), which involve the Director of the Special Action Office in the drug classification process. A delicate equation was worked out last year for the classification and scheduling of dangerous substances, and an added ingredient could throw the system out of balance. Upon reflection, however, and with due regard for the overall role of the Director in the national drug abuse strategy, I am hopeful that the Director's participation by consultation will not prove objectionable.

I had a similar concern regarding subsection 202(a) (3) (D) of the bill, which gives the Director authority to evaluate the performance and results of "other Federal drug abuse programs" over which he has no policy control. The following subsection (E) requires the Director to ask all drug abuse agencies to report to him or make studies as necessary to the bill. These provisions could, on their face, permit a Director so inclined to substantially involve himself in law enforcement activities of the Bureaus of Customs and Narcotics and Dangerous Drugs, for example.

I am considerably reassured by the language of the report by the Government Operations Committee in this regard, which reiterates that this authority only extends to law enforcement or international efforts as they directly affect policy areas within the jurisdiction of the Special Action Office. I believe this clarification is most valuable.

Another provision about which I have serious misgivings is contained in subsection 701(a). I appreciate the need for confidentiality of records, and would not quarrel with the principle. However, the last sentence in this section is to my mind an unnecessary restriction on possible prosecutions. To say that a patient or former patient can under no circumstances ever have anything in his records used against him—even under court order—goes too far. I believe this section and the entire bill would be better off with this last sentence deleted.

Finally, I can appreciate the FBI's concern, as reported by Senator McClellan, over the impact of subsection 206(F) (1) on the Bureau. They appear to have a valid point, and I am hopeful an exception can be worked out.

I hope my remarks do not appear to represent the voice of discord in an otherwise harmonious effort. This is not intended. As I indicated at the outset, I fully support this bill as an important step forward. I recognize the effort and expertise that went into its preparation, and I am mindful of the unanimous vote of support provided by the members of both reporting committees. Nevertheless, I am hopeful my remarks will serve a useful purpose in recording the legislative history of S. 2097.

Mr. PERCY. Mr. President, it is with genuine satisfaction that I speak today on behalf of legislation that I introduced for the administration just 5 months ago to overcome the progressively worsening situation in this country involving pervasive use of illicit drugs and the crushing dependency that so many of our citizens endure as a result.

While it would be premature to say we have, in this legislation before us—the Drug Abuse Office and Treatment Act of 1971 (S. 2097)—a cure-all for the problem, we most certainly have begun an auspicious undertaking which represents the best thinking of some of the most expert and enlightened people in the field.

The Federal Government, until recently, has not organized for a concerted drive against the factors which nurture the wholesale demand for drugs that gnaws at our society. Efforts to reduce drug demand have been appended, almost as an afterthought, to programs aimed at mental illness, poverty, and crime. Consequently, the focus of these efforts has been clouded. We have examined use factors within particularly subcultures or geographic areas, but have not addressed ourselves to the pervasive conditions in our society as a whole which give rise to what has become a nationwide demand—and for that reason a national tragedy.

For example, only residents of specific inner-city areas qualify for Model Cities-funded drug treatment programs; only individuals with poverty-level incomes are eligible for education and treatment programs conducted by the Office of Economic Opportunity. Middle class communities or communities which suffer from nonopiate drug problems frequently find themselves without any prospect of Federal assistance.

State and local authorities all to often are at a loss as to which Federal agency to turn to for needed help. Resources for drug control efforts are inefficiently channeled in the absence of central direction. How much of the duplicative projects of the Bureau of Narcotics and Dangerous Drugs and the National Institutes of Mental Health might have avoided? How much needed research has gone unexplored?

Finally, programs of training, rehabilitation, research, education, treatment and prevention are commonly subordinated to primary agency mandates in terms of management direction, placement of high caliber personnel, and funding.

Establishment of one single office at the highest level of government, responsible for coordinating the nightmare of Federal programs and approaches to the drug problem will assure that countless Federal agencies are no longer working at cross-purposes—that treatment, prevention, and law-enforcement efforts will be conducted in the proper balance under a comprehensive program. The genesis of this idea is to be found in President Nixon's June 17, 1971, comprehensive message on drug abuse, in which he said:

> Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. For this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucraticly dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us.

Accordingly, S. 2097, of which I am the principal sponsor, statutorily authorizes a Special Action Office for Drug Abuse Prevention, presently directed by Dr. Jerome H. Jaffe pursuant to an Executive order, to function through June 30, 1975, to coordinate the national effort against drug abuse and to concentrate the resources of the Nation toward that purpose. The legislation also provides for the development, for the first time, of a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. Finally, provision is made for a major commitment of new grant-in-aid funds—more than $1.5 billion over 5 years—to the States for program planning and to localities as special or emergency circumstances require.

I am particularly gratified that an issue as critical and potentially volatile as drug abuse—an issue which raises sensitive concerns involving the relationship of law enforcement to treatment for dependency—has not been sacrificed to narrow partisan interests in the face of the upcoming national elections. Principal supporters of the bill include Senator John McClellan, Senator Abraham Ribicoff, Senator Edmund Muskie, Senator Jacob Javits, Senator Harold Hughes, and Senator Gurney.

Fifty-one additional Senators from both major parties and from each end of the political spectrum have joined as cosponsors. They are: Mr. Mansfield, Mr. Scott, Mr. Byrd of West Virginia, Mr. Griffin, Mr. Allen, Mr. Allott, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Buckley, Mr. Case, Mr. Chiles, Mr. Cotton, Mr. Cranston, Mr. Cooper, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Ervin, Mr. Hansen, Mr. Harris, Mr. Hatfield, Mr. Humphrey, Mr. Jackson, Mr. Jordan of Idaho, Mr. Kennedy, Mr. Mathias, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Mundt, Mr. Nelson, Mr. Packwood, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Tower, Mr. Tunney, Mr. Williams, and Mr. Young.

The measure was worked out in close cooperation with the Nixon administration and has the enthusiastic backing of the President.

The Special Action Office will provide

overall planning and policy, and establish objectives and priorities for Federal drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation and research, including such programs and activities in the Departments of Health, Education, and Welfare, Justice, Labor, Agriculture, Defense, and State, and in the Office of Economic Opportunity, the Veterans' Administration and the Civil Service Commission.

With respect to most of these same programs and activities, the Director may modify budget requests; review program plans and make appropriations available for their implementation; require the submission of information and reports; evaluate program performance and results; assist in the development of, and review regulations, criteria, guidelines, requirements, standards, and procedures; and make recommendations regarding changes in management, organization, personnel, and standards.

The Director may also make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs, and he shall consult with and be consulted by all responsible Federal departments and agencies with respect to their policies, priorities, and objectives. Upon determining that the operation of any federal drug abuse program or activity impairs the effectiveness of any other federal drug abuse program or activity, the Director may formally notify the President of such a problem for his resolution.

In addition, by the terms of the bill, the Director will:

Develop or support the development of promising new approaches, demonstration projects, techniques and methods for combating drug abuse through use of a special fund of $40 million yearly;

Conduct on-site management oversight reviews of agency programs and activities;

Consult with, and be consulted by the Attorney General on the scheduling of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970; other responsible officials on the classification of drugs in connection with international agreements and schedules; and the Secretary of Health, Education, and Welfare on the investigational new drug (IND) and approved new drug authority (NDA) status of drugs which may be beneficial in the treatment of drug abuse;

Advise the Civil Service Commission on policies and procedures for control and treatment of drug abuse among Federal employees, treating drug dependent persons the same as other persons with serious health problems; and promote employee programs in State and local governments and in private industry;

Advise the Veterans' Administration in carrying out the intent of Congress that all veterans receive treatment and rehabilitation services for drug abuse without regard for the nature of their discharge and without regard to whether their drug dependency was service-connected. Such services will include in-patient and out-patient care irrespective of any prior in-patient treatment, psychiatric care, counseling, vocational training, or other rehabilitation services, and the funding, setting up, or operation of residential halfway houses; and

Represent the U.S. Government, at the President's discretion, in drug abuse discussions and negotiations with foreign governments and before international organizations.

As noted, S. 2097 also provides for the development by a strategy council and promulgation by the President of an integrated, long-term national strategy for all drug abuse programs and activities of the Federal Government. Members of the Strategy Council will be the Director of the Special Action Office, the Attorney General, and the Secretaries of the Departments of Health, Education, and Welfare, State, and Defense, and the Administration for Veterans' Affairs.

The strategy is to contain an analysis of the nature, character, and extent of the drug abuse problem, including an examination of the interactions of various approaches and modalities in solving the problem. The strategy will include a comprehensive Federal plan specifying objectives, and how all available drug abuse resources, funds, programs, services and facilities authorized under relevant Federal law should be used. It will also involve an analysis of the programs conducted, results achieved, and problems encountered by all Federal agencies involved.

The Council should prove especially helpful in areas where treatment programs impact upon programs involving the investigation and prosecution of drug offenses and the detection and suppression of illicit drug supplies. Traditionally each of these areas has been separately dealt with and often considered the private domain of the officials responsible for carrying out congressionally mandated programs. But the time has come for the doctors to start talking to the cops. Issues of mutual interest must be mutually worked out, to the satisfaction of both, if the problem of drug abuse is to be resolved.

I anticipate, therefore, that the Council will concern itself with such critical issues as the use of agents on college campuses; the efficacy of controlled maintenance on addictive drugs in reducing crime, the importance of obtaining epidemiologic data, even at the risk of compromising arrests, relating to "user" and "pusher" patterns in copping areas; the relationship between law enforcement efforts aimed at cutting off marihuana supplies and the movement upward to hard drug usage; and whether, in the first instance, our society, through its laws, will continue to regard drug-dependent persons as criminals to be imprisoned, or as individuals suffering an illness who desperately need to be treated.

The Council is authorized to engage in the planning necessary to achieve the objectives of the strategy; to require departments and agencies to submit such information and reports as any member of the Council may request; and to evaluate the performance and results attained by all Federal drug abuse programs and activities.

The strategy will be reviewed, updated, and its implementation assessed by those participating in its development on an annual basis.

In sum, the accelerating rate of drug abuse signals an imminent threat to the Nation's health and welfare, necessitating an immediate and effective Federal response encompassing both effective law enforcement against illicit drug trafficking and effective programs to treat and rehabilitate those who become drug dependent. By providing for a comprehensive strategy and by establishing an office directly under and reporting to the President with direct responsibility for all Federal programs of drug abuse prevention and treatment, S. 2097 will go a long way toward correcting the organizational impediments to an effective approach.

Within that context, we can proceed to quarantine the parasitic dependency on hard drugs that is afflicting our cities and our suburban and rural areas, feeding upon crime, festering on individual and societal well-being, preying upon our youth, ravaging our educational and military institutions, and inflicting irreparable pain and hardship upon families and communities across the country.

Though I leave myself open to the charge of believing impossible things, I am mindful of an interchange in Lewis Carrolls' Alice's Adventures in Wonderland where Alice summarily dismisses such belief; to which the Queen replies:

> I daresay you haven't had much practice . . . When I was your age I always did it for half an hour a day. Why sometimes I've believed as many as six impossible things before breakfast.

Unless we consider the impossible as well as the possible as we draw from our collective experiences and failures in combatting drug abuse, we are left with the prospect of still greater failure. The approach the President and Congress have taken through this measure posits extraordinary authority and resources in a position to do the most good for the great number of our citizens urgently in need of it.

The alternative is simply to forecast more of the same—more personal despair and societal anguish from continuing drug abuse—bemoaning its occurrence as we retire to the sidelines, smug in the accuracy of our prediction.

I am confident that as a result of the priority attention the Congress and the President now place on the problem, we will be able to better comprehend the root causes of addiction and deal with them accordingly.

Mr. President, while the distinguished Senator from New York is in the Chamber, I should like to pay particular tribute to the principal cosponsors. I believe we have 57 cosponsors of the proposed legislation. The principal supporters of it have been the chairman of the Government Operations Committee, the Senator from Arkansas; the Senator from Connecticut (Mr. RIBICOFF); chairman of the subcommittee that handled the measure, who has a deep interest in this field and has done an outstanding job; and the Senator from New York (Mr. JAVITS), who had a dual role, both as ranking Republican member of the Committee on Labor and Public Welfare and the ranking Republican member on the Executive Reorganization Subcommittee of the Committee on Government Operations.

His own deep interest in the field of drug abuse and the great problems faced in his own State of New York, particularly the city of New York, and his knowledge and experience in that field, have added immeasurably to the work of our committee.

The distinguished Senator from Maine (Mr. MUSKIE) and the distinguished Senator from Iowa (Mr. HUGHES) whose expertise and devotion in the field, not only of alcoholic abuse but also drug control, have made possible this legislation. Without the coordinated cooperation bipartisanly offered by the cosponsors of this legislation—the principal cosponsors of this measure particularly—we simply would not be on the floor of the Senate with this legislation today. It has been handled in a most expeditious manner, with only one objective, and that was to arrive at the best possible legislation we could present to the Senate.

Also I should mention, on behalf of all of us, our deep appreciation to the members of the staffs of each of the Senators on the respective committees which have handled this work and worked closely with the White House, the Special Action Office for Drug Abuse Prevention, and the Justice Department. They have worked out some knotty problems which have enabled us to bring this legislation before the Senate, legislation which has virtually the unanimous support. I think it has the unanimous support of the Senate—as will be evidenced by the vote to be cast.

In particular, I would like to single out Stuart M. Statler, minority counsel to the Subcommittee on Executive Reorganization, who has ably assisted me throughout the deliberations on this bill, Brian Conboy and Jay Cutleo representing Senator JAVITS, Wade Clarke representing Senator HUGHES, Robert Wager and Henrik Gideanse representing Senator RIBICOFF, Alvin From representing Senator MUSKIE, Jim Calloway and Tom Gunn representing Senator MCCLELLAN, and Tim MacCarthy representing Senator GURNEY.

Mr. President, I ask unanimous consent to add as cosponsors of this legislation, in addition to those already listed, the names of Senators MANSFIELD, COOPER, YOUNG, HATFIELD, BAYH, and BENTSEN.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

Mr. PERCY. Mr. President, I also ask unanimous consent to have printed in the RECORD a summary outline of the background, provisions, and purposes of this legislation, and a statement on the highlights of Nixon administration activities in the drug field, together with a report on nonvictim crime in San Francisco, recently published by the San Francisco Committee on Crime. While I do not make any judgment as to the efficacy of the recommendations and conclusions set forth therein. I feel that this well-documented report should be widely circulated and read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2097

PURPOSE OF ACT

(i) To statutorily establish a Special Action Office for Drug Abuse Prevention with exceptional authority in the Executive Office of the President to function through June 30, 1975, for the purpose of coordinating the Nation's effort against drug abuse.

(ii) To develop for the first time a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

FINDINGS

Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation;

Drug abuse seriously impairs individual, as well as societal, health and well-being;

Drug abuse, especially heroin addiction, substantially contributes to crime;

The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions;

Too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse;

The success of Federal drug abuse programs and activities requires a recognition that education, training, treatment, rehabilitation, research, and law enforcement efforts are interrelated;

The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, and between States and localities, and among the Federal Government, the State and localities, and throughout the Federal Establishment;

Control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse; and

The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring immediate and effective Federal Government response.

BACKGROUND

The genesis of S. 2097, as amended, is to be found in President Nixon's June 17, 1971 comprehensive message on drug abuse, his decision to establish a Special Action Office for Drug Abuse Prevention by Executive Order, and the announcement of his intention to seek statutory authority confirming and extending, his order and defining the powers and responsibilities of the Director of that Office.

Senator Charles H. Percy introduced S. 2097, cosponsored by a bipartisan group of fifteen Senators, on June 18, 1971. (Forty-two additional Senators subsequently cosponsored the bill.) Joining Senator Percy, who is acting ranking minority member of the Government Operations Committee, principal cosponsors of the bill are: Senator John McClellan, Chairman, Government Operations Committee; Senator Abraham Ribicoff, Chairman, Subcommittee on Executive Reorganizations; Senator Edmund Muskie, Chairman, Subcommittee on Intergovernmental Relations; Senator Jacob Javits, ranking minority member of the Subcommittee on Executive Reorganization, and of the Committee on Labor and Public Welfare to which S. 2097 will be referred; Senator Harold Hughes, Chairman, Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare; and Senator Edward Gurney, ranking minority member, Subcommittee on Intergovernmental Relations.

The Subcommittee on Executive Reorganization and Government Research, and the Subcommittee on Intergovernmental Relations jointly held six days of hearings on S. 2097 and S. 1945 (introduced by Senator Muskie) on July 7, 8, 9, 15, 16, and 30. Testimony was heard from Senators McClellan and Percy, Congressman Scheuer of New York, major Administration spokesman including Attorney General John Mitchell, HEW Secretary Elliot Richardson, and Deputy Defense Secretary David Packard, and Director-Designate Jerome Jaffe, as well as the Governor of Georgia, representatives of State and local drug abuse prevention and treatment programs, researchers and doctors who have studied the drug abuse problem, and persons who have in the past been victims of drug abuse.

S. 2097, as reported out of the Committee on Government Operations, constitutes a major bipartisan effort, was worked out in close cooperation with the Administration and has the enthusiastic support of the President.

SUMMARY OF DELIBERATIONS

The Government Operations Committee has added important new provisions, improved the balance between scope and powers of the Special Action Office, and adopted the best features of other proposals advanced by Members of the Senate.

The original bill was changed in three ways. The scope of the bill was expanded to include all the programs and activities dealing with drug abuse. For example, the Committee and the Administration have made it clear that the Department of Defense programs are covered along with other education, training, treatment, rehabilitation, and research programs and activities. Provision is also made for significant authority with respect to these same areas as they involve law enforcement and related activities. The bill, however, defines different powers with respect to these different areas.

A second major change was to modify the powers proposed for the Special Action Office to conform more closely to those properly held by an operation in the Executive Office of the President. The powers of the Special Action Office do not interfere with long-standing Congressional prerogatives and powers respecting program administration and funding.

Third, S. 2097, as amended, calls for the development of a national strategy against drug abuse. A mechanism is established to assure the linking together in harmonious fashion of all programs, activities and disciplines which need to be orchestrated to counter the drug crisis that besets the Nation. The strategy will provide a means by which narrower concerns can be left behind as the Nation moves to a comprehensive, coordinated, long-term approach to problems of drug abuse.

RESPONSIBILITIES OF SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Provide overall planning and policy, establish objectives and priorities for drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation and research, including such programs and activities in HEW, OEO, Justice, VA, Civil Service, Defense, and State.

With respect to most of these same programs and activities, modify budget requests; review program implementation plans and make appropriations available; require the submission of information and reports; evaluate program performance and results; assist in the development of, and review regulations, criteria, guidelines, requirements, standards, and procedures; and make recommendations regarding changes in management, organization, personnel, and standards.

Make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs and activities and consult with and be consulted by all responsible Federal departments and agencies with respect to their policies, priorities, and objectives, Upon determining that the operation of any Federal drug abuse program or activity impairs the effectiveness of any other Federal drug abuse program or activity, the Director may formally notify the President of such a problem for his resolution.

Additional responsibilities:

Coordinate all Federal drug abuse programs and activities with one another and with other Federal programs and activities which might have an important bearing on the success of the entire Federal drug abuse effort, and perform coordination and technical assistance functions relating to State and local drug abuse programs and activities.

Submit an annual report on the activities of the SAO, concentrating on the use of grant and contract fund.

Develop or support through use of a Special Fund of $40 million yearly, the development of promising new approaches, demonstration projects, technique and method for combatting drug abuse.

Conduct on-site management oversight review of agency program and activities in connection with SAO's funding authority responsibilities.

Consult with, and be consulted by the Attorney General in the scheduling of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Consult with, and be consulted by responsible officials on the classification of drugs in connection with international agreements and schedules.

Consult with, and be consulted by the Secretary of Health, Education, and Welfare on the investigational new drug (IND) and approved new drug authority (NDA) status of drugs which may be beneficial in the treatment of drug abuse.

Advise the Civil Service Commission on policies and procedures for control and treatment of drug abuse among federal employees, treating drug dependent persons the same as other persons with serious health problems; and promote employee programs in State and local governments and in private industry.

Advise the Veterans Administration in carrying out the intent of Congress that all veterans receive treatment and rehabilitation services for drug abuse without regard for the nature of their discharge and without regard to whether their drug dependency was service-connected. Such services will include in-patient and out-patient care irrespective of any prior in-patient treatment, psychiatric care, counselling, vocational training, or other rehabilitation services, and the funding, setting up, or operation of residential half-way houses.

At the President's discretion, represent the United States government in drug abuse discussions and negotiations with foreign governments and before international organizations.

Convene a council of Federal officials representative of departments and agencies responsible for Federal drug abuse programs and activities to carry out the purposes of this Act.

NATIONAL STRATEGY AGAINST DRUG ABUSE

The President is directed to prepare a national strategy through the establishment of a high-level Strategy Council, consisting of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense and such other officials as the President may designate. The Director of the Special Action Office is authorized to provide whatever services are required in the preparation of such strategy. Thus, in that capacity, the Director will have a key role in pulling together the information, reports, studies, and evaluations which will form the basis of the Council's deliberations.

The strategy is to contain an analysis of the nature, character, and extent of the drug abuse problem, including an examination of the interrelationships between various approaches to solving the problem and their potential for interacting positively and negatively with one another. The strategy will include (i) a comprehensive Federal plan specifying the objectives of the strategy and how all available drug abuse resources, funds, programs, services and facilities authorized under relevant Federal law should be used; and (ii) an analysis and evaluation of the programs conducted, results achieved, and problems encountered by all Federal agencies involved.

The Council is authorized to engage in the planning necessary to achieve the objectives of the strategy; to require departments and agencies to submit such information and reports as any member of the Council may request; and to evaluate the performance and results achieved by all Federal drug abuse programs and activities.

The strategy will be reviewed, updated, and its implementation assessed by those participating in its development at least once a year.

GRANT PROGRAM

S. 2097 provides for a large-scale commitment of *new* Federal funds totaling more than $1.5 billion over five years to be administered by a newly created National Institute on Drug Abuse (within the National Institute of Mental Health of HEW) in conjunction with the policy guidelines of the Director of the Special Action Office for Drug Abuse Prevention. The program has two facets:

(i) A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial need, and need for prevention and treatment programs. Amounts authorized to be appropriated are: $15 million for fiscal 1972; $30 million for fiscal 1973; $40 million for fiscal 1974; $45 million for fiscal 1975; and $50 million for fiscal 1976.

(ii) A Special Emphasis grant program authorizing grants to or contracts with public and private agencies, organizations, institutions and individuals for projects of special significance. Activities might include training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education, and services for persons in treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs. Amounts authorized to be appropriated are: $65 million for fiscal year 1972; $175 million for fiscal year 1973; $260 million for fiscal year 1974; $400 million for fiscal year 1975 and $500 million for fiscal year 1976.

HIGHLIGHTS OF NIXON ADMINISTRATION ACTIVITIES IN THE DRUG FIELD

July 14, 1969.—The President announced comprehensive Federal and model State narcotics legislation; directed the Secretary of State and the Attorney General to explore international narcotics control; directed the Bureau of Customs to guard the Nation's borders; directed the Attorney General to create special investigative units; directed the Secretary of Health, Education and Welfare and the Attorney General to initiate authoritative education programs; and directed the Secretary of HEW to expand research.

August 1969.—United States and Turkey Agricultural Development and Control Loan Agreement provided $3 million to Turkey to allow them to buy up Turkish poppy crops. The monies could also be used to fund a 700-man enforcement force in Turkey.

September 1969.—Operation Intercept at Mexican border designed to stop the flow of marihuana and dangerous drugs into the United States from Mexico was initiated.

October 10–11, 1969.—John Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, delivered Presidential letters to President Pompidou and Prime Minister Demirel expressing personal Presidential concern over the need to curtail international trafficking in drugs.

December 3, 1969.—White House Conference on Drug Abuse for Governors.

March 9, 1970.—Attorney General Mitchell met with the Attorney General of Mexico. The Attorney General indicated his concern and the concern of the President to the Attorney General of Mexico concerning the need to curtail international trafficking of dangerous drugs. This concern was reemphasized in repeated meetings on August 20, 1970 and March 29, 1971.

March 11, 1970.—The President announced $3.5 million Office of Education National Drug Education Training Program (as of June 1, 1971, 150,000 teachers and 75,000 students and community leaders have trained); creation of the National Clearinghouse for Drug Abuse Information; publication of authoritative book on drugs; modification in Law Enforcement Assistance Administration to allow large cities to apply for funds for drug education; development by Advertising Council of expanded public service campaign on drug abuse; intensified professional training in prevention and treatment of drug abuse; and expanded by $1 million the marihuana research program.

April 9, 1970.—White House Conference on Drug Abuse for Television Producers.

August 1970.—Egil Krogh, Deputy Assistant to the President for Domestic Affairs made an inspection tour of Vietnam to determine the extent and severity of the drug problem there.

September 1970.—John Ehrlichman, Assistant to the President for Domestic Affairs made an inspection tour of Vietnam to determine the extent and sevreity of the drug problem there.

October 1970.—The United States submitted to the United Nations amendments to Single Convention on Narcotic Drugs of 1961. The amendments were designed to strengthen the treaty on international drug trafficking.

October 14, 1970.—White House Conference on Drug Abuse for Radio Executives.

October 27, 1970.—Comprehensive Drug Abuse Prevention and Control Act of 1970, was signed. This law consolidates and revises all of the various Federal narcotic, marihuana and dangerous drug laws and also incorporates a number of innovative approaches to the problem of effective drug control. The law contains a system of drug control whereby all controlled substances are classified. Streamlined procedures enable the Attorney General to alter the degree of regulatory control imposed over a drug and in some instances, to alter the severity of a penalty imposed for an offense involving a particular drug.

October 1970.—Convened an interagency committee to recommend national drug abuse program objectives.

November 1970.—Convened a private sector panel of scientists to recommend national drug abuse program objectives.

November 1970.—The Secretary of HEW established Federal Drug Abuse Prevention Coordination Committee. This Committee was designed to coordinate, as an intergovernmental agency, all current drug prevention programs.

November 25, 1970.—The Veterans Administration announced opening of five drug treatment centers in January—the first of thirty-two that were established by October 1971.

February 21, 1971.—The United States signed the Convention of Psychotropic Substances. This Convention must yet be approved by the Senate. It deals primarily with hallucinogenic drugs such as LSD.

February 26, 1971.—Protocol creating Franco-American Intergovernmental Committee on Drug Control was signed by Attorney General Mitchell and French Minister of Interior Marcellin.

March 26, 1971.—White House Conference on Drug Abuse for Religious Leaders.

May 1971.—John Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs made an inspection tour of Vietnam to determine the extent and severity of the drug problem there. As a result of this mission and the two missions listed above, the U.S. government is now consulting with the Vietnamese government in an effort to curtail drugs in that country.

May 3, 1971.—The Commissioner of Customs implemented 100% inspection of all military and civilian mail, passengers, baggage and cargo from South Vietnam and Thailand.

May 26, 1971.—Greater restrictions on availability of amphetamines were jointly announced by the Departments of Health, Education and Welfare, and Justice.

June 3, 1971.—The President met with Cabinet members whose departments have responsibility in drug control and the Joint Chiefs of Staff to emphasize the need for action.

June 14, 1971.—The President met with senior State Department officials, Cabinet members and U.S. Ambassadors to 5 countries to underline the importance of dealing decisively with international narcotics trafficking.

June 17, 1971.—The President sent an Omnibus Drug Control Package to Congress. This package included:

—a request for an additional $155 million in drug abuse prevention funds in addition to the FY 1972 request of $216 million.

—legislation to create a Special Action Office for Drug Abuse Prevention within the Executive Office of the President. (Executive Order 11599 was issued setting up this agency on an interim basis pending legislation.)

—a stepping up of existing worldwide efforts along with new steps to secure international cooperation to control narcotic traffic.

The President named Dr. Jerome H. Jaffe, Director of the State of Illinois Department of Mental Health Drug Abuse Program as a Special Consultant on Narcotics and Dangerous Drugs and Director of the Special Action Office for Drug Abuse Prevention.

June 18, 1971.—Urine screening of all servicemen departing Vietnam was instituted.

June 30, 1971.—The Turkish Government issued a decree banning the growth of opium poppy after June 30, 1972.

July 17, 1971.—Dr. Jerome H. Jaffe reported his findings to President Nixon after returning from a visit to Vietnam.

August 6, 1971.—Effective this date new controls were put on amphetamines and methamphetamines by moving them from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

August 26, 1971.—Dr. Jaffe announced plans for a series of fact finding visits to major urban areas of the nation.

September 7, 1971.—The President announced the establishment of a Cabinet Committee on International Narcotics Control.

September 12–29, 1971.—Six Civilian Treatment Specialists provide on site technical assistance to Vietnam drug treatment programs.

September 26, 1971.—Twenty Army treatment specialists arrive in Vietnam for one year tours after a special 10 day training course with the Illinois Drug Abuse Program. Information and advice given on arrival by the six civilian specialists.

October 3–9, 1971.—President Nixon proclaims this week as National Drug Abuse Prevention Week.

October 3–5, 1971.—Dr. Jaffe made the first of 10 State fact-finding tours to Dallas, Houston, and San Antonio, Texas.

October 4, 1971.—The first Drug Abuse Prevention Stamp issued in Dallas, Texas, in conjunction with Drug Abuse Prevention Week.

October 17–20, 1971—Dr. Jaffe visited California in the second of a series of State fact-finding tours.

October 31.—

November 1, 1971.—Drug Abuse Workshop for 165 military treatment specialists at Fort Sam Houston, Texas, conducted by joint Special Action Office for Drug Abuse Prevention—Department of Defense faculty.

The San Francisco Committee on Crime: A Report on Nonvictim Crime in San Francisco—Part III, Dangerous Drugs and Narcotics

July 19, 1971.

Hon. Joseph L. Alioto,
Mayor of the City and County of San Francisco, City Hall, San Francisco, Calif.

Dear Mr. Mayor: On behalf of the San Francisco Committee on Crime, we submit to you, as the Committee's Eleventh Report, a report on Dangerous Drugs and Narcotics. The Committee's term of existence, under the resolutions of the Board of Supervisors creating it, came to an end at the close of June 30, 1971, but this Eleventh Report was adopted before June 30th. The Committee's principal funding came from the Ford Foundation, and, as we informed you in our Tenth Report, Ford Foundation extended the period of its grant to July 31, 1971, to permit an orderly winding up and the publication and distribution of the Committee's reports. Because this Eleventh Report, although adopted before June 30th, has been released after that date, only funds received from Ford Foundation have been used for its publication and distribution; no funds from the City have been used for that purpose.

All the previous reports of the Committee have been unanimous or virtually so. This is not true of the Eleventh Report. That report consists of two sections, in addition to a preliminary discussion, one on *marijuana* and the other on *heroin*. The section on heroin has been adopted by the virtually unanimous action of all members of the Committee participating. The section on marijuana has been adopted by a vote of not quite ⅔ of the participants. A ⅔ vote on *any* of the important and difficult subjects with which this Committee has dealt would be a notable achievement; it is particularly notable with respect to a subject so charged with emotion and fears as dangerous drugs and narcotics.

Yet, *in a very real sense, there is unanimity, unanimity that the present marijuana laws are too rigorous and repressive.* Attached to the report are two minority reports which speak for themselves. One minority report states that "it is not necessarily in agreement with the existing laws and procedures which may be too punitive with respect to adults who use or possess small mounts of marijuana"; the other minority report believes that the present laws are "unreasonable" as respects the severity of punishment for such offenses as the possession of small amounts." And these suggestions for amelioration come on top of the fact that California law was amended to ameliorate the penalties in 1969.

The minority reports were received as the Committee Report was about to go to the printer, and therefore the Report itself does not respond. Some brief comment, however, is in order.

The present restrictive criminal laws on marijuana were adopted in the 1930's. It was then believed that marijuana made its users into dangerous criminals. No one who has looked into that subject even slightly any longer believes that. The present fears about marijuana are, largely, of two kinds: (1) That its use leads to the use of "harder" drugs, and (2) that it makes its users "amotivational", that is, that it reduces its users to a state of passive vegetation. The Report fully discusses these two questions. The consensus at the present time is that the deleteriousness of marijuana, or its extent, remains largely unestablished. Those who oppose change in the law do not appear to contend that if those laws were not already in effect it would now be appropriate to enact them in the present state of knowledge. The view of one minority report is that, as the laws are on the books, they should stay there in view of the uncertainty of knowledge. The majority of the Committee believes that these laws that would not have been adopted on the basis of present knowledge ought not be retained.

The further statement in one minority report, that the Committee has not gathered enough data on the subject, is completely unwarranted, and it is rejected out-of-hand by the Chairman, the staff, and the majority of the Committee. The present literature is abundant and fairly uniform in its conclusions, which, as the Report states, add up to a Scotch verdict. As late as Friday, July 2, 1971, at the Commonwealth Club, Dr. Leo Hollister of the Veterans Administration Hospital at Palo Alto reported the state of present knowledge about the pharmacological aspects of marijuana quite in accord with the majority report.

Another reason for dissent expressed in the minority reports is the belief that the repeal of present laws on marijuana may be regarded in some areas as an approval of the use of the drug and might lead to the spread of its use. The majority of the Committee does not dismiss that objection lightly; the Report discusses it with care and gives it the weight it deserves. One minority report speaks of the Committee report as recommending "legalization" of marijuana as respects adults; the recommendation, of course, is for regulating the sale, possession and use relative to adults by a system adapted from the control of alcoholic beverages.

We realize that previous portions of our report on non-victim crime, such as those dealing with prostitution and pornography, have been carelessly read by portions of the public, including those who should know better. The Committee thoroughly deplores prostitution and has the utmost detestation for pornography. Yet our reports have been carelessly interpreted as an endorsement of these vices. We resign ourselves to a like misinterpretation that the Committee approves the use of marijuana, despite our reiteration that we disapprove of the use of marijuana and encourage all non-criminal processes to prevent it.

In the last analysis, the basic question is exactly the same as this Committee emphasized with respect to every type of non-victim crime. That question is simply this: Is the criminal process the correct and effective way by which society should seek to meet a problem; are the resources of society best spent on the criminal process? We have said that the law cannot successfully make criminal what a substantial portion of the public does not want made criminal, and we know that a vast number of the citizenry—perhaps an overwhelming number of the younger generation—cannot understand and will not accept the marijuana laws. We have said that not all the ills or aberrancies of society are the concern of government; that when the government acts, it is not inevitably necessary that it do so by means of criminal processes; that every person should be free of the coercion of criminal law unless his conduct injures others or damages society; that when criminal law seeks to express a sense of public outrage, it should be sure that its sense of outrage is that of substantially the public as a whole. We have said that there is a matter of priorities in the expenditures of the energies and resources of criminal law enforcement. If we are correct in all these statements—and we are convinced that we are—then we are convinced that the conclusions expressed in the majority report are also correct, and that only formless fears deter the minority members from following to its rational end their own belief that the present law needs some change.

Inasmuch as the reports and recommendations of this Committee on matters entirely within the hands of this City have yet to be put into effect, the Committee is not so sanguine as to believe that its recommendations on marijuana, the control of which lies in the State and National sphere, will be speedily adopted. We submit the Committee Report and the minority reports in the hope that they will, at least, encourage and focus thoughtful consideration.

The control of heroin lies even more largely in federal hands, and our report on that subject is confined to an analysis and delineation of the difficulties and to pointing out the matters to which serious attention should be given.

With this Eleventh Report, the work of the San Francisco Committee on Crime comes to an end.

Respectfully,
MOSES LASKY,
WILLIAM H. ORRICK, JR.,
Co-Chairmen.

SAN FRANCISCO COMMITTEE ON CRIME

INTRODUCTION

This is the third in a series of reports by the Committee on "non-victim crimes" in San Francisco. The first report on this subject dealt with basic principles and public drunkenness. The second report discussed gambling, sexual conduct and pornography. This report covers "drugs and narcotics," concentrating on laws concerning marijuana and heroin.

Throughout our examination of laws dealing with "non-victim crime," we have been guided by the seven "basic principles" set out and discussed in some detail in Part I of this Report. We list those principles again, for they are referred to in this Report. Readers interested in the origins of these guidelines can return to Part I of this Report, which is available in local bookstores and through the Public Library. Our principles are:

1. The law cannot successfully make criminal what the public does not want made criminal.

2. Not all the ills or aberrancies of society are the concern of the government. Government is not the only human institution to handle the problems, hopes, fears or ambitions of people.

3. Every person should be left free of coercion of criminal law unless his conduct impinges on others and injures others, or if it damages society.

4. When government acts it is not inevitably necessary that it do so by means of criminal processes.

5. Society has an obligation to protect the young.

6. Criminal law cannot lag far behind a strong sense of public outrage.

7. Even where conduct may properly be condemned as criminal under the first six principles, it may be that the energies and resources of criminal law enforcement are better spent by concentrating on more serious things. This is a matter of priorities.

The only aspect of drug and narcotic use that comes within the assigned task of this Committee or within the area of its competence is to determine the part to be played by criminal law. We cannot pass on morals.

In 1960 in California, 4,245 adults were arrested for violating laws on marijuana; in 1969 there were 38,670, an increase of over 800%. In 1960 there were 910 arrests of juveniles under the same laws; in 1969 there were about 16,000, an increase of more than 1650%. For dangerous drugs the increase was even greater, both for adults and juveniles.[1]

Other available data are equally startling. In January of this year, the Federal Department of Health, Education and Welfare (H.E.W.) reported that 31% of American college students had used marijuana by 1970, and that in that year, 42% of the students in the San Mateo County High School system asserted that they had used marijuana. H.E.W. summarized a study showing that 40% of college-age residents of San Francisco who were not in school had tried marijuana by 1969.[2]

Professor John Kaplan of the Standard Law School has estimated that in 1968 state and local government agencies in California spent $72 million enforcing the marijuana laws.[3]

In 1969, 14% of all felony arrests in San Francisco were for violating the marijuana laws,[4] but 38% of all so arrested were released without prosecution,[5] doubtless because the District Attorney's Office believed that it had insufficient legally admissible evidence. Since 1969, State Law has permitted District Attorneys to charge either a felony or a misdemeanor for possession of marijuana.[6] In San Francisco, a defendant is ordinarily charged with a misdemeanor if he has no prior record of drug or narcotic convictions and he has been arrested for possessing not more than a "lid" (about one ounce) of marijuana. About 15% of all Municipal Court cases in San Francisco[7] involve either possession of marijuana or "visiting a place" where marijuana is being used.

Someone has said that statistics are used the same way a drunk uses a light standard, for support and not for illumination. Advocates for the repeal of criminal laws on marijuana and other drugs point to statistics like the foregoing as demonstrating that criminal law does not deter the use of these drugs. Another explanation would be that the social and economic conditions of the 1960's produced an upsurge of use that might have been even greater but for criminal laws. All that is speculation. We cite the statistics for the neutral purpose of showing the gravity of the problem, the enormous drain on law enforcement money and manpower, and the lack of satisfactory effect of all this effort.

CLEARING THE UNDERBRUSH

This subject of drugs and narcotics is the most difficult to analyze and resolve of all those discussed in our Report on "Non-Victim Crime." A major difficulty is that the discussion in the literature is bedeviled with hyperbole, emotion, irrational argument and pedantic quibble.

On the threshold, we note that to categorize the subject as non-victim crime is itself to vault to a conclusion over thorny obstacles. "Drugs and narcotics" are placed in that category because the user acts voluntarily. But whatever may be said about using drugs, the act of *selling* is not non-victim conduct in the case of a drug like heroin which addicts the user; one deprived of either physiological or mental power to resist is no longer a "voluntary" participant. Thus whether the act of *selling* can be categorized as non-victim conduct depends upon the nature and effect of a particular drug. Nor is it all crystal clear that the act of use is non-victim conduct; society can be the victim in several ways. For example, we said in Part I of this Report on Non-Victim Crime that:

> If it could be shown that the use of marijuana threatens to reduce the next generation to a state of passive vegetation, devoid of the drive that made this nation the haven of all peoples, no stranger reason would be needed for seeking to eradicate the use of the weed by almost any means.

This states a possibility. No evidence yet discovered by us shows it to be a probability, but the reported use of heroin among the troops in Vietnam could pose a worse threat to the future of the country. The use of drugs and narcotics could also be an injury to society in ways less sweeping than that of the destruction of a generation of youth. For example, it would be so if its use were frequently to induce violent or aggressive behavior toward others. It would also be so if drug use were to make ordinary and gainful employment by the user difficult or impossible, for society would then have loaded upon its back the costs of support and medical care.

Discussion is also handicapped by the extreme positions taken by partisans on the one side or the other. At the one extreme, users are assailed as immoral or indecent, as "freaks" or misfits or as a disgrace to society. This kind of reaction gets one nowhere; the law would have no business whatever trying to prohibit adults from using drugs to get "high" or to alter their perceptions unless injury to society were also present. At the other extreme, society is itself assailed as the very *cause* of the abuse of drugs. It is argued that, while people resort to drug abuse for a variety of reasons, psychological or psychotic illness, or to find new experiences, or to do what their peers do, the unifying explanation is that drug abuse represents an attempt to reconcile serious contradictions between self and society. It is no accident, we are told, that until recently heroin was a problem confined to the ghettos of this country, and that, when young people are asked why they turn to drugs, their reply is almost uniformly that modern urban mass society is becoming increasingly inhuman. The blame is laid on pollution, racism, poverty, "loss of identity," and so on and on. When so many young people are unable to "integrate with society," when they turn to drugs as only one of a number of means of escape, it is time to look hard at society: so the assertions go.

All this may be true, or it may be only the fashion of the moment to say so. Perhaps the causes are in the very structure of contemporary civilization. And if society could find the causes and root them out, it should do so. But that truism gets us nowhere in finding an answer to the only aspect of drug and narcotic use that comes within the assigned task of this Committee or within its area of competence, which, as already observed is to determine the part, if any, to be played by criminal law.

In the previous paragraphs we have sometimes spoken of "drug abuse" rather than "use," and of "dangerous" drugs instead of merely "drugs." We have done so to avoid the pedantry of being told that coffee, tea, nicotine and alcohol are drugs or narcotics, that there are legitimate drugs and legitimate uses for even dangerous drugs and narcotics, that "dangerous" drugs and narcotics can be administered and controlled in small

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doses without harm, and that even drugs like aspirin can be harmful if abused. All that is true; even LSD might have a legitimate use in the hands of expert researchers; marijuana was once prescribed by physicians for some purposes. But observations like these simply enmesh rational analyses in irrelevant distinctions. Suffice it to say, once and for all, that when this Report speaks of drugs, it means "dangerous drugs" within the meaning of current law, and when it speaks of use it means "abuse."

Another red herring frequently drawn across the path of rational consideration is the assertion that alcohol is far more injurious to the user and society than any other drug whether legal or illegal. The late Louis S. Goodman, Chief Judge of the United States District Court in San Francisco, used to comment impatiently on the habit of attorneys to defend a charge of wrongdoing with the riposte that someone else or some other conduct was equally as bad or worse. The use of alcohol is as old as mankind and is to be found in every civilization and culture; in a sense it is symbiotic with man himself. Whole ways of living and coping with it have arisen, and mankind evidently must endure it while enjoying it. Efforts to eradicate its use have failed. The fact that alcohol is abused to the injury of society is no reason whatever for permitting the introduction and spread of other abuses not yet so ingrained in our social structure, even though they may not be so harmful, providing it is *reasonably* possible to prevent them. Nor should the effort to prevent them be deterred by cries from the young that their elders are guilty of "hypocrisy." The history of the use of alcohol can, however, teach us one valuable lesson. The failure of the Volstead Act and the 18th Amendment does warn us that criminal sanctions do not work when a large segment of society is opposed to them and that, on the contrary, severe prohibition can produce evils such as organized crime. If, in what we have said above, we have expressed some impatience with certain arguments for change in drug laws, we have equal impatience with opponents of change when they speak of "legalizing (or illegalizing) marijuana or heroin." Any drug is a mere physical object. It can be neither legal or illegal. All that can be made illegal is human conduct. The appropriate question, therefore, is: What human conduct with respect to a given drug or narcotic should be illegal? With the question thus properly stated, one can begin to distinguish between types of conduct instead of making lump judgments.

Each type of drug or drug abuse must be examined on its own and handled on its own. To that end we now review the subjects of marijuana and of heroin. We shall not touch on other substances in this Report. We refrain from doing so for lack of time and study.

A. Marijuana[8]

This Committee does not condone or endorse the use of marijuana or any drug that may be mind-altering. On the contrary, we deplore that use and encourage searching for proper and successful ways to discourage it. But the assigned area of concern of this Committee is to determine what part criminal law should play in discouraging that use.

The starting point of that consideration ought to be a determination of what deleterious effects marijuana produces. No member of this Committee is persuaded that marijuana is not really injurious to the user or only mildly so. Rather, we simply find the whole voluminous literature unsatisfactory. Partisans on both sides are intemperate, untrustworthy and unreliable; the conclusions drawn by more temperate and sober writers from their data are unpersuasive.

On the one hand we know that the active ingredient in marijuana is the same as produces hashish, and that historically hashish has been considered an evil in the Oriental countries of its use. Despite the fact that defenders of marijuana often cite the findings of the Indian Hemp Commission of 1894, India today prohibits hashish. On the other hand, medical studies are cited, from the La Guardia Report of 1944 to a recent report of the United States Department of Health, Education and Welfare[9] and a more recent one by Dr. Lester Grinspoon.[10] The various reports becomes involved in quibbles about what constitutes "addiction;" the defenders of marijuana claim that it is not addictive because there are no physical withdrawal symptoms, their antagonists retorting that its use creates psychic dependence. One group asserts that the use of marijuana causes users to abandon motivation and to become socially indifferent; the rejoinder is that "present evidence does not permit the establishment of a causal relationship between marihuana and the amotivational syndrome."[11]

The antagonists of marijuana argue that its use leads to the use of harder drugs. The soberest reply is that it does not "necessarily" do so "directly," and that the fact that a high percentage of heroin addicts have used marijuana is a coincidence stemming from the character of the users.[12] While the evidence is that a large percentage of heroin users have used marijuana the evidence does not show that a large percentage of marijuana users have turned to heroin. Advocates of change in the marijuana laws sometimes do concede that denizens of the drug sub-culture use a variety of drugs and, starting with marijuana, move on to others. But they argue, quite persuasively, that what throws the marijuana user into the drug sub-culture is the fact that its sale and use are made illegal, forcing the user to procure it from drug pushers and to use it in drug-oriented surroundings.

Neutral observations concede that psychotic episodes have followed use in high dosages and even use at levels of social usage "in particularly susceptible individuals."[13] Dr. Grinspoon has written:[14]

"While there can be no question that the use of psychoactive drugs may be harmful to the social fabric, the harm resulting from the use of marihuana is of a far lower order of magnitude than the harm caused by abuse of narcotics, alcohol, and other drugs. Marihuana itself is not criminogenic; it does not lead to sexual debauchery; it is not addicting; there is no evidence that it leads to the use of narcotics. It does not, under ordinary circumstances, lead to psychoses, and there is no convicing evidence that it causes personality deterioration. Even with respect to automobile driving, although the use of any psychoactive drug must perforce be detrimental to this skill, there exists evidence that marihuana is less so than alcohol. Marihuana use, even over a considerable period of time, does not lead to malnutrition or to any known organic illness. There is no evidence that mortality rates are any higher among users than nonusers; in fact, relative to other psychoactive drugs, it is remarkably safe."

This hardly exonerates marijuana; comparison of marijuana with alcohol or other drugs is, as we have suggested, an irrelevance. But, on the other hand, Dr. Grinspoon's statement adds up to no severe condemnation.

The Crime Committee concludes that it cannot return a verdict about marijuana of either "guilty" or "not guilty." We return a "Scotch verdict" on the present evidence; that is, the evils of marijuana use are *not proved*. With that verdict, what is the question to be answered? It is *not* whether marijuana should be used. Every member of the Crime Committee opposes its use. The question is something entirely different. The critical question is this: How far is the *criminal law* justified in imposing its criminal sanctions on a not proved verdict?

Bearing in mind that the physical object—marijuana—can be neither legal nor illegal and that only human conduct can be, the question must be separately asked relative (1) to minors and (2) to adults. And as respects adults, it must be separately asked of (a) use, (b) possession, (c) sale, and (d) commercial exploitation.

1. *Sale of Marijuana to Minors and Possession by Minors:*

The fifth principle stated in Chapter I of Part I of this Report on Non-Victim Crime is this:

Fifth principle: "Society has an obligation to protect the young, and it may be appropriate for government to intervene by imposing criminal controls on adult relations with the young although controls on similar relations between adults would not accord with our other principles."

The doubts about the effect of marijuana compel us to recommend continued prohibition of sale to minors. An adult may be left free to take chances on his own condition, to play Russian roulette if he will with his own mind and character. By definition, a minor is not yet mature enough to reach sound judgments for himself, and doubt should be resolved for the minor's protection. With the trend toward reducing the age of majority to 18, the young will soon enough reach the age of choosing their own route. The law prohibts sale of alcoholic beverages to minors, although alcohol has long been with us; marijuana, a relative upstart, should fare no better. The prohibitions on use of marijuana by minors should parallel those with respect to alcohol.

2. *Use of Marijuana by Adults:*

The case as to adults is different. And it is different for several reasons.

First, as we have seen, the verdict on marijuana is a "Scotch verdict"—*not proved*. Certainly, on a not proved verdict, criminal law cannot impose its criminal sanctions on the user who is more a victim than he is a perpetrator of evil.

Opponents of change in the law argue that if the evidence is uncertain, the status quo should be maintained by leaving the law as it is. But those laws originated when legislators assumed that the dangers of marijuana were far worse than a dispassionate examination of the evidence now available warrants. If that evidence would not warrant enactment, now, of the highly restrictive laws presently on the books, it cannot justify their retention. In a free society there ought always to be a presumption against illegalizing conduct until evidence is produced to warrant criminalization.

In the second place, educators tell us that by casting the whole marijuana scene into a criminal underworld, minors are estranged from sound counselling. It is said that minors can more readily be deflected from use of marijuana if it is regulated and controlled as alcohol is.

Finally, our conclusions are fortified by the socially injurious consequences flowing from attempts to enforce the present statutes. We find, in the literature on the subject the following, which we are persuaded do exist.[15]

(1) Users of marijuana, mainly the young, perceive no rational distinction between the dangers of alcohol and cigarettes and those of marijuana. Consequently, "massive numbers of young people today regard the marijuana laws as one of the clearest examples of their elder's hypocrisy." And since numerous young persons have used marijuana, widespread disrespect for law and for law-making institutions has arisen. (The invalidity of the charge of hypocrisy would not alter the fact that young people believe it.)

(2) By exaggerating the dangers believed by the young to be possessed by marijuana,

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the law degrades its educational effect with more dangerous drugs.

(3) Because the enforcement of marijuana laws requires the police to conduct searches of persons, homes and cars for small quantities, feelings of hostility toward the police are created.

(4) Possession of marijuana has come to be associated with several identifiable segments of society—those with long hair, juveniles and ethnic minorities. Enforcement " . . . contributes to the hostility of three groups that one might most wish to bring into the mainstream of our society: the alienated middle-class drug-user, the high school youth, and the inhabitants of our urban Negro and Spanish-American ghettos." [15a]

To this list may be added the fact that use of marijuana has made its way to some extent into the San Francisco middle-class business and professional communities. As was said in Part I of this Report:

"The law cannot outrun the public conscience—not simply the public conscience as professed from its pulpits and by its public figures, but the public conscience as demonstrated by how the public lives."

The soundness of our recommendation that the law cease criminalizing the use of marijuana or a visit to a place where it is used is fortified by the fact that the courts by and large have come to look with distaste on enforcing these laws. A defendant who pleads guilty in San Francisco to a misdemeanor charge for one of these violations is likely to receive a suspended sentence with a year's probation; and some judges will impose a $50 fine. In 1969 the courts disposed of the cases of 328 defendants who were originally charged with felony possession but whose charges were reduced to the misdemeanor "visiting." [16] Consequently, of the 702 felony cases pending in Superior Court in San Francisco on May 1, 1971, only 43 involved isolated charges of possession or sale of marijuana.[17] During the same year only one person convicted of a marijuana offense in San Francisco was sent to state prison, and over 75% were given straight probation.[18] In the entire state during 1969 only 1.7% of those convicted of felony possession of marijuana were sent to prison, and 56% were placed on straight probation without any jail time at all.[19]

One of the principles stated in Part I of this Report was that even where conduct may properly be condemned as criminal under other principles, "it may be that the energies and resources of criminal law enforcement are better spent by concentrating on more serious things. There is a matter of priorities." That principle is particularly applicable to marijuana where it is dubious that *use* should be made criminal under any principle. Because possession of marijuana is still a crime, the police spend considerable time and energy on the matter. Then each case is handled by a Deputy District Attorney, and many cases are handled by the Public Defender's Office. As already noted, 15% of all cases in the Municipal Court deal with marijuana, and they consume the time of a judge, a court reporter and two bailiffs. Yet, in the end, most of those convicted are treated with more leniency than common drunks. The judicial system is recognizing that it has more important things to do than to spend time and resources on processing most defendants arrested for possessing marijuana.

Another perversion of priorities worked by the marijuana law is with respect to the work of the San Francisco Police Crime Laboratory. That agency is responsible for conducting various scientific tests—for the police and the District Attorney—ranging from blood types to tool mark identifications. Currently it employs a criminologist and three assistants.[20] According to charts prepared by the laboratory, each criminologist handled slightly more than 200 narcotic cases in 1960, but in 1969 this peaked at 1000 (nearly five times as many), declining slightly to about 900 in 1970. The total number of narcotic cases in the laboratory in 1960 was about 400; in 1970 it was over 3,900, an increase by a multiple of about 10. During the same period the number of criminologists increased from only two to four, and the laboratory estimates that 38% of its staff time is now devoted exclusively to marijuana analysis alone.

The number of many other scientific tests, normally associated with serious offenses, has decreased. A summary of crime laboratory cases for the years 1960, 1969 and 1970 is found in Appendix A to this Report, but we note the following here:

In 1960 the laboratory processed 106 casts (either plaster, moulage or silicone) but only eight casts in 1970. It performed 182 blood analyses in 1960 but only 85 in 1970. It made 170 tests for semen in 1960 and only 64 in 1970. It performed 19 microscopic examinations on hair and fibres in 1960 and only 5 in 1970.

The statistics for 1970 may be imprecise; an unknown number of tests may not be tabulated in the official report. Moreover, more criminal cases were disposed of on a plea bargain in 1970 than in 1960, and where a case is disposed of by a negotiated plea rather than trial, the crime laboratory may not have to perform tests. Nonetheless, the fact remains that the number of laboratory tests associated with serious offenses has declined during a period when offenses of the identical type reported to the police have more than doubled.[21] Criminologist Williams estimates that his staff would have to be doubled to do all that it should be doing. During the same period the "clearance rate" for serious crimes—murder, manslaughter, forcible rape, robbery, burglary, aggravated assault, larceny and auto theft—has declined by nearly a third to about 13% of all reported cases.[22]

The conclusion of the Crime Committee is that the *demonstrable* harm associated with marijuana does not justify the voracious demands on the resources of criminal justice made by the marijuana laws. The police, court system, and correctional resources are desperately needed to handle matters demonstrating greater harm to society. Add to these "economic" costs the social costs of the marijuana laws, and we have no doubt that the use of marijuana should be handled outside the criminal justice system.

Consequently, the Crime Committee recommends:

"Repeal the laws prohibiting the use by adults of marijuana and prohibiting adults from visiting a place where marijuana is used as now provided in the California Health & Safety Code Section 11556."

If and when medical evidence is developed that shifts the verdict from non-proved to guilty, this recommendation can be reconsidered.

3. *Possession of Marijuana by Adults:*

Thus far we have been speaking of use of marijuana and of visiting a place where it is used. We still must answer the question, what should be recommended about possession and sale.

The answer about possession is relatively easy. Possession of a "small" amount is probably for personal use and should be treated the same way as use, that is, it should not be made criminal. Possession of a "large" amount should be treated the same way as sale, since there is a reasonable inference that one who possessed a "large" amount will either sell it or give it away. A "large" amount is an amount more than sufficient for one person's use for several days, and, when and if it should be necessary to make the distinction, it may be left to testimony before a legislative committee to determine the dividing line.

4. *Sale of Marijuana to Adults:*

Curiously, writers who almost feverishly oppose the marijuana laws become uncertain of their ground when they turn to consider sale to adults. We encounter proposals for a system of government monopoly of sale or government licensing of a limited number of vendors. We are not impressed by the proposal. The sale of marijuana to adults can be regulated by laws on the general order of those regulating alcoholic beverages. We recommend simply that sale of marijuana to adults, within that kind of regulations, should not be subjected to criminal sanction unless and until medical evidence, by moving the verdict from "not proved" to "guilty," requires reconsideration.

We are impelled to this conclusion by two sets of considerations:

1. Government monopoly presupposes that the traffic is evil and therefore not to be left in private industry. But if the traffic be evil, organized society should not indulge in it.[23] Moreover, any system of licensing that is more selective or restrictive than our present system of alcoholic beverage control is fruitful for bribery and corruption.

2. The fourth principle set forth in Part I of this Report was:

When government acts, it is not inevitably necessary that it do so by means of criminal process. * * * The methods of the criminal law may be ill suited, or there may be better ways of achieving an end, better ways to deter or rehabilitate than to arrest, charge with crime, prosecute, convict and sentence.

By criminalizing manufacture or sale of various drugs and narcotics, what the law hopes to accomplish is: (1) To deter the manufacture, or (2) to deter those who might use or experiment with the drugs or narcotics by stamping them with a stigma of dangerousness, or (3) to rehabilitate the offender.

Criminal law has not been spectacularly successful in achieving any of these goals. Where the evil is great, even modest success will justify the effort. Where the evil is dubious, that is no longer true. The lack of success in achieving its goals as respects marijuana seems inherent in the nature of the things sought to be regulated. If the threat of criminal sanctions is to have any effect, there must be a real fear of arrest. But usable quantities of virtually every illegal drug or narcotic can be carried or secreted in a coat pocket, glove compartment, drawer or other hiding place, and ordinarily in a private residence. Police detection of the "crime" is extraordinarily difficult. The contrast with robbery, burglary, assault, rape, homicide or auto theft is striking, for in these offenses the offender must intrude upon others or accomplish his crime in a public place, with greater chances of identification, detection and arrest.

Of course, the deterrent effect of making conduct criminal depends only partly on the fear of arrest. Perhaps in greater degree it rests on the stigma of social disapproval or social warning of danger. By making the possession of certain drugs illegal, the law announces that their use will result in harm to the user. But this warning of dangerousness has not been taken seriously. To the extent that criminal laws declare that certain drugs are dangerous or harmful, they are widely disbelieved by a sizeable segment of young people simply because these laws are handed down by the "establishment." Moreover, young people in their twenties and even into their thirties, are the largest users of marijuana. Having used marijuana, innumerable young persons believe that they have discovered for themselves that the harms from the drug are not nearly so great as the law had claimed.

Whether their judgment in this respect is sound is irrelevant. The relevant fact is that they believe it. Some even carry this belief into distrust of warnings about the harms resulting from hard drugs.

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If the sale of marijuana were no longer criminal, the cost of acquiring it would decline, for it can grow almost anywhere. There would then be no incentive for purveyors to push it, unless it can be merchandised and exploited on a large scale just as cigarette manufacturers have exploited cigarettes and brewers have exploited beer with suggestions that the use of cigarettes or beer creates virility and allure.

5. *Commercial Exploitation:* Advertising of marijuana should be prohibited. The very doubts which call for legalizing use call for prohibiting mass enticement to use. While no longer criminalizing use, society should continue efforts to educate against use; and those efforts would be out-matched by multimillion-dollar advertising budgets spent by the equivalent of the large cigarette companies. Were advertising permitted, any change toward prohibiting marijuana, if and when new evidence developed, would encounter the entrenchment of vested interests. Nicotine and alcohol have become vested. There is no reason to permit this to happen with marijuana.

The sale of marijuana should not become "merchandising." To that end interstate and foreign commerce in marijuana should also be prohibited, as a way of keeping the sale of the drug from becoming a large-scale operation. On the other hand, if importation into the state is prohibited, it seems evident that production of marijuana within the state must be permitted to avoid restoring the business to black market operation. Production for sale should be subjected to regulations paralleling those governing production of alcoholic beverages. Included in this type of regulation could be provisions fixing standards of potency, particularly maximal limits. Also included in this type of regulation could be stiff taxation, as in the case of alcoholic beverages. The tax should not be so stiff, as in the case of "hard" narcotics, as to drive the business underground into the hands of pushers and racketeers, but stiff enough to dampen demand and discourage idle experimentation.

MORE ON WHETHER CRIMINALIZATION SHOULD BE RETAINED AS A DETERRENT

Some people who follow the chain of reasoning that has led us to our conclusions, admitting the truth of every link in the chain, balk at the end at the conclusion. They do so out of an uneasiness or tormenting fear that if criminalization is abandoned, many people will take to marijuana who do not use it now. Nobody knows the certain answer. Repealing prohibition of marijuana use might result in an increase of use for awhile by some people. Probably most of those who would turn to the weed would try it only once or twice as an experience but would soon drop it or use it only occasionally.

A few might go on to frequent use. But, in order to appraise what injury to society would follow, we must consider once more the physiological aspects of marijuana use. Unlike heroin, use of marijuana is easily ended. The hard narcotics produce an irresistible "craving"; lack of the drug produces the tortures of "withdrawal"; continued use produces increasing "tolerance," so that more and more is needed to obtain the desired effect. One thing about marijuana that seems clear is that its use does none of these things. There are no withdrawal symptoms; there is no increasing tolerance; craving is psychological, as with cigarettes, not physiological. In short, if some spread of use should follow repeal of prohibitions, it is likely to be a transistory phenomenon, subject to reversal by education without the counterproductive effect of the policeman's billy club and the filthy jail.

Moreover, the fear that repeal will lead to a spread of use is, we think, more a subconscious reaction than a rationally held belief. Many who oppose repeal favor reduction of the penalties. Indeed, California has already moved in that direction and if California fails to move even further, it may well be left behind the march of events throughout the nation. If continued criminalization is justified as a deterrent, reduction of penalties will diminish the deterrence and leave the laws largely dead letter, resting in the books for use by police or prosecutor whenever it suits their purposes.

If one favors reduction of penalties, if he believes that smoking a half "joint" is no basis for being imprisoned, then he does not really think that the use of marijuana is a serious injury to society. Continued prohibition of use then becomes nothing more than an expression of moral condemnation. And moral condemnation is no basis for criminal law.

Among the seven basic principles enumerated in Chapter I of Part I of our Report on Non-Victim Crime was this:

Sixth principle: "Criminal law cannot lag far behind a strong sense of public outrage. This is the other side of the coin from first principle. Although criminal law cannot outrun the public conscience in condemning conduct, neither can it hold aloof entirely from a public sense of outrage. If the law suffers when it tries to do too much, it also suffers when it does not do what most people feel strongly that it ought to do. Because the sixth principle acts as a counterbalance to some of the others, it must be applied with great circumspection. Before applying it one must be certain that his personal sense of outrage—his personal morals—or that of his group is that of the public as a whole."

It appears to us that the opposition to change of the marijuana laws expressed by many responsible people is explicable only under a variation of this sixth principle. It is not so much a sense of outrage but a fear or terror of something unknown. The majority of the Committee is unable to see in the evidence any valid basis for that fear; the majority does not believe that unsupported fear is enough basis for keeping and trying to enforce laws that divide the generations so sharply.

RECAPITULATION

The sum of our recommendations concerning marijuana is as follows:

1. Repeal the laws prohibiting the use by adults of marijuana or forbidding adults from visiting a place where marijuana is used.
2. Repeal the laws prohibiting possession by adults.
3. Repeal the laws prohibiting sale of marijuana to adults and regulate sale to them by laws on the general order of those regulating alcoholic beverages.
4. Continue to prohibit sale to minors and possession by minors.
5. Prohibit any advertising of marijuana.
6. Prohibit the importation of marijuana into California (probably would require federal action).
7. Regulate the production of marijuana in California for sale by laws similar to those regulating the commercial production of alcoholic beverages.
8. Devise and expand a vigorous educational campaign about marijuana.

We do not propose that society discontinue efforts to deter people from using marijuana. Its use is probably not as deleterious as its most earnest detractors say, but certainly people would be better off without it. In an age when human wits are most needed, they should not be subjected to manipulation or alteration by drugs. We simply conclude that the criminal process is not the way to go about achieving the goal given the present state of evidence. Indeed, removing the stigma of criminality may remove the attraction of the illicit and eliminate the impetus to use that comes from bravado.

Criminalization has failed; we suggest that society now try non-criminalization.

We have one more recommendation: Until such time as the laws on marijuana are changed, what should the authorities in San Francisco do about enforcing them? In the Chapter on basic principles we said:

"The following chapters of this Report will propose the repeal of certain laws. Obviously, the City of San Francisco has no power to repeal State or Federal statutes. But until such time as Congress or the State Legislature sees eye to eye with San Francisco, this City can choose what it will enforce, for its coffers pay the bills. It can choose its priorities. If it should decide that it is poor policy to 'bust' a small gambling game in the Fillmore, the police need not arrest and can preserve its manpower for more vital work. If an arrest is made, the District Attorney need not prosecute. However, lest there be misunderstanding, we emphasize two cautions. The first is that once a case reaches a court, no judge is free to ignore the law or make up his own rules. But matters need not reach the courts. Jurists have long recognized that a system of criminal law would break down were there no play in the hinges, points where the officers of justice can exercise discretion. Our second caution is that individual policemen cannot be let to decide what laws to enforce or when. What we say is that, pending repeal of legislation, all the agencies of justice, under strong central municipal leadership, can together lay down a policy to follow, open and above-board, and proudly declared to the State and Nation."

We recommend that course with respect to marijuana to the end of laying out a policy of action as close as is possible to what it would be under the kind of law we recommend.

At the risk of repetition but so that a hasty reader may not be mislead, we conclude by saying: No responsible reader of this Report should take the Crime Committee's recommendations regarding marijuana to mean an endorsement of marijuana's use. On the contrary, we oppose its use by anyone, but we believe that our present criminal laws on the subject do more harm than good in forwarding that opposition.

B. Heroin

When one turns from marijuana to the "hard" drug heroin, a wholly different set of considerations is apparent.

The use of heroin is unmitigatably bad. It is destructive to the user, and it is destructive to society. No one is more contemptible than the vendor or pusher who "hooks" another into use for the sake of profit. If society is ever justified in punishing anyone for the sake of revenge and detestation rather than for determent or rehabilitation, it would be justified in doing so to the vendor of heroin. And as already said, the sale of heroin simply is not properly in the category of non-victim conduct.

The problem with putting down the use of heroin is simply one of efficacy. What method will really work? Once again the question must be divided into user and supplier. And the first question is what to do with the supplier.

1. *Possession and Sale of Heroin:*

We recommend that present laws making the sale of heroin criminal be kept in effect and enforced. Possession by an addict of a "small" amount is probably for personal use and should be treated the same way as use, a subject discussed below. Possession by an addict of an amount greater than one's personal needs for several days should be prohibited as being possession for sale. Possession of any amount by a non-addict (other than a physician or researcher) should be treated as possession for sale.

But this is not enough. Little is accomplished by catching and punishing the local pusher who is himself likely to be an addict and in any event, as a retailer, is a relatively minor cog in the distribution machinery.

The addict pusher needs treatment. The non-addict pusher belongs in prison. But the local pusher is "small potatoes" in the problem.

Heroin is an opium derivative. Either it or the materials from which it is made come entirely from abroad. The major effort must be that of the federal government to stop importation, or, if possible, to cut off the source by inducing foreign countries to discontinue cultivation. What local police can do is minor. This Committee is primarily concerned with recommendations that can be carried out by the City Administration or by state law, and it is not for us to make recommendations to the federal government in the area of international relations on how more effectively to prevent the cultivation of the opium poppy or the importation of heroin.

The unvarnished fact is that the present system of illegalizing sale contributes to making the problem infinitely worse, unless something more is done. It makes the price of heroin enormously high. Thereby it makes the profits of the illicit business attractive it becomes profitable to "hook" an innocent and convert him into a permanent customer. It drives the customer to crime to support a habit that levies a crime tax on society of $100 per day per addict. An average habit costs the user conservatively $20 per day,[24] and it is estimated that in order to fence enough to support an average habit costing $20, an addict must obtain in some manner $100 worth of property each day. Estimates of the number of addicts in the City vary, but the lowest estimate given the Committee in a survey of drug-treatment facilities in the City[25] puts the figure at 5,000 addicts. This means that if only one-half of San Francisco's minimal addict population steals only one-half of what they need to support their habits (getting the rest by pushing, pimping, hustling, or working at an honest job) addicts are responsible for more than $45 million dollars worth of property crimes in San Francisco each year. That amount of property loss exceeds the annual budget of the Police Department.

The circle is vicious, so vicious and so serious as to justify some bold experimentation. That experimentation cannot be done at the local level because the field is controlled by the federal government with its prohibitions, although changes of federal law can be supplemented by local activity.

Experimentation should start by examining what other countries are doing to ascertain their successes and failures. In England, the control of narcotic drugs by physicians was first defined by the Dangerous Drugs Act of 1920.[26] In the several years following passage of this law, there was considerable confusion as to the circumstances under which the law allowed physicians to prescribe heroin and morphine to addicts.[27] Consequently, a committee of the Ministry of Health—the Rolleston Committee—was appointed to bring more certainty to the interpretation of the law, and in 1926 this committee issued a report recommending that physicians be allowed to prescribe narcotics to patients who, after serious attempts at rehabilitation, were unable to abstain from drugs.[28] Physicians were given wide discretion as to dosage and patients were not required to register as addicts with any public authority. These guidelines of the Rolleston Committee defined the parameters of narcotic control in the United Kingdom until 1968.

For awhile this method of treating the problem seemed exemplary. The number of British addicts was small—in the hundreds—as opposed to the thousands of addicts in New York City alone. They were mostly middle aged, employed, and not involved in crime. Like the 19th century addicts in the United States, most British addicts had become addicts through the administration of narcotic drugs by doctors in connection with medical treatment for disease.

In the late 1950's, health officials became alarmed at the rapid increase in the United Kingdom of non-therapeutic, non-middle aged, unemployed addicts. A new committee was appointed in 1958, the Brain Committee. In a second report in 1965 it found that there had been a disturbing rise in heroin addiction, especially among young people, and attributed the main source of supply to over-prescribing of these drugs by a small number of doctors.[29] Upon the recommendation of the Brain Committee, Parliament in 1968 removed dispensing of narcotic drugs from the hands of private physicians. Special treatment centers were established, particularly in the London area, where any addict who registered could receive drugs. Only doctors on the staff of the centers were allowed to prescribe heroin.

During 1968, the first year in which addicts were required to register, the number of narcotic addicts known to the Home Office rose to 2,783 from 1,729 the year before, and from 753 in 1964.[30] The most striking increase was in the number using heroin—2,240 in 1968, as compared with 1,299 in the previous year. The number of known addicts under age 20, nearly all heroin users, increased between 1967 and 1968 by 93%. Seventy-nine percent of all heroin addicts were under 25 years old.

If these figures represent the number of addicts who began using narcotics during the period covered, they would throw grave doubt on the English system in effect before 1968 and raise question whether the change in 1968 was sufficient. However, it is likely that until 1968, when addicts were first required to register in order to obtain their narcotics, statistics were inadequate and grossly understated the facts.[31] And not all the addition to the ranks of addicts are British subjects. Many addicts have migrated to England in order to escape the sanctions of their own countries and to obtain narcotics easily.[32]

Even so, it is likely that addiction in the United Kingdom, as in the United States, has rapidly increased among the young. During the 1960's the "drug culture" among the young which originated in the United States has spread to many other nations. England, which had never before experienced widespread delinquency, dislike for the police, and violent crimes has begun to be "Americanized" in this respect. During this period it experienced an increase in use, not only of narcotics, but of all categories of drugs among the young, including LSD. No one can tell what increase in drug addiction would have occurred in the United Kingdom if the drugs had been outlawed as in the United States. Whereas the number of addicts in the United Kingdom still remains under 3,000, there are over 5,000 addicts in San Francisco alone. Moreover, there is no way to tell how much organized criminal activity has been prevented in England by the legal distribution of narcotics to addicts. We do know, however, that in 1970, the Home Office and the Ministry of Health were convinced that there was no evidence of criminally-organized control of narcotics distribution in the United Kingdom.[33]

It is impossible, as yet, to assess the success of the new English method of narcotics clinics. Addicts can no longer visit several doctors or grossly overstate their needs and thereby acquire narcotics for distribution. Each addict is registered at a clinic and may be observed and "tested" by clinic personnel before being given a narcotic.

To transplant the English system to the United States would require amendment of federal law so that the federal government, with the aid of state and local governments, would supply heroin free or inexpensively to all *addicts*. Were this to be done, we think that the system should be more rigorously applied than in England; the heroin should be administered to the addict at the clinic by government employed medical personnel and not allowed to be taken away on prescription.

The arguments in favor of this system run as follows:

No profit would be available to the private vendor, for it is inconceivable that anyone would buy or pay a high price when he could get his heroin free. With the profit gone, the whole vicious business would collapse. The government clinics would not supply heroin to non-addicts. The non-addict would not be able to obtain it privately because there would be no incentive to pushers to hook him or to risk the penalties of violating criminal law against importation and sale for the simple reason that, once a person became hooked, he would be eligible to obtain his heroin free from a clinic and would immediately cease to be a customer of any private vendor. The petty profit still available to private vendors from an occasional sale would no longer warrant the risk of violating the criminal laws. Furthermore, as all addicts would be placing themselves in trained medical hands, efforts at rehabilitation could be stepped up.

In response to the fear that supplying heroin would create crime, two facts are stated as fundamental:

1. Although heroin is a destructive drug to the addict, it is also a tranquilizer or depressant. Contrary to popular opinion, there is no evidence that heroin itself induces violent or aggressive behavior or that heroin increases sex drive. Indeed, the opposite is true. While under the influence, an addict is ordinarily extremely passive.

2. The numerous crimes perpetrated by addicts are almost all perpetrated in order to get money to obtain the drug. With the narcotic supplied free or cheaply, that drive to crime would vanish.

Such a system of government dispensing of heroin would have to be accomplished on a nation-wide level, first, because federal law pre-empts the field, and, second, because any state that attempted it alone would soon become a haven for the nation's addicts.

Objections to the English system, even as more rigorously applied, come readily to mind. There is something obnoxious about the government supplying dangerous drugs to its citizens. The use of heroin produces a "high," a kind of orgasm, and the user demands his dose four or five or six times a day. We have been told that the heroin cannot be handled safely even by doctors.

Even so, if the choice lay solely between the present American system of rigorous criminalization and the modified English system, the balance might tip in favor of the latter. Fortunately, the choice may not lie solely between these two. The use of *methadone* may be a better solution. Methadone is a synthetic narcotic chemically related to heroin. It is addictive, discontinuance produces withdrawal symptoms, its use must be continuous. But its advocates say that it produces little "high;" it ousts the craving for heroin. Its effect lasts for 36 hours, so that infrequent dosing is necessary. Above all, while the methadone user is addicted to it, his behavior is so different from that of the heroin user that he can live as a normal productive person in society. Since the methadone is inexpensive, it is claimed that administration of that drug has reduced crime enormously, for those who receive it no longer turn to crime to support the habit. It is claimed that in San Francisco it has worked a "cure" of 95% of the heroin addicts to whom it has been administered by converting them to methadone addiction. This is contrasted with other forms of treatment which have a cure rate of possibly 5%. Only about 395 people are under methadone treatment in San Francisco.[34]

The San Francisco Committee on Crime cannot assume to evaluate methadone. We

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Footnotes at end of article.

are aware that there have always been fads and fashions in medicine and that the wonder chemicals of one decade often become the villains of another. The merits of methadone are for medical men to say. The problem of the law is not to prescribe treatment but to devise a legal system that makes it possible for medicine to bring its talents and expertise to bear.

Our recommendation: Our recommendation is simply to emphasize that the time has come for all the federal government to make a thorough and objective analysis of the benefits and harms of a system of government controlled clinics that dispense, free or at nominal cost, methadone, heroin, or whatever other drug or treatment experts should conclude is even better. We have been told that most addicts of heroin are wearied of being tied down to the heroin rack, would welcome being taken from it, and would choose methadone were it readily available.

On the other hand, we have been told that many addicts, particularly those who have not been hooked for a substantial period of time, will not voluntarily chose methadone over heroin. Moreover, we do not know whether heroin could be dispensed successfully in conjunction with other drugs like methadone. For example, if clinic physicians were able to dispense heroin in some cases, would that in itself diminish an addict's incentive to go on methadone? These questions we cannot answer. We need immediate study by the federal government, and we then need the courage and willingness to experiment.

We are mightily persuaded that one's chances of cure or rehabilitation are better as a frequenter of the clinics than as a denizen of the drug sub-culture where the influences brought to bear are those of the pusher.

2. *Use:*

Thus far we have been speaking of the sale and supply of heroin. We have recommended no change in the prohibitions on private sale and supply, but we have said that something more must be added because the present system is not effective.

What, then, about our laws making use of heroin a crime?

The user is more a victim than a wrongdoer. Certainly he is a victim once he has become an addict. The United States Supreme Court has held that the condition of being an addict cannot be punished as a crime.[35] Making use of heroin a crime is a singularly ineffective procedure. One cannot tell how many people have been deterred from use by the fact that use is criminal, but we do know that alarmingly large numbers have not been deterred. We suspect that most of those who do not use heroin are deterred by intelligence, knowledge and fear of the consequences other than criminal punishment.

If some system of dispensing narcotics at government clinics should be established, then the use of the narcotic outside the clinics should be made criminal, as a measure to force the addict to the clinic. But if there are no clinics, we are troubled by the use of criminal process to prevent a man from doing what the addiction deprives him of the power to resist.

Moreover, making use a crime seems in the current jargon, "counter-productive" to rehabilitation. Just as one can never know how many people have been deterred from experimenting with drugs because of the threat of criminal law, one cannot know how many drug users have been deterred from seeking treatment because of fear of arrest. The Committee's staff has surveyed many of the drug-treatment facilities in San Francisco and has found a uniform consensus that fear of arrest has been a major obstacle to successful drug treatment.

There are no rehabilitative or treatment resources for people sentenced to San Francisco's County Jail for drug abuse. For state prison, the Department of Corrections provides some psychiatric and psychological counseling (including encounter groups), but the Department's main drug treatment resource is the California Rehabilitation Center at Corona, commonly called "C.R.C."[36] Most commitments to C.R.C. occur after a defendant, in a criminal proceeding, has been convicted of a crime, often by entering a guilty plea.[37]

Unfortunately, most addicts who are sent to the California Rehabilitation Center for "treatment" have relapsed into drug use after leaving this institution, according to Dr. John Kramer, formerly Research Director at C.R.C., and Richard A. Bass:[38] "By spring 1968, 6½ years after the program's inception, between 8,000 and 9,000 individuals had been committed, and about 5,200 of them were still in the program. Of the 5,200 about 2,600 (50%) were in the institution, about 1,800 (35%) were on active parole, called OPS, and about 800 (15%) were on inactive OPS, that is, at large or in jail." Out of the nearly 9,000 individuals who had been committed to the program since its inception in 1961, only 300 had been discharged for having successfully completed the outpatient program by 1968. In a follow-up of the 1,209 people placed on OPS for the first time between June 1962 and June 1964, Dr. Kramer found that two-thirds returned to the institution at least once during the first three years of their release.

The heroin user should not be punished for use; he should be treated. The utilization of criminal process as a machinery for treatment and rehabilitation has not been successful. On superficial consideration, one might therefore slip into a recommendation that unless and until some system of clinics to dispense narcotics is established, the laws making *use* of heroin a crime should be repealed, and that the addict should be handled through a method of civil detention.

But a study of alternatives fails to unearth anything materially better than handling use through the criminal system or anything essentially different except in terminology.

TREATMENT AND REHABILITATION OF THE USER

To do more for the addict than keep him addicted, society must be willing to make a very large investment in facilities and personnel to provide the "treatment" everyone agrees is required—medical treatment, job counselling, education—a full range of costly services over a very long period of time. So far, there has been nothing like what would be required to have meaningful treatment programs on a scale to match the problem, and nothing indicates society is willing to devote a substantial portion of its resources to costly long term rehabilitation of drug addicts. To the extent that facilities and personnel are made available, clear priority should be given to addicts enrolled in *voluntary* programs in view of the history of failures in the involuntary programs.

That kind of program can be enormously costly, but in the end, if it conquers the drug problem by taking the addict off drugs, it will have conquered a substantial portion of the crime problem in the United States, and it will have cost society vastly less than the tax levied by the drug addicted criminal. We have estimated that heroin addicts cost San Francisco alone, by property crimes, a loss of at least $45 million per year. Multiply this figure for one city by the "crime tariff" in New York City and throughout the nation, and we can see that the public is being saddled with vast losses. Devoting even a portion of that amount to methods of cure and rehabilitation simply makes sound sense even without regard to dictates of humanity and concern for the future of the make-up of the Republic.

It must be emphasized, and it cannot be emphasized too much, that any person who voluntarily places himself in the way of cure and treatment should have complete immunity from prosecution or conviction.

What, then, is to be done for those who will not voluntarily place themselves in the way of cure if and when really adequate facilities are available.

If a system of government dispensing of narcotics to addicts should be adopted, then care and treatment of addicts could be handled largely on a voluntary basis. But until such a system can be adopted, the situation continues that addicts must pay high prices for illegal narcotics and must, therefore, resort to crime, including hooking others to obtain money for their habits. The addict is therefore a constant threat to the peace and safety of society. The danger and threat are so serious that society is justified in pushing to the very limits of the Constitution in seeking ways of prevention. Prevention means detention. Detention should be coupled with efforts at cure and rehabilitation. Those efforts to date, at least until the advent of methadone, have not been singularly successful. Thus efforts at cure and rehabilitation became largely prolonged detention.

The problem is how the law can go about making it possible for the physicians, psychiatrists, and behavioral scientists to perform their task if abusers of dangerous drugs or narcotics do not voluntarily choose care or treatment.

It would be easy simply to change labels, continue to use the compulsory instruments of criminal law, and pretend that the various functions and agencies of criminal justice are now agencies of a medical model. For example, certain officials, called "Drug Abuse Diagnosticians" instead of police, would pick up possessors of dangerous drugs or narcotics, instead of "arresting" them, and hold them for review before a "Drug Abuse Civil Commitment Agency" instead of trying them before a court. Then if this agency should find that a person should be "committed" to an institution for "care and treatment" instead of convicting him, it could so commit him instead of "sentencing him to prison." This would be an easy course, but it would also be quackery. In the end, any system of civil detention for rehabilitation or cure against the will of the detained person is essentially the use of criminal process. We might as well call it what it is, thereby retaining constitutional protections, and concurrently shape the detention toward cure and rehabilitation and away from punishment.

During the past year, the San Francisco Committee on Crime compiled a Directory of Drug Treatment Facilities in San Francisco. This Directory, the only one of its kind in the city, has gone through two printings, and more than 10,000 copies have been distributed to schools, churches, youth groups, hospitals, etc. In the course of compiling that Directory, we encountered numerous different theories and models of drug abuse treatment. While we neither endorse nor disapprove any of the drug treatment schemes operating in the City, it is likely that *each abuser of drugs or narcotics is an individual with peculiar problems and needs and goals*. We believe that drug abuse treatment stands the best chance for success when medical, psychiatric and behavioral experts are permitted by law to prescribe and require care and treatment in their absolute discretion.

CONCLUSION ON HEROIN

At the outset of this section of our Non-Victim Crime Report on Dangerous Drugs and Narcotics, we said that it was the most difficult subject with which we had to deal. We can now sum up some of the difficulties and dilemmas presented by heroin.

We have adverted to a system of detention for purposes of cure and rehabilitation without conviction first of crime. But to detain a man against his will in order to cure or rehabilitate him, when he has violated no criminal statute, raises feelings of discom-

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Footnotes at end of article.

fort, to say the least, in a free society, if not severe constitutional doubts. And, yet, an addict free of detention is likely to commit crimes of burglary and the like to obtain funds to serve his addiction. To prevent the commission of such crimes, society can arrest and incarcerate him for preventive detention. But, a free society cannot feel comfortable with arrest as a means of preventive detention.[39] Of course, if the use and possession of heroin remain prohibited by criminal statute, the addict can be convicted and incarcerated constitutionally as punishment for a "crime." But to make a man a criminal and to punish him as such for committing acts which the use of drugs has made him incapable of avoiding is also repulsive. All these difficulties can be escaped by the proposed government administration to the addict of methadone and, if necessary, heroin. But that proposal is abhorrent to some people and uncomfortable to many more. No choice is a pleasant one. Society must grapple with the difficulties and select the one that combines the best promise of success with the least abhorrence.

As an aid to making the right choice, we enumerate a number of facts:

(1) Heroin is unquestionably destructive both to the user and to society.

(2) Efforts to date by criminal law to check heroin traffic have been singularly unsuccessful. Major arrests are few and do not visibly decrease the traffic.

(3) Long-range solutions to the heroin problem must be found in efforts by the federal government to stop opium cultivation, heroin refining, and importation, and in massive educational programs aimed at the drug.

(4) The cure rate of heroin addicts by conventional involuntary treatment is very low.

(5) Heroin addicts are desperate and will get the drug one way or another. They will steal, and if necessary kill, to obtain heroin.

(6) Under the present laws, the only way they can obtain heroin is by purchasing it from the underworld.

(7) Heroin users rarely commit major crimes while under the influence of the drug. They do commit crimes in order to obtain money to buy their next fix or to keep themselves supplied.

(8) A conservative estimate of the amount of property stolen by heroin addicts in San Francisco each year is 45 million dollars. (This sum exceeds the annual budget of the Police Department.)

(9) If we cannot effectively reduce the harm that an addict does to *himself*, we can substantially reduce the harm the addict inflicts on society. At this time, there appear to be only two ways of having a substantial effect on the heroin crime cycle. The *first* alternative is to place addicts permanently in institutions. This is punishment for illness. The *second* alternative is to establish government controlled medical clinics where, if nothing else succeeds, heroin could be administered, not handed out, to confirmed heroin addicts on the educated, experienced judgment of physicians. This would substantially reduce crime, the role of the commercial peddler, and the likelihood of peddlers attempting to hook our youth.

CONCLUSION

The reader will perceive that we make no cut-and-dried recommendation. We have pointed up the problem and delineated the choices. We have done all we can if this Report opens up thoughtful debate.

MINORITY REPORT

We do not agree with the Report or recommendations of the Committee majority on Dangerous Drugs and Narcotics. We regret that the Committee issued an opinion and recommendations on this subject—a subject we believe deserving of more careful study and evaluation than the Committee gave to it. Our brief comments concerning the recommendations on marihuana illustrate our disagreement. We deem fallacious the Committee's argument that because there is a conflict of opinion as to whether the use and possession of a "small" amount of marihuana by adults and the sale of it to them is harmful to society, therefore the existing laws should be repealed and such use, possession and sale should be legalized.

To the contrary, we believe that just because there is such a sharp conflict of opinions on such a serious subject, the total reversal of the present laws without further study would be misleading and do disservice to the community. Based upon the small amount of evidence presented to the Committee, it appeared that there were two completely conflicting views. One view was that marihuana is not one of the causes of crime and violence nor does it lead to the use of addicting drugs, particularly heroin. The other point of view was exactly to the contrary. The proponents of neither point of view could point to any evidence by way of scientific study, research, available statistics or opinion of so-called experts in the field which could in any way be deemed to be substantially in support of their particular point of view. We, the minority of the Committee, are not necessarily in agreement with the existing laws and procedures which may be too punitive with respect to adults who use or possess small amounts of marihuana. However, we cannot accept the principle that because present laws may be too harsh they should be repealed in their entirety as to the class of adults affected by the majority recommendation.

Such repeal at this time would suggest, despite any disclaimers, that the Committee after careful study recommends that society sanction the use of marihuana as medically and socially acceptable. We would then be making a positive educational statement about marihuana use which our study does not warrant. The minority believes that the entire problem deserves much more careful and considerable consideration than this Committee has given to the issues and that until more substantial evidence has been presented supporting the view that legalized use and possession of marihuana by adults will be relatively harmless, the recommendations of the Committee majority are misleading and should not be adopted.

That the conflict of views results in what the majority term a "Scotch (inconclusive) Verdict" does not necessarily justify the jump to the conclusion that existing laws should be repealed and use and possession by adults should be legalized. Legalization should only follow the positive verdict of the scientific community that the bases upon which the laws are founded are proven to be wrong. Short of that proof, consideration should be given to moderation of the laws and changes in the procedures of handling drug abuse victims so that those laws will be helpful rather than punitive with respect to users. All of the laws relating to Dangerous Drugs and Narcotics are presently under intensive study in many places.

The following members of the Committee concur with the above:

*Alessandro Baccari
*Gene N. Connell
*Dr. Leon J. Epstein
**Reverend Albert R. Jonsen, S. J.
Samuel Ladar
*Lawrence R. Lawson
*William Osterloh
*Mrs. Becky Schettler
*Zeppelin W. Wong

SUPPLEMENTAL MINORITY REPORT

In addition to my agreement with the minority report concerning marijuana, I should like to add the following supplemental comments:

For most persons, for most varieties of the substance generally used in this country, and for most situations, the occasional use of marijuana has not proven injurious. One simply cannot deny the fact, however, that for certain people, in certain situations, and in certain dosages, marijuana is indeed a harmful substance. There are ample data which demonstrate that there can be behavioral toxicity with marijuana which may include impaired thinking and judgment, slowed motor responses, and with potent material, psychotic reactions. As with LSD, opiates, amphetamines, and cocaine, the important and meaningful hazards are in the area of behavioral, rather than tissue, toxicity.

Although the recommendation for legalization of marijuana is certainly not an endorsement of its use, and this was clearly not the intention of those who have endorsed the majority report, many would at least interpret this as an endorsement. In the current complex society, where individual citizens do not possess the technical information or the machinery to reach an informed opinion about the hazards, risks and dangers relative to the toxicity of chemical agents, they increasingly look to their government for protection, whether in canned tuna, sugar substitutes, or other substances. We must, therefore, beware of misleading many of the great majority of Americans who have not experimented with marijuana because they believe it to be unsafe in the light of current restrictions.

It is of importance, also, for one to be aware that experience in this country with marijuana is rather limited to about a five year period of its wide usage, and to relatively low dosages of weak material. We must not dismiss reports and studies from other countries because they are not consistent with our own data. More conclusive data should be obtained before recommending the changes suggested in the majority report, data which may need several more years to accumulate. This is important because should deleterious chronic effects appear after marijuana is legalized, it will be exceedingly difficult to reverse either the trend of wider usage or government policy. This would surely suggest caution in recommending the legalization of marijuana. Also suggestive of caution is the fact that there are data which suggest that the current extensive use of marijuana may be a fad which will ultimately go the way of other transient fads and premature legalization may interfere with this natural process.

There is frequently expressed conviction that marijuana restrictions tend to criminalize youth. It is a fact, however, that certain other laws such as parking, speeding, and other traffic laws, are very often violated and often both inconsistently and irrationally enforced. These traffic laws nevertheless serve a very useful social purpose. Marijuana restrictions probably act as a deterrant much as do the traffic laws, and both may well have desirable effects on the behavior of many individuals.

Certain aspects of the present marijuana laws do, however, appear unreasonable. This is particularly true for the severity of punishment for such offenses as the possession of small amounts of the substance. Among other questionable issues is that of the selective enforcement of laws concerning mari-

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Footnotes at end of article.

*Dissenting only on marijuana section of Report.

**Not participating on heroin section of Report.

juana which results in far greater arrest frequency within certain age and socio economic groups. The net effect of such issues in the light of our present knowledge is not, however, sufficient at this time to recommend its legalization, as recommended in the majority report.

FOOTNOTES

[1] California Bureau of Criminal Statistics, *Drug Arrests and Dispositions, 1969,* p. 1.

[2] United States Department of Health, Education and Welfare, a Report to Congress: *Marihuana and Health,* Jan. 31, 1971, pp. 35–38.

[3] John Kaplan, *Marijuana, The New Prohibition,* World Publishing Co., 1970, p. 29.

[4] California Bureau of Criminal Statistics, *Crime and Arrests, Reference Tables, 1969,* Table II, p. 22; *Drug Arrests and Disposition In California,* Reference Tables 1969, Table IV, p. 9.

[5] This figure was computed by Mr. Bruce Johnson, a sociologist at the University of California at Berkeley, in connection with a study of felony release rates prepared for the Crime Committee in December, 1970. Mr. Johnson's source data consisted of Monthly Adult Felony Arrest Reports submitted by the San Francisco Police Department to the California Bureau of Criminal Statistics.

[6] See Sec. 17 Penal Code, as amended, Sec. 11530 H. & S. Code.

[7] Based on all cases filed in Municipal Court Departments 9 and 10, January 1, 1971–May 1, 1971.

[8] Because of correct pronunciation of this Mexican word, its spelling is sometimes anglicized as "marihuana," as in the Report of the U.S. Department of Health, Education and Welfare.

[9] U.S. Department of Health, Education and Welfare, *Marihuana and Health,* a Report from the Secretary to Congress, January 31, 1971.

[10] Lester Grinspoon, M.D., *Marijuana Reconsidered* (Harvard University Press, 1971).

[11] *H.E.W. Report,* p. 10.

[12] *Id.* at p. 16.

[13] *Id.* at p. 11.

[14] Grinspoon, pp. 25, 26.

[15] John Kaplan, "Marijuana" *supra,* note 3, contains a convenient portrayal of these consequences. While we do not agree with all of Professor Kaplan's book, there is much useful material in it.

[15a] Kaplan, *supra,* p. 42.

[16] San Francisco Police Department, *Annual Report, 1969,* p. 173. The common practice of reducing a charge of felony possession to "visiting a place," a misdemeanor, has since become infrequent, because state law was amended in 1969 to permit charging possession of marijuana as a misdemeanor. See Sec. 17 P.C.

[17] Source: List of Cases Pending, prepared by the San Francisco District Attorney's Office. In addition, there were 56 pending cases in which a marijuana charge was joined with other felonies.

[18] California Bureau of Criminal Statistics, *Felony Arrest Dispositions in San Francisco, 1969,* Table 2.

[19] California Bureau of Criminal Statistics, *Drug Arrests and Dispositions in California:* Reference Tables, 1969, Table 33, p. 33.

[20] Between 9 and 11 police officers are also assigned to the laboratory's "mobile units," which travel to the scene of crimes and collect evidence.

[21] From 30,919 actual Part I offenses in 1960 to 83,481 in 1970. San Francisco Police Department, *Annual Report,* for years indicated.

[22] *Id.* A case is "cleared" when the police believe that it is "solved," either by arrest, by the death of a known suspect, by a discovery that the reported crime did not, in fact, take place, etc.

[23] Addictive narcotic drugs pose a unique problem. Whether society should engage in the traffic of that peculiar evil is discussed later in this Report.

[24] A study of 435 patients at the Haight-Ashbury Free Clinic, surveyed between November, 1969, and May, 1970, revealed that 47% had a habit costing less than $50 per day, while 38.2% had habits costing between $50 and $100 per day. About 15% of these patients had habits in excess of $100. See: Gay, Bathurst, Matzger, and Smith, *Short Term Heroin Detoxification on an Outpatient Basis,* Haight-Ashbury Free Clinic, 1970.

[25] Conducted during May, 1971.

[26] 10 and 11 Geo. 5, c. 46 (1920).

[27] This history is found in Lindesmith, "The British System of Narcotics Control," 22 *Law and Contemporary Problems,* 140 (1957).

[28] Report of the Departmental Committee on Morphine and Heroin Addiction, Ministry of Health, United Kingdom, (1926).

[29] Second Report on the Interdepartmental Committee, Ministry of Health, United Kingdom, "Drug Addiction in the United Kingdom," in *Bulletin on Narcotics,* Vol. XVIII, April–June, 1966, p. 27.

[30] See: "Drug Addicts," in *Lancet,* Aug. 9, 1969, p. 332.

[31] See: "Drug Addicts," in *Lancet,* Dec. 28, 1968, p. 1398.

[32] One-fourth of all addicts recorded for the first time in Britain between 1960 and 1964 were *not* British citizens. See: Bewley, T., "Recent Changes in the Pattern of Drug Abuse in the United Kingdom," in *Bulletin on Narcotics,* Oct.–Dec., 1966, p. 4.

[33] Lieberman & Blain, "The British System of Drug Control," in *Drug Dependence,* March, 1970, p. 12.

[34] The City runs four methadone clinics, serving about 260 patients. Another clinic is sponsored by Fort Help, a private organization. The Fort Help methadone program currently serves about 135 patients.

[35] *Robinson v. California,* 370 U.S. 660 (1962).

[36] For an analysis of the C.R.C. commitment, see Appendix B.

[37] See Secs. 3050, 3051 W. & I. Code.

[38] See Kramer and Bass, *Institutionalization Patterns Among Civilly Committed Addicts,* 208 Jour. Am. Med. Assoc. 2297, 2300 (July 1969).

[39] We call attention to our discussion of this subject in the Fifth Report of this Committee on "Bail and O.R. Release."

Mr. PERCY. Mr. President, I am happy now to yield 5 minutes to the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. I thank the Senator from Illinois very much.

Mr. President, first, I wish to associate myself with the fine things said about all the members of both committees by the Senator from Illinois and the Senator from Connecticut.

Let me say that I like so much working with the chairman of the Alcoholism and Narcotics Subcommittee, the Senator from Iowa (Mr. HUGHES), who has dedicated himself in an unparalleled way to seeking solutions to the problem of drug abuse.

The Senator from Illinois is not only the acting ranking member of the Government Operations Committee but he threw himself into the struggle with great energy and characteristic skill. His State of Illinois has given us the individual who turned out to be the fulcrum on which all the efforts included in the bill crystallized, and that is Dr. Jerome Jaffe whom President Nixon appointed to be his special White House consultant on this subject, and who, I am confident, will be nominated as Director of the Special Action Office on Drug Abuse, provided for in this bill.

Mr. President, I strongly support the "Drug Abuse Office, Control and Treatment Act of 1971 (S. 2097). I am pleased to have played an active role—in both the Government Operations and the Labor and Public Welfare Committees, which developed this landmark legislation in cooperation with the administration.

Year after year, I have been concerned with the magnitude of a drug problem which has bled us of the resources and spirit of so many of our young people. It is really almost a cliché to continue to point to that cost—particularly in my own city of New York—in terms of broken lives, estranged parents and children and lost opportunities. The demonstrable relationship between narcotics addiction and the incidence of serious crime is beyond dispute. In toto, the problem constitutes one of the most pervasive tragedies of our time.

For years also, the emphasis and focus of the Federal effort in the drug abuse field has been wrong. The result has been a consistent pattern of inconclusive results, despite the good will and determination of many dedicated Federal, State and local officials.

Law enforcement, treatment, research, education, and prevention programs have been in disarray and have had an insubstantial total impact on the problem. The effort has been without a clear and precise focus, founded on attainable and coordinated objectives.

It has been without a strong and visible institutional mechanism for establishing national policies on drug abuse—and capable of influencing real change at the State and local level.

It has been without adequate research efforts in all aspects of the drug abuse field. In the critical areas of drug use and dissemination patterns, and trafficking, we know painfully little.

It has been without the substantial new Federal funding support which is absolutely essential to any serious effort to begin to have an impact on the problem.

It has been without an effective evaluation system, so that we might really know how effective the many different Federal and federally supported programs are, both in the area of treatment and law enforcement.

This comprehensive bill which calls for a long overdue Federal attack on the critical national drug problem represents a triumph of bipartisanship, incorporating the best provisions of the administration's drug bill, S. 2097, and similar bills introduced by other Senators.

Under the leadership of the distinguished chairman of the Government Operations Committee, Senator MCCLELLAN, and Senators PERCY, GURNEY, RIBICOFF, and MUSKIE and the distinguished chairman of the Labor and Public Welfare Committee, Senator WILLIAMS, and its Alcoholism and Narcotics Subcommittee chairman, Senator HUGHES, many difficult issues were worked out, and an excellent bill was reported to the Senate.

The largest single obstacle to the achievement of an intelligent, coordinated, and consistent drug policy at the national level has been the fragmentation of effort in drug abuse control among so many Federal and local agencies, each of them jealously guarding its independent prerogative and authority. The bill addresses that problem forthrightly and directly.

The bill provides, first, that the President, acting through a strategy council composed of the Director of the Special Action Office, the Attorney General, the Secretary of HEW, the Secretary of Defense, and others, would develop a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted or supported by the Federal Government. The strategy would consist of a complete analysis of the present drug problem, a detailed comprehensive Federal plan for combating it, and an evaluation of programs carried out to date, and would be promulgated annually.

Second, a Special Action Office for Drug Abuse Prevention would be established in the Office of the President. The office would be headed by a Director—who will be Dr. Jerome Jaffe, an extremely well-qualified man—to provide overall planning and policy and establish objectives and priorities for all Federal education, training, treatment, rehabilitation, and research programs. Such programs in the Departments of Health, Education, and Welfare, Justice, OEO, Veterans' Administration, State Department, Civil Service Commission, and the Defense Department would thus come within this purview. It also allows the Special Action Office Director to make recommendations and consult with all departments concerning national and international control programs.

Third, the bill establishes a National Institute on Drug Abuse within the National Institute of Mental Health of HEW. The institute would administer ongoing drug programs, in accordance with the policies, priorities, and objectives of the Special Action Office Director, thus acting as his implementing arm, as well as two new grant programs created by the act:

A. A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial needs, and need for prevention and treatment programs.

B. A special emphasis grant program, which would authorize grants or contracts for projects and activities of special importance. Such activities would include training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs.

Fourth, require the Veterans' Administration to furnish treatment and rehabilitation services for drug dependence, and require the Civil Service Commission to establish drug abuse prevention and treatment programs for Federal civilian employees, thus assuring treatment as a health problem.

I would commend to the attention of my colleagues the careful examination which the committee gave to its determination of the authorization levels in the bill for the new formula and special emphasis grant programs. The committee was deeply concerned about the need for adequate funding of all types of drug abuse prevention, treatment, and rehabilitation programs and recognized that in one facet of the drug abuse problem, the treatment of heroin addiction, the range of costs vary with the treatment modality—whether methadone maintenance programs, methadone maintenance with ancillary services, drug-free programs, including therapeutic communities, ambulatory care, or correctional institution programs—and the possibility that, if any or all of these programs were more effectively organized and operated, their respective costs for treatment could be substantially reduced from the best estimates available to the committee.

The committee, in determining authorization levels, utilized computer technology in determining the cost factor for the treatment of heroin addicts. It first made certain assumptions regarding the total number of addicts in treatment over the life of the bill and the percentages of those addicts in voluntary care—with different modalities of treatment being provided at different reasonable estimated cost levels, for example, ambulatory care, residential care, and acute care. It then factored in the number of addicts in involuntary commitment, from civil commitment to incarceration, also providing different treatment programs at different cost levels. In addition, the authorization levels provided for in this legislation take into account existing Federal funding and are not limited to treatment programs for heroin addicts but include the [illegible] of services to other drug-dependent persons and the need for prevention and research programs in this field.

Mr. President, my own city of New York is, tragically, the best reason for saying "it is high time" for this new approach. New York City is literally being suffocated by crime which is induced by narcotics addiction. We are regrettably estimated to have about one-half of the narcotics addicts in the country—about 125,000. When we recognize that the total number of addicts enrolled in all New York treatment programs is approximately 25,000 to 30,000 out of this figure, and when we realize that the addict has to steal $50 to $80 a day in order to maintain his habit, we can begin to understand why the city is suffocating in the situation.

One thing that the Senate should note is that we are bereft of adequate research to find a suitable antagonist for heroin so that we can repel the drug and effect a cure.

Because of the bankruptcy of a cure at this time, it would appear that the most effective interim course would be to have some substitute for heroin itself, and they find that methadone maintenance has great merit, and is coming into wider focus.

We find in New York City that there are some 18,000 individuals in all forms of treatment under a citywide census which we have just taken. This is outside the voluntary organization treatment, and some treatment by the State of New York. Of these 18,000, over half are on methadone. The remainder are on drug-free programs. Yet we have an estimate of 15,000 addicts waiting for the methadone treatment, which is almost unforgivable considering the crime generated by their continuing addiction to heroin.

I think we are on the threshold, because of this landmark legislation, of a breakthrough in one of the most critical social and medical problems which our country has ever known.

Mr. President, I again want to pay special tribute to Dr. Jaffe, and also to the Senator from Iowa (Mr. HUGHES), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maine (Mr. MUSKIE) and others on both committees who worked on this legislation. We have actually computerized the authorization estimates, based on scientific criteria.

As I have indicated, these authorizations are not extrapolated from the hearings. They are not picked out of the air. They are the computerized product of a series of assumptions, soundly based on factual and scientific information.

These postulates I will introduce into the RECORD because every member should see them, especially members of the Appropriations Committee. Mr. President, we have a table showing exactly how many addicts we expect to treat, and what the costs would be for the treatment.

[Dollars in millions]

Year	Number of addicts in treatment	Total cost
1972	60,000	$156
1973	90,000	236
1974	120,000	315
1975	180,000	473
1976	250,000	657

In my judgment it is one of the finest and most scientific jobs ever done in presenting an authorization to the Congress. It shows a respect for the Senate which is very hard to duplicate. These authorizations are very soundly shaped. We will have a right to fight for every dollar of appropriation money because they are really based on criteria which deserve respect and deserve to be followed.

For all of these reasons, I consider this bill to be a landmark breakthrough, a triumph of bipartisanship, and a triumph of the scientific approach to the authorization process in legislation.

Financial resources while vital cannot alone solve the drug abuse problem. We need the coordinated Federal response, provided for by this bill, if we are to maximize the impact of the substantial resources we are investing in the solution to this problem. S. 2097, a bill of many authors, is a practical, basic blueprint to catalyze the existing fragmented proliferation of drug abuse programs. I urge its passage. To enact this legislation, is to insure that our Nation will have a more unified, better coordinated attack on the drug problem which so tragically afflicts so many of America's young people.

Mr. HUGHES. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

PRIVILEGE OF THE FLOOR

Mr. HUGHES. Mr. President, I ask unanimous consent that Mr. Steve Wexler of the staff of the Labor and Public Welfare Committee be granted the privilege of the floor during the debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, the bill we are considering at this time is of landmark significance to our national effort for the control of drug abuse and narcotic addiction in the United States.

The Drug Abuse Office and Treatment Act has had an interesting journey thus far in the Senate. It was introduced by Senator PERCY on June 18 of this year and then referred to the Government Operations Committee, chaired by Senator McCLELLAN. There it was considered by two different subcommittees—Senator MUSKIE's Subcommittee on Intergovernmental Relations and Senator RIBICOFF's Subcommittee on Executive Reorganization.

On November 17, the bill was reported out of the Government Operations Committee with substitute amendments contained in titles I to III. These titles include provisions for the setting up of the special action office in the White House and for the development of a comprehensive, long term national drug abuse strategy.

The bill was then referred to the Labor and Public Welfare Committee, chaired by Senator WILLIAMS, in accordance with a previous unanimous consent agreement of the Senate. In that committee, it received consideration by the Subcommittee on Alcoholism and Narcotics, of which I am chairman, and of the full committee. As a result of those deliberations, the Labor and Public Welfare Committee has recommended that amendments be made adding titles IV through VIII to the titles reported by Government Operations Committee. The amendments have now been agreed to.

The preliminary work in developing this comprehensive, compromise drug legislation was marked by a bipartisan legislative and legislative-executive cooperation exceeding anything I have seen before in this field. The subcommittees maintained very close communications during every phase of the bill's consideration, and each subcommittee and committee had considerable impact on the titles reported by the other. I believe this has resulted in an unusually strong compromise bill in a sensitive and controversial problem area.

I shall be happy to direct myself particularly to titles IV–VIII of the bill in the event that there are questions regarding these titles. This is the section that our drug subcommittee and the Labor and Public Welfare Committee worked on the most closely. My colleagues will recall that provisions of these later titles are quite similar to provisions which already passed the Senate twice last year, but were not accepted by the House because that body had not yet had time to hold hearings on them.

This legislation really can be held up as an example of what can be done with committees of Congress and the White House and their staff working together. Much work has been done by each individual Senator and each individual committee and the staff as a whole, and we have brought to the floor the product of their long study, and deliberations.

My comments on the bill at this time will be brief and general in the interests of conserving the time of the Senate. For the benefit of those colleagues who would like more detailed information concerning the titles of the legislation with which the Labor and Public Welfare Committee was most specifically concerned, however, I would like to ask unanimous consent that a summary of the legislation and excerpts of the Labor and Public Welfare Committee's report on the bill be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. At the outset I want to give appropriate credit to the Senators responsible for this outstanding bipartisan effort that involved countless hours of patient and skillful negotiating between the various parties with special interests in the bill. That a constructive compromise of this caliber could be reached reflects credit on the White House and on a number of key Senators, including Senators PERCY, JAVITS, RIBICOFF, MUSKIE, PACKWOOD, GURNEY, and others. The chairmen of the Government Operations Committee and the Labor and Public Welfare Committee, Senators McCLELLAN and WILLIAMS, were closely involved with the legislation, too, and were responsible for speeding its passage through their respective committees. As one who was immersed in the effort to develop comprehensive drug legislation over a period of 3 years, I have been greatly reassured that this level of bipartisan cooperation could be reached in such a sensitive and explosively controversial area.

Mr. President, I believe this legislation is most significant because of the commitment it embodies, on the part of the Congress and the executive branch together, to the national effort to prevent drug abuse and to treat and rehabilitate its victims, rather than just to punish them. Those most knowledgeable in the drug field have long pointed out that to make any real progress in drug abuse control, we must get at the problem at its source—the illness, the addiction itself.

This approach does not, in any sense, contradict the need for strict, enforceable laws and efficient law enforcement. But it has not always been understood how a health-oriented approach to the drug problem can diminish crime, as well as save human lives. The majority of drug dependent persons who resort to criminal acts do so to get money to feed their uncontrollable drug-craving, and not because they were criminally inclined to begin with. As we know, over 50 percent of the populations of our big city jails are drug dependents. But if all we do is to send the narcotic addict to jail, he will eventually be released, uncured, and in most instances will go back to a life of crime to support the costly addiction from which he cannot escape without help. It is estimated that from 70 to 90 percent of the addicts who are placed in our big city jails are back again within a year.

From a very practical standpoint, the old system of treating drug addicts as criminals, rather than sick people, has failed to curb the rising tide of crimes in which drugs are involved.

It is time to try a new approach—a massive, national effort to control the demand for illicit drugs, as well as to suppress the supply to the best of our ability.

I believe the passage of the legislation we are considering today will be a significant force in reducing crime as well as in redeeming human lives.

In the past 3 years, the Subcommittee on Alcoholism and Narcotics has found that one of the most critical needs was for a coordinated, long-term Federal drug policy—a need that is met by the proposed legislation we are considering.

The bill sets up mechanisms on two levels to deal with the present lack of coordination. First, it would establish a National Drug Strategy Council to develop a complete analysis of the present U.S. drug problem, to work out a detailed comprehensive Federal plan for combating it, and to appraise the various drug programs carried out to date.

The strategy must be promulgated by the President once a year. In the past, our law enforcement efforts in the drug field have too often been at cross purposes with our health efforts. There have been cross currents between Justice and Health, Education, and Welfare, within the Department of Defense, and between other Government departments. It is little wonder that the general public has been so confused.

The strategy provisions in the proposed bill are designed to minimize these differences within the various governmental departments.

Second, the proposed bill would give the Director of the Special Action Office the authority to establish overall planning and policy, and set priorities for all Federal drug abuse programs and activities relating to training, treatment, education, rehabilitation, and research. This should bring a consistency of purpose in our overall national policy and eliminate much of the overlapping of jurisdictions and bureaucratic infighting that presently exist in connection with our Federal drug control efforts.

The legislation before us, Mr. President, also makes a commitment to assist in funding State and local prevention and treatment programs on a scale and scope never before embodied in Federal law. The bill elevates the National Institute of Mental Health drug program to Institute status and broadens its mandate from a narrow, psychiatric approach to a broad responsibility "to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines."

It establishes a formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. A total of $180 million is authorized for these programs over the 5-year authorization period.

The proposed legislation also establishes a special emphasis grant program which would authorize grants to or contracts with public or private agencies outside of the Government. Such activities would include training seminars and educational programs for public and private employees; vocational rehabilitation counseling; model programs within State and local criminal justice systems; and research grants to discover or improve substances and techniques for use in drug abuse control. Approximately $1.3 billion would be authorized for these programs over the 5-year authorization period.

Finally, the proposed legislation contains provisions which will assure prevention and treatment services to those persons to whom the Federal Government owes special obligations—veterans and Federal employees. The bill provides that veterans are entitled to receive treatment and rehabilitation services for drug dependency irrespective of the terms of their discharge. It also requires the Civil Service Commission to establish drug abuse and treatment programs for Federal civilian employees.

There can be no doubt, I am convinced, that there is overwhelming public support for providing our veterans with drug treatment services, especially since a significant percentage of those veterans who are on drugs became involved with the habit in the armed services, particularly Vietnam.

With regard to drug control programs among employees, it is worth noting that the Federal Government has for years been encouraging private businesses to install such programs. At the same time, the Federal Government has not taken action to establish such programs within its own vast employment establishment.

As I have been saying for years, it seems self-evident to me that the Federal Government has an obligation to lead the way—to create a Federal employee drug control program that will serve as a model for organizations in the private sector and for our various State governments.

The Drug Abuse Office and Treatment Act, Mr. President, meets this longstanding need, as well as the many others that have been cited. The proposed legislation represents the thinking of ranking authorities in the drug field; literally hundreds of hours of committee deliberations and hearings; and a reasonably worked out bipartisan meeting of minds.

For these reasons, I am pleased to speak in favor of the legislation before us and urge my colleagues on both sides of the aisle to vote for its passage.

Mr. President, I think it is imperative that at this hour, this late hour in this particular year, that this body support this bill—hopefully with a unanimous vote to show to the Nation that the cooperation in the Federal system, both in the legislative and executive branches of Government, is such that when we face a critical problem—as we are facing in drug abuse and drug dependence in America—that we have the ability to drop our partisanship, and, in spite of strong differences, to work out compromises that are reasonable. By doing this, by setting up agencies that can coordinate our efforts in the future, making sure that the funds are distributed to all levels of Government as well as to private agencies, we can reach into every small town community in rural America and in our major cities.

This measure is aimed at prevention as well as at treatment and rehabilitation. It is directed toward the veterans of our Armed Forces, and it is directed toward Federal Civil Service employees. With this comprehensive approach, Mr. President, I believe that the Federal Government is finally meeting a commitment that it should have made a long time ago. As we have been learning in America, so have we also been learning in Congress, that it is essential to recognize the value and the dignity of the drug dependent individual, that simple punitive actions do not stop the growth of drug dependence. Punitive actions in many instances may be necessary, but if we are ever to bring an end to this disease, that is ravaging America today, it is going to be by facing this particular problem as a health problem, as a disease, as an illness, that permeates our society and then getting to the reasons behind the disease, so that it can hopefully be eliminated in the majority.

This is a day in which I take great pride, because this legislation represents, I believe, a masterpiece of work by many different people who have been deeply involved for a long period of time. I think, as has been stated by all of the other distinguished Members of this body of today, that it holds out a ray of hope that we are finally beginning to face up to this malignancy that has been eating at the core of America.

Mr. President, I am pleased to have this opportunity to recommend to those colleagues who are not already cosponsors of the legislation—and I think it should be pointed out that the majority of the Senate are now included in the cosponsors—that they support this matter today.

Exhibit 1

SUMMARY OF COMPROMISE DRUG BILL

The compromise bill would

Require the President, acting through a Strategy Council composed of the Director of the Special Action Office, the Attorney General, the Secretary of HEW, the Secretary of Defense, the Administrator of the V.A., and others, to develop a comprehensive, coordinated long term Federal strategy for all drug abuse programs and activities conducted or supported by the Federal Government. The strategy would consist of a complete analysis of the present drug problem, a detailed comprehensive Federal plan for combatting it, and an evaluation of programs carried out to date, and would be promulgated annually.

Establish a Special Action Office for Drug Abuse Prevention in the Office of the President. The office would be headed by a Director, who will have authority to provide overall planning and policy and establish objectives and priorities for all Federal education, training, treatment, rehabilitation and research programs. Programs in the Department of HEW, OEO, Justice, Veterans' Administration, State Department, Civil Service and DoD would thus come within his purview. It also allows him to make recommendations and consult with all departments concerning national and international control programs.

Establish a National Institute on Drug Abuse within the National Institute of Mental Health of HEW. The Institute would administer drug programs now administered through NIMH as well as two new grant programs created by the act:

1. A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial need, and need for prevention and treatment programs. The following amounts would be authorized to be appropriated: $15 million for fiscal year 1972; $30 million for fiscal year 1973; $40 million for fiscal year 1974; $45 million for fiscal year 1975, and $50 million for fiscal year 1976.

2. A Special Emphasis grant program, which would authorize grants to or contracts with public and private agencies, organizations, institutions and individuals for projects and activities of special importance. Such activites would include training seminars and educational programs for employees in the private and public sectors; vocational

rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs. The following amounts would be authorized to be appropriated: $65 million for fiscal year 1972; $170 million for fiscal year 1973; $260 million for fiscal year 1974; $400 million for fiscal year 1975 and $450 million for fiscal year 1976.

Require the Veterans' Administration to furnish treatment and rehabilitation services for drug dependence, without regard to the type of discharge a veteran has received.

Require the Civil Service Commission to establish drug abuse prevention and treatment programs for Federal civilian employees, treating drug dependent persons the same as other persons with serious health problems.

Provide for a Special Fund from which the Director of the Special Action Office could allocate money to any Federal department or agency to 1) develop and demonstrate promising new drug programs and activities or 2) supplement and expand existing drug abuse programs and activities. The director could use 10% of the fund himself to develop and demonstrate new approaches, techniques, and methods to combat drug abuse.

Provide that drug abusers who are suffering from emergency medical conditions should not be refused admission or treatment by any public or private general hospital which receives support from Federal funds. Hospitals violating such provision could lose Federal funds under a procedure set out in the Act.

Establish a 15-member council to advise, consult with, serve as a sounding board for and make recommendations to the Secretary of HEW concerning matters relating to the Secretary's functions in the field of drug abuse.

[In the 92d Cong., First Sess., excerpt from S. Rept. No. 92–509]

REPORT ON DRUG ABUSE OFFICE AND TREATMENT ACT OF 1971

INTRODUCTION

S. 2097 was introduced in the Senate on June 18, 1971. The bill was referred to the Committee on Government Operations with the understanding that, upon being reported from that committee, it would then be referred to the Committee on Labor and Public Welfare for this committee's additional consideration. Since that time, both committees have maintained extremely close communications concerning the legislation. Each committee has had considerable impact upon the titles reported by the other.

The Committee on Government Operations modified the original S. 2097 and reported it to the Senate on November 17, 1971 (Rept. No. 92–486) in a form nearly identical to titles I–III of the bill here being reported. Although this committee has jurisdiction over certain aspects of those titles, it felt that they were largely excellent in the form reported by the Committee on Government Operations and were not in need of substantial modification. Pursuant to its jurisdictional authority and communications with the Committee on Government Operations, however, the Labor and Public Welfare Committee does recommend the addition of titles IV through VIII to the bill which was referred to it as well as several changes, largely technical in nature, to the earlier titles of the bill. It should be mentioned, however, that the Committee understands that under title I and title II of this legislation, no authority is vested in the Director of the Special Action Office to transfer money from one program to another or to directly operate presently existing programs, or to replace the leadership of on-going programs, except to the extent that such authority is already legally vested in the Office of Management and Budget or provided for in the reorganization authority of Sec. 206(a) of the proposed legislation.

Because the provisons of titles I through III of the bill here reported are adequately discussed in the report of the Committee on Government Operations, this report will primarily discuss the subsequent titles added by the action of this committee.

SUMMARY

Titles IV through VIII of S. 2097 will strengthen and improve the administrative structure within the Department of Health, Education, and Welfare through which the Secretary is responsible for delivering a broad range of coordinated drug abuse prevention, treatment, and rehabilitation services. The titles establish a National Institute on Drug Abuse within the National Institute of Mental Health to administer certain authorities assigned to the Secretary of Health, Education, and Welfare under present law and under provisions of this act. They require the Secretary to establish a clear, written plan for coordinating all drug abuse prevention, treatment, and rehabilitation programs within his Department.

In addition, the titles provide for extensive new Federal assistance to promote and improve the development of State and local drug abuse prevention, treatment, and rehabilitation programs. They require that all existing Federal legislation in health education, rehabilitation, and other areas be utilized to reduce the incidence of drug abuse and drug dependence throughout the Nation. They establish a National Advisory Council on Drug Abuse to advise, consult with, serve as a sounding board for, and make recommendations to the Secretary of HEW concerning matters relating to the Secretary's functions in the drug abuse field.

THE NEED FOR COMPREHENSIVE FEDERAL LEGISLATION

No one can any longer question the deep and pervasive seriousness of the drug abuse problem in this country. It has progressed from a small matter of law enforcement to a massive problem that requires a concerted and coordinated national effort combining all of our resources for prevention, education, research, treatment, and rehabilitation.

The statistics on the abuse of and dependance on a variety of controlled drugs are appalling. And virtually everyone agrees that they understate the nature and extent of the problem.

The illicit use of heroin is causing the most damage to our society. There are no reliable figures on the actual number of narcotics addicts in the United States. The Department of Health, Education, and Welfare estimates that there are 250,000 addicts. Other authorities have estimated that the true number of addicts is closer to 600,000, however. In addition, a large number of persons use heroin periodically, either by itself or in combination with other illegal drugs, but have not yet become addicted. There is no reliable estimate of the total number of people who have tried heroin at least once, but it has been suggested that up to 7 percent of the schoolchildren in the New York public schools have experimented with it. Whereas formerly it was only a ghetto drug, it has been increasingly used in suburban areas and in our colleges and universities. Extensive use of the drug by numbers of our Armed Forces has served to further expand such use. There is a growing concern that this spread of the use of the drugs will continue.

It is impossible to estimate the social damage resulting from heroin. The full extent of its contribution to deterioration of individuals, families, our inner cities, and the fabric of society are not yet completely known. The primary public concern about the use of heroin is caused by fear of the crime caused by addiction. While use of heroin itself apparently does not cause criminal behavior in any physiological or psychological sense, the need to maintain an expensive habit often does. It has been estimated that between 50 and 60 percent of the inmates in our big city jails are narcotic addicts. Once they are released, there is a 70 to 90 percent chance that they will be back again within 1 year. There is evidence that up to 50 percent of property crimes in the major metropolitan areas with a serious heroin addiction problem are committed by addicts. Some experts put the amount of merchandise stolen each year by addicts to be between $1 and $2 billion. Estimates run as low as $0.25 billion and as high as $1.9 billion for such thefts in New York City alone. This represents a staggering load for our economic and social institutions to bear.

The cost in terms of crime is only the beginning of the costs society bears from the heroin problem, however. The quantifiable factors associated with narcotic abuse include costs for law enforcement, lost productivity, and welfare costs associated with broken families and unemployed abusers. Government authorities have estimated that the total of involuntary social costs of narcotic drug abuse alone amounts to $541 million per year. It is probable that the figure is far higher than that.

But the greatest price of all is the price we are paying in terms of human life—the lives of the many hundreds of thousands of narcotics addicts and other drug abusers who lead a terrified existence in the shadows of society, half alive and bereft of hope.

The abuse of depressant and stimulant drugs is more widespread than the abuse of heroin. On the basis of present information, however, the number of persons who have become dependent upon them is not known. One survey of 200 college campuses showed, however, that 18 percent of the college student bodies have tried amphetamines, and 15 percent have tried barbiturates. Information on the rest of the population is yet to be obtained.

The hallucinogens are undoubtedly the most widely used of the illegal drugs. The National Institute of Mental Health estimates that at least 15 million people have smoked marihuana at least once. A survey of college campuses showed that 47 percent of the college student body had used marihuana at least once. Another survey of a medical school showed that 44 percent of the student body smoked marihuana.

Another hallucinogen, LSD, is used far less widely. Whereas its use appeared to be disappearing a few years ago because of widespread reports of its dangers, there is now mixed evidence indicating that its use may again be increasing.

There is no evidence that the enormous amount of abuse of controlled drugs in this country is decreasing, or even leveling off. Authorities in the field indicate that it continues to increase. It has been pointed out that surveys show an even greater prevalence of drug abuse in many high schools than in our colleges. The problem, in short, is not only self-perpetuating, but because of peer-group pressure within, our youth appears to be growing at an alarming rate.

INCREASING PUBLIC CONCERN

Until quite recently, both Federal and State efforts at controlling drug abuse and drug dependence concentrated on law enforcement techniques. Indeed, the law enforcement efforts aimed at drug abuse during the past 3 years have been the most concerted in our history. More man-hours and more trained personnel have been devoted to enforcing our laws against illegal drugs than ever before. Yet, as the statistics quoted above show, these efforts have not begun to contain the problem. In spite of the best law enforcement we can muster, illegal drugs are available in every city, in greater quantities than ever before, and at the same or even decreased prices. As the Director of the Bureau of Narcotics and Dangerous Drugs has pointed out, an effective program to control the abuse of heroin, depressants and stimulants, hallucinogens, and other controlled drugs in this country must rely strongly on methods of prevention and rehabilitation. Law enforcement, by itself, is inadequate to do the entire job.

Prevention and rehabilitation techniques, utilizing medical, social welfare, and other community resources, must therefore be mobilized to deal with these problems. In many communities, this job has not yet been started, or is in a most rudimentary stage.

Use of the same type of medical and rehabilitation techniques for drug abuse and drug dependence as are used for other public health problems has long been recognized as necessary to any effective control of drug abuse. Because drug abuse has represented a relatively insignificant problem in this country until the past few years, however, we have delayed in developing a public commitment to mount an effective program.

Throughout its history, the American Medical Association has characterized drug dependence as a disease that properly is handled through medical treatment. As early as 1925, in *Linder* v. *United States*, 268 U.S. 5 (1925), the Supreme Court recognized that narcotic addicts "are diseased and proper subjects for such treatment." In a 1950 report, the World Health Organization described the characteristics of this disease as "an overpowering desire or need (compulsion) to continue taking the drug and to obtain it by any means." In 1957, the American Medical Association issued a report describing dependence as "the development of an altered physiological state which is brought about by the repeated administration of the drug and which necessitates continued administration of the drug to prevent the appearance of the characteristic illness which is termed an abstinence syndrome," as well as a "psychological dependence" which is "related to the effects opiates create within the central nervous system," which "forces the addict to seek his drugs by any and all means. The first concern of many addicts becomes obtaining and maintaining an adequate supply of drugs."

In September, 1962, when the Supreme Court handed down its decision in *Robinson* v. *California*, 370 U.S. 660 (1962), which struck down as unconstitutional on its face a statute making narcotic addiction criminal, the Court at that time again recognized narcotic addiction as a disease, which cannot constitutionally be punished under the criminal law.

During the same month, the White House Conference on Narcotics and Drug Abuse considered the future of this country's drug abuse policy. As a result of this Conference, the President established an Advisory Commission on Narcotic and Drug Abuse, which issued its report in November 1963. The final report of the advisory commission concluded that there had never been a sustained, organized attack on drug abuse in this country. It made some 25 general recommendations, including the following: revision of the Federal narcotic laws, recognition that the legitimate medical use of narcotic drugs and medical treatment of drug dependents is primarily to be determined by the medical profession, Federal assistance to State and local governments for the establishment, maintenance, and expansion of broad treatment and rehabilitation programs, and enactment of Federal treatment legislation.

Some 3 years later, the District of Columbia and U.S. Crime Commissions also reviewed the problems of drug abuse and drug dependence, although not in as great detail as the Advisory Commission had. Both Commissions urged comprehensive treatment programs and facilities, on both a voluntary and involuntary basis, for drug dependent persons. The U.S. Crime Commission particularly recommended clarification of the status of medical treatment of addicts using narcotic drugs, and abolition of all obstacles in the way of medical and scientific research in this field.

More recently, the judiciary has again pressed for increased recognition that, as a disease, drug dependence is properly handled under medical and rehabilitation techniques. In *Powell* v. *Texas*, 392 U.S. 514 (1968), rehearing denied, 393 U.S. 898 (1968), five of the nine justices indicated that the earlier case of *Robinson* v. *California* must properly be interpreted to mean that an addict cannot be punished under the criminal law for possession and use of narcotics, since this necessarily results from the addiction itself. And in *Watson* v. *United States*, 408 F. 2d 1290 (D.C. Cir. 1968), rehearing granted en banc,—F. 2d—(D.C. Cir. 1970) (en banc), eight of nine judges indicated that, in future cases, narcotic addicts could not properly be punished under the criminal law for possession of the drugs they must necessarily use to satisfy their addiction

Congress has only recently begun to recognize the urgency of the unique health and rehabilitation problems created by drug abuse and drug dependence, and to address itself to providing appropriate legislative remedies for it.

Congressional dissatisfaction with the results of reliance primarily upon law enforcement in controlling drug abuse and drug dependence led to enactment of the Narcotic Addict Rehabilitation Act of 1966. Because that act relies primarily upon outmoded inpatient treatment, because only a limited number of persons can obtain treatment under the act, and because it has not been properly funded, the potential of this statute remains largely unrealized to date, as has most recently been pointed out in the General Accounting Office Report "Limited use of Federal Programs To Commit Narcotic Addicts For Treatment and Rehabilitation," which was issued on Sept. 20, 1971. In the recent past the rate of rehabilitation for this program has been among the lowest of any drug dependence treatment program in the country. It is hoped that recent program modifications will change that fact.

The Comprehensive Health Planning and Public Health Service Amendments of 1966, and the Partnership for Health Amendments of 1967, were intended to require the States to develop comprehensive health plans for purposes of Federal funding, but drug abuse and drug dependence were sadly neglected in these plans. Though the legislation authorizing the plans has been expanded so as to more specifically require planning and funding under those authorities, this legislation alone has proved to be inadequate as a means of combating a problem that now blankets our country.

Congress made an important initial response by enacting the Narcotic Addict Rehabilitation Amendments of 1968, which were subsequently expanded by the Community Mental Health Centers Amendments of 1970. That legislation recognized the necessity of treatment and rehabilitation for drug dependence. Although the legislation was a significant step forward, it was recognized at the time to represent only the beginning of a truly adequate legislative program which would insure comprehensive and effective community-based treatment programs at both State and local levels.

Also, in 1968 when criminal penalties were first added to the Drug Abuse Control Amendments of 1965 for possession of barbiturates, depressants, amphetamines, and hallucinogenic drugs, the Labor and Public Welfare Committee expressed strong concern about imposition of such penalties on casual distributors or youthful experimenters. In Senate Report No. 1609 (1969), for example, the committee emphasized the availability of alternatives to imprisonment, such as probation and juvenile handling, and pointed out that "indiscriminate enforcement of excessively severe drug laws increases disrespect for the law on the part of young people and tends to alienate them from society." The committee spelled out its intention that the criminal laws be used sparingly, and be reserved particularly for the large wholesalers who profit from the trafficking of dangerous drugs.

During 1969 and 1970 the administration's legislative efforts in the drug area were concentrated upon consolidating existing law enforcement legislation. When the administration's law enforcement bill, the Comprehensive Drug Abuse Prevention and Control Act, came up on the Senate floor, the substance of titles III through VIII of the legislation now being reported by this Committee, as well as certain additional provisions, were added as an amendment to that Act. That amendment was sponsored by the entire membership of the Labor and Public Welfare Committee. The provisions similar to those contained in the present titles III through VIII were rejected by the House conferees, however, because the House had not had the opportunity to hold hearings on the provisions and because the basic legislation was primarily law enforcement oriented. After the conference the Senate, determined to show its commitment to the concepts contained in the legislation, again passed the amendment, this time in the form of a separate bill, by a roll call vote of 86–0. No subsequent action was taken on the bill in the House.

During 1970, the Congress also enacted the Drug Abuse Education Act of 1970, and the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 over administration opposition. The Congress has since provided substantial funding for the programs established in those two legislative Acts.

Titles IV through VIII, together with the earlier titles of the bill being reported by this Committee, represent the type of comprehensive program which is necesary to begin to bring the Nation's drug abuse problems under control. Drug abuse is a problem of our entire society. It will take a total effort of the entire Nation, at all levels of Government, to make significant progress in controlling it. This legislation establishes, for the first time, a framework within which Federal, State, and local governments can begin to effectively utilize and strengthen their health and rehabilitation resources to bring the drug abuse problem under control. The remedy mandated by the bill is long overdue and urgently needed.

HEARINGS

The Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee has held a number of hearings dealing with the extent and character of the drug abuse problem and the steps which the Federal government might take to deal with it. General hearings were held by the Subcommittee on August 6, 7, and 8, 1969, and May 5, 6, and 7, 1971, and Oct. 1, 1971, in Washington, D.C.; on September 26, 1969, in Los Angeles, Calif.; on September 29, 1969, in Denver, Colo.; on October 2 and 4, 1969, and June 25, 1971, in New York, N.Y.; on February 14, 1970, in Des Moines, Iowa; and on January 18 and 19, 1971, in Pittsburgh, Pa., and on May 17, 1971, in Chicago, Ill.

Members of the Subcommittee also took extensive field trips on May 17, 1971, in Chicago and June 25, 1971, in New York City to see first-hand the extent of the problem in low income areas of our large cities.

Hearings on S. 1816 and S. 2608 were held in Washington, D.C. on September 18 and 19, 1969, and November 3, 1969; and in Cherry Hill, N.J., on January 26, 1970. Hearings on S. 3562 were held in Washington, D.C. on March 16, 17, 23, 24, 25, and 26, 1970, and on April 13, 14, and 15, 1970; in Winchester, Mass., on April 10, 1970; and in Lynn, Mass., on April 11, 1970. Hearings on S. 3015 and H.R. 14252 were held in Washington, D.C., on August 27, 1970. Hearings were held on S. 2217 and related bills on August 2, 4 and 5, 1971, in Washington, D.C.

Hearings on drug abuse in the military were held in Washington, D.C. on November 17 and 18, 1970, on December 2 and 3, 1970, and on June 9 and 22, 1971.

The Subcommittee has also held joint hearings with the Subcommittee on Health and Hospitals of the Senate Committee on Veterans' Affairs on June 15, 1971.

In the above mentioned hearings and field trips there has been unanimous support for the objectives and provisions contained in titles IV through VIII of the bill here being reported. The specific provisions of these titles, many of which were originally incorporated in the various bills that were the subjects of individual hearings, have been strongly endorsed by both national organizations and individual citizens interested in the prevention and treatment of drug abuse.

PROVISIONS OF THE BILL

General

Titles IV through VIII of the legislation here proposed have a number of major components which should be discussed. These titles establish a comprehensive range of administrative tools in a single, visible and broadly based Institute structure within the National Institute of Mental Health. Operating within the framework of the National strategy and the policy guidelines established by the initial titles of the proposed bill, this structure can provide a strong new vehicle for leadership and action by the Federal Government.

An effective program can be maintained only with the assistance of significant financial support from the Federal Government, however. Present Federal programs for the control and treatment of drug abuse have been assigned relatively low priority when compared to other illnesses and diseases and seen in the light of the overwhelming social impact which drug abuse has upon our society. These titles, together with the earlier provisions of the proposed legislation, provide sufficient funding authorizations to enable a program of necessary magnitude to begin immediately. It is anticipated that the program will serve as a base for an across-the-board attack upon the abuse of all controlled substances, including heroin, stimulant and depressant drugs, and hallucinogens.

Establishment of institute

The legislation establishes a National Institute on Drug Abuse within the National Institute of Mental Health of the Department of Health, Education, and Welfare. The Institute will be under the direction of an administrator who will be appointed by the Secretary of Health, Education, and Welfare and who will conduct all programs of the Institute in accordance with the policies, priorities, objectives, guidelines and, where appropriate, funding controls established by the Director of the Special Action Office. The administrator will conduct and develop comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers. The establishment of the Institute will provide for a stronger coordinating mechanism within the Department of Health, Education, and Welfare. It will not however, change the administrative structure of the Department.

An institute will have a stature commensurate with the magnitude of the health problem with which the new entity will deal. Consequently the likelihood of obtaining the funding necessary to effectively attack drug abuse and drug dependence problems will be immeasurably increased. An institute will also have the visibility necessary to provide a strong program of public education and to develop public attention to and concern about this important health area. In addition, it will have a permanent status which will assist the development of the most qualified staff possible in the Federal Government in this area. It will provide the structure necessary to administer broad formula and project grant programs and to attract a broad cross section of individuals who are able to assist in solving problems of drug abuse and drug dependence. It will also provide a strong implementing arm for the policies, priorities, objectives, guidelines and funding controls established by the Director of the Special Action Office.

An effective program must attempt to attract a broad cross section of individuals who are able to contribute to solving the drug abuse problem. Such a cross section would include members of the medical professions, individuals interested in the sociological, organic, and chemical causes and ramifications, persons interested in practical programs of training and delivery of services, and persons skilled in research. Such a program must be directed and staffed by individuals who have the creativity and initiative to develop the widest range of activities possible; to foster and encourage Federal, State, and local initiative; and to dramatize the extraordinarily serious nature of the problems in this country. Such actions can do much to insure the delivery of prevention and rehabilitation services to those who most need them and can, in addition, greatly assist in relieving the serious funding problems which have plagued this health field. Such a program must concentrate on the delivery of prevention and rehabilitation services to the millions of Americans who are most suffering or are most likely to suffer from drug abuse or drug dependence.

It is intended that prior drug related criminal arrests or convictions should not be a bar to employment by the Institute or the programs and services which it operates or funds. It is necessary to single out drug-related offenses in this connection because of information that drug abusers and drug dependent persons have, in the past, been excluded from such employment because of their record offenses. This should not be interpreted to mean that a record of conviction for any other offense cannot properly be a bar to such employment, however.

The Institute will play a major coordinating role in the area of drug abuse and drug dependence as it will be expected to foster effective State and local programs through its review authority over State health, welfare, and rehabilitation plans submitted to the Federal Government and through the grants authorized by this bill.

Reports by the Secretary

The proposed legislation requires the Secretary to submit two reports to the Congress. The first, which is required within 90 days after the effective date of the legislation, must set out a written plan for the administration and coordination of the various drug abuse programs and projects within the Department of Health, Education, and Welfare. All such programs must comply with guidelines established by the Director of the Special Action Office. Present program guidelines must also be expanded to insure that the various programs will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

In spite of official testimony to the contrary, it is clear that there is no real coordination of drug programs within the Department. Bureaucratic jealousies often appear to be the rule, and cross fertilization among various groups of professionals and paraprofessionals has not been occurring. The report required will give the Secretary and the Director of the Special Action Office sufficient notice of Congressional concern about these facts—a concern often previously expressed in hearings—to insure that remedial actions are taken. The Committee has considered moving the institute created by this legislation to a sufficiently high status within HEW to coordinate and broaden all of the drug programs within the Department. Should lack of broad participation, coordination, and openmindedness to the participation and contributions of others continue to exist, it is likely that the committee will itself take remedial organizational action through legislative means.

The second report to be submitted by the Secretary must include a description of the various existent model and experimental treatment methods, their advantages and disadvantages, and make recommendations concerning community implementation of the various treatments and rehabilitation. This information is of critical importance to communities across the nation, which are seeking guidance from the Federal government about how to best deal with their drug abuse problems. To date many communities simply lack such information.

Additional responsibilities of the Secretary

The proposed legislation specifically mandates the Secretary to carry out certain specified responsibilities because of their special importance. He must operate an information center, which can serve as an exchange point for various kinds of information concerning the drug abuse problem. He must carry out and encourage research to find a quick and reliable method for more precise detection and determination of drug levels in urine, or in the blood, or by breath, or by other means, as quickly as possible. The results of this experimentation will be published regularly. He must gather and publish uniform statistics pertaining to drug abuse, and within the policy guidance of the Director, promulgate uniform regulations for the Federal government and other public and private departments, agencies, organizations and individuals for the gathering of such data. He must also review and provide in writing an evaluation of the adequacy and appropriateness of provisions relating to drug abuse in various specified plans and programs which presently exist under Federal law. The programs created under this act clearly are not meant to reduce obligations to carry out planning and programs in the drug abuse area under already existing but more general authority. Those programs should, however, be consistent with the policy requirements of the Director and the Secretary in the drug abuse area.

Federal assistance for State and local programs

Title V of the proposed legislation provides for extensive new Federal assistance to State and local drug abuse education training, treatment, and rehabilitation efforts.

Formula grants.—Drug abuse is a national problem which does not recognize regional boundaries. The formula grant program established in the proposed legislation will make it possible for all States to stimulate programs and share in Federal financial assistance. The program provides for allotments among the States of the funds appropriated on the basis of relative population, financial need, and need for programs of education, training, treatment and rehabilitation. The Committee considers that each of these factors should be weighed equally and that the last factor—the need for the various programs—is different from the first—population. While it recognizes that population may be the best measure of the need factor at the present time, it feels that over a period of time data received from the States under administrative guidelines established by the Secretary should yield a better and workable method for measuring the need factor in the formula.

Each State must develop a drug abuse prevention and treatment plan in order to be eligible for the funds available under the program. The State plans and programs must emphasize direct services in the areas of greatest need within the State or evaluate services already being delivered.

A single agency in each State will be assigned responsibility for the administration of the State drug abuse and drug dependence program. Nothing in the Act, however, is meant to prevent a number of health or education related agencies in a State from joining together to form the "State agency" required by the proposed legislation. This agency will work in conjunction with an advisory council which will serve as a consulting body for purposes of policy formulation. The money which is made available by formula grants will be used to supplement rather than replace funds which the States would otherwise have devoted to such programs. Applications for financial assistance will be approved whenever the other requirements have been satisfactorily complied with and funds remain available in the allotment determined for the applying State.

Special emphasis prevention and treatment programs

This program is meant to make it possible for the Institute to make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to carry out programs which appear to the Committee to be of special importance but often neglected because of the dearth of funds in the drug abuse area thus far. Because of the present lack of knowledge in the drug abuse area and the inadequate creative expansion of drug programs (including therapeutic communities, methadone maintenance programs, and other treatment modalities or combinations thereof) to date, these grants and contracts, largely developmental and experimental, may prove to be the most sound Federal investment thus far in the drug area.

The program will provide funds for such activities as training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to determine causes of drug abuse in specific areas and prescribe and implement methods for dealing with the drug problems in such areas; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs.

A mechanism is established for processing applications for financial assistance made by units of local government and private organizations. Applications will be channeled through the agency designated to administer the program within the State. The State agency will have an opportunity to comment upon the propriety of the particular plan under consideration, but may not prevent it from being sent to the Institute for review. The Institute will take the evaluation of the State agency into consideration, but may not discriminate in favor of a State over a local, or a public over a private applicant. Local organizations of both a public and a private character are recognized as vital for a successful rehabilitation effort. As with formula grants, the money which is made available through project grants will be used to supplement rather than replace funds which the States or localities would otherwise have devoted to such programs.

Authorizations

The Committee is deeply concerned about the need for adequate funding of all types of drug abuse prevention, treatment and rehabilitation programs. The authorization levels provided for in this legislation take into account existing Federal funding and are not limited in their scope. They are meant to include a full range of activities and services related to programs for the prevention and treatment of the abuse of any controlled substances including heroin, stimulants, depressant drugs, and hallucinogens.

The Committee in determining authorization levels utilized computer technology to determine a cost component for the treatment of heroin addicts. The factor was derived after first having made certain assumptions concerning the total number of addicts in treatment over the life of the bill and the percentages of those addicts which might then be in various kinds of care. (The various treatment modalities and types of treatment settings were projected at varying estimated participation and cost levels, e.g., ambulatory care, residential care, acute care, voluntary commitment, involuntary commitment such as civil commitment and incarceration, etc.) An additional cost factor was then added to allow for research, prevention and training activities and for treatment for the abuse of other kinds of controlled substances.

Because of its careful analysis of the cost factors and the resultant authorization levels in the bill, the Committee is deeply committed to seeing that the authorization levels in the legislation are fully funded as well as creatively utilized. It is anticipated that when the new Director of the Special Action Office for Drug Abuse Prevention appears before the Committee prior to the Senate's consideration of his confirmation, that he will be closely questioned by the Committee about his position on full funding of the legislation and the uses for which such funding will be made.

Emergency hospital treatment

The Committee continues to hear of cases in which individuals who are drug abusers are being refused emergency medical treatment by hospitals. The proposed legislation would provide that drug abusers who are suffering from emergency medical conditions shall not solely because of their drug abuse or drug dependence, be refused admission or treatment for their emergency medical condition by any public or private general hospital which receives support from Federal funds. Hospitals violating the provision may lose Federal funds.

General

Part D of title V of the bill contains a number of general provisions. Section 531 of Part D is worthy of special comment. It expands the provisions of the Community Mental Health Centers Act to specifically authorize grants for the leasing of facilities under certain provisions of that Act. At the present time, grants are authorized for construction, but not leasing. Because of fiscal constraints, however, no funding is presently being allocated by the Department of Health, Education and Welfare to construction projects. This authorization change will allow the leasing of facilities in lieu of their construction, should such action be considered necessary or preferable.

National Advisory Council on Drug Abuse

Title VI of the proposed legislation establishes a 15 member National Advisory Council on Drug Abuse. The Council will advise, consult with, serve as a sounding board for, and make recommendations to the Secretary concerning matters relating to the Secretary's functions in the field of drug abuse. The council will also have certain reporting functions and will review policies and priorities relative to grants and contracts in the drug abuse field.

Confidentiality of records

Provisions to assure confidentiality of patient information are crucial to the success of any prevention or treatment program which depends on voluntary subject participation. This is especially true, of course, in the drug abuse area. Consequently, the proposed legislation assures the confidentiality of patients in drug prevention, treatment, and rehabilitation programs. Nothing in the provision, however, may be construed to limit the use of information by persons engaged in research, provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics therein.

Amendment to the Economic Opportunity Act

Section 803 of the bill adds a new section 863 to Title VIII of the Economic Opportunity Act of 1964 providing in ACTION, the new agency to coordinate the Federal Governments volunteer programs, for a Director, Deputy Director, an Associate Director for Domestic and Anti-Poverty Programs, and an Associate Director for International Programs. The section provides that each shall be appointed by the President by and with the advice and consent of the Senate. The Director shall be compensated at the rate for Level III of the Executive Schedule Pay Rate, and the Deputy Director and two Associate Directors shall be compensated at the rate for Level IV of the Executive Pay Schedule Pay Rate.

The section provides that there shall be no more than four Assistant Directors in ACTION, each to be appointed by the President, by and with the advise and consent of the Senate, and compensated at the rate for Level V of the Executive Schedule Pay Rates.

The Committee agreed that the adoption of this section was necessary in order to strengthen and upgrade the VISTA and Peace Corps programs within ACTION. It is the intent of the Committee that the Director of VISTA will have line authority over the Regional VISTA offices, including their programs and personnel, and will be responsible for the recruitment, selection, training, and field operation of all volunteers and other persons serving in volunteer programs funded under title VIII of the Economic Opportunity Act.

Section-By-Section Analysis

TITLE I—FINDINGS AND DECLARATION OF POLICY

Sec. 101—Findings and declaration of policy

The principal findings are that anti-drug efforts in education, prevention, treatment, rehabilitation, research, training and law enforcement are interrelated and that the control of drug abuse requires the development of a comprehensive, coordinated, long-term

Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitated victims of drug abuse.

The section also declares it to be the policy of the United States and the purpose of the Act "to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse in the Nation within the shortest possible period of time, consistent with a comprehensive, coordinated, long-term Federal strategy to combat drug abuse."

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Sec. 201—Establishment of the office

Establishes a Special Action Office for Drug Abuse Prevention in the Executive Office of the President. That office shall be headed by a director appointed by the President with the advice and consent of the Senate. He shall have a deputy director, also appointed by the President with the advice and consent of the Senate, and not more than six assistant directors whom the director himself shall appoint.

Sec. 202—Concentration of Federal effort

Gives the director authority to provide overall planning and policy and establish objectives and priorities for all Federal drug abuse programs relating to education, training, treatment, rehabilitation and research. This is meant to include such drug activities in HEW, OEO, Justice, VA, State, Civil Service, and DOD. Investigation, prosecution and detection activities in the control area are specifically excluded, however, as are activities involving international narcotics control. In these latter areas, the director may make recommendations to the President and consult with and be consulted by appropriate departments and agencies.

The director shall conduct and support evaluation of education, training, treatment, rehabilitation, and research programs and programs related to those programs. He may obtain such information as is necessary from the various Federal departments and agencies. The director shall also coordinate Federal drug programs among each other and with other related Federal programs.

Pursuant to these responsibilities the director must submit an annual report to the Congress and the President discussing the objectives, activities and accomplishments of the office and use funds available to him through this Act to expand drug programs and develop new programs.

Sec. 203—Funding authority

Authorizes the director to: 1) review and modify budget requests of Federal departments and agencies and 2) allocate appropriated funds to Federal departments and agencies, for all Federal drug abuse education, training, rehabilitation, research, and treatment programs and activities. The section lists programs and activities specifically intended to be included within this authority, but does not limit the scope of the section to the listed programs. The authority of the director to provide overall planning and policies and establish objectives and priorities in Sec. 202, extends to the funding authority in this section.

Sec. 204—Technical assistance to State and local agencies

Authorizes the director to coordinate Federal, State and local drug programs and to provide for a central clearinghouse for State, local, and private agencies and individuals seeking drug abuse information and assistance from the Federal government. It authorizes the director to provide State and local officials with task forces of Federal personnel to assist them in developing the drug abuse programs. It also authorizes the director to draft model drug legislation for State and local governments and promulgate uniform criteria, procedures and forms for drug abuse grant applications.

In carrying out his responsibilities under this section, the director is authorized to request personnel from operating departments and agencies and to contract with organizations or persons to work on the described task forces.

Sec. 205—Special fund

Establishes a special fund from which the director can allocate money to any Federal department or agency to 1) develop and demonstrate promising new drug abuse programs, activities and approaches and 2) supplement and expand existing drug abuse programs and activities. The director may use 10% of the fund himself to develop and demonstrate new approaches, techniques, and methods to combat drug abuse, especially with respect to short term and multidisciplinary activities.

Sec. 206—Additional authorities

Provides for a number of powers on the part of the director, including: submission of reorganization plans to the Congress under specified provisions of the Reorganization Act; provision of management oversight review in connection with his funding authority responsibilities in Sec. 203; consultation on the classification of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in international classification agreements; and consultation on the investigational and opproved new drug status of drugs which may be beneficial in the treatment of drug abuse.

Also included are provisions requiring the Civil Service Commission to establish policies and procedures for control and treatment of drug abuse among Federal employees—treating such drug dependent persons the same as other persons with serious health problems; promoting employee programs in State and local governments and in private industry; and requiring the Veterans' Administration to see that all veterans receive treatment and rehabilitation services for drug dependence, without regard to the type of discharge they have received. Services intended to be included are listed. The section also provides that in specified instances the director has authority to directly operate Federal drug programs.

Sec. 207—Grants and contracts

Authorizes the director to make certain grants and contracts to carry out the purposes of this title.

Sec. 208—Personnel, special personnel, experts and consultants

Authorizes the director to employ personnel, special personnel, experts, consultants and volunteers in carrying out this Act.

Sec. 209—Transitional provisions

Authorizes the President to allow any person who immediately prior to the enactment of this Act held a position in the Executive Branch of government to act as director of the Special Action Office until the first full-time director is appointed.

Sec. 210—Appropriation authorized

Authorized appropriations for the administration of this Act and for the director's Special Fund.

Sec. 211—Effective date, termination

Provides that the provisions of this title shall take effect thirty days after the director or acting director takes office or at an earlier date prescribed by the President. The title shall terminate on June 30, 1975, unless extended by Congress.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

Sec. 301—Comprehensive, coordinated, long term strategy

Requires the establishment by the President of a Strategy Council, composed of the Director of the Special Action Office, the Attorney General, the Secretary of HEW, the Secretary of Defense, the Administrator of Veterans' affairs and such other persons as are appropriate. The Council shall develop a comprehensive, coordinated long term Federal strategy for all drug abuse programs and activities conducted or supported by the Federal Government. The director shall provide such services as are required to assure that such a strategy is prepared.

The strategy shall consist of a complete analysis of the present drug problem, a comprehensive Federal plan for combatting it, and an evaluation of programs carried out to date.

To facilitate preparation of the strategy, the council members shall 1) engage in planning necessary to achieve the objectives of the strategy, 2) individually be able to obtain from Federal departments and agencies such information as may be necessary to carry out the purposes of this title, and 3) evaluate the performance of present and alternative Federal drug programs.

The strategy shall be published at least once every calendar year.

TITLE IV—NATIONAL INSTITUTE ON DRUG ABUSE

Sec. 401—Establishment of institute

Establishes a National Institute on Drug Abuse within the National Institute of Mental Health to administer programs and authorities assigned to the Secretary of HEW by the remaining titles of this Act and by Part D of the Community Mental Health Centers Act. This Section provides that the Institute shall be under the direction of an Administrator, appointed by the Secretary of HEW, who shall conduct all drug abuse prevention, training, treatment, rehabilitation and research programs in accordance with the policies, priorities, objectives and guidelines, and, where appropriate, funding controls established by the Director of the Special Action Office.

The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and para-professionals in the fields of medicine, science, the social sciences and other related disciplines.

Sec. 402—Reports by the Secretary

Requires the Secretary to 1) submit to Congress within 90 days a written plan for the administration and coordination of the various drug abuse programs within the Department of HEW and 2) submit, as part of the director's annual report, a report describing various model and experimental methods for treating drug abuse; making recommendations for future development of treatment techniques; making appropriate recommendations for community implementation of treatment programs; and making such legislative recommendations as may be appropriate.

Sec. 403—Additional responsiblity of the Secretary

Requires the Secretary to operate an information center for collection and dissemination of drug abuse information; investigate and publish information concerning uniform methodology and technology for determining extent and kind of drug use; gather and publish statistics; and review and evaluate drug program provisions in various state health plans required by Federal law.

TITLE V—DEVELOPMENT OF STATE AND LOCAL PREVENTION AND TREATMENT PROGRAMS

PART A—FORMULA GRANTS

Sec. 501—Authorization

Establishes a State assistance program to aid States in planning, establishing, maintainng, coordinating, and evaluating projects for the development of drug abuse and drug dependence prevention, treatment, and rehabilitation programs. The following amounts are authorized to be appropriated: $15 million for fiscal year 1972; $30 million for fiscal year 1973; $40 million for fiscal year

1974; $45 million for fiscal year 1975, and $50 million for fiscal year 1976.

Sec. 502—State allotment

Provides for allotments among the States of sums appropriated for formula grants, with the sums appropriated being allotted among the States on the basis of their relative population, financial need, and need for programs of prevention, treatment and rehabilitation.

Sec. 503—State plans

Requires States wishing to participate in the program established by this part to develop State plans meeting certain basic requirements. The plans must designate a single State agency to administer the plan; provide for a State advisory council to oversee the plan; specify the needs of the State and its existing health facilities; supplement, broaden, and complement State health plans; meet certain standards of administration; provide required reports and information; and assure that Federal funds will be used to supplement rather than supplant non-Federal funds. The Secretary must approve any State plan meeting the statutory requirements.

Sec. 504—Allocation of resources

Requires that funds authorized under sec. 501 which are not used in developing or modifying the State plan shall be available only to provide direct services to areas of greatest need within the State or to evaluate such direct services.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

Sec. 511—Program and authorization

Establishes a special emphasis grant program and authorizes $65 million for fiscal year 1972; $170 million for fiscal year 1973; $260 million for fiscal year 1974; and $400 million for fiscal year 1975; and $450 million for 1976, for that purpose.

Utilizing such funds, the Secretary may make grants for programs of special importance, including: training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to determine causes of drug abuse in specific areas and prescribe and implement methods for dealing with the drug problems in such areas; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs.

Sec. 512—Administration of grants and contracts

Requires the coordination of all grant applications for programs in a State and establishes administrative and budgetary criteria which must be met by those seeking funds under this subpart.

PART C—ADMISSION OF DRUG ABUSERS TO HOSPITALS

Sec. 521—Emergency hospital treatment

Provides that drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment by any public or private general hospital which receives support from Federal funds. Hospitals violating such provision may lose Federal funds under a procedure set out in the section.

PART D—GENERAL

Sec. 531—Leasing of facilities

Authorizes the leasing of facilities for drug abuse treatment and rehabilitation programs which may be funded under the Community Mental Health Centers Act.

Sec. 532—Records

Requires that recipients of assistance keep full financial records relating to the funds received under the act and requires that the GAO be permitted access for audit purposes to these and other records pertinent to grants or contracts under the act.

Sec. 533—Payments

Permits the Secretary to determine how payments shall be made.

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Sec. 601—Establisment of council

Provides for the establishment of a 15-member council to advise, consult with, serve as a sounding board for, and make recommendations to the Secretary concerning matters relating to the Secretary's functions in the field of drug abuse, including matters related to the development of new programs; the efficient administration of programs; the supplying of needed scientific and statistical data and program information to interested professionals and para-professionals and the general public; and policies and priorities relative to grants and contracts in the drug abuse field. The council must report on its activities.

Sec. 602—Review by council of certain grants under part D of the Community Mental Health Centers Act

Provides that instead of the National Advisory Mental Health Council's approving grants under Part D of the Community Mental Health Centers Act, policy for such grants shall be reviewed by the Council established in the previous section.

TITLE VII—CONFIDENTIALITY OF RECORDS

Sec. 701—Confidentiality

Assures the confidentiality of patients in drug prevention, treatment and rehabilitation programs. Nothing in the provision, however, may be construed to limit the use of information by persons engaged in research provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics therein:

TITLE VIII—GENERAL

Sec. 801—Saving provision

Provides that if any section of the Act is determined to be invalid that that fact shall not impair any other section.

Sec. 802—Regulations

Permits the Secretary to make necessary administrative regulations.

Sec. 803—Economic Opportunity Act Amendment

Adds a new section to Title VIII of the Economic Opportunity Act of 1964, to provide for a Director, a Deputy Director, an Associate Director for Domestic and Anti-Poverty Programs, and an Associate Director for International Programs. Other related provisions are also included in the section.

ESTIMATED COST OF LEGISLATION

Pursuant to section 252 of the Legislative Reorganization Act of 1970, the following are estimates of the costs to be incurred in carrying out this bill:

If the amounts authorized in section 210 (a) are fully appropriated the total cost of the activities referred to by that section would be $5 million in fiscal 1972, $10 million in fiscal 1973, $12 million in fiscal 1974, and $15 million in fiscal 1975.

If the amounts authorized in section 210 (b) are fully appropriated, the total cost of the activities referred to by that section would be $40 million in fiscal 1972, $40 million in fiscal 1973, $40 million in fiscal 1974, and $40 million in fiscal 1975.

If the amounts authorized in section 501 are fully appropriated, the total cost of the programs referred to by that section would be $15 million for fiscal 1972, $30 million for fiscal 1973, $40 million for fiscal 1974, $45 million for fiscal 1975, and $50 million for fiscal 1976.

If the amounts authorized in section 511 are fully appropriated, the total cost of the programs referred to by that section would be $65 million for fiscal 1972, $170 million for fiscal 1973, $260 million for fiscal 1974, $400 million for fiscal 1975, and $450 million for fiscal 1976.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes in Committee:

Motion by Mr. Williams to report the bill: Yeas—17:

Mr. Williams, Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Stevenson, Mr. Javits, Mr. Stafford, Mr. Dominick, Mr. Schweiker, Mr. Packwood, Mr. Taft, and Mr. Beall.

Nays—.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC HEALTH SERVICE ACT

Public Health Service Act, as amended

Title II—Administration

National Advisory Councils

SEC. 217. (a) The National Advisory Health Council, the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council shall each consist of the Surgeon General, who shall be chairman, the chief medical officer of the Veterans' Administration or his representative and a medical officer designated by the Secretary of Defense, who shall be ex officio members; and twelve members appointed without regard to the civil service laws by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare. The twelve appointed members of each such council shall be leaders in the fields of fundamental sciences medical sciences or public affairs, and six of such twelve shall be selected from among the leading medical or scientific authorities who, in the case of the National Advisory Health Council, are skilled in the sciences related to health, and in the case of the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Council on Alcoholic Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council, are outstanding in the study, diagnosis, or treatment of cancer, psychiatric disorders, alcohol abuse and alcoholism, heart diseases, and dental diseases and conditions, respectively. In the case of the National Advisory Dental Research Council, four of such six shall be dentists. Each appointed member of each such council shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the terms for which his predecessor was appointed shall be appointed for the remainder of such term; (2) the terms of the members (other than the members of the National Advisory Council on Alcohol Abuse and Alcoholism) first taking office after September 30, 1950, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Surgeon General at the time of appointment; and (3) the terms of the members of the National Council on Alcohol Abuse and Alcoholism first taking office after the date of enactment of this clause, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment. None of the appointed members shall be eligible for reappointment within one year after the end of his preceding term, but terms expiring prior to October 1, 1950, shall not be deemed "preceding terms" for the purposes of this sentence.

(b) The National Advisory Health Council shall advise, consult with, and make recommendations to, the Surgeon General on matters relating to health activities and functions of the Service. The Surgeon General is authorized to utilize the services of any member or members of the Council, and where appropriate, any member or members of the national advisory councils or committees established under this Act on cancer, mental health, alcohol abuse, and alcoholism, heart, dental, rheumatism, arthritis, and metabolic diseases, neurological diseases and blindness, and other diseases, in connection with matters related to the work of the Service, for such periods, in addition to conference periods, as he may determine.

(c) The National Advisory Mental Health Council shall advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of mental health. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of mental health and recommend to the Surgeon General, for prosecution under this Act, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of psychiatric disorders; and (2) to collect information as to studies being carried on in the field of mental health and, with the approval of the Surgeon General, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public and private), physicians, or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Surgeon General, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of mental health; and the Surgeon General shall recommend acceptance of any such gifts only after consultation with the Council.

(d) The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Secretary in the field of alcohol abuse and alcholism. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of alcohol abuse and alcoholism and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of alcohol abuse and alcoholism, and (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism and, with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations (public or private) or physicians or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of alcohol abuse and alcoholism; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council.

(e) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members who are appointed by the Secretary without regard to the civil service laws. These twelve appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

The Council shall:

(1) advise, consult with, serve as a sounding board for, and make recommendations to the Secretary—

(a) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including but not limited to the development of new programs and priorities; the efficient administration of programs, and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

(b) concerning policies and priorities relative to grants and contracts in the field of drug abuse which are made by the Secretary or by agencies and individuals responsible to him.

(2) submit to the Secretary and to the Director of the Special Action Office, for inclusion in the annual report required by section 202(a)(6) of this Act, a report which:

(a) summarizes the activities of the Council,

(b) summarizes their recommendations to the Secretary, their reasons therefor, and the extent to which their recommendations have been adopted, and

(c) includes copies of resolutions and other appropriate official documents of the Council.

COMMUNITY MENTAL HEALTH CENTERS ACT

TITLE II—COMMUNITY MENTAL HEALTH CENTERS

Part D—Narcotic addiction, drug abuse, and drug dependence prevention and rehabilitation

SEC. 251. (a) Grants from appropriations under section 261 may be made to public or nonprofit private agencies and organizations to assist them in meeting the costs of construction *or leasing* of treatment facilities (including *facilities for emergency medical services, intermediate care services, outpatient services or* posthospitalization treatment facilities) for narcotic addicts and other persons with drug abuse and drug dependence problems within the States, and to assist them in meeting the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation of such facilities constructed with grants made under part A or this part or of new services in existing treatment facilities for narcotic addicts, and other persons with drug abuse and drug dependence problems.

(b) The grant program for construction *or leasing* of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A except to the extent, in the judgment of the Secretary, special considerations make differences appropriate; but (1) before the Secretary may make a grant under such subsection for the construction of a treatment facility for narcotic addicts and other persons with drug abuse and drug dependence problems he must find that the application for such grant meets the requirement of section 205(a)(5) (relating to the payment of prevailing wages), and (2) the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum (or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area); as the Secretary may determine.

Part E—General provisions

Approval by National Advisory Mental Health Council

SEC. 266. Grants made under this title (other than part C *and part D* thereof) for the cost of construction and for the cost of compensation of professional and technical personnel may be made only upon recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act. Grants under part C of this title for such costs may be made only upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism established by such section. *Grants under part D of this title for such costs will undegro such review as is provided by section 217(e) of the Public Health Service Act.*

ECONOMY OPPORTUNITY ACT OF 1964

TITLE VIII—DOMESTIC VOLUNTEER SERVICE PROGRAMS

Part C—General provisions

Coordination With Other Programs

SEC 831. The Director shall take necessary steps to coordinate volunteer programs authorized under this title with one another, with community action programs, and with other related Federal, State, local, and national programs. These steps shall include, to the extent feasible, actions to promote service by volunteers or former volunteers in the full-time programs authorized under part A in providing necessary support to programs under part B, and actions to encourage persons serving as part-time or short-term volunteers to make commitments under part A as regular or associatted full-time volunteers. The Director shall also consult with the heads of other Federal, State, local, and national agencies responsible for programs related to the purpose of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation or training of part-time volunteers serving pursuant to this part.

Participation of older persons

SEC. 832. In carrying out this title, the Director shall take necessary steps, including the development of special projects where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under this title and, because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that they are served in proportion to their need.

Application of Federal law

SEC. 833. (a) Except as provided in section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section, volunteers under this title shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal employment.

(b) Individuals who receive either a living allowance or a stipend under part A shall, with respect to such services or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1), (2), and (3) of this Act, except that for purposes of the computation described in 116(a)(2)(B) the monthly pay of a volunteer shall be deemed to be that received under the entrance salary for GS-7 under section 5332 of title 5, United States Code.

(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

Special Limitations

SEC. 834. (a) The Director shall prescribe regulations to assure that service under this title is limited to activities which would not otherwise be performed and which will not result in the displacement of employed workers or impair existing contracts for service.

(b) All support, including transportation provided to volunteers under this title, shall be furnished at the lowest possible cost consistent with the effective operations of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder shall request or receive any compensation for services of volunteers supervised by such agency or organization.

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(e) Persons serving as volunteers under this title shall provide such information concerning their qualifications, including their ability to perform their assigned tasks and their integrity, as the Director shall prescribe and shall be subject to such procedures, for selection and approval as the Director may require. The Director may fix such special procedures for the selection and approval of low-income residents of the area to be served by a program who wish to become volunteers as he determines will contribute to carrying out the purposes of this title.

Duration of Program

SEC. 835. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the five succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

Officers of Action

SEC. 836. (a) There shall be at the head of Action the Director of Action. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(b) There shall be in Action a Deputy Director of Action who shall be appointed by the President, by and with the advice and consent of the Senate and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director of Action shall from time to time assign or delegate, and shall act as Director of Action during the absence or disability of the latter or in the event of vacancy in the office of Director of Action.

(c) There shall be in Action, two Associate Directors of Action one of whom shall be designated as Associate Director for Domestic and Antipoverty Programs, and one of whom shall be designated as Associate Director for International Programs who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Associate Director will be primarily responsible for the program operations of Action within his respective jurisdictional area. In addition, they shall perform such functions as the Director of Action shall from time to time assign or delegate.

(d) There shall be in Action not to exceed four Assistant Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director of Action shall from time to time assign or delegate.

(e) The provisions of Sec. 1(d) of Reorganization Plan No. I of 1971 are hereby superseded by the provisions of this section.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. I am glad to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank the distinguished Senator from Iowa.

I would like to congratulate Senator HUGHES on bringing before the Senate this far-reaching legislation which will target present Federal programs pertaining to drug abuse.

The Office of Education presently has authority to conduct certain programs under the Drug Abuse Education Act of 1970. I am concerned about changes that may be made in this excellent program by the pending legislation.

I would like to ask the distinguished Senator from Iowa a number of questions regarding the administration of the Drug Abuse Education Act.

The committee report, on page 2, states the following:

> No authority is vested in the Director of the Special Action Office to transfer money from one program to another or to directly operate presently existing programs, or to replace the leadership of on-going programs, except to the extent that such authority is already vested in or exercised by the Office of Management and Budget or provided for in the reorganization authority granted to the new Office by this Act.

The language of the bill, in titles I and II, indicates that the special action office of the White House will have policy control of the Drug Abuse Education Act. Does the language in the committee report stating that the special office will not operate programs such as the drug abuse education program, except to the extent that such authority is already "exercised" by, but not "vested" by law in, the Office of Management and Budget, mean that the special White House office will have operational authority over the drug education program which has not in the past been legally exercised by the Office of Management and Budget?

Mr. HUGHES. I would reply to the distinguished Senator from Rhode Island that the Director, in the executive branch, has a general policymaking, planning, budget, and oversight role which will put some consistency and planning into our overall efforts in the drug abuse prevention and treatment area. This is a substantive authority but is something quite different from an authority to directly operate a particular agency's program or to simply pull up and move such a program without first receiving congressional consent.

The legislation vests no authority in the Director to transfer money from one program to another or to directly operate presently existing programs, or to replace leadership of ongoing programs that is not already legally vested in the Office of Management and Budget or provided for in the reorganization authority of section 206(a) of the proposed act. That latter subsection simply ties into the existing Government Reorganization Act, which requires reorganization plans to be submitted to the Congress, and so on.

So I do not think there should be a fear of the Director's taking over the daily operations and running of ongoing programs. He does not have the authority to do that—nor does he want it, as I understand it. That would be an impossible task. I should mention that the Director of the special action office has authority to use money from a special fund established by the bill to finance some experimental and research demonstration programs of his own in the drug area.

So, as a result, I believe that the legislation is such that the Director would not have the authority the Senator is concerned about.

Mr. RIBICOFF. Mr. President, if the Senator will yield, for the purposes of the record, I want to affirm the statement made by the distinguished Senator from Iowa. He has stated our intention correctly. I do not believe the distinguished Senator from Rhode Island need fear that the Director's authority would usurp operating functions of other agencies.

Mr. PELL. I appreciate these reassurances, and I would hope that this dialog which is automatically a part of the legislative history of the bill, will be noted, especially by the men in the White House who will have responsibility in this new office. They should read this dialog and be guided by the congressional intent, by the report, and by what we have said here on the floor.

I thank the Senator from Iowa.

Mr. HUGHES. I thank the Senator from Rhode Island for bringing this matter to our attention on the floor and incorporating it as a part of the legislative history in this debate today.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, the Senator from California has an amendment he is proposing under the agreed-to arrangement.

AMENDMENTS NO. 780

Mr. TUNNEY. Mr. President, I call up my amendments No. 780.

The PRESIDING OFFICER. The clerk will read the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. TUNNEY. Mr. President, I ask unanimous consent to dispense with further reading of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 780) are as follows:

On page 58, line 20, insert the following new title:

"TITLE VIII—REGIONAL CENTERS OF EXCELLENCE AND CAREER AWARDS IN DRUG ABUSE RESEARCH AND EDUCATION

"PART A—REGIONAL CENTERS OF EXCELLENCE

"ESTABLISHMENT OF CENTERS

"SEC. 801. The Secretary is authorized to make grants to and enter into contracts with universities and other public or nonprofit private institutions for the establishment of and for the development of proposals and plans for such establishment, up to a maximum of six regional centers for drug abuse research and education.

"SELECTION OF REGIONAL CENTERS

"SEC. 802. Selection of regional centers under this part shall be determined by an appropriate advisory committee to be established by the Secretary and located within the National Institute on Drug Abuse, including appropriate review procedures. Such procedures shall include provision for geographical distribution of such regional centers to the broadest extent feasible.

"FUNCTIONS

"SEC. 803. (a) Regional centers established pursuant to this title shall carry out a multidisciplinary program in drug abuse and drug dependence, including research, educaton of personnel, experimental therapeutics, model treatment projects, continuing professional education, and public education.

"(b) For purposes of this section:

"(1) 'research' shall include—

"(a) basic mechanisms of drug action including alcohol);

"(b) biology of the addicting process;

"(c) development of blocking agents;

"(d) development of substitute chemicals;

"(e) identification of biological, psychological, and social factors predisposing individual to alcohol or drug dependence or influencing the course of such dependence;

"(f) general research on other aspects including legal research and development of evaluation systems.

"(2) 'education' includes—

"(a) enhancement of existing professional education regarding alcohol and drug abuse and dependence in fields such as medicine, law, psychiatry, nursing, social work, psychology, pharmacology, and anthropology;

"(b) establishment of new educational programs including development of new categories of health and personnel to deal with alcohol and drug dependence and abuse;

"(c) development of teaching materials for alcohol and drug abuse related education programs at all levels of education.

"(3) 'model treatment projects' includes projects to carry out research and education and to permit testing of experimental therapeutics and new treatment methods, and the demonstration of existing treatment methods.

"FUNDING

"SEC. 804. (a) Grants or contracts entered into pursuant to this part shall be made upon a five-year renewable basis, subject to annual review and negotiation as provided in section 805 and shall include funds for staffing and operation of the centers, construction, and program evaluation.

"(b) Grants and contracts for staffing and operation may include funds for professional and staff salaries, leasing, and other rental expenses related to physical facilities, supplies and equipment, stipends for trainees and fellows, travel consultations, data processing, and institutional administrative costs and shall not require in-kind or cash contribution by the grantee. Grants and contracts pursuant to this section shall be made on a five-year basis: *Provided*, That payments under such grants and contracts shall not exceed $1,000,000 per year to any regional center during the first three years of such grant or contract.

"(c) Grants and contracts for construction may include (1) construction of new buildings and the expansion, remodeling, and alteration of existing buildings including architect fees, but not including the cost of acquisition of land or offsite improvements, and (2) equipping new buildings and existing buildings whether or not expanded, remodeled, or altered. Construction grants shall not exceed $7,000,000 for any one regional center.

"(d) Not less than 5 per centum of funds appropriated pursuant to section 805 shall be reserved for program evaluation costs. Such sum may be expended by the Secretary for the purpose of conducting periodic evaluations of administration of this title and the operation of regional centers pursuant to this title and may be expended in such amounts and under such terms and conditions as the Secretary deems appropriate.

"(e) Payment pursuant to grants or contracts may be made in advance or by way of reimbursement and in such installments as the Secretary shall prescribe.

"AUTHORIZATION

"SEC. 805. (a) For the purposes of section 804(b) and (d), there are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1973; $7,000,000 for the fiscal year ending June 30, 1974; $7,500,000 for the fiscal year ending June 30, 1975; $8,000,000 for the fiscal year ending June 30, 1976; and $8,000,000 for the fiscal year ending June 30, 1977.

"(b) For the purposes of section 804(c) of this part, there are authorized to be appropriated $21,000,000 for the fiscal year ending June 30, 1973, and $21,000,000 for the fiscal year ending June 30, 1974.

"(c) Such sums shall remain available until expended.

"PART B—CAREER AWARDS

"NUMBER OF AWARDS

"SEC. 831. (a) The Secretary is authorized to make not to exceed fifty career awards in the fields of alcohol and drug abuse research and education to be used for study and research at institutions of higher education or research.

"(b) Such awards shall be made for five calendar years' duration and shall be renewable.

"AMOUNT OF AWARD

"SEC. 832. Career awards under this title shall consist of a maximum award of $50,000 per year and may include payment for salaries and stipends, research support, administrative costs, travel, and data processing: *Provided*, That salary payments to the individual awardee shall be limited to a maximum amount established by Institute procedures dealing with similar career awards in other fields.

"SELECTION OF RECIPIENTS

"SEC. 833. (a) Recipients of career awards established pursuant to this part shall have manifested superior caliber or great promise in education and research in one or more academic fields relevant to alcohol or drug dependence and abuse and must be associated with a supporting institution approved by the Secretary.

"(b) The Secretary shall by regulation prescribe uniform procedures for the selection of such recipients, including review of applications for such selection by an appropriate committee to be selected by him.

"(c) No award may be made under this part except upon application made to the Secretary containing or accompanied by such information as the Secretary may reasonably require.

"APPROVAL OF SUPPORTING INSTITUTIONS

"SEC. 834. For purposes of this part, the Secretary shall approve any institution of higher education or other nonprofit research or educational institution as a supporting institution for purposes of this part upon a finding that—

"(1) the institution has in existence, or will establish, a research and education program in drug dependence and abuse appropriate for the support of the work of the award recipient, and

"(2) the institution has made satisfactory assurances that it will make reasonable continuing efforts to encourage and assist the award recipient in the development of his individual expertise and to promote further development of his field for the term of the award.

"ADMINISTRATION OF AWARDS

"SEC. 835. Payment of sums awarded under this part shall be made by the Secretary to the supporting institution, and shall be disbursed by such institutions, in such manner as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

"AWARD CONDITIONS

"SEC. 836. (a) A recipient of a career award under this part shall pursue a program of research and education in drug dependence appropriate to his individual qualifications in, and to promote further development of, the field in which such award was granted. Payments to any award recipient under this part shall continue only during such periods as the Secretary finds that he is devoting essentially full time to education and research in the field in which such award was granted at a supporting institution approved by the Secretary under section 834 of this Act.

"(b) The Secretary shall establish appropriate procedures to revoke a career award upon a showing of good cause.

"ANNUAL REVIEW AND TRANSFER OF CAREER AWARDS

"SEC. 837. (a) Career awards shall be subject to review by the Secretary on an annual basis for the purpose of assuring compliance with the purpose of this Act and the provisions of this part.

"(b) The Secretary shall establish appropriate procedures to permit the transfer of a career award by an award recipient from a supporting institution to a new supporting institution, where in the judgment of the Secretary such transfer will not conflict with the purposes of this part.

"AUTHORIZATION

"SEC. 838. For the purposes of carrying out the provisions of this part, there are authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1973; $2,500,000 for the fiscal year ending June 30, 1974; $2,750,000 for the fiscal year ending June 30, 1975;

$2,750,000 for the fiscal year ending June 30, 1976; and $3,000,000 for the fiscal year ending June 30, 1977."

On page 58, line 20, strike out "VIII" and insert in lieu there "IX" and renumber succeeding sections accordingly.

The PRESIDING OFFICER. It would take unanimous consent to consider the amendment since it applies to a part of the bill already amended.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the amendment of the Senator from California be considered at this time and be considered to be in order.

Mr. HUGHES. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. HUGHES. Will the Chair please explain to the Senator from Iowa what the last statement of the Chair was? The amendment of the Senator from California is not a part of this amended piece of legislation before the Senate at the present time.

The PRESIDING OFFICER. The Chair stated that the amendment proposes to amend a part of the legislation which has already been amended.

Mr. HUGHES. I thank the Chair for explaining it to the Senator from Iowa.

Mr. TUNNEY. Mr. President, I ask unanimous consent that my amendments No. 780 be considered.

The PRESIDING OFFICER. Without objection, the amendments will be considered.

Mr. TUNNEY. Mr. President, the bill we have before us is an excellent one and I support it fully. I joined with numerous other Senators of both parties in cosponsoring it. The provisions contained in S. 2097 are designed to bring to bear all of the resources of the Federal Government in a highly focused and coordinated manner on the terrible problem of drug abuse. The Special Action Office, the national drug abuse strategy, the National Institute on Drug Abuse, the State and local grant program, and the National Advisory Council—all of these provisions represent a fundamental and far-reaching commitment to use all of the resources available to us against drug abuse.

I want to commend in particular the dedicated and tireless efforts of Senator HUGHES, the distinguished chairman of the Alcoholism and Narcotics Subcommittee; Senator PERCY, the prime sponsor of S. 2097; and Senators MUSKIE, RIBICOFF, JAVITS, and DOMINICK—all of whom are responsible for bringing together a product which commands broad bipartisan support. I am encouraged tremendously that we are now moving very clearly toward a consensus against drug abuse.

There is an area, however, which I believe must be dealt with on a much more substantial basis and is therefore the subject of the amendment which I am offering. No matter how skillfully the legislation before us is drafted, and no matter how competent are those who implement it, the fact remains that they must operate with only the talent and the knowledge that we now have about drugs. Frankly, there is a tremendous shortage of that talent and research upon which to call.

S. 2097 will make a major step toward filling this shortage, but I believe we must make additional provision for long-term growth and development of talent and knowledge against drugs.

Moreover, I feel we must make a fundamental commitment to make resources available on a very direct and immediate basis to State and local programs and agencies which must deal with drug abuse. To put it bluntly, all of the mechanisms which we create will not be adequate if we do not bridge the continent-wide gap that exists between Washington and the local community. If there is one thing I have learned here in the Senate, it is that San Diego and Los Angeles and San Francisco and all of the other large cities of the West are a continent away from resources here in Washington. Proposals for national research centers or a national institute or any other national effort against drug abuse, laudable though they may be, simply cannot provide direct and continuing communication and expertise of the kind needed to combat drug abuse throughout the country.

Few communities can afford to make use of research and training facilities here in Washington on anything other than a limited basis. How many communities could expect to send more than one or two persons back to Washington for training or consultation. Unless research and training efforts are available in a much more immediate and accessible fashion, much of their value is dissipated.

It is essential to any proposal for nationwide action that we include mechanisms to make it effective in local communities.

In order to deal with both of these problems on a direct and immediate basis, I am proposing an amendment to create two basic and powerful mechanisms to a continuing and expanding fund of knowledge and talent in drug abuse.

The amendment provides for the establishment of, first, regional centers—up to a maximum of six—for research and education in drug abuse; and second, 5-year renewable awards to individual experts for increased research and education in drug abuse and drug dependence.

Part A of the amendment provides for the establishment of a maximum of six regional centers of excellence in drug abuse research and education. Each center would conduct a multidisciplinary program in drug abuse and drug dependence including research, education of drug abuse personnel at all levels, model treatment projects, experimental therapeutics, continuing education for professionals in drug abuse fields and public education. The centers would be located at universities or other public or nonprofit institutions and would be selected by the Secretary of Health, Education, and Welfare through the National Institute on Drug Abuse.

In order to maximize the practical benefits of these centers, the amendment provides that they be located on a regional basis. In this way, they would serve as an important resource to State and local communities. This, I believe, is a fundamental necessity.

Regional centers such as those envisioned by this amendment could offer substantial education and training programs for State and local officials, professional staff and treatment personnel, school personnel, and any other persons who must deal with drug abuse. At the same time the methods developed at such centers could be communicated to and implemented by local agencies on a continuing basis.

Part B of the amendment would establish a program of individual experts in fields related to drug abuse. Awards under this program would be designed to provide to individuals of proven ability or great promise the opportunity to make a major commitment of their time and effort in research and education related to drug abuse.

The career awards program is modeled after a very successful program of similar awards in the field of mental health. It is founded upon the idea that capable and dedicated individuals, given even a modest amount of support, can make a major contribution to research and education in a specific field if they are assured of some continuity in that support.

CONCLUSION

Mr. President, both of these proposals included in my amendment are the result of extensive discussions with medical and professional persons who deal with drug abuse on a daily basis in cities and towns throughout the country. I can say without hestitation that there is a widespread belief that mechanisms such as these are absolutely essential if we are to make lasting progress in the fight against drugs.

I have with me a large number of letters from academic and professional persons working in the drug abuse field. These letters indicate very strong support for my amendment. I ask unanimous consent that some of the letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF.,
November 23, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: As you requested, I have reviewed S. 2809 and consider it extremely exciting and pertinent legislation. It addresses itself to a most fundamental and pressing societal issue—drug abuse, and to your credit presents a viable solution to the problem.

While I am in sympathy with any legislation that attacks the drug problem, my chief concern is that we have the manpower to launch the attack. S. 2809 offers an effective answer to the manpower issue—the Regional Centers in Drug Abuse Research and Education. It is only through concerted, interdisciplinary efforts that we will be able to muster the manpower talent to deal effectively and emphatically with all the issues related to drug abuse. The Centers offer an unprecedented opportunity for research and education. While I am sympathetic to the proposed Special Action Office in the White

House and an Institute for Drug Abuse and Drug Dependence, I am concerned about the success of such an effort unless research and education are essential components. The Regional Centers you propose give assurance that the programs envisage through the enactment of S. 2097 will be implemented.

However, for the Regional Centers to be a success I am convinced that the programs must be interdisciplinary. The drug abuse problem is so vast and interwoven that only interdisciplinary efforts can deal with it effectively. Therefore, a condition of funding the Regional Centers must be that they be interdisciplinary, testing and utilizing the talents of various skills and disciplines.

If properly administered and adequately funded, I am convinced that S. 2809 will take us a long way toward combating drug abuse.

If I can be of any further assistance please call on me.

Sincerely,

Edwin F. Rosinski,
Executive Vice Chancellor.

Institute for Public Policy Analysis,
Stanford, Calif., November 23, 1971.
Hon. John V. Tunney,
U.S. Senate
Washington, D.C.

Dear Senator Tunney: I appreciate your letter of November 18th with the enclosed copy of Senate Bill 2809 and Amendment to Senate Bill 2097, along with your fine introductory remarks. I have found it a pleasure to read the proposed legislation and am in complete agreement, not only with its logic but with the excellent particulars which you detail. Certainly the funds which you request for the beginning years are modest and even the later full amounts are small in comparison with the hidden and direct costs which the variety of drug related problems visit upon our society. One of the strengths of your proposal is that the centers you envision would provide a place for interested undergraduates and graduates to enroll and work in, thereby providing assurance of a suitable training for what might very well be a large number of highly motivated and thoroughly competent young people who these days find their desires to be of assistance in the drug field frustrated, or find it necessary to apprentice themselves to clinics or store front programs where they do not receive adequate training for their fully effective development. Your attention to the need for a multi-disciplinary approach and long term funding is critical. Most important is your awareness that drug problems present a chronic threat to public health and safety and at the very least are symptoms or correlates of a wide variety of other disorders, which, in consequence, means that a long term program designed to meet drug abuse problems will also necessarily attend to some of the basic difficulties which our society faces in the field of public health, delinquency and family disorder.

I commend you on your continued interest in the role of the government in the treatment of drug problems and I wish to express my gratitude to you for introducing S. 2809. I hope it speedily becomes law. I am taking the liberty of sending carbons of this letter to Senators Harold Hughes and Jacob Javitts.

Sincerely,

Richard H. Blum, Ph. D.,
Program Director.

The University of Michigan,
Ann Arbor, Mich., November 22, 1971.
Hon. John V. Tunney,
U.S. Senate,
Washington, D.C.

Dear Senator Tunney: I should like to congratulate you on your proposed bill, S. 2809, designed to encourage the development of knowledge in the field of drug abuse. I believe that you have hit on several key provisions, including the development of regional centers of research, support for career investigators and development of effective teaching techniques for the spread of new knowledge. As a psychopharmacologist long involved in the study of drugs affecting the brain, I am most encouraged by this proposal. I strongly support your bill not only as a scientist but also as a father of five growing children. Our society needs to develop more effective means of combatting drug abuse. I personally am convinced that new techniques will only come about through effective research.

If I can help in any way, please let me know for I would be more than happy to appear before any legislative committee to support the concepts outlined in your bill.

I am sending carbon copies of this letter to our honorable senators from the State of Michigan as well as Senators Hughes and Javits.

Sincerely,

E. F. Domino, M.D.,
Professor of Pharmacology.

Los Angeles, Calif.,
November 26, 1971.
Senator John V. Tunney,
U.S. Senate,
Washington, D.C.

Dear Senator Tunney: My thanks for sending a copy of S. 2809. I can support the intent and content of the bill without reservation. During my tenure as Director of the Division of Narcotic Addiction and Drug Abuse at the National Institute of Mental Health, I hoped for funds which could support regional centers for the study of drug abuse. At U.C.L.A. we are about to initiate a Center for Studies of Drug Abuse which will coordinate our many activities in this area. When funds become available under your bill, we would apply for them and expand our Center.

I shall be testifying before the Senate Subcommittee on Juvenile Delinquency next month and will express my support of your measure at that time.

Sincerely,

Sidney Cohen, M.D.

Mental Health Services,
Modesto, Calif., November 24, 1971.
Hon. John V. Tunney,
U.S. Senator from California,
Washington, D.C.

Dear Senator Tunney: I am writing you at the request of Dr. Hewitt Ryan in regard to Senate Bill 2809 I am currently working with Dr. Ryan in the Department of Mental Health of Stanislaus County in developing a comprehensive drug abuse and alcoholism program with the eventual goal of establishing an Addictive Service as part of our overall health care capability. We have been working toward developing this program as a comprehensive service that would include elements appropriate for virtually every element of drug abuse, addiction, and alcohol abuse.

In attempting to develop a comprehensive program of this type, we have found that with current legislation we must approach the problem in a fragmented manner, applying for various grants to fund different elements of the program. This makes little sense either from a health care or a research standpoint. What we really need is a comprehensive program that could be funded on a regional basis to include all necessary services, training, and research elements so that the efficacy of such programs could be evaluated in a logical and coherent manner. Your bill seems to speak directly to this point. Furthermore, your legislation recognizes the difficulty we have faced in finding adequate financing for our program. Current legislation is totally inadequate, both from the standpoint of amount and continuation. I don't think most people understand that once a commitment is made for either treatment of research in an area such as drug abuse or addiction that this commitment is long term and indeed probably indefinite. Also, these programs are extremely expensive and probably will never be totally self-supporting. We thus really need adequate, long term financing with provisions for the development of real expertise and also a strong emphasis on evaluation of current and new techniques in the areas of drug abuse and addiction. S. 2809 would be an appropriate step in this direction. Your concept of training makes a great deal of sense. I feel that career awards would bring qualified people into this area of work on a long term basis, and with this kind of commitment people would be able to devote full time and their entire effort to drug abuse and addiction and would not have to make changes in their areas of interest dependent on "where the money is".

I would suggest that the regional centers considered under this legislation be located in areas of relative population stability and in areas where population size would allow for meaningful research and adequate long term follow-up. Another consideration would be the location of such centers in areas of greatest need. These programs should also emphasize utilizing existing community resources as much as possible to prevent dislocation of individuals from their "natural environment." This would prevent the introduction of extraneous variables into research.

In summation, I strongly support S. 2809 as a desperately needed measure. I would also encourage the passage of similar legislation to provide for the comprehensive programs, perhaps of a smaller nature, concerning the needs of individual communities. Perhaps this provision could be included as a part of S. 2809 so that each regional center could develop more comprehensive programs under their jurisdiction in nearby communities.

Thank you very much for this opportunity to review this legislation. I hope that my comments have been of some help.

Sincerely yours,

Ronald A. Bortman, M.D.,
Chief Physician,
Heroin Addiction Treatment

Los Angeles, Calif.,
November 22, 1971
Hon. John V. Tunney,
U.S. Senate,
Washington, D.C.

Dear Senator Tunney: I have studied with care your bill S. 2809 and I hereby give it my wholehearted endorsement.

Certainly one reason we are faced with a mounting drug abuse problem today is our ignorance about possible causes, both biological and sociological, of drug addiction. As physicians, we are in the unfortunate position of attempting to prevent drug abuse and to treat patients with drug abuse problems without knowing the causes. This is similar to the problem physicians used to experience when attempting to treat a patient with "fever," without knowledge of the source of the fever. Although application of cold baths was beneficial in some patients, the real solution to the "fever" problem had to await the discovery of the specific causes of fever. Once this was learned, effective treatment and preventive measures quickly followed.

Although much good can be accomplished through application of existing knowledge, the real solution to the drug abuse problem will have to await better understanding of causes of drug abuse. Such knowledge will most certainly provide the basis for more effective means of prevention and treatment.

National legislation designed to solve the drug abuse problem in absence of a program aimed at looking for the basic underlying causes and toward developing better treatment methods is both nearsighted and unrealistic.

Your proposal, S. 2809, which is designed to provide for the development of desperately needed new knowledge in the drug abuse field, as well as training and education, is an important piece of legislation if we are to finally solve the drug abuse problem.

It is my sincere hope that the Senate will seriously consider the importance of the role of research in the solution of the drug abuse problem and will approve your bill S. 2809, or some other similar proposal.

Sincerely,

JAMES H. SATTERFIELD,
Director of Research, Andrew Norman Research Center.

WASHINGTON UNIVERSITY SCHOOL OF MEDICINE,
St. Louis, Mo., November 22, 1971.
Sen. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have carefully read your amendment to the comprehensive drug bill (S. 2809) and consider it admirable in every respect. As a career investigator in the area of alcohol and drug abuse I paid particular attention to the section on career awards and found it realistic and complete. I will urge our Missouri members of Congress to support the amendment.

Sincerely,

DONALD W. GOODWIN, M.D.,
Assistant Professor of Psychiatry.

EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE,
Philadelphia, Pa., November 22, 1971.
Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18 which contained the reprint of your bill. In my view, your bill is most enlightened and passage and implementation of it would contribute significantly to the future struggle against drug abuse. It lays the groundwork for a long-term effort and this is precisely what is needed.

I have not had time to think about any suggestions for change in the bill. I certainly hope that you will be able to see it through.

Yours sincerely,

CHARLES SHAGASS, M.D.,
Professor of Psychiatry, Temple University.

MONTEFIORE HOSPITAL AND MEDICAL CENTER,
Bronx, N.Y., November 22, 1971.
Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of the 18th of November 1971, and for the copy of the Congressional Record of the Senate dated the 3rd of November 1971. I deeply appreciate your allowing me to respond both to your letter and to your statement to the United States Senate.

I completely agree with you that there is a tremendous problem of drug abuse and that we are almost wholly ignorant of the causes of such abuse and the mechanisms by which drug dependency is established and maintained in its individual users. As with all other such matters, the approach to the treatment of drug abuse must be based on scientifically founded knowledge. Your proposed bill deals with just this problem with great foresight. Let me simply mention that the problem of drug abuse is probably a heterogeneous one. That is, the abuse of alcohol is quite different from the abuse of heroin and even of the hallucinogenic agents, such as Mescalline. We need all the information and talent to tackle each one of these separate problems. Your bill is certainly a major advance in this direction. It is particularly urgent that new information be gathered in order to avoid the social consequences of drug abuse. These consequences are not only in the form of crime, but in the terrible toll of disease and death which the abuse of alcohol particularly exacts.

Your proposal is certainly to be commended and your statements before the Senate are to be commended.

Sincerely yours,

HERBERT WEINER, M.D.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
November 19, 1971.
JOHN V. TUNNEY,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for the opportunity to comment on your bill concerning drug abuse, I especially commend it. The idea of providing fixed or gradually increasing research money to workers outside the federal government is particularly attractive. Providing this is done in a limited manner around existing high level institutions (California, by the way, has no dearth of these), a sufficient nucleus of personnel and ideas should be available to make the experiment work.

As I understand your bill, it provides for research and education but not for service. This is an important point since there is, at present, unfortunately little that can be done for persons abusing drugs and pressure is strong to attempt quick remedies. It may seem humane to place all our money and effort in service connected endeavors but until there is substantial evidence that these remedies in fact work it is important for some inventive minds to look beyond the wish for immediate relief of our drug problems.

I hope the bill is successful and look forward to your sponsorship of future enlightened legislation. If I can be of help in this manner, please let me know.

Sincerely,

RICHARD J. WYATT, M.D.

UNIVERSITY OF SOUTHERN CALIFORNIA SCHOOL OF MEDICINE,
Los Angeles, Calif.
Senator JOHN V. TUNNEY,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TUNNEY: I am writing you to express my appreciation and support for S. 2809, the bill recently introduced by you to encourage the development of knowledge and professional resources to meet the continuing problem of drug abuse in the future.

Current problems of drug abuse are simply a beginning, and it would be naive for anyone to believe other than that we will have a continuing and increasingly severe problem. We are on the threshold of great advances in psychopharmacology, but each advance in mind-altering or mood-altering drugs brings with it the potential for abuse. Our problems with hard narcotics will continue, and to this will be added future problems of great severity. Unfortunatley, we are already severely limited in our knowledge and manpower resources to deal even with the old problems.

Senate bill 2809 addresses itself to what I believe to be a core problem. That problem is the training of a large number of professionals to deal with future problems of drug abuse in both the research laboratories and within the health delivery system. As your bill indicates, these human resources must be multidisciplinary. Speaking for one interested discipline, I can assure you that very little is being done currently in the United States to train our future psychiatrists in this area. I speak as the director of one of the largest university based psychiatric residency training programs in the United States, and as chairman of the Southern California Association of Directors of Residency Training. As a group we train approximately 20% of the nation's psychiatric residents. From our discussions there is no doubt that the issue of drug abuse is insufficiently dealt with in the training programs. This is largely due to the lack of teaching and institutional resources which would be rectified by S. 2809.

Since the location of the regional centers would most likely be at the major universities, the teaching and research resources would be available not only to psychiatrists in training but to trainees from other related interested disciplines.

The Career Awards portion of the bill is of course essential, and addresses itself to the serious problems of funding and research support that have inhibited our progress thus far. The availability and stability of funding and support would make a considerable difference in terms of attracting our top talent to this most important area. In addition, I would like to see another specific form of funding added to S. 2809. Namely, I would like to see each regional center given a number of fellowship stipends of one to two year duration. I would like to see a psychiatrist, after completing his three years in general psychiatry, being able to spend one or two years in a postgraduate fellowship in drug abuse; and similarly, other postdoctoral or graduate students from other disciplines being able to spend one to two years in this field. This would encourage interested young professionals to involve themselves early in their careers in the sub-specialty of drug abuse, and in my mind there is no question but what a large percentage would remain in the field.

We live in an age of obsolescence. We build buildings which are too small by the time they are completed, we address ourselves to problems which are different by the time we reach them. Your bill, and your remarks in the Congressional Record of November 3, 1971, are refreshing in their farsightedness. It is my sincere hope that your colleagues in Congress will recognize that the adoption of S. 2809 is an absolute essential if this country is to successfully address itself to the problems of drug abuse. Accordingly, I have taken the liberty of sending copies of this letter to Senator Hughes and to Senator Javits.

Sincerely yours,

SHERWYN M. WOODS, M.D.,
Associate Professor in Psychiatry.

INSTITUTE OF LIVING,
Hartford, Conn., November 23, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18th and the copy of your bill S. 2809. I believe the bill is worded in a most appropriate fashion and that your concern for the development of adequate personnel and facilities for handling the drug abuse problem is most timely. While a number of treatment centers have been opening across the country, they tend to be staffed by people with minimal experience with either narcotic or alcohol addiction problems and are drawing very heavily on the ex-addict population for their "professional" personnel. While this technique works up to a point, as has been demonstrated in AA and some of the narcotic addict programs, my main objection to depending too heavily upon this group is their unreliability over long time spans and their lack of a real professional commitment to the work. They tend to remain involved largely because they recognize that unless they are one-hundred per cent involved in such programs that they stand a very high chance of returning to drug or alcohol abuse.

Of especial importance are the research

aspects of the centers you are proposing, since a tremendous amount of basic research, as well as further clinical research, needs to be done in these areas. As I am sure you know, the restrictive aspects of the Harrison Act have for years prevented any investigation with compounds such as heroin and marijuana. Therefore, the necessary basic knowledge about the metabolic physiology of these substances is sadly lacking.

I will certainly communicate directly with Senators Hughes and Javits, supporting your proposals, and will also write to the Congressional members from the State of Connecticut. If I can be of any further assistance, please let me know, since I believe you are proposing a most important bill. In this regard, I hope you have contacted other key members of the group of physicians who fought so hard for appropriate drug legislation and who would be most interested in the proposals you are making in S. 2809.

Most sincerely,

BERNARD C. GLUECK, Jr., M.D.,
Director of Research.

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator JOHN V. TUNNEY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18 and the copy of your bill S. 2809 "The Drug Abuse Research and Education Act of 1971." I heartily agree with the spirit as well as the specific details embodied in your proposed legislation. Indeed, even before hearing of your proposed bill, I had been thinking along the lines of developing regional drug abuse research centers and have since discussed such plans in detail with Dr. Arnold Mandell with whom I understand you have been in correspondence regarding this legislation.

Enclosed are copies of my letters to Senators Hughes and Javits explaining the reasons for my support of your legislation. If I can be of any further assistance feel free to call upon me (301)-955-3024.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator HAROLD HUGHES,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUGHES: I am writing to you to express my interest in and support for the comprehensive drug bill S. 2097 and to urge your support, in addition, of S. 2809, a bill introduced by Senator John Tunney as "the drug abuse research and education act of 1971."

Mr. Tunney's bill is designed to set up regional centers for research and education in drug abuse as well as to institute a system of career awards to scientific and clinical investigators who are making a major commitment to research and training in drug abuse. The rationale for S. 2809 is to provide a continuing resource of research knowledge and trained personnel with a view to preventing future "drug abuse epidemics" before they begin. Accordingly, the aims of S. 2809 fit in quite well with those of S. 2097 and would be workable whether administered through a White House office, the National Institute of Mental Health or a special drug abuse research institute. In fact, it is my understanding that S. 2809 will be introduced as an amendment to S. 2097.

I feel strongly that, while labeling the drug abuse epidemic a "national emergency" and designing emergency legislation to deal with it is good, this approach may be shortsighted unless combined with provisions for longterm, on-going research and education in drug abuse as proposed in S. 2809. Moreover, it is worth noting that compared to the total current federal expenditures related directly to drug abuse, about 390 million dollars in the current fiscal year, the annual cost of S. 2809, considerable less than 30 million dollars, is quite nominal.

Thank you for your thoughtful consideration.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.

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THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I am writing to clarify certain points made in my letter to you of yesterday regarding your Bill S. 2809 "The Drug Abuse Research and Education Act of 1971." Although I agree very much with all the provisions of your bill, after rethinking the situation, I have come to the view that it may not be wise to offer them as an amendment to the comprehensive drug bill S. 2097. This might only serve to muddle the flexibility of the latter bill and conceivably interfere with its passage. I would, however, be happy to testify in behalf of S. 2809 in committee. I have written both Senators Hughes and Javits about these reservations.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

NOVEMBER 24, 1971.

Sen. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I have had the opportunity to read Senator Tunney's proposed Drug Abuse Research and Education Act. This is an excellent plan, and I am particularly impressed with the idea of setting up "Career Awards in Drug Abuse Research and Education."

Patterned after the highly successful Career Development Award, such a program offers a uniquely economical approach to the pressing problems of drug abuse. The administrative overhead would be low, and the bulk of the support would go directly into the field. The idea of grants to establish "centers of excellence" in drug abuse teaching and research is appealing. However, a "center of excellence" depends primarily on an excellent man at the center. A large number of universities cannot find qualified men to fill well paid and prestigious chairs in psychiatry.

The first order of business is then to develop individuals of excellence. The heavy investment required to develop a center should be made with great caution.

Sincerely,

ENOCH CALLAWAY, M.D.

NOVEMBER 24, 1971.

Senator HAROLD HUGHES,
Chairman, Alcoholism and Narcotics Subcommittee, U.S. Senate, Washington, D.C.

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The first order of business is then to develop individuals of excellence. The heavy investment required to develop a center should be made with great caution.

Sincerely,

ENOCH CALLAWAY, M.D.

NOVEMBER 23, 1971.

Hon. JACOB JAVITS,
Senator from New York,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am writing to express my strong support for Senator Tunney's S. 2809 as an amendment to S. 2097. Drug abuse is an overwhelming problem in the South Bronx and Albert Einstein College of Medicine is responsible for the drug abuse problems in that area. The passage of S. 2809 would be tremendously useful in the recruitment of scientists to work on these crucial problems.

Very truly yours,

WAGNER H. BRIDGER,
Professor of Psychiatry.

University of California,
November 24, 1971.

Senator John V. Tunney,
U.S. Senate,
Washington, D.C.

Dear Senator Tunney: I have read with great interest your bill S. 2809, an amendment to S. 2097, the Administration's drug bill. As a former awardee of the NIMH Career Development Program, a long time investigator in the field of alcoholism, and a current member of the Alcoholism and Alcohol Problems Review Committee of the NIMH, I find your bill extremely well-formulated and if enacted would deal a major blow to the ravages of alcoholism and drug abuse. I strongly support it and have written my views on this matter to Senator Hughes and Senator Javits. If I may be of further assistance in this matter, please contact me.

Yours sincerely,
Ernest P. Noble' Ph. D., M.D.,
Professor of Psychiatry and Human Behavior, Psychobiology and Pharmacology.

Resolution Supporting Drug Abuse Research and Education Legislation

On motion of Supervisor Scheidle, seconded by Supervisor Craven, the following resolution is adopted:

Whereas, S. 2809, the Drug Abuse Research and Education Act of 1971, would authorize the establishment of regional centers of excellence in drug abuse research and education and for other purposes; and

Whereas, S. 2809 would provide for selection and establishment of regional centers; and specific drug abuse research and education programs and functions of such centers; and

Whereas, S. 2809 would provide grants for providing research and education services over a five-year period, renewable at the end of that period; and

Whereas, the County of San Diego was early in identifying and addressing itself to drug abuse problems and in developing a planned, coordinated method of working with these problems; and

Whereas, the County has been expedient in responding to the drug abuse problem, having a coordinated countywide drug control plan which incorporates such facilities as the University Hospital, Deer Park, a methadone maintenance facility and many street agencies located throughout the community; and

Whereas, the County of San Diego has shown its success in its multitude of programs and is a prime location for a regional center so proposed in S. 2809.

Now therefore, be it resolved by the Board of Supervisors of the County of San Diego that:

(1) This Board supports the "Drug Abuse Research and Education Act of 1971" (S. 2809); and

(2) The Congress of these United States are urged to cooperate in a bi-partisan effort to enact S. 2809 to meet the growing drug abuse problems that affect the health and welfare of the nation.

(3) The County, State and Federal Legislative Representatives be directed to take appropriate action to see that this Bill is enacted.

Mr. TUNNEY. Mr. President, I believe that my amendment can easily be combined with the legislation that we have before us. I think it would strengthen the legislation, good as that legislation is on its own. I have indicated that I strongly support S. 2097. But I think my amendment would increase the scope and the dimension of the legislation, and would make it more effective.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield to the Senator from Iowa.

Mr. HUGHES. I compliment the distinguished Senator from California for calling up this amendment today. I want to say that in principle, the amendment, to establish a system of centers, would have some value, as the Senator from California has indicated.

If the Senator from California will permit, I would like to ask a couple of questions relating to the amendment.

Does the Senator envision that we are going to appropriate capital resources for funding research centers in the six different regions of the United States?

Mr. TUNNEY. It is my view that we would use existing facilities at universities, hospitals, and existing research centers. I would not anticipate that we would have to start a capital construction program in order to make these centers available for the training of personnel engaged in research and education. A modest amount would be authorized to allow some changes in physical facilities to allow for multidisciplinary efforts.

Mr. HUGHES. As the Senator probably knows, there is a policy in effect now of closing or advocating the closing of Public Health Service hospitals in some regions of the country.

Mr. President, the Senator from California introduced a bill similar if not identical to this amendment earlier in the year.

Mr. TUNNEY. That is correct.

Mr. HUGHES. The bill was referred to the Committee on Labor and Public Welfare, and then later referred to the Subcommittee on Alcoholism and Narcotics, of which I am the chairman.

Because of the burden of work that the subcommittee and the committee had, we were unable to hold hearings on this particular piece of legislation. However, I wish to state to the Senator from California that as chairman of the subcommittee I would be more than willing, early next year, as soon as possible, to hold hearings on his proposal, to explore it, get the witnesses that the Senator from California has talked about, and to follow through on the measure. In all probability I might join as a cosponsor of the legislation if I were given time to consider it through the process of hearings.

At this point, I would be forced to oppose it as an amendment to the pending bill, because I feel there has been a lack of study into the need for it at this point, though it has a great deal of weight and merit, and probably could be supported and passed in this body at an early date next year.

I ask the Senator from California if he would consider the possibility of perhaps withdrawing his amendment and then, early in the year, going to hearings to explore the matter further. In all probability the matter could then be brought to the floor as a separate piece of legislation.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. TUNNEY. I yield.

Mr. JAVITS. I am the ranking member of the subcommittee the Senator from Iowa chairs so gracefully, and I should like to join with him in the assurances he has given the Senator from California, and to urge the Senator to consider his own deep feeling about this measure, and where we stand in the session.

I think he would be helping the country by letting the measure move along, and I believe also helping the proposal he has in mind, at one and the same time.

Mr. HUGHES. The Senator from Iowa would regret very much being placed in a position of opposing this amendment today, I might add. I do believe it has great merit and should probably become the law of the land. So I would repeat my request, and ask the Senator from California if he would consider withdrawing the amendment.

Mr. TUNNEY. Mr. President, I thank the Senator from Iowa and the Senator from New York for the remarks they have made. I recognize that the distinguished Senator from Iowa has been operating under a crushing schedule, and that there was not time to hold hearings on this amendment as separate legislation. I am also well aware of the very hard work which has gone to produce the bipartisan compromises we now have on this legislation. S. 2097 is a truly excellent bill and I do not wish to delay its passage or endanger its prospects in the House of Representatives or at the White House. We all believe very strongly that too much time has passed already in mounting a massive effort against drug abuse.

Considering the fact that the Senator from Iowa has been so kind to assure me today that he will hold hearings on this amendment as a separate bill in the early part of next year, I shall ask to withdraw the amendment. I do so with the understanding that there will be hearings in the early part of next year.

I feel personally that this proposal, as an amendment, is absolutely essential to provide the mechanism needed to create professional training and research centers around the country, and to do the investigative research that is necessary to fully combat the horrors of drug abuse. But I can certainly accept the compelling nature of the arguments which have been made to me by my distinguished colleagues and by members of the executive branch.

So, with that being said, Mr. President, I ask unanimous consent that my amendment No. 780 be withdrawn at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Who yields time?

Mr. PACKWOOD. Mr. President, we have before us today one of the most urgent pieces of legislation of this session. S. 2097, the Drug Abuse Office and Treatment Act of 1971, of which I am proud to be a cosponsor, is the product of long and careful study by the administration, two Senate committees, and numerous groups and individuals. It is a study of this Nation's critical drug problem and what it will take to reach or at least approach a solution.

This bill is designed to meet our organizational needs by establishing in the White House a Special Action Office for

Drug Abuse Prevention, and in the National Institute of Mental Health, a new National Institute on Drug Abuse. S. 2097 will begin to meet our drug abuse education, prevention, treatment, rehabilitation, and training needs by establishing a formula and project grant program to assist State and local governments in their efforts to deal with drug abuse problems.

Although drug abuse in Oregon is not nearly as extensive as it is in many other States and urban areas, my State has been a pioneer in first, recognizing the drug problem and then, doing something about it. Oregon saw the critical nature of this devastating and unique problem and allocated significant resources at a time when budget funds were hard to come by.

Mr. President, drug abuse among our young people is now spreading like a cancer through our Nation. We here in Congress have the ability and the obligation to do something to stop it before further harm is done and before it is too late to rehabilitate those who have already been drawn into the vice-like grip of addictive drugs.

Let me, therefore, join with my distinguished colleagues on both sides of the aisle in urging speedy and favorable action today on this vital legislation. We can and we must approve these measures and move expeditiously on to the task of immediate implementation.

Mr. MATHIAS. Mr. President, I am very pleased to associate myself with S. 2097, a bill to create a new top level authority to combat drug abuse. This bill, as we know, would establish in the Executive office of the President a Special Action Office for Drug Abuse Prevention.

As one of the original cosponsors of this legislation and as a member of the Government Operations Committee, which reviewed and reported it, I have long become uncomfortably aware of the desperate need for this bill's enactment.

At present nine Federal agencies are involved with the problem of drug addiction, ranging all the way from vocational rehabilitation to highway safety. Because of this, Federal efforts have been fragmented and disorganized—through multiple authority, dispersed resources, competing priorities, and poor communications.

The magnitude and severity of the present threat no longer permit this piecemeal and bureaucratically dispersed effort. This absurdity, this tragedy we can no longer endure.

If we are to take effective steps against drug abuse, we must move to consolidate and coordinate our drug programs from the very highest level—from the Executive office of the President.

This bill creates the necessary authority to do this: It provides for unified White House coordination, with direct responsibility to command all major Federal drug abuse programs ranging from prevention and education to treatment, rehabilitation, and research.

The need for this legislation is compellingly clear. An estimate from the provost marshal's office in Saigon this past summer indicated, I understand, that between 30,000 and 40,000 American servicemen in Vietnam were using heroin. That stands close to 15 percent of our troops stationed there.

In New York City, as many of us know, the rate of deaths from narcotics jumped over 500 percent in the last decade. More New Yorkers between 15 and 35 die as a result of narcotics than from any other single cause. Each year in New York City 1,000 babies are born as addicts, as helpless and hapless heirs to their mothers' tragic weakness.

At the doorstep of the Capitol, in the model cities area of Washington, a scant 4 blocks away and just 6 blocks from the White House, I understand that 24 percent of boys between 15 and 19 and 36 percent between 20 and 24 are using heroin.

Heroin has no respect for age, sex or class. It is present in colleges, high schools, even in elementary schools. It can be found openly in any American city. For many youngsters, drugs are easier to find than a job. Almost three out of five addicts are under 30. In 1969 and 1970, new addicts under 18 increased at a rate three and a half times that of the preceding 3 years.

Like quicksand, drug addiction has slowly sucked thousands of youths into despair, crime, and often death.

Enactment of S. 2097 to create a Special Action Office for Drug Abuse Prevention is therefore essential. This legislation, I am confident, will give new force and direction not only to Federal, but to State and local efforts as well.

One of the most important provisions of S. 2097, in fact, is that which authorizes the Director of the Special Action Office to provide assistance to State and local governments. The bill would permit the use of Federal task forces and groups of experts to be called in to evaluate and make recommendations concerning State and local drug programs. In conjunction with this, the Director would establish an information clearinghouse at which State, local, and private agencies could study drug programs operating in all parts of the country, as well as on the Federal level. In addition, the Special Action Office would draft model drug abuse legislation for use by State and local governments. Another provision of the bill establishes guidelines for the organization of an overall drug abuse agency in each State. For a State to qualify for funds under the bill's formula grant program, a State plan would be required. This should promote a coordinated effort not only at the Federal level, but at the State and local levels as well.

Thus, with the Special Action Office acting as a coordinator of all Federal agencies dealing with drug abuse and as a liaison with the Congress and State and local governments, a comprehensive and well directed system of information and programs should be assured.

I am confident, Mr. President, that under the leadership of the Special Action Office, meaningful progress can and will be made in the short as well as the long run in our Nation's fight against drug abuse.

Mr. DOMINICK. Mr. President, as a member of the Alcoholism and Narcotics Subcommittee and as a cosponsor of S. 2097, I am gratified with the strong bipartisan effort to expeditiously move S. 2097 toward enactment.

Bipartisan effort has been the hallmark of this legislation which, after original compromises, emerged from both the Government Operations Committee and the Labor and Public Welfare Committee with rare unanimous support. All participants are to be congratulated for putting aside political differences for the sake of this most important legislation.

The unanimity is understandable when one considers the enormity of America's present drug abuse problems and the assistance in combating them, that S. 2097 contains. S. 2097 provides a comprehensive attack against drug abuse both within the Federal Government and among the Federal, State, and local governments. In giving legislative life and powers to the Special Action Office for Drug Abuse presently existing under President Nixon's Executive order, the bill coordinates all previous divergent and duplicative Federal drug abuse programs relating to the "demand" aspects of drug abuse, that is, education, training, treatment, rehabilitation, and research. This increased emphasis on the "demand" aspects of drug abuse is particularly important in view of the fact that in spite of the recent most concentrated drug abuse law enforcement efforts in our history, the incidence of drug abuse shows no signs of subsiding. It is now evident that law enforcement by itself is inadequate to do the entire job.

The realization that law enforcement individually is unable to curb drug abuse is not to discredit our law enforcement organizations, but rather, it is to acknowledge that the use of heroin, hallucinogens, amphetamines, barbiturates, and other controlled drugs is so pervasive and the causes so diverse that no single agency or organization can hope to control their abuses. It is exactly because of this fact that S. 2097 was drafted. This fact also caused the administration to recommend the creation of a long-term national drug abuse strategy developed by the director of the Special Action Office for Drug Abuse Prevention, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans Affairs, and other appropriate officials. Title III of S. 2097 contains such a plan. It requires a comprehensive, coordinated long-term Federal strategy for all drug abuse programs, while the special action office coordinates the day-to-day operations of all "demand" aspect Federal drug programs, and the newly created National Institute on Drug Abuse administers all programs assigned to the Secretary of Health, Education, and Welfare.

Mr. President, S. 2097 recognizes the importance of State and local involvement in drug programs by authorizing $180 million in formula grant money to the States over a 5-year period and providing technical assistance to State and local agencies through the special action office. The formula grant provisions require strong State drug abuse program organization through a State plan, a single State agency to supervise the preparation and administration of the plan, and a State advisory council. I am proud to inform my colleagues that the progressive State of Colorado has already enacted comprehensive drug abuse legislation and is presently preparing a State plan under the direction of a new Division of Alcohol and Drug Abuse and in consultation with a new State advisory council.

Additionally, title V, part B of S. 2097, authorizes $1.345 billion in funds over a 5-year period for special emphasis prevention and treatment programs. Such grants and contracts to public and private nonprofit agencies are to be coordinated with and reviewed by the appropriate State agency.

Mr. President, this quick synopsis of the salient provisions of S. 2097 demonstrates the scope and organizational framework of our effort to control drug abuse. It represents a sustained, organized attack on one of our Nation's most compelling problems. I urge the quick passage of this most necessary piece of legislation.

Mr. BENTSEN. Mr. President, I am pleased to join as a cosponsor of S. 2097, the Drug Abuse Office and Treatment Act of 1971.

For too long drug abuse efforts of the Federal Government have been fragmented and underfunded. The measure we pass today, by setting up a Special Action Office on Drug Abuse in the Office of the President, introduces a measure of coordination into Federal efforts to combat this serious social problem.

There is one section of the bill, Mr. President, in which I am particularly interested. Section 206(g) would require the Veterans' Administration to furnish treatment and rehabilitation services for drug dependence, without regard to the type of discharge a veteran has received.

This is in substance the content of a bill I introduced earlier this year, S. 2124, the Servicemen's Veterans', and Ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971. I said at that time that recent stories out of Saigon offer compelling evidence that a drug epidemic is sweeping through our armed services personnel stationed there. Reports indicated that up to 15 percent of the GI's in Vietnam or recently returned from Southeast Asia have used hard drugs.

As in the present legislation, my bill provided for a full range of treatment in Veterans' Administration facilities—including educational, social, psychological, corrective, and preventive counseling.

It is particularly significant that the present legislation incorporates the concept of offering aid to the ex-serviceman. In June of this year, I called for such a measure saying:

> Through these procedures, we direct our efforts, not only to those, who for a variety of reasons, find a release in narcotics after returning to civilian life. Many of these men, physicians tell us, have been profoundly affected by their military experience and are casualties of war, regardless of their civilian status.

I want to express my gratitude to the chairman of the Subcommittee on Alcoholism and Narcotics, Mr. HUGHES, for including the thrust of my legislation in the present comprehensive drug bill.

I am pleased to offer my strong support of this legislation.

Mr. STAFFORD. Mr. President, I would like to add my unconditional support to S. 2097, the drug abuse prevention bill which has just been reported out of the Labor and Public Welfare Committee. This bill represents a concentrated effort of the Congress by the Senate and by the administration to come to grips with a problem that is sapping the strength of our Nation.

The need for this legislation is apparent to every member of our society, and the cooperation and hard work both the Congress and the executive branch have contributed in writing this legislation demonstrates that we can work together when there is an imperative problem confronting us.

I need not explain the provisions of the bill nor my belief that it will provide an effective beginning toward a solution of our Nation's drug problems. It is my hope that this act will be fully funded and the intent carried out aggressively by those who will manage the program so that drug abuse will be eradicated during the lifetime of my children.

Mr. GRIFFIN. Mr. President, this Nation is in the midst of one of the worst epidemics it has ever known, an epidemic which hits hardest at our youth—destroying their minds, conquering their spirits and, in many cases, leaving them dead in our streets.

The epidemic I speak of is drug abuse.

The Congress has not been standing idly by while this disease has spread. Last year we passed two major pieces of legislation designed to deal with drug abuse; the Drug Abuse Education Act and the Comprehensive Drug Prevention and Control Act. In 1966, we passed the Narcotic Addict Rehabilitation Act. These are but a few of the many laws we have enacted designed to curb the spread of drug abuse and aid those individuals already addicted.

As a result of our efforts a wide range of legislative authority has been created and a number of Federal agencies are now charged with responsibility in the area of drug abuse. But an unfortunate consequence is that no one unit of Government has been given responsibility or authority to organize and direct this effort. For this reason there has been some duplication and overlapping of effort in some areas, while in others there has been no effort at all. It is time we saw to it that this intolerable situation is remedied.

This legislation to establish the Special Action Office for Drug Abuse Prevention is designed to produce this change.

The Director of this office will report directly to the President and the Congress. His office will be part of the Executive Office of the President, carrying all of the weight and authority of that position. He will have the ability to examine thoroughly all of the ongoing research and clinical programs. He will be able to evaluate them to maintain and expand those which are working and dispense with those which are failures. He will insure to the extent possible, that necessary efforts are begun and the wasteful overlap is diminished.

In short, he will act as the central nervous system for all the arms of the Federal Government involved in drug abuse programs—giving them strength and direction.

None of us would view this office as a cure-all for this Nation's drug epidemic. Its existence will not make our addicts well, it will not keep the pushers off the streets and it will not stop all of our youth from being lured into the unknown hell of drug dependence. It will, however, enable us to marshal the many resources already available, to make the best use of the knowledge and facilities we already have, and to add wisely to them.

Mr. President, I urge passage of S. 2097, and hope that it is the last major piece of drug abuse legislation ever needed in this country.

Mr. BEALL. Mr. President, as a cosponsor of S. 2097, the Drug Abuse Office and Treatment Act of 1971, I strongly urge prompt and favorable action by the Senate on this measure designed to coordinate and concentrate the Nation's resources in an accelerated attack against drug abuse.

On June 18 I joined Senator PERCY and a bipartisan group of 16 Senators in introducing S. 2097, a bill advanced by the President in response to the drug abuse problem which has reached epidemic proportions in areas of America. This legislation demonstrates the working of Government in its finest fashion. Not only does it illustrate the cooperation of the executive and legislative branch in shaping legislation to meet a grave national problem, but it also shows the putting aside of narrow committee jurisdiction in the Congress itself and cooperation by the committees to produce a measure in the public interest. The President is to be congratulated for his initiative in submitting S. 2097 and the Senate Government Operations and Labor and Public Welfare Committees for their joint effort in bringing to the full Senate this bipartisan bill improving on the bill as originally introduced.

S. 2097 was unanimously reported by the Government Operations Committee on November 17 and subsequently referred to the Labor and Public Welfare Committee, on which I serve. Our committee on November 24 reported S. 2097 to the full Senate after adding new sections to the bill, as reported by the Government Operations Committee, establishing a new Federal assistance program to encourage and improve State and local drug abuse prevention; treatment, and rehabilitation programs; and creating a National Advisory Council on Drug Abuse.

The bill before the Senate also provides for the creation of a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to coordinate all Federal narcotic and drug abuse programs, and calls for the development of a long term national strategy to fight drug abuse. Further, the pending proposal creates a special fund under which the director of the New Special Action Office may allocate funds to any

Federal agency to demonstrate new antidrug programs or expand existing efforts. In total, this comprehensive drug bill authorizes $1.7 billion, 5-year, attack on drug abuse. Of the sum, $1.5 billion is for grants to States and agencies to help fund drug programs.

Mr. President, President Nixon in submitting his message accompanying S. 2097 noted:

> Drug addiction destroys lives, destroys families, and destroys communities.

The President further said:

> We must candidly recognize that the deliberate procedure embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency.

DRUG ABUSE—A NATIONAL EMERGENCY

No one can deny the seriousness of the drug abuse problem. The National Institutes of Mental Health has estimated there are 250,000 heroin addicts in the United States, one-half of which are located in New York City alone. A 1970 survey of the District of Columbia estimated the heroin addiction problem in the Nation's Capital at 10,400 persons. In 1971 this estimate has risen to 16,880, an increase of 60 percent.

Mr. President, another problem closely related to the narcotic problem is the crimes caused by addiction as the drug user is forced to steal to satisfy his craving for drugs. It is estimated that the cost of heroin the average addict requires daily varies from $30 to $100 per day. To support the habit, it has been estimated that the addict would have to steal goods worth four or five times the cost of his habit per year.

I have seen estimates indicating that addicts might be stealing as much as $2.6 billion a year in New York City alone to support their habit and nationwide estimates as high as $8 billion a year. We have all read stories about the Post Office having to pay overtime pay in an effort to provide adequate postmen for safety reasons in heavy drug areas. This is because the narcotic addicts have come to regard checks, such as those of welfare, as a potential source of money with which to buy heroin. Since September of 1968 when a postman was found murdered in Brooklyn, the Post Office Department has found it necessary to institute the "buddy system" in three cities. It is estimated that in the Bronx and Brooklyn $627,000 was spent in overtime pay for the additional carriers needed on days checks were delivered.

Narcotic and drug abuse was once a phenomenon associated with ghettos. We now know that no place is truly safe from this national danger. The scourge of drug abuse is found in suburbia, in rural areas, and in the military. It is a national crisis requiring a coordinated national effort involving the cooperation of all levels of government, both private, and public agencies and private citizens. Time as well as vigorous action is important, for the very health of our citizens is at stake.

Mr. President, heroin is not the only drug problem. We know that in 1969 over 8 billion amphetamine pills were consumed in the United States, enough to make 40 doses for every man, woman, and child in the country. We also know that in the same year over 4 billion barbiturate capsules were consumed, a figure far in excess of that which we need for legitimate medical use.

Encouraging, the use of hallucinogens, such as LSD, appears to be diminishing as the public seems to have received the message with respect to the dangerous potential of such drugs. Finally, it is estimated that approximately 10 to 12 million Americans have used marihuana at least once, and that one college student in seven has used marihuana weekly or even more often. Admittedly, we do not have all the information we need with respect to marihuana. I for one certainly await receiving next year's report on the National Commission on Marihuana and Drug Abuse. While some debate whether marihuana is harmful, I have not seen any information indicating that it is helpful, and, therefore, prudence demands that we do everything we can to educate and encourage young men and women to refrain from the use of such a drug until we are sure about its consequences.

Mr. President. this stepped-up effort against drug abuse domestically must be coupled with a vigorous international effort to stop the production of drugs and narcotics at their source. Our citizens are angry over the drug abuse problem and are demanding that we take action to stop the drug traffic and severely punish those who do not care how they make a buck. For those who have been victimized by drugs, we must offer help; but for those who are pushing and profiting from the drug traffic, punishment must be sure and swift.

I am hopeful that the increased domestic assistance and efforts authorized by S. 2097 and an increased effort to battle international drug traffic will reverse the alarming statistics with respect to the use and abuse of narcotics and drugs. This would be a trend that would be welcomed by parents everywhere.

TOWARD A MORE EFFECTIVE FEDERAL EFFORT IN DRUG ABUSE

Mr. BOGGS. Mr. President, I rise in support today of S. 2097, a bill to create a Special Action Office for Drug Abuse Prevention.

The creation of this office is one facet of a multifaceted campaign against drug abuse and drug addiction announced by President Nixon on June 17, 1971. While the President established the Special Action Office by Executive order on that date, it is our responsibility—and I accept it gladly—to give this office the tools it needs to do the job.

For some time now, we have grown increasingly concerned about the increase of drug use and abuse among our citizens. The public is alarmed, indeed frightened, by this menace to our society. The Federal Government has reacted in a number of ways to this concern. The Comprehensive Drug Abuse Prevention and Control Act of 1970 consolidated and revised the various Federal narcotic, marihuana, and dangerous drug laws. The President has convened four White House conferences on drug abuse. Major international initiatives have been undertaken to reduce the supply of drugs reaching our shores.

With the creation of the Special Action Office for Drug Abuse Prevention, the President has taken a major step in coordinating and rationalizing the treatment, rehabilitation, education, and research activities of the Federal Government in the field of drug abuse. Our concern for this problem has led to increased funding for several agencies, but these agencies have not always worked in concert or jointly according to a rational plan. What the President has proposed is the development of a national strategy to combat abuse and addiction. The concept of a national strategy implies that all the various elements of the national Government will work together according to a definite plan to curb the menace of drug addiction. The President has charged the Special Action Office with developing that strategy and insuring that it is carried out by the several separate agencies.

We will spend almost $400 million on drug abuse control programs this year. We must assure the taxpayers of this country that that money will be spent wisely and produce the greatest possible effect. The Special Action Office would be that coordinating and rationalizing agency. By placing SAODAP within the Executive Office of the President, we are clearly indicating our concern for a solution to the problem of drug abuse.

The treatment of drug addicted persons will no doubt be a major priority in the national strategy of the Special Action Office. While we do not know as much as we would like about the nature and causes of drug addiction, we do know enough to offer treatment to many addicts. It is our responsibility to insure that the treatment offered will wisely and effectively reintegrate former addicts into the mainstream of our society. I am confident that under the leadership of the Special Action Office we will help reclaim the lives of many former addicts.

The problem confronting our Nation is obvious, and a major step toward its solution is now before us. I urge my colleagues to join with me in supporting this historic legislation.

Mr. SCOTT. Mr. President, as one of the original cosponsors of this drug abuse prevention legislation, I am gratified that it has been reported for consideration by the full Senate.

One of the major efforts of this administration has been directed toward stamping out the disastrous scourge of drug abuse. Both within the United States and abroad, the President has taken a personal hand in initiating and guiding Federal action.

In the legislative area, these actions include his proposal of the Comprehensive Drug Abuse Prevention and Control Act of 1970, which the President signed into law in October of that year. I was gratified to take an active part in the passage of this vital consolidation and revision of our dangerous-drug laws.

Executive action by the President has resulted in the Bureau of Customs tightening our Nation's borders against the importation of narcotics, a nationwide program of drug abuse research and education by the Department of Health, Education, and Welfare, and increased efforts by the Department of Justice to halt the sale and distribution of dangerous drugs within our borders.

This legislation now before the Senate includes President Nixon's major drug abuse prevention proposals, including additional needed authorities for the Special Action Office for Drug Abuse Prevention within the Executive Office of the President. I urge the Congress to pass this legislation so that the President will have these vital additional tools to fight drug abuse.

I wish to commend the distinguished Senator from Illinois (Mr. PERCY) and all other Senators on both sides of the aisle who have worked so diligently to bring this legislation to the Senate floor.

Mr. BAKER. Mr. President, I rise in support of S. 2907 which would create a Special Action Office for Drug Abuse Prevention. The Special Action Office is a unique experiment in governmental response to a national medical and social crisis. The office and its Director is given a range of responsibilities and authorities designed to meet the national drug abuse crisis in an effectively expeditious manner.

Unlike prior governmental responses to national problems, there will be no new massive, bureaucrats and duplicative programs. Instead there will be a small staff composed of highly qualified technical and management individuals coordinating a fully orchestrated national drug abuse program.

Unlike the usual coordinating bodies, the office is given budgetary and management controls over the drug abuse prevention programs of the Federal Government. This is a coordinating mechanism with teeth. Not only will it recommend and advise, but it will have responsibility for the management of resources and financial allocations within the limits of congressional appropriations.

Along with these responsibilities and powers, the office will be accountable for the effective implementation of the national drug abuse effort.

The office and its Director will have a special fund to permit the channeling of resources into the development of new and more effective drug abuse programs. With this fund the Director has the necessary flexibility to encourage the development of innovative solutions to the drug abuse problem.

S. 2097 gives this Nation a comprehensive and responsive mechanism to assure that the current drug abuse crisis is eliminated with maximum rapidity and effectiveness.

Mr. MUSKIE. Mr. President, the pending legislation, Senate bill S. 2097, as amended, the Drug Abuse Office and Treatment Act of 1971, is truly landmark antidrug legislation. It will restructure the entire national effort to combat drug abuse. It represents a major commitment to focus the resources of our Federal Government in an effort to deal with one of the most serious problems facing our Nation today.

This legislation represents a constructive compromise between legislation introduced earlier this year by Senator HUGHES and myself, with Senators JAVITS and WILLIAMS, and the administration's drug bill. It was reported unanimously by both the Committee on Government Operations and the Committee on Labor and Public Welfare, and every member of those committees has joined in cosponsorship. In all, 52 Members of this body have cosponsored S. 2097, as amended.

The legislation before us today is a bipartisan compromise bill, worked out among Senators on both committees that reported it and the administration.

Mr. President, I must especially commend the outstanding work of the senior Senator from Connecticut (Mr. RIBICOFF) whose Subcommittee on Executive Reorganization and Government Research considered this bill jointly with my own Subcommittee on Intergovernmental Relations. Senator RIBICOFF's efforts were of valuable assistance on the development of the compromise bill.

I would also like to commend the efforts of Senator PERCY, the sponsor of the administration bill, Senator JAVITS and Senator GURNEY, for their effective work toward reaching this compromise. In particular, I would like to cite Senator HUGHES, who has long provided leadership in the Senate in this important area, for his efforts in helping to draft this compromise legislation.

In addition, Mr. President, I would like this body to take note of the antidrug efforts of a Member of the other House, Representative JAMES H. SCHEUER, of New York, whose counsel was invaluable to me as we in the Senate were working toward this compromise legislation. Earlier this year, Congressman SCHEUER joined with me in introducing important drug legislation, the substance of which is incorporated in the bill we are considering today.

It is not difficult to understand why so many Senators, on both sides of the political aisle, have put political considerations aside to join in cosponsoring this bipartisan compromise, comprehensive drug legislation.

I am talking about the epidemic of heroin addiction which is infesting cities and towns across our land. I am talking about people twisted into addicts and lawbreakers:

About 1,000 babies born each year in New York City as addicts, helpless heirs to the terrible pain of their mothers' habit.

About a section of New York City, where 18,000 men and women—out of a total population of 58,000—are helpless slaves to the heroin habit.

About the model cities area right here in Washington, a scant four blocks from this Chamber and just six blocks from the White House, where 24 percent of the boys between 15 and 19 years old, and 36 percent of the young men between 20 and 24, are addicted to heroin.

About the soldiers who do not go to jail or flee to Canada—and are now carrying a horrible curse home to their towns and their families.

About 250,000 or 300,000 Americans who attack countless fellow citizens and steal billions of dollars to feed an expensive, murderous, implacable addiction.

As the hearings Senator RIBICOFF's subcommittee and mine conducted during July revealed, heroin is still too easily available in too many places and Federal, State, and local programs together are reaching just a small percentage of America's addicts.

Mr. President, we were fortunate to have before us three significant pieces of legislation to deal with the drug problem:

The Muskie-Scheuer bill to create a White House level office to coordinate the Federal antidrug effort;

The administration bill, introduced by Senator PERCY, to bring together under a Special Action Office for Drug Abuse Prevention major treatment, education, and research programs of the Federal Government; and

The Hughes-Muskie-Javits-Williams bill to create a White House office to coordinate and set policy for the Federal antidrug effort and to devote significant resources to the treatment of heroin addiction.

The extensive hearings we conducted on those pieces of legislation convinced me that we needed a bill to restructure the Federal drug effort. As I said at the close of those hearings:

> We need new ideas and new approaches to combat the drug problem. But most of all, we need the willingness on the part of the Administration to devote the resources necessary to deal with the problem.
>
> For my part, I am more and more convinced that the legislation that finally emerges from the Congress should be of the order of the legislation that Senator Hughes and I, with Senators Javits and Williams, introduced to reform the entire Federal attack on dangerous drugs. For whatever bill emerges from the Congress must contain, as that bill does, hundreds of millions of new dollars to do the research and develop the programs that are needed to fight the war against narcotics.

The compromise legislation we are considering today embodies the principal elements of the Hughes-Muskie bill. I believe the compromise bill is significant in several respects.

First, it calls for the development of a comprehensive, coordinated long-term Federal strategy to combat drug abuse, providing, for the first time, a mechanism to develop a unified Federal policy against drug abuse, focusing all of our resources, including law enforcement, treatment, education, and research.

Second, the bill creates a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to pull together heretofore scattered Federal antidrug programs. The special action office will be broad in scope, responsible for determining the Federal policy toward treatment, education, and research programs, for recommending and consulting on law enforcement policy and for coordinating all Federal drug programs.

Third, it requires that the Veterans' Administration provide treatment and rehabilitation services for any former servicemen suffering from drug addiction, no matter the status of their discharge and it requires the Civil Service Commission to develop treatment and rehabilitation programs for drug addicts employed by the Federal Government.

Fourth, it establishes a National Institute on Drug Abuse within the National Institute of Mental Health to admittee of State drug abuse programs, currently in NIMH.

Fifth, it creates two much-needed programs to aid the States and localities in developing antidrug treatment and prevention programs of their own. The first of these provides funds, according to a formula, to the States to help them plan, establish, maintain, coordinate, and evaluate drug abuse programs. The need for this program was underscored by a survey Senator RIBICOFF and I took on behalf of our subcommittees, of State drug abuse programs, which indicated a great need among the States for learning more about the extent and nature of their drug problem and planning how to combat it.

The second of these provides funds for prevention and treatment programs in areas that we believe require special emphasis because they are of special importance. This program, for example, provides training seminars and educational programs for employees in the public and private sectors. It provides for vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs. It provides for model and experimental treatment and rehabilitation programs within State and local criminal justice systems. It provides programs under which multidisciplinary groups can determine causes of drug abuse in a specific area and then prescribe and implement methods for dealing with that problem. And it provides for research grants to develop new and better ways to prevent and treat drug abuse.

Mr. President, this legislation is no panacea for the drug problem that afflicts our Nation. But it will have a significant impact on the drug abuse problem.

This bill proves once again that outstanding legislation in the public interest is the result of a generally bipartisan effort. It is most significant that Senators on both sides of the political aisle have put partisan considerations aside in drafting this legislation to deal with one of the most serious problems facing our Nation today.

Mr. KENNEDY. Mr. President, I am pleased to offer my support for the passage of S. 2097, the Drug Abuse Office, Control and Treatment Act of 1971. This legislation is designed to bring about much needed assistance in our national drug crisis. It includes the ingredients that many of us have long sought as essential in the battle against narcotics abuse. I believe the chairman of the Committee on Alcoholism and Narcotics should be commended for his success in bringing to this Senate a bill that includes substantial Federal assistance for this critical social problem.

America in the 1970's is a drug society. To get to sleep we pop a pill. To wake up we take another pill. Headaches, colds, aches, and pains are compelling reasons for taking more drugs. We take drugs to control our birthrate and we take drugs to keep from eating too much. We even have rituals for taking certain drugs so that we do not realize or look upon them as drugs—during the coffee break we get our daily intake of caffein; cigarettes satisfy our passion for nicotine, and the cocktail party meets our demand for alcohol. Ordinarily most of these drugs are totally safe. Aspirin and coffee surely do not pose a health threat under normal use. While birth control pills may have side effects, they too are generally safe. Other drugs are perhaps safe in limited use, but some are easily subject to abuse, like alcohol. Some drugs, though inherently dangerous and destructive even in ordinary use, like nicotine, are still somewhat controllable and pose little threat to the stability of society.

But, the building crescendo about a drug epidemic concerns a singularly lethal and debilitating drug—heroin. And the widely broadcast concern about an epidemic is stimulated by the mounting toll of lives that heroin ruins.

Heroin addiction and abuse are everywhere. Parents in the comforting affluence of Beverly Hills complain as much as mothers whose children are forced to play in the squalor of South Chicago.

In Washington, D.C., one-fifth of all young men between 20 and 24 are estimated to be heroin addicts. Experts claim that New York City, the Nation's drug capital, has more than 100,000 addicts. Wesley Uhlman, the mayor of Seattle, believes that there may be as many as 2,000 addicts in his city. Medical authorities put the number of addicts at 5,000 in Phoenix.

Narcotics, that is, heroin, is a plague ravaging all of our citizens. People are filled with terror at home and in our streets because the victims of heroin stalk the urban byways for money and goods to sate their craving. Each of us is in danger of becoming a casualty of the frenzy of the addict stealing for his habit.

In a community with 2 million citizens, at least $200 million is "ripped off" each year to support heroin addiction. In 1970, more than 2,000 deaths were caused by drugs. And the average age of users keeps dropping each year.

What can we do about this epidemic? Can it be stopped before it gets out of hand? Or, is it out of hand already?

As I see it, there are two alternatives. We can panic. In our panic we will only produce cosmetic changes that are superficial and insincere.

Or, we can really seek to resolve the basic causes of the problem.

In a startlingly ironic way, the widespread abuse of heroin compares with the nationwide mystique for guns.

Today, fear, apprehension, mistrust, anguish and pain are the dreaded products of our Nation's history with firearms. In early times guns were a necessity. They were used to claim a new nation; to establish a new life. Thus, through the years America has nurtured and worshipped the "power of the barrel." Today, guns are still an integral part of our society. But they are so abused and misused that among the nations of the world, America stands in the bloodiest pool of deaths by gunfire.

We have somehow managed to weave into the fabric of our new world culture a similarly mystical dependence upon drugs. So that, the switch from caffein to codein or from nicotine to marihuana is really no switch at all.

But rather, it is quite a predictable outcome for a population that insists on making life seem like a perpetual happy holiday—where a pill cures all.

So far even the way we have tried to deal with the drug problem is not unlike our approach to the gun problem.

"Guns don't kill, people do" cry the critics of gun controls. Upon that kind of misguided philosophy we have enacted a plethora of laws to punish people who maim, intimidate or kill with guns. But we have devised no effective method to control the availability of these deadly devices that caused 10,200 murders in 1970.

Shamefully, and perhaps blindly, America has adopted a singularly unenlightened policy about the misuse and abuse of narcotics. Our national and indeed our local policies dealing with narcotics substances seem to be founded on the notion that heroin does not steal, people do. And so, we have acted to lock up the user, while the flow of heroin and other narcotics remains almost unabated. Let us cut off the supply at the source and pursue drug traffickers relentlessly.

In July 1969, the administration announced its commitment to combat the drug menace. That announcement included all the right words about a balance of law enforcement, education, rehabilitation, and research. But 2 days later when the Senate received the administration bill, it was one dimensional. That bill was all enforcement and no rehabilitation, no research, and no education. Moreover, the administration blocked attempts of those of us who sought to add these other three dimensions. And so it is, that we seem doomed to suffer from the full visions of the past when dealing with the modern threat of a narcotics epidemic.

We seem compelled to continue believing that it is proper to place anyone who has had anything to do with drugs in jail. But what good is it to arrest drug users if we do not have the facilities to deal with them. If they are going to end up back on the streets and back on drugs.

We do the same with those arrested for gun crimes. They too wind up back on the streets with a gun back in their pocket.

To those who take the position that guns will always be with us, I submit that we must sustain an unending campaign to redevelop the proper role of firearms in our lives. For the current place that guns have in American life is tragically and needlessly destroying the quietude of our family and community life.

At the same moment, if we are to accept the claim that narcotics will always be a part of our life, then we must also seek to develop its proper role in our society. Unless we do so, there may be a gruesome nationwide contest to eradicate ourselves with either a shot of heroin or a shot of lead.

Yet, it seems clear that we have a chance to halt the madness of drug abuse, even though the problem continues to grow at a staggering rate. Our most important task, however, is to recognize that the answer is as complex as the problem. It is not sufficient just to seek the elimination of heroin or other narcotics from our society. We must devise a fundamentally rational and coordinated attack so that new people will be prevented from getting caught up in the heroin morass; those who are already part of it must be rescued and others whose greed contributes to the spread of the problem must be effectively deterred.

Drs. Dupont and Katon, in Washington, D.C.'s narcotics treatment program call for a national commitment to end the current spread of narcotics abuse. They warn that even with a well structured treatment program there is a particularly cruel problem to be faced.

> When a program is functioning well, the heroin addicts will come and come and come. There won't be enough money to treat them all. The program must either establish a waiting list or dilute services to an unacceptable level. The involved physician will be forced into the role of program advocate and contender for inadequate public or private funds. He will begin to fight with national granting programs such as the National Institute of Mental Health and the Office of Economic Opportunity. He will do battle with his local and state government. He will compete for funds with other health programs. The reason for this is as obvious as it is tragic; nowhere in the country has the leadership fully grasped the seriousness of the problem of heroin addiction and nowhere is enough money available.

Obviously, the only sensible answer is to pursue the drug problem with the same persistence that plunged us into justifying blowing up the tiny island of Amchitka, or building gigantic aircraft that refuse to fly, like the C-5A. But, to do that will involve a commitment on the part of all of us to think with open minds and to act with sense and balance.

I am privileged to serve on two Senate subcommittees—the Judiciary Subcommittee To Investigate Juvenile Delinquency and the Labor and Public Welfare Subcommittee on Alcoholism and Narcotics—which are jointly responsible for the development of programs on drug dependence and drug abuse. On the basis of my experience on these subcommittees, and with information I have obtained as chairman of the Health Subcommittee, it is clear that we must and can develop a comprehensive approach to the drug problem.

In 1970 I joined with Senator HAROLD HUGHES and the other members of the Labor and Public Welfare Committee who introduced an amendment to the Controlled Dangerous Substances Act that would have established a new National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence in the Department of Health, Education, and Welfare. That amendment provided for the emplacement of a centralized system to control government drug problems. I am pleased to support the present bill, S. 2097, because it insures that prevention, education, training, treatment, rehabilitation will all be in one highly visible place. The system to control narcotics abuse would have a mandate to insure that the Federal drug effort is effectively utilized; it would make sure that all government programs are funded and it would coordinate the many existing projects with each other.

In committee we obtained testimony that the proper structure of a drug program must include the three dimensions of research, rehabilitation, and education. They are the essential components that must be available to complement any aspects of enforcement that are implemented to stem the appalling increase in drug abuse. I firmly support adequate enforcement procedures that will seek out and prosecute importers, illegal manufacturers, distributors and others who make big business and big profit from destroying lives with heroin. But at the same time, it is clear that enforcement is ineffective when it operates without the benefit of adequate treatment, education, or research.

For those who are users, but not pushers, the emphasis should be prevention and rehabilitation, not simply throwing them in jail.

Dr. Vincent P. Dole, the renowned pioneer in methadone treatment procedures recognizes two elements in resolving an addict's dependence on heroin:

First, the users craving for heroin must be eliminated at the same time that moves are taken to end the criminal activity required to finance his habit; and

Second, society demands that the individual replace his social defects with socially productive work, like returning to school, seeking job training or job placement and reestablishing a normal family life.

But, says Dr. Dole, to insist that success in social rehabilitation should be the measure of efficacy of methadone treatment is like basing the efficacy of insulin treatment on the diabetic's ability to get a job rather than basing it on the ability of insulin to control blood sugar.

Again, as with our attitude toward guns, we tend to be more concerned about affecting the behavior of users than with eliminating the source of the problem. Heroin should never enter this country. Since it does, let us offer help to those who become slaves to its power. It makes no sense to wait until a person has already become a drug abuser before trying to do anything about him. We must decide what it is we need to know about the causes, mechanisms, and potential cures of drug abuse. And then we must stimulate and finance the best and quickest research. Right now our research is haphazard and reactive. Dissemination and analysis of results are slow and slipshod. There is no real mechanism at all for translating the most sophisticated and technical studies into a form and language that lawmakers and lawyers and social scientists and educators can use.

We must have an education program which prepares parents and children to handle the challenges and temptations which drugs present. These efforts must be honest and straightforward. They must not deceive, or they will be ignored. They must not merely frighten, they must explain. They must admit lack of knowledge where there is a lack of knowledge and describe risks where there are risks. The bill under consideration by the Senate today strives to meet these goals.

Mr. President, I urge the Senate to pass this bill so that we can give to the Nation the resources that are so badly needed to combat this tremendous social problem.

Mr. CRANSTON. Mr. President, I rise to comment on a number of specific provisions in the pending matter, S. 2097, a bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse, as reported from the Committee on Labor and Public Welfare.

First, I wish to explain two amendments which I offered and which were adopted during committee consideration of the bill. First was an amendment to clarify section 206(g) in the reported bill with respect to the authority of the Veterans' Administration to provide treatment and rehabilitation to veteran addicts and drug abusers without regard to the nature of their discharge or to whether their illness is service connected. This provision, as reported from the Committee on Government Operations on November 17, 1971, included a provision along these lines which stated:

> The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies.

Because of my concern about the effectiveness of this language to carry out the intent of the Government Operations Committee, as expressed in its Committee Report No. 92-486—to create substantive rights, as chairman of the Subcommittee on Health and Hospitals of the Committee on Veterans' Affairs, I wrote to the Administrator of Veterans' Affairs on November 17 requesting a legal opinion regarding the effectiveness of that language.

In a November 22, 1971 letter to me, the Administrator responded that in the opinion of the Veterans' Administration the language in question was needlessly confusing, and should be clarified with a precise authorization for Veterans' Administration treatment and rehabilitative services for drug dependence. He concluded:

> With respect, however, to the question as to the effect of the language now in section 206(g) of S. 2097, it seems completely clear that it would *not* expand our existing authority under chapter 17 of title 38, United States Code, to provide treatment for veterans, and that, hence, current medical care appropriations for the Veterans' Administration would *not* be automatically available to treat or rehabilitate individuals not now eligible under veterans laws. This is particularly true in view of the language in our appropriation act (Public Law 92-78) which prohibits the use of any part of appropriations to the Veterans' Administration for hospitalization or examination of any person except a beneficiary entitled under the laws bestowing such benefits to veterans, absent a reimbursement to the fund. (Emphasis added.)

Mr. President, I ask unanimous consent that the full text of the November 17 and 22 correspondence referred to above be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NOVEMBER 17, 1971.

Hon. DONALD E. JOHNSON,
Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C.

DEAR MR. ADMINISTRATOR: Today, the Committee on Government Operations ordered reported to the Senate S. 2097, a bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation against the problem of drug abuse, with a committee amendment in the nature of a substitute. Under a prior order, that bill will be referred to the Committee on Labor and Public Welfare for a period not to exceed 30 days. It is presently contemplated that the Committee will consider the bill and amendments to it in executive session on November 23.

The committee-reported bill is not at this time printed. However, I am enclosing a copy of a committee print which is identical to the version ordered reported by the Government Operations Committee. Section 206(g) of the reported bill states:

"The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies. Such services shall, pursuant to regulations promulgated by the Administrator of the Veterans' Administration, include inpatient treatment and outpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses."

As a member of the Labor and Public Welfare Committee and as Chairman of the Health and Hospitals Subcommittee of the Senate Veterans Affairs Committee, I am concerned about the legal effect of the first sentence of this provision. The intent of the Government Operations Committee, as expressed in its report, is to provide the Veterans Administration with legal authority to expend funds to provide treatment and rehabilitation services to drug dependent veterans regardless of the nature of their discharges or determinations of service connection for their conditions. I would greatly appreciate receiving from your General Counsel a legal opinion as to the legal effect of section 206(g) in terms of the Veterans' Administration drug treatment program, particularly, the effectiveness of the provision to achieve the above-intended purposes.

In view of the imminence of committee consideration of this measure and the urgency which all parties, including the administration, attach to its prompt consideration, I would appreciate receiving the report by Monday morning, November 22.

Thank you for your cooperation.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

VERERANS' ADMINISTRATION,
Washington, D.C., November 22, 1971.

Hon. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans' Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of November 17, 1971, requested a legal opinion from the General Counsel of this agency as to the effect of section 206(g) of the Drug Abuse Office and Treatment Act of 1971 (S. 2097), as reported by the Senate Committee on Government Operations.

This subsection of the bill provides that the Director of the Special Action Office for Drug Abuse Prevention "shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies."

The terminology employed is most unusual, and it is exceedingly difficult to forecast the ultimate effect of this provision because of the absence of legal precedents. Moreover, the report of the Senate Government Operations Committee to accompany the bill (S. Rept. No. 92–486) does not afford much by way of assistance. On page 14 of that report, it is stated that the Director is authorized to advise the Veterans' Administration in carrying out the Congressional policy of treating former members of the Armed Forces without regard to their discharge, and then goes into state "We intend the language pertaining to the Civil Service and the Veterans' Administration to be operative and an expression of congressional policy creating substantive rights." This can be read as expressing a doubt upon the part of the Committee as to whether the language does, indeed, create a substantive right.

S. 2097, as introduced, and as recommended by the Administration, contemplated that it would be supplemented by a separate bill (introduced in the Senate as S. 2139) which would have affirmatively provided that former members of the Armed Forces who served on active duty or active duty for training would be entitled to treatment and rehabilitation services by the Veterans Administration, or other responsible agencies, for drug dependency. While the language in section 206(g) of S. 2097 resembles the obviously effective language in S. 2139, it merely provides that the Director of the Special Action Office shall advise the Veterans Administration of congressional policy that this agency and other responsible agencies afford the specified treatment and rehabilitation services. I can perceive no reason why this confusion should be continued and hope that the language in S. 2097 will be clarified and that a precise appropriations for the Veterans' Administration to provide the treatment and rehabilitative services for the drug dependence will be substituted for the current language in section 206(g). As an alternative, it would be equally acceptable if one of the bills now pending before the Senate Committees on Veterans' Affairs and Armed Services (H.R. 9265, S. 2108, or S. 2139), which would provide such authority in clear terms, would receive prompt consideration.

With respect, however, to the question as to the effect of the language now in section 206(g) of S. 2097, it seems completely clear that it would not expand our existing authority under chapter 17 of title 38, United States Code, to provide treatment for veterans, and that, hence, current medical care appropriations for the Veterans Administration would not be automatically available to treat or rehabilitate individuals not now eligible under veterans laws. This is particularly true in view of the language in our appropriation act (Public Law 92–78) which prohibits the use of any part of appropriations to the Veterans Administration for hospitalization or examination of any person except a beneficiary entitled under the laws bestowing such benefits to veterans, absent a reimbursement to the fund. On the other hand, we feel that the maximum possible significance should be given to a congressional enactment. It would appear reasonable that section 206(g) of S. 2097 would support a request for appropriations to provide treatment and rehabilitation services for those within the compass of that subsection, but who are not eligible under the basic provisions of veterans laws. If the Congress appropriated funds for the specific purpose of implementing this program for section 206 (g) purposes, it would cure any deficiencies in the language of the bill. The Comptroller General, of course, would make the final determination as to the expenditure of any funds appropriated.

I hope that the foregoing will be of assistance to you in the consideration of this bill by the Senate Committee on Labor and Public Welfare.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Mr. CRANSTON. Mr. President, in response to this legal opinion from the Administrator of Veterans' Administration, I offered an amendment striking the first 15 words of section 206(g) as reported from the Government Operations Committee, thereby making clear that the provision was a substantive one providing clear authority for treatment and rehabilitation not presently authorized under title 38 of the United States Code and also thereby removing any question of the legality of the Veterans' Administration expending for such purposes funds appropriated to it for medical care.

Thus, the provision as amended in the bill reported from the Labor and Public Welfare Committee now reads "Notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies." As so amended, this provision is substantively identical to provisions in S. 2139, the administration bill, H.R. 9265, the House-passed VA drug bill, and S. 2108, my VA drug treatment bill, both of which are now under active consideration in my Veterans' Subcommittee on Health and Hospitals.

My second amendment was of a more substantive nature and dealt with the National Drug Abuse Strategy Council, which would be established under section 301(a) of the reported bill. This Council is specifically given the responsibility of developing a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted, sponsored or supported by Federal funds. Under section 301(a)(3), as reported by the Government Operations Committee, membership on the Strategy Council was expressly provided for the Director of the Special Action Office, the Attorney General, the Secretaries of HEW, State, and Defense, and such other officials as the President may deem appropriate. My amendment added the Administrator of Veterans' Affairs as a statutory member of this Strategy Council.

My purpose in offering this amendment was to try to allay some of the very substantial concerns which had been expressed to me about S. 2097 by the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans as well as other individuals concerned with maintaining the integrity and independence of the Veterans' Administrations medical program. These individuals, so highly dedicated to insuring high-quality medical care for our Nation's disabled veterans, had expressed grave reservations and in certain instances strong opposition to those provisions of the reported bill which bestowed upon the Special Action Office—SAODAP—the authority to review and modify Veterans' Administration medical care budget requests insofar as they relate to drug abuse treatment and rehabilitation; to withhold funds appropriated thereunder when he finds that programs are not being run effectively; and generally to exercise overall policy supervision of Veterans' Administration drug treatment and rehabilitation planning and programing.

I fully understand the grave concerns of those who with real justification believe that it is the intention of many in the Office of Management and Budget eventually to phase out the Veterans' Administration hospital system. Such fears produce a strong reaction of resistance to any incursion into Veterans' Administration autonomy in carrying out its medical program. This resistance and these concerns were aptly stated in letters to me and my staff from the three Veterans organizations just mentioned. I ask unanimous consent that these three letters—of November 19 from the American Legion, November 22 from the Veterans of Foreign Wars, and November 18 from the Disabled American Veterans—be set forth in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, D.C., November 19, 1971.
Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: The American Legion is concerned about certain amendments to S. 2097, to establish a Special Action Office for Drug Abuse Prevention, as it affects the Veterans Administration participation in the program.

The Legion wholeheartedly supports the concept of coordination and cooperation among all Federal agencies involved in programs of treatment and rehabilitation of drug involved persons, including servicemen and veterans. However, consistent with its historical and philosophical position, the Legion opposes the transfer of control of any programs, or of the funding of any programs for veterans (including drug treatment and rehabilitation programs), from the Veterans Administration to any other agency. The American Legion is totally committed to the proposition that programs relating to veterans should be administered by the Veterans Administration—and by no other agency. Experience through the years has demonstrated that the involvement of other agencies in veterans programs operates to the disadvantage of the veteran.

The American Legion is agreeable to the proposal that veterans with other than honorable discharges shall not be denied treatment and rehabilitative services by the Veterans Administration, or by any federally operated or funded program, for drug related conditions. In assuming this position the Legion is motivated by the overriding need to accomplish the rehabilitation of all drug involved persons to the end that they shall be reclaimed as useful and functioning members of society. The single caveat we state in this regard is that the above described entitlement shall not automatically, or by specific legislative authorization, make available to other than honorably discharged veterans any of the benefits included in the total veterans benefits program. To do so would diminish the value of the discharge issued under honorable conditions to the overwhelming majority of servicemen who perform their service to the Nation honorably and faithfully.

While it does not at this point appear in the text of S. 2097, it seems advisable here to reiterate the opposition of The American Legion to any legislative mechanism that would change the character of discharge issued to a serviceman. All veterans are entitled to review of discharge under current provisions of law. The procedures for review and correction of discharge are in place and functioning in a satisfactory manner. We repeat the point made above, that nothing should be done legislatively to mitigate the premium value of an honorable discharge earned by the honest and faithful performance of duty to country.

With specific references to Title III, Section 301(a)(3) of S. 2097, providing for the establishment of a Drug Abuse Strategy Council. The American Legion suggests that the membership of the Council should include the Administrator of Veterans Affairs. The exclusion of the Administrator would, in our judgement, be inappropriate in view of the fact that the Veterans Administration is currently operating the largest single integrated drug treatment and rehabilitation program in the Nation. This being so, the Administrator is in a position to make a significant contribution to the work of the Strategy Council. In the judgment of the Legion the exclusion of the Administrator from membership on the Strategy Council would be a serious mistake that would hamper the efficiency of the Council.

I would appreciate your making our views known to your colleagues on the Committee on Labor and Public Welfare at the time this measure is considered in executive session next Tuesday.

Sincerely yours,
HERALD E. STRINGER,
Director,
National Legislative Commission.

VETERANS OF FOREIGN WARS,
Washington, D.C., November 22, 1971.
Hon. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Veterans' Affairs Committee, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to S. 2097 to establish a Special Action Office for Drug Abuse Prevention, which has been ordered reported by the Committee on Government Operations and is now pending before the Senate Labor and Public Welfare Committee for its consideration and recommendations before going to the floor of the Senate for further consideration and vote.

The Veterans of Foreign Wars has always adhered to the position that the Veterans Administration should be the Federal agency with the responsibility of administering veterans rights, benefits, and programs, and always opposed any and all attempts and recommendations to transfer this responsibility to other Government agencies.

The Veterans of Foreign Wars has noted with alarm that there is a proposal in S. 2097 which collides with this longstanding position of the Veterans of Foreign Wars. It is the provision that the new Director for Drug Abuse Prevention, as proposed in this bill, will be armed with sweeping powers over all "Federal drug abuse training, education, rehabilitation, research, prevention, and treatment programs and activities" now carried on pursuant to a number of Acts specified in the bill, including "Title 38 of the United States Code, to the extent it pertains to drug abuse."

Title 38 of the United States Code embodies all veterans laws administered by the Veterans Administration. It is the transferring of existing authority to provide care and treatment for veterans as authorized by Title 38 which is strongly opposed by the Veterans of Foreign Wars of the United States. The Veterans of Foreign Wars urges your Subcommittee to delete this provision transferring existing authority in Title 38 from the Veterans Administration to the new Drug Czar proposed in S. 2097.

The bill to provide care and treatment of veterans suffering from drug abuse and drug dependency is House-approved H.R. 9265, which has been before your Veterans Affairs Committee since July, 1971. Previously a Joint Committee of the Senate Veterans Affairs and Labor and Public Welfare Committees, headed by yourself and Senator Hughes, held comprehensive hearings on the drug abuse problem as it relates to veterans and servicemen on June 15, 1971. It was during these joint hearings that your Subcommittee on Health and Hospitals of the Committee on Veterans Affairs and the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare that evidence was obtained which demonstrated pressing and immediate need of legislation such as the proposal contained in H.R. 9265.

Subsequently, the newly-appointed Drug Czar, Dr. Jaffe, appeared before your Veterans Affairs Committee, but his testimony has not been printed.

Regardless of how one views this bill as it relates to veterans, one conclusion is inescapable. The Veterans Administration's responsibility as it relates to the care and treatment of veterans suffering from drug dependency will be taken over by a new agency, as proposed in this bill. This the Veterans of Foreign Wars strongly opposes.

In the affirmative, the House has approved a bill, H.R. 9265, which gives the Veterans Administration the necessary authority to go forward with its responsibility of caring for those who have become the victims of the Vietnam war as it relates to the use of drugs.

As an indication of how far down the ladder the Veterans Administrator would be placed—it is understood that there is proposed a Strategy Council comprised of certain high Government officials and Department heads. A glaring omission is that the Veterans Administrator would not even be on this Strategy Council.

The Veterans of Foreign Wars, therefore, is hopeful that you will agree with our position that this is not the time nor the program to start stripping away and reducing the capability of the Veterans Administration's Department of Medicine and Surgery to effectively carry out its mission of caring for veterans.

Hoping that you will agree with the position of the Veterans of Foreign Wars and work to delete the provisions of S. 2097 which relate to the Veterans Administration and with kind personal regards, I am

Sincerely,
FRANCIS W. STOVER,
Director, National Legislative Service.

DISABLED AMERICAN VETERANS,
November 18, 1971.
JONATHAN R. STEINBERG, Esq.,
Room 4230, New Senate Office Building,
Washington, D.C.

DEAR JOHN: I enjoyed the opportunity of meeting with you yesterday morning, and I wish to express my sincere appreciation for your detailed briefing on pending legislation pertaining to the drug problem.

In reply to your question concerning our position in connection with S. 2097, I wish to advise you that it has long been the feeling of the DAV that all veterans' programs can best be administered by the Veterans Administration without interference from other government agencies.

For this reason, certain provisions of S. 2097 are objectionable to the Disabled American Veterans, and we could not support the bill as it is presently written.

If, however, the amendments discussed at the meeting yesterday are adopted and the Administrator of Veterans' Affairs is specifically named as a member of the Strategy Committee, we would not oppose S. 2097 in the Senate.

Thanking you in advance for any consideration that may be given to our views on this important subject, I am

Sincerely yours,

CHARLES L. HUBER,
National Director of Legislation.

Mr. CRANSTON. Mr. President, this very strong expression of concern was instrumental in my deciding that it would be very unwise not to include the Administrator of Veterans' Affairs as a statutory member of the strategy council. As the Federal office responsible for the largest single medical program in the United States with over 150,000 employees and a $2.1 billion budget, currently operating 32 separate drug treatment centers and scheduled to double that number in the next year, it seems to me beyond debate that the interests and confidence of the strategy council, as well as those of our Nation's veterans, would be better served by ensuring that the Administrator's voice would always be heard in the activities of this high-level policymaking body.

In closing, Mr. President, I wish to state with regard to the administrative structure established in S. 2097 as reported that I believe it can be a sound one despite the very serious considerations which I have just described. As a general matter, I believe that the autonomy and independence of the Veterans' Administration medical program must be maintained in order to make the maximum contribution to the health care of our disabled veterans and to overall health programs for the Nation. In this particular, instance, after the most serious and lengthy deliberations, I have concluded that an exception to this general rule is called for. The basic purpose of creating the Special Action Office is to provide for maximum coordination and central policymaking for a massive federally funded attack on the scourge of drug abuse afflicting our Nation.

Toward this end, the reported bill gives the Director of SAODAP overall programmatic and procedural responsibilities with respect to all Federal programs dealing with drug treatment and rehabilitation, including—although not specifically in the legislation—those of the Department of Defense.

Were a special exemption to this overall policy role introduced for the Veterans' Administration, I have every reason to believe that the whole fabric of this carefully constructed compromise would be torn apart. Next, the Department of Justice, then HEW, then the Department of Labor, and then the Office of Economic Opportunity, followed by every other bureaucratically zealous agency would beat a trail to congressional doors to achieve a similar exemption. This would undercut the whole concept contained in this bill which has been the subject of the most lengthy and high-level deliberations by leaders of the Government Operations Committee, the Labor and Public Welfare Committee, and the administration.

It should be clearly understood that the reported bill no longer includes the authority, originally contained in subsection 206(i) of the bill, to permit the Director of SAODAP to transfer appropriations from one agency to another and to assume direct operational responsibility for programs he funds are functioning ineffectively. Such authority would have gone far beyond that presently possessed by the Director of the Office of Management and Budget, whereas the present budgetary and policy-making functions given to the SAODAP Director are basically inherent in OMB to begin with. I would expect the exercise of these specific functions by the SAODAP Director with respect to VA or any other drug treatment programs with more informed compassionate and programmatically supportive than would such exercise by the Director of OMB.

Thus, Mr. President, I suggest to all those who are skeptical about this "SAODAP superstar" that we are creating with this legislation—and I must confess that I have shared some of these reservations when this concept was first introduced although my doubts have been allayed considerably by the excellent modifications in the reported bills—that we give the new office a change, withhold opposition and join with the sponsors of the legislation in critical oversight of this program which holds such great promise, in the words of the bill's title, "to coordinate the resources of the Nation in a crusade against drug abuse."

Mr. President, I wish to express to the leaders in the development of this legislation my gratitude for their courtesy, consideration, and outstanding cooperation in working out the amendments I have just described. I refer to the Senator from Connecticut (Mr. RIBICOFF), chairman of the Subcommittee on Executive Reorganization and Government Research, the Senator from Maine (Mr. MUSKIE), the chairman of the Subcommittee on Intergovernmental Relations of that committee, the Senator from Illinois (Mr. PERCY), the acting ranking minority member of that committee, and the Senator from New York (Mr. JAVITS), the ranking minority member of the Committee on Labor and Public Welfare. Finally, I want to pay special tribute and express my special thanks to my good friend, the Senator from Iowa (Mr. HUGHES), the chairman of the Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee to whose steadfastness of purpose, unflinching dedication to principle, and commitment and concern in this vital fight against drug abuse and dependence has been primarily responsible for bringing about the bipartisan agreement between the Senate and the executive branch, which brings this bill to the floor today.

Mr. President, I urge my colleagues to support S. 2097 as reported by the Labor and Public Welfare Committee on November 24, 1971.

CONGRESS CONTINUES ITS COMMITMENT TO DRUG CONTROL LEGISLATION

Mr. RANDOLPH. Mr. President, in every forward movement there is usually one event, or one single incident, which galvanizes responsible people into action. It is not always a disaster or an earthshaking event in itself.

The crusade against drug abuse was already well underway when the Nation's news media flashed a picture of a 12-year-old boy testifying on his drug habit. The child was seated on the lap of a social worker before a microphone, telling in a matter-of-fact tone how he had developed a $36-a-day habit.

For me, and I am sure for many thousands of other persons, this single act brought into clear focus the catastrophic consequence of the growing drug problem in America. Over the past few years, we have received much expert information on drugs, going all the way back to the early part of this century when this Nation had a severe "dope addiction" problem.

But it was not until this invaded the classrooms and recreation rooms of America's affluent young that its cancerous process became fully recognized.

This legislation may have come too late. Perhaps it cannot rescue many thousands of young people who have experimented with a wide variety of drugs and have irrevocably damaged their future.

Too much time is generally required to generate the acute public awareness prerequisite to effectively attacking social ills in a democratic society. Regrettably, there is little constructive activity until the public's conscience has been shocked into realization of the effects of a particular problem or set of problems. Similar circumstances prevail in our attitudes toward the addict in society.

But this legislation is evidence that the Congress and the people of this country have now developed that "acute awareness." We are in the process of counterattacking an epidemic.

I want especially to commend all the Senators who cooperated in developing this legislation in a way that was free of partisanship. This is truly a bipartisan measure and I am gratified to be a cosponsor of the measure.

Not only is S. 2097, on which Democrats and Republicans worked closely together, but it is also a written demonstration of the cooperation between Senate committees—the Committee on Government Operations, and the Committee on Labor and Public Welfare, the latter on which I am the senior majority member. Among those who worked diligently on this bill, and who deserve special recognition. are Senators MCCLELLAN, RIBICOFF, MUSKIE and PERCY, particularly with respect to titles I, II, and III of the bill, the subject matter of which was under jurisdiction of the Government Operations Committee; and Senators HUGHES and JAVITS, who concentrated on titles IV through VIII of S. 2097, which deals with matters under the jurisdiction of the Labor and Public Welfare Committee. The Congress and the public should be aware of the intense interest, drive, and dedication of Senator Hughes as chairman of the Alcoholism and Narcotics Subcommittee on which I also have the responsibility of serving.

Mr. CHURCH. Mr. President, I support S. 2097, a bill designed to do something about drug abuse.

This legislation, if enacted into law, provides new tools for the use of our Federal, State, and local governments in the fight against drug abuse. The purpose of the bill is simple and straightforward:

> To focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse within the United States in the shortest possible period of time.

The bill takes significant steps to implement that policy.

First. It establishes, within the Executive Office of the President, a Special Action Office for Drug Abuse Prevention. The new office would be responsible for the coordination of the Nation's drug abuse programs and provide assistance to State and local governments.

Second. It provides for the formulation of a national drug abuse strategy at the direction of the President. The information of such a strategy would include an analysis of drug abuse problems, determinations as to how best to make use of Federal funds and resources to combat the problems of drug abuse, and an evaluation of current programs and recommendations for action.

Third. The bill also provides significant financial aid to State and local units of government to help them formulate and implement drug abuse prevention and rehabilitation programs.

Fourth. It establishes a National Institute on Drug Abuse within the National Institute of Mental Health which will assist in the study as well as in the formulation of educational research to broaden understanding of, and battle against, the rising incidence of drug abuse in our Nation.

This is a brief summary, Mr. President, of an excellent piece of legislation. It is one of the steps which we can take to help stop the spiral of drug abuse. We cannot ignore the fact that this drug abuse is real. It extends from the slums to the suburbs across the land.

The support for this bill speaks for itself. It is cosponsored by Senators of both political parties whose views run from the very conservative to the very liberal. It is not a partisan issue. I shall cast my vote today in support of this legislation to help meet the need to create a coordinated Federal effort to curtail drug abuse in the United States.

Mr. CHILES. Mr. President, I think it is fair to say that there is no greater problem facing this Nation today than the already broad-based swelling growth of drug addiction. The problem has reached the emergency stage and it is with that emergency that we deal with today. We are all too familiar with the scope of the drug problem. There is an abundance of shocking evidence available showing the rapid increase in drug use in all sectors of society. The threat of drugs does not discriminate—all people are being affected either directly or indirectly. All are touched in some way by the effects of drug abuse and dependency. Crime ranging from petty theft to murder, disrespect for law and order, weakening of our moral and spiritual awareness, and a growing sense of despair and inability to cope with problems—all can be seen to be in some measure at least outgrowths of the drug problem.

It is true that the proportions of the drug situation have not been totally ignored. We could not possibly have avoided or disregarded them entirely. And as the problem grew, so too various programs grew to aid those who had become disciples of the drug habit. Medical, psychiatric, and legal aid was made available to many through a variety of offices, agencies at all levels of government.

But our current offering of programs is limited, uncoordinated, and disjointed and of doubtful effectiveness. In the July 16, 1971, Record, Congressman James H. Scheuer attempted to compile a list of all Federal agencies operating such programs. At the same time the administration officials were attempting to compile their own list. The Congressman's list was far from comprehensive by his own admission, but as Mr. Scheuer stated:

> The very fact that each list describes programs that the other omits dramatically illustrates how difficult it is to even determine the scope of the Federal effort in this area.

In the words of the President:

> We must now candidly recognize that the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. . . . Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat.

There are at least nine Federal agencies involved with drug addiction. The efforts exerted through these agencies have been well intended, but ineffective because of lack of communication, limited and fragmented authorization as well as funding. If our dealing with this massive problem is to be at all effective the piecemeal approach must end. And S. 2097 would quickly draw it to an end. The bill would establish a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to develop a comprehensive, coordinated, long term national strategy for all drug abuse programs and activities supported by any part of the Federal Government.

Our objective through this office—to reduce the incidence of drug abuse and drug dependency in the shortest possible period of time—would no doubt, parallel the general goal of the present variety of programs dealing with the problem. But the approach this bill provides would, at last, reflect in some measure the magnitude of the problem. The emergency proportions of the drug situation demand an organized, all-out attack which this measure would provide. The bill would constitute a total Federal effort through an office directly answerable to the President.

Party lines obviously have no influence here—no effect on the merit of the bill. The only real consideration ought to be—what is the most effective way we can deal with a problem that is growing, that touches all of us in some way and that must be stopped? I believe S. 2097 shows us the way.

Mr. EAGLETON. Mr. President, we act today on one of the most important measures of this session, a bill providing for a comprehensive, coordinated attack on drug abuse in this country. The drug abuse problem has been among my major concerns since I came to the Senate, and I am pleased to be among the cosponsors of this landmark bill.

The major impact of this bill will be the creation of a focus on drug abuse within the Federal Government so it can more effectively carry out its part in the fight against drug abuse. We need a unified policy in this area, and we need a coordinating mechanism at the Federal level.

President Nixon recommended, and I endorsed, the concept of a Special Action Office for Drug Abuse Prevention—SAODAP—in the Office of the President. This bill creates that office, giving it responsibility for providing overall strategy in the areas of drug abuse education, treatment, rehabilitation, and research. That is no small task considering that these drug programs are scattered among the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the Veterans' Administration, the State Department, the Civil Service Commission, and the Department of Defense.

The second major step taken in this bill is the authorization of two grant programs designed to get more money into State and local drug abuse programs. Under the first program, Federal funds will go to the States on a formula basis, depending upon the State's population its financial need, and its need for prevention and treatment programs. The second program is for special emphasis grants for projects of special importance, including, for example, research grants and special training sessions.

One of the most important aspects of this legislation is the fact that it embodies a commitment to research in the area of drug abuse. Sadly, in this day of widespread drug abuse, we know remarkedly little about the precise nature of drug abuse and about effective treatment of drug dependence. There have been some promising breakthroughs—the possibility of developing safe blockage drugs for heroin addicts, for example. But until now we have lacked the funds and the commitment to follow through on these leads.

I have expressed to the members of the Labor Committee my concern that the Special Action Office be involved not only with the very critical problem of heroin addiction, but with the abuse of amphetamines, barbiturates, and other dangerous drugs as well. That is clearly the intention of the legislation before us.

No less significant is the provision of this bill which directs the Veterans' Administration to provide treatment and rehabilitation services for drug dependence to veterans regardless of the kind of discharge he has received. Surely if a person's introduction to these dangerous substances occurred as a result of his military service, the responsibility of the military and the VA should not end with his dishonorable discharge.

I do not claim that this legislation will cure the drug abuse ills of this country, but surely it is a significant step in the right direction with respect to treatment and research. No doubt other steps will follow.

Of course my interest in the treatment and research aspects of the drug abuse problem has not dulled my concern about the law enforcement and control areas. I have worked for tighter control over dangerous drugs in the past and have every intention of doing so in the future.

I take pride in the long overdue tightening of controls over amphetamines and other stimulant drugs, a change I worked for for over a year. The administration fought my proposed rescheduling of these drugs in October 1970 and, as a result, it failed to pass into law. When I reintroduced my proposal this year, they did an aboutface and published a rescheduling order. I welcomed their action but was disturbed by two serious deficiencies. First, the rulemaking procedure allowed Smith Kline & French to file a petition for hearing on the largest selling diet pill, Eskatrol, thereby exempting that pill from stricter controls until its case could be decided separately. Second, it failed to include two amphetamine-like drugs, Ritalin and Preludin, which also have a history of abuse. That is why we held hearings in the Senate last July. Only after those hearings did Smith Kline & French withdraw its petition, and the administration changed its mind once again and decided to reschedule Ritalin and Preludin, as well.

Now the time has come for the administration to set manufacturing quotas on these dangerous drugs. I have expressed my concern to the Justice Department that they reflect the vast, irresponsible overproduction of these drugs in past years. If they do not, we only kid ourselves if we think the "speed" problem is taken care of.

I have also introduced legislation (S. 2911) which would insure that only responsible, cautious companies are authorized to manufacture and distribute dangerous drugs. Under current law, these companies are subject to certain criteria before they can receive their registrations, but the law is weak when it comes to taking registrations away from companies who abuse them. My bill would allow the Justice Department to revoke or suspend registrations whenever registrants fail to "provide a standard of control consistent with the public health or safety." Surely where this privilege is abused at the expense of the public, it should be possible to take it away before further damage is done. I intend to solicit comments on this legislation very soon and hope to see it pass into law within the next few months.

Mr. WILLIAMS. Mr. President, for several years now the Congress of the United States has devoted much of its time talking about the need for a massive Federal attack on drug abuse in the United States. Today we have the opportunity to enact a program which can serve to get that job done.

There is no longer any dispute that drug abuse has become a problem which pervades our whole society. It is no longer enough to talk about enforcing the laws against illegal drug use. We must now undertake a concerted, coordinated and comprehensive national effort which will combine all of our resources in order to overcome what has in fact developed into a national crisis.

Statistics alone do not adequately tell the full story:

Official estimates placed a number of heroin addicts at 250,000. Other estimates indicate that the real number may be closer to 600,000 nationwide.

The abuse of depressant and stimulant drugs is even more widespread and although the true number of abusers is not known, one survey indicates that 18 percent of college students have tried amphetamines and 15 percent have tried barbiturates.

Hallucinogenic drugs have been tried by an equally large segment of our young people. But the real crisis arises from the destruction which this drug abuse reaps on the fabric of our society.

And it is impossible to quantify these costs in terms of crime, lost productivity, unemployment and the spirit of the American people.

The bill which we have before us today is a product of years of work on the part of the Labor and Public Welfare Committee and the Committee on Government Operations. It establishes for the first time a framework within which Federal, State, and local governments can begin to effectively utilize and strengthen their resources to bring the drug abuse problem under control. It creates a Special Action Office for Drug Abuse Prevention in the Executive Office of the President which will provide overall planning and policy to establish objectives and priorities for all Federal drug abuse programs relating to education, training, treatment, rehabilitation, research, and many aspects of our law enforcement programs. It authorizes the Director of his Special Action Office to review budget requests of the affected Federal Departments and to lend technical assistance to State and local drug abuse control efforts. It requires the establishment by the President of a Strategy Council which can develop a comprehensive long-term Federal strategy for all drug abuse programs and activities supported by the Federal Government. It establishes a National Institute on Drug Abuse within the National Institute of Mental Health to conduct treatment and rehabilitation programs consistent with the policies and objectives established by the Special Action Office.

It provides for formula grants to the States so that they may develop effective drug abuse prevention and treatment plans. And it provides for special-emphasis grants to be made by the Institute to public and private nonprofit agencies so that these groups may carry out programs deemed to be of special importance in the area of drug abuse prevention and control.

Mr. President, I could of course spend a great deal of time discussing the need for this comprehensive legislation, the increase in public concern about the problem, and the details of the bill we are now considering. Frankly, I feel that this is no longer necessary. We all know what must be done. We all know that through great bipartisan effort which went into the fashioning of this bill the Drug Abuse Office and Treatment Act of 1971 will prove to be a monumental initiative by the Congress of the United States, and we all fervently hope and pray that this program will work.

Senator McCLELLAN, Senator MUSKIE, and Senator RIBICOFF have all performed valiantly in attempting to develop a practical and well-designed administrative structure for the Special Action Office. Senator HUGHES, as always, has demonstrated his unique talents in getting to the heart of the drug abuse problem and fashioning the kind of rehabilitation and treatment program which can and will prove successful. And a large share of the credit must also go to Senators JAVITS and PERCY.

Mr. President, this is more than a "national" crisis which we are faced with today. It is a human crisis. And we must not shrink from our responsibility to do everything within our power to help deal with it.

THE DEMAND FOR A TOTAL EFFORT TO CONTROL DRUG ABUSE

Mr. HUMPHREY. Mr. President, the menace of drug abuse, that reaches into every State and town in America, must be met head on by strong and comprehensive Federal programs of education, rehabilitation, and coordinated law enforcement. I have been gratified by the thorough and expeditious actions taken by the Senate Committees on Government Operations and on Labor and Public Welfare in reporting the historic legislation that will shortly be voted on by the Senate.

The Drug Abuse Office and Treatment Act of 1971, which I have been privileged to cosponsor, calls for a sustained and comprehensive attack, a coordinated Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective programs to treat and rehabilitate the victims of drug abuse. It recognizes the critical need for a high-level authority, directly responsible to the President, to accomplish the full implementation and total coordination of Federal agency programs which can effect the control of drug abuse.

The need for the substantial improvement and extensive reorganization of Federal programs addressed to the critical and pervasive problems of drug abuse and narcotic addiction was recognized months ago by the Senate Committee on Government Operations, of which I am a member. The evidence laid before our committee presented a picture, not only of totally inadequate efforts by the present administration to clamp down on the narcotics traffic, but also of piecemeal approaches—even working at cross purposes—to employing medical research and rehabilitation resources and to tying these in with law enforcement procedures.

The result has been that far too often, the youth who has been subjected to peer group pressures is not reached before he becomes a victim of the drug habit; and the discharged serviceman who had become addicted to heroin is not being helped. Meanwhile, the professional traffickers in narcotics have continued to make a profit at the expense of human lives, and the rate of crimes associated with the maintenance of the drug habit has not abated.

In the face of this profoundly disturbing evidence I introduced an original bill, S. 2155, the Drug Cure and Control Authority Act, designed to launch a nationwide effort to control the abuse of drugs. I am gratified that the major features of this bill have been incorporated in the legislation presently before the Senate. Greatly dissatisfied with the half-way proposal originally made by the administration, I had included in my bill a central provision for a coordinating agency at the highest level of Government to assure the full implementation of Federal programs on drug abuse treatment and rehabilitation. And this agency would also accomplish the effective interaction of law enforcement agency efforts to halt the narcotics traffic and to apprehend the dope pushers, with the new emphasis upon drug abuse prevention, education, research, and treatment. My bill called not only for the expansion of new frontiers on drug abuse research and treatment techniques, but also for far more sophisticated and coordinated enforcement programs at all levels of government to halt the narcotics traffic. Law enforcement, however, had been specifically omitted from the President's message in connection with the original administration bill on drug abuse control.

Moreover, the legislation presently before the Senate adopts a basic premise of my original bill: That those directly responsible for administering Federal drug abuse control programs and those having expertise in all areas to be combined in an offensive against drug abuse and narcotic addiction, must be brought together in advisory, strategy planning, and program-monitoring councils tied in with the Federal drug abuse control action authority. Only in this way can we pull together all governmental and private resources, set schedules for meeting specific goals, fix responsibility, and accomplish a decisive advance in the war against the rising drug epidemic.

The central truth is that effective control has suffered from fragmentation of authority. The Bureau of Narcotics and Dangerous Drugs; the Law Enforcement Assistance Administration; the Department of Health, Education, and Welfare; the National Institute of Mental Health; and the Department of Defense all have responsibilities in the narcotics field. But they have lacked coordination. They have not made adequate use of the extensive public and private resources already at hand to combat drug abuse. They have not taken sufficient advantage of new advances in the prevention, treatment, and control of addiction. And they have failed to work together and with State, local, and private agencies to get at the source of drug abuse and to provide the help that hundreds of thousands of victims across America need and want.

I urge the Senate to pass the Drug Abuse Office and Treatment Act of 1971. I firmly believe that the American people expect and demand that this Congress take this decisive action to launch a total, sustained offensive against the despair, the agony, the crimes of violence, and the loss of human life left behind in the spreading wake of drug abuse.

Mr. STEVENS. Mr. President, we must stop the encroachment on our national health and strength which the rise of drug abuse in our land threatens to bring about. I believe the bill we vote on today holds the potential for doing this and I am pleased to cast my vote for its passage. S. 2097, by establishing a Special Action Office for Drug Abuse Prevention in the highest elective office in our country, that of the President's, will have the coordinating authority and power it requires to effectively unify our national attack on this problem. Every agency; every Federal program; both national and international, both preventive or educational and those dealing with the enforcement of current laws, will work with this new office. And this is as it should be. We must make our Federal commitment and our programs on drug abuse into a well planned and defined effort that is operated with unification of purpose and a sense of urgency that propels the many Federal programs forward together far more effectively then could ever be accomplished with them each going their separate way.

I am pleased, too, that the legislation also authorizes new Federal funds for grants to States and public and private organizations for projects of special significance in their efforts to solve this national problem.

In Alaska our situation is a bit different than many other States.

At this particular time, dealing with narcotics and drug abuse in Alaska could be compared with decisions to be made on the development of our natural resources.

We are on a threshold with respect to both problems—standing on a sort of continental divide.

What we do in the next few years—the policies we adopt—could well set our course for decades to come.

All of us would agree with that statement when it comes to devising a sensible balance between resource development and preservation of our fabulous natural environment.

But why do I compare this to drug control?

First, people are our most precious resource. Just like our natural environment, they can be destroyed—in this case by drug abuse.

Second, consider these statistics compiled by the Federal Bureau of Narcotics and Dangerous Drugs:

In 1967 and 1968 Alaska had seven known drug addicts—those known to be habitual users of hard drugs.

In 1968, in terms of arrests for violation of narcotics and drug laws, Alaska ranked 17th among the 50 States, averaging 57.8 arrests per 100,000 people.

The total number of people is not enormous. It does not compare, for instance, with New York City, where every day of the year, a school-age boy or girl dies from an overdose of heroin.

Or, where there are an estimated 90,000 drug addicts.

Or, where, according to the New York Board of Education, 35,000 of these known addicts are of school age.

These are appalling statistics telling of humans—more young than old—devastated and corrupted by drugs.

Yet Alaskans cannot turn away, and say it will not happen in our State. It can and is happening anywhere and everywhere, and our ranking with respect to narcotic and drug arrests is not the most reassuring. Therefore, I stand strongly for this legislation; for Alaskans and for all Americans who, if they have not yet been damaged by this blight in our Nation, may well be, if we do not act decisively—and act now.

Mr. BYRD of West Virginia. Mr. President, I rise to express my support for S. 2097, the Drug Abuse and Treatment Act of 1971. This bill will establish a Special Action Office for Drug Abuse in the Executive Office of the President, with the authority to develop a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities which are conducted, sponsored, or supported by any agency of the Federal Government.

The Department of Health, Education, and Welfare estimates that there are 250,000 heroin addicts in the United States, and other authoritative sources claim the number is closer to 600,000. Additionally, no one has any accurate estimates regarding the number of people who have tried heroin once, or who have had limited experience with this deadly drug. Another shocking factor which has recently surfaced in connection with drug abuse is the large number of GI's who have become addicted to heroin in Vietnam, and who are being mustered out all over the country. This entire spectrum of drug abuse is one of the most serious crises this country has ever encountered, and it will require a coordinated national effort to promote prevention, education, research, treatment, and rehabilitation.

In September 1962, the White House Conference on Narcotics and Drug Abuse considered the future of this country's drug abuse policy. As a result of that conference, the President established an Advisory Commission on Narcotics and Drug Abuse, which issued its report in November 1963. The final report of the Commission concluded that there had never been a sustained, organized attack on drug abuse in this country. Some 3 years later, the U.S. Crime Commission again reviewed the problems of drug abuse and drug dependency, and it urged certain comprehensive programs on both a voluntary and involuntary basis.

The Congress itself has attempted to conquer this problem by the passage of the Narcotic Addict Rehabilitation Act of 1966, and subsequent amendments to that act passed in 1968. Apparently our prior efforts have not been entirely adequate, because in spite of these acts and other massive law enforcement activities mustered by this country, illegal drugs are available in every city in greater quantities than ever before, and in the majority of cases, at reduced prices.

S. 2097 establishes a comprehensive range of administrative tools in a single, broadly based institute structure within the National Institute of Mental Health, and in addition creates a mechanism whereby a national strategy against drug abuse can be developed. The President is directed to prepare such a strategy council. The national strategy factor is what has been lacking in previous efforts.

This Nation faces a serious problem, and there is no apparent easy solution. I sincerely hope that this new office of drug abuse will bring all of the available resources of the United States to bear on this problem in an effort to reduce the incidence of drug addiction and drug abuse within the shortest period of time practical.

Mr. HUGHES. Mr. President, I am prepared to yield back the remainder of my time on the bill, if the other side is prepared to do the same thing.

Mr. BROCK. Mr. President, if the Senator will yield, I have two further requests for time, and then we will do the same.

Mr. HUGHES. I withdraw the yielding back of time.

Mr. BROCK. I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I have followed the path of S. 2097 as it progressed through the Senate. I welcomed President Nixon's initiative in proposing the establishment of a Special Action Office for Drug Abuse Prevention. I wish to praise the Committee on Government Operations and the Committee on Labor and Public Welfare for their fine and diligent work in following through with the President's initiative.

I feel that the establishment of a special office is an important step forward. It is a necessary focal point for marshaling our Nation's resources in an effort to defeat the most recent threat to our personal security and welfare—the scourge of drug addiction and drug abuse.

This legislation marks the turning point in our efforts to effectively combat the drug problem. In the past, the majority of our energies have been spent in programs to eliminate the supply of drugs and to increase the effectiveness of our law enforcement efforts. In reality, we were fighting only half of the problem. We must now dedicate ourselves to the rehabilitation of those lives which have been destroyed by drugs. I am extremely pleased with the special emphasis this legislation places on treatment and rehabilitation programs.

Furthermore, the bill goes one step further, and provides for additional emphasis on our efforts to prevent the spread of drug abuse.

The problems associated with drug abuse are multifaceted and complex. There are no simple solutions. However, I have been extremely encouraged by the increased interest of the public. Such efforts as the decision of the medical society of Houston to request its members to voluntarily regulate their prescription of amphetamines have been remarkably successful. But the drug problem is too great—and our knowledge is too limited—for this Nation to rely solely on individual community efforts. To win this battle, we must be able to coordinate our efforts—to share our Nation's resources and to share our knowledge of drugs in order to remove this curse from our land. The Special Action Office of Drug Abuse Prevention will be a step in that direction.

Mr. BROCK. Mr. President, I ask unanimous consent to have printed in the Record a statement by the Senator from Florida (Mr. Gurney).

The PRESIDING OFFICER. Without objection, the statement will be printed in the Record.

Statement by Mr. Gurney

Mr. President, as one of the principal cosponsors of S. 2097, I am here today to ask for unanimous support for this measure to establish a special action office for drug abuse prevention in the Executive Office of the President and to assist in concentrating the resources of the Nation against the problem of drug abuse.

We face today nothing less than an insidious menace which afflicts the body and soul of America. The peril of drug abuse has stealthily swept across our Nation, leaving behind its calling card of physical and psychological death and desolation. If we as a Nation do not act effectively to control this growing threat, it will increasingly cripple and eventually destroy the human and economic resources of America.

It is now obvious that efforts to control drug abuse have not been sufficiently effective. Drug abuse continues to wreck lives, destroy families, and seriously disrupt whole communities at an alarmingly increasing rate.

Statistics need no elaboration to bring emphasis to the frightening dimensions of the drug abuse problem. Truly, the following facts speak for themselves:

In 1969, there were estimated to be 330,000 narcotic addicts in the United States—95% of whom were addicted to heroin.

Of the 68,000 addicts on whom the Bureau of Narcotics and Dangerous Drugs has detailed information, almost 3 out of 5 are under the age of 30, and 8% are under 18. In the past two years (1969–1970), new addicts under the age of 18 have increased at a rate 3½ times the rate for the preceding three years.

The cost of maintaining a drug habit can range from $30 to $100 a day, or $11,000 to $35,000 a year. Nationally, the total cost of addiction *to the addicts* is estimated by the Bureau of Narcotics and Dangerous Drugs to be approximately $6 billion.

Narcotic addicts cannot usually hold jobs, and are forced to finance their habits through illegal activities—ranging from petty larceny and shoplifting through prostitution and armed robbery to murder. Nationally, the cost of crimes committed to sustain a habit is estimated to be in excess of $8 billion a year.

There are over 30,000 addicts in my home State of Florida—diverting 60% of all law enforcement efforts in Florida to drug related crimes.

In addition to the overwhelming cost of drug abuse reflected by the preceding statistics, the people of America pay an unmeasured daily toll in terms of personal and family suffering and misery. Not long ago, most Americans, including many Members of Congress, felt drug abuse to be primarily a class problem. Whether or not this was ever totally true is no longer relevant, in the face of unquestionable evidence that drug abuse now crosses all boundaries infecting every economic and social group in urban and rural America.

Despite the increasing dimensions of drug abuse, and despite our expanding awareness of the problem, we have not yet moved effectively to combat it. Our efforts to date have been strained, stymied and fragmented through competing priorities, lack of communication, multiple authority and limited and dispersed resources in the Federal bureaucracy.

I firmly believe that enlightened Government efforts to control and eventually eradicate the drug abuse epidemic can be successful only if channeled through a concerted program which coordinates and mobilizes national, State and local resources. We now have the opportunity to institute such efforts at the highest levels of Federal Government. We now have the opportunity to commit to the problem of drug abuse the focused efforts of State and local resources in the inter-related areas of education, treatment, rehabilitation, training, research and law enforcement.

The importance of legislation to provide formal structure and direction for these efforts is underscored by the strong bi-partisan support for S. 2097 in committee—both from fellow Senators from both sides of the aisle and from various administrative agencies. Over 50 Senators have joined to cosponsor this measure. It is supported by the administration. It is supported by State agencies. It deserves our support and immediate pasasge.

Failure to take decisive action now to provide the governmental mechanism needed for such a concentrated and coordinated attack on drug abuse and its related problems will inevitably result in additional human misery, social deterioration, increased crime, and an ultimate potential for the destruction of our society.

As President Nixon said in his message to Congress:

"The final issue is not whether we will conquer drug abuse, but how soon?"

I believe the answer to this question must be here and now.

Mr. BROCK. Mr. President, I ask unanimous consent to have printed in the Record a statement by the Senator from Ohio (Mr. Saxbe).

The PRESIDING OFFICER. Without objection, the statement will be printed in the Record.

Statement by Mr. Saxbe

Mr. President, last June President Nixon declared "war" on one of our most difficult and perplexing problems—drug abuse. In a major message to the Congress, he set the theme for the effort which he then proposed to deal with this problem when he said:

"We need a coordinated effort at the highest levels of the Federal Government . . . if we are to move effectively against drug abuse."

The legislation we consider today, S. 2097, is a direct and responsive answer to the President's call. It would establish a coordinated effort at the highest level of the Federal Government—in the form of the Special Action Office for Drug Abuse Prevention. It would also provide the mechanism for the development of a long term, comprehensive national strategy against drug abuse. These two features are critical elements in this legislation.

The need for a coordinated federal program to marshal the resources of the federal government in a coherent way is obvious. Presently, there are thirteen federal departments and agencies involved in the non-law enforcement aspects of drug abuse prevention. Seven are in treatment; nine in rehabilitation; four in training; seven in education; four in evaluation, and seven in research. While solid accomplishments have been made by all of these programs, there has been too much duplication and overlap and not enough cooperation and coordination. Many agencies were concerned with parts of the problem, but no one agency had either the scope of authority or the responsibility to deal with all of it. The Special Action Office which is authorized in law by this bill will have the responsibility and the authority to bring together all the non-law enforcement programs of the federal government and to insure that the policies and plans of those programs work in a united way against the drug abuse problems of our society.

The Special Action Office, lodged in the White House with the backing of the President and the able leadership of Dr. Jaffee, will have free authority and major responsibilities. For drug abuse programs and activities dealing with education, training, treatment, rehabilitation, and research, the Office would provide overall planning and policy, establish objectives and priorities, reviews and modify budget requests, review implementation plans, and make appropriations available. In addition, the Director of the Office would possess the authority to make recommendations to the President concerning law enforcement and international aspects of the federal drug abuse programs. The important point is that the Director of the Special Action Office would be in the position to make key judgements on the direction of all the federal drug abuse programs. This, in itself, is a major step forward.

A second major provision in this legislation is that which insures the development of a comprehensive national strategy against drug abuse. The bill would establish a Strategy Council composed of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education and Welfare, State, Defense and the Administrator of the Veterans Affairs and any other officials designated by the President. This Council would be responsible for the developing of a National Strategy which would include the law enforcement and international aspects of the drug problem as well as the treatment, rehabilitation, education and training, and research portions of it. The strategy will contain among other things a comprehensive federal plan specifying the objectives of the program and the uses of all available resources, funds, services, and facilities authorized under federal law. In short, it will be a total plan of action for the fight against the epidemic of drug abuse. The strategy is to be completed nine months after the enactment of the legislation, but is to be reviewed and updated at least once a year. This will insure a continuing analysis and evaluation of what has been done, what is being done, and what should be done in the future in the drug abuse field. Since unfortunately, the experts say this problem is not one to be solved quickly, the continuing review mandated by this legislation is most important.

Mr. President, drug abuse is a scourge which has attacked all segments of our society. It has touched too many families and has taken too many lives already. While S. 2097, authorizing the Special Action Office, may not be the total answer, it surely is what is needed today to move towards the effective control of drug abuse. I am happy to join my colleagues in complete support of this bill.

Mr. BROCK. I yield myself such time as I may require.

Mr. President, on June 17 of this year, President Nixon sent one of his most important messages to Congress. In that message he told Congress:

> We must recognize that piecemeal efforts, even where individually successful, cannot have a major impact on the drug abuse problem unless and until they are forged together into a broader and more integrated program involving all levels of government and private effort.

This bill represents an effort to achieve that objective. It is brought before this body as a result of the efforts of the President, the executive branch, the Members of the Senate, and the respective committees. Others more eloquent than I have commended the efforts of the Senator from Connecticut, the Senator from Iowa, the Senator from New York, and the Senator from Illinois. Those efforts are legion, and their effect is represented in an excellent piece of legislation.

I think we do have some special problems to which I should like to draw attention.

At the present time the Federal Government is involved in a great many efforts designed to approach the drug abuse problem on a number of different fronts. Work is being done on the methodology of rehabilitating addicts, on the development of a workable detoxification agent which can ease the physical pain of withdrawal, on the development of a long-lasting antagonist drug to be used in the treatment of heroin addicts, and in a great many more areas vital to a comprehensive approach to this Nation's drug abuse problems.

All of these efforts are highly experimental in nature, and this is as it must be. We have no answers in the field of drug abuse. Few, if any, treatment programs have been able to claim any real success in the rehabilitation of drug addicts. We know that our education and prevention programs leave a good deal to be desired. In short, a great deal of work is yet to be done.

The Special Action Office for Drug Abuse Prevention, proposed in the President's message and in the legislation now before us, will perform a critical role in our efforts to provide solutions to the problems of drug abuse. It will coordinate and direct the entire Federal effort in this area. It will make certain that each component performs its assigned tasks, and that each serves to complement the functions and achievements of the other coordinates.

As I have indicated, much important work is now being done in the Federal Government, but I am also certain that the maze of legislative authorities and operating agencies involved in this work has led to much confusion and wasted effort. The Special Action Office will, amongst other things, eliminate this waste. It will assure that each agency of Government is aware of the related work being done in other agencies and will be able to build upon the knowledge gained in those agencies.

It is my view that a Special Action Office for Drug Abuse Prevention is critically needed if we are to make any real progress in eliminating the dilemma of drug abuse. The drug problem as we know it today began its enormous growth after the publicity arose in the early 1960's concerning the use of the hallucinogen, LSD. Soon illicit drug use became a type of weapon used to widen the so-called generation gap, a symbol of those who sought drastic changes in society against those who desired to preserve traditional values.

Since then, misunderstanding has clouded the horizon and the problem has been so outlandishly mismanaged that both the young and old have become deeply polarized. Not accepting that drug abuse was symptomatic of a wider problem, many adults reacted with panic and punitive action. In turn, many young people watching their parents use alcohol and become dependent on prescription drugs were forced to the conclusion that adults were either stupid, hypocritical, or both.

In that context, Mr. President, I ask unanimous consent to have printed at this point in the RECORD the additional views that I submitted to the committee report on S. 2097, relative to drug abuse prevention and control, specifically relating to what I consider to be inadequate national attention to the most pressing drug problem of all, the problem of alcohol.

There being no objection, the additional views were ordered to be printed in the RECORD as follows:

DRUG ABUSE PREVENTION AND CONTROL

All in all, I feel the bill reported by our committee is a fine piece of legislation worthy of passage by the full Senate. Nevertheless, one area where the Record remains undefined is whether the control of alcohol abuse falls within the aegis of the Special Drug Action Office. The stated purpose of S. 2097 is to establish a Special Action Office for Drug Abuse Prevention and to develop a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. There is no one who will debate that alcohol is a drug and indeed a highly addictive one. Yet, the Committee in reporting this bill has not addressed itself to a determination of this important point. I prefer to assume that the committee did not intend the use of illicit drugs to be the sole object of this legislation.

Alcohol is the nation's most used and abused drug. Alcoholism has been called the country's No. 1 public health problem—not heroin or amphetamine, nor marijuana usage. The failure to make a massive assault on alcohol addiction arises from the fact that the use of the causative agent is socially and legally acceptable. Such is not the case with the use of heroin, "speed", marijuana, or any equivalent drugs of the so-called "subculture."

Dr. Morris E. Chafetz, director of the National Institute on Alcohol Abuse and Alcoholism, estimates that there are 36 million problem drinkers in this country. Of that number, some 9 million are chronic alcoholics and this figure is rising by 100,000 a year. Further, he states the disease of alcoholism claimed 86,000 lives last year excluding traffic accidents and that at least 50 percent of the nation's annual 56,000 motor vehicle fatalities were caused by excessive drinking. Every two years, irresponsible drunk drivers account for more deaths than our total losses in Vietnam.

The costs of alcoholism are tremendous, far exceeding the benefits accrued to the public treasuries from taxes. Dr. Chafetz says alcohol costs $15 billion annually in injuries, property damage and welfare. A subcommittee of this Senate last year stated that an alcoholic costs his employee 25 percent of his salary due to poor performance, higher accidents rates and absenteeism. The estimated total cost to industry is between $4 billion and $7.5 billion each year.

On an average Americans spend close to $20 billion annually on alcoholic beverages. Of this amount the nation's 9 million alcoholics account for half the sales.

As is quickly becoming the case with the use of the drugs such as heroin, marijuana and their counterparts, the disease of alcoholism cuts across all social and economic lines. Individuals are susceptible to addiction to alcohol, regardless of one's educational, ethnic, cultural or economic background.

Reports indicate that of the country's 5.8 million arrests in 1969, a full third were related to the misuse of alcohol.

I need not continue this endless list of statistics to demonstrate the enormity of the problems related to overindulgence in alcohol. This problem in terms of its sheer size far outstrips the situation caused by the glamorous "escape drugs." This is not to say that attention should be paid to one situation over the other, but merely to point out that a crisis situation exists within the total definition of drug abuse, especially as it relates to alcoholism.

Staggering as present alcohol statistics are, the major effort to control drug abuse embodied in S. 2097 appears to exclude alcohol except in the limited areas of overlap on the general research and educational levels. In testimony received from Dr. Jerome Jaffee, Director of the Special Office, he indicates that it is his understanding that the authorities cited in this bill have by act of Congress delimited these authorities to drug abuse, excluding alcohol. To ignore the drug, alcohol, and alcoholism would be tragic. I pray we will not.

Mr. BROCK. Only after the problem was completely out of hand did both generations begin to look at the problem with a new insight. The problem of drug abuse is not limited to the young. It cuts across all social and economic lines. I am hopeful that the leadership provided by the Special Drug Action Office will serve to improve the atmosphere in which this society strives to combat misunderstanding and confusion that surrounds the misuse of drugs. For only in such an atmosphere can this society truly be effective in coping with this problem—a problem that has assumed all the proportions of a continuing national tragedy.

Mr. President, I yield back the remainder of my time.

Mr. HUGHES. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. Gambrell) and the Senator from Indiana (Mr. Hartke) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Utah (Mr. Bennett) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Ohio (Mr. Saxbe), the Senator from Colorado (Mr. Dominick), and the Senator from Ohio (Mr. Taft) would each vote "yea."

The result was announced—yeas 92, nays 0, as follows:

[No. 429 Leg.]

YEAS—92

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—8

Bennett
Dominick
Gambrell
Goldwater
Hartke
Mundt
Saxbe
Taft

So the bill (S. 2097) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

Mr. MANSFIELD. Mr. President, the swift and expeditious action by the Senate today on S. 2097, demonstrates the Senate's deep commitment to the drug issue. This measure is designed to establish a Special Action Office for Drug Abuse Prevention. The misuse of drugs has become a dreadful blight upon this Nation. I am exceedingly pleased that the Senate has chosen to act effectively against the ravages of this problem. Because of the multiple jurisdiction involved on this bill, two committees worked very hard, and through a truly bipartisan effort, brought to the floor a comprehensive measure which will hopefully help stem the tide of the rising drug problem.

The Senator from Iowa (Mr. Hughes) is to be particularly commended. His overall leadership in this area has won him praise from all quarters. It is justly deserved.

Our gratitude goes especially to the chairman of the Government Operations Committee, the distinguished Senator from Arkansas (Mr. McClellan). He and his committee worked diligently to report out this measure so that it could be be considered prior to adjournment. As always, his contributions are of the highest caliber and greatly appreciated.

The very able Senator from Illinois (Mr. Percy) is to be commended as well for his efforts on the measure and the expertise and enthusiasm which he brings to the deliberations. For his articulate advocacy we are deeply indebted.

We are indebted equally to the Senator from Connecticut (Mr. Ribicoff) and to the Senator from California (Mr. Tunney) for their thoughtful contributions.

THE ECONOMIC OPPORTUNITIES AMENDMENTS OF 1971—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the next order of business will be the conference report on the Economic Opportunity Amendments of 1971.

Mr. JAVITS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Jordan of Idaho). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of November 29, 1971, at pp. 43117-43133.)

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that during the debate on the conference report, Mr. John K. Scales may be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Time is limited and controlled. The Senator from New York has 3 hours and the Senator from Wisconsin (Mr. Nelson) 15 minutes.

Who yields time?

Mr. JAVITS. Mr. President, I yield myself a minute.

The PRESIDING OFFICER. The Senator from New York is recognized for a minute.

Mr. JAVITS. Mr. President, apparently this matter broke a little earlier than those who wish to speak first had anticipated. I therefore ask the indulgence of the Senate and suggest the absence of a quorum, which I will not maintain for more than 5 minutes, and ask unanimous consent that the time not be charged to either side.

Mr. NELSON. Mr. President, I am disturbed about getting it through in time to go to the House. They will be waiting on the bill.

The time may be taken out of my time if the Senator wishes. I would rather do that than lose the time.

Mr. JAVITS. Mr. President, I yield 15 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 15 minutes.

Mr. BEALL. Mr. President, although I was one of the conferees on S. 2007, I did not sign the report that is now under consideration. I would like to explain my principal reasons for not signing the conference report on S. 2007, the Economic Opportunity Amendments of 1971.

S. 2007 was advanced as a 2-year extension of the Economic Opportunity Act. I support that extension because I know there are many citizens in the country who need help and a hand to get out of poverty.

I believe our difficulties began when the decision was made to couple the OEO extension with the Comprehensive Child Care Act. I am aware of the growing evidence with respect to the importance of the early learning years on a child's development. I also am aware that these early years may be particularly significant for disadvantaged youngsters.

I want to make it perfectly clear that early child development should receive the highest priority for attention from the National Government. But because we are dealing with early learning years and generally with disadvantaged children, I think we must be extremely careful as to the character and the quality of the programs that are offered. We must be absolutely sure that those sponsoring the programs have the professional competence to provide the quality that is so necessary for the success of these programs. We are dealing with preschool-age children whose whole learning process will be affected by the training received in the child development program. There is a real danger that more harm than good can be done for such a child through an improperly structured program.

It is because of the bill's importance that I felt it was a mistake to add the child development program to the OEO extension. I say this because I believe it is impossible to give the careful consideration that both bills deserve when they are considered as a single unit. As a result, I do not believe the committee did justice to either the child development program, or the OEO extension. That is why the many questions with respect to the child-development provisions are being raised by even strong supporters of the program. I just received a copy of a telegram that Governor Mandel sent to Representative PERKINS which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Hon. CARL D. PERKINS,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PERKINS: I have received your telegram concerning S. 2007 and, although I share your desire to continue Headstart, JOBS, the Job Corps, and the other worthwhile programs it includes, I cannot ask the Maryland delegation to support the bill. You contend that S. 2007 leaves the States with a meaningful role in early childhood development, I do not agree. We in Maryland have put together a workable and coordinated State program of day care and early childhood development, this statewide approach would be effectively sabotaged by the conference bill.

I would like to see the OEO programs continued, but I cannot support S. 2007 while it contains this feature so destructive of our comprehensive statewide program.

MARVIN MANDEL,
Governor of Maryland.

Mr. BEALL. Mr. President, my colleagues will note that in his telegram Governor Mandel felt that the child-care provisions would effectively sabotage the statewide effort that is going on in Maryland.

I believe that the prime sponsor should be that entity which is capable of producing the best, comprehensive program. That and that alone should be the test. The administration felt that in some instances the best qualified entity would be the States and reasoned where a State could operate higher quality care programs and have the greatest ability to provide the link with other child related services, which the bill itself deems essential, the State should be the prime sponsor. The administration's position is certainly sound and I support it.

Unfortunately, as Secretary Richardson said:

> The present language mandates in all cases priority be given to local prime sponsors, with the states left only as residual catch-all for geographical areas which have submitted either no applications or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a state application over a local application, even if the state application would better assure quality care for children.

Since the conference, Senator TAFT and myself and others have been trying to iron out some of the problems and indeed some improvements have been made. For example, I was concerned that school systems would not be eligible as a prime sponsor. This was particularly bothersome because I have observed that in Maryland some of the most successful headstart programs have been run by the school system. I also raised the issue whether Maryland's recently promulgated child care standards would govern programs funded under this child development program. I hope to have this point further clarified.

Thus, a very important part of S. 2007, the child development provisions, which will have a profound effect on our society and on youngsters decades hence, still leaves many questions unanswered. The only real test should be who best can provide the highest child development programs for children.

In addition to questions I have with respect to the child care provisions, I continue to object to the earmarking provisions. While I recognize Congress has a right to earmark programs, I believe that such earmarking in this instance was excessive and detrimental to the OEO role as an innovator for poverty programs. What program of the Office of Economic Opportunity will be harmed most by this excessive earmarking? Ironically the agency's research and development functions. One area which may be the hardest hit is the health programs funded under the research and development provisions. This particularly is undesirable in view of the national focus on health care problems and the need to have all the evidence that we can accumulate in making a decision on the directions and from that the Nation's health care programs should take in the coming years.

I also object to the prohibition against the transfer or delegation of programs. The Office of Economic Opportunity from its beginning, has had the role of giving birth to new programs, testing them, and after they have proven successful, the programs were transferred or delegated to another agency or department. This has been done both in the previous Johnson administration and in the Nixon administration. No other Director of the Office of Economic Opportunity has been denied the right to delegate or spin off programs and this policy has enabled the Office of Economic Opportunity to move in new directions in an effort to devise better ways of serving the poor. I ask unanimous consent that at the conclusion of my remarks a chart outlining programs that have been transferred or delegated since 1965 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, as a representative of one of the Appalachia States, I also am concerned with respect to the preservation of a role for the Appalachia Regional Commission in child development programs. The Senate had adopted an amendment offered by the Senator from West Virginia (Mr. RANDOLPH) along these lines, but the Randolph amendment was deleted in conference. I am pleased that important report language has been adopted to clarify the situation somewhat.

Mr. President, I am concerned about one other factor in this legislation, and that is the authorization itself. This bill provides a rather generous authorization for child development, as it should, but again we are deceiving those we are trying to help because in making this authorization we are leading people to believe that the money will be appropriated when we know that it will not be appropriated. We should tell the citizens, the boards of education, and the local governments throughout the country that although Congress in this particular conference report, and the bill itself, is authorizing $2 billion to be spent in fiscal year 1973 for child development, that we really do not have any hope at all that the Committee on Appropriations will appropriate that much money for expenditures. We should tell the people when they go into a program of this sort even though there is authorizing legislation there is no guarantee that the money will be available.

I have always felt that the Government at the Federal level has done somewhat of a disservice to itself and the

American people by not being perfectly candid and leading them to expect more than we can ever hope to deliver. I find fault with this legislation in that regard.

Mr. President, this is an important bill; as I have stated, it will have a profound effect on society and on the Nation's children for years to come. That is why I believe it was essential to shape the most workable bill possible and one that would assure the highest quality of programs possible. Like Governor Mandel, I question whether S. 2007 did that, and for the above reasons I declined to sign the conference report.

I hope that during the course of the debate this afternoon that we can during the colloquy make certain points clear that will give more guidance to the Secretary of Health, Education, and Welfare in the enforcement and carrying out of phases of this legislation, and that will bring some clarity to the problem, and place the interpretation of the legislation into such a condition that some of us will be able to support it.

[Exhibit 1]

OEO Programs Which Have Been Transferred or Delegated

TRANSFERRED PROGRAMS

College Work Study, HEW, Higher Education Act of 1965.

Small Business Loan Program, SBA, EOA Amendments of 1966.

Adult Basic Education, HEW, Adult Education Act of 1966.

Upward Bound, HEW, Higher Education Act Amendments of 1968.

Foster Grandparents[1], HEW, Older Americans Act Amendments of 1969.

VISTA, Action, Reorganization Plan No. 1, of 1971.

DELEGATED PROGRAMS

Rural Loans, USDA, Delegation in 1964

Work Experience[2], HEW, Delegation in 1964.

Work and Training Programs for Youth and Adults (I–B), Labor, Original Delegation in 1964; revised delegation in 1968.

Follow Through, HEW, Delegation in June 1967.

Head Start, HEW, Delegation in June 1969.

Job Corps, Labor, Delegation in June 1969.

Special Work and Career Development Programs (I–E), Labor, Delegation in May 1970.

Opportunities Industrialization Centers, Labor, Delegation in June 1971.

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is the Senator from Maryland agreeable to having the time for the quorum call taken from his time?

Mr. BEALL. It is agreeable.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I urge adoption of the conference report on S. 2007, the Economic Opportunity Amendments of 1971.

As this has been a matter of considerable and lengthy consideration with deep speculation as to the administration's position on the legislation, I, as the ranking minority member of the committee and an author of many of these provisions and of the compromises worked out, consider it important that I indicate not only why the report should be adopted but specifically why the President should sign it into law.

EXTENSION

First, the conference bill would extend the various authorities for the poverty program for 2 additional years, through June 30, 1973. This meets the request for a 2-year extension made by the President early this year as embodied in S. 1290, which I introduced with broad bipartisan support.

This 2-year extension is vitally needed now as a reassurance to those who work in the essential poverty programs that—although changes are being contemplated and will be considered by the Congress—the basic structure of the poverty program, the continued existence of OEO on the national level and community action agencies on the local level will be preserved.

We cannot afford to delay—awaiting new action on legislation—giving this vital reassurance and a new charter to extend these programs. They continue to represent a unique means of closing the gap that still remains in our society between the various racial and economic groups and between such groups and the governmental "establishment" at all levels.

These efforts include such essential activities as manpower training programs for youth and others, emergency food and medical services to provide outreach to the poor, as well as the crucial "local initiative" activities conducted by the poor themselves.

CHILD DEVELOPMENT

Second, the conference bill would establish a comprehensive child development program as a new title under the Economic Opportunity Act, as proposed by Senators MONDALE, NELSON, SCHWEIKER and myself.

Mr. President, a principal purpose of this title is to redeem families from poverty, and the only way we can redeem families from poverty is through work and training opportunities and comprehensive programs for children. The biggest barriers for poor families—especially families where a father is not around—is dealing with children in the household so that children will not, as in my own city of New York, be left on the street with a key tied around their necks so they can go home when they need to and feed themselves and look after themselves.

Therefore, we drafted something which would fill that gap. Through the very gifted work of the Senator from Minnesota (Mr. MONDALE), a concept emerged which would make this a bill not only for the parents but a bill for the child, so that not only the parents would be able to be redeemed from poverty, but a child would have some chance to broaden and expand his or her life.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself another 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. JAVITS. Mr. President, the establishment of such programs—with emphasis on local decisionmaking, parental involvement and developmental, as opposed to custodial services—was identified as the top priority for the next decade by the White House Conference on Children, held almost exactly a year ago.

This aspect of the bill has been the most debated and has contributed most significantly to the delay in reaching agreement in conference.

While there has been general agreement on the need for a comprehensive system and for these programs, there have been wide gaps between the administration's desire on the one hand and those of the various conferees on the other.

However, I wish to state emphatically and document specifically the fact that these gaps have been substantially closed, with significant deference to the administration's viewpoint in each case. Specifically:

With respect to charges for services, the Conference bill meets the administration's request that free services be provided only to children in families having an income below the family assistance eligibility "cutoff" of $4,320 for a family of four, as provided in the House bill. The Senate bill provided for free services up to the so-called lower living budget standard, established by the Bureau of Labor Statistics at $6,960 for a family of four.

The Conference bill authorizes the Secretary to establish the fee schedule above the $4,320 level, subject only to the limitation that the charge may not exceed 10 percent of the incremental family income between $4,320 and 15 percent of the incremental income between $5,910 and $6,960. There are no limitations on fees which the Secretary may prescribe above the $6,960 point.

Although I cannot say so officially, I have every reason to believe that the limitations in the $4,320 to $6,960 range are compatible with what may be anticipated as the schedule to be established under the Family Assistance Act, with which the administration wishes this legislation to be consistent.

With respect to the administration's related objective of allocating the greater portion of resources under the bill to the most disadvantaged—essentially those below the $4,320 level—the conference bill provides substantial means of meeting that objective: Of the $2,000,000,000 that would be authorized in the first fully operative year, fiscal year 1973, $500 million is reserved for projects for low-income persons; that is, children in fam-

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[1] Operated by OEO under Title I–B authority prior to enactment of the Older Americans Amendments, which created it as a statutorily-authorized program for the first time.

[2] This program has since expired. It has been succeeded by the Work Incentive (WIN) program operated by the Department of Labor.

ilies below the poverty level of $3,900 for a family of four. Moreover, of the remaining amount allocated to the States, 65 percent must be used for children in families which are "economically disadvantaged." While that term includes families up to the $6,960 level, a number of provisions give the Secretary authority to direct funds to the most needy segments. Furthermore, the 65 percent is a minimum and the Secretary may insure that a substantial portion of the remaining funds are applied to children whose families are in the category of welfare eligibles.

With respect to prime sponsorship, the administration has requested latitude to designate States as prime sponsors where necessary to insure the high quality of programs.

The administration's position is set forth in a letter dated November 18, 1971, from Secretary of Health, Education, and Welfare Richardson to Gaylord Nelson, chairman of the Senate conferees.

I ask unanimous consent that material portions of the letter be inserted at this point in the Record.

There being no objection the letter portions were ordered to be printed in the Record, as follows:

> Dear Mr. Chairman: Throughout the consideration of the child care provisions of the Economic Opportunity Act Amendments of 1971, I have stressed the Administration's concern that at least some of the prime sponsors likely to be funded under the bill be States. It was our clear understanding that the language agreed to by the Conferees would permit this result.
>
> Unfortunately, I now find upon analysis of the latest language that far too little flexibility is afforded to the Secretary of Health, Education, and Welfare to designate States as prime sponsors where such designation would assure higher quality care through greater access to child-related social services within the State. The present language instead mandates that in all cases priority be given to local prime sponsors, with the State left only as a residual catch-all for geographical areas which have submitted either no application or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a State application over a local application, even if the State application would better assure quality care for children.
>
> I have testified that we never have planned to choose only States as prime sponsors, but it is essential, in my view, that the delivery system provide flexibility to choose a State as a prime sponsor, when localities within that State have submitted applications which technically meet the criteria listed in the bill but do so less effectively than the particular State application.
>
> With kind regards,
>
> Sincerely,
>
> Elliot Lee Richardson,
> *Secretary.*

Mr. JAVITS. Mr. President, in the course of the next few minutes, as soon as the manager of the Conference report, the Senator from Wisconsin (Mr. Nelson), arrives, I will have a colloquy with him which will make clear that the criteria, no matter which way you start—whether you start from the bottom or start from the top—will be the same, and that will be the capability to carry out, with the necessary resources and the necessary efficiency and the necessary expertise, a comprehensive child development program for a given viable area.

The colloquy will also bring out that if one sponsor—to wit, starting, as the conference report does, at the lowest level, the locality—is, in the judgment of the Secretary—which obviously cannot be arbitrary and capricious—not capable of doing a job, then he has a double track. He may go to the next sponsor, to wit, a combination of localities, or he may go to the State. At that point, in other words, the Secretary is left free to choose another sponsorship, which may be the State.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 3 additional minutes.

Mr. President, it just seems to me that with so great a reform in prospect, to allow this thing to break up on so narrow a difference would be highly regrettable, since the test—whether you start from the lowest level, or highest—is capability; and the discretion is in the hands of the Secretary of HEW in whom we must assume the President has confidence, or he would not keep him on the job; and he should likewise have a certain amount of confidence and trust even from conservatives.

LEGAL SERVICES

Mr. President, third, the Conference bill would add a new title under the Economic Opportunity Act, establishing a nonprofit corporation for the legal services program. This step, which was proposed first by the administration as a followup on the Asch Commission report and by a number of Senators in both Houses represents a general bipartisan consensus on the desirability of giving top priority to the program as an effective antipoverty effort, insuring its independence from political influence, and preserving the right of the legal services attorney to do what he considers to be in the best interest of his client. As President Nixon stated, in his message to the Congress of May 5, 1971:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Again, despite this shared objective, there existed substantial differences over the composition of the board of directors and the powers to be given the corporation.

These issues, too, have been resolved by the Conference with deference to the viewpoints of the administration:

With respect to the board, the administration's bill, S. 1769, introduced early this year, provided for an 11-member board appointed entirely by the President.

S. 1305, introduced by Senator Mondale, provided for a 19-member board, only seven of whom were to be appointed by the President.

As passed by the Senate, S. 2007 provided for a 15-member board, with only nine members appointed by the President.

The House adopted a 17-member board, appointed entirely by the President.

The administration indicated during the conference its clear preference for the House board.

The Conference bill accepts the 17-member Presidentially appointed board contained in the House bill with the modification that in a number of cases the President's appointments are to be made from lists submitted by such respected organizations such as the American Bar Association, the Judicial Conference of the United States, and certain clients and project attorney's advisory groups. Each list is to contain from three to 10 names.

But, even in these cases the President has the clear right to turn down an entire list and request another one. This is made clear in section 904(a) of the Conference committee bill.

With respect to six positions on the Board, the President may appoint public members completely free of the list procedure, subject only to the consent of the Senate.

Mr. President, I submit therefore that the Conference bill strikes a very fair and appropriate balance between executive prerogative on the one hand and on the other hand the opportunity for input from these nationally recognized respected groups which have given such great support to the program.

Again, with respect to the other major element of contention—the question of criminal representation—the Conference bill completely sustains the position of the administration.

The administration bill contained a flat prohibition against representation in criminal cases.

The Senate bill prohibited such representation as a general matter but would have permitted the board of directors to make exceptions, generally along the lines of the current law.

The Conference bill adopts the House version which contains the flat prohibition which the administration requested.

COMMUNITY ECONOMIC DEVELOPMENT

Fourth, Mr. President, the Conference bill would establish a new title for community economic development.

This title which is coauthored by Senator Kennedy and myself, builds upon title I–D of the Economic Opportunity Act's "special impact" which was included in the law in 1967 by myself and the late Senator Robert Kennedy, on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, N.Y.

In a recent task force report, the 20th century fund of New York, concluded on the basis of a review of the experience of more than 75 urban and rural community development corporations throughout the country that—

> Such corporations have a unique capacity for pooling a community's talents and resources—for linking together a variety of businesses and projects—and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

This program clearly is in keeping with the administration's objective of encouraging minority enterprise efforts in combination with the private sector and provides additional tools to make that objective more attainable.

DRUG PROBLEMS

Fifth, the conference bill adopts a provision contained in the House bill to encourage the Director of the Office of Economic Opportunity to undertake special programs promoting employment opportunities for drug dependent individuals.

Importantly, through a modification which I offered in conference, the amendment would include addicts enrolled and actively participating in methadone maintenance treatment and other therapeutic programs and give priority to areas within States having the highest percentage of addicts.

The Office of Economic Opportunity has reported that approximately 1,000 drug addicts were enrolled in methadone maintenance treatment programs as of September 1, 1971; and that these efforts hold great promise.

It is well known that the drug problem has reached incredible proportions—with as many as 125,000 addicts in New York City alone—and that the combination of drugs, poverty, and joblessness have high costs for society in terms of crime, as well as for the individuals involved.

The conference bill would earmark $18 million for this purpose in each fiscal year; it's not much when one considers the scale of the problem, but it is a start and it is essential that the start be made.

MANPOWER PROGRAMS

Sixth, the Conference bill contains the very essential authorization for a major part of manpower training programs conducted by the Department of Labor for the current fiscal year.

Under section 3 of the Conference bill $900 million would be authorized for programs generally and an additional $500 million would be provided for the Neighborhood Youth Corps summer in-school, and out-of-school programs.

The current economic situation especially victimizes the young, the black, and the disadvantaged. While unemployment nationally is only slightly below the 6-percent point, unemployment among the disadvantaged young is in the range from five to six times that percentage.

The Emergency Employment Act of 1971—which the President signed into law in the clear national interest—has helped the overall unemployment situation but because it was charted to cover all socioeconomic groups it cannot be regarded as an adequate provision for the poor, especially the young.

Mr. President, for these and other reasons, I take this occasion to urge the President, as well as the Senate, to insure that this Conference bill is signed into law. Although it is not so named, it is by nature emergency legislation for the Nation's more than 24 million poor. Many of us have made concessions with great reluctance, but in the interest of the bill becoming law. Enactment will provide an important "insurance policy" against further costs under welfare, through jobs, child development, and other self-help efforts such as I have noted, and should aid rather than detract from the commitment to a minimum floor of benefits under the family assistance plan, which the President has asked us to make. I hope very much that it will be viewed in that way—in terms of the national interest—and that action by this body, by the House, and by the Executive will be favorable.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BEALL. Mr. President, I think the RECORD should show at this juncture that it is only through the very successful and conscientious efforts of the senior Senator from New York, as far as this Senator is concerned, that we have the bill, hopefully as a result of the colloquy that will take place later in the debate, in such shape that I find myself probably in the position of being able to support it. I think we all are indebted to the distinguished senior Senator from New York for his efforts in this regard.

As he understands, I am not so deeply concerned about the States' involvement—although I am concerned about the States' involvement. I am very concerned, though, that it be made perfectly clear that wherever possible the child development program be in the hands of those people who are charged at the local and State level with educating the young people of our country, because I think this is a vital part of the educational process, and that we ought to be very concerned that those people with professional capability of educating young people have this responsibility.

I think that the Senator probably agrees with me on that point, that this should be one of the objectives of the program.

Mr. JAVITS. I yield myself 2 minutes.

I agree with the Senator thoroughly, and I am so heartened about the fact that he feels—without in any way committing himself—that he may be able to support the report, because I really think that in the first place the whole thrust and embodiment of the bill is to educate the child rather than just to give him merely custodial care.

I would say to my colleague, and to every Senator who will support the conference report, that I personally, as the ranking member of this committee, have undertaken a moral obligation to ride herd on this, and to see that the words of the statute reflect this purpose. Title 5 of our findings and purpose, says, in section 501(a)(2):

> Comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children.

I assure the Senator that this will be the aim and objective of anything and everything that I do with respect to this particular matter.

Mr. BEALL. I thank the Senator for that assurance.

Mr. JAVITS. Mr. President, as the Senator from Wisconsin has not arrived in the Chamber, I again suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 5 minutes.

Mr. President, I wish to propound a number of questions to the manager of the conference report, the Senator from Wisconsin (Mr. NELSON), the chairman of our subcommittee which handled this bill. I think the questions and answers will be of great importance both to the Members who must decide how they will vote on the conference report and to the administration.

My questions concern the selection of prime sponsors for child development programs.

It is my understanding of the conference bill that a State, a locality, a combination of localities, Indian tribal organizations or public or private nonprofit agencies or organizations may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child development programs upon meeting the requirements spelled out in the bill.

Mr. NELSON. The Senator is correct. Section 513 so provides. In the case of localities and combinations of localities there is a requirement that the units of general local government cover an area having a population of 5,000 or more persons.

Mr. JAVITS. Am I also correct that in considering applications for prime sponsorship—which is called the "prime sponsorship plan"—the Secretary is required to act upon plans submitted by localities and combinations of localities, in that order; but he may designate a State as prime sponsor as to areas where localities or combinations thereof fail to meet the requirements contained in the bill?

Mr. NELSON. Yes. And that order of consideration applies also to prime sponsorship plans submitted by Indian tribal organizations, so that he must act first on its application, and can designate the State for the area if the Indian tribal organization fails to meet the requirements in the bill.

Mr. JAVITS. Would the Senator from Wisconsin (Mr. NELSON) please spell out the prime sponsorship requirements that any applicant must meet.

Mr. NELSON. Yes. In reviewing plans submitted by localities, combinations of localities, and Indian tribal organizations, or States, the Secretary must make the judgment in each case that:

The plan sets forth "satisfactory provisions" for establishing and maintaining a Child Development Council meeting the requirements of section 514, section 513(a)(2);

The plan provides that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan, section 513(a)(3);

The plan sets forth arrangements under which the Child Development Council will be responsible for planning, coordinating, monitoring, and evaluating child development programs, section 513(a)(4);

In the case of applicants which are units of government, the plan provides for the operation of programs through contracts with public or private agencies, section 513(a)(5);

The plan contains assurances that the Council has the administrative capacity to provide—itself or by contact or other arrangement—effective and comprehensive child related family, social and rehabilitative services, coordination with educational services, and health and other services, section 513(a)(6);

The plan also includes "adequate provisions for carrying out comprehensive child development programs in the area to be served."—section 513 (b), (c), (d).

Mr. JAVITS. With respect to the last requirement, in determining whether the plan includes "adequate provisions for carrying out comprehensive child development programs," it is anticipated by the conferees that, in addition to other appropriate factors, the Secretary may make a judgment as to the capability of the particular applicant to carry out effectively comprehensive child development programs?

Mr. NELSON. The Senator is correct.

Mr. JAVITS. And by the term "comprehensive child development programs" do not the conferees expressly contemplate programs of high quality providing the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential?

Mr. NELSON. The Senator is correct. Sections 501(a)(2), section 571(3) and other provisions of the title make the meaning of that phrase clear.

Mr. JAVITS. So there is a responsibility with the Secretary to satisfy himself that any applicant, whether a locality, a combination, or an Indian tribe or a State, has the administrative capability to marshal resources and to provide effectively or assure access to the educational, social, and other services needed to insure the comprehensiveness and high qualities and standards for programs conducted under the title.

Mr. NELSON. Yes, subject to the qualification that whatever standards he may apply under these provisions are objective and applied to each case with an even hand; it is not intended as a license to develop standards such as population criteria which would have the practical effect of excluding a particular class of eligible applicants.

The Secretary's determination of the particular facts on which he bases his decision is conclusive if supported by substantial evidence. The conference agreement is explicit on this point, in section 513(h)(2).

Mr. JAVITS. Therefore, if an applicant which is a locality, or a combination of localities, or an Indian tribe lacks the capability to carry out comprehensive programs or if the plan fails to meet the other requirements under the sections which the Senator has outlined, then the Secretary clearly has the authority to reject that application and to designate a State or other public or private nonprofit agency as prime sponsor, if it meets the requirements.

Mr. NELSON. Yes, and the requirements that would apply would be the same.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 5 additional minutes.

In summary, then, while the conference bill reflects the judgment that the Secretary should look first to locally run programs—in the interest of parental participation and other elements—the Secretary is not powerless to choose a State over a locality and he is granted ample flexibility and freedom to make reasonable judgments to insure the comprehensiveness and high quality of care for children as long as he is prepared to support them with findings of fact.

Mr. NELSON. The Senator is correct.

Mr. JAVITS. And is it also true that if none of the units of governments, whether they be localities or combinations of localities, Indian tribal organizations, or the State itself qualify as prime sponsors, or in certain other specified conditions that he still has authority under the so-called bypass provisions to fund programs directly, and a State, as well as any other public or private agency, could qualify as a grantee under that provision?

Mr. NELSON. Yes. Section 513 (j) and (k) so provide.

Mr. JAVITS. And am I correct that even in respect to areas where a locality or a combination of localities or an Indian tribe may be designated as prime sponsor, that the State is to have a significant role?

Mr. NELSON. Yes. The conference bill authorizes the Secretary to utilize up to 5 percent of the funds allocated for use in each State for activities by States, in the nature of technical assistance to localities, combinations thereof and Indian tribes including assisting in the establishment of child development councils, encouraging the cooperation and participation of State agencies and the full utilization of resources, and developing information useful in reviewing prime sponsorship plans and comprehensive child development plans submitted by localities, combinations thereof, and Indian tribes. Section 513(a) and section 515(b)(3) require that the Governor have the right to review prime sponsorship plans and comprehensive plans, respectively, with the right in each case, to submit comments to the Secretary.

Mr. JAVITS. Although the Secretary would not be bound by those comments, would they be among the factors he could consider in making the determinations relating to prime sponsorship which we discussed earlier?

Mr. NELSON. Yes.

Mr. JAVITS. So one may reasonably conclude that under the conference bill the Secretary has the authority to significantly involve the States, in order to assure high quality care.

Mr. NELSON. The Senator is correct. That is the intent.

Mr. JAVITS. I thank my colleague very much. If he will bear with me for one further point, the conference report authorizes $2 billion in appropriations for child development care for the first year in which it is fully spelled out—to wit, fiscal 1973; $100 million is provided for fiscal 1972 for startup activities. It has been my understanding that the $2 billion authorization is intended by the conferees as a goal which we have established, without knowing what the total picture may be at the time of appropriation; for example, we do not know what may be available from other sources such as the family assistance plan, H.R. 1, if that should become law.

Mr. NELSON. The Senator is correct. The authorization is, of course, subject to the appropriation process and to the influence of various factors, as the Senator suggests.

Mr. JAVITS. I thank my colleague very much. I think that this colloquy—which I am sure will be repeated in the other body when this matter is acted on there—makes it absolutely crystal clear that the Secretary has very powerful discretion, including the discretion to use the States in order to put it into effect the best possible performance in respect to child development. It seems to me that is the essential substance we seek.

It is for those reasons I urge the Senate to approve it.

Mr. NELSON. Mr. President, I hope the Senate will approve the conference report on S. 2007, the Economic Opportunity Amendments of 1971. The Senate passed S. 2007 on September 9, 1971, by a vote of 49 to 12. The Senate and the House conferees began meeting October 12 and after nine lengthy meetings over a period of 2 months reached agreement on the conference report.

The conference report extends the Economic Opportunity Act for an additional 2 years, establishes a Legal Services Corporation, and authorizes a landmark new Child Development program.

ISSUES IN THE CONFERENCE

By far the most difficult issue to resolve in the conference concerned the child development program. Both the Senate and the House and all the members of the conference favored a major expansion of child development programs based on the experience of Headstart; that is, programs which are aimed both at caring for children while their mothers work and providing an enriching experience for children so that they may have a chance to succeed in school and to break out of the cycle of poverty. Both bills provided also that federally supported Child Development Centers should be open to children from moderate income working families as well as to the children of the poor. Both bills provided that child development programs should be designed and operated wherever possible at the local level.

There was, however, sharp disagreement over the level of free services. The Senate bill provided that all children from families of four earning $6,960—the Bureau of Labor Statistics figure for a minimum adequate budget for an urban worker's family of four in the spring of 1970—be afforded free services. The House provision on the other hand left the setting of the level for free services to the Secretary directing him to make such level in accordance with provision of other laws. The Secretary of Health, Education, and Welfare made clear that free services could be provided only to those eligible for benefits under H.R. 1, the administration's welfare reform measure. That level is $4,320 a year for a family of four.

This issue was discussed at great length. Agreement was finally reached among the conferees which is acceptable to the administration. The conference report provides for free services to $4,230, as the administration has requested. In addition, it provides for a modest fee schedule for families earning between $4,320 and the Bureau's minimum adequate budget, $6,960. That fee schedule is as follows: a family could be charged no more than 10 percent of its income above $4,320 to $5,916 and no more than an additional 15 percent of its income from $5,916 to $6,960. That means that a family earning $6,960 could be charged no more than $316.20 for federally assisted child development programs. Above the $6,960 level the Secretary of HEW would set a fee schedule as provided in both bills.

The second major issue in child development in conference concerned the "delivery system," that is to say, who will run the programs and what their relationship will be with the Secretary of HEW. The conferees very strongly believe that the child development programs, like local school systems, must be designed and operated at the local level. We believe it is desirable that government operate as close to the people as possible. When the bureaucrat who makes a decision which vitally affects your life is 500 or 1,000 or 3,000 miles away in Washington, or 200 or 300 miles away in the State Capital, citizens often feel a sense of hopeless frustration. This is true in all programs, but it is doubly true in the case of programs which affect the lives and education of our children.

The Senate bill provided that the design and operation of child development programs shall take place at the local community level, with the State government providing technical assistance and operating programs in areas and communities that are either not interested or do not have the capability, in the Secretary's judgment, to operate child development programs themselves. The Senate set no minimum population requirement for prime sponsorship of child development programs.

Although the principle of local control, of child development councils and project policy committees to assure ample local parental participation, was common to both bills, the child development provisions adopted by the other body contained two important differences.

The House-passed bill provided that any city of 10,000 or more population had the right to be designated as prime sponsor if it submitted an applicable plan. It also provided that when both a State and county apply to be a prime sponsor for the same area, the Secretary of HEW would choose whichever he felt could do a more effective job.

The first of these issues, the population minimum for applicants, was relatively easy to settle. The conference agreed to a minimum of 5,000 population, and that any city or county of such size or a combination thereof has the right to apply for prime sponsorship and be designated if its plan meets the requirements of the legislation.

The second of these issues was the role of State government. The conference report provides a significant role for States. It sets aside up to 5 percent of the funds to be allocated to the States for programs extending technical assistance to local prime sponsors. It provides that States shall run programs in areas either unwilling or lacking capability to run programs as prime sponsors themselves. But the conference agreement does clearly provide that where a community—a city or a county or a combination of such units—is willing to run the local program, and in the Secretary's judgment has the capacity to do so, then the local community is to be recognized as prime sponsor to run the local program.

Opponents of this agreement believe that the Secretary ought to have the power to deal exclusively with State governments. The Senate-passed child development legislation did not take that position. The majority of the conferees did not take that position, and the conference report now before the Senate retains the provisions for local design and control of child development programs.

THE LEGAL SERVICES CORPORATION

Over the question of the new Legal Services Corporation there was prolonged negotiation. Both bills and all conferees agreed on the wisdom of establishing the legal services program in a corporation which would remove the program insofar as possible from political controversy. However, there was disagreement over two questions: the structure of the Legal Services Corporation board of directors and the question of criminal representation.

Let me say first that as to the question of criminal representation the conference decided that in no case shall Corporation funds be expended to defend individuals in criminal actions. The Senate bill had provided that the Corporation set guidelines for criminal representation. The House amendment contained a flat prohibition against the use of funds or personnel provided by the Corporation to provide legal services in any criminal proceedings. The Senate receded on this issue, but the Joint Explanatory Statement of the Committee of Conference contains the following phrase:

> The conferees want to make clear that this prohibition does not in any way relieve any attorney from specific or general responsibilities posed on him as an officer of the court by the courts before which he practices.

Thus, although the Corporation could not expend funds for defending in criminal actions, legal services attorneys would not be prohibited from undertaking such actions when required by a judge to do so as an officer of the court.

On the question of the membership of the Legal Services Board a compromise was reached providing for a Board of 17 members, six of whom would be chosen by the President outright, the others to be nominated from lists submitted to the President, two by the U.S. Judicial Conference, five by the major bar groups, and two each by the National Legal Services Project Attorneys Advisory Council and the Clients Advisory Council.

OEO EXTENSIONS

Over the extension of the Economic Opportunity Act, there was little difference between the Senate and House versions of the legislation. Both the Senate and House bills provided for a 2-year extension, and for a level of authorization for the Office of Economic Opportunity close to the current spending level. Senate provisions prohibiting the further delegation or transfer of programs from OEO to other agencies without congressional approval were agreed to by the conference. The Senate bill this year, as in past years, earmarked funds authorized to the Office of Economic Opportunity. In addition, the Senate increased the flexibility as to transfer of funds between programs to 25 percent. The conference agreement accepted the Senate earmarks and the increased flexibility. By and large, these earmarks represent precisely the administration's request for funds. But in four areas the Senate earmarked more funds than the administration requested. For these four programs, the conference agreement like the Senate bill contains the earmarking levels passed by Congress in the last OEO extension bill. For example, the administration proposed only 3.5 million this year to phase out the emergency food and medical services program. Congress had earmarked $62.5 million for the program for 1971, and $45.2 million actually was made available. The testimony before our committee indicated that the emergency food and medical services program is one of the most vital programs operated by OEO with support from all areas. It was the opinion of the Committee on Labor and Public Welfare that it would be a tragedy to terminate this program. Therefore, the committee recommended, and the Senate adopted, earmarking of $62.5 million, the same level of funding it had earmarked for the last 2 years. The other three programs are alcoholic counseling and recovery, local initiative funds, and community economic development.

In the case of local initiative funds which provide the basic operating budgets for the 930 community action agencies around the country, the administration proposed a cutback from $328.9 million to $314.9. At a time of rising costs, and rising poverty the committee refused to go along with a reduction in local initiative funds below the level of present earmarking.

Alcoholic counseling and recovery programs, now earmarked at the $15 million level, would be cut by the administration to only $2 million. The conference agreed to the Senate figure of $18 million.

For community economic development programs, including the title I–D special impact program and the rural loan program, title III–A; the agency received $42 million in fiscal year 1971. The administration has sought to eliminate the rural loan program entirely this year and to cut back on special impact programs to $25 million. The Senate combined these two programs into a new title VII, community economic development, and earmarked $58 million for them. The conferees agreed to this earmarking.

The Senate-passed bill also provided an additional $500 million authorization for the Neighborhood Youth Corps in order to provide funds for an additional 100,000 jobs and training opportunities for young men and women during this time of extraordinarily high unemployment. During the second quarter of 1971 teenage unemployment among blacks in inner city neighborhoods stood at an astonishing 39.1 percent. The conferees agreed to the Senate Neighborhood Youth Corps figure.

The conferees also agreed to the new programs voted by the Senate, that is, title VII, the community economic development program, the recreation and sports program, and the community design center program, and in addition accepted two new programs authorized by the other body, an environmental action and a rural housing program.

SUMMARY

The conferees have met over a period of 2 months. They have discussed, debated, and resolved compromises on a number of very complex differences. While the Senate conferees were unable to prevail on certain points, in my judgment the compromises arrived at were the best that could be obtained under the circumstances. The resulting conference report deserves the support of the Members of this body.

The antipoverty programs authorized in this legislation have just begun to make headway toward the goal of reducing poverty in this Nation. With over 5 million unemployed, the number of people below the Federal Government's official poverty line has actually increased in the past year, and increased substantially.

However, the programs operated by the Office of Economic Opportunity, Headstart, and Operation Mainstream, the community health centers, and the emergency food and medical services program, have won wide acceptance in communities across the Nation. In our hearings on the extension of the Economic Opportunity Act, some 90 national organizations testified on the vital role played by economic opportunity programs in the lives of individuals and the health of American communities. At every level of government, America is today more responsive and offers more opportunity to its poor because of the efforts of these programs. It is crucial that the Congress give the program a new mandate to carry on for another 2 years. The new programs authorized by this legislation—especially the child development program and the Legal Services Corporation—represent important steps forward in the Nation's efforts to provide genuine equal opportunity to all its citizens. I ask the support of all the Members of the Senate for this conference report.

Mr. JAVITS. Mr. President, I yield 2 minutes to the distinguished Senator from Maryland (Mr. BEALL) for a colloquy with the distinguished Senator from Minnesota.

Mr. BEALL. I thank the Senator from New York.

Mr. President, I wish to ask the Senator from Minnesota to clarify the role of public school districts—local educational agencies—under the child development provisions of the conference report.

Priority to serve as prime sponsor of child development programs is placed on units of general local government with populations of 5,000 or more. It is my understanding, however, that where units of local government, or combinations of units of local government, do not qualify or submit unacceptable applications, a local school district might serve as prime sponsor.

Mr. MONDALE. The Senator is correct. First, under section 515(a)(18), a local school district may be designated as "delegate agency" to do the day-to-day work of administering child development programs where a unit of local government has been chosen as prime sponsor.

Second, under section 513(f)(1), a local school district or other public or private nonprofit agency may be designated prime sponsor where a locality has not applied for prime sponsorship or where its application has been denied.

Third, section 513(f)(1) provides that where an existing prime sponsor is not adequately serving a particular area of its jurisdiction, a local school district or other public or private nonprofit agency could be designated prime sponsor to serve that area.

Fourth, also under section 513(f)(1), a school district or other public or private nonprofit agency could be designated prime sponsor for the purpose of making special services—for example, special services for handicapped children—available to economically disadvantaged or preschoolchildren.

Fifth, under section 513(f)(3), local educational agencies and other public or private nonprofit agencies are eligible to serve as prime sponsors of model programs for economically disadvantaged minority group of bilingual preschoolchildren.

Finally, under section 513(k) the Secretary may directly fund a local school district or other public or private nonprofit agency—without going through the more complicated procedure to designate it a prime sponsor—to conduct a project where no unit, or combination of units, of local government—or Indian tribal organization—has submitted an acceptable child development plan, or where direct funding is needed to meet the needs of children of migrant workers, preschoolchildren, children of working mothers or single parents, minority group children, or children of economically disadvantaged parents.

Mr. BEALL. I wish to ask the Senator from Minnesota whether my understanding is correct, that standards for child development programs set by the States must continue to be met by programs receiving assistance under the pending bill.

Mr. MONDALE. The Senator is again correct. The measure reported by the conference in no way repeals or modifies provisions of State law establishing standards for child care. The bill does contain its own very high standards for quality, developmental child care, which must be met in addition to any standards imposed by the State.

Mr. BEALL. I thank the Senator from Minnesota for this colloquy with regard to the educational system.

Mr. MONDALE. I thank the Senator from Maryland very much. I think this colloquy will help to clarify the relationship of this program to local educational agencies.

Mr. JAVITS. Mr. President, I yield 20 minutes to the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 20 minutes.

Mr. THURMOND. Mr. President, the bill which is now before us was deadlocked in the conference for many weeks. As time passed, more opportunity was afforded for analysis of the proposed legislation, and recognition of the far-reaching import of its provisions, particularly the so-called "child development programs." If there were no other reasons to oppose this bill, the child development provisions alone are enough. The ultimate impact of this section can indeed be revolutionary; and since revolutions can be for the good or for the worse, it behooves us to study such proposals carefully and enter into them after a great national debate.

There has been no such great national debate. The public is generally unaware of the content of this bill. Even the informed press refers to it usually as a "day-care bill." Yet the proponents of such programs emphasize the need "to stress that the needs of children and families with which we are concerned are not restricted to daytime hours, and that child care must always be developmental, not simply custodial."

That quotation is from the recently published report of the White House Conference on Children. It emphasizes that the child development concept places great emphasis on the manipulation and formulation of a child's direction and character. As this report says further:

> A day care program that ministers to a child from six months to six years of age has over 8,000 hours to teach him values, fears, beliefs, and behaviors.

It is quite obvious, therefore, that a comprehensive child development program, touching all or the vast majority of children in the United States, will put the children at the tender mercy of the behaviorists and other social scientists, who have indeed been devising the program.

Mr. President, those of us who fear that the Child Development Act will result in an attempt by the Federal Government to mold the characters of our Nation's young are concerned because of the manner in which this program is to be set up and administered. In essence, a new department will be set up within HEW which will direct this program and which is authorized by this act to establish guidelines and standards to determine whether or not child development centers ruled by governmental or nongovernmental agencies are entitled to funding. Although section 578 states that no department, agency, officer, or employer of the United States shall exercise any direction, supervision, or control over personnel, curriculum, or methods of instruction of these centers, this act is replete with authorizations for the establishment of standards and guidelines by the Department of Health, Education, and Welfare and provisions for granting or withholding funds on the basis of compliance with these standards or guidelines.

It is clear, from the knowledge that many of us have of the expertise the Department of Health, Education, and Welfare has gained in requiring total subjection of local educational institutions to federally imposed standards, that it is only a matter of time before the child development centers across this country will be forced to slavishly follow the pattern or patterns developed by the bureaucracy here in Washington. There are those who believe that Washington experts have a better knowledge and understanding of what is good for people than the people themselves. I do not share that view. In my judgment, this bill, if enacted, will result in a federalization of the education and training of our young, particularly our low income young.

Mr. President, the act provides that each approved child development center will be governed by a board consisting of not less than 10 members. At least half of the members must be parents of children in the center. The remainder of the board is to represent the public and must include "professionals in the field." It is provided that at least one-third of the board shall consist of parents of economically disadvantaged children.

In my judgment, this policy will greatly facilitate dictation of standards by Washington. Parents who are economically and educationally disadvantaged are unfortunately ill-equipped to dispute Washington policy directives. I am confident that their concern for their children's welfare will be as intense if not more so than any other persons; but I believe that it is fair to say, as a generalization which obviously has exceptions, that those who have not been fortunate enough to have the economic and educational advantages of the professional educators and HEW personnel will hardly be in a position to question effectively whether or not methods of instruction and methods of dealing with the emotional, educational, and social problems of children are actually for the best.

What is at issue is whether the parents shall continue to have the right to form the character of the children, or whether the State with all its power and magnitude should be given the decisive tools and techniques for forming the young. There is no question that such a partnership is always unequal. Not only the children, but also the parents would be the beneficiaries of high-powered persuasion. The White House Conference on Children described it this way:

> Parents can learn a great deal about meeting the needs of their children by remaining open to new knowledge about child development. One of the socially beneficial aspects of a day care program is that it provides a forum for parents and staff to pursue jointly new understandings to guide child-rearing endeavors.

Let us not pretend that such "child development programs" will be philosophically neutral and that all this so-called "new knowledge" merely represents progress over ignorance. I think it is fair to suppose that by far the majority of such programs, even with alleged participation of parents, would concentrate on the inculcation of collectivist attitudes in the helpless children. This attitude thoroughly permeates the report of the White House Conference, and, indeed, is summarized in the following quotation from a resolution adopted at the conference:

> Society has the ultimate responsibility for the well-being and optimum development of all children.

In this respect, I fully agree with the Vice President of the United States, who said in his recent speech before the Illinois Agriculture Association:

> Character that was once molded in the home is now more often the product of the classroom, and there are some who would like to take it a step further and indoctrinate or condition all pre-school age children from infants on up to kindergarten age. They admire the Soviet system in which the State takes over this function from the parent.

The Vice President then quoted Dr. Reginald Lourie, president of the Joint Commission on Mental Health of Children, who recently told a congressional committee:

> There is serious thinking among some of the future-oriented child development research people that maybe we cannot trust the family alone to prepare young children for this new kind of world which is emerging.

Nor should we assume that this program is intended only for the economically disadvantaged or for those who seek it of their own free will. Voluntarism is seriously compromised when, as the bill would provide, the Government is given the resources of persuasion and propaganda. Moreover, the bill is simply the first step in a long-range program to reach all children. In its statement of findings and purposes, the bill says its aim is "to establish the legislative framework for the future expansion of such programs to be universally available child development services." Even if the sponsors were not so candid, we know from past experience with social programs that such would be the case.

In summary, I believe this act creates a Federal bureaucracy extending nationwide which will place the educational, moral, psychological, and social character of our pre-school children under the strong influence, if not control, of the HEW bureaucrats.

Mr. President, I urge my colleagues to vote against the acceptance of this bill from conference. It is philosophically unsound and poses many dangers. In my judgment, the President would be justified in vetoing this bill, if it should be presented to him for signature. But I hope that this body will reject it now, in toto, and to that end I will vote not to accept the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, the Senator from South Carolina has some additional time. Will he yield it to me?

The PRESIDING OFFICER. The Senator from South Carolina has 3 minutes remaining.

Mr. DOMINICK. Mr. President, will the Senator yield his 3 minutes to me?

Mr. THURMOND. I would be pleased to yield to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, I call the Senate's attention not only to the importance of what the Senator from South Carolina has already said, but also to some of the other problems I see in the bill.

I wonder if the Senator has had an opportunity to evaluate whether his constituency, for example, prefers to have the OEO programs operate as they are now operated, through the OEO, or whether they prefer to have them operated through other agencies, such as through spinoffs as has been done in the case of the work study program and things of that kind.

Mr. THURMOND. Mr. President, as far as my constituents are concerned, they are somewhat divided on the subject, and I would not say it would predominant either way.

Mr. DOMINICK. As far as I can see we have in the bill dealing with OEO programs over $3 billion tied up in this bill in the way of authorizations. It seems to me that one of the problems we have had in this whole program is the problem where OEO itself is operating, as opposed to innovating new ideas. I know one of the things the White House was doing was trying to make this innovative program, and when good ideas matured, to shift them over. I understand this bill does not do that.

Has the Senator had a chance to analyze that?

Mr. THURMOND. I agree with the distinguished Senator on that particular point. The point he makes along that line is very valid. I hope the Senate considers that when they get ready to vote on the bill.

Mr. DOMINICK. I thank the Senator for his contribution. I think it is extremely helpful.

I yield 25 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I thank the distinguished Senator from Colorado for yielding.

Mr. President, I cannot in good conscience vote in favor of the Economic Opportunity Amendments of 1971 so long as they contain title V. The potential for harm contained in the child development proposal is so great that it far outweighs the good contained in other parts of the bill now before us.

The arguments that I shall present against the child development sections of the conference report are essentially four in number. The first of these, and to my mind the most important, has to do with the substantive merits of the idea of so-called "comprehensive child development," an idea I believe to have been greatly oversold. The second argument, very simply, is that the need for institutionalized day care, whether custodial or comprehensive in nature, has been greatly overestimated and inadequately demonstrated. The third argument is that the cost now and for the foreseeable future will be prohibitive. The fourth and final argument is that the proposal threatens the very foundations of limited government and personal liberty.

I should like to deal with the four arguments in order.

First. Questionable merits of so-called comprehensive child development.

I cannot think of a better place to begin my remarks on this point than by quoting from the testimony of Dr. Edward Zigler before the Senate Finance Committee last September.

He remarked:

> Let me begin by saying that the area of early childhood intervention (*sic*) is still an art, an area filled with debate and controversy. You can find experts testifying to any position that one would like to see testified to. I have familiarized myself with this literature for about 15 years now, and I would certainly concur with the position that we do not know nearly as much as many experts say that we know.
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> Another point that I would certainly like to concur with is that we have mounted many programs in this country for young children and have oversold them badly. . . . We have promised way more than we can deliver and we have advanced certain views of what it takes to change a child that are completely at odds with what we know about the difficulty in changing cognitive levels of children.

Dr. Zigler, I believe, is correct on all points. There are few men in the field as knowledgeable as he—and, I might add, few who are as candid. It is, if anything, an understatement to say that this is an area "filled with debate and controversy" and that experts can be found on all sides of the issue. Yet the surprising fact is that the debate and controversy so easily found in the professional literature are nowhere reflected in the testimony on the bill before us. Indeed, I am reliably informed by a staff aide, who troubled himself to read virtually all the testimony offered in the past 2 years on either side of the Hill, that there is hardly a hint of controversy to be found.

The general impression created by the testimony, and by the committee reports of both Houses, is that experts are in unanimous agreement as to the desirability of comprehensive child development. One can read the entire corpus of testimony and the committee reports without once discovering the wide range of divergent, even contradictory expert opinion. One would think that all experts on early childhood education had risen up as one man to proclaim the virtues of this bill. Yet the professional literature is, as Dr. Zigler notes, chockfull of controversy and debate. Notwithstanding the controversy, the committees of both Houses seized upon a single school of thought, highlighted it, advanced it, and without so much as a glance at opposing views, set it down as the foundation for what may turn out to be the most deeply radical social service program ever undertaken by our Government.

Just as one example of an opposing point of view, I would like to call to the attention of the Senate one paper, which seems to me to be both comprehensive in its scope and candid in its conclusions. It is a paper by Dr. Dale Meers entitled "International Day Care: A Selective Review and Psychoanalytic Critique," published in an official OEO document called "Day Care: Resources for Decisions" (1971). Dr. Meers is a highly qualified and widely recognized authority in the field of early childhood education who has spent a considerable amount of time studying the problem both at home and abroad. He is a psychoanalyst by training, affiliated with the department of psychiatry at Children's Hospital here in the District and with the Baltimore-District of Columbia Institute for Psychoanalysis. I cannot do justice in so short a space to the depth, thoughtfulness, and commonsense of Dr. Meers' findings, but I think it fair to say that they constitute the most fair- and sober-minded critique that anyone might wish to have of what is wrong with the present bill. For the sake of the record, Mr. President, I ask unanimous consent that Dr. Meers' paper be included in its entirety at the end of my remarks.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

(See exhibit 1).

Mr. BUCKLEY. For the moment, however, I would like to read a few paragraphs from the conclusion of this penetrating study. They convey the full flavor of Dr. Meers' position, and I can assure my colleagues that these findings are fully documented in the complete text. He writes:

> Child care by experts seems to have found a ready audience in both Congress and the general public. With Moynihan (1969) one may comfortably state that science is at its best as a critical tool, and that the scientist has lost his perspective when he commends modifications of such complex social-cultural-psycho-biological processes as child-rearing. Given the present state of our ignorance about psychiatric damage, massive Day Care programs appear all too much like Pandora's box. Those who would convey the idea that Day Care is unproblematic should review the programmatic, compensatory routines of Soviet texts (Tur, 1954; Schelovanova and Aksarina, 1960; Schelovanova, 1964) and the U.S. literature of child development research (e.g., Escalona and Leitch, 1952; Skeels, 1964; Mcv. Hunt, 1964; Bloom, Davis and Hess, 1965; A. Freud, 1965).
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> In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.
>
> Some clinicians and child development researchers, such as this author, are presently in an anomalous position. They have long and fervently recommended and supported the establishment of Day Care centers for special cases for the very young; yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start. Group Day Care entails far greater risks and these should be taken only where the alternative are patently worse.

Mr. President, I do not want to belabor the point. I simply want the record to show that experts in the field are far from unanimous in their recommendations regarding day care, whether custodial or comprehensive; that there are those who are not only skeptical about the alleged virtues of day care, but who think it is positively deleterious. For the Federal Government to embark on a program of such magnitude, given the extent of controversy among experts themselves, seems to me dangerous in the extreme.

Second, need for day care exaggerated and inadequately demonstrated.

Mr. President, it has been stated on the floor of the Senate as a "basic statistic" that "6 million children need day-care slots." That is an impressive figure, indeed, and it has been used on more than one occasion to convey the clear impression that these children are either languishing uncared for, or receiving such inadequate care as to necessitate the establishment of tens of thousands new, federally funded day-care centers. That sentiment is not only conveyed for rhetorical purposes, but is actually contained in the bill itself, which states in section 501(a)(1) that—

> The Congress finds that millions of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years.

If one seeks to discover the evidence on which this congressional "finding" is supposedly based, he will find that the "6 million" figure rests on some highly dubious grounds indeed. For one thing, as the Westinghouse Learning Corp. study "Day Care 1970," stated, "need for day care cannot be quantified" as easily as can, for example, need for nutritional elements. Most surveys frankly acknowledge that they are offering up "guesstimates," because it is not yet known how many mothers would place their children in day-care centers if such were more or less universally available. Statistical caution, however, is hardly the hallmark of those who use the 6 million figure as an allegedly reliable number. In fact, the 6 million figure represents the entire universe of children under 6 years of age whose mothers work either full time or part time, or are currently unemployed but regarded as part of the labor force. Whether this gross, undiscriminating figure can be used as a basis for establishing "need" is a very questionable proposition, regardless of how one feels about the merits of child development.

In all candor, it must be acknowledged that such things are exceedingly difficult to measure. The most recent detailed information on actual need is found in a study entitled "Child Care Arrangements of Working Mothers in the United States," conducted by the Children's Bureau in 1965 and published in 1968. The study reveals that over 99 percent of children under 6 whose mothers work full time are receiving care while their mothers are away from the house. The great majority are cared for in their own home or in someone else's home by relatives; and this is, by the way, the predominant preference of working mothers. Only 0.3 percent of these children were for all intents and purposes left uncared for, which is a very tragic circumstance indeed and one that cries out for remedy. That figure, as I say, was based on 1965 data, but I am informed that it would be appropriate to apply a straight-line extrapolation to bring us up to date, and that places the total number of uncared-for children under 6 at something like 12,000. While that figure is nonetheless deplorable, and while I would readily concede that many times more are inadequately cared for, I can find no hard evidence for a "crisis" figure as to warrant a massive Federal program such as the one before us today.

The point I am getting at, however, is not only that those who are in truly desperate need are a miniscule percentage of the whole, but that those who talk of a need for 6 million day-care slots do so on the basis of a tacit premise. That premise is, as section 501 of the bill states, that all 99.7 percent of the children of working mothers now being cared for in some way are being cared for with grossly negligent inadequacy. Such inadequacy, indeed, as to require the establishment of a nationwide network of federally funded comprehensive child development centers. Those who, like myself, tend to question the validity, not to say arrogance, of this premise, may perhaps be forgiven. For the Westinghouse Report, Day Care 1970, found that fully 82 percent of working mothers were "pretty well" or "very well satisfied" with their present child-care arrangements, and that of these not fewer than 68 percent were "very well satisfied." Only 9 percent were reported as being "not very well satisfied" with present arrangements. That most or, indeed, all such arrangements could be improved, Mr. President, I have no doubt. But I am not prepared to accept on the basis of the available evidence that most or all such agreements are so inadequate as to require extensive governmental intervention. Let us seek to improve such arrangements as we have; let us assist mothers who desire betterment for their children; but let us not, on the basis of such flimsy evidence, put the Government on the line as saying that it knows better than mothers what is good for their child.

Thus the so-called need that is spoken of is, in fact, only possible need, and a need, moreover, arising not from demonstrated deprivation or necessity, but from convenience or preference. This possible need, which might be more accurately spoken of in terms of potential demand, can be accommodated, it seems to me, almost entirely through the use of an income tax deduction of the sort we just approved in the tax bill, or through welfare channels in the case of the poor. This would not only be cheaper by far than the proposal before us, but would have the added virtue of maximizing freedom of choice for parents, thereby lessening the danger that the Federal Government will become "Superparent" for all American children.

The potential demand alleged to exist by the proponents, however, could become actual demand by the simple device of artificial stimulation. And that is precisely what the bill before us would do. As the day care 1970 report noted:

> Presumably, demand for day-care slots could be greatly stimulated by increasing quality and subsidization.

In short, a significant increase in the number of free or subsidized day care centers will result in a significant increase in the need for such facilities. Passage of the bill before us would thus establish post facto the need that was alleged to exist in the first place; it would also serve to justify the continuation and expansion of the program in perpetuity. It is a classic case of supply creating its own demand.

Third. Prohibitive cost of comprehensive child development.

Touching this point, Mr. President, I do not think it is necessary for me to add to the abundant evidence already available in the RECORD and in testimony before the Finance Committee and the Committee on Labor and Public Welfare. It is universally recognized that comprehensive child development is an extraordinarily expensive proposition. And this for two reasons: First, because the range of services to be provided leaves nothing—or perhaps too much—to the imagination. For those who may still be in doubt as to what these services are, I would recommend that they turn to section 512 of the bill, which lists in dizzying detail what can only be described as the most comprehensive list of educational, social, and medical services ever assembled in one place. It is no wonder that many consider the estimate of $1,600 per child to be extremely conservative. Given the nature of the services proposed by the bill, there would be a constant race between those who invent new necessary services and those who run the presses at the Bureau of Printing and Engraving.

Second, the proposal will be enormously, even prohibitively expensive, because it is intended eventually to apply not just to the children of the poor but to all children without regard to family income.

Under the circumstances, I believe that Secretary Richardson's estimate of a possible cost of $20 billion within the next few years is remarkably conservative. At a moment when the current annual deficit threatens to reach $40 billion, at a moment when there are so many competing demands for a limited amount of funds, it is difficult to escape the conclusion that comprehensive child development is a luxury—and a dangerous one at that—we can ill afford.

Fourth. Comprehensive child development: A treat to limited government and personal liberty.

Mr. President, it cannot be emphasized strongly enough that this is not an antipoverty measure as such. It intends eventually to be universal in its coverage, both with respect to the nature of the services to be provided and with respect to the eligibility of participants. It is nothing more nor less than the attempt to make the Federal Government, through the Office of Child Development, a significant—and ultimately, the most significant—arbiter of child-rearing practices in the United States. Men may differ on the merits of such a proposal, but they cannot differ on the overwhelming character of its implications. The bill grants to the Federal Government more authority, it seems to me, than has ever been granted by any measure which has ever come before Congress. I know of nothing in the entire history of the country which begins to match this proposal in potential scope or thrust; and I cannot imagine how any bill on any subject could conceivably attempt to do more than this one does. There are those, I know, who believe that such authority is both necessary and proper and that it will be put to the beneficial use of all children. But, in all candor, I cannot accept such optimism, however sincere, however well-intentioned, as anything other than the reflection of an extraordinary naivete.

I do not think it is humanly possible for the Federal Government, or for any government, to eradicate the infinite inadequacies of the human condition as they affect babies and small children, or to insulate the Nation's children from the vicissitudes imposed by nature, social condition, or chance. Yet that is, I believe, precisely what this bill is attempting to do. Its utopian language, its terminological plasticity, its exhaustive and exhausting attempt to list in minute detail the services to be provided—these are nothing short of an effort to cover any and every possible contingency that might be thought of as adversely affecting the development of children. I cannot escape the haunting fear that if this measure is enacted we shall be taking a final, fatal step down the road which leads to a completely controlled existence of the kind portrayed by Orwell's "1984" and Huxley's "Brave New World" and, most recently, by the work of B. F. Skinner. Rather than breeding that race of wise and just philosopher-kings dreamed of by Plato, however, we are more likely to end up producing a race of docile automatons. The proposal as it is now designed cannot possibly rise to the level of its utopian expectations; and that failure will, in time, produce widespread frustration and, in all likelihood, a yet more stringent program to remedy the deficiencies of this one. And that, in turn, will be a good deal less voluntary.

Mr. President, it seems to me that if the Federal Government has the authority to enact this type of bill, it has the authority to enact absolutely anything. What is the use of having the Bill of Rights as a safeguard against unwarranted governmental intervention when we establish a program that puts the Federal Government into the business of determining the nature and quality of child rearing in the United States? How can we possibly deny the Government entrance at the front door, when we welcome it with open arms at the back? Why should we want to deny the Government the right to eavesdrop on our conversations when we admit it warmly into the nursery? Why raise the hue and cry about "thought control" in the public school classroom because of school prayer, only to embrace "cognitive developmental services" in the nursery school?

In this respect, Mr. President, I cannot resist quoting from a recent letter to Members of the House written by Dolores Mitchell, chairman of the executive committee of Americans for Democratic Action. Urging Congressmen to vote against the school prayer amendment, she argued that the "voluntary" character of the proposed prayer was "a hoax." She added:

> As a mother of young children, I know perfectly well that the school room situation, particularly at the elementary school level, leaves little room for youngsters to exercise their theoretical right to refuse to participate.

That argument applies with even greater force to the conditions that will prevail in nurseries and day-care centers under this bill. After all, it is not schoolchildren alone we are talking about, but infants and toddlers; and it is not a mere 2-minute school prayer that is in issue, but a full, comprehensive, indeed, all-inclusive curriculum designed to cover the totality of a child's existence. Under the circumstances, Mr. President, I believe that the constitutional objections to the idea of school prayer are but of little moment when compared to the objections that can and should be raised against this bill.

I cannot think of a better way to conclude my remarks, Mr. President, than by taking note of an exceptionally thoughtful address on this general subject by the Vice President 2 weeks ago. In his remarks, Mr. Agnew warned against the dangers of granting what is, in effect, a carte blanche to those behaviorists who would, with the very best of intentions, undertake to remake mankind; and he warned especially against the danger of allowing our children to become perpetual wards of an allegedly benevolent state. The Vice President's speech, I am happy to say, has not gone unnoticed. "Behavior Today", a publication for social science professionals, suggested in its November 29 issue that the Vice President's address should be read not only as an attack against mind-managing behaviorists, but also as an attack against this bill. It called upon its professional leadership to put pressure on Congress to pass comprehensive child development and warned that time was of the essence, because Mr. Agnew had "struck a responsive chord in a public far to the left" of his "normal constituency". A proponent of comprehensive child development is then quoted as saying:

> If we don't get a bill right now, we will never get a bill. It will become an issue no politician will touch.

No politician will touch it, Mr. President, because I firmly believe that once the public has had a chance to study this bill and reflect on the concepts behind it, they will not tolerate its being enacted into law.

Mr. President, I most earnestly recommend that the conference report be rejected.

I ask unanimous consent that the following documents be printed in the Record at the conclusion of my remarks:

First "A Review and Report of the Proposed Federal Program of Child Development" which was recently issued by the Emergency Committee for Children. This committee is composed of the following educators, editors and religious leaders: Dr. George Baird, president of the Educational Research Council of America; Dr. David Crane, a psychiatrist; Dr. George Crane, psychologist, columnist, and author; M. Stanton Evans, editor of the Indianapolis News; Robert Galm, director of the Indiana Youth Council; Dr. Jerzy Hauptmann, editor of the Lutheran Scholar; Dr. Will Herberg, a professor at Drew University; Dr. Russell Kirk, author, educator, and lecturer; Fulton Lewis III, columnist and author; Rev. Angus MacDonald, Editor of Religion and Society; Dr. William H. Marra, professor at Fordham University; Dr. William Oliver Martin, a professor at the University of Rhode Island and author of "Realism in Education"; Dr. Charles Moser, a professor at George Washington University; Dr. Gerhart Niemeyer, a professor at the University of Notre Dame; Dr. Charles E. Rice, a professor of law at the University of Notre Dame; Dr. George Roche III, president of Hillsdale College; H. Lyman Stebbins, president of Catholics United for the Faith; and, Dr. Ben Wood, director of collegiate research at Columbia University.

Second. The text of a speech delivered by Vice President Agnew in Chicago on November 17, 1971.

Third. A page from "Behavior Today," November 29, 1971.

Fourth. A table from the report of the Westinghouse Learning Corp., Day Care, 1970.

Fifth. A table from a publication of the Senate Finance Committee, "Child Care Data and Materials" (1971).

There being no objection, the documents were ordered to be printed in the Record, as follows:

A Review and Report of the Proposed Federal Program of "Child Development"

THE BILL

This bill provides for the establishment of "Child Development Programs" (comprehensive childrearing centers), "Child Development Councils" (to govern the programs), and a "Model Federal Government Child Development Program" (to try out the idea on the children of civilian government employees). It also provides guidelines and money for "National Child Advocacy Projects" (to draw attention to the needs of children), "Neighborhood Offices of Child Advocacy", and "Neighborhood Councils on Child Development". A permanent HEW Office of Child Development would also be established.

The Bill would see, in a few years, that the Federal government will have assumed a major role in the mental, physical, and social examination, diagnosis, identification, and treatment for every child under 15 years of age in the nation. As a matter of the child's right shall the government exert this control over the family, because, as one proponent of the bill has said, "We have recognized that the child is a care of the State." It would seem that the supporters of this legislation are interested in a Federally-cared for and governmentally-nurtured child.

"CHILD DEVELOPMENT" ADVOCATES

"Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country."

Dr. Urie Bronfenbrenner, a leader at the White House Conference on Children, quotes such statements in his book *Two Worlds of Childhood: U.S. and U.S.S.R.*, one of the popular authorities cited in defense of the child development proposals presently in Joint Conference and shortly to go before the President for approval or veto. The public relations of this bill presented it as strictly a beneficient day care program, to facilitate the employment of poverty-level mothers. The provisions of the bill are somewhat more wide. And the supporters of the legislation indicate their support in such ways as to cause trepidation regarding the eventual course of some of their provisions.

Statements like one by Siv Thorsell, a Swedish child development expert: "It is unreasonable to demand that the parents should meet all the child's needs, still less that the mother should accept responsibility for the child's upbringing to the extent she does now" reflect a lack of proper respect for certain fundamental institutions of society. Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, is openly opposed to the family: "there is serious thinking," he says, "that maybe we can't trust the family . . . to prepare young children for this new kind of world which is emerging."

The child development bill is obviously more than another anti-poverty measure; it is blatantly a social experiment scheme to change the nature of American society by undermining the basic unit of that society: the family. It falls well beyond the range of necessary and proper legislation into the discolored realms of orwellianism and mind-control. It is more than a violation of the rights of citizens: it is an assault on the already weakened fortifications of Western civilization.

CONGRESSIONAL FINDINGS

In examining the legislation, the intent of its framers and supporters must be carefully scrutinized. We find the first section (501) of the Senate bill (S. 2007) particularly revealing in this regard. This section purports to reveal "Congressional findings", namely:

That "millions of children . . . are suffering unnecessary harm from the lack of adequate child development services";

But there is no evidence that anywhere near such numbers of children suffer such harm. Since the beginnings of the Republic, there have been laws governing mistreatment of children. Some children may, indeed, suffer deprivation or cruelty—but they do not suffer the lack of government services. And what are "child development services" anyway? "Comprehensive physical and mental health, social and cognitive development services necessary . . . to profit fully from . . . educational opportunities", says the bill elsewhere [§ 512(2) (A)]. That provides little clarification. What is meant by "mental health services"? Mandatory examination and treatment? Experimental therapy? The bill does not indicate.

That "comprehensive child development programs . . . should be available as a matter of right to all children."

The language of the legislation as it passed the House established in law that children have a "right" which they formerly did not possess. The nature of that right/rights is not explained other than by implication, e.g., the various programs and projects created by the Department of Health, Education, and Welfare and institutionalized through the HEW Office of Child Development will be available to children as a matter of "right".

Let us presume for a moment that a parent is against a program or unwilling to permit his child to be incorporated into it. The result will be that the parent was/is depriving the child of "rights" established by law, and could be potentially confronted by some remedial action to "restore" to that child his "rights" under the child development act. One could envision the future in which a "child advocate", in an attempt to restore a child's "rights", could obligate the parent to appear before some board or court for purposes of reviewing his qualifications for parenthood.

Even if such a formal mechanism is not established, the child development act, by its nature when operational, would establish a *de facto* situation in which those operating the program could cause significant turmoil between the program and the parent, and between the parent and the child.

That "it is essential that such programs be undertaken as a partnership of parents, community, and State and local government, with appropriate assistance from the Federal Government";

But it is not at all "essential" that every level of government become involved in the training of the children of private citizens. History invariably shows that "partnerships" with the government soon become greatly imbalanced. The Child Advocacy section of this bill might be a classic example of that "partnership". Child Advocacy Officers, positions established by this bill to find and satisfy otherwise undiscovered needs of children, will seek to defend the child's right against his parents' ignorance or reluctance to submit him to federal assistance. Professionally-trained, overzealous staffers will be no match for simple parents whose instincts are right, but who are not educated or prepared to argue with program operatives. A *de facto* situation of coercion will be created.

That "it is the purpose . . . to provide every child with a fair and full opportunity to reach his full potential";

It is good for children to have opportunities exist in multitude, probably more so than anywhere else in the world. The nation's children, from A. Lincoln on, have certainly reached great potential, and have done so without "child development services". The fact of the matter is that such extensive governmental intervention will probably accomplish precisely the opposite of the stated intent. Large institutions, as opposed to parental initiative, tend to stifle the child's imagination and expressiveness. Government intervention can make the deeply personal experience of growth and education a massive bore, and forget that it is trying to provide opportunities as it becomes preoccupied with standardizing results.

And "to establish the legislative framework of the future expansion of such programs to universally available child development services."

What is perhaps most alarming is the provision for these programs to be universal. Such a provision discloses that the framers implicitly contend that, whatever maladies may exist among the nation's children, they are not limited to the economically deprived. The premise is that practically every child is deprived in some way. But every child in America does not suffer otherwise irremediable wrongs; in fact, most children are well cared for and well provided for by their parents, with adequate amounts of love and generally sufficient amounts of discipline. The demand for universal application of any program to *all* American children leaves far too much room for irresponsible social experimentation with the nation's youth by excessively idealistic or ideologized executors.

LIMITED HEARINGS

The fallacious contentions and erroneous conceptions of this bill should have been revealed and publicized in the Committee hearings. But the investigative function of the Committee hearings was largely ignored with this bill. The House Committee on Education and Labor, Subcommittee on Education, held a total of three hearings on the bill, with only five main witnesses. Two of them, Congresswomen Chisholm and Abzug, aired some rhetoric on the sufferings of women in need of day care. Two Governors and one former Governor also testified, but their discussion focused almost exclusively on technicalities of administration. Many times before, Federal administration of Federal programs on local levels has created duplication of these efforts with State efforts, squandering considerable money in the process. Governor Moore of West Virginia cautioned in his testimony that ". . . the proposed system . . . would spawn so cumbersome and conflicting a bureaucracy that the needs of children—and of quality services for children—would be overshadowed by political and bureaucratic concerns."

RIGHT TO NOT PARTICIPATE

That the proposed legislation would spawn anything more than an inefficient bureaucracy was not considered in the Hearings. Discussion of the substance of the bill was carefully avoided. With one exception, the written testimony submitted to the Committee was invited and devoted itself to praising the legislation. The one exception was C. Ross Cunningham, of the Christian Science Committee on Publication, who stated that "specific language in the statute itself is necessary to protect those with religious scruples from over-zealous workers at the local level." A clause to exempt children from treatment on grounds of religious objection was later added to S. 207, perhaps in direct response to this testimony. Testimonies from other religious leaders were evidently not solicited.

Furthermore, there is reason to believe that the limiting provision to permit religious objections might be unconstitutional as a denial of equal protection of the law. Regardless, the provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow. The right to rear the child rests exclusively with the parent, and the law in the interests of family structure ought to reflect that relationship. While in the minds of many, religion may be the foundation of the parental right, it should be expressed in the law that as a matter of right the parent is not required to either participate in any "child development" program or even explain his reason.

PARENTAL RELATIONSHIP

Included in the report of the hearings was a recent report of the Education Commission of the States, Task Force on Early Childhood Education. This report supported the adoption of more extensive child development programs, but in one respect it differs significantly from Federal concepts. The first priority of the States regarding child development services was "strengthening of the role of the family as the first and most fundamental influence on child development."

To the Emergency Committee for Children this seems an entirely proper emphasis to maintain. The Bill adopted by the House, like that by the Senate, mentions scarcely anything to indicate respect for this basic institution. The Education Commission of the States was not preoccupied with promoting the "emotional and social adjustment" of children, as seems to be the case with legislative proposals from the Congress.

The potential of this piece of legislation is clearly and definitely the revolutionizing of the traditional family structure in America. The parental role in children's upbringing will be deemphasized and the role of government greatly expanded. As government assumes parents' responsibilities, parents' rights over their children will tend to be sacrificed, *de facto* or *de jure*. Such a development, in our opinion, is contrary to the best interests of our society and not in concert with the Western tradition. It is disastrous and tragic. The family is the cornerstone of emotional stability and strength, the first educator and strongest influence toward decent human natures and relationships. To replace the rich, loving family with depersonalized bureaucracy would be to destroy the most valuable social institution in America, and to weaken immeasurably the strength of the American nation.

COMMUNALITY FOR CHILDREN

Central to the arguments of certain advocates and sponsors of the child development bill is an implicit direction toward a total revamping of American society, beginning with the popularization of one or another form of collective child-rearing. Occasionally this direction becomes explicit, as in the writings of Dr. Urie Bronfenbrenner. Bronfenbrenner's contention is that Soviet society is worth more than American society because the concern of one generation for the next is so much greater there. This concern is exemplified for him in the "children's collectives," where infants from three months of age are brought for communal upbringing.

The most lauded advantage of communality is the facilitation of discipline. The greatest virtues of a Soviet child are obedience and self-discipline, both developed through skillful fostering of the earnest desire to conform to the group, which, in turn, accepts its values from adults or other authoritative figures, eventually the State. Conformity, thus, is the paramount virtue in collectivized children, and, of course, in collectivized adults.

Yet the Soviet Union seems more than satisfied with its crop of programmed citizens. Plans for the future are burgeoning to make a child's life a series of transitions from nursery to day and night kindergarten, to boarding school, to independent life, in the hopes that, in time, the family "will dissolve within the context of the future social commune."

Dr. Bronfenbrenner is, of course, entitled to his views. But what he advocates is, fortunately, so alien to our culture that any attempt to impose the Soviet system here would be doomed to disastrous failure. However, the proposals of this bill definitely encourage the attitudes necessary for such a system to ever be adopted. This country does not want Soviet childrearing. Conformity has never been regarded as a supreme virtue by the American people; in fact, individuality from diversity within and among families is much sounder and more reflective of American institutions. Parents love their children and are dedicated to their welfare. Privacy and personal intimacy are the keynotes of American family life. Congress may write lists of contrived complaints about American childrearing, but such complaints will not reconcile the American public or the traditions of American life to surrendering children to government agents.

CONCLUSION

We of the Emergency Committee for Children are grateful for the individualistic streak in the American personality, believing that it is the greatest possible protection against the utopian schemes of misguided collectivists. We of the Committee, whose backgrounds are in the Academy and religious life, are united in our concern and opposition to what we see as a significant threat to Western civilization and American society as we presently know it.

Address by the Vice President of the United States, Illinois Agriculture Association Dinner, November 17, 1971

America as a society was founded on respect for the individual and an unshakable belief in his worth and dignity. We believe an individual should be able to assume whatever position in society his intelligence, character and ability can earn for him—regardless of his status at birth—and we guarantee that he shall have that opportunity. He has, we say, an "inalienable right" to life, liberty and the pursuit of happiness so long as he does not trample on the equal rights of others. Unlike many other societies, we ask only in time of national emergency that he subordinate his individual freedom in the interest of his country.

"Individuality is the aim of political liberty," wrote James Fenimore Cooper. "By leaving to the citizen as much freedom of action and being as comports with order and the rights of others, the institutions render him truly a free man. He is left to pursue his means of happiness in his own manner."

The spirit of American individualism opened a frontier and built a nation. It imbues our institutions of today and we guard it jealously. Nowhere have I seen the importance of individualism and the threat to it better expressed than in the philosophy of your own organization, the Farm Bureau.

Let me read these few excerpts which are very pertinent to what I want to discuss with you tonight. I quote from your brochure, "1971 Policy Resolutions of the Illinois Agricultural Association."

"Farm Bureau recognizes freedom, the dignity and worth of the individual, equal opportunity, initiative and compensation for accomplishment, as basic concepts in a large way responsible for our country's progress and stature among the nations of the world . . .

"Today there are those who with well-planned purpose or unwitting action would lead our country and our people into state socialism with its controls of our lives and our means to produce and distribute the products of our labor, capital and management, with little or no regard for the contribution of individuals. Such a course leads steadily and surely to the degeneration of moral and economic standards and to a leveled, disillusioned, government-directed people and a decadent economy.

"We reaffirm our faith in incentives, individual responsibility, initiative and freedom, rather than over-dependence on government. We believe that we should act as individuals and as an organization to keep the determination of our destiny in the hands of the people where it must remain, if our organization and our country are to continue to be free and strong."

That is a creed that the overwhelming majority of Americans can subscribe to, and I wish it could be read and repeated every day at every gathering of the "futuristic planners" who are so anxious to change our society by tinkering with the individual. For there is currently a body of thought which I believe presents serious threats to our individual liberties. These threats are often couched in the language of human benevolence. Such subtle encroachments on human freedom and dignity are for the most part proposed by social planners who believe that the individual is incapable of managing his own affairs or, indeed, of even *knowing* what is best for him.

Let me share with you a few excerpts from a recent report published in the NEA journal, Today's Education, on future trends in education.

"Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration and memory . . .

"The roles and responsibilities of teachers will alter. . . . The basic role of the teacher will change noticeably. Ten years hence it should be more accurate to term him a 'learning clinician.' This title is intended to convey the idea that schools are becoming 'clinics' whose purpose is to provide individualized psychosocial 'treatment' for the student, thus increasing his value both to himself and to society."

We don't have to wait 10 years for this to happen, ladies and gentlemen. It is already here in what some would term our more progressive public schools. Perhaps you have heard of the so-called "pyscho-dramas" that children of all ages are forced to act out in the classroom. Listen to this account that I read recently in a newspaper:

". . . teachers frequently ask them (the pupils) to act out such things as obtaining an abortion, inter-racial dating, smoking marijuana—and how their parents would react. Parents find even more objectionable 'psycho-dramas' in which children act out actual incidents from the home, something which parents consider a clear invasion of their privacy. There have also been 'talk-ins' where two or three children will go to the school counselor and answer highly personal questions, such as: 'What does your father wear when he shaves?' or 'Do you love your parents?' One child was assigned an essay on the subject, 'Why do I hate my mother more than my father?' "

Character that was once molded in the home is now more often the product of the classroom, and there are some who would like to take it a step further and indoctrinate or condition all pre-school age children from infants on up to kindergarten age. They admire the Soviet system in which the State takes over this function from the parent.

Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, recently told a Congressional Committee: "There is serious thinking among some of the future-oriented child development research people that maybe we can't trust the family alone to prepare young children for this new kind of world which is emerging."

The Soviets, Dr. Lourie said, have long recognized the shortcomings of the family. That, he added, is "one of the reasons why they felt they needed to have access to the babies."

Dr. Lourie said that in the first 18 months of life the brain is growing faster than it ever will again. "It is then also more plastic and most available for appropriate experience and corrective interventions," he said.

Another expert witness testified that child-rearing by the State produces more obedient adults because the individual child is conditioned to conform to the behavior and values of the group in which he is reared.

You can see here that our traditional concept of the individual would disappear completely if it were left up to the behaviorists; moreover, the family would become an anachronism in the new scheme of things.

Now, I believe there are occasions when a child needs to be taken out of the home, both for his own good and that of society. I have said this many times. It may be he is totally neglected by his parents in his upbringing, or it may be that they are faced with severe problems that prevent him from receiving the kind of care and attention that he needs. In such cases, he would be better off in a foster home or boarding school. And certainly this Administration favors federal support of day care centers where children left by working parents can receive care and educational opportunities so critical in the early years. We have also encouraged innovations in educational techniques.

But what has been suggested in the examples I have cited to you is radical surgery on the national psyche—and it is absolutely unjustified under the circumstances that exist. Our futuristic thinkers might render society a better service by devoting their thinking to some of the immediate problems that confront us.

For example, instead of psycho-drama in the classroom let's restore conditions that permit and encourage learning. I saw an article in a Baltimore newspaper a few days ago where city officials were calling for the installation of metal detectors at school entrances to prevent acts of violence by *gun-carrying youngsters!* Now when discipline and respect for authority deteriorate that far, conditions have gotten pretty bad. But I'm sure they're no worse at schools in Baltimore than they are in many other cities of the land. I would think restoration of discipline and order ought to be a first priority—even ahead of curriculum—in the schools of this country. Because it's a simple fact that unless order is maintained there can be very little learning accomplished, no matter how modern or innovative the teaching techniques may be.

Instead of having students write essays on why they hate their mother more than their father, or relate what their father wears while shaving, educators might use this time more productively by emphasizing basic skills and subjects that will enable these students to make the most of their lives and their talents and improve their worth as individuals.

The principal danger in all of this, in my opinion, is a steady erosion of our belief in the individual and the value of his role in society. The assault continues daily.

One of the hottest books on the current-best-seller list deals with "conditioning" people to conform to a bizarre view of what society should be like—a utopia to be achieved through what the author calls a "technology of behavior." The author is Harvard psychologist B. F. Skinner. The book is appropriately entitled "Beyond Freedom and Dignity."

Dr. Skinner holds, in effect, that man has neither soul nor intellect and is completely a creature of his environment. If you can control man's environment, he theorizes, you can control his actions and his thoughts.

The book can be expected to have a substantial impact. Dr. Skinner is generally regarded as the most influential of American psychologists and social thinkers. He is widely known and respected, even by some who disagree with him.

The magazine Psychology Today said of the Skinner book: "This new crusading manifesto . . . is an intellectually ruthless demand for the faithful to move ever onward—into domestic policy, business, education, the family and every other part of life. Their time, they believe, is now."

In a recent article, Time Magazine quoted Dr. Skinner as saying the concept of freedom once played a vital role in man's overthrow of tyrants but that it is now outmoded.

"My book," he said, "is an effort to demonstrate how things go bad when you make a fetish out of individual freedom and dignity. If you insist that individual rights are the *summum bonum*, then the whole structure of Society falls down."

In his book, Skinner attacks the very precepts on which our society is based saying that "Life, Liberty and the pursuit of happiness" were once valid goals but have no place in 20th Century America or in the creation of a new culture such as he proposes.

Another advocate of changing man's behavior through external means is Kenneth B. Clark, President of the American Psychological Association. Writing in the New York Times last week, he said the formerly useful appeals of religion, moral philosophy, law and education—in his words—"are, in themselves, no longer appropriate" in a nuclear age.

What is needed, suggested Dr. Clark, is to stimulate certain areas of the brain of national leaders or drug them in order to—in Dr. Clark's words—"assure their positive use of power and reduce or block the possibility of their using power destructively."

"This form of psychotechnological medication," he said, ". . . would assure that there would be no absurd or barbaric use of power. It would provide the masses of human beings with the security that their leaders would not or could not sacrifice them on the altars of their personal ego pathos, vulnerability and instability."

That sort of drivel doesn't need any further comment from me with this audience. It speaks eloquently for itself. But you cannot dismiss it as unimportant. That would be a big mistake.

Such "behavorial thinking," as it is called, has great impact in some of the intellectual circles of this country. For this reason, such thinking must be taken seriously and countered with logic and reason. It is potentially very dangerous, and it is completely at odds with our basic belief in the dignity and worth of the individual. To the behaviorist, man is not an individual; he is one of a herd, a particle in a mass of humanity who does not know what is good for him and who needs to be saved from himself by a superior elite using intellectual cattle prods. Note well Dr. Clark's use of the term—"provide the *masses of humanity* with the security that *their leaders* would not or could not sacrifice them on the altars of their personal ego . . ." What arrogance! What contempt for the individual!

John Stuart Mill, in his famous essay, "On Liberty" said in 1859, "Whatever crushes individuality is despotism, by whatever name it may be called."

Applying Mr. Mill's standard to the behaviorists of today, I would say we are contending with a new kind of despotism.

For a number of years now our young people have been concerned about a possible loss of identity through computerization and other technological advances. They do not want to become a mere number, another face in the crowd. "Do not fold, spindle or mutilate," they say in derision.

I would say to them in all sincerity that they, and future generations of Americans, face a far bigger threat to the loss of their individualism from the sugar-coated theories of social scientists and behavioral psychologists than they do from the machines we have developed, manufactured and can control in making life easier and more abundant for mankind.

The important thing is that we use our technological knowledge for the good of *all* mankind, that we use it in *solving* the problems that are now attacked more with rhetoric than with our God-given ingenuity. In the end, individuals—not masses—will come up with the answers to these problems, just as the Edisons, the Wrights, the Salks and the Einsteins have done so often during the past decades.

Perhaps there will be a Herbert Hoover combining his talents of engineering and management to organize a gigantic program for feeding the starving of this world, and marshaling the resources of not only this country but of other rich, producing lands.

It was a half-century ago that Mr. Hoover, who was later to become our 31st President, returned from his enormously successful food mission in Europe and put down on paper the spiritual, economic and political characteristics that enabled the American people to produce the materials needed to bring peace to the world and at the same time give economic assistance to people ravaged by war.

He called his book *American Individualism* and he spoke to the behaviorists of his day who would sacrifice the individual for the group.

"Salvation will not come to us out of the wreckage of individualism," said Mr. Hoover.

"What we need today is steady devotion to a better, brighter, broader individualism—an individualism that carries increasing responsibility and service to our fellows.

"Our need is not for a way out but for a way forward. We found our way out three centuries ago when our forefathers left Europe for these shores, to set up here a commonwealth conceived in liberty and dedicated to the development of individuality . . .

"Humanity has a long road to perfection, but we of America can make sure progress if we will preserve our individualism, if we will preserve and stimulate the initiative of our people, if we will build up our insistence and safeguards to equality of opportunity, if we will glorify service as part of our national character.

"Progress will march if we hold an abiding faith in the intelligence, the initiative, the character, the courage, and the divine touch in the individual. We can safeguard these ends if we give to each individual that opportunity for which the spirit of America stands. We can make a social system as perfect as our generation merits and one that will be received in gratitude by our children."

Ladies and gentlemen, Mr. Hoover's words are as applicable to our problems of today as they were to those of 50 years ago.

We have not yet achieved that perfect social system that he spoke of, but we have probably come closer than anyone else on earth, and we continue to make progress to that end.

And when we do finally achieve it, it will be because we have kept an abiding faith in the individual—in his intelligence, initiative, character, courage and the divine touch that exists in every man.

[From Behavior Today, Nov. 29, 1971]

AGNEW'S ATTACK

Spiro T. Agnew is after the behaviorists. His alert to the anti-democratic danger their theories represent is a bit stale, but coming from a Vice President, the attack moves the debate over behavior control to a top political rostrum. In his speech Nov. 17 to the Illinois Agricultural Assn., Agnew raised the specter of mass psychological-biochemical control, singled out B. F. Skinner and Kenneth B. Clark as villains . . . "I don't care whether he's for my ideas or against them," Skinner responded. "His speech is a sign people in high places are beginning to think about behavioral control and policy." Behaviorists in general reacted in the same vein, but worried that the political vitriol would distort the issues they want to introduce to the public . . . The worry is real. Insiders report a mounting right-wing attack on behaviorally based day care as a Sovietization of child rearing. And, they warn, the Nov. 17 speech struck a responsive chord in a public far to the left of Agnew's normal constituency. For copies of the speech, write Jean Spencer, Office of the V.P., Rm. 291, Executive Office Bldg., 17th and Pennsylvania Ave., Wash., D.C., 20501.

DAY CARE BILL IN TROUBLE

Landmark $2-billion child development bill now before Congress is in trouble. Supporters read Agnew's alert to dangers of "child rearing by the State" as sign of White House opposition to day care program which provides more than simple custodial services. Further evidence of Administration opposition closely followed Agnew's speech when HEW secretary Elliot Richardson, who earlier appeared to favor bill, announced in a letter to Congress that he opposed it in its present form. Package, compromise version of bill by Sen. Walter Mondale (D.-Minn.), faces final Congressional action in early December. Passage is a good possibility, but so are chances for a Presidential veto. Following major issues are at stake:

Cost. Bill would authorize $100-million for planning in FY '72 and $2-billion for centers, services and training in FY '73. But debate over cost is largely a smokescreen, since Administration and Congress recognize day care is an expensive undertaking.

Eligibility. Bill offers free services to poor, but would also allow middle-class families to use centers on a paying basis. Administration flatly disapproves, favors bill only to extent it puts welfare mothers to work.

Prime sponsorship. Curiously, while Agnew attacked state take over of child-raising, the Administration has attacked provisions in the bill insuring strong local control and parent involvement. Present bill would allow community groups to operate programs. The Administration wants politicians at the state level to control the purse strings, parents to serve as advisors.

Supporters argue that bill in its present form will put Congress on record in favor of comprehensive child development services, as opposed to custodial care. "If we don't get a bill right now," they warn, "we'll never get a bill. It will become an issue no politician will touch."

Supporters urge activists to woo the White House and the following key Congressional opponents: Rep. Albert Quie (R.-Minn.), Rm. 2334, Rayburn House Office Bldg., tel: 202-225-2271; Rep. William Steiger (R.-Wis.), Rm. 1025, Longworth House Office Bldg., tel: 225-2476; Rep. John Erlenborn (R.-Ill.), Rm. 330, Cannon House Office Bldg., tel: 225-3515; Rep. John Dellenback (R.-Ore.), Rm. 1214, Longworth House Office Bldg., tel: 225-6416; zip for all the above 20515.

TABLE 4.37—ESTIMATED NUMBER[1] AND PERCENTAGE DISTRIBUTION OF LEVEL OF SATISFACTION FOR EACH DAY CARE ARRANGEMENT BY TYPE OF ARRANGEMENT

[Numbers in thousand]

Type of arrangement	Total		Very well satisfied		Pretty well satisfied		Not very well satisfied		No answer	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Mother watches at work	134	100	56	41.8	26	19.4	36	26.9	16	11.9
Child cares for self	260	100	99	38.1	101	38.8	31	11.9	29	11.2
In-home care	2,172	100	1,610	74.1	230	10.6	126	5.8	206	9.5
Father	751	100	598	79.6	27	3.6	48	6.4	78	10.4
Sibling	474	100	275	58.0	107	22.6	35	7.4	57	12.0
Other relative	637	100	513	80.5	65	10.2	10	1.6	49	7.7
Nonrelative	310	100	225	72.6	31	10.0	32	10.3	22	7.1

TABLE 4.37—ESTIMATED NUMBER[1] AND PERCENTAGE DISTRIBUTION OF LEVEL OF SATISFACTION FOR EACH DAY CARE ARRANGEMENT BY TYPE OF ARRANGEMENT—Continued

[Numbers in thousand]

Type of arrangement	Total		Very well satisfied		Pretty well satisfied		Not very well satisfied		No answer	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Out-of-home care	1,384	100	927	67.0	182	13.2	165	11.9	110	7.9
Relative	584	100	391	67.0	72	12.3	76	13.0	45	7.7
Nonrelative	63	100	47	74.6	7	11.1	7	11.1	2	3.2
Day care home	500	100	304	60.8	79	15.8	73	14.6	44	8.8
Day care center	237	100	185	78.1	24	10.1	9	3.8	19	8.0
Before and after school programs	27	100	14	51.9	0	0	0	0	13	48.1
Total	3,977	100	2,707	68.1	539	13.5	358	9.0	373	9.4

[1] In-school arrangements were deleted from this table.

TABLE 4.—CHILD CARE ARRANGEMENTS FOR CHILDREN OF MOTHERS WORKING FULL TIME, 1965

	Total		Children under 6		Children 6 to 13	
	Number	Percent	Number	Percent	Number	Percent
1. Total number of children	8,315,000	100.0	2,561,000	100.0	5,753,000	100,0
2. Cared for in own home by—						
(a) Father	1,145,000	13.8	264,000	10.3	881,000	15.3
(b) Other relative	2,013,000	24.2	472,000	18.4	1,520,000	26.4
Under 16 years old	(397,000)	(4.7)	(25,000)	(1.0)	(372,000)	(6.5)
16 years and over	(1,615,000)	(19.5)	(446,000)	(17.4)	(1,149,000)	(20.0)
(c) Nonrelative who only looked after children	429,000	5.2	238,000	9.3	188,000	3.3
(d) Nonrelative who usually did additional household chores	513,000	6.2	236,000	9.2	281,000	4.9
(e) Subtotal, children cared for in own home	4,099,000	49.3	1,209,000	47.2	2,871,000	49.9
3. Cared for in someone else's home by—						
(a) Relative	801,000	9.6	452,000	17.6	354,000	6.2
(b) Nonrelative	836,000	10.1	502,000	19.6	341,000	5.9
(c) Subtotal, children cared for in someone else's home	1,637,000	19.7	954,000	37.3	695,000	12.1
4. Other arrangements:						
(a) Care in group care center	239,000	2.9	197,000	7.7	41,000	.7
(b) Child looked after self	800,000	9.6	7,000	.3	794,000	13.8
(c) Mother looked after child while working	575,000	6.9	171,000	6.7	407,000	7.1
(d) Mother worked only during child's school hours	917,000	11.0	12,000	.5	906,000	15.7
(e) Other	50,000	.6	10,000	.4	40,000	.7

Source: Seth Low and Pearl G. Spindler, "Child Care Arrangements of Working Mothers in the United States," Children's Bureau Publication 461-1968, tables A-2 and A-3, page 71.

EXHIBIT 1

INTERNATIONAL DAY CARE: A SELECTIVE REVIEW AND PSYCHOANALYTIC CRITIQUE

(By Dale R. Meers)

INTRODUCTION

Historically, social concern for the welfare of children is interrelated with the tenuous, often tortuous evolution of scientific knowledge of child development. The relationship is inevitably reciprocal. Social conscience has sometimes pushed the scientist where he has been hesitant to venture. Alternatively, scientific documentation has been the gadfly of social conscience, though society often has proven resistantly imperturbable where scientific clarity has presented a too discomforting mirror to social indifference.

Currently in the United States, social concern is reflected in legislative considerations of the special fate of children—often those of minority groups—whose home circumstances or natural parents have suffered so drastically that the young are not afforded optimal conditions for normal, healthy maturation of body and mind. The progression of social responsibility reflects, in some measure, advances in scientific comprehension of the fundamental importance of adequate nurture in the earliest years of childhood.

For example, just as the publicly maintained poorhouses once represented a significant advance in social commitments to child welfare, so the ensuing development of congregate child care institutions were a corrective response to limitations of the poorhouse. Once established, the congregate institution remained, for want of better solutions, and with it came the unforeseen consequences of hygienic institutionalization, particularly the continuous tragedy of marasmatic[1] deaths of infants and the pseudo-defectiveness of older children—outcomes that become the subjects of extended international research.

Consequently, by the 1920's a quiet social revolution came to pass in the federal state support of family nurture via foster home and adoption services that emptied the congregate institutions of the U.S. As appears true in all modern, industrial nations, however, social values of "the family" appear to dissipate with increasing options for economic and geographic mobility. With smaller families for the upwardly mobile, and decreasing community support for the direction of child activities, the qualitative base for foster home care in the U.S. now appears less than adequate. The "racial" prejudices of the nation, moreover, have further taxed the program for foster care. Massive migrations of our Negro population into urban visibility have simultaneously brought a belated concern for fragmented lives, a situation that was earlier ignored.

The inequities of foster home care have hit the Black child hardest, and we have seen his disadvantage exacerbated by his grossly disproportionate placement in our returning congregate institutions. There are parallel concerns with the stigmata suffered by the welfare-mother, and current social policy considerations suggest a new synthesis in which child Day Care might simultaneously diminish the need for foster/institutional placements and also permit the training of mothers for employment outside the home. Nationally, the over-sell of the Head Start Day Care type programs has been accepted by the public with convictions that are not shared by the scientific community that sponsored Head Start. For those families where there is no question of the adequacy of home life, the matter has been complicated further by the positive statements of the American Educational Association on the presumed salutary qualities of ever-earlier education, and these appear to have escalated popular interests in Day Care.

Popularized reports of the reputed virtues of international child care programs, particularly those of the U.S.S.R. and the Kibbutzim of Israel, appear as major contributions to present U.S. legislative proposals for national support of Day Care. One may speculate that the anomic phenomenon of our urban depersonalization has added to the romantic aura that surrounds the reputed virtues of the Kibbutzim. The extraordinary advances of Soviet atomic and space technology appear popularly, if obscurely, linked to that nation's innovations in education—as though technological advances were ultimately derivative of the early child care programs. In the absence of extended documentation, which is essential to scientific assessment of the effects of programs, imagination has colluded with scant observations, and some western observers have concluded that the Day Care of other nations is a singular blessing.

With such preconceptions, this author began his research explorations in 1964.[2] Review of the scant available literature led, subsequently, to reports of the National Academy of Science and then to correspondence with a number of prominent research and administrative directors of child care programs in the U.S.S.R., Hungary, German Democratic Republic (East Germany), Czechoslovakia, Greece, Israel and France. The study of these particular countries was a function of available literature, the responsiveness of the countries' research communities, and the character of particular types of child care programs. Professional visits were made to selected child care centers in each of these countries, other than the U.S.S.R., by Dr. Allen Marans in 1963 and by

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Footnotes at end of article.

this author in 1965. Both tours included personal observations of centers, extended discussions and consultation with policy makers, administrative directors and child care staff. Because of the apparent importance of the Soviet Union's programs, and increasing uncertainty of their scope and purpose, support was requested and provided by the U.S. Public Health Service, under the U.S.-U.S.S.R. scientific exchange program, for this author and a colleague[3] to study in Moscow, Leningrad and Reiga (1967).

No claim is made here that the observations in these several countries provide some representative sampling, nor is it suggested that programs and centers are necessarily similar. Indeed, as a first generalization, one may note that greater differences appear to exist between some child care centers in the same country than between the best of each country. Extreme dissimilarities in any one country, however, appear as historical accidents in which older facilities have been bypassed because budget priorities have been given to the development of new improved centers. In the effort to highlight the characteristics and directions that seem most relevant to U.S. concerns, many differences of quality care are ignored here. Since the U.S. has little to learn from inadequate foreign centers, such facilities are discussed only where it seems important to illustrate particular programmatic or policy problems. The worst of U.S. urban Day Care occasionally may be equaled, but not easily exceeded, by the worst of those observed abroad by this author; however, the intent here is to studiously avoid any implication of invidious comparisons of the U.S. with other nations' programs. The following discussion is predominantly concerned with the best of international centers and technical management such that the ensuing critical evaluation relates to those special problems inherent in even the best of Day Care programs. Particular types of institutional experience and research is directly relevant to Day Care for the very young. Accordingly, this paper also makes selective reference to problems of "institutionalization" and "hospitalism."

The subject of child care cannot be readily separated from the philosophical/ideological commitments of the several countries reviewed. The collectivistic orientation of Kibbutzim child care is dramatically different from that of Greece or France, and surprisingly different from official policies of the Soviet Union. Philosophic views are inherently reflected, purposefully or unwittingly, in the social/economic priorities that underpin funding for child care staff, physical facilities, resources for the children, etc. Emphasis here is given to the programs of communist countries because their extended experience covers both decades and millions of children in Day Care. Administratively, their programs are not unlike those seemingly envisioned by U.S. legislation, i.e., with policy funding and standards nationally established yet with considerable regional and local latitude for the administration of the individual centers. The sheer magnitude of existing communist child care programs, which entail a radical departure from the conventions of family nurture, constitutes an extraordinary social experiment (with a fascinating range of scientific implications).

THE SOVIET MODEL AND EAST EUROPEAN ADAPTATIONS

The geographic span that separates the U.S. and the U.S.S.R. is less formidable than the ideological and conceptual distance that must be bridged in scientific dialogue. For Pavolov is to Soviet education, child care and psychiatry as Lyschenko was to agronomy and genetics (e.g., see: Tur, 1954; Barkoczi, 1964; Tardos, 1964). Since Pavolovian conceptions do not entertain the possibility that mental illness can be a consequence of adverse infant and childhood nurture, psychiatric research on the relationship of early Day Care and psychopathological disorders is notable only for its non-existence. During Stalin's life, both social psychiatry and social psychology were politically interdicted, presumably on the rationalization that social is a synonym for class and that, in a classless society, there were no differences to study. Similarly, with the establishment of the Communist state in Czechoslovakia, foster care and adoptions were replaced by state sustained Day Care and residential care for children and research on the complexities of these Czech programs was forbidden at the university level,[4] but indirectly possible in psychiatric settings.

The difficulties in reviewing Soviet research, such as there is, are compounded by their limited internal budgets for journal publications in the behavioral sciences; literature proves far more available via the East Europeans. The literature review that preceded these field studies began with a series of documents obtained in the U.S.S.R. by members of the President's Panel on Mental Retardation (1964) and the Child Psychiatry Mission to the U.S.S.R. (Lourie, 1962; Report of the Medical Exchange Mission, 1962). Our study was enriched by the translation of Schelovanova and Aksarina's basic text (1960), which had been made available in Russian by Professor Zaporozhets who had consulted in Washington in 1964. Bronfenbrenner's several papers (1963a, 1963b, 1964) were fascinating and we were prepared to see, in East European adaptations of Soviet models of Day Care, a coherent effort in which the state used the Day Care nursery to produce the "new Communist man."

It was a considerable surprise, therefore, to find that East European programs, in 1965, appeared to be not only prosaic but also struggling with such a multitude of organization and administrative problems that it was difficult to perceive anything in the way of nursery centered, conditioning. Self-consciously as aware of their problems as they were proud of their achievements, East European administrators made continued recommendations that one should see the truly successful Day Care centers in the U.S.S.R., where extended experience is matched by optimal funding. In the two years that preceded personal study of the Soviet centers, this author contributed a number of conclusions, from inferential data, as to Soviet programs that have since proved to be singularly erroneous (Meers and Marans, 1968).

We wrote at that time: "In 1965, Khrushchev introduced a nationwide program aimed at the creation of a new Soviet man's (Bronfenbrenner, 1963). To accomplish this objective a major portion of the responsibility for child-rearing was deliberately shifted from the family to the children's collectives, the U.S.S.R. day nursery." (*Ibid*, p. 239). Inherent in this (erroneous) formulation was the conclusion that the contemporary generation of Soviet parents, having been deprived of a "proper" upbringing, could not be expected to rear this new Soviet man without help from appropriately educated, state-supervised staff. The state thereby purportedly recognized the role of the "upbringer" as the purveyor of the new culture, since mother substitutes were nominally selected and trained to induce the political ideas of the state.

Whatever the political goals of social planners in the East European countries, however, it was clear in 1965 that the extraordinary complexities of staffing and developing massive programs precluded any systematic induction of political-cultural values. Surprised by the absence of ideological implications in programming, this author raised the question repeatedly. As a typical response, Pikler (Budapest) advised that in three decades of close and cooperative working relationships with Soviet child care specialists, she was quite unaware of any such state policy.

During the author's three weeks of study in Moscow, Leningrad and Reiga, there were continuous occasions to discuss Soviet Day Care policy, from the ministerial level, through administrative and research staffs down to the various Day Care centers' personnel. It is clear that the Soviet Union would indeed like to provide the best-of-all-possible worlds for their children, so that their new Soviet man would have every advantage that a modern industrial nation might provide. The status of the Soviet child is considered unique and there is a presumption, not unlike that held in the U.S., that the best is being done for their children. It is humorously suggested that children are the new "upper class" of the classless society. And, indeed, part of the Soviet claim appears merited by the extraordinary priorities and investments that sustain the multiplicity of child care programs.

The Soviet Day Care programs, however, appear anything but revolutionary in their intent. They are designed to provide the type of comprehensive care that has been depicted in the U.S. as "Head Start." The term, in U.S. usage, is a misnomer since our programs, like those of the U.S.S.R., are intended to provide a *better* start and not an accelerated introduction to intellectual/academic matters. In the vast Soviet federal state, which encompasses disparate nationalities and ethnic peoples, the provision of basic, high-quality health and social services continues as a fundamental problem. The provision of early Day Care has the explicit intent of ensuring the best health and nurture that can be uniformly provided. If there is an unstated, implicit political intent in these programs, this author would conclude that it has to do less with the creation of the ideal communist than with the creation, in the younger generation, of a "national citizen" who is free from regional and ethnocentric biases.

Parenthetically, one should add that the Soviet Day Care centers are hardly oriented to the introduction of reading, writing, and arithmetic at ever younger years. On the contrary, only scant and incidental "educational" material is introduced in the last year of nursery school, and formal education is only started at age seven a year later than in the United States.

Day Care programs of the East European nations differ most in the intent and rationalizations of their separate cultural, economic and political status. The Hungarian programs evolved from an organic community need to provide for homeless, parentless children who were incidental victims of the Nazi siege of Budapest. Economic dislocation from western Europe and the attempt to industrialize provided powerful government incentives to adopt and implement Soviet models of Day Care and the frugal conditions of the post war economy provided substantial incentives for mothers to place their children in Day Care and secure work. From meager beginnings in Budapest, Day Care centers were established wherever possible, e.g., in unused factories, and these centers proliferated through the following decades with an express government intent to provide equal and adequate services in rural as well as urban centers.

While pleased with their continued upgrading of building design, staff ratios, etc., Hungarian Day Care of infants under the age of three has been viewed as a regrettable side effect to the necessary employment of mothers and therefore has been considered a program that should be progressively limited and eventually terminated as economic conditions might permit. This conviction appeared to be based less on any question of possible damage or retardation of the children concerned, than on humanitarian responses to the manifest unhappiness that

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Footnotes at end of article.

substitute care creates for the small child separated from home and mother (Laslow, 1965).

In East Germany[5] a different confluence of factors has affected the characteristics of Day Care. Under Communism, a "feminist" movement appears to present a powerful, government-sustained reaction to the residual patriarchal dominance of the old-time German family. Day Care provides not only for children, but also gives women an alternative to the domesticity that has carried a cultural aura of subservience.

East Germany suffered a massive loss of manpower in the war and was further plagued by the succession of Nazi extermination of "liberal" professionals, the postwar exclusion of established pro-Nazis from responsible positions, and the exodus to West Germany. Massive displacement of populations and extended war damage led the country into an austerity program from which it has yet to emerge. Extended efforts to industrialize a previously agrarian area only added to the chronic and severe manpower shortage, adding urgency to the need for the labor of women. The establishment of Day Care centers on a mass scale, however, placed the Day Care programs in direct competition for the already short supply of woman power. With the inception of the programs, it appeared that many of the older and least suitable women, who were unable to find better employment in industry, secured employment in child care. Recruitment, staffing and training continue as major problems.

Czechoslovakia was spared much of the war devastation suffered by Germany and Hungary. Its industrial base and professional population were left relatively intact. Economic reorientation to the East and severe planning/production limits on luxury goods contribute to a continuing austerity and provide strong economic motivations for families to secure a second income through the work of mothers. Government support and encouragement of the use of Day Care has appeared more doctrinaire than economically motivated. The best of Czech Day Care appeared hygienic, sterile and depressing; the worst seemed melancholically, fatalistically sorrowful. Czechoslovakia in transition may reflect severe anomic reactions to the enforced and extended readaptations of cultural values to the changed political and economic ways of communism.

THE SCOPE AND COSTS OF COMMUNIST DAY CARE

In 1964, some 10% of the Soviet Union's pre-school child population were cared for in various types of child care facilities; five of seven million children were in (nonresidential) nurseries and Kindergartens. Consonant with Zaporozhets' (1964) projections, 1967 estimates (provided in the U.S.S.R.) indicated that 30% of the nation's pre-schoolers were then enrolled, and that the figure was as high as 60% in major Soviet cities. In 1964, Zaporozhets had anticipated that a goal of 100% would be achieved by the 1980s. East European estimates in 1965 approximated those of the U.S.S.R., i.e., some 30% of these nations' children were in Day Care. By 1970, East Germany had between 30% to 45% of under-threes in Day Care, and 51% of the older children in Kindergarten. Schmidt-Kolmer (1970) projected that by the 1980's nearly all of the four to six year olds, and some 50% of the under-threes, would be in Kindergarten/Day Care. Czechoslovakia, in surprising contrast, as a result of governmental policy responses to research evidence of emotional injury to the very young child, has systematically reduced its Day Care for children under three, and current estimates indicate an enrollment of only 12% of these children in 1970 (Langmeier and Matejcek, 1970; Matejcek, 1970).

In the Communist nations, financial support for both capital construction and operational expenses depends upon sponsorship, e.g., of factories, coops, urban micro-units, etc. The state is usually responsible for basic costs. The *capital* expenses for Day Care centers in East Germany approximate 11,000 Marks/per child, i.e., about $2,600 (as an under-estimate based on an official 4.2 rate of exchange). This represents a *quarter of a million dollars* in construction costs for each prefabricated unit that houses some 100 infants.

Operation budgets of both Czech and East German centers approximate one-quarter to one-third of the earned income of the average working parent, e.g., East German costs are 155 Marks per month per child (Schmidt-Kolmer, 1970) and Czech costs are 526 Crowns per month per child (Matejcek, 1970). Since the East German incomes, as a high estimate, are about 630 Marks per month and Czech incomes are about 1600 Crowns per month, the placement of three children from one family in Day Care would involve operating expenses equal to the income of a working mother. The costs to families remain low only because of state subsidization. Bronfenbrenner's estimate that Soviet expenditures equal the total cost of Soviet space exploration appears quite plausible.

In the continuing, philosophic commitments of the U.S.S.R., enormous expenses are involved in the construction of rural new-town communities and in the beginning ultra modernization of cities such as Moscow. Planners make use of the "micro-unit," an extended complex of modern, high-rise apartments (prefab) that are relatively self-contained as a neighborhood. These units include shopping, medical, and Day Care centers, plus related schools. Emphasizing the *family* as the core of the Soviet state, i.e., the child's first "collective" (Makarenko, 1954), Day Care is seen as but one of the adjunctive services provided by the state to sustain the uniqueness of each family.

QUALITATIVE DIFFICULTIES IN COMMUNIST DAY CARE

However philosophical their dedication to the new generation, Communist allocations of salaries and status to the child caregiver are marginal. Moreover, the vast extension of the programs appears to have made recruiting demands that do not permit the quality of staff selection aspired to by planners. Training, subsidized rather liberally by Western standards, aims at a continual upgrading in quality of service (Schmidt-Kolmer, 1970). Yet the self-selection of caregivers usually brings young, unmarried girls or women who cannot obtain better paying industrial employment. In 1965, the child caregiver population had a high mobility rate even after training. This experience is not peculiar to the Communist states, as is indicated by Israeli data showing that only 18% of Kibbutzim caregivers had worked for ten years or more, and that in a single year 28% had left their group of children (Gerson, 1970).

Communist literature tends to idealize the participation of parents, who purportedly participate actively with Day Care staff out of a sense of duty to child and country. Options for parents are clearly available for both conferences and staff lectures on child care and the desirability of continuing at home the routines established in the centers (Robinson, 1965). The realities of Communist life do not readily match the idealization of active parental participation. It is a long and arduous day for both working parents and one must question whether the educational options offered are in fact realistic. Informal Soviet humor suggests that Ivan's parents listen to free advice with closed ears.

One criterion of the adequacy of Day Care programs is the degree to which planning and administrative staff make use of them for their own children. While many senior staff appeared to be beyond child-rearing ages, it was notable that this author did not meet any such professionals who had their children in early Day Care nurseries. On the contrary, the few who did discuss this noted their preference to use their incomes to employ someone to care for their children at home.

MULTIPLE AND INTERMITTENT "MOTHERING"

The child caregiver is an employee, and there are prerogatives that derive from that status that are denied to most biological mothers, such as, coffee breaks, sick leave, holidays and the option to leave one's charges if the conditions of work are not sufficiently gratifying. Continuity of care, however, provides two major advantages for the child: (1) his mother will know him with sufficient intimacy so that, in his preverbal months of life, she can understand and alleviate his needs so he will not experience undue pain; and (2) the baby is afforded an option to accommodate to a consistency of care that evokes his continuing interest in and attachment to an emotionally responsive person. It has been this author's experience that nursing staff covertly resist continuity of care of any one or more babies. Indeed it was a common experience, internationally, that caregivers often could not readily identify their children by name and, with babies, did not know with certitude whether each one had been fed. Schmidt-Kolmer (1970), citing a study done in Leipzig, reaffirms experience elsewhere, namely, that the younger and less active the child in the day nursery, the smaller the amount of attention he received.

Education, as Schelovanova and Aksarina (1960) have commented, begins in the earliest of life experiences as the child grows in his mother's arms. Multiple mothering, all too frequently, provides an uncoordinated octopus. The multiplicity of caregivers, their overlapping of shifts, their replaceability for illness or holidays, their departures for other employment, all leave the very young child accommodating first to one and then to another. And infants and young children do adapt to all environments. Once they have exhausted the repertoire of genetic responses of crying and kicking, they are notoriously accommodating to adult wishes for untroubled, relatively passive responsiveness.

Zaporozhets (1964) has noted that consideration was given in the U.S.S.R. to providing each employed mother a full year's pay[6] following the birth of her child, a consideration that was raised because of the obviousness of babies' adverse response to deprivation. Few people question that the infant in group care suffers in some degree. Since accommodation is so rapid for most children, however, the controversy continues as to whether the consequences are ultimately significant to personality, intellectual capability, or psychopathology. In this author's experience in both Eastern Europe and the U.S.S.R., children seen in group Day Care were singularly lacking in verve and spontaneity; they consistently appeared depressed. The most quietly dramatic event of the tours of various Soviet centers occurred in Leningrad, in a Kindergarten.

While walking through empty play rooms, as children dressed elsewhere to await their parents' arrival, we heard laughter! Our hosts joked that we must be used to the dourness of the Moscovites. When we saw the children later, however, the explanation appeared more logically to relate to the older children's excitement upon greeting their own parents. Evidence of smiling is a poor criterion by which to question programs, yet it is not without interest that of the many photographs[7] taken in the course of the author's tours, there is only one picture of one smiling child—one whose mother proved to be the group's caregiver (taken in Prague in 1965).

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COMMUNIST RESEARCH CONCERNING THE DAY CARE CHILD

Social psychological and social psychiatric research, as noted, were interdicted in the Soviet Union until after Stalin's death. Both Tur (1954) and Schelovanova (1964) have conducted physiological research directed in part to circumvent the development of "hospitalization psychic disorders." Their programs for massage and exercise of babies appear widely used in the Communist Day Care nurseries. While Schelovanova and Aksarina (1960) refer to "hospitalism" in poorly organized nurseries, publications of research on this subject are either not available or are nonexistent.

Further, the limited Soviet research that concerns environmental influence on maturational processes has centered on residential care, only.[8] The findings are worth noting: (1) that institutionally reared children are "better" adapted to subsequent formal schooling, i.e., they are more responsive and obedient to teachers; and (2) a percentage of those children suffer from some type of minimal yet specific verbal retardation. In 1967 such studies had continued through the age of 11 and the verbal retardation was still manifest (Koltsova, 1967).

East German data (Schmidt-Kolmer, 1970) suggest that nursery reared children scored higher on developmental tests at the time of entry into kindergarten than those reared at home. This is a significant finding, though tests at such an early age are strikingly unstable and not good predictors of subsequent intellectual development. Like their Soviet institutionally reared counterparts, these nursery reared children also adjusted more easily to Kindergarten life. Pikler (1965) has indicated that data from her (exceptional) institution (Budapest) document that even residentially reared children can compare adequately with U.S. and U.S.S.R. developmental norms.

In the last few years, a number of conferences have been called by the communist nations to confer and plan collaborative, comparative research on the problems and consequences of their Day Care programs. Regrettably, theoretical orientations of the communist professional world continue to exclude psychiatric evaluations, except in the most global descriptive sense. Their research data have consistently reflected concern with relative maturational levels of motor and intellectual achievement (Schmidt-Kolmer and Hecht, 1964; Langmeier and Matejcek, 1965). It will be another decade or more before social psychiatric evidence will begin to become available, and by that time over 50% of their child populations will have been exposed to this social experiment.

As an incidental but unresearched clinical finding, some East Europeans have noted the tendency of the very young, group reared children to indiscriminately damage their playthings, without manifest anger, when not supervised closely. An abundance of toys and play material are usually conspicuous, but customarily neatly placed out of the children's reach. One Communist child care specialist reflected that they may need to reassess the chronology of "dialectic materialism" since, in the absence of private property (teddy bears), the toddlers have little respect for collective ownership.

Inhibition of aggression, however, in the early years of character formation may be clinically more significant. However meritorious the physical inhibition of aggression in the well-mannered older children, or adult. there is an extremely important question as to the age at which inhibition takes place and the degree to which aggression can thereafter be purposefully, consciously exploited (e.g., for proper, socially acceptable purposes.)

Whatever the reservations of those child care staff in Communist countries who do not use Day Care for their own children, it is clear that the respective governments, Czechoslovakia excepted, strongly support and encourage the use of Day Care. The preponderance of the Communist scientific publications consider this work a significant advance, and the general public responds with enthusiasm and preparedness to use facilities that are so readily available.

SELECTED INSTITUTIONS: LOCZI, METERA AND KIBBUTZIM

There are specific characteristics of "institutional" types of experiences that are directly relevant to Day Care programs, particularly to difficulties in staffing. Loczi, the National Methodological Institute for Infant Care (Budapest), has a distinguished professional staff and excellent options in staff selection and training. Pikler, the director, has noted that conventional staff recruiting was anything but satisfactory and that it took years of experience to intuitively arrive at criteria for staff selection. August Aichorn is reported to have observed that emphatic women could not stand the work of Loczi's caregivers and that Pikler's staff were "paternalistic" young women (Pikler, 1965).

The Metera Baby Center (Athens) was sustained by a socially powerful group that included the Greek Queen. Founded as an urban refuge for illegitimately pregnant girls who might find physical safety for themselves and their babies, Metera was intended as a neonatal, residential nursery that worked towards adoption of their charges. As a model institution with an extraordinary "well baby" nursing and training program (1963–65), unique staff selection opportunities were matched by staff ratios of one adult per child. Traditional academic training was extended for the nurses via courses in language, art, dancing, music, etc. Among Metera's selection criteria was the condition that nurses could not marry because marriage was a necessary impairment of the nurse's capacity for emotional investment in her babies. Yet, it is clear that the "objectivity" required of these nurses in evaluating adoptive parents demanded either a great deal of pain for the nurse, or an earlier disengagement from emotional mutuality with that baby. It is notable that almost all babies who remained at Metera beyond eight months demonstrated developmental lags.

The collective rearing of Kibbutzim children is discussed elsewhere[9] and is noted here only in reference to (1) the high turnover of care-givers (Gerson, 1970) and (2) the staffing peculiarities of semi-institutionalization. Twenty of 200 Kibbutzim now have private arrangements for children to sleep in their parent's apartments, so that child care in these settlements approximates the conventions of Day Care. However idealized the Kibbutz in popular imagination, aspects of the original Spartan philosophy persist. In a study limited to an intergenerational sample of grandmothers, mothers and present children, Marburg (1970) has recently provided a powerful psychiatric statement on the internal debates that continue to trouble Kibbutzim child care planners. As a particular example of current practices that have possible psychiatric consequences, Marburg notes that for all their dedication: "To this day, the progressive educationalists and psychologists have found no response to their claim that children should not be left alone at night, without an adult being present. The night watch is restricted to an hourly inspection and the operation of the intercom system."

FRANCE: THE PARISIAN CRECHE[10]

The economic stress of the majority of lower socioeconomic families of Paris has been a powerful inducement for full time employment of both parents. Day Care for babies from two months to three years of age has been provided as a social service to working mothers for over 50 years. In exceptional cases, babies from families with specific social problems are also accepted. Parents are required to meet part of the costs and a sliding scale is used to relate fees to family income. Government allowances for working mothers offset this expense, at 2.3% of her salary (Davidson, 1962).

As of 1963, the Paris Administration of Public Assistance has established, or supervised, a total of some 180 creches. Limited availability and extended public interest contributed to long waiting lists. In older neighborhoods, both indoor and outdoor space requirements of the creches were inadequate. In the newer, suburban areas, housing developers customarily build creches, but usually turn the management over to the Administration of Public Assistance (Administration Generale, 1956–60).

The Paris creches are open for a 12 hour day. They are somewhat smaller than the East European versions, and accommodate about 40 to 60 babies. The quality of care appears to vary considerably from one center to another, depending more on the attitudes of staff than on particular physical options or limitations. Some nursing staff cannot be induced to provide rudimentary types of care that are indispensable to the babies' well-being. (This is not a peculiarity of Parisian nurses, one must add, since the same problem is demonstrable with some staff in Washington, D.C.). In particular inadequate centers, babies were kept in bathinette cribs all day, except for feeding. With cribs placed close together, blankets were draped over the sides permitting the baby to observe little more than the ceiling and a few hanging toys.

Such nursing practices have extended to a rejection of handling babies, on the rationalization that they might be accidentally bruised. Some nurses have rejected instructions that they turn babies on their stomachs for part of the day, out of nominal fear the babies might suffocate. Despite strict regulations prohibiting premature toilet training, some caregivers have attempted to induce compliance of tying three month old infants on a pot. While such nursing attitudes are not general, their open continuation documents the difficulty a supervising agency faces in attempting to guarantee minimal standards. Even in the best of creches, there seemed relatively little attempt to provide infants with "stimulation" either by use of toys or visually attractive objects such as mobiles (Marans, 1963).

The director customarily has an apartment in the creche, and if she has children they are usually enrolled there. The director is responsible, usually without secretarial help, for a surprising range of activities: she must decide whether a child is too ill to stay and she must check health certification on return; she is responsible for contacts with welfare agencies and clinics to which babies may be referred; she is supposed to supervise her staff and be available to the mothers who wish and need to know how their children fare; she controls creche finances and receives payment of weekly fees; she is supposed to select and purchase food from local stores while bearing in mind nutritional needs of the children and the available budget; from the selection of equipment and play materials made available by the Administration of Public Assistance, she selects those appropriate, in her judgment, for her center; etc.

Directors appear quite overburdened. While allowed some measures of autonomy, the caregivers usually reflect attitudes of the director. As a general observation, the caregivers have appeared skilled in customary functions of child care, reasonably warm and gentle with babies, and within limits, responsive in some measures to individual differences. As in Leipzig, and elsewhere, the creche staffs prefer the active, aggressive,

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more independent child. Parisian staff ratios appear enviable by East European standards since there is one adult to six to ten children. Even so, nursing assistants find little time for relaxed involvement with individual children. Staff ratios may be misleading, with respect to free time, since it is unknown whether the creche caregivers, like those of the communist nations, have an extended back-up staff for housekeeping and maintenance.

Babies accommodate to the system very quickly. From the staff's point of view, a baby does not customarily overreact to his mother's departure, unless she appears hesitant and conveys to the child some of her uncertainty. Staff would prefer to have mothers leave quickly since the quiet child facilitates their work. Incongruously, there seems to be no recognition of the possibility that babies who are sufficiently sensitive to sense maternal uncertainty, might also respond to their caregivers relative indifference.

As would be expected, the Administration of Public Assistance was less than satisfied with the creches or the standards of training, yet the continuing demand for more placements appears to consume available finances such that budgets remain too limited to replace those centers that are demonstrably inadequate. Staff shortages undoubtedly reflect the demanding nature of the work, the low status, and the low salary scale. Research on the effects of early Day Care appeared notable only for its absence.

CONCLUSIONS: A CRITICAL OVERVIEW

This less than complete review of some international child care programs permits a number of conservative conclusions that are relevant to present U.S. interests in Day Care. As a first consideration, one may review assumptions about Day Care that are either irrelevant or demonstrably untrue; secondly, there are lessons that derive from organizational experiences abroad; and thirdly, there are highly significant questions relating to the psychiatric dangers of early Day Care.

It is easiest to start with those assumptions that are irrelevant or untrue. Analogies made between proposed Day Care in the U.S. and the systems of Kibbutzim child care are simply illogical since the Kibbutzim are typically a unique configuration of self-selected families who are deeply committed to an experiment in social living that is almost totally unlike anything in the U.S. (other than our few rural, religious settlements). The Kibbutz child programs are an organic part of life and not an ancillary service for distressed or underprivileged families.

It has been argued that U.S. federal funding of Day Care would eventually lead to a decrease in spending for welfare, via the training and subsequent employment of welfare mothers whose children would be placed in Day Care. That Day Care could lead to economies in government expenditures seems contradicted by the evidence of the Communist nations. The capital investments of these nations for adequate centers approximate a quarter of a million dollars per center, and the operating expenses have equaled one-quarter to one-third of the earnings of the mothers of each child, with the state typically funding 85% of operating expenses. Where government support and authority have been given, this has been understood as an assurance of the adequacy and desirability of Day Care. Under such circumstances, Day Care has become "socially acceptable" and the public has pressed for ever greater expansion and expenditure, even in Czechoslovakia at the very time that research evidence was leading to a reversal in national policy (for the under-threes).

We sometimes assume that recruitment, staffing and training of Day Care personnel should be elementary. The assumption is most questionable. The status of mothers, and their substitutes (whether babysitters or caregivers), is minimal in the hierarcy of U.S. social conventions. Since we lack the emotional zest of the Kibbutzim or the ideological thrust of the Communist world, it appears singularly unlikely that U.S. recruitment of caregivers could be maintained at a level much beyond that of France or East Germany. One might expect that the principle of lesser employability would determine the caregiver's self-selection and that, in lieu of high pay or high status, mobility of caregivers would be considerable.

Motives that were persuasive in the establishment of Day Care in Communist countries appear much less relevant in the U.S. The Communist nations have been hard pressed in their industrial development and have needed the labor skills that working mothers provide. The U.S. appears to have a diametrically opposite problem since our technological revolution has made many jobs obsolete and gives promise of an eventual reduction in the work week. Given the U.S. "generation gap," and ever increasing crime, drug and delinquency rates, a powerful argument can be offered in the opposite direction, that is, that there is a profound need for increasing direct maternal/parental involvement with children, particularly in the early years when social attitudes and conscience are formed.

The philosophical rationale that Day Care provides women with equal rights with men (to work) appears at first blush persuasive and reasonable. The psychoanalytic clinician would certainly be among the first to concur that some women would greatly relieve themselves and their children by the use of Day Care, when such mothers are miserable or distraught in the normal course of "mothering" and homemaking. This, however, does not solve the problem of the right of infants to proper nurture and care. The problems inherent in group care have profound developmental implications and it is anything but clear that men of intellect and determination can provide programs that nurture half so adequately as even the uneducated, unconflicted mother. Nor does the provision for equal rights to work take into account sufficiently the right of a mother to independently provide nurture and love to her own infant, in her own home, if she so chooses. There are many women who prefer to care for their own children at home, and yet find themselves unable to do so for economic reasons. The social planner must ask, therefore, if the psycho-biological process of gestation and maternity confer special rights on mothers, namely, for optimal social support in the nurture of our young—a right that has never been realized under existing welfare programs. Planners also need to ask whether such support ought not to extend to direct assistance to the family as well as to public programs such as Day Care.

It is argued that provision of state supported Day Care could be of immediate benefit to many disadvantaged mothers who are overburdened with large families and excessive responsibilities in the absence of a husband. If Congressional concern, however, is to extend programmatic supports to the stability of disadvantaged families, then one may question whether Day Care should be the solution of choice. Day Care may free a woman to work, but it does not follow that it enhances her authority or her availability to her children, or her acceptability in marriage. Income maintenance programs, when analyzed in terms of costs and benefits, might be a more logical alternative than Day Care.

There are a number of uncontroversial findings that seem clear in the assessment of organization, administrative and staffing experience of international programs. Medical regimes have appeared inappropriate, wanting, and often damaging. The traditional educational model is equally inappropriate to the nursery and the "pedagogical" label of the Communist departments proves somewhat of a misnomer. Although these programs are increasingly administered in educational departments, these administrative units appear to be a new and continuing synthesis of professional ideas and practices that derive from pediatrics, nursing, education, and psychology, and this synthesis is far from complete.

The ineffectiveness of French supervising authority in maintaining minimal standards clearly illustrates a major administrative problem. Bureaucracies are hardly well known for their intrepid enforcement of even important regulations, and their dilatory action presents critical hazards in child-rearing programs that are less consequential elsewhere. Those who are familiar with the plight of other populations who suffer state care and supervision, such as the mentally ill, would urge that every Day Care center should have its Ombudsman.

If Day Care is to be used widely and beneficially, the "recognition" of the value of the caregiver must be extended in clear terms of status and income. Otherwise, the child in care remains the helpless victim of the lesser-employables. Physical characteristics of the Day Care centers are particular staff ratios, moreover, are as important to the staff as to the children. Empathic, sensitively tuned-in women do not continue in employment when the conditions of care leave children chronically upset or passively miserable.

In its selection of caregivers, Metera opted for the empathic-intuitive, (nominally) materialistic woman. Pikler's benevolently paternalistic "professionals" appear as the polar opposite of a continuum on which care-giving qualities may be described. Metera may have erred in its screening policy that demanded a choice between marriage, with the prospects of biological motherhood, and the substitute of nursing care. Women who can opt for a profession to the exclusion of marital intimacy, may prove unprepared for the emotional intimacy and intuitive spontaneity that provide a communication bridge for the infant and preverbal child. Moreover, if economics dictate staff ratios of ten babies per adult, as occurs commonly elsewhere, it is doubtful that empathic staff can endure the consequent depersonalization of babies and the pain the babies will manifest. Under these circumstances, staff may seek a solution in the alternative emphasis on professionalization and technical management of routines.

The most consequential and controversial question of early Day Care is that of potential danger and damage to the very children for whom the centers are designed. From a psychoanalytic viewpoint, the dangers of psychiatric damage are inversely related to chronological age: the younger the child, the more vulnerable he is to genetically determined, involuntary, automated adaptations.

Marasamus is a rarity today in the U.S., the U.S.S.R. and other modern states. Hospitalism, a childhood debility first described and defined by Brenneman (1932) however, can usually be found in the lesser of contemporary institutions of any nation. The phenomenon merits further comment since it is too often assumed that, in the absence of gross symptomatology, children are not otherwise effected. Hospitalism is an omnibus descriptive label that has had a varied professional usage, one more recently used as a synonym for *anaclitic depression* (e.g., Hinsie and Campbell, 1970). The latter term, however, has a regressive clinical history that is relatively explicit as to age of onset. The range of developmental failures and arrests of early childhood that are subsumed under the term *hospitalism* are not well studied and psychiatric nomenclature lacks appropriate diagnostic labels for them (Sachs, 1970).

Irrespective of whether the dysfunction is a developmental failure or a regressive process, some measures of retardation and depression are typical (see Joffee and Sandler, 1965). The term *hospitalism* is a professional invention, a misnomer in its semantic, guilt reducing implications. The physical structure of hospitals or residential institutions have, in fact, little bearing on the pathology. Children who live with their families within the physical structure of an institution simply do not suffer from this malady. The significant causal variable appears to be the depersonalization of human relationships that are vital to the child's healthy maturation.

Other professions have seen psychiatry as the *bete noire* of the hospital and institution since its clinicians, of necessity, challenge the anonymity and professional detachment that proves so necessary, for example, to medical staff who individually and collectively (via routines) defend their own psychological equilibria from empathic responsiveness to the pains so constantly in evidence in their patients.

Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. The typical concatenation of variables include (1) a multiplicity of caregivers who (2) are interchangeable, a problem that becomes greater where the dispersion of caregiving interests is to groups (rather than individual babies) who are (3) so young that they make spontaneous psychological adaptations that may not be totally reversible. Maturational adaptations that may be pathological, it should be noted, are not necessarily evidenced as developmental failures, e.g., Kanner (1949) and James (1960) have described exceptionally precocious skills that reflect such severe pathological illnesses as autism.

The early years from birth through three appear developmentally as the time of maximum psychiatric risk, and failures of psycho-biological adaptation are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies, e.g., impulse disorders, non-congential retardation, psychopathic and schizoid personality disorders, etc. Since these severe pathologies are not directly evident in present Day Care populations of the Communist world, or in the experimental nurseries of the U.S., many academically oriented child development researchers presume that mental change is an all or nothing phenomenon. Yet one may confidently, dogmatically assert that no one knows enough about childhood developmental deficits to be completely certain of their presence or their remediation.

However, clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure, such as flattened feelings (schizoid personality), a-social attitudes (psychopathic tendencies), defense against emotional intimacy (fear of marriage), etc.

Anaclitic depression is a universal phenomenon that toddlers suffer when separated from mothers for any appreciable length of time (Spitz, 1946). The Soviets have recognized the greater difficulties of accommodation after seven months of age and place many babies earlier. The adaptational, psychiatric consequences of early placement can prove extreme, though the process is subtle. Where a baby's aggressive hurt and anger in response to separation is not mitigated, and his anger is afforded little option for external expression, such recriminations may be internalized and "turned back on the self" and thus provide a base for clinical depression in later years. In time, the Communist nations will inevitably provide epidemiological evidence of the behavorial and emotional effects of group care.

In emphasizing the potential damage of early Day Care, there is a danger of implying that there is little risk for the three to five year olds. From the psychoanalytic viewpoint, the maturational vulnerabilities of that age span include (only) the risk of phobic, hysteric and obsessional neuroses and these risks certainly should be taken into account. Nevertheless, the child who is emotionally secure in his third year exudes intellectual curiosity and evidences a hunger for experience with his contemporaries and, in this instance, part-time Day Care offers delight and a momentous learning experience, i.e., so long as the option for daily attendance remains, more or less, with the child.

Child care by experts seems to have found a ready audience in both Congress and the general public. With Moynihan (1969) one may comfortably state that science is at its best as a critical tool, and that the scientist has lost his perspective when he commends modifications of such complex social-cultural-psycho-biological processes as child-rearing. Given the present state of our ignorance about psychiatric damage, massive Day Care programs appear all too much like Pandora's box. Those who would convey the idea that Day Care is unproblematic should review the programmatic, compensatory routines of Soviet texts (Tur. 1954; Schelovanova and Aksarina, 1960; Schelovanova, 1964) and the U.S. literature of child development research (e.g., Escalona and Leitch, 1952; Skeels, 1964; Mcv. Hunt, 1964; Bloom, Davis and Hess, 1965; A. Freud, 1965).

In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.

Some clinicians and child development researchers, such as this author, are presently in an anomolous position. They have long and fervently recommended and supported the establishment of Day Care centers for special cases for the very young; yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start. Group Day Care entails far greater risks and these should be taken only where the alternatives are patently worse.

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FOOTNOTES

[1] *Marasmus*, from the Greek "to waste away." Ribble (1944, p. 634) noted that five decades ago, marasmus/infantile debility was responsible for nearly half of the infant mortality rate. While marasmatic deaths are rare today, other psycho-biological failures of infancy include developmental dwarfism (Silver and Finkelstein, 1967) and the "failure to thrive" babies. Current research is suggestive that deficiencies in growth hormone and ACTH may be significantly modified by correction of emotionally disturbed environments (Powell, *et al.* 1967).

[2] The Committee on Day Care for the Maternal and Child Health Section of the American Public Health Association and the National Institute of Mental Health provided initial encouragement and sustenance for this research.

[3] Halbert B. Robinson, then Chairman, Department of Psychology, the University of North Carolina.

[4] The Czech national psychological association, which might have provided research evaluations, was also disbanded.

[5] The German Democratic Republic is not well known in the U.S. by its proper title, and hence is referred to, for purposes of clarity, as East Germany.

[6] In its retreat from infant Day Care, the Czech government provides paid leave for maternal absence for one year and a reemployment guarantee of 18 months (Matejcek, 1970).

[7] Taken with a minature camera, with super-sensitive film to avoid "flash."

[8] It should be noted, however, that Soviet researchers apparently concur that the subjective experience of the under-threes in Day Care, who necessarily spend the predominance of their waking hours in group care with multiplicity of mothers, approximates that which occurs in the regime of a residential institution. Day Care infants, of course, experience more continuity of care at night and on week-ends.

[9] See Section III in this chapter.

[10] These observations are dated (1936–65) and hopefully only portray problems of the past. This section is included to illustrate the problems of a central administration in limiting or modifying child care practices that are indisputably inappropriate.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. DOMINICK. I just want to say what a powerful attack he has made on a subject which should be, and unfortunately is not yet, but will be, undoubtedly, of enormous interest to the American public, and I think he has done a good service.

Mr. BUCKLEY. I thank the Senator from Colorado.

Mr. KENNEDY. Mr. President, will the Senator yield for an announcement?

Mr. DOMINICK. I yield, of course.

DEATH OF HARRIET McCORMACK, WIFE OF FORMER SPEAKER JOHN McCORMACK

Mr. KENNEDY. Mr. President, I have just been notified that former Speaker McCormack's wife Harriet has just passed away in a hospital here in Washington, D.C. The Speaker, at this very moment, is at her side.

I express the sentiments, I know, of all the people of Massachusetts and I believe of all the people of the Nation, in expressing our very deep sense of regret to Speaker McCormack. I am sure that both Houses of Congress will want to extend their sincere condolences to the Speaker on his great loss. I would like to add my personal condolences and those of my family as well.

The McCormack family and mine have been close for many years, both in Massachusetts and here in the Congress. I have benefited countless times from Speaker McCormack's wisdom and his counsel, as my brothers did before me. And I came to know as well his kind and lovely wife. She was a gracious and charming woman. I have seen firsthand over the years and deep devotion the Speaker held for his wife, and the love and strength that she returned to him.

I know that nothing we can say can relieve Speaker McCormack of the grief and loss he feels. But, I want him to know that he is in the thoughts and the prayers of his colleagues in this time of sadness for him.

We offer a prayer for Mrs. McCormack, and our hopes that she will be speeded to her heavenly reward.

Mr. MANSFIELD. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. I wish to join the distinguished senior Senator from Massachusetts in expressing my deep regret at the passing of this great lady.

The Senator from Massachusetts mentioned the fact that former Speaker McCormack was at the side of his wife Harriet at the time of her passing.

It appears to me that during all their lives together, except when the Speaker was up on the Hill engaging in his legislative business, he was at her side day and night. I believe they had the unique reputation, which is quite something these days, of never having missed a dinner together.

So I join the Senator from Massachusetts in expresing the hope that Mrs. McCormack's soul will rest in peace.

Mr. MAGNUSON. If the distinguished Senator from Massachusetts will yield, I want to associate myself with the comments of the Senator from Massachusetts and the Senator from Montana.

I knew Harriet quite well, since my early days here, and I can testify to what the distinguished majority leader just said, that Speaker McCormack and his wife Harriet never missed a dinner together, even though the Speaker later on had to make another engagement. They were that devoted to each other.

I join in my condolences to Speaker McCormack. I know it must be a great shock to him to know that she has passed away.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. MATHIAS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. DOMINICK. Mr. President, I yield 20 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Colorado for yielding to me.

Mr. President, the parliamentary situation is that the conference report on S. 2007 is before the Senate for consideration. Those of us who oppose the comprehensive child development program are not able, in view of the parliamentary situation, to obtain a vote up or down on the comprehensive child development program without first defeating the conference report.

Mr. President, the defeat of the report does not kill the bill. All it does is defeat the report. The bill itself would be before the Senate, so that those of us who would like to approve the bill with the comprehensive child development program eliminated from the bill would have that opportunity. The Senate has many options, once the conference report is defeated. It can send the bill back to a new conference with instructions, send it back without instructions, concur in the bill, or concur with an amendment, and that would be the effort that would be made by those who oppose the comprehensive child development program, in the event we can first defeat the conference report.

So by a vote against the report, one is in no sense voting against the bill itself, because the bill will be very much alive in all of its aspects and before the Senate for consideration. This child development program actually was not a part of S. 2007 at the time that bill was introduced in the Senate, because at that time there was pending in the Senate S. 1512, by the distinguished Senator from Minnesota (Mr. MONDALE), and a number of other Senators. It is added as an appendage to S. 2007. So if we could eliminate the comprehensive child development program from S. 2007, we would leave that bill exactly as it was introduced. It would certainly do no violence to the OEO program. But first we must defeat the conference report, which would leave the bill before the Senate for its further consideration.

Mr. President, in the beginning let me make it clear that I do not oppose a realistic program of Federal assistance to State and local governments to help establish and maintain child day-care centers for working mothers. It seems to me that if we intend to require work of a parent or parents as a condition of eligibility for welfare assistance, then it would be appropriate to make provisions for the care of dependent children.

On the other hand, there is a world of difference between day-care centers for working mothers and the comprehensive child development program such as contemplated by the conference report.

Day-care centers for care of children of working mothers is neither a new idea nor is it a radical approach to a long-standing problem. Day-care facilities have been operating successfully throughout the United States, either on a private enterprise basis or by nonprofit organizations such as churches and labor unions, for a long time. Such facilities have proven their value, and I would be pleased to support legislation to expand the number of and improve the quality of day-care centers of the type with which we are all familiar.

On the other hand, I cannot support the type of program envisioned by the provisions of this bill. The proposed program is radical and socialistic. In my judgment, some of the services are totally incompatible with a free society. Neither is this radical type of program new nor is it untried, except in the United States. Communist Russia and Socialist nations have long had such programs. So long, in fact, that experience with such programs in Communist Russia has occasioned serious second thoughts on the ultimate value of such programs because of their admitted tendency to undermine the family as the basic unit of society. That is the pernicious thrust of this bill, Mr. President—that it would undermine the family as the basic unit of society.

Mr. President, the committee report on S. 2007 recognizes the risk involved in separating children from their parents but claims that the provisions of the proposal minimize and overcome that danger. I doubt it. This proposal would create a gigantic bureaucratic monstrosity with near-complete control over the lives of children.

Here is a program to authorize among other things, the creation of thousands of laboratories, in effect, with children as subjects. What parent wants his child conditioned to perform like an animal in a circus? The techniques for human conditioning have been mastered. Given a doctrine that denies the existence of a human spirit, children become merely another form of animal life and, as such, the social experimenters have no inhibition against training the human animal to respond by the same techniques as wild animals are trained to suppress their natural inclinations and to perform their unnatural routines.

In short, the program offers a sort of hog heaven for those whose faith is rooted in the man-made order. By the same token, the program offers only nightmares for those who believe in a divinity ordained order in all forms and manifestations of life. The idea that the taxpayers of this Nation should be made to bear the cost of conditioning our children to respond like robots to programed behavior patterns is intolerable to think about. Such programs, however, in the opinion of the junior Senator from Alabama, are implicit in the term "comprehensive child development."

Mr. President, I do not exaggerate. Here is a program that contemplates prenatal and infant care; a wide variety of social and cognitive developmental services including those designed to develop physical and mental health which can be carried on in after school, summer, weekend, and overnight programs.

The estimated cost of day care services for a single group of children within the 3 to 5 years of age bracket is $2,372 per child. It is estimated that 6 million children of working mothers need comprehensive developmental day care services.

The distinguished Senator from New York (Mr. BUCKLEY) disputed the fact that there are actually 6 million children who are in need of day-care services.

The last figure does not include the additional number of children who would fall into the category of need when and if work is made a condition of eligibility for public welfare. The ultimate cost of prenatal and infant care services including the cost of training to be offered in the homes is anybody's guess.

Mr. President, from the standpoint of cost, we should bear in mind that the comprehensive child development program is not intended to be limited to children of working mothers, nor is it limited to children from 3 to 5 years of age. It is intended to be comprehensive both from the standpoint of developmental services offered and from the quantitative standpoint of numbers of children served. The program anticipates the eventual mixing of socioeconomic classes which can be accomplished only by expanding the programs and services to reach children from upper and middle income families.

Mr. President, an initial authorization in the amount of $100 million is requested for fiscal year 1972 and $2 billion—jumping from $100 million to $2 billion—for fiscal year 1973. These sums are sufficient to get the program firmly embedded in the already vast and rapidly expanding permanent welfare state apparatus.

Mr. President, it is not only the initial cost of the program that disturbs me. Given the current condition of the economy, this is not the time to take on vast new welfare programs. The initial cost is merely the tip of an iceberg.

It is generally conceded that the authorizations requested at this time are merely to get a foot in the Treasury door. Thereafter, the sky's the limit. For example, an aide to one distinguished Senator described the tactic behind the conference committee compromise on family income eligibility for free participation in the child development program. The November 20, 1971, issue of National Journal quotes this person as follows:

> The key thing is that the Democrats want a bill. They don't want a veto. The Democrats feel like they've got most of what they wanted. The spirit now is let's get this on the books and we'll improve it in two years.

Mr. President, who can realistically estimate the ultimate cost of this far-reaching and revolutionary proposal?

Mr. President, putting aside all considerations of cost, there is another and more compelling reason for opposing the idea that the Federal Government has the primary responsibility for comprehensive, mental, physical, and social development of children as contemplated by this program. Child training and development is a primary function of and the responsibility of parents, churches, schools, and other autonomous institutions of authority in our society. Already too many heretofore independent institutions of authority in our society have been harnessed to the oxcart of the State and subjected to collective domination and control. If this trend is not halted—and soon—we will be caught up in an irreversible revolutionary trend. This conclusion is supported by the prediction by the French author, Jean-Francois Revel, who said:

> The revolution of the twentieth century will take place in the United States. It is only there it can happen. And it has already begun.

The revolution conceived by Mr. Revel is currently manifested in what is referred to as a transition from political democracy of economic democracy. It is also manifested in the erosion of separate institutions of authority in our society among which the family is most important.

Mr. President, let me elaborate on this point. I take it that all Senators will agree that the word "government" in its fullest meaning is the aggregate of all the institutions of authority in a society. Civil government is but one institution of authority to which we, as a free people, turn for direction and guidance in making everyday decisions. The home is the institution of parental authority and the first with which children become acquainted. At an early age children are introduced to religious institutions of authority represented by our churches and to the institution of authority represented by our schools. As adults we become acquainted with the institutions of authority in scientific, cultural and economic aspects of our lives. Day after day we turn to similar institutions of authority represented by the innumerable professions. Each of these institutions speaks with authority which is inherent in knowledge and expertise in separate areas of specialty.

Mr. President, our Constitution and the principles upon which it is founded are designed to protect these separate institutions of authority from domination and control by the Central Government.

The opposite theory of the relationship of people to their government prevails in nations characterized by dictatorial, authoritarian, and totalitarian governments. In such nations no institution of authority can be permitted to survive if it perpetuates values and ends which are inconsistent with those chosen by the heads of state.

Mr. President, we are rapidly shaping up as a socialist, collectivist society under an authoritarian central government. The proposed comprehensive child development program is but another step in that direction.

The home, family, religion, schools, the economy and most of the professions are already dominated by the Federal Government. Where do we draw the line? Shall we permit the Federal Government to assume responsibility for comprehensive development of our children?

Mr. President, in order that we may clearly understand the Socialist antecedents of this program, let me refer to the CONGRESSIONAL RECORD of October 7, 1971—page 35547. Here, the distinguished Representative from Ohio (Mr. STOKES) had printed in the CONGRESSIONAL RECORD a study of day care facilities in the Soviet Union by Urie Bronfenbrenner.

The author quotes from a renowned Soviet academician, economic planner, and "old Bolshevik," Stanislav Gustovovich Strumilin, whose traditional Communist conceptions of state responsibility for child care are contained in the following excerpts:

> Under Soviet conditions it is especially noticeable how the lot of the woman worker is being lightened. She can work in one factory, her husband in another, both can eat in a communal dining facility while sending their children to nurseries, kindergartens and boarding schools. . . . Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country.

Just as they are expanding in the Soviet Union so they would expand in this country:

> Every Soviet citizen, upon leaving the maternity home, will be sent to a nursery; from there to a kindergarten maintained day and night; then to a boarding school from which he will enter independent life. . . .
>
> The question arises: will not this kind of early separation of the child from his family be too painful an experience both for parents and for infants who are so dependent on maternal affection?
>
> This question may be answered as follows: the communal organization of upbringing in no sense requires full separation of the child from the parents . . . and surely no one will keep a mother from visiting her children when she is not working, from looking into the children's area, located in the same building in which she works, as often as it is permitted by the established schedule.
>
> The "vitamins of love" are necessary for all children in equal measure . . . but the easiest way to satisfy this need is through the system of communal institutions of upbringing.
>
> The former family is reduced to the married couple . . . and when these contracted families recognize that it is not sensible to expend so much work on maintaining an independent household just for two people, the family as an *economic* unit, having fused with other families and become incorporated

into a larger economic collective, will dissolve within the context of the future social commune.

Mr. President, from the same article by Mr. Bronfenbrenner, the following responses are recorded to Mr. Strumilin's views:

An example is provided by an article in *Pravda* written by a woman reporter. She described a visit to a boarding school in Moscow. Under a window she saw a young mother who, having missed the regular visiting hours, was hoping to catch a glimpse of her son or hear his voice. The correspondent found this incident disturbing:

"Once again my thoughts returned to that mother standing beneath the window of the boarding school. I cannot get her out of my mind. This is not a bad boarding school. But just the same, a mother's heart begins to yearn. Can we really reproach that heart for sentimentality? Of course not. A human being—especially a mother—is so constructed that she longs to warm her own child with her love and to be warmed herself by its side."

Nor was the reaction particular to mothers. Solovev in his *The Family in Soviet Society* quoted a factory worker as saying:

"We have a great need for boarding nurseries, but the fact that my son is becoming alienated from me is so painful that I can't even talk about it. I call him, 'Sasha, my son.' But he just runs away. No! I have to spend at least an hour or two each day with my son. Otherwise, it's impossible; otherwise, I can't stand it."

But in Soviet society (as in our own) neither the pronouncements of professional experts nor the complaints of parents can be viewed as major determinants of social change. Such change is more likely to be affected by objective factors of the type mentioned earlier: the equalizing of the sex ratio in the population, the increase in leisure time made possible by shorter working hours, and, above all, the easing of the housing shortage.

Mr. President, are we to follow in the footsteps of Communist Russia in shifting major responsibility for the care and training of children to the state itself? That is the fundamental question which will be answered by our votes on the conference report on this bill.

Mr. President, the highly respected nationally syndicated columnist, James J. Kilpatrick, has written persuasively on this subject in his column, "A Conservative View," released October 23, 1971. I ask unanimous consent that the column and a copy of Mr. Kilpatrick's commentary on this subject on radio station WTOP, November 4, 1971, be printed in the Congressional Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Commentary—Child Development

A House and Senate conference committee is struggling to come up with a child development compromise bill that will satisfy liberals without provoking a White House veto. A better idea would be simply to bury the bill for good, and try to forget it ever happened. In either its House or its Senate form, the bill is monstrous.

The House version, adopted through a parliamentary railroad job on September 30, runs to 23 columns of fine print in the Congressional Record. The general idea is to create a vast new bureaucracy charged with the "comprehensive" development of American children, starting at infancy and carrying on to age 14. This is no mere "day care" bill for working mothers. Forget that misconception.

On the contrary, this is a bill to provide, Soviet-style, for making children virtual wards of the state. The proposed development programs would include "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential." Does anyone have any idea what that mush conceals? The bill covers medical, psychological, and nutritive services. It provides for utilization of "child advocates," whoever they are. The programs would go on all day long, year in and year out, and they would cost billions.

This nightmare proposition grew out of Mr. Nixon's modest little dream of day care centers where welfare mothers could dump their children while they went to work. That idea may have merit—but the comprehensive child development act has none.

A Conservative View

When the House met on the afternoon of September 30, not more than 40 or 50 members had any very clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.

Before the afternoon had ended, after a legislative coup led by John Brademas of Indiana, the House incredibly had voted 203–181 to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committee.

The Brademas bill runs to 11,000 words. It occupies 22 columns of fine type in the Congressional Record. No measure of greater importance has cleared the floor of the 92nd Congress, and few have had less attention from the press.

The bill is a monstrosity. No other word suffices. Many observers had expected, as a part of plans for welfare reform, to see some bill enacted that would provide modest Federal subsidies for a few day care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went off to work. Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for Sovietization of American youth.

The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this harm, the bill directs the Secretary of Health, Education, and Welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."

Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance plays no part.

Applications for Federal financing would be funneled through various Child Development Councils. These in turn would supervise Local Policy Councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the Secretary."

Local proposals would float up to a new Office of Child Development. This office would create a special committee to develop Federal Standards for Child Development Services. Another committee would prepare a Uniform Minimum Code for Child Development Facilities. The facilities would be financed through a new Child Development Facility Insurance Fund. Meanwhile, a National Center for Child Development would foster "research." A Child Development Research Council would smile upon it all.

The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee. Mr. Brademas could not really say what the program might cost—maybe $350 million in fiscal '73—but the House authorization is open-ended. The bill contemplates, ultimately, Federal support of "the entire range of services that have to do with the development of a child."

Doubtless the contrivers of this nightmare had good intentions. In the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes, the scheme would make beautiful sense. But it is monstrous to concoct any such plan for a society that still cherishes the values (however they may be abused) of home, family, church, and parental control. This bill contains the seeds for destruction of Middle America; and if Richard Nixon signs it, he will have forfeited his last frail claim on Middle America's support.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I yield 15 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 15 minutes.

Mr. CURTIS. Mr. President, I am opposing this conference report. My specific reasons are several, but they all are related to my belief that the establishment of these programs into the law and the culture of American society will do nothing but harm to our Nation. I refer particularly to that subtle combination of a sociological view of human nature and radical politics, known as "child development."

The sociological view of human nature dictates that if all children are given equal physical environments and the same childhood experiences, they will grow into well-socialized, cooperative adults. The radical politics contribution to "child development" is the contention that the right to pursue happiness really means the right to have happiness, and, therefore, since the Constitution guarantees the former, the Government is responsible for making everyone happy.

But the sociologists neglect to notice that their "product" tends to be highly standardized, very much like all the others, and just plain dull. They, along with too many others in our world today, make the mistake of thinking that all man's happiness is material. They ignore the entire dimension of spiritual or psychological existence.

And most people who like the idea of "child development" make the same kind of mistakes and oversights. That should not surprise us—for a long time this Nation has been teaching itself to be satisfied with impersonal relationships and depersonalized lifestyles. For a long time, too, we have been allowing ourselves to be influenced to dislike family life in general. The so-called Women's Liberation Movement is just the latest instance of this kind of thinking. One of their main points is that by being housewives women's talents are wasted, that raising children is a degrading occupation, an inhuman persecution. The problem is that people start believing this. If you are told you are being persecuted, sooner or later you will start feeling persecuted. And that is what is happening to the American family. We are persuading our women that family life is unworthy of their energies. We are indicating to our men that fatherliness is corny and old-fashioned. And we are letting our children think they are better off with similarly institutionalized peers than at home.

For a few generations now, Americans have been growing lax in their familial duties. We have neglected to teach our sons and daughters to love their families and to honor their responsibilities toward them. We have let the schools educate our children, let other children amuse them, let their little friends be the most important influence on their lives.

In 1968 the average 11-year-old spent 4 to 6 hours with his parents during an average weekend. Something is wrong that a statistic like that can exist. Even allowing for the weaknesses of the statistical method, that indicates nothing good. It is not as if children could raise each other into mature, responsible, decent citizens—that is something only adults can do. Let me read from a recent Family Circle magazine:

> Psychologists suspect that many of the major adolescent problems we confront today—drugs, sexual promiscuity, violence, lack of self-discipline—are due to lack of parental involvement. Feeding, housing and clothing children are only part of a parent's responsibility. Civilizing them is the major part. And "civilizing" means imparting the traditions and proven values of society—something that can't be done by their peers or at second hand.

Have American parents forgotten their primary responsibility? Dogs spend time with their puppies, lionesses teach their cubs how to survive. The maternal instincts of hens have entered our language as practically a word itself. Yet, there are some who are only too willing to send our young away from us before they know what it is to be human. To those women who feel they are being "wasted" by raising their children, let me repeat that old saying "The hand that rocks the cradle is the hand that rules the world." Is ruling the world wasteful of talent? If mothers will not do it, who do we think will? After all, another old saying goes "Nature will not tolerate a vacuum."

We have all heard the theory that the best way to raise children is communally. That is simply not so: children learn the qualities of decent civilized life by watching them practiced, by participating in them. They learn the traditions of their culture from the bearers of it: the older generation. William Golding, the English novelist, demonstrated the truth of that in his distinguished book, "Lord of the Flies." Most high school students today could tell you what happened to those children accidentally cast into a situation of communalized living without parents or adults: they reverted very rapidly to savagery.

"Child development" advocates do not seem to think that children learn from their families. Over and over they have indicated their low regard for the role of parents. They have asked such questions as "Is the family obsolete?" and have given magazine articles such titles as "Families May Be Harmful to Children and Other Living Things." In England, "child development" advocates have gone so far as to draft a charter of "children's rights."

Now I will be the first to say that a child has rights. He has a right to life, certainly. He also has a right to maternal love, to adequate subsistence and care. But, being by definition immature and incapable of serious judgment, a child does not have rights stemming from judgmental responsibilities.

Let me read a few of the "rights" in the "Charter of Children's Rights" of the British Advisory Center of Education and the National Council for Civil Liberties:

> (1) All children have the right to protection from, and compensation for, the consequences of any inadequacies in their homes and backgrounds.
>
> (2) Children have the right to protection from any excessive claims made on them by their parents or others in authority.
>
> (3) Children have the right to freedom from religious or political indoctrination.
>
> (7) Children shall have the freedom to make complaints about teachers, parents and others, without fear of reprisal.

What kind of "rights" are these? These are no rights—these are sentimental statements of radical beliefs, intended to remove from parents any responsibility for their children, any rights over their children—specifically, the right to raise them.

But, speaking legalistically for a few minutes, let me ponder this question: Who can enforce these so-called rights, if, indeed, it is to be decided somehow that they exist? Who is to decide, for example, what is an inadequacy in home and background? At one point in history to be of Jewish faith was regarded as a fault of one's background. Do we need to be reminded how one government sought to remedy that "fault"? Who will will define "religious indoctrination"? Is a parent to be forbidden to take his child to the church of his choice on Sunday, or to explain why he votes on election day? That, after all, is telling the child a point of view. Who would be the one to say that a parent's "claim" on a child was "excessive"? Is it too much to ask that a child take out the garbage for his mother? What about the child's claim on the parents? He claims food, clothing, shelter, you know. Or maybe, for all things to be fair, in the thinking of "child development" mentalities, parents should no longer be victimized by their children. Child care centers, nurseries—child warehouses, as Edward Zigler, director of the Office of Child Development of the Department of Health, Education, and Welfare, has called them—should provide for a child's needs. Forget about the parents.

This is shocking to hear, and worse to contemplate. But it is the logical extension of that kind of rhetoric. Parents must assert their parental rights or they will be defenseless against such eventualities.

Human nature is such that we often do not appreciate something fully until its removal is threatened. And family life in America is most definitely threatened. It is threatened by the secularism and selfishness of our society, by the popularization of immorality. And now it is threatened by law.

It is threatened by the structure that would follow such assertions of children's rights as I read just a minute ago. A similar "charter" forms the statement of purpose of this part of the OEO Extension Act. If a child is to have the right to be free from parental discipline, who should hear his complaints and enforce his rights? Ideally, the one to hear and act upon such supposed violations would be a child advocacy officer. And just such a position was initially prescribed in the original version—S. 2007—of this bill. Nor has it been entirely eliminated in the conference version we are being asked to approve today.

I call attention to Section 512(2)(M) which states that child development programs may include:

> Use of child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children.

In S. 2007, part E was the national child advocacy projects provision. Part E in the new version is called research and demonstration. Subsection (b) of section 552 of part E reads:

> In order to carry out the program provided for in subsection (a)—which is research and demonstration projects—the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

Now, this could be as innocuous an arrangement as paying a student to write a term paper on the eating habits of 2-year-old girls. It could be. But it could also be anything else. And, since section 512 states that child advocates are to be used, it just could mean the hiring of people to act as child advocates—to go and talk to children, and ask them what they do not like about home, or how they would like "Mommy" or "Daddy" to be different. That would be a violation of the privacy of the home; that sort of activity would breed hostility between parents and children. And this bill would permit it.

There are words in the text which are

supposed to guarantee that parental rights will not be violated, that children will not participate in any programs under this title without the knowledge and consent of their parents. But do those words really carry any weight? I tend to think not. It is an exceptional parent who examines his child's schooling with a fine-tooth comb. Most parents, when advised that such-and-such a program will do thus and so and will help their child learn to read faster, or get along better with other children, will trustingly assume that it is a good thing, and, uninformed or partially informed, will agree for their children to experience it. Most parents do not have suspicious minds; they have not been trained to argue extensively. Nor, heretofore, has there been very much need for such qualities. We are fast approaching the day, however, when deep and abiding suspicion will be the prerequisite to parenthood if one intends to insulate one's child from overzealous "child developers."

Mr. President, I am interested in protecting the children of this country. They need to be protected from social planners and self-righteous ideologues who would disrupt the normal course of life and tear them from their families, and mothers, to make them pawns in a universal scheme designed to produce infinite happiness in 20 years.

The parents of this country are interested in protecting their children, too. They have asserted their interest and their rights in thousands upon thousands of letters and telegrams since S. 2007 and its companion, H.R. 6748, were passed. Senatorial and congressional, Presidential, and Cabinet offices have been deluged with mail from private citizens who are alarmed at what they have heard about plans to minimize their role in raising their children. Their sincerity and their frantic concern are very obvious to anyone who has read some of their letters. And their distress, if something like this should become law, could bring no good to this Nation.

Children should grow up with their mothers—not with a series of caretakers and nurse's aides. Anyone who knows anything about psychology knows that there is no substitution for a mother's love, that without a constant loving mother-figure a child cannot but grow up insecure and incapable of loving himself or anyone else. Psychology has demonstrated this long ago. I do not want to subject American children to a constantly changing stream of nurseries, forcing them to turn for love and edification to other children, equally insecure and seeking. And I will do everything I can to keep American children where nature intends them to be, with their mothers and fathers in their private homes.

This august body bears great responsibility for the future of this country. It should be supremely concerned that any legislation it approves serves only to strengthen the foundations of our society, not further disintegrate them. In conscience, I know this measure will bring but destruction, and I cannot and will not support it.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. COTTON. I thank the Senator for yielding me some time, and I hope I shall not have to use all of the 10 minutes, because the full Appropriations Committee is in session downstairs and I must return to it, but I asked for this time to call the Senate's attention and have in the RECORD a somewhat important point that appears in this authorization bill.

It might be said by many to be a rather technical point, but, on the contrary, if it serves as a precedent for future authorization bills, it will change the whole system of appropriations in the Congress.

At the top of page 3 will be found the following language:

> If the amounts appropriated pursuant to paragraph (1) of this subsection for any fiscal year are not sufficient to assure that the full amount specified for each of the purposes set forth in clauses (A) through (E) of this paragraph will be provided for each such fiscal year, then the amount specified for each such purpose in each such clause (after deducting from any amount so specified any amount otherwise specifically provided for such purpose by an appropriation Act for that fiscal year) shall be prorated to determine the allocation required for each such purpose.

Mr. President, in plain language that means, and I am not trying to be unduly critical of this legislative committee's authorizing appropriation, but this legislative committee has very skillfully and carefully written into the law that there is one lump sum to be appropriated to cover the Office of Economic Opportunity, and there are no line items. There is just this lump sum, the authorization being $950 million.

If the appropriating committees of the House or the Senate should attempt to fully fund one of the many programs set forth in the justifications and recommend to the House or the Senate that other programs should not be fully funded, this provision would automatically mean that their recommendations would be of no avail if a point of order were raised.

The only power that the Appropriations Committee would have under this authorization would be to limit the total sum, which well nigh approaches $1 billion. If they do not appropriate the fully authorized figure, then the sums shall be deducted and prorated through all of the programs. In other words, the Appropriations Committee cannot look at one program and decide it is meritorious and essential and necessary, and look at another program and decide it is not as necessary and not as vital and use its judgment in making its recommendations to the House and the Senate respectively. The Appropriations Committee could not use its judgment in those recommendations in any way, shape, or form on the various programs, because they are carefully put into this authorization bill. There will no longer be line items, but simply details in the justifications furnished to the committee.

Mr. President, $950 million is the total authorization. The Bureau of the Budget, I believe, recommended some $780.4 million. That means that the Appropriations Committee has no jurisdiction whatsoever, if this kind of language is sustained. You might just as well, in a sense, abolish your Appropriations Committee.

The point is, if this is to set a precedent and other legislative committees should follow, you have taken away from the Appropriations Committee any authority, any power, to make a recommendation on any appropriation bill sent to the Senate. No longer would it be possible to exercise judgment as between the merits of the various programs covered in such bill simply because this provision abolishes the system of line items and putting it all en masse; and then, if the appropriation is less than the full authorization, providing further that any deduction or reduction under the total figure must be prorated for every program. Then there is added, if you please, of course, a transfer of funds by the department downtown, a 25-percent leeway to transfer funds as it pleases, not as the Congress pleases.

Mr. President, it is not just a matter of two committees jealous of their jurisdiction; it is a matter of losing control completely of the appropriations, should this procedure be followed and should it spread to other authorization bills. It means we have to full fund all of the authorizations of all of the legislative committees. When that day comes, there would not be enough money in the Treasury, and there would not be enough money coming into the Treasury for the next 10 years, to bear the cost of Government for the next year. If you reduce it, you have to cut some of the vital programs that are most essential to the welfare of the country, to its national security, to dealing with the evils of drugs—all of these vital issues—and just simply cut the total, and then it will be prorated, with a great deal of leeway for those administering the programs.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. COTTON. Yes, I yield.

Mr. DOMINICK. I just want to say to the Senator that we have had really heated discussions and heated debate on this matter, both in the Senate, where our provision was even looser than this one, and when we got into conference, where the House conferees went along with this type of proration.

Really, what this amounts to is the fact that, once having earmarked specific programs with specific amounts in them, those programs are deemed by the legislative authority to be equal in terms of the need for funding, and the Appropriations Committee is not given any leeway.

I brought this question up a number of times in committee, pointing out that I thought it was desperately unfair to the Appropriations Committee and bypassed our committee system, but I was unable to get anywhere with it. I hope the Senator from New Hampshire will alert other members of the Appropriations Committee about the issue.

Mr. COTTON. I thank the Senator for his observation. He is to be commended for the fight he made on this point in the committee.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. COTTON. I yield myself 2 minutes more.

Mr. President, I am not suggesting, knowing how many sacred cows there are in this bill, that the Appropriations Committee would throw it all out of adjustment, because I doubt if the Senate and the House of Representatives would go along with any radical changes. But nevertheless, the purpose of the Appropriations Committee is to render its best judgment to the Senate on the priorities that should be followed. What is the use of the Appropriations Committee, upon which I have served for many years, sitting day after day listening to the evidence, listening to the weighing of the various claims and the various priorities of the multitude of programs in this Government, and then having no power whatsoever to give its judgment to the Senate for the Senate's consideration on what programs should be emphasized and what programs should not be emphasized?

Mr. President, I call attention to the fact that the Office of Economic Opportunity has in its direct employ 2,525 positions. It is estimated that the OEO, through its grants to States, to communities, public corporations, and associations to carry out its programs, is paying the salaries, including those I have just mentioned, of 108,000 people in this Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. One more minute. About 108,000 people, to carry these services to those whom they are supposed to benefit.

Mr. President, it rather reminds me of a story I heard a long time ago—and the longer I stay in the Senate, the more real it becomes to me—of the minister who appealed to his richest parishioner for a contribution to foreign missions, and the wealthy parishioner——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. One more minute, and I will be through.

The wealthy parishioner handed the minister a one dollar bill. Shocked by this event, the minister said:

> Well, I don't want to be critical; we appreciate any sum, but knowing your financial standing, I had hoped for a larger contribution than this.

Said his parishioner:

> Well, I will write you a check for $100 to get the one dollar to the foreign mission.

Thus, more and more, the money we take from the taxpayers is used up along the line in bringing these services. I am not suggesting that the Appropriations Committee has any greater wisdom or ability than any other committee, nor am I in any way speaking derogatorily of the legislative committees, but if you deprive your Appropriations Committee of any opportunity to work its will in its recommendations to the Senate, our appropriating process will be practically destroyed, and our control of expenditures, of the budget, and of the solvency of this Nation will disappear.

Mr. President, because the grave damage of this particular provision I must vote against adoption of the conference report, even though I have much sympathy for many of the programs contained in the bill.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 10 minutes to the Senator from Arizona.

Before the Senator starts, how much time do we have left?

The PRESIDING OFFICER. The Senator has 27 minutes remaining?

Mr. DOMINICK. I yield 15 minutes to the Senator from Arizona.

Mr. FANNIN. Mr. President, I shall vote against this conference report. Almost 3 months ago this body approved Senate bill 2007, which included among other things a proposal entitled a "comprehensive child development" program which according to section 501(a)(1) of the bill is required, because millions of children are suffering from the lack of "child development" services. Furthermore, the language of the bill notes that Congress has determined that "child development programs" are "essential to the achievement of the full potential of the Nation's children." To begin with Mr. President, I am not at all sure that the Congress, or anyone else, for that matter, has determined beyond doubt any such thing.

On the contrary, recent sociological and psychological studies are confirming what man seems to have intuitively known all along: that a child, out of the natural environment of the parent-child relationship, suffers. In the formative years, major inroads on time and allegiance into the singular relationship of the parent to his child can cause severe harm. We are now learning that institutional care is less effective than the natural relationship the child has with his parent, even if the latter is not blessed with a Ph. D. In considering this so-called child development program we ought not be sidetracked by overly optimistic rhetoric which, when employed by the sponsors and proponents, would lead us to the conclusion that comprehensive services of the nature indicated in this bill are essential to the development of a child's full potential and are inherently superior to the individual relationship of parent and child.

There are many problems with this so-called child development program, not the least of which is the fundamental premise upon which the program is drafted. Many who oppose this program have been rightly concerned over the apparent open-ended financial commitment we will be making should we adopt "child development." The conference report, No. 92–682, authorizes a $2 billion, 1 hundred million expenditure by the fiscal year ending June 30, 1972. The original legislative sponsors have promised us that an annual doubling of amounts will be needed to deliver in basic forms these allegedly desirable services to children who just do not know how bad off they really are. Secretary Richardson and the Department of Health, Education, and Welfare have been quoted to the effect that we are talking in terms of about $20 billion at initial program operational levels.

In addition, the administration of this program is another factor which has troubled more than a few. The provision for prime sponsorship and cultural units whose numbers exceed 5,000, will engender a bureaucratic monstrosity heretofore unknown to this city—and as the Members know, this is not a city in which bureaucracy is unknown.

As important as these considerations may be, they presume the acceptability of the program itself. Simply because a program might have been made less expensive or provision made for more efficient administration does not mean that we should sanction the program. Mr. President, this call for child development, a misnomer which more properly should be designated child control and reform, is not a good program. Its premises are very wrong and most dangerous, for apart from the beautiful words, is the notion that the parent is a failed experiment. To be sure, the conference report has tightened up considerably on the language dealing with parental permission, but Mr. President, when we get down to basics we must determine how this program will be realized. When instituted, the parent-child relationship will be significantly altered, and done so on the suppressed premise that so-called professionals are allegedly better equipped to fashion the personalities and destinies of our youth.

Some have contended that all this business about parent and child is a phony issue. However, we have only to look to the words of key child development sponsors to conclude that not only is the value of the individualized parent-child relationship a real issue, it is the fundamental issue; not just to me and those who are unalterably opposed to this experiment, but to those advocating massive governmental intervention into the lives of those as young as 18 months.

As strange as it might seem to most Americans, there are many who feel that the parent ought not be trusted with the responsibility of bringing up his child, although it should be pointed out that the advocates always talk in terms of "shared responsibility" and "partnership." A key advocate of institutional intervention into child upbringing is Dr. Reginald Lourie, president of the Joint Commission on Mental Health of Children. Dr. Lourie testified before a congressional committee, saying that—

> There is serious thinking among some of the future-oriented child development research people [himself no doubt included] that maybe we can't trust the family alone to prepare young children for this new kind of world which is emerging.

He indicated that the shortcomings of the family is one of the reasons why they felt they needed to have access to the babies.

I might add parenthetically that any real concern for this new kind of world ought to be directed toward holding in check the enthusiasm of those Orwellian planners who, using government as the agency of their selected reform, feel that they can bring up America's children better than one's own parents.

Dr. Lourie views the current relationship that a child is exclusively within the authority of his parents as depriving the child of much needed and desirable professional and institutional child development. It is Lourie's thesis that a new order of child is mandated for his brave new world—and it is because the child has been cloistered within the family relationship that he is destined to lead the imperfect life. To insure against that, Dr. Lourie contends that access to children must be had during the first 2 years of life because it is then that the brain will be growing faster and absorbing its impressions and establishing its subsequent habits which will be with the child throughout his days. Lourie said:

> [The brain] is then . . . most plastic and most available for appropriate experience and corrective interventions.

Mr. President if we have anything to fear it ought to be those who suggest that what this sorry world needs is corrective interventions into the forming personalities of our young.

Another who has endorsed these child development techniques is Arlene Skolnick, who, in the August 1971, issue of Psychology Today, went to the brink with her rhetoric when she titled her little piece "Families Can Be Unhealthy for Children and Other Living Things." In this article Miss Skolnick contends that comprehensive child development programs are "a means of rescuing children" from the isolation that is family life whether it be from families of affluence or poverty. She further contends that the "family—read: parent—is not a psychological necessity" and that it is "the myth of the family" which "blinds us to the dangers" of our present child development arrangements—which is to say that families can be unhealthy for the children and other living things.

One congressional sponsor said in support of this bill that with the adoption of comprehensive child development we will have finally recognized that the "child is a care of the State." Mr. President, the child is not the care of the State, he is a care of his parents and the parents are a care of themselves and their adulthood. To suggest otherwise is subversive of the true and proper ordering of life.

Now one might respond that such is not the proposition of the bill before this body. But the language of the bill and the intent of the framers requires one to conclude that a basic lack of faith in the parent as properly responsible for the children's development is the essence of the bill. The language of the bill indicates that rich and poor alike just do not have what it takes to be good parents. Some however, restrict their condemnation to poor parents. Well, Mr. President, the amount of money one has has nothing to do with the true quality of a father or mother. To suggest that one is going to be a lousy parent, because he is poor is snobbish and dangerous.

We are told in this bill that all children should have comprehensive child development services and that universality should be the program's ultimate objective. No other conclusion is possible: The parent is a failed experiment.

Here I should like to return to the point that not only is this view outrageous, it is, pure and simply, wrong. Recent studies by Dr. Konrad Lorenz among others have yielded results just the opposite to what the Louries and Skolnicks would have us believe. Lorenz contends that institutional child care in which parental responsibilities are assumed even in part by an agency can cause what psychiatrists call "the disease of nonattachment." Among the manifestations most often connected with "nonattachment" is the inability to cope with or discipline ones' own aggressive impulses and the tendency toward emotional mutation where the lack of a consistent and dominant family atmosphere in the formative years find children later who are unable to feel joy, grief or remorse.

Mr. President, only sketchily have I been able to express my thoughts and concerns over what I see as the fundamental issue involved in title V of this bill—Economic Opportunity Amendments of 1971. There is no doubt in my mind that the firmness of our national mental health is directly related to the vitality and integrity of our family life traditions. I am also convinced that this experiment whether we choose to call it child development or child control is an adventure which will prove progressively destructive to the institutions and traditions of family. I am especially sure that if the American people knew and understood what we may very well be on the verge of approving that there would be loud and convincing objection to this radical departure from our sound family arrangements. In fact, although this bill has been largely ignored by the popular media, there has still been growing alarm over what we might be about to do.

And that brings us to a final question, what are we about to do if we approve comprehensive child intervention? About the only thing we know is that child development centers will be established to recreate our kids in a textbook image. But absent from the legislation is just exactly what that means. During the House debate on September 30, 1971, an inquiry was made as to the nature of "child development services" and no answer was given.

Listen to what child development proponent Alice M. Rivlin, writing in the December 1 Washington Post, said:

> While there is some vagueness about what "child development" actually is . . .

Let us stop right there. "Vagueness?" That means no one has bothered to spell out what we are about to do. What this bill in fact does is grant the authority over to the Department of Health, Education, and Welfare to determine what it ought to do to make children good and pure. What that means is that the Louries and Skolnicks will be drafting the programs. That I am not sure is really something I want seen done—with my children or anybody else's children.

But Miss Rivlin told us more when she wrote, that while the program is vague as to its tools:

> It is very clear what this program is *not*. (Her emphasis). First it is *not* just a babysitting operation to provide custodial care for children while their mothers work.

At least Miss Rivlin is honest about the whole thing. Many have heard and accepted the idea that all we are about to do is establish day-care centers for working mothers. Nothing could be further from the truth, what we are about to do is sanction massive psychological and sociological interventions—corrective interventions—as Dr. Lourie tells us—to produce what Dr. Lourie thinks would be a better child.

Mr. President, what we have before us is a serious challenge to the family. What we have is another step toward the Orwellian vision of 1984. It is said that these fears are "pretty farfetched," because this program is going to be voluntary. The response is overly legalistic and avoids how the program will and necessarily operate. Even language in the conference report provides for funds to solicit recruits for the child reformation centers. Further, when the program is being operated by those training in its advancement, does anyone seriously believe that the parent will have anything other than a de facto obligatory arrangement. I am not impressed with the protection provided by the bill, because it is clear what the sponsors and proponents have in mind, whether they know it or not it is 1984. It is communalization of what should be personal and private. It is a disaster. It should be defeated.

Mr. DOMINICK. Mr. President, how much time do we have left on our side?

The PRESIDING OFFICER. Twelve minutes.

Mr. DOMINICK. Does the Senator from New York want to use some time?

Mr. JAVITS. I thought we would wait until the Senator had used some of his.

Mr. DOMINICK. I do not see how we can use all on our side and then have the good side come in at the end. I would like to be a debater, too.

Mr. JAVITS. Why not have a quorum for a short time.

Mr. DOMINICK. All right.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Moss). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator from Wisconsin (Mr. NELSON) yield me 3 minutes out of his time?

Mr. NELSON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. NELSON. I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I wish to answer some of the points relating to the idea that children would, somehow or other, be taken either temperamentally or actually away from the control and jurisdiction of the father and motherhood of their parents. I point out that upon the express suggestion of my colleague from New York (Mr. BUCKLEY) who voiced these ideas, as well as others, that we have in the conference bill the following provisions:

> Section 501 (a) (2), the Statement of Findings and Purposes clause, states the finding that comprehensive child development programs should be available to children "whose parents or legal guardians shall request them."

Section 580 provides:

> The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this title other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

Section 581(a) expressly provides that:

> Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children.

There is also a fourth provision, which the House added into the conference bill:

> Section 515 (a) (24) dealing with comprehensive Child Development Plans, requires that the plan provide that program or services under the title "shall be provided only for children whose parents or legal guardians have requested them."

These provisions can be used as a basis for a suit, alleging that the Secretary has proceeded in an arbitrary or capricious manner if he disregards those injunctions in the law. And the courts will read them and give them effect. They can be used to great effect here in terms of legislative oversight. I do not believe that that particular fear which has been featured so prominently in this debate against the bill is warranted, when one takes into account these provisions, legislative oversight, the courts, the executive department, and the press.

So I hope very much that Members will not be dissuaded from support of the conference report on that account but in some way motherhood and fatherhood and jurisdiction of children in a spiritual, not just a legal sense, will not be jeopardized.

Mr. MONDALE. Mr. President, I commend the distinguished junior Senator from Wisconsin (Mr. NELSON) for his outstanding leadership throughout the consideration of the pending measure.

S. 2007, the conference report before us, extends the Economic Opportunity Act for 2 years. I am delighted to support its provisions strengthening and improving OEO programs—including neighborhood health centers, emergency food and medical services, community action programs, alcoholic and drug treatment, family planning, older workers programs, migrant assistance, neighborhood youth corps and community economic development.

I am particularly proud that this report incorporates the basic provisions of two bills I had the privilege to sponsor, with bipartisan support—S. 1512, the Comprehensive Child Development Act of 1971, and S. 1305, the National Legal Services Corporation Act.

CHILD DEVELOPMENT

In February 1969, President Nixon called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

The comprehensive child development provisions in this bill are designed to give substance to that commitment. They seek to expand and build upon the highly successful experience of Head Start. They will provide—on a voluntary basis—sensitive day care programs, prenatal services and other comprehensive child-oriented projects. They recognize the essential nature of parental participation in program planning and operation and are designed specifically to strengthen the role of the family in child development efforts.

The child development provisions in this measure were developed in large part through exhaustive efforts of a board coalition of organizations interested in child development including:

AFL–CIO; Amalgamated Clothing Workers; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America, Inc.; Friends Committee on National Legislation; Interstate Research Associates; International Ladies Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization of Women, President and Vice President for Legislation; National Welfare Rights Organization; United Auto Workers; U.S. Catholic Conference, Family Life Division; and Washington Research Project Action Council.

They have received the enthusiastic support of the American Academy of Pediatrics, the National Association for the Education of Young Children and a large number of individuals experienced in the field of child health, child welfare, and education. I ask unanimous consent that a copy of the letter I received from Jay M. Arena, M.D., president of the American Academy of Pediatrics, a copy of the resolution adopted by the recent convention of the NAEYC, a memorandum to the President and the Congress from a group of leaders concerned with children and a sample of the letters and telegrams I have received from Minnesotans, including a telegram from Governor Anderson appear at the end of my remarks, and I ask unanimous consent that an excellent analysis by Alice Rubin that appeared in yesterday's issue of the Washington Post, appear at the close of my remarks.

Mr. President, the need for expanded and improved developmental day care programs has been clearly documented:

Half of all the mothers with children under 14 and one-third of all mothers with preschool children are working today.

Yet fewer than 700,000 licensed day care operations are available to serve the nearly 6 million preschool children whose mothers are working.

And an additional 1.5 million mothers will enter the work force during the remainder of this decade.

The White House Conference on Children understood well the implications of these findings. Its report to the President said:

> To discuss at length whether day care is an economic luxury, a political right, or a social tool ignores the tremendous need for supplementary care which exists today, a need which parents will continue to meet the best they can with whatever resources are available. The question is not whether America "should" have day care, but rather whether the day care which we do have, and will have, will be good—good for the child, good for the family, and good for the nation."

The delegates to that conference voted as their top priority the provision of "comprehensive family-oriented child development programs, including health services, day care and early childhood education."

Enactment of this conference report, and full and adequate funding for it, will enable us to begin fulfilling the national commitment announced by the President almost 2 years ago, and urgently supported by the White House Conference on Children.

CONFERENCE ACTION

Mr. President, the conference committee devoted lengthy and deep consideration to two child development issues in particular.

The first issue concerned eligibility for child development programs. In order to assure that these programs would meet the needs of both poor children and children of working parents, the Senate bill provided that services would be free to families with incomes below the Bureau of Labor Statistics lower living standard budget—which is $6,960 for a family of four in an urban area, with adjustments for family size, regional and urban-rural differences.

The Senate bill also provided that the Secretary of HEW would establish a graduated fee schedule, according to ability to pay, for families with incomes in excess of this lower living budget—and reserved up to one-third of the funds to support these partially subsidized services.

These provisions were designed to assure that child development programs under this act would be more than simply welfare programs—that as preschool education efforts they would approach the free public education philosophy of this country—that participation would be extended to working families of moderate means as well as the very poor—and that the programs would derive the educational benefits of socioeconomic diversity.

As Dr. Edward Zigler, now Director of the Office of Child Development testified in 1969:

> Another important reason for guaranteeing a good socio-economic mix in Head Start centers is a growing body of evidence that children learn a great deal from one another. The middle-class child does have a number of attributes that the poor child can profitably model. By the same token we often find in poor children particular strengths and characteristics worthy of emulation by the middle-class child. We must see to it that Head Start centers are institutions, where our Nation's children, regardless of economic status, can enrich one another.

Under the House bill, the Secretary of HEW would establish the income level below which services would be free and establish a fee schedule above that level. Secretary Richardson indicated the free services level would be $4,320.

Following extensive discussions among the conferees and negotiations with administration representatives including Secretary Richardson, the Senate conferees agreed to a compromise on the eligibility issue.

We agreed that free services would be available to families with incomes up to $4,320—as in the House bill—and established limitations on the size of fees which can be charged to families with incomes between $4,320 and the BLS lower living budget figure. Specifically, the conference report provides that a family with an income between $4,320 and 85 percent of the BLS lower living standard budget—$5,916—shall be charged no more than 10 percent of its income above $4,320. A family with income between $5,916 and 100 percent of the BLS lower living standard budget—$6,960—shall pay no more than 10 percent of its income between $4,320 to $5,916 plus 15 percent of any income above $5,916.

Thus, a family with an income of $5,916, with up to two children participating would be charged no more than $158; a similar family with an income of $6,960 would be charged no more than $317. A modest additional fee could be charged where three or more children are served.

The conference report further provides that the Secretary shall establish graduated fee schedules, according to ability to pay, for families with incomes in excess of the BLS lower living standard budget.

This compromise involved major concessions on the part of the Senate conferees. Under the Senate bill, a family earning $6,960 would receive free services. Under the compromise that family would pay over $300. And fees for families earning more than $6,960 will be correspondingly higher.

These concessions were the result of a long period of negotiations with the House conferees and the administration. The initial compromise discussed was threatened with veto, and additional concessions were made in order to gain Secretary Richardson's commitment to urge the President to support this legislation and sign it into law.

While I regret that we were forced to make such major concessions on this issue, I am pleased that Secretary Richardson agreed to support this compromise and I believe that it still offers protections for families with incomes below $6,960. I am hopeful that the fees set by the Secretary of HEW for families with incomes above $7,000 will not be so high as to drive families with incomes in the $10,000 range to inferior and purely custodial day care.

The second child development issue to which the conference devoted a substantial amount of effort involved the delivery system for this program.

Both the House and the Senate bills placed priority and preference on the designation of local governments as prime sponsors for these programs.

The Senate bill provided that a locality of any size—if it applied for sponsorship; had the capacity to provide necessary linkages with health, education, nutrition and other services; and demonstrated ability to meet the bill's high standards for quality of service—would be designated prime sponsor.

Both of these approaches reflect the belief that child development programs must be administered in a way that encourages accessibility, responsiveness to local needs, parental involvement and sensitivity. And they reflect the judgment of both Houses of Congress that—consistent with the experiences of Headstart and our public school system—locally administered programs, where localities have the capacity to provide comprehensive services, are essential to insure this kind of accessibility and responsiveness.

Despite belated objections by the administration to the preference on locally administered programs, the conference report reflects the local priority in both bills. It places priority for prime sponsorship upon localities or combinations of localities with populations of 5,000 or more which demonstrate capacity to provide developmental services of high quality.

In our judgment, locally accessible administration is essential to retain parental and family involvement in the programs.

The conference did adopt the Senate provisions reserving up to 5 percent of the funds allocated to each State for special grants to the States for the purpose of identifying child development goals and needs within the State, assisting in the development of child development councils, encouraging the participation of State agencies, encouraging the full utilization of resources in the State, reviewing prime sponsorship plans and other purposes.

In addition to the special grants to States, the conference report requires that the Governor of each State have an opportunity to comment on all prime sponsorship applications from his State—and provides that States may become prime sponsors of child development programs for areas in which a locality has not qualified to serve as a prime sponsor, or has not applied to become a prime sponsor.

The conference report thus attempts to assure balanced and cooperative participation of State and local governments—with primary responsibility for training and program coordination resting with the States and priority for program operation resting with units of local government.

The ways in which States are involved in all aspects of these programs are carefully spelled out in a letter from Jule M. Sugarman, administrator of the Human Resources Administration, City of New York, and former chief of the Children's Bureau and Director of Headstart to Secretary Richardson. While I believe Mr. Sugarman has underestimated the funding needed under this measure, I ask unanimous consent that his letter appear at this point in my remarks.

Mr. President, in addition to the two issues I have discussed, there were a number of other significant differences between the House and Senate bills, which the conference committee resolved.

In order to assure that programs under this measure are sensitive to the needs of children, and serve to strengthen the role of the family in child development efforts, the conference report provides that parents have integral roles in planning and operating the child development programs in which their children participate. The conference report requires each prime sponsor of a child development program and each child development project to establish a committee composed of parents to approve the basic policy decisions and actions. By basically accepting the provisions in the House bill with respect to child development councils and the provisions in the Senate bill with respect to project policy committees, this measure includes parental participation elements which closely parallel those in the existing Headstart guidelines.

With respect to authorizations, the conference accepted the Senate provisions authorizing $100 million in fiscal year 1972 for planning, training and technical assistance, and $2 billion for fiscal year 1973—including a $500 million reservation for Headstart. The conference also accepted the Senate provisions reserving 10 percent of the funds for child development services for the handicapped.

Due to the adamant opposition of the House conferees, Senator RIBICOFF'S amendment, which would have established a modest experimental and demonstration program in child advocacy was dropped. Reflecting the major recommendations of the Joint Commission for the Mental Health of Children, this amendment was designed to assist families in obtaining the services their children need, with primary emphasis on locating and stimulating the development of additional services and facilities for children with mental disabilities and mental illness.

The conference also adopted the House provisions for mortgage insurance and construction grants and loans, and the Senate provisions containing research and demonstration and those requiring that the standards for child development programs under this measure be no less comprehensive than the Federal interagency day care requirements issued in 1968.

Mr. President, the issues I have discussed represent perhaps the most significant issues in child development on which the House and Senate disagreed.

There are a number of other issues on which the two Houses disagreed and that are described in the conference report.

But one area in which there was no disagreement was the voluntary nature of these programs and the intent of this legislation to strengthen the family unit. There has been some misunderstanding on this point and I want to emphasize that this measure is deliberately and carefully drafted to assure the maximum involvement and responsibility of parents in the operation of these programs. In addition to the parent participation provisions I have already described, and the measure's emphasis on locally administered programs—as opposed to federally administered or State administered programs—the conference report contains the following provisions:

In order to underscore the voluntary nature of the program, section 501(a)(2) states that:

> These programs "should be available to children whose parents and guardians shall request them.

Section 515(a)(24) states that:

> Programs or services under this title shall be provided only for children whose parents or legal guardians have requested them.

In order to prohibit the possibility of Federal control of these educational contents of these programs, section 578 provides:

> No department, agency, officer or employee of the United States shall, under authority of this Title, exercise any direction, supervision or control over, or impose any requirements or conditions with respect to the personnel, curriculum, methods of instruction, or administration of any educational institution.

Finally, in order to emphasize the intent of the act to strengthen the role of the family and the parents, Section 581(a) provides:

> Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children. Nor shall any section of this title be construed or applied in such a manner to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

Mr. President, the child development section of this conference report contains the framework for meeting the increasing need for quality day care. Its preschool education emphasis offers real hope toward equalizing educational opportunities and truly giving every child a chance to reach his full potential. It reflects the best judgment of the 1970 White House Conference on Children, the advice of over 20 national organizations interested and experienced in child welfare, and the national commitment to early childhood years announced by the President in 1969. It has received extensive and thoughtful consideration by Congress—including 12 days of hearings and countless executive sessions in the Senate, and over 20 days of hearings and numerous executive sessions in the House of Representatives.

I urge Senators to support the conference report, encourage the President to sign this measure into law, and fight for adequate funding.

NATIONAL LEGAL SERVICES CORPORATION

Title IX of the bill reported by the conference establishes a private, nonprofit National Legal Services Corporation to carry out the activities of the present legal services program now administered by OEO. Funded by Congress, the corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low income persons.

In this basic respect, the bills which passed both the House and Senate were consistent. But there were several key differences between the two versions, and I believe that the conference resolved these differences in a fair and equitable manner—reflecting the concerns of each body.

The major issue involved the composition and method of selection of the corporation's board of directors. The conference measure creates a 17-member board, all appointed by the President—with the advice and consent of the Senate—in the following manner:

Six directors shall be appointed as representatives of the general public, and three of these appointments must be attorneys;

Two directors shall be appointed solely from lists of persons submitted by the clients advisory council—established by the legislation—and the list shall consist of persons eligible for assistance under the act;

Two directors who are former legal services attorneys shall be appointed solely from lists of persons submitted by the project attorneys advisory council—established by the legislation;

Two directors shall be appointed solely from lists submitted by the Judicial Conference of the United States;

Five directors shall be appointed solely from lists submitted by five professional bar organizations—one director from lists submitted by the American Bar Association, one director from lists submitted by the National Bar Association, one director from lists submitted by the American Trial Lawyers Association, one director from lists submitted by the Association of American Law Schools, and one director from lists submitted by the National Legal Aid and Defender Association.

This type of board retains the feature which the House conferees regarded as very important—an all-presidentially appointed board. At the same time, however, this provision insures that in naming 11 of the 17 members, the President must choose from lists submitted by groups representing clients, legal services lawyers, and the professional legal establishment. If the President does not want to nominate any of the names contained in these lists, he can ask a given group to submit a new list; but he cannot select individuals for these 11 positions whose names are not included in a particular list.

This method of selection is designed to accomplish the primary purpose underlying the drive to create an independent legal services corporation: insulation of this vital program from political pressures.

The conference bill also satisfactorily resolved two other controversial issues—the extent to which legal services attorneys could engage in criminal representation and the extent to which these attorneys could engage in political activities on their own time.

Under the conference bill, the corporation will not be permitted to provide for the representation of persons accused of crimes. However, the conference report makes it clear that this prohibition is in no way intended to interfere with the professional responsibility of legal services attorneys to handle criminal cases on an individual basis. Thus, if a court appoints a legal services attorney to represent an individual in a criminal action, this attorney will be expected to accept such an appointment—just as any other member of the bar is expected to do so.

The conferees also agreed to permit full-time employees of the corporation or its grantees to engage in political activities on their own time under appropriate guidelines formulated by the corporation. However, while pursuing such private activities, these employees must refrain from identifying the corporation with any candidate for political or party office.

The bill emerging from this conference thus resolves the basic issues in conflict between the House and the Senate. Even more important, it creates a permanent structure designed to insure free and open access to the legal system for all Americans.

Despite the strong support legal services has enjoyed in the past—not only in Congress, but also from the organized bar and client groups—the time has come to insulate this program from harmful political pressures. For as a result of these pressures, the provision of legal services has become an issue to be considered politically at every level of government. The poor are beginning to surmise that this program—in which they have developed such great confidence—will be subjected to a political litmus test.

Most of the opposition to the program has arisen because of the so-called law reform cases which these attorneys have won. The program's critics somehow consider these cases a form of legal agitation.

But the landmark cases won by legal services lawyers were based on real problems experienced by individual clients seeking legal assistance. When a California court prevented the Governor of California from drastically reducing payments under the State's medicaid program, it did so because a legal services lawyer was pressing the legitimate claim of his client—a man unable to obtain a badly needed operation without medicaid.

In all of these cases, legal services attorneys were merely fulfilling the clear mandates of their profession. Canon 7 of the Code of Professional Responsibility states that:

> A lawyer should represent a client zealously within the bounds of the law.

Ethical consideration 7-1 elaborates on this canon in the following manner:

> The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense.

In light of these ethical requirements, a legal services attorney—like any other lawyer—cannot stop and weigh the political consequences of contemplated legal action. But those who have attempted to curtail this program are not overly concerned with the ethics of the legal profession.

Despite the impressive accomplishments of legal services, there can be no doubt that constant political interference has taken its toll. For once political pressure is apparent, legal services attorneys inevitably begin to consider the consequences of bringing certain types of legal actions.

There are many kinds of reprisals against a program whose attorneys are considered too aggressive in representing their clients. The next grant can be vetoed by the Governor; debilitating restrictions can be placed on the grant; and the program's funds can be reduced by cautious officials unwilling to offend powerful local interests.

These are serious and substantial fears—which many attorneys in the field have experienced at one time or another. And even if these fears do not materialize, the perception of pressure and reprisals can hamper an attorney's ability to fully and effectively represent his client.

While the legal services program has survived past attacks on its independence, its integrity, and its capacity to provide full legal representation to the poor, each challenge has drained the program's energy and diverted its resources. As long as the program remains vulnerable to political attack or manipulation, the damage will grow worse until it could be fatal.

That is why the House, the Senate, and its conferees concluded that a new structure for legal services was necessary—a structure which would ensure the program's independence and which would ensure that its attorneys would be able to represent their clients as required by the mandates of the legal profession.

These mandates reflect the fact that our system of justice is based on the adversary process—which in turn depends upon effective advocacy. A dilution of the lawyer's independence threatens this adversary process. As former Chief Justice Warren has stated:

> A right without an advocate is as useless as a blueprint without a builder or materials.

No attorney can meet his professional responsibilities to a client if there are outside restraints on the types of cases in which he can participate or the kind of issues he can raise. No large corporation would tolerate outside interference with their retained attorneys. Certainly the poor should not be expected to tolerate such interference.

The National Legal Services Corporation will do far more, however, than protect the professional integrity of legal services attorneys. It will help protect the integrity of our entire system of government.

Under our system, the courts are the forum of last redress. We understand as a people that we must respect the supremacy of law—and the inviolability of recourse to the courts for those who are disenfranchised and for those who have been dealt with unfairly and arbitrarily.

In this decade, it is a singularly small but visible effort which has come to symbolize the possibility of a new period of maturity, of conscience, of self-assurance, for our Nation—the legal services program.

I believe that our Government has reached the point where it can admit that it is capable of error, that it no longer need claim infallibility or hide behind sovereign immunity. We are ready to set up mechanisms whereby the people can hold the Government accountable—not only every 2 or 4 years—but can challenge individual acts and specific policies as contrary to law.

This is the genius and historic significance of the legal services program—that a Government can offer to the powerless the opportunity and the resources needed to challenge improper acts by both private and public bodies.

If the poor and the powerless do not have free access to our legal system, government by law is a failure.

The creation of a National Legal Services Corporation is designed to ensure that access. In this basic respect, it represents a traditional and time-honored means of achieving orderly change.

I ask unanimous consent that several items on this subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: The President of the United States and the Congress

Subject: The Comprehensive Child Development Act

FACTS

On February 19, 1969, President Nixon called for a "national commitment to providing all American children an opportunity for a healthful and stimulating development during the first five years of life."

On April 9, 1969, the President said, "I again pledge myself to that commitment."

This year, House and Senate action, with bipartisan leadership and support, passed Comprehensive Child Development Bills (S. 2007 and H.R. 10351) and they are now in Conference Committee.

The differences between the two versions can be quickly reconciled.

The Comprehensive Child Development Act will result in one of the best investments the nation can make in its future.

It will provide a comprehensive program of educational, nutritional, and health care to those preschool children whose parents believe they need it.

It will allow a child's participation to be completely voluntary on the part of the parents.

It will give parents a real voice in the planning and operation of the programs.

It will offer quality day care service to the working women of America so that their families may have an adequate standard of living.

It will extend the enormous experience and success of the Head Start program.

It will deal with the problems of America's latch-key children.

It will reduce school failures.

It will build healthier children.

ACTION NEEDED

The Conference Committee must resolve the differences at today's meeting.

Both Houses must repass the bill.

The President must sign that bill.

We urge that the Comprehensive Child Development Act be passed to fulfill the President's pledge and the commitment by the Congress:

Robert Aldrich, M.D., Vice Pres., Health Affairs, University of Colorado.

Joyce Black, Pres., New York City Day Care Council.

Arnita Boswell, Prof., Social Work, University of Chicago.

Urie Bronfenbrenner, Prof., Human Development and Family Studies, Cornell University.

Jerome Bruner, M.D., Director, Center for Cognitixe Studies, Harvard University.

Ricardo Callejo, Attorney, Spanish Speaking Sur-Named Political Assn., San Francisco.

Eli E. Cohen, Exec. Sec., Natl. Committee on Employment of Youth.

Raymond Cohen, M.D., Past President, Texas Pediatric Society.

Manuel Diaz, Jr., Vice Pres., New York City Urban Coalition.

James Dumpson, Dean, School of Social Work, Fordham University.

Marion Edelman, Washington Research Project Action Council.

Donald Fink, M.D., Former, Dir., American Academy of Pediatrics Consultation Service.

Marcus Foster, Ph. D., Superintendent, Oakland Public Schools.

Glenn Gibson, M.D., Pediatrician, Baton Rouge.

Elinor C. Guggenheimer, Policy Council, National Political Women's Caucus.

Dorothy I. Height, Pres., Natl. Council of Negro Women.

Francis Keppel.

Reginald Lourie, M.D., Pres. Joint Commission on Mental Health of Children.

Sanford Matthews, M.D., Regional Pediatric Medical Coordinator, Atlanta.

Joseph Monserrat, Member, Board of Education, New York City.

John Niemeyer, Chairman, Day Care and Child Development Council of America.

Josephine Nieves, Dir., Puerto Rican Studies, Brooklyn College.

Julius Richmond, M.D., Dir., Judge Baker Guidance Center, Harvard University.

Mrs. Alexander Ripley, Vice Pres., California Children's Lobby.

HUMAN RESOURCES ADMINISTRATION,
New York, N.Y., November 29, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: This week the Congress will act upon the Conference Committee's report on the child development bill. I must urge you to fully support that bill in the Congress and to recommend to the President in the strongest possible terms that he approve it.

This bill follows nearly three years of bipartisan effort involving extensive hearings and committee work. The vital need for child development services has been thoroughly documented. Studies financed by your Department, and soon to be released, make it clear that child development programs can have substantial long-term impact. The programs authorized in this bill are wholly consistent with the specific research findings and recommendations of those studies. There is great public understanding and support for the legislation involving a wide spectrum of American society. Now, as soon as the Congress completes its action, the President must act favorably.

Recent newspaper reports have speculated that the bill might be vetoed by the President. However, no White House or Department spokesman has confirmed or denied those reports and the public record is one of a firm Presidential commitment to "providing all American children an opportunity for a healthy and stimulating development during the first five years of life."

Now is the time for the President to make clear that his Administration intends to honor that promise. Unfortunately, reports of lobbying by White House staff indicate that the President may not intend to honor his commitment.

Among the reasons suggested for White House opposition is the cost of the bill. I think that the record needs to be much clearer on that point. The requirement that a child development council be created and a comprehensive child development plan prepared for each community means that it will certainly be 12 to 18 months before any significant number of communities can qualify for operating funds. Thus, neither the current nor the fiscal year 1973 budget is likely to be heavily affected. The first substantial effect will not take place until fiscal year 1974. Even then, I doubt that communities will be prepared to spend more than $2 to $3 hundred million above present levels. Surely that level of funding, or even twice that level, is not a great problem when compared to the amounts spent on other public programs.

Another reason advanced for possible opposition is a political response by the White House to mail from conservative and right wing leaders arguing that this is part of a Communist plot. That is not only poppycock, but a slander upon the Members of Congress who have worked so hard to bring the bill to fruition. It is an attack on the very thing that the President and you have argued in connection with H.R. 1; namely, the provision of quality child care. This kind of attack should be promptly answered by the White House and HEW.

Finally, there are those who say that the bill is being opposed because it does not provide a significant role for the states. No one who has read the bill thoroughly can make that charge. The language is specific in requiring state involvement at every stage; creation of prime sponsors, formation of comprehensive child development plans and project operation. Up to 5% of operating funds will be available to states to carry out their functions. HEW may use states to provide technical assistance and program coordination. In other words, there is every opportunity for the states to identify problems, to help in solving them, and to point out to HEW that programs are not meeting the requirements of the Act or HEW standards. The state which fails to influence programs positively in this situation will do so because of its own ineptitude rather than any deficiency in the law.

Mr. Secretary, there is nothing in this bill which should stand in the way of approval. The choice for the President and yourself is whether to yield to reactionary and unsupportable arguments against the bill, or to make a monumental contribution to the real needs of children which were so eloquently recognized by the President in the past.

Sincerely,

JULE M. SUGARMAN,
Administrator.

FACTS ON THE COMPREHENSIVE CHILD DEVELOPMENT BILL*

A. RIGHTS OF PARENTS

Parental authority in relation to the child as well as the child development program in which he or she participates is assured in the compromise bill.

The Statement of Findings and Purpose states that comprehensive child development programs should be available to children whose parents or legal guardians shall request them regardless of economic, social and family backgrounds (Sec. 501(a)(2) page 5). To ensure that services are voluntary, each Comprehensive Child Development Plan submitted must include a proviso that services shall be provided only for children whose parents or legal guardians have requested them (Sec. 515(a)(24) page 16).

Section 581(a) (page 33) requires that no part of the bill shall be applied or construed to infringe upon or usurp the moral or legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children. Nor can invasion of privacy or abridgment of legal remedies for such legally protected invasion be accomplished.

Specific protection provided against testing without informing the parent and giving him an opportunity to except his child. (Sec. 580 page 33). And if a parent objects in writing on religious grounds to medical or psychological exams or immunization (except to protect public from epidemics) or treatment, his child is excepted from such treatment. (Sec. 574(f) page 31.)

A child development plan must provide for regular and frequent dissemination of relevant information to parents and the community in their functional language. (Sec. 515(a)(15) page 16). The plan must also coordinate, insofar as possible, its programs with other social programs so as to keep family units intact or in close proximity during the day. (Sec. 515(a)(10) page 15.)

The bill's Statement of Findings and Purpose concludes that decisions on the nature and funding of child development programs are to be made at the community level with the full involvement of parents and others in the community interested in child development. (Sec. 501(b) page 6.)

Parent involvement in their children's programs is required at various decision making levels such as:

1. In the project: At least one half of the project policy committee must be parents and the other members, except for the specialist, must be representative of the community and approved by the parent members, (Sec. 516(a)(2) pages 17–18). The committee must directly participate in the development and preparation of the project application. Training, administrative expenses and necessary out-of-pocket for low-income members are required. Members of committees are appointed by the project applicant but existing Head Start agencies can continue their method of election, presumably.

Functions of the project committee include approving goals, policies, actions and procedures for the project applicant.

The project application must also provide for the regular and frequent dissemination of information about the project to parents and interested persons in the functional language. Projects must also employ paraprofessional aides and volunteers, especially parents and others (Sec. 516(a)(10) page 19). Staff must be adequate to meet specialized needs of each child. (Sec. 516(a)(12) page 19.)

2. In the Prime Sponsor through its Child Development Council: The Prime Sponsor's Plan must provide for direct parent participation in the conduct, overall direction and evaluation of programs (Sec. 515(a)(11) page 15). The membership of the Child Development Council must be at least ½ parents of children in programs selected by Head Start and project policy committees. At least one-third of the total membership must be parents who are economically disadvantaged. (Sec. 514 (a and b) pages 13–14). The Council's functions are similar to policy committees but it may also conduct public hearings. (Sec. 514(b)(3) page 14.)

3. At the national level:

Not less than one-half of the membership of the Special Committee on Federal Standards for Child Development Services to develop program standards and of the Special Committee to develop Uniform Minimum Code For Facilities must be parents of children in child development programs, Head Start, and day care under Title IV programs. Both committee memberships are to be appointed by the Secretary and report to him. (Sec. 534, 535, pages 23–24.)

B. RIGHTS AND ROLE OF THE STATES

The Statement of Findings and Purpose states that it is essential that the planning and operation of child development programs be a partnership of parents, community and state and local governments with appropriate assistance from the Federal Government. (Section 501(a)(6), page 6.)

The participation of the states is encouraged by Section 517 that provides for special grants to states to carry out activities such as identifying the state's goals and needs, assisting child development councils, encouraging the participation of related state agencies, etc. (see pages 19 and 20). Up to 5% of the funds allocated for use in a state are reserved for the state upon its application. (Sec. 503(c), page 8.)

The Governor must have 30 to 60 days to review applications for designation, to offer recommendations to applicants and to submit comments to the Secretary (Sec. 513(g), page 12). In addition, no plan or modification of a prime sponsor shall be approved unless the Secretary determines that the Governor of the State has had an opportunity to submit comments to the prime sponsor and the Secretary. (Sec. 515(b)(3), page 17.)

No locality or state may reduce its expenditure for day care or child development because of assistance under the bill. (Sec. 520(e), page 22.)

AMERICAN ACADEMY OF PEDIATRICS,
Evanston, Ill., November 22, 1971.
Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The American Academy of Pediatrics, the national organization of board certified physicians providing care to children, heartily supports the adoption of the conference report on the Economic Opportunity Amendments, S. 2007. We are particularly enthusiastic about the comprehensive child development title of this legislation which provides for the establishment of a national, federally assisted child development program. The Academy supports the concept of child care as a composite of comprehensive and coordinated services designed to offer a sound basis for growth and development of the child while supporting and encouraging the parents in their effort to care for their children. We are of the opinion S. 2007 would provide a sound legislative basis for the establishment of such a program.

The Academy endorses the section of the child development title which provides for local administration of child care programs. We recommended in testimony before Senate and House committees that the major responsibility for planning and delivery of child development programs is most appropriately placed at the community level. We believe the conference report is equitable, and will allow for possible funding of most jurisdictions which apply for prime sponsorship responsibility. Jurisdictions which are able to plan and operate a quality child care program should be given this opportunity.

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* Analysis prepared by the Human Resources Administration, City of New York.

We are in complete agreement with the concept of funding priority to ongoing Headstart programs. The provision further assuring local review of Headstart programs is an additional strength of the conference report. The extension of the excellent programs like Headstart to all low income families desirous of child development services will be facilitated by the enactment of this legislation.

The level for eligibility for free child care services decided upon by the conferees is reasonable, and will not place an undue financial hardship on poor and near poor families who wish to utilize the child care programs.

In summary, we believe the child development title of the Economic Opportunity Amendments provides a realistic framework in which child development programs can operate that are responsive to the needs of individual children and communities. We sincerely urge your support for the adoption of the conference report on the Economic Opportunity Amendments of 1971.

Sincerely yours,

Jay M. Arena, M.D.,
President.

National Association for the Education of Young Children

RESOLUTION NO. 2

Whereas the President of the United States of America has voiced his commitment to meeting the needs of all young children in this country and

Whereas President Nixon has admirably placed in the Office of Child Development the position of Child Advocacy and the responsibility for implementing the recommendations of the 1970 White House Conferences on Children and Youth and

Whereas the nationwide need for comprehensive child development services for many young children can be provided only through bold Federal legislation and appropriations.

Therefore, be it resolved by the National Association for the Education of Young Children in convention in Minneapolis, Minnesota this fifth day of November, 1971, That the President of the United States put aside the differences between his administrative proposals and the Comprehensive Child Development amendments to the Economic Opportunity bills. Specifically

(1) that programs be established to serve children from all income levels based on ability to pay

(2) that the protection of Head Start and Follow Through be assured

(3) that communities of 5000 or more be assured of having the opportunity to go directly to the Federal government for funds

(4) comprehensive standards at least equal to those provided by the 1968 Federal Interagency Standards for Day Care be upheld.

That President Nixon take a vigorously supportive posture toward the passage of this bill with the above listed components *and* the allocation of appropriation.

That he advise Secretary Richardson of his determination to immediately serve the needs of young children by this most constructive action.

Telegram

November 30, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.

The conference report on S. 2007, a bill which extends the Economic Opportunity Act for 2 years, will be brought up for consideration shortly in the House and Senate. I support this bill. The Office of Economic Opportunity has many worthy programs which assist many less fortunate citizens of our State to become productive members of our society. I urge you to vote for continuing such worthwhile programs as Headstart, mainstream, and emergency food and medical services. Thank you.

Sincerely,

Wendell R. Anderson,
Governor of Minnesota.

The League of Women Voters,
St. Peter, Minn., November 22, 1971.

Hon. Walter Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: It is the position of the League of Women Voters that comprehensive child care provisions in the OEO bill are absolutely essential. We urge you to vote "Yes" on the Conference Committee Report on S. 2007, scheduled to be voted on just after the Thanksgiving recess. We know that this is a busy time, but we trust that you share our concern and will be present for the vote.

Also, we do support the child care financing compromise worked out by the Conference Committee.

Sincerely,

Kathryn Christenson,
National Resource Chairman.

Mayo Clinic,
Rochester, Minn., November 26, 1971.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: This letter concerns the conference report on economic opportunity amendments, S. 2007. It is written to ask your support for passage of these amendments.

I am particularly concerned about the child development title of this legislation. Although I realize that this has been modified in conference, the compromise reached in conference regarding this title appears to be a reasonable one.

I would, therefore, urge that you support this measure when it comes to the Floor this next week.

Sincerely yours,

George B. Logan, M.D.,
Past President of the American Academy of Pediatrics.

Winona, Minn,
November 27, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.

Urge yes vote for conference report S2007 the OEO Child Care Authorization bill.

Marj Jacobsen,
League of Women Voters.

Cloquet, Minn.
November 23, 1971.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: We hope you can be present at the voting for bill—S. 2007 on Child Care and Legal Services. We feel that this bill is necessary to Welfare Reform. The league supports the compromises that have been worked out in the committee.

We hope you will favor voting for this bill.

Respectfully,

Mrs. Silas Gladen,
Action Chairman, League of Women Voters.

Mankato, Minn.,
November 21, 1971.

Dear Senator Mondale: Please vote in favor of the anti-poverty bill—S. 2007. Thank you.

Mrs. Roy N. Wilson.

November 21, 1971.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.

League of Women Voters urge you to vote yes on the essential OEO bill (S2007).

Mrs. Bruce Thomas.

Mankato, Minn.,
November 25, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I can't stress enough the importance of your vote on November 30th. The Welfare Bill now going through is so necessary—Bill S. 2007. It is a fact that the House looks to the Senate to find out just how strong the Senate has made a bill. Correct me if I am wrong. Nov. 22nd 1971 I sent you and Senator Humphrey telegrams for the Mankato, Minn. League of Women Voters asking for your votes on bill S. 2007 I certainly wish it possible to check to see if this telegram was received.

Thank you for your help.

Sincerely,

Marie C. Robbins.

Rochester, Minn.,
November 25, 1971.

Hon. Walter Mondale,
433 Old Senate Building,
Washington, D.C.

Sir: I have been a lay member of the Olmsted County Welfare Board for 7 years. It has become increasingly more apparent to me that our duty as concerned citizens is no longer that of curtailing welfare costs, we must seek innovative methods to effectively create an environment of self-reliance rather than dependency. Since we can no longer change the life-styles of generations of welfare-supported families, we must look to the stimulation that exciting programs of adequately staffed Day Care Centers will promise.

It should be the birthright of *every* child born in the United States of America, wanted or unwanted, to have the best child care available—we are too rich to overlook our responsibility to the children of the Third World.

I urge you to support the Child Development Amendment to the *S-2007* Conference Report of the OEO. Pass it now and make the necessary changes in the delivery system as they arise. Our children can't wait!

Thank you.

Sincerely,

Eleanor T. Bach.

Excelsior, Minn.,
November 26, 1971.

Hon. Walter Mondale,
Senate Building,
Washington, D.C.

Dear Senator Mondale: The Excelsior Area League of Women Voters urges you to be present for the vote on the OEO bill (S. 2007) and registers their support of the child development and legal services legislation in that bill.

Humane welfare reform is not possible unless some realistic provisions are made for child care for families that need to be on welfare or in addition, for children of the working poor. We do support the child care financing compromise from the compromise produced by the Conference Committee as well as the Legal Services compromise.

I believe, Senator Mondale, if I read the newspapers correctly, that we can look to you for support of this legislation, since you have expressed concern for the welfare and future of underprivileged children in our nation. We do thank you for legislation introduced and supported by you designed to upgrade the quality of life for many who have been denied it for so long.

Sincerely,

Mrs. Howard A. Rice,
Shirley J. Rice
Human Resources Chairman, Excelsior Area League of Women Voters.

Rochester, Minn.,
November 29, 1971.

Senator Walter Mondale,
433 Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: Please excuse the paper but time is of the most importance.

As a Licensed Day Care Home operator, member of a United Fund Day Care Committee and organizer of an association of Day Care Homes in cooperation with our Dept. of Social Services I am writing to urge your support of S. 2007 which is soon coming to vote.

Sincerely,

Mrs. Marvin Ross.

[From the Washington Post, Dec. 1, 1971]

A NEW PUBLIC ATTENTION TO PRESCHOOL CHILD DEVELOPMENT

(By Alice M. Rivlin)

In the United States, public concern for a child's welfare generally does not become evident until he reaches age 5 and is eligible for kindergarten. Even then the public responsibility usually ceases at 3 o'clock in the afternoon.

But these attitudes are already changing. The next few years are likely to see a burst of public attention to the vital years between birth and 5, rapid growth of all-day programs for pre-school children with working mothers, and recognition that the day does not end for a school-age child when the 3 o'clock buzzer signals that classes are over.

The big questions will be: what character will these new programs have? Who will run them? And who will pay for them? When the Congress votes this week on the OEO bill, it may begin to provide the answers.

The bill extending the life of the Office of Economic Opportunity, just reported out of the House-Senate conference committee, contains a new Title V, for "Child Development Programs," meaning a wide variety of services to children such as all-day care for preschoolers, after-school and vacation programs, nutrition, medical, dental and psychological services, and education for parents in child-care and development. The bill authorizes $2 billion for such programs in fiscal year 1973, including $500 million earmarked for continuation of Headstart. The money would be allocated among the states in accordance with a formula, but administered primarily at the local level. Communities with 5,000 or more people could be "prime sponsors," applying directly to the federal government for money. The prime sponsor would be required to have a Child Development Council, half of whose members would be elected by parents, and individual projects would be run by Project Policy Committees composed of parents and local community members. The bill would make child development services available free to those with incomes of less than $4,320 a year (for a family of four) and would establish a fee schedule related to income for families with more resources.

While there is some vagueness about what "child development" actually is—partly because the framers of the bill were eager to preserve flexibility and choice at the local level—it is very clear what this program is *not*. First, it is *not* just a babysitting operation to provide custodial care for children while their mothers work. The bill emphasizes the well-being of children and the comprehensive services they need for full development, whether their mothers work or not. Second, it is *not* just another program for the poor. Priority is to be given to "preschool children with the greatest economic and social need," but the intention is to make services available to families at all income levels with those above the poverty line paying part of the cost. Third, it is not just another welfare program. The "prime sponsor" mechanism and the parent councils are specifically designed to by-pass the state welfare bureaucracies and give the beneficiaries of the program a real voice in its operation.

Several different groups are pressing for federal programs for children, for different and not entirely compatible reasons. Some are primarily motivated by a desire to reduce the welfare rolls. They believe day care should meet minimum standards of health and safety so the children do not come to harm, but that its main objective ought to be to keep children out of the way so that their mothers can earn wages rather than welfare. A second group is primarily concerned with overcoming the damaging early handicaps of children from poor families. Headstart, which reaches many 4- and 5-year-olds, but usually for less than a year, has proved too little and too late. There is accumulating evidence that children develop rapidly in the first three years of life, that good nutrition and mental stimulation at this age make a difference—at least if they are sustained. A third group, the voice of women's liberation, sees attractive stimulating day care centers as a way of giving *all* women, not just the poor, a genuine choice between childcare and work outside the home. And finally, there are those whose primary motivation is to mobilize community action in the ghetto, the rural South or on Indian reservations, who believe parent involvement in decision making about Headstart programs did as much for parents as for children, and who see community controlled child development programs as a good vehicle for the poor to use in acquiring political experience and challenging the "power structure."

The focus on reducing welfare rolls is reflected in H.R. 1, the Nixon-Mills welfare reform bill that has passed the House, but not the Senate. Under H.R. 1, a mother on welfare could be required to take work (unless she had a child under 3) provided day care was available. Senator Long, no enthusiast of the administration's welfare reform proposals, has held hearings on his own bill to provide custodial day care to the poor through a public corporation.

But while welfare reform was bogged down in the Senate, bills for more comprehensive but entirely voluntary child development programs were making their way through the legislative obstacle course on both sides of the Hill. Senator Mondale's Child Development Bill, incorporated into the OEO amendments, stressed comprehensive services and community control and would have provided services free to families with income under $6,920 with a sliding scale of payments for families with higher incomes. On the House side, a similar bill, sponsored by Representatives, Reid, Brademas and Mink, but giving more role to states and less to localities and parents, was added to the OEO extension as a floor amendment. When both bills passed and went to conference, the administration voiced concern about their cost and threatened a veto. To avoid a veto, the conferees lowered to $4,320 the income level below which services would be free and adopted a moderate scale of payments for families with incomes between that level and $6,920 (above that level the Secretary of HEW would set fees). The language of the Senate bill was modified to give a little more role to the states and rule out communities with less than 5,000 people as prime sponsors.

The bill now moves back to the two floors where it may encounter Republican opposition especially in the House. Republican unease is related not to cost, but to the bypassing of the states. If the bill passes, there is still the possibility of a veto, although it would surely be politically costly for the President, who has put such personal stress on the dignity of work, to veto a bill which promises to make work possible for millions of women and better the lives of children into the bargain.

Strident right-wing opposition to the bill has developed on the grounds that "child development" sounds like a 1984 attempt of the state to take over the role of the family. This criticism is pretty far fetched since participation would be entirely voluntary and the bill gives parents much more control over the new programs than they have over present public schools.

Criticism of the administrative mechanism has more substance—having all those "prime sponsors" deal directly with Washington hardly seems like an ideal administrative set-up. Unfortunately, however, state administration, especially in the Deep South, has so often proved insensitive to the needs of poor and minority children that direct funding may be necessary—at least for a few years.

To the criticism that these programs will be costly in the long-run there is no answer, except "yes." The bill to be voted on authorizes spending $2 billion a year for two years on the assumption that participation in the programs will be far from universal, a reasonable assumption in view of difficulty of organizing and staffing good programs quickly. In the longer run, however, it just has to be recognized that providing first-rate services to preschool children and adding after-school activities for older children is going to be expensive—$10 billion a year could be spent easily. The cost to the taxpayer can be reduced if middle and upper-income people pay fees, but these fees cannot rise too steeply as income rises without reducing incentives to earn more income. (The effect is the same as a high income tax rate.) In the long run, there will be no cheap way to do a good job. If the Child Development Bill becomes law there will at least be a hope that federal funds for day care will be spent primarily to meet the needs of children, not just to keep them busy while their mothers work.

Mr. MONDALE. Mr. President, the whole purpose behind the child development provisions in the bill is to improve and strengthen the family relationship. The program is entirely voluntary. It builds upon parentally controlled committees. The whole purpose is to strengthen the family and to run it at the local level. Our opponents, on the contrary, want to run it out of State welfare departments, without parental involvement, forcing the mother to work, and putting the children into a cold custodial day care center which creates some of the very problems they suggest would obtain.

Mr. JAVITS. Having been a slum child myself, I know that the closest parental relationship results from a child who is well educated and has the comfort and companionship of services in the absence of his parents who are working, which this title is designed to provide. This I know from personal experience. I agree with the Senator from Minnesota that that kind of atmosphere and those services will make the child a better child and a better parent.

Mr. NELSON. Mr. President, we have only a total of about 10 minutes left and I am wondering whether the other side would not consider using some of their time so that the Senator from Minnesota (Mr. MONDALE) could make the summary comments.

The PRESIDING OFFICER (Mr. CHILES). If no one uses time, the time will be equally charged.

Mr. DOMINICK. Mr. President, we have only 12 minutes left on this side.

Mr. NELSON. The Senator knows that on this side we only have a total of 15 minutes while there is 3 hours for the other side.

Mr. DOMINICK. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 8 minutes.

Mr. DOMINICK. Is that satisfactory to the Senator from New York?

Mr. JAVITS. Yes.

Mr. DOMINICK. Mr. President, I was a Senate conferee on S. 2007. It seems opportune for me to explain my position for not signing the conference report. I think it should be noted in this connection that the Senator from Ohio (Mr. TAFT) did not sign it, the Senator from Maryland (Mr. BEALL) did not sign it, and I did not sign it. No Republican signed it on the House side with the exception of Representative OGDEN REID. This indicates that there is substantial disagreement between the conferees concerning the conference solution to the problems we faced between the House and Senate bill versions.

As a Senate conferee to S. 2007, the Economic Opportunity Amendments of 1971, I feel obligated to explain to my constituents and colleagues my reasons for not signing the conference report. Earlier, as a cosigner of supplemental views to the Labor and Public Welfare Committee report on S. 2007, I indicated my general support for the legislation while maintaining strong reservations about some of the specific provisions contained therein. Subsequent floor and conference proceedings failed to remedy some of the bill's substantial defects so I am compelled to register my objections to the conference report.

Although I appreciate the importance of extending valuable OEO programs for an additional 2 years, I cannot in good conscience recommend such an extension while it is tied to an untenable Child Development Act. The issue no longer is whether the country needs a comprehensive child care system.

It is almost universally acknowledged that a comprehensive child care system is needed to break the proverty cycles existing in certain areas of this country. A properly administered child care program may well free welfare mothers for wage earning responsibilities while investing their children with health, educational, and nutritional care equivalent to that received by the nonpoverty child. The question becomes one of how child care should be delivered. The Child Development Act attached to S. 2007 is untenable because it places in concrete a $2.1 billion child care program of empty promises—empty promises which will neither fill the participating children's needs nor reach their parent's exceptions. It creates an unmanageable prime sponsorship mechanism emphasizing small, divergent, neighborhood units rather than utilizing the general administrative strengths of State governments; State governments which because of their size and organization can effectively coordinate child care programs with other necessary programs including, among others, maternal and child health programs, institutional care and foster care programs, State child care programs, and medicaid programs. Conversely, S. 2007 encourages a neighborhood-based system which would compete for, rather than coordinate with the above service systems. It encourages the creation of not hundreds or thousands of prime sponsors, but of tens of thousands of prime sponsors.

Program quality must necessarily suffer because it will be impossible for the Department of Health, Education, and Welfare effectively to monitor or provide technical assistance for this many prime sponsors.

In the process of the hearings, Mr. Jules Sugarman, a supporter of this bill and a man who was a Director of Project Headstart and now is head of the Human Resources Administration in New York—said to the committee on pages 166 and 167 of the hearings record that in his opinion the prime sponsorship should be limited to representatives of not less than 100,000 people. In this bill we only require prime sponsors to represent 5,000 or more people.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. DOMINICK. I would be happy to yield on the Senator's time.

Mr. MONDALE. The Senator would be pleased to know that Mr. Sugarman strongly supports the bill as passed.

Mr. DOMINICK. I am sure he does, because he has traditionally advocated comprehensive early child care. However, he does emphasize the fact that the bill in its present form is administratively suspect as OCD has neither the personnel nor the ability to train the personnel to administer the programs provided for under a bill involving so large a number of prime sponsors.

It is indeed unfortunate that Congress, in its headlong rush to create law, threatens the concept of child care with an unmanageable administrative rathole when it presently has before it H.R. 1 and S. 2003, legislation which, when finally drafted, promise a circumscribed but fully coordinated child care program. Rather than considering the merits and ramifications of the above legislation, Congress determined that a $2.1 billion program should be tacked onto a standard OEO extension bill regardless of the fact that OEO will not even administer the Child Development Act if enacted.

This discussion indicates once again that on matters as critical and sensitive as the care and development of our children more extensive and coordinated legislative consideration is required than in the present bill.

In addition to the defects I have noted above concerning prime sponsors, section 10 of S. 2007 contains an important restriction contrary to the very purpose and existence of the Office of Economic Opportunity.

The primary mission of OEO is to serve as the research and demonstration arm of the Federal Government to develop new programs and new approaches to the war on poverty. When the program matures to a point when it ceases to become developmental and commences to be operational the program is to be spun off to other agencies in the executive branch through the exercise of the delegation authority contained in section 602(d) of the Economic Opportunity Act. Section 10 of S. 2007 however prohibits the delegation or transfer of programs administered by the Director of OEO to the head of any agency through fiscal year 1973 unless a conforming provision of law is subsequently enacted. Section 10 frustrates the whole research and development concept of OEO and effectively relegates it to the status of any other executive operating agency. For the first time, the President and the Director of OEO are effectively prohibited from delegating matured individual projects.

This creates cnofusion and chaos as to the real role and mission of OEO. It is not going to continue to be an operative or innovative agency.

In the final analysis, the unnecessarily hurried efforts to create a comprehensive child care program and the unnecessarily restrictive delegation language of section 10 jeopardize what otherwise would be a simple OEO extension bill.

Unfortunately, these two defects are so substantial that they threaten the overall effectiveness of the bill and prevent me from approving the conference report.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, I have listened to the debate of the opponents with a great deal of curiosity and even with some amusement. I have often wondered whether what was being criticized here was the same bill which I had introduced in April, which passed the Senate overwhelmingly, and has now been recommended by the conference committee. We have heard talk of Bolshevik proposals. We have heard discussion about sociologists and scientists manipulating children and destroying the family.

In all candor, I can only say that such statements are utterly void of any factual basis with respect to this proposal. In fact, the whole thrust of this proposal is to strengthen the family unit.

The bill will hopefully open for the family and for the children what the

President said we should do in 1969 when he called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

This is what this proposal is all about. Do we intend to continue to be a wealthy and powerful nation and yet permit hundreds of thousands of American children never to have a chance? That is the issue.

Mr. NELSON. Mr. President, will the Senator yield for a brief question?

Mr. MONDALE. I would be glad to yield to the Senator from Wisconsin.

Mr. NELSON. I ask the one who drafted this legislation and is familiar with the background and history of it if it is not correct that the 1970 White House Conference on Children recommended a comprehensive child development program as the highest priority for children in this country?

Mr. MONDALE. The Senator is correct. The White House Conference on Children, the President's own conference, recommended that.

Mr. NELSON. And that was under this administration.

Mr. MONDALE. The Senator is correct. By a weighted vote, the conference voted overwhelmingly as their first priority a comprehensive child development program, including health services and day care.

Virtually all the leaders of that conference and the associations they represented have joined in supporting this proposal.

In addition, the Joint Commission on the Mental Health of Children came out strongly for the development of this kind of proposal in its recent report.

The conflicting theory is whether we should have this kind of program, based on strengthening the family, giving the child a fair chance, or a remote program dominated by State welfare agencies. That is the issue.

Mr. NELSON. Mr. President, will the Senator yield further for a question?

Mr. MONDALE. I yield.

Mr. NELSON. Is it not correct that under the provisions of the child development program, as it is in this bill, the parental participation in the programs with the children is greater than the parental participation in the present school system?

Mr. MONDALE. There is no question about it. As a matter of fact, the parents control the two operative councils. Each community has a child development council in which the parents, whose children are in the program, must comprise at least one-half.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield 1 additional minute to the Senator.

Mr. MONDALE. And each project must be governed by a project policy committee which, again, is one-half composed of parents.

In addition to that, the program is totally voluntary. No parent needs to put a child in this program unless he wants to do so.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. MONDALE. I reserve the remainder of my time.

Mr. DOMINICK. Mr. President, I understand I have 4 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I want to make it clear that throughout my participation in this debate I never indicated I thought that S. 2007 created an involuntary child care program. I think child development programs, as such, can be effectively created without the unreasonable administrative hurdles of S. 2007. I think one can be worked out at the local level in a large city or under a State plan.

I do want to point out that Secretary Richardson, following the conference report on November 18, 1971, specifically talks about the defects of this prime sponsorship program. As a very instrumental person in this entire HEW child development program, I think he speaks with considerable expertise.

He said:

> Unfortunately, I now find upon analysis of the latest language that far too little flexibility is afforded to the Secretary of Health, Education, and Welfare to designate States as prime sponsors where such designation would assure higher quality care through greater access to child-related social services within the State. The present language instead mandates that in all cases priority be given to local prime sponsors, with the State left only as a residual catch-all for geographical areas which have submitted either no application or a wholly inadequate application for prime sponsorship.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter of November 18, 1971, from Secretary Richardson. I presume it is already in the RECORD but I want to have it printed in the RECORD again at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., November 18, 1971.

Hon. PETER DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: Throughout the consideration of the child care provisions of the Economic Opportunity Act Amendments of 1971, I have stressed the Administration's concern that at least some of the prime sponsors likely to be funded under the bill be States. It was our clear understanding that the language agreed to by the Conferees would permit this result.

Unfortunately, I now find upon analysis of the latest language that far too little flexibility is afforded to the Secretary of Health, Education, and Welfare to designate States as prime sponsors where such designation would assure higher quality care through greater access to child-related social services within the State. The present language instead mandates that in all cases priority be given to local prime sponsors, with the State left only as a residual catchall for geographical areas which have submitted either no application or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a State application over a local application, even if the State application would better assure quality care for children.

I have testified that we never have planned to choose *only* States as prime sponsors, but it is essential, in my view, that the delivery system provide flexibility to choose a State as a prime sponsor, when localities within that State have submitted applications which technically meet the criteria listed in the bill but do so less effectively than the particular State application.

With kind regard,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. DOMINICK. Mr. President, I think this is the key point involved here. S. 2007 language says that localities of 5,000 or more can get and shall be designated and funded as prime sponsors. Additionally, the Secretary may approve a State, as a prime sponsor, but what happens where we have two or three localities applying and fighting for control of the designated area before HEW and through the court systems, which they would be entitled to do. The State cannot be designated as prime sponsor of any program until the local applicants have exhausted all their rights?

Mr. President, how do you possibly administer and monitor the countless thousands of prime sponsors in communities of 5,000 or more who will be so designated under this bill all over the country, to say nothing of the Indian tribes which can be designated regardless of their size? They could come in in any number. That may be all right, but it is one more unit they will have to wrestle with. It is an administrative nightmare or, as I said in my original speech, an administrative rathole. It does not seem to me that we should create a bill with as many administrative shortcomings as this and then say we have done anything meaningful in the child development area.

The second point I wish to strongly object to is the strong prohibition against the OEO being able to delegate matured programs. Does that mean we are going to change the whole format of OEO, and we are not going to permit it to be an innovative agency which can transfer operational programs to another agency?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I urge my colleagues to vote against the conference report.

Mr. NELSON. Mr. President, I would like to make one comment on the observation of the Senator from Colorado in his statement that the bill prohibits the transfer or delegation of any of the programs under OEO. All we did in this bill was to write into law the statement made by spokesmen for the administration that they have no intention of transferring or delegating any program from OEO without congressional approval. That is all. They said they would come to Congress if they wanted to transfer or delegate programs from OEO, and ask for special legislation.

I yield the remainder of my time to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I have spent most of my time since coming into the Senate on the question of why it is so many thousands and thousands of American children somehow never make it into the mainstream of American life. My impression is that the number of such tragically disadvantaged children is increasing. We are creating a society which for most of us involves great hope, great opportunity, great prosperity, and security; but for hundreds and thousands of American children, because of a cheated background, we are creating a life of hopelessness, despair, and failure.

What we are trying to do in this bill is to respond to the almost unanimous plea of the White House Conference on Children, the almost unanimous recommendation of the Joint Commission on Mental Health of Children, to give these children a chance. That is all we are trying to do.

Mr. ROTH. Mr. President, the time has arrived when no one can any longer doubt that we are facing a full-fledged national crisis—the crisis of drug abuse. There can be no doubt that in recent years we have witnessed a major increase in the abuse of drugs. What was once considered a ghetto problem has now become a serious problem of national scope, affecting not only the inner city, but the suburbs and the military as well. The statistics on the abuse of a wide variety of drugs are appalling. Heroin is the drug causing the most damage to our society. For years the official estimate of the number of heroin addicts was in the range of 68,000. But in the past 2 years the estimate of the scope of heroin addiction alone—not counting any other drug—has risen to 200,000, then 250,000, and finally to 300,000 or more Americans. The abuse of depressant and stimulant drugs is even more widespread, and the hallucinogens—including such drugs as marihuana and LSD—are the most widely used of all the illicit drugs.

America cannot afford to underestimate the urgency of this drug crisis and its resulting costs to society—costs which include losses from crime, law enforcement expenditures, lost productivity, welfare expenses, and most importantly, the devastating waste of human life.

Mr. President, the bill which we are now considering, the Drug Abuse Office, Control, and Treatment Act of 1971 (S. 2097), represents a major bipartisan effort to meet the challenge of the drug abuse crisis now facing us. This measure takes major strides forward in our Nation's attempt to combat this problem. It would establish for the first time a comprehensive, coordinated and consistent strategy against drug abuse at the Federal level—a strategy which recognizes that education, law enforcement, treatment and research are not independent approaches to the problem.

This legislation is significant in several respects. It creates a Special Action Office for Drug Abuse Prevention in the executive office of the President, to coordinate the antidrug programs now scattered throughout the Federal agencies. It establishes a National Institute on Drug Abuse within the National Institute of Mental Health to plan and coordinate all activities of the Department of Health, Education, and Welfare relating to the rehabilitation and treatment of drug abuse. It requires that the Veterans' Administration provide for the treatment and rehabilitation of former servicemen suffering from drug addiction. It provides for extensive new Federal assistance to State and local education, training, treatment and rehabilitation efforts.

And it establishes a 15 member National Advisory Council on Drug Abuse to serve as a sounding board for, and make recommendations to, the Secretary of Health, Education, and Welfare concerning matters related to the problem of drug abuse.

Mr. President, I am a member of the Government Operations Committee, which held hearings on this legislation. I was a cosponsor of the original bill, and I am a representative of people who are gravely concerned about the problem of drug abuse which continue to confront us. We must put an end to this menace which is crippling our Nation socially and economically. The measures mandated by this bill are urgently needed. We have already waited for too long.

Mr. TAFT. Mr. President, I would like to take this opportunity to explain my position on the conference report on S. 2007, the Economic Opportunity Amendments of 1971.

S. 2007 was introduced in the Senate as a bill to extend the Economic Opportunity Act for 2 years. I have supported that objective because I think it important to continue the viability of the agency which plays the important role of developing programs to eliminate poverty.

I believe, however, that the grafting of the Comprehensive Child Development Act onto S. 2007 was a serious injustice to both bills. Certainly, two such significant yet unrelated measures deserved careful and separate congressional consideration. In contrast, H.R. 1 would have been an appropriate and relevant vehicle for the Child development amendment. OEO would play no role in the implementation of the child development legislation which was designed to serve middle and upper income families as well as the most needy.

Following the defeat of my amendment to separate the child development title from S. 2007, I was hopeful that the House of Representatives would consider the OEO extension, including the provision for a Legal Services Corporation on its own merit without the child development part of the bill. I therefore supported sending the bill to the House. Unfortunately, the amendment to add the child care provisions to H.R. 10351 passed the House by the slight margin of four votes. Although the question of excluding the comprehensive child development title from S. 2007 was not considered by the conferees, I think it is important to recall this very basic objection which I have raised both in committee and on the floor of the Senate.

The conference report on S. 2007 contains four major provisions to which I object. They are as follows:

First, the earmarking provisions;

Second, the prohibition against the transfer or delegation of programs from OEO to other operating agencies;

Third, the prime sponsor and delivery system for child development services; and

Fourth, the fee schedule for child development services.

The earmarking provisions in S. 2007 would seriously damage OEO's role as an innovator of new poverty programs because they so severely restrict the agency's research and demonstration functions. I do not feel that raising the percentage of funds that may be transferred from one program to another from 15 to 25 percent can offset the damaging effects of these earmarks. It is a matter of programing, not of financing. Seven years ago, the Headstart did not exist. Now this activity serves nearly half a million children of preschool age. Headstart would probably not be in existence were it not for OEO's role as an innovator. Legal services is another example of a program which began in OEO. If OEO's research and demonstration powers are so severely limited by earmarks, where will we look for tomorrow's Headstarts and legal services?

A major effect of the earmarking would be to add approximately $60 million to OEO's request in certain specified program areas. These increases will necessarily have to be funded by offsetting reductions in other programs which exceed their minimum allocations under the earmarking formula. The areas hardest hit by the requisite reductions include the developmental health programs such as comprehensive health, family planning and narcotics rehabilitation, and the research and demonstration programs of OEO—all areas of high priority for the Agency. The scope of reductions necessary in these areas is such that many, if not all, new program initiatives would be eliminated and many ongoing activities would be abandoned.

The prohibition against the transfer or delegation of programs from OEO to other operating agencies is objectionable because it is contrary to the principle on which OEO functions—that is—to create and nurture programs for the poor until they reach sufficient maturity to function along with other programs requiring similar expertise in the appropriate operating agency.

It should also be pointed out that the requirement for affirmative action by the Congress to delegate such programs from OEO to the proper operating agency negates the principle of the Reorganization Act and the Hoover Commission report. This agency would be unique in its exemption from the reorganization powers.

I believe that there is no area of more critical importance today than the care and education of our children. The concept on which the comprehensive child development bill is based is a sound one. I question, however, whether this bill has provided an effective framework to achieve the goals set forth. The prime sponsor and delivery system for child development services as outlined in the conference report may well prove to be both unworkable and unfair.

The provision that a mandatory priority be given to local applicants for prime sponsorship may be unfair to States which have or would develop a superior plan. I am certainly not opposed to units of local government becoming prime sponsors and conducting community-based programs if they are capable of providing comprehensive services. In many cases, this type of program administration would be preferable. However, I feel that plans for child development programs submitted by State and local governments should be judged and accepted on the basis of program quality rather than a mandatory preference for one over the other.

I am also concerned that the child development programs may serve to fragment the public school system in the areas served. The only role which school boards are given in this bill is the opportunity to offer comments on the program plan. Though many of the same facilities, supplies, and personnel could be advantageously utilized, there is no provision for a meaningful coordination between public school systems and child development councils.

The child development councils, as set forth in the conference report, would be composed of one-half parents, one-fourth specialists in the area of child development, and one-fourth nonparents who must have the approval of the parent group. I am concerned that this council will not be workable and efficient in the planning and administration of the very extensive and comprehensive services outlined in this bill. While I feel that the advice and experience of parents is invaluable in these programs, I question whether they would even want to assume the responsibility of the detailed planning and actual operation of these programs. Moreover, there is no assurance that local educators and others experienced in the operation of social and educational programs would be allowed to participate.

The fee schedule and provision of free child development services was a point of major disagreement in the conference on S. 2007. The Senate bill provided free services for a family with an income below the lower living standard budget—currently $6,960 for a family of four. I preferred the House provision which allowed the Secretary to set the fee schedule in coordination with H.R. 1 and other federally assisted child development programs. Because this would be a new program with limited funding, I believe that it is important to provide services first to those who need them most and the Secretary should be given the discretion to do so.

The provision for a Legal Services Corporation in this bill is, in my opinion, generally good. I believe the conference reached a workable and effective compromise on the composition of the Legal Services Board. With regard to the political activities of the employees of the Corporation, I would have preferred the House language which applied the restrictions of the Hatch Act to all full-time employees. The compromise reached by the conference provides that full-time employees while engaged in activities of the Corporation refrain from partisan or nonpartisan political activities.

I would also have preferred the Senate language which would have prohibited criminal representation except where the Board determined it to be necessary. The Senate receded to the House language which flatly prohibits any criminal representation.

I believe that the Legal Services Corporation as envisioned in this legislation would provide effective legal representation for the poor. The support it has received from the legal profession substantiates the soundness of this approach.

In balance, the conference report has many objectionable features in the child development portions. It holds out false hopes unlikely to be achieved by the plan proposed. Since the objections overreach the meritorious provisions, I declined to support the conference report.

REVITALIZATION OF THE WAR ON POVERTY

Mr. CRANSTON. Mr. President, I urge the adoption of the conference report on S. 2007, the bill to extend and expand authorities under the Economic Opportunity Act of 1964, as amended. I have been privileged to be involved with this important legislation throughout Senate consideration of it—in the Subcommittee on Employment, Manpower, and Poverty, the full Labor and Public Welfare Committee, in floor debate, and in conference committee.

Before commenting on the provisions of the conference report, I wish to pay particular tribute to the outstanding contributions of a number of my fellow Senators to the bill which we Senate conferees have brought from the conference. First, we are all indebted to the vision, evenhandedness and persuasiveness displayed by the chairman of the Senate conferees, the Senator from Wisconsin (Mr. NELSON), who is managing the bill on the floor today. His noteworthy leadership was complemented by the dedicated ranking minority member of the committee, the Senator from New York (Mr. JAVITS), and the ranking minority member of the subcommittee, the Senator from Ohio (Mr. TAFT).

Mr. President, I would be greatly remiss if I did not at this time also pay a very special tribute to the Senator from Minnesota (Mr. MONDALE), the chairman of the Subcommittee on Children and Youth, who so vigorously presented and, on nearly every major issue, sustained, the Senate position in the conference on the two major titles of the bill. I am referring to the provisions to establish a national legal services corporation and a comprehensive child development program. Throughout the conference, the Senator from Minnesota was a tower of strength and logic, and I feel privileged to have fought by his side to carry out the will of the Senate and to insure that we do not break faith with the many millions unable to afford legal services and child development programs. We all owe a great debt of gratitude to Senator MONDALE for his forceful and highly effective efforts on behalf of those persons who would be served by these two vitally important programs.

COMPROMISES WITH THE ADMINISTRATION

Turning now to some of the specifics of the conference report, Mr. President, there is talk now about the possibility of another Presidential veto. Such a veto would be a disaster. It would be a final insult to those burdened with poverty who have witnessed a steady erosion of OEO programs during the last 3 years under this administration.

Not only that, but such a misbegotten veto would be a retreat by the administration from principles which it says it supports: the establishment of an independent, private, nonprofit legal services corporation and a comprehensive child development program.

True, there have been disagreements over the details of these programs, just as there were differences between the House and Senate versions of the bill. But, we have tried to reach an accommodation between these differing views and, in my judgment, have struck a very fair compromise on the particulars of the legislation between the two Houses of Congress and between the Congress and the executive branch. That is the basic purpose of a conference committee—compromise; all sides have to be willing to give something.

Let me give some specifics illustrating the accommodations which were worked out.

First, regarding the Legal Services Corporation, the administration proposal called for appointment by the President of all the members of the Board of Directors of the Corporation. That was the structure in the House version, whereas in the Senate version one-third of the members of the board were not appointed by the President. The Senate receded to the administration's position on this important question.

Second, regarding criminal representation by legal services attorneys while working in programs funded by the Corporation, the Senate provision would have permitted certain criminal representation activities. The House bill adopted the administration position to preclude the expenditure of Corporation funds or the time of its personnel for criminal representation. The Senate receded to the House position with an understanding expressed in the conference report which I will touch upon later.

Third, regarding solicitation of clients by legal services attorneys, the Senate bill was silent on this particular prohibition. The House bill contained language, which was strongly supported by the administration, prohibiting such solicitation of clients by attorneys or other persons engaged in programs funded by the Corporation. The Senate substantially receded to the House and administration position on this issue.

Fourth, regarding political activities by employees of the Corporaton and its grantees during nonworking hours, the Senate bill contained no restriction. The House bill generally applied the provisions of the Hatch Act to all full-time employees of the Corporation or its grantees, provisions supported by the administration. The Senate conferees agreed to incorporate restrictions on any activity of Corporation or grantee employees which might identify the Corporation with a political candidate and to direct the Corporation to establish appropriate guidelines governing the off-time political activities of the Corporation's or its grantees' full-tme employees.

Fifth, regarding the comprehensive child development program, the Senate version provided for free services to families of four with incomes of $6,960 or less; whereas the House version placed the cutoff at $4,320. The administration was particularly adamant in its support of the House provision, which the Senate conferees ultimately accepted.

Sixth, regarding the ability of the Secretary of HEW to exercise some discretion in designation of local governmental units as prime sponsors, there seems to be a widespread misunderstanding of the basic provisions in the Senate bill even prior to conference. Under the original provisions in the Senate bill and specifically now in section 513(b) in the new title V which the bill adds to the Economic Opportunity Act, the Secretary's approval of a prime sponsorship plan for a particular locality—in the conference report those with populations of 5,000 or more—is conditioned on his determining that the plan meets the requirements of the act and also "includes adequate provisions for carrying out comprehensive child development programs in the area of such locality." Similarly, section 515(a) in the new title specifies that financial assistance to prime sponsors shall be provided "only pursuant to a comprehensive child development plan—approved by the Secretary." Again, the Secretary has some discretion with respect to determining that a plan makes adequate provision for providing comprehensive child development services in the prime sponsorship area. It is true that this does not permit the Secretary to establish by regulation or as a matter of practice that certain localities of certain population size over 5,000 persons will not as a matter of course be designated as prime sponsors, but it clearly does permit him discretion to disapprove a particular prime sponsorship application from a locality which qualifies on population size if he finds that that locality's plan does not contain adequate provisions for carrying out a comprehensive child development program in the area to be served. In such instances, the Secretary would then negotiate with units or combinations of units of local governments with larger populations, and if he determined that none of their plans were sufficiently comprehensive, he could designate the State government as the prime sponsor for programs covering such areas.

In addition to these six compromise areas, as I outlined during floor consideration of S. 2007 on September 8, there were a number of other areas where the Senate-passed bill already made significant concessions to administration positions.

Mr. President there were a number of matters resolved by the conferees that require some further elaboration beyond what I have already stated.

CHILD ADVOCACY

I wish to point out that although the separate child advocacy provisions in the Senate bill were not acceptable to the House conferees, it was clearly understood that the Office of Child Development was given more than ample authority to engage in child advocacy experiments along the lines of those envisioned by the Senate bill. Particularly, I refer to clause (M) of section 512(2) which provides that child development program funds may be used for "child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children . . . ."

YOUTH RECREATION AND SPORTS PROGRAM

With regard to the youth recreation and sports program added as a section 227 in part B of title II of the Economic Opportunity Act by section 18 of the conference report, I wish to reiterate certain points made during Senate floor debate on September 9 by the Senator from Pennsylvania (Mr. SCHWEIKER). On that occasion, Senator SCHWEIKER was offering an amendment, which I cosponsored, to these provisions which I was the author of in committee and which the House conferees accepted without change. Senator SCHWEIKER's and my floor amendment somewhat broadened the scope of those qualified as recipients of grants under the youth recreation and sports provisions in the bill as reported from committee.

However, as Senator SCHWEIKER stressed on that occasion and as I wish to emphasize now, that amendment would not in any way alter the basic purposes of the provisions in the committee bill or therefore the provisions now in the conference report. That amendment was intended only to permit grants to nonprofit organizations, with access to appropriate recreational facilities, which organizations the Director of OEO—or his designee—deemed to be qualified to carry out the purposes of the youth recreation and sports program provisions. In order to have such qualifications, such a grant applicant would have to demonstrate competency in all of the training, education, nutrition, drug abuse education, and counseling activities required in the statutory provisions governing the program in all of the dimensions contemplated in the specific legislative language and in the committee report and thus to provide such services at least equal in quality and quantity to the services presently provided by the National Collegiate Athletic Association—NCAA—in carrying out the present youth sports program.

If private nonprofit organizations, such as the Amateur Athletic Union—AAU—and its affiliated organizations are unable to offer such a diversity and caliber of services, it would be beyond the contemplation of the authors of this provision for them to receive a grant under this revised language. Moreover, it is also our intention that those administering this program require of any new grantee other than the NCAA that they continue to require the same conditions with respect to administrative overhead as has existed under the NCAA program; namely, that there be no reimbursement of administrative costs either to the program manager at the national level or individual program operators in the field.

Finally, I wish to stress again, as Senator SCHWEIKER did previously, that it is not our intention that the NCAA should receive a grant of any less than $3 million under this program. Indeed, we would expect that, as long as the NCAA continues to qualify to carry out a sufficiently comprehensive, high-quality program, consistent with the new statutory provisions, grants would be made to other applicants only from funds appropriated and made available under this program well in excess of $3 million. In the same way, I also wish to make abundantly clear that the amendment adopted on the floor on September 9 was not intended to have the effect in any way of making it possible for Federal funds to be substituted for State or local expenditures that would otherwise be made for recreation and physical fitness programs for disadvantaged youth.

NATIONAL LEGAL SERVICES CORPORATION

Earlier in my statement I made reference to the conference report language with respect to criminal representation by legal services attorneys. Specifically, this language, in section 906(i) in the new title IX in the conference report, states:

> No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

In explaining the Senate recession on this matter, the explanation of the conferees states:

> The conferees want to make clear that this prohibition does not in any way relieve any attorney from specific or general responsibilities imposed on him as an officer of the court by the courts before which he practices.

Thus, it was our understanding in conference that the provision in the conference report would permit legal services attorneys to respond to calls from the courts in a particular jurisdiction for legal assistance during extraordinary circumstances, as well as to accept individual court appointments to represent indigent persons, particularly in criminal matters arising out of a fact situation which had given rise to civil litigation in which a legal services attorney was representing that particular indigent client-turned criminal defendant. It is left to the Board of Directors of the Corporation to issue guidelines governing such activities by legal services attorneys as officers of the court beyond and during business hours.

It should also be understood clearly by virtue of the very clear language in section 913 in the new title IX in the conference report:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision, or control over the corporation. . . .

That the Director of OEO has only a ministerial function in transmitting to the Office of Management and Budget the annual budget request prepared by the Board of Directors of the Corporation. It would thus be improper for the OEO Director to attempt in any way to alter or interfere with the orderly consideration of such budget request by the Office of Management and Budget.

Finally, I hope that OEO in providing for temporary funding of the activities of the incorporating trusteeship and the Board of Directors during the first 6 months after enactment of the bill, pursuant to section 1001(b)(3) of the conference report, will utilize appropriations generally available to the Office of Economic Opportunity for such Corporation organizational expenses rather than funds specifically appropriated for the legal services program.

CONCLUSION

Mr. President, although I firmly believe that the Senate conferees performed their obligations faithfully as representatives of the Senate position in the conference, I also think it is abundantly clear that we have operated in a spirit of conciliation with a view toward making accommodations with the administration and with the House where those accommodations were consistent with the basic principles underlying the Senate bill. I, for one, believe that we have gone far enough regarding the points I have just raised. Indeed, in certain respects, I think we may well have gone too far toward the administration position; but all of us felt very strongly the imperative of attempting to arrive at a bill that all sides could live with.

I hope it is not the President's position that the role of Congress is to acquiesce in all of his preferences in the legislative process. After all, it is Congress which, under the Constitution, has the responsibility for legislating as the collective elected representatives of the people.

It is not the function of Congress merely to rubberstamp the President's proposals, but rather to work with him and his representatives to achieve reasoned compromises. That is what I believe the Senate conferees have done in this instance.

I have heard commentaries that there is something anti-American about this bill. With all due respect to the commentators, that is absolutely preposterous.

The bill is as American as apple pie.

What is more in the American tradition than public responsibility for education?

What is more in the American tradition than vesting educational responsibilities at the local level and ensuring strong parental involvement. It seems to me that that is a fundamental precept of our local school boards and local educational systems in this country.

What is more American than to provide that families will pay for services above a certain income level in accordance with their ability to pay for such services? Since when is such a progressive fee system out of line with our basic heritage?

What is more democratic, in short, than investing now in the future by providing learning opportunities for our children and seeing that they receive the health, nutrition, and related services to take the fullest advantage of all the opportunities with which our people are blessed?

And what is more intrinsic to the American concept of ordered liberty than to provide a permanent framework whereby individuals who feel themselves oppressed or aggrieved by society may seek legal redress within the system through the judicial process?

Mr. President, I am astonished at any implication that these time-tested American purposes, principles, and ideals should be somehow not acceptable in our Nation today. I do not believe that for a minute.

I urge the adoption of the conference report and stanch resistance against any effort to recommit it or alter it in any significant way.

WHAT CHILD CARE LEGISLATION IS ALL ABOUT

Mr. CHURCH. Mr. President, in the last few weeks I have received many letters, both for and against pending child care legislation. In the December 1, 1971, Washington Post an excellent article written by Alice M. Rivlin discusses the legislation and what it does and does not do. I commend this informative article to my fellow Senators and ask unanimous consent that it appear at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Programs Before Congress This Week: A New Public Attention to Preschool Child Development

(By Alice M. Rivlin)

In the United States, public concern for a child's welfare generally does not become evident until he reaches age 5 and is eligible for kindergarten. Even then the public responsibility usually ceases at 3 o'clock in the afternoon.

But these attitudes are already changing. The next few years are likely to see a burst of public attention to the vital years between birth and 5, rapid growth of all-day programs for pre-school children with working mothers, and recognition that the day does not end for a school-age child when the 3 o'clock buzzer signals that classes are over.

The big questions will be: what character will these new programs have? Who will run them? And who will pay for them? When the Congress votes this week on the OEO bill, it may begin to provide the answers.

The bill extending the life of the Office of Economic Opportunity, just reported out of the House-Senate conference committee, contains a new Title V, for "Child Development Programs," meaning a wide variety of services to children such as all-day care for preschoolers, after-school and vacation programs nutrition, medical, dental and psychological services, and education for parents in child-care and development. The bill authorizes $2 billion for such programs in fiscal year 1973, including $500 million earmarked for continuation of Headstart. The money would be allocated among the states in accordance with a formula, but administered primarily at the local level. Communities with 5,000 or more people could be "prime sponsors," applying directly to the federal government for money. The prime sponsor would be required to have a Child Development Council, half of whose members would be elected by parents, and individual projects would be run by Project Policy Committees composed of parents and local community members. The bill would make child development services available free to those with incomes of less than $4,320 a year (for a family of four) and would establish a fee schedule related to income for families with more resources.

While there is some vagueness about what "child development" actually is—partly because the framers of the bill were eager to preserve flexibility and choice at the local level—it is very clear what this program is *not*. First, it is *not* just a babysitting operation to provide custodial care for children while their mothers work. The bill emphasizes the well-being of children and the comprehensive services they need for full development, whether their mothers work or not. Second, it is *not* just another program for the poor. Priority is to be given to "preschool children with the greatest economic and social need," but the intention is to make services available to families at all income levels with those above the poverty line paying part of the cost. Third, it is not just another welfare program. The "prime sponsor" mechanism and the parent councils are specifically designed to by-pass the state welfare bureaucracies and give the beneficiaries of the program a real voice in its operation.

Several different groups are pressing for federal programs for children, for different and not entirely compatible reasons. Some are primarily motivated by a desire to reduce the welfare rolls. They believe day care should meet minimum standards of health and safety so the children do not come to harm, but that its main objective ought to be to keep children out of the way so that their mothers can earn wages rather than welfare. A second group is primarily concerned with overcoming the damaging early handicaps of children from poor families. Headstart, which reaches many 4- and 5-year-olds, but usually for less than a year, has proved too little and too late. There is accumulating evidence that children develop rapidly in the first three years of their life, that good nutrition and mental stimulation at this age make a difference—at least if they are sustained. A third group, the voice of women's liberation, sees attractive stimulating day care centers as a way of giving *all* women, not just the poor, a genuine choice between childcare and work outside the home. And finally, there are those whose primary motivation is to mobilize community action in the ghetto, the rural South or on Indian reservations, who believe parent involvement in decision making about Headstart programs did as much for parents as for children, and who see community controlled child development programs as a good vehicle for the poor to use in acquiring political experience and challenging the "power structure."

The focus on reducing welfare rolls is reflected in H.R. 1, the Nixon-Mills welfare reform bill that has passed the House, but not the Senate. Under H.R. 1, a mother on welfare could be required to take work (unless she had a child under 3) provided day care was available. Senator Long, no enthusiast of the administration's welfare reform proposals, has held hearings on his own bill to provide custodial day care to the poor through a public corporation.

But while welfare reform was bogged down in the Senate, bills for more comprehensive but entirely voluntary child development programs were making their way through the legislative obstacle course on both sides of the Hill. Senate Mondale's Child Development Bill, incorporated into the OEO amendments, stressed comprehensive services and community control and would have provided services free to families with income under $6,920 with a sliding scale of payments for families with higher incomes. On the House side, a similar bill, sponsored by Representatives, Reid, Brademas and Mink, but giving more role to states and less to localities and parents, was added to the OEO extension as a floor amendment. When both bills passed and went to conference, the administration voiced concern about their cost and threatened a veto. To avoid a veto, the conferees lowered to $4,320 the income level below which services would be free and adopted a moderate scale of payments for families with incomes between the level and $6,920 (above that level the Secretary of HEW would set fees). The language of the Senate bill was modified to give a little more role to the states and rule out communities with less than 5,000 people as prime sponsors.

The bill now moves back to the two floors where it may encounter Republican opposition especially in the House, Republican unease is related not to cost, but to the bypassing of the states. If the bill passes, there is still the possibility of a veto, although it would surely be politically costly for the President, who has put such personal stress on the dignity of work, to veto a bill which promises to make work possible for millions of women and better the lives of children into the bargain.

Strident right-wing oppositions to the bill has developed on the grounds that "child development" sounds like a 1984 attempt of the state to take over the role of the family. This criticism is pretty farfetched since partipation would be entirely voluntary and the bill gives parents much more control over the new programs than they have over present public schools.

Criticism of the administrative mechanism has more substance—having all those "prime sponsors" deal directly with Washington hardly seems like an ideal administrative set-up. Unfortunately, however, state administration, especially in the Deep South, has so often proved insensitive to the needs of poor and minority children that direct funding may be necessary—at least for a few years.

To the criticism that these programs will be costly in the long-run there is no answer, except "yes." The bill to be voted on authorizes spending $2 billion a year for two years on the assumption that participation in the programs will be far from universal, a reasonable assumption in view of difficulty of organizing and staffing good programs quickly. In the longer run, however, it just has to be recognized that providing first-rate services to preschool children and adding after-school activities for older children is going to be expensive—$10 billion a year could be spent easily. The cost to the taxpayer can be reduced if middle and upper-income people pay fees, but these fees cannot rise too steeply as income rises without reducing incentives to earn more income. (The effect is the same as a high income tax rate.) In the long run, there will be no cheap way to do a good job. If the Child Development Bill becomes law there will at least be a hope that federal funds for day care will be spent primarily to meet the needs of children, not just to keep them busy while their mothers work.

Mr. TOWER. Mr. President, I am strongly opposed to the conference report on S. 2007. This bill seeks to extend the authority of the Office of Economic Opportunity for 2 more years and, in addition, establish a comprehensive child development program and a National Legal Services Corporation. While the conference committee did accomplish some minor improvements in the measure, particularly under the Legal Services title, I remain opposed to this bill.

My major objections revolve around the following sections in the conference report: The earmarking provisions for current OEO programs, the provision which would prohibit the Director of OEO from delegating programs and projects to other agencies within the Federal Government without prior approval of Congress, and the title authorizing the comprehensive child development program.

These are basically the same objections I stated in opposing S. 2007 when it passed the Senate on September 9.

The earmarking provisions and the prohibition placed on the Director of OEO negate both the true purpose of the Office of Economic Opportunity and President Nixon's positive steps to reform the war on poverty agency. In my remarks during consideration of the Senate version of this bill I made the following statement concerning these restrictive provisions:

> This bill, S. 2007, intends to eliminate the research and development functions of the Office of Economic Opportunity and give that agency direct program responsibility. There is no rationale for expanding the role of a governmental agency that will work in direct competition with other branches of the Federal bureaucracy.

The taxpayer's money, spent for whatever purpose and for whomever's benefit, is wasted if it is not spent and administered in a logical manner. If the purposes of the Office of Economic Opportunity are to be primarily of a policymaking nature, the agency should be abolished and its resources should be transferred to the Department of Health, Education, and Welfare, and other agencies that have major responsibility in this area of service. This bill dramatically reduces the unique characteristics of OEO and for that reason alone should be defeated.

Furthermore, Mr. President, I am extremely concerned about the title V of the bill establishing a comprehensive child development program. I do not believe the proponents of this bill have proven beyond a reasonable doubt the essential need of adopting this far-reaching proposal.

I do not believe that the Senate has had ample opportunity to consider the purposes and ramifications of the child development program. The objectives and limits of the program have not been conclusively defined. Besides the simple fact that the child development program will not be administered by the Office of Economic Opportunity, and therefore us, should be considered on its own merit and not as part of the pending bill before us, I have some very real objections to both the announced and inferred purposes of the program.

Mr. President, this Nation has embarked upon a concrete program to stimulate the economy and deter the inflationary pattern that has plagued all Americans over the past few years. Now the Congress is seriously considering a proposal to authorize $2 billion for fiscal year 1973 to establish a program that seeks to enlarge the Federal Government's role in a dramatic manner in the field of child rearing. It must be understood that this bill is not intended to simply provide services to children of welfare recipients so that the recipient can be free to seek employment. There are really no limits to this proposal. Conceivably, any American child can be enrolled in the program.

Therefore, we must ask ourselves what really is the purpose of this proposal. It is obviously not intended to provide employment opportunities for welfare recipients or it would be restricted to those individuals. It must be presumed, therefore, that the major objective of the proposal is to drastically alter the manner in which American children have traditionally been raised. I firmly believe that the traditional American approach to child rearing is the best and for this reason I feel that the passage of this proposal should be rejected. Furthermore, the conference committee on the Revenue Act of 1971 has agreed to the Senate amendment granting tax credits for family income spent on day care services. I supported this amendment and believe it alone will go a long way toward providing those types of services needed by a great number of American families.

In considering this proposal, I believe that the nature of American Government must be closely analyzed. Are we as a people ready to allow the Federal Government to assume a primary role in influencing the thoughts and habits of our children? This question should be answered in the negative.

I am well aware of the provisions in the bill to assure voluntary participation in the child development program as well as the acknowledgement that parents will have some role in developing policies. I supported amendments offered by the distinguished Senator from New York (Mr. BUCKLEY) to insure that the program would be completely voluntary. Yet, I remain firmly convinced that the potential harm of the proposal is limitless. Oftentimes, as we only too well know, well-intentioned programs can get out of control and the result can be chaos.

I am ready to support a well constructed proposal to assist welfare recipients in availing themselves of day care services for their children so that the recipients can seek employment and better their entire family. I am not, however, ready to support a proposal which has as its objectives a set of ill-defined principles that seem totally alien to traditional American values. The child development program is a complete waste of public funds. Perhaps even more important, however, is the fact that this proposal would provide a means for Federal Government intervention in an area that is possibly the fundamental keystone of the American way of life.

Mr. President, the entire OEO bill should be defeated, and sent back to both Houses of Congress for further consideration. Should the bill be passed in its current form I will urge the President to veto it. There is little doubt in my mind that the President himself recognizes the flaws in the bill I have herein outlined and will exercise his constitutional privilege and send the bill back to the Congress for further consideration.

CHILD DEVELOPMENT PROGRAM MUST BE ENACTED

Mr. HUMPHREY. Mr. President, after several weeks of work, the Senate and House conferees have reached agreement on S. 2007, providing for a 2-year extension of economic opportunity programs, and establishing a comprehensive child development and day care services program and a new Legal Services Corporation.

I urge my colleagues to give this conference report their complete and vigorous support.

I am aware that controversy has centered on the child development provisions in this bill.

No one can effectively dispute the need for such a program. But the administration has taken, as usual, a short-sighted view and has wanted to concern itself only with the needs of welfare mothers.

Certainly quality day care services are critically needed for the children of the poor. But they are also desperately needed for millions of other children in middle-income families where both parents work or where the mother is the head of the household and provides for the family's complete support.

And these families would be able to participate in the child development program through the payment of a modest fee on a sliding scale.

In days gone by, grandmothers, aunts and cousins could be called upon for this type of care. But the pattern of living in our country has radically changed. Our people are more mobile and seldom live their entire lives near their families.

And along with this increasing mobility has come a radical change in family working patterns.

Growing numbers of women no longer want to choose between a career and marriage. They are prepared for both—and they want both. But they need day care services which will permit them to do so without sacrificing the needs of their children.

Just how many mothers are working today? The figure now exceeds 12 million, an increase of 800 percent in the last 30 years.

And one-third of all mothers with children under the age of 6, some 4½ million, are part of this labor force.

This means that there are 6 million preschool children in need of developmental day-care services while their mothers are out of the home.

Yet there are less than 700,000 licensed day-care opportunities available.

And, in the public debate on the child care provisions in this measure, we must not lose sight of the inestimable value of preschool training and early developmental experiences in the lives of our Nation's children.

Such opportunity for early stimulation and help can eliminate many of the later problems which cripple and hamper the progress of untold numbers of children when they enter the public school system at age 6.

Disadvantaged and handicapped children would especially benefit from this early attention.

I realize that many of my colleagues have been bombarded with mail from extremist groups in this country who are trying to stir opposition through scare tactics which have no basis in fact.

Some have insisted that a child care program will destroy parental authority—that "child care" will become "child control."

This argument is made despite the fact that the legislation provides for parents themselves to serve on the local bodies which will establish developmental day-care programs in the various communities.

In desperation they have even labeled the program anti-American and communistic.

This disgraceful effort to mislead the Nation is discussed at length in an article in yesterday's Washington Daily News, which I shall request be included at the conclusion of my remarks.

However, I have faith in the good sense of the Congress and the American people. I do not think that these scare tactics will result in defeating a program which will offer our Nation's children the opportunity for development and training that a prosperous and deeply concerned Nation is able to provide.

I believe it is well for our President also to reflect on this great national need. I remind him once again that in his campaign for the presidency, he promised our citizens that every child would have the best education that our wisdom and schools could provide and an equal chance to go just as high as his talents would take him.

Let him now live up to that promise by stating without reservation his support for this historic legislation that can inaugurate a major program to provide our children with the comprehensive development opportunities and quality day care services they need and deserve.

Mr. President, I ask unanimous consent that the article, entitled "Child-Care Aid in a Squeeze," by William Steif, and appearing in the November 29, 1971, issue of the Washington Daily News, be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILD-CARE AID IN A SQUEEZE

(By William Steif)

A growing right-wing uproar is threatening to kill proposed child-care legislation aimed at aiding low-income families and at preparing the way for President Nixon's welfare reform program.

This assault seeks to brand the proposed child-care program as a "child control" plan. It has come in the form of attacks in rightist publications, letters to congressmen and government officials and formation of a new organization to fight the bill.

The attack has coincided with strong administration opposition to one feature of the bill, which might lead to a presidential veto.

Elliot Richardson, secretary of Health, Education and Welfare, has written to Democratic sponsors complaining that the bill, by requiring local rather than state control of health-care centers and giving HEW no "flexibility" to administer the program, would result in chaos.

The $1.5 billion child-care measure is one section of a routine bill to authorize extension of the Office of Economic Opportunity. In the Senate, it was drafted primarily by Sen. Walter Mondale, D-Minn. In the House, Rep. John Brademas, D-Ind., was the main sponsor.

CONFERENCE ACCORD

After Senate passage of the OEO bill Sept. 9 and House passage of its OEO version Sept. 30, a conference committee ironed out their differences and came up with child care legislation that would authorize:

A new system of child development centers that would be named by locally elected officials and half would be picked from among the parents served.

$100 million in the current fiscal year for planning the new system and $1.4 billion in fiscal 1973 to put it into effect.

Free child care to children of families with incomes of $4,320 or less a year.

Relatively small fees for child care for families with annual incomes between $4,320 and $6,960 (at $5,916 income, for example, the fee would be $159.60).

Fees set by the HEW secretary for parents with incomes above $6,960 yearly.

A fund distribution formula under which half the money would be allocated for poor children up to age 14, a quarter for preschool children, and a quarter for children of single-parent families.

HILL ACTION THIS WEEK

The conference committee's report is to be filed today with the Senate scheduled to act tomorrow or Wednesday, and the House on Thursday.

Senate approval seems assured. But Democratic supporters of the proposed compromise said they need up to 50 Republican votes in the House for passage. They doubt they can produce them because:

The chief GOP conferees in the House, Reps. Albert Quie, Minn., William Steiger, Wis., and John Dellenback, Ore., have refused to sign the conference report, thus advising other Republicans to oppose the compromise.

HEW Secretary Richardson wrote Sen. Gaylord Nelson, D-Wis., chairman of the subcommittee which drafted the Senate measure, that "too little flexibility" is permitted HEW in the bill, with the result that the States are virtually shut out of child-care programs.

White House lobbyists on Capitol Hill are telling congressmen they'd rather have the House kill the bill than have Mr. Nixon bear the onus of vetoing it.

Overhanging all this is the right-wing attack, first signaled in mid-September by "Human Events," a weekly published here.

CALLED "ORWELLIAN"

As soon as the Senate passed its OEO bill, the right-wing weekly headlined, "Big Brother Wants Your Children," and called the Senate bill "a sweeping new social engineering scheme . . . potentially as revolutionary as (Mr. Nixon's) Family Assistance Plan." It assailed the measure as "Orwellian"—a reference to George Orwell's novel, "1984."

Other right-wing publications took up the cry. After the House passed its OEO bill, "Human Events" headlined on page one:

"Nixon Must Veto Child Control Law."

A two-page blast followed. Readers were "urged to write the President to kill this extremely radical proposal." A boxscore reported how every House member voted on the key vote. And a separate table reported that 81 "renegade Republicans . . . went along with the final liberal-backed OEO measure."

The "Human Events" story said "the measure threatens to destroy parental authority," raises "the specter of compulsion," and would "remove the education and training of children from the home and the church and turn it over to an agency of the federal government."

OTHERS JOIN ATTACK

Alan Stang, a John Birch society speaker, began assailing the bill.

James J. Kilpatrick, a conservative columnist, said the bill would have to be considered "in the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes."

Rep. John Rarick, D-La., picked up the attack in the House, calling the bill "a government threat to the right of parents to rear their children."

An "Emergency Committee for Children" was formed here to oppose the bill, with its letterhead address "Suite 206, 422 First-st. se, Washington."

The committee's address is the office of the American Conservative Union, a floor below the "Human Events" office in a Capitol Hill building owned by "Human Events." The committee is run by Dan Joy, a former worker for Young Americans for Freedom, another rightwing group.

The committee letterhead includes broadcaster Fulton Lewis III, Author Russell Kirk, Indianapolis newspaper editor Stanton Evans, Indiana Youth Council Director Robert Galm, and columnist George Crane.

The committee's report on the child care bill repeats the charges that it is "Orwellian," will "undermine the basic unit of society, the family," and seeks "mind-control" by "Sovietizing . . . a crop of programmed citizens."

PREDICTABLE RESULTS

The result of such right-wing attacks has been predictable:

Last week, one high HEW official acknowledged, HEW got "several thousand" letters against the child-care bill, mostly forwarded from the White House. Mail also is pouring into congressional offices.

For example, Mrs. Leonard Saunders, of Watertown, Wis., wrote Sen. Nelson and asked him to oppose the bill because "it is anti-Biblical, anti-American and pro-communistic."

Doris Taylor, of Firth, Neb., wrote Rep. William Keating, R-Ohio, that the bill represented "a potential threat to American society," and Mr. and Mrs. Paul O'Leary, of Cincinnati, said it would bring "total control of our children." A Kansan wrote, "this is only going to widen the path for communism in our country."

ANSWERS CRITICS

Sen. Nelson replied to such attacks this way:

The bill has been endorsed by the U.S. Catholic Conference, National Council of Churches, National Education Association, Conference of Mayors, League of Women Voters, National League of Cities, and National Association for Retarded Children.

"A spirited campaign has been launched against the bill based on misleading information."

No services may be offered children under the bill without "the full consent and involvement of parent or legal guardians."

"Programs will be completely designed, operated and controlled at the community level with parents of children enrolled . . . holding the principal responsibility."

"Especially absurd are charges . . . that there is something 'communistic' about such legislation. On Aug. 11, 1969, President Nixon requested authority to provide child care for 45,000 children, primarily to make it possible for people on welfare to be trained and employed in productive jobs."

But so far, at least, the thunder on the right seems to be drowning out the sponsors of the child-care legislation.

Mr. CHILES. Mr. President, I support the concept of child care support and feel that this concept must be implemented and funded adequately if we are to ever break the vicious welfare cycle. However I strongly disagree with the version contained in this conference report. The report would have the Federal Government bureaucracy bypassing the States in an attempt to deliver these services to people. Again, it would enlarge the Federal bureaucracy and keep the control center of these programs here in Washington. It is my feeling that this approach is defeating the very thing that we all want to do and that is to allow our States and local governments to be innovative in their delivery of these services.

I am not against extending the funding of the Office of Economic Opportunity and I know that the report is going to be adopted but as I strongly feel this is the wrong direction for effective child care support, therefore I intend to vote against the conference report.

Mr. KENNEDY. Mr. President, I join with the other Senate conferees on S. 2007, the bill to extend the Office of Economic Opportunity, in recommending adoption of the conference report.

I believe the conferees have struggled mightily in behalf of the Senate position and the conference report reflects considerable success and Senators Nelson, Mondale, and Cranston should be particularly commended for their work along with Senators Hughes, Stevenson, Randolph, Taft, Javits, Schweiker, Dominick, and Beall.

Several areas justify particular attention. First, the conference agreed to expand the special impact program agreeing to the legislation submitted by Senator Javits and myself to establish a new title VII to stimulate urban and rural community economic development; second, the conference agreed on establishing a National Legal Services Corporation to assure the independence and continuation of legal services for the poor; third, the conference agreed on nationwide child development and care program for children of both low- and middle-income families; and finally, the conference agreed to a five-fold increase in neighborhood youth corps programs to alleviate some of the effects of the current unemployment crisis.

The decision by the conference to include the Senate authorized figures of $60 million for fiscal year 1972 and $120 million for fiscal year 1973 for title VII, the new economic community development title, demonstrate a congressional determination that inner cities and rural areas must not become economic wastelands.

A Federal commitment and Federal resources to back up that commitment must be made for both inner city and rural economic development. Enactment of the current title VII, with the increased levels of authorizations, represents a step in that direction.

House conferees were in agreement that this measure is vitally needed if we are to meet the demonstrated need from the Nation's cities and rural areas.

The National Legal Services Corporation soon will become a reality and hopefully the appointees to the governing board of directors will continue the leadership in providing legal services for the poor which has been demonstrated in the past by the OEO legal services program.

The child development program which passed the Senate has been adopted by the House with some modifications. However, the essential elements of the Senate-passed measure have been retained.

Senator Mondale deserves special mention for his work in this area as chairman of the Subcommittee on Children and Youth and for his leadership in developing this legislation.

For the first year some $500 million is authorized to continue the Headstart programs while the transition is made to a full nationwide child care program. In fiscal year 1973, $2 billion is authorized to carry out this program, which seeks to provide "a full range of health, education, and social services . . . essential to the achievement of the full potential of the Nation's children . . ."

Also, the conferees agreed that the current level of unemployment makes essential an expansion of the neighborhood youth corps program to provide for 100,000 new jobs for young men and women.

In other new programs, the conference adopted a community design program, a year-long recreation program, and environmental action program, and a rural housing loan program.

In its actions, the conference expressed a congressional determination to continue the Federal commitment to end poverty in this Nation and to maintain the Office of Economic Opportunity as a focal point in that effort.

Mr. DOMINICK and Mr. NELSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WEICKER. Mr. President, on this vote I have a live pair with the junior Senator from Tennessee (Mr. Brock). If he were present and voting, he would vote "nay." I voted "yea." I withdraw my vote.

Mr. GRIFFIN. Mr. President, on this vote I have a live pair with the junior Senator from New York (Mr. Buckley). If he were present and voting, he would vote "nay." I have voted "yea." I withdraw my vote.

Mr. STEVENS. Mr. President, on this vote I have a live pair with the Senator from Ohio (Mr. Taft). If he were present and voting, he would vote "nay." I have voted "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Carolina (Mr. Ervin), the Senator from Georgia (Mr. Gambrell), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. McGovern) is paired with the Senator from North Carolina (Mr. Ervin).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from North Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), and the Senator from North Carolina (Mr. Jordan) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Arizona (Mr. Goldwater), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Utah (Mr. Bennett) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The respective pairs of the Senator from Tennessee (Mr. Brock), that of the Senator from New York (Mr. Buckley), and that of the Senator from Ohio (Mr. Taft) have been previously announced.

The result was announced—yeas 63, nays 17, as follows:

[No. 430 Leg.]

YEAS—63

Aiken
Allott
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Cannon
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Ellender
Fong
Fulbright
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevenson
Symington
Tunney
Williams
Young

NAYS—17

Allen
Byrd, Va.
Byrd, W. Va.
Chiles
Cotton
Curtis
Dominick
Eastland
Fannin
Gurney
Hansen
Hruska
Roth
Stennis
Talmadge
Thurmond
Tower

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Griffin, for.
Stevens, for.
Weicker, for.

NOT VOTING—17

Anderson
Baker
Bennett
Brock
Buckley
Ervin
Gambrell
Goldwater
Hartke
Jackson
Jordan, N.C.
Long
McGovern
Mundt
Muskie
Saxbe
Taft

So the conference report was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, notwithstanding the fact that the next order of business is to be laid before the Senate automatically, I ask unanimous consent that the Senate go into executive session to consider nominations reported earlier in the day by the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the nominations.

U.S. COURTS

The assistant legislative clerk read the following nominations, which had been reported earlier in the day by the Committee on the Judiciary:

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington;

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California;

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia;

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois;

Robert L. Kinzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims.

Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims; and

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Massachusetts.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

Mr MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. Chiles) laid before the Senate a message from the President of the United States submitting the nomination of Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska, which was referred to the Committee on the Judiciary.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR SPARKMAN AND OTHER SENATORS ON PASSAGE OF PHASE II

Mr. MANSFIELD. Mr. President, with the passage yesterday of the extension of the Economic Stabilization Act—popularly known as phase II—the Senate has demonstrated once again its total cooperation in all efforts designed to get this Nation back on its economic feet. Guiding this very important measure through to passage, the distinguished and able chairman of the Senate Banking Committee (Mr. Sparkman) has once again exhibited his immense legislative skill. It is very difficult, to say the least, to undertake such a complex measure, but that did not impede the Senate's efforts. It was because of John Sparkman's great knowledge and understanding that the Senate acted so efficiently. The administration, the leadership and the entire Senate should express special gratitude to the chairman and the committee for their splendid work on this high-priority bill.

We are indebted, as well, to the ranking minority member of the Senate Banking Committee, Senator Tower, for the able assistance and expertise he brought to bear on this measure both in committee and in Senate deliberations. The distinguished Senator from Texas has time and again demonstrated his knowledge of and familiarity with the more complex aspects of the economic issues which frequently face the Senate. He contributed greatly to the high quality of debate and the expeditious manner in which the extension was handled. I wish to thank him on behalf of the Senate.

Through his thoughtful contributions, the able Senator from Wisconsin (Mr. Proxmire) many times during the debate exhibited his grasp and understanding of the problems which confront this Nation. Joining, too, in making meaningful suggestions was the distinguished Senator from California (Mr. Cranston). In offering various amendments to the measure, he contributed greatly to the overall bipartisan effort made on the issue. Joining also in his usual cooperative spirit to improve and enlighten was the senior Senator from New York (Mr. Javits). His quick grasp of the vast problems involved in legislation of this kind helped greatly in moving the measure along to final passage.

Equally important contributions were made by a number of other concerned Members of this body. The distinguished Senators from Texas (Mr. Bentsen), from Oklahoma (Mr. Harris), from Montana (Mr. Metcalf), from New Mexico (Mr. Montoya), and from Wisconsin (Mr. Nelson) all added their energy and expertise to the discussion. We are grateful to each of them.

May I say that I appreciate the close attention given this bill. The Senate put in 2½ very full, hard-working days on it and the leadership is grateful to the entire Senate.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

The **PRESIDING OFFICER** (Mr. CHILES). In accordance with the previous order the Chair lays before the Senate S. 2824, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 2824) to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes.

The **PRESIDING OFFICER**. Without objection, the Senate will proceed to its immediate consideration.

On this bill, there is a time limitation of 3 hours, with 30 minutes for each amendment.

Who yields time?

Mr. **PASTORE**. Mr. President, may we have order? We would like to hear what the speakers say.

The **PRESIDING OFFICER**. The Senate will be in order.

Mr. **HART**. Mr. President, the presentation from the committee will, I think, be rather brief. It is my understanding that two amendments may be offered. I inquire whether this is correct, simply to give Senators an indication of what sort of scheduling they might expect tonight.

Mr. **COTTON**. Mr. President, may I yield myself 3 minutes?

Mr. **HART**. Yes.

Mr. **COTTON**. Make it 5 minutes, on the bill.

Mr. President, to my knowledge, three amendments will be offered. On the first one, I shall ask for the yeas and nays. On the second one, I simply want to offer the amendment and get it in the RECORD, so that it may be understood, and I will only ask for a voice vote. The third one is simply to put in an appropriation authorization ceiling.

The bill in its present form is an open-end authorization. The important amendment I intend to offer would change the cost of the bill. If the amendment is rejected, the cost would be much larger than the cost would be if the amendment is adopted. So I have simply prepared a third amendment in two forms, depending on whether my amendment should be accepted or rejected. It simply places a ceiling on the appropriation authorization so that it will not be open-ended. In view of the fact that it is based on the cost estimates of the committee, I would not expect that it would be objected to seriously.

Does that answer your question?

Mr. **HART**. I think we all have a little better understanding now.

Mr. **COTTON**. May I take 2 minutes more, if the Senator will permit me to do so? I am bringing this up simply to inform my colleagues on this side of the aisle—particularly members of the committee—that a young lady who I understand is an intern, working for the majority staff of the committee, has been telephoning to Senators, lobbying against my amendment. She was instructed to telephone only Senators on the majority side who might oppose it. But, she misunderstood her instructions, and she has been calling the Republican Senators, representing herself to be speaking for the Committee on Commerce and speaking against my amendments.

I want to make it clear that I am not even suggesting that there was any intent either on the part of my good colleagues on the majority side on the committee or by the members of the staff to mislead anybody. The young lady, who is only an intern, misunderstood her instructions. But, I have had calls to the office from many of my colleagues wanting to know why a representative of the committee was lobbying against my amendments, what the amendments would do, what was wrong with it, and so forth. I merely wanted to clarify this incident for my colleagues.

I will be glad now to reserve my time and let the Senator from Michigan proceed.

The **PRESIDING OFFICER**. Who yields time?

Mr. **STEVENS**. Mr. President, will the Senator yield?

Mr. **HART**. Perhaps it would be helpful if I made a very brief explanation of the bill.

Mr. **STEVENS**. Two amendments were mentioned. There are three amendments.

Mr. **COTTON**. The last amendment has been prepared in alternative forms, as I mentioned. It is simply to prevent its being an open-end appropriation authorization, and it will be sent to the desk. I could not have them printed because they depend on whether my main amendment, No. 718, is adopted or rejected.

Mr. **STEVENS**. That was the purpose of my question. I understood the Senator from Michigan also had an amendment.

Mr. **HART**. Mr. President, the Senator from Michigan does not have an amendment, but I did inquire as to whether our understanding was correct that there would be two amendments. I made the inquiry so that those who had a time problem might make some estimate as to how long we would be here.

I yield myself 5 minutes.

Mr. President, the pending bill seeks to close one of the real gaps that exist among our collection of consumer protection laws. It seeks to provide inspection of fish and fishery products on a mandatory basis. Few would argue that additional legislation in this area is unnecessary. In spite of that, permit me a few brief comments on some of the conditions that exist that make the passage of this legislation of the utmost importance.

Of the three primary sources of protein in the diet of the American consumer—red meat, poultry and fish—only fish is not required to be inspected under a specific mandate of Congress. The Wholesome Meat Act was passed in 1906 and the Wholesome Poultry Products Act in 1957. To be sure, Americans consume less fish than they do poultry or meat. Yet approximately 2 billion pounds of fish and fishery products are consumed each year by Americans without the assurance that these products are inspected to insure wholesomeness on a par with poultry or meat.

Fish and fishery products present different types of problems than red meat and poultry. Red meat and poultry are capable of transmitting disease directly to human beings while fish—being cold-blooded animals—cannot. Fish and fishery products, however, are susceptible to contamination during handling and processing because they offer an excellent medium for bacterial growth. While outbreaks of poisoning from bacterial growth are rare, several have occurred in the recent past. During hearings on the legislation, the Food and Drug Administration cited several recent outbreaks which have occurred as a result of the bacterial contamination of fish. These outbreaks are largely preventable and are indicative of the need for the greater degree of protection to insure adequate processing conditions, proper equipment, and adequate quality control. While the fishing industry undoubtedly has made gains to correct many of the deficiencies, self-regulation itself will not suffice to meet the needs and bolster the confidence of consumers in fishery products.

The Federal Food, Drug and Cosmetic Act now contains general authority for the Food and Drug Administration to regulate unwholesome food. While this authority certainly is useful it does lack many essential enforcement tools and specific mandates which are included in the legislation under consideration. For example, the authority administratively to seize and condemn adulterated products and to inspect and regulate intrastate plants is lacking. One of the most glaring deficiencies is the lack of a requirement to inspect plants at specified levels. As an indication of the inadequacy of the current program, Commissioner Charles Edwards of the Food and Drug Administration testified before the Subcommittee on the Environment on May 20 that only about one-third of the 2,200 interstate establishments are now inspected annually and then only on a modest basis. It is a major purpose of S. 2824 to correct this deficiency.

Aside from the benefits that would accrue to the public health as a result of this legislation, one of the greatest benefits will be to bolster the confidence of consumers in the fish and fishery products he consumes. The fishing industry in this country is in need of help. Consumer confidence in fish has not kept pace with confidence that exists with red meat and poultry both of which are inspected under specific inspection programs. Per capita consumption of fish and fishery products has risen 6.5 percent in the last 10 years. However, red meat and poultry consumption has risen 15.2 percent and 32 percent, respectively. The fishing industry stands to gain considerably from increased demand for fish products.

Further reductions in consumer confidence in fish have undoubtedly resulted from the presence of dangerous materials in fish. The best known of these problems is the contamination of fish by mercury. The presence of mercury in fish certainly contributes to the consumer's reluctance to buy and consume fish. Of course, the problem of hazardous materials contamination is not restricted to fish and is present in other foods as well. The recent discoveries of PCB's in poultry products and the long-standing problem of DDT in a variety of foods is of concern and is treated in the legislation.

Fish inspection legislation was first introduction in the Senate in 1966. Hearings were held in the 90th, the 91st, and now in the 92d Congress. After lengthy discussion in executive session the Committee on Commerce reported S. 2824 on November 8, 1971. S. 2824 is a clean bill that was reported by the committee in lieu of S. 296, S. 700, and S. 1258.

Mr. President, it is my hope that the Senate will see fit to move ahead today.

AMENDMENT NO. 718

Mr. COTTON. Mr. President, I call up my amendment No. 718 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed as requested.

The text of the amendment is as follows:

On page 5 strike lines 3–12 inclusive and insert in lieu thereof the following: "(hh) the term 'continuous inspection' means the application of inspection by a full-time inspector."

On page 11, line 10, immediately after "Secretary" insert a period, strike all thereafter through "standards." appearing on line 16 and insert in lieu thereof the following:

"The application therefor shall be accompanied by such assurance as may be required by regulations that the establishment or vessel will be maintained in compliance with applicable standards. No such certificate shall be issued for any establishment unless the Secretary, on the basis of such application and of an intensive inspection made after the issuance of regulations pursuant to subsection (a), determines that there is satisfactory assurance that the establishment is adequately equipped, staffed, and managed to conform to the standards issued pursuant to subsection (a) and that fish and fishery products processed by it, including the labeling and packaging thereof, will in all respects comply with the requirements of this Act."

On page 13, lines 6–12, inclusive, strike all through "commerce." appearing on line 12 and insert in lieu thereof the following:

"SURVEILLANCE, INCLUDING INSPECTION

"(d) For the purpose of preventing the introduction or use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall, in accordance with the most modern public health and food protection practice, establish and maintain continuous and effective surveillance of all segments of the industries involved. As a part thereof, the Secretary shall, through inspectors, cause to be made such inspections, including continuous inspection whenever deemed necessary by him, of establishments and vessels as in his judgment will reasonably assure continuing compliance with, and will most effectively achieve, the purposes of this subpart and of this Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied in any establishment or vessel, the Secretary shall, among other relevant factors, consider the results of the intensive inspection required for certification under subsection (b) and any other relevant experience or information (whether obtained through inspection or otherwise), relating to such establishment or vessel or to fish or fishery products processed by it."

On page 14, line 23, strike "The cost of inspection" and insert in lieu thereof "The cost of any inspection, including any continuous inspection,".

On page 17, line 10, strike "inspection" and insert in lieu thereof "surveillance and inspection".

On page 44 strike line 15 and insert in lieu thereof "(b) Compliance with".

On page 44, line 19, immediately after "products" insert the following: ", including any continuous inspection that may be established thereunder,".

Mr. COTTON. Mr. President, amendment No. 718 which I have called up is one which presents a very simple yet basic issue. It is an issue which has been present before the Committee on Commerce throughout its deliberations over legislation similar to S. 2824, providing for the beginning—and I repeat beginning—program of inspection for fish and fishery products. That issue, Mr. President, is the level of inspection to be required for establishments processing fish and fishery products for this initial Federal mandatory inspection program.

S. 2824 would provide that the level of inspection be "continuous inspection." These terms—"continuous inspection"—are defined to mean the following under this bill:

> Inspection by an inspector at least once daily while processing or at such less frequent intervals as may be prescribed by the Secretary where he determines that daily inspection cannot reasonably be provided because of illness, weather, geographical remoteness, the seasonal nature of processing operations, or other extreme conditions beyond control. As a part of such inspection, the Secretary may further require, at his discretion, that an inspector be on duty at all times during which the processor is operating.

Amendment No. 718, which I now propose, would provide for "continuous and effective surveillance" coupled with true "continuous inspection" whenever deemed necessary by the Secretary of Health, Education, and Welfare. In this connection, I hasten to point out that the level of inspection proposed in my amendment No. 718 is not only identical to that contained in the administration bill, S. 700, but is also similar to the level proposed in section 11 of the bill, S. 296, introduced by the distinguished Senator from Massachusetts (Mr. KENNEDY). That provision provides, in part, for—

> Inspection and reinspection by *sampling or other methods* by the Secretary at any time when processed for introduction into commerce. (Emphasis supplied).

Mr. President, I believe that the level of inspection proposed in my amendment No. 718 is far superior to that advanced in S. 2824 for several reasons.

First, my amendment proposes a level of inspection which is commensurate with the characteristics of the industry to be regulated and the scope of the proposed initial inspection program. In this connection, my colleague in the Senate should be mindful of the fact that S. 2824 proposes for the first time a mandatory Federal inspection program covering more than 4,000 domestic establishments processing fish and fishery products—2,200 interstate establishments and 2,000 operating solely in intrastate commerce. It also would affect the level of inspection to be monitored by the Secretary of Health, Education, and Welfare at approximately 6,300 foreign processing establishments. Additionally, there would be a certification requirement imposed upon an estimated 80,000 U.S. fishing vessels and untold numbers of foreign fishing vessels. It, therefore, is an inspection and certification program of tremendous magnitude.

Second, my amendment would propose a level of inspection which would provide a maximum cost-benefit ratio. The estimated cost to the Federal Government for inspection of processing establishments under my amendment, taking into account the foreign inspection of section 7 of S. 2824, would be on the order of $94 million as compared with almost $150 million under the bill as now written. Thus, my amendment could result in slightly more than a 37-percent reduction in the estimated cost to the Federal Government.

Third, my amendment recognizes that approximately 60 percent of our fish and fishery products come from foreign sources, none of which, according to some knowledgeable sources, would be able to meet the requirement that they have a system of inspection "at least equal to" the level of continuous inspection provided for in S. 2824. Therefore, unless my amendment is adopted, we could unwittingly be imposing an artificial trade barrier resulting in the American consumer paying an even higher price for such products.

Fourth, unless the Senate adopts my amendment, it could very well provide a level of inspection which could have the untoward result of furnishing a "loophole" in the law. "Continuous inspection" under S. 2824 means inspection by an inspector at least once daily while processing or at such less frequent intervals as may be prescribed by the Secretary of HEW under certain exceptions provided for in the bill. Thus, the clear reading of the language of the bill would seem to mean that once a processing establishment had its daily inspection, it need not be concerned to adhere to good processing practices safe in the knowledge that it has been subjected to its inspection "at least once daily." Under my proposal, however, the same processing plant would have no knowledge of when it might be subject to surveillance and this could be once daily or more often if the Secretary of HEW deemed necessary, including true continuous inspection which, under my amendment, would be the application of inspection by a "full-time inspector."

Fifth and last, Mr. President, I believe that my amendment No. 718 provides a much more straightforward and honest approach to this problem. It certainly does not carry with it the misleading connotations to the average consumer as does "continuous inspection" as defined in this particular bill rendering it subject to certain vague exceptions such as illness, weather, geographical remoteness, the seasonal nature of process operations, or other extreme conditions beyond control. For example, whose control, Mr. President? The Secretary of HEW? The processing establishments? In other words, with such vagueness I frankly fear that we may be selling the consumer a bill of goods.

In summary, Mr. President, I believe that my amendment No. 718 offers a superior approach for the following reasons:

First, it is commensurate with the characteristics of the industry to be regulated and the scope of the inspection program proposed at this time;

Second, it promises to provide maximum benefit at minimum cost to the American consumer in his role as a taxpayer;

Third, it takes into account the impact of this legislation upon foreign establishments processing fish and fishery products;

Fourth, it avoids a probable loophole in the law; and

Fifth, it is a more straightforward and honest approach to a demonstrated need which can be readily comprehended by the American consumer.

Mr. President, for all of these reasons I urge my colleagues in the Senate to act favorably on my pending amendment No. 718.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter written to me on November 19, 1971, by Lee J. Weddig, executive director of the National Fisheries Institute, Inc., Washington, D.C.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FISHERIES INSTITUTE, INC.,
Washington, D.C., November 19, 1971.

Hon. NORRIS COTTON,
U.S. Senate Committee on Commerce, New Senate Office Building, Washington, D.C.

DEAR SENATOR COTTON: This letter is directed to you in response to questions by Committee minority staff members concerning provisions of S2824.

During hearings on predecessor bills, I had testified that no nation in the world is currently operating a continuous inspection system for fish plants. At that time, the definition of continuous inspection meant the presence of a government inspector on a full-time basis in each plant. This testimony was based on information obtained from association members who deal in the worldwide seafood trade, and have direct contacts with overseas operations.

Now that S2824 changes the definition of continuous inspection to mean a daily visit by an inspector, one should consider accuracy of that testimony. Examination of the facts shows that as of this time no nation in the world provides inspection to its plants on a daily basis.

Please contact us if we can be of further help.

Sincerely,

LEE J. WEDDIG,
Executive Director.

Mr. COTTON. Mr. President, the nub of the controversy to which my amendment addresses itself is the difference between continuous and effective surveillance, coupled with continuous inspection if needed, and continuous inspection as defined in the bill, S. 2824. This was the subject of some discussion and some disagreement and difference of opinion in the committee. And I filed minority views. Thus, I am offering this amendment in order that the Senate may determine the issue.

Continuous inspection as applied to meat establishments, and, I understand, poultry establishments, has a very distinct meaning. It means that there shall be a Government inspector in the plant at all times while the plant is in operation day or night.

Continuous inspection might be thought to mean the same thing in this bill, S. 2824, in the matter of the enforcement of inspection of fish and fish products. But, Mr. President, it does not mean the same thing even in the bill as now before us. It cannot mean the same thing because it should be understood, in contradistinction to slaughterhouses and meat establishments, and poultry establishments, that the inspection of the fish industry must cover 4,200 domestic processing plants and establishments—2,200 interstate establishments plus 2,000 intrastate establishments. It must also cover in some manner 6,300 foreign processing plants. It also would require certification of some 80,000 U.S. fishing vessels and unknown thousands of foreign fishing vessels. The task is a monumental one, indeed.

I suggest that obviously it will be an utter impossibility to have continuous inspection throughout all hours of the day with an inspector in attendance at all times.

In this case, continuous inspection means that an inspector shall look in at a processing plant at some time during each 24 hours. But, it does not go so far as to mean that, because it is provided in the bill that the Secretary of HEW may dispense with even this form of continuous inspection where the Secretary determines that daily inspection cannot reasonably be provided because of illness, weather, geographical remoteness, the seasonal nature of the processing operations, or other extreme conditions beyond control.

Now, in the first place, it is a far different thing to have an inspector visit a plant at some time during a 24-hour period than having one in the plant at all times, watching and checking on the process as is done in meat processing establishments. As a matter of fact, if an inspector looks in at 9 o'clock in the morning, the processors in that plant can be reasonably sure that he will not be back, possibly for 24 hours, or some time the next day. Therefore, with continuous inspection at least once daily, there will be assurance to those operating the plant that they will be free from inspection for that period of time.

Furthermore, as I previously indicated, even that kind of inspection could be dispensed with in many instances.

It is utterly absurd, I suggest, Mr. President, to feel that 80,000 domestic fishing vessels and untold numbers of foreign fishing vessels could be certificated; that all domestic processing plants be covered by the continuous presence of an inspector; and that we monitor the inspection of foreign processing plants as well. This would be a herculean task even with the so-called continuous inspection provided for in the bill which, I repeat, is not actually continuous inspection, but which is estimated would cost $150 million in the fifth year with full implementation.

Surveillance, on the other hand, would mean a cost of only $94 million. There therefore is a significant difference between this so-called continuous inspection in the bill and surveillance. Surveillance means continuous and effective surveillance, which means that under it, the Secretary of HEW is exactly in the converse position to what he is under S. 2824 in its present form. S. 2824 in its present form holds out the idea and gives the impression to the public and to the consumers of this Nation that there is someone present at all hours of operation in all of these multitudinous establishments, watching and checking the processing, and protecting the consumer in relation to fish products.

On the other hand, under my amendment with surveillance it is clearly specified that the Secretary of HEW, instead of pretending to have continuous inspection and then having all kinds of exceptions such as geographical remoteness, illness, or weather, or something else, would be performing inspection at a commonly understood level—surveillance. But, the Secretary may, whenever he deems it necessary for the protection of the public, of the consumers, cause inspectors to be in plants where he has reason to feel it is necessary for them to be there continuously, until he is assured that these particular plants to which his attention may have been called are adhering to good processing practices.

Mr. President, testimony in the hearings before the committee indicated that it would be utterly impossible and would run into astronomical costs to have anything that would be honestly defined as continuous inspection.

For example, for foreign processing plants alone, we woud have to send a foreign legion abroad to have continuous inspection of such processing plants.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. COTTON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. COTTON. I will yield the 3 minutes on my amendment, and 2 minutes from the time on the bill, for a total of 5 minutes, to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, I am very pleased to rise in support of my distinguished colleague from New Hampshire (Mr. Cotton) and the pending amendment. I am not only anxious to support it, and plan to vote for it, but I urge my colleagues to do the same. I think the Senator from New Hampshire has certainly clearly established a case on behalf of his amendment in terms of practicality and reality in the fishing industry.

What the amendment of the Senator from New Hampshire attempts to do is to return a needed balance to the bill. Without this amendment, the bill could be called the "Giant Fish Producer and Fish Importer Protection Act." In my opinion, one of the first effects of the bill as it now stands could be to effectively throw up sufficient roadblocks in the path of the small fish processors and fishermen that they will be forced to give up fishing, to close their small plants, and abandon their attempts to compete in the marketplace.

Certainly the giants will be able to continue. As some of the bill's supporters have stated, any increase in costs can be passed on to the consumer. For those of us here today, this is a relatively easy matter. My family can afford the extra money per can that could be tacked on to the current price. To the wage earner caught in the squeeze of inflation, with a family to feed, and operating under a strict budget, the effect will be greater. One apparent irony is that the group of Americans who will be the least able to afford these increased costs is right here in Washington this week. I refer to the White House Conference on Aging.

I have met with the Oregon delegation to this conference this week, and heard repeated cases described in my State of how elderly people exist on such very limited incomes. The stories of meager weekly incomes, budgeted to the penny, not even covering what all of us here consider the barest necessities, were heartbreaking to me.

I ask my colleagues to remember that fish products are among the most nutritious foods available, and form an important part of any person's diet. When a food dollar is stretched tight—as it is with elderly people existing on low, fixed incomes—food high in protein becomes even more important. I think we ought to consider carefully any price increase that will be passed on to this group of consumers.

Mr. President, I want to return for a moment to the situation of the small fish processor, and the fisherman who fishes commercially to supplement other income.

As my colleagues are aware, I live in Newport, Oreg. It is a small town on the Pacific coast, and one where the fishing industry contributes significantly to the livelihood. I have talked with my hometown friends who are marginal operators; small businessmen really, men who live from day to day as commercial fishermen. A number are dependent, in turn, on small processing plants.

I just talked with our local State employment office, and our unemployed rate in Newport is 8.7 percent. Since this is the official figure, I presume that it, in fact, is appreciably higher. If this amendment is not adopted, the added costs, actual and hidden, could cause plants to close, part-time fishermen to be forced out of work, and unemployment to go even higher.

I wish to point out, however, that we on the Commerce Committee are of the opinion that adequate fish inspection is needed, and the amendment of the Senator from New Hampshire still provides for this. What his amendment would allow, though, is needed flexibility in its operation. I call attention to the fact that the Secretary still can call for continuous inspection where this is needed. All of us here today would agree to this need. There are many instances where this continuous inspection is not needed, however, and would not only be an added administrative burden, but also increase the cost of this bill's operation significantly. Flexibility is needed, and this amendment allows this. It would allow a better utilization of manpower in administering the bill, and allow better allocation of the dollars we will have to appropriate to carry it out.

Mr. President, while in no way attempting to demean the need for this bill, I do want to alert my colleagues here today that passage will not end mercury pollution of all our foods. During the hearings on this bill, I asked Dr. Charles Edwards, head of the FDA, about possible mercury contamination of other foods. I ask unanimous consent that my colloquy with him be printed at this point in the Record.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

Senator Hatfield. Dr. Edwards, is it possible that other than fish products may become contaminated with mercury and other such metal traces?

Dr. Edwards. Yes.

Senator Hatfield. Would you submit for this committee a list of other foods besides the fishery products that could have such a metal content that would be dangerous or would create a requirement for regulation of some kind of inspection of other foods?

Dr. Edwards. We will.

(The following information was subsequently received for the record:)

Most foods could, under the stress of the proper environmental conditions, develop metals problems. This would be especially true of meat animals and certain grains. The literature is very incomplete as to what are background levels of metals in foods. The following list of foods was developed in anticipation of a comprehensive metals survey of the food supply.

FOOD (FISH AND SHELLFISH EXCLUDED)

1. Milk, fluid.
2. Potatoes, white.
3. Bread, white.
4. Chicken.
5. Eggs.
6. Sugar (cane).
7. Wheat flour, white.
8. Hamburger (ground beef).
9. Lettuce.
10. Bacon.
11. Margarine.
12. Breakfast cereals, Ready-to-eat.
13. Beans, baked, canned.
14. Frankfurters.
15. Carrots, roots, fresh.
16. Corn meal.
17. Rice, white, milled.
18. Orange juice, canned.
19. Cheese, processed American.
20. Liver, beef.
21. Soya products.

Senator Stevens. I am also interested in the request that Senator Hatfield has just made. We read so much about mercury and fish. Has there been any announcement from FDA of the effects of mercury on any other type of food?

Mr. HATFIELD. The other aspect, Mr. President, that bears repeating, is that we are adding another weight to the neck of our domestic fishing industry. If we are not careful, the industry will simply sink. This bill will not be the sole villain. I could list any number of reasons for the decline of our fishing industry. We must remember, though, the effect that this will have. It could occur that the only fish left to inspect by the inspectors set up by this bill will be imported fish. As I recall, about 60 percent of the fish consumed in this country is imported. I expect this amount to rise as a result of this bill.

I support the idea of adequate fish inspection procedures. The consumers of this country are at the mercy of what is on the supermarket shelves, and what is available as fresh food. Certainly, the Federal Government must move to see that we are protected from impure foods, in all areas. Procedures must be allowed so the Government can move quickly when an emergency arises. What I have attempted to do today, however, is call attention to the fact that this is a complex issue. The entire area of mercury contamination deserves the attention of the Congress. In pushing for a bill with such burdensome inspection requirements, however, I only hope that we gain what we should from its passage, and that the losses, such as I have pointed out today, do not outweigh those gains.

I commend my colleague from New Hampshire for his leadership role in this matter. I support his amendment, and I urge my colleagues to do so.

Mr. COTTON. Mr. President, I yield myself 1 minute to clarify one point which I may not have made clear in my prior statement.

Domestic fishing vessels are inspected and then certificated. After that they are free to land their catch, subject to such dockside inspection as the Secretary of HEW deems necessary. They are not subject to continuous inspection.

With regard to foreign vessels, under the bill they must have a system of inspection which is at least equal to what we have domestically. But it has been suggested that in order to insure that the foreign system is equal to our own, the administering agency would be required to maintain a large inspection force in the foreign country to monitor their inspection system.

Mr. President, I yield 5 minutes on the bill to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the ranking Republican member of the committee for his courtesy in yielding to me.

I would like to call the attention of the manager of the bill to some of the facts that are developing in the fishing industry. I think they are very graphically illustrated in our State where we have 56 percent of the coastline of the whole United States. I flew from Dutch Harbor, Alaska, to the Pribilof Islands last January and for an entire hour we flew over foreign fishing fleets—not only fishing vessels but also floating canneries.

We are fortunate enough to have three of these floating canneries in the Alaska fleet.

I support the amendment of the Senator from New Hampshire because I think is is very graphically illustrated, in that one very small portion of the Bering Sea.

There are numerous foreign fish processors in that area and there are only three domestic floating processors. Under the bill as it stands today there must be continuous inspection—additional people onboard those American vessels whereas on the numerous foreign vessels we will be lucky if we have the ability to get on once in a while to inspect them. Yet they are importing the products of those foreign vessels into our country constantly.

These vessels are outside the jurisdiction of the United States. This is outside the 12-mile limit. We have no way to board them.

I hope that by virtue of the amendment the Senator accepted to section 7, which we will discuss later, this bill will have an effect on those foreign fish processors. But I am convinced from my trips through processing plants in my State that these American fish processors do, in fact, have the quality of fish products foremost in their minds. They have hired the inspectors. One plant that I was in had three inspectors on the company payroll who had the power at any time to shut down the plant with the snap of their fingers.

If we maintain a level of inspection, so that we, in effect, assure the consumers of this country that there is constant surveillance of the inspection system, and retain on the industry itself the burden to assure itself of a quality product 24 hours a day when they are operating, we will be better off.

If we have continuous inspection—and I appreciate what the Senator from Michigan said, that does not mean there has to be an inspector there all the time—we may induce the industry to reduce its own standards, with the result that company inspectors who have the power to really enforce the standards that we want for consumers would not be on the job. One thing is certain, the Federal Government cannot afford to have full time inspectors in every fish processing plant.

I would be glad, if necessary, to place in the RECORD a comparison of the number of cases of fish that have been stopped from coming into the country by the FDA compared with the number of cases of domestic fish that have been intercepted by the FDA under their present domestic inspections. Less than 1 percent of the total fish packed in this country has ever been withheld from the market by the FDA. And, that 1 percent should not get through. We agree with that goal, but we do not agree it is necessary to have continuous inspection by Federal inspectors. I firmly believe that continuous Federal surveillance will do the job and will make the industry continue to bear its responsibility to make certain we have a high quality product in the American fish canning industry. The industry must perfect its inspection system. Federal surveillance should assure that that system works.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STEVENS. I appreciate the courtesy of the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself 4 minutes on the bill and I wish to use it to establish a little legislative history with the Senator from Alaska.

Mr. President, as no doubt was noted in my remarks on amendment No. 718, the estimated cost of the bill, S. 2824, differs substantially from that which is contained in the committee report. This results principally from the interpretation placed upon section 7 of the bill by the Department of Health, Education, and Welfare according to information which it has furnished to me.

Section 7 deals with foreign fishery products and was an amendment offered by the distinguished Senator from Alaska (Mr. STEVENS) which I and my colleagues on the Commerce Committee accepted. It is a good amendment, in my opinion, Mr. President, and perhaps HEW's interpretation could be corrected if its author, the distinguished Senator from Alaska (Mr. STEVENS), would clarify it at this point for the purpose of establishing some legislative history.

Would the distinguished Senator from Alaska (Mr. STEVENS) be agreeable to this?

Mr. STEVENS. Yes; and I wish to thank the distinguished senior Republican on our Committee on Commerce (Mr. COTTON) for the opportunity to do so.

Mr. COTTON. Does the distinguished Senator from Alaska (Mr. STEVENS) intend by section 7 of S. 2824 to require the Department of Health, Education, and Welfare—namely, the Food and Drug Administration—to maintain in several overseas locations resident U.S. inspectors to monitor foreign systems of inspecting fishery products?

Mr. STEVENS. I certainly thank the Senator, our distinguished ranking member on the Committee on Commerce.

It is not the intention of section 7, I might state as the author, and I hope the manager of the bill will confirm this opinion, that the Federal Food and Drug Administration be required to maintain at overseas locations resident U.S. inspectors to monitor foreign systems of inspecting fishery products. That is definitely not the intention.

As a matter of fact, I have been under the impression that pursuant to section 510(i) concerning the registration of producers of drugs, that the FDA now had resident inspectors in such places as Japan and Korea. I subsequently have been advised through an informal memo, which I ask unanimous consent to insert at the conclusion of these remarks, that the FDA has no inspectors stationed overseas. Rather, I understand that FDA's foreign drug inspection effort consists of approximately 14 trips overseas each year with two experienced and specialized drug inspectors on each trip, and that the total fiscal year cost for this activity is only slightly more than $77,000. If a similar type monitoring system could prove to be effective so as to insure that the system of foreign plant and foreign vessel inspection of fish and fishery products is at least equal to all the inspection and good processing practices imposed upon our counterpart domestic fishery industry, then the intent of section 7 of S. 2824 which I authored would, in my opinion, be satisfied.

What I am concerned about is insuring that we do not place further impediments upon our already beleaguered domestic fishing industry.

I already pointed out that foreign fishing ships, including factory ships, conduct processing a few short miles off our coasts. Those products are brought to their home ports, processed, and brought back to this country and into our domestic markets to compete with domestic fishery products at substantially lower costs, and often without meeting the FDA requirements that we impose on our local industry. That is a gross inequity.

Simply stated, what we are seeking under my amendment is that the Secretary of HEW would have sufficient control and authority over processing of foreign fish and fishery products which would be commensurate with that imposed on our fishermen. He would not, under the provisions of this bill, have to have a continuous inspection of the processing. What we anticipate is that he will establish a procedure whereby the inspection process that the foreign nation uses is in fact sufficient, as they do in connection with the drug authority.

I hope there would be no fear on the part of HEW or the Senator from New Hampshire that we are seeking to establish a "Foreign Legion" of fish inspectors. We are trying to make certain that the standards the foreign nations themselves are imposing on their fishing processors are the same as we impose on ours. This is what we have done in the drug field. Those who preceded me on the Commerce Committee are familiar with that authority. It has worked very well.

I would hope that with that understanding of what we seek here, both the manager of the bill and the Senator from New Hampshire would be satisfied to leave it as it is.

Mr. COTTON. I thank the Senator from Alaska. He has removed my doubts on section 7. I think this colloquy has brought out the fact that the practical way to do it is with a surveillance system rather than to launch a massive inspection system of both domestic and foreign fisheries.

I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent to place in the RECORD a memorandum I received from the Federal Food and Drug Administration and the correspondence I have received from the Harris-Kurtz firm indicating their support for the concept that we should impose the same type of inspection on fish processors that we have on drug producers abroad.

There being no objection, the memorandum and correspondence were ordered to be printed in the RECORD, as follows:

NOVEMBER 16, 1971.

Subject: FDA Foreign Drug Inspection Activity (in regard to foreign fish inspection provision of fish inspection bill)

To: John Zapp, D.D.S., Deputy Assistant Secretary for Legislation (Health)

The attachment explains FDA's present foreign drug inspection program, in the event this information is needed in the course of Senate consideration of S. 2824, the fish inspection bill.

Please send copy to Nancy Wolff, Room 5109, HEW-N.

M. J. RYAN,
Director, Office of Legislative Services.

FDA FOREIGN DRUG INSPECTION ACTIVITY

The present foreign drug inspection activities of the Food and Drug Administration bear little relation to section 7 of S. 2824 requiring inspection of foreign fish firms "equal to" that performed of domestic fish firms.

1. In the first place, FDA has no inspectors stationed overseas. Likewise, there are no FDA facilities overseas whatsoever. Thus there exists no base upon which to add a capability for frequent inspection of foreign fish firms. To establish such a program for fish would require starting from scratch.

2. FDA's foreign drug inspection effort consists of approximately 14 trips overseas each year, with two experienced and specialized drug inspectors on each trip. At an average of 28 days per trip, this totals 784 mandays for an entire year, or slightly more than two man-years engaged in foreign drug inspection activity. (These figures are estimates for FY 1972.)

3. The total cost of foreign drug inspection activity is $77,448 (FY 1972 estimate) as follows:

Inspectors' salary	$36,848
Per diem	19,600
Travel cost	21,000
Total	77,448

Approximately two-thirds of this cost is borne by the companies inspected, pursuant to 21 C.F.R. 146.8 requiring payment by antibiotic manufacturers of fees necessary to maintain an adequate antibiotic certification service. (Subsection (3) requires a deposit by foreign firms of sufficient funds to cover inspection costs.)

4. Of the 76 foreign drug firms to be inspected in FY 1972, 53 or about two-thirds, are producers of certified antibiotics who, as required, pay the cost of their inspection. These firms are inspected once a year.

The other 23 (estimated) are producers of new drugs which are the subject of a New Drug Application (NDA) or an Investigational Exemption for a New Drug (IND). These inspections are generally a one-time affair, conducted while FDA has under review the NDA or IND. The costs are borne by FDA.

NOVEMBER 8, 1971.

Senator TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: I heartily endorse your efforts to require U.S. Food and Drug Administration inspection of foreign fish processing plants.

I have extensive experience both here in the U.S. and overseas and, with the possible exception of a miniscule number of countries, there are practically none that even approximate the commercial control and government surveillance exercised in the U.S. Any attempt to claim otherwise is to avoid reality—the State Department not withstanding.

There is no equal inspection overseas and one of the matters that gives me grave concern is a policy attributed to Mr. Sam D. Fine, Associate Commissioner for Compliance of the FDA. He avoids the entire gut issue. In commenting on a proposal for mutual recognition of inspection systems drafted by the European Free Trade Association, the European Economic Community, and the World Health Association he is quoted as saying that the U.S. would be prepared to support the exchange of inspection information to the extent that it would enable the health authorities of the importing country to recognize the relationship of the exporting country's inspection system to his own.

There were other statements made by Mr. Fine, but I would emphasize that qualifications for inspectors could be "worked out in conference." Nothing could be less realistic. Please see the copy of my letter to Mr. Fine, attached.

If there is anything I can do to further your position, please call on me.

Sincerely,

KENTON L. HARRIS.

OCTOBER 27, 1971.

Mr. SAM D. FINE,
Associate Commissioner for Compliance, U.S. Food and Drug Administration, Rockville, Md.

DEAR SAM: A statement recently attributed to you spells out a policy of mutual recognition of national inspections and the possibility that a similar agreement could eventually cover food products. I shudder at the immediate prospect.

I think that my expertise in the field of insect, rodent, and microbial food contamination is generally recognized both in the U.S. and overseas. You may remember that I was the organizing chairman of its FAC-WHO Codex Alimentarius Commission Committee on Food Hygiene. I have conducted or participated in sanitation analytical workshops in the U.S. and in more overseas countries than any other individual. I edited and wrote a large part of FDA Technical Bulletin No. 1, and with O. L. Kurtz wrote the definitive volume on sanitation-analytical entomology. I have spent more time overseas (part of it for FDA) on food grain and insects and rodents than any other living person. My FDA background is so well known to you as to scarcely require any reminders.

Sam, I assure you that in few if any countries of the world are there national programs that could in any way even approach inspection, analytical, advisory or enforcement requirements of the U.S. government backed up by the efforts of the U.S. food companies.

The meaning of words such as "cleanable surface", "clean sound raw materials", "filth", and "purity" are untranslatable in a manner that gives them any practical significance in most non-U.S. cultures.

Any import purity control requirements that now contemplate the use of overseas national programs is to be deplored. As a matter of fact some weeks ago I urged just the opposite—a tightening of food purity control over imported foods and I do so now.

As a friend, as an ex-FDA employee who has lived food purity, as one who knows what our U.S. industry is doing, I beseech you in the interest of the consumer, the U.S. industry, the FDA, and even in the long-term interest of the overseas producers to not take such a backward step.

Qualifications cannot be "worked out in conferences." There is a need for shoulder to shoulder training that will take months and even years. Moreover, such training will succeed only if there is pressure for the trainees to achieve new food purity goals in their own, their commercial, or their nation's interest. To offer assistance as a gift is to insure failure. To enforce U.S. purity requirements on imports and then afford an opportunity for overseas suppliers to attain these requirements is to guaranty success.

Sincerely,

KENTON L. HARRIS.

Mr. HART. Mr. President, I yield myself 4 minutes.

I have heard the colloquy between the Senator from Alaska and the Senator from New Hampshire, and I agree fully with the understanding and development with respect to section 7 between them. I want to subscribe to that, which I am sure was the understanding and purpose of the committee. It is the intent of the bill.

The Senator from Alaska with a special knowledge in the area of fishing and fishery products, contributed importantly to the development of all aspects of this bill, but particularly does his knowledge and sensitivity reflect itself in section 7. We did understand his purpose to be as indicated. I would feel confident that HEW will, from this record, appreciate fully its reach and limitation.

What he was seeking to do was to inspect the other fellow's inspection system, and it does not cost anything like the figure that the Department suggests.

I hope that we will retain the language of the bill as reported with respect to the nature of the inspection, its frequency, its scope, and its range.

I would be the first to admit that over the several years we have been debating and attempting to develop a bill, much concern has been voiced. One point of the argument which has been made was that we should have an inspector in any plant any time of the day or night that that plant was in operation. At the other extreme it was suggested the existing FDA law is adequate. That authorizes spot inspections. Spot inspections can be full and complete and around the clock, I suppose, or every 3 months. The hard truth is that the inspections now undertaken by FDA within the existing authorization are grossly inadequate.

I at one time recall insisting that continuous inspection; namely, a man to be there at all hours during the processing, was the sort we should provide for. I have been persuaded that the other extreme is not acceptable, either. I think the majority of us now feel that establishing the minimum of the presence once a day, and authorizing the Secretary to make exceptions within certain defined categories, does represent a balance and a reasonable and constructive accommodation between the several competing proposals.

I would hope that the action of the committee would be supported and that the amendment not be agreed to.

Mr. COTTON. Mr. President, I yield myself 1 minute.

I am gratified to find that apparently the distinguished Senator from Michigan and the rest of us on the committee, including myself, are more or less in agreement on a more careful and practical inspection. But, we cannot expect to have the extreme, as the Senator has so well expressed it, that exists in the case of meat, for instance, which is an entirely different type of operation from fish. That being the fact, I feel it is much better for us to adopt my amendment and let the consumers know exactly what we are providing for. This is more preferable than suggesting, as the bill now does, that something is going to be complete and around the clock, only to have it subject to several exceptions.

As far as I am concerned, I am ready to vote.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Michigan still has 11 minutes remaining.

Mr. HART. Mr. President, I yield such time to the Senator from West Virginia as he may wish.

SUPPLEMENTAL APPROPRIATIONS—UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, at the direction of the majority leader, I ask unanimous consent that time on the supplemental appropriation bill, at such time as it is called up before the Senate, be limited to 30 minutes, to be equally divided between the distinguished manager of the bill and the distinguished ranking Republican member of the committee; that time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such amendment and the distinguished manager of the bill; that the time on any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not—I have checked this with the ranking minority member, the Senator from North Dakota, and other members of the Appropriations Committee, including the Senator from Maine (Mrs. SMITH), the Senator from New York (Mr. JAVITS), the Senator from Illinois, and I know of no objection to the 1-hour limitation on amendments.

Is it all right with the Senator from New Hampshire to have a limitation of 1 hour on amendments?

Mr. COTTON. Oh, yes.

Mr. GRIFFIN. It seems to be agreeable.

The PRESIDING OFFICER (Mr. BIBLE). Is there objection to the request?

Mr. CHILES. Mr. President, reserving the right to object, I wish to ask the Senator from West Virginia if the bill has been printed yet.

Mr. BYRD of West Virginia. Mr. President, may I say the bill will be ready for action by the Senate sometime tomorrow.

Mr. GRIFFIN. Mr. President, it is true, however, that the majority whip did not indicate when the bill would be brought up. He did not specify that it would be brought up at any particular time, only that when it was brought up there would be a time limitation.

Mr. CHILES. Mr. President, I will object at this time.

Mr. BYRD of West Virginia. The Senator objects?

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I present the same unanimous-consent request and ask the distinguished Senator if he would state his reason for objecting. Perhaps we can clarify it.

Mr. CHILES. Well, I was concerned with seeing what the bill was going to contain in the way of a supplemental legislative appropriation, and not being able to see that, and not knowing what it does contain in that respect, I at this time would not want to give unamious consent.

Mr. PASTORE. Mr. President, will the Senator yield for a suggestion?

Mr. BYRD of West Virginia. Yes.

Mr. PASTORE. Why not add to the unanimous-consent request "subject to the bill being printed and placed upon Senators' desks"? Is that all right?

Mr. CHILES. Well, until I could see what it contains, I would not have any way of knowing whether I think an hour is sufficient time for an amendment concerning the subject matter.

Mr. PASTORE. Very well, Mr. President, the Senator objects.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. Objection is heard.

VOTER REGISTRATION ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the disposition of the bill making appropriations for the District of Columbia, the Senate proceed to the consideration of S. 2574, the so-called Voter Registration Act, and that after 2 hours, if the Senate has not started to vote on final passage of the bill, the bill be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. Reserving the right to object, Mr. President, is it the understanding of the distinguished Senator from West Virginia that this bill will be debated for 2 hours, 1 hour to each side, and at that time, if a vote is not in progress on the bill, the bill will then go back to the calendar?

Mr. BYRD of West Virginia. Yes, the Senator has stated the situation correctly. However, I did forget to ask that the time be equally divided, and I would add that.

Mr. COOK. Is the Senator setting aside any time for amendments or the consideration of amendments, or a time allotment as to amendments? Because there will be numerous amendments to that bill. There will be a great deal of discussion on the bill, and I wonder if we are merely trying to find a target date on which to adjourn, or what the reason is for having a time limitation of 2 hours on a bill, when there is no time set aside for the consideration of amendments or amendments to amendments, and then to merely say that we will put the bill back on the calendar.

Mr. BYRD of West Virginia. The distinguished majority leader is here; he can speak for himself. I would simply say that the leadership could call this bill up tomorrow following the action on the District of Columbia appropriation bill, and, without a unanimous-consent agreement with respect to the time thereon, the bill could be before the Senate all day tomorrow, all day Saturday, and all day Monday and Tuesday.

Mr. COOK. I might say to the Senator, I really would have no objection to that.

Mr. MANSFIELD. Withdraw the request.

Mr. BYRD of West Virginia. Well, let me respond to the Senator.

I am not attempting to be flippant; I am just saying that if we called it up without a unanimous-consent agreement with respect to time, we would be confronted with unlimited time, and that would delay the action on the nominations to the Supreme Court. So, in an effort to limit time on the bill, I have presented the request. If a vote on final passage is not started at the end of 2 hours, the bill would go back on the calendar.

Mr. COOK. Reserving the right to object, Mr. President, certainly the Senator from West Virginia has no conception that it would be ready for final passage within the 2-hour period, does he? And if in fact it is not ready for passage within the 2-hour period, are we not merely delaying the consideration of the nominations for that 2 hour period?

Mr. BYRD of West Virginia. Let me respond to the Senator in this way: The Senator asked whether or not I am under any impression that it may be passed within the 2 hours. I am only saying that it is possible that any bill can be passed within 2 hours. I am simply trying to get a unanimous-consent agreement that we may take up the matter and discuss it, and if the Senate wants to pass it within that 2 hours, it may do so; but at the end of 2 hours, if the vote on final passage has not begun, the bill would go back to the calendar. If Senators want to consume the whole 2 hours in debate, there will be no vote on any amendment or on the bill.

Mr. COOK. May I say to the Senator from West Virginia, I have had a bill on the calendar since July 12, 1971, and there has been a hold on it, and I have not been able to bring it up. I am sure there has been a great deal of discussion with respect to this bill, and a great deal of objection to this bill. Obviously the majority leader could bring it up any time he wished. I will withdraw any objection I have, with the understanding that this bill will be discussed during the 2-hour period, and then my bill will be taken up.

Mr. KENNEDY. Mr. President, reserving the right to object, I just came to the floor. Has the Senator tried to reach a total time agreement in terms of the legislation?

Mr. BYRD of West Virginia. No.

Mr. KENNEDY. Would the Senator make such an offer, just in terms of trying to reach an agreement?

Mr. BYRD of West Virgina. No; there will be no alternative. It would be an impossibility. If, during the 2 hours of debate, Senators wish to discuss the possibility of a final vote at some particular date and time, they could do that. But I just cannot assure the Senator that I can do what he has suggested in this situation.

Mr. KENNEDY. So the leadership is not prepared to make any request in terms of trying to reach some time agreement, even tomorrow?

Mr. BYRD of West Virginia. Well, the effort has been made, may I say. This matter has been discussed with numerous Senators, the Senator from Wyoming (Mr. McGee), the Senator from North Carolina (Mr. Ervin), the Senator from Kentucky (Mr. Cook)——

Mr. GRIFFIN. And other Senators on our side.

Mr. BYRD of West Virginia. Other Senators on both sides; and it is absolutely impossible to reach any kind of agreement whereby this bill can be disposed of by Christmas.

But it was thought that if we could at least bring it up and discuss it for a period of 2 hours. In the event they wanted to quit talking before the expiration of the 2 hours, the vote on final passage could begin.

Mr. MANSFIELD. Mr. President, will the Senator yield there?

Mr. BYRD of West Virginia. I yield.

Mr. MANSFIELD. And also, as in the case of another bill which had to be put aside, we did reach a tentative agreement as to when we would get to that bill next year, which is something we have not even got in the offing on this matter at the present time.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. COTTON. I have promised numerous Senators who have engagements and are trying to get away that I would be brief on the pending amendment. I have filed at the desk my remarks, and condensed them, and tried to get through the matter as fast as possible. Will the Senator from West Virginia let us vote, so these fellows can get away?

Mr. BYRD of West Virginia. Yes. May I restate the request?

Mr. COOK. Mr. President, reserving the right to object, before the Senator restates the question, would the Senator from West Virginia include within the 2-hour period a provision for amendments and amendments to amendments, assuming that within the 2-hour period the Senate could ever get around to amendments?

Mr. BYRD of West Virginia. I assure the Senator that under the terms of the unanimous-consent request, Senators may offer amendments if they wish, but after the 2-hour period, if Senators have not finished discussing the measure or any amendments, there will be no vote on any amendment.

Mr. President, I ask unanimous consent that, following action on the District of Columbia appropriation bill tomorrow, the Senate proceed to the consideration of the so-called Voter Registration Act; that after the expiration of 2 hours, if the Senate has not started to vote on final passage, the bill be returned to the Senate calendar; that the time be equally divided between and controlled by the distinguished Senator from Wyoming (Mr. McGee) and the distinguished Republican leader or his designee.

The PRESIDING OFFICER (Mr. Pastore). Is there objection? The Chair hears none, and it is so ordered.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

The Senate continued with the consideration of the bill (S. 2824) to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes.

Mr. MOSS. Mr. President, for the purposes of evaluating this amendment, the relevant costs are $43 million for once-a-day inspection versus $29 million for discretionary inspecton.

The extra $14 million is worth it to insure a sanitary product. FDA's $29 million figure is based on the following projected level of inspection; 500 plants—full time inspecton; 900 plants—4 inspections per year; 800 plants—2 inspections per year.

Leaving 1,700 of the 2,200 interstate plants as free as is contemplated seems unwise. Things can deteriorate considerably in three to 6 months.

Moreover, what is feared is that these plants will in fact be left even more to themselves than is now envisioned. Without a legislated floor on inspection such as that imposed by S. 2824, we may drop down to amounts approximating those of the current discretionary inspection system—$2.9 million per year.

The $43 million figure compares favorably with the annual cost of meat inspection—$103 million—and poultry inspection—$44 million. Under these laws the legislated floor approach has been used and has worked to insure full funding of the acts. The approach in meat and poultry is "continuous inspection," meaning that every carcass is inspected before and after slaughter. Here we are not requiring every fish or every lot of fish to be looked at. At least we should require that the plants be looked at once a day.

Mr. HART. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment. On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Carolina (Mr. Ervin), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), the Senator from Mississippi (Mr. Stennis), the Senator from Missouri (Mr. Symington), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), and the Senator from North Carolina (Mr. Ervin) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oho (Mr. Saxbe) is absent on official business.

The Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Arizona (Mr. Goldwater), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Utah (Mr. Bennett) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Connecticut (Mr. Weicker) is detained on official business.

The result was announced—yeas 43, nays 32, as follows:

[No. 431 Leg.]

YEAS—43

Aiken
Allen
Allott
Beall
Bellmon
Bentsen
Boggs
Brooke
Byrd, Va.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Fannin
Fong
Gravel
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, Idaho
Mathias
Metcalf
Miller
Packwood
Pearson
Percy
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Thurmond
Tower
Young

NAYS—32

Bayh
Bible
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Fulbright
Hart
Hollings
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
McClellan
McIntyre
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Tunney
Williams

NOT VOTING—25

Anderson
Baker
Bennett
Brock
Buckley
Ervin
Gambrell
Goldwater
Harris
Hartke
Humphrey
Jackson
Jordan, N.C.
Long
McGee
McGovern
Mundt
Muskie
Saxbe
Sparkman
Stennis
Symington
Taft
Talmadge
Weicker

So Mr. Cotton's amendment was agreed to.

Mr. COTTON. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. ALLOTT and Mr. COOK moved to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive a message from the House on the supplemental appropriation bill tonight and that the bill be referred and that the Appropriations Committee have until midnight to file a report on the bill.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, in which the concurrence of the Senate is requested.

HOUSE BILL REFERRED

The bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

The Senate continued with the consideration of the bill (S. 2824) to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes.

Mr. COTTON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it very quickly.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

S. 2824

At the end of the bill add the following:

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated for the purpose of carrying out the amendments made by this Act to the Federal Food, Drug, and Cosmetic Act not to exceed $1,574,000 for the fiscal year beginning July 1, 1972, not to exceed $8,938,000 for the fiscal year beginning July 1, 1973, not to exceed $2,414,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law.

Mr. COTTON. Mr. President, I will not offer the second amendment that I suggested because I want to expedite approval of the bill. But, let me say in connection with the bill as it now stands that it has, in effect, an open-ended authorization. There is no limit to it. I am simply offering an amendment based on the figures the Department of Health, Education, and Welfare furnished us on the estimated cost of the first 3 years of the bill in its present form.

The amendment simply provides that there is authorized to be appropriated for the purpose not to exceed $1,574,000 for the fiscal year beginning July 1, 1972, not to exceed $8,938,000 for the fiscal year beginning July 1, 1973, not to exceed $22,414,000 for the fiscal year beginning July 1, 1974.

If, however, my amendment No. 718 had not been adopted, the cost would have been more than $20 million above this. This is the estimate of the HEW and I merely offer it because most of us do not believe in open-ended authorizations.

I hope that it will be accepted.

Mr. HART. Mr. President, at this hour, I believe that the suggestion of the absence of a quorum would be an unwelcome thing to do, but may I suggest the absence of a quorum merely in order for us to be able to check on the figures the Senator has presented. I would anticipate the delay would be for only a few minutes.

The PRESIDING OFFICER. Does the Senator ask that the time on the quorum be charged to his time?

Mr. HART. Yes.

Mr. STEVENS. Mr. President, will the Senator from Michigan withhold his suggestion of the absence of a quorum for one moment.

Mr. HART. I withdraw it.

The PRESIDING OFFICER. Who yields time to the Senator from Alaska?

Mr. COTTON. Mr. President, I yield 3 minutes on the bill to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 minutes.

Mr. STEVENS. Mr. President, I would like to make one point very clear for the RECORD, and I hope the Senator from Michigan will confirm this. We have had some objections from the operators of small fishing vessels, particularly in my State from the native groups that operate very small fishing vessels, concerning the time within which they have to comply with the new schedules set in this act, which will be set by the Secretary following the passage of this act. It is my understanding that the regulations required under this act for certifications of establishments and vessels, or either one, will be promulgated within 1 year after the first appropriation is made pursuant to the authorization. The effective date of those will be 1 year from the date they are finally published, and that certification of vessels or establishments will be necessary effective 30 days after the publication of the regulations.

As I interpret the bill, the minimum time is 2 years and 60 days within which the vessels, both the processors and vessel operators, will have to comply with the new regulations established under this act.

I ask the Senator if my understanding is correct, that there is a minimum time from the date of the first appropriations authorized under this law of 2 years and 60 days within which to comply with any new regulations promulgated.

Mr. HART. Mr. President, the Senator from Alaska states correctly the time provision within which the regulations shall become effective.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, I thank the Senator from Michigan very much.

Mr. HART. Mr. President, the computers are still working, and hence I suggest the absence of a quorum and ask unanimous consent that the time consumed be charged to my time. I do indicate that it will only take a very few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, the distinguished Senator from Michigan in checking the figures feels that the limits I have imposed on the authorization may be too low. He has authorized me to amend my amendment by changing the figure in the third line from $1,574,000 to $2,526,000; in the fourth line, from $8,938,000 to $12,947,000; and in the fifth line, from $22,414,000 to $26,884,000.

The PRESIDING OFFICER. The amendment is so modified.

Mr. COTTON. Mr. President, I hope the amendment will be accepted.

Mr. HART. Mr. President, the figures suggested in the amendment as offered do reflect the estimate of the cost required to perform the inspection established by the measure as amended. We accept the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire, as modified.

The amendment was agreed to.

Mr. COTTON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to correct any typographical errors in my amendments. I note that the word "For", appearing on page 3, line 15, of my amendment No. 718, should be struck.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I have one other amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> On page 40, strike all of lines 6 through 10.

Mr. HART. Mr. President, this amendment would avoid what we now realize to be an inevitable result of the language we asked to be stricken, but which we did not recognize at the time it went through the committee. The language as reported prohibits the release of the disclosure of the results of analyses and research for dangerous materials. The language currently prohibits the release of this data if its release would result in competitive injury to any person. Particularly with respect to the release of test analyses, it is hard to envision when the release of this data would not put someone at a disadvantage if the test results were of concern. In fact, I can envision no test results being available to the public if the language were left intact.

Consequently, the amendment I am offering will strike this provision. The disclosure of test results and research would be subject to the discretion of the Food and Drug Administration subject to the restrictions of 5 U.S.C. 552, 18 U.S.C. 1905 and any further legislation the Congress may pass on this matter. It is my hope that the deletion of this provision will not create any legislative history which might hinder access to the information involved under existing legislation.

I hope the amendment is agreed to.

Mr. COTTON. Mr. President, the amendment is acceptable to the minority.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. COTTON. I yield back the remainder of my time.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendent to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. EAGLETON. Mr. President, the Wholesome Fish and Fishery Products Act of 1971 is an historic piece of legislation. It closes a circle of consumer protection that began in 1906 with enactment of the Wholesome Meat Act and was enlarged in 1957 by the Wholesome Poultry Products Act.

Americans consume about two billion pounds of fish and fishery products each year. Yet there are no specific laws governing sanitation and quality control to insure that this nutritious and healthful source of protein is wholesome and safe for human consumption. The Wholesome Fish and Fishery Products Act of 1971 would correct that shortcoming in our laws.

This act deals comprehensively with the problem of unsafe fish and fishery products. It requires governmental development and application of "good processing practices" for fish processing plants and vessels and it requires that plants and vessels be certified to be in compliance with those processing practices. It calls for inspections of vessels and processing plants, and it authorizes the Food and Drug Administration to assist the States in improving their inspection programs covering intra-State processing facilities. And it requires that an intensive screening system be established to detect dangerous materials that may find their ways into the human food chain. This screening system is not limited to scrutiny of fish and fishery products for dangerous materials, but it will also include intensive screening of other foods for dangerous materials as well.

Mr. President, there is yet another facet of this bill that is important to American consumers. About 60 percent of the fish and fishery products consumed annually in the United States comes from foreign nations. The American public must be assured that the fish and fishery products they consume are safe and wholesome, regardless where they are produced and processed. The act faces that fact squarely. It requires nations exporting fish to the United States to establish a system of fish inspection at least equal to the requirements imposed by the act on the American fishing and fish processing industries.

The act also authorizes increased funding for the fisheries loan fund and authorizes the Department of Commerce to make loans to upgrade vessels and processing establishments to enable them to meet their obligations to comply with the "good processing" requirements. It establishes a National Advisory Committee comprised of a majority of Members who have no financial ties to the commercial fishing industry and it establishes new enforcement tools to enable the act to be effectively carried out.

Mr. President, the Fish and Fishery Products Act of 1971 represents the culmination of almost 5 years effort by the Commerce Committee and reflects the legislative recommendations of two Presidents of the United States. I think it is sound legislation and I urge the Senate to approve it.

Mr. KENNEDY. Mr. President, I rise to support S. 2824, the Wholesome Fish and Fishery Products Act of 1971 as reported by the Committee on Commerce and to commend the distinguished chairman of the Subcommittee on the Environment, Senator Hart, for his determination and leadership in this field. Senator Hart originally introduced legislation in 1966 to provide assurance to the consumers of this Nation that the fish they bought was of the highest quality. Hearings were held in 1967, 1968, and again in 1969 on this subject and witnesses confirmed the need for legislation to remedy the lack of adequate oversight in the fish processing industry. This year's hearings have produced the current bill, which has drawn portions from Senator Hart's bill, from the administration measure introduced by Senators Magnuson and Cotton and from my own bill, S. 296.

I was particularly pleased to see that the sections of my bill authorizing loans and technical assistance to the fish processing industry were incorporated fully into the current legislation. If we are demanding that the fish processing industry live up to new standards, as we should, then we also must recognize the impact of those new requirements on fishermen and fish processors, and provide them with aid in upgrading their equipment. I would hope that the $35 million in the fisheries loan fund would be used to assist the small processors first, because they have the greatest need. And I would suggest that regulations be issued to accomplish this purpose.

Thus, during the hearings, Lee Weddig, Executive Director of the National Fisheries Institute, noted that some assistance was clearly needed for—

> Smaller firms which otherwise find it impossible to remain in business under a new set of regulations. . . .
>
> To recite that a company may have to retile a floor or wall, or install new icemaking equipment, may seem rather trivial, but this type of detail and expense is precisely what an inspection bill will mean to hundreds of small businessmen if they wish to continue in this industry.
>
> We are trying to show that the provisions of this bill have very real effects on the industry and the consumer, and are not matters that can be considered in a theoretical sense only.

The president of the Shellfish Institute of America also testified:

> Loans or subsidies to the small fishery firms who cannot meet the minimum standards is also urged. It is in the best interest of this nation to keep the small businesses viable to supply food and employment . . .

The importance of such assistance in my own State is clearly shown by a brief look at New Bedford and Gloucester.

In New Bedford, there are 13 fresh fish handling plants which process some 112 million pounds annually, including $19 million worth of flounder and scallops. They also handle substantial quantities of frozen fish blocks and the total processing industry employs some 1,500 persons at the season's peak.

In Gloucester, more than 300 million pounds are landed and processed annually in 31 plants that employ some 4,000 persons.

These industries provide the economic lifeblood of the community and the same situation exists in Maryland, Oregon, Washington, and Alaskan fishing centers.

Legislation such as we have before us now will have a major impact on these industries and we have a responsibility to insure that the impact of our legislation is not to put small processors out of business.

For that reason, the inclusion of the loan and technical assistance provisions is immensely important to the fish processing industry. And the committee should be commended for recognizing this need.

Surely no one who has examined the question of fish inspection can doubt the overwhelming urgency for fast congressional action. Although it has been nearly 55 years since the Wholesome Meat Act was enacted, we have never enacted adequate standards or provided adequate enforcement to assure the American public that the 2 billion pounds of fish and fish products consumed annually meet minimum standards of quality.

While the actual number of deaths traceable to fish consumption has been small, the instances of recorded poisoning traceable to fish are sufficient to demonstrate the need for much greater protection. Nine deaths occurred in 1963 as a result of botulism traced to smoked lake fish. Again in 1966, some 400 cases of salmonella poisoning were linked to smoked fish and in the same year contaminated shrimp produced 250 cases of food poisoning.

The recent discovery of mercury in swordfish and in Great Lakes fish as well, and the potential for other hazardous heavy metals to contaminate fish have prompted a legitimate public demand for greater protection. With regard to the danger of metallic contamination, the possibility of other foods being contaminated is well justified, I believe, the inclusion of a special provision to undertake an emergency program to establish standards and undertake research to meet this problem.

Public confidence in the fish on the market shelves must be restored if we have any hopes of encouraging the growth of the fish industry. Although per capita consumption of fish has increased over the past 4 years, it is at a much lower rate than the increased consumption of meat and poultry. Yet fish could be the preferred supplier of our protein diet needs since, as the National Consumers League has noted in its testimony, it is less expensive than meat or poultry and contains fewer calories.

But before the American housewife decides to buy more fish, she will have to be convinced that fish and fish products are wholesome and safe, and our previous record in providing that assurance has been poor.

In the past, the level of inspection of fish processing has been wholly unacceptable. The Commissioner of the Federal Food and Drug Administration testified that only about a third of the 2,200 interstate fish processing plants were checked annually and there was virtually no Federal inspection of the more than 2,000 intrastate processors.

After an informal FDA review of industry conditions, FDA Commissioner Charles C. Edwards testified:

> Again we find grossly inadequate processing conditions, improper equipment, the absence of essential equipment and a general lack of quality control.

Not surprisingly, the reason for this situation rests to a large extent with the Federal Government which has failed to dedicate adequate resources to fish inspection. Although there are approximately as many fish processing plants as there are meat processors, 37 times more money is being spent for meat inspection than for fish inspection activities this year.

The current bill would end the system of hit-or-miss inspection of the fish processing industry. It would provide for "continuous inspection" in which one-a-day visits by Food and Drug Administration inspectors would be required except where unusual circumstances prevented such frequency. All processors would be operating under recognized federally established standards, and adequate inspection of vessels to assure sanitary and quality control processing practices also would be required.

I believe the current bill meets the problems of imported fish, as well, by requiring that there be certification that foreign processors operate under equivalent standards of quality control and sanitation. The importance of requiring equivalent standards from foreign importers is evident from a brief glance at the rise in the level of imports into the U.S. market. In 1959, domestic catches accounted for approximately 60 percent of the supply of fishery products; but by 1969, the figures had been reversed, with foreign imports accounting for 60 percent of the U.S. market.

Mr. President, I strongly urge passage of this legislation which places the Federal Government in a position to provide reasonable assurance to the American consumer that the fish and fish products in the market are safe, wholesome and free of contamination. The restored confidence in the quality of fish products also will mean that the U.S. fishing industry will have an opportunity to grow, an opportunity that waning public confidence has substantially impeded in the past.

Mr. MAGNUSON. Mr. President, before we go on to vote on final passage, let me extend my thanks and praise to the members of the Commerce Committee who worked to develop this legislation.

It has been a rather long road for this one, but due primarily to the efforts of the Senator from Michigan (Mr. HART) and the Senator from Utah (Mr. MOSS) we have produced something which will be of considerable benefit to the Nation's consumers. Lesser men than these two Senators would have abandoned their efforts in the face of the problems which have confronted this bill throughout the years. Consumers owe them a rather substantial debt of gratitude.

Let me also thank the committee staff, Lee Tyner, Mike Brownlee, and Len Bickwit, of the majority side; Art Pankopf and Pete Powell of the minority, who were able to work together so cooperatively and with such great competence throughout the difficult journey of this legislation. As is always the case with bills of this magnitude, their efforts were invaluable to us as a committee.

The PRESIDING OFFICER. Do the Senators yield back their time on final passage?

Mr. COTTON. I yield back the remainder of my time.

Mr. HART. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. ERVIN), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also, the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Maryland (Mr. BEALL) would vote "yea."

The result was announced—yeas 67, nays 4, as follows:

[No. 432 Leg.]

YEAS—67

Aiken
Allott
Bayh
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Fannin
Fong
Fulbright
Gravel
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McClellan
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Thurmond

Tower
Tunney
Williams
Young

NAYS—4

Allen
Eastland
Ellender
Mathias

NOT VOTING—29

Anderson
Baker
Beall
Bennett
Brock
Buckley
Ervin
Gambrell
Goldwater
Griffin
Harris
Hartke
Humphrey
Jackson
Javits
Jordan, N.C.
Long
McGee
McGovern
McIntyre
Mundt
Muskie
Saxbe
Sparkman
Stennis
Symington
Taft
Talmadge
Weicker

So the bill (S. 2824) was passed, as follows:

S. 2824

An act to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of Intrastate commerce with respect to State fish inspection programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wholesome Fish and Fishery Products Act of 1971".

CONGRESSIONAL FINDING

Sec. 2. Fish and fishery products are an important source of the Nation's total supply of food. These foods are consumed throughout the Nation and the major portion of the supply moves in interstate commerce, some from foreign sources. It is essential that the health and welfare of consumers be protected by assuring that fish and fishery products distributed to them are of good quality, wholesome, not adulterated, and are properly marked, labeled, and packaged. Fish or fishery products which do not meet these standards depress markets for wholesome, not adulterated, and properly labeled and packaged fish and fishery products. Those articles that are unwholesome, adulterated, of poor quality, mislabeled, or deceptively packaged compete unfairly with articles that are of good quality, wholesome, not adulterated, and properly labeled and packaged, to the detriment of commercial fishermen, processors, and consumers of fish and fishery products. It is hereby found that all fish and fishery products regulated under the amendments made by this Act are either in interstate or foreign commerce or substantially affect such commerce, and that Federal regulation and cooperation by the States and other jurisdictions as contemplated by this Act (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of the consumer.

WHOLESOME FISH AND FISHERY PRODUCTS AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DEFINITIONS

Sec. 3. Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraphs:

"(y) (1) The term 'fish' means any aquatic animal, including amphibians, or part thereof, capable of use as human food.

"(2) The term 'shellfish', as used in sections 402(f), 421, and 423, means any species of oyster, clam, or mussel, either shucked or in the shell, and either fresh, or frozen, or otherwise processed, or any part thereof.

"(z) The term 'fishery products' means any product capable of use as human food which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions or historically have not been, in the judgment of the Secretary, considered by consumers as products of the commercial fishing industry, and which are exempted from definition as a fishery product by the Secretary under such conditions as he may prescribe to assure that the fish or portion thereof contained therein are not adulterated and that such products are not represented as fishery products.

"(aa) The term 'capable of use as human food' applies to any fish or part or products thereof, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or unless it is naturally inedible by humans.

"(bb) The term 'process', 'processed', and 'processing', with respect to fish or fishery products, means to harvest, handle, store, prepare, produce, manufacture, preserve, pack, transport, or hold such products.

"(cc) The term 'official mark' means any symbol prescribed by regulations of the Secretary to identify the status of any fish or fishery product or of any processing establishment or vessel under this Act.

"(dd) The term 'official certificate' means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(ee) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(ff) The term 'owner or operator' means any person who owns, operates, leases, charters, or otherwise controls any establishment or vessel.

"(gg) The term 'vessel' means a vessel, as defined in section 3 of title I, United States Code, which is engaged primarily in the processing of fish for landing and human consumption in any State.

"(hh) The term 'continuous inspection' means the application of inspection by a full-time inspector.

"(ii) The term 'inspector' means an individual appointed or commissioned as an officer or employee of the Department and authorized by the Secretary to make inspections under the authority of this Act.

"(jj) As used in part B of chapter IV, the term 'establishment' means the premises, buildings, structures, facilities, and equipment (including vehicles) used in the processing of fish and fishery products."

PROHIBITED ACTS

Sec. 4. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraphs:

"(q) (1) Casting, printing, lithographing, or otherwise making, except as authorized by the Secretary, any official mark, official certificate, or official device or simulation thereof.

"(2) Forging, counterfeiting, simulating, or falsely representing, any official mark, official certificate, or official device.

"(3) (i) Without authorization from the Secretary, using any official device, official mark, or official certificate, or simulation thereof, or altering, defacing, detaching, or destroying any official mark, official certificate, or official device; or (ii) contrary to regulations prescribed by the Secretary, failing to use, or to detach, deface, or destroy, any official device, official mark, or official certificate.

"(4) Possessing, without promptly notifying the Secretary thereof, (i) any official device, or (ii) any forged, counterfeited, simulated, or improperly altered official certificate, or (iii) any device or labeling, or any fish or fishery product or part thereof, bearing a forged, counterfeit, simulated, or improperly altered official mark.

"(5) Making a false statement in a shipper's or other certificate provided for in regulations.

"(6) Falsely or misleadingly representing that any fish or fishery product has been inspected and passed or exempted from inspection.

"(r) (1) The processing of any fish or fishery product in any establishment or vessel preparing any such article in violation of any requirement of part B of chapter IV or regulations prescribed pursuant thereto.

"(2) The doing of any act in violation of section 411(e) or regulations thereunder, with respect to any fish or fishery product which is not intended for use as human food.

"(s) The importation of fish and fishery products in violation of section 410(i)."

(b) Section 301(e) of such Act is amended (1) by striking out "or" after "507 (d) or (g)," and (2) by inserting "or 411(b)," after "512 (j), (l), or (m)".

(c) Section 301(f) of such Act is amended by striking "section 704" after "by" and inserting in lieu thereof the following: "sections 410(d), 422(d), 704 or 802".

(d) Section 303(c) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; or (6) for having violated section 301 (q) (4) (ii) or (iii), if the possession involved was in good faith and such person had no reason to believe that the certificate or mark involved was forged, counterfeited, simulated, or improperly altered; or (7) for having violated section 301(q) (5) or (6) if the statement or representation involved was made by such person with respect to fish or a fishery product in good faith reliance on a like statement or representation in a shipper's or other certificate of another person from whom he received such article and he had no reason to believe that the statement or representation was false or misleading, unless the person charged with such violation refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he received such article and copies of the certificate relied upon and of any other documents pertaining to the delivery of the article to him."

ADULTERATION

Sec. 5. Section 402 of the Federal, Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraph:

"(f) (1) If it is, or it bears or contains, any fish or fishery product, and it has been processed in violation of section 410 or 411 or any regulations issued by the Secretary under such sections.

"(8) If it is, or is a product made or derived in whole or in part from, shellfish and such shellfish (A) was harvested in a State or foreign country that did not at the time of harvesting have in effect (i) an annual State plan for classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, approved by the Secretary on the basis of standards promulgated by him by regulation, or (ii) in the case of a foreign country, a shellfish control program at least equal to such standards; or (B) was not harvested, or was not purified after harvesting, in conformity with such State plan or foreign program; or (C) was harvested in a growing area that has been declared closed for such purposes by regulation of the Secretary on the basis of a finding of necessity for the protection of the public health."

INSPECTION OF FISH AND FISHERY PRODUCTS, ESTABLISHMENTS, AND VESSELS

Sec. 6. Chapter IV of the Federal Food, Drug, and Cosmetic Act is further amended (1) by inserting "Part A—General" immediately below the chapter heading, and (2) by adding at the end of such chapter the following:

"PART B—FISH AND FISHERY PRODUCTS

"Subpart 1—Inspection and Regulations of Products, Establishments, and Vessels

"GOOD PROCESSING PRACTICES

"SEC. 410. (a) The Secretary shall, either directly or by contract, make, by experts in sanitation or other competent persons, such survey of as many establishments in the United States and vessels which process fish and fishery products for interstate commerce as he deems appropriate to inform himself concerning the operations and sanitary conditions thereof for the purpose of developing adequate standards of good processing practices, including but not limited to sanitation and quality control, under which such establishments and vessels shall be maintained and operated. The Secretary shall thereafter by regulation prescribe standards of sanitation and quality control for the processing of fish and fishery products which shall be applicable to persons covered by this part, and he may from time to time amend such regulations, except that prior to the issuance of such standards the Secretary shall consult with other interested Federal agencies, representatives of States, appropriate representatives of consumer organizations and the commercial fishing industry, other interested persons and organizations, and the advisory committee appointed pursuant to section 434. The initial regulations pursuant to this subsection shall be issued within one year after funds are first appropriated to carry out the provisions of this part. Regulations (including amendments to regulations) prescribed pursuant to this subsection shall become effective upon the date specified in the order prescribing them, but the initial regulations shall become effective one year after the day on which such regulations have been issued, unless the Secretary finds that additional time, not in excess of one year, is necessary to place all or any part of such regulations into effect. On and after the effective date of such regulations no person shall process for interstate commerce fish or fishery products in any establishment or vessel under his control without complying with such regulations.

"Certification of Establishments and Vessels

"(b) On or after the sixtieth day following the effective date of such regulations, no person shall process in or for interstate commerce fish or fishery products in any establishment or vessel under his control unless there is in effect for such establishment or vessel an official certificate issued by the Secretary. The application therefor shall be accompanied by such assurance as may be required by regulations that the establishment or vessel will be maintained in compliance with applicable standards. No such certificate shall be issued for any establishment unless the Secretary, on the basis of such application and of an intensive inspection made after the issuance of regulations pursuant to subsection (a), determines that there is satisfactory assurance that the establishment is adequately equipped, staffed, and managed to conform to the standards issued pursuant to subsection (a) and that fish and fishery products processed by it, including the labeling and packaging thereof, will in all respects comply with the requirements of this Act. The Secretary may deny the certificate if an adequate assurance of compliance is not presented, and the denial shall be subject to the opportunity for hearing and judicial review as provided by section 412.

"Suspension and Reinstatement of Certificates

"(c) The official certificate of any establishment or vessel may be suspended, after opportunity for hearings, for failure to comply with the requirements of this subpart. The certificate may be summarily suspended by the Secretary (1) for failure to permit access for inspection, or (2) where an inspection or investigation discloses violation of any provision of this chapter or any regulation issued thereunder which the Secretary determines would involve an undue risk of imminent harm to consumers, except that suspension pursuant to such determination shall not prevent the continued processing by the establishment or vessel of any fish or fishery product if such fish or product is not distributed, sold, or consumed by humans, except that such fish or products may be distributed, sold or consumed if the Secretary withdraws the summary suspension. The authority conferred by the preceding sentence may not be delegated to a nonsupervisory officer or employee of the Department. The holder of such a suspended certificate may at any time apply for reinstatement and the Secretary shall immediately grant such reinstatement if he finds that adequate measures have been taken to comply with the provisions of this part and the regulations issued thereunder. Suspension of a certificate and the denial of reinstatement shall be subject to the procedures provided by section 412, but a summary suspension shall remain in effect during the pendency of the administrative proceeding under that section, except that the Secretary may be enjoined from continuing such summary suspension at any time upon the order of the United States district court of the district in which such establishment or vessel is located. An injunctive proceeding against the Secretary may be initiated by the holder of a certificate summarily suspended by the Secretary under authority of this section. In any such proceeding, the court shall have jurisdiction only to determine whether a summary suspension was warranted under all of the circumstances of the case.

"SURVEILLANCE INCLUDING INSPECTION

"(d) For the purpose of preventing the introduction or use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall, in accordance with the most modern public health and food protection practice, establish and maintain continuous and effective surveillance of all segments of the industries involved. As a part thereof, the Secretary shall, through inspectors, cause to be made such inspections, including continuous inspection whenever deemed necessary by him, of establishments and vessels as in his judgment will reasonably assure continuing compliance with, and will most effectively achieve, the purposes of this subpart and of this Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied in any establishment or vessel, the Secretary shall, among other relevant factors, consider the results of the intensive inspection required for certification under subsection (b) and any other relevant experience or information (whether obtained through inspection or otherwise), relating to such establishment or vessel or to fish or fishery products processed by it. For the purpose of preventing adulterated fish or fishery products from being introduced into interstate commerce, the Secretary may require, whenever he considers it appropriate, inspections, by inspectors appointed or commissioned by him, of such fish or fishery products at dockside. The Secretary, at his discretion, may further require that adequate inspections be made by such inspectors of vessels processing fish or fishery products for interstate commerce. Any inspector appointed or commissioned for the purposes of this part, shall at any reasonable time have access to any establishment or vessel where fish or fishery products are processed. Denial of access to such inspector shall be grounds for suspension of the certificate of registration. The Secretary whenever processing operations are being conducted, may, at his discretion, provide for the sampling, detention, and reinspection of fish or fishery products at each such establishment or vessel. Any fish or fishery products found to be adulterated by the Secretary shall be immediately segregated and, if objection is not made within ten days, condemned. If objection is made, the inspector's determination shall be subject to the opportunity for hearing and judicial review as provided by section 412. If objection is made, such fish or fishery products that are in perishable form may be processed to the extent necessary to prevent spoilage, but after such processing such fish or fishery products shall be segregated pending hearing and judicial review. Any fish or fishery products condemned under this subsection by the inspector without objection or after hearing and judicial review under section 412 shall be destroyed for human food purposes under the supervision of an inspector: *Provided*, That any fish or fishery products which may by reprocessing be made not adulterated shall not be so condemned and destroyed if reprocessed under the supervision of an inspector and thereafter found not to be adulterated. Failure to comply with the requirements of the preceding sentence shall be grounds for suspension of the official certificate. The cost of any inspection, including any continuous inspection, shall be borne by the United States, except that the cost of overtime and holiday pay for inspection service performed, in an establishment subject to inspection, at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the control of the establishment, shall, at such rates as the Secretary may determine in accordance with regulations, be borne by such establishment. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

"Use of Official Mark

"(e) When fish or fishery products are processed for interstate commerce in an establishment or vessel holding an unsuspended official certificate and are placed or packed in any container or wrapper, the person processing such products may at the time they leave the establishment or vessel, cause the label thereof to bear or contain such identifying official mark as may be authorized by the Secretary by regulation.

"Labeling and Packaging

"(f) If the Secretary has reason to believe that any labeling or packaging in use or proposed for use with respect to any article subject to this subpart renders or would render such article misbranded, he may direct that such use be withheld, and that any otherwise authorized official mark not be used, unless the labeling and packaging is modified in such manner as he may prescribe to comply fully with this Act. Any such determination by the Secretary shall be subject to the opportunity for hearing and judicial review provided by section 412, but the use of such labeling or packaging shall, if the Secretary so directs, be withheld pending such hearing and judicial review if necessary to protect the public health. If the use of such labeling or packaging is withheld pending hearing and judicial review, the person using or proposing to use such labeling or packaging may at any time seek injunctive relief in the United States district court of the district in which such labeling or packaging takes place. In the event an injunctive relief proceeding is initiated, the court shall have jurisdiction only to determine if the Secretary's determination to withhold such labeling or packaging was warranted by all of the circumstances of the case.

"Trade Names and Established Packages

"(g) Established trade names or other labeling and packaging which are not false or misleading in any particular are permitted.

"Storage or Handling Regulations

"(h) Regulations issued pursuant to subsection (a) shall include standards prescribing conditions under which fish or fishery products capable of use as human food shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for interstate commerce, or importing, such articles.

"Importation of Fish and Fishery Products

"(i) After the effective date of regulations issued under this subpart and section 802 of this Act the following provisions shall apply:

"(1) No fish or fishery products which are capable of use as human food shall be imported into the United States if such articles are adulterated or misbranded or otherwise fail to comply with all the surveillance and inspection, good processing practice, and other provisions of this subpart and regulations issued thereunder applicable to such articles in interstate commerce within the United States. Notwithstanding the foregoing sentence, whenever, in the case of any foreign country, it shall be determined by the Secretary, after inspection pursuant to regulations promulgated under section 802 of this Act of the establishments in which fish, shellfish, or products thereof are prepared for importation into the United States, such other investigation and evaluation, conducted at least annually, as he considers necessary or appropriate, that its system of plant and vessel inspection of fish and fishery products is at least equal to all the inspection, good processing practice, and other provisions of this subpart and regulations issued thereunder, and that reliance can be placed on certificates required by regulation of the Secretary as to compliance with that country's inspection, good processing practice, and other requirements, the Secretary may accept such certificates as compliance with the comparable requirements of this subpart for such period and on such terms and conditions as he may prescribe. Any fish or fishery products covered by such certificates shall be marked and labeled as may be required by regulations for such imported articles. Notwithstanding any determination by the Secretary as to certification of compliance with comparable requirements of this subpart, all fish or fishery products imported into the United States shall remain fully subject to sections 801 and 802 of this Act.

"(2) The Secretary may prescribe, under sections 801 and 802 of this Act, the terms and conditions of the destruction of all such articles which are imported contrary to this section, unless (A) they are exported by the consignee within the time fixed therefor by the Secretary, or (B) in the case of articles which are not in compliance with this Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.

"(3) For the purpose of facilitating enforcement of this section and reducing the costs thereof, the Secretary, with the approval of the Secretary of the Treasury and the Secretary of State, may from time to time, by regulation, designate ports in the United States for the importation of fish or fishery products for commercial purposes into the United States. In designating such ports the Secretary shall give due regard to the practical and commercial need for an adequate number of such ports in various sections of the United States. After the effective date of such regulations such importation, except into ports so designated, is prohibited.

"(4) Nothing in this section shall apply to a person who purchases fish outside the United States for consumption by himself or members of his household, except that the total amount of such fish shall not exceed such weight as the Secretary may prescribe by regulation; and the Secretary may further, by or pursuant to regulation, exempt from all or any part of this section, on such terms and conditions as he may deem appropriate, fish that are caught by an individual in the bona fide pursuit of sport and not for commercial purposes in waters outside the United States and that are brought into the United States by such individual by himself or members of his household.

"(5) The Secretary shall submit an annual report to Congress no later than June 30 of each year concerning his administration and enforcement of this subsection with respect to imports of fish and fishery products.

"ADMINISTRATIVE AND AUXILIARY PROVISIONS

"Records and Reports

"SEC. 411. (a) For the purpose of facilitating enforcement of the provisions of this part, persons engaged in the business of processing fish or fishery products for human consumption in or for interstate commerce or holding such products after transportation in interstate commerce shall, as may be required by regulations of the Secretary—

"(1) maintain accurate records (A) showing, to the extent that such persons are concerned therewith, the receipt, delivery, sale, movement, or disposition of fish or fishery products, or (B) showing matters reasonably bearing upon sanitation and quality control in establishments or vessels under the control of such persons, or relating to the labeling of fish or fishery products processed in such establishments or vessels, or otherwise relating to whether fish or fishery products subject to this subpart are adulterated or misbranded;

"(2) upon the request of the Secretary permit him at reasonable times to have access to and copy any such records; and

"(3) make such reports to the Secretary with respect to such matters, including reports as to labeling practices, as the Secretary may reasonably require.

Any record required to be maintained by this section shall be maintained for two years after the transaction which is the subject of such record has taken place.

"Administrative Detention of Fish or Fishery Products

"(b) Whenever any fish or fishery product is found by any authorized representative of the Secretary upon any premise where it is held for purposes of, or during or after distribution in, interstate commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated, or misbranded or otherwise in violation of the provisions of this Act or any other Federal or State law, or that such article has been or is intended to be distributed in violation of any such provisions, such fish or fishery products, if not otherwise subject to condemnation under section 410(d), may be detained by such representative for a period not to exceed seven days pending action under section 304 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article, and shall not be moved by any person from the place at which it is located when so detained until released by such representative. Such fish or fishery product shall be detained in a suitable manner to prevent decomposition and the costs thereof shall be borne by the owner thereof. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the Secretary that the article is eligible to retain such marks.

"Exemptions

"(c) (1) The provisions of this subpart shall not apply to the processing by any person of fish of his own raising or harvesting, and the preparation by him and transportation in commerce of the fish or fishery products exclusively for use by him and members of his household and his nonpaying guests and employees, if such person does not engage in the business of buying or selling any fish or fishery products capable of use as human food.

"(2) The Secretary may, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this subpart (a) retail dealers with respect to fishery products sold directly to consumers in individual retail stores, if the only processing operations performed by such retail dealers are conducted on the premises where such sales to consumers are made, and (b) equipment other than vessels used in the transportation of fish and fishery products.

"(3) The Secretary may by regulation, under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from the requirement of continuous inspection imposed by the first sentence of section 410(d) any establishment or vessel, known in the trade as a "fish house, shore-based cold storage, or similar floating cold storage, in which no processing of fish or fishery products is performed except (A) the unloading of fresh whole fish from vessels into appropriate bulk containers, (B) icing or other refrigeration of such fish, and (C) prompt shipment thereof either (i) to an establishment subject to continuous inspection, or (ii) to a retail dealer described in paragraph (2) of this subsection.

"(4) Regulations pursuant to section 410 (a) with respect to storage or other handling of fish or fishery products by persons engaged in the business of buying, selling, freezing, storing, transporting, or importing the same shall not apply to storage and handling at any retail store or other establishment that would be subject to that section only because of purchases in interstate commerce, if such storage and handling at such establishment are regulated, under applicable State law, in a manner which the Secretary, after consultation with appropriate State representatives and other interested persons, determines to be adequate to effectuate the purposes of the storage or other handling regulations prescribed pursuant to section 410(a).

"(5) The Secretary may suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

"Processors of Industrial Fishery Products and Related Industries

"(d) No person shall buy, sell, or offer for sale, or transport or offer to receive for transportation, in interstate commerce, or import, any fish or fishery products which are not intended for use as human food unless they are denatured or otherwise identified as required by regulations of the Secretary or are naturally inedible by humans.

"OPPORTUNITY FOR HEARING AND JUDICIAL REVIEW OF DENIAL, WITHHOLDING, SUSPENSION, OR WITHDRAWAL OF CERTIFICATES AND WITHHOLDING OF APPROVAL OF LABELING OR PACKAGING

"Opportunity for Hearing

"SEC. 412. (a) (1) Any person denied a certificate under section 410(b), or whose certificate is proposed to be suspended or has been summarily suspended, or who has been denied reinstatement under section 410(c), or whose fish or fishery products are segregated under section 410(d), or from whom the use of any labeling or packaging has been withheld or is proposed to be withheld under section 410(b), or any other person adversely affected by the Secretary's action or inaction on such matters, may file objections thereto with the Secretary, specifying with particularity reasonable grounds for his objection, and request a hearing upon such objection. The Secretary shall afford an opportunity for a hearing on such objections, and shall expedite such hearing upon request. As soon as possible after the hearing, the Secretary shall act upon the objections.

"(2) The Secretary shall issue an order based upon a fair evaluation of the entire record at such hearing, and shall include in such order findings of fact and conclusions on which the Secretary's action was based.

"(3) The Secretary shall grant such interim relief from any order suspending or withdrawing a certificate as he finds justified upon considering the interests of the person holding the certificate and the necessity for protection of the public health and the interest of consumers.

"Judicial Review

"(b)(1) Any person adversely affected by the Secretary's action on such person's objections may obtain judicial review by filing in the United States court of appeals for the circuit in which he resides or has his principal place of business, within sixty days after the entry of the Secretary's order, a petition for judicial review.

"(2) A copy of the petition shall be transmitted by the clerk of the court to the Secretary, and the Secretary shall file in the court the record of the proceeding. The finding of the Secretary with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole. The costs of any proceeding under this section may be apportioned to the parties if the interests of justice require.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"EVIDENCE FOR INVESTIGATIONS AND HEARINGS—SUBPENAS

"SEC. 413. For the purpose of any hearing, investigation, or other proceeding authorized or directed under this part, the Secretary is authorized to issue subpenas requiring the attendance and testimony of witnesses and the production of any documentary or other evidence that relates to any matter under investigation or in question before the Secretary and to administer oaths or affirmations. Witnesses so subpenaed shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy by, or refusal to obey a subpena duly served upon, any person, the district court of the United States for the district in which the person charged with contumacy or refusal to obey is found or resides or transacts business shall, upon application by the United States and after notice to such person, have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary, or to appear and produce documentary or other evidence before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"Subpart 2—Federal and State Cooperation

"SEC. 421. (a) It is the policy of the Congress to assist in efforts by State and other Government agencies to protect the consuming public from fish and fishery products that are adulterated, misbranded, or otherwise not processed in accordance with standards in effect under this Act. In furtherance of this policy—

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, (A) to cooperate with the appropriate State agency in developing and administering State fish and fishery products surveillance programs, including inspection, surveillance for dangerous materials as defined in part C of this chapter, and other related activities, in any State which has enacted a State fish and fishery products surveillance law that imposes mandatory requirements that are at least equal to those under subpart 1 of this part, and provisions of this Act related to such subpart, with respect to all or certain classes of persons engaged in the State in processing fish and fishery products for use as human food solely for distribution within such State; and (B) to cooperate with the appropriate State agency in the development of an effective State program (described in a State plan approved on an annual basis by the Secretary as meeting standards established by him) for the classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, including shellfish intended for introduction into interstate commerce.

"(2) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (A) advisory assistance in planning and otherwise developing adequate State programs under the State law, and (B) technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such programs. Grants to any State under this section from Federal funds for any fiscal year shall not exceed 50 per centum of the estimated total cost of the cooperative program in such State. Such cooperation and payment shall be contingent at all times (A) upon the administration of State programs in a manner which the Secretary, after such consultation with the advisory committee appointed under section 434 as he considers appropriate, deems adequate to effectuate the purpose of this section, and (B) upon agreement by the State, when requested by the Secretary, to cooperate with the Department by making available (upon a reimbursable basis or otherwise as may be agreed upon) the services of qualified personnel of the State agency, when duly commissioned by the Secretary pursuant to section 702, for the conduct of fish and fishery products surveillance activities on behalf of the Department for the purposes of subpart 1 of this part and part C of this chapter.

"(b) The appropriate State agency with which the Secretary may cooperate under this subpart shall be an agency designated by the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act, except that with respect to the shellfish control program referred to in clause (B) of paragraph (1) of subsection (a) such State agency may, in the case of a State in which different functions of its shellfish control program are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of this Act, including this part. When the State program, or the performance of services on behalf of the Department (referred to in clause (B) of the third sentence of subsection (a)(2)), includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"SEC. 422. (a)(1) If the Secretary believes, by thirty days prior to the expiration of two years after the effective date of regulations promulgated under section 410(a) of this Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction at which fish or fishery products are processed for use as human food for distribution solely within the State, requirements at least equal to those imposed under subpart 1 of this part and other provisions of this Act related to such subpart, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or a representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of such subpart 1 and related provisions of this Act shall apply to operations and transactions wholly within such State. Notwithstanding the foregoing provisions of this paragraph, if the Secretary determines that there is reason to believe that the State will activate such requirements within one additional year, he may delay such designation for that period, and he shall in that event not designate the State if he further determines at the end of that period that the State then has such requirements in effective operation.

"(2) The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of subpart 1 and other provisions of this Act related thereto shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for interstate commerce.

"(3) Notwithstanding any other provision of this subpart, if the Secretary determines, at any time prior to designation of a State under this section, that any establishment within a State is producing adulterated fish or fishery products for distribution within such State which would clearly endanger the public health, he shall, with a view to achievement of effective action under State or local law, notify the Governor of the State of such fact. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary in the light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of subpart 1 and related provisions of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in interstate commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under such provisions.

"(b) Whenever the Secretary determines that any State designated under this section has developed and will enforce State requirements at least equal to those imposed under subpart 1 and related provisions of this Act with respect to the operations and transactions within such State which are regulated under this section, he shall terminate the designation of such State under this section, but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication of such notice in the Federal Register; and any State may be designated upon such notice and publication at any time after the period specified in this subsection, whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under such subpart and related provisions.

"(c) The Secretary shall promptly upon enactment of this subpart 2, and periodically thereafter but at least annually, review the requirements, including the enforcement thereof, of the States not designated under this section, with respect to the processing of fish or fishery products and the surveillance, including inspection, of such operations.

"(d) For the purpose of enabling the Secretary to make determinations required of him under this section, the authority conferred by subpart 1 of this part and by section 704 to cause to be made inspections of establishments by inspectors appointed by him shall extend to establishments in any

State processing fish and fishery products solely for distribution in such State.

"STATE JURISDICTION

"SEC. 423. (a) Requirements within the scope of subpart 1 of this part, with respect to any establishment or vessel at which a certificate of registration is required under subpart 1, which are in addition to or different from those made under such subpart may not be imposed by any State except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 411(b) with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different from, those made under this Act may not be imposed by any State with respect to articles processed at any establishment or vessel in accordance with the requirements under such subpart, but any State may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over such articles (including imported articles after their entry into the United States) for the purpose of preventing distribution of any such articles which are adulterated or misbranded, including the exercise of such concurrent jurisdiction in any such establishment or vessel (with respect to such articles) as the Secretary, by or pursuant to regulation, determines will not conflict with or unnecessarily duplicate activities of the Secretary therein.

"(b) Nothing in this section shall be construed to preclude the establishment and operation and enforcement of a State shellfish program (meeting Federal standards and administered under an annual plan approved by the Secretary) for classification and control of growing areas and for regulation and control of harvesting practices for shellfish, including shellfish intended for introduction in interstate commerce. This section shall not preclude any State from making requirements or taking other action, consistent with subpart 1, with respect to any other matters not regulated thereunder. Nothing in this section shall be construed to preclude the utilization of State or local personnel for services on behalf of the Department, upon being commissioned by the Secretary pursuant to section 702.

"Subpart 3—General

"INTERDEPARTMENTAL COOPERATION

"SEC. 431. (a) There shall be consultation between the Secretary and the Secretary of Commerce, and any other interested agencies, prior to the issuance of standards under this Act applicable to fish or fishery products. There shall also be consultation between the Secretary and the advisory committee provided for under this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(b) For the purpose of facilitating enforcement and reducing the costs thereof, the Secretary may, by agreement with the agency concerned, utilize with or without reimbursement law enforcement officers or other personnel and facilities of other Federal agencies to carry out the provisions of this Act and, in connection therewith, may commisson such personnel as officers of the Department. The Secretary is also encouraged to enter, where appropriate, into agreements or other arrangements (on a reimbursable basis or otherwise) with any State for utilization of the facilities, services, and qualified personnel of such State (duly commissioned by him pursuant to section 702) in carrying out the provisions of this Act, and in particular subpart 1 of this part, including enforcement.

"RESEARCH

"SEC. 432. The Secretary is authorized to conduct, directly or through grants to or contracts with public or private agencies or organizations and individuals, studies, research, experiments, and demonstrations—

"(1) to improve sanitation practices in the processing of fish and fishery products; and

"(2) to develop improved techniques in the conduct of surveillance (including inspection) activities under this Act.

"PERSONNEL: APPOINTMENT AND TRAINING

"SEC. 433. (a) The Secretary shall, subject to the civil service and classification laws, appoint such employees, qualified by training or education, as he deems requisite for the administration of this part and prescribe their duties.

(b) The Secretary shall, to the extent necessary or appropriate, provide training for personnel appointed pursuant to this section. He shall work with educational institutions in developing programs designed to enable persons to qualify for positions in the administration of this part.

"NATIONAL ADVISORY COMMITTEE

"SEC. 434. (a) The Secretary shall appoint, without regard to the civil service and classification laws, a national advisory committee of not more than twenty-one members to advise him concerning Federal and State programs of fish and fishery product inspection and on other fisheries matters within the scope of this part and part C of this chapter, including the evaluation of State fish and fishery product surveillance programs having objectives similar to those of this part and part C and the promotion of improved coordination among State programs and between Federal and State programs. The chairman (who shall be designated by the Secretary) and a majority of the members of such committee shall have no economic interest in the commercial fisheries industry and shall be drawn from the public (including persons representative of consumer and environmental protection organizations), from the fields of the environmental and other relevant sciences, and from persons especially conversant with State fishery and fishery products surveillance programs. Not less than one-third of the members of such committee shall be drawn from consumer and environmental protection organizations.

"(b) Members of the committee who are not regular full-time employees of the United States shall, while serving on business of the committee, be entitled to compensation at rates fixed by the Secretary, but not exceeding the daily rate applicable at the time of such service to grade GS-18 of the classified civil service, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"PART C—SURVEILLANCE FOR DANGEROUS MATERIALS

"SEC. 435. (1) In order to protect consumers from the dangers of dangerous materials which may be found in food, the Secretary shall initiate and carry out an intensive screening system for the detection of such materials in food.

"(2) As used in this section—

"(A) The term 'dangerous material' means any material which there is reason to believe might reach toxic levels in significant quantities of food so as to threaten human health.

"(B) The term 'intensive screening' means that level of surveillance required to provide reasonable assurance that the presence of dangerous materials in food does not constitute an unreasonable threat to human health. Such surveillance shall consist of sampling and analysis of those foods which there is reason to believe contain dangerous materials in such quantities as to threaten or significantly contribute to the threat to human health. In the case of those dangerous materials for which additional research is necessary to reasonably specify such levels of surveillance, such term means that level of research which is required to gain reasonably sufficient knowledge to gage the threat to human health arising from the presence of such dangerous materials in food and any other information necessary to ascertain such levels. To the extent practicable, such research shall utilize data on human exposure which relates to consumption patterns and the accumulative effect on human metabolism.

"(3) Not more than one hundred and eighty days after the date of enactment of this section, the Secretary shall propose regulations specifying all dangerous materials and the intensive screening procedures that he will follow in carrying out this section. The Secretary may modify or amend such regulations at any time after they become final either on his own initiative or on the petition of any interested person. Those adversely affected by any proposed regulation, any proposed modification or amendment, or the denial of any petition for any such modification or amendment may file objections thereto with the Secretary showing reasonable grounds therefor and request a hearing thereon. The Secretary shall afford an opportunity for a hearing on such objections. All hearings conducted pursuant to this section shall consist of the oral and written presentation of data, views, or arguments pursuant to section 553 of title 5 of the United States Code.

"(4) If the Secretary finds that there is a threat to the public health that requires an immediate increase in the level of research he may increase the level of such research or testing to such extent he determines necessary without regard to any requirement under this section for previous notice or opportunity for a hearing; but the Secretary shall comply with such requirements as soon as practicable after initiating such increase in the level of research or testing for the dangerous material in question.

"(5) Analyses performed under this section to determine the presence and amount of dangerous materials in food shall be performed using the best available technology."

FOREIGN FISHERIES PRODUCTS

SEC. 7. (a) Chapter VIII of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end thereof the following new section:

"SEC. 802. (a)(1) The Secretary, after consultation with the Secretary of State, shall establish regulations for the inspection of foreign establishments which process and prepare fish, shellfish, or products thereof for importation into the United States.

"(2) In the event that officials of the Department are refused access to inspect any foreign establishment which so processes and prepares fish, shellfish, or products thereof or such etablishment does not meet the regulations prescribed by the Secretary, then the Secretary shall so advise the Secretary of the Treasury.

"(b) Upon receiving notice from the Secretary pursuant to subsection (a)(2) of this section, the Secretary of the Treasury shall issue an order prohibiting importation into the United States of any fish, shellfish, or products thereof of—

"(1) any foreign country which does not permit the officials of the Department to carry out inspections of establishments that are located within such country's jurisdiction and that prepare fish, shellfish, or products thereof for the bringing or importation into the United States;

"(2) any such foreign establishment which does not permit inspection by officials of the Department; or

"(3) any such foreign establishment which after inspection has failed to meet the requirements of regulations established by the Secretary.

"(c) It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to import into or cause to be imported into, the United States any fish, shellfish, or products thereof prohibited pursuant to this Act.

"(d) Enforcement of the provisions of this section prohibiting importation of fish, shellfish, or products thereof into the United States shall be the responsibility of the Secretary of the Treasury.

"(e) Any fish, shellfish, or products thereof imported into the United States in violation of the regulations established under this section, shall be deemed to be in violation of the Tariff Act of 1930 and subject to the provisions of such Act relating to seizure, forfeiture, condemnation, and disposition of such fish or shellfish or products thereof or disposition of the proceeds from the sale thereof, insofar as such provisions are applicable and not inconsistent with this section."

(b) The provisions of this section shall become effective on the same date as provided for section 410 of this Act unless the Secretary, for a good cause, finds that additional time is necessary but in no event shall the effective date of this section be delayed beyond the one hundred eightieth day following the effective date of section 410 of this Act.

FISHERIES LOAN FUND

Sec. 8. (a) Section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121; 16 U.S.C. 742c) is amended—

(1) by inserting before the period at the end of subsection (a) the following: "or new or operating establishments processing fish and fishery products subject to regulations issued under the Wholesome Fish and Fishery Products Act of 1971 and subject to the enactment of such Act";

(2) by inserting immediately after the word "gear" in the first sentence of subsection (b)(4) the words "and establishments processing fish and fishery products", and by inserting before the period at the end of such sentence the phrase "and commercial fish processors";

(3) by inserting immediately after the word "applicant" in subsection (b)(5) the words "for a loan relating to vessels or gear", and by adding at the end thereof the following new sentence: "The applicant for a loan relating to an establishment processing fish and fishery products shall be the ability, experience, resources, and other qualifications necessary to operate and maintain the establishment in a sound, businesslike manner."; and

(4) by amending the last sentence of subsection (c) of such section to read as follows: "There is authorized to be appropriated to the fisheries loan fund the sum of $35,000,000 to provide initial capital.".

(b) Section 7(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1122; 16 U.S.C. 742f(a)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) a new paragraph to read as follows:

"(4) provide technical assistance to the commercial fishing industry in developing economically feasible technical improvements to meet any standards of sanitation and quality control for the processing of fish and fishery products promulgated under the Wholesome Fish and Fishery Products Act of 1971 and any other provisions of such Act, upon the enactment of such Act, and to assure that the processing of all fish and fishery products fully complies with such standards;".

EXISTING AUTHORITY

Sec. 9. (a) Notwithstanding any other provisions of law, the amendments made by this Act shall not derogate from any authority conferred upon any Federal officer, employee, or agency by or under provisions of the Federal Food, Drug, and Cosmetic Act in force prior to enactment of this Act, by the Fair Packaging and Labeling Act, by the Public Health Service Act, or by any other Act.

(b) Compliance with the requirements prescribed by or pursuant to the Federal Food, Drug, and Cosmetic Act (including the amendments made thereto by the Wholesome Fish and Fishery Products Act of 1971) with respect to fish and fishery products, including any continuous inspection that may be established thereunder, shall not exempt any person from any liability under common or State law.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 10. There are authorized to be appropriated for the purpose of carrying out the amendments made by this Act to the Federal Food, Drug, and Cosmetic Act not to exceed $2,526,000 for the fiscal year beginning July 1, 1972, not to exceed $12,947,000 for the fiscal year beginning July 1, 1973, not to exceed $26,884,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law.

Mr. MANSFIELD. Mr. President, I wish to thank deeply the distinguished senior Senator from Michigan (Mr. Hart) for the outstanding manner in which he steered to overwhelming success this measure which is designed to create effective inspection procedures over the fish industry.

With its passage, Senator Hart has added another superb achievement to a record that is already abundant with proposals to help and protect every consumer in this Nation. The Senate is deeply grateful.

The Senate is grateful as well to the distinguished Senator from New Hampshire (Mr. Cotton). His cooperation was indispensable to the swift and efficient disposition of this measure.

To Senator Hart and Senator Cotton and to Senator Magnuson, the chairman of the Committee on Commerce, and to all those Senators who joined this discussion, the Senate is truly grateful.

The passage of this measure is a great accomplishment for which we may all be proud.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider executive business.

U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. The clerk will state the nomination.

The assistant legislative clerk read the nomination of Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the Senate will consider the nomination, and, without objection, the nomination is confirmed.

Mr. HART. Mr. President, I ask that the President be immediately notified of the nomination.

The PRESIDING OFFICER. Without objection, the President will be so notified.

Mr. HART. Mr. President, very briefly, we have just confirmed the nomination of Richard McLaren, of Illinois, as a judge of a Federal court. I am delighted. Mr. McLaren has served conscientiously as Assistant Attorney General in charge of antitrust for several years. Those of us who have had contact with him have come to respect and admire him. I compliment the President on the appointment.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate proceeded to consider legislative business.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The PRESIDING OFFICER. Pursuant to previous order, the Chair lays before the Senate Calendar No. 474 S. 1857, which the clerk will state.

The Assistant Legislative Clerk. A bill (S. 1857) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 2, after line 22, strike out:

"Sec. 7. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, to remain available until expended."

And, in lieu thereof, insert:

"Sec. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b)(3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b)(4) is redesignated as section 2(b)(5) and is amended by striking out "seventeen" and inserting in lieu thereof "twenty-five".

(3) By adding a new section 2(b)(4) to read as follows:

(4) Four members of the Federal judiciary to be appointed by the Chief Justice of the United States;".

Sec. 2. Section 6(b) is amended to read as follows:

"Sec. 6. (b)(1) The Chairman, with the advice of the Commission, shall appoint a Director who will be compensated at level IV of the Executive Schedule, and three Deputy Directors who will be compensated at level V of the Executive Schedule. Such officers shall serve at the pleasure of the Chairman.

"(2) The Commission shall have power to appoint and fix the compensation of such additional personnel as it deems advisable and to appoint such advisory committees as it deems necessary.

"(3) The Commission shall delegate such

powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission."

Sec. 3. Section 7(a) is amended to read as follows:

"Sec. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

Sec. 4. Add at the end thereof the following new sections:

"Sec. 8. In carrying out the purposes of this Act, the Commission is further authorized to provide for:

"(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information awareness and interest in the bicentennial;

"(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works programs, and projects relating to the bicentennial; and

"(3) a bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicentennial historical and commemorative significance.

"Sec. 9. The Commission is authorized to carry out a program of grants-in-aid in furtherance of the purposes of this Act. The Commission shall, subject to such regulations as it may prescribe:

"(1) Make equal grants in two successive years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor, to assist in the establishment or implementation of Bicentennial Commissions.

"Sec. 10. Appropriations or other funds available to any Government department or agency (including the Commission) for carrying out purposes related to or in furtherance of the bicentennial commemoration may be transferred between the Commission and any such Federal department or agency as may be mutually agreed between them. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of any such department or agency or the authorities of this Act, provided the activities come within the purposes of this Act."

Sec. 5. Section 5108(a) of title 5, United States Code, is amended by striking out "2754" and inserting "2764".

The PRESIDING OFFICER. There is a limitation of 30 minutes on the bill.

Who yields time?

Mr. BROOKE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. BROOKE. Mr. President, in these days when we are so deeply concerned with the present and future of this Nation, we sometimes overlook the significance of the lessons which the past has to teach us.

This Nation was created out of great struggle and sacrifice. It was founded on brave ideals of freedom, justice, and equality for all. It has become a guiding light for nations and peoples throughout the world who value our ideals and seek to follow our way of life. It is thus particularly fitting and important that we recognize our Nation's birth in a solemn and significant way. And it was with this thought in mind that the American Revolution Bicentennial Commission was established on the historic date of July 4, 1966—exactly 10 years before the 200th anniversary of our Nation's founding.

Under the mandate originally given to the Commission, 5 years were to be spent in planning, and 5 years in actually developing and implementing programs to honor our birth.

We are now at the midpoint in the Commission's progress toward its goal. Starting with this fiscal year, we are actually putting into effect our plans.

This bill represents the authorization for the Commission to continue and expand its work. The legislation approves $1.9 million for salaries and expenses of the Commission, and $2.4 million to be used for grants-in-aid to every State and territory, the District of Columbia and the Commonwealth of Puerto Rico, to assist in the establishment or implementation of local bicentennial commissions.

It is vitally important that this work proceed, and that the States and territories now seek to approve and promote their own programs for observing this, our most historic commemoration.

I am pleased that the Judiciary Committee has seen fit to approve this authorization, and extend my special gratitude to the distinguished senior Senator from Nebraska (Mr. Hruska), the manager of the bill, and to the distinguished senior Senator from Arkansas (Mr. McClellan), who serves on the Subcommittee on Federal Charters, Holidays, and Celebrations.

I thank my colleagues, and urge the prompt adoption of this bill.

Mr. BROOKE. Mr. President, I yield 3 minutes to the Senator from Nebraska (Mr. Hruska).

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. S. 1857 is an administration proposal to amend Public Law 89-491, the basic legislation which established the American Revolution Bicentennial Commission. The Judiciary Committee unanimously approved the bill as amended and urges its enactment.

The bill as reported includes provisions for an enlarged Commission, additional administrative and personnel authorities, and extension of the Commission's authorization for appropriations for the current fiscal year 1972. The bill would also authorize two annual grants of not to exceed $45,000 each to each State, Territory, the District of Columbia, and the Commonwealth of Puerto Rico to assist in the establishment or implementation of local bicentennial commissions.

The basic purpose of the bill is to begin the implementation of the national plan developed by the American Revolution Bicentennial Commission for the Nation's 200th anniversary in 1976.

The primary Commission recommendations, which were strongly endorsed by the President, are:

The commemoration be national in scope, seeking to involve every State, city and community;

The bicentennial be a focal point for a review and reaffirmation of the principles on which the Nation was founded and for a new understanding of our heritage; and

This be the occasion for looking ahead, for defining and dedicating ourselves to our common purposes, and for speeding the accomplishment of specific local projects responsive to our changing national priorities.

The goal which the Commission has established is most appropriate for our Nation at this time: "to forge a new national commitment, a new spirit for '76, a spirit which vitalizes the ideals for which the Revolution was fought; a spirit which will unite the Nation in purpose and dedication to the advancement of human welfare as it moves into its third century."

This is a grassroots program which emphasizes and depends upon local planning and local initiative. The National Commission has developed criteria and guidance for the States to assure that local planning comes within its goals and objectives.

The nucleus for this local-initiative approach must be the State bicentennial commissions. While more than 46 State commissions have been established, few of them have adequate staff or funding. Indeed, many are without either full-time staff or any regular funding whatsoever.

The grants proposed in S. 1857, therefore, are intended to provide each State with a minimal amount that can be used for a skeleton staff, professional studies, and research that would permit the initiation of planning to develop a bicentennial program for their State's participation in the 200th anniversary of America. Each State, regardless of size, will have an equal need for such seed money to provide basic resources now.

The primary role of the Federal Commission will be that of a coordinator and a catalyst with State and local bicentennial commissions and with the multitude of historical, service, patriotic and other groups and organizations throughout the country.

Extra effort is needed and a long leadtime required to mobilize, encourage, and coordinate local and regional programs by State and local groups. But there is also great opportunity for the awakening of national interest, a revival of a do-it-yourself spirit in this approach which makes the effort most worthwhile. I sincerely believe that such an approach will have a quantum multiplier effect throughout our country—deep involvement in our Nation's 200th anniversary.

It should be noted that S. 1857 is considered an interim measure to bridge the transition from planning to action. As such, it provides only a 1-year appropriations authorization for fiscal year 1972.

Also, the organizational structure of the Commission as amended by the bill is not deemed suitable for long-range implementation of the national bicentennial program through 1976.

The bill provides in section 2(3) for a delegation of full executive authority to a staff director who will be responsible for the operation and management of the Commission.

The report of the Judiciary Committee on S. 1857 notes that the committee considers this an interim arrangement and requests the executive branch to submit organizational proposals that would be adequate for conducting and funding the bicentennial program through 1976.

The bill clarifies and amplifies specific authorities to assist the Commission in carrying out its statutory mandate to plan, develop, encourage, and coordinate a total program of local, State, national, and international activities.

That section authorizes the Commission to arrange for the preparation of materials and objects relating to the bicentennial and for their distribution, exhibition, and sale. Such items may include, for example, pamphlets, manuscripts and films, commemorative and historical artifacts, and other mementos. It is anticipated that the Commission will work closely with State and local commissions and with patriotic, historical, and service groups and organizations to assure the availability of such materials.

The success of the bicentennial depends to a very large degree upon the ability of the Commission to stimulate others, in many cases volunteers and unpaid individuals, and potential contributors, to participate in the commemoration. It is recognized that the Commission needs to defray certain expenses of hospitality when hosting meetings of individuals and groups to accomplish its objectives.

The bill also authorizes the Commission to conduct competitions for historical research essays, musical works, cultural programs, and so forth, relating to the bicentennial and to commission and give awards for such works. The Commission expects to stimulate interest at all levels, from schoolchildren to recognized professionals, to produce works which will promote and perpetuate understanding of 200 years of national development.

The bill also authorizes the Commission to initiate a bicentennial calendar of programs and projects and provide a central clearinghouse for information and coordination regarding dates, events, places, documents, personalities, and so forth, of bicentennial historical and commemorative significance.

S. 1857, as amended by the Committee on the Judiciary, is necessary in order to provide the Bicentennial Commission with the necessary authority and funds so that it can move forward the programs for the bicentennial in 1976. Accordingly, I urge favorable consideration of S. 1857, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MATHIAS. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1, beginning with "by", strike out all through the period on line 2 and insert in lieu thereof the following: "to read as follows:"

"'(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the nation's people, with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions.'"

The PRESIDING OFFICER. Who yields time?

There is no time on the amendment. Time is yielded on the bill.

Mr. BROOKE. I yield 5 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, a very funny movie made the rounds recently called "Don't Start the Revolution Without Us."

It appears that we are going to do just that with the 200th anniversary of the American Revolution—that we will let it come and go as if it meant no more to the American people than the usual fireworks and flag waving and commemorative coins and community cookouts, as if it had no power to engage the energies and imagination of the American people in a celebration of any lasting significance.

And I do not find that very funny at all.

Nearly 6 years have passed since, together with Representative BRADFORD MORSE of Massachusetts, I introduced the original legislation that led to the creation of the American Revolution Bicentennial Commission. The rather stormy story of the Commission's creation is told by Eric Goldman in his book, "The Tragedy of Lyndon Johnson."

We did so because we believed not only that the Revolution was the most important event in our history but, even more, that the ideas and ideals of that Revolution are as real and relevant today as they were 200 years ago.

We did so because we believed that the bicentennial offered us a rare opportunity to come together as a Nation and as a people, and to renew our commitment to those ideals and ideas that are the sum and symbol of all we are and all we ought to be.

We also believed that such a bicentennial would not simply happen, out of some sort of spontaneous combustion, but would occur only if we began, far ahead of time, to give it the careful consideration that it deserves.

So we proposed the creation of a commission that was, in the words of the resolution, finally enacted—

> to prepare an overall program for commemorating the bicentennial of the American Revolution, and to plan, encourage, develop, and coordinate observances and activities commemorating . . . the American Revolution
>
> and, in all planning, to "give special emphasis to the ideas associated with the Revolution which have been so important in the development of the United States, in world affairs and in mankind's quest for freedom.

On July 4, 1966, the President signed the joint resolution establishing that commission.

By July 4, 1968, the Commission was supposed to submit to the President "a comprehensive report incorporating its specific recommendations for the commemorating of the bicentennial and related events."

That report was to "include recommendations for the allocation of financial and administrative responsibilities among the public and private authorities and organizations recommended for participation by the Commission" as well as "proposals for such legislative enactments and administrative actions as the Commission considers necessary to carry out its recommendations."

Nearly 6 years have passed; the bicentennial year is only 4 years away; the bicentennial era—starting in 1970 and continuing until 1987—is already almost 2 years old, and I regret to say that neither in terms of the spirit nor of the letter of the resolution has the Commission fulfilled any of these responsibilities.

Its report appeared not in 1968 but in 1970.

In no legitimate sense could it be said to contain "an overall program for commemorating the bicentennial of the American Revolution."

Its rhetoric was indeed resplendent, its sentiments sublime.

But instead of a concrete plan or program, instead of a coherent and carefully conceived set of recommendations, it offered only a loose and slim assortment of projects and proposals put forth by various public and private bodies.

It proposed no "legislative enactments" or "administrative actions."

It contained no "recommendations for the allocation of financial and administrative responsibilities among the public and private authorities and organizations."

In fairness to the Commission, it must be said that it has labored under severe and numerous handicaps.

It took President Johnson some 6 months to appoint the public members of the Commission.

The Commission had, to begin with, no money. Representative MORSE and I had proposed a $200,000 authorization, but that was cut out in committee and until fiscal 1969 the Commission had to try to function on whatever private funds it could come up with.

Representative MORSE and I had also originally proposed that the Commission convene a "national assembly" to consider and recommend various kinds of activities to commemorate the bicentennial.

We hoped that, through such an assembly, the Commission not only could draw upon the best ideas the country could offer, but could begin to draw the country together for a genuinely national celebration. The White House, unfortunately, did not agree and this proposal was never adopted.

Off to such a late start, with few resources, the Commission was able to accomplish little before its members submitted their resignations after the elections of 1968.

Not until July 4, 1969, was the new Commission appointed.

And like its predecessor, it has suffered from a lack of adequate funds, staff, and other resources.

But once all this is said, the fact remains that the bicentennial is upon us and the Commission has, thus far, come forth with nothing—no plan, no program—capable of genuinely arousing and involving the entire Nation in the celebration of its 200th anniversary.

The Commission has, indeed, demonstrated again and again that it is not only incapable of coming up with any overall national plan, but unable or unwilling to respond constructively and creatively to the ideas and suggestions that various public and private agencies and groups have put forth.

It has, for example, totally ignored an impressive—and eminently practical—proposal put forth several years ago by the combined bicentennial commissions of the District of Columbia, Maryland, and Virginia—a proposal for making the National Capital region the center for a set of urban innovations in the fields of transportation, communication, medical care, housing, and environmental control that could serve as a model and catalyst for cities throughout the country.

A group of graduate students and architects in Cambridge, Mass., have advanced a thoughtful and comprehensive proposal, called "Polis Seventy-Six," for a "living" bicentennial celebration throughout the eastern seaboard. Its main feature is an improved transportation and telecommunications network that would tie the major cities of the region much more closely together. This network would not only ease and speed the travel of visitors to and through "the Nation's cradle" during the bicentennial year, but could—if employed in the imaginative ways envisioned under "Polis Seventy-Six"—help the citizens and cities of the region discover and develop a far greater sense of community and common purpose. The U.S. Department of Transportation has conducted a feasibility study of the proposed improvements in the high-speed rail system and has found them sound. Yet the Bicentennial Commission—while it has favored the proposal with such words as "exciting" and "imaginative"—has, so far as one can discover, done little or nothing to actually get it going.

To far too many imaginative and thoughtful proposals the Commission has responded with resounding silence or rhetoric and very little else.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, the Senator has time on his amendment.

The PRESIDING OFFICER. No, he does not.

Mr. BYRD of West Virginia. It just comes out of the time on the bill, if I may say so.

The PRESIDING OFFICER. The Chair stands corrected. The Senator has time on the amendment, and the time comes out of the time on the bill.

There are 7 minutes remaining to the Senator from Massachusetts.

Mr. MATHIAS. Well, I will be very economical.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield me 10 seconds?

Mr. MATHIAS. I yield.

Mr. BYRD of West Virginia. I say most respectfully to the Chair, I did not correct the Chair; I just happened to have propounded the request, and I remembered what was in it.

The PRESIDING OFFICER. The Chair appreciates the diplomacy of the Senator from West Virginia.

Mr. MATHIAS. If there are 7 minutes remaining, if I may yield myself 3 more minutes, I will then yield the floor to the Senator from Massachusetts.

In everything it does—even more in everything it fails to do—it reflects the attitude of that anonymous civil servant who, when somebody suggested "The Ongoing Revolution" as an overall title and theme for the bicentennial, gave a nervous giggle and said:

> Oh no. That wouldn't do. We've got to stay away from the word "revolution" at all costs.

Small wonder, then, that unless somebody does something about it we are going to observe the bicentennial of the greatest revolution in human history with what has aptly been described as the "most unrevolutionary celebration imaginable."

In October 1971, under the sponsorship of the Smithsonian Institution and of John D. Rockefeller III, 25 young people—representing a cross section of concerned young Americans—met for a week at an appropriately pre-Revolutionary house in Belmont, Md., to discuss the bicentennial from the vantage point of the young.

While they came to no common agreement on what the bicentennial should consist of—indeed, they decided deliberately to prepare a number of different proposals reflecting diverse points of view—they emphatically and unanimously agreed that, in their words, the Bicentennial "Commission does not represent the diversity of the American people, and that this explains, in part, why the Commission has not formulated a program which elicits our support and makes it highly unlikely that it will do so in the future."

Later, a number of these young people appeared before the Commission to present their reservations and recommendations.

The Commission did not share, or seem even to understand, their concerns.

Recently the historical committee of the Maryland Bicentennial Commission, under the leadership of B. Floyd Flickinger, sponsored a day-long conference that brought together 80 historians, local representatives, and politicians to "plan Maryland's part in the nationwide celebration of the Revolution." Over and over again, speaker after speaker played variations on a single overriding theme: "We must understand our history to understand ourselves, and this may be our last chance to understand."

And that is true enough. It is also true that we are more than the simple sum of our past, and our past can tell us little about who we are and where we are going unless we approach it from the point of view of the present.

As Alfred North Whitehead once reminded us:

> The understanding that we want is an understanding of an insistent present. The only use of a knowledge of the past is to equip us for the present. The present contains all there is. It is holy ground for it is the past, and it is the future.

Michael Schultz of the Carroll County Times wrote a column to accompany his story on the conference. His last few paragraphs apply not only to that conference and the Maryland commission, but to the national bicentennial and the national Commission:

> The commission may face an uphill fight in gaining the support of the disaffected. There is a feeling that the first revolution is lost and forever and only a new one can win back the lost ideals.
>
> If the bicentennial becomes a flag wavers' holiday, a time for empty shibboleths and chauvinistic cliches, then the disaffected may be right. The spirit of the revolution will have died.
>
> But if the bicentennial can recapture the dreams and ideals, the wisdom and justice, the courage and forthrightness we have learned to attribute to Washington, Jefferson, Paine, Lee and the others, then it will have succeeded partly.
>
> If the people take up the ideals and face the changes ahead with wisdom and courage and justice, then, perhaps the success will be complete.

Yet all the evidence suggests that unless we do something the 200th anniversary of the American Revolution will consist, for the most part, in activities that will make no difference at all in the lives of most Americans; that will not, as the Commission put it in its report, "summon us all to greatness" but rather make no impression on most of us at all.

Some will say that perhaps that is just as well.

Why waste our time on celebrations, they will say, when we are beset with problems whose resolutions will require all the resources and the resolve we can muster?

Others will say that there is nothing wrong with America that a good old-fashioned flag-waving, coin-minting, speechmaking, song-singing celebration would not cure.

I happen to be rather fond of flag waving, and coin minting, and speechmaking, and song singing.

And I should be deeply disappointed if these things did not happen somewhere in a celebration of our birth as a nation.

But I am disturbed and distressed at the very real prospect that our bicentennial celebration will consist of nothing else.

It can and must be far more.

It must be the kind of celebration that will enable and encourage the American people of every region, every race, every religion, every age, every ethnic group, every sex, every income level to discover and develop a greater sense of common purpose, of sharing common aims and ideas, of belonging to the same country.

It must reflect the fact that not just some of us, not just a select few, but all of us—young and old, black and brown and red and white, rightwing and leftwing and middle of the road, poor and prosperous—are the daughters and sons of the American Revolution.

It must focus upon the ideas and ideals of the Revolution not simply as they moved men 200 years ago, but as they are capable of moving us now to deal with the very real problems that torment our society, with the very real obstacles that still stand between millions of Americans and the realization of the American dream.

It must not serve to further alienate Americans from each other or to divert their attention from the ills and injustices that are the heritage of far too many Americans.

We cannot, through a Bicentennial Commission or a bicentennial celebration, solve our social problems.

But neither can we allow our bicentennial celebration to become simply another vast exercise in evasion, another empty excuse for acting as if our problems didn't exist, another circus to divert our attention from the present.

We cannot expect to achieve, through a bicentennial celebration, the kinds of reforms and changes that we have been unable or unwilling to achieve through our political processes and our social institutions.

But we can expect such a celebration to help put us back in touch with each other, to help us discover how together we can and must carry on that Revolution that began some 200 years ago and that will never end as long as there are still men and women who refuse to let it end.

The bicentennial era is over 2 years old. The bicentennial year is only 4 years away. And there is no such celebration in sight.

Nor will there be as long as the membership of the Bicentennial Commission fails to reflect the breadth and depth of the American people.

I understand, for example, that the youngest member of the Commission is 42 years old.

It is indeed ironic that such a Commission should preside over the celebration of a Revolution that occurred, as the report of the Commission itself states, when half of the Nation's people were under 16 years of age.

Only one of the public members of the Commission is black. There are no Indians, or Spanish-speaking Americans. There is a need for leadership by national figures from such professions as the arts, urban planning, revolutionary history, and constitutional law.

In his letter transmitting the Commission's report to the President, Chairman David Mahoney informed the President that "the members of the Commission held varying views on changes, in the size and composition of the Commission." Some wanted a larger Commission with greater representation of minority groups and the young. Others simply wanted a smaller Commission. Mr. Mahoney said:

> In the end, the Commission declined to make a recommendation on this matter but asked me to report to you the fact of their differing views.

On October 17, 1970, when the distinguished historian Catherine Drinker Bowen resigned from the Commission she urged that the membership be broadened to include young people and black people and urban planners.

At a meeting of the Commission some 10 days later, several members expressed wholehearted agreement with Mrs. Bowen's recommendations. The Commission's response was to approve unanimously a motion that the Commission formally convey to Mrs. Bowen its regrets at her resignation.

I am convinced that, unless and until the membership of the Bicentennial Commission is significantly broadened, there is simply no possibility of a bicentennial celebration that does anything more than go through a wide array of thoroughly meaningless motions.

The bill before the Senate would, among other things, expand the private membership of the Commission from 17 to 25.

My amendment would require that the private membership be broadly representative of the Nation's people, including its young and its racial and ethnic minorities, and including outstanding authorities in such professions and disciplines as the arts, literature and the humanities, urban planning, revolutionary history and constitutional law.

So constituted, the Commission could develop—as it now cannot—a celebration in which all Americans can join, a celebration of a Revolution that still runs strong and deep among the American people, a Revolution that begins anew as each generation of Americans seeks, in the context of its own time, to achieve those aims and ideals that are America's for all time.

So constituted, the Commission could reach out into the country and get the people of this country—all of them—involved in their own bicentennial, not after all the plans have been made, but at the very beginning of the planning process itself. There is a technique for doing this. Developed several years ago at Ohio State's School of Architecture, it is called the "community charrette" and has been employed with significant success in communities all across the country—including Calvert County in Maryland. The charrette brings together, in a two-way planning effort, the various professional experts whose advice is required, the public officials responsible for signing off on any plans that might be adopted and, most importantly, a majority of representatives from all segments of the citizenry.

Through this process, or something like it, a Commission so constituted could get the people of this country—all of them—involved in putting together a celebration they could all take part in. It could sponsor and support such planning efforts all across the country: at universities and colleges, in cities and towns and counties, in rural and metropolitan areas.

In this and other ways, a Commission so constituted could help bring about the only celebration worth having—a celebration that is, in all respects, by and of and for all of the people of this country.

The founders of the Republic had a unique vision of what they were about in winning the war of revolution and creating not only a new nation, but also a new quality of life and a new scale of human aspirations. The clarity of their vision is expressed in their own words that are engraved in the very walls of the Senate chamber and so are impressed in the fabric of the Capitol as well as in the tradition and heritage of the American people.

The Great Seal of the United States which the patriots of the Revolution devised also contains, on its reverse side, the phrase "Novus Ordo Seclorum"—the New Order of the Ages—and an unfinished pyramid, which symbolizes not only the stability and durability of that order, but the fact that it is an order never finally achieved, an order always open to the future.

It is in our continual commitment to that new order, our continual struggle to come as close as we can toward achieving it, that we must discover the meaning of the American Revolution and of its bicentennial.

In its report to the President, the current Commission recommended the "Festival of Freedom" as the overall theme of the bicentennial.

In his letter transmitting the Report to the Congress, President Nixon said that:

> A "Festival of Freedom" does not, in my opinion, grasp the unique character of the American experience. True, this event will be festive, colorful and affirmative, yet it must also be thoughtful, profound and searching.

He went on to point out that the most famous phrase in the Declaration of Independence—"life, liberty and the pursuit of happiness"—was Thomas Jefferson's version of the concept that the English political philospher John Locke had earlier offered as the inalienable rights of man—"life, liberty and property."

But Jefferson, and the new nation along with him, saw—as President Nixon puts it—"property rights not as an end in itself, but as one means to human happiness."

And so, the President goes on to say:

> Jefferson substituted the phrase "the pursuit of happiness," and that ideal has constantly reasserted itself—most recently as a renewed concern for the "quality of life."

It is not enough, in other words, that we should have life and the liberty to enjoy it if that life is demeaning and degrading and if there is little or no likelihood of improving it.

It is in terms of the quality of life that Americans—all of them—are at liberty to lead that we must measure how far our revolution has come and how far it has yet to go.

The President says:

> It is there that "we will find the fundamental theme for our anniversary observance of the continuing revolution that is the United States of America.

I am convinced we can and will find it—once we have a Bicentennial Commission that knows where to look.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point several documents which relate to the committee.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

HAVERFORD, PA.,
October 17, 1970.

MR. DAVID J. MAHONEY,
American Revolution Bicentennial Commission, Washington, D.C.

DEAR MR. MAHONEY: It is with real regret that I sit down to write my resignation from the Bicentennial Commission, after serving since its inception, nearly four years. I am beginning work on a new biography, and when writers start new books they have to stay in one place, by themselves, and not be running round talking about interesting subjects.

I have much enjoyed my work with the Commission. I am sure things will go ahead smartly and strongly under your leadership. I hope its not out of line for me to make a suggestion as to my successor. At this stage I believe firmly that we need young people and black people as members, and that if we don't have them, plans will be blocked. Here in Philadelphia I have seen how impossible it is to go ahead without the cooperation of the blacks, and the interest of the young. Although my own interest is history, I think at this stage we need urban planners—not merely as subcommittee men but right up there at the top.

May I add that I just returned from some weeks in Seattle and Utah, and found much enthusiasm out there for the idea of a nation-wide competition among towns and cities, to see which could improve their community most by 1976—with annual inspections and prizes.

You have my cordial good wishes as ARBC chief.

Sincerely yours,
CATHERINE DRINKER BOWEN.

BICENTENNIAL CELEBRATION: CHANCE FOR REBIRTH

(By Michael Shultz)

WESTMINISTER.—Sitting in Memorial Hall Saturday, listening to the historians talk about the American revolution and the plans for the coming bicentennial celebration created a feeling of paradox.

There was electricity in the air. Outside the rain fell in spurts and the wind was chilly. But despite the lousy day for traveling, 80 representatives of colleges and universities, historical societies and local governments had assembled to plan the bicentennial.

The speeches were emotional and stressed the idea that this moment in our history was perhaps our greatest and that we must "rediscover" the ideals that led to our nationhood.

But there was a definite feeling of foreboding. The speakers said that this may be the last chance for the nation to pull itself together again and to rediscover its founding philosophy.

The question of the day was, "How do we get the people involved? They made the first revolution and they must be involved in its celebration."

The historians are searching for a bicentennial that will produce more than pageants and scholarly works. They want to filter the product of their study down to the common man in the form of "popular histories" and histories of the common man. They want to dredge the attics of the state and find any papers, diaries and letters that have not been copied before. From this new material they want to write the history of the "Yankee Doodle."

Like all conferences there was a great deal of wind inside the halls. The speakers were all bestowed with the highest honors of academia and the listings of their honors were complete.

One relatively long-haired young man leaned over to another and confided, "When I look around me here, I think everyone I see would have been a Tory."

The young and the black were noticeably lacking from the conference. But the brass of history in the State were present. It was the "cream of the cream" as the chairman, B. Floyd Flickinger, said. The bicentennial will be based on scholarly work and it was evident in the conference.

But the commission may face an uphill fight in gaining the support of the disaffected. There is a feeling that the first revolution is lost and forever and only a new one can win back the lost ideals.

If the bicentennial becomes a flag wavers' holiday, a time for empty shibboleths and chauvinistic cliches, then the disaffected may be right. The spirit of the revolution will have died.

But if the bicentennial can recapture the dreams and ideals, the wisdom and justice, the courage and forthrightness we have learned to attribute to Washington, Jefferson, Paine, Lee and the others, then it will have succeeded partly.

If the people take up the ideals and face the changes ahead with wisdom and courage and justice, then, perhaps, the success will be complete.

He said that historic Annapolis should be one project the state should focus on, noting the town had served as the capital for the United States twice and has been a capital for almost 300 years. He said that Annapolis had national significance along with Boston and Philadelphia.

Speaking in measured phrases like a professor addressing a lecture class, Land, crew cut and dressed in a double-breasted suit with a thin gray tie, outlined the national program for the group.

He said that the national program was divided into three parts—Heritage '76, Open House U.S.A. and Horizons '76. He said under the Heritage '76 program the national historical societies would try to develop museums and collections of materials from the revolutionary period.

Open House U.S.A. would include civic beautification programs, establishment of permanent cultural centers (one will be in Miami, Fla.,) and the staging of fairs, festivals and sham battles.

Horizons '76 will try to carry out programs of education and involve the people in the revolution bicentennial.

Land said he felt that the bicentennial could restore a "philosophical basis for moving ahead between conservatives, middle of the roaders and the new left," but he said he was "reluctant to hitch historical enterprises to any interest group."

The keynote speaker said it was important for the historians to "get the worm's eye view" of the revolution. "We know about the generals and the governors. But what about Jack Tarr and Yankee Doodle."

A dragnet to search out whatever historical papers are still not known to historians was suggested by Land. He said the local historians should go over their respective geographical areas with a fine tooth comb to seek out old letters and papers.

Judge Wilson K. Barnes, chairman of the Maryland Commission for the Bicentennial, addressed the group at lunch. He told them that the idea of sovereignty of the people was the unique product of the revolution. He said the idea formed the basis for "a philosophical system which would have been just as great if we had been in China."

James Addie, state supervisor of social studies education, urged the commission to make the bicentennial "a revolution towards a more just society."

He said the celebration should include young people so that "students see themselves as able to work within the system."

Flickinger said that the state had "been derelict. We have been deficient. This state does not have a well set up or well financed historical commission." He said Maryland was behind other states in beginning work on the bicentennial celebration.

LET THEM EAT BIRTHDAY CAKE

(By James Seymore)

"A National Birthday Cake!??"

"Umm-hmmm. National Birthday Cake."

"A cake! They can't be serious!"

"Very serious. Cake. And community cookouts. And block parties."

That bit of dialogue passed between two Washingtonians last year as one told the other that the American Revolution Bicentennial Commission, guiding us all toward our two-hundredth birthday in 1976, had included a national pastry among its draft recommendations to the President of the United States. There it was, along with suggestions that we wipe out illiteracy, clean up the environment, and make Washington a new Camelot. The commission's draft said: "It is hoped that a major bakery would volunteer to bake the National Birthday Cake and make miniature replicas of the cake available for sale in supermarkets across the nation. Everybody would then have a chance to have a slice of the National Birthday Cake and make a wish for America as each candle is extinguished."

Well, to the disappointment of bakers, the grey fathers of the commission deleted the birthday cake proposal from their final recommendations submitted to President Nixon last July 4. But to the future disappointment of nearly everyone, the commission also deleted the campaigns against pollution and illiteracy. And it muffled its recommendations for the renovation of Washington. The cookouts and block parties remained.

It may be unfair to begin a report on the Bicentennial with the issue of the Great National Birthday Cake. After all, cakes, pollution, and illiteracy were mentioned only in confidential drafts of a commission report. But this curious juxtaposition of birthday party plans and social action programs reveals a certain confusion about the Bicentennial within the very group appointed to plan our homage to the founding fathers and sustaining ideals of our nation. And five years since the creation of the Bicentennial Commission and five years before the date whose significance the commission is charged with commemorating, the 1976 Bicentennial of the United States is in trouble.

Supposedly the basic planning is over. "Implementation" is now the byword at national commission offices. Yet we need look no further than to Bicentennial affairs here in Washington to discover the sorry state of our impending two-hundredth national anniversary. Much of what has been "planned" for the Federal City's Bicentennial is slowly sliding into bureaucracy's Sargasso Sea. Neither the national commission, the White House, nor the Congress has made more than a rhetorical commitment to Washington's Bicentennial aspirations. No money has been appropriated. No legislation has been passed. No plans have been agreed upon. On the local level, our Bicentennial planning has struggled along on a shoe-string budget, often hampered by a lack of leadership, and stymied at every turn by the unresponsive federal bureaucracy that controls the city's destiny. By this July 4, Mayor Walter Washington will have announced a new high-level committee to oversee the District's Bicentennial planning. Those close to Bicentennial affairs see this committee as the city's last hope for a Bicentennial of permanent value. They estimate that the committee has maybe six months to get the city and federal machinery revved up for Bicentennial action. After that it may be too late to do much more than bake a birthday cake for Washington and think about another glorious opportunity missed.

I

Consider the plight of the American Revolution Bicentennial Commission. It is a national commission expected to *do* something rather than just talk about it. That requirement, almost antithetical to the nature of a national commission, goes far to explain the glacial slowness with which the commission has helped Bicentennial plans to sink into the present morass. It all began quietly enough on July 4, 1966, when the Eighty-ninth Congress passed a Joint Resolution to establish the Bicentennial Commission. Specifically, the Congress instructed the commission to:

"Plan, encourage, develop and coordinate observances and activities commemorating the historic events that preceded, and are associated with, the American Revolution;

"Give due consideration to related plans and programs developed by State, local, and private groups;

"Give special emphasis to the ideas associated with the Revolution—ideas that have vitally influenced the development of the United States, world affairs, and mankind's quest for freedom;

"Recommend allocations of financial and administrative responsibility among public and private authorities and organizations."

The commission also was told to submit a comprehensive report to the President with specific Bicentennial recommendations. President Johnson appointed its members and named Carlisle Humelsine, president of Colonial Williamsburg Inc., to chair the fledgling panel.

And there the matter rested.

There was no money and, ten years before the Bicentennial date, precious little interest by anyone concerned. Beyond organizing itself, securing authority from Congress to receive money for expenses, and inviting several cities to present their ideas, the commission did little for two years.

With the election of Richard Nixon in 1968, the commission took its next action. Its members submitted pro-forma resignations.

Seven months later, the White House got around to accepting most of the resignations, and on July 4, 1969, President Nixon announced the appointment of a new commission, including ten new members and Dr. J. E. Wallace Sterling, former president of Stanford University, as chairman.

The commissioners were as diverse a lot as you might expect to be chosen by the Republican elite. They included conservative businessmen, conservative educators, conservative historians, and the president of Whittier College, a small school with one well-known alumnus.

The new commission soon got word from the White House that there would be no more extensions on the delivery date of its report, originally expected in 1968 and then postponed to 1969 and 1970. After a fashion, it got down to work. From the first, there seemed to be common sentiment that the Bicentennial should be national in scope, not just limited to a few major cities or the original thirteen States. But that left large questions to be answered. Should the celebration be a celebration and nothing more? Should it be the occasion for new attacks on national problems, à la the War on Poverty? Should the emphasis be on the American Revolution *qua* Revolution, or was that too risky? How should the commission use its influence to illuminate the ideals upon which the nation was founded?

During the year following its reorganization in July 1969, the commission held eight meetings, heard presentations from four cities seeking major Bicentennial activities, formed committees, enlarged its staff, invited hundreds of organizations and individuals to submit their ideas, and generally cast about for a suitable report to the President. The catch in this idea dragnet was disappointing. Not surprisingly, most historical organizations had some plans on the back burner that they were only too happy to bring to the attention of the national commission. But many groups responded to the commission's inquiries with letters that were the literary equivalents of blank stares.

Well, how was the Bicentennial to be made a national activity? Taking the slim suggestions it came up with during the year, the commission groped for an answer in three full-blown drafts, dated June 5, June 23, and June 27, that preceded its 1970 report. The drafts grouped all Bicentennial activities under one of three headings—Heritage 76, Open House 76, and Horizons 76. Heritage 76 suggested that Americans review their country's history during the Bicentennial. Open House 76 said that Americans should have a national birthday party and be proud of their achievements during the Bicentennial. Horizons 76 pointed the way toward the future and therefore was an area of potential controversy.

Under Horizons 76 in the commission's first draft appeared five proposed programs—Call for Achievement, Communications 76, Electorate 76, Right to Read, and ECO, USA.

Call for Achievement was described as "a nationwide call for the people of each community to formulate goals for local achievement by 1976 and to translate those goals into action." This suggestion survived subsequent drafts and was recommended to the President. It occurred to no one that state and local governments exist to respond to "calls for achievement" day in and day out, Bicentennial or no. Communications 76 called for "a national effort to bring quality radio and television programming related to the Festival of Freedom (i.e., the Bicentennial) to all Americans and their friends abroad." That suggestion also survived.

Electorate 76 was a different fish indeed. This proposal, the commission's draft stated, "is a recommended Bicentennial program to encourage and assist Americans to exercise their right to vote" with a goal of 100 million Americans voting in the 1976 Presidential election. The draft continued, "Historically, free societies have seen fit to broaden the base of the franchise. They have done so by modifying the qualifications which confer entitlement to vote—qualifications which have had to do with ownership of property, with place and time of residence, with sex and with age." Residency requirements, particularly in "our mobile society," should be reduced, the proposal said. Noting that "this society is a young society—as it was in 1776," the proposal said lowering the voting age "would provide these young men and women with an influence on the course of affairs which they are eager to exert, and which they do not now have. Do they deserve less?" The commission answered its own question with a firm *yes*. By the second draft of the report, the commission had deleted any recommendation that voter registration or an expanded electorate be part of the Bicentennial era. It is suggested that someone at the White House pointed out that well over half of those poor people, transient people, and young people would likely vote Democratic.

There is a curious story behind the Right to Read proposal, the second recommendation with political overtones. The commission's committees on education and publications had suggested that it would be nice to print copies of the Declaration of Independence and the Constitution and to distribute them to every schoolchild in America. The U.S. Office of Education, then headed by Commissioner of Education James Allen, said it thought it would be nice too, but there were a few problems. First, it would be expensive to provide those copies to each of the nation's 51 million schoolchildren. Second, 15 million of America's schoolchildren haven't managed to learn to read. Why not, the Office of Education asked, throw the weight of the Bicentennial Commission behind the education office's "Right to Read" program and make the eradication of illiteracy a national goal for 1976? The proposal was then written into the first draft of the commission's report: "The ability to read is fundamental to all education and to effective participation in the nation's social, economic, and political life. The Commission recommends intensive effort to eradicate the blight of illiteracy in the United States, hopefully by 1976."

The draft went on to quote shocking statistics about the extent of American illiteracy and to recommend specific ways the problem might be attacked. But Right to Read, at the hand of commission's illustrious educators, writers, and publishers, was dead by the time of the commission's second draft.

The only other national program of social activism initially considered was ECO, USA. This program would have been "an enterprise to unite the nation in a coordinated effort to restore the balance in the nation's ecological environment." The commission recommended that a task force in the Department of the Interior serve as a clearinghouse for national ecological action. "This program should be a stimulus to assist in reforestation and replanting projects in both urban and rural communities, antipollution training in agricultural and industrial areas, practical research into the causes and elimination of environmental pollutants, and in the enforcement of environmental regulations." The commission then waxed eloquent: "How pure the air on July 4, 1976, how clean the water, how wild the wilderness, how beautiful our cities and towns depend on what the nation does, or fails to do—now." ECO, USA, in watered down form, survived into the second draft of the commission's report. Then it died.

In the third and final draft, the commission devoted one paragraph to voting rights, illiteracy, and the environment. Here is the substance of that paragraph:

"Current books, articles and statements reveal widespread interest in and concern about the quality of life in the United States today. There is concern about pollution, about illiteracy, about less than full citizenship for many of our people and about the failure of so many voters to vote. The Commission shares these concerns . . . it is eager to lend its help and endorsement to all efforts to improve the quality of life in this country, and it hopes that each and every community which seeks new horizons for 1976 will give high priority to such improvement."

It can be argued that voter registration, illiteracy, and pollution are not the most pressing social questions facing the nation. And many persons, including the Bicentennial commissioners, felt it was not the job of the commission to attack social problems at all. What can't be argued is that the commission's decision not to focus attention on national problems, not to invoke the Spirit of 76 to attack them, not to lead, but to follow, has effectively stymied national social action as part of the Bicentennial. Its own Congressional mandate, the exhoratory rhetoric of the President not withstanding, the commission has left it up to state and local groups to decide what the Bicentennial is to be. So we see the answer to the questions that faced the national commission. First, the Bicentennial will not include attacks on social problems. Second, the emphasis will be on American history rather than American revolutionary ideals. Third, the commission will use its influence in some undefined way to back whatever plans localities might come up with. Fourth, how far would the commission go in urging Bicentennial plans? Here are some Bicentennial plans and goals the Commission deemed worthy to report to the President and to urge on the people:

The preparation of Block Biographies by students under the guidance of local school teachers. The biographies are to trace the ownership and use of the land, catalogue structures, etc. . . .

The staging of "historic sports competitions" including bush hurdling, pole tossing, grease pole climbing . . .

A competition of junior high school fife and drum corps with the national winners "perhaps traveling throughout the land."

The commission endorsed the Boypower 76 program of the Boy Scouts of America which seeks to enroll one-third of the nation's boys by 1976 and "make Scouting more relevant to today's needs."

The commission endorsed religion. Religion has "great relevancy today" and encourages "good citizenship," the commission said. A Bicentennial Prayer and Hymn should be written for use at "appropriate ceremonies throughout the Bicentennial Era."

The other major decision the Bicentennial Commission had to make involved the Bicentennial hopes of four cities—Washington, Boston, Philadelphia, and Miami. Meeting on Capitol Hill in September 1969, the commission heard each city cite its advantages for being the center of the nation's Bicentennial. The assumption at that time was that the Commission was going to recommend one city as the site for an outpouring of patriotism, probably through a King Kong world's fair. Not to mention an outpouring of federal money to spruce up the place, tidy up the poor, and enrichen the rich. Philadelphia argued that it had been the city of the Constitutional Convention, the Liberty Bell, the Centennial of 1876. And besides it had a lot of eminently restorable slums. Boston argued that it had had the Tea Party, a Massacre, Paul Revere, and a lot of slums, too. Washington argued that it was the only truly National City and the inheritor of everyone else's tradition. Washington didn't really want a World's Fair, but it had a preposterous amount of slums to fix up. Miami said it had none of the above. But it did have a lot of hotel rooms and could guarantee everyone a good time.

Of all the presentations, Philadelphia's was the most impressive. No matter what little the national commission had been doing for three years, Philadelphia had seen the light and the promise of all that federal money. At work since 1966 with a million-dollar budget and a big staff, the City of Friends came armed with a multimedia exhibit half a day long.

Boston had ideas but its partisans couldn't get their hearts into the appeal for their $1.4 billion fair. They had a beautiful drawing of things that could be built over the waters of Boston Harbor, but they knew that the city government, under pressure from critics such as Louise Day Hicks, was about to give the whole idea the axe. Shortly thereafter, it did.

Washington, in cooperation with the state Bicentennial commissions of Maryland and Virginia, with a budget of $50,000 and a paid staff of one, came up with a vague but in many ways novel proposal. The National Capital Historic Region Bicentennial Committee, as the triumvirate was called, wanted to revitalize Washington as a showcase for the nation, focus attention on the historical importance of surrounding areas, and, essentially, use the District of Columbia as a proving ground for the most imaginative and promising new techniques of urban change.

Miami . . . well, it wanted a piece of the action.

The commission took the cities' ideas under advisement. It was thought that the 1970 report to the President would finally reveal just what the Bicentennial was to be, what funds would be available, what goals we would set, what Revolutionary ideas we would revitalize, and what city would be anointed by the national commission.

When the report was presented, the Bicentennial watchers had a curious sensation. Before their very eyes, the proverbial Mountain, after four years, had become the proverbial Molehill. The entire report, including index, letter of transmittal, recommendations, appendix, and a news briefing by the Commission's executive director, was forty-four pages long. And you could search in vain among those pages for a hard fact about the Bicentennial.

The cities didn't quite know if their fates had been decided or not. On the one hand, the commissioners had proposed a "multicity exposition" and approved everyone's plans. Or had they? For it was obvious that the other hand was empty. There was no mention of federal financial aid, no guarantees of what support might be forthcoming for these expensive endeavors.

For Philadelphia, this foot-dragging by the national commission has meant a gradual attenuation of its plans during the past year. It was general knowledge that the commission was only lukewarm to the idea of an international exposition from the start, but the Presidential report said the commission "invited" Philadelphia to undertake such a fair if it was "cultural and inspirational" in intent. Accordingly, the city went ahead with plans for a $1.2 billion exposition that would have required $556 million in federal funds. That proposal was rejected in December 1970 by the commission and the Department of Commerce. Philadelphia revamped its proposal and resubmitted plans in April for a fair only half as expensive as the first. There has been no response from the commission. Late in May, the Philadelphia Bicentennial Corporation rejected a proposal by its own steering committee that the fair be scrapped and has gone ahead with its plans, but relations with the national commission remain "less than cordial."

The commission invited Boston to "explore and examine the revolutionary roots of America through its great historical resources." Nobody seems to know just what that means, and little has been heard from the city since. For Miami, the commission said it endorsed "the completion of [its] permanent Trade and Cultural Center by 1976 as a part of the Bicentennial observance."

In Washington, the commission's empty promises have meant another year of wasted effort and rampant confusion. All of Washington's problems can't be blamed on the national commission, which did pass more favorable judgment on Washington's proposals than on any other city's. But the commission refrained from endorsing any of the social action programs proposed by the Washington Bicentennial planners, and there has been no indication during the past year of how the city is to pay for the physical renovation the commission did endorse.

Why did the commission waste Bicentennial momentum on sideshow recommendations instead of directing it toward solving national problems? Why has it let Washington's plans languish in confusion?

Priscilla Crane, former executive director of the National Capital Historic Region Bicentennial Committee, sums up the feelings of many Bicentennial Commission critics: "The national commission and staff are composed primarily of very conservative people and bureaucrats. They want to play it safe."

Another critic grew disenchanted with the national commission while watching it from the inside last year. "Look," he told me, "there were guys on the commission who didn't think they should say anything controversial. They said the country's problems were always changing and it wasn't their job to do anything about them anyway. The argument that they could do a lot of good just didn't move them at all. They've got an outlook that is really just self-contained and impervious. Their argument is that whatever Bicentennial activities really dip down into social action have to come from local efforts or established branches of government.

"I just didn't see it that way, but what could you expect from them? There's no racial mix on the commission, no youth—I think only a couple are under fifty—and three or so women. One of the women wanted the whole Bicentennial to focus on George Washington. So the Revolution—which was really an extraordinary event—brought about by intellectuals, youth, and revolutionary fervor—is being celebrated through the efforts of a national planning committee composed of the conservative establishment. They want to place the Revolution in a dust-covered niche."

Melbourne L. Spector, executive director of the national commission, a short, affable man on loan from the State Department, defended last year's decisions. "The commission could have gone many ways," he said. "It could have been just a historical and commemorative celebration, and some members of the commission wanted it just that way." Instead, he said, the commission hoped to "create a mood to solve problems" rather than "take on the problems themselves as a national group. . . . We just didn't think it was incumbent upon us to go out and be a substitute for the Crime Commission and all that."

But the probelm solving mood the commission hoped to inspire around the country has produced something very different here in Washington.

II

"It seems like nobody's doing anything. It's like a game of dominoes. You can't knock down the other dominoes until you knock down the first big domino. And the Office of Management and Budget is that domino. They've been very busy with other things—the war, federal revenue sharing—and it's hard for them to get excited about the Bicentennial so far away."

That statement pretty well sums up Washington's present Bicentennial predicament. The city has mounds of plans, but those plans are under the thumb of the federal bureaucracy.

The problem is compounded by the leadership vacuum created by the national commission last July. Since then, everybody and Uncle Sam has gotten into the act, but nobody is in charge. Among groups that now have had a hand in the city's Bicentennial planning are the District of Columbia Bicentennial Commission, a Mayor's Task Force on the Bicentennial, the D.C. government, the National Capital Planning Commission, the White House and OMB, the Bicentennial Coordination Center of General Services Administration, and the Congress. That's not to mention organizations such as the Smithsonian Institution, Library of Congress, National Archives, and National Trust for Historic Preservation, which are busy with their own plans.

Before the national commission's report last July, Washington's Bicentennial preparations were jerrybuilt but comprehensible. In effect there was just one group—the District Bicentennial Commission—brainstorming about what the Spirit of 76 should mean to the city. Washington first became interested in 1968 when the national commission invited cities to present their Bicentennial ideas. The Washingtonian Magazine was one of the first to spur the city's efforts, pointing out in its March 1969 issue that the "Spirit of 76" could revitalize the city. The spark struck by the magazine rekindled the interest of the Federal City Council, a high-powered businessman's lobby mainly interested in long-range plans for Washington. A delegation from the Federal City Council met with Mayor Walter Washington in the summer of 1969, urging that he appoint a local commission and suggesting members. Though no money was appropriated, the mayor did appoint twenty-eight persons to a local commission. Since its birth, the commission's life has fallen roughly into three parts: from July to September 1969 it prepared a Bicentennial plan to present to the national commission; from the September 1969 presentation to July 1970 it lobbied for endorsement of the plan by the national group; since the ambiguous endorsement of July 1970, the local commission has tried to stay alive and maintain a brave front.

The one characteristic common to all periods of the District commission's life has been poverty. For its first year of operation, the commission's staff and budget was Priscilla Crane and her salary. The Federal City Council had detailed Mrs. Crane, its deputy director, to the local commission in the first place. It paid her salary and provided office space and a little expense money, but that was all it could do.

Despite this penury, the District group accomplished much during its first year. It made contact with the Bicentennial commissions of Maryland and Virginia and formed with them the National Capital Historic Region Bicentennial Committee. Its purpose was to unite the historic attractions of Maryland and Virginia with the social goals of the District in an attractive Bicentennial package to be presented to the national commission. It met with community groups and sought their ideas. It consulted members of the District government. The local commission learned we could clean up our rivers, we could build parks along the Anacostia, we could rebuild slums and repair riot damage, we could really have a Metro subway system, we could build a new town as a model for the nation. We could become what the Nation's Capital should be.

Boiling down all these suggestions, the District commission came up with a plan that was vague in detail but that contained a widely praised idea. The core of the proposal was that the national commission should approve the structural and spiritual rebuilding of the Nation's Capital rather than stage a conventional world's fair.

"The concept we tried to present," Mrs. Crane explained, "was that rather than just focusing on an international exposition, let's focus on certain qualities of life. Let's help everyone achieve the basic goals of the American Revolution. Let's use the Bicentennial as a time to try radically new solutions to urban problems that have been suggested but never had the political clout to get implemented."

Using "A Living Process of Urban Development," Washington was to become an urban laboratory for new ideas, ideas exportable to other troubled American cities. The estimated cost for the city's plans was high—$6 billion. But more than half of that represented languishing projects already approved and funded, and much of the rest was to come from private sources.

The plan was presented to the national commission under chaotic circumstances. Mrs. Crane feels that the city "didn't get its message across." The District commission was dissatisfied with the expensive report prepared by the consulting firm of Barrett & Bonham Inc., but there was too little time to do a new one. Design and Production Inc., a Virginia firm, had agreed to do the visual part of the presentation at cost, but hours before the presentation several people were still scavenging for slides. Mark Evans, of Metromedia's Channel 5 and now chairman of the local commission, did a good job on presenting the District's case, Mrs. Crane said, but he was hampered by the rickety structure of the city's preparations.

Compared to Philadelphia's million-dollar expenditure, Washington's presentation cost slightly more than $50,000—split between Maryland, Virginia, and the District. The Federal City Council paid $7,000 of Washington's share and the Washington Convention and Visitors Bureau picked up the remaining $10,000 tab.

As it entered the lobbying stage, the local commission continued to suffer from money problems. The Convention and Visitors Bureau provided office space for part of that period, but the commission staff remained only one.

Early in 1970, national commission staff members quietly told the local commission that its proposals would get national endorsement. But the national commission wanted some assurance that money could be raised and that the plans were feasible. This was a crucial juncture for Washington's Bicentennial hopes. The District commission raised $20,000 from area businesses to pay for a study of its plans by a group at MIT and Harvard. This group's June 1970 report said the city's plans were practical and promising. But the $20,000 paid for the report was all the local commission could scrape up. Mrs. Crane singles out the *Washington Post* for not helping the cause. While proposing grand schemes in its news pages, the *Post* was "one of the first" to turn down the commission's pleas for money last year. The *Evening Star* provided neither spiritual nor material sustenance.

It is difficult to determine how greatly this lack of money influenced the national commission. But its report last July did not contain the whole-hearted support Washington had hoped for. There was no endorsement of Washington's proposed social programs, the most innovative part of the city's proposals, but the national commission urged that "special emphasis be placed on the renewal of Washington, D.C." As the Nation's Capital, the city has a "unique claim" on funds "for the renewal and revitalization of our cities," the report added, and it urged that the claim be honored through "prompt action." While not a defeat for the city, the commission's report was a pale reflection of its earlier, unpublicized support for Washington plans. In a confidential draft of its report, the commission had called Washington "the star to steer by" for the entire nation's Bicentennial. At that time the national commission was ready to endorse all of Washington's plans, including those aimed at the social weal. Philadelphia's World's Fair proposal didn't get a mention, favorable or otherwise. Insiders say Senator Hugh Scott of Pennsylvania, Senate minority leader, then stepped in to put the muscle on the President for approval of Philadelphia's plans over Washington's. That political arm-twist and Washington's money-raising problems resulted in the watered-down support that Washington received and the grudging invitation" to Philadelphia to stage its World's Fair.

The national commission washed its hands of responsibility for major Bicentennial projects. It may have been an innocent gesture—turning Washington's plans over to those who run Washington. The national commission possibly didn't know that gesture could mean a slow death for Washington's hopes at the hands of bureaucracy. For the un-unanswerable question during the past year has been, "Who speaks for Washington?"

Certainly the District wasn't interested last year. Last spring the mayor asked the local commission to continue to coordinate Bicentennial plans because the District didn't have the staff to do it. But the local commission itself was about to collapse. In June of 1970 it lost its staff; Mrs Crane, learning there could be no further guarantee of her salary by the Federal City Council, left to become director of development at Sidwell Friends School. Then it lost its tiny budget. Evans, appointed chairman when telephone company executive William L. Lindholm moved to New York, presided over the ruins of the commission during the critical months following the national endorsement.

The commission fortunes were raised somewhat by a $10,000 contribution by the Cafritz Foundation and a matching sum by the Convention and Visitors Bureau, but that money will run out soon. Patricia Bray, an experienced public relations woman, was hired in January to become the staff of the commission. Commission offices—a few files—were moved to space provided by Riggs National Bank at its Dupont Circle branch. Furniture was begged and borrowed and the commission has tried to bear a proud demeanor under the circumstances. In addition to its money and staff problems, an important change in the local commission's focus has occurred. Reversing its previous stand, the District government decided last fall it wanted to control substantive Bicentennial programs. With Evans' concurrence, the District commission was left to plan the city's Bicentennial fireworks and not much more.

Since that time the commission has been in Evans' hip pocket. There has been no meeting of the commission since February, and its members are vague about just what is happening. If they were to find out, they would be dismayed. The group that originally brought Washington to the forefront of Bicentennial thinking is now working on the celebration's sideshow aspects. Evans recently listed some projects for 1976 on which the commission labors:

A twice nightly Sound and Light show extravaganza on U.S. history scheduled for the east steps of the Capitol.

"Blackout" dramatic sketches of the signing of the Declaration of Independence to be held at the National Archives.

A drama entitled "This Nation Under God" to illustrate the role of religion in America "from Washington on his knees at Valley Forge to a Presidential prayer breakfast."

A "very unusual puppet show" at Sylvan Theater to "dramatize in puppet style the part youngsters have played in American history."

A daily "retreat parade" around the Washington Monument by a huge encampment of Boy Scouts.

The commission will probably deserve some credit if the Eisenhower Sports and Convention Center is built. Evans also mentioned hopes of converting the unused streetcar underpass at DuPont Circle into a public art gallery, of staging "patriotic dances and musicals" at Kennedy Center ("We originally thought of ballet and opera but someone pointed out they were not very American"), of building a "garden of peace" on the old federal Munitions Building site ("I don't think the peaceniks will tear it up because we're hoping they'll help build it"). Evans and Miss Bray have been looking for a "black executive director" to head the commission's work. Sources say D.C. councilman and former delegate candidate Joseph Yeldell was approached about the job but turned it down. Asked about this, Miss Bray said that Yeldell refused "for personal reasons" and that the commission doesn't have "anyone in mind right now." As ever, Miss Bray added, the number one problem is money. The commission has no funds to pay an executive director and his salary would have to be picked up by a sponsoring company.

The business community's continued failure to provide the commission with financial support, and the commission's surrender of leadership to the District government would not have been so disastrous if the D.C. government had been able to get some Bicentennial commitment from the federal bureaucracy. As it is, the past year has been an almost complete waste. At present, Washington's Bicentennial dream is no nearer realization than it was last summer. Consider these examples of the year's activity.

Last September President Nixon repeated his request for the creation of the Federal City Bicentennial Development Corporation. This group would have the single purpose of improving Pennsylvania Avenue from the White House to the Capitol. A Senate bill to establish the corporation was introduced on February 10. It was referred to the Committee on Interior and Insular Affairs—and there it rests today. The proposed corporation has drawn criticism for ignoring community involvement and for the likelihood that Bicentennial money would be used to beautify official Washington at the expense of more urgent needs. A staff man said the Senate committee has proposed changes in the President's request to give local residents some voice in the corporation's power over their futures. The changes were sent back to the GSA Bicentennial Coordination Center for comment more than three months ago. There has been no reply.

More than a year ago the National Capital Planning Commission submitted a comprehensive report analyzing nearly all the city's Bicentennial hopes. They received no word from the national commission.

Dr. Lynn Carroll, the staff man who handles District affairs for the national commission, says "very little" is being done on Bicentennial plans aimed at Washington's social problems. Nobody seems to be working in that particular area, he added, but the city's celebration "hasn't jelled yet so there's nobody to jump on or criticize."

The District government's own work this year, representing its first direct involvement in the Bicentennial, has come to naught. Having appointed the twenty-eight angels of the local commission three years ago to rush in where it had feared to tread, the District government had been waiting to see if the national anniversary might really mean some federal money was to be appropriated. "We have been leary of getting in," a source explained. "We have no vast resources of our own and we don't want to promise too much."

The President's endorsement last September of the national commission's kind words for Washington apparently was enough to get the District moving. In October the mayor appointed a Task Force on the Bicentennial and named D.C. Housing Administrator James Banks as its head. Early this year the Task Force completed a two-inch-thick sheaf of plans containing Bicentennial requests for everything from a new jail to home rule. The report was handed to the national commission. The national commission handed it to OMB and then . . . silence. Someone who observed all this said, "It was kind of a tease. The city went to a lot of trouble, got up all this info and OMB kind of looked at it and said 'Well, that's nice.'" Banks recently complained that he's heard nothing about the Task Force report in the months since it was submitted—"There's been no indication as to what the parameters of planning feasibility are."

The one thing OMB did suggest was that the District reorganize its Bicentennial planning process. Formation of the new, high-level group was to be announced in June. It is hoped that it can form a united front of public and private interests for Washington's Bicentennial.

Even so, Washington's hopes for a 1976 rebirth will rest with the federal bureaucracy that so far has proved an inept midwife. Many see OMB as the great stalling point, but OMB says it isn't so. The delay, OMB contends, is in the Bicentennial Coordination Center established by the President last year under Robert L. Kunzig, head of General Services Administration.

"All the federal agencies in this area including the District were asked to submit their reports to GSA," an OMB spokesman explained. "It's doing all the coordination of physical affairs in this area and is now preparing a consolidated report. We haven't done any budgetary 'policy review' yet, and we're not going to until we see the [GSA] report—the meld they put together. They're picking out what really is Bicentennial and what isn't.

Well, OMB gives the GSA unit credit for more activity than its own spokesmen do—for the Bicentennial Coordination Center has been very quiet during its six-month existence. Kunzig, a former aide to Senator Scott, has surrounded himself with Pennsylvania Republicans at GSA, and he made no exception in the case of the Bicentennial unit. To run the new office, he brought in William Hart, a twenty-nine-year-old Pennsylvania Republican who has benefited greatly by friendship with Republicans in high places. Hart makes $28,000 a year in his new position, but it is difficult to find out much about operations in his office. He is unavailable for comment for weeks at a time. Just what has the Coordination Center done these many months? A GSA public relations man had this to say: "When we say coordinating, that's just what is means. We're not going to be doing these Bicentennial things ourselves. It just made sense for somebody to know just what is going on. At this point we're just into the organization thing. There's not much to report. The principal thing that has been accomplished, if anything, is that we've met with some of the agencies to let them know the mechanics of coordinating—just who we are and what we're doing."

Which brings us back to the beginning question: Who speaks for Washington's Bicentennial dreams? Who's going to knock down the first domino to start things moving? Answer: Stand all the planners in a circle. Have each one point to the fellow on his right and say "Him."

III

It may be an indication of the vitality of America's revolutionary precepts that celebrating them can still be dangerous. But that danger has arisen only because our leaders have been afraid to believe their own rhetoric. At this late date, only the American people themselves can save the Bicentennial from its well-intentioned but overly-cautious planners.

As in so many things, Washington is a microcosm of the national Bicentennial situation. Whatever has been planned is pretty much a dead issue now. But while five years is a short time to turn the tide in Washington, there still is hope. The new group being formed by the mayor may give us a fresh start. It has to act quickly—before the 1972 campaigns sweep such thoughts from everyone's mind. If this new group can obtain substantial financial support from private sources, if it can involve a cross-section of the community, Washington may still be able to capitalize on its preeminent position among cities seeking Bicentennial aid from the federal government. First, let's face it, Washington can only benefit from the apparent elimination of Philadelphia as a major competitor for whatever money will be appropriated. Second, everybody from President Nixon on down has praised Washington's Bicentennial ideas. Now's the time to see what that praise is made of. Third, since nobody knows what the Bicentennial is going to mean here, there's been none of the community opposition that has plagued Boston and Philadelphia. If our new Bicentennial organization hammers away for what the community wants and needs, it should find support among the citizenry.

Nationally, the Bicentennial is showing some feeble signs of life. David J. Mahoney, appointed chairman of the national commission last year, has requested changes in the commission's authorizing law to allow an expanded staff and the appropriation of planning money for local commissions. There's a long, slow road ahead for these proposals, but it might mean an eventual $90,000 in planning money for the District. As for the big money everybody needs, that's so far in the future it's hardly worth writing about. The appropriation of large block funds is not envisioned until at least 1974, according to Hugh Hall, the commission's deputy director for finance. Hall explained that this was part of the Commission's "planned low profile" that is designed to keep the Bicentennial from "peaking too early." That doesn't seem to be a major Bicentennial problem.

Hall added that the commission is holding informal conversations with large foundations and corporations about raising money, but the private sector, in turn, is looking to the national commission to plan how the money is to be funneled to Bicentennial efforts. Hall said the commission is doing "staff research" on the problem but will not ask large sums from the private sector "until we get some federal government financial support."

Mahoney, president of the Norton Simon conglomerate, has taken the national commission to California and Texas to meet with state Bicentennial Commissions and to beat the bushes for Bicentennial involvement. The national staff is enthusiastic about its work on a Bicentennial calendar, allotting one focal week during 1976 to each state's Bicentennial activities and collating all the festivities. Tentative plans have been drawn for national activities such as the "Arts on Parade," a traveling exhibit of American art.

But all in all, if the Bicentennial is left in the hands of those now in charge, it promises to be the most unrevolutionary celebration imaginable. There are scores of schoolmarmish proposals about how we should be proud and have lots of fun. There's nothing wrong with that, but it's bland for a steady diet. What the country really needs, it doesn't have. There simply are no Bicentennial plans to improve the quality of life in these United States, no plans to apply Revolutionary ideals to our potentially revolutionary problems.

The attitude surrounding the Bicentennial in past and present days was summed up for me in the first conversation I had about the Bicentennial. In the summer of 1969 I talked briefly with a government agency's Bicentennial liaison man. Twirling a pencil between his fingers and tilting back in his chair, he tried to think of an overall theme to suggest to the national commission. As the silent moments passed, I tentatively suggested, "What about 'The Ongoing Revolution?'" The pencil twirling stopped. He laughed nervously and sat up in his chair.

"Oh no. That wouldn't do. We've got to stay away from the word 'revolution' at all costs."

JUNE 10, 1970.

THE AMERICAN REVOLUTIONARY BICENTENNIAL COMMISSION,
Washington, D.C.

GENTLEMEN: At the request of the cooperating Bicentennial Commissions of the District of Columbia, Maryland and Virginia, and with the aid of the facilities and resources provided by them, a special study group was convened in May of this year to discuss the Proposal that those combined Commissions submitted to you in September, 1969.

As a result of that meeting, a task force drawing on the resources of the Joint Center for Urban Studies and the American Academy of Arts and Sciences was set in motion to provide a written review of the Proposal. The aim of this task force was to provide the special perspective that students of urban problems would bring to consideration of the Bicentennial, and in particular to consider the potential and feasibility of the recommendations outlined in the Proposal for the commitment of resources to a demonstration of "The Living Processes of Urban Development" as part of a Bicentennial celebration focused on the National Capital Region.

In sending the report of this task force to you, and in making it available to those concerned with our problems of urban growth and decay and the opportunities that might be offered by the Bicentennial, we hope to draw attention to the implications for the Bicentennial of the urban character of this nation and its urban dilemmas and challenges. We have tried to concentrate our efforts on examining, however briefly, those alternatives for improvement of urban conditions that are doable within the obvious constraints of time and the probable constraints of funds. We have sought to suggest experiments that may be on the frontiers of innovation but are firmly within the realms of current skills and techniques. And we have focused our attention on demonstrations and programs that are easily replicable and generally applicable for urban areas throughout the land.

We think the overall strategy of the Proposal—of a major effort at urban innovation in Washington as one component of a broad range of historical celebrations and national cultural events and entertainments—is a sound one. It can complement and reinforce such approaches to a national celebration, and at the same time bring real meaning and unity to such disparate activities. We hope that you will find, in the body of this report, grounds to agree with our conclusion that such an effort is both eminently practicable and highly desirable.

Sincerely yours,

Charles M. Haar,

Director of the Special Task Force on the Bicentennial in an Urban America.

Introduction: The Bicentennial in an Urban America

1. THE PLACE OF A NATIONAL CELEBRATION

The Proposal submitted to the American Revolution Bicentennial Commission by the District of Columbia, Maryland and Virginia Commissions (the "Washington Proposal") wisely refrains from commiting itself to any single theme. It recognizes, as do we, that deliberation over the purposes and motifs of this national celebration are a task for which the Presidentially-appointed national Commission is best suited. And yet, without trespassing on the preserve of that Commission, it is fair to say that the Bicentennial will have to come to grips with a dual problem of relatedness. On the one hand, there is our relationship to our national past, to the salient events, struggles, victories and ideas that compromise our domestic history and uniquely flexible ideological legacy. On the other hand, there is the web of our continuing and increasing interrelationships, the skien of economic, social and political bonds and arrangements that tie together a spectacularly diverse population to a degree that adds new meaning to our national motto, *E Pluribus Unum*.

It is 77 years since Frederick Jackson Turner first put forth his thesis that the frontier had nurtured democracy and equality in the United States. The occasion was an address to the American Historical Association at the 1893 World's Columbian Exposition in Chicago that celebrated the 400th anniversary of the discovery of America. By then the era of the frontier was ending. We have long since reached our territorial limits on this continent and now are pushing hard on our ecological and environmental ones. The Bicentennial will have to give due recognition to the steady growth since then in the nature and extent of interdependency in American society; it will have to acknowledge in an appropriate way that this economic and social condition that stands in such sharp contrast to the symbolish of the frontier settler is most manifest in and signified by our densely settled and internally specialized urban areas, and that all of us are tied tightly to urban-focused, urban-centered and urban-dominated processes and functions. Jeffersonian suspicions as to the relative undesirability of the virtues and influences of cities may linger, but we are very much an urban nation—and becoming more of one, not less. A Bicentennial may legitimately remind us of the American Colonial heritage, and of the break with the restrictions of it, of the Revolution and of the development of the spirit of the frontier. Indeed, it must. But it can hardly shirk from either the responsibility it has or the potential contributions it can make to the resolution of the dilemmas and difficulties of our condition as an urban nation.

The Washington Proposal fully acknowledges this, and we wholeheartedly concur in the recognition that there is a tremendous opportunity to provide lasting benefits for our national urban life through the Bicentennial. But before discussing some of the possibilities that we see for this, it is important to consider, if only briefly, the necessary relationship of the Washington area to the Bicentennial.

2. THE PLACE OF WASHINGTON, D.C., AND THE NATIONAL CAPITAL REGION

The Washington Proposal presents compelling arguments for the National Capital Region as a focal point of the Bicentennial. And a strong case is almost inevitable. As the Proposal points out, there is Washington's particular advantage as the geographical center of the colonies and the young Republic, the prevalence of shrines, monuments, memorials and historical sites, and the District of Columbia's unique position as a national city. It would seem as if the flood of visitors that the area must unavoidably draw with the impetus of a widespread celebration of the Bicentennial makes it incumbent on the national Commission to see that proper measures are taken to insure not only that the millions of visitors will be smoothy and suitably accommodated, but also that such preparations will, to the greatest extent possible, not only cushion the impact of visiting throngs but also provide lasting benefits to the area and its residents.

There are, then, unique attractions and necessary roles of the National Capital Region in a Bicentennial, and these alone will demand appropriate and extensive investments by the national government. But even more, there are underlying national responsibilities and realities to be faced, which we especially recognize as students of urban processes and urban problems. Washington, D.C., as an urban area, is a showplace not only of our past heritage but also, unfortunately, of our present difficulties: of the deterioration of both the physical and social fabric, of the concentration of the poor and the black in central cities, of insufficiencies in public services, of breakdowns in public order. To make the preparations required to provide millions of visitors access to the sites and shrines they will be travelling to see on our 200th anniversary without a concurrent effort to improve the condition of the city itself would be misleading, improvident and virtually immoral. It would be a contemporary equivalent to the construction of the notorious Potemkin Villages by means of which Catherine the Great was deceived as to the true condition of the Russian people.

It would make a mockery not only of the essential spirit of the Bicentennial, but also of the special responsibility that the nation does bear to its capital city, where so many of the essential decisions are made in the absence of the very self-representation that the Revolution championed and the Declaration of Independence so eloquently expressed. We strongly believe that there is a responsibility in any national plan for a Bicentennial celebration to face squarely the problems of Washington and to take advantage of the exceptional opportunities that the momentum and the challenge of such a celebration offers—to take advantage of this opportunity to make a lasting contribution to Washington and through that contribution to provide not only a means and a cause for extending and expanding our national celebration, but a model and a catalyst for urban innovations and development throughout the country.

The six years remaining before the beginning of the Bicentennial is not all that great a time in terms of basic urban redevelopment and rebuilding; but it is more than sufficient for exciting experiments and significant benefits. Our present national standard would seem to be the less than ten years it took us to fulfill a Presidential commitment to reach the moon; if the tasks are not altogether comparable, the need for the national commitment—and the potential benefits that might derive from it—are all the greater. Goalposts, markers, deadlines and birthdays are spectres only to those who have passed their prime; they are a spur and a challenge to the vigorous and growing—individuals and nations alike. This nation has a unique heritage manifest in the National Capital Region, and it has a responsibility and debt to Washington that is equally unique. It also has a singular opportunity to turn both to the advantage of the area and to the country as a whole through the Bicentennial celebration. We suggest that this can be achieved through the type of efforts envisioned in the Washington Proposal, within the framework of an effort designed to give those in Washington real and special reason for joining in this national celebration. And we would like to suggest some problem areas in which this might be most appropriate, and to sketch some approaches that could be taken.

THE BICENTENNIAL CELEBRATION: APPROACHES TO URBAN INNOVATION IN THE NATIONAL CAPITAL REGION

Introduction to proposal sketches

In a nation that has taken on an increasingly urban character, a Bicentennial must carefully consider the fundamental changes that the processes and patterns of urban and metropolitan growth have wrought. The political borders of a "city" are only a partial explication of its existence. In the face of the quantum transformations of technology in transportation and communications that we have seen in this century alone, the very task of defining what a city is and where a city starts and ends is far different now than it has ever been. With a highly mobile population occupying an electronically "national village," many of our political jurisdictions are today more arbitrary and archaic than they are organic, and the location of city limits is often more a conceptual delineation than on observable geographic one. But the problems of urban life can be defined by their relative incidences among different populations, and the spatial distribution of such incidences is marked and notable.

In terms of the problems of Washington, D.C., of national urban problems, and of the requirements of responsive efforts that can at the same time fit with some of the evident needs and the very idea of a celebration of concepts and places, we would judge the areas of greatest potential to be in transportation, environmental control, housing, medical care, and communications generally. There are other critical problems to which attention must be paid—and those of education and public order may be chief among them—but there it is much more difficult to structure efforts that will be genuine and useful experiments and at the same time meet the kind of threshold tests that may have to be applied for commensurability with the Bicentennial and its celebration in the Washington area: visibility, accesibility and the like. Though the limited time available has led us to concentrate on the most promising areas, this certainly should not exclude specific and earnest attempts to find useful common grounds in dealing with these other problems as well. And even if such attempts were not successful, it would not follow that it is possible or appropriate to ignore the problems involved. Rather, it would mean that the efforts to improve conditions and performance in these areas would have to be made without intent to offer them for display, as part of the national commitment to experiment with urban innovations and renew Washington for all its residents in the process, with little expectations that the innovations, processes, developments or results would be demonstrable within the context of the Bicentennial celebration. But an effort of appropriate scope and scale, even if confined to just the five areas we are discussing here, can have such dual benefits, and we will briefly sketch some of our reasons and ideas for productive approaches to them.

TRANSPORTATION

Changes in urban transportation technology and the availability of that technology have altered and redefined our very notions of what a city is and how it grows and functions. Relatedness and interaction encompass far larger populations dispersed over much greater areas than ever before, and give functional meaning to agglomerations of metropolitan and regional scale. At the same time, there are transportation dilemmas that mark urban areas throughout the nation—the problems of handling peak load during morning and afternoon rush hours, of developing viable public transit systems, and of ameliorating the impact of large volumes of vehicular traffic on the quality of urban life (a problem we will examine in discussing the urban environment). In terms of a response to the needs and opportunities of the Bicentennial in the National Capital Region, there are at least four perspectives on transportation systems and problems that we should consider.

First, there is transportation as a part and a problem of the Washington urban area, and of the network that promotes the essential symbiosis of the central city and the region around it, and of the impact of Bicentennial visitors on those networks. Second, transportation can be considered a service problem in light of the record crowds of visitors that can be expected to come to Washington during the Bicentennial. This will be of particular importance in relation to what can be referred to as the "monument area" (the Capitol, Supreme Court, White House, the Washington Monument, Lincoln, Jefferson and Roosevelt Memorials, and Arlington Cemetery) and the consequent aggravation of transportation problems common to visitors' Washington and National Capital Region.

CONCLUSION: THE OPPORTUNITY AND THE RESPONSIBILITY OF THE BICENTENNIAL

In the past, national and international celebrations and expositions have had important effects on developments in the United States, as the notes in the Appendix indicate. From the Crystal Palace of the Great Exhibition in London in 1851 through the Philadelphia Centennial, the World's Columbian Exposition in Chicago and the Chicago World's Fair, and up to Expo 67 in Montreal, the influence of these events has been felt through the United States—in such diverse fields as architecture, plastic packaging, and transportation technology. What we are urging is that in our national celebration we do, at the very least, acknowledge our urban character and fulfill our responsibility to Washington, and in doing so avoid the persistent error of past fairs, what may be the prototypical American error that is only now catching up to us: the emphasis on transience and disposability, an attitude that has marked our handling of cities as well as fairs and expositions. We are suggesting that efforts be concentrated on activities that not only make the National Capital Region a living fair, but are long lasting in their benefits—and that demonstrate the viability for the present and the immediate future of the exciting and promising innovations in urban concepts and services that are now at hand. The Bicentennial can in this way raise the expectations of all who witness for the quality and diversity of urban life, the strengths of interdependencies, and the potential for good and plenty that concentrations of Americans in urban areas can share.

Our conclusion is that in terms of the most fitting approach to a national Bicentennial celebration, it is both highly desirable and eminently practicable to undertake a broad effort of urban innovation and development in Washington, D.C and the National Capital Region, and we strongly recommend that this be done. If such an effort is to be successful, there will have to be a clear national commitment, and it will have to command resources of a magnitude appropriate to the tasks involved. The responsibility rests heavily on the National Commission to make the bicentennial a cause as well as an occasion for celebration, and we urge it to take the steps necessary to respond to the opportunity and responsibility manifest in the nation's capital.

American Revolution Bicentennial Commission,
Washington, D.C., October 5, 1971.

Memorandum to: M. L. Spector, Executive Director.

Subject: Attendees at National Conference on Youth and the Bicentennial.

Attached is a list of youth leaders who were invited to Belmont, Maryland at the Smithsonian Conference Center for a meeting on "Youth and the Bicentennial".

Those with an asterisk are expected to attend the ARBC meeting in Chicago and make a presentation on their Belmont meeting of September 6–13, 1971.

R. Lynn Carroll,
Deputy Executive Director.

National Conference on Youth

*1. Bailey, Benny Ray—Alcor Inc., Pipsa Passes, Kentucky, Appalachian, 28 years old. Works for Alcor, Inc.

2. Booth, Paul—Campaign against pollution; Chicago, Illinois. Former executive secretary of the SDA. Late 20's.

3. Brewer, Mike—Washington, D.C. A founder of the Ripon Society.

4. Buxton, Warner—Jackson, Mississippi; Black; President of the Jackson State Student Body.

5. Chickering, A. Lawrence—San Francisco, California; formerly wrote for William Buckley.

6. Gerzon, Mark—University of Chicago; he is about 23; author of the book, *The Whole World is Watching*. Now studying with Eric Ericson.

7. Greenfield, Jeff—New York City; coauthor of the book *The Advance Man*. Was speech writer for Mayor Lindsay.

8. Hamm, Larry—Newark, New Jersey; Black; teenage member of Newark Board of Education.

*9. Haskins, Ann—Los Angeles, California; she is white; was the editor of the Daily Bruin at UCLA.

*10. Hill, Thomasine—Billings, Montana; Indian; College student; was delegate to the White House Conference on Youth.

*11. Jefferson, Eva—Chicago, Illinois; Black; Former President of the NW Student Body.

12. Kunen, James—New York City; 23 years old; author of the book *The Strawberry Statement*. Delegate to the White House Conference on Youth.

13. Luciano, Philip—Former member of the Young Lords, New York City.

14. Mixner, David—28 years old; Work with McCarthy Campaign; now works for Common Cause in Denver, Colorado.

*15. Oxman, Steven—Yale Law Student; former President of Yale Student Body.

16. Page, Paula—She heads up a Womens' Rights Project for the National Student Association.

17. Ragain, Priscilla—Detroit, Michigan; member of the UAW and is an assembly line worker.

18. Rhodes, Joseph, Jr.—Cambridge, Massachusetts; Harvard fellow; former member of the Scranton Commission; Black.

19. Stanley, Anna—Minneapolis, Minnesota; Black; teaching a Black studies program at the University of Minnesota.

*20. Vollertsen, Rick—Anchorage, Alaska; recent high school graduate; delegate to the White House Conference on Youth.

21. Wagner, Carl—Washington, D.C.; 24 years old; works for the American Labor Alliance on youth programs and the 18 year old voters registration.

*22. Walker, Geoffrey—Vietnam War veteran; now stationed at Fort Carson, Colorado.

*23. Whitehead, John—27 years old; senior vice president of Technicon, Inc., Tarrytown, New York.

*24. Wilson, Mary—Founder of the Student Information Center which is a clearinghouse for high school students. She is 17 years old.

25. Phillis Haynes—Black, WPIX Report, New York; President of Student Body at NYU, 1970.

26. Cris Holmes—Black, Operation Breadbasket, Chicago; MacAlister College.

27. Robert Boyd—Chrysler Corporation; Stanford University; MBA, Black.

28. Harvey Hakari—Public Broadcasting Corporation, San Francisco, YAF Chairman; Stanford University, 1969.

29. Yvonne Jaffe—No. 9 Crisis Center; New Haven, Connecticut.

* Those with an asterisk are expected to attend the ARBC meeting in Chicago.

October 7, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President, In response to an invitation from Mr. John D. Rockefeller, 3rd. twenty-five young Americans met together for a week last month at the Belmont Conference Center in Elkridge, Maryland. Our purpose was, in part, "to develop recommendations to relate the youth point of view and possible youth activities to the Bicentennial." In pursuance of such an effort we prepared the attached memorandum, and we earnestly recommend it to your serious attention.

A group of our size could not even approach a representative sampling of American youth. More importantly, the experience of our Conference suggests strongly that "the youth point of view", if such a thing indeed exists, is not susceptible to definition or codified application. We do not, therefore, address our observations and recommendations to you and the American Revolution Bicentennial Commission under any pretense of a capacity for the formulation of "the youth point of view."

In frankness, we must also say that our evaluation of the current concepts and programs of the American Revolution Bicentennial Commission were often negative, suspicious, or indifferent. It is by no means the sense of our Conference that widespread or meaningful participation can be expected from American youth if the Bicentennial unfolds along the lines set forth in the Commission's *Report to the President* of July 4, 1970. While a number of the ideas expressed in the *Report* deservedly elicit our commendation, most of us hold severe reservations as to the appropriateness, diversity, dignity, and inspirational value of the overall program.

There is a general feeling that an official celebration and self-adulation as applied to contemporary American society would be hollow and dishonest, and that it would serve only to inflame the animosities which divide our peoples. We would greatly regret the usurpation of the Bicentennial by such rhetoric as you used in your Bicentennial television and radio broadcast of July 3, 1971, in saying "To look at America with clear eyes today is to see every reason for pride and little for shame, great cause for gratitude and little for regret, strong grounds for hope and none at all for despair." To many young people this statement is plainly untrue and therefore inflammatory.

The prevalent feeling among us is that the Commission does not represent the diversity of the American people, and that this explains, in part, why the commission has not formulated a program which elicits our support and makes it highly unlikely that it will do so in the future.

For these and other reasons, the Conference found it impossible to "develop recommendations to relate the youth point of view and possible youth activities to the Bicentennial." We did, however, wish to address ourselves as individuals to you, and to the Commission, in some way which might be useful. The accompanying memorandum is our effort to do that, to communicate the cautionings, concurrences, rejections, and positions which emerged, collectively and individually, from the consideration of the American Revolution Bicentennial by twenty-five young Americans.

Respectfully,

GEOFFREY WALKER.
STEPHEN A. OXMAN.

TWO MODELS FOR A PEOPLE'S BICENTENNIAL

People's heads have got to change! As a nation, we just have to develop a desire for service, for sacrifice, for working together to get our thing together.

There's no way cities can continue to provide services for their people without the active aid and participation of those people. Companies will never be able to do good things—as opposed to profitable things—without the help and support of the markets they serve. The consequences of *not* developing a national gestalt of work, sacrifice, and service for the good of the "whole" are obvious.

The Bicentennial offers a perfect opportunity for speeding up the changes that peoples' heads are already undergoing. The "celebration" will have wide notoriety and power—both symbolic and real. That power should be used to help change where people are at.

One underlying assumption about changing the national *gestalt* is that it must happen from the people up, and not from the institutions down. The rest of this report deals with two possible models (out of many) for accomplishing this change. Both models can be tied to the Bicentennial, and both should be acceptable to the Commission.

MODEL I

Model I follows a plan based on the Canadian Bicentennial. The national government should set aside a Peoples' Bicentennial Fund of $1 billion per year from now until 1976. It should be made available to individual states on a matching, per capita basis. The states should then make it available to individual towns and villages on a matching, 2:1 or 3:1 basis. The matching funds from individual communities should come from special, non-government collection groups formed by *ad hoc* citizens' committees. There would be one such committee per community, and each community would be limited to one project at a time—at least for Bicentennial funding.

Examples of community projects that might be undertaken with funds from the Bicentennial and help from the people are: new sewage systems, new or better schools, food for poor people, parks for all people, land reclamation, etc. The list is obviously inexhaustible.

Advantages of Model I are

(A) it depends on grass roots support

(B) it is non-controversial, so that it can get grass roots support

(C) people get the habit of working together towards common goals

(D) are encouraged to do more by their successes, and

(E) local problems are solved while a new *gestalt* is developed (or, the "medium is the message.")

Disadvantages of the Model are

(A) it depends to some extent on institutional money, so that

(B) it might be suspect by some, and

(C) it could be somewhat limited in the political and institution-changing projects that could be undertaken.

MODEL II

Model II is somewhat similar to the first Model, except that it requires little institutional funding. A group of 25 or 50 "seed" people would assemble in Washington, D.C. for several months. These "seed" people should already be involved with local community projects.

During the first few months, the "seed" people would seek publicity for a "Bicentennial Coalition"—a coalition of local projects across the country. The thrust of this publicity would be that there are already many community projects underway, and that the Bicentennial Coalition would be available to help other communities identify local problems and to set up programs to solve them.

The Coalition would then disperse to as many local communities as possible, having already created an atmosphere of movement and momentum by their activities in Washington. Specific programs that might be undertaken by *ad hoc* community groups are: street patrols by private citizens (more people on the streets=less crime), building and block renovations, local pressure on polluting industries, composting programs for suburbs, etc. Any money or supplies needed would be obtained from local businesses or from the people themselves via the *ad hoc* committees.

At the same time, a small group would remain in Washington to (A) help coordinate the Coalition's resources for any new community groups wanting help, and (B) to continue to obtain publicity and media coverage for their activities. This would help to insure continuing momentum for the programs.

In addition to the advantages of Model I, Model II offers the possibility for an ultimately bigger "trip" for the country: just as Model II depends more completely on grass roots support for its success, so too are the opportunities greater for really developing a new *gestalt* of service and sacrifice in the interest of building good things together.

Model II also eliminates the disadvantages of Model I, although it poses a much greater risk of failure than the first plan.

In a certain sense this document is pie-in-the-sky naive. But so was Earth Day, the Moratorium, and the American Revolution. People want to set things right and need only to be shown a way and given a means to do it.

AN ONGOING AMERICAN REVOLUTION

The approach of the two hundredth anniversary of the revolution which gave birth to the United States of America leads us to re-examine the foundations of this country and to deal with the reality of its shortcomings.

We find that the high ideals of Life, Liberty, and Happiness have never been a reality for all peoples from the beginning to the present. The Constitution and the persons creating it were both racist and sexist in belief. The Declaration of Independence seems not to have been read by Congress or the Executive Branch. The freedoms set forth in the Bill of Rights are constantly undermined by government and big business.

The nation created in 1776 promised individuality, freedoms, the right to seek one's own happiness, and a unique form of government giving the power to the people. Less than 200 years later every aspect of that dream has been lost. We are the best-educated, best-motivated, and most socially concerned generation yet produced. While we are idealistic, we are staunchly tough-minded. We shall be convinced by cold hard fact, not by myth.

We are unable to comprehend the prostitution of our national ideals.

We seem powerless to end a war that asks us to kill and to die, powerless to stop chemical and nuclear genocide, corporate destruction of beauty, nature, and the purity of life. We have not put an end to prisons filled with cruelty and inhumanity, prisons which breed crime, rather than deter it or to irrelevant school systems which regiment students, teaching the three R's, not how to live with our brother, or how to learn, or how to teach our children to live.

We ask why the police and judicial systems do not protect us.

Why employers and unions ignore us.

Why welfare must strip away our dignity.

Why our children and aged must starve.

These shortcomings must be faced if we are to survive. America must strive to restore its sense of direction and regain allegiance to the fundamental principles of its conception.

America must redirect its technology and institutions to fulfill the needs of the common man, not the elite. We must strive for the growth of meaningful social change and the furtherance of the quality of American Life.

America must insist on the dignity of the individual, offer him health, education, meaningful employment, decent living conditions, protection of his rights, though he may be neither rich nor powerful.

We may attain solutions if we are willing to make a significant economic commitment. We can help only if we care. Times will change only if we face reality.

It is time to affirm and implement the rights articulated in the Declaration of Independence, the Constitution, and the Bill of Rights. These documents must be reinterpreted so as to be meaningful to all persons in our society.

In addition we demand the following for every person:

The Right to adequate housing, clothing and nutritious food.

The Right to an opportunity for self-fulfillment, a living wage, and health in body and mind.

The Right to be an individual, so long as that expression does not infringe upon the rights of others.

The Right to preserve and cultivate ethnic and cultural heritages.

The Right to enjoy clean air, water, and natural beauty.

The Right to exercise political freedom.

The Right to an equal, futuristic and individually relevant education.

The Right to do whatever is necessary to protect these rights.

Because we are aware of our responsibility to fight for the rights of all people, we dedicate ourselves to the struggle for the realization of the ideals embodied in our nation.

We recognize further that while youth is often most receptive to change, they are not alone in desiring it. We affirm our kinship with persons of goodwill of all generations. Together we demand to be heard, not merely listened to.

Thus we feel that 1976 is not the 200th anniversary of the genesis of this country. Rather it is the anniversary of 13 colonies declaring independence from the British Empire. It signifies neither the beginning, the climax, nor the conclusion of the American Revolution.

The American Revolution is not over!

OUR HERITAGE: A NEED FOR HONESTY

How we commemorate to the Bicentennial depends on how we understand our own past. We are very concerned about aspects of our own past which we feel the Commission has underemphasized, or ignored altogether. In order that the Bicentennial commemoration be meaningful, we believe that our heritage must be understood, both its unique virtues and its tragic faults. From the revolution of 1776 to the present day, Americans have permitted much of our history to be erased from our national memory. We feel that to properly celebrate the nation's two hundredth birthday, our memory must be refreshed.

THE REVOLUTION

The Bicentennial has been designed to celebrate America's birth, the American Revolution. Yet both at home and abroad many people consider the U.S.A. to be the most powerful *anti*-revolutionary country in the world today. This presents a paradox which the Bicentennial Commission must face if it is to be respected.

The American Revolution was a time of disunity, a time when decisions were at last confronted because they could no longer be evaded. Some men were backward-looking, clinging to their oppressive colonial heritage, while others were forward-looking, searching for a new society, a new equality, free from the past. The revolution, therefore, was a time of conflict, of debate, of *diversity*. This, we feel, is one major theme of the revolution: not artificial homogeneity but constructive opposition.

The other major theme of the revolution was *change*. The Founding Fathers had no intention that Americans should forever accept their goals. On the contrary, Thomas Jefferson tried to ensure that every generation would have the legal means to alter institutions which had become inadequate. Although he was the architect of the Declaration of Independence, the Constitution, and the Bill of Rights, Jefferson nevertheless sought to assure future generations of the right to change those documents. "Let us provide in our constitution," he wrote, "for its revision at stated period."

Each generation is as independent of the preceding one, as that was of all which had gone before. It has then, like them, *a right to choose for itself the form of government it believes most promotive of its own happiness . . .*

Jefferson's goal was to create institutions which every generation could re-examine and, if necessary, re-design those institutions.

Unfortunately, at present these two essential themes of the American Revolution have been sacrificed. Instead of cultural diversity, we find in the Commission's Reports a narrow uniformity. And instead of change, we find lethargy.

The emphasis on celebration is offensive to large segments of our population. It is frivolous to stage an expensive, elaborate display of self-congratulation and merriment in the face of serious unsolved national problems. Such a Bicentennial could only alienate the unemployed, underpaid workers, young people, blacks, Indians, and any group of citizens actively concerned about such grave threats as pollution, drugs, racial inequity, distorted national priorities, etc.

If the Bicentennial celebration is to be for *all* Americans, diversity is essential. Black Americans, for example, have been totally ignored in the written history of our country. Public education has left black people completely out of history books. When they have appeared, their character has been grossly distorted. How many Americans know that the cotton gin, an invention which made the South into an agricultural giant, was invented not by Eli Whitney but by a black slave on his plantation? Or that Estevanico, a black Spanish explorer, was the first to explore what is now Arizona and New Mexico? Or that it was not the famed Frenchman l'Enfant alone who designed the unique plan for the nation's capital, but the freed slave Benjamin Banneker who completed the task?

This list could be continued indefinitely. Throughout the 244 years of legal slavery, and 108 years of illegal slavery, black men and women achieved tremendous accomplishments which today are not known by the masses of Americans. We understand that white people naturally wish to celebrate the Bicentennial in 1976 because it is the two hundredth anniversary of *their* freedom. But the Commission should not forget that black people were not freed then. They have remained in a position of economic subjugation and political powerlessness. For black people to join this national celebration, both their history and their present must become an integral part of the Bicentennial's programs.

Black people are, of course, only one of the many forgotten groups. The American Indian has been living on this continent for 30,000 years and has celebrated his concept of freedom for centuries before Columbus or Erickson arrived. White European immigrants may now celebrate the 200th Anniversary of their country but, fundamentally, the land on which they stand belongs to the Indian.

Few Americans realize that their country is not simply a reflection of Europe. Many of the distinctive features of American democracy are Indian. Distinctively American political ideals emerged out of the rich Indian democratic tradition. Universal suffrage for men and women; the system of states within a state that we now call federalism; the practice of considering political leaders as the people's servants rather than their masters; the insistence on respect for diversity and pluralism—*all these political practices were part of the American way of life long before European settlers arrived.*

The Europe that lay behind Columbus as he sailed toward the "New" World was, in many respects, less civilized than the lands which lay before him. Politically, nothing in the European nations of the fifteenth and sixteenth centuries could equal the democratic constitution of the Iroquois Confederacy. This Confederacy provided for initiative, referendum, recall, and universal suffrage. Men and women, rich and poor—*all* could cast their vote, unlike the system in Europe.

Many of the most crucial political ideals which Thomas Jefferson expressed in the founding documents of America, the very documents which the Bicentennial is to celebrate, originated in American Indian culture. Borrowing from the Indians, Jefferson cautioned against government power. He argued for local self-government rather than the ostensibly more efficient centralized government. He trusted the ability of neighbors to settle their problems on a local level. These enduring elements of our democratic system are the contributions of the Indian peoples.

Other ethnic groups, economic groups, and age groups could easily be enumerated. But our point should be clear. *Rather than illumine the true diversity in the American people and enable each to express its own heritage, the present Bicentennial is an exclusive, centralized attempt to make Americans appear uniform and unified.* Such a national celebration will not be believed by many Americans. And it will not be believed by those outside our borders.

Just as the concept of diversity has been betrayed, so has the concept of change. Although Thomas Jefferson said that each generation should be free from its predecessor, with the right to "choose for itself the form of government it believes not promotive of its happiness," we find that the Commission appointed to commemorate the revolution has not a single member from the young generation. Only the heads of large organizations, many with special self-interest in the Bicentennial, have been made members of the Commission. For the Bicentennial to be a *national* event, not only in theory but in practice, we firmly believe that the Commission must be profoundly broadened. Constituencies which have been excluded must be represented. Otherwise we will have betrayed, not commemorated, the spirit of the American Revolution.

POLIS 76

PREFACE

The Polis proposal is meant to be a positive alternative. It is less important that its proposers find fault with the exposition concepts advanced by Boston, Philadelphia, Washington, and Miami than it is that they are convinced we can and should do something better for more people. They suggest Polis as the most appropriate way to honestly commemorate the causes and immediate results of the revolutionary "Declaration of Independence", and apply the spirit and philosophy of that document to the problems which seriously traumatize third century America.

Dare we admit our weaknesses, and take action to improve reality and reinfuse hope into the self-pitying national soul? Dare we begin to communicate with one another, and together, make better the place we all share? Dare we deny the tyranny of "trends" and "statistics", and begin to mold the future according to our needs and dreams? Dare we look into the mirror during the Bicentennial year if we now decide to be tyrannized?

We all espouse the same concerns. The historical descendents of Paul Revere abound everywhere. We all know the British of our time "are coming". But more than any other idea thus far proposed for celebrating the Bicentennial, Polis directly challenges our wisdom, and our will to do something about the existing and impending crises. It provides an opportunity for concerned citizens and leaders to release their frustrations and resources into a constructive effort. The positive results of a creative Polis program could prove as permanent as the breaking from Britain has. For more than anything else, the colonial revolution was a state of mind; of hope, and of innocence. The Washingtons and Adamses knew they had to struggle. But they had no idea how hard. Or at what cost. They simply knew what they wanted and needed to attain. For more than anything else, Polis springs from a hopeful spirit. It is a frankly innocent document. Not for what it proposes we do, but for what it proposes we be. In that sense, Polis presents a greater challenge to current Americans than Jefferson's "Declaration" did to the colonials. They possessed the strength of conviction to overcome resource shortages; to survive Valley Forge winters and the like.

We possess the resources to build trains, communications systems and cleanse the environment we have polluted. We have the resources to do much more. But we lack their strength because we lack their convictions. That marks the difference between what we are becoming and what the Revolutionary participants were. They recognized the enormous odds against victory, but battled to win nonetheless. We are intimidated by difficulties, and are confused by the complexities we have created. We are frightened. Of each other. Of the things we produce. Of ourselves. Of tomorrow. We are "a mature, realistic nation". And it eats at us.

Polis asks that we not be confined by every past and present, social and political constraint. Rather, we should emulate the essence of what we intend to honor by understanding what we are and what we have, and by beginning to act as we should. It is not so much that Boston, Philadelphia, Washington and Miami individually are wrong, than it is that something like Polis is much more right. Much more relevant to our needs as a regional entity, and to our needs as people within the regional village.

What follows this preface is not a carefully detailed masterplan. It is not well enough buttressed by supportive data to be defined as a professional, much less persuasive codification of the Polis "faith". The initiators have had much more success spreading the word of Polis than they have had in attracting moneys to fund detailed defining of the word.

However, there is little doubt that the integrated concepts are fundamentally sound and workable. And precisely what Trenton or Providence or New York or other cities do within the framework of the Polis celebration should be imaginatively determined by the people and governments of those cities Polis is not a finished product prepared for marketing. Polis is a feasible opportunity. It waits to be realized through the participation of all types of people at every scale.

Though Cambridge Seven Associates have given ten thousand dollars to keep Polis alive, they seek no contract and wish no special reward for shouldering the burden. Their involvement in past world's fairs taught them much. They simply want the right thing to be done in the right way for the Bicentennial. The students who first presented Polis, Jim Chard and Rob Hollister, are not hoping to capture lucrative, post-graduate, Polis related jobs. The coordinator, Doug McConnell, is similarly motivated. All of the others who have given much to the creation and development of Polis have contributed in the same spirit. They are individually concerned about the lack of direction our society is on the verge of non-taking, and about the meaningless decade and celebration we may have unless they, at least, speak.

That is the beauty of Polis' history and promise. Many different people, spacially removed from one another and lacking political "connections", giving freely of their energies, abilities, dollars, and professional reputations to allow an excellent idea a chance in the "Bicentennial Sweepstakes". They do not wish a pat on the back. That would defeat the purpose of what they are trying to cause. Simply reflect on what has been done by a relatively small, relatively impoverished, passionately disinterested group of persons who said and did a few things new, and much that is traceable to 1776. Imagine what could be done if we all assumed that attitude. For a brief moment anyway. It is worth trying.

WHAT POLIS PROPOSES

Polis envisions a regional focus for the nation's commemoration of its 200th birthday. The Polis celebration will be a coordinated affair, definitely linking the cities between Boston and Washington, and if at all possible, including the territory south of Washington to Atlanta. The nation's regional birthplace, the region which includes the nation's capital and America's largest city, the regional landing point for most immigrants to America, and the region which presently houses the most number of our citizens and the most comprehensive catalog of pressing megalopolitan problems, is the logical focus for a bicentennial celebration. If cooperative regionalism is to succeed as it must, it should begin in the place where the nation began two hundred years ago.

But the bicentennial will be a national celebration. Polis happenings will not comprise the sum of America's activities in 1976. It seems likely that Los Angeles or Denver or both will be Olympic hosts during the bicentennial year. Other communities, in mid-America and the far West, will wish to engage in festivities and environmental improvement projects. Polis encourages such resourcefulness, and will provide an information bank for persons who wish to know the nature of occurences beyond the colonial region, and who need advice about how to get it to them. However, to avoid debilitating diffusion of energies and continued confusion of national purpose, a focused celebration is necessary.

A single-city focus is inappropriate. No lone community can claim fatherhood to the freedom spirit and its revolutionary expression. No single city can likely cope with the massive influx of tourists from around the world who will come to share or ridicule our celebration. Perhaps most importantly, no one city embodies the complete American experience.

The cities of the eastern seaboard, taken together as separate but interdependent parts, provide a clearer view of the developing American reality. Just as we are residents of Harlem and New York City simultaneously, so we are tied residentially to the Corridor megalopolis. We commune at all scales. Hence, we should celebrate, and achieve tangible urban improvements at all scales. An exposition, solely within the limits of Boston's or Philadelphia's artificially conceived boundaries, would today be as anachronistic as one hundred years ago it would have been innovative and far-sighted.

Therefore, Polis will construct mechanisms which symbolize our increasing interdependence and simultaneity of experience.

On the regional scale, Polis will support improvements which make it easier for persons to move quickly and pleasantly along the megalopolitan spine, and which make it easier for different people from separate sections of the unified whole to communicate meaningfully—which make it easier for them to understand each other, and interact without fear.

Polis proposes:

(1) Balancing our transportation system by dramatically improving our inter-city, ground transit system. The trains will be fast, efficient and comfortable, and will be travelling arrays of multi-media shows and demonstrations for the interested celebrant.

(2) Funding an experimental telecommunications network to bring the creative thrust of the celebration and related happenings into homes throughout the region. And through the medium of two-way telecommunications, provide forums for spacially separated residents of the regional village to share thoughts and feelings, and discuss issues.

On the local scale, Polis emphasizes improvements to the major rail terminals, to the intra-city transportation systems, and to the fabric of what already exists in the urban environment. Cities should cleanse and invigorate themselves, and make it simple and fun for visitors to move from the regional transportation line through the terminals and the local transit nodes to street celebrations and historical sites. No new, strictly-for-Polis-pavilions should be built. Polis emphatically discourages artificiality.

At the neighborhood scale, Polis encourages street art, theatre, festivals and expressions of particular cultural souls. Polis supports projects for neighborhood enlivening and cleaning up—and for giving resources to the people so they may create much of their own celebration, and invite the nation and world to attend, either in person, or through the telecommunications network. No American should be afraid to immerse himself into neighborhood happenings across the tracks.

And at all scales concurrently, Polis will coordinate efforts to reorder ecological priorities by 1976. A motivating principle of the entire Polis movement will be to arrest and reverse our tragic environmental decay. Other Polis accomplishments will mean nothing if our children smother in the garbage of our neglected responsibility. Polis can be the vehicle for action which the frustrated, ecologically concerned are seeking.

Polis is a comprehensive proposal for integrating all social and political scales into a balanced celebration. Polis is not a "fair" or an "exposition". It is a celebration. A festival of building together; of sharing achievements and excitement. There is no "expo" location. No city will dominate the regional activities, except that each city will be encouraged to stress what is unique and positive about its own particular character.

True, such a thing has never been done. But neither had the American experiment been tried before 1776. Neither had a "world's fair" been tried before the nineteenth century. Polis may not receive an "international designation" by the Bureau of International Expositions in Paris. But so what? If the divided and torn America of recent years were significantly mended by 1976; if the cities of the eastern region were pleasant instead of befouled and noxious; if it were enjoyable, efficient, and entertaining to travel throughout the "colonies"; and if America were truly young and hopeful and open-armed again, foreign visitors would join us in astounding numbers. Are we so miserable and tiresome that we need a gimmick to attract world attention? Aren't we enough? And if we aren't enough, shouldn't we try to become enough by 1976?

Typical Question: Then how does Polis involve contributions from other nations if it will contain no specific location for international pavilions?

Answer: Polis will invite foreign people and their governments to send demonstrations of their cultures. Ballet troupes, soccer teams, art exhibits, folk groups and film exhibitions will tour the Polis region. The Olympic city or cities will host great international spectacles in the west.

Typical Question: Then what will there be to see and do? People want an "Expo". They want a Disneyland with gadgets and everything? How could you package a Polis trip?

Answer: Polis is not a value judgment against occasional Disneylands. It is an offered alternative to provide people a new experience. How do we know that people unswervingly desire expo-type, Disneyland repetitions? Upon what can such an assumption be made? We have never offered a choice.

Millions of Americans annually tour the Polis region. It is a legitimate guess that millions more would tour the colonial area if we made the events and places of interest fun and easy to get to. Imagine a scenario:

The Adams family has always wanted to visit the east coast. John Adams is a supermarket manager in Boise, Idaho, and he has a three week vacation coming. In the early spring of 1976, his wife, Abigail, contacts a neighborhood travel agency to plan their vacation. Two weeks of travel between home and the Polis region must be arranged.

One week will be allocated for participating in the events of the national celebration.

The travel agency is well informed about the historic sites to visit, and about the occurrences planned throughout the nation for the bicentennial. The agency is plugged into computer banks at Polis headquarters in Washington, and thus is capable of advising the late planning Adamses about how to avoid the times and places of anticipated crowding.

Mrs. Adams informs the agency that she and Mr. Adams hope to make the excursion a memorable experience for their two sons, Quincy and Henry, twins in their early teens. The two boys have never journeyed further east than Salt Lake City, and have never been to a major metropolitan center. They want to see the Capitol of course. And they are both interested in sports. Quincy is intrigued by drama and the arts. Henry is a history buff, and would like someday to teach at the college level. Of course no summer vacation would be complete without a little camping.

It's been years since Mr. Adams has visited the east. He's mostly interested in seeing his ancestoral home in the Boston area. Mrs. Adams explains that she hasn't been back to her girlhood Baltimore home since her family moved west decades ago for the sake of her father's health. "The air was so dirty. That's before they started talking about pollution and such. Frankly, I never wanted to go back. I was afraid to take my sons to the frightful cities. Everybody fighting each other. Despair. Hostile crowds. Filth. But I understand that is beginning to change now. So why not go? Besides, I want to see where Washington crossed the Delaware. I think you can swim there which will be a great treat for the boys."

The agency telephones Mrs. Adams two weeks later with her reserved itinerary. In mid-July, the Adams family is on its way in the family station wagon. They visit a Colorado centennial rodeo in Denver; a demonstration of midwestern art in Kansas City; Tom Sawyer's home in Hannibal; and spend an afternoon learning about coal mining in West Virginia. "Now to show you boys something", Mr. Adams says, "we will camp along the east coast. You may have thought the whole area was crowded with people and buildings, but there are nearly eighty national parks, monuments, and historic sites in the colonial area." Quincy and Henry are amazed that much open land still exists despite the urban explosion.

They arrive in Washington, D.C. to begin their Polis holiday. They leave their auto in a newly provided parking shelter, and with the help of direction giving devices, maps, and improved intra-city transit modes, the Adams family spends one long day touring Capitol Hill, The White House, the Smithsonian Institution and the Lincoln Memorial. They struggle against few lines, and find no difficulty confirming their accommodations for the night.

The next morning, the Adamses go to the modernized Union Station for a train journey north to Philadelphia. They hold tickets for an international soccer match at 1:00 P.M., in Philadelphia. But there is time to watch an hour long, multi-screen film in one of the Terminal's theatres about the history of the nation's capitol. Quincy is unable to view an enactment of a play concerning the antebellum south, and becomes quite depressed. Then he boards the Metro-train.

The family is surprised by the congeniality of the train's interior, and the courtesy of its attendants. Upon entering the Metro, they are presented a program of events and purposes for each of the cars. The range of choice is remarkably broad, and Quincy's humor is immediately brightened by an opportunity to see selections from plays written by black playwright residents of the Corridor—on film and tape in car three. However, he is again saddened to learn that if he weren't exiting the train in Philadelphia, he could view a documentary about the Raleigh Rock Festival until New York. Then, he could join Pete Seeger and other passengers for a sing and talk to Providence, Rhode Island.

Mrs. Adams is pleased to learn that a Baltimore theme car, number four, will describe her former home as she journeys to and through the city. After leaving Baltimore, she will tune in the special Polis television network, and watch an historical account of Polish involvement in America's history, with live cutaways to two separate Polish festivals in New York City and Boston. The two parties are themselves joined by a large screen, two-way telecommunications link, and the televised conversations fascinate Mrs. Adams who is unaccustomed to such ethnic celebrations.

Young Henry Adams indulges his curiosity about American history by viewing a creative account of the Cornwallis surrender at Yorktown. Period paintings and still shots of the area as it presently appears mesh new visual techniques with an audio mix of Revolutionary era music and quotes from British and Colonial Yorktown combatants.

Mr. Adams is a bit overwhelmed by it all, and is somewhat exhausted by the weeklong journey from Boise. He retires to a parlor car for a Bloody Mary. In quiet comfort, he writes postcards to his supermarket subordinates. The drink does not spill, and he has no trouble writing. Near Wilmington, he walks to another car to preview Philadelphia's attractions. He also telephones their hotel in Philadelphia, and finds that his family is, indeed, expected.

The family finds immediate and understandable instructions concerning how to travel from the rail terminal, to the soccer stadium, to the hotel, and back again to the terminal the following noon. Intracity movement is no problem.

After Philadelphia, the trip includes an afternoon at the Trenton battle sight—and a delightful swim in the Delaware.

New York is two days of moving easily throughout Manhattan. To the Empire State Building, Central Park, a Harlem Film Festival, the Statue of Liberty, the Museum of Modern Art, and a Broadway play.

New England. Boston. The Harvard and M.I.T. complex in Cambridge for Henry. For Mr. Adams, a chance to trace his family heritage. And for Quincy and Mrs. Adams, the stunning wall murals of black Boston.

And then. Too soon. After a swift, lively, four and one half hours from Boston along the transportation spine, the Adamses return to their automobile and prepare for the adventurous trek home.

They have not "seen it all". But in a pleasant sweep, they have tasted a hopeful, learning, positive American east. It was a "packageable" tour. A real experience. No pretend world of glass slippers, pumpkins, and mice. In the West Virginia coal mines in the streets of Harlem, and in the words of black playwrights, the boys learned that all is not well. But America, with all its beauty and blemishes, was unafraid to expose its past, present, and future to itself and others. To challenge itself. And therein rests the true "Spirit of '76". Shared in by the Adams family.

If the question persists: "What is there to see?"; it is fair to ask in return: "What is there we wish to hide?"

WHY POLIS?

We have wounds to heal and problems to solve, and the time left to us may be very short. Now is our golden opportunity to recommit ourselves to our collective needs; to make the Bicentennial decade truly relevant to the creation of a sensitive, open society; to say "no" to barrier building between people, neighborhoods, cities, states and nations. Yet the natural differences between people and political entities should be respected. Divisive, "rugged" individualism is suicidal now that "elbow room" is not-existent. But compassionate, cooperative individualism should be encouraged.

Polis will direct dollars, technologies, energies and talents to those ends. No utopian state will be attained by 1976. However, we will all have something to celebrate if demonstrable renewal has been accomplished out of the ashes of the 1960's. That is the challenge Polis offers. Do we individually and collectively have the will to disengage from the quagmire of despair? Polis is an opportunity to prove we do.

Specifically, our transportation system will be necessarily balanced.

We will reverse the environmental decay from which we all suffer.

We will finally test the potential of our telecommunications magic, and use it to enhance levels of citizen awareness, understanding, and decision making.

Obviously, many other predictable and unforeseen by-products will emerge from the Polis program. Polis is a comprehensive, positive framework within which there remains room for much imaginative work.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SPONG. Mr. President, the Senator from Maryland has rendered a service this evening in pointing out to the Senate what has not been done to date by the Bicentennial Commission. When this commission was initially authorized, I had great hopes for it. The chairman named was Carlisle Humelsine, President of Colonial Williamsburg, and I knew he had the capacity and understanding to do a good job.

Since his resignation in 1969, I must say the commission has done little, that gives me hope that there will be an appropriate celebration.

In any event, I hope the legislation being presented this evening by the Senator from Massachusetts and the Senator from Nebraska will initiate renewed activity so that, within the next 4 years, a celebration that can be participated in by all our citizens may be planned.

I want to say to the Senate that the State of Virginia has an excellent commission; that, regardless of what is done or not done, by the national commission.

Mount Vernon, the home of the Father of his country, will be open; Monticello, the home of the author of the Declaration of Independence, will be open; Gunston Hall, the home of George Mason, author of much of the Bill of Rights, will be open.

I would say to the Senator from Massachusetts that, whereas the Revolution began in his State, it ended in Virginia; and the Yorktown Battlefield will still be there for all to visit.

I hope the proposed legislation will be enacted and its passage will serve to invigorate what I fear has to date been a lagging effort.

Mr. BROOKE. Mr. President, how much time remains?

The PRESIDING OFFICER. The only remaining time is 15 minutes to the other side, which is controlled by the majority leader or his designee, and I presume that is the Senator from West Virginia.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield 5 minutes to the Senator.

Mr. BROOKE. Mr. President, I am glad that my distinguished colleague the Senator from Virginia, recognizes the fact that it all started in the great Commonwealth of Massachusetts, and Massachusetts itself has a bicentennial commission.

It is working on it, and many other States throughout the Nation have Bicentennial Commissions.

For the Record, I want to say that we have had very distinguished leaders on the Bicentennial Commission, and the present Chairman of that Commission, David J. Mahoney, is a very competent, very able, and very distinguished Commission Chairman.

The Commission has had some very serious problems, among them the question of the direction in which it would go in observing the bicentennial anniversary. Many have believed that we should take on such projects as rapid transit systems throughout the Nation or recognition of the great problems of poverty and air pollution and water pollution. Others have indicated that we should have just a gigantic birthday party, or that we should have an exposition similar to those which were held in Canada and in New York City.

I, for one, have always believed that we should not have just a great exposition, a great birthday party, because we might expend tremendous sums of money, only to wake up the next morning with a big head, and find we have nothing left, nothing to point to, nothing permanent to show for the celebration of our bicentennial.

I commend the distinguished Senator from Maryland for his very timely suggestion, because at this period in this halfway mark, as we move into the planning phase of the bicentennial, I think it is appropriate that we take stock and that we broaden the Commission membership. I do not know that we will be able to include all the suggestions of the distinguished Senator from Maryland, because he has suggested that we limit the Commission membership to 25. But I certainly think that the intent of the distinguished Senator from Maryland can be carried out by the Commission in getting as broad a representation of this Nation, as broad a participation, as we can of all sectors and all groups within this Nation, so that the bicentennial can be truly representative of the United States of America.

I think that the commission itself recognizes this great need. I think the commission wants it. I think the commission will vote for this amendment. I certainly support the Senator's amendment, and I hope that the Senate will support it as well, because it is needed, and it will enable the commission to get on with its tremendous work. Time is of the essence; time is running out; and precious few years are left for us to execute some of the plans which have already been adopted by the Bicentennial Commission.

Mr. MATHIAS. Mr. President, if the Senator will yield, I should like to thank him for his encouragement and for his support.

The limit of 25 is not my limit. That is the limit which the committee, in its wisdom, has adopted. I think the commission ought to be as big as it needs to be to do its work and to be broadly represented. Let me say to the Senator from Massachusetts that there is a way in which the commission can be representative regardless of the limitation on its membership, and that is by bringing into its work all the people of the country and making everybody, in effect, a deputy on the commission, by broadly engaging the interests, the energies, and the creative abilities of the American people. If that is done, we really cannot have any objection.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. BYRD of West Virginia. I yield the distinguished Senator 5 additional minutes.

Mr. BROOKE. That is exactly what the commission is attempting to do with the resolution which the Committee on the Judiciary has reported with the authorization. It wants every State, every Territory in the United States, to have a bicentennial commission of its own. These bicentennial commissions would be mandated to embrace all segments of the population, all diverse groups within the Nation, so that they will participate. The staff is very zealously, very energetically, working in this direction.

I want to give assurance to the distinguished Senator from Maryland that the commission is well aware of the necessity for bringing in full participation of the entire United States of America.

Mr. MATHIAS. I am not going to interrupt the Senator again, but I would just say this: Congress is deeply concerned here, not just because I was the author with Representative Morse of the original bill. The commission is going to have to be more and more involved with Congress as it seeks further authorizations and further funds. I think it is only fair to say tonight that Congress has a real duty on oversight here, and Congress has to carry out that function.

I know that in the other body there is very grave concern at this time about the posture in which the commission finds itself at this moment, and that is a concern I share or we would not be here tonight.

Mr. BROOKE. I assure the Senator from Maryland that Congress was given representation on the commission. Four Members of the House serve on the commission. Three of our distinguished colleagues serve on the commission. They are the distinguished senior Senator from Virginia (Mr. Byrd), the distinguished senior Senator from New Hampshire (Mr. Cotton), the distinguished senior Senator from Rhode Island (Mr. Pastore), and also the junior Senator from Massachusetts. Those are the four Senators who serve on the commission. I do not know the names of the House Members.

It is the responsibility of Congress to oversee, as the Senator has suggested, the work of this commission. To the degree that these very busy Senators and Representatives can, I am sure that they have participated in the deliberations and in the planning stages of the commission's work.

I quite agree that we might expect in the future that the commission will be coming back to Congress for additional authorizations and appropriations as we get closer to the realization of our plans. I think it is good for all Members of Congress to become knowledgeable about what the commission has done, what the commission is doing, and what the commission intends to do in the future.

Mr. MATHIAS. I promised the distinguished Senator that I would not interrupt again, but I should like to add this thought: When I was a Member of the other body, and we wrote this bill, it was enacted into law; and we had an original authorization for $200,000, which under the circumstances was a fairly modest sum of money for the gigantic amount of work that needed to be done.

I regret to say that we were unable to get that money for a long period of time because of resistance in the other body. That resistance was finally overcome, but it is still there, and there is a very real danger that it can become an obstacle to the progress of the work on this commission.

I do not want the distinguished Senator to feel that what I am saying is in any sense a threat—it is not—because this is a project in which I have the most tremendous interest and a sincere desire to see it successful; but these problems exist and they will not go away because we do not look at them.

Mr. BROOKE. I am perfectly pleased that the Senator has pointed this out. He has very well said that it does not constitute a threat, but it is good for the commission itself to understand, and the staff of the commission to understand that Congress will be looking closely at what they are doing, at what they are not doing, and what they intend to do. It will not be easy for those of us in Congress who approve and support a bicentennial commission to make the case for authorization and appropriation unless Congress is convinced that this money will be wisely spent, and that we are going to have a bicentennial which will be truly representative of the Nation, and which will be meaningful. So I can only concur with what my distinguished colleague from Maryland has said and support it. I will certainly personally make it known to the Commission how strongly he feels about it and in speaking, I am sure he speaks for many Members of the Senate, and certainly for many more Members of the House of Representatives.

Again I commend the Senator for his contribution. It is a rich one. It will be helpful to the success of the bicentennial.

Mr. HRUSKA. Mr. President, as the only Member of this body who has participated in this colloquy so far who is not a member of the 13 Original Colonies, I want to say that the interest in the bill and the celebration which is planned for is of great interest in my native State of Nebraska and also in the Midwest. The encouragement of activities in the various State commissions and the regional coordinators, and the coordinating of the program celebration, will make it flower and come to greater fruition than most of us, perhaps, expect.

The amendment offered by the Senator from Maryland has no objection from this Senator. It will be an addition that will be welcome and therefore no objection is entered against it.

With reference to the 1 year appropriation, that was done with some forethought, because it was felt, with the momentum which will gather with the activities of the commission and the funds authorized by the bill—the appropriation has already been provided for, contingent on the passage of the bill in the other body on the other bill—that we will have no difficulty getting adequate funding in fiscal year 1973 and the 3 years following that.

Mr. BROOKE. In conclusion, Mr. President, I would like to assure my colleague that the present chairman of the commission, David J. Mahoney, is, I think, a very exceptional man. As the distinguished Senator from Nebraska has pointed out, there are also regional directors, which we have not had in the past. They are appointed. There are some exciting plans going ahead and I hope that more of our colleagues will become familiar with those plans. The commission has said and still says that it welcomes suggestion and ideas that can come from Congress. I am sure that my colleagues who serve with me on the commission will be willing and grateful to have all possible ideas so that we can take them back to the commission as your representatives. Again I commend my colleagues for this opportunity.

The PRESIDING OFFICER (Mr. SPONG). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1857

An act to amend the joint resolution establishing the American Revolution Bicentenial Commission, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b)(3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b)(4) is redesignated as section 2(b)(5) and is amended to read as follows:

"(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the Nation's people, with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions."

(3) By adding a new section 2(b)(4) to read as follows:

"(4) Four members of the Federal judiciary to be appointed by the Chief Justice of the United States;".

Sec. 2. Section 6(b) is amended to read as follows:

"Sec. 6. (b)(1) The Chairman, with the advice of the Commission, shall appoint a Director who will be compensated at level IV of the Executive Schedule, and three Deputy Directors who will be compensated at level V of the Executive Schedule. Such officers shall serve at the pleasure of the Chairman.

"(2) The Commission shall have power to appoint and fix the compensation of such additional personnel as it deems advisable and to appoint such advisory committees as it deems necessary.

"(3) The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission."

Sec. 3. Section 7(a) is amended to read as follows:

"Sec. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

Sec. 4. Add at the end thereof the following new sections:

"Sec. 8. In carrying out the purposes of this Act, the Commission is further authorized to provide for:

"(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information awareness and interest in the bicentennial;

"(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works programs, and projects relating to the bicentennial; and

"(3) a bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicentennial historical and commemorative significance.

"Sec. 9. The Commission is authorized to carry out a program of grants-in-aid in furtherance of the purposes of this Act. The Commission shall, subject to such regulations as it may prescribe:

"(1) Make equal grants in two successive years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor, to assist in the establishment or implementation of Bicentennial Commissions.

"Sec. 10. Appropriations or other funds available to any Government department or agency (including the Commission) for carrying out purposes related to or in furtherance of the bicentennial commemoration may be transferred between the Commission and any such Federal department or agency as may be mutually agreed between them. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of any such department or agency or the authorities of this Act, provided the activities come within the purposes of this Act."

Sec. 5. Section 5108(a) of title 5, United States Code, is amended by striking out "2754" and inserting "2764".

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry one of its reading clerks announced that the House had passed the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes;

H.R. 6283. An act to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1116) entitled "An act to require the protection, management, and control of wild free-roaming horses and burros on public lands."

HOUSE BILL REFERRED

The bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON CONTROL OF DRUG AND ALCOHOL DEPENDENCY

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense Control of Drug and Alcohol Dependency (with an accompanying report); to the Committee on Armed Services.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 53

"Relating to Greene-Harmer Motor Vehicle Damage Control Act

"Whereas, The enactment of the Greene-Harmer Motor Vehicle Damage Control Act of the 1971 Session provided high standards for bumpers and property damage resistance on 1974 model and later year motor vehicles; and

"Whereas, Such standards more particularly specified that all such motor vehicles must be able to withstand an impact of five miles per hour or more, front and rear, without damage to the vehicle; and

"Whereas, Such enactment and standards were based upon an extensive and in-depth study conducted by the Legislature, the Governor's Automobile Accident Study Commission and many agencies and organizations interested in the reduction of cost of insurance and auto repairs to the consumer; and

"Whereas, Background information and support for such measure was predicated upon the high cost of repairs and resulting insurance costs incurred in low-speed motor vehicle property damage accidents prevalent on California's congested street and highway systems; and

"Whereas, Such measure also reflected that meaningful reduction in the cost of automobile repairs for California motorists necessitated improvement of the crashability of motor vehicles; and

"Whereas, The final enactment of the Greene-Harmer Motor Vehicle Damage Control Act was without opposition after agreement with representatives of the automobile industry that the standard was attainable; and

"Whereas, The enactment of this law also represented a potential savings of hundreds of millions of dollars to California motorists both in reduced insurance premiums and lower repair costs; and

"Whereas, Major segments of the insurance industry have recognized this cost saving potential by announcements of substantial reductions on physical damage insurance premium on vehicles so equipped; and

"Whereas, S. 976, presently pending in the Congress would render null and void these potential benefits in the standards for bumpers and property damage resistance so established in California law in 1971; now, therefore, be it.

"Resolved, by Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to recognize and give full faith and credit to the motor vehicle property damage standards provided by California law in the Greene-Harmer Motor Vehicle Damage Control Act; and be it further

"Resolved, That the enactment of S. 976, or any other measure pending in Congress on this subject for the benefit of the citizens of the other several states, be amended to fully recognize the standards set forth in California law; and be it further

"Resolved, That the Chief Clerk of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 11955. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–549).

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 11932. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–550).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes (Rept. No. 92–542).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 952. A bill to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes (Rept. No. 92–540);

S. 1115. A bill to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada (Rept. No. 92–541); and

S. 1218. A bill to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes (Rept. No. 92–538).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1475. A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo," and for other purposes (Rept. No. 92–533).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 36. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes (Rept. No. 92–534).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

S. 345. A bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes (Rept. No. 92–539).

By Mr. HARTKE, from the Committee on Veterans' Affairs, without amendment:

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces (Rept. No. 92–543);

H.R. 9097. An act to define the terms "widow," "widower," "Child," and "Parent" for servicemen's group life insurance purposes (Rept. No. 92–545);

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance (Rept. No. 92–544);

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes (Rept. No. 92–546); and

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70 (Rept. No. 92–547).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes (Rept. No. 92–548).

By Mr. HOLLINGS, from the Committee on Commerce, with amendments:

H.R. 6893. An act to provide for the reporting of weather modification activities to the Federal Government (Rept. No. 92–537).

REPORT OF SELECT COMMITTEE ON SMALL BUSINESS (S. REPT. 92–535)

Mr. BIBLE. Mr. President, I submit the 21st annual report of the Select Committee on Small Business. I ask unanimous consent that the report be printed, together with illustrations.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

REPORT ON REVISION AND CODIFICATION—REPORT OF A COMMITTEE (S. REPT. NO. 92–536)

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I submit a report by the committee setting forth the activities of its Subcommittee on Revision and Codification during the second session of the 91st Congress.

The PRESIDING OFFICER (Mr. BENTSEN). The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington;

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California;

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia;

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois;

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims;

Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims; and

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Massachusetts.

By Mr. Hart, from the Committee on the Judiciary:

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS:

S. 2923. A bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2924. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the provisions of the Life Safety Code which are applicable to nursing homes;

S. 2925. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program an annual report on the costs incurred in the operation of such nursing home;

S. 2926. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the disclosure of ownership requirement applicable to skilled nursing homes providing services under medicaid programs;

S. 2927. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home;

S. 2928. A bill to amend title XIX of the Social Security Act to require the Secretary of Health, Education, and Welfare, whenever he determines that there is a failure on the part of any nursing home providing services under a State plan approved under such title to comply with the standards imposed or required to be imposed under such plan, to notify the Governor of the State of such failure on the part of such nursing home;

S. 2929. A bill to amend the Social Security Act to require that information concerning nursing homes providing services under Medicaid programs and intermediate care facilities providing services under certain State welfare programs, which is required to be furnished to certain State agencies, will be made available to the public. Referred to the Committee on Finance.

S. 2930. A bill to amend title VI of the Public Health Service Act to provide for the making of loans for the construction of nursing homes owned and operated by churches;

S. 2931. A bill to amend title VII of the Public Health Services Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics;

S. 2932. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities;

S. 2933. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants;

S. 2934. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; and

S. 2935. A bill to authorize the Secretary of Health, Education, and Welfare to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health-care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Labor and Public Welfare.

By Mr. STAFFORD:

S. 2936. A bill to amend chapter 19 of title 38, United States Code, to provide that 5-year level premium term policies of U.S. Government Life Insurance in force on January 1, 1972, shall be paid in full and remain in force for the life of policy holders. Referred to the Committee on Veterans' Affairs.

By Mr. NELSON:

S. 2937. A bill for the relief of Slobodan Babic. Referred to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. Pearson):

S. 2938. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act. Referred to the Committee on Commerce.

By Mr. McCLELLAN (for himself and Mr. Brock):

S. 2939. A bill to establish a National Commission on Corrections. Referred to the Committee on the Judiciary.

By Mr. CANNON:

S. 2940. A bill to authorize the Secretary of the Interior to convey certain public lands of the United States in exchange for certain mining lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 2941. A bill for the relief of Jose A. Seradilla. Referred to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. Bayh, Mr. Boggs, Mr. Buckley, Mr. Cook, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Harris, Mr. Hatfield, Mr. Humphrey, Mr. McGee, Mr. McGovern, Mr. Mansfield, Mr. Stevenson, Mr. Taft, Mr. Tower, and Mr. Williams):

S.J. Res. 180. A joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 2923. A bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2924. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the provisions of the Life Safety Code which are applicable to nursing homes;

S. 2925. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program an annual report on the costs incurred in the operation of such nursing home;

S. 2926. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the disclosure of ownership requirement applicable to skilled nursing homes providing services under medicaid programs;

S. 2927. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the sooner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home;

S. 2928. A bill to amend title XIX of the Social Security Act to require the Secretary of Health, Education, and Welfare, whenever he determines that there is a failure on the part of any nursing home providing services under a State plan approved under such title to comply with the standards imposed or required to be imposed under such plan, to notify the Governor of the State of such failure on the part of such nursing home;

S. 2929. A bill to amend the Social Security Act to require that information concerning nursing homes providing services under medicaid programs and intermediate care facilities providing services under certain State welfare programs, which is required to be furnished to certain State agencies, will be made available to the public. Referred to the Committee on Finance.

S. 2930. A bill to amend title VI of the Public Health Service Act to provide for the making of loans for the construction of nursing homes owned and operated by churches;

S. 2931. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics;

S. 2932. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities;

S. 2933. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants;

S. 2934. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; and

S. 2935. A bill to authorize the Secretary of Health, Education, and Welfare to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Labor and Public Welfare.

Mr. MOSS. Mr. President, this is an historic week as the White House Conference on Aging meets in Washington, D.C., to consider the needs of our senior citizens. One of the items on today's agenda is long term care which has been one of my areas of greatest interest.

I am sure that by now most of my colleagues know that I have been the chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging for the past 7 years. During the years 1963 through 1965 my subcommittee held nursing home hearings throughout the Nation which led to the enactment of the substantial body of Federal regulatory legislation which is the foundation for HEW's present efforts to upgrade the quality of nursing home care. While I greatly regretted the 4-year delay from the time the bills were enacted until this present push for enforcement, I do want to compliment the Department for the forthright manner in which they have now attacked these serious problems.

I hasten to point out that enforcement is but one of what I consider to be the five major root causes of abuses, negligence, and poor nursing home care in general. I enumerated these five root causes in a press release issued this Monday, along with certain preliminary conclusions based on the current series of nursing home hearings which began in July of 1969. This release also contained the broad outlines of a legislative package which I am today introducing. I do so in the hope that these bills will continue to gain the attention of the White House Conference and with a possible thought to patching them into H.R. 1 which will be before the Congress early next year.

The first problem that I identified was: Lack of a clear policy with regard to the infirm elderly.

The fact is that we in this great Nation simply have no policy with regard to the infirm elderly. The rhetoric speaks of care and concern, but the reality is poor care, no care, or just plain neglect. We continue to follow the policy used by other societies for the ill elderly, and that is abandonment. When families are confronted with what to do with a loved one grown old, there are currently no acceptable options available.

As a solution to this problem Mr. President, I propose broadening the scope of medicare coverage to include:

First. Up to 100 days in a nursing home for all Americans over 65. Such care is available at present only to a narrow minority of elderly who have acute post-hospital, post-operative needs.

Second. Establish outreach services, mobile health units, homemaker services, and expanded home health services which would look toward treating the elderly in their own homes.

Third. Senior citizen day care centers so working families could have the security of knowing their senior members had supervision by day.

Fourth. Authorizing on an experimental basis the subsidizing of a family to take care of their elderly in their own homes.

This bill is still in the drafting stage but I intend to introduce it as soon as I have it in hand.

The second major root cause of our nursing home problems is: Lax enforcement by States and the Federal Government.

This point was certainly well made by the May 28, 1971, General Accounting Office audit that spelled out that 50 percent of the nursing homes in three States, Michigan, Oklahoma, and New York do not meet Federal requirements. The recent HEW studies announced yesterday by Secretary Richardson were equally startling. We learned that 38 States were not meeting Federal standards.

I have some new legislation to suggest to close loopholes in this area. For example:

First. A bill to make public nursing home licensure, certification, and inspection records so individuals and families could have reliable indicators as to the kind of nursing home to which they were referring their elderly.

Second. A bill to require the Secretary of HEW to notify the Governor of a State directly whenever he determines there is a failure on the part of the State or certain nursing homes to meet and comply with Federal regulations.

Third. A bill broadening the scope of my 1967 amendment which requires the disclosure of a 10 percent or greater interest in a nursing home so that any interest direct or indirect must be disclosed. In a separate bill I plan to ask the Congress to apply this amendment to intermediate care facilities which are presently exempt.

Fourth. A bill to require that the Life Safety Code of the National Fire Protection Association be applied to intermediate care facilities which we learned to our chagrin in the Salt Lake City Lil Haven nursing home fire, are the only category of nursing homes receiving Federal assistance that are exempt from the Codes' substantial fire protection measures.

Fifth. A bill which requires that nursing homes receiving Federal funds submit to the State agency an annual report of the costs incurred in the operation of such nursing homes.

The third major problem is: The absence of the physician from the nursing home setting.

Almost none of our medical schools emphasize geriatrics as a specialty. Doctors, generally speaking, avoid the nursing home; they find the work unattractive and unrewarding. In nursing homes, the practice of medicine is conducted almost entirely by telephone. Our committee discovered that doctors nationwide do not view bodies of patients who have died in nursing homes before signing death certificates.

As a solution to these problems, I am introducing legislation including:

First. A bill to create a National Institute of Geriatrics within the National Institutes of Health.

Second. A bill to provide for training of veterans as paramedical personnel in nursing homes.

Third. A bill authorizing up to $500,000 each to six medical schools to establish departments of geriatrics.

Fourth. A bill to provide grants to colleges and universities to encourage training programs for health professionals called "physicians assistants" who could work with and at the direction of physicians, and ease the current medical shortage.

The fourth major problem is: The reliance on untrained and inadequate personnel.

There are about 1 million patients in nursing homes and about one-half million employees, or a ratio of 0.5 nurses per patient, compared to average ratios in hospitals of 2.6 nurses per patient. The bulk of nursing home employees are aides and orderlies who are overworked and underpaid. It is little wonder that there is a turnover rate of 75 percent.

As a solution for this problem I have in mind a bill which would authorize expanded inservice training programs with the Federal Government assisting by providing appropriate educational material and instructors who could conduct classes in the nursing homes.

The fifth problem I call: The existence of built-in financial incentives in favor of poor care.

Currently medicaid payments to nursing homes typically provide a flat rate of perhaps $14 a day. This amount is immediately cut back when the patient becomes ambulatory. The incentive is thus to keep the patient in bed. Further, this $14 a day is not enough to provide the kind of care that is needed. Thus we employ a system where 80 percent of the nursing homes are for profit institutions, and tell them that the only way that they can make money is by cutting care and services. Each individual operator can decide for himself how much to allocate to care and how much to profit. There is absolutely no accountability. If you cut back on food and nursing staff, you can make a fortune on $14 a day.

As a solution I suggest either some type of prospective reimbursement or the adoption nationwide of an incentive reimbursement system such as the Connecticut "points" system, where a nursing home, in effect, is graded and placed into classes A, B, C, and so forth. The better the nursing home in the State's estimation, the higher the rate of reimbursement. A class A home, for example, might receive $18 a day, a class B home, $17 a day, and so forth.

In addition to the bills that I have set forth above there are three more that I would like to introduce today. The first bill would amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. This bill is in realization of the serious problem that some nursing homes are having in bringing their facilities up to conformance with the Life Safety Code of the National Fire Protection Association. My office is also working out arrangements with the Small Business Association which will help facilitate these loans.

Another bill creates a new program to provide construction loans for nursing homes owned and operated by churches. The loans would be provided directly from the Government at 5 percent interest or the Treasury's borrowing rate whichever is the lower.

The last bill provides for campuses for the elderly. It authorizes the Secretary of HEW to select and fund the three best designs submitted which provide on one site a skilled nursing home to accommodate at least 120 patients, a congregate living facility of 100 dwelling units, a rest home with nursing supervision for at least 100 people, a multifamily residential unit for more than 100 people and a community center providing recreation, vocational counseling and other services.

This latter bill is the result of long discussions with Mr. Paul de Preaux, president of the Connecticut Association of Nonprofit Homes for the Aging. He has suggested the great desirability of having these "villages for the elderly" located near college campuses which he feels would be greatly beneficial to both age groups. For more details on this proposal, I ask unanimous consent to have printed in the Record Mr. de Preaux's recent testimony before my Subcommittee on Long-Term Care and my news release dated November 29, 1971.

There being no objection, the material was ordered to be printed in the Record, as follows:

Testimony of Mr. de Preaux

The present public housing for the elderly programs fall far short of their announced goals because each plan seems to be based on a separate premise of need. Anyone knowledgeable in the field of the aging realizes that there is a multiplicity of overlapping needs within each program which affect every other program. These needs are individual, personal, and cannot be computed in generalized premises. In fact, one of our greatest problems is the retention of the human element in Federal programs for older persons. Programs initiated because of concern become homogenized and computerized into financial and mathematical equations from which concern has been eliminated. In my opinion, public housing for the elderly is an excellent example of this. I could name others, but I do not wish to digress.

CONSOLIDATION OF AIMS

It is my belief that Government must cease attacking the problems of housing for the elderly on myriad plateaus and consolidate its planning into one effective package to answer this multiplicity of needs. In other words, Government must replace its construction programs with one program of concern.

In caring for the older person, we find four main phases of care are necessary. They are:

1. Independent living: Apartments.
2. Semi-independent living: Communal or congregate living areas.
3. Intermediate care facilities: Rest homes with nursing supervision.
4. Intensive nursing care: Extended care facilities or nursing homes.

An important adjunct to the above is the Senior Citizens' Community Center which is primarily for those persons still residing in their homes in the community.

I know that the Congress and State governments have become involved to some extent with all the above phases of care except one, but, as yet, I have seen no evidence of any attempt to merge or consolidate these areas of care under one master plan.

CAMPUSES FOR OLDER PERSONS

It is my opinion that campuses for older persons is the logical answer and the great need of the future.

Each campus should contain separate facilities for the four main phases of care and a community center. This would give the older person the one item which none of the existent Federal programs do, a permanent home. Under the present system of comprehensive non-planning, the aforementioned facilities are constructed many miles apart and have no connection, one with the other. The ultimate result is the older person being transferred from one to the other, from town to town because of changes in his physical or mental condition. In other words, he becomes a "vagabond of the system." Under the campus plan, he would have a home and, though he might be transferred from one facility to another for reasons of illness or personal desire, he would remain in the same locale with his friends nearby.

I believe that the facilities for the four main phases of care can be constructed in the same area and arranged as a campus with a community center for use by the residents of said facilities and older persons in the community. The latter is most important, for the campus must remain a part of the community and never become an "isolation area" for the older persons.

The community center should consist of a program area (auditorium recreation and occupational therapy area), kitchen, dining room, and office spaces for administration, women's auxiliaries and volunteers. It should also contain an area for staff social workers who would assist both the residents of the campus and the older residents in the immediate adjacent community. In fact, the center should serve as the main artery between the heart of the community and the individual residents of the campus.

I stress involvement with the community because the benefit derived from such an involvement flows both ways.

1. The community would gain a greater understanding of the needs of older persons and really be made cognizant of the usable talents still available in the old people.
2. As an adjunct to this hot meals on wheels could be served to older persons in the community for a nominal fee, and this would insure them some degree of adequate nutritional intake. Too many of our patients are admitted with diagnoses of malnutrition, anemia or nutritional deficiency.
3. Older persons in the community could become acquainted with the benefits and advantages of campus living, thereby easing the psychological shock which usually occurs when they find they must leave their homes for an institution.
4. The residents of the campus could reestablish their individual identities in the community, thereby escaping the generalized classifications usually applied to older persons.
5. Both residents of the campus and members of the community could become involved together in some of the newer innovative programs such as the adopted grandparents plan for retarded children. This is only one, there are many others.
6. Involvement such as I have described would act as a stimulus to the mental and physical well-being of both groups. They would feel that they are still needed and have not been cast aside by society.

I can imagine, in the future, clinics on each campus solely for the care of the older person. I can visualize their utilization as centers for research programs dealing with the programs of older persons on all levels: physical, psychological, medical, mental and social. I can see all of this developing from the campus idea, and I feel that it is time the government realized it must commence a concerted effort to care for the total person. It must research all the above areas of care and have answers before they become unsolvable problems because of lack of time.

There are three available courses of action that can be taken immediately to insure a start of the campus idea.

1. Build public housing adjacent to nonprofit extended care facilities or intermediate care facilities and assign their management to the religious or fraternal order which manages the original facility. Plan to start construction of the other necessary facilities as soon as possible.
2. Build public housing in an area with sufficient acreage available for the construction of the other facilities in the very near future.
3. Combine all the Federal programs applicable and start projects of the campus idea in toto in various parts of the country. Revise present plans and in the future construct only this type of multiple facility. Congress could authorize FHA mortgage insurance available to any group, proprietary or nonprofit, for this specific purpose.

As I have said before, before you, Senator, the older persons I speak of are no ephemeral group, but 20 million of our citizens—10 percent of our population and, I might add, a much higher percentage of our eligible voters. We owe them the concern that we ourselves will be seeking in a few years. We cannot answer their problems with cliches because in their years they have heard them all. It is is our duty to coordinate the multiple programs of the various governmental agencies under one plan which will attempt to answer all their needs.

I also believe—and I think I have many backers in this—that there should be one section in the Department of Health, Education, and Welfare which should administer every program relating to older persons, including housing, Medicare, Medicaid, research programs—everything. I further believe that there should be in this section experts in every field concerned with the care of the older person ranging from architects to registered nurses. It should draw from the vast reservoir of available talent the best minds to deal with this great need. Perhaps, in this way, we could take that first step to replace random construction with specific concern.

Thank you.

Senator Moss. Thank you, Mr. de Preaux, for a stimulating and well thought out bit of testimony. I like the last part especially because one of my pet peeves is this fragmented administration that we get so often, not only with programs for the elderly but other things that the Federal Government becomes involved in. I suppose the disease goes on down to State governments, too.

What you say has occurred of course a great deal within HEW and in HUD dealing with problems that are centered on the aging, and how much better it would be if we could have all of those functions brought together and the administration could then look at the whole picture.

Now your idea of campus living certainly has a great deal to recommend it, it is the best idea I have heard in a long time for trying to pull together some of these problems. It seems obvious to me, that an older person might not have too much trouble in moving to the campus in the first instance and then staying there. But how would older people react to the fact that there would be different kinds of care there and to the fact that he is sort of progressing from one to the other? Would that have an inhibiting, psychological effect on him?

PSYCHOLOGICAL EFFECT

Mr. DE PREAUX. Psychologically we ran into this at Avery and it is a terrible thing to try to overcome at first because for some reason or other the elderly look upon the hospital as the elephant's graveyard, the last place to go. The basic function that must be performed by a nursing home or ECF, even in the campus, regardless of where it is—and this State I think is an excellent example of it—is the fact that the basic intent must be to rehabilitate.

Therefore, if you can take people from their apartment or cottages or the congregate living area and get them into the hospital section or the nursing wing and transfer them back, then psychologically this becomes their hospital, not the elephant's graveyard. This is something that has to be overcome but it has to be done on an individual basis within the unit because you cannot tell them about Avery or Crestfield or any other place, they have to be there to see it themselves.

Senator MOSS. If I understand what you are saying, it is that these people that are living in this campus area observe others of their friends who are able to come out of the hospital and go back to their public housing or whatever they are able to return to and then have a feeling that hospitalization is simply to get over some malady that they have and that they will be coming back and therefore they are not depressed by this idea of going into the hospital.

Mr. DE PREAUX. Yes, sir. We must instill in every patient the minute he is admitted he is not there to stay, he is there to get better. If you cannot instill this incentive to leave, then there is very little you can do for them.

There is a pilot program similar to this campus idea and the only two functions not in it at the moment are the rest home with nursing supervision and the senior citizens community center which we are attempting to, shall I say, garner funds for. There is a problem of getting the funds but there is a pilot program. I think it can work and I think it can work on both levels, proprietary and nonprofit. This covers the whole field. There have to be experts.

In answer to your remark about the fragmentation of the various departments, I was talking the day before yesterday to a gentleman in the department of community affairs who is waiting for a call from a colleague of yours, Senator Ribicoff.

Now I would expect that anyone who would call the Senator had something really important to discuss. He did. He wanted to find out what department in Washington handles specific housing information that he was trying to find. Now this is how fragmented you really are down there.

Senator MOSS. We are fragmented. [Laughter.]

Well, I appreciate your testimony because it reinforces the feeling that I have had for such a long time that first of all we had to overcome this idea of people when they go into a nursing home that they are just going to spend the rest of their life there and die there and therefore they are depressed mentally and psychologically. This has its effect, of course, on them physically. The second part is this idea of having your campus or whatever it is closely integrated with the community because I also think it is very depressing to older people to see nothing but older people.

Mr. DE PREAUX. Yes, sir.

Senator MOSS. They enjoy having children and seeing them around—they maybe cannot put up with them as long as younger and more vigorous people but this is part of life. After all, you don't just cross a certain age barrier and then withdraw from society and live only with older people from then on. A person ought to have some contact with the whole mainstream of living which includes children and younger folks and all the activities that go on in our communities besides the facility that is adapted to the particular needs of older people. They do have to have more convenient housing, they have to have more access to medical care. They have periods of illness and hospitalization where they have to have added care as they get older but these should just be incidentals, they should still be in this mainstream of living.

Mr. DE PREAUX. Yes, sir.

Senator MOSS. Your philosophy is very well expressed here in your testimony.

Thank you very much, Mr. de Preaux.

MOSS CITES NURSING HOME ABUSES, IDENTIFIES ROOT CAUSES AND ANNOUNCES REFORMS

MINNEAPOLIS, MINN.—Senator Frank E. Moss, D-Utah, Chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging, which oversees the nation's 23,000 nursing homes, today announced some "preliminary conclusions" on the basis of the Subcommittee's two and one-half year study of nursing home problems and announced his legislative package of 12 bills designed to bring about some improvement in the much-maligned system of long-term care.

Senator Moss is in Minneapolis conducting the 19th in the current series of hearings entitled "Trends in Long-Term Care," which began July 30, 1969. The hearing in the Twin Cities area and the Senator's announcement of his legislative plan to solve nursing home ills coincides with the beginning of the White House Conference on Aging today in Washington, D.C., the major focus of which will be nursing home care. The Senator said his plan was announced today so that it could be discussed at the White House Conference.

"There is growing evidence," said Senator Moss, "that 50 percent of the nursing homes in the United States are substandard."

The Senator emphasized the same indicators were used by the General Accounting Office in its May 28 audit to measure whether a nursing home was substandard. The GAO noted that 50 percent of the nursing homes surveyed in three states, Michigan, New York, and Oklahoma, did not meet minimum Federal fire standards; 50 percent did not meet Federal standards which require at least one registered nurse on the 7:00 a.m. to 3:00 p.m. shift and a licensed practical nurse in charge of the other two shifts; 50 percent did not meet the Federal requirement under Medicaid that patients be seen at least once a month by a physician.

In addition to the GAO audit, the Senator cited testimony before his Subcommittee, as well as studies conducted by the Department of Health, Education and Welfare, and by the academic community.

"After two and one-half years of hearings we have confirmed the findings of the Associated Press, which wrote in 1969 that many of 'America's nursing homes are a stark, lonely place to die. Abuses in money and medicine and an air of death and despair shadow the aged through the dusk of their days. Doctors rarely see patients. Nurses use drugs freely to restrain the elderly. Mental patients are dropped into nursing homes by the thousands and fraud feeds on the Federal dollar' ".

The Senator explained the examples of poor care and negligence leading to death and injury were all too common in committee files. He noted that the General Accounting Office at his request had confirmed that tranquilizers are far and away the largest category of drugs paid for by Medicaid going to nursing homes. "The fact that 17 percent of the drugs going to nursing homes are tranquilizers certainly supports the inference that they are given indiscriminately," said Senator Moss.

These and other examples recorded in the press are largely the results of five major root causes which the Senator identified in a recent speech. These causes are listed below, followed by suggested legislative solutions:

Lack of a clear policy with regard to the infirm elderly

"The rhetoric speaks of care and concern, but the reality is poor care, no care, or just plain neglect. We continue to follow the policy used by other societies for the ill elderly, and that is abandonment. When families are confronted with what to do with a loved one grown old, there are currently no acceptable options available."

To deal with these root causes, the Senator plans to introduce legislation providing under Medicare.

1. Up to 100 days in a nursing home for all Americans over 65. (Such care is available at present only to a narrow minority of elderly who have acute post-hospital, post-operative needs.)
2. Establish outreach services, mobile health units, homemaker services and expanded home health services which would look toward treating the elderly in their own homes.
3. Senior citizen day care centers so working families could have the security of knowing their senior citizens had supervision by day.
4. Authorizing on an experimental basis the subsidizing of a family to take care of their elderly in their own homes.

SECOND MAJOR PROBLEM

The absence of the physician from the nursing home setting

"Almost none of our medical schools emphasize geriatrics as a specialty. Doctors, generally speaking, avoid the nursing home; they find the work unattractive and unrewarding. In nursing homes, the practice of medicine is conducted almost entirely by telephone. The Committee discovered the doctors nationwide do not view bodies of patients who have died in nursing homes before signing death certificates."

As a solution to these problems, the Senator is introducing legislation including:

1. A bill to create a National Institute of Geriatrics within the National Institutes of Health.
2. A bill to provide fellowships and categorical grants to medical schools to establish pre and post-doctoral programs in geriatrics.
3. A bill authorizing up to $500,000 to six medical schools to establish departments of geriatrics.
4. A bill to encourage medical schools to train a new category of health professionals called "physicians assistants" who could work with and at the direction of physicians, and ease the current medical shortage.

THIRD MAJOR PROBLEM

The reliance on untrained and inadequate personnel

"There are about one million patients in nursing homes and about one-half million employees, or a ratio of 0.5 nurses per patient, compared to average ratios in hospitals of 2.6 nurses per patient. The bulk of nursing home employees or aides and orderlies are over-worked and underpaid. It is little wonder that there is a turnover rate of 75%."

Legislative solution: A bill authorizing HEW to establish in-service training programs for aides and orderlies and to work out with colleges and professional organizations such as the American Nurses Association, a career ladder whereby aides with experience and educational training could progress from aides to LPN's to finally become registered nurses.

FOURTH MAJOR PROBLEM

Lax enforcement by states and the Federal government

The Senator said that President Nixon's nursing home initiatives fall largely into this category, but added that additional measures were necessary. He suggested:

1. A bill to make public nursing home licensure, certification and inspection records so individuals and families could have reliable indicators as to the kind of nursing home to which they were referring their elderly.
2. That local consumer units be set up to monitor care provided in nursing homes, as well as providing activities for the patients.

FIFTH MAJOR PROBLEM

The existence of built-in financial incentives in favor of poor care

"Currently Medicaid payments to nursing homes typically provide a flat rate of perhaps $14 a day. This amount is immediately cut back when the patient becomes ambulatory. The incentive is thus to keep the patient in bed. Further, this $14 a day is not enough to provide the kind of care that is needed. Thus we employ a system where 80 percent of the nursing homes are for-profit institutions, and tell them that the only way that they can make money is by cutting care and services. Each individual operator can decide for himself how much to allocate to care and how much to profit. There is absolutely no accountability. If you cut back on food and nursing staff, you can make a fortune on $14 a day."

Solution: Encourage states to adopt incentive reimbursement systems such as the Connecticut "points system" where a nursing home, in effect, is graded and placed into classes A, B, C, etc. The better the nursing home in the state's estimation, the higher the rate of reimbursement. A Class A home, for example, might receive $18 a day, a Class B home, $17 a day, etc.

Other bills announced by the Senator include:

1. A bill to provide direct loans at 5% interest to nonprofit sponsors building nursing homes under the Hill-Burton program.
2. A bill to provide government loans to enable nonprofit and proprietary nursing homes to purchase fire safety equipment.
3. A bill to provide for "campuses for the elderly," which would center in one location the broad spectrum of housing for the elderly, from acute hospital services on one end of the spectrum to housing for the ambulatory elderly on the other.

The Senator noted that the Subcommittee's hearings on nursing home problems were not yet complete and that there probably would be some changes and additions to this legislative package. The final recommendations, he noted, will be made in a report issued to the Congress on completion of the current series of hearings early next year.

By Mr. STAFFORD:

S. 2936. A bill to amend chapter 19 of title 38, United States Code, to provide that 5-year-level premium-term policies of U.S. Government life insurance in force on January 1, 1972, shall be paid in full and remain in force for the life of policyholders. Referred to the Committee on Veterans' Affairs.

Mr. STAFFORD. Mr. President, today I introduce a bill to provide some relief to those veterans of World War I who hold U.S. Government life insurance policies.

My bill would amend section 745 title 38 of the United States Code to allow those veterans holding U.S. Government life insurance to have paid-up policies that will remain in force until their death. Under my bill any 5-year-level premium-term plan policy of insurance held by a World War I veteran under USGLI would be considered paid in full and remain in force on a nonparticipating basis during the life of the veteran who is insured without any further payment of premiums after January 1, 1972.

It is the purpose of my bill to provide some relief for the approximately 1,600 World War I veterans who hold U.S. Government life insurance term policies. The veterans holding such policies have reached an average age of 71 years, and most have been living on a fixed or declining income for several years. The average amount per policy held by these World War I veterans is only $4,306, and the cost to the Government would be minimal to pay off the face value of these policies. The cost would be approximately $1.25 million spread out over several years as the policy became payable.

I, for one, do not believe that this is an excessive cost to provide some minimum relief for World War I veterans. My bill also authorizes the payment of those funds necessary to carry out this act from the general revenue fund instead of from the insurance system.

Mr. President, I ask unanimous consent that the text of my bill be printed at the end of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) section 745 of Title 38, United States Code, is amended—

(1) by inserting "(a)" immediately before "At"; and

(2) adding at the end thereof a new subsection as follows:

"(b) On and after January 1, 1972, any five-year level premium term plan policy of insurance in force on such date shall continue in force until the death of the policy holder, and payment of all premiums on such insurance after such date shall be made by the Administrator."

(b) The catch line of section 745 is amended to read as follows:

"Renewal; full payment of five-year level premium term plan policies."

(c) The table of sections at the beginning of chapter 19 of such title is amended by striking out

"745. Renewal."

and inserting in lieu thereof the following:

"745. Renewal; full payment of five-year level premium term plan policies:"

Sec. 2. There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this Act.

By Mr. DOLE (for himself and Mr. Pearson):

S. 2938. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act. Referred to the Committee on Commerce.

FREE OR REDUCED-RATE RAILROAD TRANSPORTATION

Mr. DOLE. Mr. President, today I am introducing legislation which is designed to correct an oversight in the Rail Passenger Service Act of 1970 by providing free or reduced-rate railroad transportation to retired railroad employees and their dependents, on the same basis that such transportation was available to them prior to the existence of Amtrak. In my home State of Kansas, one out of every 10 persons is over 65 years of age, and these senior citizens who must depend on a fixed income find it increasingly difficult to meet the high cost of living. It is an accepted fact that transportation is one of the major problems confronting these senior citizens. Retired railroad employees have made a substantial contribution to building, maintaining and operating our Nation's trains, and this legislation, if enacted, will afford these former railroad employees the opportunity to enjoy their leisure time and rewards of their past efforts and give them the recognition which is due them.

By Mr. McCLELLAN (for himself and Mr. Brock):

S. 2939. A bill to establish a National Commission on Corrections. Referred to the Committee on the Judiciary.

NATIONAL COMMISSION ON CORRECTIONS

Mr. McCLELLAN. Mr. President, every morning the paper relates the more spectacular of the most recent crimes, and meanwhile we repeatedly hear announced statistics describing the rate at which crime continues to increase. These disturbing facts remind us that we must look continuously for new approaches to healing this cancer that is eating away at our society—the crimes that are such an inestimable loss to our people, materially and psychologically.

The most systematic approach to reducing crime, of course, is to recognize each facet of the problem—each potential source of crime—and to deal with each of those aspects one by one. One factor which contributes to the commission of crime is an atmosphere which breeds disrespect for the law, which exposes cynical and embittered lawbreakers to one another in a way that only reinforces their behavior. Perhaps most of the reasons a man develops a criminal mentality are beyond the reach of legislation—for example, parents not teaching their children respect for the law or responsibility for holding a job, or motivation for seeking skill or education that would insure an income without resort to crime. But one phase of the typical criminal's life pattern we do control—his participation in correctional programs and his incarceration in prison.

Mr. President, I am today introducing for myself and the distinguished Senator from Tennessee (Mr. Brock) a bill meant to consider means by which our corrective programs and prisons can constructively contribute to the reduction of crime. The bill would authorize the establishment of a Presidential commission to recommend minimum standards for Federal, State, and local correctional programs and institutions and to set minimum standards for the accreditation of State or local correctional institutions for use on a voluntary basis.

Most criminals are not otherwise law-abiding citizens who merely commit a once-in-a-lifetime mistake for which they are convicted; most criminals pursue what could be called a career in crime, and manifest a general refusal or inability to accept the rules of society. This is demonstrated by the statistics on recidivism. According to the FBI's Uniform Crime Reports in 1970, 68 percent of the 37,884 offenders arrested on Federal charges had "previously been arrested on a criminal charge" and this is a conservative estimate because all too often crimes are not reported and all too often no arrest is ever made. Indeed, the statistic of recidivism can be best illustrated by a uniform crime report study over the 5-year period, 1965-69, which shows that of the 16,332 offenders released to the public community in 1965, 63 percent had been rearrested by the end of the fourth calendar year after release—of those released on probation 56 percent repeated; 61 percent of those paroled repeated, and 75 percent of those on mandatory release after serving prison time.

Apparently after a certain point a man becomes a hardened criminal; in other words his only view of how to get by in the world is to break the law. For him perhaps rehabilitation is impossible. But let us see if the juvenile and the first offender can be rehabilitated. It would seem that they could be benefited by programs designed to help them live by the laws of our society and earn a living rather than continue to injure society through a parasitical existence.

Let us now look at the cost of running corrections institutions. In 1965, juvenile corrections institutions alone spent almost $227 million. In the last fiscal year, the total cost of running the Federal prisons was approximately $94 million, and the amount spent on each Federal prisoner was $4,315.15. And $4,315.15 is roughly what a college student spends in a year, and his expenses include not only room and board, but tuition. It seems that all the Government and the prisoner is getting from its money is room and board—could we also manage to get tuition out of that amount of money? We should make every effort to see if it is possible to spend that money more wisely, so that a prisoner learns something more than new ways to break the law.

Mr. President, I am pleased to note that I am introducing this bill at the urging of Sam A. Weems, a young prosecuting attorney in Arkansas. Mr. Weems has had first hand knowledge, as a prosecuting attorney, with the problem of recidivism. He has also seen the work of the Joint Commission of the Accreditation of Hospitals and realized how valuable to our prison systems it would be to have recommendations and guidelines set up by an independent National Commission. I hope this bill will be viewed by all in the spirit which Mr. Weems has demonstrated—while his job is that of prosecuting, that is not where his concern ends. Rather, he is interested enough in the fate of the convicted that he has taken positive steps to see improvements made in the prison system.

The bill would authorize the Commission to consider such aspects of our correction programs and institutions as security, qualifications of personnel, facilities, health, safety, employment training and counseling, living conditions, grievance procedures, recreation, and all other programs designed to prepare inmates for their return to society or to secure the public safety.

Mr. President, lately, the prisons across the land have been attacked from many viewpoints, sometimes largely because of political motivation. In the course of their work, the Commission would allow for varying views to be heard, for specific objections and complaints and ideas to be heard; thus, for once, we could get an overall unbiased view of how our prisons could best serve society. I hope, therefore, that all concerned, individuals and organizations, will cooperate so that we might discern what measures must be taken, then implement necessary changes, so that our correction programs and prisons might function as true systems and institutions of correction.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2939

A bill to establish a National Commission on Corrections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Commission on Corrections is hereby established.

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that the correctional systems in the United States are not organized and do not function in a manner which encourages the rehabilitation of those convicted of criminal offenses or promotes the public safety and that the correctional systems in the United States must be reorganized and to achieve that goal, minimum standards of correction should be written, distributed and implemented throughout the nation.

The purpose of this Act is to assist in remedying the deficiencies of the correctional system through the establishment of a National Commission on Corrections. The purpose of this Commission shall be to determine the problems of the existing correctional systems and recommend measures to correct such problems.

MEMBERSHIP OF COMMISSION

SEC. 2. (a) The Commission shall be composed of eighteen members. It shall include:

(1) two appointed by the President of the Senate from members of the Senate, of whom one shall be a member of the majority party, and one shall be a member of the minority party;

(2) two appointed by the Speaker of the House of Representatives from Members of the House of Representatives, of whom one shall be a member of the majority party, and one shall be a member of the minority party; and

(3) the Attorney General of the United States,

(4) the Director of the United States Bureau of Prisons, and

(5) twelve members appointed by the President of the United States as follows: two from State correctional systems; one from professional medical staffs of United States prisons; two from State law enforcement systems; one from the federal judiciary; one from the state judiciary; three from the public; and two former inmates of United States prisons.

(b) The Attorney General of the United States shall serve as the Chairman of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(c) Nine members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

DUTIES

SEC. 3. (a) It shall be the duty of the Commission to conduct a comprehensive review and study of Federal, State and local correctional systems, including institutions and programs in the United States and existing statutes, policies and practices in relation thereto. In such study and review the Commission shall:

(1) consider such factors as security, qualifications of personnel, facilities, health, safety, employment training and counselling, meals, living conditions, family life, grievance procedures, recreation, cultural or religious activities, and all other aspects of institutions or programs designed to prepare inmates or participants for their return to society or to secure the public safety; and

(2) prepare recommendations for the adoption of Federal minimum standards for United States correctional institutions and programs and minimum standards for the accreditation of State or local correctional institutions and programs for use on a voluntary basis.

(b) The Commission shall make such interim reports as it deems advisable. It shall make a final report of its findings and recommendations to the President of the United States and to the Congress within three years following the establishment of the Commission.

(c) Sixty days after the submission of its final report, the Commission shall cease to exist.

POWERS

SEC. 4. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpoenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpoena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) The Commission shall be "an agency of the United States" under subsection (1), section 6001, title 18, United States Code, for the purpose of granting immunity to witnesses.

(d) Each department, agency, and instrumentality of the executive branch of the Government including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission may deem necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

COMPENSATION AND EXEMPTION OF MEMBERS

SEC. 5. (a) A member of the Commission who is a Member of Congress or in the Executive or Judicial Branch of the United States Government shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A Member of the Commission who is not a Member of Congress or in the Executive or Judicial Branch of the United States Government shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

STAFF

SEC. 6. Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(a) appoint and fix the compensation of an Executive Director and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(b) Procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but as rates not to exceed $100 a day for individuals.

EXPENSES

SEC. 7. There are hereby authorized to be appropriated to the Commission such accounts not to exceed $1,500,000 as may be necessary to carry this title into effect. Authority is hereby granted for appropriated money to remain available until expended.

Mr. BROCK. Mr. President, I am pleased to join the distinguished Senator from Arkansas (Mr. McCLELLAN) in sponsoring legislation to establish a National Commission on Corrections. The purpose of the Commission will be to determine the problems of our existing correctional systems and provide recommendations and guidelines to correct such problems.

Our present prison system is a debacle of anachronistic, irresponsible, detrimental practices which seems to breed the continuance of crime instead of healing, and possibly eradicating the seeds of crime.

Reform of our correctional system remains the most neglected area in our war on crime. This neglect is not for want of knowing the problem. Beginning with the Wickersham Commission report in 1931 there have been voluminous books and reports on the subject overflowing with excellent ideas that have never been implemented nor tested.

Jails and prisons are incredibly overcrowded and the age of some of our most populous institutions is appalling. Sixty-one of the larger prisons were opened before 1900, and 25 of these are more than 100 years old. This seems to promote the practice of placing young prisoners and first offenders with hardened criminals, often to be attacked, molested, and taught more sophisticated methods of crime. Prison staffs are small, poorly paid, and inadequately trained. Guidance and counseling are notably inadequate. Vocational training is either nonexistent or obsolete—training prisoners for jobs no longer needed.

As you can see, the picture is bleak. Instead of rehabilitating criminals, two-thirds of all released prisoners will commit another crime, usually a more serious one.

This important bill which I am privileged to cosponsor, authorizes the establishment of a Presidential Commission to recommend minimum standards for Federal, State, and local correctional programs and institutions for use on a voluntary basis.

The Commission would be authorized to consider such aspects of our correction programs and institutions as qualifications of personnel, health, safety, employment and counseling, general living conditions, recreation, and other such programs designed to prepare inmates to cope with the rules of society, and hopefully, encourage them to be responsible participants.

It is apparent that arresting more and more people will do little good if they are to be jammed into a dismally debasing correctional system and released only more hardened against their fellow man. It is my hope that this vital legislation will promote a total reformation of this inhuman environment—this disgraceful institutionalizing that is beginning to prick the conscience of every concerned American.

By Mr. ROTH (for himself, Mr. BAYH, Mr. BOGGS, Mr. BUCKLEY, Mr. COOK, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. McGEE, Mr. McGOVERN, Mr. MANSFIELD, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, and Mr. WILLIAMS):

S.J. Res. 180. A joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

ARTHRITIS: A WIDESPREAD BUT NEGLECTED HUMAN AND ECONOMIC CURSE

Mr. ROTH. Mr. President, the economic problem which societies have always faced is primarily one of maximizing scarce resources. The current difficulties we are experiencing with our economy should remind us that even the United States, wealthy though she is, must grapple with this problem. Governments can maximize resources in a number of ways. Careful choices among potential programs, hardheaded evaluation of the success of these programs, and efficiency in the delivery of services are all ways of "getting the most out of our dollar."

Yet there is another, I think more basic, approach to conserving and expanding the total resources of America—to make sure that we do not waste the human resources that lie at the base of our economic and social life. Some economists have maintained that as much as one-fourth of the American economic growth over the last quarter century has been accounted for by investment in human capital—better education, training on the job, healthier workers, and so forth. It is this sort of investment which helps to provide productive workers and brainpower for our modern economy.

In an economy in which perhaps as much as 20 percent of our total economic growth in recent decades can be credited to technological advance, it is difficult to question the great importance of brainpower. Advances in medicine, atomic power, electronics, and agriculture are a few among the numerous technological improvements which have made us better able to master our physical environment. Such improvements have to a large extent resulted from the application of scientific brainpower.

Since World War II the Federal Government has accepted the responsibility for financing a large portion of research and development in the United States—about two-thirds of it. A great deal of the money made available for these purposes by the National Government has been through defense spending. According to the special analyses of the budget for fiscal year 1972, over $10 billion of the approximately $15 billion expended on research and development in 1970 were allocated to the military functions of the Department of Defense and to the National Aeronautics and Space Administration.

With the increase in pressure to cut back appropriations in these areas and elsewhere, I feel that we must be careful not to short-change the basic and applied research which will provide one of the bases for our future economic growth and ability to compete in the markets of the world. It does not seem to me that concern for adequate financing of research and development should necessarily be affected by one's general feelings about the defense and space appropriations which have so often yielded scientific discoveries in fields other than national defense and space. We must make sure that adequate support for scientific advance is provided for somewhere in the Federal budget.

I am one of those who are attempting to slow down the rate at which Federal spending is growing. However, fiscal responsibility is not attained simply by decrying these budget increases. Real fiscal responsibility requires that we carefully determine the apportionment of our limited funds among the many competing needs. From my own standpoint, research, and development is too important a factor in determining our future economic and social resources to be inadequately funded.

Research and clinical applications of research in health help to release human resources which would otherwise be lost to our society. I would like to make this point specifically in relation to the explanation and treatment of arthritis and rheumatic diseases. Before going on, let me state that I do not intend to argue that diseases such as arthritis are merely economic detriments. The great suffering which this illness brings to millions of its victims and their families is an even more dramatic cause for concern.

Arthritis and rheumatic diseases fail to receive the public, and consequently governmental, attention given to other serious national health problems partly because it is not a big killer.

Yet, after heart disease, it is the most widespread chronic illness in the United States. The Arthritis Foundation estimates that 50 million Americans have some form of arthritis. Seventeen million of these citizens are afflicted seriously enough to require medical care, with over 3 million of them disabled, or limited in their normal activity, by the disease. As a result of these statistics, it can readily be argued that arthritis is the Nation's No. 1 crippling disease.

What do we mean when we speak of arthritis and rheumatic diseases? This is a group of about 80 diseases which attack the joints and/or connective tissues of the body. The major forms of the illness are osteoarthritis, which is associated with aging and the degeneration of joint tissues; rheumatoid arthritis, a crippling chronic inflammatory disease of the connective tissues; and gout, which affects the joints of the feet.

It is epecially important to stress in relation to the rheumatoid form of arthritis that its victims are primarily under 45 years of age, including about 250,000 children. Like cancer, arthritis is more violent with the young than with the old. Although the majority of children suffering from rheumatoid arthritis usually recover after 3 to 4 years of severe illness and partial disability, the normal growth pattern of many of these young patients has been so seriously disturbed that the child never catches up with his peers. Nearly one-third of the arthritics under medical care suffer from rheumatoid arthritis. This means about 5 million individuals.

With few exceptions, such as in the case of gout, where recent discoveries have led to the use of new drugs capable of alleviating most of the painful inflammation and swelling, the arthritic must accept the fact that, unless much more is known soon about the cause and cure of arthritis, he will probably spend the rest of his life living with his pain. We all know what the pain of an ache is like, but only the arthritic can tell you what it is like to experience the pain of his disease.

It is not only the degree of pain, but its unpredictability which sets the arthritic on edge. For 1 day the painful symptoms of his disease may have inexplicably abated, while the next he is encumbered with such excruciating pain that even the touch of a bedsheet is sheer agony. And while this pain comes and goes like a series of shock waves set off at indeterminate intervals, progressive damage is occurring in the victim's hands, knees, hips, feet, elbows, and any other joint favored by this most unwelcome intruder—arthritis.

While it may be senseless to attempt to quantify the physical and psychological suffering of arthritics and their families, such is not the case with the economic costs imposed on the society by arthritis. The Public Health Service's National Center for Chronic Disease Control and the Arthritis Foundation have conservatively estimated that arthritis and rheumatic diseases cost individuals and the national Government over $3.5 billion dollars annually in lost wages and salaries, medical costs, payments by the Veterans' Administration to over 270,000 veterans, and losses in Federal income and excise taxes. One could fairly add to this list the $400 million which it is estimated that arthritis sufferers spend on "quack" remedies each year. It seems to me that all of this adds up to a tremendous waste of the human and financial resources of our Nation.

Currently the various forms of arthritis are treated with drugs, rest, physical therapy, rehabilitation, specific exercises, and sometimes reconstructive surgery. Better methods of treatment are badly needed. One approach to discovering these improved treatments would be a fuller understanding of the causes of this group of maladies. Current research in rheumatoid arthritis leads many medical scientists to believe that the explanation of the causes of this disease will unlock information useful in the understanding and treatment of many other diseases.

Arthritis researchers have sought to explain arthritic diseases by investigating the role of viruses in the development of rheumatoid arthritis, through a better understanding of the body's system of self-protection or "auto-immunity," and by seeking a clearer picture of the process of inflammation suffered by victims of these diseases. Many of those involved in both basic and clinical research on arthritis feel that they are now at a junction of great progress and promise in identifying the causes of the disease and in finding more adequate treatments for it in better drugs, physical therapy, and surgery.

What is currently being done to meet the health problem posed by the arthritic and rheumatic diseases? Practicing doctors who specialize in rheumatology; university-based units investigating arthritis; clinics supported by the Arthritis Foundation and its chapters, and research carried on in the laboratories of the National Institute for Arthritis and Metabolic Diseases are the basic elements of our national campaign against arthritis. Much of the private money for research and treatment in this field comes from the Arthritis Foundation, which this year is raising some $10 million for its national programs and those of its chapters around the country. The Federal Government in 1971 will provide a little over $12 million for arthritis research through appropriations to the National Institute for Arthritis and Metabolic Diseases. Additionally, the Veterans' Administration expended in 1969, $1.6 billion on research in arthritis. The Rehabilitation Services Administration in HEW also has some involvement in the problems of these diseases.

Those most familiar with the fiscal needs of arthritis research feel that inadequate resources are being made available for this effort. The National Institute for Arthritis and Metabolic Diseases estimates fewer funds will be alloted to arthritis research in fiscal 1972 than in 1971. Over the past 3 years significant cuts have been sustained in NIAMD funds for research training programs, resulting in decreased levels of program activity. The Arthritis Foundation maintains that $4 million over and above the 1972 budget requests of the administration would be needed to sustain arthritis research at its present level. Considering the human and economic benefits of such an expenditure, it seems small in a society which spends much vaster sums on many items of seemingly lower priority. Of course, an all-out crash program to find a cure for these widespread diseases would require a great deal more Federal and State-local money. I may have more to say on this subject at a later date.

It is especially appropriate that we turn our attention to our national effort to combat arthritis and rheumatic diseases at the time when the White House Conference on Aging has been holding its meetings. This body, made up of State delegations of senior citizens and representatives of national organizations concerned with the interests of the elderly, has been seeking to focus the Nation's attention on the problems of this important group of Americans.

I think that we must make a greater effort to understand and deal with the problems of senior citizens in this country, first of all, as a matter of concern for our fellow humans. However, we should also make this effort so that our society can better utilize the contribution which older citizens can make to our social and economic life. Improved treatments for arthritis and related diseases would be an important step in this direction. After all, the most common form of arthritis is closely associated with the process of aging.

If those of all ages who presently suffer from arthritis could avail themselves of more effective treatment, important human resources would be released to our society in terms of greater worker productivity. Further, we would not have to contend with such huge private and public medical costs and disability payments, the costs of arthritis quackery, and taxes lost when employees are limited in their earning ability. When we add to this the psychological toll to arthritics and their families, it is easy to justify greater expenditures on arthritis research and therapeutic techniques.

In order to help call the Nation's attention to the grave human and economic waste resulting from arthritis and to assist the Arthritis Foundation in its national drive to collect funds, I am introducing a joint resolution authorizing the President to proclaim the month of May "National Arthritis Month." I invite Senators to join me in cosponsoring this resolution.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 180

Whereas arthritis and rheumatic diseases are the Nation's number one crippling diseases affecting seventeen million Americans of all ages causing limitations in their usual activities and great suffering;

Whereas arthritis and rheumatic diseases are second only to heart disease as the most widespread chronic illness in the United States today;

Whereas the annual cost of arthritis and rheumatic diseases to Americans is estimated to exceed $3,500,000,000 annually in lost wages, medical and disability payments, and taxes lost to the Federal government;

Whereas advances in research and treatment show promise of significant breakthrough leading to a better understanding of and cure for these diseases;

Whereas the month of May is the period during which The Arthritis Foundation conducts its annual fund-raising campaign to support its efforts in arthritis research and treatment; and

Whereas the most common form of arthritis strikes mainly older Americans and the White House Conference on Aging has been meeting during the week of November 29, 1971, to focus attention on the problem of this important group of citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue annually a proclamation (1) designating the month of May in each year as "National Arthritis Month," (2) inviting the Governors of the several States to issue proclamations for like purposes, and (3) urging the people of the United States, and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the necessary assistance and resources to discover the causes and cures of arthritis and rheumatic diseases and to alleviate the suffering of persons struck by these diseases.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1975

Mr. HART. Mr. President, yesterday the Senate passed S. 1975, a bill to lower the minimum age for jurors in the Federal courts to 18 years. At the time this bill was introduced by the junior Senator from California (Mr. Tunney), the senior Senator from Maryland (Mr. Mathias) and myself, the junior Senator from Missouri (Mr. Eagleton) requested to be a cosponsor. But he was inadvertently omitted from the list of sponsors when the bill was reprinted. Accordingly, I wish to have the Record show that the junior Senator from Missouri was a cosponsor and most effective supporter of this measure from the outset.

S. 2465

At the request of Mr. Chiles, the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of S. 2465, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2729

At the request of Mr. Humphrey, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of S. 2729, the Strategic Storable Agricultural Food Commodities Act of 1971.

S. 2734

At the request of Mr. Schweiker, the Senator from Kentucky (Mr. Cook), the Senator from Oklahoma (Mr. Harris), the Senator from Oregon (Mr. Hatfield), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 2734, a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

S. 2825

At the request of Mr. Pearson, the Senator from Minnesota (Mr. Humphrey), the Senator from Montana (Mr. Metcalf), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 2825, a bill establishing a Government-administered life insurance policy to all Vietnam-era veterans.

S. 2898

At the request of Mr. Hartke, the Senator from Oklahoma (Mr. Harris) was added as a cosponsor of S. 2898, a bill to provide college tutors for the homebound handicapped.

SENATE JOINT RESOLUTION 171

At the request of Mr. Mathias, the Senator from Rhode Island (Mr. Pastore), the Senator from New Jersey (Mr. Williams), the Senator from West Virginia (Mr. Randolph), the Senator from North Dakota (Mr. Young), the Senator from Arizona (Mr. Fannin), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. Stevenson), the Senator from Ohio (Mr. Taft), the Senator from South Carolina (Mr. Hollings), the Senator from Utah (Mr. Bennett), the Senator from Georgia (Mr. Talmadge), the Senator from Rhode Island (Mr. Pell), the Senator from Minnesota (Mr. Mondale), the Senator from Illinois (Mr. Percy), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of Senate Joint Resolution 171, to designate March 1972, as "Exceptional Children's Month."

SENATE JOINT RESOLUTION 179

At the request of Mr. Humphrey, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of Senate Joint Resolution 179, to assure continued eligibility of recipients of food stamps benefits and to maintain present levels of bonuses for these recipients.

SENATE RESOLUTION 205—SUBMISSION OF A RESOLUTION RELATING TO A RUSSIAN JEWISH WOMAN BEING HELD IN SIBERIA

(Referred to the Committee on Foreign Relations.)

CONCERN FOR RUSSIAN JEWISH WOMAN BEING HELD IN SIBERIA

Mr. DOLE. Mr. President, almost 1 year ago today this body expressed itself unanimously in a matter of humanitarian concern to all. It expressed its concern over the systematic injustices perpetrated against the Jewish people in the Soviet Union, it called upon the President to convey the concern of the American people in this matter, to seek the commutation of the death sentences of two alleged criminals, and to urge fair and equitable treatment of Russian Jewish citizens.

Since that time we have seen strange honor done to the Jews of Russia. High Soviet officials have pointed out that to permit the departure of these Russian Jews who wish to go to their homeland would result in a brain drain which the Soviet state could not easily sustain. One can sympathize with this problem. Other nations have it. We can recognize, too, the vital contributions Russian Jewry apparently makes to its home in dispersal, and we must perforce wonder why a people so essential to the well-being of the state are not better served at the hands of the state.

SOVIET CITIZENS OPPRESSED

Since that time a year ago we have been told that in the refusal to permit a massive emigration of Jews, the Soviets are not being discriminatory—that all citizens, regardless of race, religion, or other distinction, are subject to the convenience of the state, and none are readily permitted to leave Russia. In short, all Soviet citizens are equally oppressed. If the allegations of anti-Semitic state actions coming out of the Soviet Union do not support this contention, it is at least reassuring that the Soviet leaders are still sufficiently concerned with free world opinion to attempt to mislead it.

Finally, since that time, we have seen the death sentences in question mercifully commuted in accordance with the spirit of Senate Resolution 501. That act of commutation may have been a consequence of any one or any combination, or the sum of all possible considerations relative to this matter, but generous men might conclude that compassion alone dictated the decision which spared the two human lives then in jeopardy.

NOW, ANOTHER LIFE IN JEOPARDY

Now another life is in jeopardy if we may believe reports from Russia, and there seems little reason to doubt those reports. One of those implicated in the alleged plane hijack attempt last year was sentenced to 10 years in a labor camp. She is dying in that camp. One report says she is dying of acute tuberculosis. She is 27 years old. Surely the mercy, the compassion, and the fundamental regard for human life which saved the lives of two men at the beginning of this year might now save the life of a single young girl at its close.

SILVA ZALMANSON IS DYING

Silva Zalmanson is dying. Her heart, it would seem, is in Israel. Her mother is in America. Her life is in the hands, and on the souls of the Soviet authorities. If it is not possible to permit Silva Zalmanson to emigrate to the land of Israel to live out her days, or to America, then may we implore the Soviet authorities to at least provide the medical care in Russia which may spare Miss Zalmanson's life—to bring her out of the labor camp of Siberia and into a hospital where she may benefit from Soviet medical science. I know this must involve matters of precedent. But it is not a bad precedent to save a human life.

It is with this in mind and with the urgency of the circumstances in mind, as well, that I now submit the following resolution:

S. RES. 205

Resolved, that the Senate hereby expresses its grave concern for the life of Silva Zalmanson now held in a labor camp of the Soviet Socialist Republic for an allegedly treasonous act.

SEC. 2. The Senate respectfully urges the President (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the Senate for the life of Silva Zalmanson—a human being (2) urge the Soviet Government to take such immediate action as will most probably protect the life of Silva Zalmanson, and (3) urge that Silva Zalmanson be permitted, in these extenuating circumstances, to emigrate from the Soviet Union to a land of her own choosing.

SENATE RESOLUTION 206—SUBMISSION OF A RESOLUTION CALLING UPON THE PRESIDENT TO ELIMINATE THE PRESENT OIL IMPORT QUOTA SYSTEM

(Referred to the Committee on Finance.)

Mr. HARRIS. Mr. President, today I submit, for myself and Mr. BROOKE, Mr. CASE, Mr. MCINTYRE, Mr. NELSON, Mr. PASTORE and Mr. RIBICOFF, a resolution calling upon the Prseident to eliminate the present oil import quota system. The resolution calls upon him to accept the fundamental recommendations of the Task Force on Oil Import Control, which reported in February 1970 that the quota system should be eliminated. In its place, the President should give serious consideration to implementing a tariff system, set at levels which will assure fairness to consumers while maintaining domestic exploration.

The Department of Interior has made moves toward the leasing of offshore sites for drilling along the Atlantic coast. I feel strongly that a better alternative to any additional leasing of offshore sites would be an abandonment of the quota system. Such a move would both insure greater supplies of fuel and a lower cost for the consumer.

Quotas, according to the Task Force, on Oil Import Control, has caused undue Government intervention in the market and consequent competitive distortions.

Mr. President, I think it is important for us to note that the administration rejected the recommendations of its task force. I now believe that was a mistake, and I have so written the Secretary of Interior and the President.

The President can, by the stroke of his pen, eliminate the oil quota system. I hope Members of the Senate will join with me and will pass this resolution to indicate to him the desire of the Senate that this system of oil import control be stopped. I think the recent and not-so-recent ecological disasters on the Pacific and gulf coasts, along with the high consumer prices for oil products, should be more than enough justification to overturn a system that not only encourages increased threats to the environment and higher consumer prices, but also benefits unduly major U.S. oil companies.

Mr. President, I ask unanimous consent that an editorial from the November 18 Evening Star on east coast offshore drilling and a copy of the resolution be included in the RECORD after my remarks.

There being no objection, the resolution and editorial were ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas the Senate Committee on Interior and Insular Affairs and the Joint Economic Committee are shortly to hold hearings on the energy crisis, on the U.S. oil import policy, and on the U.S. oil industry in general; and

Whereas the U.S. Department of the Interior is planning to issue leases for offshore drilling along the Atlantic Coast with resultant pollution dangers; and

Whereas there is a shortage of fuel in the U.S., prticularly in the Northeast and Midwest, with resultant high consumer prices.

Resolved, That it is the sense of the Senate that the President of the United States should accept the fundamental recommendations of the February 1970 Report by the Cabinet Task Force on Oil Import Control to shift from a quota to a tariff system of oil import control; and that the tariffs be set at a level which will assure fairness in consumer prices and continued reserve exploration.

EAST COAST OIL

For the benefit of those who may have forgotten, this seems a good time to recall that a vast amount of untapped oil lies just off those Atlantic beaches upon which so many Easterners broil and cavort in the summertime. The oil companies assuredly have not forgotten; they covet the stuff night and day. And the Interior Department is moving, slowly but methodically, toward a decision on whether to sell the first offshore drilling leases.

There's no need for beachgoers to panic, however. They won't be sighting any oil rigs off the East Coast next year. But there is a good chance of Interior hearings on the proposition next year, and a virtual certainty that the debate on this question will swell into a major environmental conflict. So it isn't too early for citizens of this region to begin informing themselves on the subject, with the view to expression of opinions later. For it is, after all, the nearby ocean off Maryland, Delaware and Virginia that is being eyed for oil-boring.

Possibly some people, fired by visions of industrial affluence, already have a picture of Ocean City, Maryland, as the Galveston of the East, with derricks offshore, tankers plying along the coast and refineries standing tall against the sunset. Somehow it doesn't appeal to us at all. And we can imagine that millions of Easterners who use the beaches and coastal waters for recreation, and others who are concerned about the seafood and tourism industries, soon will be highly disturbed over the whole idea. The massive Santa Barbara oil spill and the messy rupturings of numerous tankers have convinced most Americans and oil and beaches should be kept as far apart as possible.

But this debate, like some others in progress, will illuminate hard questions about the choices that Americans must make. The populace that abhors offshore drilling, here or in California, uses more fossil energy every day. Consequently, the public has some responsibility for deciding what to do about the fuel shortages that are predicted as electric consumption doubles every ten years and cars multiply by the millions. Where will all the fuels come from to sate this appetite for energy, or can the appetite itself be trimmed through some popular discipline?

A part of the answer is apparent: The public should demand crash programs to develop nuclear electrical power generation to the fullest. Perfection of the fast-breeder reactor and fusion power will be major steps on the road to environmental salvation. At best, that will require years.

As of now, oil is by far the greatest energy source, and sometimes enough of it isn't available where it's needed. But there is an enormous, almost unbelievable amount of it left beneath the earth and seas in places far removed from the glutted East Coast. This forthcoming attempt to drill for the Eastern shelf oil will, no doubt, bring on an examination of the country's whole oil policy—of import quotas, unexploited deposits and all the rest.

This will be all to the good. For a burden lies heavily on the federal government to prove beyond any doubt that the Atlantic coastal oil is desperately needed—that the nation absolutely cannot get along without it.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 203

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon (Mr. PACKWOOD) and the Senator from Florida (Mr. GURNEY) be added as cosponsors of Senate Resolution 203, calling for the inclusion of a representative of the commercial fishing industry on the U.S. delegation to the 1973 United Nations Law of the Sea Conference in Geneva.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I join my colleagues, the senior Senator from Oregon, the senior Senator from Washington, and the senior Senator from Alaska in cosponsoring a resolution, Senate Resolution 203, calling for the inclusion of a representative of the commercial fishing industry on the U.S. delegation to the 1973 United Nations Law of the Sea Conference in Geneva.

It is with a great deal of distrust and skepticism that the American fishing industry observes the activities of the Federal Government in preparation for this important Conference. The frightened reaction of American fishermen is understandable because it is obvious that the vital interests of the fishing industry are not receiving the high priority that they deserve.

This Conference will deal with many issues of paramount importance to American fishermen. These issues involve questions concerning the regimes of the high seas, the Continental Shelf, the territorial sea and contiguous zone, the harvesting of our valuable marine natural resources, as well as the preservation of the marine environment. Further questions relating to the seabed and ocean floor beyond the limits of national jurisdiction also will be major topics of discussion.

The United Nations Preparatory Committee for the Law of the Sea Conference now has held two meetings to consider in depth the issues which shall be considered at the 1973 Conference The second of these sessions was completed in September.

It is deplorable that not a single representative of the American fishing industry has been invited to sit on the U.S. delegation to these preliminary sessions. Some fishing representatives were present for the sessions in Geneva, but, in the words of one spokesman, "only as tourists."

The State Department, which has coordinated the representation at the Preparatory Committee meetings, argues that vital national and military security interests are involved. So many special interests wish to be represented that to include them all would result in a chaotic situation.

This may be true. I am not advocating that every special interest which desires representation be given that opportunity. What I am advocating is that the public interest of this Nation should be served by allowing the fishermen to be represented.

We talk a great deal in this Senate about environment, the quality of life, and the need to save whatever there is left to be saved in our environment. We must come to the realization that in our oceans we have valuable natural resources which are currently being harvested at an unacceptable rate. Unless that rate is soon checked, there will no longer be any natural resources left to be preserved. The challenge to the participants at the 1973 Law of the Sea Conference is obvious.

American fishermen have long been strong advocates of the preservation of our marine natural resources. Their participation at Geneva would help to achieve a workable solution to this problem.

The 1973 Law of the Sea Conference is particularly important because it provides an opportunity for the development of a more effective approach to fisheries management through international law. It is obvious to a U.S. Senator who represents a coastal State that a more effective approach is essential.

One of my primary concerns is that it seems as if no one is ready to take the initiative to develop a position of strength on the part of the United States prior to the start of the 1973 Conference. In short, the preparations for the 1973 Conference indicate that few efforts are being made to protect many of the vital interests of the American commercial fishing industry. This is indeed unfortunate because thousands of domestic fishermen in this Nation must depend on the coasts as their primary fishing grounds.

During the past year I have periodically been in contact with various officials in the Federal Government about this problem. The response which I have received has been clearly inadequate. Unless the United States assumes its proper leadership role, I intend to make certain that the United States does not ignore its responsibility to protect the domestic fishing industry.

Mr. President, I regularly receive correspondence from commercial fishermen who fear that without representation on the U.S. delegation to that Conference, the results will be disastrous for the American fishing industry. I share their concern. It is my intention that their needs shall not be ignored.

SUPPLEMENTAL APPROPRIATIONS, 1972 — AMENDMENTS — MOTIONS TO SUSPEND THE RULE

AMENDMENT NO. 781

Mr. HUMPHREY submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, the following amendment, namely:

At the end of the bill add the following: Chapter—Amendments to the Food Stamp Act of 1964.

SEC. —. (a) Section 5(b) of the Food Stamp Act of 1964 is amended by inserting after the first sentence thereof, the following: "Notwithstanding the foregoing, the standards of eligibility under any State plan of operation shall not make ineligible any household which would have been eligible under the standards of eligibility provided for by the State plan of operation in effect just prior to enactment of Public Law 91-671 which was approved January 11, 1971."

(b) The first sentence of section 7(b) of the Food Stamp Act of 1964 (which deals with the charge to be made for food stamps) is amended by inserting before the colon preceding the first proviso the following: "or more than would have been charged for a coupon allotment of similar face value prior to the enactment of Public Law 91-671 which was enacted on January 11, 1971."

Mr. HUMPHREY submitted the amendment (No. 781) intended to be proposed by him to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 782

Mr. PERCY submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, the following amendment, namely:

Page 4, after line 8, insert the following:

SMITHSONIAN INSTITUTION

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000: Provided, That these funds shall be available for obligation only upon enactment into law of S. 2900, Ninety-second Congress, or similar legislation.

Mr. PERCY submitted the amendment (No. 782) intended to be proposed by him to the bill (H.R. 11955), supra.

NATIONAL ENVIRONMENTAL LABORATORY ACT OF 1971—AMENDMENT

AMENDMENT NO. 783

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to the bill (S. 1113) to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Saturday, December 4, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

J. Blaine Anderson, of Idaho, to be U.S. district judge, district of Idaho, vice Fred M. Taylor, retiring.

Clifford Scott Green, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, vice Harold K. Wood, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

ADDITIONAL STATEMENTS

A GUARANTEED INCOME FOR THE ELDERLY

Mr. HARTKE. Mr. President, more than 4.7 million elderly Americans live in poverty. Their lives are filled with frustration and bewilderment. There is not one Member of this body who has not received dozens of letters from elderly constituents struggling to exist. They worry about paying their bills, having enough money for food, maintaining a place to live. They speak of broken dreams and broken promises, not of hope and anticipation.

At a very minimum, we owe these people a decent income. We owe them the security of a guaranteed income which will allow them to live, rather than merely exist. To achieve that objective, I introduced S. 2513, the Older Americans' Rights Act. This legislation is designed to assure that no American covered by the social security system will live out his life in poverty and despair. It would give most senior citizens a minimum monthly benefit of $180—for a single person—and provide the average recipient of cash benefits with a monthly income of approximately $250.

Among its other provisions, S. 2513 allows social security recipients to earn up to $2,400 a year without suffering the loss of a single dollar of benefits. Its additional provision will result in a total benefit to elderly Americans in the next fiscal year of almost $10 billion in new income.

Mr. President, I am haunted by the faces of elderly Americans and by the letters they write to me. They are the faces of our parents and our loved ones; indeed, they are our own faces in the years to come. They ask not rhetoric or empty promises, nor do they ask for charity. Instead, their voices cry out for the establishment of an old age insurance system which will meet their basic needs. In short, they cry out for justice.

VIEWS ON EDUCATION BY MARYLAND STATE DEPARTMENT OF EDUCATION

Mr. MATHIAS. Mr. President, members of the Maryland congressional delegation recently had occasion to confer with top officials of the Maryland State Department of Education. The discussion extended over a wide range of topics and proved very useful. Dr. James A. Sensenbaugh, the State Superintendent of Schools, has kindly sent a follow-up letter in which he recapitulates the meeting. Because the views expressed in his letter are no doubt reflective of State school officials all around the country, I think they will be of interest to Senators. I therefore ask unanimous consent that Dr. Sensenbaugh's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARYLAND STATE
DEPARTMENT OF EDUCATION,
Baltimore, Md., November 18, 1971.
Hon. CHARLES MCC. MATHIAS, Jr.,
240 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: Please accept our deep appreciation for the courtesy and attention you and your Maryland colleagues provided the State Board of Education and members of the Department of Education staff when you met with us on November 4, 1971, in Washington. I know that the generous amount of time you afforded us was taken from other very pressing duties.

For the record I would like to recapitulate briefly the points we discussed. Please be sure that we will be happy to provide additional data.

1. State plans and reports, and other paper work required by the U.S. Office of Education, are voluminous, repetitive, and prodigal of staff time, and serve very little purpose for us. We seriously question their real value to the U.S. Office. We urge that you use your good offices with the U.S. Commissioner of Education to reduce requirements so that we may be permitted to satisfy them with shorter, more meaningful plans.

2. Our board has identified early childhood education as a high priority educational need in the state. Implementation of early childhood programs is a very expensive matter; one that cannot be undertaken by the state alone. Therefore, we look to the Federal government. We firmly believe too that the needs of the children to be served cannot be met by so-called "babysitting" services. To have value, especially for those children who might otherwise be condemned to repeat the poverty cycle of their parents, a strong educational component needs to be included.

It makes sense to us too to assign the school system a role in administration of the program. Here is the expertise and the staff. Here are the facilities. Here is the opportunity to establish learning continuity starting in the pre-school center and extending through the public school experience.

We would oppose approaches to "day care" that exclude an educational component.

3. We are concerned about the increasing trend toward by-passing state departments of education for the administration of Federal programs. In Maryland, as in all states, public education is by law a state responsibility. We offer no objection to Federal determination of allocations to local school systems. That approach (Federal allocation responsibility and State administrative responsibility), exemplified by Title I of the Elementary and Secondary Education Act, is working well. The same legislative enactment also demonstrates the useful leadership role the state agency can play when it is assigned administrative responsibility for Federal programs.

4. Title V of the Elementary and Secondary Education Act, which is designed to strengthen state departments of education, has made possible the addition of critically needed staff people to the Maryland state education agency. This enactment has indeed been the backbone of our program of increased and improved services to local school systems and to the children in the schools.

Since the lion's share of our Title V allocation goes into salaries, a reduction in program allocation would result in staff layoffs and reduced services. We urge you to resist any reduction in funding for the program; we would in fact welcome a considerable increase in Title V allocations.

Indeed, the real possibility that the courts will find the state wholly responsible for school financing raises the prospect of increased responsibility being placed on state agencies. In that eventuality, the State Department of Education will need more, not less, support to do its duty.

5. We support the concept of grant consolidation, not only because it promises greater cordination of related programs, but also because it promises greater local flexibility in adapting programs to priority local needs. We believe that grants should be consolidated around problem areas clearly identified in the statutes. We recognize the educational community is not in agreement as to just what these areas ought to be. We will encourage the national organizations to seek agreement on this.

6. Interest was expressed by Senator Beall and several Representatives in the status of vocational education in Maryland. I believe we can demonstrate by the increases in programs, staffs, and vocational educational facilities, that Federal, state, and local funds are being employed to maximum advantage. Nothing would please us more than the opportunity to show you through one or more of the new vocational-technical school facilities in the vicinity of Washington, D.C., or near your home.

I cannot close without acknowledging a debt of thanks owed you from the entire education community of Maryland, not omitting the children in the classrooms, for two important modifications in appropriations procedure: making it possible to carry over funds beyond the year in which they are appropriated and acting on the education budget early enough in the year to permit sensible planning of programs. Both changes have resulted in wiser use of funds and consequently better programs for children. We would want to see these improvements continue in the future.

Thank you again for your courtesy.

Sincerely yours,
JAMES A. SENSENBAUGH,
State Superintendent of Schools.

PHASE II—COMPLEX, CONFUSED, COMPLICATED, AND A FIELD DAY FOR LAWYERS

Mr. PROXMIRE. Mr. President, the phase II program is without question one of the most confused, complicated, and complex programs that has ever been initiated by the American Government.

What we have is an administered price inflation—an inflation caused by the monopoly or market power of a few big companies and the bargaining power of a few large unions.

We do not face a demand inflation such as we had in World War II, during the Korean war, and in the 1966–68 period during the Vietnam war. In those periods there was a shortage of goods. There was too much money chasing too few goods. That caused inflation and huge price increases. Instead of a shortage of goods and manpower there is a huge surplus of goods and manpower. We have unemployment at 6 percent and 25 percent of our industrial capacity idled.

The way to meet this administered price inflation is to regulate or control those responsible for it. But instead the phase II program is covering everyone from General Motors, who should be covered, to your babysitter, who should be exempt.

In addition it is far too complex. Take just the simple example of what prices can be raised.

The Price Commission has said that prices can be raised to cover costs. But, they say, these increases must be offset by the productivity increases in the firm. Finally, they cannot be raised higher than to provide a profit margin which is no higher than the profit margin average in 2 of the last 3 years.

How is a local businessman supposed to figure that out? Many do not know all of their costs. Even if they do, no small firm has any idea of its productivity. In fact, at least 25 to 50 percent of the largest corporations in the United States do not have good productivity figures.

But if the small businessman has trouble figuring this out, what about the consumer? There is no way the consumer can help enforce the price guidelines because they are too complex and too complicated.

The result will be a field day for the lawyers. An article in the Wall Street Journal for December 2 indicates that lawyers from the largest and most prestigious law firms in the United States complain that even they do not have enough information to advise their clients. Even they find the program too complex and too complicated to understand. And their clients are not the Mom and Pop grocery stores. Their clients are the biggest companies in America.

Added to all of this is the fact that neither the Price Commission nor the Pay Board is required to make public the data and the factual information upon which their decisions are based.

Even under the amendment I got included in the Senate version of the stabilization bill, the Board and Commission will make public only those aspects of their deliberations which they see fit to release.

The rules, regulations, and guidelines are an invitation to confusion, to a smarting sense of injustice on the part of both consumers and honest businessmen, and to a disrespect for both the law and for Government itself.

Mr. President, I ask unanimous consent that the article from the Wall Street Journal entitled "The Finaglers—Lawyers, Consultants Kept Busy by Phase 2, But Can They Help Out" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Dec. 2, 1971]

THE FINAGLERS—LAWYERS, CONSULTANTS KEPT BUSY BY PHASE II, BUT CAN THEY HELP OUT?

(By Norman Pearlstine)

It was 10 p.m. on Aug. 15, only an hour after President Nixon had dropped his economic bombshell, and attorney Lee Monroe was already on the phone. A partner in Sidley and Austin, Chicago's second-biggest law firm, he was calling other partners and associates, trying to set up a committee to handle the deluge he was sure would come the next morning.

It came, and Mr. Monroe was ready. Along with four other members of what Sidley and Austin calls its "wage-price committee," he was at his desk at 7:30 a.m. By 9, he and the others had thrashed out a strategy to deal not only with Phase 1 but the thornier problems of Phase 2. Then came the telephone barrage.

The committee, which includes two of the firm's Washington-based members, gets wage-price information directly from Washington in minutes, thanks to expensive telecopying equipment. It shoots out advisories to other lawyers in the 95-member firm when it gets information from the capital that seems particularly important to a wide range of clients; in turn, when a lawyer in Sidley and Austin has a client with a sticky wage-price problem, he turns it over to the committee for recommendations.

PANTING AND PLOTTING

Mr. Monroe says he and his colleagues are spending more than half their time on Phase 2 work now. So are a lot of other lawyers and management consultants and accountants, all panting and plotting to keep up with the government's moves. President Nixon's economic program has generated a lot more business—and many more headaches—for what one high Washington official has labeled "the finagling industry."

"We're up to our necks," says Milton Rock, managing partner of Edward N. Hay & Associates, a Philadelphia-based management consulting firm that has been laboring to keep about 1,000 corporate clients informed about Phase 2. An official of a large New York management consultant firm adds that "Phase 2 has definitely brought us new clients and increased the amount of work we're doing for our old ones."

There is no indication yet that the added load of Phase 2 work is forcing firms to do some quick additional hiring. But the problems piled up by controls are keeping many barristers and consultants off the golf course and in the office past dinnertime. "Phase 2 has definitely increased our business," says a senior partner in a medium-sized suburban Philadelphia law firm. John O'Meara, a partner in the Detroit firm of Dickinson, Wright, McKean and Cudlip, says he and three or four other attorneys at the 48-lawyer firm now spend most of their time on Phase 2 work. "I'm getting 10 calls a day about Phase 2, and each of them averages three or four different questions," he says.

Even small-town lawyers are feeling the heat. Elvin Souder, a lawyer in a three-man firm in Souderton, Pa., says he is "getting constant questions about wages, prices and rents." The Souderton borough council, for example, wanted to know if it was prohibited from raising taxes. (No, said Mr. Souder.)

EX-HUSBANDS AND TURKEYS

Other attorneys find themselves grappling with Phase 2 exotica they didn't expect. One San Francisco lawyer specializing in domestic relations barely had time to congratulate himself for being out of the controls hassle when a female client frantically called to ask if Phase 2 would block her attempt to get additional child-support payments from an ex-husband. (It didn't.) And an associate at Sullivan and Cromwell, one of New York's biggest and most prestigious firms, tells of one high-powered partner who spent the better part of a week figuring out how to price Thanksgiving turkeys for a supermarket chain he represents.

Many consultants, law firms, and accounting concerns have set up special organizations like Sidley and Austin's to help them cope with Phase 2. But they have learned that organization isn't enough. They also have to find out, as quickly as possible, what the Pay Board and the Price Commission have ruled. Then they have to figure out how those rulings affect clients. The first problem often is difficult to solve. The second sometimes seems impossible.

Some lawyers simply read the papers for tips on what government rulings have been, but most say they are reluctant to advise clients on that basis alone. "Newspapers have space limitations," says Glen E. Clover, a Houston attorney. "They can't always print all the details I need." So Mr. Clover and many other lawyers find themselves waiting for official copies of the regulations, which are printed in the Federal Register and mailed to law libraries and firms.

WAITING FOR THE POSTMAN

But the mail often isn't fast enough. One Los Angeles attorney waited four days for a copy of the Nov. 13 Federal Register, a key number that includes vital rules and regulations for Phase 2. "We called all over the place," he says. "Federal offices, accounting firms, even other law firms. Nobody had a copy. All we could do was tell our clients to wait. They weren't happy."

Big firms now often rely on their Washington partners to scoop up the news when it's hot and relay it. Others without Washington offices have made arrangements with firms in the capital; one of the latter services about 10 out-of-town firms. Still others rely on private services that publish daily, weekly or monthly reports. These include the Bureau of National Affairs' daily labor report, which is mailed special delivery every night, and the legal reporting services of the Commerce Clearing House, which has recently added a special report devoted to news about economic controls.

Lawyers, consultants and accountants, as well as corporations themselves, also snap up extensive commentary on Phase 2 put out by the National Association of Manufacturers (one of whose Washington representatives makes the rounds of the economic-control offices three times a day), state manufacturers' associations and Washington lobbyists who are paid to keep abreast of new government regulations. And they lean on their Congressmen, who say they are being besieged by pleas for information and guidance from lawyers and special-interest groups.

David Hartquist, a special assistant to Sen. Richard Schweiker (R., Pa.), says: "We seem to have developed our own clientele of lawyers and others" who want to know all about Phase 2. Attorneys for school boards and teachers' associations lead the pack, he says. The Senator's office often provides copies of the regulations or refers callers to the appropriate federal agency, but Mr. Hartquist says it is reluctant to "give opinions on what the regulations mean."

That's the real problem, say lawyers and consultants. Organized to the hilt, with mountains of information coming in, they confess they still don't know how to advise their clients in many, many cases. The regulations governing Phase 1 were fairly easy to deal with, sources say. ("The answer to most questions was almost always 'no,'" says one Los Angeles lawyer.) But Phase 2 is a muddle, they say. Many lawyers and consultants feel that members of the Pay Board and Price Commission, pressured to move quickly, did a poor job of drafting the regulations they work under; the lawyers and consultants know the regulations but can't be really sure how they'll be applied, and so they can't counsel their clients with certainty. "One series of rulings or questions and answers may lay to rest a few goblins," says Mr. O'Meara, the Detroit attorney, "but more often than not it raises as many new ones as it disposes of."

For example, lawyers and others complain that the Pay Board has spent so much time trying to resolve problems related to employes covered by union contracts that it hasn't been able to develop adequate guidelines covering executive compensation—especially stock options. Price controls, they add, have been sketched too broadly. "Because of what they've read in the papers, a lot of clients have the impression they can raise prices 2½% and only 2½%," says a Los Angeles accountant. "But it's a lot more complex than that. Among other things, you have to consider profit margins under new prices a year from now, and that is really hard to do."

The Internal Revenue Service, which is supposed to give guidance on the controls through local offices, hasn't been much help, lawyers and consultants say. "It isn't their fault," says a Boston lawyer. "They can answer general questions from the public, but when it comes to the specifics I'm asking they don't know what the hell is going on." As a result, he has one client who has been aching to increase prices for weeks, but who is still unsure whether he can.

Professional organizations and a few law schools have tried to leap into the breach with crash seminars and conferences on the new economic controls. The bar association of the District of Columbia and the Catholic University Law School in Washington, for example, just started a 12-hour program conducted by Richard Murray, deputy general counsel of the Office of Emergency Preparedness and chief of the OEP's interpretation division. Some lawyers find such huddles useful. Others compare them with trying to read the future in the entrails of a sheep.

For some lawyers and consultants, one pipeline directly into the government's controls bureaucracy is worth a thousand seminars. David Caulkins, a management consultant with the New York firm of Coloney, Cannon, Main & Pursell Inc., says many consultants he knows are striving to burrow into the bureaucracy. So, apparently, are attorneys and corporate officers.

Mr. Caulkins says one competitor may have an edge on the rest of his colleagues in the important "grey" area of executive compensation. "He was preparing positions for the Pay Board," says Mr. Caulkins. "He knows their thinking. And on the basis of that, he's been able to advise clients on stock options, merit raises and other complicated areas."

Lawyers and consultants warn, however, that today's well-informed advice may be shot to pieces tomorrow if the decisions of the control apparatus are successfully challenged in court. So far there hasn't been much litigation over controls, but lawyers expect it to increase.

"Whenever people act without certainty about the rules, litigation is likely to follow," says Los Angeles attorney Lewis Merrifield III. And Mr. Clover, the Houston attorney, predicts that many small firms don't have to report or get prior approval for pay and price rises are going to "ignore the federal regulations and do as they please." If the Pay Board and Price Commission make a more vigorous effort to enforce the rules than they have so far, a logjam of lawsuits could occur, he observes. And that, of course, means still more business for lawyers.

DISTRIBUTION OF FUNDS FOR CLAIMS AWARDED TO THE SAC AND FOX NATION

Mr. DOLE. Mr. President, on November 24 I joined the distinguished senior Senator from Iowa (Mr. MILLER) in introducing a bill to provide for the disposition of funds to pay for a judgment award by the Indian Claims Commission to the Indians of the Sac and Fox Tribe in Oklahoma, the Sac and Fox Tribe of the Mississippi in Iowa, and the Sac and Fox Tribe of the Missouri in Kansas and Nebraska.

The award was entered by the Indian Claims Commission on February 4, 1970, in docket numbered 153 and is for $10,601,282.66. It represents additional payment for 8,592,000 acres of land in Iowa that the Sac and Fox Nation ceded under the treaties of October 21, 1837, and October 11, 1842. Funds to cover this award were appropriated by an act of Congress on July 6, 1970.

Mr. President, the Sac and Fox Tribes composing the Sac and Fox Nation have always been closely affiliated, but they were distinct tribal entities at the time the 1837 and 1842 treaties were made, and they are still separately organized. Today each tribe has an approved constitution and bylaws, and a council as the governing body of the tribe. Also, each has a committee of officers with authority to transact business and otherwise speak and act on behalf of the tribe. As of March 31, 1971, there were 1,956 enrolled in the tribe in Oklahoma, 779 in the tribe in Iowa and 227 in the tribe in Kansas and Nebraska. A sizable number of the members of the tribe in Oklahoma and the tribe in Iowa live on reservations in Oklahoma and Iowa that were set aside for their tribes in the late 1800's. No members of the tribe in Kansas and Nebraska now live on the 7,924 acres provided for the tribe in Brown County, Kans., and Richardson County, Nebr., by a treaty of 1861, but 20 members live in the vicinity and many others live in Kansas and Missouri. Of the land originally contained in the Missouri Reservation only 119 acres remain in Indian ownership.

Mr. President, this bill specifics that 46 percent of the judgment and all future judgments shall go to the tribe of Oklahoma; 39 percent to the tribe in Iowa, and 15 percent to the tribe in Kansas and Nebraska. This division is based upon the relative original land holdings of the tribes. This distribution formula is in accord with the majority decision reached by the tribes at a meeting of July 24 1971, in Kansas City, Mo.

The tribe in Iowa has passed a resolution to distribute 50 percent of its award for programing of tribal activities with the balance being distributed per capita to its tribal members; the tribe in Kansas and Nebraska tentatively plans to distribute the greatest percent of its share per capita with the balance going to programing; and the tribe in Oklahoma has not decided on a distribution formula.

Mr. President, the Sac and Fox Nation has so far received less than 17 cents an acre for their lands ceded to the United States under the treaties of October 21, 1837 and October 11, 1842. The three tribes have requested an additional payment, the Claims Commission has adjudged it, and Congress has appropriated the funds to pay it. It would be a particularly black mark in our Nation's otherwise sorry treatment of our Indian people if we should now fail to authorize the payment of this just and reasonable claim.

BLACK LUNG DISEASE

Mr. HARTKE. Mr. President, today is the second day of hearings before the Committee on Labor and Public Welfare on the black lung disease program. The past 2 years have demonstrated that this worthy program is not benefiting all of the miners whom Congress intended to benefit.

To meet one of the major deficiencies of the program, I introduced S. 2289. This legislation would enable any miner disabled by black lung disease to receive compensation if he was unable to return to work for which he had been trained.

I have also joined with the distinguished Senator from West Virginia (Mr. RANDOLPH) in cosponsoring S. 2675, which has a provision similar to that of S. 2289 and which also corrects many of the other deficiencies of the black lung program.

Mr. President, the House has already passed sweeping black lung reform this year. The Senate owes it to the miners of the country to act without delay. I ask unanimous consent that the text of my statement before the Labor and Public Welfare Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR VANCE HARTKE ON DISABILITY PAYMENTS FOR BLACK LUNG VICTIMS

Almost two years ago, Congress established a disability compensation program for miners suffering from pneumoconiosis—or black lung disease. Since that date, more than half of the miners who have applied for black lung benefits have had their claims denied.

The despair and anger which these denials have caused is the direct result of poor administration of the black lung program on the part of the Department of Health, Education, and Welfare and the Social Security Administration. They have required X-rays and medical tests, but have not made provisions for competent medical personnel to conduct these tests. And they have established regulations which make it very difficult for a miner to prove that he is disabled by black lung.

Miners are being told by the Social Security Administration that they are not "totally disabled," but these same miners are not healthy enough to be hired by the mine operators, nor is there any other work available.

In order to correct this inequity, I have introduced S. 2289 which would enable any miner suffering from pneumoconiosis to receive disability compensation if it can be shown by medical or non-medical evidence that he is no longer capable of using his skills as a miner. I estimate that this provision would cost an additional $135 million next year and affect about 50,000 men who have been denied benefits as of September, 1971. What it will mean to these men is that they will no longer be denied black lung benefits because they are theoretically able to perform work for which they are not trained and which is not available. And it will also require the Social Security Administration to rely on non-medical evidence of disability rather than the debatable and often unreliable medical tests on which it now relies.

I have also joined with the distinguished Senator from West Virginia in co-sponsoring S. 2675. This is legislation which will bring about sweeping—but needed—reforms in the black lung program.

Mr. Chairman, we have the opportunity to correct oversights and bureaucratic abuses which arose under title IV of the Federal Coal Mine Health and Safety Act. I urge this committee to act without delay.

TRIBUTE TO HON. J. FIFE SYMINGTON, JR.

Mr. MATHIAS. Mr. President, the Honorable J. Fife Symington, Jr., of Lutherville, Md., returned last month from Port of Spain where he spent 2 very successful years as American Ambassador to Trinidad and Tobago. Recently articles appearing in the Trinidad Guardian and the Trinidad Express give tribute to his skill as a diplomat and indicate the warmth with which he was regarded by the people of Trinidad and Tobago. I commend these articles to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Trinidad Guardian, Nov. 11, 1971]

OUR BEST WISHES

After serving for two years as United States Ambassador, Mr. John Symington leaves Trinidad and Tobago next week to return to his country.

Mr. Symington has our best wishes in whatever his plans may be because we are certain he can look back on his stay here with pleasure and some measure of satisfaction.

Mr. Symington has won many friends in our country and is regarded by many as being the ideal diplomat, having involved himself and his country closely in several directions, while, at the same time, succeeding in not getting involved in embarrassing situations.

We appreciate it is a very difficult task to achieve this, so we admire Mr. Symington for avoiding the various pitfalls sometimes awaiting those engaged in the delicate task of diplomacy.

On the other hand, Mr. Symington must have come to regard his two years in Trinidad as an education in itself, which should stand him in good stead in the years ahead.

We say "Farewell."

HALLMARK OF A GOOD DIPLOMAT

Mr. Donald Granado, the former Trinidad and Tobago High Commissioner in the United

Kingdom, once had the idea of taking the name and image of the country he represented out to the British people.

He would have mounted exhibitions all over the United Kingdom, sent his staff to talk to schools, clubs, organisations, shown Trinidad and Tobago films widely. This grand plan for projection never came to pass because of a lack of money. The Ministry of External Affairs in Port-of-Spain could not see its way to subsidise the High Commissioner's ambitious ideas about communication.

This is a perennial problem facing small countries accredited to large ones. It is not a problem peculiar to Trinidad: it bedevils all small and/or poor countries in the world, all of whom have come to independence within the last 20 years and who now seek to catch up on a backlog of ignorance about themselves in the outside world.

Mr. Granado was rightly appalled by the lack of knowledge about Trinidad and Tobago he found throughout Britain and, being proud of his native land, was anxious to rectify a situation he regarded as unacceptable.

CASE IN POINT

In reverse, the position is rather different. Developed countries accredited to developing ones have no problems about money, or manpower or backing from the sponsoring department of state at home. They can go all out to explain themselves and their policies and philosophies to a public that is already captive to their message, by virtue of the power of propaganda the developed countries held over the developing ones for so many decades.

Mr. Granado would have envied the facility, for example, with which the foreign embassies in Trinidad are able to promote the countries they represent here.

The German Embassy is a case in point. There must hardly be a journalist left in Trinidad these days who has not been the beneficiary of a visit to Germany, arranged and underwritten by the German Government. The objective is to educate those whose business is information-transmittal about the German nation and its economic and ideological ways, so these can be presented effectively to the Trinidad and Tobago public.

DEGREE OF SYMPATHY

Mr. Granado, or any Trinidad ambassador abroad, could not invite a foreign journalist to make a similar journey to this country, for the simple reason that his budget and that of his ministry, would not allow it.

The Americans in Trinidad have been as active as the Germans. Mr. John Fife Symington, who returns to Washington on Sunday after two years as American Ambassador here, has been very active in the business of winning friends and influencing communicators in Trinidad.

He has been able to operate in a way that Trinidad representatives abroad would give their eye teeth to emulate. It so happens that for Mr. Symington it has been more than a case of being able to spend money freely: he has done it with some conviction and with a degree of sympathy for Trinidad and Tobago's own problems.

If genuine involvement in a host country's aspirations and hopes is the hallmark of a good diplomat, then Mr. Symington can consider himself to have been a success in his two years in Trinidad and Tobago.

CONCURRENT JURISDICTION TO TRY PERSONS FOR GENOCIDE

Mr. PROXMIRE. Mr. President, the Foreign Relations Committee has recommended to the Senate an understanding relative to article VI of the Genocide Convention. Article VI is concerned with the trial of persons accused of genocide. The committee's recommended understanding, if accepted, will put the United States on record as intending to exercise the right of concurrent jurisdiction with regard to any of its citizens accused of committing acts of genocide in a foreign country.

The theory of concurrent jurisdiction holds that a nation has the right to try its own citizens for acts that occur in another country. Many nations have asserted this right. If this understanding is adopted by the Senate, then the U.S. Government will have an option available to it. Should a foreign country ask us to extradite one of our citizens and it is determined that the accused will not be accorded a fair trial with all the guarantees of our Constitution, the Government can refuse to grant extradition and instead try the person in the United States.

The double jeopardy clause of the fifth amendment, which is controlling over the Genocide Convention as it is over all treaties, would prevent a person who has been tried in the United States for genocide from being extradited to another country.

The negotiating history of the Genocide Convention shows that the participants, including the United States, did not intend to deny any nation the opportunity to exercise the right of concurrent jurisdiction. This recommended understanding is thus in keeping with the intent of article VI. Its acceptance by the Senate will not distort the convention but rather make clear a point over which there has been some confusion.

Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

ECONOMIC STABILIZATION ACT OF 1971

Mr. BROCK. Mr. President, I have supported the President's economic program because I have felt that it offers the best opportunity for America to achieve reasonable price stability, full employment and a favorable balance of trade. I am pleased the President's program is showing success. The second quarter economic indicators show that the unemployment rate, interest rates, and consumer price income, retail sales and housing starts are up. And the President announced substantial progress in bringing a new fairness to world trade.

To assure continued success of the President's program, I feel that it is essential that Congress enact at an early date S. 2891, to extend and amend the Economic Stabilization Act of 1970. Much of the problem now facing all Americans stems from the uncertainties as to what Congress will do with the President's request for the extension of authority to implement phase II of his economic program. The President has in great detail told the country what is planned in the phase II program and now the big uncertainty pertains to congressional action. Undoubtedly, many business firms are holding back on plans to expand until the air is cleared.

Although I have grave reservations as to the advisability of wage and price controls, I have given my support to the wage-price freeze instituted by the President and the transition program because of the critical international position both of the dollar and our balance of payments, and the persistent inflation in face of unemployment. Since traditional fiscal and monetary policies have failed, I feel that the President had no other alternative than to institute the wage-price freeze.

However, once the inflationary psychology has been destroyed and the international monetary and trade crisis has subsided, I feel that controls should be promptly removed.

The President requested in his legislation submitted to Congress a 1-year extension of the authority contained in the Economic Stabilization Act of 1970 and, in addition, authority to stabilize interest rates and dividends. He requested additional enforcement power, arrangements for administrative and judicial review, and powers relating to personnel and funding. The Senate Banking, Housing and Urban Affairs Committee gave him the requested authority and strengthened the administration's bill by adding authority to roll back windfall profits, an exemption for individuals with substandard earnings, Senate confirmation of board members, treble damage actions for overcharges, and authority to relieve domestic shortages of raw materials.

I have some reservation on the provision in S. 2891 relating to automatic approval to previously negotiated wage agreements which called for substantial wage increases after August 15. To permit automatic effectiveness of such agreements would discriminate against persons not under wage contracts who had reasonable expectations of receiving increases during the freeze.

At the same time, these previously scheduled contractual wage increases were bargained for in good faith, and presumably were based upon concessions made by the employees. In addition, these agreements cover many public employees, particularly school teachers, who have been historically the last to catch up with inflation, and who have never been the subject of inflationary wage increases. No doubt, the equities in each of these situations will vary.

However, the provisions in S. 2891 relating to such wage agreements provide sufficient latitude to allow the President to act in an equitable manner and I have confidence that he will do so. The success of the program depends upon public confidence in its fairness. If any segment is given special treatment at the cost of another segment of the economy, public confidence will be eroded and the success of the program will be jeopardized.

On balance, S. 2891 is a good bill and its early passage is vital to give the President the authority he needs to implement phase II of his economic program and to clear up the uncertainties that now prevail as to Congress' support of this program.

I have one reservation regarding the President's economic program. I am most concerned that we are neglecting the monetary and fiscal side. When there is control of private spending, it is only fair that there also be control of public spending. It was the Government's irresponsible fiscal policies that caused the present predicament. I strongly urge a freeze on Government spending to accompany phase II of the President's economic program.

A TRIBUTE TO MERTHA FULKERSON

Mr. PROXMIRE. Mr. President, on January 25 of this year, Wisconsin lost one of its most distinguished citizens—Mertha Fulkerson. In the years before her death she was the director of The Clearing in Door County. The Clearing is a unique educational experience conducted during the summer months. Students spend a week in the beautiful Wisconsin countryside studying a course selected from a diversity that includes foreign languages, the political philosophy of Lincoln, and community health services. The success of The Clearing has been in large measure due to the fine work of Miss Fulkerson.

During the past summer a memorial service was held in her honor. Dr. Lee Paul de Alvarez of the University of Dallas and Dr. George Anastaplo of the University of Chicago spoke. They talked of the work which Miss Fulkerson did to make The Clearing a viable operation and of the philosophy which guided her. The Door County Advocate, in an article which appeared on July 27, reported the memorial service.

Mr. President, I ask unanimous consent that the Door County Advocate article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FITTING TRIBUTE PAID MERTHA FULKERSON

(By Jane Shea)

ELLISON BAY.—"She came. She saw work to be done. She did it. And then she left."

In this basic way, Dr. George Anastaplo summed up the life of the late Miss Mertha Fulkerson and set the tone for a unique memorial service Saturday night at the Clearing, an institution she managed from 1951 to 1969. Miss Fulkerson died in Green Bay last Jan. 25.

It was appropriate that the tributes were respectful, affectionate, free of excessive sentiment. There was agreement with Dr. Anastaplo, who said "It is difficult to feel the sorrow one would for lesser men or women."

Mertha Fulkerson seldom permitted direct quotations during her lifetime, preferring to perpetuate the philosophies of mentor Jens Jensen in his own remembered words.

But this self effacement was not enough. She was variously described during the evening as high minded, ethereal, a noble woman, innocently shrewd, one capable of a piercing anger for a worthy cause. It was obvious that this diminutive lady had not only succeeded in carrying on founder Jensen's work, but had personally, perhaps unwittingly, emerged to influence the lives of many people.

Dr. Anastaplo, faculty member at the University of Chicago, spoke of his close connections with The Clearing, stating, "One cannot reasonably hope for the immortality of an institution. Its purpose is to provide a model of life for others to follow." He, as well as others, referred to Jensen's concept that The Clearing is not only here, but in men's minds as well.

Referring specifically to Miss Fulkerson, he said, "Mertha wouldn't approve of any personal tributes. She'd probably suggest a work party. There's always a fence to be mended, a wall to be built."

Responding for The Clearing, present manager Claire Johnson said that for Mertha, "the institution was her sole purpose, her self fulfillment."

William KasaKaitas, representing the parent Wisconsin Farm Bureau, announced that this group has established The Clearing Memorial Scholarship Fund. Gifts, in memory of Miss Fulkerson and others, will be used to help young people attend classes here. "Mertha would want it this way," he declared.

KasaKaitas said the Farm Bureau felt deeply indebted to Miss Fulkerson for "the rich heritage with which she endowed us." He described her as a woman comfortably at home with all types of people and especially appreciative of farmers, those close to the soil. He stressed Miss Fulkerson's awareness of nature and its great power.

Dr. Leo Paul deAlvarez, Dallas University, who represented The Clearing faculty, advised guarding its major purpose. "Let us be wary that it does not become an escape," he warned. "It represents reason and nature working together to make something truly human."

Referring to Mertha Fulkerson's talent as a weaver, Mrs. Liese Rickett's message on behalf of the students described the late manager as "a beautiful weaver of human beings and a beautifully woven human."

Miss Virginia Booth showed movies of Miss Fulkerson enjoying this area with relatives and friends.

Vocal selections with dulcimer accompaniment were presented by Mrs. Dolores Reppert and Mrs. June Ohm, Janesville. Night birds provided an outside obligato and through cathedral windows, sunset bowed to darkness.

Services concluded, the group returned through forest paths, where Mertha Fulkerson had walked and talked with students; paths well marked for others to follow.

She wasn't there. Her work was done.

COMMENTS OF MARYLAND HOSPITAL ASSOCIATION ON PROGRAMS

Mr. MATHIAS. Mr. President, recently I had placed in the RECORD some very interesting comments by the Maryland Hospital Association in opposition to S. 232 of H.R. 1, the "reasonable cost" reimbursement provision which pertains to medicaid and the maternal and child health programs.

The Maryland Hospital Association, has since advanced to me what it suggests may well be not only an acceptable but indeed a highly desirable alternative to reasonable cost reimbursement.

I am speaking, Mr. President, of "prospective reimbursement." According to the MHA, prospective reimbursement is—

> The only payment method in sight that offers a workable means for long-range containment of hospital costs, predictability of hospital cost trends, avoidance of the unnecessary costs of multiple audits, and positive incentives for in-hospital cost reduction efforts and full accountability before the public of what hospitals spend and why.

Because of recent legislative developments in Maryland, hospitals in my State are well on the way toward a system of prospective reimbursement. The rationale for moving in this direction and the potential for using prospective reimbursement elsewhere, both by other States and by the Federal Government, are well documented by the letter and enclosures I have just received from the Maryland Hospital Association. Because these items may be of interest to Senators and to other readers of the CONGRESSIONAL RECORD, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE MARYLAND HOSPITAL ASSOCIATION

Lutherville, Md., November 18, 1971.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for your letter of November 12. We are encouraged by the attention you and your staff have given our request to work for the deletion of Section 232 before the Senate Finance Committee disposes of H.R. 1.

I have advised our 55 member-hospitals of your inquiry to Secretary Richardson and all of us are anxious to learn of his reply. Should HEW offer genuine opposition to that provision, we are convinced that the thing will be extracted.

You asked me to comment on Section 222 and related elements of H.R. 1 that deal with prospective reimbursement. I will be brief, even though your invitation to comment on this subject tempts me to Xerox a filing cabinet of documents to demonstrate the Maryland Hospital Association's early and active enthusiasm for the concept of prospective reimbursements to hospitals by *all* health insurers.

Over a year ago, on October 28, 1970, the Board of Presidents of the MHA unanimously endorsed the attached Policy Statement on Prospective Measurement of Financial Requirements. The only change made in the document you see was removal of the word "proposed" in its heading.

Policies are one thing, and actions are another, so let me cite two substantive examples of how the MHA has demonstrated its conviction that prospective reimbursement is the only payment method in sight that offers a workable means for long-range containment of hospital costs, predictability of hospital cost trends, avoidance of the unnecessary costs of multiple audits, positive incentives for in-hospital cost reduction efforts and full accountability before the public of what hospitals spend and why.

During the 1971 session of the Maryland General Assembly, the MHA worked hard for the passage of S.B. 359 (attached). We helped write this bill, in fact, which not only leads to public utility status for Maryland's hospitals by 1974, but also requires hospitals to earn their reimbursements prospectively—through sound budget preparation and advocacy of their own needs before a governmental Commission. We believe that Maryland's S.B. 359 constitutes model regulatory legislation for the hospital field.

If H.R. 1 passes with Section 222(a.1.) intact, we also believe that—with your help—we can successfully convince HEW that it ought to "develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of various alternative methods of making payment on a prospective basis to hospitals . . ." in this state. Our new state law makes Maryland an ideal laboratory for such federal experiments and projects.

Beyond S.B. 359, the Maryland Hospital Association is now on the public record as a full supporter of a proposed new reimbursement formula to be employed by Maryland Blue Cross, this state's largest purchaser of health care. The formula, over which hearings were held last summer, calls for prospective reimbursement by Blue Cross. This proposed formula change is now in the hands of the state Insurance Commissioner. Hospitals are hopeful of a favorable decision by the Commissioner very shortly.

You also asked if we perceive prospective reimbursement as a possible means of accomplishing the goals underlying H.R. 1's Section 232. In Maryland, because of S.B. 359, the answer is a positive yes. In states that lack a law such as S.B. 359, we do not see such an alternative available, but perhaps we are not qualified to render such advice.

A final item, the American Hospital Association's Policy Statement on Provision of Health Services, is also enclosed. We believe it supports our position on H.R. 1 and it may also anticipate our eventual position on National Health Insurance.

I hope this response answers your questions of November 12. Again, we appreciate your actions on our earlier request. I thank you too for the personal compliment you paid me with respect to the letter of November 5.

Sincerely,

RICHARD J. DAVIDSON,
Executive Vice President.

THE MARYLAND HOSPITAL ASSOCIATION PROPOSED POLICY STATEMENT ON PROSPECTIVE MEASUREMENT OF FINANCIAL REQUIREMENTS

I. PREFERRED METHOD OF PAYMENT

In considering how major third party contractors should pay for health care institutional services, a method of payment based on prospectively determined rates for each health care institution is preferred. The prospective method implies payment on the basis of predetermined charges rather than the retrospective, cost based method of payment. The prospective method of payment offers the opportunity to obtain payment on the basis of an institution's full financial needs. The prospective method offers incentives to the institution for containing or reducing costs consistent with proper patient care. It can result in a more rational disclosure of operating and financial information to the public. Finally, this method offers the possibility of a significant simplification of the payment process by eliminating multiple and expensive audits and by equating sound management information needs with those of the payment process.

II. PROSPECTIVE RATES

The method of establishing these prospective rates should be through a rate approval process. A representative rate review organization should be established to review the past performance, cost and utilization of each health care institution, review the facility's proposed schedule of expenditures and anticipated revenue and then negotiate and approve payment rates between the institution and participating contracting agencies prior to the enactment of changes in the level of payment. Rate review organizations should be composed of representation from consumers, contracting agencies, and health care institutions.

The system of payment and rate determination must include the following characteristics which would guide the development of any prospectively determined payment method.

III. NECESSARY CHARACTERISTICS

1. The final determination of the level of payment by a rate review organization must be in accordance with health care institutions' full financial requirements.

2. Rate review organizations, constituted on an areawide basis, i.e., state or Blue Cross Plan area or on a sub-regional basis, as a minimum requirement, should be composed of representation from consumers, contracting agencies, and health care institutions.

3. The health care institution should propose prospectively the level and sources of revenue necessary to meet its forecasted financial requirements as delineated in the Maryland Hospital Association's *Statement of Principles of Payment for Providers.* The proposal would be accompanied by operating and capital budgetary forecasts and historical accounting and cost data.

4. Capital expansion and major modernization proposals must be reviewed and recommended for approval by the designated Areawide Health Planning Agency prior to the rate review organization's permanent recognition of these expenditures in a health care institution's prospective level of payment.

5. Since a budget is an estimate of future needs and performance, health care institutions and the rate review organization must be able to request interim changes in levels of payment or adjustments to future levels of payment when major events occur which were unpredictable or uncontrollable by the institution. Such changes would include but not be limited to significant wage changes resulting from labor negotiations, major changes in occupancy, by legislation or inflation.

Such justifiable adjustments must be accomplished in a timely fashion so as to:

a. offset any associated loss

b. meet continuing financial needs, and

c. protect the working capital position of the institution.

6. An appropriate appeal mechanism for all parties should be established so as to conform to the substance of the procedures described in the Maryland Hospital Association *Statement of Principles for Payment to Providers.*

7. In each individual institution, the prospective rates must result in apportionment of financial requirements without discrimination among all purchasers of care with equal charges for comparable services.

8. All participating contracting agencies (third party payors) would be obligated to pay on the basis of the rate review organization's approved level of payment.

9. On the advice of institutions and contracting agencies, the rate review organization must develop a system of incentives which would encourage inter-institution coordination of services and internal cost control. Any system of incentives must be capable of being applied to all health care institutions and services on an equitable basis.

SENATE BILL NO. 359

An act to add new Sections 568H through 568X to Article 43 of the Annotated Code of Maryland (1965 Replacement Volume), to follow immediately after Section 568G thereof, title "Health," to be under the new subtitle "Health Services Cost Review Commission," providing for the establishment within the Health Department of a Commission to be known as the Health Services Cost Review Commission, to be appointed by the Governor, which Commission shall be charged with the duty to assure to all purchasers of health care institutional services that the cost of said institutions are reasonably related to the total services offered by the institutions, and to provide that the rates set by the institutions are in reasonable relationship to their aggregate cost, said rates being set without discrimination; providing for the powers, duties and functions of said Commission, and providing for appointments of staff and executive director, and relating generally to establishment of the Health Services Cost Review Commission in the State of Maryland

SECTION 1. Be it enacted by the General Assembly of Maryland, That new Sections 568H through 568X be and they are hereby added to Article 43 of the Annotated Code of Maryland (1965 Replacement Volume), title "Health," to be under the new subtitle "Health Services Cost Review Commission." and all to read as follows:

HEALTH SERVICES COST REVIEW COMMISSION

568–H

In creating the Health Services Cost Review Commission, the intent of the Maryland General Assembly shall be as follows:

a. The purpose of this act is to create a commission which will beginning July 1, 1971, cause the public disclosure of (1) the financial position of all hospitals and related institutions and (2) the verified total costs actually incurred by each such institution in rendering health services, computed by methods the Commission prescribes; and which after the expiration of three additional years will also review and certify as to the reasonableness of the rates established by these institutions. It will also be the Commission's responsibility to keep itself informed as to whether the financial resources of each institution are sufficient to meet its financial requirements and to concern itself with solutions when resources are inadequate.

b. After July 1, 1974, an additional responsibility of this Commission is to assure all purchasers of health care institutional services that the total costs of the institution are reasonably related to the total services offered by the institution; that the institution's aggregate rates are set in reasonable relationship to the institution's aggregate costs; and that rates are set equitably among all purchasers of services without undue discrimination.

568–I

The Governor of the State of Maryland shall create the Health Services Cost Review Commission, an independent commission functioning within the Department of Health and Mental Hygiene, the jurisdiction and powers of which shall extend to all hospitals, health care and related institutions as defined in Section 556 of this Article, whether they be operated as profit making or non-profit making institutions. This law shall not be construed to include any hospital or related institution operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

568–J

The Commission shall consist of seven (7) members, who shall be appointed by the Governor. The appointees shall be persons who are interested in problems of health care, of which four (4) shall be persons who have no connection with the management or policy of any hospitals or related institution. Of the initial appointees, two (2) members shall be appointed for a term of four (4) years; two (2) members shall be appointed for an initial term of three (3) years; two (2) members shall be appointed for an initial term of two (2) years; and one (1) member shall be appointed for an initial term of one (1) year. Thereafter, all appointments shall be for terms of four (4) years each. No member shall be eligible for appointment to more than two consecutive terms.

a. The Governor shall annually select a Chairman who shall select a Vice-Chairman. Meetings of the Commission shall be held as frequently as its duties require. All meetings of the Commission except executive sessions shall be open to the public. The Commission shall hold no less than six (6) meetings per year. The Commission shall keep minutes of its meetings and adopt rules and regulations governing its meeting, minutes and transactions.

b. Four (4) members constitute a quorum, but a vacancy of the Commission does not impair its power to act. No action of the Commission shall be effective unless at least four (4) of its members concur therein.

c. Members of the Commission shall receive compensation as may be provided for in the budget, and they shall be reimbursed for all necessary and proper expenses that are incurred in the performance of their duties.

568-L

a. The Commission shall appoint, with the approval of the Governor, an executive director, who shall perform any and all duties, functions as prescribed by the Commission. The Commission shall employ such other staff as provided in the budget. In addition, the Commission may contract with third parties for any services that may be necessary to carry out its activities.

b. The executive director shall be the chief administrative officer of the Commission and shall be subject to the direction of the Commission. The executive director, deputy director and the principal section chiefs shall serve at the pleasure of the Commission.

c. To carry out the purposes of this subtitle, the Commission may also create committees from its membership and appoint advisory committees which may include as members individuals and representatives of interested public and private groups and organizations.

d. The Commission may apply for, receive and accept grants, gifts, payments and other funds and advances, appropriations, properties and services from the United States, the State of Maryland or any governmental body, agency or agencies or from any other public or private corporation or person, and enter into agreements with respect thereto, including the undertaking of studies, plans, demonstrations or projects.

568-M

In addition, to the powers granted to the Commission elsewhere in this subtitle, the Commission may:

(1) Adopt, amend and repeal rules and regulations respecting the exercise of the powers conferred by this subtitle, subject to the provisions of Article 41 of this Code applicable to the promulgation of rules and regulations.

(2) Hold public hearings, conduct investigations and require the filing of information relating to any matter affecting the cost of services in all institutions subject to the provisions of this subtitle and to subpoena witnesses, papers, records and documents in connection therewith. The executive director may administer oaths or affirmations in any hearing or investigation.

(3) Exercises, subject to the limitations and restrictions herein imposed, all other powers which are reasonably necessary or essential to carry out the expressed objects and purposes of this subtitle.

568-N

Any persons aggrieved by a final determination of the Commission under the provisions of this subtitle may appeal therefrom as provided by Sections 206A, 206B, 255 and 256 of Article 41.

568-O

a. The Commission shall by rule, after consultation with appropriate advisory committees and public hearings, specify a uniform system of accounting and financial reporting, including such cost allocation methods as it may prescribe, by which hospitals and related institutions shall record their revenues, expenses, other income and other outlays, assets and liabilities, and units of service. All institutions under the Commission's jurisdiction shall adopt the system for their fiscal year period, starting on or after April 1, 1972.

b. The Commission may allow and provide for modifications in the accounting and reporting system in order to correctly reflect differences in the scope or type of services and financial structure between the various categories, sizes or types of institutions subject to this subtitle and in a manner consistent with the purposes of this subtitle.

568-P

a. It shall be the duty of every hospital and related institution which comes under the jurisdiction of this subtitle to file with the Commission the following financial statements or reports in a form and at intervals specified by the Commission but at least annually:

(1) A balance sheet detailing the assets, liabilities and net worth of the institution for its fiscal year;

(2) A statement of income and expenses for the fiscal year; and

(3) Such other reports of the costs incurred in rendering services as the Commission may prescribe.

b. The annual financial statements filed pursuant to this section shall be prepared in accordance with the system of accounting and reporting adopted under Section 568-O. The Commission shall require the certification of specified financial reports by the institution's Certified Public Accountant and may require attests from responsible officials of the institution that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

c. The Commission shall require the filing of all reports by specified dates, and may adopt regulations which assess penalties for failure to file as required.

d. All reports, except privileged medical information, filed under any provision of this subtitle shall be open to public inspection and shall be available for examination at the offices of the Commission during regular business hours.

568-Q

a. Whenever a further investigation is deemed necessary or desirable to verify the accuracy of the information in the reports made by institutions under this subtitle, the Commission shall have the authority to make any necessary further examination of the institution's records and accounts as the Commission may by regulation provide. Such further examinations under this section may include, but are not limited to, requiring a full or partial audit of all such records and accounts.

b. In carrying out the duties prescribed by this subsection, the Commission may utilize its own staff or may contract with any appropriate, independent, qualified third party.

No such contractor shall release or publish or otherwise use any information made available to it under its contractual responsibility unless such permission is specifically granted by the Commission.

568-R

From time to time, the Commission shall engage in or carry out analysis and studies relating to health care costs, the financial status of any institution subject to the provisions of this subtitle, or any other appropriate related matters, and it shall be empowered to publish and disseminate any information relating to the financial aspects of health care as it deems desirable in the public interest, and in accordance with the provisions of this subtitle. It shall further require the filing of information concerning the total financial needs of each institution and the resources available or expected to become available to meet such needs; including, but not limited to, the effect of proposals made by comprehensive areawide and state health planning agencies.

568-S

In addition to its other responsibilities under the provisions of this subtitle, the Commission shall be charged with the duty of preparing and filing such summaries, compilations, or other supplementary reports based on the information filed with the Commission hereunder as will advance the purposes of this subtitle. All such summaries, compilations and reports shall be open to public inspection and shall be made available to requesting agencies and shall be prepared within a reasonable time following the end of each institution's fiscal year or more frequently as specified by the Commission.

568-T

On or before the first day of October, 1972, and every year thereafter, the Commission shall prepare and transmit to the Governor, the Secretary of Health and Mental Hygiene and each member of the General Assembly a report of Commission operations and activities for the preceding fiscal year. This report shall include copies of all summaries, compilations and supplementary reports required by this subtitle together with such facts, suggestions and policy recommendations as the Commission deems necessary.

568-U

From and after July 1, 1974, the Commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of health care institutional services that the total costs of the institution are reasonably related to the total services offered by the institution, that the institution's aggregate rates are reasonably related to the institution's aggregate costs; and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

In order to properly discharge these obligations, the Commission shall have full power to review and approve the reasonableness of rates established or requested by any institution subject to the provisions of this subtitle. No institution shall charge for services at a rate other than those established in accordance with the procedures established hereunder.

In the interest of promoting the most efficient and effective use of health care institutional service, the commission may promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this subtitle.

568-V

To properly carry out its authority, the Commission shall:

(1) Immediately upon the effective date of this subtitle begin to compile all relevant financial and accounting data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The Commission shall define and prescribe by rule the types and classes of charges which cannot be changed except as provided by the following procedure and it shall also obtain from each such institution a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require.

(2) (A) Permit any nonprofit institution subject to the provisions of this subtitle to charge reasonable rates which will permit the institution to render effective and efficient

service in the public interest on a solvent basis.

(B) Permit any proprietary profit-making institution subject to the provisions of this subtitle to charge reasonable rates which will permit the institution to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or the fair value of the investment, whichever is less.

(3) In the determination of reasonable rates under this section for each institution, take into account the recommendations of appropriate areawide and State comprehensive health planning agencies to ensure compliance with Maryland comprehensive health planning law as found in Section 59C of Article 41 of the Annotated Code of Maryland.

(4) In considering a request for change in or initiating a review of rate schedules or other charges, permit any institution subject to the provisions of this subtitle to charge rates which will in the aggregate produce sufficient total revenue for the institution to meet all of the reasonable obligations specified herein.

From and after July 1, 1974, no institution subject to the provisions of this subtitle shall change or amend that schedule of rates and charges of the type and class which cannot be changed without prior approval of the Commission, except in accordance with the following procedure:

(1) Any request for a change in rate schedules or other charges must be filed in writing with such supporting data as the institution seeking the change deems appropriate. Unless the Commission orders otherwise as provided for hereunder, no institution shall establish such changes except after 30 days notice to the Commission. Upon receipt of notice, the Commission may suspend the effective date of any proposed change. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the institution. Unless suspended, any proposed change shall go into effect upon the date specified in the application.

(2) In any case where such action is deemed necessary, the Commission shall promptly institute proceedings as to the reasonableness of the proposal. The suspension may extend for a period of not more than 30 days beyond the date the change would otherwise go into effect; provided, however, that should it be necessary, the Commission may extend the suspension for an additional 30 days. After the expiration of 90 days the new rate will go into effect, if the Commission does not approve, disapprove or modify the request by that time.

(3) In any case where the Commission deems it necessary such proposals shall be considered at a public hearing, the time and place of which shall be determined by the Commission. The hearing shall be conducted by the Commission at which time evidence for and against the requested change may be introduced by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) The Commission may, in its discretion, permit any institution to make a temporary change in rates which shall be effective immediately upon filing and in advance of any review procedure when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedures set out herein shall be conducted by the Commission as soon thereafter as is practicable.

(5) Every decision and order of the Commission in any contested proceeding shall be in writing and shall state the grounds for the Commission's conclusions. The effects of such orders shall be prospective in nature.

568-X

The Commission shall annually prepare a budget which shall include its estimated income and expenditures for administration and operation.

SECTION 2. And be it further enacted, That if any provision of this Act or the application thereof to any person or circumstances is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Act which can be given effect without the invalid provisions or application and to this end, all the provisions of this Act are hereby declared to be severable.

SECTION 3. And be it further enacted, That this Act shall take effect July 1, 1971.

WHITE HOUSE CONFERENCE ON AGING

Mr. BEALL. Mr. President, there presently is occurring at the White House an event of utmost importance to senior citizens. I am, of course, referring to the White House Conference on Aging. President Nixon has taken a personal interest in this Conference and addressed the delegates today.

As the ranking Republican on the Labor and Public Welfare Subcommittee on Aging, I am very much interested in the Conference. The final test of the conference will be not only in its recommendations, but also the extent to which Congress and the country take action to improve the conditions of senior citizens. These citizens during their working years have made possible the high standard of living which our citizens enjoy today, and we owe them an obligation to make certain that their retirement years will be lived in security, independence, and dignity.

I ask unanimous consent that the text of the President's address be printed in the RECORD. I am particularly pleased that the President will retain Dr. Flemming, not only during a follow-up period after the conference, but also as his personal consultant on aging. I am sure this action will help to make the closing of the conference a "beginning," as the President stated in today's address, and that the "promises made" will be fulfilled.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE WHITE HOUSE CONFERENCE ON AGING, WASHINGTON, D.C.

Many of you have made a very important pledge this morning, a very specific commitment to action in the post-Conference year. I have come here this morning to join you in that pledge.

This means I will give close personal consideration to the recommendations of this Conference. I have asked Dr. Flemming to stay on—not only as Chairman of this Conference in the follow-up period, but also as my special consultant on aging so that I can take up these matters personally with him, as well as with John Martin, my Special Assistant on Aging. I will put your recommendations at the top of the agenda of our Cabinet-level Committee on Aging—which is chaired by Secretary Richardson and on which Dr. Flemming also plays a leading role. And finally, I have asked Dr. Flemming to create a post-Conference board to act as your agent in following up on your proposals.

When matters that affect the interests of older Americans are being discussed, I am determined that the voice of older Americans will be heard.

As we consider your suggestions, we will be guided by this conviction: any action which enhances the dignity of older Americans enhances the dignity of all Americans. For unless the American dream comes true for our older generation, it cannot be complete for any generation.

This is true, first, because we all grow old. The younger generation today will be the older generation tomorrow. But more than that, the entire Nation has a high stake in a better life for its older citizens simply because it needs them. It needs the resources which they alone can offer.

We are speaking, after all, of a proven generation, one that has brought this country through the most turbulent period in human history. Its skills, its wisdom, its values, its faith—these are among the most valuable resources this Nation possesses.

This country will have to be at its best if we are to meet the challenge of competition in the world in the 1970s. And we cannot be at our best if we keep our most experienced players on the bench.

Yet in recent years a gulf has been opening between older Americans and the rest of our people. This gulf is the product, in large measure, of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

We must change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let me begin where most of you begin: with the problem of inadequate income. If we move on this front, all the other battles will be easier. If we fail to move here, the other battles will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill which is known as H.R. 1—and approve it without delay. For this legislation would revolutionize our whole approach to income problems among the elderly.

For the first time in our history, it would put a national floor under the annual income of every older American. For the first time in our history, it would make social security benefits inflation-proof.

It would also allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. And I hope the Congress will also include in H.R. 1 my proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

H.R. 1—as it now stands—would provide some 5½ billion dollars in additional Federal benefits to older Americans: 3 billion dollars in increased social security benefits, and—when it is fully effective—another 2.5 billion dollars in new benefits to persons with lower incomes. My proposal to eliminate the monthly Medicare fee would enrich this 5.5 billion dollar package by an additional 1.4 billion dollars—the equivalent of an additional 5 percent increase in social security.

As we work to increase Federal benefits for older Americans, we must also work to reduce the pressure of taxes. We are therefore supporting a series of tax reform proposals which would enable a single person age 65 or older to receive up to $5,100 of tax free income. A married couple, both of whom are 65 or older, could receive over $8,000 in tax-free income if these changes take effect.

However, one of the most onerous of all taxes for older Americans is largely unrelated to income. I refer, of course, to the property tax—which keeps going right on up, even when an older person's income is going down. In fact, property tax collections have increased by some 40 percent in the last five years alone.

Nearly 70 percent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving. And yet, because of property taxes, the same home which has been a symbol of their independence often becomes a cause of their impoverishment.

Even older persons who rent their homes often bear an unfair burden, since property tax increases are often passed along in the form of higher rents. And the inequity of the property tax is often all the greater because it takes money from those who have already educated their own children and uses it largely for the education of others.

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders, full of hope and pride. And over the years that followed they made their dreams come true.

But today—many years later—things have changed, so much so that Mrs. Ewing begins her letter to me by asking, "Was it just an empty dream after all?" Her father—at 73—is too ill and tired to work. His family is grown and scattered. And to meet his real estate taxes he is now being forced to sell the property for which he worked so hard and so long. "If this is really the country I grew up believing it to be," Mrs. Ewing continues, "these inhumane tax laws must be changed. . . ."

I agree. We need a complete overhaul of our property taxes and of our whole system for financing public education. Our revenue sharing program can help relieve the pressure on property taxes and older Americans have a large stake in its enactment. But additional reform is also needed.

I am therefore preparing specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. It is clear that these remedies will involve large sums of money. We are prepared, however, to make the hard decisions we will have to make. The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

A second major problem affecting the income of older persons is the inadequacy of private pension plans.

I will therefore propose to the Congress a new program to reform our private pension system. This program will include measures designed to expand pension coverage and to ensure that pension funds are soundly and honestly managed. I will also recommend new laws to require the vesting of pensions—to ensure that the benefits which accumulate in a person's working years are paid to him when he is older.

Lately, of course, we have been giving high priority to another effort that has special meaning for older Americans: the drive to curb the rise in the cost of living. When wages and prices rise unreasonably for the few, the result is an unreasonable decline in the purchasing power of the many. By holding wage increases to reasonable levels for those who are working, we will help to protect the incomes of those who are retired.

I have appreciated the support that older Americans have given to this effort—and I am determined that as we achieve our new prosperity, it will be a new prosperity without inflation, and therefore without the hidden tax that hits so cruelly at those on fixed incomes.

As the income position of older Americans improves, so will their ability to cope with many of the other problems you have been discussing. But even with higher income, many older person will still face problems beyond their individual control.

Take the one million Americans who live in nursing homes, for example. Many of them—like my 91-year-old aunt in California—receive excellent care in pleasant surroundings. But many do not—and there is little they can do about it. This is why I announced last summer an 8-point program for improving our Nation's nursing homes and for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes. But we will not hesitate to cut off funds from homes which are hopelessly substandard. Furthermore, we will take the initiative in making sure that public and private resources are available to provide alternative arrangements for the victims of such homes.

But nursing homes are only one part of the picture. The greatest need is to help more older Americans to go on living in their own homes. Income programs and tax reforms can help us achieve this objective. And so can a number of additional decisions which we already have made.

We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly.

We have made two additional administrative decisions which will also help older Americans to remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominium apartments and retirement communities. The second will require that Federal grants which provide services for older persons also provide for the transportation they need to take advantage of these services.

Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis. I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents program be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under this program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income.

Older persons can be proud of how well they have made all these programs work in recent years. These decisions mean they will now be able to work in more places and for more people.

I have spoken this morning about some of the immediate steps I am taking as a part of my commitment to action. We are proud of these initiatives—but we are not content to rest on them. Instead, we want to build on them. That is why I have outlined a mechanism for following up on this Conference—one which will allow us to take the fullest advantage of the excellent work which you have done.

Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

As you know, these proposals involve very difficult budgetary problems for the Government.

However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this Conference—a message which must now be heard in every community in this land.

The message is simply this: We need a new national attitude toward aging in this country—one which fully recognizes what America must do for its older citizens, and one which fully appreciates what our older citizens can do for America.

Only a new national attitude toward aging can end the "throw away psychology" which, I understand, was so graphically demonstrated in the film you saw last Sunday night. Only a new attitude toward aging can reopen the doors of opportunity which have too often been closing on older men and women. And—to borrow another phrase from your multimedia presentation—only a new attitude toward aging can keep older Americans from "slipping through the cracks."

We are entering a period when people will be retiring even earlier from their regular jobs—and when it will therefore be more important than ever to recognize that retirement from work does not mean retirement from life. This concept must be at the heart of our new national attitude toward aging.

A few months ago I met a remarkable man by the name of George Black. For more than eighty years, Mr. Black has been making bricks by hand in Winston-Salem, North Carolina. George Black is 93 years old—but this does not mean that his productive days are over.

Recently our Government sent George Black to the country of Guyana in South America, so that he could share his skills with people in that land. When he was asked about his trip, Mr. Black made this comment: "I have always asked the Lord," he said, "to let my last days be my best days. I feel like he's answering my prayers."

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them—as for him—its answer depends not only on what they are given but on what they continue to give.

Older Americans have much to give to their country. The best thing this country can give to them is the chance to be a part of it—a chance to play a continuing role in the great American adventure.

In a real sense, this Conference is just beginning. For all of us are going home with promises to keep. As we keep those promises—as we fulfill our commitments to action—we will make this Conference the great New Beginning you have talked about this week. And we will help make the last days the best days for all of our countrymen.

IMPROVING THE HANDLING OF CONSTITUENT COMPLAINTS

Mr. HARTKE. Mr. President, on June 23 I introduced S. 2134, an act to establish an Office of Constituent Assistance. At the time, I stated my belief that the ever-increasing volume of constituent requests and complaints required the establishment of a central office which would assist Members of Congress in the processing of this correspondence.

I also noted that an Office of Constituent Assistance would assist Congress in performing its legislative oversight function. Too little attention has been given to this important function. Legislation is passed after extensive deliberation, but there is often not enough time to follow through on the implementation of that legislation. Members of Congress cannot anticipate the problems which arise from the bureaucratic implementation of legislative policies. Yet, our responsibility does not end with the passage of a bill.

The Office of Constituent Assistance will help us to monitor the implementation of important pieces of legislation. When it is established, we will have, for the first time, one central office which will be able to put together the pieces of the puzzle which presently reside in 535 different offices. Under the existing system, we cannot tell whether five letters during the course of 1 month each of which complains about the same alleged bureaucratic abuse represent a significant pattern. But a central office to which have been referred those five letters together with similar letters from other congressional offices could make such a determination with ease. It could also report its findings of bureaucratic abuses and errors to the Congress for legislative action.

The Office of Constituent Assistance that I propose is not a luxury; it is a necessity if we intend to serve our constituents and perform our other responsibilities with the diligence required of our high office. I emphasize now, as I did when I offered the proposal in June, that this office would in no way supersede a Member of Congress. Constituent complaints handled by the Office would be only those referred to it by Senators and Representatives; and the Office's responses to those complaints would be sent to the Member who referred the complaint in the first instance.

Recently, the ombudsman committee of the administrative law section of the American Bar Association revised its position on ombudsman proposals to encourage experiments on the Federal level with the establishment of "an ombudsman or ombudsmen for limited geographical area or areas, for a specific agency or agencies or for a limited phase or limited phases of Federal activity."

In another recent development, Roger C. Cramton, chairman of the Administrative Conference of the United States delivered a paper entitled "A Federal Ombudsman?" Among the subjects discussed was the possibility of using the Administrative Conference to perform ombudsman functions on the Federal level.

Mr. President, while I do not contend that S. 2134 establishes an ombudsman, I believe that these two recent developments highlight the need for a Federal office of this type. I therefore ask unanimous consent that both the ABA statement and the paper delivered by Mr. Cramton of the Administrative Conference be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION, ADMINISTRATIVE LAW SECTION, OMBUDSMAN COMMITTEE—THE OMBUDSMAN

1. DEFINITION

The Ombudsman is an independent governmental official who receives complaints against government agencies and officials from aggrieved persons, who investigates, and who, if the complaints are justified, makes recommendations to remedy the complaints.

2. BASIC CONCEPT

The Ombudsman system is one of the institutions essential to a society under the Rule of Law, a society in which fundamental rights and human dignities are respected. Human rights are not protected simply by constitutions or legislation, by guarantees or speeches, by proclamations or declarations, but primarily by the availability of remedies. The Ombudsman system is one of the remedies which seeks to preserve human rights.

3. REASONS FOR OMBUDSMAN

(a) The post-World War II growth of the welfare state. Government grew in size and extensive powers were given to agencies. Protection is needed against executive and administrative mistake and abuse of power.

(b) The activities of public administration have become so comprehensive and the power of the bureaucracy so great that the legal status of the individual needs additional protection.

(c) Existing mechanism—courts, legislatures, the executive, administrative courts, and administrative agencies—are not sufficient to cope with the grievances of the aggrieved and there is a need for a supplementary institution.

(d) The presence of the Ombudsman has psychological value. His office gives the citizen confidence that there exists a watchdog for the people who will hold government accountable.

(e) The legislature traditionally concerned with the observance of laws and rulings by public officials has at the same time extensively delegated powers to the administrative authorities. The Ombudsman can serve to aid the legislature in its function of supervising the executive and administrator.

(f) The Ombudsman gives the citizen an expert and impartial agent without personal cost to the complainant, without time delay, without the tension of adversary litigation, and without requirement of counsel or the intervention of those highly placed.

4. TYPES OF ACTION OR INACTION WHICH GIVE RISE TO COMPLAINTS

(a) The Ombudsman investigates complaints arising from administrative action or inaction as a result of which any person has been aggrieved. Such types of action or inaction are:

(1) Injustice.
(2) Failure to carry out legislative intent.
(3) Unreasonable delay.
(4) Administrative error.
(5) Abuse of discretion.
(6) Lack of courtesy.
(7) Simple clerical error.
(8) Oppression.
(9) Oversight.
(10) Negligence.
(11) Inadequate investigation.
(12) Unfair policy.
(13) Partiality.
(14) Failure to communicate.
(15) Rudeness.
(16) Maladministration.
(17) Unfairness.
(18) Unreasonableness.
(19) Arbitrariness.
(20) Arrogance.
(21) Inefficiency.
(22) Violation of law or regulations.
(23) Abuse of authority.
(24) Discrimination.
(25) Disability to act.
(26) Errors, mistakes, carelessness.
(27) Disagreement with discretionary decisions.
(28) Inconsistent with general course of an agency's function.
(29) Mistakes in law or arbitrary in ascertainment of facts.
(30) Based on irrelevant consideration.
(31) Unclear or inadequately explained when reason should have been revealed.
(32) Inefficiently performed.
(33) All other acts of injustice that frequently the governors inflict upon the governed, intentionally or unintentionally.

(b) The Ombudsman may also recommend clarification, amendment, or initiation of legislation and administrative rules and regulations.

5. AMERICAN BAR ASSOCIATION RESOLUTION

The following Resolution dealing with the establishment of an Ombudsman was adopted by the American Bar Association at the Midyear Meeting of the House of Delegates in 1969:

Be it Resolved, That the American Bar Association recommends:

1. That state and local governments of the United States should give consideration to the establishment of an ombudsman authorized to inquire into administrative action and to make public criticism.

2. That each statute or ordinance establishing an ombudsman should contain the following twelve essentials: (1) authority of the ombudsman to criticize all agencies, officials, and public employees except courts and their personnel, legislative bodies and their personnel, and the chief executive and his personal staff; (2) independence of the ombudsman from control by any other officer, except for his responsibility to the legislative body; (3) appointment by the legislative body or appointment by the executive with confirmation by a designated proportion of the legislative body, preferably more than a majority, such as two-thirds; (4) independence of the ombudsman through a long term, not less than five years, with freedom from removal except for cause, determined by more than a majority of the legislative body, such as two-thirds; (5) a high salary equivalent to that of a designated top officer; (6) freedom of the ombudsman to employ his own assistants and to delegate to them, without restraints of civil service and classification acts; (7) freedom of the ombudsman to investigate any act or failure to act by any agency, official, or public employee; (8) access of the ombudsman to all public records he finds relevant to an investigation; (9) authority to inquire into fairness, correctness of findings, motivation, adequacy of reasons, efficiency, and precedural propriety of any action or inaction by any agency, official, or public employee; (10) discretionary power to determine what complaints to investigate and to determine what criticisms to make or to publicize; (11) opportunity for any agency, official, or public employee criticized by the ombudsman to have advance notice of the criticism and to publish with the criticism an answering statement; (12) immunity of the ombudsman and his staff

from civil liability on account of official action.

3. That for the purpose of determining the workability of the ombudsman idea within the Federal government, the Federal government should experiment with the establishment of an ombudsman for limited geographical area or areas, for a specific agency or agencies or for a limited phase or limited phases of Federal activity.

4. That establishment of a Federal government-wide ombudsman program should await findings based upon the experimentation recommended.

Be it Further Resolved, That the Section of Administrative Law is authorized to present the views of the Association and to encourage the establishment of ombudsmen in accordance with the provisions of this Resolution, by all necessary and appropriate means.

6. BIBLIOGRAPHY

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12. Ombudsmen–1967. A Compilation of State Proposals, United States Senate, Subcommittee on Administrative Practice and Procedure, November, 1967, U.S. Government Printing Office.

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1. Bibliography on the Ombudsman by Randy Hamilton, School of Public Administration, University of Southern California, University Park, Los Angeles, California, 90007.
2. Ombudsman-Citizen Defender, Bibliography prepared by Charles L. Smith for the Friends Committee on Legislation of California, 2160 Lake Street, San Francisco, California.

7. OMBUDSMAN COMMITTEE

American Bar Association, Administrative Law Section, Chairman, Milton M. Carrow, New York, N.Y.

Ombudsman Committee, Chairman, Bernard Frank, 832 Hamilton Street, Allentown, Pennsylvania 18105.

For further information with respect to the Ombudsman, write to Chairman, Bernard Frank.

A FEDERAL OMBUDSMAN?*

(By Roger C. Cramton**)

*Remarks prepared for delivery at the Administrative Law and Procedure Committee of the Federal Bar Association annual meeting in New Orleans, Louisiana, on September 9, 1971.

**Chairman, Administrative Conference of the United States. The views expressed herein are not necessarily the views of the Administrative Conference.

I. NATURE OF THE PROBLEM

Big government in a welfare society has multiplied the relations between governmental agencies and ordinary individuals, while at the same time the increased size and remoteness of agencies has made them much more impersonal. Meanwhile, citizens are no longer willing to accept passively whatever bureaucrats decide or provide. Government agencies that have traditionally operated with largely unencumbered discretion, for example, the decisions of social workers regarding welfare recipients, are being asked to take heed of the views of those affected. A veritable revolution in citizen attitudes toward the exercise of delegated powers is under way, signified by such slogans as "citizen participation" and "civil accountability."

The social demand for improved complaint-handling devices has its roots in relationships between democratic theory and administrative practice. Democratic theory requires the existence of satisfactory institutions for insuring that the exercise of administrative power remains accountable to the people.[1]

Accountability has several facets: First, the elected representatives of the people must retain and exercise responsibility for the delegated authority of appointed officials. Second, administrative agencies must establish effective machinery for insuring justice in individual cases and for handling complaints of injustice. And, finally, an external and impartial complaint-handling mechanism should be available to the citizen who has a grievance against government.[2]

Despite the generally high level of federal administrative performance, mistake and failure is an evitable part of any human institution. Persistent bureaucratic maladies—arrogance, insensitivity, inflexibility, haste or carelessness, and incompetence—assure a steady stream of grievances and irritations that need airing and cleansing.[3]

The direction of social change is expanding the number of these grievances and accentuating the importance of dealing with them. Citizens are more affected by government's expanded activities and thus opportunities for collision are more frequent. Citizen expectations of the levels of service to which they are entitled are constantly rising. And the complexity and impersonality of modern life produce new irritations since the citizen no longer can meaningfully relate to or understand many of the forces which appear to control his destiny.

Better devices for handling citizen complaints provide the possibility of increasing the level of citizen satisfaction with government, raising the average level of governmental performance, and providing a powerful tool for searching out trouble spots and devising solutions before a crisis develops. Responsiveness to citizen complaints may help otherwise alienated individuals feel that they are participating in governmental decision-making, and alleviate the growing frustration of the "you can't fight city hall" syndrome.

Preoccupation with complaint-handling mechanisms, however, should not obscure the fact that those who complain are not a random sample of the whole population. We need to know more about the characteristics of those who complain as against those who don't; the representativeness of the complaints that are filed of the total universe of aggrieved feelings; and the proportion of meritorious complaints in both segments of the population. Just as the consumer movement tends to be dominated by college-educated housewives of above-average income—precisely the group that is best able to cope with market conditions—the population of complainants is likely to be unrepresentative of the larger universe. Thus examination of complaints, while important, is not a substitute for systematic observation of the totality of administrative decisions.

II. CHARACTERISTICS OF AN IDEAL COMPLAINT-HANDLING INSTITUTION

The vast literature on the ombudsman[4] and related problems has reached a point of sophistication that makes it possible to summarize some of the essential characteristics of an ideal complaint-handling institution. The ideal complaint-handling institution would be (1) widely available; (2) highly visible; (3) client centered; (4) independent; (5) expert within its sphere of competence; and (6) capable of developing general recommendations for the improvement of complaint-producing situations.[5]

With the profusion of specialized agencies and services, there is need for an information, referral and complaint service that can provide a citizen with a needed service or refer him without delay to an agency that can handle his problem effectively. Ideally, a local office in each community, easily accessible by mail, telephone or in person, should provide information concerning governmental and other services; refer citizens to appropriate agencies for help and action; assist citizens in formulating complaints against local, state or federal agencies; forward the complaint to an appropriate complaint-handling institution; and monitor the action taken on any referral or complaint.

Existence of a complaint-handling mechanism, of course, will not accomplish much if the citizenry is unaware of its existence. The information problem is a serious one, especially if people of lower income are to be adequately served. The difficulty of educating the public about multiple complaint-handling agencies suggests the desirability of concentrating on one (or a few) agencies that are highly visible, widely available, and well publicized. A single local office, operated jointly by federal and state governments, should be able to link citizen complaints to a variety of complaint-handling agencies.

An ideal complaint-handling device would also be "client centered" in the sense that it would be organized to serve the convenience of the people for whom it is created rather than that of the professionals who staff it.

It should also be independent. Independence has two facets: (1) the person to whom the complaint is made should be external and independent of the government agency against which the complaint is directed; and (2) the complaint-handling institution should be independent of partisan politics.

A good complaint-handling institution must be expert within its sphere of competence. A complaint-handling institution must have personnel with highly specialized skills as well as intelligence and judgment to deal sensitively and prudently with a broad range of complaints against government. But it must also operate within limits set by accepted norms applicable to governmental administration. It must eschew controversial questions of momentous policy. Its function is not that of the policy-maker, innovator or advocate of social change, but that of testing administration by accepted standards.[6]

Finally, an ideal complaint-handling institution must have the capability to develop general recommendations to ameliorate

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complaint-producing situations. The pursuit of "justice in the individual case" has sometimes blinded us to aggregative phenomena that are of far greater significance than discrete controversies.[7] An ideal complaint-handling institution will utilize the systematic investigation of individual complaints as the basis for developing cumulative information for needed change. Patterns emerge from the analysis of complaints and this information can be used in order to change the system so that future complaints or injustice are less likely to occur. Most complaint-handling institutions fail to make systematic use of complaints to develop recommendations for general change.[8]

III. EXISTING FEDERAL COMPLAINT-HANDLING DEVICES

There are a wide variety of existing federal devices by which dissatisfied persons may seek consideration of complaints of alleged governmental error: intra-agency appeal; judicial review; legislative casework; and external scrutiny by executive and legislative budget and finance officers. The general manner of operation of these remedies is well known; and their application of citizen complaints is usefully surveyed in Walter Gellhorn's excellent book, *When Americans Complain.*[9]

Agency complaint-handling mechanisms, of course, are limited to the sphere of activity of the agency; hence they are bound to be specialized in terms of subject-matter or geographic area or both. In this respect, agency complaint-handling differs from the ombudsman pattern and from congressional casework, which both offer a generalized, more universal remedy.

Even more important, since the agency will be passing on complaints against itself, agency complaint handling lacks the degree of independence that an ombudsman or other outside critic will have. Independence, of course, is a matter of degree; internal separation of functions and a tradition of autonomous, high-level agency review may be more important than the mere appearance of agency domination. Only a small number of federal agencies, however, have created high-level complaint-handling offices that operate with a considerable degree of autonomy and independence. In most agencies complaints are handled by the same persons who were responsible for making the decisions complained of. There is good reason under such circumstances to be suspicious of the objectivity of the agency complaint-handling process.[10]

Further information is also needed concerning the difference in the handling of a complaint depending upon its source. It is generally accepted that complaints forwarded from Congress or the White House receive much more careful and expeditious treatment than complaints sent directly to the agency. If so, the result is a curious one since it discriminates against the person who proceeds through ordinary channels. Other significant differences in agency complaint handling may turn on the nature of the source of a complaint, the official to whom it is addressed (inside or outside the agency), or the form in which the complaint is cast.

Agency complaint-handling is important in itself and in relation to congressional and White House complaint handling since the latter devices largely depend upon referrals to the agencies. Whether or not proposals for an ombudsman at the federal level are accepted, the improvement of agency complaint-handling mechanisms is desirable. Perhaps a general improvement could be accomplished by having certain types of complaints handled or reviewed by a high-level office independent of the bureau complained of. This office might also generate proposals for organizational or procedural change that would reduce complaint-producing incidents.

Aside from judicial review and the oversight provided by fiscal and budget offices (*i.e.*, Office of Management and Budget, General Accounting Office), the only general complaint-handling mechanisms at the federal level are the result of the special treatment given to complaints addressed respectively to the President or to a member of Congress.

The President receives about 40,000 letters a year which seek assistance in matters involving federal activities. These letters are referred to various federal agencies for handling. The subject matter of these letters runs the gamut of federal activities, with the proportion largely dependent upon the number of persons that a program affects: thus social security is at the top of the list, followed by military and draft problems, taxes, veterans' benefits, etc. The subject matter breakdown of the White House letters is highly suggestive of the types of letters that a federal ombudsman would likely receive.[11]

The Civil Service Commission and the General Services Administration have experimented with methods of providing information to citizens about federal programs and activities. A complaint-handling experiment known as "The President's Listening Post" was set up in Philadelphia as a means of facilitating communications from citizens to the President. Letters were referred to federal agencies which had functional responsibilities with respect to the matters dealt with in the letters. The program is being phased out because, even though it was highly publicized in the Philadelphia area, it did not produce many letters.

The "Listening Post" approach has been replaced by what seems like a much better idea: centers located in federal office buildings throughout the country which provide information to citizens and refer them to the proper agency to handle their problem.

Complaint handling by Members of Congress, Walter Gellhorn states, speeds agency action and produces an outcome more favorable to the complainant in about 10 percent of the cases.[12] The favorable results include many cases in which a better (*i.e.*, more correct) result was reached; in these cases, the efforts of congressional staff have "humanized" the administrative process by overcoming the unimaginativeness or inflexibility of bureaucrats. But in other cases, the favorable outcome is merely preferential treatment that citizens not utilizing the congressional approach will not get.

The great deficiency of congressional casework is its preoccupation with the single instance rather than with the general problem. One of the major benefits of a good complaint-handling system—its use to generate changes that will improve the routine performance of the system—is almost entirely lost.

Congressional casework also may undermine administrative responsibility and fairness by giving favored treatment to those who complain through political channels. Finally, the quality of congressional casework is markedly uneven. Some is excellent, but too often it consists only of a perfunctory reference to the agency involved without any specialized competence or independent judgment being brought to bear.

IV. THE CASE FOR AND AGAINST A FEDERAL OMBUDSMAN

Does the United States need a new, all-purpose complaint-handling institution? Should the ombudsman concept be applied to the Federal Government?

An ombudsman is an independent, impartial, and easily accessible expert in government who receives and investigates individual complaints of alleged governmental error. He reports on them, and may publicize his findings, but has no power to change administrative decisions.

The beneficial aspects of the ombudsman in other countries are said to be: *first*, cases of maladministration have been detected and put right; *second*, recommendations arising out of complaint investigation have changed governmental organization, procedure or policy so that error is less likely to occur in the future; and *third*, the possibility of independent scrutiny of governmental actions has resulted in increased citizen confidence in government and has had a "tonic effect on administration."

Actual statistics of ombudsman activity do not overwhelm the objective critic. The number of instances of maladministration that are put right in any given year tends to be quite small—infinitesimal when compared to the total volume of administrative actions. A very high proportion of complaints is rejected on jurisdictional grounds or found to be unjustified after investigation.[13] Only a modest number of general changes in administration can be traced to recommendations of the ombudsman. Thus it is not surprising that enthusiasts of the institution tend to emphasize its "tonic effect on administration"—a somewhat subjective quality that is difficult to assess but nevertheless may be very real.

There is also a tendency in discussions of the ombudsman to omit any consideration of possible negative features of the institution. On the debit side, however, there is something to be said.

The cost of the ombudsman operation, although relatively slight (on the order in Hawaii of $100 for each complaint filed with the ombudsman), must be balanced against the expected benefits. In terms of relative costs, however, an ombudsman may be far cheaper than alternative grievance-handling devices that involve lawyers and formal legal proceedings.

Investigation of complaints imposes extra work on administrative agencies and, more seriously, may dilute their responsibility and result in cautious, insipid administrative action. This problem is accentuated, of course, if the ombudsman undertakes to second-guess administrators on issues of substantive policy or priority for scarce agency resources.[14] Despite these negative features, the general experience in other countries has been thought to be very good indeed.[15]

Proposals to apply the ombudsman concept to the Federal Government have been objected to on several grounds. The statement is frequently made that the Federal Government is too large and complex to support the ombudsman concept. Although the size of our nation does pose practical problems, it is not in the American spirit to give up on a problem because the need is so great.

It is true that an ombudsman at the federal level, if his existence was well-known, would receive a large volume of complaints. This suggests the relevance of the British experience, where the requirement that the ombudsman act only on complaints forwarded by members of Parliament operates to filter out matters less deserving of consideration. Nevertheless, a federal ombudsman would almost certainly require a large and specialized staff to handle with sufficient expertise complaints arising throughout the broad range of governmental activities. Whether such bureaucractization would somehow impair the operation of the institution is an open question. At the least, some compromise with the ideal of the ombudsman as a personalized institution would be required.

It is also true that many complaint-handling institutions already exist in the Federal Government. Formal remedies, however, whether administrative or judicial, are more expensive and time-consuming than the ombudsman; while others, such as congres-

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sional casework and letters to the President rely for the most part on the agencies involved to handle and review the forwarded complaint. Also, these devices have not been effectively used to generate proposals for general improvement of the administrative process.

The principal reasons for the failure to apply the ombudsman concept to the Federal Government, however, are first, the reluctance of Congress to jeopardize an activity—handling requests by constituents—that aids reelection, and second, fear on the part of administrators that an ombudsman would impair their powers. The former concern, whether appropriate or not, must be taken as a political fact of life. It again suggests the desirability of following the British approach.

The second concern raises again the principal defect of the ombudsman concept: that it may detract from the responsibility of agency officials, especially if the ombudsman is not careful to limit his concern to accepted norms of administration or matters of procedure.

Recent proposals for an ombudsman at the federal level have taken two forms: (1) experimentation with the ombudsman concept in particular subject-matter or geographic areas; and (2) creation of a legislative office to handle complaints at the request of members of Congress.

A current bill sponsored by Senator Javits is illustrative of an experimental federal ombudsman of limited nature and duration.[16] The bill provides for an Administrative Ombudsman who is authorized for a three-year period to conduct demonstration projects in three geographic areas in the United States (one of which is to be the District of Columbia). Appointed jointly by the President pro tempore of the Senate and the Speaker of the House, the Administrative Ombudsman would investigate written complaints of any person that any administrative action was improper or erroneous. This broad scope of review would be applied, however, only to actions of four Federal agencies (HEW, HUD, Labor, and OEO) involving health, education, and antipoverty programs, and employment and manpower training programs.[17] The ombudsman is authorized to make recommendations but cannot require agency compliance. The bill also provides for an American Ombudsman Foundation to perform studies and evaluate the ombudsman concept at the Federal, State, and local level.

A second type of proposal would create a congressional ombudsman to help congressmen handle their casework. For a number of years, Representative Reuss was the proponent of a series of bills which were designed to establish a congressional ombudsman. The new official, appointed jointly by the Speaker of the House and the President pro tempore of the Senate "without reference to political affiliations and solely on the basis of his fitness to perform the duties of his office," would "review the case of any person who alleges that . . . he has been subjected to any improper penalty, or that he has been denied any right or benefit to which he is entitled . . . or that the determination or award of any such right or benefit has been . . . unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States." This review would be undertaken only at the request of a member of Congress; and the findings and recommendations would be reported to the member who referred the matter to the congressional ombudsman.[18]

The major feature of the congressional ombudsman is that, like the British counterpart, complaints must be funneled through a legislator's office. This limitation may be defended on grounds of expediency (Congress may be more willing to create an instrumentality which does not displace its role in handling constituents' complaints) and of practicality (screening by congressional offices may remove any frivolous complaints and limit the total number of matters that must be handled).

Centralizing congressional casework has much to be said in its favor. Wasteful duplication of effort arising from constituent letters to more than one Congressman would be eliminated. A specialized, expert staff would do a more uniform and better job of investigating and handling complaints. Congressional staff, relieved from routine casework (but only at the option of the individual Congressman!), would be able to devote more energy to general legislation. Finally, and most important, the centralization of the casework function in a single office would enable it to recommend the elimination of the conditions and practices that produce meritorious complaints. This feedback and generalization function, which should be a prime objective of any good complaint-handling system, would give rise to general improvement in government organization and procedure.

A further advantage of the congressional ombudsman approach is that it builds on an existing institution—congressional case-handling—which is well established and fairly well known. If wide publicity were to be given to the device, it might receive even greater use. It should not be necessary, for example, for a citizen to know his Congressman's name in order to voice a complaint; arrangements should be made so that letters or telephone calls to "Congress" or "Congressional Ombudsman" or other simple designation would be communicated to the Member of the House in whose district the constituent is situated. Since the device would be available for all complaints against the Federal Government (with very limited exceptions), the educational task of acquainting the citizenry with the availability and potential of the device should be fairly easy. Its availability could also be included in the service provided by information centers in all major federal office buildings, which should in any event provide an adequate information and referral service with respect to all federal agencies and activities.

V. ROLE OF THE ADMINISTRATIVE CONFERENCE

A final issue involves the role that should be played in this area by the Administrative Conference of the United States. The Conference has undertaken studies to provide greater understanding of and improved performance by existing complaint-handling institutions. Should the Conference go further, as some have urged, and constitute itself an ombudsman on an experimental or permanent basis?

The authority of the Conference to undertake a limited ombudsman function can easily be deduced from its general powers. The Conference has broad authority under the Administrative Conference Act to concern itself with the adequacy and fairness of the means used in effectuating federal programs.[19] The Conference may look at "any aspect of agency organization, procedure, or management which may affect the equitable consideration of public and private interests, the fairness of agency decisions, the speed of agency action, and the relationship of operating methods to later review"; but the Conference is not to address itself to the statutory scope of an agency's substantive powers or to policy matters that have been committed to its judgment. Information needed by the Conference in connection with its work "shall be supplied [by federal agencies] to the extent permitted by law." The Chairman is empowered, among other things, to "make inquiries into matters he deems important for Conference consideration, including matters proposed by persons inside or outside the Federal Government." Thus the Administrative Conference, as an independent, impartial and expert critic of administrative procedure, which relies on persuasion and publicity in order to effectuate its recommendations, has many of the attributes of the classic ombudsman.

In other respects, however, it differs from the classic ombudsman in ways that may reflect on its ability to handle citizen complaints: As a new agency, the Administrative Conference is not well known except to administrative lawyers and lacks visibility as a federal complaint-handling device. The Conference's concern with procedural matters means that it probably could not perform the broader ombudsman function of inquiring into the wrongness of administrative decisions, but only the narrower function of inquiring into maladministration. Unlike ombudsmen in other countries, the Conference lacks subpoena powers. And the limited funds available to the Conference under its existing appropriation place severe restraints on the manpower and energy that could be devoted to the handling and investigation of citizens complaints. Indeed, the Conference, in order to undertake a significant ombudsman function, would need to obtain additional appropriations from Congress for that purpose.

If the Administrative Conference were to undertake an ombudsman function, probably it should do so on an experimental basis. Its lack of visibility and its concern only with procedural matters relating to federal functions suggest an experiment in which complaints received by other bodies might be considered by the Conference. This approach would also serve to limit the total volume of complaints and thereby reduce the fiscal commitment. Two methods of doing this are: (a) offer to handle procedural complaints which are received by Members of Congress; and (b) offer to handle procedural complaints relating to federal activities that are received by a well-established state ombudsman, such as the one in Hawaii.

CONCLUSION

The time has come for experimentation with the ombudsman concept at the Federal level. I believe that it would be preferable to build it on the congressional experience along the lines of the Reuss proposal. But however constituted, the creation of such an office must give adequate emphasis to the utilization of complaints as a source of ideas for needed change in administrative organization or procedure. Reconsideration of administrative procedure is an activity in which the Administrative Conference has a unique capability and interest. Accordingly, the Conference should have a close relationship to any new institution so that it can make systematic use of citizen complaints as a source of general studies and recommendations.

FOOTNOTES

[1] For an illuminating general discussion of "accountability," see R. Dahl, *After the Revolution?* (paper ed. 1970), *passim*.

[2] See A. Reiss, "Servers and Served in Service," in J. Crecine, ed., *Financing the Metropolis*, c. 20 (1970).

[3] This statement does not imply that "bureaucratic maladies" are the norm rather than the exception. In extremely large organizations, especially those carrying on a number of functions, instances of mistake, error or failure are bound to occur. This is as true of nongovernmental institutions (universities, corporations, unions, etc.) as it is of governmental institutions. Special concern with governmental functions, however, is justified because of the high expectations that are properly placed on governmental performance and because the citizen, unlike the situation in the competitive market place, is dealing with a monopolist of services or functions when he is dealing with many governmental bodies.

Footnotes at end of article.

[4] *See*, especially, W. Gellhorn, *When Americans Complain: Governmental Grievance Procedure* (1966); *Ombudsman and Others: Citizens' Protectors in Nine Countries* (1966). In addition to the two books by Walter Gellhorn, see: S. Anderson, *Ombudsman for American Government?* (1968); S. Anderson, *Ombudsman Papers: American Experience and Proposals* (1969); and D. Rowat, *The Ombudsman: Citizen's Defender* (1965).

A selective bibliography on the ombudsman concept is included in the more recent book by S. Anderson; it covers more than 25 pages.

[5] A recent article by A. Reiss, "Servers and Served in Service," op. cit. supra n. 2, has been very helpful to me in thinking about the characteristics of an ideal complaint-handling institution.

[6] *See* W. Gellhorn, *When Americans Complain* 47 (1965): "External criticism triumphs most easily when it concentrates on but a few lapses from customarily high standards of fairness and efficiency." See also, *id.*, pp. 224–31.

[7] The argument for greater attention to the aggregative effects of legal rules and procedures is well made by Alfred F. Conard in a recent article, "Macrojustice: A Systematic Approach to Conflict Resolution," 5 Ga. L. Rev. 415 (1971). See also, M. Rosenberg, "Devising Procedures that are Civil to Promotive Justice that is Civilized," 69 Mich. L. Rev. 797 (1971).

[8] This point has been made emphatically by Walter Gellhorn, *When Americans Complain* (1965) 89, 93, 218–23.

[9] *Id.*, at 57–130.

[10] *See* Robert Taylor, "The Culture of Bureaucracy: Chronic Epistilitis," *The Washington Monthly*, vol. 3, no. 7, Sept. 1971.

[11] The material in this paragraph is based on a survey of letters requesting the President's help on a personal problem received by the White House during a 16-day period in 1969. A total of 1,589 letters fell into the "personal problem" category during that short period.

The subject matter of the letters and the agencies to which they were referred for answer are indicated in the following tabulation:

Referral agency and subject	Number	Percentage of total
HEW (social security, welfare, etc.)	540	43
Defense (military transfer, promotion, records, etc.)	355	22
Selective Service (draft deferment)	203	13
Veterans' Administration (VA benefits)	105	7
Treasury (tax refund or problem)	83	5
Justice (pardon, parole, legal aid, citizenship)	72	5
All others	231	14
Total	1,589	100

12. W. Gellhorn, *When Americans Complain* (1965) 79–82.

13. Professor Schwartz reports that during the first three years of experience in Great Britain, the Paliamentary Commissioner handled 2,820 complaints. Only 105, or less than 4 percent, were found to be justified and within his jurisdiction. B. Schwartz, "The Parliamentary Commissioner and His Office: The British Ombudsman in Operation," 45 N.Y.U. L. Rev. 963, 976 (1970). The lowness of the figure is perhaps due in part to the fact that the Parliamentary Commissioner, unlike other ombudsmen, cannot consider the correctness of administrative actions but only whether they resulted from "maladministration."

14. According to Gellhorn, *When Americans Complain* (1965) at p. 54, instances of overreaching on the part of ombudsmen include a request by the New Zealand ombudsman that officials create a civil defense organization although they believed that other tasks were more important; and consideration of personnel security and tax expenditure matters by the Danish ombudsman.

15. This is the conclusion reached by virtually all students of the subject. See the materials cited in n. 4 *supra*.

16. S. 2200, 92d Cong., 1st. Sess. (1971).

17. The limited subject-matter coverage of the experimental approach may be confusing to citizens who may be unable to understand why the ombudsman may handle social security disability matters but not veterans' disability. Some jurisdictional problems are inevitable, but they should be kept to a minimum. A great advantage of the single ombudsman in the Scandinavian and other countries is his simplicity, visibility and broad availability.

One also wonders whether the "experiment," like so many others, is not likely to be permanent whether or not its design is ideal. Since the experimental ombudsman would be working primarily in fields in which poor people are involved, he may tend to view himself as an advocate of a class rather than as an impartial governmental critic. An advocacy role, while it may be useful or desirable, would depart from the ombudsman model.

18. H.R. 8017, 91st Cong., 1st Sess. (1969). A similar proposal is sponsored currently by Senator Hartke. S. 2134, 92d Cong., 1st Sess. (1971).

19. Administrative Conference Act, 5 U.S.C. §§ 571–576 (1970).

AGRICULTURE STILL THE NATION'S MOST ESSENTIAL INDUSTRY

Mr. **HOLLINGS**. Mr. President, it is the fashion these days in so-called sophisticated circles to talk about the declining importance of agriculture. We are, we are constantly told, an industrial nation, and to judge by most of the news coverage the farmer simply vanished from the scene 20 or 25 years ago. We are where we are today, so the story goes, because of industry and urban technology.

Today of all days, Mr. President, we should look at the facts. And the facts are that the farmer has contributed far more than his share in advancing the wealth of the Nation, and continues to do so. Agriculture is still the Nation's most essential industry. It is also the largest single industry. As Mr. Wes Ritchie has recently pointed out in a fine article, agriculture employs more people than transportation, public utilities, automobile manufacturing, and steel combined.

Each and every one of us benefits from the success of American farming. The consumer last year had to spend just 16½ percent of his income on food. That figure, as Mr. Ritchie points out, compares with 20 percent just 10 years ago and 50 percent in many countries around the world today. The farm processer, the middle man, has also benefited tremendously by the soaring production in food and fiber. So has the retailer.

If there is one person who has not shared adequately in the success of the farmer, it is—the farmer. Today we are exercising our constitutional function by helping determine the future of the Agriculture Department. I believe that the President's nominee has not shown an appreciation of the role of the average farmer in the America of 1971. The farmer is not passe. He is not out of step. And he deserves better than he is getting. If the farmer is denied a friend in the Department of Agriculture, then where, I ask, is he supposed to look?

Mr. President, I ask unanimous consent that Wes Ritchie's informative article entitled "Who's Supporting Who?" be printed in the RECORD.

It is a short article. It will not take anyone longer than 2 minutes to read it. After he has read it, I am sure he will have a better appreciation of the continuing contribution of the average farmer to the well-being of his country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A QUESTION FOR OUR FOOD LOVIN' FRIENDS . . . WHO'S SUPPORTING WHO?

(By Wes Ritchie)

Whether we Americans realize it or not (and most of us don't), we owe a great deal of our luxurious living to the man producing our food.

The farmer and the abundant supply of food he produces is the basis on which we have been able to build the world's highest standard of living.

Stop and think of the progress this country has made in the past 25 years—or even the last 10 years. Fabulous!

Twenty-five years ago we had very few dishwashers or clothes dryers in our homes. Jet airplanes, antibiotics, atomic energy, Salk vaccine, electronic computers and electric can openers were hardly heard of. Two-car families and air conditioned homes (let alone air conditioned cars) were few and far between . . . and the list could go on.

WHO'S MADE IT POSSIBLE?

Ask that question of the average man on the street and you're sure to get a multitude of answers. Our scientists, inventors and industrialists would sure be mentioned, as they rightly should. But the farmer, as an important force behind this country's progress, would most likely be overlooked.

And there's probably a reason for that, too. Farmers have become so efficient at producing great quantities of wholesome food at low cost that most of us take a full stomach for granted.

But even though farmers are taken for granted, their business is still the nation's most basic industry. And food is man's most basic material need.

Agriculture is this nation's biggest single industry, in fact employs more persons than transportation, public utilities, automobile manufacturing, and the steel industry combined. The current investment per farm worker of $50,000 is nearly double the average for nonfarm industries.

Even more significant is the rate of increase in output per farm worker since 1950—almost double that of nonfarm workers. *This is one of the basic reasons for the high and rising American standard of living.*

HOW HAVE FARMERS DONE IT?

Farmers have freed *manpower*. At the time of the American Revolution, this was a nation of farmers. Even 50 years ago, over ¼ of all Americans were farmers. If farmers were no more efficient now than in 1920, this country would need 20 million people in agriculture to meet her current needs. In 50 years, more than 15 million workers have been "freed" to produce other things.

Farmers have freed *income*. Fifty years ago, the average American had to spend about 80% of his income on the basic requirements of life—food, clothing and shelter. Today these essentials take less than 65%. So the average family can spend over

35% of its take home pay instead of 20% for travel, recreation, education, health, and the other luxuries that add to life's quality.

A major part of this gain in extra spendable income has come from a decline in the relative cost of food. Americans last year had to spend only 16½% of their income on food. That compares with over 20% just 10 years ago and over 50% and more in eastern Europe and many developing countries.

Anyway you look at it, Americans are buying food at bargain prices.

Farmers have also freed *time*. The average work week was 51 hours in 1920, compared to 40 now. And paid vacations 50 years ago were few and far between.

Many things have helped, but you can be sure that if food, fiber and shelter were still costing 80% of consumer spending, workers could not have reduced their work week.

Farmers have freed *space*. When we were a nation of 107 million people, 350 million acres were needed to grow our food and fiber. In recent years we have harvested fewer than 300 million acres and our population has nearly doubled.

If farmers hadn't improved their efficiency, we would now need to harvest 500 to 550 million acres—even if we stopped exporting. The acres spared by farm efficiency add greatly to soil and water protection, wildlife, and recreation. And more land is available for towns and open space, too.

These benefits—income, time, space, and better use of manpower—have all been vital to improving the quality of life for every member of our society.

TREMENDOUS FARM PROGRESS

What has happened in the past few years overshadows the progress of many, many previous generations. In Christ's time, it's thought that one fulltime worker was producing enough food and fiber for himself and less than one other person.

By 1850, the food and fiber produced by one American farm worker was enough for 4 persons. Just 50 years later the figure had nearly doubled—it was up to 7.

Between 1900 and 1940, farmers made tremendous progress and the output of food and fiber per farm worker had risen to enough for 11 other people.

By 1960, the production of one farm worker was enough to meet the food and fiber needs of himself, plus 26 other people. Last year, each farmer produced enough to feed nearly 46 people. In 1971, it could equal, or possibly exceed 50!

Farmers have made as much change in their productivity in the past 11 years as was made between Christ's time and 1960.

WHO BENEFITS MOST?

Generally, we in America feel that he who makes progress possible should be rewarded for it. But the farmer, the man who has really made our improved level of living possible, often does not share proportionately in the profits.

The real beneficiary of our great agricultural progress is the American consumer. The average American who feeds himself on only 16½% of his after-tax income could not do it without the farmer's basic support—an abundant supply of food.

EMERGENCY STRIKE LEGISLATION URGENT

Mr. PACKWOOD. Mr. President, we have now reached the two-thirds point in the 80-day Taft-Hartley cooling off period in the current west coast longshore dispute. The cooling off period is scheduled to expire at Christmas, and tragically, there is every reason to believe that the dock strike will resume if not immediately, then within days of its expiration.

I wish I could say I am optimistic that Congress will pull its head out of the sand, open its eyes, and admit that new legislation for dealing with emergency strikes in the transportation industry is needed. However, Congress has to date done nothing to justify such optimism. At best the immediate short-range outlook raises the possibility that the President will call Congress into a special session on or about Christmas Day to deal with the emergency which will once again be posed by a shutdown of the west coast ports. Hopefully Congress will respond with something more than just an ad hoc emergency solution to the longshore dispute.

Mr. President, what must Oregon do to convince this body that a better way must be found to resolve labor disputes in the transportation industry? Oregon has already suffered losses estimated at nearly $200 million as a result of the current longshore dispute. My State is now facing the terrifying threat of a continued dock strike, with the accompanying loss of who knows how many more jobs, dollars and markets.

Continuation of the strike will seriously and adversely affect virtually everyone in my State, and perhaps the entire citizenry of the Northwest. East and gulf coast Americans, I am sure, are equally affected and unsure of their economic futures as a result of similar strikes there.

May I ask, Mr. President, to whom does the Senate of the United States owe its obligation, if not to the American public—the Oregonian, the Washingtonian, the Hawaiian, the New Yorker, and all others so intimately affected by the economic catastrophe wrought by these strikes?

Does not our responsibility lie with the American public, individually and collectively, to protect them from arbitrary and in this case disastrous economic harm? We spend hours and days in this Chamber passing on legislation designed to ease the economic burdens of the American public during these precarious times—legislation most recently which would for example reduce their taxes and provide mechanisms for economic stabilization to guard against continuing inflationary pressures. Do not any of my colleagues sense the hypocrisy of then standing idly by while millions of Americans are driven deeper and deeper into economic chaos and dislocation? I am the first to admit that the job of fashioning legislation to provide effective and equitable permanent mechanisms for the settlement of transportation labor disputes will be an extremely difficult one, and will arouse a great deal of emotional response from various sectors of our society.

But Mr. President, consider the alternative, the alternative which so far the Senate has chosen—transportation crises and economic disasters. Oregon's price for this strike alone, as I have indicated, is approaching $200 million. May I therefore again beseech my distinguished colleagues to think about the choice they have so far made. Think of the price tag which hangs on their inaction, on their inability or unwillingness to risk an unpopular decision. Think of all the fine gestures toward economic security and stability and equity which have been made in recent days. Then think of those of the American public who happen to live in the Northwest, the gulf area, or along the east coast. Think of the hypocrisy of it all.

GREAT LAKES SERIES

Mr. NELSON. Mr. President, a century and a half ago, the sturgeon in Lake Erie were so thick they were considered pests.

Since then, as a recent 12-part series by the Milwaukee Sentinel's Quincy Dadisman so comprehensively describes, the Great Lakes environment has been seriously degraded.

Lake by lake, Dadisman chronicles the incredible devastation that has been wrought by the onrush of the industrial, technological age in this country: The Lake Michigan coho salmon contaminated by DDT; the mammoth, life-killing algae blooms stimulated by phosphorus in Lake Erie; fallout in Lake Superior from the 67,000 tons of taconite tailings dumped into the lake daily by a giant mining company.

And the seige continues, with the threat of drilling for oil and gas; the discovery of mercury in fish and bottom sediments; and possible dangers from other heavy metals that are accumulating from industrial wastes.

However, the pollution control experts believe that even at this late stage, the trend can be reversed, and some beginning steps are being taken. But as Dadisman points out, there are many "Ifs" between here and a clean Great Lakes.

If we had known a hundred years ago the consequences of this reckless abuse of our resources—if we had had the Dadisman series in front of us then, as a picture of things to come—would we have taken the steps necessary to avoid environmental disaster?

That question will always remain unanswered. The issue before us now is whether, confronted with the grim facts, we have the national will to take the necessary steps to restore these lakes.

Mr. President, I ask unanimous consent that this excellent newspaper series on the tragic past and possibly hopeful future of the Great Lakes be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SEAWAY ONCE AN IMPOSSIBLE DREAM—I

(By Quincy Dadisman)

SUPERIOR, WIS.—Daniel Greysolon, Sieur du Lhut, threw a party for the Indians here 300 years ago to become, so far as anyone knows, the first big spending foreign trader to visit this area.

But he wasn't the last.

Not too many days ago, four ships were tied up beside a grain elevator here. From their masts floated the flags of Ghana, India, Liberia and Japan. That same day, a ship from Britain followed one from France under the famed lift bridge at the entrance to St. Louis Bay.

Du Lhut probably never imagined a scene like that.

A KNOWLEDGEABLE ROGUE

Rogue, land speculator and trader who cheated the Indians though he was, du Lhut was a dreamer about the future of this part of the world. But he was, first of all, a realist, knowledgeable about the technology of his day.

He saw—and appreciated—the magnificent harbor carved by the bay, cuddled inside the arms of Minnesota and Wisconsin Points and bulwarked by high shouldered bluffs as protection against the rage of northwest gales. In all, a harbor as entrancing to a mariner's eye as any in the world.

BECAME FUR TRADER

Economic geographers would have pointed out, too, the vast hinterland behind the harbor where crops could be harvested and minerals recovered to supply vessels visiting the bay.

But du Lhut, with a Gallic shrug, would have said, "The water in the harbor is 600 feet above the level of the sea. Commerce from here to the Falls of the St. Marys, yes; from here to Europe and the Orient, never."

So he concentrated on the fur trade.

And, as the years passed, du Lhut's dream of a vast fur trading empire became reality and was superseded by dreams of other sorts.

The early fur traders saw the Great Lakes system as a series of canoe routes joined by portages. The voyageurs traveled from tidewater at Quebec to saltwater on the Arctic shore and down the Mississippi to its mouth, but were always limited to the roughly 200 pound bundle that the sturdiest of their kind could carry over a rough portage.

A few larger boats were built on Lake Erie, made their way upstream to Lakes Huron and Michigan, but the rapids in the St. Marys River kept them 400 miles east of St. Louis Bay, out of Lake Superior. Niagara Falls barred them from Lake Ontario and trans-atlantic trade.

But, by 1812, it was possible to leave here in a canoe, bypass the St. Marys rapids in a sort of wooden chute and travel down Huron and Erie to Buffalo, N.Y.

The old chute was destroyed in 1815. Within a few years, however, the middle lakes were linked to the Atlantic by the Erie Canal through New York and the Ottawa River route through Canada.

CANAL FEVER RAGED

The United States and Canada weren't on very good terms then. Each feared any improvement in lake travel would aid the other. But the canal fever that seized both nations in the 1830s never subsided. Better international trust helped it reach a climax in the 1950s in the St. Lawrence Seaway.

Today, locks at Saulte Ste Marie, the Welland Canal around Niagara and the Seaway link all the world's oceans to the center of the continent—making the Great Lakes a fourth seacoast shared by the two nations.

Which doesn't mean much until the economics of handling heavy goods are considered. It takes less than one-tenth as much energy to move a ton by water as by rail and less than one-twentieth of the energy required on the highway. Boats, even in a stream, move on a near level.

GEOGRAPHY PLAYS ROLE

Geography has a place in the picture, too. A ship sailing into the Atlantic from the Gulf of St. Lawrence is already halfway to Europe in the eyes of a sailor leaving New York Harbor.

It takes a look at a world globe to realize it, but most of Europe is far north of most of the United States. And the shortest route across the Atlantic is a great circle course, far to the north of the straight line that seems so obvious on flat maps.

Ships and shipping are only part of the story of the Great Lakes.

The lakes are the world's biggest available reservoir of fresh water—perhaps half of all man's drinkable supply—and the water is still amazingly clean.

LAKES FACE THREAT

They're a climate moderator that helps make mid-America habitable, tempering, as they pour east the 30-below blizzards that lash North Dakota and the 110 degree heat waves that broil Kansas.

And they're assuming a new importance in everyone's eyes as reservoirs of some of America's finest scenic beauty. But the picture isn't all bright. Lake Erie is near the point of no return in pollution damage and Lakes Michigan and Ontario are seriously threatened; the cool, dark forests along Lake Huron's eastern shore are falling prey to resort developers and even cold, clear Lake Superior isn't as clean as it once was.

LAKE SUPERIOR A WELL NAMED KING—II

(By Quincy Dadisman)

DULUTH, MINN.—Even from the bridge of a a big ore carrier, Lake Superior looks immense.

Because it is.

The dimly seen shore, outlined as the ore ships plod back and forth across the length of the lake, only adds to the feeling of immensity by seeming so far away.

Largest body of fresh water in the world, the greatest of the Great Lakes is 420 miles long and 167 miles wide. Its deepest point, between Isle Royale and the Upper Peninsula mainland, is 1,290 feet below the surface, nearly 700 feet below sea level.

And it's cold water. Except in a few protected bays, where small expanses of shallow water are warmed by the summer sun, Lake Superior seldom tops the 40 degree mark.

But its more than 4,000 cubic miles of water are so huge and have absorbed so much heat that areas in the center never freeze, despite the 30 below zero gales that lash the lake nearly every winter.

A Secchi disc, a standard tool used by scientists for measuring water clarity, can be seen in some parts of the lake 100 or more feet below the surface. In contrast, a disc cannot be seen four feet below the surface of Green Bay, or six inches below the surface of the Milwaukee River in downtown Milwaukee.

From the bridge of an ore carrier, if the surface is still, it is occasionally possible to distinguish the species of fish glistening in sunlight 40 feet deep, as measured by the ship's underwater shadow.

Thirsty voyagers paddling along the shores of the Great Lake 300 years ago would reach over the side of their canoes to dip a handful of water to slake their thirst.

It's still possible. Usually, the water will be more nearly pure—and certainly have much less taste—than that supplied in any city.

In fact, scientists say, the cold, clear water from the center of Lake Superior is almost the purest in the world. It is actually cleaner than the rain that falls into it.

INSHORE POLLUTION SPREADS

That cleanliness isn't all good. The center of Lake Superior is nearly biologically sterile except for an occasional fish crossing the lake.

Inshore, the story is different.

At its very start, Lake Superior is polluted by the waters of the St. Louis River, which drains the Superior-Duluth Twin Ports area.

Puddles of pollution surround every other port around the fringes of the lake and even nature, sending tons of soft sediment into it, seems determined to destroy America's greatest fresh water asset.

Lake Superior is, in the jargon of limnologists, an oligotrophic lake. Oligotrophic, a five syllable Greek word, means underfed.

FISH GROW SLOWLY

Fish in Lake Superior take two or three times as long to grow up as the same species in Lake Michigan.

They have to work so hard for food that they use more energy traveling than their relatives in the lower lake and so have less left to apply to growing.

Lake Superior is oligotrophic because it is still a young lake, a squalling infant of a mere 10,000 years.

Superior was born in the death of the great glaciers that overran North America in the last Ice Age. Three mile high mountains of ice ripped the soil away from bedrock and forced the rock down into the depths of the earth under their weight.

As the glaciers melted, the water flowed off by way of the St. Louis and Bois Brule Rivers, across the low divide in northwestern Wisconsin, to reach the Mississippi by way of the St. Croix.

RED CLAY FLOWS IN

The receding glaciers' burden of soft red clay, picked up in northern Canada, was dropped among the marshes of Wisconsin.

Today, that silt, the famous Clay Banks, is trying to return to the big water. After heavy rain, water near the shore from Superior east to the Bayfield Peninsula is dyed bright red by the tons of silt. Most of it falls to the bottom within 10 miles of shore.

The northern shore, from Duluth all the way to the Soo and the South Shore from the Soo west almost to Bayfield, is high and rocky.

Some of the nation's most spectacular scenery can be found along that rocky coast. Cliffs 500 feet high tower at the shoreline in places and, just inland, the ground is often 1,200 above lake level.

Less is known about what is under the surface of Lake Superior than in the other lakes. In fact, the bottom below 600 feet—much more than half the lake, which averages 900 feet deep—is nearly a complete mystery. Scientists know the basic materials—rock, gravel, sand, or silt—but few details about them.

Its currents, too, are only vaguely known.

LAKE HAS TWO BASINS

There are two basins in the lake, divided by Michigan's Keweenaw Peninsula. The earth's rotation and the prevailing westerly winds keep water in the upper layers of the western basin circulating in an immense counterclockwise eddy, moving west along the north shore and east along the south shore—most of the time. The eastern basin's circulation is similar but much more complex. But almost nothing is known about what happens at lower levels. A water budget has been worked out for Lake Superior. The best guess is that it takes 189 years for every molecule of water in Lake Superior to be replaced by another.

POLLUTANTS DEGRADE SLOWLY

That 189 year figure scares scientists studying the effects of pollution on the lake. It means, they say, that a pollutant carried into the lake in 1971 in quantity probably will still be there in the year 2160. And, they say, the lake is so cold that biological processes move slowly. A biodegradable pollutant takes longer to be degraded in Lake Superior than in the warmer waters of the lower lakes. Nonbiodegradable pollutants stay and wreak damage year after year.

"It's a big lake, but a very fragile one," scientists warn.

TACONITE TAILINGS A LAKE DILEMMA—III

(By Quincy Dadisman)

SILVER BAY, MINN.—The electric cord and plug that trail from the grille of nearly every car parked on the streets here testifies: "This is an uninhabitable land."

The wires lead to engine heaters, helpful in starting the car on winter mornings when the temperature often is 25 below.

Silver Bay residents know just how miserable their climate is.

"I was a year in Greenland with the Air Force," said a service station attendant last January, "so I'm used to it now . . . but I'm sorry for some of the people who are spending their first winter here."

Even the skiers complained about the cold but they added, "Go on up to Babbitt. It really gets cold there."

Babbitt, 50 miles northwest and 1,000 feet higher, is on the Continental Divide between the St. Lawrence and Arctic watersheds.

It is also the source of one of Lake Superior's most controversial problems.

Taconite—magnetic iron ore—is mined at Babbitt, loaded into rail cars and sent to Silver Bay for processing.

Reserve Mining Co.—whose paychecks console the complainers about the climate, directly or indirectly—beneficiates the ore in a three mile long mill here.

At the end of the process, every ton of ore produces about 900 pounds of upgraded taconite pellets—essentially a mixture of about 50% iron and 50% clay—and 1,100 pounds of tailings—scientifically mostly cummingtonite—stirred up in thousands of gallons of water.

Cummingtonite is basically sand, a white silicate. The taconite pellets are formed in roasting ovens into balls the size of marbles and loaded on ships for the long trip to the steel mills of Ohio.

The cummingtonite—"tailings" in the language of mining men—is flushed across a wide delta into the lake. Most of the 67,000 tons of tailings falls out of the water as it slows down crossing the delta or follows a high density current, spilling a couple of miles offshore to the bottom of a trench 700 feet deep.

Controversy surrounds the remaining 5% of the tailings, called "fines" by mining engineers. These are carried southwest along the coast by the surface currents.

EFFECTS ARE DISPUTED

Fishermen say the fines have destroyed their livelihood along the North Shore by burying spawning grounds. Spokesmen for Reserve argue that the steep coast was never a spawning ground anyway.

Other critics talk of "green water" near the plant. Company spokesmen counter with a demonstration of how a couple of beach pebbles can be ground into sand by shaking them in a jar of water. That's what happens, they say, every time storm waves pound the pebbly strand along the base of the North Shore cliffs.

The mine has an anticipated life of 40 years. In that time, company officials say, the taconite blanket on the bottom of the trench will be only a couple of feet thick.

FEDERAL AGENCY CONCERNED

Federal Water Quality Administration scientists have found traces of cummingtonite in the silt on the Wisconsin side of the lake. That is interstate pollution, they argue.

The three state Lake Superior Enforcement Conference fought over the issue for more than two years. Then, last May, the federal Environmental Protection Agency issued a 180 day order against Reserve. The order required the company to come up with a way of keeping the tailings out of the lake or face the possibility of a Federal Court injunction closing the plant.

When the 180 days were up in November, Reserve was ordered to dispose of the tailings on land and given three months to send preliminary plans to the agency.

OTHER POLLUTERS WARNED

The tailings dispute is the most spectacular of Lake Superior's problems, but far from its only one.

Practically every municipality on both sides of the lake is under orders to clean up its sewage treatment plant. Many won't meet the December, 1972, deadline set by the conference.

Industrial pollution enters the lake from the Twin Ports area as paper mill waste, spilled oil and grain, metal working plant wastes and, in a few cases, as a result of sheer sloppiness in the operation of factories.

There are other paper mills around the lake as well as ore shipping facilities at Thunder Bay, Ontario, Ashland, Wis., and Marquette, Mich., and grain elevators at Thunder Bay.

SHIPPERS' VIEWS DISPUTED

Operators of the shipping facilities contend that they are clean, but conservationists dispute that.

Several power plants are scattered along the shores, taking advantage of the lake's cool water to condense steam.

Some old mine drainage reaches the lake from several points along both shores, but continued surveillance by water pollution control agencies is reducing that threat.

NAVIGATION TEST FEARED

Reefs of polluted dredgings dumped into deep water as harbors were improved in the past still can be stirred up when something disturbs the silt that now covers them. Polluted dredgings cannot be dumped in open water under present federal regulations.

Some conservationists are fearful of attempts to extend the navigation season on the lakes. Lake Superior shipping could continue all winter in the open lake, but harbor ice stops navigation shortly after Christmas.

Experiments in Duluth harbor last winter showed that compressed air released from perforated pipes on harbor floors would keep ice from forming. Environmentalists point out that the air bubbles stir up polluted silt at the very time when winds and waves are most likely to spread the pollutants.

SHIP SANITATION RAPPED

Commercial shipping is also criticized by environmentalists who say the sanitary equipment on ships isn't adequate. Federal regulations, which govern commercial vessels, permit overboard disposal of sewage.

Lake Superior's fish were decimated by the seal lamprey. An international control program, aimed at destroying the larvae, seems to have the lamprey under control, but biologists say the lamprey could become a serious threat again almost anytime.

Scientists have found DDT and mercury in Lake Superior fish. About 8 percent of the Lake Superior salmonids—trout and salmon—were found with DDT levels higher than the Food and Drug Administration considers safe for human consumption. Mercury is near the danger level, researchers say.

SUMMER BRINGS TOURISTS

Other species aren't seriously affected yet. DDT is now banned and mercury appears rapidly being brought under control around the lake.

That filling station attendant who complained about the cold last January smiled all summer.

Highway 61, which traces the North Shore, carried a steady stream of tourists who bought gas and oil, went fishing on the charter boats and, sometimes, just stopped to enjoy the beauty of what is still the clean, clear, cold, largest body of fresh water in North America.

For the North Shore is extremely habitable in summer. Cool nights and warm sunny days combine in a most pleasant way.

Lamprey Curbed; Now It's DDT—IV

(By Quincy Dadisman)

Kewaunee, Wis.—Lake Michigan—"our lake" to most Wisconsinites—has kept fisheries scientists holding their breath for 20 years.

Potentially, Lake Michigan has a lot going for it. It has broad, shallow areas and many small tributaries where fish can spawn. It reaches far south of Lake Superior's cold climate so life can flourish much more easily. It's deep enough to have a stable temperature and its narrow, curving shape allows the winds to mix thoroughly its upper layers.

A century ago, thousands of fishermen made a living on the lake.

There is a long standing argument about what effect the heavy commercial fishing of those days had on the lake.

LAMPREY CAUSED HAVOC

Lake sturgeon were so numerous 150 years ago they were considered a pest. They had practically disappeared by 1880 and other species were declining by 1920.

Then in the 1930s, the sea lamprey invaded the lake. By 1950, hardly a lake trout could be found and the few that were caught invariably wore scars from lamprey attacks. The other major commercial species, lake whitefish, were hit nearly as hard.

Fishermen by the thousands found other jobs. Today, only a hundred or so still set their nets.

ENTERED VIA CANAL

The building of the Welland Canal, bypassing Niagara Falls, opened the way for the sea lamprey, an ocean dweller, into the upper lakes. They spread slowly across Lake Erie between the first reports of their presence in the 1880s and the first reports from Lake Huron, about 1920. But they moved fast after that.

Lamprey look a little like eels. Lamprey have no lower jaw but their round mouths are fitted with teeth they use to file holes in the sides of bony fish to draw out the fish's vital fluid.

The sea lamprey, the trouble causer, reaches upwards of 30 inches long. Small freshwater lamprey found in the Great Lakes are a nuisance, but seldom cause serious damage to large fish populations.

EXOTIC SPECIES A PROBLEM

Lamprey are an example of a basic rule of ecology—it's exotic, strange species that cause most of the trouble. Fresh water lamprey are kept in check by predators natural to the water in which they live. Sea lamprey cause little trouble in Lake Ontario, where they have been since the Ice Age. But their predators there didn't follow them into the upper lakes.

Following lamprey into the upper lakes were alewives, another saltwater fish—an exotic.

Alewives—small, herring family fish—were happily devoured by lake trout, which kept them a minor part of the lake's fish population—as long as there were plenty of lake trout and whitefish. But when the lamprey killed off the trout and whitefish, alewife populations zoomed.

ALEWIVES MULTIPLY

Alewives took over more and more of the lake until, by 1965, one biologist estimated that 98% of the total weight of bony fish in Lake Michigan was alewives.

And no one eats alewives.

Alewives live 8 to 10 years in the Atlantic. In Lake Michigan, it's a rare alewife that sees its fourth birthday. Biologists have a lot of theories, but can't agree on the reason.

In any event, during the mid-'60s, rafts of dead alewives three of four miles long and a half mile wide were frequently seen on the lake.

Meanwhile, lamprey were being brought under control by selective poisons, electric weirs and other gadgets designed to kill the young in larval stages.

LAKE TROUT NEEDED

The pesky alewives could be controlled, biologists said, if the lake trout could be restored, but restoring the trout would be a hard job. The prized fish takes six or seven years to reach puberty and has—by piscatorial standards—small families.

Something was needed to eat alewives

while the lake trout were being re-established.

Michigan naturalists hit on an idea:

Bring in salmon from the West Coast. They are a desirable fish closely related to trout and, being anadromous, could be controlled, unlike other exotics considered.

MUST SPAWN IN STREAMS

Anadromous fish live in big bodies of water, but must go up tributary streams to spawn. And they have a strong homing instinct that takes them back to the stream where they started life to spawn, then die.

The naturalist reasons:

We can get salmon eggs from the West Coast; hatch them here; keep them in pens in Michigan streams to imprint them with a home stream; release them to the lake to eat alewives and convert inedible alewife protein to salmon protein that is welcome on dinner plates. They won't get out of hand because we can string nets across the release streams, catch the spawning three year olds and keep a naturally reproducing population from developing.

COHO, CHINOOK ADDED

The coho, from Oregon, was the salmon picked. Michigan was soon joined in the program by Wisconsin. Indiana and Illinois also planted a few. Several million coho fry were added to the Lake Michigan population.

Later, another variety, the gigantic chinook salmon, was added.

Coho grew fat on an alewife menu and a new sport fishing craze hit the lake. Since the average angler from downstate Illinois spends $27 a day while in Wisconsin or Michigan seeking a trophy coho, the program has been cheered by resort operators.

But that bright picture was dimmed, almost as soon as it flashed across the pages of the outdoor sports magazines.

DDT SHADOWS BRIGHTNESS

Chemists discovered that about two pounds of DDT is loose in Lake Michigan.

Two pounds of DDT, dissolved evenly in Lake Michigan's 1,100 cubic miles of water, would mean little. But DDT won't dissolve in water. It dissolves easily in oil. The handiest oil in the lake is the fat in the animals of the lake. The fatter the animal, the higher the concentration of DDT.

Lake Michigan's fattest animals are the trout, salmon and chubs that are its most desirable food fish.

WARNING BY DNR

Any salmonid—trout or salmon—more than 21 inches long almost surely has more DDT than the Food and Drug Administration (FDA) considers safe for human consumption.

The FDA has threatened seizure of Wisconsin caught and smoked chubs—principal prey of the commercial fishermen now that the lake trout and whitefish are gone—because the fatty little fish are too high in DDT.

Chubs aren't totally inedible by FDA standards, although the agency won't buy the fishermen's argument that DDT collects in the fat, which in chubs is in a layer just under the skin and smoked fish eaters rip the skin away before they eat the rest of the fish, which is substantially lower in DDT.

PRECAUTIONS SUGGESTED

And, the commercial fishermen point out, few people make smoked fish a staple item in their diets, so they aren't exposed to the poison often.

The department has advice for sports fishermen:

Filet that salmonid to get rid of the fatty layers in the body cavity and then broil it so the fat is rendered out. Don't make it a prime item in your diet.

So Wisconsinites, with one of the world's best producing fishing grounds in their front yard, buy lake trout caught 1,000 miles away from their table.

Man Despoils What Nature Wrought—V

(By Quincy Dadisman)

CHICAGO, ILL.—Under a June sky and an early morning sun, Chicago, from a ship on Lake Michigan, is a scene from the Arabian Nights.

A soft haze muffles the foreshore while tall buildings peer out above it across the bluest of blue water. As the ship closes with the harbor entrance, the haze, burned away by the rising sun, disappears and small boats by the hundreds skitter across the waves.

Closer in, the ship passes a huge pile of limestone blocks, one of the cribs at a Chicago waterworks intake. But there are no sewage outfalls in the lake. Chicago lies on the continental divide. Its sewage is pumped over the divide and is flushed into the Mississippi River Basin.

If it weren't, Lake Michigan would be in much worse shape than it is.

"FLUSHING RATE" VARIES

A water scientist once called Lake Michigan "the appendix attached to the bowel of the Midwest."

It would be easy to quarrel with his views on the proper function of the Great Lakes, but there's a lot of truth in his analogy.

Four of the lakes—Superior, Huron, Erie and Ontario—have a straight through circulation; what goes in one end comes out of the other, after a period of time.

Scientists call the time the "flushing rate."

Lake Superior has a flushing rate of 189 years, a long time. Huron, Erie and Ontario have shorter flushing rates.

But water flows in both directions, at times, in the Straits of Mackinac, Lake Michigan's only natural outlet.

THREE LAKES IN ONE

Lake Michigan really is three lakes with broad areas where they meet.

Green Bay, Bay de Noc and the waters connecting them are separated from Lake Michigan proper by a series of islands. The bay, 100 miles long and 30 wide, has its own current patterns. Scientists studying the lake find it easier to consider the bay a separate lake discharging through Death's Door into the northern basin of Lake Michigan.

Lake Michigan itself is split into northern and southern basins by a high underwater ridge that crosses it from east to west near Manitowoc. The two basins have separate deep water circulation patterns.

The northern basin is deep, plunging 923 feet below the surface. Fed by the waters of Green Bay, into which most of the lake's major tributary streams flow, the northern basin is believed to provide most of the outflow through the straits.

Water in the southern basin circulates in a big eddy, 500 feet deep, held back by the Manitowoc ridge. Most of the time, the eddy turns clockwise, flowing south on the Michigan coast and north on the Wisconsin side. But for long periods it spins the other way.

The complicated bottom topography makes figuring the lake's flushing rate difficult. The northern basin apparently exchanges some water with the southern basin to complicate the figures.

SOUTHERN BASIN SLOWER

Water scientists say the southern basin has a flushing rate of at least 1,000 years, probably longer. The northern basin's flushing rate is much shorter, but probably longer than Lake Superior's 189 years.

The lake watershed is only a little larger than the lake itself. That helps the situation because much of the water input to the lake falls as rain or snow directly on its surface.

But that isn't all good. Studies last year show that cadmium, zinc and other heavy metals are mixed in the sand bottom of the southern basin in a fan shaped area spreading northeast from Chicago.

POLLUTION FROM THE AIR

Meteorologists theorized that Chicago's air pollution is carried out over the lake by the prevailing southwesterly winds. The metals, they think, pour into the air from the smokestacks of the city.

Every large city around it goes to the lake for its drinking water. All but Chicago dump their sewage into the lake.

Illinois officials' favorite whipping boy, as they talk about Lake Michigan's problems, is the city of Milwaukee, largest community using the lake as a sewer.

Milwaukee's sewage treatment plant is one of the most efficient in the world, operating at a 95% plus removal rate. But, as Clarence Klassen, formerly Illinois' chief water pollution fighter, was fond of pointing out, "5% of one million is 50,000. That's a lot of sewage."

Of the other cities around the lake, only Racine, Kenosha and Green Bay would pollute 50,000 persons' worth, Klassen said, if they had no sewage treatment plant at all.

Milwaukee's contribution to the lake is complicated by its antiquated sewage overflows which, to prevent overloads, discharge raw sewage to the rivers flowing into Lake Michigan after heavy rains.

Sewage damages the lake by pouring phosphorus into the water. About two-thirds of the phosphorus originates in laundry detergents.

There's an argument among scientists about how to handle the phosphorus problem. Soap and detergent industry spokesmen point out that phosphorus—in the form used in detergents—stimulates plant growth but isn't poisonous to people or animals. They think it should be removed at sewage treatment plants.

PHOSPHATES BECOME ISSUE

Other scientists think it should be replaced in detergents by other chemicals. Some phosphate free detergents are being sold. Some, once sold, were taken off the market when biologists discovered that the chemical used to replace phosphorus in those particular brands could cause birth defects in animals. Other phosphorus substitutes are capable of causing serious burns if they touch the skin.

About mid-September, the Federal Environmental Protection Agency endorsed the idea of removing phosphorus at sewage treatment plants because its scientists found the substitutes too dangerous.

The four state Lake Michigan Enforcement Conference has ordered the states to reduce their phosphorus loading of Lake Michigan by 80%.

PROBLEM BEING ATTACKED

Wisconsin plans to reach that figure by concentrating on phosphorus removal at the larger plants, where the most consistently high level operation is possible. Milwaukee plans to use a system that takes advantage of an otherwise hard to treat metalworking waste to force phosphorus out of wastewater. Green Bay is building a plant to use paper mill waste for phosphorus removal.

The suggestion is sometimes made that all sewage treatment plant effluent should be diverted out of the Lake Michigan basin to protect the lake.

ONE WILD PROPOSAL

Once, in a brainstorming session, Klassen was asked what he thought of the idea of sending Milwaukee's waste down the Fox and Des Plaines Rivers to join Chicago's on the way to the Mississippi.

"Shh," he replied. "Don't give anyone that idea. We have troubles enough downriver as it is."

Adding to the sewage problem are the boats using the lakes.

Holding tanks for sewage are required on pleasure craft by the states, but the federal government has proposed to allow ships to use overside discharge after treatment.

Many Foes Besiege Lake's Purity—VI

(By Quincy Dadisman)

Green Bay, Wis.—Many of Lake Michigan's problems reach deep water here. Soil, sand, salt, bits of wood, chemicals, oil and sewage spew from the mouth of the Fox River into Green Bay.

The 39 miles of the river between here and Neenah are lined with the nation's greatest concentration of paper mills.

All are equipped with highly sophisticated wastewater treatment systems, but the tremendous volumes of water the paper mills discharge still carry tons of wood fiber and sulfites into the river. Most of it reaches Green Bay.

Paper mill waste is a problem in a waterway because it requires oxygen to decay. The decay rate, called "five day biochemical oxygen demand" (BOD) by scientists, is a measure of the level of pollution.

AFFECTS FISH LIFE

A low dissolved oxygen level—the result of high BOD—drives out desirable fish species. If it falls lower, even undesirable species leave. Finally, the kinds of small animals that can't get out die. Last to go are two small worms whose very names are repulsive—sludgeworms and bloodworms.

Parts of the Fox River, at times, have been so dirty that biologists could find neither. Most of the time, a stretch of the river through downtown Green Bay is inhabitated only by sludgeworms.

Silt, laced with wood fibers, piles up on the bottom of the bay extending a little farther out from the mouth of the river every year.

Periodically, the Army engineers, charged with keeping the lakes in shape for shipping, dredge the gunk from the channels. They used to fill swing bottom barges, haul the muck into deep water and drop it. Now they are under orders to dump only clean dredgings in deep water and put polluted material ashore.

Sites for dumping polluted dredging must be provided from local funds. Many communities want their harbors dredged, but object to the cost of providing on-shore dump sites. Green Bay, however, is using spoil, pulled up from the channel by a suction dredge, to build an industrial site north of the river mouth.

WANT MARSHES KEPT

Environmentalists don't like the site chosen for the dump. They say the site should have been left as marsh, explaining that marshes are nature's way of cleaning polluted water.

Silt swirling around in the water, say biologists, adds to the oxygen depletion problem. Silt reduces the transparency of the water, so oxygen producing plants, which need light to grow can't.

Chemicals in the river include wastes from the paper mills and metal working plants, fertilizers from farms, parks and lawns, and pesticides.

Most paper mill chemicals now used are more of a nuisance—they smell bad—than a hazard, as far as is now known. However, only a few years ago mercury compounds were used to keep slimes under control in the papermaking process.

METAL WASTES STUDIES

Slimes interfere with reuse of water, a water saving and pollution control technique.

Lake Michigan is not seriously threatened by mercury pollution, although remnants of the slimicides can be detected in the silt on the bottom of the Fox River.

Metal working wastes are almost a new field for water scientists. They know some of the things they are likely to encounter—cyanide, chromium, zinc, iron, lead, many others—but they don't always know what their effects can be.

Attention recently has turned to polychlorinated biphenyls (PCBs), long, slick molecules that make oil slipperier, paint stickier, rubber more elastic and plastics tougher. The PCBs range from DDE (dichlorodiphenylethane) with two chlorine atoms; through DDT, with three; to compounds with as many as 15 chlorine atoms hanging on them.

PCB USE LIMITED

Like DDT, the other PCBs are subject to biological magnification, collecting in fatty tissues. Their effects are similar to DDT—and they likely pose other hazards, too—and they were widely used in industry until recently.

Today, they are used, almost exclusively, in the electrical industry as a transformer oil because no suitable substitute has been found to match their reluctance to carry electricity or burn.

Fertilizer feeds the plants that naturally grow in the water, just as sewage treatment plant effluent does. Lake Winnebago is overfertilized every summer and tremendous rafts of algae form. They pour over the dam at Neenah and eventually, alive or dead, reach Green Bay and Lake Michigan.

PESTICIDES A FACTOR

Many different kinds of pesticides can be found in trace quantities in Lake Michigan. The orchard country—Door County in Wisconsin and nearly the whole western shore of Michigan—is kept alive economically by heavy transfusions of pesticides.

Half, or more, of Lake Michigan's hazardous DDT content may have drained into the lake from the orchards and vineyards.

Cities around the lake added about as much in their futile attempts to control dutch elm disease.

Dieldrin squirted into the lake in sewage from fabric processors and dry cleaners using it to mothproof woolens and from an overreacting United States Department of Agriculture after a few gypsy moths were found in Lower Michigan.

OIL, SALT FLOW IN

Oil and salt are carried into the lake when storms and melting snows wash the thousands of miles of roads surrounding the lake. Salt is mined in Lower Michigan and some factories there routinely discharged salt into the lake. Water chemists say chlorine levels in the lake—the measure of salt contamination—have risen steadily since 1880, but are nothing to worry about—yet.

Hardest of the lake's problems to evaluate objectively is the heat added by power plants. The immense quantities of clean, cold water are the answer to an engineer's dream. Cold water is needed to absorb heat and condense steam.

ADDED HEAT AN ISSUE

Electric power demand doubles every 10 years. The power companies, rushing to keep up, are building as never before. Many of the new plants, and some of the older ones, are on the lakeshore.

The Lake Michigan Enforcement Conference has adopted a rule that will require many of the plants to switch from putting their waste heat into the air by way of Lake Michigan—evaporation gets rid of the heat—to methods that will keep it out of the lake.

The rationale behind the order: Plants grow best in warm water; Lake Michigan is threatened, in its in-shore areas, by algae; therefore, keep the water as cool as possible.

Power company officials, and many scientists, say it is a mistaken concept and that, so far as anyone can tell, adding heat may help, rather than harm, the lake.

Michigan, Huron Mirror Each Other—VII

(By Quincy Dadisman)

Cheboygan, Mich.—Linked as they are through the Straits of Mackinac, Lakes Michigan and Huron are in many ways the Siamese twins of the Great Lakes.

They are also, in some ways, distorted mirror images. The west shore of Lake Michigan is broken by the broad, island studded openings of Green Bay. The eastern shore of Lake Huron is broken by the broad, island studded opening of Georgian Bay. Saginaw Bay on Lake Huron's west shore is a twin of Traverse Bay on Lake Michigan's east shore.

But the mirror comparison can float too far. In a much more practical way, Lake Michigan is really an immense bay on the west side of the Great Lakes chain while Lake Huron is an integral part of the chain. The main water movement is from Lake Superior through Lake Huron to the lower lakes.

WATER EXCHANGED

Complicated water studies show that large amounts of water flow over the hard rock sill from Lake Michigan to Lake Huron and that almost as much, at times, flows the other way—from Lake Huron to Lake Michigan.

Huron and Michigan share another characteristic—their longest lengths lie north and south, across the general trend of the lake system and at right angles to the water flow pattern.

This makes them different in several ways.

UNIFORM CLIMATE

The climate is remarkably uniform all the way around Lakes Superior, Ontario, and Erie. Prevailing winds move from west to east, carrying the weather with them.

Winds make waves. There's little to break their pattern in the east-west lakes. They build up into a smooth succession of gentle swells except close to shore where breakers form.

On Lakes Michigan and Huron, the winds cross the lakes' narrower dimension, breaking against the complicated shorelines in patterns that horrify sailors but delight mathematicians, oceanographers and computer experts, who say it may take a century to analyze them completely.

And when the winds blow steadily from the southwest for a couple of days on end, watch out. Lake Michigan's waters are forced into the strait at the north—"a long fetch and a restricted channel," the oceanographers say—and short, high, breaking waves develop. The rocky islands guarding Georgian Bay have a similar effect.

ROUGH SAILING

The men who sail the big lakes say Lake Michigan is the worst. A November blow off Beaver Island is rough in the biggest ships.

Salt water sailors who come into the lakes through the Seaway, and have seen the Bay of Biscay—off France and traditionally one of the world's roughest expanses of ocean—say Lake Michigan is just as bad and the shore is even closer.

Anyone living near either Lake Michigan or Huron knows how rapidly their moods can change, from mirror calm to six foot waves to mirror calm in just a few hours.

The two lakes share other characteristics:

Spring comes earlier and autumn stays later—summer is six to ten weeks longer—at their southern ends than at Mackinac.

Their eastern shores, cooled by summer breezes, are much more highly developed by resorters than their warmer western shores, but the larger cities have grown up to the west, windows on the easy travel the lakes offer.

PICTURE REVERSES

The picture reverses in January. While the western shores often see the sun through bitter cold air, much of the time, the eastern shores are tucked under an almost continually increasing blanket of soft, fluffy snow.

Little known, but important for the distant future, is the way the lakes are tilting.

Billions of tons of ice compressed the rocks under the glaciers in the great Ice Age that ended 10,000 years ago. Lake Michigan's outlet then was the Chicago River and Lake Huron's, through a corner of Lake Erie, was the Maumee River. Their waters then went down the Mississippi.

Geologists say that squashed rock is rebounding like a tennis ball hit by a racquet. Since the glaciers' southern edge crossed the two lakes, rocks near Mackinac are rising farther and faster than those in the Chicago and Detroit areas.

It isn't much—a couple of inches a century—but the overall effect is that of tipping a saucer of water. Someday, Chicago will have to retreat behind dikes as did the Dutch when faced with a similar situation.

Lake Huron shares the problems of the other lakes, but they are all eased, to some extent, by all the good cold water that comes from Lake Superior.

It has its share of pesticides, especially DDT and dieldrin, but not nearly so much as Lake Michigan because the Lake Superior water carries them away.

There's industrial pollution, but most of the industry around the lake is at and just below its southern end, the pollutants draining away into Lake Erie.

There are silt and salt, diluted and carried away. There are even lamprey, but they didn't damage the fishing as much as they did in Lake Michigan.

The Georgian Bay area was near wilderness until the last few years, but new expressways make it easily accessible to the people of southern Ontario, New York, Pennsylvania and Ohio. The area is in a summer cottage building boom that has drawn a lot of criticism as unplanned and destructive. However, the problems are minor in comparison with what has happened on the shores of Lake Michigan.

All in all, Lake Huron probably would be the finest large body of fresh water in the world if Lake Superior weren't such a superior kind of lake.

LAKE ERIE NEAR DEATH; SCIENTISTS SEEK CURE—VIII

(By Quincy Dadisman)

CLEVELAND, OHIO.—Ask anyone on the street in Cleveland. He will tell you that "Lake Erie is dead." He has been hearing it from politicians, teachers, his fishing pals for years. And he is convinced that his lake is dead.

Scientists who have studied the lakes say even troubled Lake Michigan is as sterile as a surgeon's gloves measured against Lake Erie's abundant life.

But Lake Erie is being killed—in all the ways that make a lake useful to man.

Residents of the Lake Erie basin—nearly half of all the people who live around the five Great Lakes—have adopted a fatalistic attitude toward their lake.

ANTIPATHY NOTED

"There's no point," said one, "to trying artificial respiration when the body's already cold and the autopsy completed."

But limnologists—the pathologists who diagnose ailments of lakes—say the obituary is premature. Lake Erie can be revived if the public is willing to buy the needed medicine, they say.

And sanitary engineers—who fill the limnologists' prescriptions—say the bill wouldn't be excessive if it were measured against the results the medicine could produce.

Water chemists—the lab technicians in the treatment of ailing lakes—say their prognosis for Lake Erie is bright, if treatment is started soon. It, alone of the Great Lakes, can return to something like the conditions of 100 years ago within our generation.

ALL AGREE

And all three add, "Lake Erie is an example of what could happen to the other lakes, even big, cold Lake Superior, if we don't watch our step."

Lake Erie was born more than 15,000 years ago. Farthest south of the Great Lakes, it is also the oldest. By the time Lake Superior was born, perhaps as late as 4,000 B.C., Lake Erie was already showing a few of the natural signs of aging that all lakes show in time.

The water was a little less clear, a little harder and was occupied by a few more fish. It would still have been a good insurance risk, with a life expectancy that would have it paying premiums in 100,000 A.D., 98,000 years from now.

AGED QUICKLY

But civilization reached the shores of Lake Erie 150 years ago. The lake, then just entering what should have been a long and comfortable prime of life, began to be overfed. It suddenly aged thousands of years until, today, it is at a stage where it should not have been before 95,000 A.D.

A healthy, newborn lake in scientific terms is oligotrophic, "underfed" in Greek; a prime of life lake, mesotrophic, "middle fed," and an aging lake, eutrophic, "overfed."

The other Great Lakes are oligotrophic (Superior and Huron), or on the dividing line between oligo- and mesotrophic (Michigan and Ontario). Lake Erie, generally, is on the dividing line between meso- and eutrophic.

THREE LAKES IN ONE

It isn't quite that simple, of course. Lake Erie is really a combination of three lakes sharing a single surface. Geographers speak of its western, central and eastern basins as, in many ways separate lakes.

The western basin—west of a line from Point Pelee, Ontario, to Cedar Point, Ohio—is in the worst shape. It is clearly eutrophic.

The central basin—east of Point Pelee and west of a line running northwest from Erie, Pa.—is mesotrophic to eutrophic.

The eastern basin—east of Erie—is generally mesotrophic, but has a few oligotrophic characteristics.

One reason for the difference is the depths of the three basins. The western basin averages about 22 feet deep, the central basin nearly 60 feet and the eastern basin more than 75 feet.

It's easier to pollute seriously a small amount of water than a large amount. There's much less water in the shallow western basin than in the other two.

One of the ways sewage treatment plants sort out pollutants of wastewater is by allowing the wastewater to run through settling tanks, where the pollutants fall out of the water.

Lake Erie's three basins serve as successive settling tanks for the pollutants poured into them by the Detroit-Windsor-Toledo industrial area. The western basin catches perhaps 60% of the pollutants, the central basin another 20% and the eastern basin another 10%.

NASA STUDY

Last year, National Aeronautics and Space Administration (NASA) scientists teamed up with water scientists to try to learn just what happens in the lake.

NASA built a special camera for the scientists, Noel M. Burns of the Canada Center for Inland Waters and Curtiss Ross of the Lake Erie office of the United States Environmental Protection Agency.

Burns and Ross left the camera and other instruments on the floor of the central basin, which is just beginning to demonstrate some of the same behavior as the western basin, to record events in July and August, 1970.

They found:

A massive algal bloom in July, 1970, concentrated almost all the phosphorus—an essential element to plant growth, it spews into the lake in sewage and waste fertilizer—in the water. As the algae died, they formed a layer of dead material nearly one-tenth of an inch thick on the lake bottom.

As the algae bloomed, they took up the available oxygen in the lower water levels. By Aug. 12, the water had no oxygen and dead smelt littered the bottom.

When the bottom water went anerobic—lost all its oxygen—the phosphorus in the bottom sediments was released 11 times as fast as it had collected there.

In other words, the lake was polluting itself.

The camera told the story.

When there was plenty of oxygen, a thin film of reddish brown iron oxides (rust) formed on the bottom. Rust, as any housewife who has tried to remove it from a kitchen sink knows, is insoluble in water. The rust kept the soluble phosphorus in the sediment and the water apart.

CHANGED COLOR

But when the lake water went anerobic, the lake bottom turned greenish brown. Under anerobic conditions, the iron oxide gave up its oxygen, broke apart and allowed water and phosphorus to meet.

The conclusion was self-evident:

Lake Erie loses a little of its phosphorus content over Niagara Falls every year. If the phosphorus input could be cut off, the self-pollution cycle could be broken and the lake would eventually clean itself up to the point where fish could again live year around in the western basin.

Ross and Burns reported:

"Phosphorus input to Lake Erie must be reduced immediately. If this is done, a quick improvement in the condition of the lake can be expected; if it is not done, the rate of deterioration of the lake is such that within 10 years, the lake will be of little value to the population along its shores, other than providing the means of cheap transportation of bulk commodities."

MERCURY POISONING KILLS TOWN—IX

(By Quincy Dadisman)

ERIEAU, ONTARIO.—Mercury has destroyed this little community on the north shore of Lake Erie.

Erieau is—or was—a fishing town, making its living by setting and hauling nets in Lake Erie.

Then, in April, 1970, word came that mercury had been found in Lake St. Clair fish. Lake St. Clair is upstream from Lake Erie. Soon mercury contaminated fish were found in Lake Erie and the Canadian and United States governments forbade sale of fish from western Lake Erie.

Erieau residents had lived through contamination "scares" before, so they were not concerned at first. Then they were told:

"The mercury is tied up in the bottom sediments and will take a century, maybe four or five, to disappear."

To men who knew no other way of making a living, that was bitter news.

HUNCH PAID OFF

A Swedish graduate student at the University of Western Ontario in nearby London had the hunch that set off the most intense pollution hunt in recent years.

The student, Norval Fimreite, knew that waste mercury had sickened some Swedes and killed some Japanese living near plants using the liquid metal for conducting electricity to break common salt down into caustic soda and chlorine.

Some of the mercury, he knew, had escaped from the chloralkali plants, seeped into nearby waters and contaminated fish, poisoning those who ate the fish.

He had heard, too, that mercury used to treat seed against fungus attacks had gotten in game birds in Canada's prairie provinces. He had a hunch that mercury hadn't been found in the Great Lakes only because no one had looked for it.

Fimreite decided to look.

FINDINGS VERIFIED

What he found was even worse than what he had expected. Mercury popped up in every sample of fish he got out of Lake St. Clair. When an independent laboratory confirmed what he suspected, he informed Ontario pollution control authorities.

Canada closed all fishing in Lake St. Clair (Michigan followed a couple of days later) and traced the mercury to chloralkali plants near the St. Clair River, which connects Lake Huron and Lake St. Clair. Two plants, one on each side of the border, were losing up to $1,500 worth of mercury a day.

Mercury is worth about $7 a pound.

It was relatively easy to shut off the mercury flow to the lake.

DAMAGE DONE

A quick shutdown of the plants, backed up by a warning that they would stay closed permanently if they didn't clean up their effluent, brought results. But the damage had been done.

There are tons of mercury in the bottom mud being picked up by plants and animals.

No one knew how to get it out of the mud. The obvious answer—dredging and processing the mud for mercury, which could be profitable—had to be set aside because scientists fear it would release more mercury than it recovered.

Chemists, biologists, physicists and engineers have been puzzling over the problem for months and still haven't any clear idea of a practical and safe way of getting it out.

POTENT POISON

Organic mercury can harm human beings in much smaller concentrations than will kill fish. Scientists used to believe that metallic mercury would fall to the bottom of a body of water and remain there, almost inert, forever.

Fimreite's research, along with the work of Swedish and Japanese scientists, showed that metallic mercury on the bottom acts as a reservoir from which organic mercury is constantly produced.

Mercury was merely the final blow to the Lake Erie fishery which has been declining, in one way or another, practically since the day the first commercial fishermen set their nets off Toledo in 1815.

The figures on commercial fish catches in Lake Erie reflect a picture of the most valuable fishery on the Great Lakes, probably worth as much as the fishing in all the rest of the lakes, slowly and steadily declining to almost nothing.

An average of more than one million pounds a year of sturgeon were taken from the lake between 1879 and 1909. Most of the sturgeon were gone in 1910 and only 4,000 pounds were taken in the last big year, 1964. Overfishing, rather than pollution, probably was to blame.

Northern pike, a relatively tough species, were caught in million pound totals to 1919 and have since declined to about a single ton a year. No one is sure why.

Fishermen netted an average of 27 million pounds of cisco every year between 1910 and 1919 and 14 million pounds the next decade. They suddenly almost disappeared in the 1930s, rebounded to an 8 million pound catch in the late 1940s, now average about 8,000 pounds or less a year.

Blue pike, a fish similar to walleye, once regularly topped the 10 million pounds a year mark, reached a high of 18 million pounds in the late 1930s and have virtually disappeared.

Walleye, once negligible, hit a high point of over 10 million pounds in the late '50s and now are disappearing.

EVEN CARP HURT

Significantly, the carp haul has continuously risen on the lake until recent years. Carp like muddy water, but now even they are declining.

Of the many commercially desirable species, only yellow perch is still important in much of the lake, which traditionally produced over half of all the fish sold from the Great Lakes.

Overfishing seems to have been a factor in Lake Erie's fishery decline. Overfishing, say biologists, wasn't a serious factor in the decline of the other lakes' fishery.

A key to the Lake Erie situation probably is the eutrophy that is overtaking the lake. The expanding plant population uses so much of the available oxygen that desirable fish—and even carp—can't compete.

Changes are taking place. Michigan and Ohio have placed a 14 inch minimum on walleye and Ontario is enforcing a 13 inch limit. Yellow perch from the eastern basin seem to be more than holding their own.

Erie Bloated by Cuyahoga River Sewage—X

(By Quincy Dadisman)

CLEVELAND, OHIO.—Clevelanders used to joke about the Cuyahoga River. "Don't toss a match into the river," they would tell smokers, "it might catch fire."

They still warn smokers, but it's no joke now. The Cuyahoga IS inflammable, at times, toting a scum of industrial waste that makes even Milwaukee and Chicago residents gasp.

The Milwaukee River's goldfish and alewives and the Chicago's lunker carp would smother in the Cuyahoga, a river so dirty even sludgeworms can't live in it.

But things are changing. Pollution experts say Lake Erie could be revived in as little as six years—if the 13 million people living around its shores move fast enough.

DETROIT ACTS

Detroit, principal polluter of the lake, has taken a giant step toward that cleanup with a multimillion dollar sewage treatment plant snatching over 95% of the pollutants that used to go into the lake.

Detroit received massive financial help from the state of Michigan's bonding program when federal aids lagged.

Cleveland, and Ohio's other big pollution source, Toledo, haven't had this help. Cleveland's three sewage treatment plants are about 70% efficient. So is Toledo's.

The Lake Erie Enforcement Conference was slower than its Lake Michigan counterpart in adopting phosphorus removal standards—at 80% reduction of each state's contribution of phosphorus to the lake by both conferences.

GAIN INVISIBLE

The stroller along the beach won't notice it, but Lake Erie will start getting better about the end of 1973 when phosphorus input will be controlled. That is perilously close to the 1975 "point of no return" some scientists see for the lake.

Phosphorus is contributed—about a third each—by farm runoff, domestic sewage and detergents in wastewater. It is the key nutrient in plant growth because human control over nitrogen and carbon, the other major nutrients, is impossible. (Nitrogen and carbon are available from the air.)

The phosphorus budget of Lake Erie is the key to its future.

Phosphorus has been accumulating for decades in the western and central basins of the lake, feeding algal blooms each summer.

The International Joint Commission—an agency of the United States and Canadian governments—figured out that budget last year.

About 4.5 million pounds of phosphorus pour out of Lake Huron every year into the St. Clair River. By the time the water reaches Niagara Falls, where it tumbles into Lake Ontario, 38.2 million pounds have been added by municipal sewers, 4 million pounds by industry and 13.5 million pounds by land runoff, a total of 60 million pounds.

But only 9 million pounds a year goes over the falls; the other 51 million pounds remain in Lake Erie, involved in the plants or hiding in the mud.

ANOTHER PROBLEM

Even as the slow cure for the phosphate problem appears on the horizon, another potentially catastrophic problem has water experts worried.

The two-thirds of Lake Erie east of Cleveland lies over a productive gas and oil field. Ontario has been leasing gas and oil drilling rights in the take for 60 years. Pennsylvania started leasing rights five years ago.

Both have been very restrictive, but Ohio, Michigan and New York have objected. Michigan and Ontario have an informal agreement that bars oil or gas exploration in Lake Huron. Michigan would like to extend the idea to Lake Erie. Ohio and New York would like to keep drilling rigs out until better safety measures are available.

CITE DISASTERS

The objectors point to the disasters that have followed oil well blowouts in the Gulf of Mexico and the Pacific Ocean and the fact that 10 of the 13 million residents of the Lake Erie basin drink its water.

Only gas wells have been drilled in the lake.

Geologists say a gas well blowout in Lake Erie would be a nuisance, not a disaster. But if one of the drillers struck oil and lost control of the well, they say, the spill would spoil Cleveland's water supply in a matter of a couple of days. Cleveland is twice the size of Milwaukee.

Some water pollution experts feel the drilling is a psychological hazard to public acceptance of the costs of pollution cleanup even more perilous than its threat to the environment.

"It's a credibility gap," one said, "to force a sewage cleanup and still take a chance with those wells."

Niagara Falls Is Nature's Treatment Plant—XI

(By Quincy Dadisman)

NIAGARA FALLS, N.Y.—In all but the windiest weather, a column of mist towers a couple of hundred feet into the sky directly over Niagara Falls.

That column, visible for miles most of the time, advertises the falls' biggest virtue in the eyes of pollution fighters.

The falls act as an aerator, forcing oxygen into the polluted water leaving Lake Erie. This helps maintain Lake Ontario's relatively good health.

CHIEFLY CANADIAN

Lake Ontario, farthest downstream, smallest in area and, to Midwesterners, least known of the Great Lakes, is as different from the upper lakes as they are from each other.

The other lakes are mostly American, if not in area, then in the development along their shores. Most of the people in the Great Lakes basin live in the United States. But most of the people in the Lake Ontario basin live in Canada.

Toronto, Hamilton, Oshawa and Kingston are big cities on the Ontario side of the lake.

Only Rochester, on the New York side, can claim metropolitan status.

The other lakes, until recent years, were the home of only the best types of fresh-water fish.

But ocean fish had little trouble following the St. Lawrence River upstream into Lake Ontario. Alewives, sea lamprey and smelt have been in the lake for centuries. Until less than 100 years ago, their passage into the upper lakes was barred by the falls.

BELOW LAKE ERIE

Lake Ontario is very deep, 804 feet, although its surface, 244 feet above sea level, is below all the water in Lake Erie. The Niagara River, including the falls, drops the water 326 feet from the surface of shallow Lake Erie, 570 feet above the sea.

Lake Ontario's total volume is four or five times that of Lake Erie and is almost as great as Lake Huron's, so its capacity to absorb pollution is much greater—and its capacity for getting rid of pollution is much slower than Lake Erie's.

Lake Erie flushes—empties and refills—in three years. Lake Ontario takes 80 years or so.

Lake Ontario, like Lake Superior, is controlled by a "compensating work," a series of dams and dikes, at its outlet, so its level is more stable than the three middle lakes.

SAME PROBLEMS

Its pollution problems are familiar to anyone aware of the problems of the upper lakes, all of which Lake Ontario inherits as the water moves toward the sea.

All of the familiar pollutants—phosphorus, other sewage chemicals, DDT, mercury, lead, bacteria—are present, but at average levels well below Lake Erie (and well above Lakes Huron and Superior).

The fishery is declining, although some species regularly fished on Lake Ontario have yet to find their way through the Welland Canal, so are unfamiliar to residents of the upper lakes basins.

The International Joint Commission, an American-Canadian antipollution agency, studied Lake Ontario a couple of years ago and concluded:

Any real improvement on Lake Ontario has to start with improving Lake Erie. Similarly, St. Lawrence River water quality can't be much better than the water it receives from Lake Ontario.

Buffalo and Niagara Falls (the city) are heavy polluters of the already polluted water in the Niagara River. Rochester and Toronto need to do a better job of treating the sewage they discharge to the lake.

"Vigorous and effective remedial programs must be carried out promptly and on a continuing basis to reverse the deteriorating condition of the lake."

The commission pointed out that half the population of the entire Great Lakes basin lives around the two lower lakes, jammed much closer together than residents of the upper lakes' basins. Human activities, the commission implied, have a much more immediate effect in the two lower lakes.

Deadlines of 1975 for cleaning up discharges to Lake Ontario and 1978 for clean-ups on the tributaries were set by the commission.

PATH TO POLLUTION BEGINS EARLY—XII

(By Quincy Dadisman)

PORTAGE, WIS.—A slim line of intensely green water a mile long here marks one of the problems of the Great Lakes.

It's one of the smaller problems.

The strip of green water is the stagnant remains of the old Fox-Wisconsin Canal that once linked the Great Lakes and Mississippi watersheds. Boats can no longer make the passage, but the green water in the old canal eventually will reach Green Bay, 200 miles, as the muskrat swims.

It will take a couple of weeks for it to reach there; another 6 months to 600 years for it to reach Point Pierre, Quebec, and the Atlantic.

ENDLESS BLENDING

Along the way it will mix with water from 10,000 other streams, the outfall from 10,000 sewage treatment plants, the effluent from 10,000 factories, the oil seepage from 10,000 ships and the dirt and debris from 10,000 other sources.

Stir in the seepage from a million septic tanks, the silt from a million construction jobs, the pesticides running off a million farms and cities and the salt working off a million miles of highway and cleaning up the Great Lakes sounds impossible.

Some pollution experts think that that may be the case.

Most say it can be done—if . . .

If today's piecemeal approach is abandoned and pollution fighters begin to see the Great Lakes basin for what it is, a living, unitary system, interacting all the way.

If priorities are assigned to cleanup needs, so that the most urgent work is done first.

If innovative ideas can be accepted in time.

If the public, and public officials, are willing to pay the price.

The mercury crisis in the spring of 1970 may have been a blessing in disguise in cracking the first big "IF," one water scientist believes.

His reasoning:

One of the dams backing up co-operative efforts to solve the Great Lakes' problems has been the multitude of political agencies having authority in the Great Lakes basin—two countries; eight states and two provinces; uncounted dozens of counties and hundreds of municipalities.

SEEN AS DUMPS

Along the tributaries, each community complained about what everyone upstream didn't do to keep the river clean, but did as little as possible to protect those downstream. Lakefront communities looked on the lake as a huge dump rather than a valuable resource. Much of that kind of thinking still persists on the local level all around the lakes.

But state and provincial authorities have been working for 30 years to force local clean-ups, each blaming neighboring states for much of the problem.

The same philosophy permeated relations between the United States and Canada, with only complaints, never suggestions for joint effort, being referred to the International Joint Commission (IJC).

The IJC was formed in 1913 to arbitrate water level and navigation problems on the lakes. Later it was given pollution problems.

DOOR OPENED

The basin enforcement conferences, the scientist believes, pointed the way to co-operation, with the Lake Michigan Conference, concerning an all-United States lake, leading the way for the others.

The Lake Superior and Lake Erie Conferences could bring about improvement on the United States side, but Ontario could send only observers and the conferences had no power north of the border.

The researcher credits the conferences with teaching everyone that what happens in one part of the lakes affects everyone living on their shores.

But problems that crossed the international border still had to be referred to the IJC, a long, slow process of letters going from the local community to the state capital to Washington, to Ottawa, to the provincial capital to the local community.

LONG ROUTE

It often took six months for a complaint to reach its destination—perhaps just across a river—by that route.

Both federal governments are jealous of their national sovereignty and unwilling to see the IJC shortcircuited.

Then mercury was discovered in Lake St. Clair. Ontario health authorities saw it as an immediate threat to human health.

They telephoned Lansing to inform Michigan health officials. Michigan followed Ontario's lead and within days banned fishing on the lake. The IJC had been short-circuited, informally, but effectively, to meet an emergency.

MEETING CALLED

So, in September, 1970, John Robarts, then premier of Ontario, invited the eight Great Lakes states and Manitoba—which shares some of the problems, although it isn't in the Great Lakes basin—and Quebec to send representatives to Toronto to talk over pollution problems.

The conference didn't accomplish much on the surface, but resulted in a joint statement by the 11 participants promising co-operation in an information exchange.

The Great Lakes Environmental Conference has no legal standing in either country, but at its second session—last August at Mackinac Island, Mich.—it recognized the fact that the Great Lakes are an integrated system by agreeing to a suggestion that it include Lake Michigan in its agenda. The suggestion came from Wisconsin Gov. Patrick J. Lucey.

COOPERATION SEEN

The conference can lead to co-operation across the many boundaries and help set the priorities needed without violating either nations' laws, Robarts believes.

One cooperative idea that seems to have gained a foothold—a joint sewage treatment plant for Duluth, Minn., and Superior, Wis.—focuses attention on priorities. Neither city can take the faster, but much less efficient, route of going it alone if the best system, the joint plant, is built.

In that case, the sensible priority seems to be to delay building separate plants while the joint system is engineered.

The third "IF," innovative ideas, is just beginning to interest pollution fighters.

Examples:

An experimental activated carbon plant to replace or supplement present biological sewage treatment plants now reaching pilot plant stage under the eyes of University of Wisconsin scientists.

A basinwide sewage treatment utility plant proposed for the lower Fox River and being considered for a further studies grant by the Environmental Protection Agency.

COST A PROBLEM

The "mounded septic tank seepage bed" being tried in Door County to outflank shallow bedrock levels.

The fourth "IF"—willingness of the public and their officials to pay for a clean place to live—may be hardest to realize.

For instance, last summer's fight against stricter dump regulations is primarily economic. Cleaning up a minority of sloppy dumps scattered across the state would cost town tax funds. Many communities chose to fight rather than spend the price of a cleaner environment.

On a broader, and much more expensive, scale, the idea of general tax funds paying for water pollution control may be on the way out. Ontario and Ohio are experimenting with waste handling utilities based on the principle that the person or industry generating waste should be charged on the basis of how much he or it generates.

Some, or all, these ideas may again help make the Great Lakes what they were in 1815, when sturgeon were so thick in Lake Erie they were considered pests.

A NATIONAL PROGRAM FOR OLDER AMERICANS

Mr. HUMPHREY. Mr. President, on December 1, 1971, it was my privilege to participate in the special concerns session on rural elderly at the White House Conference on Aging.

In my remarks to the delegates at this conference session, I outlined a comprehensive program to meet the needs and establish basic rights for elderly Americans. I proposed the establishment of a Cabinet-level Office on Aging, to assure that this work agenda receives high-priority attention in the Federal Government.

My basic concern is that we move now from studies about the elderly to action programs that will effectively address the critical problems that such studies have already clearly established. I called for specific programs and policies to improve income for the elderly, provide adequate health care and nutrition, to establish the right of older citizens to gainful employment, and to end living conditions of isolation and substandard housing.

I focused my remarks on the problems of the elderly in rural America. They occupy one-fourth of the substandard housing in these areas, and one out of three lives in poverty. Adequate medical care and transportation services are frequently non-existent. These special problems demand immediate attention. But they also reflect the critical need for comprehensive programs of rural development across America.

Mr. President, I ask unanimous consent that the complete text of my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY AT SPECIAL CONCERNS SESSION ON RURAL ELDERLY, WHITE HOUSE CONFERENCE ON AGING, WASHINGTON, D.C., DECEMBER 1, 1971

My good friend, Chancellor Bishop, Governor Moore, Senator Pearson, Congressmen Quie and Mahon, Commissioner Smoot, Dr. Kreps, Ladies and Gentlemen:

At the outset, I want to take this opportunity to recall the outstanding work that our Chairman, Dr. Bishop, accomplished as Executive Director of the President's National Advisory Commission on Rural Poverty, The Commission produced a landmark study in 1967, entitled "The People Left Behind," And some eight months later the staff published the extensive reports on rural poverty in the United States, that had been heavily utilized by the Commission.

Of all the rural Americans left behind, it is probably the older people who have been most forgotten. One out of every three of them lives in poverty. They occupy one-fourth of the substandard housing in rural America—which, in turn, accounts for two out of every three deteriorated housing units, with broken-down or non-existent facilities, in America. They are isolated from stores and towns, and transportation facilities are generally nowhere to be found. So they usually cannot get to a doctor when they need essential health care. And too often they are fortunate to obtain any medical treatment, because in many rural counties there are no doctors at all. But we know that rural people aged 65 and older have more chronic conditions and more limitations on their activities than the urban aged.

How many times must we repeat such astounding facts that should sear the conscience of America, before we get *action?*

That is what is demanded at the national level in the decade of the 70's. We have put older Americans under the microscope long enough—the analysis has been done; the diagnosis has been made. So we dare not allow this Conference on Aging to result only in the publication of yet another study report to be catalogued and conveniently filed.

Let us resolve that this Conference shall result in the hammering out of firm national policies on older Americans, backed up by bold and comprehensive national programs.

Let us commit ourselves to the establishment of one goal: That a man in his old age should be treated like a man.

Over the past several months I have outlined what the response of the federal government must be to meet the needs and establish the rights of the one-tenth of our population that has been too long ignored—our older citizens.

First, there must be established *now* a cabinet-level Office on Aging. The problems of older Americans must be addressed at the highest level of authority, which has an adequately funded and on-going staff operation, reporting directly to the President, with sufficient power and independence to tell this governmental bureaucracy what must be done, and then to get it done.

We have had enough of rhetoric and promises. What we need now are results. During the previous Administration a number of excellent programs on behalf of older Americans were enacted by Congress. But they remain seriously underfunded and only half-heartedly administered. A cabinet-level Office on Aging is needed—not just another advisory committee holding periodic meetings—to pull these federal programs together, to set schedules for meeting specific goals, to fix the clear responsibility of governmental officials, and to move out in new directions.

And to assure that this office functions with the benefit of the best advice and experience available, we should establish a permanent National Advisory Council on Older Americans.

It should be composed not only of appropriate Federal officials to assure the effective coordination of their agency programs, but also of representatives of the general public whose competence and dedication assures that they will be strong spokesmen for the needs and rights of all older Americans.

It is abundantly clear that the first item on the agenda of the Office on Aging and the National Advisory Council on Older Americans must be the priority concern of our elderly citizens: The right to a liveable income.

There are immediate actions that should be taken in response to this critical and overarching need.

I have introduced legislation to bring minimum Social Security payments up to a more realistic level and to increase benefits by 10 percent, and to lift the earned exemption ceiling to $3,000. Under this bill, federal general revenues would be applied to one-third of the costs and additional financing obtained through an increase in the wage tax base.

I have called for extensive reforms in corporate pension plans, to help protect other forms of retirement income. And I have introduced further legislation to permit over 2.08 million recipients of old-age assistance to, in fact, benefit from any increase in Social Security benefits—rather than face a dollar-for-dollar cutback in public assistance.

But I believe we must go further in also protecting elderly citizens from being, in effect, denied or declared ineligible for other program benefits—such as Medicaid and food stamps—either through recent regulation changes by the Administration, or as a result of an increase in Social Security benefits. Such totally insensitive and economically illogical regulations must be withdrawn or revised without delay.

Health care and adequate nutrition are two critical needs confronted by the elderly. There can be no question that this Congress must enact an effective, comprehensive program of national health insurance. And I have pledged to make every possible effort to see that this is accomplished, along with the establishment of quality health care resources that are immediately accessible to all our people.

But it is essential that we also act now to meet the immediate health care and cost problems confronted by older Americans. That is why I have introduced two bills to amend the present Medicare program. One bill would fill a major gap in Medicare: the coverage of prescription drugs. Prescription drugs represent the largest single personal health expenditure that the elderly must meet almost entirely from their own resources. Not only must this serious need be met without delay, but the costly practice of requiring hospitalization for the reimbursement of prescription drug expenses under Medicare must be ended.

The second bill focuses on the costs of ill health resulting from inadequate nutrition, with which hundreds of thousands of older citizens are afflicted. It would provide for reimbursement under Medicare for home nutrition educational services, supervised by a registered dietician. I see this as a vital companion measure to the Nutrition Program for the Elderly Act, of which I am an original sponsor, and which was passed yesterday by the Senate by a unanimous vote of 89–0.

But in discussing the income protection needs of older Americans, we must remember that for many of them, this is basically a problem of getting or holding a job.

We have all heard the maxim that too often rings true below: "Too young to retire, but too old to hire."

I find it morally unconscionable and economically foolish to deny our older citizens the right to gainful employment. It is an affront to their dignity. It is an act of ignorance in failing to recognize the solid contribution they can make to our economy and the extensive services they can perform in our communities.

And yet there is clear evidence that the Federal government is not very concerned about forced early retirement, about providing extensive job and community service opportunities for older Americans, or about enforcing the law prohibiting discrimination on the basis of age.

It has been estimated, for example, that two-thirds of the Department of Labor's job training programs are operated for persons under 45, and that only 4 percent reach those 55 and over.

I am deeply disturbed that the priorities and biases of the Department of Labor can be a major factor in preventing the development and expansion of vital programs for the older worker. Green Thumb, Green Light, and Senior Aides have given great demonstrations of what can be done in community service and, along with employment assistance programs such as Operation Mainstream, should be operated on a full-scale basis.

I thought we had moved from the notion of what we are going to do *for* those old folks, to a clear recognition that the skills and talents of older people can and must be utilized to help solve community problems, including the problems confronting older people themselves, and to meet the continuing need for skilled and productive employment across America.

But I am forced to conclude that the present administration has not gotten this message. Congress passed a major public service employment program this year, but I doubt if more than a handful of the people obtaining jobs under this program have been older rural people in poverty.

Similarly, the Office of Economic Opportunity has downgraded both the rural and aging programs, disregarding the Congressional mandate for assistant directors for both these program areas.

It remains, then, for this Congress to establish the priorities and enact the programs to enable older Americans to make their own decisions about their lives, to continue to be involved in the mainstream of life, and to be treated with dignity.

We must establish federally assisted programs across the nation to provide older workers with opportunities for job retraining and employment in new careers. And we must provide for multi-purpose centers in our communities with extensive professional social services for and by our older citizens, in addition to greatly expanding existing programs to involve these people in vitally needed community service.

There must also be a major national effort to help older people to escape from the isolation in which they live. Too often, we are in effect locking up older people at night and over the weekends. This is inhumane. And the problem is compounded for the elderly in rural America. I believe this isolation has a lot to do with the overcrowding of our hospitals, nursing homes, and mental health care facilities.

We need imagination and creativity in designing transportation services and adaptations specifically for the elderly and handicapped. No longer dare we deny them the right to obtain essential services, to reach jobs, or to pursue community-service or personal interests.

Nor should they be prohibited from travelling by the cost of airline or interstate transportation fares, and I have introduced legislation to meet this need by authorizing reductions in these fares.

Finally, in recognition of the high proportion of the income of older Americans that is paid for housing that is often substandard and in unsafe neighborhoods, there must be a total redirection in national housing programs to end discrimination based on age and to assure that a fair share of Federal housing assistance is at last allocated to rural America.

It is inexcusable that while an estimated 24 percent of the Nation's population lives in non-metropolitan counties without a town exceeding 25,000 in population, less than 11 percent of the housing units financed or insured by the Department of Housing and Urban Development in the last three years were located in those same counties.

But the inadequacy of housing that includes the opportunity for enriching community life for older Americans is a fact of life across America. To meet this critical need, we should at least undertake the immediate construction of a minimum of 125,000 units of low-cost housing for the elderly each year.

And we must provide effective and reasonable assistance to older people who want to remain in the homes for which they have worked and cared over the years.

At the same time, we dare not continue to condone the inadequate and sometimes inhumane treatment of our elderly that has been reported at a number of nursing homes across America. This must be ended by the enforcement of quality health care standards and by the imaginative employment of incentives and new resources, both to improve institutional care and to broaden the spectrum of health care from preventive medicine to rehabilitation programs.

It remains for us all to address the fundamental need to revitalize rural America. We have yet to establish the programs to carry out a comprehensive national growth policy of balanced rural and urban development. We have yet to recognize the direct connection between advancing rural poverty and the congestion and fiscal crisis confronting our cities.

The development of rural America, as many of you know, has been a top-priority concern in my legislative work agenda over the past months.

I firmly believe we have the resources and the tools to do this job. What we need is the *will*, carried through by strong national leadership. I have introduced a comprehensive legislative program to strengthen our agricultural economy and to promote public and economic development in our rural areas—a legislative program that has strong bipartisan backing; and a legislative program that must be enacted.

With your support, this *can* be accomplished. And with your involvement, it *will* be done. There is a tremendous resource among rural older Americans of talent and ability and commitment to carry through extensive programs of rural improvement and development.

I have seen in Minnesota how older people can get into the efforts to improve our rural communities. In Otter Tail, Wadena, and Todd Counties, the Green Thumb and Green Light workers have literally been the manpower force that has enabled many of our rural development plans to come into being. It is the kind of dedication and hard work that must be duplicated throughout the rural counties of America.

I want to conclude now by expressing a deep, personal concern that this Conference shall produce results. I am looking to you in this session and in this Conference to help us in Congress to decide the priorities—which programs should be moved onto a full-scale basis; and what new directions must be taken.

Let us resolve to get on with the job of creating a new era for and by older people which will bring their talents and abilities to bear, and which will assure them a lifetime of dignity, security, and opportunity.

NOMINATIONS TO THE SUPREME COURT

Mr. ALLOTT. Mr. President, I intend to vote to confirm the nominations of Lewis Powell and William Rehnquist for the positions of Justices of the U.S. Supreme Court. My votes will represent my conviction that both men will serve with distinction.

There is no reason why this matter should detain us any longer than it takes for each of us to express our confidence in these two outstanding men. The Judiciary Committee has done its job. It has examined the records compiled by these men in their many years of public service. It is a measure of our happy position here today that not a shred of damaging evidence was produced concerning either of these men.

This is not to say that there has not been criticism. Indeed there has. Mr. Rehnquist particularly has been subjected to a most obnoxious and unconvincing attack. But, Mr. President, his enemies, in their frenzy, have tarred themselves with their own brushes. They have revealed themselves as unlaundered McCarthyites. Suffice it to say that my admiration for Mr. Rehnquist is only heightened when I see the enemies he has made.

Reduced to simplest terms—and it has never risen far above the simplest terms—the opposition to Mr. Rehnquist boils down to this assertion: Conservatism is unconstitutional. This is not just twaddle, it is pernicious twaddle. I do not intend to dignify that assertion or demean the Senate by discussing that assertion.

I would only point out that Mr. Rehnquist has already served us well by provoking a revealing display from those elements who seek to impose their orthodoxy upon all America. As a result of their tiresome performance, these elements, whose impudence is exceeded only by their imprudence, will not again enjoy a serious audience on Capitol Hill for a long, long time.

There can be no doubt that both Mr. Powell and Mr. Rehnquist have developed judicial philosophies. In fact it is perfectly obvious that we would all be alarmed and perplexed if these intelligent, learned and public-spirited men had never bothered to reflect in a systematic way about the profound philosophic foundations of our Constitution and of ordered liberty in general.

In addition, Mr. President, there can be no doubt that the only issue involved in the minor oppositions to both of these men is their judicial philosophies.

What, then, is the criticism of them all about?

In my judgment, Mr. President, those who oppose one or both of these nominations are saying that the Founding Fathers were mistaken; and that the mainstream of American judicial thinking over the years has been mistaken.

That is, they are saying that the most extreme actions of the Supreme Court in recent years—actions which no one seriously argues reflects the intentions of the framers—represent the only permissible judicial philosophy.

Do any of the critics of Mr. Powell and Mr. Rehnquist seriously maintain that, say, John Marshall would have voted with the majority on the so-called Warren Court? Do any of these critics really believe that, say, Mr. Justice Taft or Mr. Justice Cardozo or Chief Justice Hughes would have participated in the torturing of the 14th amendment which recently became the iron orthodoxy of one militant school of constitutional jurisprudence?

I think it is fair to say that both of these men incline toward the view that in recent years the Supreme Court has been excessively assertive in attempting to take the lead in tackling social problems. It seems likely that both of these men, like many reflective Americans, are inclined to believe the Court has taken on a role it cannot fulfill; it has attempted to push law beyond the prudent limits set by society's slowly evolving consensus.

Mr. President, I say that these men are "inclined" to believe this, and I select that word with care. These are not blind dogmatists. If they were, they would not enjoy the widespread approbation which they have earned from their colleagues in America's temperate legal profession. But the inclination is real enough and, in my judgment, it is sound.

I do not find it at all puzzling that reflective men should feel this way. But I do find it very puzzling indeed that Senators should find this view repugnant. After all, this inclination to curtail the Court's assertiveness is, by another name, an inclination to acknowledge the legislative as the first branch of Government. I believe that the primacy of the legislature is, in theory and in historical experience, the foundation of free government.

I note with interest the fact that many Senators are greatly exercised about what they consider an excessive assertiveness on the part of the executive branch in the shaping and administering of foreign policy. I think these Senators are mistaken on two counts. They say that this assertiveness is relatively recent, and it is not: its first practitioner was George Washington, and it has been the practice of every President since the United States became a world power under Theodore Roosevelt. And these Senators are mistaken in saying that the Executive predominance in the field of foreign policy is without constitutional warrant: in fact, every precedent speaks the primacy of the Executive in that field.

What interests me about these Senators is that their passion for legislative primacy is so selective, and is so finely focused on an area of thorny constitutional questions.

I suggest, Mr. President, that these Senators are half right. They are right that there has been an erosion of the legislatures standing in this Government. But they are wrong in thinking that this erosion has been in the area of foreign policy. In fact, the real erosion has come in the field of domestic policy.

It is well to remember that the two most significant decisions affecting domestic policy in the United States in the more than a quarter century since the end of the Second World War were made by the Supreme Court. The first was the desegregation decision, the ramifications of which are still being worked out—and worked out by the courts. The second crucial decision concerned reapportionment.

Senators who are really concerned about the stature of the legislative branch, and who want to do something about it, might well cease their attempts to usurp the President's constitutionally well-founded powers in foreign policy, and might concentrate instead on making the legislative branch the decisive force it once was in determining domestic policy.

It is ironic that the President himself is taking steps which are necessary, if not sufficient, for a restoration of legislative primacy in domestic policy. The President is appointing to the Supreme Court men steeped in a prudent philosophic tradition. This tradition will lead the Court back to its proper and traditional balance in the constitutional system without in any way diminishing the Court's "great and stately jurisdiction."

That is the real significance and drama of the nominations of these two fine men, Mr. Powell and Mr. Rehnquist. And that is why it ill behooves Senators to oppose these men in the name of Senate prerogatives.

Just as it is ironic that Senators should clamor for a larger role for the Senate in foreign policy just as they are clamoring for a smaller role for the United States in the world, so too, is it ironic that Senators should urge the Senate to flex its muscles by opposing the confirmation of men whose judicial philosophy will encourage a wide range of responsibile Senate exertions in setting policy for this Nation.

Mr. President, we are in a very happy position. When we confirm the nominations of these two gentlemen we shall be strengthening the Supreme Court and, simultaneously, enhancing the role of the Senate.

In short, there is not the slightest particle of a reason for voting against either of these nominations, and there are abundant reasons for all of us to be grateful for the opportunity to vote for them. The President is to be applauded for his wisdom in making these selections which we are privileged to support.

ARTHUR B. SPINGARN

Mr. HUMPHREY. Mr. President, the Nation suffered a deep loss yesterday with the death of Arthur B. Spingarn, president of the National Association for the Advancement of Colored People from 1940 until his retirement in 1966.

Mr. Spingarn brought to this vital organization, from the outset of its legal defense efforts in the early 1900's, an outstanding example of constructive militancy on behalf of equal rights and justice for the black people of America.

He knew the lonely, hard struggle to overcome racial discrimination long before the cause of civil rights became popular, winning court cases against enforced segregation when the Ku Klux Klan could still march in a grand parade down Pennsylvania Avenue in Washington.

Dedicated to the objectives of the NAACP to achieve solid accomplishment and provide concrete help in establishing equality in education and voting rights and ending officially sanctioned segregation, he was also at the forefront of its determined efforts to end discrimination in housing and employment.

The black people and all Americans owe Arthur Spingarn a profound debt of gratitude, for he embodied the spirit of human dignity and brotherhood and he ennobled the law in its quest for justice.

Mr. President, I ask unanimous consent that an article about Arthur B. Spingarn, published in the New York Times of December 2, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Arthur Spingarn of NAACP Is Dead

(By Farnsworth Fowle)

Arthur B. Spingarn, a Manhattan lawyer who was a leader in the struggle for equal rights for American Negroes from the foundation of the National Association for the Advancement of Colored People in 1909 to his retirement as its president in 1966, died yesterday at the age of 93 in his home, 60 Gramercy Park.

Mr. Spingarn became head of the organization's national legal committee and a vice president in 1911, and president succeeding his brother, Joel E. Spingarn, a poet and professor of comparative literature, in 1940.

In that year the organization split off the legal functions into a separately-financed Legal Defense and Educational Fund. The team of black lawyers who grew up in the N.A.A.C.P., led by Thurgood Marshall, now an Associate Justice of the United States Supreme Court, won the landmark unanimous Supreme Court decision in 1954 outlawing segregated public education.

The immediate reaction of Mr. Spingarn and his associates was to announce new goals—eliminating residential and job discrimination throughout the nation.

In recent years, for many black militants the goal of integration has become less attractive than the assertion of a separate black identity, and the N.A.A.C.P., with its partially white leadership, has been looked upon as old-fashioned as its name. Long forgotten was the almost scandalous militancy of the N.A.A.C.P.'s origins.

Mr. Spingarn, a white man, was attracted to the cause by his experience in trying a civil rights case in the Manhattan courts, from which he concluded that a concerted effort would be needed to secure equal justice.

ALUMNUS OF COLUMBIA

He had been admitted to the bar in 1900, after receiving a bachelor's degree from Columbia in 1897 and his law degree two years later.

His parents, Elias Spingarn and the former Sarah Barnett, were respected members of the New York Jewish community; his father, born in Austria, was a well-to-do tobacco merchant.

The N.A.A.C.P.'s initial impulse came from two white New York social workers, Mary White Ovington and Dr. Henry Moskowitz, who reacted to an article by a wealthy Southerner, William English Walling, denouncing a race riot he saw in Springfield, Ill., in 1908 and calling for a revival of the abolitionist spirit.

The three met with Oswald Garrison Villard, publisher of The New York Evening Post, and decided to support the militant wing of what was then called the "colored" leadership (the word "Negro" was deemed offensive), represented by Dr. W. E. B. DuBois. Dr. DuBois contended that the Negro must win his fundamental human rights before self-improvement, a policy advocated by Booker T. Washington, founder of the Tuskeegee Institute.

The two Spingarns became involved. Those who knew Arthur in later years as a smiling grandfatherly figure in gold-rimmed spectacles when they were out of fashion might have been surprised to see him in action six decades ago.

One practice in New York in those days was to discourage Negro patronage at bars by charging them outrageous prices. Mr. Spingarn recalled that when he and black friends went to such bars, they would smash the glasses on the floor in an effort to discourage this practice.

But the main fights were in the courts, and one of his first significant victories for the N.A.A.C.P. was when the Supreme Court in 1927 upheld its challenge to an explicitly all-white Democratic primary election in Texas. This was in line with the organization's major goals, which included abolition of forced segregation, equality in education and voting rights.

The membership of the N.A.A.C.P. was 85,000 when Mr. Spingarn became president in 1940. In the 1950's it quadrupled, much of its growth being in the South.

In the 1960's, with newer civil rights organizations capturing the imagination of black communities, there was criticism of the N.A.A.C.P. for having a white president and other whites on the board. In 1963 Representative Adam Clayton Powell, Jr., a Negro of Harlem, raised this objection and called its approach through the courts "nitpicking."

Roy Wilkens, then and now the executive director of the N.A.A.C.P. dinner here on Jan. views "vicious" and praised Mr. Spingarn for more than half a century of service to "the organized fight against racial discrimination."

Mr. Spingarn announced his resignation at an annual N.A.A.C.P. dinner at an annual N.A.A.C.P. dinner here on Jan. 2, 1966, explaining that at 88 he was "getting a little old," but concealing the fact that with his customary vigor he had walked two miles from his home to the dinner.

He was subsequently elected honorary president for life. In 1967, when a "young Turk" nominating committee dropped his name and several other "traditionalists" from their list of candidates for membership on the board of directors, the national membership overruled them by re-electing five of the six, including Mr. Spingarn.

A niece recalled yesterday, "He understood the change in feelings among the younger, more militant people." But he stuck to his criticism of the Black Muslims, for example—not for their militancy, which "I believe in," he said in 1963, not for their view of the problems, but for their solution.

I have no sympathy," Mr. Spingarn said, with the Muslims' advocacy of "a separate state of their own away from whites." And he recalled that he had been picketing in the South as early as 1914 when a Negro group was kept off a civic program in Memphis.

PROVIDED LEGAL AID

Mr. Spingarn and his "traditionalist" colleagues noted wryly during the mass marches and bus rides in the South in the 1960's that when the demonstrators who regarded them as out-of-date landed in Southern jails, the N.A.A.C.P. was the organization ready to come to their aid.

He was with the late Rev. Dr. Martin Luther King Jr. when he was stabbed by an apparently deranged woman in a Harlem store in 1958.

In a statement yesterday, Roy Wilkins spoke of Mr. Spingarn's role as the N.A.A.C.P.'s unpaid counsel "challenging in the courts of the land the sanctioned institutions of Jim Crow."

His "epochal victories in the newly emerging civil rights legal field", he said, "helped turn the tide slowly, but definitely for his clients—the millions of black Americans who had no legal standing in the courts."

To the cause of freedom, Mr. Wilkins said, "he gave freely of his resources, his great legal talent, his wise counsel, his dedication."

A. Philip Randolph, the pioneer Negro labor leader, said: "I consider the death of Arthur Spingarn a great loss to Negroes in particular and the liberal social movement in general."

Mr. Spingarn sometimes mused that if he had not become a lawyer involved in civil rights, he might have led a serene existence as a bibliophile. A collector of rare books, he prided himself on having picked up prints of Henri Matisse in Paris in the days when they sold for $5 or $10.

Characteristically, he combined his literary collector's enthusiasm with his interest in the Negro cause. In 1948, he presented to Howard University his Spingarn Collection of books, newspapers, manuscripts and other relics of the Negro story that he had accumulated over a 35-year period.

Until about five years ago, Mr. Spingarn visited Europe annually and would spend several weeks in London hobnobbing with fellow collectors. Most of his treasures were sold at auction at Parke-Bernet—his books, including first editions of Ralph Waldo Emerson and Mr. Spingarn's friend the poet Edward Arlington Robinson, in 1965, and in 1966 his graphic arts, in which the leading French impressionists and German expressionists were represented.

His law practice had suffered in his early years from his public involvement in the cause of equal rights, but later he felt it brought other clients to him for the same reason. He continued in practice here until two years ago.

Mr. Spingarn was the author of "Laws Relating to Sex Morality in New York City," first published in 1915 and in a revised edition in 1926, and was co-author of "Legal and Protective Measures" (1950). He was an Army captain in the Sanitary Corps in World War I.

In 1918, he married Marion Mayer, a social worker who shared his interests. She died in 1958. The only immediate survivor is a brother, Sigmund, of New York City.

A memorial service will be held at Frank E. Campbell's, Madison Avenue and 81st Street, on Sunday at 1 P.M. The eulogists will be Justice Marshall and Mr. Wilkins.

U.S. MOVE IN ROME PROMISES SOLUTION OF MONETARY AND TRADE ISSUES AND SUGGESTS OPPORTUNITY FOR NEW TRADE LEGISLATION

Mr. PERCY. Mr. President, I am very much pleased by the news this morning from the Rome meeting of the group of 10 major monetary powers that the U.S. representatives, Secretary of the Treasury John Connally and Under Secretary Paul Volcker, have indicated a new U.S. flexibility on the key issue, the dollar price of gold. As Bernard Nossiter, reporting from Rome for the Washington Post, said in this morning's edition, the American offer "reflected an economic fact of life, that the price of gold does not matter—what does is the opening up of foreign markets that will be brought about by making their currencies more expensive in terms of dollars."

Though a solution to the monetary and trade crisis that has been building since mid-August was not reached at Rome, it is now very clear that the momentum toward agreement has begun and that the major monetary powers can now move much more quickly to agreement. Quite properly, Secretary Connally has indicated that the possibilities discussed at the Rome meeting are not fixed and could change. Also, he has quite properly, in my view, indicated that the 10-percent surcharge, perhaps the major U.S. bargaining tool, will not be lifted until essential agreement on currency values and trade issues is reached.

Though experts consider that at least an interim change in the dollar price of gold could be arranged by declaring that the dollar will trade at an "official rate," real dollar devaluation must be accomplished by amending the Bretton Woods Act of 1944, or the Gold Reserve Act of 1934.

Assuming that the gold price is changed and that legislation is proposed to effectuate the change, we will be given a new opportunity to legislate as well in the field of foreign trade. The monetary legislation is in the jurisdiction of the House Committee on Banking and Currency, and the Senate Committee on Banking, Housing, and Urban Affairs, while the trade legislation falls in the purview of the House Ways and Means and Senate Finance Committees. But a trade bill constructed to give the President new authority to bargain on reciprocal reductions of tariff rates, to give new flexibility in the administration of trade adjustment assistance, to remove the American selling price system, and to include other matters could be submitted to be considered in tandem with monetary legislation. New trade legislation is badly needed. There has been no general trade negotiating authority in effect since the authority in the 1962 Trade Expansion Act expired on June 30, 1971. The law badly needs revision and updating, and Congress should address itself to this task.

The eventual settlement on exchange rates seems likely to include some agreements, even if only of a general kind, on trade matters. Linking monetary and trade problems is appropriate and could well be reflected in a new administration legislative package to encompass objectives in both fields.

THE TWENTIETH CENTURY FUND REPORT ON THE GOVERNMENT AND THE PRESS

Mr. ERVIN. Mr. President, during the course of hearings on freedom of the press conducted by the Senate Subcommittee on Constitutional Rights, many different viewpoints were expressed on the present relationship between government and the press. A review of this testimony makes one thing quite clear—there is widespread concern in this country about the threat of Government interference with and intimidation of the press.

Two witnesses at our hearings presented the findings of an in-depth study of several problems which have emerged in the relationship between the press and government. Judge Robert Williamson, of Maine, and Mr. Fred Graham, of The New York Times, set forth for the subcommittee preliminary results of The Twentieth Century Fund's study of government and the press. Their testimony underlined many of the problems already suggested to the subcommittee and pointed out other problems not previously discussed.

On November 17, 1971, the Twentieth Century Fund formally released a full report of its study. Entitled "Press Freedoms Under Pressure," the report was developed by an 11-member task force of authorities in law and journalism. It makes recommendations in five areas where the press and government have been increasingly in conflict—press subpenas, official harassment of the underground press, government investigation of broadcasting, attempted prior restraint of publication, and police posing as reporters.

In my judgment, this report constitutes a significant contribution to the study of press-government relations. Because of its length, I shall only request that the task force's recommendations be reprinted in the CONGRESSIONAL RECORD. The full text of the report will be included in the subcommittee's printed hearing record.

Mr. President, I ask unanimous consent that the recommendations of The Twentieth Century Fund's Task Force on Government and the press and the prepared statements of Judge Williamson and Fred Graham, based upon this study, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS OF THE TWENTIETH CENTURY FUND'S TASK FORCE

The members of the task force represent different disciplines and views. We did not reach unanimous agreement on all of the many complicated issues before us. (Dissents are listed in the text.) But we shared in common a concern about governmental infringements, actual or potential, on the nation's press, and held in common a faith in the value of free press as a disseminator of information to the public. Because we believe that a free and responsible press is, as William Ernest Hocking put it, "inseparable from the general meaning of freedom in a modern state," and because we are convinced with Learned Hand that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative solution," the independent Task Force on Governmental Power and Press Freedom makes the following recommendations:

PRESS SUBPOENAS

An adequate newsmen's privilege should be incorporated into the law to protect the flow of information through the press to the public.

Confidences and press photographs

The privilege should apply to personal testimony and records of journalists and to records of news organizations that might lead to the disclosure of confidential sources or of other confidential information.

The privilege should be available to all journalists including personnel of the "underground," collegiate and minority press.

The privilege should extend to testimony before grand juries, preliminary hearings, trials, administrative hearings, legislative investigations and other bodies having the power of contempt.

The privilege should authorize journalists to withhold the identities of confidential sources, as well as information given in confidence, and notes, tapes and other records of confidential communications.

If the privilege is to be qualified, the qualifications should be as narrow and specific as possible. This could be done by specifying that if newsmen possess information about particular violent crimes, such as murder or kidnapping, they may be compelled to testify.

In civil trials the privilege should be limited so that journalists cannot invoke it in order to avoid being held accountable for defamatory publications.

The privilege should shield news organizations from being compelled to furnish unpublished photographs or unused television films of events, including rallies, demonstrations and disturbances.

Secret testimony

The privilege should shield journalists from having to appear for questioning before grand juries or other secret investigative agencies to the following extent: that when a subpoenaed newsman can make a showing that his news-gathering capacity would be seriously damaged merely by his entry into the secrecy of the interrogation room, then the official who subpoenaed him should be required to demonstrate a compelling need for his testimony before the journalist could be required to appear.

INVESTIGATIONS OF THE BROADCAST MEDIA

The public's need—and the value to democracy—of the fullest possible information can be threatened by Congressional investigations of editorial judgments, as well as by the Federal Communications Commission's questioning of editorial content.

Because of the threat to press freedom posed by such governmental investigative efforts as the attempt by the House Committee on Interstate and Foreign Commerce to subpoena unpublished material from the CBS documentary film, "The Selling of the Pentagon," no arm of the government should attempt to use the subpoena power to obtain the unpublished material of newsmen—whether in the regulated broadcast media or not.

Because similar threats to the rights of a full-informed public can be posed by the Federal Communications Commission's questioning of editorial content in determining whether to grant or revoke licenses, a group of experts in the law and in broadcast journalism should undertake a careful study of how best to reconcile the competing values of journalistic freedom and governmental regulation.

POLICE POSING AS JOURNALISTS

The chief officers of all law enforcement and other public agencies that seek intelligence about domestic groups—and particularly those agencies that have permitted their agents to pose as journalists—should publicly disapprove of these masquerades and should take steps to insure that they do not happen in the future.

Law enforcement agencies should abandon the practice of employing journalists as informants. As citizens, journalists may choose to volunteer information to the police and for the police to accept it, but the payment of any money by the police to a journalist—either for "expenses" or for services rendered—in connection with the disclosure of information is tantamount to infiltration of journalism by the police and should be stopped.

THE UNDERGROUND PRESS

The underground press should be considered entitled to all legal and constitutional rights applicable to other elements of the press, and all actions by public officials that discriminate against the underground press by subjecting it to arrests, searches, seizures or other official acts of harassment or intimidation should be vigorously opposed by the "establishment" press.

The professional associations of journalism should form legal defense funds to aid underground publications when they are subjected to unlawful pressures from government officials.

STATEMENT OF ROBERT B. WILLIAMSON

Mr. Chairman and Members of the Committee:

My name is Robert B. Williamson. I reside in Augusta, Maine. I welcome the opportunity of appearing before you as the chairman and the representative of a Task Force on Government Power and Press Freedom organized by the Twentieth Century Fund of New York City.

With me is Mr. Fred P. Graham, rapporteur of the Task Force, who is chiefly responsible for our Report, except upon the Pentagon Papers.

The Task Force selected by the Fund is drawn eight from Journalism and three from the Law. The members, you will note from the list herewith, cover in particular a wide range of activity in journalism and related fields.

The Honorable Shirley Hufstedler, Judge of the Court of Appeals (9th Circuit), a most valuable member, felt it necessary to resign in August because of the likelihood of issues in this area arising in the 9th Circuit.

We stand absolutely independent of the Fund. We were requested to study the problem, and to report thereon with recommendations. Our discussions in nine meetings since January last, have been free, frank, instructive and often spirited and long. Difficulties at the outset in communication between newsman and lawyer dissolved in large measure as we came to understand the problems before us.

We hope to complete and publish our report by mid-November. There remains, even now, the possibility of changes in our draft, but none, I think of major consequence.

The Pentagon Papers issue arose as we were in our June meeting. To complete the report for publication in September then became impossible.

We have considered five areas in the relationship between Government and the Press—and by Press we include Broadcasting and Television:

(1) The Newsmen's Privilege (subject of S 1311);

(2) Investigation of editorial judgment in the regulated broadcast media;

(3) Police posing as journalists;

(4) The underground Press; and

(5) The Pentagon Papers. (Mr. Graham took no part in drafting the report in this area.)

We were not concerned with Fair Trial—Free Press.

I shall confine my remarks chiefly to the newsmen's privilege and the Pentagon Papers, in accordance with your invitation. I shall attempt to give the views of the Task Force in these areas, and beyond this, my personal views.

There is a wide difference between the newsmen's privilege and the privilege, for example, of attorney-client. It is the client's privilege; he alone may waive it. In the newsmen's privilege, it is the privilege of the newsman and not of the source. The newsman may choose whether or not to exercise his privilege. No waiver from the source is required to permit the newsman to give his testimony. The option to testify lies with the newsman.

All agreed on the fundamental propositions. Freedom of the Press under the Constitution is designed to protect and advance the freedom of the people. The public need for information is obtained only through a free press. Freedom of the Press is a means to reach the objective, and is not an end in itself.

From the evidence before us. a majority of the Task Force are satisfied that a newmen's privilege, so-called, under a shield law is desirable.

There are those who reject the concept of a "shield" and who believe a shield tampers with the administration of Justice or may lead to restrictions upon the press.

Without a shield, the newsmen in general vigorously assert that news sources will "dry up", and their confidential lines of communication will be broken, with consequent damage to the public's information.

Obviously a privilege against giving testimony suppresses evidence—and truth. The privilege of newsmen (as indeed the privilege of attorney and client) must be weighed against the public's right to everyman's testimony.

We favor a limited or qualified privilege, covering news media, such as newspapers, periodicals, radio and television, news letters and news services.

The common law recognizes no privilege for the newsgatherer. Any privilege, therefore, must be based on the First Amendment or on shield statutes. We express no view on the constitutional issues now before the Court in the Caldwell, Pappas, and Branzburg cases. Whatever the decision on constitutional issues, statute law will very likely be necessary to implement the shield.

What should the privilege cover? To what extent should a privilege broadly stated be qualified?

In our view—the majority view—a newsman's privilege should prevent the compelled disclosure of confidences that might reduce the flow of information through the press to the public. It should protect against disclosure of confidential sources and of information given in confidence, including notes, tape recordings, and other records of confidential communications and newsmen's records leading to such disclosures.

Further, we would extend the privilege beyond the bounds of confidence to protect news organizations from compulsory production of unpublished photographs or unused television films of public events. Such protection is not presently given in any shield law.

Such a privilege (qualified or limited as later discussed) is designed to protect and to preserve the contacts of the newsman, with persons or groups, who would otherwise cease in significant degree, to be a source of news. We recognize, of course, that such sources desire that the news be published. It is the protection of confidentiality which is necessary to the full functioning of the Press.

The privilege also prevents use of the newsman in the role of an unwilling investigative arm of the State.

Our suggested privilege goes beyond protection not merely against disclosure of the confidential source, but against disclosure also of confidential information including records that would lead to violation of the desired protected confidences.

This protection is included in S. 1311 and, for example, in the New York statute.

We believe that legal controls over press subpoenas would discourage their use. We note that since the Attorney General issued guide lines governing such subpoenas by his Department, there has been a marked decline in subpoenas over the previous year. The example of the Attorney General, important and constructive as it is, does not solve the problem in its entire breadth.

What is the Press to which we would grant the newsmen's privilege for the benefit of the public? The Task Force has attempted no narrow definition. We make no distinction, for example, between the newspaper, the underground press, or the collegiate press. Radio and Television as well are the press.

In recommending the extension of the shield to cover against the compelled production of unpublished photographs and unused film of public events, we go beyond any statute called to our attention. It is to be noted that such a privilege cannot rest upon information given in confidence. The reason for our suggestion has a quite different base, but is nonetheless of value in the carrying out of the usual duties of the man with the camera.

The newsman should not be compelled to be a ready source of evidence for the benefit of either the State or the accused, and thus to destroy his standing as a "neutral observer." He should not be sitting duck for a subpoena.

We are advised that one or more news organizations do now destroy routinely such material, and that others are considering adopting a like policy. The published photograph and film should be sufficient. The "neutral observer" status deserves protection.

We do not include writers of books within the newsmen's privilege. Authorship of a book is not part of the continuing news process.

The values in a shield for the reporter are here outweighted by the values of full disclosures of relevant evidence in proper proceedings.

Limitations or qualifications upon the privilege, while necessary, should be as sharply marked as possible. Certainty in the relationship between the newsman and his sources in this respect is plainly an important factor in continuance of the confidence. The source will wish to know the protection available. He must be satisfied that the reporter may lawfully not disclose the confidences.

In some states, a qualification is expressed in terms of public interest or equivalent language, and in others there is no limitation. In S. 1311 the privilege is divested "if the Court . . . determines that there is substantial evidence that disclosure of the information is required to prevent a threat to human life, espionage or foreign aggression". In the *Caldwell* case, a protective order was worded, "compelling and overriding national interest that cannot be served by any alternative means." The New York Times in an editorial on September 26th says, "Only proof of the most overriding and pressing public necessity could justify subpoena of information gathered by newsmen in the performance of their duties."

There are several approaches that may be taken in determining the scope of a privilege and qualifications. They are:

First: A privilege without qualification;

Second: A privilege with a "public necessity" qualification;

Third: A privilege qualified by exclusion of certain offenses, as in S 1311.

Perhaps a fourth approach should be added, that is, a privilege with both the exclusion of certain offenses and a "public necessity" clause.

We considered the qualification problem from every angle. We are unable to come up with a recommendation specifically setting forth a line that should be drawn, between privilege and no privilege.

Appealing to some, was a qualification eliminating from the privilege evidence involving past or present crimes of violence. Several of the majority favoring a "shield", support a privilege without qualification. Any line short of total privilege raises important issues of policy as well as of certainty in application.

In my view—shared, I believe, by only one other—a privilege however broad or qualified, should include a "safety valve" against the operation of the privilege when the Court or other body finds a compelling or overriding national interest or public necessity that cannot be served or met by alternative means.

In short, in my view, there comes a time when the needs of Justice outweigh the needs of the privileged newsman.

The "safety valve" is not a definite clear-cut rule. The source may balk at the possibility of compelled disclosure. The Courts may err. But on balance it seems to me, that the privilege, insofar as it may not be found to rest on the Constitution, should cease when the line stated is reached.

The privilege should extend, in the view of the Task Force, to grand jury proceedings, preliminary hearings, trials, administrative hearings, legislative hearings and investigations. It should extend wherever evidence may be compelled under sanction of contempt by the Government or any agency and at every level.

In civil matters, the privilege should be limited to prevent its use by the newsman to avoid liability for defamatory publications. The shield is designed to protect the newsman for the benefit of the public, and not for his own good.

The Task Force is further satisfied that under some circumstances the entry of a newsman into a grand jury room or other secret hearing may, quite apart from his testimony, seriously affect his news gathering capacity. We believe he should be protected against such injury on a showing of such harm, in the absence of a "compelling need" that his evidence, otherwise compellable, be taken in the grand jury or other secret hearing. Thus we would meet the double threat to the newsman—confidential source relationship from the giving of any testimony in secret until the need therefor should be established under the shield law.

S. 1311 reaches the heart of the matter in the sections on non-disclosure of confidential information and non-disclosure of sources. The definitions seem adequate.

Under S 1311, as I read it, the newsmen's privilege is unqualified except in relation to details of grand jury or other proceedings required to be kept secret under law, or unless divested by Court Order, when the information is required to prevent a threat to human life, espionage or foreign aggresssion.

For my part, I wish to see in a shield law a "public necessity" safety valve, carefully drawn and limited, but present. Such a provision I prefer to the limited language of S 1311.

In summary, a majority of the Task Force recommend shield laws for newsmen to meet the needs of the public in the full flow of information.

I turn to the Pentagon Papers and the issues arising therefrom on which you invited comment.

The Pentagon Papers were not within the scope of the studies of the Task Force until June. Our obligation and duty to consider the issues were at once apparent. This we have done.

Our report (in which Mr. Graham took no part) will include a study, carefully drawn, of the issues in controversy. The position of the majority is persuasively set forth in the report. We do not undertake, however, to make recommendations.

The journalists in general—and the majority of the Task Force—stand for the absolute right of the press to publish with no prior restraints whatsoever. The lawyers do not accept the "absolute" approach, without, however, agreeing upon a particular rule.

The arguments are well-known if not thoroughly understood. Discussions of the rights and obligations of the Press and Government altered, as I recall it, no opinions. Division in thinking between the journalist and the lawyer was apparent from the start.

I am unable to agree with the position taken by the majority of the Task Force. I am not an "absolutist". Within the Constitution there is room, I believe to establish protection against disclosure of top secret, classified papers, or state secrets, if you will.

I assume there is no question of the right to declare unlawful the publication of such material with suitable penalties.

My concern is with the right to create and the desirability of creating prior publication restraints. I speak as an individual, and in this I do not represent the Task Force, or any members, whether in the majority or in the minority.

Clearly an injunction to prevent publication will rarely be a useful tool. Papers will be published before the Courts will be approached or action taken. In the Pentagon Papers, publication over several days gave the opportunity to seek an injunction looking to tomorrow's newspaper.

The judgment of the Supreme Court does no more, I suggest, than determine that an injunction did not lie on the facts. A majority of the Justices, as I read the opinions, did not say that the First Amendment absolutely prohibits prior restraint on publication.

If I am correct in this view, the constitutional issue remains open.

The classification system has broken down. Congress or the Executive, or both, should repair it promptly to provide effective and meaningful procedures for classification and for early declassification.

From the news and general reading—I have not read far beyond the introduction of the New York Times paperback—I gain the impression that a substantial portion of the Pentagon Papers should not have been classified, or if so, only for a period some years ended. This impression is strengthened by the recent publication by the Government of portions of the Pentagon Papers.

It is good news that declassification is underway.

In the dissenting opinion of Justice Harlan in which the Chief Justice and Justice Blackmun joined, I find the reasoning which appeals to me. I pass the decision of no injunction on the Pentagon Papers, for that is in the past. It is the present and future which interest me.

In the end, it comes, as I see it, to a question of trust. Granted that top secrets ought not to be published to protect vital national interests, and granted that officers of Government must be the ones to stamp "top secret", who is to be the judge of publication? Is the judge to be the Press or the Government? Whichever way we turn, men and women it may be, equal in ability, and alike in devotion to a free press under the Constitution, and in awareness of the necessity of security, must make for us the decision—perhaps fateful.

With deep belief in the freedom of the Press, with full recognition of its value in a free society, with the First Amendment before me, I am unable to place my ultimate trust in the editor, not directly responsible to, and not selected by, the people. I choose, rather, to trust the officers of Government charged with the responsibility, not unlike that of the President, if you will, for the security of the nation.

TESTIMONY OF FRED P. GRAHAM

(Rapporteur for the Twentieth Century Fund's Task Force on Governmental Power and Press Freedom)

Mr. Chairman: It is a pleasure to accept the Subcommittee's invitation to testify about several particularly interesting developments that came to the notice of the Task Force on Governmental Power and Press Freedom. The Task Force's Chairman, Judge Williamson, has summarized for you the group's conclusions about press subpoenas and the Pentagon Papers litigation. My testimony concerns two less obvious areas of friction between the Government and the press: a subtle and apparently growing form of governmental penetration of the news media, in which police either pose as newsmen or employ them as paid informers; and a constitutional double standard applied by some officials to the underground press, granting it a watered-down version of First Amendment protection or none at all.

POLICE POSING AS JOURNALISTS

In recent months a series of unrelated and apparently uncoordinated instances have come to light in which personnel of government intelligence and law enforcement agencies have posed as news reporters or photographers. In a variation of this, law enforcement agencies have paid reporters and press photographers to collect information for them, thus using Journalism as a guise to obtain material for governmental use. These incidents appear to be remarkably widespread, both geographically and organizationally. They have occured from Washington to Saigon and within the Army, Federal Bureau of Investigation and local police.

Whether such incidents were common in the past and were not discovered, is not known. What does seem significant is that a rash of these occurrences has come to light within the past two years—almost in rhythm with the rising tempo of dissent, violence and official concern about dissent and violence. In fact, most of the instances that have been discovered involved police investigations of political dissenters—groups about which the public should be as fully informed as possible. However, the frequency with which police have been found to be posing as newsmen in recent months has tended to raise barriers of suspicion that have made it more difficult for the press to cover many events.

No one knows, of course, how often this has actually happened. But the Task Force was able to verify at least a dozen instances within the past two years in which either sworn testimony or a responsible police official conceded that it did:

In Saigon, two U.S. agents were found to have infiltrated the press corps.

The Army Security Agency painted a van with the name of a nonexistent television company and filmed demonstrators at the Democratic National Convention in 1968.

Army Intelligence agents also posed as T.V. cameramen during the Presidential Inauguration activities in Washington in January 1969.

A female intelligence agent for the District of Columbia police department posed as a reporter to gain access to a welfare rights group's meeting.

Army Intelligence agents obtained press credentials from the New York City Police Department to cover actions of H. Rap Brown and Stokely Carmichael in New York during the summer riots of 1967.

In Wichita, Kansas, press credentials were given to local policemen during a visit by Vice President Agnew.

A member of the Chicago Police Department's Intelligence Division was discovered posing as a newsman to gain information from black students at a protest rally.

Two plainclothes officers of the Nassau County, N.Y. police force posed as photographers for a weekly newspaper in order to photograph the audience at a veterans' anti-war rally.

An Army agent masqueraded as a reporter for the *Richmond Times Disptach* to obtain information on the Southern Christian Leadership Conference.

A Detroit policeman posed as a news photographer to observe a General Motors Stockholders' meeting.

In Albuquerque a city policeman posed as an Associated Press photographer at the University of New Mexico campus during demonstrations protesting the invasion of Cambodia in the Spring of 1970.

Complaints by newsmen covering July 4 ceremonies in San Juan Puerto Rico that police were posing as reporters led to an admission by the Commonwealth Secretary that his department had been issuing press credentials to police for about eight years.

Police officials in New York City, Chicago, Detroit and the District of Columbia have issued orders condemning the practice of police agents posing as newsmen. The Defense Department has issued an order that "there shall be no covert or otherwise deceptive surveillance or penetration of civilian organization unless specifically authorized by the Secretary of Defense or his designee." This order is regarded by Pentagon officials as prohibiting agents from posing as journalists.

All but one of the instances listed above involve police or intelligence agents masquerading as newsmen to gather information about dissident groups or to investigate other "political" matters. The reason seems obvious: Law enforcement agencies tend to be ill-informed about political dissenters who do not fit the traditional "criminal" mold, and newsmen often have easy access to them. However, when policemen masquerade as newsmen, the same kind of forces come into play that arise when journalists are subpoenaed, except that the effect is more direct. As in the subpoena situation, the target groups are usually highly suspicious of officialdom and "establishment" institutions, and are likely to freeze the press out at any indication that the media is serving law enforcement. This is compounded when the dissenters have good reason to believe that the "journalist" or "news cameraman" that take such interest in their activities may very well be reporting to City Hall rather than to the city desk.

The Task Force has listed a series of instances of hostility and distrust demonstrated by some radical groups toward the press which appears to be due in part, at least, to these actions by the police. Newsmen have been assaulted by militants and excluded from their meetings. However, the most serious threat posed by this tactic is to the public. Its First Amendment right to be fully informed of developments within all elements of our society is threatened by this law enforcement tactic. The principal reason why it should be stopped is not that it makes the reporters' job more difficult, but that it may on occasion make that job impossible, the availability of information will be impaired.

Furthermore, it seems likely that the increased use of this tactic will rapidly dissipate its usefulness to the police. As such incidents come to public notice, people will become reluctant to give important information to "reporters" not known to them. As newsmen are increasingly frozen out of dissenters' meetings, so will the masquerading police agents. In the end law enforcement as well as the public will be shorter on information than before.

The F.B.I. presents a special variation of this phenomenon. Its director, J. Edgar Hoover, stated in a letter to this Task Force that "F.B.I. agents are not permitted to pose as reporters or press photographers in the course of their investigations." While there is no evidence that F.B.I. agents actually flash press cards or use bogus television organizations as "fronts" there have been indications that F.B.I. men do occasionally gain access to information by allowing others to think that they are journalists.

At a draft-card burning demonstration outside the Supreme Court in June of 1968, reporters for the Washington *Post* and *Boston Globe* spotted men whom they recognized as F.B.I. agents using shiny new television cameras and tape recorders to interview the demonstrators along with the familiar faces of the Washington press. More recently, a man recognized by reporters as an F.B.I. agent was seen taking notes with reporters at a meeting convened by Rep. William Anderson of Tennessee of Congressmen who were being briefed about the celebrated Berrigan conspiracy prosecution.

The agent ran away when he was asked by a Congressional aide to identify himself and drove away in a car that was traced through its license number to the F.B.I. But such tactics, which the F.B.I. seems to disavow, are not as damaging to press independence as the Bureau's policy of infiltrating the press by employing journalists as paid informers.

During the riot-conspiracy trial of the "Chicago Seven" two journalists—Louis Salzberg and Carl Gilman, testified for the prosecution and said that they had been paid F.B.I. informants for years. When this Task Force enquired about this to the Justice Department, John W. Hushen, Director of Public Information, sent the following reply which he said was "prepared by Director Hoover":

"The FBI accepts from any person information which may be of value in the course of an FBI investigation. The FBI does not now, and never has actively recruited journalists as informers. However, there is no policy against accepting information from a journalist or any news media representative if it is volunteered, which was the case with Mr. Louis Salzberg and Mr. Carl Gilman. Both of these individuals furnished information to the FBI on a voluntary basis. They were paid for their services and expenses."

It is difficult to accept the characterization of these journalists' relationship with the F.B.I. as merely suppliers of "volunteered" information. Mr. Salzberg's F.B.I. salary—$600 per month—was his principal source of income for at least one year. Mr. Gilman was on the F.B.I. payroll for two years, receiving about $10,000 in pay and expenses. Their information may have been "volunteered" in the sense that they initially broached the idea of becoming paid informants to an F.B.I. agent—rather than the other way around—but as a practical matter their work as regular paid informants meant that the F.B.I. had infiltrated the press.

It seems logical that the same considerations that prompted Mr. Hoover to forbid his agents to pose as journalists should preclude the F.B.I. agents from accepting journalists as paid informants. Obviously, if journalists or any other citizens volunteer information as acts of citizenship, any law enforcement agency should gratefully accept it. But an infallible test exists for determining whether information is actually being "volunteered" as an act of citizenship, or whether the informant has become an undercover arm of the Government—that is whether he gets paid for his information. Thus it seems that when the F.B.I. pays journalists for their "services" as informants, then the journalists' profession has been infiltrated by the F.B.I. The Task Force concluded that the present F.B.I. policy is wrong, and that journalists should not be employed as paid informants.

The Task Force also felt, Mr. Chairman, that the practice of news reporters accepting employment as informers is unethical and contrary to the trust required of professional journalists. The members expressed the hope in their report that the profession would condemn and discourage this practice.

THE UNDERGROUND PRESS

Mr. Chairman, I understand that you have heard the testimony from a person who has made an extensive study of the underground press, so I will refer to it briefly, from the standpoint of the Task Force's examination of the matter.

If there is an inherent tension between the press and the government, the friction is multiplied with regard to the underground press. It seems to have a special genius for antagonizing officialdom, yet it has little or none of the establishment press' protective political power. As the frictions between militants of the political left and the Government have increased in the past few years, so have the occasions upon which local law enforcement officials have become aggrieved by statements in the underground press:

The Los Angeles Free Press was fined $10,000 for having published a purloined list of state narcotics agents.

Dallas police raided an underground newspaper and hauled away two tons of material from an underground newspaper in an "obscenity" raid—yet failed to obtain an obscenity conviction that would stand up in Federal Court.

The Police Department of Buffalo, New York, drove the Black Panther newspaper from the streets by announcing its intention to arrest any vendors selling the publication.

Officials in Los Angeles, Philadelphia, Providence and Richmond denied press credentials to the reporters of the local underground newspapers.

The San Diego *Street Journal's* office was searched by police without a warrant and its street vendors handcuffed, searched and jailed for loitering and obstructing the sidewalk.

There have been numerous other allegations by the underground press of heavy-handed treatment by law enforcement officials. In *Orpheus,* a bimonthly publication of articles drawn from various underground newspapers, the underground press has described its situation as follows:

"Although these papers have been evicted from their offices and homes, harassed by the police, had their street sellers arrested en masse, had their benefit parties raided, been bombed, burned, beaten, gypped, framed and lost printer after printer, the underground press continues to increase in size and number."

The list above included only those incidents that have been verified in sworn court testimony or reported in the "straight" press, but that is evidence enough that some law enforcement officials have used their official authority against the underground press in a way in which it would never have been invoked against the establishment press.

These actions seem to have been based upon an erroneous assumption that underground publications forfeit some degree of their protection under the First Amendment when they violate standards of taste, preach a tolerance of drugs and fornication and criticize the police. The result has been a double standard of treatment between the underground and the establishment press—a double standard that is inconsistent with the First Amendment's guarantee of freedom of the press.

A notable lack of attention has been given to this by the "straight" press. Of the numerous instances that were brought to the Task Force's attention in which elements of the underground press protested that they had been abused by the police, a majority were not mentioned in either the news or editorial columns of the establishment press.

In those incidents that have developed into court cases, the underground press has been left largely to its own fragile devices by the more affluent elements of the news media. Others in the journalistic profession stood by and gave no aid in three legal actions involving the underground press that produced legal precedents damaging to all newsmen—the prosecution of the *Los Angeles Free Press* for theft, the subpoenaing of the editor of the *Madison Kaleidoscope* after the bombing at the University of Wisconsin in 1970, and the denial of press credentials to the *Los Angeles Free Press'* reporters.

It might be asked, Mr. Chairman, why this has been brought to the attention of a Congressional subcommittee, since the underground press' difficulties have usually been with local officials. The reason, of course, is that it is the First Amendment to the United States Constitution that is being violated. It is intolerable that any element of the press should be denied its protection—but if that is not enough reason to oppose this double standard, another reason is that legal precedents are being set that can come back to haunt the entire Fourth Estate.

Last spring, the Supreme Court refused, with three Justices dissenting, to review a California decision upholding the denial of press cards to underground press personnel. The lower Court's decision rejected out of hand the idea that the First Amendment gives newsmen a right of access to the scene of public disorders and upheavals.

As Justice William O. Douglas noted when the Court refused to intervene in the Dallas case mentioned above: "If this search and destroy technique (by the police) can be done against this Dallas newspaper, then it can be done to the New York Times (or) the Washington Post."

TASK FORCE ON GOVERNMENTAL POWER AND PRESS FREEDOM

Robert Williamson (Chairman), Former Chief Justice of Maine.

Tom Forcade, Coordinator, Underground Press Syndicate.

Jack Bass, Charlotte Observer.

L. F. Palmer, Jr., Columnist, Chicago Daily News.

George E. Reedy, Writer.

Roger Rook, Dist. Attorney, Clackamas County Courthouse.

Bert H. Early, Exec. Dir., American Bar Association.

Mike Wallace, CBS News.

Howard B. Woods, St. Louis Sentinel.

Ralph de Toledano, Columnist.

Norman Isaacs, Editor in Residence, (Vice Chairman), Graduate School of Journalism, Columbia University.

Fred P. Graham, Supreme Court Correspondent, New York Times (rapporteur).

TO ASSURE THAT RIGHTS AND LIBERTIES ARE MEANINGFUL

Mr. HANSEN. Mr. President, I have spoken on previous occasions in support of the nominations of both William Rehnquist and Lewis Powell to the Supreme Court.

Both men have outstanding credentials, both within the legal profession and as U.S. citizens, and each is eminently qualified for the confirmation of his nomination to the Court.

This morning, the Washington Post published an excellent letter from the distinguished Senator from Arizona (Mr. Fannin), who took issue with the allegation in a previous Post editorial that Mr. Rehnquist "subordinates individual rights to governmental powers."

The Senator from Arizona most persuasively substantiates his contention, and mine, that Mr. Rehnquist "both understands and believes in the rights and liberties guaranteed to individuals by our Constitution, and that he will devote his very considerable talents to assuring that those rights and liberties are meaningful."

Mr. President, I ask unanimous consent that the entire letter from Senator Fannin be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Senator Fannin Rebuts an Editorial on Mr. Rehnquist's Nomination

I find myself in disagreement with the conclusion of The Washington Post's thoughtful editorial on the President's Supreme Court nominees in that Mr. Rehnquist is committed to a philosophy that consistently subordinates individual rights to governmental powers. My own review of Mr. Rehnquist's record convinces me that he both understands and believes in the rights and liberties guaranteed to individuals by our Constitution, and that he will devote his very considerable talents to assuring that those rights and liberties are meaningful—that the Constitution continues to be, as he said at the hearings, a living document.

The best way to support my conclusions is to let the nominee speak for himself. I have assembled some of the passages from Mr. Rehnquist's testimony and earlier statements that make me confident of his devotion to civil liberties as embodied in our Constitution.

It has been said that Mr. Rehnquist does not understand the Bill of Rights and would like to do away with it. At the hearings, Mr. Rehnquist said it was certainly the purpose of the Bill of Rights to put restraints on government:

"I think specifically the Bill of Rights was designed to prevent . . . a majority, perhaps an ephemeral majority, from restricting or unduly impinging on the rights of unpopular minorities."

In a speech given in December of 1970 entitled "Official Detention, Bail, and the Constitution," Mr. Rehnquist said:

"Our most basic freedoms, those found in the Bill of Rights, are determined from events and conflicts arising out of the familiar contacts between individuals and the public authorities.

"We assume that under our philosophy of government the individual is guaranteed the freedom or sanctity of his person—in short, the 'right to be let alone . . .'

"Freedom of the person does not appear as a single constitutional right, but is embodied in the ideas of the Fourth, Fifth, and Eighth Amendments . . .

"These provisions, taken together, clearly express a constitutional right to be let alone, and as we all know this right has been vigorously protected by the Supreme Court."

On the subject of freedom of the press, Mr. Rehnquist stated at the hearings:

"Well, I think it would be inconceivable for a democracy to function effectively without a free press, because I think that the democracy depends in an extraordinarily large degree on an informed public opinion. And that the only chance that the 'outs,' or those who do not presently control the government, have to prevail at the next election is to make their views known and that the press is one of the principal, probably the principal, media in the country through which that can be accomplished.

"I believe it is a fundamental underpinning of a democratic society."

It has been suggested that Mr. Rehnquist has taken the position that the only restraint on executive branch wiretapping and surveillance should be self restraint. A brief review of his testimony and earlier statements show this to be utterly unfounded. Speaking of the executive power to maintain surveillance, Mr. Rehnquist testified:

"Well, I certainly perceive limits in the First Amendment, in the Fourth Amendment, and without reading a catalog, I suspect there are other limits."

And further:

> "the only legitimate use of surveillance is either in the effort to apprehend or solve a crime or prevent the commission of a crime . . . surveillance has no proper role whatsoever in the area where it is simply dissent rather than an effort to apprehend a criminal."

Although he stated that under present law observation of persons in public places is not per se unconstitutional, he indicated that any element of harassment or chilling effect on free expression presents a question of fact to be considered in the context of individual cases.

At hearings before Senator Ervin's Subcommittee on Surveillance, Mr. Rehnquist said:

"I do not conceive it to be any part of the function of the Department of Justice or of any other governmental agencies to surveil or otherwise observe people who are simply exercising their First Amendment rights."

When asked how he would balance the interest of the individual in privacy against society's interest in law enforcement in the area of wiretapping, Mr. Rehnquist replied:

> "I think a good example of a line that has been drawn by Congress is the Act of 1968 which outlawed all private wiretapping and which required, except in a national security situation, prior authorization from a court before wires could be tapped."

And later in the hearings, he said:

"I doubt that you can find any statemnet, Senator, in which I have suggested that the government should be given carte blanche authority to bug or wiretap. I recently made a statement at a forum in the New York School for Social Research in New York, attended by Mr. Meier of the Civil Liberties Union and Mr. Katzenbach, that I thought the government had every reason to be satisfied with the limitations in the Omnibus Crime Act of 1968."

And further:

> "certainly, the government cannot simply go out on a fishing expedition, promiscuously bugging people's phones."

Later he noted that:

> "Congress has it within its powers anytime it chooses to regulate the use of investigatory personnel on the part of the Executive Branch. It has the power as it did in the Omnibus Crime Act of 1968 of saying that federal personnel shall wiretap only under certain rather strictly defined standards."

Finally, Mr. Renquist has been said to be insensitive to the rights of the accused. Yet a reading of the many statements he has made on this subject shows that he has been consistently aware of the considerations on both sides of these very difficult issues.

It is significant that Mr. Rehnquist was instrumental in formulating the department's position favoring the Speedy Trial Act of 1971. "The goal of the system," said Mr. Rehnquist, "should be the administration of criminal justice in such a manner that the defendant is afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that the process for making this determination is one which begins and ends within reasonable time limits."

In a May 1971 speech entitled "Conflicting Values in the Administration of Justice," Mr. Rehnquist concluded a long exposition of the law in the area of the Fourth Amendment as follows:

> "Finally, I hope you can see from some of this discussion that no reasoned opinion can invariably insist that courts resolve all of these (Fourth Amendment) issues in favor of the criminal defendant. The issues are so complex and so important to all of us that it is wrong to think that either side invariably has white hats. Ultimately, decision is made by the balancing of the need of society for protection against crime against the need of the accused defendant for a fair trial and just results. Both of these values stand so high in the scale of most of us that none would want to say that one should automatically prevail at the expense of the other."

PAUL FANNIN,
United States Senator.

RESOLUTIONS ADOPTED BY NRECA'S REGION VI AT ANNUAL MEETING

Mr. HUMPHREY. Mr. President, the rural electric systems of NRECA's Region VI held their annual meeting at Rapid City, S. Dak., on October 20, 21, and 22, 1971, and during the course of the meeting passed several resolutions which I know will be of interest to all Members of the Senate.

There were 661 farm and rural leaders at this year's regional meeting. They represented 116 cooperatives which serve some 419,093 consumers in the States of Minnesota, North Dakota, and South Dakota.

I urge all Members of the Senate to give careful consideration to these resolutions. They reflect the considered judgment of rural electric consumer-owners and are an earnest expression by them on issues which are important to rural electrification and to the people of rural America.

An excerpt from Mr. Jacob Nordberg's letter to me, transmitting these resolutions, sums up the significance and importance of rural electrification and development:

> You understand, I know, that rural electrification is a nation-wide task. What affects one rural electric, or one State, or a region, affects all of us. We recognize this as we seek to understand each other's problems and try to work together to make our program as effective country-wide as we can.

Mr. President, I ask unanimous consent that the resolutions passed at Rapid City Region VI annual meeting be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

6-1. REAFFIRMING PAST ACTIONS

Resolved, we reaffirm our support of the Continuing Resolutions adopted at the NRECA Annual Meeting at Dallas, Texas, February 18, 1971, subject to the following amendments:

Be it resolved that Continuing Resolution No. 32 be amended by deleting the final sentence.

Be it further resolved that Continuing Resolution No. 38 be deleted, and in lieu thereof, the following Resolution be substituted:

38. Rural housing.—We recommend that the level of the Farmers Home Administration insured housing program be set at 300,000 units a year beginning with the current fiscal year so as to make possible the achievement of the rural part of the national housing goal set by Congress in 1968. We urge NRECA, statewide associations, power supply and distribution systems to continue their vigorous support of the National Rural Housing Campaign which in large measure has been responsible for the tremendous momentum gained by the FmHA rural housing program during the past year.

Be it further resolved that Continuing Resolution No. 48 be amended by omitting the period after the word program and adding the following phrase: and as a step towards compliance with the Federal Occupational Safety and Health Act of 1970.

Be it further resolved that Continuing Resolution No. 52 be amended by striking the words Women's Participation from its title and by striking the first two sentences and by striking the word also from the next sentence.

Be it further resolved that the following resolutions be added to the list of Continuing Resolutions:

63. Reorganizing USDA.—We recommend that as an alternative to the Administration's proposal for reorganizing the Department of Agriculture out of existence that the USDA be given the official overall responsibility for the mission of *rural development* which it is obviously better suited to perform than any other existing or proposed department by virtue of its rural people, and its extensive local field operations. Further, we recommend that Congress devise a comprehensive, nationwide rural development program to be undertaken by the Department of Agriculture with provisions for additional components that the USDA will require along with provisions for expanding existing components and for changes or innovations in existing USDA structure that will be necessary to insure success.

64. Community facilities.—We recommend that the Farmers Home Administration insured water and sewer loan program beginning in fiscal 1972 be set at a level of $750 million and that the accompanying grant program be set at $250 million. Water and waste disposal systems for rural America are especially essential for the sound orderly growth and ecology of the country. We urge rural electric systems to help develop support and organize such services as necessary to provide necessary management, maintenance and other technical assistance to them as appropriate to maintain their feasibility.

65. Streamline FmHA.—We urge Farmers Home Administration to streamline its administrative procedures in order to increase the productivity of its local county offices involving such things as standardization of regulations, enlisting the assistance of third parties in preparing loan documents, and contracting for as much of the detail work

of servicing loans as possible. We also urge the Congress to appropriate adequate funds for additional FmHA personnel in order to handle the agency's tremendously expanded workload.

66. Geothermal resources.—We urge the Congress to amend the present law on disposition of geothermal resources underlying Federal lands first, to provide that the U.S. Geological Survey shall explore and assess the magnitude of such geothermal resources; and secondly, to establish by law policies governing the disposition of such resources to prevent monopoly control over them and to assure preference in their sale to publicly owned and consumer-owned power systems.

67. *National Power Grid.*—We reaffirm our support for development of a national power grid capable of moving large blocks of electricity back and forth across the country as may be required to meet load requirements; with various segments of the systems to be owned and operated by individual electric systems or voluntary combinations of such systems without limitation as to type or ownership, and in such manner as to preserve the pluralistic character of the industry and the integrity of individual participating systems. The capacity of the grid should be planned so as to accommodate the needs of all systems desiring to participate in its utilization. We support and urge construction and operation by the Federal government of such transmission facilities as are necessary segments of a national power grid, but are uneconomic in terms of return necessary to justify private investment.

68. *Antitrust laws.*—We urge Congress to give high priority to strengthening the nation's antitrust laws to the effect that encroachment in any manner upon territory served by rural electric cooperatives, and by municipal, and other publicly owned nonprofit distribution systems would be restraint of trade and at the expense and detriment of local people and their locally owned systems.

69. *Mobile home standards.*—Because there is no required national uniform inspection or certification program for mobile homes, we encourage member systems to seek adoption as a minimum standard of their state government, the industry standard for Mobile Homes, A119.1, American National Standards Institute.

70. *Women's action.*—We strongly urge that women be made equals in the rural electrification program. Women can and must be placed in positions of leadership. They should be nominated and elected to the board of directors of our electric cooperatives. They can competently serve on advisory committees and aid effectively in special projects sponsored by the systems. We especially recommend that all systems develop an active program to involve women in cooperative governmental affairs committees. We recognize the need for zealous interest in consumer affairs. Women are substantial users of electricity and are the major purchasers of appliances, furniture, clothing, foods and other supplies used in the home. Our cooperatives must offer assistance, aid in securing educational resource persons and materials, and support efforts by women in securing better laws and protection for the consumer.

6–2. TWO-PERCENT LOAN PROGRAM

We commend the NRECA Board for its action in adopting the following resolution at its summer board meeting and hereby endorse that resolution.

Whereas many of the thinly-settled parts of rural America would never have been electrified without low-cost Federal loans to rural electric cooperatives, and

Whereas, rural electric cooperatives serving in areas with low density and depressed economic conditions must continue to have access to adequate amounts of low-cost growth capital in order to be able to provide dependable low-cost electric service to their consumer members and avoid burdening the already-distressed economic conditions of their areas with rate increases and inadequate electric service, and

Whereas, rural electric cooperatives serving areas which are experiencng rapid and favorable population and economic growth have expressed their willingness and ability to utilize higher cost capital for part of their loan needs and have organized and invested in their own self-help supplemental financing institutions, the National Rural Utilities Cooperative Finance Corporation (CFC), for this purpose;

Now, therefore, be it resolved that we urge the Congress and the Administration to provide for adequate funding of the REA 2 percent interest loan program in order to completely meet the loan fund needs of both distribution and power supply cooperatives serving the thinly-settled and economically disadvantaged rural areas so that they can be served on par with the rest of the country;

Be it further resolved that the rural electric cooperatives maintain their new self-help financing institution as a supplemental source for the use of those rural electrics which can afford to pay a higher rate of interest on some of their borrowings, and that we urge all rural electric cooperatives to work together to protect, preserve and work for adequate funding of the REA 2 percent loan program and for the successful operation of CFC;

Be it further resolved that we oppose any and all efforts to "phase out" the REA 2 percent interest loan program, either now or in the future, as it is essential if we are to achieve a healthy and well-balanced rural economy.

6–3. NATIONAL POWER POLICY

Whereas, the United States stands out alarmingly as the single major world power which does not possess a national power or energy policy for the orderly production and distribution of such a basic necessity as energy, and

Whereas, the lack of such a policy places our national defense and the well-being of our citizenry in grave jeopardy;

Now, therefore, be it resolved that we urge the Congress and the Administration to begin immediately to enact measures which would assure an adequate and dependable future power supply, and that these measures should include:

1. The establishment of a national power grid to improve reliability and economy and to protect the rights of all power suppliers.

2. The appropriation of sufficient funds to undertake a massive research program of developing new and more efficient ways of generating electric power without endangering the environment.

3. Institute a program of regional land use planning for the siting of all generation facilities.

6–4. MISSOURI RIVER DEVELOPMENT

Whereas, the Congress of the United States has directed the U. S. Army Corps of Engineers to make a study to determine the advisability of providing additional hydro-electric generation at the Missouri River Main Stem Reservoirs, and

Whereas, many areas of the United States including areas served by the electric cooperatives in this Region are facing shortages of electric power, and

Whereas, the natural resources of the United States must be developed to their maximum economic benefits for the people of the United States, and

Whereas, the present and future development of these rural areas require abundant supplies of low cost electric energy;

Now, therefore, be it resolved that we respectfully request that the Congress of the United States provide sufficient funding for the U. S. Army Corps of Engineers to complete at an early date its review and study to provide additional hydro-electric generating capacity on the Main Stem Reservoirs of the Missouri River, and

Be it further resolved that we respectfully request that the Congress of the United States direct the U.S. Army Corps of Engineers to complete such studies by the beginning of fiscal year 1973;

Be it further resolved that copies of this Resolution be presented to members of the Congressional Delegations of this Region, and to the United States Army Engineer District at Omaha, Nebraska.

6–5 REVISED LOAN CRITERIA (BULLETIN 1–7)

Whereas, present loan eligibility provisions limits cooperative reserve funds to 8 percent of plant, and

Whereas, such a stringent ruling virtually prohibits the possibility of securing future capital requirements through the Rural Electrification Administration, and

Whereas, conversely the cooperatives are not permitted to return margins to the members unless equity is equal to or in excess of 40 percent of plant investments, and

Whereas, such conflicting criteria is unworkable as well as endangering the cooperative tax status;

Now, therefore, be it resolved that present criteria be revised to include a more realistic reserve level for loan eligibility;

Be it further resolved that member-consumer density, revenue and investment per mile of line be considered in the revised loan eligibility regulations.

6–6. POWER SUPPLY FINANCING

Whereas, the Rural Electrification Administration has proposed a plan to finance power requirements, whereby 60 percent is to be obtained from a private money source, 30 percent from Rural Electrification Administration and 10 percent from CFC (referred to as the 60–30–10 plan) with the REA and CFC loans to be channeled through the distribution members of the power supply system, and

Whereas, a plan of this nature is cumbersome and virtually unmanageable without a long period of study and refinement, and

Whereas, a plan of this magnitude will endanger the release and utilization of the $545 million presently included in the Rural Electrification Administration appropriations;

Now, therefore, be it resolved that this plan be delayed for further study in order that other more practical plans and ideas can be researched and considered;

Be it further resolved that the present program be strengthened to include funding for power supply at a low rate on interest.

6–7. EVALUATION OF REA PROGRAM

Whereas, the rural electrification program is without question the finest program ever instituted by the Federal government and stands as a monument to all the good things that government can and should do, and

Whereas, over the years, administrative changes have altered or modified and diminished the general thrust of the program and, if continued, have the full potential of inhibiting the great goals and objectives to the detriment of the rural areas and the entire nation, and

Whereas, any criteria for loan purposes may be difficult to propound and all criteria must respond wholeheartedly to the ideals and objectives of a sympathetic and understanding Congress charged with the ultimate responsibilities. In recent months we have seen substantial fluctuations in criteria and we must reluctantly state the obvious fact that unsettled and changing criteria impedes and inhibits competent management from engaging in realistic planning or long range financial forceasting. Present criteria demonstrates diminishing interest and enthusiasm toward a depressed rural economy and its sociological problems. We cannot in any manner agree that consumer density per mile of line is irrelevant or inconsequential criteria and we submit that this is supported by primary utility economics. It is the base measurement in the utility industry, and

Whereas, we are obliged, having no alternatives, to reluctantly express deep concern over the direction in which this program, which has done so much for so many, is headed. We express this concern as directors-trustees and as individual citizens, having assumed a public trust and a commitment in the national interest which we intend to fulfill;

Now, therefore, be it resolved that the NRECA Board of Directors be directed to do, or to cause to be done, the following:

1. Conduct a thorough and candid evaluation of the REA program, including but not limited to, analysis and judgment of the intent and purpose of the act as passed in 1936.

2. Analysis and judgment of the administration of the act since passage including any amendments thereto and interpretation of the general thrust, goals and objectives of those who have administered the act, including any indication of efforts or manifestation to abandon the REA program, or to sidestep the cooperative concept.

3. The relationship of the competitive yardstick principle and the value of that principle in the face of ineffective regulation of investor-owned utilities by the state or Federal government and the role it can play in the national interest in the years of sky rocketing power needs and consumption.

4. Analysis and judgment as to whether or not the act as written in 1936, and amended by the Pace amendment of 1944, is capable of serving the goals and objectives recently affirmed by Congress and needed in modern day America and the critical years ahead.

5. The Board is authorized and directed to evaluate whether or not the original act needs amendment and submit suggested amendments that will serve to fully implement and accommodate the expressed deep interest that Congress has in rural America along with the urgent need for rural areas development;

Be it further resolved that this resolution be brought before the appropriate Standing Committee at the next NRECA Annual Meeting.

6-8. SENATE SUBCOMMITTEE HEARING

Whereas, rural electric systems are confronted with staggering problems in obtaining and providing their consumer members adequate supplies of electric power at reasonable cost;

Now, therefore, be it resolved that we commend the Senate Subcommittee on Agricultural Credit and Rural Electrification—its Chairman, Senator George McGovern, and its members—for scheduling public hearings to examine the problems that solutions may be determined;

Be it further resolved that all systems take advantage of the Subcommittee's invitation to supply facts about their own situation.

6-9. RURAL DEVELOPMENT BANK BILL

Whereas, the rural areas of this Region are directly affected by the movement of people, especially the young people, to the large cities for education and employment, and

Whereas, a Rural Development Bank Bill (S. 2223) has been introduced in the U.S. Congress by Senators Humphrey and Talmadge, as well as similar bills by other members of Congress, for the purpose of making available funds for the development of the rural areas, and

Whereas, the rural electric cooperatives have a direct interest in the development of the rural areas of our Nation;

Now, therefore, be it resolved that we support and urge Congress to enact into law a Rural Development Bank Bill;

Be it further resolved that we commend the Senate and House Agriculture Committees for conducting hearings in an effort to find satisfactory solution to the serious problems of rural America.

6-10. CCC LOAN INCREASE

Whereas, the cost-price squeeze affecting farm families has continued to worsen, and

Whereas, an unusually large small grain crop has caused the Commodity Credit Corporation loan rate to become the effective ceiling price in the market place;

Now, therefore, be it resolved that the NRECA members in Region VI urge the Congress to pass legislation which would provide for a 35 percent increase in the CCC loan rate on the 1971 grain crop;

Be it further resolved that copies of this resolution be forwarded to each member of the House Agriculture Committee and the Congressional delegations of this Region.

6-11. ECONOMIC STABILIZATION

Whereas, any emergency action to deal with the inflation is bound to have inequities such as have been experienced by individual citizens, groups, and business institutions, including some rural electric systems and,

Whereas, there now is time to develop in the second phase those measures that will be more equitable generally and that will deal more effectively with problems that usually are outside the national spotlight, such as:

(a) the extreme underemployment in rural areas.

(b) the continuing increase in farm production expenses while there is a downward trend in net farm income.

(c) the need for maintenance of adequate power services in rural areas.

(d) the rural out-migration problem;

Now, therefore, be it resolved that we urge the Administration to incorporate in the second phase plan the following:

1. Designation of REA to handle for the Federal government those rural electric cases involving the economic stabilization program.

2. Selection of representation from the rural electrification program to serve on the body to be established to develop and supervise the new control program.

3. Early release of the full REA $545 million loan fund appropriated by Congress in the interest of rural development, job creation, and increasing the productivity of rural industry.

4. Acceleration of Federal programs to assist rural area development.

5. Provision in the investment tax credit proposal a differential in favor of enterprises that locate or expand in rural areas and that could provide jobs for chronically underemployed and unemployed people.

6. Presentation to Congress of legislation dealing with the farm income depression.

6-12. NRECA BOARD OF DIRECTORS

Resolved that we urge NRECA to amend its bylaws such that eligible candidates to the NRECA Board must be members, directors, or elected officers of member systems.

6-13. HEARTLAND

We commend establishment of Heartland Consumers Power District and pledge our continued support. We further urge the various states to adopt enabling legislation providing for the formation of similar power districts.

6-14. NRECA LEGISLATIVE RALLY

Whereas, the National Rural Electric Cooperative Association has conducted legislative rallies to bring rural electric consumers into Washington to confer with their Congressional representatives concerning the problems confronting the rural electrification program, and

Whereas, Region VI has played an active part in past rallies;

Now, therefore, be it resolved that we recommend continuation of this program and urge all member systems to send representatives to the 1972 Legislative Rally.

6-15. ELECTRIC RATES

Whereas, the concept of lowest cost electricity has proved to be an important factor in the development of our nation and the improvement in the standard of living of our citizens, and

Whereas, the cost of electricity is an important element in the cost of all goods and services;

Now, therefore, be it resolved that although we recognized that increased costs experienced by power supplies means that some increase in electric rates may be inevitable, we reaffirm our support of the concept of providing adequate power at the lowest possible cost, and

Be it further resolved that we also urge the Administration to do all within its authority to hold the line on wholesale power rates of private companies and at Federal power projects as part of its policy of combating inflation.

6-16. RESEARCH

Whereas, as consumer owned organizations, rural electric cooperatives have a special interest in improving quality of life for all consumers everywhere, and

Whereas, the nation's rural environmental, economic and social development is greatly dependent upon our ability to generate, transmit and distribute electric power in a way that is compatible with today's and tomorrow's environmental requirements, and

Whereas, a greatly increased research effort if urgently needed requiring additional millions of dollars annually to improve technology for meeting our new environmental challenges; to conserve and better utilize the nation's dwindling energy resources; and to develop new sources and ways to generate electrical energy to meet the rapidly growing demand;

Now, therefore, be it resolved that the rural electric cooperatives pledge their full support for an expanded research and development effort as proposed by the Electric Research Council; and that they urge the President and the Congress to take necessary action to provide for the necesary funding of national effort to rapidly develop the technology for providing a continued abundance of electric power according to priorities adopted by NRECA membership at their 1971 meeting in Dallas, Texas, February 18, 1971.

6-17. RUSHMORE MEMORIAL

Whereas, it has come to our attention that an effort is being made to have a picture of the Rushmore Memorial imprinted on one of the bills of our national currency;

Now, therefore, be it resolved that we congratulate the people of South Dakota for the effort and request our Congressional delegations to work for its adoption.

6-18. BICENTENNIAL, 1976

Whereas, a representative cross-section of the membership of the rural electrics of the states of Minnesota, North Dakota and South Dakota are assembled in an official regional meeting, and

Whereas, this heartland area of our great nation wishes to participate actively in the observance of the nation's 200th birthday in 1976, and

Whereas, this region is enriched by the world-famous patriotic mountain carving at Mount Rushmore in South Dakota, and

Whereas, the state of South Dakota has been actively seeking a national focal point designation for Mount Rushmore during the Bicentennial era;

Now, therefore, be it resolved that we unanimously endorse the designation of Mount Rushmore as a national focal point and that the secretary of Region VI be instructed to mail this resolution to the Executive Committee, Washington, D.C. American Revolution Bicentennial Committee, prior to October 26, 1971 and to our Congressional delegates.

6–19. APPRECIATION

Be it resolved that the delegates here assembled take this means of expressing our appreciation to all those who are helping to make our program the effective endeavor it is. Particularly, we want to give recognition to:

1. The NRECA officers and directors for their leadership and dedication.

2. Robert D. Partridge, General Manager of NRECA, for his dynamic leadership and to his staff for their service and devotion to our program.

3. David A. Hamil, Administrator of REA, and his staff for their support of rural electrification.

4. The many individuals, suppliers, the Alex Johnson Hotel, the South Dakota Rural Electric Association, and other rural electric cooperatives, NRECA and other organizations which have contributed to the success of this meeting.

6–20. IN MEMORIAM

Whereas, we feel deeply the loss of several of Region VI's finest rural electric cooperative leaders during the past year;

Now, therefore, be it resolved that we pause a moment in silence and pay our respects to those leaders who have served our program so long and so well.

ADDRESS BY SENATOR MATHIAS AT TOWSON STATE COLLEGE

Mr. BEALL. Mr. President, on Saturday, November 20, my Maryland colleague, Senator MATHIAS, addressed an assembly of distinguished guests at Towson State College on the occasion of the opening of the Center for Asian Arts. In his address, Senator MATHIAS called attention, among other things, to the bold strides President Nixon has made in developing relations with Mainland China and to some observations of the distinguished minority leader (Mr. SCOTT) on the study of political history. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR CHARLES MCC. MATHIAS, JR. (R–MD.) AT TOWSON STATE COLLEGE IN BALTIMORE, MD., AT THE OPENING OF THE CENTER FOR ASIAN ARTS, SATURDAY, NOVEMBER 20, 1971

Mahatma Ghandi, when asked what he thought about Western Civilization said, "I think it would be a good idea!"

Sadly, this wry commentary suggests not only the limitations of Western Civilization when viewed against the millenia of rich oriental cultures: it also reflects the view of a vast number of Asians that the West is barbaric—a view amply reinforced by the tragedy of Vietnam. So it appears that a large portion of the world's population, with one eye on Vietnam, has affixed to the United States the severe indictment of barbarism. What a harsh judgment for a country claiming as the central tenet of its national belief the sanctity of human life!

However, one may view the causes and development of our involvement in the Vietnam war, there can be little dispute over the vast extent of death, destruction and human misery that war has wrought. Neither can one ignore the shattering effect this conflict has had on our national unity and self respect. Like nothing else since the Civil War, it has set countrymen against countrymen in bitter, acrimonious, and often violent controversy.

Now we are coming out of this war, however slow the pace may seem to those of us who for years had sought to extricate this country from that unhappy conflict. But even as we undertake to emerge from this maelstrom, our claim to a higher moral concern for human life is belied as we recklessly ignore Asian casualties while seeking single-mindedly to reduce American losses. It is not that we should seek to sacrifice more American lives, Heaven forbid! But we should not be surprised by the depths of antipathy we inspire as we continue to measure Asian lives on a lower register than our own.

And so, as we stumble out of this conflict into what will hopefully be an era of peace, we must be prepared to overcome the vast legacy of misery and destruction we have left in Asia through the Vietnam war. I believe the "unseemly joy" with which some United Nations members celebrated the passage of the Albanian Resolution reflected some degree of the bitterness with which we are widely regarded. I do not mean this in any way to discourage our approach toward Asia but simply to make clear from the outset the full measure of the difficulties we will face. For example, the new Chinese Ambassador to the United Nations, in his maiden speech earlier this week, gave notice that there will be little change in the hard line we have thus far noted from Peking. Nevertheless, as the Chinese proverb points out, even the longest journey starts with the first step. And in the development of a new approach to Asia we are fortunately well on the road.

Several months ago, the distinguished New York Times columnist, James Reston wrote from Peking:

"President Nixon is handling his relations with this sensitive and suspicious capital about as well as anybody could do under the circumstances. He is tiptoeing through a mine field, which extends from here through Tokyo, Moscow, Taipei, Saigon and Hanoi, and could easily be blown up at any point, but so far . . . he has been remarkably effective."

The fact that Reston does not frequently direct accolades at the President lends additional strength to his commentary.

Indeed the President has, in less than three years in office, succeeded in turning around a burdensome policy that had kept us hamstrung for 22 years. Nor was this a sudden reversal of policy. The announcement that he had accepted an invitation to visit the People's Republic of China was only the latest in a long series of patient and persistent efforts aimed at reviving our moribund relations with that vast and distant land.

By reducing trade and travel restrictions, by persistently encouraging Ambassadorial talks in Warsaw, and by numerous other initiatives, the President made it clear that this country wanted to move toward a more constructive relationship with China.

While these initiatives went unrequited for some time, the invitation to our championship ping-pong team to visit China this spring marked the first tangible response from Peking to our patient overtures. The rest you know.

However, the significance of these developments lies not simply in the establishment of a dialogue with Peking for, truly we may well find this dialogue very tough going. What is important is that our unhealthy fixation for Vietnam is coming to an end and that we shall henceforth direct much of our attention to those countries that will determine the future of Asia: primarily China with her three-quarters of a billion people and an arsenal of nuclear weapons and Japan with her enormous industrial power.

And so a new era is emerging in our address toward the countries of Asia. For the first time in twenty-two years, there is reason to hope that Americans will have the opportunity to visit and trade with China.

Conceivably, some of you may be among the first Americans again given the opportunity to study Chinese art in China. There is room for hope.

It strikes me as a particularly happy circumstance, therefore, that the establishment of the Center for the Asian Arts in Towson State College comes just as we stand on the threshold of what promises to be a new era in our relations with Asia.

Indeed what better channel to improve understanding between nations than that of art and culture? For, history will judge us by our art long after all else has faded into oblivion. The French poet Theophile Gautier said it best over one hundred years ago:

"All passes. Art alone
Enduring stays to us:
The Bust outlasts the throne,—
The Coin, Tiberius."

And so to Frank G. Roberts we owe our deepest gratitude. For, his collection of oriental ivory, valued at $500,000, which he generously presented to Towson State, will serve as the nucleus for the Center for the Asian Arts.

And a particular debt is owing to Towson State's able and dynamic President, James L. Fisher, whose initiatives and vision in the field of higher education have made Towson State such an ideal home for the Center. This debt has already been recognized by our State authorities who have designated Towson State College as the Fine Arts Center for the State of Maryland.

This is especially fitting because Towson State is, in the truest sense, a "people's college," committed to the principle of community and the premise that liberal education is essential to the maintenance of our democratic system. My good friends, the distinguished Senate Republican Leader, Hugh Scott, has drawn some pointed lessons in this vein in his classic study on the T'ang Dynasty, "The Golden Age of Chinese Art."

As you may know, the T'ang Dynasty, which ruled China from about 600–900 A.D., sustained a robust and lively society characterized by extensive trade with the West and an atmosphere receptive to new ideas. Relating the T'ang society to our own, Senator Scott observes that the "eternal decline of civilization (occurs) when fear supersedes tolerance."

To a large degree it is this kind of political examination which has drawn Senator Scott to study the art of that era. In the process he has become one of the acknowledged authorities on the T'ang Dynasty and Oriental art in general with possibly the most representative collection of T'ang art in private hands.

I believe his approach is very similar to the goal which this Center for the Asian Arts has sighted for itself: to understand a society and a people through their art. As a Marylander born and bred, I am particularly proud to see this institution and this approach adopted here where that heady mixture of tolerance, intellectual questioning and salty irreverance endemic to this great free state will encourage the study of man and society through art. Our own Henry Mencken said it this way:

"The true function of art is to . . . edit nature and so make it coherent and lovely. The artist is a sort of impassioned proofreader, blue-penciling the bad spelling of God."

To the more sensitive scholars, unused to the crusty Maryland parlance, I would commend Senator Scott's epigraph in his work "The Golden Age of Chinese Art":

"May you
Love Beauty
Revere the Past
and
Serve the Future."

CHAIRMAN WILBUR MILLS AND THE INTERGOVERNMENTAL FISCAL COORDINATION ACT OF 1971

Mr. HUMPHREY. Mr. President, no one disputes the pressing revenue needs of our Nation's cities and states. In 1975, state and local governments will spend over $35 billion on education, over $12 billion on highways, $15 billion on health, $13 billion on parks and recreation. And these are but a start on meeting our needs. We have not even begun to calculate the exact cost of feeding the hungry, of making pure the air, improving the life of our cities, or revitalizing our rural heartland.

Our cities and States need revenue. And they need it as soon as possible. Numerous approaches and bills directed toward providing this financial assistance have been proposed. Some have been touted more highly than others. Few, however, have offered an approach as concrete and down to earth as the Intergovernmental Fiscal Coordination Act of 1971.

This legislation was introduced in the House of Representatives by the distinguished chairman of the Committee on Ways and Means, Mr. Mills.

Mr. President, all the elements of sound public policy are embodied in the bill sponsored by Mr. Mills and nine of his colleagues from the Ways and Means Committee. The legislation provides financial assistance in specific amounts for activities of high national priority: public safety, environmental protection, public transportation, youth recreation, health, and financial administration.

At the same time, the legislation includes a provision that should spur our States to adopt a more progressive tax system. Each State would receive an amount equal to 15 percent of its individual income tax collections; however, there is a "hold harmless" provision that any State without an income tax would be guaranteed for 2 years at least 1 percent of the Federal taxes collected in that State.

The Mills proposal includes a section that could have a profound impact on the tax collection and tax structures of the several States—the offer of Federal collection of State tax dollars and a Federal payment to States that conform their individual taxing mechanisms to the Federal model.

Mr. President, I have long favored such a form of taxation—because it is efficient; it is more equitable; and it allows our resource spending to be strictly accountable to our people. I have embodied similar principles in my own proposals for financial aid to the cities.

In addition, the legislation distributes $3.5 billion to local governments and up to $1.8 billion to State governments according to a formula that takes into account the needs of the governments as defined by population, urbanization, and proportion of low-income families.

Mr. President, I believe this is a sensible approach. It is no panacea for all our problems, for all our ills. But it is a very important and meaningful assist.

On June 8 of this year, I testified before the Intergovernmental Relations Subcommittee of the Senate Government Operations Committee on this subject of revenue needs. I outlined then four elements of possible Federal financial assistance legislation: substantial fiscal relief to States and localities; distribution to the States and local governments with provisions that reward local revenue raising efforts yet recognize the needs of less wealthy localities; reform of revenue raising standards; and procedures to protect against racial discrimination.

The legislation introduced by Chairman Mills goes to the heart of the objectives. It goes to the heart of the financial needs of our localities.

I congratulate him on his foresight. I sincerely hope that Congress will move expeditiously on this legislation.

THREAT TO ECOLOGICAL BALANCE OF CHESAPEAKE BAY

Mr. BEALL. Mr. President, the United States now faces a crucial dilemma—that of the need for increasing sources of energy versus the need to protect our environment from the many forms of pollution.

Nowhere is the perplexing situation more graphically demonstrated than Maryland's Chesapeake Bay, where planned and semi-completed powerplants may threaten the ecological balance of this economically and esthetically valuable waterway. On November 21, 1971, the Washington Sunday Star published an editorial that dealt very succinctly with this increasingly grave problem. I ask unanimous consent that the article be printed in the Record so that Senators may have the opportunity to be informed of this pressing issue which confronts us all.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, Nov. 21, 1971]

THE POWER SHORTAGE AND THE BAY'S FUTURE

Chesapeake Bay is still, 364 years after its discovery by English seafarers, a breathtaking sweep of water, a fresh and sparkling joy to the eye. Along most of its 200 miles the air is still fresh and sweet most of the time, as it fills the white sails and carries the gulls along. Though the bay has been a channel of commerce since long before the nation was founded, and though its sheltered shores in a populous region are perfect for heavy industry, somehow it has remained largely unpolluted.

But for how long, nobody knows. As the population explosion continues, there is a growing fear that the bay will ultimately be the area's most grievous environmental casualty. For the bay is a key element in planning to supply the fantastic amount of new energy that will be needed relatively soon—unless the demographic prophets have erred completely. The population of metropolitan Washington alone may almost double in the next quarter-century.

Already this omniverous growth is severely straining the suppliers of energy. An electrical crisis in the next hot summer is possible, because the demand is increasing faster than supply. Last year's brownouts were a warning. And a natural gas shortage is upon us; less than two weeks ago the Washington Gas Light Company announced that new sales of gas will be limited to single-family residences "for an indefinite period of time." Nor is there any cause for comfort in national oil supply projections.

It all comes together in a national trend that seems inexorable. Electrical power consumption is foreseen as doubling every ten years. Likewise, perhaps, the number of automobiles. William D. Ruckelshaus, administrator of the Environmental Protection Agency, recently told of the potentials at the current growth rate: The nation's overall energy demand may double in the next 14 years, and could triple in the next 28 years.

That poses an unprecedented challenge for America, because the production and utilization of all that energy could, without proper planning and research into new methods, make life most disagreeable if not actually dangerous. It would involve, through the modes now predominant, a fearsome discharge of pollutants. The hope is for development of new modes, including nuclear power generation and pollutionless autos, but that isn't coming easily. There is still dispute over nuclear power plants, chiefly because of so-called thermal pollution, or hot-water discharges into bodies of water. The whole national nuclear electricity program is stalled—perhaps for a year—until the effects of the warming of waters and some other questions have been answered. Conservation groups have brought about this impasse through legal action, using environmental protection laws passed recently by Congress.

And Chesapeake Bay is a focal point in all this. It is the site of the Baltimore Gas and Electric Company's Calvert Cliffs nuclear power plant, half completed and now at a standstill. Calvert Cliffs was the test case that caused the national tieup. A federal court of appeals ruled here this summer that the Atomic Energy Commission had made a "mockery" of the 1970 Environmental Protection Act in approving the permit, that all the ecological impact facts hadn't been laid on the table. So the AEC has applied the brakes to almost 100 nuclear power projects all over the country until exhaustive re-studies are completed. The lights may dim in a good many places if this reappraisal delay is drawn out by further legal actions.

The urgency is shown by the fact that, with the Calvert Cliffs issue still unsettled, Baltimore Gas and Electric the other day announced plans for another nuclear generating plant in the Chesapeake area. This one would be built near Perryman, Maryland, off the upper part of the bay. And the company also is seeking a permit for a conventional (oil-fueled) plant at Brandon Shores.

The Perryman nuclear facility—the second in the bay basin—would be much more expensive than the Calvert Cliffs plant, and for a most encouraging reason: Closed-cycle cooling towers to prevent the heating of bay water are tentatively planned as an added feature. Hence there's a prospect that technology, spurred by the environmentalist challenge, can remove the thermal pollution factor and the fears that water-heating might harm aquatic life.

This is a most welcome emerging innovation because of the predicted proliferation of nuclear power plants around the bay—perhaps ten or more in the next two decades. The thermal variations they would otherwise cause might prove insignificant—to fish life or any other kind of life—but everyone will be happier if these are eliminated.

The hard facts are that nuclear generation is the only "clean" alternative in grappling with the power crisis, and that environmentalists have been unable to disprove the AEC's assurances of radiation safety.

But no one can deny that the environmentalists' frontal assault on the Calvert Cliffs project has had some beneficial results. It jolted the Maryland General Assembly last year into approval of stringent new controls on the location of future power plants around the bay. The state henceforth will select the sites of these facilities, so as to hold environmental degradation to a minimum. But there have been rude reminders lately that the state needs to look beyond the electricity field in safeguarding the shoreline.

Last Sunday's Star told the embarrassing story of how Maryland officials have given the go-ahead for a mammoth liquefied natural gas import terminal at Cove Point, even though the state had earlier signed a contract with the federal government to purchase the location for a state park. Though this may have been just an accident, it reveals an appalling lack of state coordination in handling of valuable natural resources.

The East Coast beyond any doubt needs the gas. But the company has chosen for this hugh facility an exceptionally scenic place, right up against a state park that was to be expanded. The involved officials, state and federal, need to take another hard look at the plan. This is one more instance showing the need for Maryland and Virginia to exert sterner controls over all kinds of bayshore developments, industrial and residential. They should stand ready, too, to exercise the strictest of caution when the proposals materialize in the next year or so to drill for oil off their states' Atlantic beaches.

There is no reason why, with proper planning and standards, the Chesapeake should deteriorate in any marked degree. Its more than 4,000 miles of shoreline should be able to accommodate several more power plants with very little environmental upset, if they are located with an eye to preservation of esthetic values, and pollution is minimized in the degree that now seems possible. But this will depend upon public alertness. And the public that cares about these matters also must exert unremitting pressure for faster federally-financed research to solve the energy crisis through development of fast-breeder reactors, fusion power and perhaps solar power. It should ponder, too, the possibilities of trimming individual consumption of energy.

There are ways to avoid a staggering collision of energy and the environment, if there is a collective will.

CHICAGO SUN-TIMES EDITORIALS ON INTERNATIONAL ECONOMIC AFFAIRS

Mr. PERCY. Mr. President, several of the recent editorials in the Chicago Sun-Times on U.S. international economic policies as they affect U.S. international political relationships have seemed to me to be especially noteworthy.

In an editorial on gold, published on October 4, the Sun-Times argued that the United States should make the international monetary adjustment process easier by a willingness to accept an upward shift in the price of gold. The Sun-Times suggested that a modest devaluation of the dollar would:

> Hasten the settlement that is needed before other nations begin retaliating against the 10 percent surtax, touching off a disastrous trade war.

I have wholeheartedly agreed with the Sun-Times that the administration should adopt a more flexible attitude on the gold question, and as I have indicated in remarks earlier today, I am very much pleased that Secretary Connally has indicated a new U.S. willingness to be flexible on the gold price question.

In an editorial on October 16 on textile imports and the 10-percent import surcharge, the Sun-Times pointed out that:

> We hope (the President) will intensify efforts to bring agreements with other nations so that (the surcharge) can be lifted and the growing isolationism he says he is disturbed about can be reversed.

This editorial is particularly interesting because it calls for a removal of the surcharge on imports from developing countries. In a speech in the Senate on October 5, I argued that developing countries should be exempted from the surcharge as quickly as possible. On October 16, the Sun-Times made the argument for exempting Latin America particularly from the surcharge. There are good arguments for doing so. The Latin American countries do not contribute to the U.S. balance-of-payments problem; the U.S. has a favorable balance of trade with Latin America. Moreover, we have an established policy of giving special consideration—through the Alliance for Progress and other mechanisms—to Latin American countries. We have traditionally had a policy of trade, not aid. We should implement it by expanding our trade with the Latins, not restricting it.

On October 28, the Sun-Times commented on the United Nations' vote on Red China and U.S. reaction to it, making the point that it was important not to react unwisely or unnecessarily against some apparent demonstrations of jubilitation at the expense of the United States.

In my daily review of the Illinois press I find few editorial pages so consistently rational and carefully considered as that of the Sun-Times. Its editorial staff has my continuing admiration, and respect. I commend these editorials to the attention of the Senate.

I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Oct. 4, 1971]

GOLD

Changing one's mind is often the sign of wisdom rather than fickleness. Rep. Henry S. Reuss (D-Wis.), who has built a reputation as a specialist in world finance, once said any President who unilaterally devalued the dollar by raising the price of gold should be impeached. Last week Reuss and Sen. Jacob Javits (R-N.Y.) introduced a resolution in Congress urging President Nixon to raise the gold price above $35 an ounce, if necessary to negotiate adjustment in non-Communist currencies Mr. Nixon has called for.

Reuss's spectacular change of mind has come about because of the spectacular change in the once-almighty dollar. That change, and what to do about it, occupied the attention of financial experts at last week's annual meeting of the 118-country International Monetary Fund in Washington. But the meeting adjourned on an ambiguous note; the immediate obstacle to agreement is Mr. Nixon's refusal to change his mind on gold.

The United States gives the impression it blames other nations for the critical imbalance of trade that has reduced U.S. gold supplies. Certainly other nations have unduly taken advantage of the U.S. market, particularly Japan. But when a nation's currency deteriorates because of its own inflationary policies, that nation is hardly in a position to dictate how it should be bailed out.

Oh, it can try, of course. As a great power and Very Important Customer, the U.S. commands respect. Mr. Nixon has ordered no more gold paid out. The world, he says, should stop using gold as a standard, anyway. At $35 there isn't enough in existence to finance today's global commerce. Mr. Nixon says the world needs a new international paper unit to replace the dollar and gold as the basic standard.

Meanwhile, Mr. Nixon asked other nations to adjust their currencies upward against the dollar (instead of devaluing the dollar the traditional way by increasing the dollar price of gold, which would be a bonanza for gold holders and gold miners). To spur agreement Mr. Nixon put on a 10 percent tariff surtax, to be lifted when the changes were made. Meantime, let currencies "float" and find their own levels.

This all sounds good in theory, but nations do not change centuries-old habits easily. Gold and platinum are the only noncorrodable metals. They have intrinsic value. Paper depends on a nation's economy; look what has happened to the paper dollar.

It will take time to *change trust in a solid, precious* metal as a basis of exchange. French peasants put their reserves in gold, not banks. Nations think the same. They worry what might happen to their treasuries in case of war.

Nations with booming economies, like West Germany and Japan, recognize that their exchange rates must be adjusted to give the United States a better competitive break. Some revisions have been made. They need Mr. Nixon's 10 per cent surtax lifted.

They want the United States, however, to share in the monetary adjustment by conceding and making a small adjustment in the $35 price of gold; perhaps a raise to $38.50. This would still be below the free market of about $43. It would hardly be a bonanza for gold mining interests. Fort Knox could still be locked. *It would hasten the settlement that is needed before other nations begin retaliating against the 10 per cent surtax, touching off a disastrous trade war.* Treasury Sec. John B. Connally said Thursday the gold price is "of no economic significance." Why not then take a change of mind as Reuss has and let everyone involved in foreign trade begin to breathe easier?

[From the Chicago Sun-Times, Oct. 16, 1971]

THE BIG STICK ON TEXTILES

President Nixon has successfully used his new big international economic stick, the 10 per cent import surcharge, to beat Japan and other Far East countries into agreements restraining their flow of non-cotton textiles into the United States. This is the first big development on the international front since President Nixon threw away the trade rule book Aug. 15. While it will have short-range beneficial consequences for American textile producers and their employes and will ease the U.S. international trade deficit, the economic and political consequences for pro-American Premier Eisaku Sato of Japan could be calamitous Japanese textile workers are calling for the overthrow of his government for making the agreement.

The stability of the Japanese government is, of course, of concern to the United States. Japan is one of the foundations of the non-Communist world. But the Japanese must assume their share of the responsibility for the conditions that brought on the new tough American attitude on foreign trade. The Japanese have flooded the United States with their products while restricting American sales in Japan, running up a high trade balance unfavorable to the United States. Trade must be a two-way street.

Mr. Nixon has said he does not believe in building new barriers to trade and is disturbed by the growing isolationism in America. But he has consistently made an exception of the textile industry which has been particularly vulnerable to Japanese competition.

Mr Nixon makes a formidable argument for textile protection but once the idea of protectionism is accepted it can be applied persuasively to any industry—shoes, steel, autos. Trade walls would split traditionally friendly nations into isolated and hostile blocs pushing the world back to the situation of the 1930s. If that should happen—and there is ominous talk that it might, if Mr. Nixon's 10 per cent surcharge is still in effect next spring—then we will have once again a reminder that history teaches we learn nothing from history.

Textile imports constitute the largest item of the U.S. trade deficit, $2 billion out of $9 billion. They have caused heavy unemployment in the American textile industry amounting to 100,000 jobs this year. On the other hand imports have made cheaper clothing available to Americans. Now the annual increase in imports, over 70 per cent this year, will be restricted to 5 per cent for Japan and 7½ per cent for Hong Kong, Taiwan and South Korea. And the 10 per cent surcharge will be lifted.

The surcharge will still apply to other commodities and act as a restraint of trade particularly with Europe and Latin America. In Europe, as in Japan, the new American toughness is bringing danger signals of retaliation and recession. In Latin America there seems no logical reason at all for the surcharge. The United States enjoys a favorable trade balance with Latin America, exporting $2.8 billion the first six months of this year and importing $2.5 billion. Still, the surtax hurts Latin American exporters and raises prices of their products here. For example, canned corned beef from Argentina now carries a 19 per cent tax (instead of 9) and the tax on leather belts from Mexico has doubled to 20 per cent. (Coffee and petroleum are not affected.)

Now that the surtax has helped Mr. Nixon get what he wanted in textiles, we hope he will intensify efforts to bring agreements with other nations so that it can be lifted and the growing isolationism he says he is disturbed about can be reversed.

[From the Chicago Sun-Times, Oct. 26, 1971]

Surcharge Unfair to Latin America

Editors from Latin American countries gathered in Chicago for the 27th annual meeting of the Inter American Press Assn. are making what we consider a justifiable complaint that the 10 per cent import surcharge imposed by President Nixon in August is unfair to their countries. It also is creating havoc with the Canadian economy.

The surcharge was imposed because the United States is suffering a $9 billion trade deficit; Mr. Nixon expects the surcharge to force nations enjoying a favorable trade balance with the United States to take action to improve the United States trade balance.

As we said on this page Oct. 16, there is no logical reason for a surcharge on products imported from Latin America. The trade balance with countries south of the border is favorable to the United States. The first six months of this year the United States sold $2.8 billion in goods to Latin America and bought $2.5 billion.

U.S. trade with Canada has been running a slight deficit, less than $1 billion out of two-way trade amounting to more than $20 billion. Each country is the other's best customer. The surcharge has been calamitous to Canada, already suffering from 7 per cent unemployment.

The surcharge on textiles was dropped when Japan agreed to limit its sales here; textiles account for $2 billion of the U.S. trade deficit. The situation with Latin America and Canada might be ameliorated by lifting the surcharge on specific items. Our neighbors of the Western Hemisphere should not suffer trade restraint when the primary cause of the U.S. trade deficit lies outside the hemisphere.

Whose Shocking Spectacle?

President Nixon would do well to heed the bipartisan advice of Illinois's two U.S. senators that now is not the time to contribute in any way to a weakening of the United Nations.

A statement issued by the White House Wednesday flies in the face of such sound counseling by ominously raising the possibility that U.S. support to the United Nations and some foreign aid allocations could be cut. The ostensible reason for cutbacks was what the White House termed "a shocking spectacle" on the UN General Assembly floor following defeat of the administration's two-China policy.

Press secretary Ronald L. Ziegler said the administration had no intention of retaliating. But he added pointedly that the effect of the UN delegates' enthusiastic response to the seating of the People's Republic as the sole representative of China could adversely affect the Congress and the people.

In short, the White House is egging on the worst kind of angry, short-sighted thinking. It is downright silly to make an issue of the delegates' naturally demonstrative reaction to one of the most historic occurrences in UN history. And it is a shoddy piece of politics to shift the focus of attention from the significant questions of foreign policy to a minor matter of decorum.

President Nixon ought to be demonstrating the steady statemanship evidenced in the reactions of Illinois's two senators—both of whom are well versed in foreign affairs.

Sen. Adlai E. Stevenson III said, "It would be better now if the hysterics on the right were disregarded and instead we calmly accepted our defeat." And Sen. Charles H. Percy, of the President's own party, warned that a cut in U.S. financial aid would make a "shambles" of the UN and set "a very dangerous precedent" for retaliation by other nations on other issues.

If the President truly finds the delegates' behavior shocking, he won't improve matters by adding a shocker of his own.

DEATH OF J. HOWARD PEW

Mr. SCOTT. Mr. President, one of the great builders of the American free enterprise system has died. Until his death at the age of 89, J. Howard Pew was a legendary figure, a man with vision, a man with great perception, an outstanding leader in his community, his State and his Nation.

At the time of his death, Mr. Pew was chairman of the executive committee of the Sun Oil Co.

He once said:

> When a people come to look upon their government as the source of all their rights, there will surely come a time when they will look upon that same government as the source of all their wrongs.

He said this in 1948. This is true today.

Mr. President, I ask unanimous consent that certain material, including a feature story from the Philadelphia Bulletin commenting on the death of Mr. Pew, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

J. Howard Pew Dies at 89

Philadelphia, November 27.—J. Howard Pew, chairman of the executive committee of Sun Oil Co., died early today at his home in suburban Ardmore, Pa. He was 89.

Pew, son of the founder of the company, had served as its president for 35 years, and was a member of its board of directors for the last 65 years.

Funeral arrangements have not been completed.

Biographical Sketch of J. Howard Pew, Chairman of the Executive Committee, Sun Oil Co.

J. Howard Pew, a pioneer of the American petroleum industry, devoted a lifetime to Sun Oil Co., founded by his father in 1886.

After joining the company in 1901 at age 19, he played a major role in guiding it from a small Pennsylvania-based firm to its present stature as an international supplier of energy.

This September, Pew completed 70 years of service to the company.

Each day he could be found in his office working at a straight chair and table, which he preferred to an executive desk. In recent years, he took Wednesday afternoons off for golf. He was proud that he could on occasion still keep his score as low as his age.

Although he worked right up to his recent final illness, he often said he had retired the year he relinquished his 35-year span as president of Sun—a span that began in 1912 with the death of his father, Joseph Newton Pew, and ended in 1947 with the election of Robert G. Dunlop as president.

Pew then gave more of his time to numerous philanthropies and other interests, but continued as a member of the board of directors to which he was first elected in 1906. He also met regularly with the board's executive committee. In 1963, upon the death of his younger brother, Joseph N. Pew, Jr., he assumed the board chairmanship.

In February, 1970, following the company's merger with Sunray DX Oil Co., Dunlop was elected board chairman and Pew became chairman of the executive committee.

At the time of his death, Sun had become one of the nation's top 50 companies, employing more than 28,000 people. In 1970 it reported net sales of $1.9 billion.

But in 1901, it was small and had comparatively modest oil holdings. Construction was just beginning on its major refinery, at Marcus Hook, Pa., when Pew joined the company there that year. He advanced from engineer to superintendent of the refinery and in 1906 he became a vice president of the company.

One of his earliest contributions to Sun's success was the development of a process for producing quality lubricants from asphaltic crude oil. This led to recognition of Sun as an organization of lubrication specialists.

In his 35 years as president, Pew steered the company on an independent course which saw it develop its own processes, engineering techniques and marketing methods and grow more than twenty-fold in sales.

He was a founding member of the American Petroleum Institute—the industry's trade organization—when it was organized after the end of World War I. He was vice president in charge of the refining division of the API from 1938 to 1946 and a director from 1919 to 1947.

During both world wars, Pew held prominent roles in directing the war effort of the petroleum industry. During World War I, he served as a member of the National Petroleum War Service Committee and during World War II, he was a member of the Petroleum Industry War Council.

He devoted considerable time promoting and supporting a number of religious, educational and other philanthropic undertakings, mainly through the Pew Memorial

Trust, established in his father's memory by himself, his brother and two sisters in 1948, with donations of Sun stock. In 1970, the trust made more than 200 donations totaling more than $7 million.

He was president of the board of trustees of Grove City (Pa.) College, and had served for more than 30 years as president of the board of trustees of the General Assembly of the Presbyterian Church. For many years he served as a member of the board of trustees and ruling elder of the First Presbyterian Church, Ardmore, Pa., and at his death was serving as a member of the board of the Presbyterian Lay Committee. He was also a member of the executive board of the Valley Forge (Pa.) Council of the Boy Scouts of America.

For many years he was a director of the National Association of Manufacturers and was an honorary life vice president of that organization.

Pew was a member of The Union League of Philadelphia, the Philadelphia Country Club, the Racquet Club of Philadelphia, and the Merion (Pa.) Cricket Club.

Pew received a number of awards in his lifetime for his accomplishments and beliefs. Among them were the American Petroleum Institute's Gold Medal for Distinguished Achievement, 1949; the Vermilye Medal of the Franklin Institute of Philadelphia, for achievements in management, 1950; the Pennsylvania Society's Gold Medal for distinguished achievement in humanitarian and civic fields, 1958.

He also received the Greater Philadelphia Chamber of Commerce's William Penn Award "for his monumental contribution to the well-being of the Delaware Valley region", 1970; and the Magna Charta Award of the Baronial Order of Magna Charta for "his service to humanity" and for "his championing of freedom of the individual", 1971.

Pew was born at Bradford, Pa., on Jan. 27, 1882. He received his education at Shady Side Academy, Pittsburgh; Grove City College, Pa.; and Massachusetts Institute of Technology.

In 1907 he married the former Helen Jennings Thompson, of Pittsburgh, who died in 1963. He lived at "Knollbrook" on Mill Creek Road, Ardmore, Pa.

He is survived by three children: George T. Pew, Mrs. Roberta J. Pew, and Mrs. Frances Pew Hayes, all of Haverford, Pa.; two sisters, Mrs. H. A. W. Myrin, of Phoenixville, Pa., and Miss Mary Ethew Pew, Bryn Mawr, Pa.

J. HOWARD PEW—SIDEBAR

J. Howard Pew, at age 87, was interviewed by a newsman who commented that he found his host's mind remarkably sharp. Mr. Pew, with an amused gleam in his eye, replied:

"It's only when you put things in retirement that they get dull."

He liked to claim he had "retired" after his term as president (1947), but he continued to hold board positions and came to work daily.

According to Jack Pew, a Sun director: "Howard once told me that some months earlier he had made six speeches in six nights on six different subjects, all of which he memorized from beginning to end. He said that today he could repeat those speeches word for word if he had to. Frankly, I think that's damned good for anybody, let alone someone who is 89."

Mr. Pew's achievements at Sun earned him recognition as a petroleum pioneer and giant of the industry, and enabled him to become one of America's wealthiest men. Yet he was spartan in his habits, lived simply and played golf as though he were disciplining himself to exercise regularly. "Golf keeps me alive," he once remarked.

He numbered among his friends President Hoover and President Nixon; Walter Annenberg, U.S. ambassador to the Court of St. James; Jerome Holland, U.S. ambassador to Sweden; and evangelist Billy Graham.

Shortly before his death, he was honored by the Baronial Order of Magna Charta for his "service to humanity," joining the distinguished company of such recipients as Winston Churchill and Dwight Eisenhower. A philanthropist of unsuspected scope and generosity, he went to great lengths to keep his charities from the public's eye, often citing the biblical admonition, "Let not thy left hand know what thy right hand doest."

Billy Graham once credited Mr. Pew with being "one of the best informed laymen in America on the Bible and on religious matters." He was a devout Presbyterian, extremely active in the affairs of his church nationally.

Grove City (Pa.) College, his *alma matter*, was another of his consuming interests. School spokesmen give much of the credit for the institution's fine facilities, good reputation and sound management to his generous donations and long presidency of its board of trustees. He was a trustee from 1912 until his death.

Mr. Pew was basically a shy man. Many of the honors bestowed upon him were accepted only because associates argued that it would be "good for the company." However, it was characteristic of the man that he would speak out forcefully about any matter which deeply concerned him. He was perhaps most public in his advocacy of two-party politics, his opposition to government intervention in business, and in later years his concern that in taking up political and economic issues, religious institutions would fail in their primary missions and lose support.

Few men studied the free enterprise system so thoroughly or believed in it so fervently. On numerous occasions he vigorously and heatedly expressed his opposition to business cartels and other forms of restraints on competition.

"We have never sought privileges nor a sheltered position," he said regarding Sun Oil Co. "Our attitude has always been that we have no divine right to a share and place in our industry. If somebody else can serve the public better in quality and price, he is entitled to the business."

In the early days of Sun's Marcus Hook, Pa., refinery, Mr. Pew insisted that floating-roof tanks be installed to reduce losses of petroleum vapors into the atmosphere. This was long before there was any talk of air pollution. One retired Sun engineer explained, "The other companies knew about floating-roof tanks but didn't want to spend the money, because there were less expensive ways to reduce product losses. So back then we might have had 50 or 60 floating-roofs, when the others had maybe one or two. But Mr. Pew was willing to spend the money because he knew the proper thing was not to turn those vapors loose in the air. Later, of course, all the companies converted to floating-roofs, when we had ours all along."

During a business trip to Europe prior to the First World War, German acquaintances proudly showed Mr. Pew through a shipyard where numerous submarines were under construction. Returning home, he talked with his brother, the late Joseph N. Pew, Jr., about the possibility of war and the effect it might have on the export business in lubricating oils the company had developed. They decided to order two tankers, both of which were sold even before they were completed, and with the money they launched Sun Shipbuilding Company (now Sun Shipbuilding & Dry Dock Company, Chester, Pa.). During World War II, Sun Ship delivered 40 per cent of all U.S. tankers.

Technology fascinated Mr. Pew, as well as finance. That fact may have played a part in Sun's prompt decision to back Eugene Houdry and conduct the commercial-scale experimentation that resulted in the development of catalytic cracking as a means of producing high octane gasoline. The French inventor had approached many companies, seeking funds to perfect his ideas. Among them, only Socony-Vacuum Oil Company (now Mobil) provided support, but after the discovery of the giant East Texas oil field Mr. Houdry was advised that he should look for help elsewhere. Mr. Pew's nephew, Arthur E. Pew, Jr., himself a brilliant engineer, investigated the process and reviewed the status of its development with his uncle. Together, they became convinced that none of the problems standing in the way of commercial success were beyond solution. Thereafter, Sun's board, led by Mr. Pew, reportedly reached its decision in half an hour.

Perhaps the most ambitious of Mr. Pew's projects is still being developed: Great Canadian Oil Sands, Ltd., a Sun subsidiary which extracts oil from Alberta's tar sands. Dr. Weir Ketler, a lifelong friend and former President of Grove City College, called the tar sands project the most daring move of Mr. Pew's career, but put it in perspective:

"You have to go back to the death of his father to know that he was willing to take a chance even *then*. U.G.I., a large utility, owned 49% of Sun, when Howard, who was about 30, and his younger brother approached them. 'We're young men and inexperienced,' they said, 'but we'll have to try to manage the company now. How well we'll do, nobody knows, and we thought you might like to be relieved of any risk. We're willing to take over your stock.' U.G.I. noted the youth of the Pew brothers and decided to sell. It was the wisest thing Howard ever did, but it certainly was a gamble!"

For years after Mr. Pew moved to Sun's Philadelphia headquarters, he made weekly trips to the Marcus Hook refinery and spent hours talking and listening to the men. One retired foreman noted, "The present concept of industrial relations was unknown then but he practiced it. His interest in the men accounted for the fact that we never had labor trouble in 50 years." This attitude was further corroborated by such acts as his refusal to make lay-offs during the Depression and the employee stock purchase plan instituted in 1926, through which thousands of Sun employees have become stockholders over the years.

"I'll tell you what kind of man he was," a retiree recalled. "There was an explosion at the refinery and I was badly burned, with dozens of others. I hardly knew Mr. Pew then, but he visited me at the hospital every day for weeks. Sometimes he'd bring books or other little gifts. When it came time for skin grafts, he brought in and paid for one of the top doctors in the country."

Robert G. Dunlop, Sun's board chairman, says: "I remember after he testified at a hearing in Washington a congressman said to me, 'Your boss not only speaks like an affidavit, he looks like one.' " Mr. Pew and Herbert Hoover had great mutual respect, and Hoover once spoke at an affair honoring him. Ambassador Annenberg described him as, "A terrific old man—an early pioneer and a great Philadelphian."

Billy Graham, with whom he was in frequent contact, said: "I came to respect his advice and counsel and came to love him almost as a father." He and Graham collaborated on such activities as the July 4 Honor America Day, sponsored by President Nixon, and the founding of *Christianity Today*, a theological journal for which Mr. Pew occasionally wrote and which he supported financially.

Shortly before his death, he helped found the Institute for Black Ministeries in Philadelphia, as well as the Gordon-Conwell Theological Seminary in Hamilton, Mass. He bought and donated the properties for both.

Most of Mr. Pew's philanthropic gifts came through the Pew Memorial Trust, established in his father's honor by himself, his brother and two sisters in 1948 with donations of Sun stock. In 1970, the trust's more than

200 donations totaled more than $7 million to charitable, religious and educational causes. Conservative-oriented organizations, independent colleges, religious institutions and hospitals were typically favored, although grants ran the gamut from black institutions such as Hampton Institute to the Planned Parenthood Association.

Mr. Pew was much more widely known as a contributor to the Republican Party than to charity, religion, health and education which far exceeded his political gifts.

Grove City College, perhaps the largest single recipient of Mr. Pew's donations over the years, profited also by his lifelong active participation in its operation. It was his visionary expansion plan over 50 years ago which accounts for the school's present scenic campus. He conceived the plan, then retained the firm which designed New York's Central Park to lay it out. The school also attributes its low tuition as much to his management advice as to his money.

Although his brother was far more active in organized politics, Mr. Pew manifested his strong political interest in frequent speeches he delivered. "What a tragedy," he once said, "to see so many busybodies running down to Washington to obtain more laws to make more people subject to more government controls."

In a 1948 speech, he said: "When a people come to look upon their government as the source of all their rights, there will surely come a time when they will look upon that same government as the source of all their wrongs." In the same speech, he continued: "Freedom is indivisible. Once industrial freedom is lost, political freedom, religious freedom, freedom of the press and of speech will all fall."

Much of Mr. Pew's personal life revolved around his devotion to his wife, and her death in 1963 was a heavy blow to him. Years earlier, he had played a major role in successfully treating a serious blood ailment she contracted. Doctors were unable to pinpoint the problem, and Mr. Pew virtually established a miniature hospital in his home, equipping it with medical devices, staffing it with nurses and bringing in experts from all over the world. He also studied all the pertinent medical literature voraciously, and ultimately, his observations were a big factor in his wife's treatment and recovery, according to one attending physician.

Mr. Pew was fond of reciting poetry. One of his favorites was "The Bridge Builder." Part of it reads, "There follows after me today a youth whose feet will pass this way . . . Good friend, I am building this bridge for him." Countless times, J. Howard Pew cited those lines referring to others; most of them would agree it is his own most fitting epitaph.

[From the Philadelphia Bulletin, Nov. 30, 1971]

THE LEGEND OF J. HOWARD PEW: OIL TYCOON WAS KNOWN FOR INTEGRITY; SERVICES TODAY IN ARDMORE

(By Peter H. Binzen)

He sprinkled salt on his ice cream and enjoyed reciting limericks. He shunned ghostwriters and memorized his own speeches. He was an implacable foe of socialism but nobody ever saw him lose his temper.

He was probably the city's richest businessman, but outside of a small circle of friends and acquaintances few people knew much about him.

And that is the way he wanted it, for he was a shy man who cherished his privacy.

$100 MILLION FORTUNE

The man was J. Howard Pew, one of the last of the great oil tycoons. He died Saturday at 89 leaving a personal fortune of about $100 million and was buried this afternoon following Presbyterian Church services in Ardmore.

At the center-city executive offices of the Sun Oil Co., 1608 Walnut St., oldtimers and newcomers reminisced about the company founder's son who ran Sun as president for 35 years and served on its board for 65.

One of those who knows most about J. Howard Pew has worked at Sun for less than three years and never met its legendary leader.

Shortly after joining the firm's public relations staff in 1969, Donald Sugarman, a film writer, was assigned the task of researching the life and times of Pew.

He conducted interviews with family members, business associates and friends of Pew, visited his hometown of Mercer in Western Pennsylvania, and his alma mater, Grove City College, which Pew generously supported over the decades.

BEST-INFORMED LAYMAN

According to Sugarman, Billy Graham, the evangelist, considered Pew "probably the best-informed layman in the United States on the Bible and religious matters."

"The thing I think of with Howard Pew," Graham told Sugarman, "is total integrity.

"You might not agree with his views, but you have to admit that here is a man of almost total and complete integrity. I think that that generation had a strength of character that we're missing today."

Jerome Holland, onetime Cornell All-American end and educator who is now American ambassador to Sweden, said that both J. Howard Pew and his late brother, Joseph N. Pew Jr., opposed the Ku Klux Klan and other "racist types of organizations where people were using race as a means of gaining advantages and so forth."

RUGGED INDIVIDUALIST

Holland, who is black, told Sugarman that he and Pew "discussed from time to time the political situation relative to the Negroes." Holland formerly headed predominantly black Hampton (Va.) Institute, which Pew supported with benefactions.

Holland termed Pew "a man of great intellectual capacity . . . a rugged individualist from the standpoint of the free enterprise system and its responsibility in a free society."

Robert G. Dunlop, Sun's board chairman, recalled being told by a congressman after Pew once testified in Washington: "Your boss not only speaks like an affidavit, he looks like one."

WILLINGNESS TO VENTURE

Dunlop said one of Pew's great talents as an oilman was a willingness to venture. This was a Pew family trait, he said, "They have been venturesome. For example, their willingness to pursue catalytic cracking when most other people had terminated their interest in it."

Al Panepinto, architect and consultant for many Pew-financed enterprises, spoke of Pew's love of golf.

"You just couldn't get an appointment with him anytime past one o'clock on Wednesday. Wednesday was his and that was for golf regardless—unless it was pouring rain or a deep snow."

Pew smoked long cigars but didn't drink. As president of the Merion Cricket Club in the 1930s, however, he took a lively interest in increasing the club's bar receipts, according to Allyn Bell, president of the Glenmede Trust Co., which oversees various Pew philanthropies.

FIGURED OUT DETAILS

"On one rainy Saturday," Bell related to Sugarman, "I remember very clearly sitting out there (at the club) all morning going over the details of how the bar functioned, how much whiskey should be in a drink and how much mixer and how much the cost would be for those components and then what a fair selling price would be.

"We found out with a few adjustments we could make the bar profitable and this was done very quickly. But he took the same interest in reviewing that operation that he would have in looking over the Sun Oil Co.'s refining operation. And he worked at it just as hard."

Bell said J. Howard and his younger brother, Joseph N., though "great pals," were "entirely different."

NOBODY ARGUED

J. N. was a "regular guy," often profane, who loved an argument. But nobody argued with J. Howard Pew, he said. "You might try to convince him a time or two about something where you think he might be wrong, but it takes a little different approach."

Weir Ketler, 87-year-old retired president of Grove City College, stressed Pew's bedrock integrity.

"He never would do business with any man or any company that he thought he had a question about their morals," Ketler said. He said there was "something Roman" about Pew "and yet . . . human."

Mrs. Frances P. Hayes, one of Pew's three adopted children, remembered her father bicycling to the Ardmore station to catch a train for town during the gas rationing days of World War II.

RODE BICYCLE

She said the gasoline tycoon rode his bicycle rather than getting free gas coupons as many others were doing. "He always lived with very, very high principles," she said, "and I don't think he ever swayed from them in any way, shape or form."

As a parent, Pew was a "very wonderful Daddy," though very strict and austere, Mrs. Hayes said. "We all held him in very high esteem and great fear, let's say, underneath it all," she told Sugarman.

Pew, long active as a Presbyterian Church conservative, gave freely to Catholic Charities here and to the Allied Jewish Appeal, Sugarman reported.

RETIREMENT OF A. C. "BUD" KEITH, RIVERSIDE COUNTY, CALIF.

Mr. TUNNEY. Mr. President, A. C. "Bud" Keith is a native son of Riverside County, born in Perris in 1903. Educated in Riverside schools, he first entered county service as a deputy to A. C. Fulmor in 1925, and succeeded him as county surveyor in 1946. He was subsequently appointed county road commissioner in October of 1947 under the provisions of the Collier-Burns Highway Act, and has served in the dual capacity since that time.

In a career covering almost five decades, he has taken an active and influential part in the continuously expanding economic development of not only Riverside County, but the entire southern California metropolitan region. His participation in such areawide transportation planning activities as the metropolitan transportation engineering board, and the Los Angeles regional transportation study, has resulted in full county recognition in the development of the regional freeway network in this part of the State.

To trace the highlights of his local public service would require more space than is available here, but mention should be made of his contribution to the adoption of the county general plan of highways, and the supporting county ordinances for its implementation; to the realistic expansion of the various departmental staff activities to meet the demands of increased public service as economically as possible; to his active liaison with a multiplicity of State and Federal agencies to assist and coordinate their various programs at the local government level; and perhaps most of all, to the long-term stabilizing effort involved in constantly equating public demand with available transportation funds.

His retirement leaves behind a comprehensive, visible legacy in the form of a highly developed, countywide system roads, streets, and highways, which provides the basic service and circulation element of the county economy at the present time, and which will form a core for the increasingly complex transportation developments of the future.

His careful guidance, and vast store of experience and knowledge of Riverside County will be genuinely missed by all of county government and by the entire county population.

I ask unanimous consent that several articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Retiring County Road Commissioner Honored After 47 Years of Service

Indian Wells.—Coachella Valley leaders honored County Road Commissioner A. C. (Bud) Keith on Wednesday night at the Erawan Hotel for 47 years of service to Riverside County.

Keith has announced his retirement for the end of the year.

Leaders from every community from Palm Springs to North Shore praised Keith for service to the county far beyond that of most public officials.

Ted Smith, longtime leader in solving valley problems and master of ceremonies, said he has never known a public official at any level—county, state, or national—of government with as great integrity as Keith's.

City councils of the valley's four cities all proclaimed Nov. 17 as Bud Keith Day.

Palm Springs made him an honorary citizen. All the valley's chambers of commerce and similar organizations presented plaques to him.

County supervisors and former desert area supervisors paid tribute to him.

There were telegrams of praise from State Sen. Gordon Cologne, R.-Indio, and Assemblyman Ray Seeley, R.-Blythe.

District state highway engineers in San Bernardino and San Diego joined in praising Keith's work to improve Riverside County roads.

They lauded his "continuous efforts to help build transportation for California."

Smith, a former president of the Coachella Valley Advisory Committee (CVAPC), said "there is not a segment of Coachella Valley that has not benefitted from Keith's work."

Clarence Washburn, long time councilman and mayor of Indio and for 35 years associated with Keith on road problems, said Riverside County "is going to lose—and lose in a big way—" with Keith's retirement.

Washburn said progress in solving valley road problems has been so great that now it is unusual for anyone other than committee members to attend the monthly meetings Washburn's highway committee holds with the road department.

Former county supervisor George Berkey recalled that Keith intervened to have the supervisors require two additional interchanges on Interstate 10 between Thousand Palms and Garnet.

In doing so, Berkey said, "he made the supervisors look pretty good through the years—and I appreciate that."

Al McCandless, presently chairman of the Board of Supervisors, praised Keith's abilities and the fact that he chose to devote his life to public service.

"If he had taken the private road instead of the public road, he doubtless would be a millionaire," McCandless said.

Keith, recalling early history of the CVAPC that no present day members recall, said it fell to his lot to introduce Charles W. Eliot to the Coachella Valley.

Eliot was a nationally known planner, formerly connected with the administration of President Roosevelt, engaged by the Board of Supervisors to advise them shortly after the war.

The Eliot report on the Coachella Valley, made nearly 25 years ago, still is praised by valley leaders.

Keith credited Joe Snyder, then manager of the Coachella Valley County Water District, with originating the idea from which Coachella Valley leaders formed the CVAPC.

Keith said orderly growth of the valley has largely been coordinated between county government and the advisory planning group.

Remembering Bud Keith

(By Bill Jennings)

Hemet.—I hope the people who love to plan such things are working on a southwestern Riverside County farewell testimonial and sob session for Bud Keith.

Not that Bud is an ego feeder. He has been smiling and speaking softly in his efficient way through country government nearly a half century. Nobody has to reassure him or pass resolutions. He has that inner satisfaction of the guy who knows hes doing the best he can all the time.

He's made so few waves in an ulcerous job as county surveyor and road commissioner that many late comers to our big county probably never heard of him.

That's too bad, because a few minutes with Bud Keith are worth a dozen cocktail parties with most political figures.

Not that Bud ever thought of himself as a politician. Even in the days when his twin-post was at least half elective. He just kept on doing his job, building many extra miles of roads without any extra money.

Even in the Coachella Valley, where road paving came agonizingly slow in the years I labored there. They put on a special Fourth District road tax a long time ago and still some of the half-mile number grid streets east and west, presidents and vice presidents north and south remained distressingly sandy for long years after the All American Canal brought the water that eventually provided the taxes to pave them.

Even there, Bud didn't get chewed on very often or very effectively. Every new political aspirant who tried to make some voter points by lambasting the county government away over there in Riverside learned quickly to speak softly about Bud Keith.

I don't know what they'll name for him. His predesessor got a lake carved out of a long fill on the rebuilt Banning-Idyllwild Road, and surely Bud has left an equal impact on this road-hungry county of ours.

Whatever it is, it had better reflect his beautiful, understated sense of humor. No county official could ever put down a noisy supervisor or a blustery business tycoon quite as nicely as Bud. Half the time the victim never knew it was being done.

In my infrequent coverage of the supervisors and other groups in which road problems came in for an inordinate share of noise I could always look forward to Bud's defenses. He never got mad, even when he had every right to. He smiled when the rest of us would have pounded the table.

He used reason, humor and common sense the way the others used bombast and scorn. And, you know, he usually won the battle, maybe not right away but sooner or later.

I missed the eulogies the other night down at Erawan Hotel when Coachella Valley suddenly realized the best friend they ever had in county government was going away.

If they really had formed Desert County years ago they would have missed Bud Keith more than a dozen county administrative centers, all the Superior Courts and microwave telephones.

[From the Idyllwild (Calif.) Town Crier]

Bud Keith

It will be difficult to picture the Riverside County Road Department without A. C. "Bud" Keith, who retires December 30 after 47 years of service. For mountain folks, he has been our road man since the time when there were few paved streets and Idyllwild was reached only by dirt roads and narrow highways.

Bud has responded to many community calls. He talked to Town Hall audiences for the past 25 years. He has heard our complaints about chuckholes, snowplowing, parking problems and the need for better streets. We can't recall an occasion when Bud Keith became irate or lost his temper before an audience.

As the scene continues to change, there is a sense of stability in having public officials who span several administrations. The roar at the courthouse rises and falls, but above the din individuals like Bud Keith maintain a steady course between public demands and what the county can afford.

There has been considerable growth since Bud Keith began as a county surveyor 47 years ago. In our own area, boundaries have been pushed deeper into the forest and streets climb higher on the slopes. Problems become complex as more of the forest floor is covered with pavement. We are no longer dealing with Model-T Fords in the mountains. Freeways push closer to the wilderness.

In retiring we hope that Bud Keith will remain close enough to the scene to continue his service. There is a need for the wisdom that comes from dedicated officials who have devoted many years to serving the public.

TREATY BETWEEN THE UNITED STATES AND MEXICO

Mr. BENTSEN. Mr. President, the Senate has recently ratified one of the historic treaties of our time. It can be said to end one era and begin another. For more than a century the government of the United States and Mexico have been contending with boundary rivers that meander and shift from channel to channel without regard for people or national territory. In 1884 the governments concluded a treaty that made international law the law of the rivers, attempting to apply existing rules to determine the effects of river movements on the farms and villages that were beginning to line both banks of the Rio Grande and Colorado River. When these rules failed to satisfy the need, the governments drew up another treaty in 1905 providing for exceptions to existing rules. Now they have concluded still another treaty, this time on the basis of experience and the physical control they have since exerted upon the rivers. The result is a new set of rules shaped for these rivers and these rivers alone.

Under these rules severe erosion will be checked, and neither nation will lose to the other significant acreage. There should be no more territorial disputes between the governments such as marred their relations during the last century. Floods will not again leave location of the international boundary uncertain and leave farmers either long separated from a part of their lands or forced to sell them under adverse circumstances. Except for rare and temporary periods, the middle of the river will be the boundary wherever it separates the two countries. When there is more than one channel the boundary will run in the center of the wider or widest channel regardless of its depth. No farmer, border patrol officer, smuggler or illegal entrant will ever have reason to doubt where that boundary is.

Similarly, off the coasts we share with Mexico the maritime boundaries will be forever fixed to a distance of 12 miles. Determined on the equitable principle of equidistance, well marked and easily ascertainable, these boundaries will serve those who fish the waters or explore the seabed.

This treaty obviously reflects an advanced degree of friendship and cooperation between the United States and Mexico. It has been described as probably the last in a long series of boundary treaties. It can also be thought of as still another major achievement of men of good will in two neighboring countries who have shown determination in recent decades to turn away from the disputes of the past and build a foundation for a happier and brighter future.

PRODUCTIVITY INCENTIVE PAY PLANS NEEDED

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from Eric C. Baum, president of Eric C. Baum and Associates of Chicago, management consultants who specialize in engineered productivity improvement plans. Mr. Baum's telegram endorses my amendment No. 766 to the 1971 Economic Stabilization Act amendments which passed the Senate unanimously on December 30. Mr. Baum asserts that wage incentive programs generally increase productivity by 30 percent without increased labor costs, and that this amendment will encourage large sectors of industry and commerce to win the battle for productivity.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

We urge the adoption of an Amendment to Bill No. S. 2891 reflecting government policy and national need to rapidly increase industrial productivity. The weakening of American competitive strength on the world market is well known with national productivity increases among other industrialized nations increasing more rapidly than in the United States. Vastly increased application of Industrial Engineering techniques is the only hope for increased productivity without rising prices.

The Government should promote the greater use of Wage Incentive Programs based on scientifically measured or engineered Production Standards for industry, commerce and agriculture. Such Programs generally increase productivity by 30 percent without increased labor costs since incentive compensations are paid only above the new higher Standard which had been set through the application of industrial engineering techniques, as mentioned earlier.

Therefore, Wage Incentive Programs are particularly significant for smaller companies for whom automation is not an economic solution to increased productivity. The significance of this is even more obvious when we remember that in the United States 86 percent of all industrial plants have less than 100 employees. In our view amendments such as this are a vital necessity if the Government's policy is indeed aimed at improving productivity. The proposed amendment is a practical, easily implemented answer for large sectors of American industry and commerce, if they wish to win the battle for productivity.

ERIC C. BAUM,
President, Eric C. Baum and Associates.

THE FOREST SERVICE: REFINED SCIENTIFIC MANAGEMENT

Mr. HANSEN. Mr. President, the Intermountain Region of the Forest Service recently supplied me with a study which was done by Dr. Robert G. Bailey entitled, "Landslide Hazards Related to Land Use Planning in the Teton National Forest, Northwest Wyoming."

This is a sophisticated and highly technical approach to the problems of soil stabilization as it is affected by timber cutting and roadbuilding on the national forest lands.

I was especially interested in this report because of my personal knowledge of the Jackson Hole area and was greatly impressed by the Forest Service's scientific approaches to management decisions on the Teton National Forest.

The report states that of the 1,100,000 acres of land in the Teton National Forest over half, or 650,000 acres, are classified as unstable soil; and, of these 650,000 acres, 183,700 acres are classified as highly unstable.

The report addresses itself to land use and timber management problems of slide areas. These are areas which are maintained by an equilibrium between gravity and the slide material's shearing resistance.

Removal of the toe of a slide, or the increase in ground water, may upset this equilibrium thus permitting repeated movements of the slides.

Thus, logging with the accompanying roads and skid trails should be avoided in areas of active landslide deposits because an increase in subsurface moisture along with the decay of dead tree roots would accelerate the movement of the land and disturb the natural drainage.

Therefore, the practical problem faced by land managers is the decision whether to accept the consequences of disturbance of unstable slopes or to control the effects of these activities in order to minimize the occurrence of mass movement.

Of course, not all landslides can be avoided. In general terms, the large landslides are primarily controlled by the rate of geologic erosion and are not influenced by man. The smaller earth movements can be initiated by man's activities and are, therefore, at best partially controllable and preventable. The study which Dr. Bailey initiated was designed to provide an indication of where geologically unstable conditions occur. A second objective was to outline the relative hazards which present definite builtin limitations to management practices in an area where improper land treatment can trigger a sequence of events requiring decades to control and stabilize.

Mr. President, it is encouraging, indeed, that the Forest Service has undertaken this type of analysis and approach in perfecting its land use planning on the Teton as well as other national forests.

I am impressed by this report, and I congratulate the author and commend the Forest Service for sponsoring this study.

This type of report will prove to be a valuable tool in assisting the Service to do a better job of managing the forest lands.

I am more strongly persuaded than ever in the wisdom of leaving the final decisionmaking responsibility regarding the implementation of congressional and Presidential policy with the qualified, professonally trained experts wearing the uniform of the Forest Service.

Not that every decision they have made is right but rather, recognizing the good sense in assigning these duties to professionals with builtin objectivity, we can then hold them accountable for these judgments. With authority must go responsibility.

I believe the Forest Service, still learning, still listening, measures up to Teddy Roosevelt's charge to Gifford Pinchot to manage the forest and make decisions, "—of the greatest good of the greatest number in the long run."

THE SITUATION IN SOUTH ASIA

Mr. SCOTT. Mr. President, the following question and answer will serve to explain the U.S. position in South Asia:

Q. What is your assessment of the situation in the Indian subcontinent?

A. Let me summarize our position: As a result of civil strife in East Pakistan there has been a large exodus of refugees to India. This has created major problems for India in terms of communal tensions, economic dislocations and human suffering. The U.S. has great sympathy for the problems this has caused. Our policy has had four aspects:

(1) Refugee aid. The U.S. has contributed more than the rest of the world combined—a total of $90 million—to alleviate the conditions of the refugees in India.

(2) Famine relief in East Pakistan to prevent the outflow of more refugees. The U.S. has earmarked $250 million for this purpose. This program is now jeopardized by the military operations launched from India territory.

(3) Political progress. We have done our best to use our influence to promote a political solution. With our encouragement President Yahya has taken the following steps: (a) Replaced the military governor of East Pakistan by a civilian. (b) Offered an amnesty to refugees. (c) Invited UN teams to supervise refugee repatriation and food distribution.

(4) Deescalate tensions. We have used our influence to reduce the danger of conflict: (a) We proposed a mutual pull-back from the borders. This was accepted by Pakistan and rejected by India. (b) We proposed a unilateral withdrawal to Pakistan as a first step. Pakistan accepted provided India followed suit some time after. (c) We proposed a stationing of UN observers on the borders between India and East Pakistan. Pakistan has accepted and India has refused. Pakistan has

now accepted UN observers on its side alone. Recognizing the burden caused by the refugees, we consider recourse to military force unjustified.

PRESIDENT SHOULD CLOSE CHEESE IMPORT LOOPHOLE

Mr. NELSON. Mr. President, the U.S. Tariff Commission has recommended—in Publication 406—that foreign cheese priced over 47 cents per pound no longer should be exempted from import quotas. The commission recommended that absolute quotas be established for all cheese types that now are exempted.

That was on July 28 of this year.

But there has been no action taken by the President to put the commission's recommendation into effect. It is my hope that the President will delay no longer in taking the action that clearly is justified to protect the integrity of the Federal price-support program and the integrity of domestic cheese markets.

With its recommendation, the Tariff Commission recognized that the existing price-break exemption provision on imported cheese is a serious loophole that has led to quota evasions by some cheese-exporting countries. Some of the evasions that have been amply documented is the misbranding of cheese under quota to make it appear to be exempted under the price-break, or shipping cheese under quota in containers filled in part with exempted cheese. In both cases, serious quota evasions were taking place through abuse of the import-exemptions provision.

The commission's investigation of the price-break exemption considered, in major part, the impact of the price break exemption on price-support programs of the U.S. Department of Agriculture. The Department had recommended several years ago that the price-break exemption should be reconsidered if the support level for cheese increased over the 47-cent level. Nearly 2 years ago, that support level had increased to 52 cents.

On this issue, the Tariff Commission found that the price-break exemption was materially interfering with the USDA support program. But rather than recommending that the exemption level be raised, the Commission correctly favored placing all imports under quota and thereby solve the many problems that have arisen because of the exemption.

Involved in the exemptions are Swiss, Gruyere-Process and "certain other cheeses," as defined by the Tariff Commission. Exporters of these cheeses have anticipated for some time that absolute quotas would be put into effect. Ever since 1967, the exporters have been rushing to get as much of these cheeses into the country as was possible.

Last year, for example, 101 million pounds of the affected cheese types were exported to the United States. This is more than double the amount shipped in 1967.

And since the Tariff Commission's recommendation of July 28, exporters once again have been increasing shipments of the affected cheeses.

Certainly, these shipments will continue to increase until the Tariff's Commission's recommendation for absolute quotas is put into effect. But also, the abuses of the exemption formula will increase and the interference with the domestic cheese price support program will become pronounced.

Therefore, I urge the President to put into effect at the earliest possible date the Tariff Commission's recommendation that all foreign cheese exported to this country be placed under absolute quota.

HELP FOR THE NEEDY

Mr. McINTYRE. Mr. President, when one asks the American people to help, they do. In a recent newsletter to my New Hampshire constituents, I printed a letter from Father Morris F. Wells, Chaplain for the 196th Infantry Brigade in Vietnam. Father Wells, whose parents live in Hampton, N.H., asked me a special favor. He said:

> During my tour here, I have become involved with a Catholic orphanage, Phuoc Tien Orphanage, in a small hamlet of the same name, located near Da Nang. There are 190 children with six Vietnamese Sisters taking care of them. One of our battalions, 4/31st Infantry, has unofficially "adopted" the orphanage and the men are doing everything they can to make life a little more pleasant for these children. The children need everything, and anything, but especially summer clothes, toys (there isn't a ball or a doll in the entire orphanage) and food (especially baby food). My request is that perhaps you could put in a "plug" for help in one of your newsletters to your constituents. They could send any used clothing, toys, food, etc., to me and I would be happy to hand carry them to the orphanage. I am hoping that it will be possible to extend the arm of friendship from the USA to this unknown orphanage in Vietnam. God bless you.
>
> CH (Cpt.) Morris F. Wells,
> HHC 196th Infantry Brigade,
> APO San Francisco 96256

The response from New Hampshirites has been terrific.

Mrs. Agnes M. Young, Mrs. Elinor Di Bernardo and Mrs. Richard Peloquin, of Keene, N.H., have formed a committee in cooperation with Father Horan in their town to solicit toys, clothing, and food to send to the orphanage.

With all the talk about people being afraid to get involved and unwilling to give their time to help others, it certainly has been heartwarming to me to see this kind of response from people in New Hampshire. I am proud to serve them in the U.S. Senate.

PRINCETON NAMES NEW PRESIDENT

Mr. WILLIAMS. Mr. President, this week Princeton University—one of the world's most respected educational institutions—chose a new president, Dr. William G. Bowen.

This is a great honor for a most distinguished educator and scholar. Yet, none of us can underestimate the burden he is undertaking.

He follows in the steps of a truly outstanding university president, Dr. Robert F. Goheen. And, he follows a tradition that has included such a man as Woodrow Wilson.

Dr. Bowen assumes his office when universities have many problems, not the least of which are the grave financial difficulties which face so many of our institutions.

Certainly, all of our best wishes go out to Dr. Bowen as he undertakes this difficult mission.

We have every confidence that he will perform magnificently. His qualifications are apparent and are most clearly brought to light in an article which The New York Times published when his appointment was announced.

Mr. President, I ask unanimous consent that that article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 30, 1971]

PRINCETON PROVOST NAMED PRESIDENT

(By M. A. Farber)

PRINCETON, N.J.—William G. Bowen, a 38-year-old economist who has served as provost of Princeton University since 1967, was named president of Princeton today.

The provost, who said that improving the university's undergraduate studies was the chief issue facing Princeton, will succeed Robert F. Goheen next July 1. Dr. Goheen, who was a 37-year-old classics professor when he became president of the university in 1957, will become chairman of the Council of Foundations in New York City.

Dr. Bowen's appointment as head of the country's fourth oldest institution of higher learning ended a seven-month search for a 17th president of Princeton. But the selection of the provost, who is the second-ranking administrator of the Ivy League university, was widely expected here for some time.

"The choice of Dr. Bowen was so obvious that approving it is like approving the sunrise," said Andrew Wilson, the 21-year-old chairman of The Daily Princetonian, the student newspaper. "Everyone knew that barring something really extraordinary, the provost would get the nod. You don't throw away one of the country's top experts on the financing of higher education in a period of fiscal austerity."

Dr. Bowen is closely identified with most of Princeton's major decisions in the last few years, including the university's shift to coeducation in 1969 and its efforts to increase the number of minority group students on campus. The provost has been particularly responsible for bringing Princeton's $78-million budget closer in line with its income—the university had about a $1.5-million deficit last year and anticipates a smaller deficit this year.

The affable, athletic provost is generally popular with faculty and students—despite, some say, his identification with budget cuts that are not always well received. He was the first choice for the presidency of separate committees of faculty, students and administrators before the trustees elected him this afternoon.

GOOD SHARP REASONER

"He's very straight-shooting and he's always on the side of doing things well," said Dr. Stanley Kelley Jr., a professor of politics who led the faculty search committee. "In faculty meetings he's one of the most persuasive people I've seen, always going to the point of the issue and often changing people's minds. He's fair minded and decisive, and a good sharp reasoner."

The only apparent opposition to Dr. Bowen's candidacy was expressed last month by George A. Hamid Jr., chairman of ACTION a group of about 500 alumni who banded together to fight coeducation several years ago. Princeton has about 40,000 living alumni.

Dr. Bowen, at a news conference and in an interview, stressed the importance of reforming undergraduate education at Princeton. However, he reserved judgment on a new proposal to shorten the normal undergraduate program here from four to three years. The proposal, intended for campus debate this year, was advanced last weekend by Dr. Marvin Bressler, head of the university's Commission on the Future of the College.

The provost said the university was "going to have to struggle mightily to retain the strength of its graduate programs," which he said had been reduced in the wake of cutbacks in Federal support for research and fellowships.

The university has made real progress in both coeducation and opportunities for minority students, Dr. Bowen said Princeton admitted 170 women undergraduates in 1969; there are about 750 now among the 4,000 undergraduates and one of them, Abby R. Rubenfeld of Sarasota, Fla., is president of the freshman class.

The university has had women graduate students for approximately a decade; they number about 250 of the 1,382 graduate students. In 1968, about 4 percent of Princeton undergraduates were blacks or other minority students. The proportion is now 11 percent, or 423 students.

On the whole, Dr. Bowen predicted an "evolution" of the policies he has helped to form as provost. "Fortunately, universities don't change by the edicts of their presidents, anyway," he said. He will name his successor as provost.

Dr. Bowen, who said he did not know what his salary would be, was appointed for an indefinite term. The committees that said they had looked for someone young enough to serve advised the trustees for 10 or 15 years.

ADDRESS BY PRESIDENT NIXON TO 4–H CONGRESS

Mr. DOLE. Mr. President, yesterday President Nixon delivered a speech before the National 4–H Congress in Chicago, where he tried to assess the challenges before the Nation's youth today and how their desires have changed over the last several decades.

America's 40 million youth between the ages of 14 and 24 are far from being a "monolithic bloc." There are working class youth, teen-age mothers, drop-outs, high school students, as well as college students that make up that large segment of the population.

It is well that we often think of the concerns of these other groups of young people. For they will form—along with the college population—the base of the leaders of latter decades of this and the early decades of the next century.

Mr. President, I ask unanimous consent that the President's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of the President, to the National 4-H Congress, Conrad Hilton Hotel

Mr. Chairman, all of the distinguished honorees and all of those attending this Golden Anniversary Congress of 4-H, I want all of you to know what a great inspiration it is for me to be here, to see you, to hear you, to see the young people who represent all of America.

As I was doing a little homework before coming out here, I found some interesting things about 4-H. I suppose, like most people, I had the idea that 4-H was almost exclusively an organization with its interest in agriculture and farming.

4-H was born on the soil. 4-H has its roots in the soil. But as you know, approximately 35 percent of your members are from farm communities, and 65 percent of your members are from smaller towns, larger towns, and even large cities.

Another thing that is very interesting about this organization is that you are all winners. I found that out by going into the background. I knew that I would have the privilege of presenting these beautiful silver trays to the winners who have been picked from all over the country; but I understand everyone here, of the 3,000 attending this meeting, has been recognized as an achiever or winner in his own community or in his State. I congratulate a group of winners, the largest group of winners I ever saw, here in 4-H.

Another thing that I found in studying the background of this organization is that you come from all the 50 States, and that insofar as your age group is concerned, it represents what we generally refer to as the teens—the lower teens, the middle teens, and the like.

UNITED STATES MUST CONTINUE STRIDES IN AGRICULTURE

After reading all of that information, I had to make a decision about what to talk about, and naturally, the first inclination would be to talk about agriculture. It is an extremely interesting subject. It is vitally important at this particular time in our Nation's history. It is essential that America continue the great strides we have made forward in productivity in agriculture, because when we hear of problems of competing with nations abroad in terms of other technologies, in agriculture America leads the world, and because we do lead the world, it means that only five percent of America's people can produce enough to feed and clothe all the people of America, and to provide very much for people abroad when they are in need.

This, of course, is something that needs to be said, and those who come from the community of agriculture can be very proud of what American farmers, people in agriculture, have done for this country and for the world. And yet, as I thought further about the problem, I realized that you were a broader group simply than one interested in agriculture.

4–H REPRESENTATIVE OF ALL YOUTH

You are interested in all of America, because you come from all of America. You come from the cities and the towns and the farms, and because the America of the future will be yours and what you make it, you, therefore, I think, would like whoever appears before you, and particularly one who appears in the capacity that I do, as President of the United States, President of all the people, you would like to have me address you not as a narrow, special-interest group, but as young people representing the young people of America.

I would like to do that today. I would like to say some things that I have been wanting to say for a long time to a young audience, a young audience representative of the whole country. You are that audience, and that is why I have chosen this forum for the purpose of saying these things.

I am going to begin with a proposition that perhaps is a little different from what you sometimes hear. It seems to be somewhat the fashion for a speaker speaking to a group to point out what a terrible time this is to be growing up in America—the problem of a war, the problem of environment, the problem of jobs, all the other things that we see and that we hear about. There are many problems. I am keenly aware of them. I think about them a great deal, as you might imagine, just as you think about them a great deal.

But then I tried to put myself back a few years, many, many years, when I was as young as you are, and I thought of what I thought about America then. I thought it was a great country.

YOUTH HOPEFUL IN 1920'S

At that time, particularly as I entered the 20's of my life, America was in a depression. But I looked to the future with hope, because I realized that whatever our problems were, that this country, our country, could solve them; that this was the place that I would choose to live in if I had to make a choice of all the countries in the world. I believed that then, and I believe that now.

I want to tell you why I think you should believe it, believe it very, very deeply today, not with any pollyannish statement in which we cover up those things which are wrong about our country and wrong with this world, and not with any statements in which we downgrade the great dangers we confront in the world; but laying it on the line like it is, the kind of America you are in today, the kind of America you can make tomorrow, the kind of a world we can have, particularly you can have, by the end of this century, in the year 2000, when we celebrate a new year that comes only once in a thousand years.

One of the reasons that I speak in optimistic terms is this: just to stand before this great assembly of young leaders and young achievers, as you are, to feel your idealism, your commitment to excellence, is to stand on the threshold of the brightest future the world has ever known. I believe that.

You are coming to maturity at a time which history will remember as a great period of emancipation for young Americans. Your generation has the opportunity to participate more fully in the American adventure than young people have ever been able to do since Revolutionary times 200 years ago. You can remember those days as you read them in history.

NATION'S FOUNDERS WERE YOUNG

How stirring they were. More than half the population of America at the beginning was less than 20 years of age. The cause of liberty was the cause of youth and of age alike. Citizens belonged not to this or that generation; they belonged to America. Hamilton, in his late teens, emerged as the leading voice for independence in the State of New York. Jefferson, at 33, authored the Declaration of Independence. Sixteen other patriots in their 30's, three in their 20's, Franklin at 70, the old man of the group, joined Jefferson as signers of the Declaration of Independence.

That was the young America at the time of our birth. Then, in the course of two centuries, things changed. They changed radically. In the 1950's, when you were born, generational stereotyping and pigeonholing by age groups became all too common. Most young people in those years went intensely and quietly about the ordinary tasks of just growing up. Some of the young in those years, in the 50's, however, went underground into a Bohemian subculture. It is obvious now that older people at that time should have been asking why, but few bothered to ask why that was the case. It was so much easier then just to tag one group as "the silent generation" and the other "the beat generation" and just leave it at that.

YOUTH OF 1960'S BROUGHT SURGE OF PARTICIPATION

Then suddenly in the 1960's everything seemed to go to the other extreme. A new breed of young men and women shook the Nation. They wrote a record dominated by remarkable good; but also shadowed with ominous wrongs—civil rights laws on the one side; riots on the other; campus reform and academic anarchy, a war against aggression in Asia; a war in the streets of America, a surge of participation in politics and a wave of terrorist bombings, a rich new diversity in life styles and a grim new plague of drug abuse, all of these side by side in that stirring decade of the 60's.

All in all, it was a time when youth reached vigorously for a new role as full partners in American society. The result was monumental, and yet the cost in disruption and alienation seemed almost prohibitively high.

Why was the record of the youth movement only mixed in the 60's, when it should have been magnificent? It was only mixed because it took the form of an outside force, rather than of integrated, individual participation in the larger society. It was forced into that form by the rigid generational walls erected in American attitudes and institutions over the years. Its frustrations and excuses and excessses arose in large part from the painful experience of battering against those walls—an experience that dramatized the need to sweep them away once and for all.

And so came the end of the 60's, and America awoke to several important realizations. They saw that to regard a person's date of birth as more important than his own unique individuality is to engage in the insidious bigotry called "age-ism". They saw that it is wasteful, stupid and unjust to restrict the generations in a narrow structure in which those in the middle of life would monopolize the centers of power, while the young would prod along in apprenticeship or chafe in alienation, and the aging would draw social security, preferably well out of sight.

TIME TO END GENERATIONAL STEREOTYPES

They saw it was time to pull down the generational stereotypes—involved, hip, silent, beat or lost—and to raise a new standard of brotherhood, tolerance and mutual respect between those generations.

As these new attitudes have taken hold, young America has passed from its stormy night of recent years into what I believe will be a bright, new morning.

College turmoil has subsided sharply, not in resignation, but in wisdom. High schools, young working people, the next declared target of the radicals have not caught fire as they had expected to. Opinion surveys have detected a rising disgust with political radicalism, even in the strongholds of the counterculture.

Most of you in this great audience are not only witnesses to these developments, you are leaders in them. You could not be leaders in a more important cause. For the more convincingly the young majority demonstrates its resilience and level-headedness, the faster you will find the so-called Establishment responding to your hopes, opening to your aspirations.

YOUTH WILL NOT BE TREATED AS BLOC

The young in America are no longer going to be treated as a mass or a bloc in this country—neither as a generation apart nor as a generation idolized. You deserve better than that. And you will have better, for America is rapidly moving to take you, the young, into full partnership as individuals in our society.

Your country knows how much it needs you, and we are proving that, not just with talk but with action.

We need your voice first in the political process, as soon as you are prepared for that trust—and that should not take 21 years of your life. That is why I was able last July to certify passage in record time of the 26th Amendment lowering the voting age to 18.

We need your abilities, your insights in the making of public policy. And that is why I have directed departments in the Federal Government and agencies throughout the Executive Branch of the Government to recruit young talent and to hear young ideas, and that is why I have brought an unprecedented number of men and women in their 20's into positions of trust on the White House staff.

ACTION BEGUN TO IMPROVE VOLUNTEERISM

We need your energies in the urgent work of helping the less fortunate across America and in other lands. That is why we have moved to expand and improve the Peace Corps and VISTA programs by merging them to form a new volunteer service agency, ACTION.

That is why we have initiated the University Year for ACTION to draw thousands of young people into this new effort, and that is why we have also worked outside Government to make volunteerism a vital force in the independent society—so that every single American who wants to serve his fellowman can have an avenue for doing so.

Young people today, every survey shows, are more generously committed to human betterment through voluntary service than any generation before you. Your own work in 4–H has shown what mountains that commitment can move. I urge you to redouble it, to share it, to maintain it throughout your lives.

Very few of you will enter Government as a full-time activity. But whatever your jobs may be outside of Government, I would ask that each of you make a commitment now to pledge a part of your time to voluntary service for your community throughout your lives. It will be worthwhile.

We need to be sure that you are free to shape your own career along the lines that will provide maximum fulfillment for you in adult life. That is why we have reformed the draft to reduce the uncertainty and duration of its pressures on young men.

ZERO DRAFT FOR MORE FREEDOM

That is why we are moving toward the goal of a zero draft, an all-volunteer armed force. That is why we have pressed for a new college loan system to insure that no qualified student in America who wants to go to college will be barred by lack of money. And that is why we are developing new career education and youth employment programs in recognition that something over half the college-age young do not go to college but do need salable skills and they do need good jobs and they should be prepared for those jobs with an education designed to do exactly that.

We need your ideas. We need them in the national debate on issues, goals and directions. That is why the 1971 White House Conference on Youth was different from any that had ever been held before since they first began in 1909. It was a wide-open forum, run by young Americans, of them and for them.

YOUTH CONFERENCE DESIGNED FOR YOUTH TO ADVISE US

Since 1909, older people, as they have been meeting at these conferences, have done so at the President's invitation to talk about youth. But we felt that that kind of generational condescension was out of step with the 70's, so we turned the conference over to the young people themselves—let us find out what they would tell us.

Now I am first to tell you that not everything they did and not everything that they said lined up with my own point of view or that of others in our Administration. But I totally recognize, and I defend their right to say it. We need to hear it. We need to know what people, and particularly young people, want for the future of this country.

Certainly the time when the young are to be seen and not heard is gone in America—and gone for good.

More than 300 of the conference's recommendations have just undergone six months of intensive review by the affected Federal agencies. When the results of that review are announced, the extent of agreement between conference hopes and Government action will further weaken the myth of an unbridgeable generation gap and will further strengthen what the conferees called their sense of "kinship with persons of good will of all generations."

This sense of kinship, forged into a firm, new alliance of the generations, will be essential if we are to seize the breath-taking opportunities opening up for America and the world in the coming decades.

GREATEST OPPORTUNITY AHEAD IS PEACE

The greatest of these opportunities is peace—peace not just for a few years, but for a whole generation and beyond, something we have not had in this century.

Such a peace, I believe, is coming, and the United States is leading the way. We are concluding our involvement in the Vietnam War and we are doing so in a way that is responsible, honorable and constructive for the long range stability of Asia and the Pacific region.

We have done and will continue to do all in our power to help defuse the explosive situations in the Middle East and the one you are currently reading about in the Indian Subcontinent.

We have acted in a historic step to end the isolation of nearly one-quarter of all the world's people who live on Mainland China. We have moved from confrontation to negotiation with the Soviet Union, with limitation of nuclear arms, relaxation of tensions in Europe, increased trade among the possible results.

I know these meetings, particularly at the highest level, with the leaders of the Soviet Union and the leaders of the People's Republic of China, may lead some to assume that the fact of a meeting means the end of differences between our system and their's.

TALK—NOT FIGHT—ABOUT DIFFERENCES

That, of course, will not be the case. We have basic philosophical differences, basic foreign policy differences, but as we look down the road to the end of the century, what we have to realize is this: That with 250 million people in the Soviet Union and 750 million people in Mainland China, for the United States not to be in a position to talk to those leaders in the event there is a confrontation some place in the world, could lead to a conflict, which would mean suicide for both sides. And that is why we have taken these steps, so that when we do have differences, and we will have differences for many, many years to come, we will talk about them and not fight about them.

The world that is taking shape as a result will be far less dangerous, I believe, than the one you have grown up in, because you were born approximately at the end of the Korean War. You have lived much of your life through the Vietnam War, and now the question, what confronts you in the future?

I believe it will be less dangerous. But it will be even more challenging, because as the danger of war recedes between great powers, the challenges of competition between nations living at peace with each other also greatly increases.

POWER TO BE CONCENTRATED IN MANY CENTERS

Political, economic and military power will be concentrated in many centers instead of just a few. Look at the change, for example, since World War II. Immediately after that war, the United States had no competitors in the world. We produced half the world's goods with seven percent of the world's people, and now today, there are five potential economic giants in the world—the new Europe with England in the Common Market, the Soviet Union, Mainland China with 750 million people and a resurgent Japan, not to mention, of course, the potential for the future from Latin America, Africa and other parts of Asia.

So competition in the works of peace will be intense. America cannot maintain its position of leadership unless we work at the very best of our abilities, unless we bring the best out of our young as well as our older people. But there is something else we should see about this world, something that I hope very much for you.

HOPE FOR "OPEN WORLD"

The world in which I have grown up has not been an open world; not an open world because so much of it was closed by curtains—iron curtains, bamboo curtains; call it what you will.

I want the world that you grow up in to be an open world—not a world without differences; that would be a very dull world—but an open world in which there will be a chance for anyone who wants to, to know the other people of the world.

Yours will be an open world, I believe, and it also will be quite literally a new world, one in which more than 60 new nations and 60 percent of the people living in the world came into being since World War II. It will be a world where America's fabulous economic and technological advances which have gone into war in generations past can be turned more fully to the service of mankind in the generation ahead.

And what an appealing idea to young people, with your idealism, to see that all of this tremendous capacity that America has—so much capacity to do so much for good—is turned to the works of peace rather than the works of war, because then, when the manacles of war at last are struck off the hands of the American giants, think of what our potentialities will be.

Together we can work toward conquering hunger, poverty, disease, ignorance here in America where it does exist, and also even abroad. We can achieve a new birth of vitality in our democracy, our economy, our arts and our culture. We can strike a new balance between quantity and quality in national growth, between dynamic cities and a healthy countryside in this wide land, with the heartland of this country revitalized contributing as it can and as it will, to the growth and balance of America.

FORM PARTNERSHIP WITH NATURE

We can rescue a threatened environment, a cause in which I know you are also deeply interested, and form a higher partnership with nature, and we can truly build a new America and a new world.

That is why I said at the outset that the most exciting time and place to be young and to be alive in all the record of mankind is right here in America, now, in the 70's.

From the very first, we have been a people who set high goals, we dreamed large dreams, we shared from the heart with our brother men. You all remember what Jefferson wrote when this was a weak country and a poor country. He said, "We act not just for ourselves alone, but for all mankind." It was presumptuous for him to say it then, because there wasn't much that that young, weak American could do about the problems of mankind; but because he said it, and because there was an idealism there, America did catch the imagination of the world.

But compare the situation now to then. If a Jefferson were to say today "We act for all mankind," he could be believed, and believed because what sets these times apart from any earlier period in our history is that we now have not only the will to work miracles, but we have the means to achieve them. The heavy responsibilities of world leadership, the restless perfectionism that nags at our national life, I know these seem burdensome at times. Some of us must feel at times, "Wouldn't it be well not to have all these responsibilities? Just live to ourselves as an island in the world and let the rest of the world go by."

It wouldn't be well. It wouldn't be good at all. We can feel tempted to complain about these things, but it is provincial and craven to do so. The power not merely of wishing good things, but of doing good in the whole history of mankind has been granted only sparingly to very few men and women and nations, and that power, in full measure, is what you have. It is destiny's great gift to the United States today—the power not only to wish good things, but the power, if we organize, if we work, if we set our goals high enough, to do good things in America and abroad.

HELP OTHER NATIONS BUILD PEACE

Generations before could yearn for peace. We can build peace, and we are. They could feel compassion for the oppressed, the destitute, the refugees of the earth. We can provide help for them surpassing all other nations, as we are.

For example, in the current tragic situation between India and Pakistan, the United States provides more help for the refugees there than all the other nations of the world put together.

We should be thankful that we have that kind of ability and can help in that way. We could not do it unless America were the strong, economic, productive people that we are. Others could speculate about political, economic and social systems that would set the human spirit free, but we can fashion such systems, and we are.

We can do these things, but now, so much depends, really, on you, you who are so young, so full of idealism, all those years ahead. How committed will you be?

DO NOT LET HEARTS GROW EARTHBOUND

Listen to Thoreau. He wrote, "Cast your whole vote, not a strip of paper merely, but your whole influence." You have the freedom, almost literally, to reach the stars—and with it comes the responsibility to stretch for them with all your might. Don't let your hearts grow earthbound, for the universe is out there waiting for you.

In the spring of 1968, when the first sweet taste of freedom came to Communist Czechoslovakia, a group of students marched to party headquarters at midnight and shouted for the reform leader, Alexander Dubcek, to confront them. They were impetuous and impatient—full of that young fire which our Youth Conference delegates called "the rage of love, love for . . . unimplemented principles . . . and . . . unfulfilled potential" Dubcek came down into the street to talk to the students, and one of them asked, "What are the guarantees that the old days will not be back?" He replied, "You, yourselves, are that guarantee; you, the young"

You know the rest of the story. The hopes of the Czechs for freedom met reversals, but the words of Dubcek are not less true for that. Here in America "the rage of love" has not burned out in young hearts. The flame is purer now, fed with new reason and realism.

Man's destiny of freedom is in your keeping; it is in your guarantee. And with a lifetime of adventure and promise before you, I have every confidence that that splendid destiny of America is in good keeping, and you will make good its guarantee.

MIDAIR COLLISIONS

Mr. MOSS. Mr. President, yesterday, the Aviation Subcommittee convened hearings to explore ways of minimizing the dangers of midair collisions and to receive testimony on my bill, S. 2264, requiring the installation of collison avoidance systems on all aircraft by 1975.

Numerous witnesses from the aviation industry, air carriers, airline pilots, flight engineers, and other knowledgeable observers testified as to the urgency that additional governmental steps be taken immediately to protect the lives of air travelers against the grave threat of midair collisions. Because of the serious nature of the air collision problem and the need of congressional action, I recommend my hearing statement to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR FRANK E. MOSS

Mr. Chairman, as a member of the Senate Aviation Subcommittee and author of Senate bill 2264, I appreciate the opportunity of appearing this morning to discuss the pressing problem of keeping airplanes apart in our increasingly crowded skies.

This subcommittee is to be commended for its outstanding and diligent efforts to promote air safety and especially for convening hearings to explore ways of minimizing the dangers of air collisions. Hopefully, the testimony to be delivered today and on December 10 will provide an accurate status report on aircraft collision avoidance system development as well as a detailed examination of the merits of my bill amending Section 601 of the Federal Aviation Act of 1958 to require the installation of collision avoidance systems and pilot warning instruments on all aircraft by 1975.

It is of the utmost urgency that government and the aviation industry undertake additional positive action to protect the lives of air travelers against the dangers of air collisions. Speaking at the March 26, 1971, Midwestern Aviation Conference, Federal Aviation Administrator, John Shaffer, noted the increasing congestion of our national air space by predicting that in the next 10 years there will be a "growth in the number of airline aircraft from 2,580 to 3,640" and an "expansion in the general aviation fleet from 134,000 to 232,000." The primary method adopted by the FAA of separating this increasing air traffic and avoiding in-flight collisions is the air traffic control system.

Air travelers and the aviation industry have long recognized the need for a collision avoidance system to supplement the capability of the nation's already over burdened air traffic control system in assuring aircraft separation. A primary reason for this recognition is the alarming fact that approximately 80 percent of all aircraft flying in this country is of the small general aviation category, flying under visual flight rules, outside the control of radar and air controllers on the ground.

In June 1958, President Eisenhower submitted a message to Congress recommending utmost priority be given to preventing midair collisions. He stated:

"Recent mid-air collisions of aircraft, occasioning the tragic loss of human life, have instituted the need for a system of air traffic management which will prevent them, within the limits of human ingenuity."

Nevertheless, between 1958 and 1970 there occurred 3 mid-air collisions between air carriers, 14 between air carriers and general aviation planes, 4 between air carriers and military airplanes and 35 between general aviation and military aircraft. The total fatalities in reported mid-air collisions through 1970 numbered 966. Moreover, in a National Transportation Safety Board study released in March 1971, it is projected that assuming air collisions and fatality rates will continue at past levels, we will witness 335 collisions resulting in 792 deaths in the decade from 1968 to 1978.

In 1971, there have been numerous midair collisions involving air carriers including collisions between a B–707 and a Cessna 150, a military F–4 and a DC–9, and a B–707 and Cessna 150, in the United States; a B–727 and a DC–8 in Australia; and a B–727 and a military F–86 in Japan. The loss of life has been horrendous.

The tragic collision June 6 near Los Angeles between an Air West jetliner and a Marine F–4 Phantom Jet provides a sorrowful example of a mid-air collision that should outrage the consciences of all Americans. 49 lives were needlessly lost. Thirteen of these were residents of the State of Utah—among them some of our most promising young business and professional men. The sorrow and loss felt by their families and friends throughout the State cannot be calculated.

Just recently I received a letter from Mrs. Wallace Pyke of Salt Lake City, stating, "I want to express my appreciation to you for introducing the bill calling for special avoidance systems to safeguard against mid-air collisions. My husband, Wally, his two cousins, and six more of his good friends, were killed last June in the mid-air collision between Air West and the Phantom Jet. If measures such as you propose had been in effect, these fine men would be with their families today."

In conjunction with this tragic air collision, I am aghast at the National Transportation Safety Board recommendation issued November 9, 1971, urging the FAA to take the following action:

"Coordinate with the Department of Defense, and, in areas where a large intermix of civil and military traffic exists, develop a program to insure that appropriate graphical depictions of airspace utilization and typical flow patterns are prominently displayed at all airports and operational bases for the benefit of all airspace users."

There is no recommendation here requiring installation of a collision avoidance system that could have prevented the collision, rather the FAA is urged merely to set up a precautionary program of flow pattern displays.

The glaring absence of regulations requiring an effective collision avoidance system or pilot warning instrument for all aircraft represents a major deficiency in Federal efforts to improve air safety. How many lives must be lost before systems are mandatorily required to serve as back-up protection for air traffic control?

S. 2264 proposes to correct this deficiency by requiring the mandatory installation of a collision avoidance system on all aircraft over 12,500 pounds or a pilot warning instrument on all aircraft under this weight limitation by early 1975. National standards are to be established by 1973. A collision avoidance system under the bill is an all-weather system which can detect all aircraft which represent a potential collision threat to the CAS-equipped aircraft, automatically evaluate the degree of threat, and, if necessary, indicate to the pilot a safe evasion maneuver.

A pilot warning instrument under the bill is a device intended to be utilized to assist the pilot in visually detecting other aircraft that may offer a potential threat of collision. After visual sighting, the pilot utilizing PWI must evaluate the situation and initiate any necessary evasive action.

A major purpose of this hearing today is to determine their present availability and to inquire into the development status of these systems. Collision avoidance represents a deceptive and complicated technical field in which there are no easy solutions. Numerous companies have devoted considerable time and money since 1958 in an effort to advance and flight-test their air separation concepts. Many have failed.

At the present time, the front-runner CAS is based upon a time-frequency concept, jointly fostered by the Air Transport Association, Bendix, McDonnell Douglas, and the team of Sierra Research-Wilcox Electric. These firms have collectively invested some $10 million in 16 years of developing and successfully flight-testing anti-collision hardware. The system has been recently installed on a United Airlines 727 commuter aircraft which began regular flights between Los Angeles and San Francisco on November 23. In addition, the system has been ordered by Piedmont Airlines and exists in flight hardware form for general aviation.

Among the other CAS alternatives about which we shall learn more today are some based on variations of the interrogator response technology. The Secant system developed by RCA, for example, proposes to measure relative bearing to other aircraft by direction finding techniques to enable the system to employ a horizontal escape maneuver.

Some have objected to the requirements of S. 2264, on the basis of cost and the limited time required for implementation. A CAS or PWI must be sufficiently low in cost so as not to impose an unreasonable economic burden on air carriers and other aircraft owners and operators. I am most anxious that the cost element be examined closely today. The expense of a collision avoidance system, however, can be easily justified when compared to the human and dollar costs of a mid-air collision.

The March 3, 1971 *Washington Star* reports on a recent collision indicating that negotiations were taking place "for damage claims of some $70,000,000. Moreover, a December 16, 1960 collision involving two airliners produced payments of more than $29 million." Based on qualified estimates, a mid-air collision between two jumbo jets would cost the airlines between $180–$190 million, which is also the approximate cost of equipping the entire air carrier fleet with collision avoidance systems.

With regard to the time required by the bill for installation, I, too, realize the 1975 date may prove unrealistic. But there is great urgency in getting a collision avoidance system into the airlines and as soon thereafter as possible into general aviation aircraft. To delay in the hope of no collisions is unconscionable. We must begin implementation by proceeding promptly with the technology now available.

These hearings also are intended to examine what remains to be done in order to achieve prompt CAS/PWI installations and widespread use throughout the aviation field. They are not held, however, to render a judgment from among competing systems.

The underlying premise of my bill is that because the FAA has the regulatory function regarding air safety, it should undertake, therefore, to evaluate closely and set standards for a national system of collision avoidance by 1973. To minimize the danger of air collisions, it is essential that all common air space users be encompassed in one national cooperative system. This requires the establishment of national standards and requires the FAA to evaluate competing systems to determine if they qualify.

To date, the FAA has demonstrated a remarkable ability to avoid positive action in the face of continued strong demands from the public and aviation industry for accelerated efforts to solve the mid-air collision problem. In the past 13 years, despite the pressing nature of the problem, the FAA has funded CAS/PWI efforts only $4.4 million. Inhouse and contracted research and development has been remarkably small in comparison to the total FAA R and D effort.

In a statement presented to the House Government Activities Subcommittee, on August 6, 1971, with regard to the FAA's "moderate interest" in developing collision avoidance systems, the Aircraft Owners and Pilots Association, representing over 160,000 general aviation members, stated:

". . . we can only surmise that the FAA fears development of CAS/PWI in anticipation of the possibility that such a development might make some aspects of the ground based control system unnecessary. It is significant to note that the FAA, the ATA, and the manufacturers of time/frequency equipment all have asserted and emphasized that CAS/PWI must only be considered as a back-up or supplement to the existing and future ground-based control system sustained by the FAA for the separation of air traffic.

"The doubts and questions raised by the FAA regarding operational problems appear insubstantial and inconsequential to us. The greatest potential impact on the Air Traffic Control system is that CAS/PWI would make it safer for all."

I strongly urge, therefore, that the FAA immediately clarify its acceptance of a national CAS/PWI system and publish guidance documents for the manufacturer and user industries. If there are questions which remain unanswered before standards can be set and a collision avoidance system endorsed, I urge the FAA to bring out these questions in their testimony before this Subcommittee.

In the House hearings of August 3, with regard to aircraft collision avoidance systems, Kenneth Smith, Deputy Administrator of the FAA, stated as follows:

"By the end of calendar year 1971, we believe we will have the answer to enough questions to be able to recommend change to the CAS or to the air traffic control system—or to both—which will allow safe utilization of an airborne collision avoidance system in conjunction with ATC."

This is the end of the calendar year. Is it now possible for the FAA to make these recommendations.

In the same House hearings, the FAA also promised to proceed with the procurement of the first ground stations, a study of ground station location, and support for development of a low cost system. The ground station proposal request was to be issued within sixty days. What is the current status of these efforts? The FAA has the duty and responsibility to move forward now with resolve and determination to evaluate and set standards for collision avoidance.

Mr. Chairman, these hearings have great urgency. We have the ability to act and the means to enforce our laws. It is of utmost importance that we now move to require the aviation industry to take firmer steps to protect the lives of America's air passengers. The favorable consideration of S. 2264 will require all responsible parties to adopt collision avoidance systems to improve air safety.

DONALD "CHIEF" ALBERTS

Mr. RIBICOFF. Mr. President, for many years the men and women who live near or vacationed on Long Island Sound took its future for granted. They all knew there was a pollution problem, but accepted it as normal. Recent oil spills and other ecological disasters, however, have awakened these people to the fragile condition of the sound. They have called for action and the Federal Government is responding. The New England River Basins Commission is presently undertaking a comprehensive study of the sound and will present recommendations for action to Congress.

In the meantime the Coast Guard is charged with policing and monitoring the cleanup of spills and hazardous chemicals into the sound. The man assigned by the Coast Guard to watch over this vast body of water is Master Chief Boatswain's Mate Donald Alberts, the Coast Guard oil pollution representative for Long Island Sound.

Today's Health magazine recently carried a story on Chief Alberts—outlining the challenge of his job and his response to it—which I believe Senators will find most interesting.

I ask unanimous consent that the article, written by Stephen Singer, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Spread Oil on the Sound's Troubled Waters . . . and You'll Be in Hot Water with the "Chief"

(By Stephen Singer)

Chief, when do you sleep? When I leave here at night you're here. When I come back in the morning you're still here.—Bill Hopkins, local oil executive

Donald (call him "Chief") Alberts, of the U.S. Coast Guard, usually works out of a corner of a cramped police marina or out of the back of someone else's truck or his own station wagon. But on a breezy evening in August, he sat typing his report in an air-conditioned motel in Norwalk, Connecticut. The King case was eating into his considerable patience, but he at least had the compensation of an On Scene Command Post at the Golden Crest Motel. His friend, Sgt. Tom Brigante of the Norwalk, Conn., Marine Police, had lent him an electric coffee pot and a refrigerator. The refrigerator held the bottles of polluted water needed for evidence in the case, but there was still more than enough room for some bottles of cold beer.

Usually, Master Chief Boatswain's Mate Alberts, Oil Pollution Representative for Long Island Sound, has to work on these cases with no other help from the Coast Guard, but this time the National Strike Force Team had sent two men to work with him until the case was completed. Both were commissioned officers who would outrank him, but as On Scene Commander he had authority over them. Lt. Commander Richard Briggs, who with only a month to go before retiring after 25 years' service, had gone home for the weekend the day before. Warrant Officer Howard Wirt, 10 to 15 years younger and an extremely dedicated man, had stayed.

While Alberts typed, Howard Wirt manned the binoculars they usually trained on oil spills. The closest body of water was the motel pool. By force of habit, Wirt couldn't help taking immediate notice of anything that seemed out of the ordinary. "Hey, Chief," said Wirt. "C'mere and look at the one in the white." Alberts stopped typing. He went to the door and focused the binoculars. He saw a tanned, well-built young woman wriggle out of the water. She was a college girl the motel owner had hired as a summer lifeguard. Alberts looked briefly, smiled, and went back to his report. The case was turning out to be one of the most unpleasant and distasteful Alberts had ever been on.

It was Saturday evening, but as usual Alberts would not be able to make the 45-minute drive to his home in New Haven until much later. His wife and youngest daughter had been ill, and Alberts himself had not been feeling well. For the past few days, the side of his face had been throbbing with a dull pain and his head ached. His digestion was poor, and he was beginning to lose his voice. Much of his trouble could have been caused by the required long hours of his job—and the still longer voluntary hours his personality drove him to give to it. He knew of no other way to go at this work, but for all his labor on this case—and all his experience—he felt for once as if he were in unfamiliar waters.

In his nearly 19 years with the Coast Guard, Alberts had been through many crises. There was the time he had led a human chain across a frozen river to rescue a group of people who had fallen through the thin ice. And the time he had delivered a baby in the violently pitching front cabin of a small boat while waves broke five feet over the top of the craft. The mother had been pulled out of the water after eight hours and both she and the baby survived. Alberts was used to situations like those.

He was also used to making quick decisions about the many oil spills he had worked on. Although he sometimes encountered relays and evasions, they were the exceptions. Alberts got results. He came on the scene of a spill and saw to it that it was cleaned up. Immediately. The President and the Congress had given him a job and he did it, thoroughly.

But it went more slowly now. Late in July, he had been called into Norwalk. King Industries, Inc., which manufactures industrial chemicals, was suspected of polluting the Norwalk River with chemicals generally considered powerful enough (in sufficient concentrations) to dissolve rubber, corrode cement, burn skin and cause kidney, blood and brain damage. Three days ago he had been in court to try to get a temporary injunction against King, but the judge had granted the company a five week delay. Instead of cleaning up polluted waters, Alberts was contending with judges and courts and lawyers in a struggle that involved private industry, the state of Connecticut and the federal government. The other agencies with some interest in the case included the Connecticut State Water Resources Commission in Hartford, and the Boston regional office of the Environmental Protection Agency. And there was Alberts' own headquarters back in New York, which had sent him out to Norwalk ten days ago. He had been taking photographs and collecting samples of the water, but as the days had passed, he was frustrated as he realized that the area was just as filthy and dangerous today as it was when he arrived. Alberts had a pet phrase for situations in which there was much maneuvering but little progress. He was "spinning his wheels", and he didn't like it a bit.

After completing the report, Alberts left his post and drove home. At 10:15 P.M. the phone rang. There had been two small oil spills at Oyster Bay, L.I. Alberts left immediately and drove two hours to reach the scene. He arrived home again at 4:30 Sunday morning. Before noon he was back in Norwalk. . . .

In 1970 the Federal Quality Act expanded the power of the Coast Guard to police and monitor the cleanup of spills of oil and hazardous chemicals into the nation's waters. Chronically short of manpower, the Guard could spare only a single man to monitor the hundreds of miles of Long Island Sound and its tributaries.

Located between the south shore of Connecticut and the north shore of Long Island, the Sound, in much the same way as other civilized bodies of water, has become a vast repository of discarded rainhats, sweatsocks, piston rings, muscatel bottles and cement mausoleums. Each day thousands of ships and factories dump into it millions of gallons of synthetic and human garbage, goo and swill.

Each night before he goes to bed, Donald Alberts makes absolutely certain that the collar insignia indicating his rank are fastened securely to his shirt, which, along with his pants and shoes, he then places strategically near his bed:

". . . when the phone rings in the middle of the night he can put everything on with no wasted motion. Get out the door, into the car and . . . *whoosh*."

". . . I really raised hell with that guy—in a nice way, of course. I said, 'Look, there's too many discrepancies here. You better fix them up. . . . If a company tells me they lost 10,000 gallons, I figure they lost maybe 20-30,000. . . .

". . . People tell you they're gonna do something. Then as soon as you leave the scene, well, you know . . . What you need is more enforcement people. If you could circulate enough and people know you're checking up, people are gonna mind their Ps and Qs. . . .

". . . That oil was moving down the river at four and a half knots, and I said, 'It needs a boom (a curtain-like device put out in the water to hold slicks between it and the shoreline). Put out boom behind boom.' The guy from the state says, 'You're gonna bankrupt these people.' And I say, 'What the hell is going to happen when all that oil gets into the yacht clubs. He'll wish he spent that money.' . . .

". . . Some individuals complain of double, triple laws. The state has a law. The city has a law. The federal government has a law. Why the hell can't they get together? Jeez. Take Bill Hopkins. I'm tellin' him one thing. The state's tellin' him another. I say, 'Hell, we're the federal government.' And the state says, 'There's the damn federal government telling us how to run our state.' But as long as that spill is on navigable waters of the United States, we have the final say. . . . What can the state do with a foreign vessel? You know a foreign captain can throw his tail overboard? . . . There was that Greek ship in New Haven . . . The captain says to me he's pulling out at 7 A.M. That's what he thought. I said, 'If there's the slightest chance that this ship will endanger anything on U.S. waters, you can't go anywhere.' And he didn't—until we found the source . . ."

That's the Chief, discussing his business and his consuming passion with a group of environmental consultants, anti-pollution contractors (the people hired to clean up), a Norwalk city official and some Coast Guardsmen in his motel room last summer.

The Chief is short and chunky. Walks with a determined little waddle. Likes cigars. Beer, too. But he does not explode upon the scene growling and snarling.

The Chief smiles a lot and rarely raises his voice. He likes the mellow sounds of Glenn Miller and Lawrence Welk. When he listens to his friends tell stories, he nods enthusiastically with each succeeding phrase as if to ask, 'Yeah? . . . *Yeah?* . . . And *then* what happened?" At those times he seems almost childlike.

But make no mistake. This is a man who has been around, who has a quiet command about him.

He is 39 and a grandfather. His hair is flecked with grey and has been since he was 21. And most people call him Chief because it comes naturally.

In the past year and a half, Alberts has been the On Scene Commander for the cleanup of more than 80 spills. (Before that he had been on many more. Since the Refuse Act of 1899, the Coast Guard has assumed a large share of the responsibility for action on pollution emergencies.) Only once during this time were there five days without a spill. "It's all fine and dandy for the President to pass a law," he says, "but there just aren't enough bids for the job."

Most spills occur on weekends or in the middle of the night, when the men are too tired, bored, distracted or hung over to do the job properly. If their employers are cutting back on labor costs they aren't there at all. Alberts, on the other hand, is always there. While on a spill on Long Island a few years ago, he stayed awake for 52 consecutive hours:

"You could talk to me. I could hear you. I'd know what to do and I could do it. But five minutes later somebody'd ask me what I did or what order I gave and I couldn't remember."

His life is a series of interrupted naps; of bologna sandwiches and cold coffee at odd hours; of constantly typing reports which, it seems, were always due three weeks ago. It is a life of grinding, monotonous drives down the Connecticut Turnpike and the Dewey Thruway, across the Throgs Neck Bridge, out the Clearview and Long Island Expressways and up the Northern State.

Alberts' commander wishes he had a dozen more like him, and thinks Alberts' wife should get a medal. Alberts smiles and shakes his head from side to side.

The job does have its moments. There is always the chance that a slick will catch fire. Or explode.

One muggy afternoon in May 1970, 3,000 gallons of gasoline leaked into the Norwalk River. Alberts, who was on his way back from a spill in Bridgeport, Conn., got the call on his car radio as he was passing through Stamford. He turned back and raced to Norwalk. Immediately after arriving, he told the local marine police and fire departments to seal off the harbor area.

Normally he would have called for the gas to be sprayed with a chemical foam, but that wouldn't work here. Too dangerous. The source of the spill had not yet been discovered, and no matter how much foam was applied, fresh gasoline would still be spilling into the river. One spark and most of downtown Norwalk would be obliterated.

It was also up to him to get the tanker, which had been pumping gas into an underground tank, out of the area. If the ship moved out under its own power, the exhaust alone would blow up everything in sight.

He decided to station a tug down river, well away from any danger, and to string a nylon line from it to the tanker—which could then be towed away. But nylon dissolves in gasoline. Alberts ordered it strung anyway, no less than one foot above the water. The line was secured and the tanker crawled safely out of the harbor.

Meanwhile, Alberts had contained the gasoline by means of a boom. With the area cleared, the gasoline could evaporate harmlessly into the air.

But another complication arose which could have made all the care and ingenuity seem like a hideous joke. Not far from the harbor was an overhead trestle. At about 6:30 P.M., a train from New York, packed with commuters, rattled overhead, throwing sparks into an atmosphere filled with rising gasoline fumes. No one had informed the railroad of the spill. All Alberts could do was watch and "wait for the danged thing to blow us all sky-high."

It didn't. The fact that the day had been so humid saved everyone. The heavy atmosphere had kept the fumes from rising high enough to make contact with any of the sparks.

Many of the less romantic moments in Alberts' career have occurred, for some unfathomable reason, in the city of Bridgeport. There was the brief trip through part of its sewer system, for instance. "Sixteen blocks," Alberts recalls. "Sixteen blocks in a row. You'd had to get right down into the pipes and take the sample. Then you had to go on to the next block and do the same thing. We finally traced the source of the spill to the basement of an Episcopal Church. Sometimes you have to stand on your damn head to take samples."

Then there was the great Bridgeport Airport imbroglio and landfill operation. In the summer of 1970, the airport management began a landfill to expand the airport into a body of water called Lewis Gut. Nearby residents complained, primarily because the material being used to fill in the land was human excrement. Alberts was called in when it was discovered that the landfill was polluting the water. There was also reason to believe that part of the pollution problem resulted from dumping landfill directly into the Gut.

Alberts went to see the airport manager, Nick Manero. This is Alberts' recollection of what happened: (When Mr. Manero was asked to comment, he was friendly but vague):

First Day:

MANERO: Aw, come on, Chief. Close your eyes for four or six months. You'll like it.

ALBERTS: Now you know I can't do that. This is a serious situation.

Second Day:

ALBERTS: Well, Nick?

MANERO: Aw, come on Chief.

Third Day:

ALBERTS: I think this is deplorable. If you continue, I'm going to get a federal injunction to stop you.

MANERO: Aw, Chief. You don't have to do that. You wouldn't do anything like that. Would you?

ALBERTS: Yes, I would, Nick.

Meanwhile, the story was breaking in the newspapers, with the predictable public response: outrage. Politicians who had previously pleaded total innocence were calling Alberts on the phone.

POLITICIAN: Chief, it's not that bad. Is it?

ALBERTS: Well, come on out here and I'll let you see it—and smell it.

One by one they came to the airport, and each time Alberts waded through the landfill, explaining the subtleties of the situation. The summer days were hot and humid and Alberts' station wagon wasn't airconditioned. "It was awful to drive anywhere," he recalls. "The stuff clung to my shoes, and the odor would rise up right under my face."

Alberts recommended construction of a sandfill dike to contain the waste. Eventually, amid grumbling over who had the right to do what with which landfill, work was begun.

But Alberts suspected that the city would still try to cheat and dump some of the excess into the Gut. So one night, after working the entire day at the dike, he parked his station wagon across the narrow compact road leading to the landfill. At about three A.M., a city truck drove up, loaded with landfill. Alberts quitely informed the driver that grave difficulties would arise should a similar attempt be made in the future. The driver, alarmed, agreed to notify his superiors.

To ensure that the city would keep its word, Alberts spent a few more of his summer evenings at the airport. The truck did not reappear and, finally, the Great Landfill Imbroglio came to an end. The water was cleaned up, but Alberts and the city's residents are still unhappy over the dubious nature of the foundation of their newly expanded airport.

"That was some political hasslebassle," says Alberts. "But we really rocked a few heads in there." The Coast Guard gave him a medal.

When he arrives on the scene of a spill, Alberts' primary concern is getting the polluter to cooperate with him. He courteously informs the suspect that under the provisions of the 1970 Water Quality Act he must contain the pollution, clean it up and find and eliminate its source. If the suspect does not do so, he will be liable for all expenses incurred by the Coast Guard in doing the job for him. Should the polluter resist, Alberts reminds him of his constitutional rights to silence and legal counsel, then tells him that he could be fined by the Coast Guard and prosecuted in the federal courts on civil or criminal charges, or both.

The presentation is low-key, but it is firm. A few businessmen have been deeply wounded by the implication that in performing their traditional functions in the free enterprise system, they might be considered in the same category as Maoists or second-story men. But most of Alberts' confrontations have been entirely good-natured. Businessmen, out of fear of heavy fines, out of sound public relations or out of sincere regret, are usually only too willing to do everything they can to clean up.

"When you see a man making a sincere effort," says Alberts, "you try to help in every way you can."

Helping is what he does best, and that is why for Donald Alberts, it is always three o'clock in the morning. If boats or equipment are needed, Alberts knows where to get them. If necessary, he makes Coast Guard equipment available, or arranges loans from companies that have the needed equipment to companies that do not. He is so well-known in the Sound that businessmen will loan out their equipment to strangers on nothing more than Alberts' word.

Alberts knows just how deep to dig a trench to contain oil seeping out of the ground and at just what angle to the shoreline to put out a boom to minimize the effects of changing tides and wind currents. He knows which absorbents should be used with a certain chemical and which should not.

One thing Alberts recommends is that, if a boom is needed, a work force be constantly on duty to maintain it properly. If the boom placements are not shifted to conform with the tides and wind, oil will slip around the edges of the boom and get out farther into the water. But work forces and booms are expensive, and people do not like to spend money: BUSINESSMAN: Chief, we got ninety percent of it. You have to lose some. ALBERTS: There is no reason you have to lose *any* of it, if you work hard enough. *The law says no visible oil.*

If contractors or businessmen have people working at night, Alberts works at night.

". . . I came back to the motel from monitoring the cleanup on this one spill about two in the morning. But I couldn't get to sleep because there was these two couples next door trying to make it. Since I wasn't getting any sleep, I figured I'd go back down to the site and check up again. Well, three of the men were sleeping in the back of a truck, and the fourth guy was shacked up with a girl in a car. I didn't do anything, but I made sure they all saw me. The next morning I went to the contractor, and those guys were really burnin' and turnin' on the job after that. . . . I think it's my responsibility to try to save the businessman or the contractor as much money as I possibly can. Cleaning up is expensive enough as it is. Besides, if you don't do the job properly, you lose oil and *still* pollute. . . ."

Alberts does more. He travels the Sound area helping companies to organize cooperatives that can buy anti-pollution equipment in common. He consults with local officials on new anti-pollution guidelines and legislation. On his day off, he travels hours to testify before local boards of estimate, encouraging them to appropriate as much money as possible to prevent and clean up pollution not only in the water but in the air. He will give speeches about pollution prevention to any group that asks him.

Alberts has always worked hard. With less than two years to go till his retirement, he could slacken his pace, but early habits are hard to break.

Years ago he had no choice. His mother died when he was three and not long afterward his father was hurt in an accident and found it impossible to support three small children. Donald and his brother were sent to live at a Catholic orphanage. At the age of seven, Donald was put to work on a nearby garlic farm. The boys left early in the morning and returned to the orphanage late at night. There was no lunch break at the farm and sandwiches were brought out to the fields for the children. As he got older, Alberts found this food ration was not enough to hold him till dinner, and he learned how to steal an extra piece of garlic or an ear of hard corn when no one was looking. His brother was more fortunate; he ran away to the farm across the road and got adopted.

When Alberts was old enough for high school, he went to live with the family of a friend. But they were very poor, and Alberts had to work nights as a janitor in the roundhouse at the railroad yard. After high school, Alberts wanted to join the Navy, but was told that there would be a three-month wait. "I needed three meals and a place to sleep," he says. He joined the Coast Guard.

He left after his enlistment was up, and for four years tried an assortment of jobs that ranged from private investigator to vacuum cleaner salesman, all while going to school at night. He had married and his wife worked in factories. Nothing captured his interest, however, so he reenlisted in the Guard and has been there ever since.

Alberts has never stopped struggling for an education. He says he has taken almost every course that the Coast Guard has to offer. In his small den at home are a 10-volume set of the Book of Popular Science, Collier's Encyclopedia, a Medical Encyclopedia, and the 19-volume Self-Teaching Library, whose subjects range from the Religions of the World to Typing. There is also a complete law library from La Salle Extension University, whose correspondence courses Alberts took for 12 years in his spare time. He wears the redstoned school ring on his finger. He is not in great sympathy with welfare recipients who do not work.

There are two pictures in that den. One is of Alberts with the Lennon Sisters in 1962. "Getting my picture taken with them was the greatest thrill of my life," he says. The other picture is of a 65-foot sailboat on which he trained young recruits from 1957–1960, his most pleasant tour of duty with the Guard. In spite of the nautical motif of his home, that picture is the only memento of his career that Alberts chooses to display. His work has been extremely hard on his family.

His wife, Shirley, whom he married nearly 20 years ago when she was only 16, and his three children, Beverly, 14; Keith, 11; and Dawn, 10, (there is a married son, Donald, 19, living in Ohio) rarely catch up with him. Alberts seldom talks about the Guard at home because it would lead to arguments, although Shirley seldom complains. "I accept his work for what it is, and let it go at that," she says. "But once I told him that he could drop dead over a spill and no one would care. He works so hard and all those people get is a slap on the wrist. He's only one man and the waters are so filthy."

Over the past 20 years Shirley has had to move the family between the Midwest and the East seven times. Her husband isn't home at night very much, so she does a lot of the cleaning and ironing then. She says she doesn't sleep very well at night, anyway. Since the Alberts only moved to New Haven this past spring, Shirley doesn't know too many people there, and she frequently makes the two-hour drive to Long Island where her mother and sister live.

With his 20th wedding anniversary coming up, Alberts has promised his wife a trip to Hawaii over the Christmas holidays, and this is one vacation he swears they will take. He has even made advance installment payments on the plane tickets. When they go, the Alberts will stay with friends on the Islands because a hotel would be much too expensive.

Excluding a living allowance of $120 a month, Alberts makes about $8,500 a year. Many of the anti-pollution contractors and businessmen who have worked with him on spills have offered him jobs at twice and three times his current salary, but Alberts is looking forward to retirement in 20 months with a 20-year, 65 percent pension. The security of that pension is priceless to him. "I'll still have to get a job after I retire," he says. "But if I don't like the work," he smiles, "I can always tell my boss to go jam it."

It is unlikely that either of the Alberts' two sons will choose the Coast Guard way of life. Keith wants to be a doctor. When Alberts asked Donald, Jr., 19, whether he would like to join the Guard the boy replied: "Dad, I've been in the Coast Guard for 16 years. That's long enough." They didn't discuss it any more that evening because Alberts could only be home for a short time. He spent an hour of that time trying to make his new granddaughter smile, and then fell asleep on the couch. He had worked all day and the early evening on the King case.

UTAH SKIING

Mr. MOSS. Mr. President, I invite the attention of Senators to two articles recently appearing in Ski magazine. They tell of the two skiing areas in the mountains of Utah, home of "The Greatest Snow on Earth." One story is about Alta, perhaps one of the oldest and most famous of the ski resorts in Utah. The other is about Snowbird, an area that will open this year. Its location is spectacular, and the whole development has been planned to preserve the beauty and environmental quality of the surrounding area.

Both are truly fine resorts. I have been to both, and I commend them to those who are looking for an enjoyable and exciting way to spend their skiing holidays.

I ask unanimous consent that the text of the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SKI AMERICA ISSUE: WORLD'S BEST SNOW

Alta has America's best skiing and its skimpiest resort. Up top there are perpendicular stacks of powder. But don't let the posters scare you off; there are now also genteel, machine-packed vastnesses. Scattered across the bottom are five lodges, one quasinitery and shops that sell only ski stuff or booze.

Two miles from Alta down Little Cottonwood Canyon the 20th century is due to arrive when (hopefully) the long-heralded Snowbird development opens in November. It has Alta-type skiing, tamer yet vaster, and will eventually have a Snowmass-type village. The starter set consists of a 120-passenger tram, three chairs and 160 condominium units, all glossily master-planned. Everybody cheer. Now Alta can preserve its purity while partaking of the sinful modernity down the road. Even if Snowbird's lifts are incomplete this season, its magnificent tree-specked bowls are immediately available via Hoskings Helicopters, about $12 a run. No Alta-Snowbird ticket is expected this season, except for package buyers at certain Salt Lake motels, nor will there be an exchange with the other worthy spots within an hour's drive: Brighton, Park City, Solitude or Sundance.

Snowbird may be the new baby, but Alta is the champ. It is only 45 minutes from Salt Lake's jetport, putting it within easy reach of Easterners, Midwesterners, Californians and, on weekends, a superfluity of locals. For lodge dwellers a car is unnecessary; they can ski to the lifts and there is no place else to go. Earnest affluent families dominate the whole season (there is always a private school on vacation somewhere). They spend happy evenings watching ski movies or trail-dropping around the fireplace in the lodges' nonbars. Utah bars serve only near beer, wine and setups, although each lodge has its own packaged-goods store. Everyone takes meals at his own lodge, sharing tables with other skiers. Not all the old-time-iness is endearing; the lifts and runs could stand updating and measures could be taken against the slides that shut the access road 40 days last year.

Alta has some outdoor swimming but no skating or on-the-spot snowmobiling.

Parents find the freedom from auto traffic an advantage, but for younger children, it is offset by the vastness and complexity of even the novice sectors. There is neither a special kids' ski school nor nursery, although Alta Peruvian Lodge plans to continue the nursery for its own guests. Babysitters are generally obtainable, for about $1 an hour.

HOW TO GET THE BEST DEALS

Alta's ski weeks cover all lifts, some lessons, rooms and usually breakfast and dinner. They are available in three-, five- and seven-day sizes. Unless you utilize the lessons, the monetary benefits are minimal, although there is a tour-basing fare that could enable package buyers who fly to Salt Lake to save money on their plane tickets. You can arrange a ski week through a travel agent, an airline, an individual lodge or the Utah Ski Reservation Center, Box A.M.F. 32, Salt Lake City, Utah 84101; telephone (801) 355-5544. The center also handles straight lodging reservations.

Alta's day ticket costs $6.50. Snowbird's will probably be similar. If you don't want lessons at Alta, you might do just as well by skipping the ski week and buying multi-day tickets, $17 for three days.

Snowbird plans to have three-, five- and seven-day packages at $66, $109 and $143, respectively, including lifts and lodging. Lessons and meals are extra. Single lessons are $9 and run all day. Special powder lessons are available at Snowbird as well as Alta. Three-day, all-day lessons are $24, $36 for five days and $40 for seven days.

The Lodge at Snowbird will initially furnish a large part of the accommodations. Studio rooms, bedrooms and living room-bedroom suites are available. Holiday season rates run $40, $36 and $64, respectively, per day for double occupancy. Nonholiday rates are about 20 per cent less. American Express and bank cards will be accepted. Alta Lifts and some of the lodges refuse to honor credit cards but do take personal checks.

Two or more people coming up from Salt Lake should take a regular taxi, not the limousine.

THE HOUSING

Local quirks: The big turn-over is Sunday . . . Lodges add 10–15 per cent service charges . . . Alta itself has no motels and virtually no short-term apartments . . . The sales tax is 4½ per cent on rooms, meals and purchases . . . Rates remain constant November to May, except that ski weeks are not offered during Christmas.

THE LODGES

A classic that has been diligently modernized, Alta Lodge is one of skidom's best, $14–$28 MAP. Read about it on page 25.

A close runner-up is Rustler Lodge, which has fancied up its dining room, regained its gourmet status and is expanding its stock of luxurious rooms having two queen-sized beds. The top daily MAP price here, based on double occupancy, will be around $28, and the bottom, for a four-bed dorm, around $14. The seven-day ski week runs $150–$240.

Alta Peruvian Lodge lures the more economy-minded but livelier folks, including groups. Its prettiest, most comfortable rooms cost around $20 MAP. Save $5 by settling for a plain-faced room. The seven-day deal runs $140–$220. The new owners are sprucing up the lounges and entryway but promise to maintain the in-house nursery (open 9 a.m. to 5 p.m.) and the outdoor heated pools.

The Gold Miner's Daughter started life as a ski shop with a cafeteria and bare-bones bathless rooms, all of which it still has (starting for about $15 MAP, or $150 for seven days), but now it also has a bar, recreation room and dining room, plus 33 luxuriously rustic rooms with baths (expect to pay around $24 by the day, $200 for the seven-day ski week).

Down at Snowbird, the Lodge will be pure condominium but it will be possible to rent merely a room and bath; the EP rate is about $14 for each of two.

DORMS

Snowpine Lodge has 56 bunk beds, ideal for student groups at an MAP price under $12. Expect to pay about $120 for a seven-day deal. Only near beer is sold at the bar but sometimes there is live music. Other assets: comfortable sitting space, closeness to easy slopes. Remember that the other lodges also have dorms.

APARTMENTS

Earlybirds for Snowbird must keep an eye on construction progress but the prospects are great—well thought-out, handsomely equipped modules, which might contain a studio or just a bedroom or perhaps a suite. Take your pick. Prices start at $30 per night per module for two people. Assorted restaurants, a residents' club and an outdoor pool are also expected for Year 1.

Hellgate is a small batch of spacious condominiums, poised strategically between Snowbird and Alta. Just a bedroom costs $25 for two, a studio with bath and kitchen costs $35 for two and a two-bedroom spread sleeping six costs $85, all EP.

MOTELS

Salt Lake City is short on ski atmosphere, but several top-rung motels (Ramada Inn, Little America, Holiday Inn, etc.) offer three-day and seven-day packages. The seven-day has an EP price tag of $95–$115 for double occupancy without lessons, but with free skiing at Alta or four other areas. Nightly EP rates run $7–$12 apiece.

HOW TO GET THERE

Easy. Fly to Salt Lake via American, Frontier, Hughes Air West, Texas International, United or Western, or take either Greyhound or Trailways. Rail service might be available, too. To drive from Salt Lake to Alta, take Utah 210 into Little Cottonwood Canyon. Otherwise, take a taxi, limousine, helicopter or, from downtown, the bus.—A.R.

SKIING—JUST LIKE IN THE MOVIES

In ski flick after ski flick, Alta emerges as an area where the vacationer will discover all the joys of deep-snow skiing or die trying. On film, powder sprays up under the goggles of ski school director Alf Engen as he floats down a mountain where there is not a packed trail in sight. Does the camera lie? Not really.

Situated at the end of straight, glacier-cut Little Cottonwood Canyon, Alta receives the full force of winter snowstorms; the average snowfall is over 500 inches per year. Since Alta has bred so many deep-powder enthusiasts in recent years, even plentiful snowfalls become skied out much faster than they did years ago. Novice and intermediate runs, of which there are many, too, are now machine packed for less than expert skiers.

Spread across two basins, Alta terrain is served by three chairlifts in Albion Basin and three in Collins Basin. The Albion lift and new Sunnyside lift, which opened in 1970, carry skiers to acres of wide open novice and intermediate slopes, about one mile from top to bottom. Better skiers enjoy twisting runs through glades under these lifts, especially when spring corn conditions exist. From the higher Sugarloaf lift in Albion, Corkscrew, Mombo and Devils Elbow are the most popular.

Crossing over to Collins Basin, there's an exciting way down the mountain, whether you choose a mapped trail like High Rustler or a run down through the trees under the Germania lift. The traverse track from the top of Germania lift south to High Rustler is excitement enough. It is narrow with steep slopes dropping off to right and left, and should you list a little to port or starboard, you might end up skiing any one of five or six trails leading down into Collins or zooming into Greeley Bowl on the Albion side. The traverse track finally ends at High Rustler, a 3,300-foot-long slope with a steep, but smooth, grade of 23.3 degrees.

Besides skiing at Alta, there's spectating. On days when the Baldy Chutes are open, look upward and eastward from Germania to see skiers climbing out onto the chutes, which are much steeper and narrower than even High Rustler. Superb skills and a special clearance from Alta snow rangers or ski patrol are needed to ski them.

In addition to lift-served skiing at Alta, there's plenty of skiable terrain at new neighbor Snowbird. Ski vacationers also can elect to climb or fly by helicopter to Cardiff, an especially popular early-morning run in spring for corn-snow enthusiasts. More skiable terrain exists throughout the Little Cottonwood Canyon and is accessible by helicopter.

Junior Bounous is to be Snowbird's ski school director.

Powder ski lessons are available at Alta. Lift tickets there go up $1 this winter to $6.50.—B.W.

You've Got Snow, You've Got A Snowbird

(By Morten Lund)

Until just this winter the sovereign state of Utah had specialized in discouraging skiers with a somewhat widespread reputation for militant temperance—lately watered down to a bottles-only law—and its lack of investment in top-grade lifts that have to go with first class resorts (if you want to get the skiers to come in from afar).

This double-edged attempt has not *quite* succeeded. The particularly enduring and endearing quality of the powder snow that falls in Utah's Wasatch, and the awesome nature of the Wasatch range itself, has made Utah world-famous in spite of itself.

Starting with the snow: the Wasatch is bountifully blessed (450 inches a winter) with a kind that, could it be duplicated by machine, would make the inventor a national ski hero. Wasatch snow is not light, but it is fine-grained. It is dense. It falls and falls in small dry grains that last and last without fusing together, and floats the skier to the top with an ease that less densely grained snow cannot. To say "Utah powder" is to think of floating.

Then, consider the Wasatch peaks.

The Rockies, 150 miles to the east, are generally rounded and pleasant, especially below 11,000 feet. But the Wasatch rise sharply towards 11,000-foot crests. In fact, the problem is to find terrain that is *not* steep, rather than the vice versa problem afflicting the rest of the country.

The Wasatch is the only American range that matches the sheerness and pitch of the most expert European skiing. These are mountains that rise from sea level outside Salt Lake City—right at the city limit, in fact—and go up, up, up, so fast that such canyons as have been allowed to exist—for purposes of dividing one peak from the next—are small, narrow and often all but vertical. The Wasatch has the kind of precipitous, narrow, winding valleys that give European road engineers and American drivers on European mountain roads cold trickly armpits.

The most famous of the Utah canyons, as far as skiers are concerned, is Little Cottonwood. It winds up out of the flat vistas of the Great Salt Lake like a crack in the face of a Greenland glacier. Little Cottonwood finally widens notably and comes to a head at an oversized Ranger station named Alta. Here, after 25 years of struggle, six medium-size family style lodges have taken precarious hold among the avalanche paths; they serve 300 or 400 happy, elite clients cn a big week.

But now—aha—just below Alta, a mile or so, a whole new game plan has gone into effect.

The name of the game is Snowbird.

With that, we are talking about big changes in Little Cottonwod.

Snowbird is big. And it is a marvel of modernity. By contrast with the modest establishments in Alta—charming as they are—what is going and will go in at Snowbird are ice palaces, grand hotels and super-sinful continental bistros and pleasure dens.

We're talking about a soaring 3,000-vertical aerial tram, as against some of the country's oldest surviving chair systems at Alta, with vertical drops of only 1,760. We are talking about doubling the valley's lift capacity for openers, and an eventual 5,000 to 8,000 Snowbird skiers on a weekend day, as against the 1,000 skiers normal for Alta. We are talking about the kind of potential and financing at Snowbird that can and may well make the best European terrain "circuses"—such as that at Kitzbühel—look pallid and underfed by comparison. The Wasatch intrinsically is as good and in some ways better than anything in the Alps.

Utah, it is not too soon to say, is giving birth to a ski resort that ought to send a shivering chill down the spines of owners of every big resort in the world. The timing, the terrain and the people behind Snowbird are uniquely dynamic.

The time:

The Snowbird complex got planned just as the big ecology fervor hit the fan. The place has been planned and replanned and planned again with an eye to preserving what is, enhancing natural wonders and, most emphatically, keeping the intrusion of the village down to a beautiful compactness not yet dreamed of in the States. Another way of saying this is to say that Snowbird was built *after* the dazzling "second-generation" French resorts had matured to serve as models.

The terrain:

Snowbird is where Alta should have been. Alta's present location is a matter of convenient utilization of maximum Forest Service land. It has been a Forest Service creature, in effect, since inception. There is pitifully little private land on the canyon bottom up at Alta.

Alta terrain consists, first of all, of a spectacular wall coming right down at you: the soul-shattering High Rustler. Slightly to the west is another wall, not quite as hair-raising: Wildcat. It makes nice postcards but between and up behind those walls, which by themselves do not a complete resort terrain make, are a series of relatively short walls and confused terrain.

There is not much sustained running at good pitch, except for High Rustler and Wildcat. To get to the top of High Rustler is a feat of traversing beyond the desire of anyone but the very strong skier. Wildcat is not straight-forward descent either. You can end up a good hike down the valley unless you know exactly where to go.

Alta's quirks and cantankerousness make the resort a place beloved by the in-group that knows just how to get from here to there without getting trapped in a gulch. Forced intermediates love the new chairs on the Albion side but it is a relatively narrow valley, three-quarters-of-a-mile wide and intermediates are confined to its middle lanes.

Snowbird's terrain—Peruvian Gulch and Gad Valley—is much bigger and more in one piece.

Normally you come off Snowbird's high ridge line (Alta never gets up to its high back ridges), and down one side or the other of the great scalloped bowl, Gad Valley that leads all the way into the village. Gad is all wide open, easy to follow, and fantastic. Without cavil, Gad Valley matches anything in the world, foot for foot. The expert way down is everything a good skier can handle for at least a good half- to three-quarters-of-a-mile. Below that is an open rolling terrain of small playful gullies and little hills to swoop over. Its a glorious ingenious terrain that shoots you right onto the "Skier's Bridge" and into the village.

While Alta's accommodations appeal to the rugged, athletic ski esthete who couldn't care less about social amenities, generally speaking, Snowbird, by comparison is for the pleasure-loving. True enough, it will have its appeal to the skier of steel-and-sweat. The terrain is as tough as Alta's with the exception of High Rustler. But overall, Snowbird is bigger, easier and broader. It has coopted the beautiful bowls—Gad and Peruvian—that used to be the high points, the once-in-a-while heavenly runs for the Alta powder-philes who had cars waiting for them below. Now you can run them twice a day as part of Snowbird. Intermediates have a whole one-and-a-half-mile-wide bowl to play with. And the beginners terrain, Big Emma, in the middle of Gad, is one of the best beginner slopes in the world.

The people:

Ted Johnson and Dick Bass are the men who responded to the challenge posed by Utah's reticences and her undeniable advantages.

Ted Johnson is the key figure, the mainspring: A compact, droll, tough, young-looking—albeit silver-haired—45-year-old. Johnson would, when he smiles, be easy to mistake for one of those contented lifetime ski addicts that he almost was. When he stops smiling, he takes on a powerful "together" look. You want him on your side of the table when trouble blows up.

Ted has vibrated between two poles all his life. When he is at one pole, he makes Jean Paul Getty (self-made richest oil man in the country) look like a loiterer. When he is at the other pole, he gives off the good vibes of a man at his ease, a man with all the time in the world to plot the next day's unbelievable run through untouched powder in back of Snowbird on American Fork Canyon (Snowbird will have runs there someday) where you can go for five miles before lunch and five miles after.

Ted started off fast as a young hedonist right after he fled from college in California and took a year off to ski Sun Valley and to learn to surf. "I was in California and Honolulu in the winter and out in the Rockies in the summer and the minute I stopped doing that," said Johnson, "I got very grey. I should have stayed with the schedule I had."

Instead, Johnson left skiing for a while and, bouncing into his frenetic phase, became one of the first to operate a cotton-picking machine. Ted said, "All you had to do was get yourself $12,000 and learn to drive the machine.

After he had made enough, and that was quite a bit (Ted has always been a quick student), he came to rest after a while at Alta where he became one of the country's most spectacular powder skiers. Pretty soon, he was making ski movies there and making lots of money again.

Then Johnson ran off to Europe for a rest and came back to teach at Aspen. Then, off to ski New Zealand and Australia, then to the fairly mundane job of managing the Rustler & Alta lodges—something he could do with one hand.

After this comparative lull, he escalated into the manic phase again. He quit Alta lodge to try to get hold of the necessary land for a resort he had in mind just west of Alta, then un-named.

First Johnson bought some unrelated land in Little Cottonwood, sold it, and used that to finance the next phase: locating deeds, writing letters to absentee owners, getting quit-claims, buying up mineral rights by the acre and half-acre.

The reason that the enticing piece of canyon below Alta had not been snatched off to make a ski resort previously was that the ownership was a criss-cross of claims, of staked-out land holdings, and of owners departed for unknown reasons to unknown destinations. It was a legal snakepit.

Johnson untangled the snakes bit by bit through the U.S. mail. The letters he wrote were laconic masterpieces. Old prospectors and nearest of kin were asked if they would like to pick up a little spare change by selling their remote claim to some rock-slid pasture-land up in the nether reaches of Little Cottonwood.

Said Johnson, "It was nerve-wracking. I thought, by God, I would be able to grab off all the land in a year and off we'd go. Four years later, we finally had it. It was four years of solid struggle."

Now let us introduce Snowbird's financier.

One of the fastest ways to make your money sit still at little or no interest is to invest in a ski resort, and who should know better than Dick Bass, an oil man and rancher who got his toe in the snow by investing in Aspen, first, and then a whole arm and a leg in Vail, a few years back. But now he has really gone off the deep end and socked $11 million into Snowbird out of sheer faith in Ted Johnson, the ex-lodge manager and cotton picker.

Bass is a good looking 42-year-old, tall-in-the-saddle sort of man, with natural charm; he wants the world to be a really great place. He'll invest some strong effort into creating the great atmosphere he craves whether at a Japanese restaurant in Salt Lake, the Hobachi, where he's a grand patron, or just coming up with the very model of a modern ski resort.

"I'm an emotional skier," Bass said. "I feel intensely out there on the slope. I need to get up on the mountain and get my fix, you know. I need to go up and breathe purified air and get hopped up.

"But I wouldn't have signed the deal without Johnson. In fact, I wouldn't have signed the deal at all if I didn't think he was the kind of guy who could make it go. I am betting a lot on that boy."

The village:

"We planned a completely carefree village at all times," said Johnson. "We have one little two-lane country-club-like road that drives toward the village, but the minute you get there you go under cover." On the lower level under the plaza are parking and unloading. The second level, still underground, is a shopping arcade that goes the full length of the village. The top level has the ground floor of the condominium-lodge and the shops that open on the plaza. The plaza is a mere 150 feet by 150 feet, roughly. Snowbird Village takes up relatively little space.

"What the plaza does is connect all the hotels and businesses and everything in the entire village," says Johnson. "At night, without dressing for the outdoors, you can go—at the height of a blizzard—anywhere in the village. You can see any of your friends at any lodge or restaurant without ever getting out of doors."

What Snowbird is doing is following the French pattern. Now that we are starting to get ski towns that have the urban problems the cities have, and for the same reason, lack of planning, Snowbird is an important event. It is planning *all* the structures, and integrating them all into a single compact, connected entity.

At Snowbird, you put in more money for less immediate return, but you cut out all chances for instant-millionaire land realty operators, too. When it's all built, it's yours, and not the ideas of 20 other guys on how to make a quick buck.

Snowbird's architecture is sort of subdued, supersensitive, semi-highrise. The 320-bed condominium-lodge is seven stories high and next year's condominium lodge is 12.

"People are going to travel up this little canyon because it is beautiful," says Dave Rose, the publicity director. "If you don't enhance the beauty, if you don't protect it, we have lost our prime sales point."

For all that, the resort is managing to put in a fine array of things for a first year operation. There is a tram bar in the base of the big lift, a steakpit restaurant, a dining room, a malt shop, a day care center, a medical clinic staffed by a registered nurse, a men's shop, a boutique, a craft shop displaying local arts and handwork, a gift shop, photo shop, drug store, beauty shop and in the main lodge a delicatessen.

In the condominium you can rent just a bedroom or you can take a whole condominium rental if you want a complete living-in style of vacation. It's fully booked this Christmas.

The lifts:

Scheduled to start in December is a fantastic main cable car that holds 125 people and goes up nearly 3,000 feet in six minutes. In the morning it also will carry a regular snow-cat slung by cable beneath; it is piloted back down to pack its way swiftly down the mountain for those many of us who need a trail through deep snow (Johnson thinks of everything).

The three subsidiary chairs below tree line have adjustable initial towers, so that onloading will take place at snow level without need for ramps. There will be no scrambling up an high icy barrier and flailing into the chair. The chairs will carry their rated capacity, not a lot of missed seats.

Avalanche:

Snowbird is in prime avalanche country but has the most sophisticated avalanche protection system in the world. Avalanche control was invented at Alta by the legendary Monty Atwater and one of the finest pupils of the Alta school, Kent Hoopengartner, is taking charge at Snowbird. He does double-duty as a stamina-tested premier attraction for young ladies, informally known as "Hoopie."

Ski School:

This will be headed by Junior Bounous, who not only is acknowledged as the top-thinker in deep powder technique, but is considered one of the best theorists all around in ski teaching and is one of the most effective directors in the country. Junior has led the very healthy move in this country away from rigid forms, into actual teaching proficiency as a measure of success. He is offering two versions of GLM this year.

Transportation:

Snowbird is the handiest major resort to a transcontinental crossroads airport; it is as little as 30 minutes from Salt Lake City to Snowbird by car. You can fly to Snowbird via Salt Lake faster from New York than you can to Aspen or Vail via Denver. It's faster by air from San Francisco than a drive to Squaw Valley. Johnson would like to make that even more spectacular. He would bar cars from Little Cottonwood and put in a monorail from Salt Lake. There's no saying he won't persuade the right people.

Every resort has to undergo some trauma in its shakedown year, and this is Snowbird's. But the forecast is for creating a lot of believers.

DEATH OF MRS. LESLIE BRADLEY CUTLER

Mr. BROOKE. Mr. President, Massachusetts suffered a grievous loss this week when a gracious, gallant and noble lady, who contributed more to improve mental and public health than any other single person in the history of the Commonwealth, died.

Mrs. Leslie Bradley Cutler was my cherished friend. She was also the stalwart friend and champion of literally millions of Massachusetts citizens who never knew her name.

For her, politics was a synonym for service to others, and her service to her town and her State spanned almost half a century.

Four years after the women of America gained the franchise, Leslie Cutler became the first of her sex to serve as a selectman in Massachusetts.

From that election day in 1924 until her death last week, Mrs. Cutler was the first lady of Needham, serving her town for 40 years as a member of the board of health and for 30 years representing Needham and its neighboring towns in the Massachusetts House and Senate.

She was gently tenacious. Women were excluded by law from jury service in the Commonwealth when Mrs. Cutler began her service in the Massachusetts House in 1939. After 3 or 4 years of eloquence and masterful lobbying among her colleagues, the House adopted enabling legislation which corrected that injustice. But the State senate balked year after year after year, until Mrs. Cutler, in the toughest political fight of her long and successful political career, defeated three men in the Republican primary and another in the general election to win election to the State senate.

Then the legislation was passed and Massachusetts women were granted the right to serve on juries.

In every session of the general court between 1939 and 1949, Leslie Cutler's conscience, craftsmanship, and commitment to progress resulted in the adoption of public and mental health legislation, which has earned Massachusetts a place on the honor roll of States in these fields.

Mr. President, I speak about Mrs. Cutler's public service because I know that aspect of her life best. But as tireless and effective as she was in pursuit of the good life for others, she always had time for her children, her grandchildren, and her great grandchildren. She learned from them. They kept her young in health and spirit until the day she died.

Her family, her town, her State and thousands of those who loved and respected her will miss her very much.

But we all have the memory of her radiant personality, her friendship and fellowship, her zest for life and the good fight to sustain us.

And Massachusetts has the laws she drafted and fought for which, as part of our general laws, will carry on the good work and good will which her life personified.

That is Leslie Cutler's legacy, and a wonderful monument to her life.

ORDER TO PRINT CONFERENCE REPORT ON H.R. 10947 AT ANY TIME PRIOR TO MIDNIGHT SATURDAY NIGHT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the conference report on H.R. 10947, the investment tax credit bill, may be printed at any time prior to midnight Saturday night.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. following a recess. After the two leaders have been recognized under the standing order, the Senate will proceed to the consideration of the bill making appropriations for the District of Columbia. There is a time limitation on the bill and on amendments thereto.

In accordance with the usual practice, it may be expected that a rollcall vote would occur on final passage of that appropriation bill. Rollcall votes may occur on amendments thereto.

On the disposition of the D.C. appropriation bill, the Senate will take up S. 2574, the so-called voter registration bill. Under the agreement, the limitation of time on that bill is 2 hours to be equally divided.

If after 2 hours a vote on final passage has not begun the bill will be returned to the Senate calendar.

It is assumed that sometime tomorrow the supplemental appropriation bill may be called up. It is also expected that at some point during the deliberations tomorrow, if I recall the statement of the majority leader, the Senate will begin its consideration of a Supreme Court nomination. I hope I have not misstated the program of the distinguished majority leader in this regard as he outlined it.

Mr. HRUSKA. Mr. President, will the Senator yield with reference to the voter registration bill, S. 2574?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. Does the Senator from Nebraska understand correctly that the 2 hours' time allotted for the purpose of debate on that bill are to be equally divided between the opponents and the proponents?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. HRUSKA. So that if the proponents would utilize and use up all their time, and the opponents would choose to yield back their time, there would be no time for a vote on final passage and, therefore, no further consideration of the bill. Is that a fair interpretation of the unanimous-consent agreement?

Mr. BYRD of West Virginia. I think if I were the Senator, I would not yield back any time.

Mr. HRUSKA. No, but it is going to be done.

Mr. BYRD of West Virginia. I would let the time expire. Under the agreement arrived at there are 2 hours allotted. If after 2 hours the final passage of the bill has not begun, then the bill goes back to the calendar.

Mr. HRUSKA. How long after, may I ask the Senator, if after 2 hours final passage not begun, why cannot final passage begin and proceed 4 hours after debate starts?

Mr. BYRD of West Virginia. Not a chance because if the rollcall on final passage has not begun at the expiration of 2 hours, the bill goes back on the calendar. Senators on both sides of the aisle need only stand on their feet and discuss the bill for 2 hours and it will go back on the calendar.

Mr. HRUSKA. I thank the Senator.

Mr. BYRD of West Virginia. But let me say in response to the able Senator, the thing that troubles me about his question is this—If all time after, say, an hour and a half is yielded back—a vote could start on that bill because 2 hours would not have expired. Of course, a quorum call would be in order and that could conceivably consume the remainder of the 2 hours.

Mr. HRUSKA. I thank the Senator. This Senator indicated his preference as to the fashion in which this unanimous-consent agrement should be arrived at. He was not notified that his particular ideas on the subject were not complied with. It is not the most satisfactory arrangement at all possible.

It is my hope that in the future there will be a better line of communication with those who are interested in the bill and who are on record for some time as being interested in the bill and who requested that notice be given on any proceedings concerned with the bill, because then we will not reach a situation where we have to make a request. By this I do not imply for 1 second that the acting majority leader was in any way responsible for the lack of communication which has occurred, but there are others who have done that.

Mr. BYRD of West Virginia. Mr. President, may I say for the record that I discussed this matter with the distinguished Senator from North Carolina (Mr. ERVIN), who could not be present at the time the request was made, and after it was explained to the Senator as to expressly what the request would do he indicated he would not object to the request as it was stated.

The matter was discussed with various Senators on both sides of the aisle.

If Senators want to talk for 2 hours, Senators on both sides of the aisle can be assured that there will be no vote on the bill under the terms of the unanimous-consent agreement. Of course, there can be unanimous-consent requests propounded during those hours. But it only takes an objection, as the Senator knows, to reject such requests.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. The period for the transaction of morning business is closed.

RECESS TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 26 p.m.) the Senate took a recess until tomorrow, Friday, December 3, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 2 (legislative day of November 29) 1971:

Ambassador

Robert Anderson, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Dahomey.

U.S. District Courts

Jon O. Newman, of Connecticut, to be a U.S. district judge for the district of Connecticut, vice William H. Timbers, elevated.

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois, vice Julius J. Hoffman, retiring.

Arnold Bauman, of New York, to be U.S. district judge for the southern district of New York, vice a new position created by Public Law 91–272 approved June 2, 1970.

Lee P. Gagliardi, of New York, to be a U.S. district judge for the southern district of New York, vice a new position created by Public Law 91–272 approved June 2, 1970.

U.S. District Courts

Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska, vice Richard E. Robinson, retiring.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 2 (legislative day of November 29) 1971:

Department of Agriculture

Earl Lauer Butz, of Indiana, to be Secretary of Agriculture.

U.S. District Courts

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington.

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California.

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia.

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois.

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

U.S. Court of Claims

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims.

Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims.

Department of Justice

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Masschusetts for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, December 2, 1971*

The House met at 11 o'clock a.m.

Rev. W. Michael Nobles, the Methodist Church, Middleburg, Va., offered the following prayer:

Almighty God, Thou who art the judge of all nations, come nearer to us than we have ever known and stay with us throughout this day.

When we are faced with choices and decisions, help us to see things from Thy viewpoint, that we may see things as they really are. When our wisdom fails us, give us Thine, that we may choose that which is right.

Father, we come to Thee in the faith that Thou dost have a plan for America. O God, may Thy spirit protect our dear land. In mercy assist her to faithfully stand for justice and honor through all of her days; one people united to serve Thee in praise.

This we ask in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1483) entitled "An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 18) entitled "An act to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Fulbright, Mr. Church, Mr. Symington, Mr. Aiken, and Mr. Case to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 382) entitled "An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes", agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Pastore, Mr. Hart, Mr. Hartke, Mr. Jordan of North Carolina, Mr. Cannon, Mr. Pell, Mr. Baker, Mr. Cook, Mr. Stevens, and Mr. Scott to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes;

S. 1367. An act to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

TRIBUTE TO REV. W. MICHAEL NOBLES

Mr. SCOTT. Mr. Speaker, our Chaplain was most kind to permit the Reverend W. Michael Nobles, pastor of the Middleburg, Va., United Methodist Church, to open today's session with prayer.

I have known Reverend Nobles for a number of years. He has served pastorates in both North Carolina and Virginia and has been a member of the Virginia conference of our church since 1964.

A native of Greenville, N.C., our visiting chaplain received his bachelor of science degree from Richmond Professional Institute and his master of divinity degree from Duke University.

An active citizen of the communities in which he has had pastorates, Reverend Nobles last year was selected as one of America's outstanding young men by the U.S. Jaycees. He had formerly been honored by the Beaverdam, Va., Ruritan Club with its "Man of the Year" award for service to that community.

Reverend Nobles, of course, is active in all phases of the work of his church and serves as scoutmaster of Middleburg Troop 953, on the board of directors of the Fauquier-Loudoun Day Care Association and the Northern Virginia Board of Missions.

He has written a number of songs, the last of which is "How Blest Is the Nation Whose God Is the Lord." Mr. Speaker, I wish that more within the ministry would attempt to associate their religious life with the life of our Nation. In my opinion, it would add to the spiritual life of our country and be of material help to both the church and the Nation. I insert the full text of the song in the Record at this point so that the membership will have insight into the character of the man who has offered our opening prayer today:

HOW BLEST IS THE NATION WHOSE GOD IS THE LORD

(By W. Michael Nobles, 1971)

1. How blest is the nation whose God is the Lord,
By whom the Almighty is ever adored;
Her people shall flourish, her freedom endure,
For God in His wisdom will keep her secure.
2. O God, may Thy Spirit protect our dear land,
In mercy assist her to faithfully stand
For justice and honor through all of her days,
One people united to serve Thee in praise.
3. Without Thee to guide her our nation is lost;
O help her to follow whatever the cost.
Sustain her with grace to obey Thy commands;
Dear God, give her courage to meet life's demands.
4. All glory and honor we give unto Thee
For making our nation the land of the free;
With true adoration we sing in accord
How blest is the nation whose God is the Lord! Amen.

NOTE.—This anonymous hymn tune was popular during the early years of our Nation's history. It had its origin in the South and probably should be classified as a Negro spiritual. The melody gets its name, Foundation, from the hymn, "How Firm a Foundation," which is often sung to it. This tune was a favorite of Gen. Robert E. Lee and "How Firm a Foundation" was sung to it at his funeral.

CALL OF THE HOUSE

Mr. SCHMITZ. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFall. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 423]

Abbitt
Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Belcher
Blatnik
Boland
Broyhill, Va.
Burton
Byrne, Pa.
Cabell
Celler
Chisholm
Clark
Clay
Collins, Ill.
Davis, S.C.
Dellums
Derwinski
Diggs
Dowdy
Edwards, La.
Eilberg
Evins, Tenn.
Findley
Flynt
Foley
Ford, Gerald R.
Fraser
Fulton, Tenn.
Gallagher
Gray
Gubser
Hagan
Harrington
Harsha
Hébert
Holifield
Jonas
Kee
Keith
Landrum
McClure
McKevitt
Macdonald, Mass.
Metcalfe
Pike
Powell
Pucinski
Railsback
Reid, N.Y.
Riegle
Roberts
Rodino
Roe
Rooney, N.Y.
Rosenthal
Rostenkowski
Sandman
Scheuer
Seiberling
Sikes
Springer
Steed
Stuckey
Vanik
Wright
Wyatt

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXCUSING OF CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 11341, DISTRICT OF COLUMBIA REVENUE ACT OF 1971

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississipi (Mr. Abernethy) may be excused as a manager on the part of the House at the conference on the bill H.R. 11341, and that the Speaker be authorized to appoint another Member to fill the vacancy.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER. The Chair appoints as a manager on the part of the House at the conference on the bill (H.R. 11341) the gentleman from Georgia (Mr. Stuckey) to fill the existing vacancy thereon.

The Clerk will notify the Senate of the action of the House.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 10384 UNTIL MIDNIGHT FRIDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Friday, December 3, 1971, to file a report on the bill (H.R. 10384) to amend the act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k—460k-4), to release certain restrictions on acquisition of lands for recreational development at fish and wildlife areas administered by the Secretary of the Interior.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana.

There was no objection.

COMPENSATION OF STAFF OF CORPORATION FOR PUBLIC BROADCASTING

(Mr. KEITH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEITH. Mr. Speaker, it has been reliably and consistently reported in recent days that the Corporation for Public Broadcasting has declined to release information to the public, and in particular to the Congress, as to the compensation of its staff.

This attitude is contrary to the traditions of all public agencies. It is particularly abhorrent to find it in the agency which should be most dedicated to the dissemination of truth.

By withholding such knowledge it creates suspicion, not only as to salaries, but as to the character of its operations.

As senior minority member of the House Communications and Power Subcommittee, I would be derelict in my duty if I did not demand that the Public Broadcasting Corporation immediately open its records to the public. The best way to dispell the clouds of concern that are spreading in the press and throughout the Congress is for them to meet with the press, and deal with them openly and in keeping with the traditions of press and the broadcasting industry of which they are a part. They should do so with the least practicable delay.

As for my role, I have today asked the chairman of the full Committee on Interstate and Foreign Commerce to authorize hearings on the part of the subcommittee in order that all pertinent data may be revealed, and I have sent a telegram to Public Broadcasting Corporation President, John W. Macy, Jr., advising him of my concern. I have asked him to open to the public the Corporation record particularly those related to the salaries of its officers and staff.

Mr. Speaker, the success of the Public Broadcasting Corporation, and its approval by the Congress, depends upon the fullness and the content of its response to public inquiry, and upon the records accordingly revealed.

Public Broadcasting is designed, at public expense, to serve the public need and the public interest. Anything less than full disclosure on all matters would be contrary to the purpose and mandate.

DOCK STRIKE AFFECTS TENNESSEE FARMERS

(Mr. BAKER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BAKER. Mr. Speaker, Tennessee farmers are sick of dock strikes and other work stoppages which so directly affect their farm income.

Last year, Tennessee farmers estimate their share of the total U.S. agricultural exports was $112.2 million. As you know, we had a national record last year of $7.8 billion. About $6.7 billion of that was for dollar sales.

In a time when we are trying to improve the value of the dollar internationally—and at a time when the one bright spot in our international balance of payments is the agricultural export figure—it seems shortsighted in the extreme to permit labor-management disputes in the national transportation system to threaten the health of our export trade.

Tennessee farmers last year exported $31.5 million worth of soybeans, $18.9 million worth of cotton, $13.7 million worth of tobacco, $5.9 million worth of wheat and flour, and $9.8 million worth of protein meal.

They need these markets. They are an important part of farm income in Tennessee.

Gulf and east coast strikes are costing corn and soybean growers between $75 and $100 million a week in export sales.

The President is using the legal tools at his command to help solve this national problem, but legislation must be enacted which would provide a more permanent solution. We cannot continue any longer to deal with these national emergencies on an ad hoc basis.

That is why I strongly urge that we dust off and consider as early as possible H.R. 2373, to provide for the establishment of a U.S. Court of Labor-Management Relations. We must find an equitable way of dealing with labor-management disputes which affect the national transportation industry.

LABOR-MANAGEMENT DISPUTES IN TRANSPORTATION SYSTEM

(Mr. GOODLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GOODLING. Mr. Speaker, how long will we continue to permit labor-management disputes in the transportation system of the United States to threaten the economic well-being of the Nation?

Farmers in Pennsylvania and across the Nation cannot long survive a situation that affects them and their livelihood so directly.

We must rise up in the Congress to enact the kind of legislation that will allow the goods of this Nation to keep moving despite the dock strikes and other transportation tieups that come from labor-management disputes.

The Pennsylvania farmers' share of our national exports in fiscal year 1971 was $53.1 million. Pennsylvania farmers were among the top 10 in export value of their dairy products and tobacco. Feed grain producers in Pennsylvania exported $11.7 million worth of corn and other feed grains. We are not a major wheat State, yet we exported $7.9 million worth of wheat as our share of the total $7.8 billion worth of U.S. farm exports in fiscal 1971.

Mr. Speaker, I call on my colleagues to help get immediate consideration and action on H.R. 3596, the administration-backed bill which would provide an effective means of protecting the interests of farmers and the public in national emergency disputes involving the transportation industry.

DOCK STRIKE AFFECTS WISCONSIN AGRICULTURE

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, not long ago Secretary of Labor J. D. Hodgson, speaking at a fundraising rally in Des Moines, Iowa, commented on the dock strike situation:

> Nowhere have these strikes hurt more than right here in the Midwest. When shipping is throttled, whether on our coasts or our railroads, the farm country gets hit hardest. Corn piled up in back lots, wheat piled on town streets, soybeans filling box cars on every siding, barges not moving on the river—it's got to stop.

Mr. Speaker, that is a very graphic, and very moving, description of what is happening right now in the Midwest. Statistically, it translates into a 15-cent bushel loss on corn.

Feed grain farmers see their profits disappearing and getting smaller each day that the strike—or threat of a strike—continues. Ships lie idle along the coasts of our Nation. Loaded barges are anchored in our ports and on our rivers, unable to move. Elevators and terminal storage facilities are loaded and back of all this idleness is the farmer who sees the posted price of his feed grains moving steadily downward.

Mr. Speaker, last year the Wisconsin share of farm exports was $87.6 million. The principal crops that were included in our exports were tobacco, hides and skins, dairy products, feed grains, and wheat.

We need the income from those exports. We cannot afford to lose over $87 million in farm income—or even a portion of that amount—because of labor-management disputes at port facilities.

Therefore, I urge immediate consideration of effective legislation to protect farmers and consumers during labor-management disputes that affect our national transportation system.

FLORIDA ANTIBUSING VOTE

(Mr. YOUNG of Florida asked and was given permission to address the House for one minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, I always thought the people of the United States made the final decision in any matter regarding their Government. I will bet every Member of this House thought the same thing. But I read an article in the Washington Post this morning relating to a vote for the people in Duval County in my State of Florida. I want to take a second to read into the RECORD what that newsstory says. Disregard the headline, because it does not indicate what the story is about.

> FLORIDA ANTIBUSING VOTE BEHIND
>
> JACKSONVILLE, FLA., December 1.—Seconds after Duval County voters overwhelmingly approved an antibusing amendment Tuesday, a federal judge voided their decision.
>
> The proposal to prohibit the expenditure of local or state money for busing children to achieve racial balance in schools passed 33,513 to 8,899.
>
> However, one minute after the vote was certified, an order signed by U.S. District Court Judge Gerald Tjoflat was handed to elections supervisor, Harry Nearling, declaring the vote null and void.
>
> School Superintendent Dr. Cecil Hardesty said the amendment was in direct conflict with federal court-ordered busing.

So, if you thought, like I did, that the people have the final say in our Government, maybe after this we are going to begin to question.

A LOOK NEEDS TO BE TAKEN AT SOME OF THE FEDERAL JUDGES AND SOME OF THEIR DECISIONS

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to commend the gentleman from Florida (Mr. YOUNG) for bringing this point to the attention of the House.

You know, Abraham Lincoln in February 1865 said the people are the rightful masters not only of the Congress but of the courts, not to overthrow the Constitution, but to throw out those who would subvert the Constitution.

Mr. Speaker, I think we need to take a look at some of these Federal judges and some of the decisions they are making. They are stretching the Constitution beyond all reasonable bounds. This is true not only in the area of school busing but in the area of attempting to achieve racial balance in our communities by forcing upon our taxpayers low-income housing in areas where they do not want it and which destroys the property values of those areas.

I submit, Mr. Speaker, that we need to take a close look at the actions of some of these judges to determine to what extent they are exceeding their authority if in fact they are. If it is determined that a Federal judge has intentionally exceeded his authority through a blatent intrusion into the legislative or executive field—then impeachment proceeding should proceed to remove him from office.

OPERATION NOEL

(Mr. SCHMITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHMITZ. Mr. Speaker, we all have a different view on the Vietnam war, but there is one phase of that conflict that we ought to be united in its support, and that is expressing our sympathy and appreciation for those of our servicemen who have been wounded in action.

Mr. Speaker, on December 8, between 6 and 10 o'clock in the evening, in the Longworth Cafeteria, what is rapidly becoming an established tradition will take place; namely, "Operation Noël." I am proud of my two staff members who are officers of Operation Noël, Inc., and I am sure many of you have staff members who are working with them in behalf of this very Christian endeavor, and I know that many Members of the House have themselves been cooperating.

I would like to take this opportunity, regardless of whether you want to win, lose, or draw in Vietnam, to say we all ought to cooperate with "Operation Noël" and on December 8 arrange to drop by the Longworth Cafeteria, even if we can only stay a brief time, to show these veterans that elected officials of our Government remember them, and to say to them, "Merry Christmas."

AN IMPORTANT INDICATOR OF ECONOMIC DEVELOPMENTS

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise, and extend his remarks.)

Mr. ARENDS. Mr. Speaker, one of the most important indicators of economic developments has just given a strong signal of a vigorous economic recovery underway. According to a survey of plans to invest in new plant and equipment, taken by the Department of Commerce and the SEC, in October and November, business plans a large increase in such investment. The increase from the first half of 1971 to the first half of 1972 would be 9.1 percent. The increase from the second half of 1971 to the first half of 1972 would be at an annual rate of 13.6 percent. These figures were made public this morning.

The increase in investment expenditures that businessmen are planning will itself give a big lift to the economy. It is also evidence of growing confidence in the economic future. This confidence has already been shown by consumers in the form of expanding retail sales. It is now being shown by businessmen in the form of increased investment plans.

This strengthening of business confidence came despite the inevitable uncertainties of the transition from phase I to phase II and despite the uncertain state of the tax legislation. As these uncertainties are resolved confidence will rise further and so will investment plans. Congress can do its part to bring this about by prompt enactment of a tax bill freed of irrelevancies and by passage of the needed phase II legislation.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin (Mr. DAVIS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 0, answered "present" 1, not voting 50, as follows:

[Roll No. 424]

YEAS—380

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Randall
Rangel
Rarick
Rees
Reid, N.Y.
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

ANSWERED "PRESENT"—1

Harrington

NOT VOTING—50

Abbitt
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Belcher
Blatnik
Burton
Byrne, Pa.
Celler
Collins, Ill.
Davis, S.C.
Derwinski
Diggs
Dowdy
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Findley
Flynt
Ford, Gerald R.
Fulton, Tenn.
Gray
Gubser
Hagan
Hébert
Holifield
Jones, Ala.
Landrum
McClure
McMillan
Metcalfe
Murphy, Ill.
Pepper
Pucinski
Railsback
Riegle
Roberts
Rodino
Rostenkowski
Sandman
Sarbanes
Sikes
Smith, Calif.
Springer
Steed
Wright
Wyman

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11932, with Mr. O'HARA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from Kentucky (Mr. NATCHER) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. DAVIS) will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriation bill for fiscal year 1972.

As chairman of the Subcommittee on the District of Columbia Budget, it is a distinct honor for me to serve with Mr. DAVIS of Wisconsin; Mr. GIAIMO, of Connecticut; Mr. SCHERLE, of Iowa; Mr. PRYOR of Arkansas; Mr. MCEWEN, of New York; Mr. OBEY, of Wisconsin; Mr.

Myers, of Indiana; Mr. Stokes, of Ohio; and Mr. McKay, of Utah. All of these gentlemen are outstanding Members of the House of Representatives.

For the eighth consecutive year, the Congress has been presented a budget for the District of Columbia that is out of balance. The budget as presented was out of balance $90,300,000.

A total of $901,476,700 is recommended for fiscal year 1972 which is $143,805,000 less than requested and $194,305,138 above 1971 appropriations. The budget estimates considered total $1,045,281,700.

The District of Columbia budget submitted for approval at this time is the largest budget ever recommended for the District of Columbia. The total of $901,476,700 when added to the Federal grants which will be available to the District of Columbia totaling $267,997,000 will be $1,169,473,700.

The 1970 census shows the population of the District of Columbia as 757,000. This total has dropped, according to projection, to 741,000 at this time. With only 741,000 people certainly the total amount of money to be used during the fiscal year 1972 of $1,169,473,700 is more than adequate.

The District of Columbia is financed out of five funds: A general fund, a highway fund, a water fund, a motor vehicle parking fund, and a sanitary sewage works fund.

Our committee recommends a Federal payment of $162 million to the general fund to help defray expenses of the Capital City and $4,086,000 to the water and sanitary sewage works funds as a payment for water and sewer services rendered the Federal agencies. The sum of $131 million was appropriated for the Federal payment for fiscal year 1971. The Federal payment 10 years ago was $30 million and today we are recommending $162 million. The Federal payment for fiscal year 1967 was $70 million. In addition to the Federal payment we have Federal grants which will be received by the District of Columbia totaling $267,997,000. A summary of the Federal grant assistance to the District of Columbia appears on page 5 of our report and this amount is not a part of the budget for fiscal year 1972 which was presented to our committee. The grants set forth represent funds which are used in the different departments of the District government on the same basis as funds used by the 50 States which are carried under the basic legislation authorizing such money.

The amount of the Federal payment authorized under the revenue bill for fiscal year 1972 which passed the House several days ago totals $170 million. The amount that we recommend of $162 million is $8 million less than the amount authorized in the House bill.

For "General operating expenses" the amount requested was $60,997,000 and the amount we recommend is $58,860,000. This is $3,509,265 more than the amount appropriated for fiscal year 1971 and $2,137,000 less than the amount requested.

For "Public safety" the amount requested was $174,177,000 and the amount we recommend is $169,167,000. This is $6,061,000 more than the amount appropriated for fiscal year 1971 and $5,010,000 less than the amount requested.

For "Education" the amount requested is $178,558,000 and the amount we recommend is $166,970,000. This is $5,242,200 more than the amount appropriated for fiscal year 1971 and $11,588,000 less than the amount requested.

For "Recreation" the amount requested is $12,826,000 and we recommend $12,658,000. This is $884,400 more than the amount appropriated for fiscal year 1971 and $168,000 less than the amount requested.

For "Human resources" the amount requested was $206,962,000 and the amount we recommend is $181,378,000. This is $12,807,100 more than the amount appropriated for fiscal year 1971 and $25,584,000 less than the amount requested.

For "Highways and traffic" the sum of $21,359,000 was requested and we recommend $20,500,000. This is $489,000 less than the amount appropriated for fiscal year 1971 and $859,000 less than the amount requested.

For "Sanitary engineering" the sum of $40,700,000 was requested and we recommend $39,505,000. This is $444,500 more than the amount appropriated for fiscal year 1971 and $1,195,000 less than the amount requested.

For "Settlement of claims and suits" the amount requested was $23,000 and we recommend the amount requested.

For total "Operating expenses" we recommend the sum of $649,061,000. This is $46,541,000 less than the amount requested and $28,436,831 more than the amount appropriated for fiscal year 1971.

For "Capital outlay" the amount requested was $326,106,000. We recommend the sum of $228,842,000 which is $157,857,607 more than the amount appropriated for fiscal year 1971 and $97,264,000 less than the amount requested.

The committee recommends total "Loan" appropriations of $29,600,000 which is a reduction of $73,486,000 in the amount requested.

The committee recommends a total of 39,619 employees in permanent authorized positions, which is in conformity with the restrictions on employment in the District of Columbia Revenue Act of 1971 as passed by the House. The budget proposed 1,743 new positions. The committee is recommending a total of 264 new positions for staffing new facilities to be opened during the fiscal year. In order to remain within the total figure set by the revenue bill of 1971 the staffing for new facilities positions only can be approved at this time.

The sum of $3,209,800 is recommended for the operating expenses for the District of Columbia Teachers College for fiscal year 1972. This is $124,600 less than the amount requested and $224,600 more than the amount appropriated for fiscal year 1971.

An appropriation of $15,813,400 is recommended for fiscal year 1972 for the Federal City College. This is $4,402,900 below the requested amount and $2,705,650 above the 1971 level.

For the Washington Technical Institute we recommend for operating expenses in fiscal year 1972 the sum of $6,999,100. This is an increase of $1,279,250 over the amount appropriated for fiscal year 1971.

For "Capital outlay" we recommend the sum of $228,842,000 for fiscal year 1972. For "Public schools" we have 24 projects, totaling $74,118,400. Every project requested was approved and the deletions were the results of funds volunteered.

For the Public Library we recommend $2,239,000. For the Recreation Department we recommend $7,579,200. For the Police Department we recommend $4,899,800. For the Fire Department we recommend $1,459,000. For "Human resources" we recommend $11,558,000. For the Department of Corrections we recommend $5,361,500. We do not recommend the amount requested of $72,486,000 for "Regional rapid rail transit." For the Department of Highways and Traffic we recommend $8,880,000. For the Department of Sanitary Engineering we recommend $94,265,000. For the Washington aqueduct we recommend $2,295,000.

For capital outlay for the Federal City College the committee recommends $302,500 for repair and improvements to temporary facilities. The requests for "Furniture and equipment for all temporary facilities," $1,800,000, and "Renovations to newly leased facilities," $1,430,000, have been denied. Previous appropriations for these two projects total $4,280,000, of which over $1,900,000 remains unobligated.

For capital outlay for the Washington Technical Institute our committee recommends approval of the $13,760,000 requested; $13,620,000 is for the permanent campus and $140,000 is for equipment.

For capital outlay for the District of Columbia Teachers College the committee recommends approval of the four projects requested. The amount recommended is $1,131,700.

Under "Capital outlay" for the Department of Highways and Traffic we recommend an additional amount over and above the amount requested for repair of our streets. The generally poor condition of the city streets is evident to all who use them. The committee was unable to provide any funds in the regular 1971 bill for street repairs, due to the lack of loan authority and revenue in the highway fund. At the request of the committee, the Director of Highways and Traffic developed an estimate of how much additional money could be utilized to put the District streets in reasonable repair. An estimate of $2,800,000 was provided and the committee has included this amount for this purpose and we recommend this amount to the House.

There is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-to-day growth of traffic the highway program must be carried out along with the present rapid rail transit system that is now under construction. We must have a balanced system of transportation consisting of highways, express buses, and rapid rail transit.

In 1955 the Washington metropolitan area transportation study was started by the highway departments of Maryland, Virginia, and the District of Columbia. Our committee recommended that $561,000 be appropriated for the District's share of the cost for this study. After a 4-year study the mass transportation survey was completed and forwarded to the President of the United States. The survey recommended a balanced system of transportation consisting of rapid rail transit, express buses, and highways.

There were 13 elements composing the freeway program in the District of Columbia. On September 15, 1955, the Commissioner of Public Roads, pursuant to the Highway Act, distributed urban mileage. At this time the highway departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with the highway legislation. The freeway projects for the District of Columbia, agreed upon at that time, are as follows:

First. Northeast Freeway. By the way they have had eight studies of this one since it was adopted. A study would be made and then the project would be filed away, costing thousands upon thousands of dollars.

Second. The North-Central Freeway, six studies have been made.

Third. Palisades Parkway, six studies.

Fourth. Three Sisters Bridge, eight studies.

Fifth. Fourteenth Street Bridge, staff studies.

Sixth. Potomac River Freeway, eight studies.

Seventh. South leg, seven studies.

Eighth. North leg, west, seven studies.

Ninth. North leg, central, seven studies.

Tenth. Northeast-North Central Freeway, eight studies.

Eleventh. North leg, east, six studies.

Twelfth. East leg, six studies.

Thirteenth. Intermediate loop, five studies.

All of these projects were selected by the officials of the District of Columbia. None were selected by the Bureau of Public Roads, the Public Works Committee in the House or the Senate, or the Appropriations Committee in the House or the Senate. Since these projects were selected there have been 82 studies made at a cost of over $20 million.

We began appropriating for this freeway program in the year 1958 and over $200 million is now available in Federal and District of Columbia funds for this freeway system. By virtue of delays and failure to carry out the freeway program, the cost of the freeway projects in some instances more than double the original amount estimated. The States of Virginia and Maryland have spent millions of dollars in perfecting highway plans which tie in with the freeway projects selected by the District of Columbia.

For 10 years beginning with the year 1958 and extending up to the year 1968 the Committee on Public Works in the House made every effort possible to see that the District of Columbia complied with the action taken on September 15, 1955, when the Commissioner of Public Roads distributed the urban mileage. All down through the years the Public Works Committee has assisted the District of Columbia with its highway program and at all times has made every effort to see that the interests of the District of Columbia were fully protected.

In the year 1963 a bill was presented to the House of Representatives authorizing construction of a rapid rail transit system for the city of Washington. The Members of the House were not satisfied with the answers to the questions concerning the cost of this proposed subway system and the bill was recommitted back to committee.

In the year 1965 another Transportation Act was brought to the House and here we had a request for a 25-mile rapid rail transit system to cost $431 million to be constructed entirely within the limits of the District of Columbia. Of the total amount, $50 million was to come from the District of Columbia, $100 million from the Federal Government, and the balance to be obtained through the issuance of bonds. This bill was approved by the House and the Senate and later signed by the President.

No construction was started under the authorization of 1965. Those in charge of the rapid rail transit system then decided that compacts should be entered into with the outlying districts in Maryland and Virginia and together with the District of Columbia a much larger subway system should be constructed. So far no construction was underway pursuant to the authorization of 1965 and we then had the National Capital Transportation Act of 1969 presented to the Congress. This act provided for a 98-mile rapid transit system at a cost of $2.5 billion; $1,147,044,000 would come from the Federal Government in grants and $216,500,000 would come from the District of Columbia. The seven jurisdictions in Maryland and Virginia would pay $357 million for construction of the 98-mile system and the balance of $835 million would be in bonds to be issued and retired out of funds from the fare box.

Beginning in the year 1969 our committee has maintained that the 98-mile system could not be constructed for $2.5 billion. I believed then and I believe now, Mr. Chairman, that this 98-mile system will cost at least $4 billion and may cost $5 billion.

This 98-mile rapid rail transit system is the largest single public works project in the history of the United States and the largest single public works project in the history of the world. The Manhattan project during World War II cost $1 billion and the Aswan Dam cost $1.2 billion. None of the public works projects on the west coast or in the Tennessee Valley compare with the rapid rail transit system now underway in our Nation's Capital.

During the supplemental hearings in 1970 the officials of the Washington Metropolitan Area Transit Authority, upon being questioned concerning the $2.5 billion figure, finally admitted that the 98-mile system could not be constructed for $2.5. Later on, they advised us that it would cost $480,200,000 more than anticipated to construct the 98-mile system. During the hearings on the supplemental appropriations bill the following questions and answers appear in the hearings:

> General Graham, do you still say to this committee that $2.5 billion will construct the 98-mile rapid transit system that you have in mind and the one authorized in 1969 by the Congress?
>
> ### OVERALL COST TO EXCEED $2.5 BILLION
>
> General GRAHAM. I think for the first time, Mr. Chairman, I can indicate that it is going to cost more, because for several months we have been engaged in new capital cost studies and new net income analysis studies which will pin down the various components of the cost. We are about to culminate the studies and about to give the results to our board of directors and get their help in putting together a new financial program.
>
> I cannot tell you at this time what the new capital costs will be, but it appears that it will be substantially higher than the $2.5 billion of costs.

I continued my questions concerning the overall cost of the rapid rail transit system and we have the following questions and answers which also appear in the supplemental hearings in 1970:

> General, in all fairness to this committee and to the Congress and to the District of Columbia, won't this system come nearer $4 billion than it will $2.5 billion?
>
> General GRAHAM. I do not think anyone has that answer, Mr. Chairman. At the time we put these figures together in late 1967, we were assuming a 5-percent rate of construction escalation compounded per year, and allowed several hundred million dollars for that. We were assuming an interest rate at that time of 5 percent for our revenue bonds.
>
> Putting it all together, it came out to $2.5 billion.
>
> We could not foresee at that time that construction costs would go up in this inflationary spiral, largely due to the wage agreements that were not for just 1 year but extending into the future for 2 or 3 years. We could not foresee the rise in the interest rate.
>
> It appears now that this new capital cost will be some few hundreds of millions of dollars in excess of the $2.5 billion estimate.
>
> The two big things are the inflation of construction costs and the continued high interest rates.
>
> I think we are a long ways from being able to say that some day this may cost $4 billion. I hope that the administration and the Congress can get the rate of escalation under control so we never go anywhere near that figure.

In 1970 the bankers and the brokers in this country indicated that they would not purchase the $835 million in bonds which were to be issued and retired out of the fare box. They advised the Washington Metropolitan Area Transit Authority that some system to guarantee payment of the bonds must be placed into effect before the bonds could be purchased. Of course, Mr. Chairman, the bankers and brokers in this country know that bonds cannot be retired out of the fare box and this was generally known at the time the National Capital Transportation Act was presented to the Congress. We have maintained on our Committee on Appropriations for several years now that rapid rail transit bonds cannot be retired out of the fare box and this has been the experience of all communities operating a rapid rail transit system. A bill was introduced in the House of Representatives on November 18, 1971—H.R. 11877—which amends the

National Capital Transportation Act of 1969. This bill provides for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority with that portion of the bill providing for the guarantee of Washington Metropolitan Area Transit Authority obligations reading as follows:

SEC. 9. (a) The Secretary of Transportation is authorized to guarantee, and enter into commitments to guarantee, upon such terms and conditions he may prescribe, payment of bonds and other evidence of indebtedness and the interest thereon issued with the approval of the Secretary of the Treasury by the Washington Metropolitan Area Transit Authority uner title III of the Washington Metropolitan Area Transit Regulation Compact. No guarantee shall be made unless:

(1) the Secretary of Transportation finds the obligation to be guaranteed represents an acceptable financial risk to the United States; and

(2) the Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Authority if at any time in the Secretary of Transportation's discretion this action would be necessary to protect the interest of the United States.

(b) Any such guarantee made by the Secretary of Transportation shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of a holder of the guaranteed obligation.

(c) The aggregate amount of obligations which may be guaranteed under this section shall not exceed $1,200,000,000: *Provided, however,* That such guaranteed obligations issued by the Authority shall not be outstanding at any one time in an aggregate principal amount in excess of $900,000,000 unless the local participating governments make matching capital contributions in a total amount not less than 50 per centum of the amount of such excess, or have entered into enforceable commitments with the Authority to make such contributions by the end of the fiscal year in which any such excess guaranteed obligations are issued; *And provided further,* That obligations eligible for guarantees under this section which are issued solely for the purpose of refunding existing obligations previously guaranteed under this section may be guaranteed without regard to the $1,200,000,000 limitation.

(d) The interest on any obligation of the Authority issued after enactment of this section shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

PAYMENT OF INTEREST

SEC. 10. The Secretary of Transportation shall make periodic payments to the Authority upon request therefor by the Authority in such amounts as may be necessary to equal one-fourth of the net interest cost, as determined by the Secretary of Transportation, including fees, commissions, and other costs of issuance incurred by the Authority on its obligations which are issued after enactment of this section.

The total cost of the rapid rail transit system, according to the officials of the Washington Metropolitan Area Transit Authority, will now be $2,980,200,000; $1,147,044,000 will be in grants from the Federal Government. The District of Columbia's share will be $269,700,000 instead of $216 million. The Virginia jurisdictions must now pay $204,900,000 instead of $150 million. The Maryland jurisdictions will pay $248,900,000 instead of $197 million. Instead of $835 million in bonds, we will have $1,200,000,000 in bonds.

From 1958 up to 1966 planning and surveys continued on the freeway projects distributed by the Commissioner of Public Roads on September 15, 1955. In some instances construction started but most major projects, which were later incorporated in the Highway Act of 1968, now only had more studies and spending of money for such studies which was not necessary. This was a complete stall on the part of the District officials and was not necessary insofar as placing the rapid rail transit system under construction was concerned. One of the members of the National Capital Planning Commission decided that the freeway projects, which the District had spent millions of dollars planning and surveying, must be permanently shelved. This same member, when her term expired, of course, desired to continue but she was not reappointed by the President.

In the year 1966 we had a balanced system of transportation underway, with some freeway projects under construction and others being surveyed and rapid rail transit authorized under the National Capital Transportation Act of 1965.

In the year 1966 our committee recommended to the House that the rapid rail transit money be appropriated following the action of the National Capital Planning Commission. Finally the Commission approved the freeway program and it appeared at that time the freeway system would get underway and the freeway-rapid transit impasse would be solved. Congress relied upon the action of the National Capital Planning Commission and the District officials and shortly after we recommended the release of the rapid transit money, the National Capital Planning Commission called another meeting and repudiated its action which had previously brought about the release of the rapid transit money. A lawsuit was immediately filed and the freeway system was again stopped. This lawsuit was filed in the year 1966 and after an adverse ruling by the District judge the plaintiffs appealed to the circuit court of appeals and a final judgment was rendered in February of 1968. This circuit court of appeals is the court which has as its chief judge, the Honorable David L. Bazelon. Notwithstanding the fact that this was an injunction suit the case remained in the court from 1966 to February of 1968. This procedure, of course, was right unusual to say the least. Certain requirements set forth in the judgment from the Bazelon court had to be complied with by the District of Columbia to proceed with the freeway system.

After patiently waiting for several years to see if the District officials would carry out their commitments concerning the freeway program not only insofar as the District of Columbia is concerned, but insofar as the States of Virginia and Maryland were concerned, the Public Works Committee then decided that some action on the part of Congress was imperative. As previously stated, the Public Works Committee down through the years has helped the District of Columbia and at no time selected the freeway projects as to number or site.

An antifreeway association was formed along about this time and several of the members were later on arrested for disturbance of the peace in the council chambers at the District Building. Ashtrays were thrown and general disorganization resulted. A number of the members of this organization are right unusual people and have never acted in such a manner as to indicate their desire to make our Nation's Capital a beautiful and respected city. This emergency committee on the transportation crisis issued all kinds of threats and statements to the effect that there would be no more exits or entrances into our Capital City. This committee proceeded to make every effort possible to destroy the freeway system which had been approved and to stop construction of each and every project in the system. Later on members of this group caused trouble at the site of the Three Sisters Bridge on the Potomac River. This committee on the transportation crisis also succeeded in bringing pressure on certain members of the city council along with our District officials and their threats were complied with in a great many instances by the District officials.

The Public Works Committee, decided that in the Federal-Aid Highway Act of 1968 a provision must be placed concerning the freeway system in our Nation's Capital with the provision providing that the District of Columbia officials and the Secretary of Transportation proceed immediately to construct certain freeway projects. A portion of Public Law 90–495, pages 13 and 14 of the Federal-Aid Highway Act of 1968 provides as follows:

(Excerpt from Public Law 90–495, pp. 13 and 14)

DISTRICT OF COLUMBIA

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction, shall be undertaken as soon as possible after the date of enactment of this act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section, the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I–266 (section B1 to B2).

(2) Potomac River Freeway, I–266 (section B2 to B4).

(3) Center Leg of the Inner Loop, I–95 (section A6 to C4), terminating at New York Avenue.

(4) East Leg of the Inner Loop, I–295 (section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under the section 106 or 117 of title 23, United States Code, the Commissioner of the District of Columbia, may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507, and 508 of title 23, United States Code.

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 (47 Stat. 161; D.C. Code, sec. 8–115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of replacement property.

Section 23 of the Federal-Aid Highway Act of 1968 required the District of Columbia and the Secretary of Transportation to commence work no later than 30 days on four projects, namely:

First. The Three Sisters Bridge.

Second. The Potomac River Freeway.

Third. The center leg of the inner loop.

Fourth. The east leg of the inner loop.

This section also required the District and the Secretary of Transportation to study the remainder of the Interstate System and to report back to Congress no later than 18 months on the results of the studies.

A year went by before the District officials made any effort to comply with these mandates of the Congress and it was not until the Revenue Act of 1969 from the Committee on the District of Columbia was brought to the House that the District of Columbia officials decided that some action must take place. This bill contained a provision that there would be no Federal payment to the District of Columbia until Congress was advised that the District of Columbia was in compliance with the law passed in 1968. The compliance at that time consisted of starting the Three Sisters Bridge under construction, commencing engineering work on the Potomac River Freeway, continuing construction of the center leg of the inner loop, and advertising and receiving bids on the first section of the east leg of the inner loop.

At this time the District officials submitted to Congress studies recommending a route for the extension of the east leg of the inner loop which would have extended same right through the National Arboretum and forced a change in the upper end of the east leg which had already been directed by the act passed by Congress.

The east leg therefore as presented represented a maze of noncompliance with the 1968 act. The suggestion of going through the National Arboretum was premeditated of course and brought about hundreds of letters from fine women throughout this country objecting to extending the freeway system through the National Arboretum. The District officials still afraid of the threats of the Emergency Committee on the Transportation Crisis and acting under the advice of one or two members of the National Capital Planning Commission, took great delight in presenting a plan providing for the freeway system to go through the National Arboretum and continued their efforts to stop the freeway system in the District of Columbia.

When the Department of Transportation study recommendations called for in the Federal-Aid Highway Act of 1968 were sent to Congress we found their study to be in complete disagreement with the District of Columbia recommendations and discovered that neither the District of Columbia nor the Department of Transportation had even discussed their proposals with the States of Maryland or Virginia. In fact, the Council of Governments which must be counseled on these projects had rejected the District's plan in early 1969.

During the months of August and September of 1969 the District officials following the Revenue Act of 1969 which provided for no Federal payment decided that the 1968 Highway Act must be complied with and at that time directed the Department of Highways and Traffic in the District of Columbia to let a contract for the construction of the Three Sisters Bridge. Construction on the Three Sisters Bridge started in August of 1969 and a contract totaling nearly $2 million was let for pier construction. In October of 1969, just a few months after the bridge contract was let, a suit was filed to stop construction of the bridge and the freeway projects. Construction on the Three Sisters Bridge continued until August of 1970 when the Bazelon circuit court of appeals again stopped construction of the Three Sisters Bridge. This is the same court that entered the final order on February of 1968 which then forced the Congress to place the provision in the Federal-Aid Highway Act of 1968 concerning the freeway program in the District of Columbia. Since the bridge was stopped the District of Columbia has now for well over a year paid $500 a day to the bridge contractor for use of equipment at the river site which is now idle and for guarding the piers which were not completed.

In the second suit filed in 1969 we again have a suit requesting an injunction and this suit is still in court. The District court dismissed the suit filed in August of 1969 maintaining that the provision contained in the Federal-Aid Highway Act of 1968 concerning the construction of the Three Sisters Bridge, the Potomac River Freeway, center leg of the inner loop, east leg of the inner loop, and the study which was to be made was the law and had to be complied with.

Since the District officials and the Department of Transportation decided to play games with the 1968 Federal-Aid Highway Act the Public Works Committee decided that in the Federal-Aid Highway Act of 1970 there must be a provision concerning a study of the east leg, the north leg, the North Central Freeway and the Northeast Freeway. This provision of the 1970 law provides as follows:

(Excerpt from Public Law 91–605,
pp. 18 and 19)

DISTRICT OF COLUMBIA

SEC. 129 (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-Aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I–295 (secs. C4.1 to C6).

(2) North Central and Northeast Freeways, I–95 (secs. C7 to C13) and I–70S (secs. C1 to C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I–66 to point C7 on I–95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

After enactment of the 1970 Highway Act over 4 months of the 12-month period elapsed and the District made no effort to begin studies.

On October 12, 1971, Judge Bazelon handed down an opinion reversing and remanding the case to the district court. This was a three-panel decision with Judge Bazelon and Judge Fahy on one side and with the opinion filed by Judge Bazelon. Circuit Judge MacKinnon dissented. I am not acquainted with Judge MacKinnon but understand that the judges in the courts in the District of Columbia and the lawyers throughout this section of the country recognize Judge MacKinnon as one of the outstanding judges on the U.S. court of appeals and further recognize the fact that he is considered as an excellent lawyer.

I have carefully read the opinion handed down by Judge Bazelon together with the dissenting opinion of Judge MacKinnon. Judge Bazelon, in his opinion, on page 31, states in part as follows:

> It is plainly not our function to establish the parameters of relevance. Congress has carried out that task in its delegation of authority to the Secretary of Transportation. Nor are we charged with the power to decide where or when bridges should be built. That responsibility has been entrusted by Congress to, among others, the Secretary, who has the expertise and information to make a decision pursuant to the statutory standards. So long as the Secretary applies his expertise to considerations Congress intended to make relevant, he acts within his discretion and our role as a reviewing court is constrained. We do not hold, in other words, that the bridge can never be built. Nor do we know or mean to suggest that the information now available to the Secretary is necessarily insufficient to justify construction of the bridge. We hold only that the Secretary must reach his decision strictly on the merits and in the manner prescribed by statute, without reference to irrelevant or extraneous considerations.

Also, in Judge Bazelon's opinion, he states in part as follows:

> If the bridge cannot be built consistently with applicable law, then plainly it must not be built. It is not inconceivable, for example, that the Secretary might determine that present and foreseeable traffic needs can be handled (perhaps by expansion of existing bridges) without construction of an additional river crossing.

Mr. Chairman, the chief judge of the circuit court of appeals went too far in his opinion. All through this opinion he sets up a series of hoops through which the Secretary of Transportation must jump, notwithstanding the fact that the Federal Aid Highway Acts of 1968 and 1970 are the law, and clearly indicates that after his instructions are followed there may be other suggestions made later on which would in effect continue to direct the District officials and the Secretary of Transportation to ignore and evade the Highway Acts of 1968 and 1970.

Mr. Chairman, the legislative branch of our Government is a coequal branch and certainly we have no right as Members of Congress to stand by and permit the judicial branch of our Government to take over the legislative branch. The restrictions placed on the Secretary of Transportation by Judge Bazelon are such that it will be virtually impossible to build the Three Sisters Bridge as directed by Congress. Mr. Chairman, I most respectfully state that Judge Bazelon has overstepped the permissible bounds of judicial review and substituted pure speculation which is not supported by the record now pending in his court.

Judge MacKinnon, in his dissenting opinion, stated in part as follows:

> The governmental authorities responsible for dealing with this situation concluded that it is necessary to erect the Three Sisters Bridge across the Potomac River as one essential part of the overall highway improvement program proposed for the entire metropolitan area. The erection of this bridge is here opposed by a citizens group of the District of Columbia which does not seriously attack the basic merits of the overall program to improve highway traffic congestion but instead ground their opposition on an alleged failure to comply with certain procedural requirements imposed by statute which are applicable to the planning and construction of the project. In such matters, under our form of government with its separation of powers, the function of policy making is assigned to the Legislative and Executive Branches. Congress enacts the basic laws and these are carried out by (1) the Executive Department functioning principally through the Department of Transportation, headed by the Secretary of Transportation, a member of the President's Cabinet, Mr. Volpe, though other federal departments may perform isolated functions; and (2) by the District of Columbia acting through its Highway Department.
>
> It should also be noted that the Constitution vests Congress with complete control over the entire area of the District of Columbia for all governmental purposes and insofar as legislation is concerned vests it with the combined powers of the federal and state governments. *U.S. Constitution,* art. I § 8; *Kendall* v. *United States,* 12 Pet. 524, 618 (1838); *Stoutenburgh* v. *Hennick,* 129 U.S. 141, 147 (1889); *Shoemaker* v. *United States,* 147 U.S. 282, 300 (1893); *Atlantic Cleaners and Dyers* v. *United States,* 286 U.S. 424, 434–35 (1932); *O'Donoghue* v. *United States,* 289 U.S. 516, 539 (1933). The Constitution thus imposes a precise duty upon the members of Congress to look after the needs of the District of Columbia in addition to those of their individual district constituents. Members of Congress are also charged with guarding all the interests of the entire nation in the District of Columbia as the seat of our national government. Pursuant to this assignment of responsibilities, Congress and its members have taken cognizance of the need for transportation facilities in the District of Columbia and the surrounding metropolitan area. To meet the area's anticipated transportation needs it has authorized the appropriation of federal funds for the construction of a metropolitan subway system and has also authorized and directed that substantial additions be constructed to the thru-highways in the area. These additions include the erection of the Three Sisters Bridge. In this connection it was the decision of Congress that the subway construction and the additional highways (including the Three Sisters Bridge) would be built contemporaneously. This conclusion follows from the facts of the contemporaneous appropriations and the express congressional direction that work on the Three Sisters Bridge begin within thirty days after the congressional enactment (82 Stat. 815).

Again, on page 6 of Judge MacKinnon's opinion, we find the following:

> In this terse manner the extensive findings of the trial court are effectively negated. The discussion of the application of the separate statutes (Title 23, U.S. Code) which follows fully demonstrates the wide gulf between the majority and the practical trial judge who heard all the witnesses in an extensive 12-day hearing, received 1,025 pages of depositions and then thoroughly documented his findings in an opinion covering 40 printed pages. *D.C. Federation of Civic Associations* v. *Volpe,* 316 F. Supp. 754 (D.D.C. 1970).

Again, in Judge MacKinnon's dissenting opinion, on pages 8 and 9, we find the following:

> Certainly the location of present highways and bridges in the Washington area when combined with various topographical features, existing traffic flow patterns, and the fact that one objective of the Three Sisters Bridge project was doubtlessly intended to alleviate some of the traffic congestion presently existing on the highways within the parklands on both sides of the river in the vicinity of the Three Sisters Bridge, might compel the conclusion that as a matter of sound *highway* engineering the only feasible project that would correct the congestion would be to erect a bridge in the vicinity of the Three Sisters Islands.

Mr. Chairman, again on pages 17 and 18 of Judge MacKinnon's dissenting opinion we have the following:

> CONGRESS, REPRESENTATIVE NATCHER AND SO-CALLED POLITICAL INFLUENCE
>
> In Part II of the majority opinion Judge Bazelon deals with the position of Congress and refers principally to some statements by Representative Natcher relating to the Three Sisters Bridge. The opinion infers that Representative Natcher by his acts was a party to forcing approval of the Three Sisters Bridge without regard to its merits, but the record does not so reflect. As the trial court found, Representative Natcher stated that he would do what he could to withhold appropriations for the construction of the District of Columbia rapid transit system "until the District complied with the 1968 Act" and "the freeway project gets under way beyond recall." Representative Natcher was thus merely attempting to see that the laws enacted by Congress were carried out. The Three Sisters Bridge was just one of several freeway projects upon which Congress in 1968 had directed the District of Columbia to commence work. It is not unusual or improper for Congress to withhold appropriations until its laws are complied with.

On pages 23 and 24 we find Judge MacKinnon states in part as follows:

> The realities of this situation are that under the Constitution the Congress of the United States has a wider voice in the affairs of the District of Columbia than it does in the affairs of states or other cities. Pursuant to its constitutional mandate Congress does take a firm hand in matters affecting the District and that is precisely what this court found was lacking in the first case (1968) involving the District highway program. *D.C. Federation of Civic Associations, Inc.* v. *Airis,* 129 U.S. App. D.C. 125, 391 F. 2d 478 (1968). But no Congressman has any weight in such matters beyond his ability to speak for Congress and to the extent that he does speak for Congress he is only calling attention to the expressed will of Congress.
>
> Congress has spoken in this matter. In Section 23 of the Highway Act of 1968 it ordered the erection of the Three Sisters Bridge, not as a single project but as a part of the broad highway improvement program for the Washington Metropolitan area. And Congress and those who speak for it have a continuing interest in seeing that the expressed will of Congress, as clearly enunciated in a statute signed by the President, be carried out.

Judge MacKinnon, on pages 26 and 27, states in part as follows:

> The majority also ignore the fact that the so-called parklands involved on the Virginia side of the river are all in the George Washington Memorial *Parkway.* Highways have always been an important part of this highway park. The George Washington Memorial Parkway was established by Congress (46 Stat. 482 et seq.) as a narrow elongated parkway along both banks of the Potomac River from Mt. Vernon and Fort Washington to the Great Falls of the Potomac. It parallels the Potomac River from Mt. Vernon to a point above the Great Falls on the Virginia side, except for the City of Alexandria, and from Fort Washington (in Maryland across from Mt. Vernon) to a similar point above the Great Falls on the Maryland side, except within the District of Columbia. One of the congressional purposes in establishing the parkway as a memorial was to provide for the construction of extensive highways within

> the dedicated area. The legislation also sought to protect and preserve the natural scenery of the Potomac Gorge and the Great Falls of the Potomac, to preserve the historic Patowmack Canal and to acquire that portion of the Chesapeake and Ohio Canal below Point of Rocks (46 Stat. 482–83).
>
> The fact that this park has to a substantial extent, and always has had extensive highways within its confines, makes it practically impossible for any proposed bridge in this area to be erected without affecting some of its lands. This results from the fact that much of the traffic congestion which the proposed bridge seeks to relieve is traffic over the automobile highways within the parkway itself.

The Highway Acts of 1968 and 1970 must be complied with by the District of Columbia officials and the officials of the Department of Transportation. Both rapid rail transit and the freeway system must proceed together. There is a place for both a freeway system, a rapid rail transit system, and an express bus system in our Nation's Capital. We must have a balanced system of transportation in Washington, D.C.

Mr. Chairman, we do not recommend construction funds for the Washington Metropolitan Area Transit Authority at this time.

Mr. Chairman, our committee recommends this bill to the Members of the House.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I find myself in complete agreement with the comments of our distinguished chairman of this subcommittee.

There are some things that I believe need to be said that have not been said. There are some things that need to be reiterated that have been said.

As Members were told, this is the biggest budget by far in the history of the District of Columbia. It is $194 million over last year, but it is $144 million less than was requested. Ninety-seven million dollars of reductions came in the field of capital outlay.

This was not an across-the-board slash, but represents an accumulation of individual actions taken mostly because the projects were not ready to proceed.

The recommended Federal payment to the general fund of $162 million is likewise by far the biggest in history. But again this is $8 million below the amount heretofore approved in the revenue bill by this House.

Never in history has the District of Columbia government requested more in the way of a Federal payment to the general fund than 30 percent of the revenues raised within the District. The authorized $170 million which passed this House would have represented more than 35 percent of the locally raised revenue, and this $162 million included in this bill represents about 34½ percent, so that by a direct grant of Federal funds to the Treasury of the District of Columbia this would provide more than one-third of the amounts that are locally raised.

I believe this bill overall represents a judicious use of the funds available. There were requests before us for 1,743 new positions. The funds available permitted 264, and those are entirely for the staffing of new institutions that will come into being.

There are many other requirements of high priority.

I would find it difficult to argue against many of these individual items, but those can be financed only if we are willing to increase this Federal payment. I will not support a single dime of increase in this huge Federal payment. It is high enough; in fact, it is too high. I am not prepared to vote to have the people of our districts throughout the country carry this. In my district, I can report to you, my constituents pay just about twice as much in the way of real estate taxes as do the people of this District of Columbia, and they pay higher income taxes than do the people of the District of Columbia. I am just not prepared to vote for a higher Federal payment than what is included in this bill out of the hides of people who are being more heavily taxed at the present time than are the residents of the District of Columbia.

I think when we consider that the Mayor of the District of Columbia requested an increase in the real estate taxes here in order to raise some revenue and the city council very reluctantly granted him one-third of the increase that he requested, the local revenues available were thereby shortened by $8 million. I cannot say to you directly that the $8 million in welfare payment reductions included in this bill are directly related to that $8 million shortfall from real estate taxes. I think the reductions in the welfare payments stand upon their merits, but I would just hope that the City Council might just guess that there might be some connection between the $8 million in reduced welfare funds and the $8 million shortage of revenue occasioned by the failure to follow the Mayor's recommendation with respect to real estate taxes.

Most of the discussion that we hear outside of our committee room deals with the subway. I do not wish to go back into ancient history or to plow ground which has already been tilled. Suffice it to say that for more than a quarter of a century planners have attempted to evolve a balanced transportation system for the District of Columbia. There has been broad participation in the consideration of varying proposals for such a balanced system. Progress has been slowed by the diffusion of the public authority and by differences of opinion as to what constitutes the public interest and, in more recent years, by a growing sentiment in some quarters against urban freeways. Because of lack of agreement, even after more than a score of years, among the agencies and the interests involved, it was left for the Congress to determine and to define the elements of a balanced transportation system. Congress performed that function in the Subway Authorization Acts of 1965 and 1969 and in the Federal Aid Highway Acts of 1968 and 1970.

Mr. Chairman, the 1968 act mandated the construction of the Three Sisters Bridge, the Potomac River Freeway, the center leg of the inner loop to New York Avenue and the east leg of the inner loop to Bladensburg Road. It also directed that the rest of the Interstate System be studied by the District Government and the Department of Transportation. These elements of the study were specifically outlined in the 1968 act.

In signing the 1968 act, President Johnson directed the Department of Transportation and the government of the District of Columbia to prepare a comprehensive plan for a District of Columbia highway system.

In December of that year the District of Columbia Council accepted and published a plan which contained several variations from the 1968 Federal Aid Highway Act and specifically omitted the mandated Three Sisters Bridge and the mandated studies for the northeast and north central corridors.

After President Nixon in 1969 submitted a strongly worded message, specifically calling for a balanced transportation system for the Washington metropolitan area, after that—some months after that—the District of Columbia Council, in August, adopted a resolution to comply with the Federal Highway Act of 1968. It looked at that time as if a quarter of a century of dillydallying and obstruction had come to an end. Unfortunately, this was not the case. Recognizing the conditions and local differences, the Congress, on the recommendation of the Public Works Committee in the 1970 Highway Act directed three studies of several of the freeways which had been mandated for study in the act.

However, the mandated construction in the 1968 act—that is, the Three Sisters Bridge, the Potomac River Freeway, the center leg of the inner loop to New York Avenue and the east leg of the inner Loop to Bladensburg Road—was in no way altered by the 1970 act.

Work was actually commenced on the Three Sisters Bridge, but then came the injunction of the Federal district court, the challenge for which was noted for a remarkable lack of energy and idleness at the site of the Three Sisters Bridge.

On October 12 of this year came the decision of the U.S. Court of Appeals for the District of Columbia which went beyond the decision of the District in conjuring up obstacles, and singled out by name one of the most honorable and deservedly respected men who has sat in this House, the gentleman who serves as the chairman of this subcommittee, my good friend BILL NATCHER—to single out Chairman NATCHER as some of the newspapers, some of the uninformed egotists of radio and TV, and now the circuit court of appeals has done is an affront to the House in general and to the full Appropriations Committee and to our subcommittee in particular.

Mr. Chairman, this is not a one-man subcommittee. Certainly, we do not have a one-man Appropriations Committee. For that matter, this is not a one-man House of Representatives. This House has insisted upon, as defined and as mandated, a balanced transportation system. I submit that our subcommittee has and is acting in accordance with the clearly expressed wishes of this House and, yes, although he does not seem to realize it on this date, in accordance with the clearly expressed wishes of the President of the United States.

Mr. Chairman, many of the people who now want us to allow more and bigger holes for the downtown area, for the subway, are still doing their best to sabotage the freeways, any freeways for the Washington metropolitan area.

I am not talking about 25 years ago or 5 years ago or 2 years ago. I am talking about now, December of 1971.

In accordance with the 1970 act, the District of Columbia Department of Highways and Traffic in June of this year entered into an agreement with two firms of consulting architects and engineers to restudy the north leg, the northeast and north central east legs, and the New York Avenue corridors. A great number of civic groups were contacted, and a number of informal meetings were held, and these were all within the past few weeks. Here is what the consulting engineers reported on November 15, less than 3 weeks ago—and I am reading from page II–1 from that summary of their report:

> As meetings progressed it became apparent that several factors hindered constructive communication and participation. Many citizens and community leaders had previously taken firm positions against freeways—

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself an additional 5 minutes.

> they did not wish to discuss any new proposals that might weaken their antifreeway stand. In several instances residents who had agreed to hold meetings in their own homes later cancelled the meetings, saying that they had been influenced by those opposed to the freeways. Representatives of organized freeway opposition groups dominated at least two of the meetings that were held.

This was not in 1968, this was within the past few weeks.

It seems clear to me that, if we are to have a balanced transportation system, if we are not going to completely capitulate to the obstructionists, the two major elements of this balanced transportation system must go forward together. In fact, freeways ought to be accelerated. Traffic entering and leaving the District of Columbia on an average weekday continues to increase at the rate of more than 3 percent each year, and, according to the optimistic forecasts, the 98 miles of transit lines will not be fully operational until 1990.

All that our subcommittee, the full Committee on Appropriations, and this House of Representatives have ever sought is some assurance of a balanced transportation system, not just a subway, not just the freeways, but both—a balanced transportation system. And when we have that assurance, a solid peg to hang our hat on, we are committed to the appropriation of the subway funds.

So here we are on this December day with $200 million of available highway funds tied up that ought to be going into freeways.

All we are saying is we must have, as the trustees of the mandate of this House, not just a directive, but assurance that the circuit court of appeals will set a definite date for rehearing, and thereafter that we have an expression of his confidence that the legal representatives will succeed in breaking the obstructive log jams on the freeways by the President of the United States.

So there are two elements for clearing up this matter, and they are, first, the setting of a day certain for rehearing by the circuit court of appeals, en bank, and, second, a subsequent communication from the President that he believes a balanced transportation system is assured, and on the basis of that assurance requests the appropriation of the subway funds.

It seems to me this House can require no less, and we have never asked for any more.

I would like to yield to the chairman of the subcommittee and ask him if I have fairly and fully stated the situation as it now exists.

Mr. NATCHER. Mr. Chairman, I would like to say to my distinguished friend, the gentleman from Wisconsin (Mr. DAVIS) that I agree with every word that he has just stated.

At this time I want the members of this committee to know it has been a distinct honor and privilege for me to serve with GLENN DAVIS on this subcommittee. He is one of the ablest Members of this House. He is for the District of Columbia. He is for the United States and he believes, Mr. Chairman, that the Congress of the United States, the legislative branch of the Government, is a coequal branch of the Government.

All we are asking is that the law be enforced. Mr. DAVIS, I agree with every word you said.

Mr. DAVIS of Wisconsin. My friend is too kind.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Is there anything the President of the United States can do now, or direct any member of the executive branch to do, that would cause the gentleman to agree to the release of these subway funds?

Mr. DAVIS of Wisconsin. No.

Mr. BROYHILL of Virginia. So we have to wait on the action of the court, the judicial branch, in order to consider the release of the funds?

Mr. DAVIS of Wisconsin. We have not said that we have to wait for or to get a decision of the court as a condition here. All we have simply said is that we be notified—that is, that the Circuit Court has set a day certain. I am confident enough that Judge Bazelon's decision will be reversed by a Supreme Court. I am simply saying, tell us—we have a date for a hearing.

Mr. BROYHILL of Virginia. Mr. Chairman, if the gentleman will yield further—if Judge Bazelon wants to drag his feet and wants to play cat and mouse a little bit with the legislative branch, then the result will have to be a further unreasonable delay in the construction of the subway system. As you have stated, there is nothing the President can do or the executive branch can do or that anyone in the legislative branch can do to get the committee to release the subway funds. The net result would be that we would really be waiting on the whim of the Chief Judge on the U.S. Circuit Court of Appeals in order to get subway funds appropriated.

Mr. DAVIS of Wisconsin. No, I do not understand it that way.

Mr. Chairman, I do not believe we are depending on his whim entirely as to whether or not we will have a rehearing.

Mr. BROYHILL of Virginia. What is the other condition that is being required for the release of the funds at this time. I understood the first, which was the result of a behind-the-scenes compromise agreement that the funds would be released when a date was set for a hearing by the U.S. Court of Appeals. Now yet another condition is being added. Would the gentlemen please explain that new condition?

Mr. DAVIS of Wisconsin. I object to the use of that—there was nothing behind the scenes about anything. We simply attempted to resolve this matter by laying the cards on the table and setting the conditions under which this could be done.

Mr. BROYHILL of Virginia. If the gentleman will repeat the second condition now. We understood there is a second condition now added to what some of us understood was offered as a compromise and had been agreed to.

Mr. DAVIS of Wisconsin. I do not know upon what basis the gentleman understood anything.

Let me tell you—No. 1, as to the setting of a date certain for a rehearing and, second, a subsequent communication from the President—that he believes a balanced transportation system is assured and requests the appropriation of funds on that basis.

Mr. BROYHILL of Virginia. Has the President given that assurance? Has the President assured the Congress that he is for a balanced transportation system and he has instructed the members of the executive branch to follow that and the gentleman has had that assurance?

Mr. DAVIS of Wisconsin. No, this is a subsequent communication.

Mr. BROYHILL of Virginia. You want that reassurance?

Mr. DAVIS of Wisconsin. If that is the way the gentleman wishes to put it—yes.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I support the gentleman from Kentucky, the chairman of the subcommittee, and the gentleman from Wisconsin, the ranking minority member on the subcommittee, wholeheartedly. I strongly believe their position is a sound one. I think it is unfortunate, to say the very least, that with all the efforts of the President of the United States and with all the action of this Congress in trying to enforce the several highways acts, we are thwarted apparently by an adamant attitude of one member of the Federal judiciary.

It was amusing to me to read some reports in one of the local newspapers of a behind-the-scene secret meeting that the gentleman from Wisconsin, the gentleman from Kentucky, the gentleman from Ohio, and I had to discuss a way in which we could help get the subway money and also proceed with the highway program.

I do not know how much more open such a meeting could have been held.

About four rows behind the Democratic desk over there the four of us sat alongside one another and discussed how we could do our best to get the money available for the subway construction program, and in the best of faith—I guess in the eyes of everybody in the chamber—we came to a suggested program. As I understand that suggested program, the gentleman from Kentucky and the gentleman from Wisconsin agreed that if the Circuit Court for the District of Columbia would agree to a date certain to hold a hearing—just a hearing—that the recommendation would be made by this subcommittee for the release of all funds that have been requested by the President of the United States. I believe that is the understanding that we came to.

As I understand the procedure in the circuit court of appeals, it is within the discretion of the chief judge that he can agree to hold such a hearing en banc. But I am also informed that a majority, which is five out of the nine judges, can petition the chief judge, if he will not act, and then such a hearing is set. I do not understand why a small group, or maybe one man in this court will in effect thumb the nose at the House of Representatives. If you ever read that decision by Judge Bazelon, I do not think a single Member of this body would have any respect for that decision.

All we are asking is that they agree to a date certain to hold a hearing. I think that is reasonable. I believe in a balanced transportation program. I want the subway to go ahead; I want the highway program to be constructed as the Congress has said on two occasions it should be constructed, and I refuse to let one man or two people in the Federal judiciary thwart the wishes of the President of the United States and thwart the wishes of the Congress of the United States.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield to me to ask the minority leader a question?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I wish to ask the minority leader this question: Is it his understanding that there was a second provision in this general discussion that the gentleman had with the gentleman from Kentucky? You mentioned one. They mention two.

Mr. GERALD R. FORD. As I understand, the second condition raised by the gentleman from Wisconsin is merely a reiteration of what the President of the United States has already said. I do not think that that is a problem. As far as my understanding is concerned, that is not a condition that would in any way prevent me from supporting the funds for the subway.

Mr. BROYHILL of Virginia. It was added.

Mr. GERALD R. FORD. You are making a mountain out of a molehill.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I promised to yield to the gentleman from Connecticut. I yield to him now.

Mr. GIAIMO. We are talking about some agreement that I am hearing about for the first time, except for having seen references to it in the press. But I would like to get very clear in my mind, because I, myself, had a discussion with the minority leader several days ago in which we understood the so-called agreement said that if the appellate court will agree to rehear the matter en banc, that will be sufficient. Now we are hearing a slight change. It is not only will the court agree to a rehearing en banc, but will they also set a date certain, and beyond that we now hear of an added demand that the President has to take some positive step in addition to what he has already done. I do not know what else the President can do to indicate his support for the Metro system. If I may refer back to the statement——

Mr. DAVIS of Wisconsin. Let me correct the gentleman. The President is on record in support of a balanced transportation system.

Mr. GIAIMO. All I am saying, as the gentleman knows—and let me go back to when my distinguished chairman spoke before—if I remember correctly, he said he would be willing to put in the moneys for the subways even in a supplemental, providing the court ordered an en banc hearing and carried out the provisions of the Highway Act in the law. This is much more than he said several days ago. It is not clear to me at all. I do not think it is a relatively clearcut commitment one way or the other. I think what can very easily happen is further delay of Metro.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I do not remember the precise words of my discussion with my friend, the gentleman from Connecticut, but if there is any difference from what I said here on the floor, I do not think the difference is significant. If the circuit court of appeals, the appellate court, agrees to a rehearing, is it not responsible to ask them to set a date? We do not want a rehearing in limbo. We want a date certain. I think that is a perfectly reasonable and rational request.

I think the gentleman, himself, instead of quibbling about a word or phrase, ought to recognize that is a responsible request and a reasonable one.

Mr. DAVIS of Wisconsin. Mr. Chairman, I did set out the two specific elements. I think they are very clear, and the gentleman from Kentucky concurred in those two elements. I do not know how we can make it any more clear than that.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I am hearing about this agreement for the first time officially. I read about it in the paper the other day. But as a member of the subcommittee I want to make it very clear that I think there ought to be something more required than what we are selling out for today.

In 1960, a similar impasse came about where the highway funds were not being released, and the highways were not being built, but an agreement was made the courts would reconsider and the funds were released. History will show that the opponents went back to court and got it tied up again. I, for one, will not agree to what apparently this group has agreed to do.

The people in Indiana and the people of the Members here are going to have to pay for the subway, including the people in Michigan and Wisconsin, and so on. What do they care about the subway? Will they ever use it? But they are going to use the highways. So I question this. I will support the subway when the highways are started, and not just on the basis of some agreement.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I can understand the views of the gentleman from Indiana. I can only say for myself if they agree on a date certain to hear the case en banc on the Department of Justice petition for a rehearing, I will vote for the necessary funds in the budget for the fiscal year 1972, either in this bill or in any supplemental, including a special supplemental. That is my personal commitment.

Mr. MYERS. Mr. Chairman, will the gentleman yield again?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, is this not just exactly what happened in 1969 and did not this Appropriations Committee and the Congress act in good faith to release those funds at that time?

Is it not a fact there is the same danger of this time having the judge or the panel merely saying they will hear it, but is there any reassurance they will hear it in 1972 or will they wait until 1974?

I think we are turning everything over to them and not having certain reassurance.

Mr. DAVIS of Wisconsin. The thing I said was the setting of a date certain, which is to avoid that very doubt.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, my name has been mentioned in the so-called agreement or understanding we have had. That is, I agreed completely with what the gentleman from Michigan, the minority leader, has said the understanding was, and what the gentleman from Wisconsin has said. I believe if the court of appeals will take jurisdiction and agree to a date certain for the hearing, the understanding was then we would have it on a supplemental and not wait for a general supplemental. This does not mean we are going to wait for the supplemental of next year or until all the other agencies are taken care of.

We will bring it in on this one bill. That is the understanding we have.

It seems to me the gentleman from Kentucky has been most fair in his understanding on this, in his agreement to the proposition I have stated. The gentleman from Wisconsin has agreed.

I might say again, there was no secret meeting. It was all right over here on the floor.

I would support, when the court of appeals takes jurisdiction and sets a time certain, this proposal, and I will do everything I can to get that supplemental request up here. I will do everything I can to get the funds passed so that we go ahead.

There is no desire on the part of this gentleman from Ohio, nor I am sure on the part of any others who take the position we do, that we want to leave the subway with dry holes in the District of Columbia, as somebody has said. This is not the purpose.

We can move as fast as soon as the court takes jurisdiction and sets a time certain. Then we will go ahead.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. GIAIMO) a member of the subcommittee, and one of the outstanding Members of the House.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. GROSS. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Mr. GIAIMO. Mr. Chairman, let me say at the outset that my dear friend, BILL NATCHER, the subcommittee chairman from Kentucky, is one of the most able and one of the great Members of Congress. His integrity and his devotion to duty are second to none. I have only the highest respect for him.

As much respect as I have for him, he knows I must disagree with him on this issue of Metro, because I feel strongly about it.

I am somewhat shocked, Mr. Chairman, by some of the colloquy which we have just heard in this Chamber. I agree with the gentleman from Wisconsin in that I do not favor Judge Bazelon's decision. I was disappointed with the decision; I believe it to be erroneous.

I, too, am concerned, as is my chairman, that all too frequently we are seeing an encroachment by the judiciary into legislative matters. I hope that in the forthcoming years the courts, particularly the Federal courts, will restrain and constrain themselves from entering into the legislative area.

But, as bad as it is for the Federal courts and the judiciary to intervene in legislative matters, it is as equally bad and wrong for the legislature and the Congress to intervene in the area of the judiciary.

It has been said that we want a balanced transportation system, and we do. I want to see a balanced transportation system. I want to see the Three Sisters Bridge and its adjoining highways built. They are part of the Highway Act that this Congress passed and mandated, and therefore, it is incumbent upon the District government, the Department of Transportation and anyone else involved who bears the responsibility for carrying out the law to do so and to complete the highway system and the bridges.

However, part of the determination as to whether or not we are carrying out the law involves the right of people who disagree with Congress action to seek recourse in the courts of the United States. The Constitution affirms that. So, whether or not the Three Sisters Bridge is in accordance with the law, even though I think it is, is not a determined fact as yet; it will not be determined until the United States court of ultimate jurisdiction tells us that it either is or is not. As much as we may dislike it, there is nothing we can do about it.

But there is something that we can do. Although we cannot do anything about the bridge and the highway system, we can retaliate against the people of the District of Columbia by saying, "No bridge, no subway," even though all of us in this House supported the authorization of the subway.

I submit to you that this is what we are doing now. We should not do this, however, because we believe a judge is incorrect or because we do not agree with the decisions of a court. I think we in Congress owe it to ourselves, to our oath and to our constituency not to retaliate on the defenseless people of the District of Columbia.

We have been arguing this matter of Metro year in and year out. It has been said, and correctly so by the gentleman from Kentucky, that they were not in compliance with many of the programs concerning the development and construction of freeways and bridges. Not only were they not in compliance, but, in my opinion, the District government over the years was dilatory, and I think the Department of Transportation was also dilatory in many instances. But this argument no longer applies. They are now in compliance. They have done everything that they can possibly do at the present time. The District government is ready to begin construction of the Three Sisters Bridge immediately upon allowance by the court to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman from Connecticut 5 additional minutes.

Mr. GIAIMO. Until that decision is reached, the District can do nothing further to be in compliance with the highway mandates of the U.S. Congress.

Now we have Metro. Metro is desperately in need of money. We find ourselves in the strange situation in this House and, in fact, in my own Committee on Appropriations where we wish to refuse the District of Columbia's share of Metro funds this year just as we did last year. Yet this very Committee on Appropriations, recognizing the importance of careful planning for Metro, has funded money for the Federal portion, the two-thirds portion, of subway construction which, incidentally, we fund a year in advance. So we have given the Federal moneys in an appropriation out of the Subcommittee on the District of Columbia of the Committee on Appropriations. We have already given them their fiscal year 1973 money. Here we are, the same committee which on one day says to its full committee and to the House, "Here is the money for Metro, for the Federal portion," and then on another day says there is no money for the District of Columbia's share which we are bound to provide for you.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. Yes, I yield to my colleague from Massachusetts.

Mr. CONTE. The gentleman from Connecticut is four square and absolutely right on that. The amount of money that the Subcommittee on Transportation, of which I am the ranking Republican member, appropriated over $650 million for the Metro and here we are talking about $72 million in this budget.

Mr. GIAIMO. And is it not so that you make these appropriations a year in advance?

Mr. CONTE. These are advanced appropriations which the Congress does not like, but the Congress last year and this year appropriated that amount without one single argument against it on the floor of the House.

Mr. GIAIMO. Is it not so that they must have careful planning and look over the contracts to which they have to commit themselves and have a balanced approach in the construction of the Metro?

Mr. CONTE. Mr. Chairman, if the gentleman will yield further, that is right; and, further, so they can work in cooperation with the other eight jurisdictions involved in the Metro system.

Mr. GIAIMO. Mr. Chairman, here we are, my friends, saying once again there is one other hurdle you have to jump before we give you the money for Metro. I will admit that the hurdles are getting smaller, but we are now saying that the appellate court set a date certain for rehearing en banc. I would like to ask either the gentleman from Kentucky or the minority leader if is the intent to insist upon anything beyond the setting of a date by the appellate court?

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. Yes.

Mr. GERALD R. FORD. I thought I made that crystal clear in my brief colloquy with the gentleman from Connecticut, and that is the only condition that I require as far as the support of the funding of the subway is concerned.

Mr. GIAIMO. As I understand it, the gentleman from Kentucky has made reference to carrying out the provisions of the law. Does this mean that the court would act in an expeditious and proper manner and not take a year or so to set a date?

Mr. NATCHER. Yes.

Mr. GIAIMO. Mr. Chairman, the only difficulty I see with this problem, and it is a very real difficulty, is that the Congress may adjourn within a week or 10 days, and therefore, the Congress would not be in session. As to what happens when we come back, based upon my own experiences, there will be a considerable period of time before a supplemental bill comes out of the Appropriations Committee. I know it could be done rapidly and forthwith, but normally we do not move quickly in January and February. Therefore, it would probably be March or April before we would have a supplemental bill and, as a result, we would have delayed Metro all of those weeks and months and added to the escalation of the cost.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. The circuit court of appeals could set a date today They could have set a date yesterday. They could have set a date before that. I think we ought to have some cooperation from them.

As the gentleman knows, the Federal court system can move very, very rapidly when it wants to. We have a recent incident where they went from literally the bottom to the top, with reference to the Pentagon papers in a span of less than a week. It seems to me it would be very simple, very fair, and very reasonable for Judge Bazelon to say, "we are setting a date for a hearing," which I do not think is unreasonable.

Mr. GIAIMO. The gentleman says we could set the date today. I would say to the gentleman that the court could have decided this matter in our favor also, but the fact of the matter is that the court did not. I do not like the court telling the Congress what to do, and I find it a little disturbing that we would undertake to tell a Federal judge what to do.

I have confidence that the Federal courts will act in their good time and that they do not want to be dictated to by the Congress of the United States. I hope the day never comes in this country when the U.S. courts are dictated to by the Congress, or anyone else.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would ask the gentleman how much has been added to the construction of the freeways and the Three Sisters Bridge—the cost of them?

Mr. GIAIMO. I cannot answer the gentleman's question, but I can say to the gentleman that when you build a highway or a bridge today you have very great controversy in almost every city and State in the Nation, and these controversies can only be resolved in the courts of the United States.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I will be glad to yield to the gentleman who made such an excellent speech against the subway in toto before.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. Mr. Chairman, I rise to speak on this bill, and to say that most of all I should like to reiterate the words of the gentleman from Wisconsin when he said: "This is not a one-man subcommittee, this is not a one-man committee, this is not a one-man Congress."

I want to say to my chairman, and my dear friend, the gentleman from Kentucky, BILL NATCHER, that before being privileged to serve with the gentleman on his subcommittee this year, I served under the chairmanship of the gentleman from Illinois on the Roads Subcommittee of Public Works for 6 years; and it just seems to me, Mr. Chairman, that somewhere before going to the Committee on Appropriations, I had heard something about freeways, and the Three Sisters Bridge, and the need for a balanced transportation system.

Mr. Chairman, too much—far too much abuse—has been heaped on one man in this situation, and I refer to the gentleman from Kentucky (Mr. NATCHER).

Now my President has gotten involved in this situation and, Mr. Chairman, he too is not a culprit either. The ones who are, do not seem to be the ones who get embroiled in it. I refer to the ones who have resorted to every devious trick, and scheme and device they could to thwart the will of this Congress—not the will of my good friend, the chairman of this subcommittee, not the Committee on Public Works, but this Congress and two Public Laws, one enacted in 1968 and one in 1970.

We are familiar of late, Mr. Chairman, with those who by their actions say, "the end justifies the means." We will decide what laws are good and what laws are proper and just and, if they are not, do what you want. "We have seen a commission that approved a bridge, and thereby subway funds are appropriated. Then the commission immediately thereafter met and said, "No, we reverse our decision." Or to say, "Yes, we are going along with the highway part of a balanced transportation system," and then a lawsuit is started. And then—not 1 month, not 2 months, but it takes 4 months to put in an answer to the suit.

I found the gentleman from Connecticut's remarks in this debate very moving. Mr. GIAIMO spoke very eloquently about the District of Columbia not being at fault here. All I can say to the gentleman from Connecticut is that I am not so sure. Sometimes I have the feeling about this District government and some of their allies, that when they come in on this question of balanced transportation, highways and subways, that, Mr. Chairman, they sound a little like the boy who shot his father and his mother, and then threw himself upon the mercy of the court because he was an orphan. I think they have had a little bit to do with this along the way. I think that administrative actions could have been taken to expedite this balanced transportation system.

This is one of the things that is at stake here.

For more than two decades there have been studies and plans made—and if I be in error, I know my dear friend, the chairman of the Roads Subcommittee of the Committee on Public Works (Mr. KLUCZYNSKI), is here and he will correct me—but I believe the figure is $20 million of studies on this transportation problem of this Washington metropolitan area—83 separate studies, I am reminded by the gentleman from Iowa (Mr. GROSS).

Everyone said we needed the highways, the Three Sisters Bridge, and the subway system and in that way and only that way can we have a balanced transportation system.

Well, I think we are only going to get that if we get the message out of here today, loud and clear, that now it is time for somebody else to move, and when they move—then we will move. I think it is no large price to pay for moving ahead on a balanced system to say that we will come ahead with the funds for the subway just as soon as the court agrees to a day certain to hear this case.

I hope this House, in the action which it will be taking not too long from now, will support not just Mr. NATCHER, not just his subcommittee, not just the Appropriations Committee and the Committee on Public Works, but will support what is the law of the land.

The gentleman from Connecticut was persuasive in his argument—that he deplored the confrontation of this body and the Court and, yes, the Court confronting us.

As he was speaking, I was thinking, What are our powers? The Court has its marshals. The powers of the executive branch are awesome. But what are our powers in this, the people's House? Are we a helpless giant? Do 200 million people, or the electorate thereof, who go to the polls to elect 435 Members and two delegates, expect us to be concerned for compliance with our laws? I think they should and they do. Our greatest strength, our marshals for enforcement, are the decisions we make on appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. KLUCZYNSKI), the chairman of the Subcommittee on Roads of the Committee on Public Works.

Mr. KLUCZYNSKI. Mr. Chairman, I want to thank the gentleman from Kentucky for giving me this time to explain the bill under consideration.

Mr. Chairman, I rise to support the position of the gentleman from Kentucky and the full Appropriations Committee. I do this not only as chairman of the Subcommittee on Roads of the House Committee on Public Works, I do this in the name of JOHN BLATNIK, chairman of the Committee on Public Works, who at this time is hospitalized, but resting comfortably. He has asked me to speak for him in this regard and to indicate his complete support of Mr. NATCHER's position. Were he here, he would do it himself.

The Committee on Public Works included in the 1968 Highway Act provisions well known to you all that certain segments of the Interstate System in the District of Columbia be built in accordance with plans already approved by all of the local bodies. We did not make these up; they were presented to us. They are good highway plans and should be built.

The Committee on Public Works is in favor, and I cannot stress this enough, of a balanced transportation system. We want this subway built, but we also want the highways built. They cannot be separated one from the other because they were designed to complement each other.

In my city of Chicago, we have rapid transit lines running in the median of the interstate highways and it is the greatest thing in the world. But we would be in rough shape without those freeways.

The issue here is even bigger than just freeways and transit. Here we have defiance of the will of Congress. This cannot be tolerated, gentlemen. Where do we stand if we cannot be assured that the laws we passed are going to be carried out. The administrative bungling that has been thrust upon us in this instance is unbelievable. It must be corrected and drastic action is necessary.

Again, I say to you that the House of Representatives must stand behind the Appropriations Committee and Bill Natcher of Kentucky.

The Committee on Public Works stands in support of him and knows that he is right.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the acting chairman of the House Public Works Committee, the gentleman from Alabama.

Mr. JONES of Alabama. The day before yesterday the gentleman from Minnesota (Mr. Blatnik) called me from the hospital and made the same request of me that he made to the gentleman in the well, that is, to let the House know of his position that he would stand behind the judgment that was made in the 1968 act, that is, we would have a concurrent public works project for the highway system and the rapid transit system.

Why can we not go along with both programs? Why must one be separated from the other? As the gentleman in the well (Mr. Kluczynski) has pointed out, these programs are totally necessary if we are going to accommodate the public needs. If we do not stand behind Mr. Natcher in his position, we are going to further delay, hamper, and destroy the public transportation accommodations for the people of this area. So I think it is needful that we act with dispatch to obtain what we originally set out to accomplish.

I see no reason for dissidence and misunderstanding because our goals were firmly established. People with knowledge and information passed it on to us, and we responded in such a way as to try to do the very best we can under a very troublesome situation. I hope that the House today will recognize the tremendous burden under which the gentleman from Kentucky (Mr. Natcher) has been working during the past few years, and that we will steer ourselves to a better destiny under his leadership.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the Appropriations Committee, the gentleman from Ohio (Mr. Bow).

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. BOW. If it is a short question to which a short answer will be responsive.

Mr. YATES. Earlier a statement was made by the gentleman and the distinguished minority leader. I understand the minority leader and the gentleman agreed upon the fact that they would agree to make the subway money available at such time as the court of appeals set down a rehearing of the action.

Mr. BOW. When they assumed jurisdiction to sit en banc and set a time certain.

Mr. YATES. When they set down for rehearing——

Mr. BOW. En banc, the court en banc, and they set a time certain.

Mr. YATES. For the rehearing.

Mr. BOW. Mr. Chairman, I would like to get away from the subway for a few minutes and talk a little about the rest of this bill.

The distinguished gentleman from the District of Columbia made a minute speech here a little while ago in which he rather severely criticized the Appropriations Committee and used some pretty hard words against us about what we have done with this bill.

The gentleman has not been here quite as long as I have, but I should like to say when I came to the Congress 22 years ago, the Federal contribution to the District of Columbia was $9,800,000, and in this bill today the Federal contribution is $162 million—an increase in the period of time I have been here of 1,600 percent.

Now, that is not a very bad figure when we see there is a 1,600-percent increase, but this is not all. The $162 million in Federal contribution is not all. Our taxpayers, the taxpayers of the Members and my taxpayers throughout this entire United States, in addition to the $162 million are also providing Federal grants of $267 million.

In other words, in addition to what else is going on here for the District of Columbia, the taxpayers of the Members and my taxpayers are contributing to the maintenance of the District of Columbia $463 million. Those are Federal funds, taxpayers' money, out of the Treasury of the United States, contributed to the maintenance of the District of Columbia.

Then when the gentleman talks and says we are not being fair and not taking care of the people of the District of Columbia, I must point out all our taxpayers are contributing $463 million. As I mentioned, there is a 1,600-percent increase just in the period of time I have been a Member of this Congress.

It has also been pointed out here that real estate taxes are low. The ranking minority Member said the real estate taxes are much lower than they are in his hometown.

I think if Members will all check the taxes being paid by their taxpayers at home, they will find their taxpayers are paying a higher real estate tax in most instances than the citizens are paying in the District of Columbia. But when those same taxpayers, who are paying the higher real estate taxes at home, are also called upon to contribute $463 million to the people of the District of Columbia in addition to their own taxes, I thought, Mr. Chairman, it would be well if we could point that out.

Now, I thought if we could get away from the subway for a minute, I would just point out what we really are doing for the people of the District of Columbia by the taxpayers of the entire Nation.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, I am sure the gentleman understands it is impossible to compare the District of Columbia as a city with any city of comparable size anywhere in the United States for the reason that the District of Columbia performs multiple functions as a government that in other jurisdictions are shared with the States and counties and other special jurisdictions. The fact is, for example, that on the question of public welfare, there are many cities that are often compared with the District of Columbia that bear little or none of their public welfare burdens because those costs are shared substantially with the State and county jurisdictions surrounding them.

Mr. BOW. If the gentleman will just stop right there, and I will yield further, I want to point out that I thought the gentleman would raise that question, so I point out that the taxpayers of this country are contributing in a Federal grant to the human resources the gentleman is talking about, in an amount of $99 million. I think any other city of comparable size in the United States would be delighted to get the help of $99 million out of the Treasury of the United States for their human resources. The District of Columbia is getting $99 million from the general taxpayers of this country for its human resources.

Mr. Chairman, I yield further to the delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, the gentleman realizes, I am sure, that the fact is that those cities would be getting assistance from their surrounding State and county jurisdictions, and those shared resources would not be reflected in the assistance the District of Columbia gets as a city-State.

Mr. BOW. It seems to me, if the gentleman will permit, the gentleman is talking about what counties might give, or States, but all the time I hear the District of Columbia wants to be a State, to have its own State, and to take over itself. If they can prove they can do that, perhaps they can get some.

But they are still getting $99 million in human resource funds from all the States and all the taxpayers of the United States.

Mr. FAUNTROY. The gentleman does realize, all of that notwithstanding to the contrary, the fact is that there is an $8 million cut in the welfare assistance.

Mr. BOW. Would the gentleman also tell the House at this time how much of an increase there was; not a cut from the authorization, but how much of an increase there was in the appropriation over what was provided last year? Let us talk about increases, not reductions under authorizations. By how much did the Appropriations Committee increase the appropriation this year over last year's amount?

Mr. FAUNTROY. I was about to say, the fact is that the amount of public assistance afforded elderly people in this community, afforded the young who qualify for public assistance, afforded the handicapped will be cut in half.

Mr. BOW. Would the distinguished chairman of the subcommittee tell us how much we have increased the amount?

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, for the fiscal year 1971 the Congress recommended and there was appropriated $707,171,562. We are recommending in this bill $901,476,700.

I say to my distinguished friend from Ohio, the ranking minority member on our committee, this is $194,305,138 more than last year, not including the Federal grants.

Mr. BOW. I thank the gentleman.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman and members of the committee, I am reluctant, in the midst of all these cosmic debates about metro and appropriations to the tune of $700 million or $900 million, to raise such a modest item as the appropriation which is being made for the Department of Corrections; but at a time when the focus of public attention is rightfully on prisons and correctional institutions I believe it is almost incredible that the District of Columbia budget, for an increased jail population, proposes a budget this year that is less than that for last year.

If I am wrong I hope the chairman of the subcommittee will correct me.

As I read the report and as I read the hearings, the budget for this year for corrections is $500,000 less than it was last year. I have pored through the hearings, members of the committee, and I find nothing to justify the cut. I found almost a love feast between the members of the committee and the head of the Department of Corrections and representatives of the city about some of the needs that were represented in the budget request.

As an example, let us consider narcotics treatment. Everyone praised the good job we were beginning to do on narcotics treatment; and yet the final recommendation of the Appropriations Committee is to cut 22 positions, to make it impossible to open up two very important narcotics centers in the District of Columbia.

The District of Columbia has been using halfway houses. I do not care, ladies and gentlemen, whether you like halfway houses or not, but unfortunately, if we close up halfway houses those prisoners do not blow away. They have to be put some place.

Under the appropriation that has been recommended there will be money for 100 fewer inmates in the halfway houses than before, and yet we are authorizing money for fewer guards than are needed to take care of the present population.

Ladies and gentlemen of the committee, the Committee on Appropriations recommended a $2 million cut over what was requested by the District of Columbia and what was approved by the Office of Management and Budget for the Department of Corrections. That reflects a cut of some 52 positions, including some 17 correctional officers requested for staffing of the new maximum security unit in the Youth Center. Mind you, this is a maximum security unit. Six additions for adult parole staff and 22 additional correction positions were also cut. I could go on with other cuts like that.

I have been in these institutions. The District of Columbia jail was built to hold 600 people and there are now 1,245 people in there. The Women's Detention Center was built to hold 50 people and there are 109 in there now.

Mr. NATCHER. Will the distinguished gentleman yield to me?

Mr. MIKVA. I am glad to yield to the distinguished chairman.

Mr. NATCHER. I want to say I consider the gentleman from Illinois one of the ablest Members of this House, and I do not say it just to make him feel good. The gentleman from Illinois serves on the District of Columbia Committee. That is correct; is it not?

Mr. MIKVA. That is correct.

Mr. NATCHER. Your committee brought out a bill 3 weeks ago which provided for a limitation on employees of 39,619. This bill provides for 39,619.

You point out to the committee that there are 17 additional new employees who were not approved. We could not approve them. Your committee put a limitation in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. I yield the gentleman 1 additional minute.

Mr. MIKVA. I merely wish to say that I worried about that limitation when it was put on by my committee and opposed it for that reason.

But I say to the distinguished chairman—and I hope we are forming a mutual admiration society here today—that I do not believe he would say the place we ought to cut, for the benefit of all of us who live and work in Washington, is 17 guards in the maximum security unit when we know that the prison population is over the amount that we were supposed to have had.

Mr. NATCHER. You say we should not do it. Why did your committee put the limitation on the revenue bill of 39,619?

Mr. MIKVA. I say I opposed it.

Mr. NATCHER. You serve on the District of Columbia Committee, and you know that we are within the limitation.

Mr. MIKVA. Let me say that of the 39,000 employees I would hope that some place there was room for a cut besides 17 guards in the maximum security unit.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Thank you.

Mr. Chairman, as a new member of this very fine committee, I thank the chairman, Mr. NATCHER, of the subcommittee, and the ranking minority member, Mr. DAVIS of Wisconsin, for their generosity and consideration in every case. It has been a pleasure to serve on this committee, despite what you have been hearing today.

At the conclusion of Mr. GIAIMO's remarks he made reference to the fact that I had made a speech against the Metro. I make it very clear. I think the Metro is a fiasco that will cost the taxpayers of this Nation more than $5 billion by the time it is completed. I cannot see it paying its operating expenses, let alone retiring the debt. However, it is a law and I shall support and vote for funds for that Metro whenever we are assured of a balanced system. It is very, very important that we look toward a balanced system. That is exactly what this whole argument about Metro has been here today.

I think that the argument here on Metro for $72 million is a little sidetracking argument. There is something that I think is much more important, and that is the budget of $901 million.

Earlier we were talking about the Federal contribution. Of course, historically the Federal Government has made a rather significant contribution to the District of Columbia government. I am not going to take issue with that. I think there is a lot of reason for it. But I do not see any place else in the United States where there is any similar contribution made in lieu of real estate taxes that might be paid by the Federal Government.

Now, Mr. Chairman, I will use an example of one of the counties that I have the honor to represent. It is a small county. Three townships composed of 51,200 acres, which constitutes about one-third of the area of that county are now owned by the Federal Government. That county does not receive 1 nickel in lieu of real estate taxes. They get a little Public Law 847 funds, or impacted aid funds. I think it runs about $60,000. However, that does not anywhere near approach what we give the District of Columbia government. The figure was used of something like the total contributions and assistance running at about $453 million.

Mr. Chairman, the General Accounting Office's last estimate for 1970 reflected that the Federal Government's contribution in financial aid as well as contracts and so forth was $483,970,000. That was 2 years ago. So next year I think we could reasonably conclude that approximately one-half of the budget of the District of Columbia will come from the taxpayers of the United States and not from the District of Columbia—the people that live here.

The gentleman from the District of Columbia, a moment ago, was defending the District of Columbia government, as he should, of course, and as we all defend our own districts. However, the gentleman made reference to the fact that the District was performing all of the services that other governments at the State and local level might provide in other cities.

I notice that the number of employees that we have authorized as the result of a limitation by this Congress in a previous action for the District of Columbia is 39,619. Last year the authorization was 41,848.

Let me give you an example of government in action someplace else and that is Indianapolis, Ind., which has a metrotype government and where the population is 744,624. That is even more than some of the most recent estimates as to the population of the District of Columbia.

The metrogovernment in Indianapolis, excluding teachers, employs 6,350 people.

Now, the gentleman says that we have State government providing some services for Indianapolis. Well, let us add the State of Indiana. The State of Indiana is composed of 36,291 square miles plus 106 square miles of inland waters as compared to 69 square miles of the District of Columbia. In other words, we have more area in waterways in Indiana than the area of the District of Columbia. The population of the State of Indiana is 5,193,669 but the total number of State employees is 19,259, and by adding the city of Indianapolis which performs a similar service as does the District of Columbia, we still have only 25,609 total employees in city and State government.

Mr. Chairman, I think the Commissioner of Washington as well as Chairman Hahn are doing a very fine job. I think they are doing the best they possibly can, but they need help and that help must come from this Congress. They assumed a high-employment and high-spending condition.

This is our Nation's Capital. It does not belong solely to the people that live in the District of Columbia. The hard working taxpayer back in each of our districts are entitled to some consideration and that should not be just the right to spend more of their money here and the responsibility to send more money to Washington.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. NATCHER. Mr. Chairman, we have no further requests for time.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SCHERLE), a member of the subcommittee.

Mr. SCHERLE. Mr. Chairman and members of the committee, first of all, let me compliment the excellent job done by the chairman of our subcommittee, the distinguished gentleman from Kentucky (Mr. NATCHER), and also the ranking member, the gentleman from Wisconsin (Mr. DAVIS). It has been a real pleasure working with these two men and, indeed, as a new member on this subcommittee I had an opportunity to benefit from the great insight and wisdom of these two men.

There is one thing I want to mention at this time, and it grieves me deeply to hear the verbal accusations made against my distinguished chairman simply because he is protecting the law, the very law that this Congress in 1968 and 1970 passed concerning the Federal Highway Act.

He was protecting your interests and mine. He was defending a law that was passed in this House, yet all we hear day after day are accusations made against our distinguished colleague. I do not enjoy hearing them. Certainly it is not fair that these charges be directed against a man who has served in such an honorable capacity, and who has protected our interests as Members of the Congress.

This is our colleague, and the laws passed were ours.

Now, Mr. Chairman, let me spend a few minutes on the budget.

First of all, it has been my impression since I have been in Washington that this city operates extravagantly. If an efficiency expert were hired in the District of Columbia, he would last about 3 days and then he would quit in complete disgust.

The appropriation that we are making at this time includes an increase of $36 million. The last budget increase was $21 million, from $105 million to $126 million. Now this committee has granted an additional $36 million, from $126 million to $162 million.

As a member of the Committee on Appropriations I can recall no other appropriation passed this year which has allowed this great an increase over last year.

In July 1970, the welfare investigators were eliminated. At that time, ladies and gentlemen, there were 20,000 welfare cases at a cost of $35 million. One year later, without the investigators, the welfare cases had increased to 30,000 with a budget of $57 million. In 1971, in September of this year, there were 37,000 welfare cases costing an estimated $76 million. By fiscal year 1973, they expect to have 50,000 welfare cases with a predicted cost of $124 million. And this is happening at the very time, ladies and gentlemen, when the Department of Health, Education, and Welfare states that welfare cases throughout the country are decreasing. But here in Washington they are increasing, even though the population is declining practically every year.

In the hearings Miss Winifred Thompson, the Director of the Social Services Administration Department of Human Resources, testified—and I think this will be of interest to every Member present in the Chamber this afternoon—that cheats and frauds are costing the District of Columbia between $6 million and $8 million a year.

Just stop and think how many people, who are fraudulent recipients of welfare, it would involve to contribute to the figure of $6 million to $8 million a year. Think what this is costing alone.

Mr. Chairman and Members of the House, since we all subsidize a part of Washington, D.C., we should take care of it. But I do not think that we should provide retirement benefits for every person living in Washington through the generosity of the taxpayers throughout the United States.

I believe that this committee has done a wonderful job. It has been reasonable in its approach to the problem, but, Mr. Chairman and colleagues, there is a point that is beyond reason. We will have reached that point if we continue to vote increases that we have been giving the District of Columbia year after year. There is no justification, in terms of the expenses incurred.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Thank you, Mr. Chairman.

Mr. Chairman, personally I pay my respects to Mr. NATCHER. I recall so well the days when I was with the Rural Electrification Administration appearing before his committee and the very kindly and considerate attention that he gave to our efforts is something I appreciate tremendously.

Now may I refer for a moment to the fact that there is said to have been some kind of compromise reached between some Members here in the House over the subway funds. Being the ranking member of the District Committee, I am sorry to say that I am not too well advised as to just exactly what that agreement or compromise was, in fact. Further, I am a little bit more confused about what it was after listening to the debate.

Mr. Chairman, I hear one statement to the effect that the compromise looks to compliance with the terms of the 1968 Highway Act and another that the compromise merely precludes release of the funds until after the U.S. Circuit Court of Appeals for the District of Columbia agrees to hold a rehearing en banc on the *Three Sisters Bridge* case.

It seems that we all agree that there should be a balanced transportation system in the District. But on the other hand in every instance where we have had this subway funding issue before the House, there is always a reason given why the funds should not be released. In one instance, it was claimed that the Department of Transportation was dragging its feet; in another instance the District was dragging its feet, and in some instances it was claimed that the cost was just too high.

I agree that the President of the United States should exert his efforts to see that his executive department family cooperate. He has given us every assurance that he has put his executive branch behind a balanced transportation system for the District.

But now the courts have become the stumbling block by reason of the decision in the *Three Sisters Bridge* case. I am a farmer, not a lawyer, but I cannot follow the logic or reasoning of the majority opinion. For instance, Judge Bazelon finds that Secretary Volpe was intimidated by Congress even though he denies it. Yet he finds that the District of Columbia City Council was not so influenced by Congress even though Council members claimed to have been so influenced. At the same time he raises the District of Columbia City Council to the stature of a legislature and says he will not go into a question of undue influence. Now, as a farmer, I would assign a mark of failure to that logic and decision. Furthermore, for those of you who have not read the decision, I commend it to you for reading. Judge MacKinnon, as I read his dissent, clearly marks the majority opinion as not adhering to the facts, lacking in logic, going far beyond the issues in its holding, and generally lacking in reason and commonsense. Make no mistake: the majority opinion is mischievous on a grand scale, a personal attack on Members of Congress, and a decision which must, as the President so indicates, be reversed if necessary by petition to the Supreme Court. So in conclusion I say that the Bazelon decision was a travesty. I also say that it is demeaning for the Federal judiciary generally to have judges engage in personal attacks in their decisions. I regret as I am sure most of you do that the judge engaged in personal attacks as he did in the decision. I thought this action was way out of line. I think the majority decision should be overturned and the President has clearly indicated he believes so, too, in that he will go to the Supreme Court if necessary to do it.

I want to make reference now to a letter that the President sent the Speaker on this matter yesterday and I wish to insert it in the RECORD at this point. In 1969 I voted for the subway for the good reasons stated at that time. In May of 1971, I supported my good friend, Mr. Natcher, on this same matter for the good reasons I stated then. Today I support funding for the subway for the above reasons and for the reasons stated in the President's letter:

THE WHITE HOUSE,
Washington, December 1, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This week the full House of Representatives will consider the District of Columbia's 1972 appropriations bill. I believe it is imperative that the District's contribution to the Washington area rapid transit system be included in that bill.

In carrying out my commitment to develop a balanced transportation system in the National Capital region, I ordered the Attorney General to file a motion for a rehearing en banc of the Three Sisters Bridge case before the full U.S. Court of Appeals. That motion now has been filed. It is not possible to predict either the timing or the outcome of the court's action. Meanwhile, if we are to meet the region's future transportation needs, the Congress must act *now* on the District's contribution to the Metro.

Such immediate action is crucial for two reasons. First, denial of these funds risks losing the cooperation of the seven local governments which have contributed regularly and in good faith to this project—a loss which might well be final and hence fatal to the entire Metro. Second, each week of delay increases the costs to the taxpayers of the region and the nation by at least $1 million. Besides these increased costs, these delays needlessly postpone the day when this modern subway will begin to serve the area's residents and visitors.

In my judgment, the well-being of the entire Capital region will be at stake when the House votes on the District of Columbia 1972 appropriation bill. At this critical time, I urge you to do all you can to keep Washington's Metro system alive and moving forward.

Sincerely,

RICHARD NIXON.

Mr. Chairman, this letter was delivered to me this morning. It is a copy of one that has been delivered to other Members of the House.

Finally, my friends, I want to make some reference also to the total appropriation that is included here. I think this demonstrates that my figures were not too far off when we passed the 1972 District of Columbia revenue bill a few weeks ago. But may I say, I, too, agree that the government of the District of Columbia needs some examination and we are doing that in the study commission I chair.

I thank the gentleman for giving me this time and I say again that I intend to support the President.

Mr. NATCHER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I appreciate the gentleman yielding this time. This is a very difficult question, especially for the Washington area Congressmen. Reasonable people can disagree on the best course of action. We all want a balanced transportation system in this area. I think that the Public Works Committee, the Appropriations Committee and, I am told, the pages on each side of the aisle all favor a balanced transportation system. There is no disagreement about that.

Mr. NATCHER has been very much unfairly maligned for his efforts to obtain such a balanced system. I am convinced he is a fairminded man doing what he thinks best to solve this difficult problem. When we started debate today I had not made up my mind on how to vote. However, I have listened to the debate and have considered the arguments of Members who are in favor of withholding the funds and those who are in favor of the immediate release of the funds. I find some of those urging that we release the funds without assurance that the highways will be constructed are persons who carried placards against the construction of Interstate 66 in Virginia.

We need this Interstate System because we are going to put a subway down the median strip. It is part of Metro. We need Interstate 66 to be completed so we can develop Dulles Airport to full capacity. We need the Interstate System to be completed to more readily get to the cultural center at Wolf Trap Farm. More important we need the highway program to be completed so that commuters can get back and forth from home to work. Certainly we need the highways in the District of Columbia so that once people get into the Capital City, they can get to their destinations. A good system cf highways complements the highway system.

So I am supporting the committee in its effort to obtain a balanced system. We know that a law was passed requiring the construction of highways within the District of Columbia. We know that that law has not been complied with. The Department of Transportation has been pushing the subway system. It has been giving lipservice to the highway program. I wish it would push as hard for the highways as it has been pushing for the subway. Both are essential if we are to solve the transportation problems of the Washington area.

We need an extra lane each way in our beltway on the Virginia side of the Potomac. It has been said that it is a huge parking lot because when cars are bumper to bumper they cannot get anywhere. People get very frustrated in congested traffic when they cannot go in any direction. If the Secretary of Transportation and if the President of the United States himself would indeed get behind the highways as strongly as they have gotten behind the subway system, we could have a balanced transportation system. Certainly I hope they will do so.

I wrote to the Secretary of Transportation some weeks ago and suggested that a writ of certiorari be applied for from the Bazelon decision. Judge Bazelon's position is untenable. I remember when he came to Washington. I worked under him down at the Lands Division of the Department of Justice. It was said he was a tax attorney. Now he seems to be an authority on everything. I believe anyone who reads that decision will step up here to the Clerk's desk and will sign the discharge petition to amend the Constitution and impose a 10-year limitation on the tenure of Federal judges with the right to be reappointed and reconfirmed. They will have to account for their stewardship at the end of every 10 years. Of course we want an independent judiciary but not an arbitrary one. The petition is at the Clerk's desk. I urge that you consider signing it. It is one way to assure strict constructionists on our courts.

Mr. Chairman, I am convinced that the action of the committee, if confirmed by the House, will expedite the completion of a balanced system of transportation. I hope that those who cry so loud for the subways, whether they are District of Columbia officials, the Secretary of Transportation, or the President, will push as hard for highways as they do for subways and then we can have the balanced system we talk about.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield the remaining time, which I believe is 5 minutes, to the gentleman from Massachusetts (Mr. CONTE), a member of the committee.

Mr. CONTE. Mr. Chairman, I thank the gentleman from Wisconsin for giving me this time.

Mr. Chairman, we are faced with a rather simple challenge today: Should we fulfill our legislative responsibilities by promptly releasing the $72 million that represents the District's share for the Metro project—a project that Congress has emphatically authorized to be constructed and appropriated $684 million in the DOT appropriation as the Federal share? Or will we continue to flout the legitimate interests of millions of area residents and visitors? Will we continue to indulge the mysterious whims of those who seem bent on creating an empty underground memorial to the second-class status that this city has too long had to endure?

Various arguments or excuses—call them what you will—have been advanced as justifications for withholding these funds. We have been told that the mandates of the Federal Aid Highway Acts of 1968 and 1970 have not been carried out. This controversy was raised during hearings held by my Transportation Appropriations Subcommittee last April.

Let us take a look at the facts. The 1968 act dictated that, within 30 days of enactment, work be commenced on, first, the Three Sisters Bridge; second, the Potomac River Freeway; third, the center leg of the inner loop, I–95; and fourth, the eastern leg of the inner loop, I–295. The Three Sisters Bridge is a special case which I will discuss later. As for the other three, design studies are in progress for the Potomac River Freeway and the east leg of the inner loop. And construction already has started on the center leg of the inner loop.

The act's further requirement that other aspects of the District of Columbia transportation system be studied were fulfilled with the reports provided to the Congress in February of 1970.

The 1970 act required a reexamination and a report to the Congress by December 31, 1971, of the east leg of the inner loop—I–295—and the north central and northeast freeways. The act also directed a study and a report of the north leg of the inner loop—I–66—but specified no deadline for submission.

The results of a consultant report on all these projects were released this week and the Department of Transportation has assured me that the December 31 deadline for the congressional report will be met.

This leaves the Three Sisters Bridge controversy. As everyone is aware, litigation concerning this structure is currently pending in the courts. The Justice Department has filed a motion for rehearing of the court of appeals' decision of October 12. The Department, which is as convinced as I am that both the District of Columbia and the Federal Government are in compliance with statutory requirements, is prepared to go to the Supreme Court, if necessary, to prove its case.

It should also be noted that the directives spelled out in the district court's decision on this matter apparently have been met. The court held that the District had not conducted a proper design public hearing. That hearing has since been held.

The court also directed that an analysis of the stresses in the design of the bridge be carried out. The Transportation Department has since constructed a model of the bridge and successfully completed its tests. These tests have shown that the project design structure is both feasible and safe.

To my mind, this chain of events resulting from the 1968 and 1970 acts, establishes not merely a good faith attempt, but an actual compliance with, the relevant statutory requirements. Consequently the denial of the subway funds cannot be justified on these grounds.

For a more detailed consideration of the legal complexities entangling the District of Columbia Interstate Highway System, I would direct my colleagues to pages 464 through 467 of part I of the fiscal 1972 transportation appropriations hearings. I am also submitting for the RECORD a copy of the Justice Department's brief in the *Three Sisters Bridge* case and a November 29 status report from the Federal Highway Administration as to the progress being made on the District Highway System.

I will discuss later in the day the even more crucial factors that demand a prompt release of these funds. Suffice it to say now that the attempt to hold the metrosystem hostage to the District of Columbia highway program has no legislative foundation.

Mr. Chairman, at this point I am here enclosing more pertinent material pertaining to progress on District of Columbia Interstate Highway segments:

FEDERAL HIGHWAY ADMINISTRATION

Progress on D.C. Interstate Highway segments as of November 29, 1971.

DISTRICT OF COLUMBIA RESTUDY

The restudy is now complete and all chapters have been sent to the printer. We have been advised by the District that a limited number of copies of the final printed report will become available early this week. FHWA staff is reviewing the draft chapters received to date, and preparing recommendations for the report to Congress.

THREE SISTERS BRIDGE

Last week, at the request of President Nixon, the Department of Justice filed a petition for reconsideration by the Circuit Court of the decision rendered on October 12, 1971, by the three judge panel. The petition seeks review by the full court. Should the petition fail, the case is to be taken to the Supreme Court.

POTOMAC RIVER FREEWAY

The National Capital Planning Commission is awaiting final concurrence from the consultant and the District's Corporation Counsel on the contract for land use studies and the preparation of a Sectional Development Plan for the Georgetown Waterfront. NCPC expects to have the contract executed and work under way by the end of this week.

SOUTH LEG OF THE INNER LOOP (LINCOLN MEMORIAL AND TIDAL BASIN AREA)

Preliminary drafts of an environmental impact statement and design hearing information reports have been reviewed and returned to the consultant for revisions. The design public hearing is scheduled for January 1972.

EAST LEG OF THE INNER LOOP (RFK STADIUM)

The D.C. Department of Highways and Traffic is working with the National Park Service on the joint planning and funding of that segment of the highway which will pass through Anacostia Park.

CENTER LEG OF THE INNER LOOP (WEST OF CAPITOL)

Work is proceeding on all segments of the Center Leg.

NOVEMBER 29, 1971.

APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States Court of Appeals for the District of Columbia Circuit

No. 24,838, D.C. Federation of Civic Associations, et al., Appellants against John A. Volpe, Secretary of Transportation, et al., Appellees)

(No. 24,843, D.C. Federation of Civic Associations, et al., Appellees against John A. Volpe, Secretary of Transportation, et al., The District of Columbia, et al., Rogers C. B. Morton, Secretary of the Interior, et al., Appellants)

PETITION OF APPELLEES FOR REHEARING AND SUGGESTION THAT REHEARING BE HELD EN BANC

Opinion

The opinion of this Court, issued on October 12, 1971, is not yet reported.

STATUTES INVOLVED

Federal-Aid Highway Act of 1968, 82 Stat. 815, 827 (Section 23). 23 U.S.C. secs. 109, 134, 138.

REASONS FOR REHEARING EN BANC

The appellees respectfully petition this Court for a rehearing of this appeal and suggest that the rehearing be held *en banc*. Petitioners set forth the following reasons in support of this petition.

I.—AFTER THREE OPINIONS BY DIFFERENT PANELS OF THIS COURT, THIS CASE IS RIPE FOR EN BANC CONSIDERATION

This is the third major opinion of different panels of this Court[1] with respect to the Sisters Bridge across the Potomac between Georgetown and Spout Run on the Virginia side upstream from the existing Key Bridge. The facts are fully set forth in this Court's present and prior opinions. *D.C. Federation of Civic Associations, Inc.* v. *Airis,* 129 U.S. App. D.C. 125, 391 F.2d 478 (1968), and *D.C. Federation of Civic Associations, Inc.* v. *Volpe,* ——— U.S.App.D.C. ———, 434 F2d 436 (1970). The net effect of the decision is to place the construction of the bridge in almost the same posture that it was in when Congress declared in Section 23 of the Federal-Aid Highway Act of 1968:

(a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I–266 (Section B1 to B2).

In short, in more than three years, except for a few concrete footings, and despite the foregoing mandate, the bridge is no nearer construction than it was in 1968. Regardless of the technical niceties of statutory construction and administrative review which have been applied to each and every attempt of the District of Columbia and the Secretary of Transportation to comply with this

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Footnotes at end of article.

Court's directions in the past, we submit that the time has come for this entire Court to review the situation as a whole, rather than piecemeal. We believe such a review will demonstrate the correctness of our view, previously rejected by two members of a panel of this Court, on the construction of Section 23 of the Federal-Aid Highway Act of 1968 and further that, under any reasonable standard of administrative review, the specific statutory requirements imposed by this Court's April 6, 1970, decision have been met. Finally, we shall show that, in any event, the strictures placed upon the Secretary of Transportation are such that it will be virtually impossible to build this bridge as directed by Congress.

II.—THE BASIC DECISION OF THIS COURT IN ITS APRIL 6, 1970, DECISION THAT ALL PROVISIONS OF TITLE 23 OF THE UNITED STATES CODE WERE APPLICABLE TO THIS PROJECT IS ERRONEOUS

At the outset, we note that, since design hearings have been held (the need for which had been denied by the Government), we had thought this aspect of the case had become moot. However, in this Court's most recent opinion of October 12, 1971, the validity of the 1964 hearings has been questioned (Slip Op. 18–19).[2] Consequently, we are constrained to reiterate our position that both the literal words of Section 23, *supra*, p. 3, and the legislative history fairly examined inescapably lead to the conclusion that only those provisions of Title 23 relating to construction and which would not delay beginning work on construction within the 30-day period specified are the "applicable provisions of title 23 of the United States Code." We do not here reiterate all of the details of the legislative history which support our construction of the Act, since that has been done in prior briefs. We do call the Court's attention specifically to the statement of the House Managers contained in the Conference Report to accompany S. 3418, House of Representatives, 90th Cong., 2d sess., Report No. 1799, p. 34. This document, virtually ignored by the majority in the April 6, 1970, opinion, we believe should be conclusive. For a thorough discussion of its importance, see Judge MacKinnon's dissent in 434 F. 2d at 453–454. We turn next to a *seriatim* discussion of this Court's determinations with respect to compliance with 23 U.S.C. secs. 138, 134 and 109.

III.—THE REQUIREMENTS OF 23 U.S.C. SEC. 138 WITH RESPECT TO PARKLAND WERE CLEARLY MET

Section 138 embodies the congressional intent that, wherever possible, parklands should not be used in the construction of highways. However, this is not an absolute prohibition for, as this Court has pointed out (Slip Op. 6):

> * * * the Secretary of Transportation must determine before construction can begin that there is "no feasible and prudent alternative to the use of such land," and, assuming such a finding, that "the project includes all possible planning to minimize harm to such park . . ."

This Court refers to these two findings as "determinations" and declares (Slip Op. 10):

> While these difficulties [with the first determination] give rise to at least a substantial inference that the Secretary failed to comply with § 138, that inference ripens into certainty when one turns to the second determination required by § 138.

We address ourselves separately to each of the determinations, resolving both "inferences" and "certainties" as to compliance with Section 138.

A. *The testimony of the Secretary of Transportation meets all requirements of Overton Park and establishes, pursuant to Section 138, that there is no feasible or prudent alternative to the use of parkland.* In *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402 (1971), the Supreme Court remanded the case to the district court for review of the Secretary's decision under Section 138, including possible testimony by the Secretary and others, "to determine if the Secretary acted within the scope of his authority and if the Secretary's action was justifiable under the applicable standard." 401 U.S. at 420. As in *Overton Park*, this Court also expressed difficulty with the failure to develop a satisfactory administrative record. What this Court failed to acknowledge is that such an absence was due to the fact that the Secretary himself made the vital Section 138 determinations, having personally involved himself[3] "in the attempts to solve the rapid transit-freeway impasse which preceded the August 1969 approval of the project." *D.C. Federation of Civic Associations* v. *Volpe*, 316 F. Supp. 754, 760 (fn. 12) (1970). See 316 F. Supp. 769 (the Secretary has reserved for himself the crucial decision required by Section 138 for parklands [Tr. 641]; also 771 (did in fact make the required determinations in connection with his decision to approve the bridge project [Tr. 712–713]); and 773 (an exhaustive personal review).

The five-hour testimony of the Secretary is consistent with the requirement for review of Section 138 actions as provided in *Overton Park*, *supra*, p. 6. In a few cases, "it may be that the only way there can be effective judicial review is by examining the decisionmakers themselves." 401 U.S. at 420.

Having established by testimony a record of the personal decisions and actions made by the Secretary, this Court must review those actions within the review criteria for Section 138 decisions set forth in Overton Park.[4] The Supreme Court listed those criteria as (at 401 U.S. 415–417): (1) whether the Secretary acted within the scope of his authority; (2) whether the actual choice made was not arbitrary, capricious, an abuse discretion, or otherwise not in accordance with law—a decision based on a consideration of the relevant factors and whether there has been a clear error of judgment; (3) whether the Secretary followed the necessary procedural requirements—to state his reason for allowing the use of parklands.

In applying the above criteria to the testimony of the Secretary, it can be seen that his determination conformed to the standards of *Overton Park*. Mr. Volpe established that he had studied many documents concerning parklands and alternatives (Tr. 770, 773–774, 793); consulted with various community representatives on whether the bridge should be built (Tr. 801–802, 817); considered various alternatives, such as no bridge, a tunnel, a different location (Tr. 712–713, 724, 778). For this Court, then, to determine that the Secretary's actions, as represented in his own testimony, do not conform to the standards for passing judicial review is, in effect, to disbelieve his testimony and to impugn his credibility, as well as to reject the factfinding determinations of the district court. The cautionary directives of the Supreme Court in establishing Section 138 review criteria are appropriate: "The Secretary's decision is entitled to a presumption of regularity (401 U.S. at 415); "[t]he court is not empowered to substitute its judgment for that of the agency" (401 U.S. at 416). Particularly when the trial judge found that the Secretary's testimony was "honest" and "straightforward" (316 F. Supp. at 761, fn. 12) and "forthright" (316 F. Supp. at 771), the suggestion by the court that Mr. Volpe's testimony "itself gives rise to at least a serious question whether he considered all possible alternatives to the plan eventually approved" (Slip Op. 8) is unjustified. Mr. Volpe did so testify and, if this Court is convinced that he is not to be believed, it has committed plain error. The resolution of factual questions is not the function of an appellate court.[5] *Zenith Radio Corp.* v. *Hazeltine Research, Inc.*, 395 U.S. 100 (1969); *United States* v. *U.S. Gypsum Co.*, 333 U.S. 364 (1948). As this Court recognized, "We must point out again that it is not the function of this court to evaluate the credibility of the witnesses in determining whose version of the factual setting is correct." *Orient Mid-East Lines, Inc.*, v. *Cooperative For A.R.E., Inc.*, 133 U.S. App. D.C. 307, 410 F.2d 1006, 1009 (1969). We submit that this doctrine is even more applicable when it is the review of a district court's review of administrative action of a public official.

Based on Mr. Volpe's testimony, the district court determined in effect that the criteria of review subsequently announced in *Overton Park* were satisfied. The decisions made by him were within his statutory authority and were neither arbitrary nor capricious, nor without regard for a consideration of the relevant factors. The requirement for procedures adequate to provide a record (the reason for remand in *Overton Park*) was satisfied by his exhaustive testimony (consistent with that suggestion in *Overton Park*). Therefore, it was error for this Court to conclude that the feasible and prudent alternatives may not have been considered and infer a failure to comply with Section 138.

B. *The determination by this Court that "inference ripens into certainty" concerning failure to comply with the Section 138 determination to minimize harm to parkland is an incorrect interpretation of both the statute and Overton Park.* The second "determination" discussed by this Court at pages 10–11 of the slip opinion as to Section 138 provides: "(2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use." The Secretary testified that once it has been established and determined that parklands must be used, the obligation to minimize harm to such lands as required by Section 138(2) is a continuing one, beginning on the day that it is determined such lands are necessary, and continuing through the actual construction, operation and ongoing maintenance of the structure. As to such planning, the Secretary would continue to do whatever "was needed to be done in order to minimize the impact on park lands" (Tr. 737). Few alternatives as to the magnitude of harm would be available regardless of the above commitment, for "there are not too many ways in which you can get traffic on to and off a bridge. As a matter of fact, there are really only about two ways in which you can do it, and yes, we looked it over" (Tr. 737). To require a one-time determination of "minimized harm," rather than a continuing responsibility in keeping with the intention of the statute, is not justified. There will be ways to minimize harm to parklands, even on the last day of construction, that no one is now aware of. But a determination and approval of the project must be made at some point, if it is to receive funding. The interpretation of this requirement by the Court is basically a Hobson's choice for, if approval of the bridge cannot be had until all situations are met, and if such situations may not arise until far into construction, it would never be possible to construct the bridge, for approval would always be "premature."

IV.—THE PUBLIC ROADS DIVISION ENGINEER'S DETERMINATION THAT THE PROJECT IS BASED ON A CONTINUING COMPREHENSIVE TRANSPORTATION PLANNING PROCESS FOR THE REGION WAS NOT THE RESULT OF AN IMPROPER DELEGATION OF HIS AUTHORITY

Section 134 provides in part:

> After July 1, 1965, the Secretary shall not approve under § 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by

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Footnotes at end of article.

States and local communities in conformance with the objectives stated in this section.

Under this section the Secretary is charged to determine, before approval of a project, that the project is based on a continuing comprehensive transportation planning process for the region. The Secretary has delegated this responsibility to the Public Roads Division Engineer (Mr. Hall). In this Court's decision, the majority determined that Mr. Hall had improperly delegated his authority to make this decision to the Transportation Planning Board (TPB) of the Metropolitan Washington Council of Governments (COG) (Slip Op. 13). This Court "found" that Mr. Hall was acting only as a rubber stamp for TPB. Even if such a finding were within the province of this Court (which we deny), there is no support in the record for such a finding. The testimony demonstrates that Mr. Hall fully discussed the issue with his staff (Tr. 1109–1110). Further, Mr. Hall had an intimate knowledge of TPB's planning process, since he either attended their meetings or read the minutes of each meeting (Tr. 1282). Thus, he was in a unique position to make the Section 134 determination due to his personal knowledge of the functions of the Board. Nowhere in the record is there any evidence that Mr. Hall delegated his authority. Mr. Hall knew personally of TPB's continuing comprehensive planning process. To say that this constitutes a delegation of authority on his part is clearly an unwarranted assumption by the Court.

Furthermore, there is no justification for the implication that the National Capital Planning Commission (NCPC) need be consulted in making a Section 134 determination and the characterization of TPB's approval of the Three Sisters Bridge as "stale."[6] The fact that Mr. Hall did not rely on NCPC or its published plan in making the Section 134 determination is irrelevant. It is clear that TPB is the duly constituted agency of the concerned jurisdictions which regard to regional transportation planning and, as such, is the only agency which fulfills Section 134's requirement that the planning process be carried on cooperatively by the states and local communities. NCPC deals strictly with problems concerning the District of Columbia. Further, nowhere in Section 134 is there a requirement that the agency carrying on the regional planning process have a specific published plan.

The TPB gave formal approval to the bridge in 1967, only four years ago. Since then TPB has been engaged in an ongoing process of evaluation regarding the regional transportation system and throughout this period has never seen fit to revoke its approval of the bridge. It is hard to conceive how, in light of TPB's continued re-evaluation, its approval of the bridge can realistically be declared "stale."

V.—THE SECRETARY'S DETERMINATIONS THAT THE BRIDGE WILL BE SAFE, DURABLE AND ECONOMICAL TO MAINTAIN, FULLY COMPLY WITH THE REQUIREMENTS OF 23 U.S.C. SEC. 109(a)

Section 109(a), Title 23 U.S.C., requires that the Secretary's approval of plans and specifications for a federally-assisted highway project to be conditioned on a determination that the proposed facility "will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; * * *."

The plaintiffs contended that Section 109 (a) was violated because questions regarding the stability of the riverbed, the possible effects of air pollution, and the structural feasibility of the bridge, were not resolved by the Secretary prior to approval.

The district court rejected the contention concerning the riverbed's suitability, finding that (1) the problems which developed with respect to the riverbed were not "such as would render [the] approval of the preliminary plans violative of § 109," and that (2) "It is only after the commencement of the actual excavation for the pier foundations that the engineers can be certain that subsurface conditions are sufficient to support the piers" (316 F. Supp. at 790–791). The majority overturned those findings, evidently reasoning that, since the engineers had to excavate deeper than originally anticipated to reach solid rock for pier foundations, the safety was not *absolutely* "certain" (Slip Op. 16–17). This is plainly contrary to established engineering practice and experience (Tr. 601, 604) and patently unrealistic. The majority specifies no basis whatsoever for holding these findings "clearly erroneous."

The plaintiffs' second contention, also rejected by the district court and adopted by the majority, is that the Secretary's failure to certify the absence of air pollution hazards also invalidates the approval under Section 109(a). Section 109(a) contains no such requirement and, in any event, the Secretary testified that "air pollution was an overall consideration in this as well as all interstate highway projects" (Tr. 811; 316 F. Supp. at 775), and the district court was not convinced from the evidence" that air pollution was a hazard sufficient to require a study of such effects before a finding, that the project is safe as planned, could be made (316 F. Supp. at 791). Once again, without furnishing any basis for concluding that the district court's assessment of the facts was "clearly erroneous," the majority rejected the findings below (Slip Op. 18).[7]

VI.—THERE IS NO BASIS IN LAW OR FACT IN THIS COURT'S SUGGESTION THAT THE SECRETARY'S DECISION SHOULD OR COULD BE REJECTED IF BASED IN WHOLE OR IN PART ON PRESSURES EMANATING FROM REPRESENTATIVE NATCHER

While it might be said that much of Part II of this Court's decision (Slip Op. 23–31) is dictum with respect to the alleged extraneous pressure because of the inability of the majority to agree on the facts, we believe it necessary to discuss it, if only to point up the unjustified strictures the decision places upon the Secretary. Moreover, the court does hold (Slip Op. 25):

> * * * that on remand the Secretary must make new determinations based strictly on the merits and completely without regard to any considerations not made relevant by Congress in the applicable statutes.

and concludes (Slip Op. 31):

> He was placed, through the action of others, in an extremely treacherous position. Our holding is designed, if not to extricate him from that position, at least to enhance his ability to obey the statutory command notwithstanding the difficult position in which he was placed.

Insofar as this means that the Secretary's mere awareness of pressure emanating from Representative Natcher is alone sufficient to invalidate a subsequent administrative decision, we submit that the decision is wrong. There is no basis in law or fact to overturn an administrative decision of this nature because of alleged extraneous pressure of this sort. The facts of political life are such (and we use political in the broad, rather than partisan, sense) that it is idle to pretend that our administrative officials, unlike the rest of the world, should make their decisions in a vacuum. We are not dealing with some wrong, such as bribery or fraud influencing a decision, whether adjudicatory or not. In that case, there would be no question of invalidity. Here, the court's vague discussion (Slip Op. 27) of the possible distinction between "judicial" and "legislative" matters is irrelevant. Equally without merit is its attempt to read into *Overton Park* or *S.E.C.* v. *Chenery Corp.*, 318 U.S. 80 (1943), some justification for the grey area between adjudicatory and legislative decisions in which it has placed this decision concerning the effect of extraneous (*de hors* the record) influence.

Finally, the principle articulated by the majority, in the extreme, deprive an administrator of absolute control over the lawfulness of his own actions. They would become vulnerable to circumstances completely beyond his reach. The effectiveness of an administrator should not be subject to such uncertainty. The courts should require no more than that administrative decisions be consistent with, not violative of, the applicable legislative criteria. Where they are found to be in keeping with statutory standards, considerations irrelevant to administrators' actions are equally irrelevant to the courts' review.

The Secretary was demonstrably candid when he testified that he was aware of the "pressure" of Representative Natcher's well-publicized views, including the freezing of subway funds. Indeed, it would scarcely be credible had he stated to the contrary. Nevertheless, he testified under oath that he made the requisite decisions as his own, although he was aware of the "pressure." In a well-reasoned decision, the district court explained this (317 F. Supp. 762–768) and, after a full discussion of the relevant factors, stated (317 F. Supp. at 765–766):

> The Court believes the Secretary's testimony that his decision was based on the merits of the project and not solely on extraneous political pressures.

We think it appropriate to quote in full Secretary Volpe's statement in response to the question (317 F. Supp. at 766):

> [Secretary Volpe] I would say that political pressure was not a factor at all in my judgment. I was approached, yes, by Congressmen who wanted the Freeway System built. Some wanted the Three Sisters Bridge built, some did not. I had all kinds of requests, but I had been in Washington before. Many of the members of Congress I knew personally and intimately, and they know I don't bend very easily. They did bring to my attention facts and their hope that I would consider all these facts in the judgment that I made as to whether or not the Three Sisters Bridge would be included or re-included in the Interstate System. And it was on the basis of all the facts, as I brought them together in the 4–F areas that I have spoken about that I made my final decision.
>
> * * * * *
>
> [Mr. Owen] Mr. Secretary, Mr. McKevitt asked you about political pressure. In the summer, July and August of 1969, it was your hope, was it not, that the Congress would release the Subway funds?
>
> [Secretary Volpe] Of course. Yes.
>
> [Mr. Owen] Did that hope in your mind have any influence at all on your decision to put the Three Sisters Bridge project in the interstate system at all?
>
> [Secretary Volpe] It would have had absolutely no bearing on my decision if I had felt the Three Sisters Bridge was not essentially necessary. I found it was essentially necessary; therefore, that was the reason for my proceeding along the lines I did, hopeful that the Congress would release the funds for the transit system, because I knew that one without the other, in this case, would not have done the job.

We believe such candor deserves more credit than this Court was willing to give, particularly in view of the findings by the district court which heard the witness and was in the best position to judge his credibility.

Footnotes at end of article.

CONCLUSION

As we have endeavored to set forth above, this Court has overstepped the permissible bounds of judicial review and substituted pure speculation, with no support in the record, for the clear findings of the district court, which are supported. In so doing, this Court has placed so many obstacles in the Secretary's path that he could never authorize federal funding. In almost each instance, this Court has established ground rules for compliance with the relevant sections of Title 23 which appear to require knowledge that could be acquired only after completion of the bridge before it can be authorized. For the foregoing reasons, rehearing should be granted, the district court's decision should be affirmed, and construction of the bridge as planned should be authorized to be carried out.

Respectfully submitted,

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FOOTNOTES

[1] There is, as might be expected, some overlap among the panels.

[2] We remain convinced that all requirements of 23 U.S.C. sec. 128 have been met, including a location hearing.

[3] Indeed, this personal involvement obviated the informal internal procedure involving the Department's Office of Environment and Urban Systems—the only procedure in effect at the time of the Section 138 determinations. Consequently, there is no significance in the Court's statement (Slip Op. 8) that the Department had not followed its own procedures.

[4] We respectfully submit that judicial review does not include that which basically amounts to a "second-guessing" of his determinations. As such, we find no justification for statements as: "It is hard to see how, without the aid of any record, the Secretary could satisfactorily make the determinations required by statute" (Slip Op. 8); "It is possible, however, that the Secretary might have given that alternative (no bridge at all) * * * more extensive consideration if his Department had not been convinced * * * that 'no bridge' was not a viable alternative * * *" (Slip Op. 10, fn. 26).

[5] See Rule 52(a), F.R.Civ.P. establishing the "clearly erroneous rule.

[6] As a matter of fact, Mr. Hall did take into account the NCPC position on this matter (Tr. 496).

[7] The majority agreed with the district court (and the plaintiffs) that the federal defendants improperly certified that the proposed bridge is structurally feasible, because the planning had not yet proceeded to a degree permitting such a determination (316 F. Supp. at 791–793; Slip Op. 15–16). Subsequent to the decision, studies have been completed and successful tests have been made on a model of the bridge for safety. Thus, the "structural feasibility" issue should be out of the case.

Mr. BOLAND. Mr. Chairman, I support the amendment that will be offered by the gentleman from Connecticut (Mr. GIAIMO).

Much has been said about the decision of the Court of Appeals for the District of Columbia affecting the building of a balanced transportation system for this area. I disagree with the ruling by Judge Bazelon and concurred in by Judge Fahy. The dissenting opinion of Judge MacKinnon is, in my judgment, by long odds, a far superior statement of the law, and the facts in the subway controversy. There is no doubt that Judges Bazelon and Fahy have injected themselves into the legislative process that is reserved to the Congress.

But, Mr. Chairman, I am not interested in a confrontation with the judiciary. I am looking for the solution to the subway problem. That solution is now before us. It is simple. It requires only that the Congress approve the pending amendment and the terribly complex task of building the Metro system can proceed in an orderly an effective manner.

Mr. Chairman, I ask unanimous consent to yield the remainder of my time to the gentleman from Connecticut (Mr. GIAIMO).

Mr. FRENZEL. Mr. Chairman, in my own State there is scarcely a major highway project that has not been delayed because of objections of local units of government or local citizens. The people of my State have not had to suffer deprivation of other Federal funds because in some instances our highway programs have been delayed.

The congressional action in holding up Washington subway funds until certain highways projects have been completed is, in my judgment, irresponsible and is not matched by similar congressional action in any other part of the country. If we were to hold up funds in any of our States, the congressional uproar would be deafening, and the funds would be released forthwith.

Mr. Chairman, the Congress has already decided to go forward with the Metro Subway in the Washington area. Suburban communities in Maryland and Virginia have made their contributions per the original agreements. Washington, D.C., cannot make its contribution because of the congressional refusal to appropriate these funds.

In my judgment, we must vote today to appropriate these funds so the Metro Subway project can go ahead on schedule. We have done enough in deferring this project now to increase its costs substantially. In the interests of responsibility, economy and the general welfare, we should vote to liberate the subway funds today.

I also note, Mr. Chairman, that the President of the United States has taken a special interest in freeing up these funds. Through his representatives he has requested each of us in the Congress to support this amendment. I intend to follow his leadership, because I believe that it is the path of responsibility.

Mr. MIKVA. Mr. Chairman, I will support the amendment that will be offered by my friend and distinguished colleague from Connecticut (Mr. GIAIMO) releasing the District of Columbia's share of funds for the construction of the Metro.

My experiences as a member of the District of Columbia Committee have reinforced my belief that the people of the District of Columbia ought to be given the opportunity and the responsibility for running their own affairs, since they have to live with the results.

Time and again we have been confronted with the argument that Congress must maintain an active role in planning and implementing municipal programs for the District of Columbia, on the grounds that Washington is the Nation's Capital, the home of the Congress. The city must be a model for the Nation, the argument goes, and only congressional control will insure against inefficient, ineffective local government.

Mr. Chairman, it is impossible to imagine any local government anywhere being less responsible, less efficient, and less effective than the Congress has been in connection with the construction of a subway system for the District of Columbia.

Under the original agreement and plans for the Metro, each of the three metropolitan area jurisdictions is obligated to provide a share of the funds. These local moneys are then to be supplemented by Federal funds from the Department of Transportation. Maryland has duly tendered its share of the money. Virginia has come up with its agreed share.

The Department of Transportation has gone beyond what is required by pledging its share of funds in spite of Congress refusal to cough up the District's share. Only the District of Columbia has failed to live up to its part of the bargain, and only this Congress and only this House is responsible for that delinquency.

We have permitted the progress and the very fate of the city's subway system to become entangled in congressional politics beyond any reason or excuse. Mr. Chairman, it is time we stopped the merry-go-round and let the Metro off.

Congress is clearly on record in favor of a balanced transportation system for the District of Columbia, including highways and mass transit. The District of Columbia government has also pledged its good faith efforts. So have the Department of Transportation and the President. Yet the House continues to permit the Metro funds to be held hostage for the satisfactory performance of parties over whom neither the Congress nor the city government nor the administration properly has any control.

It is not merely the funds which are being held hostage. It is the millions of people in the Washington metropolitan area who need the transportation services which the Metro would provide. It is the millions of tax dollars which are being wasted by the unconscionable delay in construction caused by the shenanigans of this House.

There can no longer be any excuse for withholding the Metro funds owed by the District of Columbia. I urge my colleagues to support the Giaimo amendment reinstating the Metro funds in the appropriation bill. I am confident that this House is capable of overriding whatever petty jealousies may have stood in the way in the past, and will act in a responsible fashion. If we do not, we will make it clear not only that plantation politics are the order of the day, but that we cannot ever run the plantation efficiently.

Mr. NATCHER. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

The NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order to be made to the bill? The Chair hears none.

AMENDMENT OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Chairman, I offer an amendment on behalf of the Committee.

The portion of the bill to which the amendment relates is as follows:

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia, as authorized by the Act of December 9, 1969 (83 Stat. 320), $29,600,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner, as follows: To the highway fund, $8,000,000, to the water fund, $6,000,000, and to the sanitary sewage works fund, $15,600,000.

The Clerk read as follows:

Amendment offered by Mr. NATCHER: After "by" insert "the Act of May 18, (68 Stat. 110, 105), the Act of June 2, 1950 (64 Stat. 196), and".

Mr. NATCHER. Mr. Chairman, this amendment is merely to insert the citations of authorizations for the loan appropriations in the bill. These citations were inadvertently omitted in the budget language transmitted to the Congress.

At this time, Mr. Chairman, I respectfully request that the amendment be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. NATCHER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer an amendment.

The additional portion of the bill to which the amendment relates is as follows:

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235), and payments under the Act of July 2, 1954 (68 Stat. 443), construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), February 16, 1942 (56 Stat. 91), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), and August 20, 1958 (72 Stat. 686); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $228,842,000, of which $7,723,000 shall be payable from the highway fund, $9,565,000 from the water fund, $64,510,000 from the sanitary sewage works fund and $10,200,000 from the metropolitan area sanitary sewage works fund: *Provided*, That $10,607,100 shall be available for construction services by the Director of the Department of General Services or by contract for achitectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account, "Construction services, Department of General Services": *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on June 30, 1973, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse: *Provided further*, Notwithstanding any other provision of law, any authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such projects were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefore shall lapse.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 2, line 13, strike "$29,600,000" and insert "$102,086,000."

And on line 16, after the word "To" insert the following: "The general fund, $72,486,000, to".

And on page 9, line 22, strike "$228,842,000" and insert "$301,328,000".

Mr. GIAIMO. Mr. Chairman, this amendment addresses itself to two paragraphs in the bill, and deals with Metro. I ask unanimous consent that both parts of the amendment be considered at the same time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Chairman, my amendment is to restore $72,486,000 into the appropriation, which will provide for the District of Columbia's share for the present fiscal year and for the fiscal year just passed—1971—wherein we did not fund the District's share of the Metro funds.

We have had a lengthy discussion today about the necessity of continuing with the subway. I have said at all times that I agree with my chairman, Mr. NATCHER. We must have a balanced transportation system; We must carry out the mandate of the law insofar as the highway program is concerned, which means the Three Sisters Bridge, the roads allied and tied to it, and the construction of the Metro.

I submit that the District is in compliance in all aspects. I submit that the District is carrying out the mandate of the Highway Act. Part of carrying out the law implies completion of all processes before construction can begin, and this includes the rights of people who feel so grieved by a law that they appeal to the U.S. courts. This is happening at the present time.

Whether we like the decisions of the courts or not—and I am not pleased with the decision of the appellate court in this instance—the fact is that we are all duty bound to obey the mandates, injunctions, and issues of courts in this Nation. The orderly process is under the doctrine of the separation of powers to allow the judicial branch to exercise its will and its decisions unencumbered and not threatened or harassed in any way by either one of the other two separate and equal branches of Government. Just as we oppose the encroachments of the judiciary into legislative affairs, I equally object and must object to encroachment of the legislative branch into the functions of the judicial branch.

Mr. Chairman, we keep mentioning the highway program and the Three Sisters Bridge. It is my understanding, however, that with regard to all other aspects of the highways there is no disagreement at the present time. The disagreement presently boils down to the controversy over the Three Sisters Bridge and those highways which are allied with and dependent upon its resolution before they can proceed. It is the construction of the bridge and its highways which is still in issue and which will be determined in the courts. Because of that fact, we as a Congress have taken the position that because you have not started construction—and parenthetically you cannot start because a court has enjoined you from doing so—we are not going to fund the Metro. With each passing week and month that we delay the continuation of the Metro—and we will if we do not give them the money today—we are increasing the cost of Metro; we are paying tribute to the inflationary spiral in which we live, with the result that the ultimate cost of Metro is going to be much more than anticipated.

More importantly than that, the Congress has, as we should, in earlier days funded the Federal share of the cost of Metro. This very committee voted this year to fund in the DOT appropriation bill the two-thirds Federal money which goes to the Metro. This money is available for use by Metro.

In addition to that, the surrounding communities which contribute their one-third share to Metro have made payments, and they are threatening to cease their payments on January 1 because of the fact that the District of Columbia does not have its one-third payment with which to meet its obligation under the law.

This is going to create chaos. We are literally threatening the very existence of the subway.

Let me say this, also. We are all committed in this Nation to the concept of mass transit. We recognize in today's world that we cannot choke our cities with increased highways, increased automobiles, and insufficient mass transportation.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GIAIMO was allowed to proceed for 5 additional minutes.)

Mr. GIAIMO. Mr. Chairman, we are all committed to this concept of mass transportation. Here we are in our Nation's Capital—not only the city of Washington with its 700,000-plus people but also the burgeoning surrounding communities and suburbs with well over 1.5 million people, if not more—where this Congress decided it needed mass transportation and a subway, and now we are going to threaten its existence because of the controversy over whether or not we ultimately are going to build a bridge which I want to see built.

We have to build this subway. This Congress mandated and ordered it. We run the very real risk—and this is not an idle threat because they cannot continue to enter into contracts since their moneys which they have already received have been committed of utterly destroying the subway, as this Congress has done in other programs after it has expended $500 million or more on them. It is not an impossibility. We have seen it happen this very year in other programs, and we should not run the risk.

Certainly, we are going to add tremendously to the total cost of Metro if we do not proceed at this time.

Now, Mr. Chairman, we hear about some compromise situation, which my colleagues on the Republican side have mentioned, to the effect that if the Federal court will set a date certain for a hearing we can then put this money, which we are holding back, into a supplemental.

I would remind the members of the committee that we hope to be leaving here within a few days. We will probably not be back until the middle of January, and I am certain that a supplemental will not be before this House until well into February or even March or April.

So, in a sense what we are doing is delaying something which we know we must do at great cost to ourselves.

Mr. Chairman, it is very easy to vote against the District of Columbia. It makes no mileage for you in your home town one way or the other. I find myself with strange alliances today. I find my Speaker in opposition to me on this amendment. I find the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), in opposition to me, and I find myself in alliance with the President of the United States, and I am delighted. There is no mileage in it for the President either, except his responsibility to do what he thinks is right for the District of Columbia. President Nixon has said, "Put the money in now." That is exactly what his words mean—no arrangement with the court, no interference with the court, no delay. Metro needs the money, and it needs it badly.

It is because of this fact that many of us have been working and disagreeing, as it is most difficult to agree on all matters in our Appropriations Committee. I wish to pay tribute to the gentleman from Massachusetts (Mr. CONTE) who has worked with me on this amendment and who has helped in the drafting of it and in working toward persuading those who are not as familiar as he, serving as a member of the Subcommittee on Transportation, with mass transit problems and transportation. He has worked long and hard on this with me, as has the gentleman from Wisconsin (Mr. OBEY).

Mr. Chairman, we have no interest other than interest as citizens in our city, our adopted city, our city in the sense that Washington is the city of every citzen of the United States. We want to have a good Metro system, and we want it built as expeditiously as possible.

So, I urge you to let us not delay in this matter. Let us proceed. Let us understand that even though we do not agree with Judge Bazelon and the court of appeals, we as Members of Congress, under our oath, must defend and uphold the Constitution of the United States. I recognize that at times certain Federal judges do not always act in a manner in which we would like for them to act. We recognize the legislature of this Nation, and we should not interfere with the orderly processes of the judiciary. They will ultimately come to a decision on the Three Sisters Bridge. It may be favorable, or it may be unfavorable. Whatever the decision, it will then be the law of the land as far as the highway program and the Three Sisters Bridge is concerned.

Mr. Chairman, reference was made to an appeal to the Supreme Court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIAIMO. Mr. Chairman, I urge support of the amendment.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Chairman, at this point I would be constrained to object.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment. I commend the gentleman from Kentucky for slowing down this subterranean SST until Congress has had a chance to examine the merits of the project in all of its aspects.

Mr. Chairman, I oppose the District of Columbia subway. In this respect I go beyond the position of the gentleman from Kentucky. I oppose the subway regardless of whether freeways and bridges are built. I oppose the subway, as conceived, even if it cost what its sponsors claim, but I am inclined to agree with Chairman NATCHER it will cost closer to double this amount.

I would oppose the whole idea of a subway, not only for Washington, D.C., but for any other metropolitan area, including my own city of Baltimore.

I oppose the subway on five broad grounds. First, the expense. Its sponsors estimate $2.5 billion. This has been updated to $3 billion. The chairman estimates that it may cost as much as $5 billion, and I respect his judgment on this estimate.

What does this sum mean? If we take the $3 billion figure, it would buy a new home, on the basis of the 1970 census reports, for every one of the 150,000 families in the average congressional district. If we take the $5 billion figure, we could give each family a new car and throw in a swimming pool besides. That is what this subway means, and what its cost involves.

If each of the 13 metropolitan areas of the United States now planning subways—and I have a list here—gets as good a subway as Washington, and who can say they should not then the costs are going to run between $50 billion to $75 billion.

Originally I described this subway as a subterranean SST but, compared to the SST, the cost of a subway for all the major U.S. population centers, would be a real budget buster.

Jonathan Swift wrote "Gulliver's Travels," and in it he had a country that was peopled with giants that was called Brobdingnag. Forgive me if I indulge my taste for alliteration by calling this a Brobdingnagian budget buster.

My second broad reason for opposing the District of Columbia subway is its probable lack of use. People do not want to use mass transit. Just incidental to this is the problem of crime in subways. If in New York City 3,200 police ride shotgun on the subways to keep law and order, imagine what it is going to be like in Washington, where we have a higher crime rate than they do in New York City. We have a higher crime rate per capita. But the real reason people are loath to take subways is inconvenience. People just do not want to use mass transportation.

In connection with this, the University of Marquette surveyed 1,000 households in 1955; 56 percent of the respondents said they would use their automobiles to go to work, no matter what was done to improve transit.

Says Wilfred Owens, in his authoritative book, "Metropolitan Transportation Problem," published in 1956:

> The best subway in the world built to serve an environment based on individual transportation will fail.

Mr. KOCH. Mr. Chairman, will the gentleman yield for a moment?

Mr. LONG of Maryland. I cannot yield at the present time because I have been denied extra time.

Says Wilfred Owen in his book:

> In sum, where facilities do not now exist, and would have to be constructed, the contention that rail solutions can be adopted on any large scale to the accommodations of today's traffic pattern is dubious. Even in older communities like New York and Chicago, which have grown up around mass transportation, the trend in patronage is downward.

What are the implications of this unwillingness to use subway? In order to get the people to use the subway you would have to close off the city to the automobile. But if you do this, then express buses can be used at lower initial cost, at lower operating cost, and at greater convenience and greater flexibility.

My third reason for opposing a District of Columbia subway is that it is one more case in which people of ordinary means, in your district and in mine, are going to be asked to subsidize people of high income in and around Washington, D.C. The beneficiaries will be mostly Federal employees already enjoying higher salaries and fringe benefits than the taxpayers back home.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland be granted 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Chairman, reserving the right to object, I think the gentleman from Maryland's remarks are most worthwhile. I am not going to object to his having an additional 5 minutes, but I see no point in coming in early, missing committee meetings and repetitively belaboring what has been said over and over again on something on which we have already made up our minds, as we hasten toward adjournment.

Therefore, I do serve notice, although I withdraw any reservation at this time, that in the future I will object to requests to extend time, especially when made before the fact of initially allotted speaking time.

Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. LONG of Maryland. Mr. Chairman, now the beneficiaries will mostly be Federal employees who are already enjoying high salaries and fringe benefits—much higher than the taxpayers back home. Can we justify asking your people and my people to pay more taxes and to get along with pollution, inferior schools, and inadequate incomes and medical care for the elderly, so that high-paid Federal workers can get to work a little quicker at the taxpayers' expense? Most of the really high-paid workers will not use it. What they have in mind, I think—what a lot of people here have in mind—is let the poor people use the subway and keep their cars at home so that the well-heeled can get through the streets faster with their own automobiles.

My fourth reason for opposing the subway is that even if the subway should be ultimately necessary and practicable, which I deny, it is totally gratuitous to plunge into a $3 billion to $5 billion program when we have not developed the rapid rail facilities that already exist here and now in Washington, D.C.

I want to quote from a metropolitan area transportation study, Senate Document No. 117, 90th Congress, published on October 11, 1968:

> Existing railroad rights of way in Metropolitan Washington . . . run end to end through all but one of Washington's suburban development corridors and provide (or could easily be made to provide) reasonably direct access to downtown Washington. An expanded and improved commuter railroad service utilizing existing area tracks provides a very practical way of promoting development goals and offering a significant measure of interim highway congestion relief in the form of an attractive transportation alternative. Such an alternative could be relatively inexpensive in terms of capital outlay, would involve virtually no disruption to existing land use, and could be operational within a year's time.

That was 3 years ago when they said it could be operational within a year's time.

Why does the District of Columbia not take this quick, cheap, minimally disruptive program? Probably because it does not cost enough—there is no profit for the engineers, the designers, the contractors, the equipment manufacturers, and the investment bankers and the like.

I saw this happen right here on our own parallel bridge in Maryland. When a project is scheduled to cost hundreds of millions of dollars, the flies gather around the honey and nothing can stop it.

My fifth objection is that mass transit is not the answer to the congestion of our large cities especially here in Washington.

The answer is to stop locating so many government agencies in Washington and decentralizing our government back home—in your district and mine. We are trying to put too many angels on the head of a pin—and most of the angels are not very angelic.

The District of Columbia even if it works—would merely encourage further congestion.

Here let me close by quoting Lewis Mumford in his great book "Culture of Cities":

> While congestion originally provided the excuse for the subway, the subway has now become the further excuse for congestion.

I urge that we vote this amendment down.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman.

Mr. KOCH. Mr. Chairman, I am amazed at the gentleman's comments on subways because I normally find the gentleman so sensible in his comments on so many other matters.

First, with respect to pollution, near 70 percent of the pollution in major urban areas in this country comes from the use of the automobile. That is No. 1.

Second, the gentleman said that with the saving of $2.5 billion to $5 billion we could build swimming pools and houses for a great many people. But if you do not provide the funds to build the subway in the District of Columbia and subways in our cities, they will strangulate and not be worth living——

Mr. LONG of Maryland. Is the gentleman making a speech or asking a question?

Mr. KOCH. I asked the gentleman if he would yield for a comment.

Mr. LONG of Maryland. I think the gentleman should make his comments on his own time and not on mine. The gentleman speaks of pollution. He comes from a city which has a subway. I want to ask him if he has noticed any diminution in air pollution in New York City as a result of the existence of that subway? You have the highest pollution rate of any major city.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Iowa.

Mr. GROSS. And the New York City subway is bankrupt, is it not?

Mr. LONG of Maryland. Bankrupt? It cannot even cover its operating expenses. Besides not paying enough to cover the original investment, interest and depreciation, it cannot even cover the salaries and maintenance costs.

Mr. GROSS. And the city is $5 to $6 billion in debt.

Mr. LONG of Maryland. That is correct.

Mr. EVANS of Colorado. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. GIAIMO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 425]

Abbitt
Abernethy
Alexander
Anderson, Tenn.
Andrews, Ala.
Ashley
Belcher
Blanton
Blatnik
Burton
Byrne, Pa.
Carey, N.Y.
Celler
Chappell
Clark
Clay
Collins, Ill.
Davis, S.C.
Dent
Derwinski
Diggs
Dorn
Dowdy
Edwards, La.
Eilberg
Evins, Tenn.
Flynt
Foley
Fulton, Tenn.
Gubser
Hagan
Hébert
Holifield
Horton
Jones, Tenn.
Kuykendall
Landrum
Lujan
McClure
Metcalfe
Murphy, N.Y.
Pepper
Pucinski
Quillen
Railsback
Reuss
Riegle
Roberts
Rodino
Rosenthal
Rostenkowski
Scheuer
Seiberling
Sikes
Stephens
Widnall
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'Hara, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11932, and finding itself without a quorum, he had directed the roll to be called, when 373 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order was made, the Chair had recognized the gentleman from Colorado (Mr. Evans).

Mr. EVANS of Colorado. Mr. Chairman and members of the Committee, before the quorum call we were addressing ourselves to the question of the amendment offered by the gentleman from Connecticut (Mr. Giaimo) to place in this budget $72 million for the subway. In the course of that discussion we heard arguments against the freeway system and we heard arguments against the subway. I submit to the Committee we have passed those questions long since in the history of this Congress. The decisions have been made. These systems are to be built. The question now is, when, and under what circumstances?

Most of the issues have been touched upon. There is one which I believe has not been explored sufficiently and I would like to direct the attention of the Committee to it at this time. I hope the distinguished chairman of the subcommittee, the gentleman from Kentucky (Mr. Natcher) will correct me if I am incorrect in terms of any of the remarks I make.

The question to which I would like to direct the Committee's attention is the cost of delay. The only cost figures that I can attempt to bring out are those figures in relation to the metro system itself. I have no idea what the cost of delay will be in regard to the freeway construction itself.

Let me begin by saying that I am strongly in favor of both systems, the freeway system and the subway system, but we have had at least 2 years' delay, and we may have 3 years' delay on both systems if the conditions that exist now continue. I am advised that the estimated cost of construction was somewhere in the neighborhood of $2.5 billion. The distinguished chairman of the subcommittee has suggested he feels probably the figure is more in line with $4 billion for the construction of the metro system. We know historically that when we delay, in each year that goes by we suffer an inflationary cost increase in any capital construction program. We have an increase of anywhere from 5 to 7 to 10 percent per year. My question is: Can we afford further delay? We have had a 2-year delay now, and if the cost slippage is 10 percent and the cost of the subway is $2.5 billion, it means a cost increase of the system as a result of 1 year's delay of approximately $25 million. If the cost of the metro system is $4 billion, then 1 year's delay will have increased the cost of the system by about $40 million.

In 2 years you double those figures, and I think you have some idea of the importance that attaches to this question of whether or not we should delay further.

What I have said is only in regard to the subway system itself. I have no idea what the cost of delay of the freeway system would be. At this point, and because I do not have the information, I wonder if the chairman of the subcommittee would be kind enough to advise the Committee what his estimates are of the cost of the freeway program yet to be built.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I am happy to yield to the gentleman from Kentucky.

Mr. NATCHER. Between 1958 and 1968 we recommended to the Committee and the Congress appropriated over $200 million. This includes both District of Columbia funds and in Federal funds. The amount which is now available and has been down through the years will nearly complete the freeway system.

Mr. EVANS of Colorado. The question is this, if the gentleman would be so kind as to direct his attention to it:

What will it cost to complete the freeway system?

Mr. NATCHER. The cost of the program to be completed will be approximately the amount we now have available.

Mr. EVANS of Colorado. How much is that?

Mr. NATCHER. There is over $200 million now available and on hand.

Mr. EVANS of Colorado. And this is solely in regard to the freeway system?

Mr. NATCHER. That is correct.

Mr. EVANS of Colorado. So the inflationary costs of delay we are talking about per year, whether it is 5 or 7 or 10 percent, would attach onto this $200 million figure?

Mr. NATCHER. That is correct.

If the gentleman will yield further, I know the gentleman wants to be fair to the committee. I think the gentleman ought to tell the House this in all fairness, when the 98 miles of rapid rail transit was authorized in 1969 at $2.5 billion, we told them at that time it would be from $3 billion to $5 billion. Last year in the supplemental when they came in, the officials of the Washington Metropolitan Transit Authority, said "We cannot build it for $2.5 billion. It will cost $480,200,000 more."

Mr. EVANS of Colorado. I suggest the cost of the delay is unacceptable.

SHALL THE WILL OF CONGRESS PREVAIL?

Mr. MAHON. I move to strike the last word.

Mr. Chairman, when Lincoln stood at Gettysburg, he said:

> We are met on a great battlefield . . .

Today we are meeting in the greatest legislative forum in the world, engaged in a battle which I interpret to be a battle of principle. The House of Representatives has been challenged. If those who have challenged the House of Representatives, had but spent the energy they have spent on pressuring the Congress, in an effort to get the District of Columbia to do the will of the Congress, no doubt, success would have already been achieved in this controversy.

Yes, it is a question of the prestige and position of the Congress, a question of orderly procedure, and a question of right or wrong, as I see it.

On this issue before us let us not topple our Speaker, Mr. Albert, who takes the position of this committee.

Let us not topple the gentleman from Kentucky, Bill Natcher, who has performed a remarkable service for this Congress for years—for this Congress and for the people of the Nation.

Let us not topple our minority leader, Jerry Ford, the gentleman from Michigan. Please let us not kick in the teeth the Committee on Appropriations which has gone into this matter in great detail and overwhelmingly defeated the Giaimo amendment.

Yes, we have something at stake today, and if I seem to be emotional about it, I hope the Members will pardon me.

Yes, we have a controversy about the bill today, but we do not propose to kill the Metro. We propose to go along with it, and in a bill which we will consider later today, we are recommending $38 million for a Federal contribution. We are not trying to kill it. We are just trying to get the will of the Congress carried out.

I, for one, as with most of the Members who run for Congress, do not like to be on the losing side, and I do not want to see the House of Representatives be on the losing side in this controversy.

When King Saul, the man who stood head and shoulders above his fellows, went into battle on one occasion against the Philistines, his armor bearer was at his side, and also his oldest son Jonathan, whom he dearly loved. According to tradition, as they marched into battle, he turned to Jonathan and said:

> Farewell to others, but never we part,
> Heir to my royalty, son of my heart!
> Bright is the diadem, boundless the sway,
> Or kingly the death, which awaits us today.

I do not know what the outcome will be here, but I hope a majority of us will stick together and defeat this amendment. If we should lose in the cause of principle and correct legislation, we will go down fighting. But, my colleagues, I would certainly hope that we are not going to lose. The Speaker, the minority leader, the Committee on Appropriations, and the Members of Congress generally are going to assert themselves in this confrontation and, I trust, make sure that, for better or for worse, under the American legislative system, Congress still has the last word.

Mr. CONTE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I cosponsored this amendment with the gentleman from Connecticut (Mr. Giaimo).

Mr. Chairman, I argued earlier today that to withhold funds for the metro system because of a supposed violation of a congressional mandate is to belie reality. By any reasonable understanding of the situation, both the District of Columbia and the Federal Government are in compliance with the dictates of the Federal-aid Highway Acts of 1968 and 1970.

Perhaps out of a belated recognition of this fact, we are now told that, if the court of appeals agrees to reopen its consideration of the Three Sisters Bridge litigation, then subway funds will graciously be released. This latest attempt at political blackmail, which demeans the very integrity of the judicial process, deserves our immediate and forceful rebuff.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from New York.

Mr. STRATTON. The gentleman from Massachusetts is a distinguished member of the Appropriations Committee. The statement has been made here that the will of the Congress is being flouted by a failure to proceed simultaneously with two separate construction projects. Does the gentleman recall any legislation we ever passed which said specifically that the metro could only be built if simultaneous, minute-by-minute construction also proceeded on the freeways and the Three Sisters Bridge?

Mr. CONTE. No; I do not. Earlier in the general debate I gave the status report of all the highways under construction and under design. The only one left is now in litigation—the Three Sisters Bridge controversy. Everything else is complied with.

Mr. STRATTON. And the Congress did require that the metro be built, so if we are preventing its being built then we are flouting our own will.

Mr. CONTE. Not only did we, the Congress, authorize building the metro, but also this Congress has already appropriated over $680 million for the system.

Mr. STRATTON. I hope that money certainly does not go down into the same gullies that we will leave in the heart of the city of Washington if we do not approve this amendment and complete the unfinished Metro system that now marks our city.

Mr. CONTE. I thank the gentleman.

Mr. Chairman, again, I reiterate that I disagree with the decision of the court of appeals, but to hold a gun to the heads of the U.S. court of appeals is not my idea of the responsible manner in which Congress should work its legislative will. I for one will have no part of any intrusion upon the constitutional principle of separation of powers.

Now, the time has come to turn our backs on these strong-arm tactics and to face up to our responsibilities. Further delay in the release of these funds threatens the very existence of the metro system. Eight area jurisdictions, together with the Federal Government, have already committed $863 million to this project. But their tolerance for our legislative maneuverings is rightfully growing short.

Added to this consideration is the fact that past congressional delays in financing have already increased the cost of the system by $80 million. At a time when we are struggling to put our economic house in order, we cannot continue this inexcusable waste of the taxpayer's money.

Consider too the interests of the millions of people who would be adversely affected by the sudden death of the metro. Suburban area residents have acted in good faith through their governments' financial contributions to the subway system. City residents and visitors have borne the many inconveniences caused by the start of construction within the city limits.

Our answer to their good faith and patience cannot be—and must not be—an irresponsible action that could in President Nixon's words, "consign the entire project to an early grave."

We all remember those who last May rightfully denounced the violent acts of demonstrators who threatened to shut down the city. Yet today those who refuse to release these desperately needed funds are guilty of the same offense that was so despised last spring—the holding of area residents hostage because of a dispute over which they have no control. Neither then, nor now, can we tolerate actions that threaten to paralyze our Nation's Capital.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONTE. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Chairman, I object.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. CONTE moves that the Committee do now rise and report the bill to the House with the recommendations that the enacting clause be stricken out.

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his motion.

Mr. CONTE. Mr. Chariman, at stake in this dispute is not only the future of this city. Also at stake is the integrity of the three branches of our Government—the integrity of the judiciary, which must remain unfettered; the integrity of Congress, which must remain responsive; and the integrity of the executive branch, which must remain capable of executing projects that have been mandated. For the sake of this integrity, let us release the subway system from its undeserved bondage.

I am sorry if I have offended some of my colleagues here who gave others additional time to speak today because they agreed with their thoughts but who would not give me the same courtesy because they disagreed with my thoughts.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield to me?

Mr. CONTE. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, this afternoon, this esteemed House holds in its hands the fate of Metro. Will we breathe new life into it, or will we condemn it to an early grave? I believe we have no choice but to vote for the former.

Of course, there is no reason why we should be debating this issue at all today. Had the Appropriations Committee accepted its responsibility and included the funds for Metro in the District of Columbia appropriations bill, I have every reason to believe Metro would not be a subject for debate. But the committee preferred to follow the lead of the honored chairman of the District of Columbia Appropriations Subcommittee and to deny the city its share of Metro funds.

I have asked myself why, Mr. Chairman, but I have not been able to come up with an answer. I had been led to believe that the denial of funds was designed to insure the city proceeds with highway construction authorized by Congress. I share this concern, but to deny funds for this reason does not make sense. Highway construction, and in particular construction of the Three Sisters Bridge, has not been stalled by an intransigent city government. Rather, the delay is the result of a court action by concerned citizens of Washington, exercising their rights under the Constitution and laws of this country. As we all know, the President has directed the Attorney General to appeal this decision, and the requisite papers have already been filed.

Leaving the issue of highway construction aside for the time being, I am also led to believe that another reason for the denial of funds is the increased cost of Metro. Once again, I fail to see the rationale of this argument. If Metro is so expensive, why delay release of the funds when further delay only adds an estimated $1 million per week to the final cost.

One can only assume that it is the intent of the Appropriations Committee to kill Metro once and for all. But I cannot believe this is the intent of the majority of the Members of this House. If we wanted to do that, we would only have to deny appropriation of matching Federal funds. This we have not done.

Mr. Chairman, the residents of the Washington metropolitan area want and need Metro. The surrounding jurisdictions have demonstrated their good faith by contributing more than $863 million, including Federal matching funds. There is no reason why this House, acting as the District's legislature, should not approve the funds. To deny them will make a mockery of representative government.

Mr. Chairman, this morning you were quoted as saying this House should not yield to the District or the courts. I had not realized that this House had been designated the lord and master of the District, free to act without regard to the wishes of the residents. We are no longer acting solely as the representatives from the various States. This afternoon, we are acting as representatives of the District of Columbia. I dare say that if this amendment is rejected, and the voters of the District of Columbia had the power to vote, every Congressman who votes against the amendment would lose in the next election. But the vote today will be of virtually no political consequence, and the residents of the District of Columbia do not have the political power everyone else enjoys.

Nor had I realized that this House was engaged in a power play with the court of appeals. Congress has established certain procedures which must be followed before highway construction can begin. It has also granted the court of appeals jurisdiction to determine whether these procedures have been followed. As we all know, the court has ruled that the Secretary of Transportation has not complied with the law. It may be that the court has misinterpreted the law. If this is so, then the court sitting en banc, or the Supreme Court, will certainly reverse the decision. If the law has been properly interpreted, then this Congress always has the opportunity to amend the law.

Mr. Chairman, last Tuesday President Nixon stated that no further delay in appropriation of Metro funds can be tolerated. I wholeheartedly agree and request that the Members of this House join with me in support of the amendment by my colleague from Connecticut.

Mr. CONTE. Mr. Chairman, in closing again I want to repeat that the President of the United States is four square behind this amendment. He not only issued a letter on it, but also further clarified his position on November 30, 1971. Here is an excerpt from the White House press secretary's briefing. This question was asked by the press:

> What is the President's reaction to the House Committee vote?
>
> Answer:
>
> The President, as you know, for sometime has expressed his support for the Metro System. The President, I would say, was very displeased of the failure of the full committee on Appropriations to include funds for the Metro system. The President feels, as he stated in November, that we are at a critical juncture in the Metro development and no further delays in the funding can be tolerated. That is what the President said in November and there should be no question

about the fact that the President wholeheartedly supports a proposed amendment that will be introduced on the Floor to restore subway funds.

Question 2:

Was the President inclined to wait for the Court of Appeals decision on the Three Sisters Bridge or press the issue on the Floor.

His answer was:

He was inclined to press the issue on the Floor for the amendment.

Mr. PIKE. Will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. PIKE. I am undecided on this issue. I do not want to topple the Speaker of the House of Representatives or to topple the chairman of the Committee on Appropriations or to topple the minority leader, but I would also like your view on whether, if this amendment is not agreed to, the President is going to topple. Because we have heard that all these people, programs, and their jobs will topple, if the amendment is agreed to, and I want to know whether or not the President is going to topple if it is not agreed to.

Mr. CONTE. You can be reassured that neither the Appropriations Committee, nor the Speaker, nor the minority leader, nor anyone else will topple because of the outcome of this particular matter.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. GERALD R. FORD. Mr. Chairman, I rise in opposition to the preferential motion which has been offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. Chairman, my good friend, the gentleman from Massachusetts, made a great point to the effect that we should not do anything to undermine the integrity of the judicial process.

In my opinion it can be put another way. If you vote for the Giaimo amendment, you can say that we are, in effect, undermining the integrity of the House of Representatives and the Congress. If I have to make a choice, my choice is clearly with the legislative body of our Government.

I do not have to use my own words to indicate that even some on the judiciary have some reservations about the decision which has hamstrung the District of Columbia in proceeding with the Three Sisters Bridge.

Mr. Chairman, I have in my hand here a copy of the dissenting opinion by Judge George MacKinnon. The circuit court of appeals decision in that case was 2 to 1. I think dissent puts into proper perspective the decision of the majority.

The conclusion of Judge MacKinnon's decision in his dissenting opinion reads as follows, and I quote:

> When members of an appellate panel, for no reason more substantial than their own innate suspicion, elect to disbelieve the sworn testimony of a member of the Cabinet that his final decision was not influenced by outside factors, and also to circumvent the factual finding of the trial court to the same effect, in my opinion, it is not likely that a more extensive administrative record would cause them to believe him in the future. A court that has gone to the great extremes that this court has to reverse the trial court here can always find reasons satisfactory to it for avoiding practically any subjective decision required with respect to the bridge.

Mr. Chairman, I think the best criticism of the court's action comes from a member of the court itself.

We have a responsibility to stand up for the integrity of the legislative body, the legislative body that wants us to proceed with a balanced transportation system that includes both the highways and the Metro system. That is what we insisted upon all along and that is what we ought to do today.

Mr. Chairman, let me reiterate, because some may not have been here earlier, what some of us have agreed to if we could get a reasonable response from the judiciary.

The Department of Justice has asked for a rehearing before the Circuit Court of Appeals for the District of Columbia on the decision made by Judges Bazelon and Fahy. Thus far, there has been no response. The request went before the court as I recall a week or two ago. If Judge Bazelon on his own initiative, at the request of the Department of Justice and the Attorney General, will set a date for the rehearing, en banc, of the circuit court of appeals, I, and I know the gentleman from Ohio (Mr. Bow), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from Kentucky (Mr. NATCHER) will join with the others in getting the funds in either this appropriation bill, a regular supplemental on a supplemental that is solely and exclusively for the benefit of the Metro system.

Now, if Judge Bazelon on a majority made that decision and it was communicated to us here this afternoon just to hold a hearing—not even requiring that they make a decision—there would not be any fuss by me.

The court ought to at least give us a day in court and the sooner the better. And we are not demanding that it be today, we simply ask that they set a date for the hearing. I think that is a reasonable request. Our obligation as I see it is to proceed to insist upon compliance with the law and specifically compliance with the 1968 Highway Act, and the 1970 Highway Act.

According to Judge MacKinnon who, incidentally, was a former member of the House of Representatives in the 80th Congress, the decision of the majority ignores the law, and sets up their own standard for compliance. I happen to believe we ought to defeat the Giaimo amendment, and defeat it overwhelmingly.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were refused.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 5, noes 96.

So the preferential motion was rejected.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I said a few moments ago, our subcommittee of the Committee on Appropriations is not against the rapid rail transit system. We are for the rapid rail transit system just as strongly as anyone in the city of Washington.

In 1955, Mr. Chairman, they came before our subcommittee and asked for $561,000 to make the necessary study for a balanced system of transportation here in our Nation's Capital. At that time we approved the amount. A balanced system of transportation providing for rapid rail transit, a freeway system, and an express bus system.

This is our position today, Mr. Chairman. Under no circumstances do we intend to come before this Congress at any time, or at any time in our committee, and make any move to stop the rapid rail transit system.

Mr. Chairman, we have appropriated $538 million for the rapid rail transit system that is actually in use, $300 million in contracts underway at this time, and I say to you these contracts will extend for 2 years.

In 1966 we came before this Congress and asked that the rapid rail transit money be released. You will recall that the National Capital Planning Commission then decided that the freeway system should get underway. We turned the money loose. We made the recommendation and then within a matter of 2 or 3 weeks a suit was filed. That suit stayed in court from October 1966 until February 1968, the same circuit court of appeals that you have been reading about—Judge Bazelon's court.

Mr. Chairman, in 1968 the Committee on Public Works of the House decided that something had to be done. The Three Sisters Bridge was not selected by the Congress or by any committee of the Congress. It was not selected by the Committee on Public Works.

The Public Works Committee in 1968 passed the highway act and we provided that the District officials and the Department of Transportation should proceed immediately to construct the Three Sisters Bridge, the east leg and the center leg and to make the necessary study.

From 1968 to 1969 nothing was done. The legislative committee on the District of Columbia came before this Congress and asked that the Federal payment be withheld. After that move was made the District officials decided that they had better make a move. The antifreeway emergency group was in action at that time, Mr. Chairman.

So in 1969 they finally decided to again move along with the freeway system. We started the Three Sisters Bridge under construction in August of 1969 and within a few weeks another suit was filed and again we have the Bazelon court. Mr. Chairman, that is the same suit that is now pending in court.

I want you members of the Committee to know this, and, Mr. Chairman, I say this from the bottom of my heart—this will be no personal victory for me—it will be no personal victory for the Committee on Appropriations. It will be a victory for the Congress of the United States—a victory for the legislative branch of the Government, Mr. Chairman.

The legislative branch of the Government is a coequal branch of the Government. The hoops that Judge Bazelon has set up for the Department of Transportation to jump through and the Congress to jump through are not for me and should not be for any Member of this body.

I say that to you regardless of the outcome of this amendment. Mr. Chairman, this amendment should be defeated. We should say not only to this judge, but we should say to all of those in the city of Washington and throughout the United States that the legislative branch of the Government is a coequal branch of the Government. For 20 long years we have given up the rights of the legislative branch of the Government.

My friend, the minority leader, who is one of the ablest men who has ever served in this Congress is to be commended on his position.

Mr. Chairman, this is no time for them to put us through the hoop, and I ask that the amendment be defeated.

Mr. MYERS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, the Members who have been favoring this amendment, which I shall not question why—but one of the reasons they have brought up—why we should continue right now with the funds for the Metro is the fact that any delay is going to increase the cost—the ultimate cost of the Metro system. I think we might be safe in making this assumption with past history, but with the price and wage freeze in effect as it is today, I am not sure that this can be absolutely true. But regardless, only one of the proponents raised the question—how much increase has this long delay in freezing highway funds—and incidentally there has been a long delay of Metro funds up to now and the Metro system has been continuously constructed—but how much increase to the highway system this long delay incurs. The gentleman from Colorado (Mr. Evans) raised that one question. It seems to me quite logical from the arguments we hear which I think are very valid: There is a possibility that by our actions here that they might even close down the subway system for a few weeks, which I do not think they will if we take firm action today.

But in any event should the delay be a month or two the end result might be saving money on the highways because the highways will be built sooner and not because of further delays in the building of the highway system.

I really do not understand why a few people in this city have taken the position that they will fight the balanced system to the extent to cause court action. As an example, there is the environmental and ecology question on the building of two piers on each side of the river to support a pretty bridge across the river. I really do not understand the argument by those who raise the environmental question.

Observe the other side of the coin on the question of the construction of the Metro system. Numbers of businessmen are out of business today because of loss of business. They could not carry on with their overhead. People do not frequent their establishments along the route of the Metro. Others have lost money through having had severe damage to their property by way of cracked walls. Have any lawsuits been filed or injunctions issued to stop the construction of the Metro? Even in relation to the very beautiful facility of our National Collection of Fine Arts it has been necessary to close the historic Lincoln Gallery of that institution because of cracked walls and the condition of the building.

The Treasury Building down on 14th Street and Pennsylvania Avenue has had cracks in its walls because of Metro construction.

But has one suit been filed to stop that construction? I understand that there have been some interruption-of-business suits, but none have gone to the point of asking the court to stop the construction of Metro. And none of us are asking for that.

But it seems to me rather strange when this Congress is asking for assurances from the District of Columbia and from the courts, whoever it may be, that we can continue with the balanced transportation system—and I, for one, do not completely agree with the agreement which we are assured has been made in this House—how we can be assured by the mere hearing or rehearing of the case we will have a balanced system.

The argument has been made that we want a balanced system. I certainly believe in a balanced system. But how can we be assured that such a system will be built as a result of assurance that the appellate court will hold a hearing? It seems to me that if we are sincere in this endeavor, that order will have to be reversed in some fashion, either by the full panel of the court sitting en banc, or by the Supreme Court, before construction starts. I, for one, am going to hold to that position. I believe the District of Columbia, our Nation's Capital, is deserving of a balanced system of transportation for all people of our Nation, and the only sure way I know of making sure we get the balanced system is by an effort to cause our court system to give to the people of this Nation the balanced system that the taxpayers are paying for and that they deserve.

Mr. NATCHER. Mr. Chairman, I wonder if we can get some understanding as to time on the amendment? I ask unanimous consent that all debate on the amendment and all amendments thereto be completed in 40 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Gross).

(By unanimous consent, Mr. Gross yielded his time to Mr. Davis of Wisconsin.)

(By unanimous consent, Messrs. McKinney, Teague of California, and Thompson of Georgia yielded their time to Mr. Broyhill of Virginia.)

The CHAIRMAN. The Chair recognizes the gentleman from Virginia, Mr. Broyhill.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of the amendment of the gentleman from Connecticut. I oppose the tactic of holding District subway funds hostage for ransom in the form of highway construction. Why subway funds? Why not the entire District appropriations, why not judiciary appropriations, if it is not the intent of Congress to destroy the subway in its infancy and create transportation chaos in the Washington metropolitan area.

We should not be debating here the desirability of or the need for a rapid transit system in Washington. We decided that question many years ago; we agreed that one is needed and we have spent millions already in studies and surveys all of which have proven conclusively that one is needed; and long ago we authorized and directed construction of a subway rapid-rail system as part of a balanced transportation system for the area.

In May when some of us tried to force release of subway funds we were defeated because the majority felt that someone downtown had failed to comply with the Highway Acts of 1968 and 1970. Since then those who alleged too much foot-dragging downtown have switched their criticism to the courts in the District, where in spite of the Attorney General's motion for a hearing en banc of the Three Sisters Bridge case before the full U.S. court of appeals it is impossible for the President, as he has advised in a letter yesterday to the Speaker of the House, to predict either the timing or the outcome of the court's action.

In the meantime the entire subway system is dying. The subway agency is out of money; the suburban jurisdictions, which have already contributed over $125 million, have refused to continue to pay for a system they may never enjoy, located entirely within the District of Columbia, which has become the hostage of forces engaged in a desperate battle for and against highways and bridges.

We must provide transportation for the hundreds of thousands who must travel in and out of the Nation's Capital each day. We must make the right decision now or face chaos in a decade. Highways alone are not the answer. Even if we chose to do so we could not pour enough concrete to solve our transportation problem without the rapid transit system.

For 20 long years this Congress has acknowledged that we must have a balanced transportation system, including both highways and bridges as well as a subway-rapid rail system. No one would disagree that there has been too much delay in carrying out the mandate of Congress that such a system be built. No one would disagree that the delays in both the highway-bridge and subway-rapid rail system have been costly. And they will be more costly every day.

In May those who opposed releasing the subway funds said the Washington Metropolitan Area Transit Authority would not die if we waited a few more months for compliance with the highway acts.

They pointed out that WMATA still had a little money left, which was true, but did not point out that the money on hand included a repayable loan from the Department of Transportation, the suburban contributions, and the matching funds for the suburban contributions, and that unless the suburbs continued to meet their obligations on time not only the suburban funds but the Federal matching funds would cease.

Mr. Chairman, it makes as little sense to withhold funds for the subway to force the building of highways as it would to withhold funds for the judiciary to force a few judges in the District of Columbia to render a decision. Why must the District of Columbia and the surrounding communities suffer for a judgment they cannot control? The Congress has the authority to pass yet another law, a law specifically exempting jurisdiction of the courts if necessary, to get a balanced transportation system underway for this area. We do not need to hold a hostage. In fact all we have accomplished by doing so is to allow a few people to decide whether they want to build either the subway we directed be built or the highways and bridges we directed be built.

The public's newly aroused awareness of ecological problems led the majority of this House to enact legislation which will make necessary more careful attention to environmental factors in building of future highways, and this is as it should be. But I wonder how many who joined the majority in enactment of this legislation are now wavering about completing a pollution-free subway system while the inevitable litigation involving our own newly enacted environmental legislation, and the charges and countercharges about what future highway construction may do to the environment continue. I firmly believe highways can be so constructed as to avoid damage to the environment. I believe it is urgently necessary that we construct them, for we will have the fumes with us no matter whether the cars travel on divided limited-access highways or along presently congested roadways until those scientists now concentrating their efforts on nonpolluting means of propulsion have accomplished their work. Meantime I urge those who voted with the majority for protection of our environment to consider what a vote against the amendment to restore subway funds will do to set back the goals we so enthusiastically sought only last year.

The amendment we will be considering today does far more than restore $72.5 million, the District contribution to the subway fund. The Federal matching grant which will then be released to the fund will be double that amount, $143 million. WMATA now has on hand a total of $587 million, $411 million in Federal funds, $51 million in District funds, and $125 million in contributions from the suburbs. All of that amount has been committed as of August 1. If we release the $72.5 million, and the $143 million, we also will encourage the suburbs to make their next payment into the fund, totaling $29 million, to which another Federal grant of twice that amount, or $59 million, will be added.

If, on the other hand, we fail to release the $72.5 million, the suburbs will refuse to contribute their $29 million, with full justification, and the total loss to the subway fund as of January 1 will be $301 million. The only thing left for WMATA to do will be to terminate its ongoing contracts as quickly as possible, pay penalties to contractors to whom unfulfilled commitments have been made, and rush back to Congress with desperate pleas for sufficient funds to fill up the gaping holes they have created and restore the streets before the cave-ins start.

When we agreed to the joint venture between the Federal Government, the District of Columbia, Montgomery and Prince Georges Counties in Maryland, and Arlington and Fairfax Counties, and the cities of Alexandria, Falls Church, and Fairfax City in Virginia, we created a compact as a means of assuring financial participation by the District of Columbia and the other participating subdivisions in the region. In addition to granting consent for the compact, we, as the legislature for the District, enacted the compact, just as did the legislatures of Maryland and Virginia. We specifically specified in the compact that the net project costs of the subway would be equitably shared among the Federal Government, the District of Columbia, and the local subdivisions. Pursuant to this guideline, the WMATA developed a plan for financing the project, a key element of which a capital contributions agreement under which the District of Columbia and the other subdivisions undertook to provide their annual contributions to the authority.

In the National Capital Transportation Act of 1969, we authorized the District of Columbia to enter into that agreement to make annual contributions, and authorized the necessary appropriations. In reliance on this action by Congress, the political subdivisions executed the Capital Contributions Agreement, and pursuant to its provisions they have made their contributions on time to date. Congress, however, has not made the payment for the District of Columbia for either 1971 or 1972.

As we had intended, the political subdivisions relied on the good faith of the Congress to provide the District of Columbia funds. It is a legal obligation of the District of Columbia, incurred pursuant to our authorization. If the legal obligation is not met, if the subway system as a result dies, the District of Columbia will undoubtedly face multimillion-dollar suits, filed by the suburban jurisdictions in behalf of their taxpayers, and confidence in the good faith of the Congress, not only on the part of suburban jurisdictions but of communities throughout the Nation will be sorely shaken.

Mr. Chairman, in building this subway system time is money. Every delay is costly. The 98-mile system originally was estimated to cost $2.5 billion, an estimate already increased to $3 billion. We started late, and there was too much foot dragging at every level of government. But our decision was made and millions have been committed both in Federal and local funds.

It would be a shortsighted and disastrous disservice to the public interest to force costs still higher by unwarranted delay or to create the inevitable chaos in the Nation's Capital which would result from its complete abandonment.

Mr. Chairman, I urge adoption of the amendment of the gentleman from Connecticut.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Bow).

(By unanimous consent, Mr. Bow yielded his time to Mr. ALBERT.)

(By unanimous consent, Mr. ALBERT was allowed to speak out of order.)

DEATH OF MRS. JOHN W. M'CORMACK

Mr. ALBERT. Mr. Chairman, I have just received word within the last few minutes that the most devoted marriage I have ever observed in my lifetime has been broken by death. Mrs. John W. McCormack has passed away. Our beloved Speaker is grief stricken by the loss of his lifelong companion who was also his closest friend and confidante. These two people of great character, piety, and selflessness enjoyed a rare relationship. Bound by the holy bonds of matrimony, they were also bound by the mutual and enduring desire to love and honor each other. Their union of 52 years serves as an inspiration to all who would enjoy the fruits of marriage in the truest meaning of the word.

Mrs. McCormack was a great and gifted lady: none was more kind, considerate, charitable, or sympathetic. She exemplified the timeless virtues—faith, hope, and charity.

I know that the House shares the grief which Mrs. Albert and I feel on receiving this sad news.

The CHAIRMAN. The Chair recognizes the delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment offered by the distinguished and very capable gentleman from Connecticut (Mr. GIAIMO). The action of this body to delay 1 day longer the District's share of subway construction funds would be nothing short of disgraceful. This Congress undertook a moral obligation to the 3 million people of the Metropolitan Washington area when it authorized the Metro system several years ago. In reliance on this commitment, believing that Congress would keep its share of the bargain, the people of this region and the Federal Government have already committed themselves to spending $863 million. If this House fails to act to restore the $73 million requested by the President of the United States, we will have nothing to show for our efforts and money but empty, useless holes in the ground. That time has finally arrived, and we must face that fact squarely.

There has been some talk about a compromise that would provide subway funds if the U.S. court of appeals grants a rehearing in the Three Sisters Bridge case. The President of the United States says that this is unacceptable; that Metro funding must go forward now. And I agree with the President. We have delayed year after year, each time the ransom for the release of subway funds to grow higher and higher, with no end in sight. This House cannot delegate to the U.S. court of appeals, as the so-called compromise would do, the decision as to whether the Washington region shall have a subway. That is a decision that this Congress must make based on what is right. Suppose the court decides that it will not grant a rehearing? We are right back where we started, with no end in sight. There will be no time to save Metro later. The suburban jurisdictions have already indicated that they will make no further contributions after January 1.

We should be perfectly clear about one thing: The question is no longer whether the District government is in compliance with the law. The Federal Government and the District government moved forward diligently to begin construction of the Three Sisters Bridge. According to the opinion by the court of appeals, they moved too diligently in carrying out what they believed to be congressional mandate to begin construction. The District government has moved with good faith; nothing more is humanly possible. The President of the United States has made a personal commitment to pursue all available legal remedies in order to clear legal roadblocks in the way of building the bridge. What more can we expect? Every effort has been made to comply with the law, and no more can be reasonably required. I personally believe the construction of the Three Sisters Bridge is unwise, but that is not the issue. My distinguished colleague from Virginia (Mr. BROYHILL) may believe that it is wise to build the bridge. But we both realize that that is not the issue here today. We are together today because we both know that the issue is whether the subway should be built.

The construction of the subway is crucial to the economic and environmental life of the entire metropolitan region. The subway is our only hope for avoiding strangulation from automobile emissions and for turning our neighborhoods back to the people. The subway provides the means of concentrating commercial and housing development, thereby eliminating the horrors of urban sprawl. Subway stations located in the metropolitan area, and particularly in the inner city, will serve as the magnet for hundreds of millions of dollars of new commercial and economic development. Thousands of new jobs will be created and opportunities for minority businessmen will evolve.

I note that new grounds are put forward at this late day to deny subway funds. The claim is being made that the subway costs are growing. Indeed, they are in this inflationary period. There is no doubt in my mind that one reason for such cost increases is delay caused by the refusal of Congress to provide regular funding to the subway on schedule. One recent report had indicated that congressional delays in funding have resulted in cost increases of $80 million.

This is not a Republican or a Democratic issue. Both a Democratic and a Republican President have strongly supported the subway. This is not an issue of city versus suburb or black versus white. The question is what is good for all. We in this region are together. Even those who have supported increased highway construction in the past—the board of trade, the Federal City Council—have joined in our urgent plea to release the subway funds. I echo what President Nixon said the other day, "No further delays can be tolerated." I urge your vote in favor of the Giaimo amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

(By unanimous consent, Mr. BOLAND yielded his time to Mr. GIAIMO.)

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, when a man says he sure does want to meet with you for lunch sometime but, well, he is not feeling too well today, then you both set a date for another day. But if, later, the man says he is awfully busy, and then later, that he might have to go out of town—and also starts grumbling about the increase in prices at the restaurant—well, then I believe you begin to wonder if the man really is interested in having lunch with you. The greater the excuses, the more the doubt.

Some Members of the House, I think, are a little like this. Congress as a whole has actively encouraged, approved and authorized the development and construction of the Metro subway system here since 1952—19 years ago—these Members remain hesitant about allowing the District government to pay its long overdue share.

Some years ago they said they would like to release the funds "but" the District should have a freeway plan first. The city got such a plan and continues to build freeways, one at the very foot of Capitol Hill and another long stretch just five or six blocks to the south.

So then these Members said they would like to release the funds "but" the plan should include the North Central Freeway to Silver Spring. Today, of course, Maryland has decided not to build its part of that freeway so the District's construction of its section is a moot question.

But these Members of the House said the subway's funding should now await the city's start on the Three Sisters Bridge. OK, the city started the bridge and the pilings are visible in the Potomac today. Unfortunately, the haste and citizen opposition has led to court challenges and an adverse finding that has temporarily halted the work.

The President of the United States has ordered an appeal of the decision, which I find hard to swallow. The Attorney General has assured me that a petition has been filed for a rehearing and that every appropriate avenue is being taken to expedite that rehearing.

But the Members who have found reasons to hold the subway funds hostage against the city government and the various planning boards of the city now say that we must hold these funds hostage against the U.S. court of appeals. Meanwhile, they are also starting to complain that the subway may turn out to cost too much because of the delays which they in part have caused.

So make no mistake. If we do not restore these subway funds today, after all these years of delay, we might as well start appropriating funds to start filling in the great tunnels that have been built through downtown and Connecticut Avenue.

Finally, pride in the hard work of our many legislative and appropriations subcommittee chairmen is a virtue. But blind pride—when millions of dollars have been invested and when the integrity of Congress legislative process is at stake—goeth before a fall.

I urge you to vote for the amendment restoring not only the overdue subway funds but also restoring and protecting the prestige, authority, and legislation of this great Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, there is little that can be added to the debate today. We are all in favor of a balanced transportation system.

We've heard a great deal today about the decision of the U.S. Court of Appeals for the District of Columbia circuit. I do not think there is anyone in this chamber who disagrees more often with more opinions of Judge Bazelon than I, but what I would like to submit to my colleagues today, Mr. Chairman, is that denying these funds, you would be penalizing innocent people who are not involved in Congress' dispute with Judge Bazelon or the District of Columbia government.

Suburbanites have paid some $125 million of their share of building a rapid rail transit system. My home county of Prince Georges has paid over $31 million, and it will be another whole year before we even begin to see the first physical evidence of subway construction.

So, if you have a dispute with the District government and with Judge Bazelon, thrash it out with them and do not use a "secondary boycott" to penalize my constituents. They have lived up to their end of the bargain, but because of the actions of the Congress in delaying funds for the District of Columbia's share, suburban taxpayers have been paying more than their share and they have been denied the progress in the construction of the rapid rail transit system that they are entitled to.

Mr. Chairman, as much as I dislike going against the recommendations of the committee and the leadership, I support the amendment offered by the gentleman from Connecticut (Mr. GIAIMO), to restore the Metro construction funds to the District of Columbia appropriations measure before us today.

This amendment would restore the full $72 million for subway construction. Until now, the District of Columbia has been unable to contribute its share of the cost of Metro. As the President has said, at this point in time, "no further delays can be tolerated."

I might add, Mr. Chairman, that the

President's words can be amplified one hundred-fold for the residents of the Metropolitan Washington community. If I may, I would like to quote from a letter dated November 26, 1971, sent to the chairman of the Appropriations Committee (Mr. MAHON) by Mr. John B. Burcham, Jr., vice chairman of the Prince Georges County Council and a member of the board of directors of the Washington Metropolitan Area Transit Authority.

In his letter urging the Appropriations Committee to include the $72 million subway funding, Mr. Burcham illustrates the concern of Prince Georgians, as well as the concern of the other Metropolitan suburban jurisdictions over the withholding of these funds. I quote:

> To date, Prince Georges County has contributed over $31 million of its taxpayers' money to Metro in an act of good faith, even though the first physical evidence of such a system beginning in our County will not be seen until at least late 1972. Another payment of over $7 million is due in January, 1972. Total payment of local funds by all suburban jurisdictions to date is over $125 million, while practically no construction has been begun except in the District of Columbia.

I might add just two things to Mr. Burcham's statement of the financial situation, Mr. Chairman. One, this $72 million payment which we are trying to include in this appropriation measure includes the $34 million which was already held up last year; and second, Maryland is already paying a disproportionate share of the total net project cost, contributing 34.4 percent of the cost for only 30.6 percent of the rapid rail miles.

But, Mr. Chairman, at this point, it is not only the financial situation which is of concern to Washingtonians and suburban commuters. For many months now, we have all put up with the inconveniences which building a subway under a bustling city entails. We have huge gaping holes which are covered over with wooden planks to allow some sort of orderly traffic flow. Yet, all of us are looking forward expectantly and hopefully to the day when the only entrance to the underground will be via a Metro escalator.

But, in the words of President Nixon, at this critical junctive, we may be consigning the entire project "to an early grave."

Washingtonians, suburbanites, Federal employees, or Washington's many visitors don't want this to happen. My colleague from Maryland (Mr. GUDE) has reminded us that the construction of the Metro system has been encouraged, approved, and authorized in a long series of congressional actions beginning in 1952. For my own part, I have been involved in the fight for a balanced transportation system for the Washington metropolitan area since the early 1960's when I served as coordinator of the Joint Committee on Transportation for Metropolitan Washington. Since that time, I have reiterated numerous times the need for a balanced transportation system—including adequate highways, efficient bus service, and rapid rail transit. No single mode of transportation can solve our worsening traffic snarls.

Unfortunately, the continuing friction between contending groups has caused intolerable delays. But, these differences must be resolved. We need highways. We need rapid rail transit.

I urge my colleagues to support this amendment to include this necessary subway funding. Time is of the essence.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I think we have to remember, as has already been brought out, that this subway is already under construction. The construction was properly authorized by the Congress, and for us to deny funds now would not only violate our own authorization, just as much as the court action may be violating an authorization which we have given to the road system, but we would also be leaving the city of Washington in complete chaos and turmoil.

I do not know how many Members have been downtown or on Connecticut Avenue lately, but if you have, you know that we cannot allow that situation to continue. We ought to complete the subway, and complete it as rapidly as possible.

The suggestion has been made that subways are out of date, but they are building one in Munich, to be completed in time for the 1972 Olympics. So they cannot be that much out of date.

Then I think we ought to remember something else here, too.

The gentleman from Kentucky and the gentleman from Texas seem to be terribly exercised that all the mandates of Congress are not being carried out expeditiously by the executive branch. But this is nothing new to the Committee on Armed Services. You all remember the furor about getting a new wing of B–36's built back in the days of Harry Truman. We appropriated the money, but nothing happened. Then, in the early sixties, we tried to get a B–70 built and nothing happened then either. The late Mendel Rivers tried for many years to get the Navy to build nuclear frigates, and we still do not have those nuclear frigates.

Yet, just because the executive branch did not do what we wanted to on one portion of the bill, we did not then refuse to appropriate funds for all the other weapons systems required by the services and authorized by the Congress.

We should not do so in this case either.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I am opposed to the amendment for the reasons expressed by the distinguished chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER).

Mr. Chairman, the District of Columbia Committee on Appropriations has deleted the funds for the Metro system deliberately in order to protect the actions of this House. This Congress voted and passed the Federal Highway Acts of 1968 and 1970 in order to bring about a balanced transportation system. In view of this action I do not feel it is improper to ask the District to proceed under these two acts in order to maintain the independence, pride, and dignity of the House of Representatives.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES).

(By unanimous consent, Mr. YATES yielded his time to Mr. OBEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

(By unanimous consent, Mr. EVANS of Colorado yielded his time to Mr. OBEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman and my colleagues, I think before we can soundly vote on this measure it is imperative that we clear up an ambiguity which I have in my own mind and which I think others have.

Mr. Chairman, I heard the distinguished minority leader make absolutely clear that it is his understanding that before the funds will be released, there will be only two things which must take place:

First, that there must be a setting of a time certain for the rehearing before the court.

Second, that there must be a request for a supplementary budget, and that there is no additional condition attached to the release by this House of these funds.

If I may have the attention of the chairman of the subcommittee, may I address a question to the gentleman from Kentucky (Mr. NATCHER)? May I ask the chairman of the subcommittee whether it is his understanding that if those two conditions be met, first, that there be a time certain set for a rehearing—not the hearing itself or any decision—and, secondly, a request by the President for a supplemental appropriation—will those two conditions being met give rise to action of the subcommittee to release this money?

Mr. NATCHER. Mr. Chairman, if my distinguished friend will yield, I would like to say that if those two conditions are complied with, it will clearly indicate to me, just for a change after a period of about 4 years the courts have decided to move along and pass upon this case. When the supplemental appropriation comes to the floor next year, if those conditions are met, I will stand in the well of this House and ask that the money be appropriated.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I was not going to speak on this issue today because so many of the Members have been involved in it for so long, but when I heard the remarks earlier made by the gentleman from Maryland dealing with mass transportation I just felt that I could not sit still and let the comment pass "Who would use it? Nobody would use it if you had it, anyway. Everybody would keep on using their cars." This is what the gentleman said.

I can tell the Members that that is the furthest thing from the truth. If you have a mass transit system in a city like Washington you will find it is used, and that it is used by everyone.

In my area in New York, in the suburban areas and in the city, everyone uses mass transit, whether they are bank presidents, heads of companies, or whoever they are, you will see them all on the subways, and the commuter trains, and they do not go riding around in their cars, fighting traffic or creating more traffic.

So I just want to say that if we ever have a mass transit system in Washington, D.C.—and in my brief time here we certainly desperately need it, because you cannot move in this city—if we have it, it will be used.

I think we ought to go ahead and put this subway system in, and get going as soon as possible.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, two points have been made. One is that the decision has long since been made to go ahead with building the subway, and that is our job to just go ahead and fund it.

Well, it would not be the first time Congress or the President failed to fund an authorization.

Right now our President has under impoundment about $12 billion worth of public works funds. In my own district $2 million worth of sewer and water money has been held up for 2 years. If they can refuse to fund these worthwhile projects in your districts and in mine, why can they not refuse to fund a subway of dubious merit?

The second point that has been made is that we would be wasting millions of dollars that have already been spent, and the cost will be increased if the subway is built later on. I have noticed that some of those who have made this argument were the same ones who along with me voted to terminate the SST, with the side result that about $800 million already involved in it was lost. Why are there persons all of a sudden developing qualms about losing this amount by terminating the subway?

I might also note my impatience with this argument that the costs are going to go up when a project is delayed. After all, during the period of delay we get to keep the money and will have to spend that much less in interest on that amount of Federal debt. Furthermore, since the project will lose money every day it is running, the longer we delay the project the less money we will lose.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I deeply regret that I find myself in opposition to my good friend, the gentleman from Massachusetts (Mr. CONTE) who is recognized as a great mover of men and constructive legislative proposals. The passage of time will record and recognize him as one of the greatest baseball managers in our Capital City's history, but I feel that the issue here today revolves around another man who is not a Member of this House of Representatives but is a district judge, who is delaying action on a key segment of our highway system that many of us, having jurisdiction over highway matters, believe to be necessary if we are to provide and advance a functional and balanced transportation system for the metropolitan area. That is the reason that I stand before you in support of the Committee on Appropriations, the gentleman from Kentucky (Mr. NATCHER), the Speaker, Mr. GERALD R. FORD, the minority leader, which is the same supporting position I took while serving as a member of the conference Committee on Public Works between the House and the Senate, when the matter of the Three Sisters Bridge was the subject of lengthy debate and subsequently approved by the Congress and signed into law.

This point has not been brought out in debate here today: If we can proceed to build the Three Sisters Bridge, the ultimate result would be to provide more ready access to Dulles Airport, thereby maximizing the utilization of that facility, permitting more scheduled flights and better service for those people living in the District, northwestern Maryland, and northern Virginia. It will also provide greater opportunity for people to get out of the city because of the greater flexibility automobile transportation provides for route and destination selection, as well as personal time scheduling. It will provide a relief from pressure on the National Airport traffic during the rush hour congestion period associated with auto and airplane commuter traffic.

Let me advise my colleagues, clearly, I am strongly in favor of providing a coordinated, integrated, and balanced transportation system which I believe is the objective of the Congress as well as the executive branch.

I am fully convinced that we are all seeking the same goal, the President, Secretary Volpe, the Congress, Mr. NATCHER, Mr. DAVIS, and their subcommittee, Mr. MAHON, Mr. BOW, and their Appropriations Committee.

We, on the Public Works Committee are determined and dedicated to advancing a model transportation system for the Nation but cooperation and coordination is vital to successful achievement of this goal.

I believe we have that cooperation in the Congress and President Nixon's administration but this is not the case of our local district court.

In reading the majority opinion, it is obvious that we have a biased and prejudiced individual setting in a key judicial position on this matter. He, quite properly, has the right to his opinion—which he has expressed but I believe he should permit the orderly appeals procedure to advance by setting a definite date for a new hearing or step aside and let someone hear the case who is open-minded and objective in their approach to the Three Sisters Bridge question.

Functioning democracy and the judicial process is set up to guarantee against anyone with a prejudiced view from blocking action or delaying a decision—if it is permitted to work as intended by our laws and our constitution.

The Congress and the President have a right to insist on this orderly and responsive procedure.

Were it not for the delaying and blocking tactics of this one man, as expressed by many here today, we would find it unnecessary to engage in this lengthy and sometimes emotional discussion.

This is the issue, I repeal the issue, before us today.

We are all taxing our patience but we will never let our determination subside. We will move forward together toward the coordinated integrated and balanced transportation system needed to accommodate the visitors, both foreign and domestic, who expect the best in the capitol of the Free World.

Mr. NATCHER has been, as always, a real gentleman, a real champion during this prolonged battle. The Congress and the country will be deeply in his debt for the courageous stand he has taken and the leadership he has provided. He is a man of high character and purpose. He is defending the principles and the prerogatives of the Congress of the United States.

I am proud to associate myself with this great champion of our cause.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

(By unanimous consent, Mr. CONTE yielded his time to Mr. ANDERSON of Illinois.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

I certainly would not for one instance impute disloyalty to the President of the United States to any of those in this House who oppose this amendment, even though he has made a very clear appeal for adoption of this amendment.

By the same token, I would certainly hope that the action we take in supporting this amendment would not be construed as any act of disrespect or disloyalty to the minority leader for whom I voted to be Speaker of the House in 1971 and shall do so again, the Lord willing, in the next Congress.

But, it seems to me, the issue goes far beyond these personal loyalties. The fact is I think the gentleman from Wisconsin, GLENN DAVIS, and the gentleman from Kentucky, BILL NATCHER, are two of the finest men in this House—and I think any suggestion we do not hold these gentleman in the highest esteem is entirely extraneous and irrelevant to the real issue before us.

I listened to the very eloquent and moving remarks of the gentleman from Texas (Mr. MAHON), the distinguished chairman of the Committee on Appropriations, in which he quoted those words by King Saul, the first King of Israel. I believe that King Saul perished in that battle. But I do not think the leadership of this House is going to perish if this amendment is adopted.

I would not want to match my knowledge of biblical lore against that of the gentleman from Texas (Mr. MAHON) but he would do well to recall that it was King Saul's intense jealousy of David that caused him finally to lose his reason and he thereby lost his effectiveness as a leader of Israel.

I would hope that we would not be so

obsessed this afternoon in our attitude toward Judge Bazelon that we lose our perspective as to what the real issue is.

I am not bowing to any fear of Judge Bazelon or of the federal judiciary, but I am very frank to confess I am bowing somewhat to a very real fear that the eight municipal governments contributing to this very necessary project may cease their contributions, if we do not release this $72 million.

When I read that Montgomery County would hold up $9 million and when I read that Fairfax County would hold up $5 million and that a total of $42 million that would otherwise be contributed taking into account the matching funds from the Federal Government might be withheld from the subway project, then it seems to me the issue becomes something other than what the courts have done or have not done in this particular case.

In his statement of November 18, the President pointed out that we are indeed at a "critical juncture" on this issue, the well-being of the Capital area is at stake, and any further delay might "consign the entire project to an early grave."

Mr. Chairman this Congress has a responsibility and an obligation to see this project through to completion. We have encouraged, approved, and authorized the Metro system through a long series of actions dating back to 1952. The taxpayers have a huge financial stake in this project. The people of the Washington metropolitan area have contributed willingly and generously to this project because they know their quality of life is at stake. The choice which confronts us is really no choice at all, for it is a choice between traffic chaos and congestion on the one hand, and a well-balanced transportation system on the other. And the key to such a well-balanced system is an areawide mass transit program.

Last year we enacted Public Law 91-543, the Urban Mass Transportation Assistance Act of 1970. That measure provides a Federal commitment of $10 billion over a 12-year period for urban mass transportation programs. And yet, despite that firm commitment to solving our Nation's urban transportation problems, we continue to block funds to provide such a solution for our own National Capital. There can be no justification for this.

Mr. Chairman, in the brief time remaining to me, I would like to call the attention of my colleagues to a statement issued yesterday by Mr. William D. Ruckelshaus, Administrator of the Environmental Protection Agency. We hear a lot of talk today about the need to reorder priorities and to make our environment safe and habitable. The question now before us is a clear-cut opportunity to put our money where our mouth is when it comes to priorities and the environment. As Mr. Ruckelshaus put it yesterday, and I quote:

> The construction of a mass transit system in this metropolitan area is a necessary and much needed measure that would have a positive impact on the environment. Proper utilization of a Metro system would bring about a reduction in the number of miles driven in private automobiles with a corresponding improvement in the quality of the region's air.

Mr. Ruckelshaus went on to note that a Metro system can accommodate up to 40 times as many people in 1 hour as a single highway lane, and that it would also mean more efficient land utilization.

In conclusion, Mr. Chairman, I think this Congress has a positive obligation to help improve the quality of life in our Nation's Capital—to make it more habitable and accessible not only to the thousands who live and work in this area, but to the millions of tourists who visit us each year. For these reasons I strongly urge adoption of the Giaimo amendment.

Mr. COUGHLIN. Mr. Chairman, I rise in support of the Giaimo amendment to release funds for subway construction in the District of Columbia.

While many issues—some salient and some extraneous—have been raised, I prefer to believe that the House of Representatives will go to the core of the matter—the need and justice in releasing these funds for an urgent project in the Nation's Capital.

By any reasonable yardstick, Metro construction must proceed as quickly as possible. The cost in terms of taxpayers' dollars, economic consequences and human considerations rise daily and serve as vivid danger signals of what will transpire if we fail to meet our responsibilities.

We all pay homage to the concept of a balanced and coordinated system of private and public transportation. Now we can pay more than homage. We can put the money where the Metro is—or should be.

I submit that mass transit for far too long has teetered on the lower end of an imbalanced scale in the District.

The fine lines drawn in cloakroom talk about implementation of Federal-Aid Highway Acts and implications of court ruling should not smother the commonsense dictates of our minds and consciences which tell us unequivocally that there is no good reason why these funds should not be released.

Yes, there will be more highways constructed in the District. Yes, there will be more expressways. Yes, there will be continuing battles over the roles of roads and mass transit in the District.

So, let us not try to kid the people let alone ourselves.

Release the subway money now—some $72 million of it. Show Maryland and Virginia that we in Congress can exercise at least as much responsibility as they have in contributing to the Metro system.

Congress has authorized the District to provide its share of the funds.

We speak—all of us—thousands and thousands of words each year that run up the printing bill for the CONGRESSIONAL RECORD. Responsibility, respect for the law, meeting our obligations, doing what is right—the words pour out as an endless torrent from high atop Capitol Hill.

All right, here is our chance to practice what we preach.

I urge my colleagues to join me in voting to release the Metro construction funds.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS.).

Mr. MYERS. Mr. Chairman, in response to my distinguished friend, the gentleman from Illinois in reference to concern over the environment by fellow Hoosier Mr. ROSTENKOWSKI, if we build the Three Sisters Bridge—and we will—we will eliminate much of the environmental problems at National Airport by making it faster and easier to reach Dulles Airport.

I think you will find more flights into Dulles and this way we may accomplish something on the environmental question right here in the District of Columbia.

Let me say that it has become increasingly more alarming that the highway system is in serious problem from the attitude and approval taken in the discussion. Those favoring the amendment are saying in fatal tones that it is now or never.

If we do not appropriate this money today, some are saying that there are going to be left big holes in the streets. I have decided if that is true, if they know something that I do not know—maybe a decision has been made by the courts that they intend to never hear the appeal.

So I think now, and even more so, the Committee on Appropriations is right in its position.

I am convinced of that right after listening to the arguments this afternoon that the court of appeal does not intend to reconsider the case.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I do not know how many Members here have read John Marquis. He wrote a book between World War I and World War II called "The Life and Times of Archie and Mahitabel."

It was the story of a reporter who had died and who came back to life in the body of a cockroach. He continued to write his stories even though he was now a cockroach by diving off the carriage of a typewriter onto the keys of the typewriter headfirst and thereby continued to write.

One of the things he wrote was a very short statement. What he said was:

> Did you ever notice that when a politician does get an idea, he usually gets it all wrong?

I suggest to you that that statement is very appropriate in considering the kind of compromise which we are talking about here today. You would think from hearing the description of the so-called compromise being discussed here today that we are compromising with the court. The fact is that we are not. You would think we were withholding money from the court. The fact is that we are not. We are withholding money from the District. We are withholding money from Metro. The simple fact is that the District, Metro, and the administration, are in compliance and therefore are entitled to have this money.

I think it strange logic indeed for people to place as much emphasis as they have upon the issue of noncompliance, when the Congress, by the very act of withholding funds from Metro, will force the District to be in noncompliance on the District contract with the other subdivisions that are signatories to that contract on the Metro.

What we would be asking in effect is that the District be in noncompliance with the contract which we authorized them to enter into in the first place.

The hard facts are simply these: Metro is out of money as far as offering new contracts is concerned, and if we have any further delay we will be faced with either increased costs or the death of Metro. I do not think there is any doubt about it.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. CONTE. I have a very important announcement, because I think it will put this whole debate in proper perspective. The court of appeals has just refused to review the petition, and therefore all these agreements that have been propounded here are fait accompli. The only appeal now is an appeal to the Supreme Court of the United States, on a writ of certiori.

Mr. OBEY. Then if that is indeed true, what we are faced with, Mr. Chairman, is a game of "chicken."

We are going to decide whether we are going to be more stubborn or whether the court is going to be more stubborn. First we had a game of "chicken" between this House and the District. Then we had a game of "chicken" between this House and the administration. Now it is a game of "chicken" between us and Judge Bazelon, which can have only one of two results: We can have the death of the subway or we can have delayed completion of that subway at a fantastic increase in cost. I do not think we want the responsibility for another cost overrun similar to those we have had in connection with the F-14 and the C-5A. Regardless of how bad you feel Judge Bazelon's decision is, I ask you to exercise a degree of responsibility which would be greater than many Members in this body feel has been exhibited by Judge Bazelon, and probably now by the court of appeals. I urge you to vote for the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I do not think the announcement that was made here makes a great deal of difference. I have no way of corroborating it. But what it seems to me it does do now is to clear the track and to permit this question to go directly to the U.S. Supreme Court. I do not believe that it affects the situation as we now have it one single bit.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield at that point?

Mr. DAVIS of Wisconsin. I am happy to yield to the minority leader.

Mr. GERALD R. FORD. I think this clarifies the situation. The Department of Justice can now immediately ask for a hearing before the U.S. Supreme Court. The Supreme Court can set it down for hearing promptly. They have done so in other cases, including the so-called Pentagon papers case, where they acted very promptly. It seems to me that this is a very, very important circumstance that would justify their immediate action.

Mr. DAVIS of Wisconsin. I do not think it changes the real situation in any way.

Aside from the position of this House, which concerns its leadership and the individual Members, I think this boils down to the basic question as to whether we are going to have a balanced transportation system for this area or whether we are not.

Those of us who have lived with this problem for a number of years are determined that we shall have a balanced system and are committed to a balanced system.

I simply do not concede that the sponsors of this amendment are on the side of the President and that the rest of us are not. I do say that the gentleman from Kentucky has had much greater experience, and I to a lesser extent, in dealing with the implementation of a balanced transportation system than do any of the young men from the White House who have been so much in evidence around here for the last several days.

We strongly believe that the very reasonable suggestion that has been made will get a balanced transportation system in progress and in being more rapidly than will the complete capitulation of this House of Representatives.

I have known the President for almost 25 years. He wants the subway. He wants a balanced transportation system—and so do I; and so does the gentleman from Kentucky (Mr. NATCHER); and so does the Speaker of the House, who came with the President at the beginning of the 80th Congress; and so does the distinguished minority leader, the gentleman from Michigan; and so do the chairman and the ranking minority member of the full Appropriations Committee; and we are united in our belief that this amendment should be defeated.

So when we are told the President wants the subway, I say this: He also wants the freeways, and we are going to give him both and not just half of the package.

I believe that when these distinguished leaders of this House and the members of the Appropriations Committee apply their experience and their knowledge of this entire matter, we are going down the road of accomplishing the President's wishes.

Of course, the President has asked for the subway money specifically, but he does not need to ask specifically for the freeway money. It is there, ready to be used as a part of the $200 million which has accumulated because of freeway obstruction.

A negative vote will not kill the subway. It will convey the message where it needs to be conveyed, that this House, which necessarily took the bull by the horns in defining a balanced transportation system, will do what must be done to assure that this system will be implemented in accordance with its mandate and in accordance with the President's strongly stated policy.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I apologize for not being here earlier, and I do not want to sound dramatic. However, I have been saying it is not proper for the judiciary system to involve itself in legislative matters, and I have been saying, equally so, it is not proper for the legislative branch to get involved in judicial matters. I just received a call from my office which has checked out a rumor of what happened about 5 or 10 minutes ago with the U.S. court of appeals. I am told that there is an official order—and I take no authority for this other than what my office was just told by the clerk of the court—turning down an appeal for rehearing. I am also told that Mr. Krug in the White House is preparing an immediate writ of certiorari to the Supreme Court.

This involves us in the danger, when we become involved in putting conditions on legislation which we have passed, of involving ourselves in the orderly process of the judicial system.

If the facts are indeed as they appear to be, I would like to ask my Chairman and the distinguished minority leader where this leaves us on the future of the subway funds if, in fact, nothing remains now but a determination of this by the Supreme Court of the United States, who will ultimately declare what the law is as to the construction of the Three Sisters Bridge.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Kentucky.

Mr. NATCHER. In answer to the gentleman's question, I should like to first state this, Mr. Chairman: If the report which the gentleman from Connecticut has just made, and the report which I believe was also made by the gentleman from Massachusetts (Mr. CONTE) that the Circuit Court of Appeals has denied an appeal, is true, I am not at all surrised. We are right back in the hands of Judge Bazelon, who has made up his mind for a period of 4 years that the rights and the laws of Congress are not going to be enforced.

So far as the gentleman's question with regard to the Supreme Court is concerned, I think there is no question at all but what this case must go to the Supreme Court. But the funds, $72 million, should now be refused until the law is enforced.

Mr. GIAIMO. Mr. Chairman, I submit we should fund this program, which has cost $55 million in additional delays to the subway, and we should abide by the law of this Nation and the courts, who determine what the true Highway Act of 1969 was. This can only be determined by the Supreme Court.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky to close debate.

Mr. NATCHER. Mr. Chairman, I should like to respectfully request the Committee to defeat the amendment which is now before the Committee.

The CHAIRMAN. All time has expired.

The question is on the amendment

offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. GIAIMO. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GIAIMO. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. GIAIMO, DAVIS of Wisconsin, CONTE, and NATCHER.

The Committee divided, and the tellers reported that there were—ayes 196, noes 183, not voting 52, as follows:

[Roll No. 426]

[Recorded Teller Vote]

AYES—196

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Barrett
Bell
Bergland
Betts
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Byron
Carey, N.Y.
Carney
Chisholm
Clay
Cleveland
Collier
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellenback
Dellums
Dennis
Diggs
Dingell
Dow
Drinan
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Gallagher
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Hungate
Jacobs
Karth
Kastenmeier
Keith
Koch
Kyros
Leggett
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McCormack
McKinney
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, N.Y.
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Pelly
Pepper
Pettis
Peyser
Pike
Podell
Price, Ill.
Pryor, Ark.
Quie
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Robison, N.Y.
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Smith, N.Y.
Staggers
Stanton, J. William
Steele
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Wilson, Charles H.
Wolff
Wydler
Wyman
Yates
Yatron
Zablocki
Zwach

NOES—183

Albert
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baring
Begich
Bennett
Bevill
Biaggi
Blackburn
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Corman
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Devine
Dickinson
Donohue
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Fuqua
Galifianakis
Gettys
Goodling
Gray
Griffin
Gross
Grover
Haley
Hall
Harsha
Hays
Henderson
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kyl
Landgrebe
Latta
Lennon
Long, La.
Long, Md.
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Madden
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Michel
Miller Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Montgomery
Morgan
Murphy, Ill.
Myers
Natcher
Nichols
O'Konski
Passman
Patman
Patten
Perkins
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Randall
Rarick
Robinson, Va.
Roe
Rogers
Rooney, N.Y.
Rousselot
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stubblefield
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Waggonner
Wampler
Ware
White
Whitten
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Young, Fla.
Young, Tex.
Zion

NOT VOTING—52

Abbitt
Abernethy
Alexander
Anderson, Tenn.
Andrews, Ala.
Badillo
Baker
Belcher
Blanton
Blatnik
Burton
Byrne, Pa.
Celler
Clark
Collins, Ill.
Davis, Ga.
Davis, S.C.
Denholm
Dent
Derwinski
Dorn
Dowdy
Edwards, La.
Eilberg
Evins, Tenn.
Flynt
Fulton, Tenn.
Garmatz
Griffiths
Gubser
Hagan
Hammerschmidt
Hanna
Hébert
Holifield
Jones, Tenn.
Kuykendall
Landrum
McClure
McMillan
Mayne
Metcalfe
Pucinski
Purcell
Quillen
Railsback
Riegle
Roberts
Rodino
Rostenkowski
Runnels
Sikes

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 9. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner, the Deputy Commissioner, and the Chairman of the City Council of the District of Columbia or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 13, strike the following: On line 12, ", the"; line 13; on line 14, "cil of the District of Columbia".

Mr. JACOBS. Mr. Chairman, I commend the Committee on Appropriations for doing almost as much of the job as I think should be done with regard to chauffeur-driven cars for the District of Columbia government. All were deleted except three. And I am offering an amendment now to delete two of the three that have been brought back from the committee.

The three that were authorized were for the Commissioner, the Deputy Commissioner, and the Chairman of the Council. This amendment would delete the second and third authorizations.

Mr. Chairman, I simply take the position that a public servant is there to serve the public, and the public is not there to serve the servant. I do not think there is any justification for chauffeur-driven automobiles with the possible exception of a chief executive. I have a bill, as I have said before, before the House, to delete all of the chauffeur-driven automobiles in the U.S. Government that the taxpayers are asked to supply, except for the President, the Vice President, Cabinet Members, and the Speaker of the House.

Officials of the District of Columbia government do not need to be chauffeured around. After all, there will be a subway now for them to ride on and I urge you to adopt this amendment.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. MYERS. To perfect your amendment, would you also not have to correct the language on page 15, lines 12 and 13?

Mr. JACOBS. If there is any additional language necessary, I am unaware of it.

Mr. MYERS. Section 16 is a further provision providing that none of the appropriations in this act shall be available for the payment of compensation to any employee assigned as chauffeur except for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council. That is also on page 15 of the bill.

Mr. JACOBS. No chauffeur could be employed or hired except for the Mayor if the language of this amendment is adopted.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as was pointed out by the gentleman from Indiana, we have placed a limitation in the bill, on the number of chauffeurs and the amount of their compensation.

I think it would be a serious mistake to have an amendment this time which would mean that only the Commissioner is to have a chauffeur and a car and that the Assistant Commissioner would not have one and the Chairman of the City Council would not have one.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division (demanded by Mr. JACOBS) there were—ayes 100, noes 68.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 15. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 16. None of the appropriations in this Act shall be available for the payment of compensation to any employee assigned as chauffeur except for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council: *Provided*, That none of the appropriations in this Act shall be available for the payment of premium pay to any employee assigned as a chauffeur for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council which exceeds in the aggregate 25 per centum of the annual rate of basic pay applicable to such employee.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: Page 15, insert immediately after line 18, the following new section:

"SEC. 16. No part of the appropriations made by this Act shall be available for the financing of the activities of the Washington Metropolitan Area Transit Authority until such Authority, as an agency of the Federal Government, has complied with section 102(C) of the National Environmental Policy Act of 1969."

Mr. SCHERLE. Mr. Chairman, the amendment is a very simple one. The Washington Metropolitan Area Transit Authority is a Federal agency under this act. There are $1.15 billion in direct funds, and a minimum of $65 million as the Federal share of the District of Columbia's portion. That makes the Federal tax dollars now involved in the subway amount to $1.8 billion. Thus the Federal share is well over 50 percent of the funds which the various areas will expend. In addition, the Metro authorities have submitted various preliminary proposed environmental impact drafts, and have directed the selection of a competent consultant to undertake a full study of the environmental aspects of the entire Metro project. In summary Mr. Chairman, I believe it is clear that a project of this magnitude is a "major Federal project significantly affecting the quality of the human environment" to be included under Public Law 91–190.

Mr. EVANS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Colorado is recognized for 5 minutes.

Mr. EVANS of Colorado. Mr. Chairman, the Committee has just expressed its opinion on the issue of going forward with the expenditure of these funds. It was a close vote. It was a vote that was taken after extended debate.

The amendment puts the issue in a different light and challenges it again, and I hope the Committee will vote it down.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. GERALD R. FORD. I would like to ask the gentleman from Colorado if he does not think the Environmental Protection Act ought to be applicable to the Metro system. Is the gentleman against enforcement of that legislation in this case?

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I think the gentleman from Michigan well understands and knows the answer to the question because he has been here much longer, of course, than I have. The decision to construct this subway was made many years ago. It is now under construction. I think the purpose of the amendment is to do that which was not possible to do under the previous question we voted on.

The project has been approved by the Congress. Moneys have been spent on it. It is now under construction. Now to subject further construction to the provisions of the amendment offered by the gentleman from Iowa, I think, is dilatory and an endeavor to do through the back door what was not done on the last vote.

Mr. GERALD R. FORD. Let me respond by saying that Congress took such action in the case of the SST as far as environmental protection matters are concerned after that project was initiated. I am surprised the gentleman from Colorado does not want the Environmental Protection Act enforced in this case. I do not know why this project should be made an exception.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from California.

Mr. HOSMER. I would like to point out that the Environmental Protection Act, insofar as its impact upon the construction of nuclear reactors is concerned has been very serious, and in the gentleman's own State a reactor that is needed very badly is being held up to be sure it is in compliance with the requirements of the Environmental Protection Agency. So when we are dealing with something that concerns the Nation's energy and make this kind of requirement, levy this kind of regulation upon the environmental effects, I think probably the levy should be universal with respect to all subjects and activities. I therefore urge that the gentleman's amendment be agreed to.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I appreciate the comments of the gentleman from California. I would like to say further in answer to the argument of the minority leader that the very thing that gave difficulty to the freeway system through the court of appeals was the question of environmental impact. It is the issue which has hung up the freeways over the strong objection of the gentleman——

Mr. GERALD R. FORD. Mr. Chairman, this is my time and I refuse to yield further.

The CHAIRMAN. The gentleman from Michigan has the floor. Does the gentleman yield?

Mr. GERALD R. FORD. I do not.

If it is important in the construction of the Three Sisters Bridge that we have a study made and the impact analyzed under the Environmental Protection Act, the same criteria ought to apply as far as the Metro system is concerned. I am amazed that the gentleman from Colorado wants a double standard. He wants it imposed in one case and not in the other.

Mr. HOSMER. Mr. Chairman, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I want to point out that I am one of those who just voted for the amendment to put the Metro money in the bill. But I think, having voted that way, that I am entitled now to say that in proceeding with the Metro Environmental Protection Act requirements ought to be met. What is sauce for the goose is also sauce for the gander.

Mr. BOLLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had no intention of getting involved in this, but I have decided I must, because the sequence of events is so obvious. I found it extraordinarily difficult to make up my mind on how to vote on this matter, because I am a great admirer of the gentleman from Kentucky, and at his request I very thoroughly studied the matter and came to the conclusion that while the decision of the court was an outrage, that it was not directly connected in my view with the question of whether there should be constructed a rapid transit system.

Now if the amendment of the gentleman from Iowa was valid, it was valid at every point in the consideration of this matter heretofore. It was valid ever since there has been an Environmental Protection Act. But I do not notice that anybody has ever raised the question until after it became possible to go forward with the rapid transit. The amendment comes after the event. If it had been entirely serious, it might have come as an amendment to the amendment offered by the gentleman from Connecticut.

I do not question the good faith of the gentleman from Iowa. I am sure he is acting on the spur of the moment, having suddenly realized this danger, this threat, but I do suggest that those who supported Metro before by that record teller vote, should take into consideration the effect of this amendment on the action they clearly intended to take, and that was to see to it that the funds for the rapid transit were made available and that they were expended promptly.

Mr. MYERS. Mr. Chairman, I move to strike the requisite number of words.

Using the analogy of the gentleman from Missouri, I would take it that any constitutional problem would not be a proper vehicle to get a case into the Supreme Court, because the Constitution is 190 years old and we have been accepting a practice. Carried even further, we have been building a number of generating stations for electricity in this country for a number of years—to light the light bulbs, ever since light bulbs were invented—and today we are not building further generating stations until we resolve the questions of the impact on the environment.

But now when we question the Metro and say that we wish to make it comply with the law of the land, the gentleman from Missouri and the gentleman from Colorado—and I am sure they all voted for that environmental protection law—say suddenly that it does not apply to the Metro system. I do not think they mean that. I am sure everyone in this House will support the gentleman from Iowa, who wants to protect the environment for our children.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I thank my colleague for yielding.

For the information of the gentleman from Missouri, I do serve on the Appropriations Committee and it was my intention to offer this amendment regardless.

Furthermore, there is an obsolete Nike missile base located in Harrison County, Iowa, which was transferred to the Iowa Western Community College located in Council Bluffs, Iowa, just last month. Before they could get the title transfer, they had to go through an environmental impact study for 5 months. The school is not going to do anything more with it except use it for agricultural purposes, and that will not disturb the ecology. And now when I propose an amendment to apply the same ecology requirements to the Metro, people say suddenly it should not be. I do not like double standards.

If it is good for Pottawattamie County, Iowa, it is good for Washington, D.C.

Mr. MYERS. The charge was made that the gentleman from Iowa offered this amendment on the spur of the moment. I have examined the copy of the amendment the gentleman presented to me. It looks like it was pretty well prepared. It has been run off on a Thermofax. I do not believe the gentleman, on the spur of the moment, after the teller vote 3 minutes ago, did all this.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

The charge, of course, has been made that the money has been voted, and therefore we should not require compliance with the Environmental Protection Act.

If we go back to look at the Overton Park case in Memphis, Tenn., the approval was made for that prior to the 1969 act.

The same is true of a case in San Antonio, Tex.

The same is true in Georgia, involving a leg of I–75.

The Environmental Impact Act was passed after the routes were selected and the money was made available. However, it was determined, in order to protect the environment, that the act should apply in each case.

I believe the people of this area should have the same protection. If the environment is going to be harmed through the rapid transit system, certainly that should be looked at. To do otherwise is most inconsistent.

Mr. MYERS. The controversial Three Sisters Bridge was under construction. The piers had been started. They had made diggings in the river itself. There is still a big pier floating in the river.

But I do not remember anybody in this body saying that the courts did not have a right to move in and to issue an injunction, because the work was being done, because we were building the bridge. I do not remember the gentleman from Missouri or the gentleman from Colorado saying that the court was wrong because we had already started the highways and the bridge.

I do not believe that is a sound argument. An "aye" vote on this amendment is for a clean environment and confirmation for the intent of the EPA. A "no" vote is against the best interest of protection of the ecology and against the environment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

I should simply like to point out that there have been a number of projects which have passed this Congress in this year, both in the defense budget and in the public works budget, which contained projects to which an environmental impact statement was not attached. If a double standard is being established, it is being established here today, right now by this amendment.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

I should like to ask a question of the author of this amendment, because I am not sure about it, so I ask the gentleman from Iowa to help me on this.

If this amendment is passed, what does the gentleman see as the impact on moving ahead with the subway program? I am not clear in my own mind as to what would be done.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Iowa.

Mr. SCHERLE. My answer would be simple. It would be up to the Environmental Protection Agency, or environmental quality just like on any other project.

Mr. PEYSER. What I am trying to get at is this, would the gentleman anticipate that nothing could move forward at this time until a study had been made? I am trying to get a feeling as to what is involved.

Mr. SCHERLE. I wish I were in a position to give a proper answer to the gentleman, but I do not have any idea. I would say this should be given the same consideration as any other Federal project.

This Congress passed the law. I believe it should be completely adhered to so far as all Federal projects are concerned.

The gentleman from Wisconsin made a statement that others had passed without environmental studies. Perhaps someone forgot to put in an amendment, but on this I assure the Members I will.

On the previous amendment offered by the distinguished gentleman from Connecticut (Mr. Giaimo), I regret that President Nixon became personally involved in this impasse, as a former legislator he must have shared our desire for a balanced transportation system—undoubtedly he received typical bad advice from his two top aides the "Katzenjammer Kids." Hans and Fritz, Erlichman and Haldeman. It is quite obvious they do not understand the integrity of Congress any more than they do the intricate complexities of agriculture.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from California.

Mr. ROUSSELOT. I believe it is perfectly obvious. Mr. Ruckelshaus is the head of the Environmental Protection Agency, and he favors the advancement of the transportation system and has endorsed it, and put out a news release today. I do not believe he would hold up any action. He has put himself on record for it. I am sure he would make sure, as he does for all these types of projects, that this is given fair and equitable consideration, especially since he has already announced for it.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Indiana.

Mr. MYERS. I do not think it is a question of what would happen, but a question of Do we want to comply with the law?

Do you want the Metro system built if it is going to be a threat to our ecology, regardless? What was the intent of the Environmental Protection Act? To protect the consumer or our society and to protect all of us from the threat of really doing serious damage to our ecology and environment. So, regardless of what effect this amendment might have on the Metro, the important thing is, do we not also want the Metro to be under this protection in order to protect society and the community of Washington, D.C.?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Scherle).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Scherle, Obey, Myers, and Evans of Colorado.

The Committee divided, and the tellers reported that there were—ayes 163, noes 205, not voting 63, as follows:

[Roll No. 427]

[Recorded Teller Vote]

AYES—163

Archer
Arends
Ashbrook
Aspinall
Bennett
Biaggi
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Fla.
Burleson, Tex.
Cabell
Caffery
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Devine
Dickinson
Downing
Dulski
Duncan
Edmondson
Eshleman
Fisher
Flowers
Ford, Gerald R.
Fountain
Gaydos
Gettys
Goodling
Griffin
Gross
Grover
Haley
Hall
Harsha
Harvey
Hechler, W. Va.
Heckler, Mass.
Hillis
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kemp
King
Kyl
Landgrebe
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
McCollister
McCulloch
McDonald, Mich.
McEwen
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Natcher
Nelsen
Nichols
O'Hara
O'Konski
Passman
Patman
Pelly
Perkins
Pickle
Pike
Pirnie
Poff
Powell
Price, Tex.
Quie
Randall
Rarick
Rhodes
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Sebelius
Shoup
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Stanton, J. William
Steed
Steiger, Ariz.
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Waldie
Wampler
Ware
Whalley
White
Whitten
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOES—205

Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Baring
Barrett
Begich
Bergland
Betts
Bevill
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Byrnes, Wis.
Byron
Carey, N.Y.
Carney
Casey, Tex.
Chisholm
Clay
Cleveland
Conte
Conyers
Corman
Culver
Daniels, N.J.
Danielson
Dellenback
Denholm
Dennis
Diggs
Dingell
Dow
Drinan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hays
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Howard
Hull
Hungate
Jacobs
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Kluczynski
Koch
Kyros
Leggett
Link
McClory
McCloskey
McCormack
McDade
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
Obey
O'Neill
Patten
Pepper
Pettis
Peyser
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Rangel
Rees
Reid, N.Y.
Reuss
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Scott
Seiberling
Shipley
Sisk
Smith, N.Y.
Springer
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Terry
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Whalen
Whitehurst
Widnall
Wiggins
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki

NOT VOTING—63

Abbitt
Abernethy
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Badillo
Baker
Belcher
Bell
Blanton
Blatnik
Burton
Byrne, Pa.
Celler
Clark
Collins, Ill.
Davis, Ga.
Davis, S.C.
Dellums
Dent
Derwinski
Donohue
Dorn
Dowdy
Edwards, La.
Eilberg
Evins, Tenn.
Flynt
Fulton, Tenn.
Garmatz
Goldwater
Griffiths
Gubser
Hagan
Hammerschmidt
Hébert
Holifield
Jones, Tenn.
Keith
Kuykendall
Landrum
Lent
McClure
McKevitt
McMillan
Mayne
Metcalfe
Morse
Nedzi
Poage
Pucinski
Purcell
Quillen
Railsback
Riegle
Roberts
Rodino
Rostenkowski
Runnels
Sikes
Waggonner
Zwach

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, now that the subway issue apparently has been resolved, at least temporarily and to some extent, I have heard of a report that the District of Columbia government requires construction permits—not just an overall permit—for the construction of the subway.

In other words, I hear that whenever a contractor opens a street and goes to work on the subway, they must purchase another permit.

Does the distinguished gentleman from Kentucky have any information to confirm or deny this report—that costly permits are being required in connection with this construction?

Mr. NATCHER. Mr. Chairman, will the gentleman yield

Mr. GROSS. I am happy to yield to the gentleman.

Mr. NATCHER. Mr. Chairman, I would like to say to my distinguished friend from Iowa that I am unable to answer his question—I do not know the answer to it.

As far as the number of permits or the issuance of permits is concerned, I am unable to answer.

Mr. GROSS. Then I have another question for the gentleman.

Is the gentleman aware of the bill that has been introduced which would provide that the Federal Government guarantee $1,200,000,000 worth of bonds for the construction of the subway in the District of Columbia, and that by reason of the fact that some $850 million worth of bonds are outstanding—that cannot be sold because those in the business of buying bonds will not touch them without a Federal guarantee?

Mr. NATCHER. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. I am glad to yield to my friend from Kentucky.

Mr. NATCHER. Mr. Chairman, I would like to say to my friend, when the rapid rail transit of 98 miles was authorized in 1969, the bill provided for the payment of $2,500,000,000—$835 million of that amount was to be in bonds to be issued and retired out of the fare box.

About a year later, they were advised that the bankers and brokers in this country would not buy the bonds because they know they cannot be retired out of the fare box.

A bill was introduced about 2 weeks ago in the House and it is now before the Committee on the District of Columbia which provides that instead of $835 million there will be $1,200 million worth of bonds to be guaranteed by the Federal Government. That bill is now pending. The bankers and brokers say that they will buy the bonds if the Federal Government guarantees them.

Mr. GROSS. So it is possible and very probable that Congress will be confronted in the near future with an unprecedented financing proposition in connection with this white elephant subway for the District of Columbia. That is, that the Federal Government will be asked to guarantee $1,200 million worth of bonds?

Mr. NATCHER. That is correct.

Mr. GROSS. This is not being done anywhere else in the country to the gentleman's knowledge, is that correct?

Mr. NATCHER. As the gentleman has stated, this will establish a precedent. Hearings will be held on the bill and it will be brought to the floor for action.

Mr. GROSS. I thank the gentleman.

Mr. Chairman, I predict that the authorization by Congress of a subway in the District of Columbia will prove to be one of the most improvident acts in which it has ever engaged. It is outrageous that hundreds of millions—yes, probably billions of the costs—will be saddled upon the taxpayers of the entire country.

For that reason, and because there is far too much Federal money in this bill for the support of a mismanaged, extravagant District government, I want to be recorded here and now as in opposition to this legislation.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The portions of the bill to which the amendment relates are as follows:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the following funds of the District of Columbia for the fiscal year ending June 30, 1972: $162,000,000 to the general fund; $2,572,000 to the water fund; and $1,514,000 to the sanitary sewage works fund, as authorized by the District of Columbia Revenue Act of 1947, as amended (D.C. Code, sec. 47-2501(a); 82 Stat. 612), and the Act of May 18, 1954 (D.C. Code, sec. 43-1541 and 1611).

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed $75 to each released prisoner; purchase of one hundred and fifty-five passenger motor vehicles for replacement only (including one hundred and forty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of $400 per vehicle for police-type and $600 per vehicle for fire-type use above such limitation); $169,167,000, of which $5,004,600 shall be payable from the highway fund (including $112,000 from the motor vehicle parking account): *Provided*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement.

The Clerk read as follows:

Amendment offered by Mr. MIKVA of Illinois: On page 2 beginning on line 3, strike out "$162,000,000" and insert in lieu thereof "$164,717,600."

On page 4, at line 22, strike out "$169,167,000" and insert in lieu thereof "$171,884,600."

Mr. MIKVA. Mr. Chairman, I realize that the hour is late, but I hope that even at 10 minutes to 6 we ought to be concerned about the possibility that an action we are taking here might turn out to be not even pennywise but very, very extremely foolish in terms of the correctional institutions of the District of Columbia. What troubles me so much about this—and I referred to this during the general debate—is that there is no place in the RECORD where anyone pointed out any justification for cutting the requests that have been made for staffing the correctional institutions of the District of Columbia. I think the committee ought to know what is the current state of those institutions. The District of Columbia jail, with a rated operating capacity of 663, has 1,250 inmates in it currently.

The Women's Detention Center, with a rated capacity of 50, has 109 inmates in it currently.

The Youth Center, with a rated capacity of 324, has 382 inmates in it currently and 110 additional youths waiting at the District of Columbia jail because there is no room for them at the Youth Center.

In the light of this, and in light of the fact that almost every department of the District of Columbia budget went up, the committee saw fit to cut the corrections budget by $551,000 over what it was last year. My amendment would restore that cut and restore the additional staff positions, which I would like to detail very briefly.

The committee cut over $1 million from the Community Corrections Service. These are the halfway houses.

Mr. Chairman, whether you like halfway houses or not, what this cut means is that 100 inmates that are now being treated in halfway houses will have to go back to jail; and instead of increasing the number of guards, we have cut them. You cannot eat your cake and have it, too, when you are dealing with a prison population that is not only there but is going up.

The second point I would like to make is that the entire prognostication for this budget for corrections was made on the basis of a prison population that is lower than the existing population now there. With a larger and more efficient police department and court system we are catching more criminals and they are going to jail. Unless we put in more guards and additional facilities, we have another Attica potential on our hands.

The committee cut some 52 positions, including 17 correctional officers for the new youth facility; six positions from the parole staff, 22 community correction positions to staff narcotic treatment centers, which are supposed to open and which will not be able to open unless we restore this cut. This is the kind of impact of this $2 million cut.

I understand from the distinguished chairman of the subcommittee that one of the reasons for the cuts as far as staff is concerned was a provision that was put in by the District of Columbia Committee, of which I am a member, limiting the total number of employees for the District of Columbia.

The distinguished gentleman from Wisconsin, its former Governor, was the man who authored that amendment. I am sure I speak for him and every member of the committee in saying that we did not desire to have the narcotic centers closed or the youth center cut as a result of that amendment.

I suggest to the members of the committee that unless my amendment is adopted, we face the proposition that every one of the correctional institutions now functioning is going to be undermanned.

And we face the proposition that institutions like the narcotics treatment center and the youth facility are not going to be able to take care of an existing and expected population.

I talked to a guard at San Quentin on a recent prison tour. He said: "Why is it, Congressman, that you folks in government will not listen to our requests for more facilities and more staff until a holocaust like Attica occurs?"

I hope the House of Representatives will not be so unwise as to put the corrections institutions of the District of Columbia and their staffs into this kind of jeopardy with overcrowded inmate populations and an insufficient guard force.

Mr. Chairman, I ask for the support of my amendment.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, on November 11 of this year, the District of Columbia Committee brought out the revenue bill, and the bill has passed the House. The revenue bill has also passed the other body, and as I understand it, permission has been granted to go to conference.

As the distinguished gentleman from Illinois pointed out, he is a member of the Legislative Committee on the District of Columbia. In the revenue bill passed on November 11 by this House, a limitation on employees in the District of Columbia was set at 39,619. This committee has the right to set the number of employees. This committee brought the bill to the floor, and it was passed. The bill we now have on the floor, the appropriation bill, contains funds for 39,619 employees, the exact number under the limitation in the bill passed by the committee of the distinguished gentleman from Illinois.

Now, Mr. Chairman, the gentleman from Illinois is seeking in his amendment to add 52 more employees. There will be 52 more employees added to the 39,619. It would violate the limitation in the bill passed by the House. Now the gentleman said he was not in favor of that limitation that is the amendment when adopted in his committee which fixed the number at 39,619. That is the number we have to comply with in this appropriation bill.

In addition to that, Mr. Chairman, the gentleman from Illinois is seeking to place into the bill $1,602,300 for more halfway houses. Maybe more halfway houses are necessary. We did not have the money in the bill to take care of them.

The gentleman says we have reduced the Federal payment by $8 million, and that is true, Mr. Chairman.

The Federal payment was reduced $8 million, and it was reduced $8 million for the reason that we have another classified pay increase that will come before the District officials and before this Congress within a matter of the next few weeks, which will require another $6 million.

In addition to that, we will have a wage board increase which will approximate $2 million. Add the $6 million and the $2 million together, and we have the $8 million by which we reduced this bill.

We only reduced it $8 million to have enough money to take care of the pay increases when they come along, and we stayed within the limitation of 39,619 employees.

I ask that the amendment be defeated.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, out of the 39,619 employees that are authorized in the bill, is the distinguished chairman suggesting there is not someplace else where the 52 employees could be cut other than the Department of Corrections?

Mr. NATCHER. No. I would not say it is a matter of reducing one department as against another. I would like to say this to the gentleman: As far as the Director of the Department of Corrections is concerned, Mr. Hardy, he has done a good job. Our committee as well as the committee of the gentleman has tried to go along with the Department of Corrections through the years. It is not a matter of saying we should cut 52 more in some other department. It goes further than that.

Mr. MIKVA. Mr. Chairman, if the gentleman will yield further, is it not a fact that the Department of Corrections is one of the few departments, indeed as far as I can tell, almost the only department in the entire District government which is getting less money in this bill than it did even last year?

Mr. NATCHER. The gentleman is correct as far as the reduction is concerned.

The District officials in their austerity moves, which they brought before the committee, made this proposal themselves.

Mr. MIKVA. To cut the budget?

Mr. NATCHER. In other words, under the moves and suggestions made by the officials, the amount of the reduction here in almost its entirety came out of the District Building.

Mr. MIKVA. As I read the hearings, when they left the subcommittee they said, "We do not know, even with all the money we have asked for, how we are going to take care of the increased inmate population already there." And the distinguished chairman agreed with them. I believe the final outcome was a suggestion that everybody ought to pray.

Mr. NATCHER. The Director and some of his people were disturbed about it, but they had not done a good selling job with the Commissioner, the Deputy Commissioner, and the city council.

Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment.

I should like to speak very briefly to the limitation of 39,000 jobs. As a member of the committee I do know the gentleman from Illinois (Mr. MIKVA) is right. There was no intention on the part of the committee in setting limitation, to cut out jobs for the Department of Corrections.

The intention was to eliminate jobs which the District government reported to us go unfilled on a regular basis over a period of a year. There were 3,000 such jobs which they said they could expect, over the course of a year, to be vacant for a number of reasons. On that basis the limitation was struck.

I do not quite understand how the rise in the pay level of some of the jobs wiped out the 52 jobs to which the gentleman from Illinois (Mr. MIKVA) has referred.

I hope that the House will vote on the intent of the District Committee in limiting to the 39,000 jobs, and not eliminate the new jobs in the Department of Corrections.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 91, noes 110.

So the amendment was rejected.

Mr. NATCHER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the Chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. NATCHER. Mr. Speaker, I demand a separate vote on the so-called Giaimo amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 2, line 13, strike "$29,600,000" and insert "$102,086,000".

And on line 16, after the word "To" insert the following: "the general fund, $72,486,000, to".

On page 9, line 22, strike "$228,842,000" and insert "$301,328,000".

The SPEAKER. The question is on the amendment.

Mr. NATCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 174, answered "present" 2, not voting 59, as follows:

[Roll No. 428]

YEAS—195

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Barrett
Begich
Bergland
Betts
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Byron
Carey, N.Y.
Carney
Chisholm
Clay
Cleveland
Collier
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellenback
Dennis
Diggs
Dingell
Dow
Drinan
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Gallagher
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Hungate
Jacobs
Karth
Kastenmeier
Keating
Keith
Koch
Kyros
Leggett
Link
Lloyd
Lujan
McClory
McCloskey
McCormack
McCulloch
McKinney
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, N.Y.
Nelsen
Nix
Obey
O'Hara
O'Neill
Pelly
Pepper
Pettis
Peyser
Pike
Podell
Price, Ill.
Pryor, Ark.
Quie
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Robison, N.Y.
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Smith, N.Y.
Staggers
Stanton, J. William
Steele
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Wilson, Charles H.
Wolff
Wyman
Yates
Yatron
Zablocki

NAYS—174

Annunzio
Archer
Arends
Ashbrook
Aspinall
Baring
Bennett
Bevill
Blackburn
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Corman
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Denholm
Devine
Dickinson
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Galifianakis
Gettys
Goodling
Gray
Griffin
Gross
Grover
Haley
Hall
Harsha
Hays
Henderson
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Kemp
King
Kluczynski
Kyl
Landgrebe
Latta
Lennon
Long, La.
Long, Md.
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKay
Macdonald, Mass.
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Montgomery
Morgan
Murphy, Ill.
Myers
Natcher
Nichols
O'Konski
Passman
Patman
Patten
Perkins
Pickle
Pirnie
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Randall
Rarick
Riegle
Robinson, Va.
Roe
Rogers
Rooney, N.Y.
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stubblefield
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Wampler
Ware
White
Whitten
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Young, Fla.
Young, Tex.
Zion

ANSWERED "PRESENT"—2

Biaggi
Wydler

NOT VOTING—59

Abbitt
Abernethy
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Badillo
Baker
Belcher
Bell
Blanton
Blatnik
Burton
Byrne, Pa.
Celler
Clark
Collins, Ill.
Davis, Ga.
Davis, S.C.
Dellums
Dent
Derwinski
Donohue
Dorn
Dowdy
Edwards, La.
Eilberg
Evins, Tenn.
Flynt
Fulton, Tenn.
Garmatz
Goldwater
Griffiths
Gubser
Hagan
Hammerschmidt
Hébert
Holifield
Jones, Tenn.
Kuykendall
Landrum
Lent
McClure
McKevitt
McMillan
Metcalfe
Nedzi
Poage
Pucinski
Quillen
Railsback
Roberts
Rodino
Rostenkowski
Rousselot
Runnels
Sikes
Waggonner
Zwach

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Holifield for, with Mr. Biaggi against.
Mr. Rodino for, with Mr. Rousselot against.
Mr. Eilberg for, with Mr. Clark against.
Mr. Nedzi for, with Mr. Andrews of North Dakota against.
Mr. Dent for, with Mr. Hébert against.
Mr. Dellums for, with Mr. Evins of Tennessee against.
Mr. Collins of Illinois for, with Mr. Jones of Tennessee against.
Mr. Metcalfe for, with Mr. Blatnik against.
Mr. Bell for, with Mr. Waggonner against.
Mr. McKevitt for, with Mr. Davis of South Carolina against.
Mr. Goldwater for, with Mr. Abernethy against.
Mr. Celler for, with Mr. McMillan against.
Mr. Byrne of Pennsylvania for, with Mr. Sikes against.
Mr. Badillo for, with Mr. Garmatz against.
Mrs. Griffiths for, with Mr. Roberts against.
Mr. Donohue for, with Mr. Blanton against.

Until further notice:

Mr. Andrews of Alabama with Mr. Belcher.
Mr. Abbitt with Mr. Derwinski.
Mr. Burton with Mr. Kuykendall.
Mr. Pucinski with Mr. Gubser.
Mr. Rostenkowski with Mr. McClure.
Mr. Fulton of Tennessee with Mr. Lent.
Mr. Flynt with Mr. Hammerschmidt.
Mr. Dorn with Mr. Baker.
Mr. Alexander with Mr. Railsback.
Mr. Anderson of Tennessee with Mr. Quillen.
Mr. Davis of Georgia with Mr. Runnels.
Mr. Hagan with Mr. Dowdy.

Mr. BIAGGI. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Holifield). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. STEIGER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. A quorum has just been established.

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the Record on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11341) entitled "An act to provide additional revenue for the District of Columbia, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Eagleton, Mr. Inouye, Mr. Stevenson, Mr. Mathias, and Mr. Weicker to be conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2204. An act to provide for improvements in the administration of the government of the District of Columbia, and for other purposes; and

S. 2891. An act to extend and amend the Economic Stabilization Act of 1970.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10947, REVENUE ACT OF 1971, UNTIL MIDNIGHT SATURDAY

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the managers have until midnight Saturday, December 4, to file a conference report to accompany the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CONFERENCE REPORT ON SENATE CONCURRENT RESOLUTION 6, CONTINUED OPERATION OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

Mr. STAGGERS submitted the following conference report and statement on the Senate concurrent resolution—Senate Concurrent Resolution 6—to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics:

Conference Report (H. Rept. No. 92–705)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the concurrent resolution and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That it is the sense of Congress that the Public Health Service hospitals and outpatient clinics, and the clinical research center located at Lexington, Kentucky, should remain open and remain within the Public Health Services at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their mutliple responsibilities during the entire fiscal year 1972. During this period, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communities, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

Sec. 2. It is the further sense of Congress that the hospitals, outpatient clinics, and the clinical research center of the Public Health Service should be considered an integral part of the national health care delivery system.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the preamble of the concurrent resolution and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coast guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1970 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas; and

Whereas all resources of the Federal Government should be brought to bear on drug addiction and drug abuse; and

Whereas the Public Health Service hospitals, outpatient clinics, and the clinical research center are valuable resources for treatment of drug addicts and drug abusers: Now, therefore, be it

And the House agree to the same.

Harley O. Staggers,
Paul G. Rogers,
David E. Satterfield,
William L. Springer,
Ancher Nelsen,
Managers on the Part of the House.

Edward Kennedy,
Harrison Williams,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Claiborne Pell,
Walter F. Mondale,
Peter H. Dominick,
Jacob K. Javits,
Dick Schweiker,
Bob Packwood,
J. Glenn Beall, Jr.,
Robert Taft,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service Hospitals and outpatient clinics, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The amendments of the House struck out all after the resolving clause and substituted a new text, and the amendment to the preamble added new material conforming to the amendments made to the text.

The conference agreement amends the text of the House amendment, and the conference substitute amendment to the preamble makes the preamble reflect the revised text.

The Senate Concurrent Resolution expressed the sense of the Congress that all Public Health Service hospitals and outpatient clinics should remain open; that the administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities throughout fiscal year 1972, and that the Secretary of Health, Education, and Welfare and the Congress should explore the resources and capabilities of these facilities to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

The House amendment to the text was the same as the Senate version, except that the House amendment also provided that the clinical research centers located at Lexington, Kentucky, and Fort Worth, Texas should remain within the Public Health Service.

The conference substitute is the same as the House amendment, except that all references to the facility at Fort Worth, Texas, have been deleted in view of the transfer of that facility to the Bureau of Prisons which has already taken place.

The conferees are concerned that even after both Houses of Congress overwhelmingly passed resolutions directing that Public Health Service hospitals and outpatient clinics not be closed or transferred through fiscal year 1972 and that the Department of Health, Education, and Welfare explore utilization of those facilities to serve medically underserved areas, and appropriated moneys to continue their operation, the Department of Health, Education, and Welfare has continued to proceed with plans to phase out the hospitals and outpatient clinics of the Public Health Service and has made no effort to explore use of the facilities within the Public Health Service or under the Emergency Health Personnel Act of 1970.

The conference substitute amendment to the preamble makes technical corrections to reflect the deletion of references in the text to the Fort Worth facility.

Harley O. Staggers,
Paul G. Rogers,
David Satterfield,
William L. Springer,
Ancher Nelsen,
Managers on the Part of the House.

Edward Kennedy,
Harrison Williams, Jr.,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Claiborne Pell,
Walter F. Mondale,
Peter H. Dominick,
J. K. Javits,
Dick Schweiker,
Bob Packwood,
J. Glenn Beall, Jr.,
Robert Taft, Jr.,
Managers on the Part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 719 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 719

Resolved, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 2 and clause 5 of rule XXI are hereby waived.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. Smith) pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 719 provides for waiving certain points of order against H.R. 11955, the supplemental appropriations bill of 1972.

The resolution does not provide a blanket waiver. It does provide a waiver for failure to comply with the 3-day rule and points of order are waived for failure to comply with the provisions of clause 2, rule XXI, for lack of authorization and clause 5, rule XXI, which prohibits reappropriations.

Mr. Speaker, I urge the adoption of the rule.

Mr. GROSS. Will the gentleman yield?

Mr. YOUNG of Texas. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. So all points of order are waived on this bill?

Mr. YOUNG of Texas. No, sir. I advise the gentleman that all points of order are not waived, but points of order are waived as to the 3-day requirement, the provisions of clause 2 and clause 5 of rule XXI, and that is it. Those three.

Mr. GROSS. That just about covers the waterfront, does it not?

Mr. YOUNG of Texas. It covers those three different aspects.

Mr. GROSS. Yes; because some of these items are not authorized by law.

Mr. YOUNG of Texas. That is right.

Mr. GROSS. And points of order against those items would be waived, would they not?

Mr. YOUNG of Texas. That is right. Those that have not been authorized points of order are waived against.

Mr. GROSS. That just means the regular legislative process coming down to the wire of adjournment, as we are now, is just about meaningless.

Mr. YOUNG of Texas. It is expedited. That is it.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I concur in the remarks of the distinguished gentleman from Texas.

I would like to be specific here. This rule does waive the 3-day rule. Clause 2 refers to legislation in an appropriation bill. We have had legislation in this bill every year. Clause 5 deals with reappropriating existing appropriations. For the most part, the money that has not been authorized is not in this particular bill. There are five or six items. This bill is less than $1 billion. When it comes back from the Senate it will be much larger. There are a few appropriations in here which involve things like Capitol grounds and some of those things, but the big ones have been left out.

Mr. GROSS. Will my friend from California yield?

Mr. SMITH of California. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I can tell you that a billion dollars, or awful close to it, is still money where I come from.

Mr. SMITH of California. That is right. It is still money anywhere.

Mr. GROSS. It may not amount to much in some other places, but this bill calls for the expenditure of approximately $1 billion, and this is the old story all over again. We get regular appropriation bills before the House and we hear a great story of how much has been saved. Then we get a supplemental appropriation and out the window went all those great savings. So we have an appropriation of some $1 billion here, and it is protected so that it is impossible to get to some of the items on points of order. You could not defeat it to save your soul in this House because almost nobody is interested in saving any money, in balancing the budget, or stopping inflation.

Mr. SMITH of California. I simply want to make myself clear to the effect that in this instance we are not including appropriations for most of the measures which have not been authorized. For instance, next week we may have foreign aid. I have not talked to the conferees. We had a request to waive all points of order on the items that are contained in this particular bill.

Mr. Speaker, I urge adoption of the rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. Yes, I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding, and I would guess that this rule is another one of those "beauts" that we talked about a few days ago.

Mr. SMITH of California. Not quite as much so.

Mr. HALL. To the contrary, I think it is more of a "beaut," if that is the proper appellation. The resolution not only eliminates the rules of the House, to the contrary notwithstanding, but clause 245 of rule XXI in connection with page 8 of the bill and page 40 of the report. I wonder whether it was brought to the attention of the Committee on Rules whether House Resolution 533, providing additional funds for personnel in the office of the Speaker, was specifically explained to that committee; and whether or not anyone on the Commitee on Rules recognized the fact that this is the same resolution that has been previously knocked out on a point of order by the gentleman from Missouri?

What I really want to know is this: Does the Committee on Rules realize and appreciate the fact that this was in the bill on page 8 and is subject to a point of order, but that a point of order was being waived and eliminated as one of the prerogatives and rights of a duly elected Member to raise?

Mr. SMITH of California. Yes, we had testimony on that particular item. We heard testimony to the effect that we should write this into permanent law. This increases the amount by $50,000 a year. A resolution was passed earlier dealing with this subject and we are writing it into permanent law.

I will say to the gentleman from Missouri that we heard testimony on each and every one of these items. The gentleman from Texas (Mr. MAHON) went through the bill page by page.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, we can only take this as an overt act to pass into permanent law that which, according to the rules of the House and the rights of individual Members to make points of order, has been previously precluded.

Is that a correct assumption?

Mr. SMITH of California. I am not certain that that is absolutely correct because, as the gentleman knows, the gentleman can offer amendments to amend any of these things and to take them out of the bill. We are simply waiving points of order in these instances in order to get the bill before the House. However, we are not precluding the gentleman from taking any other action which he desires to take during the course of consideration of the bill. We are getting it before you so you can consider it.

Mr. HALL. That action, in the spirit of expediency, certainly precludes the rights of individual Members, according to the standing rules of the House. For that reason, I feel that this rule should be defeated out of hand.

I appreciate the gentleman yielding.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. MAHON. The gentleman from Missouri has been discussing a provision of the bill which appears on page 8, beginning with line 4, which makes permanent law of certain resolutions previously agreed to by the House. The House adopted certain resolutions—they are enumerated on page 8 of the bill—which are now in force. Being simple House resolutions, they are not permanent legislation; they run only to the end of this present Congress. Some of us voted for the measures and some of us voted against them. However, these measures were passed by the House; they are in force; and this provision simply says—in effect—that while Members may differ as to their views, the House did approve all of these resolutions and, therefore, it is proposed that we make them permanent law so that it will not be necessary to redecide these matters every 2 years. I should add that this sort of provision has been made for many, many years in appropriation bills with respect to various housekeeping matters of the House.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of California. Yes, I yield further to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding further, and having the statement of the distinguished chairman of the Appropriations Committee. There is no question about that. But the fact remains that these resolutions are not yet enacted into permanent law, and the fact remains that we are vamping them into law by this resolution which takes away the rights of a Member to object or to make a point of order against them. By definition it is legislating on an appropriation bill. It is a shoddy way to proceed and I think it is poor legislating. It is poor also from the standpoint of the Committee on Appropriations and it is poor from the standpoint of the Committee on Rules, and I recommend that the resolution be voted down.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred and eighty-seven Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 308, nays 29, not voting 93, as follows:

[Roll No. 429]

YEAS—308

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Ashley
Aspin
Aspinall
Baring
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Boggs
Boland
Bolling
Bow
Brademas
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Colmer
Conable
Conte
Corman
Coughlin
Daniel, Va.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dickinson
Dingell
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kyl
Kyros
Latta
Leggett
Lennon
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Ware
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion

NAYS—29

Archer
Blackburn
Bray
Buchanan
Burke, Fla.
Collier
Collins, Tex.
Crane
Dennis
Devine
Gross
Haley

Hall
Hunt
Jonas
King
Landgrebe
McCloskey
McCollister
Poff
Price, Tex.
Rarick
Schmitz
Spence
Steiger, Wis.
Veysey
Whitehurst
Wylie
Young, Fla.

NOT VOTING—93

Abbitt
Abernethy
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Badillo
Baker
Belcher
Bell
Bingham
Blanton
Blatnik
Brasco
Brown, Mich.
Broyhill, N.C.
Burton
Byrne, Pa.
Casey, Tex.
Celler
Clark
Clay
Collins, Ill.
Conyers
Cotter
Culver
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Dellums
Dent
Derwinski
Diggs
Donohue
Dorn
Dowdy
Dwyer
Edwards, La.
Eilberg
Evins, Tenn.
Findley
Flynt
Fulton, Tenn.
Garmatz
Goldwater
Grasso
Griffiths
Gubser
Hagan
Hammerschmidt
Hathaway
Hawkins
Hébert
Holifield
Hull
Jones, Tenn.
Karth
Kluczynski
Koch
Kuykendall
Landrum
Lent
McClure
McKevitt
McMillan
Metcalfe
Mizell
Montgomery
Morse
Nedzi
Peyser
Poage
Pryor, Ark.
Pucinski
Quillen
Railsback
Roberts
Rodino
Rostenkowski
Rousselot
Runnels
Sarbanes
Scott
Sikes
Slack
Teague, Tex.
Thompson, N.J.
Thone
Waggonner
Wampler
Wright
Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Andrews of North Dakota.

Mr. Hébert with Mr. Gubser.

Mr. Waggonner with Mr. Ashbrook.

Mr. Holifield with Mr. Bell.

Mr. Blatnik with Mr. Brown of Michigan.

Mr. Daniels of New Jersey with Mr. Findley.

Mr. Dent with Mr. Hammerschmidt.

Mr. Evins of Tennessee with Mr. Kuykendall.

Mr. Garmatz with Mr. Belcher.

Mrs. Grasso with Mr. Goldwater.

Mr. Hull with Mr. McClure.

Mr. Karth with Mr. Zwach.

Mr. Kluczynski with Mr. McKevitt.

Mr. Abernethy with Mr. Broyhill of North Carolina.

Mr. Montgomery with Mr. Mizell.

Mr. Sikes with Mr. Baker.

Mr. Nedzi with Mr. Peyser.

Mr. Rodino with Mrs. Dwyer.

Mr. Rostenkowski with Mr. Lent.

Mr. Fulton of Tennessee with Mr. Quillen.

Mr. Roberts with Mr. Derwinski.

Mr. Slack with Mr. Railsback.

Mr. Andrews of Alabama with Mr. Rousselot.

Mr. Blanton with Mr. Scott.

Mr. Abbitt with Mr. Thone.

Mr. Anderson of Tennessee with Mr. Wampler.

Mr. Hathaway with Mr. Badillo.

Mr. Burton with Mr. Metcalfe.

Mr. Byrne of Pennsylvania with Mr. Conyers.

Mr. Clark with Mr. Collins of Illinois.

Mr. Culver with Mr. Clay.

Mr. Donohue with Mr. Morse.

Mr. Eilberg with Mr. Hawkins.

Mr. Flynt with Mr. Koch.

Mr. Hagan with Mr. Pryor of Arkansas.

Mr. Pucinski with Mr. Diggs.

Mr. Sarbanes with Mr. Dellums.

Mr. Dorn with Mr. Dowdy.

Mr. Alexander with Mr. Bingham.

Mr. Casey of Texas with Mr. Brasco.

Mr. Davis of Georgia with Mr. Cotter.

Mr. Davis of South Carolina with Mrs. Griffiths.

Mr. Jones of Tennessee with Mr. Landrum.

Mr. Teague of Texas with Mr. McMillan.

Mr. Wright with Mr. Runnels.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Bow) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11955, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from Texas (Mr. MAHON) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Bow) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this supplemental appropriations bill consists of nine chapters, including the customary chapter providing for various claims and judgments, and the chapter including the general provision concerning the obligation of funds.

I think it would be in the interest of orderly procedure for us to dispense with extended general debate and read the bill for amendment under the 5-minute rule and let the House work its will in connection with the various items which are contained in the bill and which might be considered otherwise.

Mr. Chairman, this bill provides for a total appropriation in the sum of $756 million; approximately three-quarters of a billion dollars.

Two-thirds of the money in this bill is for mandatory payments under existing law. It is inescapable that Congress will have to provide these funds. For example, under the Federal Coal Mine Health Safety Act of 1969, $289 million is provided. Congress has passed the law, and these funds are required. In this bill $216 million is provided for the Postal Service. This has to do with the transition to the Postal Corporation, and there is no alternative we have other than to provide the funds.

Then there are numerous items in the bill for many agencies of the Government for many purposes and I would suggest, Mr. Chairman, that it seems appropriate that as the bill is read that the Committee of the Whole House can give consideration to any section of the bill that it may desire to consider.

I shall not take time to make an extensive statement at this time, but rather having received unanimous consent to do so, I will insert a summary table showing the funds that are provided under the several titles of the bill for the various agencies such as the Departments of Interior, Labor, and Health, Education, and Welfare, the legislative branch, the Departments of State, Commerce, Transportation, and Treasury and the Postal Service.

I shall also insert a summary narrative statement.

The material referred to is as follows:

GRAND TOTAL OF THE BILL

The grand total of new budget (obligational) authority recommended in the bill is $756,282,654, a reduction of $13,058,500 from the $769,341,154 requested in the estimates and considered by the Committee.

The Committee also recommends $20,000,000 in appropriations to liquidate contract authority and $5,846,100 in transfers. Neither of these sums involve increases in new budget (obligational) authority.

BILL HIGHLIGHTS

Just over two thirds of the funds recommended in the bill are for payments that are mandatory under existing law. These include $289,696,000 for benefit payments resulting from increased numbers of claims and appeals under the Federal Coal Mine Health and Safety Act of 1969; $216,400,000 in connection with transition of the Postal Service as set forth in the Reorganization Act; and $19,029,734 to pay claims and judgments rendered against the United States.

Funding for health and safety programs recommended in the bill include $5,250,000 for safety inspections, technical support, investigations, and rescue work needed to meet requirements under the Federal Coal Mine Health and Safety Act, and $9,572,000 (including $1.9 million by transfer) for increased inspection and improvement of nursing home care.

The Committee also includes the following recommendations for employment and labor relations activities: $41,700,000 to accelerate work on water resources projects for States having major labor areas with unemployment in excess of 8%, and a limitation increase of $4,500,000 to provide job development and placement services for veterans in connection with the program established by Executive Order 11598.

OUTLAY REDUCTION

The Committee estimates that its recommendations will have the effect of reducing budget outlays for 1972 by approximately $12,500,000 from amounts estimated for the items considered in connection with the bill.

TABULAR SUMMARY

The following table summarizes by chapter the revised budget requests and the amounts included in the bill:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—SUMMARY

Chapter No.		Budget estimates	Recommended in bill	Bill compared with estimates
I	Interior and related agencies:			
	New budget (obligational) authority	$22,576,000	$8,170,000	−$14,406,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	
	Transfers	(4,172,000)	(3,746,100)	(−425,900)
II	Labor and Health, Education, and Welfare:			
	New budget (obligational) authority	333,439,000	334,439,000	+1,000,000
	Transfer	(1,900,000)	(1,900,000)	
III	Legislative: New budget (obligational) authority	23,668,420	23,549,920	−118,500
IV	Public Works—AEC: New budget (obligational) authority	41,700,000	46,500,000	+4,800,000
V	State, Justice, Commerce, and Judiciary: New budget (obligational) authority	43,292,000	42,094,000	−1,198,000
VI	Transportation:			
	New budget (obligational) authority	58,044,000	55,544,000	−2,500,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	
	Transfer		(200,000)	(+200,000)
VII	Treasury, Postal Service and General Government: New budget (obligational) authority	227,592,000	226,956,000	−636,000
VIII	Claims and judgments	19,029,734	19,029,734	
	Grand total:			
	New budget (obligational) authority	769,341,154	756,282,654	−13,058,500
	Appropriation to liquidate contract authority	(20,000,000)	(20,000,000)	
	Transfers	(6,072,000)	(5,846,100)	(−225,900

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Chairman, I certainly want to take this time to compliment the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. Mahon), for in my judgment, an outstanding job on such a complex number of important problems that confront the country, and the Congress.

But, Mr. Chairman, my specific purpose here is to call the attention of the House to the fact that the school districts in at least 15 States, Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, Washington, and West Virginia, under title I of the Education Act will get less than they received last year. And one county in my congressional district is anticipating a loss of at least $100,000. It has brought about such financial embarrassment that they are going to have to cut off, unless the money is added, some 24 special education teachers.

In making appropriations for title I on June 30 of this year it never was intended that any school district in the country would receive less. But I want to point out that the Secretary of Health, Education, and Welfare and the Office of Education have not given to me, and I have called upon them for a satisfactory explanation, but they have not given any as of this date.

Time is running out. We must act now to provide additional funds. I am advised that it will take approximately $32,079,478 to insure that these States that I mentioned will receive as much money as they received last year, so that the school districts within these States can at least maintain last year's program levels.

My colleagues will recall that thanks to the prompt action of the chairman of the Appropriations Committee, the gentleman from Texas (Mr. Mahon) and the chairman of the Education Appropriations Subcommittee, Mr. Flood of Pennsylvania, the Congress acted expeditiously in passing the appropriations bill for the U.S. Office of Education for fiscal year 1972.

This bill, H.R. 7016, finally cleared both Houses of the Congress on June 30 and went to the White House. This action enabled the U.S. Office of Education to make prompt notification to all of the States on the allocations to local educational agencies for title I purposes.

Certainly this could have been done prior to the beginning of school in September when schools would need to begin using these funds.

The first inkling that I had that there were to be reductions was late in November when States had not even then received notice of their final allocations for the current academic year.

Mr. Chairman, at this point in the Record I would like to insert the list of the States which I am advised will receive reductions as a result of the U.S. Office of Education allocations and the amounts of those reductions over fiscal year 1971 allocations.

The table follows:

State	1971 allocation	1972 allocation	Decrease
Alabama	$40,257,134	$36,617,250	$3,639,884
Arkansas	24,214,456	22,251,414	1,963,042
Georgia	39,947,788	36,197,932	3,749,856
Kentucky	37,131,906	33,755,352	3,376,554
Louisiana	34,683,312	32,268,324	2,414,988
Mississippi	42,074,152	38,105,822	3,968,330
Missouri	25,579,100	24,449,299	1,129,801
North Carolina	56,260,988	52,532,926	3,728,062
Oklahoma	18,199,914	17,338,006	861,098
South Carolina	34,313,121	34,256,587	56,533
South Dakota	6,266,048	6,002,025	264,023
Tennessee	36,288,395	33,172,359	3,116,036
Virginia	33,803,541	32,278,380	1,525,161
Washington	12,255,022	12,109,147	145,875
West Virginia	20,524,496	18,385,071	2,139,425
Total			32,079,478

Mr. Chairman, these States and the local educational agencies within them are extremely hard pressed financially to support education programs. If these cuts are allowed to remain, essential programs serving thousands of children will have to be drastically reduced.

Illustrative of the chaos that has been produced in the education community are the large number of communications that I have received from educators throughout Kentucky which I insert in the Record at this point:

November 24, 1971.

Dr. S. P. Marland,
U.S. Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

Dear Dr. Marland: It is with deep concern and a sense of frustration that I write to you concerning the news item that has indicated a reduction of the FY 1972 Part A Title I Grant for Kentucky (Courier-Journal, Louisville, Ky., Friday, Nov. 19).

We initiated our Title I project operations for the 1971–72 school year anticipating at least the same amount of funds which we had the previous year. Now after three full months of the school year has passed we read that there is to be a cut in the Title I funds. Teachers, aides and other staff who were hired to implement the Title I project were employed for the full school term. Once a teacher is given a contract he will have to be paid for the full school year. Any reduction in our allocation of Title I funds from the past year would mean no funds for the already employed Title I personnel for at least 2¼ months. Since Wolfe County is a poverty county and since our school system operates on meager state funds, there is absolutely no way that these salaries could be added to the general school budget.

Needless to say we are extremely disturbed that your office would take such action, especially at this point in the school term when no advanced warning was given.

I strongly urge you to restore the funds for Kentucky's FY 1972 Title I Grant and to further work diligently to see that more funds are available through Title I. Our county could use to good advantage a 50% increase in Title I funds. It has proved to be the most effective means of reaching our educational disadvantaged and helping them to overcome their educational deprivation that plagues our area so intensely.

Most sincerely,

Frank Rose,
Superintendent, Wolfe County Schools.

Greenup, Ky.,
December 1, 1971.

Hon. Carl Perkins,
House of Representatives,
Washington, D.C.:

Please add 32 million to HR 11955. It is urgent that title I ESEA funds be restored. Greenup County schools will have to reduce staff and services during this school year unless funds are restored.

Sincerely,

Clifford Lowendback,
Superintendent.

Flemingsburg, Ky.,
December 1, 1971.

Congressman Carl Perkins,
U.S. House of Representatives,
Washington, D.C.:

We wish you to urge Congress to amend appropriation measure HR 11955 and add the 32 million dollars needed to restore title I grants to the level of FY71 grants in the 15 states which recently received a reduction for FY 72.

Martin Marlar,
Federal Coordinator,
Fleming County Schools.

Catlettsburg, Ky.,
December 1, 1971.

Hon. Carl Perkins,
U.S. House of Representatives,
Washington, D.C.:

Please urge the amendment appropriation measure HR 11955 and add 32 million dollars needed to restore title 1 grants to FY 1971 for 15 states which recently received reduction.

Nora Stallard,
Catlettsburg Independent School District.

Hazard, Ky.,
December 1, 1971.

Hon. Carl D. Perkins,
House of Representatives,
Washington, D.C.:

Please urge all congressmen to amend appropriation measure HR 11955 and add the 32 million dollars to restore title I grant to the level of fiscal year 1971 for fifteen states which recently received reduction in title I grants for fiscal year 1972.

Morton Combs,
Hindman, Ky.

Paducah, Ky.,
December 1, 1971.

Representative Paul Perkins,
House of Representatives,
Washington, D.C.:

Urgently need your help amend H.R. 11955. Replace needed funds title one.

David K. Stewart,
Superintendent, McCracken County Public Schools.

Hazard, Ky.,
December 1, 1971.

Representative Carl D. Perkins,
House Office Building,
Washington, D.C.:

Urge approval of appropriation for H.R. 11955 that would add 32 million dollars to restore title 1 grant to the level of FY 1971 for fifteen States which recently received a reduction in title 1 grants for FY 1972.

Roy G. Eversole,
Superintendent, Hazard City Schools.

Owingsville, Ky.,
December 1, 1971.

Carl Perkins,
House of Representatives,
Washington, D.C.:

There is a desperate need for amendment to appropriations measure H.R. 11955 add the thirty two million dollars needed to restore title 1 grants to the level of FY 1971 for the fifteen States which recently received a reduction in title 1 for FY 1972.

Darvis Estes,
Superintendent, Bath County Schools.

Winchester, Ky.,
December 1, 1971.

Hon. Carl D. Perkins,
Chairman, Committee on Health, Education, and Welfare, House Office Building, Washington, D.C.:

Request that H.R. bill 11955 be amended to add 32 million dollars needed to restore title 1 grant to the level of FY 1971 for 15 States which recently received a reduction for title 1 FY 1972.

Ernest R. White,
Superintendent, Clark County Schools.

Jackson, Ky.,
December 1, 1971.

Hon. Carl D. Perkins,
House Office Building,
Washington, D.C.:

It is urgent that House bill HR 11955 be amended to appropriate 32 million dollars to restore the level of last year's appropriation for the 15 states that reecived a reduction for the 1972 year.

Elizabeth Herald,
Jackson City Schools.

Jenkins, Ky.,
December 1, 1971.

Hon. Carl D. Perkins,
House of Representatives,
Washington, D.C.:

We urge you to support the amendment appropriation measure HR 11955 restoring title one grant to level MF FY 1971 any help will be appreciated.

Henry E. Wright,
Superintendent, Jenkins Independent Schools.

Hazard Ky.,
December 1, 1971.

Hon. Carl D. Perkins,
House of Representatives,
Washington, D.C.:

Please take every action to amend appropriation measure HR 11955 and add the 32 million dollars needed to restore title 1 grant to the level of FY 71 for the 15 states which recently received a reduction of the title 1 grants for FY 72.

Alex Everosole,
Superintendent, Perry County Board of Education.

Lynch, Ky.,
December 1, 1971.

Hon. Carl D. Perkins,
Rayburn House Office Building, Washington, D.C.:

Please amend HR 11955 and restore title one grants to level of FY 71 for the fifteen states which received a reduction FY 72.

Dr. Donald Hayes,
Superintendent, Lynch Independent School.

Williamstown, Ky.,
December 1, 1971.

Congressman Carl D. Perkins,
House Office Building,
Washington, D.C.:

I urge you to vote to amend House Bill 11955 to add 32 million dollars to restore title one grant to fiscal year 1971 levels in 15 States that are affected.

William L. Mills,
Superintendent, County Schools.

Campton, Ky.,
December 2, 1971.

Congressman Carl D. Perkins,
House of Representatives,
Washington, D.C.:

We urge Congress to amend H.R. 11955 and add 32 million dollars needed to restore the title 1 grant to the level of FY 1971 for 15 States which recently received a reduction in title 1 grants for FY 1972.

Frank Rose,
Superintendent, Wolfe County Schools, Campton.

Lexington, Ky.,
December 2, 1971.

Representative Carl D. Perkins,
House Office Building,
Washington, D.C.:

I urge you to amend the appropriation measure H.R. 11955. We will lose approximately 70 thousand of title one funds with the cut back restore funding to FY 1971 level for the fifteen States that have received cut backs.

G. S. Potts,
Superintendent, Fayette County Schools.

Vanceburg, Ky.,
December 2, 1971.

Congressman Carl Perkins,
House of Representatives,
Washington, D.C.:

Please take every action to amend appropriate measure H.R. 11955 and add 32 million dollars needed to restore title 1 grant to the level of fiscal year 1971 for 15 States which recently received reduction in title 1 grants for fiscal year 1972.

Foster Sid Meade,
Superintendent, Lewis County Schools, Vanceburg, Ky.

Manchester, Ky.,
December 1, 1971.

Hon. Carl D. Perkins,
House Office Building,
Washington, D.C.:

Urge you to amend appropriations measure HR 11955 and add the 32 million to restore title one grant to level of FY 1971 for fifteen States which recently received title one grant for FY 1972. Clay County Board of Education.

Mallie Bledsoe,
Superintendent, Clay County Schools.

Ashland, Ky.

Hon. Carl D. Perkins,
House Office Building,
Washington, D.C.:

We urge you to be for and use your influence to secure the amendment to appropriation measure HR 11955 and add the 32 million needed to restore title 1 grants to the level of FY 1971 for the States which recently received a reduction in title 1 grants for FY 1972.

Edward W. Mathis,
Superintendent, Ashland Public Schools.

Whitesburg, Ky.

Hon. Carl D. Perkins,
House Office Building,
Washington, D.C.:

Please take every possible action to amend appropriation measure HR 11955 and add the 32 million dollars needed to restore title one grant to the level of FY 1971 for fifteen states which recently received a reduction in title one grant for FY 1972.

Kendall V. Boggs,
Superintendent, Letcher County Schools.

Frankfort, Ky.

Hon. Carl D. Perkins,
House Office Building,
Washington, D.C.:

Strongly urge you to amend appropriation measure H.R. 11955 and add 32,000,000 dollars needed to restart title one grants to the level of FY 1971 for the 15 States which recently received a reduction in title one grants for FY 1972. Thank you.

Wendell P. Butler,
Superintendent of Public Instruction, Kentucky Department of Education.

Beattyville, Ky.,
December 1, 1971.

Carl D. Perkins,
House Office Building,
Washington, D.C.:

We are urging you to amend appropriation measure H.R. 11955 and add the 32 million needed to restore the title one grant to the level of fiscal year 1971 for fifteen States which recently received a reduction in title one grant for fiscal year 1972.

Sedley Stewart,
Superintendent, Lee County Schools.

Russell, Ky.,
December 1, 1971.

Hon. Carl Perkins,
Washington, D.C.:

We urge you to amend the appropriation measure H.R. 11955. Add 32 million needed restore Title 1 grant to level FY 1971 for 15 States which recently received a reduction in Title 1 grant for FY 1972. Thank you.

Eunice Harper,
Raceland Worthington School, Raceland, Ky.

Maysville, Ky.,
December 1, 1971.

Congressman Carl Perkins,
House Office Building,
Washington, D.C.:

Please amend H.R. 11955 and add 32 million to restore Title 1 to FY 1971 level.

Earle D. Jones,
Superintendent Maysville Schools.

Russell, Ky.,
December 1, 1971.

Hon. Carl Perkins,
House of Representatives,
Washington, D.C.:

We urge your support in amending appropriations measure H.R. 11955 and add the 32 million dollars needed to restore Title 1 grant to the level of FY 1971 for 15 States which recently received a reduction in Title 1 grant for FY 1972.

Logan H. Perry,
Superintendent, Russell Independent School District.

Mr. Chairman, let me at this point again commend the chairman of the Appropriations Committee, the gentleman from Texas (Mr. Mahon) for his concern over this matter, to the gentleman from Pennsylvania (Mr. Flood), and to my distinguished Kentucky colleague and member of the Appropriations Committee, Mr. Natcher, who I am sure will work diligently to resolve this matter.

I have discussed personally the need for these additional funds with Senator Ellender, of Louisiana, and Senator Magnuson, of Washington, and I feel confident that the basis for agreement now exists so that the critical problem confronting these schools may now be resolved.

I commend the work of the committee on these important appropriation matters.

Mr. BOW. Mr. Chairman, I yield myself such time as I may use and will be glad to yield to anyone for the purpose of extending their remarks at this time.

(Mr. MICHEL asked and was given permission to revise and extend his remarks.)

Mr. MICHEL. Mr. Chairman, as the chairman indicated, this bill contains eight items which were considered by our Labor-HEW Subcommittee.

The first is $4,500,000 to provide for the employment of 500 veterans of the Vietnam war to augment State employment service staffs in securing jobs for veterans. A central feature of the program established by Executive Order 11598 is the requirement that agencies, contractors, and subcontractors funded by the Federal Government list their job openings with the employment service. Job openings are expected to increase by 4,400,000 above the 6,500,000 openings anticipated prior to issuance of the Executive order.

To maintain State staff, currently allocated to provide services to veterans, an additional $2,100,000 is required for this fiscal year. An additional $2,400,000 is requested to be distributed to areas where mandatory job listings and applications from returning Vietnam veterans cause the heaviest workload. This is the full amount requested by the Manpower Administration of the Department of Labor.

The second item is $1,800,000 for salaries and expenses for the Bureau of Labor Statistics, to update and revise the Consumer Price Index. This would be in addition to $4,310,000 already appropriated for fiscal year 1972 for this purpose. The Department told us that this amount is necessary "to take care of increased expenses anticipated by the Bureau of the Census which is conducting, for the Bureau of Labor Statistics, the massive and complicated consumer expenditure survey, the heart of the revision program."

The Consumer Price Index, of course, is our primary indicator of changes in prices, and the purpose of the revision is to update the index so that it reflects as accurately as possible the economy and the buying patterns of the seventies. I do not believe I need to emphasize the importance of this in our current economic situation.

We were advised by the Department that—

> Costs for the consumer expenditure survey have risen beyond original expectations because of recent changes in survey plans that have been made in cooperation with OMB and the Bureau of the Census.

The new methodology would be to have the Bureau of the Census conduct a quarterly household survey of consumer expenditures beginning in January.

The third item is $9,572,000 for an intensive effort by the Department of Health, Education, and Welfare to improve standards in nursing homes. On August 6 the President called for much greater Federal attention to the problems of nursing home residents, and outlined an eight point program designed to upgrade the quality of care received in nursing homes. This supplemental, we are told, will implement most of the President's plan.

While nursing home standards are set by the respective agencies in Washington—Social Security and SRA—the implementation of the standards, inspection and compliance issues are resolved by the States, and that is where the problems are.

A portion of this supplemental would establish three new university training programs for nursing home inspectors, and expand the three existing programs. Training courses would be set up for persons who work in nursing homes, and new State investigative units would be set up. Federal monitoring of State survey agencies would be increased. And, as stated in our committee report, we expect that special emphasis will be placed on improved fire inspection.

The fourth item is $19,672,000 to continue the civil rights education program, as authorized by title IV of the Civil Rights Act of 1964 at last year's level of spending plus mandatory increases for personnel as again provided by law.

Fifth, we have provided $289,696,000 for benefits under the Federal Coal Mine Health and Safety Act of 1969—the black lung program. Benefit payments under this legislation have been much higher than anticipated when the regular budget estimates for fiscal 1972 were prepared. And, despite the fact that the Social Security Administration has been denying about 52 percent of the claims, this program is going to continue to be an expensive one in the future.

Based on the present operation of the black lung program, the costs are estimated at $548 million for this fiscal year, $538 next year, $515 million in 1974, $491 million in 1975, $468 million in 1976, and $447 million in 1977. And this does not even take into account the additional expenditures which would be required if the recently passed House bill is enacted. In that case, we would have to add $237 million to fiscal year 1972, $275 million to 1973, $276 million to 1974, $302 million to 1975, $273 million to 1976, and $259 million additional to the 1977 figures.

In summary, Mr. Chairman, this could result in total expenditures for this program in fiscal year 1972 of $785 million; in 1973 it would increase to $813 million; in 1974, $791 million; and then a slight decline each year far away until the year 2000 or beyond.

The sixth item is $1,500,000 for loans under the District of Columbia Medical Facilities Construction Act of 1968. This, along with funds previously appropriated will make the full amount authorized by that act available to nonprofit private facilities in the District of Columbia.

Seventh, we have recommended $13,209,000 for planning and construction of 13 Howard University construction projects previously approved. And, I must add that I am quite unhappy over the circumstances leading up to this request. This $13 million was requested to replace funds that had been "borrowed" or reprogramed from other projects in order to award the contract for construction of Howard's new teaching hospital.

Now, I have no quarrel with building the hospital, per se, despite the fact that out in Peoria we have started a new medical school without a "teaching" hospital. We are going to teach doctors in our existing community hospitals. But, two things about this particular appropriation are very disturbing.

In the regular appropriation bill for 1970, we appropriated $22,200,000 for construction of this hospital, as Chairman Flood pointed out during our supplemental hearings. Then we had to appropriate another $7.7 million because we were told that the first estimate was too low. Now, we are told that the hospital will cost some $43 million.

And, on top of this apparent lack of ability to estimate accurately, our committee was notified in August that if we did not object within 3 days, this $13 million would be reprogramed to let the hospital contract. I think our committee report reflects my feelings on this very well, when it says:

> In the future, the Committee will expect to be informed of proposed reprograming actions in a more timely manner. Furthermore, the Committee believes that there should be a thorough review by HEW and the General Services Administration of the present procedures for developing cost estimates for construction projects and for assuring that architects and engineers design construction projects within the limits of the funds budgeted and appropriated for them. Funds for planning a new Howard University Teaching Hospital to replace the present Freedmen's Hospital were first appropriated more than ten years ago. There is no excuse for either the unconscionable delay in getting this badly needed facility under way, or for the unrealistic cost estimates which have been associated with it.

Finally, the last item under our jurisdiction is $890,000 for the Cabinet Committee on Opportunities for Spanish-Speaking People. These funds were not included in our regular Labor-HEW appropriations bill because the legislative authority for the committee's activities expired on June 30 of this year, and the new authorization was not approved in time to put these funds in the bill.

Mr. SCHERLE. Mr. Chairman, I thank the gentleman from Ohio.

Mr. Chairman, if the distinguished gentleman from Illinois (Mr. MICHEL) would yield for a brief comment. It is my understanding that there are no funds in this bill for the Comprehensive Health Manpower Act which just became law. Of particular interest to me is the money which would allow additional construction of various schools such as medicine, dentistry, and veterinary medicine. It is my understanding that the act authorizes $225 million for this fiscal yield for all of these schools and that this administration has agreed to allow $82 million in the budget. I also understand that the other body's Appropriations Committee is marking up a supplemental bill which will include some of these funds. When you gentlemen go to conference, I hope you will make it clear in your final report that a minimum of at least one school of veterinary medicine should be funded. Iowa State University at Ames, Iowa, is presently in the process of building a new school of veterinary medicine. They have received $6.8 million for phase I construction, and if they could receive $6 million from this appropriation by next spring, then they could combine these two phases and there would be a saving of around a million dollars on the project. The need for the highest quality instruction in veterinary medicine, and its benefits for both the consumer and producer of America's food products, should be obvious to all.

Mr. BOW. I yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman yielding.

Mr. Chairman, to make a very quick response to the gentleman's question, there was a supplemental request for some $350 million that is in hand, but in view of the developments here and pending adjournment, I doubt very much whether we will be going through the motions of a full dress hearing on the House side with the expectation that after the Senate acts we can arrive at a mutually satisfactory figure in conference.

I can assure the gentleman there is certainly going to be money in this bill to implement the health manpower act because there was provision for money in the original budget but not in exactly the same amount.

Mr. SCHERLE. I thank my colleague from Illinois and my colleague, the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I am in agreement with the distinguished chairman of our committee (Mr. MAHON). I think we can expedite the work of the evening if I yield no further.

Mr. ST GERMAIN. Mr. Chairman, in view of the needs in my district, I deeply regret that the committee bill does not contain school construction funds under Public Law 81–815—legislation passed by the Congress to aid federally impacted areas. When the Committee in its deliberations on Tuesday did not adopt an amendment to add $200 million under the 815 program I was greatly disappointed. Hopefully the Senate will act and approve $200 million for this purpose in their version of the bill. When that happens I earnestly hope and pray that the House conferees will recognize the imperative need for this funding and agree to the Senate's decision.

To illustrate the situation which faces many school districts throughout the country, I want to describe the problem which confronts Middletown, R.I.—a school problem which has been thrust upon Middletown by the Federal Government through the presence of a large naval facility.

The Middletown Public School District is impacted by more than 3,000 children of military personnel. This constitutes 62 percent of the total school population. As a result of new family housing for military personnel, the number of school children in the area has now exceeded the capacity of the schools.

During the school year 1970–71, Navy families moving into new housing built near the base added 450 additional children to the rolls of the public schools. This year another 300 children were expected as a result of another new housing development. Construction continues and another project is expected to be occupied by September of 1972. Since authorities at the Newport Naval Base indicate a continuing shortage of housing to the extent of 1,500 to 2,000 family units, the number of school-aged children of Navy families in the Middletown School District will continue to grow as more housing is built.

As of November 1 of this year there were 315 more students enrolled than the schools have capacity for. Due to the continuing construction of new housing, it is now estimated that by September 1972 there will be at least 700 "unhoused" children.

The Middletown School Committee several years ago foresaw the increase in enrollment and, in November of 1968, applied for school construction funds under Public Law 815. HEW processed the application and established an entitlement of $1,100,000. Since that time Middletown has not received one cent of school construction funds from HEW in spite of the tireless efforts of its school superintendent, Joseph Gaudet. The administration simply does not request sufficient funds for this program.

Are the children of Navy personnel to be turned away at the door? It seems to me that the Federal Government has a clear and undeniable responsibility to see to it that there is adequate classroom space for these children. Are they to be relegated to whatever temporary and makeshift quarters that can be found with a roof over it? I do not think that these children of our Navy men should be treated like second-class citizens. They deserve as good a school as any one else.

The situation I have described is not unique to Middletown. It is happening in many other communities in many other States. Why should the permanent residents of communities like Middletown be expected to build schools for the children of U.S. military personnel? Local taxes would have to be raised. The cities and towns simply cannot afford that. Nor would it be fair. That was recognized when Congress passed Public Law 81–815. But it must not be recognized only in principle; it must be recognized in fact. Money must be appropriated.

By including $200 million in this appropriation bill the Senate could save the day, and the House would then have the chance to ratify that action and be responsive to this situation.

Let me conclude by citing the text of a resolution passed by the Middletown School Committee on August 12, 1971. I think it deserves the attention of the Members of this body:

RESOLUTION ADOPTED BY THE SCHOOL COMMITTEE, AUGUST 12, 1971

> The School Committee views with increasing alarm the present shortage of classrooms for the school population in this district that continues to grow at the rate of 10 to 12 percent annually. At least 90% of the growth factor is attributable to the influx in this community of Navy families who are availing themselves of new housing being built in the immediate area of this Naval military base. During the school year 1970–71, 300 family units were newly built and occupied by Navy families from which came 450 school-aged children. All of these children were enrolled in the Middletown Public Schools, including a leased building on the Newport Naval Base. During the 1971–72 school year we anticipate at least 300 more children from another housing development which will be completed and occupied by Christmas. During 1972–73, 210 more children are anticipated from a 140-family-unit addition presently under construction. None of these statistics include a normal Town-wide growth of from 100 to 150 children per year.
>
> This Committee, anticipating the new government housing construction for the military personnel and their families at this military base—the Newport Naval Base, filed an application for school construction funds under the provisions of Public Law 815 in November of 1968. The application was processed in Washington by the Department of Health, Education, and Welfare in June of 1969 and an entitlement of $1,100,000 was established. Repeated inquiries ad-

dressed to the Secretary of Health, Education, and Welfare and to the U.S. Commissioner of Education have been fruitless. We have been told that there are (were) "insufficient funds", funding of Public Law 815 is (was) a "low priority" compared to other national needs and most recently that "shared revenues to the States" represents our best hope for the solution of this problem. Our continuing contacts with the Rhode Island Congressional delegation lead us to the belief that administration policy places a low priority on "impacted areas" aid and that the needed funds to implement the authorizing legislation of Public Law 815 are not being requested of the Congress. Thus, and for whatever reasons, we face a serious classroom shortage which under existing conditions will precipitate a situation where this committee will be forced to declare the inability of the town of Middletown to accommodate 500 to 1,000 children in classrooms by the school year 1972–73. In view of the fact that more than 90% of these unhoused children would be those of military personnel we deplore the possibility of such a crisis and plead for the immediate attention of the Department of Health, Education, and Welfare.

The school committee for the town of Middletown, solicitous for the educational welfare of all the children in this district, asks for the immediate release of federally-entitled funds under Public Law 815 or under any other appropriate vehicle so that a school may be built for the children of military personnel assigned and located at this military base—the Newport naval base.

Mr. PICKLE. Mr. Chairman, I rise in support of Mr. ROONEY's amendment.

Unless the Congress takes additional affirmative action, the special public works impact program will not be fleshed out with enough working muscle. EDA has a congressional mandate to spend from 25 to 35 percent of their funds in this program—but, unless more funds are forthcoming, EDA has little choice but to go with the low figure and earmark only 25 percent of their available funds. The amount proposed under the amendment will not provide for full funding, but it will help a lot. Let me point out two major benefits which are significant and immediate:

We are told that some $60 million in requests are now pending in Washington for these funds—but that is only the tip of the iceberg. Out at the regional level, there is approximately five or six times this amount. Obviously, we cannot fund each and every project, but we can do a better job of filling the needs of our communities across the Nation.

The popularity of this program is obvious—but I think it is important that we examine the reasons why it is so popular. First, it will enable many smaller communities to engage in long-needed public works projects which they could not otherwise afford to go alone on.

But, the most significant aspect of the public works impact program is not something that can be measured in yards of concrete poured, miles of streets paved, or numbers of community houses built.

Perhaps the single most significant fact of this program is the fact that it creates jobs. Jobs for low-skilled or unskilled workers. Jobs that will not add to the inflationary spiral—jobs that will have the effect of taking people off welfare and giving them the chance to work—and we know that many do want to work if only we can provide them with honest work.

Time is a key element in this program. Jobs will be created immediately. Plus, no project will be approved which cannot be completed within 12 months. We have the bonus feature in the regulations which clearly spells out that the work force must come from the project areas.

Obviously, Mr. Chairman, we have the rare opportunity to do something for the neglected parts of town—and for the neglected people. In Austin, Tex., alone, we are seeking funds for a parks and recreation program which will provide approximately 100 jobs. Think of the impact of 100 jobs.

I urge my colleagues to join in support of this amendment.

Mr. O'NEILL. Mr. Chairman, I rise at this time in strong support of the committee amendment to include the provision for construction on the Charles River project in Massachusetts, because of the critical unemployment situation in New England.

As my colleagues know, this project, which was authorized under the 1968 Flood Control Act, is in my district. To complete preconstruction planning, the project was funded $225,000 in the fiscal year 1972 public works appropriation. This preconstruction project will be completed early in 1972.

I have interceded on behalf of the Charles River project for the commencement of the construction in early 1972. If there are no funds for construction to get this project underway, there will be no construction on the project until sometime in 1973. That means that the Boston-Cambridge area will have to wait a year before the construction of the dam will begin. The project will lie idle after the planning is completed. A year from now labor costs will have risen and costs of materials for construction will have increased. The project will then cost more than the original estimate of $31.8 million.

The Boston-Cambridge area is a highly developed urban and industrial part of Boston and its suburbs, an area which has a high rate of unemployment. This area now has the highest unemployment of the construction industry in that area in its history. If this project does not get underway this spring, the economy of the area will be severely crippled. With the supplemental appropriation of $400,000 to begin construction of the dam as soon as the planning is completed, the Boston-Cambridge area will be alleviated of some of its unemployment problems. The construction of the dam will boost the economy of the area.

I have spoken with people in the construction industry, both management and labor. They are unanimous in their appeal that the construction of the dam be moved along at a rapid pace to help relieve the unemployment problem. A public works project, in which preconstruction planning has been completed at an early stage, and which construction can be started as soon as the planning has been completed, should be considered in the supplemental appropriations. Any delay in the construction of the Charles River Dam, especially a delay of 9 months, would be extremely detrimental to the economy of the area. I am especially grateful to the committee for including provisions in its supplemental for this project.

Mr. RANDALL. Mr. Chairman, I shall support H.R. 11955. However, in reading the report during general debate of this supplemental appropriations bill, at page 26, I noted there were some additional funds allocated to certain water resources projects under construction in States having major labor areas of unemployment in excess of 8 percent. Now, I am not certain of the latest figures on unemployment in the Fourth Missouri District, but I believe there may be portions of the district in which unemployment equals 8 percent.

It was my understanding there would be a supplemental item included in H.R. 11955 for the Truman Dam and Reservoir, formerly known as the Kaysinger project in our district. We understood that the Bureau of the Budget had agreed to supplemental increments of $7,600,000. Of course, I was distressed to note this item had not been included in the bill or report.

Notwithstanding, during the course of debate I have ascertained that this increment for the Truman—Kaysinger—project arrived from the Budget Bureau too late to be included in the supplemental list. Under the policy adopted by an appropriations committee there had to be established a cutoff date. Our committee requested any further supplementals be sent to the other body to be included on that side of the Congress and to be considered by the House in a conference report.

Now, Mr. Chairman, at this late hour, at approximately 9 p.m., rather than offer an amendment and risk possible rejection, because of the temper of the House I have good information, that this figure submitted by the Bureau of the Budget has been included in the Senate supplemental. I have just learned that the appropriate Senate committee has this very night included our item in the Senate supplemental bill.

Because of these reliable assurances that this item came to the House committee too late to be included in its bill and, rather than risk an adverse decision at such a late hour, I shall take the course of continued conversations with the House conferees to be sure that the $7.6 million item is accepted in conference. As matters stand our side of the Congress may seem to have closed its ears to some 30 supplementals all involving necessary water resources projects. But what would seen to be true is not in accordance with the facts. The true facts are that our committee on the House side adopted a fixed and firm cutoff date and there was no way to reverse itself in the closing days of this session. Now the other body may receive the commendation for the addition of these funds. For my part it is too late to worry about who gets the credit, as long as the funds are included in the final conference report which are desperately needed not simply to accelerate work on the Truman—Kaysinger—project but to prevent or avoid an order to suspend construction of work in the late spring because of depleted appropriations.

Mr. VANIK. Mr. Chairman, in the last 2 weeks I have begun to receive complaints about inadequate funding of section 13 of the School Lunch Act—a section of the law which provides feeding assistance to low-income children in day care centers, Headstart centers, summer camps, and so forth.

For example, the level of compensation per child, per day, has been cut in the District of Columbia from 30 cents for lunch to 15 cents in an effort to stretch the District's allotment throughout the entire school year.

In my State of Ohio, we have been allotted $630,000 by the Department of Agriculture, but our documented need is double that—$1.26 million. A large number of other States have similar deficiencies.

The program is important because, in many, many cases, the meals which the children receive under this program is the only real nutrition they get in any one day.

Is it possible that money for the States which are short of funds for this program can be obtained by some reallocations from States which may not be using their moneys?

Mr. MAHON. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $160,000.

Mr. MAHON. Mr. Chairman, I move to strike out the last word and yield to the gentlewoman from Washington (Mrs. HANSEN) to respond to a question which I understand has arisen.

Mrs. HANSEN of Washington. I thank the distinguished chairman.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from South Dakota (Mr. ABOUREZK).

Mr. ABOUREZK. I thank the Chairman.

I just want a point of clarification. On forest roads and trails running to $10 million on line 16—is any of that money intended to be used for building forest roads and trails in the Black Hills National Forest in South Dakota?

Mrs. HANSEN of Washington. If I may respond to the distinguished gentleman from South Dakota—this is simply for the liquidation of obligations for work already in progress. Authority for construction of new roads is contained in the Federal-Aid Highway Act.

Mr. MAHON. Mr. Chairman, I yield further to the gentleman from South Dakota.

Mr. ABOUREZK. On page 13 of the bill, line 10 through line 12—is the same thing true there?

Mrs. HANSEN of Washington. Perhaps the gentleman from Massachusetts, who is on the Transportation Subcommittee, could comment on that.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. BOLAND), a member of the subcommittee who is present.

Mr. BOLAND. The response is exactly the same. This is for the liquidation of contract authority.

Mr. ABOUREZK. I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Missiouri.

Mr. HALL. I appreciate the gentleman's yielding. I wonder if he would care under the 5-minute rule, since there is little time available and since we are trying to expedite consideration of this bill, to explain lines 4 through 16 on page 8, the "administrative provisions," and I particularly refer to making into permanent law House Resolution 533, which we discussed during consideration of the rule.

Mr. MAHON. House Resolution 533 provided additional funds for personnel in the Office of the Speaker. It went into effect last July 1. I know from first-hand knowledge that the Speaker does need this additional professional help to discharge his responsibilites. He has needed it for some time.

Mr. HALL. Of course, this is a question, if the gentleman will yield further, that has been frequently discussed on the floor of the House. It has been deleted based upon a point of order. It has been voted down after explanation. But in view of the four offices and all the personnel and the additional emoluments we have given the Speaker at the beginning of this Congress, I wonder if there is some explanation available that the Members could have as to why it suddenly becomes necessary to make a permanent law in this manner on an appropriation bill.

Mr. MAHON. If I may say to my colleague from Missouri, these people are now available to the Speaker. This is under the resolution which has been previously adopted. The bill now under consideration would initiate no new expenses for the Speaker. It would permit the Speaker to continue current practice under an existing resolution of the House into fiscal year 1973 and succeeding years. The object, of course, of this provision is to authorize the current practice in permanent law.

Mr. HALL. The gentleman does not mean to imply that House Resolution 533 is already law; does he?

Mr. MAHON. It is not of course law, but it is in force. The resolution was adopted by the House, of course.

Mr. HALL. But it has not been signed into permanent law.

Mr. MAHON. No; it is a simple resolution, as are most of the resolutions reported out of the Committee on House Administration with respect to housekeeping responsibilities of the House.

Mr. HALL. There is no manner or means by which the chairman of the Committee on Appropriations can fulfill the requirements of existing law, Public Law 918, I believe, of the 92d Congress, to show the need for this personnel, how much it will cost per annum, and whether or not there are any increases in existing personnel involved?

Mr. MAHON. The funds provided were limited to $50,000. I will read House Resolution 533 which was adopted on July 22, 1971:

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 3 additional minutes.)

Mr. MAHON. The resolution is as follows:

Resolved, That until otherwise provided by law, effective as of July 1, 1971, in addition to all other amounts provided by other provisions of law, there shall be paid out of the contingent fund of the House for compensation of the officers and employees of the Office of the Speaker of the House the sum of $50,000.

The provision in the bill now under consideration, to which the gentleman has referred, merely continues the present setup for the Speaker's office.

Mr. HALL. Does it in anywise include increases for any of the many employees of the Speaker?

Mr. MAHON. It is a lump-sum arrangement. He could hire five people at $10,000 or two at $25,000. The Speaker has wide latitude as to the precise utilization of personnel funds for his office.

Mr. HALL. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Texas yield?

Mr. MAHON. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I would like to commend the committee, and particularly the subcommittee headed by the gentlewoman from Washington, for the increase of 350 positions for mine safety inspection, plus the 25 positions added for the assessment of civil penalties.

I am particularly pleased that the Bureau of Mines has finally asked Congress for money and personnel to make assessments for violation of the Federal Coal Mine Health and Safety Act.

It is disturbing, however, to learn that for nearly a year and a half the Bureau of Mines has failed to make this request. The need for personnel and money for assessments should have been obvious to the Bureau early in 1970. But as usual the Bureau has been very slow to respond to the needs of health and safety. Even if the Bureau did not realize that they needed personnel and money for assessments early in 1970, they should have known this in November 1970, when the lawsuit which had held up the making of assessments was settled. Three months later in January 1971, the Bureau published its revised regulations for assessments and began its program of reducing the huge backlog of violations for which assessments had never been made. But at this time, no attempt was made by the Bureau to include in the administration's fiscal year 1972 budget request money for this important program. Instead, the Bureau was willing to rock along with only three people assigned the job of assessing and collecting civil penalties.

This failure of the Bureau to properly staff its assessment office has helped to defeat the very purpose of the civil penalties provision of the 1969 law which is to encourage compliance with the law and to protect the safety of coal miners Quite obviously, if the assessments are made in a timely fashion and collections are pursued, it would become uneconomic for coal operators to disregard the health and safety needs of coal miners. But the Bureau's persistence in failing to adequately staff its assessment office gave the operators an opportunity to flout the law.

Even now, I note from the hearings before the Committee that the Director of the Bureau of Mines is uncertain as to whether or not people and dollars included in this bill will be sufficient to handle the assessments. Moreover, he tells us that five of these new people will be roaming around the country to placate the coal operators who have received assessment orders rather than being here in Washington where they could serve a useful purpose in making the assessments initially. He also notes that some of these assessment people will be holding hearings. This appears to be inconsistent with the Interior Department's own regulations. Those regulations provide that hearing will be made by the Department's Office of Hearings and Appeals, and not by assessment officers of the Bureau of Mines.

I fervently hope that the Bureau of Mines will step up its assessment program and make it known to the coal operators of this Nation that if they do not abide by the health and safety requirements for coal miners, they will be assessing civil penalties that will hurt their pocketbooks.

Mr. Chairman. I include with my remarks a letter which I wrote to the Director of the Bureau of Mines on September 23, 1971, and the Director's response dated October 14, 1971:

Congress of the United States,
House of Representatives,
Washington, D.C., September 23, 1971.
Dr. Elburt F. Osborn,
Director, Bureau of Mines,
Department of the Interior,
Washington, D.C.

Dear Dr. Osborn: I have become increasingly disturbed by the lack of progress of your Bureau in assessing and collecting civil penalties against violators of the Federal Coal Mine Health and Safety Act of 1969. Congress intended that these penalties would encourage coal mine operators to be more health and safety oriented in the production of coal with the end result that the coal miner would be safer and healthier. But if the Bureau continues its lackadaisical pace in assessing and collecting penalties, the coal operators will have little incentive to institute and enforce health and safety in the mines.

I understand that the Bureau has assessed over $6.4 million in penalties but still has a huge backlog of violations for which assessments are warranted. Moreover, I also understand that less than $900,000 of this total assessment has been collected.

One very significant reason for this lack of progress is that the Bureau has failed to hire sufficient personnel to do this job. I understand that only three people have been assigned by the Bureau regularly to this task of assessing and collecting civil penalties and that it was officially stated that at least 15 people are needed.

I cannot understand how the law can be enforced if these conditions persist. I would appreciate hearing from you soon as to what steps the Bureau will take to hire the necessary people for this task.

Sincerely,
Ken Hechler.

U.S. Department of the Interior,
Bureau of Mines,
Washington, D.C., October 14, 1971.
Hon. Ken Hechler,
House of Representatives,
Washingon, D.C.

Dear Mr. Hechler: This is in response to your letter of September 23, 1971, regarding the Bureau's activities in assessing and collecting civil penalties against violators of the Federal Coal Mine Health and Safety Act of 1969.

The Bureau's Assessments Office, since January 16, 1971, has processed over 62,000 violations that were incurred by coal mine operators and miners. The proposed penalty value for the assessed violations is $6.5 million. However, many of these violations were amended in accordance with the provisions of Title 30, part 100 of the Federal Regulations as published in the Federal Register of January 16, 1971. The applicable part of the regulation allows a violator to protest the Proposed Order of Assessment and present any facts, explanations, and arguments to show extenuating circumstances or error in the penalty levied. This amending process has resulted in a reduction of assessed penalties to $5 million. Violators have paid $1 million, which leaves a balance of $4 million to be collected. The Bureau is actively pursuing collection of the $4 million outstanding, but most do so within the requirements and time constraints set forth in the Act, Regulations, and the Federal Claims Collection Act of 1966, It is the policy of the Bureau to pursue every legal means to collect penalties that have been lawfully assessed for violations of the Act.

The Bureau has submitted to Congress a supplemental request for fiscal year 1972 that, among other things, will provide funds for the hiring of 19 additional people for the Assessments Office. These personnel will be hired as soon as funds become available.

We are totally committed to carrying out the provisions of the Act to insure the Nation's coal mines become a healthier and safer place to work. We are pleased you share our interest.

Sincerely yours,
Elburt F. Osborn,
Director.

This is an area which the Bureau of Mines has been neglectful of in the past. I trust that these additional positions will enable the Bureau of Mines to protect the safety of those who work underground.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I note on page 14 of the report the serious doubts or reservations the committee had with respect to Howard University and certain construction at Howard University. Yet apparently the committee went right ahead and gave them $13 million despite all the doubts and reservations the committee had.

Mr. MAHON. Mr. Chairman, on this I will yield to the gentleman from Iowa who is on the subcommittee that handled the matter and knows the details.

Mr. SMITH of Iowa. Mr. Chairman, there were mixed feelings on the committee about this. They are building a new Howard University teaching hospital which costs $67 a square foot. I thought that was terribly high, but now I understand the new Walter Reed building will be $99 a square foot. But anyway, they put it up for bid and last May they got the bids in, and they were $11 million over the amount of money that had been appropriated for that purpose. They held the bids and did not award them, and then in August, just before we went into recess, they decided they would negotiate with the contractor they had refused to accept the bid from, and they gave him more than he bid last May. Then in order to get this $13 million they took it out of other moneys, earmarked for other projects. They say they can do that, because they can send us a memo saying they will do that, and if within 10 days we do not object, it is all right.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

But that did not give the gentleman any opportunity or little opportunity, according to this report, to find out very much about this project, and still the committee went ahead and gave them more than $13 million.

Mr. SMITH of Iowa. If the gentleman will yield, as I was about to say, we had 3 days notice before they reprogramed these funds, but we are not going to let them do that in the future. From now on, if they want to reprogram funds, they are to come and get permission to do it, and in time so that we will have an opportunity to give the proposal adequate consideration. We are not at all happy about this situation, but the majority of the committee felt we should approve this appropriation, despite the fact that we were not happy.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I want to underscore what the gentleman from Iowa said. They were under some misapprehension that because they sent a memo to us, telling us what they were doing, a memo that most of us did not see, that they could then go ahead.

We want to make it perfectly clear here that when they want to reprogram money in the future, we are not going to stand for it unless we get a really valid request, and they get some kind of approval from us.

I was shocked to hear about it. I did not like it. Frankly, if it were not for the tragic situation we have in the District of Columbia at the present time, I would not be voting for it, but in view of the need for new facilities at Freedmen's Hospital, I went along with the supplemental appropriation. But we will not have any repetition of this reprograming of funds without our knowing about it.

Mr. GROSS. I thank the gentleman. I hope this record made on the floor of the House will be helpful, but in the past it has not stopped very much of this sort of thing.

Mr. MICHEL. I can assure the gentleman on this particular item that the gentleman from Iowa on our subcommittee has been very meticulous and studious about it, and the gentleman from Illinois together with the gentleman from Iowa in combination are going to make sure that it does not happen again.

Mr. MAHON. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. Of course, the escalation from fiscal year 1970 to this time has gone up from $22 to $43 million. The gentleman has heard the explanations which have been made.

The appalling degree of inflation which we have had also has contributed to this situation.

So long as the Government continues to spend vast sums in addition to what we have in hand or in sight we are going to be confronted with these escalations. It is not a case of being misled, as is the case with respect to this hospital, but there are going to be sharp escalations in prices so long as galloping inflation continues.

The deficit in Federal funds last year was about $30 billion and with a prospective deficit of $35 billion or $40 billion this year, it is just inevitable we are going to find ourselves with these kinds of sharply increasing costs. At a time like this, if we reduce revenues further through tax bills and otherwise and fail to stimulate the economy sufficiently to generate new revenues to make up the difference, this whole situation is going to get worse and worse.

Mr. GROSS. Well, misleading people on the part of officials of the District of Columbia seems to be a common practice.

The House just concluded consideration of a bill providing more millions for a subway in the District. Congress was told when it authorized this subway that it would be paid for out of the fare boxes. Now we see lurking in the background a bill that will be called up soon because there is not any other way they can finance this monstrosity except to get the Federal Government to guarantee the bonds. They cannot be sold without a guarantee, and the Federal Government, using the taxpayers across the country, will pick it up.

That is a common practice in the District of Columbia, to mislead the Congress. It is high time that some committee of the Congress took this situation in hand and did something about it.

I notice in this bill there is $1.8 million for the Bicentennial Commission. That is $1.8 million not authorized by law which the committee stuck in to accommodate somebody.

There is also $175,000 to establish the office of the Assistant Secretary for Indians and Territories, unauthorized by law.

I do not know how much more unauthorized money there is in this bill. I would hope that the Appropriations Committee would tighten up, and at least wait until authorizations have been passed by the proper legislative committees.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on pages 6 and 7 of the report of the House Appropriations Committee on the fiscal year 1972 supplemental appropriations bill, the committee has shocked myself, the coal industry, the gas industry, the energy industry, the American consumer, and the administration's goal of averting a national energy crisis.

Without adequate reason, the committee has deleted $10,280,000 from the budget of the Office of Coal Research which had been designated to promote coal gasification research.

For months we have heard warnings by industry, Government, and environmental experts about our growing fuel shortages. We have heard the cries of anguish because we do not have a "clean fuel." We have listened to tales of woe about heating shortages in the major cities this winter. We have listened in rapt attention to the weighty testimony of scientists about the possibilities for reversing the dismal outlook for power.

On the natural gas side of the fuel picture alone, the future is grim, bleak, and unless something is done, hopeless.

In 1980, we will need 40 trillion cubic feet of natural gas. Today we are producing about 22 trillion cubic feet of natural gas. There is "hope" in that we supposedly have a 10-year reserve of natural gas but that statistic is illusory. The reserve-to-production ratio does not remain static in the intervening years of high-level production to meet growing natural gas demands.

New sources of natural gas in the United States are nowhere near adequate. We cannot, unfortunately, depend upon the good graces of our neighbor to the north, Canada, to bail us out of our natural gas dilemma. Just recently the Canadian National Energy Board denied our request for increased shipments of Canadian natural gas into the United States.

Some ill-informed people have talked in grand terms about a solution by importing liquefied natural gas to relieve the gas shortages in the Northeast part of the country. We can dismiss that so-called solution because, even now, the cost of imported LNG is prohibitive; the potential amount of such gas is insufficient to meet growing demand; and naturally, as we all know, such supplies are unreliable in the extreme.

In response to the crescendo of testimony that this Nation is in dire need of a clean fuel, and that the best source of this fuel is natural gas, the Subcommittee on Interior Appropriations responded in the national interest by providing a beginning point for the creation of a technology to develop what we all want—an environmentally clean, safe, domestic, source of power fuel.

The subcommittee authorized a small amount of money—$10,280,000—to partially fund the construction of three pilot demonstration coal gasification plants in various areas of the country.

There may be criticism that the moneys are directed at only a few areas of the Nation. Let me reassure you on that point: Assuming the coal gasification processes are proved technically and economically feasible, we can confidently expect the construction of anywhere from 50 to 175 commercial coal gasification powerplants throughout the length and breadth of the country.

The $10.3 million provided in the original appropriations bill can be considered seed money for a network of clean fuel, natural gas powerplants to avert power shortages across the Nation.

In the labyrinth proceedings of the committee during final markup, this necessary amount of Federal seed money was deleted. It was deleted without prejudice—whatever that means—but it was deleted without adequate explanation.

In the committee's report, there was also added a slippery comment about the appropriation amount being provided for the favored few. I wish to inform the Members of the House that the so-called favored few number in the millions. The millions of consumers of natural gas in the Northeast United States and ultimately throughout the country. For this favored few we must find a way out of the energy crisis which we all know is building.

Considering the President's desire to avert an energy crisis;

Considering the subcommittee's desire to prevent an energy crisis;

Considering the public's desire to prevent an energy crisis;

And considering the responsibility of the Congress to prevent an energy crisis and at the same time provide for a clean-fueled substitute for present power sources;

I call upon the committee to explain its action in deleting these funds for the Office of Coal Research coal gasification plants in the bill now before us for consideration.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Wyoming.

Mr. RONCALIO. I was hoping to ask the eminent chairman of the full Committee on Appropriations the exact same question, because I am just as concerned by the deletion of this $10 million as is the gentleman speaking. I would like to have an explanation.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Texas.

Mr. MAHON. Having received permission to do so, I shall insert at this point in the RECORD the statement contained in the committee report which goes into some detail in discussing this matter.

The material referred to follows:

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

House Document 92–119 included a budget estimate of $10,280,000 submitted by the Office of Coal Research pursuant to the President's "Clean Energy" message of June 4, 1971, in which he stated:

"As we carry on our search for cleaner fuels, we think immediately of the cleanest fossil fuel—natural gas. But our reserves of natural gas are quite limited in comparison with our reserves of coal

"Fortunately, however, it is technically feasible to convert coal into a clean gas which can be transported through pipelines. The Department of the Interior has been working with the natural gas and coal industries on research to advance our coal gasification efforts and a number of possible methods for accomplishing this conversion

> are under development. A few, in fact, are now in the pilot plant stage.
>
> "We are determined to bring greater focus and urgency to this effort. We have therefore initiated a cooperative program with industry to expand the number of pilot plants, making it possible to test new methods more expeditiously so that the appropriate technology can soon be selected for a large-scale demonstration plant.
>
> "The Federal expenditure for this cooperative program will be expanded to $20 million a year. Industry has agreed to provide $10 million a year for this effort. In general, we expect that the Government will continue to finance the larger share of pilot plants and that industry will finance the larger share of the demonstration plants. But again, the important point is that both the Government and industry are now strongly committed to move ahead together as promptly as possible to make coal gasification a commercial reality."
>
> Basically, the program proposed in the budget estimate would provide for an expanded pilot plant coal gasification research program at a total cost of about $30,000,000 per year for four years. The cost of the pilot program would be shared between the Government and non-Federal sources with the Government bearing two-thirds of the cost and the non-Federal sources bearing one-third of the cost.
>
> The budget estimate reflects the first step in a $296 million program that would involve the expenditure by the Government of $80,000,000 in the pilot stage of the program. If the program should progress to the demonstration plant stage, an additional $176,000,000 would be required with non-Federal sources possibly providing up to two-thirds of this amount.
>
> Questions raised during the hearings developed several important considerations in connection with this program that caused some reservation by the Committee.
>
> The Committee is not favorably impressed by the effectiveness with which previous funding has been utilized in the coal research program which has been operative since 1961. Through fiscal year 1971, a total of $89,941,000 has been appropriated. In reply to a question on actual accomplishments during this period, the answer was: "We have had some economic studies that we feel have been a success, but as far as hardware technology is concerned, most of it is still in the development stage. . . .".
>
> During the period fiscal year 1963 through fiscal year 1971, the Office of Coal Research has expended $27,560,000 for coal gasification research. At the same time, private industry has been conducting research in this connection. Yet the practical feasibility of this technique has not been finally established.
>
> The Committee is totally and completely aware of the energy crisis which currently confronts this Nation and which undoubtedly will become more acute in the immediate future. All possible action to alleviate this situation needs to be taken. Notwithstanding, careful consideration must be given to any project which involves a large expenditure of government funds. The Committee feels that additional information should be developed which would definitely indicate a reasonable likelihood that this research will provide productive results; in the ultimate the general public will be served and that benefits which accrue from the project will be universally beneficial; and that other sources of supply would not possibly be sufficient to alleviate the continuing energy shortage which in this instance involves natural gas.
>
> The Committee therefore recommends that, without prejudice, funding be withheld until additional facts and information can be provided. Any resubmission of a request for funding this program should contain an abundance of stipulations to assure that research results will not accrue to the benefit of a "favored" few.

Hearings were conducted on this entire subject by the subcommittee headed by the gentlewoman from Washington (Mrs. HANSEN). She would be more qualified to speak comprehensively on the subject than I, but the language from the committee report I have inserted in the record provides a general explanation of the position that the committee has taken.

Mr. SAYLOR. I would just like to say that the excuses given in the committee report to me do not hold water.

Mr. BOW. Will the gentleman yield to me?

Mr. SAYLOR. Yes, I will be glad to yield.

Mr. BOW. I will say to the gentleman that I somewhat share his feelings in this matter, but I would like, if I may, to ask the gentleman from Pennsylvania (Mr. McDADE) to reply to your question.

Mr. McDADE. Thank you, Mr. Chairman. I am delighted to respond.

If the gentleman read the committee report, he can read the language that says that the committee passed this matter over without prejudice until we got additional facts. If the gentleman thinks that there are sufficient facts in the record of the testimony on which we can base a judgment, then I would like to suggest he has not read the report very carefully.

Mr. SAYLOR. I would like to say that I have read every word of the testimony and have read the report very carefully. You say "without prejudice," whatever that means, and I do not know what it means.

Mr. McDADE. I think it is clear enough to anybody that can understand the English language. If you will read the part which says that we want additional facts before we make a final determintion on this problem, I think it will be clear to you.

Mr. SAYLOR. You did put another reason in there that said only a favored few were going to get these contracts. Very frankly, they happen to be about 200 million Americans who will get the benefit of this.

Mr. McDADE. That is the gentleman's viewpoint. What we say is that we want to assure that the research results will not accrue to a favored few. What we are saying is we want to make certain that any research that is conducted is for the benefit of all of the people of the United States of America and anybody in the United States of America, corporate or otherwise, with an opportunity and a desire to participate will be given a legitimate hearing. That is what that means.

Mr. SAYLOR. I am glad to have that explanation, but nobody ever heard tell of it before.

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to make a lengthy response at this time. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. HANSEN of Washington. As stated in the report, the committee is well aware of the energy shortage facing this Nation. In fact, a reference to our hearings will reveal that this committee was concerned about this situation several years ago. In our hearings on the 1972 appropriation, one will find a most complete description and analysis of our current and projected energy requirements and resources. Corrective action must be taken to remedy this situation. The only question is, what is the proper approach to accomplish this objective.

Now if you will read the report carefully you will note that the committee's failure to recommend funds for this project is not in any sense refusal to approve the coal gasification program. In the words of the report:

> The Committee therefore recommends that, without prejudice, funding be withheld until additional facts and information can be provided.

There are several ramifications for consideration in this connection. The committee has consistently endorsed greater effort in the coal research program. During the past several years the committee has frequently provided funding in excess of the budget estimate. In this instance we have a situation where the regular 1972 budget estimate for the coal research program could have been classified as stringent. Yet even before the appropriation bill for 1972 was signed into law we received a budget amendment asking for an additional $10,280,000 for the coal gasification program.

Mr. Chairman, this budget request is the beginning of an extensive program involving a total investment public and private of at least $296,000,000. It very well could be that the eventual cost will be higher. The committee has learned through experience that it is not wise to immediately jump on the bandwagon when these new programs are presented. I well recall several years ago the dire predictions that were made about our helium supply and what a wonderful program that would be if it were put into action. Now 10 years later after a Government investment of about $210,000,000 we have 28.7 billion cubic feet of helium in storage which at the current rate of usage we are told will last us until about 1995. The Secretary of the Interior is currently doing the best he can to terminate the contracts.

Another example close at hand with regard to the coal research program is the Cresap plant in West Virginia. Several years ago the committee received glowing accounts on the possibilities of making gasoline from coal. In due course the demonstration plant was built. After an investment by the Federal Government of about $21,000,000 we find that the plant was in actual operation for about 20 days. Apparently, the possibility of making gasoline has been discarded and they are now searching for another use for this plant.

These are just a few examples of why the committee is not inclined to accept at face value the optimistic plans that are presented for long-range, high-cost research programs.

There are other considerations. The Senate is currently holding hearings on S. 1846, a bill to establish a coal gasification development corporation. While it is true that at this date we do not know the definite outcome of that proposed legislation, if it should be enacted it would have, I should think, a material impact on the program we are discussing today.

Some experts have contended that even if this process is successful it will require many commercial plants to produce sufficient synthetic gas to provide a meaningful supplement to our natural gas supply. These plants are expensive. It is estimated that they will cost anywhere from $100,000,000 to $200,000,000. Who will provide funding for these plants in order to enhance our supply of natural gas?

A large portion of our coal supply is on public lands situated near the surface in which case it is not conductive to shaft mining but on the contrary would have to be removed by strip mining. There are several bills pending in Congress to restrict or eliminate strip mining. What happens if this legislation is enacted?

Mr. Chairman, these are some of the considerations that were reviewed by the committee in its action on this particular budget request. They raised sufficient doubt in the minds of the committee members to cause them to delay approval of the coal gasification program at this time. As I said in the beginning, the committee action on this budget request today is not a final refusal. Within the next few months we will be receiving the regular 1973 budget estimate. The committee will be glad to consider this program again at that time when there is opportunity to have full and sufficient hearings on all the questions involved and other matters affecting our natural gas supply may have been a little more clearly established. What will additional exploration of our Outer Continental Shelf yield? Will there be any exploration? What developments may take place that will make the natural gas supply in Alaska available to the rest of the Nation?

Mr. RONCALIO. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. Yes; I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I do not want to take too much time at this late hour, but the State of Wyoming is now being strip mined from border to border in order to provide energy resources and coal is being shipped into some 25 States to try to meet the power needs in that area. There has been established a research program in the Four Corners area of Arizona and New Mexico, a program at an additional cost of $25 million.

It seems to me when we cut items such as we have cut this one to the extent of $10 million for some special research for one of the most crucial shortages with which this country is faced, we are cutting off our nose to spite our face.

Mr. Chairman, I hope this money will be restored as soon as possible.

Mrs. HANSEN of Washington. As the gentleman knows, the committee increased the Office of Coal Research appropriation for fiscal year 1972 above the administration's budget request by $4,500,000. We would also like to have some results. I will give the gentleman a specific example; about $21 million was expended on one project to produce gasoline from coal. Do you know how many days the demonstration plant operated? Twenty days.

Mr. RONCALIO. Well, all I know is that with the importation of liquid natural gas from Algeria and the cost of energy and fuels to the people of this country someone has got to look after the consumer. If we cut here, who looks after the consumer?

Mrs. HANSEN of Washington. That is exactly what the committee asked. We have asked what the consumer benefits are. We have asked the administration to bring forth more information.

As our report indicates, the committee's action is entirely without prejudice. I can assure the gentleman that we are deeply interested in this problem.

Mr. RONCALIO. I am grateful for the assurance of the gentlewoman from Washington.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have asked for this time in order to ask the chairman, if I may, a question or two on an item that the gentleman from Iowa discussed with him, and that is the American Revolution Bicentennial Commission which item appears on page 9 of the report.

My question stems from my unfamiliarity with precisely what this means.

Does this mean even though the authorizing committees have not approved any funds for this Bicentennial Commission, they will be able to expend the sums appropriated in this bill?

Mr. MAHON. Mr. Chairman, if the gentleman will yield, this is an ongoing program. It has to do with the American Revolution Bicentennial Commission which is currently operating under the continuing resolution. We expect an authorization will be enacted. There is a provision on page 4 of the bill which stipulates that this appropriation shall be available only after the enactment into law of authorizing legislation by the 92d Congress. So, unless the authorizing legislation is enacted, funds provided in this bill will not be available for obligation.

Mr. WALDIE. But in the meantime, and prior to its authorization, will they be permitted to expend the moneys at the rate appropriated by this bill?

Mr. MAHON. Under the continuing resolution they have been able to expend funds at the rate of 1971 expenditures.

Mr. WALDIE. Mr. Chairman, I see members of the committee disagreeing, apparently, with that statement.

Mr. MAHON. The chairman of the subcommittee is here. Perhaps she may wish to comment. If the gentleman would yield to the gentlewoman from Washington (Mrs. HANSEN), I think she will be able to offer more details.

Mrs. HANSEN of Washington. At the present time they are operating under the continuing resolution with expenditures limited to last year's rate. This appropriation shall be available only upon the enactment of the authorizing legislation by the 92d Congress.

Mr. WALDIE. So, I suppose that the passage of this bill will provide them no funds whatsoever?

Mrs. HANSEN of Washington. Not until the authorization is enacted. I would say to the gentleman that I hope the authorization is enacted soon because there are only 5 more years left until the bicentennial.

Mr. WALDIE. May I say to the gentlewoman from Washington that I am on one of the authorizing committees, the Committee on the Judiciary, and from the hearings we have held thus far I say very frankly to the gentlewoman they do not impress me one bit that this Commission has the slightest idea of what they are about, nor that they are approaching a resolution of the problem in any responsible way whatsoever. I find in fact that it seems to be filled with high-priced public relations men who have not been able to obtain employment in recent years. And until such time as I see an indication that is more convincing to me than at present that they have any idea of what sort of a celebration they are proposing, I for one shall not vote to authorize the appropriation.

Mr. ST GERMAIN. Mr. Chairman, if the gentleman will yield, I believe another fact that I hope is being looked at by the authorizing committee and by the appropriating committee, is that we have found that there are some very lucrative coinage contracts going out to certain mints in this country, and there are some pretty heavy profits involved. I do hope that if that be the case that the taxpayers will be repaid for the sums that have been spent for this before these fat profits are made by certain mints in this country.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. GROSS (and by unanimous consent) Mr. WALDIE was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, if the gentleman will yield, I wonder why the committee saw fit to put $1.8 million into this bill if it cannot be spent? Why did they put in $1.8 million into this supplemental bill?

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Texas, the distinguished Chairman.

Mr. MAHON. This is an ongoing program. There was a budget estimate for the continuation of the program. The program has been operating under the continuing resolution. We have provided funds for the program.

If it is felt that the committee is in error, of course it is the prerogative of the House to eliminate the item from the bill.

Mr. GROSS. If the gentleman will yield further, I just do not understand why the committee put $1.8 million in, and then said that it cannot be spent without the authorizing legislation.

Mr. MAHON. Of course the bill provides that this appropriation shall be available only after the enactment into law of the authorizing legislation by the 92d Congress.

Mr. GROSS. I am getting some of the same reports the gentleman has indicated that they are getting through their investigation of a tremendous waste in this program. And I do not see why the $1.8 million was put into it under these conditions and terms.

Mr. WALDIE. Mr. Chairman, I would only comment to the chairman of the Committee on Appropriations, Mr. MAHON, that if this is a unique situation, as to why this special treatment should be accorded, I do not believe the report has demonstrated that is the case, that it is a unique situation. But the thing that concerns me is that these people have not the slightest idea of what they are going to do to celebrate the bicentennial of this Nation, and that the money we have given them to come up with some ideas has not been well spent.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we all have a feeling of patriotic pride in regard to our forebears. We honor the American heroes of the Revolution. I thought this was a program that everyone supported, and one that would tend to arouse the enthusiasm and patriotism of the American people to do a better job. We can well afford to consider the glories of the men who fought in the American Revolution.

Now I find that there are some objections to this program. If this program is not being run properly then I want to see it redirected or terminated. That is the way I feel about it. And I shall have the matter looked into.

Mrs. HANSEN of Washington. Mr. Chairman, if the gentleman will yield, may I say that there is a multitude of suggestions on how to run the bicentennial. I am sure you will well remember that it was our former colleague, Congressman Marsh of Virginia, who worked long and hard to start this program for a bicentennial celebration. It would seem somewhat strange that this United States would ignore and not recognize at all the bicentennial of the birth of this country, particularly when France with some pride has celebrated her birthday, and Russia has done the same.

I did not appoint the members of the Commission. I am not complaining and I am not here to apologize for them. I do know this, they have been working diligently on this program. I happen to be a member of the Commission appointed by the Speaker of this House. I have attended their meetings to analyze the programs and the suggestions.

I think it is a very difficult situation to cope with. It should involve all of the 50 States. Everyone wants a different type of participation. There are those on the west coast who feel it should be the West participating to a large extent. Then in the Northeast they feel the focus should be on their region. The distinguished chairman from Texas (Mr. MAHON) has in his city, for example, a group who want to make a meaningful contribution to the bicentennial.

I know it is easy to criticize the President of the United States and the Bicentennial Commission, but I would hope that all of us could get together on a nonpartisan basis and do something constructive about celebrating the bicentennial of this Nation of which I am very proud to be a descendant of some of those colonial patriots.

I can assure the Members of this House that this program will be closely monitored all the way. Most of the activity thus far has been the formulation of plans. There has been little opportunity for the granting of contracts involving "fat profits."

My sole purpose in supporting this appropriation is to say to all the world, "We are proud that in 1776 we established a great new Nation."

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. GROSS. I do not know of anyone who is opposed to the proper observance of the bicentennial of the American Revolution and I know of no one in this Chamber, and I certainly am not; but I would like to know who is going to pay the piper once in a while and speak in behalf of the taxpayers of this country. I just do not know of any reason why the committee should want to pump $1,800,000 into this bill under these circumstances.

Mr. MAHON. We started this program to observe our bicentennial. We cannot start something as important as this and then quit. I would hope these funds are not being misused and, as chairman of the committee, I propose to do everything I can to see that these funds are properly used. I know there is a difference of opinion as to how the funds are to be expended.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. SCHWENGEL. Mr. Chairman, I am not a member of the Commission, as many of you know, but I have been a teacher of history. I am one who believes the story of the involvement of the United States of America is one of the most fortunate things in the history of America is the Bicentennial Commission to commemorate the 200th anniversary of our birth.

I think it is a wonderful thing we are thinking about.

I agree with the gentleman from California that the Commission up to this date has not measured up, but they are discovering their shortcomings and are beginning to counsel with people who have had experience.

This House knows how wonderfully the Civil War Centennial Commission performed and the magnificent contributions that were made and much of it resulted from the voluntary effort of many people with the help again of many of the States in starting their programs.

The Federal Government should furnish more leadership than they have.

I want to commend the chairman of the committee and the committee for putting the money into this bill with the provisos that they did to force the people who are in the leadership of the Commission to present a satisfactory program.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

OFFICE OF EDUCATION

CIVIL RIGHTS EDUCATION

For carrying out title IV of the Civil Rights Act of 1964 relating to functions of the Commissioner of Education, including not to exceed $3,672,000 for salaries and expenses, including services as authorized by 5 U.S.C. 3109, $19,672,000.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 5, line 8, before the section headed "Civil Rights Education," insert a new section reading as follows:

"BILINGUAL EDUCATION

"For carrying out the purposes of Title VII of the Elementary and Secondary Education Act of 1965, as amended, providing for bilingual education, $15 million."

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. YATES. Mr. Chairman, this is an amendment to give the opportunity for an education to 5 million children in the United States who are not now receiving such an education. I am referring to three groups of children primarily: children of Indian families, children of French-speaking families, and children of Spanish-speaking families, particularly the latter, children who are required to obtain their education in schools where English alone is taught. They just cannot handle the situation because they do not speak English, or write it. They are strangers to it.

I have a letter here from one of the teachers in the Chicago school system who wrote to me as follows:

> During the four months I taught at Tuley this is what I found: There were no drug addicts and no discipline problems among the Latin-American kids in my classes. On the contrary, they were eager to please, eager to learn, and eager to find a place for themselves in this city. They were seriously handicapped, however, by a lack of English grammar and a lack of basic writing skills. English is the mother of all studies in our schools. No one can comprehend a textbook or write an examination in social studies, for example, without basic competence in the language.

It seems to be obvious that these children need help. Yet the fact remains we are just not providing funds with which to educate them. They are being shortchanged. They are not being given the same opportunities as children who know English.

How much money has been provided so far this year? The authorization bill is in the amount of $100 million. The Appropriations Committee and the Congress voted the sum of $35 million for the bilingual program, and of that amount the Office of Management and Budget has frozen $10 million. Thus there is approximately 25 percent of the entitlement of the authorization being used for this purpose.

As it happens, of the $25 million, only

three States get the major portion of it. The State of Texas gets $5.5 million. The State of California receives $7.5 million. The State of New York receives $2.5 million. Only a small amount remains for all the other States of the Union. Their children are being hurt. They are not receiving the education they deserve. For example, in my State of Illinois, where we have over 60,000 children of Spanish-speaking families, the State of Illinois receives $220,000. This is an outrageously small sum. I am not criticizing the States that have received the money, Mr. Chairman. I am sure that Texas, California, and New York require this money in order to educate their children. The problem is the lack of the funds for the children of other States.

What I object to is the fact that not enough money is made available for children of Spanish-speaking families. They are being shortchanged.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. DANIELSON. I am not totally familiar with the provisions of our law on this subject. Are there any provisions for bilingual education of children of oriental families? I am thinking specifically of Chinese Americans, Japanese, and Filipinos.

Mr. YATES. I would think that the bilingual program is not limited to certain languages. I would think that if the occasion arose—and I can see this happen, for example, in Chinatown in San Francisco—such a program would be available for the children of Chinese-speaking families.

Mr. DANIELSON. Then it is not limited to the French and Spanish-speaking programs?

Mr. YATES. That is right. It is my understanding that it is not limited to those programs.

So, Mr. Chairman, what is happening as a result of the failure to provide adequate education is this. The Chicago Daily News made a survey recently of what was happeneing in the city of Chicago to children of the Spanish-speaking families, and they found the children were dropping out of the inner city schools at the rate of 50 or 60 a day. They are dropping out of our schools. They are having extreme difficulty in obtaining jobs because they cannot write job applications in English, and when they go for a job interview, they are not able to speak English. They cannot, as a result obtain employment. It is a double blow to them. They cannot obtain an education on the one hand in the schools, and on the other hand, they cannot find jobs.

Education is the life's blood of every society. Education is the tool for making progress more so today than even before. I believe it is essential, it is vital to give these children the opportunity to make a place for themselves in our communities. I hope my amendment would be agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

One of the troubles with the gentleman's amendment is that his argument is with the Office of Management and Budget and not with the Congress or with the Appropriations Committee. What happened was the administration asked for $25 million. We appropriated $35 million. They froze $10 million. And give them another $15 million, they would freeze that too. We are not accomplishing anything at all by talking about more money to be frozen. We all think it is a great program. If we did not think so, we would not have appropriated $10 million over the budget request.

However, there is a legitimate argument on the part of the administration. They say that since there is latitude in the use of the funds under other education programs, we should consider the total funds used for bilingual programs rather than just that which bears the specific label—with initial caps—"Bilingual Education Program."

There is a total being used for this purpose of $77,500,000. Under title I of the Elementary and Secondary Education Act we have appropriated $23,500,000 which is being used by schools, at their choosing, for bilingual education. Under title III they are using $9 million, and under Follow Through they are using $7 million, and under adult education they are using another $3 million. In addition to that this $35 million is available. So it is obvious that education people like this program. They want to do something about bilingual education and are doing something about it under several programs. But we have appropriated, already, $10 million more than they asked for. No matter what we appropriate, somebody wants more. Nobody asked the committee to put in more, and we did not hear about it until we got to the floor.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I did state in the full Appropriations Committee that I reserved the right to offer this amendment on the floor.

Mr. SMITH of Iowa. I am talking about when we were holding the hearings and marking up the bill.

Mr. YATES. It is sometimes difficult for the members of the appropriations subcommittees to find out when other subcommittee hearings and markups are being held.

Mr. Chairman, to adopt this amendment would indicate to the administration that the Congress thinks this is of such importance that the administration ought to make even more money available than the $35 million currently appropriated. I think they might reassess their position in freezing the $10 million of the money the Congress made available, recognize the importance of this program, and use the full appropriation including this additional amount.

I think this amendment ought to be approved.

Mr. SMITH of Iowa. Mr. Chairman, I think we have already made it clear that Congress feels this is an important program. We have appropriated $10 million more than they requested and see fit to use.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment.

I take this one moment to supplement what the gentleman from Iowa has said so well. There are 163 ongoing projects. I have the assurance of the Department today that with the 1972 appropriation of $35 million there will be a continuation of the funding of those 163 plus 40 new projects, and that the $10 million which the Congress in its wisdom, we feel, did add to the budget will be made available.

Initially the Office of Management and Budget did not want to spend it, and froze it. I believe we have convinced the folks downtown that it ought to be unfrozen, and this additional $10 million will be obligated this fiscal year, providing further for the 163 ongoing projects and the 40 new ones.

I am happy that my colleague from Illinois, who expresses himself so well for the City of Chicago and environs, has made his position clear, that they have been unduly short changed in Illinois. While I do not have that problem in my district, I will make it my business from this point on to see that we get a better shake out of this, because I believe the gentleman has made a good argument for the city of Chicago. The problem there is just as acute, conceivably, as in the city of New York, and many other geographic areas.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to my colleague from Illinois.

Mr. YATES. I am glad the gentleman made the statement he did. When I called the Office of Education yesterday and made inquiry as to whether or not the $10 million which had been frozen was going to be unfrozen I was told the answer was "No." I am glad to get the gentleman's assurance tonight that the $10 million will be made available for this program. I believe that will be of tremendous help.

I still believe it is inadequate, because even with the $10 million it is still only a little more than one-third of the entitlement to meet a problem which is constantly growing in this country and is not being met properly.

Nevertheless, I thank the gentleman.

Mr. MICHEL. The gentleman has the assurance of this Member that we are certainly going to keep the pressure on. As I indicated, I have been given to understand this would be unfrozen and obligated before the end of the fiscal year. If I find out to the contrary I believe there will be those who will want to make it right.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 4 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I support this amendment that would appropriate an additional $15 million for the bilingual education program established in 1968.

The Office of Education appropriation for the current fiscal year includes $35 million for this program, though the law authorizes $100 million, and, as if that were not bad enough, the administration has impounded $10 million of the $35 million we finally did appropriate. There is of course no guarantee that they will not impound this additional $15 million too, but our putting it in this bill will demonstrate to them that we mean business, that we want this program to be funded at the $35 million level provided for in the law.

The Bilingual Education Act declares it to be the policy of the United States to provide "new and imaginative" bilingual educational opportunity for elementary and secondary students for whom English is a second language. Such programs include, in addition to straight bilingual education in the public schools, studies on the cultural and historical aspects of the non-English language, preschool programs to increase children's learning potential when they enter school and adult education.

There are in the United States over 5 million children needing bilingual education. Over 600,000 of these youngsters live in my home State of New York, but only about 8,000 of them are presently receiving bilingual education under this program.

There are, as I have said, over 5 million children in the United States who need bilingual education. Many of these children are seriously hampered by their bilingualism, and are unable to get to the head start they need because of this difficulty. Congress, in voting only $35 million for this program, and the administration, in withholding $10 million of that, have not afforded proper recognition to the urgent need to assist these children.

We must significantly increase our commitment to the struggle of Chicanoes, Puerto Ricans, Chinese, American Indians and other linguistic minorities for equal educational opportunity. Funds such as those provided for in this amendment are sorely needed to begin to make the promise of education a reality for all children regardless of language. I urge you to recognize this need and to adopt this amendment.

Mr. Chairman, I believe that many Members sitting here tonight are not aware of the fact that they have as much need for this bilingual education appropriation as is evidenced by our lack of interest in seeing to it that we appropriate a large amount.

In New York we have 600,000 youngsters in the State who could use bilingual education. The funds allocated now only give us the opportunity to provide it for about 8,000 youngsters.

I want to suggest to my colleagues from the other States that the bilingual population in need of this education is spread across this whole country. If we really care about providing children with an understanding of the way in which to build a really good American democracy, we have to give them an opportunity to be educated.

Many people are very concerned about the way the youth are developing in our country. I believe that a bilingual youngster is really disadvantaged in our school system. I believe the bilingual education program has been an excellent program and has recognized that disadvantaged youngsters could be really advantaged and could make fine Americans and contribute much more to our society as a whole if we could but integrate them through education.

I do not believe we should use as an excuse for not increasing the money already authorized the fact that the Office of Management and Budget has not agreed to it. I believe they have not been put under sufficient pressure.

If the Members will look at the figures provided by the Office of Education they will be shocked to find how little money they are getting in their States, as the gentleman from Illinois (Mr. YATES) has pointed out.

I can assure the Members that the amount of money we get in New York is nowhere near what we need to combat the serious problem we have, which largely arises from the fact that the children are not getting good education. I believe this applies to most areas of the country today.

I would urge that we increase the amount, and I support the amendment offered by the gentleman from Illinois (Mr. YATES) for that reason.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, in about a couple of months or so we will be getting ready for hearings on the education appropriation bill for next fiscal year. We are all interested in bilingual education.

Of course, it would take hundreds of millions of dollars per year to fully meet this situation nationally. We are going along as best we can under the present circumstances.

Next year, the Committee, the Congress, and I feel certain the executive branch, will give consideration to what further steps to take. Under all the circumstances of the moment it seems to me it would be unwise to approve the pending amendment, and I therefore ask that it be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was rejected.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a question to the chairman of the Agriculture Subcommittee (Mr. WHITTEN).

In the last several weeks I have received a series of complaints about inadequate funding of section 13 of the School Lunch Act which relates to feeding assistance to low-income children in Headstart, summer camps, and so forth. For example, the compensation for a child in the District of Columbia is reduced from 30 cents to 15 cents in an effort to stretch the District's allotment throughout the entire year. In my State of Ohio we have been allotted $630,000 by the Department of Agriculture, but our documented need is double that, or $1.25 million. Other States have similar deficiencies.

My question is this: Is it possible that the money for some of the States which are short of funds for this program could be obtained by reallocation from those States not using their allocations?

Mr. WHITTEN. Will the gentleman yield?

Mr. VANIK. I am glad to yield to the gentleman.

Mr. WHITTEN. I appreciate the gentleman's interest, as he knows. My recollection is Congress passed legislation providing funds about to the limit of the authorization—I think to the limit of the authorization. That is not a direct reply to the gentleman's question, but we have also involved a formula type of distribution of funds.

As to the particular point the gentleman raises, as to where under the formula and in what way it is distributed in the first instance and how they are using these funds where this is a need after they are transferred to a State that is running behind, I am sorry to say I do not know how to reply. I will be glad to ask the staff and the department to look into the matter and see what the possibilities are and advise the gentleman.

Mr. VANIK. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER V

DEPARTMENT OF COMMERCE

Minority Business Enterprise

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting and developing minority business enterprise, $40,000,000, of which $38,000,000 shall remain available until expended: *Provided*, That $2,000,000 may be transferred to the appropriation for "Minority business enterprise, salaries and expenses" for administrative expenses: *Provided further*, That not to exceed $12,500,000 of this appropriation shall be available for technical assistance, research and information pursuant to title III of the Act of August 26, 1965, as amended (42 U.S.C. 3151).

Mr. ROONEY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, with respect to chapter V recommended by the Subcommittee on Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies, I should like to first explain the five items which are contained in the printed report beginning at page 29, the first of which is the recommendation by the committee for an appropriation of $40 million, the full amount requested in the budget estimate, to foster, promote and develop minority business enterprise. These funds are to be used to provide financial assistance in the form of grants and contracts to national, regional, State and local organizations in support of projects which advance minority business ownership.

Now, the second of the five items concerns salaries and expenses, National Oceanic and Atmospheric Administration, known as NOAA. They requested $532,000 to move certain activities of the National Oceanic and Atmospheric Administration from the National Bureau of Standards site on Van Ness Street in the District of Columbia to a suburb known as Riverdale, Md. The committee did not allow any funds for this item of $532,000, however, but directed that the move could be accomplished with existing funds presently available to the Agency.

As to the National Bureau of Standards, "Plant and facilities," there was a request for $2,100,000 for design and construction of a fire research facility to replace present facilities at the Van Ness Street property which must soon be vacated. The committee recommended $1,750,000 of this amount to cover the plans, design and construction.

Now, as to the U.S. Commission on Civil Rights, the fourth item, the committee has included the additional sum of $344,000 in the pending bill. This, together with the $3.4 million provided in the regular annual appropriation act makes a total of $3,744,000 available for this Commission for the fiscal year 1972, which is an increase of $347,000 over the appropriation for fiscal year 1971.

The last of the five items, one for the Small Business Administration, was a request in the amount of $200,000 for "Salaries and expenses" to provide for 21 new positions to carry out additional responsibilities. The committee has not at all approved this request, but has directed that the Small Business Administration use part of the $80 million in appropriated funds in the hands of the Agency for "Salaries and expenses" to take care of this increased responsibility.

Now, the sixth item to which I shall direct my attention is an amendment which I have pending at the Clerk's desk. This amendment would insert at page 11, line 14, provision for an additional amount of $30 million for Economic Development Administration public works impact program which was just announced today by the Secretary of Commerce.

In his announcement the Secretary of Commerce stated that he was directed by the President to proceed immediately with a public works impact program to create new and useful jobs, now in areas of high unemployment.

This program was authorized as an expansion of the Economic Development Administration legislation last August 5.

Under this special impact program EDA can fund a wide variety of job-creating construction projects. The Agency would be able to use $27 million now in their hands and available for these purposes, together with the $30 million recommended in the pending amendment.

The 14th Congressional District in Brooklyn, N.Y., is vitally interested and would participate in this program.

AMENDMENT OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rooney of New York: Page 11, line 14, after "DEPARTMENT OF COMMERCE," insert:

"ECONOMIC DEVELOPMENT ADMINISTRATION

"DEVELOPMENT FACILITIES

"For an additional amount for development facilities, as authorized by title I of the Public Works and Economic Development Act of 1965, as amended, $30,000,000."

Mr. ROONEY of New York. Mr. Chairman, I might add that I have the advice of the Director of the Office of Management and Budget, Executive Office of the President, Mr. George P. Shultz, to the effect that they will use these $30 million immediately for the purpose of this impact public works program.

I know many Members are interested in this subject, and I trust that the pending amendment will be adopted.

Mr. BOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say that the gentleman from New York (Mr. Rooney) has discussed this matter with the subcommittee since this matter came to our attention today. This is a very worthwhile project to put people to work, and I feel that on this side of the aisle we are willing to accept the amendment, and I ask for a vote, Mr. Chairman.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it should be repeated that the amendment would provide additional funding for ongoing programs under the EDA.

The administration has come out strongly for additional funds in a communicaton today. We do not have an official budget estimate, but we do have a statement to the effect that the funds are needed and are required. It seems highly probable that the funds will be provided by this body, or the other body. Under the circumstances—and I have no authority to speak for the committee on the program—I see no reason why the amendment should not be adopted. I regret that a formal budget amendment from the President has not yet arrived.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Rooney).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELATED AGENCIES

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

For an additional amount to enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1969 (Public Law 91-143), including acquisition of rights-of-way, land and interests therein, to remain available until expended, $38,011,000 for the fiscal year 1972.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I take this time—and I will try not to use any of the 5 minutes—to ask if this item of $38,011,000, for that glorious subway construction in the District of Columbia, will include the payment for damages of sidewalks falling in, such as happened near the Treasury Building, the damage that has already been done to the Treasury Building, and any other damage caused by this work?

Will this $38 million take care of these damages, or will Congress be called upon to provide more millions through other appropriations to take care of the damages that are being caused in downtown Washington by the construction of this thing?

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course. I am glad to yield to my friend.

Mr. McFALL. The money is for the Federal contribution, the balance of the $188 million which was earlier requested in an earlier bill. We paid $150 million. By this we provide the balance of the request that was earlier made.

I regret to say that I do not know the answer to the gentleman's question about the damage. The specific request for these funds is for matching funds for the construction of the subway. I will attempt to find out at the earliest time possible the answer to the gentleman's question by asking the Metro authorities what these damages are to which the gentleman refers, and how they will be paid.

I assume that they will be paid if the U.S. Government is liable, or if the District government is liable in any way for damages to buildings in downtown Washington, naturally they will have to be paid.

Mr. GROSS. I do not know how the U.S. Government could be liable, except that it is just money, and they never have any money in the District of Columbia. These leeches are always after us for more money. Next they will want our blood.

Mr. McFALL. Naturally, the gentleman is correct, it would be the Washington Metropolitan Transit Authority's blood.

Mr. GROSS. I doubt that under the language contained here, that this $38 million could be used to pay for any of these damages. I suspect there will be a nice fat bill for those damages later. I would suggest that we board up the holes that have been dug down in the city and use them for bomb proofs. When the taxpayers in California and Iowa finally find out what has been done to them here, some people will need those subway holes to crawl into to escape the wrath of the taxpayers.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. THOMPSON of Georgia. Would the chairman of the subcommittee remain? I would like to ask a question of him, if the gentleman from Iowa will yield for that purpose.

During the discussion of the appropriation, is there any mention at any time made about requiring competitive bids on any of the major expenditures?

I know we have had a number of scandals in the past concerning expenditure of public funds on contracts that were let with favoritism and sometimes charges of improper actions and, indeed, bribes in certain cases; is there anywhere in this authorization bill or the appropriation bill involved a requirement for competitive bidding on letting of contracts?

Mr. McFALL. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the gentleman.

Mr. McFALL. It is my understanding that competitive bidding is the law in the letting of all these bids. All those contracts are let on the basis of bids.

The area we did have which was referred to as to whether or not some of these bids might be let without competition, we were assured that they could not. This was a question in relation to the minority businessmen who wanted to obtain contracts that would not be in competition.

The Washington Metropolitan Authority people told us they did later in the day at a hearing downtown say that this was impossible to do without competitive bids. I think that is the answer to the gentleman's question.

Mr. GROSS. It has been suggested to me that there is a chapter VIII in this bill entitled "Claims and Judgments" with $19 million. Next year it will probably be back with that amount or more to pay damage claims incidental to this subway construction.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

CHAPTER IX

GENERAL PROVISION

SEC. 901. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEED of Oklahoma.

AMENDMENT TO H.R. 11955, A BILL MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1972, AND FOR OTHER PURPOSES

On page 15 after line 17 add the following sentence: The first proviso in the second paragraph of title I of Public Law 92–48 is amended by striking the first proviso therein.

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Iowa. My point is that the amendment refers to a provision that was in an appropriations act but is now a public law. Therefore, the gentleman is trying to amend a public law, and that would be legislation upon an appropriation bill.

The CHAIRMAN. Does the gentleman from Oklahoma wish to be heard on the point of order?

Mr. STEED. Yes, Mr. Chairman. The amendment deals with an office which is included in the bill and involves funds that are under the jurisdiction of the provisions of this bill. It is a limitation and deals with a limitation.

Mr. O'HARA. Mr. Chairman, I ask to be heard on the point of order. The provisions which the gentleman from Oklahoma is now offering to strike was carried in the Education Appropriation Act. An effort was made to strike the provision out of the Education Appropriation Act on the ground it was legislation on an appropriation. That point of order was overruled. I do not see how an amendment offering to strike that provision from the Education Appropriation bill could possibly be legislation.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Iowa (Mr. SMITH) has made a point of order against the amendment offered by the gentleman from Oklahoma (Mr. STEED) on the ground that the amendment constitutes legislation on an appropriation bill in violation of clause 2, rule XXI. The amendment proposes to amend Public Law 92–48 by striking out the first proviso in the second paragraph of title I of that law. That proviso requires that none of the funds contained in the second paragraph of title I of Public Law 92–48—funds for school assistance in federally affected areas—shall be available to pay any local educational agency in excess of 73 percent of the entitlement of such agency pursuant to section 3(b) of title I of Public Law 81–874.

Clearly, the amendment offered by the gentleman from Oklahoma would repeal a provision in existing law and would thereby constitute a change in the restrictions on the availability of funds imposed by that law. The Chair holds that the amendment constitutes legislation on an appropriation bill in violation of clause 2, rule XXI, and sustains the point of order.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11955), making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. THOMPSON of Georgia. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. THOMPSON of Georgia. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MAHON, BOW, THOMPSON of Georgia, and SMITH of Iowa.

The Committee divided, and the tellers reported that there were—ayes 271, noes 20, not voting 139, as follows:

[Roll No. 430]

[Recorded Teller Vote]

AYES—271

Abourezk
Abzug
Adams
Anderson, Calif.
Archer
Arends
Aspin
Aspinall
Baring
Begich
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Boggs
Boland
Bolling
Bow
Brademas
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Carney
Carter
Chisholm
Clausen, Don H.
Clawson, Del
Collier
Conable
Conte
Coughlin
Daniel, Va.
Daniels, N.J.
Danielson
de la Garza
Delaney
Dingell
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Fascell
Fish
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Gaydos
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gude
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kyl
Kyros
Latta
Leggett
Lennon
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKinney
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor
Terry
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Ware
Whalen

Whalley
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wolff
Wright
Wyatt
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NOES—20

Blackburn
Chappell
Colmer
Crane
Davis, Wis.
Dellenback
Dennis
Dickinson
Gross
Haley
Hall
Jonas
Landgrebe
Mann
Montgomery
O'Konski
Rarick
Schmitz
Smith, Calif.
Veysey

NOT VOTING—139

Abbitt
Abernethy
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Badillo
Baker
Barrett
Belcher
Bell
Biaggi
Blanton
Blatnik
Brasco
Bray
Brown, Mich.
Burton
Byrne, Pa.
Byrnes, Wis.
Carey, N.Y.
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clark
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Conyers
Corman
Cotter
Culver
Davis, Ga.
Davis, S.C.
Dellums
Denholm
Dent
Derwinski
Devine
Diggs
Donohue
Dorn
Dowdy
Edmondson
Edwards, La.
Eilberg
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Flood
Flynt
Fountain
Fraser
Fulton, Tenn.
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Grasso
Griffiths
Grover
Gubser
Hagan
Hammerschmidt
Hanna
Hathaway
Hawkins
Hébert
Hillis
Holifield
Hull
Jarman
Jones, Ala.
Jones, Tenn.
Karth
King
Kluczynski
Koch
Kuykendall
Landrum
Lent
McCloskey
McClure
McKevitt
McMillan
Macdonald, Mass.
Metcalfe
Mills, Ark.
Mizell
Morse
Murphy, N.Y.
Nedzi
Nix
Patman
Pelly
Peyser
Poage
Poff
Pryor, Ark.
Pucinski
Quillen
Railsback
Reid, N.Y.
Roberts
Rodino
Rooney, Pa.
Rostenkowski
Rousselot
Runnels
Sarbanes
Schneebeli
Shipley
Sikes
Sisk
Sullivan
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thone
Ullman
Waggonner
Wampler
Wiggins
Wilson, Bob
Wilson, Charles H.
Wydler
Wylie
Wyman
Zwach

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks during the consideration of the rule, House Resolution 719, making in order the consideration of H.R. 11955.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on H.R. 11955, the supplemental appropriation bill and to include extraneous matter.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 1116, PROTECTION OF WILD FREE-ROAMING HORSES AND BURROS

Mr. BARING. Mr. Speaker, I call up the conference report on the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 29, 1971.)

Mr. BARING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to summarize the conference report on S. 1116, a bill to require the protection, management, and control of wild free-roaming horses and burros on the public lands.

There were eight points of difference between the Senate and House versions of S. 1116, and I am happy to report that all of these points were successfully resolved. As a result of the conference, it is my sincere feeling that the bill was substantially strengthened and clarified and that the measure before us today will fully protect these animals from the harm, harassment, abuse, and wanton killing that has been all too common in the past.

The eight points of difference and the compromise language adopted by the conferees will be summarized.

First, the definition of "range" was amended to remove any implication that these animals should be confined to fenced or otherwise enclosed areas. It was the feeling of the conferees that fenced ranges or close confinement would destroy the unique characteristics of these animals and relegate them to a zoo-like existence. The goal of the legislation is protection in a natural state rather than single-use management of wild horses and burros.

Second, the role of State wildlife agencies, as contained in the House version, was modified to clarify that this role was advisory and to emphasize consultation between State and Federal agencies for the management of wildlife and wild horses and burros using the public lands.

Third, the manner of disposal of the remains of a wild horse or burro was modified to permit any method of disposal so long as the remains were not sold for any consideration.

Fourth, individuals maintaining wild horses and burros are required, in accordance with the Senate version of S. 1116, to notify the Secretary and report the number of animals so maintained.

Fifth, the phrase "except for normal and prudent husbandry needs," as contained in the House version of S. 1116, was deleted. Retention of this provision could have substantially weakened the protective provisions of the proposal.

Sixth, the term "harassment" was adopted in place of "substantial harm" in order to widen the scope of prohibited activities and to assure maximum protection for these animals.

Seventh, with respect to the assessment of fines, the conferees adopted language which provides for trial and sentence by any U.S. commissioner or magistrate designated for that purpose by the court by which he was appointed. This will assure prompt and effective enforcement.

Eighth, the conferees adopted the Senate language which authorizes and directs the Secretary to undertake studies of the habits of wild horses and burros.

Mr. Speaker, the differences between the two bills were never of major significance, and I am pleased to report that I feel the bill we now have is a good piece of legislation, and I heartily endorse its enactment by the House.

Mr. KYL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania and I were the conferees on this side of the aisle and believe this is an excellent bill and deserves unanimous support.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I wish to congratulate the committee and all who have worked on this legislation and, particularly, to congratulate the gentleman from Nevada, the chairman of the subcommittee, who has put many hard hours of work into this program and who has taken many perilous rides up and down the various canyons across the country.

Mr. Speaker, I have read the report of the conferees on the legislation to protect the remaining wild horses and burros of the west with great interest and I wish to sincerely thank and congratulate all of my colleagues whose efforts and support have brought this bill to this point.

I think that a note of special thanks is due to our colleague, the Honorable WALTER BARING, chairman of the Public Lands Subcommittee and floor manager for this bill. Without Congressman BARING's full support and diligent work, I fear that the few remaining wild horses would soon become extinct through a lack of adequate Federal protection.

As the original sponsor of this legislation in the 92d Congress, I know of the widespread attention and support it has received. Much of its backing came literally from thousands of young people whose deep concern over the part that these wild horses have played in our heritage has in no small way insured its passage.

Approval of this legislation offers clear proof to those young people that the Congress can and will respond to their legitimate concerns.

Again, Mr. Speaker, my thanks to all who have devoted their time and efforts to bring this most important legislation into reality.

Mr. MELCHER. With over 100 Members cosponsoring bills to provide federal protection for wild horses on public lands, our Public Lands Subcommittee in the House Interior Committee held extensive hearings involving scores of witnesses from all over the country. A nationwide letter writing campaign involving youngsters and older people had deluged members of the committee stressing the needs of legislation that would preserve for future American generations the sights of wild horse roaming the range.

Of the bills introduced, almost all had a key feature of creating actual refuge areas for wild horses on public lands where they would be unmolested by man. There is one such refuge in the United States now—the Pryor Mountain Wild Horse Range—and it is in Southern Montana with a small portion of its 32,000 acres in Wyoming. It is administered by the Bureau of Land Management and is fenced separately, leaving the 2 to 3 hundred horses considerable space for their roaming. The original proposals in the bills were to create other such ranges on public lands in various parts of the country where needed.

During and following the hearings the cost factor involved in setting up separate ranges seemed to become the dominant issue. The proposals were advanced that the protection be extended to horses on public lands wherever they were found if they could be identified as "wild horses" as defined in the proposed bill. This resulted in a broad bill with a broad definition of "wild horses" with broad coverage upon any public lands of the United States. This is the bill that the House has passed and the Senate has passed and agreed to by conferees. It is legislation difficult to enforce in many of the vast areas of public lands in the United States.

First of all the definition of a "wild horse" in the bill is a "wild, free roaming horse unbranded and unclaimed." There are about 660 million acres of public lands in the United States—about one-third of the total land area. Over half of the two-thirds billion acres is in Alaska and it is not believed that much of the public land in that state will be concerned with this bill. All the wild horses as defined that are on public land comes under the protection of the Secretary of the Interior or the Secretary of Agriculture.

There is no way of identifying the wild horse as being separate and distinct physically from other horses. Some of the testimony before the committee dwelt on the descendants of Andalusian and Barb strains of horses imported by early Spanish explorers. There is an anatomical difference in these horses in the number of lumbar vertebrae and the fusion of the lumbar processes. This anatomical characteristic can only be ascertained by X-ray or by viewing the skeleton following death of the animal. Wild horses as defined in the bill in fact are not in any way necessarily a separate strain of horse, and indeed many of them are strays that have wandered from private herds and have led a wild and free life on their own.

This is not difficult to understand when one considers that much of the public land is intermingled with private land. In fact, almost 55 million acres of the public land has been acquired by the Federal Government from individuals, States, or other governmental units. Even as recently as the 1930's a great amount of Federal land was acquired through the Bankhead-Jones Act where the Federal Government purchased back marginal lands which are now administered by the Bureau of Land Management. This intermingling of land; that is, land that is both privately and publicly owned, makes also for intermingling of horses, particularly in the West where much of the public land is not fenced separately from the private land.

It was for this very reason that the Pryor Mountain Wild Horse Range was established to assure a sizable herd of wild and free roaming horses the opportunity to remain that way, protected by the BLM. This was a two-way street because the wild horses were no longer bothered and the surrounding citizenry with private lands and their own horses were not bothered by the wild horses. Setting up other areas similar to this range where needed in the country would have avoided much or all of the following problems into which this bill, S. 1116, will lead us.

It would in fact make a lawbreaker out of a good samaritan who drove an injured or sick wild horse into his corral on his own land in order to give aid unless he had prior approval of a Federal agency.

Wild stallions breeding domestic horses poses a problem, but under the bill, without prior approval from the appropriate Federal agency, it would be illegal to even remove the stallion from a pasture on public lands to hold in confinement until a decision could be made as to where the stallion should be allowed to roam on mixed private and public lands that are not fenced separately.

Any disease control necessary for the wild horses would be the responsibility of the Federal agencies as well as determining what to do with the old and the crippled.

It is a big order and we would be better off if we followed the pattern set by the Pryor Mountain Wild Horse Range where the horses are kept separate and under direct control of BLM officials.

Mr. BARING. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report on S. 1116.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have requested this time in order to ask the majority leader to announce the program for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished minority whip yield?

Mr. ARENDS. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, in response to the gentleman's request, this concludes the business for this week.

We will meet on Monday.

The first order of business is the Consent Calendar to be followed by the following 12 suspensions:

H.R. 45, Institute for Continuing Studies of Juvenile Justice;

Senate Joint Resolution 176, interim extension of certain housing and banking laws;

H.R. 11570, Manpower Training Act amendment;

H.R. 11809, maintaining Postal Service property as Government property in impact areas;

H.R. 9526, naval vessel loans;

H.R. 11624, Transpo 72 authorization;

H.R. 8856, additional Deputy Secretary of Defense;

H.R. 11738, Defense Department Aid to Boy Scouts;

S. 1237, medical care facilities aid;

S. 2887, river basin authorization;

H.R. 10420, marine mammals protection; and

H.R. 10384, recreational development at fish and wildlife areas.

For Tuesday and the balance of the week we have the call of the Private Calendar, followed by S. 2007, the Economic Opportunity Act Conference Report.

This will be followed by the foreign aid appropriation bill, subject to a rule being granted.

Then there is H.R. 1163, Strategic Storable Agricultural Commodities Act, also subject to a rule being granted.

And, finally, H.R. 11309, the Economic Stabilization Act, subject to a rule being granted.

Conference reports may be brought up at any time and any further program will be announced later.

There are a number of conference reports, including the tax bill, and probably the foreign aid bill which may be called up at any time during the week. It is probable that the tax bill will be called up on Thursday of next week.

Mr. ARENDS. Mr. Speaker, does the gentleman from Louisiana entertain any idea at all that we might finish up next week?

Mr. BOGGS. Well, I entertain an idea, yes.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I wonder if it is possible to get a gentleman's agreement here that on Monday next there will be no rollcalls on any business presented prior to 1 p.m.? I make this request because of the fact of the passing of Mrs. McCormack, the wife of our former dearly beloved Speaker, John W. McCormack.

The funeral arrangements are being made for Monday morning, and there are about 40 Members of Congress, as I understand, who will attend the funeral, and who will not be able to get back to Washington until 1 p.m. on Monday.

So as I say, I was wondering if we can get a gentleman's agreement that there will be no rollcalls prior to 1 p.m.

Mr. ARENDS. Mr. Speaker, just speaking for myself, and I am sure that this is a matter for the leadership to decide on that side of the aisle, but certainly I would be glad to cooperate with any decision that they may reach.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, certainly that would be my hope, and I am sure the hope of the Speaker, to request not to have a quorum call or rollcalls prior to 1 p.m. on Monday. The gentleman from Massachusetts (Mr. BURKE) of course knows the problems that arise. I would say to the gentleman that if a request for a quorum call is made prior to 1 p.m., which I do not anticipate, that we would ask that it be postponed until later in the afternoon.

I would think that we will all be willing to cooperate in this matter in view of the passing of the beloved wife of our former Speaker.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, would that be with the assurance of the majority leader that there will be a rollcall even though it might be postponed?

Mr. BOGGS. If the gentleman will yield, there is no question about that.

Mr. GROSS. No question about that?

Mr. BOGGS. None at all.

Mr. GROSS. I thank the gentleman.

Mr. ARENDS. Mr. Chairman, I thank the gentlemen.

ADJOURNMENT OVER TO MONDAY, DECEMBER 6, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PHANTOM JETS FOR ISRAEL

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I am honored to have been named as one of the House conferees on the Defense appropriation bill to be discussed by a House-Senate conference committee. One of the major recommendations to be made by us involves the appropriation of $500 million in military credits for Israel, with $250 million earmarked for Phantom jet aircraft requested by the Israel Government.

I want to state that I support and will urge approval of the amendment sponsored by Senator JACKSON and adopted by the Senate by a vote of 82 to 14 to earmark funds for the Phantom jets for Israel. The issue of maintaining a balance of military power in the Middle East is vital to the security of the entire world and that issue must not be underestimated by the American people or by the Congress. Recent threats by Egypt to renew the war in the Middle East and the continued shipment of bombers and other military equipment to Egypt and her neighboring Arab States have aggravated the tense situation in that area.

I have been disturbed by the lack of factual information being made available to the American public by this administration about the nature of the Soviet support for the Arab States and the nature of the danger to world security. I have also made a number of statements in the House about my deep concern that this administration was bringing about serious misunderstanding about our relations with Israel by bringing undue pressure on Israel to make concession in indirect negotiations for a Mideast settlement. A lasting peace can only come about through direct negotiations which require recognition of the sovereignty of all parties involved.

The amendment before the conference committee takes on special importance in light of the cloud which hangs over the foreign aid bill as this session of the 92d Congress nears an end. Because the foreign aid bill may not be passed this year we must attach the Phantom jet amendment to the Defense appropriation bill to assure that our policy in the Middle East will be clear to all concerned. If the renewal of war in that area of the world is to be prevented, then Israel must remain strong and able to deter an Arab war strategy. That is the best way to ward off the kind of aggression that could involve foreign troops on Israel's territory and bring about another decade of tragic warfare.

Finally, I believe that it is important to remember that a majority of the Members of the House and of the other body have cosponsored previous resolutions urging the President to supply Israel with the Phantom jets requested for her security. For that reason I believe the conferees should approve this amendment to the Defense appropriation bill and earmark funds for that purpose.

APPROPRIATIONS FOR WELFARE ASSISTANCE IN THE DISTRICT OF COLUMBIA

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, the District of Columbia Appropriations Bill will be coming before the House for consideration later today. Most of the public attention thus far has centered on the fate of the Metro subway. But there is another aspect of the bill that could have a devastating effect on poor people in the District of Columbia.

The Appropriations Committee has callously cut out of the District budget $8,000,000 for welfare assistance in the District of Columbia. I don't believe the committee fully appreciated what this cut will do to poor families in the District of Columbia. The average welfare family in this city receives a benefit of $203 a month. Most of these payments are for the benefit of young children. Under the committee bill, the payment to these families will be reduced by half to $102 a month. As the White House Conference on the Aged meets this week in Washington, the committee would cut benefits to the elderly in the District from $92 a month to $49. The blind will be cut from $109 a month to $58, and the handicapped from $106 a month to $56.

Mr. Speaker, I have attempted to be restrained in my actions here in the House, but this action is an outrage against the sensibilities of decent men. It is an outrage against the poor children, the elderly, the blind, and the handicapped who have nowhere else to turn for help.

With these cuts, Mr. Speaker, I can assure you that we may well have children in this city, the seat of government of the wealthiest Nation in the world, dying of starvation. These people live on the fringes of our society at present benefit levels; there is no way that they can continue to exist at the reduced levels proposed by the committee.

If I thought it would do any good, I would ask my colleagues in the House to restore the welfare money to the bill. I have been here long enough to know that this will not happen. I can only hope that commonsense and sanity will prevail in the Senate and the money will be appropriated to avoid these cuts. Common decency demands no less.

AIRLINE HIJACKINGS

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, recently the Washington Post carried a most disturbing Associated Press report about an alleged Cuban conspiracy to hijack airliners.

According to the article, Mr. John Masefield, chairman of the British Government board which controls major airports, yesterday charged that the recent upsurge in airline hijackings can be blamed on a Cuban-based Communist conspiracy. Mr. Masefield made the charge at an International Conference on Airport Security. In his report to the Conference, he charged that Castro in 1966 organized a school for hijackers in Havana.

The House Foreign Affairs Subcommittee on Inter-American Affairs, since the very first hijacking to Cuba, has been following this matter most closely. In 1970, the subcommittee conducted extensive hearings on the hijacking question. While some of the hijackings may have been carried out with the advance knowledge of the Cuban Government, no information has to date been brought to the subcommittee's attention regarding the kind of conspiracy alleged by Mr. Masefield.

Prime Minister Castro now, in fact, has a perfect opportunity to demonstrate to the world that he does not encourage hijackings. Castro can do this immediately by returning to the United States the three escaped murderers who hijacked a plane from New Mexico to Havana last Saturday. These three criminals can not by any stretch of the imagination be considered political refugees. They are killers and should be treated as the outlaws they are.

If Castro does not return these three killers, it will be difficult to escape the conclusion that he is not interested in even beginning to bear the minimum responsibilities of membership in the hemisphere community. Continuance of Cuba's open door policy toward every form of malcontent from the mentally ill to murderers who can, through bluff or threat, commandeer an airliner, can only lead eventually to needless tragedy and death. Castro should avail himself of this opportunity to serve notice on the criminals of the world that they will not find a safe haven in Cuba.

Mr. Speaker, because of the serious nature of Mr. Masefield's charge of a Cuban hijacking conspiracy, I want to assure all my colleagues that the Inter-American Affairs Subcommittee will continue to fully explore this entire question.

PUBLIC PROTECTION AGAINST CRIPPLING STRIKES

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, we need effective legislation to protect the public interest against crippling strikes. It should hardly be necessary to point out the deficiency of current law. We have only to look at the terrible economic plight of American farmers, consumers, and foreign buyers of American goods as a result of the dock strikes this year.

H.R. 3596, or some similar bill, is needed to deal in a positive, equitable and sensible way with the threat—or the reality—of national emergency strikes that arise from time to time in the transportation industry.

Dock strikes are taking a terrible toll in farm income. Last year U.S. agricultural exports hit an alltime high of $7.8 billion. Mississippi farmers shared in this record export achievement to the tune of $222 million.

Mississippi ranked second last year in export value of cotton with $79.2 million. Our farmers ranked eighth in soybeans with $62.4 million, fifth in rice exports with $7.8 million and seventh in poultry with $2.9 million. The value of Mississippi protein meal exported was $17.9 million and the soybean oil export value was $12 million.

The west coast ports were closed in July. They were reopened by Federal injunction after a 100-day stoppage that reduced agricultural shipments through these ports by about $200 million.

East and gulf ports closed in October. Some have been open part of the time since then. Many have been closed for all that period. Now, court injunctions are causing some of the east and gulf ports to reopen.

But the damage has been largely done already. Perishable farm commodities have rotted and had to be destroyed. Grain and soybeans have suffered millions of dollars of damage because the crops had no way to move into established export markets, and storage alongside docks is not available.

One of the most insidious facets of dock strikes is the effect they have on other segments of the economy. Because ports are closed, loaded barges and trains and trucks back up all the way to the harvest fields. As inland transportation grinds to a halt, domestic markets deteriorate.

It is estimated that closing east coast and gulf ports has reduced the farm value of soybeans as much as 25 cents a bushel, and has reduced corn prices as much as 10 cents a bushel. They are affecting farm exports that normally would amount to $70 million a week.

Mr. Speaker, I urge immediate action to remedy this situation.

TO AMEND LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I am introducing, for appropriate reference, a bill to amend the Longshoremen's and Harbor Workers' Compensation Act.

This act provides workmen's compensation protection to approximately 1 million working men and women subject to Federal jurisdiction. These working people include longshoremen, ship repairmen, harbor workers, and other offshore workers, workers at the U.S. defense bases outside of the United States, and workers employed in private industry in the District of Columbia.

Amendments to the Longshoremen's and Harbor Workers' Compensation Act are long overdue. This act has not been amended since 1961. At that time it was considered one of the outstanding workmen's compensation acts in the Nation. It was, in 1961, a leader in the field of workmen's compensation along with the Federal Employees' Compensation Act. At that time only four State workmen's compensation laws afforded greater protection to injured workers and their families than this act. Today, however, at least in terms of wage-loss benefits, 20 State laws afford injured workers greater protection than the Longshoremen's and Harbor Workers' Compensation Act.

Congress demonstrated a deep concern for providing adequate workmen's compensation protection for injured American workers and their families in 1966. The amendments to the Federal Employees' Compensation Act Congress enacted at that time supply only to Federal employees. However, the objective of Congress in the matter of workmen's compensation is clear, and this bill to amend the Longshoremen's and Harbor Workers' Compensation Act is consistent with the goals expressed in the 1966 amendments to the Federal Employees' Compensation Act.

The proposed amendments to this act would substantially improve the workmen's compensation protection provided to covered workers and their families, or in cases of fatal work injuries to their surviving dependents. A major provision of this bill would eliminate the present $70 limit on the maximum weekly compensation benefit available to injured workers. It would also increase the minimum benefit level to reflect changes which have taken place in wage levels throughout the economy since 1961.

This amendment to improve the benefit structure of this act would afford the highly productive high wage workers covered by this program with the protection the Congress originally contemplated. Section 8 of the Longshoremen's and Harbor Workers' Compensation Act specifically provides for the payment of weekly benefits equal to 66⅔ percent of the injured worker's average weekly wage. However, this clearly expressed protection for injured workers and their families has for many years been denied. This denial has resulted from the application of the unrealistic maximum weekly benefit amount stated in section 6 of the act. Other amendments would also modernize and update the benefit structure of the act to provide compensation at the end of a schedule award to make up the difference in the wages earned by an injured worker after his return to work if he is unable to attain his former wage level.

The burial allowance provided in this act is one of the lowest in the Nation; the amendments would raise this benefit to a level that is comparable with other jurisdictions. The disfigurement benefit would not be increased above present levels in the act, but this benefit would be payable for serious injuries to additional areas of the body—presently only disfigurement of the face or head are compensated—which might hinder a worker in efforts to obtain employment. Deputy Commissioners would also be given authority to charge insurance carriers for medical examinations in some cases.

Dependent surviving children would also benefit from the proposed amendments in some cases. The bill provides that surviving dependent children would be entitled to benefits until age 23—presently 18 years—if the child is pursuing a full-time course of study at an accredited university.

Additional amendments would reduce the retroactive period for benefit payments from 28 days to 14 days. The second injury fund provisions of the act, designed to promote the hiring of the handicapped, would be modernized and strengthened. The employer's liability in second injury cases would be limited to benefit payments of 104 weeks or the existing benefit schedule in the act, whichever is greater; additional benefit payments, if any, would be paid from the second injury fund. The financing of this fund, already established by existing provisions in the act, would be strengthened through increased payments to the second injury fund in nodependency fatal work injury cases and through assessments against insurance carriers if needed.

The bill would also eliminate a serious inconsistency in the present law. The existing benefit ceiling of $24,000 applicable to injuries involving temporary total or permanent partial disability would be removed. Monetary limits of this type are inconsistent with the basic goal of workmen's compensation, that is, to provide adequate wage-loss and medical benefits to injured workers during their entire period of disability. It is widely recognized by all major groups interested in workmen's compensation problems that limits of this type can impose extreme hardships upon injured workers and their families in some cases of severe work injuries.

The amendments would also extend the time limits for a worker to notify his employer of his injury and to file a claim. The extension merely provides a reasonable time for the worker to establish a claim after he has knowledge of the relationship between his injury or illness and his work. These changes are designed to recognize the sometimes long delayed manifestation of occupational injury or disease following exposure to the many new hazards being introduced into industry each year.

The bill also provides for the payment of a worker's attorney fee by the carrier in some controverted cases. The amendments also seek to protect the job security of injured workers through the imposition of penalties in the event injured workers are dismissed from employment as a result of their efforts to secure compensation benefits.

Another amendment to the act provides for the annual adjustment of benefits to reflect changes in wage levels. This amendment would only apply to workers that are injured and entitled to receive benefits after this amendment is enacted. The proposal is based upon the same concept embodied in the Federal Employees' Compensation Act with the exception that it does not apply to injured workers receiving benefits prior to its enactment. Under the Federal Employees' Compensation Act, the benefit payments injured workers receive are adjusted to reflect changes in the cost of living. Benefit adjustment for injured workers on the rolls is not a new concept in workmen's compensation. The States of Michigan, Nevada, Ohio, Oregon, and Washington have had provisions of this nature in their laws for a number of years. In 1967, Connecticut amended its law in a manner to adjust benefits similar to the Federal Employees' Compensation Act formula, and in 1968, New York passed legislation to adjust benefits for some individuals on the rolls.

These amendments to the Longshoremen's and Harbor Workers' Compensation Act are sorely needed. They are extremely modest in scope, but they will provide a modern workmen's compensation program for a substantial number of American workers and their families.

INDIANA FARMERS SUFFER BECAUSE OF DOCK STRIKE

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, farmers in the Seventh Congressional District of Indiana are well aware of what dock strikes this year are costing them in the form of exports.

Indiana production enjoys a high priority in export circles.

I am sure most of the Members are aware that last fiscal year U.S. farm exports reached a new high. A total of $7.8 billion worth of farm goods were sold into export channels—about $6.7 billion worth of them for dollars.

Indiana's share of that tremendous achievement was $331.6 million worth of commodities. Hoosier farmers ranked ninth in the value of all farm exports last year. They ranked third in the value of soybean exports, also third in protein meal and soybean oil, sixth in feed grains, eighth in meat products. They also exported $23.9 million worth of wheat and flour.

So when gulf and east coast ports closed in October, Indiana farmers were hurt and hurt badly.

Harvest time was underway. One of the early effects was to choke off any effective transportation between harvest fields and docks. Traders and elevator operators were reluctant to tie up money and storage space with commodities that could not be moved quickly into export channels. Indiana farmers were among those who saw posted prices of soybeans drop 25 cents a bushel, and watched corn prices decline by a dime. Literally millions of dollars are being lost this year by Indiana farmers because of transportation tieups at dockside that reflect all the way back up the transportation routes—river, rail and highway—to the local farm.

I urge consideration of H.R. 3596, or similar legislation, at once to deal with this enormous economic problem.

REPRESENTATIVE SKUBITZ INTRODUCES LEGISLATION TO ESTABLISH AGRICULTURAL HALL OF FAME AND NATIONAL CENTER AT BONNER SPRINGS, KANS., AS A NATIONAL CULTURAL PARK

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Speaker, I have today introduced a bill which would establish the Agricultural Hall of Fame and National Center located at Bonner Springs, Kans., as a national cultural park within our system of national parks.

The Agricultural Hall of Fame and National Center was incorporated by act of Congress on August 31, 1960, for the purposes of receiving, maintaining, and using funds for charitable, scientific, literary, and educational purposes; honoring farmers, leaders, teachers, scientists, inventors, and other individuals for their contributions to the advancement of agriculture; perpetuating the memory of such persons and their achievements; fostering and promoting and encouraging a greater sense of the dignity and importance that agriculture has played in the development of our democratic institutions; establishing and maintaining a library and museum for the collection and preservation of the implements of agriculture; cooperating with other organizations with similar interests; and engaging in activity incidental thereto.

Since the time of its incorporation, the Center, although operating with only limited funds, has admirably pursued its objectives. It has acquired 275 acres of land 12 miles west of downtown Kansas City, Kans. On that land it has constructed two exhibit buildings and a third is nearing completion. These buildings house an elaborate collection of farming instruments, machinery, and a library that portrays several generations of the culture that planted, harvested, and created the breadbasket of this Republic. Today, a visitor can and does experience, almost first hand, through that telescopic portrayal, the growth and national importance of agriculture in this country.

In 1970, at its annual meeting, the Secretary of Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended study of the Agricultural Hall of Fame and National Center with a view toward establishing it as a permanent part of our national park system. In 1971, the Secretary's advisory board determined that the Center meets the criteria for establishment as a national cultural park.

The cultural park concept is relatively new. It cannot be categorized as implementing a single specific national policy such as one of nature preservation, historic preservation, or outdoor recreation. The cultural park concept is intended to implement the preservation and interpretation of a part of our national culture in partnership with private, public, and local entities.

The beginning and evolvement of our agricultural heritage is of the utmost national significance. The Agricultural Hall of Fame and National Center has made a significant beginning in acquiring sufficient land and developing adequate facilities to preserve and interpret that culture. The Center is a going concern. It has demonstrated the feasibility of the concept. The assistance of the Federal Government, the expertise of the National Park Service and cooperation of State and local government and private citizens, can help assure continued preservation, expansion, and interpretation of this most important part of our national heritage.

THE EAST COAST DOCK STRIKE

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I rise at this time to bring to the attention of my colleagues a matter of the greatest concern to me and to thousands of farmers in North Carolina's Fifth District and throughout the State.

North Carolina's farmers traditionally do very well, in comparison with other farm States in America, when it comes to the exporting of agricultural commodities.

The farmers of my State rank fifth in the total export value of all U.S. agricultural commodities, with a fiscal 1971 export value of $431.6 million.

North Carolina farmers ranked first in the value of tobacco exports in 1971, with $324.8 million, and third in the value of poultry exports with $4.9 million. Farmers in the Tarheel State exported $23.4 million worth of soybeans, $14.6 million worth of feed grains, $7.7 million worth of cotton, and $6.3 million worth of wheat in fiscal 1971.

The current fiscal year will present a strikingly and dangerously different picture. The reason is simple and obvious—the east coast dock strike.

The closing of those eastern ports effectively sealed off the North Carolina farmer from his foreign markets for many weeks.

When the strike was halted by court order, following President Nixon's decision to invoke the Taft-Hartley Act, 62.9 million pounds of tobacco were awaiting shipment at North Carolina ports.

Only 4 million pounds of tobacco went out during the month of October 1971, compared with 57 million pounds during the same month in 1970.

Fortunately, tobacco is basically nonperishable, but other agricultural commodities are not, and millions of dollars worth of goods were wasted by the prolonged dock strike.

Significant damage was also inflicted on the U.S. reputation as a reliable trading partner and on our already critical balance-of-payments situation.

The Taft-Hartley provisions now in effect call for resumption of work for an 80-day period, but at the end of that period, there is no guarantee that the dock situation will be much improved.

Legislation which seeks to deal fairly but effectively with this kind of protracted labor-management dispute—the kind that can have such a disastrous effect on the economy and the public welfare—was introduced months ago, but no action has been taken on it, and we continue to move from one crisis to another in a sense of desperation and in disarray.

What we obviously need is a comprehensive, legislative plan to deal with these emergencies before they become national crises. The first step toward completion of that plan was taken months ago, when the Emergency Public Interest Protection Act was first introduced.

The second step should be to give this bill active consideration and to do our best to enact the best possible legislation, using this bill as a foundation on which to build.

That second step should be taken now, and that legislation should be written in such a way that it protects not only the worker and the exporting companies, but also the American consumer.

The final step, and one that should be taken at the earliest possible date, is the enactment of this legislation, thus giving this arbitration plan the force of law and giving the American people insurance against economic disaster.

I will continue to promote this kind of sound, fair, and effective legislation.

OLDER AMERICANS ACT AMENDMENTS OF 1972

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, today, December 2, 1971, marks the conclusion of the White House Conference on Aging.

Clearly, one of the principal themes running through the discussions at the Conference here in the Nation's Capital this week has been the need for a national commitment to action on behalf of the older citizens of America as distinguished from the passage of resolutions and the making of speeches.

As chairman of the Select Education Subcommittee of the House Committee on Education and Labor, the subcommittee with jurisdiction over the Older Americans Act of 1965, I am pleased today to introduce on behalf of myself and nine other members of the committee, a bill that can mean just that—action for the aging—through a wide range of services for the 20 million citizens of the United States who are 65 and over.

This bill—the Older Americans Act Amendments of 1972—is aimed at providing comprehensive services for the elderly, including nutrition, transportation, preretirement training, health, and expanded work opportunities.

In addition, Mr. Speaker, the legislation would mean a considerably strengthened role of the Administration on Aging, authorized in 1965 under the Older Americans Act, in the Department of Health, Education, and Welfare.

Mr. Speaker, the measure my colleagues and I are today introducing would also provide effective coordination of Federal aging programs, expanded services under the Older Americans Act, and an improved system of delivering services to older citizens.

Finally, Mr. Speaker, this comprehensive older American services bill would authorize the establishment of multipurpose senior citizen community centers, a new National Information and Resource Center on the Aging to make available data on programs affecting the aging, and a new Gerontological Research Center to study the biological aspects of the aging process.

The Select Education Subcommittee has already this year conducted hearings on comprehensive social services for the aging in Washington, D.C., Chicago, New York City, and Boston, and I anticipate that our subcommittee will continue these hearings in the second session of the 92d Congress.

Mr. Speaker, the time for action for America's aging is now, and I am indeed pleased to list the following members of the Committee on Education and Labor who are sponsoring the Older Americans Act Amendments of 1972. It is our common hope that this proposal will result not in words but in deeds for the older citizens of the United States.

Sponsors of the bill are: John Brademas, of Indiana; Carl D. Perkins, of Kentucky; Patsy T. Mink, of Hawaii; Lloyd Meeds, of Washington; James H. Scheuer, of New York; Joseph M. Gaydos, of Pennsylvania; William "Bill" Clay, of Missouri; Shirley Chisholm, of New York; Ella T. Grasso, of Connecticut; and John H. Dent, of Pennsylvania.

TEXT OF THE OLDER AMERICANS ACT AMENDMENTS OF 1972

Mr. Speaker, at this point in the Record I insert the text of the Older Americans Act Amendments of 1972:

H.R. —

A bill to strengthen and improve the Older Americans Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1972".

FINDINGS AND PURPOSES

Sec. 2. (a) The Congress finds that millions of older citizens, particularly those over sixty-five years of age, in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to citizens with special needs in planning such programs, and, pending the availability of such programs for all citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will deliver a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of parents, community, and State and local governments, with appropriate assistance from the Federal Government.

(b) Section 101(8) of the Older Americans Act of 1965 (hereinafter referred to as "the Act") is amended by inserting after "services" the following: ", including access to low-cost transportation,".

EXTENSION OF PROGRAMS

Sec. 3. (a) Section 301 of the Act is amended by striking out "and" after "1971," and inserting after "1972" the following: ",

$150,000,000 for the fiscal year ending June 30, 1973, $200,000,000 for the fiscal year ending June 30, 1974, and $250,000,000 for the fiscal year ending June 30, 1975,".

(b) Section 305(b) of the Act is amended by striking out "and" after "1970," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(c) Section 603 of the Act is amended by striking out "and" after "1971," and by inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(d) Section 614 of the Act is amended by striking out "and" immediately after "1971," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(e) Section 703 of the Act is amended by striking out "and" immediately after "1971," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

AMENDMENTS TO TITLE II

SEC. 4. (a) Section 201(b) of the Act is amended by adding at the end thereof the following: "The Commissioner on Aging shall be the principal officer of the Department of Health, Education, and Welfare for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or through any other officer of that department. The Commissioner on Aging shall not delegate any of his functions to any other officer who is not directly responsible to him."

(b) (1) Section 202 of the Act is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities related to the purpose of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local) and nonprofit private agencies of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) call conferences of such authorities and officials of public (including Federal, State, and local) and nonprofit private agencies or organizations concerned with the development and operation of programs for older persons as the Secretary deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities related to the purposes of this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act with particular attention to the impact of medicare and medicaid, the Age Discrimination Act, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for the older people;

"(15) serve as a clearing house for applications for Federal assistance to private nonprofit agencies and institutions for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(2) Section 202(4) of the Act is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and carry out programs designed to meet the needs of older persons for social security, including nutritional training, retirement training, continuing education, and health services;".

(c) Title II of the Act is amended by adding at the end thereof the following new section:

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs related to the purpose of this Act shall consult with the Administration on Aging prior to the establishment of such programs, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying them out."

AMENDMENTS TO TITLE III

SEC. 5. Title III of the Act is amended by adding at the end thereof the following:

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 307. (a) Applications under this title including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate services for the elderly, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owners from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the applicant from whose financial assistance the loan was made, or used for additional loans or grants under this Act."

"NATIONAL INFORMATION AND RESOURCE CENTER FOR THE AGING"

SEC. 204. (a) There is hereby established within the Administration on Aging, a National Information and Resource Center for the Aging (hereinafter referred to as the "Center"). The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions.

(b) (1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops, or technical consultation) information and data related to the particular problems caused by aging, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting older individuals and organizations and persons interested in the welfare of older persons, in meeting problems which are peculiar to, or are made more difficult for, older individuals who are handicapped.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

"(1) medical and rehabilitation facilities and services, including Medicare, Medicaid, and other programs operating under the Social Security Act;

"(2) education;

"(3) vocational training;

"(4) employment;

"(5) transportation;

"(6) architecture and housing (including household appliances and equipment);

"(7) recreation; and

"(8) public or private programs established for, or which may be used in, solving problems of older persons.

"(c) (1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

"(2) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

"(3) The Secretary shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

"(d) There is authorized to be appropriated for carrying out this section for the fiscal year ending June 30, 1973, and for each succeeding fiscal year ending before June 30, 1965, such sums as may be necessary."

AMENDMENTS TO TITLE IV

SEC. 6. Title IV of the Act is amended by redesignating sections 401 and 402 as sections 451 and 452, respectively, by striking out "title" each time it appears and inserting in lieu thereof "part", and by striking out the center heading of the title and inserting in lieu thereof the following:

"TITLE IV—RESEARCH AND DEVELOPMENT

"PART A—GERONTOLOGICAL RESEARCH PLAN

"ESTABLISHMENT OF GERONTOLOGICAL RESEARCH CENTER

"SEC. 401. (a) For the purposes of developing a coordinated national program for research on the biological aspects of aging, there is hereby established an independent agency to be known as the Gerontological Research Center (hereinafter referred to as the 'Center'). The Center shall be located within the Department of Health, Education, and Welfare for administrative purposes only.

"(b) The Center shall be headed by a Board which shall be composed of five members appointed by the President. Two members of the Board shall be biological scientists, one shall be a behavioral scientist, one shall be an administrator, and one shall be a physician. Each person nominated and appointed shall, as a result of his training, experience, and administering, be especially qualified to formulate and appraise programs and activities related to the biological aspects of aging.

"(c) The President shall designate one of the members of the Board to serve as Chairman and one to serve as Vice Chairman. The Chairman shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code. Each of the other four members shall receive compensation at the rate prescribed for level IV of the Executive Schedule under section 5315 of such title.

"(d) Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Board shall not affect its powers, and three members of the Board shall constitute a quorum.

"FUNCTIONS OF THE BOARD

"SEC. 402. (a) The Board shall be responsible for preparing a program, to be known as the gerontological research plan, designed to promote and conduct intensive coordinated research in the biological origins of aging on a continuing basis.

"(b) The Board shall carry out the following duties:

"(1) the collection, analysis, interpretation, and evaluation of information and statistical data related to the biological aspects of aging;

"(2) the appraisal of programs and activities related to the biological aspects of aging;

"(3) the development of priorities for new programs designed to increase knowledge of the biological aspects of aging;

"(4) the development of legislative reports and proposals for new programs to provide greater insight into the biological aspects of aging; and

"(5) conduct research in the biological aspects of aging.

"BOARD STAFF

"SEC. 403. (a) The Board is authorized to employ such officers and employees as may be necessary to carry out its functions under this part.

(b) The Board is authorized to obtain services of consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem.

"POWERS OF BOARD

"SEC. 404. To carry out this part, the Board shall have the authority—

"(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organizations and personnel;

"(b) to obtain from any department, agency, or instrumentality of the United States, with the consent of the head thereof, such services, advice, and information as the Board may determine to be required by it to carry out its duties;

"(c) to acquire by lease, loan, or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority under this part;

"(d) to enter into contracts or other arrangements, or modifications thereof, with State and local governments, and institutions and individuals in the United States, to conduct programs the Board deems necessary to carry out the purposes of this part, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or other provision of law relating to competitive bidding;

"(e) to make advance, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

"(f) to receive money and other property donated, bequeathed, or devised to the Board, without condition or restriction other than that it be used for the purposes of the Board;

"(g) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them of travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

"(h) to make any other expenditures necessary to carry out his part.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS."

PRERETIREMENT PROGRAMS

SEC. 7. Title V of the Act is amended by (1) changing the title to read, "TRAINING," (2) redesignating section 503 as section 504, and (3) by inserting the following new section:

"PRERETIREMENT PROGRAMS

"SEC. 503. For the purpose of easing the frequently difficult social and economic adjustments which must be made at some time by most Americans as they pass from the highly productive period of the middle years to the new retirement status of the older citizen, and to assist them in achieving health and dignity in retirement living, the Secretary is authorized—

"(a) to develop and operate, in cooperation with any public or nonprofit private agency, organization, or institution, preretirement programs providing education, information, and relevant services to persons planning retirement;

"(b) to collect and disseminate, through publications and other appropriate means, information concerning research, studies, findings, and other materials developed in connection with activities under this section; and

"(c) to make grants to any public or nonprofit private agency, organization, or institution, and contracts with any agency, organization, or institution, for the evaluation of preretirement programs, the training of personnel to carry out such programs, and the conduct of research with respect to the development and operation of such programs."

SPECIAL IMPACT PROGRAMS

SEC. 8. (a) The Act is amended by redesignating title VII as title VIII, by redesignating sections 701 through 703 and references thereto as sections 801 through 803, respectively, and by inserting after title VI the following new title:

"TITLE VII—SPECIAL IMPACT PROGRAMS

"PART A—SERVICE ROLES IN RETIREMENT

"GRANTS AND CONTRACTS FOR SERVICE PROJECTS

"SEC. 701. (a) The Secretary is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay not to exceed 90 per centum of the cost of the development and operation of programs designed to provide opportunities for persons aged sixty or over to render public service.

"(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previous made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

"CONDITIONS OF GRANTS AND CONTRACTS

"SEC. 702. The Secretary shall not make any grant or enter into any contract under this part unless the grant application or contract proposal—

"(1) has been submitted by, or has been submitted for review and recommendations to, the State agency (if any) established or designated as provided in section 303(a)(1);

"(2) provides for the use of unpaid, volunteer services, if available; and

"(3) provides that the program will not result in the displacement of employed workers or impair existing contracts for services.

"INTERAGENCY COOPERATION

"SEC. 703. In administering this part, the Secretary shall consult with the Office of Economic Opportunity, the Department of Labor, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination of the program under this part with such other programs and shall promote the coordination of programs under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this part and in promoting the identification and interest of older persons whose services may be utilized in programs under this part.

"APPROPRIATIONS AUTHORIZED

"SEC. 704. Such sums as may be necessary are authorized to be appropriated for grants or contracts under this part for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"PART B—NUTRITIONAL SERVICES FOR OLDER AMERICANS

"AUTHORIZATION OF APPROPRIATIONS; GRANTS FOR NUTRITIONAL SERVICES FOR OLDER AMERICANS

"SEC. 711. For the purpose of improving the nutritional level of older persons, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975. Sums made available under this section shall be utilized by the Secretary to make grants to any State which has in effect a State plan approved under section 303, to assist (as provided in this part) in the planning, establishment, and operation of a program designed to meet the dietary needs of older persons, particularly those of low or moderate income. Such a program shall provide for the establishment and operation in the State of projects providing such services as—

"(1) hot, nutritionally balanced meals for older persons in multipurpose senior centers, in neighborhood centers, and in residential housing for persons of low or middle income;

"(2) home delivered meals for individuals requiring such services because they are homebound or disabled or for other health reasons; and

"(3) nutritional counseling, information, and education for older persons.

"ALLOTMENTS

"SEC. 712. (a) Not to exceed 1 per centum or $200,000, whichever is larger, of the sum appropriated for any fiscal year under section 711 may be reserved by the Secretary for evaluation (directly or by grants or contracts) of programs assisted under this part.

"(b)(1) From the sum appropriated for any fiscal year under section 711, (A) the Virgin Islands, Guam, and American Samoa shall be allotted an amount equal to one-half of 1 per centum of such sum, and (B) each other State shall be allotted an amount equal to 1 per centum of such sum.

"(2) From the remainder (as determined after application of subsection (a) and paragraph (1) of this subsection) of the sum so appropriated each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

"(3) A State's allotment for a fiscal year for programs assisted under this part shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2).

"(c) The amount of any allotment to a State under subsection (b) for any fiscal year which the Secretary determines will not be required for carrying out the purposes of section 711 shall be available for reallotment, from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out such purposes for sums in excess of those previously allotted to them under this section, and (2) will be able to use such excess amounts during such fiscal year. Such reallotments shall be made on the basis of the State plans approved under section 303, after taking into consideration the population aged sixty or over. Any amount so reallotted to a State shall be deemed part of its allotment under subsection (b).

"(d) The allotment of any State under subsection (b) for any fiscal year shall be available for grants to pay not exceeding 90 per centum of the cost of planning, establishing, and operating programs assisted under this part which are approved by the Secretary prior to the end of such year.

"USE OF ALLOTTED FUNDS

"SEC. 613. Funds allotted to any State under this part may be used for (1) the administration of projects described in section 701 directly by the State agency established or designated as provided in section 303(a)(1), or (2) the award, in accordance with criteria established by the Secretary after consultation with such State agencies, by such State agency of grants or contracts to any public or nonprofit private agencies or organizations for the administration of such programs by such agencies or organizations.

"(c) In allocating funds received under this part, the State agency shall give preference to programs to be established in geographic areas or in institutions having a higher concentration of older persons of low income.

"PAYMENTS

"SEC. 714. Payments under this part may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of rembursement, and in such installments, as the Secretary may determine.

"TREATMENT OF NUTRITIONAL SERVICES FOR CERTAIN PUBLIC ASSISTANCE PURPOSES

"SEC. 715. Notwithstanding the provisions of titles I, IV, X, XIV, XVI, or XIX of the Social Security Act, services or other assistance provided to any older persons pursuant to this part or pursuant to any grant made under this part shall not be regarded (1) as income or resources of such person in determining his need under a State plan approved under any such title, or (2) as income or resources of any other individual under such approved State plan.

"REGULATIONS

"SEC. 716. (a) The Secretary, after consultation with the Department of Agriculture with respect to standards relating to food distribution, handling, and storage and equipment used for food distribution, handling, and storage and with respect to the incorporation of the results of tested nutritional research in the operation of projects assisted under this part, shall prescribe general regulations concerning the determination of eligible costs with respect to which grants may be made under this part and the terms and conditions for approving such grants.

"PART C—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 721. There are authorized to be appropriated such sums as may be necessary for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975, for grants by the Secretary to public and nonprofit private agencies and organizations to pay not to exceed 75 per centum of the cost of construction of multipurpose senior centers, except that the total of such grants in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for that year for purposes of carrying out this part.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 722. (a) A grant under this part may be made only if the application therefor is approved by the Secretary upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(3) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants under this part, the Secretary shall—

"(1) give preference to the construction of multipurpose senior centers in areas covered by approved comprehensive city programs assisted under the provisions of section 105 of the Demonstration Cities and Metropolitan Development Act of 1966; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

"PAYMENTS

"SEC. 723. Upon approval of any application for a grant under this part, the Secretary shall reserve, from any appropriation available therefor, the amount of such grant; the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"RECAPTURE OF PAYMENTS

"SEC. 724. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated).

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 725. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(6) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"DEFINITIONS

"Sec. 726. For purposes of this part—

"(1) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"(2) The term 'construction' includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

"(3) The term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements.

"Part D—Transportation Services for Older Americans

"PROGRAM AUTHORIZED

"Sec. 731. The Secretary, after an appropriate investigation and study, shall develop and carry out a program to improve the transportation services available to older persons. Such programs may include one or more of the following:

"(1) special transportation subsystems for older persons or similar groups with similar mobility restrictions;

"(2) portal-to-portal service and demand actuated services;

"(3) the payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis.

"(4) payments directly to older persons to enable them to obtain reasonable and necessary transportation services; and

"(5) any other program which the Secretary determines shows promise of facilitating the provision of transportation services to older persons.

"APPROPRIATIONS AUTHORIZED

"Sec. 732. There are authorized to be appropriated for the fiscal year 1973, and for each succeeding fiscal year ending prior to July 1, 1975, such sums as may be necessary to enable the Secretary to carry out the provisions of this part.

"Part E—Continuing Education for Older Persons

"PROGRAMS AUTHORIZED

"Sec. 741. (a) The Secretary, after appropriate investigation and study, shall develop and carry out a program for providing continuing education to older persons. Such programs may include one or more of the following:

"(1) programs to provide rehabilitation for older persons to enable them to lead more productive lives,

"(2) programs designed to retrain persons who are shifting to new employment by reason of age or other conditions,

"(3) programs to upgrade the skills of older persons to enable them to obtain more rewarding employment, and

"(4) programs designed to broaden the educational, cultural, or social awareness of such older persons so that they will be better able to lead more productive and rewarding lives in retirement.

"(b) The Secretary may carry out the program provided for in this part through grants or contracts with public and private agencies, including other Federal agencies, State educational agencies, local education agencies, the vocational educational agencies of the States, the vocational rehabilitation agencies of the States.

"APPROPRIATIONS AUTHORIZED

"Sec. 742. There are authorized to be appropriated for the fiscal year 1973, and for each succeeding fiscal year ending prior to July 1, 1975, such sums as may be necessary to enable the Secretary to carry out the provisions of this part."

A REPORT TO THE DELEGATES FROM THE CONFERENCE SECTIONS AND SPECIAL CONCERNS SESSIONS

Mr. Speaker, perhaps the most recent evidence of the need for congressional action on the legislation my colleagues and I today have introduced is the "Report to the Delegates from the Conference Sections and Special Concerns Sessions."

This report, which was released only today, is well worth the most careful consideration of every Member of the House and Senate.

Because of the importance of the report and of its timeliness, I insert at this point in the Record the full text.

1971 White House Conference on Aging—Reports of the Special Concerns Sessions, November 28–December 2, 1971

EDUCATION

Preamble

Education is a basic right for all persons of all age groups. It is continuous and henceforth one of the ways of enabling older people to have a full and meaningful life, and as a means of helping them develop their potential as a resource for the betterment of society.

Bilingual and ethnic concerns

All issues and recommendations which will affect or serve linguistically/culturally different populations must enlist the necessary linguistically/culturally different qualified expertise in the development processes of such proposals so as to insure that all programs designed for the elderly will result in maximum utilization and participation of the constituents in question.

Particularly urgent are Federal, State and local funds for bilingual/bicultural education to the non-English speaking elderly pertaining to instructions relating to the requirements of Federal, State and local government agencies, i.e. gaining citizenship, applying for social security, housing applications, etc.

Expansion of educational programs

Education for older persons should be conducted either apart from or integrated with other groups according to their specific needs and choices. Where feasible and desirable the aged must be granted the opportunity to take advantage of existing programs with both old and young learning from each other. However, alternatives must be provided which emphasize the felt needs of the aged at their particular stage in the life cycle.

The expansion of adult educational programs having a demonstrated record of success should receive higher priority with due consideration being given to experimental and innovative programs.

Educational opportunities must be afforded all older persons, with special effort made to reach those who, because of low income, poor health, social circumstances or ethnic status are less likely to respond voluntarily. Outreach programs should use all appropriate channels and delivery systems.

For older persons to participate in educational programs; agencies, organizations; and government must provide incentives. These incentives should be aimed at eliminating specific barriers to the availability and accessibility of educational services for older persons including transportation, free attendance, subsistence, auditing privileges, relaxed admission requirements, flexible hours, convenient locations and subsidies to sponsors and removal of legal barriers.

Public libraries serve to support the cultural, informational and recreational aspirations of all residents at many community levels. Since older adults are increasingly advocating and participating in lifetime education, we recommend that the public library, because of its nearby neighborhood character be strengthened and used as a primary community learning resource. Adequate and specific funding for this purpose must be forthcoming from all levels of government and most importantly from private philanthropy.

We recommend further that the Library Services and Construction Act be amended to include an additional title to provide library services for the older persons.

Emphasis should be given at every level of education to implement and expand the expressed educational objective of "worthy use of leisure." Education must be directed toward an acceptance of the dignity and worth of non-work pursuits as well as toward development of leisure skills and appreciations.

Funding programs

Money and manpower for educational opportunities must have high priority throughout all services offered to older persons by any approved public or private agency or organization in order to assure continued, meaningful living.

Educational opportunities must include basic, continuing, vocational education, and training about needs for better use of services, cultural enrichment, and more successful adjustment to aging.

Majority or plurality policy proposal

Public expenditures for education for older persons must be increased and directly related to the proportion of older persons within the population. These expenditures should relate to the needs articulated by all segments of the population of older persons including rural and urban and ethnic minorities or by the organizations that represent older persons.

Available facilities, manpower and funds must be used for educational programs designed and offered on the basis of the assessed needs and interests of older persons. The initiative may be taken by many sources, but the design and curriculum must include active participation by older persons.

The Federal Government must consider the concerns of educational programs of older persons in a greater equity of allotment and on a higher priority basis when allocating funds for educational programs.

Where matching funds are required for Federal education programs aimed to assist older persons, it is recommended that the life long contributions toward building this country by the now elderly be considered as suitable compensation in lieu of "matching funds."

Increasing influence of older persons

Education should place emphasis on instruction to help the older persons understand issues, procedures and action in regard to political processes to enable them to meet more effectively and quickly their special needs as individuals or as a group.

Materials, methods, and curriculum

Appropriate materials and methods about all aspect of aging, must be developed and introduced in the curricula at all levels of education from pre-school through higher education.

Mass media

A national awareness campaign must be initiated through mass media and through educational systems to promote better understanding by society of the nature of the aging process, the needs and interests of older people, and the positive contributions and potentially untapped resources of older persons.

All educational resources must be pressed into service for the needed leadership in the preparation and implementation of (a) leadership training, (b) teacher training, (c) curricula and (d) teaching materials for focusing on the critical educational needs of the older persons in America.

Preretirement

Preretirement education programs must be established to help those approaching retirement age to achieve greater satisfaction and fulfillment in later years. Pre-retirement education must be the primary responsibility of the public education sector in cooperation with relevant community organizations in the areas of industry, labor, all levels of government, voluntary service and private associations.

Professional preparation

We urge that institutions of higher learning provide opportunities for special professional preparation of those who will and are working with older persons (law, medicine, social work, recreation, education.) More attention must also be given to workshops, institutes, and in-service education for those who now work with older adults.

Status of Administration on Aging

To implement the educational policies growing out of the 1971 White House Conference on Aging, the Administration on Aging must be accorded status and financing appropriate to the task and must be made an independent agency within the Department of HEW as provided for in the Older Americans Act of 1965.

Primary responsibility for the initiation, support and conduct of education programs for older persons must be vested in the existing educational system, Federal, State and local with active participation and cooperation of specialized agencies. A Division of Education for Aging should be established in the Office of Education immediately, to initiate supportive educational services for the aging. Similarly, all State departments of education should designate full-time responsibility to key staff for the development and implementation of programs in education for aging.

EMPLOYMENT AND RETIREMENT

Our long established goal in employment and retirement policy is to create a climate of *free choice* between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activities.

Many barriers hamper older Americans in exercising this choice in allotting their time and talents and deprive our Nation of the highest use of their knowledge, skills, and potentialities. They include: Compulsory retirement on reaching a particular birthday, regardless of their ability to work; lack of information and counseling on retirement problems and job opportunities; lack of placement and counseling personnel equipped to deal with their special problems; under-representation in education, training, rehabilitation, and other manpower programs; continuing discrimination in employment practices despite Federal and State legislation; and forced retirement resulting from long unemployment as an increasing number of workers lose their jobs in their fifties when plants shut down or technological changes make their skills obsolete.

The unemployment and underemployment of workers in the age group 45–65 seriously jeopardize their retirement prospects. For this reason, consideration of the present employment and future retirement problems of this age group as well as those over 65 was included in arriving at our policy recommendations. These are offered in the hope that they will lead to actions that advance our Nation toward our long established goals relating to the employment and retirement of older Americans.

Employment of older workers is a vital part of our national problem of attaining full employment. Older workers are especially disadvantaged in competition for jobs in the labor market. Their problems cannot be met adequately at the State and local level or through the financial instrument of revenue sharing. Strong Federal leadership and financing are required.

Larger and earmarked manpower funds

The Nation's present manpower programs fail to take adequate account of the unemployment problems of older people. Experience proves that adequate funds must be earmarked to improve employment opportunities for older workers.

In order to achieve a more equitable distribution of services to all age groups, Federal, State and local manpower programs should expand their services and provide more job recruitment, training, counseling, and placement services for older workers.

It is imperative that adequate funds based on population ratio, needs, and special circumstances be earmarked for special employment programs for older people. Aggressive efforts should be made to monitor effectively the use of such earmarked funds.

Immediate steps to end discrimination

We now have legislation designed to eliminate age discrimination in employment, but more vigorous enforcement is needed.

Federal, State and local governments should strictly enforce protective and antidiscriminatory laws and policies regarding employment opportunities, with the elimination of the age limit of 65 in age discrimination legislation. The Age Discrimination Act of 1967 should be expanded to cover all employees in both private and public sectors. There should be a governmentally sponsored public relations and educational effort designed to induce employers voluntarily to hire more older workers.

Public service employment

Even improved manpower policies may not result in adequate employment opportunities for those willing and able to work.

It is the responsibility of the Government to assume the role of "employer of last resort" to provide meaningful and socially needed employment opportunities for those older workers willing and able to work, if all other programs fail to produce such results.

A minority favored expanded and innovative programs to meet employment needs of older persons, but questioned the concept of Government serving as "employer of last resort."

A flexible retirement age

Our society presently equates employability with chronological age rather than with ability to perform the job.

Chronological age should not be the sole criterion for retirement. A flexible policy should be adopted based upon the worker's desires and needs and upon his physical and mental capacity. Policies and programs that provide employment opportunities after age 65 must be made available.

Realistic opportunities for retirement earlier than age 65 must be provided. Employers should be encouraged to adopt flexible policies, such as gradual or trial retirement.

The need for new policies

Existing policies fail to protect the worker who is forced to retire prematurely or who is unprotected by a pension plan.

New national policies and publicly and privately supported programs are needed to help workers who are forced to retire before the normal retirement age because of health problems or job displacement caused by technological changes or jobs requiring early-age retirement. New programs should be vested generally in existing agencies that have responsibility for dealing with these problems.

There should be created a continuously funded program by the Federal Government especially designed to maintain economic security for middle-aged and older workers during their period of transition from prematurely forced disemployment into suitable employment or retirement. During this period, a major objective would be to retrain and educate the disemployed to assure reemployability or to assist in mobilizing resources to assure a meaningful retirement.

All workers should be guaranteed a retirement income adequate to maintain a decent standard of living above the poverty level. Legislation must be enacted as soon as possible requiring early vesting, adequate funding and portability of pensions and to provide for Federal insurance for pensions.

Preretirement preparation

Too many individuals fail to plan for retirement or plan too late.

Preretirement education and counseling should be provided locally throughout the Nation by trained instructors, starting at least five years before normal retirement age. Information on problems and opportunities involved in retirement should be included in family living and other pertinent course at all educational levels.

Government at all levels, employers, unions, and educational institutions (especially through adult education agencies, the use of television) should encourage and promote preretirement counseling by trained instructors. Special courses for those nearing retirement are urgently needed.

Social security retirement test

The earnings tests that results in withholding of social security benefits constitutes a financial hardship for older people.

The retirement test should allow persons to receive social security benefits without reduction up to the point where the total of social security plus earnings equals $5,000/yr. In no case should benefits be reduced for persons earning under $1,680.

Social security benefits

An immediate 25 percent increase in social security benefits was recommended, with a $150 minimum per month.

Need for fixed responsibility

A major overriding problem connected with the Administration of Employment and Retirement Policies is the lack of fixed responsibility by any single agency and lack of coordination by any single agency. The President should establish an office on aging within his executive office by executive order until Congress amends the Older American Act of 1965 to create a Department of Aging at cabinet level status.

A National Pension Commission with a Governing Board of management, labor and public representatives should be established to encourage the expansion and the improvement of pension plans with particular reference to: flexible retirement ages, liberal (early) vesting and portability, adequate funding, more general coverage, and job redesign.

A National "job bank" should be computerized by the Department of Labor to meet employer requirements. The "job bank" now being computerized should include job opportunities for retirees (including those in rural and small communities) who should be encouraged to register with the U.S. Employment Service.

The Federal Government shall develop a program for, and provide financing for, the establishment of local centers for the purpose of locating and bringing together older persons and potential employers on both a full-time and part-time basis. Federal funds will be channeled through the various State administrations on Aging who will be responsible for approving applications for the establishment and financing of such centers by public and private agencies, and for the supervision of their operation.

Other recommendations

A number of other recommendations will appear in full report on the Section's work. For example, the special problems of certain groups of older workers were dealt with in the following:

For the Marianna Islands, a study should be made of the aged and how to alleviate their problems, especially of employment. A vocational instructor in a workshop to train older persons in nature crafts for sale to tourists is needed.

For all minorities, rural residents, migrants, and employees of small business Congress should enact a compulsory, universal and national portable pension plan administered through Social Security, (with tax advantages for the employer and the self-employed) to provide for those not normally covered by other pension plans.

PHYSICAL AND MENTAL HEALTH

Preamble

We, the delegates to the physical and mental health section of the 1971 White House Conference on Aging, assert that the U.S.A. must guarantee to all its older people health care as a basic right and a quality of life consistent with that which our nation should assure to this group who have made invaluable contributions to its development. In order to assure that quality of life, a basic requirement is the availability of a comprehensive system of appropriate health care.

A comprehensive system of appropriate health care requires that the full spectrum of presently known services be readily accessible. These must be of high quality and be delivered in the appropriate setting and at the appropriate time with concern for the dignity and choice of the individual and within a framework which guarantees coordination among the various levels of care, continuity of care over time, and the efficiency and effectiveness which will assure supportable costs.

To be comprehensive and systematic this health care must provide:

a. Assessment of health;

b. Education to preserve health;

c. Appropriate preventive and outreach services;

d. All physical, mental, social and supportive services necessary to maintain or restore health;

e. Rehabilitation; and

f. Maintenance and long-term care when disability occurs.

To be specifically responsive to the needs of the elderly, special attention must be given to the availability and quality of long-term care and to the development of adequate, appropriate alternatives to institutional care.

Community and consumer participation in the planning and delivery of such a system of services will tend to assure the responsiveness of the system to locally defined community need and the appropriate use of health manpower, facilities and financing.

The health section recognizes that, although the aged represent a minority, within this minority there are special problems experienced by racial and ethnic groups. Within the special concern expressed for the problems of the aged, particular attention must be accorded to make sure that these minorities are not doubly jeopardized.

In support of these basic premises the physical and mental health section submits the following policy proposals:

PHYSICAL AND MENTAL HEALTH

1. Health care for the aging must be provided as an integral part of a coordinated system that provides comprehensive health services to the total population; but immediate and special consideration and emphasis must be given to the problems of, and services for, the aging.

2. A coordinated delivery system for comprehensive health services must be developed, legislated, and financed to ensure continuity of both short and long term care for the aged.

3. A comprehensive health care plan for all persons should be legislated and financed through a National Health Plan. Pending the achievement of such a National Health Plan, the complete range of health care services for the elderly must be provided by expanding the legislation and financing of Medicare. Such expanded financing should be accomplished by means of a combination of Social Security Trust funds with a greatly expanded use of general revenues. Such expansion of Medicare should include elimination of deductibles, coinsurance and copayment, and all provisions discriminatory to the mentally ill as well as the establishment of congruent ages for Medicare and Social Security benefit eligibility. Both the immediate expansion of the current program and a future National Health Plan should provide for a public/private partnership in the delivery of services and for Federal financing and quality controls in order to assure uniform benefits and uniform application of the standards of quality. Centralized responsibility for standards and controls over health facilities and services must be combined with protection, for the patient and provider, from arbitrary, capricious, and varied application and interpretation of existing as well as new standards.

Minority report

75 delegates opposed the Section's action eliminating the combination of Medicare and Medicaid expansion (through legislation and financing) as an alternate to expansion of Medicare only to achieve a comprehensive health care plan.

A minority expressed interest in having the section propose eliminating private insurance carriers as intermediaries in the Medicare program by submitting the following recommendation from the floor:

The fiscal aspects of the Medicare program should be administered by the Federal Government rather than by the private insurance carriers as intermediates.

PHYSICAL AND MENTAL HEALTH

4. A continuing national program for education of all persons should be provided about the specific physical, mental, and social aspects of aging. Educational programs should be addressed to all ages and should include all stages of development so that the different age groups will better understand each other. Information on all aspects of aging should be included in educational courses at all levels. The aged themselves should be among those recruited, trained, and utilized in carrying out these programs.

5. Emphasis should be placed on including curricula or course contents on physical, mental and social aspects of aging in secondary schools, undergraduate and graduate professional education, and in in-service training and continuing education of health personnel. The development of specialists in the care of the elderly should also receive emphasis, especially with the view of developing professional, allied health professional, and other health personnel selected and trained to give compassionate and expert care to the aged. Funds must be provided to ensure the development of such programs as well as increase the supply of health manpower of all kinds.

6. The aging will best be served if available funds are divided among services, research, and education. Emphasis should be placed on funding of direct services but not to the exclusion of research and education which should receive a reasonable proportion of total resources available. Research findings now available should be assembled, coordinated, and incorporated into service programs.

Specific attention should be given to increasing the funds available for basic research and for operational research with a strong suggestion that a gerontological institute be established within the National Institutes of Health to provide the essential coordination of training and research activities.

7. A center for aging should be established in the National Institute of Mental Health to meet the responsibilities for more research and training in the field of mental health of the elderly.

PHYSICAL AND MENTAL HEALTH

8. The President and Congress should authorize the appointment of a Commission on Aging, including a Committee on Mental Health of the Elderly, comprised of representatives from concerned Federal agencies, national organizations, Congress, and the judiciary, and private citizens to study, evaluate, and recommend a comprehensive set of policies for the Federal Government, the several States, and local communities to pursue in this vital area.

9. Congress should appoint a nationwide interdisciplinary committee to determine the scope and type of *intervention procedures* and *protective services* that would clearly protect the rights of the individual with health, mental health, and emotional problems requiring care. The rights of his immediate family and other close associates should be considered. This committee should include representatives of the religious, civil rights, civil liberties, legal, health and social services communities. Congress should appropriate sufficient funds to assure an in-depth study of all aspects of the individual's rights in relation to his needs for health services and the administration of his affairs until he can resume responsibility.

Intervention procedures and protective services also should assure for elderly individuals their rights of self-determination in their use of health facilities and services.

In order to promote and encourage the establishment of ombudsman services *the nationwide interdisciplinary committee,* or other suitable means, should be used to study and define the functions and roles of ombudsmen as separate and distinct, conceptually and in practice, from other protective services and from consumer participation in health and other matters affecting the elderly. Subsequent promotion of ombudsmen services should include financial support for their activities as well as programs to assure that their functions and findings are given full visibility at local, State and national levels and in both the public and private sectors.

Minority Report

A minority requested the Section to substitute the words "physical and mental health" for the amended word "health."

A minority requested the Section to eliminate the last paragraph referring to ombudsman services.

PHYSICAL AND MENTAL HEALTH

Additional concerns

(From State Conference, Subsection Proposals, Delegates and other sources.)

Preventive dental health measures to slow or halt chronic dental disease process.

Immediate and high priority for Presidential and Congressional definitions of national goals and philosophy in health.

Extension of age limit for retirement.

Special health education programs for disadvantaged minorities, ethnic groups, rural dwellers and other special groups.

Training for volunteers in health work.

Innovative alternates to currently know health care resources.

Innovative programs in existing setting, including long-term care.

Immediate steps to control spiralling cost of health services.

Transportation improvements with specific attention to elderly and disabled.

Research in nursing home administration.

Remove restrictive provisions and benefit reductions in HR–1.

Psychiatric and psychological care including groups as well as individual care.

Career ladder opportunities in training and employment of health personnel.

Improved Federal interagency collaboration in health care.

Consumer majority in control of design and operation of health programs.

Removal of currently restrictive medicare and medicaid policies.

Establishment of priorities among health section proposals.

Education on health matters for legislators and community leaders.

HOUSING

A national policy on housing for the elderly worthy of this nation must enjoy a high priority and must embrace not only shelter but needed services of quality that extend the span of independent living in comfort and dignity, in and outside of institutions, as a right wherever they live or choose to live.

Of particular concern and priority are the poor, the minority groups, the disabled, and the aged located in isolated rural areas.

Availability of housing in great variety is imperative. Such housing should respond to health and income needs and provide a choice of living arrangements. It should include sales and rental housing, new and rehabilitated housing, large and small concentrations. It should be produced by public agencies and by private profit and nonprofit sponsors, with incentives to encourage such housing in all communities.

Funds to support a massive and varied housing program and mechanisms for assuring appropriate services are imperative to the well-being of the elderly of this nation. A decent and safe living environment is an inherent right of all elderly citizens. It should become an actuality at the earliest possible time.

Housing section policy recommendations

1. A fixed proportion of all government funds—Federal, State, and local—allocated to housing and related services, shall be earmarked for housing for the elderly; with a minimum production of 120,000 units per year.

2. Eligibility for the benefits of publicly assisted low and moderate income housing and related services shall be based on economic, social and health needs. Recipients having incomes above an established minimum level shall pay for benefits on a sliding scale related to their income.

3. The Federal Government shall ensure that State, Regional, and local governments and private non-profit groups produce suitable housing for the elderly on the basis of documented need. The Federal Government shall encourage production through the uniform application and use of appropriate incentives.

4. A variety of living arrangements shall be made available to meet changing needs of the elderly. Such arrangements shall include residentially oriented settings for those who need different levels of assistance in daily living. The range shall include long-term care facilities for the sick; facilities with limited medical, food and homemaker services; congregate housing with food and personal services; and housing for independent living with recreational and activity programs.

5. Supportive services are essential in the total community and in congregate housing. Emphasis shall be given to providing more congregate housing for the elderly which shall include the services needed by residents and provide outreach services to the elderly living in adjacent neighborhoods when needed to help older people remain in their own homes.

6. The State or Federal Government shall provide mechanisms to make possible local property tax relief for the elderly homeowner and renter.

7. Every effort shall be made to eliminate red tape and procedural delay in the production of housing for the elderly.

8. Particular attention shall be given to the needs of all minority groups and the hard-core poor elderly. At least 25% of the elderly housing shall be for the hard-core poor elderly, those with incomes at the poverty level or less per year.

9. All Federal agencies dealing with housing for the elderly shall be required to establish multi-disciplinary teams to formulate guidelines for architectural standards based on the needs of the elderly. The multi-disciplinary teams shall also have authority to review and approve innovative proposals.

10. Minority Non Profit Groups shall be encouraged and assisted in developing housing for the elderly.

11. When housing units for the elderly are eliminated for any reason, adequate replacement units must be available and relocation programs provided before such persons are displaced.

12. Congress should revise the definition of a family in the National Housing Act to include single persons 55 and over.

13. The Federal Government shall encourage the preservation of neighborhoods of special character through rehabilitation a selective replacement of substandard dwellings with new dwellings, with full provision for the elderly of the area to remain in their familiar environment.

14. Housing funds now impounded by the Administration should be released and the highly effective Section 202 of the Housing Act with its special guidelines related to space, design, construction, and particularly favorable financing restored.

New Section 202 projects should be established by recirculating monies now being sent to the United States Treasury from mortgage payments and Section 202 conversions to Section 236 or like programs. Such conversions of current Section 202's should be encouraged by establishing incentives.

The senior housing loan Section 202 administrative component of HUD should have management audit responsibility for all Section 202 projects and all Section 236 elderly projects.

15. The rent supplement program shall be increased in dollars and eligibility.

16. Financial incentives shall be available to families providing housing and related care in their own homes, or in appropriate accommodations, for their elderly relatives.

17. The Federal government shall provide financial incentives to State and local governments to encourage property tax exemption of voluntary, non-profit sponsored elderly housing projects.

18. The inability of the elderly to financially maintain their homes because of high maintenance costs and increasing taxes resulted in the recommendation that interest-free, nonamortized loans be made available, the amount of the loan to be related to income, with repayment either upon the death of the borrower or the transfer of the property. As an additional element of national policy, it is proposed that ways or mechanisms be researched to enable older homeowners to voluntarily utilize the equities in their homes, to increase their discretionary income while remaining in their own homes.

19. Congressional action shall be taken to establish within the Department of Housing and Urban Development an Office of Assistant Secretary of Housing for Elderly. This office shall have statutory authority and adequate funding to provide overall direction toward the implementation of a National Policy and the production of housing for the elderly.

20. Executive action shall be taken to create an Executive Office on Aging within the Office of the President.

21. Congressional action shall be taken to create a Special Committee on Aging in the House of Representatives.

22. The Congress shall enact legislation to safeguard the elderly property owner or purchaser from unscrupulous real estate developers and/or promoters.

23. The Congress shall enact legislation providing special funds for adequate housing and supportive programs to meet the unique needs of rural elderly Americans including those on Indian Reservations.

24. Standards for physical and environmental security should be developed and applied as an integral and basic element of all housing projects serving the elderly.

25. Competent service to the elderly in housing requires sound research widely disseminated and utilized, covering many aspects of their living arrangements. Such research shall be undertaken to cover the health, physical, psychological, and social aspects of environment in urban and rural areas; to delineate the needs of elderly over 80 years of age; to determine the needs of transient elderly; to establish the importance of selecting appropriate locations; and to provide safe and adequate construction. Particular attention is directed to the consequences to vulnerable older people of improper sales methods and inadequate housing arrangements. There also shall be undertaken a well conceived and well-financed program of training for professional and semiprofessional staff to develop efficient and competent management in developments for the elderly.

INCOME SECTION

Introduction

There is no substitute for income if people are to be free to exercise choices in their style of living.

The income of elderly people in the past left the greater number of them with insufficient means for decent, dignified living. During the sixties the elderly as a whole enjoyed improvements through greater employment opportunities and better old age security and other public and private benefits. The last two years may have witnessed the reversal of these trends toward improvement as inflation continued to erode the purchasing power of fixed incomes, and rising unemployed reduced job opportunities for older workers. The economic situation of the elderly, if past experience is repeated, will improve more slowly than that of younger groups even with an upturn in the national economy. Direct action to increase the income of the elderly is urgent and imperative.

Recommendations

Income adequacy.—The immediate goal for older people is that they should have total cash income in accordance with the "American standard of living."

We therefore recommend the adoption *now*, as the minimum standard of income adequacy, of the intermediate budget for an elderly couple prepared by the Bureau of Labor Statistics (nationally averaging about $4,500 a year in Spring 1970). This level must be adjusted annually for changes in both the cost of living and rising national standards of living. For single individuals the minimum annual total income should be sufficient to maintain the same standard of living as for couples (not less than 75 percent of the couple's budget). For the elderly handicapped with higher living expenses, the budget should be appropriately adjusted.

Providing floor of income.—The basic floor of income for older people should be provided through a combination of payments from the Social Security system and payments from general tax revenues.

This proposal would retain the basic features of the Social Security program. In addition, there should be a supplementary payment system based on an income test to bring incomes up to the minimum, financed entirely from Federal Government general revenues and included a single check from the Social Security Administration.

Liberalizing the retirement test.—Many older persons work in order to supplement their retirement income.

The exempt amount of earnings under the Social Security retirement test should be increased to not less than $3,000 a year (adjusted periodically to changes in the general level of wages).

The offset formula of $1 reduction in benefits for each $2 of earnings should apply to all earnings in excess of the exempt amount.

Elimination of the test would cost an additional $3 billion, and there are more urgent needs to which this sum could be applied than paying benefits to persons who are still employed at more than the exempt levels.

Widow's benefits.—Increasing numbers of women without dependent children who have not been regularly employed are becoming widowed before age 60. We recommend that they be eligible to receive widow's benefits starting at age 50 to help fill the income gap until they are eligible at the later age to receive their Social Security benefit.

Extending "special age-72" benefits.—Certain residents of the Commonwealth of Puerto Rico, Samoa, the Virgin Islands, and Guam are presently excluded from special benefits which are otherwise applicable to persons over the age of 72 who reside in the United States.

We recommend that the 1965 amendments to the Social Security Act, providing for special benefits to all persons 72 years of age and older not otherwise receiving benefits, be applied without discrimination to all residents of Puerto Rico and the territories and possessions of the United States.

Position of disadvantaged groups under Social Security.—Studies should be made to determine whether there are disadvantaged groups within the population whose age at retirement or benefits under the Social Security system may be inequitable because of shorter life expectancy due to social and economic conditions or racial discrimination.

Financing Social Security.—The financing of the Social Security system should include a contribution from general revenues. The whole structure of payroll taxes should be reviewed to lighten this burden on low-income workers.

Private pensions.—Social Security benefits provide a basic protection which should continue to be improved but which can be augmented through private pension plans.

The Federal Government should take action to encourage broader coverage under private pension plans and ensure receipt of benefits by workers and their survivors. It should require early vesting and/or portability, survivor benefits, and complete disclosure to beneficiaries of eligibility and benefit provisions of the plans. In addition, Federal requirements should assure fiduciary responsibility, minimum funding requirements and protection, through reinsurance and other measures, of the promised benefits.

Remission of property taxes.—It is desirable that older persons be enabled to live in their homes.

States and localities should be encouraged to remit part or all of the residential property taxes on housing occupied by older persons as owners or tenants who qualify on the basis of an appropriate measure of income and assets. Remission is to be achieved by Federal and State grant programs to State and local taxing authorities to compensate for reduced revenues.

Meeting health needs.—This nation can never attain a reasonable goal of income security so long as heavy and unpredictable health costs threaten incomes of the aged.

Priority consideration should be given to the establishment of a comprehensive national health security program which would include the aged as well as the rest of the population. Financing the program solely through wage and payroll taxes and contributions from Federal general revenues would ensure that health care expenses would be a shared responsibility of the government, employers and individuals. There should be no deductibles, co-payments, or co-insurance.

Until such a system is established, the benefits of Medicare-Medicaid should be increased immediately to include, at a minimum, out-of-hospital drugs, care of the eyes, ears, teeth, and feet (including eyeglasses, hearing-aids, dentures, etc.); and improved services for long-term care, and expanded and broadened services in the home and other alternatives to institutional care. Here, too, there should be no deductibles, co-payments, or co-insurance.

Government should assume responsibility for assuring an adequate supply of health manpower and essential facilities and for improving the organization and delivery of health services.

We support the establishment of a special committee of the House of Representatives which will devote its attention to all social and economic problems of the aged, including income, health, housing, and other needs areas reflected in the organization of this Conference.

Our nation has the resources to effectively carry out the proposals made by this Section provided there is a re-ordering of national priorities.

NUTRITION

Introduction

We take it for granted that all older Americans should be provided with the means to insure that they too can enjoy life, liberty, and the pursuit of happiness. Adequate nutrition is obviously basic to the enjoyment of these rights.

Food is more than a source of essential nutrients—it can be an enjoyable interlude in an otherwise drab existence. Thus, provision should be made to meet the social as well as the nutritional needs of older people. A factor that adds dignity and significance to the life of the aged is the feeling that they too are useful and important. Assistance should be provided to make possible preparation of meals for themselves and others. Community meals, however, should be an alternative. Volunteer groups can be involved in such services as transportation, shopping, and distribution of hot meals. Young people should be encouraged to participate in these services and to join the elderly in meals.

All nutrition programs should be supplemented by appropriate educational measures. Older people should be protected from food quackery and unfounded nutritional claims. Lack of research, evaluation and communication leads to failure of otherwise good programs and to the perpetuation of poor programs. The search for more efficient and better means of providing for the good nutrition, health and happiness of older people should be a continuous process.

All recommendations regarding the nutrition of aging Americans should clearly include the elderly in small towns, rural and isolated areas, and the elderly in minority groups. Special cognizance must be taken of the long neglected needs of older Indians and other non-English speaking groups.

Majority policy proposals

1. It is recommended that the Federal Government allocate the major portion of funds for action programs to rehabilitate the malnourished aged and to prevent malnutrition among those approaching old age. However, adequate funds should be allocated for a major effort in research on the influence of nutrition on the aging process and diseases during old age in order to give meaning and impact to the action programs. Appropriate research findings must be made available to all action programs.

Since approximately one-half to one-third of the health problems of the elderly are believed to be related to nutrition, we recommend that pilot programs be set up for the evaluation of the nutritional status of the elderly.

2. The Federal Government should establish and more strictly enforce high standards with specific regulations for the food and nutrition services provided by institutions and home care agencies that receive any direct or indirect Federal funds, require a high level of performance from State Government enforcement agencies, and when necessary, provide financial assistance to bring non-profit organizations up to standard. These standards should include such important areas as quality and nutritive value of food; methods of handling, preparing and serving foods; the special dietary needs of individuals; and the availability of and accessibility to nutritional counseling.

It is recommended that nutrition services and nutrition counseling be a required component of all health delivery systems, including such plans as Medicare, Medicaid, health maintenance organizations, home health services, extended care facilities, and prevention programs.

3. Government resources allocated to nutrition should be concentrated on providing food assistance to those in need. However, a significant portion of these resources should be designated for nutrition education of all consumers, especially the aged, and to the education of qualified nutritionists of those who serve the consumer including teachers in elementary and secondary schools, doctors, dentists, nurses, and other health workers. This can be accomplished immediately by increasing personnel and funds in existing agencies and institutions.

4. Federal Government policy must offer the older person a variety of options for meals, but should stress the favorable psychological values and the economies inherent in group feeding. The policy should require all Federally-assisted housing developments to include services or to insure that services are available for the feeding of elderly residents and for elderly persons to whom the development is accessible. Where a meal is provided, it should meet at least ⅓ of the nutrient needs of the individual. The policy should also require the provision of facilities (including transportation) for food purchase and meal preparation within each household of the development. In addition, Federal policy should encourage and support community agencies to provide facilities and services for food purchase, meal preparation and home delivered meals (often called Meals-on-Wheels) for eligible persons living outside housing development or in isolated areas.

5. It is recommended that the Federal Government assume the responsibility for making adequate nutrition available to all elderly persons of the U.S. and its possessions.

Minimum adequate income (at least $3,000 per single person and $4,500 per couple) must be available to all elderly. Until money payments are increased above this minimum level existing food programs should be strengthened, including nutrition education, to meet the needs of the elderly. Therefore, it is recommended that:

a) In addition to store purchases of food, food stamps be used for the purchase of meals in participating restaurants, school and community settings, and any approved home delivery systems.

b) The food stamp program must be structured to conform to the USDA low-cost food plan at no increase in the cost of food stamps to the recipient.

c) As long as low income social security recipients are on fixed incomes they should be eligible for self-certification for food stamps and/or Public Assistance cash grants.

d) Food stamp applications should be mailed with social security checks and stamps sent to older persons through the mail or by some other efficient, practical and dignified distribution method.

e) The purchase of food stamps should be encouraged and facilitated by providing the first food stamp allotment without cost to the recipient, by permitting more frequent purchases and by distributing stamps at senior citizen centers.

f) The approximately 1000 counties in the United States still using the Commodity Program must switch by December 31, 1972, to the Food Stamp Program for the individual feeding of the elderly. Until this is accomplished the federal donated food should be made nutritionally appropriate, in packages of suitable size, and at readily accessible places.

It is recommended that the equivalent of a National school lunch program be established for Senior Citizens, not be limited to school facilities or to low income persons. Basic components of the program should be:

a) All USDA commodities should be fully available on the same basis as to the school lunch program.

b) Funding should provide for adequate staff, food, supplies, equipment, and transportation.

c) Elderly people should be employed insofar as possible.

d) Auxiliary services should be built in, including recreational, educational and counseling programs.

It is recommended that nutrition specialists already in the field direct the recruitment of volunteers and/or paid part-time aides from among the elderly and train them to teach sound nutritional practices to older people in groups and in their homes. Qualified social workers should be utilized in getting client acceptance of the services being made available.

6. The responsibility for producing quality food rests with the food industry. However, it is the responsibility of the Federal Government to establish and enforce such standards as are necessary to insure the safety and wholesomeness of our National food supply, as well as improve nutritive value. To do this requires more personnel and funding. State requirements that meet or exceed Federal standards must be established, implemented and monitored with Federal support. Particular attention should be given to both nutrient and ingredient labeling of food products as a means of achieving greater consumer understanding. An inclusive list of the ingredients in any processed food should be made available by the manufacturer to the consumer on request.

RETIREMENT ROLES AND ACTIVITIES

As we grow older, we continue to need to occupy roles that are meaningful to society and satisfying to us as individuals. However, we emphasize the primacy of such basic necessities as income, health and housing and these needs must be adequately met.

Twenty million older people with talents, skills, experience and time are an inexhaustible resource in our society. We represent all segments of the population; our abilities, our education, our occupational skills, and our cultural backgrounds are as diverse as America itself.

Given proper resources, opportunities and motivation, older persons can make a valuable contribution. We are also capable of being effective advocates of our own cause and should be included in planning, in decision making and in the implementation of programs. Choice of roles must be available to each older person despite differences in language and ethnicity, and limitation because of disability or level of income. The lives of Americans of all ages will be enriched as the nation provides opportunities for developing and utilizing the untapped resources of the elderly.

Policy proposal No. 1

Society—through government, private industry, labor, voluntary organizations, religious institutions, families and older individuals—must exercise its responsibility to create a public awareness of changiing life styles and commitments in a continuous life cycle. Together they should discover and implement social innovations as vehicles for older persons to continue in, return to, or assume roles of their choice. These innovations should provide meaningful participation and leadership in government, cultural activities, industry, labor, welfare, education, religious organizations, recreation and all aspects of volunteer services.

Implementation

Programs at federal, state and local levels which provide opportunities for community service by older persons should be strengthened and expanded.

Mechanisms should be developed for continuing the work of successful demonstration programs, until such programs become unnecessary or self-sustaining.

Older people should not be further isolated. Attention must be paid to making opportunities for community service accessible as well as available to all older persons.

Policy proposal No. 2

Program efforts to meet role problems and to create new role opportunities should be designed to serve all segments of the older population. Priorities should be determined according to local and individual needs; Special effort must be made to include persons who might otherwise be excluded—the impoverished, the socially isolated, the ethnic minorities, the disabled and the disadvantaged.

Policy proposal No. 3

Society should adopt a policy of preparation for retirement, leisure, and education for life off the job. The private and public sectors should adopt and expand programs to prepare persons to understand and benefit from the changes produced by retirement. Programs should be developed with government at all levels, educational systems, religious institutions, recreation departments, business and labor to provide opportunities for the acquisition of the necessary attitudes, skills and knowledge to assure successful living. Retirement and leisure time planning begins with the early years and continues through life.

Implementation

While retirement preparation is both an individual and total community responsibility, every employer has a major responsibility for providing preparation-for-retirement programs during the working hours.

The function of Social Security district offices should be expanded to include the additional role of offering individual pre-retirement counseling.

Policy proposal No. 4

Social policy should encourage families to assume the responsibility for providing supportive services to older family members; however, society must insure the availability through government and community organizations to all older people of comprehensive supportive services which they are unable to provide independently.

Implementation

The federal government should move immediately to develop models for a network of supportive services for all elderly citizens. Implementation should be the ultimate responsibility of the local community.

In funding supportive services, federal funds should be provided to applicant agencies and local communities as well as state organizations.

The availability of such services should be made known through a program of public information.

Policy proposal No. 5

Public policy should encourage and promote opportunities for the greater involvement of older people in community and civic affairs, and for their participation in formulating goals and policies on their own behalf as a basis for making the transition from work to leisure roles. Society should reappraise the current life style sequence of student, worker, retiree roles, and promote role flexibility.

Policy proposal No. 6

We recognize that many problems of aging Americans are problems for all Americans, and we urge the Conference to request the re-ordering of the nation's priorities.

All citizens will benefit from elimination of poverty, preservation of the environment, more adequate health care services, better housing, transportation and the control of disease and physical disability.

Therefore, we recommend that the Chairman of the 1971 White House Conference on Aging appoint a select committee of delegates to prepare a preamble for action which calls for a re-ordering of our nation's priorities, and that recognizes that the strength and success of America will be judged on how well the needs of its own people are served.

Policy Proposal No. 7

We recommend that the President and the Congress, either by executive order or by congressional action, give immediate priority to the restructuring of the Administration on Aging and its establishment as a visible, effective advocate agency for the elderly at the highest level of government so that it will directly relate to the Executive Office of the President.

Policy Proposal No. 8

Since older persons have special needs, we recommend that public programs specifically designed for the elderly should receive categorical support for the elderly, rather than compelling the aged to compete for services, activities, and facilities intended for the general population.

Policy proposal No. 9

It should be the responsibility of the federal government, in cooperation with other levels of government, to provide funds for the establishment, construction and operation of community oriented multi-service centers designed for older citizens. Industry, labor, voluntary and religious organizations should assist in the planning and implementation.

Policy proposal No. 10

In order to encourage further activity on the part of older Americans, it is recommended that the work means test be modified so as to allow unlimited earnings without the reduction of Social Security benefits.

Policy proposal No. 11

The information media are so important in the formation of public atttiudes that it is recommended that special attention be given to enhancing the image of older persons, and to disseminating the recommendations of the 1971 White House Conference on Aging and its follow-up activities.

Policy proposal No. 12

The Administration on Aging should arrange for the publication of status reports to the delegates, at six month intervals, on action taken on the recommendations of the 1971 White House Conference on Aging.

Policy proposal No. 13

Training and research agencies, including university programs which relate to recreation and leisure, should be encouraged to concern themselves with the needs of older persons as an integral part of their training curriculum.

Policy proposal No. 14

We endorse a program looking toward continuing physical fitness of men and women before and during the years of retirement. Such a program should be implemented by governmental support in cooperation with voluntary agencies which have a long history of experience in this field.

Policy proposal No. 15

Because reciprocity often does not permit the full use of elderly professionals whose services are badly needed, we urge the National Conference of Commissioners on Uniform State Laws, in cooperation with the professions, to develop and promulgate a minimum national standard for admission to the medical, dental, legal and other professions, which standard permits quality professional practice, and that each state adopt such a uniform standard of professional practice.

SPIRITUAL WELL-BEING

Spiritual well-being relates to all areas of human activity. In referring to man's spiritual well-being, we consider those aspects of life ". . . pertaining to man's inner resources, especially his ultimate concern the basic value around which all other values are focused, the central philosophy of life—whether religious, anti-religious, or non-religious—which guides a person's conduct, the supernatural and non-material dimensions of human nature."

Whether rich or poor, advantaged or disadvantaged, every person has a right to achieve a sense of spiritual well-being. "We believe that something is wrong with any society in which every age level is not clearly of meaning and of value to that society. The spiritual needs of the aging really are those of every person, writ large: the need for identity, meaning, love, and wisdom."[1]

As delegate to the White House Conference on Aging in the section concerned for spiritual well-being, we call attention to this fact of life: to ignore, or to attempt to separate, the need to fulfill the spiritual well-being of man, from attempts to satisfy his physical, material, and social needs is to fail to understand both the meaning of God and the meaning of man.

Whether it be the concerns for education, employment, health, housing, income, nutrition, retirement roles, or transportation, a proper solution involves personal identification, social acceptance, and human dignity. These come fully only when a man has wholesome relationships with both fellowmen and God.

The concerns apply to all ages. Basic needs do not necessarily change with age, but they often are intensified.

Therefore, the White House Conference on Aging states that all policies, programs, and activities recommended in a National Policy on Aging should be so developed that the spiritual well-being of all citizens should be fulfilled.

In this context the Section on Spiritual Well-Being of the White House Conference on Aging makes the following policy recommendations:

Since all persons have the "right" to the privileges of citizenship, no person because of his religion, race, creed or national origin should be denied that "right" which includes access to all avenues of assistances.

Proposal

The government should cooperate with religious bodies and private agencies to help meet the spiritual needs of the elderly, but in doing so should observe the principle of separation of Church and State.

Proposal

The government should cooperate with religious organizations and concerned social and educational agencies to provide research and professional training in matters of spiritual well-being to those who deliver services to the aging.

Proposal

It is recommended that the government provide financial assistance for the training of clergy, professional workers, and volunteers to develop special understanding and competency in satisfying the spiritual needs of the aging.

Proposal

It is recommended that all licensing agencies in the State require that institutions caring for the aged must provide adequate chaplaincy services. In certain instances in which cooperating church organizations cannot obtain financial support for such service, government should be empowered to supply it upon the recommendations of the State Commission on Aging or other appropriate agencies.

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[1] Bollinger, Thomas W. 1969. "The Spiritual Needs of the Aging." In *The Need for a Specific Ministry to the Aged* (Southern Pines, N.C.: Bishop Edwin A. Penick Memorial Home, 1969), pp. 50–51.

Proposal

It is recommended that the Federal government should establish a continuing system of evaluation of present and proposed government funded programs serving the elderly. One of the functions of such a system would be a determination of a program's effect upon the spiritual well-being of the elderly.

Proposal

It is recommended that a much greater, more diverse information flow is necessary to acquaint the elderly with all the services which are available to them. Social Security Administration should be required to disseminate adequately the information necessary to acquaint the elderly with all the services which are available to them, such as by enclosing information with social security checks.

In efforts to meet the spiritual needs of the aging, it is essential that both group and individual needs be recognized. Both group, (inter-generational, inter-racial, geographical, etc.) and individual desires must be recognized in all situations, and the alternative choices that most effectively provide solutions be available.

Proposal

Efforts should be made to meet the spiritual needs of the aging by ministering to them in conjunction with people of all ages, as well as in groups with special needs. It is noted that special attention should be given to allowing older persons to share in the planning and implementation of all programs related to them.

Proposal

As a part of total programming for older persons, communities should make available religious or other spiritual consultation to the aged in their own homes, using the clergy and other trained persons. Special emphasis shall be given to assist and utilize personnel of those religious bodies lacking financial resources often available to larger groups.

Any discussion of the spheres of interest of religious organizations must recognize that, though spiritual and social concerns may have definable aspects unique to themselves, to ignore their many areas of interdependency is to lessen the totality of each

Proposal

Since man is a whole being with interrelated and inter-dependent needs, religious organizations should be actively concerned with spiritual, personal and social needs.

Proposal

Religious organizations must be aware of agencies and services, other than their own, which can provide a complete ministry to older persons; other organizations designed for the benefit of older persons should develop as a part of their services channels to persons and agencies who can help in spiritual problems.

Proposal

Religious bodies should exercise a strong advocacy role in meeting the needs of the elderly, working for programs, both public and private, that contribute to the well-being of the elderly and protecting them from those who would victimize or demean them.

We live in an age of ecumenism. While each religious body has inherent rights to provide opportunity for full participation in developing policy and implementing programs, the large and most visible religious bodies should be aware of and cooperative with all other religious bodies.

Proposal

Religious bodies have traditionally and properly developed their own philosophies. We recommend that they work together with the elderly and coordinate their efforts with other groups to develop and declare an affirmation of rights for the elderly. These rights should include the basic values of all while insuring the basic right of freedom of religion.

Proposal

It should be the national policy that religious bodies and other private agencies make it their concern to bring together the services of the entire community to provide opportunity for interfaith broadbased community programs for the aged through multipurpose community centers.

Any discussion of the spiritual well-being of man must include all aspects of life, even that of death. Although there are strong arguments in any such discussion, they are best resolved by open discussion.

Proposal

Religious bodies and government should affirm the right to, and reverence for life and recognize the individual's right to die with dignity.

TRANSPORTATION

Introductory statement

It has been unanimously agreed by the State and Territorial Conferences, the National Organization Task Force, the Technical Committee on Transportation and the Delegates of the Transportation Section of this Conference that meeting the transportation needs of the elderly is a problem of vital concern. For many of the elderly the lack of transportation itself is the problem; for others, it is the lack of money for bus fares; the lack of available services to places they want and need to reach; the design and service features of our transportation systems. These problems interact with one another and in doing so further augment the transportation difficulties of the elderly. For example, their low incomes often force them to live in poor transit service areas and prevent them from owning private automobiles. Rising fares and reduced services of financially declining transit companies restrict their travel. Even where transit is available, design features and the lack of directional information may preclude access to available part-time work which might improve their incomes.

The elderly, like everyone in society, must depend upon the ability to travel for acquiring the basic necessities of food, clothing, and shelter as well as employment and medical care. The ability to travel is also necessary for their participation in spiritual, cultural, recreational and other social activities. To the extent the aged are denied transportation services they are denied full participation in meaningful community life.

It is essential that the needs of *all* the elderly be considered. In the establishment and operation of the transportation systems and services proposed in the policy recommendations, provision must be made to serve the ethnic and cultural needs of minority groups. In addition, because the transportation needs of the rural elderly are critical, they must be assured of receiving all the benefits associated with the recommendations of this Conference.

The implications of the failure of our transportation network to meet the needs of the elderly have received widespread attention and study by Congressional committees, advisory boards, the President's Task Force on Aging, and numerous other goal-generating sources. They have repeatedly affirmed that the opportunty for a wide range of life choices is a basic right of the elderly; that mobility is a necessary precondition for free and dignified choice; that maximization of choice through programs to increase the mobility of the aged ought to be the overall goal of public policy for the older citizen.

The Delegates of the Transportation Section are in agreement with these goals. However, the transportation needs of the elderly cannot wait for more studies. Immediate action is needed. The transportation policy recommendations are a call for action now. The order of presentation of recommendations in this report shall not be considered as an ordering of the priority of the recommendations.

POLICY RECOMMENDATIONS

The following are the policy recommendations passed unanimously or by majority vote except where otherwise noted.

Transportation subsidies

The Federal Government shall immediately adopt a policy of increasing transportation services for the rural and urban elderly. The policy should be flexible encompassing various alternatives. Both system subsidies and payments to elderly individuals may be needed, the choice depending upon the availability and usability of public and private transportation.

Subsidies should be made available not only for existing systems, but also for the development of flexible and innovative systems, especially where there are no existing facilities.

Financial support should be directed toward accomplishing program purposes such as:

1. Reduced or no fare transit for elderly people.
2. Operating and capital subsidies.

Transportation for all users

The Federal Government shall act immediately to increase support for the development of transportation for all users, with special consideration given to the needs of the elderly, the handicapped, rural people, the poor and youth.

Transport coordination

Publicly funded programs for the elderly shall be designed so that transportation will be required as an integral part of these programs, whether transportation is provided directly by the programs or through other community resources.

Public policy shall require coordination of existing transportation and/or new planned transportation with publicly funded programs for the elderly.

To assure maximum use of vehicles and coordination, all government passenger vehicles (such as school buses, vans and other vehicles) in use by Federal, Regional, State, County and City programs shall be made available interchangably among agencies for the provision of transportation to senior citizens for their respective programs. The use of these vehicles shall be available without prejudice to serve all disadvantaged elderly.

An area clearinghouse should be established so that all local transportation resources are used efficiently to meet the transportation needs of the elderly.

Individualized flexible transportation

The Federal Government shall provide leadership and financial support for the development of individualized, flexible transportation for the elderly which provides increased access to health care facilities, shopping, religious, social, recreational, and cultural activities. Programs should be implemented by local and state governments, private enterprise and voluntary community action.

Minimum design and safety standards

The Federal Government, in cooperation with state and local governments and other agencies, shall set minimum standards for the design of equipment and facilities and shall develop programs to assure the safety, comfort, and convenience of the elderly as pedestrians, drivers, and users of transportation services. Implementation and enforcement of these standards should be by local and state governments unless preempted by the Federal Government.

Design and safety features

Transportation systems and services developed or subsidized by public funds shall be designed in an architecturally barrier-free manner in order to provide accessibility for all people.

The Federal Government shall provide guidelines to State and local governments to assist in the development of improved ancillary services such as: terminal design, shelters, centralized transit information, traffic control, and crosswalk markings. Where appropriate, symbols, multi-lingual signs and other devices will be used to facilitate movement of all users.

Reduced fares

Appropriate legislation at all levels of government should provide that the elderly and handicapped be allowed to travel at half fares or less on a space available basis on all modes of public transportation.

Transportation fund

The Federal Government should move immediately to adopt a policy which will both increase the level of funding available to the development and improvement of transportation services and also foster the coordination of all forms of transportation, public and private, at federal, state, regional, and local levels of responsibility.

The Congress of the United States is urged to immediately adopt legislation to convert the Highway Trust Fund into a General Transportation Fund to be utilized for all modes of transportation.

A portion of the General Transportation Fund shall be made available for the development of new transportation services and the improvement of existing transportation services for the elderly.

Drivers licensing

A nationwide set of driver's licensing standards shall be established that do not discriminate against the elderly on the basis of chronological age alone.

Volunteer driver insurance

In designing new flexible transportation services, the Federal Government should establish a national policy for guaranteed liability insurance to cover volunteer drivers.

Encouragement for volunteer drivers

Individuals should be encouraged to serve as volunteer drivers for the elderly in one or more of the following ways: reimbursement for out-of-pocket cost of services rendered; a tax break; use of publicly-owned vehicles; or assistance with insurance and maintenance of vehicles.

Governmental appointments

An elderly person knowledgeable in the affairs of the elderly shall be appointed as an assistant reporting directly to the Secretary of Transportation to represent the needs of the elderly and work toward implementation of their transportation programs.

Insurance cancellation

The Federal Government and/or state governments should pass legislation prohibiting insurance companies from increasing auto insurance premiums or cancelling policies on the basis of age alone.

No-fault insurance

Exploration of the concept of no-fault insurance and the possibility of government operated insurance programs and experimentation now underway in the various States which would further the development of better insurance programs shall be encouraged.

Minority proposal

Exploration of the concept of no-fault insurance and experimentation now underway in the various States which would further the development of better insurance programs shall be encouraged.

Transportation for the rural elderly

All levels of Government shall take immediate steps to correct the present lack of provisions for the basic transportation needs of the rural elderly. Federal laws shall be amended to include specific definitions of responsibility for rural transportation by the Department of Transportation.

Transportation and Federal action

In the absence of state or local response to the transportation needs of all users, especially the elderly, handicapped, rural, poor and youth, the Federal Government shall be empowered to act unilaterally in their interest.

Private housing transportation needs

Individualized and/or public transportation shall be incorporated in the planning of all privately funded senior housing projects to meet the needs of the elderly.

Jurisdictional coverage

All policies adopted as a result of the recommendations of this conference shall be applicable to all of the United States, the Commonwealth of Puerto Rico and all other territories associated with the United States.

Special problem: Reservation Indians

Because American Indian Reservations are considered to be outside of state jurisdiction, American Reservation Indians are not eligible for existing or proposed state funded transportation services.

The Federal Government should recognize the unique transportation problems of American Reservation Indians, and shall immediately provide through subsidies new transportation services that assure American Reservation Indians transportation to health care, educational, social, religious, recreational, cultural and shopping facilities.

Post conference action

It is proposed that the 1971 White House Conference on Aging and subsequent follow up of this Conference can benefit by including in their structured deliberations a special section or workshop having a kind of free-wheeling assignment to offer new and creative ideas. Such a section would not be bound by structured issues. It would be composed of leaders from the elderly and a cross-section of all the major fields of society. It would examine the issues and underlying value-systems which limit self-determination and inhibit the elderly persons' opportunity to be productive. This section would suggest new basic concepts not now explored in the field of aging. Said concepts would go beyond our basic view of the elderly persons' role in society.

FACILITIES, PROGRAMS, AND SERVICES

National policy should guarantee to all older persons real choices as to how they shall spend their later years. Older persons should be enabled to maintain their independence and their usefulness at the highest possible levels. They must have the opportunity for continued growth, development and self-fulfillment and for expanded contributions to a variety of community activities.

In addition to adequate income, an effective network of facilities, programs, and services must be readily available and accessible to permit them to exercise a wide range of options, regardless of their individual circumstances or where they happen to live. Such facilities, programs, and services must be available whether the need for them is short term or long term. They may be under public or voluntary auspices.

Attention must be given now to identify and provide those services which make it possible for older persons to remain in, or return to, their own homes or other places of residence. Whatever the type of resource required to assist them in maintaining the living arrangements of their choice, whether institutional or community based, appropriate standards for those resources must be established and strictly enforced.

Action is needed in forging a national social policy on protection of the older person's rights and choices that will be reflected in provision of a wide range of facilities, programs, and services, whether preventive, protective, rehabilitative, supportive or developmental in their focus. To this end there must be strategies for achieving action now, including Federal fiscal support to implement the policies which follow.

Policy recommendation No. 1

Majority Recommendation

Tax funds should be more equitably allocated to maximize the likelihood that older persons will continue to live independently and to help assure that older persons will have a choice of living arrangements. To achieve this, a full range of supportive community services, public and private, must be adequately financed. Public funds must be allocated in sufficient magnitude to assure such quality institutional care, from minimal to maximal, as may be needed at various stages in an older person's life. The level and quality of care and services shall be provided without regard to source of payment.

Policy recommendation No. 2

Majority Recommendation

Services to older people should be provided through a combination of governmental, private non-profit and commercial agencies. The Federal Government should be responsible for financing a minimum floor for all services. These services may be procured from private non-profit and/or commercial sources at the election of local and State governments.

Minority Recommendation

Services to older people should be provided through a combination of governmental, private non-profit and commercial agencies. The Federal Government should be responsible for financing a minimum floor for all services. These services may be procured from private non-profit and/or commercial sources.

Policy recommendation No. 3

Majority Recommendation

Primary responsibility for planning and coordination of health, welfare and other services for the older population should be placed in a public service agency with divisions at the Federal, State and local level with strong administrative authority and funding controls and the capability of functioning across departmental lines. There should be extensive involvement of older people and independent agencies and organizations in the making of policies and in all aspects of planning.

Policy recommendation No. 4

Majority Recommendation

All age groups should be involved in the determination of policies and standards for facilities and services for the older population and older persons themselves certainly must have a role.

Policy recommendation No. 5

Majority Recommendation

Qualifications other than age should be the determining factors in staff employment in facilities and programs for the elderly, but *special effort* should be made to use older persons in staffing such facilities and programs.

Policy recommendation No. 6

Majority Recommendation

Older persons should be served by an integrated system, sharing equitably with other age groups those facilities, programs and services suitable and appropriate to the needs of the general population but they should also have the benefit of specialized facilities, programs and services based on their distinctive needs.

Policy recommendation No. 7

Majority Recommendation

Government controls as a primary means for assuring consumer protection should be substantially augmented by the participation of consumers, industry, business, and the professions.

Policy recommendation No. 8

Majority recommendation

A central consumer agency should be established at the Federal level to better coordinate and strengthen the powers and responsibilities of existing Federal agencies engaged in consumer protection to ensure that the interests of elderly consumers are better served.

Policy recommendation No. 9

Majority recommendation

Older persons shall be free to manage their own affairs. Should public intervention be needed due to hazardous circumstances or situations in which they may be involved, there must be full protection of their legal rights as individuals. There should be development of protective services for those older persons in the community who are unable to manage their affairs because their mental and/or physical functioning is seriously impaired.

Policy recommendation No. 10

Majority recommendation

Age alone may be an appropriate criterion in establishing policy for certain programs, such as eligibility for social security retirement benefits and property tax relief. It is an inappropriate criterion when used to discriminate against the elderly in determining eligibility for insurance, employment and credit, for example. Any criterion based solely on age should be analyzed to determine whether it is appropriate for a particular area.

Policy recommendation No. 11

Majority Recommendation

Federal legislation shall provide minimum quality standards and guidelines to provide uniform services and care for the elderly in all federally-administered programs and in Grant-in-Aid programs offered to the States, supplemented by legislation on the State and local levels conforming to such standards and guidelines. Such standards and guidelines shall clearly specify requirements regarding staff qualifications and training and the quality of facilities, programs and services.

Policy recommendation No. 12

Majority Recommendation

Government funded legal services shall be available to older persons in all communities.

To ensure this:

1. The Federal Government should earmark adequate funds so that older persons will have a guaranteed full range of legal services, including advocacy, administrative reform, litigation and legislation. The funds provided should be a fair proportion of all legal service funding.

2. Bar associations, private law firms and law schools and university research institutes should be encouraged to provide legal assistance and research findings to older persons.

3. Lay people and older para-professionals should be used to perform advocacy roles that advance the legal concerns of older people.

4. Congress should establish an independent legal service corporation in which older persons will have a fair share of direction, that will provide free services for those who cannot afford them (including rights and property of older homeowners), will charge a reasonable fee for those persons whose incomes permit a modest payment, and whose services will be accessible wherever older people live.

5. Funds should be made available for research into the legal problems of older persons.

Policy recommendation No. 13

Majority Recommendation

While the need for greatly expanded facilities, programs and services is urgent, services are not a substitute for sufficient income to maintain independent living in dignity and health. Older persons require no less than the moderate standard of living defined by the Bureau of Labor Statistics and no limit should be placed on earnings of social security beneficiaries.

Policy recommendation No. 14

Majority Recommendation

Police protection of the elderly should become a top priority. A portion of Federal funds for the prevention of crime allocated to the States or local communities should be earmarked for this purpose. Particular attention should be paid to the needs of minority groups.

Policy recommendation No. 15

Majority Recommendation

Involvement between young people and older people should be encouraged at all levels of community life. Young people can gain knowledge of the process of aging and become involved with elderly people through the education system, National Youth Organizations, and volunteer roles.

Policy recommendation No. 16

Majority Recommendation

A policy affecting the elderly will only be useful if it is written clearly, is publicized broadly, and is completely understandable by persons with differing cultural and linguistic backgrounds. For example, the Social Security Administration could enclose with the monthly check notification of entitlements and programs available to beneficiaries.

Policy recommendation No. 17

Majority Recommendation

Delegates from every part of our Nation call upon the President to end the United States involvement in the war in Southeast Asia. We are acutely aware of the human costs resulting from that tragic war including war-related spiraling inflation and the unfortunate waste of our resources in so-called defense appropriations. We declare urgently and simply: The War Must Stop!

GOVERNMENT AND NON-GOVERNMENT ORGANIZATION

Introduction

The 1971 White House Conference on Aging, has been divided into fourteen Sections, ninety-five Subsections and several Special Concerns Sessions, all considering a staggering array of problems and needs of our nation's older population. Whatever their decisions, recommendations and/or proposals, they ultimately must become the concern and responsibility of the Section on Government and Non-Government Organization, if they are to be implemented.

This Section recognizes that the problems of the aging are statewide and nationwide; they require multiple solutions; they must first have local identification; they cannot and will not be met, successfully, without the involvement of all government and non-government agencies concerned with the aging; they demand a cooperative, correlated approach which extends needed services to all older persons; and they must be underwritten, beyond speeches, proposals and laws, by commitments of manpower and sufficient funds.

Further, this Section recognizes that both governmental and non-governmental agencies must act as advocates for the elderly and be held accountable both for what they do and for what they do not do, to advance the interests of older people.

Whatever organizational patterns are established and/or modified must now include focal points of authority and responsibility at each level of government.

Finally, this Section introduces its own proposals with the recognition that society has grown so increasingly complex and interdependent no individual person and no individual agency can provide for the needs of people through independent efforts. The time has come to develop, support and enhance an improved and strengthened moving organizational force which will lead to strong reforms and action whereby every older person in our land shall be privileged to live out his life in decency, dignity and with a sense of personal worth.

Policy proposals

1. Public agencies should be empowered, and voluntary agencies encouraged to undertake and/or pursue more vigorously the advocacy of older people's interests, drawing more fully upon direct communications with, and participation by, the elderly and/or their organizations and the general public.

2. At all levels of government a central office on aging should be established in the Office of the Chief Executive, with responsibility for coordinating all programs and activities dealing with the aging, fostering coordination between governmental and non-governmental programs directly and indirectly engaged in the provision of services, and for planning, monitoring and evaluating services and programs. Each operating department should establish the post of Assistant Secretary for Aging with responsibility for maximizing the department's impact in relation to the needs of the older person. A coordinating council should be established in each central office of aging to be chaired by the director of the office and should include the several department assistants on aging.

At the Federal level, this central office should be implemented with the authority and funding levels and full-time staff needed to formulate and administer policy, and should be assisted by an advisory council and should be required to make an accurate and comprehensive annual report on its progress in resolving problems and meeting goals. This White House level office should have enough prestige and resources to assure that it will encourage the development of parallel units at the State and community levels.

3. Relationships between agencies in aging and other public agencies should be characterized by mutual adjustments and cooperation at all government levels and by durable joint agreements of responsibility for research, comprehensive planning and provision of services and facilities, and should be based on and directly responsive to older Americans' opinions and desires at the grass root levels.

4. Governmental responsibility, particularly for providing funds and establishing standards, must be emphasized if the necessary facilities and services are to be made available to older people. The delivery of services should make maximum use of voluntary and private organizations which can meet the standards established by government in consultation with consumers and the providers of service.

5. Overall agency activities in aging should be planned and organized to provide coordination and support in both vertical and horizontal dimensions. Local agencies should participate in the formulation of State plans; State agencies should participate in the formulation of comprehensive plans and national policies. Such inter-relatedness should include governmental and non-governmental organizations, private and voluntary agencies, and representatives of the elderly.

6. Governments, at all levels, should encourage and foster the participation of private enterprise and voluntary organizations, including those whose membership is drawn from among the elderly. Such efforts to meet the needs of older people should include: pilot research and demonstration projects, direct service programs, self-help programs, informational, educational and referral services, planning and training programs.

7. Basic facilities and services should be provided as rights to which all older people are entitled and the opportunity to share these facilities and services ought to be available to all older people, while the adversely circumstanced must be entitled to special consideration.

8. All efforts to meet the needs of older people, whether by governmental or private and voluntary agencies, should be consistent with: (a) the First Amendment Freedoms of Association and Expression; (b) the right to participate in government-sponsored programs free from religious, racial, ethnic and age discrimination; and (c) protection of one's person and property, particularly in institutional settings.

9. The integration of governmental activities in the field of aging should be improved by the Federal agencies showing greater appreciation of the fact that the principle of accountability applies from the Federal to the State level, as well as from the States to the Federal Administration. Federal accountability to the States should provide sufficient lead time when Federal policy and administrative changes are to be announced, as well as prior consultation regarding changes in appropriations. Federal agencies also should improve their communication with State units on aging to provide advance clearance of direct Federal grants to individuals, organizations and agencies.

10. A special committee on the aging should be established in the United States House of Representatives, functioning in a comparable role to that of the United States Senate Special Committee on Aging.

11. National priorities must be re-ordered so as to allocate a greater share of our nation's resources to meet the needs of its older citizens.

12. Means should be found for a continuing "conference" on the aging to aid in the follow-up of the recommendations of this WHCoA, which also would extend beyond the announced follow-up year of 1972 and even until the next White House Conference on Aging.

SUMMARY

The preceding policy proposals of the Section on Government and Non-Government Organization clearly indicate the need and mandatory responsibility for every level of government, as well as of the private and voluntary sectors, to see to it that the organizational structures are revised to make possible effective implementation of the proposals and concerns of all of the other Sections of the Conference.

The policy proposals repeatedly stress the need for ongoing advocacy at all levels of government and within the private and voluntary sectors. Also, relatedness and communication are recognized as essential ingredients of implementing plans for the elderly. Finally, these proposals place strong emphasis upon a focal point at the top level, within Federal, State and Local governments, which will ensure the most effective support by both the executive and the legislative branches of governments, and thereby of all private and voluntary agencies and organizations.

PLANNING

Many Americans have found their later years to be a time of new opportunity, fulfillment and growth. It is the belief of the Section on Planning that thorough and sound planning in aging is most important if such an old age for most Americans is to become a reality.

Planning in aging is a process through which our society must determine those steps to be taken in achieving the goals and objectives of both older persons and those who will one day be elderly. Planning for the future is the real means of changing the conditions of old age for the better. Planning must include both the forming of goals and a weighing of the advantages and disadvantages of any plan of action. Good planning requires knowledge of needs, resources and priorities. Information based on solid research is a basic tool in good planning.

Too much of our planning for aging has been on a short range basis—going from crisis to crisis. While some movement toward long range planning has been made by a number of both governmental and private groups, many feel that short-term patchwork planning has characterized planning efforts.

Planning which aims at the long range needs of the elderly and attempts to look into the future to anticipate needs which may arise in years to come is needed. Many of the needs of our present older citizens will be the same as the needs of Americans who are now young. When they are older, some needs may be different. Great social changes which may take years to accomplish may be needed. Inflation, over-crowding, population growth, environmental concerns, mobility and the growth of government and the lessened ability of an individual citizen to plan for the future makes planning needed for today, tomorrow and for years to come.

Planning must not be confused with delay. It must never be used as an excuse for inaction. We must understand that "action now" is not contrary to the need for long range planning. Instead, the funds spent on good planning mean that the programs which are developed are meaningful, well thought-out and truly effective. More, rather than less, time and money may be needed.

Our nation is constantly setting goals for itself in all areas of national concern. In the field of aging, as in other areas of concern, the priorities which we as a nation set, are most important. Indeed, the very place that we give to the needs of our elderly today and in the future will be determined by the action we take now. Planning without action would be a cruel hoax. Action without planning would be an expensive exercise in futility.

The following policy proposals represent the feelings and attitudes of delegates representing all sections of America. Elderly Americans, planners, citizens involved in both the planning and delivery of services to the elderly were represented as in each section of the conference. Planning to identify and state the needs of the elderly; planning to develop methods of meeting those needs; planning to find the means to generate support and galvanize the nation to action—each step of the way needs clear guidelines. The policy proposals herein may assist in finding our way.

Policy proposals

1. To be responsive, planning must involve inputs from many segments and sectors of our society. To be effective, this planning must be comprehensive and coordinated. The planning efforts of government should continue to constitute the basic means through which the nation plans in aging. We recommend that government at all levels be required to provide opportunity for significant involvement of the non-governmental sector and consumers in the decision-making process.

2. A separate entity should be created within the Executive Office of the President through legislation and charged with the responsibility for comprehensive planning and advocacy in aging.

This entity should have resources (e.g. authority, funds, staff) adequate to meet this responsibility. The Administration on Aging should be retained within the Department of Health, Education and Welfare, but it should be raised to the status of an independent agency within the Department, reporting directly to the Secretary.

There should be an interdepartmental committee with representation at the Secretarial level to be chaired by the senior Federal official on aging.

3. There was recognition of the urgent need for a commitment within each State government to provide comprehensive planning in aging.

It is recommended that this could best be realized by the establishment of a separate entity dedicated to comprehensive planning in aging within each State government.

The leadership planning mechanism at State and local levels should, to the extent possible, parallel the mechanism at the Federal level.

Where appropriate, such planning at the local level should be undertaken on a regional, e.g., multi-county basis.

Comprehensive planning at the local level should be encouraged but the mechanism left to local option. This effort should embrace a partnership between the governmental and voluntary sectors of our society.

4. Adequate technical assistance and consultation in planning for meeting the needs of the elderly shall be provided in territories, possessions and other non-State jurisdictions of the United States.

5. Planning activities in aging of the three levels of government should be related to each other, and planning at State and local levels should receive financial support from the Federal Government.

In order to insure that coordinated comprehensive planning functions at State and national levels are meaningful and effective,[1] priorities and service needs should be identified at the local level. Federal funds should be provided for local planning in aging and be channeled through State units on aging which in turn will allocate funds to regional and local planning bodies for this purpose.

Federal agencies should be directed to assure that any Federal planning grants which have implications for human services, whether made to States or localities, shall require specific planning for the special needs of the aging. During all planning stages, the development of the plan shall be coordinated with the State agency on aging.

There should be basic mechanisms established to provide coordination of planning activities in aging at all three levels of government and across Department lines. These should include regional forums organized by the Federal Regional Councils, and systematic Federal and State evaluation of planning in aging.

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[1] A minority report based upon a vote of 37–32 on this paragraph provided for conclusion of the paragraph as follows: "planning agencies at all levels must be responsive to needs and priorities identified at the local level. In general, Federal funds should be provided for local planning in aging and channeled through State units on aging, which in turn will allocate funds to regional and local planning bodies."

In order to allow maximum flexibility at the State and local levels for innovation, Federal funds in the form of bloc grants without restriction should be set aside for long term planning in aging.

6. The planning mechanisms that have been developed in communities and at the State and national levels should increase their efforts to make multigenerational programs and services more responsive to the concerns of older persons and more effective in meeting their needs. In instances in which multigenerational programs and services cannot be made responsive enough to meet the needs of older persons, new or expanded programs planned specifically for the elderly should be developed.

7. Planning in aging should be based upon experience and expertise of professional and paraprofessional personnel and specialists in aging with the total involvement on an early and continuous basis of a majority representation of the elderly, including racial and ethnic minority groups. This involvement should be guaranteed in all planning for the elderly at the Federal, State and local levels. Age alone should not be the ruling factor in planning; thus, middle-aged and young persons should be included.

8. The Section expressed grave concern about how the elderly might fare under revenue sharing arrangements. However, if Federal revenue sharing is enacted, enabling legislation should provide for protection of the interests of the elderly.

9. Racial and ethnic discrimination and its attendant consequences have condemned substantial numbers of minority elderly to low levels of income and inadequate health and housing provisions. Too often, these minority groups of the elderly have not had the resources or capacity to stand up for their rights, nor have governmental agencies and citizens' organizations adequately served as advocates for them. Therefore, planning for aging must take priority cognizance of the above problems and seek to correct and eliminate them.[2]

While we must improve the quality of life for all the aged, our top priority must go to those who suffer most. America must address itself first to the needs of the elderly poor.

10. If planning is to be more than an exercise in rhetoric, it is imperative that:

(1) there be appropriate authority, responsibility, and accountability; and

(2) that there be bridges linking those who plan programs, those who administer programs, and the consumer.

To these ends we recommend:

(1) that the Federal planning organization must annually review and publicly report on its proposals;

(2) that the Federal planning organization shall review proposed legislation and executive activities to evaluate their possible effects upon the status of elderly persons;

(3) that administrative agencies annually evaluate and report on the effectiveness of their programs;

(4) that Federal agencies be empowered to take steps to insure that Federal programs administered at the State and local levels are in conformity with stated guidelines and objectives of programs;

(5) all planning should include the use of existing private resources, both proprietary and non-profit.

11. Planning should be linked to the budget process and therefore, we recommend that a copy of the planning and priority strategies for the elderly be submitted to the elected and executive public officials who have a direct role in the budgeting and appropriations processes.

12. In the final analysis, planning in behalf of aging stems from the basic values of society. Those values are translated into goals, objectives and priorities. As planning for aging proceeds, it will be necessary to address these values and priorities. In planning the allocation of resources, we urge that the aging receive a fair share of national wealth. This should be accomplished through a reordering of priorities at all levels to increase the commitment of national resources to meet human needs.

RESEARCH AND DEMONSTRATION

Introduction

To cope with the problems of older persons we must understand the nature of the difficulties they face as well as the nature of the aging process in its various biological and social-behaviorial dimensions. Research, demonstration, and evaluation are basic tools by which a society produces the knowledge it requires to deal with the problems of its people and to improve the quality of individual life.

Industry has long recognized the importance of research and has typically allocated from two to ten percent of its industrial operating budgets to research and development. In governmental programs, just as in industry, research is required to achieve accountability, cost-efficiency in quality, and utilization control. To achieve these objectives, substantial research is necessary, in aging as in other areas, yet government research in the aging area remains at an impoverished level.

A. The principal reasons for this critical state of affairs appears to be:

1. A long history of governmental and societal neglect of its responsibility toward the elderly.

2. An inadequate level of funding for immediate and long-range programs to improve the quality of life for older Americans.

3. An inadequate administrative structure to advocate, coordinate, implement, and administer research programs involving aging and the aged.

Recognizing this past neglect and urgent current needs, we affirm that the time has come to accelerate research efforts aimed at understanding the basic processes of aging and alleviating the suffering of those who encounter difficulty in adapting to this phase of life. For the above reasons, the total federal research and demonstration expenditure on problems of the aging must be increased. Research and demonstration serve a pivotal role, and we advocate a greatly expanded funding base for this purpose. Equally important is the development of an overall, integrated, consistent funding strategy which will permit the problems of aging to be addressed in a balanced and coordinated manner encompassing both the bio-medical and social-behavioral sciences. We cannot separate the improvement of the quality of life from the understanding of the bio-medical and social-behavioral origins of aging and the aging process. In addition, there must be provision for theoretical research which will prepare us for aging in the future.

Research and demonstration on problems of the aged must take into account the fact that significant differences in aging processes exist within an individual, between individuals of the same age, and between various age groups. We should give special consideration to the unmet needs of older Americans who belong to minority groups and those with special problems, e.g., the impoverished, the rural, the isolated, and the mentally ill. Retired technical and scientific personnel should be utilized in research. While women are not a numerical minority, they are underrepresented in high-level research and academic positions and should be given representation at decision-making levels in research and demonstration.

B. In an effort to give greater visibility, impact, and opportunity for practical implementation of these research principles, the Delegates to the White House Conference on Aging Section on Research and Demonstration recommend the following policy proposals:

1. that a National Institute of Gerontology be established immediately to support and conduct research and training in the biomedical and social-behavioral aspects of aging. The Institute should include study sections with equitable representation of the various areas involved in aging research and training.

2. that the President propose and that the Congress create a position within the Executive Branch with sufficient support and authority to develop and coordinate, at all levels of the Government, programs for the aged, including research and demonstration programs, and to oversee their translation into action.

3. that a major increase in Federal funds for research, research training, and demonstration be appropriated and allocated. Appropriation of general revenues for programs in the interests of older persons should contain additional funds amounting in the average to no less than 3.5 percent of such expenditures, these additional funds to be allocated for research, demonstration, and evaluation. Federal support of research and training in separate departments or schools within universities and separate research agencies should be continued and multi-disciplinary and multi-institutional programs should be fostered.

4. that funds for research, training for research, and demonstrations should be allocated in the aggregate in such a manner that the above activities relevant to aging and the aged in racial and ethnic minority groups be funded in an amount not less than their proportion of the total population. Attention should be given to the recruitment and training of minority group students to become competent researchers in gerontology. Minority groups would include but not be limited to the following: Blacks, Spanish-language Americans, American Indians, and Asian-Americans.

Additional recommendations

1. High priority should be given to the recruitment and training of capable women and the representation of such women in bodies which have responsibility for allocation of training and research funds.

2. The Administration on Aging or other appropriate clearing house should be charged with and allocated adequate resources for collecting and disseminating current research findings in the field of the aging and for making these findings relevant and available to practitioners.

3. Appropriated federal research, demonstration, and training funds should be appropriated and allocated promptly; and programs for which such funds are appropriated, whether intramural or extramural, should be implemented with adequate staff without delay.

4. More adequate procedures should be developed within the Federal Government to assure the continued operation and funding of those Federally funded demonstration projects which have been proven successful after evaluation.

TRAINING

Older persons continue to increase in numbers. Their needs have not been met because we have failed to act. There is, therefore, an immediate urgency to deal with these matters. The resolution of these significant human problems requires a large cadre of personnel trained in and committed to the field of aging. What is necessary is the development of innovative and creative programs to provide training for the total range of occupations providing services to older persons, and specifically for professional and scholarly programs preparing people to work in the field of aging. As new service delivery systems are developed new modes of training and new types of personnel will be required.

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[2] A minority report based upon a vote of 22–19 on this paragraph provides for substitution and deletion of the sentence, "Therefore, planning . . . and eliminate them" and inclusion of a substitute sentence reading, "Therefore, planning for aging must take special cognizance of institutionalized prejudice".

In considering the training requirements for services to the older population, we are still mindful of the fact that adequate income maintenance and sufficient health care are basic necessities. There is a need for a minimum income level which will lift all older people out of poverty. Furthermore, we are also convinced there is presently urgent and massive need for expansion of programs which will provide employment opportunities for the elderly in constructive activities.

At present there is little training and education in the field of aging. During the 1970's the task facing those who are responsible for training is one of substantially increasing the amount of training available. While there has been some progress and there are high quality programs in a few locations, most States do not have any appreciable amount of training of any type related to problems of aging.

The need for training exists at different levels for many types of persons and for many types of subject matter. Retired persons, mature adults, students making career choices, volunteers, and members of minority groups must be recruited to work in aging and trained for this work. The decade of the 1970's is the decade in which major plans for training must be put into effect. Alternatives must be evaluated so that the following decades will be marked by a notably higher level of training and consequent improvement of programs for the aged.

Crucial to the national effort to provide training at all levels is the development and implementation of programs to train the trainers. Research now provides a base of understanding and learning which makes it possible to develop meaningful, specifically designed programs for further training in aging.

The following are the recommendations and policy proposals emanating from the Section on Training of the 1971 White House Conference on Aging:

Recommendations and policy proposals

No. 1: A fully developed training policy must focus on both the immediate needs of the present aged population and the future needs of the aging, through innovation of far reaching policies and programs. To accomplish the training of needed personnel, the present levels of funding in all government agencies concerned with aging must be substantially increased immediately in order to increase the supply of all types of manpower: technicians, para-professionals, professionals, planners, researchers, teachers and volunteers. Training must be conducted in appropriate settings both within and outside of educational institutions.

No. 2: Given that training in aging is lagging seriously behind the proven need, there is consensus that responsibility for the development of a vigorous national plan and continuing monitoring of training of manpower in aging should be lodged in a new Federal agency for aging adequately financed and with the power to coordinate all federally supported training programs in aging.

Minority position

One third of those voting believed that there should be a single but not necessarily new Federal agency for aging.

No. 3: In discharging its responsibilities, the new Federal agency should include representatives of training organizations, private non-profit foundations, scientific and professional organizations, organizations of older and retired persons, and other concerned groups in all planning bodies which formulate policies on training.

Minority position

One third of those voting believed that there should be a single but not necessarily new Federal agency for aging.

No. 4: Multidisciplinary research and training centers of excellence in gerontology with a relationship to service-delivery systems should be developed, *and* research and training should be fostered in a wide range of colleges, universities and other institutions. Innovative and experimental efforts in training must be encouraged. Each center should develop a network of effective relationships with other educational and service agencies to disseminate information and promote implementation of activities in aging.

No. 5: In addition to increased Federal support for training programs in aging there should be an acceleration of support for training in aging from state appropriations, foundation grants, private donations, and regular agency budgets. All service programs for older people should contain earmarked funds for the training of personnel.

No. 6: Funds for recruitment and support of personnel to be trained in aging should be allocated without priority based on sex or age. Special inducements—traineeships, scholarships, tuition grants, loans—should be offered in order to recruit personnel (particularly those from ethnic and minority groups) into careers in aging.

No. 7: Because of the needs and problems that exist among the aging of the economically and socially disadvantaged, funds should be earmarked at all levels of training and research for Blacks, Chicanos, Puerto Ricans, Asians, Indians, and other disadvantaged groups. All training programs funded on Federal, State and community levels should actively recruit faculty and trainees from these groups.

No. 8: In order to develop adequately trained persons in health, allied health, and other professional fields such as law, architecture, social work, etc., subject matter on aging must be inserted into pre-service and in-service curricula of professional schools immediately. In addition, emphasis should be placed on the development of community college level certificate and degree programs and programs in vocational and technical institutes as well as other local programs for personnel who deliver services to the older population. Teacher training programs should include positive concepts regarding the aging process and the older person for incorporation into elementary and secondary school curricula.

No. 9: We urge the creation of an adequately funded National Institute of Gerontology for trained and research. A substantial portion of the funds allocated to it should be earmarked for training.

No. 10: A national data bank and retrieval system similar to or parallel with the Education Research Information Center (ERIC) should be established to convert, translate, interpret, and make available all research knowledge and curriculum materials in aging to all training and research and demonstration programs.

No. 11: Recruitment and training will be to no avail if there is no corresponding increase in services. Therefore, recruiting should be related to useful job opportunities. Financial support for new service positions should be provided in balance with support of training programs.

Minority position

One fifth of those delegates voting were opposed to this recommendation for a variety of reasons.

No. 12: To insure the dedication of the Federal Government and our country in this period to life as opposed to death, we strongly urge Congress to reorder its priorities and divert funds from the military to human needs.

Minority position

One fourth of those delegates voting were opposed to this recommendation.

A. AGING AND BLINDNESS

Introduction

Since the American Foundation for the Blind participated actively in the 1961 White House Conference on Aging, we have a deep appreciation of its constructive impact in generating increased public awareness and concern for the unmet needs of our aging population and in stimulating a larger use of our nation's resources in meeting these needs.

We, in collaboration with other national, state and local organizations of and for the blind, do appreciate an opportunity to share with you our special concerns. As reported by the National Society for the Prevention of Blindness, approximately half of the estimated 500,000 legally blind persons in the United States are 65 years of age or older while two thirds are past middle age. Moreover, the majority of all new cases of blindness each year fall within the same age bracket. Despite these facts, most of our efforts, in both the governmental and private sectors, have been directed to blind children and to blind adults of employable age. Only recently have we begun to consider the needs of the older blind person.

Another aspect of our special concern stems from our philosophical belief in the desirability of helping blind persons to achieve their fullest potential as integrated members of their community. While this belief in no way contradicts the need for specialized and often separate services for persons who are visually handicapped, there is an equal need to insure the availability of general community services. Within this context, our hope is that blind persons—in fact all handicapped individuals—will become beneficiaries of the rapidly expanding programs and services for older persons in such fields as health, nutrition, housing, recreation, employment, continuing education, etc. It often takes little if any adaptation to implement this concept, but unfortunately it rarely occurs automatically, i.e., without continuing interpretation, education and planning.

In summary, we urge that the 1971 White House Conference give a high priority to the question of how handicapped persons, especially those who are visually handicapped, can be more effectively integrated and served by the ever-increasing number of special programs for older persons. As Senator Jennings Randolph of West Virginia stated in his keynote address to the Special Concerns Session on Aging and Blindness, "It is clear that we must change attitudes toward the blind. We must provide opportunities for normal living in society; not charity, but a chance. I fear that there is widespread misconception about the abilities and aspirations of elderly blind persons."

Our specific recommendations follow:

Recommendation

1. It is recommended that Congress increase old age, survivors and disability insurance and the adult public assistance categories to the intermediate level of living recommended by the Bureau of Labor Statistics (at least $2,297 for a single person and $4,185 for a married couple) and further that the adult categories of public assistance be federalized and that Social Security benefits not be deducted from public assistance payments.

Recommendation

2. It is recommended that the National Eye Institute and other interested organizations

on a national and local level combine their efforts in an urgent overall program to prevent or alleviate diabetic retrinopathy; establish a center for the study of diseases of the macula, and increase research efforts in the fields of cataract, glaucoma and vascular diseases of the eye; establish screening efforts especially at hospitals, medical centers, homes for the aged, nursing homes, and extended care facilities to find aged patients who have blinding eye diseases which can be helped by medical or surgical means and low vision aids. Such efforts should be made by interested philanthropic organizations and implemented if necessary by legislative action;

It is further recommended that the National Eye Institute be required to develop better statistics on incidence, prevalence and etiology of blinding eye conditions that Congress amend Titles XVIII and XIX of the Social Security Act to cover low vision aids when the need is certified by an ophthalmologist or an optometrist specializing in low vision treatment; and that the number of low vision centers be increased and that the centers be staffed under the supervision of an ophthalmologist or a qualified optometrist.

Recommendation

3. It is recommended that the Vocational Rehabilitation Act be broadened to make rehabilitation services available to blind persons without regard to age or economic need and that Congress be urged to enact S. 1030, a bill to amend the Vocational Rehabilitation Act to provide rehabilitation services for older blind persons, and S. 2506, a bill to amend the Randolph-Sheppard Act, to accomplish these purposes.

Recommendation

4. It is recommended that the elderly, including the blind and handicapped, must have access to all modes of mobility and transportation for obtaining the essentials of daily living and the cultural and social benefits of modern society.

Recommendation

5. It is recommended that the Administration and Congress develop a network of personal care benefits for individuals with a certain level of functional disability to enable the older person to purchase whatever services are necessary to help him remain in his own home if he so wishes; such benefit is to be in addition to basic minimum income and assure a financial base for local community service providers.

B. AGING AND AGED BLACKS

Introduction

Participants in the Special Concerns Session on Aging and Aged Blacks and the National Caucus on the Black Aged overwhelmingly approved the policy recommendations which follow, while deploring the insufficient space allocated for a fuller reporting of those recommendations which need to be enacted and implemented in order to improve substantially the lives of aging and aged blacks who are often adversely affected by *racism*. It was also felt that significantly more attention should have been given to the needs of aging and aged blacks in the formulation of issues presented in the workbooks for discussion and action. The jeopardizing status of being black and old and poor (and the quadruple status, if female) must be removed as quickly as possible. Immediate steps in that direction clearly include enactment of major policy recommendations relative especially to income, health, and housing. Blacks must be adequately represented at all levels throughout policy-level bodies and program groups relative to aging and aged persons. At least 11 percent of all federal funds allocated for research, training, and demonstration in aging during each fiscal year in the decade ahead should be earmarked specifically for blacks.

Recommendations and comment

1. It is recommended that *all* of the policy recommendations emanating from the Special Concerns Session on Aging and Aged Blacks which are attached be printed as a part of the preliminary report of the White House Conference on Aging.

This policy should be pursued for a number of reasons, with the most important justifications being that at least proportionate pagination should have been allocated for various sections, depending upon the heterogeneity of special concerns assigned to them and that inasmuch as almost all of the issues presented for consideration on the printed workbooks for this White House Conference on Aging made no specific reference to blacks whose aged statuses are yet handicapped by their racial statuses, sufficient consideration should be given to presenting the positions taken by blacks themselves on issues affecting them. The only way for all of the delegates at this Conference to have that information at least made available to them, as it should be is for the recommendations to be presented in the preliminary report.

2. It is recommended that *all* of the policy recommendations emanating from the Special Concerns Session on Aging and Aged Blacks be presented to the appropriate Sections of the White House Conference on Aging for inclusion within their final sectional reports, and that at least one black representative participate in the finalization of such reports, where that may not already be the case. Preferably, that black representative should be a member of the National Caucus on the Black Aged, an organization extremely active in trying to understand and aid in the reduction of the adverse plights of black elderly.

3. It is recommended that a minimum guaranteed annual income of $6,000 for a single aged person and $9,000 for an aged couple be established, and that appropriate cost-of-living indices be attached, with the aforementioned figures as a base.

4. It is recommended that the minimum age-eligibility requirement for primary beneficiaries of OASDHI (Social Security) be reduced by 7 years for black males, so as to reduce the existing racial inequities.

5. It is recommended that the proposed National Senior Citizens Community Service Program be enacted and implemented, with sufficient consideration given to blacks at all levels.

6. It is recommended that the federal government initiate guidelines and policies to govern and enforce adequate standards of private pension systems and that a pension portability system be established for all workers.

7. It is recommended that the federal government should act to increase the supply of housing available to low and moderate elderly members of all minority groups through such measures as providing seed money and loans for the creation and support of non-profit minority housing development organizations. Provision should be made for technical assistance and 100% financing to develop housing to be available to the elderly of all races.

8. It is recommended that the federal government on a continuing basis require that all new and existing facilities for the aged report the extent to which they will or are actually serving minority groups. Facilities with poor records to be required to implement meaningful affirmative action programs or lose their federal assistance.

9. It is recommended that federal policy require the provision for low and moderate income elderly housing in all new cities, new communities, planned unit developments, urban renewal areas, model cities areas and other similar developments which receive federal funds or assistance.

10. It is recommended that the federal government fund a system of fellowships and scholarships to low income students to provide education and inservice training in the development and management of nursing homes and other residentially oriented facilities. Program to include a representative number of trainees from all racial and ethnic groups.

11. It is recommended that federal government must allocate substantial funds for comprehensive nutrition action programs to rehabilitate malnourished aged and prevent malnourishment in those approaching retirement. These nutrition action programs must provide health-related components in addition to research components. In addition, all nutrition-health related research must have a service action component.

12. It is recommended that government resources allocated to nutrition should concentrate on providing food assistance to those in need. This food assistance program must be improved whether by Commodity Distribution or Food Stamps to make more commodities available to senior adults in more accessible distribution centers with transportation for seniors to and from the centers. Commodity foods must be packaged in smaller units for one and two person families to reduce spoiling and food poisoning dangers. An adeqate guaranteed income, however, should eliminate any need for the above for older persons would not be in poverty and would be able to purchase their foods in the usual, American manner.

13. It is recommended that at least 11 percent of all federal funds allocated for research, demonstration, and training in aging in any and all fiscal year during the next decade should be specifically earmarked for blacks.

14. It is recommended that the federal government ensure that blacks are adequately represented at all levels, national, state, and local, in policymaking levels and positions within each federal agency and their counterpart agencies (e.g., state agencies on aging), including staff and advisory councils. It is particularly important that sufficient black representation be secured at such high level places as top administration, review committees, and principal investigators of research projects or directors of demonstration programs involving any significant proportion of aging and aged blacks.

15. It is recommended that the establishment of a National Institute of Gerontology be supported, provided that it has a Division of Black Gerontology receiving approximately 30 percent of the total institute funds. If such a Division is not feasible, then we urge the establishment of an independent National Institute of Black Gerontology, sufficiently funded.

16. Black colleges in the South should be provided with sufficient funds and programs to produce black students trained (A.A. and B.S. levels) in areas relative to gerontology and geriatrics; all schools in the U.S. must include sufficient black representation within the student body and faculty in gerontological programs; and all curricula in such areas as Medicine, Law, Dentistry, Pharmacy, Nursing, and Social Work should include specific course materials relative to blacks.

17. It is recommended that government at every level become a strong advocate for the black elderly, serving to identify their needs, promote programs of public education and interpretation of the needs and how those needs should be met, etc. Adequate black representation would be involved on every level; further, that government would provide financial resources to black, nongovernment organizations having capabilities for

servicing blacks more efficiently than is presently the case; and that greater emphasis be placed upon nongovernment (private sector) responsibility for meeting the needs of elderly blacks.

18. It is recommended that Medicare coverage should be expanded and improved to provide coverage for home care, long-term care and extended care without prior admission to an acute care hospital, expanded coverage for home care, coverage for out-of-hospital drugs, removal of the 100-day limit on skilled nursing home care for those patients who continue to need such care; that parts A and B of Medicare be merged and all deductibles and copayments be eliminated, and that services previously excluded (such as foot care, eyeglasses, eye refractions and examinations for eyeglasses, examinations for hearing aids, false teeth and dental care, other prostheses, and out-patient psychiatric care) should be included; that medicare coverage should be expanded to include disabled Social Security beneficiaries; that front-end financing from the Medicaid Trust Fund be utilized to develop senior citizen day care centers and a full range of geriatric health service centers, including community health outreach workers, transportation, information referral and advocacy services and that these centers should be owned and operated by nonprofit indigenous community corporations; that the Administration on Aging should identify and design and support opportunities for older persons to render services to their communities; that the Administration on Aging and any or all public and private agencies should join together in a cooperative effort to develop programs of technical and financial assistance for local community groups in order to provide daily meals to ambulatory older persons in group settings and to shut-ins at home; that the two billion dollars spent yearly by the federal government for private nursing home services should be diverted to nonprofit social utilities and homes for the aged sponsored by religious organizations, benevolent organizations, community corporations with *joint consumer control and equity by a representative number of the elderly receiving services;* existing nursing homes and long-term care facilities owned by black nonprofit sponsors should be given grants and low interest bearing loans for renovation and construction to meet minimum state and Federal standards; that the archaic practice of static custodial care in institutions where the elderly go to "lie and die" is self-defeating, inhuman and economically unsound, so we recommend the development of a "Socio-Medical Approach" utilizing progressive patient care techniques (phased intensive, intermediate, minimum care, rehabilitation, resettlement—joint effort of the health team) integrated with community support to maintain the elderly in their chosen environment, with those services including but not being limited to home health services, occupational and physical therapy, recuperative holidays, meals on wheels, day centers, recreational clubs, ambulance and transportation services; and that the following *new* trends in long-term care should be researched and implemented wherever feasible: holiday admissions (the voluntary admission to nursing homes/extended care or appropriate facilities during the families planned vacation); short-term admissions (a program providing for intermittent two week admissions of the aged patient every four months) and day hospital (the utilization of a unit combining medical and nursing care, physical and occupational therapy together with a noon meal for the aged).

19. It is recommended that the implementation of health care legislation should be uniform and mandatory and not dependent upon matching state funds or voluntary participation of individual states.

20. It is recommended that wherever feasible within the black community, comprehensive health services should be delivered through a community health corporation composed of indigenous consumers and providers rather than the traditional approach (medical schools, public health departments, and medical associations, etc.). This health corporation should secure significant input from informed and relevant consultants within or without their community. The above will insure that equity, cultural relevance, as well as self-sufficiency, and self-respect become the end product.

21. It is recommended that research in experimental health delivery systems should be conducted to determine the best method of financing comprehensive geriatric services. Arrangements might include front-end financing from Medicare trust fund, Medicaid appropriation from neighborhood health centers, or a combination of social insurance and general tax revenues for Health Maintenance Organizations, etc.

22. It is recommended that opposition be given to the following the restrictive provision of H.R. 1; medicare cutbacks, and Medicaid cutbacks.

23. It is recommended that the Federal government should provide through appropriate training programs realistic and effective opportunities for elderly blacks to further without cost to them their educational goals.

24. It is recommended that the administration of the proposed program provide for funding support to institutions for such training projects or stipendiary and tuition costs to be paid directly to the elderly to enroll in courses or curricula of their choice wherever available.

25. It is recommended that the federal government should sponsor a consortium of minority clergymen to seek concerted action within all churches and the community to eradicate racism from our society.

26. It is recommended that inasmuch as insufficient data are available on aging and aged blacks from all federal agencies collecting and interpreting such data, that it be mandatory that all such agencies be compelled to collect data from a sufficient sample size to ensure that multivariate analyses providing greater information on patterns and processes of aging can be undertaken. Moreover, we urge the training of a sufficient number of black statisticians, including biostatisticians to aid in the adequate interpretation of data. The federal government is urged to provide us with a report on aging and aged blacks at regular intervals; to shift from a ten-year to a five-year census format, and to report data fully for blacks without inclusion in a category of "non-whites."

27. It is recommended that sufficient attention be given to the establishment of nursing homes for black elderly who need such facilities and that such homes be staffed with competent personnel with adequate knowledge, understanding of, and respect for their subcultural backgrounds; and that the costs of such care be at a level in line with their income resources; and that private and public nursing homes yet practicing racial discrimination be made to conform to standards of compliance with nondiscriminatory policies by race. It is most important to indicate that the greater problem for black aged is not that of how to stay out of a home, but how to get in one.

28. It is recommended that since *planning* is so critical, there should be comprehensive and well-integrated planning for aging and aged blacks at all levels, and that blacks and the aged themselves must be effectively involved in such planning. That planning must recognize that racism, poverty, and ignorance may well be major roadblock and must seek to remove these obstacles by all means possible, for blacks have too long been planned *for*. Effective black involvement in planning must also include planning for and involvement in the structuring and implementation of the system whereby policies and programs will be developed for all of the aged and infirmed of this nation. The resources are here, they are here now. We simply must put them to appropriate use.

29. It is recommended that the federal government should establish or subsidize transportation systems which will provide services at lower rates and have reasonably operating hours in all areas where black elderly reside.

30. It is recommended that black older citizens must be heavily involved in all of the focal points of planning where decisions are being made at the federal level with regard to the delivery and utilization of services, including the integrated approach to community services and the use of public facilities. It should be federal policy to make sure that regulations which serve as guides for implementing legislation include instructions for use and location of facilities in areas where black elderly have adequate access to them.

31. It is recommended that the category of Old-Age Assistance (OAA) should be deleted from Social Security, inasmuch as the majority of blacks receiving such aid are those who were denied sufficient participation in Social Security and in the labor market in their earlier years. They should merely be eligible for OASDHI, for all workers in this country and their family members can and should be adequately covered by that system, without the stigmatization arising from OAA.

32. While we strongly support efforts made to provide meaningful employment for those who are old and black who desire labor force participation, we feel that old blacks who do not desire to work should not have to engage in employment only to supplement their meager incomes, but, in line with other recommendations, should be guaranteed a sufficient annual income.

33. It is recommended that when the President's Domestic Council (or whatever agency makes the final recommendations on aging to the President) considers the various policy recommendations, that that body have at least proportionate representation from blacks in the form of staff members and consultants, and that a copy of the action taken on all of the recommendations made by the Special Concerns Session on Aging and Aged Blacks be forwarded to Mr. Hobart C. Jackson, Chairman, National Caucus on the Black Aged and Advisory Council on Aging and Aged Blacks to the U.S. Senate Special Committee on Aging within a reasonable period of time and before any action is taken to make recommendations from the President to the U.S. Congress.

34. All federally funded demonstration programs must be required to evaluate themselves and adequate funds be built in to provide for evaluations by outside, independent agencies in order to determine the effectiveness of the programs and need, if any, for continuation of such programs.

C. ASIAN AMERICAN ELDERLY

Introduction

In the United States today, elderly Asian Americans are suffering from unprecedented problems that are devastating the lives of these aged people. In addition to the many critical problems that face the 20 million senior citizens in the United States, Asian American elderly are further confronted with cultural barriers that exclude them from receiving their rightful benefits.

Language problems created by lack of bilingual information systems and the lack of bilingual service workers deny Asian American aged even the knowledge of how to obtain such benefits. But most of all the Asian American elderly are severely handicapped by the myth that pervades the society at large and permeates the policy decisions of agencies and governmental entities that are charged with the responsibility of helping all the aged in the United States.

This emasculating myth that discriminates against Asian American elderly is that Asian American aged do not have any problems, that Asian Americans are able to take care of their own and that Asian American aged do not need nor desire aid in any form. Such assertions which are generally accepted as valid by society are false. A quick look at Asian American communities would verify that they do indeed have problems and the problems in many respects are more intense and complex than the problems of the general senior citizen population. When the Asian American aged suicide rate in certain areas is three times the national average, when 34% of Asian American aged who were studied have never had a medical or dental examination, it should be obvious that the problems facing Asian American aged are overwhelming to the point that it is impossible for Asian American aged to look only to their families for help.

However, those who hold the responsibility to assist in these areas have turned their backs on the Asian aged. For example, in 1969–71 some $32 million was appropriated for community grant projects for the aged which included informational services, health care, and aged assistance (many of the areas that Asian American elderly need the most). Of this $32 million not one dollar was given to Asian American communities for their aged problems. The reason, according to the government officials, was Asian Americans don't have problems.

So pervasive is this myth that the planners of the White House Conference on Aging, the group most knowledgeable in the area of aging needs, failed to include a Special Concerns Session for Asian American elderly as part of its original agenda. While the planning for other Special Concerns Sessions have been in process for many months, the decision to hold a special Concerns Session for Asian Americans was made only one month prior to the Conference and only because a special request was made by concerned Asian Americans.

This oversight is typical of the neglect that Asian American elderly face on all fronts. Within the confines of the short time given to prepare for this Conference, concerned Asian Americans were able to readily identify many specific and crucial needs that are crippling the Asian American elderly. The following policy recommendations represent some examples of the myriad of problems that are devastating Asian American elderly people.

Asian American delegates support the many recommendations that the Conference as a whole have proposed for the benefit of all senior citizens. However, history has demonstrated again and again that Asian American elderly are among the people most neglected by programs presumably serving all elderly. We demand that the following policy recommendations be implemented to insure that Asian American elderly receive their rightful opportunities in this nation.

Research and demonstration

Recommendation 1

Federal funds for research and demonstration projects to determine how older Asian Americans can be effectively assisted based on their needs, cultural differences, values, and desires should be expanded and should involve researchers of Asian background. The findings from such efforts should be disseminated to policy makers, program planners, and service providers.

Rationale

Information on older Asian Americans must be collected so that a national policy on aging is truly responsive to and representative of all older Americans.

Program issues

Research and demonstration projects should identify the older Asian American (e.g., where they reside, what their characteristics are) and should be supported by agencies such as the Department of Commerce (Bureau of the Census), the Department of Health, Education and Welfare (HEW), and the Department of Labor (DoL).

Special research and training services for the investigation, study, and treatment of medical diseases peculiar to Asian American elderly (i.e., incidence of sickle cell anemia affecting Samoans) should be conducted.

Special research studies relating to the disproportionate number of Asian elderly in mental institutions should be initiated.

Demonstration grants should be provided for the training of researchers to deal with the problems of older Asian Americans.

Recommendation 2

Federal (such as Department of Housing and Urban Development HUD, DOL, Department of Transportation DOT), state, (such as Commissions on Aging, public welfare, departments of human resources) and local governments and private organization grants which provide assistance for the elderly should reflect the diversity of the Asian American groups.

Rationale

Because persons of Asian ancestry are lumped under the heading of Asian American or "Oriental", it is assumed by many that all Asians are alike. In reality, the cultural differences between the basic Asian American groups (Chinese, Filipino, Korean, Japanese, Samoan) are as different as the five different languages they speak. It is unrealistic and wishful thinking to assume that the small enclaves of Asian American elderly will be reached by massive grants to the county or state for all elderly persons. Grants aimed at specific pockets of ethnic groups would more likely reach elderly Asians.

Program issue

Federal, state, and local governments in mutual cooperation with the Asian community should establish and fund in those states and localities where Asian Americans are concentrated, outreach programs to provide information, referral, and advocacy services, including resource persons, transportation assistance, drop-in centers—all of which reflect the cultural differences and preferences of the Asian American elderly.

Services

Recommendation 1

Public and private agencies should provide older Asians with support services (e.g., home care assistance, transportation, health screening, etc.) in their own communities which have been traditionally provided by the family. In doing so, recognition should be made of family structure and kinship networks among Asian ethnic groups for the purpose of building on these rather than imposing or allowing totally strange service delivery systems.

Rationale

Traditionally, services such as transportation, home care, financial support, and housing have been provided by the family of the older Asian. Resulting from changes in family structure and an increasing need for diverse services (e.g., health care, housing, etc.), the Asian elderly cannot continue to look solely to his family to have needs met.

Recommendation 2

On-going service projects such as senior citizen centers and multi-purpose service centers which are designed to meet the special needs of older Asian Americans should be established in communities of elderly Asian Americans; and Federal, state, and local assistance should be made available to support these either in full or on a matching basis.

Program issue

Programs should provide bilingual bicultural staffing; recreation, leisure time activities geared to cultural interests; information and referral services; direct social services; elderly self-help programs; youth and elderly mutual assistance programs; and educational programs and services for the Asian elderly and for training personnel to work with Asian elderly.

Recommendation 3

Continued Federal support of existing programs should be contingent on reexamination and revision to assure that they are responsive to the needs of elderly Asian Americans through the use of bilingual workers for outreach and advocacy services.

Housing

Recommendation 1

HUD should acquire land in Asian Americna communities using condemnation procedures if necessary and create housing programs for the Asian elderly with related life support services on a crash basis.

Recommendation 2

The Federal government should provide special funding to meet the needs of elderly Asian Americans for new housing by providing loans to Asian American nonprofit organizations to develop housing with attention to cultural preferences.

Recommendation 3

HUD should provide substitute housing to Asian elderly, who live in substandard congregate housing, in the same community to prevent environmental displacement.

Recommendation 4

The government should institute rent control and rent increase exemptions to Asian American elderly.

Recommendation 5

All efforts should be made to maintain Asian elderly in their own homes, if they wish to remain there, with collateral life support services rather than having them go to an institutional setting.

Recommendation 6

The Federal government should initiate a substantial tax incentive to the younger generation who can provide housing and/or other supportive care for their Asian elderly relatives.

Recommendation 7

Federal, state, and local funds should be made available for establishing nursing homes for elderly Asians which provide for bilingual, bicultural staffing, ethnic foods, family and individual counseling services, and recreation and leisure activities which are culturally related to Asians. Protective group or residential arrangements should be provided in the community where Asians are concentrated for those who can continue to live independently.

Health

Recommendation 1

In the development of a more complete range of health care (physical and mental) services for the aging through a national health insurance program, specific provisions should be established to meet the special needs of elderly Asian Americans.

Rationale

Elderly Asian Americans have health problems similar to those of all older person, but they have borne added burdens due to cultural and language differences which make accessibility to health care services difficult.

Program issues

Mobile medical outreach teams should be established to serve the Asian elderly in the community. Such teams should be developed to relate to language and cultural patterns of the elderly Asian.

Public and private funding should be provided for health education of elderly Asians by the community through multiservice centers and regularly scheduled community information days.

Income

Recommendation 1

A Federal guaranteed annual income program for the elderly must be established if this nation is to meet the basic needs of elderly Asian Americans who are denied benefits related to "covered" employment (i.e., Social Security, pension programs) because of long-existing discriminatory employment patterns.

Rationale

Limited and fixed income levels for older Asians as provided by standard sources (Social Security, pension funds, savings) have been inadequate to meet their needs, especially health and housing costs. Furthermore, many older Asians have no sources of income whatsoever since they were employed in occupations (self-employed, domestic labor or farming) which are not covered by Social Security or private pensions.

Program issues

The involuntary and enforced period of time spent by Asian elderly (from the Japanese community) in concentration camps during World War II should be fully accredited as accumulated time towards the receipt of full Social Security benefits as well as other Federal benefits to which they are entitled.

All references to differential treatment of aliens with regard to public programs (i.e., public welfare programs) should be stricken.

Newly arrived elderly Samoans should be guaranteed their Social Security benefits derived from work in American Samoa.

The unique income-saving plans of the Asian elderly should be fully legitimized and safeguarded (e.g., Tannomoshi, Kei) by financial systems.

Employment and training

Recommendation 1

There should be continuation, expansion and innovation of placement, training, and job assistance programs for Asian elderly through state employment programs and special Federal programs for older people. Asian elderly should be employed as community workers to educate others. They should also work in public agencies, community organizations such as funded by SRS under the Older Americans Act (Titles III and VI).

Sheltered workshops for the Asian elderly should be developed.

Training

Recommendation 1

A Federal policy should be created emphasizing training of Asians who will work with older Asians. There should also be provisions for non-Asian workers to receive training which will enable them to work effectively with Asian elderly. As an illustration, support for training should be made available by SRS–HEW under Title V of the Older Americans Act.

Rationale

Most non-Asian workers currently serving the elderly are not aware of the needs and concerns of the Asian elderly. They are not able, therefore, to work effectively with them and have alienated the Asian elderly.

Program issues

Opportunities for bicultural, bilingual Asians to serve Asian elderly with special skills, understanding and knowledge should be provided.

Special training programs should be provided and conducted by Asian bilingual and bicultural workers for public agencies serving the Asian elderly.

Education

Recommendation 1

Educational institutions (public and private and at all governmental levels) should provide special and continuing education courses for elderly Asian Americans which will enable them to become more knowledgeable about services and programs that exist for all elderly and to learn about their unique cultural heritage.

Rationale

There should be a continuous effort made in all needs areas to educate the elderly, the public at large, and program and service personnel as to the differing needs and problems of Asian elderly.

Nutrition

Recommendation 1

Existing nutrition policies for older persons which receive Federal support should be reexamined and revised to include the cultural food preferences of the elderly Asian American.

Rationale

Nutrition programs for the elderly have failed to include special dietary and cultural preferences of older Asian Americans.

Program issue

The food stamp program as presently constituted excludes elderly Asians from purchasing ethnic foods. The food stamp program should be revised to include provision for the purchase of ethnic foods.

Meals on wheels programs for the elderly should be revised to meet the basic dietary preferences of older Asian Americans. Nutrition education programs should be provided for older Asian Americans which will assist them to plan well balanced diets using their own ethnic foods.

Transportation

Recommendation 1

Free public transportation should be made available to the Asian elderly which will enable full accessibility to culturally preferred life support services both in and outside the community.

Rationale

The special needs of elderly Asians for cultural and life support services necessitates transportation needs which currently are not provided in public transportation systems.

Program issues

Public and private funding shall be made available on a local basis to insure that elderly Asians will obtain equal freedom of mobility as the rest of the elderly.

Public funding shall be provided to voluntary organizations which provide transportation to the Asian elderly to meet their needs.

Special concerns advocacy

Recommendation 1

The Federal government shall establish a Cabinet Committee for Asian American Affairs which would include among its priorities the needs of elderly Asian Americans.

Recommendation 2

In all political jurisdictions where Asian Americans reside, the Committees or Commissions on Aging shall include Asian American representation. All agencies which directly effect the elderly in such jurisdictions shall appoint staff or retain consultants of Asian background who are knowledgeable about the needs and cultural preferences of Asian elderly.

LEGAL

Recommendation 1

In passing legislation and adopting regulations at all governmental levels affecting services to the elderly, no differentiation shall be made between aliens and citizens.

Recommendation 2

Free bilingual legal assistance must be made available to Asian elderly who wish to become naturalized citizens.

D. THE ELDERLY CONSUMER

Introduction

The delegates of the Special Concerns Session on the Older Consumer reaffirm the four basic consumer rights of all citizens:

The Right to Safety.
The Right to be Informed.
The Right to be Heard.
The Right to Choose.

In order to achieve and maintain these rights, the government and the private sector must effectively combine and direct their energies and resources toward that goal. Although the majority of the recommendations from this Conference are directed to government and voluntary agencies for their implementation, the consumer delegates are particularly concerned that business and industry cooperate with voluntary and government agencies to create an equitable, economical, accessible, and attractive marketplace for the older consumer.

The White House Conference on Aging Special Concerns Session stressed specific issues that would strengthen the older consumers position in the marketplace and which had not been addressed directly in other major sections. These issues are:

I. Consumer Education and Research.
II. Consumer Advocacy and Representation.
III. Consumer Protection and Legislation.

Recommendations

I. Consumer Education and Research

The older consumer has the right to be informed. In a country such as ours, where literacy is high and mechanisms for communication are available and reasonably inexpensive, the most important approach to consumer education and research must be to impart to the older consumer information and methods which will alert him to the problems of the marketplace and enable him to make realistic and prudent decisions; not only learning what to buy, but how to buy.

The following recommendations could help assure that the older consumer's rights are protected:

1. Agencies of the federal, state and local governments in cooperation with each other, should develop and administer curriculum guidelines for the education of older consumers. The following areas, among others, should be covered: banking and lending institutions; budgeting; consumer fraud; door-to-door selling and telephone soliciting; false advertising; funerals; health frauds and quackery; insurance (auto, health, home and life); medical care and services; nutrition; pricing practices (particularly in low-income areas); public assistance and services available at little or no cost, including legal services; purchasing of all consumer products; real estate; retirement planning, and safety.

2. Consumer education efforts at the local level should include the establishment of consumer information and referral centers with appropriate emphasis on and provision for the older consumer.

3. Any independent consumer agency established within the federal government structure should provide for consumer information services for the elderly. The agency should gather information from other federal agencies and non-federal sources to disseminate to the public through government-sponsored extension service programs, con-

sumer-oriented seminars, institutes, and other leadership and group participation programs.

4. In communicating with the elderly consumer, there should be a maximum use of such of the following methods as have been deemed to be effective: educational television; commercial television; extension courses; other adult education courses; radio; newspaper articles; brochures; local club and group activities; storefront offices; and paraprofessionals. Special emphasis should be placed on person-to-person contacts.

5. The broadcasting industry—including networks, local stations and educational television and radio—is called upon to use its resources to prepare and/or accept and to air information and educational programs on the consumer needs of the aging. Special emphasis would be placed on the problems of the five million elderly whose income is below the poverty level and, where appropriate, the format of such programs should involve the elderly themselves.

6. Research should be done by government at all levels in cooperation with the private sector, universities, and non-profit groups on the problems of the older consumer, the behavior of the older person in the marketplace and on his particular needs for education and protection, so effective education programs can be developed and remedial action suggested.

7. The results of product research and testing by government and the private sector should be translated into layman's language and made accessible to the older consumer.

8. Any consumer education and research programs developed at the federal, state and local level can be most effectively administered at the local level.

II. Consumer Advocacy and Representation

The older consumer must be assured that his voice will be heard and his wishes considered when decisions are made which affect the quality of his life. He must also be assured that his concerns be given necessary emphasis and priority. The Consumer Concerns Session voted to recommend that:

1. A consumer agency should be established which would be a separate entity within the present federal government structure and which would have the authority to serve as an advocate of the consumer, both as an individual and as a class, in proceedings before federal agencies, federal officials, and federal courts. Other functions of this agency would include the authority to conduct research and education, including the provision of systematic and comparative information about consumer products. In addition, the agency must be adequately financed to fulfill its responsibilities and to have sufficient monies for enforcement. Money must be made available for grant-in-aid programs to develop consumer protection programs in individual states, jurisdictions, territories and possessions.

2. Consumers should have the righ to sue as a class (class action suits) in proceedings before state and federal courts and agencies.

3. Social service agencies and volunteer action agencies at the federal, state and local levels must be vested with proper advocacy powers to represent their clients when consumer issues are involved.

4. Each state should retain its delegates as advisory boards to represent older consumers at the state governmental level.

5. A consumer representative should be added to the newly established cabinet-level committee which now coordinates federal policies for improving the quality of life, dignity and productivity of the nation's older people.

6. The President's Office of Consumer Affairs should make a specific staff assignment to deal with the consumer problems of older people.

7. The Administrator of every state and local governmental agency or office dealing with consumer affairs should designate a specific staff member to deal with consumer problems of older people.

8. Every state investigative team which is created to inspect health facilities which will provide Medicare and Medicaid services should include a consumer who is eligible for these services and who lives in the community of the facility being surveyed.

9. The delegates also expressed particular concern regarding fee schedules set by physicians, attorneys, dentists, morticians, and other fee-for-service professionals.

III. Consumer protection and legislation

Today's changing marketplace has become increasingly complex and impersonal. Because of these characteristics and other factors which relate particularly to older people, such as fixed and low income, limited mobility, and poor health, a significant number of older people have difficulties as consumers. Action must be taken at the state, local, territorial, possession and protectorate, as well as federal levels, to see that the rights of all consumers are protected and that particular problems that relate to the older consumer receive necessary and appropriate attention.

Delegates recognize the need to form consumer organizations and to know their state and federal legislators for the purpose of promoting the implementation of the legislative suggestions made by the White House Conference on Aging.

1. Consumer Product Safety Legislation.*

We recommend the passage of a consumer product safety law which has undiluted responsibility for preventing consumers from being exposed to unsafe goods, drugs, cosmetics and other consumer products.

2. Insurance Legislation.*

Health insurance: We recommend passage of legislation requiring more stringent regulations regarding private health insurance (with particular emphasis on health insurance which supplements Medicare).

No Fault Automobile Insurance: We strongly urge that the delegates return to their states and work for the passage of laws at the federal and/or state or territorial level providing for no fault automobile insurance to replace the present inadequate auto reparations system.

3. Hearing Aid, Physical Therapeutic Devices and Appliances Legislation.*

We urge the Council of State Governments and the State's Attorneys General and the American Law Institute to draft and promulgate uniform model laws regarding the dispensing of hearing aids, physical therapeutic devices and appliances.

4. Miscellaneous Administrative and Legislative Proposals.

Require packaged consumer commodities under the Fair Packaging and Labeling Act to be priced on a per unit basis, displayed on the package or shelf in print that is easily read and understood so prices can be compared.

Reform regulation of land sales to provide for elimination through legislation of current exemptions from the Interstate Land Sales Full Disclosure Act; better property report disclosures; and a 72-business hour cooling off period in land sales contracts.

Provision should be made to allow consumers increased opportunities for settlement of small claims to eliminate lengthy court procedures.

Standards of flammability should be updated and effective federal regulations applied under the Flammable Fabrics Act of 1968. Legislation should require the name and all active ingredients in prescribed and over-the-counter drugs to be disclosed in standardized readable terminology on the label of the drug as packaged for sale or delivery.

No laws or trade practices should prohibit the advertising of prescription drug prices. Furthermore, as a matter of public policy, complete information about the availability of pharmaceutical services should be provided to allow informed judgments as to the value of the products and services received by consumers.

Legislation should require a 72-business hour 3 day-cooling off period which would give the buyer or borrowers from a seller or lender who is operating away from his established place of business (includes door-to-door selling) 72 hours to cancel a contract.

—Provision for a simple, open-dating system for all packaged foods should be required to indicate when each item should be removed from the store shelf.

—The Food and Drug Administration shall require all manufacturers to print information regarding ingredient content by percentage, vitamin content, and caloric count on all packaged foods to be sold in this country.

—Legislation to abolish holder-in-due course laws.

—Legislation should be passed to prevent the denial of credit to older persons solely on the basis of age.

The intent of "The Older Citizens' Consumer Program," published by the Kansas Citizens Council on Aging in February, 1971, was accepted as expressing the general opinion of the delegates participating in the Special Concerns Session on the Older Consumer.

E. MENTAL HEALTH CARE STRATEGIES AND AGING

Introduction

It is agreed that the aged are a heterogeneous group. Large numbers of them need a wide variety of comprehensive health care. Mental impairment and a wide variety of functional disorders are common. Depressive reaction to the changes in role, status, appearance, and to decrements of function or ill health is prevalent. Consequently, there should be recognition of, and response to, the elderly person's need for mental health care and psychiatric care wherever he may be and whatever his age or condition. All institutions including mental hospitals and centers should have the obligation, and the facilities, to diagnose, treat or to safely provide for transfer to a more adequate site for care all applicants for admission in crises. Differences in financing patterns, geography, transportation facilities and population distribution may make for different patterns of intermediate and long term care in different localities. Financial, social and technical matters should not interfere with ease of admission to and discharge from in-patient care facilities or return home to functional status in the community. Also, readmissions and transfer to more suitable loci of care should be easy and free of financial or legal obstructions.

Recommendations

1. It is recommended that at an early date, there be established a Presidential Commission on Mental Illness and the Elderly, with responsibility for implementing recommendations made at the White House Conference on Aging. Its members should be appointed by the President, subject to the advice and consent of the Congress.

2. It is recommended that a Center for the Mental Health of the Aged be established within the NIMH, with the authority and funds for research, training, and innovative programs for older people in the community and in hospitals.

3. It is recommended that there be recognition and support of each older individual's right to care and treatment in any one of

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*Detailed provisions included in complete report to be published.

the wide range of alternative mental health services now existing, or those that will be developed.

4. It is recommended that there be universal prepaid, comprehensive health insurance including coverage for mental illness and health.

5. It is recommended that inequities and discrimination with respect to the financing of mental health services should be eliminated from Medicare and Medicaid. There should be prompt elimination of deductible and co-insurance features; and inclusion of drugs, currently excluded dental care and prosthetics under Medicare.

6. It is recommended that Medicaid funds should be properly used as legally prescribed, this should be guaranteed by adequate Federal supervision and enforcement.

7. It is recommended that all funds allocated by the Congress for research and training and services for the elderly should be released and distributed promptly both now and in the future with speedy cooperation of the Executive Branch of the government where required. (See recommendation on the appointment of a Presidential Commission.)

8. It is recommended that efforts should be made at Federal, State and local levels to develop options to institutional care.

9. It is recommended that adequately staffed and programmed comprehensive mental health diagnostic and treatment centers be developed in neighborhood health centers, community mental health centers, hospitals and other appropriate local, geographically accessible settings; special attention to adequate funding is of prime importance.

10. It is recommended that properly staffed in-patient or residential facilities with proper programs should be available in adequate number; all of these should have available methods of supervising, caring for, and protecting persons in their own homes for as long a period as medically and socially possible for the patient.

11. It is recommended that more attention be given to the development of innovative therapeutic services to currently institutionalized older persons, and for the future care of persons in need of protective environments as in-patients or residents in congregate settings.

12. It is recommended that research monies for studies of aging and the elderly, from basic biological processes, to social and psychological phenomena, be greatly increased.

13. It is recommended that all mental health programs for the elderly, be open to all, without a "means test." This mandates adequate funding.

14. It is recommended that there be recognition that training and education of the necessary health professionals is urgently indicated. Such health manpower must be increased in number as well as quality. Again, adequate funding is a necessity.

15. We are aware that there is a large body of factual and technical data on aging and the practical treatment of the disorders in the elderly which is not generally available and known. Therefore, it is recommended that material describing the best comprehensive care methods in a variety of settings should be prepared, widely distributed and their availability made known.

16. It is recommended that the proposed Presidential Commission or another appropriate government agency, look into the methods of purchase and provision of mental health care currently undertaken by Federal, State and local governments, in order to advise as to what is most economical and effective.

F. THE OLDER FAMILY

Introduction

American families bear the brunt of all the care, economic and emotional nurturance, and sense of belonging that aging families need. Research finds that it is, primarily, to their families that older people turn for help.

Recommendations

We therefore recommend that:

1. A Department of Family Life be established with cabinet status for its Secretary, so that the American family may be represented on all policies affecting the many millions of families who now carry the chief responsibilities for their members of all ages.

2. A National Institute on The Family be developed in which concerns of central importance to families, and to the society of which families are the core, be studied, to serve as a basis for considered action.

3. The President of the United States call and convene a White House Conference on the Family in the near future.

4. Tax reductions be given for qualified family gifts and assistance, as they are now given for charitable contributions.

Family support and care of their aging members, without recognition or relief from tax burdens, save the government as well as private agencies many millions of dollars, staff years, and expensive programs.

5. Death education be widely encouraged and implemented.

6. Medical and legal priorities be established to assure quality of life, rather than prolongation of the process of dying.

7. Public and private agencies working on behalf of America's aging recognize the family roles, relationships, and responsibilities implicit in the stage of family development represented by each older person served.

8. All possible steps be taken to make it possible for aging persons to live as long as possible in their own homes and that the kin families be able to carry out their responsibilities to older families.

9. Housing and homes for aging persons should be so designed as to allow for private quarters for couples wishing to share them. Attractive social centers should be provided where older men and women could enjoy the formation of new friendships and relationships to take the place of those that they have lost, and all personnel should be taught to accord full respect and dignity to these.

We recommend this because, among the primary characteristics of aging persons today are loneliness and emotional deprivation, and institutions and personnel involved in caring for the aging should be oriented as realistically and humanely as possible to meet their deep-seated needs for companionship and human warmth.

10. The social security laws be revised to make it possible for older families or for older persons wishing to take up family life through remarriage to combine their incomes. The present law provides that persons on Social Security who marry find that their income decreases. The law should be changed to allow continued receipt of Social Security without decrease in the amount.

11. A National program of family guaranteed income be established which would include the aged family. This is necessary in order to make it possible for the older family to have the financial wherewithal to continue to exist at a time in its family life cycle when income is sharply reduced. In addition, such a guaranteed income will make it possible for families to continue to carry out their responsibilities and roles in relation to older families.

12. The Congress and the President of the United States be requested to enact appropriate legislation to proclaim that the week in which Thanksgiving is celebrated each year under Act of Congress be officially deisgnated as National Home and Family Week, that the Sunday of such week be designated as Family Sunday-U.S.A. and that all citizens be urged to observe these dates with serious reflection and realization that the principles of family responsibility to spouse, children and parents, as well as the importance of the stability of marriage and the home for our future well-being, require renewed allegiance and every-day implementation.

13. The paper presented by Dr. Evelyn Duvall at the White House Conference on Aging, in the special session on "The Older Family" be referred to the President of the United States, to tthe Administration on Aging, and to the Secretary of the Department of Health, Education, and Welfare with the strongest possible recommendation that the information be studied and implications drawn as a basis for planning, setting agency priorities, etc.—toward support through education and community resources.

14. Courses on marriage and family living include material on the older family.

15. A Task Force be formed representing this Conference and major national organizations and agencies concerned, to: (1) explore the present status of family life education in the public schools of the United States; (2) develop plans for strengthening such programs as now exist; and (3) encourage the development of new comprehensive programs of education for home and family living as rapidly as possible, as an integral part of our American system of public education.

G. HOMEMAKER—HOME HEALTH AIDE SERVICES

Introduction

Homemaker-home health aide service helps families to remain together in their own homes when a health and/or social problem strikes or to return to their homes after specialized care. The homemaker-home health aide carries out assigned tasks in the family's place of residence, working under the supervision of a professional person who also assesses the need for the service and implements the plan of care.

A national approval system has been developed which provides agencies, whether under voluntary, governmental or proprietary auspices, help to assure the quality of homemaker-home health aide services throughout the country. This program for approving agencies will be implemented in 1972.

Despite the demonstrated need it is estimated that there are only 30,000 homemaker-home health aides in the entire United States serving all categories of social and health needs: the ill, aged, disabled, children and others with social and/or health problems. At a minimum, homemaker-home health aide agencies should have available 300,000 homemaker-home health aides or one homemaker-home health aide per every one thousand persons in our total population. For older persons, the ratio should be approximately one per 100 as a minimum.

Professional personnel is in short supply and it is expensive. Para-professional or allied professional help must be utilized where and when appropriate from the standpoint of safe and effective care. Homemaker-home health aide service is an exemplary utilization of para-professional personnel.

To meet established national standards, homemaker-home health aides must be carefully selected, trained and supervised, but they do not require an extensive educational background and therefore this vocation is proving to be a realistic choice for many educationally disadvantaged but capable individuals. Often these are middle-aged or older women. The community stands to gain doubly from this service as previously unemployed individuals become self-sustaining.

Homemaker-home health aide services provide many older persons the choice of maintaining independent living.

Recommendations

1. Homemaker-home health aide services are basic to continued independent living for older individuals in their own homes or in other places of residence considered as home, or the return to independent living of a large proportion of older people. They must

be required in those health and welfare programs for older people, with broadened definition for greater flexibility and eligibility for services in which the Federal government participates financially. They must be required services available throughout each state. These services must be well publicized including frequent use of mass media.

Federal Legislation for both Health and Welfare programs should specifically identify and require that Homemaker—Home Health Aide Services are available to every community, with appropriations of Federal Funds making it possible to establish them.

The expansion of these services will require additional funds but it should be recognized that they also open up and offer new opportunities for employment and careers for many mature women and men.

2. Since homemaker-home health aide services may be needed in any family rich or poor at some time, they should be available free, or on a sliding scale of fees, to the recipient or through third party payments, or other financial sources. Experimentation with new and different methods of financing should be explored. Federal and State Legislation should be enacted to provide adequate on-going public funding to make it possible to provide homemaker-home health aide services for all older persons to live in their own homes or other places of residence.

3. Since at the time of need for homemaker-home health aide services the individual or family is in a vulnerable situation, there must be requirement that any agency providing such services, whether public, voluntary, or commercial, meet nationally established standards to protect the quality of the services rendered. Such standards call for a team approach, using both professionals and para-professionals.

4. The necessary resources of other related in-home services such as friendly visitor, meals on wheels, chore services, shopping and transportation, as well as other in-home professional services must be available when needed if individuals and families are to be served as effectively as possible.

Any in-home service must be provided only when it is the choice of the person or persons to be served with their full knowledge of alternatives.

5. Homemaker-home health aide services must be available as supportive, protective, and preventive serices on a flexible basis for as long as needed, whether full-time or a few hours per week, whether on a continuing supportive basis or for only a temporary period of time. The arrangements in each case should provide the older person the option of remaining in his own home or place of residence, as long as it is feasible and possible to do so with dignity and safety.

H. THE ELDERLY INDIAN

Introduction

A new day is dawning and a new era of opportunity is opening to us, particularly to the American Indians and Alaskan Natives. The blessings of life, liberty and the pursuit of happiness guaranteed by the US Constitution is the American Dream, and an inspiration for living.

Our task and the task of the government is not only to guarantee the availability of these blessings, but to secure them for our people to the fullest extent.

American Indians and Alaskan Natives must be provided the opoprtunity and the Technical Support needed to Plan, Implement, Administer and Evaluate those programs which serve the needs of the Elderly American Indian.

In order to assure that Indian People fully participate in all phases mentioned above, changes in National law or policy must be made. We, therefore, make the following recommendations.

Recommendations

1. It is recommended that the United States Government reassures our Elderly Indian Citizens that the existing relationship between their tribes and the Federal Government will be continued. Such assurance will help to allay existing apprehension and fear of the Elderly Indian.

2. It is recommended that an adequately staffed Indian Desk similar to those of other Federal Agencies be established in the Administration on Aging. The purposes of such a desk would be to: (1) Act as a central focal point for all projects dealing with the Aged. (2) Act as an advocate of the Indian Aged in serving their needs.

3. It is recommended that funds be made available directly to tribal Governments for those programs serving the needs of the Indian Elderly. The funds should no longer be funded through State organizations for Indian tribes.

4. It is recommended that the Federal Agencies serving the needs of the Elderly Indian increase the funding levels to adequately serve the vast needs of the Indian Aged.

5. It is recommended that a thorough and complete research program be developed to search, evaluate and amend existing laws and policies governing programs serving Indian Elderly.

In conclusion, these recommendations are presented to the White House Conference in the hope that this new day of opportunity will indeed become a reality for our people.

I. LEGAL AID AND THE URBAN AGED

Resolved

1. The Law Enforcement Assistance Administration, HUD and other Federal agencies should provide funds for new methods to protect the elderly against crime. For example special security measures should be included in all housing occupied exclusively or largely by the elderly such as ways to call the police from each residence, high quality door and window locks, and extra guards. Social Security and other government checks can be sent on varied dates instead of all at once, and can be sent, with the consent of the elderly, directly to banks.

2. Social service agencies should be designated to work closely with police departments so that all elderly persons, who are victims of crime or who report non-criminal problems to the police, can obtain all necessary assistance. Such agencies might be within or outside the police department itself. Emergency assistance should be immediately available for persons who have suffered loss of checks or money, personal injury or other damage. A single telephone number should be publicized so that the elderly can readily obtain these services. The law Enforcement Assistance Administration and other Federal agencies should provide grants to agencies to provide these services. And the local Bar Association should develop programs to ensure that victims of fraud can obtain attorneys to represent them in suits seeking compensation for their losses.

3. The criminal justice system should give special assistance to elderly persons who are victims of crime or are witnesses in criminal cases. For example, police officers, prosecutors, and defense attorneys should be especially trained to communicate with the elderly. Elderly witnesses may need to be provided with transportation for court appearances. Trials may have to be conducted more promptly to relieve the burden on the elderly from repeated and protracted court appearances. The Federal Government should provide assistance to these efforts such as by including these ideas in training provided by funds of the Law Enforcement Assistance Administration for personnel of the criminal justice system.

4. The Federal Government should provide funds to allow consumer protection agencies, with staff, to be established or expanded by state, county or city government in every locality to protect the elderly from fraud. They should develop educational techniques to alert the elderly to the kinds of frauds frequently practiced and the need to consult a legal service or other attorney when large purchases are being made. They should also draft statutes needed to protect the elderly, such as allowing several days for recession from contracts made with door-to-door salesmen of home improvements or various consumer goods.

5. Fraud units should be established in Federal, State, and local police and prosecuting offices. The personnel of these offices should receive thorough training in methods to detect and combat schemes used to deceive the elderly. The Federal Government, either directly or through the Law Enforcement Assistance Administration, should provide training and funds to enable such programs to be established.

6. The Federal Government (through the Office of Economic Opportunity, any successor legal service agency providing funds for legal services to the poor, or other agency) should set aside funds to be used for special legal services to serve the elderly which are at least proportionate to the elderly's share of the total poor. These services could be provided by existing legal service programs or new programs. A minimum of $10,000,000 a year should therefore be set aside for this purpose immediately. Some of these funds should be available to allow organizations of the elderly to retain partial fees or prepaid legal insurance for the elderly whose incomes are inadequate to pay full legal fees or the cost of such insurance.

7. The Federal Government (Through the Office of Economic Opportunity, any successor legal service agency, or other agency) should establish a special center concerning legal rights of the elderly comparable to its centers relating to health, housing, consumer, migrant problems. The center should do research, bring test cases, draft and work for model legislation, train legal service attorneys and legal aides, and have additional funds to support demonstration and research programs concerning the legal problems of the elderly.

8. The Federal Government (through the Office of Economic Opportunity any successor legal service agency, or other agency) should provide funds to train elderly laymen as paid legal aides and to operate programs in which these aides can act as advocates for the elderly before administrative agencies.

9. Legislation to establish a legal services agency to assume the responsibilities of the Office of Economic Opportunity relating to legal services should assure that the elderly are represented on the agency's board of directors in approximate proportion to their share of the poor.

10. Legal service programs should themselves develop or work closely with existing outreach programs to the elderly poor so that the elderly are fully aware of and have full accessibility to legal services.

11. All Federal state benefit programs—such as Social Medicare, Medicaid, and Old Age Assistance—should provide for the payment of attorneys' fees, which are not taken from the benefits to which the elderly are entitled, for all elderely persons who challenge decisions to deny, reduce, or limit benefits. These fees should be adequate to attract attorneys to provide service to elderly clients regardless of income.

12. All Federal and state benefit programs should explicitly notify in writing all elderly persons whose benefits are denied reduced or limited, that they have the right to representation by an attorney or trained lay advocate, the desirability of this representation through legal service programs, Bar Asso-

ciation referral committees, and other means. The Federal or State Government should provide for free counsel chosen by the elderly if the elderly cannot otherwise obtain counsel.

13. The elderly should be provided free, competent attorneys in all proceedings relating to civil commitment, conservatorships, and other proceedings brought to restrict their freedom or other legal rights. Such legislation should allow the elderly to pay for persons of their own choosing.

14. The states should adopt legislation providing public guardians, conservators, and administrators without cost to the elderly who cannot afford from modest assets to pay for these services. Such legislation should allow the elderly to pay for persons of their own choosing.

15. A subcommittee of this Session should continue to operate after the Session is concluded to work with the leadership, staff, and delegates to the Conference and with other government officials to carry out the above recommendations.

J. LONG-TERM CARE FOR OLDER PEOPLE

Introduction

The Special Session on Long Term Care is concerned about the development of a National Policy on Long Term Care. We meet within the context of a growing national involvement in this area.

It was only in the 1930's that the Federal government became deeply involved in human services. We meet within the context of disclosures in many cities of inadequate nursing home care. We are aware of Ralph Nader, Congressman David Pryor, and now the views of HEW Secretary Elliot Richardson. We hope that the commitment of the Administration to standards will be matched by a concomitant commitment to adequate funding of long term care.

We recognize that long term care involves not only inpatient care but also services to people in their own homes as well.

Our focus should be upon the individual and making the right to adequate long term care a reality.

Recommendations and comment

1. It is recommended that all long term institutional care aspects of the Title XIX (Medicaid) program be completely federalized. By federalization is meant funding shall come from federal general tax revenues; that a uniform minimum level of benefits be set on a national level; and that standards be uniform nationally.

It is further recommended that payment to institutional providers of long term care be made on such a basis as to cover the cost of providing that care, and, in the case of proprietary facilities, to allow a fair return on investment. Payment to facilities is not necessarily to be the same in dollar amounts, but is to be computed using the same formula nationwide.

The recommendation was adopted with 25 delegates opposing. This did not represent 15% of those present at the time of voting.

2. It is recommended that Medicare-type cost reimbursement be specifically discouraged and that prospective rate setting be encouraged with proper incentives to encourage the providing of good patient care.

The recommendation was adopted with two delegates opposing. This did not represent 15% of those present at the time of voting.

3. It is recommended that the problems and feasibility of transferring the long-term institutional care aspects of the Medicare program to the Medicaid program be intensively studied.

The recommendation was adopted with five delegates opposing. This did not represent 15% of those present at the time of voting.

4. It is recommended that the Department of Health, Education, and Welfare work to change the primary emphasis in nursing home inspections from physical plant standards to direct patient care.

The recommendation was adopted with two delegates opposing. This did not represent 15% of those present at the time of voting.

5. It is recommended that a national policy on long-term care needs must have mechanisms of being implemented and financed:

That supplementary resources are needed to be allocated to means of financing alternate care;

That this is a reason for low standards of care in many long-term care institutions;

That we need a change in national priorities to human needs;

That we call upon the government to change our national priorities, shifting some of our resources from defense, foreign assistance, and space priorities to the needs of our elderly citizens to implement a national policy on long-term care.

The recommendation was adopted with seven delegates opposing. This did not represent 15% of those present at the time of voting.

6. It is recommended that a Presidential Commission on Mental Health and Illness of the Elderly be established.

The recommendation was adopted with one delegate opposing. This did not represent 15% of those present at the time of voting.

7. It is recommended that any national health insurance program which is adopted should meet the needs of those who require catastrophic, long term physical and mental health care and social services both within and outside of institutions.

The recommendation was adopted unanimously.

8. It is recommended that, to encourage the physician to accept responsibility for the medical care of patients in long term care facilities, the coverage limitation of one physician visit per patient per month in nursing homes be eliminated and that physicians be allowed to see patients as often as is deemed necessary by the professional staff as the patient's condition warrants.

It is further recommended that the physician be reimbursed at his reasonable established fee level without reduction for seeing several patients during one visit in extended care, skilled nursing, and nursing facilities.

The recommendation was adopted unanimously.

9. It is recommended that more registered nurses be placed in leadership positions in all programs involving health care of the elderly at all governmental levels.

The recommendation was adopted unanimously.

10. It is recommended that preventive and restorative dental care benefits be made available for all persons over age 65, and that those benefits be fully funded by the Federal government for those who cannot afford to pay for such care.

The recommendation was adopted unanimously.

11. It is recommended that an appropriate expression of appreciation be made to Dr. Arthur Flemming, Chairman of the 1971 White House Conference on Aging, for his efforts in making the Special Session on Long Term Care possible.

The recommendation was adopted unanimously.

12. It is recommended that the provision of care and services for the aged be removed from Title XIX (Medicaid) and Title XI, and that all health care for the aged be provided under an expanded Title XVIII (Medicare) program. It was further moved that health care be provided to all aged as a matter of entitlement; all persons should be covered and means tests presently in use under Title XIX be abolished.

Minority Report: The Session was divided on this motion because of some deep seated reservations about the suitability of the Medicare program as a vehicle for meeting total health care needs for the elderly.

The recommendation was adopted with 58 delegates in favor and 55 delegates opposing.

13. It is recommended that the Secretary of Health, Education, and Welfare study the feasibility of health facilities (i.e., hospitals, nursing homes, ECF's, etc), including long term care facilities, becoming public utilities and that his report be submitted as part of the post-White House Conference on Aging report by December 31, 1972.

Minority Report: The Session was divided on this issue because some delegates have serious reservations regarding the concept of making health facilities into a public utility.

The recommendation was adopted with 29 delegates in favor and 26 delegates opposing.

14. It is recommended that social services, as part of the team approach, are important to guarantee quality care of the elderly in long term institutional care and should be supported by legislative action.

The recommendation was adopted unanimously.

15. A proposed recommendation that Federal requirements for State participation in Federally supported health care programs include a requirement that inspectors and surveyors of nursing homes hold currently valid licenses as nursing home administrators in the States in which they work plus special preparation in inspection of long term care facilities was defeated 73 to 11.

16. It is recommended that there should be Federal financing available for the construction of nursing homes and health facilities. It is further suggested that this financing take the form of a 40-50 year loan with a three to five percent interest rate or a guaranteed loan system.

The recommendation was adopted with two delegates opposing. This did not represent 15% of those present at the time of voting.

17. It is recommended that in the interests of the patient, standards and guidelines which carriers use in making their decisions on coverage be readily available to professionals helping to effect their care.

The recommendation was adopted unanimously.

18. A proposed recommendation that the element of profit be eliminated from the care of persons and that the profit factor be confined to a limited return on equity capital, meaning a profit in the form of rental of land, buildings, improvements and furnishings, over and above the actual cost of the care and services provided was defeated 49 to 25.

Minority Report: The minority view holds that the Senator Percy hearings highlighted the fact that nursing home patients are not receiving quality, comprehensive programs of care. This is most significant, in the minority's view, since most nursing home patients are public aid recipients. The minority feels that the taking of profits from the delivery of care additionally and substantially reduces the number of dollars available to provide the care needed.

19. It is recommended that appropriate Federal and State regulatory bodies and consumer protection agencies be urged to take appropriate action to protect the public by curbing the misleading and exaggerated mass media solicitation and advertisement of voluntary health insurance programs to the elderly and the general public.

The recommendation was adopted unanimously.

20. It was recommended that the Department of Health, Education, and Welfare consider the feasibility of national certification for consultant pharmacist to separate the "paper" consultant from the bonafide consultant pharmacist and that the Department also explore the possibilities for reasonable reimbursement of consultant pharmacists for consulting services.

The recommendation was adopted with 33 delegates in favor and 2 opposing.

K. THE POOR ELDERLY

Introduction

Chairman: Ollie Randall

The Special Concern Session was attended by some 200 delegates, guests and observers. Dr. Walter M. Beattie, Dean of the School of Social Work, Syracuse University addressed the group on the challenges of poverty among older Americans. A panel of commentators composed of older persons active in community action programs responded to the address. Several commentators emphasized the need to direct attention to rural areas and such groups as the Spanish-speaking migrant farm workers. All called for immediate action, best characterized by the words of Mrs. Mary Powell of the Springfield Township (Ohio) Community Action Council who said, "Do it now, I won't be around in ten years for the next Conference!"

Mrs. Mary Louise John, President of the Foster Grandparents of Bexar County, San Antonio, Texas presented the group with the recommendations of the Planning Committee after which Rudolph Danstedt of the National Council of Senior Citizens provided comment on the recommendations. In discussions chaired by Jack Ossofsky of the National Council on the Aging, the Session agreed to the following introductory statement and the recommendations:

Introductory Statement

ACTION NOW

One out of every four Americans over the age of 65 lives in poverty. And even more live so close to poverty that its chilling effects hang over them. To the trials of old age are added the harsh burdens of poverty made more cruel by the fact that it need not be.

ACTION IS NEEDED NOW

No longer must American aged live in hunger, suffer from lack of health care, exist in dilapidated housing, and remain isolated and hidden from the mainstream of American life. Many elderly-poor and rich are robbed of their dignity as human beings by a now-oriented society which too easily forgets the contributions—past and present—of its aged population.

We can—we must—we will do better!

While we must improve the quality of life for all the aged, our top priority must go to those who suffer most. America must address itself first to the needs of the elderly poor.

Our goals must equal our national greatness. Our action must merit our national pride. We must strive to provide more than mere subsistence; we can and must provide the opportunities for decent and meaningful living through all the years of life.

In planning, we must recognize the continuity of life. We must act immediately to lift the present aged from poverty. Even with adequate income, certain needed services cannot be purchased in the marketplace and must be provided. Within and between income and services programs, a full range of options should be available for all aged Americans.

To insure that future generations do not end their days in poverty and despair, we submit these recommendations to the White House Conference on Aging.

Recommendations and comment

I. INCOME

It must be the national policy of the United States that poverty be eliminated as a concomitant of the older years. In this regard, priority must be given to providing older Americans with an income to keep them from poverty and subsequently to assure the aged an income foundation that will provide them with a comfortable existence.

1. The establishment of an income floor in the social security and adult assistance programs to provide all older persons with an income equal to the "intermediate" standard of living established by the Bureau of Labor Statistics. This would provide (as of Spring, 1971, the latest figures available) at least $2,316 for a single older person, regardless of sex, and $4,489 for a couple headed by someone 60 years of age or older. We recommend that this be done now through the immediate amendment of the Social Security Act (Title II) and of the Adult Assistance provisions of Title XX of H.R. 1 presently pending in the Congress.

Comment: During the discussion on this recommendation, a substantial minority of those present favored the adoption of earlier benefits for minority group persons to reflect their earlier death rates and their lifelong disadvantaged status. The body heavily favored the reduction of the age of elegibility for all groups to age sixty.

2. As a follow-up in the progression of the benefit floor, not later than 1974 the minimum income for Social Security and Adult Assistance beneficiaries be upgraded to provide the elderly with the "comfortable" standard of living established by the Bureau of Labor Statistics. This would provide (as of the Spring of 1970), at least $3,403 for a single older person, and $7,114 for an elderly couple.

Comment: During discussions on this recommendation it was emphasized by the delegates that the "comfortable" BLS standard should set the level of future benefit payments.

3. Those elderly persons in the United States and territories not now covered or eligible to receive benefits under existing income maintenance programs be blanketed into the programs now so that all elderly persons can be assured an income at the comfortable standard of living and that there be no penalty or reduction in other benefits. As a further step to make this recommendation effective, the Old Age Assistance program must be merged into the Social Security system and the ensuing additional costs to be financed out of general revenue funds.

4. That computation mechanisms be established to periodically revise the benefit structures to reflect increases in the cost of living.

5. To meet the increased financial burden of these recommendations the general revenues of the Federal Government be utilized to supplement employer and employee contributions to the Social Security system, and that the Adult Assistance programs be completely federalized.

6. With respect to private and public pensions plans, require that they contain provisions for guaranteed vesting after the first year of employment, for guaranteed portability of pension benefits, and for Federal insurance protection against loss of pension benefits. Moreover, require that these pension entitlements and protections be spelled out to all employees under a "truth in pension" Federal statute.

7. Enact immediately a Senior Emergency Employment Act providing for one million full and part-time jobs for persons 55 years old and over who can and wish to work.

Comment: An additional recommendation, introduced from the floor, to immediately abolish the Social Security "earnings test" was defeated with a substantial minority favoring abolition. A number of delegates expressed a heated frustration with the continuing problems of reduced benefits associated with increases in Social Security payments (OAA, food stamps, etc.).

II. SERVICES

Even when the income levels recommended above are reached, many older people, especially poor older people, would face serious gaps in available services to meet their needs. To fill these gaps in health care, housing, and social services, we recommend:

A. Health

1. The income and service restrictions imposed on Medicaid and the shifting of the cost of Medicare on to the backs of the elderly through ceilings on length of benefit periods, increases in deductibles, increases in Part B (doctors care) premiums are seriously limiting health care for the elderly and the poor.

The time is now to eliminate the hodgepodge of partial health care programs. Medicaid and Medicare systems should be reformed now through the merger of these programs and a Federally administered system covering all persons 65 and older established.

2. This Federally administered program should have no co-insurance and deductible features; it should provide for out-of-hospital prescribed drugs and afford, without limit, nursing home care in a facility owned or operated by an accredited hospital or comprehensive health service organization.

3. While immediate reform of the Medicaid and Medicare programs is essential, there must be early adoption of a national health system available to all, the young, the middle aged and the elderly, with a full range of health services financed out of payroll taxes and the general revenues with no additional billing to the patient for these services.

Comment: A substantial minority opposed the proposed national health system primarily on the question of costs.

B. HOUSING

Where the homes and apartments of older persons are now adequate, or capable of renovation, the course of action is clear. Every effort must be made to assure that the elderly keep or reclaim a decent place to live in neighborhoods of their choice. To achieve these goals, it should be the policy of the United States to assure:

1. The reduction of property taxes for lower income elderly home owners, with proportionate remissions for those older people who rent.

2. The greatly expanded promotion of grants and low, or no interest loans by HUD to renovate unsuitable housing wherever such housing is located without regard to location in an urban renewal area or other artificial geographic limitations.

3. The end to liens on homes of those eligible for Adult Assistance.

4. The expansion of the Rent Supplement Program specially directed to older persons utilizing local organizations of older persons to promote its use.

5. Assuring that the planning of highways which dislocate thousands of low income older and other persons is discontinued; designing urban renewal and other physical development programs so that residences and natural neighborhoods are renewed and not bull-dozed; assuring that there is full participation of older poor persons in the planning of all physical development programs.

6. Where homes and apartments are not capable of renovation, the expansion of Federally-supported construction of new housing units to house the elderly poor who have no other means to secure decent housing.

Comment: Passed Unanimously.

C. Social Services

1. It shall be the responsibility of the Federal Government working in concert with other public and voluntary agencies to establish in each community a public senior service system as the primary means through which the elderly receive services. Such services should include leisure time and cultural programs but should extend also to preventative health programs, information, referral, outreach and advocacy services, counseling, legal aid, help with employment, housing, securing benefits, etc. Such a public senior service system must be responsive to the aged themselves as participants and the decision-

making processes determining what services are provided, through what means, and for what groups.

2. Public departments of social services need to become the primary agency for services to the disabled and impaired elderly with services rendered through a consortium of public and private agencies. Needed services should be available to all the aged without any restrictions to financial status. Services available through these resources should provide a community health alternative to institutional care by offering such services as homemaker, home health and chore services, protective services, friendly visiting and telephone reassurance, day care, home delivered meals, special transportation, etc.

3. Special efforts must be made in the delivery of services to assure that the older poor, minority elderly and those most isolated from the community are reached by the service systems, that bilingual outreach programs are built into all programs.

III. SELF-HELP—SOCIAL AND POLITICAL ACTION

1. Older Americans including those who are poor represent a resource of experience and ability which can and must be utilized in dealing with their problems and needs. We urge that all agencies and organizations which seek to serve the elderly use that resource and find ways of involving the elderly on their policy making boards, on advisory committees and on their staffs so that they play a full role in the planning and delivery of services.

2. The elderly themselves need to take the initiative to develop and operate programs and services to meet their needs as they see them. Public and private agencies should motivate and support the elderly to undertake self-help programs and to engage in social action, articulating their needs and participating in the flow of community life to create solutions to those needs.

3. Voluntary agencies and church groups in particular are called upon to serve as enablers for the elderly, to encourage and assist them in developing new roles in self help, social action and political action. Recognizing that the elderly have not fared well by relying on others to act in their behalf, the elderly are urged to organize themselves into active social action and political action groups to press for those policies, to support those candidates and to ally with those organizations which will elevate their priority needs to national attention and action.

(Accepted unanimously.)

OTHER CONCERNS OF THE SESSION

The delegates accepted, without comment, a group of recommendations developed by the Spanish Speaking Caucus relating to the needs of the Spanish Speaking elderly.

Also accepted was a resolution submitted by State Senator Samuel Harman of Massachusetts memorializing the Congress to immediately enact legislation to remedy the inequitable loss of benefits associated with increases of Social Security payments.

L. RURAL OLDER PEOPLE

Preamble

Growing older in rural America presents special and unique problems to which we call the attention of the 1971 White House Conference on Aging and the general public. Sheer distance between people, and between people and services, is the most obvious aspect in which rural areas differ from urban one. Distance complicates the delivery of any service to rural older people; the expense of maintaining private cars and lack of public transportation bar older people from coming to the services. Many people, in rural areas, are isolated by a more basic lack of roads. Rural transportation problems must be solved before there can be effective solutions to rural health, income, employment, or housing problems.

Another unique aspect of growing older in rural America is that a large proportion of the neighbors are also old. Nationally, one out of every ten of our citizens is old; in rural counties that ratio is often one in five. As the younger people are forced to leave to find jobs, they leave a shrinking tax base and a growing scarcity of services. Rising property and sales taxes in rural areas are becoming increasingly oppressive to older rural people.

Retirement income is lower in rural areas, too. Few workers in rural areas are covered by private pension plans. Income in their later years must come from Social Security, from savings, from continued employment, or from welfare. Since most rural people became eligible for Social Security relatively recently when agricultural workers and the self-employed were included, they have had fewer years of covered earnings and thus their benefits are lower.

Although older rural people are accustomed to working, there is a critical shortage of paid jobs for those who wish to work. Many urgently need work because of low income, yet present federal programs discriminate against rural areas. Rural areas have one-third of the property in this country, yet they get only sixteen percent of federal manpower funds.

National programs designed to provide part-time community service work for older rural people, such as Green Thumb and Green Light (funded under Operation Mainstream), have found the opportunity to serve and also earn is eagerly welcomed by rural older folk.

Programs established to meet the needs of the elderly in rural areas and small towns should be designed to fit their way of living. Most rural people have been very self-reliant all their lives. They were their own mechanics, plumbers, carpenters, doctors—because there often were no others.

Where crises came, neighbors quietly chipped in, often without being asked. Age has now stripped them of their resources but not their traditions. Many refuse to take advantage of the few services which are available because they don't know how to take the initiative in dealing with "government officials" and they feel a strong sense of shame and failure if they try. Programs must be designed to seek out needs not merely respond to demand. They must deal with the rural elderly in ways which are not frightening or foreign to them. Older people need to be involved in designing, planning, and implementing these programs.

Recommendations:

I. TRANSPORTATION

1. A broad program to develop people-delivery system in rural areas should be undertaken such as those by the Federal and State Governments, based on demonstration projects by the Office of Economic Opportunity, the Appalachian Regional Commission, Green Light, and others.

2. Legislation should be passed enabling and requiring public, social, health, and employment services in rural areas to help provide transportation and outreach; removing legal barriers such as taxi rates and car, taxi, and school bus insurance restrictions to such transportation services; and financing such services for older people in rural areas.

II. LEGAL AND PROTECTIVE SERVICES

1. Older people in rural and farm communities must be provided legal and protective services in order to assure adequate voice and assistance on all issues which involve possible encroachment on their rights and property.

III. EMPLOYMENT

1. Community service employment programs for older people, such as Foster Grandparents, Green Thumb, Project FIND, Extension Service, Homemaker Aides, and Senior Aides, must be expanded into every rural county.

2. Public job assistance, training, and placement programs, currently required to give priority to youth and minority groups, should be modified and expanded to include a higher proportion of older workers. Such programs should have an equitable rural-urban distribution corresponding to the distribution of poverty.

IV. INCOME

1. In reforming the Social Security system, we urge increases in the level of earnings allowed and increases in the minimum benefit in addition to across-the-board percentage increases with a basic floor for adequate living (BLS) and with automatic cost of living provisions.

2. Present legislative and regulatory impediments to older people supplementing their incomes through employment, craft cooperatives and similar arrangements should be removed.

3. State and local governments should reduce or alleviate the disproportionately heavy property taxes on retired persons on limited incomes.

V. HOUSING

1. Legislation establishing and funding a major home repair program for older people in rural areas should be passed. It should include home repair loan and grant programs under the Farmers Home Administration (currently authorized but not provided); larger home repair grants for welfare recipients with less state matching funds than at present; authorization to use Federal manpower training programs to perform the work; and adequate staff to administer these programs efficiently.

2. More new housing should be provided for older people in rural areas. A major new rural housing program must be developed to meet the needs of the rural elderly. Public housing programs should be expanded in rural areas. The Federal Government should aggressively encourage local government and/or private non-profit organizations to implement these programs.

VI. HEALTH

1. In the design of a national health service delivery system which provides for facilities, personnel, and payment for services, the unique characteristics of rural areas must be considered and special delivery systems developed. Transportation, outreach, and home care services should be integral parts of all health services in rural areas. The use of mobile health units for multi-phasic screening should be greatly expanded.

2. Health and nutrition education programs should be greatly expanded. Public Health, Vocational Education, Extension Services, and other such community action programs have found that poor nutrition practices are a major health problem of the rural elderly.

M. SPANISH SPEAKING ELDERLY

Introduction

The Spanish speaking aged compose a particularly vulnerable class of needy persons within the already disadvantaged population of elderly Americans. Due to linguistic and cultural barriers, physical isolation and the disadvantaged endemic to minority group status, the Spanish "viejito" finds himself in even more deplorable circumstances than the majority of the American elderly population.

Poverty of such magnitude exists within this group that is incomprehensible to the average citizen. It is a poverty that knows no boundary line as it affects the Spanish speaking elderly equally as hard as the rural, urban and metropolitan areas.

Perhaps the most persuasive handicap the Spanish speaking elderly has in this society is his inability to speak and communicate in English and his lack of understanding of the "System." Directly related to the lack of awareness of health, housing, recreation, employment and social services and benefits is the problem of communication. There is a high correlation existing between his ability to speak English and his lack of awareness of the very few services, activities, and programs to which he is entitled.

Income: National economists would do well in learning how some of the Spanish speaking elderly are able to survive. Because of life-long poverty, many have not been able to save toward retirement or collect adequate pension and social security benefits. There are those who receive no public assistance and have to depend on whatever help friends and families can provide.

Health: The mortality rate of the Spanish speaking elderly is above average. At 48 years of age a Spanish speaking migrant compares with an Anglo of 65. This is due to the hardship these individuals have had to endure. Medicare and Medicaid provide relief, but some cannot eat properly without dentures or communicate without hearing aids that they can't afford.

Transportation: In rural areas transportation is unavailable most of the time or else too expensive. In metropolitan areas, where public transportation is available, many times it is too expensive and the Spanish speaking elderly cannot communicate with the drivers or understand route and time schedules.

Nutrition: Inadequate nutrition affects all elderly Spanish speaking. Surplus commodities offer some assistance and although they are not designed as a complete meal, for many it is. Food stamps have to be bought once a month and for the majority of the Spanish speaking elderly poor, they are too expensive to purchase.

Employment: The Spanish speaking elderly need innovative programs for employment opportunities without penalizing retirement or other benefits.

Housing: Many of our Spanish speaking elderly poor own their own homes. For them to own a home is a matter of pride and self-respect. for the most part, these homes are below standard and do not have regular facilities.

The above are just a few of the many real problems affecting the Spanish speaking elderly today. They are mentioned to dramatize the fact that the theme of the conference is wrong. Many elderly and non-elderly here, this week, are not themselves poor and therefore cannot adequately represent the poor who were unable to attend.

It is a myth to believe that action emanating from this conference will automatically benefit the Spanish speaking elderly poor because this did not and has not happened from the 1961 White House Conference. Had this conference concerned itself exclusively with the problems of the elderly poor and minority poor then the reverse could be expected to happen.

We strongly urge that a conference on ACTION for the elderly poor and minority poor be developed as soon as feasible and possible to provide the action necessary that this conference has failed to do.

Resolutions

Income and transportation

1. It is recommended that the Department of Transportation, the Department of Defense, and the General Services Administration make available all excess vehicles, in good condition, to any elderly based organization in order that transportation services for the Spanish speaking and other elderly be made available in metropolitan, urban, or rural areas.

2. It is recommended that all municipalities with public transit systems provide free or reduced fare during the non-peak hours for the elderly and handicapped, and demand that these same systems make literature available in Spanish for the Spanish speaking elderly in terms of routes and schedules, and also that these systems request subsidized assistance from the Federal Government.

3. It is recommended that research and study be conducted by every agency involved in programs for the elderly in order to determine an age comparability and other important data in regard to the different ethnic backgrounds of the elderly.

4. It is recommended that a minimum of guaranteed income of between $4300-$4500 (couple) be made immediately available to all Spanish speaking elderly and 75 percent of that for a single person.

5. It is strongly demanded that States amend their legislature to prevent the lowering of old age assistance benefits as social security benefits are increased.

6. It is recommended that Spanish bicultural planners and consultants design and reevaluate all programs and services to serve the Spanish speaking with the cooperation and participation of the consumers to be affected by these programs.

7. That all elderly legislation regarding services, benefits, and programs of any kind and in effect in the mainland United States be extended to cover all elderly in Puerto Rico.

8. That employers who contract migrant elderly workers for any amount of work done, be required to make social security payments and that the farmer be defined as the employer and not the contractor or crew leader.

9. That piecemeal research and demonstration programs be funded on a national level and give special emphasis to the employment of the Spanish speaking elderly.

10. That the Social Security Adminstration compile a census on the Spanish speaking population receiving social security benefits and that a projection be made of those who will be receiving assistance in the next 10 years.

Health committee

1. That where applicable representatives of elderly Spanish speaking and migrants be appointed on all commissions, committees, councils, and other bodies concerned with the planning, development, operation, and evaluation of comprehensive health services systems funded by Federal, State or local governments.

2. That priority be given to bi-lingual, bicultural students being recruited for the health professions and for new careers or para-professional employment opportunities in the field of health and geriatrics.

3. That special college credit be made available for students in the medical and health fields who are bi-lingual and bicultural.

Housing

1. Whereas: It is of critical concern that the needs of the Spanish speaking elderly have been ignored by the Federal, state, and local governmental bodies concerned with housing, it is recommended (1) that staff of Spanish descent responsive to the Spanish speaking be appointed to all three levels of government, and (2) that funds be specifically earmarked for the need in housing of our Spanish speaking elderly.

2. Whereas: Many of the Spanish speaking elderly live in and own homes that are deteriorating and decaying, it is recommended (1) that in lieu of the demolition or the removal of homes by programs such as Urban Renewal, that Government assistance at all three levels be given for the rehabilitation and renovation of housing units owned by the Spanish speaking elderly.

3. Whereas: That the present Federal housing projects are highly undesirable to the Spanish speaking elderly, it is recommended (1) that all subsequent housing be constructed according to the Spanish speaking cultural considerations such as (1) design, (2) cost, (3) location, (4) size.

4. Whereas: It is recognized that the Spanish speaking elderly are not receiving a "fair-shake" of federally subsidized housing; it is recommended (1) that the federal government adopt a policy in housing utilizing a formula wherein those units that are authorized, built, or rehabilitated, be reserved for the Spanish speaking elderly in direct proportion to their population in their respective communities.

5. Whereas: It is a fact that there exists a requirement forcing the Spanish speaking elderly to give up their claim to "real property" in order to qualify for programs of financial assistance; it is recommended (1) that the above requirement, being a prohibitive and unjust law, be eliminated or amended as will meet the needs of the Spanish speaking elderly.

6. Whereas: It is a revered tradition that the Spanish speaking elderly has a strong desire to remain living within the family household; it is recommended (1) that a new program be adopted that would (a) promote and protect this opportunity for continued participation with the family; (b) contribute to the Spanish speaking need for a sense of usefulness and (2) this new program would pay rent subsidies directly to the elderly recipient residing within the familial household.

Spiritual Well Being

1. The Government should cooperate with religious bodies and private agencies to help meet the spiritual needs of the elderly, but in doing so should observe the principle of separation of Church and State.

2. Spanish speaking elderly should be involved in the development of all programs which affect their spiritual well being from the initial planning stage through implementation.

3. That all religious and/or private groups open their eyes to the needs of the Spanish speaking elderly which are more than religious services and ceremonies and strive toward fulfilling the needs of the total man among the Spanish speaking elderly.

4. The declaration of the rights of the elderly should continue to be a responsibility of the various religious bodies but they should also recognize the value of coordinating their efforts with community groups.

5. All religious and/or private groups, particularly those with sizable Spanish speaking membership, must spend a fair and adequate share of their resources advocating assistance for the Spanish speaking elderly.

General Resolutions

1. It is recommended that a $5,000 tax exemption be granted to Spanish speaking senior citizens on real and personal property in all states.

2. It is recommended that HR1 be acted and passed upon by Congress with a modification that the guaranteed minimum income of $2,400 be increased to $4,800 for all elderly people.

3. It is recommended that all resolutions passed at the Special Concern Session for the elderly be applicable to the rural as well as the urban elderly.

4. It is recommended that Congress pass a law to automatically grant citizenship without the requirement of an examination to those persons who have been in the United States for 20 years.

5. It is recommended that any organization, be it private or public, which provides services to the Spanish speaking elderly be required to have an adequate number of bilingual, bi-cultural staff, literature and forms printed in Spanish, make outreach efforts to inform the Spanish speaking community and utilize multi-media services to this effect.

6. It is recommended that the President establish a National Coordinating Committee for the Spanish speaking elderly which

insures consumer participation, develop a national strategy to solve the problems of the elderly, top Federal, State, and local funds; and evaluate existing programs.

7. It is recommended that due to the lack of statistics available on the Spanish speaking elderly, the Bureau of the Census conduct an indepth study which will evaluate the accuracy of the number of Spanish speaking elderly in the United States.

8. It is recommended that the Bureau of Labor Statistics be required to have an ethnic breakdown on employment figures to make planning possible for those Spanish speaking who will become senior citizens in the near future.

9. Due to the lower life expectancy of the Spanish speaking elderly it is recommended that Federal legislation be passed to lower the retirement age to 55 for the urban Spanish speaking and to 45 for the migrant rural Spanish speaking worker.

10. It is recommended that the Federal, State, and local monies be set aside to research and study the specific problems of the Spanish speaking elderly as a first step in the planning of comprehensive and relevant programs to alleviate the plight of the Spanish speaking elderly.

N. THE RELIGIOUS COMMUNITY AND THE AGING

Recommendations

1. That a National Conference on spiritual well-being be held within the next two years and not later than five years to review and evaluate the recommendations in terms of achievements as a result of the 1971 White House Conference on Aging.

2. That it should be the national policy that religious bodies and other private agencies make it their concern to bring together the services of the entire community to provide opportunity for interfaith broad-based community programs for the aged through multipurpose community centers.

3. That private institutions of religious and charitable organizations which discriminate in the admission of black persons and those of other minority groups and deny and abrogate the civil rights of such persons have their tax exemption status lifted; and we urge that the U.S. Congress enact appropriate legislation to bring this about.

4. That church-related retirement facilities add to their staff (on a salaried and/or volunteer basis) a retiree in the role of community ombudsman-advocate, working with older adults within the institution and the larger community, serving as a representative with and for older adults.

5. That religiously related educational institutions, and religious laymen in any teaching situation, be urged to provide a knowledge base for an understanding of the processes of aging, the characteristics and needs of older persons, and the implications of such knowledge for fields of community practice.

6. Subscribing to the principle that responsibility for the care and affectional support of persons of all ages rest with one's immediate family and kinsmen, we therefore recommend that: (a) Tax deductions be given for qualified gifts and assistance to aged persons, as are now authorized for charitable contributions; (b) Education be inaugurated for couples in their middle years for their tasks in bridging the generations, including accepting death and preparation for the life of a survivor.

O. PHYSICAL AND VOCATIONAL REHABILITATION

Introduction

In the absence of formal plans to develop systematic vocational rehabilitation inputs for the 1971 White House Conference on Aging, Federal Guidance and Employment Service conducted a broad-based pre-White House Conference on this subject at Arlington, Virginia on September 14–16, 1971. Attended by more than 100 leaders in the field of vocational rehabilitation, this Conference was supported by a grant from the Rehabilitation Services Administration, Social and Rehabilitation Service, United States Department of Health, Education, and Welfare, and received extensive cooperation from a wide spectrum of rehabilitation groups and agencies. The Policy and Platform Statement that follows emerged from the Conference with the understanding that it would be presented to the White House Conference on Aging as an expression of the recommendations of the vocational rehabilitation movement.

Recommendations and comment

Some 15% to 20% of all unemployed disabled persons 55 years of age and over elect to continue in the labor market, despite severe limitations and the lack of encouragement from the community.

Vocational rehabilitation services for the members of this group are lacking or are highly inadequate in most sections of the United States. This neglect reflects the general apathy of Americans, even those who work with older persons, toward the vocational aspirations of older persons. Even the 1971 White House Conference on Aging, in its preparatory stages, made no plans for a conference section on rehabilitation (as it had done in 1961).

In the face of this extensive lack of concern for the vocationally-motivated older disabled person, the objective of the pre-White House Conference meeting was to recommend policies and programs that should be instituted to meet the needs of this group in the 1970's.

Specific recommendations

1. Legislation.

A. Current legislation should be amended or administered so as to provide for:

Positive enforcement of existing anti-discrimination legislation.

Improved Social Security benefits.

Modification of the Social Security earnings limitation.

Inclusion of rehabilitation incentives in welfare legislation.

A rise in the level of Social Security trust funds available for payment for vocational rehabilitation services.

Earmarking of specific anti-poverty funds for the aging.

Inclusion of vocational rehabilitation services under Medicare and Medicaid and proposed comprehensive care programs.

B. New legislation is needed to achieve:

Public agency financial support for long-term workshop employment programs.

The use of Federal funds to create new jobs for the aging in private industry and government-sponsored public service activities.

Non-discrimination in employment throughout the United States at all geographic levels.

2. The Community.

The community should:

Pay particular attention to disadvantaged sub-groups among the aging.

Establish general and/or specialized programs for the aging.

Be educated to the vocational rehabilitation potential of the aging.

Develop comprehensive service programs for the aging containing strong vocational components.

Develop organized groups of aging persons, that, among other activities, support vocational components.

Through its rehabilitation agencies and workers, function as an advocate of the aging.

Develop improved community transportation facilities in cooperation with United States Department of Transportation.

3. Organizations and Programs.

A. All types of agencies in the community should:

Open their general community facilities and programs to the aging on the same priority basis as other groups.

Reach out to currently "underserved" subgroups of aging persons.

Consider rehabilitation of the aging as a specialized rehabilitation sub-field.

Include vocational rehabilitation services in their multi-function programs for the aging.

Adopt service procedures that enable the aging to enter vocational rehabilitation programs without delay.

Make provision for the aging to serve on boards and committees which formulate agency policies and programs.

Encourage institutions for the aging to set up vocational programs for their residents.

Establish experimental rehabilitation residences for the aging.

Develop regional and state vocational rehabilitation centers for the aging.

Set up special programs for homebound and neighborhood-bound older agencies.

Establish linkages between agencies for the aging and other agencies.

Designate a national group to serve as a forum and a clearinghouse for those concerned with the vocational rehabilitation of older persons.

Expect rehabilitation agencies serving the aging to conform to commonly-accepted service standards.

B. Federal and State Rehabilitation Agencies should:

Take leadership in developing services for older disabled persons, preferably through specially-designated organizational sections or divisions.

Earmark special funds for the aging.

Be strengthened, in general, in funding, programming and administration.

Assign responsibilities for programs for the older disabled person to special personnel.

Stipulate clearly that age, per se, is not a disqualification for entry into vocational rehabilitation service.

C. Voluntary Agencies should:

Be given a major role in the vocational rehabilitation of older disabled persons.

Engage, along with other agencies, in innovation research and demonstration activities.

Attempt to reach as many older disabled persons as possible through decentralized catchment area programs.

Along with state agencies, assume responsibility for the conduct of long-term workshop employment programs with the aid of public agency funding.

Offer comprehensive vocational rehabilitation programs.

Be given responsibility for continuity of care.

D. Private enterprise should:

Be encouraged to participate in the vocational rehabilitation of older disabled persons.

Assume responsibility for preventing and ameliorating vocational handicaps in their aging employees.

Be assisted in these functions by consultation from specialized rehabilitation agencies and personnel.

4. Employment

Vocational rehabilitation should emphasize careers, not merely jobs, for older disabled persons.

Public and private hiring practices which bar older disabled persons from employment should be altered.

Employers should be educated to see the values of hiring older disabled workers.

Vocational benefits offered to other disability groups in employment should be opened to the aging.

Flexible working hours should be adopted in industry.

Additional part-time employment opportunities should be created.

Employment should not be discontinued on the basis of an arbitrary maximum age.

Employment opportunities in community service should be fully explored.

Demonstration new careers programs should be launched.

5. Personnel Training and Research

Rehabilitation personnel should be trained in service to the aging through specially-funded programs.

Grant applications for research and demonstration projects for the older disabled person should be given a high priority.

National research and demonstration and/or research and training centers on the vocational rehabilitation of the aging should be established.

Fundamental and applied research relating to the older disabled worker should be supported by public funding.

Application of modern technology to the problems of the aging should be explored.

6. Medical

Medicare-funded rehabilitation services should be extended to persons receiving Social Security Disability Benefits through rehabilitation as well as other health facilities.

Federal funds for medical research should be increased.

Additional Federal financial assistance should be provided for the training of medical and allied personnel.

The Federal government should sharply increase the funds allocated for the construction: expansion, and alteration of rehabilitation facilities under the Hill-Burton Program and the Vocational Rehabilitation Act.

Medicare and Medicaid legislation should be adopted which strengthens the rehabilitation component and which enables patients to receive medical rehabilitation service in conjunction with their hospitalization.

NOTE.—A report on the Elderly Deaf will appear in the full report of Conference proceedings.

P. VOLUNTEER ROLES FOR OLDER PERSONS

Introduction

At the conclusion of this session one delegate participant remarked that it was uniquely characterized by the participants' complete attention to ways in which older persons could fulfill themselves by giving service to one another and to their communities.

The session focused on the development of policy and action recommendations that facilitate volunteering by older persons.

Recommendations and comment

1. A national policy should be established to create awareness in the nation at large about the worth and talents of older adults as a national resource and to encourage older adults to volunteer. In this connection widest possible use should be made of preretirement counseling as a point of interpreting volunteer opportunities.

2. Existing national older adult volunteer programs should be expanded and funded at adequate levels in order to serve extensive numbers of older persons.

3. There should be support for and strengthening of national leadership (governmental and voluntary) through which local organizations, departments and agencies can be encouraged and assisted in developing volunteer participation by older persons.

Comment

In discussion of this recommendation, as illustrative of national leadership, reference was made to the National Center for Voluntary Action, the Center for a Voluntary Society, and Retired Senior Volunteer Program, and others.

4. Agencies and organizations (governmental and voluntary at any level) should adapt their programs to the use of older volunteers and provide adequately for their training, their growth, and recognition of their accomplishments; should provide for adequate staff leadership and preparation of staff to support volunteer involvement.

5. Jobs developed for older volunteers should meet the needs of older persons, provide for progressive levels of responsibility and recognize the need for special job design for handicapped adults.

6. Budget planning in both government and voluntary agencies should provide for making available to older volunteers assistance, when needed, with transportation, incidental expenses and insurance protection.

7. Appropriate interested organizations, agencies, and departments (governmental and voluntary) should endeavor to develop a workable definition of a volunteer.

Comment

Discussion of this recommendation indicated the diversity of views with respect to what is a "volunteer;" but there was consensus on the need to provide the widest possible range of opportunities for older persons to be involved in the life of their communities, from full-time paid employment to part-time unremunerated service. Concern was expressed regarding the need to clarify at local levels the character of volunteer service in order to insure that giving such service should not infringe the rights of older persons to receive public assistance or other public support.

Q. YOUTH AND AGE

I. *Whereas:* young and old are one; and both deserve dignity and respect; and together are concerned with quality of life in the future as well as the present.

Recognizing the urgency of the situation, we therefore propose the following:

1. A radical and immediate reordering of our national spending policies and economic priorities to place human needs before the material needs of the military and the space program.

2. A wide range of accessable services must be provided in the areas of nutrition, health, housing, medical and social care. But the most crucial need is to provide *all* citizens a guaranteed adequate income enabling them to purchase goods and services of their own choosing.

3. That both young and old be represented in the decisionmaking process of all local, state and national commissions and boards affecting the aging.

4. That all persons, particularly the aging, be given the legal right to choose to die naturally and in dignity avoiding prolonged illness, pain, confinement, and degradation.

5. That we must bridge the gap of young and old by encouraging alternate forms of social organization to supplement family structure from which young and old are often withdrawn.

6. That government immediately provide adequate and sufficient housing for the aging including communal settings where young families and the old can live together.

7. That society should adopt a policy of education for life such as preparation for job, family, retirement and use of leisure time. This education should begin with young children as developing a philosophy of life and should be developed by consultation with government, business, labor, and education institutions.

8. We urge that many more employment opportunities including part-time jobs be made available by government and by the private sector for both youth and the aging, particularly those jobs which enable them to work together and relate to one another for the betterment of themselves and their communities.

As citizens we are all entitled to full participation in the democratic process. Therefore, we urge that public and privately sponsored civic education programs be implemented for the aging to inform them of their legal rights and political privileges and to encourage them to exercise these rights and privileges collectively.

Wherever appropriate, economic boycott, non-violent protest and demonstration and other forms of political activity should be used to pursue the goal of a better life for all Americans.

II. In order to effectively implement the positions stated above, it is recognized that awareness of the continuation of life from conception through death is an essential aspect of education throughout the life cycle. It is further recognized that there will be many avenues of activity that must be exploited and maximized.

The following resolutions were made regarding formal education:

1. Federal, state and community agencies shall earmark funds and appoint committees within the year following the WHCoA for the preparation and utilization of curricular and education materials for all school levels that deal with the biological, medical, psychological, social and environmental aspects of the continuation of life from conception through death. Further, this shall be implemented within service training for teachers at all levels, as well as continuing education for persons all through life.

2. It is particularly suggested that in all appropriate educational institutions courses such as sociology, anthropology, etc. be offered in which younger and older persons can both enroll on a credit or non-credit basis.

3. Conference follow-up shall include:

a. Contact with student governments at every available educational level to identify a vehicle for their contributions towards the realizations of the policies adopted at this conference.

b. Contact with existing and projected federal agencies with funded programs for youth opportunities in community activities (e.g. ACTION, Domestic Council etc.) to identify aging as an urgent social issue.

c. Contact with universities, state and community colleges and community organizations to establish seminar and field experience courses that will involve students in all disciplines.

4. Wherever possible, educational systems at all levels should utilize qualified older persons as para-professionals. Formal credential requirements should be relaxed without the relaxation of remuneration for these services. Funds should be provided by an appropriate federal agency for these services.

5. We think that without neglecting the incorporation of preparation for living into the school system, it is urgent that every available avenue for informal education be potentiated. Priority (in the appropriation of funds) shall be given to the promotion of interaction between youth and aged outside the formal school system, in voluntary organizations and other common activities as a conscious reflection of the need to change current cultural attitudes and stereotypes of all stages of life.

6. It is finally urged that the President of the United States include as part of a national policy on aging an emphasis on achieving life cycle education as a mandatory component of all educational institutions.

III. One of the major aims of the White House Conference on Aging should be to harness the activity and energy of youth and link it to the solution of the problems confronting the aging. Three areas of youth volunteer activity suggest themselves for immediate action:

1. Provide information to senior citizens regarding existing social services and financial resources.

2. Render direct service to senior citizens.

3. Act as advocates in behalf of the elderly.

However, it is imperative that such programs involving youth and aging recognize a relationship of reciprocal rewards. Additionally, young people should be reimbursed for expenses incurred in volunteer activities.

Suggestions for immediate action include:

1. Providing information:

a. Undertake local projects to identify existing resources for and needs of aging Americans;

b. Staff telephone information and crisis centers;

c. Utilize the media to inform the aging about existing resources; and

d. Guarantee that youth and aging be represented on all aging related agencies.

2. Rendering service:

a. Form transportation teams to assist the elderly;

b. Assist in home upkeep and maintenance;

c. Establish friendly visitor programs;

d. Utilize programs sponsored by ACTION to provide needed staffing;

e. Assist with programming activities in Senior Centers;

f. Provide escort services, especially at night; and

g. Provide activities that will promote social and sexual interaction for the aging.

3. Acting as advocates:

a. Utilize existing advocacy groups on behalf of the elderly; and

b. Form community-wide advocacy groups, which will also serve as grievance boards and community coordinating committees for volunteer activities related to aging.

In order to implement a program of young assisting the aging means as needed to mobilize and coordinate community activities. This can be accomplished by Services To People (STEP) through the formation of local steering committees. National Youth Organizations and state agencies should encourage their local affiliates to begin creating these committees and to provide the funding for training programs in the study of the aging.

CALIFORNIA'S AGRICULTURAL EXPORTS HURT BY DOCK STRIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MATHIAS) is recognized for 5 minutes.

Mr. MATHIAS of California. Mr. Speaker, California is an export State. The value of California farm production exported in fiscal year 1971 was well over half a billion dollars—$555.1 million. Important crops include feed grains, cotton, fruits and preparations, rice, vegetables and preparations, hides and skins, dairy products, meat products, poultry, cottonseed oil, and so on—an infinite variety.

Imagine what the dock strikes this year have done to our prospects for agricultural exports in fiscal year 1972. The loss is incalculable. What is worse, many of the foreign buyers will not be looking our way again. They have started to look elsewhere for the commodities they need. The United States—thanks to the dock strikes—is no longer considered a dependable source of supply for agricultural commodities.

This is not an irreversible trend. We still have time to consider legislation that will effectively deal with national transportation system strikes in such a way that agriculture and the American public are protected.

But the time is short. We should join today in a concerted effort to deal with this problem before it is too late.

OPERATION NOEL

The SPEAKER. Under a previous order of the House, the gentleman from Nebraska (Mr. MCCOLLISTER) is recognized for 5 minutes.

Mr. McCOLLISTER. Mr. Speaker, Operation Noel is an annual Christmas party on Capitol Hill for servicemen from eight Washington area hosiptals. About 3 weeks ago, on behalf of Operation Noel, I sent letters to all Members of the House and Senate asking for financial help. The response to those letters has been overwhelming. And I would like to take this opportunity to thank my colleagues in the House for their genuine concern and true generosity in helping to sponsor Operation Noel. As most of you know Operation Noel's party will be held next Wednesday in the Longworth cafeteria. In my opinion no group of individuals in this country deserve a special Christmas party more than the 20-year-old without legs and the World War II veteran who after 25 years still lies in traction. Operation Noel is what all of us see when Santa comes and snow falls—Operation Noel is the guts of all of us—Operation Noel is Christmas. And there is no better way for us to express our appreciation and gratitude for those who have given everything so that all of us may enjoy another happy Christmas. Again, may I extend my sincere thanks and the thanks of all who are involved in Operation Noel for your support and cooperation in making this year's party the best ever. I hope to see most of you in the Longworth cafeteria Wednesday evening.

THE PRESIDENT'S NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 10 minutes.

Mr. McKINNEY. Mr. Speaker, many Americans may not know that there has been an appalling loss of life because of destructive fire in the nursing homes of this Nation.

The safety of the residents of nursing homes must be a prime concern of all of us. It is one of the continuing problems of the aging who should command every human consideration of all Americans. I am happy that the President's National Commission on Fire Prevention and Control is probing this matter in the course of its 2-year study of the Nation's fire problem.

The purpose of the President's National Commission on Fire Prevention and Control is to undertake a study and investigation to determine practicable and effective measures for reducing the destructive effects of fire in life and property throughout the country. The Commission will submit to President Nixon and the Congress a report of its findings and recommendations.

Recently, Chairman Richard E. Bland of this Presidential Commission spoke eloquently of the need for a greater vigilance on the conditions in nursing homes as a very necessary step to help prevent fires from breaking out in these homes for our older citizens. This vigilance should in some cases extend to more severe building and electrical wiring codes as well as in other areas such as better smoke and fire detection and alarm systems. For one helpless old person who may not be able to walk or who is sedated to lose his or her life because of what might be inadequate vigilance is unforgivable.

Chairman Bland is also associate professor of engineering at the Institute for Science and Engineering of Pennsylvania State University at State College, Pa.

He made his remarks over NBC radio network October 20, 1971, concerning the loss of 15 lives at the Geiger Nursing Home fire near Honesdale, Pa., the night of October 19, 1971.

I ask unanimous consent that the transcript of Chairman Bland's statement on NBC be printed in the RECORD.

There being no objection, the transcript of the broadcast was ordered to be printed in the RECORD, as follows:

STATEMENT OF RICHARD E. BLAND

I am shocked at the tragic loss of fifteen lives by destructive fire in a private nursing home for the elderly near Honesdale, Pennsylvania last night.

It is particularly sad because as is so often true of fires in nursing homes, some of the victims were bed-ridden. There can be no greater experience of horror than for an elderly person to be aware of a fire sweeping toward him knowing that he is helpless to try to escape.

Many Americans are not aware that approximately 12,000 lives were snuffed out by destructive fire in our country in 1970. Some of the most sickening losses have been registered in our homes for the aged.

On January 14th of this year in Louisville, Kentucky, fourteen people died in the Westminster Terrace Presbyterian Home for Senior Citizens.

Six people lost their lives on September 15, 1971, in Salt Lake City, Utah, in a home for senior citizens.

To cite another example of these tragedies, on January 9, 1970, a blaze took 32 lives in the Harmar Convalescent Home in Marietta, Ohio.

Elderly people are often not in nursing homes by their own choice. In effect, they are in captivity. Hence it is the public's responsibility as near as possible to guarantee protection and evacuation procedures that will facilitate their escape. They cannot be expected to move on their own in hostile environments associated wth fires. Thus, we must make it a public responsibility the enforcement of regulations which guarantee their safety.

A major purpose of this Presidential Commission is to determine more effective ways to reduce loss of life and property by fire in the United States.

I would like to point out that we cannot be too vigilant in taking steps to prevent fires.

Let us remember that the prime factors of loss of life by fire in dwellings are: open stairways, no escape plan in case of fire, no automatic detection system, flammable clothing and combustible interior finish.

Leading causes of home fires are: heating and cooking equipment, electrical wiring and appliances, smoking, children and matches, ignition of rubbish and flammable liquids.

This terrible loss of life in Honesdale, Pennsylvania, should once again provide a shocking reminder to all Americans that the responsibility for the loss of life and property lies with all of us.

HON. ARTHUR A. FLETCHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I would

like to take this opportunity to honor Arthur A. Fletcher, one of the present administration's highest-ranking black officials, who, at the end of this year, will leave his position as alternate representative to the 26th session of the United Nations to assume the executive directorship of the United Negro College Fund.

Mr. Fletcher, who also served as an Assistant Secretary of Labor, will replace Vernon E. Jordan, Jr., as head of the fund which raises money for some 40 black institutions of higher education. His stated reason for making this switch is to position himself in a field where he will "not only be helping to provide opportunities for nonwhite youth to achieve their own personal desires, but where he will be helping to provide a national human resource that America so desperately needs."

Mr. Speaker, I wholeheartedly congratulate Mr. Fletcher who came to this decision only after the sincere protestations of those administration officials who have worked with him and learned to respect his impressive administrative skills.

Mr. Fletcher has been instrumental in the conception and development of a great many landmark programs. One brilliant example is the Philadelphia Plan for attracting more minority-group youths into the building construction labor unions. This excellent plan requires building contractors to hire set percentages of minority-group workers before the contractors are allowed to bid on Government construction contracts.

Another capacity in which Arthur Fletcher has proven tc be most effective is as Chairman of the White House Domestic Council Committee on the Elimination of Economic Discrimination. He will continue in this post through 1974—at which time he plans to deliver the recommendations of this Committee to the President.

Mr. Fletcher's aim as director of the fund is to raise at least $10 million from black American citizens and then request industry and government sources to contribute three to four times that amount. The continued survival of many of our black colleges will surely depend upon the success of Mr. Fletcher's efforts. This, in turn, will have a dramatic effect on the training of blacks for professional jobs, since—according to Morris B. Abram, chairman of the fund's board directors:

> Seventy-four percent of black Ph.D.'s have taken their undergraduate training in black colleges.

I am sure I speak in behalf of my colleagues, Mr. Speaker, in praising Arthur A. Fletcher for his past achievements and in wishing him the fullest success as executive director of the United Negro College Fund. This man, who has exhibited unlimited talent and fierce determination in such varied fields as professional athletics and public administration, will, I am certain, distinguish himself once again in the arena of higher education.

PANAMA CANAL SOVEREIGNTY AND MODERNIZATION: MEMORIAL BY COMMITTEE FOR CONTINUED U.S. CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 10 minutes.

Mr. CRANE. Mr. Speaker, as a former professor of Latin American history, I have long been interested in the annals and problems of the Panama Canal and have followed with deep concern what has been transpiring in Panama and in Washington as regards that jugular vein of marine transportation and hemispheric security.

Though the canal question has been before the Congress periodically since 1945, with the exception of the 1949–50 hearings concerning Panama Canal reorganization there have been no comprehensive hearings on this highly complicated subject. It was, therefore, gratifying to read the November 8, 1971, announcement by the distinguished chairman of the Subcommittee on the Panama Canal of the House that major hearings on all significant phases of the interoceanic canal problem will start November 29.

Through the leadership and splendid contributions of my most able and scholarly colleague from Pennsylvania (Mr. FLOOD) a lifelong student of canal problems, the documentation on the subject in the CONGRESSIONAL RECORD for more than a decade is extensive. A selected collection of his addresses, published in one volume as a Government document under the title of Isthmian Canal Policy Questions (H. Doc. No. 474, 89th Cong.), contains a wealth of authentic information and should be consulted by all students of the canal subject.

The latest addition to the cumulating literature on Isthmian problems, occasioned by submission of the 1970 report recommending the construction of a parallel Panama Canal of so-called sea level design that is linked with surrender of the Canal Zone, is a memorial to the Congress by the Committee for Continued U.S. Control of the Panama Canal on the vital matters of sovereignty and modernization.

The membership of this committee, which was organized by Prof. Richard B. O'Keeffe of George Mason College of the University of Virginia, Fairfax, Va., is truly distinguished and includes persons of outstanding ability in their fields and longtime interest in Isthmian policies in the broadest sense. Because the indicated memorial in brief space presents the essential facts of a highly complicated subject and should be of great assistance to those preparing for the forthcoming hearings, I quote it as part of my remarks:

COMMITTEE FOR CONTINUED U.S. CONTROL OF THE PANAMA CANAL

PANAMA CANAL: SOVEREIGNTY AND MODERNIZATION

Honorable Members of the Congress of the United States.

The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express their views:

(1) The report of the interoceanic canal inquiry, authorized under Public Law 88–609, headed by Robert B. Anderson, recommending construction of a new canal of so-called sea level design in the Republic of Panama, was submitted to the President on December 1, 1970. The proposed canal, initially estimated to cost $2,880,000,000 exclusive of the costs of right of way and inevitable indemnity to Panama, would be 10 miles West of the existing Canal. This recommendation, which hinges upon the surrender to Panama by the United States of all sovereign control over the U.S.-owned Canal Zone, has rendered the entire canal situation so acute and confused as to require rigorous clarification.

(2) A new angle developed in the course of the sea level inquiry is that of the Panamic biota (fauna and flora), on which subject, a symposium of recognized scientists was held on March 4, 1971 at the Smithsonian Institution. That gathering was overwhelmingly opposed to any sea level project because of the biological dangers to marine life incident to the removal of the fresh water barrier between the Oceans, now provided by Gatum Lake, including in such dangers the infestation of the Caribbean Sea and Atlantic Ocean with the poisonous yellow-bellied Pacific sea snake (Pelamis platurus).

(3) The construction by the United States of the Panama Canal (1904–1914) was the greatest industrial enterprise in history. Undertaken as a long-range commitment by the United States, in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." Congressional Record, volume 115, part 17, pages 22845–22848, the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tolls that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

(4) Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant in perpetuity from Panama (Hay-Bunau-Varilla Treaty of 1903). In addition to the indemnity paid by the United States to Panama for the necessary sovereignty and jurisdiction, all privately owned land and property in the Zone were purchased by the United States from individual owners; and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22). The cost of acquiring the Canal Zone, as of March 31, 1964, totaled $144,568,571, making it the most expensive territorial extension in the history of the United States. Because of the vast protective obligations of the United States, the perpetuity provisions in the 1903 treaty assure that Panama will remain a free and independent country in perpetuity, for these provision bind the United States as well as Panama.

(5) The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,359,931,421, making a total net investment by the taxpayers of the United States of more than $5,000,000,000; which, if converted into 1971 dollars, would be far greater. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

(6) In 1939, prior to the start of World War II, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The

program for the enlargement of Gaillard Cut, started in 1959, with correlated channel improvements, was completed in 1970 at a cost of $95,000,000. These two works together represent an expenditure of more than $171,000,000 toward the major modernization of the existing Panama Canal.

(7) As the result of canal operations in the crucial period of World War II, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception included provisions for the following:

1. Elimination of the bottleneck Pedro Miguel Locks.

2. Consolidation of all Pacific Locks South of Miraflores.

3. Raising the Gatun Lake water level to its optimum height (about 92').

4. Construction of one set of larger locks.

5. Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, which would improve marina operations by eliminating lockage surges in Gaillard Cut, mitigate the effect of fog on Canal capacity, reduce transit time, diminish the number of accidents, and simplify the management of the Canal.

(8) Competent, experienced engineers have officially reported that all "engineering considerations which are associated with the plan are favorable to it." Moreover, such a solution:

1. Enables the maximum utilization of all work so far accomplished on the Panama Canal, including that on the suspended Third Locks Project.

2. Avoids the danger of disastrous slides.

3. Provides the best operational canal practicable of achievement with the certainty of success.

4. Preserves and increases the existing economy of Panama.

5. Avoids inevitable Panamanian demands for damages that would be involved in the proposed sea level project.

6. Averts the danger of a potential biological catastrophe with international repercussions that recognized scientists fear might be caused by constructing a salt water channel between the Oceans.

7. Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

(9) All of these facts are elemental considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty aspects. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty. These are paramount factors in the overall equation.

(10) In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1970 to cost $2,880,000,000, exclusive of the costs of the right of way and indemnity to Panama, has long been a "hardy perennial," according to former Governor of the Panama Canal, Jay J. Morrow. It seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite the economic, engineering, operational, environmental and navigational superiority of the Terminal Lake solution. Moreover, any sea-level project whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, or be wholly borne by the taxpayers of the United States.

(11) Starting with the 1936–39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion, in 1967, of negotiations for three proposed new canal treaties that would:

1. Surrender United States sovereignty over the Canal Zone to Panama;

2. Make that weak, technologically primitive and unstable country a senior partner in the management and defense of the Canal;

3. Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This Clause vests the power to dispose of territory and other property of the United States in the entire Congress (House and Senate) and not in the treaty-making power of our Government (President and Senate)—a Constitutional provision observed in the 1955 Treaty with Panama.

(12) It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State, in direct violation of the indicated Constitutional provision, have been, and are yet, engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Panama Canal project. Such actions would eventually and inevitably permit the domination of this stratgeic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world trade.

(13) Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

1. Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal as provided by existing treaties;

2. The major modernization of the existing Panama Canal as provided for in the Terminal Lake Proposal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States, aimed at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

(14) In the 1st Session of the 92d Congress identical bills were introduced in both House and Senate to provide for the major increase of capacity and operational improvement of the existing Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution, which competent authorities consider would supply the best operational canal practicable of achievement, and at least cost without treaty involvement.

(15) Starting on January 26, 1971, many Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization in derogation of present treaty provisions.

(16) The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and hemispheric security. The recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long-range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approach to the Panama Canal, and as was accomplished in the case of the Suez Canal, which the Soviet Union now wishes opened in connection with its naval buildup in the Eastern Mediterranean and Indian Ocean. Thus, the real issue at Panama, dramatized by the Communist takeover of strategically located Cuba and Chile, is not United States control versus Panamanian but United States control versus Soviet control. This is the issue that should be debated in the Congress, especially in the Senate. Panama is a small, weak country occupying a strategic geographical position that is the objective of predatory power, requiring the presence of the United States on the Isthmus in the interest of Hemispheric security and international order.

(17) In view of all the foregoing, the undersigned urge prompt action as follows:

1. Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions and

2. Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching saturation of capacity.

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Stanford, CA. Former Chairman, President's Council of Economic Advisers.

Comdr. Homer Brett, Jr., Chevy Chase, Md., Former Intelligence Officer, Caribbean Area.

Hon. Ellis O. Briggs, Hanover, N.H., U.S. Ambassdor retired and Author.

Dr. John C. Briggs, Tampa, Florida, Professor of Biology, University of South Florida, Tampa.

William B. Collier, Santa Barbara, Calif., Business Executive with Engineering and Naval Experience.

Lt. Gen. Pedro J. Valle, Annapolis, Maryland, Intelligence Analyst; Former Commanding General, 1st Marine Div.

Herman H. Dinsmore, New York, N.Y., Former Associate Foreign Editor, *New York Times* Editorialist.

Dr. Lev E. Dobriansky, Alexandria, Va., Professor of Economics, Georgetown Univ.

Dr. Donald M. Dozer, Santa Barbara, Calif., Historian, University of Calif., Santa Barbara; Authority on Latin America.

Lt. Gen. Ira C. Baker, Washington, D.C., Former Commander-in-Chief, Allied Air Forces, Mediterranean; Analyst and Commentator on National Security Questions.

K. V. Hoffman, Richmond, Va., Editor and Author.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va., Engineer and Author.

Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University; Past President, Panama Canal Society of Washington, D.C.

Dr. Leonard B. Loeb, Berkely, Calif., Professor of Physics Emeritus, University of California.

William Loeb, Manchester, N.H., Publisher and Author.

Lt. Col. Matthew P. McKeon, Springfield, Va., Intelligence Analyst, Editor and Publisher.

Dr. Howard A. Meyerhoff, Tulsa, Okla., Consulting Geologist; Formerly Head of Department of Geology, University of Pennsylvania.

Richard B. O'Keefe, Fairfax, Va., Asst. Professor, Geroge Mason College, University of Virginia; Research Consultant on Panama Canal, The American Legion.

Capt. C. H. Schildhauer, Owings Mills, Md., Aviation Executive.

V. Adm. T. G. W. Settle, Washington, D.C., Former Commander, Amphibious Forces, Pacific.

Jon P. Speller, New York, N.Y., Author and Editor.

Harold Lord Varney, New York, N.Y., President, Committee on Pan American Policy, New York; Authority on Latin American Policy, Editor.

Capt. Franz O. Willenbucher, Bethesda, Md., Lawyer and Executive.

Dr. Francis G. Wilson, Washington, D.C., Professor of Political Science Emeritus, University of Illinois; Author and Editor.

LEGISLATION TO IMPROVE QUALITY OF JUSTICE AVAILABLE IN FEDERAL COURTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. McCULLOCH) is recognized for 5 minutes.

Mr. McCULLOCH. Mr. Speaker, I am pleased to again introduce legislation recommended by the Nixon administration which will improve the quality of justice available in Federal courts. This legislation will modernize procedures for appellate review of rules, regulations and final orders of the Interstate Commerce Commission. Joining me in sponsoring this important measure are Messrs. POFF, HUTCHINSON, McCLORY, SMITH of New York, RAILSBACK, BIESTER, WIGGINS, DENNIS, FISH, COUGHLIN, MAYNE, and KEATING.

At present, appellate review of orders issued by the Interstate Commerce Commission necessitates empaneling a three-judge Federal district court. This extraordinary procedure, usually reserved for cases of particular public importance involving constitutional or civil rights questions, disrupts the already overcrowded dockets of the Federal courts. While important constitutional or civil rights questions justify the use of this special three-judge court procedure, cases of lesser public significance clearly do not.

Yet, the record shows that appeals involving ICC orders comprise a large percentage of the three-judge courts convened each year. For example, in 1969, 64 of the 215, or 30 percent of the three-judge cases heard that year involved review of ICC orders. In 1968, the figures were 51 of 179, or 28 percent. Moreover, this procedure places unneeded burdens on the Supreme Court. Decisions of three-judge Federal courts are appealed directly to the Supreme Court. There, because of the direct appeal involved, the appeal is entitled, as a matter of right, to a merits determination. Many of these cases are not of sufficient public importance to warrant such treatment.

The legislation I am introducing will in large measure solve these problems. The bill makes rules, regulations, and final orders of the Interstate Commerce Commission subject to the Judicial Review Act of 1950. Under this act, the administrative decisions of the agency, like several other independent administrative agencies already subject to the act, would be reviewed by the Circuit Court of Appeals for the District of Columbia or the one in which the petitioner resides. With this change, the delay and disruption resulting from the empaneling of three-judge district courts would be eliminated. Further, appellate review by the Supreme Court of judgments of the court of appeals would be by petition of writ of certiorari. With this discretionary tool, the Supreme Court can decline to rule on those cases of insubstantial public importance, leaving it free to devote more time to the increasing number of important cases it hears.

Moreover, additional provisions in the legislation are designed to further streamline appellate review of ICC orders. For example, multiple appeals challenging ICC orders often follow the agency's decision. Under existing law, these actions cannot be transferred from different districts and consolidated into one proceeding. Long delay and wasteful duplication of effort results. The bill would solve these problems by requiring consolidation of petitions to review the agency's determination in the circuit court where the first appeal is filed. Also for the first time the bill imposes a time limit—60 days—within which ICC orders can be challenged.

Last, the control of and responsibility for representation of the Government in appellate review of these ICC orders is vested in the Attorney General. Though the ICC will have the absolute right to appear and defend the Commission's order, vesting ultimate control in the Attorney General will, as the Hoover Commission on Organization of the Executive Branch of the Government recommended in 1955, serve the public better by eliminating potentially destructive and wasteful intragovernmental dispute.

Mr. Speaker, we are today witnessing a crisis in the courts. Our legal structure is being tested and strained by case load demands and other pressures which were inconceivable a generation ago. I am happy to say that the Nixon administration has responded to this crisis with a broadly based and continuing program of court reorganization and reform. The legislation which I introduce today is an additional part of this much needed plan for court reform. I urge its prompt consideration and enactment.

THE SUBCONTINENT—A WORLD RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MORSE) is recognized for 10 minutes.

Mr. MORSE. Mr. Speaker, there seems to be a general consensus throughout the world that the outbreak of full-scale war between India and Pakistan would be a disaster of immense proportions and that the imminent possibility of such an occurrence represents a clear and present danger to international peace. And yet much of the world, including the United States, finds itself in the uncomfortable position of largely watching from the sidelines as events steadily escalate out of everyone's apparent control.

This is neither the time nor the place to review the complex developments—both within East Pakistan and in the Indian State of West Bengal—which have led to the current crisis. Like many of my colleagues, I have expressed my grave concern about the manner in which the Government of Pakistan has sought to reimpose its authority over its rebellious eastern province since March 25. I feel I have also been as much if not more sympathetic than anyone in this body to the problems caused in India by the massive influx of refugees into an area which was ill-equipped or prepared to accommodate them. But the time has come, Mr. Speaker, to point out to our Indian friends that neither the drain on their economic resources nor the plight of these unfortunate people will be alleviated by a resort to arms, should full-scale war result from such an action, I feel we will witness the greatest threat to world peace since World War II.

It is apparent that India has begun to move—perhaps irrevocably—toward a military confrontation. The temptation may, in fact, be irresistible: India unquestionably enjoys the tactical advantage in the eastern region and overall military superiority vis-a-vis Pakistan. She has a powerful friend in the Soviet Union which is supplying substantial military equipment, and she has evidently reached the conclusion that Communist China is not presently disposed to intervene on behalf of Pakistan. According to recent press reports, talk is now being heard among Indian leaders of a "quick surgical operation" and "total victory" within a matter of weeks. This type of rhetoric is not only dangerous in the extreme—it is also ominously reminiscent of official Pakistani predictions of last March. It also reminds us of our own unfortunate experience when U.S. troops were first sent to Vietnam. It is, Mr. Speaker, a tragic illusion. War in the subcontinent is a "cure" far worse than any current "disease," and it must be avoided at all cost.

As one who advocated the early suspension of all military aid to Pakistan after the events of March 25—including supplies still in the pipeline—I firmly support President Nixon's decision, announced yesterday, to invoke similar restrictions on military aid to India. I believe this action is both consistent and in accord with U.S. policy objectives.

It is high time, Mr. Speaker, that we speak plainly on this subject: The major supplier of military equipment to India is not the United States, but the Soviet Union. The most important supplier of arms to Pakistan is China. We must recognize, and the world community must recognize, that this is one of the world's problems which cannot be resolved by unilateral action on the part of any power, including the United States. We must, however, understand that what transpires in the subcontinent is of direct importance to the United States, as it is to other nations of the world. For a war involving India, Pakistan, the Soviet Union, and China would affect—more than 50 percent—of the population of this planet.

The failure of the United Nations Security Council to act in this situation is deplorable, but it is also, perhaps, predictable. If a veto by one of the Council's members is a foregone conclusion, no useful purpose is served by formally insoribing the Indo-Pakistani question on the agenda—or at least this is the argument. In fact, it is for this reason, in part, that no nation has as yet requested the Council to consider the matter. Moreover, the Secretary General's recent initiative, offering his "good offices" to both participants in the dispute, has been rejected by India, while the official Pakistani request that U.N. observers be stationed in East Pakistan is futile in the absence of authority from the Security Council.

The danger to world peace inherent in the existing situation cannot be overstated, and I urge the United States to use its full diplomatic resources in order to convene a meeting of the powers most directly concerned, including India, Pakistan, the Soviet Union, and the People's Republic of China, to explore ways and means whereby the fighting may be terminated and a political accommodation may be found.

Time is of the essence—and time is running out.

A DEEPING CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, we all know that our Government yesterday suspended the issuance of licenses for arms shipments to India. Quite understandably, this decision made headlines here in this country. It is to be hoped that it has an impact also on India.

In my opinion, this move was timely and appropriate. India's recent intrusions into East Pakistan are raising a serious threat to peace. Although there is no way to check the accuracy of recent reports from this area, India herself admits to penetrations of her forces of up to 5 miles. It is obvious she is using her military superiority over Pakistan to achieve her own objectives.

This decision is regrettable and fraught with danger. There is no telling what the future may hold. To me at least, it appears a omnious development, Mr. Speaker, that Mrs. Ghandi has gone so far as to challenge the Pakistanis' right to station troops on their own territory.

The Acting Ambassador of India, Mr. Maharajakrishna Rasgotra, is reported to regret our move as he feels "it will not solve anything, nor move any of us closer to a political solution in Bengal."

Unquestionably, Mr. Speaker, our Government's decision will not provide a "solution" to this situation. But it must be obvious that the United States, above all else, wants a political solution. Regrettably it is not within our power to bring this about.

The problem is that India is acting as if she had decided that she must seek a military solution. If this is the case, we recognize that we cannot force her to change her mind. By its suspension of armed shipments to India, the U.S. Government is expressing our distress over the course which India appears to be taking. Military adventurism by India could provoke a major catastrophe yet all-out war is an increasing possibility unless, even at this stage, restraint is shown.

In conclusion, Mr. Speaker, I should like to include with my remarks three editorials, one from the Washington Evening Star of December 1 entitled, "The Angry Indians"; one from the Washington Post of December 2 entitled "India Grimly Presses On"; and another from the New York Times of December 2 entitled "A Threat to the Peace."

THE ANGRY INDIANS

India's Prime Minister Indira Gandhi is irritated with the great powers for expressing concern and counseling restraint in the spreading conflict between Indian and Pakistan. The major powers, Mrs. Gandhi complains, had nothing to say when Pakistan's President Mohammed Yahya Khan called for a policy of genocide in East Bengal last spring. They sat on their hands while some 10 million refuges from East Pakistan flooded across the Indian frontier. And now they "show concern because we have taken action to defend our borders."

The prime minister's charges would carry more weight, perhaps, if India had not supported the secessionist movement in East Pakistan from the outset. Today, India is supplying sanctuary, arms and training to the "liberation army" of Bangla Desh and is embarked on an exercise of "self-defense" designed to destroy West Pakistan's forces in East Bengal and insure the dismemberment of the country.

India, furthermore, has firmly resisted all efforts to bring the dispute before the United Nations Security Council, to send observers into India, or to separate the two opposing hostile forces. The inevitable impression is that India is, in fact, insisting on complete freedom of military action and has every intention of inflicting a military defeat on its traditional arch-enemy on the Asian subcontinent.

Whoever is responsible for the intensifying conflict between India and Pakistan it is not the great powers, who have watched the deteriorating situation with growing alarm and dismay. No doubt India has been sorely provoked into taking drastic action. But criticizing others will in no way relieve the Indian government of a large burden of responsibility for the tragic events that appear to be in the making.

INDIA GRIMLY PRESSES ON

India tried for months to enlist world help in establishing the conditions in East Pakistan that would permit return of the now-10 million refugees—refugees forced into India by Pakistani government repression. The world sighed and looked away, and so Delhi, egged on by its anti-Pakistan zealots, took matters into its own hands, stepping up support of the Bengali guerrillas and undertaking direct military operations of its own against Pakistan. Only at that point last month did Pakistan, whose military forces are much smaller than India's, get interested in international action: not international action to normalize East Pakistan (India's earlier aim) but to fend off Indian military pressure.

Pakistan then discovered that its declared friend China was too remote and weak to help in a real way, that the Soviet Union would prevent Security Council intervention as a favor to its new ally India, and that the United States would not help effectively either. President Nixon retreated from partisanship for Pakistan to formal neutrality, we surmise, partly out of fear that the United Nations route would be blocked or would lead to complications with Moscow, partly out of a judgment that the domestic costs of further supporting Pakistan were becoming too high, and partly out of a hope that President Yahya Khan might be induced to deal with East Pakistan's authentic political leader, Sheikh Mujibur Rahman.

So it is that Mr. Nixon has confined his visible efforts largely to quiet evenhanded appeals to both sides to withdraw their troops from border regions. In that spirit the State Department yesterday announced a suspension of arms sales—only limited sales were planned anyway—to India; arms shipments to Pakistan had been cut off earlier. India, ignoring the withdrawal appeals, has taken a certain grim satisfaction from them: they amount to a tacit American recognition that, as far as Washington is concerned, India can handle the situation as it sees fit. And this it is doing, in an increasingly confident and agressive mood.

Whether India is wise to proceed so is quite another matter. Pakistan could well decide to retaliate in, say, Kashmir, where it could hurt India more than it can in the East. Delhi's standing in the world, including the United States, is bound to fall as its image changes from victim to aggressor and exploiter of Pakistan's plight. If East Pakistan becomes an independent Bengal nation, its terrible poverty and the lure it will doubtless have for Indian West Bengal could cause India further political woes. Thoughtful Indians are aware of these possibilities of the future, even as they yield to the pressures of the moment.

We continue to believe that, in the absence of an early (and unexpected) political compromise by President Yahya, Mr. Nixon must take the crisis to the United Nations. The results of such an initiative might well be disappointing: we nourish no illusions about that. To do less, however, is to set a damaging example of disregard for international peace. Neither the United States nor the United Nations can afford that display.

A THREAT TO THE PEACE

A major victim of the rapidly expanding war between India and Pakistan may yet be the United Nations and the principle of international cooperation for peace which it embodies.

Although the threat posed by the Pakistani repression in East Bengal and the consequent flood of refugees into India has long been apparent, and has long since become manifest in direct combat between Indian and Pakistani forces, the world organization has made no move to intervene. It has been immobilized by refusal of the principally interested parties, including the major powers, to face up to their charter obligations to confront the issues forthrightly in the Security Council.

The most disturbing delinquency is that of India, which on the one hand argues that the repression in East Pakistan "is a threat to our security," as Prime Minister Indira Gandhi has declared, and on the other hand insists that the problems of Pakistan are strictly an internal Pakistani affair, not subject to United Nations intervention. The Indians can't have it both ways.

If the events inside Pakistan since last March indeed pose a threat to India's own internal security, the Indians have an obligation to present their case—which is a persuasive one—to the world body before taking the perilous military actions which they have already initiated along the Indian border with East Pakistan.

Pakistan has gone through the motions of inviting U.N. intervention of sorts but on terms clearly prejudicial to the interests of the repressed Bengalis and their Indian allies. The failure of the Pakistanis so far to risk a call for Security Council consideration of the issues is an indication of the weakness of their case and of the opportunities open to New Delhi if the Indians themselves would bring their grievances before that forum.

A State Department spokesman said the other day that Washington was refraining from any call for Security Council action at this time in order to continue with "quiet diplomacy." But Washington's quiet diplomacy over the last eight months has conspicuously failed to induce Islamabad to move toward the political accommodation with elected Bengali leaders that is essential to defuse the current crisis.

Especially after suspending further arms shipments to India, as was quite properly done yesterday, the United States could now afford to take a public stand at the United Nations in behalf of a peaceful solution to this political problem that is shattering the peace of the subcontinent and threatening the peace of the world. A strong Security Council resolution, even if ultimately vetoed by Peking, might yet move President Yahya of Pakistan in a way that provocative Indian military action will not.

Although the major powers have conflicting commitments on the subcontinent, they have an overriding common interest in avoiding a major conflict, as indeed do India and Pakistan themselves. The best remaining opportunity to achieve this common goal is to refer the problem promptly to the Security Council, which was created for just such crises and which cannot long survive as a credible institution if it remains in its present state of withering neglect.

KANSAS TOWN GIVES GI'S HOLIDAY LIFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. WINN) is recognized for 5 minutes.

Mr. WINN. Mr. Speaker, I would like to take this opportunity to make this body aware of the wonderful gesture of gratitude on the part of a community in eastern Kansas.

The people of the city of Olathe, Kans., should be commended for raising a sum of $6,000 to bring home eight GIs who are serving our country in Vietnam. This $6,000 will pay the round trip plane fares for these servicemen making it possible for them to be home for Christmas.

Mr. Speaker, the citizens of Olathe have sponsored this type of project for several years now, and I want to pay tribute to those involved in this very humane project.

Mr. Speaker, I would also like to include in the RECORD, an article printed in the Washington Post, December 1.

At this time of year, Mr. Speaker, it is most gratifying to find that people in this country have not forgotten the U.S. GI's in Vietnam, but are making concerted efforts to bring eight of them home for Christmas.

You may be sure that more than just the eight GI's will have a merry Christmas. All of the people in Olathe, Kans., have assured themselves a very Merry Christmas.

KANSAS TOWN GIVES GI'S HOLIDAY LIFT

OLATHE, KANS., December 1.—Eight GIs from Olathe serving in Vietnam will be flown home for Christmas with money raised by the town. The "Home for Christmas Committee" announced Tuesday it has raised the $6,000 necessary to pay for round trip air fares of the local servicemen. They are scheduled to arrive in this Kansas City suburb Dec. 22.

TWENTY MEMBERS SUPPORT ALASKA PIPELINE DELAY BILL

The SPEAKER pro tempore under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, yesterday I reintroduced, along with 19 other Members of the House, legislation that would delay decision on the proposed trans-Alaska pipeline until at least January 1, 1973, and would require the Interior Department to fully study a Canadian oil pipeline as an alternative to the Alaskan line.

The 19 other Members cosponsoring this legislation are:

Bella Abzug, New York.
Herman Badillo, New York.
John Brademas, Indiana.
Lawrence Coughlin, Pennsylvania.
Thaddeus Dulski, New York.
Donald Fraser, Minnesota.
Ella Grasso, Connecticut.
Seymour Halpern, New York.
Mike Harrington, Massachusetts.
Henry Helstoski, New Jersey.
Edward Koch, New York.
Clarence Long, Maryland.
William Moorhead, Pennsylvania.
Bradford Morse, Massachusetts.
James O'Hara, Michigan.
Otis Pike, New York.
William Roy, Kansas.
Fred Schwengel, Iowa.
John Seiberling, Ohio.

The Interior Department is expected to issue its final environmental impact statement on the proposed 780-mile trans-Alaska pipeline sometime this month. The Alaska pipeline would run from Alaska's North Slope to the southern Alaska city of Valdez. From there, most or all of the oil would then be shipped to the west coast. A Canadian oil pipeline, which would terminate near Chicago, would route the oil totally overland and would serve both Midwest and east coast consumers.

Construction of trans-Canadian oil and gas pipelines would, I believe, make economic sense for the U.S. economy as a whole and would mean several billion dollars of savings in lower fuel costs to midwestern and eastern consumers. The purpose of the legislation that we are introducing today is to insure that a comprehensive and independent study is made by the Interior Department before it decides whether to grant the permits necessary for the building of the trans-Alaska pipeline across Federal lands. The evidence now available clearly leads to the conclusion that a Canadian pipeline would be both ecologically and economically superior to the trans-Alaska pipeline.

One truly incredible thing about the Alaska pipeline issue is that the Interior Department is insisting on rushing ahead with its decision before research on a Canadian oil pipeline—which is far more expensive than the research which has been conducted on an Alaska pipeline—is completed. According to figures from a recent issue of the Oil & Gas Journal—a proindustry publication—the Mackenzie Valley Pipe Line Co., the company that wants to build a Canadian oil pipeline, will spend about twice as much on research as the Alaska Pipeline Co.—Alyeska—has budgeted for its research efforts. Mackenzie Valley will spend a total of $11 million on its research of a Canadian pipeline, which is expected to be completed by next year. Alyeska, whose research on the trans-Alaska route has already been submitted to the Interior Department, spent only $5 to $6 million on its studies.

It is really hard to believe that the Interior Department intends to go ahead with a decision that will have an enormous impact on both the U.S. economy and future energy policies without even waiting the few extra months necessary to evaluate an expensive, 22-month study of a Canadian pipeline route. A refusal by Interior to wait only a few months more to evaluate a study of an alternative proposal that has both environmental and economical merit is simply not good public policy and, in all likelihood, is the result of pressures and concerns not directly related to the public interest.

Mr. Speaker, the economic aspects of this issue are relatively clear and simple. A Canadian pipeline would bring oil into the midwest and the east, where the present price of oil is about 20 percent higher than on the west coast—where oil from the trans-Alaska pipeline would be consumed. Construction of the Alaska pipeline, however, would serve only to further decrease oil prices in the West and, thus, increase the differences between what west coast consumers pay for petroleum products and what eastern and midwestern consumers pay. Construction of a Canadian pipeline would mean savings of $50 and more per year in lower fuel costs to the average family of four in many midwest and east coast States.

Environmentally, the two greatest objections to the trans-Alaska pipeline are that it would cross the worst earthquake zones in North America and that it would require the use of supertankers through treacherous waters to transport the oil from southern Alaska to west coast ports. Primarily because a totally overland Canadian pipeline route avoids these dangers, the evidence is extremely strong that such a route would do less damage to the environment than would the proposed trans-Alaska pipeline route.

Recently, I sent a letter to Wisconsin Gov. Patrick Lucey asking him to support efforts to delay an Alaska pipeline decision, so that a full study could be made of a Canadian pipeline alternative. In that letter, I outlined some of the economic benefits that would accrue to Wisconsin businesses and consumers from such an alternative route. Those benefits are similar to the benefits that other Midwest and East States would receive from a Canadian pipeline.

Following is the text of my letter to Governor Lucey and, immediately following that, I have attached the text of a letter from Wisconsin Senator WILLIAM PROXMIRE endorsing that letter:

SEPTEMBER 20, 1971.

Governor PATRICK LUCEY,
State House,
Madison, Wis.

DEAR PAT: I would like to bring to your attention an issue which I think should be of great concern to both Wisconsin businesses and consumers: that issue is the question as to whether or not the Alaska pipeline will be built.

As you know, I have strongly opposed the Alaska pipeline and preferred the Canadian pipeline for environmental reasons. But there are equally important *economic* reasons for supporting a Canadian pipeline.

Simply put, if the Alaska pipeline is built, the oil would be tankered to West Coast ports for consumption there. A Canadian pipeline, however, would route the oil totally overland, and would terminate in Chicago.

It is officially estimated that there are fifteen billion barrels of oil in Alaska. Many experts estimate that the North Slope contains thirty billion barrels or more, which could mean that there is more oil in Alaska than in all the rest of the United States put together. Thus, the decision of where this oil is to be shipped is of tremendous economic significance not only to the State of Alaska, but to the country as a whole.

The table which follows shows present oil prices on the West Coast, the Midwest and the East Coast, and what will happen to those prices if the Alaska pipeline is built, or if the Canadian pipeline is built.

WHERE SHOULD THE NORTH SLOPE OIL GO?

Prices per barrel	West coast	Midwest[1]	East coast
Prices now	$3.17	$3.82	$4.07
Prices if Alaska pipeline is built	2.40	3.82	4.07
Prices if Canadian pipeline is built	3.17	[2] 3.40	[2] 3.60

[1] Prices in the Midwest should normally be 20 cents per barrel higher than the west or east coast because of increased transportation costs.

[2] This assumes that half the oil from the north slope—1,000,000 barrels per day—would be shipped to the east coast.

As the chart shows, oil is presently much more expensive in the Midwest and East than it is in the West. Bringing more oil into the West, as the trans-Alaska pipeline would do, would only serve to further decrease their prices, and increase price differentials. If the Canadian pipeline is built, however, these price differentials would be significantly decreased, and actually, almost eliminated.

This is what is so critical for Wisconsin consumers and businesses: If the Canadian pipeline is built, Wisconsinites—consumers and businesses—will pay 11 percent less per year for oil, gasoline and other petroleum products than they now pay.

In dollar amounts this is tremendous. It comes to $49.5 million per year. In fact, the amount saved in fuel costs because of the Canadian pipeline will be almost four times as great as the extra revenues the state would receive from a twelve percent increase in the state corporate income tax rates! What this means is that the extra savings in fuel costs that would accrue to Wisconsin businesses if the Canadian pipeline is built would more than offset the additional tax burden placed on these businesses by the proposed new corporate income tax rates.

The cost of petroleum products is an expense for businesses, just as taxes, labor and other costs of production are. We are and have been concerned over industry moving from Wisconsin to other states. If we want to attract industry and economic growth to Wisconsin the decision in the Alaska pipeline issue becomes extremely critical.

There are further economic ramifications of this decision for Wisconsin. We now have a critical shortage of natural gas. Large deposits of natural gas have been discovered in Alaska along with oil deposits. If a Canadian pipeline is built a natural gas pipeline will be built alongside it and both cheaper oil and natural gas will be piped to Chicago.

But if the Alaska pipeline is built there will be no natural gas pipeline to go with it. It is too expensive to liquify the natural gas and put it in tankers to ship it down the West Coast. The natural gas will be pumped into the oil wells to increase the flow of oil, and our shortage of natural gas will continue.

A decision on the Alaska pipeline is to be made soon. I urge you to communicate to the President and to the Secretary of the Interior Rogers Morton your concern that the Canadian pipeline alternative be fully studied and evaluated before any decision is made. If there are any other steps that you can think of that we might take please let me know.

Sincerely,

LES ASPIN, *Member of Congress.*

U.S. SENATE,
Washington, D.C., October 14, 1971.

GOV. PATRICK J. LUCEY,
State House,
Madison, Wis.

DEAR PAT: I urge you to write to Secretary of the Interior Morton supporting Les Aspin's efforts to get a trans-Canadian rather than a trans-Alaskan pipeline constructed so that the midwest rather than the west coast will get the benefit of the Alaskan oil.

Ecologically, I have no question that the trans-Canadian pipeline is superior to a trans-Alaskan line. Such a line would avoid the five earth quake zones a trans-Alaskan line would have to cross. Furthermore, such a line would not require the use of any tankers with all the dangers of oil spills that involves.

Economically, I have no question that a trans-Canadian line would benefit our country and particularly the midwest far more than a trans-Alaskan line would. I am sure you are aware of the pending energy shortage in the midwest because of the oil import quota program. Clark oil rather than importing oil frem Canada is having to import Iranian oil. Homeowners in Wisconsin pay an average of $65 more than they should to heat their home with oil for the same reason. A trans-Canadian pipeline would go far towards alleviating the coming energy crunch in the midwest.

A letter from you to Secretary Morton urging a thorough, objective, independent study of a trans-Canadian pipeline would be of great help in protecting Wisconsin consumers.

Best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

AMENDMENTS TO ECONOMIC STABILIZATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker the House Banking and Currency Committee of which I am a member, has today voted out an unprecedented bill representing amendments to the Economic Stabilization Act of 1970, otherwise known as the phase II legislation. Our committee, in September, had held some hearings on the operation of phase I, and while it was thus considering the initial aspects of the President's economic program, the President did indeed announce the phase II period of controls. Then our committee held hearings on this and the President's accompanying request for additional and unprecedented legislation and power. This legislation was submitted several weeks after his announcement of phase II. Never in the history of our country, either in the time of peace or war, has such an unprecedented request been made of the Congress. I am one of the dissenting voices who voted against the final approval by the committee. I am presenting my minority and dissenting views in the report to be prepared by the committee.

Mr. Speaker, all during the hearings by the House committee on both phase I as well as phase II no satisfactory, minimal, and justifiable case was presented for this inordinate grant of constitutional delegation of legislative powers to the executive branch of the Government. A vague and amorphous specter of "inflation" was given as the only hard-core reason.

At the same time that there was an absence of cogent, positive, evidentiary presentations justifying the requested legislation, we did hear ample testimony by expert witnesses, economists as well as administrators, revealing a deep and troubling conflict of opinion among the experts as to the cause, the extent, and the cure of this abomination, inflation.

I am afraid the Congress is reacting in a floundering fashion to the crisis of the day, apparently powerless to evolve its own policy in lieu of or in modification to the jerry-built administration's apparatus. This is sad and deporable. I believe that at this critical time the Congress should neither stand by supinely and helpless nor fail to develop a creative national policy, responsive to national need and truly responsible to all the people and not just the vested interests. I am afraid that if it does not it is going to be stampeded into rubber-stamping the present erroneous course of affairs.

This, in my opinion, Mr. Speaker, is inevitably going to produce our domestic economic Vietnam. This legislation I described as having been approved by the House Banking and Currency Committee can very well be the equivalent of the Bay of Tonkin resolution.

There are those cynics who say that this is okay because it will show that it was all the President's fault. This is to say the least reprehensible, because we are all in the same boat, President and Congress, rich and poor, majority and minority. We cannot afford to blunder at this critical time because not only is freedom at stake, but our traditional American standard of living.

If what I am saying is correct, we should know it abundantly well by April 30 next, which is the expiration date of the present legislation; and, of course, the Congress and/or the executive branch can act accordingly. To act in haste now such as the committee did today, would be a grievous and dangerous error.

Thus far, moreover, we had ample opportunity to hear of gross injustices occurring today under the controls system, and which would be compounded, not resolved, by the additional grant of legislation requested.

In addition, partisan considerations have obscured even simple procedural matters in dealing with this bill. And if such pettifoggery dominated the minor questions, members will readily concede that it made impossible any meaningful examination of the bill, its meaning, its intent, and its practicality, let alone whether the assumptions on which it is based are correct. It is not a partisan matter to question the assumptions of economic policy. If the emperor has no clothes he will appear naked to his courtesans and enemies alike.

NEEDED: 500,000 PUBLIC SERVICE JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I introduce today, for appropriate reference H.R. 12011 to create 500,000 immediate federally financed public service jobs by amending and expanding the Emergency Employment Act of 1971.

Following is a list of cosponsors:

Frank M. Clark (Pa.)
Jerome Waldie (Calif.)
Ben Rosenthal (N.Y.)
Ronald Dellums (Calif.)
Don Fraser (Minn.)
Walter E. Fauntroy (Del.-D.C.)
Claude Pepper (Fla.)
Ken Heckler (W. Va.)
Michael Harrington (Mass.)
George Danielson (Calif.)
Joseph Karth (Minn.)
William Ryan (N.Y.)
Fernand St Germain (R.I.)
Lester Wolff (N.Y.)
Charles Vanik (Ohio)
Bertram Podell (N.Y.)
Robert Leggett (Calif.)
Paul Sarbanes (Md.)
Brock Adams (Wash.)
William Green (Pa.)
Joshua Eilberg (Pa.)
Herman Badillo (N.Y.)
Charles Rangel (N.Y.)
Frank Brasco (N.Y.)
Hugh Carey (N.J.)
Bernie Sisk (Calif.)
Henry Helstoski (N.J.)
William Cotter (Conn.)
John Seiberling (Ohio)
Melvin Price (Ill.)
Don Edwards (Calif.)
Sam Gibbons (Fla.)
Robert Tiernan (R.I.)
Romano Mazzoli (Ky.)
Abner Mikva (Ill.)
Thaddeus Dulski (N.Y.)
Lloyd Meeds (Wash.)
William D. Ford (Mich.)
Les Aspin (Wis.)
Parren J. Mitchell (Md.)
William D. Hathaway (Me.)
Jonathan B. Bingham (N.Y.)
George W. Collins (Ill.)
Edward R. Roybal (Calif.)
David R. Obey (Wis.)
Peter N. Kyros (Me.)
Frank Thompson (N.J.)
Robert A. Roe (N.J.)
Robert F. Drinan (Mass.)
Nick Begich (Alaska)
Louis Stokes (Ohio)

President Nixon's new economic program makes little attempt to do anything about unemployment—still at the intolerably high level of 5.8 percent. The administration, with its adherence to "trickle down" economics, insists that reducing business taxes through the investment tax credit and accelerated depreciation will lead to more jobs.

But the best way to make jobs is simply to make jobs. Instead of distributing all sorts of unproductive tax breaks to corporations in the hope that someday more jobs will result, we should give the unemployed a chance to get to work right away staffing our hospitals and day care centers, refurbishing our streets and cities, fighting pollution, and brightening up our parks and playgrounds. In FDR's day, nearly 3 million Americans worked in the Civilian Conservation Corps. With the need to clean up our total environment, and with 5 million men and women unemployed, what on earth are we waiting for?

The public service jobs bill reluctantly signed by President Nixon last July—the Emergency Employment Act of 1971—provides for only a fraction of the jobs needed—40,000 thus far, with 130,000 authorized—and contains inequities in the way the money is distributed to States and localities. H.R. 12011 would correct these inequities and increase the fiscal year 1972 authorization from $1 to $2 billion, and the fiscal year 1973 authorization from $1.25 to $4 billion. This would produce a total of some 500,000 public service jobs.

A year ago this month, the President vetoed a $2.5 billion public service jobs bill, calling these jobs "dead end jobs in the public sector." His veto message went on to say:

> I believe our economic policies are working. Inflation is receding. The economy is moving up . . . The Administration is taking measures to expand economic activities and job opportunities. Our main objective is to establish a stable growth while actively reducing unemployment.

Unemployment today is at the same level—5.8 percent—it was when President Nixon vetoed the bill.

President Nixon has shown a remarkable capacity in the past few months to reverse field and embrace Democratic policies he had previously denounced. The decisions to float the dollar and to impose a wage-price freeze come to mind. He will now show similar agility, I hope, in dealing with unemployment and endorse the expanded public service jobs program.

Apart from its obvious advantages—reduced unemployment, better public services, and stimulation for the economy—an expanded public service jobs program could produce some benefits which are not as readily apparent.

It is, in many ways, a form of revenue sharing. Funds are distributed to States and localities under a fairly fixed formula with few strings attached. All that is really necessary is that those hired under the act by States and localities perform "public service" work which, according to the act:

> Includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

This includes just about everything States and localities do. Furthermore, even though the public service jobs money can only be used to cover wages and salaries—and not things like machinery and equipment—this is not much of a restriction since most of the money States and localities spend—55 percent—is spent on payrolls.

An expanded public service jobs program would alleviate one of the most urgent urban problems. Just this week a 20th century fund task force warned that the crisis in the cities of this country would intensify unless something is done quickly to find jobs for black youths—39.1 percent of whom are now unemployed in poverty areas. The task force recommended the immediate establishment of "public service jobs for all young people who are unable to secure employment in the private sector."

The program would also have a healthy "countercyclical" effect on the economy. The program would operate only when national unemployment exceeds 4 percent—except for one-quarter of the funds which are set aside for permanent programs in areas where unemployment exceeds 6 percent. It is precisely at times of high unemployment, when the economy is in a recession, that Federal spending should increase to provide needed stimulation. The public service jobs program works automatically to do this.

Furthermore, States and localities are even more hard-pressed than usual in recessionary times, so the public service jobs money comes just when it is needed most. The Joint Economic Committee estimated earlier this year that State and local revenues fall short of their potential by about $4 billion a year during a recessionary period like that in 1970. As the economy rebounds and State and local revenues turn up, the Federal public service job money would be less needed, and by the time national unemployment drops down below 4 percent most areas would be in a position to take over funding of public service jobs on their own.

I include further information on H.R. 12011 in question and answer form, a technical explanation of the bill, and the text of the bill:

QUESTIONS AND ANSWERS ON THE PUBLIC SERVICE JOBS BILL

1. Q. Is the Program needed—won't unemployment go down all by itself?

A. Even if President Nixon is right that his New Economic Policy will provide 500,000 jobs eventually, the NEP is inadequate to bring unemployment down. *We will have to find 2.4 million new jobs in 1972 just to keep unemployment from getting worse.* This includes 1.4 million new entrants who finish school and look for work; 800,000 temporarily removed from the "work force" as "discouraged", but who now return to the "work force" 200,000 released from the armed forces. The expectable economic growth rate, plus Mr. Nixon's NEP, are simply not enough to generate the new jobs needed.

2. Q. How will the program reduce unemployment?

A. Directly and immediately, it will reduce unemployment by providing 500,000 jobs, thus taking care of 10 percent of the present unemployed. Furthermore, the program will have an indirect multiplier effect in two ways:

a. Public service jobs tend to be filled by low-income or no-income persons, who are going to spend all, or more than all, their income right away, thus bolstering sagging consumer demand. More consumer demand in turn leads to more business sales, more investment, and more jobs. Jobs created by trickle-down tax reduction schemes, on the other hand, are likely to go to higher income workers, as in capital goods factories, who will save a larger portion of their wage, and thus give less of a boost per dollar of public expenditure to consumer demand.

b. One of the reasons for a sluggish economy is that those with jobs are spending less of their disposable income than normal. Savings are up to around 8 percent of income rather than the more normal 6 percent. This hesitancy is caused by fear of unemployment—if the man next door is without a job, we think twice about buying a new refrigerator even though we have a job. Put 500,000 unemployed to work immediately, and there will be a multiplier effect throughout the whole economy.

3. Q. Are there enough unemployed workers available for a 500,000-job public service program?

A. Are you kidding? Of the approximately 5 million unemployed today, more than half are clearly eligible for a low-skilled, relatively low-paid public service program: clerical and sales, 968,000; non-farm laborers, 449,000; service workers, 732,000; farm laborers, 81,000; unemployed with no previous work experience, 580,000; total, 2,810,000.

4. Q. Is there enough public service work to be done?

A. A 1966 study by the Commission on Technology, Automation, and Economic Progress estimated that 5.3 million new public service jobs were needed then to provide adequate medical care, education, recreation and beautification, welfare and child care, public safety, urban renewal, and sanitation. A second study done for OEO in 1965 by Greenleigh Associates came to a similar conclusion, estimating the need at 4.3 million public service jobs, of which 470,000 could be filled in the first year, with fully 70 percent coming in just two areas—health and education. A 1968 study done by Harold Sheppard for the Urban Coalition showed that 280,000 public service jobs could be created almost immediately in the 130 largest cities in the country alone.

5. Q. Will the program cause inflation?

A. Just the contrary—it will combat inflation by greatly increasing purchasing power and thus output. Because there are some 2.8 million eligible people for some 500,000 public service jobs, there will be no labor bottleneck to cause inflation. On the other hand, increased economic activity by trickle-down methods, to the extent that it leads to new jobs at all, creates a demand for skilled and experienced workers who are often in short supply. Bottlenecks are thus created in which demand for labor exceeds supply, wages are bid up, and inflationary pressures in the economy are increased.

TECHNICAL EXPLANATION OF H.R. 12011

The bill would amend the Emergency Employment Act of 1971 (Public Law 92-54, July 12, 1971) as follows:

1. *Funding*—The *present law* authorizes $1 billion for FY 1972 and $1.25 billion for FY 1973. The *proposed bill* would authorize a total of $2 billion for FY 1972 and $4 billion for FY 1973.

2. *Distribution of Funds to States*—The *present law* provides that 80 percent of the funds in the main section 5 program must be apportioned among the States:

In an equitable manner taking into consideration the proportion which the total number of unemployed persons in each such State bears to the total number of such persons, respectively, in the United States.

The *proposed bill* tightens this formula to require that this money be distributed *solely* "on the basis of the proportion which the total number of unemployed persons in each such State bears to the total number of such persons in the United States."

3. *Distribution of Funds within States*—the *present law* provides for distribution of funds within the States:

In an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such area bears to the total number of such persons, respectively, in that State.

Again, the *proposed bill* tightens this up to require apportionment based solely on the proportion of unemployed persons in the area.

4. *Eligible applicants*—Labor Department regulations presently do not allow units of general local government with populations lower than 75,000 to apply directly to the Secretary of Labor for funds, requiring them instead to go through their state governments.

The *proposed bill* would remedy this situation by allowing units of general local government, and voluntary combinations of such units, to apply directly to Washington for funds if there are at least 1000 unemployed persons within their jurisdiction. Funds would be "provided directly to" and "administered exclusively under the direction and supervision of, such units of general local government." Their applications would be acted on by the Secretary of Labor "without reference to, or approval of, any other agency in the State."

5. *Full Federal funding*—The *present law* limits the Federal share to 90 percent but allows states and localities to make up their 10 percent share "in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services." Furthermore, the Secretary can allow 100 percent Federal funding if "special circumstances or other provisions or law" warrant it.

The *proposed bill* would simply allow 100 percent Federal funding.

6. *More reliable funding*—The *present law* requires that the main Section 5 program be terminated when national unemployment falls below 4.5 percent for three consecutive months, and emphasizes throughout that the public service employment program is only to be temporary and transitional."

The *proposed bill* reduces the cut-off unemployment level to 4 percent and eliminates the word "transitional" wherever it appears. This will permit states and localities to run their public service jobs programs without the fear that funds will be cut off abruptly.

All other provisions of the Emergency Employment Act of 1971 would be left unchanged.

12011

A bill to amend and expand the Emergency Employment Act of 1971 to reduce unemployment and stimulate noninflationary economic growth

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(6), section 2(7), the last sentence of section 2, section 3(a), section 7(a), and section 7(b)(4) of the Emergency Employment Act of 1971 are each amended by striking out "transitional".

SEC. 2. Section 4(1) of the Emergency Employment Act of 1971 is amended by inserting after "government" the following: "and voluntary combinations of units of general local government".

SEC. 3. (a) Section 5(a) of the Emergency Employment Act of 1971 is amended to read as follows:

"SEC. 5. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $1,500,000,000 for the fiscal year ending June 30, 1972, and $3,000,000,000 for the fiscal year ending June 30, 1973."

(b) Section 5(b) of such Act is amended by striking out "4.5" both times it appears and inserting in lieu thereof "4.0".

SEC. 4. Section 6(a) of the Emergency Employment Act of 1971 is amended to read as follows:

"Sec. 6. (a) There is hereby established a Special Employment Assistance Program. There are authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973, to carry out the provisions of this section."

SEC. 5. Section 8 of the Emergency Employment Act of 1971 is amended (1) by striking out paragraph (2) thereof and renumbering paragraphs (3) and (4) as paragraphs (2) and (3), respectively, and (2) by striking out the final sentence thereof.

SEC. 6. Section 9 of the Emergency Employment Act of 1971 is amended to read as follows:

"ALLOCATION OF FUNDS

"SEC. 9. (a) The amounts appropriated under section 5 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

"(1) not less than 80 per centum shall be apportioned among the States on the basis of the proportion which the total number of unemployed persons in each such States bears to the total number of such persons in the United States, determined on the basis of the monthly average for the fourth calendar quarter of the fiscal year immediately preceding the one for which the apportionment is made; and

"(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act. However, not less than $1,500,000 shall be apportioned to any State, and not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, under paragraph (1) of this subsection. The Secretary shall use the sums available under this paragraph to increase the amounts so apportioned to $1,500,000, and the amount so used shall be considered a part of the State's apportionment under paragraph (1) of this subsection.

"(b)(1) The amount apportioned to each State under paragraph (1) of subsection (a) shall be further apportioned to units or voluntary combinations of units of general local government which have submitted and had approved applications for assistance under this Act and in the area of which there are at least 1,000 unemployed persons. The apportionment to each such area shall bear the same ratio to the amount apportioned to the State under paragraph (1) of subsection (a) as the number of unemployed persons in such area bears to the number of unemployed persons in the State. Funds remaining after making the apportionments provided for in the preceding provisions of this subsection shall be apportioned among other areas in the State in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in such area bears to the total number of such persons in the State.

"(2) Assistance under this Act pursuant to applications from units of general local government referred to in the first sentence of paragraph (1) of this subsection shall be provided directly to, and shall be administered exclusively under the direction and supervision of, such units of general local government. Action on such applications shall be taken by the Secretary without reference to, or approval of, any other agency in the State, and the funds provided such units shall be used only for purposes which such units have included in their applications.

"(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b)(1) of this section."

PUBLIC LANDS COMPENSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 10 minutes.

Mr. RUNNELS. Mr. Speaker, the public lands in Federal ownership today consist of approximately one-third of the gross land area of our Nation. The impact of this ownership has come to be a significant burden upon those States whose boundaries include large quantities of this land. The Public Land Law Review Commission studies this problem and made several recommendations in its 1970 report to the President and to the Congress.

Today I am introducing a bill which would implement those recommendations made by the Commission which would provide payments to the States for Federal land ownership burdens. This bill includes the Commission's recommendations of providing for compensation based upon the ad valorem real property tax system of the various States. Tax purpose evaluations would be made on the public lands in each State and payments-in-lieu of taxes would then be computed according to this evaluation. Payments would reflect a public benefits discount of between 10 and 25 percent to reflect benefits provided to the State by public lands. As the committee recommended, I have provided that these payments would be made to each State government which, in turn, would make appropriate allocations to county and local governing bodies. Existing revenue-sharing programs such as the Mineral Leasing Act or the Taylor Grazing Act would be abandoned. A revaluation of public lands would occur every 5 years. Valuations would be made by the Administrator of General Services and the Govenor of each State, or his designee, with any irreconcilable differences to be settled by a Board of Valuation Appeals consisting of three members of the U.S. Tax Court.

The one difficulty to be found in implementing the Commission's proposal is that the payments in lieu of taxes computation system will be inequitable if applied to those States which do not employ an ad valorem tax system which reflects those burdens imposed upon them through the retention of public lands in Federal ownership. Under that computation system, compensation to each State will relate directly to private land evaluations in that State. A State with high real property evaluations will receive more Federal compensation than a State containing an equal amount of public lands but with low real property evaluations; yet both States could very well have equal burdens imposed upon them through the Federal ownership of public lands. In effect, the property taxes paid in each State will determine this Federal compensation. A State with low property taxes will receive relatively less than a State with high property taxes.

The legislation I am introducing today would implement the payments in lieu of taxes recommendations of the commission and, at the same time, provide an alternative revenue-sharing system to be used by those States whose property tax system will not provide an adequate basis for payments in lieu of taxes.

This alternative would allow a State to annually elect to receive certain revenues derived from the federally owned public lands within its borders where that State's property tax system will not provide an adequate basis for the payments in lieu of taxes system.

A State which does not employ any real property tax system whatsoever and thus, which would receive no compensation under the payments in lieu of taxes system is one example of a State which would elect the revenue-sharing alternative included in my bill. Another example would be a State such as New Mexico which contains federally owned public lands amounting to more than one-third of the land area of the entire State. Our State-owned lands amount to approximately one-fifth of the nonfederally owned lands. For this reason New Mexico's ad valorem property tax system does not serve as the foundation for the financing of programs providing municipal services. In effect, New Mexico's property tax system would not provide an adequate basis for calculating the burdens imposed through the retention of public lands in Federal ownership. To impose a payments in lieu of taxes system upon New Mexico would be unfair and inequitable. All States with an inadequate property tax system would be able to select the revenue-sharing alternative in my bill.

I have also followed the Commission's recommendation in providing for compensation based upon extraordinary benefits and burdens to the States.

At this point, I include the text of the bill I am introducing, the Public Lands Compensation Act:

H.R. 12013

A bill to provide for payments to compensate States for the burden imposed as a result of the retention of public lands in Federal ownership within their boundaries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Public Lands Compensation Act".

SEC. 2. Notwithstanding any other provision of law to the contrary, no payments in the nature of tax equivalencies or revenue sharing shall be made to any State, county, or local government for or on account of lands or resources of the Federal Government, except in accordance with the provisions of this Act.

SEC. 3. As used in this Act, the term—

(a) "public lands" means all lands or interests in lands owned by the Federal Government, except the term shall not apply to lands or interests therein held by the United States in trust for Indians, Aleuts, or Eskimos;

(b) "Administrator" means Administrator of General Services;

(c) "governor" means the governor of a State or his designee;

(d) "Board" means Board of Valuation Appeals composed of three members of the United States Tax Court, these members to be designated annually by the Chief Judge of the United States Tax Court;

(e) "regular taxpayers" means taxpayers who are subject to State and local taxes and do not enjoy the benefits of tax immunity;

(f) "tax effort criterion" means the difference between the percentage of per capita personal income which is spent in a State on per capita state and local taxes from all sources and the percentage of the national per capita personal income which is spent on per capita state and local taxes from all sources.

SEC. 4. (a) With respect to all public lands within any State which elects to receive payments in lieu of real property taxes under subsection (a) of section 5 of this Act, the Administrator and the Governor of that State shall establish a valuation for tax purposes of these lands in accordance with procedures and regulations promulgated by the Administrator upon approval by the Interior and Insular Affairs Committee of both the United States Senate and the United States House of Representatives. In making evaluations, these criteria shall be met:

(1) The valuation of public lands shal be consistent with the assessment of privately owned lands in the area.

(2) There shall be no discrimination against the Federal Government in relating payments to the tax rates applicable to similar private lands.

(3) No value shall be included for improvements placed on the land by the Federal Government.

(4) The valuation of public lands in each State shall be reduced or increased in direct proportion to the tax effort criterion applicable to that State.

(5) Valuations shall be completely and thoroughly reviewed at least every five years. In the intervening years, valuations shall be updated annually in accordance with procedures to be established by the Administrator.

(6) The Board shall reconcile any differences, between the Administrator and a governor relating to evaluations, according to standard rules of procedure established by the Board. Any decision of the Board shall be final and shall not be subject to review.

(b) The Administrator shall determine, with respect to all public lands within any State which elects to receive payments in lieu of real property taxes under Subsection (a) of Section 5 of this Act, the public benefits accruing to and burdens, other than tax immunity, imposed upon that State and its political subdivisions from these public lands. This determination shall be made in accordance with evaluation procedures promulgated by the Administrator upon approval by the Interior and Insular Affairs Committee of both the United State Senate and the United States House of Representatives taking into consideration all tangible and intangible, direct and indirect benefits and burdens, excluding the burden imposed by tax immunity and including but not limited to economic, recreational, and natural resources benefits and burdens. Based on this determination, the Administrator shall establish a public benefit discount percentage which shall be at least ten (10) per centum but not more than twenty-five (25) per centum of the total valuation of all public lands in the State, and the total valuation shall be reduced by this public benefit discount percentage.

SEC. 5. (a) On and after the effective date of this Act, the Secretary of the Treasury shall pay annually to each State which does not elect to receive payment under Section (b) of this section an amount equivalent to the State, county, and local real property taxes on Federal lands and interests therein, based on the tax rate applicable to similar private lands and the valuation provided in Section 4 of this Act.

(b) On or after the effective date of this Act and notwithstanding other provisions of this section, any State which utilizes an ad valorem tax system that is not the foundation for the financing of programs providing State and local government services in that State, and that does not represent the State's or local government's actual need for revenue, and thus that does not provide an adequate basis for compensating the State or local government for the burden imposed as a result of the retention of public lands in Federal ownership, may annually elect to be paid, by the Secretary of the Treasury, as an alternative to the payment to be made pursuant to Subsection (a) of Section 5, all revenues derived from public lands located within the boundaries of that State as a result of—

(1) sales, rentals, leases, or any other disposition or arrangement affecting these public lands with respect to prospecting for, or mining of minerals (liquid, solid, or gas);

(2) sales of these public lands;

(3) permits issued, or leases entered into allowing the grazing of livestock on these public lands; or

(4) sales, rentals, leases, or any other disposition affecting these public lands with respect to the cutting of timber. Payments made under Subsection (b) of Section 5 shall be reduced by administrative expenses incurred by the Federal Government, this reduction to be no greater than ten (10) per centum of these revenues.

(c) The Administrator is authorized to treat separately, in accordance with regulations promulgated by him upon approval by the Interior and Insular Affairs Committee of both the United States Senate and the United States House of Representatives any extraordinary benefits and burdens of Federal ownership identified by him as being directly related to special local government services which are above and beyond the burdens and benefits of regular taxpayers and the Secretary of the Treasury shall make separate payments therefor as determined by the Administrator.

(d) Notwithstanding other provisions of this section, the Administrator is authorized to discontinue revenue sharing under any other law on a gradually decreasing basis over a period of ten (10) years, and to program implementation of this Act on a similar time basis, for any State where immediate implementation of this Act will result in hardships because of a substantial reduction in the amount of payments.

SEC. 6. Nothing in this Act shall interfere with the right of State or local governments to levy possessory interests taxes on private owners of improvements made by private users on Federal lands.

NEW PRESIDENT FOR BRIGHAM YOUNG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MCKAY) is recognized for 15 minutes.

Mr. MCKAY. Mr. Speaker, I recently had the distinct honor of attending a very important and significant ceremony in my district which I want to call to the attention of my distinguished colleagues. A university which I consider to be one of the finest academic institutions in the United States has just inaugurated a new president. Brigham Young University, which has become, under the dedicated leadership of President Ernest L. Wilkinson, the largest private institution of higher learning in the United States, installed as its eighth president, Dallin Harris Oaks, who most recently was serving as professor of law at the University of Chicago.

Dallin Harris Oaks was born in Provo, Utah, on August 12, 1932, a son of Stella H. Oaks and the late Dr. Lloyd E. Oaks. Mrs. Oaks was herself a graduate of BYU, as was her father, Silas Albert Harris, a student of Karl G. Maeser, who was the second president of the university from 1876 to 1892.

President Oaks enrolled as a freshman at Brigham Young University for the 1950–51 school year and was graduated in 1954 with high honors, receiving the bachelor of arts degree in accounting and economics. He received the doctor of law degree from the University of Chicago Law School in 1957, graduating cum laude, second in a class of 86, and was named to the Order of the Coif. As a student he was editor in chief of the University of Chicago Law Review for 1956–57.

He began his legal career as law clerk to Chief Justice of the U.S. Supreme Court Earl Warren. In 1958, he entered private practice with the Chicago firm of Kirtland, Ellis, Hodson, Chaffetz, and Masters in the firm's litigation section.

In 1961, he joined the University of Chicago faculty as associate professor of law. From May 1962 to January 1963, he was associate dean of the law school, and during the last 3 months of this period, acting dean. He spent the summer of 1964 prosecuting criminal cases as assistant States attorney of Cook County, Ill. In the summer of 1968, he was visiting professor of law at the University of Michigan Law School. From 1964 until his appointment as president of Brigham Young University, he was professor of law at the University of Chicago—one of the youngest men in the history of that distinguished institution to hold full professorship.

From January through June 1970, he was on leave of absence from the University of Chicago to serve as legal and research adviser to the Bill of Rights Committee of the Illinois Constitutional Convention, and to conduct a study of the exclusionary rule for the Law. Enforcement Assistance Administration of the U.S. Department of Justice. From August 1970 through July 1971, he was also executive director of the American Bar Foundation, and in June of this year he was elected a member-at-large of the Fellows of the American Bar Foundation, of which there are only 25 members in the Nation.

He has been editor or author of four books dealing with church and state, trust law, operation of criminal courts in Chicago, and provision of counsel for indigent persons accused of crime. He also has authored 30 articles in leading periodicals and other publications.

President Oak's wife, the former June Dixon, was born in Spanish Fork, Utah. The daughter of Mrs. True Call Dixon and the late Charles H. Dixon, she is also a BYU graduate—1965. President and Sister Oaks were married June 24, 1952, in the Salt Lake Temple. They are the parents of five children; the oldest entered BYU as a freshman this fall.

When introduced to the faculty and students of the university on May 4, 1971, President Oaks revealed his clear understanding of the true character of that institution by saying:

> Brigham Young University is more than a university in the conventional sense. Its domain spans the limits of human experience, spiritual as well as physical, practice as well as precept. . . . It is concerned with teaching men and women the fundamentals of spiritual and secular knowledge. . . .
>
> That is the nature of the challenge to this University. That is the task I see you performing better than any other educational institution in the world. That is why I am honored and grateful to join your efforts.

The inauguration was an impressive ceremony and set the tone for the university in the years ahead. There were official delegates from 225 colleges and universities in attendance who must have viewed with considerable envy the spirit of unity and dedication to learning exhibited on this occasion. Neal Maxwell, commissioner of education for the Mormon Church, perhaps identified the nature of that unique dedication to learning in his comments. He said:

> We so often say that knowledge is power; but it is a dangerous kind of power without love. . . . We should not seek knowledge to control. We do not want knowledge in order to manipulate. We do not seek knowledge to parade it. Rather, knowledge puts us in a position . . . to move into the field of education in such a way that learning occurs in the context of love, across culture and across class.

Mr. Speaker, I feel the inauguration of President Oaks was an event of great significance at a university noted for excellence and I call your attention to the following address delivered by President Oaks:

INAUGURATION OF THE EIGHTH PRESIDENT OF BRIGHAM YOUNG UNIVERSITY—RESPONSE BY PRESIDENT DALLIN H. OAKS

An Inauguration celebrates the conferring of authority on a new president. It is the time when sister institutions and learned organizations take official notice of a change in leadership. The actual change of authority normally precedes it. In this case the changeover was on August 1st, 104 days ago.

The ceremony of inauguration is an occasion to focus on institutional policies: to review, to reaffirm or revise, and to declare direction for the days ahead.

Although an inauguration looks to the future, its costume and ceremony, like institutional policies, are rooted deeply in the past. A convenient reference point for purposes of my review is exactly a half-century ago, at the October 17, 1921, Inauguration of Franklin S. Harris, my kinsman, as the Fifth President of Bringham Young University. These are his words, spoken on that occasion:

"There has grown out of the history of the institution a particular mandate that must be respected—a certain fire that must be kept burning. This has been peculiar to the institution ever since President Young sent Doctor Maeser here to open its doors. It is difficult to define . . ., but it has to do with the lives of students apart from their regular school work. It establishes in their minds wholesome ideals and gives them a respect for proper living. It helps them to form good habits and to throw off bad ones. It teaches them to enjoy uplifting amusements rather than to seek corrupt diversions. It teaches them the sacredness of the family as a unit in society, and it imparts to them a particular responsibility as a citizen. . . .

"The first task of the future is to preserve at the institution this spirit that comes to us from the past—the true spirit of the

Brigham Young University. This spirit *places character above learning* and indelibly burns into the consciousness of the student the fact that the most enduring joy is dependent on spiritual growth which looks toward eternal progression."

The scene has changed in 50 years. A student body of 663, drawn almost exclusively from a few intermountain states, has grown to 25,000, with representation from all 50 states and over 70 foreign countries. More than 7,000 of these, about one-third of the present student body, have given missionary service in various parts of the world. In 1921 there were a half-dozen buildings, divided between lower campus and University Hill. Today we enjoy a magnificent physical plant of 40 permanent academic buildings and more than 300 other temporary and permanent buildings used for academics, administration and housing. A faculty and staff of 90 a half-century ago has grown to a full-time equivalent of almost 5,000. As we are all aware, most of this growth has been under the leadership of my remarkable predecessor, President Ernest L. Wilkinson, whom we are especially pleased to have with us today.

Despite all this change, however, the fire described by President Harris is still burning and the mandate remains intact.

Our reason for *being* is to be a University. But our reason for *being a University* is to encourage and prepare young men and women to rise to their full spiritual potential as sons and daughters of God. We seek to prepare them to live and serve *in* the world, but we encourage them not to be *of* the world. The enormous resources devoted to this institution could not be justified if we did not provide a unique educational experience. What makes us unique is the spiritual dimensions we provide. By "spiritual dimension" I mean our faith in God the Eternal Father and His son Jesus Christ, our devotion to the principles of the Restored Gospel, our concern with personal behavior, and our commitment to the essential harmony of secular learning and the spiritual values that embody all truth.

President Edward H. Levi and President Harold B. Lee symbolize, just as they have expressed, the dual challenge of this University. One challenged us to be a University. The other reminded us of the unique kind of University we should be. I have previously expressed our dual concerns in this statement of purpose:

"Brigham Young University is concerned with teaching the fundamentals of spiritual and secular knowledge and with bringing those teachings into harmony in the lives of men and women in order to prepare them for a balanced and full life of service to God and fellowman."

We approach these challenges with humility and reverence. The Master was Himself a teacher, and His life and commandments remind us that the work of a teacher is the highest secular or spiritual calling in this life. At the inauguration of Howard S. MacDonald as the Sixth President of this University, President J. Reuben Clark of the First Presidency expressed our attitude toward learning:

"Thus God made clear that the gaining of knowledge is not to be like the commonplace work of earning a livelihood. He who invades the domain of knowledge must approach it as Moses came to the burning bush; he stands on holy ground; he would acquire things sacred; he seeks to make his own the attributes of Deity, the truth which Christ declared he was (John 14:6), and which shall make us free (John 8:32), . . . We must come to this quest of truth—in all regions of human knowledge whatsoever, not only in reverence, but with a spirit of worship."

Our reverence for learning applies to the secular as well as the spiritual aspect of the challenge. In the same great address I have just quoted, President Clark defined the area of our concern with secular knowledge. He recognized no limits:

"In all his promises and commandments about gaining knowledge, the Lord has never withheld from our quest any field of truth. Our knowledge is to be conterminous with the universe and is to reach out and to comprehend the laws and the workings of the vast deeps of the eternities. All domains of all knowledge belong to us. In no other way could the great law of eternal progression be satisfied."

Speaking at our Faculty Workshop this fall, Bruce B. Clark, Dean of our College of Humanities, gave vivid expression to this same thought, describing what we must do if we are to measure up to this challenge. I quote Dean Clark with total agreement. He defines our privilege and our burden:

"First, we should never forget that, whatever else we are, our function is to be a genuine, first-quality university . . . with all that that implies of a climate for the free and open discussion of ideas, for research, for creativity, for pushing back the frontiers of knowledge and groping beyond. Unless we are a university in this true sense, clearly excellent in our academic accomplishments, we will betray the trust the Church has in us to stand with dignity among the universities of the world. . . ."

We must not falter at this challenge. We cannot use success in attaining our spiritual goals, which were also stressed by Dean Clark, as an alibi for failure to enjoy first-class status as a university. We must reinforce our drive for excellence in all areas of the University, and persist for superiority in some. We must be conscious of all that this goal requires for distinction in teaching and research, and for providing our students with intellectual experiences as challenging as they could receive anywhere. Over 60 percent of our teaching faculty, including instructors, now hold doctors degrees. We must continue to increase our faculty's qualifications by other criteria, since the faculty is obviously the key to the excellence of a university.

I believe that this secular challenge will be understood and approved by everyone in this audience. Our other challenge, the one relating to spiritual values and personal behavior, may be less understandable to some. What I have to say next will, therefore, be directed to our honored guests, visitors, and others who may not share our persuasion that spiritual values are a proper concern of university training.

Not too many years ago the rhetoric of religion was familiar fare for university presidents, perhaps because so many of them had been trained for the ministry or were at least versed in ancient scriptures. Today ministers have largely given way to lawyers, and the university pulpit has passed from the Priest to the Pharisee. For this or other reasons, university audiences rarely hear a figure of speech such as that employed in 1899 by William Rainey Harper, the first president of The University of Chicago, who called the university the "prophet of democracy." According to Harper, democracy was "deeply concerned with morality and righteousness in individual and nation." As a result, Harper referred to education and religion, "the enlightenment of mind and soul," as holding high "the great ideal of democracy, its mission for righteousness. . . ." At Brigham Young University we still believe in democracy's mission for righteousness, and we still link education and religion in support of that goal.

What I have referred to as the spiritual challenge is vital to our theory of education for four reasons. *First*, our doctrine provides the key to what motivates us in the acquisition of knowledge. *Second*, our faith enlightens us on the means by which knowledge can be obtained. *Third*, our religion instructs us on the principles by which knowledge can be translated into proper behavior. *Fourth*, spiritual values supply the sense of direction that we believe to be lacking in our society today. I will consider these four points in order.

1. Motivation is probably the most important single factor in the acquisition of knowledge. An eager student is every teacher's dream. For members of the Church of Jesus Christ of Latter-day Saints, the will to learn is a religious imperative. Our religion teaches, and we inscribe on the official seal of this University, that "The Glory of God Is Intelligence." Our modern day Prophet, Joseph Smith, affirmed that—

"Whatever principle of intelligence we attain unto in this life, it will rise within us in the resurrection. And if a person gains more knowledge and intelligence in this life through his diligence and obedience than another, he will have so much the advantage in the world to come." (D&C 130:18-19)

Consider the impact of that doctrine on our motivation to learn. It also affects our attitude toward continuing education, which becomes not just a program but a commandment.

Second, spiritual values are also vital to our theory and approach to learning. On this matter our belief dates from a revelation given to the Prophet Joseph Smith in December, 1832, in Kirtland, Ohio. He was there instructed to establish the first school of our Church, to be known as the School of The Prophets. These familiar words are the divine prescription for the method of study in that school:

"And as all have not faith, seek ye diligently and teach one another words of wisdom, yea seek ye out of the best books words of wisdom; seek learning, even by study and also by faith." (D&C 88:118)

Seek learning "by study and also by faith." Similarly, President Joseph Fielding Smith has observed that "knowledge comes both by reason and by revelation." (Speech at Brigham Young University, June, 1971). These words go far to explain our conviction that an education is most effectively acquired not only by creating appropriate conditions for the "life of the mind," but also by an environment in harmony with the realm of the spirit. They also explain why we are concerned to exclude from this campus some forces and influences of the world. If we are to seek learning by faith, we must have an environment in which we may, like a worshiping assembly, enjoy the influence of the Spirit of the Lord, whose mission, according to the scriptures, is to "guide [us] into all truth," to "teach [us] all things" and to "bring all things to [our] remembrance. . . ." (John 14:26, 16:13.) Consequently, our standards of personal behavior and the restrictions we impose on our campus environment are responsive to our mission and to our approach to learning.

Third, the religious principles taught in this University guide each of us in the process by which we translate knowledge into behavior that is appropriate for the individual and beneficial to our fellowmen. We hold that education should be concerned with personal behavior. Along with John Ruskin, we affirm that education "does not mean teaching people what they do not know; it means teaching them to behave as they do not behave." (Stones of Venice, 1853). If education is properly concerned with behavior it cannot afford to ignore or omit concern with religion, which is the predominant value structure and control upon the behavior of millions who have been trained to believe in God and look to Him as the ultimate judge of human conduct.

If it is true that neither life nor property is safe in a condition of political anarchy, then it is equally true that neither right conduct nor high ideals is safe where there is an anarchy of values. There is no anarchy of values at Brigham Young University. For example, the importance we and our students attach to the value of the home and our mutual respect for its governing authority explains how we can maintain strict rules of personal conduct on this campus at a time when similar rules, especially as regards residence halls, are crumbling at other institutions. Both we and our students look on university life as a sequel to a Latter-day Saint home, and we seek to reproduce its authority and its sustaining spiritual influence on this campus.

In our view, education without religion would be as incomplete as narrow vocational training without accompanying exposure to the humanities. It is the humanities that give creative insight into the significance of knowledge and help us relate it to the great framework of human experience. If the intellectual or secular pursuits of a University are described by the phrase "the life of the mind," then, to borrow a phrase from a former colleague, it is the role of religion to give "heart to the life of the mind." Religion, as we understand it, is the humanities of everlasting life. It provides a framework of values that guides behavior for the benefit of the individual and his fellowmen. It gives insight into the fact that this life is but one phase of an eternal existence that progresses from spirit birth as a child of God to the potential realization of all the attributes, accomplishments, and glory of the eternal parents. Is it any wonder that our religion is basic to our process of education, and that students schooled in this faith and sustained by the remarkably effective church organizations on this campus rarely suffer feelings of remoteness or alienation?

Finally, modern commentators are fond of observing that our society is suffering from a crisis of belief. Good people everywhere, and especially those severe but inexperienced critics known as "the young," question the integrity of our public institutions, the honesty of our public servants, and the soundness of our national priorities. Our hard-won technical and scientific accomplishments are being held up to ridicule by the observation that our generation is flying farther and faster, but on errands not much improved.

Along with other religious people, we affirm that the teachings of religion hold the solution to the crisis of belief and to the sense of indirection in our system of national priorities. To serve that goal, all who teach and work in this University preach the principles, ideals, and self-discipline of the Restored Gospel, and they practice what they preach.

By its emphasis on spiritual values in its educational program Brigham Young University contributes to the diversity of higher education, whose tolerance of diversity is among its greatest strengths and sources of creative innovation.

I have already stated our two primary goals for the future: first, to reinforce our drive for excellence as an academic institution; and second, to preserve the distinctive spiritual character and standards of Brigham Young University. As we observe this milestone, it is appropriate for us to establish some corollary goals for the future. This is not a time for attention to the glories of the past, lest we be like the description someone has given of the law and the legal profession, which was compared, unfairly in my view, to a bird that flies backwards because it does not care where it is going but wants to know where it has been.

As a first corollary to our overriding spiritual goal, we should continue to concentrate on the training, self-discipline and conduct of the individual. We deem it a corruption to use the university or its facilities or organizations as a political pressure group, laboratory, or staging area for expeditions against business, the military, units of government or any other group. In this respect, we seek to emulate the Savior, who did not attack the social institutions of His time, corrupt though they may have been, but focused His efforts on perfecting the individual. If we perfect the individual, the purity and uprightness of individual lives will bring reform in the laws and organizations and practices of society. Our concentration on individual training and behavior is in contrast to the shrill and hysterical voices of activism that are based on some college campuses, in public forums, and in the political arena. To the outside observer some colleges must look like a pot that periodically boils over, and then goes dry. In our view the teaching enterprise should take the form of a steady, even heat applied to the process of individual growth, not a fire bomb or inflammatory rhetoric hurled at the nearest social or governmental institution. Our ideal for the process of individual growth and education is well expressed by the words Adlai Stevenson applied to patriotism. What we need, he said, "is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime." (Speech, New York City, August 27, 1952).

As a second corollary to our spiritual goal, I hope we will remember that the most important thing about every member of this university community is that he or she is a son or daughter of God. The importance of that fact transcends all considerations of status (such as faculty, staff or student) and all matters of religious affiliation, race, or national origin. It is our goal to have all members of this community—in all of their dealings with one another and with all mankind—set an example of Christian living for the entire world to see. Just as the Gospel is to be preached to every nation, kindred, tongue and people, so also should representatives of all mankind find welcome on our campus and, within the limits of our resources, room in our midst. That principle is already embodied in our stated policy that—

"Students of any race, creed, color, or national origin are accepted for admission to Brigham Young University provided they maintain ideals and standards in harmony with those of the Church of Jesus Christ of Latter-day Saints and meet the University's academic requirements."

As an important corollary to our goal of academic excellence, I would like to suggest that Brigham Young University has no political objectives, only intellectual and spiritual ones. The principles we learn and teach here will be translated into political opinions and action. This is appropriate, for many of us have—and all of us should have—strong feelings on these important matters. Nevertheless, in the realm of learning, in the work of the university, our attitude toward matters purely political should be that characterized by Thomas Jefferson, whose first inaugural address counselled that "error of opinion may be tolerated where reason is left free to combat it."

In this connection, I hope we can achieve a moratorium on the use of the words *liberal* and *conservative* on this campus. I am persuaded by observation and experience that the damage caused by the use of those words far exceeds the value of the communication they foster. Among intimate friends, thoroughly familiar with one another's connotations and intent, these words may convey a clear meaning. But when these labels go out into the world to be repeated by others less knowledgeable and intimate, they become the enemies of understanding. So many different meanings proceed under these labels, political, religious, and otherwise. Under the category of "otherwise" are the characterizations of my children, who say I am *liberal* with love and praise, but *conservative* with allowance and the family car. When we are tempted to employ these labels, I suggest that we substitute more precise descriptions. The possibilities include "loyal or disloyal;" "dynamic" or "immovable;" "wise or unwise" and scores of others.

As a final goal related to academic matters, we must excell at the planning and difficult decisions necessary to make progress with limited resources. This goal makes a virtue of necessity. It is commonplace that our entire system of higher education is suffering a crisis of confidence and financial support. Budgets are being slashed and services and programs are being curtailed. The Carnegie Commission on Higher Education recently predicted that almost 500 small colleges, enrolling about a half-million students, would have to close for financial reasons over the next few years.

While these figures give reason for concern, I am optimistic that the financial crisis is temporary and may yet lead to significant improvements in higher education. I will even venture to say a word in favor of limited resources. Some limitations can have a positive effect. Unlimited growth and resources do not require an institution to be reflective about priorities. As C. Northcote Parkinson has observed, "when funds are limitless the only economy made is in thinking." (The Law and The Prophets, p. 9). Limitations on numbers of dollars and students being the principle of opportunity cast into sharp focus, and put us face to face with the need for fact-gathering, evaluation, and quality control. Nothing new can be undertaken without confronting the need for consolidating, reducing or discontinuing something old.

We have passed through a period of extraordinary growth at Brigham Young University. We are now entering a period of maturing, deepening, and refining—upgrading the quality of all of our efforts. We are also concerned to make fuller use of our marvelous resources of plant and personnel. In response to that need we have just adopted a new year-around academic calendar, with three equal 16 week semesters in a year. The third semester will be broken into two independent 8-week terms, and we will encourage students to attend two and one-half semesters each year in order to complete an entire baccalaureate program in three years. We must also review the utility of all of our degree programs, especially the expensive doctoral programs, and compare them carefully with the probable demands of the market place and the needs of our church and nation. We are proceeding with that review, and with the other needs of this great university. Special mention should be made of the vital task of enlarging our library facilities, and of the promising student efforts already underway to raise money for that purpose. We also look forward to the early opening of the J. Reuben Clark College of Law, which will bring an exciting new dimension to the intellectual life of the campus.

The tasks I have mentioned can be accomplished only by the united effort of every employee and student of Brigham Young University, and by the understanding and support of the Board of Trustees. During the initial days of my service I have observed that effort and I have felt that support. I use this occasion to express my profound gratitude to our leaders and all others who work in this great cause.

My own role of leadership cannot be discharged without the wholehearted support of my dear wife June and our five children, and the understanding of our Mothers and other members of our families. It is the nature of this position that its burdens and dislocations spill over into their lives. I pay special tribute to June and our children for their cooperation, their understanding, and their great efforts to assist in all that is required of us.

Finally, I acknowledge my hourly need of the guidance of my Heavenly Father. I am eternally grateful for the sustaining influence of the Restored Gospel in my life. I pray that I may live to be worthy of the guidance of the Lord and the confidence of His servants as I seek to fulfill the responsibilities of this great office.

FOOD AND DRUG ADMINISTRATION FAILS TO PROTECT CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, a recent article in the Washington Post, November 16, 1971, reveals the failure of the Food and Drug Administration to meet the needs of consumers.

It is the consumer's right to know the contents of packaged products he buys. The recent FDA equivocation regarding the percentages of water and orange juice in so called orange drinks is no real help to the consumer at all.

By establishing four nondescriptive categories, including a percentage variation of 35 percent in one category, the FDA has failed to promulgate regulations which meet the public need or are even as strict as a large part of the industry has stated it is willing to accept. As the article points out, the Florida Canners Association has suggested a better plan for revealing product content than has the FDA.

Certainly a more exact statement of product content than that proposed by the FDA is necessary if a consumer is to be able to make an informed decision about what he buys. As Mr. Gold's article notes, it is perfectly legal to sell a consumer 46 ounces of "orange juice" that is so watered down that only 4.6 ounces are actually orange juice—the public is being deceived on a ratio of 9 to 1.

The Food and Drug Administration should have stricter regulations requiring disclosure of content—not only for orange drinks, but for the many other products where consumers are misled by the labeling on the packaging of food.

I commend Bill Gold's article to my colleagues, who may wish to express their concern to the appropriate officials. The article follows:

HOW MUCH IS "JUICE" AND HOW MUCH IS WATER?

(By Bill Gold)

One of the country's best consumer authorities, Sidney Margolius, has sounded a warning about watered orange drinks.

The Food and Drug Administration was supposed to be drawing up rules that would require labels to reveal the true percentages of juice and water.

Instead, the FDA has brought forth a proposal that has been so (forgive me) watered down as to be almost worthless.

For at least 10 years, consumers have been trying to get canners to tell the simple truth about what's inside each can. A big 46-ounce can of "juice" for 39 cents looks like quite a bargain until one wonders: "Is that 46 ounces of orange juice, or 'orange drink,' or water; or what?"

Writing in The Machinist, Margolius says it quite often turns out to be 90 per cent water and 10 per cent juice.

In these cases, mind you, the consumer gets the equivalent of 4.6 ounces of orange juice for his 39 cents, not 46 ounces.

So there was a big push to get FDA to require factual labeling. After pondering the problem for a long time, FDA has put forth a proposal that would permit very substantial obfuscation of true content.

The FDA proposal would establish four categories. "Blended orange juice drink" would have at least a 70 per cent orange juice content; "orange juice drink" would contain from 35 to 70 per cent orange juice; "orange drink orangeade" would contain from 10 to 35 per cent orange juice; and "orange-flavored drink" would contain "less than 10 per cent" real orange juice—presumably down to zero per cent.

This cute Madison Avenue wording is deceptive and needlessly confusing. It would take a long time for some buyers to memorize these tricky distinctions. In their ordinary, every-day meanings, the words "orange drink orangeade" certainly do not convey the connotation "90 per cent water," but that's what they could legally be used for under the FDA proposal.

What's more, the variations possible in such broad categories as "35 to 70 per cent" and "10 to 35 per cent" make value shopping impossible.

"Moreover," Margolius notes, "the FDA proposal does not include any labeling requirement for beverage powders like Tang, which have no juice content at all. Nor, very importantly, is there any requirement that canners must state the actual percentage of water.

"At present, the labels list the ingredients in order of importance. 'Water' is listed first. But you never know whether the product has 50 per cent water or 90 per cent."

Dr. Virgil Wodicka, director of FDA's Bureau of Foods, argues that a more exact declaration of juice percentage would be too difficult for FDA to monitor.

Margolius comments: "This claim is rather incredible since at least one canner now is labeling diluted beverages with the actual juice content. Too, a large part of the industry has said it is willing to label within a 10 per cent tolerance, which really is plenty of leeway."

He notes, also, that "even the Florida Canners Association" has put forth a better plan than the FDA's. The association has suggested categories identified in plain language rather than tricky wording, and juice content stated in 10 per cent increments. Virginia Knauer, the President's consumer assistant, also supports more exact percentage labeling than FDA has proposed.

Margolius suggests that those who object to the FDA's watered down labeling proposals ought to take the trouble to say so, right now, while it might still do some good.

You can write to Dr. Virgil Wodicka, in care of the Food and Drug Administration, 5600 Fischers La., Rockville, Md. 20852. You can write to his boss, Dr. Charles C. Edwards, Commissioner of FDA, at the same address. And you can send a copy of your comments to: Hearing Clerk, FDA: Room 6052, also at 5600 Fischers La., Rockville.

People sometimes complain that our government "isn't responsive," but I think the charge is grossly overstated. It would be more accurate to say that too many of us are passive about the government's shortcomings and don't bother to make our views known. Even in a dictatorship, public opinion can't be thwarted indefinitely. Our advantage in a democracy is that we have the opportunity to work our will so much more quickly and easily.

How sad it is that we are so often "too busy" to participate in self-government.

AMENDING INTERNAL REVENUE CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, today I am filing a bill which would amend the Internal Revenue Code of 1954 to provide that bond interest received by individuals 65 or over, under the series H U.S. Government savings bond program, be excluded from gross income in calculating their personal income taxes. In doing so, I feel I am both encouraging a good program of fiscal responsibility, while at the same time providing a needed measure of relief to those over 65. I feel that such relief is fair and equitable and is fiscally sound. It rewards those living on a fixed income who have invested in their own Government's securities.

My proposal would serve two purposes, it would stimulate the sale of series E bonds for ultimate conversion in retirement years to a tax-exempt bond and it would also stimluate the sale of series H bonds to retired persons who would want to take advantage of the tax-exempt feature. This no doubt would help solve the problem of "cash-ins." I do not feel that there would be any marked disintermediation in the savings industry because of this measure, in view of the fact that H bonds pay semiannual interest at a lower rate for the first 5 years of a 10-year bond while savings accounts generally pay interest at a uniform rate.

I am also today filing a bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes, for individuals who have reached the age of 65. For those in that same age group who pay rent as opposed to owning their own property, the bill proposes that the same credit would be available for an equivalent portion of rent paid on their residences.

As I have already outlined in a recent speech on the problems facing the elderly as far as housing is concerned, far too many people over 65 are being forced to sell their family homes of many years because they can no longer afford the skyrocketing real estate taxes on their fixed incomes. Several State legislatures have addressed themselves to this problem by providing relief from State income taxes. I propose to provide relief across this Nation on a uniform basis by making available a credit on U.S. income taxes. I am happy in this instance to be filing what is in effect a companion bill to that filed earlier by my distinguished colleague from Illinois, Congressman PAUL FINDLEY.

In filing both these bills, I feel I am doing more than making speeches on the problems facing the elderly and participating in the current Conference on Aging sponsored by the White House. I am attempting to enact meaningful legislation. What better way is there to mark this important week for the elderly?

TRIBUTE TO CHUCK HUGHES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WHITE) is recognized for 5 minutes.

Mr. WHITE. Mr. Speaker, I rise before this body to pay special tribute to a young man who tragically passed away last month while playing in a National League football game—Chuck Hughes.

Chuck and his wife, Sharon, lived in El Paso, Tex., my hometown, with their son, Brandon Shane. During the off season, he was employed by the El Paso National Bank. He was respected and well liked in his community as he was by his contemporaries on the football field.

Like some of my colleagues who have demonstrated their pride in having Chuck reside or work in their congressional district, I, too, want to express my highest esteem and pride in him. Chuck started his college career at the University of Texas at El Paso. At the time of his attendance, the university was known as Texas Western College. During his 3-year attendance at the university, the college football records he set were amazing, and in some instances those records still stand unchallenged.

Chuck's position with the Miners was that of flanker and during the Sun Bowl game in 1965, he was the leading pass receiver, having caught six passes for a total gain of 115 yards, scored one touchdown, and had two punt returns for another 19 yards.

During the 1965 season, prior to the Sun Bowl game, he had 10 receptions for a total gain of 349 yards. In the game played against North Texas State, this was a record-setter not only at the University of Texas at El Paso, but with the National Collegiate Athletic Association—a record that still stands for a single game achievement. He went through the 1965 football season breaking records as if this were second nature to him. Some of those records were: Held the record with 80 receptions for the 1965 season; tied with Ed Puishes with 12 receptions—most passes caught in a single game; held the record for most yards on receptions—1,519; second in most kickoff returns, 19; second with most yards on kickoff returns, 466; second man for most touchdowns scored in 1965, 12; and second with most points scored in 1965, 78.

For 3 years at UTEP, Chuck scored 21 touchdowns totaling 126 points, making him the second highest scorer in the history of UTEP.

We hear a lot about individual effort and I feel Chuck's record shows the kind of individual he was—a man dedicated to excelling in his job and doing it with the finesse of a professional.

Chuck will be missed by his friends and admirers in the game of football, by his colleagues at the El Paso National Bank, by his wife and son, and by all those who admire and respect men of his stature.

THE COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, as chairman of the Select Subcommittee on Education of the House Committee on Education and Labor, the subcommittee which considered the comprehensive child development legislation, I would like to take this opportunity to share with my colleagues further letters and articles indicating support of the child development program, now title V of the conference committee report in S. 2007, the Economic Opportunity Amendments of 1971.

Because the House will next week vote on the conference report, I take this time to provide this further information concerning the bill.

CHILD DEVELOPMENT LETTERS OF SUPPORT

Mr. Speaker, the following letters are indicative of the continuing support of the child development program.

For example, here is a copy of a letter sent to each Member of the House and Senate by Dr. Jay M. Arena, president, American Academy of Pediatrics:

DEAR CONGRESSMAN: The American Academy of Pediatrics, the national organization of board certified physicians providing care to children, heartily supports the adoption of the conference report on the Economic Opportunity Amendments, S. 2007. We are particularly enthusiastic about the comprehensive child development title of this legislation which provides for the establishment of a national, federally assisted child development program. The Academy supports the concept of child care as a composite of comprehensive and coordinated services designed to offer a sound basis for growth and development of the child while supporting and encouraging the parents in their effort to care for their children. We are of the opinion S. 2007 would provide a sound legislative basis for the establishment of such a program.

The Academy endorses the section of the child development title which provides for local administration of child care programs. We recommended in testimony before Senate and House committees that the major responsibility for planning and delivery of child development programs is most appropriately placed at the community level. We believe the conference report is equitable, and will allow for possible funding of most jurisdictions which apply for prime sponsorship responsibility. Jurisdictions which are able to plan and operate a quality child care program should be given this opportunity.

We are in complete agreement with the concept of funding priority to ongoing Headstart programs. The provision further assuring local review of Headstart programs is an additional strength of the conference report. The extension of the excellent programs like Headstart to all low income families desirous of child development services will be facilitated by the enactment of this legislation.

The level for eligibility for free child care services decided upon by the conferees is reasonable, and will not place an undue financial hardship on poor and near poor families who wish to utilize the child care programs.

In summary, we believe the child development title of the Economic Opportunity Amendments provides a realistic framework in which child development programs can operate that are responsive to the needs of individual children and communities. We sincerely urge your support for the adoption of the conference report on the Economic Opportunity Amendments of 1971.

Sincerely yours,

JAY M. ARENA, M.D.,
President, American Academy of Pediatrics.

Mr. Speaker, the Christian Science Monitor on November 12, 1971, published the following two articles on existing day care programs:

[From the Christian Science Monitor, Nov. 12, 1971]

CALIFORNIA MIXES LEARNING WITH DAY CARE

(By Dorothy Dee)

POMONA, CALIF.—Carol is a pretty girl of 16. She goes to school at Gary High School, and after school she works at the Madison Children's Center.

Shortly after I arrived at the center one day, Carol came bouncing into the room asking how all her babies were. She said that Wesley had told her that he was in love with her. No wonder that he loves her, for she loves him very much. What more does a child need when he must be away from his mother all day?

The center cares for the needs of approximately 75 youngsters whose parents must be at work. They range from two years old through third grade, and there are more than 25 names on a waiting list.

As a state-supported institution, the center is for parents who meet the low-income requirement established by the California Legislature. The fee each parent pays is based upon the gross family income and the number of children in the family. The fee generally doesn't amount to more than 10 cents an hour.

LAUNDRY DAY

The day I visited the center, a washing machine and dryer were running full speed, doing the center's laundry. Included was the bedding for each child that is used at nap time, plus a certain amount of personal clothing for the children, as well.

Each child has his own bed here, and the center furnishes the bedding.

The center is administered by the Pomona Unified School District, which contributes the building and certain administrative services. It does not provide direct financial support.

Of the 350 similar centers in California, 81 are in Los Angeles.

In 1943, when the Legislature enacted a bill authorizing the establishment of a statewide Child Care Center Program, it was placed under the state's department of education, with administration in the school district in which each center was located.

SOCIOLOGY STUDENTS HELP

The principle of partial financial responsibility was later adopted, the parent paying approximately a third of the cost and the remainder being derived from state funds.

Out in the yard, two young men were playing with the children and teaching them a game. The men were sociology students from nearby Mount San Antonio College who come to the center each afternoon as field workers.

Occasionally a couple of boys come to help from the Neighborhood Youth Corps, a federally funded program.

Mrs. Geri Bohlen, director of the center, has been here since its opening in January, 1970. Her staff includes seven teachers, one teacher assistant, a cook, and a yardman.

The director of each center must have a bachelor's degree and each teacher must have 60 college units, 12 of which must be in early childhood education. The teachers must all have Childrens Center permits from the state.

SCHOOLING INCLUDED

During actual school hours, the children who are 5 years of age and older attend the Pomona unified schools. Preschool classes in Spanish, numbers, and words are conducted at the center during the morning hours.

Mrs. Bohlen said they would like to build another building; the kitchen is inadequate to prepare the two meals a day plus two snacks that they serve the children.

She admits to mixed feelings about taking hildren as young as two years old. But, she oints out, it is the mothers of that age roup who especially need the help——they an slip into the welfare pattern and never et out.

Sen. John V. Tunney (D) of California, in iscussing beginning education, has said hat he believes, from experience with his wn children, that those as young as three ears old are ready for school.

Perhaps, with the experience gained at the hildrens Centers, California children may ome day begin school at this early age.

From the Christian Science Monitor, Nov. 12, 1971]

oungsters Profit by Going To Work With Parents

(By Julia Malone)

Boston.—A factory in Boston has started nviting children to come to work with their arents. The Green Shoe Company here re- ntly joined the small group of American rms that operate their own day-care cen- rs.

At Green Shoe the rumble of factory achines fades into the background behind oors of the children's center, part-time ome for 27 children, ages 2½ to 6.

About half the youngsters are children of ctory employees, who often join them in e center for the lunch hour.

The other children come from the mostly ack, low-income neighborhood around the ctory.

Like other child-care centers, the one at e Green Shoe plant aims to do more than by-sit. Staff members plan teaching units d set goals for even the youngest child, d they keep records on progress. For a two- ar-old the goal is learning to speak in sen- nces. A six-year-old is learning to read.

Mornings are "study" times. Not that the ildren sit quietly listening to teachers. In e corner a teacher and child soften clay r modeling. At a table Heidi, a pigtail nging down her back and hands oozing th paint, dips into her finger painting. At other table a teacher reads aloud with a o of kids.

YOUNGSTERS CHOOSE

"I don't think any of us care about march- g the children two by two," says Miss Re- cca Tufts, a teacher. "They choose what ey want to do." The 5-to-1 student-teacher tio allows for plenty of individual deci- ns and attention. About the only group tivities are rest period and meals, though usic time usually attracts all the children.

The center was organized last May by Mrs. riam Kertzman. A onetime schoolteacher o has worked with Head Start, she de- ned the center for the Green Shoe factory "make children feel good about other ople and about school."

Under her direction, the center follows an written rule—that learning must be fun. en the children studied farms, they all k a trip to the supermarket where each ild bought a vegetable or a fruit. Back at hool," they examined their purchases, mpared structures, and finally ate them. en all research was complete, they were dy for a field trip to a real farm.

SOME BRING PROBLEMS

Trickier than making school fun is teach- children to "feel good" about other peo- . Children sometimes come to the center th tough problems. For some, a few nths at the center has made "the differ- e between night and day," comments ss Tufts. These kids now talk, smile, and ticipate with others.

athy came to the center speaking only anish. A pleased mother, stopping by the ter before work, reported: "She speaks glish now."

When Mrs. Kertzman picked her teaching staff, she was careful to choose a diverse group—including black and white, men as well as women.

"The children should see the world as it is," Mrs. Kertzman explains.

The two men on the teaching staff hardly fit the stereotype of nursery-school teachers. Tall and moustached, Phillip Baimas worked as a mechanic for a construction company before coming to the children's center.

"It was a big change," says Mr. Baimas, a Brandeis graduate. "One week I was working with trucks, the next week children. At first I always made a point of telling people where I used to work."

"BEST JOB I'VE HAD"

Now he's not so defensive about his new work and calls it "the best job I've had so far."

Before a cook was hired, Mr. Baimas and fellow teacher Tommie Campbell, a Jackson State College graduate, took their turns cooking lunch along with the women.

As the center develops Mrs. Kertzman plans to place the command in the hands of the parents. Already parents have written rules for the center. And to help keep families involved, parents, children, and staff have a monthly dinner together. Eventually the parents will form a personnel committee to take charge of hiring the staff.

Cost for the center is shouldered by the federal government, parents, and the shoe company. The neighborhood children are paid for by the government, while employees of the factory pay $10 to $25 a week for their children, according to how much they can afford.

A LOGICAL PROJECT

Arnold Hiatt, company president, says the children's center is a logical project for his company. His firm is in a children's business. (They make "Stride-Rite" shoes for children.) And the factory is located in an area where many parents need day care. "We put two and two together," he explains.

He explored a franchised day-care plan but concluded that a profitmaking company would "have to make some decisions against the best interest of the day-care center." So he decided to set up his own center.

Now that the center is established, he is laying the groundwork for helping "graduates" from day care. He has started talking to private schools to find scholarships for the children.

Meanwhile, he says he's hoping that his factory won't be an isolated case. "It's very easy to write out a check for some fund," he comments, but the day-care center is a "more stimulating type of community involvement."

REALIZATION OF GOAL

Mr. Speaker, the preceding information supporting child care development is just a small example of the overwhelming support which this legislation has received.

I hope the conference report on which the House will vote next week will receive the same sharing bipartisan support which it won today in the other body.

Another letter to the editor appeared in the Elkhart, Ind., Truth, from Mrs. Judith Schrock:

[From the Elkhart (Ind.) Truth, Apr. 15, 1970]

Backs U.S.-Financed Day Care Centers

Editor, the Truth:

For certain all of us are greatly concerned about how our tax dollars are spent.

Federally-supported Day Care Centers are a means for getting the most for your money. It is a program that would hopefully result in our nation having better citizens who are self-supporting and making a healthy contribution to our society.

In our nation there are at least six million poor children under six who need nutritional and health care plus preschool education if they are to keep up later on in schools and jobs. Between two and three million children are suffering from severe malnutrition. A total of 50,000 children under age seven die yearly because of neglect of their safety, diet, and medical needs. An estimated three-quarters of the nation's mentally retarded children have been handicapped by cultural, not genetic, factors.

With the continually rising consumer demands and cost-of-living, more mothers will enter the labor force. Under the Work Incentive Program (WIN) welfare mothers are encouraged to take jobs. Care must be provided for the young children of these working mothers.

We do have a say in the direction of government spending. We can choose to continue supporting convicted criminals during their prison terms and mentally disturbed patients in an institution or we can do something for them while they are still young. We can provide comprehensive services—health, nutrition, rest, relationship with others, and new educating experiences.

Day Care Centers can do this if they are well-funded and have community support. Decide how you want your tax dollars spent. Encourage Congressman John Brademas as he introduces a bill to provide a variety of programs for children under the age of five.

Mrs. Judith Schrock.

ARTICLES SUPPORTING CHILD CARE

Mr. Speaker, for the past few years a growing number of articles have been written indicating the need for a child development program. Yesterday I inserted into the Record several editorials and articles supporting child development programs. I would like again today to cite more articles on this subject.

For example, I am now inserting two letters to the editor which appeared in the Washington Post on December 1, 1971:

[From the Washington Post, Dec. 1, 1971]

Congress has passed a comprehensive child care bill providing day care plus health and nutrition services free for children of parents with up to $6900 income, and a sliding scale of fees for richer persons. President Nixon opposes the bill on the ground of cost, and in fact Congress whittled down the bill somewhat to avoid a threatened veto, although the bill was supported by many Republicans.

This shows the lack of decent priorities on the part of the President. He insisted on Congress passing a bill to provide a vast sum to help Lockheed Aircraft and the bankers who had lent that badly managed company money. But he balks at money for day care centers to help mostly very poor women to take a job, some of them helping to run the day care center. If they were not poor they would pay part of the cost and could add their labor to the productive capacity of the country while their children were being well cared for during the day.

Actually an investment in the health and nutrition of children is the best investment our country could make. It is a disgrace that the President should oppose it.

Alfred Baker Lewis.

Riverside, Conn.

[From the Washington Post, Dec. 1, 1971]

Relief for Working Mothers

Many working mothers will be hoping for a favorable vote on Senator Tunney's child care bill.

Unlike the minorities we, middle class citizens, have no platform or organization to lobby for us—it is unfortunate that no one speaks for those citizens with values accentuated by the words: decent, honest, and hard working . . .

It is regrettable to read that a certain congressman would discredit this bill by saying that working mothers use their paychecks "to purchase new cars and clothes"! Perhaps the congressman would be wiser to worry more about where the appropriations for the C–5A are being spent, how to rid this nation of its tremendous drug and crime problems, etc., instead of worrying about where a housewife is going to spend her paycheck.

If enacted, this bill would be of great monetary assistance to many housewives who *must* work in order to make ends meet. Too many women must use nearly half of their take home pay to secure child care; therefore, many prefer to stay home and collect welfare which ironically gives the mothers more money than they would get in weekly wages after paying for child care.

Businessmen are allowed numerous deductions and even have a miscellaneous portion to deduct each year; is the working mother to be denied this one legitimate deduction?

Also to be considered are the many women who do care for children in their homes and pay no taxes on the income that they are earning; this bill would eliminate this practice.

Inevitably, the middle class must always bear the brunt of new increases in taxes, seldom being a recipient of the corresponding bill's benefits. In all fairness to middle class men and women—the child care bill may not be the answer to middle class money woes but it's a small relief and a beginning.

Mrs. D. Woodman.

Alexandria.

Mr. Speaker, I am now inserting two letters from the U.S. Catholic Conference:

December 1, 1971.

Dear Congressman: I am enclosing a copy of a letter addressed to Rep. Carl D. Perkins, Chairman of the House Committee on Education and Labor, from Msgr. James T. McHugh, Director of the Family Life Division of the United States Catholic Conference, in support of the Conference Report on S. 2007, the Economic Opportunity Amendments of 1971.

In addition to support for continuing the OEO program, the U.S. Catholic Conference is particularly concerned that Title V, the Child Development Programs, be enacted. Msgr. McHugh has carefully examined the provisions of Title V and is satisfied that S. 2007 makes adequate provision to safeguard the rights of children and parents.

I would hope that you could give your support to the Conference Report on S. 2007.

Sincerely,

James L. Robinson,
Director, Office of Government Liaison, United States Catholic Conference.

November 30, 1971.

Hon. Carl D. Perkins,
House of Representatives,
Washington, D.C.

Dear Mr. Perkins: I write to you in support of the Conference Report on S. 2007, a bill continuing the Economic Opportunity Act of 1964 and establishing Child Development programs to service the needs of children, particularly those with special problems and those from low-income families.

The final version of the Child Development bill, as contained in the report of the Conference, emphasizes the special needs of children in poor families, and establishes a preschool child care program that will support their emotional and educational development. It also provides funds for special programs and services for handicapped children. Achievement of these aims will support the quality of family life, and will provide valuable assistance to poor families and minority group families. The special recognition and assistance for handicapped children will help these children achieve a greater measure of opportunity as they grow and mature.

It is our hope that this legislation will be readily endorsed by the Congress so as to provide the best opportunities to all American children.

I would appreciate your making our views known to the members of the Congress in their consideration of the Conference Report.

Sincerely,

(Rev. Msgr.) James T. McHugh,
Director, Family Life Division, United States Catholic Conference.

Mr. Speaker, here is a telegram from the executive director of the Child Welfare League of America, Inc., Joseph H. Reid:

November 24, 1971.

Hon. Richard Nixon,
The White House,
Washington, D.C.

The Child Welfare League of America requests your support for the Conference Report on the Economic Opportunity Amendments of 1971, particularly with respect to the Comprehensive Child Development title. Your support of this legislation providing comprehensive child care meeting sound federal standards for children from a wide range of socioeconomic groups would honor your 1969 pledge and commitment to provide opportunity for healthy and stimulating develpment during the first five years of life to all American children.

Joseph H. Reid,
Executive Director, Child Welfare League of America, Inc.

Mr. Speaker, I would also like to include a telegram received on December 2, 1971, from Eileen M. Jacobi, executive director, American Nurses Association:

December 2, 1971.

Hon. John Brademas,

Strongly urge your support of child care bill as in conference report S. 2007.

Eileen M. Jacobi,
Executive Director, American Nurses Association.

Mr. Speaker, I would now like to insert correspondence from M. Carl Holman, president, the National Urban Coalition:

December 1, 1971.

Dear Congressman Brademas: The National Urban Coalition has continually and strongly supported the comprehensive anti-poverty legislation on which Congress will vote this week. We feel that S–2007 is an excellent measure designed to help eliminate the vast problems of poverty in our country. The child development portion of this bill, one of the most significant pieces of legislation in some time, will enable communities to create urgently needed day care facilities for the poor and working poor.

As you know, a large and influential coalition of labor organizations, women's groups, church organizations, civil rights and minority groups, professional associations, mothers and middle class organizations are supporting passage of this vital bill.

We trust you and the large majority of your colleagues will support this effort to better this country. The failure to pass S–2007 would be a backward step in our progress toward equal opportunity and a more just society.

Sincerely,

M. Carl Holman,
President, The National Urban Coalition.

November 2, 1971.

Hon. Richard M. Nixon,
Hon. Elliot Richardson:

The National Urban Coalition urges you to support the compromise child development bill that will be reported out of th
Conference Committee. There is a critica
need for comprehensive child developmen
programs for the poor, near poor, and middl
class, involving strong local parental partic
ipation. This country must act in its sel
interest to pass this significant measure.

M. Carl Holman,
President, The National Urban Coalition.

Mr. Speaker, I am pleased to shar
with you two letters from Mrs. Theres
W. Lansburgh, vice chairman, Develop
mental Child Care Forum, 1970 Whit
House Conference on Children:

November 30, 1971.

Dear Senator Mathias: Knowing of you
long time commitment to and interest i
day care, I have not written to you durin
this long period of discussion of the Chil
Development Bill. However, I do feel that
is important that this bill pass now, and
am writing to urge you to vote for S2007.

The Developmental Child Care Forum
the 1970 White House Conference on Chil
dren, of which I was Vice-Chairman, arrive
at a consensus in delineating those facto
which we considered urgent for inclusion i
a day care bill. I quote from the final recom
mendations of the Conference: 1) "We rec
ommend that a diverse national network
comprehensive developmental child ca
services be established to accommodate ap
proximately 5.6 million children by 198
through consolidated Federal efforts via leg
islation and funding, as well as through co
ordinated planning and operation involvin
state, local and private efforts. The network
ultimate goal is to make high quality ca
available to all families who seek it and a
children who need it.

By 1980 it should be prepared to accom
modate approximately 5.6 million of th
estimated 57 million children potential
requiring developmental day care services,
a yearly cost of approximately $10 billio
Immediate efforts should be made to accom
modate at least 500,000 children in each ag
group (infants, preschool, and school-age
These efforts will require $2 to $2.5 billion
Federal money per year, assuming that th
amount can be matched from non-feder
sources, local, state, and private. Such a ne
work must be comprehensive in service
including at least educational, psychologica
health, nutritional, and social services; an
the services must support family life by e
suring parent participation and involveme
as well as including a cooperative parent ed
cation program.

The network must offer a variety of ser
ices including, where appropriate, group d
care, family care, and home care, as well
evening and emergency care. Services mu
cover all age groups from infants throug
elementary school age. While working t
ward the above goal, first priority for spac
should go to children and families in greate
need, whether the need be economic, phys
cal, emotional, or social. One hundred pe
cent funding should be made available f
those who cannot afford quality child car
a sliding scale should also be available
those above the poverty level who are u
able to bear full cost of the same develo
mental opportunities as those given childr
who must be fully subsidized by public fun
ing.

(2) We recommend that the quality
child care services in America be ensur
through innovative and comprehensive trai
ing of child care personnel in adequate nu
bers; parent and community control of ser
ices; and supportive monitoring of servic
and programs with enforcement of appr
priate standards. The Federal governme
should fund and coordinate a combined
fort by all levels of government, educatio
institutions, the private sector, and existi
child care organizations to train at least 5
000 additional child care workers annua
over the next decade.

Education should be provided for training staff, professionals, preprofessionals, and volunteer staff who work directly with children; administrative and ancillary staff of child care programs; and parents. To ensure that the system is responsive to demands for quality care: Parents of enrolled children must control the program at least by having the power to hire and fire the director and by being consulted on other positions. Parent and local communities must also control local distribution of funds and community planning and coordination. To ensure the continuing quality of child care: Standards for service facilities and program elements must apply to all child care services, regardless of funding or auspices.

I think that S. 2007 squarely faces the issues raised in this document and develops strategy to meet and answer these concerns. I hope that it will be possible for S. 2007 to become law. Delay in the passage of major legislation in this area will seriously penalize many hundreds of thousands of children who are in inadequate and seriously damaging care. Passage of the bill now could be the beginning of a landmark effort and policy for the United States in developing a preventive approach to children's needs. National policy has, until now, been based on the deficit approach; once signs of abnormal behaviour have manifested themselves and been recognized, treatment has been instituted where available. As I said in a recent speech, "We now know that many difficulties and problems are susceptible to early intervention. As the Joint Commission on Mental Health of Children stated, 'Our lack of commitment is a national tragedy. We know already that it is more fruitful to prevent damage to our young than to attempt to patch and heal the wounds. We know that much of the damage could be avoided in the first three years of life. We know that the basis for mental development and competence is largely established by the age of six.' Society has accepted the necessity to be of assistance or even to intervene to assume child-rearing responsibilities in time of crisis. Now it is found necessary to make provision for preventive and support services which will supplement the family during years when children are dependent, and to provide developmental opportunities which will assist positively in the process of socialization rather than relying on the deficit model of intervention."

We are counting on your continuing support for S. 2007.

Sincerely yours,

THERESE W. LANSBURGH,
Vice Chairman.

SEPTEMBER 6, 1791.

DEAR SENATOR BEALL, I have just learned that the Child Development Bill, S 2007, is scheduled for floor action on Tuesday, September 8, and I am writing to you immediately to urge your strong support for this bill. Having served as President of the Day Care and Child Development Council for four years, as Vice Chairman of the Developmental Child Care Forum of the White House Conference on Children, and as President for three years and Honorary President since then of the Maryland Committee for Day Care of Children, I am and have been deeply concerned about and committed to ameliorating the serious neglect which is occuring to American children as the result of lack of day care services. 640,000 spaces, all across the country, when 12,000,000 children under fourteen have mothers who are working; over 4,000,000 of these children are under six, and the numbers are continuing to increase.

This serious gap in our capacity to provide proper care for our children comes at just the time when science has been learning in more and more detail of the importance of the early years in determining later development. I enclose for your perusal, a copy of a part of a paper which is not for publication by you, as it belongs to the Child Welfare League of America, which owns the rights to all material presented at its Conferences, and may be printing the paper in its Journal. However, I hope that it will be beneficial in interpreting to you the crucial importance of the passage of a bill which will provide funds for optimal child development programs.

The crucial issue is not only whether this country authorizes day care centers, but that it funds them adequately and establishes a base which will lay the foundation for a new service system which will protect and nourish the development of America's children while allowing for the diversity of the country, and the importance of supplementing rather than supplanting the family. I believe S 2007 comes the closest to having worked out the complicated process of establishing such a delivery of service system. It includes funds for training, for construction, for start up expenses as well as for ongoing program.—and in the magnitude spoken to by the Developmental Child Care Forum. The future of this country hinges on its future citizens. I urge you not only to vote for this Bill, but to actively work for the support of your fellow Senators for its passage.

Sincerely,

Mrs. THERESE W. LANSBURG.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

America has the most complete transportation system in the world. A traveler can go from one coast to the other and return in the same day. President Nixon remarked of transportation progress:

> I see America on the move. A mighty band of explorers. Determined to search beyond the distant hill. And possessed of matchless opportunity. Skyway. Byway. Or superhighway. This is our country.

MISSOURI FARM PRODUCTION

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALL. Mr. Speaker, the farmers in Missouri are independent. They want to earn their way. And they have demonstrated this with enterprise and vigor in the past. Last year, Missouri farmers produced more than $275 million worth of agricultural products for the export market. They ranked fifth among the States in soybean exports, fifth in protein meal and soybean oil, fifth in meat and products, sixth in rice, 10th in cotton, and 10th in poultry.

They are proud of the contribution they are making to the favorable ratio of farm exports to imports.

Yet this year they stand to lose ground in this battle for a favorable balance of payments.

Why?

Because of dock strikes that have stifled attempts of U.S. farmers to move their agricultural production into world markets.

Farmers are asking the Congress: What can be done about this situation? And our reply must be: We will start at once to consider legislative action to safeguard the interests of farmers and the American public during prolonged labor-management disputes affecting the national transportation system.

PROTECTING FARMERS AND THE PUBLIC DURING LABOR-MANAGEMENT DISPUTES

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, Arkansas farmers are feeling the severe pinch caused by dock strikes.

Agriculture is important to Arkansas. My State ranks eighth in value of all commodities exported during fiscal year 1971. We exported soybeans valued at $108 million; rice valued at $73 million; cotton valued at $53.1 million; poultry valued at $5.7 million; and wheat and flour valued at $8.6 million.

These are substantial sales. They are an indication of the strength of agriculture in Arkansas, and the ingenuity of her farmers in seeking dollar markets through export channels.

This year such enterprise is denied them. Dock strikes have either closed off the opportunity for sales contracts, have scared away foreign buyers who do not believe the U.S. sellers can deliver, or has deteriorated our economy to the point that corn prices have been forced downward as much as 10 cents a bushel and soybean prices have been forced down as much as 25 cents a bushel.

The solution to the dilemma in which we find ourselves is not recrimination against any other segment of the economy. Instead, we must find a remedy for the economic ailment. An equitable and fair remedy would be the immediate consideration of legislation such as H.R. 3596 to provide a mechanism to deal effectively with labor-management disputes in the national transportation system while protecting the interests of farmers and the public.

FARMERS HOME ADMINISTRATION SUPPORT FOR RURAL AMERICA

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, in rural areas such as our Third District of northwest Arkansas, we have learned not to hope for much concentrated attention from agencies that are oriented toward city problems. But we are getting fine assistance in rural communities because of the excellent service developed through a rural agency, the Farmers Home Administration.

The Third District accounts for $89½ million of $278 million in farm, housing and community facility credit now outstanding in Arkansas through the rural FHA. We believe it is in order that we commend the administration, the Farmers Home Agency and its able administrator, former Congressman James V. Smith of Oklahoma, on what is being accomplished to insure that the family farm and rural community can survive and prosper in this country.

Many small communities in our hill and mountain areas flourished in the early 1900's, then dwindled away by the middle 1900's. They were given up for lost by those who concluded that the small country town, once on the skids, could never make a comeback.

But a growing number of towns in our district have refuted those predictions and are newly alive and thriving once again. Primarily, they have been reborn not through any formalized government plan of salvation, but rather through the enterprise and determination of their local people. However, some Federal as well as State programs have made substantial contributions, and as their stories are reviewed, the Federal agency whose name recurs most often is the Farmers Home Administration.

An example is found in the history of Bellefonte, a small community in Boone County, Ark., a few miles from my home town of Harrison.

Bellefonte is now in its 100th year. It was incorporated on July 1, 1872, and was one of the first towns to develop in this section of northern Arkansas. But in its early years it lost out to Harrison for designation as the county seat, and by the 1950's Bellefonte had declined to the point that it lost its status as an incorporated town.

However, the nucleus of a town remained—families determined to keep alive the community of Bellefonte.

In the mid-1960's, the people remaining there resolved to restore their name to the map of Arkansas. They reincorporated the town of Bellefonte.

A vital part of their plan to rebuild the community called for installation of a modern water system. They found the financing for this project at their county office of the Farmers Home Administration. Much fine assistance was provided by FHA county supervisor Bob Hankins, who today carries on his good work on a statewide scale as State director of the Farmers Home Administration in Arkansas.

Bellefonte's new water system was financed with a loan through the rural community facilities program administered by Farmers Home. This project gave Bellefonte one of the necessary elements for home renewal and the attraction of new business.

The next community project was aimed at meeting a need for decent low-cost rental housing. Bellefonte's school building, built as a WPA project in 1936, had ceased to function as a school in 1965. Again with a Farmers Home Administration rental housing loan, this building was converted into an apartment building where two-bedroom and three-bedroom apartments were available to elderly people and other families not yet in position to buy their own homes.

Bellefonte now has attracted a new tractor and farm equipment firm as an important addition to its business. Farmers Home Administration rural housing credit to individual families has accounted for 27 new family-owned homes. With tax base broadened and business stimulated by these building activities, natural gas has been brought into the town, streets are paved, and a movement has started to organize a fire department. Population has increased from 300 to 450 over the past 2 years. School enrollment is up by 7-percent over last year. Plans are being made by one of the four church congregations to erect a new building.

Thus, with financial resources opened up by the Farmers Home Administration in project that provide a springboard for community effort, Bellefonte approaches its 100th anniversary next summer, not as a town fading away, but as a growing and prosperous community with a bright future.

This spirit of renewal is found today in many progressive towns such as Bellefonte, and services of the Farmers Home Administration are making a comparable contribution to almost every such community.

The rural community facilities program has brought modern water systems to some 55 localities of our district the past 10 years, with 34 of these systems realized during the past 2 years. Systems range in coverage from single small communities such as Bellefonte to large town-and-country sections of counties—as in the case of Washington County's $2.7 million White River Association system now under construction, to serve some 2,000 families in the eastern part of that county, and Benton County's District One system, which will bring modern water service to 3,000 families in the west-central portion of that county.

Rural housing credit through the Farmers Home Administration has more than tripled in Arkansas since 1969. Statewide volume reached $60 million in the fiscal year 1971, providing more than 5,880 new and improved homes for families of low and moderate income. Our district accounted for 1,600 of these homes and a $17 million share of the year's rural housing credit.

As a stronghold of the family-size farm, the Third District also leads the State in farm credit service from FHA. More than 2,500 families in our 25 counties own farms financed through the agency's Farm Ownership program, and 1,800 lacking other sources of production credit financed operations the past year by way of FHA. Farmers Home added $8 million in our district and more than $23 million in the State to farm ownership and production credit available to Arkansas' family-farm agriculture.

Thus a credit agency of the U.S. Department of Agriculture is performing unique and invaluable service, both in support of the family farm and the rural community working to renew its prosperity and improve conditions of living for its people.

One of President Nixon's most effective actions in support of rural America has been to place more resources behind the insured credit programs of the Farmers Home Administration.

We are confident that he means to preserve in the federal system a strong and effective agency dedicated to the special problems and requirements o rural areas.

And we congratulate Administrato James V. Smith, State Director Rober Hankins, and the people in FHA count offices throughout our part of Arkansa who conduct one of the public service most valued and respected by people o our district.

PROPOSED BIG THICKET NATIONA PARK IN EAST TEXAS

(Mr. BROOKS asked and was give permission to extend his remarks at thi point in the Record and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I and 1 of my colleagues in the Texas delegatio are today introducing a bill to establis a Big Thicket National Park in Eas Texas.

The area to be affected by this legislation is a living museum of plant an animal life of North America. This uniqu bit of nature encompasses the trees an shrubs, the various forms of animal life and in several cases, the last known existing specimens of biological phenomena

The bill I am introducing today differ from one previously introduced by m in that it authorizes the Secretary o the Interior to establish a park wit land and interest in land of 100,000 acres My earlier bill stated "not to exceed" 100,000 acres. That phrase has now bee eliminated.

It is imperative that we move now to maintain this area which I have in the past referred to as "nature's crossroads in North America."

This bill is a realistic and sound approach to achieving this end. It does not meet the expectations of every advocate of such a park but it is a reasonable measure which recognizes the realities of the situation.

Am hopeful that this measure can be considered favorably by my colleagues in that, as I have stated before, "we stand on the verge of losing something of infinite beauty and value—something man will never be able to replace."

PUBLIC BROADCASTING SALARIES REVEALED

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, some weeks after I first voiced the request, the Corporation for Public Broadcasting has provided me with a breakdown of its pay scales.

As one who has consistently supported public broadcasting, I regret that my friends over there took so long to produce this information. My purpose in ferreting it out was not to embarrass anyone, but in line with a conviction that use of public funds mandates full public disclosure.

Whether public television's talent and administrative officers are overpaid constitutes a value judgment. Under the law, however, public broadcasting is not permitted to solicit advertising; nor is it caught up in the commercial scramble for audience ratings. I should have hoped that this new medium would build up its own air personalities, rather than seek to compete for talent on the commercial market.

Omitted, unfortunately, from the roster of agencies initially provided me this afternoon by John Macy, CPB president, is the National Public Affairs Center for Television, which receives about 55 percent of its funding from the Corporation for Public Broadcasting.

It has become public knowledge, however, that the two on-air "stars" of NPACT, Sander Vanocur and Robert MacNeil, are paid, respectively, $85,000 and $65,000 a year. I mention this here only so that the RECORD will be reasonably complete.

Mr. Macy himself makes $65,000, a figure that may not be out of line with earnings among the chief executives of other quasi-public corporations, such as Amtrak and Comsat.

For the sake of clarity, I have included the names of all executives of the Corporation for Public Broadcasting, National Public Radio and the Public Broadcasting Service who are paid more than $36,000. There are a total of nine such executives, including NPACT President Jim Karayn.

Along with Mr. Macy's letter to me, and the three payroll lists, I am inserting a schedule of talent fees that includes the arrangements for William F. Buckley and William Moyers, and the corporation's tentative operating plan—budget—for fiscal 1972. All this, I know, will be of interest when Congress considers long-term financing for the Corporation for Public Broadcasting. The material follows:

CORPORATION FOR PUBLIC BROADCASTING,
New York, N.Y., December 2, 1971.
Hon. LIONEL VAN DEERLIN,
House of Representatives,
Washington, D.C.

DEAR VAN: In response to your request in our recent telephone conversation, I am attaching for your use information relating to the salaries, talent or contract fees paid to top executives and performers in public broadcasting.

I believe that this material demonstrates that public broadcasting is endeavoring to provide the American public with diversity and excellence at a modest cost. A total of 800 hours of new program production is to be distributed this fiscal year at an average cost per hour of $45,745. Of this figure the average cost to the Corporation for Public Broadcasting is $17,993. As familiar as you are with broadcasting, I am sure you will agree that this total cost per hour of public broadcasting national programming is less than ¼ the average cost per hour of commercial broadcasting.

I am also enclosing a salary breakdown for the executive employees of the Corporation, the Public Broadcasting Service, and National Public Radio. We have used the federal grade and salary standards in this instance to indicate that the Corporation and the organizations closely related to it are paying salaries generally comparable to those in the federal service. This is for illustration only because these agencies are not federal and are engaged in the broadcasting business.

I hope very much that this material will help to clarify confused reports concerning salaries and fees paid by public broadcasting. Once again, if I can be of any further assistance, please do not hesitate to let me know.

With best wishes.

Sincerely yours,

JOHN W. MACY, Jr.,
President.

COMPENSATION BREAKDOWN, EMPLOYEES, CORPORATION FOR PUBLIC BROADCASTING

(Use of Federal Government salary scales for comparison reasons only.)

Breakdown and employees	
$65,000 (John W. Macy, President)	1
$45,000 (Ralph Nicholson, Vice President)	1
$40,000 (John Witherspoon, TV Director)	1
$38,000 (John Golden, R. & D. Director)	1
$38,000 (Dick Favill, Director of Development and Secretary to the Board)	1
GS–18 ($36,000)	0
GS–17 ($32,546–$36,000)	2
GS–16 ($28,129–$35,633)	3
GS–15 ($24,251–$31,523)	8
GS–14 ($20,815–$27,061)	4
GS–13 ($17,761–$23,089)	3
GS–12 ($15,040–$19,549)	5
GS–11 ($12,615–$16,404)	3
Below GS–11	42
Total	75

COMPENSATION BREAKDOWN, EMPLOYEES, NATIONAL PUBLIC RADIO

(Use of Federal Government salary scales for comparison reasons only.)

Breakdown and employees	
$45,000 (Donald Quayle, president)	1
GS–18 ($36,000)	0
GS–17 ($32,546 to $36,000)	1
GS–16 ($28,129 to $35,633)	1
GS–15 ($24,251 to $31,523)	4
GS–14 ($20,815 to $27,061)	7
GS–13 ($17,761 to $23,089)	6
GS–12 ($15,040 to $19,549)	10
GS–11 ($12,615 to $16,404)	5
GS–10 and under	52
Total	87

COMPENSATION BREAKDOWN, EMPLOYEES, PUBLIC BROADCASTING SERVICE

(Use of Federal Government salary scales for comparison reasons only.)

Breakdown and employees	
$50,000 (Hartford N. Gunn, president)	1
$40,000 (Gerald L. Slater, general manager)	1
GS–18 ($36,000)	1
GS–17 ($32,546 to $36,000)	0
GS–16 ($28,129 to $35,633)	7
GS–15 ($24,251 to $31,523)	4
GS–14 ($20,815 to $27,061)	3
GS–13 ($17,761 to $23,089)	5
GS–12 ($15,040 to $19,549)	3
GS–11 ($12,615 to $16,404)	4
All other	61
Total	90

COMPENSATION BREAKDOWN, EMPLOYEES, NATIONAL PUBLIC AFFAIRS CENTER FOR TELEVISION

(Use of Federal Government salary scales for comparison reasons only)

Breakdown and employees	
$40,000 (Jim Karayn, president)	1
GS–18 ($36,000)	0
GS–17 ($32,546 to $36,000)	0
GS–16 ($28,129 to $35,633)	7
GS–15 ($24,251 to $31,523)	7
GS–14 ($20,815 to $27,061)	0
GS–13 ($17,761 to $23,089)	3
GS–12 ($15,040 to $19,549)	0
GS–11 ($12,615 to $16,404)	6
GS–10 and under	27
Total	51

TALENT AND CONTRACT FEES, FISCAL 1972, NATIONAL PUBLIC AFFAIRS CENTER FOR TELEVISION

Sander Vanocur, correspondent	*$85, 000
Robert MacNeil, correspondent	*65, 000

* Contract includes regular series of weekly shows, plus public affairs special assignments.

Elizabeth Drew, "Thirty Minutes With. . ." $950 per program. (Exact number of new programs not determined at this time.)

TALENT FEES AND CONTRACT PAYMENTS REGULARLY-SCHEDULED PUBLIC TV PROGRAMS

Julia Child (WGBH-Boston) $500 per program.

Arthur Fiedler (WGBH-Boston) Approximately $1,500 per program—fee is related to Boston Symphony Orchestra contract.

Marshall Effron (NET-Great American Dream Machine) $23,400 for the series. (20 programs).

William Moyers (NET-This Week) $75,000 for the series (35 programs).

The Advocates (WGBH-Boston, KCET-Los Angeles) $1000 each show. Regulars—William Rusher, Howard Miller.

David Littlejohn (KQED-San Francisco, Critic-at-Large) $250 per show.

World Press panel members (KQED-San Francisco) $140 per show for each.

Washington Week in Review panel (WETA-Washington) $125 per show.

Robert Cromie (Book Beat, WTTW-Chicago) $500 per show.

Alistair Cooke (WGBH-Boston, Masterpiece Theatre) $833 per show (includes writing fees as well as hosting appearance).

Jean Shepherd (WGBH-Boston, Shepherd's America) $750 per show (including talent, writing and some production).

William F. Buckley (SECA-Firing Line) Fee to National Review Corp. ($11,500 per show, including all production costs and salaries of producers, directors, staff, guest fees and Mr. Buckley's fees.)

Lewis Freedman (KCET-Los Angeles) Producer of Hollywood Television Theatre series, $45,000 per year. (Hollywood Television Theatre pays minimum union scale to all stars, directors, etc.) *

Fred Rogers (WQED-Pittsburgh, Misteroger's Neighborhood) $40,000 for 65 shows. Mr. Rogers is the talent, producer, puppeteer and head writer.

CORPORATION FOR PUBLIC BROADCASTING—1972 OPERATING PLAN

	Amount (thousands)	Percent
I. Programs for public television	$15, 245	40. 5
II. Programs for public radio	2, 339	6. 2
III. Technical:		
Planning and research	300	0. 8
TV program distribution	8, 181	21. 8
Radio program distribution	968	2. 6
Total	9, 449	25. 2
IV. Development and support:		
Improving quality	500	1. 3
Supporting stations	6, 554	17. 4
Increasing awareness	1, 340	3. 6
Total	8, 394	22. 3
V. Administrative support	2, 176	5. 8
Total program	37. 603	100. 0

STRATTON LEGISLATION TO ESTABLISH A NATIONAL POLICE ACADEMY, SIMILAR TO OUR NATIONAL SERVICE ACADEMIES

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

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* PTV minimum is less than commercial minimum scale.

Mr. STRATTON. Mr. Speaker, I have today introduced legislation to establish a national police academy, similar in nature to our present service academies at West Point, Annapolis, and Colorado Springs, for the purpose of training career professional police officers for service at all levels of government.

Under my bill the Attorney General would be responsible for setting up such an institution, which would not in any way, by the way, be directed toward establishing a national police force, but only toward providing the best trained career individuals to serve in their local communities, in their local State police organizations, or in similar capacities elsewhere as police and law enforcement officers in established police organizations.

Appointment to the academy would be by competition on a nationwide basis, and without discrimination either with regard to race or sex. Each State would be allotted the same number of vacancies at the academy as would correspond to its congressional delegation, with each yearly class thus totaling 435 students. In this way the officers trained at the academy would represent every segment of the Nation. Once accepted, cadets would receive allowances while attending the academy, would be given uniforms and textbooks, and would be taught by a faculty selected by the Attorney General on the advice of a board of visitors and an advisory committee. Upon graduation, cadets would receive bachelor of science degrees.

The beneficial effects of such training are almost limitless. The police academy would prepare its cadets to face dangerous criminal situations, thus enabling them to better protect themselves and the community.

The issue of individual rights versus the public's right to protection from criminals has become a very serious one.

Cadets would be trained in such things as constitutional law and evidence, so that when confronting a suspect, for instance, they would be proficient enough obtaining evidence or making an arrest so as to do it without violating a suspect's constitutional rights. The ultimate effect would be that fewer convictions would be overturned because evidence used in the conviction had been obtained illegally by the police; and at the same time innocent citizens would be better protected against violations of their own constitutional rights.

Mr. Speaker, I introduce this legislation at a particularly significant time as far as my own district in upstate New York is concerned, because within just the past week two young police officers in the Albany Police Department were brutally gunned down in the line of duty within a few days of one another. In introducing this bill I regard it as a special act of tribute on my part to their memory and to the cause in which they gave their lives.

The tragic death of these two young men, Sgt. Michael McNeil and Patrolman Edward Stevens, is eloquent proof of the heavy and dangerous responsibilities that we place today on all our police officers, whether in our larger cities or in our smaller ones. And those who assume these duties all too often get far too little recognition or appreciation for what they do.

The establishment of an academy such as this would be, I think, one positive step we could take toward paying to all police officers and to the very vital but difficult and dangerous profession which they follow, more of the attention and the recognition they deserve.

Creating an academy of this kind would not of course bring these two brave men back to us in Albany. But it will at least help us to focus more of our attention on the need for continuing to attract to the police profession the best possible men, and to give them the topnotch training and career opportunities they would require to do their job effectively, and thereby to preserve the domestic stability and orderliness in local communities across the land, without which the reasonable, free, democratic system of society cannot possibly hope to survive.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MIZELL (at the request of Mr. GERALD R. FORD), after 7 p.m., on account of official business.

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD), after 4 p.m., today, on account of official business.

Mr. HORTON (at the request of Mr. GERALD R. FORD), after 7 p.m., today.

Mr. DAVIS of South Carolina (at the request of Mr. BOGGS), for today, on account of official business.

Mr. HAGAN (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLS of Maryland) to revise and extend their remarks and include extraneous matter:)

Mr. KEITH, for 5 minutes, today.

Mr. MATHIAS of California, for 5 minutes, today.

Mr. MCCOLLISTER, for 5 minutes, today.

Mr. MCKINNEY, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. HORTON, for 30 minutes, on December 5.

Mr. CRANE, for 10 minutes, today.

Mr. DON H. CLAUSEN, for 15 minutes, today.

Mr. MCCULLOCH, for 5 minutes, today.

Mr. MORSE, for 10 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. WINN, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. RUNNELS, for 10 minutes, today.

Mr. MCKAY, for 15 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. WHITE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT to extend his remarks and include extraneous matter immediately following approval of the Journal, today.

Mr. COUGHLIN immediately following the remarks of Mr. ANDERSON of Illinois under the limitation of debate on the Giaimo amendment, in the Committee of the Whole today.

Mr. HECHLER of West Virginia during the consideration of H.R. 11955 and to include two letters.

Mr. MIKVA during the course of debate on the bill H.R. 11932.

Mr. MAHON during consideration of the bill H.R. 11955 and to include certain extraneous excerpts.

Mr. MADDEN, and to include extraneous material.

(The following Members (at the request of MILLS of Maryland and to include extraneous matter:)

Mr. PELLY in two instances.

Mr. DUNCAN in two instances.

Mr. HARVEY.

Mr. HOSMER in two instances.

Mr. SCHERLE.

Mr. WYMAN in two instances.

Mr. MCDADE.

Mr. O'KONSKI.

Mr. MCCOLLISTER in seven instances.

Mr. MCDONALD of Michigan.

Mr. CONTE.

Mr. SCHWENGEL.

Mr. RAILSBACK in two instances.

Mr. CONABLE.

Mrs. HECKLER of Massachusetts.

Mr. HUNT in two instances.

Mr. HALPERN.

Mr. ANDERSON of Illinois.

Mr. HORTON.

Mr. FREY.

Mr. SHRIVER.

Mr. BELL.

Mr. HILLIS.

Mr. NELSEN.

Mr. BAKER.

Mr. SKUBITZ.

Mr. BROWN of Ohio.

Mr. RIEGLE.

Mr. BOB WILSON.

Mr. MCKINNEY.

(The following Members (at the request of Mr. MCKAY), and to include extraneous matter:)

Mr. FLOOD in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. HAGAN in three instances.

Mr. ROGERS in five instances.

Mr. ADDABBO in two instances.

Mr. ASPIN in three instances.

Mr. HULL in two instances.

Mr. GIBBONS.

Mr. ROSTENKOWSKI in two instances.

Mr. VANIK in two instances.

Mr. WILLIAM D. FORD.

Mr. FRASER in seven instances.

Mr. ALEXANDER in five instances.

Mr. BINGHAM in three instances.

Mr. ANNUNZIO in two instances.

Mr. MCMILLAN.

Mr. Murphy of New York.
Mr. Reuss in three instances.
Mr. Brademas in six instances.
Mr. Begich in five instances.
Mr. O'Hara in two instances.
Mr. Mitchell in two instances.
Mr. Edwards of California in three instances.
Mr. Waldie in six instances.
Mr. Pickle in three instances.
Mr. Hanna in five instances.
Mr. Clay in six instances.
Mr. Hamilton.
Mr. Bergland in three instances.
Mr. Nichols in two instances.
Mr. Anderson of California.
Mrs. Sullivan.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

S. 1367. An act to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

S. 2204. An act to provide for improvements in the administration of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6283. An act to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, December 6, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1330. A communication from the President of the United States, proposing an amendment to the request for appropriations transmitted in the budget for fiscal year 1972 for the District of Columbia (H. Doc. No. 92–179); to the Committee on Appropriations and ordered to be printed.

1331. A letter from the Secretary of Defense, transmitting a report of plans and programs initiated to identify, treat, and rehabilitate drugs and alcohol dependent members of the armed services, together with recommendations for additional legislation necessary to combat drug and alcohol dependency in the armed services, pursuant to section 501(b) of Public Law 92–129; to the Committee on Armd Services.

1332. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1333. A letter from the Comptroller General of the United States, transmitting a report on benefits that could be realized through reuse of designs for public housing projects under the Department of Housing and Urban Development; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 11570. A bill to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year (Rept. No. 92–702). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor H.R. 11809. A bill to provide that for purposes of Public Law 874, 81st Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the U.S. Postal Service shall continue to be treated as Federal property for 2 years (Rept. No. 92–703). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 8290. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains; with amendments (Rept. No. 92–704). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on Senate Concurrent Resolution 6 (Rept. No. 92–705). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 11997. A bill to amend the Economic Stabilization Act of 1970 to exempt from its provisions fringe benefits offered in connection with a contract of employment; to the Committee on Banking and Currency.

By Mr. ANDERSON of California:

H.R. 11998. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 11999. A bill to amend section 131 of title 23 of the United States Code, relating to the control of outdoor advertising along the Interstate and the Federal-aid primary systems, in order to permit certain signs for environmental and antipollution purposes; to the Committee on Public Works.

By Mr. BROYHILL of North Carolina (for himself, Mr. Satterfield, Mr. Saylor, Mr. Shoup, Mr. Steiger of Arizona, Mr. Stephens, Mr. Stubblefield, Mr. Stuckey, Mr. Taylor, Mr. Waggonner, Mr. Wampler, Mr. Williams, Mr. Wright, and Mr. Wyatt):

H.R. 12000. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of North Carolina (for himself, Mr. Betts, Mr. Bevill, Mr. Bray, Mr. Brown of Michigan, Mr. Carter, Mr. Davis of Wisconsin, Mr. Dickinson, Mr. Dorn, Mr. Duncan, Mr. Edwards of Alabama, Mr. Flowers, Mr. Hammerschmidt, Mr. Harvey, Mr. Hastings, Mr. Henderson, Mr. Jones of North Carolina, Mr. Kuykendall, Mr. Lujan, Mr. Mizell, Mr. Nelsen, Mr. Nichols, Mr. Preyer of North Carolina, Mr. Randall, and Mr. Robinson of Virginia):

H.R. 12001. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts:

H.R. 12002. A bill to amend the Internal Revenue Code of 1954 to provide that certain bond interest received by individuals 65 or over shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 12003. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 12004. A bill to amend the Sherman and Clayton Antitrust Acts, to create an Office of Industrial Organization to control concentration of economic power, and for other purposes; to the Committee on the Judiciary.

By Mr. CLEVELAND (for himself and Mr. Wyman):

H.R. 12005. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DANIELS of New Jersey:

H.R. 12006. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. DELANEY:

H.R. 12007. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. Poff, Mr. Hutchinson, Mr. McClory, Mr. Smith of New York, Mr. Railsback, Mr. Biester, Mr. Wiggins, Mr. Dennis, Mr. Fish, Mr. Coughlin, Mr. Mayne, and Mr. Keating):

H.R. 12008. A bill to amend title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. Broyhill of North Carolina, Mr. Kyros, Mr. Montgomery, Mr. Roe, Mr. Terry, and Mr. Williams):

H.R. 12009. A bill to create a partnership between the United States and the several States for the development of rural America's transportation, industrial growth, education, health, housing, environmental protection, and planning resources and capacity; to the Committee on Agriculture.

By Mr. PRYOR of Arkansas:

H.R. 12010. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. Adams, Mr. Badillo, Mr. Brasco, Mr. Carey of New York, Mr. Clark, Mr. Cotter, Mr. Danielson, Mr. Dellums, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, Mr. Fraser, Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Karth, Mr. Leggett, Mr. Mazzoli, Mr. Meeds, Mr. Mikva, and Mr. Pepper):

H.R. 12011. A bill to amend and expand the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rosenthal, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. Seiberling, Mr. Sisk, Mr. Tiernan, Mr. Vanik, Mr. Waldie, Mr. Wolff, Mr. William D. Ford, Mr. Mitchell, Mr. Hathaway, Mr. Bingham, Mr. Collins of Illinois, Mr. Roybal, Mr. Aspin, Mr. Obey, Mr. Kyros, Mr. Roe, and Mr. Thompson of New Jersey):

H.R. 12012. A bill to amend and extend the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. RUNNELS:

H.R. 12013. A bill to provide for payments to compensate States for the burden imposed as a result of the retention of public lands in Federal ownership within their boundaries; to the Committee on Interior and Insular Affairs.

By Mr. SKUBITZ (for himself and Mr. Sebelius):

H.R. 12014. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK:

H.R. 12015. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oil; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 12016. A bill to amend title 13, United States Code, to authorize the Bureau of the Census to establish a program for the canvassing of the election process, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mrs. Mink, Mr. Meeds, Mr. Scheuer, Mr. Gaydos, Mr. Clay, Mrs. Chisholm, Mrs. Grasso, and Mr. Dent):

H.R. 12017. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina:

H.R. 12018. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Texas:

H.R. 12019. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. du PONT (for himself, Mr. Fish, Mr. Lent, Mr. Edwards of California, Mr. Hanna, Mr. Long of Maryland, Mr. Obey, Mr. Forsythe, Mr. Goldwater, Mr. Pettis, Mr. Ruppe, Mr. Hogan, Mr. Morse, Mr. Veysey, Mr. Hechler of West Virginia, Mr Wolff, Mr. Brown of Michigan, Mr. Preyer of North Carolina, Mr. Biester, Mr. Anderson of Illinois, Mr. Seiberling, Mr. Frenzel, Mr. Collins of Texas, Mr. Ryan, and Mr. Hathaway):

H.R. 12020. A bill to amend the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress; to the Committee on Merchant Marine and Fisheries.

By Mr. du PONT (for himself, Mr. Fish, Mr. Miller of Ohio, and Mr. Roe):

H.R. 12021. A bill to amend the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress; to the Committee on Merchant Marine and Fisheries.

By Mr. GROVER (for himself, Mr. McDonald of Michigan, Mr. Lent, Mr. Teague of California, Mr. Rarick, Mr. Bevill, Mr. Pike, Mr. Terry, Mr. Cleveland, Mr. Saylor, Mr. Veysey, Mr. Williams, Mr. Pirnie, Mr. Mann, Mr. Hunt, Mr. Hastings, Mr. Lennon, Mr. Archer, Mr. Daniel of Virginia, Mr. Robinson of Virginia, Mr. Burke of Florida, Mr. Mathias of California, Mr. Casey of Texas, Mr. Hosmer, and Mr. Hall):

H.R 12022 A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. GROVER (for himself, Mr. Brinkley, Mr. Runnels, and Mr. Collier):

H.R. 12023. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 12024. A bill to amend title 10 of the United States Code to change the age limitation on eligibility for the ROTC financial assistance program so as to take into account active service previously performed by students; to the Committee on Armed Services.

By Mr. MAYNE:

H.R. 12025. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 12026. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. ROE:

H.R. 12027. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

H.R. 12028. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the various ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 12029. A bill to provide Federal assistance to States for improving elementary and secondary teachers' salaries, for meeting the urgent needs of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

H.R. 12030. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. STEELE:

H.R. 12031. A bill to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year; to the Committee on Education and Labor.

By Mr. VANDER JAGT:

H.R. 12032. A bill to direct the Secretary of the Army to remove the steamer *Glen* from Manistee Harbor, Mich.; to the Committee on Public Works.

By Mr. ZABLOCKI:

H.R. 12033. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. BROOKS (for himself, Mr. Burleson of Texas, Mr. Cabell, Mr. Eckhardt, Mr. Gonzalez, Mr. Patman, Mr. Pickle, Mr. Poage, Mr. Purcell, Mr. Roberts, Mr. White, Mr. Wright, and Mr. Young of Texas):

H.R. 12034. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL:

H.R. 12035. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost-meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. Drinan, Mr. Begich, and Mr. Stokes):

H.R. 12036. A bill to amend and expand the Emergency Employment Act of 1971 to reduce unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. STRATTON:

H.R. 12037. A bill to establish a National Police Academy, and for other purposes; to the Committee on the Judiciary.

By Mr. DULSKI:

H.R. 12038. A bill to provide for Federal collection of State individual income taxes, to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.J. Res. 991. Joint resolution authorizing the President to proclaim September 8 of each year as "National Cancer Day"; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. Blatnik, Mr. Fraser, Mr. Frenzel, Mr. Karth, Mr. Nelsen, Mr. Quie, and Mr. Zwach):

H.J. Res. 992. Joint resolution to assure continued eligibility of recipients of food stamp benefits and to maintain present levels of bonuses for these recipients; to the Committee on Agriculture.

By Mr. YOUNG of Florida (for himself and Mrs. Grasso):

H.J. Res. 993. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.J. Res. 994. Joint resolution relating to U.S. diplomatic relations with the Republics of Ukraine and Byelorussia; to the Committee on Foreign Affairs.

By Mr. BURKE of Massachusetts:

H. Con. Res. 472. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself and Mr. Carey of New York):

H. Con. Res. 473. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 474. Concurrent resolution expressing the sense of the Congress with respect to certain claims of nationals of the United States against the Government of the Peoples Republic of China; to the Committee on Foreign Affairs.

By Mr. DELLENBACK:

H. Res. 723. Resolution to express the sense of the House of Representatives that U.S. fishing industry representatives be included in the U.S. delegation to the 1973 United Nations Law of the Sea Conference; to the Committee on Foreign Affairs.

By Mr. du PONT (for himself, Mr. Fish, Mr. Lent, Mr. Edwards of California, Mr. Hanna, Mr. Long of Maryland, Mr. Obey, Mr. Forsythe, Mr. Goldwater, Mr. Pettis, Mr. Ruppe, Mr. Hogan, Mr. Morse, Mr. Veysey, Mr. Hechler of West Virginia, Mr. Wolff, Mr. Brown of Michigan, Mr. Preyer of North Carolina, Mr. Biester, Mr. Anderson of Illinois, Mr. Seiberling, Mr. Frenzel, Mr. Collins of Texas, Mr. Ryan, and Mr. Hathaway):

H. Res. 724. Resolution to amend the Rules of the House of Representatives to require that the report accompanying each bill or resolution contain an analysis and evaluation of the environmental impact of the bill or resolution; to the Committee on Rules.

By Mr. du PONT (for himself, Mr. Fish, Mr. Miller of Ohio, and Mr. Roe):

H. Res. 725. Resolution to amend the Rules of the House of Representatives to require that the report accompanying each bill or resolution contain an analysis and evaluation of the environmental impact of the bill or resolution; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HELSTOSKI:

H.R. 12039. A bill for the relief of American Edelstaal, Inc.; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 12040. A bill for the relief of the Supreme Wine Co., Inc.; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 12041. A bill to confer U.S. citizenship posthumously upon Mr. and Mrs. William Vito DeJohn, Sr.; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 12042. A bill to provide for the conveyance of certain property of the United States located in Ely County, Nev., to Mrs. Elmer Bower; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

170. The SPEAKER presented a petition of the City Council, Englewood, N.J., relative to withdrawal of U.S. troops from Southeast Asia, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

CHAUVINISM IN THE MARKETPLACE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BOLLING. Mr. Speaker, George W. Ball takes a realistic approach to our urgent trade problems in his column in Newsweek of November 29, which follows:

CHAUVINISM IN THE MARKETPLACE

(By George W. Ball)

When two major opinion groups proceed from antithetical premises to agreement on a radical reversal of national policy, the event is worth noting. When the agreed-on change is retrograde and ill-advised, the consequences could be catastrophic.

Today on college campuses a swelling number of students and professors are caught up in an ecstasy of self-abasement. America, they proclaim, has been playing a brutal and imperialist role; now we must do penance. We must stop meddling in the affairs of other nations. Existing security treaties must be torn up. We must bring back our ships and soldiers from both Europe and the Far East, leaving the nations in each region to find serenity and happiness through their own devices.

Such over-reaction has plenty of precedent. Though the professors should know better, the young have always judged life in absolute terms. But what is really surprising is to find many businessmen arriving at parallel views. Not that they believe we have been selfish and evil; on the contrary, we have, as they see it, been too idealistic and soft-headed, handing out our resources to the ungrateful and turning over our market to selfish foreigners. So now we must get tough, cut our commitments and force other nations to take over our burdens. Finally—and most important—we must insulate our markets by whatever means are necessary. We must, in other words, embrace both isolationism and protectionism—two sides of the same counterfeit coin.

RESOLUTE

Against the over-reaction of the universities, the Administration takes a resolute stand; against defeatism in industrial circles, it seems ambiguous and political. While the President opposes the precipitate withdrawal of American power, the Secretary of the Treasury gives comfort to its proponents by exploiting the theme of self-pity and the unfairness of foreigners, attributing our payments balance to the selfishness of other nations.

Effective short-run politics though this may be, it is dangerous talk since the virus of xenophobia could produce an epidemic of destructive potential. Nor does it do credit to our capacity for accurate appraisal, because our payments deficit is no simple phenomenon. It results from an overseas war, from inflation not yet under control, from changes in the structure of the world economy marked by the industrial progress of other nations, from capital invested offshore that returns income only after a time lag—these factors and more have pushed the dollar out of line with other currencies.

Our problems are thus either of our own making or the product of impersonal economic forces; they do not stem from the wickedness of others. Our trade with Europe, for example, has benefited mightily from the European Common Market, while levels of protection on the two sides of the Atlantic are at a stand-off. Against the Japanese we have legitimate complaints, since they have concentrated obtusely on the penetration of our market while keeping their own largely closed; yet that should not be blown up beyond life-size. Even with free access to the Japanese market, we would probably not improve our trading balance by more than $300 million—a relatively small factor in the total.

TASKS

The tasks we face today are straightforward and urgent. First, we must quickly agree on a realignment of currencies and end the import surcharge before the whole world fabric of trade and payments begins to unravel. Second, we must redesign the international monetary system—an operation that cannot be accomplished overnight.

Neither of these tasks can we achieve by ourselves, but only by a common effort of the major trading partners. Yet for such an effort to succeed requires an atmosphere of mutual trust, which can be restored only if we again act in character.

What do our partners expect of us?

That we will stop trying to overtrade with unrealistic demands that can lead only to a long and futile haggle. That we will avoid stirring up, at home or abroad, the mistrust of foreigners that lies so dangerously near the surface of every nation's consciousness. That, finally, we will reassert the calm, firm leadership that has served the world so well for the past three decades.

ALIEN SMUGGLERS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. McDONALD of Michigan. Mr. Speaker, we have all become familiar with the Byzantine route by which narcotics enter this country—from the opium fields to the processing plants to smugglers.

Just as narcotics are smuggled into the country by individuals and rings, so too are thousands of illegal aliens.

Smuggling is dirty business, and it is especially dirty when it involves human beings. The amount of criminality involved boggles the imagination.

We have thousands of these smugglers operating as individuals or in rings, and there is no figure available on the number of counterfeiting rings which supply the alien with the documents he will use once in this country to obtain employment fraudulently.

There has been tragedy, too, where these sordid dealers in human flesh have stuffed their "customers" in car trunks to get them across the border only to end the trip with corpses.

Smuggling, according to immigration officials, is a profitable business, and the smuggler, even if caught and fined, usually goes right back to work.

The problem is particularly acute on the Mexican border because of the plight of the Mexican economy, and even though most of our border guards are assigned to this area, untold thousands are slipped through each year.

Immigration officials estimate that 3,000 smugglers were caught last year while transporting 18,000 illegal aliens. The figures for this year are expected to be about the same.

Smugglers make anywhere from $50 to $300 per "customer," and because they are usually paid in advance, they are willing to risk arrest and a fine.

It seems to me that if we are to put these smugglers out of business, something must be done to make the penalty upon conviction outweigh the potential profit.

GE CHAIRMAN FRED BORCH LAYS IT ON THE LINE

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. MINSHALL. Mr. Speaker, the November 15 issue of Forbes magazine carried a reprint of an excellent, no-punches-pulled address given recently by Fred Borch to the Economic Club of Detroit. In the course of his remarks the chairman of the board of General Electric stated:

> Nations should agree there will be no import surtaxes or export subsidies . . . Until this is agreed upon, I would not want to see us remove the 10 percent surcharge.

He goes on to say that—

> International trade on the broadest possible basis, with fewest restrictions, is the real economic hope of the world.

Since I have not seen widespread publicity given to Mr. Borch's very important comments on U.S. foreign economic policies, I am including his speech in full in the hope that my colleagues in both House and Senate will give it the serious consideration it so richly merits:

GENERAL ELECTRIC CHAIRMAN FRED BORCH LAYS IT ON THE LINE

One must approach a subject of such seriousness as the United States' foreign economic posture with a certain amount of disclaimer. I should say at the outset that I do not claim expertise on extractive materials or agriculture; rather, I speak to you from the viewpoint of a manufacturer with operations in most of the major countries of the world, and with several hundred millions of exports to those countries. Events in international trade have been particularly disappointing to one who represents a company that has consistently favored commerce between countries with a minimum of restrictive barriers and protectionist measures. We probably coined the expression, "free, fair trade," many years ago, though I am not sure of that. But we still believe in that objective for the U.S. and its trading partners, and are disturbed to note how far the trading nations of the world have drifted from trade that is both free and fair.

I must apologize for the fact that I am going to use a lot of numbers in this talk, but I see no alternative when I find that intelligent men on both sides of both oceans have been discussing the United States' trade situation with more emotion than facts.

One of the numbers that has been flashing a red alert for some time now is the U.S. trade balance with other countries. Obviously, if the United States is going to have any kind of equilibrium in our balance of payments we've got to have a trade and *investment balance* sufficient to cover all the other imbalances that spring from military expenditures abroad, U.S. tourists abroad, foreign economic aid, and so on. An obviously unacceptable alternative would be to resign ourselves to the fact that our favorable trade balance can never be restored, and then restrict foreign travel, foreign investment, imports and foreign aid accordingly.

So, let us look at our trade balance. As you know, the U.S. trade surplus declined from some $7 billion in 1964 to approximately $2 billion last year. As of August 1971 our cumulative current trade balance was in *deficit* for the fifth consecutive month, and totalled almost $1 billion in the red. If we wind up with a negative balance for the year, it will be the first time since 1893.

Now, let's cover the subject of our private investments balance offshore. We have all heard that American investments offshore are having a dire effect on the U.S. balance of payments—let's take a look. In 1964 the direct private investment by U.S. companies offshore reached a cumulative total of $47 billion; investment during the year was $2.3 billion, while income returned from this investment was $4.7 billion—or about twice the annual capital outflow. In 1970 the cumulative total reached $69 billion; the outflow for the year of our direct investments abroad was $4.4 billion while the return on this investment to the U.S. was $7.9 billion!

Now, if we take the overall commercial picture—the combination of trade and return on investment—we find that, in 1964, the return on investment comfortably supplemented a substantial trade balance in holding down claims against the dollar; today return from investments is our *last remaining positive item of significance.*

Labor officials, and others, who wax rhetorical about the dire effects of U.S. foreign investments on the U.S. balance of payments and U.S. jobs should look at these figures, which show that as our trade balance deteriorated rapidly, the return from our foreign investments accelerated—and a good thing it did, otherwise the dollar would be in a lot worse shape than it is today. And then they should go behind the numbers to find out why it was necessary to make these investments in the first place.

So in spite of the rhetoric on both sides of both oceans having to do with the dire effects of U.S. private investments offshore on our balance of payments, the figures show that much of this is "hogwash"—or in more polite terms, let us tag it as "False Rhetoric No. 1." We are thus drawn to the conclusion that the real problem with the dollar and the U.S. balance of payments is the drastic slippage in our trade, and that's what we should be discussing.

Which brings us to our second point: Why the drastic change in our trade balance? Again, we are told on both sides of both oceans that it's because of U.S. inflation, that we should get our own house in order. Let's take a look.

That is what happened to domestic consumer price levels in major industrial countries between 1964 and 1970. In the U.S. the domestic consumer price index rose 25% from 1964 to 1970. Let's admit that's bad. But let's take a look at what happened to each of our major trading partners: Japan, 40%; France, 27%; Germany, 17%; Italy, 21%; U.K., 31%—a range of from 17% to 40, with only Germany appreciably below our 25%. And none of these countries had their Vietnams, and its inflationary impact.

From which the conclusion can reasonably be drawn that inflation is not the main cause in the reversal of the U.S. trade balance. Everyone had inflation, but not everyone had *trade balance* problems to the same degree. Let's tag this one as "False Rhetoric No. 2."

So then what is the cause of the massive change in our trade balance? Well, of course, then it must be, according to our concerned friends on both sides of the oceans, U.S. productivity, or the lack thereof, that is the culprit. And, we must admit, at first glance they could be right. In the U.S. productivity—in terms of output per man-hour-increased 14% between 1964 and 1970. Among our major trading countries the increase ranged from 22% in the U.K. to 99% in Japan.

So, it is certainly true that output per man-hour in other countries has grown much more rapidly than in the U.S. in recent years. It should! All other industrial countries have much greater incentives to modernize their manufacturing facilities to increase productivity—via their tax structures, such as our pre-1969 investment tax credit of 7%, much more rapid depreciation for tax purposes, and so forth. The disadvantage under which our manufacturing industries have operated since 1968 in this respect is clearly illustrated by the fact that the U.S. rules, until very recently, allowed an average tax cost recovery of under 8% in the first year, as compared with an average of 32% for the five countries mentioned; 34% for us *vs.* 63% for them at the end of three years; and 66% for us compared to 93% for them at the end of seven years.

These tax cost recovery allowances are typical of the incentives offered in other countries for the purpose of increasing productive investment. So, in view of our national interest, it is pertinent to ask why other industrial countries have done these things: Certainly not to give a "bonanza to business," as critics of President Nixon's proposals have contended, but to improve productivity, strengthen and grow their economies, and thereby maintain a fuller level of employment.

And it is appropriate to note that the pending investment tax credit of 7%, if passed by Congress together with a cutback in ADR, as seems most likely at the moment, will still leave us well short of equality with other countries in this regard.

So on this subject, we can now say, well we probably have the answer then; productivity has gone much faster for them than it has for us. But before we accept that, let's take a further look at what really counts, namely, *unit labor costs* in manufacturing, which are a combined measure of output and total employment costs.

It will come as no surprise that our wage and salary costs have been going up at a rate that exceeds productivity—between 1964 and 1970 unit labor costs in the U.S. rose by nearly 20%, much of the rise occurring during 1969–70.

Surely the other industrialized countries haven't experienced this sort of situation—or have they? Well, it comes down to this: Italy is very close to our 20% increase in these costs; France is marginally lower at about 16% and Japan—a circumstance I'll get to in a moment—is recognizably lower at a 12% unit labor cost increase. But [look at] two of our biggest trading partners: Germany, 26%; and Britain, almost 33%—all markedly higher than the U.S.

I should emphasize that these costs are stated in terms of national currencies rather than U.S. dollars, thus eliminating the distortions of revaluations both up and down that have occurred in these countries.

Now, a word on Japan. The big divergence really occurs in 1969 and 1970, when our own unit labor costs shot up. Before that, Japanese unit labor cost rises paralleled ours. Despite this generally comparable unit labor cost picture for the Japanese, they nevertheless turned around our two-way trade to their advantage by 1965.

Thus, the differences in unit labor cost trends do not seem to account for the massive change in our U.S. trade balance, and to tag U.S. productivity, or the lack thereof, as the chief culprit would seem to qualify as "False Rhetoric No. 3." At this point, we can then suggest that as bad as inflation is, as bad as our productivity fall-off is—both for our domestic economy and for all of our citizens—neither is the main cause for our trade imbalance.

So then we come down to the core of the problem: What is the real reason for the serious U.S. trade situation? It is my thesis, as a manufacturer, that it boils down to the fact that other countries have placed international trade as a top national priority and have adopted structural policies to promote their trade balances and their balance of payments. The success of these policies is reflected in the degree to which they have been able to shield their export prices from the inflation in their domestic economies.

Thus, in the U.S., the export price index has almost kept pace with the domestic price index from 1964 to 1970—namely a 25% rise domestic and 20% rise export—for a spread of 5 points. But the rise in export indices of all but one of the other countries doesn't begin to approach the rise in their domestic indices during this period. In Italy, for example, the domestic price index rose 21% while the export price index rose only 9%—a spread of 12 points. In Japan the spread is 32 points. In France and England (both devalued their currencies—thus lowering the price of their exports) we see spreads of 19 and 21. And only Germany (as a result of upvaluation) kept her spread to 3 points. So, we have the U.S. at 5 points, and the five others ranging from 3 to 32.

How could they thus insulate their export pricing from their domestic economies? Let me suggest at least three reasons.

First, they had the freedom to devalue their currencies when their trade and their balance of payments got in trouble. Both England and France took advantage of this ability to devalue over the last several years with the result that their export prices were reduced and their import prices increased. Meanwhile, for good technical reasons under the International Monetary Fund, the U.S. was unable to institute similar compensatory competitive steps. So here we have one major reason some of the other countries have been able to offset their inflation and increased unit labor costs whereas we have not been able to do.

By the same token, a number of other countries with consistently favorable balances have not done the reverse to the degree they should have; namely, revalued upwards, notably Japan. With this picture, I would give high marks to the Administration for its current emphasis on upvaluing other currencies and cutting loose from gold.

The second structural reason they could maintain the differential between their export prices and their domestic prices—in favor of their exports—is that they have been very careful to protect those domestic industries that they consider important to their economy, or to their employment, from what they consider might be disruptive imports. Let me give two examples, among many, of how this is done.

The first example is the allocation of the available business by their government procuring agencies to their domestic manufacturers at prices that guarantee an acceptable return on investment. The result is high prices for such equipment in the home country. This enables the manufacturer to adopt pricing practices which result in quotes in third markets and the U.S. significantly lower (10% to 50%) than the prices paid by their own government customers.

In my opinion, the attempt to keep other countries' government procurement practices more in line with those of the United States, if the U.S. market is to remain open to them, is long overdue, since the modest 6% Buy American penalty is an inadequate remedy. If, for example, we were free to bid, to go in there and seriously quote our own domestic prices, which we are not, we would be very competitive. And, at the least, it would bring out into the open, for the attention of their own taxpayer-consumers, the differentials they pay for this two-price system.

If our trading partners would follow the same kind of open bidding that our TVA [Tennessee Valley Authority] does, as required by law, resulting in purchasing tens of millions of dollars worth of electrical equipment offshore each year, I, for one, would gladly give up the Buy American 6% for the open bidding and the salutary effect it would have on this form of dual pricing. Until agreement is reached on open procurement, country by country, our government should no longer entertain bids from those who insist on closed procurement in their own country.

The second example of how foreign governments protect their own domestic industries is by moving in, in one form or another, when their own private enterprises can't cut it. We have seen this happen in steel, airlines, nuclear reactors, computers, commercial aircraft, jet engines. When the government steps in, the competitive rules change.

Of course, under this government umbrella, there is little need to be responsible for earnings, and there is no requirement that dividends be paid to nonexistent stockholders. Financing can be obtained from the country's treasury or nationalized financial institutions at concessionary rates or even without costs. Pricing, especially for export, can be jiggered for political purposes rather than economic realities, but such management nevertheless escapes the shadow of bankruptcy.

Privately owned companies find it extremely hard—not to say impossible—to stand up against such competition. It is sobering to note that some of those state-owned industries are now selling half of their production into export. And in the years immediately ahead, such competition is going to grow, and with it so will the size of the problem. These state-owned industries don't meet the economic criteria as we understand them, can insulate themselves from the disciplines of the marketplace, and by virtue of their semi-sovereign nature possess advantages not enjoyed by private concerns.

How we, in this country, are going to be able to handle such competition—domestically and internationally—poses some difficult and sticky choices for ourselves and our own government. Probably we shall have to depend on the almost continuous efforts of our commercial diplomats to persuade the governments behind such state-owned businesses that their industries must behave according to the usual rules of economics. But, as we know, the art of diplomacy doesn't always work. So I suspect we will have to revitalize the use of our countervailing duty laws and, perhaps through new legislation, see to it that the President possesses fast-acting retaliatory powers.

So much for some of the ways that countries protect those domestic industries that they consider important to their economies. Let us turn now to the third, and to me the most significant of all the reasons why the U.S. will remain at a growing and permanent disadvantage as these structural differences exist and proliferate—the different tax policies of our major trading partners.

If we look at the tax structures of many of these countries, we find a wide variety of incentives designed to promote exports. The extent to which such foreign countries have lowered their net income taxes on export income has recently been documented in hearings before the Congress. American businessmen should read these documents to get some idea of how serious this matter has become. While our tax officials undertook a massive effort beginning in 1962 to make sure that export income of U.S. corporations was taxed here in full, foreign countries have continued to permit the shifting of export income to a tax haven subsidiary, for example, or given extra deductions for costs tied to exports, such as extraordinary depreciation deductions for export related assets. In our country, the Administration has proposed to counter this practice by favoring export income on a tightly controlled basis under the DISC [Domestic International Sales Corps] proposal, but the proposal is not well understood in Congress and the direction has been to try to water it down, far below the effective level of an export incentive, and then to kill it.

Now let's turn to border taxes and export rebates.

Let me say that I smile ruefully at much of the hue and cry on both sides of both oceans at the imposition of what some call the "trade wall" of the 10% surcharge. Today's sound and fury absolutely fascinates me as a manufacturer who has spent many years trying to scale the import tax walls of other countries, where the rates of their border taxes range from 11% in Germany to 23% in France, and where the peaks for electrical appliance and TV imports reach 20% in Japan clear up to 36⅔% in England. You, here in Detroit, have the same problem with automobiles where the border tax rate rises to 33⅓% in France, 36⅔% in the U.K., 40% in Japan. And now we are in the process of repealing our relatively modest 7% automotive excise tax.

If I seem to have strong opinions on the equity of these situations, it is because I believe that the most important of the trade-affecting measures built into the structure by our trading partners is the heavy reliance on indirect taxes that are not reflected in the price of their exports and are imposed at the border on imports.

When the GATT [General Agreement on Tariffs & Trade] rules were written some 25 years ago, they provided that the member countries could exempt their exports from indirect taxes—which, then, were understood to be mainly sales and excise taxes—and charge an appropriate compensating border tax on imports. Simultaneously, the GATT rules forbade both export rebates and border levies for direct taxes—that is, those imposed on personal and corporate income, and for social security contributions.

What we did not foresee was the full impact of the difference in tax structures in Europe and Japan relying heavily on high rate indirect taxes, with a simultaneous shift in this country away from indirect taxes toward almost total reliance on the income tax as a source of national revenue. Excluding social security contributions, some 85% of Federal revenues come from the income tax, which cannot be rebated at the border under the GATT rules.

As a result of these opposing tax structures, we face the following situation. On products sold in his own country, the European manufacturer charges his domestic customer on a basis which reflects his tax burden, whether this burden is made up of income taxes, social security taxes, value added taxes, and whatever else. The mix, as these taxes are paid and collected, happens to be what each country determines for itself. In the U.S., the manufacturer's domestic price also reflects the mix of all taxes imposed by all our levels of government.

But there the similarity ends. For when the European manufacturer exports to the U.S. or elsewhere, his government rebates or waives the actual total amount of his indirect taxes that are included in his domestic price. His product then reaches the United States where it crosses the border free of U.S. taxes—or did, before Aug. 15. Thus, his export product price reflects domestic price, less the big domestic rebate, and no U.S. tax.

Now, let's turn the coin over. When the United States manufacturer exports to Europe, his price reflects the burden of all U.S. taxes that can be ascribed to production and sale and there is no rebate from the U.S. Treasury for any of these. But at the European border the goods become subject to a tax equal to the local indirect tax rates—which I just mentioned as ranging from 11% to 36⅔%. And, as if that were not enough; the border tax is usually imposed on the landed cost, including the European customs duty. There is no corresponding burden on domestic sales. This is just a bit of additional salt rubbed into the wound.

This combination of the U.S. and foreign tax burdens clearly imposes a trade disadvantage on our exports. I am fully aware from the testimony before the Williams Commission and studies made elsewhere that economists are not agreed on the measure of this disadvantage; nor can they agree on just how to measure the extent to which European export tax rebates inflate imports to this country. But they do agree that the system has this table-tilting effect, and the higher the rate of the foreign TVA [added value tax], the more decisive the effect will be. I am convinced that it is high time to recognize this tax structure tilting as a major cause of our trade balance troubles.

Let us then go forward in time to 1972–73, and let us assume the major European industrial countries will all have harmonized their value-added tax at a rate of 15% or more. A European manufacturer exporting to the U.S. will therefore reflect in his export price only a small portion of his national tax burden and social costs—and none of the U.S. federal tax burden. The American exporter to Europe, however, will—just as before—find that his landed price covers his full share of U.S. taxes and, at the border, a contribution to Europe's tax take of something around 15%.

For these reasons—and in spite of the hue and cry on both sides of the waters about "economic overkill"—I believe that all three measures as proposed by the President were necessary. Revaluation without the investment tax credit; the investment tax credit without the 10% surcharge; the surcharge without the tax investment credit or revaluation—would have failed to face up to at least one or the other of the structural differences that currently disadvantage us.

Much of the controversy about "economic overkill" is centered on the 10% surcharge. How long should it remain? I propose that major industrial nations of the world should agree on a basic principle of overriding importance; namely, that there will no longer be any import surtaxes or export subsidies on goods crossing their borders. If a country feels the need for protection, let's call it protection and approach it by the tariff route which is open for all to see and where the legitimate threat of retaliation is enough to cause any country to pause. Until this principle is agreed upon, I would not want to see us as completely disadvantaged as we have been in the past, by having the 10% surcharge removed.

It is particularly unfortunate that Canada, which has a tax structure similar to ours, was caught in a line of fire that was practices of others. They, our Latin American neighbors and perhaps other developing countries should be exempt.

But without an agrement from our major trading partners to work toward the equitable removal of structural disadvantages of whatever name, I regretfully come to the conclusion that even with the currency revaluations now being discussed, the United States may still find itself in a position where its trade balance will be inadequate to cope with the overall balance-of-payments problem.

I have come to this conclusion with great concern, as one who has long maintained that international trade, on the broadest possible basis, and with the fewest possible restrictions, was the real economic hope for the world. I still believe this with a deep personal conviction and I will continue to fight for the removal of trade distorting and restricting practices wherever we find them, including right here at home

But, as we have seen, the old economic rules of the game no longer seem to apply. It was never envisioned that "the invisible hand" of classic economic theory would contain a wide variety of table-tilting practices. Until relative equilibrium and stability can be restored, until the unhappy results of border tax walls are swept away by the two-way flow of goods over as small and low an obstacle course as nations can agree on, it may be necessary to adopt a whole new approach to negotiating—substituting "deeds" for "theories and words."

Thank you for hearing me out. I have spoken today as one who has his own serious responsibilities to General Electric employees and shareowners, and who feels very strongly about the very formidable barriers to free, fair trade being raised in the world today, and who believes that trade cannot long remain "free" unless it is also fair.

NIXON OR MEANY?

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ARCHER. Mr. Speaker, I have here an editorial from the Dallas Times Herald, entitled "Nixon or Meany?" Not only does this editorial indicate the motives behind George Meany's verbal attacks against the President's economic program, but also it reflects on Mr. Meany's attempt to threaten the democratic process.

I enter the entire editorial for your consideration:

NIXON OR MEANY?

There is no iota of doubt left now. George Meany, president of the AFL–CIO, has flung down the gauntlet challenging the President of the United States to a battle which may well determine who is to run this country in the future.

The all-pervasive question is: Will it be the President and Congress and other officials, elected to serve the interests of all the people, or will it be George Meany, elected to serve the interests of a comparatively small minority of the populace?

The confrontation is now very nearly complete. It began building with statements by Meany ridiculing the President's program for halting the ravages of inflation. It reached its climax in the personal meeting between the President and Meany at the AFL–CIO convention Friday. Its future pattern is apparent.

Meany, even his aides admit, has determined to sabotage the economics controls program. He has set out, they say, to force President Nixon to kick him and other AFL–CIO members off the Pay Board or jettison wages control entirely.

In either case—without the cooperation of organized labor or with the abandonment of wages control—the critical fight against inflation will be lost or severely hampered.

And Meany has set his course without reckoning the costs to all of us in the fires of inflation which he would stoke anew. His bid for supreme power, indeed, displays a cynical disregard for the ultimate economic health not only of the vast majority of nonunion Americans, but even for his own members as well.

But even more chilling to consider is the potential outcome of this struggle for the future of this country. If Meany suceeds in bringing America to its knees before him, there will be no question left as to the superior force in this country. It will be the all-powerful leader or leaders of organized labor. And the President and Congress will have been, and in the future will be, subject to a dictatorship responsible only to itself.

But Meany simply must not be allowed to succeed in this arrogant thrust for supreme national power. President Nixon has declared that he will not. The President is determined to carry the anti-inflation fight on to success, with or without the cooperation of Meany and other leaders of organized labor.

And all of us who cherish our country as a nation for all the people must support him in that determination.

GROWING USE OF CORPORATE AIRCRAFT

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 1, 1971

Mr. SPONG. Mr. President, the corporate aircraft is an essential tool in the operation of a growing number of businesses and is likely to become as commonplace as the company car in years ahead.

Making the most effective and efficient use of such aircraft is a matter of corresponding importance. Some valuable insights on this question are provided in an article entitled "Achieving More Effective Aircraft Utilization," published in the September 1971 issue of Professional Pilot. The article was written by Karl B. Wagner, Jr., president of American Aerospace, Ltd., of Richmond, Va., and one of the most knowledgeable men in the field. I ask unanimous consent that

Mr. Wagner's article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ACHIEVING MORE EFFECTIVE AIRCRAFT UTILIZATION

As every flight department manager knows, there are two kinds of cost associated with operating an aircraft. Direct costs and fixed costs.

Direct costs naturally include only those items directly connected with flying the aircraft: fuel, oil, maintenance, reserves, etc. Whatever they are called, they are incurred only when the aircraft is cranked up and down.

On the other hand the fixed costs are there and unchanged no matter how many hours are put on the old bird. Before the first hour of flight the fixed costs, which include depreciation, insurance, hangaring, salaries, and other overhead items, come out of the pocketbook. And high usage will never cause them to decrease. But the more hours the aircraft is flown the less these fixed costs will be per hour.

Thus, bringing us to the point of this article—*Utilization*. Obviously, the more hours per year the aircraft is flown, the lower the cost per flight hour.

UTILIZATION

Examining direct and fixed costs

Referring to Figure 1, we have set the direct costs at $100 per hour and the total fixed costs at $100,000 per year for demonstration purposes only. The $100 direct cost applies to each and every flight hour; hence the horizontal straight line. But the fixed costs must be divided by the number of hours per year. At 200 hours the fixed cost per flight hour is $500; at 500 hours it is $200 per hour and so forth. The total cost curve, then, shows that significant reductions in the cost per hour can be made by increasing the utilization.

On the other hand, each and every flight hour costs the company more money. Figure 2 shows how much the company in the above examples spends as the flight hours increase.

The line starts at $100,000 because that is the fixed costs. As can be readily seen the line continues to increase inexorably no matter how many hours are flown.

So, merely increasing the utilization by just any indiscriminate flying would be very costly to the company, even though the cost per hour would be reduced.

Thus the additional utilization must be of some value to the company to warrant their spending the additional money. It must be an *efficient* utilization and it must be generated wisely or the company aircraft becomes a financial drain, can generate dissension and animosity in various levels of management and can literally become of negative value to the company.

Aircraft selection factors

Historically the selection of an aircraft for use by a corporation has been a very haphazard affair. Little thought was given to how the aircraft would be used or whether the aircraft selected was the right one for the job.

In the mid-1960s two major factors were present that caused the boom in corporate aircraft sales.

First, the high profit margins being enjoyed by many companies created an attitude that generally neglected unnecessary expense items. Money was spent quite freely and little thought was put into the projected actual use of the item purchased. In other words the available excess cash was put more and more into luxury items.

The second factor present was the concept of the "royal chariot." Many chief executive officers found that it was nice to ride in their own aircraft. Since money was readily available, the corporate aircraft came to be thought of as a luxury item to be used only by very upper-echelon management. A mild form of subdued competition developed between some companies to see who had the faster aircraft. A "keep-up-with-the-Joneses" attitude developed and the boom in sales was further enhanced.

It was only natural, then, that a reversal in the economy should dry up the demand for corporate aircraft. Cash was no longer readily available. Luxuries were no longer permitted in companies whose profits were down. In many cases the aircraft were dumped at low prices and the flight departments abolished.

Thus many companies were left with a bad taste from their experience with corporate aviation. It will probably be a long time before they venture into the field again.

Aircraft as real management tools

This is unfortunate, however, because during this same boom-bust period a growing number of companies proved that the aircraft can be a real tool of management. The oil companies, for example, have traditionally used aircraft for support of their isolated operations. Most of them operate a sizable growing fleet and show no signs of reversing this growth.

The principal difference in the two types of companies is, of course, the key words "tool of management" and "utilization."

For the same reason that a company does not buy a computer merely to prepare its income tax form, it should not buy an aircraft for the limited use of only one or two people. This is obviously very expensive. But, less obvious, it may foster problems or annoyances with customers, stockholders, or even the company's own employees.

So this new outlook, then, depends upon a hard look by the company at what the aircraft can do for it. They must consider all of their needs and what type of equipment best fits these needs. More importantly they must orient their thinking to be constantly searching for new ways to improve the usage of the aircraft.

Programs must be established to feed data to management so that they can know exactly how the aircraft is being used and what it costs.

Lines of communications must work freely in all direction between those who can authorize its use, the person who schedules the aircraft, the flight department and all levels of management, both home-office and field.

Only through this careful analysis and subsequent follow-up programs will the company find that their corporate aircraft is an invaluable aid in their business.

How can you ensure efficient utilization?

How, then, can the necessary programs be established? How can the proper lines of communication be generated? What specific factors are present in some companies that mean they utilize their aircraft as a management tool? And, most important, how can you as a flight department manager or chief pilot ensure that your company realizes efficient utilization for your aircraft?

Before answering these questions, let's make an assumption that the aircraft you presently operate is the best one for the job. Unfortunately, the people in the position of locating and purchasing an appropriated corporate aircraft for their company are not always well versed in the uses and application of different types of equipment. Naturally this is not surprising, nor are they to be faulted for it. Their business is something other than aviation—manufacturing, sales, etc. They do not have the time or the requirements to make themselves experts in every field they encounter.

On the other side of the acquisition is the aircraft salesman. He, of course, is in the business of selling his aircraft. And to be good at his job he must be sold on his product. This also is normal and predictable.

FALCON D, AN ACTUAL USER'S EXPERIENCE (NAME HELD CONFIDENTIAL)

[Time period: January-June 1971 (6-months), hours flown: 350]

	Total	Cost per hour
Fuel and oil	$47,000	$134.29
Maintenance	19,000	54.29
Salaries/benefits (including supervisory and maintenance)	39,000	111.43
Expenses	3,000	8.57
Insurance	14,000	40.00
Hangar and office	10,000	28.57
Miscellaneous	13,000	37.14
Total	145,000	414.29
Allowance for engine changes		68.00
Approximate depreciation		300.00
Total cost per hour		782.29

Note: Applying the terminology used in the article: Direct costs=$256.58 per hour. Fixed costs=$368,000 per year.

Learjet 24: An actual user's experience (name confidential).

Time Period: Calendar Year 1970 (12 months).

Hours Flown: 1,761 hrs. 25 min.

Load Factor: 3.53 people per flight.

Block Speed: Approximately 464 mph.

Average Flight: 56 minutes.

Fixed cost (per hour)	$131.49
Variable cost (per hour)	172.66
Total cost	304.15
Cost per mile	.78

Somehow these two individuals must transfer sufficient information, facts, ideas and projections back and forth until a common ground is reached and a sale/purchase is made.

So it is only natural that mistakes will occur, the information transfer process will break down and a company will find itself operating an aircraft that is not at all well suited to its maximum utilization needs. In the "royal chariot" situation I've discussed the transfer process and resultant sale may be sound, but the company has substituted "desire" for "need." The company, in effect, buys an aircraft it *desires* rather than one it *needs*. Then, when the cost of operation becomes excessive, or profits fall, the *desire* dries up and the aircraft becomes a headache. The *needs* may still be there but remain hidden and unfulfilled in the misconceived *desires*.

To correct a situation like this requires considerable study and analysis. This is why I make the assumption that the aircraft you now operate is the right one, whether by design or by chance (or that it can be fairly readily adopted to your needs).

Generalizations and specifics

We now return to the original questions regarding how a company might realize efficient utilization and turn the company aircraft into a useful tool of management. The answers can be broken into two areas—*generalizations* and *specifics*. As you will see, one area is far more important than, and will actually generate solutions in, the other area.

In order to establish the necessary groundwork and set up patterns of good, efficient utilization, all persons concerned must have the same parameters and goals in mind. Just as the pilots must know the limitations of their aircraft so must management realize the broad uses to which the aircraft can and cannot be put. They must be made aware of the aircraft's limitations insofar as the effect these may have on their plans, and they should work within these limitations. Concurrent with the aircraft limitations are crew considerations. Management must not be continually requesting performance beyond the capabilities of either the crew or the aircraft.

Since specific scheduling procedures and data must be standardized for efficiency, both management and the flight department must be educated as to these procedures. The various levels of managers must know how to request use of the aircraft, and the flight department must respond to these requests as efficiently as possible.

Management education

These comments, then, can be put under the general heading of "management education." It should be the flight department manager's responsibility to educate the users of the aircraft to these concepts. In this way efficiency will begin to appear in the aircraft utilization practices.

To further enhance the utilization this education of management must be expanded to include not only upper echelon but other management levels as well. This removes the aircraft from the "royal chariot" concept (along with the associated disadvantages) and opens whole new vistas for its possible use.

There is another benefit from this broadening of the management levels using the aircraft. Many times the lower echelons can suggest new and different uses for the corporate aircraft. To this end their thinking should be stimulated and encouraged by frequent discussions between flight personnel and management.

These generalizations can be summarized by saying that management should be *educated* in the limitations and uses of the aircraft; the scope of management levels using the aircraft should be *broadened* as much as possible; and the thinking of all should be *stimulated* to develop new uses for the aircraft. Then, and only then, will a previously unrewarding aircraft become a true tool of management.

Attitude of more integral A/C use necessary

It should be clear by now that the above concepts are more important to effective utilization of a company aircraft than merely recommending a number of specific methods of increasing the flight hours. A proper management and company-wide attitude towards the aircraft can go a long way towards generating the necessary specifics. Too, these specifics will vary considerably from company to company, will be different for different industries and will depend on the type of equipment available. Some examples can be presented here, although they may not be applicable in each case.

A company that is highly oriented towards a small number of very large customers may find it to their advantage to use the aircraft to improve these relations. This customer might be flown in to see for himself how the product he is purchasing is produced. Or the key salesmen might be made more mobile and efficient by putting the plane at their disposal periodically.

On the other hand a company with a large clientele of small customers may not be able to use the aircraft in this way. They may, however, have widely scattered central distribution points that form a pattern easily covered by an aircraft. Then a centralized accounting/payroll section might find the company's aircraft to be a safe, rapid means of distributing the transferring data and paperwork necessary in such a system.

A large construction company might find direct payroll distribution could be simplified with their own aircraft, or a manufacturing company could find the plane useful for fast movement of critical freight to avert an assembly line stoppage or to satisfy a large customer.

Whatever the business your company is in, such things as mercy flights and good will flights can be beneficial both to community relations and the company's own public image.

Summary

These are, of course, only a few specific examples of how the corporate aircraft can be more effectively utilized. The key to it is still the proper attitude throughout the company. Both the flight department and key management must ensure that the necessary education is performed and that the required lines of communication remain open.

Once these programs are established and the corporate attitude towards the aircraft becomes positive, effective utilization should result almost automatically. Your corporation will then be a satisfied customer of the aviation industry.

FARMERS HOME ADMINISTRATION IS DOING ITS JOB

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. McCLURE. Mr. Speaker, rural people are becoming aware of a significant change for the better in their opportunity to secure credit for new homes, and to modernize public services in their communities.

The agency leading the way in this change is the Farmers Home Administration. It is rising to the need for an effective rural agency devoted to rural credit problems of the small farm or ranch, the family of modest means that needs a decent house either in town or the country, or the small town that still needs an up-to-date water or waste disposal system.

Farmers Home is a long-established credit institution of the U.S. Department of Agriculture. It is well organized to serve the rural public because it carries on business through a nationwide system of local offices. It has worked on the rural scene since the 1930's as a credit source of last resort for the family size farmer and rancher.

The $36½ million of FHA farm credit now outstanding in the First Congressional District of western and northern Idaho has been vital to family ownership and operation of more than 3,000 farms and ranches. Farmers Home insured financing also has enabled farmer associations to bring adequate irrigation to more than 650 farms of our district, and create 15 grazing ranges that are shared by nearly 140 small ranches. Ten new farm labor housing projects have been completed.

Since the 1950's Farmers Home also has held authority to serve the rural community on a broader scale, attacking also the longstanding and notorious rural credit gap in housing and community facilities. But only in the past 2 years has it begun to approach its potential of service.

Congress and the President have given the rural FHA much increased authority to insure private lending in rural areas. And in response to this mandate, Farmers Home has doubled its volume of lending since 1969. Today it is a $2½ billion-a-year factor in the great national enterprise of rural development.

At least four-fifths of this lending is done with private capital put up by investors. Most money comes from outside rural areas. FHA insures the investor's risk and the investor capital becomes the loan fund, supplied through Farmers Home. Thus, a long-sought channel for attracting capital from urban centers into rural areas has been found by way of the Farmers Home Administration.

The upswing in Farmers Home's effectiveness is shown in a report from the able Administrator of this agency, Mr. James V. Smith, on FHA lending in our First District of Idaho.

The largely long-term farm, housing, and community project loans outstanding in the district as of last September 30 totaled $70 million. More than one-third of this total had been extended within the past 15 months. The figures are as follows—dollar amounts in millions:

	All loans outstanding		Approved since July 1, 1970	
	Number	Amount	Number	Amount
Farming	3,037	$36.535	669	$10.254
Housing	2,192	20.0	791	12.078
Community facility projects	51	6.168	17	1.678
Total loaned		70.704		24.008

Mr. Speaker, we cannot overemphasize the importance of maintaining this rate of progress in rural credit.

The financing brought in through Farmers Home, over and above all conventional credit available from local sources, has meant the difference between almost no new homes, and nearly 800 that have been added in my district since summer of last year for families of low and moderate income.

In the same proportion, Farmers Home has accelerated its program of financing for modern water and sewer systems in small communities where no practical means of financing existed prior to this program.

This better provision for rural areas has come about this year through direct action by President Nixon. He has allocated more insured loan authority to the Farmers Home Administration, so that it can deliver to the people the benefits envisioned by Congress when we authorized these programs.

And we can point to the Farmers Home Administration as an agency that is doing its job with great effectiveness, under the leadership of Administrator James V. Smith and the excellent FHA organization in Idaho headed by State director Donald L. Winder.

WILLARD EDWARDS BAPTIZED AS A REPORTER

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HALL. Mr. Speaker, on November 30, Mr. Willard Edwards, congressional correspondent for the Chicago Tribune, was honored by a group of his peers for 50 years of service in the field of news reporting.

Actually, Willard was baptized as a reporter in June of 1921, and started covering the Nation's Capitol in 1926. At one time he was a White House correspondent during the administration of Franklin D. Roosevelt.

I am sure that all of the Members of the Congress will join me in congratulating Willard, dean of the Capitol Hill correspondents, on 50 years of devotion to his media, and a job well done.

"THERE IS NO LOOKING BACK"—PRESIDENT NIXON IMPRESSES JAYCEE PRESIDENT WITH HIS DEDICATION TO MEET THE CHALLENGES OF THE 1970'S

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BAKER. Mr. Speaker, the qualities of leadership which President Nixon contributes to the Nation continue to impress Americans from all walks of life. As further evidence of this, I call attention to a report of a meeting he held recently with Mr. Ron Au, U.S. Jaycee president. Mr. Au reported on this meeting in a recent issue of Future, the Jaycees publication. President Nixon sees eye-to-eye with the young leaders of tomorrow on the direction our Nation should take in domestic and foreign affairs and he will depend on many of the Jaycee members to help implement the policies which will keep us strong and entrenched in a position of world leadership. Mr. Au's message, as it appeared in Future, follows. I commend it to the attention of my colleagues:

THERE IS NO LOOKING BACK

This was the day . . . it was a warm afternoon in Washington, D.C. I crossed the security post and entered the northwest gate of the White House. In a small oval building apart from the main structure, a friendly secretary informed me that "the President will be with you shortly."

The minutes seemed like an eternity as I paced among the antique leather-bound chairs that encircled the huge executive table in the Roosevelt Room . . . each chair inscribed in bronze with the name of a cabinet member. At the very center of the table was a mammoth armchair for the President of the United States. A buzzer sounded and a neat young man entered and said, "The President will see you now." A few steps down a corridor, a large white door opened and a familiar figure appeared. A voice sounded, "Mr. President, the President of the United States Jaycees." Before I could respond, I felt the firm handshake of President Richard M. Nixon.

We sat facing each other at his desk and he acknowledged his concern for the Jaycees and what we are doing throughout America. At moments I felt as though I were talking to an active Jaycee as he enumerated the programs in which we were actively engaged. On several occasions he expressed his approval of the progress we had made since his Jaycee days. He nodded approvingly as I reiterated the current programs in which we are involved from youth to drug abuse to low income housing, and every other aspect of community need. I recall most vividly how he regarded the Jaycees as "older men, although we are young, because our thinking reflects the thoughts and actions of the older men of this nation who are making crucial decisions."

We discussed my forthcoming trip to Taiwan for the JCI Taiwan Convention where I had been invited to speak, and the future relationship of this nation to the Republic of China. Our discussion further focused on the involvement of the Jaycees in international relations and the forthcoming crucial vote in the United Nations on the Two-China Doctrine advocated by him. I pledged my personal and continuing support of his policy as a realistic and logical step in the right direction. A cup of coffee and a half-hour later, our meeting ended.

To say that I was impressed is putting it mildly . . . I was totally impressed with his sincerity of purpose and remarkable sense of responsibility. A more dedicated and concerned American leader I have never met.

The President of the United States, members of Congress, heads of state and industry have come to recognize the Jaycees as the voice of the young men of America. But there is still progress to be made.

In every community across this nation there are young men who are eligible for membership . . . some who are businessmen, some who are laborers and some who are simply a class of Americans who have become known as "minority races." Their voices and their opinions have never been heard in the Jaycees. When the Jaycees of America represent a cross-section of the white and the blue collar worker, the white and the black man, and every other American, then and only then will we represent the voice of the young men of America.

President Nixon ended our meeting with the challenge to face the problems of this nation to make this an even greater America . . . there is no looking back . . . the challenge is ours in the 70's.

BIG BUS BILL—THE BLAST PROBLEM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHWENGEL. Mr. Speaker, the following is the summary report on the blast problem to which I referred today in my 1-minute speech:

EXECUTIVE SUMMARY REPORT OF TECHNICAL REPORT NO. 1001-1—OCTOBER 1971

AN EXPERIMENTAL AND ANALYTICAL INVESTIGATION OF THE EFFECT OF TRUCK-INDUCED AERODYNAMIC DISTURBANCES ON PASSENGER CAR CONTROL AND PERFORMANCE

(By Systems Technology, Inc.)

This applied research program provides a preliminary quantification of the nature and magnitude of truck-car disturbance effects and associated car/driver safety performance. It compares the effects of contemporary and wider trucks, as well as examining the more general questions associated with truck-induced aerodynamic disturbances on the Interstate System.

A truck disturbance consists of aerodynamic forces and moments acting on adjacent vehicles due to air flow around a truck. This disturbance can pull the vehicle towards the truck or push it away, depending on the conditions.

The effects of the disturbances are expressed in terms of overall car/driver safety performance. The emphasis is on driver steering control and associated lateral (side to side) deviations in the car's path along the roadway. The specific performance measure used to compare situations is the peak lateral deviation experienced by the car during a given truck disturbance. Safety performance boundaries are revealed by such things as lane edge exceedances, potential collision with the truck or other vehicles, and driver control difficulties.

Situations studied

Several types of disturbance conditions were examined experimentally and analytically. The basic situations studied involved:

A station wagon car and a tractor/semitrailer truck;

Two lanes of a flat, tangent roadway;

Car-truck overtaking, passing, and oncoming;

Within this framework, the following primary situational parameters were varied:

Truck shape and width (including 96 versus 102 in.)

Car-truck lateral separation and lane width (from 8 to 16 ft);

Crosswind and headwind magitude;

Relative and absolute car-truck speed;

Car handling;

Driver skill and alertness.

The applied research results were interpreted to determine possible remedial actions and implications in the areas of roadway design and operations, truck size and configuration, and car/driver dynamics and control characteristics.

Technical approach

The study comprised full scale experiments, wind tunnel tests, and combined car/driver/disturbance analyses. Together, these elements of technology permitted the basic experimental results to be interpreted in the more meaningful terms of car/driver safety performance in a given situation on the highway.

The full scale experiments involved instrumented vehicles operating at a test site under controlled conditions and with various ambient winds. Measured vehicle response and full scale flow properties provided for verification of the more systematic analytical and wind tunnel results. Task stress was measured by driver heart rate.

The wind tunnel tests provided data to quantify the disturbing forces and moments on the car for various car-truck orientations and lateral separations, crosswind angles, and truck widths and shapes, These data, suitably scaled, provided the input to the combined car/driver analysis procedure. The latter used the verified car equations of motion, and empirically-based driver response properties, to compute vehicle motions and path trajectories for various disturbance situations. Path measures such as peak lateral deviation in the lane during the disturbance were used to describe the safety performance boundaries and limits.

Test vehicles

The test vehicles selected for the tests allowed concentration on the more significant types of car-truck disturbance. The disturbed car was a 1970 full size station wagon. The truck was a 3-axle, cab over engine tractor towing a 40 ft, 2-axle dry freight van. The overall truck length was 55 ft, and its standard width was 96 inches.

Results

The results show that truck width, lane width, relative speed, absolute speed, ambient winds, car handling, and driver skill and alertness can have substantial effects on car/driver safety performance under certain car-truck disturbance conditions. Some of the more significant points are given in this summary. Numerical values are given mainly for illustration, and more definitive results are provided in the main report.

Typical results are highlighted in the table. The ambient wind is the basic wind over the ground in the environment. For the table entries, the car and truck are traveling in the same direction. Each is initially aligned with its respective lane centerline. During the disturbance the car displaces laterally along its trajectory, but the truck is assumed to be undisturbed from its lane center. The initial centerline separation is the same as the lane width. The "car-truck initial clearance" is the side to side distance between the vehicles. The initial "lane edge clearance" is the distance between the side of the car and the edge of its lane. The "peak lateral deviation" is the maximum side excursion of the car which occurs during the truck disturbance, despite appropriate driver control reactions. A crosswind "towards the car" means that the car is downwind of the truck traversing its wake, and vice versa. The table entries are elaborated below.

Ambient wind

With no ambient wind (no wind over the ground) the main car disturbance results from a bow wave near the front of the truck. The disturbance intensity varies with lateral separation, car-truck relative speed, and truck shape and width. Under the nominal case of a car at 60 mph overtaking a truck at 50 mph on a highway with 12 ft lane width, the disturbance momentarily displaces the passing car/driver about 0.7 ft further away from the truck.

A headwind will increase the magnitude of the car's lateral deviation. For the nominal case noted above, the peak lateral deviation away from the truck will nearly double for a 20 mph headwind.

TYPICAL CAR/DRIVER PERFORMANCE RESULTS

Truck and ambient wind	Speed (m.p.h.)		Lane width (feet)	Initial clearances (feet)		Peak lateral deviation (feet)	
	Car	Truck		Car-truck	Lane edge	Toward truck	Away from truck
Tractor/semitrailer (96 inches wide):							
None	60	50	8	0.7	0.7		1.1
			12	4.7	2.7		0.70
			16	8.7	4.7		0.5
	60	55	12	4.7	2.7		1.15
	70	65	8	0.7	0.7		3.3
			12	4.7	2.7		2.2
			16	8.7	4.7		1.4
20 m.p.h. headwind	60	50	12	4.7	2.7		1.3
20 m.p.h. crosswind (toward car)	60	50	8	0.7	0.7	2.4	
			12	4.7	2.7	2.6	
			16	8.7	4.7	2.6	
	60	55	12	4.7	2.7	3.2	
20 m.p.h. crosswind (away from car)	60	50	12	4.7	2.7		1.3
Tractor/semitrailer (102 inches wide):							
None	60	50	12	4.4	2.4		0.75
	70	65	12	4.4	2.4		2.3
20 m.p.h. crosswind (toward car)	60	50	12	4.4	2.4	2.7	
Tractor/semitrailer (96 inches wide) with van underbody: 20 m.p.h. crosswind (toward car)	60	50	12	4.7	2.7	4.7	

Crosswinds can cause a significantly larger disturbance when the car passes downwind, through the truck wake. For the nominal case noted, the disturbance begins to increase in magnitude abruptly when the crosswind exceeds about 10 mph (i.e., about a 10 deg relative wind angle). Now the car/driver disturbance is caused by the truck interrupting the wind and causing a wake, and the net effect is to pull the car towards the side of the truck. For 18 to 20 mph crosswinds the car may exceed the lane boundary clearance (32 inches for a 12 ft lane) despite corrective driver steering actions. When the crosswind is from the other direction and blows the wake away from the car, the car does not encounter interrupted wind, and the smaller disturbance corresponds approximately to the no ambient wind case.

Car-truck relative speed

The car lateral deviation increases with decreasing relative speed, because the force and moment disturbance changes more slowly and has a longer duration. For the nominal case noted above with the car at 60 mph and no ambient wind, peak deviation increases about 5 inches if the truck is going 55 mph instead of 50.

In a crosswind, the percentage change is about the same but the net deviation is larger because the basic disturbance is larger. For the 20 mph crosswind case noted, the peak car deviation is about 7 inches further toward the truck when a higher truck speed reduces the relative speed to 5 mph. This is made more significant by the fact that the car is already moved to near the lane boundary for this crosswind condition when the car-truck relative speed is 10 mph.

Lateral separation or lane width

With no ambient wind, or with only a headwind, the peak lateral deviation of the disturbed car/driver decreases to about half as the centerline separation increases from 8 ft to 16 ft. For the case with no ambient wind and car 60 mph overtaking truck 50 mph, the peak deviation decreases from a little over a foot to about 6 inches away from the truck.

With increased car-truck speeds the separation effect is larger. For a 70 mph car overtaking a 65 mph truck, for example, the peak deviation is decreased from over 3 ft to about 1.4 ft by increasing centerline separation from 8 ft to 16 ft. For the narrower 8 ft. lanes the lane boundary is greatly exceeded, and at least an 11 ft lane is needed to just contain the car's peak deviation (in this 70–65 case).

With a strong crosswind, the peak deviation is large as noted before (about 2.6 ft for the 20 mph crosswind in the nominal 60–50 case), but there is very little change in this peak value when car-truck lateral separation is varied over a wide range. This insensitivity occurs because the disturbing wake caused by the wind interruption extends downwind (leeward) for some distance in a relatively unchanged form. Hence, increased lane width reduces the hazard by moving the car away from the truck, but it has little effect on the intensity of the disturbance experienced by the car.

Truck width

Increasing the truck width has two main effects: it increases the intensity of the truck disturbance and it decreases the side to side clearance between car and truck. Both effects are relatively small in going from a 96 inch to a 102 inch truck, for the test vehicles used. In general the incremental increase in the disturbed car's peak lateral deviation is roughly double that which would occur due to the reduced separation alone.

The effect of a nominal truck width increase is insignificant in a large crosswind, because the basic crosswind disturbance is large and pervasive, as noted.

With no ambient wind and fixed centerline separations, a 102 inch wide truck causes a peak deviation which is about 5 to 7 percent more than for a 96 inch truck. About half of this increment is due to a reduced clearance effect. For the nominal case with a 60 mph car overtaking a 50 mph truck on 12 ft centerlines, this increment is less than 1 inch out of a total of about 0.7 ft. For a more critical case of a 70 mph car overtaking a 65 mph truck and 12 ft lanes, the increase is about 1.5 inches out of a total deviation of over 2 ft, previously noted.

With 10 to 12 ft lane widths these results imply that approximately a 6 inch increase in centerline separation (lane width) is needed to offset the disturbance increment due to an overall truck width increase from 96 to 102 inches. Expressed in other terms, the disturbance change caused by a 6 inch width increase is about the same as the increased disturbance effect due to a 5 mph increment in the ambient headwind. Preliminary experiments show that the bow wave disturbance effect of a 6 inch overall width increase can be offset somewhat by suitable rounding and streamlining of the otherwise blunt front of the tractor.

Truck configuration

The disturbance effect of the truck wake, especially in crosswinds, is affected by other truck configuration changes. Drop bed trailers and vans that allow less flow under the truck cause larger car/driver disturbances and deviations in a crosswind, with the car passing on the downwind side. The amount of gap between tractor and trailer is not as significant because the corresponding flow is mostly above the level of the car. Generally, the more porous the truck/trailer configuration is to a crosswind (flow under and through the rig) the less the disturbance to a vehicle passing on the downwind side. With no ambient wind, or only a headwind, streamlining the front of the tractor can reduce the disturbance magnitude somewhat, as can increased ground clearance under the tractor.

Preliminary investigations of truck length effects were accomplished by extrapolating the existing data to a double bottom truck configuration with two 27 ft trailers instead of one 40 footer. The same tractor was used and the overall length increased by about 10 ft. The analyses suggested no difference would occur in the no crosswind case, because the bow wave is unchanged and it dominates the disturbance. The crosswind effects were about the same also, because the flow between the trailers appears to offset the effect of increased vehicle length.

Recommendations

The implications of the findings and recommendations with respect to truck configuration, highway design and operations, and car/driver characteristics are summarized below.

Truck configuration and operation

Increasing truck width can increase the disturbance and affect car/driver performance. These effects can be offset by such things as a small increase in lane width, a decrease in any ambient headwinds, an increase in the car's relative passing speed, or suitable streamlining of the blunt front of the truck.

The truck driver should move toward the side of the lane away from passing vehicles and other traffic, when there are no vehicles or pedestrians on the shoulder. He should be alert for a passing car that may experience difficulty, and he should recognize that when his truck overtakes a slower vehicle it will cause an unexpected disturbance of that vehicle and its driver. Preliminary analyses (and some corroborative accident data) show that this latter situation can be particularly critical when the truck overtakes a car towing a house trailer.

Highway design and operations

For the highway designer and traffic engineer, the important variables in the truck disturbance situations include ambient winds, lateral separation, vehicle speed, and driver alertness.

The ambient wind plus the vehicle's ground speed combine to produce a net airspeed. It is always desirable to reduce this net airspeed by reducing vehicle speed or ambient headwind or both. In terrain with prevailing headwinds, the route and roadway layout should attempt to reduce their effect where feasible.

Similarly, strong steady crosswinds can cause large disturbances. These can be alleviated by suitable consideration of the prevailing wind direction and strength during the highway design process. Landscaping and cross slope design provide one means. Severe cut and fill procedures, with alternate shadowing and exposure to the wind should be avoided. Exposed raised roadways and bridges are more likely to create a crosswind disturbance situation.

Adequate lateral separation of the vehicles can be achieved in windy regions by increasing lane widths and medians. Another possibility is to separate truck lanes from other vehicle lanes by an auxiliary median (or lane closed to traffic under extreme wind conditions). With no crosswinds, a small increase in lateral separation will offset truck width increase effects, as noted above. With strong crosswinds, however, the truck wake persists some distance downwind from the truck, and increasing separation may not reduce the disturbance.

This study shows that the disturbance effects are generally more critical when car and truck are proceeding in the same direction. With no crosswind, the bow wave disturbance from an oncoming truck causes a relatively small car/driver lateral deviation because of its very short duration. Adequate lateral separation by increased lane width or addition of a median will provide sufficient alleviation.

Higher relative overtaking speeds (same direction) generally cause less disturbance of the car, because the duration is shorter and the car inertia tends to attenuate rapidly changing forces and moments. Hence, reduced truck speeds may provide additional alleviation under adverse conditions.

Certain types of vehicles such as small vans, cars towing trailers, and camper combinations are expected to provide the more critical cases from the standpoint of highway design and operation. They are more susceptible to aerodynamic disturbances. They have poorer handling response once disturbed. They tend to have lower speeds relative to the disturbing trucks, and they tend to operate in the right lanes on multilane highways, in closer proximity to the trucks.

An alerted driver, skilled in responding to truck disturbances, can be essential to safe operation in the more critical situations. Since the intensity of the disturbance varies significantly with the conditions, the driver cannot always anticipate a disturbance situation when overtaking a truck or other large vehicle. Suitable warning signs in areas with prevailing winds, training, and publicity are potential means of alleviation.

The psychophysiological response measures show on increased driver stress associated with the truck disturbance input. This autonomic recruitment can help the driver improve his performance. However, it may have associated perceptual narrowing which reduces his attention to other aspects of the driving task. Hence, other driver workload, such as reading direction signs and cross traffic, should be minimized on stretches of highway which characteristically present potential truck disturbance situations.

Car/driver characteristics

It is difficult for the driver to anticipate a truck disturbance because the intensity varies with conditions, but he should expect it alongside the truck in a crosswind and at the front of the truck with a headwind. The poorer driver (e.g., with a longer time delay) or one who is unfamiliar with his vehicle may have more difficulty.

Defensively, the driver should increase his overtaking speed to have about a 10 to 20 mph headway advantage. He should move towards the edge of the lane away from the truck when the wake is blowing towards his car. With no crosswind he should stay in the middle of his lane to avoid being pushed beyond the lane boundary by the bow wave.

The car's handling and aerodynamic properties are also important. The correct vehicle loading and tire pressures should be observed. The better handling vehicle will improve the response and performance, once disturbed. The aerodynamic design can be tailored to reduce the susceptibility to truck disturbance inputs as well as other types of highway gusts. The basic aerodynamic data simply quantify the input, however, and they have to be interpreted to estimate the safety performance. The designer/analyst must consider the dynamic response properties of the car/driver combination as a closed loop system, not just the dynamics of the car alone. This will help avoid problems such as driver induced steering oscillations. This type of integrated design process can be accomplished with contemporary analysis and design procedures of the sort used in the analytical and interpretive phases of this study.

SENDING JETS TO ISRAEL

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BROTZMAN. Mr. Speaker, I rise today in support of peace in the Middle East. For 24 years, the Palestinian question has stirred a conflict which indeed seems incapable of solution. But a solution must be found.

During the last quarter of a century, the nations of the Mideast have seen thousands of their sons die in three full-scale wars. Even when there has been "peace" in the area, hundreds more have died in countless terrorist attacks and artillery barrages. The fear and hatred of 24 years will not be easy to erase, but they must be erased.

It has to be the primary goal of the United States to help the Arabs and Israelis establish a lasting peace in the Middle East. There are several reasons for this, but the most important is the chance that another war could escalate. Soviet technicians and advisers would be on the firing line. Soviet pilots would be in the air.

It is true that we are not responsible for Soviet irresponsibility. But we are, and should continue to be, responsible for helping free nations protect their right to self-determination. In the event of another war in the Middle East, it is not hard to foresee the pressures on our President to become involved.

Assuming, then, that it is in our own national interest to see a lasting peace come to the Middle East, what is the best means of achieving such a peace?

Ideally, we could get both sides to sit down and talk. This has been the approach taken by the administration for the last 16 months. The President was right in stressing peaceful negotiations, but through no fault of his own, even negotiations on an interim settlement have failed. Last week, Secretary Rogers was forced to admit that the United States would have to abandon its role as mediator. Bargaining positions by now have hardened, and the chances for a negotiated peace at this time are not bright.

In the past few weeks, events in the Middle East have reached near-crisis proportions. The Arab States seem to be readying themselves for war and it is doubtful whether the Russians will have enough influence to stop them. Egypt's President Sadat has said that a solution will be reached before the end of this year, one way or the other. And Soviet arms shipments continue.

Given the failure of our attempts to get the protagonists to negotiate peacefully, there is little left that we can do to discourage war. The stronger the Arabs become, the more inclined they will be to seek a military solution. Our only hope of averting war is to present the belligerent Arab States with a viable deterrent. If presented with the good possibility of another defeat at the hands of the Israelis, it is unlikely that Egypt would want to start a war.

The theory of military deterrence is a proven one in our own time. Certainly it served this Nation well during the dangerous latter years of the Stalin era, and it appears to be serving us just as well—in terms of averting continental and global conflicts—during the equally dangerous apex of Maoism. Deterrent weapons buy time—and time is the ally of peaceful settlement.

Mr. Speaker, I would strongly object if the United States were to provide Israel with the weaponry sufficient for a precaptive attack against the Arab nations. Clearly, however, the administration has no such intention.

These, then, are my reasons for today introducing a resolution calling upon the President to provide Israel with the F-4 Phantom jets it has requested. It is at best a move to produce a military stalemate. I would much rather see the two sides resolve their differences at the bargaining table. Perhaps by creating such a stalemate, we can give both sides the extra time they need to peacefully negotiate a settlement agreeable to all.

THE ELDERLY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. FRASER. Mr. Speaker, the White House Conference on Aging, being conducted this week, will have much to say on the cruel ways in which old people are neglected by the government and by institutions.

A recent series of articles in the Christian Science Monitor records in detail the plight of the elderly in our society.

All Americans of conscience welcome the White House Conference on Aging. It will address the problems of rising health costs, rising food costs, and a disparate shortage of suitable housing. The conference, however, can serve a meaningful purpose only if its recommendations are acted upon.

The wide interest being shown in the White House Conference lends hope that new avenues will be opened to restore our older citizens to their rightful and honored place in the society they helped build.

[From the Christian Science Monitor, Nov. 15, 1971]

THE CHALLENGE OF AGE

(By Robert P. Hey)

SILVER SPRING, MD.—Wearily, Mary M. Leans a gnarled hand against the bus stop's concrete pillar and squints uncertainly at the schedule. "Young man," she implores at last, "when's the next Z-2?"

"Five fifty-four," I reply, and earn a joyless smile of thanks. She has 22 more minutes to stand and wait.

For a moment she leans in wordless repose. An inexpensive bag dangles from one elbow.

Then slowly, methodically at first, the words begin to come. In that special candor reserved for dialogue between strangers the problems of the nation's 20 million aged tumble out. They are poverty, illness, transportation and housing, crime—the problems the White House Conference on Aging (Nov. 28–Dec. 2) will investigate.

And as she speaks, she illustrates that the problems are many and difficult. Dedicated people are trying to help across the country, and some notable successes are being achieved.

Yet too often, the elderly remain America's forgotten people—a national resource of which, experts say, too many other Americans are much too unaware.

The great need today appears to be for individual Americans to awake to the plight of old people and how they—and their government—might be able to help.

"CAB COST $3; I CAN'T AFFORD THAT"

"Going to see my husband," Mary M. begins. "They operated on him 18 days ago—major surgery. Now he's in that little nursing home off Hillsboro Avenue.

"I took a cab from here two days ago to see him, but it cost $3 and I can't afford that. That's why I take the bus from downtown and change here.

"I have to get along on my social security, you see—about $110 a month. Actually my husband and I have been separated a long time—27 years—but he's still my husband. He doesn't get much retirement himself so I tried for a long while to do it on social security. When he found out how little I get, he started giving me $25 a month, and that helps."

But even her estranged husband's aid leaves Mrs. M. teetering on the slippery edge of survival—with an annual income of only $1,620. (On the average, the government says, anyone who lives alone on less than $1,852 a year is poor.)

In the past two years the government has increased social-security benefits for the elderly, one of their prime means of income, by 15 percent. Similarly, the amount of money the elderly can earn without losing these benefits has been raised.

Both surely will be raised a little more in the next few months. Retiree groups are fighting to have the earned-income ceiling removed entirely, and someday it may be.

Mrs. M. has plenty of company in poverty. "It's the elderly's most critical problem," says William R. Hutton, executive director of the National Council of Senior Citizens. Elderly Americans are twice as likely as younger citizens to be poor—1 in 4 over 65 is poor.

Last year half the 5.8 million elderly who lived alone or with nonrelatives (three-quarters of these are women) had incomes less than $1,951. One-third of them got along on even less than Mrs. M. For these people the loss of even a few dollars takes on immense importance.

A LITTLE SUM GOES—NOWHERE

"When I saw my husband right after his operation," laments Mrs. M., "he had a $5 bill in his shirt pocket. . . . I was a little short at the time, and I wouldn't get my government check for five days, so I said, 'Honey, how about letting me have this five?' He said he might need it—you know him—so of course I left it.

"Wouldn't you know? Somebody stole it off him the next day . . . so neither of us got it. I told him if he'd only have let me have it, he wouldn't have been robbed. And I sure could have used it."

When they talk about their needs, most Americans over 65 soon speak of the sky-rocketing costs of health care—and of their fears of being unable to afford it. So it is with Mrs. M.

The nursing home she is en route to is clean and modern, with bright flowers outside and a compassionate superintendent within.

"But the cost!" she exclaims. "It's $570 a month, for as little as they can get away with. They seem like they care, but you gotta fight for everything, they're so busy.

"In a way it's better than the hospital. That's a good place, all right. But he was in intensive care the first few days after the operation, and then they put him in a room with another man for $80 a day—just for the room. I don't know how he's going to pay for it all."

"WILL HEALTH INSURANCE COVER?"

The lines of worry seem to burrow deeper into her forehead.

"Will health insurance cover the cost?" I ask.

"Some of it," she replies, "but nowhere near all. My husband's 72—I'm 67—so that medicare thing helps. But you haven't heard anywhere near all of it."

She says that prior to the operation he had been in a series of nursing homes. "My son said the other night that the benefits are about gone—I don't understand it. But it means trouble."

Frequent medical needs and soaring health costs are "the second-most-critical problem" for elderly Americans, Mr. Hutton of the National Council of Senior Citizens says.

The Senate Select Committee on Aging reports that "Medicare covered nearly half (47 percent) of the total personal health-care expenditures of the aged (averaging $692) in fiscal 1969, leaving uncovered an average health bill considerably larger that the total health bill for the average younger person." For some people, government programs for the impoverished help with remaining expenses.

Nevertheless, the elderly complain that monthly premiums for the optional part of medicare coverage have about doubled in the program's five years; that medicare benefits have been restricted; that beginning Jan. 1, 1972, persons hospitalized under medicare will have to pay the first $68 cost instead of $60; and that several states—most recently New York—have sharply cut back both eligibility and benefits in their medicaid programs for the elderly poor.

Enactment of medicare—subsidized medical care for the elderly—during the 1960's has been a boon to the elderly, many experts say. But a number of Democrats, particularly, expressed much concern in Congress this year over increasing restrictions the Nixon administration through regulations is putting on the service that medicare can provide the elderly.

These changes are "building barriers between the elderly and adequate health care," charges Mr. Hutton.

The restrictions were clamped on mainly to hold down soaring medicare costs. There will be an effort in Congres next year to force the administration to liberalize medicare, no matter the cost to government—to meet all the health needs of the elderly.

However, help may come from a different direction. Americans of all ages are gravely concerned about soaring medical costs. There is much effort in Washington toward getting Congress sometime in the next few years to legislate a national health-care system. Many think some such program will come into existence in a decade—perhaps half that.

HOUSING, TRANSPORTATION, CRIME

Mrs. M. is talking about other problems now—poor housing, inadequate transportation, concern over crime.

"Sometimes when I get here to the bus stop early enough, like I did tonight, I eat dinner over there at the Tastee Diner—the stew's good and cheap Then I get the 5:18 out to the nursing home.

"But tonight just before I got back to the bus stop, the 5:18 pulled out—about 10 minutes early." (A gaggle of irritated commuters backed her up.) "So I had to wait another 36 minutes.

"And it's over two hours a day anyway coming out here—that's awful hard on me. And so expensive—80 cents."

The worsening service and soaring rates of many city bus lines have left millions of elderly Americans similarly in the lurch. Like Mrs. M. they're too poor to own cars, afford auto insurance or ride cabs and physically unable to walk far.

Many elderly rank transportation as their third-most-crucial problem, trailing only income and health needs. Last year the Senate Select Committee on Aging said the transportation problem for the elderly had reached "crisis" proportions.

"Transportation" reported the committee, "takes an average of 9 cents out of every dollar in their limited budgets. It is their third-highest expenditure, exceeded only by housing and food costs."

The committee pointed out that poor transportation has a "multiplier" effect. The

Senior Citizens News, a publication of the National Council of Senior Citizens elaborates:

"Without adequate transportation, the elderly are denied easy access to shopping areas, church services, recreational facilities, gainful employment, and social contacts with relatives and friends.

"Cut off from these vital contacts, the elderly tend to become isolated—with resulting mental and physical deterioration."

One of the efforts to help meet this transportation problem is reduced fares for elderly on city buses. At last count more than 50 cities offered senior citizens reduced bus fare—one-third to one-half off, typically—during nonrush hours. After the first year of New York City's program some 600,000 elderly were using this cut rate; bus and subway travel by the elderly had increased 27 percent.

When the Department of Transportation grants cities money for mass transit, it requires that they present a plan to meet the needs of the elderly.

The buses Mrs. M. does ride for her daily trip to the nursing home take her through a Washington that has changed radically in her lifetime.

"When I first used to come up here to Silver Spring," she says, "there was only one house here. Now look at it"—with a tired wave toward blocks of stores and high-rise office buildings.

"Washington's changed, too. Used to be a wonderful place to live. But it's so noisy and crowded now.

"And the crime." She shudders involuntarily. "Why just last week my husband asked me, 'Honey, will you get my [retirement] check cashed for me?' And I was shivering and shaking the whole bus ride back from the bank, afraid somebody was going to grab my pocketbook.

"I was robbed three years ago, you know, right on the street where I live, in front of my rooming house [in downtown Washington]. He grabbed my arm, threw me down on the sidewalk and took my pocketbook."

Suddenly she points at an incoming bus. "Wait a minute—isn't that the Z-2?" The silver-and-green bus chugs to a stop at curbside. She clambers aboard with me and continues talking as it begins to lurch forward.

"I'm really scared to stay there now, at that rooming house. But these other places cost so much. And one room's all I can afford."

Fear of violent crime and housing problems—they're two of the heaviest burdens elderly Americans carry.

The elderly probably are more aware than anyone else that the recently released FBI statistics show serious crime's continuing rise—11 percent nationally last year. It rose 6 percent in big cities, though in Washington it was down 16 percent.

In one low-income housing development in New York City where many elderly live, an employee reported this fall that we've had six muggings of elderly people just this past week. They're such easy prey for the young thugs—and they know it."

Housing costs don't frighten them the same way. But many of the elderly wonder how they'll meet them. Housing is the biggest expense for the average American over 65—34 percent of his budget. At that rate many of them can't afford a decent place to live.

CONSTRUCTION RUNNING SHARPLY BEHIND

The Senate Select Committee on Aging estimates that 30 percent of the elderly—6 million people—live in substandard homes, dilapidated or lacking adequate plumbing or other facilities. Construction of new homes and apartments to house the elderly adequately—especially those who are poor—runs woefully behind the need.

Worst of all, no one knows for sure what the housing needs of the elderly really are. Best estimates are taken from figures gleaned during the 1960 census. The same questions, however, were not asked in last year's census, so estimates for some time to come will be based on the 1960 statistics.

There's a direct relationship, too, between low income, inferior housing, and crime. Many of the elderly can afford only the cheapest of apartments; many of these are located in deteriorated neighborhoods, where the frequency of crime is high. Trapped by his low income, the elderly American is preyed upon by the thief he fears.

One way to alleviate the housing shortage, say some nonprofit sponsors of housing, is for government to resuscitate its program to build apartments exclusively for the low- and moderate-income elderly. The Nixon administration decided to include elderly housing in its overall low-income housing program. With the result, critics charge, that construction of low-cost housing for the elderly has been virtually stopped.

Part of the problem is suburban resistance to any low-income housing. In city after city officials have sought to put such housing in "good" areas—sometimes it's housing for elderly—and have been rebuffed. Breaking down this resistance is a key to improving housing for low-income elderly—indeed, for many low-income Americans.

One fear of the suburbanite is crime. Low-income people, many suburbanites feel, bring crime as surely as cats bring fleas. It is a concern deeply held, too, by the elderly of all income levels.

The brighter streetlights and more numerous policemen in many cities help ease this feeling. But urban crime, studies have reported, will not drop dramatically until society makes fundamental changes to give more equitable opportunities to the poor, especially minority-group poor.

Poverty, health needs, poor transportation, fear of crime, inadequate housing—they're major problems for most elderly Americans today. Yet beyond all these, for many of the elderly, is a suffusing sense of loneliness, and its companion—a sense of purposelessness, of uselessness.

COPING WITH A SENSE OF LONELINESS

When men retire they often must deal with the belief that they no longer are of productive use in society. As children grow up, move out, and begin their own families, mothers—and fathers, too—must cope with a sense of loneliness. Specialists say it is a feeling often intensified by widowhood, or separation after years of marriage. Many elderly Americans feel they have no one—no friend, no family. No one to care.

In many cities private organizations, often with some government money, are trying to reach the lonely. In New York City, for instance, Project FIND (friendless, isolated, needy, and disabled) has sought them out in little rooms along Manhattan's West Side and provided cheer and a free gathering place. So, in a more extensive way, has the Hudson Guild-Fulton Center for the elderly, several dozen blocks to the south. Throughout the city are some 60 Welfare Department day centers for the aged. And there are others.

Yet those who work with Manhattan's elderly are convinced thousands more sit unreached, day by day, in little rooms throughout the city. Much more effort is needed, they say.

So it is throughout the nation, with similar outreach programs or government-financed programs like Foster Grandparent, or senior AIDES (alert, industrious, dedicated, energetic, service), that give a few thousand elderly the deep sense of doing something needed and worthwhile. What is done is marvelous; but far greater is the need to help alleviate many more older Americans' sense of loneliness, of worthlessness.

Mrs. M.'s own loneliness comes through poignantly at the bus stop, and early in the jouncy bus ride. She is pathetically eager to talk—with anyone.

But as the bus twists and turns through residential streets she falls silent. The once vacant eyes come alert, and she seems deep in thought.

Three blocks from the nursing home she turns away, draws from the bag a broken compact held together by a rubber band, and begins to primp.

Her earlier words rush back in memory: "My husband and I have been separated a long time—27 years—but he's still my husband."

Her visit will be only one hour. But for that hour there will be no loneliness. For that hour she will have someone.

[From the Christian Science Monitor, Nov. 16, 1971]

THE SEARCH FOR A HOME

(By Robert P. Hey)

PROVIDENCE, R.I.—Judith Pearson is one of more than 6 million elderly Americans who need a better home. But she isn't sure she even can afford the one she's got.

Miss Pearson (not her real name) lives in a basement apartment in a dilapidated frame house in downtown Providence. Most of the old clapboard houses nearby are similarly run down. To her friends it's a slum.

It's been home for Miss Pearson for a decade. But her landlord recently raised the rent from $45 a month to $65. "I guess I'll have to move," she says resignedly. "I don't know how I can afford $65.

"But my friends say $65 really is pretty cheap—that I can't do any better. Is that true?"

Yes it is, Miss Pearson; $65 *is* pretty cheap. Housing is the elderly's No. 1 expense, as many will tell you. Most speak of paying rents a good deal higher. The Bureau of Labor Statistics figures household expenses—rent, utilities—take 34 percent of their budget. They take less of Miss Pearson's monthly income, but she wonders how she'll make it with $65 rent.

SCRIMPING ON "UNIMPORTANT" THINGS

Miss Pearson's no spendthrift. For most of her nearly 90 years she has saved money on "unimportant" things—rent, food, clothing—to have a little for the important things—travel, the broadening of her horizons.

But not even she can figure out how to afford an apartment most Americans would consider decent. It's a problem many of the 20 million elderly share. Millions of them live in substandard apartments or homes. Across the country there simply aren't enough decent places for them to live, at prices they can afford.

Even worse, perhaps, nobody is certain just how severe the problem really is. Few statistics are available on the elderly's housing needs; most that do exist stem from information gathered by the 1960 census. No new statistics are expected in the near future Because of understandable concern for privacy, the questions that yielded this information in 1960 were omitted from the 1970 census.

The 1960 census concluded that about 30 percent of the elderly—6 million—lived in housing that was dilapidated, deteriorating, or lacking some facilities. This figure is believed to represent about 2.8 million substandard apartments or houses.

The Senate's Special Committee on Aging concludes that new housing construction for the elderly over the past decade has roughly been keeping pace with the expanding need—without making major inroads on the pent-up need. It estimates that today "a minimum of 3 million units" are needed.

The problem of the elderly poor appears the most active. In 1968 the President's Committee on Urban Problems reported "an immediate and critical social need for millions of decent dwellings to shelter the nation's low-income families." It called for low-income housing units to be built at the rate of 600,000 a year, for 10 years—to a total of 6 to 8 million.

41,000 NEW UNITS VERSUS 120,000

The Senate Special Committee concludes that, since one-fifth of the poor are elderly, one-fifth of the 600,000 housing units are needed annually by the elderly—about 120,000. "By contrast," the committee reported early this year, "only 41,000 units could be identified as approved or committed for the elderly poor last year."

Much emphasis in construction for the elderly is on apartments, and many elderly are moving from homes to apartments. But at present two-thirds of Americans past 65 live in their own homes (80 percent have fully paid off their mortgages).

"For most older Americans," says the Senate committee, "their home is their only asset."

One elderly person in 20 lives in a nursing home for the aged, or other institution.

Seven in 10 live in families, reports the Administration on Aging. It adds that 1 in 4 lives alone, or with nonrelatives. "Three times as many older women live alone or with nonrelatives," it says, "as do older men."

Living alone seems particularly difficult for the elderly, whether it is uncounted thousands in little rundown hotels or those alone in large houses. In little hotel rooms a sense of loneliness and isolation sometimes seems overpowering; in too-big houses it is the expense and difficulty of keeping up such a large place. And the ever-soaring taxes.

TAXES UP "SOMETHING TERRIBLE"

"The real-estate taxes are going to drive me out of my home," laments a widow from northwest Washington, D.C. "I've paid taxes for years; I paid plenty in taxes to educate my children. But the taxes have gone up something terrible the last few years, and with my husband gone I don't have that much income anymore.

"Why do I have to keep paying to educate someone else's children? If taxes go much higher I'll have to sell the house and move into an apartment. But I'll always think of the old house as my home."

It's more than taxes that makes many elderly exchange their houses for apartments. For many it's also the expense of house repairs and the effort needed to keep up a house.

It's a typical pattern for many elderly, especially those widowed. Income goes down; it gets harder and harder to manage a big house financially and otherwise. One day they decide the ease of apartment living would make the switch worthwhile.

However, with reduced incomes and often special needs—such as being within walking distance of good public transportation—many elderly find it difficult to compete with younger persons for available apartments.

Reports the Senate Special Committee on Housing:

"With apartments generally showing only a 5 percent vacancy rate and apartments on the Eastern corridor showing only a 2.8 percent vacancy rate, seniors had little opportunity to find or exchange housing. They have to compete for these vacant units with their younger counterparts, who are more mobile and better off financially.

"In times of severe shortage the elderly are the ones who are forced to accept the run-down apartment that would otherwise stand vacant."

NO CHANGE OF VENUE FOR JUDGE

When most people retire they prefer to continue living in the communities they're in, where friends and surroundings are familiar. For instance, like the Rhode Islander who moved two blocks from house to apartment.

And like the Missouri judge, in his late 70's but still practicing law when his wife passed on. His daughter-in-law invited him to live with her family just outside New York City. He thanked her warmly but declined: "All my friends are here; there I'd walk down the street and know no one, and no one would know me."

Nevertheless, many do retire to other areas; witness the many elderly living in mile after mile of mobile homes and small houses in parts of Florida.

In search of country peacefulness, a few retirees even ignore harsh winter weather—as with those who retire to Freedom, N.H. (population 387). "I've vacationed here from Boston every year since '28," says a courtly gentleman standing in front of Freedom's Village Store. "I retired two years ago; moving here year round was the natural thing to do. Freedom's become a retirement village, you know."

Over the years a Midwesterner has bought and beautifully restored several Freedom buildings, including the old inn and a one-time store that had fallen upon sorry days. Now the store is four nice apartments for retirees.

Retirees coming to Freedom have been able to find good housing. But nationally the housing problem of the elderly is acute.

This is an area in which government is helping. But critics charge it should do more than it has done. What's worse, they say, the Nixon administration has been trying to cut back on housing and other aid to the elderly when it really should be expanding it.

The Department of Housing and Urban Development (HUD) reports that by mid-1970, elderly were living in more than 336,000 apartments or houses subsidized in whole or in part by the federal government. The department says it administers 21 programs under which the elderly are aided, including: apartments exclusively for the elderly; low-rent public housing for elderly and others; and rent-subsidy programs.

NO INROADS ON BACKLOG

As evidence of progress in meeting the housing needs, HUD reports that elderly were living in 156,000 general-purpose, low-income apartments in 1970, compared with 77,000 10 years earlier. It reports also that in 1960 only 1,100 federally aided apartment units existed in programs specifically designed for the elderly. Ten years later, it says, there were 180,000.

Even critics admit that's worthy progress. But they say it only keeps pace with the increase in need—and doesn't meet a basic need for nearly 3 million good-quality, low-cost housing units for the elderly.

HUD says that in the past 10½ years, ending last December, 43,500 apartment units were begun under the major federal program to provide low-cost apartment housing exclusively for the elderly. But the Nixon administration has decided to end this program and instead stress low-to-moderate-income housing for all ages.

Critics charge that the practical effect of this change in direction, made more than a year ago, is to stop new housing for the elderly—making it too expensive to build because of needlessly higher specifications and interest rates. The Senate in 1970 voted $10 million for the old program anyway, but HUD did not spend it.

A LITTLE EXTRA HELP . . .

Acute as is the shortage of adequate housing, for many elderly the problem is not finding an apartment, it's remaining there. What's needed by many is a little extra help from someone: a good hot meal once a day; someone to take them shopping twice a week; a once-a-week cleaning service; help in cutting through the miles of red tape often wound around promised government aid.

Many privately and publicly financed programs exist to provide these services. But in almost every area of the country the need far exceeds the services provided.

One of the best programs is at Hudson Guild-Fulton Center, on New York's Ninth Avenue. The center provides many activities and much help for the elderly of the neighborhood. Perhaps its biggest boost is the nutritious, low-cost dinner it serves some 125 to 150 elderly every day (some meals are sent to the homebound as well).

"I give them more protein than is required," says Mrs. Gertrude W. Wagner, the center's nutritionist, "because I feel that, being the highest priced food element, that's the one they won't get otherwise". She says that "quite a large group that comes every day for the meal lives in resident homes without any cooking facilities".

Mrs. Wagner says "there is no doubt" that because of meals provided by the center a number of local elderly are able to keep living in their homes, not have to move to nursing homes. That, she says, "is the thing all of them want. Nobody wants to leave his home."

The center is widely acknowledged to be doing a fine job through its meals and many other programs. Yet, ever the realist, Mrs. Wagner warns that even in this area of Manhattan the need is far larger:

"It's important that we know we're just a drop in the bucket, compared with the total needs in the area, or in the city, or in the country."

For untold thousands of elderly, living alone and struggling to remain independent, a nursing home is the only alternative to the help this and other centers provide. One elderly American in 20 lives in a nursing home or other institution. And to many another, the very idea of having to move to one brings a tear.

There are many dedicated nursing home administrators and staffs across the country, and a substantial number of fine nursing homes. But a two-year Senate study chaired and directed by Utah Sen. Frank E. Moss (D) concludes that despite some improvement in the nation's nursing home situation in recent years, by and large the picture remains shocking.

BEHIND-SCENES CRITICISM

Many persons who have worked in nursing homes can relate firsthand how care and food costs are held down—even in some expensive establishments.

A kitchen aide says she resigned from a modern southern Massachusetts nursing home because:

"One day when I was ladling mashed potatoes onto the patients' plates the manager came into the kitchen. He told me to mash the potatoes down on the plates with a fork 'so it looks like there is more than there really is.'

"That was too much for me; I quit the same day. I felt so sorry for those poor patients."

Nursing homes became big business from 1966 to '69. Hundreds sprang up across the nation, largely in response to a federal carrot: the federal government began to pay millions of dollars to nursing homes to care for the aged.

Today, the Moss subcommittee estimates, nursing homes take in from $2.5 billion to $3 billion a year. Public funds account for $2 of every $3; federal funds alone pay about $1 of every $2.

Ironically, the Moss study concludes, this is not enough to provide proper care. And in fact a number of nursing homes have declared bankruptcy over the past two years.

States determine how much money should be paid nursing homes each day to care for indigent elderly patients under the medicaid program. The cost then is shared between the state and federal government.

The Moss study finds most states pay $14 a day for medicaid patients, which has to cover the room, nursing care, food, medicines, and other expenses. It's less than most hotels charge merely for a room. "Grossly inadequate" for proper care, complains Senator Moss. However, charges a Moss committee aide who has been deeply involved in the study, "if a nursing home operator really wants to cut services and care, he can make a fortune on $14 a day."

The study holds that "the gist of the problem is money." The Senator recommends that the way to solve the problem is to pay more money contingent on adequate care, good food, and other elements of a first-rate nursing home.

HIGH-QUALITY INCENTIVES SOUGHT

He wants to build financial incentives into existing government programs that would encourage high-quality nursing homes. He praises the incentive system Connecticut builds into its medicaid payments to nursing homes for care of the ill and poor.

The state inspects nursing homes and grades them in five categories; the better they are, the more money they receive. "Typically," the Senator says, "a Class A nursing home will receive about $1 a day (per patient) more than a Class B nursing home and $2 a day more than a Class C nursing home, and so forth."

He says that Connecticut "is commonly recognized as having one of the best nursing home systems in the nation. To be sure, there are problems with this system . . . (which are recognized), but with some minor revision it might provide a useful model for other states."

Good food, enough nursing care, a concerned staff, a clean and cherry atmosphere, a fireproof building—good nursing homes have to provide all these things. But there is something more—respect for the patients. Many of the homes have it: But too many, unfortunately, do not.

A SHORTAGE OF DIGNITY

It's traumatic indeed for the elderly to lose their independence and have to go to a nursing home—however sunny its rooms. However loving its staff.

Some nursing homes unconsciously twist the knife in the unkindest cut of all: slicing from the patient his last shred of dignity.

There is, for instance, a lovely, modern nursing home in southern New England where nurses and staff automatically call even their newest patients by their first names. It's never "Mr." or "Mrs.," but always "John," or "Edith." Nobody ever asks the patients how they wish to be addressed; for some, it's the last straw to be known, like children, only by one informal first name.

A comprehensive study by the Senate subcommittee on long-term care concludes that about half of all the nation's nursing homes run for profit are substandard—in construction, care, food, or some other element. (Most nursing homes which exist primarily to provide medical care are in this proprietary group; most homes for the aged—well and otherwise—are nonprofit.)

If nursing homes were graded like schoolchildren, the study concludes, only 5 percent would get an "A" (These also are expensive, because the needed high level of care and food they provide patients is costly.)

Ten percent would get "B"; 15 percent, "C"; and 20 percent, "D." These are rated as having good physical facilities. "But what you're sorely lacking there is care," explains a subcommittee aide—"more because they can't than that they don't care."

"THE SYSTEM" GRADED LOWEST

The guilty party, the study concludes, "is the system—and the system builds in poor care. You need more nurses. You need the involvement of more physicians.

"Most of all, you need a clear national policy as to how we are going to treat our elderly ill."

In August President Nixon publicly expressed his concern about the poor quality of some nursing homes. He said he intends to see that those falling below minimum federal standards are brought up to them. As one step he announced plans to train an additional 2,000 nursing home inspectors.

The Moss study holds that "there seems to be a 1-to-1 relationship between being a low-quality nursing home and earning high profits. The reason is that your major expenses as a nursing home are staff and food. So if you want to make a lot of money in the nursing home field, you cut care and food costs."

[From the Christian Science Monitor, Nov. 17, 1971]

INADEQUATE INCOMES

(By Robert P. Hey)

WASHINGTON.—Mrs. C., tall and stately, is a secretary in a medium-size Eastern city. Making ends meet always has been hard—she has worked for the same nonprofit firm for 40 years; she is 64.

Her income places her far above the government's official poverty level. Yet, like the vast majority of older Americans, she must watch nearly every penny.

"I earn just over $5,000 a year," she begins. (She receives another $400 annually from interest on her savings account, which stems from her late husband's modest life insurance.)

"Believe me, it's very difficult to live by yourself on that amount. My apartment rent [one bedroom, third floor, no elevator] is $160 a month. Anything cheaper would be in a slum.

"I live very carefully. I've only bought one dress all year, and I almost never eat out.

"Even so, every now and then I have to take principal out of the savings account for big expenses, like car repairs. (Her sedan is five years old.) Honestly, if anything more happens to that car I think I'll just drive it into the harbor."

Ironically, the car that threatens to drive her to the poor house also enables her to remain independent.

"THEY CALL THAT SECURITY?"

If I sold the car I'd have to give up my job. It's so far to walk, the bus service is atrocious, and I can't afford cabs. If I gave up my job I couldn't keep the apartment. My social security would be only $130 a month—even less than my rent. How dare they call that 'security'?"

Mrs. C. does live frugally. Clearly she considers herself near the brink of financial disaster. If her expenses go any higher she will have to economize by giving up her prized independence and moving in with one of her children.

Yet the startling fact is that Mrs. C. has a bigger income than almost 5 of every 10 elderly and single Americans, according to the Department of Health, Education, and Welfare. Its Administration on Aging reports that 90.7 percent of all single, divorced, or widowed elderly had less than a $6,000 income in 1970. (Two-thirds of them earned less than $2,500; and half less than $2,000.)

Although the majority watch their pennies closely, the government says only one-fourth of them are financially poor. But for most, meeting the problem of adequate income is, in one degree or another, a continuing challenge.

WASHINGTON TOSSES A BUOY

By government figures, 4.7 million of the 20 million elderly Americans—1 in 5—live below the poverty line. That is set by Washington at an average $1,852 for a single person.

In recent years efforts have been made to try to lift the elderly above the line. For instance, over the past two years the government has boosted by 15 percent the benefits given the elderly under the social-security program.

The efforts have not been adequate to the need. For instance, poverty among most Americans has been declining in recent years. Yet today, by latest government figures, 100,000 more elderly Americans are officially poor than there were in 1968.

Thus it is that many groups and individuals in Washington and across the nation express concern over the situation. They are offering suggestions for improving it.

The National Council of Senior Citizens asks a 25 percent increase in the monthly social-security benefits, on top of the 5 percent increase proposed in President Nixon's family-assistance plan. The presidential plan, now before Congress, is not expected to be acted upon until next year.

INCOME SUPPLEMENTS PROPOSED

One goal of the council is to eliminate poverty among all age groups, including the elderly. To the extent that social security and private and other public retirement plans do not end elderly poverty, the council says, there should be a program of income supplements for the elderly, financed from revenues from the general treasury.

Last spring Sen. Frank Church (D) of Idaho, chairman of the Senate's Special Committee on Aging, proposed such an income supplement program (on which there was no congressional action). Senator Church said that his bill would "ensure that all elderly citizens would be entitled to an income above the poverty level of about $1,750 for a single person, and $2,200 for a married couple."

Senator Church would abolish the shared federal-state welfare plan (Old Age Assistance) to aid the elderly poor, and establish a supplement plan in its stead. "Quite clearly," he said, "a new approach is essential if we are to ensure a life of dignity and self-respect for the elderly people of the United States."

Senator Church says: "Undoubtedly, the No. 1 priority for the elderly is to raise [social security] benefits to a more realistic level." Early this year he proposed a two-step, 30 percent increase.

THE GRAPHICS OF SOCIAL SECURITY

The importance of social-security payments to retired workers is graphically illustrated by the many millions of retirees, their dependents, or their widows who receive the benefits.

According to latest figures of the Social Security Administration, nearly 17 million such workers and their dependents receive checks each month. This figure includes 13.7 million retirees themselves; their 2.7 million dependent wives or husbands (not necessarily of retirement age); and 550,000 dependent children.

In addition, 3.3 million elderly widows or widowers of retired workers receive checks based on their spouses' earnings.

Even with this year's 10 percent social-security raise, benefits leave most recipients in less-than-lucrative positions. The monthly check for the average retired couple now is $219; for an average retired worker, $131; for widows, $113.

Widows' benefits are less than retirees'—they receive 82½ percent of what their husbands were entitled to. Many persons advocate changing social-security rules so that they receive 100 percent. Such a change is proposed in the Nixon assistance plan.

FREER EARNINGS LIMITS SOUGHT

The Nixon plan also would raise the amount a person receiving social security can earn without having some of his government money taken away. It is $1,680 now. The bill would raise it to $2,000. Many liberals will try to push it to $2,400; some want it removed altogether.

(Recipients can, however, receive full benefits while taking an unlimited amount of unearned income—dividends, interest, trust, and rental income.)

Under present law, when persons earn between $1,680 and $2,880, $1 in social security is withheld for every $2 earned. It is a disincentive to work. And, the elderly charge, the provision makes it well-nigh impossible for them to lift themselves from financial poverty by making the few extra dollars that can, in human terms, make all the difference.

Under the Nixon proposal, $1 of a recipient's social security above the $2,000 level would be withheld for every $2 earned—no matter how much was earned. Some think this "withholding" or retirement test, as it is called, ought to be dropped.

THE CORNUCOPIA HAS A BOTTOM

But the 1961 White House Conference on the Elderly concluded that it should be retained so that the persons who are actually retired, or mostly so, are the ones who benefit from social security—which is not, after all, a bottomless financial cornucopia. Someone has to fill it.

That someone is the American taxpayer. He fills the social-security system by paying taxes on the first several thousand dollars he earns. There is some thought in Washington, largely among liberal Democrats, that the system ought to be financed from the nation's general treasury. This would enable more of the money to be collected from the people and corporations with more money and thus, it is argued, more ability to part with it. Some say this would enable larger benefits.

Among the recommendations of the Senate Special Committee on Aging are:

1. That Congress give attention to "major changes in social-security benefit levels."
2. That "serious consideration be given to the use of general revenues in the financing of the social-security system."
3. That "the federal commitment to the elderly undertaken through the family-assistance plan be translated into a wholehearted commitment, with 100 percent federal financing and federal administration."

A PLAN FOR GOING THIRDS

Sen. Hubert H. Humphrey this month proposed several changes in the social-security system, including use of federal general-revenue funds to finance one-third of the program. At present the program is financed 50 percent by employer deductions, 50 percent by employee deductions. Senator Humphrey would broaden that to financing it one-third each by employer, employee, and the federal government.

The Minnesota Democrat also asks that the minimum benefit be raised from the present $74.10 to $100 monthly; that all benefits be raised 10 percent; and that employees pay social-security taxes on the first $15,000 of their annual earnings (instead of the present $7,800).

Several proposals have been made that benefits automatically be raised as the cost of living goes up.

Increasingly in recent months, another area of retirement income has come under attention here in Washington. That is the area of private pensions. Hearings were held this year both by Senate and House committees. Much information was uncovered that many persons who thought they were building up equity with their companies toward an eventual pension suddenly, disturbingly found themselves without job or pension.

PENSIONS VANISH WITH COMPANIES

Rep. Frank Thompson Jr. (D) of New Jersey summarized some of the findings of one House subcommittee: "Often the merger, sale, or other dissolution of an employing company has cruelly wiped out the financial retirement security built up over a lifetime of loyal service.

"Furthermore, the lack of portability, i.e., the right to transfer retirement credit from one fund to another [the way teachers and union members can] has too frequently locked employees into jobs that they might have otherwise left."

Mr. Thompson and others on Capitol Hill think the time has come for a thorough investigation of private welfare and pension plans, preparatory to writing legislation to see that employees' pension rights are protected for their retirement. A Senate subcommittee is studying a large number of pension plans to find out how many employees wind up collecting pensions, how many do not—and why.

Pension plans, welfare programs, social-security benefits—these are most important. But they are only one approach to the income problems of the elderly. Another is jobs—part time, sometimes full time, depending on the abilities and desires of those who wish them. Many want to work but cannot find appropriate jobs.

JOB RIGHTS RETIRE AT 65 TOO

Federal law, though sometimes violated, protects Americans from employment discrimination due to age until they reach 65. Then they generally find great difficulty competing with younger people in the job market—especially when it is as tight as it is today in so many fields.

Several small federal programs are under way that provide satisfaction, and some pay, for the elderly who wish to work—such as Foster Grandparents (but it has fewer than 5,000 jobs across the nation) and senior AIDES, which provides community service positions and modest salaries.

It generally is agreed however, that far more could be done both by private interests and government at all levels. Positions could be established that need filling—with libraries, school systems, health organizations—to the mutual benefit of the community, the elderly . . . and their pocketbooks.

It is a subject to which Bert Seidman addressed himself two months ago at a meeting on vocational rehabilitation policy, in preparation for the White House Conference on Aging. Mr. Seidman is director of AFL–CIO social security.

"The evidence is all around us," Mr. Seidman said, "of the great need for services in most communities—in hospitals and other medical institutions, libraries, schools, and many other areas."

"TREMENDOUS CONTRIBUTION" ENVISIONED

"With their long experience of work and life," he elaborated, "the elderly, including the disabled elderly, can make a tremendous contribution to the expansion and improvement of these vital community services.

"There is a dire need to enlist older Americans in public-service projects that would help their own communities become better places in which to live. Not just the public sector, but nonprofit private organizations as well can make available job opportunities in this important area of community service.

"Unfortunately, too many people have been sold the idea that employment under public sponsorship is 'make-work.' Nothing could be further from the truth. We all know in our own communities of the unmet need for socially useful and economically necessary activities which do not lend themselves to private enterprise but nevertheless could provide employment opportunities which would have great value to both older workers and society."

When the elderly talk about their problems stretching the income they already have, local property taxes invariably come up (70 percent of the elderly own their own homes). "We've paid taxes for years," they say in effect, "raised and educated our own kids—why can't the other people pay the real estate taxes now?"

FOR SOME HOMEOWNERS, A TAX BREAK

In a number of communities, elderly homeowners are eligible for reductions in property taxes. Other communities are discussing such a plan.

Federal income taxes give the elderly an additional exemption based on age. Rep. Paul Findley (R) of Illinois has just introduced a bill to provide a federal income-tax credit to offset state and local taxes the elderly pay on their home property.

Mr. Findley told the House that "those whose annual income is under $6,500 would be eligible, whether they own their own house or not. If they rent, the portion of rent which covers taxes would be computed.

"If their federal income tax is $300 or less, they will be eligible for a payment from the U.S. Treasury instead of a tax credit."

These are some of the approaches being taken or talked about, as partial solutions to the income problem of the aging across the nation.

For the poorest quarter of the elderly the problems are severe indeed.

For elderly blacks, poverty is likely to be twice that of the whites; fifty percent past 65 are poor.

In rural areas the problem is worse: Two of every 3 elderly black residents are poor.

A STORY OF STOUT DETERMINATION

Most desperate of all is the plight of elderly black women who live alone. Says Sen. Harrison J. Williams (D) of New Jersey, a member and former chairman of the Senate Special Committee on Aging: "More than 88 percent—or nearly 9 out of every 10—live in poverty or are marginally poor."

A graphic example is the case of Mrs. Edna Richardson, a black seamstress, a widow. Mrs. Richardson lived in a rooming house deep in the Washington ghetto. She commuted four hours every day on buses to her job with a small dry cleaner's in Silver Spring, Md.

The long bus rides were physically hard for her. "But she was always here, always on time," says her boss. Customers were universally fond of her sewing skill, and of her smile and warmth.

Last June she began to feel "poorly." Twice she visited physicians, both times a serious condition was diagnosed and hospitalization recommended.

But Mrs. Richardson felt trapped in the cruel position of the not-quite destitute: too poor to pay hospital bills, yet, because she was working, not poor enough to have the government pay them for her. She couldn't afford hospital insurance and wasn't quite old enough for medicare.

NO QUITTING, NO "CHARITY"

"She told me the only way she could pay for hospital care was to quit work and go on relief," says her boss. Medicaid—aid to the poor—would have paid. But she was too proud, too independent to quit work, to accept welfare, which she viewed as charity.

She decided instead to keep working and hope that nothing would happen.

One October Monday she didn't appear at work. Her landlady phoned instead: Mrs. Richardson, she said, had passed on the previous day.

She left no relatives.

People like Mrs. Richardson—and like Mrs. C., the widowed secretary who earns $5,000 a year, are in our midst everywhere. They need assistance in varying degrees. Most of them feel that by now they deserve it.

"We're not asking for charity," says a New York septuagenarian. "We pay taxes, too. We've paid them for years. We've already earned more help—it's due us."

In Washington a delegate to this month's ational Conference on the Black Elderly ys the nation owes it to the elderly to see hat they have adequate finances. For years we dug ditches," she says, and built the ation—"we who now are elderly. We deserve etter now." And the New York Avenue resbyterian Church rocks with applause.

"NOT A MATTER OF YOUNG OR OLD"

The National Council of Senior Citizens ays, "This is not a matter of 'either/or.'" t says flatly that "a nation as wealthy as urs can afford to do more for its older eople without decreasing its efforts for the ounger generation."

The challenges are being voiced. The White ouse Conference on the Elderly soon will xplore them.

The elderly wonder who is listening. They will wait to see how the nation responds.

[From the Christian Science Monitor, Nov. 19, 1971]

LIFE WITH MEANING

(By Robert P. Hey)

NEW YORK.—They sit and chat in the heery courtyard here at the Hudson Guild-Fulton Center for the elderly. They're several dozen elderly residents of New York City's Chelsea area, which runs up Manhattan's West Side from 14th to 32nd Street.

Autumn's sun brings soothing warmth to the courtyard, an oasis of tranquillity and greenery in an area which generally lacks both. As they sit, the seniors speak of their needs—usually with warmth, sometimes with heat.

They speak of financial needs, and medical ones. And they return again and again to the need of the elderly, like people of all ages, to have something to do, somewhere to go, someone who cares. They're personally fortunate, they'll tell you; there's plenty to do here at the center, and many who care. But most elderly elsewhere lack access to such centers.

And, anyway, the slights of society at large are etched deep upon these elderly here in Chelsea, as elsewhere. Most are lonely, and eagerly welcome attention. But society, they feel, has dismissed them and their needs with an airy wave of the hand.

Knowing what to do with themselves is a big problem for many American elderly in and out of New York City. In Manhattan you'll find many of them sitting outside and talking on warm days—in Central Park, on benches along upper Broadway. A few still sit in the traditional indoor places—Port Authority bus terminal on the West Side, and Grand Central Station.

HAVE SKILLS, WILL SHARE

Some retired businessmen gain much satisfaction through participating in the SCORE Program (Service Corps of Retired Executives), a kind of volunteer management-consultant service run by the federal government.

SCORE was begun during the mid-1960's. Some 3,200 retired businessmen are in its "pool" now. They're on tap by the Small Business Administration to aid small-business men whenever they seek help. They also aid many small-business men who receive SBA loans. Together they have a wide variety of skills and experience.

SCORE volunteers aren't paid for their services; and they are reimbursed only for incidental expenses such as parking and transportation if they have traveled 50 miles or more, one way, to the business they are advising.

Nationwide, SBA could use more volunteers, though in some places to which many businessmen retire there are more volunteers than requests—places like Phoenix, Ariz., and Miami.

Many retirement-age Americans, of course, find alternatives to just sitting. Some want to keep working, and do (although many large companies have mandatory retirement ages). Others find fulfillment in retirement by plunging into second careers, or concentrating on hobbies.

Some do volunteer work, or work in government-aided programs which pay them modestly. Still others take courses, or frequent the centers set up to provide companionship and services to older Americans.

Another avenue of service some retired Americans have found is the Peace Corps, and the organization often called its domestic counterpart, VISTA (Volunteers in Service to America). Both now are run by the federal government's ACTION agency. Comparatively few older Americans have served in these agencies; but those who have report great satisfaction.

In all, 264 Americans 60 and over have served in the Peace Corps since its inception in the 1960's, according to latest available figures. The percentage of older volunteers, although small, is increasing. As of Oct. 31, 75 persons 61 and older were serving as Peace Corps volunteers in many nations—1.1 percent of the corps' total volunteers.

Sol Grieman is one of those volunteers. He retired three years ago at 65 as a plumber, heard the Peace Corps needed plumbers—and joined. He was sent to Caava Vocational school in Tegucigalpa, Honduras, to instruct youths in plumbing. Now nearing the end of his two-year hitch, he is training a Honduran to take over as instructor.

FROM PEACE CORPS TO VISTA

Mrs. Helen C. Baker, a great-grandmother from Spokane, Wash., has been a Peace Corps volunteer, too. She joined at 70 and went to Nigeria, where she taught English at a secondary school for boys. After her two years she returned home but quickly felt bored. She applied to join VISTA. She has served two one-year hitches as a VISTA volunteer, both times teaching Job Corps youths, and has applied for a third hitch.

VISTA has some 460 volunteers, like Mrs. Baker, who are 50 and over. During a one-year hitch they work in rural and urban poverty areas for a subsistence allowance—and a lot of personal satisfaction. As with Peace Corps volunteers, their tasks and experience are matched. Among the fields VISTA volunteers are working in: health, individual and family counseling, legal aid, tenants' rights, housing-code enforcement, mobilizing volunteer Big Brothers and Big Sisters, establishing local co-op food stores.

Although "volunteer work" is a standard answer, sometimes volunteer offers are not accepted—though their expertise is greatly needed.

Two dentists in a retirement community in Florida—both highly skilled, much respected in the communities they had come from—tried to volunteer their services through the local dental society.

"IT WOULD GIVE SUCH SATISFACTION"

They'd work in a dental clinic—anything, anywhere. "There must be plenty of children who need dental work," said one dentist. "There are many poor areas near here.

"I don't want money—I told them that. I don't need it. It would give me such satisfaction to help these children, something like three mornings a week."

Unquestionably his services, and his colleague's, could have been well used. But they were rebuffed: "They didn't want us."

As it happens both men, like many others, enjoy their retirement community, although they could wish for volunteer opportunities in their profession. But some persons pack up and head for a retirement community without planning what they'll do when they arrive and wind up lonely for former friends and surroundings. Some pack up all over again and return.

John Chase is one of those still on the job. He is a top-flight Philadelphia toolmaker at 73. Every year now he talks vaguely of retiring, but really is delighted to continue when his boss asks if he wouldn't consider working "just one more year."

"After all," he says quietly, "I have no family. What would I do if I retired?"

So he keeps making tools 49 weeks a year. The other three weeks he watches the sun set across acres of wind-whiffled corn and alfalfa, on a dairy farm in Pennsylvania's Lancaster County. Technically Mr. Chase is one of several paying guests. But his rotund farm wife says that "John's been coming here so long we really think of him as one of the family."

In New York, a fine restorative dentist is back in business part time after several years of retirement. He still finds the challenge of difficult restorative jobs very stimulating—the harder they are, the more satisfaction he derives. This fall he completed the most complicated restoration he has ever undertaken.

When it comes to working beyond usual retirement age, self-employed like the dentist have a distinct advantage: They can keep on if they wish. Most people who work for others, like Mr. Chase, are less fortunate than he. If they want to keep working it generally is up to their employer, or company rules, whether they can.

SELF-EMPLOYED RATIO SHRINKING

Comparatively few working Americans are self-employed—only about 7 million of the total working force of 80 million. This percentage has been shrinking steadily in recent years as the number of working Americans has been rising, but the number of self-employed has not.

Business executives, retiring earlier, increasingly have begun to carve out second careers—like the upper-echelon New York executive who became a college professor. He combined his years of experience in business (which he didn't like) with university teaching (which he enjoys)—by becoming a professor of business subjects. He's working as hard now as ever—and he's much happier.

Other people have found similar fulfillment in retirement without a second career. But it takes planning—and, as throughout human experience, a willingness to give of oneself.

One who has found such fulfillment is a social worker who retired, after much thought, from a horn-honking Northeastern city to the serenity of a little Cape Cod, Mass., town. Friends admiringly say he and his wife, in retiring, "did it right."

He said he'd seen too many men just hang around after retirement, worrying about the former company, "waiting for someone to ask their advice, and no one ever does." He decided "to start over" in retirement—to plunge into a new community with zest, rather than slow down in the same old city.

After two years of looking he and his wife found the right building lot—with a harbor view, yet within their budget. They bought and built. And became immediately involved in their adopted town's affairs—no mean feat in a New England town. He's on the library board; both avidly attend town meetings.

For this couple retirement is happy, satisfying, exhilarating. But it took a great deal of prior planning.

Retirements like these also require a modest amount of money, to enable the retirees to afford a reasonable standard of living. Unfortunately most people reaching 65 don't have enough money; every fifth person over 65 is poor by government standards. And among the nation's 20 million over age 65, millions of others have so little money that they cannot afford to go much of anywhere, nor do much of anything. These are the people most prone to feeling unneeded, useless.

Both government and private social agencies are helping to meet this need. Several comparatively small government programs are aiding the elderly, especially the poor—providing both meaning and extra money.

In many cities private and public agencies provide social centers and varying amounts of services for the elderly, primarily the needy elderly.

NEED FAR EXCEEDS PROGRAMS

But the need far outstrips existing programs, and the money isn't there to expand them. Nor, some say, is the national will.

Foster Grandparents is the best known of the government programs. Begun in 1965, it provides inestimable satisfaction to two groups of people who need it: low-income elderly, and deprived or handicapped children, primarily those in institutions.

Now 4,400 elderly are in the program. Each spends two hours a day with each of two children—talking, visiting the zoo, showing that somebody really cares. And setting up that special and mutually beneficial relationship—the one between grandparent and grandchild.

To supplement their income the elderly are paid $1.60 an hour, the minimum wage.

But the need far outstrips the program. The Nixon administration asked for $10.5 million for the program for the current year; Congress gave it $12.8 million. That enables the program to enroll only the 4,400 older Americans.

A source close to Foster Grandparents laments that "it's a program that could be multiplied immediately, but for lack of funds. They have such a long waiting list for people who want to become foster grandparents. And the need for them in institutions is just enormous. It's shocking, really."

The Foster Grandparents program does not advertise for elderly grandparents. But every time a major newspaper runs a story about the program it is deluged with requests from the elderly to join. Program officials estimate that there are eight applications or requests for information for every vacancy.

The foster grandparents find their relationships with the children very meaningful; many remain in the program year after year. In Detroit, for instance, 36 of the 40 original "grandparents" in the program when it started five years ago still are in it today.

The Foster Grandparents program is adminstered now by ACTION, President Nixon's new agency in charge of volunteer programs. Another ACTION program also deals with service by the elderly—RSVP, which stands for Retired Senior Volunteer Program. Authorized in 1969 by Congress, it is just getting under way. No RSVP programs actually are operated, but agency spokesmen say several are being processed. They will be operated by nonprofit organizations.

MORE VOLUNTEER OPENINGS SOUGHT

Under RSVP, Americans over 60 are to be aiding in schools, hospitals, libraries, welfare agencies. They will not be paid, but will be reimbursed for out-of-pocket expenses, such as transportation between home and work.

Nobody will say so publicly for fear of raising false hopes, but people running RSVP hope that in short order they can gear it up to providing volunteer opportunities for 25,000 people.

Somewhat similar to RSVP is senior AIDES, now in its fourth year. Jobs are similar, but persons in the AIDES program are paid an average of $2.15 an hour.

From antipoverty funds the federal government is spending just over $3 million this year on the program, which is administered by the National Council of Senior Citizens. Local nonprofit sponsors add nearly $400,000. With that money 1,150 low-income men and women over 55 are employed 20 hours weekly in community service jobs. The AIDES program operates in 21 communities.

In addition to these and other federal government programs, many states, communities and local organizations have their own programs. But here, too, need exceeds supply.

In New York City, where 1 million of the nation's 20 million elderly live, several different kinds of programs exist. At one end of the spectrum is the comprehensive approach, such as the FIND Hudson Guild-Fulton Center, on Ninth Avenue.

The center offers area senior citizens many activites and classes—painting, sculpture, sewing, ceramics, French, Esperanto, bridge, stamp collecting, gardening. There are shuffleboard courts, a piano, and a lovely patio with a garden to sit in. Also listed are special events, like that last August's boat trip to Bear Mountain.

Two center staffers help cut red tape for people with special problems. Once a week a physician comes to the center.

Every noon the center serves a nutritious, low-cost main meal; from 125 to 150 of the seniors partake.

A most important element of the center is the personal contact which it gives. Mrs. Gertrudge Wagner, center nutrition specialist, talks specifically about the noontime meal, but the idea applies throughout the center activities.

"The biggest part of our project is the group setting, which has the following advantages:

"These people are likely to be isolated. I would suppose that maybe 60 percent of our people are single, living by themselves. And even if they have kitchen facilities, they don't use them very much . . . and pretty soon malnutrition takes over.

"It's a vicious circle. They're lonely, so they don't eat. And then their health fails, and they're more lonely."

FUNDS NEEDED FOR CENTERS

But as much as the center does, even more is needed, officials say. Mrs. John Wasserman, center chairman, says that to meet fully the needs of the elderly more staff members would be needed to go into the homes, more social workers, a bus or station wagon for transportation, and more money to buy additional services. Operating a center at this high level of services, she estimates, would cost about $350,000 a year. And many centers are needed across the city.

That's the major problem—the $350,000. Mrs. Wasserman's center has a good deal smaller budget; no one knows where enough money could be found to finance the many centers needed across the country, at $35,000 per center per year.

Twenty-six blocks north of this center another idea has been in operation since June. It's a free coffeehouse for the elderly under the auspices of Project FIND. On a slimmed-down budget of $35,000 a year the center offers space in a renovated brownstone for the elderly to relax, sip coffee, and talk. And, especially, to enjoy each other's company.

Mrs. Elizabeth S. Trebony, executive director of Project FIND, says New York City's Welfare Department currently runs 60 day centers for the elderly, each annually costing about $100,000 (including value of rent-free space they occupy).

"Every 20-block area ought to have a day center," says Mrs. Trebony, "but at a cost of $100,000, this is impossible to imagine. So my idea is to have places like this." In slums where rents are lower, she believes, costs could be held below $30,000.

One point on which Mrs. Trebony and Mrs. Wasserman would agree is that more—much more—needs to be done to aid the nation's elderly.

From all sides in American society today comes clamor to reorder national priorities. Many groups seek more of the national attention, more of the national funds. Spokesmen for children do, and others seek more for blacks, the Spanish-speaking, and American Indians. More is needed for education, the environment and the consumers who inhabit it and funds are solicited for more mass transit in cities, and better housing everywhere.

And, oh yes, more is needed for the elder
They recognize the needs of the others, a
hope that they are not elbowed out in t
frenzied struggle for attention and funds.

In 1958 the late Rep. John E. Fogarty i
troduced a bill calling for a White Hou
Conference on Aging, which subsequent
was held in 1961. At the time he said: "
spite of the many surveys, books, and co
ferences on aging, the greatest accomplis
ment to date has been the output of words

More than words have rolled out of Wash
ington and elsewhere since then. Medica
was enacted. And medicaid. Several mode
social-security-benefit increases were passe
so were various housing and service pr
grams. Yet the continuing need far outstri
these programs; and some of the small
service programs which should be expand
must be fought over annually even to be pre
served.

To most who work with the elderly, th
biggest need today is for a firm nationa
policy toward the elderly—a national deci
sion of what should be done, and a nationa
commitment to do it. That's what the elderl
want, too; but they aren't holding their collective breath either.

Thus the elderly view this month's Whit
House Conference on Aging with interest—
but great skepticism. Will it be yet anothe
flood of words, and trickle of action?

Or will it stimulate concrete help for the elderly—help that will come soon?

The elderly hope so.

[From the Christian Science Monitor, Nov. 2, 1971]

THE AGED OVERSEAS: HOW DO THEY FARE?

(By staff correspondents of the Christian Science Monitor)

(NOTE—This article was compiled by staff writer Florence Mouckley from dispatches written by Monitor correspondents John Allan May in London, Harry B. Ellis in Bonn (who included information from many visits to Sweden), Elizabeth Pond in Tokyo, and Charlotte Saikowski in Moscow.)

BOSTON.—With the United States still gyrating to the rhythm of the young, in Great Britain a new, measured beat is being heard. The elderly person is slowly being brought back to a meaningful place in society.

Compared with other industrialized nations. Britain has a foot out in front. As more and more of the physical requirements of the elderly are being met, public and private agencies are responding to their need for companionship, for usefulness, and for being a part of the mainstream of life.

For instance, some 600 day centers and 7,500 social clubs for the elderly dot the country. More of these are provided by local town governments and county councils. Others are endowed by voluntary services.

In every town in Britain a wide range of "leisure-learning courses" is available. And more and more elderly folks are helping in the social services, in libraries, and on local sports, social, and political committees. Workrooms are being set up by most local authorities to provide those who want it with part-time light work.

OLD ORDER CHANGES SHARPLY

This movement to include the elderly in the ongoing life of the nation marks a dramatic change in Britain.

It would be almost true to say that even 10 years ago the elderly had no position. The days when "grandma" presided over the family and was taken along on all its outings had already gone.

Most housing was getting too small and expensive to allow the majority of young people to have parents living with them. People in the geriatric wards of hospitals and in "homes" were half-forgotten and tragic actors on the social scene. Most of the poor were old and most of the old were poor.

This situation has changed. But the change still has a long way to go before it is complete.

Some 7.6 million citizens are past the age of 65 in Britain. There is provision, although it is small, for a basic pension for every one of them. And a system of supplementary benefits ensures that those with no other resources receive a basic income of at least £6.30 ($15) a week above the cost of their rent or accommodation.

Meanwhile, a new pensions plan, due to be passed into law this year, will in time ensure that everybody in retirement has an adequate pension, related to earnings during his or her working life, that will be automatically adjusted to take account of inflation.

MAJORITY KEEP WORKING

However, despite these pension provisions, 6 out of 10 men over the age of 65 still prefer to stay on at work. With pensions at their present levels the majority must work after retirement if they are to maintain a reasonable standard of living.

And it remains true that one-third of all the retired folk in Britain need Supplementary Assistance to keep them above the poverty line.

It is also the case that the number of special houses and flatlets for the elderly needs to be quadrupled.

"Every day we find old people who somehow have been left out of things," says Mrs. Jill Battersby, a Women's Royal Volunteer Service (WRVS) social worker. "There are hundreds of cases still that are precious close to tragedy."

But the numbers are steadily being reduced. Mrs. Mary Simmons, for instance, worked for 60 years as a "char" (domestic). At 75 she retired. She now lives in a one-bedroom, single-story house on a council estate (public housing) in one of the most expensive areas for private housing in Britain.

"Oh, I am lucky," she says; "this is a lovely house. I can live very well on my pension really."

Local authorities now build about half the houses in Britain. Of these, one-quarter are specifically for the elderly. The rate of building old folks' accommodations is 80,000 units a year. In addition, more than 5,000 housing associations are concerned exclusively with the elderly.

MEDICAL SERVICES LARGELY FREE

Medical services are provided largely free. One-third of total National Health Service spending goes to care for the elderly, who are also exempt from prescription charges on recommended medicines.

Last year half a million older people took advantage of the home nursing services provided by the local authorities. Some 373,000 had "home helps" provided for them and 828,625 enjoyed free chiropody treatment. Volunteer agencies provided 21,561,819 "meals on wheels"—some 14 million served to the aged in their homes and the rest at social clubs.

And an increasing number of local authorities are furnishing even such things as laundry services.

Sweden, which has probably the most comprehensive social-welfare programs of all industrialized nations, is just beginning to grapple with the need of the elderly for companionship and stimulation.

With physical needs now met, loneliness is the prime problem. And Sweden must also deal with another, unique aspect of the loneliness problem: a traditional stiffness and aloofness among its people.

For centuries Sweden was a farming country. Isolated by geography and by long, severe winters, families looked only to their own members and the immediate community for social contact. Activity orbited around home and family.

But with industrialization and the move from farms and small communities to the cities, the extended family system broke down.

MORE THAN THE CLINICALLY MODERN

With the close contact with the family severed, many elderly people were forced to live on their own, either in government-supported homes or in their own flats. And with the Swedish tendency toward diffidence, the elderly find it extremely difficult to make friends and find a new life.

More and more Swedes acknowledge that they have planned for the elderly—retirement benefits, health care—but not in the sense of finding out what they themselves really want. The Swedish Government and public are coming to realize that the clinically modern apartment blocks and the impersonal caring for physical needs are not the answer for the elderly.

To bring the aged out of their isolation, Prime Minister Olof Palme hopes to inaugurate "continuing education" in Sweden—the opportunity for Swedes of all ages to return to school at government expense. Although not directed specifically at retired people, this program would include them.

Echoing the Swedish situation, a social worker in West Germany says: "What the elderly need above all is stimulation to make their everyday lives a bit different. Over and over, as I go from one old people's home to another, that is what I hear.

"Most people in homes feel they are well taken care of," the social worker continued. "They acknowledge this, then they sigh and complain that one day is just like another."

Both Sweden and West Germany have comprehensive socialized-medicine programs that antedate the American Medicare program. In addition, many Germans take out extra health insurance through private plans. Thus old age is not the financial burden on families that it is in the United States.

As in Sweden basic living needs of West German elderly are met adequately. All workers contribute to compulsory old-age insurance, with their employers giving an equal amount. Men are eligible at 65; women at 60. And the pension rises automatically with increases in the cost of living.

Housewives who have never worked do not get a pension, though they share as wives and widows in their husband's pensions. Legislation being prepared will give housewives a pension for the years of work within the home.

The traditional pattern of the "old folks" living with the younger generation is largely superseded in West Germany. When, for example, East Germany allowed pensioners to visit their West German families for a month each year, remarkably few elderly East Germans remained in the West. Almost all returned to East Germany to their own homes, rather than start living with their grown children.

HOUSING AMPLE, STANDARDS VARIABLE

Unlike the United States, there is no serious lack of housing for the elderly in Sweden or in West Germany, both of which build large numbers of "social" housing complexes—that is, supported by government funds with low, controlled rents.

Those elderly who, for one reason or another, cannot live on their own find places in either private or public homes for the aged. Here the quality varies greatly and, in West Germany, at least, there are inadequate controls on how such private homes should be run.

Recently the West German press has stressed the loneliness problems of the aged, portraying them as often exploited by those who run old-age homes.

There is a need for additional facilities for the elderly as the percentage of those over 65 increases.

Japan, rocketing onto the world scene as a major industrialized nation, was late among nations in this category in adopting social-welfare programs for the elderly, since traditionally they have always been cared for by their children.

Throughout history Japanese families have respected and honored their elderly in obedience to Confucian ethics. Japan's whole system of loyalties was shattered by the country's defeat in World War II, however, and filial piety was not exempt. And, too, the explosive postwar industrialization and urbanization, with their population mobility and increase in nuclear families, further undermined the old family system.

MEN AT THE TOP VERSUS LOSS OF PRESTIGE

Now there is a wide gap between the men in their 60's and 70's who hold the top political and business leadership posts and the vast majority of elderly, who no longer enjoy the prewar prestige of the aged.

The vast majority faces compulsory retirement at 55.

There is a growing literature, both factual and fictional, on the uselessness, loneliness, and even obsolescence that many of these men feel.

Financial provision for the elderly is most inadequate. However, the Finance Ministry has just come out with a plan (which will probably be adopted) to increase social-welfare benefits next year.

Yearly income-tax exemptions for dependent elderly would be increased from 140,000 (about $425) to 160,000 or 180,000 yen. Exemptions for working elderly would also be raised from the present 12,000 yen.

Also, a combination of national and local governments would pay half the costs of private medical insurance for those 70 and over. Old-age pensions (for those 70 and over) would be increased from 2,300 yen a month to 3,300 yen (about $10).

According to a survey by the Social Welfare Ministry made last June, 540,000 elderly (men 65 and over and women 60 and over) live alone, often in extreme poverty. Of these 170,000 can afford to eat only two meals a day; 86,000 are bedridden.

ABOUT A THIRD SUPPORT THEMSELVES

In more general terms, according to Fumio Miura, section chief in the Welfare Ministry's Social Research Institute, about 30 percent of the 7 million elderly population support themselves; 50 percent are supported by their children; and 10 to 15 percent are supported by the government.

There are no company pensions in Japan. There is a lump-sum payment on conclusion of employment, but this does not cover further needs.

The first government pension program really got started only in 1954. It is financed by funds collected in both company and worker payments over 20 years of employment, supplemented by government money.

At best this gives the pensioner only about two-fifths of the salary he earned while working. And the program has not been in operation long enough for anyone to qualify yet for this maximum pension.

If a man is forced to retire at 55, he may find he has his most pressing financial needs immediately after retirement, for with frequent late marriages in Japan, he may well still have children to support and educate.

A measure of the inadequacy of pensions is seen in the number of people who work after retirement. Over the past decade this has increased to 87 percent. With Japan's labor shortage, retirees can find jobs, but these are often menial and low-paying ones like parking-lot attendants.

GOLDFISH PONDS AND PERSIMMON TREE

About 80 percent of the aged live with their children This percentage, which is just reverse of the Western ratio, has remained constant since 1955. Some 19 or 20 percent live alone; 1 percent live in old-age homes.

Mrs. Toshi Higuchi, 70 years old, is one of the fortunate elderly people in Japan. but still her situation is not ideal. She lives alone in a new mountain house built by her daughter and son-in-law in a resort area of Niigata. She enjoys planting roses and cosmos and watering her garden, which is quite large and contains two goldfish ponds and a persimmon tree. She lives 15 minutes by car from the train station, and there is a good road to it.

But its difficult for an old woman to get up and down much. She was in the hospital for 50 days recently but is back home now. The daughter (her only one) and son-in-law live in a bakery, a 15-minute train ride away from the station. Her granddaughter is married and living far away in Kyushu. Her grandson is living rather far away, studying baking in Tokyo. When asked to compare the way older people are treated now with prewar days, she replied: "I have nothing to say, because I am happy. Things are taken care of, but when it comes to evening time, I feel very lonely. . . . If I had a maid living with me I wouldn't be lonely, but then I would have to think about this and that for the maid all of the time, and I wouldn't like that, so I stay alone."

A FREE MEDICAL CHECKUP—PERHAPS

In theory the Japanese Government provides the elderly with a free medical checkup once a year. But only about 20 percent actually take the checkups. The places of examination are often too far away or inconvenient for the elderly to get to. Also, there is a strong disinclination to have the examination, since at best the elderly person would still have to pay half the costs; and at worst he would have to pay all. Many an older person just cannot afford medical attention. And there is at present no public health insurance for the aged.

The ruling Liberal Democrats are planning free medical care for older people, but it's slow in coming. It will cover those past 75 next year and only eventually cover those past 70.

Efforts to make life meaningful for the old in Japan are limited.

Prefectural (state) governments have some social-welfare centers with daytime activities. The Welfare Ministry tries to provide some club activity, too, but these attempts do not even scrape the surface of the need.

A promise on the horizon: The problems of the aged have become an important issue in Japan and no political party can afford to ignore them.

In the Soviet Union, although retirement age is 60 for men and 55 for women, countless Russians continue to work either to supplement meager pensions or because of professional interest. Many scientists, economists, actors, and musicians—as well as the country's political leaders—are in their 60's and 70's.

MANPOWER—AND CONTENTMENT—SOUGHT

And most significant, because of a growing shortage of manpower, a concerted effort is under way to enlist retired persons back into jobs. Aside from the value to the economy, it is recognized in the Soviet Union that activity keeps older people healthier and happier. Some planners suggest that special light manufacturing plants be built that would hire only elderly persons and that part-time work be provided more widely where feasible.

Parallel with other societies is the disappearance of the traditional Russian patriarchal family, in which two and three generations lived together and the elderly "babushka" looked after the children. Young married couples today prefer to live alone, and the contemporary grandmother is less inclined to spend her senior years tied to family chores. Hence care of the aged is a growing concern in Russia.

Old-age pensions are paid to male wage earners at the age of 60 and to women at the age of 55. The minimum pension was raised this year to 45 rubles ($50) a month and the minimum monthly pension for collective farmers to 20 rubles ($22). The maximum pension, based on years of employment and size of earnings, is 120 rubles. As a measure of comparison, the present average Soviet factory wage is 122 rubles a month.

FOR HALF, LESS THAN 50 RUBLES

Unlike most in the West, Russians do not contribute to the state pension fund, and pensions received are probably a higher percentage of average earnings than in most countries. However, they are also extremely low in relation to food prices. Western economists estimate that at least one-half of all retired persons have to get along on less than 50 rubles a month, which is below the official minimum living standard.

Certain types of hard labor, such as mining, carry earlier retirement benefits, as do jobs in remote and difficult parts of the country.

In the sphere of public health, the Soviet Union has an extensive system of free medical care (apart from the cost of medicines).

There are reported to be 100 geriatric consulting offices attached to medical institutions throughout the country now, and the first comprehensive geriatric polyclinic has been opened in the city of Tashkent.

With 12 percent of the Soviet population above the ago of 60, problems of the elderly are being talked about more these days. Geriatrics specialists would like to see the construction of special rest homes, clubs, and even dietetic restaurants.

NEED FOR SPECIALIZED HOUSING SEEN

They would also like to see more specialized housing for the elderly.

Housing in general is in short supply, with an estimated 40 percent of the population still living in communal apartments—two or more families per apartment. But rents are subsidized by the state and are minimal by Western standards. Collective farmers, for their part, own their own houses.

According to a Soviet report, about 250,000 aged persons and invalids are cared for entirely by the state in special homes, of which there are some 850 in the huge Russian Federation. There is also special (and better-quality) housing for retired scientists, writers, and other privileged members of the intelligentsia.

Soviet specialists say the needs of the elderly are far from met and they urge construction of more boarding homes for the aged, with places for 100 to 400 persons in the midst of normal urban communities. The current five-year plan (1971–75) also calls for more homes for the aged.

A SORRY ACT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. LANDGREBE. Mr. Speaker, I have here an editorial from the Dallas Times Herald which provides a valid appraisal of George Meany's unwarranted behavior at the AFL–CIO convention. Whether Mr. Meany agrees with Richard Nixon or not, the fact remains that it is the responsibility of a good citizen to respect the office of the Presidency.

The entire editorial follows:

[From the Dallas Times Herald, Nov. 2, 1971]

A SORRY ACT

The contemptible downgrading of the Office of the Presidency by George Meany and his AFL–CIO convention delegates was an insult the nation will not tolerate and a total disservice to labor.

No man, whether he be labor boss or ordinary citizen, owns the right to degrade and deride the President of the United States—particularly as we walk the narrow line of national security in an uncertain world.

It was Meany challenging the office of the Presidency; defying constituted authority; and heaping ridicule on this nation's elected leader as hostile nations around the world applauded. George Meany must have come on big with them—much bigger than he did with millions of American labor that he mistakenly thinks he represents.

President Nixon threw away the script and told George Meany what he should have told him in Miami: Brace up to the anti-inflation program like the rest of the nation, or else.

The whole thing was an incredibly bad performance. Meany coaching delegates to virtually ignore the President or give him the coolest recognition. It is a sorry moment in the history of this country when the President, regardless of who he is or the cause he represents, is greeted by semi-silence and the insult of many delegates who did not bother to arise when he appeared.

The shocking, cheap act of Meany in not recognizing the President of the United States when he concluded his remarks; rapping the convention back to order as the President walked away with a brash "we will now proceed to Act Two," is a regrettable and bitter setback for the labor he purports to lead.

The President spoke the sentiments of an enormous segment of this nation when he told the convention that he had noted Meany's remark that if the President "doesn't want our membership on the Pay Board on our own terms, he knows what he can do," and then added:

"Well, you know, President Meany is correct. I know exactly what I can do—and I am going to do it."

SUCCEEDING BY FAILING

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WAMPLER. Mr. Speaker, past performance as an elected official should be a criterion for nominating or electing a person to a high political position. We must not allow image to shadow the record and the issues. I have here an editorial from the Richmond Times-Dispatch which examines the political performance of John Lindsay. Since Mr. Lindsay is considered by many to be an aspirant for the Democratic presidential nomination, I urge my colleagues study this analysis.

The entire editorial follows:

[From the Richmond Times-Dispatch, Nov. 14, 1971]

SUCCEEDING BY FAILING

Conceivably, Mayor John Lindsay of New York City could become the first man in history to base a campaign for the presidency on the fact that as a public official he has been a consistent failure rather than a success.

This novel possibility can be inferred from observations made recently by New York Times columnist James Reston. Reviewing Lindsay's political career, the columnist noted that the mayor "has always climbed the political ladder by abandoning the job he was in."

Lindsay was "getting nowhere" as a progressive Republican congressman, said Reston, so he decided to run for mayor of New

York. He won that race, but his own party later abandoned him, and he sought reelection as independent. He has been "getting nowhere" as an independent mayor, the columnist continued, so now he wants to be President of the United States.

Presumably, Lindsay believes that if he could only make it to the White House, he would be able to solve all the problems that frustrated him as a congressman and as a mayor. This is unlikely. While the White House has a rose garden, there is not a bed or roses on the place. And no magic wand. Like other Chief Executives before him, would-be President Lindsay would discover, no doubt, that there are no simple solutions to the nation's problems.

Once, for example, there was a President who announced, to the enthusiastic applause of liberal statists, that he was going to transform America into a "Great Society." Not only did he fail to do that, he managed, somehow, to alienate the same liberals who had cheered him on. They booed him out of office.

Should Lindsay become President and leave the White House four or eight years later with the nation still plagued by blighted housing, poverty, racism and a scarcity of public revenues, what would he do next? Since there are no higher administrative political offices to which he could aspire, he probably would retire to write his memoirs, in which he would explain how he could have created a utopia if Congress and the Supreme Court had only cooperated.

WOMEN LAWYERS DAY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, today marks the 66th consecutive year of professional services rendered by the Massachusetts Association of Women Lawyers, a nonpartisan, nonprofit organization.

On this memorable occasion, I wish to extend to the officers and members of MAWL, my sincerest congratulations and best wishes for continued success in their chosen field of endeavor.

I am proud to be not only a member of MAWL, but also past president.

His excellency, Francis W. Sargent, Governor of Massachusetts, has proclaimed December 1, 1971, as Women Lawyers Day as stated in the following proclamation:

BY HIS EXCELLENCY FRANCIS W. SARGENT, GOVERNOR, A PROCLAMATION 1971

Whereas the Massachusetts Association of Women Lawyers enters the sixty-sixth consecutive year of professional confraternity with an enrolled roster of 400 member women attorneys;

Whereas the Massachusetts Association of Women Lawyers, in affiliation with colleagues of the Massachusetts Bar Association, rededicates itself—individually and corporately—to service of the highest order in defense of the indigent before the bar;

Whereas the Massachusetts Association of Women Lawyers strives to enhance the professional competence of its members through programs designed to disseminate statements and interpretations of current laws in a period of unusually rapid social and judicial reform;

Whereas the women comprising the membership of the Massachusetts Association of Women Lawyers, through their manifest competence in the variety of facets of the profession they serve with vigor and distinction, are testimony to the fact that capacity rather than sex defines recognition;

Now, therefore, I, Francis W. Sargent, Governor of the Commonwealth of Massachusetts, do hereby proclaim December 1, 1971 as Women Lawyers Day in Massachusetts, in recognition of the unique service of the Massachusetts Association of Women Lawyers in the administration of justice in this Commonwealth; the notable contribution of women lawyers to the integrity of the legal profession; and the benefits accruing to all citizens when the rights of the least have been thus served.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

DOOM PROPHESY FOR UNITED STATES BASELESS

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. DEL CLAWSON. Mr. Speaker, in contrast to the somber warnings, the dubious, headshaking type commentary flooding the media these days, I commend to the attention of my colleagues an article by the well-known columnist George Todt. The column, which follows, appeared in the Valley News, Burbank, Calif., on Sunday, November 28:

DOOM PROPHESY FOR UNITED STATES BASELESS

(By George Todt)

"We think our civilization near its meridian, but we are yet only at the cock-crowing and the morning star." Ralph Waldo Emerson—Politics.

Many of the more thoughtful members of our race may be pardoned for wondering in which direction our civilization is headed.

Often we hear some dire predictions, and small wonder for it.

One which has caused more than its share of worry and doubt is the oft-quoted piece written by an educator named Alexander Tyler a long time ago.

This is what he wrote:

"A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse from the public treasury.

"From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury, with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship.

"The average age of world's greatest civilizations has been 200 years. These nations have progressed through this sequence:

PROPHECY INTERPRETED

"From bondage to spiritual faith; from spiritual faith to great courage; from courage to liberty; from liberty to abundance; from abundance to selfishness; from selfishness to complacency; from complacency to apathy; from apathy to dependency; from dependency back again into bondage."

Some of the mystics among us, particularly those with imaginary crystal balls, endeavor to give the fearsome impression that this remarkable prophecy was meant for us today. Such was not the case.

The prophets of doom and gloom ought to read their history books first and get the data straight. Just for the record. It helps.

Actually, professor Tyler wrote his interesting message some 200 years ago when the American Colonies belonged to Great Britain.

He was not predicting the downfall of the American Republic one day into the future. It was not even in existence at the time.

Instead, Tyler was writing about the erosion and ultimate demise of the Athenian Republic 2000 years prior to his era.

SIMILARITIES EXIST

Sorry to have to debunk one of the pet shibboleths of the alarmists, but a fact is a fact.

Now of course there are certain similarities in what the professor wrote about the Athenians and what has happened to us here in the United States at this point of our history.

Again, let me emphasize that it is merely a coincidence—and not because of any unchallengeable prophecy by a prophet regarding the future of America.

Generally, I believe we have touched bases on the Tyler pattern as outlined to a limited extent because all strong nations perform much in this manner over a period of time.

Seen in such a light, it would appear we are roughly in the "liberty to abundance" slot at the moment.

Certainly, even our worst detractors in and out of the United States cannot claim honestly we have gone from "abundance to selfishness" yet—not when we have spent $150,000,000,000 of our taxpayers' money on global ingrates in the last 25 years and more on handouts here at home for citizens who will not work.

MUST RESIST TEMPTATION

But let's remember that fate is not inexorable and we can take ourselves out of the "Tyler pattern" completely if we desire to do so.

The most important thing for us to do is resist the temptation to swoon when we hear predictions of doom and gloom.

Otherwise, we might become accident prone, becoming downhearted or even faint of heart. This could cause us to lose courage, eventually our will to survive as a nation on the world stage.

Admittedly, as the number one free enterprise republic in the world right now—we face a lot of problems. They will not be easy to overcome. But if any nation can overcome adversity, we are that one.

We must be alert to danger which faces us on many sides, proceed somehow to unify America and get rid of our cantankerous troublemakers.

Their efforts to bring down the so-called "establishment" (translation: American society) is simply a cover-up for what amounts in reality to a "second front" within the United States for the benefit of our jealous opponents behind the Iron and Bamboo Curtains.

America has enough on her hands to face the opposition outside our borders without internecine warfare among her own citizens.

Let's manage to crumble all resemblances to the "Tyler pattern" as it may accidentally have adhered to us—and prove that fate has something better in store for the American Republic than the Athenian democracy which perished so many centuries ago.

BENJAMIN L. SHUFF

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BYRON. Mr. Speaker, this week Mr. Benjamin L. Shuff of Frederick celebrates his 50th anniversary with the Farmers & Mechanics National Bank in Frederick, Md. He is now chairman of the board and chief executive officer of the bank.

Benjamin Shuff joined the Farmers & Mechanics National Bank December 5, 1921, as a messenger and clerk and dedicated his business life to the bank since then. During his span of 50 years Farmers & Mechanics National Bank has grown from $2,500,000 total assets to $120,000,000. It is now the largest independent bank in western Maryland.

Mr. Shuff is active in the Maryland Bankers Association and the Maryland Development Credit Corp. and is a member of the 50-year club of the Maryland Bankers Association. He is also a trustee of Hood College and has served as chairman of the board of trustees of Hood.

I would like to add my congratulations on this significant event in Ben Shuff's life and wish him continued success.

TOKYO—THE LOWEST CRIME RATE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. BOLLING. Mr. Speaker, the following interesting article about the world's largest city is worth reading. The article on Tokyo by Alan Barth appeared in the Washington Post of November 23, 1971:

EXAMINING SOME OF THE REASONS: TOKYO—THE LOWEST CRIME RATE

(By Alan Barth)

TOKYO.—Tokyo today boasts the largest population of any city in the world, if that's anything to boast about—11,513,669, give or take a few births and deaths since the most recent reading; and it also boast the lowest rate of crime among all the world's great metropolises.

There were only 213 murders in Tokyo during the course of 1970—and only three of them, incidentally, were accomplished by pistols—as compared with 1,117 murders in New York City which is now smaller in population by about 30 per cent. There were only 474 robberies in Tokyo compared with 74,102 in New York, 7,268 assaults compared with 18,410, and 500 rapes compared with 2,141.

If the comparison is made in terms of crime per 100,000 of population in 1970, Tokyo's homicide rate stands at 1.9, New York's at 10.5 and Washington's at 11.4. The forcible rape rate during 1970 was almost as striking: 4.4 for Tokyo; 19.9 for New York; 23 for Washington, D.C.

There was a total of six bank robberies in Tokyo during the whole course of last year; and there were just 625 purse snatchings.

In an effort to find out the reasons for this contrast, I talked with a police superintendent, a distinguished professor of criminal law and several newsmen, American as well as Japanese. They suggested a number of explanations, some obvious, some less so. Perhaps the basic explanation lies in the homogeneity of the Japanese people. There is no ethnic problem in this country, no major racial minority disadvantaged and made desperate by discrimination. Koreans are rather disliked and sometimes mistreated in Japan; but they are not numerous enough to constitute a very serious problem. And there is a class of outcasts rather like the Indian untouchables, called Eta, traditionally victimized by discrimination; but they are mostly in rural areas, and the tradition is fast fading.

The racial homogeneity of the Japanese is fortified by their common cultural background. The multiple strands of melting-pot America do not exist in Japan. And Japanese tradition gives much more value to conformity than to individuality; it operates to promote respect for the law and for authority. Despite a strong strain of violence in their history—made manifest contemporaneously by the student demonstrations—the Japanese are an order-loving and highly disciplined people.

Moreover, Japan is a set of small islands without the long land borders that make the United States so vulnerable to narcotics smuggling. There is virtually no narcotics problem in Japan; heroin addiction is looked upon with horror and is almost unknown.

Apart from these natural advantages, however, the Japanese have done some things about the causes of crime and have taken steps to combat it realistically in ways that might be effective in America as well.

There are now practically no slums in Tokyo, no areas which by their squalor and deprivation and lawlessness breed criminals in the way that stagnant pools breed mosquitos. There is desperate overcrowding but there is no ghetto and no inner city set apart from the rest of the community as a sinkpot. Besides, there is now no unemployment in Japan; on the contrary there is a labor shortage, so that pretty nearly everyone who wants to work can find a job. To facilitate employment, besides, the Japanese have almost completely wiped out illiteracy. The public schools do a formidable job of making the Japanese the most enthusiastic readers in the world—and making them singularly well equipped to do useful work in an industrial society.

Another way in which the people of Tokyo have managed to curb crime is by giving status, support and dignity to their police force. The force consists of 35,000 officers, and it is believed to be as free from corruption as any law enforcement body in the world. The Tokyo police constitute a department of a national police body in this geographically small country; there are no state divisions of authority or difference of custom and procedure to impede effective operation on a nationwide basis.

More important, police work is a career to which top graduates of Japanese universities aspire. Men of the highest ability—often men of great cultivation and learning—are moved into authority in the law enforcement ministry. In consequence, the police department has developed an extremely high esprit de corps. It has a tradition of discipline, of service and of high reputation that put it on a par with other departments of the national government. Men who serve it in administrative capacities take great pride in its prestige. And to a Japanese, nothing is more painful or shameful than to bring disgrace in any way upon his family, his school or his organization.

The Japanese do one other thing that helps immeasurably, in the opinion of the authorities I talked with, to keep the crime rate down. They maintain a rigid control of firearms. They regard the pistol as a dangerous weapon, useful only to criminals. And so the law regarding pistols is very simple indeed: it provides that no one—that is to say nobody at all, excepting a soldier or a policeman and a tiny number of specially circumstanced civilians—may purchase, purvey, play with or possess a pistol in any form or of any caliber. Even toy pistols are frowned upon here; they may be made only of plastic and they must be colored red or white to keep them from being mistaken for the real thing. Possession of a pistol is considered a serious offense subject to drastic punishment.

Regarding rifles and shotguns, the law is much more lenient. Anyone may own a long gun—provided that he register it with the police and obtain from them a permit in advance. The gun must be kept unloaded except when used for hunting or target shooting; and it must be kept securely locked up so that children cannot fire it unexpectedly when showing it off to their younger siblings.

There are about 75,000 guns registered in Tokyo. And the Japan Times was moved to an annoyed editorial the other day about what it called "the spreading gun mania." "With the opening of the hunting season," the editorial complained, ". . . we can expect another rash of fatalities." Last year there were 280 hunting accidents reported to police. These accidents occur despite the fact that the police require those holding hunting licenses to attend a lecture session on the proper handling of guns.

Possession of lethal weapons has always been narrowly restricted in Japan. From feudal times onward, only the samurai, very limited in number, could carry swords. And the tradition was carried forward respecting the possession of firearms.

Control over the private ownership of guns was advanced, Prof. Hideo Tanaka of the iversity of Tokyo law school told me, by e American Army of occupation. The oc- ipation authorities were extremely firm out the private possession of firearms. Un- ibited by constitutional niceties about un- rranted searches, they saw to it that every n in the country—or pretty nearly every n—was turned in.

Occupation by a foreign power and the ac- ptance of random searches are, manifestly, o high a price to pay even to solve the gun oblem. But then the shooting, annually of wards of 200,000 Americans within the rders of their own country is a rather high ice to pay for the pleasure of our domestic mrods and marksmen. Perhaps rational en could devise some modest measure of ntol that lies in between the two.

The crime rate, when all is said and done, nothing but a thermometer of social sick- ss. The striking disparity between the in- dence of crime in Japan and in the United ates suggests pretty plainly that Americans e running a high social fever.

When such a symptom manifests itself, it a good idea to try to diagnose its causes. e cost of neglect can be far greater than e cost of correction.

It would be expensive, no doubt, to eradi- te the slums of Washington, to improve e schools so that everyone got enough edu- tion to earn a living, to put a stop to racial gregation and discrimination so that men ere not made outcasts by reason of their lor and to end the sordid traffic in weapons signed for the killing of human beings. But would be worth a considerable price if citi- ns in the Capital of the United States were le to walk around the streets at night in mfort and security, without fear of foot- ds, as citizens do commonly and uncon- iously every night of the week in the Capi- l of Japan.

EDERAL POWER COMMISSION COMMENTS ON AEC'S PROJECTED LICENSING SCHEDULES

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HOLIFIELD. Mr. Speaker, there ppears in the CONGRESSIONAL RECORD f November 2, at page 38900, back- round material on the impending crises n the supply of electrical energy and he impact of the so-called Calvert Cliffs ecision handed down by the U.S. court f appeals on July 23, 1971. I placed in he RECORD at that time a copy of a letter ated October 15, 1971, from the Chair- an of the Federal Power Commission o the Chairman of the Atomic Energy ommission.

I would like to place in the RECORD sub- equent correspondence between the two hairmen. I would note in particular for he information of my colleagues that he Federal Power Commission would eem to be less optimistic than the Atomic Energy Commission regarding the extent f potential licensing delays on the avail- bility of dependable full power service rom nuclear plants as needed.

I am heartened by the vigor which is eing shown under Chairman Schlesin- ger's leadership. In the past week the AEC has completed a number of regula- ory actions. The FPC is specially quali- fied to make predictions of future na- tional needs for electrical energy. The AEC should keep in mind the FPC analytical tables in their projection of energy needs and their plans for licensing actions.

The subsequent correspondence is as follows:

ATOMIC ENERGY COMMISSION,
Washington, D.C., *October 29, 1971.*

Hon. JOHN N. NASSIKAS,
Chairman, Federal Power Commission,
Washington, D.C.

DEAR JOHN: Thank you for your letter of October 15, 1971, enclosing a staff report on the "Electric Generating Capacity Situation, Winter 1971–1972, Summer 1972, Winter 1972–73." I am enclosing for your information an AEC staff analysis of this report in relation to our projected licensing schedules for the critical nuclear power stations cited.

The Commission's revised regulations provide that the AEC may authorize upon the applicant's request fuel loading and operation at levels up to 20% of full power consistent with appropriate regard for environmental values during the period of the supplemental NEPA review. In emergency situations, or other circumstances where the public interest so requires, the Commission may authorize operation beyond 20% of full power.

The enclosed staff analysis indicates that the NEPA review should not be the determining factor in the areas you have identified as having critical power needs. If, however, unforeseen circumstances arise due to the NEPA review, they can be mitigated in cases where construction has been completed by use of the above provisions. Under such circumstances, it is for the applicant to make a request to the Commission for power authorization. Should such requests be made, I can assure you that they will receive immediate attention within the AEC and will be acted upon as soon as reasonably possible.

Our regulatory staff review of the schedules in these cases in relation to the power reserve margin requirements set forth in the FPC staff report for the five "critical subregions" indicates that seven of the 14 nuclear plants in question should be operable in time to assit in meeting these needs. The AEC staff estimates that construction will not be completed on five of the remaining seven units in time for full licensing action to help alleviate the anticipated near-term peak power loads.

Our staff's estimates identify only two units of the 14 nuclear plants in question which may not be able to help alleviate the anticipated near-term power supply problems due to delays in the licensing process. These are Point Beach Unit 2 in Wisconsin and Surry Unit 1 in Virginia.

In the case of Surry Unit 1, while the enclosure projects September 1972 as the earliest possible licensing date, the regulatory staff is now reviewing what actions might be taken to complete this proceeding by June 1972. If the regulatory staff is successful in this effort, this plant could be available for next summer's critical power supply period.

Point Beach Unit 2 presents a different situation. The operating license application for this plant is now in hearing, and it is not possible at this time to predict when the Atomic Safety and Licensing Board will complete its review. The staff anticipates, however, that the proceeding for the Palisades Plant, in Michigan, should be completed in early 1972. As you pointed out in your letter, the Palisades Plant can meet this problem.

You will recognize, of course, that the staff estimates referred to above are not intended to reflect on the merits of the proceedings in question nor as a prediction of how the cases will be decided. Apart from the cases under discussion, the AEC staff is developing schedules for all other plants. We believe that the NEPA review should not be a determining factor in the availability of these plants to provide power for critical areas. To reinforce our efforts the Commission is examining its regulations and procedures to see what improvements should be made in the licensing process.

I wish to express our appreciation for your agency's comments and assessment of power supply needs in affected areas in connection with our environmental review of nuclear power facilities. These assessments are an important element in our Environmental Statements, and particularly in our review of requests from the applicants for permission to commence low power operation.

Sincerely,

JAMES R. SCHLESINGER,
Chairman.

AEC STAFF ANALYSIS OF OCTOBER 15, 1971, FPC LETTER AND REPORT RELATING TO THE EFFECT ON RESERVE MARGINS OF DELAYS IN NUCLEAR PLANT OPERATION

OCTOBER 27, 1971.

The following is a summary of an analysis of the Federal Power Commission's letter of October 15, 1971, in relation to AEC projected licensing actions. (Reference attached table "Key Dates for Critical Nuclear Power Plants.")

The FPC Staff Report, inclosed with the letter, assumed that "In general, nuclear units were assumed to be delayed a year but in cases where active intervention is presently in progress or expected the anticipated delay was longer. Fossil units scheduled for service during the study period were assumed to be delayed six months."

The FPC study period is Winter 1971–72, Summer 1972, and Winter 1972–73. Five "critical subregions" are analyzed: New England, New York State, Florida, the Virginia-Carolinas area and the Northern Illinois-Wisconsin-Upper Michigan area. Key dates for the nuclear power plants in these subregions are given in the attached table.

NEW ENGLAND AREA

The FPC report indicates that there will be a critical power supply situation in this area in the winter 1971–1972. Construction of the three nuclear plants involved (Vermont Yankee, Pilgrim 1 and Maine Yankee) is expected to be completed in December 1971, January 1972 and April 1972, respectively.

These construction completion dates preclude any substantial contribution of these units to the power supply in the New England area during this period, taking into account the time required for low power testing, debugging and ascension to full power.

NEW YORK AREA

The critical time period for this area is the summer of 1972 and the winter 1972–73. Only one nuclear plant (Indian Point 2) is involved. Construction is completed. The earliest projected date of completion of NEPA review and issuance of the operating license for full power is June 1972. Assuming that the presently scheduled licensing schedule is met, this plant could help to alleviate the low reserve margin for the New York area in the summer of 1972. If a power emergency is indicated by the spring of 1972, the provisions of Appendix D for authorizing operation under emergency conditions could be considered.

VIRGINIA-CAROLINAS AREA

Critical power supply problems are anticipated in the FPC report for the Virginia-Carolinas area during the summer of 1972. The earliest projected date for the issuance of an operating license for Oconee is in March 1972. If the projected schedule holds, and no unusual difficulties are experienced in start-up, the reserve margins in this area will be increased. By the winter of 1972-73, three nuclear plants in the area (Oconee 1 and 2 and Surry 1) should be at full power with an adequate reserve margin as defined by FPC.

FLORIDA

The Federal Power Commision report indicates that Florida, due to its lack of adequate transmission within the state and from adjoining states and because of unit size, requires more reserve than other areas, particularly during the summer. The construction of the two nuclear plants (Turkey Point 3 and 4) is expected to be completed in December 1971 and April 1972, respectively. The earliest projected date of completion of NEPA review and the issuance of operating licenses for these units is April 1972, and they should be available to provide reserve in the summer of 1972.

NORTHERN ILLINOIS-WISCONSIN-UPPER MICHIGAN AREA

The FPC report predicts a critical low reserve margin in this area during the summer of 1972. Construction of the Quad Cities nuclear power plant was completed in August 1971. Construction of the three other plants (Quad Cities 2, Point Beach 2 and Kewaunee) is expected to be completed November 1971, October 1971 and September 1972, respectively. The earliest projected date of the completion of the NEPA review and the issuance of an operating license for Quad Cities 1 and 2 is March 1972. With the projected schedules, the two Quad Cities reactors should be operating in summer 1972, thus increasi the reserve margin in this area.

Construction of the Palisades plant w completed in May 1971. The earliest project date of completion of NEPA review and iss ance of an operating license for Palisades March 1972. The Federal Power Commissi report points out that while the Palisad Plant is not in the same network as t Northern Illinois-Wisconsin-Upper Michiga region, the plant is in close proximity a therefore could transmit power to the Ch cago area over interconnections in event emergency. With Palisades in operation, t reliability of the electric power supply in t Chicago Metropolitan area should be i proved during the summer of 1972.

KEY DATES FOR CRITICAL NUCLEAR POWERPLANTS AEC ESTIMATES

Plant and electrical output	Construction completed [1]	Earliest possible 20 percent license (no contest)	Earliest projected date of license issuance if decision favorable
New England power pool (critical power situation in winter 1971-72):			
Vermont Yankee (513 m.w.)	Dec. 1971	Feb. 1972	June 1972.
Pilgrim (657 m.w.)	Jan. 1972	May 1972	July 1972.
Maine Yankee (792 m.w.)	Apr. 1972	June 1972	Dec. 1972.
New York power pool (critical power situation in summer 1972):			
Indian Point 2 (873 m.w)	Oct. 1971	Dec. 1971	June 1972.
Virginia-Carolinas (critical power situation in summer 1972):			
Surry 1 (788 m.w.)	Apr. 1972	Apr. 1972	Sept. 1972.
Oconee 1 (886 m.w.)	Jan. 1972	Jan. 1972	Mar. 1972.
Oconee 2 (886 m.w.)	Sept. 1972		Sept. 1972.
Florida (critical power situation in summer 1972):			
Turkey Point 3 (693 m.w.)	Dec. 1971	Jan. 1972	Apr. 1972.
Turkey Point 4 (693 m.w.)	Apr. 1972		Do.
Northern Illinois-Wisconsin-upper Michigan (critical power situation in summer 1972):			
Quad Cities 1 (809 mw)	August 1971	October 1971	March 1972.
Quad Cities 2 (809 mw)	November 1971.	November 1971.	Do.
Point Beach 2 (497 mw)	October 1971	April 1972	August 1972
Kewaunee (527 mw)	September 1972.		January 197
East-central area reliability coordination agreement (important to reliability of Metropolitan Chicago electric supply):			
Palisades (700 mw)	May 1971	November 1971.	March 1972.

[1] AEC Division of Compliance estimates.

FEDERAL POWER COMMISSION,
Washington, D.C., November 15, 1971.

Hon. JAMES R. SCHLESINGER,
Chairman, U.S. Atomic Energy Commission, Washington, D.C.

DEAR CHAIRMAN SCHLESINGER: This refers to your letter of October 29, 1971 transmitting the AEC staff analysis of the projected licensing schedules for critical nuclear power stations, which responds to my communication on this subject dated October 15, 1971. I appreciate the thoughtful analysis given to this matter by you and the AEC staff. I have also noted the discussion of this same matter in the testimony of Commissioner William O. Doub before the Senate Committee on Interior and Insular Affairs on November 3, 1971.

The impact of AEC's NEPA review upon scheduled nuclear capacity in relation to a total power system cannot be predicted with certainty at this juncture. The FPC staff fully recognizes that the AEC staff has projected schedules which reflect "its best judgment as to the earliest possible dates for the various licensing steps that must be taken". We are, of course, hopeful that these are the schedules which can and will be maintained for these plants. The question still remains as to whether the capacity involved, even if these schedules are met, will realistically meet the power needs of the Nation. We trust that continual surveillance of scheduled generation and transmission additions in relation to regional and national power supply will determine the necessity for modification in present schedules as circumstances develop.

We must concern ourselves with the potential effects on adequate and reliable supply of power of a variety of contributing factors and adverse contingencies which experience tells us may well arise. It was this approach which prompted the FPC staff to present its analysis on the basis of the assumptions stated in the report accompanying my letter of October 15, 1971. It is clear, of course, that the different assumptions used in the analysis of our two staff reports could lead to differing conclusions. Some of the factors which underlie the more conservative estimates of probable power availability dates used in the FPC staff analysis are:

A 20 percent power license permits no significant delivery of power to the system and is only sufficient for general testing of the auxiliary equipment and overall plant operation;

Some minimum period of time is required to raise the power output in steps from the 20 percent level or less up to 100 percent output. Thus 100 percent output cannot be available at the time a license for this level is issued;

There are potentials for delay in the issuance of licenses for 20 percent or higher levels of operation on environmental or other grounds because of both questions which may have already been raised or others which may be raised in hearings still to be held; and

Even after allowance of a sufficient period of time to raise power levels up to 100 percent and perform operational tests along the way, it is not realistic to count on firm power supply from such a unit in the first few weeks after it has reached full power level.

On the basis of experience, our staff judged that an average of one year potential delay in the availability for dependable full power service of many of these nuclear plants is a reasonable general assumption for an analysis of power emergency possibilities.

While the factors previously cited all relate to the potential completion of individual plants, we cannot overlook the fact that an added condition which may affect the supply of power and the relative importance of a individual plant is the possibility of concu rent delays in a number of plants, both foss and nuclear, which are important to new ca pacity in a single region. It is, of course, diff cult to predict the coincident impact o variable contingencies bearing on futu power supply.

Nevertheless, realistic concern for neede power supply emphasizes the importance o the cumulative effects within a region of number of new plants coming into operatio concurrently. The recent damage to the In dian Point No. 2 unit highlights the need fo broader consideration than just a unit-by unit effect on area or regional power supplie Our FPC staff evaluation concludes that In dian Point No. 2 is an essential source for th summer of 1972 of base load generation fo the New York Metropolitan area forecaste power demands in conjunction with all oth er generating and transmission sources com prising the system.

However its availability in the summer o 1972 is questionable. At the same time, appears that the Vermont Yankee and Pi grim units might be capable of operation i time to supply power which may be neede to prevent a critical situation in New Yor City next summer, provided action is take sufficiently soon to enable dependable op eration to become a reality within the tim available.

The NEPA review schedule enclosed i your letter of October 29 indicated June 197 for Vermont Yankee and July 1972 for Pil grim as the "earliest projected date of licens issuance if decision favorable." Assuming favorable decision nad further assuming tha AEC does not authorize limited operatio above the 20 percent level in steps so as t assure substantially full capacity operatio in advance of the AEC scheduled dates, th capacity provided by these units will not fill the power void created by delay in operation of Indian Point No. 2. Similar situations may prevail in the Midwest and other potential problem areas.

We are continuing our review of individual applications for operational licenses referred to us by your agency.

Sincerely,

JOHN N. NASSIKAS,
Chairman.

OEO-CHILD DEVELOPMENT CONFERENCE REPORT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. ABZUG. Mr. Speaker, after a lengthy and arduous conference, S. 2007, the OEO-child development bill, is before us for approval. Its passage by a large margin, which I hope we will see in a day or so, will represent a landmark for American society.

The child development programs, contained in title V of the bill, include many services to children, of which day care is but one. It also provides for after-school and vacation programs, nutrition, medical, dental and psychological services and parental education in child care and child development.

This morning's Washington Post contained an excellent article describing just what child development is all about. I commend it to you, and include it at this point in the RECORD:

A NEW PUBLIC ATTENTION TO PRESCHOOL CHILD DEVELOPMENT

(By Alice M. Rivlin)

In the United States, public concern for a child's welfare generally does not become evident until he reaches age 5 and is eligible for kindergarten. Even then the public responsibility usually ceases at 3 o'clock in the afternoon.

But these attitudes are already changing. The next few years are likely to see a burst of public attention to the vital years between birth and 5, rapid growth of all-day programs for preschool children with working mothers, and recognition that the day does not end for a school-age child when the 3 o'clock buzzer signals that classes are over.

The big questions will be: what character will these new programs have? Who will run them? And who will pay for them? When the Congress votes this week on the OEO bill, it may begin to provide the answers.

The bill extending the life of the Office of Economic Opportunity, just reported out of the House-Senate conference committee, contains a new Title V, for "Child Development Programs," meaning a wide variety of services to children such as all-day care for preschoolers, after-school and vacation programs, nutrition, medical, dental and psychological services, and education for parents in child-care and development. The bill authorizes $2 billion for such programs in fiscal year 1972, including $500 million earmarked for continuation of Headstart. The money would be allocated among the states in accordance with a formula, but administered primarily at the local level. Communities with 5,000 or more people could be "prime sponsors," applying directly to the federal government for money. The prime sponsor would be required to have a Child Development Council, half of whose members would be elected by parents, and individual projects would be run by Project Policy Committees composed of parents and local community members. The bill would make child development services available free to those with incomes of less than $4,320 a year (for a family of four) and would establish a fee schedule related to income for families with more resources.

While there is some vagueness about what "child development" actually is—partly because the framers of the bill were eager to preserve flexibility and choice at the local level—it is very clear what this program is *not*. First, it is *not* just a babysitting operation to provide custodial care for children while their mothers work. The bill emphasizes the well-being of children and the comprehensive services they need for full development, whether their mothers work or not. Second, it is *not* just another program for the poor. Priority is to be given to "preschool children with the greatest economic and social need," but the intention is to make services available to families at all income levels with those above the poverty line paying part of the cost. Third, it is not just another welfare program. The "prime sponsor" mechanism and the parent councils are specifically designed to by-pass the state welfare bureaucracies and give the beneficiaries of the program a real voice in its operation.

Several different groups are pressing for federal programs for children, for different and not entirely compatible reasons. Some are primarily motivated by a desire to reduce the welfare rolls. They believe day care should meet minimum standards of health and safety so the children do not come to harm, but that its main objective ought to be to keep children out of the way so that their mothers can earn wages rather than welfare. A second group is primarily concerned with overcoming the damaging early handicaps of children from poor families. Headstart, which reaches many 4- and 5-year-olds, but usually for less than a year, has proved too little and too late. There is accumulating evidence that children develop rapidly in the first three years of life, that good nutrition and mental stimulation at this age make a difference—at least if they are sustained. A third group, the voice of women's liberation, sees attractive stimulating day care centers as a way of giving *all* women, not just the poor, a genuine choice between childcare and work outside the home. And finally, there are those whose primary motivation is to mobilize community action in the ghetto, the rural South or on Indian reservations, who believe parent involvement in decision making about Headstart programs did as much for parents as for children, and who see community controlled child development programs as a good vehicle for the poor to use in acquiring political experience and challenging the "power structure."

The focus on reducing welfare rolls is reflected in H.R. 1, the Nixon-Mills welfare reform bill that has passed the House, but not the Senate. Under H.R. 1, a mother on welfare could be required to take work (unless she had a child under 3) provided day care was available. Senator Long, no enthusiast of the administration's welfare reform proposals, has held hearings on his own bill to provide custodial day care to the poor through a public corporation.

But while welfare reform was bogged down in the Senate, bills for more comprehensive but entirely voluntary child development programs were making their way through the legislative obstacle course on both sides of the Hill. Senate Mondale's Child Development Bill, incorporated into the OEO amendments, stressed comprehensive services and community control and would have provided services free to families with income under $6,920 with a sliding scale of payments for families with higher incomes. On the House side, a similar bill, sponsored by Representatives Reid, Brademas and Mink, but giving more role to states and less to localities and parents, was added to the OEO extension as a floor amendment. When both bills passed and went to conference, the administration voiced concern about their cost and threatened a veto. To avoid a veto, the conferees lowered to $4,320 the income level below which services would be free and adopted a moderate scale of payments for families with incomes between that level and $6,920 (above that level the Secretary of HEW would set fees). The language of the Senate bill was modified to give a little more role to the states and rule out communities with less than 5,000 people as prime sponsors.

The bill now moves back to the two floors where it may encounter Republican opposition especially in the House. Republican unease is related not to cost, but to the bypassing of the states. If the bill passes, there is still the possibility of a veto, although it would surely be politically costly for the President, who has put such personal stress on the dignity of work, to veto a bill which promises to make work possible for millions of women and better the lives of children into the bargain.

Strident right-wing opposition to the bill has developed on the grounds that "child development" sounds like a 1984 attempt of the state to take over the role of the family. This criticism is pretty far fetched since much more control participation would be entirely voluntary and given over the new programs than they have over present public schools.

Criticism of the administrative mechanism has more substance—having all those "prime sponsors" deal directly with Washington hardly seems like an ideal administrative set-up. Unfortunately, however, state administration, especially in the Deep South, has so often proved insensitive to the needs of poor and minority children that direct funding may be necessary—at least for a few years.

To the criticism that these programs will be costly in the long-run there is no answer, except "yes." The bill to be voted on authorizes spending $2 billion a year for two years on the assumption that participation in the programs will be far from universal, a reasonable assumption in view of difficulty of organizing and staffing good programs quickly. In the longer run, however, it just has to be recognized that providing first-rate services to preschool children and adding after-school activities for older children is going to be expensive—$10 billion a year could be spent easily. The cost to the taxpayer can be reduced if middle and upper-income people pay fees, but these fees cannot rise too steeply as income rises without reducing incentives to earn more income. (The effect is the same as a high income tax rate.) In the long run, there will be no cheap way to do a good job. If the Child Development Bill becomes law there will at least be a hope that federal funds for day care will be spent primarily to meet the needs of children, not just to keep them busy while their mothers work.

STATEMENT BY GEORGIA L. MCMURRAY, COMMISSIONER, AGENCY FOR CHILD DEVELOPMENT, ON THE CHILD CARE LEGISLATION

This Nation now stands at historic crossroads as the House debates the Comprehensive Child Development Legislation.

As Commissioner of the Agency for Child Development of the Human Resources Administration, New York City, I strongly urge the passage of this legislation so that it can be sent to the White House for Presidential approval.

We who are concerned about providing comprehensive services to young children recognize that there is need for a major commitment by the Federal Government if we are to expand services as the demand indicates. This legislation has been born through the concerted efforts of Head Start Programs, civil rights organizations, women's rights groups, labor unions, educators, social workers—persons and organizations who are concerned that the family unit survives and recognize that its survival can only be maintained with Governmental resources.

It is a contradiction in terms to even suggest that comprehensive child care services is Communistic or Facist. Indeed, just the opposite is the case and the legislation now pending strongly supports the involvement of the parent in making decisions on every aspect of these services.

I would suggest, moreover, that those persons who raise the argument of a Communistic block are indeed those persons who would use day care as a vehicle to reduce the number of families on welfare, especially those headed by women. This indeed is Government coercion.

In New York City as we implement our plans for expansion—we anticipate opening at least 100 centers by June 1972 and have over 200 scheduled for operations beyond that—we recognize that the fiscal implications of this trend to expand day care cannot be over-estimated. It is highly unlikely that such cost can be borne by City Government alone. We cannot move without a major infusion of Federal funds.

The passage of the Comprehensive Child Development legislation by the Senate and House will be a milestone in this country's recognition of its responsibility to children. We are encouraged that the legislation in its final form does provide for a vast expansion of services to children of the poor, but we are also aware of the fact that we must continue to press for more flexible criteria so that we may provide the same services to children of the working poor and the middle class. The recognition that quality child care should be available to every family as a right is an idea whose time has come. Now the Federal Government acting through responsible legislators must make this idea a reality for all families of this country.

DEMOCRATIC POLICY COUNCIL TO HOLD HEARINGS ON CONCERNS OF ETHNIC AMERICA

WASHINGTON, D.C.—The economic, social, political and cultural issues that are of particular concern to ethnic Americans will be the subject of a full day hearing in New York City on Dec. 4, 1971 under the chairmanship of former Mayor Robert F. Wagner, chairman of the All American Council of the Democratic National Committee.

This hearing is one of a series being held throughout the nation by the Democratic Policy Council to help develop Democratic alternatives for recommendation to the Platform Committee of the 1972 Democratic National Convention.

Co-chairmen of the planning group on Concerns of Ethnic America are the Rev. Joseph Duffey and Rep. Ella T. Grasso, both of Connecticut.

The hearing will begin at 10 a.m. at the National Democratic Club, 233 Madison Avenue, New York, N.Y. and is open to the public and press.

Persons interested in testifying or attending the hearings may contact Andrew J. Valuchek, Democratic National Committee, 2600 Virginia Avenue, N.W., Washington, D.C. 20037 (202/333-8750) for further information.

MEMORANDUM

From: Ella T. Grasso, Joseph Duffey, Co-chairmen, Planning Group on Concerns of Ethnic America.

Re: Public Hearing, December 4.

The enclosed release describes the forthcoming hearing of the Democratic Policy Council in New York City on December 4.

We believe that this hearing will present points of view that should be of interest to you. We would like to extend an invitation to you and your associates to attend—either as guests or to question scheduled witnesses.

We look forward to seeing you there.

Date: December 4, 1971.

Time: 10 a.m.

Place: National Democratic Club, 233 Madison Avenue, New York City.

Open to public.

IN MEMORY OF THEOS THOMPSON AND JACK ROSEN

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HOLIFIELD. Mr. Speaker, I would like to suggest that we pause briefly in the conduct of our business to again pay honor to two outstanding senior government officials who died in the service of their country.

Just over 1 year ago, on November 25, 1970, AEC Commissioner Theos "Tommy" Thompson and Col. Jack Rosen were killed in a light plane crash in Nevada while making a survey relating to the use of the Nevada test site. Those of us who have worked in the field of atomic energy were shocked by this occurrence. Our country has lost two of its finest nuclear experts.

I had known Commissioner Thompson for only a few years, but had been much impressed by his dedication to the work of the Commission. Jack Rosen was known to me for a longer period since he had served on the staff of the Joint Committee during a period when I served as committee chairman and vice chairman. Jack's expert knowledge and dedication to the work of the committee and to the Commission after his return there is well known to the Members, and his loss is keenly felt by the nuclear community.

Jack is survived by his wife, Lorraine, three daughters, and one son. Jack's son David Lee Rosen, was only 13 at the time of this tragedy. As a consequence, he has become titular head of the family. David has been active in his schoolwork and other pursuits, and I would like to mention briefly some of his recent accomplishments.

After 2 years in the Boy Scouts of America, David achieved the rank of Eagle Scout. He recognized a need for the display of our American flag to serve as a reminder of our country's heritage. The project by which he attained the Eagle rank was to design and execute the building and distribution of flagpole holders to members of the community. His successful execution of this project was a source of commendation.

David continues to set a fine example to the other Scouts. As patrol leader he has already completed requirements for his first Palm and is close to achieving his second. Other accomplishments with the Scouts include over 26 badges, the Order of the Arrow, and the Boy Scouts' Religious Award.

At the same time David is an honor student at Broome Junior High School in Rockville, Md. It is indeed regrettable that Jack did not survive so that he could take justifiable pride in the recent accomplishments of his fine son.

GEORGE MEANY'S TREATMENT OF PRESIDENT NIXON AT THE AFL-CIO CONVENTION

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. GOODLING. Mr. Speaker, radio station WORK, a prominent air facility in my congressional district, recently effected a comment with respect to the treatment extended President Richard M. Nixon by labor leader, George Meany, during the President's recent visit to the AFL-CIO convention in Miami, Fla.

This comment undoubtedly reflects the sentiments of a broad section of the American population, including many individuals in the labor ranks which Mr. Meany supposedly represents. Because of the timely and appropriate nature of this comment, I insert it in the RECORD and commend it to the attention of my colleagues:

LABOR

For a long time, organized labor has cajoled, or threatened its way to higher wages for those in its number, and for nearly an equally long time, organized labor has been an important political entity, controlling a large vote for the chosen candidates, or against those who have fallen from its omnipotent favor. This is Neil Jeffries, WORK news, and I'll comment in a moment.

Apparently, President Nixon, with the institution of his wage and price freeze and phase two of same, has fallen from favor of the labor boss of the AFL-CIO, George Meany. This was evidenced by Meany's apparent lack of respect, not only for Nixon, but for anyone who holds the high office of President, during Nixon's visit to the AFL-CIO convention in Miami, recently.

Although not playing Hail to the Chief, is a minor breech of Presidential protocol, the general atmosphere of Nixon's visit and subsequent address was anything but polite or receptive. Apparently Meany has made up, not only his mind, but the minds of those attending the convention, that Nixon, and his economic stabilization measures are not good for the so-called working force. Not that Meany is a worker, mind you, because anyone who makes $75,000 a year is not exactly your average blue collar man.

Other breeches of etiquette can not be emphasized too greatly, because there are times when we all wonder if the splendor and pomp is necessary, but etiquette and common courtesy are two different things.

Any speaker, whether it be President Nixon, or a Mr. Average Guy, should be afforded common courtesy. And in this case, there was no need to call the meeting to order, immediately after the President concluded his talk.

From all these actions it is apparent Meany does not want to hear the other side of the issue, and consequently neither do his followers. Meany and his crew could drive the country to the brink of economic collapse, and probably will, given half a chance. And don't ever believe they don't have the power to do it. President Nixon doesn't want to give them, or organizations like them, the half a chance, and they obviously don't like it. But perhaps they don't realize that grabbing as much of the pie for themselves means there is none left for anyone else, including business, and everyone else has to bake a bigger pie, to give them their chunk, which is called the oft cliched inflation spiral.

In that case, they must be protected against themselves, because, as powerful as they may be, when the rest of us topple, so will they.

Mr. Meany has countered all his, as some have called, boorishness, with charges that President Nixon contrived the whole affair for political gain . . . and the sad part is, too many people will believe Meany.

In fact, enough of the labor contingent believed him, to vote Mr. Meany a $15,000 wage increase. My friend and yours will now make $90,000, a mere pittance when you consider what George Meany is doing for all of us. When union dues increase to pay Meany, expect a strike to recover the cost in their wages. Then expect a price rise from those businesses that have to pay the wage increase, and recoup the losses caused by the strike.

And then thank George Meany . . . that is what he is doing for all of us.

THE DRAGON SPEAKS

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, I commend the attention of all members to a recent editorial commentary penned by Hearst Newspapers' editor, William Randolph Hearst, Jr., exploring the inflammatory remarks presented by Chiao Kuan-hua, head of Red China's U.N. delegation, in his opening address to the world body.

It is a thoroughly provocative commentary which gets to the heart of exactly what is in store for the United States unless we wake up now to the realization of what Red China has plotted for the free world.

Mr. Hearst's comments follow:

THE DRAGON SPEAKS

(By William Randolph Hearst, Jr.)

NEW YORK.—Unlikely as it may seem, the most significant news event of the week was a 30-minute tirade in the United Nations which said very little that hasn't been said by the same voice a thousand times before.

It was the voice of Red China, projected by its deputy foreign minister, Chiao Kuan-hua, in his delegation's first address to the world body that had disgracefully, illegally and in violation of its own charter booted out Free China to make their membership possible.

Whether or not you are as fed up as I am by all the recent hubbub over Red China and the UN, the fact remains that Peking's opening statement deserves serious and detailed examination by every American who wants to know what's what.

No one point in the 2600-word speech, as noted, said much that was new. Its importance lies in the fact that now we have a consolidated manifesto from the Red Dragon—an official declaration of the over-all views of world affairs held by the Mao government.

Chiao's speech, in fact, should be filed for reference by any serious student of world affairs. Like Hitler's "Mein Kamp," it spells out a program which amounts to a master guide for Peking's future actions.

We minimize it or brush it aside at grave risk to our own national interests.

Americans, first of all, should note and not forget that the major theme of Chiao's speech was its hard-line attitude toward the United States. Practically everything wrong with the world was blamed on this nation.

He said we have to get out of Vietnam, Taiwan, Cambodia, Laos and Korea—or else.

He said it is the Arabs and not our Israeli ally which must be supported.

He said, finally, that in South America and everywhere else our "imperialism" is insufferable and will be stopped by "the irresistible trend of history."

What Chiao meant, of course, was that the U.S. is the number one obstacle to Communist domination of the world. No matter how divided Peking and Moscow may be by other considerations, they are forever united in this common view.

Perhaps the most sinister statement in Chiao' diatribe was his vow that "the Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so."

This was a clenched-fist threat to the U.S. if there ever was one. Sooner or later, it promised, the Chinese Reds are going to wipe out the regime of Chiang Kai-shek we are committed to defend.

There were no ifs, ands or buts to the threat. Red China said right out it is going to retake Formosa when it gets ready to do so. And the "force" it will be defying is the U.S. Meanwhile, it aims to undermine the U.S. in every other arena of Free World politics.

Most of Chiao's speech, naturally, was couched in the familiar jargon of Communist rhetoric everywhere. "As is well known," was thrown in as the usual Red preface for non-fact. "Liberate," of course, is the Communist word for imposing their dictatorship on a presently free people, and it was so used time and again in the Chinese entry speech.

No major Communist speech would be complete without its own variety of the "big lie." It came in Chiao's case when he said his government supports the efforts of all countries to be "masters of their own destiny."

Try telling that to the freedom loving people of Tibet, which the armies of Mao "liberated" in 1950 and had to "re-liberate" by mass killings and torture in 1959. In the exact way Russia, after "liberating" the countries of Central Europe, had to "re-liberate" Hungary and Czechoslovakia.

To me, the most disturbing aspect of the Red China debut was the deceptive treatment it got in our so-called liberal press. Both before and after Chiao's speech was delivered.

The New York Times, as an arch example, predicted that the toothy smiles of the Peking delegation arriving in New York reflected a promised continuation of the Ping-Pong palship it saw as the hope of tomorrow.

When Red China takes its seat in the UN, the Times predicted, it could be expected to soft-pedal its demands. Politeness and restraint could be expected from a government with the huge responsibility of representing over 700,000,000 human beings.

Well—the prediction could not have been more wrong. Yet when Chiao's toothy grin turned into a threatening snarl of hate, the Times and its ilk went right along in cooing sympathetic understanding.

To them, according to their editorials, his speech was an admirable exercise in diplomatic restraint. All kinds of future goodwill cookies were promised because Chiao didn't come up with the usual description of the U.S. as a nation of running dogs.

Our government, through its ambassador to the UN, subsequently assailed the Red Chinese opening speech as "intemperate" and full of the "cannons of rhetoric."

It surely was intemperate, considering the fact that Red China—after 22 years as an outlaw nation—had suddenly been given the appearance of respectability. Its "cannons of rhetoric," as a result, properly created outrage in an administration which is seeking the best possible relations with Peking, Moscow and all the nations of the world.

The curious and revealing aftermath of our government's official reaction to the speech was that the Times, and other instruments of apology for you know what, came up with material suggesting it was just terrible of us to find fault with such lovely people.

What the Red China spokesman said, according to the Times, was nothing more than a very mild rehash of positions we should not only understand but probably sympathize with and excuse.

The suggestion, as usual, was that we are wrong and the Communists—if not right—at least should be listened to with our heads bowed and in respectful silence.

As nauseating as is this position for Americans to accept, you wait and see it will be the theme song of our soft-headed "liberals."

Thank heaven the White House, whose resident president is soon to go to Peking in search of better international understanding, also found the reversal of reality insufferable.

George Bush, our ambassador to the UN, spoke the mind of President Nixon when he called the Chiao speech "intemperate" and an unhappy response to the many peaceful initiatives advanced by this nation.

It was just that.

We can talk together and may even do business together, but we should have no illusions about Red China's enmity and sworn goals.

The speech also was an indication of just how off base some of our dreamy intellectuals are in forecasting that a new era of sweetness and light is possible if we salaam to Moscow and Peking.

Chiao meant just what he said.

We are Red China's enemy.

It's all spelled out in the speech by Mr. Chiao to the UN—and for your children's sake you better believe him.

ESTES KEFAUVER: A POLITICAL BIOGRAPHY

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. FULTON of Tennessee. Mr. Speaker, since the death of the late Senator from Tennessee, Estes Kefauver, there has been a growing feeling among many, myself included, that a published biography of this outstanding public servant's life and service was long overdue.

If writing were among my own talents I would seriously have considered the undertaking myself. However such a work now has been completed. It is entitled "Estes Kefauver: A Political Biography," by Joseph Bruce Gorman.

To the people of Tennessee, Estes Kefauver was a quiet giant who labored tirelessly for the common man in the power enclave of Washington against the special interests of our society. No matter that the name Estes Kefauver played an important role in the political and legislative history of our Nation for more than a decade. To Tennesseans he was and always would remain "Old Estes."

He was a man who twice honorably aspired to the Nation's highest office, the President of the United States. He was considered "the peoples" choice even then, demonstrating widespread popular appeal even though not favored by the so-called political pros and power brokers.

And, as this biography points out, Estes Kefauver was years ahead of the crowd in formulating and espousing legislation in the interest of the common man.

Unfortunately I have not yet had an opportunity to read this work, but intend to do so immediately. Meanwhile, it has been reviewed in the November 29 edition of the Washington Post and I insert that review in the RECORD at this point commending it to the attention of my colleagues:

ESTES KEFAUVER AND GREATNESS

(By Joseph Bruce Gorman)

This valuable book has moved some critics to say that Estes Kefauver was not a "great" man; and indeed he wasn't if the standard of greatness is to be that set by, say, Thomas Jefferson or James Madison. But if he is to be measured alongside his contemporaries when he was in the Congress, or alongside those who hold or aspire to political leadership today, or in terms of what this country needs from its public men, Kefauver stands out like a sunflower in a bed of dandelions.

In June, 1954, when it became known that the White House had vetoed large-scale intervention in Indo-China, Kefauver nonetheless perceived—how many others did?—that "we are employing a creeping intervention" that could "soon" lead us to "be taking the major part in that war."

There is much concern today—*after* the Bay of Pigs, *after* the Gulf of Tonkin resolution and the Dominican Republic, *after* Vietnam, Laos and Cambodia—over the disastrous flow of unchecked power down Capitol Hill into the White House. Kefauver was usefully concerned long ago. In October, 1943, while in the House, he introduced a bill to enable Representatives to question Cabinet members, who would have floor privileges. Two months later, a Gallup Poll indicated the idea to have overwhelming public support. More than 250 newspapers endorsed it. Speaker Sam Rayburn did more than anyone else to kill it.

In 1947, with Jack Levin, Kefauver wrote "A Twentieth Century Congress." One of their principal recommendations was abolition of the seniority system and its replacement by a system of election of committee chairmen by committee members.

The point is not that such ideas were new: Woodrow Wilson had wanted to give Cabinet members the privileges of the House floor; abolition of the seniority system was a geriatric notion even then. The point is, rather, that such ideas were, and are, worth considering, and that Kefauver was seriously and systematically trying to induce us to do so. When, in 1959, Kefauver proposed legislation for a "Consumers Office" to serve as a "daily burr in the hides of Government officialdom to get important consumer issues raised, and to aid in their settlement in such a fashion that consumer interests will be heard and taken account of," he was proposing a new idea that since has become an old idea, but an idea still too good for the House to have passed in effective form.

Until August 15, 1971, when he announced his New Economic Program, Richard Nixon appeared to be an ultimate True Believer in a notion even his own Attorney General had publicly rejected 26 months earlier: that classic competition regulates the dominant share of the marketplace wherein operate the giant corporations—those that administer prices, that raise prices when half their plant capacity is idle, that protect their prices by investing in politicians who repay them lavishly with, say, anti-competitive quotas to limit imports. Yes, Mr. Nixon has, indirectly, recognized such realities; and he is dealing with them not, say, by removing the oil import quotas that cost us five cents on every gallon of gasoline and four cents on every gallon of home-heating fuel oil we buy, but by setting up new bureaucracies, new controls, new government interventions in the market mechanisms—by, in a word, grabbing still more power that was rolled down Pennsylvania Avenue from Capitol Hill.

Well, Kefauver may not have been "great," but he sure as hell looked good. He had, Gorman reminds us, "no faith in government control of prices and wages, terming such controls 'a frightful thing' which would lead to a 'regimentation which might have a tendency toward socializing our industries.'" That is to say, he believed that competition should be given the chance to be the primary regulator of the economy. Such authentically conservative doctrine has been rarely heard, since Aug. 15, from those in Washington who like to call themselves "conservatives." The President is of course more formidable: like the man who says "yes" while he moves his head to and fro, and who says "no" while nodding, he appeals for a resurgence of "competitive spirit" and, simultaneously, orders price and wage controls, speeds the conversion of America into a welfare state for multinational corporations, and insulates U.S. businesses from foreign competition.

The difference is, Kefauver could reasonably be expected to be saying on most any Aug. 15 what he had been saying on most any Aug. 14.

Thus he died, holding a "fundamental conviction that economic concentration was one of the most powerful threats to the American democratic political system" because "it is only a step from the loss of economic freedom." But he had held that same conviction throughout his public life. In 1946, for example, he conducted House hearings in hopes of reversing "the trends toward economic concentration." And in 1950, after years of trying, he and Rep. Emanuel Celler (D-N.Y.) got through a law intended to plug a loophole in the Clayton Act through which a company could acquire the assets of a competitor without actually merging with it.

"Kefauver," being a political biography, contains little about the Senator's personal life. That is not to say, however, that the book doesn't tell us a good deal about him, much of it fascinating.

He was capable of magnanimity: In September, 1952, in the middle of the uproar about the secret expense fund of the GOP vice presidential nominee, Richard Nixon, Kefauver said he had known him in the Senate and the House "and I'd be very much surprised if he did anything wrong"—although he thought the fund a "bad precedent." His sense of fairness extended to the Congressional Record, which he urged be "opened to denials by persons mentioned during floor debate or discussions," and it extended, too, to his rivals. At a campaign breakfast when he was seeking the Democratic presidential nomination, a Kefauver supporter yelled, "Ask Stevenson about Alger Hiss," whom Stevenson had defended. "That's exactly the kind of thing I want you to keep from saying," Kefauver said.

He was capable of feeling deep hurt, and some accomplished practitioners repeatedly made him feel it, including Lyndon Johnson, Sam Rayburn and the Kennedy White House, which initially invited to the signing ceremony for the reforms of the drug law not Kefauver whose monumental achievement they were, but the principal emissary of the pharmaceutical industry then in the Senate, Everett Dirksen.

Kefauver was capable of very sharp political repartee. In the 1952 campaign annoyed at Gen. Eisenhower's efforts to play politics with the Korean war after supporting the policy decisions concerning it made by President Truman, Kefauver met Ike's promise that if elected he would go to Korea by saying he should "go now, tonight. Let's not even wait for tomorrow. It is more important than the whistle-stop tour in which he is engaged."

Kefauver had, Gorman says, "a special quality, an attraction which won him the support of the mythical common men, who saw in Kefauver an honest, sincere, and unique champion of ideals and values that seemed to be ignored or taken lightly by too many others in public life." But he lost the presidential nomination in 1952, and, in anguish, he was moved "to doubt his whole philosophy about the inevitability of the ultimate triumph of the will of the people, which he associated with the 'good' and the 'right.'" But it was not "the people," as he knew, who had rejected him, but a less than democratic Democratic Party. "Some of the politicians, bureaucrats and kingmakers may not like you, because they know they cannot control you." Paul Douglas had said when he endorsed Kefauver's campaign. "But the people are for you." "Paul, bless your heart," Kefauver said.

In 1956 he sought the presidential nomination once more. In 1960 he won a fantastic re-election victory, but in asking to be continued in the Senate he "had appealed to the best instincts of Tennessee voters . . ."

On Aug. 8, 1963, he was leading a fight—typically lonesome, typically sensible—on the Senate floor to amend the communications satellite bill to require the corporation to pay for the use of research the taxpayers had financed. He was stricken by what he thought was a stomach ache, but was in fact a heart attack. "I don't feel right," he told Sen. Joseph Clark, who urged him to seek medical attention at once. "No. I've got to keep going," Kefauver said. He did, and only afterward went to Bethesda Naval Hospital. He was dead two days later, at 60. Lord, what a loss!

THE PLIGHT OF SOVIET JEWRY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, the plight of Soviet Jews is a humanitarian problem of concern to all of us. We have seen in the past, particularly in reference to the December 1970 Leningrad trial that international public opinion expressed by private citizens as well as by diplomatic appeals, can have an effect on the Soviet leadership. The commuting of the death sentences was indeed an encouraging action, yet we should not overexaggerate that small victory nor should we be satisfied with it. The fact remains that Jews in the Soviet Union are discriminated against: cultural-religious institutions are limited, textbooks in Yiddish or Hebrew are scarce, and the Jewish minority is being used as a political scapegoat.

Although denying the existence of any kind of discrimination against its Jewish minority, the Soviet Government has systematically degraded its Jews to second-rate citizens. They are denied the basic human freedoms of practicing, teaching, and perpetuating their cultural-religious heritage, guaranteed to them by the Soviet Constitution, and are expected to remain silently tolerant.

We have seen from press coverage and personal accounts that the deprivation of human rights has reached a level which can no longer be tolerated by a large number of the Jewish community. The Soviet Jew's attitude to the system and leadership is no longer one of silent tolerance or acceptance. They have openly challenged the system, staging sit-ins, actively demonstrating, and circulating petitions outlining their status and appealing for emigration rights. Although the Soviet regime does not appear to have changed its domestic policies regarding the Jewish minority, it has within the past year allowed an unprecedented number of Jews to emigrate. However, the right to emigrate is often difficult to achieve without personal harassment, possible imprisonment, and even physical harm.

This recent upsurge in emigration, is again, a very encouraging action, for we can interpret it as being in response not only to international concern and pressure but also in response to the demands being made by activist Jews in the Soviet Union. I believe that continued nonviolent pressure by private individuals as well as expressions of concern by governments will continue to have an effect on the Soviet leadership. My colleagues and I in the Congress are continually reminded of the Jewish problem in the Soviet Union and have introduced numerous bills and resolutions expressing our concern and urging that steps be taken to persuade the Soviet Union to liberalize its policies regarding human freedoms as well as emigration. President Nixon's upcoming trip to the Soviet Union may well be a unique opportunity to express the concern of the U.S. Government and to urge the Soviets to temper their policies toward its Jewish citizens. I firmly believe that we must continue to pressure the Soviet Government in the hope that this will result in the Jewish minority being able to live in peace and freedom in the Soviet Union, and that those wishing to emigrate may be allowed to do so without fear.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AMERICA'S ELDERLY: TO CARE OR NOT TO CARE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, this week 3,400 concerned Americans are taking part in the Second Decennial White House Conference on Aging.

The Arkansas delegation is comprised of 21 appointees of Governor Dale Bumpers and eight at-large appointees. All are highly capable spokesmen on the problems of aging. They bring to the conference vast experience in such critically important elderly areas as income, housing, health, nutrition, and leisure time use. Their views, too, reflect the thinking of older citizens in Arkansas.

The Honorable Vada Sheid, a representative in the State Assembly of Arkansas for Baxter and Fulton Counties, presented to the conference a statement of concern by the association of retired citizens of Baxter County.

The statement was authored by Dr. Charles E. Howell, Ph. D., retired professor of sociology at Northern Illinois University, and approved by the association's board of directors, in behalf of 700 retiree members. I commend to the attention of my colleagues these views of the retired, themselves, on aging in America.

STATEMENT BY DR. CHARLES E. HOWELL

The problem, if it may be called that, of dealing with the older segment of any society has always been with the balance of that society. Even in primitive groups the aged were respected and held positions of prominence and power. The Greeks and the Romans looked up to their older citizens. True, in terms of years, these older citizens were not as old as they now are but the attitude of care and respectability was there. But as time has gone on, society in its own eyes at least, has become more civilized and at the same time, this position of its elders has steadily eroded. They are now looked upon, to some extent at least, as a necessary nuisance.

During the past twenty years here in the United States the average life span has increased by over twenty years. Uncounted millions of dollars and uncounted years of human energy has been expended to achieve this. But not nearly as much of either money or dedication has been spent, or is being spent, to see that these added years are not only years of comfort to those achieving them, but also years of value to society as a whole.

We have in the United States at the present time twenty one and one-half million men and women over the age of sixty-five. The huge increase in the birth rate following World War I and the corresponding decrease in the death rate will insure that this number will double over the next twelve to fifteen years. The *present* decrease in the birth rate will make it probable that the *proportion* of those who may be called our older citizens will more than double.

We held a national conference on the aging ten years ago. Out of that came one very tangible benefit to the elderly, Medicare. We are holding another conference now ten years later. But the problems have not only increased but they have changed. The attack being made upon them has deviated from the sociological to the political. Every approach to the problems of the aged by anyone in a position to achieve change has been made with at least one eye upon the political effect of any action—and often with a jaundiced eye at that.

Without any concern for that which or which may be thought to be politically expedient it is clear that there are a number of things which are needed, and needed *now.* Most of these involve money in one way or another. But for a nation which can spend billions to place a few men on the moon for a few hours, and billions more to ostensibly preserve democracy in the Far East to concern itself with more dollars for the aged is to be unworthy of itself if it measures its care for the aged solely, or even mostly, in terms of money.

Needed first, of course, is an amendment of the Medicare program for the aged. Provision for prescription drugs, without which millions of them cannot continue to exist, needs to be added to the Medicare program, as does medical care outside the hospitals which is now provided by Part Two of Medicare for which the patient pays but also for which millions cannot afford to pay. Of course this will cost money but we need to decide and decide now whether we really care for our older people or whether we are merely going through the motions. If we don't care, let us stop spending our money to prolong life, or, if we do care spend a little more to make this prolonged life more comfortable and reasonably happy.

As has been demonstrated by Representative Pryor, the nursing home situation in this country is a national disgrace. This does not apply to all such homes by any means, but does apply to enough of them that we should collectively bow our heads in shame. We need more and better regulation and inspection, more and better aid in financing such institutions. We need more hospitals *in the areas where they are most needed,* which is not necessarily in the larger cities.

We have made a gesture to the elderly in providing for a retirement income credit on our federal income tax. This, as we all know, applies only to individuals past the age of sixty-five. For those couples, one of whom is under that age, but who file joint returns and have but one income, this retirement income credit applies to only one. But they have only one income for two people and in millions of cases this is a burden and an inequity. Even the amount has not changed in proportion to the increased cost of living. As a matter of fact, nobody to my knowledge has yet suggested that there might well be placed a ceiling on the total amount of taxes, or rather the total proportion of one's annual income which can be charged for taxes of all kinds. However, unfortunately millions of people do not have enough annual income to make this of any great difference one way or another. They are poverty stricken in any case.

The concept of Social Security was developed to force employers and employees to make some provision for their old age. The concept has been broadened from time to time. But the fact remains that millions of those over age sixty-five do not have enough income of any kind, including Social Security, to place them above the federally defined poverty level. The mere fact that in recent years labor unions have placed increased emphasis upon fringe benefits is evidence enough of the importance which people, if not their Congressmen, attach to these problems.

Another phase of the problem of older people is that the things which are being done for them are so scattered that they are, in many cases, not really available at all. We need in every area of the country that which, in one sense, might be called an "ombudsman" office, not with the power to really take action but to coordinate and make available information which these old men and women need in order to take advantage of what is already available.

We need places where old people can take their problems of whatever nature and have some attention paid to them, some answer given, some answer obtained if it is not readily available, *no matter what the problem is*. Maybe this would increase an already overstaffed bureaucracy but it would not need to do so since there would be less duplication of effort in agencies already dealing—with a great big question mark—the problems of the aged.

We are faced in this nation with a divided society brought about by our increased technology. At the lower end of the economic scale we have deprivation and poverty. At the other, and frequently older end, we also have deprivation and poverty in many cases. The lower middle is either not aware or does not care about either problem. The upper middle is aware but not enough concerned. But they are the ones who are going to be the older group within a very few years. But for the information of those who are in a position to do something specific about these problems these older people, unlike the children, do have and will exercise their right to vote. It is for those in power to do what is right and in accordance with our nationally proclaimed goals or because of the urging of their own consciences or face the kind of political action on the part of the elderly which ought not to be necessary in the kind of society which we so proudly claim to be.

Local, state, and national conferences on the problems of the aged are all well and good. But if nothing but volumes of proceedings and blasts of rhetoric come out of them, they might as well not be held, except that they will serve notice upon the elderly that that is the limit of what they may expect. The mere fact that the majority of the delegates here present are *not* representative of those over sixty-five gives pretty much of a tip-off as to what those of us over sixty-five may expect of a conference such as this. It is to be hoped that in the months to come the behavior of those at this conference as well as the reception which its recommendations receive will prove me wrong. But don't bet your shirt on it!

MRS. CHRISTINE GARDNER CITED FOR DISTINGUISHED VOLUNTEER SERVICE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. MOORHEAD. Mr. Speaker, we all know of individuals in our communities whose tireless efforts, on behalf of others, seem never to be recognized by other than the person's closest associates.

But one of these people, a resident of my city of Pittsburgh, has been accorded a singularly impressive honor.

Mrs. Christine Gardner, of Pittsburgh, an unceasing worker for equal rights and opportunities for all people, has been cited by the National Center for Voluntary Action, for her work in my city.

Mrs. Gardner now joins 118 other citationists from all over the country recognized by NCVA. From this group of outstanding citizens, two will be singled out and given $5,000 awards.

I would like to congratulate Mrs. Gardner on her achievement and put into the RECORD a letter and a press release from NCVA telling of her nomination.

NATIONAL CENTER FOR
VOLUNTARY ACTION,
Washington, D.C., November 15, 1971.

Hon. WILLIAM S. MOORHEAD,
2005 Federal Bldg.,
Pittsburgh, Penna.

DEAR CONGRESSMAN MOORHEAD: I am pleased to inform you that the National Center for Voluntary Action has recognized, for distinguished service in the field of volunteerism, Mrs. Christine Gardner of Pittsburgh.

She has received Citationist designation in the National Volunteer Awards Program. Citationists will be included in the final selection process to determine two national winners—one individual and one group—to be honored at a national awards event in Washington in early February. The ultimate winners have *not* as yet been selected.

The National Volunteer Awards Program, after 23 years of distinguished activity under the auspices of Lane Bryant, Inc., is currently operated by the National Center for Voluntary Action. The National Center, a private non-profit organization, exists to generate significant new responses to America's most pressing needs through greater recognition, utilization and coordination of volunteers. Through this awards program, the local volunteers are recognized and honored, and others may be encouraged to greater activity in the increasingly vital field of volunteerism.

You may want to offer your personal congratulations.

Sincerely,

EDWIN D. ETHERINGTON.

PITTSBURGH WOMAN CITED FOR VOLUNTEERING—UP FOR TOP NATIONAL AWARD

WASHINGTON, D.C., November 15.—For tireless volunteer service to the people of her community, Mrs. Christine Gardner of Pittsburgh has been named Citationist in the 1971 National Volunteer Awards Program sponsored by the National Center for Voluntary Action.

Mrs. Gardner has organized and worked with countless housing and social service projects to create a transportation service for the poor, aid programs for the needy, upgrading in housing, and an increased awareness of housing rights by the people of the Hill District.

In addition, she has been a sparkplug for bail reform, improved police-community relations, and rehabilitation of women offenders—activities which have led her to personally sponsor an ex-convict for whom she has found a job, home, and hope for the future.

The National Volunteer Awards, formerly known as the Lane Bryant Volunteer Awards, were established in 1948 to bring attention to "unsung volunteer heroes." The program has been administered by the National Center for Voluntary Action (NCVA) in Washington, D.C. since 1970.

The National Center for Voluntary Action exists to generate new responses to America's pressing needs through greater utilization, coordination and recognition of volunteers. Henry Ford II is chairman, and Edwin D. Etherington president.

Formed in February 1970, the National Center is a private, non-profit organization and the hub of a growing network of local Voluntary Action Centers. NCVA also runs the nation's most comprehensive Clearinghouse of data on volunteer activities, as well as volunteer campaigns to meet critical national needs.

This year's awards program, the first under NCVA, drew the largest number of nominees in its history. From these, 119 Citationists have been selected. Preliminary screening was performed by a faculty panel from C. W. Post College of Long Island University. Each Citationist is now a candidate for one of two $5,000 first-place awards.

The Citationists' contributions reflect a trend toward growing citizen involvement in community problem-solving and aid to the handicapped and disadvantaged.

Final selection of 1971 awards winners will be made by a panel of five judges: H. L. Romnes, chairman of the board, AT&T Company; Charles Evers, mayor, Fayette, Mississippi; Walter Hickel, former Secretary of the Interior and former governor of Alaska; Alvin Toffler, author, *Future Shock;* and Mrs. Jacqueline G. Wexler, president, Hunter College of the City of New York. The top awards will be presented in February 1972 at a banquet in Washington, D.C.

AFL-CIO CONVENTION WAS NOT DISCOURTEOUS TO PRESIDENT NIXON

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HELSTOSKI. Mr. Speaker, as we well know, the Secretary of the Treasury and other administration spokesmen have launched a concerted attack on Mr. George Meany and the AFL-CIO for their allegedly discourteous and unfair treatment of the President at the recent Bal Harbour Convention.

Judging from Mr. Connally's indignant tones one would be led to believe that delegates had been hurling rotten eggs and tomatoes at the stage during Mr. Nixon's address. In fact, Mr. Nixon was greeted with polite, if unenthusiastic, applause by the convention. While it is true that the delegates laughed at the President's statement that prices were going down, I ask, who would not question this assertion?

Mr. Speaker, the President's reception at the AFL-CIO convention has been blown totally out of proportion by an administration seeking to pin the blame for its own economic failures on the labor movement. A few days after the Nixon speech, George Meany set the record straight in a statement to the convention. I include in the RECORD at this point excerpts from Mr. Meany's rebuttal to the administration crybabies:

[From AFL-CIO News, Nov. 27, 1971]

MEANY'S REBUTTAL: NO DISCOURTESY TO PRESIDENT DESPITE SOME RUFFLED FEATHERS

Excerpts from remarks by AFL-CIO Pres. George Meany to the convention, Nov. 22:

The accusations of discourtesy on the part of the AFL-CIO in connection with Pres. Nixon's visit of last Friday are absolutely and completely untrue and unfair. I didn't hear any booing; I didn't hear any jeering on the part of the delegates during the President's visit.

I would like to go over this whole record and try to set it straight. On the 23rd of September I invited the President of the United States to address this convention, and this is in accordance with a long-time practice. No matter who the President is, he is the first man we invite to our convention. A few days later I received a reply from George Shultz which said that the President would, of course, consider this and look over his schedule and they would be in touch with us a little later.

Well, seven weeks passed with no word of any kind. There was no word as to whether he was coming, no word that he was not coming. Last Wednesday evening at half past eight in the evening I was in the coffee shop downstairs, and I got a telephone call from George Shultz in which he said the President wanted to address our convention at noon on Thursday.

Now, to me it would seem that there was a little lack of courtesy there. He could have told us this, and we would have been glad to work out something. But this was just 12 hours before the convention was to convene. So I told him it would be impossible to make that arrangement, that there was a council meeting set for twelve noon, but that I would be glad to have the President later in the afternoon or any time he wanted on Friday.

So the Friday date was set up for 10:30 a.m. and immediately on Thursday afternoon and evening we were visited by a large number of security people whose job it is to protect the person of the President.

They did request Thursday night that I move these four tables here (in front of the platform) back in order that they could put in special television cameras. I refused to grant that request. I said that this would upset the arrangements for 80 or 90 delegates, and I felt that we had television cameras, that we had tape television, and I didn't feel that we should change that situation.

Then I was asked would I have the orchestra play Ruffles and Flourishes as the President marched from the little door over to here. I said, "We don't have an orchestra. We have what you might call some chamber music." We had an orchestra Thursday morning. I don't think you can play Ruffles and Flourishes on a violin. I could be wrong on that, but this is my impression.

He was warmly applauded when he was introduced. He was applauded at least eight times during his speech. There was some laughter when he said that prices were coming down and if you didn't believe it to ask your wives, ask the housewives of America.

Now, I'm willing to concede that this laughter was of a type that indicated disagreement with the President, and I think the ladies laughed the loudest.

However, we certainly still have a Constitution and a Bill of Rights, and I don't know that they can take away our rights unless they actually put it in the Constitution. In other words, I still think we have a constitutional right to laugh.

When the President left here, instead of going to the office he turned and he went into this roped-off area. A White House photographer appeared and there was a fellow carrying a great big, enormous glaring light. The President started to mill around over there. Now at that time, after two or three minutes of that, the delegates and the guests from the far end of the hall all started to converge over here, and I took the mike and said, as I have said many times, "Will the delegates and guests kindly take their seats."

That is a subject of another accusation. They said that I tried to continue the business of the convention while the President still had the floor.

Well, when he left I committed the cardinal sin of saying, "Well, let's go on with the second act." But that was my reaction.

Insofar as courtesy is concerned, I think we showed the respect that is due to the President of the United States. We were not discourteous, there was no booing and there was no jeering. As far as his conduct was concerned, he gave us his speech. He threw away his written text, and that corny act is as old as the republic. His speech was pure political propaganda, and I have no objection to that because we hear a lot of that, and he certainly should not be barred from making a political speech.

However, he did not discuss the one major item upon which we differ with the Administration, and that is the validity of our contracts.

He said that he read the terms under which we were going to sit on the Pay Board and that he could do as he pleased about that, accept it or not. And he said very forcefully, "I know what I can do, and that is what I am going to do" and then he didn't tell us. But he did not, he did not discuss the issue that certainly is the major basic issue that is disturbing the trade unions of America—do we have the right to sign a contract with our employers and see that contract observed, or have we lost that right? I don't think we have, and we are not going to stop fighting for it.

I have the impression the President did not come here to make a speech. He came here to contrive a situation under which he could claim that he had be unfairly treated.

As I say, I am proud of the conduct of the AFL-CIO. We respect the office, we respect the man that holds the office and we are going to continue to do that. However, this doesn't mean that we have got to be subservient to the man who holds the office.

This does not mean that our respect for the President and his office calls for us to submit to something that we consider unjust. Otherwise, our pride in America and its institutions would be meaningless.

This is still a democracy. This is still not a monarchy. And the respect for the President and the respect for our rights as Americans is part and parcel of the entire American way of life to which we are committed without reservation.

WE NEED PROMPT FUNDING OF SUPPLEMENTAL APPROPRIATIONS FOR SICKLE CELL ANEMIA AND LEAD BASED PAINT POISONING PREVENTION PROGRAMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RANGEL. Mr. Speaker, on September 23, 12 of my colleagues joined me in introducing H.R. 10870 and H.R. 10871, legislation calling for supplemental appropriations to fight sickle cell anemia and lead based paint poisoning. Now, over 2 months later, no action has been taken.

The need is critical. In 1970 Congress passed the Lead Based Paint Poisoning Prevention Act, yet $22.5 million authorized under that legislation has not been appropriated. In fact, the conference report on appropriations for the Department of Health, Education, and Welfare passed this summer senselessly cut the $15 million passed by the Senate in half. In addition, not one cent was earmarked for detection, treatment or research of sickle cell anemia, a disease preying on the black community.

The Medical Board of Harlem Hospital Center and the Harlem Hospital Center Committee for Sickle Cell and Allied Diseases have endorsed this legislation. I am pleased to share their letters of support with my colleagues.

HARLEM HOSPITAL CENTER,
New York, N.Y., November 17, 1971.

Hon. CHARLES B. RANGEL,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN RANGEL: On behalf of the Harlem Hospital Center Committee for Sickle Cell and Allied Diseases, I write to endorse your program to obtain vitally essential legislation for expanded medical and community services in the area of sickle cell disease. Our committee, on which serve representatives of the major hospital services, is acutely aware of the need for a wide array of services for the sickle cell patient, families of the afflicted and the broader community. We are concerned and alarmed at the paucity of such services in the black community.

We pledge our continuing support for your laudable efforts in regard to sickle cell disease and trust that the Congress of the United States will take needed action to remedy the existing inadequacies related to this dread disorder.

Yours sincerely,
CALVIN H. SINNETTE, M.D.,
Chairman.

HARLEM HOSPITAL CENTER,
New York, N.Y., November 19, 1971.

Hon. CHARLES RANGEL,
House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN RANGEL: We read with interest your statement of September 28, 1971, in which you said "on August 5th, the House of Representatives callously turned its back on black Americans when it slashed funds for lead-based paint poisoning prevention and deleted funds for sickle-cell anemia detection, treatment and research."

We know that you know from first hand knowledge that black children are dying from these two preventable diseases; lead poisoning by eliminating lead-based paints both in the stores and on the walls and sickle-cell disease by detection of the carriers and proper counselling prior to marriage. But prevention requires considerable funds for education, counselling, research and treatment. Is it possible that there is little concern because most of the victims are black?

The Medical Board of Harlem Hospital Center unanimously support your supplemental appropriations bill, sickle-cell H.R. 10870 and lead-based paint HR 10871.

Very truly yours,
HERBERT G. CAVE, M.D.,
President, Medical Board.

VOICE OF AMERICA INTERVIEWS RAYMON H. MULFORD

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, we are witnessing a time when the average American could easily become very dissatisfied with the job American business is doing to protect their interests.

We have heard the cry of environmentalists, charging large corporations with polluting the air and water around them. We have heard the taxpayer grumble during phase II because business would seem to be the only sector of the economy that is trying to get an increase in its prices.

Too many times, Mr. Speaker, we fail to recognize a lot of the good things

American business has contributed to our society and the way we live.

I include as a part of my remarks, a transcript of an interview of the Voice of America conducted with Raymon H. Mulford, chairman of the board of Owens-Illinois of California.

I think we might all benefit from reading his words and considering some of the excellent ideas he is expounding on the responsibility of business to social welfare.

The interview follows:

Voice of America Interviews Raymon H. Mulford

Spontaneous responses to probing questions on one of the most controversial subjects in the news today—social responsibilities of business—are reproduced in this transcript of a Voice of America press conference featuring Raymon H. Mulford, chairman of the board of Owens-Illinois, Inc., and chairman of the Committee for Economic Development's Subcommittee on Business Structure and Performance. The interview was taped on August 6, 1971, and was broadcast on September 4, to audiences in Asia, the Middle East, Europe, Africa and Latin America through the world-wide facilities of Voice of America.

From Washington the Voice of America brings you Press Conference, U. S. A., an unrehearsed discussion program. Each week at this time reporters interview an interesting personality in the news. To introduce our guest this week and our correspondents, here is Les Higbie, this week's moderator of Press Conference, U. S. A.

Increasing attention has focused recently both within and outside the business community on ways to provide a better quality of life for all our citizens. Among those studying this question are the businessmen members of The Committee for Economic Development (CED). A CED Subcommittee has just published a 74-page report entitled "Social Responsibilities of Business Corporations." Our guest today is the chairman of that Subcommittee, Raymon H. Mulford, chairman of the board of Owens-Illinois, Inc., Toledo, Ohio. Mr. Mulford is a native of San Francisco, and is a graduate of Stanford University and Harvard Business School. He has served Owens-Illinois in several executive positions since 1933 and became chairman of the board in 1968 after seven years as president. He is a director of several other companies, is a trustee of the Toledo Museum of Art, and of the National Cystic Fibrosis Foundation. Mr. Mulford, welcome to Press Conference, U. S. A.

Thank you, Mr. Higbie.

Now will our panel of correspondents identify themselves.

Haynes Johnson, The Washington Post.

Murray Seeger, The Los Angeles Times.

Courtney Sheldon, The Christian Science Monitor.

Mr. Johnson, would you take the first question please.

Question by Mr. Johnson:

Mr. Mulford, I was struck by two sentences in this report of your Committee. One says that there is now pervasive feeling in the country that the social order, somehow, has gotten out of balance and that greater affluence amid a deteriorating environment and community life does not make much sense You say that also applies to American business. The large corporations are undergoing the largest, most extensive self-examination about their own roles in the American society since the 1930's. I would like to ask you a general question. Just what do you see as the great problems facing the country and the role of business in doing something effective about them?

Answer by Mr. Mulford:

Well, I think that through the efficiency and effectiveness of our business organizations we have made great achievements in terms of providing a reasonable level of affluence to the greatest percentage of our citizens in comparison to any other country in the world. We have done reasonably well from the standpoint of providing material necessities. In spite of that, however, with our growing population and with the increase in the move toward metropolitan centers, I think industrialism and the effects of living so close together in such large groups have created conditions which people find not so attractive as they were in a simpler type of economy. I think we must address ourselves to improving those conditions. I don't think we can turn the clock back in terms of our ability and our obligation to meet the needs of people—not only of maintaining a reasonable standard of affluence but eventually eliminating such poverty as does exist in the country. And some poverty does exist. We must continue with our efficiency in production in these respects but we must also give considerable attention to the by-products which have been unpleasant to a lot of people.

Question by Mr. Johnson:

Let me ask you a more specific question now about business in general. While coming to the studio I heard a radio broadcast about a corporation in Baltimore that said it would have to shut down its plant if it were forced to spend $2 or $3 million extra on antipollution devices. What's your feeling about a corporation that takes that stand in this whole question?

Answer by Mr. Mulford:

I think there have to be some trade offs. I think the attention which environmentalism has received on the whole is constructive. I do think there are some aspects of it, however, which are emotional and overrated. To try to fully satisfy all the demands of the most extreme ecologists would mean a diversion of capital, a diversion of effort, and a diversion of our total capability that probably would be unjustified because we have so many other pressing problems.

Question by Mr. Seeger:

Mr. Mulford, I'm reminded that Professor Friedman of the University of Chicago, an economist who a lot of businessmen pay attention to, has suggested that businesses have no business going into the social area at all. He also has said that business is not equipped to deal with social issues and that the best thing business could do for the country would be to strive for efficiency, good profits, and a strong economy. Why do businessmen get into these social problems at all?

Answer by Mr. Mulford:

Well, one of the reasons I think our study was undertaken is because there has been so much dialogue and such a wide diversity of opinion in relation to the actual social responsibility of business. We are very familiar with the views of Professor Friedman, who is at one end of the pendulum. As you said, he really believes that the business of business is business, and that we should concentrate on making profits and leave other aspects of society alone. On the other hand, there are those who seem to attribute all of the ills of society to business. We feel that probably the proper answer is somewhere in between these two. This is the reason we undertook this rather extensive four-year study. But we did involve academicians, politicians, and other people who had a point of view we thought would be worth considering, and we did have representation of the Friedman philosophy in our discussions. In the final analysis, however, the report was determined, designed, and approved by businessmen themselves.

Question by Mr. Seeger:

Are your recommendations weakened by trying to get a consensus report from a group of businessmen who have a wide diversity of interests and pressures on them?

Answer by Mr. Mulford:

Probably to some extent. I think an individual with a positive conviction would give a more clear cut, a more specific, a more forceful presentation. There obviously are some compromises. On the other hand the opportunity to involve so many people with constructive points of view probably gives these compromises some merit.

Question by Mr. Sheldon:

Mr. Mulford, in your report you suggest that if competing corporations can't get together and shoulder equal social responsibilities particularly in the area of pollution that they should ask the government to step in, presumably with some kind of regulations. Can you see this as being very practical or being very widespread?

Answer by Mr. Mulford:

Yes, I believe I can. I'll use a collective we, speaking for those who were a part of this report. We feel that every effort should be made by business to do as much as it can on a voluntary basis—to be realistic, to be progressive, to recognize the social aspects of their operations. However, you frequently run into situations in which—because of Justice Department regulations and because of the impracticalities from a competitive standpoint—we think it would be advisable to have specific government regulation applying equally and equitably to all companies involved in a given line of commerce. We would hope that the constructive attitude of business and its own efforts would be such that government would want to involve responsible business executives in designing such regulations.

Question by Mr. Sheldon:

Isn't it pretty much a fact of life that the more a corporation or a business spends on social programs and antipollution programs, the more they will charge for their products in the end? Or are corporation's profits or business' profits higher than they should be?

Answer by Mr. Mulford:

I think you bring up a very important, a very realistic point. In the final analysis the consumer, the general public, is going to pay the cost of whatever money is diverted to environmentalism. I don't think there is any other possibility, and, unfortunately, I don't think the average citizen completely realizes this. Now there are some aspects to what I suppose you would call environmentalism which are actually constructive in themselves from a productive standpoint. As an old factory manager, I've used one example of this many times. Consider a plant that has a high level of good housekeeping, a high level of cleanliness, and concurrently with that a high level of safety, which has used all of its expertise in not only guarding equipment but creating an attitude and an atmosphere within the plant which is conducive to safe working habits. Inevitably such a plant will be a more efficient plant than a sloppy plant. I think there are many aspects of this thing we call environmentalism. I think of the attention which companies now are giving to the aesthetic values of their plants. I think of many of their community activities which have a reflection in the kind of cooperation they get from the communities in which they operate. Those activities are reflected in the morale of the people within the company and to an extent these things are actually constructive in achieving efficient production. I think they are helpful.

Question by Mr. Johnson:

I guess we've all been talking about the same thing for many years. About national priority and problems on the agenda facing America and it always comes back to one hard problem. That is money. Where are you going to get the money to reach all these fine goals such as health care, which we hear is going to double in cost in this country over the next four years. At the same time we have an economy that is going through some distress. Are we able to pay the price? Are we able to pay the price? Are we able to raise the money and divert it to these social aims that we need and you think are good? How does the business community feel about that?

Answer by Mr. Mulford:

Although we are the wealthiest country in the history of civilization I think we have reached the point where our desires exceed our current ability to fulfill them. This matter of setting priorities is probably one of the most important problems that the country faces. I think they hesitate and particularly their political leaders too frequently hesitate to face up to it. I think the reason that we're involved in an unfortunate inflationary situation at the present time is a direct reflection of the fact that we refused to face priorities several years ago.

Question by Mr. Johnson:

Well that leaves two questions, I suppose. What would you say is the first priority facing this country, and what do you do about this economic spiral of inflation? What should we be doing that we're not doing?

Answer by Mr. Mulford:

Well, this is a difficult question, and I don't know that I'm fully competent to answer it. Let me go back to the time that I think was the start of our problem. This is some few years ago in the Johnson administration, and let me say at the outset that I'm very much in favor of practically everything that Mr. Johnson espoused. My problem with his conduct of the situation is that we just couldn't do everything. But at that time we were accelerating a war which was very expensive. We had an extremely affluent society in general and we were devoting ourselves to what Mr. Johnson called the Great Society, which meant the elimination of poverty and the correction of the problems of the inner city. Frankly, we were not wealthy enough to afford all of them at the same time, and at that time I was very much in favor of—although I was a minority as I am so often in these things—substantially increasing taxes. Substantially increased taxes would have reduced the level of our affluence and I think that was the measure that was indicated, but in trying to maintain all of these programs we inevitably got into a situation where the value of the dollar decreased.

Question by Mr. Seeger:

Mr. Mulford, in your statement from the CED one of the things that jumps out at me is this proposal for a stronger business-government partnership to attack the social problems of this country. It scares me a little bit because there are a lot of people in this country who are not very happy about the way the government has been meeting the social problems and they also are afraid of big business. There are also enemies of this country who think business and government are already in a conspiracy against everybody else in the country. Who else, is there another partner in there besides business and government?

Answer by Mr. Mulford:

Well, of course, when we think of government we think of the political institution as the only institution which represents all the people. This is the reflection of the desires of society as a whole, of the people as a whole. As I appraise business operations in the Free World—and our Company is very broadly involved in Europe, South America, and the Orient, so we get a good look at the situation—that as business is conducted in the United States we probably have more freedom of action than is true in any other country in the world. In other words, we are less far down the road to Socialism. On the other hand, business and government in the United States are constantly in an adversary position. In many other countries of the world, Japan being an outstanding example, business and business institutions are in an important partnership with government and are an important instrument in national policy. In the United States we seem to be continually fighting each other. I think actually rather than people being concerned about collusion between business and government, perhaps people should be concerned about this adversary situation. Because we do feel that in meeting some of our major social problems, certainly the problems of the inner city, the problems of the deterioration of the inner city, that government must be the leader in developing the strategic plans and that business probably can be extremely helpful in implementing the plans. But plans which involve the use of eminent domain, plans which maybe involve the disruption of existing patterns even though they are designed to produce very much better patterns, can be developed only by the specific representatives of the people as a whole. Again I say I think the function of business is to effectively implement the programs which government designs.

Question by Mr. Seeger:

One of the things that strikes me when we talk about the problems of the inner city is that a lot of those problems have been created because business abandoned the central cities. They have built new factories outside the cities. They have built new factories in other parts of the country rather than the urban East and the older Northern and Eastern cities are left with the remnants. They're left with the unemployed; they are left with empty factory buildings. What can business do about that?

Answer by Mr. Mulford:

Well, I think one of the great things about our country has been, generally speaking, the mobility of our society as contrasted with other countries. Actually I'm not so sure that it isn't advisable for business to build their operations on the perimeter or even farther out. The congestion that we have in our metropolitan areas now is awful. At best there is going to be some air contamination, some effluent from business activity, which preferably should not occur in the middle of a very congested area. I think one thing that business has been constructive in and active in is a problem for society as a whole. One of our greatest problems is the subject of freedom of movement, of open housing if you will. In my own case I participated very actively in a losing campaign in Toledo in which I advocated open housing. I think you will find the most responsible businesses advocating as strongly as they can the complete freedom of movement of our population. But as long as society directly or indirectly imposes restrictions on the movement of people I think you're going to have a kind of deteriorating situation that you referred to.

Question by Mr. Sheldon:

Mr. Mulford, does your concept of social welfare responsibility of a corporation extend to refusal to do business in a country like South Africa because of its segregation policies?

Answer by Mr. Mulford:

No. As a matter of fact we have a minor interest in South Africa. We have thought this problem through very carefully, not only as it relates to South Africa but even before that as it relates to doing business in certain sections of the United States where mores were such that it was almost impossible, and was impossible in some instances, for us to conduct our operations in the manner that we felt was completely right. Our feeling has been that we are more constructive in involving ourselves in such societies so that we can lean against those things which we think are unfair. We made it very clear when we made our association with this company in South Africa that we were completely opposed to racial discrimination; completely opposed to apartheid as we understand it, and to the extent that we could develop any credibility as an industrial citizen of South Africa we would align ourselves with those people who oppose those policies. This is our position. We think that by boycotting you actually solidify the opposition.

Question by Mr. Sheldon:

I'd like to turn to rather a general question on the business outlook. What would you say is the prospect for checking inflation and also the unemployment rate, and what would you advise President Nixon to do at this point?

Answer by Mr. Mulford:

Well, I have felt very strongly for the past couple of years, advocated it publicly, represented it in the councils of the CED and any place else where they would listen, that this inflation which started as a brush fire back in the latter 1960's has reached forest fire proportions, that it is feeding on itself, that it has changed from a so-called demand pull to a cost push sort of situation, and that it is an emergency situation and that we should take emergency measures. I think for a specific period of time, not longer than three years certainly, that we should impose mandatory wage and price controls so that we can stop the rampant inflation, catch our breath, and concentrate on improving the economic position of people by increasing the value of the dollar they have rather than by giving them more dollars which constantly deteriorate in value.

Question by Mr. Johnson:

As you're well aware, one of the things that the critics, the most vocal critics, have said over and over again is that the system itself, our system of government, our system of business is far too slow to respond to change. It takes too long, we put out studies and the rest but nothing really seems to take place. Would you address yourself to that question? You say it took four years to compile this report from business and the government has made many reports of this kind, and yet the tensions in the country certainly have not diminished and the attitudes, if anything, are a feeling of a lack of faith that we're able to do the job.

Answer by Mr. Mulford:

No. I don't agree with that hypothesis. I think actually some of the brakes that we've built into our system, the check and balance system, which seems to be so ineffective at times over the long run, have proved to be very sound. I think that major changes are necessary on occasion but I think they should be very carefully thought through. I think they should stand the test of a continuing desire over a period of time. I think there is a much greater danger of taking precipitous action under an emotional sort of an atmosphere than there is in the careful, considered and, granted, slower method of procedure.

Question by Mr. Seeger:

Mr. Mulford, in your report that you talk about giving direct subsidies to business to accomplish some of these social programs, I think that's admirable because if you see the subsidies right out in the budget then you know what the priorities are. Would you also be in favor of eliminating some of the hidden subsidies that various parts of business now get to strengthen the tax base of the country? I'm thinking of the various tax gimmicks that certain industries enjoy over other businesses.

Answer by Mr. Mulford:

I guess I haven't enjoyed them as much.

Comment by Mr. Seeger:

No. I don't think the manufacturing sector gets them as much as the natural resources and minerals areas do.

Answer by Mr. Mulford:

Well, I think this is a serious question. You're referring in this case to the depletion allowance which the oil industry enjoys. I happen to be on the board of a principal oil company and I am very conscious of the tremendous gambles they take in attempting to develop additional sources of petroleum, of energy, which is so terribly important to the whole world and specifically important to our country. I wouldn't agree that they are unjustified subsidies so I guess we come apart a little bit there. But let me say this. I agree fully with your thesis. I think one of the real dangers in this country, one of the real unfair things, is hidden tax. I would be very much in favor of making any form of taxation direct and obvious so the people know what they are paying.

Question by Mr. Seeger:

I'm thinking of the same thing for subsidies. In other words, instead of giving someone a subsidy out the back door through a favorable tax treatment why not give it to them out the front door?

Answer by Mr. Mulford:

Well, I think generally speaking I would agree with you. In terms of its practical application I do think there are times when such a tax relief as the investment credit is very much justified. Now I don't know whether you would consider that a hidden subsidy or not but it is a credit which resounds to the advantage of the company investing heavily in new capital equipment.

Question by Mr. Sheldon:

Mr. Mulford, do you approve of the Government's support of Lockheed in its financial affairs, and if your company were in a position similar to that of Lockheed would you have made a similar appeal to the Government? What are the precedents here, good or bad?

Answer by Mr. Mulford:

I honestly don't know that I understand all the aspects of that situation well enough to have a well considered opinion. Now I don't mean to evade it. Generally speaking I would say this, I am opposed to government, either Federal or local, subsidizing private enterprise to the disadvantage of competitors who pay the full tote. To me this is a fundamental consideration and I think I would apply it to Lockheed. However, there were factors in the Lockheed situation—after all, their business was almost 100 percent with government—and whether in the administration of all the contracts that were involved there was a consistency and a fairness on the part of government I don't know. I just don't know enough about the situation in total.

Question by Mr. Sheldon:

Mr. Mulford, are corporations really too big and too diverse to develop concerted and meaningful social welfare programs that are anything more than window dressing?

Answer by Mr. Mulford:

I think not. I think, of course, that when you talk about social programs you have to consider that business is a part—an integral part—of society. It isn't something separate. When we talk about social responsibility we're talking about not what business does in terms of productivity, but how it does it, and I think this is tremendously important. I think it makes its greatest social contribution by conducting itself constructively in relation to the basic ethic of the country in the means by which it does its production job.

Mr. Higbie:

I'm sorry, gentlemen, our time is up. Thank you, Mr. Mulford. Thank you, members of the press. Our guest has been Mr. Raymon H. Mulford, chairman of the board of Owens-Illinois, Inc. Correspondents on our panel included Haynes Johnson, Washington Post; Murray Seeger, Los Angeles Times; and Courtney Sheldon, Christian Science Monitor. This is Les Higbie in Washington.

BOTH SUPREME COURT NOMINEES STILL APPEAR "HIGHLY QUALIFIED"

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RHODES. Mr. Speaker, while it is important for the Senate Judiciary Committee to examine the credentials of Supreme Court appointees, it is equally important for the members of that committee to refrain from political prejudice when considering qualifications. I have here an editorial from the Denver Post which points out that the predominant qualification being considered should be the man's "dedication to legal excellence." In reference to Mr. Rehnquist and Mr. Powell, the editorial concludes:

> Mr. Nixon has selected two men highly qualified for the Supreme Court. They should be confirmed without further delay.

The entire editorial follows:

Both Supreme Court Nominees Still Appear "Highly Qualified"

The Senate Judiciary Committee has delayed for a week action on President Nixon's appointments of Lewis F. Powell Jr. and William H. Rehnquist to the Supreme Court.

The committee should, of course, use whatever time it needs to deliberate fully on the qualifications of the nominees before reporting its verdict to the entire Senate.

But it seems to us that some members of the committee are trying to prevent a vote by the committee, specifically on Rehnquist, for the wrong reasons.

The committee should be concerned mainly with the legal qualifications of the nominees, rather than their political and philosophical points of view.

Sens. Birch Bayh, D-Ind., and John V. Tunney, D-Calif., with support from civil rights and labor leaders, have been unduly concerned with Rehnquist's political background.

Little opposition has developed to Powell, a former president of the American Bar Association (ABA); and both Powell and Rehnquist have been cited as well qualified for the court appointments by the ABA's federal judiciary committee.

Both men have distinguished records in legal scholarship. Rehnquist's difficulties obviously stem—as columnist Tom Wicker notes elsewhere on this page—from the fact that he is a conservative Republican who has taken an activist role as an assistant attorney general in the Nixon administration.

In his capacity as the administration's "lawyer," Rehnquist has testified a number of times at congressional hearings on a wide range of issues, including the rights of the accused, wiretapping, obscenity and equal rights for women.

The views he expressed at these hearings were those of the administration, and not necessarily those that he held personally.

But even if they were, they should not be used as the means to determine his qualification for serving on the Supreme Court. The ultimate test ought to be Rehnquist's dedication to legal excellence; and no one disputes his dedication on that score.

Whether or not Rehnquist will be an active force for conservatism on the court—as some liberals fear—is not particularly cogent; for history has shown that it is hard to predict what philosophical outlook justices will develop over the years.

The Senate Judiciary Committee has ample material before it to act on the appointments of Powell and Rehnquist.

Nothing we have seen yet has changed our view that Mr. Nixon has selected two men highly qualified for the Supreme Court. They should be confirmed without further delay.

AMERICAN WIND SYMPHONY BIG HIT IN BARGE TOUR ON RIVER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. MOORHEAD. Mr. Speaker, I have the honor of serving as one of the honorary chairmen of the American Wind Symphony Orchestra, a truly delightful musical aggregation, whose director is my good friend Bob Boudreau.

This past summer Bob put the "symphony" on a river barge and toured the Allegheny, Monongahela, Ohio, and Mississippi Rivers, giving performances for thousands of residents in the cities and towns on those rivers. For many it was their first opportunity to hear Bob's kind of music.

An innovative and very creative soul, he mixes his selections well, choosing outstanding classical pieces along with the latest in contemporary—he even includes a fireworks show for the children to supplement his music.

Time magazine wrote an excellent article on the American Wind Symphony a few weeks back and I would like to introduce this article into the Record at this time for the edification of my colleagues:

Barge Man

Toward sundown, people began drifting down to the riverbank. A few kids impatiently paddled their toes in the water. A young husband shushed a baby on his shoulder. On the far shore a car pulled up, waited, drove away; the ferry was not running tonight. Then, from the barge floating a few feet out in the rippling Ohio River, the music danced deliciously across the water. This was the big day of the year in Ravenswood, W. Va. (pop. 4,500), and almost everybody was on hand to enjoy it.

Conductor Robert Boudreau and his rather grandly named American Wind Symphony Orchestra are bringing something precious to the river towns of Appalachia, the Kentucky bourbon belt and the Mississippi Valley. Essentially, Boudreau has a barge and an idea. The barge is an old coal carrier he got 15 years ago and converted into a floating concert hall. The idea has been with him ever since he graduated from Manhattan's Juilliard School in 1952 and found that there were just not enough jobs available for brass and woodwind players. Being a trumpeter, he understood the problem firsthand. To get his orchestra started, Boudreau walked the streets knocking on doors, until H. J. Heinz II, head of H. J. Heinz Co., gave him $15,000 and Duquesne University matched it. Ever since, he has been floating his barge up, down and around the Allegheny, Monongahela, Ohio and Mississippi rivers, drawing audiences to the riverbanks for the kind of experience more often enjoyed in the past by kings—notably King George I, who ordered up the Handel *Water Music*.

Boudreau's winds have stirred up the whole area; now housewives in town after town do much of the door-knocking for him. He gives his audiences rousing toe-tappers: selections from *My Fair Lady, Stars and Stripes Forever* and, predictably, *Down by the Riverside.* He stages a fireworks display at show's end to hold the very young. But he has greater ambitions than that. His programs are heavily laced with contemporary works like Penderecki's *Pittsburgh Overture,* Badings' *Armageddon* and Mayuzumi's *Concerto for Percussion*—just three of the 200 scores he has commissioned and published. Not content merely to bring music to the local wharf or ferry landing, he sends chamber groups into homes for lecture recitals, and he himself can often be found rehearsing the local high school band. It may just be that there is no greater innovative force in American music than Robert Boudreau.

Certainly there is no organization quite like the fine 50-piece orchestra that Boudreau builds anew each summer with young (average age: 23) wind and percussion players from all over the U.S. and, this year, Japan and Canada. It may not match the luxurious silkiness of the Philadelphia Orchestra, but then it has no strings attached. Drawn from 300 to 400 auditioners a year, the orchestra is a crisp, vibrant-sounding ensemble that can give its conductor just about anything he wants. What Boudreau wants is as much style and excitement in an electronic-and-live composition as in a Richard Rodgers medley, and he invariably gets it.

VISUAL DELIGHTS

At Ravenswood last week, Boudreau unveiled yet another newly commissioned work, *Report,* by an up-and-coming Czechoslovak composer named Lubos Fiser (pronounced *Fish*-er). *Report* is a mesmerizing symphonic tattoo in which marchlike rhythms blend effortlessly with geometric splashes of sound. It was hardly a hit with the audience, though. "That doesn't matter," says Boudreau. "As long as they're sitting there, they're absorbing it, getting used to the sound of today." The rapt attention now given "favorites" by Penderecki and Badings seems proof enough of that.

If the audience does nothing else, it can always enjoy this year's new visual delights within the 75-ft. proscenium. At stage rear and stage right are two modular kinetic sculptures by Czechoslovakia's Milan Dobes, 41, that provide a light-show backdrop of spinning whites, reds and blues for Mayuzumi's *Concerto for Percussion.* Even the players' chairs are part of a huge steel stage sculpture designed by Japan's Yasuhide Kobashi. Perhaps "chairs" is not the best word: the seats are actually wood slats fastened like steps up and down vertical tubes that rim the rear of the stage. Some seats are as high as six feet; no two are in the same sight line. It pleases the players that each of them is entirely visible to the audience, although a trombonist who gets up carelessly to take a bow can easily topple to the floor.

The barge itself is a motorless wonder. While the orchestra members travel overland by bus, Boudreau moves the barge from stop to stop, like a kind of riverside hitchhiker. All the tow captains know the *Point Counterpoint,* as the barge is officially known, and willingly put a towline aboard and move it on to the next town. That saves the orchestra $12,000 to even $15,000 a summer in tow charges. Placed against the orchestra's annual $90,000 budget, the saving is substantial.

GOATS AND COWS

Boudreau does his own summer traveling in a Dodge Sightseer with his wife Kathleen and their three children—Jonathan, 6; Robert Joaquin, 3; Tanya, 2. The rest of the year, home is a 20-acre farm outside Pittsburgh where he raises goats and cows, grows corn and tomatoes and listens to tapes of new composers who may be worth a commission.

Boudreau turns positively sentimental when he talks about the beauty of the land. "What a wonderful world we would have if we could see beauty all the time." Sentimental or not, he personally ensures that every community he visits cleans up its riverfront. In that, he may or may not succeed this week when he takes his charges to New York. On a barge provided by the New York State Council on the Arts, Boudreau will sail the superpolluted Hudson and East rivers to give concerts at Yonkers and the Henry Street Settlement on Manhattan's Lower East Side. Then back to the farm. How about a conducting job in New York? "It would kill me. I'm a barge man. And besides, I gotta get back to my tomatoes."

BERRIEN FFA WINS NATIONAL AWARDS

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. STUCKEY. Mr. Speaker, a great honor came to a group of young people in Berrien County in my district recently. I am very proud of them, and want you to know of it, but in my judgment there is a deeper significance that I think will be heartening to all of us.

At the recent national convention of the Future Farmers of America, the chapter from Berrien High School in Nashville, Ga., was named the most outstanding chapter in the entire Nation when it comes to rural development. They were enrolled in the "Build Our American Communities" program of the FFA. They are now the first national winners in this activity.

I enter in the RECORD a copy of the story titled "Berrien Wins National Awards" as well as the text of a letter from President Nixon, both of which appeared in the Berrien Press.

I add my high commendation to the compliments the young people have already received, and at the same time, since the adults and club officers are sometimes overlooked in such situations, I wish to call special attention to the advisors of the Berrien FFA: Melvin Johnson, Henry Patten, and Jimmy Lane. A young man named Keith Outlaw was chapter president when this took place, and Jerry Baldree, who is now president, promises to carry the chapter into phase two of their "Build a Better Berrien" program this year.

The deeper significance lies in the fact that a former colleague of ours who is now Administrator of the Farmers Home Administration, James V. Smith, thought highly enough of young people to develop this Build Our American Communities program, and to help launch it with the FFA organization. He has repeatedly told the young people that they, as well as we adults, will enjoy improvements made in quality of living, but that 50 years from today, the young person will still be benefiting from the improvement.

Equally significant, I believe, is the fact that the young people believed him, accepted his help, and shaped a program that has earned the respect of all who know about it.

Adult and youth listened to each other, heard what was being said, worked to make it come true, and both are benefiting. No generation gap here.

Since Jim Smith became Administrator of the Farmers Home Administration, he has repeatedly asked, "How can we strengthen and develop rural America?" As he told the 15,000 FFA delegates in their national convention, the BOAC program is one way—it is one of the finest tools that Farmers Home has in its portfolio of programs designed to create a stronger rural America.

Jim also tells me that BOAC is a concept that is available to any youth group. It involves learning about the community—its needs, its wants, its strengths, weaknesses and resources, then working to improve the areas that need strengthening. It means adult working with youth, and youth working with those of experience. It means the agencies available to help our communities must become involved—in teaching young people as well as in building.

It is a program with a sound concept, and I commend it to your attention.

Right now the program has priority among the more than 430,000 young people that make up some 8,000 FFA chapters. The potential is unlimited. Over 50 years ago, pioneer educators began teaching the skills of production agriculture to young people—and today no nation on earth begins to approach our ability in this vital area.

Fifty years from now it is possible we will say the same thing about the quality of living in both rural and urban America.

The articles aforementioned follow:

[From the Berrien Press, Oct. 21, 1971]

BERRIEN FFA WINS NATIONAL AWARDS

The Berrien High School FFA Chapter was presented the first National Citation in the Future Farmers of America Building Our American Communities program Oct. 4 at the 44th National FFA Convention in Kansas City, Mo.

The award was presented by James V. Smith, administrator of the Farmers Home Administration of the U.S. Department of Agriculture, Washington, D.C.

Sixty other FFA chapters were recognized as gold, silver and bronze emblem winners for their outstanding participation in the FFA program to involve youth in rural development.

One of four finalists, each representing one of the four FFA administrative regions, the Barrien Chapter was named for the National Citation by a national committee of prominent businessmen, government and education officials.

The chapter's "Build A Better Berrien" project was rated the best of 60 FFA Chapter action programs to improve rural communities.

Jerry Baldree, 18-year-old president of the Berrien FFA Chapter; Melvin Johnson, H. W. Patten and James L. Lane, chapter advisors and Jimmy Dillard, Building Our American Communities committee chairman were on hand to accept the award on behalf of the FFA chapter and Berrien County.

A highlight of the award presentation was the reading of a letter from President Richard M. Nixon commending the Berrien FFA Chapter.

The letter read in part: "The skill and enthusiasm with which you and your colleagues have translated an excellent idea into a practical working program has my greatest admiration and respect."

In presenting the National Building Our American Communities National Award Certificate and a check from the National FFA Foundation, Inc., for $200, Smith praised the accomplishments of the Berrien FFA chapter in its effort to build community pride.

The chapter has as its theme "Build A Better Berrien" and through radio and newspaper promotion was very successful in rallying the support of the entire community. February was designated as "Build A Better Berrien" month.

Adults from 14 community organizations and eight other youth organizations were involved in the Berrien County action program.

During the year the Berrien FFA Chapter was involved in the removal of 119 dilapidated buildings and worked with the city and county to haul old cars, trash and rubbish to the county landfill.

The campaign encouraged everyone in the community to get involved and the chapter obtained signed statements of cooperation from more than 300 land owners.

In accepting the award, chapter president Jerry Baldree said the "Build A Better Berrien" project was a great success.

"We proved there is no generation gap when we work with our elders. We proved young people can be community leaders and we proved that our young people are interested in our community as a place to live and work."

The chapter's future plans are to continue to "Build A Better Berrien" by surveying, developing, and promoting the wise use of community resources. Among the projects already planned for this school year are a "Careers at Home" night to expose young people to career opportunities in the Berrien community.

The Berrien FFA Chapter was one of four top regional winners in the BOAC Program. The other three chapters were:

Big Walnut FFA Chapter, Sunbury, Ohio (developed a 35 acre ecological center as an outdoor laboratory); Newbury FFA chapter, Newbury, Vermont (developed a site for a community park and picnic area), and the Silverton FFA Chapter, Silverton, Oregon (established a community employment service to match students to jobs in the community).

The Building Our American Communities Program is a new effort by the FFA to get its members involved in activities to improve job opportunities and living conditions in rural communities.

Through instruction in the vocational agriculture classroom and practical experience in FFA community action projects, the FFA is seeking to reduce the outflow of population from rural areas into already over-populated urban areas.

The FFA Building Our American Communities Program is designed to develop leadership ability of FFA members by encouraging them to take an active role in the community.

In the classroom, FFA members learn the community development process, survey community needs and wants, identify high priority projects and seek to cooperate with other community groups and individuals.

The result of the program is expected to be not only better communities, but also better qualified citizen leaders and followers who will strengthen tomorrow's American society.

Assisting in the effort are the Farmers Home Administration (FHA) of the U.S. Department of Agriculture, and Lilly Endowment, Inc., of Indianapolis, Indiana.

The FHA is providing technical assistance in the form of classroom materials on rural development. Lilly Endowment is providing awards and additional funds to help offset administrative expenses through the National FFA Foundation, Inc.

Many awards are available to chapters that participate in the BOAC program. Each chapter named for a national award earned awards at each level of competition making them eligible for the National award.

The initial level of competition where awards are presented is the "area."

This division is made up of several chapters in a relatively close geographical area.

All chapters may earn the area award on answering yes to 11 of 16 questions that indicate minimum participation in community development activities.

Fifty percent of the area award winners are eligible for state awards. Selection at the state level is based on a description of the chapter's major high priority community development project.

At the state level, chapter BOAC programs are ranked Gold, Silver or Bronze according to the merit of the activities carried out. State awards are presented at the State FFA Conventions. One of the state Gold Emblem Chapters is named as the state winner and receives the Governor's BOAC Citation.

Ten percent of all the chapters receiving state awards are eligible for the National Gold, Silver or Bronze National Chapter Community Builders Awards. Each was presented a plaque at the National FFA Convention in Kansas City.

[From the Berrien Press, Oct. 21, 1971]

FROM PRESIDENT NIXON

THE WHITE HOUSE,
Washington, D.C., October 8, 1971.

The skill and enthusiasm with which you and your colleagues have translated an excellent idea into a practical working program has my greatest admiration and respect.

I well remember the pleasant visit I had with your national officers when they first outlined the Building Our American Communities Program, and I am proud to applaud the Berrien FFA Chapter of Nashville, Georgia, which has earned the 1971 Presidential Award.

Their example is a source of strength for the nation and an inspiration for countless fellow citizens. I applaud them and commend all who have participated in this worthwhile program.

RICHARD NIXON.

A MORE REALISTIC AND COMPREHENSIVE NATIONAL POLICY FOR OLDER AMERICANS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. GRASSO. Mr. Speaker, the White House Conference on Aging is now in session. The goal of this Conference—a more realistic and comprehensive national policy for older Americans—is dear to the hearts of all of us.

Let the voices of older America ring throughout the land.

Let each of us hear their call—for one in every 10 of our number has reached or passed a 65th birthday, which amounts to some 20 million older people in our population of more than 200 million.

Let us recognize that their numbers are growing—at a net rate of 900 a day, 330,000 a year.

And most important, let us never forget that as the numbers of older Americans increase, so do the many problems which stand in the way of their living a secure and full retired life.

The areas of need for older people are clear. They include income, health, nutrition, housing, transportation, employment, education, and recreation.

All of us hope that the Conference will make appropriate recommendations in these areas, and that they will receive prompt action in the form of legislation before the Congress.

Meanwhile, those of us fortunate enough to represent our Nation in the legislative bodies have an opportunity now to help solve one of the most pressing problems of the elderly: the lack of proper nutrition. For in a Nation so abundantly endowed, many of our older citizens are caught in a complex web of malnutrition or undernutrition. The shame is shared by all of us.

Yesterday, by a unanimous vote, the Senate passed a bill establishing a national nutritional plan for the elderly. This measure, authorizing $250 million for 2 years, would establish and operate projects to provide low cost, nutritionally sound meals. For Connecticut, this important bill would provide $3.45 million over 2 years to benefit some 400,000 of our State's older citizens.

The importance of such a bill cannot be underestimated. The problem of inadequate nutrition for the elderly is complex and interwoven with a myriad of other difficulties.

A fixed income and a rising cost of living are important contributing factors. Too often the elderly, faced with increasing medical and housing costs, sacrifice a nutritionally balanced diet. Undernutrition, however, soon leads to further medical costs and taxes an already limited income. While a nutritionally proper diet will not provide a panacea for all the problems facing the elderly, an adequate nutritional program will be a necessary first step toward reaching this end.

Such a program, contained in S. 1163, will indeed be a blessing to the elderly. Private nonprofit and public groups in every State will be able to establish programs to serve the elderly a hot meal a day, at least 5 days a week. This program will be especially helpful for people without proper refrigeration or cooking facilities, and for those who might not be able to buy the food needed for a balanced diet. By providing meals in a conveniently located center, the program will allow many the opportunity to meet and talk to people of their own age and interests. In addition, these facilities will provide an opportunity for the elderly to receive health and welfare counseling services. For those unable to reach these facilities easily, transportation to the centers will be provided. And happily, the bedridden will not be forgotten. Volunteers will be able to provide home-delivered meals for those who cannot leave their dwellings, so that they, also, will be able to enjoy the benefits of this worthwhile program.

Recently, the Select Subcommittee on Education held hearings on legislation to amend the Older Americans Act. Referring to the need for a nutrition program for the elderly, I stated:

> Let us be mindful that Congress has the opportunity to provide comprehensive nutritional services to older Americans now. This we must do.

Mr. Speaker, by passing S. 1163 today, we would have been able to take advantage of this opportunity. I wholeheartedly support this measure and hope that my colleagues will approve it.

As a Nation we cannot, indeed, we must not, be satisfied so long as millions of Americans who have given so much to our Nation meet with unnecessary misfortune in the twilight of their lives. By passing the national nutritional plan contained in S. 1163, Congress can take that initial step needed to build a new and comprehensive plan to improve the lives of older Americans.

The bard has described "that which should accompany old age, an honor, love, obedience, troops of friends. . . ."

I would add dignity and comfort to this list, as well as the commitment to help provide the elements of a better life for all our older citizens.

TWO REVOLUTIONS: THE LIBERTY BELL VERSUS THE BLACK WAGON

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ICHORD. Mr. Speaker, I would like to submit for the RECORD a little booklet describing the basic differences between the American Revolution and the Russian Revolution. This booklet entitled, "Two Revolutions: The Liberty Bell versus the Black Wagon," was written by Mr. Sol Feinstone.

Mr. Feinstone immigrated to this country from Poland at the age of 14 without any money. The fact that he has been very successful financially is a good example of what can happen only in this country. Out of gratitude and dedication to the principles that have made this Nation great, he has devoted his life to study and strengthen the American political system and to help promote freedom around the world. In this role he has gathered the largest private collection of original documents of the American Revolution period in the world. Mr. Feinstone is a scholar and an authority for both the American and the Russian Revolution.

Mr. Feinstone now lives at Washington Crossing, Pa., and his farm includes the site where Washington camped with his troops before crossing the Delaware River. This dedicated American and great patriot has granted money to build several libraries including one at Freedoms Foundation at Valley Forge and another which is presently under construction at the Freedom Studies Center in Boston, Va. Mr. Feinstone has a passion to make material available to schoolchildren as well as scholars which will lead to a better understanding and appreciation of our American heritage. I am happy to put in the RECORD, "Two Revolutions: The Liberty Bell versus the Black Wagon," written by this great American.

The material follows:

TWO REVOLUTIONS: THE LIBERTY BELL VS. THE BLACK WAGON

(By Sol Feinstone)

A young man in the uniform of an American Revolutionary War soldier recently paraded in the halls of Congress and insulted our government for defending the United States against communist aggression. In fighting communism, he contended, we are betraying our own revolution—the American Revolution. This unholy amalgam of the two revolutions of good and evil, this historically false comparison is often echoed, one way or another, in our colleges, in our pulpits, in our press and in our current literature. This big lie constantly repeated for two generations converted some and confused many others.

The fault is our own. We do not teach our children the basic facts of our own history, especially our struggle for independence. We utterly neglect to teach the basic facts of the communist revolution. We misinterpret the causes of the two revolutions. We dehumanize the heroes and leaders of both revolutions. We are confused about the results of the two revolutions.

To equate the two revolutions is to distort history. The American and the Russian revolutions were both profound and far reaching, but in this single way were they alike. The American Revolution was mainly political as free men struggled to remain free. The Russian Revolution was mainly social as men sought to change the economic, legal and spiritual conditions of the people. The American Revolution was domestic and its leaders hoped to build a new nation at home. The Russian Revolution was universal and its leaders sought to change the entire world. The American Revolution was a tremendous success and an inspiration for the rest of the world while the Russian Revolution was a colossal failure and a threat to the rest of the world.

The leaders of the two revolutions were most unlike. Washington and the other Fathers of the American Revolution were civilized men, raised on the Judeo-Christian ethic and on the philosophy of the Enlightenment. Nikolai Lenin and his co-workers grew up in an atmosphere of subjection, desperation and hate.

The most vital difference between the two revolutions was in the strategy employed. The American Revolution followed a civilized code of warfare, limited by the rules of conduct of civilized men. The communist strategy was total, a strategy that uses all means, fair and/or foul.

THE BASIC FACTS ABOUT THE AMERICAN REVOLUTION

Hundreds of books have been written about the American Revolution, its causes, the struggle and the results. For our purpose, the causes are most significant as they relate to the roots of our spiritual heritage, the source of our present relative greatness among the modern nations of the world.

A reading of original manuscripts reveals the basic cause of the Revolution to be the cause of Freedom. The economic factors—taxation, The Stamp Act, various trade acts, and the Tea Party had their effect. However, the Crown and Parliament offered to compromise and yielded on almost every economic complaint, but not on political freedom. They were masters in their own home but denied to the colonists this right of self-determination. England insisted on permanent strings attaching the colonies to the mother country. The fact is that most of the colonists came to America as free men and, when the chips were down, refused to be bullied by their cousins from abroad. Individual freedom, i.e. the freedom for "self-realization" in a free society, not freedom from oppression, was the basic cause of the American Revolution. In other words, it was a struggle of free men to remain free.

The passionate desire for freedom sustained George Washington, the fifty-six signers of the Declaration of Independence and the unknown American Revolutionary soldiers. It was this search for individual freedom in a free society that brought to the new nation more than thirty million immigrants, who helped build our country in freedom. These people came here also because they were oppressed and lacked freedom in their native lands.

GEORGE WASHINGTON

Every political revolution had its leaders. We were fortunate having had many great leaders—Washington, Benjamin Franklin, Thomas Jefferson, Alexander Hamilton, John and Samuel Adams, James Madison, Thomas Paine, the fifty-six signers and others. It was a time of greatness and, as far as the War for Independence, Washington was the greatest.

Washington was not, as some writers would have us believe, a coldblooded aristocrat ambitious for rank or power and intent on showing off his superiority. None of this is true. On the contrary, Washington was warm hearted, sometimes temperamental and, on occasion, sentimental. Congress gave him dictatorial powers, but he did not misuse his mandate. High army officers suggested that he become duke or king, but he upbraided them in no uncertain terms. He never looked like "an over fed butcher in a furore"[1] on the battlefield. He never stood up in a boat posing for a picture while the sailors were sweating to keep the craft afloat in any icy river.

As a general, Washington knew his limitations and the limited support he had in men and military supplies. Hence, he was cautious to confront the enemy's superior forces. But when the occasion called for battle, or when he had no choice, or when a calculated risk had to be taken to save the cause, Washington was superior in planning and in personal courage. Such an occasion was "the ten days that changed the world," the three battles in Trenton and Princeton, the last days of December, 1776, and the first three days of 1777.[2]

Washington presided wisely over the Constitutional Convention. As our first President, Washington was an effective organizer of his administration, enlisting the best available talent for his cabinet and maintaining the loyalty of its members with a working decorum among the contending politicians of the executive branch of the new government.

In his farewell address, Washington displayed great statesmanship. In the far-reaching effect on the future of his country, Washington chose the better road. He is seldom, if ever, given sufficient credit for accepting Hamilton's advice to disregard our alliance with the French royal government and seek a rapprochment with England, rather than heeding Jefferson's insistence on accepting the Revolutionary government of France as the legitimate successor to our French partner in the alliance. To be at the young nation to survive and grow up. Culturally, industrially and commercially, England, more than any other country, needed us and we needed her.

The above highlights of the Father of our Country must suffice here. Much, much more was and can be written about this remarkable self-disciplined gentleman from Virginia, whose first priority was always the welfare of his country. Washington had the support of many unusually wise and brave men in the army and among the civil representatives from the thirteen colonies including the fifty-six signers of the Declaration of Independence. History can record no parallel in courage and dedication to Freedom by a similar group of men at the risk of their lives and the welfare of their families. Although subjected to threats, imprisonment and torture, and tempted by bribes from the Crown, not one weakened his stand. Even though they were often isolated from one another during the long years of the Revolution, not one went back on his pledge.

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[1] George Parks Curtis' letter to Benson J. Lossing, Oct. 2, 1855.

[2] See: *Ten Days that Changed the World* by Sol Feinstone, 1968.

LENIN AND THE COMMUNIST REVOLUTION

Ask one hundred people at random, "What is communism?" and you will get one hundred different answers. Most will agree that "communism is no good," but few, if any, know why or know anything about its origin, tactics and evil influence. Many scholars in the Free World, including our own country, do know the answers. They understand the nineteenth century history of the European revolutionary movements, which gave rise to socialism and communism. But these social scientists in our schools are not given time to teach it properly in school nor the incentive to make their knowledge popular outside the school.

Communism in theory is a classless social order in which work and the necessities of life are shared equally by all as in one big family. The Soviet brand of communism has been correctly defined by a standard reference source as "a dictatorship that advocates seizure of power by a conspiratorial political party, maintenance of power during an interim period by stern suppression of internal opposition, centralized public ownership of almost all productive property and the sharing of the products of labor, and commitment to the ultimate goal of a world-wide communist state." [3]

This was not Karl Marx's formulation. Marx was not a communist, certainly not a communist of the Russian type. When he and Friedrich Engels wrote the 1848 Manifest, they called it *The Communist Manifesto* and not the Socialist Manifesto because they considered themselves "scientific socialists" and they did not wish to be identified with the English and French "radicals" who were then called "socialists" and whom Marx criticized as merely "petty Bourgeois Reformers." That is why Marx and Engels called their workingmen's organization the "Communist International" and their pamphlet *The Communist Manifesto*. This International was attacked by Mikhail Bakunin and other dissidents from within. In 1871 Marx decided to move the headquarters from Europe to Philadelphia, Pennsylvania, the City of Brotherly Love, as someone said "to die a peaceful death."

In 1889 the International was reorganized in Paris during the Centennial of the French Revolution. Marx was dead, but Engels was still alive. This time the communist label was dropped and the organization was called the Socialist Second International. Socialism became popular after that date. Strong political parties were organized in England, France, Germany and the small countries of Europe. The movement spread to America and to the rest of the world. In the democratic countries the goal of socialism was to be reached by education and the ballot box. In monarchies without constitutional governments, illegal means were favored by some party leaders. The Russian socialist parties were either clandestine or in exile abroad.

At a small conference of the exiled Russian Socialist Democratic Party held in London in 1903 one Vladimir Ulyanov, under the pseudonym, N. Lenin, gained a majority of a couple of delegates for his faction, which advocated revolutionary violence for their country. They became known as Bolsheviks, from the Russian word meaning more. During World War I Lenin organized "International 2½" or the Zimmerwald International, in opposition to the Second International. After he returned to Russia in 1917 and seized power from Alexander Kerensky's weak liberal government and from the other Socialist groups, Lenin established the Third International or Communist International, thus breaking completely with the socialists of the Second International. He renamed Russia the "Union of Socialist Soviet Republics", either for convenience or deception.

Lenin, who claimed to be a true Marxist, believed, of course, that a predominately feudal state like Russia could not become socialist without first passing through the capitalist stage of development. But he had hoped that such Western countries as Germany and England, where capitalism and thus free enterprise was far advanced, would quickly join Russia and help her become industrialized. As it turned out, Lenin was wrong; Germany and England did not join the Bolshevik Revolution. For reasons of trade, however, the capitalist West did help and continues to help the Soviet Union become industrialized.

Communist theory follows this line of thought: after taking power the new government is a dictatorship "of" the proletariat during the transition period to socialism, by which time the last vestiges of capitalism will be removed and the socially needed productive forces will become consolidated in the state. During this period the workers will receive the full value of their labor and a surplus economy will be developed sufficiently ample to satisfy all consumers' wants—"from each according to his ability to each according to his needs." Private property, thus, will be abolished, there will be no need for government restraints, the state will "wither away" and an era of ideal communism will be ushered in.

Whatever its theoretical value, such plans for a world of love and plenty make no sense in practice. These ideas are contrary to human behavior, if not to human nature. However, Lenin's code of revolutionary strategy for the first transition period (i.e. from capitalism to socialism) is devoid of both love and justice. It is immoral and self-defeating. It justifies *all* means, including the big lie, subversion and betrayal of country, friend and family.

This evil strategy enabled Joseph Stalin, a clever sadist, to become an absolute dictator and plunge the Soviet Union and the rest of the world into tragedy after tragedy. He brought into the world an era of extreme suffering for all mankind. He decimated millions of his own people—peasants, workers, intelligentsia and most leaders in government and in the Army. He helped Adolph Hitler come into power and he betrayed his allies who saved the Soviet Union from subjection by the Nazis, after Hitler had double-crossed him in 1941.

Lenin regretted trusting Stalin and, from his sick bed, warned associates against him, but he died (or was done away with) before anything could be accomplished and Stalin had the field to himself. After Stalin died (or was done away with) the terror in the Soviet Union and the cold war abroad slowed down under Nikita Khrushchev. But Lenin's strategy is still in force under Leonid Brezhnev as it was under Khrushchev, and as it was under Stalin. The big lie and the naked aggression, subversion and terror are still the tools that communism employs to stay in power and to extend its dominion.

With Soviet dictatorship holding nuclear power and the Chinese dictatorship soon to possess it, there is no hope for peace and tranquility in the world—not as long as Lenin's code of revolution prevails. The United States cannot by itself contain communism by conventional military power. Self preservation prohibits the use of nuclear power.

There is little or no hope that the Soviet peoples would revolt against the dictatorship and establish a democratic government. The people are helpless because modern science has supplied dictators with total control—control of education, the press, all means of communication and the distribution of military weapons. Such organized resistance as street barricades is no longer possible. We Americans find it difficult to comprehend what life is like in a police state. A woman shrieks at night; you wake up and know that the police car (black wagon) is outside to take her husband, son or daughter whom she will not see again. None who heard her shriek will dare give voice to dissent.

The Soviet people simply cannot organize and overthrow their government, which is a communist dictatorship. Lenin correctly wrote that "Revolution is impossible without an all national crisis," and the Free World had better not wait for a national crisis in Russia. In spite of the continued relatively low standard of living in Russia and suppression of individual freedom, no national crisis can be expected. And, there has been economic progress in spite of the dictatorship. Whatever Russia needs from abroad for its planned and controlled economy, it gets from its colonial satellites or from the Free World. Lenin also said, teasingly, and truthfully, "A capitalist will sell the rope with which to be hanged as long as he can make a dollar." This, incidentally, is an improvement on Marx's observation that "Capitalism will raise its own grave diggers."

Freedom and a better life for the Soviet people, and, with it, stability and peace for the world, conceivably could come only from the top Soviet communist leadership. It could come if the leadership would abandon subversion and aggression for conquest and resort to peaceful economic competition with capitalism as a means towards winning over other nations to democratic socialism. I am confident that the richer countries of the Free World would cooperate with the Soviet Union in such peaceful effort. I am convinced that the United States would go all out and contribute a good share of the billions now spent in warfare to cooperate with the Soviet Union and other countries willing and ready to try, by democratic means, to build social orders in response to the wishes of their peoples. The Soviet Union, with its vast natural resources and manpower, certainly has the best chance to try to "catch up and overtake capitalism," and in any event it certainly can raise the standard of living for its people.

The general secretary of the Russian Communist Party, currently Brezhnev, who since the death of Lenin controls the secret police, has the power to initiate a change in strategy. Holding to the present ratio of military power, the Soviet Union cannot lose; the country's economy is bound to advance whatever the results. The leader of such movement can expect a glorious place in history and the love of millions who never read Marx or Lenin, but to whom socialism means nothing more than a better life for everybody.

If a change in the hearts and minds of the communist leadership requires a miracle, I pray for a miracle. Meanwhile, I hope the Free World will not let its powder get wet.

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[3] Funk & Wagnalls Standard College Dictionary.

SALT AND REALITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHMITZ. Mr. Speaker, the House Committee on Appropriations Report, November 11, 1971, on the Department of Defense appropriations bill for 1972, said:

> The Committee believes that the Department of Defense cannot wait another year on an agreement in SALT while the Soviets produce additional strategic weapons and the United States does not. The budget did not request one additional strategic bomber or one additional strategic missile, either land-based or sea-based, for our forces and none are provided.

Under increasing pressure to clarify the U.S. position at the Strategic Arms Limitation Talks — SALT — President Nixon finally stated on November 12:

> We cannot limit defensive weapons first and then limit offensive weapons. Both must go together.

The danger of an "ABM's Only" agreement, clear to all who do not hold to the Arms Control and Disarmament Agency philosophy that our safety lies in being vulnerable to attack, is by no means the only trap waiting for us at SALT. In fact, the damage we have suffered to date as a direct result of SALT has nothing to do with any agreement, since none has been concluded. Instead, as the report of the House Committee on Appropriations implies, it has resulted from our purposeful inaction in the hopes that the Soviets would follow suit and stop constructing additional strategic offensive forces.

Our restraint has the opposite effect. It apparently spurred the Soviets to build up their strategic forces in a manner increasing characterized as "feverish," "frantic," and "massive." Our moratorium coupled with what Defense Secretary Laird refers to as "the tremendous momentum of the Soviet Union," has brought about a situation where any agreement to "freeze" land-based ICBM's would lock the U.S. into a position of increasing inferiority. This is not only because the Soviets now have over 50 percent more ICBM's than we have, but also because their force packs many times the punch of ours.

For example, the Soviet SS–9 ICBM force alone has at least 6 times the megatonnage—a megaton is equal to 1 million tons of TNT and is used as a general measure of destructive power—of our total Minuteman force. One thousand of our 1054 ICBM's are Minutemen. While the Soviet SS–9 is the largest rocket in their inventory observed to date—new silo construction in Russia indicated that an even larger missile will be deployed in the near future—it is by no means the most numerous. The Soviet SS–11 and SS–13 ICBM's have as much megatonnage as our Minuteman force, and if some of the older model Soviet ICBM's are taken into account, the megatonnage gap increases even more.

This brings us to the reason for our increasing inferiority if a "freeze" agreement is concluded. The Soviet Union has a payload capacity in her ICBM and SLBM—submarine launched ballistic missile—forces in being which is capable of delivering eight times as many warheads as the U.S. force. One of the methods by which this payload capacity could be realized is by MIRV'ing. MIRV'ing is a process whereby a single warhead is replaced by a number of smaller warheads thus increasing the number of targets which can be hit with a single rocket. The Soviets have been known to be testing multiple warhead ICBM's for a number of years.

There can be no enforceable ban of MIRV's, since the only way to determine whether a rocket actually carries more than one warhead—before it is fired, that is—is to open up the nose cone of the missile and look inside. Satellite inspection is impossible and the Soviets are as unlikely to agree to American inspectors opening up their missiles as we are to allow Soviet inspectors to go tramping around our Minuteman fields with screwdrivers. Thus, a mutual "freeze" at this point would still allow the Soviets to make dramatic and substantial increases in their striking force, without our knowledge.

Nor can we adequately respond to Soviet MIRV'ing of their more extensive and larger missile force by MIRV'ing our small Minuteman. While Soviet MIRV'ing of each SS–9 can give them nine or ten one-megaton warheads per missile, our MIRV'ed Minuteman carries only three warheads each of only 200 kilotons—one-fifth megaton. As one Pentagon expert source put it, "They can carry a truckload of bombs as compared to our station wagon load."

The administration's self-imposed moratorium has put us at such a strategic disadvantage at this point that only those who think the Soviets are likely to agree to begin dismantling the weapons, which they have been constructing with such frenzied haste, can possibly hope to secure an arms control agreement at SALT providing even a minimum of security for our Nation. And surely it is most unlikely that the Soviets would agree to dismantle what they have already constructed.

Whether we are being set up for surprise attack, nuclear blackmail, or another in our series of diplomatic defeats disguised as victories such as the outcome of the Cuban missile crisis, it is time to stop SALT—now.

NOMINATION OF DR. GUY H. STEEVER

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ESCH. Mr. Speaker, we have recently been informed that the President intends to nominate Dr. Guy H. Steever, who is presently president of the Carnegie Mellon University, to be the new Director of the National Science Foundation. I am pleased that the President has taken this initiative.

As a member of the Committee on Science and Astronautics and the Committee on Education and Labor I have long been in favor of a system of national institutional grants to institutions of higher education which would be administered by the National Science Foundation. The nomination of Dr. Steever pleases me especially because of his testimony before our committee in 1969 which supported the establishment of such a program.

I feel that Dr. Steever's remarks are especially informative in light of his pending nomination and I would like to insert his remarks in the Record for the benefit of my colleagues.

The remarks follow:

Dr. Steever's Testimony Before the Subcommittee on Science, Research, and Development, February 25, 1969, on H.R. 35, Proposing a National Institutional Grants Program To Be Administered by the National Science Foundation

As a member of the Advisory Panel to the House Committee on Science and Astronautics, I have often had an opportunity to express myself to you on a wide range of subjects. It is therefore pleasant to be back to speak about your proposed national institutional grants program, a program which I think is badly needed, and if put into effect will have a major beneficial effect on science education and academic research.

In the declaration of purpose of H.R. 35 there are summarized the reasons for and success of support of science and scientific research by the Federal Government. With these statements I agree. I agree also with the statement that—quoting from your bill—"continued advance requires the development, maintenance, and expansion of vigorous research and instructional programs in the sciences at institutions of higher education throughout the Nation."

Science research in the Universities is the seed corn of science in two different senses. First, it is basic research, and basic research is at the beginning of the long and complex process by which new knowledge is discovered and shaped into the innovative end products and processes which are the practical output which this bill H.R. 35 seeks to produce.

And second, the research laboratory in the university is the educational cradle of the scientists, engineers, technologists, and other practitioners who will carry on the chain of research, development, engineering, and production in the future. I do not claim that the university is solely responsible either for basic research or for the development of scientists and engineers in their careers, but it carries the major share of these loads.

May I delve deeper into the role of basic research in the complex process of turning out innovative gains for society. It is not a simple chain reaction of a researcher turning up a fact or theory which is passed on to an engineer to use to design something to be turned over to industry which then in turn makes it.

No advance is made in a pure form; an idea is worked over by colleagues, by further checking in literature, by reporting and discussion in meetings and conferences; it is checked in different ways by other laboratories. Universities provide for scientists a setting for the kinds of laboratory work, the library and computer resources, the setting for meetings and conferences, the association with mature minds and young minds for refinement of ideas, all of which are needed in this research process. Universities also provide the freedom of action and the long-term jobs needed for the research scientists to function optimally.

Practical men responsible for action in a society sometimes get impatient with basic research, feeling that the payoff is not soon enough. Good research results last a long time and have impact far into the future.

A recent study provides an interesting analysis of the relative roles of basic, non-mission research, versus mission-oriented research, development and application, all of which are important in leading to innovations of use to society. This report entitled "Technology in Retrospect and Critical Events in Science," was conducted by researchers at the Illinois Institute of Technology Research Institute and supported by the National Science Foundation.

The report actually looked into the scientific events which were forerunners to five innovations: magnetic ferrites; video tape recorder; the oral contraceptive pill; the electron microscope; and matrix isolation. This study isolated key events, and it is interesting that 70% of the events that were judged key, behind those five innovations lay in the field of basic nonmission research; 20% were in the field of mission-oriented research; and the remaining 10% in development and application.

And then a second interesting part was that those key events which were in basic research were spread broadly over more than 50 years preceding the innovation, with a peak between 20 and 30 years. And as you might expect, the key events that were mission oriented didn't go as far back into history and they continued to grow right up until the time of the innovation.

In other words, we in this generation are living off the basic research done in the centuries behind us. I think we owe it to the next generation to supply them with some basic research results so they can go on building too. I think universities better than any other institutions, though not exclusively, understand the long-range nature of research and have the needed patience.

Wisely the whole state of health of academic science has been explored recently. This bill; the recent report of the NSB; the testimony of Dr. Haworth, Director of the NSF, to this subcommittee; the report of the Carnegie Commission on Higher Education, and other studies have addressed the broader needs of university science.

All are discovering that the central university, the science department, the professor-project researcher, and the student, all face serious problems of support, and should be getting it. This bill, H.R. 35, points at helping outside the project grant, and I thoroughly endorse it.

It will enable universities to upgrade the general facilities supporting science, that is, the labs, libraries, computers and other general equipment; it will enable universities to direct some research support in new areas important to society as a whole, such as urban problems or important to a state or region, or important to the strength of the institutions themselves.

Any university deserving of a grant will use all its intellectual assets, faculty, administration and others, to determine the best use of these funds.

The means proposed in H.R. 35 of determining the distribution of the funds seems reasonable to begin with. It gives help to the university which has already proven its quality by the magnitude of the current project grant budget; it helps the university which can attract the graduate students; and it helps the universities which are starting the young undergraduate students along the path toward science.

Is this the best mixture of criteria? I think it is a reasonable one, and we can perfect it as time passes. I think that the important thing to us is, let's get started.

CRISIS IN SMALL COLLEGE EDUCATION AND AN ANSWER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, two very interesting items have come to my attention in the last few weeks, and I wish to bring them to the attention of every Member of Congress.

The Carnegie Commission on Higher Education has released a study showing that 494 small colleges in this country could be faced with virtual extinction, unless something is done to save them.

Along with this note, a letter from one of my constituents with a possible answer to not only that problem, but the problem of saving our environment.

I need not remind my colleagues of the value of that small college that lies inside their districts. It is there that many young men and women get the foundation education that takes them on to become useful members of our society.

At the same time, Mr. Speaker, I hope to remind my colleagues of the crisis we face in the field of conservation—in the preservation of our natural wonders and our very surroundings.

It is with these two vital resources in mind that I submit the following for inclusion in the RECORD. First, William J. Waugh's story on the Carnegie Commission on Higher Education report on small colleges, and second, an innovative idea from Charles N. Stephenson of Walnut Creek, Calif.

The items follow:

INVISIBLE COLLEGES

(By William J. Waugh)

WASHINGTON.—A Carnegie Commission on Higher Education study concludes that the 494 small, little-known colleges with relaxed admission policies are the kind "most likely to become extinct." Unless steps are taken to save some of them, the report said, "American higher education may suffer a severe loss of its diversity."

The institutions represent nearly one-fourth of the under-graduate colleges and enroll about 500,000 students.

The report, called "The Invisible College" and to be published by McGraw Hill, was released in Cleveland today by Dr. Clark Kerr, president of the commission, and the two authors, Alexander W. Astin of the American Council of Education and Calvin B. T. Lee, chancellor of the University of Maryland.

The 494 "invisible" colleges are further identified by the two authors as having unselective admission policies as reflected in the average academic ability of their students and small enrollments. Seventy per cent of the schools have fewer than 1,000 students, 50 per cent fewer than 750.

The high diverse schools include Roman Catholic, Protestant, nonsectarian, black and teachers' colleges and a few technological schools.

Although suggesting that both the states and federal government should try to help the schools stay alive, the writers said that "institutions that are plainly incompetent . . . have no particular right to support or survival."

In support of the invisible colleges, Astin and Lee note that they "provide a warmer, more cohesive atmosphere; give students a greater opportunity to participate in more activities and offer programs that suit the less able and less well-prepared students who currently impose a heavy burden on many public institutions because of their great numbers."

In contrast, they said, larger public and private schools "are coming to resemble each other more and more: they are complex, impersonal and alike in their curricular offers."

Almost all colleges, both public and private, have financial problems but nothing to the extent of the invisible college, the report said.

"The invisible college is caught in a bind between the elite colleges, which are able to charge high tuition fees because of their popularity with prospective students," the report said, "and the public institutions which lack the prestige of the elite colleges but can attract students because of their very low fees."

The report recommends that states, possibly through higher education coordinating agencies, study the problem and provide long-term support to private schools. It also recommends that the smallest schools consider increasing their student bodies.

C-FOCUS—CENTER FOR OPERATIONAL CONSERVATION USING STUDENTS

I perceive of C-FOCUS as a sort of "seventies oriented" Civilian Conservation Corps, but with a university atmosphere instead of the quasi-military attitude of the original CCC. Assuredly there is a tremendous amount of conservation work which could be accomplished by young, strong, dedicated hands. From cleaning up litter, building bicycle and hiking trails in the forests and along the open lands to painting and fixing up blighted city areas for aged or indigent occupants, the need for such volunteer endeavor in our country is obvious.

Young men and women living on a coeducational campus, devoting the major part of their activities to work in areas needing mostly physical labor or time consuming perseverance, with the added opportunity to learn high school and university level curriculum items makes me think of all the things which are good about our land. Such a project might be financed by federal and/or state funds, private grants, or contributions for work done on private property paid directly to the sponsoring institution.

Using a campus as a base, C-FOCUS could serve the needs of an approximate two hundred mile radius with ease. Work areas too distant for a daily commute could be served by camping out and by using small trailers in inclement weather, but the personnel would return for weekends of campus life and social activities both on campus and in the adjoining communities. An emphasis here would be on the real and friendly American social graces which many of the students would have little or no awareness or possibly a distorted concept of such decent amenities.

Each volunteer would sign up for a specified period of time dependent on good behavior. Each would receive a base pay in *points* which could be spent in a campus store for items of their choice or possibly be converted to cash for off-campus purchases. Many basic necessities would be provided. All would start equal but all may add to their personal enhancement by all kinds of activities which would earn them extra points. Overtime, extra days worked, completion of an academic class, an individual study or work project are part of a nearly limitless list for potential earning power.

Enlistments would be multi-racial, nonsectarian, poor and rich, etc. and some kind of screening process would be worthwhile. Standards of conduct would be similar to those of any good university and staying in the program, reenlistments, and discipline would be handled by an open administration with faculty and student participation.

No academic requirements would be mandatory, though successfully completed classes could receive matriculation credit. Announcements outside of classrooms would vie for bodies to come inside and try their wares. A couple of samples might be:

"Dr. Jones does his Physics thing here, MWP 7 to 9 PM"

"Mr. Smith teaches Language Arts, TTh 6:30 to 10 PM"

There could be no grades and no compulsory attendance, only certificates of completion when the requirements of the class had been fulfilled. Let the instructors relate and do the job of teaching for their accountability would be the number of students fulfilling the class requirements and tenure would last for the duration of the students who came, were hooked on learning, and stayed to complete the course.

The work, the environment, and the academic atmosphere would all lend to the development of good citizens while they were working together to benefit our nation in positive ways.

WILLIE STARGELL AND PITTSBURGH BLACK ATHLETES FOUNDATION FIGHTING SICKLE CELL ANEMIA SCOURAGE; SEEK HELP FROM CONGRESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. MOORHEAD. Mr. Speaker one of the heroes of the Pittsburgh Pirates 1971 championship baseball team was Willie Stargell.

Stargell's 48 home runs led the majors this year and he also was close to the top in runs batted in.

Willie scored the run that proved to be the deciding margin in the Pirates' thrilling seventh game victory against the Baltimore Orioles.

During the entire 1971 season, Willie Stargell and the rest of the Pirates, day-in and day-out played the steady, top caliber baseball—symptomatic of champions—and they were rewarded with the ultimate victory.

But the challenge of a major league season, against the best baseball teams in the world, is nothing compared to the challenge Willie Stargell has set for himself today.

Willie would like to eradicate sickle cell anemia, a little known blood disease that strikes blacks far more than it afflicts whites.

He and other like minded athletes in Pittsburgh—and several people not in the sports world—have banded together to try to put an end to this scourge.

Currently they are petitioning Congress to pass legislation which will provide funds to accelerate testing and detection of sickle cell anemia, which must stand as a first priority since a real cure seems millions of research dollars away.

Included in the legislation, which I have introduced and which is pending in the Public Health and Environment Subcommittee, is some $30 million in research funds and some $100 million for screening and testing.

Alvin Rosensweet, writing in a recent edition of the Pittsburgh Post-Gazette, tells of the work of Willie Stargell and his friends.

I think all of my colleagues will be interested in this man and his fight.

The article follows:

HOMER CHAMP STARGELL EYES BLOOD DISEASE GOAL

(By Alvin Rosensweet)

Helping the Pirates to a National League pennant last season, Wilver (Willie) Stargell topped both major leagues in home runs with 48, batted a respectable .295, and drove in 125 runs. Then, despite a bad knee, he scored the winning run for the Pirates in the World Series.

But now, convalescing from knee surgery at his home in Penn Hills, the Pirates' left fielder has his batting eye on another goal: making the American people aware of sickle cell anemia with the hope that increased research will lead to a cure for this serious blood disease that affects one out of every 10 black persons, either directly or as carriers.

A year ago, Stargell acknowledges, he didn't know anything about sickle cell. Now he is president of Black Athletes Foundation (BAF) for research in sickle cell disease, which has its national headquarters in the Grant Building, Downtown.

"People have to be made aware of sickle cell anemia," Stargell said. A mild-mannered man, Stargell expressed it modestly: he "has an urge" to do something about the disease that affects so many of his people.

"Until now," he said, "only about $60,000 or $70,000 a year was being spent on sickle cell research." Not enough, he said, adding, "we need more money but we'll work with whatever money we get."

Stargell's nine-year-old daughter, Wendy, by his first wife, lives in California and has sickle cell trait.

"She was born with it," Stargell said. He noted that symptoms may occur anywhere in the body—severe abdominal pains, headaches, nausea, vomiting, aches in the joints, ulcers and scars on the skin over the ankles and lower legs.

Stargell said it is a complicated disease of which many doctors are unaware. This is borne out by the fact that in Allegheny County last year there were eight known deaths from the disease but Dr. Cyril H. Wecht, coroner, said some victims of the disease are listed merely as dying of natural causes.

"The doctors ran tests on Wendy because she was complaining that she was sick," Stargell said. "But doctors said she can live a normal life."

Many people afflicted with sickle cell anemia disease cannot lead a normal existence.

"It is mental wear and tear on the parents" Stargell observed. "The symptoms show up in the first year of a child's life and it requires a lot of hospitalization and medication."

He said that in a family of nine children in Penn Hills two children died of sickle cell disease before they were 21 and that a Pittsburgh man, who at 57 is believed the oldest person in the U.S. with the disease, needs new blood cells through transfusions every few weeks.

"Sickle cell patients are very thin and talk like they're tired," Stargell said.

During a screening and testing program last summer in East Hills, 3,700 persons were tested, 130 were found to have sickle cell traits, and eight were found to have sickle cell disease. Stargell says about 300 persons in Allegheny County have the disease and the BAF wants to bring them to together to discuss their mutual problems.

The goal is to test every black American for sickle cell, a disease that also affects whites but mostly blacks. It is hoped to set up an outpatient clinic here and ultimately a center where persons suffering sickle cell trait would receive counseling and those with the disease would obtain treatment.

The Planned Parenthood Center of Pittsburgh last month began to offer routinely to all blacks a screening test for sickle cell at the time of their first and annual visits. The tests are offered at all Planned Parenthood centers.

Rep. William S. Moorhead, Shadyside Democrat, recently introduced legislation to establish a National Sickle Cell Anemia Institute.

The Senate Labor Committee also approved a $130 million bill to fight the disease. If finally passed, it would allocate $30 million for increased research into causes and cures, with another $100 million going toward a screening and testing program.

But more research is needed before a cure can be discovered for this hereditary disease, experts said at a recent seminar in New York co-sponsored by the National Foundation-March of Dimes and The Foundation for Research and Education in Sickle Cell Disease.

Also needed is more counseling to patients to reduce the number of babies suffering from the disease who will be born to future generations. The disease usually kills its victims by middle age, and often before age 21.

The disease, authorities noted, occurs when a child inherits sickling genes from both the mother and the father. The trait, or carrier state, occurs when a person has just one sickle gene. About 10 per cent of the nation's black population carry the sickle cell trait but in the majority of cases no health hazard exists for them.

But when a woman with the sickling trait bears a child by a man with the sickling trait chances are one out of four, that the baby will get the disease.

However, if a person without the sickle cell trait marries someone with the sickle trait there will not be a health problem. About 50 per cent of the children produced by such couples would have the harmless sickle cell trait but none would have sickle cell anemia.

Sickle cell disease results when too many of a victim's red blood cells are destroyed, thus making the person anemic. Painful emergencies, known as "crises," occur.

Blood transfusions and antibiotics are being used but a specific treatment does not exist for the crises.

WINEDALE: A GIFT OF LOVE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. PICKLE. Mr. Speaker, as we move ever closer to the year which will mark the 200th anniversary of this great land, we are more and more reminded of our rich and diverse heritage.

One area which typifies the "melting pot" that is America more than most is the area near the small town—population 124—of Round Top, Tex. And in a typically American way, that area is not deeply engaged in a mingling of modern and old—an urban renewal project aimed at protecting the heritage of central Texas pioneers.

The very existence of the project is due to a grand lady of Texas, Miss Ima Hogg, daughter of former Texas Governor James S. Hogg. Her generosity and the exuberance of citizens in this area over this project are perfect examples of the community spirit that unifies this large and diverse State and makes it such a great place to live.

I would like at this time to reprint in the RECORD an article from the Dallas Morning News which tells the story of Round Top's Winedale. The article is as follows:

WINEDALE: A GIFT TO TEXAS FROM MISS HOGG, WITH LOVE

(By Ann Atterberry)

ROUND TOP.—Halfway between Lagrange and Brenham, in the prosperous pastoral Cummins Creek watershed, lies the tiny town of Round Top.

The area was settled in the late 1840s by middle-class German farmers and artisans who came to America in search of freedom and brought their German heritage with them.

This heritage was planted in towns in the old San Felipe Trail area including Industry, Frelsburg, Blumenthal, New Ulm, Berlin, Welcome and Latium, so called because of its "Latin Farmers," men of wealth and learning.

By 1850, Round Top had a population of 150, and by 1866 the town boasted a Lutheran church, a number of homes built in typically German style and a school where children were boarded for $4 a month including meals and were taught courses including geometry, algebra, German, French and Latin.

The Germans mixed and mingled with Poles and the Czechs who settled in the area, organized shooting clubs and singing societies, developed traditional celebrations and preserved, in this part of Texas, much of the flavor of the Old World from which they came.

Round Top now has a population of 124 and has become the center of a unique rural renewal project aimed at protecting the heritage of these Texas pioneers.

Outstanding among many restoration projects in the area is the development of the 134-acre Winedale Inn property near the town.

The inn was begun in 1834 as a modest frame structure which grew as its uses changed during successive ownerships.

Under Samuel Lewis, it was headquarters for a cotton plantation and gin, and served as a stop for the stagecoach that ran along the San Felipe Trail.

"Sam Lewis' Stopping Place" became known as the Winedale Inn after neighboring farmers began growing grapes and pressing them into wine. There is now a grape arbor behind the inn, and several kinds of wine presses on display there.

In 1882 Joseph George Wagner, a shoemaker from Breslau, Germany, bought the inn from the Lewis heirs and it remained in the Wagner family for the next 79 years.

By the time Mrs. Hazel Ledbetter of Houston bought the property in 1961, the 2-story, 8-room inn had become a worn and weathered victim of time and Hurricane Carla.

Mrs. Ledbetter had other restoration projects underway in the area, and in 1963 she sold the inn to Miss Ima Hogg of Houston who first considered moving it to her Bayou Bend property in Houston for restoration and use by the Houston Museum of Fine Arts.

Miss Hogg, who is 80, is the daughter of former Texas Gov. James S. Hogg for whom two state parks and a state memorial are named. Under her auspices the Hogg home in Houston's River Oaks has been turned into a museum.

Restoration here was done on the original site, with no effort or expense spared to make it authentic.

Two restoration architects were hired, timber was cut from the farm, square nails were ordered from Massachusetts and layers of paint were laboriously removed from the walls to reveal the original wood.

Then, the wealthy Houston philanthropist offered to give her project to the University of Texas along with endowment to support it.

Her reasoning was that the property could be developed as a center for study of the history and culture of ethnic groups who migrated to Texas early in the 19th century with emphasis on the predominant German culture.

The University of Texas accepted the gift in June of 1965.

Winedale has now become a sort of rehabilitation center for derelict houses and repository for a fascinating array of the old and not-so-old, the practical and the beautiful things from Texas' past.

Some people have referred to the area as "The Williamsburg of Texas," a sobriquet that restoration architect Wayne M. Bell deplores.

Bell, architect and coordinator for the Winedale Inn Properties, says succinctly "we prefer to think of ourselves as being a Winedale."

Williamsburg "has frozen a city into exactly what that city was at a certain time," Bell explains. Since no famous battles were fought and no famous people lived at Winedale, it is insignificant as an historic monument, so "we are not trying to show how this property was at one time in its history," Bell says.

Guests register at an average of 100 a week at Hazel's Lone Oak to tour Winedale, which is open to the public Wednesday through Sunday. Admission is $1 for adults and 50c for children.

The cottage, built in 1854, was to have been demolished, but Mrs. Ledbetter bought it and gave it to Miss Hogg who had it moved to the property and restored for use as an exhibition area and curator's office.

Like other homes in the Round Top area, Hazel's Lone Oak has a shady front porch garlanded with hanging baskets and flower stands covered with ferns, geraniums and kalanchoes.

Currently on display in the cottage are 57 examples of Texas-made pottery, displayed in the context of 50 other stoneware and earthenware vessels from other parts of the country and designed to show the differences and similarities in national folk art.

Also on display here is a permanent quilt exhibit, some extremely valuable and most from Miss Hogg's own collection.

Miss Rosa Lee Heinze, whose parents came to the Round Top area from Germany, is one of four docents who welcome visitors to Winedale and take them on tours.

First stop is the inn itself, where the sidewalk is bordered with old-fashioned bachelor's buttons and periwinkles and the picket fence is lined with daylilies. Two heart shaped beds of violets flank the walk.

One of the inn's eight rooms is filled with Pennsylvania Dutch furniture that has a fascinating similarity to the Texas-made "German" furniture in the other rooms.

The Tap Room of the inn contains old guns and mugs. Other particularly intriguing items on display include lighting devices, handwork such as homespun linens and embroidery, china and tolewear.

The Melchoir Room upstairs at the inn contains one of the property's most interesting "antiques," intricately decorated walls and ceiling painted by the German artist Rudolph Melchoir about 1850.

Each corner of the ceiling is decorated to represent one of the four seasons, and the ceiling design is centered with a painting of a bright green parrot, representing longevity.

Behind the inn is a log kitchen, gift of Mr. and Mrs. Charles Bybee of Houston, furnished with a large collection of early cooking utensils and such diverse kitchen "equipment" as an elaborate fly trap and a collection of old bottles.

Behind the kitchen is a smokehouse complete wtih hog-scalding trough and meathooks. Surrounding the two buildings is an herb garden, and behind them is a fruit orchard, an old cistern and a well.

Center of cultural activities is the Theater Barn, built as a hay barn in 1882 from timbers from the old cotton gin and enlarged and remodeled to provide a setting for drama, piano concerts, choirs and other activities.

Most popular with local residents have been plays produced by the University of Texas Germanic language department and the Shakespeare plays produced by Dr. Jim Ayers' drama students at UT.

Another interesting building is the Foursquare Barn, so called because it is composed of two double log cabins joined with a common loft and once used as a real barn.

It now provides the setting for a blacksmith shop, tack room, carpentry workshop and a display of early farm instruments.

Both the blacksmith shop and the woodworking shop are usable in addition to being an authentic setting for tools used by pioneer craftsmen.

Now in the process of being restored is the McGregor-Trimm House, built in 1859 and also moved to Winedale. The Greek Revival farmhouse, hard-hit by Hurricane Carla and saved from destruction by its move, will contain a collection of Texas-made Victorian furniture and will be landscaped in Victorian style.

Another building on the property that is not open to the public is the Lauderdale House, moved onto the property after being threatened with inundation by a reservoir.

The Lauderdale House serves as a dormitory and a conference center for up to 30 overnight guests. The facility may be rented by interested groups.

The entire property is surrounded by a hand-split rail fence, and future plans call for an arboretum to protect rare and endangered species of Texas flowers and trees, 12 of which—including terrestrial orchids—are already growing on the property.

Bluebonnets and Indian paintbrush have been liberally planted at Winedale, and there has been some discussion about importing a couple of wild horses to properly graze the land.

Inquiries have also been made about developing a working farm to add to the educational interest of the property. Plans also call for restoring an early cotton gin at Winedale.

But Bell says Winedale's days of collecting homeless houses is almost over "unless we can find some other method of financing them." The endowment fund will only stretch so far, he says, and with each addition demands on the fund have become heavier.

As a learning, living museum Winedale is a great success, attracting most of its visitors from Houston, 90 miles away, and Austin, 75 miles away.

As a local civic project, it has been a success, too.

Miss Heinze says Winedale is "an asset to the community. I know it has raised land values, and it makes one feel good to be part of it. We are very proud of it, and very grateful to Miss Hogg for doing this in this area."

HOW TO LEAVE VIETNAM

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. KUYKENDALL. Mr. Speaker, on November 16, 1971, the Memphis Press-Scimitar carried as its lead editorial an analysis of President Nixon's Vietnam withdrawal policy. This is a well thought-out and well written editorial and I commend it to my colleagues:

HOW TO LEAVE VIETNAM

President Nixon's decision to pull out 45,000 more men from Vietnam by Feb. 1 was properly cautious, in view of the military and diplomatic dangers.

Although he is stepping up the withdrawal rate—to 22,500 a month in December and January—he is going slower than desired by much of the public, which is more and more war-weary.

Nixon, however, is deeply worried by signs that North Vietnam is increasing its infiltration down the Ho Chi Minh Trail. He fears that the enemy will launch a major offensive against the South Vietnamese—and thinned-out U.S. forces—during the current dry season.

This explains why he has committed himself to troop withdrawals only through January. After reviewing the military situation in two months, Nixon should know better what additional cuts he can make in the new 139,000 troop ceiling.

The President was right to warn Hanoi he will use America's massive air power in the area to protect American troops from any enemy attempt "to pounce on them." We have no doubt he means it, and hope North Vietnam will not bring unnecessary destruction on itself by trying for a showy victory over our diminished units.

Even more important than the warning in Nixon's withdrawal announcement was his obvious desire for a negotiated settlement. He went so far as to offer to remove all U.S. military forces from Vietnam, Cambodia, Laos and Thailand as part of an acceptable peace agreement.

Getting American power out of Southeast Asia has long been a Communist Chinese goal. Nixon clearly hopes that Peking will urge Hanoi to make peace. But whether China will and whether it could influence the strongly independent North Vietnamese are not known.

Many Americans were disappointed that the President did not set a firm date for ending U.S. involvement in Vietnam. Most of these people believe that after getting a withdrawal date, the North Vietnamese will agree to free the some 400 American prisoners they hold.

We do not believe this, and support Nixon's determination to keep a residual force of about 40,000 men in Vietnam until the prisoner issue is settled. The North Vietnamese have hinted unofficially—but have never so stated to our peace negotiators in Paris—at a prisoners-for-withdrawal deal.

After the United States is committed to full withdrawal, it's likely that Hanoi would raise new demands: that we decapitate the anti-Communist government in Saigon or stop giving it military equipment and economic aid (while North Vietnam will get weapons as usual from Moscow and Peking).

By keeping a residual force on the scene until a prisoner agreement is reached, Nixon will protect us against last-minute blackmail. Most of us agree that the Vietnam War has been a costly mistake. But even so it's vital that it be brought to a decent end—not one involving a sell-out of South Vietnam.

That is why the President's policy of measured withdrawals while guarding some negotiating strengths is worthy of public support.

RETURN TO CAVE AND CANDLE?

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. McDADE. Mr. Speaker, it has become apparent to every thinking citizen in America that the problem of pollution is a vast and complex series of relationships which affect all of our lives virtually every moment of the day. The finest minds in America are today working vigorously to advance proposals which will be helpful in curing the ills created in the past and in preventing those same ills from recurring in the future.

I would direct the attention of my colleagues particularly to the problem of solid waste disposal. Here is an area about which all of us are deeply concerned, and to which we must find a multitude of solutions to the complex problems.

My attention has been called to an excellent article on this subject in the November issue of Nation's Business entitled "Return to the Cave and Candle?" and authored by Mr. William F. May, chairman of the board and president of the American Can Co. This thoughtful article merits the attention of all Members of the Congress who are sincerely interested in finding meaningful solutions to pollution. The article follows:

Return to Cave and Candle?

(By William F. May)

We all contribute to pollution.

Some environmental extremists would have the public believe the problem is almost solely industry's.

Certainly, industry, including my own packaging industry, pollutes. And American business in general has been lax in responding to the sincere concern of citizens on the subject.

But we are all guilty. For example, elected politicians, such as municipal government officials who permit our waters to become befouled with untreated sewage. And the taxpayers who vote down costly but needed sanitation systems.

For years, the Army Corps of Engineers has dumped filthy, dredged waste. The U. S. Navy flushes raw sewage from its ships into the waters of ports around the world.

Farmers are major polluters; their agricultural wastes, pesticides, herbicides and fertilizers pass into our streams and lakes, killing our fish. Animal waste from stockyards and feed lots is often a major problem.

And let's not forget the labor unions. One day not long ago, more than a billion gallons of raw sewage were dumped into New York City's waterways by a municipal labor union during an illegal strike.

So why make industry the only target?

Most Americans are fair minded. Given full and correct information, they will judge correctly. But it isn't always given to them.

Some are so ill-informed by antibusiness publications and speakers that they seem ready to endorse the false notion that all of our ecological problems will be solved if we set the technological clock back and return to cave and candle.

The wild accusations of these people can only distract us from stopping the appalling waste and destruction of the environment and resources on our planet—which happens just now to be the only planet we have.

ARCHVILLAINS OF LITTER

Those of us in paper and packaging have been a bit smug in thinking the public realizes the positive contributions we have made to the quality of life in the United States. We have been wrong; we continue to be pictured as archvillains of litter and waste.

Perhaps debunking the most prominent myths will help set the record straight:

The packaging industry is indifferent to the solid waste problem.

Fact: The National Center for Resource Recovery, Inc., has been formed—a nonprofit, joint project of business and labor in steel, aluminum, other metals, glass, cans, paper, plastics, soft drinks, brewing stores food canning and food processing. It works with the Environmental Protection Agency, and with other industries, institutions and individuals, to find solutions to problems.

For example, the can industry finances 200 collection centers in 40 states, which ship used cans to salvage plants for recycling. More centers will be opened.

The glass people are recycling glass at 100 plants in 25 states. Plastic waste studies by the Society of the Plastics Industry are under way.

One-way beverage containers are major contributors to litter.

Fact: Cans and one-way bottles for soft drinks and beer make up 17.7 per cent of litter on highways and less than 10 per cent in urban areas, says the National Academy of Science.

Laws banning one-way beverage containers will not eliminate litter because too many people won't bother to bring in returnable containers. For example, for every 37 one-way containers thrown on our highways, there are 26 bottles which could have been returned.

Most consumers are ready to sacrifice convenience, multiple choice and price in order to reduce waste disposal.

Fact: What many people say they want—such as less packaging or more returnable containers—is not consistent with their purchases. Costly efforts by ecology-minded soft drink firms to reintroduce returnable bottles—which are more expensive than the nonreturnable types—have largely failed. The public simply has not bought them in sufficient numbers.

In a recent survey 65 per cent of the consumers polled said that even if returnable containers were available in the supermarkets in which they shopped, they wouldn't buy them.

Perhaps of greater significance in this survey, however, is the fact that the type of container scored a low 3 per cent as the reason for the soft drink purchase.

Municipal solid waste predominantly consists of packaging materials.

Fact: Packaging accounts for 13 per cent of municipal solid waste, according to the U.S. Public Health Service.

For example, while 50 per cent of New York City's waste is paper, nonpackaging paper tonnage is enormous. The city spends more than $13 million annually to dispose of the Sunday editions of two newspapers.

Sharp restriction in packaging will do more good than harm because packaging always increases urban waste.

Fact: The industry frankly admits to some "overpackaging," but many examples are being weeded out. Industry leaders feel the alarm over waste disposal has obliterated recognition of packaging's contribution over the years to sanitation, public health, product preservation and protection, and personal convenience.

Frozen food packaging, for example, keeps bones, innards, peel, pulp and stalks out of municipal solid waste disposal systems.

Very little paper is being recycled.

Fact: Currently, 19 per cent of all paper has already been recycled at least once.

All discarded paper can and should be recycled.

Fact: Recycling does not eliminate all pollution. It creates some. About 10 per cent of the fibers escape as suspended solids in each recycling and must be rigidly controlled. Coated magazine stock gives off as much as 50 pounds of ink-clay sludge for every 50 pounds of fiber recovered.

Furthermore, paper—unlike metal—cannot be recycled to original quality. And at least 12 per cent of paper produced is unrecoverable after going into building materials, books, permanent files, sewage systems, etc.

Under food and drug laws, paper contacting food must be new. Recycled paper from unknown sources carries risk of contamination.

"Second use" often makes more sense than recycling. Paper products can be composted to add humus in agricultural areas or used as a basic ingredient in building materials, such as insulating board. Research shows some promise of developing the carbohydrate value of paper for animal feed.

Recycling is the only ecological solution to the waste paper problem.

Fact: Technologists are developing highly efficient, air-pollution-free incinerators that will produce needed power while they dispose of waste.

Waste paper is a valuable energy source. Plastic and wax coatings, which complicate recycling, enhance the value of paper as a fuel.

Although paper's caloric value is half that of coal and one third that of fuel oil, under controlled incineration its only gaseous byproducts are non-polluting carbon dioxide and water vapor, which are components of the earth's atmosphere.

A MATTER OF TIME

The solid waste disposal problem has been with us for 2,000 years, since the Romans' use of open dumps. U.S. industry, science and technology are entitled to at least a few years of intensive effort to clean up the environment.

Technology already exists for this effort and if the public is willing to pay the necessary costs, the prospects of eventual success are bright.

All of us have an enormous responsibility for the quality of life. We achieve our goal by common effort, but myths unanswered add to the difficulty of the job.

The packaging industry believes the disposal answers are in economic recycling and second uses, rather than in taxes, bans and deposits, or a return to the milk pail, pickle barrel and butter tub.

A SUMMER AT MEDILL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. CRANE. Mr. Speaker, the summer months usually provide a time for high school students to forget about classes and books and concentrate instead on the lakes and beaches and other forms of recreation.

Undoubtedly, students deserve a rest after a long school year but it is heartening to learn that some students use their vacation time to continue to pursue their education.

One such group of 90 high school students spent part of the summer months attending a high school journalism institute in my district. It was sponsored by the Medill School of Journalism at Northwestern University in Evanston, Ill.

I was privileged to speak to these energetic students and I found them eager to learn and potentially very fine journalists.

I would like to share with my colleagues a recent article concerning the institute by Roger Boye in Quill, the monthly magazine published by Sigma Delta Chi, Professional Journalistic Society.

A SUMMER AT MEDILL

(By Roger Boye)

The drone of 90 high school students' murmuring voices.

The clamor of 90 typewriters shoved back-to-back and carriage-to-carriage, six bulky machines to each 3- by 6-foot table.

The monotonous hum of two hulking window air conditioners.

All in a classroom used as a simulated newsroom this past summer by the journalism division of Northwestern University's National High School Institute.

Despite the bustling, hectic surroundings, learning occurred. And the learning transcended the crowded classroom: just living during the five-week program was an educational experience. As several of the high school seniors wrote later, the institute was the most fulfilling, most engrossing and, to use the contemporary terminology, most relevant experience of their lives.

The institute, run by the university's Medill School of Journalism, is not the only summer journalism program for high school students. Many U.S. schools and universities sponsor summer workshops and some also conduct programs for college students or professional newsmen in editing, urban reporting, journalism teaching, etc. For example, the Newspaper Fund, a foundation of Dow Jones and Co., helped to fund programs this summer for high school journalism teachers, for inner-city high school students in urban journalism and for college students in copy editing.

Northwestern claims that its institute, in its 40th year this past summer, is one of the oldest in the country. The institute is unusual, the university says, for at least three reasons.

A professional emphasis on writing and course work to give introductory training to high school students who may be considering careers in journalism.

Opportunity for work and visits to points of interest in the Chicago area (for example, students visited the Chicago *Sun-Times* on a weekly field trip) and

A national flavor with students from around the country. (This summer the 90 students, ranking in the tops of their classes, came from 20 states. Many were attending on scholarships provided by newspapers.)

The institute staff consisted of Medill Prof. Raymond Nelson and nine counselors. Nelson and Prof. Jack Williams, who will direct the program next year, helped to put the institute on an informal basis from the first day: Nelson, for example, modeled tight-fitting flared pants and no tie; Williams wore sport shirts with fashionable scarfs.

The counselors were recent master-degree graduates, graduate students or upperclassmen. They lived with the students, organized classes and discussion groups and evaluated papers. The journalism classes were conducted five times a week, about three hours a day, with instruction in news, feature, descriptive and editorial writing, and copy editing. Medill faculty (like editorial department chairman Ben Baldwin, former institute director) and professional newsmen (such as Charles Cleveland, editorial director for Westinghouse Broadcasting Co. in Chicago or Bill Jauss, sports writer for Chicago *Today*) presented most of the class lectures.

Many leading figures in the Chicago area were among the three to four speakers heard each week. For examples, Northwestern journalism Prof. emeritus Curtis MacDougall's fire and spirit aroused the students; U.S. Rep. Philip Crane lectured on the issues of the day; ABC television newsman Lester Brownlee described white-black prejudice, and Newton Minow, former chairman of the Federal Communications Commission, discussed some of the issues facing broadcasting.

Besides the structured part of the program which also included field trips weekly, discussion groups, films (such as "Selling of the Pentagon") and parties, students found the experience of living in a university community to be rewarding.

The institute was also an education for the counselors. It was a 7-day a week, 24-hour a day job to keep up with 90 human dynamos. Some of the counselors averaged as little as four hours of sleep a night during the five weeks.

Each day—and night—would bring new adventures for the counselors. Late night calls to the men's dorm from Mary Leonard, head women's counselor (and now a feature writer for Chicago *Today*), ranged from ". . . hasn't returned to the dorm," and "We're taking her to student health," to "Ohhh. They gave me a card, thinking I was sick," and "Today was a real."

The counselors found the students to be aware, questioning, active, into things, and perhaps a little naive and a little confused. This confusion was sometimes apparent when the students wrote weekly 1,000-word Contemporary Thought essays. The essays required no research and often centered on a personal problem. Students were asked to examine their beliefs and prejudices with an open mind. The papers were critiqued by counselors. Grades were not given.

The counselors could offer advice and empathy, perhaps saying they too had been troubled by the same problem. At best, the students were helped in solving a personal problem; at worst, they got only sympathy. Without a doubt, no world problems were solved during the five weeks.

But despite this, not all was in vain: everyone got a taste of education in joufnalism. And everyone became enmeshed in this delight known as the summer institute.

UNIVERSITY OF CALIFORNIA'S HILDEBRAND—AGELESS SCHOLAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, I include an article from the San Francisco Chronicle in today's RECORD, as a tribute to a fine mind at the University of California at Berkeley.

Now 90 years old, Professor Emeritus Joel Hildebrand is still working hard in his career. He is considered one of the best by his colleagues, and stands today as a tribute to the generation of Americans who are legally too old to serve, but serve anyway.

It is with pleasure, Mr. Speaker, to include this excellent article by William Moore for inclusion in the RECORD:

UNIVERSITY OF CALIFORNIA'S HILDEBRAND—AGELESS SCHOLAR

(By William Moore)

It was a slightly incongruous scene, there on the fourth floor of Latimer Hall, a concrete-and-glass high rise in the midst of many on the University of California's Berkeley campus.

Students and professors scurried through the labyrinthian hallways—in and out of laboratories, classrooms, offices and elevators.

"Dr. Hildebrand," said a young lab technician, pronouncing the name with reverence, "he's right over there in room 437."

The door to the office was wide open, revealing chemistry professor emeritus Joel Hildebrand—who'll be 90 years old on November 16—working alone, curiously aloof from the academic choreography outside.

FIGURES

Flanked by shelves, bulging with books and test tubes, he sat crouched over his desk, furiously scrawling down figures on a stack of graph sheets.

This was Hildebrand. The man they call the dean of American chemistry, a member of the Berkeley faculty since 1913, teacher of more than 40,000 students, winner of practically every major chemistry award, college administrator, educational philosopher, prolific author, mountaineer, one-time Sierra Club president, manager of the 1936 U.S. Olympic Ski Team.

Now he was working on the research that has consumed much of his life—the nature of solubility and the structure of liquids. In a week his latest research will be published in the Journal of Science.

Hildebrand sprang from his chair and strode briskly across his office to greet his visitors.

RULES

"Remember now, it's Professor Emeritus Hildebrand," he said, his eye mischievous behind his wire-rimmed glasses. "The rules said I had to stop teaching in 1952 because theoretically I was supposed to be senile. I have been pseudo retired ever since."

He laughed uproariously, and it was a beguiling sight. Here was a man—a handsome, white-manned gentleman, with a sturdy, trim physique—who could have passed for some 25 years younger. Only when he laughed did the few wrinkles on his massive brow become noticeable.

SUPPORT

"Actually," he said, "the Atomic Energy Commission and the National Science Foundation have been supporting much of my research since 1952."

He pulled out a sheaf of papers to explain his current work.

"I'm concentrating on the viscosity of liquids and the diffusion of dissolved substances," he said. "No progress had been made in this for a long time, but I think I have reduced it to simple terms that enable us to calculate and predict viscosity and diffusion."

GRAPHS

He pointed to some graphs that, to the layman's eye offered impressive and convincing proof that there was indeed a predictable pattern to the logarithms (the exponents of those powers of fixed numbers which equal given numbers) of certain types of solubility.

"People used to assume there were two kinds of molecules: solid and liquids," Hildebrand said. "Well, there aren't. There is just one kind."

The applications of this and Hildebrand's earlier research are rife.

Hildebrand, for instance, was the first to prove, in 1925, it would be safer for deep-sea divers to inhale a combination of helium and oxygen, rather than air, because helium is much less soluble than the nitrogen in the air.

EFFECT

If a diver surfaces rapidly, Hildebrand showed, nitrogen bubbles from air can be formed within him, causing enormous pain and even death from the bends. The phenomena doesn't occur with the less soluble helium.

But as Hildebrand himself made clear, he does not conduct his research with such immediate practical application in mind.

Indeed, Hildebrand shyly admitted "the fire of poets burns within any real scientist."

To bolster the point, he grabbed a book off his shelf and turned to a quotation from Henry Poincaire: "The scientist doesn't study nature because it is useful; he studies it because he delights in it and he delights in it because it is beautiful."

ORDER

Hildebrand, speaking excitedly now, explained: "I am trying to discern order from chaos. That's what all scientists are trying to do. When you get on the right track, you know it. Things start falling into place. Scientists don't shatter into fragments any unity. On the contrary, they collect, sort and build into structures—some of which became great cathedrals."

The professor began to pace about his office. "The scientist, if he is any good, is born curious—like a child," he continued enthusiastically. "He remains a scientist as long as he hasn't become old and uninterested."

Hildebrand said he arrives at his office at 9 a.m. each weekday and spends at least six hours a day conducting his research, with the aid of one or two graduate assistants.

"It's too exciting around here not to come to work," he said. "I don't want to miss anything, especially when I see the possibilities of explaining the next area beyond where I have been."

SUBSTITUTE

On occasion he fills in as a substitute lecturer in under-graduate chemistry classes and invariably receives thunderous applause after his lectures.

Before he retired, he prided himself in teaching the introductory chemistry course for 39 years. A dramatic speaker—he describes himself as a "ham"—his courses were among the most popular on campus.

"In freshman chemistry," he said, "I had all the properties an actor needed."

His most famous act occurred during each Stanford-Cal. Big Game week when he would bring out a giant test tube and fill it with red fluid (Stanford's colors) to an inevitably booing audience.

"I would then explain to them that chemists can change things and that it is not what happens in the first half of an experiment that counts but the last quarter," Hildebrand related.

Thanks to an alkaline miracle, Hildebrand's test-tube fluid would suddenly turn blue and gold (Berkeley's colors), usually bringing an ovation.

DEAN

Hildebrand spoke proudly, too, of the College of Chemistry, which he once served as dean, a college that for years has been considered the leader in the field. (One of its four buildings was named after him when it was built five years ago.)

Hildebrand then turned to his great love: the mountains. In addition to his many chemistry books, including an introductory text book still widely used today, he has written several works on hiking and skiing.

Until a few years ago, he was still an active backpacker. "I used to ski a lot, but I had to give it up reluctantly at age 75 on the orders of my family," he said.

Hildebrand has four children, 12 grandchildren and four great grandchildren.

HOME

His wife Emily—they were married in 1908—and he have lived at 500 Coventry road in Kensington since 1924.

"I still get a lot of exercise from tending a big garden there, and I walk everywhere—never take the elevator," Hildebrand said. "My secret is to stay energetic."

"I also try to stay in contact with young people. You'd be amazed at how many freshmen come up to talk with me. They want to see what Hildebrand looks like."

The professor emeritus put on a sporty racing cap, grabbed a cane and strode briskly out of his office, passed the laboratories, the lecture halls and the swirl of younger humanity.

He was off—as he is off most days at noon—to the faculty club for lunch with his colleagues.

WE MUST NOT ONLY CONSERVE—WE MUST RESTORE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ARCHER. Mr. Speaker, earlier this year the Secretary of the Interior, the Honorable Rogers C. B. Morton, addressed the 1971 Congress for Recreation and Parks meeting in Houston. The Secretary's comments, which outline many of the President's programs to preserve and restore our natural environment, are of interest to all of us. The full text of Mr. Morton's remarks follows:

REMARKS BY SECRETARY OF THE INTERIOR ROGERS C. B. MORTON, AT THE CONGRESS FOR RECREATION AND PARKS, HOUSTON, TEX., OCT. 20, 1971

I welcome the opportunity to be with so many outstanding park and recreation professionals at the 1971 Congress for Recreation and Parks. Collectively, you are more aware of America's leisure needs and demands than any other organization in the Nation. We meet together this morning on the eve of the hundredth anniversary of one of America's first and greatest contributions to leisure services.

Next year . . . 1972 . . . we will observe the National Park Centennial. The celebration will mark the dedication of Yellowstone as the world's first national park.

A primary purpose of the centennial year will be to focus on achievements . . . to plan the beginning of a meaningful second century for our national parks . . . and to explore new concepts for the park and recreation movement in America.

We need your help to define the future role and function of our parks and recreation areas . . . and the role and function of leisure services conducted upon those areas.

The theme for the Centennial Celebration is . . . "Parks, Man and His Environmental Ethic." But . . .

What do parks really mean to man;
To the environmental ethic;
And to the Nation?

The first official United States answer to that question came on March 1, 1872, when Congress established Yellowstone National Park.

That act declared Yellowstone would be "A public park or pleasuring ground for the benefit and enjoyment of the people" and that natural curiosities or wonders should be retained as they were found.

The concept that government should provide parks for all the people is a unique American contribution to world culture. That idea has since spread to more than 90 countries.

The national parks leave one with the feeling that the natural heritage we have preserved will forever portray our noblest aspirations and enhance our cultural ideals.

Frederick Law Olmstead pointed out that the basic mission of the National Park Service was: "To conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The Olmstead dichotomy . . . the tug of war between preservation and utilization . . . is perhaps the greatest challenge to managing recreation and park resources. I'm sure it's giving you people the devil.

Even though it is an apparent contradiction, it has strengthened the park concept over the years. It has stimulated us to respond to the changing needs of society and to improve our mission of protecting and enjoying a portion of our national treasures.

Parks of all kinds . . . and parks for all seasons have become strands of the culture that made us a proud and pioneering nation. While they are important outlets for leisure and recreation, they serve as bastions of our natural past.

President Nixon has challenged the Nation to make peace with nature and repair the damage done to our air, land, and water resources.

The first step in making peace with nature is to cultivate an environmental ethic.

I believe we have now reached a point in our civilization where every attempt at education;

. . . Every program for learning;

. . . Every childhood experience must address itself to man's identity with the rest of the world;

. . . And his relationship to it.

With this in mind . . . and in heart, the Department of the Interior has undertaken a broad interpretive and educational initiative aimed at not only visitors to the national parks but to the educational community as well.

Through NEED . . . national environmental education development . . . we have given from the time they are getting ready for school until they graduate from high school. This training takes place in the classroom . . . in the out-of-doors . . . in the parks.

Through NESA . . . national environmental study areas . . . we have established natural and historical laboratories both within and outside the national parks.

Through NEEL . . . national environmental education landmarks . . . we encourage emphasis on outstanding NESA installations that are environmentally significant and have established outstanding interpretive facilities and programs.

This is what we in Interior are doing. But . . . I believe we can make more innovative and imaginative use of existing park facilities at *every* level of government especially by making them more relevant to urban residents.

The "Summer in the Parks" program started four years ago in Washington, D.C. It has now become a "Parks for all Seasons" effort and extends throughout the year. This program has enjoyed enormous success in bringing the performing arts . . . the graphic arts . . . sports of all kinds . . . and people . . . to the parks.

Last July, we invited educators in 10 Western States and Alaska to use public domain lands in planning environmental education programs.

Although many colleges and school systems have used public domain lands in establishing outdoor classrooms and nature trails, many more opportunities to use public lands are available.

The Bureau of Land Management will assist teachers and school officials in selecting areas for casual or intensive study. Its foresters, range managers, and other specialists stand ready to contribute to environmental study programs by sharing their knowledge of natural resources.

President Nixon said in his 1971 Environmental Message:

"As our Nation comes to grips with our environmental problems we will find that difficult choices have to be made, that substantial costs have to be met, and that sacrifices have to be made. Environmental quality cannot be achieved cheaply or easily. But I believe the American people are ready to do what is necessary"

I am sure that most of our people are willing . . . even eager . . . to support the efforts of President Nixon to improve the quality of life. We are now at the point where we can no longer, in good conscience, continue the development of our civilization while at the same time continue to abuse the environment. While economic progress must continue, the environment can no longer pay the external costs through pollution, contamination, encroachment, and degradation.

We already have the tools to right many of the wrongs heaped on the environment. We need to weld that capability with desire and financial commitment to make it a strong weapon against degradation . . . and a strong insurance policy for preservation.

We must not only conserve . . . we must restore.

We must not only rebuild . . . we must replace. But, a true national commitment can't come only through directives from Washington.

Great movements are only successful when they start in the hearts and minds of millions of citizens across the land. When this occurs, Washington reacts . . . and reacts positively . . . and theirs is a reordering of priorities.

The challenge we now face is the crucial test of modern civilization. Can we preserve, protect, and defend our environment? The test is crucial because it involves not only our comforts and pleasures but the survival of succeeding generations . . . and the survival of the rest of nature. On this, of course, depends the survival of the planet.

To achieve an environmental ethic, will require an all-out individual effort . . . at every level of government . in every classroom in America . . . and in the mind and heart of every citizen.

President Nixon's "Legacy of Parks" program connotes a major expansion in acquisition of open space for leisure and learning. The "Legacy" is pointed directly at those of our citizens who will never see Yellowstone Park . . . whose only recreation area is the street, and whose only contact with wildlife is the rat.

President Nixon has authorized full funding of the Land and Water Conservation Fund, including an appropriation of $380 million in the current fiscal year. Of that amount, $280 million will go to states and local governments and $100 million will go to acquire nationally significant park and recreation resources.

By next June, the Fund will have provided $750 million in matching grants to states and localities. This money has facilitated the acquisition and development of thousands of new parks and recreation areas. The President is firmly committed to the spirit of this Fund.

This great Fund is one of the most significant forms of revenue sharing now in implementation. We all have recognized it as the vital pillar of financial support for the parks and recreation movement in America.

President Nixon has requested that HUD's program of grants to states and localities for open space be reoriented to provide more urban parks and that the program's budget authority be increased from $75 million to $200 million. No one is more familiar with this program than your new executive director, Dwight Rettie.

The President has also established a Property Review Board to declare certain federal properties surplus and available for transfer to state and local governments.

Nine thousand acres . . . worth more than $40 million . . . already have been transferred to states or their localities for park and recreation purposes through the Bureau of Outdoor Recreation in the Department of the Interior.

I'm sure you realize that I am counting on strong support in these efforts from the National Recreation and Park Association because . . . the people here in Jones Hall this morning will exercise great influence over the policy for planning, acquisition, and use of the open spaces of our country.

These are only a few of the initiatives which have been taken by our first true "Environmental President."

Since your last Congress, the federal structure has shifted significantly to deal with environmental problems.

The President created the Environmental Protection Agency last December. He consolidated into one agency several major federal programs dealing with air pollution; water pollution; solid waste disposal; pesticides regulation; noise abatement and radiation.

The President has called for the enunciation and establishment of a long overdue National Land Use Policy to deal with the frightening and haphazard sprawl of metropolitan development. Your support of this critical legislation will help halt the rampant development which is swallowing up open space and rendering the suburban experience a complex progression of frustration.

Finally, of tremendous significance, he has called for a sweeping reform and consolidation of those scattered agencies and fragmented functions of the executive branch which relate to the custody of America's natural resources.

The proposed Department of Natural Resources would consist of five administrations:

. . . Land and recreation;

. . . Water resources;

. . . Energy and mineral resources; oceanic, atmospheric, and earth sciences;

. . . And Indian and territorial affairs.

The reorganization plan deserves all the support which you can give it. Most of you deal with many diverse federal agencies on a daily basis. What we want to do is reduce the number of shopping windows to one.

I began this morning with parks, man, and his environmental ethic. May I say that my concept of the environmental ethic embraces the total context of human ecology—the interdependence and the interplay of every life form and element on this planet;

. . . The physical and biological;

. . . The animal and mineral;

. . . The living and dying;

. . . The biosphere and humanosphere.

As we move further into our technological world and amass greater material wealth and achievement, we tend to forget that our existence depends on the miracles of nature that occur continuously on the surface of the planet.

In the great Department of the Interior where I work, I feel the excitement in our lives generated by the realization that we are in the dawn of a new era in the relationship between man and his environment.

For us then, there is a new goal. A goal as rewarding as the freedom of America for the people who came here to find it.

We are now ready and eager to share this planet with the rest of nature;

With its beauty;
With its land;
With its divine life systems;
With its sky;
With its music;
And with its silence.

But even if we're ready, all of this and more is only a beginning. We are at last recognizing that this world and most of its resources are finite. For man this earth is all there is.

POLLUTION AND POLITICS: A CHEMIST'S VIEW

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

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Mr. VEYSEY. Mr. Speaker, the public, and we as their Representatives, have been bombarded with conflicting opinions, demands, and scientific data on the dangers of air pollution and how to control it.

Several weeks ago, Prof. James N. Pitts, Jr., director of the University of California's Statewide Air Pollution Research Center, delivered an address at the California Institute of Technology, "Pollution and Politics: A Chemist's View." In the talk, Professor Pitts discussed some of the current problems in the application of science and technology to the control of smog, and stressed the critical feedback loop between control legislation and the input from the scientific community. He also indicated the need for a more coordinated national stategy involving government at all levels, industry, and the university.

In order to begin the formulation of just such a national strategy, the University of California at Riverside and I are cosponsoring a National Automobile Air Pollution Conference at the Western White House, San Clemente, Calif., on January 13–14, 1972. We are inviting the top administrative policymakers and technical advisers from leading automobile and petroleum companies, EPA, State and local control agencies, university researchers, and State and Federal legislators.

Meanwhile, I am inserting the text of Professor Pitts' informative talk for the interest and consideration of my colleagues:

POLLUTION AND POLITICS: A CHEMIST'S VIEW

(By Prof. James N. Pitts, Jr.)

Presented at the Conference on "Science in the Control of Smog," California Institute of Technology, Pasadena, California, November 16, 1971

To effectively reduce air pollution, laboratory and field experimentation *and* control legislation must be inseparably connected through the various elements of a national air pollution system. Such a system would include as key subsystems the local, state, and federal control agencies, industry, and the university, and it would incorporate an effective feedback loop relating them *in real time to the general public through their elected officials.*

Such a statement seems almost axiomatic; yet, even today, while its widespread ramifications—scientific, technological, medical, economic, social, and political—have been recognized, for example, by the Environmental Protection Agency (EPA), the State of California ARB, and the Coordinating Research Council, they are still far from being effectively implemented. Thus, today I want to illustrate with several specific examples the key role played by science and scientists in the development and implementation of *technological and societal options* for the control of air pollution and to show how, for them to be truly effective, these various options must fit into an optimistic, but realistic, national strategy for smog control. In this game plan, ecology and economics must be balanced to provide a total enhancement of the quality of living for all of us.

This is a huge subject, and, rest assured, I shall not even consider attempting to cover it in depth—that would be impossible, unwise, and brash. Instead, I shall limit my scope to "a chemist's view" and discuss several specific examples with which I have had some experience and which, I trust, will serve to illuminate the broad aspects of the smog problem. Approaching it as a scientist, I will begin by "stating the problem"—first, as the public sees it; second, as certain experts in science technology and medicine see it; and, third, as it is seen by a key leader in the automobile industry. We will then examine several "relevant" examples and conclude with a specific suggestion for a cooperative approach to its solution or at least alleviation.

II. STATEMENT OF THE PROBLEM AS THE SMOG-AFFLICTED PUBLIC SEES IT

The public sees the battle for smog control as a kind of atmospheric Vietnam—a no-win, endless struggle. Thus, in the case of the war, we have seen battalions of military experts, members of the news media, students, and politicians alike generating a constant flux of conflicting opinions. The result has been a public confidence gap that has eroded the very structure of our society.

Today, the war, though still enormously important and tragic to all of us, has been de-escalating. Taking its place as No. 1 on the list of concerns of the citizen in the critically smog-plagued regions of the South Coast Air Basin, in which literally millions of us reside, is photochemical air pollution. This priority rating comes, not from me, but from those who know best the temper of our times and our public—the legislators and would-be legislators in those districts.

The public is literally sick and tired of the confusing flood of contradictory statements on the quality of our air that have been issued for well over a decade, and which recently have been escalating. They (*we*) see and hear local, state, and federal control agencies all too often disagreeing, not only with industry (as might be expected), but also among themselves, often seriously.

Recently, the Pulitzer-prize-winning newspaper, the Riverside Press-Enterprise, carried a large headline which essentially said, "Lead levels rise dramatically in Los Angeles." The essence of the article, which pointed out to the public the conflicting views of local and federal agencies, can be summarized as follows:

"The EPA says atmospheric lead levels in Los Angeles have dramatically increased, while the Los Angeles County Air Pollution Control District says this is not true. The State Air Resources Board, in effect (and probably wisely), 'punts' with the statement that they were not directly involved with the studies."

No wonder John Q. Public and his legislators are confused and upset. They are even more confused over the continuing and increasingly acrimonious debate concerning the health effects of atmospheric lead. But, to mix a metaphor, I do not want to add fuel to that fire today, although I will consider some aspects of the combustion of organic gasoline additives.

III. STATEMENT OF THE AIR POLLUTION PROBLEM AS CERTAIN "EXPERTS" SEE IT

I would like to quote some comments from Dr. Stokinger, who won the Cummings Memorial Award two years ago. He surveyed all the environmental hazards (except radiation) that faced the American public and came up with the following conclusions:

"One generality that emerges from Table IV is that airborne pollutants are potentially responsible for more of our ills than are water- and food-borne contaminants together. This is predictable from reasons given in the text.

"Many of the conditions attributed to exposure to environmental pollutants are either accelerations of the aging process or are associated with aging. This is particularly true of the air pollutants; ozone and photochemical oxidants merely add to and hasten the oxidative destruction of the lung and other tissue sites; respiratory irritants hasten the onset of emphysema and bronchitis and would appear to promote cancer of the respiratory tract, both diseases of aging man."

At an International Conference on Man's Health and His Air Environment, held at Riverside in December 1970, the following points were made.[1]

"The scientists, physicians, and citizens participating in the conference on 'Man's Health and His Air Environment,' sponsored by the University of California Statewide Air Pollution Research Center and the World Affairs Council of Inland Southern California, December 1–3, 1970, find the following conclusions inescapable: (1) that an environmental crisis exists, and (2) that levels of air pollutants are being achieved in large cities on many days of the year which have been shown to have serious health consequences. . . . In view of these conclusions, we submit the following recommendations:

"*In California and in the South Coast Air Basin in particular*: The crisis demands immediate drastic actions to alleviate the present situation. These actions include an early health warning system for the protection of susceptible individuals from acute air pollution episodes, based on common basin-wide criteria, and the aggressive implementation of heroic control measures. The control measures so considered should include but not be restricted to limitations on the use of private vehicles in cities' centers, the substitution of public transportation and the incentives to use it, the possible rationing of energy use, and the limitation of population growth in critical areas. These, however, should only be considered as holding actions while longer-term solutions are aggressively sought."

The position was stated even more recently in a statement of the Los Angeles County Environmental Quality Committee, headed by the distinguished Judge Herbert V. Walker. The Long Beach Independent newspaper, on November 10, 1971, reported the following in an article by Mr. Gil Bailey:

"A call for sweeping reform of development, land use, and transportation policies was issued Tuesday by the Los Angeles County Environmental Quality Committee in a detailed report on air pollution problems here.

" 'The committee concludes there is a critical air pollution problem in Los Angeles County from a medical point of view. Medical testimony showed that thousands, if not hundreds of thousands, of residents of the county suffer health effects from air pollution,' the committee said in reply to a question by the Los Angeles County Board of Supervisors."

IV. STATEMENT OF THE AIR POLLUTION PROBLEM AS A KEY INDUSTRIAL LEADER VIEWS IT

Having considered the opinions of the public and the experts, it is only appropriate that we examine the views of some of the leading industrialists, particularly those concerned with automotive air pollution. In this regard, I should like to refer to a story which appeared in the Los Angeles Times recently. It deals with the remarks made by a prominent leader in the automotive industry in a recent television interview. I found his quoted remarks so astonishing that I can only believe he must have been misquoted or quoted out of context (that has happened to me, so the gentleman certainly has the benefit of my doubt). Nevertheless, the general public, students, and laymen read the story and formed their opinions—many of which were passed on to me—violently and expressively. Thus, in my several roles—scientist, administrator, and father of an asthmatic child—I feel compelled to respond. Therefore, I have altered my already prepared remarks for this program to include his quoted point of view, as it is germane to the control of smog.

Following a statement about the costs to the public of safety and smog devices over the next five years, the gentleman is quoted as exclaiming, "Is cleaning up the air *that* quickly [i.e., providing highly effective smog controls on all cars by 1975–76] *that* important to every individual?"

I would respond by noting that this is a favorite rhetorical device from industrialists who focus on legislation requiring change within two or three years as unnecessarily harsh and unrealistically swift. As we all recognize, it is nearly *two decades* since Professor Haagen-Smit performed his now-classic experiment proving that motor

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Footnotes at end of article.

cars were a major contributor to air pollution in highly populated areas of the U.S. What has been done with this time? Frankly, I don't call this "quickly." It has been all too slow.

He then commented on the question of national priorities. "I think we've got tremendous problems in the inner city," he said. "We've got tremendous educational problems. We've got tremendous health problems. And I wonder whether we haven't got our priorities a little bit screwed up?"

To this I would reply: air pollution *is* a major health problem. What about the priority of providing clean air for healthful living in the ghetto as well as suburbia? In the South Coast Air Basin, there are more than ten million people, a substantial number of whom suffer from asthma, emphysema, and other lung and respiratory ailments. Their suffering is vastly aggravated by the products manufactured by members of the automotive industry. Now, I cheerfully admit that I buy their products—my family owns several cars—we are polluters, but we recognize that air pollution is one of the crucial health problems in this part of the country. Our priority is to do something to reduce its human toll even though it will be expensive, inconvenient, and irritating.

Finally, in the most curious comment of all, the industry leader is quoted as saying, "I know it is very important to have clean air, but I don't know how dirty the air is." This statement is, to say the least, startling coming from a man who provides leadership in one of the world's largest corporations.

SUMMARY STATEMENT

In short, who can the general public believe? Their own health and welfare and that of their children are at stake. Indeed, when one views the necessity for drastic societal, as well as technological, changes, their (our) entire way of life is threatened.

I submit that it is our responsibility, as smog "experts," to view our research and development activities in that broad societal context, as well as in the more narrow, and often parochial, scientific sense.

V. AN AIR POLLUTION SYSTEM

Let us now look at a general scheme for an air pollution system (Figures 1 and 2) and discuss, *from a chemist's point of view*, certain key elements of the system. These illustrate the need not only for further intensive, mission-oriented, short-term research, but also for renewed and expanded support for our faithful but recently abandoned mistress—*basic research*. They also illustrate the key importance of the feedback loop from legislation to the control of emission sources.

I will focus my comments on air pollution generated by motor vehicles, for this constitutes by far the major source of photochemical smog in California today.

A classic example of the feedback loop is the case of the 1966 California exhaust control legislation, whose results are illustrated in Figures 3, 4, and 5.[2] The control systems have, in fact, led to relatively small, but nevertheless significant, reductions in levels of hydrocarbons and CO in the ambient air of the South Coast Air Basin. However, unfortunately, there is bad news as well as good news! Thus, as a result of the dramatic increase in nitric oxide emissions resulting from the controls on hydrocarbons and CO, in the eastern part of the Los Angeles Basin there has actually been a deterioration in air quality in terms of the key health hazard—oxidant, as well as the oxidant precursor—nitrogen dioxide.

This illustrates the real world hazards faced by scientists and engineers involved in generating control legislation which has a strong feedback loop. They are required to develop, in real time, solutions to highly complex technical and economic problems, generally on the basis of inadequate and often controversial information. Well, as Dr. Haagen-Smit noted, it will always be thus. In light of this fact of life, let's look at some other aspects of the control system.

VI. SOURCES: EMISSIONS FROM MOTOR VEHICLES FOR THE NEXT FIVE YEARS

It is interesting to compare California and Federal requirements for passenger car emissions for the next five years. Valuable information is given in two TAC reports to the ARB, "The Control of Vehicle Emissions after 1974," dated November 19, 1969, and an "Addendum to Control of Vehicle Emissions after 1974," dated July 9, 1971. Table I contrasts the California and Federal requirements.

TABLE I.—PASSENGER CAR EXHAUST EMISSION STANDARDS

Pollutant	Before control	California requirements						Federal requirements[1]			
		1966	1970	1971	1972	1974	1975	1972	1973[2]	1975	1976
HC, g/mi	17.0	7.1	4.6	4.6	3.2	3.2	1.0	3.4	3.0	0.41	0.41
CO, g/mi	126.0	70.0	47.0	47.0	39.0	39.0	25.0	39.0	28.0	3.4	3.4
NO_x, g/mi	6.0			5.8	4.4	1.9	1.5		3.1	3.1	.4

[1] Environmental news release, June 30, 1971.

[2] Assuming that the 1975–76 Federal procedure will be used.

From a chemist's point of view, there are a number of interesting aspects. For example, the impact of a new driving cycle specified by the Federal Government, November 10, 1970—the constant volume sampling (CVS) test—is truly dramatic. This is now the official driving cycle for California, and, as the TAC report points out, this has many ramifications, particularly in emission source inventories and analytical instrumentation. Thus, the measured emissions for an automobile are virtually *doubled* when measured by the new driving cycle and sampling system, as compared to the former official California seven-mode, cold-start cycle.

In light of this fact, let's reexamine the graphs taken from the well-recognized Los Angeles County Air Pollution Control District's yearly reports on air pollution from motor vehicles (Figures 3, 4, and 5). We must now *double* the emission tonnages shown on the ordinates.

Actually, both the CVS and the California seven-mode cycles are essentially certification tests and amount to "emission bookkeeping." It is highly important to recognize this fact when "guesstimating" source strengths for use in models of, and control strategies for, the Los Angeles Basin among other places.

This raises a crucial question to the air pollution control official. In view of this discrepancy (by a factor of two) in "official" measured emissions from motor vehicles, how does he develop control strategies based on the *relative* contributions from motor vehicles vs. stationary sources? If, in fact, automobiles put out twice the tonnage of emissions previously estimated, the stationary sources must, on a percentagewise basis, put out proportionately less. For example, if, according to the previously official California seven-mode, cold-start cycle, one calculates that about 1,000 tons of NO_x are released daily into the atmosphere from automobiles, and one assumes that cars account for about 67% of the total NO_x emissions, then about tons/day arise from stationary sources. But, if one uses the CVS cycle to measure automobile emissions, one will get about 2,000 tons/day from mobile sources and the same 500 tons from stationary sources; cars now account for 80% of the oxides of nitrogen and stationary sources only 20%. How would you like to field this hot potato if you were an air pollution control official? They have my sympathy!

The new Federal emission standards for 1975–76, coupled with the new Federal CVS test cycle, raise considerable problems in developing highly sensitive analytical techniques for monitoring CO, HC, and NO_x, particularly the latter. Thus, the 1976 standards call for a 90% reduction in 1970 emissions, resulting in a tenfold increase in required instrument sensitivity. Furthermore, as the TAC report points out, this factor of ten, coupled with a 10:1 dilution step carried out before an exhaust sample is collected, means that there is a 100:1 increase in instrument sensitivity required for the new official cycle! Well, as the saying goes, one man's problems are another man's opportunities—there are plenty of opportunities in this area!

There is another question of critical interest to chemists, as well as to engineers, the automobile industry, and the public—that is, are the 1975–76 Federal standards *too strict*, in that they require a reduction of hydrocarbons, carbon monoxide, *and* oxides of nitrogen to very low levels. You will note from Table I, for 1975, the State of California is much more lenient in terms of standards for carbon monoxide, permitting 25 g/mile, compared to 3.4 g/mile for the Federal requirement. California is more strict on oxides of nitrogen in 1975 (1.5 g/mile vs. 3.1), but in 1976, the Federal requirements call for only 0.4 g/mile of NO_x.

Two major questions arise here: First, is such a dramatic reduction in both oxides of nitrogen and carbon monoxide necessary in the 1976 Federal standards? This is a critical point to at least some manufacturers of catalytic control devices who claim they need considerably higher levels of CO for their devices to function properly in NO_x removal. As I understand it, the CO produces hydrogen on a catalyst and this, in turn, is one means of chemically reducing nitric oxide to nitrogen. If the CO concentration is too low, this raises difficult problems.

Second, are the very low levels of carbon monoxide proposed by the Federal Government perhaps an example of control "overkill," in that if they were fully implemented in the Los Angeles Basin, levels of CO in the ambient air would be far below the present State and Federal health-related air quality standards.

I have no answers to these questions here. I raise them only, from a chemist's view, to indicate problems faced by the automobile industry in mass producing virtually smog-free cars running on internal combustion engines. I personally feel that they can and must meet the challenge, but it won't be easy!

Fuel Additives. As scientists, we all recognize that in order for a source inventory to be truly well defined, one needs to know far more about the detailed composition of our exhaust than we currently do. This has been well recognized, for example, by the ARB, who in their research program has funded Professor Calvin's group at UCB to make a detailed analysis of auto exhaust.

I should like to be somewhat specific and look briefly at fuel additives. Current legislation requires registration of fuel additives, but it does not require the suppliers of gasoline to file statements on the detailed chemical composition and approximate concentrations of the *combustion products* of the additives in the exhaust gases. I submit that there is no way to estimate the effects of partially oxidized organic or inorganic additives on our health or on the chemistry of the atmosphere unless and until we have such data. Who should supply these data to the air pollution control officials, atmospheric chemists, research physicians, etc.? Currently, the law, as I understand it from an EPA official, states that the Government may ask industry about the emission products of their fuel additives *but*—and here's the rub—the Government must specify a detailed analytical procedure for their analysis!

For example, what are the oxidation products of F–310 as they emerge from the tailpipe? Have they ever been specified *in detail* by Standard Oil? Now I want to make it clear that I am *not* singling out Standard Oil as a sole "offender"—it's just that so much attention has been given to F–310 in their advertising that this additive immediately comes to mind when one discusses the problem; in fact, it is a compliment to their advertising prowess! Somewhere between the initial compound, which I gather is a type of polybutyl amine, and the ultimate oxidation products CO_2, H_2O, and NO_2, some oxygenated organic species must be formed. These may well be negligible and unimportant in terms of health, plant damage, and smog chemistry, but—and here's the point—we just don't know and won't know until the Federal law is strengthened to close this loophole.

VII. AIR QUALITY

Here we shall consider the relationship between the calculated control of exhaust emissions and the actual ambient air quality.

Another one of my "air pollution axioms" is the following: "No matter what air pollution control measures are legislated, decreed, or implemented by any federal, state, or local agency, the final measure of the effectiveness of an air pollution control program is the quality of the ambient air we breathe."

Let's consider this statement in relation to recent results reported by the Air Resources Board in their informative document, "Air Quality and Emissions, 1963–70," of November 1971. Portions of this were presented and analyzed for the general public in the ARB Bulletin of July-September 1971. Incidentally, may I say here, parenthetically, how much I appreciate the increased effort on the part of the ARB to interpret not only *their* findings, but that of other local control agencies and put this before the public in a logical and understandable fashion. I highly commend their efforts. Let me quote from the ARB Bulletin:

"The ARB examined the annual average concentration of oxidant, in the South Coast Basin as a whole, downtown Los Angeles, and Riverside (where recent experience indicates smog is increasing). The trend of oxidant shown in Figure 6 indicates that, while downtown Los Angeles has experienced a decrease in oxidant since 1966, concentrations in Riverside have shown an increase. It can be observed, also, that the lowest concentrations in Riverside were obtained during 1964 and 1965 at the time when Los Angeles was experiencing its highest downtown concentrations. Oxidant averaged throughout the basin has not changed markedly over the eight-year period.

"These data suggest that in the heart of Los Angeles, where motor vehicle activity has long been very near the saturation point, the effects of motor vehicle controls are beginning to be noticeable; whereas in Riverside changes in population distribution and traffic are still outstripping the control program. There is no assurance, however, that either or both of these apparent trends may still be more the result of meteorological patterns than of changes in the sources of hydrocarbons or oxides of nitrogen."

As an atmospheric chemist, I should like to propose an alternate explanation for the decrease in oxidant in downtown Los Angeles and the increase in Riverside since 1966.[3] While the 1966 exhaust controls have apparently resulted in a lowering in the ambient levels of carbon monoxide and hydrocarbons, oxides of nitrogen have gone up in both downtown Los Angeles and Riverside. Thus, one can infer that when the exhaust controls went on cars in 1966, the accompanying jump in NO emissions put enough nitric oxide in the Los Angeles atmosphere to destroy significant amounts of atmospheric ozone (or to partially quench its formation).[4] This would lower the *total* oxidant readings and raise the NO_2 levels. Then substantial amounts of this nitrogen dioxide could ultimately migrate to Riverside and, added to our home-grown pollutants, significantly increase our photochemical yields of ozone.

We all may be correct—the ARB's and my explanation are *not mutually exclusive*. It's just an interesting problem that needs careful attention and interpretation from all of us.

Emission Inventories—Local vs. National Basis. There is another extremely important point in discussing ambient air quality and emission controls. The oldest game in the world, as far as air pollution is concerned, is to quote *national* averages for tons of pollutants emitted per day or year. By averaging over the entire United States, one can greatly minimize one's contribution to the smog problem. However, the public by now realizes that one must deal with specific air basins, or even parts of air basins, at specific times of the year, or even times of the day. This "averaging of emissions" technique over an entire country, from the standpoint of a citizen of southern California, is simply playing games. It is analogous to telling a Marine landing on Iwo Jima during the World War II invasion, "Don't be worried—statistics for the entire Armed Services for the entire war to date show that on an average only one man in, say, 10 or 20 is even injured in the service of his country—fewer are killed."

I stress this because, as recently as November 1971, another leader in the automobile industry is quoted as saying, "Most experts now recognize that the automoble constitutes only 10% of the nation's air pollution when both tonnage and the effects on human and plant life are considered."

On examining this statement carefully, one finds two "kickers": First, the industrial leader cites a nationwide average, which is meaningless to southern Californians (and many urban dwellers in the United States). Consider that Dr. John T. Middleton, of the EPA, as recently as November 13, 1971, pointed out this fallacy to the Southern Section of the American Institute of Planners when he said that the automobile is responsible for 90% of the smog in the Los Angeles Basin and only 2% in Steubenville, Ohio.

A second problem is that the combined tonnage-health effects calculation quoted by the gentleman apparently only deals with primary pollutants; *no* consideration is given to photochemical oxidant formation by the action of sunlight on hydrocarbons and oxides of nitrogen—the system in which automobiles are the worst offenders. In short, although oxidant is clearly the No. 1 health hazard in photochemical smog, it is not even treated in the "tonnage-health" averaging calculation. Again, what can John Q. Public believe?

Let me reemphasize that I, too, have sinned . . . *mea culpa*. I am a polluter. As I indicated earlier, we own several cars, and when our daughters and their husbands and boyfriends arrive at home, I can barely get into my own driveway. The neighbors drive by and comment, "There's the great anti-smog chief (the Czar) with all those cars." But, as I have said repeatedly in the past, there must be more than technical solutions. We must "bite the bullet," and those of us in the South Coast Air Basin must choose certain societal options to go along with technological improvements.[5] This will be bitter medicine for all of us, but it is the only way to get a quicker cure. However, you can't rely on us—the public—to do this voluntarily. It requires legislation, and we must all participate—griping all the way!

Evaluation of Potential Air Pollution Episodes Throughout the U.S. Just as an example to indicate how dangerous statistics can be when quoting *national* averages, and to emphasize the need to consider *both* source strengths and meteorology and topography, let me quote some results released by Dr. G. C. Holzworth of the EPA. He set certain guidelines for what could be considered as *days of limited dispersion of pollutants*. They relate to the number of days in which there were low inversion levels, relatively low wind speeds, and no precipitation. The precise conditions are shown in Figure 7 (not printed in RECORD).

Dr. Holzworth then went back and searched the meteorological records across the U.S. for the past five years and developed contour maps showing the number of *actual days* when these meteorological conditions were met in the various areas of the United States. His results are shown in Figure 8 (not printed in RECORD). They range from 0 days of potential air pollution significance in Oklahoma—where the "wind comes sweepin' down the plain"—to 568 days in San Diego. How in the world do you talk about a national average for emissions when you have a range in potential air pollution episodes from 0 to 568 days out of the past five years?

VIII. ATMOSPHERIC CHEMISTRY

I should now like to turn for a few minutes to my particular "bag"—atmospheric chemistry—and comment briefly on two areas where new and extensive basic research is vitally necessary to our air pollution system and our country's control strategies. First, I will comment on an as yet virtually unexplored subject, liquid and gaseous atmospheric organic carcinogens. Then, I will cite briefly one example of current basic research in our laboratories at UCR. I want to bring up the latter subject here, not only because I am proud of the efforts of my students, but also because it illustrates the key linkage between basic research, applied research, and air pollution control; that is, as our conference title states, "Science in the Control of Smog."

Finally, I want to illustrate, with thanks, where some of the NAPCA–EPA and Office of Naval Research funding that has so generously supported our research is being directed. Other aspects of our mission-oriented, applied research efforts are being supported by the ARB and NASA-Ames, and we gratefully acknowledge their encouragement and assistance.

Gaseous and Liquid Atmospheric Carcinogens. Recently, I have encountered some aspects of the chemistry of atmospheric carcinogens that were fascinating to me. Background information on the subject is contained in the document entitled "Preliminary Air Pollution Survey of Organic Carcinogens." This document, published by

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Footnotes at end of article.

NAPCA in October 1969, and as is clearly pointed out by NAPCA, is a literature survey and not a critical review. Nevertheless, the literature survey has received wide distribution and illustrates very well the great gaps in our fundamental knowledge concerning organic carcinogens in air pollution; that is, possible sources, emission levels, atmospheric chemistry, etc. Let me quote from this document:

"Common alkylating agents found in the atmosphere include epoxides, peroxides, and lactones.

"Certain epoxides and peroxy compounds have been shown to be carcinogenic, as well as to have other physiological effects. A recent source of these types of compounds is the universal use of liquid fuels, such as gasoline and diesel fuel, in the internal combustion engine. In the unburned state, these liquid fuels are highly reactive and when volatilized, undergo oxidation in the presence of oxides of nitrogen in a photochemical reaction. The reaction products consist of a broad group of peroxides, including compounds with epoxidic linkages. The unburned gasoline and other exhaust products emitted from automobiles contain significant quantities of ethylene, propylene, butene, and other unsaturated hydrocarbons. Under certain meteorological conditions, these vapors react in the presence of sunlight and oxides of nitrogen to form a broad spectrum of hydrocarbon oxidation products.

"Interest in compounds belonging to this group has centered primarily around the formation of epoxides because of the demonstrated carcinogenic potency of certain classes of these compounds."

Then, using laboratory data from our old friend and colleague, Dr. Robert Cvetanovic, the authors of the document calculate that "6 percent of the total hydrocarbons emitted from the exhaust are transformed to epoxides of the type that have been found to be carcinogenic to experimental animals. The controlled reaction is equivalent to two hours of exposure to photochemical reactions that occur naturally in the Los Angeles atmosphere. The epoxide concentrations determined are conservative."

It is obvious that once the word "cancer" is mentioned in connection with these compounds, the public and their politicians become even more alarmed than they currently are. It is also obvious that we really know virtually nothing about the atmospheric concentrations and reactions of such epoxides, hydroperoxides, etc., in the laboratory, under simulated atmospheric conditions, in smog chambers, or in the real world.[6] Here is another case of the scientific blind leading the technological blind in a situation with enormous ramifications.

Chemiluminescent Reactions of Ozone with Olefins: New Light on an Old Subject. A second example of how, in many respects, we are still in the "Dark Ages" of atmospheric photochemistry, and yet are expected to feed intelligent information into the air pollution system, is found in the kinetic and mechanistic data used for atmospheric modeling. While some models make predictions of pollutant concentrations which agree well with measured values, they are generally forced to assume some as yet hypothetical chemical reactions and reaction chains involving very reactive intermediates. More data on such elementary processes are desperately needed.

Consider the classic case of ozone-olefin reactions—shown to be vitally important in photochemical air pollution more than two decades ago by Dr. Haagen-Smit. Today, there is still regrettably little definitive information about key intermediates in these reactions. As Dr. Bernard Weinstock has pointed out, OH radicals are very important intermediates, not only in reactions with carbon monoxide, but also in the complex reaction sequence occurring in photochemical smog formation.

Current work in our laboratories by Miss Barbara Finlayson and Dr. Hajime Akimoto, who has since returned to work with Professor Tanaka in Tokyo, indicates a new and potentially important source of OH radicals. Certainly, at reduced pressures, such as those found in the SST region of the atmosphere, their results are interesting indeed.

It is well known that at atmospheric pressure, ozone-ethylene mixtures produce chemiluminescence. This process is the basis of the REM instrument for specific ozone detection. However, no other olefins chemiluminesce when reacted with ozone at atmospheric pressures. We have recently found that at reduced pressures, in the region of 1 to 5 Torr, and indeed up to 50 Torr, all olefins and key organic sulfides, such as mercaptans and H_2S, chemiluminesce when mixed with ozone. Miss Finlayson and Dr. Akimoto have shown that in the latter reaction this luminescence arises from electronically excited sulfur dioxide. The spectra are shown in Figure 9 (Figures not shown in Record). Figures 10 to 15 show unpublished data from Miss Finlayson's work, confirming that not only is electronically excited formaldehyde produced when terminal olefins are reacted with ozone, but also that all olefins produce hot OH radicals excited to their ninth vibrational level of the ground electronic state in a distribution virtually identical to that of excited OH radicals produced from the classic $H+O_3$ reaction.

We are proceeding to elucidate the reaction paths by measuring product formation and monitoring the light emissions, reactants, products, and intermediates as a function of reaction time. In the classic words of the Carpenters, "We have only just begun" to explore this fascinating system.

IX. A PLAN OF ACTION

Let me illustrate one other area of controversy which vitally affects the health and welfare of all of us and which again points up the need for mutually acceptable scientific data on ambient air concentrations of air pollutants—the recently published official national air quality standards. Thus, Heuss *et al.,* from the Fuels and Lubricants Department of the General Motors Corporation Research Laboratories, published a paper entitled "National Air Quality Standards for Automotive Pollutants: A Critical Review" in the September 1971 Journal of the Air Pollution Control Association. The EPA's rebuttal followed in the same issue of the journal.

The GM document is highly critical of the health-related national air quality standards for carbon monoxide, nitrogen dioxide, hydrocarbons, and photochemical oxidant. The authors point out that "the standards are more restrictive than can be supported by available data," and then go ahead to propose, "based on all the available data, less restrictive standards . . . which would adequately protect the public health and welfare."

In their detailed analysis, they focus on a number of points of controversy. For example, when considering nitrogen dioxide, they state:

"The major objections to the Chattanooga Study are the measurement of NO_2 by the Jacobs-Hochheiser method and the interpretation of the medical results. Since the significance of the medical results depend greatly on the measured NO_2 concentrations and since the Jacobs-Hochheiser method has been prescribed by EPA as the reference method for NO_2, the method will be discussed in some detail before the medical results are discussed."

They then note that "The main objection to the Jacobs-Hochheiser method is its low and variable collection efficiency, which directly affects the precision of the results."

Let me stress that I am not taking sides in this controversy, but, once again, what are the public and their elected representatives to believe? They are faced with strong contradictory statements about a critical area—that is, air quality standards which relate to the health of all of us and which, of course, are the critical factors in setting national as well as local emission standards. Surely in those areas dealing with the location of sampling stations and the analytical techniques for determining ambient air concentrations of various pollutants we all ought to be able to get together and agree in advance on a "game plan" so that, in future years, we will be spared the expense and confusion generated by such conflicts between experts.

I should like to conclude today by proposing a type of strategy which, if implemented, difficult though it would be, would permit the generation of reliable and mutually acceptable scientific data. Such data could be inserted into the various elements of our national air pollution system and provide far more satisfactory solutions to many aspects of the problem than are possible today in view of the widespread differences in opinion among so many of the scientific and technical experts.

I would like to illustrate my general position on this matter by offering a specific example of where the strategy could be implemented: atmospheric lead in ambient air. In short, I propose that a new program to determine levels of lead in ambient air be organized, funded, and carried out.

It should start now to coincide with the phasing out of lead from gasoline and run for at least five years in several carefully selected areas—urban and rural (to establish a "background" level). The difference between this set of experiments and those carried out in the past is that they would be conducted under new and unique sets of technical and managerial ground rules. In the broadest terms, they are:

1. Responsible individuals—technical and administrative—from all concerned elements (i.e., industry; local, state, and federal control agencies; and research scientists and engineers from universities) meet together, at length if necessary, for the express purpose of *jointly* developing key programs, both technical and managerial, for conducting such a long-term and important experiment.

2. At the conclusion of Phase I (the detailed planning), *all* parties will agree in advance of the actual experimentation that they will, in later years, abide by the *analytical* results on lead levels in ambient air, although they may not necessarily agree in their *interpretation* when the data are used in atmospheric models, health effects, etc.

While from past experience, such a program may be considered to be wildly optimistic, with no hope for success, I do not share this view. Society can, and does, change when the need to do so becomes crucial. Surely we all should be able to "forgive and forget" past differences and debacles, and sit down together in the true spirit of the 70's to devise meaningful reproducible experiments, capable of generating data that would provide mutually acceptable answers to key scientific and technical questions having immense societal implications. It is indeed time for the lion to lie down with the lamb—and to come up with something besides bloody pieces of mutton!

I'm not sure whether Industry or Government is the lion or the lamb, because roles have changed, and continue to change, so rapidly on the environmental front. I only know that if we so-called smog experts from all elements of our society don't get off Square One and start cooperating in a very real, working sense, we shall all wind up as lamb chops ready to be devoured by an angry public and their elected representatives because we failed in our responsibility to provide sound, mutually acceptable, technical information upon which effective legislative control strategies could be based.

FOOTNOTES

[1] The complete resolution passed at the conference, together with a list showing the distinguished participants, is given in the Appendix.

[2] Charts available upon request from Prof. James N. Pitts, Jr., University of California, Riverside, California.

[3] The weather patterns may be an important and indeed overriding factor, as the ARB suggests, but we'll assume for the sake of discussion that it is not.

[4] In fact, in order to get ozone levels down in greenhouse studies on plants at UCR, Dr. C. Ray Thompson actually sprayed nitric oxide into the greenhouse atmosphere.

[5] The TAC has recently drafted and sent forward to the ARB a report stressing the need for societal changes and suggesting several options.

[6] The National Academy of Sciences, under contract from the EPA, has recently appointed a panel of experts to consider this problem.

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CRANE DYNAMIC ON EDUCATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. COLLINS of Texas. Mr. Speaker, the other day my colleague, PHIL CRANE, spoke to our Public Affairs Luncheon Club in Dallas. His subject was education, which was most timely as quality education is the most important subject that concerns the Women of Dallas.

My wife, Dee, was at the luncheon and had already told me about how his warm, friendly manner had kept the girls on the edge of their chairs.

My friend, Gwen Pharo, sent me an editorial written by William Murchison in the Dallas Times Herald. She commented that CRANE was dynamic.

Down in Dallas we are still interested in teaching reading and writing. We want to encourage our children to do their best. Teachers still assign homework. We have a science fair to recognize creative thinking. And when PHIL CRANE puts the fundamentals of education on the line he is talking common sense. This is language that my neighbors understand.

The editorial is headed "A Man To Watch." You will be interested in the comments of William Murchison in the Dallas Times Herald.

A MAN TO WATCH

Philip M. Crane—mark him well. If the fates are kind, we will be hearing of him for a long time to come.

A couple of days ago, Crane, who represents Illinois' 13th congressional district, spoke here at a Public Affairs Luncheon Club meeting. "Spoke"? That hardly describes it. More specifically, the congressman gathered fire on Olympus, and with it, set a roomful of hearts ablaze. He rocked 'em and socked 'em. And he left the strong impression that here is a chieftain worth following in the fight to save Western civilization.

Crane is a conservative Republican. So he unabashedly called himself when first elected to Congress in a 1969 special election. His luncheon club remarks largely dealt with that perennial conservative concern, the parlous state of U.S. education. But far from saying the conventional things about sex education and permissive principals, Crane indicted U.S. education for its faithlessness to the centuries-old traditions of Western man.

Crane, you see, wots well those traditions. A doctor of philosophy in history, he has spent much of his life teaching at Indiana and Bradley universities. He views the educational crisis against the vast backdrop of history—and, yes, of transcendent truth. For Crane believes firmly that great ideas transcend mere Time; that there are principles, values, standards which do not change with the centuries, but, rather, endure.

He believes, too, that man's nature is essentially unchanging—that for all the misguided attempts to direct it down different bypaths, it remains very much as Aristotle and Plato knew it.

Accordingly, Crane is appalled that proven methods and objectives of education have been forsaken. We chucked our McGuffey readers in favor of Dick and Jane, and we have produced a generation of "functional illiterates."

We tried, after the manner of John Dewey, to make good "social democrats" of our pliable young, and instead we have made them mere "sociological playthings"—ciphers to be bused hither and yon in the interest of Social Uplift, or to be indoctrinated at government child care centers.

And now, warns Crane, we talk of giving to the national government well-nigh total authority over our public schools—notwithstanding our traditions of local control.

Of course, even admirable sentiments like Crane's can bore, when delivered in a drone. Crane drones not. He speaks, rather, with missionary fervor, the words cascading at a pace and pitch that electrifies. Perhaps it's his teaching background; perhaps it's his utterly wholehearted conviction; but he is one hell of a fine speaker.

Of Edmund Burke, Dr. Johnson once observed that "if a man were to go by chance at the same time with Burke under a shed, to shun a shower, he would say—'this is an extraordinary man." There are not many Burkes, but Crane makes a not dissimilar impression. And when better for him to appear than now, when the older generation of conservatives is starting to fade? Goldwater is going on 63; Reagan, on 61. Crane, just a week ago, turned 41. He is handsome, eloquent, learned. Though a man of a minority political persuasion, he has not checked his principles at the door of the House chamber.

Best of all, Crane has the rare capacity to inspire. Perhaps one reason is that he is so evidently a fighter. A Crane bill to curb the use of compulsory union dues for political purposes probably won't pass, the congressman admits. But he adds that the fight most certainly is going to continue.

A story he related to the Public Affairs Luncheon Club is even more illustrative. While teaching, Crane said, he once talked with a dispirted conservative student, who felt that America is doomed and that one might as well eat, drink, and be merry. Nonsense, Crane rejoined. America is doomed only if her people refuse to fight for her.

Just now, Philip Crane is fighting with all his might. His battle is going to be well worth the watching.

POLICE CORRUPTION, HEROIN AND HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RANGEL. Mr. Speaker, the recent Knapp Commission hearings in New

York City have finally exposed to the public the cancer of police corruption.

We in Harlem have long known that the heroin epidemic that is smothering our community could not flourish without widespread corruption. The tight interlocking of heroin traffic and police corruption has long been a fact of life in Harlem.

I told the Knapp Commission and the State investigation commission that this was not a case of a few rotten apples in the barrel. We are talking about an epidemic that endangers the life of every honest New Yorker. The people of my community know that the best interests of our city lie in providing an honest and efficient police force. And that cannot be done without exposing corruption wherever it exists.

We have, unfortunately, learned to become cynical. Too often the residents of the inner city have heard voices promising action, but have seen none of that action. There should be quite a few indictments and convictions in a $70,000-a-month payoff operation, for example, and if there are not the people of Harlem will want to know why.

In 1970 narcotics related deaths in New York City reached 1,050, nearly three a day. Some of those dying of overdoses had not even reached their teens. And the police corruption which has for so long allowed the selling of heroin to flourish is a major factor in those deaths. That same police corruption is also directly responsible for much of the approximately $2 billion worth of crime done by addicts in Harlem each year.

Les Payne recently wrote an incisive article for Newsday on the effects of the relationship between drugs and dishonest law enforcement personnel on communities such as mine. I wish to share Mr. Payne's thoughts with my colleagues:

THE KNAPP "REVELATIONS" ARE HARDLY NEWS

(By Les Payne)

Any day now a commission will probably be appointed to prove that President Nixon has wavy hair. For here in the republic it seems that no truth, no matter how obvious, can be believed officially until it bears the stamp of some gray eminence hired at public expense to chair an ordained commission. Here in this very citadel of enlightenment we have established—and cherish—a commission dynasty.

Succession has recently brought to us the Knapp Commission, live and with audio-visual aids and well rehearsed witnesses. The group's public hearings went far to document a vast crazy quilt of corruption in the New York City police department. And if the witnesses, electronic devices, tapes and films are even one-half accurate, the police are involved with organized and free-lance criminals in profit-taking ventures in dangerous drugs, prostitution, gambling, extortion, robbery, kidnaping, larceny, mugging, arson and murder.

So much for the enforcers of law and order.

To the apparent surprise of many whites it develops that it is against the black community, the selected target for sterner white law enforcement, that the police themselves extort their highest ransoms and commit their most heinous crimes. For many years, of course, black residents of Harlem and Bedford-Stuyvesant have been charging police with abetting organized crime in propagating the multimillion-dollar heroin epidemic in their communities. But the outcry from black congressmen, ministers, civic leaders, housewives, merchants and groups like the Black Panther Party has been as futile as pitching dry ashes into a strong headwind.

Now the policeman as heroin dealer has been recorded in commission writ. It is a heavy charge indeed. And it must not be obscured by the flutter of narcotic arrests that is sure to come with much braggadocio in the next few weeks and months. For better diversion, lower ranking police officers will also be arrested and marched with drug dealers handcuffed across the stage. The department's reaction to this anthrax of corruption will be a little mascara, a better face, public relations.

Police involvement with heroin traffic in black communities is far more serious than department corruption; it is deeply rooted in the ethos of the American spirit. Plutarch details how the Spartans terrorized and humiliated the enslaved Helots, weeding out the spirited to keep the others in check. And we have seen Southern racist sheriffs use police brutality against "uppity" Negroes to keep the masses of blacks in a subservient station as a source of cheap labor.

In New York, the chemical warfare waged against blacks by heroin dealers and police has the same chill racial logic behind it. The campaign was waged with tacit public approval until white youths, television sets and stereo equipment were threatened by addicts and their epidemic. The cry now is to keep the warfare on but to change the chemical from heroin to methadone.

The heroin offensive was opened up in Harlem on a large scale in the late 1950s when armed black gang members began to turn their ears to the fiery political rhetoric of James Baldwin and Malcolm X. With almost no transition, the gang war era became the age of heroin—the Mighty Horse. And the special police units dispatched to round up black "militants" never lost sight of their goals. The units—like the one that shaped the case against the 21 New York Black Panthers—were studies in entrapment, affidavit overstatement and frameups. But they made no "accommodation collars," passed up no clubbings and took no bribes.

So faced with the emergence of the politics of black resistance, the police, with tacit public consent, no doubt reasoned that their jobs would be easier and far more profitable if blacks are hooked on heroin than if they are high on Marx and Franz Fanon. And since the immobilization of potential black revolutionaries serves the purpose of the dominant society, it is not surprising that drug pushers and their police assistants are seldom punished.

The drug dealer's handiwork embellished by police efforts have made the White Horse the dominant ruler of thousands of black lives in Harlem and Bedford-Stuyvesant. A casual visitor to almost any of Harlem's boulevards cannot help but be struck by the sight of legions of black youngsters with glazed eyes, frozen in wretched curves, nodding in putrid doorways, or drooping against buildings, their heads canted downward like condemned vultures.

And there are the medical examiner's statistics on heroin deaths in New York City. More than 514 have died this year alone, with over 89 of them teenagers and a vast proportion of them blacks. Last year's figures totaled 1,050 deaths from drug overdoses and narcotics connected causes.

There is no way to document police involvement in these deaths, but some law enforcement officials have told of a heavy police hand in drug pushing. The State Investigation Commission Chairman Paul J. Curran told the Knapp Commission that direct police involvement with heroin sales has had a "devastating impact on the effectiveness of narcotics enforcement." Curran said that narcotics division detectives and precinct police sold heroin, took bribes, protected pushers and associated with underworld figures in the illicit narcotics trade.

Testimony at the Knapp Commission hearing suggests that the responsibility for the scope of police corruption rests not with the individual cop, but with the organized department of law enforcement and those who staff and control it. There are many patrolmen who enter the department seeking only to enforce the law, to face down some bank robber, to handcuff a thief. But when such patrolmen are young on the force, those altruistic impulses are quickly beaten down by the established custodians of the police tradition.

Waverly Logan told the commission that he had entered the police force on fire to be a true guardian of the public interest. When assigned to the PEP Squad to rid Harlem of narcotics and gambling, Logan said that it was "like being born again."

Within two months he was transformed into a callous backslider.

He quickly found that the police were not as interested in winning the war against heroin and gambling as they were in extracting a profit from the debasement of Harlem. Taking money from drug pushers and gamblers in lieu of arrest, Logan said, soon "seemed like a natural thing to do." So Logan became, like the people he policed, a victim of an obdurate law enforcement system.

Although the blacks are exploited most severely by police, they, of course, are not the only victims. For according to Knapp Commission witnesses, the aggressive New York City policemen drew in their graft from all quarters—blacks, whites, Puerto Ricans, aliens, the halt, the aged, the underworld as well as legitimate businessmen. And they took their payoffs in a wide range of currency—sides of beef, whisky, minibikes, trousers, heroin, shirts, cigarets, tape players and power saws.

The structure of this supermarket of police crime is bottomed on the department's power to suspend the ethical insofar as their own activities are concerned. Policemen exist above the moral codes they are charged to enforce. When they murder, it is often justifiable homicide. When they pry loose an apple from a fruit dealer, or a meal from a hotel owner, it is not extortion, but the mere reception of gratuities.

So in this light police behavior and misbehavior must be re-examined. For if so many police officers are free lance criminals while on duty, then it must be determined in which capacity they are sometimes killed and under what circumstances they take the lives of other citizens.

JETS FOR ISRAEL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. ABZUG. Mr. Speaker, today marks two important occasions: The first briefing in the 92d Congress of Members of Congress by the Secretary of State and the opening of debate in the United Nations General Assembly on the subject of the Middle East. I wish to call to your attention a recent visit I paid to the Assistant Secretary of State for Near Eastern and South Asian Affairs, Mr. Joseph Sisco.

On November 18, 1971, I led a delegation of representatives of national Jewish organizations and groups from my district, the 19th Congressional District of

New York, to pressure the State Department to resume contract negotiations with Israel for the sale of Phantom jets. The delegation included Mrs. Betty Shapiro of B'nai B'rith Women; Mrs. Hannah Schweizer of the National Federation of Temple Sisterhoods; Mrs. Esther Smith of American Jewish Congress Women; Mrs. Florence Berkowitz of B'nai Jeshurun; Mr. Marvin Braiterman of the Union of American Hebrew Congregations; Rabbi Edward Klein of the Stephen Wise Free Synagogue; and Rabbi Meyer Leifer of Temple Emunath Israel.

At that meeting Mr. Sisco told us that despite widespread interpretation of recent State Department statements, no decision to discontinue the sale of Phantom jets to Israel has been made. I pointed out to him that even though a decision may not have been made, the State Department's declaration that a balance in the Middle East arms relationship had been reached as of November 1, could prove detrimental to Israel's position and could encourage an aggressive attitude by Egypt. The announcement coupled with the consideration of the Egyptian item on the U.N. agenda could diminish the chances for a political settlement through direct negotiations between the two parties.

I am pleased to report that Mr. Sisco told our delegation that the United States would oppose any and all efforts by Egypt to require Israel to make concessions about withdrawal to the pre-1967 borders, a position that may well come into plav in the debate in the United Nations.

Subsequent to our meeting with Mr. Sisco, the sale of five Russian jets to Egypt was confirmed. This sale coupled with the prospects of a U.N. resolution harmful to the Israeli position, makes the sale of Phantoms even more imperative. I urge the Members of this body and the American people to pressure the President and the State Department to maintain U.S. support for Israel at this critical point and to resume the sale of Phantoms.

At this point in the RECORD, I would like to include the text of the messages from various other Jewish organizations not represented by the delegation which I delivered to Mr. Sisco:

WOMEN'S AMERICAN ORT
21ST BIENNIAL CONVENTION,
New York, N.Y., November 9, 1971.

Hon. BELLA S. ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MRS. ABZUG: In the name of the National Officers, Executive Committee and the nearly 100,000 members of Women's American ORT in more than 720 chapters from coast to coast, I would like to lend our strongest and most urgent support to you in your request for the continued provision of United States Phantom Jets to Israel. As the only real bastion of freedom in the Middle East, Israel dramatically exemplifies and expresses the principles and ideals upon which this great nation of America was founded. As a vigorous and dynamic young democracy, Israel has demonstrated a close affinity to and keen awareness of the tenets which motivate and govern life in the United States. We feel that it is of paramount importance that the United States support and encourage this valiant island of democracy as a sign to the entire world that we cherish the validity, efficacy and invaluable worth of our common way of life.

Israel's very life and existence depend upon the continued provision of armaments from the United States, particularly Phantom Jets, with which to defend herself against the unrelenting threats of war and annihilation from her neighbors. These Jets are a direct counter-balance to the staggering amounts of Soviet arms pouring into the Arab nations surrounding Israel.

In the name of the martyrs of the European holocaust, in the name of the dedicated pioneers and idealists who fashioned a fruitful, productive nation from desert wasteland, in the name of the million and a half oppressed and persecuted Jews from the four corners of the earth, whom Israel gathered in as her children, and in the name of justice among men and nations, I should like to transmit through you the firm and fervent plea of Women's American ORT that the flow of Phantom Jets to Israel be immediately resumed.

I know that I speak in the name of every officer and member of our organization and in the basic and unshakeable belief that this support of Israel is unquestionably the support of that which is best and dearest to our own nation. I urge you—we urge you—to resume the provision of Phantom Jets to Israel at once.

Sincerely,
MRS. DAVID M. GOLDRING,
National President.

WOMEN'S AMERICAN ORT
21ST BIENNIAL CONVENTION,
New York, N.Y., *November 9, 1971.*

Hon. BELLA S. ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MRS. ABZUG: In response to your communication of November 3rd, I am pleased to enclose the statement of support from our new National President, Mrs. David M. Goldring, which you requested.

With all good wishes,
Most cordially,
CHAYYM ZELDS,
National Publicity and Public Relations Director.

WOMEN'S LEAGUE FOR ISRAEL, INC.,
New York, N.Y., November 10, 1971.

Hon. BELLA ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MADAME CONGRESSMAN: Thank you for letting us know about your forthcoming meeting with Assistant Secretary of State, Mr. Joseph Sisco.

We of the Women's League for Israel have long made our position clear and have petitioned our Government to sell phantom jets to the State of Israel. Resolutions to this effect were passed by nearly 1000 of our members at our recent Annual Luncheon. This was communicated to President Richard M. Nixon and to Secretary of State William P. Rogers.

We sincerely hope that your adding your voice to those asking that phantom jets be sold to Israel will help to hasten the day when such action will be taken by the United States.

Sincerely yours,
MRS. PHILIP SHIPPER,
President.

MIZRACHI WOMEN'S ORGANIZATION OF AMERICA,
New York, N.Y., November 16, 1971.

Hon. BELLA S. ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MRS. ABZUG: This is to inform you that the Mizrachi Women's Organization of America fully supports your efforts to obtain phantom jets for Israel.

Unfortunately, we cannot send a representative to your meeting on this subject. We wish you great success in this ambitious endeavor.

Sincerely,
MRS. EMANUEL M. WEINREB,
National Secretary.

WOMEN'S SOCIAL SERVICE FOR ISRAEL, INC.,
New York, N.Y., November 12, 1971.

Hon. BELLA ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MRS. ABZUG: In reference to your letter of November 4th, we herewith inform you that we don't have a representative in Washington, but we are certainly prepared to go on record at any time as favoring the sale of phantom jets to Israel.

Sincerely yours,
IRENE EILBOTT.

OCEAN CONSERVATION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WYMAN. Mr. Speaker, almost too late we are becoming aware of the damage man has done the environment. Present levels of air and water pollution have in some cases created conditions which directly threaten the public health. Corrective action will take several years, many billions of dollars and, all too seldom realized, a meaningful measure of sacrifice on the part of all.

Much of this damage could have been averted through sound conservation measures—had we and other nations only realized the full extent of the need. The following article from the December 3, 1971 issue of Life magazine points out an opportunity for this kind of preventive action. Because of the dramatic increase in the number of fish harvested, especially during the past decade, some species are in danger of extinction. This need not be.

Simple conservation practices, if followed by all fishing nations, will prevent extinction and increase the yield. The United States will participate in a worldwide "Law of the Sea" conference in Geneva in 1973. Now is the time to lay the groundwork to insure that sound ocean conservation measures are adopted. Man can no longer afford the luxury of continuing misuse of our natural resources.

The article follows:

CRISIS AT SEA: THE THREAT OF NO MORE FISH

(By Robert Brigham)

The world is on its way to running out of fish. The endless riches of the sea that were supposed to mean salvation for the world's multiplying population turn out to be far from endless. They are being plundered by overfishing so great that some stocks may be on an irreversible voyage to extinction.

For most of the earth's history, fish have had more than an even break. They could shelter in places fisherman could not go, or evade crude tackle with relative ease. But in the past two decades such automated marvels of electronic fish catchery as the American tuna seiner *Captain Vincent Gann* (above) have radically altered the balance. Adopted by small nations as well as large, the new technology has led in the space of 20 years to a worldwide doubling of the quantity of fish caught. Today the haddock is gone from Georges Bank off the coast of New England and the yellowfin flounder from Alaskan waters, just as the herring was hunted out of the Baltic.

There is no good reason for any fish to become extinct. Actually, the world could safely catch twice as many fish as it does now, provided some simple rules of conservation were followed. But seaboard nations, including the U.S., are so tangled in tradition, in 18th-century concepts of "freedom of the seas" and in three-mile territorial limits that they have not been able to agree on sensible laws of fishery. In 1973 they will get another chance. It may be the last one.

The American "super seiner" *Captain Vincent Gann* is a year-old $2.5 million air-conditioned example of all that's new and deadly efficient in fishing. The *Gann* has captured as much as 250 tons of tuna in one set of her giant net. She stays at sea until her tanks are loaded with 1,100 tons of frozen tuna, and at the rate she's been catching fish she will pay off her total cost in only six more years—if the tuna don't run out first.

The old method of fishing for tuna with bamboo poles and barbless hooks allowed many to escape. The modern seine net, when all goes well, captures every fish in the school. But seining for tuna was never practical until synthetics came along after World War II to provide fibers strong enough to hold the fish. Then a Yugoslav immigrant to the U.S. invented a hydraulic power block to hoist the acres of net back aboard, and the "super seiners" were born. Though the U.S. was first to build them, the rest of the world is catching up. The international fleet already must chase from Peru to west Africa and back to the mid-Pacific to find fish.

The U.S. may lead in tuna fishing for the moment, but in most other kinds of fishing we rank as an underdeveloped country. Behemoths like the *Boevaya Slava* (below), a 575-foot Soviet factory ship, have outclassed our efforts and have brought the Russians within striking distance of the Japanese as the world's leading food-fishing nation. Fitted with all the processing and freezing equipment of a big onshore plant, the great ship is like a moving island, going wherever she is needed, taking in fish from her fleet of two dozen smaller catcher boats. She also offers the men from the smaller vessels an opportunity for a kind of floating shore leave, with medical care, movies, a library and showers.

Having built their fishing fleet from scratch in the last 20 years, the Soviets have been able to borrow or buy the best of the new technology. They have also surpassed other countries in another way: the officers of their vessels must pass through a university-level technical training program that makes them the best-educated fishermen in the world.

A PROGRAM THAT COULD AVERT DISASTER

Just to the south of the rocky undersea canyons where the *Blue Surf* seeks a living, the fertile Georges Bank extends in sandy shallows 160 miles out from Cape Cod. A generation ago, New England fishermen were taking thousands of tons of haddock and cod and flounder from Georges every year, and hardly denting the supply. Ten years ago the Russians appeared, then the Poles, the Germans (East and West), the Spaniards and even the Bulgarians. At times their fleets totaled more than 500 vessels, many of these the new factory ships able to freeze everything they caught and to stay at sea for months.

In this situation the Americans never had a chance. Most of the foreign vessels were either state-owned or built with subsidies that ranged from 50% to 100%. For Americans, it was—and is—the other way around. Since 1792 federal law has subsidized the U.S. boat-building industry by stipulating that all American fishing vessels must be built in this country. Today our fishermen have to pay twice as much for a vessel as their foreign competitors do. Considering the low duties charged on most fish, it is thus possible for foreign vessels to fill their holds almost within sight of the American coast, carry the fish back home and then ship it right back here at a profit. In 1970, the excess of fishery imports over exports cost the U.S. $700 million in our balance of payments.

In the U.S., the immediate damage has been to people: to the men of Gloucestser and New Bedford and other East Coast ports where the unemployment rates are among the highest in the country, to the veteran fishermen who no longer can expect their sons to follow in a tradition as old as the country, to owners who see their means of livelihood rotting away uselessly beside a wharf.

The long-term loss has been to the fishing grounds. Some biologists estimate that if all fishing stopped tomorrow, the haddock would never return to Georges Bank in the numbers that existed there just ten years ago. Like huge mechanical combines harvesting a field of wheat, the foreign vessels have raked over the grounds until they are now little more than a wasteland. One Canadian study defined the problem: "What is everybody's property is nobody's responsibility."

By 1970, when it was perfectly apparent they had wiped out nearly every living thing on the North Atlantic banks, the fishing nations involved got together and agreed on a quota system. It was no more than an admission of damage already done and is not likely to reverse the process of destruction. The foreign fleets came to the North Atlantic after they had cleaned out the Baltic and the North Sea. When they clean out the banks near our shores they will go elsewhere.

American fishermen have been powerless to halt the rape of their own fishing grounds, partly because the U.S., as a maritime power, has insisted on the three-mile territorial limit as a guarantee of free passage through all the world's oceans and straits. On this point we have the unfamiliar but wholehearted support of the Russians. Our dogged insistence on narrow limits is a major cause of the uncontrolled slaughter of fish. But this doesn't have to be the case.

In 1973 the U.S. will take part in a worldwide "Law of the Sea" conference in Geneva. We could lead a return to sanity by sponsoring three measures there:

Dual seaward limits for all coastal states: 12 miles as the limit of sovereignty, with an additional fishery conservation zone extending out to the point where the continental shelf slopes off into the ocean depths. Most fish live on the shelf, not in the depths. By placing responsibility for the world's fish stock in the hands of the nations bordering the seas, the world would take a practical step toward preservation and regulation. A coastal state should not be able to restrict all fishing to its own boats. But it should be able, through licensing, to limit the total catch to a sustainable yield.

International limits on the different species of tuna that would cut off the fishing worldwide when a set quota is reached. Tuna range through all the world's oceans, and tight conservation measures in one area mean nothing if it's open season at the fishes' next port of call.

Agreement that river-spawning fish such as salmon should never be caught on the high seas but only at the mouths of the rivers in which they are born and where they return to spawn and die. If salmon are netted during the oceanic part of their life cycle, it may well mean that when the times comes for them to return to their native rivers, none are left to strike up certain streams, while other rivers are glutted. Two improbable villains in the present situation are Denmark in the Atlantic and South Korea in the Pacific. Neither nation has a salmon river of its own and both insist on the right to catch salmon on the high seas. If their attitude wins out in the name of "freedom of the seas," the salmon may go the way of the whale.

There is no reason why laws cannot be written that would acknowledge the basic right of free passage and still allow for the conservation of the world's fisheries. In fact, unless such laws are written, we will be preserving only the right of passage over a dead sea.

GREAT PLAYWRIGHT LIVED IN BAY AREA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, one of this Nation's greatest playwrights wrote about this very Nation of ours, catching its moods and tempos during the tidal wave of technology we witnessed in the 20th century.

Eugene O'Neill lived in California during the years he won a Nobel Prize for literature and three Pulitzer Prizes.

Mr. Speaker, I have offered legislation to establish a national historic site and national park in honor of this great man. We who value the contributions of this great man feel the Secretary of the Interior should set aside lands in Danville, Calif., as a national historic site in his honor.

An excellent article on O'Neill, his contributions to literature, and the impact he made on this region of California appeared in the November 14 issue of the Vallejo Sunday Times-Herald. Written by Harry Gray of the history department at Solano County Community College, this article will provide my colleagues with an idea of why so many Californians would like to see this Congress set aside a memorial to Eugene O'Neill.

The article follows:

[From the Times-Herald, Nov. 14, 1971]

GREAT PLAYWRIGHT LIVED IN BAY AREA

(By Harry Gray)

California has been likened to a magnet, drawing all toward her! It was the inspiration of the "Golden State" from its early beginnings which nurtured much of the literary and artistic genius of the West; giving to its natives and to its adopted sons and daughters the added spark of inspiration which creativity sometimes needs to reach greatness.

It was here, early in her history, that the excitement of 1849 and the post-Gold Rush years brought out the fine literary efforts of such early writers Alonzo Delano, John Rollin Ridge; followed by Bret Harte, Mark Twain, Joaquin Miller, Ina Coolbrith, Jack London, and Frank Norris; to be succeeded in more modern times by such great men and women in the world of letters as Gertrude Atherton, John Steinbeck, Pearl Buck, Fannie Hurst, William Saroyan, and many others.

Most were not natives of the "Golden State," but as it has been often said, "A true Californian is one who was born elsewhere but finally came to his senses." The movement to the West, especially as transportation facilities made travel faster and more convenient, brought among many thousands of newcomers, men and women of great creative talents.

GREAT DRAMATIST

Among the very greatest was an American playwright who was able to "hold a mirror up to nature" as it were, by laying bare his philosophy of life and morality, intertwine it with the mores and morality of the time of which he was writing, provide excellent theatrical entertainment, and was able to be judged at the same time as one of America's and the world's great dramatists.

This man was Eugene O'Neill whose plays won the Pulitzer Prize three times as the best plays of the year, and who, in 1936, topped off all awards and honors, by winning the Nobel Prize for literature!

Not generally known, except to those in his own community and others who wish to honor his memory, is the fact that four of his finest creations were written while he lived in Contra Costa County at his Danville Home. Underway is a movement to designate O'Neill's home there as a permanent shrine.

SUBMITS BILL

Prominent in this effort is Congressman Jerome R. Waldie of California's 14th District whose Bill, H.R. 5490, was introduced on March 3, 1971 "to provide for the establishment of the Eugene O'Neill National Historic Site and the La Trampas Ridge National Park."

It was at this site in Danville where O'Neill wrote his later plays; "The Iceman Cometh," 1939, "Long Day's Journey Into Night," 1940, "Hughie," 1941, and "Moon For the Misbegotten," 1943.

Those who value the contribution of O'Neill to the world of Drama, and the historical significance of his home in California, are urging that the Secretary of Interior acquire on behalf of the United States the grounds and buildings at Danville, which would then be designated as "The Eugene O'Neill National Historic Site and would be, it is hoped, set aside as a national public memorial. Mr. Waldie's bill would also acquire acreage on the Las Trampas Ridge to establish the Las Trampas Ridge National Park.

OPEN SPACE

The establishment of this Park would serve another purpose; it would preserve vital open space in Alameda and Contra Costa counties. The surrounding woods teem with wildlife and wild flowers, all of which are within a few miles access by millions of Bay Area residents.

One of the early moving forces to memorialize O'Neill is a 73 year young woman, Charlotte Morrison, who has been so deeply concerned about this undertaking that for over six years she has written, spoken, urged, and organized to make her dream a reality.

Both California Senators, Cranston and Tunney, are dedicated toward seeing that Mrs. Morrison's dream comes true. O'Neill died in 1953, leaving behind a monumental legacy to American and World Letters, and it is his close relationship to the Bay Area with his home and writing in Danville, that has given impetus to this movement for the establishment of the shrine to his memory.

In the 65 years of his full life, Eugene O'Neill saw an America which entered the twentieth Century on waves of financial, industrial, and commercial energy. He also saw that the turbulence which characterized the changeover from a more serene way of life when America was more of an agricultural community in the century before he was born, brought problems of social relationships, of morality, and of repercussion as the nations of the world reached out to compete for prestige and influence.

SEES CHANGES

He began to translate these feelings into his literary efforts. The results were revolutionary changes in the American theater and the elevation of O'Neill to the highest pinnacle of literary acheivement.

In the tradition of men like Jack London, O'Neill did not write in a vacuum. He was able to translate real life experiences on to the pages of his manuscripts and saw them come to life upon the stages of the world. Even wtih his Ivy League background of study at Princeton and Harvard, where he came under the influence of the famous Professor George Pierce Baker in 1913 and 1914, O'Neill insisted on investigating the rough edges of life to get deeper insights into the problems, characters, and stories he was to write about.

The result was a tremendously diversified series of experiences, which critics are quick to point out give the ring of authenticity to the words O'Neill's characters utter and the situations in which they find themselves.

This sensitive young man lived on waterfronts, shipped out as an ordinary seaman, was a prospector, a newspaper reporter and even travelled for a time with his father's theatrical troupe, where he learned at first hand the practical elements of acting and playwriting.

The year 1916 was landmark period in his life, for it was then that the 28-year-old O'Neill joined the "Provincetown Players" who produced the first of his plays; "Bound East For Cardiff," and "Thirst." By 1920 the 28-year-old O'Neill name was well-known, for in that year not only was his first long play produced, but it was good enough to win him the first of three annual Pulitzer Prizes.

There followed a series of successful Broadway productions, with the 1922 Award winning, "Anna Christie," and the 1928 production of "Strange Interlude." The latter was an unusual production for it brought back the use of asides employed by earlier writers as far back as Shakespeare and before. O'Neill also employed the use of psychological sequences to depict aspects of case histories among the play's characters. It was extremely long, in nine acts and required attendance in the afternoon and evening in some productions, with a break for dinner.

Together with numerous other creative artists, Eugene O'Neill found that California could provide him with the muse to set down in permanent form for his generation and others yet to be born, works of true artistic creativity and of genius magnitude.

SPEECH COMMEMORATING THE QUEENS VILLAGE CENTENNIAL

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HALPERN. Mr. Speaker, I wish to call the attention of my colleagues to one of the most significant events to take place in Queens County, N.Y., in many, many years. I refer to the recent Queens Village centennial celebration.

The occasion symbolized community spirit and neighborly participation at its finest. It reflected a spirit that regretfully has been so sorely lacking in today's busy world. The long tradition of this area stretches back far before the 1871 incorporation as a town. During the time of the Dutch Governors, what we know now as Queens Village was located within the bounds of the Town of Hempstead. In 1656 a group of residents of Hempstead petitioned Governor Peter Stuyvesant for the right to establish a new town. That right was granted and so the town of Jamaica came into being; Queens Village was then a part of the town of Jamaica and was called Little Plains.

It has been said that the first residents of this area were ancestors of the Rose family who in 1640 traded bread and meat with the Indians for some land.

Here in this farming town, the freeholders of Queens County assembled in 1691 to elect burgesses to represent them in the General Assembly at Fort William Henry, N.Y.

In 1828 there came to this part of Queens County one Thomas Brush who would in time make many changes. For example, he would give the area its first nonfarming enterprise by way of a blacksmith shop, a hotel and a general store. He also built a chapel, which later became the birthplace of four churches, three of which are still in existence in Queens Village.

In 1834, the Long Island Rail Road was built through the area and Mr. Brush, being the enterprising man that he was, extended the back porch of his hotel up to the railroad tracks thus giving the village its first railroad station. The station was later called Brushville as was the community.

Other changes were taking place. More houses were being built. The blacksmith shop of Thomas Brush had been sold to a Thomas Callister who turned it into a wagon factory and later a factory for the manufacture of truck bodies. It was Brushville's principal industry and gave work to many men of the area.

With the influx of more families into this area, progressive citizens saw the need for a school. Donations were solicited, and in 1858 the Union Free School was established. This was one of the first free schools in Queens County and Queens Village became school district No. 1. Thereafter a small tax was levied on the taxpayers to support the school and to pay the salaries of its two teachers. The schoolhouse was in use until 1900.

The village now was dotted with prosperous farms, shops, industry, and a school, However, it was missing a church. The chapel built by Mr. Brush earlier had been used by the Methodist Free Church, but this met with little success. Until 1857, residents had to attend church in Jamaica. In 1857, a group of citizens established the Dutch Reform Church, using the Brush chapel until they were incorporated and a new church was built.

It was in Queens Village that one of the largest political rallies of the 1860 Presidential campaign took place, as Salmon P. Chase and Henry Ward Beecher spoke to thousands in support of Abraham Lincoln.

Colonel Wood, the Civil War hero and mayor of the old city of Brooklyn, is credited with the development of the village. It was he who built the Queens Village Long Island Rail Road Station and who set into motion, in 1871, an energetic program of land distribution and commerical development which qualifies as one of New York's earliest experiments in rural renewal. He was also a great lover of good literature, and on the land he developed, he had the streets named after literary greats.

One of the most famous residents of Queens Village was Dr. Charles Henry Miller, an artist, poet, and writer of prose. He organized the Shakespeare Club of Queens Village, which supported the development of a free library.

In 1899, construction work was begun on Interstate Park, a 40-acre tract of land which was being turned into a shooting range. This was intended to be a home for sportsmen from all parts of the World. There were plans to hold there the Grand American Handicap for pigeon shooters every year. Besides the shooting range, a casino for gambling, a hotel and a half-mile race track were built. In 1900 the first contest was held which brought entries from all over the United States and Europe; among those was the famous Annie Oakley.

One of the things that helped to bring new residents to Queens was the completion of the trolley line. This provided faster transportation to Jamaica, Brooklyn and Manhattan for the commuter and so encouraged more people to build or buy homes.

The post World War I period saw a great building boom. Land developers and builders were buying up all the farms that made up the greater part of the community. Homes were being built on all available land. Gone were the open fields, the great oaks, the ponds and streams. By 1927 the population of Queens Village was 25,000 and still growing. Today it is a modern, integrated, progressive corner of the great city of New York.

As you see, Mr. Speaker, Queens Village is steeped in tradition. It was to commemorate such a fine history of development that an exemplary group of citizens from that area banded together around a difficult but rewarding task.

Allow me, Mr. Speaker to commend each individual who worked so diligently to make the centennial celebration the great success it was. After first singling out Robert J. Cassidy, president of the Queens Village Centennial Association, Inc.—a man who dedicated untold effort to this project—I would like to express my personal thanks and congratulations to his co-workers, a list of whose names follow:

John Errett, Vice President.

George Schylinski, Treasurer.

Mary Wallace, Secretary.

Anni J. Adams, Irene B. Handler, George Gordon, Thomas Vallely, and Mortimer Goldberg, Members of the Board of Directors.

WORKING COMMITTEE

Lucille Abbenda, Barbara Andrews, Frank Antun, Richard Blazej, Dorothy Blechsmidt, Charles Caldwell, Barbara Cassidy, and Julia L. Cassidy.

Carol Conway, Charles Conway, Kathleen Conway, Sr., Kathleen Conway, Jr., Lawrence Coughlin, Julia Clermont, Sheila Cryan, and Mary Curry.

Rita Dolan, Barbara DuPont, Thomas Egan, Dorothea Fitzpatrick, Joan Fox, Bea Gallagher, Ellen Gatins, and Richard Jungdahl.

Anne Kandra, Alfred Konrad, Mildred Konrad, Mrs. Kubick, Miss Kubick, Ralph LaPastra, Stephanie Lapinig, and Francis LeVenes.

Ann Lilly, Jack Lilly, Sally Lippert, Dorothy McDermot, Mary McElroy, Donald Mallo, Mrs. Manning, and Bridie Molloy.

Rose Morrissey, Bert Moses, Dorothy Moses, Charles Muller, Edna Muller, Helen Ordemann, Henry Ordemann, and Bertha Schweitzer.

Thomas Schweitzer, William Soehnle, William Swengros, John Toomey, James Trent, and Sheila Twomey.

Grace Verdirame, Regina Vanderhoef, Mary Agnes Ward, Marion Winkelstern, Walter Winkelstern, and Helen Wojnicki.

The Queens Village Centennial Association was formed for three purposes: to honor the community on its 100th anniversary; to unite in one common effort all churches, synagogues, civic organizations and service organizations; and to demonstrate to other communities in New York why Queens Village is such a fine place in which to live and work.

The centennial association comprised nine churches of every denomination, five civic associations, an American Legion post, a Veterans of Foreign Wars post, the chamber of commerce, the Rotary, Lions and Kiwanis Clubs, Little League, Boy Scouts, and Girl Scouts.

The celebration began on March 28, 1971, with a townhall meeting and social which 300 people attended. The committee dressed up in costumes of the period.

In April, a meeting was held with the centennial committee, representatives from the New York City Department of Commerce and Industry, the sanitation department, department of highways, department of public works, and the metropolitan transportation authority. Each delegation pledged its support for the celebration and outlined an exciting program. The result was most successful: Certain streets in the area were repaved; the veterans plaza was rehabilitated by installing new benches and better lighting fixtures; the park was reseeded; the Long Island Rail Road Station in the village was painted; the sanitation department cleaned the streets, especially in the shopping area; 31 new trees were planted along the main thoroughfare in the shopping area. The MTA advertised the centennial on buses.

The schedule of events was varied. A remarkable religious service called "A Festival of Faith" was conducted by all the churches in the area and over 2,000 people of every faith attended.

Outdoor entertainment was plentiful; banjo bands, ballet troups, choral groups. Candy and soft drinks were sold at minimum prices. One Saturday the main street in the shopping area was closed and store owners held tremendous sales. This not only stimulated business but attracted new merchants to the area.

Since September was the official month of the anniversary, the main events occurred at that time. The paintings of Dr. Miller were exhibited in one of the local banks. A new centennial museum, illustrating how people lived in the Village 100 years ago and how industrial development has proceeded over the course of a century, was opened to the general public. The celebration culminated in a dinner-dance with a number of prominent citizens and legislators in attendance, as well as the guest of honor—Alan Shepard. Finally there was a wonderful parade. complete with floats, pipe bands and antique cars.

This truly has been a great year for Queens Village. With the help of various city departments, the townspeople have improved their community, entertained their fellow citizens, and publicized the many highlights of their community. But most of all, each member of Queens Village, young and old, seemed to experience a sense of pride, unity, and accomplishment.

I call this centennial celebration to the attention of my colleagues, Mr. Speaker, in the hopes that others may benefit from the excellent example of community spirit and pride which Queens Village has so aptly presented.

FOR RURAL AMERICA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD the text of an excellent editorial in the October 8, 1971 issue of the La Porte, Ind., Herald-Argus entitled "For Rural America:"

FOR RURAL AMERICA

Most people might express the opinion that what this country does not need is one more lobby, or pressure group. We are accused of being overorganized now.

Yet when we read about the major interests and goals of the new Coalition for Rural America, they appear to fill a definite need.

The leaders say they are forming the group to provide an effective voice in government for rural America. They make it clear that the title "rural America" includes the nation's small towns and smaller cities which depend primarily for their economy upon commercial agriculture, general farming and related industries and services.

It appears that there is a need for such an organization. The powerful political voices of big city mayors and other leaders resound at the top level in Washington and across the country.

Such groups as the National Urban Coalition provide a strong front for the economic and social aspirations of the great urban complexes.

Small rural development has been left behind. If you analyze vast federal and state sums of money poured into the agricultural industry, you will find it is mostly for the development and promotion of commercial agriculture, that phase of it directly associated with bigness.

The small farmer, the small town and the nonfarm worker associated with agriculture in the smaller communities, all are neglected in the agriculture-related industries.

With the change in agricultural technology, today the emphasis is on the gigantic commercial enterprises, most of which are operating from big city bases or on a scale far beyond that of the nonfarm worker or business firm in smaller towns still associated with agriculture.

The poverty surveys show that some of the worst conditions are uncovered in largely rural-small town areas—squeezed out by the big in-between processors and carriers who whisk away commercially produced farm products to the major metropolitan areas where the profits are distributed.

The Coalition for Rural America believes that new studies should be started looking to the economic and social needs of the smaller rural communities.

Former Nebraska Gov. Norbert Tiemann, Republican, and former Kentucky Gov. Edward Breathitt, Democrat, are among the leaders in forming the coalition, along with ex-Gov. Winthrop Rockefeller, Arkansas; Dewey Bartlett, Oklahoma; Leroy Collins, Florida and Harold LeVander, Minnesota, and Orville Freeman, from the same state, a former secretary of agriculture.

These men have served in states with rural-small town popoulations. The time is now, they believe, to advance small town and rural economic and social problems beyond the study stage to the plateau of congressional action.

The experts at the many extension services of land grant colleges located in states with these problems have much information available on the incredible change taking place in the rural economy.

We look forward to the new Coalition turning congressional attention into action directed toward small town and rural research and economic assistance.

BETRAYAL OF HOLY CROWN OF SAINT STEPHEN OF HUNGARY MUST BE PREVENTED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RARICK. Mr. Speaker, one of the secret diplomatic maneuverings now underway in the Department of State concerns the surrender of the Holy Crown of Saint Stephen of Hungary, which since 1945 has been in the safe custody of the United States.

Though not widely understood, this crown is the symbol of freedom and authority to Hungarians. Its transfer to the Communist regime of Hungary would serve as U.S. recognization of Hungary's enslavement among all captive nations of central Europe. For this reason it should remain in the safekeeping of the United States until Hungary once again functions under a constitutional government established by the free will of its people.

A recent article by Paul Scott gives the history of the Crown of Saint Stephen, explains its significance in current world politics, quotes a strongly supported resolution in the Congress on the subject, reveals the facts about the forced exile of Cardinal Mindszenty from his asylum in the U.S. Embassy in Budapest, and appeals to the Nixon administration not to betray the people of Hungary by surrendering the crown to its Communist enslavers.

Because of the pertinence of the article appearing in the December 1, 1971 issue of the Review of the News, I insert it as part of my remarks along with the text of House Concurrent Resolution 385, a bill introduced by our distinguished Mr. Hogan, and which I have cosponsored.

The material follows:

DON'T BETRAY THE HOLY CROWN

(By Paul Scott)

When great changes in the course of history are taking place, symbols sometimes appear to foretell the direction events are taking long before their full significance becomes generally known. Such a symbol today is the battle now whirling around the Holy Crown of St. Stephen, of Hungary, which was entrusted to the U.S. Government in 1945 to prevent its falling into the hands of attacking Russian armies.

The battle involving this historic Crown, the oldest Christian symbol of freedom and authority in Europe, is over whether it should be returned to Hungary, now under the heel of a Communist regime, or kept safe in the United States as a beacon of freedom and hope for the enslaved people of Hungary and others behind the Iron Curtain.

Secret diplomatic maneuverings already are under way for the State Department to surrender the Holy Crown, its priceless jewels, and robe of authority. The return is being engineered by Dr. Henry Kissinger, the President's chief foreign policy advisor and architect of the Administration's new policy of accommodating Moscow and Peking. Under the Kissinger plan the Holy Crown is to be returned to Hungary before the President visits Moscow. The return could come as early as this Christmas if a U.S.-Hungary claims agreement can be worked out before then. The return of the Holy Crown is to serve as a public gesture **to Moscow and the other Soviet-bloc nations that the U.S. Government fully recognizes Communist control over Hungary and the other Captive Nations of Central Europe.**

Given to King Stephen of Hungary by Pope Sylvester II in the year 1000 A.D., the Holy Crown is a national treasure of immense historic and symbolic significance to Hungarians everywhere who believe that the authority to rule Hungary is inherent in the Holy Crown itself. To most Hungarians, the Holy Crown signifies that Hungary is rightfully a Christian nation and a defender of Western Civilization. To the non-Communist population of Central Europe, it represents the hope that freedom will someday return to their lands.

Nonetheless, discussions on the arrangements for the return of the Holy Crown are now going on in Budapest between Hungarian officials and U.S. Ambassador Alfred Puhan, whose pro-Soviet views have been spelled out in shocking affidavits given the Federal Bureau of Investigation by other State Department employees. Administration insiders say the arrangements are expected to be completed soon unless the rising Congressional opposition to the Crown's return forces President Nixon personally to step in and shelve the plan.

Twenty-five lawmakers led by U.S. Representative Lawrence Hogan (R.-Maryland), a leading Catholic layman and former F.B.I. agent, have introduced a concurrent resolution in Congress designed to block the return. Their proposal (H. Con. Res. 385) expresses the sense of Congress that the Holy Crown should remain in the United States until Hungary once again functions as a constitutional government established through free elections. Its text is as follows:

Whereas the Holy Crown of St. Stephen is a national treasure of great symbolic and constitutional significance to the Hungarian people; and

Whereas the U.S. Government is in possession of the Holy Crown of St. Stephen, it having been entrusted to the U.S. in 1945 for safekeeping until Hungary should once again function as a constitutional government established by the Hungarian people through free choice; and

Whereas Hungary is presently under the control of an atheistic communist regime in whose interest it would be to destroy the Holy Crown of St. Stephen; and

Whereas the communist government of Hungary has proposed that the Crown be given to that government in order to further improve the atmosphere of American-Hungarian relations; and

Whereas relations between the U.S. and the communists of Hungary have gradually been resumed and discussions have taken place with a view to the settlement of various long standing bilateral problems; and

Whereas it is possible that the Holy Crown may be considered as a negotiable item by the U.S. government; and

Whereas the hope of the oppressed people of Hungary for a future of freedom and liberty, and the hope of their brothers and sisters, the American-Hungarians in this country, will be dashed if the U.S. government breaks its sacred trust and relinquishes the Crown; now, therefore, be it

Resolved by the House of Representatives (The Senate concurring), that it is the sense of Congress that the Holy Crown of St. Stephen should remain in the safekeeping of the U.S. government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice.

Members of the Hogan group, who are from politically strategic states ranging from New York to California, and Massachusetts to Pennsylvania, are now pressing for public Hearings before the House Foreign Affairs Committee. Their objective is to expose the Kissinger plan before it can be consummated and to rally Congressional and public support against surrendering the Holy Crown to the Communists. They want to alert the nation to the Crown's historic and present-day significance.

The argument of the Hogan group against returning the Crown is that it would be taken by people behind the Iron Curtain as the breaking of a sacred trust by the United States. It would also indicate that the American people have given up hope that Hungary and the other Captive Nations will ever be free of Communist enslavement. As one member of the Hogan group put it: "The return of the Holy Crown would be a symbol that the United States believes Communist rule will go on indefinitely in Hungary and the other Eastern European nations."

State Department officials so far have been able to delay public Hearings on the resolution by failing to answer the request of House Foreign Affairs Committee Chairman Thomas Morgan (D.-Pennsylvania) for the Nixon Administration's official position on the Holy Crown. The private position of the State Department is that there are no *official* negotiations under way involving the return of the Crown. And Administration insiders say this claim is correct as far as it goes. What State Department officials aren't saying is that *informal* talks about the Crown's return have been under way for several weeks in Budapest.

A group of Senators headed by Senator Robert Dole (R.-Kansas), chairman of the Republican National Committee, and Senator Strom Thurmond (R.-South Carolina) have introduced a resolution in the Senate similar to the one being pushed in the House. The Dole-Thurmond group decided Congressional action was needed to bar the Holy Crown's return after they received word from within the Administration that President Nixon didn't understand its full historic significance and has left the matter up to Dr. Kissinger.

To make sure the stakes in the battle are fully known in the White House and Congress, the Senators have begun circulating a memorandum on the Holy Crown and its historic meaning prepared by Dr. Bela C. Maday, a professor at American University. The memorandum details the story of how and why the Holy Crown was given to King Stephen of Hungary by Pope Sylvester II. It is a story of how political order based on tribalism was changed to that of a Christian monarchy within a span of one generation.

For hundreds of years the fierce Hungarian people held much of Europe in fear, until they were converted to Christianity by King Stephen I (now known in Hungary and the Catholic Church as St. Stephen) in the year 944. Stephen asked a Crown from Pope Sylvester II and received it on March 27, 1000 A.D., along with powers making Hungary a member of the Western Christian Community, though ecclesiastically independent from the German bishopries. These powers also gave the Apostolic King of Hungary independence from the sanctions of the German Emperor. The granting of the Crown gave King Stephen the protection of the Catholic Church, and the right to have the Cross borne before him and his successors forever as a sign that Hungary would always be a Christian nation.

Since that time no ruler of Hungary has been considered legitimate until crowned with the Holy Crown of St. Stephen. The Crown has more than once been carried to safety when the Kings of Hungary were threatened by usurpers and invaders, always to be returned when the danger was over. It is considered by most Hungarians as the very source of their country's independence. Dr. Maday, an expert on the Holy Crown and its history, stresses its great legal importance:

The Sacred Crown has been a symbol representing the supreme political power of the country as exercised jointly by the king and by the nation. The Sacred Crown became a symbol of a mystic concept superior to both the ruler and the body of the franchised citizens, within the framework in which the nobles as depositors of the traditional Magyar nation felt themselves equal partners with the monarch. This theory was a fundamental part of the asserted right of Hungarians to elect a king or resist him, reaffirmed in several documents throughout the history of the nation and symbolized by the inclusion of a five-point Crown in the pre-Communist Hungarian coat of arms.

Through the history of Hungary as a monarchy, no coronation was considered legally valid unless it was performed with St. Stephen's Crown. For example, in 1308, the Crown was in the possession of the Prince of Transylvania who wished to present the coronation of Charles of Anjou. The papal Nuncio brought a substitute Crown, blessed it, and declared the original Crown divested of its constitutional properties. The nation considered the coronation legal only after St. Stephen's Crown was recovered and physically placed on the head of Charles.

In 1945 the Russians overran Hungary. Before the Soviets could seize the Holy Crown, it was delivered by its guards to U.S. Army units under General George S. Patton, who saw that it was carried to safety. After extensive negotiations, the Holy Crown, the crown jewels, and the robe of state, were turned over to the U.S. Government and brought to this country for safekeeping. All have remained here since the end of World War II. The Holy Crown has of course been exiled for longer periods—and now, as always, its safety gives hope to the oppressed people of Hungary.

One of the few statements ever issued by the Department of State about the Holy Crown was released in 1955. In it, the Department gave assurances that it is "fully cognizant of the character and importance of St. Stephen's Crown," and that "as property of a special status held in trust by the United States authorities, the Crown of St. Stephen is being properly safeguarded under wholly secure conditions of custody." We must keep that promise.

The significance of the present U.S.-Hungarian talks about returning the Holy Crown is that they began shortly after President Nixon made his decision to support the legalization of Communist control over all the people and nations seized by the Reds during and since World War II. This new "Nixon Doctrine" had a lot to do with the unexpected invitations from Moscow and Peking for President Nixon to visit those countries next year. Although never announced by the President, this policy of writing off the Captive Nations of Europe and Asia was secretly made known to Soviet and Chinese Communist leaders shortly after the Presidential decision was made several months ago.

In addition to the maneuvering to return the Holy Crown, the new Nixon Doctrine, one which Moscow and Peking have for more than twenty years been trying to get the United States to adopt, has in several ways begun to show its ugly face. Most dramatic of these was the President's covert support of Communist China's membership in the United Nations and its seat on the U.N. Security Council. This Nixon support in effect recognized Peking as the legal government of Mainland China. It is an outrageous position that none of the four preceding American Presidents were willing to adopt.

The signing of the recent Four Power agreement on Berlin is another result of this unannounced Nixon Doctrine. A close study of the Berlin accord shows that it legalizes Communist control over East Germany and East Berlin. It also sets the stage for U.S. support of East Germany's entry into the United Nations, now expected to come next year. Not generally known is that the Berlin agreement also gives legal status to a Soviet mission inside West Berlin, something the Kremlin has been trying to obtain since the end of the War.

Significantly, the link between the Berlin accord and the Moscow invitation was noted even by President Nixon at the press conference called to announce his forthcoming trip. The immediate prelude to the Moscow trip agreement, the President said, was the Berlin accord "which led us to conclude that now is the time for a summit meeting."

In addition to these tragic concessions, Nixon Administration officials also are discussing with Soviet and Chinese Communist leaders the "divided country" proposals for Korea and Vietnam. Under this plan, the U.S. will support membership in the United Nations for North Korea and North Vietnam in exchange for Moscow and Peking promising not to veto the membership of South Korea and South Vietnam.

The basic premise for the President's highly questionable policy was spelled out by Secretary of State William Rogers during his recent United Nations address when he said: "It is only realistic to recognize a factual situation which has persisted for more than twenty years." Although Rogers' declarations referred to the Nixon Administration's new China policy, Administration insiders say the same standard now applies to all Communist nations. The hopes of millions for freedom are to be discarded as not being realistic.

Another sign of this disastrous policy is the red-carpet treatment which President Nixon accorded President Tito when the Communist boss of Yugoslavia visited Washington last month. It was Tito who encouraged Nixon during their meeting last year in Belgrade to give "legal recognition" to the territorial changes that took place in Europe after the Second World War.

The recent forced exile of aging Cardinal Mindszenty from his self-imposed asylum in the U.S. Embassy in Budapest is another of the shameful results of the new Nixon policy toward the Communists. The exile of the Cardinal was also an advance move in the maneuvering for the return of the Holy Crown of St. Stephen to "legalize" Communist control of Hungary. As a symbol of a free Hungary, Cardinal Mindszenty had to be removed from the American Embassy where he had resided for the past fifteen years. The Nixon Administration put pressure on Rome to force Mindszenty to leave. One of the principal charges leveled against Cardinal Mindszenty when he was arrested and put in prison after the Communists took over Hungary was that he had urged the U.S. to protect the Holy Crown or turn it over to Rome for safekeeping.

For this, Cardinal Mindszenty was tortured and imprisoned. And it was Janos Kadar, the present head of the Hungarian Government, who gave the order as Minister of Interior for Mindszenty's arrest and torture. Kadar also staged the show trial that resulted in Mindszenty's imprisonment until those fateful days in October 1956. During that October uprising Mindszenty was released by the Hungarian Freedom Fighters. He was forced to seek asylum in the U.S. Embassy six days later when Soviet troops and tanks returned to crush the rebellion.

Now living in exile in Austria, Cardinal Mindszenty's private plea to his supporters here is to do everything possible to see that the Holy Crown is kept out of the hands of the Kadar regime. Friends say Cardinal Mindszenty still looks forward to the day when the tyranny which has slowly squeezed human rights out of Hungary will collapse. He believes that then, and only then, should the historic Crown be returned.

One of Cardinal Mindszenty's long-time supporters here, former Speaker John McCormack (D.-Massachusetts), has begun urging members of Congress to do everything possible to block the return of the Holy Crown at this time. In an interview, McCormack described the Crown as "a symbol of freedom for all persons behind the Iron Curtain." He stresses that the present Government in Budapest is being inescapably controlled by the Soviet Union. Handing over the Holy Crown to that Government while Soviet troops are stationed in the country, he warned, would be deeply resented as a breach of promise by the U.S. It would, the former Speaker of the House declared, cause lasting alienation from America among Hungarians all over the world.

In many ways, the battle over the Holy Crown represents the final act in one of the great tragedies of our times. As described by the late Whittaker Chambers in his unfinished book, *Cold Friday*, it is the story of a sellout of the freedom of millions in the hope that to do so would somehow bring something called "permanent peace." Chambers wrote:

"We heard the last appeal of Radio Budapest even while the Rusisans were bursting in the doors:

People of the world . . . Help us! People of Europe, whom we once defended against the attack of Asiastic barbarians, listen now to the alarm bells ring. . . . People of the civilized world, in the name of liberty and solidarity, we are asking you to help. . . . The light vanishes. The shadows grow darker hour by hour. Listen to our cry. . . . God be with you and with us. . . .

"At that point the station went off the air and the silence was more stunning than the words.

"We must remember who these revolutionists are. They are those whom the West abandoned to Communism. They are the human herd of one of history's greatest cattle deals. Unless a man's good sense is inflamed by a partisan political need to justify that deal, is there really anyone who does not know that the West traded these populations to Communism as the price of something that the West held more important than their freedom?

"The West called that something 'permanent peace' and sought to safeguard it through the agency of the United Nations. Therefore, these populations were bound over to Communism. Under all the verbiage, that was the reason. These populations were the bait with which we meant to lure Communism into the United Nations—as if anything could have kept Communism out. . . . So, in the name of Peace, the West abandoned these millions to Communism and watched them run into its pens, roped and thrown and branded with its brand.

"Many a Polish and Hungarian child was too young to know that the whole course of life on earth had been sealed irrevocably on the moment when the wise men of the West set their signatures to that deal beside those of the cunning men of Moscow.

"Around twelve years later, these children knew it well enough when, in the streets of Poznan and of Budapest, they went with bottle-bomb and revolver against this or that Communist monster. They knew then that they had been abandoned by the West. And when they rose and fought, outmatched, against the fate, and the West approved and watched, they knew something else. They knew that they had been abandoned twice . . . ."

Will the United States for a third and final time abandon out brothers and sisters behind the Iron Curtain?

If the Holy Crown of St. Stephen is surrendered to the Kadar Government by the Nixon Administration, these Iron Curtain children and their parents will know that the United States has not only abandoned them again, but this time has condemned them to live without hope. Americans should know that such an act is not only morally unconscionable but that it will directly endanger American freedom.

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Whereas the Holy Crown of Saint Stephen is a national treasure of great symbolic and constitutional significance to the Hungarian people; and

Whereas the United States Government is in possession of the Holy Crown of Saint Stephen, it having been entrusted to the United States in 1945 for safekeeping until Hungary should once again function as a constitutional government established by the Hungarian people through free choice; and

Whereas Hungary is presently under the control of an atheistic Communist regime in whose interest it would be to destroy the Holy Crown of Saint Stephen; and

Whereas the Communist government of Hungary has proposed that the Crown be given to that government in order further to improve the atmosphere of American-Hungarian relations; and

Whereas relations between the United States and the Communist government of Hungary have gradually been resumed and discussions have taken place with a view to the settlement of various longstanding bilateral problems; and

Whereas it is possible that the Holy Crown may be considered as a negotiable item by the United States Government; and

Whereas the hopes of the oppressed people of Hungary for a future of freedom and liberty, and the hopes of their brothers and sisters, the American-Hungarians in this country, will be dashed if the United States Government breaks its sacred trust and relinquishes the Crown: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the United States Government until Hungary once again functions as a constitutional Government established by the Hungarian people through free choice.

WILMA SCOTT HEIDE TESTIFIES ON THE POWELL AND REHNQUIST NOMINATIONS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. ABZUG. Mr. Speaker, since the President submitted the nominations of William H. Rehnquist and Lewis F. Powell, Jr., to serve on the U.S. Supreme Court, the evidence has clearly documented their unfitness for such high positions. Their failures in the areas of civil rights and civil liberties make them unacceptable to the American people. Their past utterances and actions have rised grave questions as to their commitment to the rights of minorities and dissenters, and in fact, their records demonstrate that they cannot even be relied upon to protect the rights of the majority in this country, women.

Wilma Scott Heide, president of the National Organization of Women, testified before the Senate Judiciary Committee on the nominations of Messrs. Rehnquist and Powell. Her testimony eloquently and amply documents the unfitness of each candidate to sit on the Supreme Court, and I include it for your consideration at this point in the RECORD.

TESTIMONY OF WILMA SCOTT HEIDE

My appearance here today is an indication that I am nearly incurably optimistic of women receiving justice from this Judiciary Committee, the U.S. Senate, the Congress and the U.S. Government, most evidence being to the contrary. If my statement and recommendations are undervalued or ignored by this committee and the Senate, my remaining optimism about justice for women may be cured. To be candid, I am not certain that the Senate Judiciary Committee, without any life experience of living as a women in an androcentric society, has the capacity or desire to fully understand what I intend to share with you. For the moment, I will give you the benefit of considerable doubt.

I am Wilma Scott Heide, President of NOW, The National Organization for Women, Inc., a behavioral science consultant, and a member of The National Equality Committee of the American Civil Liberties Union. The last is for identification only.

The symbol of justice in the United States is a blindfolded woman. The women's movement for rights, liberation, participation and justice is removing the blindfold to challenge the grievous injustices to women and balance the scales of justice. Those excluded from and/or disabled by the law *must* have a say in rewriting, defining and interpreting law. If the Senate confirms the Presidential nomination of William H. Rehnquist and Lewis F. Powell, Jr. for the U.S. Supreme Court, justice for women will be ignored or further delayed which means justice denied.

NOW, as I begin and develop my testimony, please note my awareness that both nominees are probably bright, decent people as that is traditionally understood and implemented and probably not anti-women in any conscious, intentional, or overtly destructive way of which they are aware. It is precisely the non-conscious, institutionalized, traditional, narrow view of intelligence and decency vis a vis women that is the problem and the nominees have demonstrably internalized that behavior and thinking. Let me emphasize: my testimony is not intended and must not be characterized as an "attack" on the nominees per se as isolated sexists but as a challenge to the institutionalized sexism they manifest being further perpetuated on the Supreme Court and by extension, throughout society.

To understand my theme that the criteria for qualifications for Supreme Court positions must be fundamentally changed to *dis*qualify sexists and sexism: first, you must understand sexism though most of you practice it daily but don't call it that.

Sexism is behavior applied to the entire social structure and system, including "justice", based on beliefs that some physical differences between females and males "naturally" justifies stereotyping by sex of learned human roles, beyond the two crucial biological exceptions. You should know that sex role stereotyping of human roles has no valid means of scientific support. Further, sexism accepts implicitly if not explicitly that control of society, its societal value judgments, and its resources by the male sex. The oppression, exclusion, the control of women are predictable and tragically inevitable consequences whether manifested by assumptions that women should be the primary child rearers (a human role), artificial sop of an immobilizing pedestal, or the privatization of the so-called "feminine" virtues proclaimed on Mother's Day and honored in the breach in societal behavior the other 364 days.

Sexism assumes that the concerns of men, while ostensibly the generic word for people but actually meaning males, are the concerns of society when the other half—females—are virtually excluded, i.e., are conditioned to "know our place". Let me guide you to put sex in its place and understand that justice requires that the transcending humanness of women and men can not countenance non-conscious or conscious assumptions or behavior about anyone's place. Furthermore, there can be no place on the Supreme Court for anyone who is sexist, however non-conscious.

Next, I want to describe how the behavior of the two nominees should disqualify them for the Supreme Court by virtue of their acts of commission and omission. I want to include the basic injustice of the President's criteria for nominations, the consequences of 'strict constructionalist' philosophy, the effect of unawareness on apparent 'justice', the masculine mystique as part of the problem of injustice, some questions to ask yourselves and the nominees, the values of the feminist criteria for justice and society; and urgent recommendations to you, the Senate, the nominees and the President.

The dimensions of what I intend to develop include and transcend the potential absence of women from the court and thus require your patient attention to allow and indeed *encourage* me the time to guide your reconceptualization of the Supreme Court, its role and membership. That means I will not docilely countenance an abbreviation of my oral testimony however aware I am that the committee, not I, is conducting the hearings. Any attempt at abbreviation will be, in fact, an injustice that would deny you and others interested the opportunity to reconceptualize justice for the entire human family.

First, the President's criteria for acceptable nominees included finding the best *man* as stated by his press secretary until corrected by the protests of the National Women's Political Caucus on whose National Policy Council I function. The President and his staff since watch their language, if not their behavior. Next, the President emphasizes the need for 'strict constructionalists'. However, that is interpreted: it is unjust for women. 'Strict constructionism' sometimes means a literal interpretation and application of the constitution and its guarantees. When the constitution was written, a Negro male was considered $\frac{3}{5}$ of a person and *no* woman was considered *any* fraction of a person in a legal sense. Women were excluded from the writing, the content and intent of the constitution. The myopic vision of our forefathers, the exclusion of our foremothers, remains virtually unchanged and any 'strict constructionist' could apply that concept of 'justice' with impunity today and tomorrow until and unless the 48-year old proposed Equal Rights Amendment to the constitution passes the Congress and is ratified by the appropriate number of states. More on that later.

Another interpretation of the 'strict constructionist' is that a court would be guided by precedent. Still, women would be virtually without hope for human justice. Let me cite only a few of the numerous examples.

Remember most sex discrimination is so pervasive, considered so normal if sexist as to not arrive at *any* court let alone persuade the Supreme Court to even hear and conceivably rule justly on their merits in the context of even existing human rights laws. The Supreme Court in 1948 in Goesaert v. Cleary (335 U.S. 464 (1948)) ruled in the opinion of otherwise enlightened Felix Frankfurter that women had no right to be bartenders. 68 years earlier, the denial of occupational opportunity based on *national origin* was "the essence of slavery itself" according to the Supreme Court quite correct ruling 85 years ago (Yick Wo v. Hopkins (118 U.S. 356, 370 (1886))). 85 years ago, occupational exclusion of or limitation of a Chinese male was slavery yet 62 years later and even today the same treatment of women is viewed as morally, legally, and socially appropriate to 'protect' women's 'special responsibilities for home and family'. Slavery is slavery whether the victims are Chinese, Negroes *or* women of every race.

Again, in the U.S. Supreme Court case of Hoyt v. Florida (368 U.S. 57 (1961)) as recently as 1961, found no suspicion of denial of equal protection of the laws when only 10 of 10,000 jurors were women, and justified this because "woman is still regarded as the center of home and family life" and even co-opted women in their own limitations by requiring women not men to affirmatively register for jury service if she determines this "consistent with her own special responsibilities". Stereotyped psychological conditioning momentarily aside, this is blatant sex discrimination. If the courts are going to adjudicate the place of all non-escaping women but of no men then government has the responsibility to publicly legislate this subtle slavery and provide fair labor standards including wages and promotions for all 'housewives' and mothers not leave it to the largesse of their males privately.

Bringing the court up to date, by calendar but not conceptually, within the past year the U.S. Supreme Court in the Phillips v. Martin Marietta (91 U.S. 496 (1970)) showed remarkable lack of sensitivity to, insight about and acceptance of women's human rights under Title VII of the 1964 Civil Rights Act. NOW and other women's rights groups filed amicus curiae briefs in that case. The court ruled that Martin Marietta, in denying employment to a woman with pre-school age children but not to men with pre-school age children, had a different hiring policy based on sex and this could not be allowed. However, in vacating and remanding the case to a lower court for more facts, the Supreme Court's decision also allowed that sex-plus discrimination could be legally allowed as a policy. The plus factor is the presence of pre-school age children. This is sex discrimination when applied to women only what*ever* the traditions. It is precisely the time-honored but discriminatory traditions the law was designed to eliminate.

However, at least as unjust and insensitive as the court's sexist action and avoidance of the issue was the court's approach and behavior with the partial exception of Justice Marshall, who also happens to be the only Justice with a female law clerk. One suspects he also understands things about discrimination that few white males comprehend. There are 10 *recorded* cases of laughter in the proceedings and in *none* of these instances is there a laughing matter at issue. I invite your reference to an article in the Women's Rights Law Reporter for a frightening verbatim account of much of the oral argument on that case.[1] Also, a Harvard Civil Rights, Civil Liberties Law Review article commenting on one typical exchange notes:

"This exchange, which may accurately reflect the dominant attitude toward sex discrimination in the United States does not augur well for the major doctrinal expansion that will be necessary to reverse the historic patterns of legal inequality."[2]

Finally, I ask you to carefully consider the following profound observation from my friend Jean Witter, President of Pittsburgh NOW:

"It is possible to make a case, that all Supreme Court decisions which involved women are unconstitutional since there has never been a woman on the Supreme Court.

This line of reasoning follows directly from the Supreme Court's own decision, Hernandez v. Texas, 347 U.S. 475, 478 (1954).

In this case Hernandez who was of Mexican descent was acquitted by the Supreme Court decision, because the selection of the jury that convicted Hernandez violated the 14th amendment in that citizens of Mexican descent were excluded by practice from jury service.

Certainly women have been excluded by practice from the Supreme Court, since a woman has never been appointed to the Court. If the Supreme Court decision in Hernandez v. Texas is valid for jury selection, perhaps the same reasoning can be applied to the appointment of Supreme Court justices.

If the selection of appointed justices excludes a certain large class of people (not a small minority) then that group by exclusion is denied the equal protection of the 14th amendment."[3]

Furthermore, the Supreme Court's frequent decisions not to hear cases of sex discrimination must be considered suspect. Again quoting Jean Witter:

"By not nominating a single woman to the Supreme Court, the President has violated his own Executive Order 11478, Equal Employment Opportunity in the Federal Government, Aug. 8, 1969, which states:

'Section 1. It is the policy of the Government of the United States to provide equal opportunity in the Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin.'

Again, President Nixon states in his Memorandum of March 28, 1969:

'I am determined that the executive branch of the Government leads the way as an equal opportunity employer.' "[4]

In summary, the President's search for justices who will exercise judicial constraint not activism addresses itself only to criminal law, only parts of civil rights law and absolutely ignores the need for understanding of and commitment to existing civil rights laws for *all* citizens and the need for creative law interpretation to balance the systematic injustices to women much of it *by* law itself. I hereby publicly protest the President's disregard of the letter and spirit of his own Executive Order and civil rights laws, his own manifest unawareness of the depths, dimensions, and pervasiveness of injustice to women. I only regret that he is apparently beyond the law and redress of our grievances, short of impeachment. Perhaps he and you could only understand his patronizing of women if we reversed the cabinet from all-male to all-female, invited the cabinet members to bring their husbands to a meeting and then said: "I am proud of the men who don't hold office but hold the hands of the women who do." If women were in a position to do that, it might be called matronizing and it would be equally as undesirable and sexist as he in fact did vis a vis his own cabinet.

Next, I will speak to the injustice of unawareness and sloppy work as evidenced first by Mr. Rehnquist and acts of omission that reflect the record of Mr. Powell to portend injustice likely for women if these two were confirmed for the Supreme Court.

First, Mr. Rehnquist's April 1, 1971, testimony on the proposed Equal Rights Amendment to the Constitution and the Women's Equality Act are models of equivocation, unscholarly research, and lack of clarity that makes one wonder if the date of his testimony is prophetic of the kind of opinions he might write in the stragic possibility of his appointment. Members of the House Judiciary Subcommittee were confused as indicated in their questions:

"Mr. McClory. Since the answer to the question with regard to whether or not women would be subject to the draft seems to be "yes," it would be helpful if the Attorney General would express some kind of positive opinion on what the impact of the equal rights amendment would be, because I can't interpret your answer to indicate one way or the other, and I would like to know. I think it is important to us to know what our highest legal authority feels.

Mr. Rehnquist. I fully agree with you, sir. Unfortunately, the Attorney General works with the same language everybody else works with and the value of his opinion generally comes just like the value of any lawyer's opinion, from an examination of precedents and other similar cases and in this situation he is, unfortunately, writing on a clean slate. To simply take these words and say they do or do not apply to a particular situation, is not the sort of opinion that a lawyer ordinarily feels very comfortable giving."[5]

Obviously, we should spare Mr. Rehnquist from the opinion-writing of even more momentous Supreme Court opinions for which there is no opportunity to ask clarifying questions and additional clarifying addendum as the House Subcommittee Chairman Edwards needed to do. I refer you to study the full record of Mr. Rehnquist's appearance which further includes this exchange:

"Mr. Wiggins. Let's directly confront the question. Do you feel the constitutional amendment is necessary to implement the Federal policy you have enunciated, that is, no discrimination on the basis of sex?

Mr. Rehnquist. No, I don't. I think one could do it by statute.

Mr. Wiggins. Then, I think my observation is correct. Your answer indicates that the amendment is unnecessary and my query is why are you in support of an unnecessary amendment?

Mr. Rehnquist. Because the President has committed himself to it, and the importance of a general statement in the Constitution establishing the principles of equality of women outweighs the disadvantages that might flow from enactment of the amendment."[6]

Clearly with friends like this, proponents of the amendment and women's justice need no additional enemies. On August 10, 1970, the first time the Equal Rights Amendment passed the House, Congresswoman Martha Griffith stated: "There never was a time when decisions of the Supreme Court could not have done everything we ask today. . . . The Court has held for 98 years that women, as a class, are not entitled to equal protection of the laws. They are not 'persons' within the meaning of the Constitution."[7]

Mr. Rehnquist does not think the amendment necessary, accepts the assignment to speak for the Administration's alleged favoring of it, says he prefers the legislative approach, is equivocal or in opposition to some of that proposed legislation, knows the administration is not an active advocate of such legislation and yet this man is a confirmation away from being a Supreme Court Justice. We are not so stupid or uncaring about human justice to accept such a nominee of either sex. That must be your view.

Furthermore, we are concerned about Mr. Rehnquist's knowledge about the importance of legislative history. His statements in hear-

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Footnotes at end of article.

ings on the Equal Rights Amendment indicate that he does not consider legislative history of any great importance in interpreting constitutional amendments. He said:

"Second, while the legislative history may be a valuable tool in both drafting a statute and interpreting it, its use in connection with a constitutional amendment is more doubtful. Logically, it would appear that legislative history would not be particularly persuasive unless it could be shown that not only the Congress, but the ratifying legislatures of three-quarters of the States were fully aware of an ambiguity in the language of the amendment, and of the legislative reports or debates which purported to clarify that ambiguity." (Page 312 of House hearings)

In serving as a Supreme Court Judge, how much weight would he give to the intent of Congress in interpreting the Equal Rights Amendment or other constitutional amendments?

That constitutional history is very important is supported by Antineau's *Modern Constitutional Law* (pp. 711–714); *Jones* v. *Mayer Co.* (392 U.S. 437); *Brown* v. *Board of Education* (347 U.S. 483); and *U.S.* v. *California* (332 U.S. 92, 1946). The constitutional law professors testifying for the amendment believed the legislative history to be quite important (see pages 164, 351, and 401 of the 1971 House hearings).

There are *numerous* other concerns Mr. Rehnquist's testimony raises of which I will include only a few more but remind you his documented statements of unawareness of problems affecting women when documented material is even more readily accessible to him than those of us from miles away working as volunteer activists economically disadvantaged, is profoundly disturbing and another reason for disqualification. Anyhow, in his statement on the Equal Rights Amendment, he assumes there are statistically reliable sex and race differences in the likelihood a mortgage applicant will repay a mortgage. He stated that the "goal of ending race discrimination was given a higher priority by Congress in passing the 1968 act than whatever increment in accuracy was gained by using race as a predictor. The decision whether the goal of ending sex discrimination is to be given a similarly higher priority should be made in the light of more information than we have about the financing practices affected."

There are several things about this statement that bother us. What factual basis did he have for the assumption that race or sex are factors in repayment of mortgages? What evidence is there that "future income" is a factor as contrasted with present income?

Mr. Rehnquist's testimony on alimony and support reflect lack of scholarship and of insight to the real status of women.

The only nationwide study of support and alimony was made by the Support Committee of the Family Law Section, American Bar Association in 1965. Monograph No. 1 of the Family Law Section sets forth the results of a survey of 575 domestic relations court judges, friends of the court, and commissioners of domestic relations. This study indicates that alimony is awarded in a very small percentage of cases. A California judge states (page 3):

> In this county permanent alimony is given in less than 2% of all divorces, and then only where the marriage has been of long duration, and the wife is too old to be employable, the wife is ill, particularly if the husband's behavior was a contributing cause, (or) other highly unusual factors exist. Temporary alimony is given, *pendentelite*, or for some portion of the interlocutory period in less than 10% of all divorces, chiefly to give the wife a breathing space to find employment.

A Nevada Judge comments ". . . A healthy young woman should not be permitted to go on indefinitely living on alimony. Her outlook is more healthy and her life a good deal more full as an active member of the community and not as a kept woman."

The Foote, Levy, and Sander textbook on family law (referred to above) found alimony "infrequently sought and even less often obtained" (p. 937).

The wife's capacity to earn was taken into account in setting alimony by 98% of the judges in the Quenstedt-Winkler study. The leading cases in Arizona on alimony list as the primary factor to be considered the needs of the wife and her ability to support herself. A 1970 case states specifically "the husband should not be required to pay alimony unless the court finds it necessary for the support and maintenance of his wife" (*Reich* v. *Reich*, 474 P. 2d 457). The evidence available thus clearly indicates that men are not responsible for supporting divorced or separated wives without regard to their capacity to support themselves.

With respect to child support, the data available indicates that payments are less than enough to furnish half of the support of the children. A chart submitted by a Michigan court (Quenstedt-Winkler study) indicates that with three dependents, including the wife, the family support payments would be approximately half of the man's net income (net after income tax, FICA, hospitalization, life insurance, union dues, and retirement plan payments). It is clear that these payments would not furnish half the support of the children in most families. Even these small payments are frequently not adhered to. One court commented:

> However we find that in the great number of cases we are unable to adhere to the chart because of excessive amounts of financial obligations and limited earnings; also in many cases the man has more than one family.

In a survey referred to in Foote, Levy, and Sander, page 937, made in Maryland and Ohio in the early 30's, in half the cases the weekly alimony and support payments were between $5 and $9 per week (equivalent to $11.65 and $20.97 in today's dollars). The median was $33 per *month* (equivalent to $76.89 today).

I would like to insert in the record here a letter from a woman in Elyria, Ohio, which is typical of the complaints we hear. She is a clerk-typist working fulltime with a take home pay of $310 per month. Her former husband is employed fulltime as a carpenter, earning overtime. The court awarded her $15 per week for each of two children. Her husband is $410 behind in payments, which she is unable to collect. The children have not had dental care for two years, and she finds it difficult to buy books, proper food, and clothing for the children. It is obvious her husband is not contributing half the support of the children, let alone supporting his wife. This case also illustrates the lax enforcement of support laws, which all authorities agree is a major primary problem.

In summary Mr. Rehnquist's glib and unsupported statements about a husband's duty to support his wife without regard to her ability to support herself perpetuates a legal myth that has done great damage to this country, especially to its women.

When the latest data indicates that 27% of the women who entered into teenage marriages in the past 20 years are divorced, it is high time that our girls be apprized of the facts about alimony and child support and likelihood of divorce in teenage marriages. Perhaps more of them would prepare themselves vocationally and wait until they are older for marriage (the divorce rate for women married after the teens was 14 percent).[8]

I do not suggest that Mr. Rehnquist was deliberately misleading. I do suggest that his handling of this subject is symptomatic of his philosophy, which concerns itself with the welfare of the white upper middle class male (and his wife and daughters as adjuncts to him). We have noted in reviewing some of the court cases relating to alimony and child support that very generous property, alimony, and child support settlements are made among the wealthy. However, these cases and other materials leave the impression that in middle and lower income groups the welfare of the husband and his prospects for remarriage are given much greater weight than the wife's and children's welfare and that no weight whatever is given to her prospects for remarriage. In other words, where the divorce results in economic hardship, greater hardship is visited on the wife and children than on the husband.

Rather than resulting in diminution of support rights for women and children, I would like to suggest that the Equal Rights Amendment could very well result in greater rights. I believe a case could be made under the Equal Rights Amendment that courts must require divorced spouses to contribute in a fashion that would not leave the spouse with the children in a worse financial bind than the other spouse.

Mr. Rehnquist's conclusion that alimony laws allowing alimony only to wives would be invalidated is not supported by any legal authority or the legislative history—only by Mr. Rehnquist's also unsupported belief that legislative history is of limited importance in interpreting a constitutional amendment.

In summary, we find that Mr. Rehnquist's testimony on the Equal Rights Amendment does not indicate a scholarly approach or a broad concern for all economic classes.

Mr. Rehnquist's myths permeate our society, consciously or unconsciously influence females' educational, occupational, aspirational choices and opportunities, lead to grief for millions of women, and is significantly responsible for the size of our public assistance rolls, 65 to 85% of which are women and their dependent children, a tragically disproportionate percentage of which are already unjustly disadvantaged minorities. Further, these recipients are grudingly granted mere survival relief, insulted for needing it, and are not recognized as part of the larger society of all the rest of us, everyone of whom receives public welfare in the form of public transportation, libraries, higher education, highways, etc. etc.

The facts, stripped of legal sophistry with which anti-women and thus inhumane people garb them are that the average woman, employed only as housewife-domestic, living with her husband can get only what he wants to hand out; a separated or divorced woman is unlikely to get any alimony and if she has children, she is likely to have to contribute more than half to their support and if she has finessed her societal oppression, will work incredibly hard to be absolutely independent of her former spouse in spite of systematic documented employment discrimination.

As a civil libertarian, but not speaking for the American Civil Liberties Union, I deplore Mr. Rehnquist's acceptance and/or advocacy of:

1. pretrial detention of criminal suspects.
2. endorsement of illegally obtained evidence.
3. government data banks on people in violation of rights to privacy.
4. arrest of suspects without warrants or due process of law.
5. muzzle of free speech of government employees.
6. denial of first amendment rights of free assembly.
7. defending the legality of reviving the Subversive Activities Control Board and giv-

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Footnotes at end of article.

ing it Justice Department powers to designate organizations as Communist.

Indeed, the thrust of Mr. Rehnquist's views are a proclivity or compulsion to control other people and limit or narrowly conceptualize human rights for all who are not affluent white males, i.e. those outside the economic/legal/judicial system of the white patriarchy. This kind of thinking/behavior/control of others reflects remarkably (in the legal context) the "white masculine mystique" that has knowingly or unknowingly created or perpetuated injustices for the majority of our citizens. I have detailed only a few of Mr. Rehnquist's known acts of commission that have or can guarantee perpetuated human injustice. His acts of omission, i.e., affirmative steps that he might have taken to extend justice but didn't are relatively less well known to me, besides I think I've made NOW's case for Mr. Rehnquist's own disqualification of himself to fully serve justice of the full human family on the United States Supreme Court. I trust he will have the intelligence and fairness to withdraw his name and if not, you must not confirm his nomination.

Mr. Rehnquist's documented objections to legally opening of public accommodations to all citizens and integrated education are not known to have changed from 1967. NOW supports opposition to him on these substantial grounds. As an individual, formerly a Pennsylvania Human Relations Commissioner who chaired the Education Committee working constantly for integrated education, I find this nominee's views narrow, lacking in insight about the requirements for the freedom he thinks he espoused and yet two more reasons to view his appointment as an unjust act.

The instance of Mr. Lewis F. Powell's nomination speaks more to the acts of omission of justice referred to above though I have no evidence that Mr. Powell's views of women are other than the normal, i.e. sexist by internalization of cultural biases. The absence of any documented evidence of his affirmative action vis a vis women as president of the male-dominated and influential American Bar Association alone disqualifies him or any comparable nominee to serve on the Supreme Court. To do nothing for a class of people is no better than doing something overtly and unjustly against a class of people. At least, the latter galvanizes people to indignation and action.

Therefore, in the 1960's, when Mr. Powell was in active leadership in the American Bar Association (A.B.A.), the Senate Foreign Relations Committee on recommendation of this Bar Association Committee did not approve the United Nations Convention on the Political Rights of Women which means a belief in the right of women to vote and hold national office. The A.B.A. has not supported the Equal Rights Amendment, prominent members vigorously have opposed it with irrelevant sexual hangups about concern for separate restrooms when the issue is privacy of separate toilet units that other countries, airlines, buses and trains manage nicely. A.B.A. members have also protested the amendment on the false issue of so-called "protective" legislation for women which is superimposed restriction of employment opportunity. That issue itself is moot with the supercedence of Title VII of the 1964 Civil Rights Act and increasing numbers of State Attorney Generals are forced by evidence to rule earlier state acts repealed or impliedly repealed. If Mr. Powell was aware or cared, where was his leadership, his testimony for justice?

During Mr. Powell's A.B.A. presidency: on what issues affecting women did A.B.A. take a stand? What *was* that stand? Where did Mr. Powell stand? Or was there any concern by Mr. Powell for the overt and covert discrimination against women and the need for profound, systematic change in the legal profession to make it hospitable to women? How many recommendations did he make of women for judgeships? There are still only 4 of the 5,000 federal judges who are women. Did he ever recommend an affirmative action program for women in the federal or state judiciary? Does it bother him that there have never even been female pages in the Supreme Court? Has he facilitated or resisted the activism of feminists to humanize and androgynize the legal profession? Does the paradox of women as moral arbitrars proclaimed on Mother's Day and near exclusion from public moral and judicial leadership strike him as inconsistent and of significant issue to require national action or at least his own?

What is the situation of women in Mr. Powell's own law firm? Are there any? What assignments do they receive? Is he an affirmative action employer for all excluded minorities, including women, the cultural minority? Where was Mr. Powell's voice as president of the A.B.A. in 1964 when House Rules Committee Chairman Howard Smith (of Powell's own state of Virginia) inserted sex into the 1964 Civil Rights Act in an attempt to kill it? That was an insult to every ethnic, racial and religious minority and to every female in the country. A sensitive president of the A.B.A. would speak his outrage (if indeed he was).

We are told Mr. Powell is a millionaire, a stockholder in some 30 companies, a director of several. Questions of corporate social responsibility are therefore relevant. Has Mr. Powell ever voted for independent stockholder resolutions? Has he ever initiated any especially in the area of corporate social responsibility? Has he ever voted against any management resolutions which are frequently pro-status quo or pro-profits whatever the consequences to people?

Are there any women let alone parity of the sexes on any of these Boards of Directors and if not, has Mr. Powell used his considerable "prestige" to promote this? What if anything has been his role in insisting the companies of which he is stockholder and/or director be affirmative action employers including women of all races?

Has Mr. Powell promoted cumulative voting so small stockholders can be heard? Has he facilitated access to meetings for all interested parties? Has he upheld, promoted, or resisted proposed secret stockholder ballots so e.g. empoyee—stockholders can vote their wishes without fear of reprisals?

Getting back to the A.B.A., does Mr. Powell recognize that the very existence of a National Association of Women Lawyers is a still present reflection of their segregation and unmet needs within the A.B.A.? Does Mr. Powell realize that men must stop using their sex to gain unearned perogatives in the law and elsewhere? Because we have no evidence that Mr. Powell exercised positive action/leadership in acts of commission, we must conclude his acts of omission vis a vis women disqualify him to make the constitution a living document to balance the scales of justice. We oppose Mr. Powell's confirmation for appointment to the Supreme Court, in the event he himself does not voluntarily withdraw as disqualified based on the reasonable criteria we advocate.

Finally, we would remind this Judiciary Committee that one does not have to be a lawyer to be a member of the Supreme Court. A behavioral analysis, and that is my profession, of the job of Supreme Court justice reveals the following to be true. A justice or associate justice is in the business of value judgments. A social behavioral scientist is professionally better qualified on many grounds than a lawyer. The law merely codifies standards of what the people at any given time have considered appropriate social behavior and relationships. Legal scholars, law clerks, lawyers as technicians can and do the legal research necessary for a supreme court justice.

Some of my best friends are attorneys. Many tell me frequently the non-lawyer, unencumbered by legal jargon and technical encumbrances come up with the most profound insights vis a vis the law. Jean Witter, quoted earlier, is one of many such non-lawyer examples of refreshing approaches to justice. Knowing many of you on this committee are attorneys, I have no wish to embarrass anyone here today. Even less do I, speaking for *now*, intend to countenance the continued exclusion, oppression, limitation, impoverishment of our sisters, mothers and daughters consequent to the "masculine mystique" (whether exercised by men or women) concept of justice.

This country, this world, needs the behavioral revolution of the women's movement for full justice. We will not be defined by male-oriented law as a class based on our sex. Anatomy for women, as for men, is a *part* of our destiny. Our child rearing, homemaking, breadwinning and leadership responsibilities are no greater and no lesser than that of our partner sex. Our decisions about life roles, life styles, life options will be our own not superimposed. We care too much for ourselves, for whatever children we choose to have, and the potential of men to be humane for us to allow it to be otherwise.

The myth and the reality that behind every great man is a woman is potentially manipulative and immature. For a society, not *merely* an individual to be great, a more mature model of women and men as equal partners in and out of the home will be created. We are not advocating unisex—we are creating uni-people. Stereotyping of people by sex, race, nationality, religion polarizes people. Far from killing so-called love between the sexes, we intend to end the "battle of the sexes" and create a society in which women and men can live fully, freely, independently and/or together as friends, lovers, sisters and brothers unencumbered by false poses, superimposed duty, psychological, legal or any other oppression.

President Nixon reportedly saw Ibsen's play, *The Doll's House*, the tale of a woman expected to be a doll-like wife and her struggle to be an adult. Afterward, he was quoted as saying "It's a part any woman wants to play—on the stage or in real life." If Mr. Nixon and you believe this, then the following are feminist actions you must take. The feminists might be the only believers in true democracy. The definition of a feminist is: a person who believes women are people; that human rights are indivisible; a person who is committed to creating the legal, economic, social, political, religious equality, not sameness, of the sexes as "A Matter of Simple Justice" (the title of the President's own Task Force Report on Women's Rights and Responsibilities). I am a feminist. You, the Senate, the President, the suggested nominees can behave like feminists by having the courage to:

1. Reject/withdraw the names of William Rehnquist and Lewis F. Powell, Jr. for membership on the Supreme Court.

2. Insist on the feminist criteria of justice and justices for *any* role in the federal judiciary.

Such is the nature of my incurable optimism. I did not come for a cure. I came here to be treated and to demand that my sisters, mothers, mothers-in-law, and daughters be treated as persons not a sex who is a subclass of men, generic or specific. Sooner or later, everyone must be a feminist. We will not be co-opted by pleasantries or patronizing. We intend to co-opt you, the President and everyone else.

NOW, I want to publicly thank all the dedicated feminists/humanists whose imputs are part of this testimony. It is they *and* all the anti-feminists and therefore anti-humans in other ways who motivate me to press on. It is still true this country and no individual can be healthy when half slave and half free however subtle that slavery and when the freedom is more apparent than real. As a matter of democratic justice, NOW insists that you act affirmatively on our just recommendations. As Senators for all the people, you can do not less; as leaders speaking to the future, you have the opportunity to do more.

FOOTNOTES

[1] Boylan, Ann Marie "Ida Phillips vs. Martin Marietta Corporation," *Women's Rights Law Reporter,* vol. 1, No. 1, pp. 11–20, July/August 1971.

[2] Dorsen, Norman and Susan Dellar Ross "The Necessity of a Constitutional Amendment", *Harvard Civil Rights, Civil Liberties Law Review,* vol. 6, no. 2, pp. 216–24, March 1971.

[3] Witter, Jean "U.S. Needs Women on the Supreme Court", Pittsburgh Post Gazette. September 30, 1971.

[4] Witter, Jean "Why No Women for Supreme Court?", Pittsburgh Post Gazette, October 25, 1971.

[5] Testimony of William H. Rehnquist April 1, 1971, on Equal Rights for Women and Men, Subcommittee No. 4 of the House of Representatives Committee of the Judiciary p. 323.

[6] Ibid, p. 324.

[7] Quoted in Eastwood, Mary "The Double Standard of Justice: Women's Rights Under the Constitution", *Valparaiso University Law Review,* vol. 5, no. 2, Symposium on Women and the Law, 1971, p. 282.

[8] Social and Economic Variations in Marriage, Divorce, and Remarriage: 1967, p. 20, no. 223, Bureau of the Census.

THANKSGIVING DAY 1918–1971

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. PASSMAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the Delta News:

[From Delta News, Nov. 25, 1971]

Thanksgiving Day 1918–1971

(By Professor David Muir Amacker)

Today this Column is dedicated with profound gratitude to the men and women of East Carroll, and beyond, who have worn their Country's uniform; especially to Tom Powell, G. C. Martin and Ben Barrett, who fell in France in 1918; to our other martyrs since; and to Charles R. Doran (now of Lafayette), who was severely wounded at Montfaucon, October 5, 1918, and hospitalized for nearly two years, but survived to continue a remarkable military career through War II and emerge a much decorated General and Division Commander; and whose valor, capability and devotion to duty can be taken to exemplify in most notable degree the same qualities in all of our Service people.

That first Thanksgiving after War I, fifty-three years ago, was different. Never before had the Nation had such reason to feel deepest and most heartfelt thankfulness to the Almighty: the slaughter was over; America and Allies had triumphed and President Wilson had now the power to remold the future according to his ideals of a fair Treaty and a League of all the Nations to secure, in cooperation, a peaceful world. The agony of war just ended—chronic and cancerous disease of the world body politic—must be crushed and stamped out forever. The President and his Allied colleagues had the will, and seemed to have the power and the skill, to do exactly that. And so the sense of relief, hope and gratefulness was overwhelming.

Two weeks earlier, on November 11, at 11 a.m., European time, the guns on the Western front had fallen silent in an Armistice, and in places American and German soldiers shook hands and fraternized after months of fabulous and heroic combat. Today the names of famous battles, the Second Marne, Chateau Thierry, Belleau Wood, St. Mihiel, the Meuse-Argonne have become to many younger citizens only "echoes of echoes"—as distant, vague and legendary, if known at all, as the last battles of the Civil War, fifty-three years before 1918, were to the men of that first Armistice Day. Our three East Carroll men, Powell, Martin and Barrett, once friends and neighbors of many still living, had become martyrs for the ideals of peace and brotherhood proclaimed by President Wilson as the real and ultimate objectives of America's war-making.

But with our irresistible return to isolationism and "normalcy", high hopes were dashed; Wilson's program was largely defeated, and America's "Crusade" and sacrifices appeared to have been made in vain. On this Thanksgiving, a half century and several wars later, more clearly discernible trends of history permit renewed hope that actualization of the Wilsonian ideals is only postponed. In the period from 1917 to '21, expectations were too great and too simplistic, and nationalist difficulties and human inertia were sadly underrated; further cruel lessons had to be taught by the real and tidal forces of history. But man's international ideals as expressed by Wilson can never be destroyed or indeed long suppressed; and one day are sure to be embodied in workable institutions among nations around the Globe. With the advent of that era the final sacrifice of Tom Powell, G. C. Martin, Ben Barrett and the untold millions of other victims of the war system will at long last be redeemed in the peace, order and brotherhood of a genuinely civilized international community. And in every locality the memory of its war-martyrs will be cherished and their names made to shine with ever renewed luster.

Yet hindsight now suggests that even after War I, a long peace might have been guaranteed, regardless of the ineffectiveness or non-universality of the League, if proper techniques in the use of power had been applied. The Western Allies led by the United States should have kept, instead of dismantling, their preponderance of might in Europe and on the seas to stabilize the Continent and secure the oceans. A shell-shocked Germany should have been firmly brought into and held in the Western state-system and at the same time allowed every hope of progress and well being except that of hostile remilitarization. ("Add your ex-foe's power to your own power", said the Old Romans.) But a U.S. return to relative disarmament and isolationism and bickering, division and weakness in Western Europe, with other blunders, invited a replay of the 1914–18 tragedy in the form of War II. East Carroll continued to send more than the full quota of her younger generations to honored military duty in the Second Great War and afterwards. And this Column proudly offers homage to them all. But our special honoré enjoys the unusual distinction of having served with great personal valor and professional efficiency in both World Wars.

Charles R. Doran, Brigadier General, U.S. Army, Retired, was born in Lake Providence and educated in the Parochial and Public Schools. He was athletic, playing baseball and football with skill and power and becoming a leader among his school mates. Afterwards he attended Louisiana State University to concentrate in Agriculture (B.S. 1916); but he also became interested in military science through ROTC and in four years rose to Senior Cadet Officer with rank of Cadet Major (the first of that rank at LSU). He was commissioned 2nd Lieutenant in the Regular Army June 17, 1917, and stationed with the 18th Field Artillery at Fort Bliss, El Paso, Texas; but was soon raised to 1st Lieutenant as of the original date, June 17, 1917. On June 18, 1918, he was promoted to Captain and left for the European Theater with the 18th Field Artillery, 3rd Regular Army Division. He fought through five major engagements and (as stated) was gravely wounded shortly before the Armistice.

In the early interwar period, Captain Doran was assigned successively to stations in Texas, Oklahoma, Arkansas, North Carolina, Massachusetts, Hawaii, Texas again, Kansas and Iowa. From 1933 to '35, he studied in the Command and General Staff School at Fort Leavenworth, Kansas (which training prepared him for the responsibilities of General rank). After serving as Artillery Instructor with the Washington Artillery, New Orleans, he was ordered back to the 18th Field Artillery, Fort Sill, Oklahoma, in August, 1940, as Battalion Commander and rose through the ranks of Major and Lieutenant Colonel to Colonel commanding the 18th Field Group ("the greatest Field Artillery Regiment in the American Army", says General Doran.). On March 1, 1943, he was promoted to Brigadier General in command of the 17th Field Artillery Brigade (which included the 18th F. A. Group). On February 1, 1944, he was ordered overseas to the 12th Army Group under General Omar Bradley and served on his Staff for 14 months.

During World War II, Charles Doran had become one of the outstanding Artillery officers in the Army, having devised (with two other officers) the tactic of massed artillery fire—240 guns aimed on a single target in two minutes—that attracted wide attention among artillery experts (and incidentally speeded his promotion from Major to General). In June, 1945, he was assigned as Assistant Division Commander, 89th Division, and in August as Commander of the 75th Division. He returned with that Division to the United States. In 1946, he became Regular Army Instructor with the 39th Division, Louisiana National Guard. General Doran retired from active duty on May 1, 1948, after 31 years of service.

His Decorations include:

From the United States—The Purple Heart, Victory Medal, World War I (5 major engagements), Victory Medal World War II (5 major engagements), Legion of Merit with Oak Leaf Cluster and Bronze Star Medal.

For the European Theater—Army of Occupation Medal World War I, and Army of Occupation Medal, World War II.

From Foreign Nations—France: Chevalier of the Legion of Honor and Croix de Guerre with Palm and Medal of Verdun (for her defense).

Belgium: Commander of the Order of Leopold I with Palm, Commander of the Order of Leopold II with Palm and Croix de Guerre with Palm.

Czechoslovakia: Cross of Valor.

Luxembourg: Commander of the Grand Ducal Order of the Couronne de Chene (Oak Wreath) and Croix de Guerre.

He has lived by the Old Roman motto: Per aspera ad astra (Through hardships to the stars). If this Nation can continue to raise up enough men with the qualities of dauntless personal valor, high dedication and outstanding professional competence embodied in such a life's record, America's future will be secure—and splendid.

After retirement from the Army, Charles Doran became active in civilian affairs in Lafayette as President, Safety Butane Gas Company; Vice-President, Southern Steel and Hardware Supply Co.; Vice-President and Member, Board of Directors, First National Bank; and Athletic Director, Southwestern Louisiana Institute (now University of Southwestern Louisiana).

General Doran is married to the former Martha Pellerin of Lafayette. Their children are: Mrs. Stuart C. Williams, Yale University, New Haven, Conn.; Mrs. Earl S. Lathrop of Wayne, Illinois; and Charles, Jr.

The General is in good health. We wish him many more happy years crowned with honors, the regard of his friends and the gratitude of his County.

HOME PURCHASED FOR GIFT

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. MILLER of California. Mr. Speaker, a public-spirited couple of San Leandro, Calif., Mr. and Mrs. Jack Brooks, have purchased the old Peralta home and given it to the city for a museum and a center for activities for the elderly and the young. The Peralta family, who built the house, were the original grantees of land embracing a great deal of southern Alameda County during the pastoral period in California when it was under Mexican control.

The house is a beautiful Spanish-type building that dates back to the period that ended with American annexation. Both Jack Brooks and Barbara Mathews Brooks are in the real estate business. Mrs. Brooks maintains her own company which was founded by her father many years ago.

Jack Brooks has been very active in Democratic politics and has been a benefactor of liberal causes in the San Leandro area. I congratulate them upon this generous gift to the city and agree with them that it is important that we preserve the old heritage of California. This building is certainly a part of it.

I include with these remarks a news article which appeared in the Morning News of San Leandro.

The article follows:

BROOKS TO BUY HOME

(By Bill Brand)

SAN LEANDRO.—A philanthropic San Leandro couple has ended all the controversy about preservation of Casa Peralta.

Mayor Jack D. Maltester told city councilmen last night that Mr. and Mrs. Jack Brooks have promised him they'll buy the once-stately Peralta home at 384 West Estudillo Ave. and give it to the city to use as a museum, community and cultural center and as a San Leandro showpiece.

The price is reportedly $160,000.

The turn-of-the-century home of a member of the pioneer San Leandro Peralta family, has been threatened with destruction. The present owner, Mrs. John Gilmore, wife of a late-San Leandro physician, had been negotiating with an Oakland realtor for sale of the property.

The realtor, in turn, planned to raze the building and build an apartment house on the site.

When news of the proposed development leaked out a few months ago, indignant San Leandrans, spearheaded by Councilman William F. Suerstedt and Dr. Terry Galloway, of the San Leandro Centennial-Bi-Centennial Steering Committee, launched a drive to save the old structure.

The city council gave the drive its blessing, but authorized no funds at this time.

The Brooks' pledge has averted an almost certain collision between supporters of Casa Peralta's purchase, partly with city and federal funds, and opponents.

Mayor Maltester explained to the council that the city "has a firm offer from Barbara Mathews (Mrs. Brooks) and Jack Brooks to purchase Casa Peralta and donate it to the city."

City Attorney Glenn A. Forbes submitted a rough draft of an agreement to the Brooks Monday afternoon, the mayor said. A meeting is scheduled for Tuesday (today) afternoon, he added, at which time the agreement can be consummated.

Naturally, Maltester added, there are certain restrictions. The major requirement will be that the building be operated by the city of San Leandro, as a recreation center, especially oriented toward senior citizens and young people.

He noted that the council had planned to discuss progress toward purchase of the building by the Casa Peralta Foundation at the meeting. That subject appears moot, Maltester declared.

Later he explained that Barbara Mathews (her business name) came into his office about 10 days ago and made the offer. "I was flabbergasted," Maltester told the Morning News.

She was very specific about use of the home, he added. It must be geared toward cultural, historical and recreational especially for older people and youth. Commercial activity must be strictly limited. The home, the mayor said, can't be used to compete with local restaurant owners, for instance, as a meeting place.

Any proceeds, he added, must go toward maintenance of the building and grounds. The city must pay for the upkeep.

The only commercial enterprises which would be allowed, the mayor emphasized, would be those which would "blend in" with the surroundings. Sale of art would be okay, he explained.

There's also a clause in the proposed agreement, he said, which provides that if through a disaster such as an earthquake, the house is destroyed, the city either must rebuild it or convert the property into a park.

"No apartments," Maltester emphasized.

"I'll tell you this," he said. "I think this is just great." It solves a lot of problems."

"Barbara and Jack are keenly interested in San Leandro," the mayor said, "and they want to help build the city. They figured Casa Peralta would help."

At the council meeting, Councilman Suerstedt was ecstatic. "This is historical!" the councilman exclaimed. "I'm certainly very pleased, and certainly very, very proud. "It's an answer to a historian's prayer.

"It's what all of us have wished for and dreamed of.

"This type of community dedication is historic."

Casa Peralta's potential was demonstrated this weekend, the councilman pointed out. Fiesta De Las Artes which was held there drew people from a long distance away.

Incidentally, Suerstedt added, 690 people signed a petition supporting purchase of Casa Peralta and $140 was donated.

"That's an answer about how people truly feel."

Maltester, at the council meeting, pointed out that Mrs. Brooks was born in San Leandro. "She said San Leandro's been good to her and that she'd like to leave something for San Leandro.

"She put her money where her mouth is."

Councilman Mario Polvorosa pointed out that people in San Leandro will certainly be thankful for the efforts of such fine citizens.

Dr. Galloway, when contacted by the Morning News, said the Brooks' act has made him ecstatic.

They'll never regret this, he exclaimed.

Dr. Galloway pointed out that people from as far away as San Luis Obispo and Eureka attended the Fiesta De Las Artes this past weekend. It certainly helped fill downtown San Leandro, Galloway emphasized.

Casa Peralta is just what this community needs.

One of the most outspoken foes of use of public funds of any kind for purchase of Casa Peralta, John Ely, president of Marina Citizens for Community Improvement, was in the audience when Maltester made his announcement.

Ely did not comment.

After the meeting, he replied to a question from a Morning News reporter about his position, that purchase of the home with private funds is "just what he wanted."

Ely pointed out that he has never opposed purchase with private funds. "There just shouldn't be any taxpayers' dollars buying it," he declared.

Asked about use of public funds to operate the home, Ely said he hadn't thought about it. That's another area, he said.

BUFFALO'S PARENTS IN CRISIS UNIT CITED FOR DRUG AID

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. DULSKI. Mr. Speaker, the National Center for Voluntary Action has cited a Buffalo, N.Y., organization for its unique understanding and education for parents of drug users.

The Buffalo group known as Parents in Crisis has been honored in the national volunteer awards competition. In February, the national center will choose two national winners, an individual and a group, from among the citationists.

Parents in Crisis was established in 1969 and reaches an average of two new parents a week. Its primary purpose is to provide initial emotional support to parents of young drug users.

They offer weekly group therapy sessions where so-called crisis parents, young people familiar with drug problems, and volunteer staff and advisory members join to discuss drug abuse.

The Buffalo unit also operates a 24-hour counseling and reference service for drug users and their parents seeking help, as well as a comprehensive speakers panel available to any group or organization.

The organization is funded entirely from donations, nominal fees for speakers, and collections at meetings.

In an effort to further its secondary purpose of educational outreach, the Buffalo group has formed a second unit known as Youth Awareness. This is designed primarily to educate brothers and sisters of the drug user to the individual's problem.

Both groups work in complete cooperation with the New York State Narcotic Control Commission, Erie County and Buffalo City courts, the Erie County Mental Health Association, as well as several law enforcement agencies and many religious groups.

I am very pleased at the national recognition which the Buffalo group has received. What is more important, of course, is the vital work which the group is and has been doing.

The problem is great and no volunteer group can be expected to cover the waterfront alone. But the work of Parents in Crisis is doing much which is worthy of praise. What's more, there is no question in my mind but that the benefits go far beyond the immediate participants.

DWINDLING SEA POWER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, in the past 2 weeks, we have read accounts from Senator HENRY JACKSON of Washington to the effect that our nuclear submarine fleet is being surpassed by the Soviet Union.

But, Mr. Speaker, our nuclear submarine fleet is not the only area being threatened by Soviet superiority. A very interesting article, in the Contra Costa Times has come to my attention, and I think it worthy of my colleagues' attention.

Written by James W. Halley and entitled "Waning U.S. Sea Power," this article gives us a good idea of the problems we face in maintaining a strong maritime fleet. I submit this fine article for inclusion in the RECORD:

[From the Contra Costa Times, Nov. 19, 1971]

WANING U.S. SEA POWER

(By James W. Halley)

Victor Bakayev, former Soviet Minister of Merchant Marine, often boasted that Russia would be the number one maritime power by 1980. We should have listened.

The present ranking in shipping tonnage runs like this: Liberia, Japan, Great Britain, Norway, Greece, U.S.A., USSR. Projected deliveries make it apparent that within the next two years Russia will pass the U.S. in both numbers of active ships and tonnage.

Like the news about the Soviet Navy, their merchant marine development is a success story for them. Their growth and expansion must be recognized as spectacular.

In 1950, the USSR had 432 merchant ships aggregating 1.9 million tons. Of these vessels, 51 had been loaned to Russia under Lend-Lease. On Jan. 1 of this year, she possessed 1,942 ships of over 14 million tons.

By comparison, we have wallowed. Our privately owned active fleet in 1950 was composed of 1,100 ships of 13.5 million tons, and today numbers 754 ships of 14.1 million tons.

The Soviet surge can also be illustrated by considering the 1968 figures which showed the U.S. as having 51 ships on order as compared to 456 ships for the USSR.

But numbers and tons alone don't tell the story. Quality is also telling. 80 percent of the Soviet fleet is less than 10 years old, and 80 percent of the U.S. fleet is older than 20 years.

Even more importantly, the nature of Russian and American strength should be considered. Russia is a land power, now going to sea. Most resources needed to support her economy are located within her own boundaries. Her fundamental military strength is indigenous to the Eurasian land mass.

The U.S. on the other hand, is a sea power whose strength is drying up. We depend upon an elaborate system of alliances that can only be supported by sea. More than 90 per cent of our import and export tonnage is carried by sea transportation, and of the 71 strategic materials needed for national defense, we must import all or part of 68.

But some say, the U.S. controls many ships that operate under foreign flags, and these should be considered in assessing our strength.

True enough, as of the end of last year. American firms owned 467 ships that operated under flags of convenience. But, "control" is something else again.

Forty per cent of such vessels are registered with traditional maritime nations. Our "control" of these rests upon the expectation that such nations will cooperate with us in the event of an emergency. This sense of assurance seems reasonable enough if one presupposes fairly normal international conditions. History tells us, however, that there were similar expectations concerning the French fleet in 1939.

The other 60 per cent of such ships, however, present even more serious problems. Some 180 ships fly the Liberian flag, and 91 the Panamanian flag. These vessels are tied to America by a very thin umbilical cord indeed. Each of them is bound to us by a piece of paper and a single man.

These ships are covered by letters of agreement under which the owners agree to turn the ships over to the U.S. in the event of an emergency. To "guarantee" delivery the owner maintains a representative who's usually the Master or Chief Engineer aboard each vessel. This man, supposedly, will guide the ship to a proper port at the moment of urgency. One pictures 271 Humphrey Bogarts doing the "right thing" under circumstances of maximum stress.

To sense the stickiness of the problem, consider an ugly surprise experienced by the Military Sealift Command during the Vietnam War. The American owners of a ship staffed with a Mexican crew agreed to charter a vessel to the Command, but the crew refused to participate. No crew, no ship.

The reality of American maritime strength seems tied to doing business as usual at a time that other considerations may become more important. The Soviet Union is moving toward maritime supremacy that traditionally belongs to the west.

Her motives include strategic considerations, and she certainly is increasing her naval power by expansion of her government-owned fleet. She also conserves foreign exchange by using her own ships to carry her expanding trade. Finally, as instruments of prestige and political influence Russia uses her fleet of merchant ships to extend her presence in the world.

Last year legislation was adopted which seems to assure expansion of our merchant marine by 300 ships in 10 years time. This, however, should be considered as a start only.

More is involved than the interests of ship owners, ship operators, labor and men of government. The average American citizen has an imposing interest in the revitalization of our maritime strength. He should be beginning to understand that his future, in fact his very life could depend upon it.

THE FUND FOR RECONCILIATION

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. TERRY. Mr. Speaker, a major reason for the stresses the Government faces daily, is that the Federal Government has become for many people, and most organizations, the financial court of last resort. Seldom is a solution perceived for any domestic need which does not involve Federal funding requests.

I am proud to report an activity in my district which is replying on private resources completely. A program to raise $20 million to finance community projects which work to eliminate causes of hostility and racial tension is an example of how a major religious faith can channel resources and energies to resolve long standing human problems within American communities. How it can put self-help into action.

Called the Fund for Reconciliation, this overall effort was started in 1968. It has led to the creation of police and community relations programs in Syracuse, a nationwide youth voluntary service organization, rehabilitation services in Vietnam, the development of black community leaders. Child care centers, nonprofit housing projects for the elderly, medical and personal development care programs are some of the other outward manifestations of the fund for reconciliation.

Bishop W. Ralph Ward of the Syracuse area conference, which includes the area I serve, announced a commitment to achieve fund for reconciliation participation from 10 million United Methodists. The philosophy behind this program illustrates the growing role many of our religious faiths are taking in working with minority groups and with Government agencies to move together in the best interests of all peoples in all communities. I would like to quote from information which is being distributed nationally by the United Methodist Church:

"The church, viewed as part of what is called 'The Establishment' has been accused of not applying an ardent missionary desire to attack the very real problems of this world.

"The political and economic system of our nation which has allowed extended poverties, enormous slums, and widespread cruelties inflicted upon God's children by inadequate systems for housing, health services, quality education, and job opportunity is deserving of criticism and change. But it not hopeless. There is no fulfillment in denunciation.

"Probably the greatest need of the world today is for reconciliation. In order to establish the proper relationship with others, we must be willing to admit our share of the responsibility and be willing to forgive and be forgiven. If we have wronged, then we must be willing to forgive unconditionally, for partial forgiveness is not forgiveness at all. To admit our share of the guilt may not restore damage done, but it will reassure the other person that our motives are well intended.

"This was the type of thinking that led to the creation of the fund for reconciliation back in 1968. The fund for reconciliation was a symbol of the determination of the United Methodists to follow the lead of our Lord who lived with and offered hope to the outcasts of his own society.

"What are the broader implications of the fund? If the fund for reconciliation is just the beginning and not the end of our church's concern for the current crisis, it may have potential for making a significant difference in the quality of life for people across the nation who need to be comforted and reconciled. It is tangible evidence that the church can move together to become a force of constructive social change in a society in need of reforms.

"At a time when there is much talk about the realignment of our Federal or Government priorities, the fund is a way for the church to demonstrate that it takes seriously the compelling human problems of our time.

"By our own participation as individuals within this church we show that we are taking seriously the call of the uniting conference for 'A New Church for a New World.' We show that we, as a local congregation, are working towards those structural and additudinal changes which will enable us to participate in missions of relevancy to our times. . . . and to the times of the young people who will follow us.

"We have shown that the church is not established apart from the rest of the community. In fund for reconciliation projects we have joined with other organizations in cities and towns across this nation to experiment with some exciting new ministries. These are helping in the resolution of some long standing and worsening human problems."

TRIBUTE TO TALLU FISH

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. STUCKEY. Mr. Speaker, Tallu Fish, a beloved and talented historian reared in Kentucky and lured to Georgia by our Golden Isles, died recently and was returned to her home soil for burial. Georgia owes much to Tallu Fish for the stimulation she provided that helped to motivate the continuing development of our chain of Atlantic islands. One of her special loves was for famed Jekyll Island, later developed into a Georgia State Park.

Two former Members of the House of Representatives were prominent in her life. One was Congresswoman Iris Blitch of the Georgia Eighth District, and former Congressman Eugene Siler of Kentucky. At the funeral of Tallu Fish, Eugene Siler delivered a eulogy befitting the life and service of this wonderful woman and I now enter in the RECORD a copy of this eulogy:

BRIEF OF REMARKS ON TALLU FISH BY FORMER CONGRESSMAN EUGENE SILER AT THE FIRST BAPTIST CHURCH OF WILLIAMSBURG, KY., AUGUST 29, 1971

Yesterday afternoon I was sitting at home thinking about the years I had known my close neighbor and friend, Tallu Fish, and how much her life had meant to all of us who knew her.

Her influence was felt from the time she came here in 1932 until, after her husband's death, she left for her native Georgia in 1954.

She believed, with Solomon, that "where there is no vision, the people perish", and she brought with her a vision and an enthusiasm that found expression in making Williamsburg a better place to live.

Tallu was part, parcel and mainstay of this church. She organized the Women's Club, the PTA, took a bold part in making women responsive to a new role in politics.

There were several clear-cut facets to her life:

She was a *career woman*. She worked tirelessly for the Democratic Party and built a women's organization into a powerful voting force throughout the State. She was columnist for a half-dozen newspapers; edited the State PTA Journal; and she almost completed a wonderful book: "The Women of the Bible", which I hope one of you children or grandchildren will finish.

When she left and became the first permanent resident of Jekyll Island, she began a 17-year career of preserving the history of that colorful island, writing several books, among them: "Once Upon an Island", and "Sidney Lanier, Sweet Singer of Songs".

Mrs. Siler and I had dinner with her one evening in the setting of her lovely beach home, and as we were leaving, she put her hand on my arm and said to her friends: "This is the only Republican I could ever vote for." Those friends and many others are assembled in the Old Chapel at this hour in tribute to her.

She was a *Christian Woman* and when the doors of this Church opened, she was here. She took you three children by the hand and brought you to the Church. She saw how much a class for young women was needed, and she organized the Fidelis Class. Fidelis means faithful, and she was faithful in the cold of winter, and the heat of summer for fifteen years.

The third facet of her life was her *role as mother*. No role in life is more important than that of mothers. Their influence has been felt through all the ages—mothers like the Mother of Moses, the daughter of Levi, who openly defied the law to save her son for his great role as leader. There was Elizabeth, the Mother of John the Baptist, and Mary, the Mother of Christ—women Tallu knew much about and of whom she wrote.

Tallu's role of Mother, she considered, was the most important of her life, and she gave her children the Christian foundation to take them through life.

She was a happy person with a bright and contagious sense of humor, and Tallu made people around her happy. And now, she has gone to that great Church Invisible, where, I know, she will be as busy as she was here doing the things that will make it a better and happier place. This, I know, will be her new role in that Church Invisible to which she has gone.

When earth's last picture is painted,
and the tubes are twisted and dried,
When the oldest colors have faded,
and the youngest critic has died,
We shall rest, and, faith, we shall need it
lie down for an aeon or two,
'Til the Master of All Good Workmen
shall set us to work anew.
And those that were good will be happy:
They shall sit in a golden chair;
They shall splash at a ten-foot canvas
with brushes of comet's hair;
They shall find real saints to draw from
Magdalene, Peter, and Paul;
They shall work for an age at sitting
and never grow tired at all.
And only the Master shall praise us,
and only the Master shall blame
And no one shall work for money,
and no one shall work for fame;
But each for the joy of working,
and each in his separate star,
Shall draw the Thing as he sees it
for the God of Things as They Are.

DECISION AGAINST ABSENTEE AGRIBUSINESS LANDOWNERS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. KASTENMEIER. Mr. Speaker, a decision handed down by visiting Federal District Judge William Murray in the U.S. District Court for the Southern District of California upholding a residency requirement written into the 1902 Federal Reclamation Act could, if sustained, break up the large corporate holdings of irrigated farmlands in southern California's Imperial Valley, as well as other agricultural areas that depend on Federal water supplies. For one reason or another, the provisions of the 1902 law which provide that landholders could receive federally subsidized water for farms of 160 acres or less on condition that they live on, or very near, their land has not been fully enforced, either with respect to the acreage limitation or the residency requirement. As a result, federally financed water is used to irrigate land illegally held by land speculators, oil companies and giant agribusinesses. I have proposed legislation, H.R. 5236, which would require the Federal Government to buy land held in excess of the 160-acre limitation at a preirrigation project market price and to lease or sell it at a postproject market price. The public treasury would benefit from the windfall profits now enjoyed by only a few.

The ruling by Judge Murray, on November 22, 1971, states that the Imperial Valley's large absentee landowners are not legally entitled to receive federally financed Colorado River water to irrigate their fields because they are not bona fide residents of the Imperial Irrigation District. Affected by this decision are such corporate owners as United Fruit Co., Dow Chemical Co., Purex Corp., Ltd., Tenneco, and Kaiser Aluminum and Chemical Corp. These giant agribusinesses and others, aided by Federal tax loopholes and subsidies, have been monopolizing our land and agriculture at the expense of the independent family farmers who have been disappearing from rural America at an alarming rate.

Mr. Speaker, Judge Murray's decision could end the speculation and monopolization of land, and I wish to share his ruling with my colleagues:

[In the U.S. District Court for the Southern District of California]

PARTIAL SUMMARY JUDGMENT

(Ben Yellen, et al., plaintiffs, versus Walter J. Hickel, individually and as Secretary of the Interior, et al., defendants)

No. 69–124—Murray

Before the court is a motion for partial summary judgment. The suit was filed under 28 U.S.C.A. 1361 to compel the Secretary of the Interior and lower level officials of the Department of the Interior to enforce the residency requirement of Section 5 of the Reclamation Act of June 17, 1902, 32 Stat. 389, 43 U.S.C.A., Section 431,[1] against lands located within the Imperial Irrigation District in California which receive water from the Boulder Canyon Project through the All American Canal. It is the government's contention that Section 5 has been superseded by Section 46 of the Omnibus Adjustment Act of May 25, 1926, 44 Stat. 649, 43 U.S.C.A., Section 423e [2] and therefore the residency requirement does not apply. For the following reasons this court finds that Section 5 is in force and the residency requirement is a prerequisite to receiving water from the Boulder Canyon Project.

The ruling on this motion is a determination made as a matter of law and does not depend upon any factual showing by the moving party beyond the allegations in the pleadings. There was a previous motion for summary judgment and that motion was denied without prejudice and therefore there is no bar to the present motion. Further the government raises the issue of standing in defense of this motion. A motion to dismiss for lack of standing to maintain a suit was denied at the same time as the previous motion for summary judgment, thus there is no need to rule on that question at this time.

The Boulder Canyon Project is authorized and governed by the Boulder Canyon Project Act of 1928, 45 Stat. 1057, et seq., 43 U.S.C.A. 617 et seq. Under Sections 12 and 14 of that Act (45 Stat. 1069 and 45 Stat. 1063) the project is governed by the June 17, 1902 Act and "Act amendatory thereof and supplemental thereto". 43 U.S.C.A., Sections 617k, 617m. The question which concerns the court is whether Section 46 of the Omnibus Adjustment Act has so changed the original 1902 Act as to eliminate the residency requirement contained therein.

The government argues that under Section 46 of the 1926 Act the Secretary no longer is authorized to sell water directly to landowners on projects built thereafter. Instead, Section 46 requires the Secretary to contract with irrigation districts for delivery of water and repayment of the project and these contracts are required to impose certain conditions to which landowners must conform.[3] Since none of these conditions include a residency requirement it is argued that the effect of Section 46 is to eliminate any residency requirement from all reclamation projects governed thereby. This argument proves to be incorrect when viewed in the light of sound statutory construction and the background and purpose behind both Section 5 and Section 46.

The government points to no specific provision of the Omnibus Adjustment Act which repeals Section 5 of the 1902 Act. Nor do they contend that the 1926 Act entirely repealed the 1902 Act. It is a general rule of statutory construction that where there are two acts on the same subject, effect should be given to both if possible. *United States* v. *Borden Co.*, 308 U.S. 188, 198. Further, repeals by implication are not favored and the intention of the legislature to repeal must be clear and manifest. Even when there is a positive repugnancy between the provisions of the new law and the old law, then the old law is repealed only *pro tanto* to the extent of the repugnancy. *U.S. v. Borden*, supra.

Statutory construction of Section 5 and Section 46 reveals no repugnancy whatever. Section 5 requires that there is no right to use water on tracts of any one owner of over 160 acres and no water shall be sold to anyone not occupying the land or residing in the neighborhood. Section 46 establishes a system whereby the Secretary no longer sells to individuals, but to irrigation districts instead, and provides for a situation not contemplated in the original Act where water would be supplied through the irrigation district to private landowners of more than 160 acres in addition to settlers on public lands opened up for entry under the original reclamation law. There is no inconsistency in applying the requirements of Section 5 at the same time with those of Section 46. The latter merely provides for sale of excess lands over 160 acres if the private owner wants reclamation project water. Section 5 requires that he be a resident to get water at all. A literal reading of both statutes then reveals no implied intent on the part of Congress that the earlier statute would be repealed by Section 46. Since both can stand by reasonable construction, that construction must be adopted. *Wilmot v. Mudge*, 103 U.S. 217, 221 (1881).

The plain language of the Omnibus Adjustment Act of 1926 does not repeal Section 5 of the 1902 Act, nor is any legislative intent to do so exhibited in the Act's background. The basic purpose of the 1926 Act is expressed in 43 U.S.C.A., Section 423f, 44 Stat. 65 (May 25, 1926) as follows:

"The purpose of sections 423–423g of this title is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer said sections to those ends."

The report on the House version of the bill H.R. 10429 prepared by the Committee on Irrigation and Reclamation refers to the reclamation policy of the government which was adopted as a result of the Act of June 7, 1902. The report points out that while the law had provided that the cost of projects be returned to the reclamation fund, settlers had been unable to do so in full and therefore it would be necessary to authorize the Secretary to credit the projects with losses sustained. Then the report continued:

"It is confidently believed herein that with the adjustment authorized herein the various projects will be put on a basis which will restore the morale and enthusiasm of the settlers and enable them to meet their payments promptly in the future. The settlers on these projects have endured great hardships and have struggled against the most adverse conditions in their effort to cooperate with the government in reclaiming these desert wastes, and are entitled to the proposed relief which has been urged upon the committee by the Representatives from the arid land States and the Secretary of the Interior for many years." See Adjustment of Water Charges, House Report No. 617 to accompany H.R. 10429, 68th Cong. 1st Session.

It is clear from the report that the purpose of the 1926 Act was to provide relief to settlers then residing on the land. There is no indication that the Act was intended to change the policy of the reclamation law.

The government has cited Section 1 of the Act of August 9, 1912, 37 Stat. 265, 43 U.S.C.A. 541 as additional support to the contention that residence is no longer intended as a requirement for water rights under reclamation law.[4] That law requires that homestead entrymen submit proof of residency, reclamation and cultivation in order to obtain a patent while purchasers of water right certificates need only prove cultivation and reclamation of the land for a final certificate. This it is argued is evidence that residency has been eliminated as a requirement to receiving water. It is evident that Congress intended the Act to apply to purchasers of water rights for private lands as well as to entries of public lands. See House Committee on Irrigation of Arid Lands, Patent to Entrymen for Homesteads Upon Reclamation Projects, House Report No. 867 to accompany S. 5545, 62d Congress 2d Session, and I Department of Interior, Federal Reclamation Laws Annotated 15 (1958). However, there is no indication that the residency requirement of Section 5 was intentionally eliminated.

In the West water and land are separate and ownership of land does not automatically give right to water use. This is reflected in the homestead laws where water rights are reserved from patents. See 43 U.S.C.A. 661 as derived from 14 Stat. 253 and 16 Stat. 218. This explains why the patent and the water certificate were treated separately in Section I of the 1912 Act. The patent is a right to land—ownership in land. The certificate is evidence of a right to water subject to divestment for failure of application to beneficial use. See 43 U.S.C.A. 372, 32 Stat. 390. However, the nature of the water right is not expressly delineated in reclamation law. The water right certificate describes the land upon which the water is to be used, the amount of water use allowed and aids in establishing priorities under state laws. Neither the reference to water rights in the 1902 Act, nor that in the 1912 Act make clear just what the user has, either before or after receiving the final water rights certificate. It is important to note, however, that reclamation laws are "designed to promote federal policies of permanent importance and not merely to secure an investment interest." II Sax, Waters and Water Rights, 118 (R. Clark ed. 1967).

That land and water are separate also helps explain why each is treated differently in Section 1 of the Act of 1912. The purpose of the Act of 1912 was to enable the settler to mortgage his property prior to final payment for the amount due for the water right. See Title for Homesteaders on Reclamation Projects, Senate Report No. 608 to accompany S. 5545, 62d Congress 2d Session. The water certificate was property right of sorts even though a defeasible one. It represented an incremental value of the price of the private land and as such was an asset which added to the mortgageable value of the land. See Sax, *Selling Reclamation Water Rights: A Case Study in Federal Subsidy Policy*, 64 Mich. L. Rev. 13, 1965, for a discussion of incremental values. The cultivation and reclamation requirements of Section 1 insure good faith on the part of the owner that the arid land would be cultivated and reclaimed. This purpose of the Act in no way changes the overriding original anti-monopolistic and anti-speculative purposes of the original reclamation law. (Discussion of this purpose to follow.) Therefore, while cultivation and reclamation are required for a final water rights certificate, residency remained a requirement to receive water initially. See sample forms for water right applications in Department of Interior, Fourteenth Annual Report of the Reclamation Service 1914–1915, 268–276, which require affidavit of residence.

It should also be pointed out that on August 10, 1917, Congress saw fit to suspend the residence requirements during World War I. See 40 Stat. 273.[5] It would be strange indeed if Congress intended to eliminate the residence requirement for receiving water by the Act of 1912, that it deemed it necessary to suspend residency in 1917. It is much more plausible that there was and is a continuing intent on the part of Congress to keep alive the anti-speculative and anti-monopolistic purposes of the Act as expressed in the residency requirement.

The government's rationale in relying on Section 1 of the 1912 Act is somewhat obscure. Their primary argument rests on Section 46 of the 1926 Act. It is difficult to understand how the 1912 Act can shed light on a policy which they argue was not expressed until the 1926 Act of Congress.

It is further argued that the elimination of the water right application by the Act of May 15, 1922, 42 Stat. 541, is an expression of intent to eliminate the residency requirement.[6] Where a legally formed irrigation district agreed to pay moneys owing the United States for construction and maintenance of the project, this statute dispensed with the requirement that individual water user file an application for water right. It is clear from the Department of Interior's Report, on S. 2118, dated May 23, 1921, to the Senate Committee on Irrigation and Reclamation of Arid Lands that the Senate bill, which later became the 1922 Act, dispensed with the water right application in order to eliminate unnecessary amounts of work and possible complications. Since one function of the application was to establish a lien for the payment of water charges on each user's land in favor of the United States, the elimination of the lien by the statute removed a basic reason for the application. Further, inasmuch as the new irrigation district is responsible to pay the United States for construction and maintenance, it would be collecting the payments from its members and controlling

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Footnotes at end of article

the distribution of water. A new applicant for water would be required to go through the district and to require an additional application to the Bureau of Reclamation could have made the process unnecessarily complex while only duplicating work which could be done by the district.

The application was used by the Bureau of Reclamation to enforce other provisions of the reclamation laws such as the residency requirement (See Department of Interior, Land Ownership Survey of Federal Reclamation Projects 34, 35, 1946), but the 1922 Act fails to refer to residency. This failure does not lend support to any interpretation of the Act as an expression of intent to eliminate the residency requirement nor to change the national policy of the reclamation laws. There is no positive repugnancy between the 1922 Act and the residency requirement. The Secretary of Interior is given authority to dispense with the application at his discretion, but remains charged with enforcing the policy of reclamation law which is still in force. Compliance with residency, which is an expression of national policy, should have been secured by other means.[7]

On April 19, 1916, the Department of Interior issued an opinion which undercut the policy of the reclamation law:

"The residency requirement of this section (Section 5, 1902 Act) in reference to private lands is fully complied with if, at the time water-right application is made, the applicant is a bona fide resident upon the land or within the neighborhood. After approval of the application further residence is not required of such applicant, and further proof may therefore be made under the Act of August 9, 1912 (37 Stat. 265), without the necessity of proving residency at the time proof is offered." (See I Federal Reclamation Laws Annotated, page 55–56).

The government cites this opinion along with subsequent Federal Regulations and expressions of policy by the Bureau of Reclamation as evidence of elimination of the residency requirement.[8] This evidence recognizes there is a residency requirement problem, but denies that residency is a continuing requirement as an expression of national policy. The Department cannot repeal an Act of Congress.

It could be argued that re-enactment of the statute, such as was the case in Section 14 of the Boulder Canyon Project which re-enacted the reclamation law, constitutes legislative acceptance of the earlier administrative interpretation. It has been held that an administrative interpretation of a statute was binding on the court where it has been impliedly upheld by re-enactment of the statute. See *Kieferdorf v. C.I.R.*, 142 F.2d 723. However, Congressional re-enactment of a statute, without expressed consideration or reference cannot give controlling weight to an originally erroneous administrative interpretation of the statute. *United States v. Missouri Pacific Railroad Company*, 278 U.S. 269, 280. The re-enactment of a specific clause or statute after administrative or judicial construction is merely one factor in the total effort to give fair meaning to the language thereof, and such circumstances must give way to plain language or basic purpose. *Fleming v. Moberly Milk Products Co.*, 160 F.2d 259.

The Reclamation Act of 1902 was enacted after a long history of monopoly of and speculation in the arid lands in the west. This background resulted in a national policy of anti-monopoly and anti-speculation which round expression in reclamation law. It is this policy which provides possibly the strongest rationale for holding the residency requirement in force. From its very inception reclamation policy has been to make benefits therefrom available to the largest number of people. The 1902 Act contained a 160 acre limitation, required that users be bona fide residents, required that the reclamation water right be appurtenant to the land, and provided that rights to the water be limited by beneficial use. 32 Stat. 389, 390 (1902), 43 U.S.C.A., Sections 372, 383, 431 (1964). These devices were incorporated into the bill in order to prevent land monopolization and profiteering by large corporations to the detriment of the intended beneficiaries of the Act. See Taylor, *The Excess Land Law-Execution of a Public Policy*, 64 Yale L.J. 476, 484–86 (1955). The idea was to create a class of self-reliant family farmers. See Land Ownership Survey, supra, 61–73, 91.

National policy, as expressed in the reclamation laws, is to provide homes for people.[9] Homes are possible only where speculation and monopolization are not possible. The 160 acre limitation and the national policy which it reflects have been upheld by the Supreme Court in *Ivanhoe Irrigation District* v. *McCracken*, 357 U.S. 275. The residency requirement in Section 5 is a second expression of that national policy. Its repeal by implication would be contrary to the purpose for which Section 5 was enacted. Early in reclamation history events showed that "under the private projects where residence is not required, the developments have been very largely along the line of the creation of tenant farms." See Department of Interior, 11th Annual Report of the Reclamation Service 11, (1911–1912). Failure to enforce residency subverts the excess land limitation which *Ivanhoe*, supra, specifically upheld. Through the use of corporations, trusts and cotenancies flagrant violations of the purpose of this limitation are possible. Each of these farms may be used to by-pass the acreage limitation. The policy behind reclamation law to aid and encourage owner operated farms requires enforcement of the residency requirement to prevent these violations. See Sax, *The Federal Reclamation Law* in II *Waters to Water Rights*, supra, 217–224.

The fact that residency has not been required by the Department of Interior for over 55 years cannot influence the outcome of this decision.[10] Failing to apply the residency requirement is contrary to any reasonable interpretation of the reclamation law as a whole, and it is destructive of the clear purpose and intent of national reclamation policy. It is well settled that administrative practice cannot thwart the plain purpose of a valid law. *United States v. City and County of San Francisco*, 310 U.S. 16, 31–32 (1940). Rather than indicate the validity of the administrative ruling, the lapse of time serves to dramatize the unavailability of relief in the past and points toward the need for increased access to the court in the future.

The Boulder Canyon Project Act, 45 Stat. 1065, 43 U.S.C.A. Section 617m, provides that the Act shall be deemed a supplement to reclamation law which shall govern the constructive operation and management of the works authorized. Inasmuch as Section 5 of the 1902 Act has been found in full force and effect, it must be applied to the Imperial Irrigation District as well as to all reclamation projects constructed pursuant to the Boulder Canyon Project Act. No right to the use of water for land in private ownership shall be sold to any landowner "unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, . . .". 43 U.S.C.A., Section 431.

That portion of the motion for summary judgment determining the applicability of Section 5 of the Act of 1902 is therefore granted, which in effect is merely an interlocutory adjudication of the applicable law.

The posture of the case at this time is not such as the court can determine the other portions of the motion, and therefore reserves ruling thereon.

Done and dated this 22nd day of November, 1971.

W. D. MURRAY,
Senior U.S. District Judge.

FOOTNOTES

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[1] Section 5 of the Reclamation Act of June 17, 1902, 32 Stat. 389, 43 U.S.C.A. 431, provides:

"That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section 4. No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such rights shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act."

[2] Section 46 of the Omnibus Adjustment Act of 1926, 44 Stat. 649, 43 U.S.C.A. Section 723(e), provides:

"No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with the irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than forty years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into an agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the

Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment."

[3] Section 46 provides that the following conditions which affect individual users be included in contracts with irrigation districts: (a) excess land over 160 acres shall be appraised and the sale price fixed by the Secretary; (b) no excess land shall receive water unless owners contract to sell the land at or below the contract price; (c) until one half the construction charges have been paid no water right passes with the sale until the sale is approved by the Secretary.

[4] Section 1 of 37 Stat. 265, 43 U.S.C.A. 541, provides:

"Any homestead entryman under the Act of June 17, 1902, known as the reclamation Act, including entryman on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence, reclamation and cultivation, submit proof of such residence, reclamation and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the reclamation Act for homestead entrymen: *Provided*, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate."

[5] The Act of August 10, 1917, 40 Stat. 273, provides in part:

"Sec. 11 (Suspension of residence requirements.)—That the Secretary of the Interior is hereby authorized, in his discretion, to suspend during the continuance of this act that provision of the act known as 'reclamation act' requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper. (40 Stat. 276.)

"Sec. 12 (Duration of suspension.)—That the provisions of this act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President; but the date when this act shall cease to be in effect shall not be later than the beginning of the next fiscal year after the termination, as ascertained by the President, of the present war between the United States and Germany. (40 Stat. 276.)"

[6] The Act of May 15, 1922, 42 Stat. 541, provides in part:

"That in carrying out the purposes of the Act of June 15, 1902 . . . and Acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. . . ."

"Section 2. That patents and water-right certificates which shall hereafter be issued under the terms of the Act entitled "An Act providing for patents on reclamation entries, and for other purposes," . . . for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; . . ."

[7] Section 46 of the Omnibus Adjustment Act provided that:

"Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers." Again this provision was not intended to alter the effect of the reclamation law and the Secretary cannot exercise his discretion so as to subvert the purposes of the Act.

[8] See Department of Interior Manual of the Bureau of Reclamation (1938 Edition) 373; Title 43, Code of Federal Regulations, Section 230.65.

[9] See Kinney, *A Treatise on the Law of Irrigation and Water Rights and the Arid Region Doctrine of Appropriation of Waters* 1912, pp. 2238–2239. Kinney cites a portion of President Roosevelt's first message to Congress, delivered December 3, 1901, as a classic statement upon the subject. Roosevelt's idea was that as a result of reclamation and settlement of arid lands "our people as a whole will profit, for successful home-making is but another name for the upbuilding of the nation."

[10] Sec. 1916 Department of Interior Opinion, supra.

WASHINGTON'S EMBOLIC BLOOD SYSTEM

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. VEYSEY. Mr. Speaker, a recent article in the Washington Sunday Star eloquently described a number of deadly impediments to an adequate supply of pure and safe blood in the Washington D.C. area.

Mr. Hoffer's article points out the urgent need for better management of blood inventories to cut down on the waste of blood through outdating. He also shows the need for an effective exchange of information between the various blood banks in the area.

Paid donors who need the money have a strong incentive to lie about their past exposure to hepatitis. Present tests will catch only 25 percent of the people who lie, but if their names are not shared with other blood banks there is no way to prevent even these people from shuffling down the street to the next blood bank that will pay them for more of their death by the pint.

The National Blood Bank Act, H.R. 11828, that I recently introduced, would solve both these problems and provide some assurance of safety to all blood recipients for the first time. The Director of the national blood bank program would be directed to issue binding regulations to insure efficient management of blood inventories. He would also establish a national registry of blood donors.

As Mr. Hoffer's article demonstrates, a bill like this is urgently needed—and soon. I intend to reintroduce my bill with cosponsors in the near future, and will be pleased to provide any additional information my colleagues may require.

The Star article follows:

[From the Washington Sunday Star, Feb. 7, 1971]

WASHINGTON'S EMBOLIC BLOOD SYSTEM

(By William Hoffer)

Age: 43. Occupation: housewife and mother. Admitted to the Clinical Center of the National Institutes of Health in June, 1969. Diagnosis: rheumatic heart disease. Treatment: open heart surgery. No time to waste.

Doctors routinely placed an order with the Clinical Center blood bank for the 16 pints of A plus blood necessary to sustain the operation.

But the bank was broke.

The Clinical Center hurriedly put in a call to the Washington Regional Center of the American Red Cross. There wasn't enough blood available there, either.

The operation could not be postponed any longer. As a last resort, the 16 pints of blood the woman needed to live were purchased from a commercial blood bank.

There was no way of knowing it at the time, but this blood was just as deadly to the woman as was her damaged heart.

The surgery was taxing but routine. The housewife's chest was opened and a heart-lung machine, primed with the commercial blood, was connected to the giant vessels serving the heart. The operation was a success. The housewife awakened from her anesthetic coma to find the new plastic valve the doctors had implanted in her heart working fine. She was released from the hospital, telling her nurses that she hadn't felt so energetic in years.

To reduce the danger that a blood clot might stop up the new valve and cause death, doctors prescribed large doses of sodium warfarin, a drug that inhibits the blood's ability to solidify.

Three months went by. Revitalized, the woman planned a camping trip with her family. One morning shortly before the outing she noticed that her urine was dark. Her skin and the whites of her eyes had turned a pale yellow. But she didn't want to miss the fun of the camping trip.

Out in the woods she suddenly lost her appetite. Then she began to have pains in the stomach. She was hot and sweaty. The pains grew worse. Her husband rushed her to a hospital, where doctors discovered that her liver was extremely large and tender. They ran a prothrombin test to determine the clotting time of her blood. It took two minutes to clot, as compared with normal test results of 13 seconds. Diagnosis: hepatitis.

Now it was a question of whether or not the effects of the woman's medication could be countered in time. Hepatitis attacks the liver and reduces blood-clotting time. The woman's case was compounded by the sodium warfarin. Doctors prescribed heavy doses of vitamin K and kept a close watch.

Late that night the woman died. Autopsy revealed a massive brain hemorrhage; but the underlying reason for death was traced back to the blood the woman had received from the commercial blood bank: it had been infected with the hepatitis. The woman had died because 16 pints of noncommercial blood were not available when they were needed.

This was not an isolated case. In the same year, three other patients at NIH died of hepatitis because of the shortage of blood from the Red Cross and other donor agencies. NIH has since stopped buying blood from commercial blood banks—where every species of skid row derelict can walk in from the street, answer "no" to all questions about hepatitis, malaria and syphilis, pass a temperature and blood pressure test, and quickly exchange a pint of warm blood for cold cash. Most patients receiving this kind of blood would be horrified if they saw the donor. Washington has one such collection agency, but it is not licensed to distribute blood in this area. Its wares are shipped to Chicago.

However, NIH is still forced to purchase certain blood components from the commercial sources for the treatment of leukemia patients and hemophiliacs. "It's a question of do they die or do they get hepatitis," says an NIH spokesman. "So we use the components and risk the complications." More than 1,500 doses of these components also are shipped to other area hospitals from NIH each year, diffusing the commercial blood products throughout the city.

So far, most of the hospital blood banks in the Washington area have been able to operate without resorting to buying whole blood from the commercial systems that are the scourge of blood programs in cities like Chicago, New York and Detroit. But the increasing shortage of blood from agencies like the Red Cross creates uncomfortable moments at best. Elective surgery is postponed while patients suffer, and sometimes there is an emergency such as the Saturday night last summer when six staff members at Sibley Hospital hurriedly rolled up their own sleeves to save the life of a 17-year-old boy who had been involved in an accident.

The volunteer blood donor system—still maintained with the old-fashioned, flag-waving, mom's apple pie finesse that got it going as a civic duty during World War II—is faltering.

Dr. Paul J. Schmidt, chief of the blood bank at NIH (and the person responsible for stopping the buying of commercially supplied whole blood at NIH), points to the biggest problem facing the donor system. "We made a study of the type of person who gives blood to us," says the bearded pathologist. "By far, the biggest group is men over 45. The person who is the back-bone of blood donations today is the person who got into the habit of donating during World War II and Korea. As these people get older, they are not being replaced. We're not getting the message to the young people about donating blood—There's no communication from the 'transfusion establishment.' "

Other local blood bank directors echo Schmidt's complaint. They are frantically looking for a way to get socially involved young people to see the logic of donating, but they don't seem to know how. Most recruiting programs are directed toward insurance programs against the donor's own blood needs. Such programs could hardly do less to recruit the "now" generation than if Vice President Agnew suggested they donate. Instead of going after young donors, the recruiters for the most part go to business offices and government agencies, where they compete for the middle-aged men who are outgrowing their ability to donate.

The Red Cross maintains a large donor station downtown and also sends mobile units all over the area. In return for 15 minutes of time and a pint of blood, a donor receives credit for one free pint of blood in case of injury or illness. Many hospital blood banks offer comprehensive blood insurance programs against all future blood needs for entire families. With their constant need for donors, some of these hospital banks make it quite convenient to donate: some keep their doors open evenings and weekends. But the system isn't meeting the demand. Several hospital banks resort to keeping lists of professional donors whom they can call upon to sell a pint of blood for $25 and up. (This procedure differs from that of the streetside collection agency: paid donors in hospitals are generally screened thoroughly.)

The diminishing pool of donors, though, is not the only reason that blood is often not available when and where it's needed. One of the most disturbing facts is that a lot of blood that has already been donated, processed, and packaged actually goes to waste.

Most red blood cells can survive for 21 days after blood is donated; but after that time the cells begin to perish rapidly. Thus, according to federal regulations, blood may not be transfused after it has been stored for 21 days.

Of the 600 or so pints of blood collected daily by the Red Cross, about 60 pints—10 percent—are wasted simply because the Red Cross is reluctant to recall surplus supplies from hospital blood banks before they expire. The wastage reaches a low of six percent in some months; but in a year's time, as much as 10,000 pints of blood parceled out to 69 hospitals within a wide range of the city are thrown away.

Dr. Evan C. Stone Jr., a retired Navy man, says that before he took over the Red Cross blood program in 1968, as much as 20 percent was wasted due to outdating. The agency now makes occasional checks with hospital blood banks and encourages them to ship back blood that is nearing its expiration date. However, once the blood is returned, it is quarantined for 24 hours before being scheduled for shipment to another hospital, thus rendering it useless if it is 19 to 20 days old. Since the Red Cross considers itself a donor agency and not a clearing house, it takes no responsibility for the actual return shipment of the blood. Thus, even in summer months, when the Red Cross is bemoaning the severe shortage of blood, some of the available blood is wasted.

In 1962, pathologists from 15 local hospitals formed the Metropolitan Washington Blood Banks, Inc., to try to solve the problem of outdated blood. Dr. Oscar B. Hunter, Jr., director of the Doctors Hospital blood bank and president of MWBB, believes that what was needed was a clearing house where Washington's blood supplies could be inventoried and controlled. This is the main function of MWBB today. Two women from the agency call the area blood banks each morning and find out how much blood of each type is in stock. If, for example, Holy Cross Hospital is short on its supply of O plus, and the Washington Hospital Center just happens to have five pints that are almost out of date, it's a simple matter to arrange to ship the blood from one place to the other. Under the old system, Holy Cross would have phoned the Red Cross for a new supply of O plus, while the five pints at the Hospital Center would have been wasted. Procedures such as these have reduced the outdating of blood to less than 3 percent in MWBB hospitals, Hunter says.

For all its efficiency in placing blood where it is needed, the MWBB refuses to share its lists of undesirable donors—a practice which Stone of the Red Cross advocates.

There are many reasons why a potential donor should not be allowed to give; but the number one blacklisting problem is hepatitis—a disease that commercial blood, while it is demonstrably more dangerous, does not have a monopoly on. Doctors think that hepatitis is caused by a virus, but they're not sure. Once a person gets the disease, it is in his bloodstream for life—even though he recovers from the symptoms. Four percent of all Americans are carriers. There is as yet no sure-fire way to detect the presence of hepatitis in a pint of blood, though one experimental test is showing promise. Since a person can have a mild case of hepatitis and think it's only flu, he can later donate a pint of blood and unwittingly transmit a massive, potentially lethal dose of the disease to a patient already fighting for his life.

Anyone receiving a blood transfusion is a potential victim. A study by the National Academy of Sciences estimates that in the United States each year there are 30,000 serious cases of transfusion-associated hepatitis, resulting in 1,500 to 3,000 deaths. Some estimates run much higher.

Some of this agony could be avoided by blacklisting the undesirable donors; but, because blacklists aren't shared among all blood banks, volunteer donors who have been told not to give blood can't be stopped from ignoring the warning. Suppose a patient contracted hepatitis after receiving 20 pints of blood. The Red Cross, not taking any chances, would blacklist all 20 donors. But then suppose the wife of one of the now-blacklisted donors is injured and needs blood. The donor is told that if he gives a pint of blood at the hospital blood bank he can have $25 deducted from his wife's bill. So he goes to the hospital and donates, even though he knows he shouldn't. Since blacklists are not coordinated among blood banks, there is nothing to stop him—even though he may be the hepatitis carrier.

Kenneth J. Staffa, executive director of MWBB, claims that exchanging information about undesirable donors would involve the transfer of "privileged information" and that "We would have to change some of the laws that protect our records." However, one blood bank director candidly admitted that hospital emergency rooms throughout the area do exchange "privileged information" about drug addicts. Another pointed out that there is a national registry of rare blood type donors. "Why not a registry of undesirable donors?" he asks.

So it goes. The Red Cross won't use the MWBB method of redistributing blood to cut down on outdating, and the MWBB won't cooperate with the Red Cross to set up a standardized blacklist.

This inter-agency bickering is not unique to Washington. A report made last October by a study committee set up by the National Academy of Sciences to investigate the blood problem blamed "administrative barriers and competitive motivations" among competing blood bank systems for having "interfered with the full exploitation of the potential blood resources in the United States." The committee pointed to cases where the blood supply—or lack of it—has "depended more on the desire of agencies to strengthen their public image or enhance their competitive position (rather) than on the true needs of the community."

The committee recommended a nationally coordinated program to supervise the collection and administration of blood. The proposed federal agency would recognize blood as a national resource and would serve as a watchdog over competing groups such as the Red Cross and the MWBB. It would set up regional inventory registries to diminish blood outdating, and it might draw up a national list of undesirable donors.

Such a program is sure to meet steadfast opposition by all the little agencies whose toes would be trampled upon. Some voices already are being heard to cry that it smacks of socialized medicine. And the program does not address itself to the crisis facing the system in the diminishing numbers of blood donors themselves.

Real reforms in the system aimed at getting safe blood transfused to those who need it, when they need it, are not likely to come overnight; and even if they did, they wouldn't come soon enough for one 43-year-old housewife.

ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the millions of illegal aliens crowding our cities and taking jobs that belong to American citizens would have a far more difficult time breaking the law if they were not heavily armed with forged and counterfeit documents.

Immigration officials investigating the influx of illegal aliens have found counterfeiting rings operating in this country as well as in Mexico, Puerto Rico, and other places.

The illegal alien must have some identification allowing him to enter the United States "legally." He must also have what is known as a green card, which permits him to work here.

Green cards are issued only to aliens admitted for permanent residence or to commuters, such as Mexicans, who return home at night.

During fiscal year 1971, more than 9,000 illegal aliens were apprehended with false documents. More than 8,000 had false U.S. birth certificates.

Counterfeiting rings will provide anything from a forged green card to birth and baptismal certificates.

In Puerto Rico, for example, five rings are reported actively engaged in helping aliens from nearby islands and Caribbean countries enter the United States by providing certificates indicating Puerto Rican birth.

The rings also send couriers into the Dominican Republic and other countries where they provide forged Puerto Rican birth certificates, permitting the individual to fly to Puerto Rico and from there he is able to get a plane to the United States. It is believed that about 90 percent of these illegal aliens go to New York.

The Puerto Rican rings are very thorough. They even give their clients crash information courses on the Puerto Rican town that is supposed to be their birthplace or residence.

Once here, the illegal alien who carries a forged green card can work wherever he chooses, and thus deprive an American of employment.

Once here, the illegal alien bearing a false birth certificate acquires all the rights and privileges that go with citizenship.

This is another facet of the problem of illegal aliens that cries for action.

NASSAU COMMUNITY COLLEGE AND HOFSTRA UNIVERSITY JOIN IN UNIQUE COOPERATIVE VENTURE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WYDLER. Mr. Speaker, the fiscal problems of our institutions of higher learning are growing more severe with each passing day. Federal aid can alleviate these problems but the universities will also have to show innovative spirit in keeping down the costs of higher education.

A recent article in the State University of New York News on October 18 pointed out one remarkable example of this type of cooperative effort. It involves two institutions, one private, Hofstra University—and the other public—Nassau Community College, both of which are in the Fourth Congressional District of New York.

The article follows:

NASSAU CC, HOFSTRA JOIN IN A UNIQUE COOPERATIVE VENTURE

An academic "give and take" program, perhaps the first of its kind between a public and private institution, is in operation this semester in the data processing departments of Nassau Community College and Hofstra University.

"One facet of this cooperative venture," noted Dr. Robert R. Gwydir, dean of instruction at Nassau, "that takes it far out of the ordinary articulation program between colleges, is that part which calls for Hofstra to 'give' Nassau its data processing freshmen for training in technical subjects, while at the same time 'taking' into its new department Nassau's data processing graduates for baccalaureate degree work.

"It may be," Dr. Gwydir speculated, "that this type of institutional cooperation holds part of the answer to some of the crucial educational budget problems of today—but what our data processing chairmen were looking for right now was to help today's student achieve his career goals as smoothly as possible."

The program was developed by Dr. Nathan Goldfarb, chairman of Hofstra's data processing department, and Dr. William Fuori, chairman, and Prof. Janet L. Hickey, both of Nassau CC.

"It is significant," Dr. Goldfarb said, "that our department has been placed in the College of Liberal Arts. This underlines my feeling that there is more to computer training than merely satisfying job needs of students. Just as important is the need for the students to see the larger implications of the computer to society."

He reported that about 30 Nassau computer graduates are entering Hofstra this term as full-time students to work toward a B.S. degree in computer programming and systems analysis. Student completion of the Nassau curriculum automatically opens the door with advance standing to baccalaureate work at Hofstra.

PUBLIC SUPPORT FOR TRADITIONAL FAMILY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RARICK. Mr. Speaker, the conference report on S. 2007, Economic Opportunity Amendments of 1971, has been submitted and will likely be brought before this Body for a vote in the very near future.

Besides extending the Office of Economic Opportunity for 2 more years, the bill provides for a National Legal Services Corporation and child development programs.

My main reason for opposing this bill is based on moral as well as constitutional grounds. I can find no authorization in the Constitution for the Federal Government undertaking the functions set forth in S. 2007. On the contrary, the 10th amendment clearly states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The 10th amendment was added to the Constitution as a prohibition against the Federal Government to prevent it usurping powers it had not been delegated. This amendment made it clear that the Federal Government should have only those powers delegated to it in the Constitution by the sovereign States and the people.

The concept of programs for child development controlled by Federal bureaucrats is totally alien to the American way of life. S. 2007 establishes "the legislative framework for child development services." As with most Federal programs, once started, the child development programs would increase annually in scope and cost. And as for them being compulsory, let us remember that neither public education nor busing was compulsory at first. Federal child development programs should not be allowed to take a first breath of life. They should be soundly rejected.

As news of the Federal child development programs comes to the attention of an increasing number of parents, more strident voices are heard in defense of the traditional family. I insert at this point in my remarks my letter to the President on this matter and some of the many letters, telegrams, and articles which have been sent to my office in recent days:

NOVEMBER 12, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to request that you veto S. 2007 should this bill, which is expected to clear the Conference Committee on November 15, be approved by both Houses and sent to you for signing into law. Of the several undesirable features in the bill, the Comprehensive Child Development Act is by far the worst. The bill was brought up in the House with only 24 hours advance notice. There was no committee report for the benefit of the Members and the bill was whisked through the House with a five minute explanation and one hour of debate.

The far reaching ramifications and impact of the child development programs contained in the bill are simply astounding. Your own appointee as head of the Office of Child Development, Dr. Edward P. Zigler, is reported to have said, "People don't recognize the monumental nature of this legislation and what effect it can have on the country in twenty years."

Mr. President, the overwhelming majority of mothers and fathers of America still haven't heard of this bill let alone of its details. Information on the details of the child development programs is slowly reaching more and more parents. The reaction which has come to my attention has been one of grave concern, astonishment, and alarm. Sixty-eight percent of my constituents responding to my 1971 legislative opinion poll indicated that parents should assume responsibility for control of children.

As evidence of the opposition to the Comprehensive Child Development Act by concerned Americans, I enclose the following items:

(1) The text of a resolution by the American Legion, Department of Washington, sent to me by its commander, Mr. William J. Fortson. (see Congressional Record, Page 40269 of November 9, 1971 attached)

(2) Copy of petition in opposition to Child Development Bill submitted to me by Mr. Lawrence Timbers, 317 First West, Seattle, Washington, 98119.

(3) Copy of a letter from Mrs. Joseph E. Regan, Vice-President of the Northcentral Deanery of the Council of Catholic Women of the Archdiocese of Seattle expressing opposition to the Child Care Bill.

Mr. President, I feel certain that if the Comprehensive Child Development Act were fully explained to American parents and a referendum on it were held, the bill would be overwhelmingly rejected. I, therefore, urge you to veto S.2007 when and if it reaches your desk.

Sincerely,

John R. Rarick,
Member of Congress.

[Telegram]

Dupont, Wash.,
November 13, 1971.

President Nixon,
Washington, D.C.:

Concerned parents of Lakewood vicinity urge total veto of comprehensive child development advocacy day care centers under S2007. Group consists working mothers, small children teachers, union members, PTA members, various church affiliations. None had knowledge or voice thru membership endorsing legislation, therefore organizational endorsements are questionable. Program definitions too broad, vague, undefined, therefore unacceptable. Purpose statement of bill clear, bringing eventually all children under program. Taxpayers tired of financing own destruction, especially thru attack on families. Human development experts, social planners cannot be allowed to get control of our children thru think tank legislation. Again concerned parents urge total veto.

Concerned Parents.

[Telegram]

Tacoma, Wash.
November 13, 1971.

President Nixon:

Urge total veto comprehensive child development advocacy day care centers under S. 2007. Parent majority oppose despite apparent support from PTA NEA AFL–CIO self appointed children lobby etc. voiced thru committees without membership knowledge therefore endorsement not acceptable unless supported by local votes working mother myself legislation detrimental to family total socialism experimental with children minds emphasis voluntary blatant lie legislation clear preference to—until available to all children similar program known through personal experience under Hitler magnitude too broad vague government of for by people means legislation not what organizations want but we the people urge total veto.

Mr. and Mrs. Robert Cranmer.

[Telegram]

Federal Way, Wash.

On Bill S. 2007 and 21512 child advocacy bill hold and study this bill is un-American.

Washington State Education Council.

[Telegram]

Mrs. Donald D. Randall, Legislative Chairman of State Board of Proamerica
Spokane, Wash., October 7, 1971.

President Richard M. Nixon,
The White House.

Honorable President: The Board of Washington State chapter of ProAmerica urgently request that you veto the child advocacy bill upon receipt from Congress. Deepest concern for child and family still prevails for all true Americans.

Mrs. Donald D. Randall.

[Telegram]

Women's Republican Club of Edmonds, Wash.

Please veto child development, child advocacy, federally subsidized day care services legislation as now written.

Mrs. M. Wibe, Edmonds, Wash.

[From the Spokesman Review, Nov. 5, 1971]

BILL DISLIKED

On Sept. 30, 1971, by a margin of three votes, the House of Representatives passed one of the most dangerous pieces of legislation ever to come before Congress—the Child Development Act. This bill was brought to the House floor with only 24 hours' notice, and without benefit of a printed committee report. The Senate passed a similar bill, No. 2007, on September 9, 1971. Now both bills are in conference, and can only be kept from becoming law by a presidential veto.

The comprehensive Child Development Act is aimed at children from one to five years of age. It sets up all the machinery and financing for a massive governmental invasion of this last stronghold of the home.

The most important fact about these child development programs authorized by this bill is not the powers now given to agencies that will run them, but the purposes that are set for them. The bill lists 13 purposes for which federal funds may be used, including (in addition to basic day care) comprehensive physical and mental health, social and cognitive development services, specially designed health, social and educational programs including after school, summer weekend vacation and overnight programs—medical, psychological, educational and other diagnosis and identification of visual, dental, hearing, speech, nutritional and other physical, mental and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers—utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs or activities intended for the benefit of children. All this to be carried out by the government.

The potential for abuse should be obvious simply from reading the list of purposes. No facet of a child's life is omitted. The intention is clearly to put government in place of the parent—the ultimate threat to the family. Ask President Nixon to veto this bill.

Mrs. Helen M. Hough.
Mrs. Fred Trantow.
Mrs. William L. Hart.
Mrs. Sam C. Guess.

[From the Concerned Parents Committee Newsletter of Madison, Wis., October 1971]

CONGRESSMEN BLAST CHILD CARE

Writing in the Congressional Record on October 5, 1971, Congressman John R. Rarick called September 30 a dark day for America. On that day the Orwellian nightmare of 1984 became a reality in the America of 1971—The Federal Government has now been authorized to take over our children.

Passage of the child development programs as an amendment to OEO bill, H.R. 10351 lays the foundation for the Federal Government to replace the home and for bureaucratic "experts" to replace the parents.

President Nixon, addressing Congress in 1969, recommended that the Government become involved in developing children during "the first five years of life." The anticipated age range can be expected to be from infancy to kindergarten. What significant educational training can there be for babies in arms except to condition them to be away from their mothers and look to the State for security and guidance?

We are being told that something must be done for the millions of our children who have no parents, are from broken homes, and are from homes where they are mistreated or the parents are insensitive to the child's demands. This reveals the real intent. The child development programs are not to help working mothers but rather to establish Federal custodial centers. The suggestion that society could curtail the increase in crime by caring for those described as criminals and dissidents in society is repulsive and unsupported by statistics, logic or truth.

Likewise, repeated inferences that parents do not know how to control their children or lack the understanding and interest to discipline them is hypocrisy. For years the progressive experimenters of the new educational system have encouraged smart aleckness as free speech and dissent. Children have been taught that their parents are old fashioned—out of step with and ignorant of the needs of changing times. In fact, the Congress has supplied the parent's and taxpayers' funds to finance this teaching of disobedience, disrespect, and rebellion. It is revolting that the same organizations and movements which have encouraged rebellion against parental control and respect of the home now offer this conflict as an argument that parents are now incompetent to rear their own children.

In his October 13, 1971 newsletter, Congressman John G. Schmitz had this to say about the Child Control Act. The Comprehensive Child Development Act is explicitly aimed at children from one to five, below school age. It sets up all the machinery and financing for a massive governmental invasion of this last stronghold of the home, hitherto untouched even by the immense apparatus of compulsory public education. The fact that the new programs are not immediately to be made compulsory is hardly reassuring to those of us who have watched so many new State and Federal programs begin as "voluntary" and then, once established and increasingly power-hungry, come to be regarded as the natural and inevitable repositories of a steadily broadening scope of compulsory authority.

Therefore, the most important fact about the comprehensive child development programs authorized by H.R. 10351 is not the powers now given to the agencies that will run them but the purposes that are set for them. The bill lists 13 separate purposes for which Federal "child development" funds may be used including (in addition to basic day care) "comprehensive physical and mental health, social, and cognitive development services . . . specially designed health, social, and educational programs including after school, summer, weekend, vacation, and overnight programs . . . medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers . . . utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children.

All of this refers primarily to children under the age of six, and all of it is to be carried out by the government in conformity with policies laid down by a new office of Child Development in the Department of Health, Education and Welfare which this bill would create.

The potential for abuse should be obvious simply from reading the list of purposes. No facet of a child's life is omitted. The intention is clearly to put government in place of the parent—the ultimate threat to the family.

Your Children Are the Target

Leaders of the Communist Party of the United States have called for the federal government to appropriate incredible amounts of tax dollars for Day Care Centers so that the psychiatrists, psychologists and social engineers can mold the child from infancy on up (see the People's World, official Communist Party newspaper, July 24, 1971, p. M-3).

Now comes the shocker! Over 100 bills have been introduced into both the House and Senate by the usual liberal coterie calling for the very same thing. The initial appropriation would be at least $10 billion and then increasing, year after year, to astronomical sums. "Day care" or "Child Care" centers will be built in every sizeable city in the nation and staffed by "professionals" who will help erase all the "prejudices", such as loyalty to one's country and belief in God, which have been instilled in the children by their parents.

Some of the promoters of these programs are convinced that mothers are just not capable of raising children correctly, and that the child should be turned over to the experts which will prepare them for a new worldwide society. They recommend that a White House Cabinet post be created to administer the programs to be known as the *Child Advocate.*

Responsible parents everywhere should immediately write their Congressmen and Senators opposing *all* federally funded Day Care centers. They should also write to the President asking him to veto the OEO Child Control Law.

If you want the full story on this fantastic drive to get to the minds of the Nation's children, then order today the special report compiled by the Research Staff of the Church League of America, entitled "Your Children Are the Target". It is one of the most revealing research projects ever conducted by the Church League staff, many of whom are former Congressional staff investigators and research assistants. Order from: Order Dept. Church League of America, 422 N. Prospect St., Wheaton, Ill. 60187. Price per copy $ .75.

C.C.E.,
Seattle, Wash., October 27, 1971.

Re: child development/advocacy legislation.

Informed sources in Washington, D.C have advised that the child development/child advocacy legislation which has been passed by the Senate and the House of Representatives as amendments to the OEO extension bills, is—as of this date—still in conference committee. Thus far, every indication is that the bills will come out this week as one bill (S. 2007) and conference committee reports will be submitted to (and accepted by) the Senate and House, after which it will go to President Nixon for signature.

We urge you to act now! In view of the fact that sponsors of the child dev/child adv portions of the bill are launching a nationwide push among their supporters (PTA, League of Women Voters, etc.) to wire President Nixon urging his signature on the bill, we urge you to push with equal vigor for a deluge of telegrams to the President urging total veto—because of the child development/advocacy portions of the bill. There is no time to lose. He must be informed that the parents of America do not want this legislation and are adamant about their opposition to it!

The fact that the sponsors and supporters of these plans for our children appear to be "pushing the panic button" now by alerting their "helpers" across the country to wire the President is a tribute to your efforts thus far to stop the legislation. We must not slack off now! On the contrary, we must double our efforts in this push without delay!

Suggested procedure includes: Notifying your local veterans' organizations, womens' groups, church groups, guilds, local newspapers (write a letter to the editor; contact reporters, etc.), radio and TV commentators, newsmen in all media, neighbors, relatives and friends in your area and beyond; contact your local day nurseries and independent preschools to inform them of what is happening. This will take work on your part, however, in view of the admirable job you have already done in informing people (to the degree that those in favor of the legislation feel insecure about its being signed by the President!) you can see the urgency now for a concentrated push nationwide for total *veto.*

Telegrams should be sent to President Nixon at once, and our efforts should be continued to alert others to send telegrams until word is received that the bill has reached the President and he has taken action one way or the other. We need quantity of wires for total veto—and be sure to have them include reference to the *child development* action being the reason for the total veto!

Thank you. Please start today. May God continue to bless our efforts to preserve our precious Republic and our children for His Glory—not for that of the social planners.

Some fine Senators and Representatives in Washington, D.C. have done and are doing all they can—and more—to help. We cannot fail them now—for they have done their best, and now it is up to *us* to get the flood of telegrams to President Nixon. Won't you start today? We must not fail our children by delaying this one more day.

(Please call any other groups or active individuals who can help with this now.)

Pray—Jer. 32: 27; Jer. 17: 18.

[From the Eye, newsletter of the Johnson County Parent's Association, Prairie Village, Kans., Oct 28, 1971]

Bill to Sovietize American Youth Passes

A monstrosity child care bill grafted into the Economic Opportunity Act of 1971 was incredibly passed by the U.S. House just 30 minutes after it was delivered to the lawmakers—all 11,000 words of it!

Called "the boldest and most farreaching scheme ever advanced for the Sovietization of American youth" by James J. Kilpatrick (Kansas City Star, October 25, 1971), the program would encompass 32 per cent of American children initially and, eventually, all of them, it is **presumed.**

Two similar child care bills are now in a joint House-Senate committee for "compromises", one having passed the House and another, the Senate.

Whose Child Is Yours?

(by Erma Fenn)

(This review and analysis of the bills has been prepared for "The Eye" by a close observer of the legislative scene. Take note of the horrendous testimony of Dr. Reginald S. Laurie, president of the Joint Commission on the Mental Health of Children, before the Senate Committee on Labor and Public Welfare and act immediately!)

Little known to the general public is legislation that is a composite of over 100 bills introduced by Senators and Congressmen since the beginning of the year. These are ideas gleaned from the White House conference for Youth and Children held in December, 1970. This legislation was passed by the Senate (S2007) September 9, as an amendment to the two year extension of the antipoverty program. A similar amendment (HR 10351) passed the House September 30.

These amendments include child day care centers that are not just custodial but for indoctrination, also; a children's bill of rights (which will tend to build a wedge between children and parents, law enforcement officers, schools and churches); child advocacy, which is essentially a parent replacement program; and plans for execution of bureaucratic ideas of child development, such as behavioral change, secular humanism, new morality, abortion, social change; medical and mental health care including use of behavior-influencing drugs.

Although the legislators may have thought participation in this child care program was to be voluntary only, there is constant reference in the bills to *all children* from infancy through 14 years and some indication that it may be extended to 18. All federal laws initiated on a voluntary basis tend sooner or later to become compulsory.

Essentially, these bills are a move for total government control of America's youth. Hundreds of letters and telegrams were sent to House and Senate members in an effort to defeat them. Because the House and Senate bills differ slightly, they are now in committee for "compromise." Since there is little hope for defeat there, we urge all voters to send telegrams to President Nixon asking him to veto S2007 and HR10351 in whatever form they come to the White House, because *we do not want our children taken away from us and made wards of the state.*

Dr. Reginald S. Laurie, President of the Joint Commission on the Mental Health of Children, told the Senate Committee on Labor and Public Welfare during hearings on their bill that he wanted the federally controlled child care centers so he and his colleagues would have *"a giant laboratory to tinker with children's minds."*

Said Representative Durwood Hall (R-Mo), "This is another step toward socialization of our nation."

Senator James Bulkley (CR-NY) had the following comment: "It is a program which would revolutionize the concept of childrearing in the United States. It is a program which is intended, initially, to cover the children of 32 percent of all American families—one out of three—a program whose long-term and explicit objective is to extend these federally designed, and, therefore, federally controlled programs, to encompass *all* American children regardless of income."

The Director of the U.S. Office of Child Development of HEW, Dr. Edward H. Zigler, warned, "This is a concept quite alien to the American ethos."

But the Congress failed to heed cautions from him or others like Dr. Jack Raskin, Director of Children's Orthopedic Hospital, Psychiatry Service in Seattle, who says, "There is no substitute for a mother's presence. The lack of a mother's love and attention in a child's early months and years results in the several kinds of emotional trouble later. The best day care center in the world cannot begin to compete in this regard."

PRIVATE DAY NURSERY
ASSOCIATION OF OHIO,
Cuyahoga Falls, Ohio, October 8, 1971.

DEAR NURSERY SCHOOL AND DAY CARE CENTER: We are taking this means of contacting you regarding legislation that is taking place in Washington concerning day care, which we feel you will be vitally interested in. This bill, called the bill is a combination of several bills, all dealing with the same subject: child development, child advocacy and federally subsidized day care.

The word "child development" is so vague that it could mean a host of things, and the child advocacy aspects of the bill are even more alarming. We have copies of several newspaper articles which point out that this will be an advocate between the child and his family and that there will be advocates set up in all parts of the country. This could lead to such absurd results that it could even provide legal services for a child against his own parents. The supporters of this bill want the ultimate goal of the Government to be all children (your child, every child) to be in day care, from infancy up, at Government expense, whether or not the mother is working. Senator Buckley says he believes the bill threatens to destroy parental authority and the family institution.

Quoting from "Human Events" a Washington, D.C. newspaper: "The fears raised about this legislation have not exactly been lessened by its vigorous proponants either. In testifying before the Senate Committee on Labor and Public Welfare, Dr. Reginald S. Lourie, President of the Joint Commission on the Mental Health of Children, suggested why he wanted a net-work of Orwellian child-care centers: so he and his fellow doctors would have a giant laboratory to tinker with children's minds." As he told the Committee:

"The other important information we should keep in mind is that in the first 18 months of life, the brain is growing faster than it ever will again. It is then also more plastic and most available for appropriate experience and corrective interventions."

As Senator Buckley has said: "Let there be no mistake about it: the enactment of the child development sections of this bill may prove to be one of the most deeply radical steps ever taken by Congress."

Quoting from the Columbus, Ohio Dispatch newspaper: "The Communist masters of Russia have found this type of child development to be useful. They think little of isolating the fledgling from the influences of parents. They mold the child's mind in these earliest years. He is taught to think as the state thinks."

The Child Welfare Lcauge of America has for years pressed for this type of legislation, and when the Womans Lib got on the bandwagon demanding universal, free 24-hour day care, along with special-interest groups who are crying that this will get people off the welfare rolls, it set in motion these monstrous bills we now have in Congress. We are not against free day care for the very, very poor, if the mothers are working or in training. However, if they are to be in the home, there is no substitute for mother, no matter how poor a mother she may or may not be. This fact was brought out by Dr. Irving Lazar, Director of Child Development, Appalachian Regional Commission (covering 13 states and a national authority on the organization of community services) at a Welfare Conference in Columbus, Ohio, last week.

He also pointed out it was a fallacy to believe day care would get mothers off relief. According to the Patriotic Press, for example, the Ht. Ashbury Center in San Francisco costs $3890 per year per child. This amounts to almost $75.00 per week—per child. The cost of day care alone in a family with 2–3 children could offset any savings to welfare, and what guarantee is there that this mother will in fact get a job and keep it. The point is, however, that when the Government is offering free day care, there are strings tied to it, which according to these bills, are almost beyond belief.

Our association has fought a battle in the Ohio Legislature for years to get statewide standards for day care that were reasonable, finally having a law in effect for more than a year at the present time. The state has refused to enforce the law where the center is federally funded, Head Start, and in the public schools.

We now have these very people who testified against us, saying our law was too lax, we were profit-making, commercial nurseries, the law would not protect little children, etc.—back in the Legislature asking to be exempted from this very law that the private, profit-making operator is required to meet, on the basis that they cannot afford to meet these standards. This bill would place 3, 4 and 5 year olds into the public schools, while at the same time exempting the schools, federally funded & community-supported groups from the licensing law. In other words, the restriction would be on private enterprise alone. The Government cannot keep saying that there is such a total lack of good day care facilities as long as there are licensed day care centers all around us.

Please do not say that this cannot happen in this country, it can and it is—right now. We have no time left, and we are urging you to contact your Representative and Senator immediately by wire (night letter, costs about $2.00) urging him to remove the child advocacy, child development and federally subsidized features of these bills. The bill has passed the Senate and the House, and is now in a Conference Committee and we expect it to be out very shortly, in a matter of days—so please hurry. Wire the President also to veto the bill. Let us do our utmost to stop it NOW.

May we please hear from you and won't you please contact those nurseries all around you, urging your parents or customers, to help send wires also. For years the Child Welfare League, Early Childhood Education Association, and other special-interest groups have been pressing for this type of legislation. I think it is high time that the private day care centers in this country formed an association of their own, as experts in the field of child care and had a voice in the legislation concerning care of children, both at the state level and federal level, and to exchange ideas and methods nation-wide—using methods practiced, rather than theory.

Won't you please let us have your immediate cooperation in Washington, and let us hear from you. Some of these welfare groups have become so liberal that they have exceeded the needs and goals of any practical program. It is time that we took some action in the interest of the little charges in our care and include those children who may not be availing themselves of our services. You may use copies of this letter to alert your local news media if you like. Ask them to advise our citizens of these dangerous trends.

Sincerely,
Mrs. HELEN R. BAUGHMAN,
President, Private Day Nursery Association of Ohio.

[From the Spokane Daily Chronicle,
Oct. 25, 1971]

"CHILD DEVELOPMENT ACT" CALLED SCHEME TO SOVIETIZE U.S. YOUTH

(By James J. Kilpatrick)

WASHINGTON.—When the House met on the afternoon of Sept. 30, not more than 40 or 50 members had any very clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.

Before the afternoon had ended, after a legislative coup led by ---------------- of Indiana, the House incredibly had voted 203–181 to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committee.

The -------- bill runs to 11,000 words. It occupies 22 columns of fine type in the Congressional Record. No measure of greater importance has cleared the floor of the 92nd Congress, and few have had less attention from the press.

SCHEME IS FAR-REACHING

The bill is a monstrosity. No other word suffices. Many observers had expected, as a part of plans for welfare reform, to see some bill enacted that would provide modest federal subsidies for a few day care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went off to work. Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for the Sovietization of American youth.

The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this harm, the bill directs the Secretary of Health, Education and Welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."

Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers, and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance plays no part.

Applications for federal financing would be funneled through various Child Development Councils. These in turn would supervise Local Policy Councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the secretary."

Local proposals would float up to a new Office of Child Development. This office would create a special committee to develop Federal Standards for Child Development Services. Another committee would prepare a Uniform Minimum Code for Child Development Facilities. The facilities would be financed through a new Child Development Facility Insurance Fund. Meanwhile, a National Center for Child Development would foster "research." A Child Development Research Council would smile upon it all.

COST NOT DETERMINED

The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee. ---------------- could not really say what the program might cost—maybe

$350 million in fiscal '73—but the House authorization is open-ended. The bill contemplates, ultimately, federal support of "the entire range of services that have to do with the development of a child."

Doubtless the contrivers of this nightmare had good intentions. In the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes, the scheme would make beautiful sense. But it is monstrous to concoct any such plans for a society that still cherishes the values (however they may be abused) of home, family, church, and parental control. This bill contains the seeds for destruction of Middle America, and if Richard Nixon signs it, he will have forfeited his last frail claim on Middle America's support.

Information Please!

Olympia, Wash.

Additional information: Interstate Compacts can be equated as being similar to international treaties between countries. In the case of this regional Interstate Compact, we (the State of Washington) are agreeing with each other State in the United States, the District of Columbia, Puerto Rico and the Government of Canada (if Congress agrees) to allow them to send any "child" into the State of Washington for institutional care, and they are agreeing to the State of Washington that they will take any "child" that we send to them for institutional care, as per the terms of the compact. (Article III–b & Article IX)

The terms of the Compact indicate that children will not be sent from State to State for institutional care in mental institutions, hospitals, or educational facilities. (Article II–d)

In an attempt to learn more about the "intent" of House Bill 414 at the time of introduction in the State Legislature, Information Please! called the Office of the prime introducer, Representative Paris to seek more information. We were unable to talk to the Representative in person. His Secretary sent us a copy of an endorsement of the bill by the State Department of Social and Health Services, and as the State Department of Social and Health Services is the agency named in Sec. 3 of Chapter 168 as the public authority who will be handling the "children" involved in the placement proceeding under the terms of the Compact, it is natural that they would endorse the bill.

In order to obtain as much information as possible on this Compact, Information Please! wrote to the National Center for Child Advocacy in Washington, D.C. asking if the Interstate Compact on the Placement of Children would be utilized in the Child Advocacy/Child Development programs that have been placed before the U.S. Congress for passage.

The answer to our letter came from the United States Department of Health, Education and Welfare, *Office of Child Development*, and they told us this:

"The Department of Health, Education and Welfare is interested in further utilization by the state of the 'Compact on the Placement of Children' and at this time is considering the furthering of a project to support this effort, and also of ARENA—Adoption Research Exchange of North America, which facilitates interstate placement of children for adoption."

Included with the above quoted letter from the Federal Department of HEW, was an enclosure from the magazine *Children*, an official publication from the Office of Child Development—Federal Department of HEW. The reprint was an article entitled—"A National Priority: Raising the Quality of Children's Lives". It was authored by *Dr. Edward Zigler, Director of the Office of Child Development*. In this article Dr. Zigler states:

"When the President announced the establishment of the Office of Child Development in April 1969, he charged it with a special concern for children from birth to 5 years of age, in recognition of the crucial importance of these early years to the later development of the child." (page 167—Volume 17—Number 5—September-October 1970—*Children*)

After the creation of the Office of Child Development, the legislation to implement the programs of the "child planners" began to become known. These *plans* are found in the Child Advocacy/Child Development bills in the Federal Congress. The Houston, Texas, Tribune of March 19, 1970 carried an article about this program for the "children". Excerpts from the article will give you an idea of the thinking of the "child planners":

"The developing battle over the role government should play in shaping the 'minds and bodies' of the nation's children and youth is about to take a unique turn.

"Under the guise of improving the health of those under 21, a nation-wide compaign is being launched for the establishment of a 'national child advocacy system', to lobby for and help develop a 'new kind of society'.

"At the top of this proposed child advocacy system would be the President's Council on Child Development. Located in the White House, it would be endowed with the same power and prestige as the highly influential Council of Economic Advisers and the new Council on Environmental Quality.

"Federally-financed child development councils would be set up in each state and county under the guidelines of a nationally established policy. At the neighborhood level child development centers would be established to act as 'direct advocates for every child in the community they serve'.

"The objective of this 'big brother' advocacy system, . . . would be to see that every infant is guaranteed seven new rights. These would be:

1. the right to be wanted;
2. the right to be born healthy;
3. the right to live in a healthy environment;
4. the right to satisfaction of basic needs;
5. the right to continuous loving care;
6. the right to acquire the intellectual and emotional skills necessary to achieve individual aspirations and to cope effectively in our society;
7. the right to receive health care and treatment through facilities which are appropriate to their needs and which keep them as closely as possible within their normal social setting."

"The Everett Herald of Everett, Washington (7/27/71) had this to say (in part) in regard to the child advocacy/child development bills in the U.S. Congress.

"A Senate version of one of the bills contains provisions for a National Center for Child Development which would have authority to encourage and implement experimental programs with the children themselves as the subjects of the experimentation.

"We believe that 'legal rights for children' includes their right to have the government butt out of their lives and let their natural born or adoptive parents mind their business. The government entering the business of rearing children according to its versions of what is right and what is wrong for the child makes us fear the product would come out of this 'child factory' as fuzzy as other government works we have seen turned out over the years."

There have been pilot (demonstration) child advocacy projects started in various parts of the United States (even though the bill had not yet passed the Congress).

The Seattle Times (6–7–71) reports on a *demonstration project* in Seattle.

Excerpts from this article follow:

"Five 'child advocates' will be working with 400 children at Wing Luke and Van Asselt Elementary Schools in the fall on a new Holly Park Child Advocacy Demonstration Project.

"The five year project has been funded by a $106,000 grant from the Office of Child Development of the Health, Education and Welfare Department. It will be renewable yearly.

" 'The Child advocates who will be residents of Holly Park Community will help facilitate communication on the child's behalf, between the parents and the schools', Dr. Taylor said.

"The project proposes after school and weekend activities, recreation and educational programs utilizing school facilities with the intention of expanding this into a family-oriented program.

" 'The school will be converted into a true community center', Dr. Taylor said."

The Seattle Post Intelligencer (7–23–71) reported a "demonstration" day care center in King and Pierce Counties. Excerpts from this article follow:

"The state yesterday was granted $102,000 in federal funds to provide technical assistance for demonstration child day care programs in King and Pierce County Model Cities plans.

"Gov. Dan Evans announced signing of the contract with the Department of Housing and Urban Development (HUD). The program in the two counties will be a model for the State.

"The program will coordinate all child day care services in an effort to improve the quality of care.

"The federal Department of Health, Education, and Welfare provided $77,000 of the grant, with HUD paying $25,000. The demonstration program is for 13 months."

On July 28, 1971 the Seattle Post Intelligencer reported on Nation-Wide Day Care as follows: (in part)

"Day care for pre-school children—the concept of combining early educational benefits with supervised play—is moving closer to reality in the United States.

"The education subcommittee of the House of Representatives recently approved unanimously a comprehensive measure called the Child Development Act which would open up education, health and nutritional services to millions of pre-school children.

"The Child Development Act would:

"Provide funds for the construction of day-care facilities and the remodeling of existing ones.

"Authorize and underwrite training of child-development staffs.

"Encourage the mapping of programs that would combine education, nutrition, physical and mental health services and family consultation.

"Support the establishment of local policy councils to assure parental and community participation in planning and administering programs."

The following are statements (from the sources noted) on the subject of the "child advocacy program":

(*Dr. Edward Zigler—Director—Office of Child Development,* Dept. of HEW—as written in the Seattle Post Intelligencer—10/22/70)

"A day care program serving children from all social and economic backgrounds is a primary need in the country today . . . bringing these children together at an early stage in life (first six years) is one of the best ways to achieve socio-economic integration."

(Paul Scott Report—12/21/70—Washington News Intelligence Syndicate—7508 Elmhurst St. S.E., Washington, D.C.)

"Legislation for a government financed 'Child Advocacy Program' will be proposed to Congress and will call for creation of a national system of 'child advocacy' with local and federal representatives . . . Local child advocates would represent children against parents, school authorities and the police when they claim they are abused, expelled from school or arrested."

(Senator—as quoted in the Western Sun Edition of the Everett, Washington Herald—10/29/71)

"The national child advocacy system will help to develop a new kind of society."

If you are interested in seeing a Federal bill that carries the Comprehensive Child Development Act, request the United States Congressmen from your District (both the Representative and the 2 U.S. Senators) to send you copies of S. 2007 and all Hearings—Reports and any other pertinent material on the subject and on the bill.

MARGARET SHOTT, *Director*.

[From KVI News, Bob Roberts, Seattle, Wash., Oct. 21, 1971]

ANOTHER ORWELLIAN HORROR

Anyone who disregards or dismisses as inconsequential the steady incursion of the federal establishment in private matters, either is not paying attention, or is too dumb to apprehend the gradual erosion of our liberties.

But anyone who doubts the Orwellian nature of federal meddling ought to look more closely at the latest horror to be thrust before the public.

On September 30th, the House of Representatives passed an amendment to the OEO bill, H.R. 10351, which would authorize establishment of the child development programs. The amendment would give authority to the federal government to set up day care centers for the children of working mothers. Propaganda for the bill asserts that its passage will encourage unemployed mothers to seek gainful employment. Yet the bill excludes mothers earning over $4,320 a year. Not only would it discourage employment, it would discriminate against the mother who earns more than $4,320 a year.

But that is far from the worst feature of the bill. The child development programs, of which the day care center proposal is a part, authorize "comprehensive physical, mental health, social and cognitive development services necessary for children participating in the program." And who will design and oversee these efforts? The sociological witch doctors of the federal bureaucracy who fancy that they know better than parents what is best for the children of America . . . that's who.

Proponents of the program insist that it will be conducted on a voluntary basis. But the American people ought to remember that public education was not originally compulsory. Congress is on record prohibiting the practice of bussing to achieve racial balance in the schools, but children are bussed anyway.

The language of the bill itself makes clear its true purpose:

"It is the purpose of this Act to . . . establish the legislative framework for the future expansion of such programs to provide universally available child development services." Not just services for those who ask for them, but "universally available" services. How long do you think it would be before "universally available" became universally required?

What the government sociologists really have in mind was outlined frankly by Dr. Urie Bonfrenbrenner, an advocate of the proposals:

"Communal forms of upbringing," said Dr. Bonfrenbrenner, "have an unquestionable superiority over all others. When these contracted families (i.e., those who have placed their children in the communal institutions of upbringing) recognize that it is not sensible to expend so much work on maintaining an independent household for just two people, the family as an economic unit, having fused with other families and become incorporated into a large economic collective, will dissolve within the context of the future social commune."

Stripped of the gobbledygook, this means that the child of the future, having been developed under federal auspicies, will direct his allegience not to the old-fashioned family unit but to the commune . . . the federal collective. A fellow named Hitler held to precisely this dangerously crackpot notion, with consequences that were monstrous.

Even HEW secretary, Elliot Richardson admits that the bill is not primarily to free mothers for work. He calls it ". . . a great opportunity . . . to invest in the development of the next generation."

The real mischief of this current proposal is best summed up by Congressman John Rarick of Louisiana:

". . . The child development programs are not to help working mothers, but rather to establish federal custodial centers. The suggestion that society could curtail the increase in crime by caring for those described as criminals and dissidents in society is repulsive and unsupported by statistics, logic or truth.

"Likewise, repeated insinuations that parents don't know how to control their children, or lack the understanding and interest to discipline them is hypocrisy. For years the progressive experimenters of the new educational system have encouraged smart aleckness as free speech and dissent. Children have been taught that their parents are old-fashioned—out of step with and ignorant of the needs of changing times. In fact, the Congress has supplied the funds of parents and taxpayers to finance this teaching of disobedience, disrespect and rebellion.

"It is revolting that the same organizations and movements which have encouraged rebellion against parental control and respect for the home now offer this conflict as an argument that parents are incompetent to rear their own children."

The charlatans and sociological quacks who favor the child development programs have their feet in the door, thanks to incredible irresponsibility on the parts of the House and Senate.

President Nixon has the veto power to undo the mischief.

He should be urged to use it!

But time is critical—the President is expected to act on the measure soon—perhaps within a week.

CROTONA PARK EAST

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHEUER. Mr. Speaker, the October 31, 1971, New York Times reported on a cleanup campaign conducted in Crotona Park in the Bronx. Sponsored by the Mayor's Council on the Environment and Community School District 12, it brought some 200 youths to the park to clear away litter and learn about air and noise pollution from city officials. I was there and was greatly encouraged to see this kind of direct involvement by young citizens in local environmental problems and programs. These young people prove by their deeds the increasing desire of residents of New York to clean up the city by personally pitching in and helping where they can with their own care and concern.

The article follows:

TWO HUNDRED YOUTHS IN BRONX HELP CLEAN A SECTION OF CROTONA PARK EAST

(By Martin Gansberg)

As hundreds of families watched from the open windows of neighboring apartment houses, 200 school-age youngsters helped clean a section of Crotona Park East in the Bronx yesterday.

They raked leaves and picked up soda cans and bottles. They swept the walks and emptied wire baskets. And they learned about air pollution and noise pollution from city officials who manned special trucks.

While they worked to make the area from Suburban Place to Charlotte Street somewhat more habitable, they were entertained by the booming rhythm of the Ghetto Brothers, a neighborhood gang that has turned its attention from street fighting to environmental betterment.

"They know why they're here," said Harold Press, a bilingual teacher at nearby public School 102, who led a delegation of 30 students helping with the cleanup. "We've been talking about this for quite a while. We're determined to make this a decent place for play and relaxation."

BAGS FILLED WITH CANS

Many youngsters and their parents brought with them plastic bags filled with empty aluminum soda cans, which were put into a recycling truck manned by personnel from Reynolds Aluminum. The company paid 10 cents a pound for the cans.

One of the fathers who carried a bag filled with cans, Roberto Hernandez of 875 East 163d Street, said he had accompanied his three sons, all of whom were busy cleaning up the park.

"We've been saving the cans for a while," he said. "We want to do our part. There's no sense to dirtying the place if we're going to use it."

SHOWMOBILE IS STAGE

The Ghetto Brothers, using a Parks Department Showmobile for a stage, played Latin music on a variety of instruments—congas, a drum, a guitar and saxophone. Their amplifiers contributed somewhat to the noise pollution study, helping those who visited the city truck carrying instruments understand better what the lines on the charts indicated.

But there was plenty of feet stamping and body moving as the music went on. And impartial observers noted that brooms and rakes moved a bit faster.

Luis Matos, 12 years old, who lives across the street from where the cleanup was taking place—at 1520 Crotona Park East—split his attention between working and listening to the Ghetto Brothers.

"It's nice," he said. "It has real meaning."

The project was sponsored by the Mayor's Council on the Environment and Community School District 12.

THE BOMBINGS CONTINUE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ARCHER. Mr. Speaker, I call the attention of my colleagues to a recent column by Victor Riesel.

The Riesel column alerts all of us to a growing menace that calls for steady action to combat it. The writer reports that since January 1969 more than 51 Federal buildings have been bombed and in all there have been 6,500 bombings since the count began.

I urge all my fellow Congressmen to read this column. The full text follows:

Tracking The Subversives

(By Victor Riesel)

Washington.—There are those in considerably influential circles who would have the nation believe that supporting the Subversive Activities Control Board is akin to bottling the bubonic plague and hawking it as political patent medicine. This is unfortunate. There are thousands of explosive reasons for the continued financing of the Board, for its staffing and for giving its hearings a fair hearing.

There is, for example, the lethal matter of bombings brought to mind by the Aug. 31 (1971) indictment of four young men on charges of murdering one Robert Fassnacht. He was blown to bits Aug. 24, 1970, just about a year ago, while in the pursuit of knowledge in the U.S. Army Mathematics Research Center, U. of Wisconsin in Madison. The four men, charged in absentia, are being tracked by the FBI.

It is tragic that the late physicist Fassnacht, and four others badly hurt when he was killed, should become statistics. It also is tragic that the deadliness at Kent State U. should become a cause celebre and scholar Fassnacht should be almost completely forgotten. For the moment the statistics are the thing.

As the universities' lights go on all over the nation these days, authorities in Washington report that since January 1969 more than 51 federal buildings have been bombed. The General Services Administration probably has a bigger figure. In all there have been well over 6,500 bombings since the count began three Januarys ago. At least 55 persons have been killed, including of course, the apolitical mathematician Fassnacht. Mixed with this blood is money, if it's of consequence. Lots of money in damages—well over $30 million.

When last I talked with representatives of the California Bankers Assn., for example, I was told that the Bank of America has been "targeted." It had been hit at least 30 times by early summer. In one two-week period it was hit 10 times.

The cost then was $1.5 million—and the computer specialists were estimating this to hike to $3.5 million.

And from January 1969, bombs have hit many a corporate building, oil refineries, communication towers, a telephone exchange, power poles, rail tracks, police transmitters, stationhouses and vehicles.

At one point the authorities were able to place definitive responsibility for 36 per cent of the bombings. The other 64 per cent are still to be solved. But the scientific analyses are grimly fascinating—especially should they be to the Congressmen who, for reasons they really never explained fully fought the Subversive Activities Control Board as though it were chaired by Emperor Caligula.

Of the bombings definitely traced by the Treasury Dept. for the period January 1969 to April 15, 1970: some 56 per cent were attributed to campus disorders (such as the one in which theorist Fassnacht was killed later); 19 per cent were set by black extremists; 14 per cent by white extremists; 2 per cent in labor disputes; 1 per cent to attacks on religious institutions; and 8 per cent "in aid of criminal activities (re. extortion, theft, arson for insurance)."

The mob's the mob and it is being electronically pursued. But what of the black and white extremists? What of the revolutionary units? What of the weird, independent "armies", liberation fronts, and violent, secret societies? If these aren't lethally subversive, if the bombing of oil refineries, the derailment of trains, the infiltration of huge factories by cells which dispatch "delegations" to Hanoi, the targeting of banks to disrupt the credit system and the brutal political executions of policemen are not subversive—what is?

And what of the 16 missing SDS Weathermen (and women)? What of the types such as Kathy Boudin and Cathy Wilkerson, the young women, their clothes blasted off, in their own New York City bomb factory, who dashed into the streets nude, and escaped? What of other bomb factories? What of the Weathermen Bureau leaders such as Mark Rudd whose storm trooper squads first seized parts of Columbia University some years ago (during which one police officer was injured and paralyzed)?

What of the bands who were indicted on charges of disrupting parts of Chicago and Detroit—and now are fugitives from the FBI which wants them for violation of the Federal laws on conspiracy, Federal bomb and gun-control laws, as well as the anti-rioting and mob action statutes?

Where is the self-avowed terrorist Bernardine Dohrn, who was active in and around Kent State U. as well as other storm centers? She has admitted being part of the national home-bomb factory complex.

Certainly there are subversives? If the Bernardine Dohrns, the Mark Rudds, the Armstrong brothers (of the Fassnacht murder charges) are not subversive, then let's throw away the word. Let those who mock the board stand and mock the widows of those killed, and the families of those maimed, and the millions on millions of undergraduates who simply want basic learning, not bombs.

MEANY'S RECKLESS GAME

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. DERWINSKI. Mr. Speaker, it is obvious that as difficult as the situation is for individuals, the nation as a whole will benefit if the President's phase II economic program works. The chief antagonist is obviously AFL–CIO President George Meany, as pointed out in the following editorial which appeared in the Chicago Daily News on Tuesday, November 23, 1971:

Meany's Reckless Game

Treasury Sec. John Connally ticked off an impressive list of statistics Monday, all pointing in the right direction for a strong and growing economy. His message exuded confidence, as it was supposed to. Connally is good at that sort of thing, and the facts are on his side. In spite of all the beefing and the uncertainties, the general economic picture has been improving.

Connally was confident, too, that labor will co-operate to make Phase II work. But after last Friday's collision at Miami Beach, this seems a dubious assumption at best, and the weakest link in the chain of economic recovery.

With George Meany set on undercutting the President of the United States, and Connally telling a national audience about Meany's "arrogance, boorishness and discourtesy ill becoming a leader of labor," the stage is set more for combat than cooperation.

Meany is right about one thing. The administration is trying to put a check-rein on Big Labor. The excesses of union demands beyond gains in productivity have made such a course imperative, and we believe the public generally understands that. But the guidelines laid down for Phase II will work no hardship on labor, given any kind of cooperation at all. Everybody benefits in inflation is checked; everybody loses, including unionized labor, if the effort fails.

Meany charges that President Nixon was simply trying to make political hay in coming before the AFL–CIO convention in Florida. That charge needs a little evaluation.

We doubt if even President Nixon would deny that politics entered into his decision to face the AFL–CIO. If he can make Phase II work, his chances of re-election improve and making it work involves bringing at least some portion of unionized labor around to his support. But in this case what might help Mr. Nixon politically would be certain to help the country economically. Curbing inflation ought to be a bipartisan team effort.

The Democratic hopefuls have done their share of sniping at Mr. Nixon, but there is no evidence that any of them put their own ambition above the general good of the country The same can't be said for Meany. His hatred of Mr. Nixon runs so deep he seems willing to do anything to defeat him, even to pulling apart the wage-price structure before it has a chance to prove its worth. The convention's move to raise Meany's salary from $70,000 to $90,000 a year—28 per cent—startled even some of the AFL–CIO vice presidents with its defiance of the guidelines.

Connally's confidence included the hope that one man (Meany) "can't put himself above" the best interests of 80 million people in the working force. In this respect, we fear his confidence is misplaced.

THE GLOBAL ENVIRONMENT, RESPONSIBLE CHOICE AND SOCIAL JUSTICE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the Record the text of a statement, approved by the executive committee of the World Council of Churches, meeting from September 5–9, 1971, concerning certain considerations, which the executive committee believes, on the basis of the Christian faith, seem to be particularly significant with respect to the many dilemmas contained in the phrase, "the environmental crisis."

The executive committee makes clear that the statement does not pretend to set forth the definitive position of the World Council on all aspects of the environmental crisis, but is rather an effort to make a preliminary evaluation of the urgency of the crisis and to highlight certain considerations which, in light of Christian faith, seem to be important.

Mr. Speaker, a more sustained examination of these issues will be undertaken by a panel of experts now being convened by the World Council's unit on church and society, whose working committee prepared this statement.

This study and the submission of the Commission of the Churches on International Affairs of the World Council of Churches to the United Nations Conference on Human Environment, to be held in Stockholm next year, are intended to help the churches contribute to environmental reflection and action on the work of the U.N. conference.

The text of this statement entitled, "The Global Environment, Responsible Choice and Social Justice" follows:

THE GLOBAL ENVIRONMENT, RESPONSIBLE CHOICE AND SOCIAL JUSTICE

(A call to the churches for study, comment and action, approved by the Executive Committee of the World Council of Churches, meeting 5th-9th September, 1971.)

I. INTRODUCTION

In recent years there has been a rising crescendo of prophetic warnings about the human environment—some reasoned and forceful, some shrill and exaggerated, some cautiously hopeful, some deeply pessimistic. We have been told that our air, water, soil and living space are seriously deteriorating in a way which threatens the quality of human existence, and which may threaten the future of human life itself. There are familiar elements in the warnings. Men have often been cautioned that their use of natural resources like timber, or their own fertility and increase, would sooner or later bring unacceptable consequences.

Now there is a new sense of urgency, caused not by new factors but by a new combination of factors on a world-wide scale; continued massive increases in population, ever-increasing industrial expansion with its appetite for raw materials, and a high degree of world economic interdependence which, with modern communications techniques, has created a new sensitivity to the needs of poor countries. Suddenly it appears to many people, with frightening intensity, that we are pushing against the limits of a finite world, that in all likelihood something vital will before long give way, and that the traumatic reassessments which will then be forced upon us will be full of possibilities for tragedy.

II. THEOLOGICAL PERSPECTIVES ON THE ENVIRONMENTAL CRISIS

1. The Christian Church has no distinctive answers to the many technical problems posed by the state of the environment. Beyond such technical issues, however, the present crisis is provoking a reconsideration of some of the fundamental questions of human existence. What is man's chief aim on earth? What is his true relationship to his natural environment? How important is man's standard of material living? What responsibility has an individual or nation towards "the neighbour"? In this context the Church is called to reflect upon and witness to its own deepest convictions.

2. Man's dominion over the earth is not to be exercised as though he alone existed in the universe or he alone were of value in the creation. This distinctive role is to be fulfilled as a trust, as a stewardship for the Creator to whom the earth and all its creatures belong. For too long Christians have thought of creation as having to do with the beginning of things instead of understanding it in terms of God's continuing work and man's continuing responsibility. This vision of the God-man-nature relationship questions all attitudes and social policies which flow from a narrowly self-interested approach to nature and human relationships.

3. The world around us does not exist merely for our personal gain; it has value in itself and we are called to act on the basis of a responsible global environmental policy. Hence, our ethic must go beyond mere usefulness. Neither nature nor other men may be treated from the viewpoint of our personal desires alone. In particular we have to act responsibly toward unborn generations, who have as much claim to a full life on this planet as do men of today.

4. The quality of life achieved is a necessary complement to the idea of dominion. Christianity certainly supports the kind of materialism which recognises the importance of basic standards of health, nutrition, and housing; and environmental planning must start with these requirements. Beyond these material needs, however, there are other dimensions to life and the Church in particular is called to draw attention to these and to testify to that which makes for human fulfilment. Ecologists who are challenging many of the assumptions of a modern production-oriented society and recalling use to a deeper appreciation of man's aesthetic, psychological and spiritual needs are expressing a concern which Christians should fully share.

5. Technology and science have vastly increased man's dominion over the earth, not only enriching life but also by contrast creating problems of pollution, of exhaustion of resources, of the subordination of man to machine, and above all of injustice. Nations and groups within nations use technology and science to dominate and exploit other nations and groups, thus increasing the gap between rich and poor peoples. However, man's dominion over the earth cannot be abandoned now, as some would argue, but must be exercised with greater wisdom and skill to ensure social justice to all peoples. Christians must reexamine the biblical concept of dominion, as a basis for intelligent, responsible choice in environmental issues.

III. RESOURCES

1. One of the major pressure points is the approaching exhaustion of certain non-renewable resources. In some cases, as perhaps with certain fuels, the problem of depletion may be handled successfully by shifting to new sources of energy to accomplish the same social ends. However, there is a disturbing lack of consensus among the experts as to whether such new sources of energy will be available in time to meet this exponential curve of rising demand. While some assume that the transition is possible and can be made relatively smoothly, others expect that the exhaustion of conventional sources will create major crises with serious social consequences.

2. For other non-renewable resources, such as arable land, there is apparently no conceivable substitute. While new techniques may enlarge production from such land, the diminution of the total area available for agriculture constitutes an unavoidable limitation.

3. Even where substitutes may be available in the future, the pattern of current usage remains a problem. Wise planning must take account of present conflicting claims for scarce materials, and allocate their use justly. Furthermore, because the present generation has no exclusive right to these materials, and because we are responsible to those who come after us, it seems obvious that we should regulate our present consumption with the projected needs of future generations in mind, so far as we can predict that they will have to rely on the same resources we employ.

4. The finiteness of these resources at any given time poses acutely the problem of equitable distribution. In a situation of continued economic growth this problem was obscured by the fact that the standard of living of the poor was at least rising, though the gap between rich and poor was actually widening. When overall quantitative growth ceases or slows, inequality becomes painfully obvious and the moral problem of the gap between peoples becomes even more acute.

5. Inequality of wealth is, of course, a problem within a given society; but as posed by the finiteness of resources it is particularly evident between nations, between developed and developing countries. The challenge of international social justice thus confronts us at the outset of any inquiry into the environment question.

The two crises are inextricably linked. We cannot speak of an environmental policy without a development policy, any more than we can effectively pursue development without taking full account of the potentialities and limitations of man's global environment. Economic and technological development in certain stages of its growth has characteristically meant increased use of natural resources and more pollution of the environment. In view of the approaching exhaustion of some valuable resources and growing pollution, there is already discussion of the desirability of a zero growth rate in global economic production.

The proposal is open to debate at several levels: economic, ecological, moral and spiritual. From a theological viewpoint economic growth cannot be called essential, although certainly it is desirable that conditions should be created which will facilitate for all people the fullest possible development of their human potentiality.

If the case for a zero rate of growth is persuasive, social justice will require wealthy societies to moderate, halt, or even reverse their rates of consumption and pollution in order that other societies may accelerate economic growth. Even if it is not persuasive, the evidence is overwhelming that economic growth alone, without redistribution of power and resources, will not bring a just distribution of wealth. Recent indications that weaker countries, by pooling their efforts, can obtain more equitable prices for their products—as in the case of oil—are small yet encouraging signs of change in a favourable direction.

6. As the poorer countries struggle to develop, the competition for limited supplies of natural resources will intensify. Such competition is a cause of present international tension and in the past has been one of the major causes of war. The lesson for the future is plain. What is needed is a radical change in attitude towards the natural resources of the world and their distribution and use. They were created by God, and particular countries are stewards and trustees for their world-wide use by present and future generations; all people have the right of access to them, not through condescending grants from the affluent but as a common human inheritance.

This does not mean that western technology should simply be copied in the developing countries. The serious errors committed in highly industrialized societies must not be repeated in the Third World whether through carelessness or because of pressure to adopt inappropriate forms of technology. The application of technology should be suited to each nation's own culture and its own development goals; but however these may be defined it is clear that the present international structure of economic power requires radical alteration if the poorer countries are to improve absolutely their material situation vis-à-vis the developed countries.

7. Measured against the criterion of world need, many of the current consumption habits of the developed countries are frivolous and wasteful. They use up resources for purposes which are clearly unessential when set against the unmet needs of the developing countries. This underlies the need to reconsider the meaning of human life and community. Societies, heedless of responsibility toward other men and future generations, have measured their success in terms of high consumption and growth in the gross national product; but the dangerous inadequacy of such criteria becomes increasingly evident.

Economic development, to a degree, is a necessity for human liberation; pursued excessively or made an idol, it is enslaving. A society, freed from both economic privation and idolatry, may offer its members a higher quality of life than most men know today. The Church, in particular, must testify that man, who lives by bread, does not live by bread alone.

8. None of the world's current political and economic systems has dealt adequately with the issues raised by the problem of natural resources. The conflict between the interests of individual nations and a responsible global economic policy makes it extremely difficult to deal with the questions posed. Present structures do not adequately recognize or represent the "common interest" of mankind.

IV. POPULATION

1. The steeply rising growth of world population poses a host of urgent problems. While experts disagree on how many people the earth can support, all are agreed that there is an upper limit. It follows that overall population growth must inevitably stop at some point. Whatever this limit may be, we are in no doubt that we are approaching the critical point far too rapidly for complacency.

2. Pressure on limited resources is intensifying both because of greater numbers and because the rate of use by each person is increasing. The number of people the planet or any area can sustain depends partly on how much they consume and pollute. Population growth in industrialised societies, where per capita rates of consumption and pollution are high, is no less urgent an issue than in developing countries.

3. Rapid population growth in the developing countries eats up their economic progress, cruelly frustrating their hopes for development. Population growth in the developed countries multiplies their already disproportionate consumption of the world's resources, further frustrating the hopes of the developing countries for a better share.

4. We do not presume to guess what an optimum population size would be. The potentialities of each region vary, and there are many imponderables. It is even true that some areas at present are relatively underpopulated. But the clear effects of overpopulation are visible in many other places. A levelling off of world population growth is inevitable. The question is whether this will result from disease, famine and war, or whether a planned reduction can be achieved without catastrophe.

5. Population growth, together with migration from rural areas, contributes to the accumulation of people in cities in ever more crowded conditions. Beyond a certain point, the effects of such density of human beings appear to be mainly adverse and it becomes increasingly difficult to supply the public services required by urban agglomerations. The multiplication of urban problems in our time offers dramatic evidence of the need to limit population.

6. Family planning, the voluntary spacing of children by contraception or other means, is a necessity, but it is not the same as population control. Even with universal family planning, populations may continue to grow because people want large families. It has been a cardinal assumption that any list of human rights should include the right of parents to decide on how many children they might have.

But this right should not be exercised apart from the right of children to physical, social, and psychological health, to an environment which gives scope to the fulfilment of their human potentialities. Population control puts the emphasis on parents having the number of children that can be adequately cared for in the world, rather than on the number of children parents may want to have. If such control is to be achieved voluntarily, we must have better knowledge of the complex reasons why people desire large families. Experience with different types of incentives is needed. Routes to control along these lines will be long and arduous, but must be followed.

7. Many believe that some form of compulsory population control will be necessary. What degree of state coercion is appropriate and what means may be employed, in bringing about the necessary changes in population trends? Here there are complex questions of social ethics and personal conscience which are becoming increasingly urgent, and which call for serious discussion in the churches.

8. A disturbing factor in current attempts to encourage population limitation is racial and national politics. Some peoples continue to see numbers as power and are wary of anyone who urges them to limit their growth. This is particularly evident where a dominant group urges limitation on a weaker group, as when spokesmen from developed nations tell the developing countries their growth rates are too high. The major promptings for effective limitation must come from within the country concerned if they are to be heeded.

9. Furthermore the fact that the problem must be treated nationally is underscored by the international restrictions on migration. It seems unlikely that relatively underpopulated countries can be made to accept the surplus population of other areas—except by war and conquest. Such territorial possessiveness, and the cultural isolation and pride which accompany it, can hardly be pleasing to the Christian conscience; but the fact must be reckoned with realistically. Under present conditions migration is an illusory solution to the population problem.

V. POLLUTION

1. While in the past men have tended to assume that there was no longrange danger in depositing chemical and physical materials in the natural environment, that nature would absorb and neutralise any harmful side effects, we now know that the corrective capacity of an ecosystem can be blocked. Its ability to absorb and repair damage is not unlimited: it can lose its elasticity beyond recovery. The period required to recover from some man-made harm may be centuries long, so that the damage becomes effectively "permanent" as far as present life is concerned.

2. Pollution frequently affects plants and animals more immediately than man himself. But when it gives rise to a malfunctioning of the ecosystem, man may himself become the victim. Toxic pollutants may be absorbed by man directly from the air or through food chains or in other ways. Some pollutants induce genetic changes as well as producing physiological damage. There may be a considerable time lapse between the initial use of a polluting substance and its later toxic effects on man. Harm is thus caused not only to the present generation but to its descendants.

3. Man who causes pollution has also the technical capacity to put an end to almost all these destructive practices. The accumulation of pollutants in the environment is tied closely to styles of production, industrial and agricultural, which are not easily or quickly changed, since they form part of entire patterns of living. Nevertheless, correction is possible once public attention has been drawn to the dangers and the political will has been created to bear the considerable costs involved.

4. Pollution has a "social cost" which should be calculated as part of production costs for industries, public and private, which have pollution problems. Effective legislation, including stiff penalties for violation, will be required to ensure that these social costs are taken into account. Owing to international industrial competition, equivalent regulations will have to be in effect in all nations if this new accounting is to work. Great care must be taken so that the pollution problems of industrial societies are not inflicted upon the developing world.

5. Political authorities have been slow to act on pollution for many reasons, including popular ignorance of the causes and magnitude of the problem, divided jurisdiction, and private pressures which discourage such authorities from protecting the public interest entrusted to them. This reinforces the need to awaken public interest and organise political power on behalf of those who suffer from pollution, and to work for adequate regulations, their enforcement and further unbiased research on pollution problems.

6. International areas like the seas and the atmosphere are currently beyond effective control, or are at best subject only to incipient control systems. As pollution is no respecter of frontiers, its spread rasies in a new way, with new urgency, the question of internationalising certain governmental functions now exercised by sovereign states.

VI. PARTICIPATION OF CHRISTIANS AND CHURCHES

1. The coming years will demand from churches and Christians their increased participation in reflection, discussion and action on the questions of man's global environment.

2. The United Nations Conference on the Human Environment, meeting in Stockholm in June 1972, will constitute the first major intergovernmental consideration of these dilemmas. Churches are urged to follow these debates and to press their governments to take an active part in the search for responsible environment policies on a world level.

3. Many non-governmental organisations—international as well as national and local—are intensely active in working for new approaches to environmental problems. Christians should play their part in initiating and supporting creative action in cooperation with people of various faiths, disciplines and cultures.

4. To help advance Christian reflection and engagement, the World Council of Churches has launched a theological and ethical inquiry into these issues. The participation of churches, Christian groups and individuals, and indeed of all interested persons is welcomed.

5. The questions to be faced are novel, their complexity is daunting and the time span within which responsible action must be taken seems alarmingly short. In the face of a numbing temptation to do nothing, Christians are summoned urgently to reflection and action, with all people of goodwill, to participate in the building of God's earth.

THE VANTAGE POINT

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. PURCELL. Mr. Speaker, it was recently my privilege to glance through an outstanding book review of former President Johnson's "The Vantage Point," appearing in the Wichita Falls Times.

As all of us know, "The Vantage Point" is a most exceptional work—both in terms of the man who wrote it, and the events and viewpoints it portrays. It is a refreshing change from much of the sweet syrup usually ladled from public papers of a former President. Instead, it chooses to present acute and sometimes painful visions of a true President of all the people.

As one of those riding in the fateful parade in Dallas on November 23, 1963, I can remember painfully well the chaotic beginnings of President Johnson's administration. I was also present at the end, here on the Capitol steps in 1969. A great President and a good steward of his pressing national burdens lay them aside to return to his native Texas.

I remember and know Lyndon Johnson now as the sort of person who chose to set his own measure in terms of the uplifted hearts of the poor and downtrodden during his administration, rather than in terms of the substantial concrete monuments with which lesser men might be satisfied. This is one of the real visions of Lyndon Johnson to those of us from Texas, and a meaning that the review senses well, I believe.

While I commend the review for its outstanding portrayal of "The Vantage Point," I commend it also for exemplifying the pride we Texans hold for former President Johnson. A strong man, he imparted that strength to the Nation and to Texans during our hours of sore need. From 1963 until 1969 he was our rock, and as such, I hope his work will be warmly received by all the Nation.

The book review follows:

L.B.J.'s: WHITE HOUSE YEARS

(By Margaret W. Reid)

The Vantage Point: Perspectives of the Presidency 1963–1969, by Lyndon Baines Johnson. Holt, Rinehart & Winston, $15.

One Sunday last June I visited the beautiful and impressive Lyndon B. Johnson Library in Austin. It is, as you know, a repository for millions of pages of documents and more than 500,000 photographs collected during the President's 32 years in office as U.S. Representative, Senator, Senate Majority Leader, Vice President, and President. (A mural in the Great Hall depicts these stages in his public career.)

Stacks holding the priceless documents (they are contained in red buckrambound file boxes) extend from floor to floor on six of the eight floors of the building. Another distinctive feature of the Library is the reproduction of the oval office in the White House. The office even contains LBJ's presidential desk, symbolic of "The Vantage Point," title of the President's 600-page book.

He explains: "I have not written these chapters to say 'This is how it was,' but to say, 'This is how I saw it from my vantage point. Neither have I attempted to cover all the events of my administration. I have selected what I consider to be the most important problems, the most pressing goals, and the most historic accomplishments of my years as President . . .

"I did not set out to write a propaganda piece in support of my decisions. My purpose has been to state the problems that I faced as President, to record the facts as they came to me, to list the alternatives available, and to review what I did and why I did it. Others will have to judge the results on their merits . . ."

What adult will ever forget that November day in Dallas in 1963 when John F. Kennedy was assassinated and Lyndon Baines Johnson took the oath of office (administered at his request, by Texas' Federal Judge, Sarah T. Hughes) in Air Force I at Love Field? (Television made it all too vivid.) We remember, too, our relief when the new President addressed the nation asking for our help—and God's, and we knew he was firmly in control. Johnson writes, in an opening chapter, describing these first days in office: "Any hesitation or wavering, any false step, any sign of self-doubt, could have been disastrous. The nation was in a state of shock and grief. The times cried out for leadership."

That President Johnson supplied that leadership was soon apparent (even the stock market made a quick recovery), and he convinced the doubters that a Texan could make a strong President. Blacks, especially, had been apprehensive over having a Southern President, but he was to do more for minority groups than any other President had ever done.

Of those first hectic days in office, President Johnson writes: "When I recall that day (his first) I think of people, people entering my office, people leaving my office, people meeting in my office, people waiting in my reception room, a steady stream of people. They included former Presidents, Cabinet officers, leaders of Congress, and staff members."

Among these was Walter Heller who asked if the Council of Economic Advisors should develop a program to attack poverty. The President said: "I'm interested. I'm sympathetic. Go ahead, give it the highest priority. Push ahead full tilt." The "War on Poverty" which ensued was only one of the many important bills passed to aid the poor, the untrained, the jobless.

President Kennedy's civil rights bill first proposed in 1963 was another. "The most vulnerable sections were those guaranteeing equal access to public accommodations and equal employment opportunity." President Johnson would not compromise or bargain, and many pressure groups—racial, religious, and others—helped, and the 1964 Civil Rights Act was passed. Indeed, LBJ's record on social reform even exceeds that of the past-President he most admires, FDR.

Running like a dark thread throughout this distinguished narrative history are the President's accounts of the war in Vietnam, his anguish over loss of American lives in Asia. "President Kennedy had kept me well informed on world events," he writes. "Only South Vietnam gave me real cause for concern." Various chapters deal with the progress of the war, its acceleration, attempts to negotiate, decisions to stop bombing in hope of ending the war, growing discontent at home, policy decisions after conferences with advisors. Seldom did the President get a night of unbroken sleep. The burden of the Presidency grew intolerable, he announced his decision not to run for a second term, hoping his withdrawal would conciliate his critics and hasten the end of fighting.

Most comprehensive—and praiseworthy—was the transition of administrations, the briefing of Nixon and his aids. "To anyone who had witnessed, as I had, the intense emotional friction that marked the transition from President Hoover to President Roosevelt, the deep personal hurt and resentment that marred the Truman-Eisenhower transition, and the civilized but chilly relations between Eisenhower and Kennedy in 1960, it was obvious that historical precedent left much room for improvement. I believed that the dignity of the Office of the Presidency demanded cooperation and respect between the incumbent and his successor. Even more, I was convinced that at this crucial juncture we could not afford either an abrupt change of administration or a change filled with rancor and partisan sniping." This view can only be that of a great man.

No review can cover all the major topics the President discusses nor do justice to this well-written, vital history. As you can see from the quotations included here, the President's written word, like his speech, is alive, forceful, and colorful, and is marked by many philosophical comments and profound truths. He calls the White House "that house of decisions," and writes "nothing makes a man come to grips more directly with his conscience than the Presidency. Sitting in that chair involves making decisions that draw out a man's fundamental commitments. The burden of his responsibility literally opens up his soul."

"No President seeks crises. They come to him unbidden and in legions."

President Johnson was beyond doubt a strong President. Only time can assess his place in history but his book and his library supply ample material for future judgment.

TODAY'S QUOTE

The magnitude of the job (the presidency) dwarfs every man who aspires to it. Every man who occupies the position has to strain to the utmost of his ability to fill it. I believe that every man who ever occupied it, within his inner self, was humble enough to realize that no living mortal has ever possessed all the required qualifications. It is not a question of the incumbents wanting to do the right thing. The American people, in their wisdom, have never yet elected an evil man to lead them. No man ever runs for the presidency on a platform of doing wrong. Every President wants earnestly to do what is right. The enormous challenge he faces, as he looks out on his country and the world from the observation post of the White House, is knowing what is the right thing to do, for the complexities of the problems are past description.—From "The Vantage Point," by Lyndon B. Johnson.

MR. CONNALLY, HIS CRITICS, AND THE BALANCE OF PAYMENTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. FRASER. Mr. Speaker, When the President announced his new economic policy on August 15 he pointed to the deficit in the U.S. balance of payments as the reason for taking immediate action to close the gold window and impose the 10 percent surcharge on imports. Secretary Connally has made it very clear that he considers the solution to our balance-of-payments problem to be a reduction of foreign imports and an increase in U.S. exports. He indicated in his recent negotiations with Japan that the surcharge will not be removed until a favorable trade balance is restored.

Mr. J. W. Anderson presented an interesting critique of this policy in a November 20 article in the Washington Post. The article follows:

MR. CONNALLY, HIS CRITICS, AND THE BALANCE OF PAYMENTS

(By J. W. Anderson)

Secretary Connally is holding firm to his conviction that trade and trade alone, is the cure to the horrendous deficit in the American balance of payments.

The trade cure means American's buying less abroad and selling much more—in such vast proportions that it would affect the internal economics of nearly every nation with which we deal.

But trade is not the only item in the balance of payments. There is the money that Americans send abroad to buy into foreign businesses. The scale of American investment is already a highly inflammable political issue in the internal politics of a good many countries, both developed (Canada, France) and otherwise (almost any of the South Americans).

There are also the very large amounts of money that Americans bring home in the form of profits from foreign investments. There is the money that Americans send abroad as interest on their debts. There is the money that Americans give or lend to other governments as foreign aid (although four-fifths of it is spent in the United States, and turns up again as exports).

Your choice of policy to straighten out the balance of payments depends on your guess about all of these migrations of money—investment, profits, interest, aid—as well as trade over the next few years.

Mr. Connally thinks that the whole cure is going to have to come from the trade account. He has even put a number to it: the famous $13 billion turnaround in trade that he laid down first in London two months ago.

The movement of capital is extremely difficult to control, the Treasury says, and is not likely to help the balance of payments much in the near future. Therefore the whole rescue operation has to be worked through the buying and selling of merchandise—buying less and selling more to a total of the $13 billion swing.

There are other opinions, of course, based on other diagnoses. Lawrence B. Krause of the Brookings Institution, to take one prominent example, points out that Americans' profits on their foreign investments have been rising very fast. Soon they will hit a level, he calculates, at which they will balance the whole outflow for investment, interest and foreign aid. By 1975, according to his figures, the United States can get along very comfortably, with a surplus in its balance of payments, by selling abroad only as much as it buys.

Further in the future, Krause speculates, the United States might even be able to afford a substantial trade deficit, by living on its foreign profits. (Great Britain lived this way for several generations before World War II. Britain's present troubles go back to the war, when it cashed in massive foreign holdings to pay for rearming.)

If the Treasury's diagnosis is correct, Mr. Connally is a hero. If Mr. Krause is right, Mr. Connally is the man who jeopardized all of our international friendships to chase a surplus that is not only unnecessary but probably unattainable.

Mr. Connally's $13 billion figure can be taken apart, piece by piece, for further inspection. The Treasury feared last summer that, without any change of policy, the United States would run a $5 billion trade deficit next year. It calculates that what we need, to achieve a small plus total in the balance of payments, is an $8 billion trade surplus. Mr. Connally's target, is the difference between where he feared we were going and where he thinks we ought to be. That $13 billion is a huge figure. For comparison, the United States exported goods worth $42 billion last year, and imported $40 billion. (Within the past six months, of course, the trade balance turned hard the other way and we are now buying much more than we sell.)

The Treasury's presumed trade deficit of $5 billion is a rather hypothetical figure, based on three large assumptions; full employment here and abroad, price stability as a result of President Nixon's controls, and last May's exchange rates.

The exchange rates have already shifted sufficiently to have a substantial effect on trade. But the Treasury believes that a rise in employment and general prosperity here and abroad would make our trade deficit worse. The United States tends to export goods that are not very sensitive to fluctuations in consumer demand—West Virginia coal for Japan, for example, and jumbo jets for the world's airlines. In contrast, our imports flow heavily into very responsive consumer markets—cars, for instance, and television sets.

But if the $5 billion trade deficit is a highly abstruse figure, already obsolete because dollar exchange rates have changed, there is nothing soft about the $8 billion trade surplus that the Treasury wants.

The computation of the $8 billion begins with one controversial and highly optimistic prediction: that foreigners' investments in the United States will soon balance Americans' private investments in other developed countries. (Currently, direct private investment is in the range of $4.5 billion a year outward, and only $800 million inward.)

The next prediction is darkly pessimistic: the Treasury sees American profits on foreign investments eaten up, at a rising rate, by the interest that we must pay on American debts abroad. This debt, swollen by the accumulated deficits in the balance of payments, now totals $65 billion, the Treasury reports.

In its third prediction (again optimistic, in view of the recent votes in the Senate) the Treasury sees an annual outlay of $4.5 billion-plus in aid, as well as private investment in the underdeveloped countries of more than $1.5 billion a year.

When the Treasury feeds these three predictions into its computers, and adds the standard estimates for the other items—support of military forces abroad, tourism, pensions paid to people abroad, various other capital flows—the result is a net deficit of $6 billion a year.

To this Treasury adds a $2 billion margin of safety. It is calculated to cover certain kinds of leakage in the accounts and leave the small but certain surplus that Mr. Connally considers essential to the international reputation of the dollar.

Six plus two equals eight. Since this reckoning takes into account everything but trade, trade will have to cover it. Exports will have to exceed imports by $8 billion a year.

There is more than one way of looking at this arithmetic. The Treasury declares, very emphatically, that the $8 billion trade surplus is essential to finance the continued outflow of American foreign aid and investment in underdeveloped countries. But it might be said with equal accuracy to finance continued American investment in other industrialized countries, like Canada, Japan and Western Europe. These countries are not much inclined to let the issue pass with the explanation that capital movements are hard for the United States to control.

Most of our trading partners are very ambivalent about large-scale American investment. They welcome the new jobs, but they fear the growing degree of American influence in their economies. The American-based multinational corporations are not often mentioned in the country, but they are a constant matter of debate in Europe.

Secretary Connally has been talking about the American balance of payments solely in terms of merchandise trade—our products and theirs, moving in crates and sacks across international boundaries. But our trading partners will also want to talk about the movements of the enormous amounts of capital and profit that go clicking invisibly along the Telex wires that link banks. If Mr. Krause of Brookings can see a sound balance of payments position emerging with our imports equalling our exports, other nations are not likely to accept without challenge Secretary Connally's case for selling them $8 billion a year more than we buy.

THE BUTZ NOMINATION

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. CULVER. Mr. Speaker, in the Washington Post of November 29, Mr. Nicholas Kotz has written a reaching and incisive interpretation of the current trends in our national food supply system and their effects on the quality and character of rural life. Mr. Kotz' portrayal of the agricultural marketplace and the growth as well as increasing dominance of agri-business points to the compelling need for new departures in our policies for rural America.

Moreover, he shows that these trends though deep-seated, are not preordained or irrevocable. They derive in large measure from an unwillingness to design a national policy of balanced growth and development. Certainly agriculture must be changing and adaptive; we cannot simply freeze rural life within a dynamic national setting. But we need not capitulate heedlessly and fatalistically to agricultural gigantism and economic corporatism. There can, if we choose, be progress without sacrifice of family farms and the vitality of rural life.

In its nomination of Dr. Butz to be Secretary of Agriculture, the administration would further foreclose real choices for an America in which there is agricultural diversity and human initiative. Mr. Kotz' article makes it clear that the opposition to the nomination is grounded not in petty politics but rather in a genuine and widespread concern that agriculture and the individual farmer not be the victims of false economic dogma.

I include this article in the Record:

The Butz Nomination Focuses Attention on Revolutionary Changes in the Nation's Largest Business

(By Nick Kotz)

The sudden controversy over Dr. Earl Butz' nomination as Secretary of Agriculture has its obvious political aspects. It also focuses rare national attention on revolutionary changes in the nation's largest business, its food supply system. These changes are having profound effects on the fate of rural America, as well as on congestion in our cities.

The obvious opposition to Butz is explainable in terms of partisan Democratic politics, of farmers' unhappiness with low corn prices, and of the nominee's role in the 1950s as an assistant to Agriculture Secretary Ezra Taft Benson, whose name still raises farmers' blood pressure. Butz is such a convenient political target that some Democratic strategists are actually worried that his nomination will be defeated by the Senate. They'd rather have him around for the 1972 election.

But another explanation is needed for the spontaneous and intense grass roots farmer hostility against Butz, a man most farmers never even heard of until this nomination two weeks ago. The issue goes far deeper than the genial, 62-year-old appointee and the exigencies of partisan politics. Butz simply symbolizes a force in the changing food supply system that many farmers have come to regard as their oppressive economic enemy.

A thumbnail sketch of Butz's career marks him to the farmer as a representative of "agribusiness"—a descriptive word that wasn't around a few years ago. For the farmer, agribusiness means all the other elements in the food supply chain that are highly organized and represent big business: the national retail food chains, the giant national food processors, and the conglomerate companies that perform an interrelated series of functions in the food system.

The farmer has seen these other segments of the food supply system consolidate their economic power while he—even as his numbers have dwindled by millions—remains unorganized and relatively powerless in the marketplace. The agricultural marketplace has changed radically and farmers wonder whether traditional laws of supply and demand function anymore. In bygone years, many buyers competed for the farmer's produce. But the middle-man and the open competitive market now have virtually disappeared. For example, Safeway and A&P buy lettuce directly from the fields of California, and farmers say such companies' huge purchases set the market price.

Most disturbing to the farmer, the giant firms in agribusiness now are vertically integrating their business, combining and performing many steps in the land-to-market production of food. Ralston Purina Co. and other feed manufacturers now own, feed and process poultry for sale to supermarkets. The once independent farmer has been left with only a sharecropper's role of caring for and feeding Ralston Purina's feed to Ralston Purina's chickens. Similar integration is now planned for hogs and cattle.

In short, American agriculture has become more and more like other big business—increasingly dominated by conglomerate companies and administered prices. Even, efficient, large-size family farmers find themselves isolated at the bottom of the food chain—forced to supply cheap raw materials to the economic giants above them.

Against this background, Earl Butz steps in and Clifford Hardin steps out as Agriculture Secretary in a do-si-do that totally confirms the farmer's perceptions about how things really are.

Hardin started out as an agricultural economist, became an "ag school" dean, served as a land grant university president, became Agriculture Secretary and now departs to become vice chairman of Ralston Purina, taking a seat on its board of directors being vacated by Butz after 13 years.

Butz also started out as an agricultural economist, served as a Purdue University department head, became an assistant agriculture secretary under Benson, then returned to Purdue where he ran the agriculture school, while serving on the board of four agribusiness corporations—Ralston Purina, Stokely-Van Camp, International Minerals and Chemicals, and J. I. Case. The energetic Butz also found time to make 100 speeches a year, mostly in the employ of the General Motors Speakers Bureau, to serve on various agribusiness-financed foundation boards, and to take an unsuccessful 1968 filing at winning the GOP candidacy for governor of Indiana.

Knowledgeable farm observers in Washington are convinced that an actual Hardin-for-Butz swap was engineered by a few executives and lobbyists from agribusiness.

In political terms, the Butz-for-Hardin trade indicates that the White House has little understanding of the rising populist resentments of farmers and small town businessmen. The merchants watch their towns dying, as more and more farm houses are boarded shut, and as the new conglomerate farmers buy their supplies wholesale from the factory rather than from local stores.

President Nixon and the Republicans are not unique in their failure to respond to these growing rural concerns. The Democrats have not performed all that differently. With either political party, the economic power of agribusiness has far more political clout than farmers have, except where they have joined in giant, corporate-like co-ops. When Butz was questioned by the Senate Agriculture Committee, Senator Hubert Humphrey (D-Minn.) made much ado about farm prices and the farm programs of Ezra Taft Benson. But he did not touch on the agribusiness ties of Dr. Butz. Agribusiness companies and their executives have been among Humphrey's major political supporters.

When Dr. Butz said there would be a million fewer farms in 1980 than there are today, he was merely agreeing with estimates of USDA's economists. The nation lost a million farmers under Benson and another million under Orville Freeman and neither official was to blame, or could do anything about it, said Butz. It is not politic to say such things and silence about hard truths has obscured what is really happening.

Much of the decline in the nation's farm numbers has probably been unavoidable. Industrialization, scientific developments, and new economic arrangements made it inevitable that millions would fall by the wayside.

The central issue for national policy today, however, should be whether this trend will be permitted to continue to the point where rural America becomes a wasteland, devoid of people, except for those farmers who serve agribusiness factory farms as feudal serfs. The continuing depopulation of rural America adds greatly to urban problems.

Dr. Butz, along with most persons making farm policy today, regards present farm trends as inevitable and representing "progress."

If the nation decides, however, that it cannot afford too much more of this kind of agricultural progress, then it will have to pursue far more radical policies than those which both Democrats and Republicans have addressed to the "farm problem."

The price support and acreage retirement programs historically have served the interests of the wealthiest farmers, rather than millions of small family farms.

If the efficient family farmer-businessman is to survive, he will need far more help than just another farm program. Farmers need legal authorization for collective bargaining power similar to that now held by labor unions. Small farmers and farm workers need financial and technical assistance to organize co-ops. Farm workers need unionization to win a living wage. Antitrust laws will have to be applied vigorously against agribusiness firms that try to monopolize a farm commodity or food system. The government will have to direct its vast food purchasing power toward the family farmer, rather than as a subsidy to agribusiness.

Government and university officials will have to break up the cozy triangular arrangement in which government and land grant colleges serve agribusiness and neglect other rural interests. The career of Dr. Butz at Purdue typifies this arrangement, but it is not unusual, except perhaps for the number of his corporate directorships. Agribusiness firms put money into the land grants for research that will directly benefit themselves, and the universities and federal government eagerly cooperate. Too often forgotten are the needs of family farmers, farm workers, and rural communities.

The nation also will have to bring more than political rhetoric to the concept of "rural development," which is now being served up as a magical alternative for those displaced from agriculture.

The President's proposal to replace present rural aid programs with several billion dollars in revenue sharing would represent scarcely a drop in the bucket to meet needs of the vast rural expanses that lack services and jobs. As an alternative, the Senate Agriculture Committee is pushing a rural development bill, but the question is seldom asked: development for whom? A Johnson administration idea for rural development in Mississippi included creation of a vegetable industry in which wealthy cotton planters would be the growers and processors. Farm workers and small farmers who share in this plan would have $1.30 an hour picking jobs vegetables and $1.60 an hour jobs in the processing plant. But even such rural development schemes as these have been few.

The last three President have talked in generalities about the need for rural development and population balance. It will take a lot more to bring prosperity back to rural America than merely to defeat the nomination of Earl Butz.

CHILD CARE VOTE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. FRASER. Mr. Speaker, nearly 2 months ago the House authorized the creation of a comprehensive child development program. This new program was included in a bill to extend our poverty programs for 2 years, as well as create an independent legal services corporation in order to insulate legal services from the political pressures that have almost destroyed the program in a number of States.

House and Senate conferees labored for many weeks under threat of Presidential veto to reach a compromise. Now newspaper accounts indicate that the compromise that emerged from this conference is still unsatisfactory to the White House. I urge all of my colleagues to make their own decision on the merits of this piece of legislation. Following is an excellent account from the Washington Post:

[From the Washington Post, Nov. 28, 1971]

CHILD CARE FIGHT DUE IN HOUSE

(By Peter Milius)

The White House is lobbying to defeat a controversial new federal child care program in the House next week to save President Nixon the awkward choice of vetoing it or letting it become law.

White House lobbyists and House Republican leaders were trying before the Thanksgiving congressional recess both to stiffen Republican opposition to the measure and to swing hesitant Southern Democrats over to their side.

"They want to beat it," said one member who was approached, "or, if they can't beat it, make it look controversial enough to justify a veto."

The vote—on a conference report reconciling the somewhat different versions of the legislation that the House and Senate both passed in September—is likely to come next Thursday.

Both sides are predicting that it will be close; the original House vote on the program was only 186 to 183. Defeat in the House could produce a complete stalemate; no problem is expected in the Senate. At the very least, there probbaly would be no legislation until sometime next year.

The child care program is in a bill to continue for another two years the government's old war-on-poverty programs.

It amounts, in effect, to a simultaneous consolidation and expansion of Head Start and assorted present federal day-care programs.

The bill authorizes $2 million for the combined new effort next fiscal year, about three times the present appropriations. Most of the proposed care would go free to poor children, but there also would be some help for the not-so-poor; their parents would pay according to sliding scales.

The bill, if the House passes it, will pose problems for the President no matter what he does.

The child-care program has extensive liberal support from a year-old ad hoc coalition of groups as diverse as the AFL–CIO, the National Welfare Rights Organization, the National Organization for Women and the National Education Association.

It also faces swiftly spreading conservative opposition—from the magazine Human Events, for example—on grounds that it would mean public intrusion into the private business of rearing children.

The President has had his troubles recently with conservatives over such issues as the admission of China to the U.N. He is not anxious to offend them again. Neither is he anxious to seem to oppose child care.

There is no way of separating the child care and antipoverty programs, vetoing one while preserving the others.

The administration has had reservations about the child care bill all year. Some White House officials wanted early on simply to oppose it—partly because of its possible cost, partly out of concern that it might impede the administration's plans for welfare reform, which also involve day care. Health, Education and Welfare Secretary Elliot L. Richardson wanted instead to support it, but with amendments.

Richardson won, worked for changes in the bill as it made its way through the two houses and the conference, and seemed, when the conference ended, to be ready to support it.

Key House Republicans, however, remained opposed to details of the legislation. They have sought all along to make sure that any new child care program would be run by the states, and the bill would give the money directly to local governing boards.

The White House also remained cool toward the bill, particularly, HEW aides say, because of the developing outcry among conservatives.

Last Friday, Richardson sent letters to Congress saying that he, too, still had reservations about the bill in its present form. Like the House Republicans, he said, he had felt throughout that the money ought to be doled out through the states, and the bill went too far the other way.

THE NEED FOR A NATIONAL RIGHT-TO-WORK LAW

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHMITZ. Mr. Speaker, the tremendous power of America's big labor unions, demonstrated over and over again in recent years, derives from the Wagner National Labor Relations Act of 1935 which established the National Labor Relations Board and authorized it to certify a labor union as the official bargaining representative of all the employees in a plant or a whole industry. Once a union was certified. the Wagner act forced management to bargain with that union and allowed contracts to be negotiated making union membership a condition for every worker to retain his job.

The result is that millions of American wage earners are now being compelled to pay money to labor unions as a condition of earning their livelihood. Furthermore, it is an indisputable fact that compulsory union dues are being used to finance political candidates and causes which the duespayers would not willingly support if they were given a free choice.

The constitution of the second largest labor organization in the Nation, the United Automobile, Aerospace and Agricultural Implement Workers—UAW—specifies political activity as one of the union's principal functions. While the UAW constitution provides that a union member may object to the expenditure of his dues for political activities of which he disapproves, his objection will be heard only if filed during the first 2 weeks after the worker becomes a UAW member, or during the same 2 weeks in each succeeding year. And the decision on what to do about his objection will be made by a committee appointed by the president of the union—a "convenient" arrangement.

Several UAW members employed at the General Motors plant in Willow Springs, Ill., filed suit in March of this year alleging that Community Action Program Council's are being used as the UAW's political arm to channel dues money into the campaigns of candidates favored by the union's hierarchy. Their brief states:

> It is mandatory that each UAW local set aside a minimum of 3% of each member's monthly membership dues as a per capita payment of the Community Action Program fund . . . The total membership dues paid to the UAW amounts to $180 million a year, and the 3% mandatory assessment for CAP thus amounts to $5.4 million annually. The defendant UAW officers have never provided the union members with a report or an accounting showing how they have used this money.

These employees now have only two options: First, to resign from the union which would cause them to lose their jobs; or second, to turn to the courts as they have done. A third option must be made available to them and to all of America's working men and women, an option that would permit an individual to drop his membership in a union and still retain his job. This means a national right-to-work law.

As the National Right To Work Committee has stated:

> With almost unanimous agreement by the public and by most respected economists, that excessive union power is a key factor in bringing our nation to the brink of economic disaster, Congress and the President have the opportunity to deliver a telling blow at a root cause of union monopoly; compulsory union membership. Failure to deal with the fundamental problem of unrestrained union power will leave no alternative to permanent strait-jacket government regulation of the economy.

That straitjacket has now been imposed in the form of a national price and wage control program. Passage of a national right-to-work law would eliminate the most frequently heard justification for these controls; the otherwise unrestricted power of big labor. A bill for this purpose, H.R. 11827, was introduced November 17 by Congressman SAM STEIGER of Arizona, and I am proud to be a cosponsor of it.

THE EFFECT OF THE DOCK STRIKE ON LOUISIANA AGRICULTURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RARICK. Mr. Speaker, exports are big business in Louisiana. They affect many of our citizens who handle commodities, load and unload ships, and do all the things normally associated with seaports.

This summer and fall we have had both the specter and the realty of dock strikes and work stoppages at our Louisiana ports. They have affected these workers. But what is not always recognized is the effect these work stoppages have had on Louisiana agriculture.

Mr. Speaker, last year American farmers exported a whopping $7.8 billion worth of agricultural commodities. Much of that went through Louisiana ports. More important, much of that total was produced by Louisiana farmers. The income from Louisiana farm exports met payrolls which kept the economy lively. It brought prosperity to the rural communities and parishes throughout my State. The total value of Louisiana's share of farm exports last year has been set at $182.9 million. My State ranked third in export value of rice, $71 million; fifth in cotton, $25.7 million; and ninth in soybean, $42.3 million. Louisiana also was ninth among the other States in the export value of cottonseed oil.

The time has come to face facts. We need legislation to deal effectively with work stoppages of the kind that have hit our port cities. Taft-Hartley may keep Louisiana and other gulf ports open for a cooling-off period. But after Taft-Hartley, then what? West coast labor leaders are already saying they plan to take their workers out when the injunction against them expires about Christmas time.

We must act now. Some emergency public interest protection legislation is needed to safeguard our farmers and the American public. I urge our leadership to give this top priority for action early in the second session.

VIETNAM WITHDRAWAL

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HELSTOSKI. Mr. Speaker, a few weeks ago I brought to my colleagues' attention the overwhelming vote in the recent Englewood, N.J., election in favor of total withdrawal from Vietnam by the end of this year.

I am happy to report today that I have received official notification of a similar 2 to 1 vote by the citizens of neighboring Englewood Cliffs for immediate disengagement from Southeast Asia. This is further evidence that the people of the United States are dissatisfied with the snails-pace withdrawal being undertaken by the Nixon administration, a policy which has only prolonged the bloodshed and destruction in Southeast Asia.

I call again for an immediate end to our involvement in this disastrous and immoral war. And, I include at this point in the RECORD a copy of the Englewood

Cliffs Borough clerk's notification of the outcome of that community's Vietnam referendum:

BOROUGH OF ENGLEWOOD CLIFFS,
Bergen County, N.J., November 15, 1971.
Hon. HENRY HELSTOSKI,
House of Representatives,
Washington, D.C.

DEAR SIR: The Mayor and Council of the Borough of Englewood Cliffs, New Jersey has asked that the following petition be sent to you:

Shall the Mayor and Council of the Borough of Englewood Cliffs petition the United States Congress for the removal of all United States troops from Southeast Asia and for the termination of all appropriations for the prosecution of American involvement in the war in Southeast Asia no later than December 31, 1971?

Along with this petition, the Borough Council asks that funds for the Vietnam War be cut off December 31, 1971 and that all United States troops be brought home by this same date.

The voters of the community approved this action by the vote of 1,303 for; 636 against.

It is the sincere hope of the Borough Council and the great majority of its residents that this action be taken.

Very respectfully yours,
NEIL J. VILL,
Borough Clerk.

TRIBUTE TO RUDOLPH FRIML

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. VEYSEY. Mr. Speaker, I rise at this time to pay a congressional tribute to one of this Nation's foremost composers, a man whose music has filled and enriched the lives of Americans for more than 60 years.

On Saturday, December 4, residents of Desert Hot Springs, Calif., will gather with Rudolph Friml, their honorary mayor, to observe his 92d birthday. Admirers from throughout the Nation will join in.

On December 7, 1879, Rudolph Friml was born in Prague, Czechoslovakia, and by the time he was 10 years old one of his compositions, a barcarole for piano, had been published.

From the time of his first concert appearance in America in 1901, Rudolph Friml has continued his increasing and everlasting contributions to this country's musical heritage and culture.

In 1912, called upon to fill a composing role slated for the famous Victor Herbert, a virtually unknown Rudolph Friml produced an operetta destined for worldwide reknown. "The Firefly," as it was called, was one of the greatest successes American operetta has known, and its music remains today, popular among young and old alike.

However, with two later compositions, "Rose Marie" in 1924, and "The Vagabond King" in 1925, Rudolph Friml, indeed, won for himself an immortal place in the world of American music.

Both productions broke records all over the country at the time of their introductions, and both have since thrilled Americans of four generations.

Surely, each of us here today has been carried away time and again, to the rich, romantic, and emotional strains of "Indian Love Call," "Rose Marie," and "Only A Rose," to cite just a sampling of Rudolph Friml's works.

On Saturday, which is "Rudolph Friml Day" in my congressional district, State and local government officials will join community leaders and citizens of "The Desert" to enjoy an evening with Rudolph Friml and his music.

I ask my colleagues to join me in this tribute to a truly great American and a most inspiring musical talent.

LOCAL 1199 TESTIFIES ON HEALTH CARE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. ABZUG. Mr. Speaker, local 1199 in New York City is the largest local of the National Union of Hospital and Nursing Home Employees, RWDSU, AFL–CIO. It is well known as one of the most progressive and socially concerned labor organizations in the Nation, as a union which stands up not only for the rights of its members and their families, but for the rights of oppressed and underprivileged people in New York, in the Nation and all over the world.

Speaking on behalf of Leon J. Davis, president of local 1199, the local's executive vice president, Jesse Olson, recently testified before the Committee on Ways and Means on the subject of national health insurance. Mr. Olson's testimony, reflecting as it does the position of over 60,000 hospital workers—people who see the health system in America from a closeup vantage point—is a particularly instructive statement on the current situation in health care and the need for a basic change in our philosophy regarding medical care. I include the local 1199 statement in the RECORD at this point, and I hope that you will all have an opportunity to read it:

STATEMENT OF JESSE OLSON, VICE PRESIDENT, NATIONAL UNION OF HOSPITAL AND NURSING HOME EMPLOYEES, RWDSU, AFL–CIO

1. ORGANIZATION AND MEMBERSHIP

I am Jesse Olson, Vice-President of the National Union of Hospital and Nursing Home Employees, RWDSU, AFL–CIO, and Executive Vice-President of the union's largest local, Local 1199 in New York City. I will be speaking on behalf of our President, Leon J. Davis. Since the AFL–CIO convention opens today in Miami Beach, it is impossible for him to testify in person. Our union represents over 60,000 hospital workers in ten states. The greatest concentrations of members are in New York City, Connecticut, New Jersey, Baltimore, Pittsburgh and Charleston, South Carolina. The union represents many different categories of hospital workers including service and maintenance workers, clerical workers, technical workers, and certain professionals such as psychologists, social workers, and licensed practical nurses. We also represent 6,000 pharmacists and drug store workers. We do not represent physicians or administrative personnel.

Local 1199 in New York City is the oldest and largest local of the National Union. It has collective bargaining agreements covering workers in more than forty voluntary [private, non-profit] hospitals in New York City. These hospitals comprise about two-thirds of the city's voluntary hospital beds. They include a wide variety of hospitals, including community hospitals in both middle-class and ghetto neighborhoods, teaching hospitals and medical school hospital centers.

2. ANALYSIS OF CRISIS

I know that this committee is well briefed as to the dimensions of the health crises. It is difficult to ignore shocking statistics that reveal that men live longer in 18 other countries and women live longer in 11 other countries. Although our medical knowledge and sophisticated equipment cannot be matched elsewhere, among the industrialized countries of the world, we rank as an undeveloped nation in our delivery of medical care to our people. Ours is the only major industrial nation that has neither a moral commitment to provide health care for all of its citizens nor a rational system for the delivery of such care. Organization of health care is chaotic; manpower and facilities are inadequate and poorly distributed.

The poor, minority groups and the elderly are most seriously short-changed by our wasteful "non-system".

Just last month, the Census Bureau reported that the life expectancy for blacks decreased between 1960 and 1968 while for whites, life expectancy increased. The infant mortality rate and the maternal death rate continues to be three times as great as it is among whites.

On the average, the elderly must live on less than ½ the income available to young couples or a single person, yet their medical expenditures are six times that for a youth, and 2½ times that for a person between the ages of 19 and 64.

A poor child in the U.S. is 3 times more likely to be mentally retarded, 15 times more likely to be defected at birth, and 3 times more likely to be prematurely born.

More money alone is not enough! More manpower alone is not enough! I am speaking from our own unfortunate experience with our own self-administered comprehensive health plan, covering some 150,000 people. Our members have purchasing power for a comprehensive array of health services. Although New York has twice as many doctors per capita, many of our members do not get first rate medical care because it is not available in their neighborhoods. Many of our members are black and Puerto Rican and are confined to ghettoes in which there is only one doctor for 10,000 people. Even with coverage, care is so inadequate, because medical service in the ghettoes is so difficult to get, that people go for care only when the needs become catastrophic. From this we see that our problems go beyond financial access. Our health care delivery system needs a major overhauling, not merely the "right size patch", as suggested by Secretary of HEW Elliot Richardson last April.

3. LOCAL 1199 STATEMENT OF PRINCIPLES ON HEALTH CARE

The following is a "Statement of Principles on Health Care", which was submitted by the Local 1199 Executive Council, and the Local 1199 Health Care Committee to 300 members attending our Annual Health Care Conference last June. The statement was unanimously adopted.

"We need a national policy committed to the principle that every American is entitled—as a matter of right—to the best health care that our nation's skill and technology can command. We need a delivery system that assures the availability of health services to all citizens. Such a system must include:

A. Universal and comprehensive coverage

Health care must be a matter of right, not privilege. There must be one system for all.

Everyone must be entitled to care regardless of race, income, sex, age, religion, or any of the barriers that now create inequalities. Comprehensive care should include doctors, hospitals, medication, dental care, mental health care, nursing home and convalescent care and home health services. These services and facilities should be used to maintain health and prevent illness as well as to treat sickness.

B. Equitable financing

Health care should be removed from the profit-making arena and financed by the federal government from general revenues.

C. Sound organization

To develop a national system for the delivery of health care it is necessary to:

1. Create an organized service in which the providers of medical care work together with government and the community for common objectives.

2. Establish neighborhood medical facilities and community medical centers easily accessible to the people they serve and controlled by duly elected community boards.

3. Encourage the development of comprehensive group medical and dental practice with effective consumer participation.

4. Finance a recruitment and training program to meet health manpower needs and support medical and health research requirements."

We realize that the problems of the nation's health goes beyond what can be done to improve the delivery of medical care. To assure good health also means to provide decent food and housing, clean air and pure water.

We believe that our nation has the material and human resources required to fulfill these essential objectives. We believe that a national health budget must be adopted that makes the delivery of health care a matter of top priority. Our national emphasis must change from war and destruction to the preservation of life.

4. NATIONAL HEALTH INSURANCE—AN "IDEA WHOSE TIME HAS COME"

Using these principles as a yardstick, I will now attempt to evaluate the national health insurance proposals under consideration by your committee.

National health insurance is supposed to be an "idea whose time has come." In fact, several organizations have developed their own legislative proposals designed to serve their own narrow professional and/or profit interests. The American Medical Association and the Health Insurance Association of America representing the health insurance industry, are examples of two such organizations.

(A) American Medical Association (AMA)

The "Medicredit" (H.R. 4960) proposal developed by the AMA is a plan designed to encourage more Americans to voluntarily purchase private health insurance through the use of income tax credits.

This is a limited self-serving financing mechanism, that offers no significant change in the current system.

I have great respect for the medical profession and the great things they have been, and are capable of doing. Most doctors are committed professionals dedicated to healing the sick. Unfortunately, the selfish interests of some, as expressed by the AMA, have distorted the medical profession's contributions to our citizens. The AMA Medicredit proposal is an insult to the American health consumer, and I trust will not be given serious consideration by this body.

(B) Health Insurance Industry

The "Healthcare" (H.R. 4349) proposal developed by the health insurance industry is a tax incentive plan for individuals and employers to voluntarily purchase private health insurance, with direct government subsidies to the industry in order to cover high risk categories—the poor, near-poor, and "uninsurables".

This proposal is also a limited self-serving financing mechanism, that does not deal with providing medical care to the American people. It does not contribute to the organization or delivery of health care.

The health insurance industry exists to collect and distribute medical care funds, and charge a fee for this service. The Healthcare proposal would expand their function as third party intermediaries, expand their profits, and thereby, perpetuate the same wasteful non-system. The private insurance industry is not involved in providing health, nor is their Healthcare proposal. I sincerely hope that H.R. 4349 will not be given serious consideration by this committee.

(C) Catastrophic Health Insurance

Several bills have been introduced with the intent of providing protection against the enormous costs of a serious illness. It is unfortunate that Senator Long and others have seen fit to even introduce such a bill, since this approach totally fails to meet the essential needs of our people. All of these bills have staggering deductibles and coinsurance features.

The very notion of "catastrophic" costs varies according to one's income. To a corporation executive a $2,000.00 medical bill would not be catastrophic. But, to a $130.00-a-week hospital worker in New York, this would be a disaster. Passing a Catastrophic Health Insurance bill would be a catastrophe for the American people!

5. NATIONAL HEALTH INSURANCE PARTNERSHIP

Two proposals appear to be at the center of the NHI debate. The Griffiths-Corman Health Security Program (H.R. 22), and the Nixon Administration's National Health Insurance Partnership proposals embodied in H.R. 7741 and H.R. 5615. First I will examine the Nixon Health package.

The Administration's proposal, H.R. 7741, provides two health insurance plans to the under-65 population. The first one, the National Health Insurance Standards Act (NHISA) requires employers to offer an employer/employee purchased private health insurance plan that would meet minimum, Federally-mandated benefits. The second package, the Family Health Insurance Plan (FHIP), would provide a Federally-subsidized health insurance program for low income families. In addition, the use of Health Maintenance Organizations (HMO) would be encouraged by including an HMO option for insured persons. A companion bill, H.R. 5615, provides some funds for HMO development.

A. Would H.R. 7741 provide universal coverage?

The Nixon health program does not attempt to provide one standard of health care for all Americans.

1. There is *no* coverage for the unemployed, part-time and seasonal workers, the unmarried and couples without children who are poor, state and local government employees, domestic workers, and employees of religious organizations. This is shameful!

2. There would be further fragmentation of our present two-class system of health care: National Health Insurance Standards Act (NHISA) which is a plan for employer/employee purchase of private health insurance (employers would only be required to offer the plan to their employees, it would not be compulsory); Family Health Insurance Plan (FHIP) which would provide health insurance to the "able-bodied" poor based upon a demeaning semi-annual means test; Medicaid would be preserved for the blind, disabled and the elderly; Medicare would remain for the aged; and a vast array of private supplemental health insurance schemes would remain available for those who could afford it.

B. Would H.R. 7741 provide comprehensive coverage?

Administrative and consumer confusion is added to the Nixon Plan by providing different benefits which different cost-sharing features for NHISA and FHIP. NHISA and FHIP exclude drugs, dental care, mental health, and other services considered to be part of comprehensive care. Most presently available group contracts offer better health care. The enormous deductibles and copayments under NHISA, would have workers pay large out-of-pocket costs and consequently would serve as an economic barrier to early diagnosis and treatment. While a poor family of 4 would receive free benefits under FHIP if income falls below $3,000, this same family would be subjected to deductibles and other cost-sharing barriers if their income were to rise to the $3-5,000 level. What is an even greater travesty, is that the poor would be limited to 30 days of hospitalization and eight doctor visits with FHIP. Also the poor are not protected from catastrophic illness costs, while the non-poor under NHISA are. The poor in many states would receive fewer benefits with FHIP than they presently do with Medicaid.

C. Would H.R. 7741 provide for equitable financing?

The Nixon plan would use a regressive employer/employee payroll financing mechanism with the workers paying 35% which would be reduced to 25% at a future date. The worker-employer contribution would be used to purchase private health insurance. With FHIP, Federal monies would be handed to the insurance industry to administer the program. This would be a costly repeat of the mistake we made with Medicare, and would dilute the amount of return we receive from our medical care dollar. A "partnership" between the federal government and the private insurance industry would be very costly to the American people.

D. Would H.R. 7741 encourage sound organization?

The Health Maintenance Organization (HMO) is the Administration's principal strategy for improving the organization of health care services. While I would support the concept of comprehensive non-profit prepaid group practice, the Administration's HMO bill H.R. 5615, is much too vague. It would permit "non-profit, cooperatives or other agencies" to establish HMO's. This could include non-group medical foundations, and various for-profit set-ups of various sizes or shapes. Until the Administration's HMO concept is more clearly defined, I cannot make a responsible judgement.

The Administration's bill would not change the costly practice of reimbursing doctors and hospitals with blank checks. Costs will continue to soar.

The Administration's bill would not provide any voice for the consumer.

E. Summary

In summation, paraphrasing your own words Mr. Chairman, the Administration proposes new programs using the old ineffective "non-system" of organized chaos. This is a step backward that would further categorize the American people into different classes with different health benefits. This would only serve to proliferate more programs, which would only add to our current problems, and improving the health care of few. The Administration's proposal is woefully inadequate. It's hard to believe that President Nixon's Health Message included the principle that "good health care should be readily available to all of our citizens."

6. HEALTH SECURITY PROGRAM

Next, I would like to discuss a bill that comes close to meeting our criteria for a national health program. I am referring to H.R. 22, which was introduced by five distinguished members of this committee—Mrs. Griffiths, Mr. Corman, Mr. Burke, Mr. Vanik and Mr. Green.

The Health Security Program is the most comprehensive proposal before this committee. It would create a universal federal health program financed by a payroll tax and general revenues. H.R. 22 includes numerous provisions designed to contain costs, improve quality, and restructure the delivery of health care.

A. Does H.R. 22 provide universal coverage?

H.R. 22 would create a non-categorical, universal health program, establishing one system of health care for all, as a right. The patient would not be billed, thus removing financial transactions from the doctor-patient relationship.

B. Does H.R. 22 provide comprehensive coverage?

Health Security would provide the full range of personal health needs, with an emphasis on comprehensive health maintenance, rather than episodic sickness treatment. There would be no means test. No coinsurance or deductibles, pre-existing conditions would be included, no waiting periods, and with few exceptions, no cut-off points in dollars or number of days of service.

Criticism

The proponents of H.R. 22 point out that Health Security covers 70% of costs for personal health services. In the realm of the uncovered 30% would remain a two-class system of care. Much of the 30% is in the area of excluded services-dental care for adults and certain drugs, and limitations on custodial nursing home and psychiatric care. Since many of the elderly are on fixed incomes, they would be particularly hard hit by the limitations on nursing home care and the exclusion of dental care. Our Union believes all services should be included, without any cost to the consumer at the time of illness.

C. Does H.R. 22 provide for equitable financing?

Health Security would be financed through a "Health Security Trust Fund", made up equally of Federal general revenues and social security moneys earmarked for this fund. employees would contribute 1% of earnings up to $15,000, employers would contribute 3½%, and the self-employed 2½%. Including a 50% contribution from federal revenues, raising the employee contribution ceiling to $15,000, and having the employer paying the bulk of the payroll tax, provides us with a more equitable tax structure than our present social security mechanism.

Criticism

However, a social security-type tax, is still regressive. The program shoud be funded by a more equitable formula, such as full general revenue financing, or some other progressive tax structure.

D. Does H.R. 22 Encourage Sound Organization?

More than any proposal currently before this Committee, H.R. 22 makes a serious stab at restructuring the health care system. Health Security would be a publicly administered program. National health policy would be established by a full-time, five-member, president-appointed "Health Security Board" (HSB). Program administration would be decentralized to the regional, and subregional level. Advisory councils at all levels, with consumer majorities would monitor the program.

H.R. 22 would stress maintaining good health with an emphasis on ambulatory care. A "Resource Development Fund" would provide substantial financial supports toward the development of comprehensive prepaid group practice and other delivery systems that would assure the availability of services to under-served areas. This would include manpower training funds and income guarantees for an increase, more even distribution, and more efficient use of health manpower.

H.R. 22 would establish national standards for participating professional and institutional providers.

Funds would be distributed on a capitation basis, with provisions for regional adjustments. Institutional providers must be nonprofit, and would be reimbursed on a pre-negotiated budget basis. Private insurance coverage would be eliminated for services covered by the program.

Criticism

1. *The Role of the Consumer*. The Griffiths-Corman bill provides for the creation of national, regional and local advisory councils with consumer majorities. However, upon closer examination, the closely-defined consumer appears to be far removed from the decision-making apparatus.

While the administration of the program is decentralized, decision making authority is heavily centralized in the five-member, president-appointed Health Security Board, with few provisions for discretionary powers and autonomy at the local or regional level. There is no mandate for consumer representation on the Health Security Board. The only requirement, is that no more than 3 appointees may be members of the same political party. Certainly, a president would be able to stack the Health Security Board. The appointed Advisory Councils have a consumer majority and would provide some input. However, they would only be able to offer advice and make recommendations—not formulate policy.

With the exception of required consumer "consultations" in HMO's, there is no provision for consumer input at the community or direct service level. Neighborhood medical facilities should be under the joint control of duly elected consumers, and providers. H.R. 22 should require all new institutions to have a board comprised of local residents. Existing facilities should be given a specific timetable in which they would be required to include local consumers in policy-sensitive positions.

If we want our health care system, and our medical institutions, to be socially responsive and publicly accountable, the consumer must be able to participate in parity with providers at all levels.

2. *Health Care Delivery:* Although H.R. 22 exceeds all other proposals in its attempt to restructure the health care delivery system, the wording in the bill is too weak to assure adequate redistribution of manpower and facilities; funding is not sufficient for extensive HMO development; there are not enough disincentives to discourage the inefficiencies of fee-for-service solo practice; and until all health care needs are covered, opportunities for practicing outside the system will continue to exist.

3. *Manpower:* Providing funds for the training and redistribution of health manpower is not enough. Restructuring the delivery of health care should include incentives for restructuring manpower training, so as to encourage upward mobility, rather than creating more dead-end jobs.

E. Summary

While falling short of mandating an all-inclusive national health program, H.R. 22 is the only bill before this committee that offers a rational alternative to our present inefficient system of delivering health care. Although it has weaknesses that should be corrected, Health Security is the only proposal that deals with providing comprehensive health care as a right—not as privilege of financial means!

7. WHO WOULD BEAR THE COST OF MEDICAL CARE?

Up to now, I have made little mention of the costs of the various proposals before this committee. Many have argued in this chamber that their particular program would be less expensive than the next. However, what they really mean is that their program would initially be less costly to the Federal government by providing fewer health services, and requiring larger out-of-pocket expenses for the consumer.

A. Private vs. Public Medical Care Dollar

A recent HEW study projected cost estimates for the numerous national health insurance proposals for 1974. Even though the accuracy and methodology used to compute these costs has been challenged by the Committee for National Health Insurance, the Administration's own department findings are quite revealing.

Under the Nixon proposal, the Federal government would contribute $34.6 billion, and individuals would have to kick in the balance—about $62.6 billion. Under the Griffiths-Corman program, the Federal share would be $91.4 billion, but the cost to the consumer would only be about $15.9 billion. When considering the total health care cost, public and private, the HEW report shows little difference—the Nixon plan would cost $107.2 billion, against $113.8 billion for the Health Security plan.

Considering the difference in the benefit packages, comprehensiveness and scope of these programs, the differences in costs are truly slight. The disparity between the government's share is a matter of *who pays the bill*—direct payment, or indirect government and consumer payment to profit-making third-party intermediaries and out-of-pocket-costs. Medical care cannot be properly organized and effectively provided without control of the medical care dollar. Under Nixon's proposal, the health dollar is distributed mostly by private insurance companies. Private carriers have demonstrated that they are incapable of guaranteeing the efficient distribution of medical care.

By eliminating the third-party middleman, H.R. 22 would deliver more health care for the dollar. The point is that the Nixon Plan and other NHI proposals cost less because they have much fewer benefits, increasing out-of-pocket expenses to the consumer.

B. Consumer out-of-pocket costs

Let me illustrate how these 2 proposals would effect the health consumer.

1. Mr. Thomas is a maintenance worker in a Brooklyn hospital earning $130.00 per week, and his wife and two children get the flu. Dr. Smith examines them all at his office and writes drug prescriptions for them. The family's doctor bill comes to $40.00, and prescription cost $20.00. The total bill is $60.00. H.R. 22 would pay $40.00 ($20.00 cost for drugs would also be covered if medical services are provided in an H.M.O. setting). The Nixon Plan would pay nothing.

2. Mrs. Smith, a licensed Practical Nurse, earns $156.25 a week. Mrs. Smith falls on her way to work and injures her back. She is hospitalized for 10 days. When she returns home, a physical therapist works with her for 4 weeks. Her hospital bill comes to $1,000.00, doctor bill is $400.00, and the therapist's bill is $400.00. Total cost is $1,800.00. The H.R. 22 formula pays $1,800.00; Nixon Plan pays $1,200.00.

3. Mrs. Jones is a part-time clerical worker at a Manhattan hospital, her husband, Mr. Jones runs a neighborhood grocery on Manhattan's Westside. Mr. Jones suffered a heart attack and later a stroke. He is hospitalized for 4 months and runs up a $16,900.00 bill (hospital–$12,000.00, and doctor $4,900).

When he is discharged, he is partially paralyzed. Mrs. Jones quits her job to run the store, and hires a nurse's aide to attend him during the day. The aide's fee for the next eight months runs to $7,800.00. Meanwhile, routine doctor bills for Mrs. Jones and her two children run a $100.00 each, totalling $300. Total family medical bill is $25,000. Griffiths plan pays the full amount. Nixon plan says $23,525.00.

The gaps in the extent of coverage among these different plans are obvious. The deductible and coinsurance features of the Nixon proposal would create barriers to needed care, increasingly so for lower income families. Even a recent Blue Cross/Blue Shield study showed that "deductibles, coinsurance and copayment do have a definite impact on utilization," and these provisions "could act as economic barriers to needed care." *H.R. 22 is the only proposal that provides care on the basis of need, rather than on one's ability to pay.*

8. CONCLUSION

In the 1966 Comprehensive Health Planning Act, Congress articulated the principle "that fulfillment of our national purpose depends on promoting and assuring the highest level of health attainable for every person" and the commitment "to assure comprehensive health services of high quality for every person".

Five years later, we are now attempting to identify ways in which to fulfill this promise. There is no doubt that we will do the sensible thing—but will it take 2 years or 50 years? There is no doubt that we are capable of doing the right thing, after all, we have the material and human resources—but do we have the moral courage and commitment to say that we will guarantee medical care to every American now?

A financing mechanism alone would only pump more money into the same system, and medicine would remain in the market place. Money should not be a barrier between the sick and a physician. We need a national program of health care, not a national program of health insurance.

The Health Security proposal, with a few improvements, would be a significant step towards achieving an all-inclusive national program of health care.

The problem with the formulation of social programs is that they develop through compromises until the main objectives become so diluted that the results do not meet, to any serious extent, our needs. We have learned this sad lesson from the social security program, OEO, medicare and medicaid. The question is—can Congress on this occasion, rise to meet this challenge head-on, by enacting at this time, the legislation best suited to the needs of the American people?

NATIONAL HEALTH INSURANCE—COMPARISON OF PROPOSALS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ESCH. Mr. Speaker, as the Congress and the Nation debate important health care proposals over the next few months, I believe it would be useful for the public to have a comparison of the various plans being considered. I am, therefore, forwarding to interested persons in my district a brief summary of several proposals.

I include those proposals to be printed at this point in the Record:

National Health Insurance Act

THE ADMINISTRATION

A. General approach

A program which would require health insurance coverage for all employed persons and their dependents through Federally-mandated employer-employee private insurance packages meeting National Health Insurance Standards established by the bill. Additionally, the program would provide medical care benefits to low-income families with children through establishment of a Federal family health insurance program (FHIP).

B. People covered

All employees would be covered; employers would be mandated to provide private insurance coverage meeting minimal standards. Low-income families (for example, a family of four with income up to $5,000) would be eligible for coverage under the Family Health Insurance Plan. Families with lower incomes (family of four with income below $3,000) would pay no premiums. Families with incomes between $3,000 and $5,000 would contribute toward premium costs.

C. Scope of benefits

A. National Health Insurance minimum standards would be established for employer-employee policies: Such policies must include (up to a maximum of $50,000 in benefits and subject to deductibles and copayment requirements described below):

(1) In-patient hospital service without limit;

(2) Physicians' services (including Christian Science practitioners or nurses) without limitation; and

(3) Laboratory and x-ray services without limitation.

B. The Family Health Insurance plan would provide:

(1) 30 days of in-patient hospital care (extended care day would count as (⅓) hospital day);

(2) In-patient physicians' services and 8 out-patient physicians' visits per year; and

(3) Varying number of visits for "well-child" care dependent upon age of child.

D. Deductibles and co-insurance

A. The employer-employee package would have a two-day hospital deductible and a $100 deductible for other services. There would be a 25% co-insurance for all services (including hospital charges). Co-insurance and deductibles would be waived after an individual receives $5,000 of covered services in a year.

B. In the Family Health Insurance Program, deductibles and co-insurance amounts vary in accordance with the income of eligible families. A family of four with an income of $3,000 would pay no deductibles or co-insurance. Families with incomes above $3,000 but less than $5,000 would pay deductibles of one or two days of hospital care depending upon income and those with income of more than $3,500 would also be required to pay varying co-insurance and/or dollar amounts.

E. Payments to providers and practitioners

Payments for care would be subject to Medicare limits on reasonable costs for institutions and reasonable charges for providers.

F. Administration

Employer-employee health insurance policies would be administered and underwritten by private insurance companies.

Family Health Insurance Program would be administered by the Federal government on a basis comparable to Medicare utilizing carriers and intermediaries.

G. Financing

Employer-employee health insurance plans would be financed by payments from both employer and employee. Employee contributions could be no higher than 35% of premium cost initially, and 25% after two and one-half years.

Family Health Insurance Plan would be financed through Federal general revenues and payments from the near-poor.

H. Estimates

The Administration estimates the cost of the employer-employee coverage for 1974 at $7 billion above estimated employer-employee health insurance expense for present benefit coverage.

The Federal general revenues contribution to the Family Health Insurance Program would be $3 billion in 1974. This would be offset in part, by an estimated savings of $1.8 billion in Medicaid.

Health Security Act

THE KENNEDY PLAN

A. General approach

A national health insurance plan, administered by the Federal Government, covering all U.S. residents, comprehensive in benefits, and financed by a combination of payroll taxes and general revenues. Includes provisions intended to improve quality and efficiency of health care delivery system; medicare would be repealed, but medicaid would continue as a supplemental program.

B. People covered

All U.S. citizens and aliens admitted for permanent residence would be covered. Allows for reciprocal and "buy-in" agreements to cover certain nonresident aliens and in some cases U.S. residents traveling abroad.

C. Scope of benefits

Comprehensive health benefits, including physician services, inpatient and outpatient hospital care, home health services, supporting services such as optometry, podiatry, devices and appliances, subject to the following exclusions:

(1) Dental care initially limited to children under 15; covered age group is to be extended in each of succeeding 5 years until all under age 25 are covered. Once eligible, an individual is subsequently covered regardless of age.

(2) Drug benefit limited to inpatient drugs, specified drugs necessary for chronic conditions, drugs provided through group practice systems.

(3) Skilled nursing home care initially limited to 120 days with provision for expansion when feasible.

(4) Mental hospital care is limited to 45 days per year active treatment; limit of 20 consultations per year for outpatient psychiatric care if provided by solo practitioner.

Benefits are covered in full wtih no deductibles, coinsurance, waiting periods, maximums, or cutoffs other than the limitations described above.

Effective date for benefits is July 1 of second calendar year following enactment.

D. Payment to providers

A total area budget would be established for all services. Hospitals, skilled nursing homes, home health agencies would be paid on basis of negotiated budget designed to pay reasonable costs. Such payments would constitute virtually the total income of a hospital. Comprehensive health service organizations or professional foundations will be paid by capitation or approved budget. Independent physicians and dentists may be paid on fee-for-service basis or by capitation. Payments to practitioners would come from earmarked portion of total area budget. Supplemental stipends may be paid to practitioners locating in remote or deprived areas. System may also reimburse practitioners for costs of continuing professional education. The Health Security Board would establish schedules of allowances for fee-for-service reimbursement.

E. Administration

Direct Federal administration by a 5-member Health Security Board within Department of HEW. National Health Security Advisory Council, representing consumers, providers of care, health organizations, etc., would advise Board on program operation. Regional authorities would be given strong discretionary powers. The program would substantially supplant private health insurance.

F. Financing

Financed by a 3.5% tax on employer's payrolls (36% of costs); 1.0% tax on employees (12% of costs); 2.5% tax on self-employed (2% of costs); and the balance (50%) from general tax revenues. Annual taxable wage base for employed persons would be $15,000 initially, rising subsequently. Employers would pay on total payroll without maximum. Certain unearned income of individuals would also be subject to 2.5% tax.

G. Cost estimates

Committee for National Health Insurance estimate: program would cost $57 billion in fiscal year 1974. HEW estimate: $77 billion for fiscal year 1974.

H. Other major provisions

Authorizes a total of $600 million for a Health Resources Development Fund to be used in two years preceding program operation for development of health manpower, education, training, group practice, etc. After the program is in effect, 5% of the Health Security Trust Fund would be set aside for these purposes. Establishes national standards for providers and incentives to encourage preventive health care and formation of group practice arrangements.

National Health Insurance and Health Improvements Act

THE JAVITS PLAN

A. General Approach

A national health insurance plan established through a gradual expansion of the medicare program to cover the general population. Benefits would be broadened to include certain services not presently covered under medicare. The medicare Part B premium would be eliminated. Medicaid would be continued.

B. People Covered

Medicare would be extended to all those over 65, the disabled, widows over 60. and widowers over 62 effective July 1972. Effective July 1974, the program would be extended to all citizens and aliens admitted for permanent residence.

C. Scope of Benefits

Same benefits as under medicare at the beginning:

(1) 90 days of hospital care with $60 deductible and coinsurance of $15 per day after 60th day.

(2) 100 days post-hospital extended care with coinsurance of $7.50 per day after 20th day.

(3) Physician and related services including outpatient diagnostic services, home health services, and physical therapy. Additional benefits would be phased in, as follows:

(1) Maintenance drugs for chronic conditions, effective July 1973.

(2) Annual physical examinations, effective July 1975.

(3) Dental care for children under 8, effective July 1975.

D. Payment to Providers

Until July 1, 1974 reasonable cost for hospitals and institutions and reasonable charges for physicians (as under medicare). Thereafter, new methods, developed in interim, may be employed.

E. Administration

Essentially the same as medicare. Federal administration using private carriers, intermediaries, and State health agencies for appropriate roles. New public insurance corporations could be set up to administer the program if private carriers and intermediaries could not do so properly.

F. Financing

Financed by taxes on employes, employees, and self-employed (3.3% each in 1976 and thereafter) with Federal general revenue contributions equal to ½ of the amount collected through payroll taxes. Annual taxable wages for workers would be $15,000; for employers, no taxable wage base would apply.

G. Cost Estimates

Estimate by Social Security Administration: $66.4 billion in fiscal 1975.

H. Other Major Provisions

Individuals can "elect out" of program by securing coverage from private insurers offering comparable or better protection and thereby exempt themselves from payroll taxation for Federal health insurance. Employer plans may qualify in lieu of Federal program if they pay 75% of the cost and the protection is better than the Government plan. Provides incentives for growth of comprehensive health service systems which would benefit from cost-savings for efficient operation.

National Health Care Act

THE M'INTYRE-BURLESON PLAN

A. General approach

A program which would provide financial assistance for State health care insurance plans for the poor and uninsurable and set a Federal Minimum Standard Health-care Benefits Programs as a condition of eligibility for increased Federal income tax deductions for the costs of private health insurance coverage. Individuals who itemize deductions would be allowed an unlimited tax deduction from income equal to all premiums paid under health plans meeting the minimum standards. An employer would be eligible for a tax deduction equal to 100% of his costs in providing a qualified health plan to his employees. Only 50% of the cost of a nonqualified policy could be deducted. It would supplement medicare and medicaid.

B. People covered

Persons on public assistance would be covered through qualified State health-care plans at no expense to themselves. Uninsurable individuals and those with low-incomes could enroll at a modest cost in the State plan. All other individuals participating in a qualified health care plan who itemize deductions would be entitled to receive increased tax deductions for insurance premium expenses.

C. Scope of Benefits

Different levels of minimum benefits would be required for private group and individual plans and for State pool plans for the poor, near poor, and previously uninsurable, with the State pool plans initially being more comprehensive. Effective January 1, 1973, the private group and individual plans would include the following subject to (a) in qualified employer plans, deductibles of up to $100 per family and coinsurance payments of up to $1,000 per family; (b) in qualified individual plans, unlimited deductible amounts and coinsurance ranging up to 20% of covered expenses and; (c) a ceiling on copayments for participants in the State pools:

(1) 30 days hospitalization—subject to $10 deductible for 1st day, $5 for each additional covered day.

(2) 60 days extended care services—subject to $2.50 per day deductible.

(3) 90 days home health services—subject to $2.50 per day deductible.

(4) All diagnostic, x-ray, and lab exams on an ambulatory basis—no limit and no deductible.

(5) 3 visits per year to physician in office or ambulatory center—$2 deductible per visit.

(6) Unlimited visits for outpatient surgery and radiation therapy—$2 deductible per visit.

(7) 6 exams for well baby care—no deductible.

(8) Unlimited inpatient physician services—$3 deductible per day, for 1st 30 days, $5 per day thereafter.

Effective July 1, 1972, State pool plans would be identical to the above but also include the following benefits:

(1) Physician visits—6 per year.

(2) Hospitalization—120 days.

(3 Extended care facility—120 days.

(4) Well-baby care—12 visits during 1st two years.

(5) Home health services—180 days.

(6) Additional benefits—dental care for children under 19 (20% coinsurance), precription drugs ($1 per prescription), physical therapy (20% coinsurance), family planning services, prosthetic aids (20% coinsurance), maternity care (20% coinsurance).

By January 1, 1976, private group coverage would be expanded to cover the initial State pool plan level of coverage. Subsequent benefit improvements are provided for in future years.

D. Payment to Providers

Payments would be limited to the 75th percentile of prevailing charges for professional services and for institutions. to rates approved by a State Health Care Institutions Cost Commission.

E. Administration

Private insurers would each administer their own policy for qualified group and individual plans. For the qualified State health-care plans, each State would set up a health insurance pool, a portion of the risks of which private insurers would be required to underwrite. One or more private companies would be designated to administer the State plan. Premium rates for the State plans would be determined within each State, subject to review by HEW.

F. Financing

Costs of protection for all people not insured through a State pool would be borne by employers, employees and the self-employed through premium payments to private insurance companies, and indirectly by the Federal Government through tax deductions for these premium expenses.

A State pool would be financed with premium payments from the uninsurable, partial premium payments from the near-poor, and Federal-State contributions to subsidize, in part, costs of protection for the near-poor, and in full, the costs of protection for welfare recipients. Contributions of the near-poor vary with income.

The Federal matching payments would vary with a State's per capita income and range from 70% to 90%. Federal matching payments would come from general revenue funds.

G. Cost Estimates

The Health Insurance Association of America estimates cost of the program (using 1970 cost data) at $2.4 billion. The estimate is said to include Medicaid cost off-sets. The estimate does *not* include the amount of revenue loss to the Government from the tax deductions granted to cover the purchase price of qualified health care plans by employers and individuals.

HEALTH RIGHTS ACT

THE SCOTT PLAN

A. General approach

Establishes two separate health insurance programs to supplement existing private health insurance protection—1) a Federally-administered inpatient plan designed to cover costs of catastrophic illness 2) an optional outpatient health maintenance plan administered by private insurers under contract to the Government. Inpatient plan would pay for covered benefits when a family's or individual's medical expenses exceeded a "health cost ceiling." Outpatient plan would pay for covered services above a specified deductible. Would replace medicare and Retired Federal Employees Health Benefits program; medicaid would pay only for services not covered under inpatient plan.

B. People covered

All U.S. residents and aliens admitted for permanent residence would be entitled to benefits. Reciprocal agreements would be arranged to cover aliens temporarily residing in U.S. and employed by foreign countries.

C. Scope of benefits

Inpatient plan would pay 1) all costs for covered services (listed below), once a family's or individual's medical expenses exceeded a "health cost ceiling," based on family income and size, and 2) 50% of costs of covered services when such expenses exceeded ½ of the health cost ceiling. (For example, a family of 4 with income of $10,000 would have a health cost ceiling of $545. Once medical expenses reached $272.50, the inpatient plan would pay 50% of additional medical expenses up to $545, then 100% of costs beyond that.)

Inpatient plan would cover following services:

(1) inpatient hospital and dental care

(2) inpatient psychiatric services up to 180-day lifetime maximum

(3) skilled nursing home services

(4) home health services

Outpatient plan would pay for all covered services above an individual deductible of $50 per year, with lower deductibles for the poor. An additional $25 deductible would be applied to covered dental services.

Outpatient plan would cover the following:

(1) physicians' services, including diagnostic exams, limited physical exams, 3 prenatal exams per pregnancy, 2 well-child care exams per year for children under 5

(2) outpatient physical therapy

(3) 100 home health visits

(4) outpatient psychiatric visits up to lifetime maximum of 104 visits

(5) dental services for children under 12

(6) long-term maintenance drugs.

Benefits would become effective January 1, 1973.

D. Payment to providers

Provides that payment to providers of services under inpatient plan will be in accordance with regulations of the Secretary of HEW. For outpatient plan, insurance carriers who have contracted with the Government to administer the plan within a particular region will reimburse providers of services.

E. Administration

An Office of Health Care would be established in Department of HEW to administer, through its regional offices, the Government's inpatient plan. Private carriers under contract to HEW would be assigned responsibility for administering the outpatient plan within a particular region or subregion. A Health Services Review Committee, representing providers and consumers of health services, would be set up with in each region to evaluate effectiveness of the program. A National Review Board would review overall administration, develop minimum national standards for participating health personnel, compile a generic list of drugs for use by participating institutions and health maintenance organizations. Providers would be required to have a utilization review program. HEW could contract with health maintenance organizations to provide all services covered under both inpatient and outpatient plans.

F. Financing

Inpatient plan would be financed in part through the present health insurance portion of Social Security payroll taxes and in part through general revenues. Supplementary outpatient plan would be financed through individual premium payments which would be supplemented in whole or in part with Federal payments for poor families. Employers could agree to pay part or all of their employees' premiums for the supplementary plan.

G. Cost estimates

None available.

H. Other major provisions

Authorizes Federal grants and loans for planning, development, and construction of health maintenance organizations, with special grant provision for HMOs in physician short areas. Revises provisions of medical and nursing student loan program to extend the loan repayment periods and increase amount of loan. Establishes program of yearly capitation grants to medical schools to encourage increases in enrollment and shorter curricula.

HEALTH CARE INSURANCE ASSISTANCE ACT

THE A.M.A. PLAN

A. General approach

A voluntary health insurance program called "medicredit," under which the Federal Government would pay health insurance premiums for the poor, and allow income tax credits for all others toward the purchase of private health insurance plans. The amount of tax credit would include 1) 100% of premium charges for catastrophic insurance plans and 2) an income-related percentage of premium charges for other health insurance providing certain basic benefits approved by the Government. Medicare would continue as at present.

B. People covered

The total population under age 65 would be eligible. Those with no Federal income tax liability would receive full payment of their health insurance premium costs. For all others, the Federal share of health insurance premiums gradually decreases from 100% until those with a tax liability of $891 or more would get a tax credit of 10% of premium cost.

C. Scope of benefits

A health care policy, in order to qualify under this program for purposes of a tax credit, would have to provide, at a minimum, the following benefits:

(1) 60 days hospitalization (with extended care days counting as ½ hospital day or 2 days of extended care for each hospital day, including nursing services, drugs, blood, appliances, maternity and psychiatric care, physical therapy—subject to a $50 deductible.

(2) Emergency or outpatient services including diagnostic services, x-rays, lab tests, etc.—subject to 20% coinsurance on 1st $500 of expense.

(3) Medical care by physician, in hospital or office, including diagnosis and treatment, psychiatric care, immunizations, physical exams, lab services, radiation therapy, maternal and well-baby care—subject to 20% coinsurance.

(4) Dental or oral surgery, ambulance service—subject to 20% coinsurance.

(5) Catastrophic illness provisions beyond basic coverage, including hospital services, extended care services (limited to 30 additional days), outpatient blood, prosthetic aids—subject to graduated corridor of deductible expense based on a family's or individual's taxable income, on the following scale: 10% on 1st $4,000, 15% on next $3,000, 20% thereafter.

D. Payment to providers

Usual and customary charges for all services, including hospital and extended care.

E. Administration

Establishes Health Insurance "Advisory" Board to write policy and regulations. Private insurance companies would each administer their own approved policies.

F. Financing

Costs of health insurance for the poor would be met by Federal general revenue expenditures and by reductions in Federal income tax collections for those receiving tax credits.

G. Cost estimates

American Medical Association estimate: $14.5 billion.

THE PRESIDENT SHOULD CURTAIL FOREIGN CHEESE IMPORTS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. EDMONDSON. Mr. Speaker, with each passing day, it becomes increasingly important that the President take action on the Tariff Commission's recommendations to revise the quotas on imported cheese.

In response to the President's request for hearings on this subject, the Tariff Commission conducted exhaustive hearings this last spring, and, on July 28, made its recommendations known to the President. The Commission recommended that the "47 cent" price break, originally instituted in 1969, be abolished, and that a quota be established for all imported cheeses regardless of price.

Since the Commission's recommendations were submitted, imports of the "over 47 cents" cheese imports have increased significantly. The latest USDA figures for the period January 1 through September 30, 1971, reveal increases ranging from 110 to 115 percent for the principal categories of cheese imports, and the delay in implementation of the Commission's recommendations continues to harm our Nation's dairy industry.

Mr. Speaker, it is imperative that the President take immediate action to protect our domestic dairy farmers, and I urge the administration's prompt and favorable consideration of the Commission's recommendations.

BAN LEAD-BASED PAINT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RYAN. Mr. Speaker, on August 9, I joined with five child health advocates in filing a petition with the Food and Drug Administration requesting that lead-based paint be banned from all household uses, under the authority of the Federal Hazardous Substances Act.

This petition was published in the Federal Register on November 2, and the FDA gave notice that interested persons would have 60 days within which to file written comments regarding our proposal.

At the same time, however, the Food and Drug Administration published another petition as well—one which the FDA itself initiated. This proposal would not ban lead-based paints at all. Rather, it would merely require that paint containing in excess of .5 percent lead bear a warning label. Interested persons were given 60 days within which to file written comments regarding this FDA proposal.

After this 60-day period for filing written comments on either our petition to ban lead-based paint from all household uses, or the FDA petition to require a warning label, or both, has elapsed, the Food and Drug Administration may promulgate final regulations.

I urge all those concerned about eliminating childhood lead poisoning to submit statements to the Food and Drug Administration in support of the petition for a total ban. The labeling proposal of the FDA is totally insufficient to protect the health of our children. As we stated in the statement accompanying our petition to ban these paints:

> Warning labels are . . . absolutely inadequate to prevent injury to children from lead-based paint. In today's mobile society, a family has no idea of what their landlord or predecessor occupant has used to coat the walls of their living quarters. The generation suffering from lead-based paint poisoning today is eating the walls of the 30's and 40's. The generation that this proposed regulation (to ban lead paint) seeks to protect is yet unborn . . . It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the eighties and nineties will have no opportunity to read the warning labels of the seventies.

The need to ban lead-based paint is clear. As Michael R. Lemov, general counsel of the National Commission on Product Safety, stated when he testified before the Subcommittee on Housing of the House Banking and Currency Committee on July 23, 1970:

> The real solution to this problem is a mandatory Federal safety standard for paint which prohibits the use of lead . . . where the ingestion is likely.

The impact of the failure of the Federal Government to take this action in the past is devastating. Lead-based paint poisoning is a silent epidemic sweeping across the face of this Nation's cities. According to the Department of Health, Education, and Welfare, 400,000 young children are afflicted by this disease each year. Of these 16,000 require medical treatment. Another 3,200 suffer moderate to severe brain damage. And another 800 are so severely afflicted that they require permanent institutionalization and care.

For an additional 200 children there is no future at all, not even the empty existence of a life-time of hospitalization. Each year, 200 children die from this dread disease.

The greatest tragedy, however, is that the Federal Government has the ability within its hands to eradicate childhood lead poisoning. Lead-based paint poisoning is a totally preventable disease. We know how to recognize it. We know how to treat it. We know how to prevent it from recurring. Yet despite all this, the deadly menace of lead-based paint poisoning continues. It does so because the Federal Government has abdicated its responsibility to safeguard the health of the children of this Nation.

Under existing law, lead-based paint may be used for household uses. The only regulation now in effect is the self-imposed regulation of the paint industry. However, the inadequacy of this type of control was all too well demonstrated by recent studies by the New York City Bureau of Lead Poisoning Control that found excessive quantities of lead in supposedly safe products.

Now it is time for the Federal Government to act. Thus, we have turned to the Federal Hazardous Substances Act, and have petitioned the FDA to ban lead paint.

This petition to prohibit lead-tainted paint has been supported by a wide range of child health and medical experts. For example, Dr. Carlos B. Zilveti, director of maternal and child health of the New Haven Department of Health, wrote on September 24, 1971:

> The Secretary of Health, Education and Welfare . . . should ban any lead-bearing paint on the basis of the overwhelming evidence that the presence or the further introduction of such paint in households creates a potential health hazard which cannot be prevented by cautionary labelling alone. Therefore, the protection of the public health and safety can be adequately served only by keeping such substances out of the channels of interstate commerce.

Dr. Zilveti's sentiments are echoed in a letter to me from Prof. C. Scott Clark. Based on his experiences at the College of Medicine, University of Cincinnati, Professor Clark wrote on November 10 that:

> My observations seem to be strong support of your proposal to restrict the lead content of all paints for household uses.

Continuing, Professor Clark described the inadequacies of labeling requirements. He wrote:

> Warning labels on paint cans are, in my opinion, ineffective and often misleading. As an example, I am attaching a copy of a label from some paint available in this area which contains 4.0% lead. The labeling is contradictory and misleading. Although warnings are given to avoid use on surfaces available to children, the potential user is also told that it can be used "Inside or Out" and the supplier even has the audacity to picture a child's tricycle on the label.

The opinion of these professionals has been echoed time and time again—lead-based paint must be banned, not merely labeled. The Federal Government must now heed this call and prohibit lead in paint for household use.

At this point, I include in the RECORD the text of the two petitions published in the Federal Register on November 2. I also include some of the many statements I have received in support of the effort to ban lead-based paint.

The articles follow:

[From the Federal Register, Nov. 2, 1971]

PROPOSED RULE MAKING—BANNED HAZARDOUS SUBSTANCES

PROPOSAL TO CLASSIFY PAINTS CONTAINING MORE THAN MINUTE TRACES OF LEAD

The Commissioner of Food and Drugs has received a petition, submitted pursuant to section 701(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(1)(B)), proposing the issuance of a regulation under sections 2(q)(1)(B) and 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261, 1262) classifying as banned hazardous substances paint for household use containing more than minute traces of lead.

The petitioners are Joseph A. Page, Associate Professor at Georgetown University Law Center, Anthony L. Young, student, Mary Win O'Brien, student, William F. Ryan, U.S. Congressman, Jack Newfield, author, and Edmund O. Rothschild, M.D.

The petitioners propose that § 191.9(a) of the hazardous substances regulations be amended by adding thereto a new subparagraph (§ 191.9(a)(6)), as follows:

§ 191.9 Banned hazardous substances

(a) Under the authority of section 2(q)(1)(B) of the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * *

(6) Paint containing lead, except for minute traces which no reasonable manufacturer could preclude from his product, as measured by the atomic absorbence method, intended for interior or exterior use, and packaged in a form suitable for use in the household as defined by § 191.1(c).

The following is the statement of grounds as presented in the petition:

STATEMENT OF THE GROUNDS UPON WHICH PETITIONERS RELY FOR THE ISSUANCE OF THE REGULATION

Human experience has established that numerous infants and young children have pica (habitual eating of nonfood substances). Human experience has also established that ingestion by children of flakes from lead based paint causes lead poisoning, the consequences of which include death, encephalopathy, neuromuscular effects, interference with the development of red blood cells, and an abnormal syndrome characterized by colic, anorexia and malaise. DHEW, PHS, Bureau of Community Environmental Management, "Control of Lead Poisoning In Children." Prepublication Draft, at I-1 (December 1970).

It is widely known that the adult system absorbs the daily intake of lead at the rate of 10 percent. Chisolm, J. Julian, "Scientific American" (February 1971). Thus, assuming the rate of absorption to be the same in children, a child with pica ingesting 1 gram of lead based paint (1 percent lead by ANSI standard Z66.1) daily will intake 10,000 micrograms of lead of which 1,000 micrograms will be absorbed. In addition to direct ingestion by eating flaking paint, a child will be exposed to from 14 to 269 micrograms of lead from other environmental sources. Engel, Ronald E., "Health Hazards of Environmental Lead," at Table 2 (April 1971).

It is known that blood levels of above 40 micrograms per milliliters of blood represent undue exposure to and absorption of lead. "Hearings on H.R. 17260, H.R. 13254, H.R. 14734, Before the Subcommittee on Housing of the House Committee on Banking and Currency," 91st Cong., second sess. 10 (1970). At levels of 80 micrograms per 100 milliliters a child be treated as a medical emergency. Id. While Engel in his paper has extrapolated the effect of lead fallout in children with pica, at A–9, the same must be done with 1 percent lead paint to theorize the result in children who ingest paint flakes.

In his study, Dr. Kehoe found that an adult man fed 3,000 micrograms of lead daily, in addition to the usual amount in his diet, achieved a blood lead level after 4 months of 50 micrograms lead per 100 grams whole blood. It was estimated that he would have achieved a "toxic" level of 80 micrograms lead per 100 grams whole blood if feeding had continued for 4 additional months. Kehoe, R. A., 24 "Jour. Roy. Inst. Pub. Hlth. Hyg." 81–97, 101, 129–143, 177–203 (1961). As Engel has assumed, this would be 43 micrograms per kilogram body weight in a 70 kilogram man. If a child with pica weighing 10 kilograms ingested lead to the same degree of Kehoe's subject, as Engel has suggested, then a proper assumption would have a daily intake of almost 24 times micrograms lead would produce toxicity within 8 months. A child ingesting a 1 gram chip of 1 percent lead based paint would have a daily intake of almost 24 times the amount of Kehoe's subject. Obviously, intake at this rate would produce an undue medical emergency much more quickly than Kehoe foresaw for his subject.

Medical experiments cannot be performed on young children and infants to determine whether their absorption rate for lead is greater than that of adults. The child with pica must be protected from lead in his environment. The only adequate way to protect him is to eliminate the lead hazards that confront him. It is within the existing state of the art for the paint industry to eliminate lead (except for minute traces) from paint. "Hearings on H.R. 17260," supra at 246. Americans had been lulled into a feeling of security with regard to today's paints. See EPA, "Environmental Lead and Public Health," at 25 (March 1971). Many believe that lead in paint has been banned. Yet the city of New York has found paints for interior use with up to 10.8 percent lead levels on shelves of merchants within the last month. The New York Times, July 24, 1971, at 1, August 4, 1971, at 18. This despite industry's ANSI standard Z66.1 and a law banning the sale of paint for interior use with more than a 1 percent lead content without an adequate warning label.

Warning labels are, however, absolutely inadequate to prevent injury to children from lead based paints. In today's mobile society a family has no idea what their landlord or predecessor occupant has used to coat the walls of their living quarters. The generation that is suffering from lead based paint poisoning today is eating the walls of the thirties and the forties. The generation that this proposed regulation seeks to protect is yet unborn. Their parents are unborn. It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the eighties and the nineties will have no opportunity to read the warning labels of the seventies.

It is not necessary to weigh the advantages of lead based paint against the health and welfare of this Nation's children and Her future children. The paint industry can produce paint without lead (except for minute traces) as measured by the atomic absorbence method. Petitioners therefore urge the Commissioner of Food and Drugs to proceed with all due speed to publish this proposal in the FEDERAL REGISTER in order that all interested persons may present their views thereon.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 28, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[From the Federal Register, Nov. 2, 1971]

PROPOSED RULE MAKING—HAZARDOUS SUBSTANCES

PROPOSAL TO DECLARE CERTAIN HEAVY METAL-CONTAINING PAINTS AND OTHER SURFACE-COATINGS TO REQUIRE SPECIAL LABELING FOR CHILD PROTECTION

The heavy metals antimony, arsenic, cadmium, lead, mercury, selenium, and soluble barium may be toxic when ingested, even in small amounts. Because children may chew on interior and certain exterior residential surfaces and on toys and other children's articles, the Commissioner of Food and Drugs concludes that paints and other surface-coating materials are hazardous substances requiring special labeling warning against their use on such surfaces if they contain more of these heavy metals than is essential under good manufacturing practices, or in any event if they contain more than 0.5 percent lead; or a total of 0.05 percent of the other heavy metals listed above on a dried weight basis, except for soluable barium which shall constitute no more than 1 percent of the total barium present. The special labeling to be required shall include on the main panel a cautionary signal word "Warning", a statement of hazard "Contains ------------" (the blank being filled in with the name(s) of the applicable heavy metal(s)) and instructions to read carefully the cautionary information placed on other panel(s), where located. Existing technology will permit industry to produce household paints containing no more of these heavy metals than is specified above. As new technology becomes available, the acceptable levels may be further reduced in accordance with good manufacturing practices.

Although paints containing small amounts of lead in excess of the proposed levels may not be toxic in themselves; when considered in conjunction with other sources of lead in the environment they constitute a substantial addition to the body burden that can reasonably be avoided through the application of available technology. The Commissioner has concluded that the scope of the Federal Hazardous Substances Act fully encompasses the question of cumulative toxicity.

The American National Standards Institute, in its voluntary standard Z66.1, has specified a maximum limit since 1955 of 1 percent lead in paint intended for use on children's toys, furniture, or interior surfaces. A 1-percent lead level was also adopted by Congress in the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695; 84 Stat. 2078), which is administered by the Bureau of Community Environmental Management, Health Services and Mental Health Administration. That act prohibits the use of paint with a lead content above 1 percent in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance. As an additional margin of safety, the Commissioner proposes to reduce the exposure to lead found acceptable by Congress by establishing special labeling requirements for all household paints containing more than 0.5 percent lead.

Consideration has been given to the question of whether paints containing lead above the level specified herein should be banned from interstate commerce, or required to bear special labeling warning of the hazard involved and giving instructions for safe use. While there are numerous reports of serious injury and even death resulting from the ingestion of the dried film of old formulations of paints containing high levels of lead, the Commissioner is unaware of any similar reports as a result of ingestion of paints containing 1 percent lead or less. The Commissioner has therefore concluded that cautionary labeling will be adequate to protect the public health and safety from any potential hazards associated with the use of such paints.

Accordingly, under section 3(a) of the Federal Hazardous Substances Act, the Commissioner proposes that paints and other surface-coating materials be declared to be hazardous substances (as defined in section 2(f)(1)(A) of the Act) that require special labeling as specified herein if such paints and other surface-coating materials contain, on a dried weight basis, more than 0.5 percent lead; or a total of more than 0.05 percent antimony, arsenic, cadmium, mercury, or selenium; or soluble barium in excess of 1 percent of the total barium present. Finalization of the regulations proposed herein, in conjunction with section 2(q)(1)(A) of the Federal Hazardous Substances Act, will have the additional effect of automatically banning any toy or other article intended for use by children which is produced after effective date of these regulations and which bears such paint or other surface-coating material.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(B), 2(q)(1)(A), 3(a), and 3(b), 74 Stat. 372, 374–375 as amended, 80 Stat. 1304; 15 U.S.C. 1261, 1262), and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055–56 as amended; 21 U.S.C. 371), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 191.5(a) and that a new subparagraph be added to § 191.7(b), as follows:

§ 191.5 Products declared to be hazardous substances under section 3(a) of the act.

(a) The Commissioner finds that the following articles are hazardous substances within the meaning of the act because they are capable of causing substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use:

* * * * *

(2) Paint and other surface-coating materials, produced or shipped in interstate commerce after the effective date of this regulation, containing any of the heavy metals specified below at a level exceeding that which is essential under good manufacturing practices or in any event containing amounts of such heavy metals as follows:

(i) Lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film; or

(ii) Antimony, arsenic, cadmium, mercury, and selenium of which the metal content individually or in total (calculated as the metal) exceeds 0.05 percent of the total weight of the contained solids or dried paint film; or

(iii) Barium compounds of which the water soluble barium (calculated as the metal) exceeds 1 percent of the total barium present.

§ *191.7 Products requiring special labeling under section 3(b) of the act*

* * * * *

(b) The Commissioner finds that these substances present special hazards and that the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

* * * * *

(7) Paint and other surface-coating materials declared to be hazardous under § 191.5(a)(2) shall bear on the main panel of their label, in addition to the requirements of §191.101(a), the statement "contains __________________", the blank being filled in with the name of each heavy metal present in the amount specified in § 191.5(a)(2). Such paint and other surface-coating materials shall also bear on their labeling the signal word "Warning," and the following additional statement or its practical equivalent:

"Contains ______

Dried film of this paint may be harmful if eaten or chewed.

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

Do not apply on those exterior surfaces of dwelling units, such as windowsills, porches, stairs, or railings, to which children may be commonly exposed.

Keep out of the reach of children."

the blank being filled in with the name of each heavy metal present in the amount specified in § 191.5(a)(2).

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 28, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

STATEMENTS IN SUPPORT OF CONGRESSMAN RYAN'S PETITION TO BAN THE USE OF ALL LEAD PAINTS FROM THE HOUSEHOLD

This statement is presented in support of Congressman Ryan's efforts urging the Food and Drug Administration to ban *all* lead paints from the household as these are known to be hazardous products.

Lead-bearing paints, even in concentrations under one per cent (of the total weight of the contained solids) can and do produce severe lead poisoning if sufficient quantities are ingested. The attached photographs illustrate the massive ingestion of painted plaster by a New Haven child. Though the paint contained only 0.28 per cent of lead as Pb, his blood level rose to 0.10 mg. per cent which denotes biochemical evidence of universal lead intoxication.

Approximately one third of the childhood lead poisoning in New Haven, Connecticut has been traced to lead-bearing paint used on exterior surfaces, while the remainder originated from interior paint which many times contained only one per cent of lead or even less.

The gradual build up of lead in humans due to the cumulative properties of lead are well known and, therefore, constitute another strong reason to totally ban lead in paints.

Under the Federal Hazardous Substances Act (15 U.S.C.) and its amendment the "Child Protection and Toy Safety Act of 1969" (P.L. 91-113), toxic paints are considered unsuitable products for coating surfaces if a hazard to public health is imminent. According to the Code of Federal Regulations 191.1, any substance which causes death in laboratory animals within 14 days after ingestion of a dose of 50 mg. or less per kg. of body weight is considered *highly toxic*. The effects of environmental lead exposure in man are well known with smaller concentrations of lead and since human data takes precedence, within the meaning of the Federal Hazardous Substances Act and the existing epidemiologic knowledge of the public health hazards that any lead-bearing paint represents, we urge that all household paints containing *any* lead compounds be banned as containing hazardous substances.

Lead poisoning with its devastating effects upon the individual and the community can be prevented and eventually eliminated only through meaningful legislation and proper enforcement of existing legislation.

Respectfully submitted.

CARLOS B. ZILVETI, M.D., M.P.H.,
Director, Maternal and Child Health,
New Haven Department of Health.

THE MASSACHUSETTS GENERAL HOSPITAL,
Boston, September 15, 1971.

HEARING CLERK,
Food and Drug Administration, Parklawn Building, Rockville, Md.

DEAR SIR: I am writing to support the petition of Joseph A. Page, Associate Professor of Law, Georgetown University, and others requesting administrative action under the Federal Hazardous Substances Act to prevent further manufacturing of paint containing more than trace amounts of lead.

We, as physicians, are particularly aware of the public misconceptions about supposedly "lead-free" paints and think that action is long overdue to prevent the truly preventable disease of lead poisoning. In Boston, at least, it is a problem of all economic-social levels, though as elsewhere the problem is most serious in the inner city.

Thank you for your consideration.

Sincerely,

HERBERT O. MATHEWSON, M.D.,
Chief Resident, Children's Service, MGH.

The tragic consequences of lead poisoning are documented in the files of this office. Over 100 families having children with various levels of lead poisoning have been referred to us. We have been asked to help these families escape the omnipresent threat of lead-based paint.

Medical authorities have identified the cause of lead poisoning. They have told us that the major cause is in paint and related materials containing lead. When these materials are painted on surfaces accessible to children, lead poisoning can result. *Medical authorities are increasingly unambiguous about this. Our support of those seeking to eliminate every trace of lead in paints and related materials should be equally unambiguous.*

The majority of the affected children reside in the inner city, where the dangers of lead poisoning are greatest. The parents of these children as well as many community leaders often interpret our failure to aggressively pursue legislation to eliminate lead-based paints as an act of violence done against them.

The latter language is more than the rhetoric of reckless revolutionaries; it is increasingly descriptive of our passive attitude toward the vested interest of paint manufacturers.

Our failure to give the most unequivocal support to those who want to eliminate the lead poisoning threat will make us accessories to the crime of adding to the social, economic, and political impoverishment of families living in the inner city where the dangers of lead poisoning abound.

RAY CALL,
Director, Family Relocation Office, New Haven Redevelopment Agency.

MEMORIAL HOSPITAL FOR CANCER
AND ALLIED DISEASES,
New York, N.Y., October 19, 1971.

Congressman WILLIAM RYAN
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RYAN: In relationship to your proposed petition before the FDA to which one of us is a fellow petitioner, we feel that it is important to call to the attention of those concerned the following additional information. We have recently undertaken to determine the magnitude of the potential hazard for lead paint chips containing less than 1% or less lead content.

Using paint chips from a newly painted wall from one of our laboratories constructed within the past two years, we obtain the following information: four chips were obtained measuring 1x1 cm (1 sq.cm.). These chips weighed 5, 8.8, 12.8, 25.3 mg. respectively. For purposes of perspective, 1 sq.cm. is approximately the size of the average adult index fingernail. Assuming that these chips contain 1% lead, the lead content would range between 50-253 μg. According to Kehoe's study, which is referenced in the petition, an adult man fed 3000 μg/day of lead for four months developed a blood lead of 50 μg/100 gm. blood. Kehoe calculated that at eight months his level would rise to 80 μg/100 gm. If one calculates the same effects in a one year old (10 kg.) child then the definitely toxic level of 80 μg/100 gm would be achieved with an intake of 430 μg/day. It should be carefully stressed at this point that the absorption figures for the adult may well underestimate the absorption rate for children, since children tend to absorb such elements as calcium (which is handled similarly to lead) at a much higher rate than adults. However, if we assume that 430 μg/day will produce a toxic level in eight months, then based on our above paint samples a child would have to consume between 1.72 and 8.6 paint chips of this small size daily in order to become poisoned.

Essentially this means that a child would have to consume only about 1½ to 8½ chips the size of the adult human index fingernail. Observations of the X-rays of the abdomen in children admitted to the hospital with lead poisoning and pica indicate that much larger amounts of paint and plaster are frequently injested. Thus it seems to us on the basis of the above numbers that 1% lead is a serious and real hazard to young children and predictably will cause lead poisoning. This fact should be obvious from the common sense argument that one can accumulate the same amount of lead from a 1% source as a 10% source by either eating ten times as much in the same period or same amount over ten times as long a period assuming the same absorption and retention.

There is no question that lead in paint is a health hazard particularly to young children. There is no question that a safe level in lead ingestion has not been established in the pediatric age groups. In view of these facts, from a public health point of view, the public interest requires that all but trace amounts of lead be excluded from paints for interior use. It should also be stressed that a significant number of children have been found in many cities in this country to have clinical lead poisoning with serious sequellae in whom it has been impossible to find sources of leaded paint is excessive of 1% in the home.

These findings raise in our minds the question that these children have been poisoned by paint sources of 1% or less. In the absence of proof to the contrary it should be assumed that all such children have been poisoned by lead paint containing 1% or less lead. It would seem the role of anyone attempting to refute the argument in the petition and the subsequent materials that have been presented by concerned scientists, to demonstrate that this group of children has access to another source of lead other than 1% or less lead paint.

We trust that this information will be of help to you in your efforts to obtain a positive reaction to the petition currently before the FDA. At such time as there are hearings on the petition, we would be happy to appear in person and testify in behalf of this action.

Very truly yours,
Edmund O. Rothschild, M.D.
Joel Buxbaum, M.D.

Lead Content of Paint on Exterior of Housing

University of Cincinnati,
Cincinnati, Ohio, November 10, 1971.

Representative William F. Ryan,
U.S. House of Representatives,
Washington, D.C.

Dear Representative Ryan: During the past several months I have measured the lead content of the paint in a number of houses in Cincinnati using a portable X-ray fluorescence analyser. Peeling layers of old lead-containing paint were readily available to children both inside and outside many of the houses. The attention of most people concerned with pediatric lead ingestion has focussed on the interior of residential structures. For that reason I want to bring to your attention several observations that I have made concerning paint on the exterior of housing.

(1) The paint on the exterior surfaces that I measured contained on the average 75% more lead, expressed as milligrams of lead per square centimeter of surface, than did the interior surfaces.

(2) The average lead content of the various exterior surfaces—such as doors, window frames and walls—was about the same whereas for interior surfaces doors and doorways contained an average of twice as much lead as elsewhere.

(3) Lead-based paint on the exterior of housing was readily available to children. Paint from the surfaces high above the ground was available as it peeled and fell to the ground (and indeed most older houses commonly have such peeling paint), and that on windowsills could often be reached through open windows. Paint on surfaces lower to the ground was obviously readily available as children played in doorways, porches etc. Perhaps the often-observed summer time peak in childhood lead poisoning is at least, in part, due to the fact that children have more exposure to exterior paint during the summer.

My observations seem to be strong support of your proposal to restrict the lead content of *all* paints for household use. Warning labels on paint cans are, in my opinion, ineffective and often misleading. As an example I am attaching a copy of a label from some paint available in this area which contains 4.0% lead. The labeling is contradictory and misleading. Although warnings are given to avoid use on surfaces available to children, the potential user is also told that it can be used "Inside or Out" and the supplier even has the audacity to picture a child's tricycle on the label.

Sincerely,
C. Scott Clark, Ph. D.,
Assistant Professor of
Environmental Health.

[From the New York Post, Aug. 14, 1971]

Redecorating Job

There is one type of lead-based paint that does not flake, chip or peel, exposing thousands of slum children to serious disease and sometimes death: the paint that is never slapped on a crumbling wall in the first place.

With that in mind, Rep. Ryan (D.-N.Y.) and others are petitioning the federal government's Food and Drug Administration to forbid the use of lead-based paint in household use anywhere. The safety of perhaps 400,000 youngsters every year is the compelling consideration involved.

This new appeal in the interest of public health is urgent for several immediate reasons. For one thing, the city's Bureau of Lead Poisoning Control has just reported increases in local cases, above a 1970 total of 2600. Also, the city has recently identified, by brand name, paints containing hazardous levels of lead.

But perhaps most importantly, the opportunity for preventive action comes as White House action is awaited on $7.5 million appropriation to finance action under the federal paint-poisoning act, sponsored and tenaciously fought for by Rep. Ryan and his legislative allies. Favorable FDA action has the same basic priority.

[From the New York Post, Nov. 6. 1971]

Handwriting on the Walls?

Finishing touches have just been applied by the federal Food and Drug Administration to its new policy on certain interior paints. The total effect can be best described as slapdash.

After years of protest and pleading from public health officials, such legislators as Rep. Ryan (D.-N.Y.) and many private organizations as well, the FDA has nevertheless decided that there is no need to limit the lead content of interior house paints—despite the demonstrated hazard to children.

The agency concludes that a warning label on paint cans will be sufficient, specifying that paint with more than .5 per cent lead not be applied to walls "to which children may be commonly exposed." The proposal is grimly laughable—because there is no way of labeling the walls, no prospect that infant children would read the label even if there was one and no practical means of enforcing the warning against misuse.

DEMAGOGIC PANAMANIAN DEMANDS MUST BE RESISTED

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FLOOD. Mr. Speaker, negotiations for new Panama Canal treaties that were blocked by an aroused people of our country in 1967 were revived on June 29, 1971, and according to Isthmian press stories, agreement by our negotiators is near. The central issue involved is the surrender to Panama of United States sovereign rights, power and authority over the Canal Zone.

Despite the vital importance of the canal sovereignty question, the major press of our country with rare exceptions has remained silent or has accepted Panamanian radical propaganda in a massive campaign apparently designed to condition our people to accept what is a threat to Free World security.

Fortunately, in the Congress we have informed and courageous leaders, among them Senator Strom Thurmond of South Carolina, who in a recent regular report to the people of his state supplied significant information about the canal question and called upon our government to resist the demagoguery of the Panamanian revolutionary government.

The indicated statement of Senator Thurmond follows as part of my remarks:

Panamanian Demands

(By Senator Strom Thurmond)

Once more negotiations are underway for new treaties with regard to the Panama Canal. There are some voices that are saying that it is time for the United States to give up its sovereign rights in the U.S. Canal Zone in order to appease Panamanian nationalism. They say we must show our good will to the Panamanians by giving them a bigger share in the revenues of the canal.

We should remember that this territory is the Constitutionally acquired domain of the United States, with exclusive and positively essential sovereign rights, power and authority granted to us in perpetuity by Panama. For this grant, Panama was paid by the United States. In addition to securing the grant of sovereignty over the Zone territory, the United States also obtained title to all privately owned land and property in the Zone by purchase from individual property owners, making it the most costly territorial acquisition in our history.

As an artery of marine transportation, the Panama Canal enterprise became, and still is, a part of the coastline belonging to the United States. As such its exclusive control by the United States is necessary for national defense just as the control of the Chesapeake Bay or New York Harbor is necessary for national defense.

It is discouraging, therefore, to report that negotiations are once again underway with Panama, even though the present Government is a revolutionary regime with little prospect of stability and with no procedures for ratifying a new treaty. More discouraging still, is the fact that some elements in the State Department openly acknowledge that the basis for negotiation is the surrender of U.S. sovereignty, and the giving up of our jurisdiction throughout most of the Zone. Indeed, the main point of negotiation is still to be the duration of the new treaty. That is to say—how long before we give up all of our rights completely?

In my judgment, it is semantics to maintain that the U.S. can keep control of the Canal and the capability to defend it, if we should give up our sovereign rights. The duration of a treaty is not the key issue, when the treaty itself gives up our basic rights. Such a surrender document would last too long, if it lasted only one day. If a new treaty is ever necessary, then, at a minimum, we must maintain our sovereignty in the Zone, with the physical control which that implies; and we must maintain U.S. citizens in the policy-making and strategic areas of the Canal operation. It is a fallacy to believe that we can control the Canal or keep our obligation to keep the Canal running, if we allow foreign nationals to be in substantial control of the decision-making and highly technical posts connected with the operation of the Canal.

It is possible that certain disagreements and irritations can be solved through negotiations with the Republic of Panama, but we can never agree to a treaty which does not allow us to have the physical and actual capability of keeping the Canal secure. It is for this reason, that the sovereignty of the Canal Zone is the key issue which must never be compromised.

Panama's greatest asset is being the good neighbor of a country such as the United States, with the ability to conceive, develop, and operate such a vast enterprise as the Panama Canal. The United States gets no money from canal operations. Every cent goes back into operations and maintenance. The Panamanians indeed get more than the United States, namely, one-half million dollars annually from the tolls. In addition, the U.S. pays $1.5 million out of its treasury for the sake of treaty commitments. Nor should the Panamanians forget that U.S. Panama Canal is their biggest employer, bringing a payroll and spending outlay of $166 million every year to the Panamanian economy.

The U.S. cannot surrender to the demagoguery of Latin American nationalism. If we are to be good neighbors, we must remain strong in our rights.

TERRITORIAL IMPERATIVE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BURTON. Mr. Speaker, I would like to call the attention of the House to an editorial which appeared in the Washington Daily News on Saturday, November 27:

TERRITORIAL IMPERATIVE

The argument for permitting the Virgin Islands and Guam to have nonvoting delegates in the House of Representatives seems self-evident. If the Virgin Islanders and Guamanians are U.S. citizens—as they are—who would want to be so mean-spirited as to deny them the kind of representation that Puerto Rico and the District of Columbia now have, and that Hawaii and Alaska had until very recently?

Unfortunately, there seems to be quite a number of congressmen who don't believe in representation for the other fellow.

The House leadership has now twice postponed finishing debate on a bill giving the Virgin Islanders and Guamanians one nonvoting delegate apiece and announced a vote wouldn't be taken until sometime in January.

By then, we trust, a majority of the House will have been converted to the belief that all U.S. citizens should have representation in the U.S. House of Representatives.

"BRIAN'S SONG"

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, a movie based on a tragic death from cancer, and a close black-white friendship between athletes with a background setting of the world of football, would seem to have every chance of being banal and sweetly sentimental like so many other movies where sports is the underlying theme. But, this is hardly the case with "Brian's Song," this week's Tuesday Night Movie on the ABC television network.

This movie, which was made expressly for television by Screen Gems, is based on the relationship between two members of the Chicago Bears, Gale Sayers and the late Brian Piccolo, in their first years of professional football. I am sure that most of my colleagues are by now familiar with the tragic story of Brian Piccolo, the young man so full of life and vitality, who was struck down by cancer at the age of 26.

"Brian's Song" not only accurately depicts the story of Brian's and Gale's first years with the Bears, but it does much more—it captures in the brief span of an hour and a half, the spirit of Brian Piccolo, the spirit of a man whose concern for others was expressed in everything he said and everything he did. It captures the spirit of a man whose zest for living infected everyone who encountered it.

Mr. Speaker, Brian Piccolo was one of those few human beings who truly left a lasting impression on everyone he met. I think Gale Sayers could say that as could any member of the Chicago Bears; in fact, I am sure that the same holds true for any person who was fortunate enough to have known Brian Piccolo during his brief but productive life.

THE LATE HONORABLE THOMAS MURRAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ROONEY of New York. Mr. Speaker, I was truly sorry to learn of the passing of the Honorable Thomas Murray who for more than two decades ably represented the people of Tennessee here in the House of Representatives. Tom Murray was a delightful man, a man we all admired and respected. He was a fine man, a very knowledgeable man who ably filled the strenuous position of chairman of the House Post Office and Civil Service Committee. He was uniquely suited to that position having spent many years in postal work before coming to the Congress. He was a dedicated Member of this body who will be missed by his many friends. To his family I extend my deepest sympathy.

VOCATIONAL INDUSTRIAL CLUBS OF AMERICA PROVIDE AN ANSWER TO INDUSTRY MANPOWER NEEDS AND JOBLESS YOUTH—A WEST VIRGINIA PROGRAM TRAINS THOUSANDS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 2, 1971

Mr. RANDOLPH. Mr. President, about 2 weeks ago more than 300 young people converged on Capitol Hill for a purpose both enjoyable and enlightening. Distinctive in their red coats bearing an unfamiliar emblem, they are members of Vocational Industrial Clubs of America—VICA—which is perhaps the most rapidly growing youth organization in America.

While industry cries for skilled manpower, hundreds of thousands of our youth hopelessly seek employment. An obvious solution to this problem is training. For many years, education, business and labor have engaged in various types of skill training—apprenticeship, on-the-job, up-grading and in-service—but the problem still exists.

Industry needs personnel, and youth can't find jobs. Where is the gap? The problem is that many young people who will not be entering academic and professional fields are leaving the public educational system without preparation for a vocation. Nationally, only two of every 10 high schools students receive any kind of skills training.

Too often, educational pedagogues look down upon industrial-technical schooling, and this attitude is conveyed to the students themselves. VICA may help solve this problem, by making our Nation's youth more aware of the opportunities of industry and the dignity of work. There must be a new awareness that there is a good living to be earned through the use of one's hands as well as with one's mind.

There are many fine vocational youth organizations in our Nation, such as the Future Farmers of America, the Future Homemakers of America, Distributive Education Clubs of America, and Future Business Leaders of America, that join with VICA in developing good citizens and leaders as well as skills and technical know-how.

During the week of November 15–19, selected members of VICA from every State in the Union came to Washington for a National Leadership Training Conference. I hope that you were as fortunate as I was to have an opportunity to meet with the young people representing your own State.

Six of these young people represented the State of West Virginia, which has an active and ambitious program of vocational-training for both young people and adults. I talked with them. The students are: Walter Robinson, Jr., of Raleigh County, State president; Barbara Carter, Kanawha County, Region I vice president; Grant Settle, Fayette County, Region II vice president; Chester Goodwin, Monongalia County, Region III vice president; Donald Moats, Barbour County, State secretary; and Marsha Zickafoose, Kanawha County, State treasurer. Miss Zikafoose, incidentally, has been elected national secretary of VICA. The group was accompanied by Edward Carman, State director of VICA, and Michael Murphy, former State director who is supervisor of proprietory schools for the West Virginia Department of Education.

During their visit, I was told that in the 1970 school year a total of 52,918 students in West Virginia were enrolled in vocational education. Of this number, 18,054 were enrolled in consumer and homemaking programs, while the remainder of curricula enrollment was considered occupational under the Vocational Education Amendments of 1968.

In the West Virginia program, approximately 20,000 secondary students, 14,000 post-educational students, and 13,000 adults are enrolled in occupational education. Much of the increase in vocational education enrollment can be attributed to the funding of vocational facilities by the Appalachian Regional

Commission. The ARC, through sections 211 and 214 of the act, has contributed approximately $13.5 of the $40 million expended for construction of vocational education facilities in West Virginia. These ARC funds, matched by other State, Federal and local funds, have provided access to vocational education for approximately 21,000 students. This figure was computed using the capacity of the facilities at any one time with two classes per day and one adult evening program per shop or laboratory.

Today in the 13-State Appalachian region, we are creating a vital reservoir of skilled young people who will form a nucleus of the Nation's productive workforce of the future. During its 6 years of operation, the Appalachian Regional Commission has expended about one-fourth of its Federal Appalachian funds appropriated through June of 1970 for nonhighway programs toward construction of 261 vocational education facilities. This total amount is $104.7 million, which supplements the $46.3 million allocated for construction under Part B of the Vocational Education Amendments of 1968 and another $179.1 million of State and local matching funds. I have advocated and supported these programs and their funding.

This investment in career training and the development of human resources in our area will pay tremendous dividends to America in future years. These schools have been in operation for an average of only 2 years, yet their impact on the attitudes and interest of young people in Appalachia already is discernible. It is estimated that 20 to 30 percent of the secondary school students are being reached by vocational education programs currently in operation in the region. Enrollments in individual programs have increased from 50 to several hundred percent. More importantly, young people who in the past have seen little hope of breaking the cycle of poverty and becoming self-supporting members of society have acquired new dignity and status.

One of the most interesting developments in the vocational education field has been the creation of multicounty centers for technical training. Many counties in West Virginia, for example, do not have sufficient population to offer vocational programs with a diversity of courses to offer students. So geographic areas are combined to provide a consolidated effort. Thus far, six multicounty schools have been built, or are in the planning stages, using ARC funds. These schools obtain their enrollment from high schools located in more than one county, thereby operating on a regional basis to give students a wider choice of occupational preparation. A side benefit of this center approach has resulted in the breakdown of provincial barriers and a broadening of the horizons of young people previously isolated by rugged terrain.

Schools operating in our state, or scheduled to operate on a multi-county basis are: Carver Career and Technical Education Center near Charleston; James Rumsey Vocational Technical Center, Martinsburg; Mercer County Vocational Technical Center, Princeton; South Branch Vocational Center, Petersburg; Tri-County Vocational Technical Center, Buckhannon; Doddridge-Harrison-Taylor Vocational Center, Clarksburg; and Roane-Jackson Vocational Technical Center near Ripley.

Mr. President, I have been privileged to visit and to help dedicate some of these vocational education centers and other similar facilities in the Appalachian region. Good and useful work is being done. Their instructional efforts are in the forefront of a new educational era in America. I commend those involved in teaching young America to work as well as to think. The young members of VICA and other organizations who are creating productive roles in society and striving to make the word "work" wholesome and acceptable again, have my continued cooperation.

WHO REALLY RUNS OUR GOVERNMENT?

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. YOUNG of Florida. Mr. Speaker, like most Americans, I have long believed that the people of this great Nation really run our Government. This notion, however, received a severe jolt a few days ago with an event that occurred in Jacksonville, Fla.

Voters there overwhelmingly approved an amendment against the forced busing of children to create an arbitrary racial balance in the schools much like the one we passed in the House on November 5. Seconds later, a Federal court voided the voters' decision.

The Congress so far has failed to resolve the busing question by adopting a constitutional amendment which I and many others have proposed. But beyond the busing question, a larger issue looms—the issue of who really runs our Government.

For years, we believed that the people do, through their elected representatives. The Jacksonville incident, however, shows conclusively that in recent years the Federal courts have moved to take over the operation of our Government. They were not granted this power by our Constitution, they simply seized it.

Our Federal courts do violence to the constitutional separation of powers that has made America's Government so great. They violate the rights of the people that Government was created to serve.

These judges were elected by no one; they are responsible to none but themselves; they are not answerable to the people, so they can ignore the wishes of the people with impunity. They no longer interpret our laws—they act as a law unto themselves.

The need for at least a constitutional amendment to take the judges out of our schools and leave the classrooms to our teachers and pupils is self-evident. Nothing brings the whole issue home more clearly than the following news account of what happened last Tuesday:

FLORIDA ANTIBUSING VOTE BEHIND

JACKSONVILLE, Fla., December 1.—Seconds after Duval County voters overwhelmingly approved an antibusing amendment Tuesday, a federal judge voided their decision.

The proposal to prohibit the expenditure of local or state money for busing children to achieve racial balance in schools passed 33,513 to 8,899.

However, one minute after the vote was certified, an order signed by U.S. District Court Judge Gerald Tjoflat was handed to elections supervisor, Harry Nearling, declaring the vote null and void.

School Superintendent Dr. Cecil Hardesty said the amendment was in direct conflict with federal court-ordered busing.

POLITICS OF ELECTRIC POWER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, December 2, 1971

Mr. METCALF. Mr. President, some provocative questions about the politics of electric power in this country were raised by our colleague, Mr. GRAVEL, on November 10, Power Day. I think they merit the most careful consideration. I particularly appreciate his support for S. 2324, the bill which Mr. MCGOVERN and I introduced on July 21, 1971, to establish a national power grid system. The bill is presently in the Senate Commerce Committee.

Mr. President, I ask unanimous consent to have Mr. GRAVEL's statement entitled "Clean Power Coalition: Some Suggestions" printed here in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CLEAN POWER COALITION: SOME SUGGESTIONS

(Statement by MIKE GRAVEL)

Power Day can address the problem of producing safe electrical power in reasonable quantities only by addressing the problem of power. The kings of the energy world are not going to change their self-serving policies out of the kindness of their hearts. They will make changes only when outside power forces them, or when they see changes to be in their own self-interest.

It would be naive and unproductive to count on winning environmental protection or environmental caution through persuasion alone. Ordinary citizens can win their own energy policies only by meeting power with power. Therefore the formation of a citizens' energy coalition strikes me as an encouraging move.

SOME COLD-BLOODED QUESTIONS

I suggest that a citizens' coalition will need to ask itself the very same cold-blooded questions which the Edison Electric Institute, the Atomic Industrial Forum, the gas institute, the coal association and the oil interests probably ask themselves like second nature:

1. What do we want?
2. What few individuals really make the crucial decisions in this country about energy?
3. Who has the power or influence to block our program?
4. Who has the power or influence to help us?

5. What powers do we have over each set of people?

6. Who are potential allies, and what are their powers?

7. What powers do we ourselves have over the situation without depending on the good graces of others?

That last question is of particular interest to believers in the right of ordinary people to have real influence on the policies which shape their lives, and I shall return to it after briefly touching on the other six questions.

NO. 1: WHAT DO WE WANT?

The first question is basic, and here corporate lobbyists have a huge advantage over citizen coalitions: corporate lobbyists know exactly what they want, and they do not indulge in many ego-trips or prima-donna fits or squabbles over public recognition as they work relentlessly for their goals.

Of course I do not know, and no one yet knows, behind what program a citizens' energy coalition will stay unified. I would hope that it might include at least the four following points:

A. A swift and public analysis of the alleged need for doubling electrical consumption every ten years; this study will add something new only if it is not based on the figures which originate with the utilities themselves. It seems that the Federal Power Commission uses figures supplied by the utilities. Is it any wonder then, that the Federal Power Commission describes the "need" and the alleged emergencies just the way the utilities do?

B. Establishment of a national power grid to share the electrical supply, and energy conservation measures to reduce electrical demand. With regard to the former, coalition members are probably aware of bill S. 2324 called the "National Power Grid Act" introduced July 21st, by Senators Metcalf and McGovern.

C. Production of whatever additional electrical power is still needed by safe and ecologically acceptable methods, including probably the various solar, fuel-cell, and geothermal technologies. Of course their safety and ecological acceptability should first be put through the hard, adversary scientific scrutiny which was and is so disastrously missing with regard to nuclear fission.

D. An immediate national moratorium on nuclear electricity plus appropriate financial relief for affected investors and employees at all levels. This generation does not have meekly to accept the error made 17 years ago when Congress turned this grotesquely dangerous technology over to private industry. I believe we have no right to solve our temporary electrical shortages by leaving a radioactive legacy to threaten our descendants for centuries to come.

NO. 2: WHAT FEW INDIVIDUALS WILL REALLY MAKE THE CRUCIAL DECISIONS?

The second questions is: what few individuals will really make the crucial decisions about amounts, sources, and cost of electrical energy?

It is interesting that mostly we do not know their names. In other words, I do not think that the President or Members of Congress are going to make any energy decisions without some heavy advice from a few dozen energy producers or their agents.

It may be instructive to ponder Jack Anderson's column of November 3, 1971. According to Anderson, "The electric utilities have served notice upon Rep. Torbert MacDonald of Massachusetts that they will put up an opponent against him next year unless he knuckles under to their demands . . . MacDonald happens to be Chairman of the House Energy Subcommittee, which is trying to resolve the battle between the power lobbyists and the conservationists over the location of new plants."

I would hope that a citizens' coalition would make the names of the power people into household words. The power of public affection or dislike cannot be conferred on nameless, faceless people.

NO. 3: WHO HAS THE POWER TO BLOCK OUR PROGRAM?

The third question is: who has the power to block our program?

The answer obviously includes a small number of controlling stockholders and directors of the utilities and energy companies, the President of the United States, his Office of Management and Budget, the five Atomic Energy Commissioners, the Federal Power Commission, Congress and to some extent institutions like the National Science Foundation and the National Academy of Sciences.

NO. 4: WHO HAS THE POWER OR INFLUENCE TO HELP US?

The fourth question is: who has the power or influence to help a citizens' coalition?

I believe the answer would include all the heads of the institutions just named in the opposition list. They have the power either to block or to foster it. Perhaps additions to the list should include state governors, state legislatures, public utility commissions, the Courts, unions, medical associations, engineering associations and students, newspapers, television, radio, big foundations like Ford, and all businesses which could profit from building a national grid, providing hydrogen as a clean fuel, building solar equipment, selling more and better building insulation, and so forth.

NO. 5: WHAT POWERS DO WE HAVE OVER EACH SET OF PEOPLE?

The fifth question is: what powers does a citizens' coalition have over each set of opponents and allies?

There is no time to go into all the possibilities here. I would just like to say a word about citizen power over Congress.

Most ordinary people are miserably uninformed about ways to influence Congress, and I blame the press for failing to provide them with the necessary information.

Since letters to members of Congress carry considerable weight, it is important for citizens to know what is going on in time to express their opinions.

Suppose people were interested in only three national issues: clean energy, peace, and full employment. Don't they have a right to know in some detail what their senators and representatives do each day to promote these three goals? What bills did they co-sponsor, what hearings did they attend, what speeches did they make, what private meetings did they have with other people who influence policy?

If newspapers reported a daily score, and if it turned out regularly to be "zero," citizens might be better equipped to express their opinion effectively.

Why can't newspapers report in advance what hearings are scheduled in Congress related to clean energy, peace, and full employment, or other issues? Why don't newspapers provide a running account of up-coming votes, of relevant new bills introduced and their sponsorship or lack of it? And since so much power resides in the Committees of Congress, why don't newspapers periodically carry boxes naming the membership of Congressional subcommittees concerned with selected issues, and in particular, showing on which subcommittees the state's two Senators and Representatives sit?

If ordinary citizens are to express their opinions where and when they might really count, they need this sort of information. Most newspapers have the staff or the contacts in Washington to provide it, and I strongly endorse the suggestion of Common Cause that citizens insist their local newspapers do so. Meanwhile, a citizens' coalition may have to monitor Congressional energy politics without much help.

However, I do not want to foster the delusion that once people have gotten their representatives interested and active in a goal, the representatives will magnify the case and get the job done. The actual process is subsequent dilution of the original case, not magnification.

It would be foolish to overlook the implications of *Washington Post* story, October 14, 1971, headlined "Pesticide Bill Hit as Wiping out Gains." The article reports that the House Agriculture Committee has approved legislation which will turn the clock back to the 1950's and prevent public-interest law firms and environmental and consumer groups from bringing suits to ban dangerous pesticides.

NO. 6: WHO ARE POTENTIAL ALLIES AND WHAT ARE THEIR POWERS?

The sixth question is: who are the coalition's potential allies, and what are their powers?

I think this question is answered by going over the list of people who have the power to help the Coalition, and exploring the ones which might have motives for doing so.

NO. 7: WHAT POWERS DOES THE COALITION HAVE ITSELF WITHOUT DEPENDING ON THE GOOD GRACES OF OTHERS?

The seventh question is: what powers does the Coalition have itself without depending on the good graces of others?

It is obvious that solutions the Coalition can carry out itself are far more responsive to personal effort than solutions which depend on the good graces of someone else, who may dawdle, compromise unduly, or "sell out" almost completely.

I recommend a maximum "do-it-yourself" policy whenever possible. On all four points I suggested as part of a Coalition energy program, organized citizens could really make a difference by themselves.

A. A swift and public analysis of the alleged power crisis and "need" for doubling electrical consumption every ten years.

Although the government *should* fund and execute this study for the country, instead of waiting, a citizens' coalition could enlist the help of sympathetic professors, students, and public-interest research firms in getting answers to the following questions:

1. What effect would the recycling of metals and other materials have on net industrial demand for electricity? And what is the justification for claiming that "Everyone wants more power", if the claim is based largely on industrial demand? Or possibly military demand? Is there any valid relationship between employment and rising electrical consumption?

2. Who are the electrical consumers who allegedly "need" twice as much power in ten years, and what are they going to "need" it for? How much will go to "public health and safety", which are always pictured to be the losers in a power shortage? How much will go for air conditioners and anti-pollution equipment and other real contributors to the quality of life? How many electrical power plants will be tied up making more nuclear fuel unless there is a nuclear moratorium? It is interesting that the equivalent of seven or eight of the biggest nuclear power plants will be "needed" in 1974 just to make more nuclear fuel at the gaseous diffusion plants. What is the justification for telling the public that *blackouts* will be the inevitable price of power shortages, when other things could be shut off *instead* of lights and air conditioners?

3. What effect would a redesign of presently promotional rate-structures have on the "need" for more electricity? And what effect would a halt to advertising of "electric living" have on demand?

4. How much would the "need" for electricity decrease with the use of *gas* heating-and-cooling, with the use of solar collectors for homes, with the use of better building insulation? How much electricity

could be saved by designing all machinery for better electrical efficiency?

Right now, the utilities' unexamined claim of "power emergency" is providing the expected excuse for the AEC to circumvent the *Calvert Cliffs* Court decision. The AEC designed an escape-hatch in its new licensing regulations which say that "the power needs to be served by the facility" are "of primary importance" in deciding whether or not to suspend a nuclear permit pending completion of the environmental and safety review ordered by the Court.

The question is, will AEC Chairman Schlesinger actually suspend permits and licenses until a detailed and public examination of those alleged "power needs" has been made? Or will he cave in to the utilities? His speech in Florida a few weeks ago impressed almost everyone. Actions, however, speak louder than words.

B. The establishment of a national power grid to share the electrical supply, and energy conservation measures to reduce the demand.

Although the grid probably requires action from Congress, I believe that a citizens' coalition can make progress in reducing certain electrical "needs" by direct action.

For instance, they can insist that only products made with recycled materials are bought by their local schools, government, and businesses; they can organize consumer boycotts to see that home electrical appliances are built to use electricity more efficiently; that homes are built with gas heat, solar collectors, and good insulation.

C. Protection of electric power by safe and ecologically acceptable methods, including probably various forms of solar energy.

How can a citizens' coalition influence the choice which local utilities make in the method of generating electricity?

Although utilities are monopolies, they are subject to some kinds of citizen power. For instance, in 1970, thousands of Chicago citizens, organized under C.A.P. (Citizens Action Program), signed a mutual pledge that they would withhold payment of their electrical bills and put the money in escrow until Commonwealth Edison did something about its pollution.

They might have also threatened, as Saul Alinsky once suggested, to punch extra holes in the IBM billing cards, but they did not. It was the threat of withholding payment plus a stock proxy fight which won these people an accelerated timetable for the use of low-sulfur fuel and better precipitators.

Citizen coalitions could win other measures too.

Someday, non-polluting fuel-cells and small-scale solar power may liberate individuals from dependence on electric utilities.

Someday—especially if Congress passes Senator Magnuson's amendment #364 to the Power Plant Siting Bill S. 1684—the government may fund such research.

But why wait?

A coordinated citizens' coalition might persuade university students to work on those possibilities as part of their academic research, starting now.

Furthermore, there are proposals for several larger-scale solar energy systems which are languishing for lack of minor research grants. Such solar proposals include the use of sea-thermal power, the use of wave-power, the use of sunlight or wind to produce non-polluting hydrogen fuel, the conversion of animal waste to oil, and many other variants of inexhaustible solar energy. In each case, $50,000 or $100,000 would advance feasibility studies significantly.

Perhaps a citizens coalition will develop the power to raise money—$10 each from 100,000 environmentalists make a million dollars—and to fund some real energy progress directly. It may be that the energy an environmentalist spends to earn $10, is less than the effort he spends trying to get the government or the utilities to spend it for him in the way he wants.

D. A national nuclear moratorium with financial relief for affected investors and employees at all levels.

Although a nationwide moratorium requires an intermediary like Congress or the Courts or a new President, citizens can also impose a moratorium themselves in those 20 states where citizen initiatives can put measures on the state ballot for decision directly by the voters.

For example, in June 1972, Californians—who represent one out of every ten Americans—will vote yes or no on an initiative which includes a 5-year moratorium on nuclear power plants and many other measures to restore a healthy environment in California. If California's citizen initiative wins, the legislature can not water it down or repeal it.

The other nineteen states whose constitutions permit citizen initiatives are Alaska, Arizona, Arkansas, Colorado, Idaho, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, and Washington.

CONGRATULATIONS

I think it is obvious that a citizens' energy coalition could become a significant force in national power policies. I hope that it will, and I congratulate *Clear Creek* (at One South Park Street, San Francisco) for trying to get it organized.

"A NEW PRECEDENCE FOR THE ARTS," AN ADDRESS BY AMYAS AMES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BRADEMAS. Mr. Speaker, this 92d Congress has seen significant action toward the provision of adequate funding for the arts in America. Members from both sides of the aisle joined in supporting increased appropriations for the National Endowment for the Arts and the National Endowment for the Humanities, and the White House supported these increased appropriations.

Yet the less than $60 million which the endowments make available must be seen as only a first step. This amount represents but a fraction of the erosion of inflation on the budgets of America's symphony orchestras, dance companies and centers for the performing arts.

The real needs of the arts and the real contribution they make to American life are well stated by Amyas Ames, the chairman of the board of the Lincoln Center for the Performing Arts, in his recent address to a convocation on the performing arts at Hamilton College.

Mr. Speaker, I take this opportunity to insert that address in the CONGRESSIONAL RECORD.

The text of the address follows:

A NEW PROCEDURE FOR THE ARTS

A few years ago, when I made the decision to follow my interests into new fields in the hope that I would find adventure, I had no idea how big the adventure would be. My work had been business administration and almost before I knew it . . . I found myself writing down the stodgy sounding phrase "arts administration" as my occupation. The experience—so far—has been quite the opposite of stodgy.

As Chairman of the New York Philharmonic, I became involved in the common problems of all the 1,400 symphony orchestras of the country. Next, as Chairman of Lincoln Center, my concern expanded to all the performing arts, and last year—almost without my knowing what was happening—I was drawn in with other individuals concerned about the arts in New York State—we called ourselves The Concerned Citizens for the Arts—to perform what turned out to be, in the words of Governor Rockefeller and Senator Brydges, a miracle. This was the passage of the bill providing $18 million of state funds for the arts—only $1 per person in the State—but more money than was appropriated by the Federal Government for the arts of the whole country in that year. Following logically, and this time on a national front, came an organization called the Partnership for the Arts—a joining of leaders in the visual and performing arts to support the National Endowment for the Arts and Humanities. This July, under strong leadership from the President and in Congress and encouraged by hundreds of thousands of letters from people throughout the country, that battle was cleanly won as national support for the arts and humanities was virtually doubled by an unusually large vote in both houses of Congress. Dr. Jonas Salk has said "Mankind is in the midst of a transition from an epoch of competition and individualism to an epoch of cooperation and interdependence." My experience of the last two years indicates to me that the arts are one aspect of human affairs entering such a period of transition. It is clear that by working together we develop a new power, a new authority, and because this makes accomplishment possible we are developing a new sense of mission for the arts and humanities. It is that mission that I would like to talk about today.

We are being bombarded with what are known in the engineering world as negative feedback signals. These tell us that, in spite of an increasing interest, the arts are not flourishing, that they need help just as a strong swimmer caught in undertow needs help. The strength of these negative signals tells us that it would be unwise to disregard them, and I believe they indicate that if we want to do something about them, if we want the arts to flourish, we must do three things:—

1. Change our educational methods so that our young experience the arts in their schools.

2. Develop a new system for communicating the arts through television and radio to larger audiences.

3. Set wholly new priorities for the financial support of the arts. Let me touch briefly on each.

First on the teaching of the arts. At Lincoln Center there is a close relationship with teachers of the arts and humanities through its student programs which provide 700,000 attendances for students at "live" performing arts events each year. These programs expose the entire student body—not just those interested in music, dance and theater—to performances in the school and to classroom workshops. The goal is to stimulate a life-long interest and enjoyment through a lively experience in the performing arts. But wonderful though this program is, we are not now reaching any appreciable proportion of the young people. This is dramatically brought out by a recent study of humanities programs in the tri-state area of New York, New Jersey and Connecticut which indicates that less than three per cent of the students in these secondary schools are actually involved in humanities programs with any performing art activity

NEW COMMUNICATIONS SYSTEM NEEDED

Our ancestors, once the frontier was cleared, revived their interest in the arts—bringing to this country what was in their heritage. The communities of the last century were smaller and so there was a better chance for all ages to be exposed to music, dance and theater as an integral part of community life. For example, when the Boston Symphony Orchestra was organized ninety years ago, it served a city of 350,000 people, while today it is the single major orchestra in a metropolitan city of 1,737,000 people. The ratios to the community of those who play and of those who have access to live music are both greatly reduced. Fortunately, there are indications that educators are becoming increasingly aware of the need for restoring the arts and humanities to education. Recently the principals of sixty secondary schools in a large urban community were asked what their top priorities were for the next year, and 30% named the arts as either first or second in importance, placing them ahead of reading, mathematics and the sciences. Such increasing interest in the use of the arts in education is new.

The second strong negative feedback signal comes from a failure in our communications, and here we need to develop a whole new system. Take as an example the field of radio. There has been a startling collapse of classical music on radio in the last year. George Gent, in the New York Times under the headline "Classical Music Dwindling" gives the reason—paradoxically, the economic success of F.M. radio. As long as it played fine music it held little attraction for advertisers, but by scrapping the classics for what one manager called "a really good format of schmaltzy instrumentals", the radio stations increased the audience and solved their economic problem. As Gent points out—"The day may not be far off when only the educational stations will provide the musical solace some listeners identify with civilisation. Bach and Beethoven are giving place to the Beatles and the Byrds."

More important evidence is the experience of the New York Philharmonic with its "Young People's Television Concerts." These programs have received the highest television prizes and have even been assigned as homework for whole school districts. But they are more eagerly sought after abroad than by commercial television in this country and are played literally around the world on foreign T.V. The truth is that commercial television and radio have developed a system that functions extremely well to its purpose—which is sales. But in general this highly evolved system, or body, rejects the quality programs of arts and humanities exactly as the human body resists a transplanted organ.

FREE ARTS FROM COMMERCIAL BROADCASTING

Since this is so, it must be our mission to develop a system that will free the arts from dependence on commercial broadcasting.

To cite an example of what might happen, let me outline some ideas being considered at Lincoln Center in the hope that new technology will be developed to make them possible—ideas I might add which would work equally well for all the arts and indeed for a wide range of creative or informational activities. We have already developed programs at Lincoln Center which are widely used in the schools. We have the diversity and excellence in the arts, the performing artists, teachers and managers to present wholly new programs on television; we could bring performing arts into the homes of millions of interested people throughout the country. We have the capability of developing a studio of advanced videotape programming at Lincoln Center using inexpensive modern news media techniques to present specially designed in-house performances and the development of high fidelity sound equipment for television would inevitably follow. But we need a wholly new communications system to bridge the gap between city and suburb, between those we now serve and the many millions who have never had a chance to choose such programs. Without a new approach and a new technology, the distance between the performing artist and his audience outside the auditorium is as hard to bridge as the distance to the moon.

OFFER A LOW-COST TELEVISION TICKET

What we must develop is a new system that will allow us to offer a low cost television ticket, so to speak, to the individual or family that selects a program or program series. With such a "ticket", television programs of inherent excellence would be offered for individuals by the millions to choose just as the sum of such individual choices and payments leads to the availability of a wide selection of fine books and magazines, and indeed products of excellence of all kinds. The cost of such a television ticket might well be measured in cents for any one program, but it is an absolute necessity if fine programs of special appeal are to be developed. We must find a way to reward our performers for their excellence, our managers for their imagination, our teachers for their knowledge and pay for the basic costs of television. The idea of the individual being able to buy a simple television ticket and so support the programs he wants is a radical idea for television, but a fundamental of the American way of doing things.

The individual should have this right, but it will be denied as long as the commercial standard of instant broad appeal is the sole determinant of what goes on the air. Since the multi-million audience can only be attracted by certain types of entertainment, the arts, education and many subjects of broad national interest are blanked out by what is, in effect, a monopolistic dominance of television by mass appeal programs. Because many of the wonderful things in life fail to meet the commercial test of "instant broad appeal", we all become underprivileged.

The new freedom of the individual to choose and pay for what he sees in accordance with his interests need not be purchased at the expense of present television. The programs of mass appeal are not threatened for their economics are sound and people want them. What this new use of television promises is to add by means of a new economic base a whole new dimension to television—a sensitivity to the selective audience. Television would be turned on by millions who now shun it and open new horizons for those who are its devotees.

INFLATION TAKES ITS TOLL

The third strong negative feedback signal comes from the closing of wings of museums, from the death of orchestras and the shortening of hours during which people can read in libraries. The forces of inflation—at close to 10 percent a year—act on the overall costs of the arts to reduce their ability to serve the community. It is just as if our society was reaching into the till and taking the money away. The arts have a wonderful resource in the generosity of people who support them, but the ability of people to give is being cut by the same inflation. When the cost of building roads goes up—as it does each year—the extra money is immediately made available. Business can raise prices. Government can raise taxes. What are the arts to do? To raise ticket prices beyond certain limits is to exclude the public. To reduce costs is to cut the very service the community demands. I believe we must ask for a wholly new priority for the arts in this country, and that if all of us active or interested in them will join together in a common effort to attain this goal, it will be won.

Last year a group of concerned citizens, individuals sharing a love in the arts in all parts of the country, joined together in The Partnership for the Arts to work in this very cause. They were a part of that highly successful joining of the arts and humanities that won a 400 to 5 vote in Congress for increased funds for the National Endowments. This summer they held meetings and worked on the preparation of a Manifesto for the Arts. As my conclusion, let me read it.

MANIFESTO FOR THE ARTS

The standard of living in this country cannot be measured by dollars alone—nor in miles of concrete highways and numbers of automobiles, nor by the gross national product. More important than these material or statistical factors are the values we cherish and the way we live. Deep in every community, in every family, is a hunger for what enriches life, and this force demands more services than it is getting from arts organizations—from museums, orchestras, opera, ballet and street theaters; wants more community activity in the arts, more teaching of it in the schools. We have not yet dramatized our interest in the arts as we do in sports, but they are estimated to be a $2 billion interest of the American people. Over 600 million people visit museums each year; over 12 million go to symphony concerts, and millions more attend opera, ballet and other performances. Lincoln Center outsells Yankee Stadium by 3 to 1. The arts beat sports in the public interest of this country by 2 to 1.

In a country that is increasing its demands for public service and educational activity from the art organizations, government should share in paying for such services and beyond this, since art organizations cannot continue to raise ticket prices without excluding the public, government should help as it does with education. We should do for the arts and humanities in the 1970's what we did for the sciences in the 1940's and 1950's. The arts are an essential part of our common heritage and must be given a wholly new precedence that will bring them into wide use in our educational system and make possible new activity in our communities and in our homes. The word "precedence" was chosen with forethought. Webster defines it as being an "act or state of . . . being before in rank or dignity, or place of honor." As a nation we must accord to the arts this place of honor.

GREATER GOVERNMENT SUPPORT MANDATORY

Fortunately, the principle of government support for the arts is now established in legislation for the National Endowment for the Arts, supported by the President and the Congress and funded at $29¾ million. This is almost double what we had before, and we are grateful for it. But it is only one and one-half per cent of the $2 billion that the American people spend each year on the arts and by the cruel logic of that fraction cannot succeed in materially helping them. The simple truth is that the present legislation for the National Endowment for the Arts is not adequate for a nation of 200 million people.

So we ask for new legislation embodying a new national program for the arts designed to help pay for the public service and educational work of art organizations. To be effective we submit that federal aid for the arts must be equal to at least 10 percent of what the American people spend on them, so this new legislation should provide no less than $200 million for the National Endowment for the Arts. $200 million is equal to only $1 per person in the United States (present legislation provides 15 cents) compared to $1.40 spent in Canada, $2.42 in West Germany, $2.00 in Sweden and $2.00 in Austria. It is only 1 percent of what we spend on roads each year, the cost of about fifteen miles of super highway, but it is needed to sustain the arts.

We strongly endorse the National Endowment for the Arts as the practical and sound approach for federal support. The legislation should provide that federal support go through the National Endowment to qualified art activities on the condition that they have broadly based support, are of good quality, well managed, and perform an educational or public service for the community. The amount of support should give consideration to the overall costs of the arts rather than to special activities, because it is the overall costs of the well-managed art group that determine its ability to serve the community, and it is these total costs that are affected by inflation. Also, the legislation should provide funds to support the State Arts Councils and for new and experimental programs designated by the National Endowment for the Arts.

UNITED EFFORT THE KEY

We have just seen a clear indication of the political strength of the arts and humanities. In the drive to get "full funding" of the present legislation, hundreds of thousands of people—artists, educators, community leaders, ticket buyers, unions, committees, associations and supporters of the arts—sent letters and telegrams, made telephone calls and personal visits to their political representatives. Howard Taubman reported from Washington that "few requests for money for a Government agency have been endorsed by so many constituents" and called it "an impressive demonstration of bi-partisan support." Congress was impressed by the strength of the public interest and so this first goal has been won. The time has come to drive for the goal that really matters. All those who care for the arts, for the humanities, for education should make a direct request to their Congressmen, to their Senators and to the President for new legislation. What we ask is not the subsidy so common in Europe, for under this proposed legislation federal aid for the arts would average only 10 percent—to be meaningful it must be at least that—leaving 90 percent to be paid for from ticket sales and other earnings and from the support of individuals, corporations and local governments.

What we ask is modest, when measured in terms of other federal projects. Above all, what we ask for is a wholly new precedence for the arts and humanities—for that which gives our living richness and meaning.

A PLEA FOR OPPORTUNITY FOR OLDER AMERICANS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, December 2, 1971

Mr. BOGGS. Mr. President, yesterday the distinguished Senator from Hawaii (Mr. FONG) addressed the White House Conference on Aging at the Washington Hilton Hotel. It was a fine speech, touching eloquently on the dreams and accomplishments of older Americans, and I recommend it to Senators. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR HIRAM L. FONG

Mrs. Church, Honored Guests, Delegates, Friends: May I extend to each and every one of you the warmest greeting I know: Aloha!

Aloha is that endearing word meaning so very much . . . love . . . friendship . . . brotherhood—all the feelings of goodwill which we cherish and which we want to dominate this White House Conference.

Speaking of dominating, when I received the letter giving details on this luncheon, I noticed that the name of Church dominates the occasion—Mrs. Marguerite Church, former Congresswoman from Illinois, is presiding and my colleague, Senator Church, is one of the speakers. Certainly you will agree with me that with two Churches leading us we can't go wrong and I'm doubly sure we can't go wrong with Fong going along.

Whatever our names, we are all engaged in a common cause for a group of Americans for whom we share a common concern, our aging brethren.

May I take this occasion to commend all of you for your yeoman work on these concerns which faced the 1971 White House Conference on Aging. You are making history here, and I know this will lead to further progress for our Nation.

It is an honor and a great pleasure to break bread with you today and to share the speakers' platform with the distinguished Chairman of the Senate Special Committee on Aging, Senator Church of Idaho.

Although he is the youngest member of our Committee—youngest in years, but long in service—Senator Church has earned his spurs as Chairman by reason of his deep empathy for America's 20 million older Americans. He shares with all members of the Committee a strong commitment to improving the future of our Nation's older generations.

You know, the Chinese have a saying, "one kind of rice, a thousand kinds of people." In other words, we all eat the same rice, but we're all different. So it is with our older population. They are all aging, but they have different needs, different problems, different aspirations.

But no matter what their individual needs or their individual problems or their individual aspirations, I believe all want opportunity, all want hope.

I believe it is imperative that the last three decades of this century must offer opportunity in age.

I hope delegates to this Conference will unite in saying, "America, hold open the doors of opportunity in age."

The record is clear. More and more older Americans have greater capacity for involvement in life's affairs. Their children have left the nest, and the parents are free to follow new pursuits. Thanks to medical and scientific advances, people are living longer and are healthier. Their desire to enjoy life, to serve their fellow man, and to be a vital part of society's mainstream grows apace.

Where in the past we counted our elders in tens of thousands, we now have millions. Let us make sure that all enjoy the benefits, the opportunities, and the hope of age.

Henry Wadsworth Longfellow well understood the values of age. After reminding us that the Greek dramatist, Sophocles, wrote his great play, "Oedipus", after 80; that Germany's giant, Goethe, completed "Faust" after 4 score years, and that England's Chaucer wrote "The Canterbury Tales" at 60, Longfellow said:

"For age is opportunity no less
Than youth itself, though in another dress,
And as the evening twilight fades away,
The sky is filled with stars invisible by day."

Longfellow's contemporary, Dr. Oliver Wendell Holmes, re-emphasized by deed Longfellow's point that age can be opportunity. His famous, "Over the Teacups", written at 80 showed no reduction in wit and no flagging of spirit.

His son, Oliver Wendell Holmes, Jr., made great contributions until he was over 90. His distinguished service of over 30 years on the Supreme Court *began* when he was 61.

History is replete with magnificent contributions by persons in their seventies and eighties. Michelangelo was at work on "The Last Judgment", Rome's most famous painting, after 80. Others who made great contributions late in life were Benjamin Franklin during the American Revolutionary period, and more recently in the field of science, George Washington Carver and Thomas A. Edison.

A list of political powers in our time adds to the testimony of values in age. Churchill's whole place of historical greatness was earned after 65. To his name must be added De Gaulle, whose eleven years of rule in France ended at 78; Chiang Kai-Shek who still prevails at 84; Adenauer, who stepped down as head of Germany's government at 87.

In our own United States Senate, Senator Allen Ellender, Chairman of the Appropriations Committee, was 81 in September and he's still going strong!

Other famous persons offer similar stories of vigor and vitality in age. The peerless pianist, Artur Rubinstein still enthralls audiences in the concert hall today at 82. Picasso reigns over the world of art at 90. The recently deceased Rube Goldberg retired from creating cartoons only to pursue a second career of distinction as a serious sculptor at a level which may bring him even more lasting fame. Nor should we fail to mention a member of this Conference's planning board, Mr. Edward K. Ellington. Now 72, it seems that the incomparable Duke just goes on and on bringing joy and happiness to millions of people throughout the world by his great music.

Clinton Rickard, a lifetime Grand President of the Indian Defense League of America, was still chief of the Tuscarora nation when he died a few weeks ago at the age of 89. He worked many years building understanding and communication between people on both sides of the Canadian-United States border. When he died, he was taping and recording the Tuscarora language so his people would retain this part of their heritage.

A. Philip Randolph, past 80, is the elder statesman of Negro labor leaders. At 74, he was one of the organizers and leaders of the famous 1963 March on Washington.

Many of our distinguished elders have been famous throughout their lives. But for others, such as Grandma Moses, fame comes only for work they have done late in life.

Incidentally, if you wonder why the only woman I mention is Grandma Moses, it is out of deference to the eternal right of the ladies to keep their ages to themselves. When Grandma Moses passed her century mark, of course, different rules applied.

Nor is fame really important. Thousands, hundreds of thousands, of older Americans in the quite pursuit of their daily lives demonstrate that "Age is opportunity no less."

The dream we have for all older Americans is such a dream of opportunity—one in which, as Longfellow says, "the sky is filled with stars."

The record shows what older persons CAN do if given a chance. But, as you know, for many older Americans there is no opportunity.

You do not have to be reminded that too often income opportunities for older persons are totally inadequate.

You do not have to be reminded of the shortcomings in our health services for the elderly.

You do not have to be told that jobs are foreclosed because of age . . . and doors are shut on vigorous, capable, willing older Americans who want to participate in family, community and national life.

Too often society says, indeed even the family too often says, "You old folks are through. You have had your day. You belong on the shelf."

Over 20 million older Americans know this to be a great lie. They know that they have capacities, appetites, and a zest for living which a decent national conscience insists must be met.

It is time you and I, and all citizens of our Nation, face up to our responsibilities in seeing that these legitimate demands are met. Government alone cannot do the job.

Together, we must do everything necessary to see that this 20th Century age of opportunity in which we live offers full opportunity in age.

This is what the work of the Senate Special Committee on Aging is all about.

This is what this White House Conference on Aging is all about.

You have labored long and strenuously toward this grand objective. You have worked in the communities, in State conferences, and now are nearing completion of your immediate efforts at this Conference in the Nation's Capital. I have confidence that your labor will make great contributions to the new era of aging, which scientific and social progress in this century has opened to millions of Americans.

I trust that your section reports will emphasize, in their several ways, that this age of opportunity must offer full opportunity for older people—full opportunity in age.

Opportunity for decent incomes;

Opportunity for necessary health services;

Opportunity for adequate housing;

Opportunity for satisfying, readily accessible recreation in leisure hours;

Opportunity for mobility—and no one doubts the importance of better transportation to eliminate isolation and loneliness;

Opportunity for learning—so that all who wish may expand their own personal horizons;

Opportunity for second careers that can mean so much;

Opportunity for social interchange, for enriched participation in community activities, for involvement in life's mainstream.

Just give our millions of older Americans their full measure of opportunity and, with their wealth of experience; know-how, and talent, watch them rise to new heights of achievement, success and service!

How to open the doors of opportunity—this is the question with which you are grappling. At this time, I would not presume to spell out my own specific ideas. Instead, I await with deep interest your recommendations, and with them no doubt I shall modify at least some of my proposals in behalf of older Americans.

In the meantime, let us pledge to work together and persevere together to the goals we hold dear.

Only so, can we be sure that for all older Americans, "Age is opportunity no less than youth itself, though in another dress."

The lives of all older Americans should be such that "The sky is filled with stars."

Thank you, my friends, and aloha.

IMPORT OF CHROME FROM RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 2, 1971

Mr. BYRD of Virginia. Mr. President, the Norfolk, Va., Ledger-Star of November 24 contains an excellent editorial on the recent condemnation of the U.S. Congress in the United Nations as a result of legislation to end this country's reliance upon the Soviet Union for the bulk of its chrome ore, a strategic material.

I ask unanimous consent that the editorial, entitled "Chrome: Persistent U.N. Folly," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Norfolk Ledger-Star (Va.), Nov. 24, 1971]

CHROME: PERSISTENT U.N. FOLLY

Naturally, a good deal of attention was attracted to Communist China's first vote in the United Nations—a strong "Yes, yes" by the Peking delegate on a resolution criticizing the U.S. Congress for authorizing the import of Rhodesian chrome.

But, of course, there was nothing unexpected about this opposition to the U.S. from the newest addition to the Asian-African bloc, and there will be a great deal more such contention. The U.S. did not advocate the admission of the mainland Chinese because it thought they would be reasonable or agreeable once they got in.

What is really of concern in the Rhodesian matter is not China's adherence to the anti-Salisbury line, nor that of any other particular country, but rather the propriety of the U.N. trade ban on Rhodesia which the United States Congress has chosen to reject via a provision pushed by Virginia's Senator Byrd.

And on that question the merit is right where it was all along, despite that lopsided 106-to-2 General Assembly vote against the U.S. action. For the U.N. was wrong to side with Great Britain in the first place in the internal rupture represented by Rhodesia's declaration of independence, a break which now seems likely to be repaired anyhow under the British-Rhodesian agreement just announced.

The other side of this coin is that the United States Congress was right in removing the President's authority for continuing the American boycott of Rhodesia's chrome. And because the U.S. had, ironically, been forced to import its crucially needed chrome from the Soviet Union, the Congressional position is virtually unassailable in terms of those vital national interests, which the U.S. must always put first.

RESTORE FUNDS FOR METRO CONSTRUCTION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McKINNEY. Mr. Speaker, the House Appropriations Committee once again voted to withhold from the District of Columbia $72 million in Metro construction funds. I regret this action, Mr. Speaker, and it is my hope that these funds will be restored when the appropriations bill is considered by the House. Further delay cannot be tolerated.

No one has denied the need for Metro. Indeed, anyone who has had to brave the morning traffic from Georgetown—not to mention the suburbs—knows only too well how desperately a subway is needed.

Yet, some say we should delay construction until the results of the present court litigation on the Three Sisters Bridge is completed.

While I share my colleagues concern that the will of Congress not be flaunted, I can see no reason why we should deny these funds, which I assume will be appropriated eventually, when any further delay adds $1 million per week to the cost of an already costly program.

Mr. Speaker, the residents of Washington and the surrounding suburbs need a subway system. The surrounding jurisdictions have faithfully met their commitments to the program and should not see the millions they have invested go to waste for the sake of congressional pride.

Metro has the support of all concerned citizens in the metropolitan area. If I may, I would like to conclude my remarks with an editorial recently published in the Catholic Standard which adequately expresses the hopes of these citizens.

The editorial follows:

[From the Catholic Standard, Nov. 25, 1971]

METRO PRIORITY

When the streetcars were removed from Washington and the suburban areas, it was hoped that this would alleviate the traffic situation. It did for a time and to a degree. However, traffic congestion has now reached a critical stage. It is obvious that a coordinated plan is essential to reduce the daily traffic bottlenecks which threaten to immobilize the metropolitan area.

Two basic approaches to the problem have been developed, a beltway-highway plan and the Metro system. The highway plan has encountered a number of snags involving litigation in the courts. A prime focal point of the dispute is the proposed Three Sisters Bridge.

Unfortunately for residents of the city and the surrounding areas, the funding for the Metro system construction is being held up pending a resolution of the highway and bridge disputes. The rationale being used is a demand that the highway construction plan be settled before funding for Metro is approved.

This state of affairs has continued entirely too long. It is understandable that some members of Congress would like to see a coordinated plan approved before any work is begun on either project. Under the present circumstances, this will only create an unreasonable hardship on the entire community for an indefinite length of time.

At the request of Rep. Gilbert Gude (R. Md.) with the active support of Rep. Lawrence J. Hogan (R. Md.) the President issued a strong statement last week urging the resolution of the problem. He is pressing for the highway construction plan as well as Metro. This is a heartening development and raises the hope for speedy decision by the House to release the funds for construction.

As a result of the many delays, the traffic situation has reached a critical point. No further delays are acceptable. The first priority must be Metro and it should not be delayed pending the solution of the highway problems.

TRIBUTE TO THE LATE ELMER F. FRAHM

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HARVEY. Mr. Speaker, all of us serving in this body share great respect and admiration for those elective officials who serve on the local level. They are, as I well know from my own personal experiences earlier as a mayor and as a member of what was then known as the Saginaw County Board of Supervisors, truly on the "firing line" in service to their constituents. Unfortunately, their efforts and dedication to the people they serve are seldom recognized and often not fully appreciated. It is only when these public servants pass from the scene that their true value and contributions are fully felt.

Such I know will be the case in the death of a good friend, Elmer F. Frahm, who served as chairman of the Saginaw County Board of Commissioners at the time of his death on November 20, 1971. For 33 years, Elmer Frahm served the people. He commenced his public service in 1938 on the Frankenmuth Township Board and in 1951 stepped up to the then called Saginaw County Board of Supervisors. He served as chairman of the supervisors and was elected again in 1969 to direct the new 21-man board of county commissioners.

An editorial published in the November 22 edition of the Saginaw News perhaps said it best in stating:

> We believe he regarded his position in public life more as a labor of love in public service. He will be missed by many.

Elmer Frahm had but one objective—to do what was right for the people. He was a decent, honorable man of unquestioned integrity. He will be missed and he will be remembered.

I am inserting from the Saginaw News the following articles on the late Chairman Elmer F. Frahm in the RECORD:

COUNTY BOARD CHAIRMAN SUCCUMBS—DEATH SILENCES HIS GAVEL

(BY CRAIG A. BOIKE)

Silent is his gavel. No more the sound of his voice calling a meeting to order or chuckling over the lighter side of a heated situation.

The chair where he sat will be moved soon to the new county courthouse he helped plan but won't be around to see to completion.

Elmer F. Frahm is dead.

The 71-year-old chairman of the County Board of Commissioners died late Saturday night at St. Mary's Hospital after a stroke.

He never had slowed down.

It is hard to say whether county government was Frahm or Frahm was county government. He was so much a part of it. Lengthy meetings. Tiresome schedules involving a sometimes thankless routine.

But he always kept going.

Frahm had spent over two decades in county government and even more in township government. He despised the idea of big government removed from the little man.

And in spite of all his awards for outstanding community service or for excellence in farming, Frahm somehow always managed to stay humble.

Rarely did his sense of humor or his knowledge of what was going on in the various departments or agencies of county government fail him.

He was no stranger to county financial ledgers, no friend of what he called big-time spending with nothing to show for it.

The old county courthouse was as familiar to him as the sweet smell of the land he had used to build up a herd of prize-winning dairy cattle.

He typified grass-roots government.

It was in 1938 that Mr. Frahm took his place on the Frankenmuth Township Board. In 1951 he stepped onto the old county board of supervisors. From 1963 to 1965 he chaired the old 55-man board and was elected again in 1969 to guide the new 21-man board of county commissioners.

He had served as a member of the Community Hospital Board of Trustees, was a president of the Saginaw County Farm Bureau and had served as head of the Saginaw Soil Conservation District.

He was awarded the Federal Land Bank's 50th Anniversary medal for outstanding service to agriculture.

In 1926 he was married to Frances E. Lauer, who died in May. Two sons and a daughter survive him.

Mr. Frahm had taken a keen interest in the development of the $10 million new law enforcement-courthouse complex, which will soon open.

He had sat through many building committee meetings, and finance committee sessions, as the structure was planned and then went into construction.

The new courthouse is expected to open in December.

It was something Mr. Frahm had looked forward to; a dream come true. He won't be there. But he will be remembered.

FRAHM, ELMER F., 12580 BRADLEY ROAD, FRANKENMUTH, MICH.

Passed away Saturday evening, Nov. 20, 1971, at St. Mary's Hospital after a short illness. Age 71 years. He was born July 15, 1900, in Frankenmuth and had been a lifelong resident. He married Frances E. Laver who passed away May 29, 1971. He was a member of the Warren Avenue Presbyterian Church. Prior to his retirement he had been engaged in farming. He served on the Saginaw County Board of Commissioners and was also a member of several Agricultural Organizations. He was a member of Vassar Masonic Lodge No. 163, F&AM. He was also a 32nd Degree Mason. Surviving are two sons and one daughter, Walter and Ralph Frahm and Miss Lillian Frahm, all of Frankenmuth; eight grandchildren. Funeral service will take place 1:30 p.m. Wednesday at the Cederberg Funeral Home, 403 N. Michigan Ave. Rev. Donald Loomis will officiate with burial in Blumfield Township. Friends may call at the funeral home.

ELMER F. FRAHM

There have been occasions in recent years when this newspaper was forced to take issue with Elmer F. Frahm, chairman of the County Board of Commissioners, as well as with the board itself. That is well known. But our differences with Mr. Frahm were always on matters of substantive judgment—never on questions of compromised principles or ethics.

To have found Mr. Frahm wanting in these qualities would have been incomprehensible. He was too honest, too decent, too structured to old-fashioned values for that.

Doubtless Mr. Frahm was hurt on those occasions when we found ourselves in disagreement with him. Never once, however, did he betray any personal animosity at such times. This said to us that Elmer Frahm understood perfectly the price of high public elective office.

Mr. Frahm could hardly be classified as shrinking violet, however, or as a man lost in his office. He said what he thought and he was a fighter for what he believed in—but he preferred to let his own views be judged in our news columns. Above all he was devoted to the principle of fiscal integrity on the part of all government—large or small—and few knew the workings of so-called "grass roots government" better than Mr. Frahm.

Having spent nearly half of his lifetime in township and county government no man had greater feeling for it. He outlasted many of his counterparts and stayed long enough in office to see the transition from the old county board of (township) supervisors to the new, smaller commission form of county government structured from the one-man, one-vote principle.

The highest compliment to his experience was his election as chairman of the new commission in 1969. In this he was recognized as the man best qualified to help engineer the transition and to guide a new board through final planning deliberations on the multimillion dollar courthouse complex.

One of the sad ironies of his untimely passing at 71 is that he did not live long enough to see this project through to completion and occupancy. He had given much of himself to that. More than a sad irony, his passing is a distinct loss to the greater Saginaw community and to the county commission which had benefitted so long from his counsel and leadership.

As a highly successful farm operator, Mr. Frahm did not need to depend on public office for a living. We believe he regarded his position in public life more as a labor of love in public service. He will be missed by many.

SOL KAMINSKY NOMINATED FOR NATIONAL VOLUNTARY AWARDS PROGRAM

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ADDABBO. Mr. Speaker, I am pleased to announce that one of my constituents, Mr. Sol Kaminsky of Howard Beach, has been recognized for distinguished service in the field of volunteerism by the National Center for Voluntary Action. Sol Kaminsky has been a friend and a source of inspiration to me for several years through his outstanding work with amputee veterans.

I have brought Mr. Kaminsky's work to the attention of my colleagues in the House on previous occasions and so it was particularly gratifying for me to learn that he is one of those named as a citationist to the 1971 National Volunteer Awards program. The highlights of Sol Kaminsky's activities and the recognition he has earned are described in the news release issued by the National Center for Voluntary Action which I place in the RECORD at this point:

LONG ISLAND AMPUTEE VET CITED FOR VOLUNTEERING UP FOR TOP NATIONAL AWARD

WASHINGTON, D.C., November 17.—For his volunteer service to amputee veterans, Mr. Sol Kaminsky of Long Island has been named Citationist in the 1971 National Volunteer Awards Program sponsored by the National Center for Voluntary Action.

A World War II double amputee himself in 1949, Mr. Kaminsky was instrumental in creating the National Amputation Foundation, a fund-raising body to help amputee veterans. He currently serves as its volunteer executive secretary and is the organizer of its "Amp to Amp" program.

Through "Amp to Amp," a volunteer task force of amputees who have re-adjusted to normal life visit hospitalized amputees and their families to offer one-to-one assistance and encouragement, as well as financial aid, toward their eventual return to full and productive civilian lives. In 1970, "Amp-to-Amp" took 40 amputees out of hospitals to resorts throughout the United States and out of the country.

Mr. Kaminsky's volunteer efforts today are devoted to the "amputee population explosion" caused by the Vietnam war, which has created more amputee veterans than World War II and Korea combined.

The National Volunteer Awards, formerly known as the Lane Bryant Volunteer Awards, were established in 1948 to bring attention to "unsung volunteer heroes." The program has been administered by the National Center for Voluntary Action (NCVA) in Washington, D.C. since 1970.

The National Center for Voluntary Action exists to generate new responses to America's pressing needs through greater utilization, coordination and recognition of volunteers. Henry Ford II is chairman, and Edwin D. Etherington president.

Formed in February 1970, the National Center is a private, non-profit organization and the hub of a growing network of local Voluntary Action Centers. NCVA also runs the nation's most comprehensive Clearinghouse of data on volunteer activities, as well as volunteer campaigns to meet critical national needs.

This year's awards program, the first under NCVA, drew the largest number of nominees in its history. From these, 119 Citationists have been selected. Preliminary screening was performed by a faculty panel from C. W. Post College of Long Island University. Each Citationist is now a candidate for one of two $5,000 first-place awards.

The Citationists' contributions reflect a trend toward growing citizen involvement in community problem-solving and aid to the handicapped and disadvantaged.

Final selection of 1971 awards winners will be made by a panel of five judges: H. I. Romnes, chairman of the board, AT&T Company; Charles Evers, mayor, Fayette, Mississippi; Walter Hickel, former Secretary of the Interior and former governor of Alaska; Alvin Toffler, author, *Future Shock*; and Mrs. Jacqueline G. Wexler, president, Hunter College of the City of New York. The top awards will be presented in February 1972 at a banquet in Washington, D.C.

THE OFFICE OF THE PRESIDENCY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SCHERLE. Mr. Speaker, the heat of political debate often produces acrimonious exchanges. But no matter how deep the disagreement, men of national stature should always maintain a civilized tone throughout their public discussions. In his feud with the White House over economic policy, AFL–CIO President George Meany has failed to do this. So bitter is he about administration actions that he indulged in petty personal vindictiveness against the President of the United States. Now Richard Nixon is no shrinking violet. He faced his critics in the labor movement courageously on their own ground at the recent AFL–CIO convention in Miami—where he was met by scorn and derision. The office of the Presidency deserves better treatment than that. No amount of serious disagreement on policy matters can justify the behavior of Meany and his claque of cohorts.

The following editorial from KCAU–TV in Sioux City, Iowa, apty summarizes the significance of this shameful incident. The editorial which is reprinted here in full, was first broadcast on November 23:

THE OFFICE OF THE PRESIDENCY

No amount of backtracking now can alter the fact that AFL–CIO President George Meany was rude and uncouth in his treatment of the President of the United States at Miami Beach last Friday.

It is one thing to disagree with the President on specific policy matters and another to show complete disrespect for the man who holds the highest office in the land.

We completely agree with Treasury Secretary John Connally that the actions of Mr. Meany last week reflected an arrogance and boorishness and a discourtesy that ill become a leader of the Labor Movement.

We are quite sure that most of the delegates in the hall and indeed a majority of the members of the Labor Movement in this country do not wish to be identified with the disgraceful manner in which the President of the AFL–CIO displayed his contempt for the office of the Presidency.

Mr. Meany and organized labor have every right to disagree with Mr. Nixon's Economic Reform Program and to say so. But you just don't treat a President as if he were some sort of traveling vaudeville act and then as he leaves the hall after a speech say something like "now we will proceed with act two."

If, in fact, President Nixon sought to provoke the AFL–CIO confrontation at Miami Beach as some have said, then he could not have had a better fall guy than George Meany.

If organized labor wants to win friends and influence people to its way of thinking, it would do well to avoid another display such as that at Miami Beach.

We don't think George Meany should apologize to President Nixon. We think he should apologize to the American people.

THE LATE HONORABLE TOM MURRAY

HON. JAMES A. HALEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1971

Mr. HALEY. Mr. Speaker, I rise to join my colleagues in expressing sorrow over the passing of my dear friend, Tom Murray. Although Tom left the Congress 5 years ago, the fine service he rendered our Nation during his 24-year tenure in this House of Representatives has not been forgotten. He was a conservative in the truest sense and his actions were always predicated upon what was best for this Nation of ours.

When I came to the Congress in 1953, Tom Murray was one of the first to greet me. He offered sound advice to me not only in my freshman year, but during all of the years of our mutual service. His wise counsel was always available to me and to all who wished to benefit from it. I have missed him greatly and will continue to do so.

He was truly one of Tennessee's finest sons. He served her people and all of the people of our Nation well in his lifetime of distinguished service at local and national levels. The world was better, because he was a part of it and his passing leaves a void in the lives of those who knew him well.

THE TAX CHECKOFF FOR POLITICAL CAMPAIGNS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CONABLE. Mr. Speaker, many of us are concerned that the Senate has imperiled the important tax reduction legislation by addition of a questionable amendment to funnel tax revenues into the campaign coffers of presidential candidates next year. The action was taken by an almost straight party vote. Now the President has threatened to veto the entire measure if the House-Senate conferees retain this campaign financing scheme in the tax bill.

In this morning's New York Times, Columnist Tom Wicker has warned that those trying to force this scheme upon the President are acting unwisely. Since Mr. Wicker is not normally sympathetic to the President on partisan matters, I believe his column merits the careful consideration of those who are advancing this ill-considered plan. I submit the Wicker column for the information of all those concerned with this issue:

THE BLAME GAME

(By Tom Wicker)

The public is likely to consider even the most partisan President as more nearly concerned for the general welfare than is any representative of a narrower interest. That is because the President is elected by the people; no matter how narrow his margin, he can rather effectively claim to represent them.

That is a lesson George Meany and organized labor ought to be learning as a result of their confrontation with President Nixon on Phase Two of his economic program. It will be difficult for them to maintain their hostility without looking as if they are grabbing for advantage or sulking in a corner while the President tries to curb inflation and boost the economy.

It is a lesson that Congressional Democrats and their party's National Committee also may be taught in their conflict with Mr. Nixon over the campaign financing scheme they have inflicted on his tax program. The elimination by a House-Senate conference committee of some tax reduction amendments the President did not want has narrowed the issue to ground on which Mr. Nixon can fight most effectively. That is, if the conferees do not eliminate the campaign financing plan too, he can throw down the gauntlet with a veto.

What position would the Democrats then be in? Theoretically, they could override the veto, but that takes a two-thirds majority in each house and the dollar check-off amendment barely scraped through the Senate on a virtual party-line vote. Overriding, therefore, is a forlorn hope.

Alternatively, the Democrats controlling Congress could refuse to pass a new tax bill embodying Mr. Nixon's economic program. But aside from the merits, or lack thereof, of the campaign financing plan, it would clearly provide a terrific windfall for the Democratic party in 1972—a year when they badly need such largesse and the well-heeled Republicans do not.

Thus, if the Democrats allowed Mr. Nixon's tax program to go down the drain because he would not countenance their dollar check-off windfall, they are bound to look as if they were willing to sacrifice the general welfare to their own financial needs. This is doubly true since the President's economic proposals are mostly tax reductions, and he would not hesitate to point out who had kept them from going into effect.

Larry O'Brien, the Democratic chairman, has attempted to get out front on this issue by charging that Mr. Nixon wants to keep political finance in the hands of fat-cat contributors. This is a splendid example of Mr. O'Brien's gift for Irish blarney, and a pretty good political try, but as Lyndon Johnson used to say, "That dog won't hunt."

No party in history ever fell further into dependence on big contributors than the Democrats under Mr. Johnson and in the 1968 campaign. One of the main reasons that the party is in such financial straits today is because for so long it put its reliance on devices like the $1,000-a-membership President Club, while signally failing to develop any widespread base of financial support against the time when it would be out of power. In the same years, the Republicans were developing the best small-contributor financial support any modern American party has had. Barry Goldwater in 1964 had the most broadly based financial support of any major-party nominee.

This not to suggest that Mr. Nixon does not have many big contributors behind him; he does, but to picture him and his party as the only offenders in this respect is poppycock. In fact, through the years since President Kennedy's elections finance commission recommended tax incentives to stimulate small contributions, Democratic Congresses have repeatedly refused to take this major, necessary step.

Even as the Domocrats gear themselves up to picture the Republicans as the villians of the piece, what are they doing on another front in the Congress they control? In the bill to limit campaign spending they are carving a loophole big enough to push a fat cat through.

Another set of House-Senate conferees has eliminated the Republican-sponsored plan to have tough disclosure reports filed with a new, bipartisan Federal Elections Commission; instead, contributor and spending reports will continue to be filed with political employees of Congress, the secretary of the Senate and the clerk of the House. This all but guarantees that absolutely nothing will be done, as nothing ever is under present law, about violations of the statutes controlling political contributions and expenditures; and it assures that the public will remain mostly in the dark, where it now is kept.

Thus, it will not be easy for the Democrats to pose as fervent reformers of campaign finance; and anyway, if they go so far as to frustrate the President's proposed tax reductions, what grounds can they then find for blaming a lack of economic recovery on him?

NEW DEVELOPMENT IN MEDICAL EDUCATION

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HULL. Mr. Speaker, a recent article in the American Medical News outlines an inventive and dynamic new program in medical education which is taking place at the University of Missouri in Kansas City.

This new training technique may well prove to be the forerunner of many such programs in the Nation and deserves careful attention from everyone concerned with quality medical education.

The article from the American Medical News follows:

In this day of innovation in medical education, no school in the nation is drawing more comment over imaginative programming than the new medical school at the U. of Missouri in Kansas City, which provides its students with patient contact on their first day.

Labeled an experiment by its provost, E. Grey Dimond, MD, and its dean, Richardson K. Noback, MD, the new school admitted its first class late in August.

The class includes 40 first-year students (including three 16-year-olds), 18 second-year students, and 36 in the third- and advanced-years.

The first-year students, 39 of whom are teenagers, are in a special curriculum which, by utilizing 48 weeks of each calendar year, will enable them to earn both baccalaureate and medical degrees in six years.

Under the program, students in the first two years of training are considered "provisional medical students." During this period, about 75% of their course work will be in the arts and sciences with the remainder—including Saturday mornings and 10 weeks in the summer—in hospital-patient situations and medical studies.

Beginning with his first day, the student sees patients. The students' medical course integrates patient interviews and examinations with basic medical sciences. Fourteen to 16 patient case studies are planned per semester, with each study extending through one week.

Third-year students will devote about 75% of their time to medicine and patient care, with the remainder set aside for liberal arts courses. The same ratio will apply for the final two years of the program.

Starting with the third year, the students are divided into docent units, another innovation. Each docent, a practicing physician who will serve as teacher and councilor throughout the students' remaining four years, will be responsible for 12 young men and women—three from each of the last four classes.

At present, the medical school has three docents who have a total of 75 years of medical practice among them. The entire docent team will include, besides the 12 students and the docent, associate docents, the nursing staff, pharmacy staff, social service worker, psychologist, residents, and interns.

Ultimately, according to Dr. Noback, there will be eight docents, each responsible for a group of 50.

Dr. Dimond said the future growth of the medical school includes construction later this year of a $13-million medical school building. Next year, a $23-million general hospital is expected to be ready to replace the present facility.

PHONY GLOOM PEDDLERS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HUNT. Mr. Speaker, as we approach 1972 the necessity of sorting theoretical solutions from actual accomplishments becomes more apparent. Some critics of this administration seem to be motivated by private political ambitions. I have here an editorial from the St. Louis Globe-Democrat which provides a comparison of the efforts of the administration critics and the efforts and achievements of the Nixon administration. In reference to the critics, the editorial states—

What is disturbing is that this barrage of criticism and scare talk is to a large degree succeeding in obscuring some really remarkable gains the nation is making under present policies.

The full editorial, I believe, is worth our consideration:

[From the St. Louis Globe-Democrat, Oct. 29, 1971]

PHONY GLOOM PEDDLERS

It is becoming increasingly apparent that one of the chief tactics of the Democratic party and its various affiliates—big labor, anti-war militants and the liberal establishment in Congress—is to spread gloom, to the point that really significant accomplishments of the Nixon Administration will go almost unnoticed.

What is disturbing is that this barrage of criticism and scare talk is to a large degree succeeding in obscuring some really remarkable gains the nation is making under present policies.

Uncertainty, fear of the future and a disquieting lack of confidence in the country are to a large degree the result of this ceaseless sniping and slanting that has been going on.

Nowhere has this campaign against the President and his programs been more malicious than in the United States Senate, where Senators McGovern, Fulbright, Kennedy, Church, and Mansfield have been waging a constant battle to discredit Mr. Nixon's successful Vietnamization program.

Let's look at the facts of the matter.

President Nixon's Vietnamization program to end the war is actually ahead of schedule. Every objective he proposed is more than being met.

Further American troop withdrawals have brought the number of United States troops in Vietnam to less than 200,000—down 340,000 since Mr. Nixon took office.

It is reported the troop withdrawal rate will be sharply stepped-up soon. The best information is that Mr. Nixon on or before Nov. 15 will announce a further acceleration of the pullout which will leave only about 40,000 troops in Vietnam by next spring.

Virtually all American troops have already been pulled back from combat duty in Vietnam, with a resultant precipitous drop in the number of deaths. Seven men were killed last week as compared to hundreds that were being killed each week when President Nixon took office.

The South Vietnamese government, under the much-criticized President Thieu, is demonstrating that it can stand against the Communists, provided it has continued United States air support. It shows no sign of cracking as the bitter Senate critics predicted it would when the United States' troop strength dropped markedly.

The prospect is good that a peace which avoids a Communist takeover may be possible within the next year.

But the Senate Democratic critics constantly picture the Vietnam situation as hopeless. Now they would try to make the American public believe that they have the great panacea for ending the Vietnam war, a declaration that the United States will withdraw all of its troops from Vietnam in six months without asking the Communists to pull out a single soldier.

Time has a way of unmasking fakery. Memories are not so short that most Americans don't recognize that pious liberals who are calling for a unilateral withdrawal were silent for years when President Johnson committed more than 500,000 young men to a planless, winless, bloody war in Vietnam.

President Nixon, by contrast, is making good the pledge he made for ending the Vietnam war on an honorable basis and in a manner to preserve the peace rather than increase the likelihood of a much wider war.

On the domestic front the Democrats led by Senator Muskie and Senator Humphrey are trying to frighten the American public into believing that hard times are ahead, that President Nixon's economic program is in a shambles.

Here again, the facts prove how wrong they are. Corporate profits, one of the best barometers of economic health, have climbed significantly in the past six months.

A just completed survey by the Wall Street Journal showed corporate profits up more than 11 percent in the last three months and the outlook in the fourth quarter is for continued recovery.

PERLE THE SOCIAL WORKER WINS HEART OF GOLD AWARD

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, it was my recent pleasure to attend the annual Washington Variety Club banquet at which the coveted Heart of Gold Award was bestowed upon the Honorable Perle Mesta, widely acclaimed as former minister to Luxembourg and leading Washington hostess. Mrs. Mesta received the Heart of Gold Award not in tribute to her delightful talents in giving memorable parties, but as a testament to the thousands of hours she has spent in aiding charitable causes.

Almost 1,000 persons gathered at the Palladian Room of the Shoreham Hotel on Sunday evening, November 21, to honor Mrs. Mesta. The occasion also launched the Variety Club's campaign against drug abuse, an attack which Mrs. Mesta that evening avowed will be her cause of greatest concentration in the months to come.

Numerous well-known personalities paid tribute to Perle Mesta as she accepted the Heart of Gold Award she has so dearly earned in terms of energy and effort throughout the years. With Art Linkletter, whose commitment to the drug abuse crusade has been so influential, and Dr. Jerome Jaffe, Director of the President's Special Action Office on Drug Abuse, leading those who gathered to honor Mrs. Mesta and reavow their pledge to attack the root causes of narcotics addiction in our Nation, the evening was a wonderful display of past and future public service.

Mr. Speaker, I share the memory of this meaningful evening with my colleagues here today to focus attention upon the far-reaching contribution to our Nation that Perle Mesta has made, upon the generosity of the Variety Club interest in the multifaceted problems of youth today, and in the need to expand the public awareness of the overwhelming complexities of drug usage and rehabilitation. Let this occasion serve to reestablish hope that drug abuse can be combated through the combined efforts of enlightened private citizens and government working to complement the knowledge, understanding, and effort of each other.

It is good to know that a woman who gets things done the way Perle Mesta does will henceforth be in the forefront of the battle against drug abuse. Mrs. Mesta's close friends have always thought of her as Perle the social worker rather than Perle the party giver, although she certainly has every right to the latter title as well as the first. It is most fitting that Perle Mesta has been selected as the first woman to receive the Washington Heart of Gold Award because through her warm spirit, compassionate nature, diligence, perseverance, knowledge, charm, and persuasive powers, Perle Mesta embodies much that both men and women ought and strive to be.

PRESIDENT HELPS TEXTILES

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. NICHOLS. Mr. Speaker, the President has received a strong vote of confidence for his action in limiting textile imports from J. Craig Smith, chairman of the board of Avondale Mills. In a guest editorial in the Sylacauga, Ala., News, Mr. Smith praised the President but once again called for congressional action when the present agreements expire. I would like to submit this guest editorial for my colleagues' study with the sincere hope that Mr. Smith's words will be heeded when the proper time comes.

PRESIDENT HELPS TEXTILES

(By J. Craig Smith)

President Nixon has concluded agreements with the governments of Japan, South Korea, Taiwan, and Hong Kong limiting the growth of those countries' exports of man-made fibers and wool textiles and apparel to the United States. An arrangement, covering all countries, has been in effect for about eight years limiting the import of all cotton textile items.

President Nixon said while he was a candidate, and several times since his election, that some reasonable restraint had to be put on textile imports. One out of every eight industrial jobs in the United States is provided by the textile and garment industries. President Nixon knew that these jobs could not be sacrificed without tremendous hardship to the individuals concerned and to the economy as a whole. In this position, he had the full support of the senators and congressmen from the textile states. Vigorously and bitterly opposing the President's efforts were the New York Times, the Washington Post, Life and Time magazines, several of the large New York banks, and many other powerful influences. It took considerable political courage for President Nixon to carry out his commitment to limit these imports.

The textile industry would have preferred that the limitation result from Congressional action. All hope for this action was lost when Congressman Wilbur Mills, chairman of the Ways and Means Committee, made a private deal with the Japanese textile industry and announced that no legislation limiting imports would be reported out of his committee. After this announcement by Mr. Mills, our only hope was Presidential action.

Approximately 80 percent of textile imports are coming from the four low-wage countries with which President Nixon has now concluded negotiations. These countries finally agreed to limit their imports for one reason, and one reason only: President Nixon finally convinced them that if they did not agree to some reasonable limitation, they would get something much less to their liking. The surtax on imports which the President put into effect was undoubtedly useful in getting agreement.

All the palaver in the liberal press that the textile agreements will cause vast unemployment in the four Asian countries is without any basis of fact whatsoever. The agreements do not provide for any cutback in the high level of imports now coming in. The agreements also provide for a reasonable growth rate. These Asian imports were rising at such a terrific rate that had they not been restrained many other American mills would have gone the route of our Birmingham mill, Handley Manufacturing Company, Beaunit, and 50 other recent closures in the Southeast alone.

We are grateful to President Nixon for doing something about this problem. We are grateful to Senators Sparkman and Allen and to Congressmen Andrews, Bevill, Buchanan, Dickinson, Edwards, Flowers, Jones, and Nichols, as well as to the other Senators and Congressmen from the textile areas, who have so valiantly supported our position. This support we must continue to have. When these agreements expire, it is absolutely essential that they be renewed. We would prefer that they be renewed by legislative action, but if this cannot be had then we must have an administration in Washington that will act as President Nixon has acted.

DOCK STRIKE DISASTROUS TO WASHINGTON STATE'S ECONOMY

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. PELLY. Mr. Speaker, dock strikes are inimical to the best interests of farmers in the State of Washington.

Since harvesttime in my district, I have received a great number of letters asking that something be done to prevent such an event ever happening again.

I endorse their point of view.

We must have export markets. Yet the surest way of losing those we already have is to continue with a series of work stoppages such as have paralyzed the export sales of farm commodities this year.

Farmers have long known they must compete. That they respond to the challenge is indicated by the fact that last year agricultural exports reached a record high of $7.8 billion—with $6.7 billion being commercial sales for dollars.

Yet how tragic has been our experience this year. While our farmers sat by—helpless to take any action—they saw much of their foreign market go right down the drain. During the months of July and August alone an estimated $215 million worth of farm products which would have moved through west coast ports could not be delivered. Some of that business will never be recovered. Some of those markets are lost to U.S. producers forever. The Japanese, our best customer for agricultural products, made other arrangements and bought this year from Australia and Canada. They publicly questioned the dependability of the United States as a source of supply for farm exports.

East and gulf coast ports closed in October. The labor-management dispute continues with no solid evidence that agreement is close in any of the negotiations.

Mr. Speaker, last year Washington farmers claimed as their share of the record U.S. exports, $158.3 million. Washington ranked fourth in exports of wheat and flour. She ranked sixth in exports of fruits and preparations and fifth in vegetables and preparations. Vegetables and fruits are perishable. When they do not move as planned, they tend to become a total loss to the producer.

Mr. Speaker, I ask for immediate action on legislation to provide an effective method of dealing with labor-management disputes that tie up the national transportation system and prevents farmers from moving their production to markets.

FORMER CONGRESSMAN DONALD E. "BUZ" LUKENS' REMARKS ON THE U.S. NATIONAL BALLROOM DANCING CHAMPIONSHIPS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FREY. Mr. Speaker, our good friend and former colleague, Hon. Donald E. "Buz" Lukens, recently contacted me and asked that I insert these remarks in the RECORD. Following are Mr. Lukens' remarks:

DANCING CHAMPIONSHIPS

An event took place recently in New York City which highlights a growing trend in the United States that should be brought to the attention of my esteemed colleagues.

It combined many of the elements which our country must strive for in order to maintain its position as a world leader: physical fitness, keen competition, and great enthusiasm.

The event of which I am speaking is the First Annual United States National Ballroom Dancing Championships. This competition brought together the finest dancers from over thirty-five states to determine the National Ballroom Dancing Champions. Unlike many other competitive events, contestants were not restricted by age or uncommon physical prowess—ballroom dancing is a form of exercise which can be undertaken by anyone from 18 to 80, and skills do not diminish once the prime physical years are passed.

Gold Medal winners were selected on the basis of execution, grace, poise, and personality, attributes which many of our citizens follow as a prime example of the attributes of dancing.

It should also be noted that two of the professional couples who won gold medals in International Style Ballroom Dancing events will represent the United States in the World Ballroom Championships, to be held in England in the Spring of 1972.

Dancing is recommended by many of our health organizations as an excellent way to keep fit; it combines the light exercise of jogging with the muscle toning elements of gymnastics, but adds the extra dimension of entertainment and social enjoyment. The First Annual United States National Ballroom Dancing Championships have helped measurably to communicate this message to the entire nation.

It is of some note that even teenagers participated in this championship event, a fact that is quite inspiring in light of the affinity of some of our younger citizens for electronic music, drugs, and social irresponsibility. Competitors in this event displayed great courage and fortitude in preparing, through endless hours of practice, for this national championship competition. They are to be commended for their diligence, and the winners are to be applauded for their accomplishments.

We thank the National Council of Dance Teacher Organizations and the American Ballroom Company as well as the many individuals who brought ballroom dancing into the public eye as a result of this first national championship, and we wish them continued success with future annual competitions.

OIL RECYCLING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. VANIK. Mr. Speaker, recent newspaper articles reported a proposal for recycling waste oil in Maryland, which indicated that a State could significantly reduce the ecological problems resulting from oil pollution by recycling. The report supports previous efforts by the Association of Petroleum Re-Refiners to save millions of gallons of lubricating oils which are currently being disposed of at service stations, garages, airfields, railroad yards, bus, truck, auto fleet headquarters, and industrial plants. However, the problem of used oil disposal is not just a Maryland problem. It is a serious national pollution problem which must be corrected.

Oil that has been used by the consumer and has to be disposed of is termed "waste oil." Most often this oil has been previously used as a lubricant for motor vehicles or as a fuel in buildings. Virgin oil becomes contaminated by products of combustion resulting from consumer use. But oil does not wear out in the sense that its component parts are used up. A secondary refining process removes all or substantially all of the contaminants acquired during prior use, leaving a product that can be equal in quality to the original oil.

Re-refined oil products can be restored to the same range of flow characteristics and weights as the original oil, and, by the addition of the appropriate chemical additives, can be made heat or cold resistant, long wearing, and capable of rendering service ranging from light to heavy duty.

Thus, contaminants acquired through use and unwanted chemical additives can be removed from the used oil by methods which are essentially the same as the original oil refining processes. The Association of Petroleum Re-Refiners states:

> A gallon of oil saved by recycling is worth more than the original gallon because it is prevented from polluting the environment and causing extensive damage.

In a recent survey by the American Association of Re-Refiners it was estimated that 75 percent of the used oils available for recycling in the United States are wasted each year. While individual households do not supply any great quantities of waste oil, industry, garages, and tank-cleaning enterprises supply very significant quantities of used oil.

A study prepared for the State of Massachusetts in 1969 indicates that 66 percent of the automotive lubricating oil sold in the State becomes waste oil. The State of Maryland estimates that the used oil thrown away each year amounts to about 45 percent of the new oil sold in the State.

The oil wastes to be expected from transportation vehicles can be calculated to some extent. In 1970, 127,977,000 vehicles were registered in the United States—not including the thousands in use by the Government and the military—and they were driven 1,100 billion miles or an average 8,595.29 miles per motor vehicle per year. Assuming an oil change around every 4,000 miles, as recommended by most car manufacturers, and assuming that the average car holds 5 quarts of oil—with oil filter change—each vehicle requires approximately 2.68 gallons of oil per year. Thus each year, American autos use approximately 343 million gallons of oil. If this oil were recycled, a significant amount of pollutants would be removed from the environment.

Mr. Speaker, in addition, trends indicate that the demand for, and thus the resulting waste of, petroleum products in this country is increasing. Tables follow:

TRENDS IN DOMESTIC LUBRICATING OIL DEMAND

[Oils (add 000 gallons)]

Year	Total	Automotive	Aviation	Industry	
				Lubricating	Other
1969	2,184,031	1,050,935	9,894	781,206	341,996
1967	2,058,953	1,031,784	13,064	699,120	314,985
1965	2,028,963	1,015,809	15,363	659,966	337,825
1962	1,766,094	945,493	22, 57	510,823	287,621

Source: Bureau of Census, Industrial Reports, Sales of Lubricating Oils and Greases, January 1971.

FORECAST OF U.S. LUBRICANT DEMAND

[Add 000,000 to each figure]

Market segment	1980	1975
Automotive	1,400	1,370
Industrial	660	590
Process and testing	360	320
Export	800	790
Total	3,260	3,070

Source: "The Outlook for Lubricating Oils," W. F. Wadt, Enjay Chemical Co., March 1971.

Currently most waste oil is being disposed of in one of three ways: disposal in the water or on the ground; incineration or burning for heat recovery; re-refining. Because of the large quantities of used oil being dumped or used as oil in construction of roads—a part of which washes into water systems during heavy rains—such disposal presents a significant water pollution problem. Oil dumped on the surface of the ground penetrates that ground; once this oil reaches the ground water table the water can no longer serve as a source of potable water supply. For example, in the chalky rock or limestock areas, where ground water runs through fractures in the rock formation, there have been numerous cases where minute quantities of oil have irretrievably rendered wells unfit for human water use. Even if diluted to a ratio of one part of oil to a million parts of water, the taste of ground water is affected by oil.

Waste oils which get into sanitary sewer systems inhibit bacterial growth at sewage treatment plants, and thereby decrease the efficiency of the plants. Oils entering receiving streams as effluents from sewage treatment plants, or directly from storm drainage systems tend to adhere to floating particulates in the stream and sink to the bottom. The resulting bottom pollution destroys bottom dwelling plants and lower marine life—often irretrievably.

U.S. Oil Week, on January 25, 1971, quotes Harold Bernard of the Federal Water Quality Administration as saying:

> We polled (FWQA's) regional directors. Six of the nine indicated that used oil, dumped into sewers, is a serious problem in the sewage treatment plants and has caused fires in these plants, as well as caused treatment upheaval.

The mayor of Jacksonville, Fla., reported that in his city:

> We are faced with an insurmountable problem of the disposal of waste oil from service stations, garages, and so on, in that no one would pick the oil up, and waste oils would be disposed of through our sewer systems, both storm and sanitary, creating the hazards and pollution in the St. John's River and its tributaries. The disposal of waste oil in any sizeable urban area is a vital point in environmental control that must not be overlooked.

The legitimacy of burning oil waste is still in question. There is no doubt that uncontrolled burning of waste oil contributes to atmospheric pollution. However, the effects of newly developed oil burners with temperatures of 3,500 degrees have not as yet been determined. In 1968 and 1969, five major oil companies studied the feasibility of disposal of oil wastes under controlled conditions. The utilization of heat energy did not balance out against the costs associated with maintaining the type of equipment tested. For example, a test by Shell discovered that by using waste oil in a 3-to-1 ratio of normal refinery fuel, burners were plugged four times during the course of a month long test, while the normal plugging rate is one in two months. The burner tips were clogged with small bits of rubber and metal shavings, probably from the waste oil.

The Walter C. McCrone Associates, Inc., of Chicago analyzed the combustion products in waste oil before re-refining. More than 1,000 pounds of metal oxides are released when 10,000 gallons of waste motor oils are burned. Needless to say, this is a serious source of dangerous air pollution.

The methods of disposing of waste oil mentioned above are detrimental to our environment. Moreover, the throwing away of oil is a waste of a vital natural resource which is in increasingly scarce supply. Certainly increased waste oil conservation is desirable.

The most practical solution to oil waste management seems to be providing incentives for waste oil reuse. Collection of waste oils will not require any massive modification of automotive systems. The standard design of most gasoline stations includes provisions for an underground waste holding tank with an average capacity of 550 gallons—others range from 100 to 1,000 gallons. Service stations contract for waste removal and generally have no control over its final disposition, although it must be noted that some of the major oil companies require that their leaseholders sign an agreement that they will not dispose of their drain oil in a manner that would lead to the oil being re-refined. I have asked the Justice Department and the Federal Trade Commission to look into these contracts which are so clearly detrimental to our environment.

Industrial waste oil collection from garages, etc., has been carried out primarily by contract with the garages paying to have the waste carted away—and dumped. If incentives are given to re-refiners they could compete profitably for industrial contracts to haul away these wastes.

I therefore propose a two point plan for waste oil control. The mandatory label requirement imposed by the Federal Trade Commission in the 1964 "Deceptive Advertising and Labeling of Previously Used Lubricating Oil" trade regulation ruling should be revised. This ruling requires that re-refined lubricating oils be marked "previously used." Because of the real prejudice against products which have been previously used, the re-refining industry dropped by approximately 50 percent after enactment of this regulation. The refiners were forced to lower their manufacturing costs in order to make a profit; the quality of used lubricating oil was, thus, reduced, thus making it further unattractive to consumers.

The FTC label requirement should be changed to read "contains recycled oil," thereby eliminating the source of prejudice and resulting in consumer use and market growth and development during this new era of environmental concern.

Also the excise tax should be revised to encourage reuse of waste oil. An excise tax of 6 cents per gallon is imposed upon virgin oil. Section 4091 of the Internal Revenue Code. On oil for off-highway use, the purchaser is entitled to a refund of or tax credit for the excise tax paid thereon. The effect of this tax advantage to off-highway users, such as railroads, has reduced the cost to such users by the amount of the tax, and competitively forced the market price of used oil to such users even lower.

The process of re-refining involves the use of virgin oil in blending re-refined oil. But because of the Treasury Department construction of I.R.C. section 6424, the re-refiner is not entitled to a refund or credit for the tax paid on virgin oil used in blending re-refined oil. Further, the purchaser of the re-refined oil is not entitled to a refund of or a credit for the excise tax paid by the re-refiner. By reason of having to pay the excise tax without being able to either receive a refund or credit or to pass such refund or credit to his customer, the re-refiner is placed at a tremendous competitive disadvantage.

Therefore, I am introducing today, an amendment to the Internal Revenue Code which would provide oil re-refiners with a tax refund or credit on the new, virgin oil which they buy. This tax reform, if enacted, will revitalize this industry and enable the private sector to collect waste oil and process it into new, usable oil.

Under this two point proposal, the petroleum re-refining industry will operate effectively and an important and increasingly scarce natural resource will be conserved while our environment will be protected against the serious dangers of oil pollution.

STRATEGIC CAPTURE OF THE PANAMA CANAL

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FLOOD. Mr. Speaker, since the announcement on November 8 by the distinguished chairman of the House Subcommittee on the Panama Canal (Mr. MURPHY of New York) there has been a growing national interest in saving the Panama Canal, now under political and subversive attack.

The latest contribution that I have seen is an article in a recent issue of Our Sunday Visitor, a weekly Catholic news magazine, by Rev. Edward J. Melvin, C.M., a missionary priest who reveals what amounts to a Red takeover in the Panama Government.

Because of the pertinence of the article, I quote it as part of my remarks.

[From Our Sunday Visitor, Nov. 21, 1971]

THE STRATEGIC CAPTURE OF THE PANAMA CANAL

(By Edward J. Melvin, C.M.)

The strategic capture of the Panama Canal Zone is very much closer than hardly any Americans even imagine. This will be attempted not by Panamanians—who have shown a remarkable sense of co-existence and loyalty to their work—but by Panamanians who are Communists or allied with Communists.

The present Government of Panama was established by force and without the consent of the people—the basic element of Marxist doctrine. Although nominally under President Lakas, it is really under General Torrijos. It passes for a middle-of-the-road government, but this is only a tactic so that alarm will not grow.

At first, a number of efficient and honest citizens were chosen for government posts in order to give the appearance of an honest government working for the benefit of the people. As the strength of the government grew, they have been moved out little by little, and known Communists have been given posts of the utmost importance: Minister of Justice and Government, Juan Materno Vasquez; Rector of the National University, Romulo Escobar Betancourt; Minister of Education, Manuel Balbino Moreno; Intelligence or "G-2", Colonel Noriega; others of doubtful security are Nilson Espino, Minister of Agriculture; and Vice-President Arturo Sucre. Observers notice that other Communists are entering the country without difficulty.

In order to allay fears, elections were promised within two years at the beginning of the regime in 1968, a flurry was made to reform the electoral commission and code, and now nothing more is heard of them except for purposes of identification cards. Civil rights were supposely partially restored in another display for public opinion, but there have been constant seizures of persons without trial, disappearances of others, and assassinations which have never been even investigated (Ruben Miro, and a radio-newsman who was left for dead in a gutter but who managed to survive). Control of the newspapers, radio and TV is enforced so that no important dispatches may be made without censorship.

General Torrijos has often expressed publicly that there are too many foreign priests in the country, and has been irked by the lack of official Church support. And now there has occurred a most mysterious case of kidnapping of a young Colombian priest who by his popularity was a threat to the power base that the government hopes to build up among the country's poor, and who was a direct challenge to some of Torrijos' relatives. In a country of so much control, little effort was made to investigate the case for at least two weeks, false statements were made immediately by the Minister of Government which had to be corrected by the Church, and although a government jeep was involved which people saw, no roadblocks were set up and nothing has been known of it or of the priest since.

Also, the issue of the Canal Zone was immediately injected into the case, although the young priest had nothing to do with the Canal Zone. Since then, there has been harassment of the Church authorities in order to diminish publicity of the case and the permission for bringing in international investigators has been reneged, at least to stall for time.

How the strategy for the Canal works. The preceding tells what type of government pretends to represent the Panamanian people. By virtue of a large share of U.S. money and loans, it has brought about a wave of physical improvements by which it can appeal to the people in a plebiscite to ratify its existence in power; tied in with this can be the appeal to approve of the government's negotiations to take over the Canal Zone. Since no discussions of the pros and cons on both sides of the question is made in public but only discussion of the set plan, there is no alternative presented to the people—another typically Communist tactic. Then an appeal will probably be made to the United Nations to hear the "democratic" voice of the people of Panama and force the USA out of the Canal Zone by world opinion. The Red aim to control Suez and Panama will be complete and the people subjugated.

Position of the United States in the Canal Zone. In order to get the United States Government to build the Canal, every possible advantage was given so as to win the support away from Nicaragua, where, by the Spooner Law of 1902, the U.S. was prepared to build the Canal. What Colombia rejected, Panama accepted in order to offset the great discouragement after the failure of the French and also to assure itself of the Canal.

A type of *federated area* was approved of by both governments: Panama would cease to exercise sovereignty in the Zone although it would remain Panamanian territory, and the jurisdiction would go to the Federal Government of the U.S., although Panama is not a member of the Federation or Union of States. By this means there was obtained the construction of the Canal and the sanitation of the Canal Zone; and at the same time the permanent maintenance and defense of the Canal was assured against the vagaries of politics of a small country as well as dangers of occupation by some other large country. It is a permanent work in which Panama contributes its land and waters and the 50 States of the Union invest their resources for the benefit of the world.

Since it is a permanent work of sovereign peoples, neither can be dislodged without injustice. Although the terms of the contract can be modified, the contract affording the exercise of sovereignty is at least as permanent as the Canal. Otherwise, the people's share in the work would be nullified and all would be subject to the whims of politics in a small State. The soverignty clause compensates for the fact that Panama is not a member State of the Union even though this portion of its territory is united to the 50 States by entering into the federal system. Because of this involvement of the people the Federal Government of the U.S. cannot give up the Canal Zone to Panama any more than it could allow Fort Sumter to be torn from the Union; (*neither bought nor leased: cf. Panama and the United States; Reyes Pimentel Pg. 229*).

Once within the federal union, as it now is, the jurisdiction or governing of the Canal Zone must be done in accord with the sacred principles expressed in the Declaration of Independence of the U.S. and crystalized in the Constitution: *i.e.*, the priority of the dignity of the person over that of the State; the principle of union rather than separation as a source of strength to the world; the need for checks and balances to control human nature. The Federal Government has an obligation in justice to see that this is done. It can only comply with this by maintaining the control of this area as was bestowed on it by the peoples of the forty eight United States and Panama. Actually every State in the Union has done the same in regard to its own territory and its people, by the compact made on entering the Union; thus it is *not* an unprecedented step.

The people of the Isthmus have looked to the U.S. for protection since the time of the Mallarino-Bidlack Treaty operative since 1846. Now it is more imperative than ever, in view the fact that the present government of Panama (1971) was established by force, rules by fear, can make any decree a law, howsoever unjust, and can apply it by force without judicial appeal, and is doing so. If the Treaty of 1903 was as nefarious or oppressive as is claimed, people would have fled and the country would have declined—as has happened in Cuba under Castro; but rather the country has prospered, and the city of Panama, founded in 1673, has grown about 20 times its size only since 1904, that is in the last 67 years it has grown far more than in the previous 300 years.

OFFICE OF TECHNOLOGY ASSESSMENT

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. DAVIS of Georgia. Mr. Speaker, recently I have been calling to the attention of the Members of the House the rapidly spreading concept of "technology assessment" and the bill which would create an Office of Technology Assessment for the Congress. The latter, H.R. 10243, has the unanimous cosponsorship of the members of the Committee on Science and Astronautics, and has been reported from that committee. We are hopeful of bringing it to the floor early in the next session of this Congress.

Meanwhile, I have endeavored to show the substantial interest in technology assessment which has been developing vertically and horizontally throughout government, industry and the academic community. Just recently, I provided for the RECORD some commentary on the manner in which this concept is spreading internationally and on related activities which have been undertaken by such organizations as UNESCO, the OECD, NATO and others.

Today I would like to call attention to the interest in technology assessment which exists at the State level.

A large number of States have been studying the possibilities inherent in technology assessment for some time. But, on this Friday, December 3, representatives of legislative bodies and executive agencies from a large number of States will meet in Washington for a conference which will be devoted exclusively to the potential which technology assessment may hold for them.

This meeting is cosponsored by the National Academy of Public Administration and the Brookings Institution. Its particular purpose is described as follows:

> To assess the principal administrative and policy problems involved in using technology assessments in program decisionmaking within State government and to evaluate the utility of the technique for both legislative and executive officials. The conference also will consider how State and the Federal Government may play mutually supporting roles in the conduct and use of assessments.

Throughout the conference the participants will address themselves to three major questions:

First, what is the nature of technology assessment in State government and how is it or how can it be used in the decision process?

Second, what are the capabilities and strengths upon which one can build a useful technology assessment program in State government?

Third, what, if any, technology assessment activities should be carried on, in or by State government?—how should they be supported and managed?

Mr. Speaker, I would like to suggest that this conference is particularly significant since it supplies conclusive evidence that technology assessment is not simply a tool to be manipulated by national governments or by industry. It may also prove to be of striking value to State and local governments, whose problems and difficulties in the apt management of technology are just as difficult and as crucial as those which face our Federal Government.

FATHER STEPHEN A. KOLLAR

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McDADE. Mr. Speaker, each day all across America there are religious services conducted in the churches, where the ministers of religion endlessly ask the blessing of God on this Nation and the whole world. To each of these men of God we owe immeasurable gratitude.

I hope I may be permitted to call attention, Mr. Speaker, to one such man of God and one such religious service. For he is eminently worthy of notice here in these historic Halls of our Nation's Capitol.

I refer to the Golden Jubilee Mass celebrated by the Reverend Stephen A. Kollar, pastor emeritus of the Holy Family Church in Scranton, Pa. It was a very memorable moment for a very memorable man.

Father Kollar was born in Olyphant, Pa., on November 7, 1893, the son of the late Michael and Mary I. Spegar Kollar. He attended the local schools in Olyphant, St. Patrick's, and Holy Ghost Parochial School. In 1911, he enrolled in St. Procopius Academy and College, Lisle, Ill. He pursued his studies in philosophy at St. Cyril and Methodius Seminary at Orchard Lake, Mich. He completed his theological studies in St. Francis Seminary, Loretto, Pa.

He was ordained to the holy priesthood on December 18, 1921, in St. Peter's Cathedral, Scranton, Pa., by the Most Reverend Bishop Michael J. Hoban, D.D.

After ordination, he was appointed as first pastor of St. Michael's Church in Forest City, Pa., on February 1, 1922.

On February 13, 1924, he was assigned as pastor of the Holy Family Church of Scranton. In 1925, the members of the parish decided to build a new church on the plot the parish had acquired on Washington Avenue and Gibson Street. On the 1st of April, 1925, a contract was given out for the erection of the new church and rectory. The work progressed rapidly, and on August 25, 1925, the corner stone was blessed by Bishop M. J. Hoban.

On September 19, 1926, Father Kollar read the first Holy Mass in the new church. In the face of serious economic difficulties, Father Kollar set about the task of liquidating the parish debt of over $100,000, and with infinite patience he reduced the debt yearly. On June 20, 1949, at a testimonial dinner, the burning of the mortgage took place.

The golden jubilee of the Holy Family Parish was celebrated on August 31, 1941, first with a Solemn High Mass by Bishop William J. Hafey, D.D., then with a festive dinner in the evening at Hotel Casey.

In 1961, under the direction of Father Kollar, the Holy Family Social Welfare Club was completed, and 20 acres of land were purchased at jubilee to be used as a picnic grove and recreation center for the youth of the parish.

The diamond jubilee of the Holy Family Parish was celebrated on October 16, 1966, with a Pontifical Mass by Bishop J. Carroll McCormick, D.D., and with a joyful dinner that evening at the Jermyn Motor Inn.

Through all of these years, Father Kollar worked with his parishioners and gave his talents to many of the committees in the diocese prior to his retirement.

His golden jubilee was celebrated with the dignity and solemnity fitting the occasion.

Father Kollar, himself, was the celebrant of the golden jubilee mass, with the Most Reverend J. Carroll McCormick, D.D., bishop of Scranton, presiding.

The Right Reverend Monsignor Joseph J. Gavenda, S.T.D., V.F., and the Right Reverend Monsignor Andrew Novajosky assisted as chaplains.

The Right Reverend Abbot Jerome Koval, O.S.B., delivered the homile. The Reverend Andrew E. Dlugos served as deacon, and the Reverend John F. Zahornacky as subdeacon. Masters of ceremony were the Reverend Francis I. Beeda, S.T.I. and the Reverend Constantine V. Siconolfi.

The offering of gifts was made by Sister M. Paula Meliorias, SS.C.M., Sister M. Eugenia Klema, SS.C.M., and by Sister Delores M. Banick, I.H.M. Martin J. Elias was the lector at the Mass, and the Reverend Thomas V. Banick, S.T.L. led the congregation in song.

Father Kollar is now the pastor emeritus of the Holy Family Church. The wisdom he has gathered over his 50 years of service to God in the priesthood will always be available to the people of that parish and to the priests that serve those people.

Father Kollar has given us the model of what service to man can be when it is done through service to God. There are no words which we might say which could possibly commend him sufficiently for what he has done for all of us. But there would be little point in such words. He did not serve God for those 50 years as a pastor in the hope of reward or praise from man. He did so to receive his reward from the God whom he served.

We could not reckon the number of souls he has put back on the paths of grace, nor those whom He helped to stay on that path. It suffices only in thinking of Father Kollar to think also of the words of the Bible:

> They that instruct many unto justice shall shine as stars for all eternity.

HOPE FOR CAPITALISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CRANE. Mr. Speaker, the word capitalism evokes, in too many places, a negative response, and this is true only because it is not properly understood. Capitalism is, in its simplest imperative, freedom applied to economics. It is an open-ended system which rewards ability and initiative. It is a system in which a man's point of origin counts for far less than his contribution to the future.

For too long those of us who believe in free enterprise have expected that businessmen would take the lead in defending this system against the various forms of statism, from fascism to socialism to communism, with which its critics sought to replace it. Unfortunately, this has not been the case. Prof. Benjamin Rogge sets forth some of the reasons why this has been true. He writes that:

> Contrary to popular impression, there is no reason to expect the businessman to be more committed to the system of economic freedom than anyone else. Not only is he not the greatest beneficiary of that system—he is not even the principal beneficiary. Again, contrary to popular impression, it is the "little man," the member of the masses who, far from being the exploited victim under capitalism, is precisely its principal beneficiary.

Leonard Read, president of the Foundation for Economic Education, relates that during the early years of that important organization he believed that businessmen uniformly favored economic freedom because they were businessmen. He was disabused of this idea very quickly. He recalls that—

Two friends from the big business world divulged to me that they were not really interested in the freedom philosophy, being confident that they would emerge topside regardless of systems. This shocked me, but they had a point; men with their drive would be commissars in Russia. They believed that they would thrive, relative to others, in any kind of society, whether totalitarian, protectionist, or free. And anyone who believes he would be top dog, whatever the system, lacks any gnawing incentive to foster capitalism.

Until we understand that capitalism is the best economic system for the average man we will not provide it with the defense it needs from those who seek, in a variety of ways, to destroy it. As Mr. Read points out:

"The man who is still striving to improve himself is by all odds the principal beneficiary of capitalism . . . However, only when we, the principal beneficiary of the free market economy, are aware of our blessings can we hope to become effective protagonists."

The Foundation for Economic Education has, for many years, been an effective protagonist for freedom. I wish to share with my colleagues Leonard Read's "Notes From FEE" for November 1971, and insert it into the RECORD at this time:

WHERE LIES OUR HOPE?

(By Leonard Read)

The free market, private ownership, limited government way of life—sometimes referred to as capitalism—is wasting away because so few understand its philosophical underpinnings and the prerequisites for its survival. Those interested in reversing this sorry trend are well advised to align themselves with the realities of the situation, so as not to waste energy in futile endeavors but, rather, to concentrate on the possible. Away with the fruitless that the fruitful may be pursued!

Ask a hundred persons what capitalism is and get a hundred different answers, strikingly diverse, if not contradictory, ranging all the way from entrenched privilege and monopoly to an ideal concept of capitalism featured by freedom in transactions, free entry, competition, cooperation, voluntarism, to each his own—in a word, a fair field and no favor. To proclaim oneself in favor of capitalism in today's babble of tongues is to evoke approval from a few and disfavor from the vast majority, so slight is the understanding of the issues involved.

An outstanding reason for this is the assumption that businessmen should be the key spokesmen for capitalism because presumably they are true exemplars and beneficiaries. The fact is that businessmen generally possess moral, ethical, intellectual, and ideological traits as varied as those to be found among students, teachers, politicians, football players, or any other occupational category. To fix upon businessmen as exemplars of freedom would be no more accurate than to classify them as socialists, or fiddlers, or gastronomes. They are a mix of every fault and virtue known to man.

If a businessman is a capitalist in the sense that he upholds the ideal of a market economy, it is not because he is a businessman but, rather, that he is a student who sees through the fallacies of socialism and grasps the efficacy of freedom. Indeed, in the absence of a principled stand for capitalism, those of high energy with a strong desire to achieve and get ahead—entrepreneurs—are forever tempted to use their high positions in a political way to exploit the masses, that is, to become anticapitalists. The exceptions, the entrepreneurs who maintain a principled capitalistic position, are men who have "worked against the grain"—an admirable moral and intellectual achievement. These are men who stand for freedom in spite of being businessmen. And bravo for them!

Professor Benjamin Rogge makes this point and thereby gives a clue as to where our hope lies:

"Contrary to the popular impression, there is no reason to expect the businessman to be more committed to the system of economic freedom than anyone else. Not only is he *not* the greatest beneficiary of that system—he is not even the *principal* beneficiary. Again, contrary to popular impression, it is the 'little man,' the member of the masses who, far from being the exploited victim under capitalism, is precisely its principal beneficiary."

During the formative years of FEE, I naively thought that businessmen favored economic freedom because they were businessmen, particularly if they ran big businesses. However, two friends from the big business world divulged to me that they were not really interested in the freedom philosophy, being confident that they would emerge topside regardless of systems. This shocked me, but they had a point; men with their drive would be commissars in Russia! They believed they would thrive, relative to others, in any kind of society, whether totalitarian, protectionist, or free. And anyone who believes he would be top dog, whatever the system, lacks any gnawing incentive to foster capitalism.

The development and survival of man-made institutions depend upon someone's keen and unremitting desire to understand and sustain them. Without that incentive, actual or potential, we can forget about freedom. In whom, then, do we seek for this quality? We look first and foremost to the "little man"—little only in the sense that he is not a "big shot"! He is not one of those who, under authoritarian systems, would have been a feudal lord, mercantilist, lord of the manor, maharajah. Nor, in today's world, is he a commissar, or dictator, or political coercionist, or farm or labor or business monopolist, or high-placed protectionist, or one who thinks he "has it made."

We might describe the beneficiary as one to whom opportunity is still precious, who has not yet lived out his life, and is not ready for a closed system. He prefers to live his own life rather than beg from others or have others begging from him. The beneficiary is the growing man, one who wishes to become what he is not yet. An Abraham Lincoln, or the bicycle repairmen, Wilbur and Orville Wright, or a Thomas Alva Edison will suffice as examples.

The man who is still striving to improve himself is by all odds the principal beneficiary of capitalism or, if you prefer, the free market economy. This way of life in America—the nearest approximation to the unrestrained release of creative human energy—accounts for untold millions of us able to reach seventy years of age and to pursue whatever course our uniqueness, abilities, and aspirations suggest. These millions of us, had we entered the world of seven or eight generations ago, would have been short-lived serfs! I repeat, we are the principal beneficiaries of capitalism—not of those practices so grossly misrepresented as capitalism, but of capitalism as it should be understood: the free and open market. So, the recovery of freedom must come from its principal beneficiaries, those who still aim to grow. And they, of course, are to be found at all economic and cultural levels.

However, only when we, the principal beneficiaries of the free market economy, *are aware* of our blessings can we hope to become effective protagonists. For without such awareness, our improved circumstances and opportunities will be attributed to non-causes, and we will lack the incentive to reverse the socialistic trend, to learn the principles and restore the practices of freedom and capitalism. Until we see this to be a matter of self-interest, we will lack incentive and there will be no chance for freedom—none whatsoever!

So, how are we doing? At a minimum, there are several thousand of us—possibly 10,000—with an awareness that we are beneficiaries of freedom and, therefore, with plenty of incentive—a hard core of better quality and quantity than has heretofore attended any major move toward freedom. As the saying goes, we have the makings! Perhaps no more is now required than a refinement of method and particularly a removal of the blindfolds which keep so many of us from seeing the light.

The most effective blinder has already been suggested: the bad habit of personifying ideas, linking them to persons or things that can be seen with the eye. Thus we judge capitalism—free market theory, the ideal of voluntarism in transactions—by observing businessmen. Or we form an opinion of capitalism after seeing a disparaging cartoon of a capitalist. John D. Rockefeller, his virtues and vices more or less unknown to any of us, was for years the target of talented muckrakers, and always pictured and caricatured as a capitalist. Thus, capitalism is supposed to be as faulty as the muckrakers made Rockefeller appear to be. The fact is that the person and the concept are no more related than are Joe Doakes and Truth. The former can be seen with the eye, while the latter—as any though or insight—can only be conceived in the mind. The one is physical, the other spiritual. And it is utter folly to confuse the two!

Fortunately, this blindfold is easily removed for it is no more than a careless habit that goes away the moment the false correlation is discovered. We may then consider the idea, the concept, of capitalism—free from that distracting error which comes from personifying ideas and stereotyping individuals. The beneficiary then is in a position to see things in a new and revealing light: the free market economy and his self-interest—the aspiration to grow—are consistent and harmonious.

Not every one of us who qualifies as a beneficiary will cearly see the truth, even when exposed to it. How do we know with whom to share our lights and our findings? We do not know; so the safest procedure is to overlook no one! Even authoritarians have been known to switch. A parable comes to mind.

The man hitched his mule to a cart and announced that he was headed for Jerusalem to see the Savior. Along the way were numerous persons seeking his attention or assistance, and to each he responded: "Sorry, I have no time for you; I am going to Jerusalem to see the Savior." After reaching his destination, he found that he had overlooked the Savior along the road. The moral of this story and our guideline: Treat each individual, regardless of status, rank, or ideology, with the same humble attention as we would treat the Lord. That will save us from overlooking perhaps the most important person ever to espouse the ways of freedom.

In summary, then, our hope for the good society lies,

(1) among the beneficiaries of capitalism, those who are still seeking growth and open opportunity,

(2) but only among those beneficiaries who can clearly evaluate politico-economic concepts and see that the free market economy is consistent with their self-interest; for they alone have the incentive to work in its behalf.

Your role and mine? Keep striving for our own refinement and sharing with anyone—I mean *anyone*—who cares to listen.

POSTMARK COLLECTORS CLUB 25TH ANNIVERSARY

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HILLIS. Mr. Speaker, 1971 marks the 25th anniversary of the Postmark Collectors Club. This little-noticed organization has quietly brought much pleasure to thousands in its quarter century of existence. Friendship, activity for shut-ins and retired persons, information, and education are a few of the aims to which the club has continually strived.

In recognition of PMCC's accomplishments and in honor of its 25th anniversary, I insert the following article, which appeared in the club's November 1971, bulletin:

THE "WHEN-WHO-WHY-WHAT-WHERE" OF PMCC

(By Robert Francis, former director)

When was PMCC born? Back in 1943, a postmark collector in Cleveland, Ohio by the name of Charles E. Strobel, was writing a column for the then current "Cover News". He felt it would be a nice idea to have interested postmark collectors write him and he would list them in his column. He became #1, and when he had to give up the column a couple of years later, he had 30 interested members. He called it the Postmark Collectors Club.

Who revived PMCC and kept it going? In March, 1946, Rev. Walter A. Smith of Bath, Maine, took over the column in "Cover News" for Charles Strobel. On March 28, 1946, Mr. Strobel wrote Rev. Smith, enclosing the names of those postmark collectors who had kept in touch with him.

Rev. Smith continued the column and the club grew. The PMCC Bulletin was launched in October of 1947 by Rev. Smith and Bob Francis.

Why was PMCC started? The original idea by Charles Strobel was to have a group of postmark collectors who could exchange items and enjoy the hobby together. It hasn't changed. His groundwork was the start of the PMCC we have today. Rev. Smith then furthered the ideals and growth of PMCC.

He introduced us to the fellowship, friendship, helpfulness and Golden Rule basis of the club. His inspiration and knowledge made PMCC a better club as we grew. The original members voted to continue PMCC on the following basis: 1) Membership open to anyone collecting postmarks or other postal cancellations; 2) Objectives: correspondence with other members, exchange of ideas, postmarks and friendship; 3) Walter Smith to be Director of the Club.

The Bulletin was started because PMCC had to have a "mouthpiece", a way of reaching our scattered membership, create interest and to enjoy reading about the members and their ideas. This was the turning point of a successful and thriving PMCC.

PMCC grew steadily through the years, not only in a larger membership, but in its ideals and objectives of maintaining a non profit basis and its status as an informal group of postmark collectors.

What has made PMCC so successful? What did it have to offer? The hobby itself is inexpensive, a hobby for everyday people. It will never attain the value of a lifetime stamp collection which may sell for one hundred thousand dollars, but you may get one thousand dollars for a lifetime postmark collection plus ninety-nine thousand nine hundred and ninety dollars worth of fun, relaxation and pleasure.

It offers the chance for a person to travel. It is educational and a relaxer after a hard day. It gives a collector satisfaction, as well as being therapy for those who are shut-in or convalescing. It is a source of peace and quiet to thumb through these little cancels.

You have the opportunity to write and exchange with the best people in the world. Members can make everlasting friendships, share their joys and sorrows, their milestones, sorrows, birthdays, etc. Widows and widowers, shut-ins, veterans, young and old, married couples and entire families all enjoy this hobby. Rev. Smith and Charles Strobel both believed that to attain such a club, PMCC would have to be informal and unique. This they did by making it a non-profit club with one Director. One head to make all the decisions, advised by an Assistant Director, Advisory Council, and the helpful letters of the active members.

The Director, along with the Bulletin staff and the hobby department heads, bear the brunt of the work. When Bob Francis became Director he strived to uphold this form of leadership. He couldn't do it alone, but had the help of many; Margie Pfund, Herb Harrington, George Boyle, Pop Schallis, Marian Kirkman to name a few. When Bob had to give up the Directorship recently, he passed the leadership to his trusted Assistant Director, friend and advisor, Herbert H. Harrington, Sr. Herb is carrying on in the same tradition as his predecessors by making decisions for the club as a whole. The results achieved speak for themselves; growth, a better Bulletin than ever, successful annual conventions, a home for our Museum, and a financially sound club.

Where has PMCC gone through the years? PMCC has gone from an initial active membership of 17 in 1946 to well over one thousand today. It has a thriving and interesting Bulletin, never missing a scheduled issue. A complete membership list, including collecting preferences, keeps members up to date every year. PMCC is also financially sound and does not require dues from those who can't afford it or are shut-in. Over the past 25 years, over 3200 people have enjoyed the club.

We now have annual conventions, the tenth of which was held last August to honor our 25th year as a club. We have a museum, started by Margie Pfund, now housed in a bus. It is taken care of by our Curator, Bernice Mittower. PMCC has local chapters in New Jersey, Ohio, Nebraska, New England and Washington, D.C. Wherever PMCC has gone, it has brought friendship, fellowship, helpfulness and fair play.

PMCC is still an up and coming club, respected in the hobby world, and universally recognized by the large Philatelic Clubs and Stamp Houses. Mr. Strobel and Rev. Smith laid a solid foundation and built wisely through the years. PMCC has a certain spirit, a down-to-earth friendliness among members. We should never, never lose it. With the continued cooperation of all, we won't . . . we'll thrive and bring pleasure to even more people.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Friday, December 3, 1971*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God by whose mercy we have been sustained and brought to this new day, we turn to Thee once more for refreshment in weariness, for release amid tensions, and for strength in all our weakness. As Thy Word has taught us that if "in all our ways we acknowledge Thee, Thou wilt direct our paths" so we lift high the banner of faith as did our fathers of old. In this Chamber where so much can be accomplished by so few, invest Thy servants with a solemn stewardship of power, that nothing may diminish their zeal for righteousness nor break their fellowship with Thee. Let Thy presence be pervasive in this room to give wisdom and grace for every hour.

In the name of the Great Burden Bearer, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, December 2, 1971, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with the Office of Economic Opportunity.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with Office of Economic Opportunity, will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The second assistant legislative clerk read the nomination of Roy E. Batchelor, of Tennessee, to be an Assistant Director of the Office of Economic Opportunity.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL ENDOWMENT FOR THE HUMANITIES

The second assistant legislative clerk read the nomination of Ronald S. Berman, of California, to be Chairman of the National Endowment for the Humanities for a term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL SCIENCE FOUNDATION

The second assistant legislative clerk read the nomination of H. Guyford Stever, of Pennsylvania, to be Director of the National Science Foundation for a term of 6 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with No. 509, and that the remaining measures, up to and including No. 516, be considered in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROCEEDING AGAINST ROBERT F. WILLIAMS FOR CONTEMPT OF THE SENATE

The resolution (S. Res. 204) authorizing the President of the Senate to certify the report of the Committee on the Judiciary regarding the refusal of Robert F. Williams to appear and testify before the Subcommittee To Investigate the Administration of the Internal Security Act, was considered and agreed to, as follows:

S. Res. 204

Resolved, That the President of the Senate certify to the United States Attorney for the District of Columbia the report of the Committee on the Judiciary on this resolution (respecting the refusal of Robert F. Williams, though duly summoned, to appear and testify before the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary of the United States Senate): to the end that the said Robert F. Williams may be proceeded against in the manner and form provided by law.

NATIONAL COASTAL AND ESTUARINE ZONE MANAGEMENT ACT OF 1971—BILL PASSED OVER

The bill, S. 582, to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

HOME MORTGAGE LOAN BY FEDERALLY INSURED BANK TO A BANK EXAMINER

The Senate proceeded to consider the bill (S. 2262) to permit a home mortgage loan by a federally insured bank to a bank examiner, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 11, after the word "examiner", where it appears the second time, strike out "but" and insert a colon and "*Provided*, That such examiner or assistant examiner does not participate in the last prior examination of the institution by which the loan is made: *And provided further*, That"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of title 18, United States Code, is amended by adding at the end thereof the following paragraph:

"Nothing contained herein or in section 213 of this title shall prohibit any such officer, director, or employee from making, or an examiner or assistant examiner from accepting, from any such bank, corporation, member, institution, association, or organization, a loan that is secured by a first lien on a home owned and occupied or to be owned and occupied by such examiner or assistant examiner: *Provided*, That such examiner or assistant examiner does not participate in the last prior examination of the institution by which the loan is made: *And provided further*, That no examiner or assistant examiner to whom such a loan is made shall, as long as the loan remains outstanding, participate in an examination of the institution by which the loan was made."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-532), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

AMENDMENT

On page 1, line 11, strike the word "but" and insert in lieu thereof the following:

Provided, That such examiner or assistant examiner does not participate in the last prior examination of the institution by which the loan is made: *And provided further*, That

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to insure that the last examination of the institution before such a loan is made be made by independent examiners so as to eliminate an opportunity for collusion that might otherwise present itself.

PURPOSE OF THE BILL AS AMENDED

The purpose of the bill, as amended, is to provide a narrow exclusion from the general prohibition of current law against any dealings between Federal bank examiners and federally insured institutions that they either examine or have power to examine so as to permit the making and accepting of a home mortgage loan between these parties, subject to certain restrictions.

STATEMENT

Section 212 of title 18, United States Code, makes it a crime for various lending institutions to offer any loan or gratuity to a Federal examiner; complementarily, section 231 of title 18, United States Code, makes it a crime for a Federal examiner to accept a loan or gratuity from any such institution. S. 2262 was introduced at the request of the Federal Reserve System as an attempt to ameliorate the undue hardship these provisions work in hampering Federal bank examiners in securing home mortgage loans.

The bill would permit a narrow exception to the general conflict-of-interest prohibitions of sections 212 and 213 for the purpose of home loans. If, however, an examiner had in fact participated in the last prior examination of the institution making the loan or, at any time during the pendency of the that institution, he and the lending institution would fall from under the umbrella of the exception and be again subject to the criminal sanctions of the general provisions. The amendment to the bill would, in effect, require that at least one examination by totally independent examiners intervene between the time of any examination involving the examiner to whom the loan is made and the time of the making of the loan itself, thereby minimizing the likelihood of collusion.

AGENCY REPORT

Attached hereto and made a part of this report is a letter of April 29, 1971, from Mr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, to the Chairman of the Committee on the Judiciary, requesting the introduction of this legislation.

Federal Reserve System,
Washington, D.C., April 29, 1971.

Hon. James O. Eastland,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Section 212 of title 18 of the United States Code, "Crimes and Criminal Procedure," prohibits a federally insured bank from making any loan to any person who examines or has authority to examine such bank. Conversely, section 213 of title 18 prohibits any examiner from obtaining any loan from any federally insured bank examined by him.

While these provisions of law, designed to prevent conflicts of interest, are based upon sound principles, the Board believes that they unduly and unfairly place bank examiners at a serious disadvantage in the obtaining of financing for the purchase or construction of homes. Modification of the law to permit insured banks to make home mortgage loans to examiners up to some maximum amount prescribed by statute would not, in the Board's opinion, defeat or impair the accomplishment of the purposes of these provisions, particularly if the examiner is precluded from examining the lending bank during the life of the loan.

Accordingly, the Board recommends the introduction and enactment of appropriate amendments to title 18 that would authorize an insured bank to make a home mortgage loan to an examiner under appropriate statutory safeguards.

A draft of a bill for this purpose is enclosed.

Sincerely yours,
Arthur F. Burns,
Chairman of the Board of Governors.

CONCLUSION

The committee finds sufficient justification for creating this exception to the general conflict-of-interest provisions and recommends that the bill as amended be passed.

CIVIL SERVICE RETIREMENT ANNUITIES

The bill (S. 2896) to amend chapter 83 of title 5, United States Code, relating to adopted child was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8341(a)(3)(A) of title 5, United States Code, is amended by inserting before the semicolon the following: ", and (iii) a child who lived with and for whom a petition of adoption was filed by an employee or Member, and who is adopted by the surviving spouse of the employee or Member after his death".

Sec. 2. The amendment made by the first section of this Act is effective upon enactment. Upon application to the Civil Service Commission, it also applies to a child of an employee or Member who died or retired before such date of enactment but no annuity shall be paid by reason of the amendment for any period prior to the date of enactment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-527), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

This legislation is an official recommendation of the Civil Service Commission.

Under the civil service retirement provisions of title 5, United States Code, the term "child" for the purposes of a survivor annuity of surviving children of a Federal employee or annuitant includes (1) an unmarried child less than 18 years of age; (2) a stepchild or recognized natural child living with the employee or annuitant in a regular parent-child relationship; (3) an unmarried child regardless of age who is incapable of self-support because of mental or physical disability; and (4) an unmarried child more than 18 years of age but less than 22 years of age who is a full time student in a recognized educational institution.

An undetermined, but undoubtedly quite small group left out of this definition, and thereof not eligible for survivor benefits, is those children living with an adoptive parent in cases where final legal action to complete adoption has not been taken.

The purpose of S. 2896 is to include such children within the definition of "child" and make them eligible for a survivor benefit if the child is in the process of being adopted at the time of the death of the employee or annuitant, and the adoption process is completed by the surviving spouse of the employee or annuitant.

Similar treatment is now accorded such children under the Social Security Act, the Railroad Retirement Act, and for the purposes of veteran's benefits.

COST

Because it is not possible to ascertain the number of children who might become entitled to the benefits resulting from the enactment of this legislation, it is not possible to estimate the cost.

Under current law, children of a deceased employee or annuitant are entitled to the lesser of $900 per year per child; 60 percent of the high-three average pay of the employee divided by the number of children; or $2,700 divided by the number of children. The amounts actually paid have been increased since the enactment of the cost-of-living adjustment provisions of the civil service retirement amendments included in Public Law 91–93, enacted October 20, 1969.

DISCRIMINATION IN FEDERAL EMPLOYMENT

The bill (H.R. 3628) to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–528), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 3628 is designed to eliminate discrimination against women under certain Federal statutes which now grant preferences or benefits to males but do not clearly grant similar benefits to females.

STATEMENT

The provisions of title 5, United States Code, relating to preference for appointment and retention in the competitive service, and relating to certain cost-of-living allowances for Federal employees appear to discriminate against female employees or applicants for employment by use of the term "his", "wife", and "widow", excluding by inference as well as the letter of the law "her", "husband", and "widower". This goes beyond the point of generally referring to an individual in statutory language as "him" or to a battleship as "her".

For instance, under the provisions of title 5 relating to preference eligibility for certain former members of the Armed Forces of the United States, the unmarried *widow* of a male veteran entitled to appointment and retention preference, and the *wife* of a service-connected disabled male veteran (who is not able to qualify for employment) is entitled to appointment and retention preference in the competitive service. But the *widower* of a female veteran entitled to such preference, or the *husband* of such a service-connected disabled female veteran is not entitled to preference.

Similarly, the provisions of title 5 relating to cost-of-living differentials for employees stationed in foreign areas do not clearly stipulate that such benefits are available to female employees as well as male employees In practice, the Department of State deos pay such differentials, but the law is not clear, and should be amended.

The general policy of antidiscrimination in employment on account of sex should be amended to clarify the policy of the Government of the United States that discrimination, suggested or implied by the use of "his" or any other such male-designatory word, means that such benefits are available to any qualified employee, regardless of sex.

COST

There would be no additional cost to the Government to be incurred because of the enactment of this legislation.

MAIL ADVERTISING

The bill (H.R. 8548) to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–529), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the legislation is to impose restrictions on certain advertising and promotional matter in the mails to curtail the mailing of articles which present a hazard to postal employees, mail processing machines and other equipment by adding a new subsection to section 1716 of title 18, United States Code. Jurisdiction will also be conferred on U.S. District Courts, including the District Courts of the Virgin Islands and Guam, for actions to enjoin violations of this legislation.

STATEMENT

Sales promotion techniques, such as contests and premium offers, can result in the mailing of envelopes containing undetected metal and plastic articles such as bottle caps, jar lids, opening strips, and similar items, which find their way into the mail processing machines of the Postal Service, causing serious damage to this expensive equipment. These articles present a physical danger to employees because of flying pieces of metal or plastic.

Under section 1716 of title 18, United States Code, articles which may injure a person or damage the mails or other property are declared nonmailable. Bottle caps and similar articles have the potential for this kind of injury and damage and are therefore nonmailable. However, there is no proscription in the present law against advertising which solicits the mailing by others of articles, such as bottle caps and similar articles, declared nonmailable by law.

The amendment proposed in this bill to section 1716 of title 18 would declare nonmailable any advertising, promotional, or sales matter which solicits or induces the mailing of anything declared nonmailable by section 1716 unless such literature contains wrapping or packaging instructions in accord with regulations issued by the Postal Service.

The Postal Service believes that injunctive relief should be available to the Government in proper cases, in order to stop quickly the introduction into the mails of the matter described above, as well as other articles proscribed by that section. This is provided in section 2 of the bill, which would enable the Postal Service, through the Attorney General, to bring suit against persons or organizations to enjoin mailings in violation of the statute.

COST

Enactment of this legislation will not result in any additional cost.

OVERTIME PAY

The bill (H.R. 8689) to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–530), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours a week. This legislation will place these employees on the same basis with respect to premium pay for overtime work as wage board and full-time classified employees.

STATEMENT

The legislation was passed by the House of Representatives on August 2, 1971, and is a result of an official recommendation to the Congress by the Chairman of the Civil Service Commission.

Under existing law, part-time and intermittent employees are paid overtime compensation only if they work more than 8 hours a day. They do not receive overtime pay for work in excess of 40 hours a week. (5 U.S.C. 5542.)

A part-time general schedule employee who works five 8-hour days, Monday through Friday, and then works a full day on Saturday will receive only his regular rate of pay for his work on Saturday. However, under these same conditions, a full-time general schedule employee or full-time wage board employee receives overtime pay for working on Saturday. The committee believes there is no reasonable justification for depriving part-time and intermittent salaried employees of premuim pay for work in excess of 40 hours in a workweek when all other employees receive overtime pay for such work.

SECTION ANALYSIS

The bill amends section 5542(a) of title 5, United States Code, by inserting at the beginning of that section the words, "For full-time, part-time, and intermittent tours of duty,". This language will provide the specific authority to include employees having part-time and intermittent tours of duty within the language of the law authorizing pay at overtime rates of pay for work in excess of 40 hours in an administrative workweek.

The legislation will extend the overtime benefits to part-time and intermittent employees of the same classes of employees covered by the existing provisions of section 5542. The classes of employees are defined by section 5541 of title 5, and, generally speaking, cover employees who are subject to the General Schedule, including General Schedule employees in the Judicial Branch, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol.

COST

The cost of this legislation for 6 months for the fiscal year 1972, will not be in excess of $500,000. The annual cost for each of the next 5 fiscal years will not exceed $1 million during each year.

GENERAL ACCOUNTING OFFICE POSITIONS

The bill (H.R. 9442) to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-531), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill authorizes the Comptroller General to fix the compensation for five positions in General Accounting Office at rates not to exceed the rate prescribed by law for level IV of the executive schedule under section 5315 of title 5, United States Code, when he considers such action necessary because of changes in the organization, management responsibilities, or workload of the General Accounting Office. The positions authorized would not have titles and responsibilities prescribed by law. But the Comptroller General could make appointments to as many as five level IV positions when he found it necessary to do so because of the workload and the responsibilities of the Office. The current annual salary for a level IV position is $38,000, but the Comptroller General, under the authority of this bill, would not necessarily set the salaries of the five positions authorized at that rate. The bill only stipulates that the salary level not exceed the level IV rate.

BACKGROUND

H.R. 9442 was introduced in response to an official request of the Comptroller General. Hearings were held July 8, 1971, by the Manpower and Civil Service Subcommittee of the House of Representatives Post Office and Civil Service Committee. The bill passed the House of Representatives August 2, 1971.

Under present law the incumbents of only three positions in the General Accounting Office may be compensated at rates higher than those for grade GS-18. Authorization to pay the Comptroller General and the Assistant Comptroller General at salaries higher than general schedule rates was contained in the 1921 legislation establishing the GAO. In 1964, Congress authorized level IV compensation for GAO's general counsel.

The General Accounting Office, an agency reporting directly to the Congress, employs more than 3,000 professionals. Over the past 10 years, the professional staff has been increased by 1,200 as the responsibilities of the Office have increased. Comptroller General Elmer Statts recently testified: "The work of the General Accounting Office has greatly expanded and changed since 1921. As the Federal Government has become increasingly engaged in new and complex programs, the Office has changed in its method of operation, the scope of its work, and the makeup of its staff." The Comptroller General cited the Legislative Reorganization Act of 1970 as an example of legislation giving additional responsibilities to GAO. The act provides for even greater use of the GAO as an arm of Congress in examining and analyzing the management of existing Federal programs and increasing GAO's staff assistance to congressional committees.

The committee believes that because of the size and expanding responsibilities of the GAO, the request for additional executive-level appointment authority is justified. Enactment of H.R. 9442 will provide authority for a total of eight positions in the executive schedule—six in level V, one in level III, and one in level II. The Comptroller General has testified that he is contemplating organizational changes which include three positions and possibly four in level IV.

COST

If the Comptroller General makes four appointments under the authority of this measure, the cost will be $8,000 per annum. This reflects the difference between the compensation for grade GS-18 ($36,000) and the pay for a level IV position ($38,000). If executive salary schedule or the general schedule is adjusted upward in the future by legislation, the cost will vary according to the pay differential between a level IV position and a grade GS-18 position.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

HAZARDOUS MAILING MATERIAL

Mr. SCOTT. Mr. President, I notice that one of the bills just passed prohibits the sending of hazardous mail. I note it does not include the typical postcard which we, working so hard in the Senate, are accustomed to receiving from our absent and pleasuring friends, which says, "Having a wonderful time. Wish you were here."

I regard that as hazardous mail if any such person gets within reach of me these days. [Laughter.]

DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of calendar No. 532, H.R. 11932, which the clerk will state.

The legislative clerk read as follows:

H.R. 11932, an act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes.

Mr. INOUYE. Mr President, the Senate Subcommittee on Appropriations for the District of Columbia began timely hearings on the District of Columbia budget March 15, 1971, and completed them on April 20, 1971, thereby being both the first subcommittee to start and the first to complete hearings on the regular 1972 appropriations bills. On the opening day of our hearings I stated that they would be an educational process for me. That they have been.

I said that the District would have its day in court—and it has.

I said that we would probably spend more time on the District of Columbia budget than would be spent on the Department of the Army budget—and we did.

Mr. President, for your information, on the District of Columbia budget we spent a total of 55 hours and 51 minutes of hearing time. On the Department of the Army we spent 17 hours and 20 minutes.

The hearings, carefully pared of extraneous matter to conserve printing costs, ran to 1,745 pages. I sincerely believe it was a good hearing—an informative one—and most important, a productive one for the cause of better government for the citizens of the District of Columbia.

It goes without saying that the tortuous procedure—to which I might add the District of Columbia is a party—has been frustrating to me, but that is of no consequence. What is important, and vitally so, is that schoolchildren and homeowners and businessmen and taxpayers—and indeed, all of the citizens of our Nation's Capital—have been denied well ordered programs initiated and executed in a timely manner. No administrator, no matter how gifted, can plan and execute in an orderly way the myriad and complex programs of this vast city without knowing the level of resources that will be available to him.

Surely there is a better way—and I am committed to finding it—in fiscal year 1973.

So I say to my fellow Members of the Senate that here is the bill committed to my stewardship with the very best judgment and recommendations—many of them justifiably and necessarily harsh—of which the subcommittee is capable. Let us not, however, delude ourselves into thinking that it is an adequate or even an acceptable substitute for the democratic processes and institutions accepted as inalienable by our own constituents. These have altogether been too long denied to those among whom we live and work.

Unquestionably, the most important issue in this year's bill is the matter of the District's share of appropriations for the Washington Metropolitan Area Transit Authority, and Senators are aware of the House action in this matter. In addition, I should like to mention the most significant items in the bill as reported by the committee. These are set forth in the following table:

ITEMS OF MAJOR INTEREST

Operating expenses	
Reduction of travel outside District of Columbia, Virginia, and Maryland	−$487,700
Reduction of 43 personal driver positions	−347,000
Transfer of 49 driver positions to Department of Highways and Traffic	----------
Reduction of Departmental Public Information Officers	−200,000
Increase in Mayor's Public Information Office	+115,000
Staffing increase in Corporation Counsel's Office	+315,000
Authorization of 57 positions previously funded in Narcotics Treatment Administration	----------
Staffing of Board of Labor Relations	+89,000
Increase in Department of Corrections narcotics program	+265,900
Judges and staffing increase for courts	+757,900
Increase for special education	+3,009,000
Increase in Federal City College	+4,018,400
Increase in Washington Technical Institute	+1,747,900
Increase in welfare quality control	+203,800
Elimination of telephone allocations to highways and traffic	−581,500
Capital outlay	
Washington Metropolitan Area Transit Authority	$72,486,000
Water pollution and sewage treatment	59,800,000
Public schools	35,495,000

Substantial reductions in other capital outlay categories.

LIMITATIONS

Travel outside of District of Columbia, Maryland, and Virginia limited to $300,000.

Personal drivers only for Mayor, Deputy Mayor, City Council Chairman, Chief of Police and Fire Chief with total $30,000 annual limitation for the first three of these.

In view of House action limiting "official duty vehicles" for the Deputy Mayor and the Chairman of the City Council, the bill recommended to the Senate also reduces certain language authorizing the leasing of limousines from the present three to one. This will put the entire matter of chauffers and limousines in conference where we can deal with it as a total package.

Limitation on temporary positions and overtime combined to 5 percent of District-wide total appropriated for personnel compensation.

Eliminated limitation imposed by House on study of taxicab rates and meters by District Public Service Commission.

The committee has reduced travel outside the District of Columbia, Virginia, and Maryland by $487,700. In the hearings, we have noted that some of the visitations on trips taken by District of Columbia officials were, in our minds, not justified.

For example, we could not justify an official of this city taking a trip to Addis Ababa to discuss highways.

We have reduced the District personnel roster by 43 personnel driving positions, or chauffeurs, a saving of $347,000.

Many departments at this time have a public information officer or officials. We have taken away many of these positions and increased the positions and public information resources in the office of our Mayor. By doing this, we have saved $85,000.

Mr. President, because of the increase in crime, thereby bringing about an increase in the level of work for our attorneys, the committee recommends an additional $315,000 for the Corporation Counsel's office.

Mr. President, this city has been rather fortunate. Unlike other major cities, we have been able to maintain our cool. We have not had government management and government labor problems. We have not had government employee strikes in this city. In order to maintain this city's freedom from labor strikes, the committee recommends an additional $89,000 to fund the Board of Labor Relations.

The committee also recommended an increase of some $265,900 in the Department of Corrections for a narcotics program. We find that this program is a positive attempt to cut down on the dangerous drug use in this city.

At the request of the Department of Justice and also of the District of Columbia government, we have added $357,900 to aid shortages of staffing for our committee.

The next item is a very important one. As a result of our hearings, we know that in this city literally thousands of children have been totally neglected for decades and decades. They are, unfortunately, the retarded, the emotionally disturbed, and the other disabled children. They have no political sex appeal. It appeared that all of our city fathers have set them aside for a long time. We are adding $3.9 million for their care.

Mr. President, this will not cover the problem. It will not accommodate even one-half of those who are qualified under this special education program. But we feel this is a positive step forward.

The next significant item relates to the Federal City College. Congress, and rightfully so, mandated that this college shall be a 4-year college which requires an additional appropriation of $4.18 million.

We will not be able to carry out this mandate without adequate funding. I may say that I was vastly impressed by the great work done by the president of this institution. In recognition of this great work, the committee has decided to go along with the mandate of the Congress and recommend $4 million.

We are also recommending an increase in the appropriation for the Washington Technical Institute to $6,188,500. This institution is doing an outstanding job in training the young men and women of this city to be gainfully employed.

The next item should be of much interest to all of us. The committee has sadly had to go along with the House action on welfare, which means a reduction of $8 million in payments and two reductions in income supplement programs, amounting to a total of approximately $12 million. But these reductions had to be made in light of the revenue restrictions.

Mr. President, as we are aware, at this moment we do not have a revenue bill. At the time the subcommittee acted, it had to act upon the measure that was passed by the House, which indicated that a Federal payment in the amount of $170 million would be available for the use of the District of Columbia.

On that basis, the subcommittee acted. And while we were acting, the Senate responded and came forward with a formula which would raise the Federal payments for this city in the amount of approximately $181 million. But we felt that our responsibility would require us to bring to the Senate an appropriations bill which would be a balanced bill, one balanced in terms of revenue which could be assured.

I have been advised that there will be a conference between the Senate and the House on the revenue on next Wednesday. Therefore, we will not be able to take final action on this matter until the following day. This is a horrible way to run the shop, Mr. President, but under the circumstances it is the best we can do.

Under those circumstances, as I have said, we very sadly had to make various cuts. But I would like to explain to the Senate why we decided to make the cut in welfare and not in other items.

I have challenged the members of my subcommittee to come forward and slash off $12 million from this budget and put it into welfare. Mr. President, that would be a rather unfair challenge, because it just cannot be done. It is not fair to equate hungry children with disabled children. Whom do we favor? Someone had to take a stand. Our subcommittee did. However, in doing so, we took into consideration matters which were brought to our attention during the hearings.

First, from House hearings we learned that a top welfare official in this city stated that $6 to $8 million was being paid out illegally. We felt, as responsible Members of Congress, that we could not close our eyes to this fact. Therefore, we appropriated a sum, in addition to the House figure, of $203,800 to beef up the quality of the program of the welfare department.

This is a program that would investigate applicants as they come forward to make requests. However, I regret to advise the Senate that the program is not so effective as the program which was initiated when our distinguished assistant majority leader was in charge of the subcommittee. We had an inspection program at that time.

To be more precise, Mr. President, under the quality control program, if I were an applicant, my claim would be investigated. However, once my claim had been approved and I began to receive a subsistence allowance, there would be little chance of a followup check. And if I were one of the few ambitious and skillful ones in the city and decided to get a job and still receive my welfare payments, there would be almost no control or inspection organization to check on me. This is one of the areas in which illegal payments are being made.

The committee has urged the city to make every effort to weed out the people who are making it very difficult for the legitimate recipients of welfare payments.

Second, when we started our hearings in March of this year, the city officials came forward and said that their monthly workload would amount to 36,000 cases. On November 30 of this year, just a few days ago, the city once again reported back and said their estimate of March was wrong; that it is now going to average 40,000 cases for fiscal year 1972.

Mr. President, on the matter of estimates I may be naive but I do get a bit confused about these firm estimates that are coming from the city. I can give the Senate some weird examples, such as the firm estimates for the construction of a receiving home. As a result of court action, the city has decided we should have a special receiving home for children. It would house 126 children. The first estimate came in March of this year and it was $4 million. In April, a month later, it went up to $8 million. In June, 2 months later, it went to $14 million. Several weeks ago it came down to $9 million. These are the firm estimates that brilliant statisticians have been presenting to the subcommittee. Therefore, I must say I have some question as to some of the estimates that have been presented to this committee.

Third, on the matter of welfare, I have assured the Mayor and all responsible officials that if these funds which are now going to be appropriated are insufficient to meet the needs of the welfare program, I will, in my capacity as chairman of the subcommittee, immediately call a hearing to consider any supplemental request that may be submitted and act upon it as expeditiously as possible.

Fourth, I have also advised my colleague, the ranking minority member of the committee, the distinguished Senator from Illinois (Mr. PERCY), that if he wishes to present an amendment to add on funds to this I will take it to conference, but naturally the outcome will depend on what happens in the conference on the revenue bill. But at this moment we do not have authority to add on a single penny.

Mr. President, one final difference between the Senate and the House relates to telephones. We are reducing funds for this item. We have noted that in the city of Washington just about everyone has a telephone.

I felt that several could share one telephone and by so doing, we have saved $666,000.

We have not been as generous as the House on the matter of capital outlays. We have been rather restrictive. We have given everything requested for the Metro, we have honored the requests for water pollution and sewage treatment, and we have honored the essential requests of the public schools; but we have not included some of those items that are not ready for obligation at this time.

There are many items in the budget request that was submitted that are still not ready for construction and, therefore, I did not feel, as chairman of the subcommittee, that we should saddle the city with added and extra interest costs. When the time comes and the city feels it is ready to carry on construction of some of these requests the committee will be ready to act on them.

We have placed limitations in the bill which I think should receive favorable consideration. We have limited travel outside the metropolitan area to $300,000.

We have also set a limitation on chauffeurs. If this measure is approved by Congress and signed by the President only five officials will be permitted to have personal chauffeurs: The Mayor, Deputy Mayor, Chairman of the City Council, the Police Chief and the Fire Chief. In the case of the Mayor, the Deputy Mayor, and the City Council Chairman no more than $30,000 may be used for the payment of these three chauffeurs.

May I say this is in no way an attempt to deny any of the officials cars that will be driven by others. We have a motor pool and I feel that these officials can pick up the telephone and call the motor pool and say, "Will you send up a car and a driver for me," instead of having the driver sitting there in the corner reading the daily papers.

Because of the strange system we have had in the city, just about every department has operated as a "dukedom" where as members of the royalty, all of them, have to have chauffeur-driven cars. The Civil Defense Director had to have a car, the Recorder of Deeds had to have a car and driver, the Director of Vocational Education had to have a car and driver.

At times it used to be a bit dismaying when the chairman of this subcommittee would have to go to a meeting to meet District officials and see all these official cars lined up, and then I would come in with my car, and guess who the driver was—the chairman of the subcommittee. I think this limitation is a reasonable one.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. BYRD of West Virginia. How many chauffeurs have been eliminated?

Mr. INOUYE. Forty-three.

Mr. BYRD of West Virginia. Forty-three. I compliment the distinguished chairman. I think this is an action that is long delayed. It should have been taken long ago when I was chairman of the subcommittee, if it existed at that time.

I remember the words of Strafford—adviser to Charles I of England—who was given the name of Black Tom Tyrant. He was condemned to death by a bill of attainder and, although Charles had promised him protection, when the mob threatened the life of the Queen, Charles consented. His action wrung from Strafford the bitter exclamation, "Put not your trust in princes."

I commend the chairman of the subcommittee for relieving some of the would-be princes, dukes, and so forth of their fancy trappings which should not have been allowed to develop in the first place .

Mr. INOUYE. I thank the Senator very much.

Mr. President, there are two other limitations. We would like to place a limitation of 5 percent on the District side to the appropriated personnel compensation for use of temporary positions and overtime. For the last fiscal year the city expended approximately 6.7 percent of its total appropriations for personnel for overtime personnel and temporary personnel. We feel that is too much. Five percent should be more than reasonable and I think with this sort of restriction it would provide a better guide for the personnel office.

Finally, and this is a perennial matter, the House bill always has language restricting the Public Service Commission of the city from acting on any sort of study involving meters and cab drivers. As a result, this major city has the strange zone type situation which is confusing everyone. It may lead to some of the drivers not being quite honest with some of our visitors because how many visitors would know whether two zones or three zones were involved?

As a result of the zone system, it does not pay any honest cab driver to drive during the rush period. Therefore, we do not find cabs during the rush period. This amendment would permit the Public Utilities Commission to make a study to see if this city should catch up with the other cities and have meters in the taxicabs. It is that simple. I hope the Senate will approve this provision also.

Mr. President, I am just about finished with my opening remarks.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. GRIFFIN. Mr. President, I commend the Senator from Hawaii for the presentation he has made and also the diligent way in which he has handled his responsibility as chairman of the subcommittee.

In many ways, and I am sure it is true of the distinguished Senator from West Virginia and he knows—I imagine that the Senator from Hawaii has a thankless job that does not get him many votes in Hawaii.

It takes a great amount of his time, because there are so many problems and they are so complex. But, as a Member of the Senate, I have been following, in the newspapers, on television, and in other ways, the activities of the chairman of the subcommittee, and I want him to know that I think he has done an outstanding job. We appreciate the work he is doing.

I would like to be educated a little, if the chairman has the answers to a few questions. I noticed in reading U.S. News & World Report not very long ago that it had a chart ranking the States as to per capita income, which were listed on the basis of the States with highest per capita income, and going on down. I was interested to observe that the place which had the highest per capita income of all was not a State, but was the District of Columbia. Is that correct?

Mr. INOUYE. The Senator is correct. This points up what I consider to be a very dangerous potential in this city. We have the sharpest and most dramatic division of haves and have-nots in this city, as compared with any other city. The District of Columbia has the highest per capita income because the major employer is the Federal Government, and we pay well. At the same time we have a large number of those who are either unable to find jobs, or even if willing to work, are unable physically or for some other limitation. If one looks further, he will find that, on a per capita basis, we have the highest incidence of welfare recipients.

Mr. GRIFFIN. What about the percentage of unemployment in the District of Columbia?

Mr. INOUYE. It is about the lowest.

Mr. GRIFFIN. It would be about what?

Mr. INOUYE. It would be less than 5.8 percent, the national average. I think it is about 5 percent.

Mr. GRIFFIN. In New York State and California an effort is being made by Governor Rockefeller and Governor Reagan to get permission to put into effect a program which would encourage—and I guess require—welfare recipients who do not have young, preschool children to take jobs that are available.

Has any consideration at all been given to a study of that possibility with respect to the District of Columbia?

I ask the question because many of us have the impression, perhaps erroneously, that there is a lot of work available in and around the District of Columbia and it is very difficult to find people to take jobs that are available. I do not know whether that is unfair as an observation or not. And yet we have a very high welfare load.

Mr. INOUYE. We have a program called the work-incentive program, but I regret to advise my colleague that it is not working too well. We also have another program called the income supplement program, which I am certain the Senator from Illinois (Mr. Percy) will speak on in a few minutes, and I anticipate an amendment from the Senator from Illinois, which I shall be very happy to accept. The income supplement program is one which would encourage men and women to work, and if the income that they produce from their work is not sufficient to meet what is considered to be a decent level, the welfare program makes up the difference. We feel this type of program is much more practical than having a man sitting at home. But, like all other major cities, welfare is a major problem here.

Mr. GRIFFIN. I am glad to know that the committee is working on that. I want to commend the committee for that effort and also to compliment the chairman for his excellent job.

Mr. INOUYE. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. INOUYE. I am glad to yield.

Mr. BYRD of Virginia. I know the Senator from Hawaii took this assignment with reluctance and misgivings, as he states in his individual views. I think he has rendered the Senate and Congress and the people of the District of Columbia a great service by undertaking this very difficult assignment.

The PRESIDING OFFICER (Mr. Chiles). All time of the Senator from Hawaii has expired.

Who yields time?

Mr. BYRD of Virginia. Mr. President, I send to the desk an amendment, and ask that it be stated, for the purpose of getting additional time.

The PRESIDING OFFICER. An amendment would not be in order until the committee amendments were disposed of.

Mr. PERCY. Mr. President, I yield 2 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator from Illinois. Two minutes is not going to give me an opportunity to get started on what I want to say.

Mr. PERCY. I yield 5 minutes to the Senator.

Mr. BYRD of Virginia. Mr. President, I want to compliment the distinguished Senator from Hawaii for the excellent and unselfish work he has done with regard to the District of Columbia.

I join the distinguished Senator from West Virginia in commending the distinguished Senator from Hawaii for going so deeply and carefully into the budget, in eliminating from it 43 chauffeurs for officials of the District of Columbia, for eliminating public information officers who previously had been in every department of government, as I understand it. I think the Senator from Hawaii has done an excellent job in handling the budgetary requests for the District of Columbia.

I would like to ask the Senator from Hawaii if the understanding of the Senator from Virginia is correct in regard to the total cost of the government of the District of Columbia. From Federal funds, as I read the summary of the bill on page 2 of the committee report, the Federal Government is putting up $276 million.

Mr. INOUYE. That is in loans and Federal payment.

Mr. BYRD of Virginia. In loans and Federal payment, and the District of Columbia funds total $873 million?

Mr. INOUYE. That is correct.

Mr. BYRD of Virginia. So the total cost for the government of the District of Columbia is the total of those two figures, I would assume, nearly $1.149 billion.

Mr. INOUYE. That is including loans, sir.

Mr. BYRD of Virginia. That would be the total cost of government, including loans.

Mr. INOUYE. That is correct.

Mr. BYRD of Virginia. I have been concerned about the total cost of the government of the District of Columbia, because it affects all the citizens, not only the citizens of the District of Columbia——

Mr. INOUYE. May I correct the Senator? The amount he has cited is the budgetary request. The amount we have recommended in this bill is slightly less than that. It is about $873 million.

Mr. BYRD of Virginia. If I am reading this correctly, it says here, total District of Columbia funds, $873 million, but total Federal funds to the District of Columbia are another $276 million.

Mr. INOUYE. No. That is included in that amount.

Mr. BYRD of Virginia. That is included?

Mr. INOUYE. Yes.

Mr. BYRD of Virginia. District of Columbia funds. I assume that to mean the funds that came from local taxation. Would not that be correct?

Mr. INOUYE. No. The total District of Columbia funds would be made up of District of Columbia taxes, real property taxes, fees, and other taxes, plus Federal payments and loans.

Mr. BYRD of Virginia. All right. The Federal payments and loans total $267 million?

Mr. INOUYE. $276 million.

Mr. BYRD of Virginia. How much?

Mr. INOUYE. $276 million.

Mr. BYRD of Virginia. $276 million. So, then, would I be correct in assuming that the District of Columbia's share, that is, the share put up by fees and local taxes, would be $873 million minus $276 million?

Mr. INOUYE. The Senator is correct.

Mr. BYRD of Virginia. The reason I wanted to be certain of those figures is that my staff has prepared an analysis of the comparative cost of government in the District of Columbia with the comparative costs in three major cities in Virginia; namely, Norfolk, Richmond, and Roanoke.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. INOUYE. Mr. President, I ask unanimous consent that notwithstanding the previous order, the Senator from Virginia be permitted to speak for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. The analysis shows that the per capita cost of government operations in Norfolk, the largest city in our State, is $453. In Richmond it is $510 per capita cost. In Roanoke, it is $474 per capita.

Those are three widely scattered cities, one in western Virginia, one in central Virginia, and one in Tidewater. Those per capita costs vary from a low of $453 in Norfolk to $510 in Richmond.

Now we come to the District of Columbia, and at $873 million, which is the total cost of government including the Federal share, that means a per capita cost of $1,160—more than twice the cost of government per capita in these Virginia cities; almost three times as much, as a matter of fact, but well over twice the cost per capita of any of these three large Virginia cities.

It seems to me something is fundamentally wrong here. The Senator from Hawaii is beginning to tackle this problem. He just started it last January. This is the first budget he has presented, and he has made great headway, it seems to me.

But something is fundamentally wrong when the per capita cost of government of the District of Columbia is more than double that of the large cities of the State of Virginia, and I would rather imagine it is substantially higher, although I do not have the figures and I may be in error, than perhaps in most of the larger cities of the United States.

The Senator from Hawaii has just pointed out that the per capita income for the District of Columbia is higher than the per capita income of any State in the Union; is that correct?

Mr. INOUYE. The Senator is correct.

Mr. BYRD of Virginia. The Washington Post reported this morning that 101,500 persons are drawing public assistance. I wonder if the Senator could confirm the accuracy of that statement.

Mr. INOUYE. The Senator is correct.

Mr. BYRD of Virginia. So, out of a population of 750,000, roughly, 101,500 are drawing public assistance.

In the State of Virginia, with almost 5 million persons—just a shade under 5 million persons—the number drawing public assistance, the last time I checked, was 139,000 to 140,000; say 140,000 persons.

Mr. INOUYE. But these figures may be misleading. If we are speaking of welfare, it is not that high. When we speak of public assistance, it also includes young men going to school under the GI bill. So what we are talking about is something in the neighborhood of about 40,000.

Mr. BYRD of Virginia. About 40,000 what?

Mr. INOUYE. Cases where one or more persons are recipients of welfare.

Mr. BYRD of Virginia. About 40,000 on welfare?

Mr. INOUYE. No; welfare cases.

Mr. BYRD of Virginia. Meaning there are some 60,000 in other categories, such as going to school at public cost?

Mr. INOUYE. They involve families; one caseload, but that family may include five children. So these figures by themselves may be very misleading.

Mr. BYRD of Virginia. But the same would probably apply to the State figures I just quoted.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. INOUYE. Mr. President, I make the same request for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. At any rate, the number drawing——

Mr. INOUYE. If the Senator will look at page 46 of the report, it sets forth that at the present time it is estimated at a 40,000 monthly caseload, on the basis of full welfare, in this city, which involves 101,000 people.

Mr. BYRD of Virginia. Well, that is what I am getting at. So, in other words, 101,500 persons, roughly, are drawing public assistance, and in Virginia, as I say, I think the comparable figure is 140,000 for 5 million persons.

Mr. INOUYE. Mr. President, I ask unanimous consent that the chart appearing on page 46 of the report, entitled "Public Assistance Caseload and Expenditures, Regular Categories," appear in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

PUBLIC ASSISTANCE CASELOAD AND EXPENDITURES, REGULAR CATEGORIES

[Amounts in thousands]

Fiscal year	Average monthly caseload	Average monthly recipients	Total expenditures	Local expenditures	Federal expenditures
1962	12,706	32,864	$15,809.3	$6,834.8	$8,974.5
1963	11,067	27,597	13,562.3	5,387.6	8,174.7
1964	10,134	25,202	12,511.6	4,799.7	7,711.9
1965	10,647	26,862	13,350.8	5,216.6	8,134.2
1966	11,375	29,368	14,614.5	5,526.8	9,087.7
1967	11,998	30,563	16,479.4	6,897.6	9,581.8
1968	13,086	33,294	$19,432.6	$8,794.0	$10,638.6
1969	14,880	38,447	23,055.8	10,957.1	12,098.7
1970	19,603	49,983	34,814.4	17,932.3	16,882.1
1971	29,615	75,034	56,801.8	29,749.4	27,052.4
1972 budgeted	36,000	99,158	86,094.4	44,680.3	41,414.1
1972 estimate	40,000	101,500	78,377.0	40,600.0	37,729.2

Note: Estimate by District of Columbia Office of Budget and Program Analysis, Nov. 30, 1971.

Mr. BYRD of Virginia. Mr. President, we get to the number of persons employed by the city government. I note that page 10 of the report says:

> It is also noted, however, that 3,873 new positions are requested, which would bring the authorized full-time work force of the District of Columbia Government to a grand total of 44,855.

It is interesting to note that this constitutes a ratio of one District of Columbia government employee to every seven employed District of Columbia citizens. That is, almost 15 percent of the employees, of the employable persons or persons employed in the District of Columbia, are employed by the District of Columbia government.

In Virginia, approximately 10 percent of the total work force is employed by both the State government and all the local governments combined. So I say again, Mr. President, that something is fundamentally wrong with the District of Columbia, with its handling and administration of the affairs of government and with the cost involved; and every citizen of the District of Columbia ought to be interested in this problem. They are the ones who pay two-thirds of the taxes—I am taking round figures now—to support it. The people of all the 50 States pay the other one-third; so all of us ought to be interested in getting to the bottom of this problem of what is the matter with the District of Columbia, and why it is so expensive to operate government in this city.

The cost is going up all the time, and if it were not for the tenacity and the dedication of the Senator from Hawaii, it would be much higher than it is.

I think the people of Washington, D.C., themselves should be vitally concerned, and more concerned than they appear to be, about this problem. It affects their rents; as taxes go up on the apartment houses—and many people here rent apartments—as the taxes go up for the property owners of these apartment houses, they in turn pass the increase on to the tenants, to those renting the property. So when you come right down to it, the cost of the District of Columbia government affects every single citizen of the District of Columbia.

I feel that something is very, very wrong about the cost of government in the District of Columbia, and I am very glad that the able and distinguished Senator from Hawaii is taking hold of this problem and trying to bring some order out of what I consider chaos.

Mr. INOUYE. Mr. President, I appreciate very much the contribution of my able colleague from Virginia, but I would like to comment by setting forth the following:

It would not be fair to compare the city of Washington with any other city in these United States. The city of Washington is the Capital City of the United States, and, as such, Mr. President, first, it has been the focal point of major demonstrations in this Nation. Nearly all demonstrations of any significance have been held in this city—not in Richmond, not in Miami, not in Pocatello, not in Honolulu, but in Washington, D.C. This is where demonstrators numbering in the hundreds of thousands have arrived.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. INOUYE. I am happy to yield.

Mr. BYRD of Virginia. As a practical matter of the budget, which is $873 million, how much in dollars and cents does the cost of the demonstrations amount to? It amounts to very little.

Mr. INOUYE. We have, on a per capita basis, the largest city police force in these United States. The Metropolitan Police force numbers, at present, in round figures, 5,000.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. INOUYE. I yield myself 5 additional minutes.

In the city of Honolulu, a very busy city of the same size—it is a port city—we play host to great dignitaries traveling to and from Hawaii, and we have a police force of less than 2,000. The city of Washington has in excess of 5,000.

As a capital city, like all other capital cities, we give priority to two elements—beauty and appearance. We want the city of Washington to be the most beautiful city in the world, because we want this city to be the most beautiful capital in the world. So Congress, rightfully, has set restrictions. We have said that buildings will not be higher than so many stories, and we have said that certain types of industries may not be established here. Therefore, these industries have gone outside the city limits. We have set a limitation on the type of industrial development that may occur in this city. By so doing, we have limited income.

Third, as the capital of the United States, we are host to more than a hundred embassies and legations. We have to provide security for these embassies and their personnel. All these properties are tax exempt, with respect to real property.

The major property owner here is the Federal Government. It owns approximately 50 percent of the land area of Washington. Nearly 54 percent of the land area of this city is tax exempt. There is no other city with this type of situation.

Fourth, with respect to the matter of welfare, if we compare Virginia and the city of Washington, the facts show that the benefits provided in the welfare programs of the District are a bit more generous than those provided across the Potomac. Therefore, it is no surprise to me that some of the people in Virginia might decide to cross the river and receive the more bountiful benefits of this city.

These are some of the problems we have tried our best to solve. It is a responsive, responsible, sane type of administration, and it is not easy.

Mr. BYRD of Virginia. I understand that.

If the Senator will yield me just 2 minutes, I want to say that I fully understand the problems involved.

I fully realize that the Capital of the United States, Washington, D.C., cannot be compared precisely with cities elsewhere in our Nation. But I think that the difference between the cost of government here and the cost of government in other cities is much too great.

The distinguished Senator from Hawaii mentioned the lack of industry to tax and the lack of revenue sources. That, of course, has nothing to do with increasing the cost of government. It is a means of getting funds to operate the government, but it does not increase the cost of government.

I am not in any way expressing criticism of the distinguished Senator from Hawaii, as he well knows. He is tackling a difficult job. I think it is a problem that has grown up over the years, and it has gotten out of hand. It occurs to the Senator from Virginia that something drastic—perhaps drastic is not the right word—but something a little more severe than has happened in the past must take place if the cost of government in the District of Columbia is to be brought down to the point where, in my judgment, it should be.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. BYRD of West Virginia. Mr. President, I want to express commendation with regard to the work that has been done by the distinguished Senator from Hawaii as chairman of the Subcommittee on Appropriations for the District of Columbia. His presentation today has been a masterly presentation, one which could only be the result of diligence, dedication to duty, and mastery of detail. It requires a tremendous amount of work to be able to present the budget for the District of Columbia as he has presented it today. I have noted through the media—newspapers, radio, television, and so forth—the day-to-day and week-to-week work that has been performed by the distinguished chairman of the subcommittee, and I know that he has practically lived with this budget since it was first presented many months ago.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. INOUYE. I yield myself 5 additional minutes.

Mr. BYRD of West Virginia. Mr. President, the work is not easy for the chairman of the District of Columbia Appropriations Subcommittee. The distinguished assistant Republican leader referred to it a moment ago as a thankless task. It is a thankless task, but it is a responsibility that is incumbent upon us by virtue of the Constitution of the United States. We perform many thankless tasks in this Chamber. So far as I am concerned, the time that is spent on the foreign aid bill is a thankless task; and I could name other measures. But it is a responsibility; and the distinguished chairman not only has been responsible in his dedication to this chore but also has been responsive to the budget requests and, more important, to the justifiable needs of the District of Columbia.

I compliment him on his paring down of the number of chauffeurs. I compliment the Senator on his other efforts to be realistic in dealing with the budgetary requests of the city government. I salute him. I think the Senate owes him the thanks of all Members. The city owes thanks to him and his distinguished committee, and the Nation is in his debt. I support the recommendations of the distinguished chairman fully and without reservation.

Mr. INOUYE. Mr. President, I am thankful for and I am overwhelmed by the very generous remarks of my distinguished and able colleague, the Senator from West Virginia, the deputy majority leader. I thank him very much.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as amended be treated as original text for purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 1, line 9, after "1972", strike out "$162,000,000" and insert "$170,000,000".

On page 2, after line 8, strike out:

For loans to the District of Columbia, as authorized by the Act of May 18, 1954 (68 Stat. 110, 105), the Act of June 2, 1950 (64 Stat. 196), and the Act of December 9, 1969 (83 Stat. 320), $102,086,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner, as follows: To the general funds, $72,486,000, to the highway fund, $8,000,000, to the water fund, $6,000,000, and to the sanitary sewage works fund, $15,600,000.

And, in lieu thereof, insert:

For loans to the District of Columbia, as authorized by the Act of December 9, 1969 (83 Stat. 320), the Act of May 18, 1954 (68 Stat. 105, 110), and the Act of June 2, 1950 (64 Stat. 195), $102,086,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner, as follows: To the highway fund, $8,000,000, to the water fund, $6,000,000, to the general fund, $72,486,000, and to the sanitary sewage works fund, $15,600,000.

On page 3, line 18, after the word "expenses", strike out "$58,860,000" and insert "$58,967,000".

On page 5, line 6, after the word "limitation", strike out "$169,167,000" and insert "169,033,000".

On page 5, line 19, after the word "programs", strike out "166,970,000" and insert "$175,890,000".

On page 6, line 9, after the word "Recreation", strike out "$12,658,000" and insert "$12,611,000".

On page 6, at the beginning of line 16, strike out "$181,378,000" and insert "$181,139,000".

On page 8, line 8, after the word "of", strike out "three" and insert "one"; in line 9, after "passenger-carrying", strike out "vehicles" and insert "vehicle"; in the same line, after the word "Commissioner", strike out the comma and "Deputy Commissioner, and Chairman of the City Council;"; in line 12, after the word "only", strike out "$20,500,000" and insert "$20,202,000"; in line 13, after the word "which", strike out "$13,850,200" and insert "$13,833,000"; and, in line 14, after the word "including", strike out "$728,200" and insert "$728,000".

On page 8, line 20, after the word "only", strike out "$39,505,000" and insert "$39,274,000"; and, in line 21, after the word "which", strike out "$11,446,300" and insert "$11,445,500".

On page 10, line 4, after "(72 Stat. 183)", strike out "and August 20, 1958 (72 Stat. 686)" and insert "August 20, 1958 (72 Stat. 686), and the Act of December 9, 1969 (83 Stat. 320)"; in line 10, after the word "expended", strike out "$301,328,000" and insert "$192,328,000"; in the same line, after the word "which", strike out "$7,723,000" and insert "$1,786,000"; at the beginning of line 12, strike out "$9,565,000 from the water fund, $64,510,000" and insert "and $63,400,000"; in line 13, after the word "fund", strike out "and $10,200,000 from the metropolitan area sanitary sewage works fund"; and, in line 15, after the word "That", strike out "$10,607,100" and insert "$5.807.800".

On page 12, line 19, after the word "Commissioner", strike out the colon and "*Provided,* That the total expenditures for this purpose shall not exceed $137,000".

On page 13, after line 2, strike out:

SEC. 7. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle

to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

On page 13, at the beginning of line 12, change the section number from "8" to "7".

On page 13, at the beginning of line 16, change the section number from "9" to "8".

On page 14, at the beginning of line 4, change the section number from "10" to "9".

On page 14, at the beginning of line 8, change the section number from "11" to "10".

On page 14, at the beginning of line 11, change the section number from "12" to "11".

On page 14, at the beginning of line 22, change the section number from "13" to "12".

On page 15, at the beginning of line 10, change the section number from "14" to "13".

On page 15, at the beginning of line 17, change the section number from "15" to "14".

On page 15, after line 19, strike out:

SEC. 16. None of the appropriations in this Act shall be available for the payment of compensation to any employee assigned as chauffeur except for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council: *Provided,* That none of the appropriations in this Act shall be available for the payment of premium pay to any employee assigned as a chauffeur for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council which exceeds in the aggregate 25 per centum of the annual rate of basic pay applicable to such employee.

And, in lieu thereof, insert:

SEC. 15. No part of any funds appropriated by this Act shall be used to pay the compensation (whether by contract or otherwise) of any individual for performing services as a chauffeur or driver for any designated officer or employee of the District of Columbia government (other than the Commissioner of the District of Columbia, Assistant to the Commissioner of the District of Columbia, Chairman of the District of Columbia Council, Chief of Police, and Fire Chief), or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of any such officer or employee (other than the Commissioner of the District of Columbia, Assistant to the Commissioner of the District of Columbia, Chairman of the District of Columbia Council, Chief of Police, and Fire Chief). No part of any funds appropriated by this Act, in excess of $30,000 in the aggregate, shall, in any fiscal year, be used to pay the compensation (whether by contract or otherwise) of individuals for performing services as a chauffeur or driver for the Commissioner of the District of Columbia, Assistant to the Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council, or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of the Commissioner of the District of Columbia, the Assistant to the Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council.

On page 17, after line 5, insert a new section, as follows:

SEC. 16. Not to exceed 5 per centum of the total of all funds appropriated by this Act for personnel compensation (budget classification 01) may be used to pay the cost of overtime or temporary positions.

On page 17, after line 9, insert a new section, as follows:

SEC. 17. The total expenditure of funds appropriated by this Act for authorized travel and per diem costs outside the District of Columbia, Maryland, and Virginia shall not exceed $300,000.

And, on page 17, after line 13, insert a new section, as follows:

SEC. 18. This Act may be cited as the "District of Columbia Appropriation Act, 1972".

Mr. PERCY. Mr. President, first, I should like to express my deep appreciation to the chairman of the subcommittee for going ahead at 9 o'clock this morning so that I might have a breakfast engagement with the Prime Minister of Israel and a few of our colleagues and engage in an intimate discussion with her of some matters of great importance to this country and to the security and peace of the Middle East.

I would not, by my absence during the comments of my distinguished colleague, in any way wish to imply that I was not only not appreciative of all he has done but did not want to be here to listen to his words. I will certainly read and study very carefully what he has said. I have had great pleasure in working with him this past year. It has been my first experience as a member of the Appropriations Committee.

I was not drafted, necessarily, to take the assignment to the District of Columbia Appropriations Committee. Actually, by a flip of the coin, I outranked one other Member. I therefore could have avoided this assignment, but I was pleased indeed to take it because I live in the District of Columbia.

This is my second residence in Washington. I hope that it will be a longer one than I had during World War II. I will do everything I can to stay in Washington as long as I remain in the Senate. But I also wanted very much to have the opportunity to study the workings of a great city, to get as close as I could to some of its problems, because many of the problems here are similar to those that are faced by other cities in the country. If we cannot solve some of those problems right here in the National Capital, then how can we expect them to be solved in many other areas? After all, the solution depends—in all cities now—on the support, cooperation, assistance, and help of the Federal Government.

During the course of our conversations over the past many months in handling matters that have come before the committee, I have had the opportunity at first hand to observe the very careful work done by our subcommittee chairman. His own remarks indicate the careful and exhaustive hearings that have been conducted. I have been privileged to sit through most of them. I believe, just as the distinguished assistant majority leader stated, and as my esteemed colleague from Virginia (Mr. BYRD) just stated, that the Senate owes a great debt of gratitude to the distinguished Senator from Hawaii (Mr. INOUYE).

The leadership of the chairman deserves commendation. He has applied his studied judgment to each item and has made every effort to ferret out and understand the complexities of this city's government. It has been personally gratifying to me to have had this opportunity to serve with him. I look forward to continued service on the committee. The Senator from Hawaii has been a great friend of the city. He has been an articulate spokesman for its legitimate needs. He has helped several times to provide funds for its legitimate needs by cutting out items of lesser priority that should not have been put in the budget in the first place.

As a District resident myself, I know the high regard in which Senator INOUYE is held by all the citizens, here; he is both a friend and an articulate spokesman.

I would be less than candid, Mr. President, if I did not attempt to express the great frustration I have felt as I have waited with the other members of this subcommittee for an appropriations bill to be sent to us from the other body. I am all too familiar with the time-consuming process of developing an authorization bill, but at the same time cannot help believing that something could and should have been done to hasten this legislation along to avoid this inconvenient delay. This subcommittee completed its hearings and was prepared to mark up a bill last April. The inconvenience caused this subcommittee, indeed this Congress, is unimportant compared to the manner in which it has literally tied the hands of those directly responsible for managing the city. So long as I am a member of this subcommittee, I can promise that I will be working toward the more efficient conduct of the city's business.

Here we are in the month of December reporting a budget that goes back to July 1. I do not see how we can possibly expect a city government to conduct its affairs efficiently when half the year is over and we still have not approved a budget for the city.

Having now virtually completed my first term on the District of Columbia Appropriations Subcommittee, I can say with some feeling that I have a new appreciation for Mayor Washington and Deputy Mayor Watt. I have been a longtime admirer of both men, and my work on this subcommittee has borne out the fact that my admiration has been well-founded. I have been consistently impressed by the insight and devotion both men bring to their work. Their personal assistance to me on this legislation has been deeply appreciated.

Again, I commend the distinguished chairman for his leadership, and, with a few amendments I will offer, urge the passage of this appropriation.

The PRESIDING OFFICER (Mr. CHILES). The bill is open to further amendment. Who yields time?

Mr. PERCY. I yield 5 minutes to the Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to thank my distinguished colleague for this time. I am also thankful to him for his generous remarks.

I would like to advise my able colleagues—and the Senate as a whole—

that I will recommend to the Appropriations Committee for the next fiscal year a step which I feel is long overdue.

For a long time, for some reason—tradition or otherwise—it has been felt that this body, the Senate, must wait upon the House before we can act on appropriation measures.

If I am still the chairman of the subcommittee for the next fiscal year, we will once again begin timely hearings in March. Upon the completion of the hearings, which will possibly be in April, I intend to call a subcommittee meeting in executive session to mark up the bill, and immediately after that to present it to the full committee and request a markup of the bill.

If the Senate will permit, I should like to have the procedure changed a little: Have the Senate consider the bill first; then send it over to the House and see what happens.

It is about time the Senate made known to the House of Representatives that we are coequal in the matter of appropriations.

Mr. President, the Constitution does not say that we must wait upon the House of Representatives on appropriation measures. I may be criticized for speaking out of turn. As a junior member of the committee, it has been frustrating, not for me but for the people of this city, to have to wait almost until Christmas Eve to find out whether the amounts the District government has spent this past summer have been legal.

Thus, Mr. President, I am now advising my fellow Senators that next year, as soon as the subcommittee hearings are finished, I will call the subcommittee into a meeting for a markup; next, present the bill to the full committee with a request for immediate consideration of a markup; and then request the Senate to pass on it, and to see what will happen.

Before I forget, Mr. President, I should like to join my colleague in giving special thanks—I do not know how to find adequate words for this—to the man who has been most helpful to me. Without him, this job would have been impossible.

I am speaking of the appropriation counsel, Mr. William Jordan. The minority counsel, Mr. Robert Clark, has also been of special assistance.

Another member of my staff who has been extremely helpful is Mr. William Milks. The untiring efforts of Miss Helen Dackis are also deeply appreciated.

These three men have worked literally day and night. I am certain that my able colleague from Illinois will agree with me that without these three men, we would still be groping in the dark.

Mr. PERCY. Mr. President, I find myself without adequate words to express appreciation for the staff assistants on the Appropriations Committee. Unlike on certain other committees, I have found on this committee a nonpartisan approach to the problems of the District. There is no partisanship. As Mayor LaGuardia said so aptly years ago, "There is no Democratic or Republican way to collect the garbage."

So, in a sense, that is what we are doing here. We are trying to figure out how to "collect the garbage" more efficiently, at less cost-wise and are trying to devise better ways to move automobiles and people. Here we are dealing with the nitty-gritty problems of how we live in an urban society safely, and with comfort and decency.

I should like to commend every member of the Appropriations Committee staff that I have worked with. Of course, the two most directly involved are Mr. William Jordan and Mr. Robert Clark.

PRIVILEGE OF THE FLOOR

Mr. PERCY. Mr. President, at this time I ask unanimous consent that Miss Sarah Evans and Miss Dwain Kinsland be allowed the privilege of the floor during consideration of the District of Columbia appropriations bill, including during rollcall votes. They are members of the staff who, in addition to those on the Appropriations Committee, have worked with me out of my office to assist me in this work doing a great deal of research and followup.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. PERCY. Mr. President, having dealt with the bill in general, as I have indicated, I fully support the bill as a whole with a few amendments which I would like to send to the desk that I have previously discussed with our chairman.

I am totally and completely in sympathy with his desire and his feeling that we must stay within the revenue limitation. We do have $11.5 million, roughly, that might be available for expenditure. If we can find high-priority items—and indeed I would only say high-priority items—they should be entertained. The amendments that I anticipate presenting fall within that limitation, taking into account that one of them is capital and does not have that limitation on it.

I send to the desk an amendment, and I ask that it be read.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1, delete "$170,000,000" and insert "$179,000,000", and

On page 6, line 16, delete $181,139,000" and insert "$190,139,000".

Mr. PERCY. Mr. President, I yield myself such time as I may need to fully explain this amendment which I have discussed with our committee staff and with our distinguished chairman.

Certainly there is no difference of opinion in objectives here. I have applauded and I fully support everything that the chairman has done to eliminate waste, to eliminate fraud, to eliminate cheating. We know that in every human endeavor, no matter what it is, there is some waste; there is some slippage; there is some duplication and overlapping, and some fraud and cheating. Certainly welfare is no exception. I deplore any condition of sloppiness in an administration that permits a person to receive duplicate payments, that permits a person to receive welfare when he has a hidden income. I deplore those residents who pay domestic help in cash, and domestic help who many times insist on getting paid in cash; so there is no social security payment by either party. There is probably no income tax paid either, and such employees may be drawing welfare but getting income.

I think the accomplice to such act is the participant, the household employer who might pay such payments. So that on both sides one must plug the loopholes and do what is necessary. And I hope all people who employ household help, and smaller employers, recognize they are cheating themselves and breaking the law by not filing social security reports and by not filing withholding. So it is not just a problem on one side; it is many times a problem on the other side. Whatever funds are required to police adequately our welfare system to be certain that those who do not deserve or who are ineligible to receive it, do not receive it, I will fully support and back. The chairman has done a fine job in this area.

It is essential that the Senate restore $9 million in public assistance program funds cut from the District of Columbia budget by the Appropriations Committee. The District's request for funds to meet the fiscal year 1972 welfare caseload must be fully satisfied; if the $8 million eliminated by the committee is not restored, the city will have to cut welfare payments almost in half. We must also appropriate $1 million to support the city's worthwhile income supplementation program for fiscal year 1972.

EFFECT OF PROPOSED REDUCTION

The actual impact of the $8 million cut in mandatory requirements voted by the committee will be twice as great as the amount of the reduction. Like all other jurisdictions, the District receives $1 of Federal public assistance funds for every dollar of local moneys allotted to that program. Thus, the District will lose $16 million as a result of the $8 million cut from its budget by the Congress.

When the loss of funds is translated into dollars and cents for the average welfare recipient, the shocking consequences of the committee's action become clear.

If the proposed cut is not overturned, the District government will be forced to drop benefits to 40 percent of an already outdated standard based on the cost of living in February 1970. This means:

Families with dependent children will get an average of $108.20 a month instead of $202.88.

We have just finished a White House Conference on the Aged, and we have talked about what more we can do to help the problems of many of the 20 million people over 65 who live in poverty in this country. Before they leave the city of Washington, D.C., we are going to cut the aged down to $49.36 a month totally, instead of giving them $92.56 a month.

I should like to see anyone go out and live on $92.56 a month, much less $49.36 a month. And what a tale the thousands of delegates who have left the Conference on the Aged at the White House this week are going to go back and tell their people back home, when they see the same Federal Government day after day on the floor of the Senate—and in the White House—promise how much more we are going to do for the inequities of the greatest poverty minority in America today, the only minority group where poverty is increasing severely every single year.

They are going to say what hypocrisy, when the Senate of the United States votes a cut of almost 50 percent in the funds for the aging, and expects an old, infirm person, in need of medical attention and care, to live on $49.36 a month.

The blind will get an average of $58.35 a month instead of $109.42.

It is perfectly all right to say these are shiftless, lazy people, if one does not look at the facts. I should like to take any Member of this body out to a blind person who is receiving aid, and pick the cards at random, not select the case—do as I have done many times in Illinois—pick the cases, a dozen of them at random, and see what those conditions are.

It is possible to give jobs to the blind. I have done it in my own business. We have darkrooms in the photographic business, and blind people happen to be very good in performing work in darkrooms. But how many darkrooms are there? How many jobs in normal industry can the average blind person fill?

I defy anyone to say how a blind person can live on $58.35 a month—and that is the figure the Senate of the United States by this vote would be cutting it down to, and that is the figure the House would cut it back down to.

If we vote for this as it now stands—it does not even go to conference—we agree with the House. I cannot believe that the House really looked at what they were doing on this, any more than the committee over there for years has been looking at what they are doing, digging holes all over Washington to put a subway in, and then coming right up to the brink and trying to deprive the city of the very funds with which to fill those holes and build the subway that is to make this a modern, up-to-date city.

The permanently and totally disabled will get an average of $56.75 a month instead of $106.67 a month. I could not leave this body tonight if that is the action that this Senate will take.

People receiving general assistance will get an average of $58.96 a month instead of $110.56 a month. The general feeling, of course, on general assistance for the children is that, well these are all just illegitimate children. If one just looks at the facts, he will find that is not true at all. Let us keep in mind that most of the people who would suffer under the general public assistance cutback would be children. Children make up about 70 percent of the people who receive services from the District's Department of Human Resources, and young children will be highly vulnerable. About three-fourths of the children receiving public assistance are under 13 years of age.

But we are not talking about illegitimate children, although I firmly believe we must care for the young regardless of the circumstances of their birth. What control did they have over whether they were born in or out of wedlock?

I certainly believe that the majority of children receiving benefits under aid to families with dependent children were born in wedlock. The majority under the age of 13 were born in wedlock. But they made the mistake of being born to parents who did not have a skill, or an education, or who had some problem that did not permit them to earn enough to support the children they had.

Maybe they had too many children; maybe we did not do something about it. But it is not the fault of the children who are under 13 years of age. We cannot cut them from $110 to $58.96 as the bill before us would have us do.

It is true that some people will be removed from the public assistance rolls by a reduction in total program funding. The aged and the blind, who now usually receive a small income from social security benefits, will probably be dropped from the caseload in the greatest numbers. Some persons who have inadequate incomes from jobs or other sources will also become ineligible for public assistance under a lowered benefits ceiling. These people are now eligible to receive additional support from the District government because their current incomes are clearly inadequate to provide a tolerable standard of living. Depriving these people of public assistance will mean severe hardship.

Payments at only 40 percent of a 2-year-old standard, thousands of children left without adequate support, the aged and the blind deprived of needed income—these will be the effects of the proposed cut in the District's request for public assistance funds. I do not believe we can in conscience allow these possible effects to materialize.

These are the figures the House would impose on us. I would like to make clear once again that in my judgment there is no one in the Senate who has greater compassion, understanding, and appreciation for the needy than the chairman of the subcommittee. His record through the years has demonstrated and proved this. It is his desire to cut out waste and he has solid, concrete evidence that there may be $5, $6, or maybe $7 million of waste in the total welfare budget right here in Washington, D.C.

The evidence was really offered in expert testimony we received. But it is like advertising. We know that in every one of our political campaigns 50 percent is waste. The question is: What 50 percent, and how can it be cut out?

If we were to cut out $7, $8, $9 million, it would not suddenly give us the omnipotence and the presence of mind to immediately go to the areas of waste and cut them out overnight. That will take the diligence, the staff and funds the chairman is provided to reform our welfare system and eliminate abuse, overlapping, waste and fraud. I support those efforts.

I understand the chairman has made his point and I think his point is very well made, indeed.

Much has been said about possible fraud in the District's public assistance program. These statements must be put in perspective because they do a great disservice to the vast majority of welfare recipients and foster misconceptions about the best way to deal with the growing welfare caseload.

Fraud is definitely not the chief contributor to misuse of public assistance funds. Administrative error and client mistakes made out of ignorance or confusion are the major causes.

The director of the District's social services administration, which is in charge of public assistance, has been quoted as saying that $6 million to $8 million is paid each year to persons ineligible for any assistance or for the amount of benefits they receive. The District's most recent figure for total misspent funds is under $5 million—only half of which comes from the local appropriation.

Only a very small percentage of the total $5 million can be attributed to fraud. In fact, about 20 percent of error-related expenditures is apparently due to errors made by the government itself. For example, the District will overpay a recipient because its administrative machinery does not move quickly enough in recording changes in recipient status and adjusting benefits accordingly.

These administrative errors will not necessarily be eliminated by cutting recipients' benefits. I am pleased to note that Mayor Washington is aware of this problem and has charged the new director of the Department of Human Resources with tightening administrative procedures as part of a broad reform program.

What about the remaining 80 percent of error-related costs found by the District government? For the most part, the mistakes involved were made by recipients unwittingly and without intent to defraud. The laws and regulations governing the welfare program can confuse almost anyone—but especially the people to be served by the program, many of whom are undereducated or elderly.

There are problems in the District's public assistance system, but we cannot solve those problems by cutting funds or by making harsh speeches about "cheaters" and "frauds. The problems are too complex for such a simplistic approach, and they are too firmly rooted in basic economic and social conditions to permit easy answers.

INCOME SUPPLEMENTATION

The Appropriations Committee has also denied funds for the city's income supplementation program. The 1967 Social Security amendments require a program to supplement the income of mothers who are working full time but who are earning less than they would receive if on welfare. The District recently initiated this income supplementation program. As of October 30, 1971, 349 working mothers and their more than 1,000 children were receiving benefits. The District estimates that $1 million will be needed for this program in the current fiscal year.

Many of the women who are eligible for income supplementation are employed as domestics, a class of workers not covered by existing minimum wage legislation. Because they cannot support their families on the low wages they earn, these working mothers may receive income supplementation payments from the District. These women could quit their jobs and receive total support from the public assistance program. Yet they continue to work and to try to gain some measure of independence. Income supplementation allows them to avoid complete dependence on the welfare system.

In addition, some women earning minimum wage are eligible for income supplementation benefits if they have very large families. Again, these women could quit work and receive full support from public assistance.

By denying funds to continue this income supplementation program, the Congress will be penalizing persons who do want to work even though they cannot earn enough to support their families at a barely acceptable level. The Congress will thus be encouraging people to quit working entirely so that they can receive more money from public assistance.

We must approve $1 million to fund income supplementation. To do otherwise would be to contradict congressional intentions to make employment a viable alternative to public assistance.

INCREASE IN BENEFITS LEVEL

The District government requested additional funding to raise benefits from 75 percent to 85 percent of the February 1970 standard. That request has been denied by the Appropriations Committee. While I believe that an adjustment in the level of payments is necessary, sufficient funds for higher benefits are not now available.

The cuts in public assistance and income supplementation voted by the Appropriations Committee cannot be allowed to stand. Thousands of needy men, women, and children will be deprived of help for which they are fully eligible if the funds are not restored.

If we want welfare reform, let us enact programs of reform. But we must not allow innocent people to suffer while we find viable solutions to the problems we face.

I urge the Senate to vote for restoring the $8 million of the District's mandatory funding requirement for the public assistance program and the $1 million required for income supplementation in fiscal year 1972.

Mr. President, I am happy to yield to my distinguished colleague for his comments. We have had the opportunity to talk over this matter and I have some appreciation for his point of view and his feelings.

Mr. INOUYE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I believe I speak for all Members of this distinguished body when I say none of us would like to see children starving; none of us would like to deny the blind; none of us would like to set aside the needs of the crippled. But, Mr. President, as chairman of the subcommittee, I was faced with a dilemma of granting the limitations, as I indicated in my presentation earlier.

When the subcommittee acted it acted upon the only available revenue limitation, which was $170 million passed by the House. On that basis we acted and for reasons which I presented earlier, I decided I should recommend to my subcommittee a cut similar to that proposed in the House, as far as the subject of those payments was concerned.

This amendment would add $9 million to the Federal payments. The conference committee on the revenue bill will be held next Wednesday. The Senate bill provides for a Federal payment by formula amounting to $181.5 million and the House bill provides $170 million.

I pray that the conference will come out with something like $179 million, but I do not think my prayers will be answered. As much as we pray for this large amount, experience has taught us that it will be much less than that, unfortunately.

I would be willing to accept the amendment as presented by my able colleague. We have discussed this in the full committee.

But it will be taken into conference and in the event the conferees on the revenue bill approve the higher Federal payment amounting to this full amount, then this full amount will be sought in our conference, but whatever it is, the limitations will have to be based on whatever the conferees come out with in the revenue bill.

I would like to make it perfectly clear that in the unhappy event all of the funds that both he and I desire are not approved, it will be necessary—and I repeat, it will be necessary—to cut our appropriation bill to equal the resources available. Since my able colleague from Illinois will be on the conference committee I trust he will be at the conference to recommend the specific cuts that I feel will be necessary.

With that in mind, as chairman of the subcommittee, I would be very happy to accept the Senator's amendment and suggest that the Senate agree to it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PERCY. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. PERCY. Will the Senator from Hawaii yield me 3 minutes of his time?

Mr. INOUYE. Yes.

Mr. PERCY. Mr. President, in these 5 minutes I feel it is quite essential to explain why I ask for the $9 million. Of that $9 million the sum of $1 million is earmarked for income supplementation. I would like to point out, because I think it is very important for the conferees to realize, that the $1 million is the best money we can possibly invest because we will actually get money back from that as a result of that investment.

As I said, the Committee on Appropriations denied funds for this income supplementation program. The 1967 Social Security Amendments require a program to supplement income maintenance of mothers working full time but earning less than they would receive on welfare. The District recently initiated this program. As of October 31, 1971, 349 working mothers and more than 1,000 children were receiving benefits.

I would like to make perfectly clear that these same women who are earning money could stop work and get more from welfare than if they worked.

The reason why we supplement their income is that most of them are domestics and they do not earn enough to support themselves and their children. Therefore, the District supplements their income. But if the supplement program is not available, it pays these women more to not work than to work, and for that reason I think it is an exceedingly good investment.

I have discussed with the distinguished chairman my scheduling problems next week. If we can work out a time for the conference when it is possible for me to fly back here, I will certainly do so. If it is impossible for me to return because of long-standing engagements—because I thought we would adjourn sine die on the 4th—then I will certainly depend upon my distinguished chairman to be able to effectively carry forward the message on this subject, because we will be making a very necessary investment in these people. I appreciate the chairman's accepting the amendment.

I ask unanimous consent that a letter I received from Mayor Washington concerning the welfare situation in the District of Columbia be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., December 3, 1971.

Hon. CHARLES H. PERCY,
United States Senate,
Washington, D.C.

DEAR SENATOR PERCY: This is in response to your request for information relative to the cut in the public assistance budget.

The Senate Appropriations Committee's action to reduce the District's budget request for public assistance will result in great hardship for many of the city's residents. I wish you to consider the consequences of the reduction. I also wish to inform you of my commitment to a positive program of welfare reform in the District of Columbia.

If approved in the city's final appropriations bill, the $8 million reduction voted by the House will mean a drastic cut in the already inadequate level of benefits we provide to public assistance recipients. An average family of four, with no other income, now receives $238.00 a month in public assistance payments under the Aid to Families with Dependent Children program. After the $8 million cut, that same family will receive only $127.00 a month. This sum is only 40 percent of the authorized standard.

Benefits in all assistance categories will be reduced to 40 percent of standard as a result of the cut. Average monthly payments will be lowered from $92.56 to $49.36 for the aged; from $109.42 to $58.35 for the blind; from $106.67 to $56.75 for the permanently and totally disabled; and from $110.56 to $58.96 for persons receiving general public assistance.

Most of the recipients to be hurt are children. Children represent about 70 percent of persons receiving services. About three-fourths of the children receiving assistance are under 13 years of age. It should be noted that the majority of children receiving benefits under the Aid to Families with Dependent Children program were born in wedlock.

While I must strongly object to the action, I do concur with the need to improve the city's public assistance system. In recently appointing a new director of the Department of Human Resources, I announced that his highest priority assignment will be to reform and revitalize the welfare system. He has been charged with developing a program that will emphasize helping the individual recipient realize his full potential and breaking the cycle of dependency so often associated with public assistance.

The improvement program will be aimed at attaining three objectives: (1) increasing the employability of public assistance recipients and maximizing their opportunities for worthwhile employment; (2) reshaping our service delivery system in the human resources area so that the needs of the whole person can be effectively met; and (3) strengthening our administrative and legal procedures so that abuse of the public assistance system can be almost entirely eliminated.

The new director of the Department of Human Resources has been instructed to develop concrete and viable programs for meeting the objectives we have established. I anticipate that he will be ready to announce the details of the improvement program in January 1972. In short, the District Government is fully committed to improving the city's public assistance system.

I want to thank you for giving this problem your most serious attention.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

Mr. INOUYE. Mr. President, before we vote, I wish to advise the Senate of an action which I anticipate, but which is not covered in the bill. We are now speaking of spending the maximum amount in Federal payments. In a few days a supplemental request will be coming to Congress for additional Federal funds to cover costs in all those authorized activities.

A few days ago the Senate adopted an amendment, which if signed into law—and very likely it will be signed—will give white-collar workers of this city a 5-percent pay increase from January 1. That is just for white-collar workers. Then the schoolteachers, firemen, and policemen will get their increases, and then the blue-collar workers, increases amounting to anywhere from $12 to $15 million. I also wish to advise the Senate that we will be coming back early next year requesting more money for this city. We are not going to end here.

This is pointed out to the Senate merely to get a taste of the type of dilemma I have had as chairman of this subcommittee.

The PRESIDING OFFICER. Does the Senator from Hawaii yield back the remainder of his time?

Mr. INOUYE. I do so.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PERCY. Mr. President, on behalf of myself and the Senator from Maryland (Mr. MATHIAS), I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The second assistant legislative clerk read the amendment, as follows:

On page 10, line 10, it is proposed to delete "192,328,000" and insert "195,328,000"; and on page 10, line 15, delete "5,807,800" and insert "8,807,800"

Mr. PERCY. Mr. President, I yield myself such time as I may need to explain the amendment. I would also like to advise the chairman that the Senator from Nebraska (Mr. HRUSKA) desires to speak on the amendment and is on his way to the Chamber. The Senator from Maryland (Mr. MATHIAS), the ranking Republican member of the District of Columbia Committee, is in the Chamber and also has indicated an interest in speaking on the amendment.

Mr. President, I have sent to the desk an amendment which will provide $3 million under capital outlays for the 1972 fiscal year District of Columbia budget. The request, submitted by the District government, will make available design funds for a new judicial complex on Pennsylvania Avenue. The complex is to house all judicial offices of the District and Federal courts and is to be located on Pennsylvania Avenue between Fifth and Sixth Streets NW.

Evidence as to the desirability of a new, unified court system and facility is ample. During consideration of the D.C. Court Reform and Criminal Procedure Act of 1970, both the House and Senate Committees expressed the hope for a District "court system comparable to those of the States." The Act created a total local court system by combining the general sessions, D.C. tax, and juvenile courts into the Superior Court of the District of Columbia, which is to have exclusive jurisdiction over local matters.

Passage of the Court Reform Act implemented some necessary and desirable improvements in the District's judiciary system. However, it also placed a heavy burden on the courts, the District government, and Congress in terms of the financial resources needed to effect these modernizations. A modern court system cannot, however, be, as the House District Committee said, "a bewildering maze of activities." The finances required to fulfill the intent of the reform bill will be sizable. At present, seven different buildings house the Superior Court. This is confusing, inefficient, and insecure in terms of transporting prisoners. There is a clear need for the District to have one central court facility, and it is precisely this kind of facility that the Westinghouse study, commissioned in fiscal year 1971, recommends.

The $3 million which my amendment provides will begin the important task of designing and planning for a new facility. In appropriating this amount, I know that some Senators have reservations about the matter since current plans are that the relatively new Employment Security Building located at the proposed construction site be torn down. To this I would have to point out two things: the Employment Security Building would not, by any stretch of the imagination, conform or blend in with a modern, well-designed courthouse. The building is simply ugly, and if not torn down would require that the new facility be built around it. In addition, the District government reports that the cost of acquiring and demolishing the employment building would be at a minimum. Moreover, the Employment Security Building detracts from the Pennsylvania Avenue plan for the restoration of that street. Since the Commission on Fine Arts and the National Capital Planning Commission have the authority to disapprove construction of any new building, it is reasonable to say that if the new court complex, with the Employment Security Building left standing, did not meet the design specifications of the Pennsylvania Avenue plan, the proposal could be turned down.

We must, of course, also realize that building a new complex such as this will be expensive. Estimates are that the new courthouse will cost between $50 and $60 million.

I should like to say at this point that I share some of the skepticism of our chairman about those figures. Yesterday, once again, I questioned GSA as to whether the job can be done for the $50 million or $60 million estimate I have heard, and they have assured me it can be. That assurance I, once again, take with some of the skepticism I have been led through the years to take on any building estimate. Some of it, of course, is beyond their control. If we are successful—and I hope we will be—in putting the lid on the escalating cost of construction, and if we can get productivity increases and wages increased as a result of that productivity increase, it is possible this estimate will be correct. If the project is delayed 5 or 10 years, we certainly cannot get the same prices that we can get in 1972. So the delay factor has to be taken into effect. If we do it 20 years from now, it is going to cost at least $120 million. There is no question about that. The question is, Do we need it? We have demonstrated the need time and again.

The Senator from Maryland (Mr. MATHIAS) and I went over yesterday morning, at the suggestion of the chairman—and I think it was a fine suggestion—that we physically meet with officials and walk over the facilities. The term to describe it is the intolerable conditions faced by the court, with its facilities scattered through seven buildings, prisoners in handcuffs walking through them, jurors marching from one building to another. As the Attorney General said yesterday, the $4.5 million investment in that Employment Security Building will be made up in short order through the improved efficiency and the saving of the time of 44 judges. They must now move through a maze of buildings and corridors in the actual mess that we have as our court system.

I would not want anyone to see the court system of Washington, D.C., looked upon as the best we can do in the Nation's Capital. It is an utter disgrace. Locating the Employment Security Building there was a mistake. The Department of Labor made the mistake of putting the building on that site. They do not need it. It should not have been built there. They did not get an appropriation. They took the funds out of their revolving fund, so they did not have to get permission to put the building there. But I do not think the city should have to live with the mistake for the next 100 years just because it was made 7½ years ago, particularly when the mistake is a relatively low-cost one compared to the high value of land, the strategic location of that particular building, and the fact that it can be razed for about $150,000, although it is money down the rathole. Someone will have to pay the cost of making that mistake. But we made it.

Otherwise, are we going to have to live with it, build a court complex all the way around it, have in that strategic location a building we do not need, and deprive the court system of the facilities that they need, when the No. 1 problem in this city is crime and law enforcement?

I simply feel that when we have made a mistake, we should admit it, then go about correcting it, and not try to live with it for another 100 years, because that would simply compound the same mistake over and over again, and we would continue to pay the cost.

We can pay the cost of acquisition and demolition of that building in a very short time in the improved operating efficiencies that will be reflected in the budget for the court system, if they do not have to lose 20 to 25 percent of their time in coping with the impossible security system that exists there right now, where they are dealing with dangerous criminals, right out in the open where anyone can see them, and have to have armed guards on both sides, handcuffed to the prisoners to take them through the maze of corridors, and the shuttling system that goes from building to building in the most inefficient, ineffective, and abortive law enforcement process I have ever seen in the United States, just six blocks from the Capital.

The Attorney General assures me that this is a matter of the highest priority from the standpoint of law and order. An expenditure of this proportion would be a real investment for the District government to make. It is more than an investment in property, however. It is an investment in a more efficient court system, better able to execute the principles of justice under which our courts should operate.

I do not believe that we can talk about expanding our police forces or building better prisons and leave out the all-important middle process of the courts. The reforms that we implement must be comprehensive and they must result in a more efficient, equitable judicial system. The most logical place with which to begin judicial reforms is in the District of Columbia.

I ask unanimous consent to have printed in the Record at this point reports and letters giving further background detail on this building, quotations from Judge Green, with whom Senator Mathias and I met yesterday, who spent a couple of hours with us going through this plan, and letters from the National Capital Planning Commission and the Commission on Fine Arts.

There being no objection, the items were ordered to be printed in the Record, as follows:

Briefing Paper Concerning Design Money for District of Columbia Courthouse

In fiscal 1971, the District Government secured an appropriation of $300,000 to finance a "Study For A New District of Columbia Court Facility." This study will be completed shortly. The District Government is prepared to go forward with a design of the new courthouse. For this purpose they have requested $3,000,000 in the fiscal 1972 budget now pending in Congress.

This $3,000,000 figure is not an excessive amount for design money. District officials estimate that design money runs about six percent of construction cost on almost every project. The estimated cost of the new courthouse is between $50–60 million.

1. Current plans do envision the demolition of the Employment Security Building, in order to make room for the new courthouse.

The Employment Security Building was first occupied in August 1962. The cost to the District Government of obtaining full title to this building will be $4.4 million. Demolition costs and relocation expenses will be additional.

The reason why this building, although relatively new, should be demolished is that it is an ugly building which detracts from and is contrary to the Pennsylvania Avenue Plan, and it occupies the natural, logical, and necessary location for a new courthouse.

Failure to demolish the Employment Security Building will have several important effects:

A. The present building will stand and will detract from the rejuvenation of Pennsylvania Avenue. This building projects some 30 feet beyond the setback line established for the Pennsylvania Avenue Plan.

B. The new courthouse, *if built*, regardless of its beauty or cost, will be blocked from view and will therefore be unable to contribute to the success of the Pennsylvania Avenue Plan.

C. More important than these considerations is the fact that space limitations will make it very difficult, if not impossible, to build a *model* courthouse *or* a single court building. Space limitations may require several buildings instead of one, making permanent the inefficiency of the present operation and thereby forfeiting the opportunity to build a prototype courthouse that will serve as a model of innovative design and construction for the nation. Because the $300,000 Westinghouse study envisioned a single courthouse, the inability to proceed with a single building will mean that the Westinghouse money was largely wasted.

D. Most important, unless the Employment Security Building is demolished, the Commission on Fine Arts and the National Capital Planning Commission may disapprove the building of any new courthouse because, as NCPC put it, "demolition of all of the existing buildings on the North Side of Pennsylvania Avenue between Fifth and Sixth Streets is required to permit development of the Pennsylvania Avenue Plan." The Commission on Fine Arts has statutory authority to disapprove the erection of new buildings that face Pennsylvania Avenue D.C. Code, Section 5–410.

2. The second and third arguments against the design money are closely related. The new courthouse will, of course, be an expensive building—all new buildings of any magnitude are expensive. But there is an urgent need for a new courthouse, and delay will contribute to a very substantial increase in the ultimate cost. Because of this cost, the Congress cannot afford to delay.

The District of Columbia Court Reform and Criminal Procedure Act of 1970 immediately increased the number of judges in the new Superior Court from 27 to 37. On February 1, 1972, an additional seven judges will be appointed pursuant to the Act, bringing the total to 44. This increase in the number of judges has created serious logistical problems for the court.

In his report to the Attorney General last July, Chief Judge Harold Greene of the Superiod Court wrote:

"This legislative enactment [the Court Reform Act] imposed upon the Court very great organizational and logistical responsibilities, exemplified by the absorption of ten additional judges and their staffs . . . and the physical expansion of the Court into an office building actually totally unsuited for court use. . . .

"The other major problem is the physical one of operating one Court out of six different buildings, some of them widely separated from the others. While many measures have been taken to alleviate the difficulties and discomforts arising from this situation, the problem cannot be fully solved until the Court is housed in a single structure on the Pennsylvania Avenue site allocated to it by the National Capital Planning Commission."

When seven new judges are appointed in February, 1972, they will be housed in the so-called Pension Building. This means that the Superior Court will be operating out of seven different buildings, some separated by considerable distance.

Until a single courthouse is built, Superior Court offices, courtrooms, and functions will be widely scattered. The present situation is confusing to attorneys and other court-affiliated personnel; and, of course, the public has problems keeping straight Buildings A, B, C, D, E, F, and in February, G.

The proliferation of buildings leads to gross inefficiency and many problems. For example, the problem of security in transporting prisoners is obvious. The problem of trying to maintain an adequate library for 37 judges in six buildings has already brought repeated cries of concern from the court.

It is imperative that a new courthouse eventually be constructed, because current operations are not acceptable.

Failure to provide the design money *now* would set back plans for a new courthouse at least a year and perhaps longer. *And it would increase the cost of the facility that must eventually be built. Experts contend that the construction cost of a new courthouse increases about one percent per month*—so that delay is very expensive.

There is widespread, bi-partisan support to have a new courthouse completed in time for the bi-centennial celebration in 1976. Delay at this juncture could destroy that timetable.

New District Court Building

Funds in the amount of $3 million are required for fiscal year 1972 in order to design the New District Court Building. Without design funds this urgent project will be substantially delayed. A Westinghouse study relating to the Court Building will be completed in March 1972 and will provide the necessary scope of work for the final plans of the court building. The $3 million request precedes the Westinghouse study in anticipation of funds that will be needed immediately following the release of the report. The denial of the 1972 request would necessitate a year delay in the design of the building.

The construction costs of the District Court Building will be kept at a minimum and will reflect only the essential functions to allow the courts to carry out its responsibilities. The District Government is acutely aware of the desire of the Congress concerning high construction costs and the site location problems for this building. Therefore we can safely anticipate a realistic estimate for the final cost of this project.

The Commission of Fine Arts,
Washington, D.C., May 25, 1971.

Lt. Col. Sam D. Starobin,
Director, Department of General Services, Washington, D.C.

Dear Colonel Starobin: I understand plans for the construction of the new Superior Court to be located on the corner of John Marshall Place and Pennsylvania Avenue may be in jeopardy, the reason being that these plans would require removal of the Employment Security Building. This building, which was erected some ten years ago, but is of no particular architectural distinction, projects some 40 feet beyond the building setback line established for the Pennsylvania Avenue Plan. As the line is an essential part of the plan it would indeed be unfortunate if this building were to remain and spoil a major feature of the plan. I should also point out that in addition to establishing an orderly design for the north side of Pennsylvania Avenue the site is in itself particularly critical as it forms the pivotal point for the whole plan in that it is the first building abutting Pennsylvania Avenue west of the Capitol. I therefore hope that every effort can be made to adhere to the present scheme for the new court.

Sincerely yours,

CHARLES H. ATHERTON,
Secretary.

NATIONAL CAPITAL
PLANNING COMMISSION,
Washington, D.C., June 1, 1971.

Mr. SAM D. STAROBIN,
Director, District of Columbia Department of General Services, Washington, D.C.

DEAR SAM: You have requested a statement of the relationship of the proposal for the new Superior Court Building for the District of Columbia to the existing Employment Security Building at Sixth Street and Pennsylvania Avenue, N.W.

The Commission has been vitally interested in the planning for the new Court Building because of the prominence of this site and the impact this project will have on the accomplishment of the goals and objectives of the Pennsylvania Avenue Plan. The demolition of all of the existing buildings on the north side of Pennsylvania Avenue between Fifth and Sixth Streets is required to permit the development of the Pennsylvania Avenue Plan.

The Commission endorsed the objectives and underlying principles of the Pennsylvania Avenue Plan, as contained in the Report of the President's Council on Pennsylvania Avenue, on September 11, 1964. All subsequent projects in the area affected by this report, such as the new FBI Building, the Labor Building, the Addition to the National Gallery, and the completion of the Federal Triangle and the privately built Presidential Building have been reviewed to insure their conformity with the Pennsylvania Avenue Plan.

The Commission, on February 6, 1969, reviewed and approved the area north of Pennsylvania Avenue, between John Marshall Place and Sixth Street, N.W., for the development of the District of Columbia court facilities, provided that plans for such development conform to the planning criteria and standards for the Pennsylvania Avenue Plan. On March 6, 1969, the Commission approved a preliminary master plan for the Municipal Center-Judiciary Square area, which included the site proposed for the new Court Building, as well as the surrounding municipal facilities. The Commission's approval of the preliminary master plan was also based upon the provision that the court facilities fronting on Pennsylvania Avenue be developed in accordance with the objectives and principles of the Pennsylvania Avenue Plan. These objectives and principles, as they apply to the new Court Building, may be summarized as follows:

1. That a single building, stretching from Sixth Street to John Marshall Place, be planned;

2. That the building, along the Avenue frontage, be a uniform 120 feet in elevation, D.C. Datum, at its cornice line (or 111 feet in height from the curb line), exclusive of penthouses;

3. That the structure be set back 50 feet from the north right-of-way line of the Avenue;

4. That the main building facade be parallel to the Avenue;

5. That an arcaded pedestrian walkway be provided along the Avenue, also, a pedestrian platform or concourse be provided at an elevation approximately one-story above the Avenue level to provide an open public courtyard; and

6. That there be no curb cuts along the Avenue or along side streets within 100 feet north of the new building line on Pennsylvania Avenue.

If these principles are adhered to, the development of the Court Building would be consistent with the objectives and principles embodied in the reports and recommendations on Pennsylvania Avenue, as endorsed by the Planning Commission and others.

Several of these principles, as outlined above, would require the clearance of the north side of Pennsylvania Avenue. The existing District-owned building on the northwest corner of Fifth and Pennsylvania Avenue was built in 1916. The eastern original portion of the so-called Employment Security Building was erected in 1942. The western part of this structure was built in 1962 as an addition to the Employment Security Building. All of these structures should be removed in order to allow:

(1) The logical extension of the Municipal Center in accordance with the approved preliminary master plan for the Municipal Center-Judiciary Square area,

(2) The proper siting and design of the new court complex, and

(3) The completion of the Pennsylvania Avenue Plan on the north side of Pennsylvania Avenue between Fifth and Sixth Streets, N.W.

We hope that this information regarding the positions taken by the Commission on the Pennsylvania Avenue Plan and the Court Building will be helpful to you in your presentation of the Court Building project. We believe this project, including the removal of the Employment Security Building, will be a vital element in carrying out the Pennsylvania Plan.

Sincerely yours,

CHARLES H. CONRAD,
Executive Director.

Mr. PERCY. I am very happy to yield to my colleague from Maryland.

Mr. MATHIAS. Mr. President, I appreciate the distinguished Senator from Illinois yielding to me, and I am very happy to associate myself with him, both in the sponsorship of the amendment and in the remarks he has already made. As he pointed out to the Senate, he and I have visited the site which has been proposed for the new court center for the District of Columbia.

Let me say in passing, Mr. President, that it is a mark of the very personal and sincere interest that the chairman of the committee has taken that there were signs, not necessarily on the walls but in the landscape, that INOUYE had been there ahead of us, and that he has shown a remarkable degree of personal interest in the affairs of the District. I think it is a tribute to him that he has taken so much personal trouble to find out the facts. It is very encouraging to me, as a member of the Senate District Committee, to know that this kind of deep study is taking place.

But I want to say that I agree with the Senator from Illinois that this is an amendment that is necessary. As he has stated candidly, frankly, and honestly, I think we have to admit a mistake was made some 7½ years ago when the Employment Security Building was construced on that site. It is a mistake, because it has made difficult if not impossible the most economic use of publicly owned land which completely surrounds it; and the only way to rectify that mistake is to admit it and face up to it, and pay the cost of it.

If there is one thing that seems abundantly clear from the experience of both public and private business in this country, it is that the cheapest part of an important capital investment is getting the right land. If the location is right, if the project is adequately and properly situated, then the right land is the first and most basic ingredient.

The right land here appears to be the land which now is owned by the District of Columbia, with the exception of one corner now occupied by the Employment Security Building.

We went into this problem in depth. We saw that alternative quarters for Employment Security could be made available in the same neighborhood. We looked, incidentally, into the planning which has gone on in this area since Major L'Enfant was operating in the District of Columbia, and I cannot see why the mistake was made, in view of the fact that this was an area which has been the subject of continual city planning; but nonetheless it has happened, and we have to deal with it as it is.

Why is this necessary? Why is it necessary to contemplate a major project of this sort?

Under the new court reorganization plan, the District of Columbia will have some 44 judges, in addition to the appellate court, with all the supporting administration that is required to administer justice in modern courts of law. If there is one thing that I think we can readily observe as we look around the country, it is that simply appointing new judges alone is not going to provide for more speedy justice or a more efficient administration of the courts. Simply to add new judges does not do it. You have to provide for an efficient administration of court business; and, as the Senator from Illinois has said, you cannot do it under the conditions that now prevail in the District of Columbia courts.

The new center will provide the kind of modern setting by which a modern system of justice can be administered, and I hope that the amendment will be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I yield myself 5 minutes.

The District of Columbia Superior Court has 35 existing courtrooms, of which 29 are permanent, and an additional 17 courtrooms are presently under construction, and should be ready for completion and for occupancy on or about the first of February, 1972, just a couple of months from now.

As my colleagues have indicated, I am aware of the shortcomings of the present court setup for the District of Columbia. I am aware that jurors have to walk from one building to another. I am aware that handcuffed criminals have to walk down corridors. I am aware of these shortcomings, Mr. President, but I must, as chairman of this subcommittee, regretfully disagree with the amendment, and I object to it for the following reasons:

First, Mr. President, 2 years ago Congress appropriated the sum of $3,315,000 to make a study of the needs of and the designs for the proposed District of Columbia Courthouse. This phrase "make a study" is becoming nauseating. We have been spending money making studies upon studies. But this amount was requested by the District of Columbia, and we appropriated it, and it has been obligated, Mr. President. We hired the Westinghouse group, a most prestigious organization in the United States, to study the court setup for the District of Columbia. We are still waiting for its report, and we have been advised that the report will be forthcoming about February or March of 1972.

I have been asking my colleagues, "Let us wait until the report comes in. Are we to tell our colleagues that we just threw away that $3 million?"

Speaking of mistakes, we ought to admit, Mr. President, that would be mistake No. 1.

Second, while my colleagues do not mention this and the Attorney General does not mention it, what is really back of this proposal is not the court system, it is the bicentennial. It is the Fine Arts Commission. Mr. President, if it were possible, I would like to see the Fine Arts Commission sitting right here debating this issue with us. Seven years ago, they approved the Employment Security Building. It cost us nearly $5 million. And, Mr. President, if my colleagues would visit that building, they would notice it is one of the very few Federal buildings in this city with escalators. It is a very modern plant.

The Employment Security Building houses more than 300 people. If we demolish that building, we will have to spend about $10 million more building another building to house those 300 workers. That is another thing involved here.

Mr. President, I have been driving along Pennsylvania Avenue now for 12 years, and it was only recently, when I became chairman of the subcommittee, that I realized that this Employment Security Building was offensive to my eyes. It was not offensive until the Fine Arts Commission told me it was offensive.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. INOUYE. I yield myself 2 additional minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield so that I may request the yeas and nays on final passage?

Mr. INOUYE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. INOUYE. Mr. President, I hope that my friends will withdraw the amendment, because, as I have promised them, as soon as the Westinghouse report is made available, this subcommittee will take appropriate action. I should advise the subcommittee that the advance information coming out of the Westinghouse group indicates that the cost of this building—here, again, the firm estimates come into the picture—is not the firm estimate of $58 million. It is going to be in excess of $100 million.

This court complex could have been built a block back; but, no, it had to be part of this magnificent Pennsylvania Avenue. I am all for a magnificent Pennsylvania Avenue. But why can we not wait until the report comes in 3 months from now, and let us find out if this is the path we should follow?

So, I am going to object to this amendment.

Mr. EAGLETON. Mr. President, will the Senator yield for a question?

Mr. INOUYE. I yield.

Mr. EAGLETON. Does the Senator have any idea when the Fine Arts Commission came into being in the District of Columbia?

Mr. INOUYE. If I recall correctly, approximately 30 years ago.

Mr. EAGLETON. Certainly long before 7½ years ago.

Mr. INOUYE. Incidentally, the Fine Arts Commission acted upon the Employment Security Building. Then it was beautiful, 7½ years ago.

Mr. EAGLETON. The Senator will agree with me that beauty is an imprecise science. But do we not have to assume that when a Fine Arts Commission certifies, with the Good Housekeeping Seal of eye-appealing beauty, that a building will be satisfactory on Pennsylvania Avenue, a building 7 years old, it ought to have a slightly more enduring quality than less than a decade? Would that not be a basically rational assumption?

Mr. INOUYE. It would be rational and reasonable.

Mr. EAGLETON. Are there not buildings in the District of Columbia that go back to the 19th century and, I guess, to the 18th century—centuries long past the instant decade? We are asked now to veto the finding of the Fine Arts Commission back in 1964 that this was a beautiful and appropriate building to go on Pennsylvania Avenue, and to demolish it, escalators and all. Is that right?

Mr. INOUYE. That is right.

Mr. EAGLETON. What is to be contained in this $300,000 Westinghouse study? Is that the Westinghouse that used to have Betty Furness—the same group?

Mr. INOUYE. The same group.

Mr. EAGLETON. What are they studying for $300,000?

Mr. INOUYE. They are studying the needs of the court, the location of the court, whether it should be a magnificent edifice or a small edifice.

Incidentally, I would like to see the courts maintain the dignity that is required and, like the Supreme Court, have the high ceiling. I am all for that. But we are speaking of the courts of the city of Washington. If the people of the United States would go back to their villages and their cities and inspect their traffic courts and their lower courts, I doubt that they would see marble columns, high ceilings, and chandeliers. But since this is going to be along Pennsylvania Avenue, somebody has to pay the price. I would prefer to see a park there.

Mr. EAGLETON. The total study is $3 million—are they just to study the buildings, how the court buildings ought to look, how big the rooms ought to be?

Mr. INOUYE. How functional it should be.

Mr. EAGLETON. They are getting paid $3 million?

Mr. INOUYE. $3.3 million. We appropriated the amount 2 years ago.

Mr. EAGLETON. And that study will come in—I think I heard the Senator say—next February or March?

Mr. INOUYE. Three months from now.

Mr. EAGLETON. If—and that is a very subjective "if"—if that were deemed to be a prudent appropriation and, hence, an investment 2 years ago, to cause the Westinghouse people to do $3 million worth of analytical research for us, should we not find out what $3 million is going to bring us in terms of recommendations?

Mr. INOUYE. If they give it the priority it deserves——

Mr. PERCY. Mr. President, will the Senator yield on a point of fact?

It is my understanding that the appropriation for the study was $300,000 and that that was all that was appropriated, and that report is nearing completion now. The $3 million figure would be the figure that would be required to complete the design of a single court complex that we know or have reason to believe that the study has already concluded is necessary.

Mr. EAGLETON. The $3 million is to complete a design on a study that we do not have yet and that we are so anxious to go ahead on, even without having it.

Mr. INOUYE. We have already appropriated that amount.

Mr. EAGLETON. On a sort of "if" basis.

Mr. INOUYE. That is right.

Mr. EAGLETON. On a sort of "if" $300,000 study is sufficiently meritorious for the $3 million study we have already appropriated. It is a curious way to do things. We do not do things that way in Missouri.

The senior Senator from Maryland (Mr. MATHIAS) made this statement, and I asked a question of the Senator from Hawaii based on it. The Senator from Maryland said:

> The right land appears to be the Pennsylvania Avenue site.

The one that now contains the Employment Security Building. Who anointed this hunk of land to be the court complex? Why, with lots of acreage in the District of Columbia—some improved, some unimproved, some that was devastated in the riot of 1968 that is somewhere between unimproved and improved—why this piece of land and this piece of land only, on Pennsylvania Avenue, for the court complex? Who made that decision?

Mr. INOUYE. I gather that it was the Attorney General and the Fine Arts Commission.

Mr. MATHIAS. Mr. President, will the Senator yield and let me comment on that?

There are some objective standards here that make this appropriate. No. 1, all the land that is involved, which is by far the majority of the land that would be involved, is already owned by the District of Columbia. So that that is a factor. But it is adjacent to the U.S. District Court Building. It is adjacent to the other buildings which are devoted to legal procedures. It is close to not one but two subway stations which will be of great importance to the public, to members of the bar, and to everyone who has business with the courts. It is the traditional location where courts have done business in the District of Columbia. It is near the FBI Criminal Information Center, the Justice Department itself.

I suppose it is not the only place in the District that could be used, but it is an appropriate place which is available with the exception of the one small corner occupied by Employment Security.

Mr. INOUYE. May I ask a question? My question is very simple. On the basis of responsible legislation and scheduling, why cannot we wait until March of 1972, when we anticipate receiving the report of the Westinghouse group?

Mr. MATHIAS. May I ask the distinguished chairman if he is giving us the assurance that when that report is received in or about March of 1972, the committee will give it immediate attention? The problem of the administration of justice will not permit delay.

Mr. INOUYE. I will promise the Senator, for the record, that exactly 1 week after this committee receives a copy of the Westinghouse report, we will hold hearings; and act on it no later than the 1972 second supplemental appropriations bill.

I realize the shortcomings of the present court complex, and I am all for it. But I do not see how we can act with the limited information we now have. That is my concern.

Mr. MATHIAS. I am very much impressed with the chairman's sincerity in this matter. I would have absolute reliance, so far as I am concerned, on what he has made here as a promise to the Senate to proceed.

I should like to consult with the distinguished Senator from Illinois (Mr. PERCY) now for one moment.

Mr. EAGLETON. While the Senator from Maryland and the Senator from Illinois are in the process of consultation, I should like to ask a final question or two of the Senator from Hawaii.

Based on the exchange the Senator has just had with the Senator from Maryland (Mr. MATHIAS), would the Senator from Hawaii be good enough to inquire at those hearings next spring as to whatever the experts may take up, either from Westinghouse or from the District of Columbia government—question 1, assuming the positive factors the Senator from Maryland has indicated, as to this being a propitious site for a court complex, the Senator from Maryland, I think, articulated very rightly——

The PRESIDING OFFICER. The time of the Senator from Hawaii has expired.

Mr. INOUYE. Mr. President, I ask unanimous consent, notwithstanding the prior, that the Senator from Missouri be permitted to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Assuming there is some merit to the contention of the Senator from Maryland, are there not at least, for purposes of intelligent, comparable consideration, other alternate sites within the District of Columbia that might be suitable for a court complex, to see which ones are good, very good, fair, poor, or useless?

Mr. INOUYE. There are alternative sites within close proximity of the Federal District Court but, as of this moment, I gather that some of our officials are adamant, that they want this place and no other place.

Mr. EAGLETON. But the Senator will inquire into other sites and their feasibility?

Mr. INOUYE. I have requested that the study include alternate sites, yes.

Mr. MATHIAS. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. No, I cannot—my time is too limited.

I should like to ask another question of the Senator from Hawaii. Ancillary to and in addition to the alternate sites, would the Senator from Hawaii inquire whether there is some feasible, satisfactory, non-ugly way of accommodating to that site a court complex retaining the Employment Security building as well?

Mr. INOUYE. It will be done, sir.

Mr. EAGLETON. I thank the Senator from Hawaii.

Mr. MATHIAS. If I could have 1 second to add to that, because I was interested, if there were other sites, knowing about them as anyone else would, that the distinguished Senator make these inquiries prior to receipt of the report in March.

Mr. INOUYE. I have done so.

Mr. MATHIAS. So that we will have that information available before, in order to have this matter of an ongoing study——

Mr. INOUYE. I have had a meeting with the chief presiding judge and have made a specific request.

Mr. PERCY. Mr. President, how much time remaining do I have?

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes remaining.

Mr. PERCY. Mr. President, I yield 2 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I should like to make a few observations. This is not a new item. This item was not born yesterday, or the day before, or 3 months ago. It has been in contemplation for over 2 years. There have been various studies made. I shall refer to them in a little bit, and include in the RECORD at the conclusion of my remarks a memorandum which has been prepared, and which I have gone over, which shows pretty clearly that this is part of a continuing policy, an extension of policy of Congress and the administration.

Let us get into our minds that this is a part of the favorite subject of the day, that is, that this complex is a part of the program to implement a law enforcement program.

Law enforcement is not just a policeman with a billy club, or on a motorcycle. A law enforcement program consists of arrest, apprehension, investigation, trial, then probation, parole, and so forth.

Without a unified, modern courthouse to house a court system, we will not have a complete law enforcement program. Congress knows that, because we passed in the last Congress a very heavy, complicated, and extensive revision of the judicial system of the District of Columbia. At that time, the debate clearly showed that we wanted something that would be modern, and that would be comparable to other State systems on this sort of thing.

Mr. President, I ask unanimous consent, at the conclusion of my remarks, to have printed in the RECORD the memorandum referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, with reference to the cost, it is going to be an expensive building, a very expensive building, but by delaying—time is of the essence——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INOUYE. Mr. President, I ask unanimous consent, notwithstanding the prior order, that the Senator from Nebraska be permitted to speak for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, it is said that here is a building that has not been used and, therefore, it will be wasteful to demolish it and build a new one there. We have to have a new building. It will be expensive. The location is of some consequence in the matter of cost, in the functioning of a court in a convenient and in an economical location.

By delay, what will we incur? How long will it take at the rate of 2 percent or 3 percent or 4 percent in building costs before we wipe out the value of a $4 million building? It will not take long. Here we are with a judicial system functioning in seven different buildings. Does that cost anything? It certainly does, in terms of lost efficiency, in the loss of proper and effective treatment of cases that come before the court system. I am gratified that the chairman of the subcommittee promises prompt action when the report of the commission is at hand. Perhaps that would be an alternative that would be very acceptable. If the ranking members of the District of Columbia Appropriations Committee would concur, I would certainly agree with him that that is the way to go about it, but we should get into our heads the fact that this is going to be an expensive proposition. Without it, we cannot round out the program of law enforcement which all of us subscribe to so heartily and so vocally.

So I hope that we take some of these factors into consideration, particularly the items that are raised in the memorandum which I have placed in the RECORD.

EXHIBIT 1

MEMORANDUM ON PROPOSED DISTRICT OF COLUMBIA COURT COMPLEX BUILDING AND FISCAL 1972 APPROPRIATION REQUEST, $3 MILLION—PLANNING FUNDS

One of the President's 12 points in his District of Columbia Criminal Justice Improvement Program (announced January 1969) was this Administration's commitment to the construction of a new Court House facility to house the newly reorganized and upgraded courts of the District of Columbia.

All of the planning for this facility has envisioned that it would be the most modern and innovative structure of its kind in the country. It is to be a model. To this end we have engaged the Westinghouse Corporation to prepare a preliminary design study to utilize in this building all of the latest modern technologies such as computers and other modern technical developments.

Any delay at this time would push the final date of completion and occupancy off into the uncertain future and substantially increase ultimate costs.

Senator Inouye, Chairman of the Senate District of Columbia Appropriations Subcommittee, has opposed inclusion of the $3 million in this bill for reasons relating to the ultimate cost of the building (figures varying from $60 million to $100 million) and because of a disagreement as to the site location. It is most important that the present appropriation be made so as not to delay this project any further.

DESIGN MONEY FOR DISTRICT OF COLUMBIA COURTHOUSE

In fiscal 1971, the District Government secured an appropriation of $300,000 to finance a "Study for a New District of Columbia Court Facility." Upon completion of that report, the District Government should be prepared to go forward with a design of the new courthouse. For this purpose they have requested $3,000,000 in the fiscal 1972 budget now pending in Congress. The report is expected early in 1972 calendar year.

This $3,000,000 figure is not an excessive amount for design money. District officials estimate that design money runs about six percent of construction cost on almost every project. The estimated cost of the new courthouse is between $50–60 million.

There has been opposition to the planning money on two grounds: (1) current plans to demolish the Employment Security Building, in the block immediately west of the U.S. Courthouse on Pennsylvania Avenue, to make way for the new courthouse, are unjustified because they require the demolition of a relatively new building; and (2) plans for the ultimate construction of a new courthouse are too expensive, inasmuch as present operating conditions for the Court are acceptable.

Another objection advanced is on the ground that no money exists for the funding of "new" programs.

These three arguments require answer.

1. Current plans do envision the demolition of the Employment Security Building, in order to make room for the new courthouse.

The Employment Security Building was first occupied in August 1962. The cost to the District Government of obtaining full title to this building will be $4.4 million. Demolition costs and relocation expenses will be additional.

The reason why this building, although relatively new, should be demolished is that it is an ugly building which detracts from and is contrary to the Pennsylvania Avenue Plan, and it occupies the natural, logical, and necessary location for a new courthouse.

Failure to demolish the Employment Security Building will have several important effects:

A. The present building will stand and will detract from the rejuvenation of Pennsylvania Avenue. This building projects some 30 feet beyond the setback line established for the Pennsylvania Avenue Plan.

B. The new courthouse, if built, regardless of its beauty or cost, will be blocked from view and will therefore be unable to contribute to the success of the Pennsylvania Avenue Plan.

C. More important than these considerations is the fact that space limitations will make it very difficult, if not impossible, to build a model courthouse or a single court building. Space limitations may require several buildings instead of one, making permanent the inefficiency of the present operation and thereby forfeiting the opportunity to build a prototype courthouse that will serve as a model of innovative design and construction for the nation. Because the $300,000 Westinghouse study envisioned a single courthouse, the inability to proceed with a single building will mean that the Westinghouse money was largely wasted.

D. Most important, unless the Employment Security Building is demolished, the Commission on Fine Arts and the National Capital Planning Commission may disapprove the building of any new courthouse because, as NCPC put it, "demolition of all the existing buildings on the North Side of Pennsylvania Avenue between Fifth and Sixth Streets is required to permit development of the Pennsylvania Avenue Plan." The Commission on Fine Arts has statutory authority to disapprove the erection of new buildings that face Pennsylvania Avenue D.C. Code, Section 5–410.

2. The second and third arguments against the design money are closely related. The new courthouse will, of course, be an expensive building—all new buildings of any magnitude are expensive. But there is an urgent need for a new courthouse, and delay will contribute to a very substantial increase in the ultimate cost. Because of this cost, the Congress cannot afford to delay.

The District of Columbia Court Reform and Criminal Procedure Act of 1970 immediately increased the number of judges in the new Superior Court from 27 to 37. On February 1, 1972, an additional seven judges will be appointed pursuant to the Act, bringing the total to 44. This increase in the number of judges has created serious logistical problems for the court.

In his report to the Attorney General last July, Chief Judge Harold Greene of the Superior Court wrote:

"This legislative enactment [the Court Reform Act] imposed upon the Court very great organizational and logistical responsibilities, exemplified by the absorption of ten additional judges and their staffs . . . and the physical expansion of the Court into an office building actually totally unsuited for court use. . . .

"The other major problem is the physical one of operating one Court out of six different buildings, some of them widely separated from the others. While many measures have been taken to alleviate the difficulties and discomforts arising from this situation, the problem cannot be fully solved until the Court is housed in a single structure on the Pennsylvania Avenue site allocated to it by the National Capitol Planning Commission."

When seven new judges are appointed in February, 1972, they will be housed in the so-called Pension Building. This means that the Superior Court will be operating out of seven different buildings, some separated by considerable distance.

Until a single courthouse is built, Superior Court offices, courtrooms, and functions will be widely scattered. The present situation is confusing to attorneys and other court-affiliated personnel; and, of course, the public has problems keeping straight Buildings A, B, C, D, E, F, and, in February, G.

The proliferation of buildings leads to gross inefficiency and many problems. For example, the problem of security in transporting prisoners is obvious. The problem of trying to maintain an adequate library for 37 judges in six buildings has already brought repeated cries of concern from the court.

It is imperative that a new courthouse eventually be constructed, because current operations are not acceptable.

Failure to provide the design money now would set back plans for a new courthouse at least a year and perhaps longer. And it would increase the cost of the facility that must eventually be built. Experts contend that the construction cost of a new courthouse increases about one percent per month—so that delay is very expensive.

There is widespread, bi-partisan support to have a new courthouse completed in time for the bi-centennial celebration in 1976. Delay at this juncture could destroy that timetable.

NEW DISTRICT COURT BUILDING—JUSTIFICATION IN FISCAL YEAR 1972 BUDGET REQUEST

The project justification as submitted to the Congress as part of the Fiscal Year 1972 request follows:

The following is extracted from a *Westinghouse Study for a New District of Columbia Court Facility*, September 1970: "The Congressional intent in the District of Columbia Court Reform and Criminal Procedure Act of 1970 is clear '. . . to create a true local court system which will become the principal agency for the resolution of the legal problems of the citizens of the District of Columbia.' As the Senate Managers of this legislation stated in their report to the Congress: '. . . the three trial benches of the District of Columbia (the general sessions, D.C. tax, and juvenile courts) are to be merged into a single local court, the Superior Court of the District of Columbia. The Superior Court is to have exclusive, general jurisdiction over all local matters, civil and criminal—consistent with the move toward home rule in the District as well as for purposes of efficiency and expedition. Likewise, the local appellate court, the District of Columbia Court of Appeals, is to be the highest court of this jurisdiction, the final authority on purely local matters and for purposes of appeal to the Supreme Court of the United States.'[1]

The House District Committee stated in its report:

'Thus, the District will have a court system comparable to those of the states and other large municipalities . . . The bill provides for a detailed and comprehensive scheme for the creation of a local, unified, modern court system for the District of Columbia.'[2]

The legislation responds to the recommendations of several study commissions. The D.C. Crime Commission concluded that, 'The District of Columbia needs a unified court system for the effective administration of criminal justice.' Elaborating on this conclusion, the Judicial Council's Committee on the Administration of Justice recommended that 'The Court of General Sessions should be strengthened in many ways and become the local court of general jurisdiction to which ultimately most, if not all, of the local business of the U.S. District Court can be transferred.' (Policy Statement of the Committee on the Administration of Justice, March 1969, p. 3) It is recommended further that the Juvenile Court be transferred to the Court of General Sessions as a division thereof, and that the functionally autonomous Domestic Relations Branch be made a division in order to unify and coordinate the handling of all problems involving family relations within the same court. In addition, it recommended the appointment of a Court Executive, trained in high level management, who would be responsible for organizing and administering all the non-judicial activities of the court, provide centralized administrative control, and manage the day-to-day court operations.

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[1] Senate Managers' statement regarding conference action on S. 2601, July 15, 1970, 91st Congress, 2d Session, p. 5.

[2] House of Representatives 71–907, 91st Congress, 2d Session, p. 23.

This new court system will replace the present fragmented court structure, which contains four local courts of limited jurisdiction and two federal courts with jurisdiction over more important cases. The existing fragmentation has been compounded by the fact that the courts of local jurisdiction have been physically housed in six different locations, causing coextensive logistical difficulties. Moreover, space and facility allocations have become seriously inadequate. A survey of judges and court related personnel prepared in April 1970, by the Georgetown Institute of Criminal Law and Procedure indicated that one of the top priorities mentioned by those surveyed was for more adequate space and facilities.

Congress clearly envisions a modern, up-to-date facility, incorporating the best features of current technology and thought on the subject of court construction.

Since all local jurisdiction is to be brought under the new court system and the new Superior Court itself is to be an amalgamation of several existing courts, it is essential that all judicial and court-related functions be centralized in a single facility. Dispersion of functions or personnel in separate facilities is undesirable since this tends to breed separatism within the court system.

Congress is greatly concerned with delays in the decision of both civil and criminal cases. Prompt disposition of cases is a major goal of the legislation, and physical facilities should be designed to facilitate the performance of the various steps in the judicial process.

Both Houses expressed the purpose of enhancing the quality of justice to be administered by the new court system. An aspect of the quality of justice and respect for law sought to be engendered is the dignity of the courts' physical surroundings.

The House Committee stated that a principal aim of the legislation is to bring, '. . . the administration of justice closer to the people who are most personally affected thereby.'[3] Due accommodation must be made in the new facility for the comfort of the citizenry in the various roles which citizens play in the judicial system, as witnesses, jurors, litigants, and even as spectators. In addition, the citizen's need for information within the court system should be recognized—the courthouse should not be a bewildering maze of activities."

The PRESIDING OFFICER. The Senator from Illinois has 1 minute remaining.

Mr. PERCY. Mr. President, I shall only need 1 minute more to make this quick conclusion. I would not want the Senate to feel that I offered this amendment without some previous knowledge. The Westinghouse report, when it is submitted in February or March, will include the words that they recommend that the court complex—the Federal District of Columbia court complex building—be grouped in a complex. They have already reached that conclusion. This amendment would implement it.

Second, the Attorney General is desirous of having this, but I think he would concur that the best way to proceed now would be with the commitment the chairman has made for hearings 1 week after completion of that report, so as to proceed with that hearing and then expedite our plans as rapidly as possible on that basis. I concur and support the very important conclusions reached by the chairman.

Therefore, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment. If there is no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. PERCY. Mr. President, I send to the desk a final amendment and I trust that it can be disposed of rapidly.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the votes by which the amendments were ordered to be engrossed and the bill to be read the third time be reconsidered and that the Senator from Illinois be allowed to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I thank the distinguished assistant majority leader.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 5, line 6, delete "$169,033,000." and insert instead "$170,633,000."

Mr. PERCY. Mr. President, I yield myself such time as I need to explain the amendment.

I have sent to the desk an amendment to increase by $1.63 million the public safety appropriation to overcome cuts in the Department of Corrections budget.

I ask that we give very serious consideration to this amendment. It falls within the revenues available to us. It is an additional $1.63 million. It is my understanding that the cutbacks of some $3 million in the Department of Corrections budget fell most heavily on the community corrections program. I consider this one of the most important programs in concept and in implementation. My amendment would provide $1.5 million for the program and $130,000 for personnel requirements.

Mr. President, the present community corrections program in Washington, D.C., serves about 300 people. It was planned that it be increased to reach 400 or 500 people. I think that the House proposed reduction in the program means that we will have to cut it back to 200 people. In other words, with all of the attention that has been devoted to prison reform, and finding better ways to house people, we are having them live as animals in overcrowded cells and just finish a school that for the most part, leads them to more advanced crime when they go out.

We want to find a way to select from among those prisoners who would be most susceptible to correctional activity. The $1.5 million cut will eliminate the contract houses, that is, the halfway houses.

Mr. President, if we have learned anything about penal reform, we have learned the value of having more halfway houses so that people can be rehabilitated from a life of crime and will be able to lead useful lives in their community under close surveillance.

Eight of the halfway houses operated by the District of Columbia are operated through contracts to private agencies and other branches of the District government. These contracts are generally entered into on a 3-year basis. The $1.6 million proposed in my amendment would fulfill contract obligations already underway.

In other words, by this act, if not amended, we would be putting the District of Columbia government in a position of being forced to break those contracts. If that is the way to have law and order in the District of Columbia, I simply do not understand what the fulfillment of a contract by the city government is.

There is no expansion of the program to be allowed. They will only be able to hold the line on the programs or, in fact, even have to cut back on those programs.

This is going to cut very heavily into the rehabilitation program. They are going to have to shift gears and instead of trying to create rehabilitation programs they will simply go about doing as they have done in the past. Men in overcrowded facilities are simply a breeding ground for more crime when they leave.

The Youth Center is presently 100-percent over capacity. The Women's Detention Center is 200-percent over capacity.

The District of Columbia Jail is 120 percent. Lorton is 30 percent.

By July 1973, our prison population will be 200 more than before July, 1971.

New facilities are needed. No budgeted program has been advanced for these additional needed facilities.

In every riot, overcrowding has been one of the primary factors. No serious disturbances in District correctional facilities have been experienced in the past several years, however.

This budget gives the District of Columbia a very shaky foundation on which to build.

I must say that the community corrections program has been working. It has been proven and it is in effect now. In fact, it has been working so well, that the District of Columbia wants to extend the program.

I can only ask, is it sensible to keep a couple of hundred more men in jail that the penal authorities have found are qualified to go in the halfway houses, to go into work situations, to get back on their own feet and see if they cannot rehabilitate themselves?

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[3] House of Representatives 91-907, *supra*, p. 34.

For the lack of money for this facility, they will be kept in jail. Is it cheaper to keep them in jail, or is it cheaper to have them outside providing there is a reasonable assurance that these men or women can be rehabilitated and will not go again into a life of crime?

The fact is that today we have many of them who will continue their advanced course in crime that they get in the institutions and prisons.

If we have a riot in the prisons of the District of Columbia, we take a chance that by depriving the District of Columbia government of these funds we would be substantially contributing to it by forcing overcrowded, unbearable conditions, the very kind of conditions that have caused men to throw all caution to the wind and say, "We will take the government of this prison in our own hands."

Then the riot ensues. We would be reversing every single thing that the penal authorities have been telling us from time to time over the years.

Mr. President, in conclusion I would say that it is clear that these cuts will be the most regressive type of action, from all that is known about prisons and prison reforms.

The Capital has a bad reputation for crime. It is watched more closely than almost any other single jurisdiction in the country. It is almost impossible of management and political control because of the backward relationships and the special relationship that we have had in Congress in trying to work closely with the District of Columbia government and encourage their forward steps in programs. Rather than every time they take a forward step to catch up with the times and have an advancement, which in the end can reduce their budgets, we say, "Oh, no. Do not try anything, because we will not give you the money for the new program. Just stay with the old programs which, in the end, are far more costly to society and to the District of Columbia budget."

I ask that very serious consideration be given by my chairman of the subcommittee to what I consider to be a modest amount to indicate that we hope we can go forward and that we do not agree or concur with the House in the decision they made in this particular area.

I would ask that we would take a forward step and back up the District of Columbia government. This amount will be to our advantage, and a larger program carried out by the Government will be an encouragement and not a stifling or a cutting off of the forward steps we have made.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. BYRD of West Virginia. Mr. President, what evidence can the Senator present that the program is working?

Mr. PERCY. Mr. President, only the statements made by the authorities in our correctional system in Washington. We are considered to have an able and progressive man heading this program. It is his considered judgment that the program that we have had now, that has embraced some 300 people, has worked. He now feels that it is of considerable significance. And he feels that this program can be now conscientiously and carefully extended to accommodate a total of 400 or 500 people.

He sees no answer other than to simply come back to Congress and ask for more money for more institutions to house more men and women if a program that he has proposed himself and that is good in his judgment is not adopted.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. PERCY. Mr. President, actually I can also say that the figures that have been published as to the District of Columbia crime rates show that it has been effectively carried out. The crime rate has been reduced during the period of experimentation with this particular program.

I have not specifically asked as to how many of those 300 people were women, or how many have had a recourse to crime or a return to prison.

I should have gotten that information. I will certainly get it.

I can only say that the District of Columbia government feels strongly that this program is a fine investment by Congress.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. PERCY. I yield.

Mr. BYRD of West Virginia. Mr. President, I do not presume to speak for the distinguished manager of the bill. He will speak for himself. And I am sure that when he speaks whatever he says will be based on a thorough knowledge of the situation and of the revenue problem.

May I say before I ask a question that the request for more money is the total answer to all problems, where in some situations it is probably the best solution. But I should think that the Senator ought to have asked more questions and to have assured himself beyond any degree of doubt that the program is working.

I am not so convinced by the evidence that the Senator has presented, and I am even less impressed by the statement of the District of Columbia officials as I have heard the Senator refer to them. I have heard those statements too many times to put much stock in them. What will this amendment cost? How much money is involved in the Senator's amendment?

Mr. PERCY. The money would be $1.63 million. This would be $1.5 million for the community corrections program, and $130,000 which would be to restore part of the personnel. They have asked for 78 people; they have only 26. These are correctional officers, parole officers, and others, who would supervise closely those men and women who have been rehabilitated out of the halfway houses.

Mr. BYRD of West Virginia. Where will the money come from?

Mr. PERCY. They will make absolutely certain that a close check is kept on them.

Mr. BYRD of West Virginia. I understand that, but where will the money come from? Will the Federal payment cover it? Will the District of Columbia revenues cover it? Or are we going to have an unbalanced bill here?

Mr. PERCY. No, there is no unbalanced bill by this additional amount. I have probably cut out certain other items that I feel can be justified, to stay well within the limitations of the revenue available to us in our budget.

As I understand it, there is no unbalanced budget by this additional amount. We have added roughly $11.5 million. We have used $9 million of it in the amendment that has been accepted on welfare. This would simply be then a total of $10,630,000—roughly $1 million under the revenue that is available.

Mr. INOUYE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I must once again oppose the amendment submitted by my able colleague for the following reasons: No. 1: this amendment calls for added expenditures of $1.63 million—$1,630,000. No other provision is made to increase the revenue.

Mr. President, if you recall, by earlier action we amended the bill before us so that Federal payments will amount to $179 million. All of us know here that the conferees, much as we would like them to do so, will not come out with this high figure. Now we are adding on $1,630,000 with no addition at all for increasing the Federal payment. It will mean if this amendment is passed that we will be presented for the first time with an unbalanced budget into conference. As manager of this bill I do not desire to set this precedent.

May I once again bring up this matter of estimates. The Department of Corrections early this year submitted a firm estimate as to their needs, and after we scrutinized these estimates, it was found that, for example, they underestimated the Federal reimbursement.

The Federal Government reimburses the District government whenever it houses Federal prisoners. The underestimation approximated $1.2 million, but we gave them the benefit of the doubt, and we just took away a half million dollars. More importantly, Mr. President, there are many of us, much as we favor prison reform, who question at this time the success of the work release program. Under this work release program, these prisoners are supposed to be in their homes at night and are not supposed to be running around the streets. After all, these men have been convicted by courts for the commission of crimes, and they are supposed to be at home at night. Police officers have found that a significant percentage of those under the jurisdiction of the Corrections Department are in violation of the regulations.

Mr. President, when we speak of the reduction in crime, we are playing the numbers game here, because if one studies the reduction in crime, he will find, for example, that rapes and murders have gone up. I do not see any reduction there.

If we are talking about reducing crimes involving less than $100 in value, one of our very enterprising newspapers in this District made a study not long ago where some of our reports have been slightly exaggerated or unexaggerated, so that reports would seem favorable so far as the reduction in crime is concerned.

Mr. President, I should hope that the Senate would go along with me. I wish to impress upon my colleagues that this committee has done whatever is possible. We have had our limitation on funds, and I think it is important that we not spend money that we do not have, and with this amendment we will be spending money that we just do not have. So I hope we will vote it down.

Finally, Mr. President, I desire to point out that this Congress has appropriated moneys to build what we hope will be the most modern prison complex in the United States. The District of Columbia will have its new prison. Money has been set aside for this, and the prison should be completed in about 4 years. Unfortunately, it will not be ready tomorrow.

For these reasons I hope the Senate will vote against the amendment.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield myself 2 minutes.

As I have reiterated many times, I do not wish to have an unbalanced budget. I have never had one in private life. I have never had one in business. I have never had one in any institution with which I have been engaged, except the Federal Government when I came here. We have had nothing but that, except 1 year, since I arrived. I do not desire to have that precedent ever established in a District of Columbia budget, and I thoroughly concur with our chairman in that respect.

I wish to ask the distinguished chairman if he would consider amending the amendment that I have offered to add $1.63 million to the Federal payments.

Mr. INOUYE. Mr. President, this would be a very simple thing to do, but in so doing we will not be honest with ourselves.

We will not be honest with the citizens of the city of Washington, and we will not be honest with the taxpayers of this Nation.

The House of Representatives reported a bill providing for $170 mililon in Federal payments—which, incidentally, was about $40 million more than was appropriated in a prior year. The Senate much more generously came forth with a bill providing for $181 million. They are in conference; it should be concluded by next Wednesday.

Mr. President, you know as well as I do that the conferees will not accept the Senate recommendation, as much as we would like them to. Knowing this, we would be less than honest by amending our bill so that we would add on $1,630,000 to the present $179 million that we have in the bill. I do not think that this is the way to do business.

Mr. PERCY. Mr. President, I yield myself 2 minutes.

Mr. INOUYE. If the Senator will permit me, I will make a proposal. This chairman is ready to have meetings and hearings, and I am certain that at the appropriate time the District officials, as they have always done, to my knowledge, will submit their supplemental requests. As I have said, we are going to be faced with a whopping one, which if pay raises are included will amount, in my estimation, to a minimum of $10 million. At that time I shall be very happy to listen to their request, listen to their full report as to the success of the work relief program, and consider it accordingly. But at this moment, from what I know and from what the facts are, I cannot in good conscience support the amendment.

Mr. PERCY. Mr. President, I think the suggestion of our chairman is a very reasonable one, and I concur with the comments made by our distinguished acting majority leader, who has an intimate, detailed knowledge of Washington, D.C. affairs, far beyond my own. I will defer to his general feeling that certain additional justification should be provided.

If we can have very early and full hearings and have the gentleman come before us and have him justify the proposal on a dollar and cents basis and on the basis of what it will do to crime in the District, I would feel that the justification would be warranted, and I hope the Mayor would find some way so he would not have to break contracts and interrupt the program in the meantime. I would think in a budget of this size he could give that assurance if he knew that very shortly we would have hearings and that there is a possibility for this item to be restored in a second supplemental.

On that basis I withdraw the amendment.

The PRESIDING OFFICER. The Senator withdraws the amendment.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Does the Senator from Hawaii yield back his time?

Do Senators yield back their time on the bill?

Mr. INOUYE. Mr. President, I yield back my time.

Mr. PERCY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Idaho (Mr. CHURCH), are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 433 Leg.]

YEAS—85

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bentsen
Bible
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams

NAYS—0

NOT VOTING—15

Baker
Bennett
Boggs
Brock
Brooke
Church
Cotton
Gambrell
Hartke
McClellan
McGovern
Mundt
Saxbe
Taft
Young

So the bill (H.R. 11932) was passed.

Mr. INOUYE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. INOUYE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. EAGLETON, Mr. PERCY, Mr. BOGGS, and Mr. YOUNG conferees on the part of the Senate.

TRIBUTE TO SENATOR INOUYE AND OTHERS ON PASSAGE OF THE DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I wish to pay tribute to the distinguished Senator from Hawaii (Mr. INOUYE) for the exemplary manner in which he has chaired the Appropriation's Subcommittee on the District of Columbia. Today's outstanding achievement—the passage of the funding measure for the District—tells only a part of the story.

Dan Inouye greeted the task of overseeing the funding of the District with an enormous degree of energy. To it, of course, he brought those talents and skills that have made him the truly outstanding public servant that he is. I commend Senator Inouye. I commend him first of all for already contributing immensely to the betterment of the District; for trimming away a great deal of fat in its budget and all in all for assisting in making the District a better place in which to live, a better place in which to work.

Today on the floor, Dan Inouye demonstrated just how thoroughly he has become familiar with the District, with its problems and with its needs. The Senate and the Nation and particularly the people of the District of Columbia owe him a deep debt of gratitude.

Joining Senator Inouye to assure the expeditious disposition of this important measure was the distinguished Senator from Illinois (Mr. Percy). His splendid cooperation and support assured the efficient and overwhelmingly favorable disposition of the measure. We are grateful.

Finally, the Senate is grateful to all those who joined the discussion. It should be amply clear from the consideration of this bill that the District can count many friends in the Senate; friends willing to devote great energy in behalf of the people who happen to work or reside in the Nation's Capital.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. Chiles). Pursuant to the previous order, the Chair now lays before the Senate S. 2574, with a time limitation of 2 hours. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Who yields time?

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. How is the time divided?

The PRESIDING OFFICER. The time is 2 hours, divided, 1 hour to each side, between the Senator from Wyoming (Mr. McGee) and the minority leader.

Mr. GRIFFIN. I thank the Chair.

Mr. McGEE. Mr. President, I am glad to yield at this point to the majority whip.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

THE SUPPLEMENTAL APPROPRIATIONS—A UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, if I may have the attention of the distinguished assistant Republican leader, at the direction of the majority leader, permit me to say that the effort has been made to bring up the supplemental appropriation bill at this time under a unanimous-consent agreement, so as to accommodate Senators with respect to voting during the afternoon.

The matter was cleared with the distinguished Senator from Wyoming (Mr. McGee), but the chairman of the Appropriations Committee cannot have the supplemental appropriation bill ready before an additional 2 hours, so we will have to proceed as was ordered last night.

However, I ask unanimous consent, with respect to the supplemental appropriation bill, that immediately upon the expiration of the 2 hours which have been ordered for a discussion on the voter registration bill, the Senate proceed to the consideration of H.R. 1195, the bill making supplemental appropriations for the fiscal year ending June 30, 1972; that there be a time limitation thereon of 30 minutes, to be equally divided between the distinguished ranking Republican member of the committee and the distinguished manager of the bill; that the time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such and the distinguished manager of the bill, with the exception of one amendment by the distinguished Senator from Massachusetts (Mr. Kennedy) and one amendment by the distinguished Senator from California (Mr. Tunney), on each of which there be 30 minutes, to be equally divided in the same fashion; that any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 20 minutes, to be equally divided in the same fashion.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. I yield.

Mr. GOLDWATER. What is this going to do to the timetable relative to the Supreme Court nominations?

Mr. BYRD of West Virginia. Mr. President, it would depend, of course, on how many amendments are offered to the supplemental appropriation bill. But with the time limitation thereon, I think we can be assured beyond reasonable doubt that the Senate will begin its debate on a Supreme Court nomination during the afternoon, possibly the late afternoon.

Mr. GOLDWATER. Mr. President, will the Senator yield further?

Mr. BYRD of West Virginia. I yield.

Mr. GOLDWATER. On the same subject—because many of us returned early this morning thinking that the nominations would be brought up—does the leadership see any possibility of ending the debate and having a vote on the two nominations sometime tomorrow?

Mr. BYRD of West Virginia. I see no possibility of having the vote on the nominations tomorrow.

Mr. GOLDWATER. Would the Senator be willing to make a guess as to when there might be a vote?

Mr. BYRD of West Virginia. No, I would not. May I say to the distinguished Senator, with the utmost respect, that I cannot answer the question; and those Senators who do have to present a case in opposition to the nomination or nominations would be in the best position to respond to the question. I am not sure that they would know, either, at this time. It will not be today, and it will not be tomorrow.

Mr. GOLDWATER. Will Senators be taking a risk in being absent tomorrow?

Mr. BYRD of West Virginia. The Senator might risk missing a vote on a conference report, but I do not think there is the danger of his missing a vote on a nomination tomorrow.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAYH. The Senator from West Virginia is absolutely honest in saying that he is not certain and suggesting that some of us who are deeply concerned about one of these nominations really could not give a specific date.

I think there could be no question—I can speak only for myself, of course—that so far as the Powell nomination is concerned, there would be little opposition. I know of no opposition, but there may be some. I think several of us would want to have a chance to explain our support in terms of some concern that has been expressed.

The Rehnquist nomination I think is going to take a bit longer—how much longer, I do not know. But as one person who is concerned, I would not want to have the vote set at a time without Senators having sufficient notice. In other words, there should be plenty of leeway so that Senators who have gone could get back.

Mr. GOLDWATER. Could the Senator give us any indication, from the knowledge he has of those opposed to Mr. Rehnquist, as to whether that might be Monday, Tuesday, Wednesday, Thursday, or someday?

Mr. BAYH. I think the latter—"someday" would be the best way to describe it. [Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Visitors in the galleries will keep in mind that they are guests of the Senate.

Mr. BAYH. I do not want anyone to misinterpret that. I do not intend to participate in any filibuster. We have a rather important decision to make. The arguments that some of us feel can be made persuasively against the nominee cannot be made in one-paragraph statements. It takes a rather well thought-out and well-presented argument, and we feel that we have an obligation to make this presentation. I am sure the other Members of the Senate will respect this feeling of obligation.

Mr. BYRD of West Virginia. Mr. President, I discussed this matter yesterday with the distinguished Senator from Indiana (Mr. Bayh), and I asked him at that time if it might be possible at some point to determine a date and an hour at which a vote could be had on a confirmation or on the two confirmations, so that all Senators would be on notice; because I am sure that all Senators will want to vote on these nominations.

The distinguished Senator indicated that he would hope that that could be done, but that he was not in a position as of yesterday to suggest it. Whereupon I asked whether or not we would be likely to have a vote today, and he said he did not think so; I asked whether or not we would be likely to have a vote tomorrow, and he said he did not think so. I did not press the matter beyond that point.

The Senator indicated to me that he had no intention of unduly delaying the Senate, but he did want to present his case. He has a right to do that, and to take whatever time he thinks is justified in doing it.

I feel that the Senator and others who oppose the nominations will at some appropriate point cooperate with the leadership, as they always have, in attempting to determine a date and an hour, so that all Senators can be notified at least 24 hours in advance of such votes.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. PASTORE. We have been here for a long, long time, with arduous sessions day and night. Now we are almost within the octave of Christmas. I hope we are going to be able to go home for Christmas. I do not yet know how I am going to vote on the nomination of Mr. Rehnquist, and I desire to hear an adequate debate. But I have been here long enough to know that the complete story can be recorded either the short way or the long way. I trust we are told the whole story the short way, so that, hopefully, perhaps by next Saturday we can return to our families. I think that would help us all. I think it would help the case of the proponents and of the opponents as well, if there would be a little consideration for the convenience, accommodation and comfort of all Members of the Senate.

I am not being critical of anyone. I am not asking anybody to rush his case. But I have been here long enough to know that it can take a long time to say the same thing that could be covered in a short time. I hope we use the shortcut rather than the long way. Brevity is the soul of worth as well as wit.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I want to focus on the pending request, which goes to the supplemental appropriation bill. As I understand, the Senator asked for a limitation of 1 hour on all amendments except two. Is that right?

Mr. BYRD of West Virginia. Except two. The distinguished Senator from California has two amendments, but on one he would be willing to cut the time in half, and so would the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. GRIFFIN. Yesterday, when I was checking this out, the senior Senator from New York (Mr. JAVITS) indicated that he thought an hour ought to be allocated, particularly when we did not know what the amendments might be about. I wonder whether we could have some indication of what the amendments are about.

Mr. BYRD of West Virginia. Mr. President, I revise my request to allow 1 hour on all amendments in the first degree. The Senators, of course, can yield time back.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, will the Senator yield?

My BYRD of West Virginia. I yield.

Mr. ERVIN. As I understand, the bill S. 2574 is to be debated for 2 hours.

Mr. BYRD of West Virginia. Yes.

Mr. ERVIN. I understand that there is no limitation on the time for voting and no limitation upon any amendments to that bill, and no limitation upon the time which could be devoted to a motion to commit it to some committee having jurisdiction.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. ERVIN. I thank the Senator.

Mr. SPARKMAN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McGEE. I yield, on the "company's" time.

SUBSTITUTION OF SENATOR ROTH FOR SENATOR BENNETT AS A CONFEREE ON H.R. 9961

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the junior Senator from Delaware (Mr. ROTH) be substituted for the Senator from Utah (Mr. BENNETT) as a conferee on the bill H.R. 9961, to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

The distinguished Senator from Utah (Mr. BENNETT), as we all know, is in the hospital recovering from surgery.

The PRESIDING OFFICER (Mr. CHILES). Without objection it is so ordered.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. BAYH. Mr. President, will the distinguished Senator from Wyoming yield to me briefly?

Mr. McGEE. I yield, on the "company's" time.

Mr. BYRD of West Virginia. Mr. President, would it not be a reasonable request to ask that this time being taken be equally divided between both sides?

Mr. McGEE. I would object to that. We have an agreement of 2 hours on this. I thought the Senator was referring to the yielding that we are doing here, but we are not talking about the subject matter we are here to discuss.

Mr. BYRD of West Virginia. All I am trying to do is to keep it all from coming out of the Senator's time.

Mr. McGEE. I do not want even half of it to come out of my time. I am objecting to the yielding on my time. That is the point. We tried to accommodate everybody on this. We tried to shift our position and advanced it to a later time of the day in order to move another bill. Now that that has been reversed by other decisions, I would like not to yield on our time.

The PRESIDING OFFICER (Mr. KENNEDY). Is it the position of the Senator from Wyoming that the 7 minutes which have transpired have been charged to the Senator from Wyoming? The Chair understands, from the request of the Senator from West Virginia that the 7 minutes would be divided equally between both sides. That would be 3½ minutes to each side. That was the unanimous consent request of the Senator from West Virginia. The Chair wants to know if objection has been filed by the Senator from Wyoming to that unanimous-consent request.

Mr. McGEE. In trying to be more than fair, I have yielded time in the interest of facilitating the business of the Senate and not in debating this particular issue on which we have an agreement. I want to record my objection to the deduction of 7 minutes from the time in which we were to be discussing another matter. It is customary in this body for that to be done.

The PRESIDING OFFICER. Is the Senator from Wyoming requesting that this 7 minutes not be charged to either side?

Mr. McGEE. In the spirit of expediting the business of the Senate and hoping we could get some kind of reciprocal——

The PRESIDING OFFICER. Is the Senator from Wyoming requesting that the 7 minutes not be charged to either side?

Mr. GRIFFIN. Mr. President, I object to the request but I ask unanimous consent that the 7 minutes be taken out of the time allotted to this side.

Mr. GOLDWATER. Mr. President, reserving the right to object, I should like to ask a question. There are six amendments being proposed by the distinguished Senator from North Carolina. I have two amendments. That is eight amendments. How much time are we allowed on each amendment?

The PRESIDING OFFICER. There is no specific time on amendments. Two hours total.

Mr. GOLDWATER. Two hours total, with no time limitation on amendments?

The PRESIDING OFFICER. There is no time limitation on amendments. Two hours total.

Mr. SCOTT. Mr. President, will someone yield me 1 minute——

Mr. BAYH. Mr. President, has the unanimous-consent request been objected to?

The PRESIDING OFFICER (Mr. KENNEDY). Is there objection to the request of the Senator from Michigan (Mr. GRIFFIN) that the time be charged to the minority leader?

Mr. BAYH. Mr. President, reserving the right to object, and I shall not object, I do not want to impose upon my good friend from Wyoming. The reason the Senator from Indiana rose earlier was not to take time away from his friend from Wyoming, but rather to try to put in perspective where we are going on future business. The very matter, the very issue which confronts us now, it seems to me, points up the inequities of the situation which existed. The measure being sponsored by the Senator from Wyoming and other Members of this body is an important piece of legislation. We have been allotted on this matter 2 hours of time and then we are no longer going to be able to consider it.

I hope that when the time comes to discuss the Supreme Court nominations perhaps we will also look to a time limitation. That will be controversial, and perhaps it can be treated in the same way, so that we can put it off and follow the leadership of the Senator from Rhode Island and go home with our families.

The PRESIDING OFFICER. Is there objection to the request of the minority leader? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, will someone yield me 1 minute?

Mr. McGEE. May I ask on whose time?

Mr. SCOTT. On my time.

Mr. McGEE. Yes, I yield 1 minute to the Senator on his time.

Mr. SCOTT. Mr. President, we have had so much controversy about 7 minutes that I suggest further controversy be deferred and that Senators read the book on that subject.

Mr. PASTORE. I do not get it. [Laughter.]

Mr. McGEE. I would be content if Senators would take 7 minutes to read the report from the committee on S. 2524 because it says almost everything on this matter that we are deliberating now.

The committee addressed itself to the simple problem of trying——

The PRESIDING OFFICER. The Senate will please be in order.

Mr. McGEE. Mr. President, on whose time?

The PRESIDING OFFICER. On the time of the Senator from Wyoming.

Mr. McGEE. We are being called to order on my time?

The PRESIDING OFFICER. That is correct, so that the Senator can be heard.

Mr. McGEE. I thank the Chair. Now, if I may proceed, hopefully, with a minimum of delay—we address ourselves to this task for the purpose of removing the obstacles, the inequities and the contradictions in the registering of voters. We are following through from the effects of the Voting Rights Act of 1970 which said in regard to Federal elections, involving the President of the United States and the Vice President, that the limitations of any State on residence would be placed at 30 days. We observe that limitation and merely suggest in the pending legislation that it apply to Federal elections, to the Senate and Members of the House of Representatives. We do this for the simple reason, after very lengthy testimony from all segments involved in our society, that there are still almost 50 million Americans who otherwise would have been eligible to vote and did not vote. Of that 50 million, some, perhaps, never would vote. There are always people like that.

Among those, there were those, however, several millions, who were disqualified from voting because of complicated or involved registration requirements among the different States. With the mobility of our people, with the changing of residences, with the unquestioned importance of all people wherever they may be living in the United States being able to vote on Federal office holders, we have sought some formula for achieving this end, and that formula we have drafted in the form of the pending legislation.

This bill would simply permit the Census Bureau which in its testimony it agreed it can handle, to absorb a national voter registration operation in which, through the facilities of the Bureau, they would mail out the necessary registration information and material to all households in the United States, and the householder in examining that material with its options and its instructions on it would send in a postcard to his local authority, the county clerk in most cases, or whatever other local registration authority prevails in the several States.

We do not tamper with the local responsibility. That card, when received by the local authority and the signature of the individual would be examined by the county clerk who will determine whether, in his judgment, this is indeed a legitimate person and, at that point, he returns the accompanying post card, the first one, to the prospective registrant, affirming that he is, indeed, registered for Federal elections only—President, Vice President, Senator and Member of Congress. If the local county clerk makes his own determination that this may be a phony, or there is reason to suspect some kind of illegal operation, he is entitled so to inform the would-be registrant.

There are two courses open. Either the local authorities can deny the registration, and the name does not appear on their own rolls, or if there is larger evidence of some massive tampering with the process, they can request that the Federal agency involved assist them in verifying or disallowing the charge.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. In my State, in order to guarantee the sanctity of the ballot, there has to be identification of the voter. As a matter of fact, when one goes to the polls in my State, after having registered at the proper place, whether it be the city hall, the town hall, or whatever the place might be, he signs his name and gives his address. When he goes to the polls, the officials have that information on hand, and the voter signs another form with his name and address, and that is compared with the previous information. How would the Senator provide for that in the particular case he is describing?

Mr. McGEE. The same voter information is supplied on the postcard, and that is mailed to the polling place.

Mr. PASTORE. I understand; but if the person is obliged only to send in a postcard to the registrar, how will his signature get on the record? Will the postcard precede him to the polling place? That is what I want to know.

Mr. McGEE. The local official has an option in handling that. The State's procedures are not changed.

Mr. PASTORE. I would assume that in the particular case which the Senator is describing the card would have to be on hand at the polling place.

Mr. McGEE. That is correct.

Mr. PASTORE. Once it is certified.

Mr. McGEE. Yes. We do not propose to change any of the State's procedures.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McGEE. I would prefer not to yield until I have finished my presentation.

Mr. ERVIN. I should like to ask the Senator how he would reconcile——

Mr. McGEE. May I reply to the Senator on the opposition's time? Would that be helpful? A number of Senators want to say something on this subject, and I am trying to protect their right to have something to say.

Mr. GRIFFIN. Mr. President, how much time would the Senator from North Carolina desire?

Mr. ERVIN. One minute.

Mr. GRIFFIN. Mr. President, I yield 1 minute to the Senator from North Carolina.

Mr. ERVIN. I refer to page 19, section 407, which provides as follows:

> § 407. Prevention of fraudulent registration
>
> (a) Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration. The Administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

Under that, the local officials would have no authority whatever to check on that situation. They would have nothing but the self-serving declaration of the person who wanted to register and vote by mail.

Mr. McGEE. The State procedures would prevail only if some particular aspect developed to which the State did not feel it could address itself to. Then it may appeal to the agency for assistance in that regard, but only then. It would be anticipated that this would occur only in extreme cases, and the action would be initiated by the State itself, not by the agency.

The ultimate cooperative formula for setting up the process would be to have the U.S. Government agree to pay the costs of processing the volume of cards that would be returned. In the initial effort the United States would pay up to 15 percent if a State adopted a card system for registration instead of whatever system prevailed at the particular time in the State.

Finally, the United States would agree to pay up to 30 percent of the costs if the State adopted these standards for voter qualifications.

There is a simple proposal that residence be limited to 30 days and that the polls for registration may not be closed earlier than 30 days before the election. Those are the simple attributes of the mailing.

The real substance is we believe very strongly that we ought to remove the technical or contradictory barriers for people to vote.

The opportunity to vote, in terms of residence, is a key to our survival as a free society, and this is a system which can be held up to the rest of the world to examine.

This proposal would not inquire how one is going to vote. I gather from the dialog I have heard earlier that there are those who are afraid that others will learn how they voted. We do not concern ourselves about that.

We are concerned only with providing the opportunity to register to vote. Whether the person will vote or not is something we cannot determine.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. I regret very much that I am interrupting the Senator from Wyoming, but I hope he will believe that I am trying to be constructive.

My State has voting machines which contain the names of all the candidates. The election for Governor occurs every 2 years. Naturally, every time we have a Federal election, we have a State election. Some cities have off year elections, and the candidates are nonpartisan, so there is no difficulty about that. But the election for Governor occurs every 2 years. Elections for State offices are held every 2 years. Elections for the general assembly are every 2 years; for the U.S. House of Representatives, every 2 years; for President and Vice President, every 4 years; and for U.S. Senator every 6 years.

Ordinarily—and I think it is the general rule—all the names appear on the face of the voting machine.

The question I raise is, Will this act become effective on its passage? In other words, is it intended by the bill to affect the 1972 election?

Mr. McGEE. If the provisions of the act say it becomes effective upon enactment.

Mr. PASTORE. They become effective upon enactment?

Mr. McGEE. The Senator is correct.

Mr. PASTORE. Therefore, if this legislation is enacted some time in the early part of next year, is it fair for me to assume that the State can look forward to some sort of subsidy to adjust to it?

Mr. McGEE. If they choose that route, yes.

Mr. PASTORE. Does the Senator feel that by the middle of 1972 the States can achieve uniformity so that a person who goes to the polls to vote for a Federal office can also vote for a State office? Otherwise, we will have an absurd situation if a person is qualified to vote for the President, but not for the Governor, since he is not registered under State law.

Mr. McGEE. The Senator is correct. We had a secretary of state testify before us. We also had Census Bureau officials and they agreed it might impose a burden the first time around, they still could handle it, and that it would not ground the system. Many were fearful that if they wanted it, manpowerwise the Federal Government would have to help supply assistance to prevent an inundation.

Mr. PASTORE. Mr. President, there is a National Association of Secretaries of State. Were the representatives of that organization before the committee?

Mr. McGEE. The secretary of state of Oregon testified. All the others were informed of it, and the opportunity was extended in the announcement of the hearings.

The secretary of state of Oregon volunteered to accept the notification of hearing and responded.

Mr. PASTORE. Mr. President, did the Senator hear from the secretary of state of Rhode Island?

Mr. McGEE. I do not recall that we did.

Mr. PASTORE. I would like to know that fact at some juncture, because I would like to go into the matter. The prospect disturbs me quite frankly. I agree with the objective, because we ought to facilitate as far as possible the opportunity for people to vote. Our Government operates by a democratic process—a government of the people, by the people, and for the people—and people ought to have every opportunity to vote.

We have one policy for the Federal Government and one for the State government. I wonder how the mechanisms will mesh so that we will have uniformity. Otherwise, very frankly, this will be a mess on election day if someone qualifies to vote for a Federal office, but does not qualify to vote for a State office.

Mr. McGEE. We already have a statute on the books, and this bill would simply add these two Federal offices to it.

Mr. KENNEDY. Mr. President, I am pleased to give my strong support to S. 2574, the National Voter Registration Act of 1971, which is designed to bring comprehensive and far-reaching reform to the crisis in voter registration we have known for so long.

The bill before the Senate contains five principal provisions:

First, it will establish a simple post card system for voter registration in all Federal elections throughout the Nation. Any qualified applicant would be able to register to vote in Federal elections merely by filling out a post card form that would be returned to the local registration office. At a single stroke, this provision will eliminate much of the complexity and inconvenience that currently plague the voter registration procedures in virtually every State.

Second, the bill will establish a period of 30-day residence prior to an election as the maximum residence qualification that may be imposed for voting in Federal elections. The bill would thus extend to voters in elections for Senators and Representatives the same residency requirement which title II of the Voting Rights Act of 1970 applies to voters in presidential elections. If adopted, this provision would reduce the impact of burdensome residence requirements, which operate now to disfranchise millions of mobile Americans who change their residence every year.

Third, the bill will require State and local registration officials to permit a qualified applicant to register to vote in all Federal elections up to 30 days prior to such elections, thereby maximizing the opportunities for eligible voters to participate in the election process.

Fourth, the bill will establish a National Voter Registration Administration within the Census Bureau, whose functions will be to administer the new Federal program, to assist State and local officials in carrying out the program, and to compile and publish voting information and statistics.

Fifth, the bill will provide specific financial incentives to encourage the State and local governments to accept the post card form for registration in non-Federal elections, and to reduce residence requirements for voting in such elections.

In recent years significant strides have been made in extending the franchise to those who have been denied the most fundamental right of all in a democratic society—the right to vote. The adoption of the 26th amendment to the Constitution, which lowered the voting age to 18 for all Federal, State, and local elections, is the most recent milestone in this respect. The decades of the fifties and sixties witnessed landmark legislation enacted by Congress to protect the franchise against the burden of racial discrimination. The Voting Rights Acts of 1965 and 1970 are the high watermark of these efforts to bring equal justice to the exercise of the franchise by all our citizens.

Although these achievements have done much to improve the quality of elections in the Nation, we cannot afford to rest on our laurels. The next great barrier we must overcome is the pervasive and insidious effect of existing voter registration systems that silence millions of eligible voters in State after State across the country. Indeed, the impact of recent legislation to expand and protect the right to vote has often been diluted by registration systems that present unfair and unnecessary hurdles to the exercise of the franchise in every election—Federal, State, or local.

It was in this context that the Senate Post Office and Civil Service Committee conducted hearings to consider a number of alternative legislative proposals, including a bill of my own, to reform voter registration in Federal elections. The pending legislation is the product of the committee's exhaustive and comprehensive hearings. It presents a sound and thoroughly reasonable approach to the reform we need. It deserves the unqualified support of every Member of Congress concerned about this contemporary blight on our democracy.

The need for this legislation has been generously documented by numerous studies on the discriminatory effects of present voter registration systems, by statements made in this Chamber over many years, and by the eloquent testimony presented before the Post Office and Civil Service Committee. The hearing of these analyses is the finding that existing voter registration systems present an enormous and anachronistic impediment to the citizen's exercise of the franchise. It is clear beyond any reasonable doubt that the benefits of continued reliance on the present registration systems do not warrant the costs imposed by the resulting limitations on the citizen's right to vote. The message is clear: Reform is essential if our elections are to truly reflect the voice and the will of the people.

The historical explanations of our present plight in no way justify our failure to act. The origin of most voter registration systems came near the end of the 19th century. In large part, the development of such systems represented legitimate concerns of the State, such as a desire to prevent fraudulent and multiple voting. To some extent, however, the origin and perpetration of voter registration systems reflected more sinister purposes, such as the guarantee of political power in major cities of the Nation at the turn of the century, and the disfranchisement of black voters or other minorities. Indeed, the hearings on the 1965 and 1970 Voting Rights Acts, for instance, demonstrated that registration was often a guise to perpetrate and perpetuate racial discrimination by State officials.

Regardless of the reasons which motivated the adoption of these registration systems, their impact in reducing voter participation today is indisputable. It is no coincidence that in 1896, when States first began to adopt voter registration systems, approximately 80 percent of the Nation's eligible voters cast a ballot in the presidential election, whereas in 1924, after the last State had adopted a restrictive registration system, only 48 percent of the Nation's voters went to the polls. Nor is it any coincidence that between 1840 and 1900, when there were virtually no registration requirements, an average of 77 percent of the electorate participated in presidential elections, whereas the average participation since 1900, after the adoption of registration systems, has been approximately 60 percent.

In light of these depressing figures, it is fair to say that voter registration is perhaps the only area of American life in which the Nation was better off in the 19th century than it is today.

The persistence of these trends throughout the 20th century demonstrates that they are not a passing aberration but a deep-seated cancer in our existing political system. In 1960, for example, only 64 percent of the Nation's eligible voters cast ballots in the presidential election. Contrary to the views of many at the time—views that are echoed even today—the absence of millions of voters from the polls in that election did not reflect basic indifference by the people toward the exercise of the franchise. An extensive study of voting behavior in 104 cities in that election concluded, instead, that registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered. According to the study, 80 percent of those who failed to vote in 1960 were disfranchised by the burden of existing registration requirements.

In 1968, the pattern was no different. Only 61 percent of the Nation's eligible voters cast their ballots in the presidential election. Of the 120 million citizens of voting age, only 73 million went to the polls. Forty-seven million stayed home, at a time when President Nixon was winning the election with only 31 million votes. The significance of these lost voters is enormous. The impact can be appreciated most clearly when it is realized that for every vote separating the two major candidates in 1968, 150 citizens did not vote.

On the other hand, the discrepancy also underscored the obvious burden of registration systems: 72 percent of the 47 million who did not vote were not registered. But, of the 82 million voters who were registered, 89 percent cast ballots. The significance of this point is also clear. Americans who are registered are Americans who vote, and the way to improve the record of political participation in the Nation is to improve the methods by which we enable citizens to vote.

In this context, it is no surprise that subsequent studies have concluded that the most significant deterrent to the exercise of the franchise in 1968 was the registration requirement. On the basis of a survey conducted in December 1969, for example, Dr. George Gallup found that registration requirements, rather than lack of interest, explained the minimal voter turnout. Similarly, the Freedom to Vote Task Force, established by the Democratic National Committee in 1969 and chaired by former Attorney General Ramsey Clark, found that registration systems posed the most serious single impediment to full participation in the Nation's elections.

As in many other situations, the burdens of these complex and capricious registration systems weigh especially heavily on the disadvantaged groups within our society.

Only 66 percent of the Nation's black citizens were registered in 1968, for example, while the figure was 76 percent for the white population.

Only 53 percent of those in families with incomes of less than $3,000 were registered in 1968, while 82 percent of those in families with incomes between $10,000 and $15,000 were registered.

Only 69 percent of the Nation's manual workers were registered to vote, while 83 percent of the Nation's white-collar workers weer registered.

Only 49 percent of those with a formal education of 1 to 4 years were registered in 1968, while 87 percent of those with a college degree were registered.

Clearly, on the basis of these statistics, the burden of our present registration system falls most unfairly on the poor, the black, the less educated, and the blue-collar workers.

But these are not the only citizens in our society who bear the burden of existing registration requirements. Those in more privileged positions are not immune from the systems' defects. The inconvenience of traveling to the country courthouse during business hours to register in person often proves too time consuming for the busy doctor, lawyer, or business leader. Time and again, successful young executives in our mobile society are disenfranchised by residence requirements designed to meet the needs of another era. Similarly, the complexity of many registration forms is often sufficient to discourage even those who have both the determination and the intelligence required to fill out the form.

Many other circumstances often operate to preclude a citizen from exercising his right to vote. It is noteworthy, for example, that 12 States require reregistration if a citizen fails to vote at least once in 4 years, while 23 other States require reregistration if a citizen fails to vote once in 2 years. The plight of the absentee voter is no better. Forty-eight States disenfranchise or effectively impair the ability of citizens to vote by absentee ballot.

In the last analysis, the webs spun by existing voter registration systems ensnare not only the poor, the uneducated and the racial minorities. They trap us all. Rarely, I think, has a movement for reform so clearly cut across social and economic lines. The reform we seek will benefit us all, of whatever political affiliation or geographic region.

Thus, the defects of the present system are not confined to any one region within the country. Although the scope of a registration system's adverse effects may be shaped to some extent by the circumstances and practices prevailing in a particular State, the effects are largely the same throughout the East, West, North, and South. Even the most cursory examination of the evidence received in the hearings conducted by the Post Office Committee amply testifies to the quirks and obstacles that plague our voter registration system:

In a calculated attempt to discourage registration, local registrars in Cambridge, in my own State of Massachusetts, asked young citizens enfranchised by the 26th amendment, but not other applicants, if they were employed locally.

In Missouri, rural counties of less than 50,000 population have no registration requirements and, as a result, the voter turnout in elections in those counties is consistently 10–15 percent higher than the voter turnout in urban counties, which do have registration requirements.

In Mississippi, newspaper reports and other studies have consistently documented the fears of black citizens that registering to vote will result in reprisals from whites within the State and local governments. Racial discrimination is not the only defect that characterizes Mississippi's voter registration system. That State also closes its registration books 120 days prior to elections. Consequently, this year, registration closed on July 2—2 days after the 26th amendment was adopted and before thousands of young people could register to take advantage of their new right.

In Nashville, Tenn., in 1970, eligible voters had to travel to distant county court houses or to a limited number of supplemental registration sites between the hours of 9 a.m. and 4 p.m. Such restrictions were a severe handicap to many businessmen, housewives, and others who schedules did not allow them the time to make the necessary trip, especially during those hours.

In New York City, a major effort to register voters prior to the 1969 mayoral race succeeded in adding only 70,000 voters to the rolls, or 3 percent of the total voting age population. In the end, only 35 percent of New York City's voters were registered. Today more than 2 million of New York City's eligible voters remain unregistered.

In Boulder, Colo., individuals seeking to apprise young citizens of their rights under the 26th amendment were ejected from registration lines even though those individuals dispensing information were not engaging in partisan campaign activities.

In Oregon, which has the third most lenient registration requirement in the country, the bureaucratic hurdles were still sufficiently large to preclude approximately 20 percent of the voting age population from registering. On this basis, Mr. Clay Myers, a Republican who has served as Oregon's Secretary of State for more than 6 years and who has the responsibility for supervising Oregon's voter registration system, testified in the hearings that most State election laws are so complex that they defy both good administration and fair enforcement. The laws, he said, are so overburdened with protection that, in effect, they no longer serve the electorate. Mr. Myers also emphasized that existing voter registration systems discriminate against our rural electorate nationally, because of the inaccessibility of registration facilities in many States.

In Inverness, Fla., a city attorney refused to register young voters because he believed the 26th amendment was invalid. A witness at the committee hearings testified that the attorney then added, "Besides, nobody told me I had to register them."

In Wyoming, the inaccessibility of registration facilities substantially accounted for the fact that 37 percent of that State's largely rural population did not register in 1968, although 89.1 percent of those who did register cast ballots.

Until this year, the voter registration books in Texas closed 9 months prior to the election. This system effectively disenfranchised more than a million otherwise eligible voters, and helps to explain the fact that only 44 percent of Texas voting age population cast ballots in the 1968 Presidential election. Earlier this year, a Federal district court held that the requirement was unconstitutional, as a denial of the equal protection of the laws. In its decision, the District Court noted a study which determined that for every additional month the registration books remained open, an additional 2.7 percent of Texas voting age population would be registered.

In Chicago, the inconveniences of registering are made manifest by a requirement that, except for 2 days, a voter must register in person in a county courthouse downtown. A labor union official testified that this requirement disenfranchised thousands of workers who could not leave their jobs. The defects of Illinois' voter registration systems are not confined to Chicago, however. In McLean County, Ill., for example, a student must be married and employed locally before he can register. In other parts of the State, young people enfranchised by the 26th amendment are asked if they own property, as a means of determining an intent to reside in the particular locale.

In South Dakota, a citizen must be a resident of the county for 5 years before he can register.

During different periods in the last century, Idaho refused to register persons who fell into one or another category of bad moral character—as well as citizens who taught that State laws are not supreme, or those of Chinese or Mongolian descent. More recently, Idaho has instituted reforms in its registration system and the results are instructive. In 1968, for example, Idaho closed its registration books only 2 days prior to the election; as a result, 72 percent of the voting age population cast their ballots. The significance of this reform is suggested by a comparison with other States with more severe restrictions. In Mississippi, for instance, where registration closed 4 months prior to the election, 50 percent of the population turned out in the 1968 presidential election, and only 33 percent in 1964. In Arizona, where registration closes 7 weeks prior to elections, only 51 percent of the electorate voted in the 1968 presidential election and only 55 percent voted in the 1964 presidential election.

These few examples merely touch the periphery of the problem that confronts us. But they do demonstrate the inequities and injustices which pervade our existing voter registration system. The problem is nationwide, and the most appropriate remedy is national legislation such as S. 2574.

Nor should there be any concern that adoption of S. 2574 will result in the electoral frauds which in part inspired the first voter registration laws. The bill contains ample antifraud provisions to prevent abuse of the postcard system. It preserves the virtue of the theory of registration, but it eliminates many of the worst features in its present practice.

Although no one suggests that we simply abolish all requirements of voter registration for the Nation, the experience of North Dakota is enlightening with respect to the reality of the danger of modern fraud. In 1951, North Dakota abolished its statewide voter registration system. Although towns with a population of more than 1,500 were permitted to adopt local registration systems, none has yet accepted this invitation from the State. Since 1951, approximately 70 percent of North Dakota's electorate has voted in presidential elections. There is no evidence of any fraud being perpetrated because of the absence of a voter registration system. Indeed, the Post Office Committee received specific testimony on a detailed study of North Dakota elections, which concluded that the extent of electoral fraud in North Dakota since 1951 has been negligible. The same conclusion was drawn on the experience of other States, such as California, Idaho and South Carolina, which have experimented with universal enrollment programs. Indeed, there was testimony in the hearings that the incidence of election fraud is greatest in those States which have the most complicated registration systems.

The import of these comparisons is clear. Whatever the circumstances at the turn of the century when voter registration systems were first adopted, these systems no longer protect the public from the dangers of fraudulent election returns today. Instead, existing voter registration systems now serve mainly to exclude millions of otherwise eligible and interested voters from expressing their political preferences at the polls.

The fraud we have to fear today is not the sort of individual fraud that registration itself can prevent. The real fraud we have to fear is the so-called "institutional fraud"—fraud carried out with connivance or acquiescence of local officials at the polling places on election day. That is a problem that will exist whether or not we enact S. 2574, and no serious contention can be made that the pending bill will contribute in any substantial way to that or any other kind of fraud.

It should also be emphasized that adoption of S. 2574 will not impinge upon the States' constitutional power to determine voter qualifications. Apart from the modest changes in residence requirements which is well within the constitutional power of Congress, the States will continue to decide whether a citizen is a resident of the particular State. No Federal official will be authorized to interfere with State registration procedures, unless the State explicitly requests the assistance of the National Voter Registration Administration. In the end, the State will remain the master of its own house, and the political process in America will be the richer.

For decades we have tolerated voter registration systems that unduly encumber and restrict the right to vote. Ostensibly designed to protect the integrity of elections, their primary impact has been to undermine the ability of citizens to exercise the franchise. Since the right to vote is at the core of all other rights in our society, the harm these registration requirements have done to our democracy is incalculable. Their prolongation in modern American life is an insult to our democracy and, in a very real sense, a national tragedy that extends beyond any possible politics of the moment.

The tragedies of the past are lessons to learn from, rather than standards to to live by. We have the opportunity to achieve real reform in this long neglected area of our political life. Perhaps in the wake of the bitter partisan passions unleashed by the debate over the campaign fund amendment, it is asking too much for the Senate now to lay aside narrow considerations of partisan political advantage. But I hope we can rise to the occasion, and enact this legislation in the bipartisan spirit we ought to share as we extend the right to vote to millions of our fellow citizens.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point two earlier statements I have made on this subject—the testimony I presented on October 5, 1971, at the hearings by the Post Office Committee, and my Senate floor statement when I introduced my registration bill, S. 2457, on August 5, 1971.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDWARD M. KENNEDY ON HEARING ON VOTER REGISTRATION BEFORE SENATE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, OCTOBER 5, 1971

Mr. Chairman, I am pleased to have the opportunity to appear this morning before your distinguished Committee to testify at these important hearings on the subject of voter registration. Although I am here primarily on behalf of S. 2457, the registration bill that I introduced last month, I am pleased to note, Mr. Chairman, that a wide variety of other proposals are also pending before the committee, including your own significant legislation. The wealth of proposals before you is strong evidence of the urgent need for action at the federal level, and I commend you, Mr. Chairman, for the skill and attention you are bringing to this long-neglected area.

For a nation that likes to call itself the greatest democracy in the history of the world, the present system of voter registration in America is a national scandal. Incredible as it may seem, of all the basic rights that Americans hold dear, the way we exercise the right to vote is the one we have neglected most.

For generations, universal suffrage has been our goal. Time and again, we have fought to extend the franchise, in order to insure that every citizen has the right to share in the political life of the nation through participation at the polls. The route we have travelled since the Civil War is marked with milestones testifying to the steady progress that we and those who came before us have made to broaden our democracy.

You know the steps as well as I—the many historic amendments to the Constitution, culminating most recently in the reduction of the voting age of 18, thereby opening up the franchise to millions of new voters; the dramatic reapportionment and other decisions of the Supreme Court; and the landmark legislation passed by Congress in the area of civil rights and voting rights in the decade of the fifties and the decade of the sixties.

But after every milestone, we always rested on our laurels. We left the job half done. We failed to take any steps at all to insure that the rights we wrote into the Constitution and the statute book could be exercised in fact, instead of just celebrated in theory. For millions of Americans, the right to vote they had newly won was a thing they could admire, but never use. And registration was the villain. For generations—indeed, throughout the twentieth century—every American who sought to exercise his right to vote has had to run the gauntlet of arbitrary, unfair and obsolete requirements of voter registration. Confronted by such requirements, millions of potential voters fell by the wayside at each election, and millions more refused to even try.

And when I say millions, I mean millions. Take the figures for Presidential elections, the elections in which Americans traditionally have the strongest incentive to participate. In the election of 1960, 39 million Americans failed to vote. In 1964, the figure rose to 43 million. In 1968, it rose to 47 million. By 1972, if the trend continues, there will be 56 million Americans who do not vote.

If any single figure has come to symbolize the crisis of voter turnout in America, it is the figure for 1968. Of the 120 million potential votes in the presidential election that year, only 73 million—or 61%—actually went to the polls. Forty-seven million people stayed home, at a time when President Nixon was winning with only 31 million votes. Forty-seven million people stayed home, and yet the margin that separated Mr. Nixon from Mr. Humphrey was less than a million votes.

Just as a few years ago, the 155 wealthy citizens who paid no taxes became the symbol of the taxpayers' revolt and launched the movement that led to the Tax Reform Act of 1969, so I believe the 47 million lost voters who stayed home in 1968 have become the symbol of a voters' revolt that will demand an end to the unconscionable practices of voter registration that operate today to keep so many citizens from the polls.

The voting record of America becomes even more dismal when we compare it to the record of other Western democracies. A year ago in Britain, 72% of the eligible voters went to the polls, and yet they called it one of the lowest turnouts in British history. In the most recent elections in other European nations, the turnout has been even higher—75% in Ireland, 76% in Canada, 80% in France, 87% in West Germany, and 89% in Sweden and Denmark.

We know that the situation has not always been this way in the United States. Consistently throughout the latter half of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70% to 80%. Twice, it exceeded 80%, and only once did it drop as "low" as 70%.

Since 1900, however, we have not seen even the 70% level again. Seven times in this century the turnout fell below 60%. Twice it fell below 50%. Clearly, in spite of the enormous progress that the twentieth century has brought us in so many other areas, we have moved backward in the crucial area of voter participation.

The cause is not far to seek. Study after study in recent years has demonstrated that the heart of the problem is our archaic system of voter registration. It is no accident that the sharp decline in voter turnout at the beginning of the twentieth century coincided precisely with the advent of voter registration. As historians have shown, the present pattern of voter registration in literally every state is a legacy of the wave of election reform that swept America at the turn of the century. In part, registration was adopted as a means to end the widespread voting frauds and other abuses that mar elections in city after city across the nation. In part, registration was also adopted for the darker purpose of discouraging minority groups and other classes from going to the polls, especially black citizens in the South.

Today, in spite of the enormous progress we have made in so many other areas of public life, we are still using voter registration methods which were, perhaps, sophisticated in the days of President McKinley and William Jennings Bryan, but which are generations out of date today. In almost every other sphere in which governments now operate—at the federal, state, or local level—they use the tools of the modern world, especially in the area of communications and computers. If governments collected taxes the way they register voters today, they'd be so bankrupt that even revenue sharing could not bail them out. Why is it that Americans pay their taxes by computer, when they still have to register to vote by methods as obsolete as the Pony Express or the Model T?

Today, long after the nineteenth century registration methods have outlived their rationale. they continue on as burdens on our democracy. Oliver Wendell Holmes put the issue well nearly a century ago in his famous address, "The Path of the Law," when he said:

"It is revolting to have no better reason for a rule of law than that so it was laid down at the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past."

There is ample evidence that registration is the key to improvement of voter turnout. Of the 82 million Americans who were registered to vote in 1968, fully 73 million—or 89%—went to the polls and cast their ballots on election day.

This is the real lesson for the future. Americans who register are Americans who vote. If our goal is to bring America to the polls, the place to start is with voter registration.

In state after state throughout the country, we see the chaos and confusion in our present registration system. Wherever we look, we find that registration is an obstacle course for the voter instead of the open path to the polls it ought to be. The defects of the present system are not confined to any state or geographic region. They go by names like early closing deadlines, unreasonable purges and re-registration requirements, inaccessible registration offices, and lack of absentee registration. The obstacles are endless:

In one state, registration closed last Saturday for the presidential primary eight months away next spring. And that state is not alone. A recent study cited fifteen states in which the registration books close more than a month before the election.

In many of the nation's cities and counties, there is no local registration. The only place a citizen can register to vote is at City Hall or at the central downtown office of the Board of Elections.

In other places, the problem is even worse. The only place to register may be the county courthouse outside the city limits.

For millions of residents in communities like these, the inconvenience of a trip downtown or out of town is an overwhelming deterrent to registration. Often, the expense of the trip itself is sufficient to inhibit registration—in effect, a poll tax that denies the right to vote as surely as the outlawed poll taxes used to do.

For those who find their way to the registration office they often learn that the problems have often only just begun. Frequently, the office is open only a few hours a day, or a day or two a week. Sometimes it may be necessary to make an appointment in advance. Sometimes the registrar simply shuts the office that day if no applicants arrive. In other cases, all but the most determined voters give up on the face of the endless lines and waiting periods inside the local office door.

The examples I have cited are just the tip of the iceberg. But they are enough, I think, to identify the problem and to demonstrate the need for early and effective action by Congress. Without legislation at the federal level, I fear that the inertia of nearly a century of past and present practice will prevail, and that we shall lose this timely and fertile opportunity to make government more responsive to the people.

Thanks in large part to the growing national outcry in recent months by registration groups across the country, the momentum for reform is building. Although much of the new momentum comes from the adoption of the constitutional amendment that lowered the voting age to 18, the current movement for reform is not just a youth movement. The frustrations and inequities of our present registration system cut across all age and economic lines.

Nor is the movement for reform a partisan affair. Indeed, it is a tribute to the growing bipartisan interest in the problem that the man so far who has done the most in this area is Senator Barry Goldwater, who sponsored Title II of the Voting Rights Act Amendments of 1970, which accomplishes three important purposes:

It eliminates residence requirements for voting in presidential elections.

It requires every local election district to keep its registration offices open until 30 days before such elections.

And, it requires the states to establish procedures for absentee registration in such elections.

The 1970 statute is one of the rare laws of nationwide application ever passed by Congress in the area of voter registration. As such, it is a major landmark in our efforts for reform, and it lays a solid foundation for the legislation we seek today.

There are a number of possible approaches that Congress can take in dealing with the problem. As I shall describe at the conclusion of my testimony, I believe the time has come for Congress to enact a comprehensive program of universal voter registration.

Fortunately, however, we now find ourselves in the happy circumstance that a variety of measures we could enact will ease the problem. And so I urge the Committee, in the well-known words of Louis Brandeis, that if we are to guide by the light of reason, we must let our minds be bold. We have the opportunity to enact a far-reaching program of reform that can truly be a beacon in years to come for full citizen participation in our democracy. Or, we can accept half-way measures, secure in the knowledge that they will do some good and reflect themselves in future election statistics, even though they do not accomplish all we are capable of doing.

At the outset, let me say that I think we could accomplish a great deal if we simply applied Title II of the Voting Rights Act Amendments of 1970 to all Federal elections, not just to presidential elections. By the addition of a handful of words to Section 202 (d) of the Act, for example, we could eliminate at a single stroke the enormous obstacle that early registration deadlines now present in many states.

Such a change would impose only a small additional burden on the states. Since Title II is already on the statute books, it is clear that every State is now obliged to maintain dual registration procedures—one for presidential elections, and another for all other elections. The question we face, therefore, is not whether a dual registration system should be used in the States. That has already been decided. Rather, the question is what the content of the dual registration system should be.

We could also make substantial progress simply by providing federal financial assistance to encourage states and local governments to streamline their voter registration systems. Already, for example, South Carolina has initiated a state-wide computerized registration system, and the State of Washington is now in the process of launching a similar system of its own.

To encourage State and local initiative in this area, the Federal Government could adopt a variety of possible financial incentives, including subsidies for computer programs and special additional incentives based on either the percentage of eligible voters registered or the number of new registrants.

In addition, Congress could provide financial assistance to encourage the States to adopt a variety of other progressive registration methods, many of which were recommended by President Kennedy's Commission on Registration and Voting Participation in 1963, but most of which are far too seldom used today. Such assistance might include, for example, incentives for door-to-door canvassing, along the lines proposed in Senator Inouye's bill and now used in Idaho, Canada, and many European nations, the generous use of deputy registrars in peak registration periods, the use of mobile registration units, precinct registration, neighborhood registration, and the use of temporary registration desks in public office buildings, shopping centers, fire houses, state fairs, schools, churches, college campuses, and other convenient locations.

I believe, however, that we should not stop with such half-way measures. The proposal I favor is contained in S. 2457, the University Voter Registration Act I introduced last August in the Senate to establish a comprehensive program of voter registration for Federal elections. The bill contains the following principle provisions:

First, it would provide a single post card form by which any citizen could register to vote in Federal elections simply by filling out a post card application that establishes his voting residence.

Second, the post card forms would be processed by a new bipartisan agency, Voter Registration Administration, created in the Census Bureau. Through its computer system, regional and local offices of the Agency would compile voting lists by precinct for each State throughout the country, and would make the lists available to state and local officials at appropriate times before each election.

Third, in accord with existing law applicable to presidential elections, registration under the new program would close 30 days before each election.

Each of these provisions would accomplish major reforms. Taken together, they would eliminate essentially all the arbitrary, unfair, and confusing requirements of our present registration system, and they would save millions of dollars for state and local governments in the bargain.

Equally important, the system would do nothing to impair state and local control over elections. In a sense, the Federal Government would simply be carrying out the ministerial function of registering voters. State and local officials would retain full control over the registration lists, but they would be spared the enormous financial and administrative burden of compiling them.

Finally, let me speak briefly about the constitutional basis for this legislation. Article I, Section 4 of the Constitution gives Congress the power to regulate the "Times, Places and Manner" of holding Federal elections. And that authority alone is ample enough to justify action to reform voter registration proceedures. As long ago as 1932, the Supreme Court held in Smiley v. Holm, 285 U.S. 355 (1932) that:

"It cannot be doubted that these comprehensive words (those of Article I, Section 4) embrace authority to provide for a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices.. ." Id., at 366.

In addition, it is clear from a long line of Supreme Court decisions, culminating in Oregon v. Mitchell, 400 U.S. 112 (1970), decided last December, that Congress has broad authority to legislate in the area of substantive voting qualifications as well. In the Mitchell case, the Court specifically upheld the constitutionality of the 1970 statute reducing residence requirements for voting in presidential elections. The decision was by an overwhelming 8-1 majority. As such, it is a strong precedent for the reduction by statute of residence requirements in other Federal elections, and the modification of registration procedures.

In sum, Congress now has the opportunity to breathe new life into the political process in America. There is perhaps no more important step we could now take to make our democracy more responsive to the people. If we act now to end the morass of voter registration, we can revitalize all our public institutions and build a stronger nation for tomorrow.

Mr. Chairman, let me say again that I appreciate this opportunity to appear here this morning. I would like to submit for the record of these hearings a copy of the statement I made introducing S. 2457, which contains a more detailed explanation of the bill and its constitutional justification.

[From the Congressional Record, Aug. 5, 1971]

UNIVERSAL VOTER REGISTRATION FOR FEDERAL ELECTIONS

Mr. KENNEDY. Mr. President, on behalf of myself and Senators BAYH, EAGLETON, HART, HARTKE, HUGHES, MAGNUSON, MCGOVERN, MONDALE, MUSKIE, PELL, RIBICOFF, and WILLIAMS, I send to the desk a bill to establish a Universal Voter Registration Administration in the Bureau of the Census, and I ask that it be referred to the Committee on Post Office and Civil Service.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the bill would contain the following principal provisions:

First, it would provide a simple post card system of voter registration, in which any citizen could register to vote merely by filling out a post card application form.

Second, burdensome residence requirements under existing laws would be abolished. Simply by filling out the address of his residence on the post card form, a citizen would establish his voting residence.

Third, a new computerized agency created within the Census Bureau—the Universal Voter Registration Administration—would process the post card forms, compile voting lists by precinct throughout the country, and make the lists available to State and local election officials at appropriate times before any election.

Fourth, use of the new system would be mandatory for all Federal elections, and optional for all Federal elections, and optional for State and local elections. Where the system is used for State and local elections, however, the Federal list must be accepted intact. No person entitled to vote in Federal elections can be deleted from the list for failure to meet other qualifications.

The time has come to take another major step forward in our national quest for universal suffrage. To be sure, we have made great strides in recent years. But always in the past, our efforts have ignored one of the most burdensome qualifications for voting—the requirement of registration, a requirement that operates to disfranchise tens of millions of Americans in every Federal election.

One of the brightest chapters in the history of America is the progress we have made toward our goal of universal suffrage and full participation by every citizen in the political life of our Nation. The route we have traveled in the past 100 years since the Civil War is marked with the major milestones of the efforts we have made to broaden our democracy. Indeed, six of the last 12 amendments to the Constitution have been concerned with extending the right to vote.

The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race or color.

The 17th amendment, adopted in 1913, provided for the direct popular election of Senators.

The 19th amendment, adopted in 1920, extended the franchise to women.

The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in presidential elections.

The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections.

Most recently, the 26th amendment, adopted last June, extended the franchise to 18-year-olds in all elections.

Hand in hand with these great constitutional amendments have come a series of landmark decisions by the Supreme Court and historic laws by Congress, all concerned with insuring the broadest possible exercise of the right to vote. Within our recent memory, legislation like the Civil Rights Acts of the fifties and sixties and the Voting Rights Acts of 1965 and 1970, and the one-man, one-vote decisions of the Supreme Court, stand as eloquent tributes to the Nation's continuing commitment to extend and secure the right to vote.

Now the time has to come to take another great step, by ending the arbitary and unfair practices of voting registration that operate in so many States to deny the right to vote. Having stripped away so many other blatant impediments to the right to vote, the existing practices of voters registration in America can be seen all the more clearly for what they are—an arbitrary, obsolete, and unfair system by which vast numbers of Americans are silenced at the polls. In spite of the progress we have made in extending the franchise, the voting record of America ranks among the worst of all the great democracies of the Western World.

Of the 120 million potential voters in the presidential election of 1968, only 73 million or 61 percent—actually went to the polls. Forty-seven million people stayed home, at a time when the winner—President Nixon—was receiving only 31 million votes. Incredible as it may seem, half again as many people stayed away from the polls as voted for the man who is our President.

In 1970, in Britain, by contrast, 72 percent of the eligible voters went to the polls, and yet they called it one of the lowest turnouts in history, the lowest since 1935. In the most recent elections in other democratic nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87-percent in West Germany, 89 percent in Sweden and Denmark.

The low turnout of American voters has been a consistent flaw in the political life of our Nation for many years. In the presidential election of 1900, the turnout was 73 percent. Not once since then has our voter turnout exceeded 66 percent. Seven times it fell below 60 percent. Twice, in 1920 and 1924, it fell below 50 percent.

And yet, it has not always been this way. Throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70 percent to 80 percent. The highest turnout was in 1876, when 82 percent of the potential voters went to the polls. The lowest was in 1852, when "only" 70 percent did so.

It is no coincidence, therefore, that the turn of the century, which saw the advent of voter registration, also saw a sharp decline in voter turnout. According to a recent study, registration was adopted at the turn of the century partly for the worthy purpose of prohibiting the abuses of machine politics in the growing cities of the North, and partly for the darker purpose of disfranchising black citizens in the South. Today, as this history strongly implies, the requirements of voter registration is the largest single obstacle to the right to vote in America.

The figures in 1968 tell the story. Of the 120 million potential voters in the presidential election of 1968, only 82 million—or 68 percent—were registered to vote and therefore eligible to go to the polls on election day. But of that number, fully 73 million, or 89 percent, actually went to the polls and cast their ballots.

The lesson is clear. Americans who are registered are Americans who vote. Of the 47 million citizens who stayed home on election day, the overwhelming majority—38 million, or 81 percent—were not registered to vote. Only 19 percent of those who stayed home were citizens who were registered to vote.

THE PRESENT SYSTEM OF VOTER REGISTRATION

Clearly, the paramount cause of America's dismal record of voter participation today is our inadequate nonsystem of voter registration. Virtually without exception, the registration laws of the 50 States and the District of Columbia are a nightmare of confusing, conflicting, and overlapping requirements, ranging from Missouri, which has six different registration systems for cities, depending on their size, and a seventh system available to counties at their option, to North Dakota, which has no statewide laws requiring voter registration, although local jurisdictions may do so at their option.

The defects of the present system are well known. They are not confined to any particular State or region of the country. They are as current as today's headlines:

With the exception of 3 days of precinct registration 30 days before an election, the only place that a person can register to vote in the Nation's laregst city is at the downtown central office of the Board of Elections. For thousands of the city's residents, the expense and inconvenience of a trip downtown are overwhelming deterrents to voting.

The situation is the same in a large midwestern city. With the exception of 3 days of registration in local precincts a month before an election, the only place that anyone can register is at City Hall. Year round, with the exception of these 3 days, there is one central place for voter registration in the entire city. For thousands of citizens, the path to the polls is made unnecessarily difficult by the requirement of central registration.

In another midwestern city, shortly before a primary election last spring, approximately 2,500 black citizens were purged from the voter lists. They were not notified of the action until less than a week before the primary, when they were told that if they wished to be reinstated on the lists, they would have to go in person to the county courthouse, which is outside the city limits.

A much more extensive purge took place in a large eastern city in connection with a primary election last spring. Before the primary, somewhere between 80,000 and 90,000 citizens were purged from the lists of eligible voters.

And, in a major Southern State, large numbers of potentially eligible citizens will be denied the vote in the coming fall elections because of the State's requirement that voter registration books must close 4 months before an election. The burden of this early closing requirement falls most heavily on young citizens newly enfranchised by the 26th amendment to the Constitution, which lowered the voting age to 18 in State and local elections. The amendment was ratified on June 30. Less than 48 hours later—at 5 p.m. on July 2—registration closed, thereby effectively depriving tens of thousands of young residents of their newly won right to vote. Yet, we know their strong desire to vote. In the 2 short days of registration, there was a rush to join the voter rolls. According to press reports, large numbers of eager 18- to 20-year-olds formed long lines outside courthouses throughout the State, hoping to register on the 2 available days. But many were turned away, still standing in line, at the close of business on July 2.

These examples are only the tip of the iceberg. Comparable problems and obstacles can be found in every community throughout America. Wherever we look, we find citizens disfranchised by our archaic registration system.

Typically, State and local registration rolls are unwieldy, inaccurate, and obsolete. A large percentage of the names are persons no longer qualified to vote because of death, conviction of a crime, change of residence, or other reasons. In order to keep the lists at least reasonably current, the States are driven to the use of arbitrary rules, such as the disqualification of voters who fail to vote in a previous election, or requirements of annual or periodic re-registration.

The burden of our present system of voter registration are multiple. Frequently, they are a thin disguise for blatant racial discrimination against the right to vote. The hearing records of Congress during the debates of the Voting Rights Act of 1965 and its extension in 1970 are replete with examples of such discrimination.

For some citizens, registration means loss of income through loss of time on the job or time away from business. Many individuals simply cannot take time off to register during working hours, and are thereby relegated to the status of second-class citizens.

For others, the most important burden is the sheer difficulty and inconvenience of the registration process. Too often, registration is an obstacle course for the voter instead of the incentive to total participation it ought to be. The obstacles are enormous. Many citizens find it difficult to determine where and when they can register. They refuse to endure the long lines and waiting periods. They are baffled by the inaccessibility of registration offices. In some States, registration offices may be open only a few hours a day or week. Other States prohibit precinct, neighborhood, or mobile registration. They allow registration only in the county courthouse, which may require a trip downtown or even out of town. Frequently, the expense of the trip itself is sufficient to inhibit registration—a de facto poll tax that frustrates the right to vote.

For still others, there is the problem of early registration deadlines. In a number of States, the registration books close weeks or months before the election, and there is no opportunity whatever to register in the period immediately preceding the election. In Mississippi, the registration offices close 4 months before the election—the rolls are routinely purged after the deadline, so that a citizen erroneously removed from the list has no opportunity to register again. In 14 other States with early registration deadlines—Arizona, California, Colorado, Georgia, Hawaii, Kentucky, Michigan, Montana, Nevada, New Jersey, New Mexico, Ohio, Pennsylvania, and Rhode Island—the registration books close more than a month before the election.

For yet another group of citizens, especially those who travel frequently, who are away from home for extended periods, or who are ill or disabled, the problem is the lack of any procedure for absentee registration. Although virtually every State has established absentee voting procedures, few have taken the additional step of establishing absentee registration procedures as an alternative to the traditional requirement that registration must be in person.

And finally, for another substantial group of citizens, the burden is one of unreasonable re-registration requirements. In Texas, for example, annual re-registration is required, a procedure declared unconstitutional by a Federal district court earlier this year and now the subject of an appeal. Other States require voters to renew their registration so frequently that many citizens simly find themselves unable to keep up with the requirements. Often a citizen arrives at the polls to vote, only to be told that his registration has been canceled because he failed to vote in the previous election, even though he was never given notice of the cancellation.

An especially insidious aspect of the problem of registration is the evidence that the burden of State and local registration requirements falls most heavily on the poor, the black, the uneducated, and manual and service workers. For example, according to a census study of the 1968 election, 87 percent of those with a college degree are registered to vote, whereas only 49 percent of those with 1 to 4 years education are registered. And, two decades of hearings in Congress on Civil Rights Acts and Voting Rights Acts have overwhelmingly demonstrated the ease with which voter registration requirements lend themselves to discriminately application.

THE BURDEN OF RESIDENCE REQUIREMENTS

Impediments to the right to vote of a different sort, but no less burdensome for millions of citizens, are the hundreds of different State and local residence requirements that now exist throughout the Nation. Typically, under present voting laws, a potential voter must fulfill three different residence requirements before he is entitled to vote—he must have resided in his State for periods ranging from 6 months to a year; he must have resided in his county for periods from 30 days to 6 months; and, he must have resided in his precinct for periods from 10 to 30 days. In some jurisdictions, the minimum residence requirements is lower, many, it is substantially higher.

In the quieter and less mobile era of our history when these residence requirements were imposed, the burden was not as huge as it is today. The Census Bureau estimates that every year, 20 million Americans, or 10 percent of the population move their residence from one State to another. On the average, each family in the Nation moves its residence once every 4 years.

The plight of the disfranchised mobile voter in America is well known, and no extended discussion is needed here. As many experts have noted, the right of a citizen to travel freely from State to State is one of our fundamental rights protected by the Constitution, and the exercise of that right should never trigger the loss of an even more basic constitutional right, the right to vote.

Last year, as part of the statute lowering the voting age to 18, Congress took a significant step to alleviate the burden of so-called durational residents requirements by reducing such requirements to 30 days for voting in Presidential elections.

Now the time is ripe for Congress to go further, and there is growing sentiment in the Senate to make the same 30 day requirement applicable to all Federal elections. Indeed, a bill to this effect has recently been introduced in the Senate by Senator JOHN TUNNEY of California, with strong bipartisan support, and similar legislation has already been introduced by Senator HAROLD HUGHES.

BACKGROUND OF EFFORTS TOWARD UNIVERSAL VOTER REGISTRATION

In recent years, discussions of various proposals to establish a system of universal voter registration for the United States have dwelled essentially exclusively on what may be called local action methods—that is, door-to-door canvassing at the local level, at the initiative of local jurisdictions. Each of two major studies of the decade of the sixties has recommended this approach, partly because it is the approach apparently responsible for the higher voter turnouts in foreign democracies, and partly because of philosophical and constitutional objections to methods relying on the initiative of the Federal Government.

The first study was made by the President's Commission on Registration and Voting Participation, established by President Kennedy in March of 1963, chaired by Richard Scammon, the Director of the Census Bureau at that time, and charged with the task of determining the reasons for low voter turnout in America and recommending solutions. The Commission's report in November of 1963 was a major milestone in the analysis of the complex psychological and legal factors that lie at the heart of the problem.

The Commission made more than 20 major recommendations to end restrictive legal and administrative procedures inhibiting the right to vote. In the area of voter registration, the Commission urged the State to adopt procedures to make registration easily accessible to every citizen. As patterns to be followed, the Commission pointed to the example of Canada and noted a number of States and communities in America that had successfully used registration procedures involving door-to-door canvassing, deputy registrars, and mobile registration units.

The second major study was prepared by the freedom to vote task force, established by the Domocratic National Committee in 1969 and chaired by Ramsey Clark, the former Attorney General of the United States. Notwithstanding its partisan sponsorship, the report of the task force, entitled "That All May Vote," is a persuasive nonpartisan document challenging the Nation to end the abuses we have endured for so long and to act to increase the strength of our democracy. As the report states:

> People who vote—believe in the system. They participate. They have a stake in government. But, to the nonparticipants their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.
>
> Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything within our power to encourage them to vote. Let the people choose.

The report of the task force made clear that voter registration is the real villain, the principal barrier that stands between the citizen and the ballot box. As in the case of the 1963 commission study, the report pointed to the success of "local action" for voter registration in South Dakota, Idaho, and in parts of California and Washington, and urged a similar program for America. The proposal was introduced in legislative form in the 91st Congress by Senator INOUYE, a member of the task force, and it has been reintroduced as S. 1199 in the present Congress.

Because of doubts that have been raised about the feasibility of the "local action" approach to voter registration, progress has been slow in efforts to implement such proposals. More and more, attention has turned to the alternative of a "Federal" system of voter registration to achieve the universal system we need.

The Senate look a major step in this direction last June, when it approved by the vote of 47 to 31 an amendment to the draft bill, authorizing selective service offices to register 18-year-olds to vote at the time they register for the draft. And, Senator HUMPHREY is offering a similar proposal to use the facilities of the Internal Revenue Service to promote voter registration.

In large measure, recent Supreme Court decisions have eliminated possible constitutional objections to a Federal system of universal voter registration. Now and for the foreseeable future, I believe that such a system is the only hope we have for pulling ourselves out of the present morass of registration requirements.

THE SOUTH CAROLINA EXPERIENCE

In the face of growing demands imposed on outdated voter registration procedures, a number of cities and counties throughout the Nation have begun to use computers to modernize their procedures. In 1967, South Carolina became the first and only State to centralize its voter registration procedure through a computer system on a State-wide basis. Although registration in South Carolina continues to be initiated through the county registration boards in the State, and citizens must still appear in person to register at the local boards, their applications are now forwarded to the State data processing office, where the information is stored and processed.

The familiar but cumbersome ledger books that used to form the registration record in South Carolina have now been replaced by magnetic tapes in a computer system. The records are continuously kept current through data provided to the State agency from various sources—for example, the bureau of vital statistics provides monthly reports on persons who have died, and the State and Federal courts provide data on persons convicted of crimes. Prior to the new system, the registration records were rarely cleaned for any reason.

On the basis of the data in the computer files, official lists of registered voters for each county and precinct are printed and made available to local officials 10 days before each State, county, municipal, or other election. Thus, it is no longer necessary to use the entire county ledger for a municipal election, or to copy manually from the county rolls the names of persons eligible to vote in elections held in smaller jurisdictions. Since the computer lists contain all the information provided by the voter when he registered, election officials are able to identify registrants easily at the polls. Under the previous system, only the voter's name and address were on the rolls.

As a result of the vastly increased efficiency of the new system, the county registration boards in South Carolina that used to be open only a few days a month are now open on a daily basis during normal courthouse hours. During the first year of the new system, 850,000 South Carolina voters were registered, the highest figure in the history of the State. The total cost of the computer portion of the system is approximately $170,000 a year, and the entire store of registration information is contained on five reels of computer tape.

A SYSTEM OF UNIVERSAL VOTER REGISTRATION FOR THE NATION

At a single stroke, the system of universal voter registration I favor would eliminate the arbitrary and unfair requirements of residence and registration that now operate to disfranchise so many of our citizens. Durational residence requirements would be abolished for Federal elections, and registration would involve a procedure no more complicated than filling out a post card form and placing it in the mail. Local control of the actual election process would remain unchanged, but virtually the entire financial cost and administrative burden of voter registration would be lifted from the States and transferred to the Federal Government.

The program would be administered by a new bipartisan agency to be established in the Census Bureau. Citizens would register to vote simply by filling out the post card form and mailing it to the new agency. Merely by specifying the address of his residence on the form, the citizen would determine his voting residence. There would be no requirement of residence for a specific period of time. The system would thus do away not only with burdensome registration requirements, but also with unfair residence requirements that operate to bar voters in almost every State.

With the assistance of computers, the information would be stored and divided according to election districts, and made available by the census agency to appropriate State and local election officials, as the official list of eligible voters.

Use of the new voter registration list would be mandatory in Federal elections, and optional for State and local elections. I believe, however, that the simplicity, efficiency, and cost savings of the system would lead to its rapid acceptance for State and local elections as well, so that within a brief period of time, the Nation would have a truly universal voter registration system for all elections. Our system of democracy deserves no less.

In its details, the system would function as follows:

First, a new bipartisan agency—the Universal Voter Registration Administration (UVRA)—will be established in the Bureau of the Census to organize and administer a program of universal voter registration for all Federal elections, and to assist States in their registration for State and local elections. The UVRA will be authorized to establish State and regional data processing centers to carry out its functions. The agency will be under the direction of an administrator and two associate administrators, no more than two of whom can be members of the same political party. The new agency is created in the Bureau of the Census because that agency has established a long-standing reputation of efficiency and confidentiality, and has already developed the computer programs and technology essential to the implementation of a successful universal voter registration system.

Second, individuals will register to vote through post card voter registration forms, to be mailed free of charge to UVRA. The post card forms will be of the type which allows visual scanning by computers to read the information. They will be widely available in post offices and other Federal agencies, and will also be available to private voter registration groups. Where appropriate, bilingual forms will also be available. In addition, any State or local jurisdiction will be authorized to send its current registration records to UVRA for assimilation into the new Federal system.

Third, the information on the post card forms will include only the name, address, ZIP code, and date of birth of the individual, together with a statement that the individual is not disqualified from voting under State or local law by reason of conviction of a crime or adjudication of mental incompetence. In addition, the individual may specify his party affiliation if he wishes to register for primary elections. UVRA registration will remain valid for 4 years, or for longer periods according to State law.

Fourth, the post card form will also include a line for the signature or mark of the individual, and a statement of the penalty for fraudulent registration. The penalty will be a fine of not more than $10,000, imprisonment for not more than 5 years, or both. The form will also include a statement that the signature or mark of the individual attests to the accuracy of the information he provides on the form.

Fifth, UVRA registration will close 30 days before primary, general or other elections. UVRA will compile lists of registered voters by local precincts, and forward the lists to the appropriate State or local election officials. Simply by having his name on the list, any person will thereby be authorized to vote in Federal elections. States will be able to supplement and update the lists in advance of the Federal election. However, in cases where a State removes a name from the list, notice of the removal must be given promptly to UVRA and to the individual, together with the reason for the removal.

Sixth, use of the UVRA list will be mandatory for all Federal elections and optional for State and local elections. If State and local officials decide to use the UVRA lists for State and local elections, they may not delete anyone from the list for failure to meet other qualifications.

Seventh, UVRA will be authorized to establish appropriate procedures for individuals to verify their registration. It will also inform each voter of the location of his polling place, so that on election day, every citizen will know where he must vote.

Eighth, to protect the right of privacy, UVRA information and voting lists will not be available to any other Federal agency and will not be made available by UVRA to any private source. In addition, UVRA will not draw on information collected for other purposes by other Federal data centers, such as the Internal Revenue Service or the Social Security Administration. The UVRA system will be used for voter registration and no other purpose. However, to the extent that State or local law requires voting lists to be publicized, UVRA information may become public at that level, although the information still may not be used by any Federal agency.

CONSTITUTIONAL JUSTIFICATION

In light of a long line of Supreme Court decisions in the area of voting rights in the decade of the Sixties, and especially the decision by the Court in *Oregon* v. *Mitchell*, 400 U.S. 112 (1970)—the 18-year-old voting case decided last December—there is solid constitutional support for the establishment of a nationwide system of Universal Voter Registration in the United States. Indeed, although the issue may be somewhat less clear-cut, there would also be ample constitutional justification for the extension of the Federal registration system to State and local elections as well.

As in the issues surrounding the Voting Rights Act Amendments of 1970, which Congress passed last year, the issue in the current context concerns the power of Congress to legislate by statute in the area of State and local election requirements.

There can be no question, of course, that the Constitution grants to the States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for U.S. Senators and Representatives. Although the Constitution contains no specific reference to qualifications for voting in Presidential elections or State elections, it has traditionally been accepted that the States also have primary authority to set the qualifications in these areas as well.

At the same time, however, these constitutional provisions are only the beginning, not the end of the analysis. They must be read in the light of all the other specific provisions of the Constitution, including the great amendments that have been adopted at various periods throughout the Nation's history. Most recently, a month ago, the 26th amendment, lowering the voting age to 18, became part of the Constitution, and conferred power on Congress to enforce the new amendment by appropriate legislation.

The constitutional issues must also be interpreted in the light of the basic Supreme Court decisions interpreting the provisions in question. Although a State may have primary authority under article I of the Constitution to set voting qualifications, it has long been clear that it has no power to condition the right to vote on qualifications prohibited by other provisions of the Constitution, including the various amendments to the Constitution. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

Thus, the Supreme Court has specifically held that the equal protection clause of the 14th amendment itself prohibits certain unreasonable State restrictions on the franchise:

In *Carrington* v. *Rash*, 380 U.S. 89 (1965) the Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces. Obviously, the rationale of this decision is directly applicable to the present national controversy over the voting residence of students.

In *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the Court held that a State could not impose a poll tax as a condition of voting.

In *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), the Court upheld the constitutionality of a statute passed by Congress overriding State literacy requirements in English and conferring the franchise on voters literate in Spanish.

But the key Supreme Court precedent supporting a universal voter registration system for Federal elections is Oregon against Mitchell. In that important decision, the Court not only sustained the constitutionality of a Federal statute lowering the voting age to 18 for Federal elections, but also upheld the constitutionality of two other provisions in the 1970 statute, provisions that were applicable not only to Federal elections, but also to State and local elections:

A provision abolishing State literacy requirements altogether;

And, a provision reducing the residence requirements for voting in presidential elections to 30 days, and requiring the States to make available appropriate absentee registration and absentee voting procedures for such elections.

The Mitchell decision is especially significant because of the substantial majority by which the Supreme Court upheld the constitutionality of the literacy and residence provisions of the 1970 statute passed by Congress.

To be sure, the provision lowering the voting age to 18 in Federal elections was sustained by the narrow margin of 5 to 4, with Justice Black casting the deciding vote on the basis of the power of Congress under Article I, Section 4 of the Constitution to regulate the time, place, and manner of conducting Federal elections.

At the same time, however, in spite of the narrow vote on the 18-year-old issue, the Court upheld the validity of the literacy and residence provisions by overwhelming majorities—9 to 0 in the case of the literacy provision, and 8 to 1 in the case of the residence provision, with only Justice Harlan dissenting on the latter issue.

The crucial link in the reasoning of the Justices leading to the strong majority in favor of the residence aspect of the case was their view that the provision was a valid exercise of the power of Congress under the necessary and proper clause of the Constitution to protect the constitutional right to change one's residence and to travel freely from State to State, a right that had been clearly reaffirmed by the Supreme Court as recently as 1966, in its decision in *United States* v. *Guest*, 383 U.S. 745 (1966).

Similarly, the crucial link in the reasoning of the Justices leading to the unanimous decision upholding the literacy provision in the statute was their view that the provision was a valid exercise of the power of Congress to enforce the 15th amendment of the Constitution, which bars racial discrimination in voting.

The present proposal for a system of universal voter registration for Federal elections, involving action by Congress in the areas of both residence and registration as qualifications for voting, is easily supported under the literacy and residence rationales of Oregon against Mitchell, since it would be action by Congress to promote the right to travel and to end racial discrimination in voting. No substantial distinction can be drawn on the basis that the residence provisions in the Mitchell case applied only to presidential elections, whereas the proposed universal registration system would apply to all Federal elections. As Justice Stewart stated in discussing the residence provision in the Mitchell case, in an opinion joined by Chief Justice Burger and Justice Blackmun.

I have concluded that, while section 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one State to another from disenfranchisement in any Federal election, whether congressional or presidential (400 U.S. 112, 287).

Further, as I have indicated, the constitutional rationales supporting the literacy and residence provisions in the Mitchell case might easily support the extension of the universal voter registration proposal of State and local elections as well. A fortiori, however, the proposal is clearly valid for Federal elections as an exercise by Congress of its power under article I of the Constitution to regulate such elections, and I urge the Senate to adopt it.

Mr. President, I ask unanimous consent that the text of the bill may be printed at this point in the RECORD. I also ask unanimous consent that a table of existing State residence requirements for voting, prepared by the youth citizenship fund, and a series of tables on voter turnout, contained in the reports of the freedom to vote task force of the Democratic National Committee, may also be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2457

A bill to establish a system of universal voter registration for Federal elections, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United Staes of America in Congress assembled, That this Act may be cited as the "Universal Voter Registration Act of 1971."

DECLARATION AND FINDINGS

SEC. 2. (a) The Congress hereby finds and declares that the administration of voter registration procedures by the various States as a precondition to voting in Federal elections—

(1) denies or abridges the constitutional right of citizens to vote in Federal elections;

(2) denies or abridges the constitutional right of citizens to enjoy free movement across State lines;

(3) denies or abridges the privileges of immunities of citizens of the United States, deprives them of due process of law, and denies them the equal protection of the laws, in violation of the fourteenth amendment;

(4) denies or abridges the right to vote on account of race or color in violation of the fifteenth amendment;

(5) denies or abridges the right to vote on account of sex in violation of the nineteenth amendment;

(6) denies or abridges the right to vote on account of age in violation of the twenty-sixth amendment;

(7) in some instances has the impermissible effect of denying citizens the right to vote because of the way they may vote; and

(8) does not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.

(b) Upon the basis of these findings, Congress hereby exercises its authority under section 4 and section 8 of article I of the Constitution, and the fourteenth, fifteenth, nineteenth, and twenty-sixth amendments thereto.

ESTABLISHMENT OF OFFICE

SEC. 3. (a) There is hereby established in the Bureau of the Census a Universal Voter Registration Administration (hereafter referred to in this title as "Administration"). The Administration shall be composed of an Administrator and two Associate Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be of the same political party.

(b) The Administration shall establish and administer a program of voter registration for voting in Federal elections and shall, upon request, assist States in conducting registration for voting in State and local elections.

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Administrator and Associate Administrators, Universal Voter Registration Administration."

USE OF DATA PROCESSING

SEC. 4. The Administration shall establish one or more data processing centers in order to carry out its functions. Voter lists shall be compiled and maintained through the use of electronic data processing equipment in such a manner that a list of persons registered under this Act in each of the units in which persons are registered to vote under State and local laws shall be readily available. The lists shall contain the name, address, ZIP code, party affiliation (if supplied), date of birth, and voting unit of each individual registered to vote under this Act and such additional information as the Administration determines to be essential to the efficient operation of this Act.

REGISTRATION

SEC. 5. (a) The Administration shall prepare and distribute registration forms for use by individuals who wish to register to vote under the provisions of this Act, or who wish to change a previous registration. Such forms shall be of a type which permits visual scanning by electronic data processing equipment, shall contain appropriate places for the designation of the registrant's name, address, ZIP code, date of birth, and party affiliation; and may be in languages other than English in such cases as the Administration deems appropriate.

(b) Such forms shall contain a statement that such individual is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and such other information as the Administration determines to be essential to the efficient operation of this Act. Such forms shall also require the signature of the individual seeking to register through the use of such forms and a statement of the penalty for fraudulent use of such forms. The signature of an individual on his form shall attest to the accuracy of the information contained thereon.

(c) The Administration shall enter into arrangements with the Postmaster General so that supplies of such forms shall be reasonably available free of charge in each post office, and shall make such other arrangements as it deems appropriate for the distribution of such forms, including their availability to groups engaged in voter registration. Such forms shall be mailed free of all postage including airmail to the Administration upon completion, and the Administration shall reimburse the Postal Service for the cost of such mail.

(d) Any individual who is a citizen, who is eighteen years of age or older (or will attain such age on or before the date of the next Federal election held in the congressional district or State in which he registers), who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and who is registered under this Act shall be eligible to vote in Federal elections held in the congressional district or State in which he is registered under this Act. No other requirement or qualification shall be imposed by any State or political subdivision thereof on the right of such individual to vote in such election.

(e) The Administration is authorized to receive registration lists and other information with respect to eligible voters from State or local jurisdictions for inclusion in the registration lists prepared by the Administration under this Act.

(f) Unless the Administration or a State or local jurisdiction removes a person's name from the list of registered voters because of his death or his disqualification from voting under State law by reason of conviction of a crime or mental incompetence, registration under this Act in any State shall remain in effect for a period of time not less than four years, or such longer period as registration under State law in such State remains in effect.

(g) The Administration shall remove from its list of registered voters the name of any person who is found to be fraudulently or otherwise improperly registered or who, after registration, becomes disqualified to vote in the State or congressional district in which he is registered. If the Administration removes the name of any person from such list, it shall notify such person of such action by certified mail within one week of such action and the reason therefor.

(h) Any State or local jurisdiction which removes the name of any person from such list shall notify such person and the Administration of such action by certified mail within one week of such action. Such notice shall include the name and address of such person, and a statement of the reason for such action. The Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this subsection, and it shall be the duty of a judge designated to hear any such case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

REGISTRATION DATE

SEC. 6. An individual may register to vote in a Federal election under this Act at any time until thirty days before the date of such election, or at such later date before such election as the Administration may determine.

LIST OF REGISTERED VOTERS

SEC. 7. (a) Not later than thirty days prior to the date of any Federal election, the Administration shall furnish to the appropriate election officials of the State or local jurisdiction in which an election is to be held a list of individuals, by precinct or other similar voting unit, registered under this Act to vote in such election within the congressional district or State in which the election is to be held. No person whose name appears on such list shall be denied the right to vote in such election, unless such name is removed from such list in accordance with the provisions of this Act. The Administration is authorized to establish appropriate procedures to supplement the lists made available to States and local jurisdiction under this subsection.

(b) The Administration is authorized to establish appropriate procedures for individuals to verify their registration under this Act.

(c) Prior to the date of any such election, the Administration shall inform individuals registered with it of the precinct or other voting unit in which they are registered to vote.

(d) The provisions of this Act shall not apply in the case of any election in which registration is not a condition of voting in such election.

STATE REGISTRATION

SEC. 8. (a) Nothing in this Act shall interfere with any voter registration procedure conducted by any State with respect to voting in State or local elections.

(b) Any individual registered to vote under any State voter registration procedure, who is a citizen of the United States, who is eighteen years of age or older (or who will attain such age on or before the date of the next Federal election to be held in the congressional district or State in which he registers), and who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, shall also be eligible to vote in any Federal election held in such district or State, whether registered under this Act or not.

(c) Any State which determines by law that it wishes to use voting registration lists compiled under this Act as evidence of registration to vote in State or local elections shall be furnished such lists no later than thirty days prior to any such election. Any State which so determines may not remove the name of any individual from such lists with respect to any such election nor deny to any individual whose name appears on such lists the right to vote in any such election, except in accordance with the provisions of this title.

REPORTS FROM STATES

SEC. 9. The Administration is authorized to request from each State periodic reports of the names and addresses of individuals eighteen years of age or older who have died in such State. The Administration is also authorized to request from appropriate State or Federal agencies periodic reports of the names and addresses of persons disqualified from voting under State law by reason of conviction of a crime or mental incompetence.

REGISTRATION INFORMATION

SEC. 10. The Administration shall undertake, through the use of broadcast and nonbroadcast communications media and such other means as the Administration deems appropriate, to inform potential voters of their eligibility to register to vote in Federal elections under the provisions of this Act.

PENALTIES

SEC. 11. (a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purpose of establishing his eligibility to register or vote under this Act, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(b) Any person who deprives, or attempts to deprive, any other person of any right under this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) The provisions of section 1001 of title 18, United States Code, are made applicable to the registration form promulgated under section 5.

RIGHT OF PRIVACY

SEC. 12. (a) No information provided by or in connection with any person under this Act shall be made available by the Administration to any other Federal agency or for any commercial activity. No such information shall be made available by the Administration to any agency of any State or local jurisdiction except for the purpose of carrying out functions directly related to the provisions of this Act.

(b) The Administration is authorized to adopt regulations for the enforcement of this section.

(c) Any person who violates this section or regulations adopted thereunder shall be fined not more than $5,000 or imprisoned not more than five years or both.

OTHER FEDERAL VOTER REGISTRATION

SEC. 13. This Act shall not affect the provisions of the Federal Voting Assistance Act of 1955. Persons eligible to use the form and procedures provided under such Act may register under this Act.

DEFINITIONS

SEC. 14. As used in this Act the term—

(a) "Federal election" means any primary, general, or special election held for the election of a Federal officer, including an election held for the selection of delegates to a national nominating convention or to a caucus for such selection, and a primary election held for the expression of a preference for the nomination of persons for election to the Office of President.

(b) "Federal officer" means President, Vice President, Senator, Representative, Delegate to the Congress, or delegate to a national nominating convention or caucus thereto.

(c) "State" means each of the United States and the District of Columbia.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

YOUTH CITIZENSHIP FUND INC., 2100 M STREET NW., SUITE 306, WASHINGTON, D.C. 20037, (202) 833-2090

STATE RESIDENCE REQUIREMENTS

	State	County	Precinct
Alabama	1 year	6 months	3 months.
Alaska	do		30 days.
Arizona	do		Do.
Arkansas	12 months	6 months	1 month.
California	90 days	90 days	54 days.
Colorado	3 months		32 days.
Connecticut	(city or town: 6 months)		
Delaware	1 year	3 months	30 days.
District of Columbia	(bona fide resident)		
Florida	1 year	6 months	
Georgia	do	do	(City: 90 days [municipal election only])
Hawaii	do		
Idaho	6 months	30 days	
Illinois	do		
Indiana	do	60 days (township)	30 days.
Iowa	do	60 days	
Kansas	do	30 days (township or ward).	
Kentucky	1 year	6 months	60 days.
Louisiana	do	do (municipality: for municipal election, 4 months).	3 months.
Maine	6 months	3 months	
Maryland	do	28 days	
Massachusetts	(6 months city or town [formerly 1 year]).		
Michigan	6 months	(4 weeks, township, city of village).	
Minnesota	(6 months struck down Dec, 14, 1970).		30 days.
Mississippi	1 year	1 year	6 months.
Missouri	do	60 days	10 days (in some counties).
Montana	do	30 days (6 months, city).	30 days.
Nebraska	6 months	40 days	10 days.
Nevada	do	30 days	Do.
New Hampshire	do		
New Jersey	do	40 days	(30 or 15 days, some cities for municipal election).
New Mexico	12 months	90 days	30 days.
New York	3 months	3 months (3 months in city or village.)	10 days.
North Carolina	1 year	30 days	
North Dakota	do	90 days	30 days.
Ohio	6 months	40 days	40 days.
Oklahoma	do	2 months	20 days.
Oregon	do		
Pennsylvania	90 days	60 days	60 days.
Rhode Island	1 year (6 months, town or city).		
South Carolina	1 year	6 months	3 months.
South Dakota	180 days (5 years in United States).	90 days	30 days.
Tennessee	1 year	3 months	
Texas	do	(6 months, county, city or town).	
Vermont	do	(90 days town)	(180 days in town for municipal election).
Virginia	1 year (6 months, city, town or county).		30 days.
Washington	1 year	90 days	Do.
West Virginia	do	60 days	(60 days in municipality for municipal election).
Wisconsin	6 months		10 days.
Wyoming	1 year	60 days	Do.

REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE[1]

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
Alabama	2,037,000	1,389,198	1,044,177	75.2	51.3
Alaska[2]	151,000	NA	83,035	NA	55.0
Arizona	1,003,000	614,718	486,936	79.2	48.5
Arkansas	1,188,000	845,759	609,590	72.1	51.3
California	12,052,000	8,587,673	7,251,587	84.4	60.2
Colorado	1,211,000	966,700	806,983	83.5	66.6
Connecticut	1,813,000	1,341,519	1,256,232	93.6	69.3
Delaware	306,000	248,915	214,367	86.1	70.1
District of Columbia	515,000	201,937	170,578	84.5	33.1
Florida	3,924,000	2,765,316	2,187,805	79.1	55.8
Georgia	2,824,000	1,850,000	1,250,100	67.6	44.1
Hawaii	421,000	274,104	236,218	86.2	56.1
Idaho	708,000	366,532	291,183	79.4	41.1
Illinois	6,580,000	5,676,131	4,619,749	81.4	70.2
Indiana	2,947,000	2,653,219	2,123,597	80.0	72.1
Iowa[2]	1,653,000	NA	1,167,931	NA	70.7
Kansas[2]	1,339,000	NA	872,783	NA	65.2
Kentucky	2,062,000	1,471,343	1,055,893	71.8	51.2
Louisiana	2,032,000	1,449,231	1,097,450	75.7	54.0
Maine	596,000	509,888	392,936	77.1	65.9
Maryland	2,168,000	1,595,779	1,235,039	77.4	57.0
Massachusetts	3,379,000	2,591,051	2,331,752	90.0	69.0
Michigan	4,853,000	3,950,000	3,306,250	83.7	68.1
Minnesota[2]	2,097,000	NA	1,588,510	NA	75.8
Mississippi[3]	1,308,000	775,000	654,509	84.5	50.0
Missouri[2]	2,770,000	NA	1,809,502	NA	6.53
Montana	412,000	331,078	274,404	82.9	66.6
Nebraska	891,000	637,719	536,851	84.2	60.3
Nevada	285,000	188,811	154,218	81.7	54.1
New Hampshire	418,000	387,660	297,190	78.5	71.1
New Jersey	4,402,000	3,319,752	2,875,395	86.6	65.3
New Mexico	562,000	445,304	327,281	73.5	58.2
New York	11,773,000	8,113,216	6,691,690	85.5	59.1
North Carolina	2,919,000	1,858,987	1,587,493	85.4	54.4
North Dakota[2]	370,000	NA	247,882	NA	67.0
Ohio[4]	6,235,000	3,907,000	3,959,698	101.3	63.5
Oklahoma	1,546,000	1,163,328	943,086	81.1	61.0
Oregon	1,193,000	971,851	819,622	84.3	68.7
Pennsylvania	7,234,000	5,599,364	4,747,928	84.8	65.6
Rhode Island	561,000	471,112	384,938	81.7	68.6
South Carolina	1,455,000	853,014	666,978	78.2	45.8
South Dakota	408,000	348,254	281,264	80.0	68.9
Tennessee	2,361,000	1,840,077	1,248,617	67.9	52.9
Texas	6,289,000	4,073,576	3,079,576	75.6	49.0
Utah[3]	562,000	475,000	422,568	89.0	75.2
Vermont	244,000	208,221	161,403	77.5	66.1
Virginia	2,690,000	1,510,592	1,359,928	90.0	50.6
Washington	1,838,000	1,649,734	1,304,281	79.1	71.0
West Virginia	1,073,000	993,024	754,206	76.0	70.3
Wisconsin[3]	2,484,000	2,425,000	1,691,538	69.8	68.1
Wyoming	202,000	142,735	127,205	89.1	63.0
Totals	120,353,000	82,029,426	73,359,762	89.4	60.9

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[1] These figures are from State and U.S. Census sources. The Task Force figures and those compiled by the Republican National Committee are in substantial agreement. The figures used are the same as those in the Republican National Committee's report on the 1968 election.

[2] States which have no Statewide registration, or where registration is not required.

[3] Approximate figures, furnished by Secretary of State.

[4] Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.

NA—Not available.

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–1968, BY STATE

State	1824	1828	1832	1836	1840	1844	1848	1852	1856	1860
Alabama	49.1	54.6	(1)	64.9	89.7	80.3	69.7	45.3	71.0	76.7
Alaska										
Arkansas				28.9	67.6	63.5	55.9	48.6	60.2	79.5
California								75.7	81.6	71.2
Connecticut	14.9	27.2	46.0	52.3	75.7	80.0	72.3	72.3	81.8	73.3
Delaware	(1)	(1)	67.1	69.5	82.8	85.8	80.4	75.0	78.5	79.5
Florida							64.0	56.9	77.6	79.5
Georgia	(1)	31.8	29.0	61.8	88.8	92.6	86.0	54.8	82.8	85.1
Hawaii										
Illinois	24.3	52.4	46.0	43.5	86.0	76.0	70.5	64.7	72.4	80.5
Indiana	37.1	68.7	71.9	69.2	84.4	84.7	78.5	80.3	88.3	89.4
Iowa							90.7	80.2	87.0	94.8
Kentucky	25.4	70.7	74.0	61.1	74.3	80.7	73.9	64.2	76.7	74.1
Louisiana	(1)	36.2	22.3	19.2	39.4	47.1	51.1	48.7	53.6	58.6
Maine	19.1	42.7	66.2	37.7	83.7	71.3	68.4	61.2	78.1	68.9
Maryland	53.7	70.3	55.7	67.6	84.5	81.4	76.0	72.8	80.0	81..
Massachusetts	29.0	25.7	39.4	43.4	66.7	65.8	64.6	57.8	69.8	6519
Michigan				35.0	84.9	79.8	74.5	71.3	81.1	80.2
Minnesota										74.5
Mississippi	41.3	56.6	28.0	64.4	88.2	86.1	80.7	61.7	78.3	89.0
Missouri	19.8	54.0	41.0	36.1	75.1	77.8	62.5	46.3	54.7	69.4
New Mexico	18.0	74.3	70.1	38.2	86.3	68.9	67.4	65.7	87.9	80.7
New Jersey	35.6	71.0	68.8	69.2	80.4	87.2	82.7	79.8	83.1	89.4
New York	(1)	80.2	84.2	70.5	91.9	92.1	79.6	84.7	89.9	95.5
North Carolina	41.8	56.9	31.3	53.0	82.4	78.8	71.4	65.8	66.7	70.9
Ohio	34.8	75.9	73.9	75.5	84.5	83.6	77.5	80.6	82.3	88.3
Oregon										97.8
Pennsylvania	18.8	56.5	52.3	53.1	77.5	77.3	76.3	72.6	80.8	78.4
Rhode Island	12.0	17.1	26.3	23.8	33.2	45.1	41.1	57.8	62.9	59.4
South Carolina	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Tennessee	28.3	55.0	31.3	57.3	89.7	89.8	83.4	72.9	82.9	80.9
Texas							69.6	42.6	58.1	67.4
Vermont	(1)	54.5	50.0	52.5	73.8	70.8	70.5	63.5	72.5	63.0
Virginia	11.6	27.7	31.1	35.2	54.7	54.2	47.3	63.3	67.8	71.5
Wisconsin							58.3	39.6	80.8	79.0
U.S.A	26.9	57.6	55.4	57.8	80.2	78.9	72.7	69.6	78.9	81.2

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(1) Not available.

State	1864	1868	1872	1876	1880	1884	1888	1892	1896	1900
Alabama	(1)	77.9	79.6	72.8	58.8	54.2	56.6	68.5	51.9	38.9
Arkansas	(1)	49.0	67.6	64.7	59.5	59.1	68.9	55.0	48.2	40.8
California	64.6	72.3	57.9	75.9	67.1	68.8	76.5	73.8	75.0	69.9
Colorado				(1)	57.4	52.4	57.4	54.6	65.2	71.2
Connecticut	76.3	80.1	71.3	82.0	81.4	79.9	85.5	85.4	83.3	79.7
Delaware	79.8	84.3	73.3	73.4	81.9	76.0	68.8	80.4	64.6	81.9
Florida	(1)	(1)	77.0	93.5	85.9	83.1	85.0	35.3	40.0	29.9
Do	(1)	(1)	77.0	93.5	85.9	83.1	85.0	35.3	40.0	29.9
Georgia	(1)	73.2	55.2	63.5	49.4	41.0	37.6	53.1	34.3	24.4
Idaho								63.1	76.1	77.8
Illinois	69.2	76.7	75.0	87.5	89.9	84.4	82.9	86.0	95.7	89.9
Indiana	82.9	92.5	85.3	94.6	94.4	92.2	93.3	89.0	95.1	92.1
Iowa	95.4	97.7	79.0	99.1	93.7	90.0	87.9	88.5	96.1	91.0
Kansas	31.8	51.3	77.8	65.7	80.8	85.1	88.2	80.7	85.5	91.2
Kentucky	44.0	69.9	66.2	80.9	75.5	70.8	81.1	73.8	89.2	87.0
Louisiana	(1)	75.9	76.4	77.9	50.3	49.8	50.0	45.1	35.8	21.7
Maine	73.2	74.4	57.9	71.5	85.0	75.0	71.7	63.5	63.0	56.0
Maryland	57.7	72.6	75.0	82.7	79.8	79.9	84.8	79.9	87.3	85.9
Massachusetts	63.8	66.9	62.0	72.3	71.2	69.3	71.7	74.6	70.6	67.4
Michigan	66.2	77.4	64.0	78.0	75.5	76.0	80.9	73.2	95.3	89.0
Minnesota	57.6	71.1	67.5	71.3	68.9	68.2	76.3	66.6	75.2	76.7
Mississippi	(1)	(1)	71.1	79.7	50.1	49.2	43.8	18.8	22.1	16.9
Missouri	36.3	43.0	66.6	76.6	78.0	77.0	81.8	77.4	88.5	83.1
Montana								74.2	73.8	75.3
Nebraska		46.1	43.7	53.0	67.7	67.8	75.9	66.2	74.1	80.2
Nevada	57.5	73.7	74.4	90.0	76.5	61.6	71.4	70.1	69.2	71.4
New Hampshire	84.3	82.3	80.9	92.0	93.3	87.4	90.2	85.8	78.1	83.9
New Jersey	81.0	89.5	81.4	94.8	95.4	88.6	91.9	90.3	88.4	85.9
New Jersey	89.3	91.7	80.5	89.6	89.3	87.5	92.3	86.3	84.3	84.6
North Carolina	(1)	91.2	71.9	90.1	83.0	86.3	85.2	78.0	85.3	70.2
North Dakota								56.6	63.1	65.2
Ohio	87.6	90.4	84.4	94.4	94.4	93.4	91.9	86.2	95.5	91.5
Oregon	91.8	85.8	60.5	70.4	79.1	65.0	93.5	58.4	69.9	58.3
Pennsylvania	85.0	88.3	68.6	83.5	88.8	82.3	83.0	75.7	81.8	75.0
Rhode Island	58.8	46.6	40.2	49.4	48.7	48.1	53.4	63.0	59.2	56.2
South Carolina	(1)	79.6	60.4	101.0	83.9	43.0	35.0	29.1	25.2	18.0
South Dakota								70.7	78.0	85.4
Tennessee	(1)	39.7	66.2	74.6	75.1	73.1	77.6	64.0	70.8	56.6
Texas	(1)	(1)	56.3	54.6	68.8	80.2	78.3	79.4	88.3	61.4
Utah									79.4	84.5
Vermont	77.0	75.9	69.1	83.3	81.6	70.5	71.4	60.4	67.5	57.9
Virginia	(1)	(1)	66.2	77.6	64.1	81.7	83.2	75.3	71.0	59.6
Washington								67.3	63.1	64.9
West Virginia	51.6	58.0	61.2	83.6	82.6	86.7	94.5	90.3	93.6	91.3
Wisconsin	66.8	79.8	70.6	83.9	82.4	82.2	81.1	76.8	84.9	77.5
Wyoming								47.7	50.7	51.1
U.S.A	73.8	78.1	71.3	81.8	79.4	77.5	79.3	74.7	79.3	73.2

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(1) Not available.

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–1968, BY STATE—Continued

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
Alabama	24.2	21.5	22.6	24.3	20.6	13.5	19.1	17.5	18.8	18.9
Arizona			38.6	48.7	46.8	44.4	47.9	55.1	52.0	57.0
Arkansas	33.8	40.2	30.7	40.0	20.9	15.3	21.4	22.1	17.3	18.2
California	61.7	60.2	46.9	58.0	47.2	50.8	59.0	64.0	66.0	73.4
Colorado	71.0	65.4	59.1	60.5	56.0	62.5	68.4	75.3	75.7	79.7
Connecticut	80.5	76.3	71.5	73.8	58.7	57.9	72.6	70.8	74.6	77.2
Delaware	82.0	86.2	84.1	86.1	75.1	68.1	75.3	76.3	79.8	79.4
Florida	24.4	26.2	24.2	33.8	30.3	17.0	33.0	30.5	31.3	40.9
Georgia	23.8	22.0	18.9	23.7	10.5	11.5	15.7	16.5	17.7	17.7
Idaho	65.3	65.8	59.8	67.4	61.1	65.2	66.0	74.4	71.8	77.0
Illinois	80.5	81.6	74.7	66.8	60.5	64.1	73.4	74.6	18.6	28.2
Indiana	89.7	89.9	77.8	81.9	71.0	70.7	74.9	78.9	78.7	81.1
Iowa	79.7	77.6	74.2	75.0	64.5	68.4	68.9	69.1	73.6	75.5
Kansas	78.1	82.5	76.3	65.8	58.0	64.1	65.9	71.1	76.6	75.1
Kentucky	77.7	84.0	74.6	82.8	71.8	61.0	67.7	67.4	59.9	59.5
Louisiana	15.6	19.8	19.3	21.6	14.1	12.4	20.1	23.4	27.3	29.4
Maine	49.5	53.2	63.4	65.1	46.9	44.9	60.2	66.3	64.4	6.50
Maryland	69.6	70.9	64.8	68.1	52.3	41.0	56.8	51.2	58.1	57.2
Massachusetts	67.6	65.1	63.4	62.8	53.3	65.6	74.0	69.5	75.9	78.7
Michigan	78.9	75.9	69.8	72.9	55.1	53.7	56.3	62.0	62.1	66.6
Minnesota	64.3	66.1	61.2	65.0	59.5	62.0	68.5	66.2	69.7	72.3
Mississippi	15.6	16.5	15.1	20.0	9.4	12.0	15.2	13.8	14.4	14.7
Missouri	74.9	79.7	74.9	81.5	67.6	63.3	69.1	70.9	77.3	74.4
Montana	65.8	61.9	63.3	68.0	61.4	59.2	65.3	70.3	70.8	72.2

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
Nebraska	70.1	77.8	77.1	84.5	55.7	63.8	71.5	72.1	75.6	75.4
Nevada	59.2	92.1	68.1	73.6	61.0	56.1	63.0	73.2	69.1	75.7
New Hampshire	81.6	80.8	78.2	77.3	67.5	67.4	77.8	77.5	77.8	79.6
New Jersey	83.6	82.4	69.1	70.7	59.1	60.7	75.6	72.0	75.0	76.1
New Mexico			59.6	77.8	62.3	61.8	60.3	69.7	68.7	66.6
New York	83.3	79.7	72.1	71.6	56.4	56.3	68.3	66.1	72.6	75.7
North Carolina	46.1	52.0	46.1	49.8	44.6	35.9	43.1	44.0	47.4	42.7
North Dakota	61.4	73.2	60.8	77.7	67.4	63.8	72.4	74.5	78.0	78.4
Ohio	83.1	87.5	74.8	76.5	62.6	57.8	66.9	65.5	71.8	75.4
Oklahoma		71.5	57.4	60.4	48.6	47.4	50.5	54.4	56.4	60.5
Oregon	47.6	47.3	51.8	54.2	52.3	55.3	57.7	60.7	62.5	67.1
Pennsylvania	74.3	71.8	64.4	63.4	42.8	45.8	62.7	53.1	72.5	67.6
Rhode Island	63.4	62.4	62.7	65.8	57.9	66.3	68.9	71.7	78.0	75.6
South Carolina	18.4	20.6	14.6	17.5	8.6	6.4	8.5	12.3	12.5	10.1
South Dakota	73.0	69.5	61.9	60.9	56.6	59.4	72.0	76.5	77.5	79.5
Tennessee	47.7	48.0	45.1	46.6	35.4	23.3	25.7	26.5	30.0	30.6
Texas	29.6	33.6	30.8	35.0	21.7	25.8	24.8	27.2	24.8	30.1
Utah	78.4	73.0	66.4	79.5	69.6	69.7	73.4	80.0	77.9	83.1
Vermont	50.7	48.9	56.8	58.2	45.3	51.3	66.8	66.6	68.5	22.1
Washington	60.9	59.0	50.8	54.7	52.4	51.2	56.6	64.2	66.6	70.6
West Virginia	89.2	86.9	81.9	83.6	71.7	75.2	76.4	81.9	84.9	83.0
Wisconsin	72.0	68.7	68.7	70.7	52.3	57.3	65.9	65.1	68.9	72.4
Wyoming	50.8	49.2	50.3	54.9	52.3	71.0	68.7	74.9	74.0	74.8
U.S.A	65.2	65.4	58.8	61.6	49.2	48.9	56.9	56.9	61.0	62.5

State	1944	1948	1952	1956	1960	1964	1968
Alabama	15.0	12.6	24.2	27.6	31.2	36.0	51.5
Alaska					49.1	48.7	56.4
Arizona	42.2	45.4	53.9	47.8	53.8	54.7	43.6
Arkansas	19.3	21.9	36.9	38.0	41.1	49.9	52.5
California	65.1	63.2	69.4	64.0	67.9	64.7	61.0
Colorado	67.9	64.5	76.2	69.2	71.4	68.0	70.2
Connecticut	73.9	71.2	80.9	75.8	76.8	71.8	68.5
Delaware	66.9	68.5	78.4	72.7	73.6	71.1	71.7
Florida	33.5	34.1	47.6	43.6	50.0	52.7	58.2
Georgia	17.6	21.4	31.9	29.6	31.2	44.9	41.6
Hawaii					53.0	52.5	62.7
Idaho	64.5	63.1	78.2	75.2	80.7	75.8	72.8
Ilinois	74.8	70.3	76.0	72.4	75.7	74.0	69.3
Indiana	71.7	67.2	75.7	73.7	76.9	74.0	71.5
Iowa	64.3	62.4	75.8	74.0	76.5	72.3	71.6
Kansas	62.2	65.0	71.7	67.4	70.3	74.8	63.5
Kentucky	51.9	49.6	58.9	58.6	60.5	52.9	46.8
Louisiana	25.1	27.5	40.2	36.0	44.8	47.3	55.6
Maine	57.3	49.0	63.1	61.8	72.6	65.6	67.5
Maryland	46.7	41.7	57.5	54.6	57.2	56.0	57.7
Massachusetts	71.0	71.5	75.0	72.0	73.8	71.3	67.8
Michigan	63.7	55.6	68.5	71.1	72.4	68.9	64.9
Minnesota	63.0	65.7	72.6	68.7	77.0	76.8	71.8
Mississippi	15.0	16.0	23.8	21.0	25.5	32.9	51.6
Missouri	62.2	61.0	71.8	68.8	71.8	67.4	63.1
Montana	59.0	62.3	71.8	71.6	61.4	69.8	65.0

State	1944	1948	1952	1956	1960	1964	1968
Nebraska	67.9	58.2	71.9	67.6	71.4	66.6	59.9
Nevada	64.8	64.0	69.7	65.9	61.2	55.5	54.2
New Hampshire	73.5	70.3	79.2	74.4	79.4	72.3	70.9
New Jersey	69.1	63.0	72.3	68.9	71.8	68.6	65.1
New Mexico	48.8	53.4	60.5	56.8	62.1	63.9	63.3
New York	70.9	65.0	71.2	67.9	67.0	63.2	57.3
North Carolina	38.0	35.4	51.3	47.4	53.5	51.8	54.7
North Dakota	61.5	61.6	75.5	71.3	78.5	72.2	65.5
Ohio	66.9	58.4	69.7	66.4	71.3	66.6	63.6
Oklahoma	52.8	52.5	68.6	61.4	63.8	62.5	62.9
Oregon	58.4	56.5	69.6	71.1	72.3	69.6	64.4
Pennsylvania	59.8	56.0	66.5	65.5	70.5	68.1	63.2
Rhode Island	65.0	66.0	79.8	73.2	75.1	68.7	68.2
South Carolina	9.8	12.8	29.1	24.7	30.5	38.0	48.0
South Dakota	59.3	63.3	74.4	74.7	78.3	72.6	70.8
Tennessee	28.2	28.7	44.7	45.9	50.3	51.1	53.0
Texas	28.2	26.0	43.5	37.9	41.8	44.4	51.6
Utah	75.0	76.0	82.9	77.2	80.1	76.9	76.9
Vermont	56.9	54.5	66.8	66.5	72.5	68.0	65.5
Virginia	22.3	21.6	29.9	31.8	33.3	41.0	53.1
Washington	67.0	63.2	71.2	70.4	72.3	71.5	65.0
West Virginia	65.5	65.8	76.3	74.6	77.2	75.2	70.0
Wisconsin	65.7	59.8	72.5	67.8	73.4	70.8	68.0
Wyoming	63.3	59.6	72.5	67.4	74.0	73.2	69.3
District of Columbia						40.2	33.5
U.S.A	55.9	53.0	63.3	60.6	64.0	61.8	60.6

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

TURNOUT IN U.S. SENATE ELECTIONS, 1946–68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama		(1)	(1)		(1)	(1)		(1)	21.5		40.5	44.4
Alaska							75.6	72.2	51.5		44.8	
Arizona	31.7		43.9	52.0		47.7	48.5		43.8	53.3		50.6
Arkansas		(1)		(1)	(1)	(1)		(1)	(1)		(1)	50.3
California	39.7		51.1	61.9	49.0	63.7	58.7		55.9	65.3		59.7
Colorado		70.8	53.3		56.0	66.8		71.6	57.2		55.8	66.5
Connecicut	49.9		62.0	75.7		76.4	66.2		63.3	71.1		66.1
Delaware	59.9	72.1		77.6	62.7		57.4	73.9		70.7	56.3	
Florida	(1)		(1)	(1)		(1)	(1)		28.3	45.2		52.7
Georgia	(2)	(2)	(2)	(2)	(1)	(1)		(1)	31.7		(1)	(1)
Hawaii								[3] 51.0	59.1	52.9	52.0	
Idaho	56.9	67.4	57.7		64.3	75.2		78.5	67.7		65.1	71.8
Illinois		66.0	60.7		56.1	70.0		74.9	59.5		59.4	67.4
Indiana	53.9		62.9	74.1		72.0	62.4		64.8	73.7		69.4
Iowa		58.2	50.6		51.3	70.7		74.2	48.8		52.4	69.3
Kansas		55.4	41.8		49.1	64.5		67.6	48.4		51.8	59.6
Kentucky	38.6	49.1	35.4	58.0	46.9	54.4		58.0	43.7		37.0	45.7
Louisiana	(1)	(1)			(1)	(1)		(1)	28.1		(1)	(1)
Maine	31.0	39.3		43.5	43.3		50.2	72.6		66.1	55.6	
Maryland	33.7		40.3	56.1		52.5	43.3		38.7	54.3		54.3
Massachusetts	53.8	63.7		73.3	57.5		58.7	74.9	64.7	71.2	60.9	
Michigan	40.9	51.7		66.2	49.2		48.8	71.4		66.5	51.1	
Minnesota	47.2	64.0		73.1	58.5		47.0	76.7		76.5	62.2	
Mississippi	(1)	(1)	16.8	(1)	(1)		(1)	(1)		(1)	31.5	
Missouri	42.8		48.3	70.3		66.3	44.0	70.9	45.9	65.3		61.2
Montana	64.0	69.2		72.5	60.2		57.5	71.5		70.9	65.8	
Nebraska	45.8	55.7	66.0	67.1	48.9		46.7	69.9		64.8	56.6	
Nevada	55.8		57.6	70.5	57.4	64.3	55.2		50.6	54.7		54.1
New Hampshire		61.1	53.7		48.4	71.0		78.4	59.5			67.7
New Jersey	45.4	57.0		66.7	50.6		51.5	69.6		65.7	49.7	
New Mexico	48.9	63.9		63.8	49.1		49.1	61.2		63.8	49.8	

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
New York	51.7		52.7	66.6		64.5	53.1		51.8	63.5		56.1
North Carolina		(1)	(1)	(1)	(1)	(1)		(1)	31.5		31.7	48.8
North Dakota	(2)		50.9	68.0		64.4	54.0		64.3	71.9		65.3
Ohio	43.9		51.2	64.3	45.9	61.8	55.4		50.5	64.4		60.0
Oklahoma		49.3	45.7		43.9	62.9		61.8	46.1	61.6	42.9	59.3
Oregon		44.9	50.2		54.4	68.1		69.4	57.5		58.2	65.6
Pennsylvania	46.6		50.7	64.2		64.3	56.8		61.6	67.8		63.7
Rhode Island	53.1	60.5	55.4	77.1	62.2		63.6	75.0		70.8	59.0	
South Carolina		(1)	(1)		(1)			(1)	25.0		31.1	44.9
South Dakota	64.6	62.6		60.4	60.4	71.4		78.8	63.9		59.3	72.5
Tennessee	(1)	(1)		(1)	(1)		(1)	(1)		47.8	38.0	
Texas	(1)	(1)		(1)	(1)		(1)	(1)	15.8	44.2	24.6	
Utah	55.4		67.8	79.0		75.3	63.6		63.7	78.2		75.5
Vermont	32.2		37.5	66.7		69.6	56.6		52.3	70.2		(1)
Virginia	(1)	(1)		(1)			20.9	27.8		36.8	28.2	
Washington	45.2		47.7	68.6		69.7	54.1		54.8	69.4		67.3
West Virginia	52.2	68.2		77.7	53.1	70.2	55.6	76.3		71.5	46.4	
Wisconsin	48.8		50.2	71.3		65.4	50.1		52.8	70.4		67.0
Wyoming	49.5	60.0		72.3	62.4		62.7	74.5	59.4	74.2	66.0	

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[1] Ran unopposed.
[2] Not available.
[3] 1959.

Source: COPE Research Department, Washington, D.C.

TURNOUT IN U.S. HOUSE OF REPRESENTATIVES-ELECTIONS 1920–68

[Vote as a percentage of the civilian population of voting age]

Year:	
1920	41.4
1922	32.4
1924	41.0
1926	30.1
1928	48.2
1930	34.1
1932	50.2
1934	41.8
1936	54.0
1938	44.5
1940	56.2
1942	32.7
1944	53.0
1946	37.6
1948	48.6
1950	41.6
1952	58.2
1954	42.2
1956	56.6
1958	43.4
1960	59.4
1962	48.9
1964	57.8
1966	45.6
1968	54.8

Source: U.S. Bureau of the Census, Statistical Abstract of the United States: 1962, 83d edition, Washington, D.C., 1962: Congressional Quarterly, Washington, D.C.

TURNOUT IN GUBERNATORIAL ELECTIONS, 1946–68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama											42.8	
Alaska							75.3		50.2		44.8	
Arizona	33.4	47.0	46.3	52.6	43.3	49.5	48.0	58.4	44.2	52.9	42.6	51.1
Arkansas									31.7	52.9	49.7	52.3
California			52.6		50.3		60.1		57.9		57.7	
Colorado	47.6	68.6	53.4	69.7	56.6	67.7	55.3		57.5		58.1	
Connecticut	48.0	63.6	63.4	75.7	63.1		66.6		63.4		57.8	
Delaware		71.6		77.6		70.9		73.8		70.5		67.6
Florida										47.4	41.2	
Georgia	(1)	(1)	(1)	(1)					35.4		34.6	
Hawaii								[2] 52.4	59.0		52.0	
Idaho	57.3		58.1		65.0		63.6		66.9		65.1	
Illinois		66.0		74.0		70.8		74.2		73.2		68.2
Indiana		63.8		73.6		71.6		76.5		73.6		69.2
Iowa	37.5	57.6	50.0	72.9	51.5	72.3	49.7	74.1	49.5	71.3	54.9	68.9
Kansas	47.1	58.7	49.8	67.0	49.5	67.6	58.3	70.2	49.7	64.0	50.1	62.9
Kentucky			33.5	(3)	45.8	54.2	45.2		47.2		43.7	
Louisiana										49.8		50.1
Maine	31.9	37.4	43.7	45.6	43.8	55.9	49.5	72.7	50.6		56.3	
Maryland	35.0		42.2		44.2		43.9		42.0		44.2	
Massachusetts	52.8	65.0	59.6	73.2	57.9	75.0	59.8	74.8	65.1	72.0	62.1	
Michigan	42.1	53.0	45.7	67.2	50.2	66.4	49.7	72.1	60.0	67.7	51.5	
Minnesota	47.4	63.5	60.7	74.7	59.8	71.9	57.5	77.4	62.1		63.4	
Mississippi												[4] 34.7
Missouri		59.7		70.4		66.6		71.2		65.7		62.2
Montana		69.8		72.9		72.1		72.3		71.1		68.7
Nebraska	45.5	55.2	54.9	67.5	48.4	64.8	47.2	69.9	53.7	66.5	56.8	
Nevada	55.3		56.1	58.1			55.5		50.5		52.5	
New Hampshire	46.6	61.0	54.2	75.7	57.1	72.9	57.3	79.2	61.0	72.1	57.4	67.3
New Jersey						56.9			56.2		52.7	
New Mexico	48.7	64.4	47.9	63.9	49.0	61.6	49.5	62.2	48.4	62.2	50.2	59.7
New York	50.8		50.9		49.3		54.9		52.7		54.0	
North Carolina										51.0		52.9
North Dakota	(1)	62.1	50.1	72.6	52.7	66.6	56.5	78.7	65.7	73.0		67.8
Ohio	45.2	50.1	54.2	67.4	47.5	62.1	57.7		52.5		47.9	
Oklahoma	36.5		46.6		44.5		39.1		49.2		45.5	
Oregon	34.3		49.7		54.2	68.0	55.4		57.5		58.0	
Pennsylvania	46.5		50.1		53.0		56.8		61.6		56.9	
Rhode Island	53.5	61.1	55.2	75.4	62.4	73.8	64.0	75.3	63.1	71.7	60.5	68.4
South Carolina											31.4	
South Dakota	65.3	63.2	72.7	60.6	60.6	71.7	64.6	78.5	64.4	73.9	59.6	71.7
Tennessee											28.7	
Texas									28.0	43.2	23.5	46.0
Utah		74.3		79.2		75.8		79.2		78.4		75.9
Vermont	31.6	51.2	36.9	59.9	48.2	69.0	56.2	71.6	52.3	70.2	57.7	65.5
Virginia											[5] 20.9	
Washington		53.1		69.9		70.1		71.4		71.5		68.9
West Virginia		68.6		78.2		71.3	54.4	76.3		74.1		68.9
Wisconsin	50.0	58.9	50.5	71.7	51.8	66.9	50.4	72.8	53.1	71.3	48.6	68.4
Wyoming	49.4		54.2		61.9		61.8		59.3		65.0	

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[1] Not available.
[2] 1959.
[3] Incomplete.
[4] 1967.
[5] 1965.

Source: COPE Research Department, Washington, D.C.

TURNOUT IN SELECTED LOCAL & SPECIAL DISTRICT ELECTIONS, 1969

City	Type of Election	Percentage of turnout
Akron, Ohio	2, 3	39.9
Atlanta, Ga	1, 4, 5, 6, 7	36.4
Austin, Texas	2	27.8
Boise, Idaho	1, 2	43.6
Boston, Mass	2, 8	33.0
Buffalo, N.Y	1	55.7
Birmingham, Ala	2	6.8
Charlotte, N.C	1, 2	25.5
Cincinnati, Ohio	2	37.7
Cleveland, Ohio	1	53.2
Columbus, Ohio	2, 3, 9, 10, 11	53.2
Dallas, Texas	1, 2	9.1
Dayton, Ohio	1, 3, 12	27.1
Des Moines, Iowa	2	33.2
Detroit, Mich	1, 2, 13, 14	58.6
El Paso, Texas	1, 3, 5, 15	17.7
Fort Worth, Texas	1, 2	14.7
Hartford, Conn	1	39.8
Houston, Texas	1, 2, 16	28.4
Los Angeles, Calif	1, 2, 6, 10, 16	48.8
Louisville, Ky	1	26.8
Miami, Fla	1, 2	11.1
Minneapolis, Minn	1, 5, 14, 16, 17, 18, 19, 20.	48.5
New Haven, Conn	1, 5, 13, 14, 15, 21, 22, 23, 24, 25.	45.1
New York, N.Y	1	45.2
Oklahoma City, Okla	2	4.4
Omaha, Neb	1, 2	35.4
Philadelphia, Pa	1, 16, 26, 27, 28	49.7
Phoenix, Arizona	1, 2	28.4
Pittsburgh, Pa	1, 2	56.9
Richmond, Va	11, 14, 21, 29	32.8
Rochester, N.Y	2, 6	47.1
San Antonio, Texas	2	16.9
San Diego, Calif	2, 10	26.6
Seattle, Wash	1, 2, 30	51.2
St. Louis, Mo	1, 5, 16	27.3
St. Petersburg, Fla	1, 2	19.9
Syracuse, N.Y	1, 2, 6	47.9

Key:
1. Mayoral
2. City Council
3. Municipal Judge
4. Pres., Bd. of Aldermen
5. Bd. of Aldermen
6. Bd. of Education
7. City Exec. Committee
8. School Committee
9. City Auditor
10. City Attorney
11. Clerk of Courts
12. City Commissioners
13. City Clerk
14. City Treasurer
15. Tax Collector
16. City Controller
17. Park Commissioners
18. Library Bd. Directors
19. School Directors
20. Bd. of Estimate & Taxation
21. City Sheriff
22. Town Clerk
23. Registrar of Vital Statistics
24. Selectman
25. Constable
26. District Attorney
27. Magistrates
28. Inspectors of Elections
29. Commissioner of Revenue
30. Corporation Council

Source: Rand McNally, Commercial Atlas & Marketing Guide, Washington, D.C., 1969; Congressional Quarterly, Washington, D.C.; Local election officials

Turnout In Selected Democratic Nations, 1920–1968

Year:	Turnout
UNITED STATES	
1920	49.2
1924	48.9
1928	56.9
1932	56.9
1936	61.0
1940	62.5
1944	55.9
1948	53.0
1952	63.6
1956	60.6
1960	64.0
1964	61.8
1968	60.6
GREAT BRITAIN	
1922	71.3
1923	70.8
1924	76.6
1929	76.1
1931	76.3
1935	71.2
1945	72.7
1950	84.0
1951	82.5
1955	76.7
1959	78.8
1964	77.1
1966	75.9
CANADA	
1921	70.3
1925	68.7
1926	70.2
1930	76.1
1935	76.2
1940	70.9
1945	76.3
1949	74.8
1953	67.9
1957	75.0
1958	80.6
1962	80.1
1963	80.3
1965	75.9
1968	75.7

Source: Compiled by Professor Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Missouri.

TURNOUT IN THE MOST RECENT ELECTIONS IN OTHER SELECTED DEMOCRACIES

Country	Election year	Turnout
Denmark	1968	89.3
Finland	1966	84.9
France	1968	80.0
Germany	1969	86.8
Ireland	1965	75.1
New Zealand	1966	86.6
Norway	1969	82.5
Sweden	1968	89.3

Source: Compiled by Richard M. Scammon, Governmental Affairs Institute Washington D.C.

NBC EDITORIAL ON UNIVERSAL VOTER REGISTRATION

Mr. KENNEDY. Mr. President, in an NBC radio editorial last Friday, Mr. Sander Vanocur emphasized the burden and the difficulty of the present system of voter registration in the Nation. He urges the adoption of simplified procedures, of the sort I have proposed in the Universal Voter Registration Act, which I had originally offered as an amendment to the pending election reform bill, and which I am today introducing as a separate bill.

As Mr. Vanocur's editorial makes clear, the ratification of the 26th amendment, lowering the voting age to 18 in all elections, has generated broad new interest for comprehensive reform in our voter registration procedures. The momentum for reform is building, and it is time for Congress to respond.

Mr. President, I believe that Mr. Vanocur's editorial will be of interest to all of us concerned with the cause of such reform, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, it was ordered to be printed in the RECORD, as follows:

NBC RADIO EDITORIAL

(By Mr. Sander Vanocur)

Now that the 18–21 year olds have been given the vote and now that the 18–21 year olds are finding out how cumbersome and difficult it is to register so that they can vote, attention is being turned to just how complicated our voter registration laws are.

With the advent of voter registration at the turn of the century there was a sharp decline in voter turnout. In the Presidential election of 1900, the voter turnout was 73%. Not since that time has it exceeded 66%, and seven times it fell below 60%. On two occasions in 1920 and 1924, it fell below 50%. But throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70% to 80%.

These facts have been cited by Senator Edward M. Kennedy this week, as he prepares to attach an amendment to the Election Reform Act, an amendment that would establish a system of universal voter registration for the nation. The election of 1968 shows how badly such as measure is needed—for in that election, with the potential of 120 million voters, only 82 million, or 68% were registered to vote and therefore eligible to go to the polls on election day. But of that number, 89% went to the polls, proving the obvious: That people who register are people who vote.

Kennedy's amendment would provide a simple postcard system of voter registration. Simply by filling out the address of his residence on the postcard form, a citizen would establish his voting residence. A new computerized agency within the Census Bureau would process the cards, compile voting lists by precincts throughout the country, and make the list available to state and local election officials at appropriate times before any election.

Use of the new system would be mandatory for all federal elections and optional for state and local elections. Kennedy hopes to get action by the Congress when it returns from its August recess. Whether his amendment, or similar reform, is enacted this year, is problematical. But there is a rising demand, especially from the young, for someone to do something about simplifying our complicated voter registration procedures.

Mr. McGEE. Mr. President, I yield 4 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, I thank the chairman of the committee for yielding.

Mr. President, I rise in support of S. 2574, a bill to establish a national voter registration program through the mail.

The history and tradition of this great Nation is one of ever-expanding extension of the principles of democracy. Step by step, ever since the founding of our Republic, we have tried to reduce or to eliminate the barriers to voting—to allow full participation in the essentials of our political way of life.

Indeed, six of the last 12 amendments to the Constitution have been concerned with extending the right to vote. The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race or color. The 17th amendment, adopted in 1913, provided for the direct popular election of Senators. The 19th amendment, adopted in 1920, extended the franchise to women. The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in presidential elections. The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections. Most recently, the 26th amendment, adopted last June, extended the franchise to 18-year-olds in all elections. Moreover, hand in hand with these great constitutional amendments have come a series of landmark decisions by the Supreme Court as well as historic laws by Congress, all concerned with insuring the broadest possible exercise of the right to vote.

There is a great difference, however, between a legal right and a political reality. The legal right to vote without the means for an effective exercise of that vote is no right at all. Despite our history and democratic traditions, less than 60 percent of the qualified voters in the United States actually register and vote. In 1968, more adult Americans failed to vote than did vote. Forty-seven million Americans did not vote in the presidential election, and between 27 and 35 million of these were not registered.

The Democratic National Committee's Freedom To Vote Task Force study of voter registration has found that residency and other registration qualifications—not disinterest on the part of the voter—provide the greatest barriers to full access in the voting process. And the primary cause of nonregistration is our archaic State system of voter registration. This system constitutes a major national disgrace and the greatest obstacle toward achieving the American goal of universal suffrage.

The great paradox of our times, therefore, is that while millions of citizens at odds with basic national policies are struggling for a more active role in public decisionmaking, participation in the electoral process continues to wane. There can be little hope for success in the more difficult roles of self-determination when so many citizens are not even involved to the extent that they can participate in the election of a President. The presidency is more important to the people of this country now than ever before in our history. If Americans are to make effective use of their political power, they must begin with voting for the President.

As the Washington Post notes, however, in an editorial today, "It is a stark fact that in 1968 more than 27 million Americans 21 years of age or older were not registered and were therefore unable to take part in the presidential election." Next year, with 18-year-old citizens eligible to vote, the number of nonregistered and therefore disenfranchised citizens can be expected to be even greater.

The registration requirements of voting were imposed to prevent fraud and to insure the integrity of the ballot. But they have been more successful in disenfranchising citizens. There is a great need for a simple, expeditious means for qualified citizens to register. There is a remedy to the barriers of registration. It is S. 2574, which will be debated in this Chamber today. As a cosponsor, along with 14 of my colleagues, and as member of the Committee on Post Office and Civil Service, which held lengthy and probing hearings prior to reporting this measure, I want to second the words of the Post on this measure introduced by my colleague from Wyoming (Mr. McGee). In calling for support of S. 2574 in order to promote voter registration, the Post editorial observes that it amounts to a vote of confidence in the democratic process.

Mr. President, I believe that the Senate of the United States has confidence in the democratic process. I urge, therefore, passage of this legislation which will eliminate registration as a major barrier to true universal suffrage. I also ask unanimous consent that the Washington Post editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Helping People To Vote

For a long time political scientists have lamented the fact that large numbers of American citizens qualified to vote have failed to do so when Election Day rolled around. In other self-governing countries a much higher percentage of citizens go to the polls. The explanation of this contrast is really a very simple one. Other countries make it easy for their citizens to vote; the United States, with its complicated system of voter registration requirements controlled by the states, makes it extremely difficult.

Registration has become a high hurdle on the road to elections. It is a stark fact that in 1968 more than 27 million Americans 21 years of age or older were not registered and were therefore unable to take part in the presidential election. In the presidential election of 1972, with the voting age lowered to 18, the number of nonregistered citizens may run much higher.

Sen. Gale McGee has proposed a simple remedy for this situation—a remedy which would make it relatively easy to register. Under his proposal the Bureau of the Census would send a postcard to every householder recorded in the Census of 1970. Simply returning that postcard within 30 days prior to Election Day, with requisite information to be checked by local registrars, would qualify eligible citizens to come to the polls and vote for federal offices. States could still fix their own requirements for state and local elections; but if they chose to conform to federal practice, the McGee proposal would assure them a federal subsidy to help them meet the cost of putting it into effect.

The McGee bill comes up in the Senate today. We think it ought to have the support of every senator who believes in government by the people. In 1968, only about three-fifths of the country's potential vote was cast in the presidential election. By contrast, more than four-fifths of the people who were registered cast their ballots. The need, obviously, is to promote registration. A vote to do so will be a vote of confidence in the democratic process.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, I yield 4 minutes to the Senator from Oklahoma.

Mr. BELLMON. Will the Senator make it 5 minutes?

Mr. McGEE. I yield 4 minutes and we will see how the time goes.

Mr. BELLMON. We have a very stern chairman. I thank the distinguished chairman for yielding.

Mr. President, probably nothing in our Republic is a greater threat to its survival than the haphazard, fraud-ridden, discriminatory system of voter registration which exists in many parts of the country.

If we are to agree with our Founding Fathers that a well-informed majority is seldom wrong, then it is obvious we need to perfect the system whereby this majority expresses its views on election day.

At the present time, there are many obstacles which a citizen must overcome on his way to the polls and this bill is intended to remove one of those.

Mr. President, I first became concerned about the voter registration system at the time I served as Republican State chairman in Oklahoma. Traditionally our State had been a one-party Democratic State. I am sure the conditions I found there are common in one-party States regardless of whether the dominant party is Republican or Democrat.

On the surface the Oklahoma registration laws may appear to be fair or at least innocuous, but in practice the law was administered in such a way it made registration for minorities, whether racial or political, difficult and in some cases almost impossible.

As I mentioned during committee debate on the bill, there were many reports of cases where voter registration offices were used as a recruiting service for the major party. It was not at all uncommon to have a situation arise where the registrar would attempt to persuade a prospective voter to register in the majority party and if the effort was unsuccessful to have the registrar announce the office was closed for further business.

Under Oklahoma law the entire election and voter registration machinery is under the direct and total control of the Oklahoma State Senate. Membership of the Senate is almost 5 to 1 Democratic.

In some cases the State senators take great pains to provide for fair election procedures but in other cases the election machinery is operated as a campaign mechanism which seems to have as its purpose not the registration of all eligible voters but rather the continuation of the incumbent senator.

Further, Mr. President, in our State the costs of voter registration are largely borne by county commissioners. Some county commissioners put forth considerable effort and spend sizable amounts of county funds to provide adequate and impartial voter registration opportunities. But in other instances, either because local funds are inadequate or because it serves selfish interests of the incumbent officials, the voter registration office is kept open only briefly and then only during the times when most voters are at work. This makes it difficult if not impossible for large numbers of individuals to become qualified to cast their votes on election day.

Mr. President, let me give some credit to election officials of our State. Oklahoma has shortened its residency requirements, many counties are providing roving registrars, registration books are being kept open in some areas during nonworking hours, and incidents of coercion by registration officials are apparently declining. But the fact remains that in Oklahoma as well as throughout the Nation there are many areas where the process of becoming a legally registered voter is so difficult that it effectively disenfranchises a large number of citizens.

Some Republicans, and this includes the national administration, are opposed to this bill. While I respect their viewpoint, I am of the opinion they have not been close enough to the precincts to realize the weaknesses and the shabbiness of the present system. I do not believe any responsible public official consciously wishes to deprive any citizen of the right to vote.

In my judgment S. 2574 would help make this right a reality.

Mr. President, while S. 2574 may not be a perfect bill, I strongly feel that it is a long step in the direction of making majority rule a reality in this country and I urge its passage.

Mr. GRIFFIN. Mr. President, I yield time on this side to the ranking member of the Committee on Post Office and Civil Service, the Senator from Hawaii.

Mr. FONG. Mr. President, I allow myself whatever time I need.

Mr. President. I am at a loss as to why the Senate today is discussing the provisions of S. 2574, the national voter registration bill, when there is no possibility of arriving at a vote on it.

I am more at a loss because we have been called into session for weeks now very early in the morning—even as early as 8:30 a.m.—and are adjourning night after night at 8 or 9 p.m., trying to complete action on all the important bills which must be completed so we can adjourn in this last month of 1971.

A similar bill was not introduced in the House of Representatives until yesterday, so even if the Senate were to vote on S. 2574 this year, most probably it would not be taken up by the House and therefore there is no possibility of its enactment into law this year.

This bill will entail very lengthy debate and, as there is very strong opposition to it, many amendments are expected to be proposed to it.

The measure, as reported out by the committee, contains a very strong minority report against its enactment. Since the report was filed, I have received a number of inquiries from persons interested in the bill. All have voiced strong opposition to the enactment of this measure. Many wanted to be heard and feel that they were not given the opportunity to voice their disapproval because they were not apprised of the limited number of hearings we would have on the bill.

Mr. President, if this bill were enacted:

First, it would change drastically the manner of voter registration in the whole United States;

Second, it would impose Federal controls and guidance on the States;

Third, it would impose Federal controls and guidance on State and local political party organizations;

Fourth, it could create an overpowering Federal voter registration bureaucracy to influence elections;

Fifth, it would change radically our traditional and well-established voter registration systems;

Sixth, it would multiply the opportunities for fraud in elections;

Seventh, it would impose Federal registration costs in excess of a hundred million dollars per presidential election year; and

Eighth, it would have serious, adverse implications on our entire system of elections and our system of government.

The main thrust of S. 2754 is to establish a national voter registration system operated by a Federal agency, the National Voter Registration Administration. The NVRA would be a new Federal agency located within the Bureau of the Census, Department of Commerce.

It would utilize the services of the U.S. Postal Service to distribute Federal voter registration cards to every postal address in the United States no earlier than 45 days nor later than 30 days before every Federal election. Assumedly, such cards would be addressed to "householder" or "resident."

These mail voter registration cards would be returned by the prospective registrant to the State or local government voter registration office. The State office would process the cards, registering the applicant as a voter in the next Federal election, and billing the Federal Government for processing of the cards.

The bill sets a 30-day durational residency requirement in a State for voting in Federal elections in that State.

The NVRA would also, on request, assist the State or local governments in putting the national voter registration system into effect in their States and in processing the registration cards.

Federal payments would also be made to a State if the State establishes a registration system for State and local elections similar to that instituted by the provisions of this bill for Federal elections. Payments would be 15 percent of the amount paid to the State for processing the registration cards. This amount would be increased to 30 percent if, in addition to instituting a State and local voter registration system similar to that contained in the bill for Federal elections, the State adopted a 30-day durational residency requirement for its own elections.

The bill authorizes State officials to call in the Federal Government should they suspect fraud in voter registration applications and also establishes criminal penalties for convictions of fraud.

Mr. President, there are important policy and constitutional questions involved in this bill.

Control of voter registration qualifications have traditionally been left to the States. In the past, the Congress has legislated in the field of voter rights only when it believed that voting rights were being violated by noncompliance with the due process or equal protection clauses of the Constitution.

In the absence of consistent and overwhelming evidence that such was the case, the Congress has refrained from acting in the field of voting rights. It must be pointed out that the Federal Government shares many powers with the States in this field. However, it has left control of most voting rights entirely up to the States and even to the political parties. These include regulations on voting supervision, protection of voters, duties of inspectors and canvassers, publication of election returns, tallying of election returns and election of delegates to national political party conventions.

The legislation would inject the Federal Government into an area traditionally left to the States—that of voter registration. This would be done for what can only be typified as convenience reasons and not because a constitutional right was being violated. It is my opinion that, in the absence of consistent and overwhelming evidence that constitutional rights are being violated in the application of voter registration laws and practices by the States, the Congress should not act in this area.

Another serious policy consideration arises out of the bill's definition of "Federal election" and the qualifications it sets for voting in such elections.

The bill defines a Federal election as—

> Any primary, special, general or other election held for the purpose of nominating or electing candidates for any Federal Office, including any election for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates for such a convention.

The impact of this definition when considered together with the voter qualification provisions of this bill is staggering, unprecedented, and highly questionable.

Under the bill any individual meeting the State voter qualification laws except as to durational residency—under the bill he must be a resident of the State on and after the 30th day before a Federal election—may vote in a Federal election.

This means that any such individual can vote not only in the primary and general elections but also in elections held for the selection of State delegates to a political party's national convention regardless of political party affiliation or lack of affiliation. This would also apply to the selection of local delegates to State political conventions if the party's nominees for congressional offices would be selected by such State political party conventions.

The Congress has traditionally left such areas to State supervision and to State political party regulations. It should not overturn this longstanding tradition at this time. To do so would be to strike a critical blow to our present strong two-party political system and even destroy third parties.

A real constitutional question arises concerning the election of presidential electors. It appears from the definition of a "Federal election" under this bill that the election of presidential electors is a "Federal election," however, no mention is made of presidential electors in the bill itself. It only refers to the election of President and Vice President as a "Federal election." The question here is whether the election of presidential electors is an election of a Federal or a State official. If it is the election of a State official, then the Federal voter registration requirements contained in this bill do not apply.

In reference to presidential electors, article II, section 1, clause 2 of the Constitution provides:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Num-

> ber of Electors, equal to the Whole Number of Senators and Representatives to which the State may be entitled in the Congress . . .

The sole authority of Congress respecting presidential electors under the Constitution is to "determine the time of choosing the Electors, and the Day on which they shall give their Votes . . ."—article II, section 1, clause 4—and not the manner of appointing electors.

The Supreme Court has held that presidential electors act by authority of the States and are not Federal officials—*In re Green*, 134 U.S. 377, 379 (1890); *Ray* v. *Blair*, 343 U.S. 214, 224–225 (1952). These were cited by Justice Harlan in his dissenting opinion in the case of *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). Therefore, this bill, although aimed particularly at voter registration for presidential elections may not accomplish its purpose at all.

Now on the subject of mailings, mailing costs and mailing list, under the provisions of this bill, the NVRA would be required to mail out Federal voter registration forms before each Federal election. This means that there would have to be at least three national mailings of such forms during presidential election years and in some States the possibility exists that even four or more mailings would have to be made. These mailings would precede elections of: first, delegates to State political party conventions; second, delegates to national political party conventions; third, candidates for Federal offices in primary elections; fourth, candidates for Federal offices in general elections. In those years when only congressional seats were being decided the number of mailings would be less.

The costs of printing, distributing, delivering, and providing postage-free return for Federal voter registration forms have been estimated by the Census Bureau to be easily in the neighborhood of $15 to $20 million per mailing. The cost for establishing an address system for these mailings is estimated at from $5 to $10 million.

Because mailings would have to be made for State political party conventions, primary elections, general elections, and possibly others, the cost per presidential election year may run in the neighborhool of $120 million. Off-year elections may cost a bit less.

These cost estimates do not include payments to the States for processing the returned registration cards; nor payments to the States for bringing State and local election registration laws into line with the Federal mail voter registration systems; nor payments to the States for adopting a 30-day durational residency requirement; nor for staffing and other administrative costs necessitated by the establishment and operation of the National Voter Registration Administration.

It is obvious that the costs of operating this Federal voter registration system are very high. However, the system and its attendant costs must also be judged on the basis of how many additional qualified voters it will bring into the polling booths.

The proponents of this measure contend that approximately 47 million potential voters are being barred from voting in Federal elections because of overly stringent State voter registration requirements and procedures.

The Bureau of the Census took a survey of 50,000 households in November 1968 to determine the extent of voter participation and the reasons for such participation or nonparticipation in that year's presidential elections.

Of the 50,000 households surveyed, 26,942 households reported they did not register to vote. The question asked on voter nonregistration was, "What was the main reason—this person—was not registered to vote?"

The answers were recorded in one of the following categories:

Not a citizen of the United States. (10.6%.)

Had not lived here long enough to be qualified to vote. (11.2%.)

Not interested, just never got around to it, dislikes politics, etc. (53.3%.)

Unable to register because of illness, no transportation, couldn't take time off from work, etc. (13.5%.)

Other reason. (9.5%.)

Don't know. (2.2%.)

About 53.3 percent of those not registered said they did not register because they were not interested, never got around to registering, or disliked politics; 11.2 percent said they did not meet the residence requirements; 13.5 percent said they were ill, did not have transportation, or could not get off from work; 10.6 percent were not citizens; 9.5 percent gave other reasons; and 2.2 percent did not know.

The 53.3-percent figure is most revealing and flies in the face of the reasons given by the proponents of this bill for its enactment. To put the blame for the majority of nonregistrants on State registration requirements or procedures is not substantiated by this comprehensive Census Bureau survey.

In addition, even if this bill were enacted, it is highly questionable that it alone would persuade the 53.3 percent and possibly some of the others to actually register to vote in Federal elections.

Certainly there must be some other less expensive and less bureaucratic way to register the 10 to 25 percent who gave indication that they would have registered had it not been illness, lack of transportation, or inability to get off work or other reasons.

Another very serious policy consideration is the question whether a Federal agency should be established and involved in national voter registration efforts.

The NVRA would be empowered to establish and administer a national voter registration program for Federal elections in all their ramifications. Its duties would also include collecting, analyzing and arranging for publication of voting data; assisting State and local officials in operating the Federal voter registration system; assisting State and local officials in establishing such a system in their local elections, if requested; and, also, assisting State and local officials in solving election problems generally.

The breeding of an overpowering Federal bureaucracy involving itself in a number of aspects of not only Federal, but State and local elections as well, is entirely possible under the provisions of this bill. It becomes an even greater possibility when consideration is given to the possible collusion of national and State or local political party organizations or State and local government officials and Federal officials, should the national administration be of the same political faith as a State or local administration.

The free passage of voter registration and party affiliation information between State and local officials on one hand and the national administration on the other becomes an awesome tool for controlling elections and amassing great political power in our country.

Marshaling the great manpower and technical resources of the Federal Government with the information on voter registration and participation gathered by State and local government sources in this voter registration system presents a picture that the Congress should consider very carefully.

As to registration by mail and the opportunities it presents for fraud, this bill multiplies the opportunities for fraud.

At present, except in very unusual circumstances voter registration procedures by most States require the individual desiring to register to appear in person before a registrar at the time of registration. This bill allows prospective voters to register by mail for Federal elections. No personal appearances before any government official are necessary until the time of voting.

In view of the fact that the residency requirement under the bill is only 30 days before election day and registration is accomplished by mail, the opportunities for fraud are increased tremendously. The time allowed for checking registration rolls is cut to a minimum, especially if a precinct or voting district has a large voter population.

The bill has no cutoff date as to when registration cards must be received by the registration office in order for the voter to be put on the registration rolls. The bill only cites that the cards are to be mailed out to addressees no earlier than 45 days or later than 30 days before election day.

It is entirely possible that only a few days will be available for registration list inspectors to have the opportunity to inspect such lists before election day. It is entirely possible cards would not be returned until election day.

It is obvious that the opportunities for fraud under the provisions of this bill are many, and the safeguards for prevention of such fraud as the bill is written are few. These reasons alone are sufficient for defeat of this measure.

The present Federal law which imposes no durational residency requirement would also be changed. The bill reinstates a durational residency requirement for presidential and other Federal elections despite the abolition of such a requirement in the Voter Rights Act of 1970. This would appear to be the case because section 404(a) of S. 2574 states that—

> An individual who is a qualified elector under State law except as to duration of residency but who is a resident of a State on or after the thirtieth day before a Federal election, shall be entitled to register and vote in a Federal election in that State.

We doubt that Congress intends to undo such a fundamental aspect of the 1970 law as this for presidential elections.

Other sections of the bill also raise serious problems.

First, section 305(b)(4)(B) appears to establish an absolute requirement of bona fide residency, whereas present Federal law—42 United States Code 1973aa–1(3)—permits a certain class of nonresidents— that is, those who have left a State less than 30 days before a presidential election—to vote in the State of their former residence. A liberal reading of this provision would disenfranchise such persons before they have ever had the opportunity to exercise the franchise extended in 1970.

Second, section 308 imposes a penalty of not more than $10,000 or imprisonment of not more than 5 years, or both, for falsifying information given on the registration forms or for conspiring with others for the purpose of encouraging such fraud. It also imposes a fine of not more than $5,000 or imprisonment of not more than 5 years or both for depriving or attempting to deprive anyone of his rights to register under the provisions of this bill. It then imposes the criminal penalty provisions of section 1001 of title 18, United States Code, to additionally enforce the provisions of this bill.

There are two problems raised by this penalty section. One, section 1001 of title 18, United States Code, imposes these penalties for false representations in "any matter within the jurisdiction of any department or agency of the United States." The question arises whether because the registration forms are filed with State or local officials and not Federal officials, they fall within the coverage of section 1001.

The Federal Government under the provisions of this bill appears to be a mailing institution. Once the registration cards are delivered, the responsibility of the National Voter Registration Administration ceases. The cards are not to be returned to the NVRA or any other Federal agency. Instead, they are to be returned to the State or other local official charged with registering voters.

Therefore, because section 1001 mandates its criminal penalties only on matters "within the jurisdiction of any department or agency of the United States," and the forms once delivered to the addresses are no longer the responsibility of the NVRA, it appears not to fall within NVRA's jurisdiction, and the penalties cited in section 1001 cannot be levied on registrants who submit false information on the cards.

Third, it is interesting to note that only a State official may request Federal assistance to prevent fraud. As the bill reads, this precludes any type of Federal investigations for fraud except when a State official requests it. Because Federal investigations in such instances are dependent upon a State request, for practical purposes there would be no remedy where the State official is himself involved in fraud, since it is highly unlikely he would request the investigation on himself.

Fourth, with respect to the same section, any suit filed by the Federal Government after an investigation requested by a State official would be filed in the District of Columbia or any other U.S. court of competent jurisdiction. However, the ability to subpena witnesses to appear in person is in serious doubt as rule 4(f), Federal Rules of Civil Procedure, allows a witness to be subpenaed only within 100 miles of the court. In some cases the location of the fraud may well be beyond 100 miles from where the appropriate U.S. court sits.

The difficulties imposed by this section in such cases is a very real one and should not be handled as lightly as it is in this bill.

A severe indictment can be made of this bill on the basis of committee jurisdiction and expertise.

Rule 25–1 states that matters relating to civil liberties shall be referred to the Committee on the Judiciary. Bills dealing with voting rights and registration for Federal elections have in the past been referred to and considered by the Committee on the Judiciary.

The Senate Committee on Post Office and Civil Service received this bill on voter registration because contained in it were references to the U.S. Postal Service and Bureau of the Census. These two Federal agencies were to produce, distribute, monitor, and deliver Federal voter registration cards. However, the primary thrust of the bill was to establish a national voter registration system.

The discussions in the Committee on Post Office and Civil Service on this measure centered not around the participation of the U.S. Postal Service or the Bureau of the Census in the national voter registration system but, rather, whether or not such a national voter registration system should be established.

It is essential in considering legislation of this importance that the Judiciary Committee, which has the expertise arising out of many years of experience in the field, consider such legislation. Constitutional questions, impact on State laws, imposition of criminal penalities and a multitude of other questions attending the establishment of a national voter registration system should be given much greater consideration in the Judiciary Committee than the Post Office and Civil Service Committee gave S. 2574. The Post Office and Civil Service Committee had one executive session of less than 1 hour's duration on the bill.

The Civil Rights Act amendments of the 1960's, the Voting Rights Act of 1965, the Voting Rights Act of 1970—all of these were considered by the Senate Judiciary Committee. The Federal agency charged with overseeing voting rights is the Justice Department. Here the bill seeks to establish a National Voting Rights Administration in the Bureau of the Census, Commerce Department. This appears to be setting up a system without coordination between Federal agencies and is inviting problems that can and must be avoided.

The committee staff has drafted five or more different versions of this bill. Even after the committee had acted, substantive changes were being made in the bill. We understand that very substantive floor amendments will also be made by the majority of the committee during debate on this bill in order to correct deficiencies that have been raised after the committee voted on the bill.

There may be very many more pitfalls contained in the bill even after adding floor amendments.

With all due respect to the expertise of the committee members and staff of the Post Office and Civil Service Committee in attempting to write legislation on voter rights and registration, the bill continues to have many deficiencies and should be re-referred to the Judiciary Committee for hearings and careful examination.

In conclusion, Mr. President, I wish to repeat what I said at the outset: If this bill were enacted—

First. It would change drastically the manner of voter registration in the whole United States;

Second. It would impose Federal controls and guidance on the States;

Third. It would impose Federal controls and guidance on State and local political party organizations;

Fourth. It could create an overpowering Federal voter registration bureaucracy to influence elections;

Fifth. It would change radically our traditional and well-established voter registration systems;

Sixth. It would multiply the opportunities for fraud in elections;

Seventh. It could impose Federal registration costs in excess of a hundred million dollars per presidential election year; and

Eighth. It would have serious, adverse implications on our entire system of elections and our system of government.

Mr. McGEE. Mr. President, I yield myself 3 minutes. I want to refer to my colleague, the ranking minority member of the committee, in the context of his opening statement. He is amazed and flabbergasted that we are discussing this matter this late in the session. He and I share the same view. I am amazed and flabbergasted that whatever the reasons are for those who have delayed, dawdled, and procrastinated on this bill, the committee had hearings in October. We reported it to the calendar on November 9 and it has been languishing there ever since.

Only because of the charitable conditions under which we would guarantee not to vote this afternoon were we suffered to bring it up at all. It is that circumstance which I think should be examined by every citizen in this country.

Someone does not want us to vote on this proposal.

Someone does not want people to cast a vote or be eligible to cast a vote.

It is as elementary as that.

So I remain flabbergasted that near the end of this term we are still trying to get this measure to a vote. If it really is of so much genuine concern that this has run so long, I would ask unanimous consent, right now, to proceed to a vote on the bill.

The PRESIDING OFFICER (Mr. TUNNEY). Is there objection?

Mr. FONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. I hear an objection——

Mr. FONG. We had agreed that we would have 2 hours on the bill and that the bill would go over. That has been agreed upon.

Mr. McGEE. Yes. I wonder whether we could agree to a unanimous-consent request to vote on this perhaps tomorrow——

Mr. FONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. I hear an objection again. I wonder whether we could have a unanimous agreement to vote on this measure at any evening, any morning, any eventide, or just before adjournment of this session.

The PRESIDING OFFICER. Is there objection?

Mr. FONG. Mr. President, reserving the right to object——

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. There has been an objection again. I withdraw the request, Mr. President, but would make the point that someone does not want us to vote on this.

I yield myself 1 more minute to say that the distinguished Senator from Oklahoma, a member of the committee who supports this proposal, had an excellent recitation of his experience as Republican State chairman in Oklahoma on the sheer problem of trying to achieve equity for voters who otherwise would vote.

I believe that the Members of this body would do well to examine his testimony as submitted in this debate.

The question of fraud continually crops up here. No one wants a system that will incite or invite fraud. We have sought to minimize the prospects of its occurring here, but we should remember one thing: Most of the fraud has been in the casting of the vote and not in the registering of the vote.

Let us not misapply the public image about fraud and fraudulent practices at election time.

We are trying to say to the housewife, to the laboring man, to the individual who is moving, to the individual whose job keeps him on the road that, nonetheless, he will still be preserved in his right to vote in a Federal election and not suffer the penalty as a consequence.

I think the only fraud that remains in balance in our system now, a glaring fraud, is that so many millions of people cannot vote even if they wanted to, because of the complicated registration procedures that still prevail. This bill is simply designed to remove a much larger fraud than any that can be intimated or suspected, or feared, or blown up out of proportion that might arise under the circumstances.

Mr. President, I would like to respond to the distinguished Senator from Hawaii on the points raised in his speech.

The Senator from Hawaii raised the issue that Congress should not legislate in the field of voter registration "in the absence of consistent and overwhelming evidence that constitutional rights are being violated in the application of voter registration laws and practices by the States." That view advocates a requirement for Congress to meet far beyond the ordinary meaning of the necessary and proper clause, or any of the many decisions of the Supreme Court interpreting the power of the Congress to act. Chief Justice Marshall stated it, and stated it famously, in his edict in the McCulloch against Maryland case—1819—the rule laid down for all time:

> Let the end be legitimate, within the scope of the Constitution, and not prohibited by the Constitution, then it is constitutional.

Mr. President, if "consistent and overwhelming" evidence of deprivation of constitutional rights was necessary for Congress to act, there simply would not be action in any field.

Mr. President, the facts are that multiple State requirements for registering to vote disenfranchises millions of Americans in a mobile society; that 25 percent of the population moves every year, and that the election of Federal officials is a most precious constitutional right which is the right to be represented.

The distinguished senior Senator from Hawaii also states that Senate bill S. 2574 imposes Federal requirements for participating in the purely State political convention processes, and would not require a voter to be a member of the party to vote in that party's elections or conventions. I would agree that this is true to a limited extent. But nothing in this legislation would prohibit a State from enacting legislation requiring party membership to vote for delegates.

Mr. President, there is a clear relationship between voting for Federal officials and voting for candidates to conventions who elect national delegates or nominate Federal candidates. If the right to vote in those elections or for those delegates is not insured, the States could effectively avoid the intent of this legislation by adopting convention systems, just as South Carolina and Texas did with the White primary.

The Senator from Hawaii asks whether this registration system applies to the selection of presidential electors. The answer to this question is a definite no. The 1970 Voting Rights Act Amendments clearly establishes that voting rights for presidential candidates or electors are within the scope of the statute.

The Senator from Hawaii has many times during the hearings, in his report and now in a statement on the floor today pointed with pride to his 1969 census survey of 50,000 voters which indicated that there was a lack of interest; people did not get around to it or just did not care on a certain percentage of those interviewed. He then asks, why set up a whole bureaucracy to handle a few who would not vote anyway? My answer to this is that a survey of 50,000 is small potatoes for denying a simple, uniform system of registering all voters for Federal elections. For the housewives out there in the trailer parks who have no means of getting to the courthouse, it will mean a lot. For the construction laborer working out on the project who has no way of getting to the courthouse, it will mean much.

Besides, the real issue is not what 50,000 people said in a poll, but is whether the Nation's electoral system is serving the people by removing artificial barriers to participatory democracy.

The Senator from Hawaii has also alluded to the fact that there might be a logjam resulting from postal cards being returned to the county clerk. To set the record straight, the answer to this is a definite no. Although there is no deadline for return, the State is permitted to close registration 30 days before an election. The county clerk could tell any applicant that sent in his card late that he would not be allowed to register. This is if the clerk desired to do this. Hopefully, clerks would not act in this manner.

Another question posed by the minority in their report and on the floor today is why are only State officials permitted to file action for fraud, and what about State officials themselves who commit fraud? My suggestion is to read this bill closer. Indeed, one would clearly see that a State official may complain if he suspects fraud; but either the State or the National Voter Registration Administration may investigate patterns of fraud, conspiracy, and so forth. We are not having the Government jump in for isolated cases that can easily be handled on the local level. The same holds true for State officials themselves who commit fraud. If one has reason to believe that a fraud is being committed by a State official, he may bring this to the attention of the proper officials, and if there is enough evidence to indicate a pattern of fraud by an official, an investigation may be undertaken.

The Senator from Hawaii has also raised the issue that under S. 2574, venue for suits can only be assigned to the U.S. District Court for the District of Columbia. This is an incorrect assumption by my colleague. Let me point out that the language of the bill states that that court or any appropriate district court. There is a small venue problem, because the Federal rules limit subpena power to witnesses within 100 miles of the court; but that is no greater problem in this case than in any other, and protects the rights of citizens who do not want to be dragged off to faraway Federal courthouses.

The Senator from Hawaii has stated that reestablishment of residency requirements for voting for President and Vice President is required by the bill because of the 30-day clause. With that statement we agree wholeheartedly with the Senator. However, I am prepared to introduce onto the floor an amendment which will clearly stipulate that S. 2574 will not interfere with the 1970 act, and that a State may enact legislation more liberal than the requirements of S. 2574 if it wants to, which will supersede the Federal requirements. I thank the Senator from Hawaii for raising this very valid point. It is checks like these that make our system work effectively.

Finally, the Senator from Hawaii states that jurisdiction of the Post Office and Civil Service Committee does not extend to this legislation. He states that the bill should be referred to the Judiciary Committee. Hopefully, this is the final summation of a long and tedious argument. The Judiciary Committee should not have jurisdiction over this matter. As I have stated before, this committee of which I am chairman did not usurp the powers of the Judiciary Committee. It was referred to us and we accepted the challenge. The Senator from Massachusetts plans to discuss the judiciary question again, so I will not elaborate any further upon it. Our position was stated once before on the colloquy between Senator HRUSKA and myself on November 9, 1971. We feel this issue is now moot and we should proceed upon the merit of S. 2574.

Mr. McGEE. Mr. President, I am now glad to yield to the distinguished Senator from Minnesota (Mr. HUMPHREY) 7½ minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 7½ minutes.

Mr. HUMPHREY. Mr. President, I thank the Senator from Wyoming very much.

I am very proud to be a cosponsor of this National Voter Registration Act. I had the privilege of testifying before the committee chaired by the Senator from Wyoming (Mr. McGEE). I believe that the work of that committee in bringing forth this particular bill is one of the most important developments at this session of Congress—indeed, of many sessions of Congress.

The issue before the Senate is whether we are really going to maximize voter participation in the decisions of this Government.

I have listened with keen interest to the objections raised by the distinguished Senator from Hawaii (Mr. FONG) and the response of the Senator from Wyoming (Mr. McGEE).

One of the charges made, and just alluded to, was the possibility of fraud under this particular universal voter registration bill. I believe that the comments of the Senator from Wyoming are on target, that fraud in this country is the manner in which, by antiquated registration procedures, we deny millions of people their opportunity to vote.

I know that the answer will come back, "If they want to register, they can."

I suppose it is possible, if one wants to stand in line long enough, if he wants to go down to city hall, and in many places those voter registration booths or tables are open for only a few hours a day, or at least over a limited period of time, but if he is willing to take all that time, it is possible that he can be registered.

But I invite the attention of the Senate to the fact that the battle cry at the beginning of this Republic was, "No taxation without representation."

There are millions of Americans today who because of voter registration procedures have no opportunity to be registered, so have no chance to participate. It is estimated that over 40 million American citizens were eligible to register but were unregistered in 1968. That figure will be well over 50 million in 1972. In fact, there were more people unregistered in 1968 than voted for any candidate for President in 1968.

Someone can say, maybe with seriousness or with facetiousness, "Well, they didn't see much to vote for."

I submit that many registrants were unable to vote in local elections, were unable to vote in State elections, and were unable to vote for Senators or Congressmen or Governors. So it was not as if it was just related to a national election.

The Government does not ask us to register to pay our taxes. The same Government that can tax us can register us. The Government of the United States does not say, "Will you please send in your name to the Internal Revenue Service? Give us your address, and your zip code and we will send you an income tax blank."

No; the Government of the United States finds us and sends us the income tax blank, and if we do not fill it out right, they send someone out to help us fill it out right. And if one does not take the help, why they will send him to jail.

What we are saying here is that under this bill we will use the mail that takes the income tax blank to the people, the same mail service, to help the voter registration. I know of no county or State in the United States that says to an individual, "You own some property. Be sure to come down and register so that we can tax you."

I have never consulted my county about my property tax. They send me a tax bill. They hardly ever call me. I have never had to call up the Internal Revenue Service and say, "I changed my address. Would you like to know where I am living now?" They find a person. They find out how much money he has and how much property he has. And they tax it.

The same Government that can do that can also help one to register. They determine what kind of decision will be made about one's taxes.

I see something here that is very disturbing. I see a fear on the part of some people in this Government of the people. I see, for example, attempts from the White House to kill off the checkoff system on the Federal income tax form that would be provided so that we could have decency in politics and the financing of politics so that the citizens would have an opportunity voluntarily to exercise their right to say that they want $1 of their taxes to go into a fund to pay the financing of the expenses of persons who seek the highest office in the land.

I hear that the President of the United States says he will veto that bill, even though that bill includes in it the economic stabilization program which stimulates the economy of this Government and makes it possible to have more jobs for the unemployed.

I see an administration that is afraid of the people. I see an administration that is afraid of voter registration.

I think I know why. I think it is because the Census Bureau reports:

> The highest portion of those not registering or not voting fall among the blacks, those who do not finish high school, in the main the service workers, and those of low income.

There you have the reason for it. Those who have a fear of their Government are the ones who get little or nothing from the Government, or if they get anything, it is welfare, which is demeaning to them.

I submit that the bill presented by the Senator from Wyoming is a major landmark in the extension of democratic government, in the improvement of principles and institutions of our democracy. I want to commend him. I think it is nothing short of a national tragedy that we are not going to have the opportunity to make this the law of the land at this particular session of Congress. It is needed.

There is great disenchantment in this Republic. There is great disenchantment about the Government. And one of the reasons is that it is very difficult to get answers out of the Government. It is very difficult to get service out of Government. It is very difficult to reach the processes of the Government.

We ought to make it so easy to vote that no one has an excuse not to vote. Let me tell the Senator that other countries do it.

Mr. President, in the Scandinavian countries, they pride themselves on having 90-percent voter registration of the eligible electorate. They do not have to go through this monkey business of registering.

In Australia, 80 percent of the population that is eligible to vote, votes. They do not have to go through this confusion and this maze and all these sandbags and traps.

There is a voter registration in Great Britain. Great Britain is one of the oldest democracies in the world. People just go and vote. They have their voting places and they go to vote.

In France, over 80 percent of the eligible electorate votes.

Why do they vote? Are we going to say that the French are better educated or that the people of India are better educated? A vast number of their people vote.

I think the answer is that they make it easy to vote. Voting ought to be as convenient as breathing.

Yet, we make it as difficult, I submit, as getting out of a sandtrap on a golf course.

I would suggest that we ought not to relax our rules, but ought to change our rules. The pending bill protects us from fraud. It protects the State, because each State decides whether to adopt the Federal system for its own. The Federal Government will reimburse a State for 15 percent of the process involved. If a State decides to adopt the Federal system, the Federal Government will reimburse the State for 30 percent of its cost. Thirty percent of the cost will be upon the Federal Government.

This legislation has a strict provision to prevent fraud. I would hope that somewhere along the line we would recognize the importance of its passage.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. FONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Hawaii has 19 minutes remaining.

Mr. FONG. Mr. President, I yield 4 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mr. ERVIN. Mr. President, the committee that has acted on this bill has about as much jurisdiction over this subject as I have to select underwear for the Queen of Sheba. For that reason, I move that the bill be committed to the Senate Committee on the Judiciary.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit.

Mr. ERVIN. Mr. President, I want to speak on the motion.

Mr. McGEE. Mr. President, I would like to have a ruling made on that matter.

The PRESIDING OFFICER. The Senator from North Carolina has been recognized for 4 minutes. The motion to recommit would be the pending question.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Is a motion to recommit debatable?

The PRESIDING OFFICER. It certainly is.

Mr. ERVIN. Mr. President, let us see what the jurisdiction of the Committee on Post Office and Civil Service is.

The rules of the Senate provide as follows:

> (n) Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
>
> 1. The Federal civil service generally.

This bill has nothing to do with the civil service. It provides further:

> 2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

This bill does not have the remotest connection with that subject within the jurisdiction of the committee.

The Senate rules provide further:

> 3. The Postal Service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service, but excluding post roads.

This bill has as much to do with the subject of that committee as the flowers that bloom in the spring, tra-la, have to do with the committee.

The Senate rules provide further:

> 4. Postal-savings banks.
>
> 5. Census and the collection of statistics generally.
>
> 6. The National Archives.

So, we have a bill that has been heard by a committee that had no jurisdiction at all. The bill has been reported by a committee that had no jurisdiction over this question.

Despite my good relations with my good friend, the Senator from Wyoming, I am going to say that he is the mildest mannered man that ever scuttled a ship or cut a throat or usurped a power that he did not possess.

The rules of the Senate establish a Committee on Rules and Administration, and it says that that committee has jurisdiction of all——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. Mr. President, I yield an additional 3 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for another 3 minutes.

Mr. ERVIN. Mr. President, the rules of the Senate provide that the Committee on Rules and Administration has jurisdiction of:

> Matters relating to the election of the President, matters relating to the election of the President, Vice President, or members of Congress; corrupt practices; contested elections; credentials and qualifications; federal elections generally; presidential succession.

It is clear that this bill in its present form is within the jurisdiction of the Committee on Rules. But there is a provision that the Judiciary Committee has jurisdiction of problems that relate to civil liberties.

Mr. President, this bill should go to the Committee on the Judiciary because we already have pending in the Committee on the Judiciary three bills. We have S. 2349, which was introduced by the distinguished Senator from California (Mr. TUNNEY), who now occupies the chair. We have S. 2240, which was introduced by his distinguished colleague from California (Mr. CRANSTON). We have a bill introduced by the Senator from Alabama (Mr. ALLEN), S. 1553. All of those bills deal with the same general subject as the pending measure.

It should go to the Committee on the Judiciary because I have four or five amendments pending here which relate to civil liberties. A little over 100 years ago my State attempted to leave the Union, and the Union said:

> You cannot do that; you cannot get out of the Union.

We found we could not get out of the Union. But we have also been over 100 years trying to get back into the Union and we cannot get back into the Union.

I have some amendments to the pending measure which provide that North Carolina, Virginia, South Carolina, Georgia, Alabama, Louisiana, and Mississippi be readmitted to the United States on the equality with the other 43 States.

Since my amendments are necessarily efforts to amend the Voting Rights Act of 1965, of which the Judiciary Committee undoubtedly has jurisdiction, the pending measure and my amendments ought to be considered by that committee.

I have some amendments to get North Carolina back into the Union and to get these other States back into the Union. I think these amendments need to be considered by the Committee on the Judiciary which deals with legislation of this kind. I intend to press the amendments. I think that the regulatory procedures of the Senate are of prime importance and I do not think, despite my high admiration for the members of the Committee on Post Office and Civil Service, that they should set a bad example to other committees to take jurisdiction of matters over which they have no jurisdiction.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ERVIN. I thank the Senator from Hawaii for yielding me time and I suggest that if he has any time remaining he give parts of it to the Senator from Nebraska and the Senator from Alabama.

Mr. McGEE. Mr. President, I would like to speak briefly. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, as I review our recent history I recall very fondly that my warm personal friend from North Carolina has established himself as the arch protector of the Bill of Rights of Federal employees. Practically every bill which comes up before this body is made up of many parts and, Mr. President, you cannot just decide cleanly if it goes to this committee or that committee. But the Senator's bill was not referred to the Committee on the Judiciary. He asked unanimous consent that it might be because the rules of the Senate had to be waived. The Senator from Wyoming made no such request on this bill now pending. This bill was sent to the Committee on Post Office and Civil Service by the will of the Presiding Officer and the Parliamentarian of this body. We asked for no help; we asked for no biased judgment. We did not seek to grasp someone else's jurisdiction.

The matter was assigned to us and we have lived up to that assignment by holding hearings and drafting a bill that is obviously not establishing new voters. It is administering a registration process already laid out through the Bureau of the Census, which is our jurisdiction in this body, and through the mails, which is our jurisdiction in this body.

So once again I say to my friend that we are not seeking to annihilate anyone's jurisdiction.

Mr. FONG. Mr. President, I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Hawaii for yielding to me.

Mr. President, I agree that this bill should go to the Committee on the Judiciary for further study and for possible amendments.

Much has been said about the plight of adult citizens of the United States who have not registered to vote and, therefore, are ineligible to vote in presidential elections. But very little has been said about the 20 to 30 million qualified electors who have so little interest in the election that they fail to go to the polls and vote, even though they are qualified. They are the ones we should be concentrating on and urging them to go to the polls and vote.

The requirement that this might be handled by mail need not have been made, actually. These forms really should not be sent out through the mails because they will have to send out some 80 to 100 million of these forms each time they have a Federal election, each time they have a presidential preference primary, and each time they choose delegates to a convention. They would have to send out 80 to 100 million of these forms for each such election. Why not just make the forms available at drug stores or grocery stores or the like?

Mr. President, we already receive enough mail that we do not need. What about the qualified voters, the 75 million to 100 million qualified voters, who would continue to get these forms each time there is an election? Think of the confusion that would cause for qualified electors to get these forms indicating they are not qualified to vote. Think of the hundreds of thousands of people who would fill in the forms and mail them in, even though they are qualified. Look at the overkill of sending out these forms to every postal patron in the country. It is absolutely ridiculous.

Talk about voting tombstones, Mr. President, you are going to be voting postcards if this bill is allowed to pass.

There is a little bit of legalized bribery in this bill, as well, because it provides payment to the States—nothing was said about how that would trickle down to the county level offices. But it provides paying the State an amount estimated by the committee at 50 cents per form that is processed. Then, they would pay an extra bonus of 15 percent if the State adopts the same system in its registration procedure, and another 15 percent if they passed the same residence requirements that are provided by the bill in their State elections. So if the State will get under this law there is a subsidy to be paid to the State.

There is nothing mandatory in the bill as to action by State voting registrars. Mr. President, you might find one State implementing these provisions and another State would not do it.

From time to time in this body we have had up the matter of the direct election of the President. If we should have a State that would register 1 million post card registrants and another State that did not chose to implement this law, we would have a concentration of voters in the large areas because they would be the areas that would be likely to implement this law.

In my judgment this bill needs a careful going over and I believe we can count on the Committee on the Judiciary to give long and serious consideration to this bill.

I support the motion of the distinguished Senator from North Carolina that the bill be recommitted to the Committee on the Judiciary.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. KENNEDY. Mr. President, will the Senator yield to me for 7 minutes?

Mr. McGEE. I am glad to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it is always of interest to me to hear the arguments that are made over jurisdiction by those opposing a measure. If there is one observation I would make about the Senate in the years I have been here, it is that arguments are constantly made about jurisdiction, but they are arguments of convenience. It all depends on whose ox is being gored.

I remember that recently, in the Committee on the Judiciary, we had a bill to relax the strict requirements we imposed on ammunition. The supporters of the bill could see it was not going to be approved by the committee. And so those who wanted to relax the law simply withdrew the bill from the Judiciary Committee. They did a little redrafting. They dotted the i's and crossed the t's and they introduced it again. And lo and behold, this time they sent it to the Committee on Finance, where it was promptly approved by the committee and sent to the Senate floor.

I also remember coming on the floor of the Senate and making the request that the bill be referred to the Judiciary Committee, to no avail. I do not recall the Senator from North Carolina championing the jurisdiction of the Judiciary Committee on that occasion.

That is the way it always is. We hear time and time again, that this matter should be sent to this committee and that matter to that committee. As chairman of the Health Subcommittee, I am aware that the Finance Committee deals with the financing of health care, and our subcommittee deals with the delivery of health care. Likewise, we know that several different committees have jurisdiction in the area of election reform.

The only time the argument over jurisdiction is made is when no other good argument can be made. If there are any complaints to be made over jurisdiction, they ought to be made against the Senate rules, which determine the jurisdiction of the committees. The Parliamentarian has clearly ruled that the Post Office Committee had proper jurisdiction over this registration bill and I hope that jurisdictional objections will be used no further to frustrate the right of the people of this country to participate in elections.

Mr. President, it is a fact that 6 out of the last 12 constitutional amendments have been enacted to broaden the franchise for our people.

If we were on the Senate floor 100 years ago, we would have heard the debate over the 15th amendment, extending the right to vote to blacks. In this country, we would have heard debate on the 19th amendment, providing the right of women to vote. Or the 23d amendment, for participation in presidential elections by the citizens of the District of Columbia. Or the 24th amendment, prohibiting a poll tax in Federal elections. Or the 26th amendment, lowering the voting age to 18.

We heard the same argument on the poll tax—"Let us send it to the Judiciary Committee"—which would have killed it.

I listened to the same arguments with respect to the 1970 act enabling 18-year-olds to vote. "Let us send it to the Judiciary Committee," it was said. "We have not had time to study it." But, the Senate acted responsibly. It recognized those arguments for what they were—delaying tactics—and refused to avert them. I submit that we should do the same today.

This bill is not complex or complicated.

As I said before, six out of the last 12 constitutional amendments have been enacted to expand the franchise. We know that Congress has been active in this area in approving statements as well. In the 1950's and 1960's, we had the Civil Rights Act. We had the Voting Right Acts of 1965 and 1970. We had the 18-year-old vote. We had the broadcast spending bill. We had the Election Reform Act of 1971, with spending ceilings and reporting provisions. We had the campaign fund amendment last week. The whole trend has been for reform and for expanding the participation of people within the election system.

That is all this bill is trying to do. We all know what this bill would accomplish and achieve. We know quite clearly from the statistics that before we had the inhibition of voter registration, we had higher voter participation. In 1896, 87 percent of the eligible voters participated. Then when we reached 1924, when all the States had enacted registration laws, only 44 percent of the American people went to the polls. So we can see the direct relationship there.

Perhaps the most sinister aspect of interpreting the statistics comes from looking at the groups in our society with the lowest record of participation in our election process.

Only 66 percent of United States black citizens were registered, while 76 percent of the whites were registered.

Fifty-three percent of citizens in families with incomes less than $3,000 were registered in 1968, but 82 percent of those in families with $10,000 to $15,000 incomes were registered.

Only 69 percent of the Nation's manual workers were registered in 1968, but 83 percent of the white collar employees were registered.

Only 49 percent of those with a formal education of 1 to 4 years were registered in 1968, but 87 percent of those with college degrees were registered.

So we have an election system which at its very roots works against the disadvantaged people, the less educated, the blacks, the poor, and the blue collar workers.

The debate we have had so far demonstrates already that there are those in this body, as there are around the country, who do not want to change the system. The way to improve our democracy is to bring people into the system. One of the best ways to do that is to provide the people with a reasonable means of voter registration, so that they may have the opportunity on election day to participate in the political life of our free society.

I would hope we could get some kind of final action, or at least some agreement in terms of time for a vote. As has been pointed out by the chairman of the committee, this is not a complex issue. It is not very complicated. There are States like the State of North Dakota which do not have any kind of registration law at all. We do not find abuses in North Dakota as a result of that supposed gap in the law. Surely, we are not going to say that the people of the other States are more corrupt than the people in North Dakota.

In any event, we have adequate kinds of safeguards against fraud in this bill. There are strong enforcement procedures. This bill is fair. It is constitutional. It will be upheld by the Supreme Court of the United States. Time and time again, when this question has been raised, the Supreme Court has said that the Constitution gives broad power to Congress to enact laws in this field. All we want to do is exercise some leadership and to have Members of the Senate express their views. I hope they will and I hope the outcome will be favorable.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, it has been suggested by other speakers that some Senators do not want to vote on this bill. I agree with that statement. I think that no one should want to vote on this bill today, and I have good reasons for that view.

We have a system of qualifications for electors in this Nation that has grown up for almost 200 years pursuant to the requirements of the Constitution, custom, and logic. In a short space of time, with less than 2 hours' debate, it is here suggested that there are people who do not want to change the system that has grown up over that long a period; that we do not want to vote on this proposal today. That is correct.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. Mr. President, the fact is that there has not been a sufficient canvass of the impact of this bill, and I will give a specific example. We have in this Nation 50 secretaries of state or their equivalent who are in charge of the several States' election processes. Only one secretary of the State of Oregon testified concerning this bill, one who was for the bill. He opened his statement by saying, "I appear here not only as secretary of state but also as a representative of Common Cause"—not a truly unbiased witness who would be able to present both sides of an issue as complex and complicated as this. Only one. I have had indications from other State officials, and from many other quarters, that there are a significant number of people who would like to have had an opportunity to oppose the bill. They were not afforded this opportunity nor even notified of the hearings or content of the bill now before us.

Let me give my colleagues an idea of what is involved. Under this bill it would be inevitable that every State would have dual election rolls. There would be an election roll existing for voters who would register under this bill for national elections and there would be a roll of voters who would register under the regular processes of the State for other elections. The cumbersome procedures and increased costs would be substantial.

A year and a half ago we had testimony before the Judiciary Committee, when we were considering the Electoral College reform bill, that the system of having dual registration rolls of voters would be completely impracticable and unworkable. In those States that have election machines, it would make necessary two sets of election machines. In those States that do not have machines, it would be necessary to have two sets of ballots, and there would be two sets of qualifications for voters.

As an example of the lack of need for this bill, let me point to one simple proposition which appears on page 15 of the bill, subsection (4), which provides that the postal card must have a printed statement that the individual is a qualified elector under the laws of the State except as to duration of residency.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield 2 minutes to the Senator.

Mr. HRUSKA. No voter would be able to truthfully sign that statement and assert that he was a qualified elector of the State in which he lives unless he had already complied with the registration laws of that State. That is what makes him a qualified voter. And if he is so qualified, there is no necessity for the postcard to be sent for registration purposes. All States presently have adequate provisions to take care of citizens who meet these standards.

That is only one of many examples why this bill should be referred to the proper committee for supplemental action and for thorough inquiry and study.

A long list of Federal statutes for reform of the election laws presently in effect has been cited as an argument for passing this law; but in each of those instances, Mr. President, there has been some element in the electoral processes of the individual States that has prevented people from voting who should be voting pursuant to Federal requirements such as a poll tax, or literacy test, or discrimination on account of race, creed, or color, or whatever it has been.

That is not the case in this bill. This bill says the State system is all right for the State, but it is not all right for a Federal election. It would seem to me that if there were something wrong with the State electoral system, that would require revision in all regards so as not to impede the ability of people to vote in any election. If such be the case we ought to attack that, but not to superimpose on a present viable and practicable and workable system something which will render it immobile, in an effort to get people to vote.

Mr. President, the bill now under consideration raises in my mind a number of problems, both substantive and procedural. This Senator regrets very much that S. 2574, the voter registration bill, has been called up for consideration at this time. With but a few days left in this session it is inevitable that in the rush for adjournment a bill as complex and far-reaching as this one will not get the attention that it deserves. I would much have preferred that if the bill is to be debated in its present form at all, and I would wish that it not be, that consideration be postponed until the start of the second session. Then the Senate would have ample time to consider S. 2574 fully. I hope that on the expiration of these 2 hours, this bill will be returned to the calendar.

With regard to procedure, it is my firm belief that this bill should not have come to the floor until the Committee on the Judiciary had an opportunity to examine it. While the Committee on the Post Office and Civil Service under the able leadership of the Senator from Wyoming (Mr. McGee) has a great deal of expertise in many fields, particularly the workings of the U.S. Postal Service, I submit that that expertise does not extend to voting rights and voter registration. To send this bill to the Post Office Committee and to ignore the long history proposals of this type have had before the Judiciary Committee seems to me to be a brilliant example of the exhaltation of form over substance.

As I understand the history of this legislation, when the proposal was first introduced, the Parliamentarian determined that the bill should be under the primary jurisdiction of the Post Office Committee because the mails were to be the means by which massive registration was to be carried out. A quick look at rule XXV of the Standing Rules of the Senate will reveal however that the Committee on Post Office and Civil Service has no jurisdiction over election matters.

The Senator from Michigan (Mr. Griffin), I believe, indicated on the floor at that time by way of a unanimous consent agreement that following any reporting of that bill from the Post Office Committee it was to be referred to the Judiciary Committee for its consideration.

Now I am informed that because the Post Office Committee has reported a clean bill, rather than the one originally introduced which the unanimous consent agreement covered, that agreement has no validity. It seems to this Senator that the true intention of the assistant minority leader was clear from his agreement: this type of bill rightly falls within the jurisdiction of the Judiciary Committee and the Senate should not be called to act without first having the views of the primary committee involved.

To sidestep that agreement by reporting a clean bill, on the identical subject, seems as I indicated a moment ago to be an unjustified elevation of form over instance. By use of a technicality the legitimate aims of Senator Griffin and those who feel as he does have been trammeled.

The Committee on the Judiciary, and most particularly the Subcommittee on Constitutional Rights chaired by the very distinguished senior Senator from North Carolina (Mr. Ervin), has for a number of years held hearings, listened to witnesses and considered a large number of proposals relating to the subject of voting rights. The question has always been how to secure for all of the governed the constitutionally guaranteed right to vote for those who govern. Just last year the Voting Rights Act of 1970 was considered and processed by the Judiciary Committee as is the case with all similar measures within the memory of this Senator.

Without fear of contradiction, I feel that it is fair to say that no member of this body reveres the Constitution and the Bill of Rights more than Senator

ERVIN. No one of us has spent more time studying the work of the framers, the history of this Nation and this Government under the Constitution, and the many decisions of the Supreme Court wherein that document is analyzed and interpreted. To deprive the Senate of the views of this Senator, his colleagues on the Judiciary Committee, and the witnesses who would be called to testify on this measure, is indeed a disservice—both to the Senate and to the Nation.

In looking over the hearings conducted by the Post Office Committee on S. 2574 and related bills, it appears that a number of interested parties were never notified of these hearings and never given an opportunity to testify. Among others who have a deep interest and knowledge in the subject of elections are State and local election officials. This Senator feels that testimony from representatives of these groups concerning, for instance, current practices, problems with registration, fraud, voter turnouts, costs and related matters would have been most helpful in our analysis of this bill. I am even informed that the secretary of State of Wyoming, the home State of the chairman of the reporting committee, would like to have had an opportunity to comment on the problems raised by this bill.

To ask the Committee on the Judiciary to now take a look at the bill would, in my judgment, greatly strengthen and solidify opinion on this matter. A different viewpoint could be brought to bear on this proposal which I think would be all to the good. This Senator is certainly not in a position to know what action the Judiciary Committee would take on the bill, but I am certain its views would be most helpful regardless of the outcome. To do otherwise will be to force the Senate to commit itself on this very important question with only half a brief before it. Courts do not decide cases this way, neither should the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. KENNEDY. Mr. President, will the Senator from Wyoming yield me 3 minutes?

Mr. McGEE. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if there is an argument that does not have any relevancy to the issue before us, it is the argument by the Senator from Nebraska about the burden of a dual system.

We have already got a dual system. We have it since we adopted the amendment of the Senator from Arizona (Mr. GOLDWATER) in the 1970 Voting Rights Act. That amendment provides that any new resident of a State must be allowed to vote in a presidential election so long as he registers at least 30 days prior to the election. So we already have a dual system. All the Senator from Wyoming is asking in this measure is that the dual system be extended for two more names. The States must already provide a separate ballot with only the name of the presidential candidate. Why should not they also add the names of the Senate and House candidates to that ballot?

The Senator from Nebraska knows as well as I do that the death knell for every voting rights measure is sounded in the Judiciary Committee. Otherwise, why do we find, time and time again, that as such measures come over from the House of Representatives, they are held at the desk? Sometimes they are sent to the Judiciary Committee, but always with the requirement that the bill be reported back by a time certain. That was true in the case of the poll tax, the 18-year-old vote, and congressional redistricting. We know what will happen to this amendment in the Judiciary Committee.

All this bill will do is enable the American people to participate in the system. That is the best way to keep this country strong, and that is why I support the amendment, and hope we will be able to act on it.

The Senator from Nebraska says we ought not to talk about a time limitation agreement, that there ought to be more opportunity to discuss the matter and to exercise our will.

Then why will he not suggest some alternative agreement in terms of time? All we hear is, "When are we going to take up Rehnquist? When are we going to take up Powell?" That is what we hear, three or four times a day. "When will we vote on the Supreme Court nomination?" Yet when it comes to talking about something that can really reform the system, the Senator is not so ready to vote on it.

It is always a question of whose ox is being gored. Unfortunately, in this case it will be the American people's. They will be the ones who are denied the opportunity to vote, unless we pass this bill. That is why I hope the Senator from Wyoming will, in good faith and conscience——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGEE. I yield 1 more minute.

Mr. KENNEDY. Offer at least some unanimous-consent request to test the good faith of our friends on the other side of the aisle, and even some on this side of the aisle, to see if we cannot get some kind of a time limitation.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I would like to ask the Senator from Wyoming, if he has the time, if I may ask him some further questions. How much time is there available?

The PRESIDING OFFICER. The Senator from Wyoming has 8 minutes left.

Mr. McGEE. I yield the Senator 3 minutes.

Mr. KENNEDY. Of course, we talked about the issue of jurisdiction, which I think has certainly been adequately answered and resolved by the comments of the Senator from Wyoming. At other times there has been a question as to the constitutionality of this legislation. I know this was an area explored by the Senator from Wyoming, and that he has considered it.

In regard to the question of the constitutionality of the statute lowering the voting age to 18 last year, there were legitimate constitutional differences among us and in the academic community. Dean Pollak at Yale and Professor Freund at Harvard, for example, were on opposite sides of that issue. It is my understanding, however, that they are both in agreement that the present voter registration legislation is constitutional. I would appreciate hearing the views of the committee chairman on this matter.

Mr. McGEE. Yes, I can say the committee examined the issue, because it was constructively raised. The committee was satisfied, as were all others who were consulted, that in the decision of Smiley against Holm, in which Chief Justice Hughes wrote the opinion, they reached the conclusion, on that occasion, in 1932—a very conservative court, I might add—that jurisdiction in this area was without question vested in the Congress of the United States; that State legislatures could legislate in this field, but that they could be superseded if, in the judgment of Congress, such action were required. And the vote in that case was unanimous; it was 9 to 0. Therefore, there seemed to be no real question in terms of that phase of the constitutionality.

In regard to the issues in the more recent case of Oregon against Mitchell, which was 7 to 1, or 8 to 1, on the residence provisions, the Court held that this, too, was legitimate under the Constitution of the United States.

So I do not think there is any relevance in the constitutional category.

Mr. KENNEDY. The Senator cited Smiley against Holm in 1932 and Oregon against Mitchell in 1970 as strong support for the constitutionality of this bill. In Oregon against Mitchell, the 18-year-old vote case, the Court also considered the question of the authority of Congress to reduce residence requirements for voting, as I understand it.

Mr. McGEE. That is correct.

Mr. KENNEDY. In that case, the Supreme Court held, by an 8-to-1 vote, that Congress did have authority to reach this constitutional question, as I understand it. And Justice Stewart, Justice Blackmun, and Chief Justice Burger were among the members of the Court who endorse this power most explicitly. Is that correct?

Mr. McGEE. Yes.

Mr. KENNEDY. I could not agree more with the Senator from Wyoming as to the two relevant Supreme Court decisions. Would the Senator not agree with me that the constitutionality of this bill is really a nonissue?

Mr. McGEE. It is really a total nonissue in terms of this piece of legislation, in the way that it has been drafted and its effect.

Mr. MILLER. Will the Senator from Hawaii yield me 3 minutes?

Mr. FONG. I am sorry; I have only 3 minutes remaining. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator from Wyoming has 5 minutes.

Mr. FONG. I will reserve 2 minutes. I will yield 1 minute to the Senator.

Mr. MILLER. I thank my colleague. Mr. President, we never get a proposal before the Senate of this magnitude but what it comes in under the order of being good for the American people, and is virtuous. We just went through this the other night on this campaign checkoff proposal, which most of the Members on the other side of the aisle supported, and, of course, it was all clothed in virtue.

During the meeting of the conference committee on this measure we found some terrible defects in it. I said on the floor that there was a loophole in it large enough to drive a truck through.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

Mr. MILLER. I thank my colleague from Hawaii.

Mr. McGEE. Mr. President, I again shall try to achieve a meeting of the minds. I yield myself 2 minutes for that purpose. Inasmuch as there has been a very persuasive case made here today that we should not vote on this today—I think the Senator from Nebraska (Mr. HRUSKA) has made that as part of his thrust—I should like to ask, when?

I ask unanimous consent that the Senate agree to vote on this measure on Wednesday.

The PRESIDING OFFICER. Is there objection?

Mr. FONG. I object.

Mr. McGEE. I shall try once more, Mr. President. I ask unanimous consent that this body agree to vote on this matter next Thursday.

Mr. ERVIN. I object.

Mr. FONG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. One last effort: Again, the issues have been spelled out, the substance has been explained, the jurisdiction has been established by the Parliamentarian of this body, and its authenticity under the Constitution has been clearly drawn. So I ask unanimous consent that we might agree at any convenient time to the opposition, before adjournment, for a final rollcall vote on this measure.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. I object.

Mr. FONG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. I hear an objection again from our friends who have been wondering why we have waited so long. Now I think we are entitled to ask, "Why are we waiting still longer?" Everybody knows what it says. It is not ambiguous. We have had the testimony from every conceivable group that has an interest in it or an interest opposed to it.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. KENNEDY. Would the Senator be willing to propose a unanimous-consent agreement to send this matter to the Judiciary Committee, for a period of 30 days or 45 days, and at a time certain report back, with a time agreement for a fiscal vote?

Mr. McGEE. I would not agree to that, for the reason that we have not raised any issue on that because of the ruling of the Parliamentarian.

I would say again, Mr. President, that here we are establishing a process for removing roadblocks. We are not tampering with the rules of the States. The whole operation would remain in their jurisdiction.

So I say to Senators that we dare not, as Senators, with all the wisdom we can command, raise questions as to the motivations of people, as to why they do not vote. What we can do is to remove the technical, legalistic, and statutory roadblocks that keep them from voting. We cannot inquire into how they are going to vote. It is none of our business. Yet, one gets the feeling that there is a sense of uneasiness about how these new voters might vote, and this is not our business.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. MANSFIELD. Mr. President, one of the reasons why the leadership was so anxious to bring up the pending business before the Senate at this late date was to see if it would be possible to work out a procedure by means of which it could be taken up at some definite time and then voted on. I do not think there is any doubt as to the jurisdiction of the pending measure, because the rules clearly state that the mails and the Census Bureau are directly under the Committee on Post Office and Civil Service. Other proposals have been brought up in similar circumstances. And there has been some criticism of the joint leadership because of these procedures. One had to do with higher education, for example, and after a short discussion, agreement was reached and it was then turned aside. The point is, we did obtain a commitment that it would be brought up in late January under a time limitation.

Similar circumstances prevailed with respect to the equal rights for women constitutional amendment. There was a commitment obtained that this measure could be available to be brought up early in February. H.R. 1 was not reported this year because of the time consumed working on the economic tax bill. But we do have a commitment that that measure will be available to be taken up sometime in late February or March.

By the same token, I was wondering if it would be possible for both the opponents and the proponents on the pending measure to agree that after this measure is set aside today, a date certain next year—say, sometime in February or March—could be agreed upon so that this proposal could be called up, made the pending business, and debated then in earnest.

Mr. McGEE. I would be glad to consult with the opponents to see if we could arrive at that agreement.

The PRESIDING OFFICER. The Senator from Hawaii has 1 minute remaining. All time on the other side has expired.

Mr. MANSFIELD. Would the Senator consent?

Mr. HRUSKA. What is the request?

Mr. FONG. I ask unanimous consent that this time not be taken from my minute.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the majority leader be given 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. What is the request, Mr. President?

The PRESIDING OFFICER. To give the majority leader 2 minutes to discuss whatever proposals he wants to discuss.

Mr. HRUSKA. I thought the majority leader had a unanimous-consent request.

Mr. GRIFFIN. Mr. President, reserving the right to object, would the granting of this request in any way affect the previous request?

The PRESIDING OFFICER. It would not.

Mr. GRIFFIN. Which would make it clear that the matter goes back on the calendar at the expiration of the time.

The PRESIDING OFFICER. It would not.

Mr. MANSFIELD. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. As in the case of other proposals which have been debated on the floor of the Senate during the late days of this long and tiring session, I would try to see if it would be possible, around the end of February or the first of March or thereabouts, to have assurance that the pending business could then be taken up and carried through to a conclusion.

Mr. ERVIN. I would say to the majority leader that this is an effort to change the electoral system of the United States in a drastic manner. We had a similar bill before the Committee on the Judiciary a year or so ago, and the secretaries of state and the election officials of the 50 States of the United States sent two of their representatives, the secretary of State of Louisiana and the secretary of State of New York, as I recall——

Mr. HRUSKA. Nebraska.

Mr. ERVIN. Yes, the secretary of State of Nebraska. They testified before the committee that to have a dual registration system would introduce chaos into the elections in this country. They insisted—and I think rightly—that having one registration for Federal elections and another for State elections would occasion endless confusion.

I think this is a matter that deserves serious consideration. The bill would alter the entire system we have had in this country since its foundation. We have only experienced Federal control of elections one time, and it resulted in so much fraud in our chief cities that it was repealed after a very short time.

I believe this is such a serious question that it requires consideration; it requires that the States have an opportunity to be heard. Frankly, I do not think we can reach an agreement.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business, once it is laid aside in this session, be laid before the Senate and made the pending business on March 1, 1972.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii is recognized for 1 minute.

Mr. FONG. Mr. President, listening to the proponents of this bill, one would think that all the laws of the United

States prevented our citizens from registering. Every citizen who wants to register can go down and register and become a voter. There are no legal obstacles to his registration.

If this bill is passed, we will be registering cemetery lists, we will be registering tombstones, we will be registering vacant places, we will be registering fictitious people.

Present laws require a man to be present before he can register. But with this bill, he need not be present. Any man can sign the name of any fictitious person and send it to the registrar's office, and that name will be registered. This bill would bring a tremendous amount of fraud into the election process.

Mr. DOLE. Mr. President, I assume no Member of this body disagrees with the underlying purpose of the proposed National Voter Registration Act reported by the Committee on Post Office and Civil Service. All of us deplore the lack of participation in the voting process—the disgraceful percentage of our citizens who do not vote. The question posed by this bill, however, is not whether the Congress of the United States regrets the lack of voter participation, rather it is whether the Congress intends to foist a new Federal bureaucracy on States which are already frantically attempting to cope with electoral confusion with no assurance that it will improve voter participation.

With the recent ratification of the 26th amendment the States must undertake to register hundreds of thousands of new young voters. This alone is a tremendous task but it is one which the States, by their ratification, have signified their desire to undertake. Since this registration began, however, complex problems have arisen concerning the definition of residency to be applied to these young persons and a number of States are now in court seeking judicial resolution of this vexing problem. If left alone, hopefully they will be able to resolve it before the next general election.

In addition to this problem, Congress, last year, imposed on the States additional requirements with respect to presidential elections: The abolition of durational residency requirements, a maximum 30-day cutoff of registration, absentee registration, and voting, and voting by nonresidents who have recently moved from the State. Candor compels us to admit that these provisions are not models of legislative clarity. Yet, while the States are struggling to understand and comply with last year's congressional mandate in time for the 1972 presidential election, we are asked to impose even more burdens upon them and a new Federal bureaucracy as well. Such action may kill the electoral process in its attempts to cure it.

On its face, this bill appears to help the States with a new source of Federal money and free postal service. On closer inspection, however, it becomes apparent that this "help" is a very mixed blessing. State residency requirements for congressional elections would be superseded by a Federal 30-day provision. This same 30-day requirement would also apply to presidential elections and, if I read it correctly, conflict with the provision enacted last year which permits a nonresident to vote in the presidential election in his former State if he is unable to register in the State to which he has recently moved.

The new bureaucracy to be established in the Census Bureau would prepare postcard voter registration forms summarizing all State voter qualification requirements except residency. Assuming all this will fit on a postcard, I question the qualifications of the Census Bureau to interpret and summarize State voter laws. If they err, as well they might, I find no provision authorizing a State to challenge their interpretation. Yet, this postcard is prima facie evidence of entitlement to vote. States would be required to accept this form for registration for Federal elections and encouraged to do so for State elections. The form would contain space for an individual to certify that he has resided in a State long enough to qualify in a State election. The form may not, however, contain the information as to what the length of residency requirement is for such elections. Thus, the prospective voter, despite the supposed convenience of the postcard, must still take the initiative to find out what the State residency requirement is.

This brings me to my final point. This bill is premised on the assumption that the reason people do not register to vote is that State registration procedures pose an obstacle. The facts indicate otherwise. A study of the 1968 election, published by the Census Bureau on December 2, 1969, indicates that 53 percent of those surveyed did not register because they lacked the interest or had a distaste for the political process. Of the remaining 47 percent, approximately 10 percent indicated they were not citizens, 11 percent did not meet residency requirements, 3 percent could not register because of illness, transportation, or the inability to take time off, 10 percent gave a variety of other reasons, and 3 percent gave no reason. It seems clear to me that apathy, not State registration law, is the primary reason for lack of participation and that this bill, with its new bureaucracy and Federal grant program, will not cure that apathy. I believe the bill will add new problems and solve none, and I urge its rejection.

Mr. INOUYE. Mr. President, on August 13, 1970, I, with some 13 cosponsors, introduced a universal voter enrollment measure. On March 11 of this year, I reintroduced that measure with the cosponsorship of some 16 colleagues.

While that measure was not identical to the one we have before us today, it did spring from the same motivation. It was indeed the forerunner of this and other measures upon which hearings were held by the Post Office and Civil Service Committee. The measure before us today, S. 2574, is the outcome of those hearings. I believe it is a very good bill. It attacks the primary problem toward which these measures have all been directed; the enfranchisement of the vast proportion of the electorate which has been excluded to date because of difficult and inadequate registration laws.

Mr. President, I support the measure authored by the distinguished senior Senator from Wyoming, Senator McGEE. As chairman of the Post Office and Civil Service Committee he conducted lengthy and detailed hearings on this and other measures which were before his committee. These hearings not only demonstrated the need for such legislation but the feasibility and practicality, as well, of this approach.

When 47 milion Americans fail to vote in our presidential elections, as occurred in 1968, then it is time that we ask ourselves why. With the number of nonvoters increasing by a million a year, it is time we take a good hard look—and then act. With the enfranchisement of the 18- to 21-year-olds the number of qualified Americans who will fail to participate in this most basic act of democracy will increase even further. The evidence clearly demonstrates that the primary barrier to voting is the cumbersome registration process to which many Americans are subjected.

In 1968, more Americans failed to vote than voted for any one candidate. Forty percent of the electorate did not participate.

In 1968, there were 150 people who did not vote for every vote which separated the two leading contenders. In 1960, 330 people failed to vote for every vote separating John F. Kennedy and Richard Nixon. The number of nonvoters in the United States exceeds the total electorate in countries such as France, West Germany, Great Britain, and Italy.

We give the American people time off from work to vote in most jurisdictions but no one gives them time off to register. And in State after State, and in individual jurisdictions within States, we find registration offices open only during the normal working hours when many, many working people are unable to take time off to make that trip to the registrar's office and enroll as a qualified voter.

I think it is a shame, and I think it is time we did something to correct this situation. I believe the measure before us today provides that opportunity.

We hear a lot of talk about participatory democracy and citizen involvement. A government which "derives its just powers from the consent of the governed" must be able to hear the voice of the people, at least on election day.

The historical reasons for many registration requirements are no longer valid. These were adopted at the turn of the century, in some cases to disenfranchise certain races, in others to attempt to prevent certain abuses of machine politics. Some were intentionally designed to limit the franchise and others have been so administered.

The opposition to this measure has raised the issue of increased fraud if registration is made easier. I wish to take issue with that assumption. First, I believe it is perfectly possible to register by mail and to have such registrations accurately checked for fraud. There is nothing about going to a county court house or city clerk's office which prevents fraud which cannot be equally prevented if registration is performed by mail. Few voters in urban America are recognized personally by the registrar. We can pay taxes, register births, and take numerous other actions without such personal appearance.

I would, in fact, maintain that the motivation for fraud and the possibilities of fraud affecting an election outcome is reduced as we expand the electorate. The greater the number who cast their ballots the more difficult it becomes for a small group of fraudulent votes to affect the results. Rather than lead to fraud, it would therefore discourage any fraud, for in addition to the above reason it would provide specific penalty for fraud as well as a National Voter Registration Administration responsible for assisting in the conduct of elections and reporting to the President and the Congress its findings.

Mr. President, we engage in a lot of rhetoric about democracy, about the importance of citizen participation. We spend many hours in the classrooms of America addressing our young people about their citizenship responsibilities. Here in one simple act we have the opportunity to provide them, and all our citizens, with a meaningful opportunity to exercise that responsibility in a simple straightforward manner.

This is not a partisan measure. A Gallop poll last weekend demonstrated this clearly. It pointed out that some 26 percent of those who classify themselves as Democrats are unregistered. Twenty-four percent of those who classify themselves as Republicans are unregistered. This 2-percent difference is not statistically significant.

But even if it were, I do not believe any Member of this body would deliberately stand here in the year 1971 and try to prevent any American from exercising his fundamental right to vote because he might cast his ballot for a candidate of the opposite party. I think he will want to do everything in his power to make it possible, indeed convenient, for the eligible voters to participate. I urge your support.

Mr. HANSEN. Mr. President, I rise today to express my deep concern over S. 2574, the national voter registration bill, which is the pending business. My concern lies not only in the substance of the bill but in the procedure by which it has reached the floor of the Senate.

U.S. Senators and other elected officials should above all others recognize the importance of valid election procedures. The strength of our Nation lies in the fact that our elections are basically free of scandal and the taint of fraud, and that the citizens of this Nation therefore accept the results of elections and there is a smooth transfer of power.

It is important for these reasons that any attempt to change the system we now have and which we know works well be made only in the most orderly manner after public hearings, thorough analysis by experts, and thoughtful consideration by this body. I do not believe that such action has accompanied the pending legislation.

To my knowledge every election bill considered by this body, with the exception of one, was first sent to the Committee on the Judiciary. One bill was considered by the Rules Committee. But I am not aware of any previous election legislation which was sent to the Post Office and Civil Service Committee and then considered by this body.

I do not criticize the Post Office and Civil Service Committee or its members for their deep interest in this subject. The author of S. 2574 and distinguished chairman of the Post Office and Civil Service Committee, the senior Senator from my home State of Wyoming, is a most knowledgeable man who does not limit his leadership to one or two committees and who indeed has made great legislative contributions in many jurisdictional areas. This interest is healthy and can lead to great improvements in our laws.

However, I can see no point in the committee system which permits individual Senators to become experts in specific subjects and which gives the Senate the benefit of high quality advice, not only from our colleagues but from a well trained knowledgeable staff, if this body circumvents the committee that has traditionally exercised jurisdiction over election issues and ignores the expertise which it has at its fingertips.

We must not fool ourselves into believing that the bill before us today is not controversial. Indeed the chief elections officer of the author's home State of Wyoming has expressed publicly her concern that the legislation as written invites "monumental fraud." I ask unanimous consent that an article on this subject from the Wyoming State Tribune of November 16, 1971, be printed in the Record at the close of my remarks. Mrs. Thomson in this interview makes the very good point that State and local election officials will find it very difficult to determine a voter's eligibility if the official charged with the responsibility never sees the registrant and never has the opportunity to question him.

Mr. President, I earnestly hope that the Senate will refer S. 2574 to the Committee on the Judiciary where it might be considered and analyzed by those in whom the Senate has traditionally placed its trust to advise it on matters relating to elections. This subject is at the very heart of our democratic system of government. I would never want it said that the Senate tried to cut corners on such an important piece of legislation.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wyoming State Tribune, Nov. 16, 1971]

Voter Registration Plan Risks Fraud, Thyra Says

Secretary of State Thyra Thomson charged today that a national voter registration system as proposed in a bill introduced by Sen. Gale McGee, D-Wyo., could "invite monumental fraud" especially in a section which allows registration by postcard.

The bill, which has been reported out by McGee's Post Office and Civil Service Committee onto the Senate floor with a favorable recommendation, would establish a National Voter Registration Administration which would be carried out by mail.

Mrs. Thomson pointed out today individuals could fill out the cards and mail them to county clerks who conduct voter registration procedures who then would be required to place the names of the registrants on the eligibility rolls to cast ballots in federal elections.

Mrs. Thomson noted McGee had stated that county clerks would retain the authority to determine whether such postcard registrants met a state's eligibility tests.

But, she said, "since the county clerk would never see such registrants or have an opportunity to question them, he would have no way to determine their eligibility."

She pointed out that under present registration procedures, an applicant makes a sworn statement that he meets the eligibility requirements.

"That's why he appears before an oath-taking officer to register," she said, adding that also was the reason why absentee registrants were required to give sworn statements.

"Post card registration invited monumental fraud," Mrs. Thomson said.

She said that at an earlier time in U.S. history when the federal government was given supervision over certain elections, the result was "fraud and scandal almost throughout the nation."

"Elections are best administered at the local level where there is personal contact and supervision," she said.

Mrs. Thomson quoted Sen. Sam Ervin, D., N.C., one of the Senate's outstanding constitutionalists, as arguing that a national post card registration would result in "general resurrection of the dead every election day."

Mrs. Thomson also cast some doubt on McGee's claims that his bill is aimed only at federal elections. She said that because federal, state and local elections usually are held on the same machines or set of ballots at the same time, "it's practically impossible to separate them procedurally."

"Moreover, the whole tone of the McGee bill is for federal election authority," she said. "To insure federal clout in all elections, the bill provides for payments on a sliding scale of monies to bribe the states into compliance."

She pointed out that while one section of the McGee national voter registration bill says that nothing shall alter the states' residency requirements, another section also provides that larger federal grants will be allowed for "any state which reduces its residency requirement for voting in state and local elections to a period of not more than 30 days."

"I find such methods abhorrent," Mrs. Thomson said.

Mr. TUNNEY. Mr. President, I leave my place in the chair for a moment to express my very strong support for this measure. I believe very strongly that it is long past time to put an end to the kinds of antiquated registration systems of this country which have kept the poor, the black, the Chicano and for that matter anyone who moved his residence from voting.

We have 700,000 people unemployed in California—many of them are being forced to move their homes because of the economic policies of this administration. Are we now to tell these people they must lost their vote as well as their job?

I think we should be able to vote on this measure today. I introduced legislation myself with 11 cosponsors to do much the same thing. But we have before us an even better bill which I support fully. As a matter of fact, I would like to ask the Senator from Wyoming to add me as a cosponsor.

And I would repeat—I think we can and we should act favorably on this legislation now—before the end of this session and bring all our citizens all the way home into our political system.

VOTER REGISTRATION

Mr. HUMPHREY. Mr. President, the Senate has before it a voter registration bill that would remove once and for all the barrier that registration procedures and practices pose to voting in Federal elections.

The McGee National Voter Registration Act of which I am a cosponsor is a carefully formulated piece of legislation. I had the privilege of testifying before Senator McGee's distinguished committee on the subject of voter registration. It was clear to me at that time that the McGee Post Office and Civil Service Committee was doing its utmost to insure that it would report out a bill that could efficiently and fairly establish a new system of voter registration that would significantly broaden citizen participation in the American political process.

At a time when great numbers of Americans question the political and governmental institutions which affect their everyday lives, the numbers of Americans abstaining from casting a vote is growing.

In the presidential election of 1968, over 40 million Americans did not register to vote, and thus could not enter a polling booth.

Today there are at least 50 million unregistered voters in America.

Mr. President, the device intended to protect the election process from fraud and misrepresentation has become a serious obstacle to widened suffrage.

Registration serves to limit suffrage in many ways. Racial prejudice, age, ignorance and confusing, and complicated State registration procedures are all crucial factors in what must be called the registration barrier.

And my colleagues may be interested to know that once the registration barrier is surmounted and the eligible voter does register he does vote. Statistics demonstrate that in 1968, 80.8 percent of those who registered cast their ballots.

Many persons seem to think that disinterest on the part of the voter is the primary reason for rising rates of voter absenteeism in America today. However, the Democratic National Committee's "Freedom To Vote Task" Force cited a Gallup poll study that residency and other registration qualifications—not disinterest on the part of the voter—provide the greatest barriers to voting.

And the Census Bureau in 1968 reported that—

> The highest proportion of those not registered and/or not voting fall among blacks, those who did not finish high school, manual and service workers and those of lower incomes.

Mr. President, registration procedures now in effect deny millions of poor Americans of all races the opportunity to share in governing the land in which they live. These procedures must be changed if this fundamental flaw in our democratic process of government is to be corrected.

Mr. President, we are in danger of becoming a government of the minority for the majority.

The voter registration bill before the Senate today provides what is needed to reverse these dangerous trends toward the narrowing of participation in our electoral process.

The National Voter Registration Act establishes a 30-day residency requirement for all Federal elections. Residency is a major barrier to registration. The bill also will allow States to utilize the Federal System for their own. If a State adopts the Federal System and leaves its residency requirements in effect, the National Voter Registration Administration will reimburse the State for 15 percent of the registration processing costs. If a State adopts the Federal System and does away with residency regulations and adopts the 30-day Federal standard, 30 percent of the State's costs will be borne by the Federal Government.

These are important inducements, Mr. President. They go along way to encourage States to streamline and reform their registration procedures.

I also want to point out that the McGee bill contains very adequate protections against fraud.

The 30-day residency requirement in the legislation as well as the inducements for States to adopt the Federal System for their own offer us the first chance to reform a system that must be opened and reformed.

Mr. President, I believe that adoption of the National Voter Registration Act is the next logical and important step for the Congress to take in expanding the American electorate. This process started with the 19th amendment 50 years ago, continued with the 24th amendment and the Voting Rights Acts, and recently with the 26th amendment lowering the voting age to 18. The Senate has a unique opportunity to continue this necessary and vital tradition.

I urge my colleagues to seriously consider the implications this vital legislation has for changing the nature of the American political system. It is needed now to make the promises of a democracy come true.

Mr. President, I ask unanimous consent that a news article concerning the Nixon Administration's opposition to the National Voter Registration Act, published in the New York Times of October 29, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon Man Scores U.S. Voting Bills—He Opposes Federal Role in Universal Registration

Washington, October 28.—The Justice Department representing the Nixon Administration, came out strongly today against a series of Democratic bills to facilitate registration in 1972 for millions of eligible Americans.

Deputy Assistant Attorney General Ralph E. Erickson told the Senate Post Office Committee that the universal registration measures "inject the Federal Government deeper into the election process than ever before, and they involve the Federal Government in the collection of data on voters throughout the United States."

This did not deter the chairman, Senator Gale W. McGee of Wyoming, from scheduling a committee executive session next week, at which one of the bills is expected to be approved for Senate floor action next month.

Senator McGee accused the Justice Department official of "using 19th century arguments" against legislation designed to open up the franchise for 50 million men and women who failed to vote in 1968.

Mr. Erickson maintained that under the Constitution and enabling legislation "voter qualifications and procedures are the prerogatives of the states, not the Federal Government."

But Senator McGee's registration measure, he continued, "suggests that the administration of voting registration procedures by the states, in itself, denies various constitutional rights, bears no relationship to state interest and is apparently "evil per se."

The Justice Department official said that the registration bills "raise the spectre of a new source of data about our citizens collected by and . . . retained by the Federal Government."

"Surely, few things would be as frightening to many citizens, he said, "as the Census Bureau or the Internal Revenue Service inquiring into their political affiliations. Yet this is precisely the effect of these bills."

Mr. McGee replied that under his proposal a central office would mail out registration cards but that the rolls of eligible voters would continue to be maintained locally, as now.

The registration bills are being presented by their Democratic sponsors as a nonpartisan effort to promote more participation in elections, but in fact they offer large potential dividends to their party.

Many of the eligibles who do not vote are poor, black or undereducated or all three, and these groups tend to vote Democratic when they register and get to the polls.

SECURING THE VOTING RIGHTS OF SERVICEMEN AND CITIZENS ABROAD

Mr. GOLDWATER. Mr. President, in view of the unusual time limitation covering S. 2574, the voter registration legislation, I was not able to call up my two amendments, numbered 607 and 608, today, although I was present and ready on the Senate floor to do so if the opportunity allowed.

Mr. President, these are two important amendments, ones which affect the voting rights of our servicemen, their dependents, and U.S. citizens who are abroad. For this reason, I am announcing here and now that at some appropriate time in the future, when S. 2574 may again be considered by the Senate, I fully intend to bring up these proposals for our consideration.

Mr. President, to give us a little background on my purpose, let me mention that in March of last year, I offered an amendment to the Voting Rights Act on behalf of myself and 29 other Senators which made a clean sweep of outmoded legal technicalities that had deprived nearly 10 million American citizens of their right to vote for President and Vice President. This amendment, which was accepted on the Senate floor and subsequently became enacted into law as section 202 of the Voting Rights Act, completely abolished the durational residence requirements as a precondition to voting for President and Vice President, and it also secured the right to vote for these officers to every citizen of the United States regardless of where he may be in the world on election day.

Since then, Mr. President, there has been much progress in having this new right implemented on behalf of our citizens. The Supreme Court of the United States upheld the constitutionality of the provision by a strong 8-to-1 vote in its decision of *Oregon* v. *Mitchell* announced on December 21, 1970. In the meantime, I have been consulting with several Federal departments and agencies who assure me they will be rendering a uniform broad interpretation of the new statute, and, starting in January, will commence a large information campaign so that American citizens at home and abroad can know about this new right.

Mr. President, you will notice that I have qualified my description of the amendment approved last year by mentioning that it applies only to the right to vote for the offices of President and Vice President. Today we are considering legislation which would build upon the progress made last year by seeking to make it easier for citizens to register for voting in all Federal elections, which includes balloting for the offices of U.S. Senator and Congressman as well as for the Presidency. Now, I am well aware there is a reasonable difference of opinion over the best and most practical method of expanding the right which Congress secured just last year; but, Mr. President, as I read the purpose of S. 2574, it is to further strip away the outmoded technical barriers which isolate many of our citizens from the polls. In other words, I see the ultimate purpose of the pending measure as being designed to further insure that the maximum number of citizens will be eligible to vote. I daresay that there is not one of us in this Chamber who would oppose this goal, even though he may have reservations about the specific means undertaken to reach that end.

Accordingly, Mr. President, I have introduced two series of amendments which are designed to guarantee that, should the pending bill be enacted, it will assist the widest range of citizens possible. Mr. President, the first amendment would extend the reach of the committee bill so as to enable citizens who are outside this country to register for voting in the same simplified manner that the bill provides in the case of citizens at home.

Mr. President, we are here talking about Federal offices; and, regardless of where they may be in the world, I believe national citizens should be permitted to vote for national offices. But there are upwards of a half million voting age residents and domiciliaries of States who are outside the Nation and who would not be able to register under the postcard form provided for in the committee bill as it now stands. These citizens include Americans who are traveling abroad as tourists. They include students who are attending foreign colleges. They include Americans who are working for U.S. businesses overseas, perhaps for several years at a stretch. And they include a large number of U.S. Government employees, including foreign service officers, who are serving outside the United States.

Mr. President, it is my impression the Senator from Wyoming (Mr. McGee) did not intend to omit this sizable and important group of Americans from the benefits of his legislation, but simply did not use the technical language necessary to specifically guarantee that overseas citizens shall enjoy the same expanded voting opportunities as those at home. Thus, I would like to consider my amendment as assisting the committee in more fully enhancing the right to vote, which is its major purpose.

Mr. President, my amendment would do this by providing that the simplified registration forms adopted by States under the committee bill shall be made available for easy distribution to citizens abroad at every U.S. embassy, consulate, and legation outside the United States, at all U.S. foreign military installations, at U.S. Information Agency offices, and at any other appropriate Federal office located outside the United States. In this manner, a resident or domiciliary of a State who is physically present abroad shall nevertheless be entitled to register for voting in all Federal elections in that State by merely mailing the postcard to the proper State official.

Mr. President, turning to the second amendment which I have offered, I also suggest adding to the bill a three-pronged section protecting existing voting rights under Federal or State statutes already on the books. Mr. President, I want to remind us there is a large group of 6 million servicemen and civilians who today enjoy broad voting opportunities under the Federal Voting Assistance Act of 1955. Every one of our 50 States and the District of Columbia now permit servicemen on active duty to use the Federal postcard application recommended by this act both in order to request registration for voting and to obtain an absentee ballot for use in all elections in these jurisdictions, State as well as Federal. In fact, 10 States waive registration entirely for servicemen who fill out this form, 19 States accept the form itself as the registration document, and 22 States allow servicemen to register at the same time they cast the absentee ballots they obtain by using this form.

In addition, each of the above jurisdictions give to the wives and voting-age children of these servicemen the same improved voting opportunities that are given to their spouses or parents. What is more, 19 States plus the District of Columbia permit civilians generally who are overseas to register and vote absentee in all elections by reason of using this same Federal postcard application.

Mr. President, I ask unanimous consent that a complete list of these States shall be printed in the Record at the conclusion of my remarks.

Thus, Mr. President, I want here and now to make it absolutely certain that nothing in the committee bill shall be construed to override or take away from these 6 million citizens the rights they already possess. I want the legislative history and the text of the bill to leave no doubt that the present voting opportunities of these citizens shall be fully protected. Accordingly, my amendment would add to the bill language that specifically preserves the right of any State to adopt the Federal assistance postcard recommended by the Federal Voting Assistance Act of 1955. Also, the amendment spells out the right of all States to receive payments of financial assistance from the new National Voter Registration Administration on account of the enlarged voting opportunities they may now or later grant to their electors under the 1955 law.

Mr. President, I am certain the members of the committee would not intend to take away from any citizen a voting right which he now enjoys. Nor would they want to penalize any State which has adopted or might adopt the Federal assistance postcard by failing to make those States eligible to receive the financial incentives established in the bill. Therefore, in order to remove any ambiguity from the bill and to make doubly certain that this question is specifically answered in the text of the bill, I am proposing this amendment.

At the same time, I provide in the amendment that nothing in S. 2574 shall be construed as preventing any State from granting more extensive registration or voting practices than those which are contained in the bill. For example, there are several States that now permit a person to register to vote only 15 days or, in some cases 5 days, before an election, instead of 30 days as the committee bill provides. It is my purpose that we spell out our intent in the bill itself not to prevent any State from choosing to loosen up its voting practices even further, if it wishes.

Finally, the amendment provides that nothing in the bill shall be construed to limit or repeal any provision of the new voting law on presidential elections or of the Federal Voting Assistance Act of 1955.

In summary, Mr. President, these amendments might be considered as technical changes. For I do not want it to be possible in the slightest way for any bureaucratic official or court judge to be able to distort the true purposes of this voting measure. Further, with the adoption of these amendments, I believe the committee bill can be said to enhance the right of citizens at home or abroad, without any fear of pulling back from the progress that already has been made by virtue of State and Federal laws approved in the past.

Mr. President, I hope the manager of the bill, my good friend from Wyoming, will find it possible to accept these amendments at such time as the bill may be before us again.

ABSENTEE REGISTRATION AND VOTING RIGHTS GRANTED BY STATES TO CITIZENS USING THE FEDERAL POST CARD APPLICATION (FPCA) AS OF NOVEMBER 1971

PART A

All 50 States and the District of Columbia allow servicemen on active duty (approximately 2.8 million eligible voters) to use the FPCA in order to register and vote absentee, as follows:

1. Ten States waive registration by servicemen and accept the FPCA as a request and qualification for absentee balloting:

Arkansas, Illinois, Kansas, Missouri, New Jersey, North Dakota, Ohio, Oklahoma, Rhode Island, Wisconsin.

2. Fifteen States accept the completed FPCA as the official registration document and as simultaneous qualification for absentee voting by military personnel:

Alaska, Colorado, District of Columbia, Hawaii, Indiana, Massachusetts, Minnesota, Montana, New Hampshire, New Mexico, New York, North Carolina, South Dakota, Tennessee, Texas.

3. Fourteen States accept the FPCA as qualification for absentee ballots and include special State registration forms to be returned simultaneously with such ballots:

Arizona, California, Connecticut, Delaware, Florida, Georgia, Kentucky, Michigan, Nebraska, Nevada, Pennsylvania, South Carolina, Virginia, West Virginia.

4. Eight States accept the FPCA as qualification for absentee ballots and permit registration by means of an affidavit printed on the ballot-return envelope:

Idaho, Iowa, Maryland, Oregon, Utah, Vermont, Washington, Wyoming.

5. Four States accept the FPCA as qualifications for absentee registration and balloting by servicemen, but require the sending of separate cards for each purpose: Alabama, Louisiana, Maine, and Mississippi.

PART B

All 50 States and the District of Columbia allow the spouses (about 1.5 million voters) and the dependents (approximately 200,000 voters) of servicemen on active duty to register and vote absentee in the same manner described in categories 1–5 of part A; except that:

1. Three States, Alabama, Kansas, and Rhode Island, allow spouses and children, but no other dependents of servicemen, to register by absentee processes.

2. Twenty-one States allow spouses or dependents of servicemen to register and vote by absentee process only if they reside with or accompany the servicemen:

Alabama, Arizona, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Nevada, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin.

PART C

All of the 50 States and the District of Columbia allow up to 100,000 U.S. citizens in the Merchant Marine and their spouses and dependents to the same extent described in Part B, to qualify for absentee registration and voting as a result of using the FPCA; except:

Alabama, Michigan, New York, Ohio, and Virginia.

PART D

Nineteen States permit civilian citizens generally, who are temporarily residing or traveling abroad, and their spouses and dependents when residing with or accompanying them, (about 500,000 voters) to qualify for absentee registration and to obtain absentee ballots by using the FPCA:

Arkansas, Alaska, California, Colorado, District of Columbia, Georgia, Hawaii, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, Texas, Washington.

The PRESIDING OFFICER. All time has expired.

Under the unanimous-consent agreement, S. 2574 is now returned to the calendar.

PROTECTION OF WILD HORSES AND BURROS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BEALL). Is there objection to the present consideration of the report?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I am sure I will not—this request has been cleared, has it?

Mr. JACKSON. Yes. It was unanimous.

Mr. GRIFFIN. I thank the Senator.

Mr. JACKSON. It was reported unanimously by the committee. There was no problem.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of November 29, 1971, at pages 43116–43117.

Mr. JACKSON. This is the bill to require the protection, management, and control of wild free-roaming horses and burros on public lands and it was agreed to unanimously by the Senator from Colorado, who, I see, is now in the Chamber. I shall yield to him in a moment because I know he concurs in it.

Mr. President, the conferees were able to work out the differences between the House and Senate, which were not major. There is tremendous interest in this bill especially on the part of the little children all over America who have written in inquiring about the fate of wild horses and burros on the public lands of America. We have worked out legislation which will resolve the problem.

I hope that it meets with the unanimous approval of the Senate, as it did with all the conferees.

Mr. ALLOTT. Mr. President, what the Senator from Washington says is correct. I am fully agreeable to taking this matter up and disposing of it at this time. We did pass it unanimously. The Senator from Nevada (Mr. BIBLE) was there at the time the other day. It was agreed to unanimously by the entire committee and I think it should be passed.

Mr. JACKSON. Mr. President, I would like to commend the managers on the part of the House and the Senate for the spirit and expediency they exercised in agreeing upon the content of the report. The conferees recognized the immense national interest in this legislation, particularly that shown by young people, as something unique. The Congress has demonstrated to the public our concern for the preservation of our wildlife and the sincere desire to enhance and enrich the dreams and enjoyment of future generations of Americans.

As a matter of legislative history, I would like to call to the attention of the Senate one of the points of compromise agreed upon by the conferees. This relates to point 4 of the joint statement of the committee of conference wherein it was agreed upon to recommend the adoption of the language originally appearing in the Senate version of the bill. The House amendment provided that the remains of a deceased wild free-roaming horse or burro could be disposed of in any customary manner not prohibited by the act. The Senate version permitted any customary method of disposal so long as the remains, or any part thereof, were not sold for any consideration.

As noted in the Senate report (92–242) accompanying S. 1116 when it was reported from the Interior and Insular Affairs Committee, it is the expressed intent of the committee to remove the possibility of monetary gain from the exploitation of these animals. However, the committee recognizes the difficulties that may be encountered when it is necessary to dispose of the remains of a deceased wild free-roaming horse or burro which may have died on an individual's property or on the public lands. Because of this, the committee believes that it is essential that the customary methods of disposal of the remains be permitted. For example, this would not preclude the remains of a deceased wild free-roaming horse or burro from being hauled away and eventually being utilized in a commercial process if that is the customary method of disposal, so long as no consideration is received for the remains. There had been some question on this point and I wanted to set the record straight.

Again, I commend my colleagues on the conference committee from both the House and the Senate for their fine cooperation. This is a most important and humane act and I urge speedy approval of it by the Senate and the President.

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Kansas (Mr. DOLE), I ask unanimous consent to have printed in the RECORD a statement by him on the conference report on S. 1116, the bill to protect wild horses, and also an editorial entitled "Remaining Wild Horses of the West Face Slaughter," written by Lewis Regenstein, and published in the Washington Post of November 13, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement and editorial are as follows:

STATEMENT BY SENATOR DOLE

As an original cosponsor of S. 1116, I am pleased to support its conference report, which would make it a Federal offense to kill or harass wild horses and burros roaming public lands.

The wild horses in the west have made an immeasurable contribution to our heritage. It is thought that the first bands of these animal took their freedom from horses used by Coronado and his men in the early 1500s when they pushed their way to Kansas in search of riches from the mythical kingdom of Quivera. Thriving on the Midwestern Plains, some of the offspring of these horses were eventually captured and trained by Indians, cowboys and settlers when their domesticated supplies were depleted. This tough little horse continued to multiply rapidly, however, and by 1900 it is estimated that there were still a million of these horses roaming freely on public lands, (excluding those bands on Indian reservations). Indeed a century ago, it is reported that the bands on the Midwestern Plains were so large that their movement across the horizon could last uninterrupted for a day.

But Mr. President, the wild horse now faces a serious crisis. Since 1900 there has been a sharp decline in its numbers. In 1936 there were one million; in 1958, 33,000; and by the best estimates, only 10,000 survive today in a few rugged, remote areas. At this rate, in another ten years, this animal could be bordering on extinction in the United States.

The initial reason for the decline of the wild horse population was due to increased pressures brought about by the settlement of the West. Some things were forced to give way. The wild horse was crowded out along with the American Indian, passenger pigeon, timber wolf and Buffalo. But in recent years, there has been another threat to the wild horse—man. A living symbol of the early West, the wild horse has been cruelly captured and slain for pet food and fertilizer, as well as used for target practice and harassed for sport and profit.

Mr. President, I have received hundreds of letters from children and adults in Kansas strongly urging the preservation of this animal and that all cruelty to it be stopped. It may seem surprising that the people of my State are so interested in this legislation, since the best estimates indicate that there are no wild horses remaining in Kansas; but the concern of hundreds of Kansans is consistent with the thrust behind this bill—that the wild horse should belong to all Americans, and that cruelty should be outlawed no matter where it is practiced.

Specifically the bill would provide:

That wild horses and burros may freely roam on public lands, where they are presently found;

That to accomplish this, the Secretary of the Interior with the Secretary of the Agriculture would be responsible for the management and protection of these animals from capture, branding, harassment, or death due to cruelty by man;

That persons with a special knowledge about protection of horses and burros and the management of wildlife would be appointed as advisors to the secretaries;

That designated employees of the Department of the Interior or Agriculture would have powers to arrest violators of the act; and

That violators of the act would be speedily prosecuted and could receive a maximum penalty of $2,000 and/or one year imprisonment.

In 1959 Congress passed a law known as the "Wild Horse Annie Law," prohibiting the use of aircraft and motor vehicles in the pursuit or capture of wild horses on public lands. This legislation, however, contained a number of loopholes and has failed to stop what now appears to be a concerted effort to kill the remaining few of this animal. Last year in the Senate, I was the principal sponsor of the animal welfare act, legislation designed to protect certain animals used for research, experimentation, exhibition or for sale as pets. It is out of this same concern, and the overwhelming public support to preserve the wild horse, that I urge prompt passage of this conference report.

Mr. President, I ask unanimous consent to include in the record at this point a recent editorial about wild horses from the Washington Post.

[From the Washington Post, Nov. 13, 1971]

REMAINING WILD HORSES OF THE WEST FACE SLAUGHTER

(By Lewis Regenstein)

The wild horses in the western United States are facing a new and desperate crisis. With legislation about to be enacted which would protect the few remaining wild horses and burros, a concerted effort seems to be underway to kill off as many of them as possible before the law takes effect.

Today, only about 10,000 of these horses remain, less than 1 per cent of the estimated two million which once freely roamed the West. The other 99 per cent have been slaughtered by pet food manufacturers for use in dog food, and by ranchers and "sportsmen" who hunt them by airplane and truck, sometimes at the instigation of government officials. The method of hunting is brutal but efficient. After the horses have been located, the lead stallion is blasted with buckshot; the confused and terrified herd is then buzzed or harassed into a stampede. After chasing the horses until many collapse and die from exhaustion, the "mustangers" then round them up for transport to slaughtering houses. The live horses are bound and dragged into trucks, some with broken legs and eyes gouged out. The horses which die of shock or collapsed lungs are left to rot on the prairie. Many newborn foals are thus left without their mothers, to die a death of slow starvation. Foals born in the slaughtering house are clubbed to death and used for fertilizer.

Despite the fact that the wild horses have been pushed into barren and remote areas of little agricultural value, many ranchers want them eliminated; they argue that the horses compete with domestic livestock for grazing on federal, publicly owned land leased to the stockmen by the Interior Department's Bureau of Land Management (BLM). Some hunting groups also want to get rid of the horses and replace them with "target" or "game" animals which can be hunted.

For many years, the BLM, which has jurisdiction over the land the horses inhabit, hired mustangers to round up hundreds of thousands of horses to be sold at auctions (for a few cents a pound) "to all comers." One Nevada mustanger, Chester "Chug" Utter, brags that he has captured some 40,000 wild horses for the Bureau. "Time" magazine quotes him as philosophizing: "there's only one end to being a horse, whether he's a champion race horse or a plug, and that's dog food." The Bureau's attitude toward the wild mustangs is typified by its proposed action concerning the approximately 230 horses which now inhabit the *Pryor Mountain Wild Horse Range* in Montana and Wyoming. A few years ago, when the protected herd reached about 200, BLM expressed concern that overgrazing might damage the land. Using this as a rationale, it proposed to "cut back" the herd to about 30 horses (that is, kill or remove 170 of them), or eliminate the herd entirely. In this way, the Bureau could improve the forage and lease it to cattlemen for grazing. Fortunately, a public outcry saved the herd, and until recently it was thriving. Now, however, the government has built a road through the range, and the BLM is again insisting that the herd be cut back (although none of the horses will be killed).

Legislation seems to be the only hope for saving the wild mustangs. Bills now before Congress, sponsored by Senator Henry Jackson (D-Wash.) and Representative Walter Baring (D-Nev.) would provide protection for the few remaining horses and burros by designating them "national heritage species that are living symbols of the historic and pioneer spirit of the West."

A few weeks ago, however, several controversial amendments were added on to the House version of the bill which, in the opinion of many conservationists, would have badly weakened the bill. Two of these amendments, sponsored by Congressman John Dingell (D-Mich.) and Wayne Aspinall (D-Colo,), would have provided the various state fish and game commissions a heavy hand in deciding where the horses would live and their allocation of forage. As a result, the state agencies would have had a federal mandate to influence the fate of the horses. These state commissions, controlled for the most part by ranching and hunting interests, are the same groups which have led, and are still involved in, the campaign to kill off the wild horses. Another loophole, authorized by Congressman John Melcher (D-Mont.), would have permitted the "removal" of wild horses from public lands by anyone acting in the interests of "normal and prudent husbandry needs," a curious phrase not further defined.

Happily, these congressmen—much to their credit—have now agreed to a removal of these amendments or a modification of the language which would greatly lessen their impact and potential harm. Those groups working for a strong bill are generally satisfied with the final language which emerged from the joint House-Senate conference on November 11 and are particularly laudatory of the strong stand taken by Senator Jackson.

This political maneuvering did, however, delay final passage of the bill. Furthermore, it is expected to be several weeks before President Nixon signs the bill and it becomes law; and it could take anywhere from a few months to a year for the Interior Department's rules and regulations to be drawn up.

Meanwhile, the slaughter of the mustangs is continuing. Mrs. Velma Johnston, a Nevadan known as "Wild Horse Annie" who has been battling for over 20 years to save the wild horses, has alerted conservationists that "the word has gone out all through the West to 'get rid of as many as you can.'" Mrs. Johnston states that the county commissioners of Lincoln County, Nevada, has issued more "mustanging" permits in the past few weeks than during the entire history of the state. There are even rumors that a new slaugherhouse has opened on the border between Nevada and Arizona and that this is where the horses are destined. According to Mrs. William Blue, Vice President of the American Horse Protection Association, a similar situation prevails in Oregon and Arizona; and the Arizona animal welfare league has filed suit against one rancher who has requested permits to round up 60 horses.

It is difficult, however, to determine the extent of this killing, since the state authorities refuse to make branding and roundup permit records available to the public.

Senator Jackson is aware of and concerned about the situation. He and the American Horse Protection Association have urged the Interior Department to take immediate measures to prevent this impending slaughter. The BLM could, for example, use its influence and power to request or call for a moratorium on the killing or capturing of these horses on its land until the legislation is acted upon by Congress. So far, however, no action has been forthcoming.

In her book, "America's Last Wild Horses" Hope Ryden describes the last remaining wild horse in the area of Texas which was, until recently, the heartland of these animals. This determined creature has avoided capture and "rendering" so long that it has been nicknamed "Born Free"; despite its advanced age, it still rears up and paws a defiant challenge at planes or helicopters that approach too close. This sole, pitiful remnant of a once vast herd may well herald the fate of all the mustangs unless the Interior Department and Congress take prompt action to save these living symbols of the early West.

Mr. JACKSON. Mr. President, I ask unanimous consent that the requirement that the conference report be printed as a Senate report be waived, inasmuch as under the rules of the House of Representatives it has been printed as a report of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I yield 3 minutes to the distinguished Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I thank the Senator from Massachusetts.

(The remarks of Mr. BUCKLEY when he introduced S. 2944 and S. 2945 are printed in the later portion of today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

SUPPLEMENTAL APPROPRIATIONS, 1972

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 11955, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. The time is under control. Who yields time?

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Is the supplemental appropriation now before the Senate?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The committee amendments must be agreed to before any other amendments are in order on this bill.

Mr. KENNEDY. Mr. President, is time running now? No amendment is before the Senate, is that correct?

Mr. MANSFIELD. Mr. President, if the Senator from Massachusetts will yield without losing his right to the floor so that I may suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ELLENDER. Mr. President, how much time do I have on the bill?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. ELLENDER. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 15 minutes.

Mr. ELLENDER. Mr. President, the supplemental appropriations bill passed the House of Representatives Thursday, December 2, 1971, and was reported by the Committee on Appropriations of the Senate the same day.

In the House of Representatives, budget estimates of new obligational authority totaling $769,341,154 were considered and new obligational authority of $786,282,654 was approved. Subsequent to the hearings in the House Committee, budget estimates were submitted directly to the Senate containing additional budget requests in the amount of $94,091,122.

In addition, the Senate committee considered $2.4 billion which had been transmitted in the original budget this year but which was not considered by the House because the programs were not authorized.

The pending bill recommends new obligational authority in the amount of $3,833,828,371. This amount is $615,129,000 above the total of the budget estimates considered by the Senate committee and is $3,047,545,717 above the bill as it passed the House of Representatives. Included in this increase is the sum of $2,893,595 for Senate line items which were not first considered by the House of Representatives as is the customary procedure. I will comment further on these Senate items later in these remarks.

Some of the large increases over the House are: $735,837,000 for manpower training services authorized by the Economic Opportunity Act, $687,157,000 for health manpower, $265,000,000 for school assistance in federally affected areas, $289,696,000 for special benefits to disabled coal miners, and an additional item, $376,876,000 for Headstart, and $780,400,000 for the Office of Economic Opportunity. None of the foregoing items were considered by the House of Representatives.

Mr. President, the report of the Committee on Appropriations is before each Senator and I will now proceed to discuss briefly the recommendations contained in the various chapters of the bill. The distinguished chairmen of the subcommittees concerned are present—as are the ranking minority members—and we will be happy to respond to any questions that may arise as we proceed in the consideration of this bill.

First, let me call attention to page 4 of the report, which explains the committee's decision concerning supplemental budget requests totaling $272,975,000 for various military functions of the Department of Defense, to be derived by transfer from the revolving funds. It was the view of the committee that the items referred to should be funded through the expanded transfer authority provided in the Department of Defense appropriation bill, 1972, and no action was taken on the budget requests.

Under chapter I of the bill, the committee recommends the amount of the budget request, $1,587,000, for salaries and expenses of the Securities and Exchange Commission. This estimate was submitted directly to the Senate and the funds recommended represent a portion of the increase over the House bill total. A detailed explanation of the allocation of these funds is contained in the committee report.

For chapter II, Department of the Interior and Related Agencies, the committee recommends a total appropriation of $27,995,000, which is $1,919,000 over the budget estimates and $19,825,000 above the House allowance.

For health and safety, the committee recommends an appropriation of $7,225,000, which is $1,975,000 above the House allowance and the budget estimate. This will provide $5,250,000 to increase staff needed to perform health and safety inspections, provide required technical support and to assess civil penalties for violations of provisions of the Federal Coal Mine Health and Safety Act of 1969—$975,000 is for grants to States under section 503 of the act and $1 million is for development and purchase of specialized equipment needed to detect and rescue trapped miners.

Under Office of Coal Research, the committee recommends the amount of the budget estimate, $10,280,000, to provide for an expanded pilot plant coal gasification program on a cooperative basis with nongovernment entities.

For construction, National Park Service, the committee recommendation is $2,325,000, which is $2,215,000 over the House allowance. In addition to concurring with the House in the $110,000 for planning buildings and utilities at Pictured Rocks National Lakeshore, Mich., the committee has included $2,215,000 for an extension of the runway and construction of pertinent facilities at the Jackson Hole Airport, Grand Teton National Park, Wyo.

For the Youth Conservation Corps, the committee has recommended the amount requested in Senate Document 92-43, $3,500,000, to continue for the second year a 3-year pilot program of the corps. This request was submitted directly to the Senate and was not considered by the House of Representatives.

The committee has recommended an appropriation of $1,400,000 for the American Revolution Bicentennial Commission, to accelerate the Commission's program to insure a nationwide celebration of the bicentennial.

There are other items in this chapter which I have not mentioned, Mr. President, but the appropriations and explanations therefor are contained in the report.

We now come to chapter III, Departments of Labor and Health, Education, and Welfare. The total appropriation recommended for this chapter is $3,238,950,000, which is $554,295,000 over the budget estimates and $2,904,511,000 over the House allowance.

For Manpower Training Services, Department of Labor, the committee recommends $735,837,000, a reduction of $81,760,000 from the budget request, when the pending authorizing legislation is enacted. The committee believes that this amount will provide sufficient funds for carrying out the work and training programs, including Public Sector On-the-Job Training, Job Corps, Neighborhood Youth Corps, Operation Mainstream, and the concentrated employment program.

For health manpower under the National Institutes of Health, the committee recommends an appropriation of $687,157,000, an increase of $336,962,000 over the supplemental request, which was not considered by the House of Representatives. This appropriation is for the programs authorized by the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971, which the President signed on November 18. These two programs were designed to increase significantly the future supply of health manpower, to develop new types of personnel and modes of practice to make competent health care more readily and more uniformly available, and to establish a coherent and explicit Federal role in the support of the educational system that prepares all types of health manpower.

The committee has also included and recommends an additional $265 million for school assistance in federally affected areas, $289,696,000 for special benefits to disabled coal miners, and $376,876,000 for Headstart.

For the Office of Economic Opportunity, the committee recommends $780,400,000, the amount of the budget request. The House did not include any funds for the OEO in this bill.

Complete details concerning these and other appropriation line items are contained in the committee report.

With respect to chapter IV, legislative branch, the committee recommends $26,443,515, which is $2,893,595 over the bill as it passed the House of Representatives. These increases represent strictly Senate items, as I stated earlier, and were not considered in the House of Representatives. The report on this chapter is quite detailed and clearly sets forth the committee's recommendations. So that there will be full understanding on the part of the Senate, I believe it is in order for me to summarize quickly the allowance adjustments which are being recommended. Many Members in the past have indicated the insufficiency of present allowances for the operation of senatorial offices. At the behest of a delegation of Senators, the subcommittee considered proposed suggestions for improvements and greater latitude by individual Senators in the distribution of their allowances. The proposals offered by this panel of Senators are printed in full in the hearings.

Initially, the proposals suggested would have cost some $5 million additional annually. This was subsequently revised downward to an annual additional cost of some $3 million. The gross annual cost of the committee's recommendations amounts to $1,353,158, a considerable reduction. However, funds included in the bill for the balance of the fiscal year total only $685,250, and encompass the following increases and adjustments:

For clerk-hire—except for those States having a population of under 3 million, for which no increases are recommended, adjustments are proposed for each office ranging from an additional $8,610 for States having a population of 3 to 4 million to $52,152 for the two States with a population of over 17 million.

Stationery—except for those States with a population of under 3 million, varying increases are recommended for the different population categories, and these are listed in the committee report. The total annual cost for these increases is $17,400.

Telephone-telegraph—the committee has recommended in the report that the Senate Committee on Rules and Administration consider the feasibility of consolidating all communications allowances, to be used interchangeably at the discretion of each Senator.

State offices—the number of State offices has been increased from two to three, with a consolidated appropriation for all authorized home-office expenses, to be expended at the discretion of the Senator. In addition, the allowance for State offices has been increased from the present $5,200 to $7,800, of which not to exceed $3,600 may be used for payment of rent.

This concludes the itemization of allowance adjustments, and I will continue with an explanation of the balance of the chapter.

Under miscellaneous items, you will find a recommended appropriation of $145,000, authorizing expenditures to modernize the Senate Disbursing Office by improving through the use of computers the payroll and personnel systems, just mentioned. Also under miscellaneous items is the detail concerning some of the allowance increases I have already enumerated.

The committee has again recommended that restoration of the Old Senate Chamber and Old Supreme Court Chamber in the Capitol proceed, according to a new two-phase approach evolved by the Architect of the Capitol. Full information on the project is contained in the report, and the sum of $1,521,000 is recommended for the purpose.

For modifications and enlargement, Capitol Powerplant, the Committee concurs in the House allowance of $1,200,000, which will provide for engineering and other services necessary in the preparation of contract plans and specifications for planned expansion of the Capitol Powerplant. This is a necessary first step in connection with coordinating Powerplant operations with the construction of the new Library of Congress James Madison Memorial Building. Complete details concerning this project are available in the printed hearings.

The total amount recommended for chapter V, Public Works, is $119,010,000, the same as the sums requested in the budget estimates, but $72,510,000 over the House bill. The funds in this chapter deal exclusively with projects in areas with acute unemployment problems, and I will proceed to discuss them.

For construction, general, Corps of Engineers, the committee considered two budget estimates—one in the amount of $34,100,000, which the House allowed, and a revised estimate, including the $34,100,000, in the amount of $102,400,000, which was submitted to the Senate on November 17. The committee recommends the appropriation of $102,400,000, which is an increase of $68,300,000 over the House figure. These funds will provide for a more rapid pace of work on water resources projects in States with unemployment in excess of 8 percent in major labor areas where it is hoped the construction of such projects will contribute to a solution of this problem. The States and projects involved are listed in the report. The same rationale applies to the $9,210,000 recommended for construction and rehabilitation, Bureau of Reclamation. This sum is $2,210,000 over the House allowance, the increase reflecting a revised budget submission to the Senate which was not considered by the House. Again, the States and projects are listed in the report.

For the Upper Colorado River storage project, the House included $4,800,000, unbudgeted, but subsequently a request in the amount of $6,800,000 was received in the Senate—hence the increase of $2 million over the House allowance. These funds are also designed to alleviate unemployment problems by avoiding project delays and providing for a continuation of work on water resources projects which are presently underfinanced.

The committee recommends concurrence with the House allowance of the full budget estimate, $600,000, for the Bureau of Reclamation's loan program. The specific allocations of funds for the projects just mentioned are also listed in the committee report.

The next section of the bill is chapter VII, dealing with appropriations for the Department of Commerce and certain agencies normally contained in the Departments of State, Justice, Commerce, the Judiciary and related agencies appropriation bill. The total amount recommended for this chapter is $115,273,000, which is $65,027,000 over the budget estimates and $43,179,000 over the House bill.

For minority business development, Department of Commerce, the committee recommends concurrence with the House allowance of $40 million, the budget estimate, for expenses in fostering, promoting, and developing minority business enterprise.

There were two items requested for the National Oceanic and Atmospheric Administration—one for salaries and expenses, for which $532,000 was requested for the purpose of moving certain activities from the National Bureau of Standards site on Van Ness Street. It was the view of both the House and Senate committee that this move can be accomplished within available funds. The other item, satellite operations, was not considered by the House of Representatives. The sum of $4,919,000 was requested in Senate Document 92-43, for the purpose of funding a launch vehicle and preparation of a backup weather satellite to replace the satellite which was lost due to a launch malfunction on October 21, 1971. The committee recommends the full amount of the budget estimate.

To provide design and construction funds for a new fire research facility at Gaithersburg, Md., for the National Bureau of Standards, the committee recommends concurrence in the House allowance of $1,750,000, a reduction of $350,000 in the estimate.

For the item, "International radio broadcasting activities," the committee recommends an appropriation of $36,225,000 to finance the operations of Radio Free Europe and Radio Liberty, and the administrative expenses of the Commission to be created pursuant to S. 18, the authorizing legislation, and has inserted a proviso in the bill making the appropriation available only upon enactment into law of S. 18 or other authorizing legislation, 92d Congress.

Coming now to chapter VIII, Treasury, Postal Service, and General Government.

For the U.S. Postal Service, the committee has recommended the sum of $200 million, which is $16,400,000 below the budget estimate and the House allowance.

The committee has inserted into the bill the sum of $11,200,000 for construction of the substructure of the Patrick V. McNamara Federal Office Building in Detroit, Mich. This project was authorized in 1963 and the site purchased in 1967. This construction is long overdue, and with the completion of the building, the consolidation of various Federal activities and the release of some 577,125 square feet of rented space at an annual cost of $2,936,000 will serve a desirable end. The committee recommends approval of this appropriation.

The committee considered requests submitted to fund the economic stabilization activities instituted by the President on August 15, 1971, and the post-freeze program for fighting inflation. The committee recommends transfer authority of not to exceed $20,153,000, the amount testified as being necessary to finance the activities of the Cost of Living Council, Pay Board, Price Commission, Internal Revenue Service legal interpretations services, and the Bureau of Customs. Detailed information is provided in the committee report concerning the program by activities, position requirements, and allocation costs.

The last major chapter in the bill relates to the Department of Transportation and Related Agencies, for which a total appropriation of $60,994,000 is recommended. This is $750,000 above the budget estimates and $5,450,000 over the House bill.

For the Office of the Secretary, transportation planning, research and development, the committee recommendation is $5 million, an increase of $2.5 million over the House allowance. These funds are to be used to continue contracts with the States to produce needed transportation planning.

A significant item under the Federal Aviation Administration is the sum of $15,033,000 recommended by the committee for research and development, which is the same as the budget estimate and the House allowance. These funds would permit completion of seven projects begun in connection with the civil supersonic transport development program but which are of broad beneficial application to U.S. aerospace technology generally. The committee was assured that no new supersonic transport work is included in these projects.

The committee also recommends the sum of $2,200,000, the budget estimate, to provide supplemental funding for the U.S. International Aeronautical Exposition to be held at Dulles International Airport in May–June 1972, $2 million of which would be available, pursuant to language inserted by the committee, upon enactment into law of appropriate authorizing legislation.

For the Washington Metropolitan Area Transit Authority, the committee recommends concurrence in the House allowance of $38,011,000, the amount of the budget estimate. This is the Federal share of the rapid rail transit system in the District of Columbia.

The last chapter in the bill provides appropriations in the amount of $21,569,856 for the payment of mandatory claims and judgments. This is an increase of $2,540,122 over the amount contained in the House bill for this purpose, occasioned by a later budget submission to the Senate.

That concludes my statement, Mr. President, and if there are any questions, I will be happy to respond.

Since the largest amounts in this bill are contained in chapter III of the bill which is provided by the subcommittee chaired by the Senator from Washington (Mr. MAGNUSON), I would like him to discuss the details on the items in this chapter, if he desires to do so.

Mr. MAGNUSON. Mr. President, first of all, I shall put in the RECORD a detailed account of chapter III of the supplemental appropriation bill, H.R. 11955, which is the chapter on Labor, HEW, the Office of Economic Opportunity, and other related agencies. The committee recommends in chapter III $3,238,950,000, an increase of $2,904,511,000 over the amount recommended by the House and $554,295,000 over the budget request.

As the distinguished chairman of the full committee pointed out so well, most of this large increase occurred because we did not get the authorization for the Economic Opportunity Act until yesterday. It has yet to pass the House.

There is included under the EDA authority, two items that are administered by other departments rather than OEO—namely Headstart in HEW and Job Corps in the Department of Labor—the EOA manpower training programs. On the comprehensive health manpower and nurse training—which the Congress just passed—the authorization bill was passed a few weeks ago and the President signed it November 18. The budget did send up a request. On a number of items, the budget did not send up a request. The House did not consider health manpower or nurse training leaving that up to us, along with the Economic Opportunity Act programs.

Mr. President, with regard to the Labor Department programs authorized by the Economic Opportunity Act, the committee has included an amount slightly under the budget request. The committee feels that the amounts included in the bill are sufficient to maintain the momentum of the training programs.

The committee has attempted to provide a maximum amount under the budget estimate for OEO for emergency food and medical services because of the critical needs in the high areas of unemployment.

The committee has included $780,400,000 for the programs of the OEO, the full amount of the budget request. For the Department of Health, Education, and Welfare, the committee agrees with the House and has included the full budget request for benefits payments to disabled coal miners, the Headstart program, civil rights education activities, and fund for nursing home improvement. The major difference between the budget request and the committee bill focuses on two areas: programs of the Office of Education and the health manpower training programs of the National Institutes of Health. These are the principal items of increase recommended by the committee.

The committee has included $32.5 million in additional funds for elementary and secondary education in order to assure that no State will receive less in 1972 when compared with 1971. Without this amendment some 15 States would receive less.

The committee has also included $265 million over the budget request and the House allowance for impacted area aid. Of the total recommended, $200 million would be for construction of school facilities as authorized by Public Law 81–815 and $65 million would be for initial funding of the low-income housing provision authorized under Public Law 81–874. These funds will be used primarily to eliminate the backlog of construction needs for schools on Federal property and for schools to serve pupils residing on Indian land. The amount recommended would provide approximately 5,000 classrooms for about 125,000 children. The committee is also recommending $65 million for payments to local school districts for the education of children residing in federally assisted low-income public housing. The amount provided would pay approximately 22 percent of entitlement and would go to local school districts serving over 1,200,000 such children.

For health manpower the committee recommends an appropriation of $687,157,000, an increase of $336,962,000 over the amount of the administration's supplemental request. The supplemental appropriation plus the funds already appropriated for health manpower in the regular HEW bill total $867,777,000 which is an increase of $438,367,000 over the appropriation for fiscal year 1971.

This appropriation is for the programs authorized by the Comprehensive Health Manpower Training Act of 1971 (Public Law 92–157) and the Nurse Training Act of 1971 (Public Law 92–158) which the President signed on November 18. These two acts do not merely continue the existing programs, launched under the earlier health manpower legislation which has expired, but were designed to increase significantly the future supply of health manpower.

When signing the new legislation on November 18, the President said:

> These acts follow substantially the recommendations I made to the Congress last February—and they constitute the most comprehensive health manpower legislation in the Nation's history.

In view of this enthusiastic endorsement of the legislation and the President's further statement that:

> Legislation is only a first step. These new programs must now be adequately funded and effectively carried out.

The committee was surprised and disappointed that the supplemental budget request for these health manpower programs total only $350.2 million. Together with the $180.6 million included in the Labor-HEW appropriations bill (H.R. 10061) already enacted, the supplemental budget request would make only $530.8 million available out of the $1,116 million authorized for the health manpower programs.

The amount requested is exactly the same as that requested in the budget that the President laid before the Congress last January. The only cognizance that has been taken of the new legislation is that the distribution of the funds requested is somewhat different from their distribution in the January budget. No attention has been paid to the clear intent of the Congress that the production of urgently needed health-care personnel be sharply increased and accelerated.

On the contrary, the supplemental budget requests make grossly inadequate provision for the most important long-range programs authorized by the new legislation. For example, it is proposed that capitation grants for health profession schools and loans for students in these schools be funded at only 60 percent of the authorized level. The committee is deeply concerned that these new laws simply will not work with these few funds. Unless the capitation provision is adequately funded, schools will continue to compete in the "disaster derby" for limited financial distressed funds. Indeed, if the levels in the administration's request for capitation and construction stand, schools will not be placed on a stable financial footing and they will need every dollar of financial distress money they can get. The net result will be that we will get only a fraction of the manpower that the authorizing legislation envisions and the country needs.

Consequently, the committee has increased the level of student loans and capitation grants from 60 percent of the authorization to 80 percent.

The administration's budget seeks no funds at all for capitation grants for nursing schools, thus, in effect, seeking to repeal this important provision of the new legislation. The committee has funded this provision at 80 percent of the authorization, the same percent used in funding the capitation provision for medical and related health professions.

For scholarship assistance to students in the health professional schools including nursing schools, only $35 million is requested though it is estimated that $112 million would be required to carry out the intent of the legislation by making scholarship funds available in accordance with the formula prescribed therein. The committee has included $70 million for this purpose.

For construction of health educational facilities, on which the future success of the whole health manpower program may well depend, only $82 million of the $225 million authorization is requested—despite the fact that there is already a backlog of $840 million in approved but unfunded construction-grant applications. The committee has included $170 million to help reduce the backlog.

The committee believes that it is clearly the intent of Congress—and notwithstanding its meager budget request, the wish of the administration—to move ahead vigorously and promptly toward the goal of a diversified corps of highly competent health manpower that can adequately serve the health-care needs of the American people wherever they live and whatever their social and economic circumstances. To this end, the committee has significantly increased the appropriation for the health manpower programs.

Mr. President, I think the Labor-HEW chapter of this supplemental bill is a good chapter—much improved over the House allowance and budget request. I am hopeful that when we conference with the House that we can return to the Senate with many of these items still intact. As you know, on those items considered only by the Senate and not by the House, the conference will be between our figure and zero. This makes the conference situation far more difficult. However, I am sure the Senate conferees will do their best to protect those items that the Members of the Senate feel most strongly about.

Mr. President, I have had prepared a table which shows the total amounts authorized for all categories of health manpower, the amount appropriated in the regular fiscal year 1972 Appropriation Act which was enacted into law in August, the amount requested by the administration under the new Comprehensive Health Manpower Training Act and Nurse Training Act, and the amounts recommended by the committee in this supplemental bill.

This is a most complicated and complex subject and I believe that this detailed breakdown on health manpower will be helpful. I ask unanimous consent that this table be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

BUREAU OF HEALTH MANPOWER EDUCATION, FISCAL YEAR 1972 SUPPLEMENTAL REQUEST

HEALTH MANPOWER

[Dollar amounts in thousands]

		Fiscal year 1972 appropriated		Fiscal year 1972 supplemental request		Total		Recommendation	
	Authorization	Positions	Amount	Positions	Amount	Positions	Amount	Amount	Increase
Health manpower:									
1. Medical, dental, and related health professions:									
(a) Institutional support:									
(1) Capitation grants:									
MOD	$200,000				$120,000		$120,000	$160,000	+$40,000
VOPP	34,000				20,400		20,400	30,000	+9,600
(2) Start-up assistance:									
New schools	10,000				2,580		2,580	2,900	+320
Converting schools	[1]5,000				4,700		4,700	4,700	
(3) Special projects (grants and contracts)	118,000				36,000		36,000	70,000	+34,000
(4) Financial distress	20,000				20,000		20,000	20,000	
(5) HMEIA's	45,000				20,000		20,000	30,000	+10,000
(b) Student assistance:									
(1) Student loans:									
United States	50,000		$30,000				30,000	[1]40,000	+10,000
Foreign	1,750								
(2) Scholarships:									
United States	[1]56,700		15,500				15,500	[1]35,000	+19,500
Foreign	150								
Physician shortage	2,500							1,000	+1,000
(3) Traineeships and fellowships:									
Family medicine	25,000				5,000		5,000	5,000	
Health professions teachers	10,000				1,000		1,000	1,000	
(c) Construction:									
(1) Grants	225,000				82,000		82,000	170,616	+88,616
(2) Interest subsidy	8,000				800		800	2,000	+1,200
(d) Computer technology	5,000				1,000		1,000	3,000	+2,000
(e) Education cost studies	(2)				2,015		2,015	2,015	
(f) Educational grants and contracts and direct operations:									
(1) Grants and contracts	(2)		927				927	[1]927	
(2) Direct operations	(2)	162	4,232			162	4,232	[1]4,232	
Total, health professions	816,100	162	50,659		315,495	162	366,154	582,390	+216,236
Dental health:									
1. Educational grants and contracts	(2)		5,909				5,909	[1]6,409	+500
2. Direct operations	(3)	219	5,941			219	5,941	[1]5,941	
Total, dental health		219	11,850			219	11,850	12,350	+500

Footnotes at end of table.

BUREAU OF HEALTH MANPOWER EDUCATION, FISCAL 1972 SUPPLEMENTAL REQUEST—Continued

HEALTH MANPOWER—Continued

[Dollar amounts in thousands]

		Fiscal year 1972 appropriated		Fiscal year 1972 supplemental request		Total		Recommendation	
	Authorization	Positions	Amount	Positions	Amount	Positions	Amount	Amount	Increase
Nursing:									
1. Institutional support:									
(a) Capitation grants	$78,000							$63,000	+$63,000
(b) Start-up assistance	4,000								
(c) Special projects (grants and contracts)	20,000				$18,000		$18,000	20,000	+2,000
(d) Financial distress	15,000				5,000		5,000	10,000	+5,000
2. Student assistance:									
(a) Student loans	25,000		$21,000				21,000	[1] 25,000	+4,000
(b) Scholarships	[3] 55,500		19,500				19,500	[1] 35,000	+15,500
(c) Traineeships	20,000		10,470				10,470	[1] 15,000	+4,530
3. Construction:									
(a) Grants	35,000				9,500		9,500	25,000	+15,500
(b) Interest subsidy	1,000				200		200	200	
4. Educational grants and contracts and direct operations:									
(a) Recruitment (grants and contracts)	3,500				2,000		2,000	2,000	
(b) Grants and contracts	(2)		3,805				3,805	[1] 3,805	
(c) Direct operations	(2)	153	6,915			153	6,915	[1] 6,915	
Total, nursing	257,000	153	61,690		34,700	153	96,390	205,920	+109,530
Public health:									
1. Institutional support:									
(a) Schools of public health	12,000		5,554				5,554	[1] 7,000	+1,446
(b) Graduate public health training	15,000		4,517				4,517	[1] 4,517	
2. Traineeships	16,000		8,400				8,400	[1] 8,400	
3. Direct operations	(2)	24	573			24	573	573	
Total, public health	43,000	24	19,044			24	19,044	20,490	+1,446
Allied health:									
1. Institutional support	20,000		10,000				10,000	[1] 15,000	+5,000
2. Traineeships	10,000		3,750				3,750	[1] 6,000	+2,250
3. Allied health special projects (grants and contracts)	20,000		14,745				14,745	[1] 15,745	+1,000
4. Direct operations	(2)	64	2,159			64	2,159	[1] 2,159	
Total, allied health	50,000	64	30,654			64	30,654	38,904	+8,250
Program direction and manpower analysis:									
1. Planning and analysis	(2)	135	4,068			135	4,068	[1] 4,068	
2. Program direction	(2)	123	2,655			123	2,655	[1] 2,655	
Total, program direction and manpower analysis		258	6,723			258	6,723	[1] 6,723	
Grand total	1,166,100	880	180,620		350,195	880	530,815	[4] 867,777	[4] +336,962

[1] Partially funded in regular bill.

[2] Indefinite.

[3] Formula.

[4] Includes $1,000,000 to implement and carry out the purposes of S. 3418, the Family Practice of Medicine Act.

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from the American Medical Association regarding the Comprehensive Health Manpower Training Act appropriations, and a letter from the Office of Management and Budget referring to the EDA public works impact program.

This letter from the AMA is typical of those we have received from any number of professional organizations. It evidences their support of the health manpower legislation and the urgency they feel about the needs of these complex programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., November 30, 1971.

Hon. WARREN G. MAGNUSON,
U.S. Senate, Chairman, Subcommittee on Labor and Health, Education, and Welfare, New Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: The Comprehensive Health Manpower Training Act of 1971, recently enacted as P.L. 92–157, represents a major national declaration of intent to provide federal assistance for the training of physicians and other health personnel. The development of adequate numbers of health manpower is a goal strongly supported by the medical profession.

Appropriate funding must be provided if medical schools are to receive urgently needed financial assistance, and if medical education is to become a reality for students of all economic and cultural backgrounds. Financial support for training of family practice physicians, an essential need, is also provided in the new legislation.

Public Law 92–157, in providing for capitation and construction grants, increased loans and scholarships, grants for family practice, and other beneficial programs, has greatly expanded the role of the federal government in supporting medical education and constitutes a major thrust toward achieving our manpower goals.

The American Medical Association recommends that full appropriations under the law be provided by the Congress. This is essential if we are to obtain the full benefits which the law intended, and if we are to achieve our goals of better availability of health care for all our citizens.

We urge that your Subcommittee provide for full funding of Public Law 92–157.

Sincerely,

ERNEST B. HOWARD, M.D.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C.

Hon. JOHN L. MCCLELLAN,
Chairman, State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for comments on an amendment before the Senate Appropriations Committee for additional funding of the EDA Public Works Impact Program, I am pleased to inform you that the President had planned to request an FY 72 supplemental for this program in the amount of $30 million in the January budget. If the Committee should decide to provide this additional amount now, we would consider that a more desirable outcome since it would ensure that the special impact program could go forward immediately.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. MAGNUSON. I will be glad to yield for questions.

Mr. JAVITS. Mr. President, first I wish to join with the chairman of the Committee on Appropriations in praise and appreciation for the fine job that has been done and the courage shown by the subcommittee presided over by the Senator from Washington (Mr. MAGNUSON) in this critically important field.

I would just like to underline what has already been said to point out that no provision whatever was made for an extra appropriation for nursing schools in the administration request. It is almost inconceivable that could be passed by, but it was until it was corrected by the Senator from Washington.

I read the analysis which is available of the items increased and the reasons, and I agree thoroughly.

I would like to ask the Senator this question: In view of the fact that the administration request is so low and so unrealistic—$350 million—as against an allowance of almost $650 million, and even that is some $500 million under the authorization. But I still think the Senator has done magnificently.

Would it strengthen the Senator's hand if we had a separate rollcall vote on this amendment to show the solidarity of the Senate behind it? As a member of the subcommittee and the Committee on Appropriations I know what happens when we get into conference with a $650 million appropriation and there has been an administration budget request of $350 million. We want to strengthen the hand of the Senator from Washington (Mr. MAGNUSON) if he thinks it would help. I would be happy to ask for it as a separate vote if the Senator feels it would strengthen his hand.

Mr. MAGNUSON. I think it would be helpful. I do not know how many Senators expected rollcall votes on individual items. I think we should have a rollcall vote on final passage. This is a bill involving a great deal of money. It is a bill that everyone is interested in and the Senate should show its support of these programs, especially on items the House did not consider.

Mr. JAVITS. That is correct.

Mr. ELLENDER. Mr. President, I wish to say to the Senator from New York that I hope we do not have to vote on each amendment to show that the committee is supported by the Senate because there are quite a few items and it is my hope to have a rollcall vote on the entire bill. I am prayerful that the vote will reflect the views of the entire Senate.

Mr. JAVITS. I will certainly defer to the wishes of the chairman of the committee but I wanted to emphasize what I felt was the unanimous or near unanimous feeling of the Senate.

Mr. MAGNUSON. If we vote on the entire bill we will express our opinion on these items. Most of them are well known. We will have to deal with items that many times were zero in the House and in the budget.

Mr. JAVITS. I hope the Senator from Louisiana and the Senator from Washington, notwithstanding my deference to them, and other Members, will appreciate the degree of feeling and hope which go into the item of health manpower.

Mr. KENNEDY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. KENNEDY. May I have time on the bill?

Mr. ELLENDER. I yield the Senator 5 minutes on the bill.

Mr. KENNEDY. I thank the Senator. First of all, I desire to extend warm congratulations to the distinguished Senator from Washington (Mr. MAGNUSON), as well as the ranking Republican member (Mr. COTTON), for the attention that they have given to the whole health manpower field, as well as to the chairman of the full committee (Mr. ELLENDER). I think that they have demonstrated true statesmanship and great courage in allocating resources to the health manpower programs and to the nursing school programs.

The authorizing legislation that the Senate passed this year dealing with health manpower, I think, is some of the most innovative and creative legislation in this area that this body has ever considered.

We have incorporated a dual approach in the authorizing legislation—that of the stick, in string requirements of health educational institutions as well as the carrot in the form of bonuses and financial incentives to encourage increased enrollments and curriculum innovation. To provide the amount and kinds of health manpower that are desperately needed in this country, this legislation must be adequately funded.

As chairman of the Subcommittee on Health, and as one who participated in the Senate-House conference, I know that the authorizations made in this legislation are really thoughtful, carefully calculated authorizations. I was distressed when we were confronted with the administration's request—which was some 44 percent of the money that was authorized. I believe that budget would have put an undue burden, almost an intolerable burden, on the health professional schools of this country. Fortunately, the Committee on Appropriations has raised that budget for manpower from 44 percent to some 72 percent of the authorization, and the budget for nurse training from 38 percent to some 80 percent of authorization.

I wish to have this committee know that I think they have really provided an extraordinary service in helping to address this country's health crisis. The President has pointed out that there is a health crisis; as has the Secretary of HEW. All who have considered this crisis, and the health needs of this Nation, realize that increased manpower is imperative if we are really going to meet the health care needs of the people of this country. I really think that this committee has performed a yeoman service.

I agree with the Senator from New York (Mr. JAVITS) that if the chairman of the subcommittee or the chairman of the full committee thought it would be useful, I should certainly hope that we could get a rollcall vote on this manpower portion of the bill. But obviously I will defer to their good judgment. They have indicated time and time again their commitment to the health needs of the people of this Nation, and I want to indicate to them my full support and my admiration for the work that has been done in responding to the health manpower needs of this Nation.

Mr. MAGNUSON. Mr. President, I wish to make one brief remark, if the Senator will yield?

Mr. KENNEDY. I yield.

Mr. MAGNUSON. We had a great deal of guidance from the legislative committee and from the Senator from Massachusetts and the members of his subcommittee in this matter. It is pleasing to me that we have worked together on this matter. If there is a health crisis in the United States, which I think there is, it is the failure of the delivery of health care. That is what we are striving to correct.

Mr. KENNEDY. The manpower legislation passed the Senate by a vote of 88 to 0 and in the House the vote was 343 to 3. It was passed unanimously by both committees. It has strong bipartisan support. Its major provisions are supported by the American Medical Association, and the administration, and it has the support of the overwhelming majority of people in the country. The Committee on Appropriations performed an extraordinary and valuable service to the Senate and the people of this Nation by providing funds adequate to launch this new legislation.

I thank the Senator.

Mr. President, the measure we have before us is a matter of grave concern. This body passed new authorizing legislation on July 14, 1971, intended to dramatically increase the numbers of doctors, dentists, nurses, and other health professionals in this country. The legislation intends also to produce new types and levels of health personnel—and to bring more physicians and others into our rural and inner-city areas.

More manpower, new types of manpower, and better distribution of manpower are necessary to alleviate the crisis in this Nation's health care system. In fact, they are basic essential needs without which no Federal program can solve the problems. The need for doctors, dentists, and nurses is basic—and every responsible agency has acknowledged it as such.

The President acknowledged it in his health message to Congress on February 18 of this year.

The House acknowledged it by passing their versions of the Comprehensive Health Manpower Act and Nurse Training Act on July 1 by a vote of 343 to 3.

Finally, the Senate acknowledged it by passing our versions of these bills on July 14 by a vote of 88 to 0.

The House and Senate legislative Committees on Health has given serious and lengthy consideration to what actions the Federal Government should take with respect to manpower. You are familiar with the hours of hearings and drafting sessions that have gone into these considerations. You are familiar also with the 10 lengthy conference sessions the Senate and House held—thrashing through very different but equally innovative bills.

The bills that we produced, and which the President signed into law on Thursday, November 18, are landmark legislation in the history of America's health professions, and the educational institutions which produce them. These laws take the Nation's need for health manpower very seriously. They establish a new and expanded Federal role in support of health professions education.

Mr. President, this is an area of the health care crisis that everyone agrees is fundamental to progress. It is an area of the crisis where everyone agrees the Federal Government must act. And it is an area in which the Congress has shaped a most throughtful mechanism for Federal action.

Now, Mr. President, we have the opportunity and the responsibility to act—to put adequate funds into this mechanism to make it work. If we do not put adequate funds behind this law, all our work to date is pointless.

The budget request that the Congress received from the executive branch, Mr. President, was so low as to effectively scuttle this law. By simply holding back dollars in a misled desire to keep down the budget, the administration's request would have deprived the Nation of the health manpower we need to stop the skyrocketing inflation in health care costs.

The dollar levels in this budget request would have kept the health educational institutions on the financial ropes and so watered down the incentives for training more manpower that they were meaningless.

Mr. President, Senator MAGNUSON's subcommittee has gone a long way toward setting this right. The increases they have recommended in the budget reflect their deep concern with health care in this country, and their understanding of our basic need for more of the right kinds of health manpower. I am grateful for their courage in seeing the Senate action through to a conclusion by recommending defensible funding levels. I strongly recommend unanimous passage of this bill.

I must add, however, that I am gravely concerned over the fate of this appropriation bill in conference with the House. The House Appropriations Committee has held no hearings on the manpower and nursing supplemental requests. Their bill has no dollar figures in these areas. I am afraid that lacking a basis for independent judgment, they will insist on accepting the administration's proposed budget with only minor changes—even though this will scuttle a law originally passed in the House by a vote of 343 to 3. The Senate must give a full measure of support to Senators MAGNUSON and COTTON to arm them for this important conference.

Mr. President, this is a vital appropriation. My concern for the problems the American people have in getting and paying for health care demands that we take every possible step to assure adequate funding of these new manpower and nursing laws. The issues are simply too important to allow misguided economy to interfere with our actions.

Senators MAGNUSON and COTTON will, I am confident, do everything they can to represent the Senate's interest in conference with the House. I want them to understand—and above all I want the House conferees to understand—that the Senate stands fully behind its Appropriations Committee on this bill.

Mr. ELLENDER. I thank the Senator and I accept his remarks for all members of the committee. We all worked together in unison.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

At the top of page 2, insert a new chapter, as follows:

CHAPTER I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SPACE, SCIENCE, VETERANS' ADMINISTRATION, AND OTHER INDEPENDENT AGENCIES

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $1,587,000.

On page 2, line 10, change the chapter number from "I" to "II".

On page 2, line 15, after the word "resources", strike out "$160,000" and insert "$85,000".

On page 2, after line 15, insert:

BUREAU OF INDIAN AFFAIRS

RESOURCES MANAGEMENT

For an additional amount for "Resources management", $230,000.

On page 2, after line 19, insert:

CONSTRUCTION

For an additional amount for "Construction", $550,000, to remain available until expended.

On page 2, after line 22, insert:

GEOLOGICAL SURVEY

For an additional amount for "Surveys, investigations, and research", $1,190,000.

On page 3, after line 1, insert:

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For an additional amount for "Construction and development of mineral resources", $300,000.

On page 3, line 8, strike out "$5,250,000" and insert "$7,225,000".

On page 3, after line 8, insert:

OFFICE OF COAL RESEARCH

For an additional amount for "Salaries and expenses", $10,280,000, to remain available until expended, of which not to exceed $80,000 shall be available for administration and supervision.

On page 3, line 20, after the word "Construction", strike out "$110,000" and insert "$2,325,000"; and, in line 21, after the word "expended", insert a colon and "*Provided*, That notwithstanding the Act of March 18, 1950, as amended, not to exceed $2,215,000 shall be available for airport planning, development, or improvement at the Jackson Hole Airport pursuant to the Act of March 18, 1950, including availability through the Jackson Hole Airport Authority as sponsor's share of project costs for any grant made pursuant to Public Law 91-258."

On page 4, after line 3, insert:

PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For an additional amount for "Parkway and road construction (liquidation of contract authority)", $96,000, to remain available until expended.

On page 4, line 19, strike out "$500,000" and insert "$518,000".

On page 5, after line 8, insert:

YOUTH CONSERVATION CORPS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of August 13, 1970 (Public Law 91-378), establishing the Youth Conservation Corps, $3,500,000, to remain available until expended: *Provided*, That $1,750,000 shall be available to the Secretary of the Interior and $1,750,000 shall be available to the Secretary of Agriculture.

On page 5, after line 16, insert:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

INDIAN HEALTH FACILITIES

For an additional amount for "Indian health facilities", $42,000, to remain available until expended.

On page 6, at the beginning of line 12, strike out "$1,800,000" and insert "$1,400,000".

On page 6, line 15, change the chapter number from "II" to "III".

On page 6, after line 17, insert:

SALARIES AND EXPENSES

For an additional amount for the Manpower Administration, $23,400,000: *Provided*, That $23,000,000 of this appropriation shall be available only upon the enactment into law of S. 2007 or other authorizing legislation by the Ninety-second Congress.

On page 6, after line 23, insert:

MANPOWER TRAINING SERVICES

For expenses necessary to carry into effect title I of the Economic Opportunity Act of 1964, as amended, $735,837,000: *Provided*, That the amounts heretofore appropriated for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of programs authorized under the provisions of subsection 123 (a) (5) and (8) of the Economic Opportunity Act of 1964, as amended, shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act: *Provided further*, That this appropriation shall not be available for contracts made under title I of the Economic Opportunity Act extending for more than twenty-four months: *Provided further*, That all grants agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964 and for the purchase of real property for training centers: *Provided further*, That this appropriation shall be available only upon the enactment into law of S. 2007 or other authorizing legislation by the Ninety-second Congress.

On page 8, line 1, after the word "services", strike out "$4,500,000" and insert "$24,640,000".

On page 8, after line 6, insert:

OFFICE OF THE SECRETARY

For an additional amount for "Salaries and expenses," $400,000.

On page 8, after line 21, insert:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and Secondary Education", $32,500,000, which shall be for title I–A of the Elementary and Secondary Education Act: *Provided*, That the aggregate amounts made available to each State in fiscal year 1972 under such title for grants to local educational agencies within that State shall not be less than such amounts as were made available for that purposes in fiscal year 1971.

On page 9, after line 5, insert:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For an additional amount for "School Assistance in Federally Affected Areas", $265,000,000, of which $200,000,000, which shall remain available until expended, shall be for carrying out the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), and $65,000,000 shall be for carrying out section 303(1)(C) of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), as specified in section 5(c)(3) of said Act.

On page 9, after line 14, insert:

HIGHER EDUCATION

For an additional amount for "Higher Education" to carry out section 105 of the Higher Education Facilities Act of 1963, as amended, $3,000,000.

On page 11, after line 2, insert:

NATIONAL INSTITUTE OF HEALTH

HEALTH MANPOWER

For an additional amount for "Health Manpower," $687,157,000 of which $197,816,000 shall remain available until expended to carry out part B of title VII and part A of title VIII of the Public Health Service Act: *Provided*, That $120,000,000 to carry out sections 772, 773, and 774 shall remain available for obligation through September 30, 1972: *Privided further*, That $10,616,000 shall be for a construction grant to the Louisiana State University, as authorized by title VII of the Public Health Service Act and $1,000,000 shall be used to carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress).

Loans, grants, and payments for the next succeeding fiscal year: For making, after December 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, F, and G of title VII, and parts B and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such loans, grants, and payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C and G of title VII, and in part B of title VIII for these purposes for the next succeeding fiscal year.

On page 12, after line 3, insert:

OFFICE OF CHILD DEVELOPMENT

CHILD DEVELOPMENT

For an additional amount for "Child Development", $376,817,000, to carry out Project Headstart, as authorized by section 222 (a)(1) of the Economic Opportunity Act of 1964: *Provided*, That this appropriation shall be available only upon the enactment into law of S. 2007 or other authorizing legislation by the Ninety-second Congress.

On page 12, after line 11, insert:

MATERNAL AND CHILD HEALTH

Grants made during the current fiscal year for any project under section 508, 509, or 510 of the Social Security Act may be for periods ending prior to July 1, 1973.

At the top of page 13, insert:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," for expenses of additional hearing examiners, $660,000, to be derived by transfer from the appropriation to the Department of Labor, the Workplace Standards Administration, for "Salaries and expenses."

On page 13, after line 8, insert:

OFFICE OF ECONOMIC OPPORTUNITY

FEDERAL FUNDS

ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, $780,400,000, plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available only upon the enactment of S. 2007 or other authorizing legislation by the Ninety-second Congress.

On page 14, line 5, change the chapter number from "III" to "IV".

On page 14, after line 6, insert:

SENATE

On page 14, after line 7, insert:

For payment to Jennette Herbert Hall Prouty, widow of Winston L. Prouty, late a Senator from the State of Vermont, $42,500.

On page 14, after line 10, insert:

SALARIES, OFFICERS AND EMPLOYEES

COMMITTEE EMPLOYEES

For an additional amount for "Committee Employees", $21,770, to include herein, from and after January 1, 1972, the positions made permanent by Public Law 92–136, approved October 11, 1971.

On page 14, after line 16, insert:

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For an additional amount for "Administrative and Clerical Assistants to Senators", $597,535: *Provided*, That the clerk hire allowance of each Senator from the States of Maryland and Tennessee shall be increased to that allowed Senators from States having a population of four million, the populations of said States having exceeded four million inhabitants, that the clerk hire allowance of each Senator from the State of Florida shall be increased to that allowed Senators from States having a population of seven million, the population of said State having exceeded seven million inhabitants, and that the clerk hire allowance of each Senator from the State of Michigan shall be increased to that allowed Senators from States having a population of nine million, the population of said State having exceeded nine million inhabitants: *Provided further*, That effective January 1, 1972, the table contained in section 105(d)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, is amended to read as follows:

$295,938 if the population of his State is less than 3,000,000;

$321,768 if such population is 3,000,000 but less than 4,000,000;

$345,138 if such population is 4,000,000 but less than 5,000,000;

$362,850 if such population is 5,000,000 but less than 7,000,000;

$382,038 if such population is 7,000,000 but less than 9,000,000;

$403,440 if such population is 9,000,000 but less than 10,000,000;

$424,842 if such population is 10,000,000 but less than 11,000,000;

$446,244 if such population is 11,000,000 but less than 12,000,000;

$467,646 if such population is 12,000,000 but less than 13,000,000;

$488,556 if such population is 13,000,000 but less than 15,000,000;

$509,466 if such population is 15,000,000 but less than 17,000,000;

$530,130 if such population is 17,000,000 or more.".

On page 16, after line 9, insert:

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of Sergeant at Arms and Doorkeeper", $68,390: *Provided*, That effective January 1, 1972, the Sergeant at Arms may appoint and fix the compensation of an additional assistant video engineer at not to exceed $17,958 per annum, a senior programer at not to exceed $17,712 per annum, two program analysts at not to exceed $15,006 per annum each, four operators at not to exceed $10,086 per annum each, a liaison and documentation specialist at not to exceed $12,054 per annum, a job controller at not to exceed $12,054 per annum, and a key punch operator at not to exceed $6,642 per annum.

On page 16, after line 21, insert:

CONTINGENT EXPENSES OF THE SENATE

FOLDING DOCUMENTS

For an additional amount for "Folding Documents", $14,000.

At the top of page 17, insert:

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", fiscal year 1971, $250,000 to be derived by transfer from the appropriation "Salaries, Officers and Employees", fiscal year 1971.

For an additional amount for "Miscellaneous Items", $275,000: *Provided*, That each Senator shall be entitled to office space suitable for his official use at not more than three places designated by him in the State he represents. The Sergeant at Arms shall secure for each Senator such suitable office space in post offices or other Federal buildings at the places designated by each Senator. In the event suitable space is not available in post offices or other Federal buildings at any place designated by a Senator within his State, the Senator may lease or rent other office space for the purpose at such place, and the Sergeant at Arms shall approve for payment from the contingent fund of the Senate vouchers covering bona fide statements of rentals due for such office. In addition, the Sergeant at Arms shall approve for payment from the contingent fund of the Senate to each Senator, upon his certification, the official office expenses incurred in his State, telephone service charges officially incurred outside Washington, District of Columbia, and charges incurred for subscriptions to newspapers, magazines, periodicals, or clipping or similar services. Payment of rentals due and such expenses and charges shall not exceed the amount of $7,800 each calendar year, of which amount not to exceed $3,600 shall be available for the payment of rentals due, except that in the case of a Senator holding his office as Senator for less than a full calendar year, such $7,800 and $3,600 shall be prorated for that portion of such year he has served as a Senator. The aggregate of payments to or on behalf of a Senator shall not exceed at any time the sum of $650 multiplied by the number of months (or fractions thereof) elapsing from (1) the first day of the calendar year in which the payment is made, or (2) the day during such year in which the Senator assumed the duties of his office, whichever day is applicable, to the date of payment, and the amounts included in such sum as payment for rentals due shall not exceed $300 multiplied by the number of such months (or fractions thereof), except that nothing in this sentence shall preclude the payment of rentals at the beginning of the month for which they are due. In the case of the death of any Senator, the chairman of the Committee on Rules and Administration may certify for such deceased Senator for any portion of such sum already obligated but not certified to at the time of such Senator's death, and for any additional amount which may be reasonably needed for the purpose of closing such deceased Senator's State office, for payment to the person or persons designated as entitled to such payment by such chairman. The proviso relating to strictly official telephone service charges incurred by Senators outside the District of Columbia appearing in the first paragraph of chapter VIII of the Second Supplemental Appropriation Act, 1967 (2 U.S.C. 46d–3), is repealed, and the paragraphs relating to the securing of office space for Senators in post office or other Federal buildings in their States and to the payment of official office expenses incurred by Senators in their States appearing under the heading "Senate" in the Legislative Branch Appropriation Act, 1957, as amended (2 U.S.C. 52, 53), are repealed. The preceding seven sentences and the proviso preceding such sentences are effective January 1, 1972.

On page 19, after line 14, insert:

STATIONERY (REVOLVING FUND)

For an additional amount for "Stationery (Revolving Fund)", $17,400: *Provided*, That effective with the fiscal year 1972 and thereafter, the annual allowance for stationery for the President of the Senate shall be $3,600, and such allowance for each Senator shall be as follows:

$3,600 if the population of his State is less than 3,000,000;

$3,800 if such population is 3,000,000 but less than 5,000,000;

$4,000 if such population is 5,000,000 but less than 9,000,000;

$4,200 if such population is 9,000,000 but less than 11,000,000;

$4,500 if such population is 11,000,000 but less than 13,000,000;

$4,800 if such population is 13,000,000 but less than 17,000,000;

$5,000 if such population is 17,000,000 or more.

On page 20, after line 9, insert:

ADMINISTRATIVE PROVISION

In the event of the death, resignation, or disability of the Secretary of the Senate, the Assistant Secretary of the Senate shall act as Secretary in carrying out the duties and responsibilities of that office in all matters, except those matters relating to the Secretary's duties as disbursing officer of the Senate, until such time as a new Secretary shall have been elected and qualified or such disability shall have been ended. For purposes of this paragraph and the last full paragraph under the heading "SENATE" in the First Deficiency Act, fiscal year 1936 (44 Stat. 162; 2 U.S.C. 64a), the Secretary of the Senate shall be considered as disabled only during such period of time as the majority and minority leaders and the President pro tempore of the Senate certify jointly to the Senate that the Secretary is unable to perform his duties.

On page 23, after line 6, insert:

RESTORATION OF OLD SENATE CHAMBER AND OLD SUPREME COURT CHAMBER IN THE CAPITOL

To enable the Architect of the Capitol to make such expenditures as may be necessary to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers, $1,521,000, to be expended without regard to section 3709 of the Revised Statutes, as amended, and to remain available until expended, all under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968.

At the top of page 24, insert:

SENATE OFFICE BUILDINGS

For an additional amount for "Senate Office Buildings", $66,000, to remain available until expended.

On page 24, after line 3, insert:

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, in addition to the real property contained in square 724 in the District of Columbia heretofore acquired under Public Law 85–429, approved May 29, 1958 (72 Stat. 148–149), and Public Law 91–382, approved August 18, 1970 (84 Stat. 819), for purposes of further extension of such site or for additions to the United States Capitol Grounds, all publicly or privately owned real property contained in lot 18 in square 724 in the District of Columbia, as such square appears on the records in the Office of the Surveyor of the District of Columbia as to the date of the approval of this Act: *Provided*, That for the purposes of this Act, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further*, That, upon acquisition of any real property under this Act, the jurisdiction of the Capitol Police shall extend over such property: *Provided further*, That, any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368): *Provided further*, That upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any structures on, or constituting a part of, such property and to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: *Provided further*, That, such real property, when acquired under authority of this Act, shall be subject to the provisions of the Act of July 31, 1946, as amended (40 U.S.C.. 193a–193m, 212a, and 212b): *Provided further*, That, the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, expenditures authorized by Public Law 91–646, approved January 2, 1971 (84 Stat. 1894–1907), applicable to the Architect of the Capitol, and expenditures for any other required items, as may be necessary to carry out the provisions of this appropriation; $270,000, to remain available until expended.

On page 27, line 12, change the chapter number from "IV" to "V".

On page 27, after line 17, strike out:

For an additional amount for "Construction, General", $34,000,000, to remain available until expended.

And, in lieu thereof, insert:

For an additional amount for "Construction, General," $102,400,000, to remain available until expended, of which not to exceed $1,400,000 shall be available for emergency flood control construction of debris basins and channel clearing in the Carpinteria, California, area affected by recent fires, and such work is hereby authorized.

On page 28, line 8, after the word "Rehabilitation", strike out "$7,000,000" and insert "$9,210,000".

On page 28, line 12, after the word "Project", strike out "$4,800,000" and insert "$6,800,000".

On page 28, line 17, change the chapter number from "V" to "VI".

On page 29, after line 12, insert:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SATELLITE OPERATIONS

For an additional amount for "Satellite operations," $4,919,000, to remain available until expended.

On page 29, after line 17, insert:

PATENT OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $2,035,000.

On page 30, after line 9, insert:

INTERNATIONAL RADIO BROADCASTING ACTIVITIES

For expenses necessary for international radio broadcasting and related activities, as authorized by law, including not to exceed $36,000,000 for grants to Radio Free Europe and Radio Liberty, $36,225,000: *Provided*, That this appropriation shall be available only upon the enactment into law of S. 18 or other authorizing legislation, 92d Congress.

On page 30, line 18, change the chapter number from "VI" to "VII".

On page 30, line 24, after the word "development", strike out "$2,500,000" and insert "$5,000,000".

On page 31, line 12, after the word "expended", strike out "$200,000, to be derived from the appropriation 'Office of the Secretary, salaries and expenses' " and insert "$2,200,000: *Provided*, That $2,000,000 of this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-second Congress".

On page 32, after line 1, insert:

AVIATION ADVISORY COMMISSION

SALARIES AND EXPENSES

(Airport and Airway Trust Fund)

For an additional amount for the Aviation Advisory Commission, authorized by section 12 of the Act of May 21, 1970 (Public Law 91–258), as amended, $750,000 to be derived from the Airport and Airway Trust Fund and to remain available until March 1, 1973: *Provided*, That funds for the Aviation Advisory Commission, as provided for in chapter XI of title I of the Second Supplemental Appropriations Act, 1971, shall also remain available until March 1, 1973.

At the top of page 33, change the chapter number from "VII" to "VIII".

On page 33, line 10, after the word "Fund", strike out "$216,400,000" and insert "$200,000,000".

On page 33, after line 11, insert:

GENERAL SERVICES ADMINISTRATION

CONSTRUCTION, PUBLIC BUILDING PROJECTS

For an additional amount for "Construction, public buildings projects," for construction of Patrick V. McNamara Federal Office Building, Detroit, Michigan (substructure), $11,200,000, to remain available until expended: *Provided*, That in addition, savings effected in other projects under the appropriation for "Construction, public buildings projects" shall be available for the foregoing project but in an amount not to exceed 10 per centum of the amount appropriated herein.

On page 33, after line 22, insert:

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for "Sites and Expenses, Public Building Projects", $250,000.

On page 34, after line 7, insert:

FUNDS APPROPRIATED TO THE PRESIDENT

ECONOMIC STABILIZATION ACTIVITIES

SALARIES AND EXPENSES

For expenses necessary to carry out the Economic Stabilization Act of 1970, as amended, including activities under Executive Orders No. 11615 of August 15, 1971, and No. 11627 of October 15, 1971, both as amended; activities under Proclamation 4074 of August 15, 1971; and hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for GS–18, such amounts as may be determined from time to time by the Director of the Office of Management and Budget but not to exceed $20,153,000, of which not less than $3,000,000 will be derived by transfer from the Exchange Stabilization Fund and the remainder to be derived by transfer from balances reserved for savings in such appropriations to the departments and agencies of the Executive Branch for the current fiscal year as the Director may determine: *Provided*, That advances or repayments from the above amounts may be made to any department or agency for expenses of carrying out such activities.

On page 35, line 6, change the chapter number from "VIII" to "IX".

On page 35, at the beginning of line 12, insert "Senate Document Numbered ___, and": in line 13, after the word "Congress", strike out "$19,029,734" and insert "$21,569,856".

At the top of page 36, change the chapter number from "IX" to "X".

And, after line 5, insert a new section, as follows:

SEC. 902. Property described in the last sentence of section 303(1) of Public Law 81–874 which, at any time during the fiscal year ending June 30, 1971, was Federal property for the purposes of such public law shall continue to be Federal property for such purposes for the fiscal year ending June 30, 1972.

Mr. BIBLE. Mr. President, will the distinguished chairman of the Committee on Appropriations yield so that I may offer an amendment?

Mr. ELLENDER. I yield the floor.

Mr. BIBLE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BIBLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill, add the following new section:

SEC. 903. The funds provided in the Department of Justice Appropriation Act, 1972, for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of Federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned Act.

Mr. BIBLE. Mr. President, the purpose of this amendment is to make it clear that the Federal Bureau of Investigation is authorized to use fiscal year 1972 funds to continue the long-standing program of providing criminal record identification services to federally chartered or insured banking institutions and authorized State and local public agencies for their official use in checking the background of persons seeking employment or licenses to engage in sensitive businesses or occupations affected with a public interest—such as the liquor industry, the legalized gaming industry in Nevada, and applicants for gun licenses.

These identification services have been authorized in each Department of Justice Appropriation Act since 1921, including the Act for fiscal year 1972.

However, the service was terminated in June of this year as a result of a decision of the U.S. District Court for the District of Columbia in the case of *Menard* v. *Mitchell* (328 F. Supp. 718) that these identification services may not be provided to other than Federal agencies except for strictly law-enforcement purposes without specific congressional authorization.

This Menard case is now pending on appeal before the U.S. Court of Appeals for the District of Columbia.

Mr. President, State and local laws throughout the country contain provisions requiring full inquiry into the background of persons seeking firearms and other licenses or employment in sensitive occupations. But we now have a situation in which the official agencies required to develop such information are denied access to FBI records.

This termination of an essential investigative service that has been available to State and local regulatory agencies for many, many years is completely unacceptable. The FBI is the only agency able to provide centralized criminal records services.

In addition, the discontinuance of this essential FBI service is inconsistent with the Crime Control Act of 1970, which had the overwhelming support of the Congress.

Title IX of that act is designed to curb and penalize the infiltration of legitimate business by organized criminals and racketeers.

It makes no sense at all to deny State and local public access to these FBI identification services. In many instances, it is their official duty to monitor and protect sensitive industries against such infiltration, and they need the FBI's centralized records service to do the job effectively.

This amendment will provide authorization for continuation of these services during fiscal year 1972.

In the meantime, bills are pending before the Senate Judiciary Committee and a further proposal is being prepared by the Department of Justice to improve the law governing criminal records services. Hopefully, hearings can be had early in the next session with a view to enacting improvements in the present law.

However, while that process goes forward it is essential that the FBI's criminal records service continue to be made available to State and local agencies for their official use.

The amendment does not involve any increased funding. Funds for the service involved would come out of the regular appropriation for the FBI for fiscal year 1972.

I have discussed the amendment with the chairman of the full committee and I have discussed it with the ranking Republican member of the committee. I believe they have advised me they are perfectly willing to take this amendment to conference and see if it can be worked out.

I urge acceptance of this amendment.

Mr. ELLENDER. Mr. President, I have examined the amendment and consulted with a few members of the committee. The amendment does not require any funds whatsoever. We will be glad to take it to conference.

Mr. BIBLE. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question arises on the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. WEICKER obtained the floor.

Mr. BIBLE. Mr. President, will the Senator yield to me for 1 moment?

Mr. WEICKER. I yield.

Mr. BIBLE. I find myself involved in what we hope is the last day of the conference on the settlement of the Alaskan Native claims. I am due there at this time as a conferee.

If there are any questions on the chapters of this bill relating to the Departments of Interior or Transportation by any Senator present now, I will be happy to try to respond.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BIBLE. I am willing to yield, but I do not have the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. I am yielded 1 minute.

The PRESIDING OFFICER. There is no time available to the Senator.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator have 5 minutes of the time he originally had on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I have an amendment which would relate to the Interior Department section. As I understand it, the amendment will be accepted; I can place my remarks in the letter and there would be very prompt action. I appreciate that the chairman of that subcommittee has to be away from the floor at the time the amendment may be offered. I shall be happy to offer it at a more convenient time later.

Mr. BIBLE. The trouble is we are locked up on the Alaska claim bill and we might be all night. Is the Senator's amendment one with which I am familiar?

Mr. PERCY. This is the Kennedy Center amendment.

Mr. BIBLE. I have carefully considered the Kennedy Center amendment and, speaking for myself, as chairman of the Interior Appropriations Subcommittee, I am completely satisfied with it and am perfectly willing to accept the amendment.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BIBLE. I yield, with the permission of the Senator from Louisiana (Mr. ELLENDER), to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague for yielding and wish to thank him and the members of the Appropriations Committee for recommending the appropriation of $2,325,000 for construction activities of the National Park Service.

Of that amount, $2,215,000 will be available for extension and construction of permanent facilities at the Jackson Hole Airport, Grand Teton National Park, Wyo.

Legislative language suggested by the committee is intended to assure that the funds will be available for airport planning, development, or improvement at the Jackson Hole Airport, including availability to provide the sponsor's matching funds for a project or projects under the Airport and Airway Development Act of 1970, Public Law 91–258, whether the project is sponsored by the Department of the Interior or the Jackson Hole Airport Authority, or both.

Mr. President, this is the major airport serving Grand Teton and Yellowstone National Parks in Wyoming. Teton County, wherein this airport is located, is 97 percent federally owned. It is not one of Wyoming's biggest counties in terms of assessed valuation, but it does have a great number of visitors, including those who come by air, because of the beauty and grandeur of the area.

The need for more adequate airport facilities is well known. Serious doubts are inherent in the present airstrip uses. It is hard to believe that an airport used by jet aircraft and large commercial aircraft does not have a taxi strip; $465,000 will be used for the construction of hangar facilities, access strip and aircraft parking. The remaining $1,750,000 will permit extension of the runway by 1,300 to 8,000 feet. Construction of these facilities will permit the airport to accommodate the greatly increased traffic, more sophisticated aircraft and will meet the higher safety standards which we require today.

In 1972, Yellowstone National Park will celebrate its 100th anniversary. This is the year of the National Park Centennial and the United States will host the second World Conference on National Parks at Yellowstone and Grand Teton National Parks.

The attention of the world will be focused on these national parks and adequate facilities providing access to the parks by air should be available.

The action of the Committee on Appropriations is the first step in seeing that this goal is met.

Mr. BIBLE. Mr. President, I am familiar with this item. It was unanimously approved by the subcommittee and the full committee. I am happy to join in the plea made by the Senator from Wyoming. Both Senators from Wyoming have been very actively interested in this item. It is urgent and it should be in the supplemental bill. I am glad to lend my weight and my support to it.

Do we have further questions, other than on the Kennedy Center, on the Interior portions of the bill or the chapter on Transportation?

Mr. PASTORE. We do not.

Mr. BIBLE. Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President——

The PRESIDING OFFICER. The Chair had previously recognized the Senator from Connecticut (Mr. WEICKER).

Mr. WEICKER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. I would like to make inquiry as to where we now stand in these proceedings. Is the bill now open to amendment?

The PRESIDING OFFICER. The bill is open to amendment. There is a limitation of 1 hour on each amendment.

Mr. WEICKER. Mr. President, I send an amendment to the desk, which I ask to have read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 30, after line 17, insert the following:

"SMALL BUSINESS ADMINISTRATION

"BUSINESS LOAN AND INVESTMENT FUND

"For additional capital for the 'Business loan and investment fund', authorized by the Small Business Act, as amended, $100,000,000, to remain available without fiscal year limitation."

Mr. WEICKER. Mr. President, the amendment, I believe, is self-explanatory. In essence, what I am doing here is trying to bring some measure of balance into what the Senate has been doing during the past week. If $100 million sounds like a great deal of money to go to small business, I think it important to note that in the economic packages before our body, roughly $26 billion has been accorded to the economy and principally to the benefit of big business and big labor. The fact remains that out of 5,275,000 firms in our Nation, 95 percent of them are small businesses. Four out of every 10 civilian jobs in the economy are involved in small businesses. I do not exactly see how we can enjoy any measure of economic recovery unless we pay some attention to that aspect of our economy.

The United States is not just General Motors and the AFL–CIO. It is many small businesses and many persons employed in those businesses. In 1970, roughly 11,000 small businesses went under—went down the chute. This was not the prospective failure of a Lockheed or the prospective failure of a Penn-Central—11,000 went under.

In 1970, after-tax earnings of corporations with assets of less than $1 million went down 45 percent, as compared to those corporations with assets of over $1 million, whose earnings were down only 13 percent.

Mr. BIBLE. Mr. President, will the Senator yield to me?

Mr. WEICKER. I yield.

Mr. BIBLE. Mr. President, as chairman of the Senate Select Committee on Small Business, I wholeheartedly support the amendment of the Senator from Connecticut (Mr. WEICKER) to increase the appropriation for small business loans by $100 million. I commend the Senator for his initiative and welcome support from the other side of the aisle for the fight that the Senator from Alabama (Mr. SPARKMAN), the Senator from New Hampshire (Mr. McINTYRE) and others have been waging since 1969 to bring about recognition of small business problems and adequate funding for Small Business Administration financial assistance programs.

To summarize the highlights of this struggle, I ask unanimous consent that our requests to the White House of 1969 and 1970, and the responses, be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. To illustrate the conservative tenor of this amendment, let me briefly review the amounts which both Houses of Congress have, in the past few years, approved for the section 7(a) business loan programs of the Small Business Administration:

[In millions]

Fiscal year:	
1968	$307.4
1969	261.0
1970	116.0
1971	135.0

Because we were concerned and disturbed by this downward curve of funds requested by the executive branch, I joined last year with the distinguished Senator from Alabama, the former chairman of the Senate Small Business Committee (Mr. SPARKMAN), in urging that President Nixon raise his budget request to the neighborhood of the 1968 level. We considered this a modest and reasonable position, pointing out in detail to the President how the time-tested programs of SBA could help in resolving some of the most pressing problems of our country, for instance:

First. The transition to a more civilian-oriented economy;

Second. The balance between rural and urban areas;

Third. Assisting less advantaged Americans into the mainstream of commercial life; and

Fourth. Helping small firms adapt to higher environmental and consumer standards.

We suggested in our letter ot the White House at that time that—

> The SBA budget for fiscal year 1972 will be one of the acid tests that will divide those interested in rhetoric about small business and the economy from those seriously concerned about dealing with these problems.[1]

Accordingly, we felt it unfortunate that the amount requested in the fiscal year 1972 budget for SBA direct and participation loans combined came to only $99 million, an overall reduction of more than two-thirds over the past 4 years.

This has been unfortunate for the 5¼ million small businesses in the country and also for the Congress, which has a problem in attempting to assist the Small Business Administration and the small business community in the face of this kind of action by the White House.

Frankly, this credibility problem in the small business area was deepened when the President strongly backed guaranteed loans to Lockheed—the Nation's largest defense contractor—and Penn Central—the Nation's largest railroad corporation—totaling $375 million. This amount was more than 3½ times the total requested for 5¼ million small businessmen. I feel, and I have said in the past, that credit priorities of this kind are out of balance and difficult to justify.[2]

The Senator from Connecticut has recognized the needs which will be unmet as a result of these reductions in small business loan funds, as well as the economic waste and human disappointment which will result, particularly at a time of economic turbulence. He has had the courage to bring the matter to the attention of this body.

Because of the figures which I have summarized, this limited increase of SBA loan funds which will be paid in full and with interest cannot be considered a budget-busting amendment in any sense. If approved in full, the amount available for SBA direct and participation loans to the growing small business population would still be one-third below the level which Congress fully approved in fiscal year 1968.

I feel that the Congress and its Members interested in small business owe it to the hard-pressed, taxpaying small business owners and employees in the cities and towns across this country to stand up for their economic interests regardless of whether the executive branch may be critical, or whether the President might or might not freeze these funds after the Congress makes them available.

I hope that my colleagues will join in approving this increase which is well within and below the levels previously approved on several occasions.

EXHIBIT 1

LETTER TO PRESIDENT RICHARD M. NIXON BY SENATOR BIBLE URGING RELEASE OF $170.2 MILLION IN SBA LOAN FUNDS

JUNE 25, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: May I respectfully call your attention to several fact situations which I believe are placing the 5½ million small businessmen of this country in an economic strait-jacket as a result of skyrocketing bank interest rates and the absence of direct loan money from the Small Business Administration.

The Senate Select Committee on Small Business, of which I have the honor to be Chairman, has just concluded the preliminary phase of hearings on the legislative oversight of the Small Business Administration. Many of our members have expressed deep concern at the drastic reductions in both the budget requests for the SBA loan programs and Executive action reducing loan commitments substantially below amounts approved by the Congress.

According to our Committee's calculations, there remain, within SBA Section 7(a) financial assistance and investment company programs, loan authorizations totaling more than $170 million which will expire if not released before the end of this fiscal year. The amounts are in three categories, as follows: for the direct business loan program $59 million; for SBA's share of immediate participation loans $89.9 million; and for the SBIC lending program $21.3 million, for a total of $170.2 million.

It is my understanding that the release of such authority is for lending rather than spending, so that the budgetary "expenditure" features of these loans would be subject to an immediate offsetting repayment of principal and interest. Moreover, the amounts to be loaned are already in the SBA revolving fund so that no new "appropriations" would be required. Accordingly, expenditure controls would appear to be only a secondary consideration in this matter.

You will recall that last April the Department of Agriculture obtained release of $41 million for the Farmers Home Administration under similar conditions. I feel that small business is entitled to at least comparable treatment in government loan money availability in the face of credit needs of small business which, in the tightening money market, are becoming increasingly acute.

The prime bank rate has reached 8½% and other market instruments have followed suit, raising interest rates to their highest peaks in 100 years. Small, independent, and family businesses, which are less creditworthy than large national firms, customarily pay interest rates scaled upward from the prime.

With this background in the private sector, a cut in the public lending program of last resort in the order of 58.5% is creating a massive squeeze on our 5½ million small businessmen.

Therefore, immediate action is required if small business is not to bear a disproportionate part of the sacrifices necessary to curtail inflation. This may be done administratively, beginning with the release of the full $170.2 million in Congressionally approved loan authority for fiscal year 1969 SBA and SBIC loan programs. This should extend to all necessary technical and implementing measures, which will allow this authority to be carried over on the books until these small business loans can be approved and disbursed. I urge that you instruct the Budget Bureau before June 30 to take the administrative action which is conveniently within your control, and to recommend to Congress whatever additional action may be needed to preserve the budget authority I have described so that it will not become permanently unavailable to the SBA and the small business community.

Very respectfully,

ALAN BIBLE,
Chairman.

LETTER TO PRESIDENT NIXON BY SENATORS BIBLE AND SPARKMAN URGING RESTORATION OF SBA DIRECT LENDING FUNDS TO 1968 LEVEL

SELECT COMMITTEE ON SMALL BUSINESS,
Washington, D.C., December 29, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At this time of the year, when budgets are being prepared in the Executive Branch, we in the Congress are also well aware of the responsibility which we all share for the 95 percent of American commerce and industry which is small business and accounts for an estimated 40 to 50 percent of all jobs and 33 to 40 percent of GNP.

Accordingly, we ask that you give your most earnest consideration to increasing the Small Business Administration budget for fiscal year 1972 to levels approximating those approved by Congress for fiscal year 1968, particularly as to funds for direct participation, community development, and SBIC loans.

From the passage of the Small Business Act in 1953, it has been generally accepted that the ability of the SBA to supply direct funds in its various loan programs has been the heart of its assistance to the small business community. However, a recent emphasis on guarantee loans to the detriment of the direct loan programs has not done the job for the nation's 5½ million small businesses. The last three fiscal years have seen SBA direct loans fall from 2,456 in 1968, to 635 in 1969, to 42 in 1970. Participation loans have also fallen far below the previous averages.

Loan guarantees cannot be fully adequate to meet current circumstances, because the effectiveness of this approach depends first, upon the availability of financial resources in the private sector; second, upon many commitments to allocate these resources to what are generally considered less-preferred risks; and third, upon the payment of higher interest rates by those least able to bear them.

An indication of the extent to which guarantees are not equal to the problem is found in the failure rates for businesses in 1970, which rose 25 percent. Failures with liabilities of $1 million increased a starting 95 percent. Another indication was that small and independent firms, which are lower-rated borrowers and stand at the end of the line for credit, continued to pay record-high interest rates for loan funds, a national average of 8.6 percent in November, with peaks of 9.4 percent in the Pacific and Mountain states.

Although the crisis of liquidity appears to have abated somewhat, the continued weakness in bank term loans seems to represent continued hesitancy of financial institutions to offer longer term financing to medium- and lower-rated companies. Declining profits are cutting into internally-generated capital, and the bond market remains the preserve of the very largest corporations.

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[1] "Next Year's SBA Budget Will Be Important Test—Direct Loan Funds Should Be Restored," CONGRESSIONAL RECORD, vol. 116, pt. 33, p. 44026.

[2] "Administration Overlooks Potential of Smaller Businesses in Solving Nation's Problems," CONGRESSIONAL RECORD of July 19, 1971, p. 25808.

These extreme stresses of 1970 give us serious concern about the ability of small firms across the country to secure financing for even their "normal" needs without more affirmative help from the Federal Government. As you have pointed out, our economy must also take up the burden of transition in the years immediately ahead.

Smaller defense contractors and subcontractors, which have been vital to the nation's military build-up, must retool, and reorient for civilian markets. Many returning veterans, like their colleagues after World War II and Korea, will wish to start their own businesses. Communities surrounding installations to be closed or curtailed will experience severe dislocation if they cannot plan now to attract new industry to take up the slack.

Small Business Administration loan programs are designed precisely to assist in these situations. They have the additional advantages of encouraging balanced growth between rural and urban areas; helping smaller firms to adapt to higher environmental and consumer standards; and assisting less advantaged Americans into the mainstream of commercial life.

Today, economic forces beyond the control of smaller businessmen make the obligations of Government even stronger. If these SBA programs are permitted to operate far below levels considered appropriate a few years ago, it would seem that the basic concept of fair play for the small business community is being seriously impaired.

To the degree this happens, there will surely be a shifting of existing business and future potential growth to bigger, well-financed companies which already exert a preponderant influence on our economy. At the same time thousands of worthy small, family, local, and independent firms will be squeezed out of our economic life leaving both the economy and our society poorer in the end.

We should emphasize also that SBA assistance is not in the form of grants, but in loans which are fully repayable with interest.

It seems to us that the programs of the Small Business Administration have extraordinary and almost unique ability to deal with the pressing difficulties of transition and economic opportunity with which we all are concerned. We therefore feel that these tools should receive the full budgetary support to which an objective analysis entitles them.

We are hopeful you will give appropriate consideration to these views in your final decisions on the Small Business Administration's budget for fiscal year 1972 and see fit to restore the direct loan program to a more meaningful level and thereby meet the realistic needs of small businesses nationwide.

Cordially,

ALAN BIBLE,
Chairman, Small Business Committee.
JOHN SPARKMAN,
Chairman, Banking and Currency Committee.

REPLY TO 1970 LETTER

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 17, 1971.

Hon. ALAN BIBLE,
Chairman,
Senate Small Business Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: I would like to take this opportunity to discuss some of the issues you raised in your letter to the President concerning the budget of the Small Business Administration (SBA). Although the Administration's position on the issues you raised is reflected in the President's recent budget recommendations for SBA, I feel it may be helpful to mention briefly some of the information that went into the formulation of that position.

As you correctly point out in your letter, the number of direct loans for the regular business loan (7a) program have declined from 2,456 in 1968 to 42 in 1970. However, it is important to recognize that the dollar value of all SBA direct lending, excluding disaster and displaced business loans, actually increased from $133 million in 1968 to $140 million in 1970. It is also important to note that direct lending constitutes only a portion of the funds provided directly by SBA at a 5½ percent interest rate. In 1970 an additional $82 million in 5½ percent funds were provided through the immediate participation portion of the 7a program. The President's budget provides for $210 million in direct and immediate participation funds in 1972, with the split to be determined based upon the needs at that time. Thus, although direct and immediate participation funds have declined somewhat, the total amount of funds provided directly by SBA are substantially greater than the figure for the number of direct 7a loans would indicate.

The decline in direct lending has been more than offset by the rapid expansion of SBA's guarantee program. Guaranteed lending increased from $195 million in 1968 to $378 million in 1970. The further anticipated expansion to $855 million in 1971 and $1 billion in 1972 is ample evidence that the private sector can and is providing increased financial assistance to the small business community. Even in periods of relatively tight money, such as 1970, SBA has been able to increase the guarantee program. Part of the sharp rise in 1971 and 1972 can be attributed to the increasing ability of banks to sell SBA guaranteed loans to various investment funds. This ability can result in SBA guaranteed loans being more attractive to banks, from a liquidity standpoint, than other investments.

While it is true that the interest rate on guaranteed loans has averaged about 2 percent above the prime rate, it is not clear from the history of the 7a program that SBA loans were intended to involve an interest subsidy for the borrower. In 1958, when the 5½ percent ceiling on 7a direct loans was established, the prime rate was only 4 percent. However, in recognition of the burden bank rates may place on some small business borrowers, the President recently reintroduced legislation which would authorize SBA to pay interest subsidies of up to 3 percent on some loans guaranteed by SBA. The Senate, with the aid of your support, approved this legislation last year and we would hope the legislation would be passed by the Congress this year.

Although financial institutions may be reluctant to offer longer term financing to medium and lower-rate firms, evidence would indicate that the guarantee program has provided loans with terms comparable to those of SBA loans. In 1969, the average maturity on both 7a direct and guaranteed loans was 7 years.

Based on these facts we hope that you will concur in our feeling that SBA's direct loan program has been budgeted at an appropriate level and that the increase in the guarantee program has more than offset the decline in direct lending over the past several years.

Sincerely,

CASPAR W. WEINBERGER,
Deputy Director.

[Remarks to the Senate in 1970]

NEXT YEAR'S SBA BUDGET WILL BE IMPORTANT TEST—DIRECT LOAN FUNDS SHOULD BE RESTORED

Mr. BIBLE. Mr. President, even as this session of Congress concludes, the budget experts in the executive branch will be conferring with President Nixon about plans for fiscal year 1972.

The judgments made now and announced in January will govern the basic direction of the Small Business Administration for the next year and a half and will determine its financial ability to meet the needs of 5½ million hard-pressed American small businessmen.

To express the responsibility that we in Congress also feel in this area and as chairman of the Select Committee on Small Business, I have joined with the distinguished chairman of the Committee on Banking and Currency (Mr. SPARKMAN) in placing our views before the President. We have requested that SBA fund levels, particularly for the direct, immediate participation community development, and SBIC loan programs be restored to a meaningful level and hopefully commensurate with that approved by Congress for fiscal year 1968.

We have stressed that SBA assistance is not in the form of grants but is fully repayable to the Government together with interest. SBA loans are therefore an investment in small, new, family, local, and independent enterprise which brings disproportionate benefits to our economy and our society.

These investments are in accordance with the Small Business Act of 1953, which established these programs because of:

The declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise . . . and strengthen the overall economy of the nation.

SBA PROGRAMS DESIGNED TO MEET CURRENT PROBLEMS

The programs set forth in the 1953 act were designed especially to cope with problems which have not only persisted but are of special concern today:

The unmet credit needs of smaller firms in periods of extremely tight money;

The transition to a more civilian oriented economy;

The balance between rural and urban areas;

Assisting less advantaged Americans into the mainstream of commercial life; and

Helping small firms to adapt to new technology, and therefore to higher environmental and consumer standards.

During periods of economic stress such as this, the obligations of the Government are redoubled if fair play to the small business community is to be maintained.

We have had 17 years of experience with the programs, which has refined many of the rough spots out of them. We know they are of proven effectiveness.

It is therefore apparent that perhaps the most essential difference between just talking about these problems and doing something about them is whether funds are provided by the President's budget for the various SBA direct loan programs.

Previously, this administration has chosen to reduce these programs nearly to the vanishing point while placing emphasis on guarantees of loans made by private institutions. As we attempt to show, this approach has not done the job and is not a fully adequate substitute for direct and participation lending.

Accordingly, we would suggest that the SBA budget for fiscal year 1972 will be one of the acid tests that will divide those interested in rhetoric about small business and the economy from those seriously concerned about really dealing with these problems.

We have expressed our hope that the President will earnestly consider this appeal, and we wish all members of this body would become familiar with these questions with a view toward the general support of this position.

And, Mr. President, we shall be watching to see whether our hopes are fulfilled in the new year.

I ask unanimous consent that our letter of December 29 to the White House in this matter be reprinted in the RECORD at this point for the information of all concerned.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Letter reprinted above.]

[Remarks to the Senate in 1969]

SMALL BUSINESS CAUGHT IN TRIPLE CREDIT SQUEEZE—ADMINISTRATION SHOULD RELEASE $170 MILLION IN SBA LOAN AUTHORITY NOW

Mr. BIBLE. Mr. President. I invite the attention of the Senate to the credit problems of small business firms, which are becoming increasingly acute.

Earlier this month, the Select Committee on Small Business, on which I serve as chairman, concluded preliminary hearings on the legislative oversight of the Small Business Administration.

Evidence developed in the course of this inquiry indicates that the executive branch has reduced the business loan program of the Small Business Administration by 58.48 percent for fiscal year 1969. In other words, for the 12 months ending on June 30 of this year, the White House has allowed SBA to loan only about two-fifths of the sums budgeted and approved by both Houses of Congress for this period. The amounts withheld are in three categories as follows:

SBA BUSINESS LOANS

[In millions of dollars]

Fiscal year 1969	Direct loan program	Immediate participation loans (SBA share)	Small business investment company program
Loan authorization approved by Congress	77	184.0	30.0
Loan authorization committed	18	94.1	8.7
Loan authority remaining on June 20, 1969	59	89.9	21.3
Total			170.2

The officials of the SBA testifying at our hearings agreed that if this remaining $170 million of loan authority is not released by the end of the fiscal year, it will lapse and therefore become permanently unavailable for any assistance to the 5½ million small business firms of this country.

In an effort to restore this loan money, I have, on behalf of the Small Business Commitee, forwarded to the White House a letter urging the President and the Bureau of the Budget to take all steps necessary to assure that this loan authority is carried forward on the books for a period adequate to actually make it available to small business borrowers through the approval and disbursement of the loans attributable to this authority.

The urgent need for such action can be demonstrated by a brief review of what is happening in the private money markets.

STRINGENCY IN PRIVATE CREDIT MARKETS

As the Members of this body are aware, the prime bank interest rate has risen five times in the past 7 months, in the following sequence:

Increase in prime interest rate, December 1968 to date

	Percent
On Dec. 2, 1968, from 6.25 percent (6.0 percent for some banks), to	6.5
On Dec. 18, 1968 to	6.75
On Jan. 7, 1969, to	7.0
On Mar. 17, 1969, to	7.5
On June 10, 1969, to	8.5

The March increase to a then record high in the words of one reporter: "received the silent approbation of Government officials who had warned Americans not to expect any relief soon from the highest interest rates in history in light of today's overheated economy." [1]

There followed, 2½ months later, the most recent and unprecedented jump to 8½ percent. To realize how unusual this full point increase was, it must be remembered that of the 33 changes in the prime rate since World War II, all of the shifts from 1945 to 1955 were of one-fourth point. After 1956 there were nine changes of one-half point. The June 10, 1969, rise has been the only change as large as 1 percent ever made in the prime rate, either up or down.[2]

Of course, other money market instruments have followed suit—and continue to escalate along with bank rates of interest.[3]

In the real world of finance, it is recognized that his prime rate states the basic cost of money to national corporations with the finest credit ratings. It thus tells only part of the story.

A factor not reflected is the "compensating balance." These are funds which borrowers are informally required to maintain on deposit in noninterest paying accounts at the lender's bank. The level of compensating balances is now about 20 percent, meaning that "the best corporate customers are paying an effective rate—of interest—of 10.6 percent." [4]

Another consideration is that relatively few loan applications are granted the "prime rate." Every month the Federal Reserve System publishes a tabulation of the interest rates on various sizes of loans. The most recent table, covering February 1969 when the prime rate was 7 percent, demonstrates that it is the big borrowers who get the premium rates, while small businesses must accept interest rates scaled up to 1½ points about the prime:

BANK RATES ON SHORT TERM BUSINESS LOANS, FEBRUARY 1969

	Size of loan				
	$1,000 to $9,000	$10,000 to $99,000	$100,000 to $499,000	$500,000 to $1,000,000	$1,000,000 and over
Interest rate (percent per annum)	Percentage distribution of dollar amounts				
7 or less	16.3	18.9	28.4	38.1	59.2
7.01 to 7.49	13.6	13.1	24.8	33.2	24.6
7.5 to 7.99	30.8	36.1	25.1	15.8	10.7
8.0 to 8.49	26.8	19.6	13.6	8.8	3.9
8.5 and over	12.3	12.3	8.3	4.0	1.6
Total	[1] 100.0	100.0	[1] 100.0	[1] 100.0	100.0

[1] Numbers may not add due to rounding.

Source: Federal Reserve Bulletin, May 1969, table A31.

Not only are the large corporations favored with lower interest rates, but they can and, as the Wall Street Journal points out, have taken other self-protective measures:

> But for large segments of the economy, especially big corporations and financial institutions other than commercial banks, the credit squeeze is less painful than in 1966 . . . major national companies have thus far managed to insulate themselves in large degree against credit restraint. They are bidding aggressively for funds in the commercial paper market, in which they offer unsecured corporate promissory notes for short-term funds at high interest rates. In addition, following the 1966 crunch, the companies rushed to establish firm loan commitments with their banks, refunded short-term debt into long and accumulated assets that could quickly be turned into cash. These preparations have paid off in recent months.[5]

The Journal believed these factors explain "the easily overlooked fact that broad Government policies of stringent credit restraint hit various kinds of borrowers unevenly" and specifically weigh most heavily upon small businesses, governmental borrowers, and the housing industry—which is also predominantly composed of small firms.

With this background in the private sector, a massive cutback of 58½ percent in the public credit program of the SBA—which is intended to be the lender of last resort—puts the small business community between the jaws of a vise, crushing it from two directions.

The full impact of these forces, we fear, is immediately ahead.

Financial statistics show that the ratio of loans to bank deposits, a commonly accepted measure of credit pressures, stood at 71 percent in May 1969, significantly higher than during the tightest period of the 1966 credit shortage. Because of a new method in calculating required reserves at the end of the month, commercial banks have postponed the effect of tax borrowings and other recent credit demands until the end of this month so that "their problem is still ahead." [6]

Reports emanating from the International Monetary Conference of the American Bankers Association were that we may see still another increase in interest rates in the near future.[7]

INVESTMENT TAX CREDIT IN JEOPARDY

However, there is a third element on the horizon, the administration's proposal to repeal the investment tax credit. The Secretary of the Treasury and other administration witnesses have refused to consider a continuation of the credit for small business firms.

On May 20, a statement was presented to the Ways and Means Committee of the House of Representatives on behalf of myself, as chairman, and the Senator from New York (Mr. JAVITS), as ranking minority member of the Small Business Committee. We urged the committee to retain the investment tax credit for small business firms and farmers up to $25,000 in investment, with a cutoff at $1 million in income, so that large firms would not gain a windfall from a measure intended as relief for small business.

We pointed out the particular advantages of the tax credit to small and dynamic companies, which have the greatest needs for growth capital, and the entire free enterprise system which would flow from continuing the credit for small firms only. We also emphasized that there would be a "substantial revenue gain" from the adoption of our proposal, probably over $3 billion. This is so because truly small firms account for a very minor share of existing investment tax credits and not as high as is being claimed by some Treasury Department spokesmen.

On June 12, the Senator from Alabama (Mr. SPARKMAN) expressed his judgment that the investment tax credit should be retained at the $150,000 level of investment for balance of payments, among other compelling reasons. I was impressed by the Senators' historical research on the subject. It reminds us that the Treasury Department, in 1961, after considering a wide variety of tax devices for bringing us abreast of foreign govern-

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Footnotes at end of article.

ments in the tax field, chose the investment tax credit, "primarily because it increases the profitability of investment far more per dollar of revenue cost than any of the other alternatives."[8]

I hope that the House, the Committee on Finance, and the Senate, will consider these contentions as the current surtax legislation moves through the Congress.

THESE THREE FORCES ARE CONVERGING ON SMALL FIRMS

In the meantime, the prospects are that a combination of the three forces I have described: that is, record interest rates and intensifying stringency in the private money markets: the cutback of 58½ percent in the public SBA lending programs; and the proposed elimination of the investment tax credit for small business, will create intolerable financial pressures on smaller and independent businesses.

Under these circumstances, small firms which would ordinarily survive will go out of business. Others that would have been successful will be less so, or will experience reverses that may take years to overcome. Others which may escape setbacks will be denied their fair share of economic expansion. The system of free enterprise itself—ease of entry, competition, and growth of firms supplying new products and services—will be impaired. Opportunities for men of imagination and enterprise will be limited.

Mr. President, as one commentator has said, "money markets are reeling under the cumulative pressure of a tight-money policy that keeps squeezing, squeezing, squeezing."[9]

In my judgment, it is primarily small business that is getting caught in this triple squeeze. It seems apparent that the small and independent firms are absorbing more than their share of the restraints on the economy. I feel that they should not in the future continue to bear a disproportionate part of the sacrifices necessary to achieve the country's domestic and international goals.

I wonder if there are any other domestic programs which have been reduced by three-fifths in a single year. I am concerned that small business, because it is not strong enough to protect itself, has been singled out for the worst treatment.

The members of our committee share this concern. Many of us have discussed these matters in detail, and several, including the Senator from Alaska (Mr. Gravel), have made timely and important contributions to the committee's work in this area.

WHAT CAN BE DONE

Fortunately, there are steps which can be taken that will provide some measure of relief to hard-pressed small firms. One of these is to free the SBA loan authority already provided by the Congress. Accordingly, I have urged the White House, in the letter to President Nixon to which I referred, to take immediate action in order to release the $170.2 million in SBA loan authorizations, and to take all other action which may be necessary to assure that the funds are carried over on the books of the SBA until the actual loans can be approved and disbursed. Of course, if any further congressional action is needed to reach this result, we urge the President to inform us of this, with his recommendations. The important thing is to get the job done.

Mr. President, it seems unfortunately clear that small business is headed for a credit crisis. I hope the administration will do what it can to avoid it. The action we have suggested can be taken now to mitigate some of the most undesirable consequences.

I, therefore, call upon the administration to begin its relief to the small business community by releasing the full amount of the lending authority for the section 7(a) business loan programs and small business investment company lending, together with other steps which are necessary to implement this action which are administrative and, therefore, conveniently within the control of the executive department.

We on the Small Business Committee stand ready to cooperate in these matters and will continue to do all we can in the Senate to meet this gathering emergency with affirmative and effective action.

For the information of all who are concerned, I ask unanimous consent that our letter to the President requesting release of SBA loan authority for fiscal year 1969 be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

[Letter reprinted above]

FOOTNOTES

[1] "Interest Raised to 7½% High; Move Backed in U.S. Fight on Inflation," by Frank C. Porter, *Washington Post*, March 18, 1969, p. A1:8.

[2] "Comments on Credit," Salomon Brothers & Hutzler, June 20, 1969, p. 4.

[3] See for instance, "Bankers' Acceptances Rates Rise ⅛ Point; GMAC, Chrysler Unit Lift Fees on Paper," *Wall Street Journal*, June 23, 1969, p. 4:3.

[4] "How the Crunch Hits; Money Squeeze Falls on Various Borrowers With an Uneven Impact; States and Cities, Mortgage Seekers Suffer, but Big Concerns Don't Fare Badly," by Charles N. Stabler, *Wall Street Journal*, June 20, 1969, p. 1:6.

[5] "How the Crunch, etc.," *loc. cit.*

[6] "Comments on Credit," *loc. cit.*, p. 1.

[7] "Another 'Prime' Rate Rise May Be Needed, U.S. Bankers, Meeting in Copenhagen, Say," by Richard F. Janssen, *Wall Street Journal* June 17, 1969, p. 4:2.

[8] "The Investment Tax Credit—Its Relation to the Balance of Payments and Small Business." Remarks on the Senate floor by Senator Sparkman, June 12, 1969, pp. S6280–82.

[9] "Money Market Crisis Could Hit This Month," by Peter S. Nagan, *Washington Post*, June 8, 1969, p. G3:3.

SBA Loan Funds Should Be Released Before June 30

Mr. Gravel. Mr. President, the legislative oversight hearings of the Select Committee on Small Business now in progress clearly indicate that the executive branch has been gradually tightening the noose around the loan programs of the Small Business Administration.

As a junior member of this distinguished committee, I strongly support its most recent efforts to obtain economic justice for smaller firms. I commend the chairman, the Senator from Nevada (Mr. Bible), for his decision to reconvene the hearings in mid-July so that we may continue our scrutiny over the kind of assistance available to smaller firms from the Small Business Administration, the Department of Commerce, and the Nixon administration as a whole.

At this time, as Senator Bible has pointed out, there are few reasons for optimism.

From the testimony at the committee's public hearings June 10–12, it appears that SBA's lending funds have been drastically reduced several times within the past year and a half, and that the direct business loan program of the agency is, in fact, at a complete standstill.

These cutbacks have been of two types; first, reduced requests for funds in the President's budget, and, second, action by the Budget Bureau to roll back lending authority below congressionally approved budget levels. The results have been the same in both cases—the permanent unavailability of loan funds which small businessmen need and Congress is willing to provide through SBA programs. In fact, the results of these executive actions have been cumulative.

Chairman Bible has asked for the details of each of these reductions—how they were made and how deeply they have cut into SBA's capacity to do its job. The complete statistics will become available next month, but we are now in a position to review the preliminary figures already on the public record.

It was startling for me to learn that, for this year and next year, the SBA business loan program will actually show a minus figure for net lending, as shown in the following table:

MAJOR CREDIT PROGRAMS—COMMERCE AND TRANSPORTATION

[In millions of dollars]

Agency and programs	Fiscal years			
	1967 actual	1968 actual	1969 estimate	1970 estimate
Small Business Administration	101	176	−16	−46

Source: The Budget of the U.S. Government, for fiscal years 1969 (p. 115) and 1970 (p. 111).

This means, Mr. President, that more money is being taken out of the SBA loan program than is repaid in the principle and interest. For the 1970 fiscal year just ahead, the back-up will amount to nearly $50 million, which I believe should be immediately available for relending.

The amounts committed in loans by the executive branch are far below the levels which Congress has been willing to appropriate and has actually appropriated during this period. For instance, for fiscal year 1968, Congress approved a loan authority budget level of $88.3 million for the direct loan program. Of this, the executive branch would only commit $54 million. For fiscal year 1969 the SBA should have been provided with at least the previous year's $88 million, plus the restoration of the $34.3 million withheld in 1968 together with some extra funds to grow on. In fact, however, they were only allowed to request budget authority for a far lower direct loan level for current year ending June 30, 1969. Congress approved $77 million for this fiscal year. But the agency was not even allowed to commit this much. The figure was cut all the way back to $18 million. That $18 million was the amount that finally became available for direct loans after all of the cutbacks.

SBA LENDING HAS BEEN VIRTUALLY HALTED

As a consequence SBA ran out of direct loan authority midway through the year. The agency was forced to issue a directive virtually closing down the direct and participation business loan program in the following language:

"As far as FA (financial assistance) programs are concerned the 7(a) direct and immediate participation program levels have been most affected. Our FY 1969 Congressional appropriations submission reflected $77 million for 7(a) direct loans and $184 million for the SBA share of the IP (immediate participation) loans. While the original estimate of the effect of the Congressional action for these loans was a FY 1969 level of $155 milion, $41 million direct and $114 million IP (SBA share), further analysis of income and expenditures has resulted in reductions to $18 million for 7(a) direct and 94.1 million for IP.

"In view of our first half year allocations, rates of approval and expenditures, and existing backlog, it became necessary to cut off immediately further acceptance of 7(a) direct loan applications. At the same time it was deemed essential that we preserve for the balance of the fiscal year as much of our 7(a) IP program as possible.

"However, with $52.4 million already allocated for 7(a) IP loans, only $41.7 million (SBA share) will be available for the last six months of the fiscal year; less than $7 million per month nationally."

The cutbacks in the direct loan authority by the executive branch left an unused $59 million in congressionally authorized budget loan level for fiscal year 1969. This authority can be turned over to the Small Business Administration provided action is taken before June 30. As long as the authority is released by that date it will not lapse and will be available for present or future use in the direct loan and participation programs. If this loan authority is not released, it will revert to the U.S. Treasury and will no longer be available for use in any SBA lending program.

Mr. President, anyone who has been reading the newspapers these days is aware of the compelling reasons of taking such action.

SMALL BUSINESS IS NOT KEEPING PACE

Although the economy has been expanding at a rapid rate, small firms have been precluded from gaining their fair share of these advances by the shortage and expense of capital. Defense procurement has flown up and away because of Vietnam but the small business share of military purchases has declined from 21.8 percent in 1966 to 16 percent in the last half of 1968. Corporate profits have likewise soared 32.8 percent, or almost one-third between 1964 and the beginning of 1969, but 50 giant companies at the summit of our economy account for 39.8 percent of all industry profits, according to the annual Fortune 500 survey.

A comparison among some of the advances in national income, with particular attention to professional firms, farm businesses, and other proprietorships which are predominantly small business, is contained in the following table:

Advances from 1964 to the beginning of 1969

[In billions of dollars]

	Percent
Proprietors' income:	
Business and professional	+18.9
Farm	+24.3
Corporate profits (after taxes)	+32.8
Gross national product	+36.1
Wages and salaries	+38.1

Source: "Federal Reserve Bulletin," May 1969, Tables A66 and A67.

It thus appears to me that the income of smaller and independent businessmen and farmers in this country are lagging behind most of the other indicators. One of the leading disabilities of the small businessman in this regard has been the steep climb, since 1965, of the prime interest rate to 8½ percent. Other forms of commercial financing have risen accordingly. As dizzy as the present peaks are, there have been newspaper reports that interest rates may even go higher before they turn down. In addition to this, the Federal Reserve Board, as a prudent anti-inflationary measure, is "reducing liquidity" in our financial system, which boils down to the fact that banks will end up with less money to loan at higher prices.

As the chairman of our committee has said:

"It has been acknowledged that new and small firms are normally under capitalized. The small local, or family firm, or any company with a new product is simply not in a position to compete for credit with a huge national corporation."

This is the background in the private money market against which the massive cutbacks in the public loan program of the Small Business Administration should be viewed. I can think of no reason why small and independent businesses should be paying a disproportionate price for the Nation's involvement in Vietnam while the giant corporations net record profits, which are not even subject to an excess profit tax such as existed during all of the major armed conflicts of this century.

As I have said, the Small Business Committee will reexamine the Small Business Administration and the Department of Commerce with respect to these matters during July. We will be collecting further information upon which to base the committee's ultimate findings and recommendations.

ACTION SHOULD BE TAKEN

In the meantime, there is action which can be taken by the executive branch which can provide substantial relief. That is the release of the $170.2 million in loan authority which the executive branch has impounded for fiscal year 1969, and which will lapse if it is not released by the end of this month. There is a precedent for such a decision in the release of $41 million for Farmers Home Administration loans in April of this year. It seems to me that the small businessmen of this country are entitled to comparable treatment.

I therefore join in the call upon the Bureau of the Budget and President Nixon to release this $170.2 million SBA loan authority before June 30, including the $59 million for direct loans; the $89.9 million representing the SBA share of IP—immediate participation—loans and $21.3 million representing loan assistance to small business investment companies. In other words, I am asking for the release of the full $170.2 million for all SBA programs which the Congress approved for these programs before the end of fiscal year 1969. I understand that Chairman Bible has officially made this request in a recent letter to the White House, and I wish to give that recommendation my unqualified endorsement.

As the committee investigation proceeds, I shall continue to do all that I can to support a rebuilding of the SBA direct loan program as well as other SBA and Federal programs which can benefit the small business firms of Alaska and the rest of the Nation in the months and years ahead.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WEICKER. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, as ranking Republican member of the Small Business Committee, with the Senator from Nevada (Mr. Bible) as its chairman, I too, support the amendment and I shall vote for it. I realize our budgetary problems, but aid to small business makes revenue in a geometric ratio rather than in a direct ratio to the amount which will be provided as a means of financing and aiding small business. As this is a direct loan program, it is the most effective, immediate way to help small business in its efficiency and with necessary resources.

I believe the amendment is highly desirable and should be adopted.

Mr. WEICKER. I thank the Senator.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WEICKER. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I agree with what has just been said here with regard to help to small business. Small business is being helped, too, by the movement of the economy, with particular reference to wholesale prices.

Today's release of the wholesale price index for November shows that since the freeze began we have had 3 extremely good months on the inflation front. For the whole period of the freeze wholesale prices actually declined. The seasonally adjusted index for all commodities at wholesale rose only one-tenth of 1 percent in November, following a similar small rise in October and a decline of four-tenths of 1 percent in September. The index for industrial commodities is especially significant, because the prices there are less volatile and because the prices of raw agricultural products are not controlled. The index for industrial commodities did not rise at all in November, declined by three-tenths of 1 percent in October and declined by one-tenth of 1 percent in September. Altogether the total index fell by two-tenths of 1 percent during the 3-month freeze period and industrial commodities fell by three-tenths of 1 percent.

So wherever we can help small business, either in this supplemental appropriation bill or through the administration's efforts to curb inflation, these are all steps in the right direction.

I thank the distinguished Senator from Connecticut.

Mr. WEICKER. I thank the Senator from Pennsylvania.

I would point out to my colleagues that back in December of 1970, the distinguished Senator from Nevada (Mr. Bible) had a statement in the Congressional Record relative to the direct loan fund, in which he goes over the Small Business Administration direct loan program. He states:

> The programs set forth in the 1953 act—

Almost 20 years ago—

> were designed especially to cope with problems which have not only persisted but are of special concern today:
>
> The unmet credit needs of smaller firms in periods of extremely tight money;
>
> The transition to a more civilian oriented economy;
>
> The balance between rural and urban areas;
>
> Assisting less advantaged Americans into the mainstream of commercial life; and
>
> Helping small firms to adapt to new technology, and therefore to higher environmental and consumer standards.

Certainly if anything is totally on target in the year 1971, it is that.

The SBA has a whole range of loan and guarantee programs, but the money available for direct loans is pitifully small, and that is why I am recommending to the Senate that we increase the SBA's direct loan program. The tight capital markets of the last 2 years have shown dramatically the impact of tight money on small business, and this kind of squeeze, over which the small businessman or prospective small businessman has no control, must end.

Along this line, over the past several years, both in the Senate and the House of Representatives, we have passed a multitude of programs relative to the environment and to health and safety standards, which though correct have an enormous impact on business. It has been tough enough on big business, but almost ruinous to small business.

The reason why I have mentioned all this to my colleagues this afternoon is that small business, in an economic sense, represents what this country is all about. Small business is not spectacular, and is not loud in its voice. Because it is the opposite of monopoly, it carries neither the weight, financially nor peoplewise, that is the case with big business and with big labor. But small business is as much Connecticut, as United Aircraft, or Olin, or the AFL–CIO.

As we face the problems of our Nation and the world, let us do it together, rather than at the expense of each other.

I think $26 billion is quite enough attention lavished on big business and big labor; today I request the consideration of my colleagues of the other, 50 percent of our economy. That is if we are going to get the whole Nation moving again.

Mr. President, I yield the floor.

Mr. ELLENDER. Mr. President, I hope that the Senate will not act hastily on this proposal. The Senator from Arkansas (Mr. McCLELLAN), who is not here today, handled this hearing when SBA was before us when we considered their regular 1972 request. I also heard their testimony. They did not mention the need for increased funding for this particular activity.

The effect of this amendment would be to increase the appropriation for the Business Loan and Development Fund from $275 to $375 million. It would increase the amount for direct and immediate loans the sum of $99 million which we have for 1972 from participation loans $99 to $199 million.

I do not know of any time that the Small Business Administration has failed to obtain the money that was necessary, and there was a case made. The Small Business Administration did not come before us in connection with this supplemental and ask for an increased appropriation for this fund. They apparently were satisfied with the $275 million that we appropriated for fiscal year 1972. I do hope that the Senate will refrain from increasing this amount.

It strikes me that if a necessity does develop later on, then on the next supplemental, we could add such amounts as may be necessary. But, Mr. President, as I have said, as long as the Small Business Administration seems to be thoroughly satisfied, this amendment should be defeated.

Several Senators addressed the Chair.

Mr. ELLENDER. I yield to the Senator from North Dakota such time as he may require.

Mr. YOUNG. Mr. President, I am entirely in sympathy with the objectives of my friend from Connecticut. It is very necessary to help small businesses in every way we can; but there has been no budget estimate for this item, and no hearing on it before the committee. I believe it would be poor fiscal policy to add $100 million on the Senate floor, without holding a hearing or having a budget estimate.

While I applaud the Senator for his objectives, I hope he will not insist on his amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, will the Senator from Connecticut yield me a few minutes?

Mr. WEICKER. I yield a few minutes to the Senator from Alabama.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. WEICKER. I yield 5 minutes to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I rise in support of this amendment, and I point out that this proposal is restricted to money for direct loans.

When the Small Business Administration was originally set up, it was set up for the purpose of making direct loans to small businesses that could not get the funds from other services on reasonable terms. Gradually, over the years, the Small Business Administration has gotten away from direct loans, and now accepts, nearly exclusively, bank-participating and bank-guaranteed loans.

However, there are many areas in this country where there are no banks which will participate, or which will guarantee these loans. The biggest single need in the Small Business Administration is for money for direct loans. That does not mean that they have got to pass favorably on every application for a direct loan, but in those cases where the bank guarantee and the bank participation is not available—and there are many areas in this country where that is true—then those small businesses ought to be able, if they can otherwise justify their purpose, to get a direct loan.

That is what the Senator's amendment, as I understand it, seeks to do—to put additional funds in the bill to make money available for direct loans.

I was talking with one of the Regional Administrators of the Small Business Administration just a few days ago, and I asked him, "How much money do you have in your area for direct loans?"

He said, "I have practically none at all."

And that is true all over the United States. Because of this lack of funds, the Small Business Administration is not performing the job it was supposed to perform when it was originally set up.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. SPARKMAN. Let me just say this: I am in favor of the bank participation loans and I am in favor of the bank guarantee loans, in those areas where they can be had. But, I happen to know that there are many areas in this country where such loans are not available, and small businesses there ought not to be denied the right to credit if they merit it.

Mr. President, since 1968 the amounts available for the section 7(a) direct loan programs of the Small Business Administration have been contracting almost every year, as shown in the following table, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AMOUNTS AUTHORIZED BY CONGRESS FOR SBA DIRECT LENDING

[In millions]

Fiscal year	Direct	Immediate participation	Total
1968	$88.3	$219.1	[1] $307.4
1969	77.0	184.0	261.0
1970	18.0	98.0	116.0
1971	35.0	100.0	135.0
1972			[2] 99.0

[1] $170,000,000 frozen by the executive branch lapsed and became unavailable on June 30, 1969.

[2] Budget request.

Mr. SPARKMAN. Thus, in fiscal year 1968, Congress approved $307.4 million in funds for these loans, which are repayable to the Treasury in full with interest, more than three times the request made by the White House for the next fiscal year. This decline is in the face of repeated efforts during 1969 and 1970 by many of us in the Senate to stem this ebbing tide, which the Senator from Nevada (Mr. BIBLE) has reviewed in detail.

Because of these cutbacks, the direct loan program of SBA practically came to a standstill: 42 such loans were made throughout the country during all of fiscal year 1971, or less than one direct loan per State. SBA has attempted, in 1971, to breathe some life into this vital program but it cannot do so without cooperation from the President and the White House budget staff.

Accordingly, I joined with the Senator from Nevada (Mr. BIBLE), who is chairman of the Select Committee on Small Business, in again writing to the White House last year to urge respectfully that the level of funds for direct and participation loans be restored approximately to the figure approved in 1968.

We felt this was quite a conservative request, in view of the growth of the small business population and the onset of inflation in nearly every cost of doing business during the intervening time.

When the Federal Government stands still in its programs of assistance to small and new businesses, it is the little man in the cities and towns across the State of Alabama and across the country who suffers. Dun & Bradstreet figures show that 1970 business failures were up 17 percent to a 3-year peak of 10,748 firms. The owners and workers of many of these bankrupt firms had gone to swell the total of the unemployed. When 6 percent of a labor force of 80 million is unable to find work, as has been the case during most of this past year, that means over 4½ million persons are adversely affected, as well as their families and other dependents.

I for one feel that the SBA should be doing more than minimize the financial and human difficulties that we are seeing. We know very well from the past that SBA can do more to take up the slack in the economy—if it is given the tools and the funds it needs.

This amendment would add $100 million to direct loan funds, which would still not bring the total back up to the level of 1968, 4 years ago. However, it is a modest step in the desirable direction of helping SBA and 5¼ million American small businesses, and I strongly urge its adoption.

I yield to the Senator from North Dakota.

Mr. YOUNG. Would the Senator really advocate adding $100 million on the floor of the Senate, without anyone having appeared before the committee?

Mr. SPARKMAN. May we have order, Mr. President? I cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. YOUNG. I asked the Senator from Alabama if he really wants us to add $100 million on the floor of the Senate, with no one appearing before the Appropriations Committee for it. No estimate whatsoever. Does he think that is good fiscal policy? If there was a certain need—and I am sure there must be some need—someone should have appeared before the committee. What would be the need for maintaining an Appropriations Committee if the Senate itself makes a practice of bypassing its Appropriations Committee?

Mr. SPARKMAN. The Senator knows that, usually, we rely upon the agency that has the responsibility for doing it. But I say to the Senator that for the last several years this agency has been getting further and further away from the direct loans, until today there are practically no direct loans available for the small business out in the areas where banks are not available. I do not mean where banks are willing to participate or are willing to join in guaranteed loans. But where bank financing is not available, the situation is critical for smaller firms.

Mr. YOUNG. Is not the same true of practically every agency of Government—they are going more to guaranteed loans than to direct loans? This started 4 or 5 years ago.

Mr. SPARKMAN. Yes, that may be true; but there is a great deal of difference between most of those and small businesses. Remember, the direct loans are only for the purpose of helping small businesses which cannot find credit anywhere else on reasonable terms. The direct loan is only for that purpose; and this amendment would allow a reasonable amount of capital to go into that program.

Mr. WEICKER. I thank the Senator from Alabama.

It is important to point out, in connection with the comments he made, that some $3 billion is available for loan guarantees while only $37.5 million is available for direct loans. In the State of Connecticut, we have for general purpose direct loans by the Small Business Administration, $500,000. That is a ridiculous figure. The assistance that has gone to big business and big labor in my State goes far beyond that.

I do not dispute the many other aspects of the Small Business Administration loan program, but here we are talking about the general purpose direct loan program.

Let us be candid with each other. The Senator from Alabama is correct. This program has been cut back year after year, so that the small businessman or prospective businessman who finds it hard to get money under normal circumstances—never mind a tight economy—finds it virtually impossible to do with existent funding.

In the debate on the big economic package, we heard how important it was to give economic assistance to General Motors, Ford, and Chrysler. That is fine. But if we have governmental policy in this country that makes free enterprise sense, it should be to encourage businesses that some day might be another Ford, GM or Chrysler. That is one of the purposes of the small business program. Yet that fact is forgotten and so is the money.

I do not dispute the contention advanced by the distinguished Senator from North Dakota with respect to the need for order in fiscal procedures. On the other hand, there are too few opportunities when we can express ourselves on a matter of such vital concern to the economic game plan of this Nation.

I hope my colleagues would understand the plain fact of life that funds are not available today in this country to small businesses or those who want to start small businesses. Unless we put some financial muscle into it the purposes of the Small Business Administration will be impossible of fruition.

Listen to the reasons that were advanced in 1953 and see whether they apply to today:

The unmet credit needs of smaller firms in periods of extremely tight money;

The transition to a more civilian oriented economy;

The balance between rural and urban areas;

Assisting less advantaged Americans into the mainstream of commercial life; and

Helping small firms to adapt to new technology, and therefore to higher environmental and consumer standards.

Certainly, if anything applied to the situation we confront today, it is those standards; yet, there is no money to achieve our stated ideals.

Mr. President, I yield the floor.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, as recently as August 10 of this year, we passed a regular appropriation bill containing $275 million for all types of small business loans. Does anybody know how much money is left from the $275 million? They certainly have not spent all that since August 10. This is another reason why we in the Appropriations Committee do not want to consider an item this large on the floor, without a hearing, not knowing how much money is still available.

Mr. WEICKER. The figure the Senator has mentioned is applicable to programs other than the direct loan program.

Mr. YOUNG. Does the Senator know how much remains from the $275 million we appropriated on August 10 1971? The money could not have been available to them until at least a month later. They have had only about 2½ months to obligate $275 million.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I yield myself 3 minutes.

I do hope that the Senate will stand behind the committee. It must be recalled that this is a supplemental bill. In the original bill, we provided a huge sum for the very purpose that the distinguished Senator from Connecticut is talking about. He wants to add $100 million to the amount we appropriated in the regular bill over and above the budget. In addition this $100 million contained in the Senator's amendment is over the budget.

I wish to point out to Senators that with the amounts already added for various programs in this bill, the supplemental budget requests are exceeded by $615 million. The distinguished Senator from Connecticut wants to add another $100 million to that. My fear is that somebody will be dissatisfied at 1600 Pennsylvania Avenue; and when we add more and more to this supplemental, not only may we be faced with a veto, but also, if we add this $100 million, it will be impounded by the Budget Director.

As the distinguished Senator from North Dakota pointed out, we have had no evidence in the regular or supplemental hearings as to whether or not more was needed. We gave the amount that was asked for by the Small Business Administration for fiscal 1972.

I do hope that the Senate will reject this amendment.

INCREASING SMALL BUSINESS LOAN FUNDS WOULD MAKE A LARGE DIFFERENCE IN NEW HAMPSHIRE

Mr. McINTYRE. Mr. President, as chairman of the legislative Small Business Subcommittee, I have become increasingly concerned as the supply of dollars available for direct and participation lending by the Small Business Administration has declined sharply over the past 4 years.

As the Senator from Alabama (Mr. SPARKMAN) has pointed out, Congress approved $307.4 million for the section 7(a) lending program in fiscal year 1968; and the administration has requested only $99 million for fiscal year 1972, a cut of more than two-thirds. This is despite repeated attempts by Members of the Senate to get the White House to act favorably on SBA's business loan program request.

New Hampshire is definitely a small-business State, with 99 percent of the firms having less than 100 employees. It is somewhat remote from the larger centers of capital, which is needed to start businesses and fuel their expansion. Therefore, SBA's lending programs take on added importance.

The Senator from Connecticut (Mr. WEICKER) knows this, and is therefore proposing to increase the appropriation for SBA's direct lending from $99 million to $199 million for fiscal year 1972. This figure would still be below the amount approved by both Houses of Congress in 1968, 4 years ago. Furthermore, the loans which would be made from these funds are fully repayable to the Treasury with interest.

Therefore, this amendment could make very little difference to the Federal budget; but it will mean a very great difference to the small independent businesses in my State of New Hampshire, as well as their employees, shareholders, and the small community which they do so much to support.

This amendment is a modest step which will give substantial assistance and hope to the Nation's 5½ million small businessmen, and I firmly support its adoption.

Before concluding my remarks, however, I must express my reservations on the administration's past and present policies on direct loan and participation funds. They have reduced budgeted amounts dramatically over the past 3 years. And when the Congress has authorized and appropriated more funds, they have been held up, and are still held up, in the Office of Management and Budget.

There is no doubt in my mind that these funds are needed. And there is no doubt that they can be used even if additional funds, now held by OMB, are released. The question is whether the administration will see the light and allow SBA to do its job and use the funds provided by Congress.

Again, our economy is now sluggish. We just finished with a multibillion-dollar tax cut to spur business investment. This will help big business. The small businessman, however, has been left out in the cold. And this is a chance to help this sadly neglected sector of the economy.

I must therefore indicate that I do support the amendment. But I do want to make it clear that the administration must act to allow these funds to be used. It is my hope that the passage of this additional appropriation will serve notice that the small business investment needs of the Nation have been too long ignored.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, this will be my last statement on the matter, and I am prepared to yield back the remainder of my time.

We have spent 2 weeks in the Senate trying to devise legislation to get the economy moving again. During the course of that 2 weeks, we have given roughly $26 billion to big business and to big labor. The small amount which is now being requested is for that segment of our economy which is fully 50 percent of the economy—small business. This is not giving money away or throwing money away. We are talking about a direct loan program. The object of the amendment is to create the circumstances upon which we can have total economic recovery, and upon which we can once again reestablish the principle that small business in the United States deserves every bit of the attention, whether it be in words or money, that has been lavished on big business.

Mr. President, I am prepared to yield back the remainder of my time if the Senator from Louisiana is.

The PRESIDING OFFICER. Does the Senator from Louisiana yield back the remainder of his time?

Mr. ELLENDER. Yes; but I wish, first, to repeat that this is a supplemental bill and we have provided for the Small Business Administration in the original bill which became law on August 10, 1971. I do hope, therefore, that the amendment will be rejected.

Mr. WEICKER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Connecticut (Mr. Weicker).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Georgia (Mr. Gambrell), the Senator from Indiana (Mr. Hartke), the Senator from Arkansas (Mr. McClellan), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGovern) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senator from Kansas (Mr. Dole), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Utah (Mr. Bennett) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. Brooke) and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 40, nays 43, as follows:

[No. 434 Leg.]

YEAS—40

Allen
Anderson
Bayh
Beall
Bible
Buckley
Byrd, W. Va.
Cook
Cranston
Dominick
Eastland
Fulbright
Gravel
Hansen
Hart
Hatfield
Hollings
Humphrey
Jackson
Javits
Long
Magnuson
Mathias
McIntyre
Mondale
Muskie
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stevens
Stevenson
Thurmond
Weicker

NAYS—43

Aiken
Allott
Bellmon
Bentsen
Burdick
Byrd, Va.
Case
Chiles
Cooper
Curtis
Eagleton
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Harris
Hruska
Hughes
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
McGee
Metcalf
Miller
Montoya
Moss
Nelson
Percy
Proxmire
Scott
Smith
Spong
Stennis
Symington
Talmadge
Tunney
Williams
Young

NOT VOTING—17

Baker
Bennett
Boggs
Brock
Brooke
Cannon
Church
Cotton
Dole
Gambrell
Hartke
McClellan
McGovern
Mundt
Saxbe
Taft
Tower

So Mr. Weicker's amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. YOUNG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2248.

The PRESIDING OFFICER (Mr. Beall) laid before the Senate the amendment of the House of Representatives to the bill (S. 2248) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments which was to strike out all after the enacting clause, and insert:

That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following potential water resources development projects:

(a) North Side Pumping Division Extension, Minidoka project, Jerome and Minidoka Counties, Idaho.

(b) Dickinson Unit, Pick-Sloan Missouri River Basin program, North Dakota.

(c) Upper John Day project, on the John Day River in Grant and Wheeler Counties, Oregon.

(d) A plan to rehabilitate the distribution system of the Red Bluff project, Texas.

(e) Rogue River Basin project, Grants Pass Division, Josephine and Jackson Counties, Oregon.

(f) Central Valley project, Delta Division, Montezuma Hills unit in southern Solano County, California.

(g) Gallup project in McKinley, Valencia, and San Juan Counties in New Mexico.

(h) Modification of the Seminoe Dam, Kendrick project, Wyoming.

(i) Butte Valley division, Klamath project in the Klamath River Basin, Klamath County, Oregon, and Siskiyou County, California.

(j) Billings Municipal Water Supply Unit, Yellowstone Division, Pick-Sloan Missouri River Basin program, Montana.

And amend the title so as to read: "An Act to authorize the Secretary of the Interior to engage in certain feasibility investigations."

Mr. JACKSON. Mr. President, this is the annual feasibility authorization bill that we have in connection with the reclamation projects. The House added four projects for which I have obtained the comments of the Secretary of the Interior.

Mr. President, I ask unanimous consent that my letter to the Secretary of the Interior and an explanation of the projects be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., November 10, 1971.

Hon. Rogers C. B. Morton,
Secretary of the Interior, Department of the Interior, Washington, D.C.

My Dear Mr. Secretary: On November 1, 1971, the House of Representatives amended S. 2248, a bill to authorize certain feasibility investigations of reclamation projects, by adding the following studies:

Upper John Day project, Oregon
Red Bluff project, Texas
Butte Valley Division, Klamath project, Oregon
Billings Municipal Water Supply, Pick-Sloan MRB program, Montana.

To assist the Committee in its consideration of this amendment, I would appreciate it if you would provide me with a description of each of the above projects and a statement of the reconnaissance studies which are available.

I would appreciate having this information as soon as possible to expedite further legislative action on the bill.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

UPPER JOHN DAY PROJECT, OREGON

Location: John Day River Valley above the confluence of the John Day River with Rock Creek, north-central Oregon, in Grant County.

Project Data: Reconnaissance February 1970.

Total construction cost	$10,007,000
Adjustments	
Total to be allocated	10,007,000
Allocations:	
Irrigation (6,580 acres)	1,363,000
Flood control	972,000
Fish and wildlife	$6,504,000
Recreation	759,000
Highway improvement	409,000
Total	10,007,000

Benefit-cost ratio, 1.04 to 1.

Description: The water resource functions included in the plan of development for the Upper John Day Project are irrigation, fish and wildlife enhancement, flood control, and recreation. The proposed plan also provides for highway improvement.

Project features include Hall Hill Dam and its 40,000-acre-foot capacity reservoir located on the John Day River just downstream from Prairie City. Reservoir releases would provide supplemental irrigation water to 6,580 acres lying between the dam and Picture Gorge. The reservoir operation plan includes storage space during winter and spring months to control floods at the site and reduce downstream flood damages. Improved streamflows resulting from reservoir releases would enhance the stream fishery resource. Anadromous fishery losses in the river above the dam would be mitigated by a hatchery near the dam. Campsites, a boat launch ramp, and other recreational facilities would be provided around the reservoir.

Status: Reconnaissance investigation and Upper John Day Project report completed February 1970.

In 1916 the U.S. Reclamation Service and the State of Oregon prepared to cooperative report on the John Day basin. This report dealt primarily with the irrigable lands along the Columbia River between the towns of Arlington and Hermiston, although damsites along the upper John Day River were also investigated. In 1945 the Bureau of Reclamation made a study of the John Day River which provided information for the 1950 Comprehensive Columbia Basin Report. The Hall Hill reservoir site, as studied at that time, would have had a capacity of 37,000 acre-feet of water for 14,200 irrigable acres in the Prairie City area. Other comprehensive basin-wide reports were prepared in 1948 by the Army Corps of Engineers, in 1961 by the U.S. Department of Agriculture, and in 1962 by the Oregon State Water Resources Board. The area was also covered by the State in an irrigability survey in the mid-1960's as a part of the Oregon Ultimate Needs Study.

Both the Corps of Engineers and the U.S. Forest Service are also studying the hydrology of the Upper John Day specifically as it applies to their areas of interest and administration. The Corps has made multipurpose studies in the area, emphasizing flood control measures, while the Forest Service is currently preparing a reconnaissance hydrologic survey of ways in which watersheds can be treated to increase their water yield.

Justification: Most of the arable land adjacent to the upper John Day River is irrigated, but much of it now receives an inadequate supply. There are summer irrigation shortages which could be reduced significantly with a storage project to store water for release during the dry season. A storage dam on the John Day River would also reduce the flood risk along the fertile bottom lands.

Since the primary source of income in the area is agriculture, the local people realize that one direct route to expansion of their economy is the improvement of agricultural output through irrigation and flood control. Most of the Hall Hill reservoir site is in privately owned hay and meadow grazing land. Loss of income from agricultural production on these lands would be offset by improved agricultural production throughout the project, reduced flood damages, and a general strengthening of the local economy.

Lakes are sparse in the upper John Day basin and a reservoir would attract considerable local use. Reservoir recreation potential also offers an opportunity to broaden the economic base by attracting recreationists to the area.

Storage releases from the reservoir would supplement dry season natural flows to contribute to an increase in runs of salmon and steelhead on the John Day River.

Local Interest: Strong interest has been shown by local ranchers and such groups as the Grant County Chamber of Commerce, Grant County Planning Commission, Grant County Junior Chamber of Commerce, and Grant County Water Resources Committee. There is local agreement that development of all water resource functions must be carefully studied in order to insure the area's economic growth.

RED BLUFF PROJECT

Rehabilitation of the Distribution System.

Location: On the Pecos River between Red Bluff Dam and Girvin, Texas, in Loving, Ward, Crane, and Pecos Counties, Texas.

Project data: (1963 prices), total cost, $12,400,000.

Benefit-cost ratio, 0.77:1.00 direct, 2.85:1.00 total.

Description: Since the late 19th century, the Red Bluff Project area has been under continuous irrigation farming by seven irrigation districts. In 1936 these districts joined in the Red Bluff Water Power Control District to build Red Bluff Dam and Powerplant under a Public Works Administration loan and grant. Harsh climatic, land, and water supply factors have always made economic survival a trying task. High water salinity and low surface water supplies in recent years have caused many acres in the project area to become idle. Approximately 90 percent of the 200,000 irrigated acres within the Pecos River Basin between Red Bluff Dam and Girvin, Texas, now use ground-water supplies with a consequent lowering of the ground-water levels to the extent that this source of water supply is becoming uneconomical.

The proposed investigation will study the rehabilitation, reconstruction, and replacement of existing works of the Red Bluff Water Power Control District and the acquisition of lands necessary to carry out the plan for rehabilitation of the project distribution system.

Status: The Red Bluff Water Power Control District elected to try and obtain authorization of the development of a rehabilitation program without a feasibility study per se. Therefore, in May 1965, the Bureau completed an engineering report on the project. Economic aspects of the proposal were studied by the district and reviewed by the Bureau.

Legislation to authorize the rehabilitation of the project was introduced in both the 90th and 91st Congress. In a memorandum dated September 29, 1969, to the Legislative Counsel, Associate Solicitor Morthland agreed with Bureau of the Budget comments made earlier and questioned the advisability of the Department supporting authorization of the project prior to carrying out of a feasibility study.

In our May 1965 engineering report on the potential rehabilitation program, the cost was estimated to be $12,400,000 based on October 1963 price levels. Based on a 100-year period of analysis at 3⅛ percent interest, the benefit-cost ratio was computed to be 0.77 to 1 for direct benefits and 2.85 to 1 for total benefits. Since that time, construction costs have escalated 35 to 40 percent and the current interest rate for plan formulation and evaluation has increased to 5⅛ percent. Under current cost and present procedures for benefit evaluation, the proposal would not be economically justified.

Justification: The Red Bluff diversion distribution system must be rehabilitated to alter adverse economic trends in the project area. Without such improvement, the deteriorating situation will compound an already faltering agricultural economy. Depletion of oil and natural gas reserves in the near future will increase the economic burden on the agricultural sector. Without rehabilitation, only 12,000 acres of the approximately 42,000 potentially irrigable acres will continue to produce efficiently.

Local interest: The early studies covered an area of some 35,000 acres within seven districts which comprise the Red Bluff Water Power Control District. The Pecos River Commission and the Texas Water Development Board were kept fully informed of the investigation.

KLAMATH PROJECT, BUTTE DIVISION, CALIFORNIA-OREGON

Location: Siskiyou County in north-central California and Klamath County, Oregon.

Project data: Feasibility report, June 1960.

Total Estimated Cost	[1] $21,957,000
Adjustments	
Total to be Allocated	[1] 21,957,000
Allocations:	
Irrigation	21,957,000
Full, 31,900 acres.	
Supplemental, 12,000 acres.	
Total	21,957,000

[1] January 1971 prices.

Benefit-cost ratio, 1.40:1.00 direct, 1.80:1.00 total.

Description: Klamath River flows would be lifted through a series of pumps to a reshaped twin-cell Meiss Lake during the winter and irrigation season. From Meiss Lake, canals and pumps would convey and lift water to areas of use during the period of peak irrigation demand. Return irrigation flows would, depending on quality, be mixed or stored in the smaller Meiss Lake cell for disposal after the irrigation season.

Status: In June 1960, the Bureau completed an unsigned feasibility report which outlined a feasible project plan. However, due to lack of local support at that time, the report was not processed further.

Justification: In 1960, only about one-fourth of the productive land in Butte Valley was irrigated. Subsequently, there has been an increase in new wells to irrigate previously dry-farmed lands. Recently, local water users have complained of lowering ground-water tables early in the irrigation season with a loss of pumping capacity. A firm and dependable water supply would permit farm operators to increase their productive acreage, increase yields, and obtain increased income.

Local interest: The Butte Valley Irrigation District, the Butte Valley Soil Conservation District and the local congressman have shown interest in updating previous studies for their area.

PICK-SLOAN MISSOURI BASIN PROGRAM, YELLOWSTONE DIVISION, BILLINGS WATER SUPPLY UNIT, MONTANA

Location: South-central Montana in Yellowstone County at the city of Billings.

Project data: Reconnaissance studies of September 1971.

Total estimated cost	$25,400,000
Adjustments	
Total	25,400,000

Benefit-cost ratio, not determined.

Description: The purpose of this investigation is to develop detailed plans for furnishing municipal and industrial water supply to meet current water needs for the city of Billings (70,000 population in water-service area), and provide an assured supply for a future population of 300,000 people.

Under one plan being considered, the present pumping system from the Yellowstone River near the city would be replaced by a gravity supply system from the Yellowstone River. Water would be diverted from the river about 40 miles upstream and conveyed to the west end of the city by gravity. A storage reservoir would be required above the canal near the city to store water for peak summer demands and for winter demands when the canal would not operate.

Alternative plans of development would also be studied.

Status: A prereconnaissance evaluation of a gravity plan was made in 1971 and findings submitted to the city for consideration.

Justification: The Billings water supply system is inadequate to furnish water requirements for the present population and uses during summer months, requiring water rationing. Storage is inadequate to meet peak demands. Much of the system has been in use for many years and is subject to breakdown during overloaded operations. The city has also extended its water service area to the west and east, as it has grown, and the distribution system is inadequate in size. Winter icing problems at the pumping plant and pollution are problems. A gravity pumping system which would take better quality water from an upstream point on Yellowstone River, with storage in a large reservoir, has been proposed for many years.

There is also a need for an increase in water-associated recreation near the city which could be met by a storage reservoir.

Local interest: The city of Billings has urged the Montana Congressional delegation to seek authority for the Bureau of Reclamation to engage in a feasibility investigation of plans to provide a new water supply for the city.

Mr. JACKSON. Mr. President, I have cleared the matter with the ranking minority member, and there is no objection.

Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SUPPLEMENTAL APPROPRIATIONS, 1972

The Senate continued the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

Mr. JAVITS. Mr. President, I strongly support the supplemental appropriations for health manpower provided for in H.R. 11955. The appropriations dollars provided for in this bill by the Senate will go a long way toward implementing the comprehensive authorizing legislation for health manpower which we passed on July 14, 1971, and was enacted into law as Public Law 92-157 and Public Law 92-158.

The authorizing legislation was a bold new approach to dramatically increase our desperately needed physicians, dentists, nurses, and health professionals. At the same time, the legislation was designed to permit our schools to develop new programs responsive to national need in every area, from developing more physicians and dental assistance and nurse practitioners; to emphasis on family medicine; to increased professional training in the diagnosis, treatment, and rehabilitation of alcoholism and drug abuse; to greater development of computer technology, which I believe portends the greatest potential for overcoming many of our health care problems.

The appropriations levels provided for by this bill will, for the first time, allow us to overcome the severe shortage and maldistribution of health manpower and allow us to bring more physicians and other health professionals into our rural and inner-city areas.

Mr. President, if our goals are to be realized, we must put our appropriations where our authorization promises are, rhetoric must become reality and this, the Senate Appropriations Committee has sought to accomplish.

The increases Senator MAGNUSON and Senator COTTON's subcommittee have recommended in their budget not only reflect their deep concern with America's health care, but their understanding of how the authorizing legislation seeks to meet the basic need for more and the right kinds of health manpower.

As the ranking Republican member of the Senate Labor and Public Welfare Committee which had responsibility for the development of the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971, I am grateful to Senator MAGNUSON and Senator COTTON for seeing Senate action through to a reasonable conclusion by their recommendation of funding levels. I strongly recommend passage of this bill.

However, I am deeply concerned about the fate of this measure when it is in conference with the House. The House Appropriations Committee has held no hearings on the manpower and nursing supplemental requests and their bill has no dollar recommendations in this area. I am concerned that without a basis for independent judgment they may insist on accepting the administration's proposed budget which I regret did not adequately respond to health manpower needs; the basic underpinning for any reform of our health care system, with which we also are deeply concerned.

I urge my colleagues in the Senate to give their fullest support to Senators MAGNUSON and COTTON and arm them with our endorsement of their appropriations recommendations when they go to conference. I am confident Senators MAGNUSON and COTTON and the other Senate conferees will do everything in their power to represent the Senate's interest in conference with the House, they should be assured of our complete support to assure that the appropriations conference report funding levels are sufficient to carry out the purposes of this authorizing legislation.

For myself, I am prepared to oppose the acceptance of any conference report that fails adequately to fund these dramatic new health manpower authorizing laws.

Mr. KENNEDY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 12, after line 3, insert the following:

SOCIAL AND REHABILITATION SERVICE

SPECIAL PROGRAMS FOR THE AGING

For an additional amount to carry out, except as otherwise provided, the Older Americans Act of 1965, $45,750,000.

RESEARCH AND TRAINING

For an additional amount to carry out, except as otherwise provided, titles IV and V of the Older Americans Act of 1965, $9,500,000.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, for the benefit of Members of the Senate, there is a 1-hour time limitation. I do not think we will take much more, hopefully, than 15 minutes or so.

Mr. President, I call up my amendment to increase the funding for aging programs under the Older Americans Act to the $100 million level.

At the outset, let me say that I believe that I am doing so with the approval and concurrence of the President of the United States.

I say this because yesterday in a speech to the final session of the White House Conference on Aging, the President recommended bringing the current $44.75 million appropriation up to the $100 million level. My amendment would provide for an additional $55.25 million for the Older Americans Act, raising the level of funding for this year to $100 million.

Clearly this action today would carry out at the earliest possible date the recommendations of the President on this matter and would demonstrate to the White House Conference that the Congress is not willing to allow the needs of the elderly to be forgotten.

The amendment would bring the level of appropriations close to the $105 million ceiling authorized by the Congress in the 1969 Amendments to the Older Americans Act.

Now because I fully share the President's concern for the elderly and have each year supported increases in the administration budget requests in this area, I am introducing this amendment to do exactly as the President has suggested.

I would hope and I would expect that the President would indicate that the full weight of the administration is in support of this increase.

At this point, let me provide my colleagues with some history on this subject:

I recall in 1969, at a time when I was privileged to serve as chairman of the Senate Subcommittee on Aging, the subcommittee reported amendments to the 1965 Older Americans Act with a 3-year authorization. That measure then was passed by the full committee, approved by the Senate and the House and enacted into law on September 17, 1969.

Now, I am extremely pleased that slightly over 2 years after signing this measure into law, the President has announced his belief that the authorization levels are justifiable and should be funded.

In this regard, let me cite the previous years' requests submitted by the President. This assuredly provides us some evidence of the priority he has assigned to the Older Americans Act in the past.

In his budget message for fiscal year 1970, the President submitted requests which were $1 million less than the Johnson administration request. The $28.3 million request represented less than 46 percent of the level of authorization.

In fiscal year 1971, the President submitted his budget request for the AOA and the request was for $31 million, only 37 percent of the authorized level for fiscal year 1971.

And this year, the President submitted his budget request and it turned out to be for $29.5 million, 28 percent of the authorized level and $2.5 million less than the Congress appropriated the year before.

After a series of hearings by the Senate Subcommittee on Aging and the Senate Special Committee on Aging, the Secretary of Health, Education, and Welfare announced that he would ask that the budget request be amended to include an additional $10 million.

Subsequently, a Senate amendment added approximately $5 million additional moneys which brought the level of appropriations to $44.75 million, compared to an authorized level of $105 million.

I believe that these appropriations levels are essential and I suggest that the evidence that was contained in the hearings before my subcommittee some 2½ years ago demonstrated that need.

In addition, the overwhelming need that has been documented through the evaluation hearings conducted this year and the evidence submitted at the White House Conference on Aging show that this administration has consistently underfunded elderly programs.

Therefore, I applaud and support the President today in his decision to provide meaningful levels of funds for the Older Americans Act.

The President's decision to accept categorical programs for the aging represents a significant revision of his previous position. Hopefully, the speech yesterday will be turned into action today by support for this amendment and also by an end to the administration opposition to the nutrition for the elderly program which was passed by the Senate 88 to 0 on Tuesday. That opposition prevented the bill from being considered in the House Wednesday, but I am sure that if the administration follows the President's edict and supports this measure that it can be passed before the session is over.

Also, by approving this amendment today we can be sure that there will be a smooth transition to a full nationwide program since this will permit State offices on aging to carry out planning and coordination activities for that purpose.

Also, it will enable the communities now operating title III pilot projects to perhaps expand some of their activities, adding additional outreach and transportation aspects.

I might also note that the President's strong endorsement of the title III type community service programs is particularly encouraging. That is one of the areas that by amendment seeks to bring to full finding.

I only wish that the President now would drop his opposition to S. 555, the Older Americans Community Service Act, which would make the senior aide program nationwide. Administration spokesmen including the Secretary of Labor have testified in opposition to this measure because of its categorical nature.

However, with the President's strong support yesterday, I would expect that opposition to be removed.

The amendment provides: For title III: $18 million for community programs on aging, including Senior Aides and Green Thumbs; $1 million for State planning and operations, $4.5 million for areawide model programs.

For title IV—research and demonstration—the amendment provides an additional $4.5 million. For title V—training—the amendment provides an additional $5 million for training.

For title VI—the amendment provides $10 million for retired senior volunteer program, tripling last year's appropriation level, and $12.25 million for foster grandparents, doubling that appropriation.

I would emphasize that the priority item is title III's community programs for the aging, followed by the foster grandparents program, the retired senior volunteer program, and the State planning and operations office.

The areawide model program also deserves funding and the President's task force emphasized the research and training needs.

An eloquent source of evidence of the need for the additional level of funding was contained in the statement by William Hutton of the National Council of Senior Citizens who testified:

> The annual appropriations for AOA have not amounted to more than one dollar and fifty cents for each American over 65—only 75 cents a year when you properly count our older Americans—those over 55:
>
> With such puny appropriations it is not surprising that AOA has lacked clout in the bureaucracy of government.

Or we can go through the hearings and find time after time, eloquent statements by individuals urging that Congress increase their funding and stating that they are providing needed services to elderly Americans.

In Massachusetts, I have seen the Senior Aide program in New Bedford and Fall River. It is enormously successful and the only thing it lacks is adequate funding.

The Green Thumb programs in rural America, also have been remarkably free of criticism. Testimony at every hearing on the yearly requests of the administration have demonstrated the vital need for the expansion of these programs.

At this point, let me just add that the constituency needing service are the 20 million older Americans, 4.7 million of whom are poor, including a 100,000 rise in that number of poor older Americans since 1969.

The elderly have been ignored for far too long. We have denied them their dignity. We have denied them an opportunity to participate in the life of this Nation.

Passage of this amendment will be a step in remedying that record.

Mr. President, the amendment I have introduced is really to carry through what the President stated was his promise in comments to the White House Conference on Aging yesterday.

Yesterday the President spoke to the White House Conference on Aging and in that speech he said:

> We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.
>
> * * * * *
>
> I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents programs be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

Mr. President, this takes the President's statement yesterday and puts it in the form of an amendment to the supplemental. In effect, this would raise Older Americans Act funding close to its total authorization which is $105 million. At the present time there is a funding level of $44.75 million; initially requested by the administration was $29.5 million, but it was raised by Congress to $44.75 million. This amendment adds $55.25 million to that sum.

What we are doing is taking the President's pledge as he articulated it yesterday and turn it into actual programs for older Americans.

This is completely appropriate and justifiable. As the chairman of the Subcommittee on Aging that reported the Older Americans Act of 1969, the items that the President listed here conform neatly to the authorization in that legislation. We have had sufficient and adequate hearings. The administration has admitted time and time again that scores of requests remain unmet in the areas that the President itemized, requests for funding, help, and assistance. This amendment would provide that funding.

Therefore, I hope we can help the President fulfill his commitment. I might note that, after contacting the White House, I have been informed through Assistant Secretary Kurzman at HEW, that the administration supports my amendment.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I am sorry I was not in the Chamber earlier but we have been having a policy meeting in the office of the majority leader.

I understand this amendment is to supplement the special program for aging in the Social and Rehabiliation Service in the amount of $45 million for special programs, and $9.5 million for research and training.

I wish to ask the Senator from Massachusetts a question. Is this a new item?

Mr. KENNEDY. I should like to respond to the Senator on this question. It is a new item on the supplemental bill; but permit me to provide some history regarding this matter. The Older Americans Act Amendments of 1969 in its provisions has provided for a variety of different senior citizens' programs to provide a focus for meeting the needs of the elderly. In that effort, the RSVP, the foster grandparent programs, the nutrition and senior aide programs—all form part of the Federal commitment to the dignity of the elderly.

Funds have been authorized for those programs, but the appropriations have fallen tragically short, some 28 percent of the authorization for 1972 and some 37 percent of authorization for 1971.

Instead of increasing the resources to meet the needs of the elderly, the administration annually has cut its budget requests. Only congressional action has prevented the disappearance of many of these Federal aging programs.

Also, the programs which would be included with this increased amendment, would be exactly the programs that the President itemized in his statement. They would be the retired senior volunteer program, the Green Thumb program, senior aides, the foster grandparents progam, as well as some home service for the senior citizens.

Mr. MAGNUSON. We provided in the regular fiscal 1972, appropriation bill $38,950,000 for the special programs for the aging the Senator is talking about. The foster grandparent program and retired senior volunteer program have been shifted, have they not, to what they call Action, the volunteer programs agency?

Mr. KENNEDY. That is right.

Mr. MAGNUSON. The $38.9 million that was appropriated is being used for these programs and half a year has gone by. I am in favor of adding something to this, and we can go to conference and see what we can do with it.

Mr. KENNEDY. All right. I mention to my good friend from the State of Washington the foster grandparent program, even though it is designated under——

Mr. MAGNUSON. The money has to come through this Older Americans Act.

Mr. KENNEDY. It has to come through this act. The work of the Senator from Louisiana, the Senator from Washington, and the Senator from New Hampshire has been vital in meeting the needs of the elderly in the past.

They have indicated time and time again their deep concern. But we are not asking for a tremendous increase. We simply are attempting to move this Nation closer to our pledge of providing dignity to the elderly of America. It seems to me that the added resources called for in this amendment could be used extremely effectively for the benefit of the older people.

Mr. MAGNUSON. I have no doubt about the motives and the principles of the Senator. How does the Senator arrive at $55.2 million.

Mr. KENNEDY. The way I arrived at it is by taking what the President indicated yesterday, and then bring the program levels closer to their authorized ceilings. He gave that figure at one time to those attending the White House conference. This is what he wanted. The President indicated that he had itemized it in great detail. I would like to support my President, just as the Senator from Washington would, whenever I can. I want to assure him we are going to fulfill that promise.

Mr. MAGNUSON. If I were to pay close attention, which I try to do, to all the suggestions that the President has made in the field of health and in this field, the budget would have provided about three times this amount on every item. I have listened to his speeches on health and I have listened to all the administration rhetoric, and then I sit down with the Senator from Louisiana and the Senator from New Hampshire, and here comes the budget. What a difference between what we hear promised, and what their budget requests would produce.

One day I had the experience of being down there and the budget came up 2 days after he made the speech on health and on what we should do. I listened to him closely on the nurse training, the capitation grants for nurses' part we have before us. The budget came up and there was a big round zero.

So I am in sympathy with what the Senator from Massachusetts has said. If this is what the President said he wants as far as I am concerned I am glad to give it to him in this field.

I hope that with respect to the ongoing programs there has been adequate planning so the money will not be spent unwisely. I do not know what my distinguished chairman feels about this, but we are going to the House with a new figure, and I do not have any illusions that the House is going to accept this total figure, but at least we have a starting point and that is the way I will explain it.

Mr. KENNEDY. I totally agree with the Senator from Washington when he recites the record of this administration in making promises and then submitting budget requests that contradict those promises. Well today, we are going to insure that yesterday's promise becomes tomorrow's reality.

This is the principal act that serves as the backbone from which all other programs for the aging come. The hearing that have been held demonstrate the need. I refer to not only the 1969 act, which provided the authorization for it at $105 million, but the President's task force report of 1970 which evaluated the various programs to be included under this provision and indicated strong support for it.

Mr. MAGNUSON. What is the authorization?

Mr. KENNEDY. $105 million.

Mr. MAGNUSON. That is about 60 or closer to 55 percent of the authorization. Is that correct?

Mr. KENNEDY. This amendment would provide $55,250,000. I have heard the Senator use a figure lower than the $44,750,000, which is the figure that I understand——

Mr. MAGNUSON. That is adding the amount under research and training.

I am willing to go to the House. Perhaps by that time we will have some more fine rhetoric from downtown. Maybe they will say this is a fine authorization and that Congress moved quickly on the matter.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 24 minutes.

Mr. KENNEDY. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I commend the Senator. While he was bringing up this amendment, I was privileged to be visiting with people who attended the White House Conference on Aging. Some of us were privileged to participate in some of the panels. The only thing we heard repeatedly was that we have many statements made about our senior citizens and the aged. They are sort of put under a microscope. Then those statements get neatly filed away, with the exception of some minor actions that are taken.

This is one place where the President of the United States, speaking to the Nation, went before the White House Conference on Aging and, without any ands, ifs, or buts, said:

> I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents Programs be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.
>
> I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under the program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income.

Mr. MAGNUSON. He just said that yesterday.

Mr. HUMPHREY. Yes. Here is our opportunity now to show our elder citizens that those remarks will be followed. Here is the President's recommendation. Let us take it lock, stock, and barrel. Really, it is under the authorization. We really ought to be fulfilling the authorization. If any of my colleagues had a chance to listen to the pleas of senior citizens and older Americans, their hearts would be touched and we would be moving into effective action here. It was a pathetic thing to hear some of the pleas these people were making.

I do hope and pray that the distinguished Senator from Washington and the chairman, the distinguished Senator from Louisiana, will accept this amendment wholeheartedly and stick with it in conference, because it is desperately needed. I hope and pray we will act on it promptly.

Mr. MAGNUSON. The Office of Management and Budget made it a trickle when they sent it up here. That is my point. I sometimes get a little impatient with appropriating money for programs and following some advice. Sometimes the President makes good speeches to do this and that, but when we get the money downtown, nobody spends it in the right manner. Who gets the devil then? It is those of us who are up here.

I want to say right here and now that I think one of the problems with the special programs for the aging is that there is too much administration and too little going down to where it should go.

In some places they are stumbling over one another trying to help out. I want to serve notice that if we put this in, and if we can get substantial agreement in the House, we are going to take a look at the departmental administration of these items. There is too much of it. I take this opportunity to suggest that there are now 717,000 people employed in HEW programs and I want to see that these programs are administered correctly, so it will not be a hoax on these older people who think something good is going to happen to them, we provide a program, and then it is bungled somewhere down the line.

I am willing to take this amendment to the House conferees.

I have listened to a lot of this, and I have to take a look at what comes up from the OMB. Sometimes they threaten to have a bill vetoed or say that they will not spend it if it comes to them. Congress gets blamed for it. I hope there are some people from that conference listening to what we have had to say.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I would like to first state that the administration does support the amendment. I am authorized to notify the Senate that the President stands foursquare behind the statement he made yesterday.

I think it would have been highly desirable to go through the ordinary processes, holding hearings and getting details of the program, but the need is so urgent that the Appropriations Committee has responded magnificently to legislation that has been sent to it to increase programs such as the foster grandparents with this added amount. The need for it has been clearly demonstrated. I think it presents no real problem, and I would hope the committee will accept the amendment. The President made a commitment. It has bipartisan support.

I ask the Senator to add me as a cosponsor of the amendment.

In the work I have done on the Committee on the Aged this type of program offers more hope, greater inspiration, a greater sense of belonging and feeling important and being needed and wanted in society than anything else.

In the city of Chicago's Division for Senior Citizens we now have 51 grandparents. It would like to take on 56 additional grandparents. It gives the parents something to do and someone to be responsible for. Hundreds of children are taken care of who would otherwise be in orphan asylums. They now have someone who cares for them. The cost to society is minimum. We get back many times over the investment we have made when, instead of putting children in institutions, we provide a small stipend for love, care, and affection.

In the city of Chicago, the division for senior citizens has asked for an increase in funding from $130,000 to $235,000. This pattern is repeated across the country.

I ask unanimous consent that a letter from me dated October 19, 1971, on this subject be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 19, 1971.

Mr. JOSEPH BLATCHFORD,
Director, Action,
Washington, D.C.

DEAR JOE: As a member of the Senate Special Committee on Aging, I have become increasingly concerned about the need for more employment and community service opportunities for older citizens. The Foster Grandparents Program, it seems to me, has accomplished a great deal in terms of providing worthwhile, meaningful job opportunities for elderly persons.

The program has proved to be very successful in Chicago, and this year, requests from participating agencies for grandparents, and from elderly persons for jobs, have risen substantially.

The Chicago program now operates with 51 grandparents. The City of Chicago's Division for Senior Citizens would like to be able to take on an additional 56 grandparents. To accomplish this, the funding level for Chicago would have to rise from $130,000 to at least $235,000. It is my understanding that the Division for Senior Citizens has already formally requested this increase.

In light of Chicago's very sizable elderly population—more than 516,000 persons over age 60—as well as the recent funding increase approved by Congress for the Foster Grandparents Program for Fiscal Year 1972, I wish to give my full endorsement to the request of the Division for Senior Citizens of the City of Chicago.

With warm regards.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD the President's speech of yesterday, which was a magnificent speech, and also an article entitled "No Cure Like Love," which I think will conclusively demonstrate the value of this type of program.

There being no objection, the speech and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 3, 1971]

YOUNGER AND OLDER AMERICANS NEED ONE ANOTHER

(Following is a partial text of President Nixon's prepared address to the White House Conference on Aging.)

In recent years a gulf has been opening between older Americans and the rest of our people. This gulf is the product, in large measure, of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

We must change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let me begin where most of you begin: with the problem of inadequate income. If we move on this front, all the other battles will be easier. If we fail to move here, the other battles will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill which is known as H.R. 1—and approve it without delay. For this legislation would revolutionize our whole approach to income problems among the elderly.

NATIONAL FLOOR

For the first time in our history, it would put a national floor under the annual income of every older American. For the first time in our history, it would make social security benefits inflation proof.

It would also allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. And I hope the Congress will also include in H.R. 1 my proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

H.R. 1—as it now stands—would provide some 5½ billion dollars in additional federal benefits to older Americans; 3 billion dollars in increased social security benefits—and, when it is fully effective—another 2.5 billion dollars in new benefits to persons with lower incomes. My proposal to eliminate the monthly Medicare fee would enrich this 5.5 billion dollar package by an additional 1.4 billion dollars—the equivalent of an additional 5 per cent increase in social security.

As we work to increase federal benefits for older Americans, we must also work to reduce the pressure of taxes. We are therefore supporting a series of tax reform proposals which would enable a single person age 65 or older to receive up to $5,100 of tax free income. A married couple, both of whom are 65 or older, could receive over $8,000 in tax free income if these changes take effect.

However, one of the most onerous of all taxes for older Americans is largely unrelated to income. I refer, of course, to the property tax—which keeps going right on up, even when an older person's income is going down. In fact, property tax collections have increased by some 40 per cent in the last five years alone.

Nearly 70 per cent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving. And yet, because of property taxes, the same home which has been a symbol of their independence often becomes a cause of their impoverishment.

Even older persons who rent their homes often bear an unfair burden, since property tax increases are often passed along in the form of higher rents. And the inequity of the property tax is often all the greater because it takes money from those who have already educated their own children and uses it largely for the education of others.

EMPTY DREAMS

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders, full of hope and pride. And over the years that followed they made their dreams come true.

But today—many years later—things have changed, so much so that Mrs. Ewing begins her letter to me by asking, "Was it just an empty dream after all?" Her father—at 73—is too ill and tired to work. His family is grown and scattered. And to meet his real estate taxes he is now being forced to sell the property for which he worked so hard and so long. "If this is really the country I grew up believing it to be," Mrs. Ewing continues, "these inhumane tax laws must be changed . . ."

I agree. We need a complete overhaul of our property taxes and of our whole system for financing public education. Our revenue sharing program can help relieve the pressure on property taxes and older Americans have a large stake in its enactment. But additional reform is also needed.

I am therefore preparing specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. It is clear that these remedies will involve large sums of money. We are prepared, however, to make the hard decisions we will have to make. The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

A second major problem affecting the income of older persons is the inadequacy of private pension plans.

I will therefore propose to the Congress a new program to reform our private pension system. This program will include measures designed to expand pension coverage and to ensure that pension funds are soundly and honestly managed. It will also recommend new laws to require the vesting of pensions—to ensure that the benefits which accumulate in a person's working years are paid to him when he is older.

COST OF LIVING

Lately, of course, we have been giving high priority to another effort that has special meaning for older Americans: the drive to curb the rise in the cost of living. When wages and prices rise unreasonably for the few, the result is an unreasonable decline in the purchasing power of the many. By holding wage increases to reasonable levels for those who are working, we will help protect the incomes of those who are retired.

I have appreciated the support that older Americans have given to this effort—and I am determined that as we achieve our new prosperity, it will be a new prosperity without inflation, and therefore without the hidden tax that hits so cruelly at those on fixed incomes.

As the income position of older Americans improves, so will their ability to cope with many of the other problems you have been discussing. But even with higher income, many older persons will still face problems beyond their individual control.

Take the one million Americans who live in nursing homes, for example. Many of them—like my 91-year-old aunt in California—receive excellent care in pleasant surroundings. But many do not—and there is little they can do about it. This is why I announced last summer an 8-point program for improving our Nation's nursing homes and for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes. But we will not hesitate to cut off funds from homes which are hopelessly substandard. Furthermore, we will take the initiative in making sure that public and private resources are available to provide alternative arrangements for the victims of such homes.

But nursing homes are only one part of the picture. The greatest need is to help more older Americans to go on living in their own homes. Income programs and tax reforms can help us achieve this objective. And so can a number of additional decisions which we already have made.

We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly.

We have made two additional administrative decisions which will also help older Americans to remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominium apartments and retirement communities. The second will require that federal grants which provide services for older persons also provide for the transportation they need to take advantage of these services.

Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis. I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents programs be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under the program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health education and community service projects even as they earn additional income.

Older persons can be proud of how well they have made all these programs work in recent years. These decisions mean they will not be able to work in more places and for more people.

Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

As you know, these proposals involve very difficult budgetary problems for the government.

However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this Conference—a message which must now be heard in every community in this land.

NEW ATTITUDE

The message is simply this: We need a new national attitude toward aging in this country—one which fully recognizes what America must do for its older citizens, and one which fully appreciates what our older citizens can do for America.

A few months ago I met with a remarkable man by the name of George Black. For more than 80 years, Mr. Black has been making bricks by hand in Winston-Salem, North Carolina. George Black is 93 years old but that does not mean that his productive days are over.

Recently our government sent George Black to the country of Guyana in South America, so that he could share his skills with people in that land. When he was asked about his trip, Mr. Black made this comment: "I have always asked the Lord," he said, "to let my last days be my best days. I feel like he's answering my prayers."

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them—as for him—its answer depends not only on what they are given but on what they continue to give.

[From Harvest Years, May 1969]

NO CURE LIKE LOVE

(By Helen Bottel)

"Love to a child is like water to a plant. When we Foster Grandparents offer it to these youngsters they thrive. Without it, they wither. They're scared and lonely—and we cure that."

The gray-haired woman untwined pipestem arms from around her neck, brushed a gentle kiss on the sleeping boy's forehead, then tucked him in his hospital crib.

"He was a battered baby . . ." she whispered. "If ever a child needed someone to empty their own life into his, this child does. In just a week, I'm amazed at his progress. He smiles now—he was so fearful in the beginning."

Love is truly potent medicine at the Robert B. Green Memorial Hospital, San Antonio, Texas, one of the first of the now national Foster Grandparents projects. Now over 8,000 children a year in hospitals and institutions all over the country receive the happiest medical treatment in the world—tender loving care. Some might not survive without it, for those who must spend long weeks or months in hospitals have real emotional needs.

"Doctors were skeptical at first," said a nurse in the pediatric ward. "They thought the Grandparents would be in the way; now they're all for them. They can see the delightful way elders share their love with children—and they know happiness is a two-way street."

Mrs. Elizabeth Finnigan, R.N., who has succeeded Mrs. Burke as the San Antonio project director, emphasized, "Our youngsters here need constant love and attention—a feeling of security. Nurses just don't have time to sit and hold one child for hours, but our Grandparents do."

Mrs. Finnigan told of Grandpa Walker, who literally willed polio-stricken Ramon out of his wheel chair. Assigning Mr. Walker to Ramon was no accident—therapists knew the pain involved in rehabilitation exercises and the determination it would take for him to learn and endure. They chose fun-loving Grandpa W. for his patience, ingenuity, and good humor. Great admiration developed between the two; Ramon wouldn't let Grandpa down. He slowly learned to walk again.

Some children have been deserted by their parents, and will be placed in foster homes when they are well again. Others come from such miserable hovels that they know little else but filth, fighting, hunger, rejection. Some are literally starving, like fourteen-month-old Martha who weighed seven pounds and was near death when admitted to an eastern hospital.

Physicians described her rigid bed position, listlessness, and wanness as "mirasmas," sometimes fatal condition caused by lack of demonstrated affection. They requested a Foster Grandparent. Martha's response to tender loving care was amazing: her stifled reactions changed to awareness . . . she became alert, almost happy . . . gained several pounds. Now, when her Grandmother enters the room, the baby's smile and upreaching arms say "Hold me," and Grandma does!

Sometimes mirasmas is tentatively diagnosed as mental illness. Such was the case with John, a little blind boy nobody wanted. He was sent from a shelter home to a midwestern hospital "because of head-dropping spells." He slept almost continuously and wouldn't swallow or talk.

The medical staff asked two Foster Grandparents for help. To everyone's surprise, the child snapped out of his near-vegetable state after a week of cuddling, crooning and hand-feeding.

He said later he could eat because "Grandpa cut my meat up real fine," but the staff believes it was because Grandpa's and Grandma's hearts were full of love.

There's a happy ending here. John is now adopted; the seven-year-old has "real live parents" who shower him with affection, but like many others, his Grandparents still keep in touch with him.

Not all children are so early won. A Foster Grandmother in San Francisco wrote:

"My 'granddaughter' was in protective isolation with a skin disease. She wouldn't talk or respond to any friendly overtures, but I visited her and stayed at least an hour a day.

" 'Would you like me to read you a story?' 'No-No!' The head turned to the wall, the eyes closed. But I read and even showed pictures, although it was only to the back of a little head. Then I just sat and told her funny things about the other children and nature stories. No response . . . day after day the same time devoted to a silent, withdrawn child.

"One day I was surprised to see a little eye peeking out—but quickly closed. Then her mother came during story time, and Betty sat up and smiled. Her mother said, 'Oh, you must be Grandma. Betty has told me how you read and talk and tell her things. She really loves it!' "

. . . And Grandma never knew she had gotten through until Betty was almost well.

While most children in pediatrics clamor for the Grandparents' attention, some do not. One Grandmother—a widow with ten grandchildren and three great-grands of her own—remembers an unhappy lad who shouted, "Get out of here!" when she entered the room.

"I will not," she replied stoutly. Then, drawing up a chair, she began to read nursery rhymes. In a few minutes, the boy lifted his face to hers and buried his head in her shoulder.

A unique Foster Grandparent program is carried on by the California Department of Youth Authority at two Stockton correctional institutions, the D. H. Close and the Karl Holton Schools for Boys.

After two weeks of basic training, qualified Foster Grandparents (thirty-eight in the Stockton area) go into the schools four hours a day, and pretty well dispel the notion about a "generation gap." They act as teachers' aides, help with homework, sew on buttons, show the boys how to make beds or work at hobbies, organize games, even play basketball and football with them. But their biggest help is "just listening and being there when the fellows need to talk." Nearly 40 percent of the Grandparents here are men and over half are Negro or Spanish Americans, as are the boys at school.

Grandparents' concern extends beyond the gates. One woman was a "foster" to young Alden, whose time was nearly up. He needed a home placement, however, before he would be released on parole. Knowing this, Grandma R. invited him to spend Sunday at her house. There she introduced him to a neighbor who had a local store. Result? Alden now has a foster home and a job with her neighbor, and at last reports was doing fine.

Classroom essays on Grandparents are revealing. One boy at the Karl Holten School wrote:

"My Grandma is Mrs. L. T. She's helped me in these ways: She helped me get a room. She brought me four pies and a pack of Kool-aid. She talked with me whenever I had problems. She talks with me for enjoyment. She watches me play sports and she cheers for me. She helps me understand certain things that I didn't. She helps me write letters . . . talks to me about family life. She bought me three stamps for my letters. And she does everything she can to help me."

The benefits to both Foster Grandparents and children are innumerable. These are strikingly obvious as one goes through the wards or the schools and observes old and young together.

One Grandparent stated: "If all the Foster Grandparents (and I am sure they do) get this happiness from knowing they are wanted, they've spent four wonderful hours. My age can't hide the wrinkles, but the old heart is young and happy."

Since 1965, the number of Foster Grandparents has grown from about 800 in the first 22 projects to over 4,000 in 184 hospitals and institutions throughout the country. Grandparents serve 4 hours a day (usually 2 hours with each of two children), 5 days a week, at the Federal minimum hourly wage of $1.60. Nineteen percent of the Grandparents are male; 81 percent female. The oldest is aged 92.

The program nationally has been funded by the Office of Economic Opportunity and administered by the Department of Health, Education and Welfare's Administration on Aging since its beginning. (In his February message on poverty, President Nixon announced his intention of transferring all functions of the program to HEW.)

Grandparents don't substitute as nurses, but their services include feeding, diapering, and cuddling infants, assisting children with meals, reading and playing games with them. In a heart-warming way, the project brings together youngsters who need love, and affectionate seniors whose incomes need bolstering. "I like the feeling of being needed even more than the money," says one Grandpa.

To be eligible for Foster Grandparents, you must be at least age sixty with an income of no more than $1,600 a year for a single, $2,100 a year for a married person.

How did the national program start? Many persons, including Mrs. Vera M. Burke, Ph. D., social service supervisor of the Robert B. Green Hospital of San Antonio, Texas, contributed to its original development by the U.S. Office of Aging (predecessor of the present Administration on Aging) and OEO.

Mrs. Burke participated in early discussions during field visits of Washington officials in the planning stages of the program. When President Johnson announced on August 28, 1965, the funding of the first 22 pilot projects, the Robert B. Green was one of them.

Prospective grandparents are given a physical examination and an interview to establish their qualifications and their attitudes about children. Then they have a short training course before they go on the wards.

If you would like to become a Foster Grandparent inquire at your state employment office or write the State Agency on Aging in your State Capitol.

Mr. PERCY. Mr. President, I commend the President for his initiative, and I commend my distinguished colleague for his early response to that initiative, and I trust he will have overwhelming support for his amendment.

Mr. MAGNUSON. Mr. President, I may say to the Senator from Illinois that my subcommitee has increased the amount for foster grandparents and other special programs for the aging. I do not say anything was wrong with the President's speech yesterday. It was a good speech. I read it. He has made good speeches before, but my problem is that the speeches do not seem to get down to OMB. I do not know why. They are only across the street from one another. There is a tunnel that goes there. That is our problem.

I am glad we are all together on this, because now we are getting some action. I am a little like the fellow who saw Senator Borah riding in Rock Creek Park one day. His companion said, "No, that can't be Borah—the horse and the rider are going the same way." I am glad we are going the same way. We do not want older people to get their hopes up and then fail them.

Mr. PERCY. Mr. President, if the Senator will yield, let me say I talked to 150 of them yesterday, who I invited to the Senate for a reception.

The main message they gave to me was, "There is so much talk, and we never see action." Here we have a chance. They say, "Let us do it," the President said, "I will" yesterday, and in 24 hours, the Senate of the United States can respond and say, "We agree with you, and we will do it."

They would go home feeling, "We really accomplished something."

I think this is a tremendously important symbol to them. This is the swiftest action that we can take. I do not think we are taking precipitate action at all, and I certainly deeply appreciate the level of support that the senior members of the Committee on Appropriations have assured every time we have tried to meet needs of this type.

I do not think the Office of Management and Budget, much as they are needed in our total system of government, can always be left with the final and ultimate judgment. That is why we have been given final responsibility, and I thank the Senator for adding my name as a cosponsor.

Mr. KENNEDY. I thank the Senator from Illinois, who has been tremendously interested in all the problems of the elderly, and of course was instrumental in assuring the continuation of 18 nutritional projects for the elderly earlier this year.

I hope the administration will understand our very deep desire to support these programs that affect our elderly citizens. This past week, as the Senator from Illinois knows, we passed an authorization of some $250 million for nutritional programs for the aging, and I hope we will hear very shortly of the President's backing for funding on that program as well.

Mr. MAGNUSON. Mr. President, I should be very glad to have the Senator put his amendment to a vote. I think the Senate is sufficiently well informed as to how I feel about it and how our committee feels about it.

I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, in view of all that has been said, the attitude of the chairman of the subcommittee on HEW, and the fact that I am 18 years old backwards, I am sympathetic to the aging. I have consulted with quite a few members of the committee, and they are willing to accept the amendment and take it to conference.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from North Dakota.

Mr. YOUNG. I merely wish to say that, as ranking minority member, I fully support the proposal, and I am sure if the senior Senator from New Hampshire (Mr. Cotton), who handled this bill in the subcommittee, had been present, he would have approved it also. Senator Cotton couldn't possibly be here today.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the names of Senators Eagleton, McIntyre, Church, Cranston, Stevenson, Bentsen, Bayh, Tunney, Percy, Beall, Humphrey, and Stafford be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I also ask unanimous consent to have printed in the Record a telegram just received from Nelson Cruikshank, the president of the National Council of Senior Citizens, in support of the proposal.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

December 3, 1971.

National Council of Senior Citizens supports increasing appropriation for administration on aging to $100 million now. We have repeatedly urged appropriations at the level of the authorizations in the Older Americans Act which specifies $105 million for FY 1972. At White House Conference on Aging President supported $100 million for FY 1973. We ask for $100 million now.

Nelson Cruikshank,
President, National Council of Senior Citizens.

Mr. WILLIAMS. Mr. President, I wish to express my strong support for the proposed amendment to the supplemental appropriations bill, H.R. 11955.

The effect of this amendment would be to increase appropriations for successful programs under the Older Americans Act—including community programs on aging, areawide model projects, research, training, the retired senior volunteer program, foster grandparents—from $44.75 million to $100 million.

For older Americans living on limited, fixed incomes, this additional funding can perhaps mean the difference between living independently and being institutionalized at a much higher public cost. For example, the community programs on aging—the lifeline of services for older Americans—have helped the elderly in a wide variety of ways, including transportation for the infirm and frail, home delivered meals, homemaker services, telephone reassurance calls and many others. And with the adoption of this amendment an additional 7,700 projects could be funded which would serve approximately 1.1 million more elderly persons.

Equally important, this measure would provide an increase of $12.25 million for the foster grandparent program. In my own State of New Jersey, I have personally observed the valuable supportive services rendered by foster grandparents for neglected, retarded or otherwise disadvantaged children. Adoption of this amendment could provide new employment opportunities for an additional 6,000 low-income persons 60 and over, raising the present total from 6,000 to 12,000. Moreover, 12,000 more young children would receive vitally needed services.

In addition, the foster grandparent is a very sound investment. For example, a recent report entitled "Cost-Benefit Analysis of the Foster Grandparent Program" stated:

> The funding rate of the Foster Grandparent Program is thus a sound investment having a rate of return of at least 200% or 300% in term of direct benefits and savings.

As a member of the Senate special committee since its founding and as immediate past chairman, I am especially concerned about chronic underfunding of the Administration on Aging. When Congress passed the Older Americans Act in 1965, we envisioned an AOA fully capable of serving as a focal point of Federal concern about aging and aged Americans. We also expected that the AOA would serve as an action agency capable of establishing service programs of its own or encouraging other Federal agencies to do so. Many of us have been concerned by recent administration actions which have downgraded the AOA to the point that it cannot possibly meet the expectations of Congress or of older Americans. And one of the biggest threats to the AOA has been the persistent refusal of this administration to make budget requests that would enable AOA to do the job. After all, Congress has authorized $105 million for this purpose. This year, the year of a White House Conference on Aging, the administration originally asked for only $29.5 million, a reduction of $2.5 million from the previous year.

But, possibly because of congressional pressures and the momentum provided by a White House Conference on Aging, President Nixon has reversed an earlier position. He now seeks $100 million. He should receive it, and he should receive it early enough to assure early implementation of several key recommendations made at this week's White House Conference on Aging.

MEETING THE PRESIDENT'S COMMITMENT TO OUR SENIOR CITIZENS

Mr. PACKWOOD. Mr. President, at this time I would like to add my brief endorsement of this amendment to increase funds for the Older American Act. I applaud the Senate for its speedy implementation of the President's request for additional funds for senior citizen programs under the sponsorship of the Administration on Aging, and am confident that the increase will be put to good use, in Oregon and elsewhere around the Nation.

This vote shows that the President and the Senate are serious in their commitment to our senior citizens and to meeting the needs which have been at least partially described during the past week of the White House Conference on Aging. I, for one, cast my vote for this amendment in a loud voice, and look forward to the further steps I hope the Senate will take in improving the lives of this Nation's 20 million senior citizens.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time, if the Senator from Louisiana is prepared to yield back his.

The PRESIDING OFFICER. Do both Senators yield back the remainder of their time?

Mr. ELLENDER. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Beall). All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. Kennedy). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Georgia (Mr. Gambrell), the Senator from Indiana (Mr. Hartke), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from North Carolina (Mr. Jordan), and the Senator from Idaho (Mr. Church) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), the Senator from Indiana (Mr. Hartke), and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from New York (Mr. Buckley), the Senator from New Hampshire (Mr. Cotton), the Senator from Kansas (Mr. Dole), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Utah (Mr. Bennett) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 435 Leg.]

YEAS—80

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon

Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles

Cook
Cooper
Cranston
Curtis
Dominick
Eagleton
Eastland

Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—20

Baker
Bennett
Boggs
Brock
Brooke
Buckley
Cannon
Church
Cotton
Dole
Gambrell
Hartke
Hatfield
Jordan, N.C.
McClellan
McGovern
Mundt
Saxbe
Taft
Tower

So Mr. KENNEDY's amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 33, line 25, after "$250,000" add the following: ", to remain available until expended".

Mr. MONTOYA. Mr. President, this is merely a technical amendment to permit GSA to use these funds beyond the fiscal year. There is no addition to the item at all.

Mr. ELLENDER. Mr. President, there is no objection to the amendment.

Mr. MONTOYA. Mr. President, I yield back the remainder of my time.

Mr. ELLENDER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

AMENDMENT NO. 782

Mr. PERCY. Mr. President, I call up my amendment No. 782 and ask that it be stated.

The assistant legislative clerk read the amendment as follows:

> Page 4, after line 8, insert the following:
>
> SMITHSONIAN INSTITUTION
>
> THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS
>
> For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000: *Provided*, That these funds shall be available for obligation only upon enactment into law of S. 2900, Ninety-second Congress, or similar legislation.

Mr. PERCY. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the amendment: Senators BIBLE, RANDOLPH, COOPER, MANSFIELD, BOGGS, GRAVEL, MATHIAS, FULBRIGHT, TUNNEY, and COOK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield.

Mr. GOLDWATER. I recall last year, during debate on money for construction of the Center, we were told at that time there would be no costs devolving upon Congress for finances for the Kennedy Center.

I read the article in the newspaper yesterday that the Senator refers to, and now we are being asked for $1.5 million; so that I would like to know if there is any way of knowing that this will continue to be a cost that will have to be paid by the taxpayers, and if so, will the $1.5 million be the low level or the high level?

Mr. PERCY. I can only refer to the public testimony offered by Mr. Roger Stevens when he appeared before the committee chaired by the Senator from Louisiana (Mr. ELLENDER) in which he made it clear that, so far as the performing arts are concerned, the intention of the management of the Center is to have the performing arts pay for itself, which is a magnificent achievement because there is not a performing arts group, whether it be opera, symphony, the dance, or choral groups—no matter in what capital of the world—operating that can support itself just on ticket sales.

It is the intention of the Center to try to raise sufficient funds to match the cost of the ticket sales, including the lower cost to the low-income families and students. So they are not asking for any money for the performing arts.

Mr. Stevens made it clear at the time that he could not operate the Center and keep it open to the public 7 days a week, with the thousands of people going through each day—there were some 20,000 that went through the day after Thanksgiving—without incurring the costs of maintenance, guard service, and adequate security which have to be provided. Doors have to be opened and they have to be closed, and the building has to be heated and air conditioned during the public nonperforming hours, which is the area Mr. Stevens very clearly indicated. If we want to use the Center as a public memorial and keep the doors open, then the performing arts, those who will go to the theater, to the Eisenhower Theater, to the opera, and to the concert halls cannot be expected to pay enough for their tickets to attend these performances and to support the same kind of costs incurred by the National Park Service in maintaining other memorials dedicated to deceased Presidents.

Mr. GOLDWATER. The thing that concerns me is not the $1½ million this year but what it is going to become in later years. I was wondering whether it is going to be $1½ million now and then $2½ million later, or what. We were told if my recollection is correct, that when the building was going up it would be built at no expense to the taxpayer, that it would adequately maintain itself. It was last year that we talked about $7½ million. I may be wrong on that, but it was voted, and we were told that would be the end. So what I want to find out is, is this the beginning, and are we going to have to support maintenance on the building from here on in? If that is the case—and I do not say this in a demeaning way—we could have a baseball team in Washington, D.C., if we could support the RFK Stadium.

Mr. PERCY. Mr. President, I feel that the question is a very pertinent one. This is an amount fixed by the Bureau of Management and Budget. They have taken a very careful look at the budget for maintenance and security, which is about $2.5 million. Approximately $1 million is attributable to the performing arts and about $1.5 million—it goes up to $1.8 million—attributable by their figures simply for public use of the building. I would anticipate that this would be an annual request. May I say also that I am very willing, indeed, that the chairman and the ranking member of both the full Senate Public Works Committee and its subcommittees will have jurisdiction over this, and they are cosponsors of the amendment, because it is their intention to hold a full-scale set of hearings to analyze the appropriations and to oversee the responsibility needed, just as we do with the Smithsonian Institution and other agencies where title to the property is 100 percent held by the Federal Government and the people of the United States.

I would anticipate that it would be for this purpose as long as Congress intends to keep the Center as a memorial, and the money will be made available only for the nonperforming arts portion of the memorial in the form of an annual request. But it is conceivable that there could be a sufficient income for all functions, if the performances are successful enough.

I can tell the distinguished Senator from Arizona that Leonard Bernstein's "Mass" is so successful that it is highly possible the record sales alone will bring a substantial proportion of income to the Kennedy Center, with the possibility of a quarter of a million dollars or more involved there. So that certainly it would be the intention to repay, although there is no desire to make a profit on a nonprofit operation. They may be able to get a surplus of any amount by the sale of the "Mass" in other areas going into other States perhaps, with the royalties which might be paid back to the Kennedy Center. So that obviously they would be able to get an effective income generated, but I could not at this stage promise anything. It would be a miracle if that happened.

I simply would say that if the Senate does not support this endeavor, the Kennedy Center will simply have to be closed, except for times of performance and admit only people who have tickets. We would have an avalanche of criticism from people all over this country if that should happen.

Mr. GOLDWATER. Mr. President, I asked a bookkeeping question. Let us say that we are able to show a surplus and a profit on the performance of the arts income, would it be possible under corporate operation to transfer those funds to the needs of maintenance so that it might be possible that it become self-sustaining?

Mr. PERCY. Mr. President, I see no reason why it should not be, at all. And I can assure the distinguished Senator that, as a trustee designated by the Senate to serve on this board, I have probably put as much time into this activity as I have on any committee I have served on. I can assure the Senator that it was with tremendous reluctance that we came back to ask for another appropriation.

The distinguished Senator will recall that several times I spoke of the need of funds to keep us from mothballing the building—and that was the only alternative, to mothball two-thirds of the whole building. Had construction been halted, I suspect that it would have cost at least $12 million to get it started again.

When I came on the floor to request a final appropriation for construction costs, I never said that we would charge enough for the arts to support the public use of that building, which has been two or three times what anyone anticipated it would become.

Mr. GOLDWATER. Mr. President, is my understanding correct that the public use of it has become so great that it is going to become a very expensive thing to keep up? I have read of people cutting up the carpets and the drapes and stealing crystals off the chandeliers and faucets out of the restrooms.

Will this continue? I do not want to seem chintzy about a million and a half dollars. However, I could think of a lot of things we could use $1.5 million on. I am very interested in the aerospace museum in the Smithsonian. I would like to think that when we need money, I could make the same kind of impassioned plea that the Senator from Illinois makes and have a chance to get it.

I thank the Senator for answering the question, but I still have some doubts.

Mr. PERCY. Mr. President, the Senator's questions are very pertinent. I appreciate very much the fact that they have been asked.

The demand has been overwhelming. The management again admitted before the Public Works Committee that it did not anticipate the tremendous desire of the American people to somehow take back a piece of the Kennedy Center. As a matter of fact, there have been more faucets taken out of the ladies' restroom than out of the men's. People seem to have a desire for taking the crystals out of the chandeliers and for having a piece of the Center to take back home.

We now have mementos that can be sold. The demand is there and we think we can create good sales on the site. We simply did not anticipate the great interest of the American public in the Center which the American people have taken.

Mr. COOPER. Mr. President, may I have the floor in my own right?

Mr. PERCY. Of course.

The PRESIDING OFFICER. How much time does the Senator desire?

Mr. COOPER. Five minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, I intend to support the appropriation of $1.5 million for the fiscal year 1972. I had hoped that the chairman of the Public Works Committee would speak before I did. At the time I asked for the floor, I did not know that he was in the Chamber or I would have deferred to him. I had also hoped that the Senator from Alaska (Mr. GRAVEL), the chairman of the subcommittee, would speak.

I will be brief because I know the chairman of the committee will speak. As the Public Works Committee properly has jurisdiction of this subject I think it appropriate that we should provide the Senate our understanding of this matter. The senior Senator from Illinois, Senator PERCY, discussed with us the need of approximately $2.4 million for the operating costs of the Kennedy Center. According to the estimate he gave us, $1.5 million could be properly allocated as a Federal cost for the nonpaying guests of the Center.

I recommended that the Senator introduce a bill for reference to the Public Works Committee for proper authorization, which he did. Later the Senator from West Virginia (Mr. RANDOLPH), and I arranged for hearings before the subcommittee of the Senator from Alaska, Senator GRAVEL.

The hearings were held yesterday before the Subcommittee on Buildings and Grounds, of which the Senator from Alaska (Mr. GRAVEL) is chairman; and the Senator from Connecticut is ranking member. The subcommittee recommended that $1.25 million be authorized as an emergency measure. The Senator from Alaska (Mr. GRAVEL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. WEICKER) and I wrote a letter to the Appropriations Committee and informed it that a hearing had been held upon the merits and that we would support an appropriation.

I would like to respond to the inquiry of the Senator from Arizona. From the information we have received it cannot be accurately determined at this stage of the Center's operations what would be a correct allocation of operating costs between nonpaying public use and paying public use. And it cannot yet be determined what the extent of the operating costs are, and whether operating funds have been used for construction costs. It is simply a fact that the Center has been operating only a short time and the facts are not available.

The Senator from West Virginia and I suggested to the Senator from Illinois (Mr. PERCY) and to the committee that we believed it correct to ask for an authorization and appropriation, for the $1.5 million. Before action is taken as to funds required for future needs, hearings should be conducted by the Senate Committee on Public Works. With hearings and the testimony of the proper officers of the Center, and of the Bureau of the Budget, we could determine what the proper allocation of operating costs should be.

I should state to the Senate that I support an appropriation of $1.5 million, for this fiscal year. However, I want to ask the Senator from Illinois a question.

We have discussed this several times and with the Senator from West Virginia (Senator RANDOLPH). The Senator will recall that we talked about the need of $1.5 million for the emergency. I note the last sentence of the amendment:

> *Provided*, That these funds shall be available for obligation only upon enactment into law of S. 2900, 92nd Congress, or similar legislation.

Does the Senator intend this language to be open end legislation for the future?

Mr. PERCY. We would certainly not want to do so in the future. I would think that having in a sense an emergency situation here and responding to it, we would have adequate time when we came back in January to go through the normal channels. I fully support that. I do not like any shortcircuit methods unless it is a true emergency. However, I can assure the Senate that we would have to close the Kennedy Center otherwise.

Mr. COOPER. I understand that. I am for keeping the Center open. That is why I support the $1.5 million appropriation. I was in the Senate when the Eisenhower administration approved the establishment of a center. I was on the Public Works Committee, when it authorized grants in 1964, and the second grants in 1969. I stood on the floor with the Senator and urged the approval of the second appropriation.

But, I am attempting to determine if the Senator's amendment is a $1.5 million emergency measure, or open-ended, for the future. That was not our understanding.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I yield the Senator 1 additional minute.

Mr. COOPER. Mr. President, I read from line 5:

> Provided, that these funds shall be available for obligation only upon enactment into law of S. 2900, Ninety-second Congress, or similar legislation.

Is it intended to be open-ended for the future?

Mr. PERCY. The bill I offered would authorize an annual appropriation.

Mr. COOPER. I ask if it would be in order to strike the sentence on line 5 beginning with: "Provided, that".

I do not think that an annual appropriation was intended at this time, only an emergency authorization and appropriation. We have no testimony at all bearing on the costs, except as an emergency matter.

Mr. PERCY. I took the language from the House bill, feeling it was desirable to keep the same language which the House had. From my standpoint it is perfectly acceptable to limit this to 1 year and then to go through the orderly process of having hearings and exhaustively look at the budget and select an appropriate amount, whatever in the judgment of the Committee on Public Works would be best.

Mr. COOPER. My suggestion is that on line 5 after the colon, strike the remaining language.

The PRESIDING OFFICER. The Senator's amendment is not in order till all time has been consumed on this amendment. The amendment could be modified.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. Mr. President, I accept it and I would like to put it in as my own modification, if that would clarify it.

The PRESIDING OFFICER. The Senator has the right to modify his own amendment. Would the Senator state the modification?

Mr. PERCY. I accept the modification.

The PRESIDING OFFICER. Would the Senator send it to the desk so that it may be stated?

Mr. PERCY. I suggest the absence of a quorum.

The PRESIDING OFFICER. On the Senator's time?

Mr. PERCY. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. PERCY. Mr. President, I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, after the hearings yesterday we tried to solicit opinions from all parties, including Mr. STEVENS.

Mr. RANDOLPH. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. Senators will please cease to engage in conversations.

The Senator from Alaska may proceed.

Mr. GRAVEL. Mr. President, it was the spirit of the committee to accommodate the emergency situation which we thought was real. We think there is a situation now that, unless this money is forthcoming, we will see a different use of the Kennedy Center than has evolved or than has been legislated into existence.

It would be the intent of the subcommittee, first, to have hearings immediately on the bill. Speaking for myself and, I believe, for the Members, based on the opinions solicited in the committee, we would be willing to authorize and probably would have authorized it yesterday, had that been what was requested of us, but what subsequently came out was a letter, only because we did not think of an authorization. An authorization would have been passed had it been before us.

I hope Senators will keep in mind the concept here. We are talking about a monument. It happens to be a living monument. It has use extraneous to its use as a monument. We pay the money of taxpayers for the upkeep of monuments. That is the concept here—money to fund the operation of a monument.

In this case the monument is a living monument. It is testimony that we can place these mausoleums to a higher and better use.

I think we will find out what the sum will be as we get experience, but at least we can see this is the amount needed to meet the emergency that evolved, not from the operation of this monument as a theater or a cultural center, but the operation of a building that has attracted hundreds of thousands of Americans because they look upon this building not as a natural art center but a monument to one of our presidents, just as they go to the Lincoln Memorial or the Jefferson Memorial they go to this memorial. Since there are movable particles involved, we seek to assure greater security by putting some items in the center itself.

I think we have to face up to the problem. This is a monument, and it has acquired monumental status. I hope this body will vote this emergency money. The subcommittee would have come forward with authorizing legislation if we had had the time to do so.

I shall be happy to answer questions that may be directed to our subcommittee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, we share a concern about the subject matter now before us. Our concerns vary, of course, but essentially I think we realize the importance of this unique institution within the District of Columbia. The imprint has already been placed on the structure, and its purpose, by the Congress.

I share completely the thinking of my able colleague from Kentucky (Mr. COOPER), the senior minority member of the Committee on Public Works. He has explained the situation which led to certain action being taken, after consultation with interested parties who have jurisdictional responsibility.

I desire to indicate that the Committee on Public Works, through its Subcommittee on Buildings and Grounds, chaired by the diligent Senator from Alaska (Mr. GRAVEL), attempted to come quickly to a point of responsibility following the introduction recently of legislation by the Senator from Illinois (Mr. PERCY). In fact, we had yesterday a meeting of the subcommittee, and, as the Senator from Alaska has indicated, we were in a certain twilight situation. The committee, through its subcommittee, felt that we should address a letter, which we did yesterday, to the able Senator from Nevada (Mr. BIBLE) in reference to the situation as we understand it to be at the present time.

That letter, Mr. President, has not been read, but I ask unanimous consent that it be placed in the RECORD at this point of my remarks.

It is signed by Senators COOPER, WEICKER, GRAVEL, and myself.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 2, 1971.

Hon. ALAN BIBLE,
Chairman, Subcommittee on the Interior, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: Earlier today, the Subcommittee on Buildings and Grounds of the Committee on Public Works held an urgent hearing on S. 2900, a bill to authorize the appropriation of $1.5 million each fiscal year to defray certain operating and maintenance costs of the John F. Kennedy Center for the Performing Arts.

Because of the large number of non-paying tourists who have visited the Center since its opening, the Center's Board of Trustees contends that it is performing public memorial functions similar to that of the Washington Monument or the Lincoln and Jefferson Memorials. They state that this non-on Public Works would support the inclusion stantial outlays for security, maintenance, utilities and other services. The Board of Trustees has advised the Committee that the financial burden of this memorial function is such that without a subsidy, the Center may be forced to close its doors to the general public.

In light of this situation, the Committee on Public Works would suport the inclusion of 1.250 million dollars for this purpose in the Supplemental appropriations bill for fiscal year 1972 only. We are using this method in the knowledge that your Subcommittee is in mark-up this afternoon. It is our intention to hold further hearings during the next session to determine whether a permanent authorization is justified and to review the relationship of the Kennedy Center to the Congress. However, to avoid the closing of the Kennedy Center to public visitors, the Committee believes that an interim appropriation is proper.

Truly,

JENNINGS RANDOLPH,
Chairman.
MIKE GRAVEL,
JOHN SHERMAN COOPER,
LOWELL P. WEICKER, Jr.

Mr. RANDOLPH. We have felt strongly that the vandalism—and I use the word advisedly—which is being committed at the Kennedy Center must be increasingly the concern of the Members of the Congress.

If you visit the Center and check even in a cursory manner, you will see what has taken place in this structure. I am not going to place an estimate on the actual cost of replacement that has been caused by the vandalism, by the thievery, that has taken place in the Kennedy Center.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ELLENDER. I yield 2 minutes.

Mr. RANDOLPH. Now faced with that situation, Senator COOPER, Senator GRAVEL and I—those of us in the Senate Public Works Committee—recognize that there is a certain urgency as presented by the Senator from Illinois in the introduction of his legislation to hope for action that might, I must repeat, bridge the gap.

We are not attempting to provide money for a long period of time. We are only attempting now, because of the urgency of this situation, to support the $1.25 million, or the $1.5 million, for this 1 year. We are not attempting to have it be an open-ended operation, because those of us who ask for the 1-year appropriation are strong supporters of the Kennedy Center. Yet we believe that at the expiration of the sum there must come not only a closer scrutiny, but there must be a security force provided.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ELLENDER. I yield 2 minutes.

Mr. RANDOLPH. I have joined in the presentation of the amendment with the belief that we must do something now, but not attempt to do more without the Public Works Committee holding hearings on the legislation, developing the facts, and understanding the program. The committee intends to hold further hearings in the next session to fully explore the operation of the Center and to do what may be necessary to strengthen its management. I think the Senate, very frankly, has an obligation to act now to take care of an emergency situation caused by vandalism and destruction. This is not the hour for us to move over a long period of time, as Senator COOPER and others of us believe, in providing money. If it is found necessary to provide additional funds, the Senator now would certainly stand with others in an attempt to bring that to fruition.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I associate myself with the remarks of the Senator from Illinois. We are both members of the Board of Trustees of the Kennedy Center. The Center has been open only 3 months and it has proved to be a greater attraction for tourists and visitors from all over the country than anticipated. The vandalism, which is like the littering of our streets, was not anticipated. The facility must have security on the one hand, and on the other, there is a requirement to keep it air-conditioned in the summer and heated in the winter. These are expenses not associated with the performing arts.

I do not see how we can possibly refuse the visitors to this city the opportunity to see the memorial, because it has proved to be more attractive than anyone anticipated. In fact, there are three times more people visiting the facilities, like the restaurants, than was foreseen. It has been at much greater interest to visitors than anyone expected.

The alternative to this proposal is to close it to visitors. I cannot believe that the representatives of the people wish to do that, when the public has demonstrated such a great interest in visiting the Center.

As the Senator has said, there was not a long enough history to justify a full hearing. We have had 3 months of experience. Who could have anticipated that a tourist inside an elevator would reach up and pull off the crystal from the light fixture?

As the Senator says, the vandalism that has occurred is incredible. I am sure it is not with evil intentions. It is like the people who steal towels from a hotel. They want a memento.

In any case, it is happening, and we have got to have greater security.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. One more minute.

There is no doubt if we keep it open for this purpose, we cannot expect the theaters to pay this kind of expense. A normal theater would close during most of the day. Two-thirds of the time the Center is open it is for the convenience of tourists, not for the purpose for which it was constructed, that is, for the performing arts.

I do not want to mislead anyone by saying this is not going to be a problem for solution in hearings. This is an interim measure, although I hope the Senate will approve further funds for this purpose in the future. I join the Senator from Illinois in urging Senators to pass this measure.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield myself 2 minutes.

I should like to notify my colleagues that it is my understanding that a point of order will be raised. In that event, it would be my intention, pursuant to the notice of intent I filed on December 2, to file a motion to suspend the rules. If the motion to suspend the rules is sustained, then it would be my intention to strike from the motion before us the words "provided that these funds shall be available for obligation only upon enactment into law of S. 2900, 92d Congress, or similar legislation," which would then clearly leave this an obligation of $1.5 million, period.

It is my understanding that the Public Works Committee will have hearings, and will thoroughly investigate and study this matter.

Mr. President, the amendment which I am now offering is to provide an appropriation of $1,500,000 for the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. This is a matter of great importance and of extreme urgency.

Yesterday, Mr. Roger Stevens, Chairman of the Board of the Kennedy Center, and I appeared before the Senate Public Works Committee to urge that these funds be authorized and appropriated at the earliest possible time. Unless these funds are made available, the Kennedy Center will soon be closed except for the performances.

Mr. President, the Kennedy Center represents a much needed investment in the performing arts in this country. This enterprise, begun by President Eisenhower, nurtured along by President Kennedy, further by President Johnson, and completed during this administration, has enjoyed as well the strong continuing assistance and interest of the Senate over these 14 years. The marble structure on the banks of the Potomac ranks among the greatest performing arts structures in capitals throughout the world and certainly is a showcase for the arts in this country.

The amendment presently under consideration will enable the Kennedy Center to fulfill its commission by providing much needed funds for the nonperforming arts aspects of the Kennedy Center program. By nonperforming aspects, I am talking specifically about expenses such as security, utilities, maintenance, and operation incurred because the Center is intended to be more than a performance hall; it is expected to be available as well as a tourist attraction for millions of visitors each year as a memorial to the late President Kennedy. In this respect it is similar to the Washington Monument and Lincoln and Jefferson Memorials. The expense of these memorials is of course borne by the Federal Government, and in my opinion, the same should hold true to this extent for the Kennedy Center. I should emphasize at this point that this amendment is intended in no way to subsidize performing arts expenses. It relates only to expenses connected with the nonperforming public or memorial aspects of the Center.

The funds which have been raised through private sources and ticket receipts have had to be channeled already in large portion to these nonperforming arts areas in order to keep the building open to the public. If this continues we will no doubt fall short of our requirements to carry out the performing arts and educational aspects of the Kennedy Center. Obviously, if this occurs, the quality of programs will be severely diluted.

Mr. President, if we fail to appropriate funds, there seems to be only one real alternative: close the building to the public, as is done in other theaters, keeping it open only at performance times. But, in my opinion, this would be both tragic and contrary to the important services attributable to the memorial aspect of the Center.

Mr. President, in 1969 on the floor of the Senate I spoke in favor of an amendment to the Kennedy Center Act which appropriated funds and created a borrowing authority to complete construction of the Center. At that time I reported the view of the other trustees of the Center indicating that if this amendment passed, as it eventually did, they felt there would be no need to return to Congress again for construction funds, and I indicated further that in such case I would have nothing to do with any later request for additional construction funds.

The Senate Public Works Committee requested GAO to make a full-scale fiscal examination of the Center in which it was estimated that the final construction cost would be $66.2 million. I am pleased to say that this figure has proven its reliability except for the delay damage claims asserted subsequent to the completion of the GAO report by contractors and subcontractors. The claims were brought to our attention by the General Services Administration, the Government's agent for design and construction, and are based on allegations that these damages are due to the delay in constructing the building. This controversy actually caused walk-outs by the workers and a threatened shut-down of the facility which certainly would have caused even greater costs. The trustees advanced over $2 million in private funds to prevent having to incur these costs and to continue construction of the building.

The trustees of the Kennedy Center are eager to keep the Congress fully informed of the full financial condition of the Center. This additional data should not distract us from our main objective of appropriating $1.5 million for the nonperforming arts aspects. Yesterday, in testimony before the Senate Public Works Committee I urged the committee to undertake a full review and study of the problems the delay claims have posed.

In asking the committee to undertake such a review I do not feel that I was acting inconsistently in light of my earlier statements on this matter. These delay damage claims cannot properly be considered as part of the construction costs discussed in the 1969 legislation. They grew out of labor problems rather than the construction itself. Without the delay claims the project would have been completed for the estimated $66.2 million.

The trustees insured the opening of the building in September by their stop gap action of advancing private funds but the time of reckoning has come as to the payment of these delay claims. It is my hope that the committee will act to clear up this question in the very near future.

In the meantime, the most immediate and critical need is for the $1.5 million provided by my amendment. Those of us entrusted with the responsibility for overseeing the successful operations of this great Center consider this need for funds to be of emergency proportions.

I urge that the Senate consider carefully Mr. Stevens' warning of yesterday that if the Kennedy Center were unable to stay open daily for tourists the public demand and interest expressed by our constituencies would be sufficient to reopen the Center within a week. Neither I nor any of my colleagues here would, I am certain, want to be in that kind of position.

Mr. President, my remarks today contain the essence of the testimony I gave yesterday before the Public Works Committee, so that we will have a full and complete picture, as complete as a trustee of the Center can give, as complete a picture as I can give of the financial status of the Center as it relates to past representations on the floor of the Senate by myself and by the distinguished Senator from Arkansas when we asked for assistance with the construction fund, so that we would not have to mothball the Center and put it away, and simply stop the construction, because we had reached an impasse.

Mr. President, I would like to express my deep appreciation for the comments that have been made this afternoon on this floor, and for the support that has been offered by the cosponsors of the amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. ELLENDER. Mr. President, I yield myself 10 minutes.

I wish to say that this matter was considered by the full committee, and a vast majority of the members of the committee were very sympathetic to the proposal. The only objections urged were that it was not authorized, and that it might be well that the Public Works Committee go into the matter before we start making appropriations for this purpose.

I am not trying to blame anyone for being delinquent in tending to this business, but I am informed that a similar bill was introduced in the House of Representatives last July, hearings were held on that bill, and the House committee has not yet reported that bill. Why I do not know. But I am informed that there was some opposition to it. This is a privately owned building, and why the Federal Government should spend any money to maintain it, was the question.

As far as I personally am concerned, I can well understand that this great structure for the performing arts was built, really, from Federal funds and from funds that were collected from private concerns and from citizens of our country, and that if ways and means can be found to operate the administration of the building and charge the Federal Government for moneys to administer it for the purpose of entertaining our visitors, the same as we do for the Lincoln Memorial, the Jefferson Memorial, and others, I can see no objection to that. My only objection is that the proposal is not before us in the proper form, that the money should be authorized and appropriated in the regular manner.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I have to take the same position as the distinguished chairman in this matter. It is not authorized. The amendment was offered in the Committee on Appropriations. Had we accepted the amendment, it could have been subject to a point of order, and the whole bill could have been sent back the committee.

One of the Members of the Senate visited the Kennedy Center just recently, and he said all the building was closed except at times of performances, except the corridors. He and his son visited them, and that is all that is open now. So, really, I cannot see that there is such an emergency right now. If there had been some real justification for it, this really should have been brought up at least a couple of weeks earlier. We always get these emergencies in the last 3 or 4 days of a session.

As the chairman has pointed out, the authorizing bill was introduced in the House of Representatives some 4 months ago, and has not been approved, and no consideration taken. If this amendment goes in the bill and it goes to conference, even though the House conferees agree to it, under their rules it automatically is subject to a point of order on the House side.

So there is a real problem involved, and I would hope that we could wait until the appropriation is authorized.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, will the Senator from Illinois yield me a minute?

Mr. PERCY. Mr. President, I yield whatever time the distinguished Senator from Arkansas may require.

Mr. FULBRIGHT. First, I ask unanimous consent that my testimony before the Subcommittee on Public Buildings and Grounds yesterday be made a part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR J. W. FULBRIGHT

Mr. Chairman, I would like to thank you for the opoprtunity of appearing before this distinguished Subcommittee in consideration of S. 2900, which would authorize an annual appropriation of up to $1.5 million for the public, memorial, or, in other words, nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. I appear today in a dual capacity: first as a concerned member of Congress and second as one of the three Senate designees to the Center's Board of Trustees.

This Committee can take particular pride in having authorized the building which now graces the banks of the Potomac. Many have helped to bring this project to fruition, but no group deserves higher praise than this Committee, which has monitored the entire project, lending critical assistance and advice to make the Center a reality.

Your work goes back to 1958 when you considered and approved a bill which I was honored to introduce, S. 3335, which was subsequently approved by the Senate. After similar action in the House on a bill introduced by the distinguished Congressman of New Jersey, Frank Thompson, and approved by President Eisenhower, the National Cultural Center was born. Though the National Cultural Center was conceived to be primarily supported by private funds, it nevertheless represented a truly historic milestone because of a national commitment to encourage the performing arts represented by a national institution.

The entire concept was vastly expanded in 1963, with greater federal participation, after the tragic death of President Kennedy, who had shown a genuine interest in the National Cultural Center.

When the Kennedy Center was renamed as such to memorialize the late President, the Congress vested in the Board of Trustees responsibilities greater than anyone had previously envisioned for the National Cultural Center.

It is for assistance in meeting these added responsibilities that the Board of Trustees of the Kennedy Center seek the authorizing legislation of S. 2900, of which I am a cosponsor. The justification for this annual appropriation is plainly evident. As a public memorial similar to the Washington Monument and Lincoln and Jefferson Memorials and as a public building of great interest to the millions of tourists who visit the Nation's Capitol yearly, the request of the Kennedy Center for operation and maintenance funds has strong precedent and, in fact, is quite reasonable under the circumstances.

The distinguished former Commissioner of Public Buildings, William A. Schmidt, who is now the Kennedy Center's Executive Director for Engineering, has thoroughly analyzed the costs of the Kennedy Center, which are comparable to those of these other memorials and public buildings, and has ascertained that a $1.5 million authorization is justified. I understand that his testimony will clarify for the Committee the basis for the estimate that $1.5 million is necessary for the nonperforming arts functions of the Kennedy Center.

The Trustees of the Kennedy Center have succeeded in creating an appropriate memorial to the late President, which has brought a series of successful performing arts attractions to our Nation's Capitol. On September 8, 1971, the Opera House of the Kennedy Center opened and on the 9th of September the Concert Hall had its first performance. And the third great theater, the

Eisenhower Theater, was opened on October 18, 1971. Numerous works, many original and involving the Nation's and the world's foremost artists have been presented in the Kennedy Center during the past three months, and have received both national and international acclaim.

Every building has its critics, and the Kennedy Center is no exception; however, no critic has raised a question about the functional superiority of the Kennedy Center's three halls. All have been said to have acoustics equal to those of any in the world.

Thus, at the cost of approximately $70 million, the Nation and its capital have been provided with a facility which is benefitting to their stature in the world, but, even more importantly has introduced a new dimension to our national cultural fabric. And, I should point out that the taxpayers did not pay the full cost since over $28 million of the total has been underwritten by private gifts and another $20 million of the total cost is attributable to loans from the Federal Treasury which the Trustees of the Kennedy Center are committed to repay from the receipts from the parking garage of the building. The grant of Federal funds thus far is only $23 million.

The $1.5 million requested will not be used for any of the performing arts and educational functions of the Kennedy Center. It will defray non-performing arts expenses incurred because of the Center's unique dual function. Therefore, I urge the Committee's prompt approval of S. 2900 so that the Trustees can appropriately direct their attention to the Center's performing arts and educational activities.

I also understand that the Committee has been advised that the Trustees have an urgent immediate need for an additional $3 million to meet delay damage claims which have been asserted by the contractors and subcontractors of the Kennedy Center, and which surfaced after the 1969 legislation. This revelation to the Committee has been made by the Trustees in the interest of sharing fully with the Congress problems of operation and construction of the facility. Our present preoccupation should be the appropriation of $1.5 million for the memorial, non-performing arts aspects of the Center. However, I would recommend that in the near future this Committee consider amending the Act to provide a $3 million additional borrowing authority which would alleviate the problem without an additional federal appropriation.

Such claims were unknown when the Congress first considered the 1969 amendments, the last amendments to the Kennedy Center Act. At that time, the Trustees indicated that the total budget for construction of the Kennedy Center was $66.2 million. However, since the Congress first considered the 1969 amendments, the General Services Administration, the government's experienced agent for construction of public buildings, which was utilized by the Board of Trustees for the Kennedy Center, disclosed that the subcontractors and general contractors intended to assert claims against the government for damages due to excessive delay.

The total of these claims as of this date is approximately $6 million and represents a cost item not contemplated at the time of the 1969 legislation. These were more than mere paper claims as critical subcontractors have walked off the job during the past two years in their efforts to obtain prompt settlement of the claims.

After reviewing all the claims and with the advice of General Services Administration, the General Accounting Office, and competent counsel, the Board of Trustees advanced from non-appropriated private funds money sufficient to let critical subcontractors complete their jobs in order to complete the building without further delay and escalation in cost. Now I hope this Committee will shortly consider an expanded borrowing authority to deal with this problem.

I believe we have achieved in the Nation's Capital a focal point for cultural activity in the United States of which we can be proud. But the energies of our Board must be directed to an ever improved and expanded performing arts program. This is why I support an appropriation by Congress to take care of non-performing arts aspects of the Center.

Thank you.

Mr. FULBRIGHT. The Senator from Louisiana said this was a private building. It is no more a private building than the Museum of Technology, which is under the Smithsonian Institution. The board of trustees——

Mr. ELLENDER. It was privately constructed.

Mr. FULBRIGHT. No, it was not privately constructed. It was mutual. There is $23 million in Government grants in this $70 million building. $27 million of it was given by private sources, and there is a loan balance of $20 million. I am speaking of the building itself. The land was originally Government land, dedicated for this purpose by an act of Congress in 1958. It belongs to the Government in the same sense that the Smithsonian Institution belongs to the Government. It has a board of regents, chaired by the distinguished Chief Justice. It is really a public building just as the National Gallery is a public building. This is just as publicly owned as is the Lincoln Memorial, except that private citizens did contribute to its construction, and surely that should not be held against it. $27 million was raised from private funds.

The Center is permanent. It was agreed, in the legislation passed by both Houses shortly after his assassination that this would be the memorial to President Kennedy. This was declared by law as the only memorial to President Kennedy, and we meant the only one, for which the Federal Government assumed responsibility. There are others, of course, administered by local authorities.

The Senator speaks of delay. I do not know what happened in the House of Representatives, but I can say for myself, we had no prior experience in this matter. The Center has been opened only since September. Such things as the Senator from West Virginia mentioned, no one could have believed. Even now it is hard to believe that American citizens going through a building like this would reach up and grab crystals off the chandeliers or would otherwise deface this beautiful building.

With respect to its being open, all the corridors are open, and they are enormous. All the public rooms for the restaurants, the cafeteria, the garages, are open. When they are having a rehearsal, say, in the Eisenhower Theater, of course, they cannot then open the theater to the public. What they expect to do, given sufficient money for guards, is to open it for regular tours, somewhat like the White House is open. The big problem is to supply enough guards to prevent vandalism from taking place. Imagine letting people on tour walk through the stage area of a theater. They could completely demolish it, and they cannot let them go in without supervision. The intention is to allow them to do that, with proper guards.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has no time remaining.

Mr. ELLENDER. I yield 3 minutes to the Senator.

Mr. PERCY. Mr. President, so that the RECORD may be perfectly complete, I ask unanimous consent to have printed at this point in the RECORD a memorandum from the general counsel of the Kennedy Center, Ralph E. Becker, dated December 3, 1971, in which he states very clearly at the Attorney General of the United States has rendered a letter of opinion indicating that the site of the John F. Kennedy Center is public land under the jurisdiction of the U.S. Park Service of the Department of the Interior. I also ask unanimous consent to have printed in the RECORD a letter from the Comptroller General, dated May 12, 1966, indicating that the Kennedy Center is an "executive agency" within the meaning of section 302 of the Federal Property and Administrative Services Act of 1949, and that the building is a "public building" within the meaning of the United States Code.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN F. KENNEDY CENTER
FOR THE PERFORMING ARTS,
December 3, 1971.

Re ownership of John F. Kennedy Center.

MEMORANDUM

The John F. Kennedy Center Act, 72 Stat. 1698, as amended, provides that the site of the John F. Kennedy Center is to be assembled by the National Capital Planning Commission (Sec. 3), which was accomplished prior to the commencement of building construction. Upon assembly, the subject lands were titled in the United States with jurisdiction in the United States Park Service of the Department of the Interior. A letter dated June 24, 1966 (copy attached) was sent by the General Counsel of the Kennedy Center to the Attorney General of the United States and requested an opinion in favor of title of the site for the Center. A letter dated August 3, 1966 from the Attorney General to Roger L. Stevens (copy attached) confirmed that valid title to be vested in the United States of America had been acquired for the site of the Kennedy Center. All lands constituting the site of the Kennedy Center remain titled in the United States. The building itself, pursuant to the Act (Sec. 3), was constructed for the Smithsonian Institution. The opinion of the Comptroller General, B–154459 dated May 12, 1966, is in concurrence with the position that the Kennedy Center is an "executive agency" within the meaning of Sec. 302 of the Federal Property and Administrative Services Act, 1949, as amended, 41 U.S.C. 252, and that the building is a "public building" within the meaning of 31 U.S.C. 682.

RALPH E. BECKER,
General Counsel.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., August 3, 1966.

Re: File No. 33–9–414. District of Columbia.

Hon. ROGER L. STEVENS,
Chairman, John F. Kennedy Center for the Performing Arts,
Washington, D.C.

MY DEAR MR. CHAIRMAN: An examination has been made of the title evidence and related papers pertaining to certain land in which interests have been acquired under authority of existing legislation. The land and estate acquired by the United States are more particularly described in Schedule A attached hereto.

The title evidence and accompanying data disclose valid title to be vested in the United States of America subject to the rights and easements noted in Schedule A which your Agency has advised will not interfere with the proposed use of the land.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,
Attorney General.

SCHEDULE A

Project: John F. Kennedy Center for the Performing Arts, located in District of Columbia.

Estate Aquired: Fee simple.

Description: All of Squares 10, 11, 12, South of 12, Lots 9, 10, 19, 21, 22, 24, 800, 801, 802, 803, 804, 805, 806, 815 in Square 20, the closed portions of New Hampshire Avenue, 26th Street, D Street, E Street, the alley in Square south of 12 and a portion of the alleys in Square 20, and the adjacent portion of the Rock Creek and Potomac Parkway as shown on a plat recorded in the Office of the Surveyor for the District of Columbia in Liber 133 at folio 29.

The title is subject to the following:

1. Existing easements for subsurface utility lines, water lines and sewer lines.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., May 12, 1966.

Mr. ROGER L. STEVENS,
Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, Washington, D.C.

DEAR MR. STEVENS: We have a letter dated March 1, 1966, from Mr. Ralph E. Becker, General Counsel for the Board of Trustees, who requests our advice upon the propriety of negotiating a contract for the construction of the John F. Kennedy Center for the Performing Arts, rather than proceeding by advertisement for bids. Mr. Becker notes that you and representatives of the General Services Administration (GSA), which agency is said to act as the Center's agent for the design and construction of the building, are members of a Committee to which the Board of Trustees has given authority and power with respect to the plans of the building, and that the Committee has recommended the contract be negotiated rather than advertised.

Mr. Becker asks if we concur in his opinion that the Trustees of the John F. Kennedy Center for the Performing Arts are by the terms of the John F. Kennedy Center Act, approved September 2, 1958, P.L. 85–874, 72 Stat. 1698, as amended, excluded from the requirements of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949, Ch. 288, 63 Stat. 377, as amended, and are therefore free to negotiate instead of advertise the construction contract for the Center building.

With respect to whether you are free to negotiate instead of advertise the subject contract, you have submitted at our request letters from the Chairmen of the Senate and House Committees on Public Works, the Senate Committee on Appropriations, and the House Subcommittee of the Committee on Appropriations, before whom you had earlier testified that contracts for the Center building would be awarded on the basis of competitive bidding, according to standard GSA procedures. The first two letters indicate that it was not the intention of those two Committees to impose a rigid or irrevocable requirement that the contract be awarded pursuant to the procedures of competitive advertising. The latter two letters reference letters from you to the Chairmen which mention the above noted testimony, and ascribe to our Office the opinion that on the basis of the present record we would have no legal objection to negotiation of the general construction contract for the Center building. The Chairmen indicate that under these circumstances their Committees have no objection to negotiating the subject contract if our Office has no objection to such procedure. We conclude from these four letters that the funds appropriated for the construction of the Center building were not intended to be irrevocably conditioned upon the use of competitive advertising procedures in awarding the contract for such construction.

Turning to the question whether the John F. Kennedy Center Act excluded the Trustees from the requirements of the Federal Property and Administrative Service Act, we note that the first mentioned Act created a bureau within the Smithsonian Institution, and authorized its Board of Trustees to solicit contributions for, and to construct, the Center building for the Institution. Section 302 of the Federal Property and Administrative Services Act of 1949, as amended, 41 U.S.C. 252, provides that "Executive agencies" shall make procurements in accordance with the provisions of Title 3 of that Act except when the subject Title is made inapplicable by other law. Although this Office has never ruled upon the question of whether the Smithsonian Institution is an "Executive agency," we are advised that it is the view of counsel in the General Services Administration that the Smithsonian Institution is considered an independent establishment in the Executive branch of the Government, and an "Executive agency," as those terms are used in the Federal Property and Administrative Services Act of 1949 and in the Reorganization Plan No. 18 of 1950. The General Services Administration has concluded that its basic authority to act as agent for the Center in the design and construction of the building depends upon the status of the Smithsonian Institution as a Federal and an Executive agency within the meaning of those terms as used in the Federal Property and Administrative Services Act of 1949. We see no clear reason to disagree with these views, acceptance of which would appear to support the conclusion that any contract for construction of the Center should be made in accordance with the 1949 Act.

On the other hand, the John F. Kennedy Center Act, as originally approved on September 2, 1958, imposed no limitations or restrictions on the power of the Board with respect to the manner of carrying out its authority to construct what was then referred to as the "National Cultural Center." Section 5(c) of the Act, the language of which section has not been subsequently amended, provides that the actions of the Board, including any payment made or directed to be made by it from *any trust funds*, shall not be subject to review by any officer or agency other than a court of law. Moreover, in our decision of B–145878, dated September 1, 1961, we had occasion to consider the unique character and status of the Smithsonian Institution, of which the Center is a bureau, and concluded that the discretionary powers of the Board of Regents with respect to such functions as the management and control of the buildings of the Institution, which functions are generally financed with trust funds, are not subject to the statutes usually applicable to Government buildings. However, prior to the amendment to the John F. Kennedy Center Act, approved January 23, 1964, Public L. 88–260, 78 Stat. 4, which changed the name "National Cultural Center" to "John F. Kennedy Center for the Performing Arts," the only funds which were to be involved in the construction of the building were trust funds acquired through public contributions.

The amendment of January 23, 1964, authorized the appropriation of Government funds to the Board, in an amount to match public contributions up to $15.5 million. You will recall that by letter of November 27, 1964, your General Counsel, Mr. Becker, requested the decision of this Office as to the period of availability of the funds appropriated for construction of the Center, stating it to be his opinion, as well as that of counsel for the Bureau of the Budget and General Services Administration, that the amount appropriated as the Federal share of the cost of the Center "is an appropriation for construction of a public building which will remain available until completion of construction in accordance with the quoted statutory provision (31 U.S.C. 682)." This interpretation, which was accepted and agreed to by our decision B–154459, December 9, 1964, appears to be inconsistent with the view that the amount appropriated became automatically a part of the trust funds of the Board, subject to its control without review "by any officer or agency other than a court of law."

Since the Board of Trustees is a bureau within the Smithsonian Institution, it would appear to enjoy the same authority as the Institution's Board of Regents with respect to the management and control of the Center which it has been authorized to construct for the Institution. B–154459, dated October 30, 1964. However, in the absence of any contrary provision in the appropriation act, it is our opinion that purchases of equipment or facilities for the Institution for which funds have been appropriated by the Congress must be made in accordance with the general provisions of law governing the expenditure of appropriated funds. 41 Comp. Gen. 177. The amendment of January 23, 1964, did not exempt the Board from procurement laws which ordinarily apply to the disposition of Government funds. Moreover, the Report on the subject amendment explained that since the bill provided for the expenditure of Federal funds in connection with the Center, "it is clear that the Director of the Bureau of the Budget and the Comtroller General must and do have authority to examine and audit the financial records of the Board for all purposes." See House Report No. 1050, 88th Congress. Therefore, we believe the 1964 amendment should be construed as modifying the powers of the Board at least to the extent of requiring that expenditures involving the $15.5 million appropriation be in accord with general procurement laws governing the expenditure of such funds.

Mr. Becker asserts that even if the general procurement laws are applicable, the subject contract may be negotiated without advertising pursuant to section 302(c)(10) of the Federal Property and Administrative Services Act of 1949, which provides for such negotiation where it is impracticable to secure competition. In support of such assertion he has submitted numerous reasons why negotiation of the contract is desirable. GSA shares this opinion, and has supplemented the record to indicate the reasons for its agreement.

Section 1.3–305(b) of the Federal Procurement Regulations, issued in implementation of section 307 of the Act, provides that a determination and findings on the impracticality of securing competition shall set forth enough facts and circumstances to clearly and convincingly establish that the use of formal advertising would not be feasible or practicable. To date no determination or findings, as such, has been issued but on the basis of the facts, circumstances and conclusions in the record submitted to us by your office and the GSA it would appear that a substantial basis can be said to exist to justify a determination that the use of formal advertising would not be practical. Therefore, on the present record our Office would have no legal basis for questioning negotiation of the subject contract under exception 10 of section 302(b) of the Federal

Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(10)) and section 1.3–210 of the Federal Procurement Regulations, provided you and your agent in this matter, the GSA, issue a joint determination setting forth the facts and circumstances which clearly and convincingly establish that the use of formal advertising is neither feasible nor practicable.

If we may be of any further assistance to you in this matter, please do not hesitate to call upon us.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

JOHN F. KENNEDY CENTER
FOR THE PERFORMING ARTS,
Washington, D.C., June 24, 1966.

Hon. NICHOLAS DEB. KATZENBACH,
The Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Under the provisions of Title 40, United States Code, Section 255, a written opinion is required in favor of the validity of the title to land proposed to be used for the construction of public buildings. This letter is to request that such an opinion in favor of the title of the site of the John F. Kennedy Center for the Performing Arts be rendered.

Enclosed herewith are deeds, certificates of title, and other evidences of title, including a copy of an order by the Commissioners of the District of Columbia closing certain streets and alleys and ordering their reversion to the abutting title-holder, the United States, as provided in Section 7–401, District of Columbia Code.

I would appreciate it if you would send your opinion to Roger L. Stevens, Chairman, John F. Kennedy Center for the Performing Arts, 1701 Pennsylvania Avenue, N.W., Washington, D.C., with one copy to me as General Counsel.

If you have any questions or desire any further data or information, I would be happy to furnish same.

Thank you for your consideration of this request.

Very sincerely yours,

RALPH E. BECKER.

ENCLOSURES

General Services Administration: Letter dtd. Dec. 10, 1965; Opinion of Atty. Genl. dtd. Oct. 14, 1948; Opinion of Atty. Genl. dtd. Sept. 1, 1965.

National Park Service: Letter dtd. Dec. 20, 1965; Map No. 8746 from Surveyor's Office.

District of Columbia Government: Letter dtd. June 8, 1966; Order No. 66–131 dtd. Feb. 4, 1966 re closing streets and alleys.

John F. Kennedy Center for Performing Arts:

Extract of Bd of Trustees Meeting—May 17, 1965.

Extract of Executive Committee Meeting—June 3, 1965.

Letter dtd. Jan. 28, 1966 from Title Co. to Center.

Deed of Gift dtd. July 19, 1965 from Heurich heirs to Kennedy Ctr.

Deed dtd. Dec. 2, 1965 from Kennedy Ctr. to U.S.A.

National Capital Planning Commission:

Land Acquisition Memoranda: #53, 64, 65, 72, 73, 74, 75–A.

Opinion of Atty. Genl. dtd. Jan. 7, 1963.
Opinion of Atty. Genl. dtd. May 3, 1966.
Deed dtd. Oct. 12, 1965 from Wards to U.S.A.
Deed dtd. Feb. 21, 1963 from Stokes to U.S.A.
Deed dtd. Feb. 19, 1963 from Gildenhorns to U.S.A.
Certificate of Title dtd. Jan. 23, 1961.
Certificate of Title dtd. Mar. 15, 1961.
Certificate of Title dtd. Dec. 14, 1964.
Certificate of Title dtd. Dec. 14, 1964.
Certificate of Title dtd. July 7, 1965.
Certificate of Title dtd. Sept. 4, 1965.

Mr. PERCY. So there seems to be no question whatever that this is a public building, public property built on public land, and it is owned by the people of the United States—no one else. The trustees simply act to operate it as best we can. They are appointed by the Senate, by the House of Representatives, and by the President of the United States. They function at the direction of Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the John F. Kennedy Center Act.

There being no objection, the act was ordered to be printed in the RECORD, as follows:

JOHN F. KENNEDY CENTER ACT

An act to provide for a John F. Kennedy Center for the Performing Arts which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. This Act may be cited as the "John F. Kennedy Center Act".

BOARD OF TRUSTEES

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the John F. Kennedy Center for the Performing Arts (hereinafter in this Act referred to as the "Board"), whose duty it shall be to maintain and administer the John F. Kennedy Center for the Performing Arts and site thereof and to execute such other functions as are vested in the Board by this Act. The Board shall be composed as follows: The Secretary of Health, Education, and Welfare, the Librarian of Congress, the Assistant Secretary of State for Public Affairs, the Chairman of the Commission of Fine Arts, the President of the Board of Commissioners of the District of Columbia, the Chairman of the District of Columbia Recreation Board, the Director of the National Park Service, the Commissioner of the United States Office of Education, the Secretary of the Smithsonian Institution, three Members of the Senate appointed by the President of the Senate, and three Members of the House of Representatives appointed by the Speaker of the House of Representatives ex officio; and thirty general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.

(b) The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of ten years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, (2) the terms of any members appointed prior to the date of enactment of the National Cultural Center Amendments Act of 1963 shall expire as designated by the President at the time of appointment, and (3) the terms of the first fifteen members appointed to the Board pursuant to the amendments made by the National Cultural Center Amendments Act of 1963 shall expire, as designated by the President at the time of appointment, three on September 1, 1964, three on September 1, 1966, three on September 1, 1968, three on September 1, 1970, and three on September 1, 1972.

(c) There shall be an Advisory Committee on the Arts composed of such members as the President may designate, to serve at the pleasure of the President. Persons appointed to the Advisory Committee on the Arts, including officers or employees of the United States, shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the John F. Kennedy Center for the Performing Arts. The President shall designate the Chairman of the Advisory Committee on the Arts. In making such appointments the President shall give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in the appropriate art fields. The Advisory Committee on the Arts shall advise and consult with the Board and make recommendations to the Board regarding existing and prospective cultural activities to be carried on in the John F. Kennedy Center for the Performing Arts. The Advisory Committee on the Arts shall assist the Board in carrying out section 5(a) of this Act. Members of the Advisory Committee on the Arts shall serve without compensation, but each member of such Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such Committee.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

SEC. 3. The Board shall construct for the Smithsonian Institution with funds raised by vountary contributions, a building to be designated as the John F. Kennedy Center for the Performing Arts, on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south, Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the John F. Kennedy Center for the Performing Arts and related facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

DUTIES OF THE BOARD

SEC. 4. The Board shall—

(1) present classical and contemporary music, opera, drama, dance, and poetry from this and other countries,

(2) present lectures and other programs,

(3) develop programs for children and youth and the elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation,

(4) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts,

(5) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President.

POWERS OF THE BOARD

SEC. 5. (a) The Board is authorized to solicit and accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities or other property of whatsoever character for the benefit of the John F. Kennedy Center for the Performing Arts. Unless otherwise restricted by the terms of the gift, bequest, or devise, the Board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the John F. Kennedy Center of the Performing Arts. The income as and when collected shall be placed in such depositaries as the Board shall determine and shall be subject to expenditure by the Board.

(b) The Board shall appoint and fix the compensation and duties of a director, an assistant director, and a secretary of the John F. Kennedy Center for the Performing Arts and of such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board. The director, assistant director, and secretary shall be well qualified by experience and training to perform the duties of their office.

(c) The actions of the Board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

ADMINISTRATION

SEC. 6. (a) The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. The Board may function notwithstanding vacancies and twelve members of the Board shall constitute a quorum for the transaction of business.

(b) The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

(c) The Board shall submit to the Smithsonian Institution and to Congress an annual report of its operations under this Act, including a detailed statement of all public and private moneys received and disbursed by it.

(d) The Board shall transmit to Congress a detailed report of any memorial which it proposes to provide within the John F. Kennedy Center for the Performing Arts under authority of paragraph (5) of section 4 of this Act, and no such memorial shall be provided until the Board of Regents of the Smithsonian Institution shall have approved such memorial.

TERMINATION

SEC. 7. (a) This Act shall cease to be effective, and all offices created by this Act and all appointments made under this Act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the John F. Kennedy Center for the Performing Arts have been received by the Trustees of the John F. Kennedy Center for the Performing Arts within eight years after the date of enactment of this Act.

(b) If the offices of Trustees of the John K. Kennedy Center for the Performing Arts terminate under the provisions of subsection (a), all funds and property (real and personal) accepted by the Trustees of the John F. Kennedy Center for the Performing Arts under section 5(a), and income therefrom, shall vest in the Board of Regents of the Smithsonian Institution and shall be used by the Board of Regents of the Smithsonian Institution to carry out the purposes of the Act entitled "An Act to provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution," approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such Act; except that such funds or property, and the income therefrom, shall vest in an organization designated by the donor of such funds or property at the time of the making of the donation thereof, if, at such time, such organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and is exempt under section 501(a) of such Code, and if, at such time, a contribution, bequest, legacy, devise, or transfer to such organization is deductible under section 170, 2055, or 2106 of such Code.

APPROPRIATIONS

SEC. 8. There is hereby authorized to be appropriated to the Board for use in accordance with this Act, amounts which in the aggregate will equal gifts, bequests, and devises of money, securities, and other property, held by the Board under this Act, except that not to exceed $23,000,000 shall be appropriated pursuant to this section.

BORROWING AUTHORITY

SEC. 9. To finance necessary parking facilities for the Center, the Board may issue revenue bonds to the Secretary of the Treasury payable from revenues accruing to the Board. The total face value of all bonds so issued shall not be greater than $20,400,000. The interest payments on such bonds may be deferred with the approval of the Secretary of the Treasury but any interest payments so deferred shall themselves bear interest after June 30, 1972. Deferred interest may not be charged against the debt limitation of $20,400,000. Such obligations shall have maturities agreed upon by the Board and the Secretary of the Treasury but not in excess of fifty years. Such obligations may be redeemable at the option of the Board before maturity in such manner as may be stipulated in such obligations, but the obligations thus redeemed shall not be refinanced by the Board. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average rate on current marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of the obligations of the Board. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Board to be issued under this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Board's obligations under this section.

GIFTS TO UNITED STATES

SEC. 10. The Secretary of the Treasury is authorized to accept on behalf of the United States any gift to the United States which he finds has been contributed in honor of or in memory of the late President John F. Kennedy and to pay the money to such appropriation or other accounts, including the appropriation accounts established pursuant to appropriations authorized by this Act, as in his judgment will best effectuate the intent of the donor.

NATIONAL MEMORIAL

SEC. 11. The John F. Kennedy Center for the Performing Arts, designated by this Act, shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.

Mr. PERCY. Mr. President, to conclude the legislative history, I should like to advise Senators that yesterday, when I offered this amendment before the full Appropriations Committee, it prevailed by a 2-to-1 vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield 1 additional minute to the Senator.

Mr. PERCY. It was then pointed out to the Senator from Illinois that if this amendment were incorporated in the bill, the whole supplemental appropriation might be subject to a point of order. On that basis, not wishing, as a member of the committee, to endanger the work that committee has put in over a period of months, I then withdrew my amendment, with the understanding that the amendment would be fully supported on the floor by the distinguished chairman and by other distinguished members of the committee, except those who, for reasons of their own, have chosen to oppose this particular provision.

I think this completes the legislative history, and I would be happy to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ELLENDER. Mr. President, I yield to the Senator from Maine.

Mrs. SMITH. Mr. President, I raise the point of order that this is legislation without authorization on an appropriation bill.

The PRESIDING OFFICER (Mr. BEALL). In the opinion of the Chair, the point of order is well taken, because under rule XVI, paragraph 1, the amendment is subject to a point of order.

The amendment is also subject to a point of order because it involves a contingency. It provides that these funds shall be available by obligation only upon enactment into law of S. 2900, 92d Congress, or similar legislation.

The Chair sustains the point of order.

Mr. PERCY. Mr. President, pursuant to the motion of intent I filed December 2, to request suspension of the rules, I now move the suspension of paragraphs 1 and 4, rule XVI.

The PRESIDING OFFICER. How much time does the Senator yield himself? Twenty minutes is available on this motion—10 minutes to the proponent of the motion and 10 minutes to the Senator from Maine.

Mr. PERCY. I reserve such time as I have, and I will be happy to be preceded by the distinguished Senator from Maine.

Mrs. SMITH. Mr. President, on this motion I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. It is my understanding that it would take a two-thirds vote of the Senate.

The PRESIDING OFFICER. The Senator is correct. It will take a two-thirds vote.

Mr. PERCY. Mr. President, what is the question?

The PRESIDING OFFICER. The question is, Shall the Senate sustain the motion of the Senator from Illinois to suspend the rule?

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Maine yield back her time?

Mrs. SMITH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the motion has been yielded back.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is a vote "aye" a vote to suspend the rule?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion of the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Georgia (Mr. Gambrell), the Senator from Indiana (Mr. Hartke), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), and the Senator from Minnesota (Mr. Humphrey) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Colorado (Mr. Allott), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from New York (Mr. Buckley), the Senator from New Hampshire (Mr. Cotton), the Senator from Kansas (Mr. Dole), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Utah (Mr. Bennett) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Texas (Mr. Tower) would vote "nay," and, if present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

On this vote, the Senator from Delaware (Mr. Boggs) and the Senator from Massachusetts (Mr. Brooke) are paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Delaware (Mr. Boggs) and the Senator from Massachusetts (Mr. Brooke) would each vote "yea" and the Senator from Texas (Mr. Tower) would vote "nay."

The yeas and nays resulted—yeas 55, nays 23, as follows:

[No. 436 Leg.]

YEAS—55

Anderson
Bayh
Beall
Bentsen
Bible
Burdick
Byrd, W. Va.
Case
Chiles
Cook
Cooper
Cranston
Eagleton
Eastland
Fong
Fulbright
Gravel
Harris
Hart
Hollings
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—23

Aiken
Allen
Bellmon
Byrd, Va.
Curtis
Dominick
Ellender
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Long
Metcalf
Miller
Pearson
Proxmire
Smith
Thurmond
Young

NOT VOTING—22

Allott
Baker
Bennett
Boggs
Brock
Brooke
Buckley
Cannon
Church
Cotton
Dole
Gambrell
Hartke
Hatfield
Humphrey
Jordan, N.C.
McClellan
McGovern
Mundt
Saxbe
Taft
Tower

The PRESIDING OFFICER. On this question, two-thirds of the Senators present having voted in the affirmative, rule XVI is suspended.

Several Senators addressed the Chair.

Mr. PERCY. I send to the desk a modification of my amendment. The modification is a very simple modification.

The PRESIDING OFFICER. Will the Senator suspend? The Senator from Illinois will have to submit the identical amendment which would then be open to amendment.

Mr. BYRD of West Virginia. Mr. President, except by unanimous consent.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 782

Mr. PERCY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

Page 4, after line 8, insert the following:

SMITHSONIAN INSTITUTION

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000: *Provided*, That these funds shall be available for obligation only upon enactment into law of S. 2900, Ninety-second Congress, or similar legislation.

Mr. PERCY. Mr. President, I ask unanimous consent to modify my amendment by striking out the words beginning with the word "Provided," on line 5 through the remainder of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment as modified reads as follows:

Page 4, after line 8, insert the following:

SMITHSONIAN INSTITUTION

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois as modified.

Mr. PERCY. Mr. President, I do not think there will be any occasion to debate the amendment as modified if the distinguished chairman of the committee is willing to accept the amendment as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois as modified.

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 11, line 6, strike out "$687,157,000" and insert in lieu thereof "$707,157,000"; and strike out "$197,816,000" and insert in lieu thereof "$217,816,000".

Mr. TUNNEY. Mr. President, I ask unanimous consent that the amendments be considered en bloc .

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the names of the Senator from California (Mr. Cranston) and the Senator from South Carolina (Mr. Hollings) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, this amendment is a simple one, but one that is most important, I believe. It would add an additional $20 million for health profession school construction grants.

Mr. President, as the Appropriations Committee report on this bill states, the future success of the whole health manpower program may well depend on the construction of health educational facilities. Yet the administration requested only $82 million of the $225 million authorized, despite the fact that there is already a backlog of $840 million in approved but unfunded construction grant applications.

Through the able leadership of the Senator from Washington (Mr. Magnuson), the chairman of the HEW Subcommittee, the Appropriation Committee has increased the funds for construction grants by an additional $88.6 million.

Yet, in the face of the tremendous need throughout the country, I believe an additional increase is most necessary. For example, in the State of Washington there are at present $8.1 million in grant applications approved but unfunded. In Massachusetts, the figure is $32.7 million. In South Carolina, $27 million. And in California, $94.7 million. I might add, Mr. President, that of that amount, more than $13 million in California is at the stage where construction can begin immediately.

There is no need for any additional review by the agency. There are similar examples throughout the country.

Mr. President, I think it is particularly important, as we consider this amendment, to listen to the rhetoric of the administration on this very point. In an address today to the annual meeting of the Council of State Governments, Presidential Counselor Robert Finch is quoted as saying that the administration is now emphasizing the supply side of medical care because there is now a shortage of personnel. He said, according to the UPI wire story of today, that the country has lost five medical schools within the past 5 years and that about 40 percent of the medical personnel now in practice in the United States has been trained abroad.

Mr. President, I submit that out of the mouths of the administration, truth has come. In the face of those comments by Mr. Finch today, and in the face of the very great need for trained medical personnel in this country, this additional $20 million is most appropriate.

It is particularly important as we continue to debate the need for and means of achieving a health insurance program for all Americans at some date in the near future.

Mr. MAGNUSON. Mr. President, it all gets down to the fact that we are trying to have a real forward thrust toward providing more and better trained medical personnel throughout the country. We know that we have a shortage of 50,000 doctors. We know that the medical schools are in financial trouble. Some of them are not only in financial trouble but also do not have physical facilities so they can add to their usual quota of students.

We would like to start moving on this. I know that there is a great backlog of qualified applicants in the medical schools in the State of Washington and also in the State of California, and elsewhere.

The amazing fact to me is that the authorization, despite the fact that it states the figure the Senator has mentioned—which I believe was——

Mr. TUNNEY. $225 million.

Mr. MAGNUSON. It only authorized $225 million.

The administration request was $82 million and we went up to $170 million, almost double. We are getting pretty close to the authorization ceiling.

But I do not see any particular reason why we should not take this to conference, because if ever there was a crying need today it is the need to develop enough health personnel to take care of the health needs of America. We are 50,000 doctors short.

Two years ago we put extra money in this bill. We had testimony from the administration that they were going to try to enroll 1,200 more medical students than normally would be graduated from these schools. We gave them the extra money. I do not know what happened. They reported the next year they were able to add only 346 to help meet that shortage of 50,000.

Now, we are almost on a treadmill. We are not making any progress but we are hopeful. We are hopeful because of the cooperation of the medical schools all over the country and their administrators. We may be able to pick up more than we think. Many of the schools are shortening their curriculums. Many of them are going year around. Many of them are trying to train people as physicians' assistants and many are starting new and innovative programs.

I hope that the Senate approves the comprehensive nurses program, the capitation and other parts that we did not have any budget request for.

I do not need to tell Senators about the shortage of dentists. Just make an appointment with a dentist and miss it and see when the next appointment can be made. There will be a long wait. Fifty percent of all children under the age of 12 have never been seen by a dentist in this country and never have been in the office of a dentist.

These are the things we are trying to get at. I want to take it to conference and get as much as we can, and come as close as we can to the authorization.

I am glad to accept the amendment.

Mr. TUNNEY. I thank the Senator. I have had private conversations with the Senator about this matter. I can say that he has been most understanding of the needs of our medical schools and is aware of the particular needs of my own State of California.

Mr. MAGNUSON. I wish I could take even more but I know the practicalities of the matter. But if we are going to talk about the forward thrust in health in America it gets down to a matter of improving delivery. That is where the crisis is.

Mr. TUNNEY. The Senator is correct. There is not a Member of this body who is not aware of the fact that we must provide the resources to deliver adequate health care to all Americans.

Mr. MAGNUSON. Our biomedical research people are the best in the world but it is a question of delivery of health care.

Public health programs are also involved here. We have money here for the public health schools. In almost any city it is difficult to get a public health administrator, and that deals with preventive medicine, vaccinations, X-rays, and all these programs aimed at prevention of disease.

I am glad to take the amendment. I hope we can get the House to agree to the full amount.

Mr. TUNNEY. I thank the Senator.

Mr. MAGNUSON. The full committee and the subcommittee have been sympathetic with us in moving quickly on this matter.

Mr. TUNNEY. I deeply appreciate the Senator's statement and I appreciate his willingness to accept and support this much needed increase.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CASE. The Republican members of the subcommittee support the amendment and we are very happy to say so. On a personal note, I support it strongly. We need this money in southern New Jersey for a new medical school and I am sure for other things.

While I cannot make the speech our chairman made or add the weight his support will bring to the amendment, what little I can do I offer.

Mr. MAGNUSON. I did not mean to ignore the Republican member of the committee. I am so used to looking over and seeing the Senator from New Hampshire. He and I talked these things over. I presume the Senator from New Jersey is taking over for the Senator from New Hampshire.

Mr. CASE. I have been asked to do so. I am happy to be a member of the choir.

The ACTING PRESIDENT pro tempore. Who yields time? Do Senators yield back the remainder of their time?

Mr. TUNNEY. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time has been yielded back. The question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY).

The amendment was agreed to.

FUNDING FOR HEALTH MANPOWER PROGRAMS

Mr. CRANSTON. Mr. President, I would like to congratulate Mr. ELLENDER, chairman of the Committee on Appropriations and Senator MAGNUSON, chairman of the Subcommittee on Labor-HEW appropriations for the excellent supplemental appropriations bill they have reported from committee. Again they have shown their responsiveness to the needs of the Nation and have produced a supplemental appropriations bill which reflects the true needs of those programs of priority importance to the Nation.

I was particularly pleased with the committee's action on the appropriations for the health manpower programs of the National Institutes of Health. These programs provide the critically needed manpower resources for our Nation's health system, a high priority with Congress and with the President as he stated in his health message of February 18.

However, despite the avowals of firm commitment and dedication on the part of the administration to bend every effort to meet the health manpower needs of the Nation, when the opportunity was presented them to match this verbal zeal with money, they faltered and presented a request for funding of these programs well below the levels authorized.

In some cases, they asked for 60 percent of the amount authorized; in others even less. The committee is to be congratulated for its action in substantially increasing the amount requested by the President in almost every category.

One of the most critical areas is that of institutional grant support. The administration had suggested funding these programs at the level of 60 percent for health professions schools and had suggested not funding them at all in the case of nursing schools. In testimony before the Appropriations Subcommittee, I had urged that these programs be fully funded. I am delighted that the committee has recommended 80 percent support for institutional grants to schools of medicine—which includes my amendment in the law for physician's assistant capitation—osteopathy and dentistry, and 88 percent for the other schools of the health professions. In the case of nurse training schools, the committee has recommended funding at the level of 80 percent whereas the administration had requested zero funding.

Another area which I felt needed considerably more support financially than the administration requested and for which I urged the committee to recommend substantially higher funding is that of construction of health education and research facilities.

The committee, again, has recognized the critical need for support of construction and recommended an appropriation of $170,616,000, an increase of over $88 million more than double over the administration request for construction of health professions schools and health research facilities. I was also delighted that the committee is recommending an appropriation of $25 million for construction for nursing schools, an increase of $15.5 million over the administration request.

The need for additional funds in the area of student support has been one the Committee on Appropriations has recognized and acted upon generously and responsively in the past. Again, the committee has expressed its concern for the financial difficulties students are facing today by recommending increased funding for student loans and scholarships for both health professions and nursing students.

Adequate funding for student support programs is another issue upon which I focused in my testimony before the committee, and I am glad the committee has recommended substantial increases in these areas. Of particular note is the committee's recommendation of full funding of student loan programs for nursing students, and of 80 percent for health professions students. Scholarship support was increased over the administration request by almost $20 million for health professions students and by almost $15 million for nursing students.

Among other programs for which I asked a funding increase over the administration request were the programs to encourage the recruitment and retention of disadvantaged students in both the health professions and nurse training schools.

While I am disappointed the committee accepted the administration suggested figure for these programs in nursing schools, and did not provide for funding above the earmarked level for this vital program in health professions schools, on balance the committee has done a most responsive and responsible job.

Mr. President, I covered these subjects in some depth in my testimony before the Subcommittee on Labor-HEW Appropriations, and ask unanimous consent that the full text of my November 29 testimony before the subcommittee be printed in the RECORD at this point.

There being no objection, the text of the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ALAN CRANSTON

Mr. Chairman, thank you for the opportunity to present this statement.

This century has seen a growing need for and acceptance of the involvement of the federal government in the creation and development of the nation's social institutions.

As little as 100 years ago, responsibility for the social environment and the alleviation of social ills was considered the province of the individual citizen. Since then, the rapid growth of the United States, in terms of population, land area, and increased knowledge and capability to deal with social problems has made reliance on such a system impossible.

With this growth, our nation has had to develop institutions and institutional systems to cope with the complexity of issues involved in creating a liveable social environment for our citizens. As these institutions grew, we resorted to organizational methods or as it is proudly called "good old American know-how" to provide social services to the people. In the process, organization itself became institutionalized and the intended beneficiary—the individual and his needs—became secondary rather than being the primary purpose and focus of the "system."

This process of institutionalization has brought with it new problems. Today all our social institutions are in a state of change in response to demands made by the rising expectations of a more aware and enlightened citizenry. Nowhere is this more so that with the institutions of health care and health manpower education.

CONGRESSIONAL RESPONSE TO NATIONAL NEEDS

Congress has manifested its recognition of heightened demand by a series of legislative initiatives over the past 25 years—from support of hospital construction, continuing through extension of health services to our retired citizens under Medicare as well as to those outside the mainstream of the system under Medicaid, to support of medical research and medical education. Currently, major legislation is being considered to change dramatically our nation's system of providing health care in order to correct the inequities that still exist.

Likewise, I believe Congress has responded to national needs in the development of the Comprehensive Health Manpower Training Act of 1971 (P.L. 92–157) and the Nurse Training Act of 1971 (P.L. 92–158). These two Acts extend the legislative authorities of the federal government for support of the training of men and women in the health fields, and, I believe, should lead to improved capacities in our training institutions to produce more professionals and to prepare them better to meet the increasing demands being made upon their skills and their time. I was privileged as a member of the Health Subcommittee of the Labor and Public Welfare Committee to be involved with the writing of this legislation from subcommittee through conference committee.

This legislation is indispensable to reaching the national goal of making health care accessible to all in our land, and its funding and implementation is crucial in developing the manpower resources needed to meet this goal. I urge you to be as generous as possible in recommending adequate appropriations levels for the statutory authorities in these two new public laws.

I would like to concentrate on just five specific categories in these training programs—construction; institutional support; student support; support of programs to broaden the makeup of student bodies economically, socially and ethnically; and training of family practitioners.

CONSTRUCTION

The new health professions legislation authorizes an appropriation of $225 million for construction grants for schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, public health, and health research facilities. An additional $8 million is authorized for subsidized interest payments on loans (either guaranteed or not) by the federal government to schools.

However, one critical aspect of these authorities is that the amount of loans which may be guaranteed and the amount of loans for which subsidy payments may be made are limited to the amount of grant funds obligated in any fiscal year. Thus, the amount appropriated for construction grants will set the ceiling for the amount available for guaranteed loans and the interest-subsidized loans. The maximum amount which may be provided for construction through grants and loans under this authorization would be $500 million, which sounds like a very generous sum of money. However, given the backlog of over $800 million in approved but unfunded construction grant applications, this total authorization is a realistic estimate of proven need. Of this $800 million, applicants for more than half, some $450 million, have already taken all the necessary steps to acquire local matching funds and to clear title to land and are ready to go to contract immediately.

Among these projects are three which are vitally necessary to my state of California: (1) $9.4 million for one of our new schools of medicine—the University of California at San Diego—which will provide for a clinical sciences building basic to the School of Medicine's building program; (2) $2.4 million for renovation and expansion of the Loma Linda School of Dentistry; and (3) $2.4 million for expansion of the California College of Podiatric Medicine.

California also has some $85 million in approved construction grants which are not quite ready to go to contract but which will be ready in the near future. Among these are a major construction program for the University of California at San Francisco's School of Dentistry. This school is at present operating at full capacity. I am advised that without the additional space which would be made available through a construction grant, it cannot add one more student. Thus, the school will be unable to meet the mandatory enrollment increase of the new legislative authority, thereby jeopardizing its eligibility for any form of federal financial support. This situation exists in many other health professions schools. In order for these schools to follow the expressed intent of Congress to increase their production of graduates, they must be able to rely on support of their construction programs by the federal government. I urge your subcommittee, Mr. Chairman, and the full Committee on Appropriations to recommend funding of the construction programs at the full level of the authorization.

The need for support for construction for nursing schools is no less urgent. Many of these schools are in obsolete facilities, severely restricting their ability to provide quality training programs for their current student load. The new authorities in the Nurse Training Act of 1971, as with the health professions schools, require a five percent increase in student enrollment for nursing schools to be eligible for federal financial support. Where facilities are already inadequate to student needs, they will be seriously delinquent with an expanded student body. Fiscal year 1971 saw 34 nursing schools' applications for construction programs meet with full DHEW approval, but remain unfunded due to budgetary limitations. These projects alone totaled almost $27 million with an additional $13 million worth of projects awaiting review. In view of these figures, the administration budget request of $9.5 million for FY 1972 is unrealistic. I would hope your committee will settle on a funding level more reflective of the national need for expanded production of nurses.

INSTITUTIONAL SUPPORT

Both the health professions and the nurse training legislation contain provisions for strong institutional support through capitation grants which will at the same time provide incentives to increase enrollments, shorten curricula, make needed improvements in methods of training, and develop new types of health professions assistants and nursing specialists. Through this combination of incentives the educational institutions should, I believe, be able to produce the professionals to fill the role that will be required of them as our nation moves more effectively and efficiently to provide health care to all.

But the great promise of these new authorities will be frustrated unless full funding of institutional support is provided to ensure a continuing level of federal support upon which hard pressed health professions and nursing schools can place reliance.

I wish to stress, Mr. Chairman, that although the authorized level of federal support of the schools through the capitation method will provide considerably more funding than in the past, this funding will be forthcoming only if those institutions meet certain criteria with respect to substantial innovations, which in themselves will be costly to the schools. The basic requirement is a mandatory enrollment of 5% or ten students in first year places for schools whose entering class size is more than 100 and of 10% if the entering class size is 100 or less. To qualify for bonus funding, an enrollment increase of 5% or 5 students over and above the mandatory increase or a shortened curriculum is required. On top of that, schools are required to submit plans to carry out innovative programs over the next three years—such as projects to:

Effect significant curriculum improvements.

Establish cooperative training among health professions schools in the various disciplines.

Train for new roles, types or levels of health personnel, including physicians assistants, dental therapists, nurse practitioners.

Make innovative modifications of existing programs of education in the health professions.

Increase significantly the supply of adequately trained personnel.

Increase admissions of qualified individuals who due to socioeconomic factors are financially or educationally disadvantaged.

In the case of schools of the health professions, establish increased emphasis on and training in the science of clinical pharmacology, drug and alcohol abuse prevention and treatment; the science of nutrition, and the efficiency of various therapeutic regimens.

In the case of schools of nursing, provide in-serve or other training to upgrade the skills of licensed vocational nurses, nursing assistants, aides and other paraprofessional personnel.

This plan requirement is the result of an amendment I offered and is an essential part of my rationale for substantially increased federal assistance. National needs require rapid change, not more of the same in health manpower training.

This plan requirement is the result of a requirement of a substantial investment of resources on the part of the schools. I think this is just; indeed, it is necessary. But it would be tragic if the federal government were to fail to live up to its obligations under this arrangement. The amount authorized for capitation grants is $200 million for schools of medicine, osteopathy and dentistry; $34 million for schools of veterinary medicine, optometry, pharamacy, and podiatry; and $78 million for schools of nursing.

These figures were based on projections provided the respective House and Senate committees by DHEW on the numbers of students who would be enrolled in these schools this school year. They are realistic projections of the respective capitation grants corresponding to the actual number of students in each discipline. A reduction in the amount appropriated from that authorized, will mean each school will receive commensurately that much less. A severe reduction such as the administration requests for FY 1972 funds ($120 million, $20.4 million and zero for nurses) would be tragic.

This administration proposed level of support, I feel, would be totally unacceptable, would thwart congressional intent, and would result in placing many of our health training institutions in positions of extreme financial distress. One of the deans of a California health professions school, took pencil to paper and computed the federal support he would receive under the new legislative authorities if they were funded at the administration level of appropriations. He discovered he would receive less than he had in previous years, and in order to receive this shortfall would be required to increase his enrollment by an additional 10 students. That ridiculous situation requires no elaboration.

Although the administration is willing to fund financial distress grants at the full level authorized, it is a poor strategy to cut basic institutional support to a level where more and more schools will be driven to the brink of disaster before they can receive adequate federal support. This kind of funding brinksmanship is not only disastrous from the standpoint of effective educational programming but is downright wasteful in terms of basic notions of economical management.

Underfunding of basic capitation support would serve to defeat the basic purposes of these bills. Mr. Chairman, I urge appropriation of the full authorizations for the institutional support grants.

TRAINING OF PHYSICIANS' ASSISTANT AND DENTAL THERAPISTS

Included in the new Health Manpower Act as a separate institutional grant is capitation for students in full-time programs for the training of physicians' assistants or dental therapists, a program I proposed in Committee. The training of these new types of health professionals may be the best investment America can make in health care. Where these new types of health personnel have been utilized to date, they have proven themselves to be indispensable extenders of the professional's ability to treat patients, they have received wide acceptance from patients as well as from other professionals, and in short, have measurably expanded the capacity of our health system to meet the growing demand for services. The development of these professional extenders is crucial to the expansion of the provision of adequate health services to a greater proportion of our population. For example, they offer one clear way to make rural or small town practice of medicine or dentistry more attractive by reducing appreciably the physical, mental and time demands made on the physician or dentist. These new professionals also offer a much needed opportunity for more intimate contact and interpersonal relationships between the health care provider and the patient since the health professional assistant will have more time to personalize the rendering of his services.

When Congress completes its consideration of various national health plans—a greatly enlarged supply of these valuable men and women will be essential. Without full funding of the capitation authorizations, I fear that development of these new types of professionals will be the type of program first sacrificed by our already strained health professions institutions. The legislation authorizes a capitation payment of $1,000 per student in these programs. The administration request of funding at 60% of authorizations would mean a reduction in this level of support to only $600 per student. The annual costs of training these young men and women is high. Studies have shown this cost to be comparable to the annual cost of training a physician because of the compressed-time nature of their education, although the total cost is considerably less due to far shorter training period.

STUDENT SUPPORT

The rising cost of living has also impacted on the student. Your committee gave full recognition to this critical situation when you recommended last summer, in the FY 1972 appropriations act, a $3 million and $5 million increase, respectively, over the budget request for scholarships for health professions and nursing students and a $5 million and $4 million increase, respectively, for direct loans for health professions and nursing students. The final appropriation represented a total increase of approximately $9.5 million over the administration's request in all student support categories. Without your leadership in this area, Mr. Chairman, this substantial increase in support to students in the health and nursing professions could not have been achieved.

I have long felt our students in these scarce professions, which also require a large personal financial investment, need greater support in their efforts to pursue a career in health. This is why I proposed an increase in the student support provisions in separate legislation well over a year ago when I introduced S. 4296 in the 91st Congress. This bill was reintroduced in January of this year as S. 372 and certain of its provisions are incorporated in P.L. 92–157 and P.L. 92–158. These provisions increase the amount of scholarships which can be provided an individual student from $2,500 to $3,500 for health professions students. Also nursing student scholarships are increased from $1,500 to $2,000. The legislation also provides scholarship funds to the health professions institutions on a formula basis. By projecting this formula it is estimated $56,700,000 should be allocated to schools of the health professions for scholarship funds, and that $55,500,000 should be allocated to nursing schools.

The FY 1972 appropriations act already includes appropriations of $15,500,000 for health professions student scholarships and $19,500,000 for nursing student scholarships. The administration has asked for no additional funds in either category. With the increased amounts which may be provided each scholarship student, and with the increased and highly laudable efforts health professions and nursing schools are making to attract more students from low-income and disadvantaged backgrounds, I believe the need for scholarship funds will be greater than it has ever been in previous years. One Medical School of the University of California alone currently has a backlog of one million dollars in actual scholarship assistance needed. I urge this Subcommittee, Mr. Chairman, to recommend substantially more funding in these student assistance categories than is currently appropriated.

At the same time, many students will still also be relying on loans to make ends meet. For the past two years, the administration has consistently obligated less than was appropriated for student loans. Such holdup of funds works an exceedingly severe hardship on the student from a disadvantaged family, since the alternative—loans from private sources—are exceptionally difficult for such an individual to obtain. The bills authorize an addition to the student loan funds of $50 million in the case of the health professions schools and $25 million for nursing schools. The FY 1972 appropriation bill last summer included an appropriation of $30,000,000 for health professions student loans and $21,000,000 for nursing student loans. I urge appropriation of the differences needed to bring the amounts made available up to the level of the authorization.

FULL UTILIZATION OF EDUCATIONAL TALENT

A component of both the Health Professions and Nurse Training acts is a provision, which I authored in the Senate, for the recruitment and retention of individuals with a high potential for training, who because of economic or socially disadvantaged backgrounds would not without special encouragement seek training in the health professions. Grants are authorized in both bills for the purpose of identifying such individuals, encouraging and assisting them to enroll in a health professions or nurse training school, or if they are not qualified to enroll in such school, to assist them in undertaking such training as may be required to qualify them for enrollment; to publicize existing sources of financial aid available to students; and to establish programs which will enhance and facilitate programs which will enhance and facilitate the enrollment, pursuit and completion of study by such individuals.

In the case of the nurse training bill, a specific authority is made to publicize to licensed vocational nurses and other nursing personnel sources of financial assistance available to nursing students. Hopefully, implementation of this provision will result in the movement of more licensed vocational nurses into the ranks of professional nursing (and nursing assistants to become licensed vocational nurses) and the eventual recognition of this well-qualified individual as a prime source of recruits to the nursing profession.

I believe these provisions will enable many highly qualified individuals to enter the health professions who currently are dissuaded from doing so because of seemingly insurmountable social and financial roadblocks. One of the greatest defects in our health system is the disproportionate representation of minority groups in the health professions. The Carnegie Commission on Higher Education stated:

"The need to train more minority-group physicians and dentists is crucial. They can play a leadership role in stimulating more emphasis on adequate health care services and health education for minority groups, and they can undoubtedly relate to patients of their own races more effectively than white practitioners."

As health services are extended to those low-income individuals not adequately served at present, many of them members of minority groups, this need will become more apparent and the lack of minority representation at the professional level will become even more glaring. The provisions in these bills will enable us to make a significant start toward rectifying this situation.

Funds to support these programs for the health professions are included in the $45 million authorized for the health manpower education initiative awards. Of funds appropriated under these authorities, no less than $2.5 million and no more than 7.5% of the amount appropriated is to be allocated to these programs. Thus, the greater the funding the higher the permissible level of expenditure for this vital program.

In the Nurse Training Act, $3.5 million is authorized for these purposes. The Administration has requested $20 million of the $45 million authorized under the health professions legislation, and $2 million of the $3.5 million authorized in the Nurse Training Act. Because of the language earmarking funds for these purposes in the health professions legislation, the amount requested by the administration will not severely limit the funds available to those schools but *will* result in a reduction of $875,000 from the maximum authorized for these purposes.

On the other hand, however, the administration request of only $2 million for support of these programs in nursing schools if approved would constitute a severe reduction which will seriously affect the nursing schools' ability to carry out effective recruitment and retention program for disadvantaged students.

The health education schools have looked at their enrollment figures honestly and have come to realize that they must make positive efforts to reduce the stark discrepancies in enrollment percentages of minorities. Whereas three years ago 95 percent of medical students were white, one year ago this figure had been reduced to 90%. In my state of California where the figure in 1968 had been 94.7% white, in 1970 it was 83%. Where schools have made an effort, the results have been outstanding, although I hasten to add that a great deal more progress is necessary to rectify the racial and ethnic imbalance which has pervaded health professions education for far too long.

The University of California at San Diego in 1970 had a minority representation in its entire school of medicine of 21%, while U.C. Davis had a minority representation of 17.4%. The University of California at San Francisco last year had minority representation in its first year class of 26%. Achievement of these percentages at these top flight universities, whose high educational standards are without question, is proof that the same percentages can be achieved at other schools. It was achieved at these schools however, only with a full commitment on the part of the schools' administration. The California Medical Association describes the efforts as follows: "Many medical schools have initiated minority student recruitment programs in recent years; however, few have been as highly committed to this effort as the U.C. School of Medicine at San Francisco. In addition to waiving application fees and occasionally, tuition for the minority student, UCSF has also designed summer programs offering special academic assistance and basic science courses for the entering medical student from a racial minority group. The school's admissions committee includes seven minority representatives from the faculty, four minority students, and three minority physicians from the community."

Moreover, representation of women in the enrollments of health professions schools is no less out of balance than is that of the economically and educationally disadvantaged. Actually, women suffer from a third type of disadvantage—they are disadvantaged as a result of social custom and practice. Congress has made a strong effort to correct this inequity by amending the legislation to prohibit discrimination on the basis of sex. Thus, any school discriminating on the basis of sex in admission to its training programs will be ineligible for any federal financial support.

I'd like to put in another plug for the achievements of my State of California in this field too. Whereas AMA figures indicate that the total percentage of women entering medical schools in the last decade has been limited to between 7 and 10 percent, the enrollment of women at the six medical schools of the University of California in 1971 averages out to almost 12 percent with a high of 16.5% at the San Diego campus.

Obviously, the success of these minority recruitment programs was not achieved without strenuous efforts and a significant investment of the school's financial resources. To make this same kind of achievement possible at other schools, considerable financial support will be needed from outside sources. I hope that this subcommittee will enable the federal share of these costs to be an adequate one by recommending appropriations generously for this item.

TRAINING OF FAMILY PRACTITIONERS

There is just one other item among several critical support categories which I would like to emphasize—the special support which the Comprehensive Health Manpower Training Act provides for programs for training in family medicine. The new authorities include a provision for grants to public or private nonprofit hospitals for the development of educational programs in the field of family medicine. Such programs would include training for interns, residents, practicing physicians, or medical students. Authority is also included for special financial assistance ot participants in such programs. This type of practice is the less glamorous side of medicine; there are no exciting breakthroughs creating a demand for public notice, there are no dramatic achievements which can attact heavy endowments to a hospital or university. Instead there is the steady trust and mutual satisfaction that develop in enduring close relationships with family units, and what is most important there is a continuing provision of preventive care—an all important factor in keeping a family and a nation healthy.

The special incentives of the recently enacted law will make it possible for hospitals to offer training in this critically needed specialty. The authorization is for $25 million, yet the administration has requested only $5 million. This pathetic response, given the grandiose dimension of the national need, is a far cry from the amount of the authorization of the Family Practice of Medicine Act of the 91st Congress, which the President failed to sign.

(That legislation authorized $50 million in grants for the first year of operation plus an additional $8 million for planning.) I hope your subcommittee will increase the budget request to a level more reflective of congressional intent and the national need for more family practitioners.

CONCLUSION

I am grateful to you, Mr. Chairman, for giving me the opportunity to present my deep concern for adequate funding for our health professions and nurse training schools. As a member of the Subcommittee on Health, and as chairman of the Subcommittee on Health and Hospitals of the Veterans Affairs Committee, I am deeply aware of the numerous obstacles (some of their own creation) these institutions must overcome and of the substantial changes they will have to make in order to keep up with the dynamics of our society. The two new public laws constitute Congress' recognition of the Federal responsibility to aid these institutions in their efforts to meet national needs, and I know you gentlemen will be just and generous in your decisions, just as you were in so many instances in making recommendations for health funding in the FY 1972 Appropriation Act.

Mr. COOPER. Mr. President, I note that the Senate Appropriations Committee, at page 12 of the committee report, has recommended for the Department of the Interior's Bureau of Mines an additional $975,000 for grants under section 503 of the Federal Coal Mine Health and Safety Act of 1969.

Section 503 authorizes Federal grants to assist States, first, for developing and enforcing effective coal mine health and safety laws and regulations; second, for improving State workmen's compensation programs and occupational disease laws relating to coal mines; third, for promoting better Federal-State coordination in improving coal mine health and safety.

Because of the many problems arising with respect to the administration and enforcement of the act and particularly with respect to the Bureau of Mine's regulations implementing the act, there is a need for greater State participation and coordination with the Bureau of Mines in administering the Federal and State laws. I support the committee's recommendation for these additional funds to strengthen our State programs. I would also hope that some of these funds would be available as authorized under paragraph 2 of section 503 to improve the administration of "black lung" programs.

I also note that the committee has authorized an additional appropriation of $1 million over the House allowance for the development and purchase of specialized equipment needed to detect and rescue trapped miners as a result of recommendations by the Bureau of Mines based on its research.

I would like to make a few brief comments concerning research programs for coal mine health and safety and the policies that the Bureau of Mines has adopted with respect to these programs.

Section 102(a)(1) of the act requires the Secretary of the Interior to appoint an Advisory Committee on Coal Mine Safety Research and section 102(a)(2) establishes the committee's responsibilities:

> The advisory committee shall consult with, and make recommendations to the Secretary on matters involving or relating to coal mine safety research. The Secretary shall

> consult with, and consider the recommendations of such committee in the conduct of such research, the making of any grant, and the entering into of contracts for such research.

The Secretary's Advisory Committee has been appointed and has met several times this year. I am informed, however, that members of this important advisory group are not consulted nor is their advice sought by Bureau of Mines' officials with respect to the Bureau's decisions on particular research projects. In fact, the Bureau of Mines recently authorized some $10 million for research projects to improve techniques in coal mine safety without affording the Secretary's Advory Committee an opportunity to consider the feasibility and the desirability of the particular research projects, to review and suggest alternative projects that may have a more immediate effect in improving coal mine health and safety.

It is my view that the Bureau of Mines should undertake specific research before promulgating a particular regulation so as to determine the feasibility of the regulations and whether such regulations actually contribute to safety. Such research could also provide technical knowledge and improvements in technique and equipment to help the industry comply with the Bureau's regulations. I know, for example, that there is a need for greater research efforts for the prevention of falls of roof, rib, and face which cause a majority of the fatalities in the coal industry today. In addition to recommending and suggesting short-term research projects designed to facilitate compliance with the present law and regulations I would also hope that the Advisory Committee would have an opportunity to assist and to make recommendations in the development of long-term research programs.

Many members of the Secretary's Advisory Committee are experts in certain areas of coal mine safety and their advice and experience should be utilized to the fullest extent. I know that it will prove valuable to the Secretary in his consideration and determination of the types of research programs that will better advance the health and safety of all those who work in our underground coal mines. I believe it incumbent on the Bureau of Mines to carry out the intent of Congress as set forth in section 102 of the act and to provide the membership of the Secretary's Advisory Committee on Coal Mine Safety an opportunity for a full and active participation in the development of these important research programs. The Bureau of Mines should obey the intent of the law with respect to the Secretary's Advisory Committee. It is not doing so at this time.

Mr. JAVITS. Mr. President, I call up an amendment I have at the desk for myself and Senators NELSON, CRANSTON, MONDALE, and HUMPHREY.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The amendment was read as follows:

> On page 6, line 20, insert the following: delete "$23,400,000" and insert in lieu thereof "$26,207,000."
>
> On page 6, line 26, delete "$735,837,000" and insert in lieu thereof $817,597,000."

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. JAVITS. If that is agreeable to the Senator from Louisiana I would like to do that. I ask unanimous consent that these two amendments may be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the purpose of these amendments is the same. They represent an effort to bring to the budgeted amount—and I hope the Senate notes that carefully—that part of the manpower training appropriation which relates to poverty manpower training programs, programs which come under the Economic Opportunity Act.

Mr. President, this is an administration amendment. I have a letter from the Secretary of Labor and I ask unanimous consent that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> U.S. DEPARTMENT OF LABOR,
> *Washington, D.C., December 3, 1971.*
>
> Hon. JACOB JAVITS,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR JAVITS: I support your efforts to amend the 1972 supplemental appropriations bill scheduled to be on the floor of the Senate this afternoon by offering an amendment to restore the reductions made by the Senate Appropriations Committee in the EOA manpower programs.
>
> The Appropriations Committee reduced our request for manpower training services by $81.8 million from $817.6 million to $735.8 million. I have identified in the attachment to this letter the effect of this reduction on manpower programs. As you can see from the attachment, some 67,200 fewer jobs could be provided to the EOA manpower programs if this reduction were to stand. This would have a serious impact on our NYC, Operation Mainstream, CEP, and New Careers programs.
>
> In addition to the 10 percent reduction in the manpower training services appropriation, the Committee recommended a reduction of 10 percent in the Manpower Administration Salaries and Expenses appropriation from $26.2 million to $23.0 million, a reduction of $3.2 million. This 10 percent reduction corresponds with the 10 percent reduction made in the training services appropriation. It is important that these funds be restored along with the training services funds. These positions are absolutely essential to administering the manpower programs at our requested level. Moreover, since we have been operating at this staff level for the first six months of this year, we would be forced to reduce staff by 275 if this reduction were sustained by Senate action.
>
> Sincerely,
>
> J. D. HODGSON,
> *Secretary of Labor.*

Mr. JAVITS. Mr. President, I wish to read part of the letter which I have just had printed in the RECORD:

> I support your efforts to amend the 1972 supplemental appropriations bill scheduled to be on the floor of the Senate this afternoon by offering an amendment to restore the reductions made by the Senate Appropriations Committee in the EOA manpower programs.
>
> The Appropriations Committee reduced our request for manpower training services by $81.8 million from $817.6 million to $735.8 million. I have identified in the attachment to this letter the effect of this reduction on manpower programs. As you can see from the attachment, some 67,200 fewer jobs could be provided to the EOA manpower programs if this reduction were to stand. This would have a serious impact on our NYC, Operation Mainstream, CEP, and New Careers programs.

Mr. President, while Senators are in the Chamber I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, the other part of the amendment also covered by this letter relates to manpower administration salaries and expenses in connection with the administration of these various programs. The letter reads:

> In addition to the 10 percent reduction in the manpower training services appropriation, the Committee recommended a reduction of 10 percent in the Manpower Administration Salaries and Expenses appropriation from $26.2 million to $23.0 million, a reduction of $3.2 million. This 10 percent reduction corresponds with the 10 percent reduction made in the training services appropriation. It is important that these funds be restored along with the training services funds. These positions are absolutely essential to administering the manpower programs at our requested level. Moreover, since we have been operating at this staff level for the first six months of this year, we would be forced to reduce staff by 275 if this reduction were sustained by Senate action.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The ACTING PRESIDENT pro tempore. Yes. The Senate is not in order. The Senate will be in order.

Mr. JAVITS. Mr. President, this program is designed to deal with problems of the disadvantaged, underprivileged, and the poor. Each are programs which this amendment would help to the extent of 10 percent, and is directed expressly to a special category. The programs focus principally on disadvantaged youth and cover exactly the group where the most severe unemployment is the case.

In addition, I am deeply moved in respect of making this amendment by the fact that our unemployment rate and the figures on that rate—which I will refer to—so very sharply underscore the need for making this precisely our target group.

Unemployment has gone up to 6 percent in November from 5.8 percent in October.

Mr. President, that does not begin to tell the story as far as this group is concerned. For teenagers the unemployment rate now is 17 percent, and in urban poverty neighborhoods that proportion goes up to 27 percent. The urban poverty neighborhoods and the youth from poor families are precisely and directly the groups that these programs reach.

The programs covered by this appropriation, in which I seek to make the 10-percent increase from the 10-percent reduction made by the committee, are the following:

They relate first, Mr. President, to public service careers, including new careers. That is a program for putting the disadvantaged into public service jobs which are sponsored by State and local governments, and giving them training, and supplementing what the State or locality is able to pay them with a Federal payment which covers, of course, the training and other supportive services to get them into a work pattern.

Another category which is of great importance, of course, is the Job Corps, with which we are all familiar, which deals with youth of the ages from 14 through 21, enrolling such youth, both from city and rural areas, in order to put them into a proper environment to give them an opportunity to learn work and learn work habits.

Also, this particular appropriation covers the Neighborhood Youth Corps in all of its aspects, that is, the in-school program, which relates to helping the young people who are anxious to earn their way through school; the summer program, which has been very, very often debated here, and which relieves the distress suffered by youths and poor families during the summer, and gives them an opportunity to learn work habits and to earn a little money—indeed, that is the major part of this whole appropriation that comes to $155 million—and out-of-school work programs dealing with school dropouts, again for youth.

The appropriation also covers Operation Mainstream, which is essentially applied to people 55 years of age and older who are participating in such projects as renovation of public recreation areas, the building of vestpocket parks, and improvement of homes for welfare recipients and for the elderly poor.

Finally, it covers the concentrated employment program which deals with an effort to organize the delivery of manpower and training services in poverty areas through community action agencies.

It will, therefore, be seen, Mr. President, how very directly and sharply this ties in with the most heavily impacted group with respect to both training and employment opportunities.

These slots, which were provided for by the budgetary request—and I emphasize that because this represents really an administration amendment, amounted to 817,600.

The slots granted by the committee bring the number down to 671,600. The biggest impact in the number of slots, Mr. President, falls in respect to the summer jobs for the Neighborhood Youth Corps, where a very appreciable contraction is made with respect to the jobs which could be available to young people in this year.

Mr. President, it may be said—or an effort may be made to contend—that the public service employment program should take up this slack, but there are two reasons why it does not and cannot. One is, it has its own troubles. It is already looking after 125,000 jobs of the unemployed generally and so is fully occupied in terms of its allocation of $934 million and really does not have anything more to put into these programs. Second, the group which is served is only to a very small extent related to the disadvantaged or the young teenagers who represent the main concern of the manpower services and training connected with our poverty program. These factors rule out the public service employment program as an alternative to what we offer here.

Mr. President, I ask unanimous consent that a chart showing the activities of the individual programs affected by this particular appropriation may be made part of my remarks, together with a chart showing the diminution in job slots caused by the cut which was made by the Appropriations Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, I also ask unanimous consent that a chart showing the operation of the public service employment program, and why it does not have the slack to take up what is cut out here, may be made part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. JAVITS. Mr. President, I think this really proves the case in the strongest way insofar as the Department of Labor is concerned which, in accordance with a letter from the Secretary which I read, fully supports this amendment.

Finally, Mr. President, may I say this. There are lots of differences of opinion about many things in this particular appropriation. Here it seems to me we are dealing with the most elementary of all: job training directly zeroed into the people whom we are most anxious to take out of welfare syndromes, or idleness, or out of other misapplied lives, mainly young people. We also deal directly with the most critical domestic situation we have—aside from drug abuse—the 5 million unemployed, and the fact that not only is the 6-percent unemployment rate unacceptable to all of us, but the pyramiding of this rate when you get into the very client group which is sought to be reached by the increase in the appropriation, in order to eliminate the cut made by the committee.

That is the youth group among the disadvantaged and the poor, and I have explained precisely how this particular appropriation is zeroed in to their particular needs.

For all of those reasons, Mr. President, which are of the most compelling social character, I hope that the Senate will approve this amendment.

EXHIBIT 1

EFFECT OF SENATE ACTION—FISCAL YEAR 1972 MANPOWER TRAINING SERVICES APPROPRIATION

MTS Supplemental Request	$817,600,000
Appropriation Committee action	735,800,000
Reduction	81,800,000

EFFECT OF REDUCTION[1]

	Amount (millions)	Job opportunities
Public service careers, including new careers	−$9.0	−4,600
Job Corps	−19.7	−2,500
NYC:		
In school	−7.0	−7,500
Summer	−16.6	−41,400
Out-of-school	−12.7	−3,700
Mainstream	−3.9	−1,200
CEP	−12.1	−4,300
Research and demonstration	−.8	
Total	−81.8	−67,200

[1] The Senate Committee action made a 10-percent reduction from the request. It would require reduction of the amounts and job opportunities.

Description: PSC * secures, within merit staffing principles, training and permanent employment for the disadvantaged and stimulates upgrading of employed persons in the public service fields. Projects are sponsored by State and local governments while the training and supportive services costs are borne by the Federal government.

The Public Sector On-the-Job Training Program is composed of five major plans:

Plan A operates in selected State, county, and local governments by providing entry jobs for disadvantaged persons and upgrade training for low income employees for "User" agencies. Agencies must first hire the employees and then are supplied with funds and technical assistance.

Plan B is designed to provide manpower training to disadvantaged employees of agencies receiving Federal Grants in Aid. Plan B also has an entry and upgrading component.

Plan C continues the New Careers Program which leads to career employment for disadvantaged persons in sub-professional human service occupations. Enrollees receive additional training and education and are trained and hired by participating public or private non-profit agencies.

Plan D is designed to provide manpower training and employment to disadvantaged persons in the Federal government. It is administered by the Civil Service Commission and contains entry and upgrade components.

Plan E—the Supplemental Training and Employment Program is designed to provide short term, supplemental employment for trainees unable to find jobs in areas of high unemployment.

Description: Job Corps provides a residential rehabilitation program for disadvantaged youth whose home or community environment is so culturally deprived that it inhibits success in other training activities, or who are located in rural or other areas where work and training opportunities are not available. Services include: vocational training, basic education, counseling, personal and cultural developments, recreational activities, and work experience training. The law limits enrollment to those between the ages of 14 through 21. As a matter of operating practice, Job Corps enrolls only youth 16 through 21.

Description: The Neighborhood Youth Corps In-School and Summer Programs assist disadvantaged students of high school age to remain in school by providing them part-time jobs during the school year and summer. Projects are sponsored by State and local public non-profit agencies, public schools and community action agencies. Enrollees work an average of 26 hours a week during the summer and 8 to 15 hours a week during the school year. Work assignments are typically connected with the school and other public agencies. Federal funds are used primarily to pay enrollees the hourly Federal minimum wage or the prevailing wage if it is higher. In addition, the funds are used to provide counseling, remedial education, skill-training and other supportive services.

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* Public Service Careers.

Description: The Out-of-School program provides high school dropouts 16 and 17 years old and other low-income youth with remedial education, vocational training, supportive services and work experience to prepare them for subsidized employment in the public and private sectors of our economy. Out-of-School projects operate under one of two programs designs: the original design (NYC–1) in small communities and rural areas or the redesign (NYC–2) in Standard Metropolitan Statistical Areas and growth areas.

Description: Operation Mainstream is designed to provide jobs for poor adults, especially in rural areas. Although the program is for adults 22 years of age and older, special emphasis is placed on enrolling persons 55 years of age and older. Participants work on projects such as renovation of public recreation areas, the building of vestpocket parks, and the improvement of homes for welfare recipients and the elderly poor.

Description: The Concentrated Employment Program (CEP) provides for the delivery of a comprehensive array of manpower and supportive services to the disadvantaged residents of 82 special target areas that suffer from especially high unemployment and underemployment. Thirteen of the 82 target areas are rural, the balance are inner city neighborhoods.

EXHIBIT 2

MANPOWER ADMINISTRATION,
Washington, D.C., December 1, 1971.

Reply to attention of: MO.

Subject: EEA Pipeline Report; November 28, 1971.

To: Malcolm R. Lovell, Jr.

This report covers Agent information received through November 26, 1971 for funding and position levels under Sections 5 and 6 of the Emergency Employment Act of 1971.

	Allocated (millions)	Number of grants	Funded agents	Federal obligation (millions)	Number of funded positions
All sections	$934.3	1,200	613	$822.2	124,510
Sec. 5 total	720.0	675	613	638.9	95,838
Original	600.0	649	613	591.3	88,902
Discretionary	120.0	26	(1)	47.6	6,936
High impact	65.0	18	(1)	41.0	5,454
Welfare	50.0	5	(1)	2.0	729
Other	5.0	3	(1)	4.6	753

	Allocated (millions)	Number of grants	Funded agents	Federal obligation (millions)	Number of funded positions
Sec. 6 total	$214.3	525	(1)	$183.3	28,672
Original	200.0	365	(1)	183.3	28,672
Reserve	14.3	160	(1)	0	0
Employment reported (as of Nov. 19)					50,864
Employment estimate for Nov. 26					58,000

[1] Not available.

Note: Indian allocations total $8,440,000. Allocations, obligations, and funded positions are distributed among sec. 5 and 6 in the ratio of each section's or subsection's allocation. Indian obligations are $7,400,000 for 1,313 positions with 485 employed. Nearly all agents were designated in the original sec. 5 distribution. This appears as 649 grants, equating with agents. All 22 Indian agents are designated in the original sec. 5 category.

Public employment program—Summary of participant characteristics

(*Percent of total reporting*)

Sex:	
Male	76
Female	24
Group:	
White	70
Negro	20
American Indian	1
Oriental	3
Spanish American	5
Other	1
Military service status:	
Special veteran	22
Vietnam era	19
Veteran	16
Total veteran	57
Nonveteran	43
Disadvantaged	37
Previously employed by agent	10
Public assistance recipient	10
Professional	7.5
Government unit of employment:	
State	11
County	36
City	49
Tribal council	0
Federal	0
Other	4
EEA wage:	
Less than $2	10
$2 to $2.99	43
$3 to $3.99	31
$4 to $4.99	12
$5 and above	4
Age:	
18 and under	2
19–21	12
22–44	67
45–54	13
55–64	4
65 and over	1
Education:	
8th or less	5
9th–11th	16
12th	42
13th–15th	21
16th or more	16
Handicapped	5

NOTE.—These statistics are based on characteristics summaries representing approximately 4,000 participants.

Source: Department of Labor Manpower Administration.

Mr. AIKEN. I would like to support the amendment offered by the Senator from New York, because I think this is one of the most important functions of Government that we can pursue at this time. The rapidly changing nature of jobs has left so many people who are not trained to take the jobs which are already available. It is necessary that we have adequate administrative personnel to carry on this work, as well as the money needed to carry it on.

I should also like to point out that the rural development program is almost in worse shape now as far as administrative personnel is concerned. The funds which have been appropriated, I understand, are totally inadequate to carry on the additional work which has been put upon the Farmers Home Administration. Not only are the rural water and sewage programs running way behind the several thousand applications which cannot be handled at the present time, but when we—last year, I believe it was—raised the definition of a rural area from 5,500 to 10,000, that really made difficulties, particularly in the eastern States. In addition to that, now they have a program for rural housing, which has become an extremely important part of the work of the Farmers Home Administration.

Of course, not all rural housing is for people who rely on the soil for their living.

In my State, there is a decrease directed which makes it impossible for the office there to begin to handle the work which they are required to do under the law. But the appropriation is inadequate. Some money has been withheld for some purposes, but I do not know how much; I think $56 million a year for the last 2 years, under rural water and sewage.

But the main thing is, if they do not have the personnel to handle the applications and to look at the sites where the money is to be expended, if it is ever to be made available, it is almost disastrous. I understand that applies all over the country, but in some areas rather more than it does in others.

It may be a little late to offer an amendment to this bill, but I would hope that at the beginning of the year we could try to make this Farmers Home Administration a workable program, because the demand for it is so great that they simply do have to have well-staffed offices, and those jobs are available as long as they get the funds to operate with. That is why I am in full agreement with the Senator from New York on this amendment. I have not been in full agreement with all the amendments offered here today, but with this one I am.

Mr. JAVITS. I am very grateful to my colleague from Vermont.

Mr. AIKEN. It is important to remember that every time someone invents a new pushbutton it throws a lot of people out of work, but makes other jobs available, only the people are not trained for them.

Mr. JAVITS. I am very grateful to my colleague for this support, coming from our dean over here.

Mr. President, I point out and call to the attention of the Senate, in view of

Senator AIKEN's support and his great advocacy of the cause of the farmer, that a number of these programs, indeed the principal ones, have a very strong impact upon the rural areas, and are designed to serve rural areas. That goes for the Job Corps, for the Neighborhood Youth Corps, certainly, in its in-school and out-of-school programs, and for Operation Mainstream. All of these are specially zeroed into rural as well as urban areas.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield myself 2 minutes.

Soon after this bill was presented, the members of the committee found bouquets flung in our direction for the good work we had done in providing funds for various programs such as the one of which the distinguished Senator from New York has been speaking.

Up to now, this bill is almost $700 million above the budget. If we add another $100 million, it will be $800 million above the budget.

I point out that in the regular bill, for the very program that the distinguished Senator from New York is speaking of, we have $748 million, and we have added to that, in the pending bill, $735 million, so that the total amount for the 1972 appropriation is $1.583 billion.

I think that that is quite a large sum for that purpose. If any more is needed within the authorization, we are going to have some supplementals early next year, I presume, and if a case is made whereby more money is needed, I feel confident that there will not be any difficulty in adding to the appropriation.

I repeat, we are sympathetic with this program—very sympathetic. But I feel that the amounts of money added in the regular bill and in this bill are ample for the time being, and I do hope that the Senate will sustain the committee.

I yield 5 minutes to the Senator from Washington.

Mr. MAGNUSON. Mr. President. I do not dispute the value of these programs at all. Some of them have very good names, and I have helped nurse them along. We have doubled them and tripled them. But it seems to me that whenever we decide to slow up a little on some of these programs, somebody downtown always gets all excited. As a part of this, they say they are going to lose 275 jobs.

If you have seen some of these programs as I have, you might feel that maybe they could well get along with fewer Federal jobs. These are the people who are always concerned.

No one is more concerned about jobs than the Senator from Washington, but, as the chairman has pointed out, we will have a total of $1,583,000,000 for this fiscal year—$748 million in the regular bill and $735 million in this bill.

On top of that, we have appropriated for the Emergency Employment Act another billion dollars, and they say they are going to work in combination with that, in their justifications.

That is $2.5 billion. And on top of that, in this bill, they are also going to work with all the programs in OEO. There is $780 million there.

I think this is sufficient to try to do the job. Let me state why.

We have looked pretty deeply into this program, if the Senator from New York will listen to me—he is sympathetic with me, and I am sympathetic with him—but we think we ought to take a deeper look, and we have asked the General Accounting Office to look at it, and they are going to report to us in February.

Therefore, as the chairman has well pointed out, we think we have enough money, and when this report comes in and we take a thorough look at it, and how they are doing, how they are spending their money, perhaps we can put some more in. But I am not willing to give these people this additional amount of money now, even though the Budget Bureau may agree to it in this particular case, until we take a better look, when we have $1.5 billion in this bill plus what is in OEO, and another billion dollars in emergency employment funds, which they are going to work with.

Let us just take one item, the public sector job training, which is a laudable item, and the motive is good.

Here is what they say they accomplished in 1971. They say they have a total of 36,000 enrollment opportunities, which were funded at a Federal cost of $91 million.

That is fine.

Funds obligated under the Manpower Development and Training Act were $21 million, which funded another 12,909 of what they call enrollments.

I said:

> That's fine; how many people did you place in this program?

I can go on here; there are about six or seven programs. But what counts is how many people, finally, are placed.

In this case, 2,700 were hired out of 36,000. I think this is something we ought to take a look at, and we are trying to do so. We have given them a great deal of money. I am sure they can handle this program, and I think we ought to see what is going on.

I asked them: "Why don't you use some of this money?"

It is a funny thing about departments. If you give them a little cut, they always come along and tell you, "We have to cut this and we have to cut that." They never thought of switching money around once in a while or helping a good program against one that is shaky.

They have the Neighborhood Youth Corps summer employment program. I have helped that program for years, and I think they ought to spend the full amount. We have to take a look at some of these other programs.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I will yield in a moment.

Talking about the 275 people—how many people does the Senator think are employed through OEO? There are 118,000 employed by OEO grants and contracts. There are 717,000 employed under all of the HEW programs. But, in all fairness, that figure includes the social security offices.

All of these programs have laudable goals, but we had better see if they are getting down to the people where they belong, and that is all we are trying to do with this modest action. When the GAO comes back and reports to us about some of this we can take appropriate action. We do not question the motives and we do not question the dedication of the people who try to run these programs, but they have $1.5 billion to work with now, and that ought to be enough.

So I reluctantly oppose this amendment, much as I would like to see all these programs become more effective.

I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, first, I want to say that the Senator from New York is a man of great compassion. There is no question about that. But for all the years I have been in the Senate, I have been associated with the great Senator from the State of Washington; and when it comes to regard for human kind, I do not think he has a peer in this body. As a matter of fact, today we would not have the National Institutes of Health if it had not been for him.

All along, he has been a man who has been in the forefront. He is in the vanguard of those who have thought not only for the health of our people but also for the social, welfare, and other reforms that have meant so much to our people. I want the Senate to understand that if Senator MAGNUSON rises up to say that he considers this amount to be sufficient, he has a reason for saying it, and I think he ought to be supported in this.

I say to the Senator from New York that I have always supported him, too, in many of the amendments he has sponsored; but in this case, Senator MAGNUSON is right, and I hope we sustain him.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG. I should like to join in the comments made by the Senator from Rhode Island.

The Senator from Washington has, been more generous on these programs than I would be. In this case, the Senator from New Hampshire, who handles it on the Republican side, agreed with him. When these two Senators agree—and they have been very considerate and very helpful on these programs—I cannot help but go along.

Mr. JAVITS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from New York has 12 minutes remaining.

Mr. JAVITS. I yield myself 5 minutes.

Mr. President, when we get along to this point in the afternoon, in the supplemental appropriations bill, it all depends on what time it is and how much money we have already added to the bill. It obviously does not depend so much upon what is in the amendment. That is exactly what I think is happening here, and I think this is very regrettable. If I had had the good fortune to be recognized first, I doubt that this would be the nature of the argument.

No one in the Senate has been more admiring and praising than I for years of the Senator from Washington and the Senator from Rhode Island. We had worked together in many high causes. I would like to hear the speech he could make for the amendment I am proposing this afternoon. It would be great and convincing. I know how he feels, and I know the situation, and nobody can do it but the Senate. I understand that. You are not going to get the chairman to accept this amendment. I understand that situation. But the reason I offered it is that it is uniquely timely, and this happens to be a figure which zeroes in directly on the program.

What do we do about these summer jobs? It is interesting that Senator MAGNUSON spoke on that, because he is a great friend of that program. The fact is that $165 million was asked for, and the committee has cut that about $17 million. The difficulty is that when you cut it $17 million, you run it down by 41,000 jobs. The trouble is that the unit figure in the Neighborhood Youth Corps for summer jobs is so small that it has a very regressive impact, even though the amounts involved are not all that great.

The fact is that we have constantly been running after the bus on these summer jobs. The Senator from Washington and the Senator from Rhode Island and I always come along in May or June, and then there are complaints that the money was not spent well. That is exactly what the situation is here. Here is a relatively early supplemental, when we can tool up and do this job right and assign money to the localities in time for them to use it effectively. The same is true of the Job Corps, where some $20 million is cut.

Mr. President, let us visualize the number of jobs involved and the fact that these jobs involve people and that these people are the most depressed of all. That is the thing that commends this to us.

In addition, there is always the argument that even if you give it to them, they cannot spend it. But here is the Department of Labor itself, as an administration proposition, coming along and asking me, as the ranking Republican member of the subcommittee and as the ranking Republican member of the Committee on Labor and Public Welfare, to move this particular amendment.

It seems to me that that certainly should dispose of the argument that they cannot use it. They want it; they need it. It is in the President's budget request. It is literally as hard a thing, as bad a thing, to cut as one could encompass.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE. Mr. President, I think the Senator has just made the point which ought to be controlling and ought to be persuasive here. The administration is not generally thought to be overgenerous, and I am not now saying that I agree with that attitude about the administration or disagree with it. But, certainly, it is a strange situation in which the Secretary of Labor comes and literally begs us for $85 million for programs which we are withholding from him, I know with the very best of intention. But, as the Senator from New York said, as much as I dislike to agree with our subcommittee chairman or with the chairman of the full Appropriations Committee, it seems to me that we ought to give the greatest possible weight to the Labor Department's expression of concern here and its strong urging for this bill.

Mr. JAVITS. Mr. President, I am grateful to the Senator from New Jersey for that statement.

Mr. MAGNUSON. Mr. President, I want the record to be clear that with this amount decreased, they can use it any place they want. They can upgrade a good program. It is not directed against or for any one program.

Mr. JAVITS. The Senator is correct. Nonetheless, he knows what happens in these Government departments. They have it all slotted, and that is the way it is going to go.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

This is what the Secretary of Labor says:

> I have identified in the attachment to this letter the effect of this reduction on manpower programs. As you can see from the attachment, some 67,200 fewer jobs could be provided to the EOA manpower programs if this reduction were to stand. This would have a serious impact on our NYC, Operation Mainstream, CEP, and New Careers programs.

That is what I am going on, the finding of the department that it is materially adverse. In voting, I beg Members to visualize human beings, especially teenagers and black teenagers, where we have 33 percent to 40 percent unemployed, who are in this 67,200 which we will add at a time of the most serious unemployment we have had in recent years in this country. That is the only reason for making this amendment, as I say, expressly at the request of the Department of Labor. That is why, with all respect for the committee and understanding their exigencies and the fact that they are trying to keep the bill within the limits which they like to keep it, again I repeat, we could not make that argument against it in the amendment. We have got to be selective as to what deserves support and what does not. I hope, therefore, that the amendment will be approved.

Mr. President, the committee staff tells me that there is a technical problem in one part of the amendment, that someone has already got $400,000 more and that that has got to be rolled into whatever the Senate votes on. Will the Senator from Louisiana allow me to modify by amendment accordingly?

Mr. ELLENDER. Of course.

Mr. JAVITS. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The modification will be made.

The text of the amendment as modified is as follows:

> On page 6, line 20, insert the following: delete "$23,400,000" and insert in lieu thereof "$26,607,000".
>
> On page 6, line 26, delete "$735,837,000" and insert in lieu thereof "$817,597,000".
>
> On page 6, line 20, delete "$23,000,000" and insert in lieu thereof "$26,207,000".

Mr. ELLENDER. Mr. President, I yield back my time.

Mr. JAVITS. I yield back my time.

The PRESIDING OFFICER (Mr. CHILES). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from New York, as modified.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also, the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 43 nays 30, as follows:

[No. 437 Leg.]

YEAS—43

Aiken
Bayh
Beall
Bellmon
Burdick
Byrd, W. Va.
Case
Cooper
Cranston
Dominick
Eagleton
Fong
Fulbright
Griffin
Harris
Hart
Hollings
Hughes
Inouye
Jackson
Javits
Kennedy
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Randolph
Ribicoff
Schweiker
Scott
Stafford
Stevens
Stevenson
Williams

NAYS—30

Allen
Anderson
Bentsen
Bible
Byrd, Va.
Chiles
Cook
Curtis
Eastland
Ellender
Ervin
Fannin
Hansen
Hruska
Jordan, Idaho
Long
Magnuson
Miller
Pastore
Proxmire
Roth
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tunney
Young

NOT VOTING—27

Allott
Baker
Bennett
Boggs
Brock
Brooke
Buckley
Cannon
Church
Cotton
Dole
Gambrell
Goldwater
Gravel
Gurney
Hartke
Hatfield
Humphrey
Jordan, N.C.
McClellan
McGee
McGovern
Mundt
Saxbe
Taft
Tower
Weicker

So Mr. Javits' amendment, as modified, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCHWEIKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CASE. Mr. President, the supplemental appropriations bill includes a number of important additions to the original supplemental requests for health manpower.

Both the distinguished chairman of the Subcommittee on Labor-Health, Education, and Welfare Appropriations (Mr. Magnuson) and the ranking Republican member of that subcommittee (Mr. Cotton) put in a great deal of work in this area. They are to be commended for the improvements they have made in this section of the bill, and as a member of the subcommittee I was happy to work with them in this effort.

Perhaps the most noteworthy addition is that the supplemental recognizes the need for assisting nursing training by providing $63 million in capitation awards. This is a modest sum which provides a school of nursing with an amount of slightly more than $200 per student to offset the high cost of nursing training and to help offset the national shortage of qualified nurses.

The nurse training provision will also assist teaching hospitals and many community and junior colleges who are now providing or plan to provide nurse training. It will help to reduce the cost of medical care at teaching hospitals where some of the cost of training is necessarily passed on to the medical consumer—the patient.

The bill, as reported by the Appropriations Committee, adds additional funds for nursing schools faced with bankruptcy. This will prove to be important in assisting nursing schools that will not receive enough immediate benefit from the capitation awards provided for in this bill.

The subcommittee suggests increases in funds for construction. This is an important addition since the amount of expansion our existing schools can manage without construction is not great enough to meet the needs that are said to exist.

Another addition made by the subcommittee is the inclusion of funds for the Allied Health Professions Act. Allied health training—the training of X-ray technicians, laboratory assistants, and the like—is a profession that provides employment for many young people who want to work in the medical field. The law provides assistance especially to our community colleges that offer this training. The subcommittee has enlarged the amount of funding for institutional support and for traineeships.

Two significant contributions have been made by the Subcommittee for Health Manpower Act appropriations.

First, capitation awards for medical students have been increased and, second, more money was included in the bill for the construction of medical schools. This will help to meet an urgent need for medical schools, including in my own State. It may be possible, with the enlarged amounts, to start thinking about building new medical schools where they are needed. For example, there is a need for a medical school in the southern part of my State and it may be possible to get one off the planning boards with the funds made available in this bill.

Mr. COOPER. Mr. President, the fiscal year 1972 supplemental appropriations bill now before the Senate provides an additional $32.5 million for title I–A of the Elementary and Secondary Education Act. These additional funds are necessary to assure that no State will receive less in fiscal year 1972 for the local education agency programs than received in fiscal year 1971 under title I–A.

I would like to commend the members of the Appropriations Committee for their consideration of this problem.

Several weeks ago, 15 States, including my own State of Kentucky, were notified of a reduction in funds under title I–A. While the full $1.5 billion appropriated by the Congress earlier this year has been made available, this sum was not enough to meet the growing needs of the program and, without a floor provision to assure that no State would be reduced below its current operating level, several States experienced cutbacks in the program.

Approximately 226,800 children are served by the title I–A program in Kentucky and these funds represent 7 percent of the total money spent from all sources on elementary education in the State. The loss of these funds so late in the school year has placed a burden on these schools and I am glad that the bill reported by the committee provides the necessary funds. This will be good news to many local districts in Kentucky and throughout the country.

I was glad to have received communication from Kentucky on this subject and that I could urge action by the committee to secure the funds.

I hope the Senate-House conferees will retain the funds.

Mr. NELSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The **PRESIDING OFFICER.** The clerk will report the amendment.

The second assistant legislative clerk read as follows:

On page 9, between lines 14 and 16, insert the following new paragraph:

ENVIRONMENTAL EDUCATION

For an additional amount for carrying out the provisions of the Environmental Education Act, $2,500,000.

Mr. NELSON. Mr. President, the distinguished Senator from Washington (Mr. Magnuson) wished to be on the floor when the amendment was called up. I, therefore, suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. NELSON. Mr. President, this amendment would simply add $2.5 million to the Environmental Education Act. I am offering the amendment at this time because the request from schools and colleges all over the United States for participation in this program have dramatically escalated. The appropriation is $3.514 million, thanks to the support of the Senator from Washington (Mr. Magnuson).

Earlier this year the Senate voted a $5 million appropriation for fiscal year 1972 for the Environmental Education Act—Public Law 91–516—which was unanimously enacted into law last year. This Senate support for environmental education was more than double the administration's requested figure of $2.014 million, which had been approved by the House. The Senate conferees were able to achieve a compromise figure of $3.514 million.

This additional $1.5 million over the administration's request will certainly be helpful in beginning to implement the congressional intent expressed in Public Law 91–516. However, in comparison with the initial experience with this program, this level of funding does not reflect the clearly demonstrated interest in environmental education which is being expressed in all parts of the Nation.

In the first year of this program, the Office of Education received some 2,000 applications under the provisions of the Environmental Education Act requesting a total of over $75 million in assistance grants. Of course, there will be much duplication with a number of those applications and we do not anticipate by any means going to that level.

Over 11,000 guidelines have just been sent out this month for the second year applications and current expectations are that there will be an increase in applications to a minimum of 4,000 or a maximum of 5,000 proposals with total requests easily reaching $150 million. Thus, the $3.514 million will not go very far in response to this increase in applications.

In addition, the administration just recently seems to be giving a higher priority to environmental education. Within the past month, the Commissioner of Education announced in a House hearing that the Office of Environmental Education will be formally created and an advisory Council on Environmental Education has been appointed with their first meeting scheduled for tonight. Both of these administrative actions now bring the Office of Education much closer to complying with the express provisions of the Environmental Education Act.

We are all aware of the need for judicious control of the appropriations process to keep Federal expenditures in line. This restraint can be best demonstrated by insuring that expenditures are devoted to their highest and best use. I think that a direct expression of this is efforts to establish a firm educational base to act as a necessary foundation for the long-term productive interests of this Nation.

The Chinese proverb by Kuan-tze—circa 390 B.C.—perhaps best expresses this philosophy:

> If you plan for one year, plant rice; for ten years, plant trees; for a hundred years, educate men.

In a like manner this country can only achieve sound environmental policy and actions if the necessary decisions are based on sound environmental education.

Therefore, I am requesting in this amendment that an additional $2.5 million for implementation of the Environmental Education Act be included in the supplemental appropriations presently under consideration by the Senate. This $2.5 million will bring the total direct appropriations for fiscal year 1972 for environmental education to $6.014 million. This is still substantially short of the $15 million that has been authorized by the Congress for this purpose, but it would materially help in the effort to mount an effective environmental education program for the citizens of this country. It will provide for the funding of an additional 100 proposals at $23,000 per proposal with the amazingly low figure of $1,000 overhead cost each. Presently only 125 out of at least 4,000 applications can expect to be funded so this amendment will almost double the effort.

The level of funding at this point is particularly significant because of the coordinating role given to the Office of Environmental Education under Public Law 91-516. With authority to coordinate projects and funds under other Federal programs toward environmental education, a properly funded OEE can, therefore, have a multiplier effect and expand the impact on environmental education many times its particular dollar level.

Mr. President, another reason for this matter not having been included earlier is that the Office of Environmental Education was just announced by Commissioner Marland in testimony on October 28, 1971, just a month or two ago.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NELSON. Mr. President, the appointment of the Advisory Council on Environmental Education was announced by Commissioner Marland in testimony on October 28. The first meeting of the advisory council is being held in Washington this evening. They are prepared to manage more applications than they were in the last year. If this $2.5 million is added to this fiscal year budget they will be a little more than one-third of the amount of money authorized in the authorizing legislation.

Mr. MAGNUSON. Mr. President, I think the distinguished Senator from Wisconsin has stated very well the reasons why the committee was a little reluctant to go into his matter. The Office was just created, as the Senator pointed out, a short time ago. Actually, the request came up here very, very late and we were not quite sure what their plans were or what they were going to do.

Since talking to them, I believe we should start to make plans in this field because the demand for people who might be able to do something of this kind is getting greater and greater. I am glad to see the interest and the places where they are going to do this job. The Senator from South Carolina and I are pleased because it involves some of our pet projects in oceanography.

With the concurrence of the distinguished chairman of the committee I will be glad to take this to conference. I hope I can sustain it to make a beginning. When the regular budget comes up in a couple of months we will know where we are going.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the distinguished "Senator pro tempore from New Jersey."

Mr. CASE. It is nice to be included with the "big fellows."

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, on behalf of the members of the committee on the Republican side I am happy to join with the chairman of the subcommittee and the full committee in accepting this amendment. Speaking for myself, we have a very good school in New Jersey which is one of a number we hope to have. This is a very important matter and I think we are most happy with this amendment.

Mr. PACKWOOD. Mr. President, this Nation has at long last realized that humanity is but a single component in the ecological structure of the universe, and has begun taking steps to correct the imbalances which have resulted from man's abuse of his environment. We have approved and funded a variety of pollution control programs and are making headway toward cleaning up the mess our predecessors and our fellow Americans have made for the future generations. Perhaps more importantly, we are gaining an overall awareness of man's place in his world, or should I say, in the world he occupies with other forms of life. Young people have, I believe, a greater appreciation of man's relationship with his environment, and this is a most encouraging trend. We here in Congress, in recognition of both this trend and the need for new input and resources, last year approved the Environmental Education Act of 1971, Public Law 91-516. This landmark legislation established in the Office of Education a new Office of Environmental Education to administer a $45 million environmental and population education program, authorized over 3 years, fiscal 1971 to 1973.

In 1971, $5 million was authorized for this important educational program. Unfortunately, only $2 million was appropriated, in a supplemental appropriation. Therefore, although about 2,000 applications for funds were received in the new Office of Environmental Education, only 74 could be funded, at an average of $23,000. I was sorry and quite disappointed that additional funds could not be made available during fiscal 1971, and was also quite dismayed and disappointed that more attention was not given to the population component of the program, certainly one of the most fundamental and important aspects of environmental education.

This year, the budget request for environmental education was $3.5 million, enough to fund roughly 125 proposals at last year's rates. But I am advised that at least 4,000 proposals are expected, requesting in the vicinity of $150 million for environmental education programs. Hopefully, the new office will include in the funded projects a significant portion of population education programs and environmental education programs with strong population education components. Needless to say, it is difficult to be optimistic over prospects for any program when only a tiny fraction of the needed resources are made available by Congress; $3.5 million will not go very far, even if we start by funding the very most superior of the proposals.

Mr. President, I would, therefore, like to join with my distinguished colleague from Wisconsin (Mr. NELSON) in requesting the Senate to approve an additional $2.5 million for the environmental education program during fiscal 1972. This is such a small figure, and yet one which has the potential to do immeasurable good in furthering an awareness and appreciation of population growth, resource development, pollution, and in general man's interaction with and dependence upon his living environment. This supplemental is vitally important to get this program off the ground, to reassure this Nation's young people that we are serious in our commitment to restore ecological harmony in our lifetimes.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. NELSON. I yield back my time.

Mr. MAGNUSON. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. STEVENSON). The Chair recognizes the Senator from Florida.

Mr. CHILES. Mr. President, I call up the amendment I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 20 (between lines 9 and 10 insert the following): "Sums available to each Senator under "Stationery" and sums available to each Senator under "Telephone" and "Telegraph" and "Communications" shall be consolidated and used interchangeably."

Mr. CHILES. Mr. President, on the amendment I have submitted to the supplemental appropriation bill, I think the Committee on Appropriations has taken a significant step in the supplemental bill to give some much needed relief to members of larger States and really all Members of the Senate in respect to how we set up our offices and how our expenses are allocated.

When I realize the amount of constituency service that we perform, sort of acting as an ombudsman, this is some of the most valuable service we can perform, and certainly it has been a burden in some Senate offices in trying to perform the service that we have. So there has been an increase in the funds that were allocated. In addition to that, there has been some assistance in how we would allocate our funds. I am delighted to see in the committee report the recommendation that the Rules Committee lump the telegraph funds and the funds for telephone.

It has long been a mystery to the junior Senator from Florida why we have an allocation for telegraph and an allocation for telephone and why we would not be able to use these funds interchangeably, especially in today's day when we use the telephone to such an extent.

My amendment would go to further lumping of communications expenses into the stationery allowance. The committee has provided an increase in the stationery allowance. I am delighted, again, with the actions of the committee and of the distinguished Senator from Louisiana, and delighted with the actions of the subcommittee chairman for legislative expenses, the distinguished Senator from South Carolina.

I think that a number of junior Members of the Senate, especially, appeared before the committee and told the committee of the problems that they were having, and I am delighted that we were heeded. Much work has gone into this and a start has been made, but it seems to me again that, with the responsibilities of a Senator, with the millions and millions of dollars that we pass on for all the other agencies, we would be wiser if we would free ourselves a little more and recognize the individual problems that we have in our respective States and allow a lumping of these funds, rather than let them be channeled, so that if I am short on telephone funds I have to go to a committee to write a letter, but if I have money in the telegraph fund I may use that, rather than use that money for the other purpose.

For that reason, I have offered this amendment to the bill.

Also, I emphasize the words that we are making a start, but there is more work to be done, especially in travel, where we allow our entire staff and Senators only 18 trips a year. I do not know of any other business that handicaps us as the Senate does here.

I shall be happy to hear the comments of the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to commend the Senator for the fine work he did in bringing to our attention the needs of the more populous States.

Referring to the Senator's amendment, which provides that "sums available to each Senator under 'stationery' and sums available to each Senator under 'telephone' and 'telegraph' and 'communications' shall be consolidated and used interchangeably," of course, in the supplemental bill we did not provide that. For one, it is not a matter of jurisdiction within the Legislative Appropriations Subcommittee.

Some 3 years ago, by law, the United States Senate passed that responsibility over to the Rules and Administration Committee and they have been handling telephone and telegraph for the past 3 years, and we did not want to infringe on its jurisdiction. So at the time this particular matter was raised we promised to take it up with the committee.

We did, in pursuance of that promise, meet with the Rules Committee. I talked to the Senator from North Carolina (Mr. JORDAN). He is not on the floor at the present time, but I think we ought to protect the Rules Committee. I do not want any Senator to make a point of order that we are calling for a consolidation of telegraph and telephone expense, which does not proceed under this heading, by inserting this language on page 20, between lines 9 and 10, because there is no such provision there. If the Senator is referring to permanent legislation, and if we pass this, the result might be that we would not have effectuated the purpose but caused confusion, because we have regular amounts for stationery and then lines for "communications," "telephone," and "telegraph." In a supplemental bill we could hardly make a change in the law which would come under the jurisdiction of the Rules Committee.

We want to join in what the Senator from Florida has brought to the attention of the Senate. We want to pursue it with the Rules Committee. The Rules Committee considered it again this afternoon, at my request. They discussed it and promised to have a hearing on it and try to bring about interchangeability of telephone, telegraph, and stationery funds in a regular appropriation bill, first through an authorization bill, next year.

I hope the Senator does not insist on pressing the amendment. It would not accomplish anything but would only confuse control.

Mr. CHILES. Mr. President, I am delighted the chairman recognizes the other views we have, and he has worked hard and diligently on that. With his assurance that he will continue his fight for our particular problem, I am willing to withdraw the amendment.

Mr. HOLLINGS. I certainly give that assurance.

Mr. CHILES. Before I withdraw the amendment, I would like to yield to the Senator from California.

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from Florida for yielding to me.

I would like to congratulate the Senator from Florida for bringing this point before the Senate. I would also like to thank the Senator from South Carolina and the other members of the Appropriations Committee for being considerate of Senators from large States in what has been to date a difficult problem. I agree with the Senator from Florida that Senators from large States face unique problems, and I think we are not being fairly treated.

There are days when I get 4,000 letters, and during those particular periods of time it takes as many as four of my employees to do nothing more than merely open the mail and direct it, not answer it; and I know the same thing is true of my colleague from California (Mr. CRANSTON).

During a period early this year when Ann Landers asked those who read her column to write their Congressmen and Senators about their support for a separate national institute for cancer research, my office was deluged with about 25,000 communications in the next week just on that subject.

When one considers that a State like California has 21 million people, that it is 1,000 miles long, that up until now we have been allowed to have only two district offices—and I have had one in Los Angeles and one in San Francisco, without any coverage in the Sacramento area or the San Diego area, and the San Diego area is a community of 2 million people, including the outskirts of the city and the county—it just demonstrates that those who represent large States are not able to give service to our constituents that Senators from the smaller States are able to do.

I just received in the mail recently a letter to the editor of a California newspaper written by one of my constituents. I do not want to give it publicity, but as long as we are on the subject, perhaps I should say something about it. It is headed "Disillusioned With TUNNEY." The reason the letter writer was disillusioned with TUNNEY was that, as a young American, he was interested in the smog problem getting into the trees in the San Bernardino Mountains. It took 2 weeks for him to get an answer, and when he did, it was not a personal communication that people like; it was a reprint of a speech that I sent to him. When he wrote another letter, he still did not get an answer, but got the same reprint.

The point is that when we have as many as 15,000 to 20,000 letters a week coming in, it is absolutely impossible, with the very limited resources we have, to do the kind of adequate job answering our constituents' mail that we should, and at the same time pay a legislative staff which can help a Senator do the things he was elected to do.

I thank the Senator from South Carolina for his concern and interest. Every time I have gone to him and talked to him about the problem, he has said that he understands the terrible problem we face in the big States, and has said he would be willing to do anything he could to help us. I wish him to know that I am most appreciative, and that I do not wish to bite the hand that feeds me.

Mr. HOLLINGS. But you have not been fed enough.

Mr. TUNNEY. We would like a little more.

Mr. HOLLINGS. That is right. We are trying in a supplemental bill to take care of those needs. The needs are genuine. The distinguished Presiding Officer (Mr. STEVENSON), the Senator from California, and the Senator from Florida represent very populous areas. We understand that, and we are trying to bring it right along. We have provided substantially in a supplemental bill at the time of a freeze, we believe, and we wish to reiterate our assurance to the Senator from Florida that we will try to get those funds commingled under the rules as a proper approach.

Mr. CHILES. Mr. President, I think one of the problems we have in Congress is that we often seem to equate funds for our Senate offices with personal funds for us, and we are always kind of leery that maybe the voters are going to look on that with some jaundiced eye. I think we are so leery that we deprive the people of the services that they are entitled to have, and that is where we really miss the boat. We fail to carry out the functions that constantly are required and should be carried out, and we actually deprive the people rather than do something for ourselves.

With the assurances that we have, Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

INTRODUCTION OF A BILL BY UNANIMOUS CONSENT

(The remarks of Mr. Chiles when he introduced S. 2948 are printed later in the Record under Statements on Introduced Bills and Joint Resolutions.)

SUPPLEMENTAL APPROPRIATIONS, 1972

The Senate continued the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The Chair recognizes the Senator from California.

Mr. TUNNEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 12, after line 11, insert the following:
>
> "Small Business Administration
>
> "disaster loan fund
>
> "For additional capital for the 'Disaster loan fund', authorized by the Small Business Act, $50,000,000, to remain available without fiscal year limitation."

Mr. TUNNEY. Mr. President, my amendment is very simple. It provides for an additional $50 million for the emergency loan fund of the Small Business Administration which has brought aid to thousands of Californians as a result of the February 9 earthquake disaster, as well as to citizens throughout the country. I think this amendment will be an important opportunity to call to the attention of Senators some very serious problems which have occurred in the SBA disaster loan program. I have discussed these with the distinguished chairman of the Appropriations Committee, Senator Ellender.

At the present time there are 37 disaster areas in which loans are made from this fund.

I am very deeply concerned about the program. Right after the earthquake occurred, I was able, through the cooperation of the distinguished Senator from West Virginia (Mr. Randolph) to make plans to have the Public Works Committee hold hearings out in California in the earthquake area. Those hearings were chaired by the Senator from Indiana (Mr. Bayh) from June 10 through June 12 and we explored the problems of disaster relief, including the Small Business Administration program, in great depth. We heard from many citizens of the community, and we heard from SBA representatives. We learned that the SBA had moved very slowly in granting relief to citizens after the earthquake. We found evidence that the SBA had begun to move more quickly in processing these loan applications around the time the committee came to California in order to hold the hearings.

As I recall from our hearings, Senator Bayh announced that the staff of the committee had told him that, by March 16, 2,394 SBA loan applications had been accepted, but only 118 had been approved. In other words, at that point in time the SBA was moving very slowly. I have learned even more troubling news very recently. It has been demonstrated that the program has been widely misused, and some very recent hearings that were held by the Appropriations Committee have indicated that there is a great danger that the SBA has not monitored the program in the way that it should have.

The SBA came to the Apppropriations Committee and asked for an increase of $150 million. The agency says it needs these funds because loan applications have increased vastly. Whereas in February the SBA was processing applications at the rate of 100 per week, in October the application rate was 1,500 per week—this is just in California—and since November 12 the rate has been 4,000 applications per week.

Administrator Kleppe indicated in his testimony that the SBA would need about $150 million more in order to be able to process those loans that were outstanding and those that were expected. They estimated that for fiscal year 1972, the loan fund would need $326 million for California alone. They said that for the entire country, they would need $485 million for fiscal year 1972, which, using a little subtraction, would indicate that California would use up the $326 million, and the rest of the country would use up approximately $159 million.

Now, it is quite clear that the SBA is going to be short, and it is my understanding that the committee rejected any increase at all in the Disaster Loan Fund. It is equally clear to me that this program must be managed to aid all those who have valid claims—and that administrative safeguards are needed to protect against waste.

I would like to ask the very distinguished chairman of the committee some questions in this connection. It would be helpful if he could describe for the Senate the information available to the committee which led the committee to refuse any additional disaster loan funds. I think it would be useful to bring this article to the attention of the Senate.

Mr. HOLLINGS. Mr. President, will the distinguished chairman yield? Because the chairman of the subcommittee, the Senator from Arkansas, held those particular hearings. Since he is absent now and I was present at the hearings also, perhaps I can respond to the Senator's question.

Mr. ELLENDER. I yield.

Mr. HOLLINGS. Could I ask the Senator from California, when did you have that earthquake?

Mr. TUNNEY. In February, but I cannot remember the exact date.

Mr. HOLLINGS. Right. The answer is wrapped up in the facts just given by the distinguished Senator from California. SBA went right along, trying to respond to what were real disasters, until the fall period, in September and October, when for some unknown reason, some enterprising repairmen in the State of California came upon this forgiveness clause of $2,500 under the SBA formative law and went out and openly encouraged disaster loan applications.

They went out and said, "If you have a crack in your home, they cannot legally prove that it didn't occur in the earthquake back in February, and all we need to do is get an SBA man to come and take a picture of the crack, then you can get up to $2,500 from SBA that you don't have to pay back; in other words we can do a $3,000 job for $500."

It is a tremendous fraud on the people of America, and it ruins the SBA; it ruins their credibility in their other programs. There were 4,000 applications last month, $60 million last month alone. Instead of $150 million, you are going to need $6 billion.

As I said before to the Senator, the present disaster is not in California, it is right here in Washington. We cannot approve enough funds for that kind of disaster going on out there in California now.

Mr. TUNNEY. What the Senator is suggesting, then, is that the SBA has not administered the program the way Congress intended it?

Mr. HOLLINGS. Exactly. And the only way to get the SBA to do it is to get to the distinguished former Congressman Kleppe, who administers the small business program. When I mentioned it to him, he sort of looked lost. He said:

> If we went out and followed through and tried to determine whether even the work was done, we would not have the staff and personnel, so we make no effort to find out whether the work is done. We find a crack, we get a picture, and give the money.

That is no disaster loan. That is a Christmas present.

Mr. TUNNEY. I agree. One thing I would like to make absolutely clear is that I certainly do not support the kinds of fraud and abuses which seem to have occurred, and which trouble the committee so deeply.

Mr. HOLLINGS. That is exactly right.

Mr. TUNNEY. And neither do I support the SBA mishandling a program so badly that they would allow people to get help who do not deserve it, while people who need help are ignored.

Mr. HOLLINGS. It ruins the credibility of the SBA in the needed programs for the Small Business Administration.

Mr. TUNNEY. I have studied the transcript of the hearings with care, and I saw that in answer to a question by Senator McCLELLAN about repair loans, Mr. Kleppe said:

> We don't know whether they get the repairs or not.

Mr. HOLLINGS. That is right.

Mr. TUNNEY. Does that mean that there is no procedure to make a determination whether the funds are honestly used for repairs?

Mr. HOLLINGS. That was his answer.

Mr. TUNNEY. What kind of study is made?

Mr. HOLLINGS. A picture study. They run in with a camera and make a picture of the damage, and the fellow certifies this $2,500 windfall. It is a racket, an obvious racket.

What we should do—what we recommended to the subcommittee—is that we do away with the forgiveness clause of $2,500. That is too much. If we reduced it to $100 or $200, to a nuisance amount, there would be no more pictures, no more applications, and no more disaster mismanagement.

Mr. TUNNEY. I am interested and deeply concerned to hear the Senator report to the Senate what the hearings demonstrated—that there had been this very poor mismanagement by the SBA. The Senator says that $60 million——

Mr. HOLLINGS. $60 million last month. It will even exceed $60 million next month.

I hope the Senator would withdraw this amendment, as I understand he intends to do.

Mr. ELLENDER. Mr. President, I hope the Senator will withdraw the amendment.

The SBA came before the committee and requested $150 million for the disaster loan fund. At that time they informed us that a supplemental estimate would be submitted to us. As of now we still have not received a budget estimate. As the hearing record shows, all that the SBA has done is to take the word of homeowners that they had a crack in the roof or in a wall, a picture was taken; and when that was shown, an estimate was made of what it would cost to repair. Usually, the amount asked for was $3,000.

In fact, 70 percent of the applications are for loans just under $3,000. The reason is that if the applicant secures a loan for $3,000, he pays only $500 and the rest is forgiven.

There is no doubt that a great deal of fraud is being practiced; and if it keeps on as it is going now, it is going to develop into one of the biggest scandals we have had in a long time.

I am hopeful that the Senator will withdraw this amendment, so that we can have a chance to look into this matter. If a good case can be made, early next year we will be able to provide money to pay for just claims.

Another thing, Mr. President, the record shows that there is no followup, that many claims have been paid, and it is doubtful that any of the borrowed money was used in order to repair the alleged damage.

Mr. TUNNEY. One thing I would like to make absolutely clear: I discussed this amendment with the Senator from Louisiana before offering it, and I offer it simply to air the problem before the Senate. Personally, I feel that there is evidence that the SBA has totally mishandled this program, that they have not had the adequate checks and monitoring they should have had.

I am deeply worried about people in the 37 disaster areas presently extant in the country—in Mississippi, in Florida, in Corpus Christi the SBA is still processing loans. Many, many thousands of people in California have suffered loss and they deserve the assistance from our Government which the Disaster Act provides. It is an outrage that these people would be denied the help to which they are legitimately entitled because the SBA has had such loose procedures that other persons can come in and get $2,500 from the Government for putting up $500—in other words, $3,000 for $500—and ruin a program that was designed to help honest people in need.

When the SBA comes before the committee in the early part of next year, I hope the committee would require the SBA to show what they have done to tighten up these procedures, so that the people who are deserving of help are going to be able to get the help, and so that those who do not need help will be screened out.

Mr. ELLENDER. It is my belief that under the law as it is now written, if it were properly administered, much of this fraud could be prevented. But there is no followup. There is no doubt that there is a great deal of fraud.

As I have said, early next year, if a case can be made, there is no doubt that Congress will provide the funds for disaster relief.

Mr. TUNNEY. That is the point I want to make. I have no doubt that the law would work well if it were better managed. I would not want to see deserving people in California and other parts of the country denied the opportunity to get funds under the Disaster Relief Act.

I must say that I do not have any proof that there has in fact been wrongdoing in California. Certainly, however, Mr. Kleppe says on the record he does not know whether or not persons receiving loans actually get the repairs. Also, the record shows $60 million in claims each month. On these facts, it looks as though the program is being mismanaged.

Mr. ELLENDER. There is no doubt about that, and I hope the Senator will withdraw his amendment.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I was not at the hearings, so I am in no position to comment on the Administrator's testimony. However, he comes from my State and I consider him to be a very fine individual.

As long as you have a law so wide open that anyone is eligible for a $3,000 loan and gets $2,500 forgiven, unless the Administrator has a whole army to check on these borrowers, there is bound to be a misuse.

How can anyone tell, for example, whether an earthquake caused cracks in a building, and what is and what is not eligible for a loan? Under this kind of law, you would have to have a great number of inspectors. It seems to me that the basic law should be changed and tightened up.

Mr. BAYH. Mr. President, I associate myself with the remarks of the Senator from California on the problems which exist in the administration of disaster relief, an act which has only recently been passed by this Congress, and with the particular reference he made to the present problem existing in the Small Business Administration with the distribution of disaster relief funds made through that agency.

I became involved in the disaster business when dealing with the consequences of one of the horrible disasters which confront us annually several years ago when, on one Palm Sunday, 40 citizens were killed by a series of tornadoes. That was back in 1965. Since that time several of us have been involved in trying to overhaul the Nation's disaster laws. It has been like pulling teeth, to coin a phrase, but as of a year ago we were successful in getting a major reform and an overhaul and revision of the Nation's disaster laws. It has been a step-by-step process—a quarter of a loaf here and a quarter of a loaf there—in overhauling the Nation's disaster laws. It has not been perfect. Only recently, at the request of the Senator from California and other Senators, the Senate passed a bill to shore up one imperfection, namely, to make possible the distribution of funds to not-for-profit hospitals. When we took the Disaster Subcommittee, of which I had the good fortune to be appointed as chairman by the chairman of the Public Works Committee (Mr. RANDOLPH) to California to study the aftermath of the disaster there, two of the worst tragedies took place at Pacoima Lutheran Hospital, which suffered an $8 million to $10 million loss and at Holy Cross Catholic Hospital, which suffered about a $10 million loss. Why more people were not injured and killed in those two hospitals I do not know, but the law presently does not permit those hospitals to be rebuilt with public funds.

The bill which has been introduced by the Senator from California and other Senators has been passed by the Senate and is now before the House. Hopefully, it will be passed in short order, perhaps even by the first of the week. The SBA loan program which has been raised by the Senator from California grew from the insistence, primarily, on the part of the Senate, at an early date, that, if we are going to start or continue distributing large amounts of foreign aid for disaster relief to other nations, we ought to do a better job of dealing with our own citizens when they are hit with disaster.

So, in addition to the distribution of funds in the event of disaster to public institutions such as city halls, hospitals, schools, and that type of public reimbursement, for the first time we decided we would give some help to the average businessman and the average homeowner. So we provide, in the act as it is today, for reimbursement of $2,500 worth of loss beyond the first $500 worth of loss, to be distributed through the Small Business Administration.

I am disturbed at the way in which the funds now apparently are being withheld. I think this is a direct result of an irresponsible administration of this program by Mr. Kleppe and his assistants in the Small Business Administration.

I remember going there after the disaster, on my own, after the Senator from California had been there earlier, and then coming back. We had great difficulty in getting the Small Business Administration to act. We had insufficient bilingual communication by administrators who went into a Mexican-American area to try to disburse small business loans, and I was particularly concerned about the slow initial response of the Small Business Administration.

We all remember this disaster very vividly. It was a dramatic upheaval that occurred on February 9 of this year.

As of March 16, only 2,394 SBA loan applications had been accepted, and only 118—118 out of 2,394—had been approved.

The same was the case as of April 16. That was more than 2 months after the disaster.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Indiana may proceed for an additional 5 minutes.

Mr. BAYH. Did the Senator ask for 3 minutes?

Mr. BYRD of West Virginia. We are operating under a period for the transaction of routine morning business.

Mr. BAYH. I appreciate the courtesy of the Senator from West Virginia. I was not aware of that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAYH. I ask unanimous consent to have printed in the RECORD some correspondence between the Senator from California and Mr. Kleppe, to show the tremendous backlog of cases that developed early on because the SBA just was not on the job.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 15, 1971.

THOMAS S. KLEPPE,
Administrator, Small Business Administration, Washington, D.C.

DEAR ADMINISTRATOR KLEPPE: I am deeply concerned to hear repeatedly from Californians that the Federal aid promised by the Small Business Administration, and directed by Federal law, has not been made promptly available.

To bring me up to date, and to confirm information given to my staff by telephone, I would like to have answers to the following questions:

(1) How many applications for emergency disaster loans were distributed in the disaster areas of Southern California as of the latest date for which information is available?

(2) How many such applications have been returned to S.B.A.?

(3) Of the returned applications, how many were accepted by S.B.A. as meeting its requirements with respect to documentation and completeness of information?

(4) What is the total of loans requested in applications accepted by S.B.A. as complete?

(5) How many loans have been approved?

(6) How much money has in fact been paid to loan applicants?

(7) What is the S.B.A. estimate of private property damage for which S.B.A. loans can properly be requested?

(8) How much money is currently available to S.B.A. apart from future supplemental appropriations to make the disaster loans projected in paragraph (7) above?

(9) What steps is S.B.A. taking to secure any extra funds needed to make the loans projected in paragraph (7) above?

(10) Does S.B.A. require an appraiser to visit each property which is the subject of an S.B.A. loan?

(11) How many such appraisers are in the Los Angeles area?

(12) How many appraisers are usually in the Los Angeles area under normal circumstances?

Because of the deep concern which has been expressed to me about the S.B.A. loan program in Los Angeles, I would especially appreciate a prompt response to the foregoing questions. I hope you will indicate the date at which your information is supplied. I also welcome any supplementary information you may wish to provide.

Yours very truly,

JOHN V. TUNNEY,
United States Senator.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., March 29, 1971.

Hon. JOHN V. TUNNEY,
United States Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: This is in reply to your letter of March 15, 1971, expressing concern that Federal aid promised by the Small Business Administration has not been made promptly available.

In attempting to answer the list of questions contained in your letter, we must point out that in a disaster of the magnitude of the Los Angeles earthquake, significant changes occur daily in the number and amount of applications distributed, received, approved, and disbursed, as well as in the number of persons assigned to the disaster staff. The information set forth here is taken from Agency records as of March 25, 1971.

(1) Since the earthquake occurred on February 9, 1971, 20,352 applications have been provided to disaster victims.

(2) A total of 4,251 applications have been returned to SBA.

(3) While some applications must be returned for additional information, we are informed that the majority of applications submitted have been accepted as complete or with minor deficiencies that can be corrected during processing. We do not have a mechanism for determining the number of applications not accepted as presented without requiring a special study by the disaster field staff that would interfere with their assistance effort in Los Angeles.

(4) The total amount of applications accepted is $28,649,333.

(5) A total of 305 loans have been approved for $1,863,950.

(6) At this early stage, 5 home loans have been disbursed for $11,986.

(7) It is estimated that private property damage as a result of the earthquake amounted to approximately $242 million.

(8) The Office of Management and Budget has apportioned for our use in Fiscal Year 1971, $240,688,479. Of this amount, $226,072,847 has been allocated to our various field offices leaving $14,615,632 currently available for all disasters.

(9) SBA has, with OMB's concurrence, submitted a request for a supplemental appropriation in the amount of $265 million. This supplemental has been transmitted to the Congress, and hearings will be held on March 29 with the House Appropriations Committee.

(10) Since legislation and Agency regulations require that the amount of disaster loans be limited to the amount of actual damage, plus eligible refinancing, verification of loss is required by an SBA appraiser in each case.

(11) and (12) There are presently 14 appraisers assigned to disaster duty in Los Angeles in addition to the normal appraisal staff of 2. This number will be increased in the next week to 10 days as additional applications are received.

I am sure you realize that in an operation of this size, some delays are experienced in the initial stages as an emergency field organization is established to efficiently handle a large volume of activity.

You may be assured that the Small Business Administration, while small in relation to many Federal agencies, is well experienced in handling disasters of major proportions. In fiscal 1970 SBA made over 17,000 disaster loans for an amount in excess of $175 million. In fiscal 1971, it is anticipated that this activity will increase to 40,000 loans for $400 million.

We hope this information will be of assistance to you, and if we can provide additional information, please let us know.

Sincerely,

THOMAS S. KLEPPE,
Administrator.

Mr. BAYH. Mr. President, when disaster strikes, the Federal bureaucracy ought to be able to respond with compassion and promptly, but this has not been the case with the SBA, and I am concerned that some of us in the Senate who have been in roles of, one might say, leadership in this disaster area, point out the real need not to unduly restrict the humane legislation which is now on the books, and to administer it so that it does not adversely affect the purpose of assisting the homeowner and the small businessman, and certainly that we resist the temptation to cut off all funds, which is what is in the process of happening, but rather strive to point the finger of accusation to place the guilt where it is.

It is not that the program is bad. Our trouble today is not the number of needy people in California, but the fact that the SBA, by its own admission, is not policing the program.

For example, Mr. Kleppe, in recent testimony before an appropriations subcommittee, in response to a question by the Senator from Arkansas (Mr. MCCLELLAN) about repair loans, said:

> We don't know whether they get the repairs or not.

In other words, there is no effort to check. There is no effort to verify; and as a result, what we find is that the needy citizens in California are being penalized because a few unscrupulous contractors are trying to make a fast buck.

For us to destroy 3 or 4 years of work and make it impossible for needy citizens in the future to get adequate disaster relief, all because the Small Business Administration is not able to police the program, is a result that the Senator for Indiana is not willing to stand still for.

I salute the Senator from California for his efforts. I say particularly to our distinguished President pro tempore, the Chairman of the Appropriations Committee (Mr. ELLENDER), that I appreciate the consideration he has in this area, and express the hope that we will be able to straighten out the program, and not let maladministration wreck it.

I close with the thought right now insufficient administration is creating problems such as those that exist in California, over past years, I have witnessed disasters in the home State of the present Presiding Officer (Mr. CHILES), Florida, in Texas, in Louisiana, and in my own State of Indiana; and I point out that although at the moment some of us might not want to get too deeply involved because the problem does not involve our own States, unfortunately, Mother Nature is rather erratic at times, and we do not know where disaster is going to strike next.

Mr. President, I want this program cleaned up.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection? The amendment is withdrawn.

The bill is open to further amendment.

If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I rise to express my appreciation to the Appropriations Committee for including several very important amendments in the supplemental appropriations bill at my request.

First, under the Labor, Health, Education, and Welfare title of the bill, the committee took affirmative action on my amendment, which will prevent 15 States, including West Virginia, from receiving $35,500,000 less in fiscal year 1972, in title I, Elementary and Secondary Education Act funds, than they received in fiscal year 1971. In some States, increases in State allocations have taken place due to the increase in the number of eligible pupils and the increase in per pupil expenditures. However, in 15 States, pupil enrollment and expenditures have remained constant, and the distribution formula has resulted in these States receiving less title I funds in 1972 than they received in 1971. To remedy this problem, the committee has included a floor provision, which will prevent reductions in State allocations from one year to another. Also included was an additional $35,500,000 to cover the costs of funding this provision.

In fiscal year 1971, West Virginia was allocated $20.5 million in title I funds, while the fiscal year 1972 allocation was $18.3 million. The amendment which I proposed, and which is included in the pending bill, will prevent my own State of West Virginia from losing $2.1 million in funds for educationally deprived children. I want to especially thank Chairman MAGNUSON and the other members of the subcommittee for their assistance in seeing to it that this amendment was included in the bill.

Second, the committee included, at my request, two other amendments, both of which are concerned with mine health and safety. One of these amendments would add $1 million for the Bureau of Mines, to enable it to develop, purchase, and test additional mine rescue equipment, which will increase the chances of miners to survive coal mine fires and explosions. The other amendment added $975,000 to fund the grants to the States program, to assist them in complying with the provisions of the Federal Coal Mine Health and Safety Act, and in developing their own complementary health and safety regulations in this field. I consider both of these amendments to be extremely important, and I believe that they will make substantial and lasting contributions to improving the health and safety aspects of the mining industry.

The last item concerns a subject about which I am vitally concerned—that is inclusion by the committee of $10,280,000 for acceleration of the coal gasification program. This program is needed nationally to meet future energy requirements and to solve natural gas shortages which are already facing this country.

Projections of future energy requirements in the United States clearly show a need for development of all energy resources. Thus, even if we develop all of our natural gas resources, we will still be faced with a serious gas shortage. The development of plants to produce synthetic natural gas from petroleum naphtha, or the importation of liquefied natural gas, is not an adequate solution because we then put ourselves in the undesirable position of being dependent upon foreign sources to meet our energy needs. I have consistently supported coal research programs because I believe that coal, as our most abundant fuel resource, is the resource from which our future energy requirements will have to be met.

I am grateful to Chairman BIBLE and the other members of the subcommittee for their thorough consideration, and approval of the items under the Interior subcommittee's jurisdiction.

I also want to express, to the Appropriations Committee, my appreciation for including these items in the bill, and to state my admiration for the committee's expeditious handling of this legislation.

Mr. COOPER. Mr. President, I am very pleased that the Bureau of the Budget submitted and the Appropriations Committee has recommended a supplemental request for an increase of $9 million in the proposed budget allowance for fiscal year 1972 for the Smithland Locks and Dam, Illinois and Kentucky on the Ohio River.

The Smithland project is of national importance and I consider it to be of the highest urgency as its completion will eliminate one of the most serious bottlenecks in the entire inland waterways system.

Just before markup on the public works appropriations bill earlier this year, the Corps of Engineers submitted a revised capability for this project for an additional $10 million. In response to my request, Senator JOHN STENNIS, chairman of the Appropriations Subcommittee on Public Works, and the manager of the bill on the floor, indicated that the project had merit and the Appropriations Committee would look favorably upon a supplemental request for funds later in the year. I then talked with Mr. Shultz, Director of the Office of Management and Budget, in company with the Senator from Ohio (Mr. TAFT) and supported also by my colleague from Kentucky (Mr. COOK) and all Senators who live in the States along the Ohio River, asking that the amount of $10 million be added to meet the revised capability of the Corps of Engineers.

I also wish to express my appreciation to the chairman of the Appropriations Committee (Mr. ELLENDER) for his long years of work for the Ohio River projects as well as the Senator from North Dakota (Mr. YOUNG) and the full committee.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN) the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also, the Senator from Arizona (Mr. GOLDWATER) and the Senator from Florida (Mr. GURNEY) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) would each vote "yea".

The result was announced—yeas 68, nays 5, as follows:

[No. 438 Leg.]

YEAS—68

Aiken
Bayh
Beall
Bellmon
Bentsen
Bible
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gravel
Griffin
Hansen
Harris
Hart
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NAYS—5

Allen
Byrd, Va.
Fannin
Roth
Thurmond

NOT VOTING—27

Allott
Anderson
Baker
Bennett
Boggs
Brock
Brooke
Buckley
Cannon
Cotton
Dole
Gambrell
Goldwater
Gurney
Hartke
Hatfield
Humphrey
Jordan, N.C.
McClellan
McGee
McGovern
Mundt
Muskie
Saxbe
Taft
Tower
Weicker

So the bill (H.R. 11955) was passed.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. MCGEE, Mr. MONTOYA, Mr. HOLLINGS, Mr. YOUNG, Mrs. SMITH, Mr. HRUSKA, Mr. ALLOTT, and Mr. COTTON conferees on the part of the Senate.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO MAKE TECHNICAL CORRECTIONS IN THE ENGROSSMENT OF H.R. 11955

Mr. ELLENDER. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical corrections in the engrossment of H.R. 11955.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for several days I have been cogitating on the move which I am now expecting to make. After much thought and consideration, I think it is in the best interests of the Senate and all parties directly and indirectly concerned that the Senate go into executive session to consider the nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court.

It is my belief that by operating on that basis, the debate will not be as extended as it might well be. It is my further belief that there is to be no filibuster on either of the nominations. And it is my hope that, on the basis of my reasoning—which of course I took up with others, as well, on both sides of the aisle—this will be the most expeditiously procedure possible.

May I say that as far as the joint leadership is concerned, we intend to stay with these two nominations until they are decided one way or the other.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court.

The PRESIDING OFICER. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The legislative clerk read the nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court.

Mr. SCOTT. Mr. President, would the distinguished majority leader yield?

Mr. MANSFIELD. Yes indeed.

Mr. SCOTT. Mr. President, I think it important that we once more state what I hope is now fairly well understood, that the distinguished majority leader and I consult together at all times in an effort to keep the Senate on a straight course, moving responsibly toward the solutions of our legislative problems and that in doing so, we are also pointing to the fact that Senators, contrary to the impression of some cartoonists, are also human beings and that as human beings we have obligations to our families, our children, and our grandchildren and that there ought to be some occasion during the year when we can enjoy some of the simple pleasures which are those one normally associates with family life and a fuller enjoyment of the human expectation on this planet.

In doing that, there are temptations that have to be set aside. One of those here is the fact that under rule VIII, section 8.1, the calendar has to be called in order, and Senators on this side could have raised an objection and have made as the order of business the consideration of the name of Mr. Rehnquist; but to have done that would have in turn injected the political aspect into this whole operation.

There are recourses available to the majority of which we are well aware. As the Greek poet Menander said:

> We live not as we would, but as we must.

Under those circumstances, a motion to postpone consideration of the nomination of Mr. Rehnquist at some point would have been in order and we would have gotten involved in an unseemly squabble, which to my mind, is not to the credit of the Senate.

So, I think the distinguished majority leader is doing the right thing, as he generally does, and almost always does; and on the rare occasions when he does not, I have a moment of joy to realize he is like the rest of us, and not perfect.

But I think this is the way to do it, seriously. In doing it this way, it is important we all show our mutual good will toward each other and toward each other's children and grandchildren, and in doing that, if we can dispose of the nomination of Mr. Powell on Monday, and then have a proper, legitimate, reasonable, and dignified examination of the qualifications of the other nominee, Mr. Rehnquist, I hope that bearing in mind the mutual concerns of all of us, which I think should be prior in our consideration of the singular advantage of any individual in this Chamber, perhaps we could find a way to reach next week an opportunity to vote on Mr. Rehnquist. I think most people's minds are made up and I think that the public's mind is largely made up.

However we may disagree at the end of it we will have a Supreme Court functioning, or we will not.

I congratulate the distinguished majority leader for having come to this solution, although it is not the same one I would have come to; but having come to this solution, it is our job, as the minority, to cooperate with him and show evidence of our good faith and our desire to get this matter disposed of.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield.

Mr. MANSFIELD. May I say that I am drenched with the balm of Gilead just bestowed on me.

Mr. SCOTT. No matter what he asks for, I give him Arpege.

Mr. MANSFIELD. I was thinking of some others.

But I do appreciate the statements of the distinguished Senator and what he has said about what could have been. It could have gone far back beyond the nominations, and it is within the rules to have done that, and dragged this down to the present time.

But the spirit of cooperation is deeply appreciated. I repeat that, in the long run, I think this will produce the most expeditious results; and I, too, would express the hope that every Senator be given a chance to express his opinions, but I state also that on the basis of statements made by interested Senators I do not expect in any way, shape, or form a filibuster.

ORDER TO VOTE ON POWELL NOMINATION AT 4 P.M. MONDAY, DECEMBER 6, 1971

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that the vote on the Powell nomination occur at the hour of 4 o'clock Monday afternoon next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BAYH. Mr. President, I come out second best in my remarks addressed to the distinguished majority leader after the remarks of praise delivered by the distinguished minority leader, but I would like to express my appreciation to the majority leader for handling these two nominations in the right sequence.

Little is to be gained by going into the facts that have led to their being placed on the calendar in the order referred to by our friend and colleague, the distinguished minority leader, but I have been concerned about getting that Court to a full complement as soon as we can, letting the legislative process work its will. It could have had a sitting judge for the last 3 weeks if there had not been a determined effort to tie these two men together. Now we are going forward and I think the Senate will work its will.

The Powell nomination is to fill the first vacancy, that of Justice Black, so it seems proper to consider it first in the Senate. The President said he intends to swear in Powell first, so he will be the senior Justice. It seems equitable for this reason that we would consider the Powell nomination first.

I realize the minority leader has been under considerable pressure from some sources to go the other way, and I salute him for resisting that pressure and considering them in this order.

I concur completely in the four descriptive words used by the distinguished minority leader with respect to the type debate which will precede the vote on both nominations, in which he said: proper, legitimate, reasonable, and dignified. That is certainly the criteria I feel are appropriate and I am sure our colleagues will all agree with the Senator from Pennsylvania.

The **PRESIDING OFFICER**. The question is, Will the Senate advise and consent to the nomination?

Mr. **BYRD** of Virginia. Mr. President, in accordance with article II of the Constitution, the Senate has been called upon to give its consent to the nomination of two Justices for the Supreme Court.

One of the nominees I do not know personally; the other I have known long and well.

The Senate's responsibility to advise and consent is a vital element in our constitutional separation of powers and in our system of checks and balances.

Members of the Supreme Court are subject to confirmation by the Senate, but once a nominee is confirmed, assuming his good behavior, there are no checks or restraints upon his lifetime appointment.

The decisions of the Justices of the Supreme Court are not reviewable. The only restraint on Supreme Court Justices, once confirmed, is their own self-restraint.

The Senate has a solemn obligation to examine Supreme Court nominations with utmost care. A court appointee differs substantially from a Cabinet officer, who is an administrative aide of the President. The Court is independent of the Executive and is co-equal.

In considering the nomination of William H. Rehnquist to be an Associate Justice, I find nothing in his record to justify an adverse vote.

Indeed, Mr. Rehnquist has distinguished himself both in private practice and in Government service. His legal credentials seem fully adequate to qualify him for the Supreme Court.

After an outstanding academic career, he was a clerk to the late Mr. Justice Jackson. He them commenced 16 years of successful private practice in the legal profession.

Since coming to Washington in 1969 as Assistant Attorney General in charge of the Office of Legal Counsel, he has served as the legal adviser to the Attorney General. Mr. Rehnquist drafted the official opinions of the Attorney General, and in that capacity, dealt with constitutional issues in much the same manner as does a justice of the Supreme Court.

His experience in the Justice Department, when coupled with his broad background as a trial and appellate lawyer, allow him to bring to the Supreme Court a balanced background.

Mr. Rehnquist has been forthright and candid in expressing his views before the Judiciary Committee.

He demonstrated great poise during the long hours of questioning by members of that committee and showed that he possesses the patient temperament demanded of a member of the judiciary.

Several days of sharp and probing questions produced nothing that was detrimental to Mr. Rehnquist, and indeed, his answers to these questions revealed that he is a man of personal integrity and professional competence.

I am pleased that the Judiciary Committee conducted such an exhaustive investigation into Mr. Rehnquist's background and beliefs, for the Senate's role of giving its advice and consent should never be taken lightly.

After considering committee testimony and committee action, I shall cast my vote to confirm Mr. Rehnquist.

Now we come to the second nomination, that of Lewis F. Powell, Jr., of Richmond, in the Commonwealth of Virginia.

Mr. Powell I have known for many years. He is a close friend.

Knowing him so well, I can speak with enthusiasm regarding his nomination.

In his chosen profession, he stands at the top. His entire adult life has been spent in the practice of the law.

He has lent his talents to the wide range of problems which confront the private practitioner.

He has participated in cases on every conceivable subject in the courts of Virginia, and in the Federal courts, including the U.S. Supreme Court. In so doing he has earned the admiration of his legal colleagues and the respect of the judges before whom he has appeared.

I think it it appropriate to say that Lewis Powell is a lawyer's lawyer.

He has a deep respect for the law and unlimited devotion to the legal processes.

He received one of the highest honors which could be bestowed upon him by his fellow lawyers. He was elected president of the American Bar Association, in which position he served with energy, imagination, and distinction.

To my knowledge, no one has questioned his qualifications to serve as a member of the Nation's highest court. Indeed, most of those with whom I have talked, or whose views I have read, regard his legal attainments as being of the highest degree.

Aside from the requisite knowledge of the law, it always has been my view that perhaps the most important single qualification for a judgeship is that the nominee possess judicial temperament.

This I feel Lewis Powell possesses in abundance. His entire career has shown him to be fair-minded and sensitive to equal rights under the law for all citizens.

In reviewing his testimony before the Senate Judiciary Committee, I find that no one questioned his knowledge of the law, or his legal qualifications.

Lewis Powell is a splendid lawyer, but he is far more than a lawyer.

Mr. Powell has recognized his obligations to the public and has given unfailingly of his time to serve the public interest.

In World War II he served for 33 months in the European theater, rising from first lieutenant to colonel in the Army Air Corps.

His role as a member of the State board of education and the city of Richmond school board during the trying desegregation period won him wide acclaim.

As a member of the National Advisory Committee on Legal Services for the Poor, he helped create the National Legal Services program.

Mr. Powell was a member of the Department of Defense study panel in 1969.

He has also lent his considerable legal talent to both the State and Federal governments. While a member of the commission on constitutional revision, he participated in the rewriting of Virginia's constitution.

In 1965 President Johnson appointed him to the National Commission on Law Enforcement and Administration of Justice. This Commission's work led to many of the provisions of the Omnibus Crime Control Act of 1968.

So it will be seen that Lewis Powell can bring to the Supreme Court not only a deep sense of responsibility and dedication, but also a wide acquaintance with public affairs which will enrich the Court.

Mr. Powell at the age of 64 did not seek the Supreme Court appointment. In fact, I have reason to believe that he accepted the nomination with some reluctance.

He recognizes full well the honor conferred upon him by the President of the United States. He has a deep reverence for the Supreme Court as an institution. He is ready and willing to serve his Nation in any position of responsibility.

But as he himself so frankly stated following his appointment by the President, he is not certain that the role of judge will be to his liking.

He is certain, however, of his own dedication to the law and to the good of his country. It is for these reasons that he has accepted the nomination of President Nixon to serve on the Supreme Court.

Mr. Powell will serve with ability, dedication, and distinction.

I hope, and believe, that he will be confirmed by unanimous vote.

Mr. **BAYH**. Mr. President, will the Senator yield?

Mr. **BYRD** of Virginia. I yield.

Mr. **BAYH**. I compliment the Senator for the statement he made, expressing the qualifications of and support for his fellow Virginian, Lewis Powell. I hope, on tomorrow, or the first of the week, to have the opportunity in more detail to debate and to try to follow the footsteps of the Senator from Virginia in support of the nomination of Lewis Powell. I do believe he would make an exceptional Justice. I just want to associate myself with that part of the Senator's statement.

Mr. BYRD of Virginia. I thank the distinguished Senator from Indiana for his comments. His support of Mr. Powell will mean a great deal to Mr. Powell in the matter of his nomination to the Supreme Court.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in adjournment until 10 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR BEALL TOMORROW

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Maryland (Mr. BEALL) will be recognized for not to exceed 15 minutes after any statements by the joint leaders are disposed of.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the remarks of the Senator from Maryland (Mr. BEALL) tomorrow there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate there will be no votes tomorrow. If through happenstance that possibility does become a reality, such votes will be put over until Monday.

The PRESIDING OFFICER. The Chair wishes to ask the majority leader whether after morning business is completed it is contemplated the Senate would go into executive session.

Mr. MANSFIELD. Yes, indeed. I make that request.

ORDER FOR EXECUTIVE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I make that a part of my request. I ask unanimous consent that at the conclusion of morning business the Senate return to executive session for the consideration of the nomination of Mr. Powell.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I take it it is the understanding we will continue in executive session until we have disposed of these two nominations.

Mr. MANSFIELD. Yes.

Mr. SCOTT. Subject to unanimous consent requests to the contrary.

Mr. MANSFIELD. And conference reports and the like.

Mr. SCOTT. Yes, such as conference reports.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

Proposed Supplemental Appropriations, 1972 (S. Doc. No. 92–45)

A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1972, in the amounts of $124,065,122 in budget authority and $5,000,000 in liquidation of contract authority (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

Map of Natural Gas Pipelines and Sales of Electric Power

A letter from the Chairman of the Federal Power Commission submitting a map of the major natural gas pipelines showing the sales of firm electric power for resale (with accompanying papers); to the Committee on Commerce.

Report of the Comptroller General

A letter from the Comptroller General of the United States submitting a report entitled "Benefits Could Be Realized through Reuse of Designs for Public Housing Projects" (with accompanying report); to the Committee on Government Operations.

Reports of the Immigration and Naturalization Service

A letter from the Commissioner of Immigration and Naturalization submitting, pursuant to law, reports concerning visa petitions which have been approved (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation Increasing Authorizations

A letter from the Chairman of the Atomic Energy Commission submitting proposed legislation to increase the authorization for appropriations for operating expenses and plant and capital equipment (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution of the Legislature of the State of Minnesota; to the Committee on Finance:

"H.F. No. 66

"A resolution memorializing the President and Congress to enact legislation extending income tax benefits given married persons to single persons

"Whereas, there is inequality in the present income tax structure which places an unduly large financial burden on single taxpayers of this country; and

"Whereas, this problem is becoming more serious with each increase in taxation; and

"Whereas, fair income taxation to all people of this country, regardless of marital status, should be a prime concern of the United States Congress; now, therefore,

"Be it resolved, by the Legislature of the State of Minnesota that Congress should speedily enact legislation, such as H.R. 4219, H.R. 850, and S. 869, which would extend to all single taxpayers the full tax benefits now enjoyed by married taxpayers filing joint returns.

"Be it further resolved, that the Secretary of State of Minnesota transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairman of the Finance Committee of the Senate, the Chairman of the Ways and Means Committee of the House of Representatives, and the Minnesota Senators and Representatives in Congress.

A resolution adopted by the Saipan Legislature of the Trust Territory of the Pacific Islands; to the Committee on Veterans' Affairs:

"Resolution No. 23–15–1971

"A resolution respectfully requesting the President of the United States to support and the United States Congress to enact, legislation to provide that citizens of the trust territory of the Pacific Islands who serve in the United States Armed Services be granted the same veterans benefits as citizens of the United States not otherwise applicable to the trust territory citizen

"Be it resolved by the twenty-third Saipan Legislature, that:

"Whereas, many citizens of the Trust Territory of the Pacific Islands have served and are serving in the United States Armed Forces; and

"Whereas, the hardships which may result from such service are as severe for citizens of the Trust Territory of the Pacific Islands and their families as for citizens of the United States and their families; and

"Whereas, citizens of the Trust Territory of the Pacific Islands should be provided the same benefits as citizens of the United States when they are willing to risk their lives in the service of the United States of America; now, therefore,

"Be it resolved by the Twenty-Third Saipan Legislature, Fifth Regular Session, 1971, that the President of the United States is respectfully requested to support and the United States Congress is respectfully requested to enact legislation to provide that citizens of the Trust Territory of the Pacific Islands who serve in the United States Armed Services be granted the same veterans benefits as citizens of the United States not otherwise applicable to the Trust Territory citizen; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President of the Senate and Speaker of the House of Representatives, United States Congress, and to the Secretary of Defense.

"Passed and adopted this 24th day of September 1971."

A letter transmitting the results of a referendum in the City of Pittsfield, Mass., concerning the question of a ceasefire and withdrawal of troops from Southeast Asia; to the Committee on Foreign Relations.

A petition from citizens of Southeastern States expressing disagreement with proposed gun control legislation; to the Committee on the Judiciary.

A resolution adopted by the Knights of Columbus, Accokeek, Md., concerning proposed legislation regarding abortion; to the Committee on Labor and Public Welfare.

Resolutions adopted by the Utility Co-Workers Association, Newark, N.J., pertaining to matters of national interest; to the Committee on Labor and Public Welfare.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore on today, December 3, 1971, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes;

H.R. 6283. An act to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 6065. An act to amend section 903(c) (2) of the Social Security Act (Rept. No. 92–551); and

H.R. 10604. An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial (Rept. No. 92–552).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

Romana Acosta Banuelos, of California, to be Treasurer of the United States; and Edgar R. Riedler, of New York, to be an Assistant Secretary of the Treasury.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STAFFORD:

S. 2942. A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY:

S. 2943. A bill to designate the Department of Health, Education, and Welfare South Building in Washington, D.C., as the "Mary Switzer Memorial Building. Referred to the Committee on Public Works.

By Mr. BUCKLEY (for himself, Mr. Kennedy, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bennett, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dole, Mr. Eastland, Mr. Fannin, Mr. Griffin, Mr. Gurney, Mr. Goldwater, Mr. Harris, Mr. Hatfield, Mr. Humphrey, Mr. Hollings, Mr. Jackson, Mr. Javits, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Miller, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Roth, Mr. Saxbe, Mr. Scott, Mr. Schweiker, Mr. Tower, Mr. Young, Mr. Weicker, and Mr. Byrd of West Virginia):

S. 2944. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

By Mr. BUCKLEY (for himself, Mr. Kennedy, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bennett, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dole, Mr. Eastland, Mr. Fannin, Mr. Griffin, Mr. Gurney, Mr. Goldwater, Mr. Harris, Mr. Hatfield, Mr. Humphrey, Mr. Hollings, Mr. Jackson, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Miller, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Roth, Mr. Schweiker, Mr. Scott, Mr. Tower, Mr. Tunney, Mr. Saxbe, Mr. Young, Mr. Weicker, and Mr. Byrd of West Virginia):

S. 2945. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies. Referred to the Committee on Armed Services.

By Mr. NELSON (for himself and Mr. Mondale):

S. 2946. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes. Referred to the Committee on Commerce.

By Mr. STEVENS:

S. 2947. A bill for the relief of Despina Papadopoulou. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S. 2948. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STAFFORD:

S. 2942. A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE MANPOWER TRAINING AND EMPLOYMENT ACT OF 1971

Mr. STAFFORD. Mr. President, I am today introducing a new comprehensive manpower act to accomplish the national objectives recognized by virtually every authority in the manpower training field as necessary to achieve an effective effort on behalf of those members of our labor force who are unemployed or underemployed.

Mr. President, as a result of the rapid advance in our technology and automation, there is a growing imbalance between the training and skills required of many of those who are seeking to join the active labor force. Because of this and other reasons there are many workers in our economy who are unemployed or employed below their potential capacity, and who with appropriate training could make a greater contribution to the labor economy and share more fully the rewards which our economy gives to those gainfully employed.

In addition, there is the problem of assuring meaningful employment opportunities to those seeking employment when we have a labor force that is undergoing sustained rapid growth. The education systems in this country have a responsibility to provide the academic, technical, and vocational training opportunities necessary to prepare students for adult living. However, where this system falls short of matching the employers needs and the prospective employee's qualifications in a viable economic framework, then supplementary and remedial services are essential and justified as a part of a national manpower program. The availability of jobs to the unemployed, underemployed, and low-income workers is restricted by the lack of sufficient unskilled entry-level positions in our technically progressive society. Such opportunities can be increased by assisting workers to learn or improve their skills so that their upward mobility in the labor market can be assured.

An improved program of training and retraining for the unemployed and underemployed can make a significant contribution toward obtaining this goal. The achievement of this objective will also produce a desired side effect of reducing the present heavy burden of welfare and unemployment costs.

It is the purpose of this bill to establish a comprehensive national manpower program which will engage the efforts of all sectors of the economy and all levels of government. This will help bring about the realization of an economy that is characterized by full employment within a context of prosperity and economic stability.

Mr. President, my bill recognizes that the administration and implementation of effective manpower services can best be achieved by delivery of these services at the local level. The local manpower agencies are in the best position to secure the confidence and active cooperation of employers and employees and other public and private agencies which are essential in the establishment of an effective manpower program.

Mr. President, there is little doubt as to the pressing need for comprehensive reform of our Nation's manpower training programs. The bill I have introduced will go a long way in achieving this needed reform.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

Mr. President, one final comment on my bill. In section 3, the authorization section, I have not filled the amounts of money that should be authorized. I feel that, after extensive hearings and research by the Employment, Manpower, and Poverty Subcommittee, a more rational and comprehensive figure can be placed in the bill to meet the needs of our unemployed and underemployed.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2942

A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Manpower Training and Employment Act of 1971."

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) as a result of rapid advances in technology and automation, there is a growing imbalance between the training and skills of many of those in or seeking to join the active labor force and the requirements of production, service and supervisory tasks throughout the national economy, and there are many workers who are unemployed or are employed below their potential capacity and who, with appropriate training or retraining, could make a greater contribution to the national economy and share more fully in its rewards;

(2) the problems of assuring meaningful employment opportunities will inevitably be compounded by the continued rapid growth of the labor force. The public and private education system has the major responsibility to provide the academic, technical and vocational training opportunity necessary to prepare students for adult living. However, where this system falls short of matching needs and opportunities in a viable economic framework, supplementary and remedial services are essential and justified as part of a national manpower program;

(3) the availability of private employment to unemployed, underemployed, and low-income workers is restricted by the lack of sufficient entry level jobs opportunities. Such opportunities can be increased by assisting workers now in entry level jobs to improve their skills and move upward to more advanced positions;

(4) improved training and retraining programs and facilities for the unemployed and underemployed can make a significant contribution toward reducing the present heavy burden of welfare costs;

(5) the reduction of unemployment, underemployment, and excessive public assistance, payments, and the realization of an economy characterized by full employment within a context of prosperity and economic stability, are matters of major national concern. On the other hand, the administration and delivery at the local level of effective manpower programs are by nature primarily local matters, and local agencies are in the best position to secure and maintain the confidence and active cooperation of employers, employees and other public and private agencies, individuals, and organizations.

(b) It is the purpose of this Act to establish a comprehensive national manpower program to imploy the efforts of all sectors of the economy and all levels of government. It is the intent of Congress that the programs developed and carried out or assisted pursuant to this Act shall rely to a maximum degree on local initiative and responsibility, public and private, within a context of national need and purpose.

APPROPRIATIONS AND ALLOCATIONS OF FUNDS

SEC. 3. (a) In order to carry out the provisions of this Act, other than Title III, there are hereby authorized to be appropriated not to exceed the sums of $——— for the fiscal year ending June 30, 1972; $——— for the fiscal year ending June 30, 1973; $——— for the fiscal year ending June 30, 1974; and such amounts as may be necessary in succeeding fiscal years. Any amounts autorized by the preceding sentence but not appropriated during any fiscal year may be appropriated in subsequent years. Appropriations made pursuant to this subsection may provide that the funds so appropriated shall remain available for obligation until the close of the fiscal year following that for which the appropriation is made.

(b) The Treasury shall reserve eighty-five per centum of the amounts appropriated pursuant to subsection (a) to carry out the provisions of Title I of this Act.

(c) (1) The amounts reserved by subsection (b) of this section shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income persons in each such State bears to such total numbers, respectively, in the United States, but not less than three-fourths of one per centum of the amounts appropriated shall be apportioned to any State. Not less than one-third of one per centum each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of this paragraph the term states over not to include the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2) Not more than twelve and one-half per centum of the amounts reserved and made available for programs and activities authorized until Title I of this Act pursuant to such subsection (b) shall be available for use within any one State.

(3) The Secretary is authorized to make reallocations for the purposes of Title I of this Act of the unobligated amount of any apportionment under subsection (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsection (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) In addition to the amounts authorized in subsection (a) hereof, there are authorized to be appropriated such amounts as may be required for the administrative expenses of the Secretary in carrying out the provisions of this Act.

TITLE I—COMPREHENSIVE STATE PLANS AND MANPOWER GRANTS

USE OF FUNDS

SEC. 101. (a) Prime Sponsors approved pursuant to this title shall have broad discretion as to the various uses of funds as provided under this title for manpower programs which shall include any Comprehensive Manpower Development Activity set forth in paragraph (3) of section 401.

PRIME SPONSORSHIP

SEC. 102. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which has a population of 100,000 or more persons on the basis of the most satisfactory current data available to the Secretary and (i) which is a city or (ii) which is a county or other unit of general local government which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functioning labor market area; or

(B) which has a population of less than 100,000 persons on the basis of the most satisfactory current data available to the Secretary and which has the largest population of any unit of general local government meeting the requirements of clause (i) or (ii) of subparagraph (2) (A) in a State; and

(3) any combination contiguous of units of general local government which covers a geographical area which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functioning labor market area;

(4) any combination of contiguous units of general local government, Indian Reservation, without regard to the population requirements of clauses (2) and (3), in rural areas designated by the Secretary which have substantial out migration and high unemployment shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this title.

(b) (1) Any State or unit (or combination of units) of general local government, or Indian Reservation, which is eligible to be a prime sponsor under this section and which desires to be so designated shall submit annually to the Secretary a prime sponsorship plan in accordance with provisons in section 105 including provisions which evidence capability for carrying out a comprehensive manpower services plan. Each such prime sponsorship plan shall be submitted through the State Comprehensive Manpower Agency, established in accordance with the provisions of section 104, for comment and coordination.

(2) The State Comprehensive Manpower Agency shall be afforded an opportunity to comment upon such plan, within a period not to exceed 60 days of the submission of such plan. In any case in which the provisions of this paragraph are not met, the Secretary shall directly fund comprehensive manpower programs in the area proposed to be covered by that prime sponsorship plan in accordance with the provisions of subsection (d) of this section.

(c) In any State in which the Secretary has approved a State Comprehensive Manpower Plan, a program proposed by a prime sponsor shall not be approved for assistance by the Secretary unless such proposal has been determined by the comprehensive manpower agency of the State to be not inconsistent with such comprehensive manpower plan.

(d) In any area of a State for which a prime sponsorship plan has not been submitted, or in any case in which a submitted prime sponsorship plan or modification thereof has been disapproved by the Secretary, funds allocated to that State shall be made available for expenditures in that area shall be made available to qualified applicants in that State directly by the Secretary pursuant to applications approved by him for purposes of this subsection.

NONCOMPLIANCE OF A PRIME SPONSORSHIP

SEC. 103. (a) If the Secretary determines, after notice to the State and opportunity for hearing, that a prime sponsor which has been determined to be eligible for grants under section 102 is no longer complying with the requirements of the provisions of this title, he may determine that the State, or prime sponsor, is no longer eligible to receive assistance under this title and withhold such further assistance or portions thereof as may be appropriate.

(b) No determination of noncompliance under this section shall be made without concurrence of the Secretary of Health, Education, and Welfare respecting any matters approximately within the jurisdiction of the Department of Health, Education, and Welfare.

STATE COMPREHENSIVE MANPOWER AGENCY

SEC. 104. (a) Any State desiring to participate in the comprehensive manpower program shall establish a comprehensive manpower agency in the following manner:

(1) by statute; or

(2) by designation by the chief Executive of an existing appropriation State agency or of a new agency created for the purpose of this Act.

(b) The State comprehensive manpower agency shall develop a comprehensive manpower plan which shall contain assurances that the maximum extent possible of resources of existing State and local manpower and employment agencies will be used. The comprehensive manpower plan of each State shall be coordinated with the approved statewide plan under the Wagner-Peyser Act. Each such plan shall be submitted to the Secretary for approval.

(c) The State shall provide for a manpower coordinating council broadly representative of appropriate State and local persons involved in the manpower activities and local community action projects.

(d) Each State Comprehensive Manpower Agency shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, and the adequacy of their mechanism for the delivery of services. Each such agency shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs assisted under this title.

APPROVAL OF PRIME SPONSORSHIP PLANS

SEC. 105. (a) The principal governing body of the area to be served by the prime sponsor shall submit a prime sponsorship plan in accordance with the requirements of this section. Each plan shall:

(1) provide for the conduct of programs financed under this Act including the furnishing of services to eligible prime sponsors, to the extent, in such manner, and in accordance with such rules, regulations, standards of performance, and annual guidelines as the Secretary determines are necessary for the purpose of (A) providing coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, (B) providing increased occupational opportunities and work experience for eligible individuals, (C) lessening the number of persons receiving public assistance or the amount of the payments made under the program, (D) providing intensified efforts to relieve skill shortages, and (E) providing for a more effective utilization of manpower in our economy;

(2) provide for the development or standards for evaluating the effectiveness of programs carried out under the State plan in achieving the objectives of this Act and provide adequate assurances that such standards will be considered in determining whether to renew or supplement assistance to agencies administering programs pursuant to such plan; and

(3) provide such other assurances or information as the Secretary may find necessary to carry out the purposes of this title.

(b) The Secretary shall approve a State or prime sponsor plan which meets the requirements of this title except that with regard to programs including basic education; institutional training; health, child care and other supportive services; new careers and job restructuring in the health, education, and welfare professions; and work-study programs, he shall secure the concurrence of the Secretary of Health, Education, and Welfare.

PLANNING GRANTS

SEC. 106. The Secretary is authorized to make grants to the States and prime sponsors for the purpose of establishing and maintaining State comprehensive manpower agencies and for developing comprehensive plans and prime sponsorship plans for submission to the Secretary pursuant to this title. Planning grants shall be made to a State from funds apportioned to such State under section 3 and available for the purpose.

ELIGIBLE INDIVIDUALS AND PRIORITIES

SEC. 107. (a) No financial assistance for any program under this title shall be provided to prime sponsors unless the Secretary determines that participants in such programs are for the benefit, except as otherwise disadvantaged persons sixteen years of age or over who are not adequately prepared for suitable employment in their area of residence.

(b) In referring individuals to any programs or services provided under this title priority shall be given to veterans, welfare recipients, disadvantaged, and other unemployed and underemployed persons.

SPECIAL CONDITIONS

SEC. 108. No financial assistance for any program or project may be made under this title.

(1) arrangements respecting compensation and allowances will be in accord with the provisions of this Act and applicable regulations of the Secretary consistent with the provision of section 109.

(2) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant.

(3) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained.

(4) no discrimination will be exercised or threatened in the operation of any program, against any applicant or program participant because of race, creed, color, sex or national origin.

(5) the project does not involve nor will any participant be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed.

(7) the program will not provide assistance in relocating establishments from one area to another, except where such establishments have been displaced by public action. This limitation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary, if the Secretary of Labor finds that assistance will not result in an increase in unemployment in an area where such business entity is located or conducts business.

(8) Funds utilized to carry out a prime sponsor plan will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this Act and not to supplant such other funds.

(9) the State Comprehensive Manpower Agency and the prime sponsors will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this Act.

(10) no services will be duplicated in the administration of the plan which are being provided under other federally funded manpower programs.

COMPENSATION AND ALLOWANCES

SEC. 109. (a) Workers in programs providing work experience under this Act shall be compensated at a rate not less than the applicable minimum wage rate, but in no case less than the rate prescribed by Section 6(b) of the Fair Labor Standards Act.

(b) Workers engaged in employer-compensated on-the-job training under this Act shall be compensated at a rate not less than the higher of (1) the applicable minimum wage rate, or (2) the prevailing wage paid to workers of like experience performing similar work in the locality.

(c) A participant undertaking training or work-experience or other manpower development activity described in subsection (f) on either a full-time or part-time basis, shall receive allowances for transportation, in addition to the applicable training allowance or wage. The amount of allowance provided under this subsection shall be determined in accordance with regulations prescribed by the Secretary.

(d) For the purposes of this section, a basic allowance shall be computed on the average weekly wage of all categories covered by the unemployment compensation law in the State in which an individual is referred for participation in institutional training or other manpower activities referred to in paragraph (3), without regard to any limitation on the amount of wages subject to contribution under such State law. The basic allowance shall be 65% of such average: Provided that a basic allowance shall in no case be less than 45 times the minimum hourly wage provided in section 6(a)(1) of the Fair Labor Standards Act of 1938.

(e) For the purposes of this section, a dependents' allowance shall equal $7.50 per week for each dependent.

(f) Persons, except those specified in subsection (d), who are participating on a full-time basis in the following programs assisted under Title I in (1) institutional training; or (2) other manpower development activities which are not compensated by an employer or subject to subsections (a) or (b): shall receive a basic allowance plus a dependents' allowance for his dependents as specified in subsection (c) for each week of full-time participation: Except, that no individual shall receive allowances under this subsection which are less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity.

(g) The following participants in full-time institutional training or other manpower development activities described in subsection (f) shall not be entitled to allowances provided in subsection (f):

(1) A public assistance recipient under programs assisted under titles I, IV, X, XIV, and XVI of the Social Security Act, who shall be paid, in addition to any public assistance payments to which he may be entitled, incentive payments of not more than $30 per month under regulations prescribed by the Secretary. (2) A participant who is not the head of a household, as defined by the Secretary. Such participant shall receive ¾ of the allowance computed under subsection (c).

(3) A participant receiving unemployment compensation under any Federal or State unemployment compensation law. Such participant shall receive for each week of training, allowances equal to the difference between (1) any allowance to which he would otherwise be entitled under subsections (f) and (g) of this section and (2) the unemployment compensation (including allowances for dependents) which he actually received for such week.

(4) A participant engaged in employer-compensated on-the-job training or work experience assisted under this title. The allowances of such participants shall be computed in accordance with subsections (f) and (g), as appropriate, and shall be reduced in accordance with rules and regulations prescribed by the Secretary, which shall take into account the hours of such work experience or on-the-job training and the amount of compensation therefore.

(h) The Secretary shall promulgate regulations for the fair and equitable compensation of those applicants participating in the program on a proportion basis.

(i) No allowance under subsections (f), (g) or (h) of this section may be paid for any portion of a training period which extends beyond one hundred and four weeks.

(j) Not to exceed eighty per centum of the compensation paid participants in on-the-job training projects shall be eligible for inclusion for assistance under this title.

(k) A participant who has successfully completed a program of full-time participation, of not less than fifteen weeks' duration, in institutional training or other manpower development activities described in subsection (f) shall receive upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under subsections (f) or (g) for his last week of full-time participation during such period and which there shall be an addition thereto.

PAYMENTS

SEC. 110. (a) In accordance with this section the Secretary shall pay from the applicable apportionment under section 3 the federal share of the costs of prime sponsorship plans and State Comprehensive Manpower Plans which have been approved in accordance with the provisions of this title.

(b) For the purposes of this title, the federal share shall be 80 per centum for the fiscal year ending June 30, 1972, and each fiscal year thereafter.

(c) The non-federal share of the costs of manpower programs assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities, reasonably evaluated.

(d) Payments to a State or prime sponsor under this title may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or a prime sponsor, as the case may be, or to one or more public agencies designated for this purpose by the State, or all three.

INTERSTATE AGREEMENTS

SEC. 111. In the event that compliance with provisions of this title requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such agreements to facilitate such compliance, subject to the approval of the Secretary.

TITLE II—SPECIAL FEDERAL PROGRAMS INFORMATION, RESEARCH AND DEVELOPMENT

SEC. 201. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences, and such other methods, techniques and knowledge as will aid in the solution of the Nation's manpower problems. This program may include, without being limited to, studies which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment; promotion of more effective manpower development, training and utilization; improved national, regional, and local means of measuring or forecasting labor demand and supply; enhancement of job opportunities; up-grading of skills; meeting of manpower shortages; and means of easing the transition from school to work, from one job to another, and from work to retirement.

(b) The Secretary may make grants to or contracts with State comprehensive manpower agencies, prime sponsors or other qualified public or private organizations or agencies, for experimental, developmental, demonstration, and pilot projects for the purpose of developing, testing and demonstrating new or improved techniques for meeting manpower, employment, and training problems. In carrying out this subsection the Secretary of Labor shall, where appropriate, consult with the Secretaries of Health, Education and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate.

LABOR MARKET INFORMATION

SEC. 202. The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local or other appropriate basis, including the following information:

(1) with respect to an individual labor market area—

(A) the numbers and characteristics of persons requiring manpower services;

(B) an inventory of job opportunities and skill requirements;

(C) labor supply in various skills; and

(D) occupational outlook and employment trends in various occupations;

(2) with respect to State, regional or national summary data—

(A) areas of short or excess labor supply by types of skills;

(B) in cooperation and after consultation with the Secretary of Commerce, economic and business development trends; and

(C) such other information as in his judgment will be of value to public and private officials concerned with planning and carrying out programs of industrial or commercial development or manpower training and development.

(D) maximum effective use shall be made of electronic data processing, telecommunications, and other tools of modern technology in the development and administration of the program. The Secretary shall develop and institute procedures for distributing and assuring the prompt and ready availability of information concerning manpower needs and resources as herein provided to employers, employees, public and private job placement agencies, unions and other interested individuals and agencies.

EXPERIMENTS, DEMONSTRATION, RESEARCH AND DEVELOPMENT

SEC. 203. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this title.

TITLE III—ACTIVE MANPOWER POLICY AS AN ECONOMIC STABILIZER

FINDINGS AND PURPOSE

SEC. 301. It is the purpose of this title to provide an automatic increase in manpower program resources in a timely manner when serious deterioration in the level of economic activity is reasonably anticipated.

EXTENDED APPROPRIATIONS

SEC. 302. (a) For the purpose of providing rapid action in situations involving excessive unemployment, until the Congress shall have an opportunity to act, there is hereby authorized to be appropriated $100,000,000 for fiscal year ending June 30, 1972, to remain available until expended.

(b) Funds appropriated under this title shall be utilized without regard to the apportionment formula prescribed in section 3, in financing, training and related activities for unemployed individuals, in addition to those authorized for title I of this Act, which afford the most effective opportunity to alleviate a local or regional situation of increasing unemployment.

(c) Subsection (a) shall become effective only when the Secretary determines that for each of the most recent three consecutive calendar months ending prior to the date on which a determination is made, the rate of unemployment in a prime sponsorship area is 5 per centum or higher. No further obligation of funds under this title shall be made in any such one subsequent to a determination by the Secretary that the rate of unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months.

TITLE IV ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 401. For the purposes of this Act, the term—

(1) "Secretary" shall mean the Secretary of Labor;

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) Comprehensive manpower activities includes the following—

(A) basic education, including literacy and communications skills which will assist individuals to become more employable or more suitable for participation in occupational training;

(B) outreach, counseling, testing, work evaluation and adjustment, work sampling, recruitment, placement, and followup services;

(C) institutional and on-the-job occupational training, including training or employed workers for the purpose of upgrading their skills and improving the utilization of available manpower;

(D) supportive services, including health services, physical examinations, the furnishing of prosthetic devices, developmental child care, bonding, and other special services, including residential support, deemed necessary for enhancing the employability of participants in programs assisted under this title;

(E) work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the field of health, public safety, education, recreation, streets, parks and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment community improvement, including the establishment, operation, or strengthening of any such program;

(F) part-time work for student in ninth through twelfth grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational authorities to enhance, to the extent feasible, the educational growth of such students;

(G) relocation assistance, including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual to relocate in an area where he may obtain suitable employment;

(H) the development of job opportunities including activities designed to promote job restructuring and redesign for the purpose of providing more effective utilization of manpower;

(I) incentives for specialized or other personnel and technical assistance which is needed in connection with the programs established under this title or which otherwise pertain to the purposes of this title.

(K) "Dependent" means any spouse, parent, or offspring of a participant residing in the same household and not employed fulltime.

ADMINISTRATIVE PROVISIONS

Sec. 402 The Secretary may—

(1) make such grants, enter into such contracts or agreements, and make and publish such policies, rules and regulations as he may deem necessary to carry out the provisions of the Act;

(2) utilize, contract with, and act through, without regard to section 3709 of the Revised Statutes, any Federal, State or local public agency or instrumentality, educational institution, or non-profit agency or organization with the consent of the agency or organizations concerned, and make arrangements for payments to any such organization or agency by way of advance or reimbursement without regard to the provisions of section 3648 of the Revised Statutes; and

(3) accept and employ in furtherance of the purposes of this Act any money or property of any sort received by gift, bequest, devise or otherwise; and accept voluntary and uncompensated services notwithstanding the provisions of section 3679 (b) of the Revised Statutes (31 U.S.C. 665 (b)).

REPORTS

Sec. 403. The Secretary shall include in his annual reports to the President and the Congress a full and detailed account of activities taken pursuant to this Act and the results thereof, including a summary of the evaluations made pursuant to Title I of this Act, together with his findings and recommendations in connection therewith.

PAYMENTS TO PUBLIC ASSISTANCE RECIPIENTS

Sec. 404. Notwithstanding the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act, a State plan approved under any such title shall provide that no payment made to any person pursuant to section 109 (g)(1) or 109(h) of this Act shall be regarded (A) as income or resources of that person in determining his need under such approved State plan, or (B) as income or resources of any other person in determining the need of that other person under such approved State plan. No funds to which a State is otherwise entitled under titles I, IV, X, XIV, or XVI of the Social Security Act for any period before the first month beginning after the adjournment of the State's first regular legislative session which adjourns more than sixty days after the enactment of this section shall be withheld by reason of any action taken pursuant to a State statute which prevents such State from complying with the requirements of this paragraph.

LABOR STANDARDS

Sec. 405. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

PROVISIONS AFFECTING EXISTING AUTHORITIES

Sec. 406(a). The provisions of this Act shall be supplemental to and not in substitution for the provisions of the Emergency Employment Act of 1971 (Public Law 93–54). During any period of time when the Emergency Employment Act of 1971 is in effect, the Secretary shall provide for a coordinated and consistent administration of activities to be assisted under both Acts in order to end overlapping and duplication.

(b) The Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2517 et seq.), is hereby repealed.

By Mr. HUMPHREY:

S. 2943. A bill to designate the Department of Health, Education, and Welfare South Building in Washington, D.C., as the "Mary Switzer Memorial Building." Referred to the Committee on Public Works.

MARY SWITZER MEMORIAL BUILDING

Mr. HUMPHREY. Mr. President, I take great pleasure today in introducing legislation which will offer our Nation an opportunity to pay lasting and appropriate tribute to one of the great women of our Nation, Mary Switzer.

My bill provides for the South Building of the Department of Health, Education, and Welfare, Washington, D.C., to be named the Mary Switzer Memorial Building.

As far as can be determined, this will be the first Federal building to be named after a woman—and no woman is more deserving of this honor than is Miss Switzer.

Her distinguished career in the Federal Government spans 48 years—during which time she worked under eight Presidents and became the first person to head the Social and Rehabilitation Service in the Department of Health, Education, and Welfare.

This position gave her the largest administrative responsibility of any woman in Government and required that she combine and consolidate the work of five Federal agencies providing social and rehabilitation services to millions of Americans.

During the 3-year period that she held this post, she supervised the expenditure of $8 billion in Federal programs serving the aged, the poor, children and youth and the disabled.

When she accepted this challenging new assignment, her name was already synonymous with rehabiliation. For 17 years she had been engaged in this work—first, as head of the Federal-State program for the rehabilitation of the disabled—and later as Commissioner of the Vocational Rehabilitation Administration, where she remained until 1967.

Under her inspiration and direction the vocational rehabilitation program grew from one that rehabilitated fewer than 60,000 disabled persons a year for useful work in 1950 to 240,000 in 1969.

Such success prompted former Secretary of Health, Education, and Welfare Arthur Flemming, under whom she served from 1958 to 1961, to call her "one of the 10 career civil servants who has rendered the most to the Nation throughout its entire history."

And during her long career similar tributes have come from all levels of government and from the people whom she served.

At the time of her retirement she had received 16 honorary degrees and more than 40 awards, including the President's Certificate of Merit—the highest wartime award for civilians; the Albert Lasker Award in medicine; and the National Civil Service Award.

She also had the distinction of being the first woman to be appointed to the board of directors of Georgetown University and as trustee of Assumption College.

But such recognition only seemed to act as an impetus to further accomplishment and effort.

Each year, more vigorously than before, she would fight the battles necessary to make sure that her area of government was as responsive as possible to the people that it was meant to help.

> Too many children and too many adults in this free society still live under the subtle but powerful tyrannies of ignorance, disease, want, discrimination, physical handicap or mental illness.

She maintained:

> Those tyrannies keep them dependent. We want them to be free and strong.
>
> We feel rehabilitated individuals have a right to work instead of to beg. We feel an individual is entitled to his place in the sun somehow.

I feel that Mary Switzer is also entitled to her "place in the sun" for her outstanding years of accomplishment in the field of social welfare and rehabilitation. And I ask my colleagues to join in assuring that the South Building of HEW bears the name of this "dedicated bureaucrat," as she laughingly, but proudly, referred to herself.

Now I ask unanimous consent to have printed in the Record as part of my remarks the New York Times story written following a Washington dinner in her honor the year before her death. It summarizes her career and acknowledges the high regard which the Nation felt for this courageous and able woman from Boston.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 1, 1970]

Career in Rehabilitation: Mary E. Switzer Honored at Dinner After 48 Years as Public Health Aide

(By Howard A. Rusk, M.D.)

Washington.—Public dinners for people and causes these days are generally a dime a dozen. However, last Tuesday night here in Washington, a tribute dinner was given, honoring a career, a cause and a lady who has made great contributions in public health and rehabilitation.

The woman was Mary E. Switzer; the occasion, her retirement after 48 years of public service. Her career began in 1922, as a junior economist in the Treasury Department. In 1934, she was given certain supervisory fiscal responsibilities over the United States Public Health Service.

This new responsibility "infected" her with a special concern for public health and rehabilitation services.

In 1950, when she was named head of the Federal-state program for the rehabilitation of the disabled, The New York Times commented editorially on the excellence of the appointment. When she was asked how she would like to be described, she replied, "A dedicated bureaucrat."

In the beginning there was no organized national training program for professional staff. Only 12 rehabilitation counselors graduated from American universities in 1950, and only three of the nation's medical schools had courses in rehabilitation methods. No organized rehabilitation research program existed.

5,000 GRADUATES LAST YEAR

Last year more than 5,000 rehabilitation counselors were graduated, and 98 schools of medicine and osteopathy routinely provide rehabilitation training.

The far-reaching research program today supports a wide variety of advanced research undertakings in universities and rehabilitation facilities.

In the early years, the total number of those rehabilitated annually in Federal and state programs reached 60,000. The public vocational rehabilitation program today is rehabilitating more than 240,000 disabled Americans a year for useful work, including 8,000 blind and 25,000 mentally retarded.

It has been documented over and over again that for every dollar spent in rehabilitation, $5 comes back in Federal income taxes alone, in the first five years after training. Congress and the people have learned that this is not only good medical and social practice but good economics. This is why the budget has increased from $20.5 million in 1950 for rehabilitation of the disabled to more than $500 million today.

A NEW DIMENSION

In 1960, a new dimension was added to the program: an international rehabilitation research program. Since the program began, 237 projects have operated in 12 countries, paid for with counterpart funds in the currency of the country owed to the United States for surplus commodities.

A number of these research projects have been "bread cast on the water." From them we have learned much to help the disabled in the United States. One of these is the new technique developed in Poland for the immediate fitting of an artificial limb with the patient on the operating table under anesthesia.

In late 1967, the Secretary of Health, Education, and Welfare, John W. Gardner, appointed Miss Switzer as first administrator of the newly constituted Social and Rehabilitation Service. Secretary Gardner said he wanted the spirit of rehabilitation transferred into all of the merging agencies.

Five major Federal agencies serving millions of Americans were brought under the new agency. Its functions included providing cash assistance (in 1967) to 7.6 million people—about 4 per cent of the population; supporting medical assistance for 6 million needy persons a year, providing rehabilitation services for the nation's disabled, extending Federal assistance for medical services for 450,000 crippled children each year, helping a quarter-million women a year obtain family planning services and assisting 700 projects in the course of a year in providing services for 19 million Americans over 65 years of age.

The Social and Rehabilitation Service, under Miss Switzer's guidance, has simplified procedures for needy people to obtain public assistance and social services, and has ameliorated the punitive aspects often associated with welfare. Experience has also proven that the overwhelming majority of welfare recipients prefer work and self-support to idleness and dependency.

More than a thousand persons came to this memorable event honoring Miss Switzer. They included co-workers, patients and families, and colleagues from every state in the union. The program was symbolic. Members of the National Theatre for the Deaf, a "Switzer project," recited poems in the wonderfully dramatic silent language they have created. Nanette Fabray sang "The Impossible Dream," not only with voice but also in the language of silence. Helen Francis Dunn, the 1969 Rehabilitant of the year for the District of Columbia, who is blind, told eloquently about the new life she has had through rehabilitation.

Six of the eight former Secretaries under whom Miss Switzer served attended and expressed their appreciation and affection. Secretary Robert H. Finch presented Miss Switzer with a flag of the department, the first time in history that this had ever been done.

MESSAGE FROM NIXON

Thousands of messages from all over the country were piled on the rostrum. The topmost was from President Nixon, expressing deep personal appreciation, and that of the people of the United States, to Miss Switzer for her services to the handicapped and disadvantaged.

The principles of rehabilitation were really practiced at the dinner, for there were 20 standing ovations to the guest of honor and the program participants. This secondary dividend of exercises prevented a lot of aching backs and postprandial somnolence.

In closing, Miss Switzer told of her new career as Vice President of the World Rehabilitation Fund, directing its work from her Washington office, in coordinating its worldwide programs with governmental, national and international voluntary organizations.

Evenings like this do not just happen. They are capstones of a lifetime of dedicated service to mankind. Those attending the dinner could not help but feel the aura of the unseen presence of the two million disabled throughout the United States who are walking, working and living lives of dignity because of the leadership of a great lady who cared.

By Mr. BUCKLEY (for himself, Mr. Kennedy, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bennett, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dole, Mr. Eastland, Mr. Fannin, Mr. Griffin, Mr. Gurney, Mr. Goldwater, Mr. Harris, Mr. Hatfield, Mr. Humphrey, Mr. Hollings, Mr. Jackson, Mr. Javits, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Miller, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Roth, Mr. Saxbe, Mr. Scott, Mr. Schweiker, Mr. Tower, Mr. Young, Mr. Weicker, and Mr. Byrd of West Virginia):

S. 2944. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

By Mr. BUCKLEY (for himself, Mr. Kennedy, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bennett, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dole, Mr. Eastland, Mr. Fannin, Mr. Griffin, Mr. Gurney, Mr. Goldwater, Mr. Harris, Mr. Hatfield, Mr. Humphrey, Mr. Hollings, Mr. Jackson, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Miller, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Roth, Mr. Schweiker, Mr. Scott, Mr. Tower, Mr. Tunney, Mr. Saxbe, Mr. Young, Mr. Weicker, and Mr. Byrd of West Virginia):

S. 2945. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies. Referred to the Committee on Armed Services.

Mr. BUCKLEY. Mr. President, I introduce for appropriate reference two bills. The first bill is designed to exempt from income taxation the compensation payable to prisoners of war and to those missing in action during the Vietnam conflict for the period in which such persons are held prisoner or are in a missing status. The second is designed to enable the sons of POWs and MIAs in the Vietnam conflict to compete for presidential appointments to the service academies. The overall purpose of this legislation, of course, is to express in some measure this Nation's gratitude to these men and its awareness of the very special sacrifice which they and their families have been called upon to make.

The lot of our prisoners of war in the Vietnam conflict has been particularly cruel. Aside from the broad evidence of the physical and mental duress to which they have been subjected by their captors, these men and their families have been denied the elemental rights and decencies which are supposed to be guaranteed to all prisoners of war by the Geneva Convention.

The families of these brave Americans have suffered, and courageously sustained, unusual hardships. Among the worst of these has been the fact that so many still do not know whether their husbands or brothers or fathers are among the living, or how those who are held captive are being treated. There is the further agony which results from the knowledge that the prisoners are being held as pawns in a political game being played by calculating men who have proven themselves to be impervious to the most elemental considerations of decency and humanity.

One of these days, God willing, the men now held captive in Southeast Asia will return to their homes; but even then, their lot will be quite different from that of prisoners taken in World War II and in the Korean war. These men will be returning as the victims of a war which has lost that broad base of public support which would make the memory of their sufferings easier to bear. This has become a war in which there are no heroes, no victory parades, no open-hearted expressions of public gratitude to those who have borne the brunt of battle.

The passage of this legislation would be a demonstration on the part of our Nation that the sacrifices of 1,599 sailors, soldiers, airmen, and marines who are prisoners of war or are missing in action have not been forgotten by a grateful people.

The public cost of the proposed legislation is modest, but the need for a national recognition of the special sacrifice of these men is large.

The National League of Families of American Prisoners and Missing in Southeast Asia enthusiastically supports this legislation.

I introduce this legislation on behalf of myself, Senator Kennedy and 41 other Senators who cosponsor the legislation relating to income taxation, and 39 other Senators who cosponsor the legislation relating to additional Presidential appointments to the service academies.

Mr. KENNEDY. Mr. President, I would like to commend the distinguished junior Senator from New York for introducing this bill on behalf of the families of American prisoner's of war and missing in action in Indochina. I am pleased to join in cosponsoring this very concrete legislation to help bring at least financial relief to these families.

It is tragic that there is so little new to be said about the prisoner of war problem. The plight of these prisoners and missing remains as troubling today as ever before. Despite all that has been said and done in recent years, meaningful progress on the prisoners identification and treatment—let alone their release—has been extremely slow and too often filled with false hopes. And the understandable anguish felt in the hearts of relatives grows deeper with each passing day.

Each day also brings more tragedy—for the list of Americans missing in action and presumed captured, continues to grow. This year alone several dozens of new names were added to the list. So we must remember the hard reality—that as long as the Indochina war continues, more young American men will be added to the list. Let us also remember that the ultimate safety and return of the prsioners rests squarely on the ability of our Government to extricate this Nation from Indochina, and to negotiate an end to our part in the conflict.

Mr. President, we have all been moved by the courage and spirit shown by the wives and children, and mothers and fathers of these American men missing or captured. And we all certainly share in their frustration over the lack of progress that has been made in their behalf. Yet, despite frustrations and disappointments, the families continue their activities for the sake of their sons and husbands and fathers, and set an example for all of us.

The least we in Congress can do is to take those steps that will help make their anguish and trial less difficult. It is for this reason that I gladly cosponsor this bill introduced by the distinguished junior Senator from New York. I agree with him that the public cost of this legislation is modest, while the deed for a national recognition of the special sacrifice of these men is large.

Mr. President, whatever relief we can bring to the families of these men, even if only financial, we should be prepared to do.

I urge speedy passage of the bills introduced today.

Mr. BROCK. Mr. President, for a great many of us the war grows dimmer and occupies less of our concern as increasing numbers of servicemen leave Southeast Asia. Not so for the families of those men who are either prisoners of war or listed as missing in action in Vietnam, both North and South, Laos, and Cambodia. For them, the weeks, months, and years drag on endlessly, bringing very little if any news of their loved ones. I am sure this body assigns top priority to any and all efforts to improve the treatment of our men, assist the families here at home, and press for eventual release.

It must be admitted that most of our efforts to date have yielded little results. Yet those efforts must be continued. One such result can be accomplished, I believe, by enacting legislation being proposed by the distinguished Senator from New York (Mr. Buckley) which would do two things:

First. Relieve POW's and MIA's from the burden of income tax for the years spent in captivity or in a missing status.

Second. Make it possible for the sons of POW's/MIA's to attend the service academies.

This is little enough to do for those who have suffered and sacrificed so much for so many. Let us not delay in reaffirming our commitment to them and to their families. I am delighted to join my distinguished colleague the Senator from New York (Mr. Buckley) in support of this measure.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have the following cosponsors added to these two bills: Senators Byrd of West Virginia, Jackson, Nelson, and Allott.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I want to thank the distinguished junior Senator from New York for inviting me to be a cosponsor of his two bills.

Above all is the fact that Senator Buckley has introduced legislation which will give concrete, certain assistance to our fellow countrymen who are prisoners of war, and for whose early return to their families we fervently hope. I hope very much that it will be enacted into law.

By Mr. NELSON (for himself and Mr. Mondale):

S. 2946. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes. Referred to the Committee on Commerce.

Mr. NELSON. Mr. President, Senator Mondale and I are introducing today a bill to require that auto manufacturers recall and repair safety related defects free of charge, when the Department of Transportation determines that such a recall is necessary.

In the past 2 months, major safety related defects have been revealed in several domestic automobiles: faulty motor mounts, which can cause sudden jamming of accelerators on some 6 million Chevrolets built between 1965 and 1970; and defective heaters blamed for leaking carbon monoxide fumes in Corvairs built between 1961 and 1969. Some 760,000 Corvairs are still in use.

Under existing law, the National Traffic and Motor Vehicle Safety Act of 1966, auto manufacturers are required to notify car owners of safety related defects.

Senator Mondale was the sponsor of the defect notification provision in the 1966 act.

However, manufacturers are under no obligation to recall the faulty equipment nor to repair it free of charge to the consumer. Thus, unless the manufacturer agrees to remedy such defects, the car owner must bear the cost himself. A provision, which would have remedied this problem by requiring auto manufacturers to recall and repair safety-related defects free of charge, passed the Senate in 1970 as part of a package (H.R. 10105) amending the National Traffic and Motor Vehicle Safety Act of 1966. The recall and repair provision, however, was dropped in conference.

The bill that we are introducing today restores the language that was dropped in conference.

Senator Hartke, chairman of the Senate Commerce Committee Subcommittee on Surface Transportation, made it clear after the 1970 conference that Congress would be watching auto manufacturers closely to see if they honored their word to repair auto safety defects without charge to car owners. I ask that Senator Hartke's statement explaining the conference action on H.R. 10105 be included in the Congressional Record at the conclusion of my remarks.

The present situation indicates that manufacturers have not been true to their word.

The companies have not offered to recall the affected autos, or to pay for repairs as needed.

Douglas W. Toms, Director of the NHSTA, stated November 16:

> We are pleased that GM agreed to send out defect notices [regarding Corvairs]. The one thing GM refused to do was pay for repairs. We asked them to do that, but they were firm and there didn't appear any way of changing them. It would be nice if we could get these corvairs repaired free of cost to the consumer, but, as I said, we don't have the authority.

Toms further stated:

> We have been able to achieve everything that the law permits us to do. We have gone the full extent of the legal remedy. We have asked for recall authority because we think it is necessary to do our job.

The Department of Transportation strongly supported the recall and repair provision in 1969. In a letter to Commerce Committee Chairman Senator Warren Magnuson, Under Secretary of Transportation James M. Beggs wrote:

> We agree with the sponsors of the proposal that defect repair as well as defect notification is important if we are to achieve the safety goals Congress established in the act. We have learned from experience that unless notification of a safety related defect in a motor vehicle or equipment is accompanied by an offer to remedy that defect without expense to the vehicle owner, many persons will allow those defects to go uncorrected.
>
> To cover this situation, we agree that the Secretary should be legally authorized to direct a recall campaign when he determines that the interests of motor vehicle safety make one appropriate.

It is clear that Congress must take the next step, if the auto industry does not act to protect the consumer.

Such legislative mandates would act as a stimulus to better manufacturing practices.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Congressional Record.

Mr. President, I ask unanimous consent that, at the conclusion of my remarks, several articles describing this situation be printed in the Record following Senator Hartke's statement explaining conference action on the 1970 bill (H.R. 10105), previously printed in the Congressional Record on April 23, 1970.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2946

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 113(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) is amended to read as follows:

"(c) The notification required by subsection (a) or (e) of this section shall contain a clear description of such failure to comply with applicable motor vehicle safety standards or such defect, an evaluation of the risk to traffic safety reasonably related to such defect, a statement of the measures to be taken to repair such failure or defect, and the commitment of such manufacturer to cause such failure or defect to be remedied without charge."

(b) Section 113 of such Act is further amended by redesignating subsection "(g)" as subsection "(h)" and inserting immediately after subsection (f) the following new subsection:

"(g) If—

"(1) any motor vehicle (including any item of original motor vehicle equipment) or tire is determined by the manufacturer under subsection (a) to contain a defect which relates to motor vehicle safety; or

"(2) any motor vehicle or item of motor vehicle equipment is determined by the Secretary under subsection (e) to contain a failure to comply with applicable motor vehicle safety standards prescribed under this title or a defect which relates to motor vehicle safety;

and the notification specified in subsection (c) is required to be furnished on account of such failure or defect, then—

"(A) the manufacturer of each such motor vehicle presented for remedy pursuant to such notice shall cause such failure or defect in such motor vehicle (including any item of original motor vehicle equipment) to be remedied without charge; or

"(B) the manufacturer of each such other item of motor vehicle equipment presented for remedy pursuant to such notice shall cause such failure or defect in such item of motor vehicle equipment to be remedied without charge.

"If a manufacturer can establish to the satisfaction of the Secretary that a failure to comply with an applicable motor vehicle safety standard is of such inconsequential nature that the purposes of this title and the public interest would not be served by requiring the applicable manufacturer to remedy such noncompliance, the Secretary may, upon publication of his reasons for such findings, exempt such manufacturer from the requirements of this subsection with respect to such failure."

Statement of Senator Hartke Explaining Conference Action on H.R. 10105

AUTHORIZATION

The Committee adopted the following dollar amounts as authorization for the Department's motor vehicle safety program:

1970, $23 million.
1971, $40 million.
1972, $40 million.

Because the Administration will begin planning for its 1972 budget next fall, the conferees thought it advantageous to include a fiscal year 1972 authorization amount in this bill. Since the Department did not request or provide justification of appropriations for fiscal year 1972, the Committee set the authorization amount at 40 million dollars for both 1971 and 1972. However, the identical amounts for these two years are not intended to be a prohibition on the necessary growth of the safety program but rather reflect the Committee's best estimate of need at this time. The Department is invited to inform the Commerce Committees if it finds that its needs for the motor vehicle safety program for fiscal year 1972 can be justified at an amount higher than $40 million.

The Committee deleted the provision in section 121(c) which would have made available in 1970 2.8 million dollars for employment of additional personnel in the National Highway Safety Bureau to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966. This deletion was made because fiscal year 1970 had nearly ended at the time of the Committee's action, and the fiscal year 1970 appropriations had already been enacted.

The Committee's action is not meant to suggest that the Committee is no longer concerned about the level of staffing in the National Highway Safety Bureau. To the contrary, the Committee believes that this is one of the Bureau's most critical needs as was shown during the authorization hearings in 1969.

The Committee is hopeful that recent actions by the Department of Transportation will be satisfactory to meet manpower needs. In the fiscal year 1970 appropriations, there was an increase of 56 staff positions provided for the National Highway Safety Bureau, reaching a total of 518 positions. With the reorganization of the Bureau into a major operating element in the Department of Transportation, a step which the Committee heartily approves, the staff positions previously allocated to the Federal Highway Administration to provide support services for the Bureau were transferred to the Bureau's staff, making a total for fiscal year 1970 of 589 staff positions. The Committee understands that for fiscal year 1971 the Department is requesting an additional 254 positions for the National Highway Safety Bureau, reaching a total of 843.

In view of these steps the Committee believes that it is not necessary, as it appeared at this time last year, to specifically allocate a portion of the authorization for appropriations solely for the purpose of hiring additional staff. However, the Committee intends to continue its oversight and review of Bureau operations to make certain that this trend is not reversed or slowed down.

DEFINITION OF MOTOR VEHICLE EQUIPMENT

The Senate-passed bill had expanded the definition of "motor vehicle equipment" to authorize the setting of standards not only for motor vehicles and motor vehicles equipment but for automotive safety accessories and equipment such as motorcycle goggles, tire repair equipment and tire inflation equipment. The House conferees agreed with the thrust of the Senate amendment but they expressed concern that the Senate definition might be interpreted to include items which had only tangential relationship to automotive safety such as shoes or gloves. To clarify the intention of the conferees not to include such tangential items, the Senate amendment was limited to accessories intended for use "exclusively" to safeguard motor vehicles, drivers, passengers and other highway users from risk of accident, injury or death.

PROSPECTIVE PURCHASES—CONSUMER INFORMATION

The Committee amended the provisions of section 112(d) of the Act concerning consumer information to make it clear that manufacturers would be required to provide consumer information to prospective purchasers as well as to owners. Thus, the bill requires that the information be given to each prospective purchaser at each location where any such manufacturer of vehicles or items of equipment are offered for sale by a person with whom the manufacturer has a contractual, proprietary, or other legal relationship. The information must, as a minimum, include printed material which can be retained by the prospective purchaser or sent to him by mail at his request. For the purchaser, the printed material must be placed in the motor vehicle or attached to or accompany the item of equipment.

The Committee recognizes the great difficulty and complicated task facing the Department and the manufacturers in developing comparable technical safety information which is useful for consumers. Nevertheless, the Committee believes that these requirements are essentials of the Safety Act. The Committee was impressed with the first effort made by the Department to collect and organize the vast amount of consumer information submitted by the manufacturers in December 1969 and urges the Secretary to continue and perfect the document entitled "Performance Data for new Passenger Cars and Motorcycles". Because of the importance of disseminating this information for all makes and models of vehicles sold in the United States, the Committee urges the Secretary to disseminate this booklet as widely as possible and require manufacturers to make it available at each dealership.

It has come to the Committee's attention that despite the promulgation of the first consumer information regulations on January 1, 1970, the vast majority of motor vehicle dealers have not been volunteering the information to consumers. In other words, the dealers are not posting the information at the dealerships or in other ways attempting to inform the consumer about the availability of this information. The Department of Transportation made a survey of dealers to determine the extent to which they made the consumer information available during the first months of 1970. The survey showed that only 1.8% of the dealers had the information on display although 85% were able to produce the information when specifically requested to do so by the survey team.

The Committee expects that the Department will, under the new language of this bill, issue regulations which specifically show the steps the manufacturers, distributors and dealers are expected to take in assuring that consumers are fully informed and have access to the consumer information provided in accordance with section 112(d) of the Act.

DEFECT NOTIFICATION AND RECALL

The Committee considered the addition to the bill of the Senate language which would have specifically required motor vehicle and tire manufacturers to remedy without charge the vehicle or equipment determined to be defective or not in compliance with Federal vehicle safety standards. However, the Committee did not believe it necessary at this time to adopt the Senate language. It is the Committee's understanding that it has to date been the general practice for the industry to remedy without charge any vehicle or equipment about which safety defect notification (concerning a defect or violation of standard) has been sent to owners. The Committee agrees that it is implicit in present law, in the requirements for notification of owners, that the manufacturer must remedy the defect or violation without charge.

Thus, the Committee emphasizes that this action is in no way intended to suggest that the Committee does not expect all manufacturers to remedy defective and non-complying vehicles and equipment without charge. It is obvious that unless the manufacturers accept this responsibility, there is little likelihood that owners will bring their vehicles to dealers for correction. It would be an intolerable situation if the manufacturers, after notifying owners that the product they manufactured was defective or in violation of a safety standard and in need of correction, would not also effect the correction without charge.

The Committee is not interested in needlessly adding legislative language to the National Traffic and Motor Vehicle Safety Act. However, the Committee fully intends to carefully watch the performance of all manufacturers and the extent to which they cooperate with the Department of Transportation in carrying out the intent of the Act. If it should come to the attention of the Committee that the manufacturers are not recalling any vehicle or equipment which is defective or in violation of the Federal standards nad remedying these without charge, we will not hesitate immediately to initiate legislation which would require manufacturers to recall and remedy such vehicles and equipment, to be penalized by the Government for failure to do so immediately, and to require payment of punitive damages to owners whose vehicles contain safety defects or fail to comply with safety standards.

The Committee believes that the National Traffic and Motor Vehicle Safety Act is of vital importance to the Nation, and expects that its benefits will be even more evident in reducing the death and injury rate within the next several years. Assurance that defective or unsafe vehicles are not travelling on the highways is a critical part of the Act, and the Committee expects that the Department of Transportation and the automotive industry will work jointly to assure that the millions of vehicles on the highways are in the safest possible condition at all times.

TIRE DEFECT NOTIFICATION

The bill requires tire manufacturers, as vehicle manufacturers are already obligated under present law, to provide defect notification of defective or noncomplying tires. As Senate Report 91-559 makes clear, the motor vehicle manufacturers will continue to be responsible for safety defect notifications to owners of original equipment tires sold with new motor vehicles, while the tire manufacturers under this bill will be responsibe for notification to owners of aftermarket tires.

The bill also requires the motor vehicle and tire manufacturers to maintain records of the names and addresses of first purchasers so that the company is able to provide notification as the present law requires by certified mail. Language adopted by the conferees authorizes the Secretary to establish procedures under which distributors and dealers must assist manufacturers in securing the names and addresses of first purchasers on the condition that such procedures do not affect the basic obligation of the manufacturer to keep records. The purpose of this provision is to assure that dealers and distributors whose efforts are important and necessary in securing the names and addresses of first purchasers, will cooperate fully with the manufacturers. However, the Committee also expects the Department in its regulations to take care not to compromise the competitive position of these small businessmen in their dealings with the manufacturers, and expects that the Department will penalize manufacturers if the lists of purchasers are in any way used for commercial purposes by the manufacturers to the detriment of independent distributors or dealers.

FACILITIES

The Committee gave thorough consideration to the need for research and development facilities as well as Bureau compliance testing facilities. The Committee believes that the provisions in the bill as reported by the conferees will provide the Department with the maximum flexibility in rapidly designing and constructing the needed facilities. Thus, the bill, as reported, provides an unlimited authorization for the Secretary of Transportation to plan, design and construct facilities suitable to conduct research, development and compliance and other testing in traffic safety.

The burden now rests with the Secretary of Transportation to provide the Senate and House Committees and the Senate and House Public Works Committees with an appropriate prospectus of his plans for requesting appropriations for design and construction of these facilities. The Conference Committee is cognizant of the great need for testing facilities both for the purpose of developing standards and other research information as well as for assuring compliance with these standards. The conferees pledged that they will provide every assistance to the Secretary in securing passage of the resolutions called for in H.R. 12105 to expedite appropriations by the Congress. The conferees are anxious to assist the Secretary in dramatically reducing the enormous death and injury toll and stand ready to act on his own requests as soon as they are forwarded to the Congress.

WARNING OF RISKS IN OPERATION OF VEHICLES

The Department of Transportation's National Highway Traffic Safety Administration issued a special Consumer Protection Bulletin today, alerting motorists to potential risks in the operation of certain General Motors Corporation vehicles which may be subject to front engine mount failure.

Specifically involved in the risk "alert" are all 1965 through 1969 model year Chevrolets Novas, Chevelles, and Camaros.

The Traffic Safety Administration said the Consumer Protection Bulletin reflects the preliminary results of an intensive investigation that is still in progress to determine if a safety-related defect exists. The purpose of the alert is to warn owners of the potential hazard and to solicit further data for the investigation.

Owners of the Chevrolet models named in the Consumer Bulletin are advised to seek inspection by competent service personnel to determine the condition of engine mounts.

Engine mounts—two front and one rear—support the engine on the vehicle's frame and also serve to absorb noise and vibration. Failure of the left front engine mount may result in partial rotation of the engine within the engine compartment, during acceleration. Such failure may, in some cases, jam the accelerator and gear shift linkages and may also cause loss of power braking and power steering assist. The result is partial or total loss of vehicle control.

The Safety Agency said reports of engine mount failure, many of which involved loss of vehicle control, have been received from approximately 500 vehicle owners. There is evidence that many more such failures have occurred. Approximately 100,000 engine mounts have been replaced, for all causes, on 1965 through 1969 Chevrolet vehicles.

The failures noted occur when the engine mount (a "sandwich" composed of a layer of rubber bonded between two layers of metal) comes apart, allowing the upper and lower pieces to separate.

The Traffic Safety Administration recommends periodic inspection, and advises that replacement of defective or broken engine mounts is imperative. If an engine mount failure occurs while the vehicle is in use, the vehicle can be controlled by shifting into neutral (if possible), by turning off the ignition, and by braking.

Owners of all vehicles, regardless of manufacture, and including multipurpose vehicles and trucks, which experience engine mount failures are urged to report such failures to the National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C. 20590.

SPECIAL CONSUMER PROTECTION BULLETIN

(No. 2-71, October 15, 1971)

Subject: Alerting United States Motorists to specific use-risks in connection with the highway operation of certain General Motors Corporation vehicles which may be subject to front engine mount failure; and *inviting reports from motorists who experience such failures.*

General Motors vehicles potentially involved, according to current findings, are:

Year: 1965 through 1969.

Make: Chevrolet.

Model: Chevrolet, Nova, Chevelle, and Camaro.

Engine mounts—two front and one rear—serve to support the engine on the vehicle's frame and to absorb noise, vibration, and torque reaction forces generated during engine operation. Failure of the left front engine mount may result in partial rotation of the engine within the engine compartment, during acceleration. This lifting of the left side of the engine may, in some cases, jam the accelerator and gear shift linkages and may also cause loss of power braking and power steering assist. The result is partial or total loss of vehicle control.

Prior action background: Reports of engine mount failure, many of which have involved loss of vehicle control, have been received from approximately 500 vehicle owners. There is evidence that many more such failures have occurred. Approximately 100,000 engine mounts have been replaced, for all causes, on 1965 through 1969 Chevrolet vehicles.

Current conclusions: This Bulletin warns owners of the Chevrolet vehicles listed of the hazard which can result from engine mount failure. The failures noted occur when the engine mount (a "sandwich" composed of a layer of rubber bonded between two layers of metal) comes apart, allowing the upper and lower pieces to separate. Such failures can cause a loss of vehicle control as a result of jamming of engine control linkages and disconnection of power brake and power steering hoses.

Consumer action advised: Owners of the Chevrolet models listed should be alert to the possibility of engine mount failure. Inspection by competent service personnel will determine condition of mounts. Periodic inspection is advised, and replacement of defective or broken engine mounts is imperative. If an engine mount failure occurs while the vehicle is in operation, the vehicle can be controlled by shifting into neutral (if possible), by turning off the ignition, and by braking.

Consumer request: Owners of all vehicles, regardless of manufacture and including multipurpose vehicles and trucks, which experience engine mount failures, are urged to provide the Department of Transportation with a description of the failure and the make, model, model-year and serial number of the vehicle involved. This information is vital to the ongoing investigation of this matter and to the public safety. Such reports should be sent to:

National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C.

NOVEMBER 26, 1971.

Hon. JOHN VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: For over two years the National Highway Traffic Safety Administration (NHTSA) has been investigating defective engine mounts on Chevrolets, first on 1968 models, then on 1969 models, and most recently on 1965–1969 models. This matter came to my attention this summer when I received several consumer complaints describing the catastrophic consequences of broken engine mounts: a jammed accelerator, disengaged power brake vacuum house, and in some case a locked gear shift lever. The NHTSA was alerted to our concern on July 18, 1971, by Mr. Clarence Ditlow of my staff, and again on September 1, 1971, by my comprehensive letter to Mr. Douglas Toms, NHTSA Director.

The September 2 letter generated many letters from people who had experienced this defective behavior in Chevrolets and other General Motors cars. It also generated interest in further news stories which appeared throughout the months of October and November. Notable is the series by Mr. Robert Irvin which appeared in the Detroit News. As a result, I have received over 300 complaints concerning broken engine mounts on GM cars, mostly Chevrolets; Mr. Irvin has also received in excess of 300 complaints; the NHTSA has received at least 200 directly plus copies of hundreds of others; and General Motors has received at least 1500. The scope of the problem is also revealed in the statistic quoted from General Motors in early October 1971 that they had replaced under warranty alone some 100,000 engine mounts on 1965–1969 Chevrolets.

In recognition of the defective design of the Chevrolet engine mount, General Motors late in 1969 redesigned this item to include a metal interlock between the portion connected to the automobile's engine and the portion connected to the automobile's frame. This interlock prevents complete separation of the mount in the event of its failure, and precludes the possibility that the car will run amok, out of control, due to the failure. General Motors also recalled all of the old style mounts available on their dealers' shelves as replacement parts and substituted instead the newer, interlocking, type. The warranty for engine mounts on 1968 and 1969 models was unofficially extended beyond its normal duration, also in tacit recognition of the defect inhert in the design and construction of the engine mounts.

General Motors could have learned of this defect from at least two sources. First, the NHTSA, in response to a consumer complaint letter dated September 27, 1969, from Mr. Charles Combe, sent Information Request number 162 to General Motors on October 20, 1969. The letter questioned the company on the possibility of engine mount failure, and asked if General Motors has also received any letters concerning the defect on other 1968 Chevrolets. In its response of November 26, 1969, General Motors admitted the possibility of a defect, said that it had received fourteen similar complaints on engine mounts with jammed accelerators, but concluded that the problem could occur only under unusual circumstances and in limited numbers. The problem of jammed accelerators was not unknown to General Motors. At least one precedent was set in February 1969 when General Motors recalled 2.5 million cars with the defective fast idle cam on the Quadra jet carburetor which was causing the acelerator to jam. (It is interesting to note that there were only 48 known cases of failure at the time of this recall.

General Motors also learned of the engine mount defect from accidents involving these Chevrolets. For example, in June 1969 a 1969 Chevrolet sedan driven by an active 68 year old woman with her husband and two grandchildren as passsengers, suddenly, and without warning, accelerated out of control on a Boston street. It collided with a telephone pole after the woman maneuvered so as not to strike other cars on the road. The woman suffered a skull fracture which has caused her permanent blindness prematurely ending her very successful professional career as a real estate agent. The car was sold by the insurance company to a junk dealer who promised to sell it to her attorneys for $500. This sale was never consummated, however, because the car was acquired instead by the Royal Globe Indemnity Company, a company which insures General Motors. Although the car has now been examined by the plaintiff's attorneys, certain key parts, such as the engine mounts, were found mysteriously to be missing.

In October 1969, a Michigan woman was driving a new Camaro when it began to accelerate wildly out of control. The car spun around and was struck by another car in the right rear. The driver was injured, and her passenger killed. It was found that the engine mounts were broken.

After receiving the November 1969 reply from General Motors, which should have sparked further interest and questions in the engine mount investigation, the NHTSA engineers recommended in June 1970 that the investigation be discontinued because of the small number of complaints. Apparently no further attempt was made to determine the nature or the extent of the defect and its effect on vehicle safety. General Motors, in flagrant violation of the National Traffic and Motor Vehicle Safety Act of 1966, did not inform the NHTSA of other instances of engine mount failure in 1968 Chevrolets or other Chevrolets of similar design which subsequently came to its attention and did not initiate a safety defect notification campaign. They did, however, act in late 1969 to substitute the interlocking mount on the production line for the defectively designed mount.

During the intervening two years thousands of motorists have been frightened by the spectre of their cars suddenly roaring forward at full throttle with the brakes considerably reduced in effectiveness, and the gearshift jammed. Most were lucky to have been only frightened. The unlucky ones crashed, suffering property damage, injury and death. Both General Motors and the Department of Transportation share in the responsibility for this tragic situation in which the toll of human suffering is being needlessly expanded.

In November 1970, a 1969 Impala sped out of control in a way fully reminiscent of the 1969 Camaro case in Michigan. In this case, however, the driver was lucky to have sustained only major property damage as her car plowed into the guard rail separating the lanes of the highway.

In April 1971, two high school girls in Los Angeles, California, were crushed between a parked car and a runaway Camaro—a car on which the engine mount had broken causing the loss of control. In May, a service manager of a McAllen Texas Chevrolet garage was revving up the engine of a 1967 Chevelle from under the hood, in an effort to determine the source of the strange underhood noises. The car was in neutral, and the emergency brake was engaged, but when the mount separated, the car was pulled into gear, and lept forward, pinning the man between that car and the car ahead of it in the shop. In September, perhaps the most tragic accident of all occurred in the Virgin Islands. A 1968 Camaro convertible in which four children were being driven to school went out of control and crashed, killing all of the children. The car's engine mounts were found to have broken, causing the accelerator to jam open so that the driver, the mother of three of the children, could not control the car. Last month in Richmond, Virginia, a 1969 Camaro went out of control after the engine mounts broke and crashed into a telephone pole. The passenger in the car is now a paraplegic as a result of his injuries. The owner had experienced engine mount failure previously, and after replacing the mounts had added a chain to prevent the engine from raising off the mounts should they break again. However, the force of the engine on its mountings was sufficient to break both the mount and the chain. Even more recently, a driverless runaway 1967 Chevrolet in Laredo, Texas, crashed completely through a school classroom, injuring 32 children, six so that they required hospitalization, and one critically. The car's engine mounts broke, causing the car to slip into gear and the accelerator to be held open, even though there was no one in the car as it sped into the school building.

These are examples of failures known to us. There are undoubtedly many many more unknown not only to us, but to owners as well. Indeed, most owners have stated that they initially thought the problem with their car was unique. How many times must these incidents be repeated before the Department acts?

When the Congress passed the National Traffic and Motor Vehicle Safety Act in 1966 the intent was to protect the public against the kind of corporate irresponsibility demonstrated by General Motors in the engine mount disaster by investing an agency of the government with substantial corrective power. Congress provided that, in the event of a refusal of a motor company to notify owners of safety defects, you are empowered to have such defects investigated, and to order the manufacturers to notify owners. Although you have delegated this function to the NHTSA, Office of Defects Investigation, their excessive tardiness in this case and callous disregard for the safety of owners and passengers of these defective vehicles makes it incumbent upon you to personally review the issues immediately so that owners of these cars may be notified by certified mail in accordance with the statute. In my opinion, this investigation has not been concluded within a reasonable time within the meaning of the Administrative Procedure Act.

Under the pressure of your action and complaints from thousands of owners, General Motors might also be awakened to their responsibility to repair the remaining defective Chevrolets at their expense. Time is of the essence. You must act to halt the spread of this mechanical epidemic which may afflict as many as one in ten cars now on the Nation's highways.

Sincerely,

RALPH NADER.

[From the Detroit News, Nov. 3, 1971]

GM SHOULD REPLACE MOUNTS, SAYS HADDON

(By Robert W. Irvin)

Dr. William Haddon Jr., who was the first Federal traffic safety chief, said today the government or the courts ought to force General Motors Corp. to recall several million 1965–69 Chevrolets to replace engine mounts.

At the same time, it was learned GM in recent weeks has received more than 1,500 complaints of engine mount failures, with close to 100 of these reportedly involving accidents.

That report came as a surprise to the National Highway Traffic Safety Administration (NHTSA), which thus far has received from GM only about 500 names of people who have registered engine mount complaints.

(The NHTSA is investigating engine mount failures to see whether a defect notice should be issued. It already has issued a consumer warning alerting people that the mounts could break, sending their cars out of control.)

GM said it has not forwarded any more complaints to the NHTSA after an initial batch in mid-October because government officials have not asked for them.

Informed there are 1,000 or more additional complaints at GM, an NHTSA spokesman promised, "We'll be asking for them—you're darn right."

The NHTSA said it has received 270 complaints from citizens, with about 10 percent involving accidents.

The Detroit News has forwarded to the NHTSA another 250 complaints it has received in the last month since it made public the problems of engine mount failures on late model Chevrolet-built cars.

GM said its complaint file, which includes those forwarded to the auto maker by The News, totaled 1,530 through the end of last week. It said "fewer than 100" involved reports of accidents.

Haddon, the first director of NHTSA and now president of the Washington-based Insurance Institute for Highway Safety (IIHS), made it plain in an interview that he thought something should be done about the engine mount failures.

"If the information as reported in the press is accurate, a recall with full repair at manufacturer's expense should be forced by either the executive branch of government or the courts," Haddon said.

"In addition, I believe Congress should take a very close look at the whole episode. It seems that the original safety statute is not tough enough to prevent what appears to be a failure to act in the public interest."

Haddon criticized the Chevrolet engine mount design of the 1960's. When the mount fails, it can allow the accelerator to jam open and cut off the power brakes, an NHTSA consumer bulletin says.

"I think the public will notice and question whether this, in fact, is sufficient excellence of engineering," Haddon said.

He took exception to a statement by GM President Edward N. Cole, who likened engine mount failures to a tire blowout at a low speed.

"I know I sure wouldn't want this to happen to a car I was driving or, even worse, to happen to a car coming the other way," Haddon said.

He also said. "We have no idea and we will never know what tragedy may have been caused by these so-called light blowouts.

"This appears to be a nationwide environmental problem created by poor design."

He said the whole affair points up the need for not only a change in the federal safety law but also new administrative rules.

"One of the things which may be needed is a routine submission to the NHTSA or surveillance by the agency of claims against manufacturers' warranties," Haddon said. "There also should be surveillance of sales of replacement parts so problems can be more easily identified."

[From the Detroit News, Nov. 17, 1971]

SAFETY CHIEF WILL PRESS FOR CORVAIR RECALL LAW

(By Robert W. Irvin)

President Nixon's traffic safety chief said today Congress should amend the safety law so the federal government can order auto makers to recall cars with defects, such as Corvairs with faulty heaters.

Douglas W. Toms made the comment after the National Highway Traffic Safety Administration (NHTSA) which he heads announced General Motors will issue a defect notice about Corvair heaters.

GM will advise 760,000 owners of 1961–69 Corvairs by certified mail of an NHTSA definding. The agency said the heaters on 1965 Corvairs could allow deadly carbon monoxide fumes to enter the passenger compartment. The other years' models are suspected of having the same problem.

But GM did not admit the cars are defective—only to pass on the NHTSA finding. And GM is not recalling the cars. While owners are urged to have the cars inspected, they must bear the cost of the checkup and any repairs to the cars.

Auto critic Ralph Nader and Senator Vance Hartke, Indiana Democrat, whose Senate subcommittee oversees the NHTSA, issued separate statements attacking GM for not recalling the cars and demanding a change in the safety law to give the agency the authority to order a callback.

Toms, interviewed in Detroit where he was attending a safety conference, agreed with Hartke and Nader. "We have asked for recall authority because we think it is necessary to do our job," he said. "We still believe that, but it is hard to say whether this case will lead to a change in the law."

As the Corvair case now stands, he said, "we have been able to achieve everything that the law permits us to do. There wasn't one single thing more we could have gotten out of this. We have gone the full extent of the legal remedy."

The case has been under investigation for more than a year. The NHTSA issued a consumer warning earlier this year and followed that up last month with an initial defect notice on the 1965 Corvairs.

It said samples of several hundred of these models disclosed high carbon monoxide concentrations which could impair a person's health and driving ability. The NHTSA was planning further tests on 1961–64 and 1966–69 Corvairs.

It also had scheduled a meeting with GM in Washington today on the matter. Then, Toms said, GM came in early yesterday "and agreed to send out defect notices. I was surprised because I had anticipated a fight."

Toms said "we are pleased that they agreed to do it at this time because the winter months of high car heater usage are approaching. We would much rather see the heaters fixed now then spend months more investigating the matter."

"The one thing GM refused to do was pay for repairs," Toms said. "We asked them to do that, but they were firm and there didn't appear any way of changing them. It would be nice if we could get these Corvairs repaired free of cost to the consumer but, as I said, we don't have the authority."

Toms agreed that GM's approach of sending out defect notices but refusing to make a recall was unprecedented. He said "this has got to affect GM's legal position. It's going to be very interesting to watch what class action suits develop. There already are many suits pending because of the heaters."

For its part, GM would say nothing. "We have no statement to make," a spokesman said.

However, the NHTSA said that in the defect letter "General Motors urges prompt inspection for Corvair owners who detect noticeable odors or an eye-burning sensation, especially when accompanied by a hissing or spitting noise from the engine. Prompt inspection is also urged for owners who notice any damage or deterioration to the exhaust system itself.

"Owners who detect these indicators are advised to shut off their heaters and roll down a window until inspection and-or repair can be effected."

The safety agency said it is now going to close the case. But Hartke and Nader indicated that, as far as they were concerned, the matter was still open.

"It is clear that massive litigation will be necessary on behalf of Corvair owners," said Nader, long-time foe of the Corvair. The rear engine car was dropped from production after it became embroiled in the safety controversy

Nader also said "the value of most of these 760,000 Corvairs remaining in service is less than $500 each. So they are generally owned by people in lower economic brackets. Mr. Toms has established that the correction of this defect will cost around $170 to repair, which is probably close to the wholesale value of most pre-1966 Corvairs.

"Thus, in order to guarantee his own safety, an owner must either pay for major repairs or lose his investment in his car. This is in his choice after years of driver and occupant exposure to these harmful emissions."

Hartke charged a double cross. He said the Senate in 1969 tried to give the NHTSA the recall authority missing in the original 1966 safety law. He said the Senate-passed bill "required auto companies to fix defects without charge."

But, Hartke added, "the House, in conference with the Senate, said the provision was unnecessary, arguing that the auto companies had pledged to fix defects without charge voluntarily. What treachery was worked upon the American people by the auto companies that day!

"I call upon General Motors to honor its promise and fix Corvair heaters without charge. If they do not, I pledge that I will work for immediate passage of legislation that will not only require them to repair a defective car without charge but will also impose a penalty upon them for producing such a car.

"The human tragedy played out on the highways of this nation each day should not be heightened by corporate decisions which protect profits at the expense of human life."

[From the Washington Post, Nov. 17, 1971]

GM To Warn All Owners of Corvairs

General Motors Corp. agreed yesterday to notify some 760,000 owners of Corvair automobiles, from the 1961 through the 1969 models, of possible heater system defects.

The manufacturer will advise Corvair owners to have the cars inspected by a Chevrolet dealer and repaired, if necessary, to eliminate dangerous fumes.

The inspections and repairs will be made at the expense of the owners unless warranty provisions are still in effect.

Secretary of Transportation John A. Volpe announced the agreement one day before a meeting at which General Motors was to have appeared with regard to an Oct. 29 finding of the National Highway Traffic Safety Administration that a safety defect existed in the engine heater system of Corvairs of the 1965 year model.

In view of the new development, the meeting was cancelled. General Motors disputed the findings, but agreed to issue the notice to all Corvair owners over the nine-year span.

The agency noted that it does not have the authority to compel a manufacturer to recall and repair motor vehicles free of charge.

"General Motors is doing more than the law requires it to do by agreeing to conduct a search for the names and addresses of all present Corvair owners rather than limiting its notice to first purchasers or warranty owners, as the law requires," said Douglas Toms, administrator of the agency.

"This is especially significant when talking about vehicles sold as long as 10 years ago."

Ralph Nader said last night that GM's move was intended to prevent the government from making "an imminent official finding of a safety defect," and to shift the cost of repair, an estimated $170, to the owners. Most Corvairs are worth less than $500 each, he said.

[From the Washington Star, Nov. 28, 1971]

United States Will Issue Notice of Defects in Chevrolets

(By Robert W. Irvin)

Detroit.—Federal safety officials have decided to issue a formal defect notice against engine mounts on some Chevrolet-built cars and they believe General Motors will recall and fix the vehicles, it was learned yesterday.

The officials also have broadened their investigation to include most other domestic makes of cars because of reports of engine mount failures on these models, too. Some of these also may be ruled defective.

The government action will cap an intensive probe by the National Highway Traffic Safety Administration.

Government investigators have concluded the engine mounts are a hazard on some late-model Chevrolets and possibly other makes because when they fail the accelerator can be jammed open, sending the car speeding out of control.

The NHTSA issued a consumer protection bulletin Oct. 15 warning 5.8 million owners of 1965–69 Chevrolet-built cars that the engine mounts could be hazardous.

CAN'T ORDER RECALL

The agency continued its investigation to see whether there was enough evidence to find the engine mounts defective and press GM for a recall. (The agency cannot actually order a recall, only order GM to send out a defect notice to owners.)

The NHTSA has now received some 2,000 complaints, including more than 100 cases where accidents resulted from engine mount failures. The agency also believes some people have been killed in some of these accidents, although no one is willing to estimate how many.

Douglas Toms, NHTSA administrator, said he has a meeting scheduled Tuesday with White House officials now in San Clemente, Calif., to go over the matter and he expects an announcement on the defects late in the week or early the following week.

Toms said he was sure some models of Chevrolets would be ruled to have defective motor mounts. "I am certain of that," he said, "but how far we go on some other makes and models hasn't been decided."

MANY FAILURES

"We are getting into almost all domestic makes because engine mount failure is a very common thing. I wouldn't venture to guess how many cars on the road have failed motor mounts but it's very high."

Toms had originally thought GM would fight any defect notice but has now changed his mind. "My personal opinion is that they are not going to fight us on the large engines. But they are not going to say anything until they find out what we recommend.

"They have a fix in mind—something to do to the existing engine mounts to make them fail-safe," he said. "They have suggested some alternatives but whatever they decide will be a permanent fix."

By Mr. CHILES:

S. 2948. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

Mr. CHILES. Mr. President, today I am introducing a bill to amend the Internal Revenue Code to exclude from gross revenue the entire compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

The bill is a companion to Congressman Vanik's bill, H.R. 9900, which he recently introduced in the House. It seems to me such legislation is the very least we can do to express our Nation's concern for the welfare of missing and imprisoned servicemen. I am sure it would receive widespread support from all sectors of our Nation—and would be welcomed especially by relatives of these unfortunate people.

As a Department of Defense endorsement of this proposal to Congressman Vanik's office stated:

> With respect to the servicemen involved, there is simply no way that they can be financially compensated for the deprivation of human dignity and the mental and physical torture to which we know they are being subjected. Viewed in this light, it seems grossly unfair for the government to insist on taxing their income while they are enduring unspeakable hardship. It is unfeeling and parsimonious for the United States to insist on the payment of income tax on a portion of the military pay of any service member in captivity. The forgiveness of the residual income tax is in part a token gesture to these men and their families in recognition of the very great sacrifices which they are making on behalf of this Nation.

Recently the wife of a serviceman of our country who was a prisoner of war asked me if I would wear a bracelet with his name on it. I know that other Senators and Representatives have these bracelets. They serve as a reminder that in this particular case Commander Hutton was captured in 1965. The bracelet serves as a reminder when people ask me what the bracelet is for and why I wear it. Then I remember that the man has been in captivity for over 6 years, I remember the amount of time he has missed with his family and the time that his family has missed his services. I know that in addition to this serviceman there are approximately 450 American prisoners of war and 1,204 missing in action.

Excluding from gross income the entire amount of their compensation is only a small gesture. And yet I think it is a significant one. It is a step we in Congress can take in the name of the American people. It expresses, if only in a small, symbolic way, our shared sense of anxiety over these men. They have loyally served their country and we must not forget them. While we must continue to direct every possible effort toward the release of prisoners of war, my bill would offer some expression of concern to their relatives now.

I hope the Committee on Finance will give this measure its early consideration. I think it is important that we make this gesture at the earliest possible time.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2465

At the request of Mr. Chiles, the Senator from Arkansas (Mr. McClellan) was added as a cosponsor of S. 2465, a bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2574

At the request of Mr. McGee, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 2574, the national voter registration bill.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. Allott, the Senator from Arkansas (Mr. McClellan) was added as a cosponsor of Senate Concurrent Resolution 49, calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Monday, December 6, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Richard A. Dier, of Nebraska, to be U.S. district judge, district of Nebraska, vice Richard E. Robinson, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan); the Senator from Nebraska (Mr. Hruska) and myself as chairman.

NOTICE OF HEARINGS ON THE WIDER BUS BILL

Mr. BAYH. Mr. President, on December 13 and 14, the Subcommittee on Roads of the Senate Committee on Public Works will hold initial hearings on H.R. 4534, a bill which would authorize States to permit buses not in excess of 102 inches to operate on any part of the Interstate Highway System with 12-foot lanes.

Although current law restricts maximum width of vehicles on the Interstate System to 96 inches, the wider bus can be used legally now in nine States which were exempted by a "grandfather clause" in the 1956 act. They are also operated quite widely on some other State highways and city streets.

The hearings will begin at 10 a.m. each day in room 4200, New Senate Office Building. The subcommittee expects to receive testimony on Monday, December 13, primarily from proponents of the measure, while those who are opposed will appear on Tuesday, December 14.

Invited to testify at a later date yet to be determined, but probably in January, will be officials from various governmental agencies, including the Secretary of Transportation, the Federal Highway Administrator, the National Highway Traffic Safety Administrator, the Chairman of the National Transportation Safety Board, the Chairman of the Interstate Commerce Commission, and certain State toll road commission and highway safety directors.

ADDITIONAL STATEMENTS

THE FUTURE OF RURAL AMERICA

Mr. CRANSTON. Mr. President, the fact that the nomination of Dr. Earl L. Butz was, as expected, narrowly confirmed by the Senate yesterday as Secretary of Agriculture is overshadowed by the fact that 44 Senators of both parties voted against him. That kind of opposition is highly unusual for a Cabinet nomination.

The significance of this strong bipartisan opposition, in my opinion, extends far beyond the confines of the Department of Agriculture and the philosophy of its chief administrator. What it says to me—and what I hope it says to Secretary Butz—is that there is a deep, growing concern in Congress and the Nation over the social and economic implications of the corporate invasion of agriculture. The Senate vote is a further recognition of the need to reshape rural America, and of the basic interrelationship between the so-called farm problem and the problems of our cities.

Dr. Butz has been closely allied with corporate agriculture. His nomination symbolized the start of the battle we must wage against the encroachment of industro-agriculture in our national life. Many—including myself—voted against him because we feel we must reverse the economic trends that are revolutionizing the structure of American agriculture.

During the past decade we have been preoccupied with the problems of poverty and inequality, of hunger and malnutrition, of urban overcrowding and ghetto riots and pollution and overpopulation. And we have mistakenly ignored what has been happening in rural America. We have, by and large, failed to see the connection between our urban problems and a number of new and bewildering developments "down on the farm". We dutifully recorded the numbers of people fleeing rural America, content merely to document this vast human migration with graphs and charts and statistics. But we have failed to ask why millions of people are leaving the farm, whether they are leaving by choice, and, perhaps more importantly, we have not asked whether they should be leaving.

California has 21 million people and an agricultural economy that generated $4.8 billion last year. As a Senator from the Nation's most populous as well as richest agricultural State, I am in a position to appreciate perhaps better than some of my colleagues that urban and rural well-being are inextricably linked. While most States are either primarily urban or primarily rural, California is not only both, it is the most of both.

California agriculture reflects—often in exaggerated form—the trends and characteristics of agriculture nationwide.

Agriculture in California is big business. California produces more than 200 commercial farm commodities as compared with most agricultural States which produce only one or two major farm products. It supplies nearly 40 percent of the Nation's fresh produce; and some $900 million worth of livestock are produced annually on California's range land and irrigated pasture. This is a vast source of new wealth for the State each year, California's largest single source of agricultural income.

The annual harvest of California sugar beets totals nearly one-fourth of the national production; cotton production contributes some $200 million annually to California's diversified agricultural economy; the State produces nearly one-fourth of the Nation's domestic supply of rice, and nearly 40 percent of the world almond production—and virtually all domestic almond production—takes place in California.

Furthermore, a full 37 percent of the total land area of California is in farms, about half in full production.

Farm units are large and getting larger, and the number of farms is rapidly declining. It has been projected that another 20,000 farms in California will go out of business in this decade, bringing the number of farms in the State down to around 43,000 in 1980. At the same time, the size of the average California farm is expected to rise to 800 acres.

Though California's gross farm income was $4.8 billion in 1970 and is expected to rise this year, net farm income amounted to only $1 billion. Investment per farm is expected to reach $300,000 by 1980, but farm real estate values are declining.

California is also first in the number of farming corporations. A Department of Agriculture survey in 1968 found that California had 1,673 farming corporations. These accounted for 4 percent of the commercial farms in the State and 25 percent of the total farm sales. Furthermore, California farming corporations operated an average of 3,678 acres per farm, compared to an average of 849 acres for all commercial farms in the State.

Though the vast majority of these farming corporations are family owned, having incorporated for tax and inheritance purposes, California is home for some of the corporate giants in agriculture. Corporate farms in California account for 90 percent of the melon crop, 46 percent of the cattle sold, 38 percent of the cotton produced, and 30 percent of the citrus fruits. Two such corporate giants alone account for one-third of the green leafy vegetable production in the United States.

California clearly has a tremendous involvement in the programs and policies of the U.S. Department of Agriculture. The philosophy and leadership positions of the new Secretary of Agriculture are thus of critical importance.

But California's specific involvement in USDA programs is not my sole concern. The health and vitality of rural America is also of crucial importance. I am deeply concerned about what is occuring in the rural areas of America—what has been happening for the last 20 years and what is likely to happen in the future if present trends continue.

Mr. President, here is a picture of what has been happening in rural America:

First. The farm to city migration continues unabated, averaging some 500,000 persons a year during the 1960's. The 1970 census revealed that a mere one-quarter of our total population resides in rural areas. Of these, only 10 million are engaged in farming; 14 million poor remain in rural America, and nearly one-half of the farm families have annual incomes of less than $3,000. A million and a half farm workers received an average income of just $1,083 in 1970.

Second. There were 5.5 million farms in America in 1950. By 1960, the number of farms had dwindled to 3.9 million. Today there are only 2.9 million. USDA economists project there will be fewer than 2 million farms in 1980.

Third. There is a glaring disparity of farms with sales below $10,000 per year—about two-thirds of all farms—sold only 12 percent of the Nation's agricultural output in 1969. The USDA predicts an acceleration of this trend. By 1980, they say, 95,000 giant farms will supply more than half of the Nation's food and fiber.

Fourth. As the number of farms dwindles, the average size of the farm increases. Farms in 1960 averaged 215 acres compared to 380 today.

Fifth. While farm size increases, the total amount of cropland actually in use has dropped by 11 percent in the last two decades. At the same time, crop production has soared 34 percent due to better varieties of seed and a 240-percent increase in the use of fertilizer. We have, in essence, been substituting fertilizer for farmland.

Sixth. There has been a 50-percent reduction in the amount of agricultural labor during the last two decades, and a 36-percent increase in machinery. Carey McWilliams' "factories in the field" remains an accurate portrayal of modern agriculture—except that he compared farms to assembly lines. A more modern analogy would be the automation of agricultural production.

Seventh. Concomitant with all these trends has been a sharp rise in the capital investment per farm—from around $17,000 in 1950 to $91,700 today. This contributes to the economic pressure to obtain more land so as to reduce the unit costs of production.

Eighth. Most significant is the change in entrepreneurial status. The farmer's traditional role of owner, manager, and laborer in his own business is being replaced by the corporate form of ownership and clearly defined divisions of labor.

In response to criticisms about the lack of data on corporation farming, the Department of Agriculture in 1968 conducted a survey of the number, kinds, and general characteristics of corporations involved in farm production. The study found:

First. A total of 13,300 corporations directly engaged in farming.

Second. Eighty percent of these were family or individually owned.

Third. Taken together, these corporations accounted for only 1 percent of all commercial farms, but they owned or rented 7 percent of all farmland and accounted for 8 percent of all farm sales.

Fourth. Corporation farms owned or rented an average of 4,531 acres per farm in 1968. The average acreage per farm for all commercial farms was 380 acres.

Fifth. The percentage of farmland operated by corporations was highest in Florida and California. In California, corporate farms account for 4 percent of all commercial farms in the State and 25 percent of all farm sales.

We are witnessing the industrialization of agriculture. Not only are machines and technology and professional farm managers replacing the free spirit and enterprise of the small family farmer, but vast, impersonal food factories are destroying the rural communities and institutions that have been an integral part of our history.

The single most pervasive phenomenon in rural America today is the corporate invasion of the production phases of agriculture. Giant corporations like Tenneco, which is engaged in such diverse industries as shipbuilding, oil and gas production, farm machinery, and chemicals, are buying up acres of farmland and producing a tremendous volume and variety of farm products. Tenneco produces an enormous diversity of crops in Kern County, Calif., including corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears, and plums, and company officials frankly admit that their aim "is to accomplish integration from the seedling to the supermarket."

If Tenneco and similar corporations achieve their aim of total integration of the food production process, there will be no small family farms left in America. At best, small farmers will become little more than serfs in a modern feudal system that demands the production of cheap raw commodities for the benefit of giant conglomerates.

This corporate invasion of agriculture must be stopped. But it can be stopped only by specific congressional action, by the development of a farm program that makes sense and which can provide means by which the small farmer—and his way of life—can survive. While these goals are the primary responsibility of the U.S. Congress, they cannot be accomplished without the cooperation and involvement of the administration, and particularly, the Secretary of Agriculture.

Small farming, as both an economic unit and a way of life, is fast becoming an anachronism. The small independent farmer is falling victim to the technological, economic, and social revolution that has struck at the heart of rural America.

Small towns and communities that once teemed with life and vigor in the rural areas of every State now stand silent and deserted, ghostly reminders of a better time in rural America.

These towns, and the people who once inhabited them, have been forced out by the corporate invasion. In their place are absentee-owned farms—field of corn and wheat and lettuce and tomatoes stretching as far as the eye can see, broken only by the giant combines that make their lonely way across these vast acres.

Hundreds of thousands of small farmers, small businessmen and farm laborers continue their 25-year exodus from rural America. The rate of departure is now slightly reduced, but only because there are not many people left in rural America. Today, less than 10 million individuals are engaged in farming.

Mr. President, as the small farm dies, rural America dies too. The young cannot support themselves on the farm, so they leave as soon as they are able. Only those too young or too old to leave remain, the very people most in need of the community services which the dwindling rural tax base can no longer support. Churches, schools, hospitals, and community centers are boarding up their doors. Rural America is gasping for breath.

I raise this specter to suggest that time is running out. We must make our choice for rural America. We must decide whether to stand idly by while economic forces destroy the small farmer, or to stop this unseen hand by developing and implementing positive agricultural policies to assist the small family farmer, the farmworker and the small businessman of rural America.

If left unabated, economic forces will radically alter the structure of American agriculture. If we do nothing—and thus strengthen the myth that these forces are inevitable—we will have chosen an agriculture that is devoid of people and rural communities, an agriculture that resembles a giant, well-oiled food-producing packaging and processing assembly line. We would get our food, but at what human cost?

The social effects of corporate agriculture were eloquently stated in the well-known Dinuba-Arvin study done in 1947. This study focused on two California farming communities of equal size, both located in the great central valley. The point of comparison was the difference in the scale of farming—Dinuba is a community of family farmers and is surrounded by small acreages. Arvin is the center of large-scale agriculture, with a high percentage of absentee ownership.

The findings of this study were striking. The people living in the small farm community had a higher standard of living, better schools, churches, and civic associations, more small businesses and a higher volume of retail trade. Newspapers, parks, public recreation centers, Boy Scouts troops, and public services also were more plentiful in Dinuba and were of better quality. The more study came to the obvious conclusion that the small farm bears an important relationship to the character of American rural life.

The lesson is clear, Mr. President. We can ignore the economic and social implications of corporate agriculture only by risking the "the good life" for millions of rural Americans.

Senator HARRIS put it well in stating that we are at a "crossroads" in rural America. Are we going to endorse an agriculture which is little more than a giant food factory and which contributes to the demise of rural communities? Or are we going to develop and implement an agricultural policy which allows people to live and work in dignity?

I suggest that far more is at stake than efficient food production. At stake is the livelihood and welfare of small farmers, small businessmen and farmworkers who cannot compete with the agribusiness conglomerates with multibusiness resources.

It may be that farmer bargaining is the only tool by which small farmers can get their fair share of the final food price in the emerging food system. That is now being debated in the agriculture committees of the House and the Senate. It is essential that we take immediate action to stem this corporate invasion of agriculture and provide the small farmer with the tools he needs to survive.

It is high time we remembered these millions of rural Americans who operate efficient, family sized farms, who participate in the social life of their communities, and who have contributed so much to the well-being of America.

Now, let me turn to the interrelationship between the farm problem and the problems of our cities. The population of rural America is declining because corporations are snuffing out the economic base of our small towns. People move by necessity into the cities and the slums of America, placing a still heavier burden on urban areas at the very time we are attempting to achieve a better rural-urban balance. Three-quarters of our population is now concentrated on 2 percent of our land. This has a direct impact on the deterioration of our cities and the quality of our environment.

Our cities are decaying. Our air and water are hazardous to health and life. Our lands are polluted with chemicals and depleted of vital minerals. Our food is abundant but curiously tasteless—as though the commodity is reflecting the loss of vitality experienced on the farm. Crime and congestion and pollution and frustration—these are the constants of city life today.

We must, therefore, bear in mind that the decisions we make today about the future of rural America—and the tools we enact to revitalize it—will relate directly on the fate of our cities. We cannot separate the two.

Unless we stem the farm to city migration; unless we reverse the increasing concentration of our population; unless we revitalize rural communities and halt the corporate invasion of agriculture, our efforts to solve crime, curt pollution and restore beauty and order to our cities will be largely in vain.

PAT SULLIVAN—OUTSTANDING COLLEGE FOOTBALL PLAYER

Mr. SPARKMAN. Mr. President, I had the privilege of watching two of the finest college football teams in the United States in action on Saturday, November 27, at Legion Field in Birmingham, Ala. But it was more than just another football game; it was an exhibition of courage and stamina by the participants.

On the field stood a man with No. 7 printed on his blue jersey, the recipient of the Heisman Trophy, which is awarded to the outstanding college football player in the United States. Some people may have doubted his ability, but I was not among them. For this young man with the eyes of the Nation upon him passed for more than 150 yards against one of the finest defense teams in the country.

This young man continued to rally his teammates until the final whistle sounded. He never gave up. With red jerseys clinging on his side, he completed pass after pass—this was the true test of a great athlete.

When the chips are down, he never gave up, and this has been true of Pat Sullivan during his entire career at Auburn University.

I talked with Pat after the game, and he was certainly disappointed that Auburn had lost; but he was not discouraged. He is a young man of tremendous ability and courage, and I salute him.

BULLISH OUTLOOK ON PHASE II

Mr. SCOTT. Mr. President, the Christian Science Monitor of December 1, contains a noteworthy article on what we can expect from phase II of the President's economic program. I commend the article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Dec. 1, 1971]

GIRARD'S ECONOMIST BULLISH ON PHASE II

(By Richard A. Nenneman)

If someone gave you good advice once when you were about to get a new car—or buy some stock—chances are you remember him. You'll remember someone who gave you bad advice, too—but when it comes time to make the next move, you will return to the person who was right the first time.

That's why I have been intrigued by the latest Girard Outlook, published by the Girard Bank of Philadelphia. The Outlook is extremely bullish on the economy. Its writer, Hugh L. Stokely Jr., vice-president and economist for Girard, is one of those fellows who plays around with an econometric model of the economy on a computer. (Playing around is too casual a description of this esoteric activity that very few outsiders can understand; he comes up with some very serious results.)

His present diagnosis of the economy is particularly interesting because for some time he had been saying that a wage-price freeze might be the only way to get the rampant inflation in the economy stopped. Thus, when Mr. Nixon made his Aug. 15 announcement of the freeze, this struck Mr. Stokely as "the right medicine at the right time. . . ."

Now, he argues, "confidence in the consensus forecast for 1972 is justified—confidence that gains of $100 billion in GNP and of more than 15 percent in corporate profits will take place. Given success in 1972, it is reasonable to believe the restraints will prove temporary—with the price and pay boards eventually reduced to a purely symbolic role."

Furthermore, Mr. Stokely thinks the chances quite good, after a year of wage and price restraint, of getting the economy onto a long-term path of noninflationary growth.

He thinks the present fears about Phase 2 are unjustified. First, he notes that the freeze and incomes policy come at a time in the business cycle when they stand the best chance of success (the economy is not overheated, that is). Second, the economy can take a lot of both monetary and fiscal stimulus without becoming inflation prone. Third, he thinks "rapid progress" is being made in getting a new international currency agreement, and says, "The world financial system is not about to come unraveled."

Noting that stock prices are influenced by credit, confidence, and profits, Mr. Stokely says that credit will be ample in 1972 and that beginning late in 1971, quarterly profit reports will show year-to-year gains of 15 percent or more for several quarters. These factors should at some point rebuild confidence, which would supply the ingredient presently missing on the individual investor's part.

The most optimistic part of the outlook, though, is the long-term one. Mr. Stokely's econometric model tells him it should be possible to get the inflation rate back down to about 2 percent, unemployment down to 4 percent, with wage increases of about 5.7 percent a year. The problem has been to rid ourselves of inflation, to break out of what he calls "the present trap of business stagnation." This, he thinks, Phases 1 and 2 can accomplish.

It still remains to be seen, of course, whether the new economic policy will actually be that successful—if, as Mr. Stokely says, "stop means go" for the future of the economy. But one remembers that as long ago as 1969 he was saying privately that the traditional means of slowing down an inflation would be inadequate, and that a temporary freeze might have to be tried. It's natural now that that prediction has worked out, to pay some attention to what he thinks will come next. One hopes he is right this time, too.

TRIAL FOR GENOCIDE: OTHER NATIONS SUPPORT OUR VIEWS

Mr. PROXMIRE. Mr. President, article VI of the Genocide Convention deals with the trial of persons accused of genocide. The Foreign Relations Committee has recommended an understanding that, if accepted by the Senate, will put the United States on record as willing to exercise the right to try its own citizens for alleged acts of genocide that occur in other countries.

Will the other nations of the world respect this understanding? Yes, because they have the same understanding of article VI. In December 1948 the Legal Committee of the United Nations General Assembly adopted the following resolution.

> The first part of article VI contemplates the obligation of the State in whose territory acts of genocide have been committed. Thus, in particular, it does not affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

The other nations of the world will honor the recommended understanding on article VI because it is also their understanding of article VI.

The Genocide Convention is not intended to deny the American people their rights, nor to destroy our Constitution, nor to subject us to any foreign power. It does not do any of these things. The Genocide Convention is to protect the people of the world, and that includes the American people, from the horrors of mass murder. If the Senate ratifies this treaty and if the Congress enacts the implementing legislation, then the United States will have done its share to prevent this crime from occurring.

Mr. President, I call upon the Senate to ratify the Genocide Convention.

THE C–5A AND THE BORN-YESTERDAY SYNDROME

Mr. PROXMIRE. Mr. President, on Monday, November 29, 1971, we learned that the Air Force had begun an investigation into the technical and structural problems of the C–5A.

The news must be received by the public with a certain amount of amazement. I know that I am amazed.

After all the Pentagon boasts about the superior performance of the C–5A, after the Air Force has denied on repeated occasions that there were any significant performance problems with the C–5A, and after completion of several Government studies of this program, at least three of which were done by the Air Force, we are now told that the Air Force has embarked on yet another C–5A investigation. The Joint Economic Committee heard testimony about the C–5A in 1968, and has been studying this program for the past 3 years. In addition to cost overrun problems, we have seen extensive evidence of technical and structural deficiencies in the C–5A. We learned about the first wing crack in 1969.

The Air Force response to this evidence has been simply to deny or cover it up. On several occasions Air Force and other officials of the Department of Defense have told us and have stated publicly that while the costs are perhaps higher than was originally estimated, the performance of the aircraft was exceeding and was expected to exceed all expectations. The C–5A, as one high Air Force official testified, was performing at 101 percent of the original estimates.

When, in 1969, wing cracks began to appear on the C–5A in ground tests, the Air Force assured us that nothing unusual had happened. These kinds of tests, we were told, were designed to reveal defects and weaknesses early enough in the program so that they might be corrected. The wings on aircraft already accepted by the Air Force were modified in the hope that the problem would not recur.

But then other deficiencies began showing up and wing cracks continued to be produced in tests.

Finally, the Air Force established a special scientific advisory board in 1970 to study the C–5A wing structural problems. The board was headed by Dr. Raymond L. Bisplinghoff of the Massachusetts Institute of Technology.

It was a high-powered, well-staffed board, whose members included Dr. Alfred J. Eggers, Jr., of NASA; Brig. Gen. Carroll H. Bolender, of the Air Force; and Col. Harold A. Steiner, also of the Air Force.

In addition, subcommittees were established on avionics, landing gear, performance, and wing structure. These subcommittees were made up of representatives of the Pentagon and private industry. The Aerospace Corp., Bendix, Systems Technology, Inc., MIT's Lincoln Laboratory, the North American Rockwell Corp., Westinghouse, the Cornell Aeronautical Laboratories, Trans-World Airlines, Boeing, Grumman, General Dynamics, McDonnell Douglas, and the Federal Aviation Administration all participated in this study.

It took about 6 months to complete and the costs, so far as I know, have never been made known.

Although the report contained a few tepid criticisms, and although deficiencies were uncovered, it gave the C–5A program a more or less clean bill of health. I would describe the investigation, at best, as an off-white-wash.

There were, however, two interesting observations about the wing structure. The Bisplinghoff board noted that it was doubtful that the wing would be able to meet its fatigue life goal of 120,000 hours. The board also concluded that additional modifications to the wing structure would probably be required in order to provide an operationally useful vehicle.

Ironically, on June 18, 1970, just 2 days after the Bisplinghoff report was issued, new data from static tests indicated that there were still signs of structural weakness in the wings.

In light of subsequent events including new wing cracks and the fact that an engine fell off the plane while it was preparing to take off, the board's conclusion that the C–5A wing structure met its key performance requirements somehow missed the mark.

Nevertheless, the C–5A program was moved forward on a business-as-usual basis with the Air Force continuing to assure everyone that everything was fine.

But in March of this year, the General Accounting Office issued a staff study on the C–5A which painted a different picture.

GAO reported that:

> Existing deficiencies restrict the aircraft to performance of its basic cargo mission in that it cannot perform its tactical mission until such time as certain deficiencies are corrected.

GAO also reported that the Air Force was accepting C–5A aircraft with significant deficiencies, a practice not followed by the commercial airlines. Finally, it was concluded that whether the C–5A would eventually meet all of its performance specifications could not even be determined until the completion of testing in 1973.

The major deficiencies in the aircraft which the Air Force was knowingly accepting are in the landing gear, wings, and avionics. In the first 15 operational aircraft alone, the Air Force had accepted an average of 130 agreed-upon deficiencies and 127 unresolved deficiencies in each plane.

On the wing problem, GAO learned that following the static test failures of June 1970, additional structural weaknesses were discovered in August of that year and additional structural modifications were requested by the Air Force at that time.

New structural defects in the C–5A wing structure have been revealed since the March 1971 GAO report. In mid-September, wing cracks turned up once again in static tests. In late September there was the engine rip off—concealed by the Pentagon for more than a week while the Senate was voting on the military authorization bill—and following that, the discovery of cracks in the engine pylons on seven C–5A aircraft.

We have in the C–5A history replete with, first, predictions of structural problems, and then actual structural problems, in the face of assertions by the Air Force that there were no structural problems.

Now, more than two years after the first of the wing cracks was reported publicly, and following a number of investigations, the Air Force has come forward with its tried and true formula for getting by difficulties with the C–5A program: it has announced a new study.

It is as if we were all born yesterday, as if the Air Force had never procured an expensive weapons system, as if Lockheed had never produced an aircraft for the Air Force, and as if Congress had never had to authorize or appropriate funds for such a program before. The problems in weapon purchases always seem to be presented as if they were occurring for the first time.

For the Air Force to find itself with an aircraft program that is estimated to cost about $2 billion more than was originally planned and that, in addition, is so ridden with deficiencies and structural defects that it cannot perform its tactical mission is both astonishing and scandalous.

The Air Force has known officially about the structural problems since at least 1969. At that point in the program it might have been able to do something, to take effective steps to correct the deficiencies, or to terminate the program if the problems could not be corrected. Instead, the Air Force did what it usually does—it launched a study in 1969 headed by Assistant Secretary Phillip N. Whittaker. As might have been expected, the Whittaker report glowed with favorable conclusions about the C–5A. "The outlook for the performance of the C–5A," the report found, "even considering the recent failure during the static test, is optimistic."

Now, more than 2 years later, most of the aircraft have been produced, delivered, and accepted by the Air Force. What does it expect to find out in the new study that it could not have learned 2 years ago, following the first wing crack, or a year and a half ago when it decided to set up its scientific advisory board?

More importantly, what recourse does the Air Force now have? By knowingly accepting deliveries of C–5A's with major deficiencies and by waiting so long before taking decisive and effective steps to correct them, the Air Force has completely dissipated whatever bargaining power it had to begin with.

At this late date, it will be unable, in my judgment, to require the contractor to absorb the costs of correcting the deficiencies. Indeed, with the cost-plus contract entered into earlier this year, the Air Force has obligated itself to pay to correct whatever is wrong with the plane, no matter whose fault it is.

How much will the correction of deficiencies cost the American taxpayer? I have attempted to obtain that information by requesting it from the Secretary of the Air Force. On November 2, 1971, I wrote to Air Force Secretary Robert C. Seamans, Jr., asking for a breakdown of costs of correcting the defects that have been revealed so far. I ask unanimous consent that my letter to Secretary Seamans be printed in the RECORD.

NOVEMBER 2, 1971.

Hon. ROBERT C. SEAMANS, Jr.,
Secretary of the Air Force,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: As you know, a number of deficiencies have turned up on the C–5A aircraft that have been delivered to the Air Force.

Is it possible for the Air Force to calculate the cost of correcting defects that have been revealed so far? I would specifically like to know the cost to the Government, including all R&D, of the following:

1. Correcting and retrofitting aircraft for cracks in wings;
2. Repairs to aircraft damaged in landings and tests;
3. Replacement of aircraft totally destroyed;
4. Correcting and retrofitting aircraft with defective engine mountings.
5. Excessive maintenance and servicing such as that reported by GAO in March 1971 in connection with brake systems of the first 15 aircraft delivered to the Air Force.

In addition, I would like to know the costs in terms of lost time and idled resources resulting from the grounding of C–5As, and all other costs not specified above that have been incurred or are anticipated to correct contractor deficiencies.

I would appreciate hearing from you at your earliest convenience.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommitte on Priorities and Economy in Government.

Mr. PROXMIRE. A few days after sending my letter, I received an acknowledgement from the Air Force stating that my requests were receiving attention. But I have yet to receive any answers to my questions. It is now about a month since I wrote my letter to the Secretary of the Air Force.

With unanimous consent, I am inserting in the RECORD newspaper stories reporting the recent announcement of a 1-year Air Force investigation of the C–5A, and other recent stories reporting on C–5A technical problems.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Nov. 30, 1971]

AIR FORCE STARTS PROBE OF C–5 WOES

WASHINGTON.—With 9 of 47 planes still grounded, the Air Force announced yesterday that a group of experts would undertake a year-long study of the C–5 transport and recommend ways to prevent future problems.

The Air Force said Big. Gen. Warner E. Newby, the C–5 program director, and 130 military and civilian aviation experts would conduct the review at Lockheed Aircraft Corporation's Marietta (Ga.) facility where the plane is built. The study will cost $3,500,000.

The panel will evaluate structural tests now under way and recommend modifications within budget requirements to assure that the planes, costing $60 million apiece, are able to carry out their missions.

A series of structural and other problems have plagued the C–5's at a cost now estimated at $4.7 billion.

The 47 planes delivered to the Air Force so far were grounded recently after an engine fell off one of them and flaws were discovered in engine mounts on several other planes. All but 9 have been returned to duty.

[From the Chicago Tribune, Nov. 30, 1971]

AIR FORCE PLANS STUDY OF C–5A JET

(By Fred Farrar)

WASHINGTON, November 29.—The Air Force announced today it is forming a 130-member team of specialists to conduct a thoro one-year review of the trouble-plagued C–5A cargo plane.

The announcement followed the latest mishap in the history of the giant aircraft. Last Sept. 29, an engine tore loose from a C–5A when its engines were set to full power prior to take-off.

OTHER PROBLEMS

Earlier problems with the plane have involved wing cracks, trouble with its massive and sophisticated landing gear, and malfunctioning of its navigation equipment. There have been no crashes of the plane in the more than two years it has been flying.

The Air Force today said the job of the investigating team, which will be made up of technical specialists from the Air Force, the Lockheed Aircraft Corp., and other aerospace corporations, "will be to evaluate structural tests and procedures and to recommend operational refinements for aircraft modifications where necessary to assure that the aircraft is fully capable of effective mission performance."

SELECTION OF TEAM

The Air Fore said its specialists, as well as the experts from Lockheed, which builds the C–5A, will be men who have not been associated with the C–5A program.

The team, which is expected to be assembled by the end of next month, will evaluate each of the structural components of the aircraft—the wings, the fuselage, the engine mounts, the tail, and the landing gear.

[From the Washington Post, Oct. 8, 1971]

PENTAGON EXPLAINS DELAY IN C–5A MISHAP DISCLOSURE

(By Michael Getler)

The Air Force has grounded most of its giant C–5A jet transports after an accident Sept. 29 at Altus AFB, Okla., in which an engine fell from one of the planes preparing to take off.

On Wednesday—a week after the mishap—the Air Force belatedly announced the accident in Washington and said that seven of the planes had been grounded. Yesterday, the Pentagon said that 22 more of the 41 operational C–5As were being kept out of the air as a safety precaution pending more tests.

The announcement yesterday was made by Pentagon spokesman Jerry W. Friedheim, instead of the Air Force.

Friedheim, apologizing to newsmen for the delay in disclosing the incident here, said that the Defense Department's top-ranking civilian officials responsible for keeping the public informed also had not been told of the accident by the Air Force, until a press inquiry Wednesday forced the news out.

The disclosure in Washington of the incident involving the costly and controversial plane brought quick charges from Rep. Clarence Long (D-Md.) that the Pentagon intentionally held up the news here until after the $21 billion military procurement authorization bill—which includes $472 million for the C–5A—had passed the Senate Wednesday.

Friedheim strongly denied the charges, claiming "there was no intention to withhold information." Friedheim said the Air Force made a public statement about the accident at Altus on Sept. 29 but because of some foul-up, the information was not made known to top Pentagon officials.

Friedheim also pointed out that there still were several congressional votes that had to be taken before the Pentagon got its final appropriations bill through Congress.

The Pentagon spokesman described the accident, in which one of the plane's four engines tore loose at full power, as "spectacular," indicating that it must have attracted considerable attention at Altus. This apparently prompted the Air Force release of information in Oklahoma.

At the briefing, Friedheim said that the Pentagon's top public affairs official, Assistant Secretary of Defense Daniel Z. Henkin, "yesterday directed that a release be made across-the-board here within an hour after he first learned of the C–5 situation."

Air Force officials said they had no estimate of the cost to replace the pylons that hold each engine to the wings. A total of 81 C–5As, which cost almost $60 million each and which have suffered other technical problems, are scheduled to be built by Lockheed.

The Air Force said it hoped to absorb the cost within the existing total of $4.57 billion for the C–5A program, but officials noted that the C–5A contract with Lockheed recently has ben restructured on a cost-plus basis so that any added expenses have to be paid by the government.

A spokesman for Lockheed yesterday said its engineers previously had notified the Air Force that the engine mountings were "an area of potential weakness" and proposed a structural change to strengthen them.

The Lockheed warning reportedly came last summer. The Air Force made inspections early in September of those C–5As that had accumulated a lot of flighttime and said it found no faults. But the Air Force says that about Sept. 20 it ordered a go-ahead for modifications required to strengthen the engine mounts. No grounding order was issued, however, and the Altus accident took place before the work was started.

[From the Wall St. Journal, Sept. 16, 1971]

LOCKHEED'S C–5A SUFFERS ANOTHER BLOW TO IMAGE AS WING CRACKS IN GROUND TEST

(By Richard J. Levine)

WASHINGTON.—Lockheed Aircraft Corp.'s trouble-dogged C5A cargo jet has run into yet another technical problem.

According to Air Force officials, a nonflying C5A test model suffered a wing crack during so-called "static" testing Tuesday at Lockheed's Marietta, Ga., facilities. The crack, near the fuselage, occurred as the wing was subjected to stress of "approximately 130% of design load," officials said. The Air Force requirement is 150%.

Test data are being evaluated to determine exactly when during the test the damage occurred, and "what effect it may have on the continuing test program," officials said. Despite the crack, Air Force officials said, "The test did verify that the current operating aircraft are adequately covered by margins of safety."

Until they get more information on the test failure, Air Force officials said it's impossible to know what, if any, corrective measures might be necessary. Nor would they speculate about the cost of any adjustments.

However, it seems clear that the latest technical problem will further damage the C5A's already poor image on Capitol Hill, thus making it more unlikely than ever that the Air Force would be able, at some future time, to win approval to expand the program beyond the current 81 planes.

Wing problems aren't new to the C5A, a giant plane designed to transport large, heavy weaponry and equipment for Army combat troops.

In July 1969 a failure occurred during a static test when the wing was subjected to stress of 125% of design load. In January 1970 cracks were discovered in the wing of the third C5A off the production line, a plane that had been used for severe in-flight structural tests. The cracks were found as the plane was being prepared for modifications required as a result of static-test failure.

The modifications, or "structural beefing up," involved reinforcing parts of the wing with aluminum plates. Deputy Defense Secretary David Packard, the Pentagon's procurement boss, told Congress last year that changes necessitated by static-test failure would cost about $185,000 an aircraft.

DEADLINE WAS SET

The latest failure occurred after the improvements had been made. Earlier this year, Lt. Gen. Otto Glasser, the Air Force's top research and development officer, said: "We have tested and installed a fix for the wing crack problem, and we now expect to complete structural static testing of the aircraft in August 1971."

Now it appears static testing will have to continue well beyond the target date, which had been missed even before Tuesday's failure.

The original wing crack prompted Air Force Secretary Robert Seamans to order a special technical review of the C5A program by the Air Force's Scientific Advisory Board.

The civilian-dominated advisory board that studied the C5A found the wing had "regions of high stress which are suspect for static strength." As a result, the panel said it believed "additional modifications to the wing structure in conjunction with other measures will be required in order to provide an operationally useful vehicle."

Among other things, it recommended that all wing testing be accelerated "so that most of the problems can be identified in the laboratory rather than in service." And it concluded that the Air Force "must choose one of several viable proposals which will enable the wing to more easily meet its static strength requirements."

ACTIONS WERE TAKEN

Last November, the Air Force took several actions recommended by the advisory board at a cost of $28 million, including $3 million for a faster static test. However, it said decisions on any major changes in the wing to increase static strength would await further test results.

Currently, the C5A is operating at 80% of maximum capacity. Air Force officials say this limitation is standard procedure for all new aircraft pending the completion of airborne tests.

[From the Washington Post, Sept. 21, 1971]

PROXMIRE HITS C–5A SAFETY MARGIN

Sen. William Proxmire (D-Wis.), chairman of the congressional Joint Economic Committee, said yesterday that the safety margin of the giant C–5A cargo plane was dangerously inadequate although costs had doubled.

He accused the Air Force of withholding from Congress information on the increased costs.

Following reports of a wing crack in one of the aircraft, the senator again called for the recall of all C–5A aircraft—the world's biggest plane—already delivered to the Air Force.

Proxmire, in a statement issued here, said the C–5A program was now expected to cost $4.9 billion, an increase of $300 million over the figures of a year ago.

"Taking into account that the program has been reduced from 120 planes to 81, we find an overrun of $2.2 billion," he said.

"On a unit basis, the costs have risen from $28 million originally estimated for each C–5A to $60 million, an increase of over 100 per cent," Proxmire added.

"What is most disturbing about this case is the fact that the Air Force has repeatedly concealed the truth about the C–5A cost overruns from Congress and the public.

"The disclosure that another C–5A wing has cracked and failed to meet ground tests indicates that neither Lockheed nor the Air Force has yet been able to solve this fundamental structural problem.

"The fact that the wing failed under stress of 130 per cent of design load when the Air Force equipment is for 150 per cent of design load shows that the margin of safety in this plane in dangerously inadequate.

"I repeat my suggestion that Lockheed be required to recall the C–5As already delivered to the Air Force. Obviously, if this structural problem still hasn't been corrected the Air Force is flying a deficient, unsafe aircraft," he said.

An Air Force spokesman said his initial reaction was that he was sure that none of the pilots now flying the C–5A had any fears, noting that the wing crack had come at 30 per cent more than the wing stress the plane would ever be required to undergo. He conceded that Lockheed's contract did call for 50 per cent more ability to withstand stress than the maximum that would be allowed and said he thought Lockheed would be asked to make good.

[From the New York News, Oct. 8, 1971]

AF GROUNDS 29 OF ITS C–5A'S AFTER MISHAP

(By Frank Van Riper)

WASHINGTON, October 7 (News Bureau).—The Air Force ordered today 29 of its fleet of 41 C–5A jumbo jet transport planes grounded amid congressional charges that the Pentagon had withheld news of a serious C–5A mishap until the Senate approved an additional $472 million for the plane.

Pentagon spokesman Jerry W. Friedheim vigorously denied charges by Rep. Clarence D. Long (D–Md.) that the Pentagon waited for seven days to announce that a huge engine had broken off the wing of a C–5A at Altus Air Force Base, Okla., as the plane was preparing to take off. No one was hurt, but the engine was ruined.

As a result of the mishap on Sept. 29 the Pentagon grounded seven C–5As Monday, and today announced the grounding of 22 more as a precaution.

Not until yesterday was the incident announced at the Pentagon—the same day that the Senate passed the Military Procurement Bill. Long, a member of the House Appropriations Committee, charged that the Defense Department had withheld word of the incident until after the bill had passed the Senate, so as not to endanger funds for the plane. The C–5A's technical and cost problems have made it a favorite target for Pentagon critics.

Friedheim said that a statement on the incident had been released at Altus the day of the mishap, but that his office did not learn of the accident until yesterday, when it promptly issued its own statement.

[From the New York Times, Oct. 19, 1971]

FIRST C–5A RETURNED TO SERVICE; PROXMIRE CITES A NEW ACCIDENT

(By William Beecher)

WASHINGTON, October 18.—The Air Force announced today the return to service of the first of 47 grounded C–5A transport planes.

But Senator William Proxmire charged that new technical difficulties were plaguing the giant aircraft.

The whole C–5A fleet was ordered temporarily grounded last Tuesday after an engine tore loose from one of the planes on Sept. 29 at Altus Air Force Base in Oklahoma. The cause of the problem was said to have been a faulty pylon connecting the engine to the left wing.

The Air Force said today that, after having passed extensive X-ray and ultrasonic inspections of its pylons, one of the planes was put back in service to fly from the United States to Southeast Asia with a load of military cargo.

At least 16 other C–5A's, the Air Force said, are expected back in service soon, after undergoing thorough inspections of their engine mounts.

NEW ACCIDENT ALLEGED

Senator Proxmire, Democrat of Wisconsin, asserted today that a new accident involving a C–5A occurred recently. He said that the accident was hushed up by the Air Force and the Lockheed Aircraft Corporation, manufacturer of the plane.

According to the Senator, the landing gear collapsed during tests of a C–5A last Friday at Marietta, Ga., where the planes are built and initially tested before being turned over to the Air Force. He said that the plane's fuselage fell to the ground and estimated the damage at from $70,000 to $100,000.

An Air Force spokesman conceded that there had been an accident but said it occurred while the C–5A was on the assembly line, not during powered tests.

As the landing gear was being retracted into the plane, the Air Force said, it struck and damaged the landing gear door. The plane's fuselage did not fall to the ground, the Air Force said.

An Air Force spokesman said that the area immediately around the accident was closed off as a standard precaution to check whether sabotage might have been involved.

STATEMENT BY LOCKHEED

In a statement, the Georgia Division of the Lockheed Aircraft Corporation described the incident this way:

"During a routine functional test of the landing gear and doors on an uncompleted C–5 fuselage on the prefinal assembly line Friday, a malfunction of part of the system occurred, and one of the gear doors was damaged. No one was injured.

"The door will be returned to the builder, disassembled, and reworked. The cost of the new door would be less than $17,000."

A spokesman said that the fuselage had been resting on jacks while the gear was put through its up-and-down cycle. He said the gear "brushed one of the doors." The incident was said to have taken place inside the Lockheed plant.

[From Newsweek, Oct. 25, 1971]

AVIATION: EDSEL OF THE AIRWAYS?

From the beginning, the Air Force's massive C–5A, the world's biggest airplane, seemed to be bidding for the dubious title of the Edsel of the airways. There was the day in June 1970, when a distinguished roster of government, military and civilian brass gathered at Charleston Air Force Base in South Carolina to celebrate Lockheed Aircraft Corp.'s delivery of the first C–5A to the Air Force. As the 700,000-pound leviathan lumbered in for a landing, one of its 28 wheels dropped from its mount and bounded down the tarmac. Besides, one plane has been destroyed by fire and another by an explosion, and a crack was found in the wing of a third plane during tests at Lockheed's plant in Marietta, Ga. Moreover, Lockheed ran up a whopping $2 billion cost overrun on its $2.3 billion contract to build 81 of the planes, and had to be saved from bankruptcy by a $250 million government loan guarantee.

POOMPF

Then last week came a new disaster: the Air Force announced that it was grounding its entire fleet of 47 C–5A's. The groundings were the result of an accident Sept. 29 at Altus Air Force Base, Okla., where C–5A crews train. A pilot preparing for take-off had taxied his plane to the end of the runway, where he applied his brakes and opened the throttle to maximum thrust. Suddenly the massive outboard engine tore loose from the left wing, cartwheeled 200 to 300 feet in the air and careened downfield.

The breakaway was caused by the failure of a rear support for one of the plane's four engines. The craft, with 1,300 flying hours and 3,400 landings in its flight log, was one of the senior citizens of the C–5A fleet. As a precaution, the Air Force promptly grounded six other planes with similar totals in flying time. But after new cracks turned up in a newer plane, the Air Force followed up with orders grounding the entire fleet.

After last week's grounding, Lockheed had no comment. But Pentagon sources were quick to defend the company. "Those guys were pushing the state of the art," one Air Force officer told Newsweek's Tom DeFrank. "Nobody ever tried to fasten a 40,000-pound thrust engine to a wing before. They did the best they could; it just turned out to be not good enough." The Air Force is not backing away from the plane itself, which can carry 265,000 pounds of cargo. "The Air Force continues to have complete confidence in the plane," a spokesman said. "There's not a pilot in the Air Force afraid to take off on a C–5A mission. We've had plenty of problems. but I haven't heard anybody call it a lemon yet."

[From the New York Times, Oct. 31, 1971]

AIR FORCE FINDS CRACKS IN SEVEN C–5'S

(By Richard Witkin)

The Air Force disclosed yesterday that it had found cracks in seven engine pylons on seven C–5 cargo jets, all apparently due to "improper fabrication."

It said that the pylons—underwing structures on which each jet engine is mounted—would be replaced and the planes released for flight. It added that a new pylon design was under intense study and might be ready for installation within three to five months.

In a C–5 status report to interested Congressional committees, the Air Force also disclosed that a 16-month study of wing fatigue showed that "some type of strengthening" of the wing section close to the fuselage would be needed in the life span of the cargo craft.

Meanwhile, the announcement said, the C-5, the largest aircraft in the world, could be expected to continue to operate without difficulty with only normal modifications and repairs for at least 6,000 hours of flight.

ONE-FIFTH OF LIFETIME

This is one-fifth the 30,000-hour lifetime the Air Force had been hoping to attain for the plane.

A spokesman for the manufacturer, the Lockheed Aircraft Corporation, said the company had high hopes that the 6,000-hour mark could be significantly extended with a relatively simple and inexpensive "fix." This would involve a change in the rigging of the wing controls, the ailerons, and would relieve the wings of some of the strain imposed on them.

A long-standing debate over the C-5 boiled up again about a month ago after an engine tore loose from a C-5 as it was about to take off from Altus Air Force Base in Oklahoma.

Twenty of the 47 C-5's delivered to the Air Force were grounded after the Altus incident. The rest were grounded Oct. 12 after cracks were discovered in a relatively new C-5 in the same pylon area that had given way in the Altus mishap. Twenty-three of the planes have since been returned to duty after close inspections.

The mass grounding was dictated by fear that the C-5 pylons might have an immediately dangerous fatigue problem that would cause other engines to fly loose in the air, as the first one had done on the ground in Oklahoma. In that incident, the left outboard jet flew off the wing as the engines were being revved up to full power, fell to the ground and skidded several hundred feet along the ground.

A STRUCTURAL WEAKNESS

An inquiry indicated that this pylon did have a structural weakness. A decision was then made to install new outboard pylons on a total of seven C-5's, which, like the plane involved in the mishap, had accumulated the most flying time—about 1,300 hours.

In the inspections of the C-5 fleet, no fatigue cracks indicating fundamental structural flaws have turned up. Metal fatigue is the phenomenon that, for example, causes the metal fastener of a manila envelope to break when it is bent back and forth too many times.

What the inspections did find were seven pylon cracks, which, according to the Air Force announcement, "all apparently derive from improper fabrication during pylon manufacture." The cracks were found in seven different planes. The generic designation of the craft is the C-5, although the Air Force has called it the C-5A to designate the first model. No follow-up model is envisaged.

The pylons are manufactured under subcontract to Lockheed by the Rohr Corporation, of Chula Vista, Calif.

No cost estimate was given for the planned modification of pylons or wings.

THE PLIGHT OF THE ELDERLY

Mr. HOLLINGS. Mr. President as we approach the Christmas season, let us not forget our older Americans. Christmas is a time of giving, and these citizens have given so much of themselves; it is our turn to think of them. These are times of increasing awareness and determination to end prejudice and discrimination yet the elderly are consistently denied their rights. We must give them back the rights that are theirs.

There are more than 20.5 million aged Americans. That is the equivalent of the population of the 20 smallest states, and the number is increasing more than twice as fast as other age groups of our population.

According to the June, 1971, HEW Administration Report on Aging, one out of every four older people live in poverty. While the economic deprivation of the elderly has increased, that of other age groups has decreased. In 1970 the median income of an elderly person living was $1,951. Older people are twice as likely to be poor as younger citizens. Although the elderly comprise 10 percent of this country's total population, they constitute 20 percent of our poor.

There is a need for renewed commitment and implementation of a national policy on aging. We must assure our elderly that they shall enjoy the abundance of this Nation. In the wealthiest nation in the world, it is no longer necessary for 5 million older Americans to live in poverty.

It is not an either/or proposition now. Older Americans must have major advances in their present standard of living. Our chief priority should be raising the individual income to a decent level. The Social Security Act provides the means to assist the elderly, but there are several areas which need improvements.

Social security benefits constitute an annual income $300 below the poverty level of $1,852 per year for a family of two. We need a measure to keep pace with the rising cost of living that would insure proper food, housing, and medical care be provided to all.

A low-income elderly couple spends over 75 percent of its income on necessities of food, housing, and medical care, while a low-income family of four spends, on average, 56 percent for these items. There are also high property taxes which are especially damaging to the elderly who have fixed incomes. Moreover, these taxes have doubled or tripled in many communities during the last decade and reached a record high of $37.5 billion last year. Many who have managed to purchase their own home are unable to retain ownership because of such tax burdens. In the line of health care, medicare pays less than half of all health care costs, which have risen 64 percent in the past 4 years. The average health bill for the elderly is six times that of children and three times that of an adult.

My interest in the plight of the elderly is not new. It is an area that I have worked in constantly. Presently, I am a cosponsor of the Older Americans Rights Act of 1971. This proposal provides for an increase in benefits which has the potential of wiping out poverty among the elderly. I feel it is the best proposal now pending before Congress because new methods of financing the social security program result in much lower costs to the taxpayers.

I am also a cosponsor of S. 1163, the nutrition program for the elderly, which passed the Senate November 30. A large proportion of our elderly suffer from hunger and malnutrition because of poverty level incomes; inadequate nutritional education; lack of transportation to and from food stores and inadequate cooking facilities. The nutrition for the elderly bill authorizes $250 million over a 2-year period for funding programs that provide a daily meal that contains one-third the recommended daily dietary needs. These meals would be available in both urban and rural areas and would emphasize the social benefits of meals in a group setting for those with accessibility to community meeting places. This bill takes a giant step in providing for a nationwide nutrition program establishing low cost nutritious meals for persons over 60.

In our own State of South Carolina, we have approximately 190,000 to 200,000 citizens over 65 years of age. Compared to the rest of the country we have a very small percentage of the elderly. South Carolina recently received an areawide model project award of $234,705 for the Piedmont Life Enrichment for Aging. This is the first project of this nature in South Carolina and will be an innovative program designed for meeting the needs of the elderly. This project plans to focus on improving the level of physical and mental health of older people. the development of a system of links between existing health and related services, and the development of new services.

The Nixon administration has made little effort to reverse the plight of the elderly. President Nixon requested about $30 million for the funding of the Older American Act. This figure is dwarfed by expenditures like the Pentagon's public relations budget of $39 million, and the cost of the war. The money required to buy two C5-A airplanes each year would be sufficient to fund the Older Americans Act at $105 million annually through the end of the century.

The theme of the White House Conference on Aging held November 29 through December 2, 1971, was a call for "increased voluntary action to provide services for the elderly." This "self-help" is not the answer. As one conferee said:

> What the hell does that mean, when you are talking about someone who is arthritic, who is deaf, who is partly blind, whose children have moved away, and who is not properly covered by Social Security.

While government should not carry the entire burden; it should provide a base of opportunity for the elderly to live decently. It will be up to the Congress to overrule the administration on its "moratorium" that seems to have been declared on action in this area. There has been enough money spent on study on the plight of the elderly. The majority of recommendations made by the 1961 White House Conference on Aging were never implemented, thus the conference failed; $1 million was spent in preparation for the 1971 conference. Enough preparation and study. Let us start getting some of these proposals working. The Older Americans Rights Act of 1971 of which I am a cosponsor does start the action rolling in an area that has reached a point of urgency.

It is the moral obligation of the Nation to provide for the needs of its older citizens in keeping with the dignity to which they are entitled.

STATE OWNERSHIP OF PROPOSED TRANS-ALASKA PIPELINE STUDIED

Mr. STEVENS. Mr. President, recently the Governor of Alaska, the Honorable William A. Egan, announced that he would explore the question of State ownership and operation of the proposed trans-Alaska pipeline, which will carry crude oil from the North Slope of Alaska to the ice-free port of Valdez. This proposal has generated a great deal of discussion in Alaska and elsewhere. In the following news release, the Governor has sought to answer some of the most commonly asked questions.

I ask unanimous consent that the release be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE OF WILLIAM A. EGAN, GOVERNOR OF ALASKA, NOVEMBER 19, 1971

Some good questions have been asked by the news media from time to time with respect to the State's proposal to own the Trans-Alaska pipeline. The Anchorage Times recently asked eleven well thought out and pertinent ones. I will attempt to answer them at this time.

Q. 1: Is it sound and practical for the state to own such a vast facility and what sort of precedent would state ownership set on future development opportunities or programs by private industry?

A. The size and importance of TAP to every aspect of Alaska's economy is such that the question of public ownership of the facility is a question distinct from any other question of public ownership. It appears at present that it will not only be sound and practical, but possibly even essential for the State to own such a vast facility. We are continuing to study these questions and will not make any final, firm proposal until we are satisfied our position is correct.

Since the TAP is unique, no precedent whatsoever will be set by this action. Some have questioned whether State ownership of other pipelines is implied. No such implication has been considered. TAP is not any pipeline, but "The" pipeline. It may well serve as a yardstick for some purposes, but it is not a precedent for ownership of pipelines generally where quite different principles may apply.

Furthermore, the State will provide Alyeska fair and just compensation for the Trans-Alaska pipeline, should continuing definitive analysis clearly indicate State ownership is in the interest of the people. Since such an action would not represent a loss to Alyeska, but probably, in fact, a certain reasonable amount of profit on its investment, nothing in the action would discourage future development programs by private industry.

It is the State's general policy to use funds, where possible, to take reasonable actions that will encourage developments by private industry.

Q. 2: What precisely would the financial requirements be, and could the state literally afford to handle the debt service and cover the cost of the borrowing or bond issues that would be required?

A. While we do not know the exact figure, the initial financial requirement would be much the same as that required to be raised from financial markets by the owners for this purpose. The debt service requirement should be significantly smaller. In general terms, the cost of buying the pipeline might range from $1 billion upward, but careful studies and accounting work will have to be done to determine the exact financial requirements, just as if the owners financed the project alone.

Whether the State can afford to handle the debt service and costs of borrowing is a matter depending upon the receptivity of the market. This is being explored by the seven major investment houses retained for this purpose. The cost of floating the bond issues necessary to purchase the pipeline, and the cost of debt service on them will be paid for from the gross revenues received from the operation of the pipeline, just as would be the case under private ownership. The State's profit on the pipeline will be a built-in part of the cost of transporting a barrel of oil, as will the cost of debt service.

While there are some challenges to putting together a bond issue of $1 billion or more, there do not presently appear to be insurmountable difficulties in marketing the bonds that cannot be worked out.

Q. 3: What are the short-term and long-term risks? What if the oil supply actually falls far short of projections in the Prudhoe Bay area? Private industry might weather such a setback—but could the state?

A. We are currently attempting to analyze and identify the real short-term and long-term risks in State purchase and operation of the pipeline.

A basic reason for considering public ownership of this pipeline is that, for better or worse, the destinies of the State of Alaska are bound up in its future. As the pipeline's fortunes rise or fall, so do the fortunes of Alaska.

It is extremely doubtful that the actual oil supply in Prudhoe Bay will fall far short of projections. In fact, I believe it is more likely that the supply is far greater than current reserve statements indicate. In addition, there are other reserves relatively nearby that can be developed and transported through the pipeline.

The extra cost to private industry in a shortfall in supply would be passed on to the State in any case in increased cost of transportation deducted from the well-head price.

Q. 4: What effect would world money market gyrations have on the State's economic prospects if it sank so much of its monetary future into this one venture?

A. Fluctuations in the dollar are something all Americans have to contend with anyway. The value of oil upon which the value of the pipeline ultimately depends, the State must live with anyway. Interests in oil actually are more likely to ride out international monetary fluctuations successfully than cash assets. The American market is our fundamental guarantee of price.

Q. 5: What would be the effect on requirements for borrowing for other purposes? What would Alaska's bond rating and bond prospects become if its full faith and credit were overextended on one issue?

A. No decision has yet been made whether to issue revenue bonds or general obligation bonds engaging the full faith and credit of the State. The State's bond rating depends very much on the success of TAP with or without public ownership. There would be very little effect on the State's bonding capacity since, as noted before, pipeline revenues would pay for the bonds used for the pipeline purchase. With successful operation of the pipeline, and the additional millions of dollars in State revenue that will be received from it, the State's bond rating will improve substantially, just as when a small company becomes a successful large company through the use of debt financing, its borrowing capacity is greatly increased.

Q. 6: If the State owned the pipeline, which is part of the transportation system to move the oil to market, would it also have to acquire ownership of the tanker fleets required to move the crude from Valdez to Puget Sound?

A. No, the State would not have to acquire tanker fleets to move North Slope crude to market. Alyeska Pipeline Service Corp. currently exists only to build and operate the Trans-Alaska pipeline; the State would assume the same role, acting as a common carrier for North Slope producers who will make their own arrangements to get their oil to Market from Valdez.

Q. 7: How does the state buy out Alyeska? Does it pay for its technology, for its environmental studies, for its engineering, for its pipe? Who determines a fair and equitable price?

A. The details of how the State buys out Alyeska must be worked out in negotiations with the company. Naturally, the State would pay for Alyeska's technology, environmental studies, engineering and pipe, insofar as they are part of the cost of the pipeline. A fair and equitable price would be determined through negotiations between the State of Alaska and Alyeska, based roughly upon acquisition costs and initial investment, plus interests on investment.

Q. 8: For that matter, what is the state's position if the oil companies won't sell?

A. It depends upon the reasons why the companies won't sell. A number of alternatives are available to the State in the event that there appears to be an overriding State interest in public ownership which the owners simply refuse to recognize.

Since there is no indication that the owners will refuse to sell under such circumstances, there is no purpose served in speculating on alternatives available to the State.

Q. 9: Assuming that the oil companies would agree to sell, how does the state buy the technical knowhow to complete the job? What if Alyeska—which is formed by men largely on loan from the various participating companies—simply dissolves, leaving no technical expertise for which the state could contract?

A. The State proposal is likely to include contracting with Alyeska for the completion of the job and an initial operating phase. The technical know-how is part of what the State would purchase, not just a pile of pipe and a few stacks of books and drawings. We realize the need for appropriate expertise in both the construction and the operation of the pipeline, and we will not shirk our responsibility to see that such expertise is available to the State should a purchase take place.

Q. 10: If, as the environmental extremists contend, the pipeline should ever break, the oil companies under private ownership would be subject to gigantic penalties, fines and assessments. If the state owned the pipeline, would it have the monetary resources to clean up a major spill without even more bonding?

A. Frankly, the possibility of such spill has been grossly overstated. The pipeline is overdesigned for the purpose of reducing this risk even further. The cost for disaster contingency preparations and for clean-up is part of the cost of pipeline operation. Money for these vitally necessary things will come from the tariff charged. The State will pay in the end anyway through the well-head price. Because of the State's responsibility to its people, I feel that we can do a better job of protecting the environment than could be done by private operators.

Q. 11: Where would the state acquire the manpower to operate the pipeline on a continuing basis once it was built? Would new political empires be built and huge patronage jobs created under a political system subject to a flip-flop every four years?

A. The State would acquire manpower initially as part of the pipeline purchase and operating contract with Alyeska. Although details have not been worked out as yet, among the considerations presently being employed by the State is the creation of a quasi-independent pipeline authority that would be immune from such situations you describe in the event that after the original operating phase it was determined that Alyeska was not an appropriate operating contractor for the long term. The Marine Highway Division of the State operates a far more extensive transportation system in terms of employment. It does not appear to suffer from the drawbacks stated.

My proposal to explore State purchase and operation of the Trans-Alaska pipeline was based on the initial appearance of desirability of such an action. The proposal is continuing to evolve and take on greater definition as more information is gained on various aspects of it and various ideas are tested.

I appreciate this opportunity to answer these questions of general public interest, and I can assure you that my Administration is developing more questions and seeking more answers daily. When adequate concrete information becomes available, I shall certainly report to the people again on the status of a proposal that currently appears to provide a strong means toward building a better State for all Alaskans.

S. 2097—DRUG ABUSE PREVENTION BILL

Mr. MOSS. Mr. President, last night the Senate passed a piece of landmark legislation, S. 2097, the drug abuse prevention bill. This was the result of a bipartisan effort to combat one of our greatest national problems—drug abuse. With enthusiasm I voted "yea."

The Nation has been justly alarmed by the growing menace of drug abuse. The problem is not confined to one area of the country or a single segment of society. It is pervasive, affecting cities, suburbs, and rural areas; civilians and military personnel. It particularly affects the Nation's youth.

I am proud to have been a cosponsor along with more than half of my colleagues in the Senate.

The bill responds to the need for better organization and for increased funds for drug abuse programs. It attacks the drug problem on a broad spectrum—law enforcement, prevention, treatment, and rehabilitation. It is a constructive bill which I believe will lead to controlling the problem of drug abuse throughout the Nation.

The availability of drugs on the virtually open illicit market has been described before. The range of drugs being abused is long and well known; marihuana, amphetamines, barbituates, heroin, cocaine, LSD, mescaline. The characteristics of those abusing drugs have changed radically in the last few years. Once largely confined to the inner city poverty areas where, like all other problems there, it could be conveniently ignored by the rest of society, drug abuse now substantially involves young, middle-class residents of the suburbs, college students, and military personnel. In fact, it is quite clear that one of the most compelling forces behind the present initiative was the disclosure of widespread use of heroin among GI's in Vietnam.

The bill covers the ground which needs to be covered. It creates an office with high visibility to express the full extent of our concern. The language we have used is reserved because we understand how serious the problem is, how deeply it is tied to other problems of our society, and how unlikely it is to yield to quick solutions or emotional terminology.

Most important, the development of a national strategy will assure that at the highest levels of government, issues which have undermined the effort against drug abuse will receive considered attention. For the first time the policy basis for controlling and preventing drug abuse will receive the kind of comprehensive treatment that it needs.

The bill is a good one. It provides the authority needed to begin the job that needs doing.

I would also like to point out the work of several Senators whose contribution to this bill makes it the piece of constructive legislation which we need. From the Committee on Government Operations, high praise must be given to Chairman McCLELLAN and Senators MUSKIE, RIBICOFF, PERCY, JAVITS, and GURNEY. And from the Subcommittee on Alcoholism and Narcotics, we must express our gratitude to the chairman, Senator HUGHES, and the ranking minority member, Senator JAVITS.

They all deserve congratulations from the American people for fashioning this important legislation.

ECONOMIC IMPACT OF RETIREMENT

Mr. MUSKIE. Mr. President, Nelson Cruikshank has had a long and distinguished career, serving the best interests of the elderly. After holding various posts in Government, Mr. Cruikshank served for 10 years as director of the AFL–CIO Social Security Department. He is now president of the National Council of Senior Citizens, an organization that is in the forefront of the battle to secure greater justice for older Americans. In the November issue of Social Action, Mr. Cruikshank eloquently and succinctly discusses the economic impact of retirement. Mr. Cruikshank reveals that despite the best efforts of the citizens themselves and major programs such as social security and medicare, retirement for too many of our senior citizens is an introduction to poverty. As revealed by the Subcommittee on Aging, of which I am a member, today 4.7 million persons 65 and older fall below the poverty line, nearly 100,000 more than in 1968. More than 2 million older Americans are on welfare. And 60 percent of all elderly persons living alone are classified as poor or marginally poor.

Unlike most people, Mr. Cruikshank not only knows the problem but offers a solution. As Mr. Cruikshank observes, we must abandon the myth that social security provides only a "basic floor of protection." For most Americans the social security system is their only source of income during their retirement. This will continue to be true in the future. Therefore, if we are to provide true economic security and dignity for our elder Americans, there must be substantial and massive increases in social security benefits. I have long maintained that such increases can be achieved only by general revenue financing. Mr. Cruikshank shares this conclusion by noting in his article that the entire cost of an adequate system of old-age security should not be borne as it now is by a payroll tax. To quote Mr. Cruikshank:

> There is every sound economic reason for the cost to be shared not only by employers and employees but by contributions from general revenues of the government.

General revenue financing will, of course, cost money, but the present system has a cost far greater than dollars. Our present system places an increasingly regressive tax on the working American, while failing to provide economic security for an increasing number of elderly Americans.

So that Senators may have the benefit of Mr. Cruikshank's observations, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ECONOMIC IMPACT OF RETIREMENT

(By Nelson H. Cruikshank)

The American worker born in 1906 reaches the normal retirement age, 65, this year. He was 23 years old and was getting started in his life work, preparing to assume the responsibilities of a family, when the 1929 crash triggered the complex chain reaction he learned to know in the next few years as the great depression.

If he had harbored the typical dreams and ambitions of most Americans of that time, the events of those years brought a rude awakening. Hard work, industry, savings, and prudent investment no longer were the sure road to success and security. He saw all around him older people, who had obeyed all the rules and lived up to all the precepts, suddenly deprived of the promised rewards and forced to seek assistance from whatever source they could—even the government.

By the time he reached the age of 30 he had learned the hard way some of the tough economic and political facts of life. Gradually, with his fellow citizens, he worked his way out of the depression, aided in no small measure by the massive government spending incident to World War II as well as by the changing attitudes with respect to government's responsibility for the general welfare—changes he himself helped develop as his own notions about such matters shifted.

Gradually the dream of individual success as entertained in the days of his innocent youth was replaced by another—the dream of a comfortable and relaxed retirement. He passed the 50-year mark in 1956—not a very good year in our economic history. But his children were grown or would soon be on their own. In a few years the house would be paid for. There was social security and his company was instituting a pension plan. He had even managed to lay aside a small nest egg: some government Savings Bonds and a modest amount in a savings and loan association. Fifteen more years of work and he could retire. No more getting up at the clang of the alarm clock, grinding through traffic with his car pool to report at the factory at 8 o'clock or at the office by 9. He could buy a little place on the lake or in Florida or California, do all the fishing and hunting he liked. He and his wife would spend their golden years in leisure. Every week would be one long weekend. What a life!

And now comes 1971 and age 65. Will the dreams of middle and later life be shattered as were those of his early 20s? For many, tragically, they will.

TRADITIONAL ROUTES TO OLD-AGE SECURITY

It's been a long time since the average worker looked to the traditional pattern of family security characteristic of an earlier agrarian society. Our modern worker remembered his grandparents who developed

160 acres of midwest farmland, raised and educated their family from its proceeds and their labor, and retired on the homestead in comfort and dignity with one of the sons taking over most of the work while the old man supplied the wise management out of years of experience. But our modern worker knew this was not for him. Among other things, his was a city way of life. When the great depression started there were over 6,000,000 farmers in the United States. Now there are only about one-third that number.

To save enough

Nor was our typical worker ever really convinced that he could save enough out of his earnings to meet the needs of retirement on a kind of do-it-yourself basis. Suppose he had tried, and suppose at retirement he was earning $8,000 per year. Considering the tax advantages arising from a smaller income and the special exemptions for the elderly, assume he was willing to settle for half that gross income. To buy an annuity that would yield $4,000 a year for the rest of his life and the same amount for his widow after his death, he would need better than $50,000 cash at the time of retirement. Even if he had been foresighted enough to start saving 25 years ahead of time, he would have had to make monthly payments of $166 all those years to accumulate such an amount. But remember, our typical worker would have been 40 years old in 1946 and at that time he was making not $8,000 a year but $5,000. His children were still in school, the home wasn't paid for, and there were always more calls on his paycheck than he could meet. Obviously he could not set aside nearly half his take-home pay to meet the needs of retirement 25 years in the future.

To allow for rising costs

Besides, our worker had no way of knowing then that his living standards and his earnings would rise in the 25 years ahead to the point where he would need as much as $4,000 a year to maintain a moderate standard of living.

One thing that he could not have foreseen was the dramatic rise in the cost of living that was going to take place in his later working years. From the 1957–59 base, the Consumer's Price Index for all items has risen by nearly 40%. But many of the items that most directly affect older people have seen even sharper rises. Physicians' fees, for example, have risen by 76.8%, property taxes by 47.3%, property insurance rates by 61.7%, maintenance and repairs by 60.3%. Local transit fares have doubled, and hospital daily service charges have more than tripled in that period.

PROTECTION THROUGH MEDICARE

Six years ago passage of the Medicare law improved security in old age by covering the greater part of the most unpredictable and burdensome threat to retirement budgets, namely, the cost of a hospitalized illness and high doctor bills.

In fiscal year 1969, the average annual medical bill for aged persons was $692, but the average older person's out-of-pocket outlay was only $163 according to Social Security Administration figures.

Hospital care constituted by far the largest health expenditure for the aged—approximately $6.5 billion in fiscal year 1969. Medicare paid $4.3 billion, or 66%, and an even higher proportion of large bills for individual cases. The program also paid about 72% of the $2.1 billion spent for physicians' services for the elderly.

Gaps in the program

There are still, however, large gaps in the program that constitute a heavy burden for people living on retirement incomes. The deductible and co-insurance features constitute a barrier to medical care, especially for the elderly poor. Out-of-hospital drugs, which are not covered, are frequently a costly item. Many drugs which older people use are of the most expensive kind, and frequently the elderly need these drugs in treating such disabilities as heart disease, diabetes, and arthritis—not just occasionally, but regularly. Their cost represents a steady drain, on low incomes. Furthermore, unless the attending physician agrees to the assignment method of payment under which the amount paid by Medicare is accepted as the total payment (minus the 20% co-insurance), the doctor is free to charge any amount he thinks he can get over and above the amount Medicare procedures establish as "reasonable" in terms of the going rates and past practice. So the elderly person is faced with an 87% increase in monthly premiums for Part B. Medicare since the start of the program, plus the burden of increasing charges by physicians over and above the insured amount.

PRIVATE PENSIONS

By the end of 1968, 28.6 million wage and salary workers were covered by private pension and deferred profit sharing plans. This represented nearly half (47.8%) of all wage and salary workers. However, the degree of protection afforded by these plans is in many respects illusory.

Shortcomings

In the first place, pension payments vary widely. The sample of 100 plans under collective bargaining published by the U.S. Bureau of Labor Statistics shows pensions as low as $13 per month for workers making $400 per month at retirement. Others range as high as $565 a month for workers retiring after 30 years of service who were earning $7,800 per year. Both of these, of course, are extremes—not at all typical.

Many plans require long unbroken service with a particular employer with no vesting provision (an equity in the plan for those not meeting service requirements). Some have been been terminated when the employer went out of business, leaving workers stranded with no protection or with a fraction of the benefits they had expected. Frequently there is no protection for the worker who quits or is laid off just prior to the time he would become eligible.

While the total number now working under the provision of some private retirement plan is impressive, there are many more who are totally without such protection. The Senate Committee identified 40,592,000 such individuals including the currently unemployed, family workers, employees of local governments, self-employed, and agricultural workers; 26,187,000 were in private, non-agricultural, industries having no supplementary pension program.

Reduction of income

Even for those fortunate workers who are under liberal, solidly financial plans backed by major industries and supported by powerful unions, the reduction in income at time of retirement can be quite a shock.

Take, for example, an auto worker earning $9,000 a year. This would put him in the distinctly higher wage group. On retirement, if he and his wife were both 65, and he had been steadily employed over the years, they would together draw $306.80 a month social security benefits. His auto worker's pension would be $183. His annual combined income would therefore be $5,878. This seems liberal, but it represents a 23.5% reduction in income taking into account that even on his $9,000 working income he had only $7,684 left after taxes and social security deductions.

This is an example of the more favored worker at the time of retirement. There is, of course, an almost infinite variety of circumstances that determine a worker's economic situation in retirement. In the example both man and wife had reached age 65. If the wife were younger by three to five years (as is usually the case), the couple either would have a reduced social security benefit or would have to postpone one-third of the benefit for the number of years it takes the wife to reach 65.

Our example also assumes that both husband and wife were living during the period of retirement. Actually, in the vast majority of cases the wife outlives the husband by several years, and the typical private pension plan makes little or no provision to protect the surviving widow. Social security is also deficient in this respect. Under present law if the wife dies the surviving husband continues to draw 100% of his primary benefit. But if the husband dies his widow draws only 82½% of the primary. H.R. 1, passed early this summer by the House and now awaiting action by the Senate, would correct this inequity.

COMPARISON OF BENEFITS

There appears to be no comprehensive up-to-date study of private pension plans with respect either to their overall benefit structure or to survivor's benefits. The Bureau of Labor Statistics Digest of 100 selected pension plans under collective bargaining gives some indication of the better plans.[1] An analysis of this study by the Special Senate Committee shows that only 44 of the 100 plans had any provision for survivor's benefits and most of these benefits were very meager. Sixteen provide monthly payments after the death of the primary beneficiary for periods of 6 months to 5 years. Eleven of them pay back the worker's direct contributions plus interest—not very significant since most plans do not require workers' direct contributions. The indirect contribution workers make to plans, through a reduction in potential wage payments resulting from the institution of a pension plan, are never refunded. Nine of the plans pay lump sum death benefits ranging from $400 to $7,500 but only two pay amounts above $3,200. Only two of the plans continue the full benefit to the survivors after death of the beneficiary. Six more pay a percentage of the primary benefit.

SOCIAL SECURITY AS THE BASE FOR RETIREMENT SECURITY

The statistical information on private pensions, while meager, gives reason to believe that the outlook will not improve greatly in the immediate future. The Senate Committee on Aging reports this major finding: Projections to 1980, using relatively liberal assumptions with respect to increases in benefit levels under both social security and private pension plans, indicate that about half the couples and more than three-fourths of the unmarried retirees will receive less than $3,000 in total pension income.

There is also abundant evidence of the inadequacy of the overall protection we have afforded the elderly through all our efforts so far, including savings, pensions, home ownership, insurance, and social security. A study issued by the Senate Special Committee on Aging in 1969 showed that three out of ten people 65 and over were living in poverty in 1966. Though there have been substantial improvements in social security payments in the last 5 years, the rapid rise in living costs has kept about the same proportion below the poverty line. Older people living alone or with non-relatives were the worst off financially. In 1967 half of such persons had yearly incomes below $1,480 and a fourth had $1,000 or less. The study also showed that most of the elderly now in poverty had been able during their working years to keep themselves and their families out of poverty in the typical American self-reliant fashion. Poverty came only with old age.

Policy changes required

It now seems clear that if we are ever to make possible a reasonable degree of assurance of economic security for the great majority of working people, we are going to have to make some basic changes in policy.

First, if we are going to continue with the assumption—an assumption that has proven to be largely a myth—that social security is to provide only a "basic floor of protection" with personal savings, investment, and private pensions supplying the main part of the structure, we are going to have to take actions at the government level to see that these programs, in fact, fill that need. To do this would require mandatory vesting and portability of rights, and standards controlling the level of benefits. Coverage would also have to be made universally compulsory.

If we were to go that far in controlling private pension programs, we might just as well improve our basic social security system to the point where it could do the whole job. For most people it is already their chief reliance in old age. The only trouble is the benefits are too low. For the middle and upper wage and salary groups particularly, the ratio between benefits and past earnings is far too low—much lower than for the lower income groups. For example, a worker retiring at age 65 in 1971 with an average monthly wage of $200 is entitled to a primary benefit of $128.60 or 64.3% of his past wage. But a worker with an average wage of $800 a month has a primary benefit of $204.50 per month—only 25.5%.

Surely we would not wish to lower the benefits for the low-income workers. But we need to improve very substantially those for the middle and high paid workers simply because other means of economic security have been found seriously defective.

Paying the bill

All this, of course, is going to cost money—a great deal of money. But so do highway systems, schools, hospitals, and humane welfare programs and all the other necessary and desirable things—not to mention unnecessary and undesirable things like a big war in Southeast Asia. Nor should the entire cost of an adequate system of old-age security be borne, as is our present Social Security program, by a payroll tax. There is every sound economic reason for the cost to be shared not only by employers and employees but by contributions from general revenues of the government. It will be a huge and costly program but that consideration has not, throughout our past history, deterred America from doing whatever she really wants to do.

PROPERTY TAX RELIEF FOR THE ELDERLY

Mr. MOSS. Mr. President, yesterday at the White House Conference on Aging, President Nixon made a bold promise of relief to those older Americans suffering under what he called the "onerous" burden of property taxes. The President said:

> The time has come to stop talking about the impact of property taxes on older persons and to act in their behalf.

After hearing the President's words and thinking back on recent administration actions, it appears that Mr. Nixon has come up with another political "football."

On November 20, I supported an amendment by the Senator from Missouri to the 1971 tax relief bill which was aimed specifically at granting Federal income tax credits to these same elderly property owners. The legislation would have permitted up to $300 relief to those people over 65 years of age who are dependent on limited incomes.

When this proposal came to a vote in the Senate, however, the administration's floor manager opposed it. And only a few days ago we heard that the amendment had been removed, under strong White House pressure, from the House-Senate conference report.

It is difficult to attach much credibility to an administration which continues to make public promises to help the aging American and at the same time works against his interests when it comes to real legislation. Mr. Nixon talks like he wants to help the older American, but judging from his administration's opposition to the property tax credit, this football fan is nothing more than an "armchair quarterback."

WELFARE CHEATERS

Mr. RIBICOFF. Mr. President, the enclosed note, entitled "Welfare Lode," published in New York magazine for December 6, 1971, is self-explanatory. I ask unanimous consent that it be printed in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

Welfare Lode

About six months ago, Governor Rockefeller decided to do something about the fact that more than one million people in New York City were on welfare and he set up the office of Welfare Inspector General George Berlinger. According to state sources, the Inspector General has spent almost $200,000 of his $750,000 appropriation and to date has investigated thirteen cases and found three cases of welfare cheating.

TRAGEDY IN ULSTER—XII—GRAHAM GREENE ON THE SHAME OF THE CATHOLICS AND THE SHAME OF THE ENGLISH

Mr. KENNEDY. Mr. President, every so often, amid the turbulence and confusion of the horrors that confront the peoples of the world in so many places, an eloquent and moving commentary appears of such power that it serves to crystallize an issue. Such, I think, is the power of Graham Greene's magnificent recent letter on Ulster to the London Times, which was reprinted yesterday by the New York Times.

In a few remarkable paragraphs, Mr. Greene captures the hypocrisy and the hideous reality of the Compton report, the fruit of the official British inquiry into the allegations of torture in the Ulster internment camps.

If Mr. Greene sees the truth of Ulster more clearly than others, it is because, perhaps, he sees with the vision of the novelist and poet that he is. The quality of his vision here reminds me of the words President Kennedy once used, in commenting on the role of poetry in public life:

> When power leads man toward arrogance, poetry reminds him of his limitations. When power narrows the areas of man's concern, poetry reminds him of the richness and diversity of his existence. When power corrupts, poetry cleanses.

I hope that all who doubt the depth of the tragedy now unfolding in Ulster will read Mr. Greene's letter and reflect again about the views they hold.

Mr. President, I ask unanimous consent that Mr. Greene's letter as reprinted in the New York Times, may be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 2, 1971]

Shame of the Catholics, Shame of the English

(By Graham Greene)

To be at the same time a Catholic and an Englishman is today to be ashamed on both sides. As a Catholic one is ashamed that more than a thousand years of Christianity have not abated the brutality of those Catholic women who shaved a young girl's head and poured tar and red lead over her body because she intended to marry an English soldier. As an Englishman the shame is even greater.

"Deep interrogation"—a bureaucratic phrase which takes the place of the simpler word "torture" and is worthy of Orwell's "1984"—is on a different level of immortality than hysterical sadism or the indiscriminating bomb of urban guerrillas. It is something organized with imagination and a knowledge of psychology, calculated and cold-blooded, and it is only half condemned by the Compton probe.

Mr. Maudling, in his blithe jolly style, reminiscent of that used by defenders of corporal punishment when they remember their school days, suggests that no one has suffered permanent injury from this form of torture, by standing long hours pressed against a wall, hooded in darkness, isolated and deprived of hearing as well as sight by permanent noise, prevented in the intervals of the ordeal from sleep—these were the methods we condemned in the Slansky trial in Czechoslovakia and in the case of Cardinal Mindszenty in Hungary.

Slansky is dead; he cannot be asked by Mr. Maudling how permanent was the inquiry he suffered, but one would like to know the opinion of the Cardinal on methods which when applied by Communists or Fascists we call "torture" and when applied by the British become down-graded to "ill treatment." If I, as a Catholic, were living in Ulster today I confess I would have one savage and irrational ambition—to see Mr. Maudling pressed against a wall for hours on end, with a hood over his head, hearing nothing but the noise of a wind machine, deprived of sleep when the noise temporarily ceases by the bland voice of a politician telling him that his brain will suffer no irreparable damage.

The effect of these methods extends far beyond the borders of Ulster. How can any Englishman now protest against torture in Vietnam, in Greece, in Brazil, in the psychiatric wards of the U.S.S.R., without being told, "You have a double standard: one for others and another for your own country."

And after all the British tortures and Catholic outrages, what comes next? We all know the end of the story, however long the politicians keep up their parrot cry of "no talk until violence ends." When I was young it was the same cliché they repeated. Collins was "a gunman and a thug." "We will not talk to murderers." No one doubts that it was in our power then to hold Ireland by force. The Black and Tans matched the republicans in terror. It was the English people who in the end forced the politicians to sit down at a table with "the gunman and the thug."

Now too, when the deaths and the tortures have gone on long enough to blacken us in the eyes of the world and to sicken even a Conservative of the right, there will inevitably be a temporary truce and a roundtable conference—Mr. Maudling or his successor will sit down over the coffee and the sandwiches with representatives of Eire and Stormont, of the I.R.A. and the Provisional I.R.A. to discuss with no preordained conditions changes in the constitution and in the borders of Ulster. Why not now rather than later?

This letter, written from Paris by Graham Greene, the novelist, was published by The Times of London.

SOLAR ENERGY—THE FORD-KANE PROPOSAL

Mr. GRAVEL. Mr. President, if all the electrical power this country now uses could be provided, pollution-free, from the sunlight falling on just 2 percent of our deserts, we would be crazy to ignore the idea.

That is why I would like to call attention to the article called "Solar Power" in the October 1971 Bulletin of the Atomic Scientists. Written by two physicists at the University of Massachusetts at Amherst, Dr. Norman Ford and Dr. Joseph Kane, it proposes a method of using solar energy which does not require exotic processes or materials. Instead, it requires just "the consolidation of knowledge, ideas, and technologies which are at hand."

Mr. President, I ask unanimous consent to have that article placed in the Record.

TOO CHEAP TO METER?

While Drs. Ford and Kane believe the method of using solar energy which they propose would produce energy at reasonable cost, they are the first to agree that paper studies are not evidence enough. That is the lesson everyone must have learned by now from nuclear power, which was supposed to be "too cheap to meter."

The Ford-Kane solar energy proposal "is obviously subject to the often experienced fate of many technical ideas of our age: it may cost more in fact than anticipated * * * We believe," they say, "that the possible benefits are sufficient to merit serious consideration."

THE NEW BUDGET

New energy technologies cannot be fairly evaluated until feasibility studies have been adequately funded and completed.

This administration has shown remarkable patience when it comes to funding feasibility studies in one type of engineering, namely nuclear engineering. It showed $330 million worth of patience last year for a technology which is still seriously flawed after 20 years of effort and an investment of $3 billion tax dollars.

Therefore, if the White House Office of Management and Budget fails to give serious consideration and dollars in the new budget for solar energy studies like the Ford-Kane proposal and several others, Budget Director George P. Shultz will certainly owe the country a very detailed explanation.

On the other hand, I would be the first to cheer loudly for Mr. Shultz if he funds an honest competition between solar and nuclear energy.

THE GAS BUSINESS

Eventually the gas people might also press for funding of various solar technologies, like the Ford-Kane idea. The reason is that the Ford-Kane proposal would use solar heat to produce nonpolluting hydrogen gas from water, which could be transported and sold like natural and synthetic gas. Various windpower ideas would also produce hydrogen.

The combination of hydrogen gas and fuel cells could produce abundant, clean electricity all over the country, day and night. On July 8, when I first referred to the Ford-Kane solar proposal, I placed two articles on advanced fuel cells into the Congressional Record, volume 117, part 18, pages 24014–24016. These fuel-cell units will be on the market starting in 1975.

I fully agree with the concluding statement in the Ford-Kane article:

> We are indeed at a major juncture in our industrial history, and full analysis of all possibilities for energy production seems only prudent.

FOREIGN ADVENTURES

Moreover, a major moment is also occurring in our foreign policy. As long as the United States and Europe depend on foreign energy sources, we are likely to do desperate and nasty and dangerous things abroad. Another "Cuban missile crisis" over Middle East oil, for instance, is not inconceivable under present world leadership.

As a man of peace President Nixon should put the highest budget priority on developing inexhaustible, nonpolluting sources of energy both in Europe and at home. He should look to the sun. Now.

And if he sincerely wants to prevent the proliferation of nuclear bombs all over the world made with fissionable material from nuclear power reactors, he had also better stop the promotion and export of nuclear power plants.

There are more defensible ways for the Nation to make both money and electricity.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Bulletin of Atomic Scientists, October 1971]

Solar Power

(By Norman C. Ford and Joseph W. Kane)

[*"We would like to propose a possible method of producing energy from solar radiation at a reasonable cost. . . By using plastics presently available it may be possible to solve the economic problems of collection . . . and the energy may be converted via thermal dissociation of water into hydrogen, an efficient, nonpolluting fuel." Norman Ford, associate professor, and Joseph Kane, assistant professor, are members of the department of physics and astronomy, Hasbrouck Laboratory, University of Massachusetts.*]

The full industrial development of the world took place only when man learned to recover and use the energy concentrated in fossil or combustible fuels other than wood. The extent to which the maintenance and growth of these developed nations depend upon fuel is indicated by the fact that about 20 per cent of the American gross national product is directly related to energy usage.

Two developments in energy production are impinging on the consciousness of the industrialized world which makes a reexamination of our fuel resources imperative: (1) We are rapidly exhausting our finite fuel reserves. While coal is still available in large quantities, the United States is presently using the last half of its known crude oil and natural gas reserves at a rate which is still increasing. (2) As our energy demands grow, we are increasingly aware of the immense spoilage of our environment which using and recovering fossil fuels entails.

The degree of severity of either problem is the subject of some debate, but the outcome is not in serious dispute. Increased power rates, blackouts, oil spills and heating oil shortages are all examples of the disruptions which we face to an increasing degree. The most satisfactory response to these problems is to find an energy source which is not in short supply and which can provide a major fraction of our energy needs without causing major environmental deterioration

Many believe the most likely candidate for such an energy source is the nuclear power industry. Nuclear power generation, however, faces formidable problems. First, the industry cannot long provide our power needs without the development and wide use of power producing breeder reactors. (The present generation of uranium burners, if called upon to supply power as projected by the Atomic Energy Commission, would contain nearly our total uranium supply in their fuel elements by the latter part of the 1980s.) The breeder reactors, particularly the fast breeder which has top priority, are considerably more sophisticated and difficult-to-manage machines than present reactors and will contain very large inventories of highly toxic plutonium, an element with a half-life of 24,000 years. Second, the problem of reprocessing and storage of the huge amounts of fission products is still one which awaits solution. Realistically, it seems that nuclear power represents a new method with new problems, and the world will have to suffer the cost of these problems to benefit from the power.

However, one aspect of nuclear power production which does not receive wide attention may well prove to be the most important factor. Power generated in nuclear plants as well as in fossil fuel plants is going to cost more in real dollars. For example, the proposed 820 megawatt nuclear electric power plant at Shoreham, Long Island, N.Y., carries an estimated price tag of about $330 capital cost per kilowatt of generating capacity. This is about twice the present capital cost of a fossil fuel plant. Since fuel costs are not sufficiently different, nor is plant operating life different, the power cost implications of this decision by a public utility are clear. It is only the simultaneous rise in price of fossil fuel which has kept nuclear power competitive. We do not wish to boost one method of power generation over the others; we merely wish to make it clear that energy is going to cost more, a good deal more.

LOOK AT THE SUN

In view of the increasing cost of energy, both direct cost and environmental cost, and the possible exhaustion of our resources, we would like to propose the reexamination of an often disdainfully dismissed source of power—the radiant energy of the sun. To appreciate the reasons for the traditional lack of enthusiasm for solar energy production, it is useful to review briefly the developments in this field.

The direct use of solar radiation to replace fossil fuel energy has a long and rich history. The primary motivation for contemporary activity is the lack of fossil fuels in certain areas of the world. Considerable research has gone into developing solar cookers, solar heating of individual dwellings, solar furnaces for various high-temperature applications, study of photo-induced chemical reactions and, more pertinent to our study, the use of solar energy for desalination and electric power production.

One can easily see why solar energy for power production and desalination, if viewed casually, is found to be expensive. The total incident solar energy is enormous, but it is available at very low densities. One must envision enormous arrays of collectors (mirrors or lenses), each costly to manufacture and maintain, driven by elaborate steering mechanisms. This energy, once collected, must then be converted to a useful form since storage or transportation of heat energy as such is prohibitively inefficient.

Various proposals have been made and demonstrated for attacking this conversion problem. An obvious one is to heat water and drive a turbine, producing electricity which can then be transported, but one immediately faces the day-night problem of uneven power production. Elaborate provisions would be necessary for overcoming this fluctuation, for example, pumped storage. Electric power is also expensive to transport for distances of more than about 500 miles. While work progresses on high voltage power transmission, the improvements are slow and expensive.

SOLAR CELLS

A second possibility is direct conversion of solar to electric power using solar cells. This has many of the drawbacks of turbine-generated electricity in addition to being a technology which is far from mature and the cost of an array of solar cells (which are also very inefficient) to produce any reasonable amount of electricity is again out of the question.

A third possibility is chemical storage of energy, for example in hydrogen-oxygen fuel cells. This also is a field of rapidly developing technology, but again one runs headlong into the high cost of such units.

It is perhaps worth mentioning a fourth possibility, that is, the collection of radiant energy in space and transmitting it to earth for use. One such scheme is to collect the energy, transport it (still in space) via a superconducting link to a microwave transmitter which would send it to earth. While the components to this stage are sufficiently exotic to give one pause, it is interesting to note that in order to keep the microwave power density on earth at a safe level, the microwave collector on the ground would need to be about the same size as a ground level solar energy collector. Thus, the benefits of an extensive operation in space seem small.

With the exception of the last, all of these methods of solar energy usage are technically possible but economically out of the question. The collectors and steering mechanisms alone may exceed the total cost of present energy sources, even the increasingly expensive nuclear power. The problems of conversion, day-night variations, storage and distribution are enough to make solar energy an indefensible source of power on a large scale.

We would like to propose a possible method of producing energy from solar radiation at a reasonable cost. It is important to keep in mind that this is indeed a proposal and hence subject to over-simplification and a certain vagueness regarding details, both technical and economic. Still, our investigations to date lead us to believe that the program has merit and deserves serious consideration.

Our proposal contains two main points: First, by using plastics presently available, it may be possible to solve the economic problems of collection by using large arrays of Fresnel lenses. These are similar to condensing lenses in optical projectors. Second energy may be converted via thermal dissociation of water into hydrogen. Hydrogen is an efficient, nonpolluting fuel (the combustion products being primarily water) which, when used under specified conditions, is no more dangerous than natural gas and is easily transported. The remainder of this article is devoted to a description of this proposal. The description is in three parts: the collection problem, the production of hydrogen and, finally, the utilization of hydrogen as a major energy source. We mention in passing that the solution of the collection problem alone would make large-scale desalination possible.

We have two unavoidable criteria to satisfy in collecting solar energy. First, in order to produce hydrogen or even steam for a turbine, the incident solar energy must be concentrated by some sort of a lens or mirror system. Second, the energy must be focused on a boiler of some sort, so that the lens or mirror system is capable of adjusting to the daily variation of the position of the sun. (Recall that only direct solar radiation can be focused; scattered light will be useless.) In order to understand why the collection problem becomes expensive we can estimate the surface over which one must collect solar radiation in order to have a commercially reasonable amount of energy.

Suppose we wish to collect the energy equivalent to the 24-hour output of a 1,000 megawatt (electric) power plant during the approximately eight hours per day that the sun shines. This amounts to 8.65 x 10^{13} (86.5 million million) joules per day. When the sun passes directly overhead at noon the energy flux at the earth's surface is about one kilowatt per square meter. If we correct this for the fact that the sun is not always directly overhead, we find that the average power incident on a square meter is 0.83 kilowatts during the eight-hour collection period. Finally, we must take into account that in some places the sun is never directly overhead. At 40° latitude (Boulder, Colorado) the sun is 17.5° below the zenith in summer and 62.5° below zenith in winter. If we split the difference and assume that the sun is at 45°, our average power during eight hours is about 0.585 kilowatts per square meter. So the energy collected per day per square meter would be about 1.68 x 10^7 (16.8 million) joules. Then the area upon which 8.65 x 10^{13} joules per day of solar energy is incident is about 5.15 x 10^6 square meters, 5.15 square kilometers, about two square miles, or a square area about 1.4 miles on a side. Since we cannot hope to use this energy 100 per cent efficiently, this represents a minimum estimate of the collection area. It is clearly a large and potentially expensive job to collect the energy.

COST OF LENSES

We would like to suggest that we now have available—in the form of mass-produced, plastic, Fresnel lenses—an economic means of collecting and focusing this energy. These lenses are available at a speed of f-1 at about $6 per square foot. The important property of such lenses is that the price increases linearly with an increase in area, and is largely a function of the cost of materials up to some maximum size. Other lenses or reflectors have a cost proportional, at least, to the radius cubed.

Under the conditions of mass production (to cover our two-square-mile area with lenses of about a 10-square-meter area would require about 0.5 million lenses), our discussions with industrial experts lead us to expect the price to be about $5 to $10 per square meter. We have made a crude estimate of the cost of the support and steering apparatus for such a lens array. This cost, $18 per square meter, just for collection is based on an array of circular collectors. We can use round lenses, with a tripod support, the three legs converging in a fixed ball joint. If a long east-west line of these lenses is coupled so that they rotate during a day about an axis parallel to the earth's axis (this means that during each day we must steer in only one direction), the day-to-day adjustment in the north-south direction is very small.

A single drive mechanism moves a large number of lenses so that the light is always focused on the fixed boiler. In practice we anticipate that land cost will be a small fraction of the cost of the system. Hence we picture the lens units spaced so that they directly face the sun during the entire collection period and no shadowing of one lens by the next occurs. We have assumed that the plastic lens unit can be fabricated so that it is self-supporting; one need only attach legs.

Now, assuming that we have focused the light as we need to we turn to the problem of producing hydrogen, keeping in mind that the details of the chemical and material properties of the boiler and its contents will ultimately determine the exact shape, size and cost of the boilers.

What we envisage is a boiler in which pure water is heated to a temperature of about 1500°C. At this temperature some of the water vapor thermally dissociates; inequillibrium about 0.07 per cent of the vapor is dissociated into hydrogen and oxygen. If we can selectively pump the hydrogen out as fast as it is produced, we will have accomplished our goal. The ideal membrane which is highly permeable to hydrogen can be made from a window of palladium metal. While palladium is expensive, we estimate that we would need 1/500 ounce per square meter of collection area, which would only cost about five cents. The low partial pressure of the hydrogen means that the hydrogen must be pumped out, and the details of the chemical kinetics are going to determine what fraction of the water we can convert. The remaining steam would be used to provide the power needed to steer the array and perform other necessary tasks. This could be done inexpensively, with very high efficiency, and the exhaust water vapor would be condensed, allowing collection of the oxygen.

HYDROGEN COMPOUND AS PUMP

The most difficult problem we expect to encounter arises because of the small fraction of water dissociated even at 1500°C. Since large quantities of hydrogen must be compressed to useful pressures, the pumping costs can become unreasonably high if conventional pumps are used. The problem can be reduced by increasing either the temperature or pressure of the water vapor, but at the risk of introducing difficult and perhaps costly materials problems in the construction of the furnace. A more attractive possibility would be to use an intermediate hydrogen compound as a pump. By forming the compound at greatly reduced temperature, and then dissociating the compound at high temperature, an increase in the partial pressure of the hydrogen by a factor of more than an order of magnitude can be obtained.

The major mechanism for reducing the efficiency of the system would be the thermal radiation from the boiler. Using the f–1 lens and assuming that the boiler, at a temperature of 1500°C, will have linear dimensions approximately equal to the radius of the sun's image at the focus, our calculations show that the radiation losses can be kept below 10 per cent.

The cost of boiler and associated equipment is somewhat difficult to estimate because it will depend upon the details of the conversion process. The major share of the cost will be for the fabricated boiler itself. The cost of the special materials, for example, palladium and ceramic, will be significantly smaller. Our estimate of $10 per square meter is, we feel, on the conservative side.

Now that we have estimated the production costs per square meter at $33, it is worthwhile to examine the possible income to be derived from the collected hydrogen. Starting from the assumption that each square meter of actual collecting apparatus can be used to collect one kilowatt during a period of eight hours each day, we conclude that in one day we would collect 2.88 x 10^7 joules. If we assume that about 10 per cent of this may be lost by reflection, etc., in the optical system, we are left with about 2.6 x 10^7 joules of collected and focused energy per day per square meter. If another 10 per cent is lost at various stages which we cannot accurately account for, the total energy which could actually be used to dissociate the water would be about 2 x 10^7 joules per square meter per day. Since it takes 2.42 x 10^5 joules to dissociate one mole of water (18 grams) into two grams of hydrogen and 160 grams (about 0.35 pounds) of hydrogen per day per square meter of lens area.

For convenience of discussion, we note from Table 1 that one pound of hydrogen is the energy equivalent of about 2.7 pounds of the conventional hydrocarbon fuels. The third column in Table 1 shows the approximate 1968 delivered costs of fuels. This ranges from about one cent per pound for natural gas to about three cents per pound for gasoline. If the hydrogen were to be sold at natural gas prices, each square meter of lens would produce about $3.50 worth of hydrogen per year. If it were sold at gasoline prices, the income would be about $10 per year. Assuming a 10 per cent return per year on investment, this means that one might reasonably spend between $30 and $90 per square meter. (We assume a cost of 10 per cent for delivery charges.) This, as we see from Table 2, compares very favorably with our estimates.

TABLE 1.—DELIVERED COST OF FUELS

Fuel	B.T.U. per pound	1968 price in dollars per pound
Hydrogen (H_2)	51,800	[1] 0.79
Gasoline	20,750	.03
Crude oil	19,500	.01
Natural gas	19,000	01
Anthracite coal	12,700	.01

[1] Liquid.

TABLE 2.—ESTIMATED SYSTEM COST PER SQUARE METER OF PRODUCING HYDROGEN BY SOLAR ENERGY

	Estimated cost per square meter	Cost per lens
Fresnel lens	$10	$100
Support rods	2	20
Rod ends and ball joints	2	20
Concrete	4	40
Furnace	10	100
Pipes, pumps, guidance, etc	5	50
Total	33	330

Note: These figures are based on a series of parasol-like Fresnel lenses 10 square meters in area.

Even though the production of oxygen in the copious amounts discussed here would undoubtedly affect the price, the oxygen (nine times the weight of hydrogen produced) might be expected to increase these income figures. Hydrogen gas as a major energy source has been considered by others but has not received wide publicity. Hence we describe the possibilities for its usage.

Hydrogen gas at a cost competitive with natural gas would be an almost ideal fuel. As distinct from nuclear power, it would be usable not only for electric power production but for direct heating; in liquified form it might well be usable for transportation. Further, it is nonpolluting.

Economic hydrogen gas as a gradual replacement for natural gas would save premature retirement of plants (due to reduced natural gas availability), and existing pipelines and storage areas would be utilized. It could be used directly as a fuel, is perfect for fuel cell conversion to electricity, could be utilized in gas turbine generators, and following the coming use of bottled or cryogenic natural gas would serve also as the power source for motor vehicles.

The proposal outlined above is obviously subject to the often experienced fate of many technical ideas of our age: it may cost more in fact than anticipated. However, we are not talking about exotic processes or materials. The procedure requires the consolidation of knowledge, ideas and technologies which are at hand in diverse environments. The fundamental unknown is the final cost, and we believe that the possible benefits are sufficient to merit serious consideration. It should also be emphasized that in addition to the suggestions of Fresnel lenses and hydrogen production, the third necessary factor is size. The cost of such an enterprise could only be competitive if done on a very large scale.

Finally, such a project would be feasible only if it were located in a region that enjoyed a large fraction of sunny days. This suggests immediately the use of deserts as ideal collection areas. It is pertinent to note that only two per cent, approximately, of our major deserts are capable of producing enough hydrogen to equal all the electrical power we now use.

We are indeed at a major juncture in our industrial history, and full analysis of all possibilities for energy production seems only prudent.

THE TRAGEDY OF A RESCUE ATTEMPT

Mr. ALLEN. Mr. President, I want to share with Senators a tragedy that occurred in my home State of Alabama that helps to support my faith that all Americans are not callous to the needs of others. The heroism of the act to which I refer has a tragic ending which impels me even more to call it to the attention of the Senate. I ask unanimous consent that the story, "Man Who Couldn't Swim Drowns in Rescue Attempt" from the Saturday, November 27, 1971, issue of the Birmingham Post-Herald be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Birmingham Post-Herald, Nov. 27, 1971]

Man Who Could Not Swim Drowns in Rescue Attempt

Guntersville.—A 29-year-old Guntersville man, who family members say couldn't swim, drowned in 30 feet of icy water in Lake Guntersville Thursday trying to save another man's life.

Marshall County Coroner Billy Dyar said Carlton Allen Thomas Jr., 29, of Albertville Rt. 5, drowned trying to save the life of James Breedlove of Albertville, who had lost control of his car and run off in the lake.

The accident happened at about 3:30 p.m. in the Spring Creek section of the lake off Alabama Highway 227.

Dyar and State Trooper Cpl. Larry Hardin said Thomas was traveling along the road behind Breedlove and saw him lose control and go off into the lake.

Thomas immediately stopped his car, his wife told officers, and said he was going to try and save the man whom he didn't know who had left the road. Mrs. Thomas said she urged her husband not to try the rescue because he couldn't swim, but he insisted he would be all right, she said.

Mrs. Thomas said her husband said he didn't think the water was too deep, and he was going to try and save the man.

A policeman who arrived on the scene in minutes was able to get Breedlove to shore but couldn't find Thomas.

A local rescue squad came and in their first dive, located Thomas' body.

Breedlove was taken to a Guntersville hospital where he was treated and released.

In addition to his wife, Audrey, Thomas is survived by his parents, Mr. and Mrs. Carlton Thomas.

Funeral arrangements will be announced by Adams Funeral Home in Albertville.

THE U.S. SPACE PROGRAM

Mr. ALLEN. Mr. President, I have long maintained that the United States must have a well-planned, long-range, stable program for space exploration and use. A prominent daily newspaper, the Huntsville, Ala., News, in its issue of December 1, 1971, had as its lead editorial, entitled "Outward Bound, We Have No Option," a discussion of our space program. I commend this article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Huntsville (Ala.) News, Dec. 1, 1971]

Outward Bound, We Have No Option

Pioneer II will be outward bound in the foreseeable future, its target the mysterious planet Jupiter.

Every morning men and women here in Huntsville return to the daily detail work which will culminate in an orbiting laboratory, Skylab.

Mars 2, the Russian unmanned space probe, zaps the Red Planet Mars with a hammer-and-sickle pennant, while the cameras in our own nation's Mariner click away, transmitting knowledge.

2001 is just around the corner.

Sunday night on television, a national audience watched a TV movie premier called "Earth II."

Miracles of model making made it seem as if we were really out there in space. A good bit of the technology was pioneered here when "2001: A Space Odyssey" was being filmed. The two movies even shared a common star.

It was a thought-provoking piece of drama. It did not question the fact that an orbital station is bound to be constructed. It did pose a dilemma, however: what will we do when we get out there?

Will we carry the virus of war outward to other planets and perhaps other star systems?

Can a world as divided as ours by conflicting ideologies peacefully explore space and share the wealth of dividends derived from new knowledge?

Can there be peace in space when there is no peace on earth?

The questions posed have the same probable answer, and we will not belabor the point.

But turning our backs on space is certainly no solution.

Not just this nation but mankind itself faces no real choice. Even if the environmaniacs have their way and the McCarthys of these United States cut our space program to the nub, Russia and other nations will continue man's outward-bound flight into the deeps of space.

The point of no return was passed when Sputnik circled the globe and threw the United States into a state of panic. Who can forget the jubilation when the mighty rockets engineered here finally boosted an American citizen into orbit? From that point to this, achievements in outer space were inevitable as death.

One can easily be tempted to see a working out of things in apparently random events. It was population pressure which forced the Indo-European hordes across the European mainland. It was population pressure coupled with religious and political differences which hurled Europeans across an ocean to a brave new world, the Americas.

Is it blind chaotic coincidence or something else which has caused such a tremendous population that a planet no longer can house a race—that an end to usable resources lies ahead which is discernible and final?

The instinct to war and reproduction seem entwined with advances in technology and exploration. Population pressure and a demand for living room have always been rooted in each surge of humanity into new areas.

From the earth to the stars.

Is that so different a dream than the leap from one continent to another?

There was those in Spain who thought Columbus and his ships would sail right off the lip of the world. They didn't.

There were those who quoted scripture and everything else to prove that if God intended man to fly, he would have been created with wings. They were wrong.

And so are those who would wall us in upon ourselves and bind our feet to this ball of rock and vegetation.

A man running for President who announces a retreat from space as a plank in his platform is, to us, completely unacceptable.

And he misreads the omens if he thinks that the environmaniacs who would throw us back to the stone age espouse the majority—or even sensible and progressive—opinion of the nation.

As long as Huntsville retains its share in space and its future, then the future of Huntsville is assured.

For to go backward is not merely to regress; it is to court extinction. Stop and think about it for a moment. We have enough nuclear warheads stored in various silos over the globe to literally smash a planet, to reduce it to free-floating pieces of rock and rubble. If we can't find a better use for nuclear capacities soon than warheads and tests which literally tamper with the crust of the earth, we are going to bring on doomsday.

The space race has usefully defused a potential Armageddon which could have erupted between Russia and the U.S. So long as that race continues, it can absorb money and material which the inborn instinct to conflict—to compete—might divert to a war disastrous to the entire planet Earth.

This, of course, is the only one reason why we cannot—and will not—turn our backs on space.

Like most human events, the cause for the outward thrust from earth is not simple. But it is real.

What it comes down to, in the end, is not whether man will go to the stars, but which men.

Will they speak Russian, Chinese, or English?

At this juncture, America has a real edge in all the things that count: funds, minds, human and natural and scientific resources.

It is our firm conviction that we can keep this edge—so long as we keep our faith.

THE INDIA-PAKISTAN CONFLICT

Mr. STEVENSON. Mr. President, the news reports that fighting between Indian and Pakistani forces has broken out along the West Pakistan frontier, 1,000 miles from the scene of previous incidents, brings allout war on the subcontinent one step closer.

This prospect dictates major changes in U.S. policy. Although we have taken a number of positive steps in recent months—including Secretary Rogers' meetings with the Indian and Pakistani Ambassadors and the cessation of arms shipments to both parties—we have not tried to bring about an emergency meeting of the United Nations Security Council to consider the dispute.

Our policy of quiet diplomacy has not prevented the situation from deteriorating. It has not prevented the murder of countless thousands of innocent Bengalis and the displacement of 10 million more. And it has not prevented the conflict from spreading to the Kashmire frontier.

It is understandable that neither India nor Pakistan is enthusiastic about the prospect of an emergency session of the security council, for there is evidence that both have committed acts inconsistent with the principles of the United Nations Charter.

There are also reasons why the Soviet Union, China, and the United States have shied away from the Security Council. A Security Council session may force the Soviets to go further than they care to in support of India, just as we or the Chinese may be forced to become reluctant champions of Pakistan. The fact that China took its seat on the Security Council only weeks ago adds further uncertainty to an already confused situation.

But the fact that a conflict is delicate, dangerous, and complex is no reason to bypass the Security Council. On the contrary, it was to deal with just such conflicts that the Security Council was created. If we continue to hold back now, we will not enhance the prospects of peace, and we may permanently cripple the U.N.'s ability to resolve violent international conflicts.

Mr. President, someone has to be the first to live up to the spirit of the U.N. Charter by calling publicly for an emergency meeting of the Security Council—that someone should be the United States. I urge the President to bring the conflict before the Security Council now.

ALTERNATIVES TO THE NLRB

Mr. GRIFFIN. Mr. President, in an article which appeared in the July 1971 issue of the Labor Law Journal, Author Fritz L. Lyne wrote:

> It is time to recognize that the system for dealing with unfair labor practice cases is unworkable from a practical standpoint.

For nearly a decade I have been sponsoring and advocating legislation to abolish the NLRB and replace it with a U.S. labor court patterned after the U.S. Tax Court.

I have long agreed with Mr. Lyne's conclusion that—

> The question is . . . not *whether* something should be done about the Board, but rather *what* should be done.

Mr. Lyne's analysis is comprehensive and scholarly. I ask that the text of his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The National Labor Relations Board and Suggested Alternatives

(By Fritz L. Lyne)

"The National Labor Relations Board is presently in the midst of an ever-increasing backlog of cases, the volume of which is allegedly preventing the Board from taking just and efficient action upon them. In this article, the author sets forth various proposed solutions—his own as well as those of others—to the present dilemma."

Since its creation in 1935,[1] the National Labor Relations Board has been the object of continued criticism.[2] It has on varied occasions been accused of being pro-labor,[3] pro-management,[4] too politically oriented,[5] of failing to follow Congressional intent as set forth in legislation,[6] and of being structurally incapable of handling the responsibility assigned to it.[7] This latter criticism has received repeated emphasis in recent days, and an examination of the relevant facts reveals it to be valid.

The case load handled by the Board has increased annually in avalanche proportions in recent years The latest annual figures available are those for the fiscal year ended June 30, 1969.[8] In that year the Board disposed of 18,939 unfair labor practice cases and 12,658 representation petitions.[9] It has been noted "that (case) volume is not only at a record peak, but it is continuing to increase in this (1971) fiscal year at an unprecedented rate."[10] Board Member John H. Fanning forecast in late 1970 that "we expect the Board's case load to continue increasing at the rate of approximately 5 to 7 per cent a year for the foreseeable future and possibly reach 50,000 new cases every year by the 1980's."[11] At the very time that Mr. Fanning was forecasting the future case load increase of the Board, the actual figures were proving him to be much too modest in his anticipation of the severity of the problem. This has been brought sharply into focus by the latest figures available:

> "One of the sharpest quarterly increases in the number of cases brought before the National Labor Relations Board is registered for the Three-Month Period July through September, 1970. The Board logged 9,498 cases of all types in the third period, according to its 'Statistical Summary for the Three-Month Period July through September 1970.' This was a record high in National Labor Relations Board's 35-year history and represents a 17 per cent increase over the 8,122 cases filed by individuals, employers and unions in the corresponding period a year earlier."[12]

The breakdown of the Board's capacity to handle this ever-increasing case load has been both acknowledged and admitted by Board Chairman Miller. In this regard he stated:

> "Five Board Members simply cannot, I think, provide full and deliberate complete review of as large a volume of cases as is building up and will continue to build even further in the future. It will not be long before we are asked to review so great a volume of cases that I am at a loss to perceive how it will physically be possible for us to give each case the kind of time and attention which I think you and all the parties who have cases before us expect us to provide. . . . I fear that there will come a point in the not too distant future when all of the sifting and screening we can devise, and all of the administrative help which we can employ, will still not enable us to bring to bear upon the cases before us for review, that kind of careful judicious attention which is expected of us."[13]

It is doubtful that the Board can or will be allowed to function in a way that can reasonably be expected to cure the situation.

Footnotes at end of article.

"The Board simply lacks the personnel to handle its case load, and judging by the criticism to which it is subjected by both labor and management and its lack of friends in Congress, it seems unlikely ever to be allowed to build a staff large enough to handle 30,000 cases a year (its present annual intake) with anything like the dispatch and competence which would be required in order to make its administration of the Act effective." [14]

The question is, therefore, clearly focused not on *whether* something should be done about the Board, but rather *what* should be done. To do nothing is itself a solution; to commit the field to chaos. This was recognized by Board Chairman Miller, who early in 1971 stated:

"Mere inaction—will provide no solution at all. Inaction, I fear, will produce a jamming of our machinery of sufficient proportion that the parties appearing before us will not be able to secure that kind of standard of quality and promptness which is essential to an effective and acceptable decision making process." [15]

BOARD FUNCTION

Broad, general statistical information neither adequately pinpoints the problem nor provides the basis for solution determination. Of the 31,303 cases filed with the Board in the fiscal year ended June 30, 1969, 18,651 or 59.6 per cent of the total were unfair labor practice cases while 12,107 or 38.7 per cent were representation petitions, the balance being deauthorization petitions, amendments and clarifications.[16] The Board itself has characterized its function as primarily twofold:

"Under the statute the National Labor Relations Board has two primary functions—(1) to determine by Agency-conducted, secret ballot elections whether employees wish to have unions represent them in collective bargaining, and (2) to prevent and remedy unfair labor practices whether by labor organiaztions or employers." [17]

The first stated function is clearly the administrative function of the Board. In this and related areas, such as appropriate unit determination and the resolution of work claims in jurisdictional disputes, the expertise of the Board is called upon. In performing this function it operates within its specialized area as does the Civil Aeronautics Board in determining airline routes and the Interstate Commerce Commission in setting rail tariffs. However, when the Board states its second function to be "to prevent and remedy unfair labor practices" it fails to perceive what it is actually doing. This other function that the Board is actually performing is judicial. It is not even quasi-judicial as some writers have characterized it.[18] It is pure judicial. The Board considers evidence, makes findings of fact based upon such consideration and reaches conclusions of law, based upon said findings as to whether or not specific provisions of the law have been violated. In doing this it is acting as a court, and calling it a Board does not change the reality of the matter. It is in this judicial area that the Board is bogging down, and where its procedures and decision making ability are failing to meet the need.

In its administrative area, the Board had a recent median time, from the filing of a representation petition to the date of election, of 49 days.[19] In its judicial area, the Board had a median time for the same period, from the filing of a charge to the date of a Board decision, of 319 days.[20] This delay is emphasized when one realizes that of the thousands of unfair labor practice cases filed with the Board "Only 8 per cent of the cases will be tried and only 6 per cent will be appealed for decision to the Board—." [21] The fact that 75 per cent of all Trial Examiner's Decisions are appealed to the Board is evidence that the existing structure is not functioning at an optimum in resolving contested cases. In fiscal year ended 1969, the Board handed down 732 decisions in unfair labor practice cases,[22] and the appeals courts handed down 363 decisions in which the Board was a party.[23]

Recognizing an urgent need for change in the method of handling unfair labor practice cases, the balance of this paper will be directed to a consideration of various proposed alternatives, calculated to alleviate the problem of the Board's judicial function, as well as to suggest some additional alternatives. These suggestions are not intended as criticism of the individual Board Members nor of the hundreds of people working for the Board, all of whom are diligently trying to make the existing system work. It is the opinion of this writer that it is time to recognize that the system for dealing with unfair labor practice cases is unworkable from a practical standpoint.

LEGISLATIVE ALTERNATIVES

The subject of this paper is not new, nor has it been sudden in making itself manifest. It has been given careful thought and suggestions have been forthcoming from scholars, practitioners, legislators and Board Members themselves. As early as 1961, Reorganization Plan 5 was proposed to the Congress as a method to increase the judicial efficiency of the Board.[24] Under this plan, the Board could delegate its unfair labor practice functions to Trial Examiners whose decisions would be final, subject to a discretionary right of review by the Board in the nature of a certiorari proceeding with any two members of the Board possessing the right to grant such review. After a decade since its proposal, it is receiving renewed attention by Board Members themselves who also advocate automatic judicial enforcement of Board Orders unless the adversely affected party petitions for Court review within a limited, specified period of time.[25] These suggestions found support in the Report of the Committee on Labor Law of the Federal Bar Council issued on February 25, 1970.[26] The Report recommended that Board Orders be self-enforcing unless a petition for review is filed within 30 days after the order is served on the parties, and that review of Trial Examiner decisions be subject to discretionary review by the Board.[27]

There have been two recent bills introduced in the United States Senate in an effort to solve the problem. The Griffin Labor Court Plan [28] would create a "United States Labor Court," which would have jurisdiction over both unfair labor practice and representation cases. An Administrator would investigate and prosecute unfair labor practice charges, process representation petitions and conduct elections. The Court would be composed of 15 judges who would be appointed by the President for 20-year terms.[29] The trial of unfair labor practices would be conducted by Commissioners, similar to those presently used by the Court of Claims.[30] The Federal Rules of Procedure would be applicable.[31] Senator Robert P. Griffin, in a recent Article [32] supporting the reasons for his Bill, has observed that "Having followed the pattern of Board decisions since enactment of Landrum-Griffin, this author has come to the conclusion that the NLRB, as currently structured, is not an appropriate instrumentality to implement Congressional purpose in this vital field." [33] As a result he concluded that "the NLRB does not act like a judicial body because it is not a court. It is a politically appointed, politically oriented agency that is too close to political and other pressures—the time has come to replace it with a U.S. Labor Court patterned somewhat after the U.S. Tax Court." [34]

In attempting to pattern a Labor Court after the United States Tax Court, a Constitutional problem is encountered in that the Tax Court is not a judicial court created under Article III of the Constitution,[35] but rather is a Legislative Court created under Article I, Section 8, Clause 9 of the Constitution.[36] A United States Labor Court could not be created under the same Article of the Constitution as the Tax Court because the applicable Section there deals with the power of Congress to "lay and collect" taxes, etc. The Constitutional question of creating a Federal Labor Court that does not comply with Article III of the Constitution is discussed more fully at p. 413. However, it has been established that Congress may create a Constitutional Court under Article III of the Constitution, and limit its jurisdiction to a particular area.[37]

The Tower District Court Bill [38] would amend Section 10 of the present Labor Management Relations Act so that jurisdiction over unfair labor practice cases would be taken from the Board and vested in existing federal district courts. It provides that any person could petition the United States District Attorney to file a case, and if he declined, the petitioner could file his own case.[39]

BARTOSIC, PETRO SHUTKIN PROPOSALS

Scholars and writers have explored the advantages and disadvantages of the proposals discussed above and have come forth with criticisms, embellishments and alternates. Florian Bartosic [40] has, after criticizing both the Tower and Griffin Bills and discussing the proposals of other legal writers, suggested a hypothesis for an alternative.[41] Under his alternative the present composition of the Board would be left intact, but future appointments would be for a period of seven rather than five years.[42] He would adopt the recommendations of the Committee on Labor Law of the Federal Bar Council that Trial Examiner decisions would be subject only to discretionary, "certiorari-like" Board review, and that Board Orders be made self-enforcing "upon the denial of a petition to review a trial examiner's decision, upon failure to file for Board review in a timely fashion, or upon the issuance of the Board's final order." [43]

The essential feature of the Bartosic proposal, as he characterizes it, is the creation of a Labor Court to replace Appellate review of labor cases by the present U.S. Courts of Appeal.[44] This proposed Court would be composed of 15 judges, who need not be lawyers, and would be divided into a trial and an appellate division.[45] The trial division of the Court would "hear Section 301, fair representation, and Section 303 cases, applications for injunctions by the Board; and suits alleging that the General Counsel has arbitrarily or capriciously refused to issue a complaint." [46] The Appellate division of the Court would review Board and trial division decisions.[47] Under the proposal, decisions of the Labor Court would be reviewable by writ of certiorari to the United States Supreme Court.[48] Mr. Bartosic further suggests that jurisdiction of the Labor Court might be expanded to cover cases brought under the Landrum-Griffin Act,[49] and serve as an appellate body to review Equal Employment Opportunity Commission cases.[50]

Professor Sylvester Petro recommends that all judicial functions of the Board be transferred either to existing, or to-be-appointed life-time-tenure, federal district judges.[51] He contends that the present judicial function by the Board is both unconstitutional and impractical.[52] After a full analysis of the Board's procedure, practice, and decisions, he summarizes his reasons for his conclusions:

"It is unconstitutional because the Constitution confines the judicial power of the United States to an independent judiciary composed of life-tenure incumbents. It is impractical because competent judging cannot be expected from limited-tenure, politi-

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Footnotes at end of article.

cal appointees who operate outside the long and sustained judicial tradition of subservience to law rather than to political exigency. The principal argument in favor of specialized, quasi-judicial, administrative tribunals —is based upon an erroneous and deceptive conception of 'expertise.' The relevant 'expertise' must be in the art of judging. The real experts in that art are the life-tenure judges who sit on Courts of general jurisdiction." [53]

Professor Petro's solution would be substantially met by adoption of the Tower Bill. The Griffin Bill calling for 20-year-term appointments, and patterned after the Tax Court would not meet his recommendation that federal judicial matters must be decided by life-time appointees in accordance with Article III of the Constitution.[54]

Joseph J. Shutkin has, in a recent article, proposed the creation of a tripartite United States Court of Labor Relations in each federal appeals circuit to which all appeals of labor cases would be taken.[55] Each such Court would sit *en banc*, would be composed of judges who are attorneys at law, one of whom would either have a background in economics or experience representing unions, one of whom would have "experience representing both labor and management" on one of whom would have "experience representing business as a house counsel or otherwise." [56]

The jurisdiction of this Court, as proposed by Mr. Shutkin, is to be expanded as he phrases it, to "an atomic age concept" by abolishing the standards of "interstate commerce" and "affecting interstate commerce" and assigning to the Labor Court all labor relations problems.[57] To do this, he proposes that we "recognize by effective legislation that the flexibility and mobility expected of the work force of our country plus the dependence of all elements of our work force upon each other, in one way or another in today's atomic age, make it imperative that the labor relations involving our work force be subject to uniformity of regulation." [58] Mr. Shutkin would further, through legislation, prohibit strikes and lockouts and would assign negotiation disputes to the United States Court of Labor Relations for settlement, with a right of appeal to the United States Supreme Court.[59] Mr. Shutkin's broad conclusions leave many unanswered questions, and fail to deal with the inability of the present Board to cope with the problem earlier discussed.

THE MORRIS STUDY

The most exhaustive study to date, of the procedural and organizational shortcomings of the Board, has been made by Professor Charles J. Morris,[60] who couples such study with a similar analysis of the Railway Labor Act.[61] Professor Morris, after fully exploring the tribunals, procedures and problems under both the Labor Management Relations Act and the Railway Labor Act, presents "A Working hypothesis for Procedural Reform." [62] Recognizing that the Board can handle representation matters better than a court but also that "it is a mistake to expect an administrative agency to accomplish tasks which only a court can perform," [63] Professor Morris recommends the establishment of a Constitutional [64] United States Labor Court, to have "jurisdiction over the enforcement of substantive rights and duties contained in the Labor-Management Relations Act and the Railway Labor Act." [65] The proposed Court, in addition to determining unfair labor practice cases, would also hear injunctions in national emergency disputes,[66] complaints involving enforcement of labor agreements,[67] injunction suits under sections 10(j) and 10(l) of the Labor Management Relations Act,[68] complaints alleging breach of duty of fair representation,[69] damage suits for secondary boycott activity,[70] and suits for violation of restrictions on payments to employee representatives.[71]

The Court would be composed of eleven life-term-appointed judges who would be appointed over a period of at least two presidential terms and would, in a step-by-step time basis, assume their ultimate full statutory jurisdiction.[72] The Court would be authorized to use Commissioners and to sit *en banc*, in panels or as single judges.[73] Cases could be initiated by the Board General Counsel or by a private party in a fashion similar to that provided in the Fair Labor Standards Act.[74] In this hypothesis, the General Counsel is retained as General Labor Counsel to prosecute violations of both Acts,[75] while the National Mediation Board under the Railway Labor Act and the Federal Mediation and Conciliation Service are merged into a single National Mediation Service.[76]

Professor Morris anticipates that "Under the Labor-Management Relations Act it is expected that the plan would: (1) virtually eliminate the pendulum-like shifts in decisional law which have characterized NLRB action in preceding years; (2) increase voluntary acceptance of the requirements of the Act; (3) speed up the enforcement process; (4) provide for instant judicial process when and where needed; (5) eliminate or substantially reduce the conflict between unfair labor practice jurisdiction and the arbitration process; (6) provide for joinder of actions, particularly in fair representation cases; (7) provide for a more efficient decisional process; (8) provide for pre-trial discovery; (9) eliminate the absolute power of the General Counsel to dismiss a charge without review; and (10) reduce the incidence of appellate review." [77] In addition, he anticipates 12 beneficial effects in the administration of the Railway Labor Act.[78]

HARRIS PROPOSAL

At the opposite end of the spectrum from the views of Professor Petro is the recent article [79] by Thomas E. Harris,[80] who characterizes Professor Petro as "Senator Tower's avowed intellectual mentor." [81] Mr. Harris advocates, "The most important step that can and should be taken is to provide for equal and effectual remedies against employers' unfair labor practices," [82] that is, injunctions. In this regard he recognizes that, "It is true that that would represent some further restoration of 'government by injunction' in that the role of the district court would be enlarged." [83] In addition, Mr. Harris supports Mr. Bartosic's proposals [84] that a Trial Examiner's Decisions "should be made final, subject to discretionary review by the National Labor Relations Board," [85] and "Board—decisions should automatically become legally effective after a short period, unless a respondent files a petition for review." [86] Mr. Harris' views are more critical of others who propose alternatives than they are constructive. With respect to the views of Profesor Morris, he states that, "I substantially disagree with him," [87] but he apparently fails to comprehend Professor Morris' distinction between substance and procedure.[88] After exploring various specific situations, including the Farm Workers and State, County and Municipal Employees, whom he states "have grown much more rapidly in recent years than those functioning under the supposedly protective umbrella of the NLRA." [89] Mr. Harris' only innovation is to advocate that more injunctive powers be granted to the Federal District Courts against employers' unfair labor practices.[90] His repeated reference to the Morris proposals fails to come to grips with the issues which Professor Morris strives to answer. His limited support of Mr. Bartosic relates only to the decade-old Proposal 5.[91]

It is noteworthy that all of who have given serious study to the problems attendant to the Board's performance of its statutory charge, none has defended the *status quo*. All have suggested change of one form or another. There appears to be a general consensus that the time for change is at hand.

There can be no answer that will prove satisfactory to all those who are affected by the complicated and far reaching laws that govern labor relations in this country. An effort can only be made to select a method that will provide a prompt disposition of controversies in a substantially uniform and equitable manner, and create a stability of decision that will provide reliable guidelines for the conduct of future actions. With these goals in mind the following suggestions are made. They will not bring Utopia to the field of labor relations. They will require much deeper study than the scope of this paper affords before being implemented. They are not intended to be submitted as a package. They are all subject to a variety of possible supplementation or variation.

SINGLE LABOR COURT

In summary, it is suggested that there be created a single United States Labor Court of Appeals; [92] that the trial of charges of unfair labor practices be transferred from the Board to the United States District Courts; that the Board continue all other matters now assigned to it; that the General Counsel be retained and that the National Mediation Board and Federal Mediation and Conciliation Service be merged into a single National Mediation Service, both of the latter as recommended by Professor Morris.[93]

The concept of a uniform, national, substantive labor law today finds few critics. This argument has been used to advocate the preservation of the Board as the decision-making body in unfair labor practice cases.[94] The reality of the situation is that beyond the limited number of cases [95] that are heard by the United States Supreme Court, federal labor law is being enunciated by 11 separate courts of appeals who often do not agree with one another on similar situations,[96] and whose decisions, in some instances, the Board elects not to follow.[97] These Courts, in fiscal year ended June 30, 1969, handed down 363 decisions in cases where the Board was a party.[98] It would appear that the goal of uniformity in labor law is more apt to be obtained by the use of a single appellate tribunal and multiple trial tribunals rather than vice versa.

The composition of such a court, and the geographical areas where it would sit, should be determined only after a detailed study of its anticipated case load.[99] In addition to these cases however, the Labor Court of Appeals could relieve existing Courts of Appeals of all other cases arising under the Labor Management Relations Act,[100] Railway Labor Act,[101] Fair Labor Standards Act,[102] Landrum-Griffin Act [103] and possibly cases arising under Title VII of the Civil Rights Act.[104]

The Labor Court of Appeals should be authorized to sit in panels as do the present Courts of Appeal, and its decisions would be subject to review by the Supreme Court on writ of certiorari. As suggested by Mr. Spann it should be required to sit *en banc* in the event of a conflict between its panels; [105] a requirement which would lead to uniformity. To avoid the problem of having all of its Judges appointed by a single President its implementation could be undertaken in a step by step manner as suggested by Professor Morris in his plan for a Labor Trial Court.[106] Under this type of plan the transfer of its jurisdiction from other Courts of Appeals could be accomplished in steps over the period of a time table, thus permitting the size of the Court to be increased as its jurisdiction and responsibility is increased. The time table could be established so that the full complement of the Court is not reached

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until the terms of two administrations have expired. If needed, primarily during the implementation period, the Labor Court of Appeals could be temporarily supplemented by the assignment of Judges from other Courts of Appeals or from District Courts for short lengths of time. This has been a successful practice used by the existing Courts of Appeals. To obtain the broadcast representation on the Court, it is suggested that as long as the Court is composed of ten or less judges no two shall be from the same geographical area of an existing Federal Court of Appeals (excluding the D. C. Circuit), and if the Court is increased to more than ten, but less than 20, no more than two judges will be from the same geographical Circuit. The appointment of the judges to the Labor Court, like other Courts of Appeals, would be for life-time terms.

It could be expected that the creation of a United States Labor Court of Appeals as suggested could (1) eliminate conflicts between existing Courts of Appeals; (2) bring greater uniformity to the field of labor law; (3) provide expertise considered by many to be a high priority criteria; (4) eliminate forum shopping between Circuits; (5) eliminate races to the courthouse to obtain a desired forum; (6) reduce the case burden on the Supreme Court; (7) eliminate non-acquiescence by the Board in decisions of the Courts of Appeals; and (8) hopefully provide more speedy disposition of the lengthy appellate stage of labor controversies.[107]

In selecting a forum for the trial of substantive labor controversies the choice of a to-be-created federal labor court or the existing federal district court appear more sound than retaining the Board as a judicial body. Basically, the only ones that argue for retention of this function by the Board are members of the Board itself.[108] Their arguments for adoption of Reorganization Plan 5 [109] not only fail to deal with the real issue, but their failure to innovate a better alternative during the decade since the Plan was first proposed, further evidences their inability or unwillingness to adjust to the changing world around them.

Given the alternatives of a labor trial court or the district court for the disposition of unfair labor practice cases, this writer prefers the district court. With the district courts, already in existence, the transfer of jurisdiction could more quickly and efficiently be accomplished. The district courts presently have a working knowledge of the law of labor relations as they handle all litigation arising under the Railway Labor Act,[110] injunctions under Sections 10(j), 10 (l), and disputes arising under Title II and Title III of the Labor Management Relations Act,[111] as well as disputes under related Acts such as the Fair Labor Standards [112] and Landrum-Griffin Acts.[113] A substantial body of substantive case law exists to serve as guidelines for future litigation of unfair labor practices. Some commentators argue that only a special court or administrative body with the expertise of the present Board could handle the complications of present day labor law.[114] This argument overlooks the fact that our present federal district courts have successfully managed to acquire the expertise necessary to decide the controversies arising under our complicated laws dealing with taxation, patents, anti-trust, utilities, transportation, broadcasting, admiralty, natural resources, etc. For the labor law practitioner to assert that the field of his endeavor stands uniquely alone among federal jurisprudence as the one field too complicated for comprehension by the ordinary federal district judge sounds both pompous and unreal.

OBJECTIONS

Objections have been voiced to the proposal of transferring unfair labor practice jurisdiction from the Board to the District Courts. Some have been too general to be of any assistance in evaluating the proposal,[115] while others have been more specific and offer an opportunity for analysis to test the validity of the objections. One such objection, joined in by a number of critics, was expressed as "—some 30,000 labor cases a year could potentially flood the district courts". (and) "—would tax the country's court system beyond tolerable limits and produce delay in non-labor cases." [116] Such a statement, if not analyzed, is alarming. Upon examination, its fallacy is made manifest. The figure of 30,000 cases relates to all unfair labor practice cases filed for investigation (most of which did not result in the issuance of a complaint) plus all representation matters. The Board's annual report for the year ended June 30, 1969, reveals that for that annual period the Board issued 732 decisions in unfair labor practice cases.[117] In early 1971, there were 354 district judges in the country.[118] This would result in an average of a little over two cases per year per court.[119] One could hardly characterize that as a flood, although it is true that in fact some courts would get more of such cases than others. The proposed Griffin Bill calls for 15 Labor Court judges [120] and the Morris plan calls for a tentative Labor Court of 11 judges.[121] The possible case load burden could be met by the appointment of an equivalent number of district judges in the areas where statistics indicate the greatest number of unfair labor practice cases may be anticipated to be filed.

Another voiced criticism to the proposed plan is that: "Conflicts would arise among districts within one circuit as well as among circuits." [122] This is answered by the proposed Labor Court of Appeals which would bring about greater uniformity of appellate decisions than presently exists and would resolve any such feared conflicts.

Since, under the proposal, all cases would be tried under the Federal Rules of Civil Procedure, the procedures of discovery and deposition would be made available. There has been mixed reaction to making these procedures available in labor cases. Mr. Bartosic opines that "Discovery is especially useless in 8(a)(3) cases which usually turn on credibility conflicts that can be resolved only by seeing and hearing the witnesses. Thus, in most cases, discovery would not only be time consuming but also redundant or useless." [123] It might be noted, that with few exceptions, all cases not subject to summary judgment turn on the resolution of creditability conflicts. In his proposed plan, Professor Morris reaches a different conclusion on this point than does Mr. Bartosic, i.e.; "The proposed Labor Court could also provide for discovery under rules comparable to the Federal Rules of Civil Procedure. This should eliminate the need for formal hearings in many cases, and voluntary settlements would also be enouraged." [124] The answer would appear to be that experience has taught us over a period of three decades that in other fields of the law, discovery and deposition use has brought about an increased deposition of cases by way of settlement, dismissal and summary judgment. It could be reasonably anticipated that it would accomplish the same results in the field of labor law.

For those who have urged that Board orders be made self-enforcing and final unless appealed within limited time periods,[125] the present proposal provides a solution more adequate than they seek. Saying that a Board order is self-enforcing and making it so are not the same. To make it self-enforcing requires a court proceeding or drastic implementation to provide an enforcement apparatus. Under the present proposal all District Court orders are self-enforcing and can be appealed only under the Federal Rules of Appellate Procedure,[126] which would require amendment to accommodate the proposed Labor Court of Appeals. An additional advantage of a Court over the existing Board is its flexibility to combine or sever causes of action, to grant interlocutory orders, to refer fact finding matters to a Master or conceivably to an Arbitrator, if the dispute involves a contract providing for one, or to the Board if the dispute involves a representation matter within the jurisdiction of the Board, to issue temporary restraining orders and injunctions where not prohibited by the Norris-LaGuardia Act,[127] and to use the full power and majesty of the Federal Judiciary to carry out its orders.

MORRIS PLAN'S GENERAL COUNSEL

This writer endorses the Morris plan with respect to retentiton of the General Counsel for the purpose of prosecuting unfair labor practice cases, as well as conferring upon him power to prosecute violations under the Railway Labor Act.[128] Further, the Morris proposal is sound in that it provides, in the event of a failure to prosecute by the General Counsel, the private party can initiate and prosecute his own case in court,[129] with power in the General Counsel to intervene if he deems it appropriate. This has proved workable under the Fair Labor Standards Act, and meets the objections of critics who assert that the present General Counsel has too much power to determine what cases shall be litigated. The Morris plan makes the services of the General Counsel available to, but not mandatory upon, parties in that they are not required to first go through the General Counsel.[130] This has the salutory effect of not allowing the General Counsel by inaction upon a charge to delay or prevent its litigation, as is now the case under Board practice.

The Morris plan's recommended merger of the National Mediation Board and the Federal Mediation and Conciliation Service [131] is likewise salutory, in that it will, in addition to the benefits recited by Professor Morris,[132] be a step toward ultimate repeal of the archaic and cumbersome Railway Labor Act, the proposed implementation of which is beyond the scope of this paper.

TEMPORARY SOLUTIONS

The above proposals are not, as pointed out above, a package. Each element is independent of the other and could be implemented with or without the other elements proposed, or could be adopted in conjunction with alternate proposals made by others. As an example, the Labor Court of Appeals could be adopted in conjunction with a Labor Trial Court as proposed by Professor Morris. Other combinations are equally available for consideration. All proposals, whether here set forth or not, should be given additional detailed study before adoption and implementation.

Until such time as the Congress is persuaded of the urgency for needed change and determines to act, the Board itself, instead of lamenting its plight, could take steps to alleviate the worsening situation. It could direct its Trial Examiners to limit their decisions to findings of fact and conclusions of law instead of vying with one another over the length of the multi-page recitations of minutiae, embellished with their stereotyped adjectives calculated to sell their version of the facts. Many of such decisions resemble more an advocate's brief than a trial judge's decision. Adoption of a system of simplified findings of fact and conclusions of law would surely shorten the time between hearing and Trial Examiner's Decision, and might conceivably reduce the high rate of appeal of Trial Examiner's Decisions [133] to the Board by gaining greater acceptance of the simplified non-embellished factual findings. Another suggestion to speed up the process between hearing and Trial Examiner Decision,

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is to provide that the filing of briefs with Trial Examiners be made discretionary with the Trial Examiner rather than a matter of right. Few Trial Judges hearing cases with no law issues and with only disputed facts involved seek trial briefs. Many such judges render a decision from the Bench at the close of the evidence and invite the parties to submit proposed findings of fact and conclusions of law consistent with the decision.

Many unfair labor practice cases could be handled in this fashion and, if not appealed to the Board, would not even require the transcription of the record. The mandatory requirement in every case of a written decision that is made only after the filing of written briefs or their filing has been waived is a gross waste of time, and frequently a financial burden upon the parties appearing before the Board. The accompanying economies resulting from this simple change might well encourage settlements as well as greater acceptance of Trial Examiner Decisions.

The Board could, without a doubt, in this writer's opinion, shorten the time of hearing and increase the incidence of settlement by adoption of discovery and deposition rules similar to those provided in the Federal Rules of Civil Procedure. In spite of the arguments of those who assert that such practice would increase the delay in Board proceedings, the known history of their use in federal and state courts evidence the contrary. The arguments, however, could be easily resolved by the Board's adopting them for a trial period. The Board, under Section 6 of the Act, has great flexibility in its rule making power.[134] They should use it, and if a certain adopted practice fails to meet expectations it can be as easily changed or abolished as it was created.

Another procedure well worth consideration for adoption by the Board is Rule 31(b)(1) [135] of the United States Tax Court that requires the government and the taxpayer to agree, prior to trial, upon a stipulation of undisputed facts. Surely this, in view of its past success, is worthy of a trial period. Failure of a party to comply with this Rule is subject to broad and effective sanctions.[136]

CONCLUSION

Others can make recommendations for additional time-saving procedures to the Board, but it is all of no avail unless the Board itself is willing to innovate, to change and to experiment. It can, if it elects inaction, become the administrative dinosaur destined for extinction. The time is short, the need is great.

It is hoped that all who labor in this field of endeavor will apply themselves to the end that those changes are made that will bring about more rapid disposition of controversies, greater uniformity of decision, a fairness that will gain greater acceptance by parties of the decisional process, and reliable guidelines for future conduct that will effectively reduce the number of controversies.

FOOTNOTES

[1] 49 Stat. 499 (1935).

[2] September 1966 Labor Law Journal 522, Gene S. Booker and Alan Coe, *The NLRB and Its Critics*.

[3] "The NLRB is supposed to be an unbiased adjudicating body, something like a court. It usually behaves like a department of the AFL–CIO and is about as neutral as George Meany." The Huntley-Brinkley Report, January 24, 1966, as quoted by Senator Robert P. Griffin, 47 Mich. State Bar Journal 9, 10 (Nov. 1968).

[4] "—George Meany charged the Administration with attempting to 'pack' the NLRB with individuals that had a pro-management attitude." *Supra*, footnote 2 at p. 526.

[5] "It (NLRB) is a politically appointed, politically oriented agency that is too close to political and other pressures." *Supra*, footnote 3 at p. 15.

[6] "Having followed the pattern of Board decisions since enactment of Landrum-Griffin, this author has come to the conclusion that the NLRB as currently structured, is not an appropriate instrumentality to implement congressional purpose in this vital field." Id.

[7] George B. Driesen to the Second Annual Collective Bargaining Forum at New York City on May 19, 1970, 74 LRR 87, 91.

[8] "Operations in Fiscal Year 1969" of NLRB's Thirty-Fourth Annual Report.

[9] Id.

[10] NLRB Chairman Edward B. Miller to the Labor Law Conference, Louisiana State University, Baton Rouge, La., on January 22, 1971. 76 LRR 89, 94.

[11] Address before the annual meeting of the Connecticut Bar Association at New Haven, Conn. on October 19, 1970. 75 LRR 168.

[12] "NLRB Statistical Summary for Third Quarter 1970," 75 LR 278.

[13] *Supra*, footnote 10 at p. 95.

[14] *Supra*, footnote 7 at p. 92.

[15] *Supra*, footnote 10 at p. 95.

[16] *Supra*, footnote 8.

[17] Id.

[18] *Infra*, footnote 51 at p. 1149.

[19] 75 LRR 123, 126.

[20] 75 LRR 168, 169.

[21] Address by Chairman Edward B. Miller to the Ninth Annual Corporate Counsel Institute of the Northwestern University School of Law on October 8, 1970. 75 LRR 123, 125.

[22] 76 LRR 33.

[23] Id. p. 34.

[24] Reorganization Plan No. 5 of 1961 was submitted to Congress by President Kennedy pursuant to the Reorganization Act of 1949, Ch. 26, 63 Stat. 203.

[25] *Supra*, footnote 11, p. 170. See also Address by Chairman Edward B. Miller to the Association of the Bar of the City of New York on November 12, 1970, 75 LRR 245, 250.

[26] 73 LRR 263.

[27] Id. p. 268.

[28] S. 103, 91st Cong., 1st Sess. (1969).

[29] Id., Sec. 2.

[30] Id., Sec. 10.

[31] Id., Sec. 17.

[32] 47 Mich. St. Bar Journal 9, *End NLRB and Create U.S. Labor Court*, (November, 1968).

[33] Ibid. p. 15.

[34] Ibid.

[35] *Infra*, footnote 54.

[36] "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States 'but all Duties, Imposts and Excises shall be uniform throughout the United States'—(Clause 9) to constitute Tribunals inferior to the Supreme Court;"

[37] *Glidden v. Zdonick*, 370 U.S. 530 (1962) dealing with establishment of the United States Court of Customs and Patent Appeals.

[38] S. 3671, 91st Cong., 2d Sess. (1970).

[39] Id., Sec. 6.

[40] Adjunct Professor, Catholic University Law School and House Counsel, International Brotherhood of Teamsters.

[41] 4 Georgia Law Review 647, *Labor Law Reform—The NLRB and a Labor Court* (Summer, 1970).

[42] Id. p. 662.

[43] Id. p. 664.

[44] Id. p. 666.

[45] Id. p. 667.

[46] Id.

[47] Id.

[48] Id. p. 668.

[49] Labor-Management Reporting and Disclosure Act, 29 U.S.C. Sec. 401–530.

[50] *Supra*, footnote, 41 p. 670.

[51] 14 Wayne Law Review, 1126, *Expertise, The NLRB, and the Constitution: Things Abused and Things Forgotten*, (1968).

[52] Id. p. 1161.

[53] Id.

[54] Section 1: "The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behavoir, and shall, at stated times, receive for their Services a Compensation, which shall not be dismissed during their continuance in Office."

[55] February 1969 Labor Law Journal 94, *One Nation Indivisible—A Plea for a United States Court of Labor Relations.*

[56] Id. p. 97.

[57] Id.

[58] Id. p. 95.

[59] Id. p. 99.

[60] Professor of Law, Southern Methodist University.

[61] 35 Journal of Air Law and Commerce 537, *Procedural Reform in Labor Law—A Preliminary Paper*, (1969).

[62] Id. p. 559.

[63] Id. p. 568.

[64] I. e. A Court established under U.S. Const. Art. III.

[65] *Supra*, footnote 49 at p. 561.

[66] 29 U.S.C. Secs. 178, 179, and 180, Labor Management Relations Act, Secs. 208, 209 and 210.

[67] 29 U.S.C. Sec. 185, Labor Management Relations Act, Sec. 301.

[68] 29 U.S.C.

[69] *Supra*, footnote 61 at p. 563.

[70] 29 U.S.C. Sec. 187, Labor Management Relations Act, Sec. 303.

[71] 29 U.S.C. Sec. 186, Labor Management Relations Act, Sec. 302.

[72] *Supra*, footnote 62 at p. 564.

[73] Id. p. 565.

[74] Id. p. 566.

[75] Id. p. 562.

[76] Id. p. 568.

[77] Id. p. 573.

[78] Id.

[79] The Southwestern Legal Foundation, Labor Law Developments 1971, p. 331.

[80] Associate General Counsel, AFL–CIO.

[81] *Supra*, footnote 79 at p. 331.

[82] *Supra* p. 338.

[83] *Supra* p. 341.

[84] *Supra*, footnote 41.

[85] *Supra*, footnote 79 at p. 343.

[86] Id.

[87] *Supra*, footnote 79 at p. 332.

[88] His statement that "Professor Charles J. Morris seems at one point, to say that the basic, or at least original, purpose of the NLRA has ben achieved, in that most employers recognize and accept that their employers have a right to join a union and bargain collectively," is certainly subject to question from a careful reading of Professor Morris's article.

[89] *Supra*, footnote 79 at p. 335.

[90] The present Act provides for such injunctions, but leaves the seeking of them solely to the Board's discretion. Sec. 10(j).

[91] *Supra*, footnote 24.

[92] Although not discussed above, this concept has already been suggested by Mr. William B. Spann, Jr. in 4 Georgia Law Review 643. *Foreword—A Labor Court of Appeals*, (Summer 1970). Mr. Bartosic *supra*, footnote 41, as part of his plan, advocates a single Labor Court of Appeals.

[93] *Supra*, footnotes 75 and 76.

[94] Address by Board Member John H. Fanning to Labor Law Seminar sponsored by the Kansas City Bar Association, March 25, 1970. 73 LRR 286, 289.

[95] Ten in fiscal year ended June 30, 1969. 76 LRR 29, 34.

[96] *Supra*, footnote 92 at p. 645.

[97] *Bangor Plastics, Inc.*, 156 NLRB 1165, 1966 CCH NLRB ¶ 20,175, rev'd 392 F. 2nd 772 (1967), 57 LC ¶ 12,607 (1968–CA–6).

[98] 76 LRR 29. In this regard the Board states that, "In the 363 decisions, NLRB was affirmed in whole or in part in 81 per cent." However, stated another way the Board's or-

ders were set aside, modified or remanded in 43 per cent. See table at 76 LRR 34.

[99] This follows the suggestion of Mr. Spann, *supra* footnote 92.

[100] 61 Stat. 136 (1947), as amended, 29 U.S.C. Sections 151–168 (1964), Secs. 208, 209 and 210 relating to national emergency strikes, Sec. 301 relating to enforcement of labor agreements, Sec. 302 relating to restrictions on payments to employee representatives and Sec. 303 relating to suits for secondary boycott damages.

[101] 44 Stat. 577 (1926), as amended, 54 Stat. 785–86. 45 U.S.C. Sections 151–162 (1964).

[102] 29 U.S.C. Sec 201 et seq. (1964).

[103] 73 Stat. 519 (1959), as amended, 29 U.S.C. Secs. 401–531.

[104] 42 U.S.C. Sec. 2000 et seq. (1964).

[105] *Supra,* footnote 92 at p. 645.

[106] *Supra,* footnote 61 at p. 564.

[107] A median time of 630 days in fiscal year ended June 30, 1969. General Counsel Arnold Ordmans Testimony to the Senate Appropriations Committee, 71 LRR 519.

[108] *Supra,* footnote 11.

[109] *Supra,* foonote 10 at p. 95.

[110] 44 Stat. 577 (1926) as amended; 45 U.S.C. Secs. 151–88.

[111] 49 Stat. 449 (1935) as amended; 29 U.S.C. Secs. 151–68.

[112] 52 Stat. 1060 (1938) as amended; 29 U.S.C. Secs. 201–19.

[113] Pub. L. No. 86–257, 86th Cong., 2d Sess. (1959); 29 U.S.C. Secs. 401–531.

[114] "—direct court judges now have relatively little contact with Taft-Hartley and are ill-trained to administer it." *supra,* footnote 41, p. 661.

[115] Board Chairman Edward B. Miller: "—the proposal to transfer our unfair labor practice jurisdiction to the district courts are unworkable and present, in my opinion, more problems than they purport to cure." 76 LRR 89, 95.

[116] *Supra,* footnote 41 at p. 656. This particular criticism directed in opposition to the Tower district court plan was based in part upon the fear that allowing individuals, whose charges had been denied by the General Counsel, to file individual suits would substantially increase the court case load.

[117] *Supra,* footnote 22.

[118] 431 F. 2d.

[119] Mr. Bartosic attempts to distort this obvious fact by only referring to 86 district courts, *supra,* footnote 41, p. 661, overlooking the fact that it is Judges and not judicial districts that count.

[120] 47 Mich. St. B.J. 9 at p. 16.

[121] *Supra,* footnote 61 at p. 564.

[122] *Supra,* footnote 41 at p. 661.

[123] Id. p. 657.

[124] *Supra,* footnote 61 at p. 570.

[125] *Supra,* footnote 11 at p. 170.

[126] *Supra,* footnote 61 at p. 563.

[127] 47 Stat. 70 (1932), 29 U.S.C. Secs. 101, etc.

[128] *Supra,* footnote 61 at p. 566.

[129] Id. p. 563.

[130] Id.

[131] Id. p. 568.

[132] Id. pp. 572, 573 "A merger of the mediation functions of the FMCS and the NMB should provide an opportunity for both groups of mediators to share valuable experiences and techniques. Also, one mediation agency should be more economical to operate than two, and a single agency should provide for a more centralized and uniform direction to the service. Perhaps most important, however, there would be a separation of mediation from the adjudicatory functions of the NMB. If mediators can confine their efforts to mediation, which the NMB as an agency cannot do under the present RLA, their roles as neutrals may yield greater success in assisting parties in reaching bargaining agreements."

[133] 82%—*supra,* footnote 41 at p. 663.

[134] "The Board shall have authority from time to time to make, amend and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this Act."

[135] "*Stipulations required*—The Court expects the parties to stipulate evidence to the fullest extent to which complete or qualified agreement can be reached including all material facts that are not or fairly should not be in dispute."

[136] Rule 31(b)(5)—"Results of noncompliance by a party.—If at the date of issuance of trial notice in a case a party has failed to confer with his adversary, or has refused or failed to stipulate the facts and evidence which are not in dispute or fairly should not be in dispute, and after trial notice, still fails or refuses to stipulate, as required under paragraphs (1) and (2) hereof, the party proposing to stipulate may within 50 days, but not less than 35 days, prior to the date set for call of the case from a trial calendar, file with the Court a motion for an order to show cause why the facts and evidence covered in his motion should not be accepted as established for the purposes of the case. The facts and evidence of the proposed stipulation covered by the motion shall be shown with particularity and by numbered paragraphs. The motion shall contain adequate references to the sources of the matter set forth, and where such sources are in possession or under control of the moving party, the motion shall also show that the opposing party has had and has reasonable access thereto. The motion shall be accompanied by proof of service on the opposing party or his counsel. Upon the filing of such motion, an order to show cause as moved shall be issued forthwith, unless the Court, in its discretion, directs otherwise.

The party against whom the order to show cause has issued shall, within 25 days of the date of such order, file a response listing by numbers the paragraphs in the proposed stipulation in respect of which there is no dispute. Where there is disagreement with respect to any paragraph in party only, the response shall show the part admitted and the part denied. Where there is any disagreement with respect to any paragraph, either in whole or in part, or where the disagreement takes the form merely of a variance in the statement of the facts or evidence, the response shall show the basis for the dispute, an objection on the ground of materiality or relevance may be noted but is not to be regarded as just cause for refusal to stipulate. The response shall be accompanied by proof of service on the opposing party or his counsel.

The matters covered by the show cause order and response shall be heard at the call of the case from the trial calendar, or, if practicable, at such earlier time and at such place as the Chief Judge in his discretion may fix.

THE FARMERS HOME ADMINISTRATION AND ITS ACHIEVEMENTS IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, many thousands of words have been spoken in this Chamber on the subject of rural development and economic growth. Many of our efforts have been devoted to the countryside. We have sought to give help that is needed, and we have other measures under active consideration at this moment.

I think it is well if we pause and ask what all this is for, and I would like to provide an answer as I have seen it develop in my own State.

Finding water in South Carolina has seldom been a problem, and with the dams along the Santee and Savannah Rivers, and the rapidly growing reputation of my State as an area for water-based recreation, some may wonder that I even raise the question.

But good water—pure water—convenient water, flowing from pipes into our homes, schools, churches, and businesses—is needed before a community can grow and flourish.

Mr. President, Lancaster County in the Piedmont section of South Carolina is an example. Our first water system was built there nearly 10 years ago. Since then, seven more systems have followed, and now some 200 miles of pipeline convey water throughout the county—and provide a supply to five other water districts and one town.

All of South Carolina is the better because of these water systems.

Farmers Home Administration, which assisted with loans for these seven water systems, has also financed over 350 homes along these water lines in rural areas, and private lending institutions have more than doubled that number—over 500 homes for a total investment that exceeds $13 million.

Mr. President, with this increased financing have come expanded telephone and electrical service, new mail routes—and growth. As a result the county has lower fire insurance rates and more plentiful job opportunities. Population has grown 10 percent since the first system was established. The strengthened tax base has improved services and amenities and values have increased from 50 to 100 percent along the water lines.

One of our real good farmers points out that farming people are not interested in selling out at any price.

Mr. President, this is a quick, thumbnail sketch of results that already have come from the good work of the Congress in establishing and maintaining the Farmers Home Administration. I searched deeply into the program that the Farmers Home Administration has provided in South Carolina. As a result I found good work and strong programs that provide an essential foundation to this administration's goal of balanced growth.

We were proud to discover that South Carolina can now claim the No. 1 position in rate of progress in rural areas. Living conditions, quality of homes in the towns and countryside are rising to a general level of first class in South Carolina, faster than in any other State, and I compliment State FHA Director E. Whitson Brooks for his outstanding work.

Mr. President, in county after county in South Carolina water systems have opened the way. In this rural water program, 84 municipal and intercommunity organizations have developed some 75 water systems, large and small, plus nearly a score of sewage disposal systems for towns that had sanitation and pollution problems. All this has been achieved because of some $20 million of financing through the FHA in South Carolina.

Several hundred towns have benefited from the uplift that comes with the graduation to modern systems of water supply and sanitary waste disposal. The pipelines of a larger rural water system normally embrace several towns, as well as the farms, homes, businesses, and industries that lie in the open country between towns.

Mr. President, Lancaster County offers outstanding examples, but others will be found in every section of South Carolina. Two of Lancaster's neighboring counties—Chesterfield and Kershaw—account for 10 more thriving rural water systems. Union County in the northwest section of the State has a network of eight rural systems. In counties of the coastal areas of South Carolina, both water supply and drainage improvements are being achieved through Farmers Home Administration programs.

Aiken County typifies the surging development of industry and new, modernized communities along our southern boundary. Among eight new rural water systems in that county, the Breezy Hill system is now in the process of more than doubling its service load. More than 1,000 homes will be supplied by this system that started 2 years ago with less than 500. In Greenville County, the Blue Ridge rural water system was recently approved for $2 million of Farmers Home Administration loan financing. This system will begin with coverage of three towns and the intervening countryside, which accounts for a large rural portion of the county.

Mr. President, these examples are exemplary of progress in every sector of our State. Modern services and a prevalent pattern of desirable housing no longer stop at the city line. Every county of South Carolina is being reached by the rural water program. Forty-one more projects totaling $17 million are planned for development within the next 2 or 3 years.

With the solution of water supply and sanitation problems in a rural community comes rebuilding, renewal and growth. This is happening today in South Carolina. The real symbol of advancement for our people is found not so much in plants and storefronts as in homes—new homes of modern quality for the general population of middle and lower income families.

Mr. President, South Carolina is now the leading State in rural housing. In the fiscal year ended last June 30 we topped all States, including many much more populous States, with more than $97 million worth of homebuilding through the Farmers Home Administration rural housing program.

South Carolina produced 7,132 new or newly modernized homes—all for families who, until the inception of today's rural housing program, seldom found home financing within their reach.

Mr. President, in South Carolina the housing effort of 3 years ago produced only 1,500 homes, $13 million worth of building in fiscal year 1968. However, in fiscal 1971, more than 4,700 families of the low-income group alone—families who until now saw no way of escape from crude, old-fashioned, substandard housing—were able to step up to ownership of good, modern homes.

Rural homebuilding of itself has become one of the biggest industries in South Carolina, and one of the most important sources of new rural employment. Some 900 contractors are now producing homes in town and country areas. Homebuilding jobs provide a livelihood for some 20,000 rural South Carolina families.

The economic effect provided by increased homebuilding spreads through many lines of business and employment. To the nearly $100 million invested in 7,100 new rural homes last year, can be added some $15 million spent by homeowner families just for furnishings and modern appliances in their new homes. The combination of these investments has been a tremendous boost to the overall economy of South Carolina.

Mr. President, this transformation of housing is a profound improvement, long overdue in rural areas. The key to its accomplishment has been a conscientious and capable organization of State and county-based workers in the Farmers Home Administration. They have made the people of rural South Carolina aware of the new "second chance" now afforded them in housing. There now is ample FHA credit through the Farmers Home Administration, supplementing all private and conventional credit that may be available in a rural locality.

There also is fine and continuing cooperation between FHA and the homebuilders of our State, working to develop and produce in volume good modern homes that are fully adequate for the families who will live in them, but priced within reach of the family of modest means.

Mr. President, I offer the examples of Lancaster County and the record of accomplishments throughout our State as evidence that rural development is working in South Carolina. We commend Administrator James V. Smith on the immense improvement of services the Farmers Home Administration has achieved under his leadership.

Volume of credit for homes, farms and community improvements has increased from 4,400 loans of all types totaling $29 million in fiscal 1968, to more than 12,000 loans totaling $121 million the past year.

Credit needs of the small farm family also are being better served. FHA farm ownership and operating credit is up from $6.8 million 3 years ago to $7.5 million in the year just ended. Moreover, through new policies introduced by the present administration, private lenders who join with Farmers Home in serving the same borrowers are adding about one-third more to the rural credit picture.

Mr. President, I am proud to present this progress report from the rural areas of South Carolina. It is my belief that as these efforts continue, rural areas will fulfill their promise as the great realm of future community development in this country; the goals of rural development will be realized; and those who want to stay in the country, or turn to country life, will find decent work and living conditions in a better environment.

PRESIDENT NIXON'S ADDRESS TO THE WHITE HOUSE CONFERENCE ON AGING

Mr. FONG. Mr. President, the Second White House Conference on Aging has now come to a close. There are many significant recommendations for all Americans to study in the coming months as we begin to move to implement as many ideas as we can. I am especially delighted to see that the Conference Chairman, Dr. Arthur Flemming, will be continuing in his post to oversee the followup aspects of the Conference.

As ranking minority member of the Senate Special Committee on Aging, I have, of course, followed closely the issues facing older Americans. President Nixon in his remarks yesterday addressed himself to many of those issues. But even more significantly, he emphasized the need for a "new attitude toward the aging that can reopen the doors of opportunity which have too often been closing on older men and women."

To encourage my colleagues and all Americans to take notice of issues concerned with the aging, I ask unanimous consent to have the President's remarks printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO WHITE HOUSE CONFERENCE ON AGING

Dr. Flemming, Chief Justice Warren, all of the distinguished guests on the platform and all of the distinguished delegates to this conference:

First, I want you to know how very delighted we were to have you—2700, I understand—as guests last night at the White House. As I came in by helicopter from Chicago, after speaking to the 4-H Convention there, I saw many in the windows looking out. I only wish I could have come down; but I realized if I shook hands with 2700, that would be more than the four hours that Chief Justice Warren took on Monday night, and I wanted to be here this morning. I wish I could have, though, welcomed all of you from all of the States of this Nation, all of you with your deep commitment.

Now I want to talk about this conference, the White House conference. I want to talk about it very candidly, in terms not of the past or the present, the resolutions that you will present; but in terms of the future.

Down in the Library of Congress there is a whole floor, with many, many stacks of volumes of the records of White House conferences, conferences on the aged, conferences on young people, conferences on health. On almost any subject you can imagine, there has been a White House conference, and every President has participated in them. Every President opens them or closes them, as the case may be.

Those volumes, very many of them, when I have seen them down there, just gathered dust, and you wonder what happened; was it worth it? And all of you, as you come to the end of this conference, must wonder, after all the work you have done, after all the recommendations you have made: Is it going to end here, or is this a beginning?

That is what I want to talk about. I would be less than candid if I were not to say that many White House conferences are more cosmetics than the real thing. They talk about the problem, give people an outlet, and, of course, that is a good thing; but recommendations usually are not put into practices as often as they should be.

When this conference was called, as John Martin and Arthur Flemming will tell you, I told them I wanted to know what we could do. In preparing my remarks today, I wanted to speak specifically to the things that you recommended, and to speak also to how we could follow up.

I do not want the volumes—and there will be volumes on this conference—simply to gather dust in the Library of Congress or in the office of the President. As long as I am here, I will go over and shake off the dust myself to find out what was said. But Dr. Flemming told me before I came in here just what he said to you when he introduced me: that each one of you has made a very important pledge this morning, a specific commitment to action in the post-conference year. I am here to join you in that pledge.

CLOSE, PERSONAL ATTENTION PLEDGED

This means that I am going to give my close, personal attention to the recommendations of this conference. I have asked Dr. Flemming to stay on. We really cannot afford him, but he comes really as a volunteer. He is not only going to be chairman of the conference in the follow-up period; but also as a special consultant on aging, so that I can take up these matters personally with him, as well as John Martin, who, as you know, is my special assistant on aging.

Now, Dr. Flemming is known to you from having presided over this conference. He is also known as a great educator. I knew him as a member of the Cabinet. Beneath that very genteel exterior is one of the most tenacious men I have known. So you have a good representative there speaking up for your problems.

The second step I have taken is that I have directed that your recommendations be put at the top of the agenda of our Cabinet-level Committee on Aging, in which Dr. Flemming also plays a leading role.

Finally, I have asked Dr. Flemming to create a post-conference board to act as your agent in following up on your proposals. When matters that affect the interests of older Americans are being discussed in the White House, I am determined that the voice of older Americans will be heard. That is my commitment to you.

ENHANCE DIGNITY OF ALL AMERICANS

Now, as we consider your suggestions, we will be guided by this conviction: Any action which enhances the dignity of older Americans enhances the dignity of all Americans, for unless the American dream comes true for our older generation, it cannot be complete for any generation.

This is true, first, because we all grow old. The younger generation today will be the older generation tomorrow. But more than that, the entire Nation has a high stake in a better life for its older citizens simply because we need you. We need the resources which you, alone, can offer.

We are speaking, after all, of a proven generation, one that has brought this country through the most turbulent period in human history. Your skills, your wisdom, your values and your faith—these are among the most valuable resources this Nation possesses.

This country will have to be at its best if we are to meet the challenge of competition in the world of the 70's, and we cannot be at our best if we keep our most experienced players on the bench. I am not speaking of the Washington Redskins, either. Yet, in recent years all of us know a gulf has been opening between older Americans and the rest of our people. This gulf is the product of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

YOUNG, OLD AMERICANS NEED ONE ANOTHER

We have to change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let us begin where most of you begin—that is the problem of inadequate income. We have to begin there because if we move in this front, all the other battles will be easier, and if we fail to move in the income front, the other battles—and there are many others that I will discuss in my remarks this morning—will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill known as H.R. 1. Now, let me talk to you a bit about H.R. 1.

It is generally known as welfare reform. I presented it to the country in a radio-television address almost 2½ years ago. In that period, since it was presented to the country, it has been debated and talked about, passed one House, and still languishes in the Senate, no prospect for this session, and apparently not too much prospect even for the next session, unless something happens in terms of waking the Congress up to the fact that the American people want it.

Let me tell you what H.R. 1 does. You hear about welfare reform. Well, believe me, we need it. We have a system at the present in this country, a system in which, under our present welfare rules, in many States it makes it more profitable for a man not to work than to work, and it rewards a man for leaving his family, rather than staying with his family. When you have that kind of a system, you ought to abolish it and get something else.

So our new program provides for work incentives and work requirements. It also provides for needy children and provides for those needy children without the effect of the present welfare program, which is so degrading on those children and mars them for life.

But what is in it for older people? I think we have forgotten many of those things. Let me tell you how much is at stake for older citizens in H.R. 1 and why it must be a top priority.

WELFARE PLAN INSURES ELDERLY INCOME

For the first time in our history, it would put a national floor under the annual income of every older American. Now, some may say it ought to be higher, some may say it ought to be earlier; but the point is, it will be done. We need a national floor under the income of every older American. H.R. 1 does that.

Second, for the first time in our history, it would make social security benefits inflation-proof. This is something that I have always believed in. It does not make sense to have social security benefits constantly behind inflation. If we have inflation, the benefits should go up with it, and H.R. 1 provides for that.

It would allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. I have also asked the Congress to include in H.R. 1 a proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

Now let me get into the numbers. These numbers are so big that they may not, of course, be very impressive when we think of $200 billion budgets, and I am going to be working on that budget over this next weekend. But H.R. 1, as it now stands, would provide $5½ billion in additional Federal benefits for older Americans—$5½ billion more.

Let me point out something: If they had passed it two years ago, we would have had it then. You can see why the Congress needs to quit talking and start acting on H.R. 1. This would be $3 billion in increased social security benefits, and when it is fully effective, another $2½ billion in new benefits to persons with lower incomes. And a proposal to eliminate the monthly Medicare fee would enrich the $5½ billion package by an additional $1¼ billion, so that is the equivalent of an additional five percent increase in social security.

So you can see how much is at stake in this one proposal which has been there for over two years, which has not been acted upon, and which needs to be acted upon.

CALLS FOR HELP IN PASSING BILL

I have made a commitment to you. We need your help. Let your Congressman, let your Senator, know that before the next election you want action on H.R. 1. I think we ought to have it.

Now I would like to go to a second subject which is related to income. It is the other side of the coin. That is the subject of taxes. We are supporting a series of tax reform proposals which would enable a single person aged 65 or older, to receive up to $5,100 of tax-free income. A married couple, both of whom are 65 or older, would receive over $8,000 in tax-free income.

However—and now I come to one that will be very close, I am sure, to the hearts of most of the people here, because when I met with representatives of this group before this conference was convened, this subject was raised by every one of those present. That is the property tax. It is not related to income, but it is a tax which keeps going up and up and up; whereas, an older person's income may be even going down.

Property tax collections have increased by 40 percent in the last five years alone. Now, here is where older Americans come in. We have checked and found that 70 percent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving, and yet, because of property taxes, the same home which has been a symbol of their independence often becomes the cause of their impoverishment.

PROPERTY TAXES IMPOSE UNFAIR BURDEN

Take the 30 percent who do not own their homes. Those who rent their homes often bear an unfair burden because property tax increases are often passed along in the form of higher rents.

The inequity of the property tax is often the greater because it takes money from those who have already educated their own children, and uses it largely for the education of other children.

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders. They were full of hope and pride. Over the years that followed, they made their dreams come true. But today, many, many years later, things have changed so much that Mrs. Ewing begins her letter to me by saying, "Was it just an empty dream after all?"

Her father, at 72, is too ill, too tired, to work. His family is grown and scattered. To meet his real estate taxes, he is now being forced to sell the property for which he worked so hard and so long. Then she goes on to say, "If this is really the country I grew up believing it to be, these inhumane property tax laws must be changed."

COMPLETE OVERHAUL NEEDED

She is right, and they should be changed. That is why we need a complete overhaul of our property taxes and of our whole system of financing public education, because the property tax, as you know, in California as well as in many other States, is the primary tax which can and must be used at this time for financing public education.

Our revenue sharing proposals which were made a year ago, and which still have not been acted upon, can help relieve the pressure on property taxes, and older Americans have a large stake in enacting those proposals. But I believe we have to move in another front, more directly on the problem of property taxes. I am, therefore, working with our Domestic Council and working specifically with Secretary of the Treasury Connally in preparing specific proposals to ease the crushing burden of property taxes for older Americans and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. These remedies will involve large sums of money. But we are prepared, however, to make the hard decisions we are going to have to make to provide property tax relief.

The time has come, in this subject as in others, to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

Now, I want to go to another matter that I know has had consideration here, and one which I find very fundamental agreement with your conclusions. That is the inadequacy of private pension plans. One half of our work force is not even enrolled in such a plan and many of those who are enrolled have inadequate or unreliable coverage.

REFORM NEEDED IN PRIVATE PENSIONS

I will therefore propose to the Congress a new program to reform our private pension systems. Here are some of the reforms: They will include measures designed to expand pension coverage, to ensure that pension funds are soundly managed, and also, I will recommend new laws to require the vesting of pensions so that an individual who works in a job, has money invested in a pension, and then moves from that job doesn't lose what he has put in. He is entitled to that and he should get it.

Now, there is one other item where I am going to talk about something that involves not what the Congress and what the Administration can do for older Americans, but what you can do for the country and for yourselves.

I am sure you have been reading and hearing in your newspapers and on television and radio a lot about our new economic policy; with the freeze on wages and prices for 90 days, Phase II, some of the arguments that have taken place with regard to what the application should be. Let me say that as far as this program is concerned, its primary design is to stop the rise in the cost of living. As far as this program is concerned, it is inevitable that anything that we do is going to cause some sacrifice on the part of some Americans.

For example, some labor leaders, not all, but some of them object to the fact that labor increases and wage increases cannot be as high as they would like. Some business leaders are objecting to the fact that we have laid down regulations in which their profit margins are not allowed to be as high as they would like. Some stockholders are objecting to the fact that we have laid on regulations where their dividend payments cannot be as high as they would like.

Let me say, I would like to have a program that would satisfy them all, because it is not pleasant to have any segment of the population object to a program that we have adopted. But let me lay it right on the line. Where a wage increase or a profit increase or a dividend increase can be controlled and the result will be stopping the rise in the cost of living for all Americans, that is worth doing, and that is what we plan to do.

ASKS CONTINUED SUPPORT DURING PHASE II

The support for that program has been stronger perhaps, among older Americans, according to all the polls, than all the others. On the other hand, 70 percent of Americans do support it and we ask your continued support, because no matter how much the pensions may be, no matter how much the Social Security payments may go up, if the cost of living continues to go up it doesn't make any difference. That is why those who are retired and living on fixed incomes have the biggest stake of all Americans, and we hope that you will continue to support it right to the hilt.

Now, I have been talking about income and taxes and how we control prices, but even with higher income, we all know that many older Americans face problems beyond their individual control. I am going to talk for a moment about the one million Americans who live in nursing homes.

I can talk with great feeling about this because my mother was in a nursing home. She was very ill and had a stroke during the last two years of her life. It was a very good nursing home and I will always be thankful that the nurses there treated her just as I would have wanted to treat her, if I could have been there. Many of these nursing homes, like the one my mother was in and like the one my 91-year-old Aunt Edith is in out in Riverside, California, are ones where they receive excellent care from people who care about them. But many do not. There are some bad nursing homes, some inadequate ones. There is little that the people who are in them can do about it.

MUST UPGRADE NURSING HOMES

Partially, it is a question of money, being able to afford the payments, and partially it is a question of regulation. Where it is a question of regulation, we certainly can do something about it. That is why I announced last summer an eight-point program for improving our nation's nursing homes, for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes, but we are not going to hesitate to cut off funds from those which are hopelessly substandard.

Furthermore, we will take the initiative to make sure that public and private resources are available to provide alternative arrangements for the victims of such homes; to cut off the funds for the substandard ones and just let the people out, that is no answer. We must find an alternative and we are planning to do that.

But when we speak of the million who live in nursing homes, we want it realized that for every person in a nursing home, we have twenty times as many older people who are not in nursing homes. The greatest need is to help more older Americans to go on living in their own homes. Income programs, such as H.R. 1, tax reforms, they can help achieve this, because if the individuals have the funds, then they can retain their own homes. But so can a number of other additional decisions which we have already made.

$100 MILLION INCREASE IN AGING AGENCY

We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to $100 million. Now, you may wonder where I got that number. I must say, I heard from a number of you and I heard from Arthur Flemming. He didn't know about the number until this morning because it was $80 million last night, and I decided, why not $100 million. $100 million is needed for reasons that I am going to indicate as to what I expect from this.

But let me put it in another context. Let us put it in terms of priorities. The Congress, for example, at the present time, has under consideration a tax bill. It is a tax bill that has some very good provisions in it. It has one in which there is disagreement, honest disagreement, one where I take a different position from some others. But there is one provision in that bill that provides for between $50 and $100 million to go for the purpose of paying the campaign expenses of an individual who is running as the nominee of his Party for the Presidency of the United States. Now, my friends, just let me say this: It is very important that campaigns be adequately financed, but I say, rather than to have the taxpayers' money used for the purpose of financing a candidate's campaign for election, that money should be used for the purpose of allowing the elected President to keep his campaign promises once he gets into office.

Now, let's see what this $100 million is going to do. We can give special emphasis to services that will help people live decent and dignified lives in their own homes, services such as home health aides, homemaker and nutritional services, home-delivered meals, transportation assistance. Much of this new money will be used to help marshal existing and expanding resources more effectively at the local level.

INFORMATION CENTERS TO BE SET UP ON SOCIAL SECURITY

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly. These offices will, of course, supplement the State offices which already are doing a very fine job in this respect.

Then, there are two additional administrative decisions which will help older Americans remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominiums and retirement communities. Secretary Romney, who is also a very tenacious, evangelistic man in our Cabinet, is going to see that that is done, I can assure you.

The second will require that Federal grants provide services for older persons and also provide for the transportation they need to take advantage of these services.

Now, I turn to another subject and if I seem to be moving from place to place, believe me, you moved from place to place throughout this conference and I am trying to cover most of the major subjects in which you expressed an interest. Some of the best service programs for older Americans are those that give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals, churches, parks and schools gives them a new sense of price and purpose even as it contributes to the lives of others.

EXPANSION OF SENIOR VOLUNTEERS PROMISED

Federal programs to provide such opportunities have proved remarkably successful at the demonstration level, but that is all they have been up to this point. We are going to change them. We are going to move from demonstration to establish these programs on a broader national basis. Therefore, I am going to request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I have directed that the Foster Grandparents Program be doubled to $25 million, and I will ask that this program be altered so that Foster Grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under this program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education, and community service projects even as they earn additional income.

Let me say: Every older American can be proud that you have made these programs work in recent years. That is why we can double this one, triple that one, make a permanent program out of what was previously a trial or demonstration one. These decisions mean that you will be able to work in more places and for more people.

Now, I have spoken this morning about

some of the immediate steps that I am taking as part of my commitment, with your commitment, to action. We are proud of these initiatives, but we are not content to rest on them. We are going to build on them. That is why I have outlined a mechanism for following up on this conference, one which will allow us to take the fullest advantage of the excellent work which you have done.

RECOGNIZES SUPPORT ON PRESCRIPTION DRUGS

Any discussion of the recommendations for dealing with the problems of the aged would not be complete without recognizing the strong support expressed at this conference for extending Medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

Now, as you know, these programs involve very, very substantial budget problems for the Administration. Therefore, they are ones that will need a great deal of consideration and study. Because of the interest which you have expressed in these programs, I have directed the Domestic Council, under John Ehrlichman, who has already addressed you, to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this conference, a message which must now be heard in every community in this land. Let me tell you what it is.

NEW NATIONAL ATTITUDE NEEDED

We need a new, national attitude toward older people in this country, and that attitude must be one which recognizes that America, whatever it does for its older citizens fully appreciates what our older citizens can do for America.

Only a new national attitude toward aging can end the throwaway psychology which I understand was so graphically demonstrated in the film you saw Sunday night. Only a new attitude toward aging can reopen the doors of opportunity which have too often been closing on older men and women.

To borrow another phrase from your multimedia presentation—only a new attitude toward aging can keep older Americans from "slipping through the cracks."

We are entering a period when people will be retiring even earlier from their regular jobs, and when it will, therefore, be more important than ever to recognize that retirement from work does not mean retirement from life. This concept must be at the heart of our new, national attitude toward aging.

I see a great number of people in the White House, young people, middle aged, older people, not nearly as many as I would like to see, but every day some come through to receive an award or recognition, and some just want to come in and see the President, for some reason. A few months ago I met with a remarkable man. His name was George Black. For more than 80 years, this man has been making bricks by hand in Winston-Salem, North Carolina, his own special way of doing it. He is a master craftsman.

When he came in to see me, he didn't look it, but he told me he was 93 years old. But his productive years were not over. So our Government, under one of the programs that we fortunately had, sent this remarkable man to a country that needed to learn about that almost forgotten skill of making bricks by hand. George Black went to Guyana, in South America, so that he could share his skills with the people of that less developed country.

When I asked him about his trip, this is what he said: "I have always asked the Lord to let my last days be my best days. I feel like He is answering my prayers."

MUCH STILL TO BE GIVEN BY ELDERLY

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them, as for him, its answer depends not only on what they are given, but on what they continue to give.

Older Americans have much to give this country. The best thing this country can give to them is the chance to be a part of it, a chance to play a continuing role in the great American adventure.

In a real sense, therefore, this conference is just beginning, for all of us are going home with promises to keep. As we keep those promises, as we fulfill our commitments to action, we will make this conference the great, new beginning that you have talked about this week. Let us make the last days the best days for all Americans.

THE NEED FOR ELECTRIC POWER

Mr. GRAVEL. Mr. President, Americans are being offered a false choice in the so-called power crisis. They are told that they either must accept construction of more powerplants without limit, or they must go without air conditioning, lights, elevators, and stereo sets.

The real choice may be different.

Suppose a utility announces that its service region needs another 1,000 megawatts of electricity. Suppose also that the utility reveals who is needing the additional megawatts and for what purposes. In other words, suppose the need is real.

That need, then, can be satisfied either by building additional powerplants, or by identifying ways in which 1,000 megawatts of present electrical consumption could be saved without reduction of living standards.

For instance, how much would the net need for electricity be reduced by recycling metals and other materials?

By designing all machinery for better electrical efficiency?

By building better insulated buildings?

If it is really possible by the year 2000 to reduce per capita energy consumption—electrical and other—to 62 percent of the 1968 levels without reductions in availability of material goods and comforts, it would certainly make the present utility spokesmen sound like self-serving alarmists.

A paper arguing that such a reduction is possible has come to my attention. Called "An Assessment of Energy and Materials Utilization in the U.S.A.," the paper is by A. B. Makhijani and A. J. Lichtenberg at the electronics research laboratory, College of Engineering, University of California at Berkeley. It was presented September 22, 1971, to the U.C. Berkeley Seminar on the Ecology of Power Production, and will be published soon in Environment magazine.

Naturally I assume there are some flaws in the paper, simply because there usually are in human efforts. However, if the paper is substantially valid, it is certainly a significant contribution to a vitally important subject. I hope that qualified people will study it, challenge it, elaborate on it, and take a much broader view about the need for every new powerplant.

Mr. President, I ask unanimous consent that the energy assessment paper, including the tables, be printed at the end of my remarks. The figures will be omitted, of course.

The paper is divided into the following seven sections:

ABSTRACT

I. The Reduction of Pollution and the Conservation of the World's Resources.

II. Analysis of Energy and Materials Usage.

III. A Comparison of Energy Consumption of Standards-of-Living in New Zealand and the United Kingdom.

IV. The Reduction of Energy and Raw Materials Consumption.

V. Conclusion.

References.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[Memorandum No. ERL-M310
22 September 1971]

AN ASSESSMENT OF ENERGY AND MATERIALS UTILIZATION IN THE U.S.A., ELECTRONICS RESEARCH LABORATORY, COLLEGE OF ENGINEERING, UNIVERSITY OF CALIFORNIA, BERKELEY

(By A. B. Makhijani and A. J. Lichtenberg)

[Figures mentioned in text are omitted]

The amounts of energy needed for the processing of unit weights of basic materials (such as steel, aluminium, glass etc.) are calculated. These data, in conjunction with industrial and statistical data are used to compute the amounts of energy and materials required for the production, consumption and/or use of specific items such as food, cars, housing construction, cans, heating, machinery manufacture and so on. These quantities are tabulated along with the corresponding total and per capita quantities.

It is shown that although an order of magnitude relationship exists between standards of living, GNP and energy consumption, little correlation exists between these quantities if comparisons are restricted to the developed nations. This assertion is substantiated by a study of GNP and energy consumption statistics and by a detailed comparison between New Zealand and the United Kingdom which have almost equal per capita GNPs, very similar material standards of living but vastly different levels of energy consumption.

A model of energy and materials assuming the same (or in some areas such as housing and urban transportation larger) availability of material goods and comforts, the recycling of metals, the limited application of solar power and better insulation to household and commercial usage and the use of reusable containers is presented. It is shown that per capita energy consumption can be reduced to 62% of the 1968 levels. The demands for nonrenewable resources such as mineral ores and fuels are also greatly reduced.

Today, there is a general consensus that the betterment of the human condition in the U.S.A. is intimately correlated with increases in per capita energy consumption. Since the utilization of energy and material resources has provided us with diverse necessities and comforts while at the same time contributing to the deterioration of the environment, it is felt that an evaluation of the efficiencies of the use of energy and materials is necessary. Upon analysis, it is shown that the present efficiencies of utilization of both energy and material resources are low and that their improvement is possible. This results both in the maintenance of current material standards of living and in the enhancement of the environment or at least a prevention of its deterioration at the current rapid rate.

I. The reduction of pollution and the conservation of the world's resources

Pollution can be reduced by two methods: (a) Control and reduction of the waste products of fuel and materials consumption and (b) Reduction in materials consumption (including fuels) and re-use of non-fuel resources where possible.

These methods are regarded as complimentary, though the emphasis here is on the latter method.

The effects of energy and materials consumption appear in the various forms of waste discharged to the environment. Air, thermal, water, radioactive nuclide, sound and solid wastes pollution are some of them. Fig. 1 [1] shows an approximate relation between energy consumption and solid waste generation. In Fig. (2) [1] we see that per capita production of solid wastes increased 84% between 1920 and 1970. In this same period energy consumption increased 90% per capita. To some extent this extremely close correlation is fortuitous, since not all components of solid wastes require artificial energy for production (e.g. leaves) and not all the wastes represented by energy consumption appear as solid wastes (e.g. air and thermal pollution). Nevertheless, a large portion (75% excluding food) of today's solid wastes are industrially processed materials [1]. Their abandonment is a measure of our disregard for the finiteness of our resources.

Increasingly, the raw materials and fuels used in the U.S. and developed nations in general are being imported ([2], [3]), chiefly from the underdeveloped nations of the world. This does to some extent mitigate the short term foreign exchange problems in poor countries ([4], [5]), but viewed from the point of their own development, if and when this occurs, a continued drain on irreplaceable mineral and fuel resources from these countries can hardly be considered desirable, especially if these resources are utilized in such a manner as to make their reutilization very difficult or impossible.

2. *The marginal relationship of standard of living, GNP and energy consumption*

Marginal relationship is defined as an order-of-magnitude relationship.

In studies on energy consumption, the terms "standard of living" and "Gross National Product" are often used interchangeably. Both of these terms are imprecise ([3], [4]), although for different reasons. The idea of a "standard of living" as related to consumption of goods is highly personal. However, it is possible at least to some extent to qualify this personal idea by the examination of the availability of food supplies, housing, clothing, medical, recreational, transportation and communication facilities and the like. To the extent that the GNP measures these facilities it is an indicator of this quantified standard of living [4]. GNP, however, includes such items as defense and government spending. Part of the nondefense government spending is in the form of direct monetary redistribution in the form of social security, G.I. bills and the like. These parts are counted twice in that the government only serves as the redistributing agent for the money, the "goods and services" are actually purchased by the recipients and counted in the item on consumer expenditures. In relation to trade, net exports are added to GNP, whereas net *imports* should be added since imports represent the items actually consumed.

One must be very circumspect in comparing GNPs of different countries and inferring relative standards of living primarily since the local buying power of currencies varies greatly from country to country. Since some form of energy (natural or artificial) is required to produce many of the items relating to these needs and comforts, energy consumption appears to have an order of magnitude relationship with per capita GNP.

It is manifest that in the poor countries of the world, the items that go to make up a "good" standard of living listed above, are in scarce supply. Simultaneously, the per capita energy consumption is low compared to that of the developed countries. One concludes therefore that energy consumption and the availability of human needs and comforts are at least quantitatively related and since GNP has an order of magnitude relation to energy consumption, GNP is at least marginally related to standards of living.

We now show that in comparing the developed countries, it is not possible to relate GNP with energy consumption to a degree of precision better than that indicated above. In Fig. 4 [2], we see that the U.K., Belgium, Australia, Germany, Denmark, Norway, France and New Zealand had GNPs within 10% of each other while the per capita commercial energy consumption (including industry, commerce and transport, but excluding household and miscellaneous uses) varied between 110×10^6 and 45×10^6 Btu (New Zealand). In section III a brief comparison is made between these countries from the points of views of standards of living and structure of the economy. Yet it is this same figure that has been used as a justification for the statement: "high energy consumption levels and high income levels go hand-in-hand" (reference [2], p. 4), thus implying a strong positive correlation between the two. In the light of the above comments it can be seen that that is an erroneous statement.

It is also pertinent to note that per capita GNP and per capita income represent averages and say nothing of the distribution of income levels. If a wide disparity in income levels—and consequently a large population segment that is poor—exists in any country, then per capita GNP can hardly represent the standard of living in that country. South Africa is a good illustration of this non-correlation.

Whether reductions in per capita energy consumption will be accompanied by a decline in the per capita GNP is beyond the scope of this study to answer. However, as noted above, this study demonstrates that reductions in energy consumption need not be accompanied by reductions in the availability of material goods and comforts.

II. Analysis of energy and materials usage

In this section, an analysis of the energy and materials consumption according to the goods consumed in the U.S. is made. The raw data were obtained largely from the various U.S. and U.N. statistical reference books listed in the reference section. Where such data were insufficient or not available, consultations with individual industries and design firms were made to determine the energy content of a given product.

The amounts of energy to produce unit amounts of basic materials (generally short tons) such as steel, aluminum, glass, cement, etc. are given in Table I. The units of energy are kilowatt hours thermal (kwht). Where electricity is used in the production process kilowatt hours electrical (kwhe) are converted to kwht by the formula kwht=kwhe/0.3. This includes generation as well as transmission losses. For example, it takes 12,600 kwht to produce a ton of rolled steel whereas it takes 67,200 kwht to produce a ton of rolled aluminum.

From Table I, it is at once apparent that while steel is the basic material that consumes the largest amount of energy, substitutions of aluminum for steel would (and do) result in large increases in energy consumption.

The energy content of various consumer goods and the total and per capita energy consumption as represented by each item are presented in Table II. A more detailed breakdown is certainly possible and a compromise has been made here between such a breakdown and the facility for the identification of large components of energy consumption. Data on materials usage breakdown for some important items is presented in Table III.

TABLE I.[1]—ENERGY CONSUMPTION IN BASIC MATERIALS PROCESSING

[All tons are 2,000 lbs.]

Item and material	Energy for unit production [2] (kw.-ht/ton)	Machinery depreciation [2] [3] (kw.-ht./ton)	Transportation [3] [4] (kw.-ht./ton)	Total [2] (10^3 kw.-ht./ton)	Percent of tons consumed, 1968 [5]	Total energy (kw.-ht.)	Percent of total energy consumption, 1968 [6]
1. Steel (rolled)	11,700	700	200	12,600	*90×10^6	1.13×10^{12}	6.2
2. Aluminum (rolled)	66,000	1,000	200	67,200	4.07×10^6	2.74×10^{11}	1.49
3. Copper (rolled or hard drawn)	20,000	800	200	21,000	2×10^6	4.2×10^{10}	.228
4. Silicone metal and highgrade steel alloys	58,000	1,000	200	59,200	2×10^6	1.19×10^{11}	.65
5. Zinc	13,800	700	200	14,700	1.5×10^6	2.2×10^{10}	.12
6. Lead	12,000	700	200	12,900	0.467×10^6	6.05×10^9	.035
7. Miscellaneous electrically processed metals	50,000	1,000	200	51,200	$\approx2\times10^5$	1.02×10^{10}	.056
8. Titanium (rolled)	140,000	1,000	200	141,200	$\approx16\times13^3$	2.24×10^9	.012
9. Cement	2,200	50	50	2,300	74×10^6	1.7×10^{11}	1.0
10. Sand and gravel	18	1	[7] 2	21	918×10^6	1.83×10^{10}	.10
11. Inorganic chemicals	2,400	100	200	2,700	67×10^6	1.8×10^{11}	.985
12. Glass (plate finished)	6,700	300	200	7,200	$\sim10^7$	7.2×10^{10}	.394
13. Plastics	$\sim$2,400	300	200	2,900	$\sim6\times10^6$	1.74×10^{10}	.095
14. Paper (finished, average)	5,900	300	200	6,400	50.7×10^6	3.24×10^{11}	1.77
15. Lumber	[8] 1.47	[8] 0.02	[8] 0.02	[8] 1.51	†3.75×10^{10}	5.66×10^{10}	.309
16. Coal	40	2		42	556.7×10	3.3×10^{10}	.2

[1] References [3], [6] through [12].

[2] In kw.-ht. per short ton (2,000 lbs.) unless noted. Throughout the paper tons means short tons.

[3] These are order of magnitude numbers derived as follows: For steel calculations are on the basis of 1 ton of installed equipment excluding buildings) per annual ton of steel production. Depreciation is calculated on a 30 year straight line basis. For nonelectrically processed metals the depreciation is taken to be equal to that for steel. Production facilities involving predominantly electrical equipment are amortized over 20 years and therefore the depreciation per ton is 1.5 times that for steel. For nonmetals, the depreciation per ton allocation is about 5 percent of the energy required for producing 1 ton of product.

[4] Figures are the sum of average railroad shipping distance (286 miles) plus 200-mile trucking.

[5] Accuracy is ±15 percent except as follows. Numbers prepared with ≈ should be within 50 percent of the correct values and those prefaced with $\sim$ are order of magnitude estimates.

[6] Assumed the same as inorganic chemicals for lack of information.

[7] Short distance hauling.

[8] Per board foot.

*Excluding alloys.

†Board feet.

TABLE II[1].—ENERGY CONSUMPTION BREAKDOWN

Item No. and finished product	Energy/unit product (kwht)	Consumption (1968)	Total energy (kwht)	Per capita[2] energy (kwht/hr.)	Comments
1. Food (excluding beverages)	1,600/ton	2×10^8 tons	3.2×10^{11}	0.185	
2. Beverages:					
(a) Carbonated	~3/gallon	~5×10^9 gallons	1.5×10^{10}	.009	Excluding containers.
(b) Distilled	~15/gallon	~2×10^8 gallons	3×10^9	.002	
3. Textiles (including leather goods)	(3)		6×10^{10}	[4].035	Chlorine gas used in artificial fabric manufacture. Manufacture of chlorine gas is the major cause of mercury pollution.
4. Construction	(3)				
(a) Residential			[5]3.02×10^{11}	.175	
(b) Nonresidential			[5]8.04×10^{11}	.465	
5. Roads			[5]1.2×10^{11}	.07	Includes street lighting.
6. Trucks:					
(a) Manufacture	89,000[6]	1.896×10^6	1.69×10^{11}	.098	
(b) Operation			1.01×10^{12}	.575	Excluding transportation for basic materials (see table col. 5).
7. Passenger autos:					
(a) Manufacture	31 000[7]	10.5×10^6	3.26×10^{11}	.189	
(b) Operation			2.67×10^{12}	1.545	
8. Ships:					
(a) Civilian:					
(i) Manufacture	4,500/gross ton[8]	0.44×10^6 gross tons	1.99×10^9	.001	25 percent oil tankers.
(ii) Operation			[9]1.7×10^{10}	.010	
(b) Military:					
(i) Manufacture	4,500/gross ton	[10]5.52×10^6	2.5×10^{10}	.015	Approximate values.
(ii) Operation (see item 10(c)).					
9. Trains:					
(a) Manufacture	20,000/ton dead weight.[11]	3.26×10^6 tons dead weight.	6.52×10^{10}	.038	
(b) Operation			1.8×10^{11}	.104	
10. Aircraft:[12]					
(a) Civilian:					
(i) Manufacture:					
Single engine	~2×10^6 kwht	9,000 units	~1.8×10^{10}	.010	Very approximate. Includes aluminium used. (See table III.)
Multiengine	~18×10^6	1,500 units	~2.7×10^{10}	.015	
(ii) Operation			2.9×10^{11}	.168	Domestic traffic only.
(b) Military:					
(i) Manufacture	~18×10^6	1,000 units	~1.8×10^{10}	.010	As above for civilian aircraft manufacture except that titanium is includable.
(ii) Operation (see item 10(c).					
(c) Military vehicles operation			1.42×10^{11}	.082	Approximately 80 percent for aircraft.
11. Industrial machinery	20,000/ton[11]	8.4×10^6 tons	0.68×10^{11}	.039	Steel (except high-grade alloys), lead, zinc used—total excludes basic materials processing machinery. See table I (i.e., excludes 10^{11} kwht).
	62,000/ton	4×10^6 tons	2.48×10^{11}	.144	High-grade steel alloys and electrically processed metals (except aluminium). See table III.
	75,000/ton	0.5×10^6 tons	3.75×10^{10}	.022	Electrical aluminium.
	29,000/ton	2×10^6 tons	5.8×10^{10}	.034	Electrical copper.
12. Household and commercial durables:					
(a) Steel	20,000/ton[11]	4.4×10^6	8.8×10^{10}	.051	
(b) Aluminium	75,000/ton	0.4×10^6	3.0×10^{10}	.017	
13. Defense related steel	20,000/ton[11]	2.06×10^6	4.12×10^{10}	.024	Direct production only.
14. Miscellaneous steel	20 000/ton[11]	26.6×10^6 tons	5.32×10^{11}	.31	Spare parts, nuts, bolts etc.
15. Agricultural implements	20,000/ton[11]	1.38×10^6 tons	2.76×10^{10}	.016	
16. Steel cans and packaging	1.0/12 oz. can (20,000/ton).	7.8×10^6 tons[13]	1.56×10^{11}	.090	55 percent cans and containers, 45 percent packaging. 10 cans/pound. Recycling energy approximately 0.5 kwht/12 oz. or 5 kwht/lb.
17. Aluminium cans and packaging	2.07/12 oz. can (82,000/ton).	0.4×10^6 tons[13]	3.3×10^{10}	.019	Growth rate is 10 percent per year (ref. [3]). 20 cans/pound. Recycling energy is approximately 0.5 kwht/12 oz. or 10 kwht/lb.
18. Miscellaneous aluminium	70,000/ton	1×10^6 tons	7×10^{10}	.041	
19. Glass:					
(a) Containers	4/lb	10^{10} lbs	4×10^{10}	.023	Recycling energy requirement is the same as for manufacture of new glass.
(b) Miscellaneous	4/lb	~2×10^9 lbs	~8×10^9	~.005	
20. Wooden crates	1.51 board feet	10.5×10^9 board feet	1.59×10^{10}	.009	
21. Plastics:					
(a) Packaging and containers	~3.5×10^3/ton	≈10^6 tons	~3.5×10^9	.002	Mercury pollution due to use of Cl^2 gas. (See item 3.)
(b) Miscellaneous	~3.5×10^3/ton	≈3.7×10^6 tons	~1.3×10^{10}	~.008	
22. Paper (average, including paperboard)	6,400/ton	46.2×10^6 tons	2.96×10^{11}	.172	43 percent in the form of paperboard and 5.6 percent in the form of newsprint is recyclable. This probably has no advantages in energy savings but obvious ones in forest conservation.
23. Nonenergy uses			1.2×10^{12}	.7	Excluding coke used for pig iron production. Includes carbon black production (NG), lubricating oils (lubricating oils for transport 4 x 10^{10} kwht for industry 4.9 x 10^{10} kwht) petrochemicals (1.73 x 10^{11})).
24. Inorganic chemicals	2,400/ton	67×10^6	1.6×10^{11}	.093	
25. Commercial lighting and miscellaneous electric (air conditioning).			5.18×10^{11}	.3	
26. Household lighting and miscellaneous electric			8.64×10^{11}	.5	
27. Household space heating			1.97×10^{12}	1.14	
28. Miscellaneous household heat			5.7×10^{11}	.33	Includes cooking.
29. Commercial space heat			2.24×10^{11}	.13	
30. Commercial miscellaneous heat			6.9×10^{11}	.4	
31. Miscellaneous space heat			1.2×10^{11}	.07	
32. AEC			≈3×10^{11}	.174	Operation of nuclear reprocessing plants, gaseous diffusion plants, and weapons R. & D. (See reference [3] ch. 10.)
33. Petroleum processing	44.5 per barrel	3.216×10^9 barrels	1.43×10^{11}	.083	
34. Coal processing	42/ton	556.7×10^6 tons	3.3×10^{10}	.018	
35. Miscellaneous industry			1.75×10^{12}	1.0	Electronic industry, rubber, paints, miscellaneous mining fertilizers, toys, instruments, ceramics, stone and clay products, etc.
36. Agricultural kerosene consumption			6.25×10^9	.004	
37. Public electric consumption			8.3×10^{10}	.048	Use by Federal, State, and local government excluding defense, AEC, and street lighting.

Footnotes at end of table.

TABLE II [1].—ENERGY CONSUMPTION BREAKDOWN—Continued

Item No. and finished product	Energy/unit product (kwht)	Consumption (1968)	Total energy (kwht)	Per capita [2] energy (kwht/hr.)	Comments
38. Natural gas processing:					
(a) Pipeline losses			1.59×10^{11}	.092	3 percent of ng production (average).
(b) Gases vented and wasted			2.12×10^{11}	.123	4 percent of ng production (average).
(c) Pipeline power			1.85×10^{11}	.107	3.5 percent of ng production (average).
Subtotals			17.2×10^{12}	9.98	
Unaccounted for			1.1×10^{12}	.62	See reference [8].
Total consumption (1968)			18.3×10^{12}	10.6	

[1] Figures are calculated by adding energy for manufacture and energy for processing the materials used. General accuracy limits ±20 percent.

[2] On the basis of U.S. population of 200,000,000.

[3] Too miscellaneous to compute 1 figure.

[4] On the basis of a 1-percent-per-year increase since 1950 during which year the consumption per capita (total for textile industry divided by the population in 1950) was 0.0294 kwht/hr.

[5] Total consumption electric power in construction $=0.7\times10^{12}$ kwht. This has been distributed to residential and nonresidential according to the percentage of total costruction money spent in the 3 sectors (43 percent residential, 47 percent industrial, commerical and public, 10 percent highways). All construction aluminium, steel, cement, sand and gravel was assumed to be in items 4(b) and 5 according to table III. Construction plastics are divided equally between residential and nonresidential construction.

[6] On the basis of a 10,000-lb. truck with material processing, energy approximately equal to that for steel which constitutes about 80 percent of the weight of the truck.

[7] On the basis of a 3,300-lb. automobile (average including imports) calculated as in note 6 except that 0.2×10^6 tons of Al (40 lbs./car) has been added.

[8] One-sixth ton of dead weight per gross ton. Assumed steel.

[9] Roughly the same tonnage carried as trucks at approximately 0.18 kwht/ton mile.

[10] About 10^6 tons of steel were used for ship construction. Of this about 0.08×10^6 tons was for civilian ships (gross weight divided by 6: note 8). The rest of this steel (0.92×10^6 tons) is assumed to be military construction and the gross weight is obtained by multiplying this number by 6. Probably an underestimate since the weight of other materials is neglected

[11] Assuming the same energy/ton of steel as for car manufacture.

[12] Assumes that 50 percent of the aluminum used for transportation was used for aircraft. (See table III. Also see reference [3], table A 9-4.)

[13] Including all containering and packaging. About 50 percent in cans.

Note: References: [3], [6], through [12].

TABLE III.—MATERIALS USAGE BREAKDOWN

[Figures are percent of production (1968)]

Item and material	Construction	Automotive	Domestic equipment	Industrial equipment	Packaging and containers	Defense	Misc.
1. Steel	19	21 (cars and trucks only)	4.8	9.15	8.5	2.24	4.7 rail and ships, 1.5 agriculture, 29 percent miscellaneous.
2. Aluminum	22	20 (includes all forms of transportation) Assumed 5 percent cars, 5 percent mobile homes, 10 percent aircraft.		[1] 13	10	(6)	25 including defense.
3. Plastics	~20				≈18		62.
4. Glass [2]	~40				≈50		10.
5. Paper	8				[3] 40		5.6 newsprint, 21 other print, 6.8 tissues, etc.
6. Sand and gravel	50 paving 50 building						
7. Cement [4]	50 paving 50 building						
8. Lumber	43.5 residential 31.0 industiral and commercial				[5] 18.5		8.

Note: References: [3], [6], [8].

[1] Electrical equipment.

[2] Very approximate.

[3] Industrial paperboard.

[4] Assumed same as sand and gravel.

[5] Percent.

[6] Not available.

III. A comparison of energy consumption and standards of living in New Zealand and the United Kingdom

Table IV shows a comparison between New Zealand and the United Kingdom. These countries have been selected since their standards of living are comparable and their per capita energy consumptions differ by a factor of two.

The climate of both countries is approximately the same and though the population densities are very different this does not appear to be a factor—see item (2), col. (5) in Table IV.

The large differences in energy consumption between these two countries can be attributed to the basic differences in the structure of their economies—i.e. the components that go to make up their GNPs. The U.K. concentrates on the production and fabrication of primary metals, metals products and other manufactured goods. The economy of the U.K., can be called "energy intensive" [10] since the energy content of its products is high relative to their total value. (See Table V). The economy of New Zealand relies primarily on agrarian products such as butter, meat, wool, etc. These products have a high value relative to the amount of energy spent in manufacturing them even though the food processing industry is highly automated. (In the U.S. where the food industry is automated it takes 7½ times as much energy to make a ton of rolled steel than it does to produce a ton of food—see Tables I and II).

TABLE IV.—A COMPARISON OF NEW ZEALAND AND THE UNITED KINGDOM

[Quantities are for 1961]

Number and item	New Zealand	United Kingdom	Comments
1. Population	2.4×10^6	52.7×10^6	
2. Population density	9/km.²	217/km.²	Apparently not a major factor in energy consumption since Denmark has a population density of 107/km.² and an energy consumption about 1.3 times that of New Zealand. Population density of Australia is lower than both Denmark and New Zealand but the energy consumption is higher. See fig. 4.
3. Per capita GNP	U.S. $1,550	U.S. $1,400	
4. Energy consumption per capita:			
(a) Industrial, commercial, and transportation	18,000 kw.-ht	32,000 kw.-ht	The per capita energy for New Zealand includes energy for steel imports assuming all such imports were in the manufactured form.
(b) All other	2,400 kw.-ht	6,000 kw.-ht	Difference is probably due to the colder climate of the United Kingdom and the relatively inefficient space heating systems operative there.
5. Steel consumption per capita	0.256 ton	0.4 tons	The difference is a good indication of the plowback of metals into industry in manufacturing industries oriented economy.
6. Tin per capita	0.3 lb	1 lb	See comments for item 5 above.
7. Fertilizers per capita	210 lbs	37 lbs	
8. Cement per capita	600 lbs	600 lbs	
9. Net food supply per capita	3500 cal/day	3150 cal/day	
10. Wheat productions per capita	187 lbs	160 lbs	Both countries import approximately the same quantity of wheat per capita.

TABLE IV.—A COMPARISON OF NEW ZEALAND AND THE UNITED KINGDOM—Continued

[Quantities are for 1961]—Continued

Number and item	New Zealand	United Kingdom	Comments
11. Meat production per capita	685 lbs	78 lbs	
12. Butter production	216.6 tons	49.1 tons	New Zealand butter is 99.9 factory manufactured as compared with 90 percent for United Kingdom.
13. Rail freight per capita	910 ton km	600 ton km	
14. Unemployment	0.4 percent	1.5 percent	
15. Number of people per telephone	2.87	6.17	
16. Number of people per car	4.4	8.2	
17. Number of people per commercial vehicle	18.4	36	
18. Number of passenger-Km by aircraft per capita	114	132	
19. Education, number of school students per teacher	26 (1960)	29 (1959)	
20. Number of people per doctor	830	810	Dentists excluded. Data are for 1967.
21. Housing:			
(a) Number of people per house	4.26	3.84	Includes only those housing units that are occupied.
(b) Number of rooms per house	4.8	4.6	

Source: U.N. Statistical Handbook (1962, 1969) reference [12].

TABLE V

Item number and industry	Percent of the price of the final product spent on energy
1. Tobacco	0.9
2. Textile	3.1
3. Paper	6.9
4. Glass	11.2
5. Primary metals	22.6
6. Average for all industries	4.5

Note: Data are for the United States, 1950. Reference: [8].

IV. The reduction of energy and raw materials consumption

The methods by which energy and raw materials consumption can be reduced are discussed in this section. A proposed model of energy consumption for the year 2000 is presented in Table VII.

The discussion here is predicated on the basic assumption that the people of this country consider their current "standard of living" in terms of material facilities to be "good" and do not desire it changed in any basic way. Consequent to this is the retention of the industrial (rather than agrarian) structure of the economy.

(i) Five methods of reducing energy and/or raw materials consumption are outlined below. They are:

1. The use of solar energy.
2. The use of the "total energy" concept in industry.
3. Materials reuse and recycling.
4. The improvement of fuel usage efficiency in transportation.
5. Improvement in the thermal efficiency of electric power plants.

1. *The use of solar energy.* The ecological advantages of the use of solar energy are manifold. The scientific feasibility of solar energy use has been established and it currently has technological applications in the space program and to a small extent in miscellaneous low energy applications such as highway telephones. It is believed that the economic application of solar energy for household heating and for the partial substitution of household and commercial electrical energy requirements by the use of heat pumps could be developed within a few years, if the necessary funding for the R & D were to become available. Many houses using solar energy for heating are currently in existence. These must be considered as pilot projects and development is certainly required for large scale application.

2. *The "Total Energy" Concept* (see references (13), (14), (15)). This concept is built around the utilization of waste heat from the generation of electricity. It is applicable primarily to industries (or a group of contiguously located industries) and other establishments with large demands of heat, electricity and/or motive power. Electricity is generated locally. The waste heat (in the form of the combustion produced gases) is then utilized to run large turbines (generally larger than 1000 h.p., although smaller ones have been installed), or in such operations as preheating, drying, space heating or even desalination. The overall thermal efficiency of such establishments is claimed to be 75–85 percent (as compared with 40 percent or less for fossil fuel or nuclear power plants). This concept has been applied to industry on a limited scale and can be applied to hospitals and commercial establishments with nearly continuous power demands.

3. *Materials Reuse and Recycling:* The energy requirements for the recycling of metals are generally much smaller than those for their production from ore (See Table VII). Therefore, even if the energy for the fabrication of end products were to remain constant, the total energy requirements for a given end product are generally lower (See Table VII).

As regards cans and containers it is found that the differences in the energy of manufacture of new containers does not vary much between steel and aluminum containers (steel being lower per can than aluminum).

The weight of bottles is too variable for a direct comparison and the energy of manufacture for a bottle may vary between half and double that for a comparable steel container. While recycling of metal containers effects economies in both energy and materials consumption compared to the production of new ones, the most economical from the point of view of both energy and materials is the reuse of bottles as the energy requirements for cleaning are negligible compared to those for the manufacture of new containers. In Table VI, it has been assumed that containers will be of glass and will be reused. (Note: generally a 10% allowance for breakage and loss has been made in Table VII for items reused or recycled.)

4. *Transportation fuel economy:* On adding all the civilian usage of transportation energy in Table II, one finds that about one fourth of the total energy consumption is directly attributable to this sector. This does not include energy demands for gas stations, sales stores, petroleum processing, maintenance and repair shops and spare parts manufacture except at the factory of origin. Energy consumption for transportation can be reduced by increasing the fuel economy of automobiles, by partial replacement of commuter traffic by rapid transit and partial replacement of truck freight. The example of the automobile is illustrated below.

The average weight of an American car (including imports) is about 3000 lbs.; the average gasoline utilization is 13.9 miles/gallon; and the average life is about 5 years. On changing these numbers to 2000 lbs., 25 miles/gallon, and 10 years, diverting 30% of the mileage to mass transit (see Para. (ii) 1 below), maintaining production at the replacement rate (on the basis of 2 persons/car compared to 2.6 persons/car at present) and utilizing recycled materials (paragraph 2) below one has the following: Energy for production, 12,500 kwht/car (Note 3, Table VII); No. of cars produced, 11.25 x 10^6/yr. (Population 225 x 10^6); Energy for operation, 0.6 kwht/hr. per capita; Total per capita equals 0.67 kwht/hr. per capita (Compared with 1.75 kwht/hr. in 1968).

5. *The improvement of thermal efficiencies of electric power plants.* This can be achieved by the use of MHD topping cycles and/or an increase in maximum operating temperatures. Both of these fare serious materials problems.

Item 36 in Table VI illustrates the saving in energy that can be accomplished by increasing the thermal efficiency to 50%. While these savings are not very large, their consequences on the environment in terms of the reduction of thermal pollution are important.

TABLE VI.—COMPARISON OF PASSENGER TRANSPORTATION METHODS

Item number and transport mode	Energy [1] kw.-ht/passenger mile
1. Car (2 passengers/car)	1.47
2. Bus (U.S. average)	.37
3. (a) train (possible)	[2] .22
(b) U.S. average	.58
4. Air (U.S. average 50 percent load factor)	2.0
5. Ship	4.4

[1] 44 kw.-ht per gallon of fuel oil.

[2] Mix of commuter and pullman trains.

Note: Reference: [6].

6. *Miscellaneous Methods.* The development of superconductor applications for the transmission of electrical energy and for electric motors will probably effect large savings in materials usage in the electric industry. For example it is estimated that a 3000 hp. superconductor motor would be about 1/10th the size of the present one [16]. The technical feasibility of these processes has not been established and they will not make any major impact on the energy picture in the near future.

(ii) A model for energy consumption in the year 2000.

Basic assumptions:

(1) The assumption as regards standards of living mentioned above applies. It is often argued that increased energy consumption is necessary to raise the standard of living of those who do not now fully partake of the material well being in the U.S. In a limited study on apartment houses in New York City (17), it was found that household electrical energy consumption was higher in the poor section studied than in the ones occupied by the more affluent. (A definitive study of energy consumption and income levels has not yet been conducted.) The indications are that direct energy consumption by households is fairly independent of income, although this must necessarily be regarded at this time as a qualitative judgment. The indirect consumption of electricity in the consumption of goods is undoubtedly lower for people with low income levels. Allowances for this have been made in Table VII. A 10% per capita increase in housing, increases in public transportation energy and a decrease in the ratio of number of people per car from 2.6 to 2 have been incorporated

TABLE VII—A PROPOSED MODEL FOR ENERGY CONSUMPTION FOR THE YEAR 2000[1]

Item and finished product	Energy for production kw.-ht.	Consumption units	Total energy kw.-ht.	Per capita energy kw.-ht./hr.	Per capita reduction compared to 1968 kw.-ht./hr.[2]	Comments
1. Food	1,600/ton	2.25×10^{8} tons	3.6×10^{11}	0.185	0	
2. Beverages:						
(a) Carbonated	3/gallon	5.6×10^{9} gallons	1.7×10^{10}	.009	0	
(b) Distilled	15/gallon	2.25×10^{8} gallons	3.38×10^{9}	.002	0	
3. Textiles	(2)		6.9×10^{10}	.035	0	
4. Construction (all types)	(2)		1.3×10^{12}	.657	−.017	10 percent per capita increase in housing assumed. Could be reduced if construction metals are recycled. All new materials assumed.
5. Roads	(2)		1.38×10^{11}	.07	0	It's assumed that energy reduction in road building will be counterbalanced by better street lighting.
6. Trucks :[4]						
(a) Manufacture	58,000	[5]1×10^{6}	5.8×10^{10}	.029	.069	
(b) Operation			5.65×10^{11}	[5].285	.285	Excluding basic materials transport energy. See tables I and II.
7. Passenger cars:						
(a) Manufacture	12,000	11.25×10^{6}/year	1.35×10^{11}	.068	.121	As outlined in the text.[6]
(b) Operation			1.19×10^{12}	.602	.943	
8. Ships			5.15×10^{10}	.026	0	
9. Aircraft:						
(a) Civilian			3.50×10^{11}	.179	.016	(8).
(b) Military			9.05×10^{10}	.046	.047	50 percent per capita decrease—assuming the war is over.
10. Trains:						
(a) Passenger			1.90×10^{11}	.096	−.096	(9).
(b) Freight			3.72×10^{11}	.188	−.046	(10).
11. Industrial machinery:						
(a) Steel, Pb, Zn	13,250/ton [11]	9.7×10^{6} tons	1.3×10^{11}	.066	.033	All machinery including basic materials processing machinery.
(b) Aluminum	27,800/ton [11]	0.28×10^{6} tons	7.8×10^{9}	.004	.018	50 percent per capita reduction in electrical at and on demand due to per capita reduction in energy consumption.
(c) Copper	20,000/ton [11]	1×10^{6} tons	2×10^{10}	.010	.024	
(d) Steel alloys	62,000/ton	4.5×10^{6} tons	2.84×10^{11}	.144	0	Assumed new.
12. Household and commercial durables:						
(a) Steel	13,250/ton [11]	5×10^{6} tons	6.6×10^{10}	.034	.017	
(b) Aluminum	27,800/ton[11]	4.5×10^{6} tons	1.2×10^{10}	.006	.011	
13. Defense related steel	13,250/ton[11]	1.16×10^{6} tons	1.55×10^{10}	.008	.016	50 percent per capita reduction in consumption.
14. Miscellaneous steel	13,250/ton[11]	22×10^{6} tons	2.92×10^{11}	.148	.162	
15. Agricultural implements	13,250/ton[11]	1.55×10^{6} tons	2.05×10^{10}	.011	.005	
16. Steel packaging	13,250/ton[11]	4×10^{6} tons	5.3×10^{10}	.026	.064	(12).
17. Aluminum packaging	27,800/ton	0.225×10^{6} tons	6.5×10^{9}	.003	.016	(13).
18. Miscellaneous aluminum	27,800/ton	1.125×10^{6} tons	3.12×10^{10}	.016	.025	
19. Glass:						
(a) Containers:[14]						
(i) New	8,000/ton	0.526×10^{6} tons	4.3×10^{9}	.002	.021	
(ii) Reused	800/ton	4.734×10^{6} tons	3.78×10^{9}	.002	−.002	
(b) Miscellaneous	8,000/ton	1.125×10^{6} tons	9×10^{9}	.005	0	
20. Wooden crates	1.51/board-ft	1.285×10^{10} board-ft	1.94×10^{10}	.010	0	
21. Plastics	$\sim3.5\times10^{3}$/ton	8.94×10^{6} tons	3.12×10^{10}	.016	−.006	Including containers at the 1968 per capita level. Increase due to substitution for miscellaneous steel.
22. Paper and paperboard	6,400/ton	52×10^{6} tons	3.40×10^{11}	.172	0	(15).
23. Nonenergy uses			6.9×10^{11}	0.35	.35	(16).
24. Inorganic chemicals	2,700/ton	67×10^{6} tons	1.81×10^{11}	.093	0	
25. Household heat and electricity			2.35×10^{12}	1.19	.785	(17).
26. Commercial and miscellaneous space heat and commercial miscellaneous heat.			9.9×10^{11}	0.5	.1	Reduction due to improved insulation techniques.
27. Commercial lighting and miscellaneous electricity.			5.95×10^{11}	.3	0	
28. AEC			3.0×10^{11}	.152	.022	(18).
29. Miscellaneous industry			1.48×10^{12}	.75	.27	A 25 percent reduction in per capita energy is assumed.
30. Petroleum processing	44.5/barrel	1.83×10^{9} barrels	8.15×10^{10}	.042	.041	50 percent per capita of 1968 due to reduction in transportation requirements.
31. Agricultural kerosene			7.0×10^{9}	.004	0	
32. Public electric consumption			1.04×10^{11}	.053	−.005	10 percent increase per capita for running of sewage treatment facilities (fertilizer production).
33. Natural gas processing:						
(a) Pipeline losses			4.26×10^{10}	.023	.069	Production at 50 percent of 1968 per capita level. Loss rate at 50 percent of 1968 loss rate.
(b) Gases vented and wasted			6×10^{10}	.031	.092	
(c) Pipeline power			1.05×10^{11}	.054	.053	50 percent of 1968 level (per capita).
34. Unaccounted for in 1968			9.2×10^{11}	.465	.155	25 percent per capita reduction assumed.
35. Improvement in electric generation efficiency.				−.33	.33	(19).
Total			13.2×10^{12}	6.7	4.0	

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[1] Based on a population of 225,000,000; i.e., a ¼ percent growth rate. Per capita consumption of items is assumed the same as for 1968 except as specifically described.

[2] Too miscellaneous to compute 1 figure.

[3] Negative number denotes an increase over the 1968 levels.

[4] 10,000 pound trucks calculated as in note 3.

[5] Assume that 50 percent of the present truck freight will be diverted to railroads. The production of 10^{6} trucks is equal to 50 percent of the per capita production of 1968. Similarly for fuel consumption.

[6] Energy for production is calculated as follows:
(a) Materials processing energy (fully recycled metals)
1. All metals except aluminium = 4,200 kwht./ton = 4,200 kw.-ht./ton.
2. Aluminium = 25,000/ton = 375 kw.-ht./40 lbs.
(b) Manufacture energy/ton 7,400 kwht. = 7,400.
Total 11,975.

[7] Includes manufacture of civilian and military ships and operation of civilian ships. Operation of military ships is included in item 9. No change in per capita energy consumption compared to 1968; i.e. materials assumed to be new.

[8] 50 percent new and 50 percent recycled aluminium. Per capita production and fuel consumption at 1968 levels. It is assumed that increases in per capita travel can be accommodated by improving the load factor which is only 50 percent at present—See table IV.

[9] Includes operation plus 10 percent for manufacture. Replaces 30 percent of the 1968 per capita car mileage.

[10] Increase is due to take over of 50 percent of truck ton mileage.

[11] In general machinery energy figures are calculated assuming 90 percent recycled and 10 percent new materials with the same energy per ton for fabrication as in 1968. Thus for steel 1 ton of end product requires 13,250 kw.-ht. of energy.

[12] Assumed that 25 percent of the per capita demand for miscellaneous steel will be replaced by nonmetals. These nonmetals are assumed to have one-half the density of steel so that the corresponding per capita consumption by weight of these items is reduced by half.

[13] All metal cans are assumed to have been replaced by reusable glass containers.

[14] All metal containers have been replaced by reusable glass containers. Therefore with a 10 percent breakage rate, 10 percent of the containers are new and 90 percent are reused. It is assumed that the average weight of the glass container will be reduced by 50 percent (see "Resources in America's Future" [3]) and that the energy required for reuse as represented by cleaning is 10 percent of the energy for the manufacture of a new container. Transportation has been accounted for in item numbers 6 to 10. The per capita requirements for containers is assumed to be at the 1960 level.

[15] It is assumed that paper and paperboard will be recycled, but that this will not result in energy savings.

[16] Since most of the nonenergy use is accounted for by lubricants, carbon black and petroleum pipeline losses, it is assumed that improvements in materials and reduction in pipeline losses and improvments in lubrication techniques will have the 1968 level of per capita energy use for this item.

[17] It is projected that in the year 2000, 53 percent of the dwelling units will have been built in the period 1980-2000. See reference [3]. Allowing 10 years for research and development of solar energy usage, it is assumed that dwelling units constructed after 1980 will get 75 percent of their heat and electricity requirements from a combination of solar energy, heat pumps and improved insulation techniques.

[18] It's assumed that no new nuclear power plants will be built.

[19] Assumes that 50 percent of the generating plants in operation in the year 2000 will have a thermal efficiency of 50 percent compared to about 35 percent at present, by the use of higher operating temperatures and cycles.

Note: References: [3], [10], [11], [18].

(2) Population growth rate of approximately ¼% per year. The columns on per capita energy are not affected by this assumption.

(3) Development of solar energy heat pumps for partial household and commercial applications. It is assumed that this will take effect starting 1980 and that the construction of households will incorporate the use of sound insulation techniques.

(4) Technological innovations other than the use of solar energy and heat pumps have not been incorporated. A major omission is the application of the "total energy" principle (See above). This has been omitted in the interest of accuracy as the application of this principle must be considered separately for each industry and the net savings (or lack thereof) will vary largely with the type of industry and size of the plant.

V. Conclusions

Table VII demonstrates that substantial decreases in fuel consumption and mineral ores can be effected whilst maintaining the availability of the goods to which this society has become accustomed and improving the availability of housing, mass transportation, street lighting and public services. Consequent to this is the reduction in the amounts of pollutants that are caused by fuel consumption. The recycling of metals substantially mitigates the problems of solid waste disposal and decreases the vast amount of metals discharged into the water systems of the earth by man.

Serious efforts need to be made in the implementation of programs that reduce pollution before it is made, since these efforts will yield a more livable environment and a conservation of our non-renewable resources and at the same time provide us with the paraphernalia of the modern civilized existence.

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NOMINATION OF WILLIAM REHNQUIST TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. BAYH. Mr. President, so that the information may be widely disseminated, I ask unanimous consent that the individual views of the Senator from Michigan (Mr. Hart), the Senator from Massachusetts (Mr. Kennedy), the Senator from California (Mr. Tunney), and myself, on the nomination of William Rehnquist together with the memorandum which accompanies those views, be printed in today's Record. I realize that the memorandum is lengthy, but I urge every Senator to read it carefully, for it summarizes the bases of the opposition to this nomination.

Mr. President, I also ask unanimous consent that a statement signed by 20 Harvard Law School professors urging the rejection of Mr. Rehnquist's nomination be printed in today's Record. These distinguished lawyers concluded that Mr. Rehnquist's narrow views of human rights and broad views of executive power are outside the mainstream of modern American thought. They are joined in this conclusion by a majority of the faculty of the Wisconsin Law School who also oppose Mr. Rehnquist's confirmation. I ask that their statement be printed in today's Record also.

There being no objection, the material was ordered to be printed in the Record, as follows:

Individual Views of Messrs. Bayh, Hart, Kennedy, and Tunney

It is no longer necessary to belabor the Senate's coequal role in appointments to the Supreme Court. The President has said that, with the possible exception of promoting world peace, few of his acts are likely to have as lasting an impact upon the American people as his choice of nominees. The same can be said of their confirmation by the Senate. This thought merits reflection as we pause in the rush of legislation to perform that task again.

Recent nominations have also underlined that our duty is truly to "advise" before we "consent"; we are bound to do more than cull nominees obviously flawed by impropriety or incompetence. Beyond evident excellence and integrity, there is a further dimension for the Senate to explore—although to recognize its significance is easier than to define its exact scope.

Under any theory of the Senate's task, our role inescapably includes weighing the nominee's attitude toward the fundamental values of our constitutional system: limits on government power, individual liberty, human equality. A man takes what he is, and believes, to the bench. Ultimately, it may be less important to debate the meaning of "judicial philosophy" than simply to acknowledge the inherent strand of discretion in judicial decision—especially Constitutional interpretation. The best intentions of restraint cannot erase the elements of value and judgment involved when the Court applies the majestic generalities of the Fourteenth Amendment and the Bill of Rights.

In the past, some of us have noted our reluctance to oppose a nominee merely because we disagree with the results he might reach in particular cases. And we have voted to confirm men of views markedly different from our own. But we have also made clear our reluctance to approve anyone whose overall record suggests a persistent insensitivity to the protection of individual liberties and equal rights.

William Rehnquist's record presents no threshold problem of integrity or excellence. But it does raise serious doubts about his sensitivity and commitments to these fundamental values. His numerous public positions on issues involving the Bill of Rights display a consistent discounting of those rights—an inadequate appreciation of the underlying interests at stake and of the danger of their erosion. His reluctance to disavow these views, with few exceptions, leaves us little alternative but to take the record as we find it; for we do not share his view that protecting the pride of the Justice Department takes precedence over the constitutional obligation of the Senate. And that record—on surveillance, wiretapping, inherent executive power, criminal procedural safeguards, dissent by public employees, and more—is a profoundly disturbing one.

That the nominee gives short shrift to individual liberty when it hinders the pursuit of order and authority cannot be explained as merely the result of "strict construction." On the contrary, his approach to Constitutional interpretation seems strangely elastic. The Bill of Rights, and decisions upholding them against competing interests, are read as narrowly as possible, with little heed to their underlying concerns. But provisions and precedents conferring Executive power and declaring the general purposes of government are read loosely and expansively, to justify the most intrusive kinds of official interference with those rights.

In the case of civil rights, Mr. Rehnquist viewed Judge Carswell's continued refusal to enforce the Constitution, even in the face of clear mandates from higher courts, as no more than the reflection of a "consistently applied judicial conservatism." Mr. Rehnquist's own attitudes in this area appear largely from his private actions taken prior to assuming his present position. His volunteered opposition to modest civil rights efforts in Phoenix, viewed in the context of its time, reflects either hostility to their purpose or a startling indifference to the injustice of discrimination. In 1964, as three-quarters of the Senate were agreeing to a nationwide public accommodations law, a man of his intellect and experience should have realized the concern of black Americans and other minorities for equal treatment.

Only five years ago, in 1966, he fought to delete two key sections from a Model State Anti-Discrimination Act under consideration by the Commissioners on Uniform State Laws. One would merely have permitted—not required—employers to reduce the effects of past discrimination by considering this factor in hiring new employees. The second provision would have outlawed racial "blockbusting." And only four years ago, in 1967, he personally opposed modest efforts at voluntary school integration, stating his view that "we are no more dedicated to an 'integrated' society than to a "segregated' society."

Unrelieved by actions showing an affirmative commitment to racial justice, Mr. Rehnquist's record is one of persistent indifference to the evils of discrimination and an almost hostile unwillingness to accept the use of law to overcome racial injustice in America. President Nixon himself has called for judges to interpret our laws who are men "dedicated to the great principles of civil rights." The nominee's subsequent record, both in Arizona and Washington, is devoid of any significant reflection of such dedication.

No one can doubt the difficulty of predicting a nominee's future performance on the

Court. If Mr. Rehnquist is confirmed, we wholeheartedly hope our misgivings prove unfounded. But we must do our best on the basis of all the evidence available to us. On that basis, we cannot consent.

While each of us would put different emphasis on the various points developed in the investigation, we believe it would be helpful to the Senate to bring together in one place the specifics which underlie the conclusions stated in these views. For that reason, the following memorandum has been prepared. We urge the Senate to give it careful consideration.

BIRCH BAYH.
PHILIP A. HART.
EDWARD M. KENNEDY.
JOHN V. TUNNEY.

MEMORANDUM ON THE QUALIFICATIONS OF WILLIAM H. REHNQUIST TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

I. THE ROLE OF THE SENATE

A. Preliminary remarks

One of the questions which has been raised by the nomination of William H. Rehnquist concerns the proper role of the Senate in the confirmation process—particularly whether it is proper for the Senate to consider the philosophy of the nominee in reaching its decision whether to advise and consent. There is great deal of confusion about what is meant by a nominee's philosophy. A number of disparate notions are subsumed within this term. The phrase "judicial philosophy" traditionally refers to a Justice's view of his role in constitutional adjudication—judicial self-restraint in deferring to the judgment of the legislature, for example, or so-called "strict construction" of constitutional provisions. Apart from judicial philosophy in this sense, there is the separate question of a nominee's personal philosophy—although there is hardly a clean and clear line between these two aspects of a nominee's "philosophy."

For the reasons given below, it seems clear that philosophy in either sense is a fit inquiry for the Senate. But it is not necessary to agree on the precise role the Senate ought to play in the confirmation process, nor to agree on a precise definition of "philosophy" in this context, to deal with the nomination of Mr. Rehnquist. The opposition is not based on simple disagreement with the merits of Mr. Rehnquist's views on any particular issue of the day. The opposition is far more fundamental. Mr. Rehnquist has failed to show a demonstrated commitment to the fundamental human rights of the Bill of Rights, and to the guarantees of equality under law. No person of whatever philosophy—or what ever legal ability or personal integrity—ought to be confirmed who cannot pass this vital test.

B. The scope of the inquiry

Senator William E. Borah of Idaho, during the debate on the nomination of Judge John J. Parker—who was, in the end, defeated on philosophical grounds—described the unique nature of a Supreme Court Justice's role as follows:

"Upon some judicial tribunals it is enough perhaps, that there be men of integrity and of great learning in the law, but upon this tribunal something more is needed, something more is called for, here the widest, broadest, deepest questions of government and governmental policies are involved."

Precisely because the Supreme Court must decide some of the most fundamental questions of government, the philosophy of the nominee must be of concern to the Senate. This situation is wholly different from the nomination of a Cabinet Secretary or other executive official who serves at the President's pleasure. They are the President's men; Supreme Court Justices are the country's.

Senators cannot ignore the fact that if the nominee is confirmed, he will be called upon to breathe life into the grand promises of the Constitution: the separation and distribution of power among three equal branches of government, and the limitations on executive power this demands; the prohibitions against unreasonable searches and seizures, against arrests without probable cause, against compelled self-incrimination, and against cruel and unusual punishment; the guarantees of free speech and assembly and press; and the great promises of fundamental fairness and equality, the due process and equal protection clauses. The answers to the difficult constitutional questions the nominee will face cannot be found only in the intent of the framers or the Court's own precedent, important as those are. Try as he might to avoid it, the justice's own view of the world—his heart and soul—must become involved in this decision. This is why, in the words of Senator George Norris of Nebraska during debate over Judge Parker's nomination—

"When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of these qualifications—but we ought to know how he approaches the great question of human liberty."

There is more than ample historical support for the Senate's inquiry into a nominee's philosophy, both in the annals of the Constitutional Convention and in the Senate's own practice. These matters are discussed in great detail in a number of recent studies that have made available to the Senate. Black, *A Note on Senatorial Consideration of Supreme Court Nominees,* 79 Yale L.J. 657 (1970) (reproduced in 117 Cong. Rec. S 19014 (daily ed. Nov. 18, 1971)); Brest, Grey & Paul, "Memorandum To Senator Birch Bayh and Senator John Tunney on the Role of the Senate in Considering the President's Nominees For Appointment to the Supreme Court of the United States" (reproduced in 117 Cong. Rec. S 17788 (daily ed. Nov. 8, 1971)). Accordingly, this Memorandum touches only on the highlights of that history.

The proceedings of the Constitutional Convention reveal that the Senate's role in advising and consenting was to be an active one. Indeed, for much of the Convention, it appeared that Congress or the Senate alone would have the power to appoint Supreme Court Justices. It was not until a compromise was approved unanimously near the end of the proceedings that the existing practice was agreed to, whereby the President is given the power to "nominate, and by and with the Advice and Consent of the Senate . . . appoint" the members of the Court, Article II, section 2. As Professor Black has written, *supra,* 79 Yale L.J. at 661, the vote on this compromise "must have meant that those who wanted appointment by the Senate alone—and in some cases by the whole Congress—were satisfied that a compromise had been reached, and did not think the legislative part in the process had been reduced to the minimum. The whole process, to me, suggests the very reverse of the idea that the Senate is to have a confined role."

Nothing in the records of the Convention indicates that there is any limitation of the factors the Senate may consider in advising and consenting to Supreme Court justices. In fact, Alexander Hamilton spent much of Federalist Papers 76 and 77 explaining that the Senate was to play a major, unconstrained role in weighing Presidential nominations. Hamilton wrote that confirmation should be denied in the presence of "special and strong reasons for the refusal" without placing any limitation on the type of reason which would be the basis for refusal.

The Senate has regularly used its broad power to advise and consent to reject a nominee on philosophical grounds. In 1795, it refused to confirm President Washington's nomination of John Rutledge to be Chief Justice, primarily because of Rutledge's outspoken opposition to the Jay Treaty. To take but one more example, the Senate refused to confirm President Hoover's nomination of Judge John Parker in 1930. No one disputed Judge Parker's legal ability, but he was rejected because "(1) . . . he favored 'yellow-dog' contracts and was unfriendly to labor; (2) . . . he was opposed to Negro suffrage and participation in politics; and (3) . . . the appointment was dictated by political considerations." J. Harris, The Advice and Consent of the Senate 128 (1953). See also Abraham & Goldberg, *A Note on the Appointment of Justices of the Supreme Court of the United States,* 46 A.B.A.J. 147 (1960).

Thus if the Senate were to refuse to consider the philosophy of a Supreme Court nominee, it would abdicate its historic role in the selection process. The Constitution establishes a partnership of the Senate and the President to choose the men and women who will sit on the Supreme Court for life. To play its full role in this partnership, the Senate must, in Mr. Rehnquist's own words, "thoroughly infor[m] itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him." Rehnquist, *The Making of a Supreme Court Justice,* Harvard Law Record, October 8, 1959, p. 7.

An inquiry into philosophy is particularly appropriate in the case of the nomination of Mr. Rehnquist. First, the nomination comes from a minority President whose party controls neither House of Congress, so it cannot successfully be argued that he reflects the will of the people more accurately than does the Senate. Second, Mr. Nixon has now presented the Senate a nominee for the fourth vacancy during his first term of office. Only two other Presidents since Civil War have had the opportunity to influence the Court so much in a three-year period. We face the prospect that this President's particular philosophy may come to be reflected in not just one or two but in a substantial number of the Court's members. Third, the President has made it perfectly clear that he chose these nominees *because* of their philosophy. Thus on the President's own terms, philosophy is a fit inquiry.

II. LACK OF COOPERATION WITH THE COMMITTEE

The Majority Report states that "to draw sweeping generalizations from the positions an advocate has taken as a means of determining his fitness to be a judge is, in the view of the Committee, mistaken." To the extent that this statement implies that it is improper to base a decision about Mr. Rehnquist's judicial philosophy on the writing and speaking he has done as an Assistant Attorney General, it is mistaken.

Preliminarily, it should be noted that a good portion of the objections to Mr. Rehnquist are based on his views on equal rights for all, and conclusions about those views rest on writing and speaking he did before assuming government office. The views he expressed then, of course, must be taken as his own.

It is only in the area of civil liberties that one must rely primarily on statements Mr. Rehnquist has made while holding office to discern his philosophy. There are at least two reasons why this is legitimate and proper. In the first place, the objections to Mr. Rehnquist's positions on civil liberties relate as much to the mode of reasoning and the openmindedness of the nominee as to the position he finally espoused. These reasoning processes, surely, are his own, whatever may be the advocate's use to which he puts them. Second, Mr. Rehnquist has said both at the hearings and before, *see* Rehnquist, *The Old Order Changeth: The Department of Justice under John Mitchell,* 12 Ariz. L. Rev. 251, 252–253 (1970), that his selection for his present position reflects his intellectual compatibility with the views that he advocates in that position.

Moreover, both the Majority Report and Mr. Rehnquist himself rely on his statement as an advocate when they feel it will help their cause. For example, the majority quotes from a speech Mr. Rehnquist gave on behalf of the Department entitled "Official Detention, Bail, and the Constitution" which is said to show his "sensitivity to the considerations on both sides of Bill of Rights questions." In that speech, discussed below, he defended the Administration's position on preventive detention. Interestingly enough, when Mr. Rehnquist was asked by Senator Fong whether he supported that position, his only reply was that he had supported it in public speeches. He did not give his personal views. Another example of the same phenomenon is Mr. Rehnquist's citation of his part in drafting the Opinion of the Attorney General upholding the Philadelphia Plan, 42 Op. Atty. Gen. No. 37 (Sept. 22, 1969), as demonstrating his commitment to civil rights—a citation which, as discussed below, is undermined by the views Mr. Rehnquist expressed in 1966 during the deliberations on the Model State Anti-Discrimination Act.

In short, the decision whether to confirm or reject Mr. Rehnquist's nomination must be made on the record before the Senate, and a portion of that record consists of statements the nominee made while an advocate—and architect—of controversial positions. Those on both sides of the dispute, including the nominee himself, have cited his statements as an advocate to show his philosophy. So long as the nominee declines to express his own philosophy on important matters, the record remains in its present state, and no Senator has an alternative if he wishes to make a rational decision.

One reason that the Senate is forced to rely on the nominee's statements as an advocate, of course, is that Mr. Rehnquist refused to give the Senate his personal views on those issues on which he had defended the Administration's position. These include some of the most important and controversial issues of the day: national security wiretapping; preventive detention; no-knock; the legality of the Subversive Activities Control Board Executive Order; the scope and extent of executive privilege; the scope and extent of government surveillance power; the desirability of the Equal Rights Amendment; the need for cease and desist power in the EEOC; and others. Mr. Rehnquist invoked the attorney-client privilege to refuse to answer questions on such topics. By his own admission, this privilege had never before been invoked by a Supreme Court nominee.

Indeed, Justice Thurgood Marshall at his confirmation hearing had the following exchange with Senator McClellan concerning *Miranda v. Arizona*, 384 U.S. 436 (1966), which was decided while Justice Marshall was Solicitor General:

> Senator McCLELLAN. . . .
>
> I have a responsibility here, and I want to perform it conscientiously. . . . But I think it has become so critical that we who have this responsibility here of upholding confirmations need to have some idea, at least glimpse, some impression of the trend of the thinking and the philosophy of the one who is to receive confirmation.
>
> Judge MARSHALL. . . .
>
> Well, in this case you have the best evidence you could get, which would be the brief that I filed in the *Westover* case [a companion to *Miranda*], which not only gave the views of the U.S. Government. *It gave my personal views.* [emphasis added]

The purpose of the attorney-client privilege is to encourage the frankest and freest exchange of advice and information between lawyer and client. *See e.g.* McCormick on Evidence 181 (1954); 8 Wigmore, Evidence 628–29 (McNaughton rev. 1961). That purpose would not have been undermined at all had Mr. Rehnquist given the Committee his own personal views on the vital issues of the day. This is especially true since he did not invoke the privilege in other situations which are closer to traditional notions of its scope. For example, Mr. Rehnquist revealed to the Committee that he had advised the Justice Department to abandon its public position on national security wiretapping in favor of another position which, while substantively the same did not require advancing an argument based on inherent executive power. Yet advice to a client is something arguably covered by the privilege. *See* sources cited *supra*. And while revealing this piece of legal advice, he repeatedly declined to state his personal views on the same subject.

In any event, the matter could have been handled had the nominee's clients—the President and the Attorney General, by Mr. Rehnquist's own statement—waived the privilege. There can be no doubt as to their power to do so. *See e.q.* Cannon 4, A.B.A. Code of Professional Responsibility (1969); E. Conrad, Modern Trial Evidence § 1097 (1956). And there can be no doubt as to the importance of their doing so. As Mr. Rehnquist himself recognized in an article he wrote in 1959, *see* Rehnquist, *The Making of a Supreme Court Justice*. The Harvard Law Record, Oct. 8, 1959, p. 7, a Supreme Court nominee's philosophy ought to be of utmost importance to the Senate. On any rational scale of values, it surely should be more important that the Senate be fully informed before it votes on a Supreme Court nominee than that an Administration be shielded from the embarrassment, if any, which might result from an announcement that one of its members disagreed with its substantive position on a certain matter.

Nevertheless, the President and Attorney General refused to waive the privilege, and this has made the Senate's job even more difficult than it usually is. As Dean E. Clinton Bamberger, Jr., 18 of the 26 other members of the laws faculty of Catholic University said in a letter to the Committee:

> No nominee may justify withholding from the Committee which must initially pass upon his qualifications and dispositions for handling this political power "in legal form" a frank expression of his political and legal philosophy. . . .
>
> There is no such privilege which any nominee was so bold as to claim before against the Senate's right to know in fulfilling its responsibility to the . . . people.

Beyond the difficulties created by the fact that Mr. Rehnquist is a government official, and that he invoked the attorney-client privilege, was the excessive reluctance to the nominee at the hearings themselves. There were numerous examples of this. On national security wiretapping, to take one, the nominee spoke of his role in the formation of the government's position in the Supreme Court several times in general terms. Only at the end of the hearings, upon being asked again about his position, did he reveal that he had advised the Department to change its argument from reliance on inherent power to one phrased in terms of reasonableness. To take another example, Mr. Rehnquist was asked and described his role in the Pentagon Papers litigation, but neglected to mention until specific supplemental written questions were addressed that he had been the person who called the *Washington Post* asking them not to publish the documents. Such instances as these, combined with the invocation of the attorney-client privilege—combined too with the very proper refusal of the nominee in other situations to comment on specific fact situations or issues which may come before the Supreme Court—made it unnecessarily difficult to build a complete record of his views other than as contained in his writings and statements.

The proper perspective for this problem has been supplied by Mr. Rehnquist himself. He has stated his view that judicial philosophy is a proper inquiry for the Senate to make. When that inquiry is partially frustrated, the question arises, who must bear the burden? Mr. Rehnquist answered a similar question when testfiying before Senator Ervin on executive privilege and the role of the Senate in ratifying treaties. Senator Ervin asked whether under some circumstances information accumulated during the negotiation of a treaty would have to be made available to the Senate at least on a confidential basis before the Senate voted on ratification. Mr. Rehnquist's policy was that "the Executive would fail to furnish that [information] at its peril. since . . . the Executive has the burden of proof of persuading the Committee and the Senate as a whole." Hearings Before the Senate Subcommittee on Separation of Powers, "Executive Privilege: The Withholding of Information By the Executive," 92d Cong., 1st Sess., July 27, 28, 29, Aug. 4, 5, 1971 (unprinted). The Executive has the same burden of proof when it comes forward with a Supreme Court nominee. Since the Executive is so largely responsible for the inability of the Senate to get the information it needs, it must run the risk that the Senate will act on the basis of the only substantive record available, and, on this "best evidence," reject the President's choice.

III. CIVIL RIGHTS

The Supreme Court has played a crucial and proper role in the last 20 years in securing the rights guaranteed in the Constitution for all citizens, particularly our racial minorities. For many of those to whom America has made unfulfilled promises, the Supreme Court has often been the one responsive institution which can be counted on to dispense equal justice under law. President Nixon himself, in accepting his party's nomination in 1968 recognized this when he said:

> Let those who have the responsibility for enforcing our laws and our judges who have the responsibility to interpret them be dedicated to the general principles of civil rights.

Mr. Rehnquist's record, far from demonstrating such a commitment to civil rights, displays a consistent hostility toward efforts to secure rights for the victims of discrimination.

There are three specific episodes in the last seven years which show that Mr. Rehnquist is unwilling to allow law to be used to promote racial equality in America. These are his volunteered opposition in 1964 to a Phoenix public accommodations ordinance; his opposition in 1966 to two key provisions of a Model State Anti-Discrimination Act; and his public statement in 1967, offered in opposition to modest proposals toward integration, that "we are no more dedicated to an integrated society than to a segregated society." And these incidents are not offset in any way by an affirmative demonstration of commitment to equal rights.

A. The 1964 public accommodations ordinance

In June of 1964 the Phoenix City Council was considering a public accommodations ordinance which declared that—

> It is . . . contrary to the policy of the City and unlawful to discriminate in places of public accommodation against any person because of race, color, creed, national origin, or ancestry.

The ordinance applied only to "public places" offering entertainment, food or lodging, and specifically excluded "any place which is in its nature distinctly private." In testimony before the City Council, Mr. Rehnquist called this ordinance so "far reaching" that it should be submitted to the people for a vote rather than being passed by the Council. He also said:

> I am a lawyer without a client tonight. I am speaking only for myself. I would like to speak in opposition to the proposed ordinance

because I believe that the values that it sacrifices are greater than the values which it gives. . . . There have been zoning ordinances and that sort of thing but I venture to say that there has never been this sort of an assault on the institution where you are told, not what you can build on your property, but who can come on your property. This, to me, is a matter for the most serious consideration and, to me, would lead to the conclusion that the ordinance ought to be rejected.

The ordinance was passed unanimously by the City Council the next day. Mr. Rehnquist, still without a client save himself, then wrote a letter to the editor of the Arizona Republic calling passage of the ordinance "a mistake." Incredibly, the letter first equated the indignity suffered by a victim of discrimination barred from a lunch counter with the "indignity" suffered by the segregationist forced to serve a meal, and then concluded:

"It is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this."

The freedom to which he referred was the freedom of the property owner to do with his property as he wished. As Mr. Rehnquist recognized in the letter, this freedom has been impinged upon by a great many laws, such as zoning laws, and health and safety regulations. While Mr. Rehnquist thought that imposition on property rights was acceptable for purposes of zoning, he thought an impingement on property rights designed to assure equal access regardless of race to places which hold themselves out to the public was unjustified. In other words, in 1964 the nominee, as he agreed at the hearings, "felt that personal property rights were more important than individual freedoms, the individual freedom of the black to go up to a lunch counter."

It is important to understand the time at which this ordinance was being considered. The fight to end discrimination in public accommodations was in full swing across the nation. The encounters at Selma and Birmingham were recent history. The Congress was in the midst of considering the broadest and most significant piece of civil rights legislation it had ever passed, and that legislation included a meaningful public accommodations section. By the time Mr. Rehnquist spoke in Phoenix, the House had passed the bill, and the Senate had invoked cloture on it. Even more important, the most substantial objections to the federal act came from those who doubted the federal government's constitutional power to enact public accommodations legislation. This was not an argument the nominee used. He fought the measure solely on its merits.

When questioned at the hearings about his opposition to the ordinance, Mr. Rehnquist said he has changed his mind. Asked why, he replied:

> I think the ordinance really worked very well in Phoenix. It was readily accepted and I think I have come to realize since it, more than I did at the time, the strong concern that minorities have for the recognition of these rights.

Subsequently, Mr. Rehnquist, perhaps recognizing that a pragmatic argument is weak where principle is involved, stated that even if the ordinance had been less readily accepted he would no longer oppose it. Thus the real reason for Mr. Rehnquist's change of heart is, according to him, his realization within the past 7 years of the "strong concern that minorities have for the recognition of these rights." Significantly, it is still not a matter of the nominee's feeling that such discrimination is an injustice, but only that he now realizes that *others* may so view it.

While it is encouraging in some ways that Mr. Rehnquist says that he has come to realize the depth of concern among members of minority groups to be treated as individual human beings by all persons, it is very distressing to imagine a person on the Supreme Court who just seven years ago, when he was 40 years old, was as unaware of the depth of this feeling as Mr. Rehnquist was by his own admission. The insensitivity which Mr. Rehnquist's own statement reveals is hardly offset by an announcement at confirmation hearings that he would no longer oppose public accommodations measures—particularly when other actions by the nominee after 1964 are taken into account.

B. The 1966 Model State Anti-Discrimination Act

The second example of Mr. Rehnquist's opposition to the use of law in the promotion of racial equality came in 1966, when as an Arizona representative to the National Conference of Commissioners on Uniform State Laws he participated in deliberations on a proposed Model State Anti-Discrimination Act. The Act forbade discrimination in certain aspects of employment, public accommodations, education, and real property transactions, and it created a State Commission on Human Rights to enforce its provisions. The Act was finally approved by the States 37–2 (Alabama and Mississippi dissenting), with Arizona and Mr. Rehnquist voting in favor of it. But this came only after the Act was relegated to the status of a "Model" instead of a "Uniform" act, thereby relieving the Commissioners of the personal duty to seek passage of the Act in their home states. See Handbook of the National Conference of Commissioners on Uniform State Laws 406 (1966). And it came after Mr. Rehnquist attempted unsuccessfully to delete two key provisions of the Act.

The first was a proposal which was, in the words of the Commissioners' Comments, "designed to permit the adoption [by an employer] of voluntary plans to reduce or eliminate" racial, religious, or sex imbalance in its workforce. No compulsory hiring to achieve racial balance was involved; the Act merely permitted voluntary efforts. These plans were to be subject to the approval of the Commission on Human Rights, and they could apply only to the hiring of new employees or the filling of vacancies. According to the debates, four states already had enacted similar laws: Indiana, Massachusetts, Illinois, and California. Mr. Rehnquist opposed this provision, and, in effect, moved to delete it. Another Commissioner called this motion "a direct attack upon the power granted in the statute to eliminate racial imbalance." The issue then came to a vote and Mr. Rehnquist's motion was defeated. The provision now appears as Section 310 of the Model Act, which reads as follows:

> SECTION 310. [Imbalance Plans.] It is not a discriminatory practice for a person subject to this chapter to adopt and carry out a plan to fill vacancies or hire new employees so as to eliminate or reduce imbalance with respect to race, color, religion, sex, or national origin if the plan has been filed with the Commission under regulations of the Commission and the Commission has not disapproved the plan.

This opposition in 1966 reveals Mr. Rehnquist's unwillingness to allow law to be used in constructive ways to undo 200 years of discrimination in America. And it also reveals that the nominee's much heralded responsibility for the Opinion of the Attorney General upholding the lawfulness of the Philadelphia Plan—which required that specified numbers of minority employees be hired to redress the effects of earlier discrimination—cannot be given much weight, for the nominee's personal philosophy and policy preference are to the contrary. Indeed, the inconsistency is shown even more clearly by the fact that the Philadelphia Plan is mandatory on all those covered, while the provisions Mr. Rehnquist sought to delete from the Model Act were merely permissive.

The second proposal that Mr. Rehnquist opposed was one designed to prohibit vicious "blockbusting" tactics by which realtors sometimes play on racial fears for their own profit. As the Reporter-Draftsman of the Act, Professor Norman Dorsen of New York University, said during the deliberations, a number of cities and at least one state (Ohio) had anti-blockbusting provisions by 1966. Mr. Rehnquist moved to delete this section. He said:

"It seems to me we have a constitutional question and a serious policy question, and in view of the combination of these two factors, plus the fact that it doesn't strike me this is a vital part of your bill at all, I think this would be a good thing to leave out."

Mr. Robert Braucher, then Chairman of the Special Committee on the Model Anti-Discrimination Act and a Professor at Harvard Law School, and now a Justice on the Supreme Judicial Court of Massachusetts, replied with an eloquent defense of the anti-blockbusting provision:

"However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States— and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth, and then they go around to the neighbors and say: Wouldn't you like to sell before the bottom drops out of your market?

"And the notion that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit."

A vote was then taken on Mr. Rehnquist's motion to delete the section, and the motion failed. The section now appears as Section 606 of the Model Act, which reads as follows:

> SECTION 606. [Blockbusting.] It is a discriminatory practice for a person, for the purpose of inducing a real estate transaction from which he may benefit financially
>
> (1) to represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located, or
>
> (2) to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

Some have argued that Mr. Rehnquist's vote in favor of the final Model Act which contained public accommodations provisions shows the nominee's change of heart from his 1946 position opposing a Phoenix public accommodations ordinance. But that is a vastly oversimplified view. In the first place, the Commissioners were dealing with model legislation, not a law about to be put into effect, so the situations are not comparable. And even more important, the nominee himself was twice asked to explain his change of heart, which was first announced at the confirmation hearings. Neither time did he mention his vote as a Commissioner in 1966. This means either that in the nominee's mind the vote approving the final draft was not significant in showing a change of heart or that he chose not to bring it up because of his opposition to the imbalance and anti-blockbusting provisions. Giving the nominee the benefit of the doubt, one concludes that in his own mind the 1966 vote was not important. There is then no reason it should be important to the Senate. In any event, the final vote is far less significant than Mr. Rehnquist's earlier opposition to the two sections of the act discussed above.

C. The 1967 letter

The third incident was a letter to the editor Mr. Rehnquist wrote in September 1967 in response to a series of articles and a school official's proposals to deal with de facto segregation in Phoenix. The letter can be understood only in the context in which it was written.

Mr. Harold R. Cousland wrote a series of six articles for the *Arizona Republic* in late August 1967 concerning de facto segregation in Phoenix and what might be done to combat it. Mr. Cousland discussed the problem of racial segregation in the Phoenix schools, the reasons that segregation is self-perpetuating, the contention that minority group children are better off in integrated schools, compensatory education plans, and alternative proposals for integration: open enrollment, voluntary busing, school pairing, educational parks. Forced busing of students was not one of the proposals.

Just as Mr. Cousland's series was completed, the Superintendent of the Phoenix Union High School District, Dr. Howard Seymour, proposed a number of steps designed to combat de facto segregation in Phoenix. As reported in the Arizona Republic of September 1, 1967, at p. 19, these steps were:

> Appointment of a policy adviser skilled in interpersonal relations and urban problems;
>
> Organization of a citywide advisory committee representing minority groups;
>
> Formation of a Human Relations Council at each high school;
>
> Promotion of voluntary exchanges of pupils among racially imbalanced schools in various ways, including the location of special enrichment programs and extra-curricular activities;
>
> In the long run, a series of seminars on the nature of prejudice;
>
> Curriculum changes designed to accent the contributions of various ethnic groups and individuals;
>
> Without setting a ratio of minority teachers at each school, the assignment of staff in a way which redressed the existing imbalance.

Mr. Rehnquist found the combination of Mr. Cousland's articles and Dr. Seymour's program "distressing" enough to write the following letter to the Arizona Republic:

> "De Facto" Schools Seen Serving Well
>
> [Editor, The Arizona Republic:] The combined effect of Harold Cousland's series of articles decrying "de facto segregation" in Phoenix schools, and the Republic's account of Superintendent Seymour's "integration program" for Phoenix high schools, is distressing to me.
>
> As Mr. Cousland states in his concluding article, "whether school board members take these steps is up to them, and the people who elect them." My own guess is that the great majority of our citizens are well satisfied with the traditional neighborhood school system, and would not care to see it tinkered with at the behest of the authors of a report made to the federal Civil Rights Commission.
>
> My further guess is that a similar majority would prefer to see Superintendent Seymour confine his activities to the carrying out of policy made by the Phoenix Union High School board, rather than taking the bit in his own teeth.
>
> Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policymaking bodies who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.
>
> The neighborhood school concept, which has served us well for countless years, is quite consistent with this principle. Those who would abandon it concern themselves not with the great majority, for whom it has worked very well, but with a small minority for whom they claim it has not worked well. They assert a claim for special privileges for this minority, the members of which in many cases may not even want the privileges which the social theorists urge be extended to them.
>
> The schools' job is to educate children. They should not be saddled with a task of fostering social change which may well lessen their ability to perform their primary job. The voters of Phoenix will do well to take a long second look at the sort of proposals urged by Messrs. Cousland and Seymour.

Mr. Rehnquist was given several opportunities at the hearings to explain this letter. His reply always took the same line:

> "I would still have the same reservations I expressed in 1967 to the accomplishment of this same result by transporting people long distances, from points where they live, in order to achieve this sort of racial balance, and what I would regard as rather an artificial way.

And later in the hearings:

> With respect to the 1967 letter which I wrote in the context of the Phoenix School system as it then existed, I think I still am of the view that busing or transportation over long distances of students for the purpose of achieving a racial balance where you do not have a dual school system is not desirable.

And again in answers to supplemental questions, Mr. Rehnquist explained that a statement by Dr. Seymour that he would "not dismiss busing of students as a partial solution" lay at the heart of this letter.

Thus, Mr. Rehnquist has tried to cloak his 1967 letter in the current controversy over mandatory busing of students. But a fair reading of the letter itself and the articles on which it is based demonstrates that Mr. Rehnquist was opposed to much more. The letter itself does not even mention busing, or indeed, transportation of students in any form. And it is apparent from the cursory glance at the proposals Dr. Seymour made that—as Mr. Rehnquist admitted in answers to supplemental questions—virtually all of the proposals are "entirely consistent" with the neighborhood school concept Mr. Rehnquist wrote about. Yet the letter specifically suggested that "the voters of Phoenix will do well to take a long second look at the sort of proposals urged by Messrs. Cousland and Seymour." (emphasis added)

Moreover, the newspaper story from the Arizona Republic of September 1, 1967, out of which Mr. Rehnquist takes Dr. Seymour's statement that he would "not dismiss busing of students" when read in full shows that Dr. Seymour had an extremely moderate view of the problem:

> He [Dr. Seymour] said he would not dismiss busing of students as a partial solution, but he discounted busing or the altering of district lines as complete approaches to the problem.
>
> "It is much more preferable for us to demonstrate a willingness to broaden the spectrum of school populations through such actions as voluntary transfers, a local peace corps of students and teachers, . . . and other devices intended to lift the aspirations of those who live and learn without them.
>
> "The research evidence tentatively supports the premise that minority pupils achieve more in an atmosphere of high motivation," he said.

And the *Phoenix Gazette* of August 31, 1967, reporting the same speech by Dr. Seymour makes the Superintendent's position equally clear:

> But he [Dr. Seymour] said he opposes gerrymandering district boundaries or "busing" pupils from one part of town to another as means toward "true integration."
>
> "There is nothing more artificial in my judgment than to load a group of pupils from one district and disgorge them at another without making it possible for full, active participation in learning, socializing, sports and activities, and without integrating the adults along with busing pupils," he continued.

Thus, far from being an advocate of forced busing, Dr. Seymour favored other ways of integrating the schools, such as encouraging voluntary transfers under a program already in effect. Viewed in this light, one sees rather clearly that just four years ago Mr. Rehnquist found "distressing" some rather minimal efforts of school officials to promote equality of educational opportunity. One also sees that his answers to the Committee's questions on this matter were more glib than candid.

The truly alarming aspect of this 1967 letter, however, is Mr. Rehnquist's statement, 13 years after *Brown* v. *Board of Education* that "we are no more dedicated to an 'integrated' society than we are to a segregated' society." As explained above, this statement cannot simply be written off by the nominee as made in the context of long-distance busing. It must stand on its own as representing his view of our society's obligation to its citizens. And Mr. Rehnquist has never disassociated himself from this statement. Yet at least since the Supreme Court declared that "separate is inherently unequal," this Nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed.

The statement is especially disturbing when put into context. The newspaper story which contains the quote by Dr. Seymour with which Mr. Rehnquist took issue reads:

> Commenting on teaching minority members, [Dr. Seymour] said the district should make no attempt to establish ratios of one type of teacher to the pupils they serve.
>
> "Since we are and must be concerned with achieving an integrated society," he said, "the Phoenix Union High School system recognizes an obligation to staff schools with personnel to help relieve cultural imbalance within the community. Pupils need to be exposed to the fine talents representative of all races."

Thus there is yet another part of a consistent pattern, complementing Mr. Rehnquist's opposition to the employment "imbalance" section of the Model State Anti-Discrimination Act, and to the public accommodations ordinance, of the nominee's hostility to programs which recognize 200 years of discrimination in America and take steps to rectify the tremendous burdens which that discrimination has imposed.

D. The absence of affirmative commitment to equal rights

Significantly, the disturbing inferences which flow from the incidents just described are not rebutted in any way by other, affirmative actions Mr. Rehnquist has taken to promote racial justice. Indeed, the absence of a demonstrated commitment to equal rights in the nominee's record is alone strong grounds for questioning his nomination.

Mr. Rehnquist was twice asked at the hearings to describe what in his record demonstrated a commitment to equal rights for all. His entire answer was as follows:

"It is difficult to answer that question, Senator. I have participated in the political process in Arizona. I have represented indigent defendants in the Federal and State courts in Arizona. I have been a member of the County Legal Aid Society Board at a time when it was very difficult to get this sort of funding that they are getting today. I have represented indigents in civil rights actions. I realize that that is not, perhaps, a very impressive list. It is all that comes to mind now.

* * * * *

"I think that there are some paragraphs in my Houston Law Day speech which recognize the great importance of recognition of minority rights, that the progress is not as fast as we would like and that more remains to be done. I am trying to think of some other public statement that may contain similar—well, you know, I am just coming back, not back to isolated passages in public statements."

This was subsequently expanded and clarified by Mr. Rehnquist in response to additional questions by certain members of the Committee. Mr. Rehnquist added that he had been an Associate Member of the American Bar Association Special Committee on the Defense of Indigent Persons Accused of Crime in 1963; that he had testified on behalf of the Administration in favor of ratification of the Genocide Treaty and in support of the Equal Rights Amendment; and that he had participated in the preparation of the Opinion of the Attorney General upholding the legality of the "Philadelphia Plan." Mr. Rehnquist also explained in somewhat greater detail the sorts of civil rights actions in which he represented indigents.

This record, compiled over the course of an 18 year career, reveals little more than the routine activities which may be expected of any private lawyer who becomes a high-ranking government official. It cannot be called a demonstrated commitment to fundamental human rights.

Representation of indigents, for example, is considered one of the duties of every member of the bar, and in criminal cases is usually done at the request of the court. The civil rights actions Mr. Rehnquist described in his response to written questions could more accurately be called civil cases than civil rights cases in the usual meaning of that term. And in response to additional questions, Mr. Rehnquist admitted that his membership on the Maricopa County Legal Aid Society Board had been *ex officio*, by virtue of his position as an officer of the County Bar Association.

Nor is any particular commitment shown by his record in the Department of Justice since 1969. His testimony in support of the Equal Rights Amendment was less than wholehearted. And any reliance which might otherwise be placed on his authorship of the Opinion of the Attorney General upholding the lawfulness of the Philadelphia Plan is undermined by his opposition to a far less reaching proposal in the Model State Anti-Discrimination Act in 1966, discussed above Further, once put in chronological sequence, the significance of that Opinion is somewhat suspect. In June of 1969 the Labor Department, with Administration approval, promulgated the orders for minority hiring commonly referred to as the Philadelphia Plan. In August the Comptroller General held the Plan illegal. In September, Mr. Rehnquist's office prepared the Opinion of the Attorney General which, unsurprisingly, upheld the Labor Department's—and the Administration's—well publicized proposal.

In sum, Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights.

E. Alleged harassment of voters

There have been a number of charges and denials concerning Mr. Rehnquist's role in voter challenges by Republicans during various elections in the early 1960's in Phoenix. One serious charge was that made in sworn affidavits by Mr. Jordan Harris and Mr. Robert Tate alleging that Mr. Rehnquist harassed and intimidated a voter and engaged in a scuffle with Mr. Harris at the Bethune precinct in 1964. Messrs. Tate and Harris charge that Mr. Rehnquist made an improper attempt to administer personally a literacy test to a would-be-voter. Mr. Harris says he approched Mr. Rehnquist, to whom he had been introduced, and "argued with him about the harassment of voters." A struggle ensued, in which Mr. Tate came to Mr. Harris' aid. A policeman, it is said, entered and took Mr. Rehnquist into an office, from which he soon left. Mr. Tate identified Mr. Rehnquist "from pictures I have seen lately in the papers . . . he did not, at that time, however, wear glasses."

These affidavits are corroborated by two additional ones sworn within the past few days. These came from the Rev. and Mrs. Snelson McGriff, who say that Mr. Rehnquist—or "his twin brother"—was at Bethune precinct in 1964. Rev. McGriff says that the challenger, Mr. Rehnquist, wore glasses while inside the voting place, but took them off when he came outside, before the scuffle took place. *See The National Observer*, Nov. 28, 1971, p. 4, col. 1.

Mr. Rehnquist has submitted a sworn affidavit which says that the affidavits of Messrs. Tate and Harris "insofar as they pertain to me . . . . false." He has denied having been at the Bethune precinct in 1964, and he denied that he ever personally "harassed or intimidated voters."

The conflict in the evidence before the Committee is not resolved simply by reference to Judge Charles Hardy's letter, as the Majority would have us believe. Judge Hardy only confirms what was already documented by contemporaneous news accounts and by an FBI report: that there was voter harassment and a fight at Bethune in 1962, and that Mr. Rehnquist was not involved in it. But Judge Hardy's letter does not by any stretch of the imagination stand for the proposition that no scuffle occurred at Bethune in 1964. Thus Mr. Rehnquist's statements and Judge Hardy's letter do not "completely refute the charges" made by Messrs. Tate and Harris. Indeed, Judge Hardy's letter which states that the "events in question" occurred in 1962, could not have been intended as a refutation of their charges since it is dated before their affidavits were made and released.

Nor does the fact that the Federal Civil Rights Act of 1964, in effect at the time, prohibited oral literacy challenges "undercut the credibility of these allegations" as the Majority Report claims. That fact means only that the challenges, if there were any, violated federal law. And at least in some parts of Arizona, a Justice Department investigation has revealed that "challenges . . . based on . . . . ability to read the Constitution in English" were made in 1964. *See Apache County* v. *United States*, 256 F. Supp. 903, 909 (D.D.C. 1966) (3-judge court).

Instead, it appears that the Committee lacks either the motivation or machinery to conduct the type of fact-finding which is needed to uncover which side of this dispute is mistaken. Therefore, each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial.

Whatever the actual facts are about the 1964 incident at Bethune, that dispute should not be permitted to obscure the larger question of the extent of Mr. Rehnquist's responsibility for the Republican efforts to intimidate and harass minority voters in Maricopa County from 1958 to 1964, Judge Hardy, whose letter is so heavily relied upon by the Majority, described those tactics as follows:

> In 1962, for the first time, the Republicans had challengers in all of the precincts in this county which had overwhelming Democratic registrations. At that time among the statutory grounds for challenging a person offering to vote were that he had not resided within the precinct for thirty days next preceding the election and that he was unable to read the Constitution of the United States in the English language. In each precinct the Republican challenger had the names of persons who were listed as registered voters in that precinct but who apparently had not resided there for at least thirty days before the election. In precincts where there were large numbers of black or Mexican people, Republican challengers also challenged on the basis of the inability to read the Constitution of the United States in the English language. In some precincts *every* black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people awaiting their turn to vote to grow tired of waiting and leave without voting. In addition, there was a well organized campaign of outright harassment and intimidation to discourage persons from attempting to vote. In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. They were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging were highly improper and violative of the spirit of free elections.

In response to a written question from several members of the Committee, Mr. Rehnquist stated that he felt "that there was no connection between my role [in 1962] and the circumstances related by Judge Hardy." He also stated that the practices Judge Hardy described "did not come to my attention until quite late in the day of the election in 1962" and that is why he took no steps to curb practices such as indiscriminate use of literacy challenges, which he believes improper. But this disavowal of involvement in the 1962 practices must be placed alongside the facts, established by Mr. Rehnquist's own answers, that in 1960, 1962 and 1964 the nominee played an important role for the Republican Party in Phoenix in voter challenges.

In 1960, Mr. Rehnquist was designated by the County Republican Chairman as co-chairman of the Ballot Security Program; he supervised and assisted in the preparation of envelopes mailed to Democrats—largely in black and Mexican-American districts—which were the foundation of residency challenges; he recruited lawyers to serve on a Lawyers' Committee; he advised challengers on the law; and he supervised in assembling returns of the mailings for challenging purposes.

In 1962, Mr. Rehnquist was designated Chairman of the Lawyers' Committee of the County Republican Party, and he again taught challengers the procedures they were to use. And, as in 1960, he served as a troubleshooter—going to precincts at which disputes had arisen, in order to help resolve them.

Finally, in 1964 Mr. Rehnquist was Chairman of the Ballot security Program, selected by the County Republican Chairman. As such, he had overall responsibility for mailing out envelopes, recruiting challengers and recruiting members of the Lawyers' Committee, and for speaking, or seeing that someone spoke, at a training session of challengers. In 1964, as well, Mr. Rehnquist was general counsel to the County Republican Committee.

Thus while Mr. Rehnquist has sought to disassociate himself from the tactics employed by the Republicans in 1962 and other years, it cannot be overlooked that he held a high and responsible position in the Republican party's election day apparatus from at least 1960 to 1964, a period that saw very substantial harassment and intimidation of voters in minority group precincts.

F. Conclusion

A review of the nominee's entire record on civil rights reveals a persistent unwillingness on his part to allow law to be used to overcome racial injustice. There are two significant implications of this which argue strongly against confirmation. First, Mr. Rehnquist's views are such that one must fear the interpretation he may give to the great promise of the Fourteenth Amendment: equal protection of the laws. Indeed, one must also fear the limits he would impose on a legislature's efforts to redress 200 years of racial injustice. Second, there is the question of the very appearance of fairness and impartiality. At a time when many Americans, young and old alike, doubt the responsiveness of our system of government, we cannot afford to put on the Supreme Court a man consistently insensitive to the role that law must play in achieving a fair and just society.

IV. BILL OF RIGHTS

Speaking of Mr. Rehnquist's approach to questions of civil liberties and the Bill of Rights, the Majority Report says that Mr. Rehnquist—sees both sides of the difficult questions in this area, which requires working out the delicate balance established by the Constitution between the rights of individuals and the duty of government to enforce the laws.

The record demonstrates that just the opposite is true. When it comes to dealing with civil liberties, Mr. Rehnquist uniformly takes a position which reflects the low value he places upon concerns of equality and individual freedom. He consistently gives these concerns far less weight than that to which they are entitled by their high place in the Constitution of the United States and their vital role in the fabric of contemporary American society. The nominee does not see "both sides of the difficult questions in this area." Rather, he reads provisions of the Constitution dealing with individual liberties, and decisions upholding them, as narrowly as possible, while giving the most expansive reading and generous extrapolation to those provisions and precedents granting the Executive power to impinge on these freedoms.

A. The early record

Mr. Rehnquist's public record on civil liberties before coming to his present post is sparse—save for some intemperate articles impugning the motives and Constitutional fidelity of the Supreme Court in precisely this area.

In 1957, Mr. Rehnquist wrote an article on the role law clerks play in Supreme Court decisions, and said:

> Some of tenets of the "liberal" point of view which commanded the sympathy of a majority of the clerks I knew were: extreme solicitude for the claims of Communists and other criminal defendants, expansion of federal power at the expense of State power, great sympathy toward any government regulation of business—in short, the political philosophy now espoused by the Court under Chief Justice Earl Warren. Rehnquist, *Who Writes Decisions of the Supreme Court?* U.S. News and World Report, December 13, 1957, p. 57.

The following year Mr. Rehnquist attacked the Court for its decisions in *Schware* v. *Board of Bar Examiners,* 353 U.S. 232 (1957) and *Konigsberg* v. *California,* 353 U.S. 252 (1957), where the Court held that applicants for state bar examinations had been deprived of their constitutional rights when they were prevented from taking the examinations because of previous political beliefs. The cases may have been difficult and controversial, but surely the decisions, written by Mr. Justice Black, did not justify Mr. Rehnquist's accusatory closing remark. Referring to the defendants in the cases, one an admitted former Communist and the other an alleged Communist, he said:

> A decision of any court based on a combination of charity and *ideological sympathy* at the expense of generally applicable rules of law is regrettable no matter from whence it comes. But what could be tolerated as a *warm-hearted aberration* in the local trial judge becomes nothing less than a *constitutional transgression* when enunciated by the highest Court of the land. (Emphasis added) Rehnquist, *The Bar Admission Cases: A Strange Judicial Aberration,* 44 A.B.A.J. 229 (1958).

At the hearing Mr. Rehnquist said he meant only to suggest that the Justices had great sympathy for "the plight of unpopular groups." But a person of Mr. Rehnquist's intelligence and careful expression does not refer to "ideological sympathy" when he means concern for the unpopular. The innuendo is clear.

Taken together, these articles reveal an antagonism toward opposing points of view on civil liberties which is in stark contrast to the "balanced" approach the Majority claims for the nominee.

B. Wiretapping

With respect to wiretapping, Mr. Rehnquist has been a stern defender of the Administration position, and he has refused to disassociate himself from it or to give the Committee any different personal views on the issue. This position is that the Attorney General may wiretap without prior judicial authorization whenever he concludes there is a threat to the national security, whether the threat comes from foreign agents or so-called domestic subversives. The courts, of course, have permitted executive wiretaps in the former but not in the latter situation. *Compare United States* v. *Keith,* 444 F.2d 651 (6th Cir.), *cert. granted,* 91 S. Ct. 2255 (1971), *with United States* v. *Clay,* 430 F.2d 165 (5th Circ. 1970), *reversed on other grounds,* 403 U.S. 698 (1971).

The answer to the argument that the Executive can engage in wiretapping whenever it believes there is a domestic threat to the national security was eloquently given by the Sixth Circuit Court of Appeals in *Keith, supra,* 444 F.2d at 665:

> [T]he Fourth Amendment was adopted in the immediate aftermath of abusive searches and seizures directed against American colonists under the sovereign and inherent powers of King George III. The United States Constitution was adopted to provide a check upon "sovereign" power. The creation of three coordinate branches of government by that Constitution was designed to require sharing in the administration of that awesome power.

The Sixth Circuit concluded (*id.*):

> The government has not pointed to, and we do not find, one written phrase in the Constitution, in the statutory law, or in the case law of the United States, which exempts the President, the Attorney General, or federal law enforcement from the restrictions of the Fourth Amendment in the case at hand.

The flaws in the wiretapping position Mr. Rehnquist has taken are so manifest that they suggest an insensitvity to Fourth Amendment principles. The purpose of that Amendment "is to safeguard the privacy and security of individuals against arbitrary invasions by government officials." *Camera* v. *Municipal Court,* 387 U.S. 523, 528 (1967). That purpose is secured by requiring the Executive to obtain a court order *before* it can invade a citizen's privacy. As the Supreme Court put it in *Chapman* v. *United States,* 365 U.S. 610, 614–15 (1961), quoting from *Johnson* v. *United States,* 333 U.S. 10, 13–14 (1948):

> The point of the Fourth Amendment, which often is not grasped by zealous officers, is not that it denies law enforcement the support of the usual inferences which reasonable men draw from evidence. Its protection consists in requiring that those inferences be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime. Any assumption that evidence sufficient to support a magistrate's disinterested determination to issue a search warrant will justify the officers in making a search without a warrant would reduce the Amendment to a nullity and leave the people's homes secure only in the discretion of police officers. *Chapman* v. *United States,* 365 U.S. 610, 614–615 (1961), quoting from *Johnson* v. *United States,* 333 U.S. 10, 13–14 (1948).

If Attorneys General could decide on their own who is a domestic threat to the national security, and then tap without prior court order, the protection of the Fourth Amendment will have been badly eroded. For since *Katz* v. *United States,* 389 U.S. 347 (1967), held that wiretapping falls within the Fourth Amendment, there is no apparent reason why an Attorney General could not claim the power to make *other* intrusions of privacy without a warrant when he deemed the national security to be envolved.

In this connection, it is worth noting that the practice of previous Attorneys General with respect to wiretapping, on which Mr. Rehnquist places so much reliance, came before *Katz* made it clear that wiretapping was a search or seizure within the Fourth Amendment. So prior practice offers scant precedent for his position. Indeed, the memorandum from President Roosevelt to Attorney General Jackson dated May 21, 1940, reproduced in *United States* v. *Keith, supra,* at 669–70, which forms the basis for much of the argument, was written not only well before *Katz,* but also appears to be aimed at threats to the national security from foreign countries.

Mr. Rehnquist for his part seems to be willing to go even further than merely supporting wire taps without prior court order in this easily abused area. He took the position at Brown University, as reported in the Providence Journal of March 11, 1971, that the Justice Department "must protect against . . . subversive domestic elements, yet often does not have the evidence of imminent criminal activity necessary for wire tap authorization." In other words, Mr. Rehnquist argued that *because* the Executive does not have enough evidence to get a warrant against "elements" it deems in its sole discretion "subversive," it should not have to get one. This "analysis" turns the Fourth Amendment precisely on its head. If it were ever accepted, it would reverse the whole course of Fourth Amendment law in this country.

And this view raises questions about Mr. Rehnquist's statement that surveillance other than wiretapping, discussed below, is proper only when directed at the apprehension of a criminal or when the activity under surveillance has a "law violation potential." If Mr. Rehnquist has a loose view of the standard of probability the Executive must meet in the wiretap area, one would conclude that he has a similarly loose view of the standards applicable in the surveillance area. Thus, the limits he purports to place on government surveillance appear to be far more rhetorical than effective.

Much is made by the Majority of the fact that Mr. Rehnquist revealed that he had advised the Attorney General to abandon the Department's previous public position on wiretapping—that the Executive has the inherent power to tap—and take a new one—that such a tap is "reasonable" under the

Fourth Amendment. The change is more cosmetic than real, and even Mr. Rehnquist admitted it was made at least in part for tactical reasons.

Asked about this in supplemental written questions, Mr. Rehnquist replied that the change was significant because it amounted to a recognition "that the Executive is subject to the restraints of the Fourth Amendment in this area as elsewhere." But the restraints of the Fourth Amendment are, in Mr. Rehnquist's view, hardly any restraints at all, for he argues that a wiretap is "reasonable" when the Attorney General decides in his mind that it is necessary to protect the country from domestic opposition. Mr. Rehnquist's argument that the Attorney General, often a close political advisor of the President, is the kind of neutral, objective buffer between the police and the citizen that the framers of the Fourth Amendment envisaged reflects the low value he puts on individual freedom and privacy.

Mr. Rehnquist also said that the "practical result" of the change "was to recognize that the courts would decide whether or not this practice amounted to an unreasonable search which would violate the Fourth Amendment." Of course, that is precisely what the Sixth Circuit in Keith did: it decided that the "practice" was unconstitutional. Moreover, to the extent that Mr. Rehnquist's response implied that the courts will determine the "reasonableness" of each tap after the fact, it overlooks the crucial point that many "national security" wiretaps will never come to the attention of a court and thus occasional and random after-the-fact review does not provide an adequate restraining effect on the executive branch, an adequate deterrent to protect the right of privacy.

C. Government surveillance

Mr. Rehnquist has also taken an active role in presenting the Administration's views on the propriety of government surveillance of individual citizens. It was in this context, indeed, that Mr. Rehnquist made his now-famous statement that:

> I think it quite likely that self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering.

But, as Mr. Rehnquist himself recognized at the hearings, the constitutional guarantees of the Bill of Rights were enacted precisely because our Nation was not prepared to trust our future to the "self-discipline" of those who happen to be in power at any given time. If a Supreme Court Justice were to believe that "self-restraint" on the part of the Executive could be relied on to prevent abuse—as Mr. Rehnquist plainly said—then that measure of our freedom which comes from judicial control of the Executive would be sorely threatened.

The Majority Report relies on Mr. Rehnquist's later explanation of his "self-restraint" statement as follows:

> My remarks before Senator Ervin's Committe were in a context of the existence of the Bill of Rights, the existence of the statutory restrictions such as were contained in the 1968 Act. And the question, as I understand it, was what additional statutory restrictions should be placed on investigative processes.

But this is hardly an answer at all. In the first place, the statutory restrictions he refers to are applicable only to wiretapping in the detection of specifically enumerated crimes, not to government surveillance or other intelligence gathering. We are unaware—as is Mr. Rehnquist, apparently—of any statutory restrictions on government surveillance activities. In the second place, Mr. Rehnquist opposes any enforceable statutory controls, as he said in a speech entitled "Privacy, Surveillance and the Law" delivered on March 19, 1971:

> I do not believe, therefore, that there should be any judicially enforceable limitations on the gathering of this kind of public information by the Executive Branch of the government.

Third, Mr. Rehnquist's reliance on the Bill of Rights as providing enforceable limitations on government surveillance activities is unconvincing, since he is of the opinion that the Constitution imposes virtually no such limits. This is shown by the colloquy he had with Senator Ervin on the question. Hearings Before the Senate Subcommittee on Constitutional Rights, "Constitutional and Statutory Sources of Investigative Authority in the Executive Branch of Government," 92d Cong., 1st Sess., March 9, 1971 (unprinted). Only a small portion of his statement is quoted in the Majority Report. The full colloquy is much more enlightening:

> Senator Ervin. Don't you think a serious constitutional question arises where any government agency undertakes to place people under surveillance for exercising their First Amendment rights
>
> Mr. Rehnquist. Senator, we discussed that briefly last week, I think and, as I say, I do not conceive it to be any part of the function of the Department of Justice or of any other governmental agencies to surveil or otherwise observe people who are simply exercising their First Amendment rights.
>
> When you go further and say isn't a serious constitutional question involved, I am inclined to think not, as I said last week. Undesirable as this practice is and vigorously as it should be condemned, I do not believe it violates the particular constitutional rights of the individuals who are surveilled.
>
> Senator Ervin. I would agree with you to the extent that it would not constitute a violation of the Fourth Amendment where surveillance is had of people in public places because there is no search and there is no seizure, no search of a home or building and no search of papers and no seizure, but do you not concede that government could very effectively stifle the exercise of First Amendment freedoms by placing people who exercise those freedoms under surveillance?
>
> Mr. Rehnquist. No, I don't think so, Senator. It may have a collateral effect such as that, but certainly during the time when the Army was doing things of this nature, and apparently it was fairly generally known that it was doing things of this nature, those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one or two occasions to, you know, exercise their First Amendment rights, to protest the war policies of the President.

Indicative of Mr. Rehnquist's insensitivity to constitutionally protected interests threatened by government surveillance is his reluctance to recognize the chilling effect such surveillance has on the exercise of First Amendment freedoms. One example of this is the following colloquy the nominee had with Senator Ervin at the surveillance hearings cited above:

> Senator Ervin. Well, is it your position that the government could take and put somebody, I believe it is called, a tail on me, and this man could walk around and follow me everywhere I went, and because he didn't compel me to go to those places, and just observed me, that it would have no legal remedy?
>
> Mr. Rehnquist. Well, to say you would have no legal remedy, I think, is more than I would care to say. As I have said before, I think that is a waste of taxpayer's money, it is an inappropriate function of the executive branch. I don't think it raises to a First Amendment violation.

At the confirmation hearings, with the benefit of pointed questioning, Mr. Rehnquist conceded that even where some persons exercise their rights, others may be deterred from doing so. But his testimony as presented to Senator Ervin's subcommittee plainly discounted this critical interest near the core of the First Amendment. The Majority Report's own summary of the nominee's later concessions only underlines his attitude:

> In summary, his testimony before Senator Ervin's subcommittee and before this committee establishes that Mr. Rehnquist is acutely aware that certain governmental information-gathering activity may raise First Amendment questions if it is proven that citizens are *actually* deterred from speaking out. [Emphasis in original.]

The difficulty of proving a specific chilling effect is obvious, and the notion that a First Amendment question isn't even *raised* until it is "proven that citizens are *actually* deterred from speaking out" (emphasis in original) is alarming. One can have little hope on this record that as a Justice the nominee would be vigorous in his protection of those First Amendment freedoms so vital to the functioning of the American democracy.

But it is not just Mr. Rehnquist's substantive positions which are distressing. Even more fundamental and more distressing is the way he approaches and analyzes civil liberties problems. In the area of government surveillance, Mr. Rehnquist rejects on the one hand the notion of judicial control over surveillance on the ground that the very process of litigation will impede the investigative activities of the Executive and will—in Learned Hand's borrowed phrase—"dampen the ardor of all but the most resolute" public officials. He does not explore the extent of the impediment, or consider available devices (such as *ex parte* or *in camera* judicial proceedings) which would minimize it. On the other hand, until pressed at his own confirmation hearings for a more reassuring answer, he denied that surveillance raises First Amendment questions, resolutely rejecting the argument that it may "dampen the ardor of all but the most resolute" of political dissenters. The acknowledged possibility of abuse of surveillance does not call for judicial controls; but the possibility of abuse of judicial process calls for executive immunity from judicial controls. The government's investigative interests must be protected from the "chilling effect" of litigation; but the First Amendment interests of political dissenters need no protection from the "chilling effect" of the investigation. *See generally* speech, "Privacy, Surveillance, and the Law" (March 19, 1971); Testimony on "Investigative Authority of the Executive," *supra;* speech, "Law Enforcement and Privacy" (July 15, 1971).

Obviously, such conceptions as "possibility of abuse" and "chilling effect" have differing application to the facts and values on the two sides of the surveillance controversy. Carefully analzyed, they may cut more heavily on one side than the other. But anyone who seeks fairly to resolve the controversy must fairly examine the applicability of these conceptions to the contentions on both sides, not just one. To be concerned with degrees of impairment of investigation that result incidentally from judicial supervision, but unconcerned with degrees of impairment of political expression that result incidentally from surveillance, bespeaks sensitivity to law enforcement values but none to the values of free speech.

That sums up Mr. Rehnquist's approach. He uncritically accepts—and expands—such notions as "dampening the ardor" of investigators; but, when it comes to the First Amendment, he is content to stand equally uncritically upon the proposition that: "No decided case of the Supreme Court of the United States has ever held or said that the 'chilling effect' of a governmental activity by itself, unaccompanied by either an attempt to impose governmental sanctions to compel the involuntary divulgence of information or to impose criminal or other sanctions on the basis of the information obtained amounted to a violation of the First Amendment." Speech, "Privacy, Surveillance and The Law" (March 19, 1971).

This last proposition appears to be wrong. See *Bantam Books, Inc.* v. *Sullivan,* 372 U.S. 58 (1963). But even were it correct, Mr. Rehnquist's refusal to "extrapolate from decided Supreme Court cases" in the First Amendment area starkly contrasts with his far reaching extrapolation of a broad power of federal executive surveillance from the "faithfully executed" Clause as construed in *In re Neagle,* 135 U.S. 1 (1890) and the "Republican Form" Clause, see Testimony on "Investigative Authority of the Executive," *supra.* One who makes these extrapolations but limits *NAACP* v. *Alabama ex rel. Patterson,* 357 U.S. 449 (1958) and *Bates* v. *Little Rock,* 361 U.S. 516 (1960) to the adventitious circumstances that both involved a "government legal sanction" is treating the First Amendment as a constitutional stepchild.

D. Rights of public employees

The same scant regard for the First Amendment appears in Mr. Rehnquist's analysis of the free-speech rights of public employees. See *Public Dissent and the Public Employee,* 11 Civ. Serv. J. 7 (1971). Although it purports to employ a "balancing" approach, this article casts the balance very heavily against freedom of expression by describing the interest to be balanced against free speech as "the interest of the government in governing effectively." Closely examined, the various "factors [used] . . . to meet the balancing test" plainly appear designed to paint *Pickering* v. *Board of Education,* 391 U.S. 563 (1968), into the narrowest possible corner.

But once again the conclusions reached are less significant than Mr. Rehnquist's analytic method of "balancing." When he discusses the weights on the government employer's side, he examines in lavish and loving detail all of the justifications for stifling speech—" 'loyalty,' 'harmony,' . . . avoidance of 'dissention,' " the chief Executive "popular mandate," and the intolerability of "insubordination." On the other side, he aligns a "claim for freedom of speech" to which he devotes no such detailed analysis.

Surely this "claim" also has its several components, including not only the public employee's interest in speaking (which Mr. Rehnquist appears to see as the only First Amendment interest involved) but the public's interest in hearing—and, in particular, a self-governing people's interest in hearing about governmental policies from those most knowledgeable concerning them. About these concerns Mr. Rehnquist says nothing, because he reserves his "critical analysis" for the weights in the other plan. Indeed, he not only slights but also distorts the First Amendment interests involved: for example, he treats the expression of individual views by public employees as some sort of plebiscite which would "control" their employer. This sort of "critical analysis" and "balancing" manifests either a calculated stacking of the weights against the First Amendment or, at the least, a callous insensitivity to what the First Amendment is all about.

E. Right of accused persons

The Majority Report states that Mr. Rehnquist's statements on the rights of criminal defendants "show that he has been consistently aware of and sensitive to the competing considerations on both sides of these very difficult questions." Rather than balance and understanding, the record shows that Mr. Rehnquist has the same insensitivity to Bill of Rights guarantees in the criminal process as he does to rights of expression and association.

Discussing the May Day arrests, Mr. Rehnquist treats the problem of delayed preliminary hearings as though the function of a preliminary hearing were principally to prevent protracted investigative detentions. *See* speech, "Which Ones Have the White Hats? Conflicting Values In The Administration of Criminal Justice" (May 5, 1971). In fact, another major function of the preliminary hearing is to enforce the Fourth Amendment's prohibition of arrests without probable cause, by requiring the arresting officer to justify his arrest before a judicial examiner. Mr. Rehnquist stresses the point that preliminary hearings are more difficult to hold—but he ignores the point that they are also particularly important to hold—in a time of indiscriminate mass arrests.

His treatment of the Eighth Amendment—"[e]xcessive bail shall not be required"—is astounding. On the one hand, he reads it (together with the Fourth and Fifth Amendments) as broadly expressive of a "right to be let alone," which he then broadens into "the right to be free from robberies, rapes, and other assaults on the person by those not occupying an official position"—a concept which warrants governmental use of preventive detention as a device to prevent criminal depradations. Here, certainly, is an extrapolation which dwarfs even Mr. Rehnquist's extrapolation from the "Republican Form" Clause. But when the detained man points to the Eighth Amendment, Mr. Rehnquist replies that "the framers of this Amendment deliberately chose language confined to a relatively narrow set of circumstances", *see* speech, "Official Detention, Bail, and the Constitution" (Dec. 4, 1970); and that, read with proper narrowness, the Amendment "does not establish a right to bail; it forbids judges from requiring excessive bond in cases where the defendant has a statutory right to bail." The latter grudging construction ignores much history and logic (*see* Foote, *The Coming Constitutional Crisis in Bail,* 113 U. Pa. L. Rev. 959, 1125 (1965)). But if it were correct, it would surely render the Eighth Amendment unavailable as a source of Mr. Rehnquist's "right to be let alone." It appears that this amendment means whatever Mr. Rehnquist wants it to mean: viz., preventive detention.

Mr. Rehnquist also takes his own liberties with the Supreme Court's criminal procedure decisions. Whatever view one entertains upon the difficult question of the constitutionality of "no-knock" statutes, it is plainly misleading to assert that they are "actually nothing more than a codification of constitutional law, and of practices which were held not to violate the Constitution in a case decided a few years ago by the Supreme Court of the United States", *see* speech, "The Administration of Criminal Justice" (Dec. 2, 1970). Presumably, Mr. Rehnquist refers to *Ker* v. *California,* 374 U.S. 23 (1963), in which the Supreme Court split 4–4 on the relevant issue. (Mr. Justice Harlan's decisive vote was based upon another ground, which Justice Harlan had abandoned in deference to precedent several years before Mr. Rehnquist's speech.)

Another example of this proclivity is his treatment of the rule excluding unconstitutionally obtained evidence in criminal trials. The exclusionary rule is a controversial subject, to be sure. But controversial questions are not responsibly resolved by unbalanced analysis of the kind Mr. Rehnquist offers here. He concluded after attacking the exclusionary rule:

"Ultimately, decision is made by the balancing of the need of society for protection against crime against the need of the accused defendant for a fair trial and a just result." (Speech, "Which Ones Have the White Hats? Conflicting Values in the Administration of Criminal Justice," May 5, 1971.)

Mr. Rehnquist does not face up to the fact that the fundamental purpose of the exclusionary rule is to *deter unlawful police action.* Thus the balance is not between the need to protect against crime on the one hand and the need for a just result on the other—for as Mr. Rehnquist argued in the speech, illegally obtained evidence can be highly relevant and could, in one sense, lead to a just result. The true balance to be struck is between the need to protect society from crime and the need to provide a meaningful way to enforce the Fourth Amendment's prohibition against unreasonable searches and seizures, of the Fifth Amendment's prohibition against compelled self-incrimination, or other constitutional guarantees. Stated accurately, the final balance one chooses could be far different from the one Mr. Rehnquist, having loaded the scales, picked.

F. Conclusion—Abuse of legal analysis

As this analysis shows, a great deal of Mr. Rehnquist's legal writing reveals not the "balanced approach" the Majority hails but instead the use of an intellectual "double standard." This use of a double standard is apparent in a number of instances in addition to those mentioned above.

One example is Mr. Rehnquist's use of *Valentine* v. *Chrestensen,* 316 U.S. 52 (1942). The Supreme Court there held constitutional a New York City ordinance which prohibited distribution of commercial advertising handbills on the streets. As described in Part III above, Mr. Rehnquist cited this case as posing a constitutional problem for an anti-blockbusting provision of a Model State Anti-Discrimination Act while he was a representative to the National Conference of Commissioners on Uniform State Laws. This is apparently the only time that Mr. Rehnquist has given the First Amendment wide scope—and, significantly, it is a time when his argument cuts against the interests of racial equality. On the other hand, he gave the First Amendment a very narrow scope—and *Valentine* v. *Chrestensen* a comparably broad sweep—when the interest on the other side was not racial equality but regulation of advertising of supposed salacious literature. Notwithstanding a concession that the literature was constitutionally protected—that is, that it was not obscene—Mr. Rehnquist argued that Congress could regulate its advertising. He said that commercial "advertising ranks low on the scale of values underlying the First Amendment. It may be suppressed when necessary to promote other legitimate interests." Statement at Hearings before Subcommittee No. 3 of the House Committee on the Judiciary on H.R. 11032 [relating to mailing of purient materials], 91st Cong., 1st Sess., September 25, 1969 (unprinted).

Consider also the following exchange which Mr. Rehnquist, said by the President to be a strict constructionist, had with Congressman Paul McCloskey, concerning 5 U.S.C. 2954 (1971). That statute reads as follows:

> An Executive agency, on request of the Committee on Government Operations . . . shall submit any information requested of it relating to any matter within the jurisdiction of the Committee.

The exchange was as follows:

Mr. McCLOSKEY. Mr. Rehnquist, the rule that permits you to look at the legislative history applies only when the wording of the statute is ambiguous, is that correct?

Mr. REHNQUIST. It's a rule, but has its exceptions.

Mr. McCLOSKEY. Do you know of any legal exception in your experience which justifies looking behind the clear language of Section 2954, by the executive branch?

Mr. REHNQUIST. Yes sir. Well, the executive branch is simply trying to forecast what a court would say in interpreting it.

Mr. McCLOSKEY. Is there any ambiguity in that statute? This is exceptionally clear language. Can you point to me any ambiguity in that statutory section which would justify seeking explanation of that ambiguity?

Mr. Rehnquist. I don't think it's that clear.

Mr. McCloskey. Is there any ambiguity in the section that you could find? Can you read the law specifically so the subcommittee at this point can be aware of the ambiguity, which, in your judgment, would require going to the legislative history of the statute?

Mr. Rehnquist. * * * (Reads statute)

Mr. McCloskey. Is there any ambiguity there, Mr. Rehnquist?

Mr. Rehnquist. I don't think the words "any information" are necessarily that sweeping. Hearings before the House Subcommittee on Foreign Operations and Government Information, "U.S. Government Information Policies and Practices—the Pentagon Papers (Part III)," pp. 785–86, 92d Cong. 1st Sess. (June 30, 1971).

In sum, Mr. Rehnquist consistently overlooks or understates the nature and significance of whatever claim based on the Bill of Rights he purports to be assessing. Consequently, he consistently dismisses such claims without having given them a fair and adequate hearing. He regularly reads constitutional clauses which promote civil liberties interests narrowly; and he invariably reads constitutional clauses and judicial decisions which militate against civil liberties interests or in favor of executive power broadly. He accords the most painstaking and sympathetic analysis to all of those considerations which—he ultimately concludes—require the subordination of civil liberties values; but the competing civil liberties values themselves receive no such analysis. Confronted with a civil liberties claim, Mr. Rehnquist does not pause to consider it dispassionately. Instead his ample critical facilities are bent immediately toward the fashioning of reasons for its rejection.

V. CONCLUSION

Mr. Rehnquist's record reveals a dangerous hostility to the great principles of individual freedom under the Bill of Rights and equal justice for all people. He has persistently opposed the use of law to eliminate racial injustice in America, and he has just as persistently analysed legal problems in a way which minimizes the importance of civil liberties values and maximizes the importance of executive power.

Mr. Rehnquist said several times at the confirmation hearings that he will attempt to disassociate himself "to the greatest extent possible" from his personal views if he is confirmed. But such a promise, made no doubt in good faith, is simply inadequate, given the actual nature of the judicial process. For once confirmed the nominee will face questions arising out of the grand but vague promises of the Constitution, like "equal protection of the laws" and "due process of law." In reaching a decision in such cases, the nominee's own views must necessarily, if subtely, intervene. Mr. Rehnquist was honest enough to recognize this at the hearings when he said:

"And there is also no doubt in my mind that each of us, the Justices who have been confirmed in the past and I, if I were confirmed, would take to the Court what I am at the present time. There is no escaping it. I have lived for 47 years, and that goes with me."

Or as Mr. Rehnquist said in a different context in 1959:

"If greater judicial self-restraint is desired, or a different interpretation of the phrases "due process of law" or "equal protection of the laws", then men sympathetic to such desires must sit on the high court. *The Making Of a Supreme Court Justice, Harvard Law Record*, Oct. 8, 1959, at 10."

The evidence before the Senate suggests that Mr. Rehnquist is not "sympathetic" to the "desires" for racial justice and the fundamental protections of the Bill of Rights. His nomination ought therefore be rejected.

A number of recognized national organizations dedicated to civil rights and to civil liberties have reached the same conclusion. The National Association for the Advancement of Colored People, the Leadership Conference on Civil Rights, the AFL–CIO and the UAW have all opposed Mr. Rehnquist's—but not Mr. Powell's—nomination. The Congressional Black Caucus has also opposed the nomination, as has the National Bar Association, an organization of Negro lawyers; the National Legal Aid and Defender Association; the Washington Council of Lawyers; the National Catholic Conference for Interracial Justice; and a number of law professors. Opposition is uniformly based on Mr. Rehnquist's views on civil rights and civil liberties.

Professor Charles Black of Yale Law School has decribed the role of the Senate in the confirmation process this way:

"[A] Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful for him to sit and vote on the Court. . . . Black, *A Note on Senatorial Cansideration Of Supreme Court Nominees*, 79 Yale L.J. 657 (1970)."

Because Mr. Rehnquist's "views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court", his appointment should be rejected.

Statement in Opinion to the Nomination of William H. Rehnquist by 20 Members of the Harvard Law School Faculty

It is doubtless appropriate for the President to exercise his power of nomination to shift the Supreme Court in the direction of his constitutional philosophy. But history, from 1795 to the present, demonstrates that it is no less appropriate for the Senate to deny confirmation to a Presidential nominee, despite his personal integrity and professional competence, because the Senate believes that the addition of a man of the nominee's philosophy is, under the existing circumstances, against the best interests of the country and the effective functioning of the Court.

In deciding whether to confirm the Hon. William H. Rehnquist in this period of deep change and conflict, the Senate has a special obligation to preserve the position of the Supreme Court as an effective organ in our system of government. Recent changes have already shifted the consensus or balance of opinion in the Court. Within the central stream of contemporary constitutional thought exemplified by all present members of the Court and their predecessors for the past thirty years, there is a wide range for differences of constitutional view—and thus for Presidential and Senatorial choice. Our opposition to Mr. Rehnquist is based on our perception that his views on the relation between government and the individual in the area of security, and on the relation between established power and the disadvantaged in this area of human rights, are so exceedingly deferential to the former and so undervalue the latter as to place him outside that central stream. Twentieth century problems require Justices with a clearer sense of the ingredients of constitutional decision.

Accordingly, we urge that confirmation of William H. Rehnquist be denied.

Victor Brudney, Derrick A. Bell, Jr., Vern Countryman, Abram Chayes, Alan M. Dershowitz, Ruth B. Ginsbury, William B. Gould, Philip B. Heymann, Louis L. Jaffe, Andrew L. Kaufman.

Frank I. Michelman, Arthur R. Miller, Karen S. Metzger, David Rosenberg, Henry J. Steiner, Stanley S. Surrey, Laurence H. Tribe, James Vorenberg, Robert B. Washington, Jr., Lloyd L. Weinreb.

University of Wisconsin Law School

We are a majority of the law professors at the University of Wisconsin Law School. We oppose the confirmation of William H. Rehnquist for a seat on the Supreme Court. His long held views on civil rights and civil liberties are in basic respects contrary to the Supreme Court's. He would have the Court go back to discredited ideas. In our opinion his views warrant rejecting him as a member of the Court which is the ultimate protector of constitutional rights. He is not a judicial conservative. Rather he is a political conservative, who was named for that reason.

Abner Brodie, Willard Hurst, George Bunn, Ted Finman, Samuel Mermin, Arlen C. Christenson, August Eckhardt, Allen Redlich, Thomas C. Heller, James E. Jones, Jr., Jean Love, Robert B. Seidman.

Neil K. Komesar, William H. Clune, Herman Goldstein, William C. Whitford, Carlisle P. Runge, Joel F. Handler, Shirley S. Abrahamson, Richard B. Bilder, John Stedman, Robert Shapiro, Marygold S. Melli.

Mr. MUSKIE. Mr. President, one of the Senate's most important constitutional obligations is to approve or reject nominations to the Supreme Court. The Supreme Court protects our liberties and the principles of due process of law. It has the ultimate responsibility for preserving and defending the Constitution. Our entire constitutional form of government depends upon a sensitive and wise Supreme Court. And the Court can only be as sensitive and wise as the Justices who are appointed to it.

Like the President, the Senate, as part of its assigned role in the selection process of Justices, must act to insure that each appointment to the Court will not weaken our constitutional system. Careful scrutiny of each nominee is vitally important, for a Justice may serve for decades and exercise a cumulative influence over the course of public affairs comparable to that of a President.

In considering nominations to the Court, it is proper for a Senator—and indeed absolutely necessary—to evaluate the judicial philosophy of the nominee. There is no other way to assess whether the proposed Justice will be equal to the task of preserving our constitutional system. A Law Review article by Prof. Charles Black of the Yale Law School—79 Yale Law Journal 657 (1970)—and a lengthier study done by professors at Stanford and Michigan Universities—Congressional Record, November 5, page 39591—both indicate that the Senate evaluation of a Supreme Court nominee's judicial philosophy was intended by the Founding Fathers and has been practiced by the Senate for nearly 200 years.

I now reaffirm what I said during the debates on the President's nomination of Judge Haynsworth:

> It is the prerogative of the President, of course, to try to shift the direction and the thrust of the Court's opinions in this field by appointments to the Supreme Court. It is my prerogative and my responsibility to disagree with him when I believe . . . that such a change would not be in the best interests of the country. 115 Cong. Rec. 35368

This standard was also urged upon the Senate by one of the nominees now before the Senate. In an article in the October 8, 1959, Harvard Law Record, William Rehnquist called upon the Senate to restore "its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him."

We must remember that when we decide, we are determining the shape of the Court and the direction of the country for years beyond our own terms in office or perhaps even our own lifetime. One Justice still sits on the Supreme Court who was confirmed by a Senate, only one of whose members still serves in this Chamber. So let no one tell us that we cannot examine a nominee's judicial philosophy. Once we confirm a nominee, history will praise or blame us no less than the President for the resulting impact on the future of our law and our national life. With this in mind, I have examined the record of Mr. Rehnquist.

When President Nixon nominated William H. Rehnquist to the Supreme Court, the President said that Mr. Rehnquist is a judicial conservative who would restore balance to the Supreme Court. There is an old and honored tradition of judicial conservatism in American law and on the Supreme Court, a tradition which can be traced back to the time of John Adams. Many distinguished judicial conservatives have served on our highest court. Although I personally disagree with many of their conclusions, I believe that their tradition should continue to be represented. It was represented at its best for many years by Justice John Marshall Harlan, whom Mr. Rehnquist has been nominated to succeed.

My examination of Mr. Rehnquist's record convinces me that Mr. Rehnquist is not a judicial conservative at all, in the time-honored meaning of the term. Rather than being the views of a judicial conservative, they are those of a statist and authoritarian. Mr. Rehnquist exalts the powers of government over the rights and liberties of the individual. He exalts the executive branch over the coordinate branches of the Federal Government. He rejects some of the basic values that have characterized the conservative legal tradition in America. Far from bringing "balance" to the Supreme Court, Mr. Rehnquist would threaten to unbalance the Court.

Examine Mr. Rehnquist's views in detail and compare them to the authentic tradition of judicial conservatism in this country. His views drastically depart in major areas of constitutional law from that tradition.

First, true judicial conservatives in the United States have always given the highest value to the right of privacy—to what Mr. Justice Brandeis called "the right to be let alone—the most comprehensive of rights and the right most valued by civilized men." (*Olmstead* v. *United States*, 277 U.S. 438, 485 (1928)).

It was Mr. Justice Butler—one of the most conservative men who sat on the Supreme Court in this century—who summed up the traditional conservative attitude toward privacy in these strong words:

> The Fourth Amendment forbids every search that is unreasonable and is construed liberally to safeguard the right of privacy . . . its protection extends to offenders as well as to the law abiding . . . the Amendment is to be liberally construed and all owe the duty of vigilance for its effective enforcement lest there shall be impairment of the rights for the protection of which it was adopted. (*United States* v. *Lefkowitz*, 285 U.S. 452, 464 (1932)); *Go-Bart Importing Co.*, v. *United States*, 282 U.S. 344, 357 (1931)).

It was this belief in the value of privacy that led a genuine conservative like Justice Butler to give a resounding "No" to the Federal Government's claim to the right to wiretap without constitutional limitations in the famous Olmstead decision. Likewise, privacy received the greatest priority and protection from Mr. Justice Harlan, who, as he wrote in one of his last opinions before his retirement, was deeply concerned to preserve "that confidence and sense of security in dealing with one another that is characteristic of individual relationships between citizens in a free society." (United States against White, decided Apr. 5, 1971.)

Yet I find only the most perfunctory recognition of this essential constitutional value in Mr. Rehnquist's public record. Far from valuing the right of privacy as authentic conservatives have, he has subordinated it to the powers of Government.

For example, Mr. Rehnquist believes that traditional judicial control over Government wiretapping is unnecessary whenever the executive chooses to label it a matter of national security. Wiretapping has been held by the Supreme Court to be subject to the fourth amendment's provisions requiring judicial supervision of searches and seizures. This requirement of a warrant for a wiretap, like a search warrant for a home, is designed to insure that invasions of privacy are limited by an independent tribunal to cases of demonstrated need. Yet during this administration, the Justice Department has claimed that the fourth amendment requirement of a judicially approved warrant does not apply to domestic cases involving alleged domestic subversion. In these instances, the Department claims the executive can wiretap without court authorization.

In a speech in London last July, Mr. Rehnquist supported this Justice Department attempt to downgrade the protections of the fourth amendment. Mr. Rehnquist said that judicial review could only serve to delay and to hamper criminal investigations. He did not even mention the purpose of the warrant procedure—to protect citizens from unreasonable search and seizure by interposing an impartial magistrate between them and Government. This fall, Mr. Rehnquist refused to retreat from his opposition to judicial review of domestic national security wiretaps during his testimony before the Senate Judiciary Committee. He admitted that the fourth amendment did apply—but he contends that its test of reasonableness should be applied by the Attorney General alone.

A second area in which Mr. Rehnquist rejects traditional judicial control over Government activities is surveillance. In a speech, "Privacy, Surveillance and the Law," given on March 19 of this year, and in testimony before the Senate Subcommittee on Constitutional Rights, Mr. Rehnquist stated that he believed that there were no constitutional limits upon Government surveillance in public places as long as it did not involve the threat of criminal sanctions. He argued that nothing in the Constitution would prohibit an agent of the Justice Department or a soldier of the Army from following an ordinary citizen, recording everything he did in public, and compiling dossiers from that information—even though the individual had no connection with any criminal activity.

In justifying such surveillance, Mr. Rehnquist draws a very fine distinction between surveillance with the threat of criminal sanction—which he concedes raises constitutional questions—and surveillance without that threat—which he feels is constitutional. This distinction ignores the constitutional right of privacy and the first amendment right to free speech, free association, and free petition for redress of grievances without the fear of surveillance or possible future sanction. And it denies the heart of key Supreme Court decisions, such as *Bantam Books, Inc.* v. *Sullivan*, 372 U.S. 58 (1963); *Bates* v. *Little Rock*, 361 U.S. 616 (1960); and *NAACP* v. *Alabama ex. rel. Patterson*, 354 U.S. 449 (1958).

The most disturbing part of Mr. Rehnquist's disregard for first amendment rights in this area is his rejection of their relevance. When asked at Senator Ervin's hearings if Government surveillance and the fear caused by that surveillance raised any serious threat of a chilling effect on constitutionally protected activities and rights, the nominee answered with an unqualified "No." Later Mr. Rehnquist testified that first amendment questions were not raised until citizens were actually deterred from speaking out—an alarming threshold for the protection of precious rights.

And Mr. Rehnquist not only downgrades constitutional protections, he also sees little reason for the independent judicial supervision mandated by the fourth amendment to enforce these protections. He argued that "no legitimate interest" is served by such judicial supervision. And he is unwilling even to test available procedures to minimize the difficulties of judicial safeguards while preserving their vitality. He asserts that the "self-restraint" of government officials is sufficient protection—and that assertion is nothing less than an outright rejection of our historic commitment to a governmental system of checks and balances.

Second, a vital part of the conservative legal tradition in this country is an insistence on governmental adherence to established procedure, especially in the enforcement of criminal law. Recall Justice Frankfurter's famous statement:

> The history of American freedom is, in no small measure, the history of procedure. (*Malinski* v. *New York*, 324 U.S. 401. 414 (1945)).

Justice Frankfurter amplified this view in these words:

> (We) must give no ear to the loose talk about society being 'at war with the criminal' if by that it is implied that the decencies of procedure which have been enshrined in the Constitution must not be too fastidiously insisted upon in the case of wicked people. Id.

Mr. Rehnquist's record shows no similar faith in the procedural safeguards of our law. In the last 3 years, the Nixon administration has tried to revise traditional constitutional procedures in the field of criminal law. The administration has virtually done battle with the Bill of Rights, claiming that constitutionally dubious measures were essential to the fight against crime. In recommending preventive detention and no-knock searches, the administration has made unwise and unnecessary infringements upon fundamental ideals of justice in order to fashion law enforcement tools that are ineffective and unreasonable. As I said in the Senate over a year ago, preventive detention and no-knock searches are "instruments of fear" and "tools of repression."

During the protracted controversy about these new procedures, Mr. Rehnquist indicated that he felt no constitutional qualms about the denigration of traditional rights. In a December 4, 1970, speech, he called the administration's preventive detention proposals "entirely consistent with the spirit and the letter of the U.S. Constitution."

And in September of this year, testifying before the Senate Subcommittee on Constitutional Rights on Senator ERVIN's speedy trial bill, Mr. Rehnquist urged the committee to consider new limits on other traditional procedural safeguards such as the right of habeas corpus and the fourth amendment's exclusionary rule. With respect to habeas corpus, Mr. Rehnquist suggested the most far-reaching revision in over 100 years of the availability of that writ in the Federal courts. Habeas corpus—often called the "great writ"—is at the center of our system of criminal procedure. Indeed, Winston Churchill, a great conservative in the Anglo-American tradition, once said that the difference between civilization and tyranny may be summed up in two words—habeas corpus.

Mr. Rehnquist has acknowledged that over a century ago, in the Habeas Corpus Act of 1867, Congress decided that "any constitutional violation could be the basis for the exercise by the Federal courts of habeas corpus jurisdiction." The Federal courts have increasingly exercised this jurisdiction in behalf of personal liberty. To Mr. Rehnquist, that constitutes "the present expansive use" of habeas corpus, and he has urged basic restrictions on the availability of the writ.

Thus, in criminal law, the most dramatic changes in constitutional protections are easily embraced by Mr. Rehnquist. He is willing to accept extreme and unprecedented constitutional interpretations without protest. It is clear that individual rights and the Bill of Rights would be weakened by Mr. Rehnquist's judicial philosophy. Instead of being a conservative committed to conserving the most vital procedures of our legal system, Mr. Rehnquist would modify them to reduce the basic rights of our citizens.

Third, the authentic conservative tradition in this country has always stood for the liberties of the individual as against the overreaching claims of Government. America had its origins in a revolution against government abuse of power, and it is fair to state that every major conservative figure in the history of the Court has spoken up on one occasion or another in behalf of private rights and against excessive public authority. This conservative judicial philosophy was eloquently expressed by Mr. Justice Sutherland—for many years the intellectual leader of the conservatives on the Supreme Court—in the following words about the Bill of Rights:

> No one can read the long history which records the stern and often bloody struggles by which these cardinal rights were secured, without realizing how necessary it is to preserve them against any infringement, however slight . . . A little water, trickling here and there through a dam is a small matter in itself, but it may be a sinister menace to the security of the dam, which those living in the valley below will do well to heed. (*Associated Press* v. *NLRB*, 301 U.S. 58, 135–136 (1937)).

It was this spirit which led a conservative like Justice Sutherland to uphold the rights of the press against prior restraint in *Grosjean* v. *American Press Co.* (397 U.S. 233, 250 (1936), and to uphold and extend the right to counsel for all criminal defendants in *Powell* v. *Alabama* (287 U.S. 45 (1932)). These are among the great libertarian decisions in the history of the Court, and libertarianism has been a powerful component in the conservative legal tradition.

I find in the record of Mr. Rehnquist none of this spirit, none of this conservative reverence for the Bill of Rights, none of this willingness to draw the line and say to government: "Thus far and no farther." He interprets the Constitution as giving the executive wide powers to tap telephones and to conduct surveillance. He argues that the decision to invade Cambodia was merely a tactical decision clearly within the constitutional powers of the Commander-in-Chief. In testimony before the House of Representatives, he has defended a sweeping interpretation of executive privilege, granting the President broad powers of secrecy. And he has included in the "inherent powers" of the Presidency the authority to grant to the Subversive Activities Control Board responsibilities that Congress did not grant by statute.

The one notable exception to this in his record—and it points up the spurious nature of his "judicial conservatism"—is his reliance on the claim of individual freedom in opposing the open accommodations law of Phoenix, Ariz. It is revealing and disquieting that this purported exponent of "judicial conservatism" should have given lip service to the principle of individual rights only in an effort to deny non-white citizens the free right of access to public places.

Fourth, another essential element of the conservative tradition in American law has been a commitment to the separation of powers in the Federal Government and a particular distrust for the assertion of unchecked executive power.

It was Mr. Justice McReynolds—perhaps the single most conservative justice since 1900—who wrote:

> If the phrase "executive power" enfolds the one now claimed, many others heretofore totally unsuspected may lie there awaiting future supposed necessity; and no human intelligence can define the field of the President's permissible activities. "A masked battery of constructive powers would complete the destruction of liberty." (*Myers* v. *United States*, 272 U.S. 160, 183 (1925)).

I find none of this adherence to separation-of-powers principle in the record of Mr. Rehnquist.

Mr. Rehnquist elevates executive power not only above the liberties of the individual but above the powers of the judiciary and the Congress. For example, he has said:

> As to the merits of proposed legislative or judicial curtailment of the investigative authority of law enforcement agencies, I simply do not believe that a limitation on these investigative activities of law enforcement officials engaged in seeking the solution to crime would be either desirable or workable. ("Law Enforcement and Privacy," July 15, 1971).

Mr. Rehnquist's conception of executive power is so broad that he rejects the traditional checks and balances provided by the three branches of government. For him, executive "self-restraint" plus the popular election of the President adds up to a sufficient safeguard against government overreaching.

This reflects a fundamental misunderstanding of our constitutional system. The check of the judiciary upon executive actions is crucial to the preservation of our liberties. Nor are general elections a sufficient safeguard against unconstitutional abuses of power. Our constitutional system rests upon fundamental rules that are unwaveringly enforced by the judiciary.

For Mr. Rehnquist, the efficiency of the executive branch is a transcendent value. He has opposed "any legislation which, whether by opening the door to unnecessary and unmanageable judicial supervision of such activities—executive investigative authority—or otherwise, would effectively impair this extraordinarily important function of the Federal Government." (Quoted in CONGRESSIONAL RECORD 42139.)

In his zeal for enhancing executive power, Mr. Rehnquist seems unmindful of the basic purpose of the separation of powers, as it has been understood by judicial conservatives and liberals alike:

> The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy. (*Myers* v. *United States*, *supra*, 272 U.S. at 293) (Opinion of Justice Brandeis).

Some have argued that Mr. Rehnquist's views on many questions involving the Bill of Rights were presented when he was the advocate of the administration and that they do not represent his own judicial philosophy. Mr. Rehnquist was repeatedly given a chance to differentiate his own views from those of the administration, but he declined in all but one instance, invoking the attorney-client privilege in an unprecedented manner. Both at the hearings and in previous writings, he stressed the compatibility of his personal views with those he has advocated in office. And Mr. Rehnquist at times relied upon his official statements as accurate reflections of his own beliefs.

What emerges from this analysis of Mr. Rehnquist's legal views is the picture of a nominee to the Supreme Court with a wholly unacceptable approach to interpreting the Constitution. In broad areas of the law, Mr. Rehnquist has repeatedly argued that constitutional protections for individual rights and liberties must be subordinated or limited. In some areas of surveillance and wiretapping, he has concluded that constitutional protections do not apply at all. Whenever executive power is balanced by Mr. Rehnquist against individual liberties, those liberties are found to be less important, and the reasons given to support those liberties are often abruptly dismissed.

To me, these are not the hallmarks of a judicial conservative who would bring balance to the Supreme Court. This is the record of a man who would reshape the American constitutional system in the name of Government efficiency, despite the cost in personal freedom to his fellow citizens.

In addition to Mr. Rehnquist's failure to respect and support basic constitutional protections—even when interpreted in the Supreme Court's most conservative tradition—he has also failed to demonstrate a commitment to fundamental principles of equal protection. During the past 2 decades, one of the most far-reaching changes in this Nation has been the movement toward racial equality. Equality in social justice and the constitutional law have expanded in ways that must never be undone. As all Americans know, the Supreme Court has played a central role in that effort. But Mr. Rehnquist, judged by his statements as a private citizen, did not believe that the law should have been used to secure racial justice.

In 1964, on his own initiative, he testified before the Phoenix City Council and wrote a letter to the Arizona Republic protesting a proposed public accommodations bill, a local version of the public accommodations section of the historic Civil Rights Act of 1964. He argued that the property right of a store owner to serve customers of his own choice was more important than the right of an individual regardless of race to patronize any store open to the public. Although the subordination of a storeowner's property rights for the purposes of health and safety regulations or even zoning was quite understandable to Mr. Rehnquist, it was for him "impossible to justify the sacrifice of even a portion of our historic freedom for a purpose such as this."

In testimony before the Judiciary Committee, Mr. Rehnquist said that he would no longer oppose an open accommodation ordinance. He attributed his change of heart to a realization of "the strong concern that minorities have for the recognition of these rights". In other words, his appreciation of the constitutional rights of individuals depends upon his perception of the strength of their feelings.

In 1966, Mr. Rehnquist represented Arizona at a National Conference of Commissioners on Uniform State Laws which considered a proposed model State Anti-Discrimination Act. At the conference, Mr. Rehnquist made a motion which, in effect, removed the section of the proposed act that would have permitted employers to adopt voluntary plans to reduce racial, religious or sex imbalances in their work forces. He also opposed a section of the model law which would have prohibited "block-busting"—the vicious use of racial fears to destroy neighborhoods and reap enormous profits.

And in 1967, only 4 years ago, Mr. Rehnquist wrote a letter to the editor of the Arizona Republic opposing modest steps toward voluntary school integration. In that letter he took issue with those who wanted to achieve an integrated society and concluded.

> We are no more dedicated to an "integrated" society than we are to "segregated" society.

That is a stunning and categorical rejection of the whole thrust of the civil rights movement.

The record before us contains no pattern of action or statement that refutes the evidence before us or validates Mr. Rehnquist's claim to a strong commitment to racial justice.

These clear indications of Mr. Rehnquist's rejection of the use of law to guarantee racial equality are from a period of years during his mature life. They are not the rhetoric of a campaigner or the opinions of a young man. Even worse, they demonstrate that each time Mr. Rehnquist weighed the social and constitutional values of a proposal for racial justice, he decided against the proposal. As America moved to change its laws and its national life to end racial discrimination, Mr. Rehnquist's constellation of values put equality below superficial property rights and included no commitment to publicly enforced integration. I find this lack of adherence to one of our Constitution's most vital concepts—equal protection—unacceptable in a Justice of the Supreme Court.

For me, the ultimate standard for judging a nominee to the Court is whether he will fulfill the responsibility outlined by James Madison, the Father of our Constitution:

> If they (the Bills of Rights) are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against any assumption of powers in the Legislative or Executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights. (1 Annals of Congress 439).

A careful consideration of Mr. Rehnquist's judicial philosophy reveals a consistent lack of regard for individual liberties, an enthusiasm for unrestrained executive power, and a willingness to embrace drastic changes in our Constitution. This is the consistent record of many years, and it remains uncontradicted by evidence from the nominee or from others.

I am not satisfied that as a Supreme Court Justice, William Rehnquist would consider himself a guardian of the Bill of Rights, that he would be a bulwark against abuse or overreaching by the executive and legislative branches or that he would resist encroachments on the liberties guaranteed to all of us by the Constitution. Therefore, I shall vote against the confirmation of his nomination as an Associate Justice of the Supreme Court.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will meet at 10 a.m.

Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Maryland (Mr. BEALL) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will go into executive session to resume the consideration of the nomination of Mr. Lewis Powell for the office of Associate Justice of the Supreme Court of the United States.

There will be no rollcall votes tomorrow. In the event any rollcall votes should be ordered on conference reports, et cetera, such rollcall votes will be put over until Monday next.

Under the order agreed to, the vote on the nomination of Mr. Powell will occur at 4 p.m. on Monday next. That will be a rollcall vote.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Saturday, December 4, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 3 (legislative day of November 29), 1971:

OFFICE OF ECONOMIC OPPORTUNITY

Roy E. Batchelor, of Tennessee, to be an Assistant Director of the Office of Economic Opportunity.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Ronald S. Berman, of California, to be Chairman of the National Endowment for the Humanities for a term of 4 years.

NATIONAL SCIENCE FOUNDATION

H. Guyford Stever, of Pennsylvania, to be Director of the National Science Foundation for a term of 6 years.

EXTENSIONS OF REMARKS

RACINE YOUTH REACH OUT TO PRISONS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ASPIN. Mr. Speaker, it is my privilege to call to the attention of my colleagues in the House the following article that appeared in the Racine Sunday Bulletin on October 24. The article has a lot to say about the very positive contribution the youth of our country can make in comprehensive programs of prisoner rehabilitation.

I am personally gratified that I have these outstanding young people residing in my district who are willing to use some of their talents to try and reach people who now find themselves on the outside of society.

The article follows:

STUPH! ENTERTAINS AT WISCONSIN STATE PRISONS

(By Alice Anne Conner)

The 12 Racine young people forming the traveling acting group, STUPH!, are all recent ex-residents of the Wisconsin School for Girls—even the guys.

And while they were there, they say they had "the time of our lives."

In the interest of clarity, honest reporting, and the hearts of the young actors' parents, note that the group was at the detention school as part of a "prison tour" they've been doing since August, and their stay—overnight—was the result of the weather's behavior, not their own.

"The state police warned us that power lines were down and that it was really bad out," said STUPH! member Bill Barke. "And you should have seen the treatment we got! We had a whole floor to ourselves. They treated us like royalty."

OUR BEST AUDIENCES

That's been the attitude of every prison or correctional institution the group has played, according to the four members who stopped in the Journal-Times office for an interview recently.

"Prison audiences are our best audiences," said John Tradewell. "They appreciate what we do. They aren't afraid to participate in our skits, and they don't hestiate to tell us how much they like us."

After the performances, if the prison officials permit, the actors fraternize with the prisoners.

"We didn't really ever talk about why they were in prison," said one of the players. "They mostly just asked us questions about ourselves—how we got started, how we liked it—and we answered them. They mostly want someone to listen to them."

MORE SHOWS SLATED

The group's tour has included Thompson's State Camp for Men, Oregon State Camp for Men, Wisconsin School for Girls, Kettle Moraine School for Boys, Walworth Correctional Center, Green Bay State Reformatory—their first maximum security prison—and Fox Lake, which they've been to three times, and others.

They have tentatively scheduled trips to the Milwaukee House of Correction for a Christmas show, the Wisconsin Home for Women in Taycheedah (a maximum security prison), and Wisconsin State Prison at Waupun.

"They finally granted us permission to go to Waupun," said Barkee. "It took us a long time to get them to come around, but the prisoners at the other places told us to keep trying—that the men at Waupun needed to see our show worse than they did."

SUBJECT MATTER

A lot of STUPH!'s material has to do with crimes, Barke explained. "But we don't side with anyone. We get the guards and we get the prisoners."

"We got the prisons to do a show," said Cindy Strathman. "We don't talk about social conditions. We're there to provide them with a relief from prison life."

The group has been asked not to refer to Attica in any of their sketches, they said.

LEARNING EXPERIENCES

Barke said the prison tours have been a learning experience for all of them. "The biggest thing that happens," he said, "is that the first time you do a show it smashes your stereotype idea of what prisons are and what prisoners are like. You can't help but come away with the attitude of being for prison reform."

Tradewell said that everyone he had talked to was mostly looking forward to getting out. He thinks their attitudes, for the most part, were good.

"This one guy at Fox Lake helped us out as stage manager the last time we were there," he said. "He had seen us all three times we'd been there. When we told him we'd see him next time, he said 'No you won't. I get out in two weeks.' He was in good spirits."

THE MONEY SITUATION

STUPH! isn't a non-profit making organization, but neither are they profit-making, they say. "We're in a sort of financial limbo," Miss Strathman commented.

They have received help from charitable groups, like the Sisters of St. Dominic who gave them $100, and they are hoping to receive money from other organizations.

"We mostly just need to meet expenses," Barke said. "And that's not always easy."

THE 18-YEAR-OLD VOTE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, there has been a great deal of speculation about the potential impact of the 18-year-old vote. Some have even gone so far as to suggest that it will cause a major turnover in the Congress and radical alteration of our society. This in turn has given rise to a lot of chop-licking and hand-wringing, depending on how one views such a prospect. But it seems to me that such speculation is predicated on the mistaken assumption that young people are of one mind, are considerably to the left of their elders as a whole, and will have a better turnout rate at the polls than any other age group. Thus far, I have seen no evidence to support any of these assumptions. If anything, I think it is an insult to the intelligence of these young people that they are treated by some as an amorphous mass that can somehow be magically captured by a leftist Pied Piper playing the proper platitudes on his flute.

What we do know for a fact is that these young people tend to be more politically independent than their elders, and this certainly does present a new challenge to both parties. But at this point it is a bit presumptuous to predict how this group might divide when confronted with a choice. Two observers who do not think the youth factor will radically alter electoral politics are Stephen Hess, chairman of the White House Youth Conference, and John Roche, columnist, professor and former chairman of the ADA. At this point in the RECORD I include their analyses as they appeared in the November 29th issue of New York Times, and November 30th issue of Washington Post, respectively.

[From the New York Times, Monday, Nov. 29, 1971]

CORRECTIONS PLEASE, ON THE YOUTH VOTE

(By Stephen Hess)

WASHINGTON.—A front page headline proclaims, "Young Voters May Change Make-Up of Congress in '72." A more accurate, if somewhat more cumbersome, headline would be, "Young Voters Probably Will Make Little Difference in the Make-Up of Congress in '72."

The substance of Times reporter Warren Weaver's story is that young voters next year have the potential to defeat 31 of 33 Senators up for reelection and 70 per cent of the members of the House of Representatives for whom figures are available. He reaches this conclusion by determining that in these districts "the number of newly eligible voters exceeds the margin by which the incumbent was elected the last time he ran. . . ."

Fortunately for these legislators (if not necessarily the nation), The Times article—and a good deal of the conventional wisdom about the youth vote—is hugely misleading.

With only a modest refinement of the figures, it is possible to contend that the onslaught of youth ballots is more likely to defeat two (not 31) Senators and fourteen members of the House of Representatives (not 280).

The only new factor in the 1972 election equation is the vote of those enfranchised by the Constitution's 26th Amendment. Next year the number of eighteen-, nineteen- and twenty-year-olds will be slightly in excess of eleven million out of a voting population of 139,563,000, or 8 per cent of the electorate.

Voting participation in our society seems like fine wine to ripen with age. Historically, younger people simply have not gone to the polls as frequently as their elders. For example, in a Maryland Congressional election last May to fill the seat vacated by Rogers Morton, the eighteen- to twenty-year-olds made up 2.5 per cent of the total vote cast, while comprising 8.6 per cent of the district's voters

Nevertheless, given the novelty of voting for the first time and given the special efforts that will be made to get youth registered, it is reasonable to assume that there will be a 50 per cent turnout among young voters in 1972.

Public opinion surveys consistently show a two-to-one Democratic preference among the young, although the links to both parties are weak. Ideologically youth also splits two to one liberal over conservative.

Thus, postulating a 50 percent turnout and two-to-one Democratic split, what is youth's likely impact on next year's Congressional races?

In Senate elections the application of this formula would produce the defeat of two Republican incumbents, Oregon's Mark Hatfield and John Tower of Texas.

Yet here we see the difficulty of trying to fit the youth vote into a statistical mold. Hatfield is a liberal. (Are young people liberals first and then Democrats?) Tower is a Southerner. (Are Southern youth as liberal as their Northern counterparts?)

Moreover, neither Hatfield at 49 nor Tower at 46 is a senatorial fuddy-duddy. And there is plenty of evidence that style may be more important than ideology or party label to young people. Take the considerable attraction to youth of conservatives William Brock of Tennessee and James Buckley of New York.

Excluding the House races in New York, where Census Bureau figures have not yet been compiled by age group, what is noteworthy about the fourteen Republican Congressmen who might be expected to fall victims to the youth vote is that twelve of them are first-, second- or third-termers. The only veterans to be threatened by the 26th Amendment are Alvin O'Konski of Wisconsin (second-ranking Republican on the Armed Services Committee) and Hastings Keith of Massachusetts (fourth-ranking Republican on the Interstate and Foreign Commerce Committee).

Allotting a two-thirds "liberal" youth vote in the South to the Republicans would likewise make virtually no difference on the make-up of the 93d Congress, although it could unseat James Haley of Florida, rated the most conservative Democrat in the House by Americans for Constitutional Action.

The right to vote assumes the self-protective obligation on the part of politicians to take youth seriously. They now become a force not only on Election Day but in the choice of candidates and issues. Yet the most apparent conclusion from the data at hand is that the youth vote, rather than being a "ballot bomb" as Kingman Brewster, president of Yale, has predicted, will have no explosive effect on the Capitol Hill power structure.

[From the Washington Post, Nov. 30, 1971]

AND SUDDENLY "YOUTH" ENDS

(By John P. Roche)

With an estimated 25 million new, young voters eligible to participate in the 1972 Presidential election, there has understandably been a great deal of interest, amounting in some instances of semi-hysteria, in the behavior of this huge bloc of votes. On one hand, it has been predicted that they will lead America to the promised land, rejecting the "old politics" in favor of a radical "reordering of national priorities." On the other, it has been argued that in overall political terms this new segment of the electorate will divide in roughly the same fashion as its elders, only with a significantly lower level of participation.

Obviously what is involved here is a conflict between two definitions of the average young American. One assumes that he or she possesses a high degree of ideological independence. Or, to use the catch word, "alienation" from the values of the older generations. The other believes that young Americans share their parents' values, that a certain amount of generational revolt is par for the course but does not add up to a radical rejection of traditional political patterns. The 1971 elections were subjected to intense scrutiny by partisans of both positions, but unfortunately they revealed absolutely nothing except what we already knew: that the younger the voter, the less likely he is to vote.

In the absence of solid evidence, everyone is free to speculate. For what it may be worth, I would like to suggest that those who think of American youth as "radical" are confusing activism with ideology. There has always been a tendency to equate youthfulness with liberalism, a tendency from which John Kennedy and the New Frontiersmen profited enormously.

For reasons that hardly need exploration, the young are more vital, more dynamic than their parents and grandparents. For other reasons, which out of respect for my generation will be passed over in silence, the young are encouraged to think that they invented sex, sensuality, and sin. Despite rumors that my generation was bursting with patriots volunteering to be riflemen, I suggest they are even wrong in thinking themselves to be the first young Americans who objected to being drafted.

The young then are traditionally vital and egocentric. Life is a ball until suddenly that first child is born and you face the moment of truth, you are now responsible for somebody else. It is at this point that "youth" ends; not at an arbitrary age. Some people, notably the very rich, never make it and drift through life as aging Peter Pans. Others, particularly among the 8,000,000 in the 18-to-21 category who do not go to college, leave "youth" behind well before their 21st birthday. A number of my childhood friends are grandparents several times over.

What this adds up to in practical terms is that there are two sub-groups within the abstraction called the "youth vote" which are politically strongly motivated. First, the handful of college ideologues (perhaps 3 per cent of 6,000,000), and, second, those who have in the old sense a strong stake in society; that is, those who are married, working, perhaps expecting a baby, and worried about paying bills. In between is the politically inert mass, whose political responses are somewhat wacky because they have neither an ideological compass nor a "ball and chain."

Fascinating evidence of this ambivalence can be found in Angus Campbell's superb study, "White Attitudes Toward Black People" (Institute for Social Research, Ann Arbor), which shows on the basis of careful statistically analysis that (1) young white males are far more sympathetic to black protest than their elders; and (2) they are far more favorable to white counter-riots! They are, in short, fond of action and will join whatever game happens to be in town. Perhaps it is just as well that they do not actively participate in politics.

A TRIBUTE TO THE MAYORS OF NEBRASKA'S SECOND DISTRICT

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McCOLLISTER. Mr. Speaker, in Nebraska's Second Congressional District, we have the good fortune to have a group of mayors who work particularly well together. These men represent about 30 towns throughout the district's five counties. Although the mayors have had a good relationship for a number of years, they last year made their informal contact official and formed an association called the East Central Nebraska Conference of Mayors.

This group meets at least quarterly for the purpose of discussing mutual problems and solutions and to keep informed on what is going on within the towns which are their neighbors. I generally meet with the mayors group to explain legislation and answer what questions I can about how Federal Government works.

Mr. Speaker, the group is composed of an exceptional group of men who give their time and energies to their towns often at personal sacrifice. It is a group of men exceptionally dedicated to their jobs, and this in itself deserves mention.

But today I want to call particular attention to four of the men who this year have retired from service as mayors. They are Renos G. Knuz of Eagle; Sam Wright of Kennard; Henry Gottsch of Springfield, and Harry P. Andersen of what was formerly Millard and what has now been annexed into Omaha.

It is men like these four, doing all the various jobs and troubleshooting that can affect a town, who are responsible for contributing a solidarity to our Nation today. In times when small towns are being told they are in trouble, it is men like these who will provide the leadership that will prove to be a town's greatest natural resource.

Today I pay tribute to these four men and the others throughout our country who have given and continue to give unselfishly to insure our small towns of strength and opportunity. Mayors Emeriti Kunz, Wright, Gottsch, and Andersen, we thank you.

HEALTH BILL OF RIGHTS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MITCHELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement before the House Ways and Means Committee:

HEALTH BILL OF RIGHTS

Mr. Chairman, I appreciate this opportunity to bring to the attention of this Committee a matter of grave concern regarding the delivery of health care in America. First, however, I wish to commend the Chairman and all Members of this Committee for moving forward with an analysis of health care in order to devise a workable, fair system of national health insurance for every man, woman, and child in America.

During the past several years, many proposals for a system of national health insurance, or universal health entitlement, have been discussed and outlined. Last year, 13 plans were placed in the Congressional hopper. During this Session of Congress, even more suggestions have been made, although the outlines of major plans seem to be getting clearer and clearer.

May I say, Mr. Chairman, that the Congress and the people of this Nation will owe this Committee a great debt, as its deliberations serve to clarify even further the issues at stake, the directions we must pursue, and the ultimate commitment this country will have to make.

This Committee already has before it the stark figures on the need for a bold revision of health care delivery in America. I will not, therefore, belabor the obvious. Nor do I come before this Committee as an advocate for any particular plan or plans proposed by my distinguished colleagues in the House of Representatives. Rather, I would draw your attention to a basic, fundamental, and all-important element that must be included in whatever plan the Congress ultimately approves.

Briefly stated, this element is the assurance that all health care will provide for the primary benefit of those in need and not for the benefit of those who provide health service. National health insurance must be a system that works best for patients, not merely a better reimbursement system for doctors and hospitals.

If that is to be the case—and I submit that it must be the case, if the people of America are to be well served—then it follows that all individuals who may need health care must be guaranteed certain rights. These guarantees, in addition, ought to be expressed by the Congress within the very legislation that will establish universal health care entitlement. In my review of the many health plans submitted by my colleagues thus far, I have been distressed to see no statement that recognized the rights of patients. I believe such a statement is essential at this time.

Mr. Chairman, I place this proposition before you not as mere rhetoric. We have had enough of that. But I am sure this Committee is aware as I am of the sense of distrust, the cynicism, that is growing among our fellow citizens towards the institutions and services of their own government.

Local public services, long regarded with respect or fear or wonder, are now under constant attack by our citizens. And in every case we can see, to a greater or lesser degree, a legitimate cause for complaint or distrust or cynicism.

Just three weeks ago, in community after community, voters turned down more money and power for local schools. They are demanding greater accountability and greater respect for the rights of students and taxpayers.

Civilian review boards are another growing issue in the area of public safety. The police themselves are having to re-examine their role in the community as the demands mount up for a greater concern for civil liberties and civil rights.

I need not tell this Committee of the chaos in our social services, particularly in welfare. Here, again, the reform of service delivery is closely tied in not just with fiscal reform but with the reform of professional conduct toward welfare recipients—a respect for human rights while a public service is rendered.

Now, Mr. Chairman, the Congress of the United States is about to embark on a broad-scale revision of public health service. This is a massive undertaking of fiscal reform. It will be a massive undertaking of the re-allocation of resources. But it will also be a major re-statement, in terms of a particular public service, of the promise made by this country's Founding Fathers: that every person is entitled to Life, Liberty, and to Pursuit of Happiness and it is the job of government to protect that universal entitlement.

Therefore; whether we speak in terms of *1776* or of *1976*, the issue I raise with you today is the same: any law establishing a system of national health insurance must carry a clear statement of the rights and protections such a system will provide for all citizens in America.

Let me add that national health insurance is not only a boon to every American; it is a grave responsibility to be shared by every provider of health service—doctor, nurse, hospital administrator, technician, researcher, medical school faculty, nursing home proprietor, everybody in the health industry. It is imperative that all of them know what is expected of them under national health insurance, just as it is imperative for all citizens to know what kinds of service they are entitled to. For we have seen during these past five years of Medicare and Medicaid the shuttling of patients from private hospitals to overcrowded public facilities. We have seen conditions in nursing homes reach a point beyond human imagination; these condtions have been accurately and painfully described in the Congressional Record by our distinguished colleague from Arkansas, Rep. David Pryor. Surely, the Congress never intended that Medicare become an instrument of abuse for any needy, sick person.

But we know it has happened. We know that simple safeguards of human dignity and justice were left out of the Medicare legislation. Frankly, no one in 1965 would have thought it necessary to write such safeguards into the law.

Mr. Chairman, I know well the historic role played by you and the distinguished Members of this Committee in drafting and helping to pass H.R. 6675, the Medicare Amendments to the Social Security Act. I also know of the great struggles to resolve differences between the two Houses of Congress and among the many groups representing doctors, hospitals, insurance companies, and labor unions. But the differences *were* resolved and America took a great step forward in caring for its citizens.

Now we are all aware of an issue not discussed and never resolved in 1965—an issue that haunts Medicare to this day: the issue of the rights of patients, the beneficiaries of that great legislative achievement.

Several months ago, I was introduced to a "Health Bill of Rights," drawn up by the American Patients Association, a national organization representing consumers of health service and headquartered here in Washington, D.C. Since then, many individual doctors and hospitals administrators have indicated their support for such a statement. In addition, the National Dental Association and the Physicians Forum have come to me with expressions of support in principle for a "Health Bill of Rights" and have urged that such a "Bill" become part of national health insurance legislation.

They feel as I do: Unless the people of America—rich, poor, male, female, white, red, black, brown, or yellow—unless they all feel that this program is in effect for them, that it respects their rights, that it seeks to preserve their health and human dignity—unless this idea is put across, the great dream of national health insurance will be viewed with skepticism, cynicism, and distrust. Let me emphasize that without the trust of those it is intended to serve, a national health insurance system cannot possibly work.

At this time, Mr. Chairman, I would like to present to this Committee the 10 brief points in the proposed "Health Bill of Rights" that I introduced on November 1st. It is known as H. Res. 679.

1. Every resident of the United States has a right to the best health care available without regard to his or her race, religion, color, national origin, or ability to pay.

This is a categorical statement wholly consistent with the Civil Rights Act of 1964, with the decisions of the U.S. Supreme Court in desegregation and welfare cases, and would be covered by the "due process" and "equal protection" clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution.

I might note, Mr. Chairman, that President Nixon himself has said he thinks health is a right—one of the few times we both seem to agree. I would assume that the "strict constructionists" he has nominated to the High Court would keep this in mind as health rights cases come their way in the years ahead.

II. Neither a patient's age nor sex shall be used for discriminatory purposes in the provision of care, nor shall certain age or sex groups be used for experimentation without full medical justification and informed consent.

For years we have exploited the aged, the mentally retarded, Blacks and other minorities, the poor, and those in dentention centers for experimentation. Puerto Rican, Chicano, and Black women on welfare were the first guinea pigs for oral contraceptives 10 and 15 years ago. Only last year, the U.S. Food and Drug Administration had to put out new, stronger regulations to insure the getting of informed consent from patients being used by drug companies for a variety of dangerous tests.

Now, with the aged getting increased attention, a whole new frontier of drugs and devices for old people is opening up. We must make sure that such research and experimentation is carried out with the patients' rights fully protected rather than circumvented under a loose national health insurance system.

III. Health care, including medical assistance, shall in no way violate the constitutional guaranty of privacy and of protection against self-incrimination; these rights shall prevail during examination, diagnosis, and treatment and shall govern the maintenance of all health records, verbal or recorded.

Privacy is as important to a poor child from a welfare family as it is to a wealthy youngster. If they are to be poked and probed by a doctor, let it be done with the curtains drawn. Unfortunately, this simple courtesy—which can be translated into a human right—is less available to the poor and the middle-class and most available to the rich.

But I must call your attention to a more basic issue. If everyone is to be entitled to health care, then theoretically there can be a health record on every citizen—his heartbeat, drinking habits, sex life, blood type, rate of metabolism, and so forth. We must make plain to everyone that this is *private, privileged information that belongs to the patient.*

A system of national health insurance that does not have safeguards against invasions of privacy and self-incrimination will be considereded yet another hoax by the people of America. That must never happen. And let Congress say so.

IV. Except under emergency circumstances, each patient must be informed of the treatment he is to receive, of the persons who will provide that treatment, of the nature of the treatment (whether it is generally accepted procedure or experimental), and the anticipated risks and benefits of such treatment to the extent they are known. The patient has the right to give or to withhold consent to treatment.

On the one hand, this is a re-statement of what our Nation already agreed to at Nuremburg and Helsinki following World War II. We vowed, along with all other civilized States in the world, that the horrors of Nazi "experimental medicine" would never again take place. A sick person must have the right to know what is going to happen to him—and who will be responsible for it—and he must retain the right to say "No".

But I am not proposing this particular section because I think American doctors handle patients the way Nazi doctors handled concentration camp internees. What this statement recognizes is that, under national health insurance, everyone benefits, everyone pays, and everyone participates.

In America today, the average person has better than a high school education. That means our citizens—even under the stress of illness—can understand many details of sickness and treatment that might have been beyond the imagination of our fathers and mothers. So I think it is worth stating that patients—those who receive health care—have a right to participate as fully as possible in the delivery of that care. I offer this not as a dim ideal but as a practical, immediate reality.

V. Where an individual patient cannot give informed consent to recommended treatment because of medical disability, language barrier, or condition of confinement, such consent must be sought from next of kin, guardians, or others who would assume responsibility for the patient's legal and moral rights.

Universal entitlement means the gathering in of everyone and the government being responsible for everyone. We know that such a proposition is almost impossible to realize. However, it is not impossible—in fact, it is quite necessary—that government at least indicate to all citizens that their rights will be protected, regardless of the circumstances.

Such a statement, promulgated by the U.S. Congress, would be the signal to the ultimate administering agency of national health insurance to get its machinery moving on responsibility. We must affirm that no man is an island, nor will any man become an island as a result of a national health insurance plan.

I would remind this Committee that no fewer than one of every 10 Americans speaks, Spanish, Italian, Jewish, or a variety of Indian languages as a mother tongue. Yet all of them, along with the English-speaking Americans, would have a right to health care. Let's make sure—as we did not with Medicare and Medicaid—that neither language nor illness nor locality nor anything else will prevent a patient from maintaining his right to information.

VI. The relationship between the patient and the provider of care shall be free of any representatives of enforcement, investigative, financial, religious, or social agencies, except as specifically requested or approved by the informed patient and without duress.

If we are concerned with the health of the individual citizen and intend to cover his every health need, then we had better make sure these needs are not interfered with by persons who have other business in mind. We must let doctors and hospitals know that their primary duty under national health insurance would be to take care of the health problems of our citizens. And we must get police, insurance investigators, private detectives, shakedown artists, collection agencies, and the welfare department out of the way unless or until the patient himself allows them in.

VII. No person in need of medical assistance may be turned away or otherwise abandoned by any individual or organization, public or private, capable of providing such assistance. This shall not be construed to be in conflict with the principle of informed consent.

Here we would try to set the record straight for both the patient and the doctor. To the patient we say: "Look here, universal health insurance means just that: wherever you may be, in whatever condition, someone with medical knowledge will take care of you. You will receive whatever care is possible and needed, within the context of all your rights." And to the doctor we say: "Don't shrink from exercising your best medical judgment whenever it's needed. Do your job as best you can as a real professional and don't worry about 'getting involved.' We *want* you involved."

This provision would extend the so-called "Good Samaritan" law and free doctors and hospitals from the threat of suits where no such law now exists.

We cannot have a contradictory standard: national health coverage along with an abandonment loophole. Today, even under Medicare and Medicaid, no aged or poor person is guaranteed health service; a doctor or hospital may opt out of the plan and all their patients left to drift. I would hope this never happens under national health insurance.

VIII. All persons have the right to advocate and work for change in the provision of health care: such activity shall not be used to deny any person access to care at any time of need or the protections of all rights and guarantees.

This Committee knows far better than I the degree to which health is becoming a vast, complicated, growing industry. As such, it is suffering all the growing pains of a full-fledged industry: labor organizing, consumer pressures, nurses' strikes, intern protests, community action, and so on. And that's the way it's going to be for a long time to come, whether we like it or not. With the advent of national health insurance, the pressures for change will grow faster and stronger.

Today as in the past, hospitals can shut out union organizers, militant nurses and young doctors, community activists, poverty lawyers and others. I am told that some hospitals will refuse to treat or provide any care for such "troublemakers."

Maybe that sort of thing can exist when public health service is divided between public and private institutions. But with the advent of national health insurance, our health system will be *national and public*. Everyone will have a stake in it and—being Americans—some people may turn to militance. But they—even these "troublemakers"—must still be given the right of access to health care. They *cannot* and *must not* be abandoned by the health industry.

IX. Every person has a right to all information of a public nature which indicates the adequacy, efficacy, and economy of health care provided directly or through third parties by local, county, and state, regional, and national agencies.

Earlier in my testimony, Mr. Chairman, I noted that the people of this country are asking all public servants to be more accountable for their actions. The principle of "open books" is strongly rooted in America. I believe we must reaffirm this principle at the very time we enunciate a system of national health coverage.

For the past two years, committees of the Congress have heard witnesses from insurance companies, hospitals, and medical associations try to cover up their lack of information, indicate they just didn't know the facts about important aspects of health care and costs, and confess to not knowing things they promised the Congress they *would* know.

The disease of misinformation and no-information has infected the Social Security Administration and most State health agencies as well. With your permission, Mr. Chairman, I would like to submit for the record an article from the Washington Post written by a medical reporter, Mr. Mal Schechter, and his experience with the secrecy of the Social Security Administration.

We cannot tolerate this sort of thing with present government health plans. Think how much worse off we will be if citizens do not have access to public information telling them how well—or how badly—the national health insurance plan is working. And think how much worse off the Congress will be if this ninth provision in our "Health Bill of Rights" is omitted from the overall legislation.

X. Health care in the United States is and shall be organized to benefit the general public; all policy-making bodies of institutions, organizations, or agencies devoted to health care and which draw support in any form from public revenues shall have a majority representation from the general public.

This may be the most controversial of the ten provisions and, hence, has been kept to the last. However, as this Committee knows, the Congress and the Executive Branch have already acceded to the principle of majority representation for consumers on health planning boards set up under the so-called "Partnership for Health" Act, Public Law 89-749. Neighborhood health centers set up by the Office of Economic Opportunity and continued under HEW have also had majority policy control by consumers. So the idea is not new. However, what would be new is the universal application of that idea to all agencies in a national health insurance system.

I think it is unnecessary now to go into particulars as to how this would be done. There are many models in the fields of education, urban planning, agricultural cooperatives, and housing to help the responsible agency work out details applicable to national health insurance. But now is the time for Congress to again enunciate the principle of public control of health delivery.

Mr. Chairman, these ten provisions of a proposed "Health Bill of Rights" were brought to my attention by their sponsor, the American Patients Association. However, I would like to add that responsible organizations representing organized medicine have also seen the need to lay out the rights of the patient.

With your permission, Mr. Chairman, I would submit for the record a very fine statement issued by the Joint Commission on Accreditation of Hospitals. The JCAH is composed of members representing the American Medical Association, the American Hospital Association, the American College of Physicians, the American College of Surgeons, the American Association of Homes for the Aging, and the American Nursing Home Association.

While this is an excellent statement, the JCAH can apply it to only about half the hospitals of the U.S.; the remainder are not JCAH-accredited. Further, the JCAH has no enforcement mechanism to make sure the ideas in this preamble are actually carried forward by accredited hospitals.

Therefore, Mr. Chairman, it is up to the Congress to come forward with a clear statement of patient rights at the very time we build a national health insurance system. Such a statement would not protect any one special group—the poor, the rich, doctors, or hospitals. A "Health Bill of Rights" is needed by *all* Americans, wherever they appear in the health delivery system. It is a basic statement of trust and justice, a recognition of the dignity of the individual regardless of the misfortune he may endure in illness. It will let every American know that his government is as concerned about human rights as about medical bills. Above all, it is a clear statement of shared responsibility, shared commitment, and shared trust between patient and provider.

Mr. Chairman, I again wish to thank you and this Committee for the chance to introduce the concept and language of a "Health Bill of Rights" into your deliberations on National Health Insurance.

MEDICARE'S SECRET DATA

Mr. Speaker, Mal Schechter, the Washington editor of Hospital Practice magazine, has recently brought to the public's attention the serious question of the prohibition of disclosure of medicare survey and inspection reports.

As one who has always believed that the ultimate safeguard in a democratic republic is the people's right to be fully informed and to make decisions based upon that information, I think that Members of the House should be concerned that older Americans are barred from information which is essential to them.

I am, therefore, including in the CONGRESSIONAL RECORD the article "Medicare's Secret Data," which appeared in the Washington Post on September 26, 1971.

The article follows:

MEDICARE'S SECRET DATA

(By Mal Schechter)

In 1939, the fledgling Social Security System warned Congress of a problem vitiating its objective of humane aid to the poor. Political candidates in some states acquired, legally, the names of Old-Age Assistance recipients and deluged them with campaign propaganda, promises and warnings. Tradesmen also used the lists. A few states actually required publication of the names to deter the poor from seeking relief.

Social security Board Chairman Arthur Altmeyer asked Congress for authority to require confidentiality of records. Not only to protect assistance recipients but also individuals in the payroll tax program of old age and survivors insurance, Congress agreed.

Section 1106 of the Social Security Act to this day ranks as one of the most sweeping secrecy provisions in any federal program. It forbids disclosing "any file, record, or other paper or any information" obtained by the system or provided for official use, except as the Social Security commissioner expressly allows.

A quarter century after Altmeyer's plea, Medicare began.

There lies the rub. For Section 1106, implemented by Regulation No. 1, covers relationships hardly imagined in 1939.

Medicare deals with hospitals, nursing homes, clinical laboratories, physicians, health departments, and insurance companies. What Congress intended as protection of payroll taxpayers and benficiaries has been extended to Medicare's corporate servants. The "authority to refuse to disclose"—as Regulation No. 1 puts it—has mushroomed, and this restricts the public's right to know about the quality of care it receives and the quality of Medicare's administration.

Much information on specific facilities is not open to the public, such as reports on Medicare-financed inspections of nursing homes and hospitals. These surveys contain information bearing on patient health and safety which could be important to families trying to place a relative. Or to newsmen, students of health care and public administration, or anyone who wants to know how good or bad a community is served by the health establishment.

But nobody can get these reports from Social Security.

In New York State, on the other hand, information on institutional deficiencies gathered by the state is, by law, public information.

Social Security Commissioner Robert Ball says he realizes that deficiency disclosure could help the public and patients, but he emphasizes "undesirable effects." He insists Medicare doesn't certify a facility endangering the patient's health or safety. Therefore, public disclosure of lesser deficiencies in certified institutions "might create unwarranted concern" or an "adverse public reaction (that) could severely hamper an institution's efforts to maintain patient loads while effectuating needed improvements."

SHORTCOMINGS SHIELDED

That serious deficiencies exist under Medicare is hardly hallucination. Federal auditors repeatedly have found Medicare homes lacking complete fire protection programs, required nursing attention, required physician attention, necessary emergency electrical service, and complete nurses' call systems.

Which ones? Don't ask the Social Security Administration.

Medicare certification is hardly an infallible guide to quality. Of some 4,500 Medicare nursing homes mentioned in a Senate Finance Committee report, nearly 3,300 had significant deficiencies, some tolerated for years in the category of "substantial compliance" with standards. The public never is told which homes are in "full" and which in "substantial" compliance. The Finance Committee says administrative legerdemain permits disregard of many standards.

The nation has the word not only of auditors but also of President Nixon that something is seriously wrong with federally subsidized care in nursing homes. Much of the President's recently announced effort to tighten up federal supervision of nursing homes appears directed at officially tolerated abuses—perhaps in good measure tolerated behind a screen of nondisclosure.

Although Social Security has some good words for disclosure, it has backed off from an innovative proposal by the Finance Committee. Last year, the committee proposed that Medicare publish information on deficiencies if an institution fails to correct them within 90 days. The proposal is still pending. Social Security has come up with many reservations to the plan without acknowledging the public's right to information. Ball has argued that "widespread and indiscriminate dissemination of information about deficiencies" may have some undesirable effects.

The public's right to know may be forever in conflict with such official paternalism, whether altruistic or self-serving. Often considered one of the better bureaucracies, Social Security has a record on Medicare nondisclosure that goes beyond nursing homes. It was reluctant to name insurance companies that it found to be poor Medicare fiscal agents, including District of Columbia Blue Shield. It declined to disclose results of a Medicare survey of Boston City Hospital after disaccreditation by the Joint Commission on Accreditation of Hospitals; nondisclosure prevented an attempt to compare certification systems. Social Security is silent on revealing the names of Medicare nursing homes that have highly inflammable carpeting. It has stopped a state agency from describing the administrative process that permitted a leading clinical laboratory to be certified for four years without meeting key standards.

Even reimbursement information has been played close to the vest. When first asked for specific payments to hospitals, the agency said nothing doing: Regulation No. 1. Fortunately, Ball relented because "there is not the same validity in withholding information concerning the payment of public funds to institutional providers of Medicare services as there is in the case of information on Social Security payments to individuals."

Ball made the data available and amended Regulation No. 1—but only to disclose institutional payments, not deficiency data. Alas, the hospital payment data turned out to be inadequate for comparing institutions on costs related to patient load. This raised questions about Medicare's capacity to analyze costs and influence development of cost controls amid medical-hospital inflation. A promise that good comparative data would be punished regularly remains unkept.

Given specific hospital payment data, the extent to which Medicare financed certain racially discriminating Southern hospitals was assessed by Hospital Practice. The report led to tightening up of a Medicare loophole. There was no difficulty obtaining specific civil rights data from the Office for Civil Rights of the Department of Health, Education, and Welfare; that office said the records were public information.

SOOTHING THE INDUSTRY

The application of Regulation No. 1 to Medicare may be a historical result of the health industry's opposition to enactment of the program—and especially to its chief spokesman, Wilbur Cohen, then HEW under secretary. After enactment, Cohen, prodded by the White House, emphasized consultation and conciliation. Consumer representatives, including organized labor, followed Cohen. Much of the regulatory work was confidential from the very start. In this atmosphere, Regulation No. 1 was handy.

The bureaucrats who moved over from the cash-payments and disability payments programs had matured at the knee of Regulation No. 1. A history of early Social Security days points to the founding policy of shunning political controversy at almost all costs. This meant a tight lip on information that might stir things up even more for a young social program in the hostile 1930s. The system had to be above reproach and suffer its pains quietly.

These themes may have figured in the application of Regulation No. 1 to Medicare. The commissioner could have excluded the new relationships from nondisclosure. Psychologically, 1966 may have been 1936 all over again in the bureaucracy. Whatever the reason, frankness with the public has not been a Medicare hallmark where controversy portended—neither under the Democrats nor under the Republicans, who, the bureaucrats are aware, have special ties to protect in the health establishment, especially insurance companies.

Some officials argue that it is enough that congressional committees get information. Still, information on deficiencies does little practical good to the man in the street when deposited on the Hill under a "confidential" stamp. Nor, one might argue, should congressional oversight delimit the public's right to information. Medicare records probably are a mine of information for communities on the quality of medical-hospital care. Disclosure might generate healthy corrective pressures in localities.

The dangers of secrecy, some officials argue, are outweighted by the dangers of disclosing undigested technical information. Raw data might do the public little practical good. The proper rejoinder may be that government must provide the context to give data meaning, with other sources free to comment on the facts. The HEW Audit Agency has such a pattern so readers can judge for themselves.

THE CHANGES NEEDED

A few steps could give the public access to Medicare information. First, Section 1106 should be replaced by a simple statement limiting confidentiality to taxpayer-beneficiary-patient records. All other information should be subject to the 1967 Freedom of Information law.

This statute assumes that all information in federal hands belongs to the people and is disclosable, with certain exceptions—such as internal policy memoranda, trade secrets and patient records. Unfortunately, the 1967 law exempts any antedating statutory authority for secrecy, such as Section 1106. Also lamentably, the law has been laced with bureaucratic interpretations that have created or widened loopholes.

The information law should be amended to narrow the loopholes, especially to make clear that factual material must be disclosed on request in timely fashion. Where doubt exists about "confidentiality," the matter should be examined by a board including non-bureaucrats. For example, the President might name such a board from newsmen, public representatives and bureaucrats. Among other things, they might have power to release the substance of documents after "sanitizing" to preserve necessary patient-beneficiary confidentiality. The board should work rapidly. Its decisions should be subjected to immediate court review.

Further, in the current debate over national health insurance all proposals should carry an explicit requirement for freedom of information, avoiding secrecy from the start. The debate over forms of health insurance, quality of care, economics and efficiency of services, and governmental-versus-private roles might be better informed today if the people had the facts.

Finally, the Senate Finance provision on releasing deficiency information should be enacted without delay. Anyone seeking to learn about the quality of a facility should be able to look it up at a district Social Security office. The same information on institutions in Medicaid and other government programs should be publc, as should results of hospital accreditation inspections which form the basis for joining government programs.

Thomas Jefferson once said, "Give the people the facts and they will know what to do."

Medicare should do no less.

JCAH PREAMBLE

"Equitable and humane treatment at all times and under all circumstances is such a right (of patients). This principle entails an obligation on the part of all those involved in the care of the patient to recognize and to respect his individuality and his dignity.

"This means creating and fostering relationships founded on mutual acceptance and trust. In practical terms, it means that no person should be denied impartial access to treatment or accommodation which are available and medically indicated, on the basis of such considerations as race, color, creed, national origin or the nature of the source of payment for his care."

The preamble of the JCAH goes on to consider the rights to privacy: "Every individual who enters a hospital or other health facility for treatment retains certain rights to privacy, which should be protected by the hospital without respect to the patient's economic status or the source of payment for his care. Thus, representatives of agencies not connected with the hospital, and who are not directly or indirectly involved in the patient's care, should not be permitted access to the patient for the purpose of interviewing, interrogating or observing him, without his express consent given on each occasion when such access is sought. This protection should be provided in the emergency department and outpatient facilities as well as on the floors of the hospital. The hospital, like the church of old, must impart at least some sense of sanctuary.

"The individual's dignity is reflected in the respect accorded by others to his need to maintain the privacy of his body. To the extent possible, given the inescapable exposure entailed in the provision of needed care, the patient should be aided in maintaining this privacy."

I would like to quote from two more areas that are covered by the preamble of the Joint Commission on Accreditation of Hospitals. The first deals with confidentiality.

"Another important aspect of the patient's right to privacy relates to the preservation of the confidentiality of his disclosures. The setting in which the patient's history is taken, for example, should be such that he can communicate with the physician in confidence. This is true of emergency departments as well as other parts of the hospital."

Then the preamble covers consent. I quote:

"In many teaching hospitals, and particularly in those which are closely affiliated with medical schools, all patients, regardless of their economic status, may be expected to participate to some extent in clinical training programs or in the gathering of data for research purposes. For all patients, regardless of the source of payment for their care, this should be a voluntary matter. The level of the patient's participation in such activities should in no way be related to the nature of payment for his care."

It becomes apparent that the health field including the American Medical Association, the American Nursing Association, and the American Hospital Association share the feeling that patients rights must be guaranteed.

LETTING SAM PAY FOR IT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. DUNCAN. Mr. Speaker, the Knoxville, Tenn., News-Sentinel had an excellent statement in its November 27 issue on the campaign tax checkoff. I would like to share this with my colleagues by placing it in today's RECORD:

LETTING SAM PAY FOR IT

Congress is making another stab at finding a way to get taxpayer assistance in financing election campaigns.

In 1966, a plan which could have provided up to $30 million to each of the major presidential candidates was cleared through Congress. But the Senate later changed its mind and the law was nullified in 1967.

Now the Senate has changed its mind again and approved a new campaign finance bill which could provide as much as $20.4 million each to the Republican and Democratic nominees for president and up to $6.3 million to a third-party candidate like George C. Wallace.

Each taxpayer, if he wished, would check a box on his income tax return and divert $1 of his tax payment to his favorite political party—or he could earmark the dollar for a general fund for use by either party.

The plan has a good deal of superficial appeal. It could set a financial base for all candidates—rich or poor. It could lessen the influence of big givers. It would enable small donors to support the party of their choice.

The Democrats, $9 million in the hole since the 1968 campaign, hope this scheme would bail them out of debt and help match President Nixon's apparent resources for 1972.

So the campaign financing plan has been attached to the President's tax-relief bill—a bill he counts on to stimulate the economy and might hesitate to veto.

But the checkoff proposal has so many flaws and inconsistencies it creates as many problems as it might eliminate. For example, it would:

1. Weaken the two-party system by encouraging splinter candidates to run for the presidency with the promise of help from Uncle Sam.

2. Put the Government in the business of financing private political parties and induce citizens to state their political preferences on tax returns.

3. Take money away from legitimate Goverment functions by skimming off millions of tax dollars for political campaigns.

There is nothing in the bill to control spending in primary elections, or to prevent spending by independent political committees on a candidate's behalf.

That is why Congress would be wiser to pass a law limiting campaign spending and requiring full disclosure of political giving in all Federal elections.

An argument could be made for allowing a taxpayer to make personal contributions to candidates—and then claim a modest deduction on his tax return, just as he does for gifts to churches or charities.

But the bill passed by the Senate goes far beyond that—and should be vetoed by the President if it comes to him in its present form.

PROTECTION FOR FARMERS AND CONSUMERS DURING WORK STOPPAGES

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McMILLAN. Mr. Speaker, in South Carolina, we exported $57 million worth of tobacco in fiscal year 1971. We exported $22.7 million worth of soybeans; $10.4 million of cotton. We even sold to overseas buyers over $2 million worth each of wheat and feed grains.

This gives the farmers in South Carolina a pretty big stake in the current controversy over dock strikes.

Mr. Speaker, we do not like them.

South Carolina farmers have long known they must compete. They have done their share to make the United States the world's largest exporter of farm products. And as you know last year agricultural exports from the U.S. reached a new high of $7.8 billion. South Carolina's share of that was $122.2 million.

Now we are looking at the prospects for farm income from agricultural exports in fiscal year 1972. And what we are seeing does not look good.

What we are seeing is dock strikes and work stoppages. What we are seeing is workers going back on the job only when the court orders them to go—and not always then. During July and August an estimated $215 million worth of farm products which would have moved through west coast ports could not be delivered. East and gulf port stoppages during October affected farm exports that normally would amount to $70 million a week.

Taft-Hartley has been used both in the west and for east and gulf ports. At best, this is a stopgap measure. What is needed is effective legislation that will come to grips with the problem. We need legislation that will deal effectively with labor-management disputes in such a way that farmers and consumers are protected while the negotiations are underway.

Mr. Speaker, I urge the immediate consideration of H.R. 3596, or similar legislation, to accomplish this purpose.

SHORTAGES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BROWN of Ohio. Mr. Speaker, export markets are essential to the continued prosperity of Ohio farmers. My State ranks seventh in export value of soybeans, protein meal and soybean oil. It also ranks seventh in export value of dairy products, eighth in the value of feed grain exports, and Ohio farmers, while unranked, exported $28.9 million worth of wheat and flour in fiscal 1971. So when it becomes apparent that this year we are likely to fall way short of our U.S. farm export record of $7.8 billion achieved in fiscal year 1971, Ohio farmers are concerned. And I share their concern.

Dock strikes are the big villain. Farmers lost well over $200 million in the first 2 months of the dock strike on the West Coast. And they have been losing nearly $100 million a week due directly to East and Gulf Coast strikes.

Ohio corn and soybean farmers have seen their prices reduced by as much as 25 cents a bushel on beans and about a dime a bushel on corn.

The time is overdue for the Congress to take effective action.

H.R. 3596. The Emergency Public Interest Protection Act, or similar legislation, is needed to deal with labor-management disputes in a way that will protect the rights of negotiators, but will also safeguard the rights, aspirations and incomes of American agriculture.

I would like to point out, Mr. Speaker, for those of my colleagues who may have lost track, that this legislation to deal effectively with national emergency transportation stoppages, was proposed by the President more than 2 years ago. Neither it, nor similar legislation, has yet been reported from Committee for action by the Congress. It is time this Congress faces this issue head on and produces legislation that can bring about a long-range solution to nationally destructive transportation stoppages.

CAMPAIGN SPENDING REFORM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HORTON. Mr. Speaker, the campaign spending reform measure which passed the House this week with my full support represents a significant step forward in reopening Federal elective office to the ordinary American who has neither a great deal of wealth nor access to it. After more than two decades of inaction and unenforcement, the 92d Congress has set the stage for a top-to-bottom overhaul of Federal campaign financing rules.

Those of us involved in the political process know full well the tremendous costs of running for public office. The expense has become so out of hand that if you are not wealthy, your chances of being elected are seriously handicapped. These sad realities of political life have eroded public trust in the integrity and credibility of our electoral process.

Many of us in Congress have fought for years to restore faith in our system of government through campaign financing reform. I have introduced numerous campaign reform measures including provisions for a ceiling on total spending for basic campaign items and a limit on contributions by individuals and committees. To facilitate House action on these measures, I joined a bipartisan steering committee to provide the focus and organization needed to insure legislative success in time for the 1972 elections.

Though the bill passed by the House is an imperfect one, it is a tremendous step in the right direction. The legislation would set limits on major items of campaign expenditures, including radio and television, newspapers and magazines, billboards, computerized mail, and telephone campaigns. If the bill is enacted, a candidate could spend up to 10 cents per eligible voter for these items and not more than 6 cents per eligible voter for these items and not more than 6 cents per eligible voter on radio and TV, putting an end to the extravagant media blitz.

The bill also sets limits on the use of union and corporate funds to influence the general public during political campaigns and contains a provision designed to halt the abuse of credit privileges offered to candidates by Government-regulated industries such as the airlines and telephones. It also strengthens disclosure requirements so that the voting public will be better equipped to assess financial contributions.

The one glaring defect of the bill is its failure to set limits on a candidate's receipts from an individual contributor. Until we limit the amount individuals can contribute directly or indirectly to candidates and committees, money will remain an all-too-powerful element in our political process.

Despite this and other weaknesses, the bill approved by the House will go a long way toward reducing the dependence of candidates on wealth and encouraging broader citizen participation in our electoral process. If we succeed in gaining enactment of a House-Senate compromise bill, we will have accomplished one of the most meaningful and urgently needed reforms in our democratic system.

THE BLACK AGENDA OF THE SEVENTIES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CLAY. Mr. Speaker, the Congressional Black Caucus recently held a 2-day conference in Washington of black elected officials from around the country. I had the opportunity to serve as moderator of one of its panels dealing with black political power in the 1970's. There is a developing black political power and it will be operative in the 1970's. We met to devise a plan of single purpose to obtain through the exercise of black political power, the reality of economic equality, social justice, and political manhood.

Those of us participating in this panel had the benefit of hearing from Lerone Bennett, senior editor of Ebony magazine. In addressing the panel, Mr. Bennett explored some of the major challenges facing blacks in this decade and the need for developing long-range comprehensive plans not just for 1972 but for the years which lie ahead.

The major challenges discussed by Bennett were: the question of survival including such problems as employment, welfare, education, prison reform, and health; solidifying existing power in the cultural, political and economic fields and the fulfillment of the potential power of black people on the local, State, and Federal levels; renewing the structures, energies, and values of the black community; the need for massive mobilization of all the resources of the black community including, among other things, the registration of the unregistered voters and the political education of those both registered and unregistered and; finally, the transformation of American institutions which threaten or prevent fulfillment of any of the aforementioned.

I wish to share with my colleagues the enlightening remarks presented by Lerone Bennett. His statement follows:

THE BLACK AGENDA OF THE SEVENTIES

(Remarks of Lerone Bennett, Jr., Congressional Black Caucus, Black Elected Officials Conference, Washington, D.C., Nov. 20, 1971)

Let me say, first of all, that I am deeply honored by this opportunity to participate in this historical occasion. And it is an historical occasion. It may take you a little while to recognize it, but you are making history here, and you are making it the way all history is made—in the midst of controversy, passion, and alarms.

Let me say, secondly, that I am in total agreement with Congressman William Clay's famous statement, "We have no permanent friends in this country, and no permanent enemies—only permanent interests." And based on that statement I would like to say that at this hour one of the permanent interests of black people is the Congressional Black Caucus. And it seems to me that black people are obliged to say at this moment that nothing, *absolutely nothing,* should be permitted to break the bonds of this union which required so many years of mistakes, sacrifices, and blood to create.

For more than one hundred years, the barber shops and bars, in cotton fields and factories, black men and women have dreamed of this time. For more than one hundred years, black men and women have dreamed of the mystical hour when black leadership would link hands on the basis of common aspirations and common graves.

You honor these men and women by coming together in such black splendor, despite obvious difficulties—you honor Martin Luther King, Jr., and Whitney Young and Malcolm X, you honor Marcus Garvey and W. E. B. DuBois, you honor that long line of men and women, the slaves, the maids, the laborers, and the cottonpickers, all those who never ceased to live in combat in this land and who never cease to believe that a green time would come when black leaders would forget ego and petty pretensions and white parties and bind themselves to each other, brother to brother, brother to sister, and sister to sister.

You are to be congratulated for showing black America the way and for reminding us that no one will prepare himself for the battle if the trumpet of leadership gives an uncertain sound.

To be sure, the black millennium is not at hand. There are still problems, and there will be additional problems in the days ahead. The black millennium is not at hand. But we know now, largely because of your work, that this is the road, the only road, to that millennium.

We know now that words alone will not save us. We know now that only power can speak to power, that only a fact can contradict a fact, that only an institution can answer an institution.

This occasion is important, because it marks a fateful turning point in the institutionalization of the black experience.

It is important also because it embodies that spirit of self-determination of the pioneer blacks who knew that nothing is given to men in that world and that God, Allah, and all the prophets help those who help themselves.

Because of the creativity of the Congressional Black Caucus, because of the insight of the men and women who have gathered here in the name of black solidarity, we can at long last see some black light at the end of the white tunnel. And in the light of that black light, I want to spend a few moments tonight exploring some of the major challenges of the Black Agenda of The Seventies.

It will be my argument here that we can no longer avoid the challenge of creating and disseminating a common black agenda. And by a common black agenda I mean a list of priorities and black national goals based on a master plan for the social, political, and cultural development of the black community and the transformation of this society.

What I am concerned to emphasized here, at the very beginning, is the imperative need for analysis and long-range planning. It is imperative, it is a matter of life and death, for us to develop a series of comprehensive plans identifying the black interest and the black position in every field. We must plan now not only for the 1972 election but also for the 1976 election and the 1980 election. We must plan now not only for the Nixons and Agnews of today but also for the Nixons and Agnews and Rehnquists of tomorrow.

As so many speakers have said this weekend, there are at least five major items on the black agenda of the seventies.

First of all and most importantly of all is the question of survival. In order to plan for tomorrow, we must live today. And in order to live today, we must conceive and project emergency plans for employment, welfare, education, prison reform, and health.

A second major item on the black agenda, also identified by many speakers this weekend, is empowerment, the solidification of existing power in the cultural, political, and economic fields, and the fulfillment of the potential power of black people on the local, state, and federal levels. A complementary need is for development plans which increase the human capital and skills of the black community and which guarantee blacks a proportionate share of the gross national product. It goes without saying that this item includes black control of the resources and institutions of the black community and of all bureaucracies which vitally affect the lives of black people.

A third agenda item is black renewal. And by that I mean a renewal of the structures, energies and values of the black community.

There is a need, fourthly, for a massive mobilization of all the resources of the black community. Black labor, black capital, the black intellect, and the black ballot must be organized within and without existing structures within the perspective of the values and interests of the black community. There is also a desperate need for machinery to tap the rage and energy of black youth and the skills and resources of the black middle class. There are hundreds, even thousands, of black middle class people who can give from one hundred to five hundred dollars to support black politicians and black institutions. It is one of the crucial tasks of the seventies to reach these individuals and to make them realize that "freedom ain't free." For the first item on the black agenda of the seventies must be a resolve on the part of black people to support and defend their own institutions, interests, and needs. It is time, it is past time, for us to create national machinery for a United Black Appeal.

An additional and perhaps even more important task is the registration of the unregistered and the political education of the registered and the unregistered.

As so many people have said here, our only salvation is the precinct-by-precinct mobilization of the black community. But I hope that you will forgive me for adding that our only hope of salvation is the precinct-by-precinct mobilization of black people within a new political perspective. The traditional American idea of organizing people to trade their votes for garbage collection and petty patronage jobs is not only not power—it is the precise opposite of power. Political power is not garbage collection or petty patronage in a rotten political system but the ability to transform political structures so that people will not have to beg aliens and adversaries for resources and services that governments should provide routinely.

The fifth and final general area of importance on the black agenda of the seventies is the transformation of the institutions of American society which threaten or prevent the fulfillment of items one, two, three, and four.

Now, flowing with and out of these general strategic considerations are two or three tactical items which I would like to discuss in some detail.

The first tactical item, of course, is black unity, which is a precondition for the creation of a common black agenda. The creation of unity is our most immediate and urgent task because the basis of our weakness is disunity. The white man is strong not only because he has his own strength but also because he has our strength, and because we refuse to use our strength. And if disunity is the basis of our weakness, then unity is our only hope of salvation. If we pooled all our resources and energies, if we correlated all our forces and created one black superpower, we could end this thing, or this country, in a few weeks or a few months. A united black community, speaking with one voice and acting with one will on issues of politics, welfare, education, and housing, could turn this country upside down. And the question of the seventies is how can we turn ourselves upside down and face each other and our truth.

This is a question of primary importance, because we can no longer afford the false and artificial distinctions fostered by white America. It is very important now for us to transcend white divisions: Catholic vs. Protestant, Baptist vs. Methodist, professional vs. nonprofessional, Democrat vs. Republican. These divisions were inherited from white people. And it is necessary now for us to disengage ourselves from white people's arguments and redefine all concepts and associations in terms of the fundamental interests of black people. We are *one* people, and we shall survive as one people, or we shall go, one by one, Baptist, Methodist, Catholic, Protestant, Republican, Democrat, to that white doom this society is preparing for all black people.

It is necessary at the outset, however, for us to banish the idea of that "great getting-up morning" when all black people will suddenly say and think the same thing. That's not going to happen, certainly not immediately. And people who project that idea are confusing ideal unity, which has never existed anywhere, with operational unity, a unity that will make it possible for all forces in the community to agree on minimum goals and strategies and to act together in the interest of the common good.

The most pressing need of the seventies—to repeat—is operational unity.

A corollary of operational unity is integration and nonviolence *in* the black community. If we are serious about making a revolution together, we must begin the serious work of discipling ourselves together and respecting our brothers and our sisters.

The Congressional Black Caucus has broken new ground in this area. And one solution to our dilemma is the creation of black coalitions and black caucuses, similar to the Black Caucus, in every major city and every major region in this country.

A second item, under this general heading, is the development and dissemination of a black analysis. The forward motion of the Black Rebellion has created new problems which cannot be resolved until we clarify and define our tasks and rise to new levels of awareness and organization. And since no black person can fulfill himself if this movement goes astray, it is incumbent upon all black people to participate actively in the development of a radically relevant black analysis embracing a long-range strategy and a definition of goals, instruments, and agencies.

In this connection, it is crucially important for us to replace the illusion of instant revolution with the concept of long-range strategy. We must not think, we dare not think, that the wolves of the world will lie down and die when we stage a demonstration or put down a bad rap. The wolves of the world are wiser and stronger than that, and the ramparts they hold must be struck again and again and again in an infinite succession of blows.

The Revolution is not going to come Monday morning or the next Monday or the Monday after that. We are engaged in a long-range process involving phases and characteristics which cannot be foreseen at this time. And it is necessary to prepare for a struggle of five, ten, and even fifteen years.

A serious black analysis would deal with that question, and it would remind us that the black struggle is a house of many levels and rooms. We are fighting a desperate battle against desperate odds. Every weapon that bigotry can command is arrayed against us. Fighting against such odds, we cannot confine ourselves to any one weapon. We are going to have to work inside and outside, beneath and above. We are going to have to fight with sticks, pencils, computers, ballots, bullets, bibles, and anything else we can put our hands on.

A black analysis would clarify that problem and the related problem of levels of involvement. In my opinion, it is not necessary for everybody to do the same thing. But it is absolutely necessary for everybody to do something. It is equally important for the black community to judge individuals on the basis of their contributions. Some men can write, some men can fix cars, some men can cook, some men can raise hell: all—the writer, the mechanic, the cook, the hell-raiser—are valuable because their skills are complementary and not contradictory.

A major task of the seventies is to incorporate this insight into a strategy of concious and antagonistic participation. By this, I mean a strategy of working inside institutions with the express purpose of pushing them leftwards and blackwards. In general terms, this means using the legitimacy of the system to de-legitimize the system. It means working everyday in the midst of white society with the intention of transforming it.

It means using the system in order to destroy the system. To be more precise, and to speak specifically of politics, it means using the whole arsenal of parliamentary tricks to slow down, disrupt and stop proceedings which adversely affect the interests of black people. For one hundred years, white politicians have used the whole range of parliamentary weapons to deny black people human rights. It is time now for us to use the whole range of parliamentary weapons in a systematic campaign within the political process for human rights.

A black analysis would deal with that option, and it would warn us against the very white and the very artificial distinction men make between politics, culture, and economics. As we all know, politics, culture, and economics are complementary facets of the same reality. And a major task of the seventies is the development of a total perspective which stresses *development* which is "the correlative and complementary totality of matter and spirit, of the economic and the social, of the body and the soul."

This brings us to the third major tactical area, the development of mini-max plans not only in the areas of health, education, and welfare, but also in the areas of foreign policy and fiscal policy.

Some people will deride this suggestion that black people should concern themselves with foreign policy. But a large national group has a foreign policy, whether it knows it or not. A large national group has either a declared or a *de facto* foreign policy. When a black man dies in Vietnam, we experience the foreign policy of black people who say they have no foreign policy. When a black man is maimed on foreign soil, when a black soldier is crippled or blinded, when black women and black children wither because of malnutrition and poor housing and poor schools, while this nation spends billions on foreign adventures, we experience in the flesh the foreign policy of black people who are scandalized by the idea of a black viewpoint on foreign policy.

A large national group has either a declared or a *de facto* foreign policy. And it will be one of our tasks in the seventies to orient black people around foreign policies which meet their peculiar needs and interests.

At this very moment, we are being committed by default to the disastrous foreign policy of that man in the White House who has just violated a treaty and the decent opinions of mankind by signing a bill authorizing the importation of chrome from Southern Rhodesia. Nothing indicates clearer the need for a black viewpoint on foreign policy. And it is not necessary really for us to wait until 1980 to develop it. In the wake of the unconscionable action of Nixon and the lovers of the fascist and racist regime of Southern Rhodesia, black people ought to declare an immediate and total boycott of every American firm which buys chrome from Southern Rhodesia.

It would help enormously in this connection if this organization and others would create task forces of black academicians and activists to draw up long-range development plans in the fields of foreign policy, health, education, employment, and fiscal management. The Congressional Black Caucus has already initiated programs in this area, and it is our task now to support this effort and to deepen it.

We are suffering at the moment from the disease of ad hocism, the disease of constant improvisation, the disease of constantly reacting to the initiatives and plans of our adversaries. I don't need to tell you that people who play the game of politics that way always lose. I don't need to tell you that the way to win in this game, as in any other game, is to devise your own plan and to force your adversary to react to you.

In the seventies, we must develop machinery for projecting our own comprehensive plans. We must become sophisticated enough in this decade to create master plans for the development of our own areas and resources. Not only that: We must rise to the level of creating plans for the development of whole cities and the whole country.

At the same time, we must come to grips with the dominant American mythologies, including the mythologies of private and public investment and the question of the redistribution of income and resources.

It is important also for us to deal with the structural problems of the economy. Somebody said once that Americans are great at small things. Americans are great mechanics and they love to tinker with the system. But the evil I see is deeper than mechanics. The evil I see is inherent in the system and can only be dealt with by transcending the system.

The white problem in America cannot be solved without a profound structural modification of American society, without real changes in the tax structure and the relation between the private and public sectors, without a redefinition of values, a redefinition of work, leisure, and private property, and a redistribution of income.

If we are serious about creating a new politics in this land, we are going to have to deal with the system.

The problem is not the poor; the problem is the powerful. The problem is not the distribution of contraceptives; the problem is the distribution of income. The problem is not the ghetto; the problem is the white system which created the ghetto and which perpetuates it. And if you meet a man who says he wants to deal with the problem without dealing with the system, *call the police*, for he is either a charlatan who needs arresting or an innocent who needs protection from himself.

Another crucial item, on the tactical level, is the development of counterplans to meet the subtle and not-so-subtle devices for minimizing black power by manipulating metropolitan government structures and voting districts. Time after time after time, the white man has changed the rules in the middle of the game when the rules contradicted his interests. Time after time after time, he has refused to pay the black winners of the political sweepstakes. Well, black people are about to win again by the old rules, and we need a common agenda and an unyielding determination to make sure the house pays off this time by the rules which were in force when the cards were cut.

Let me say in conclusion that the development of this agenda would be a service not only to black Americans but also to white Americans. For black people embody the most advanced social and economic interests of this society. And action on their behalf is action on behalf of the real interests of most Americans.

Black people are so situated in time and space that their vital interests cannot be satisfied by current political, economic, and educational arrangements. The black man must force change or go to the wall. He must burst the bonds of this society or perish. This means that the black man represents a different principle of social, educational, and political organization. And any man or organization which represents him truly inherits a mission of transformation and transvaluation.

There is no need really for anyone to apologize for his color or his aspirations or his interests. There is no need really for black intellectuals or black politicians to waste their time apologizing for their blackness. For it is precisely as black men, it is precisely as the carriers of certain tendencies and interests, that they are valauble to themselves and to the world. The fact that they are black and different is the most important thing about them. If they are not different, if they are not fundamentally different, from the men who created the Chicagos and the Atlantas and the Washingtons, then there is no hope here for black people or white people.

The white man errs today when he speaks in the name of the whole. It is the black man and not the white man who represents today the real interests of the commonwealth.

For this reason and others, it is very important for us to make no small plans. As John Hope said, "We have sat on the river bank and caught catfish with pin hooks. The time has come to harpoon a whale."

This, in sum, is not the time of the catfish—this is the time of the white whale. This is the time to go for broke, the time to redefine the mainstream from our stream, the time for black people to possess this land.

We must stop demanding partial reforms.

We must not content ourselves with sporadic opposition to the plans of others.

We must begin to exercise hegemony over this nation.

We must recognize and validate our role as the real protagonists of white American history.

In this spirit, with this determination, with this agenda, we can fulfill the dreams of our fathers and pave the way for the great day when the black living and the black dead and the black unborn will join hands to rebuild the destroyed shrines to the souls of black folk.

MEDICAL SCHOOL AT UNIVERSITY OF MISSOURI IN KANSAS CITY DEVELOPS NEW MEDICAL EDUCATION PROGRAMS

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HULL. Mr. Speaker, the innovative medical school at the University of Missouri in Kansas City was the subject of a recent article in American Medical News. At this time when means are being sought to increase the availability of medical services and expedite the training of skilled medical personnel, the Kansas City school merits recognition as offering an interesting alternative to existing educational programs.

Mr. Speaker, at this time I include an article which appeared in the November 15, 1971, issue of American Medical News in the RECORD.

Two highly successful businessmen and civic leaders—Nathan J. Stark and Homer C. Wadsworth—have helped develop one of the nation's most innovative medical schools—the U. of Missouri School of Medicine in Kansas City.

Stark is senior vice president of Hallmark Cards, Inc., chairman of the board of the Kansas City General Hospital, and a member of the American Medical Association's Advisory Committee on Undergraduate Medical Education and of the Liaison Committee on Medical Education.

Wadsworth, who established the Greater Kansas City Mental Health Foundation in 1950, is president of the Kansas City Assn. of Trusts and Foundations.

"If anyone tried to build the kind of medical school that is being built here in an established medical school area, it couldn't be done," Wadsworth said.

"That's right," agreed Stark. "This is the only school I know of in the country that is innovative throughout, And why? Because there are no traditional barriers to break down. I think our timing was right in putting up this medical school. But it's only a part of the program . . . an important part to be sure . . . but our idea is a total community health care program."

Wadsworth says the concept of the medical school is to "develop a physician who has a feeling for people and is not just aware of the anatomical aspects of people."

Situated in the heart of Kansas City, some 10 blocks from the downtown area, the medical school is in a region known as Hospital Hill. Stark said there are approximately 135 acres of land on which educational and health institutions, and housing facilities will be developed.

Both Stark and Wadsworth emphasize there is a commitment "not to locate everything on Hospital Hill but to tie in all of these facilities with other community institutions."

The registry of those who are active in the Kansas City health care program includes more than civic and business leaders. Said Stark:

"We deliberately avoided politicians and blue stocking members. Our board members represent all economic and ethnic levels. There are a few affluent on it but they aren't necessarily the giants of Kansas City."

Wadsworth said the theory was "to create a board that is representative of the people." He contended having a board composed of "well established figures" would not create an atmosphere conducive to bringing about change.

"We need," he said, "the kind of people

who are for the first time active in community affairs. For the most part," Wadsworth asserted, "the American city is bankrupt for leadership in community affairs but I believe there's a large untapped pool of such leadership in every community."

The medical profession jumped headlong into the cooperative program. It is estimated that more than 200 physicians participated in the various task force committees which functioned in the formative stages of the new medical school.

Guiding the destines of the new school are E. Grey Dimond, MD, provost for health sciences, and Richardson K. Noback, MD, dean. About them, David Kleier, MD, assistant to the dean, says:

"It's amazing the things Dr. Dimond and Dr. Noback have done in the short time this school has been opened."

"Early in the game," said Dr. Noback, "we decided to establish an open medical school so that we could draw upon the total resources of our community and at the same time contribute to them."

Because of this open school philosophy, Dr. Noback says UMKC now has a faculty numbering around 350 and is affiliated with 10 hospitals. "The years of cooperative efforts," he suggested, "have given this new school an ability to move out with understanding, support, and clinical affiliations that are rather unique."

UMKC, according to Dr. Noback, "recognized that students come into medical education with different backgrounds, abilities, and practice plans. For that reason we decided we needed to have a program adaptable to the individual student needs. To help accomplish this we organized a medical school without departments. Instead we organized around functions and, as a result, have councils—on curriculum, on student and faculty selection, on evaluation, and on docents."

Edward Cross, MD, vice provost for health sciences, had been in the U.S. Public Health Service for 21 years and "thinking of retirement" when Dr. Dimond offered him his present post. "It was the type of community commitment and involvement that attracted me," Dr. Cross declared.

"I'm confident this will work; otherwise I wouldn't have invested a portion of my life into it," he said. "I don't think anyone has been on this route before. It will be difficult but I have no doubt it will succeed."

Acting as sort of a combination administrator-overseer for the UMKC operations is the school's office of medical education, under the direction of Michael Burgess, Ph. D. The office, supported by a federal grant from the Bureau of Health Manpower is responsible for evaluating the academic and clinical performance of the school, as well as providing support to the school's councils.

"The goal of our school," said Dr. Burgess, "is to produce and graduate a different kind of physician who is an expert clinician but who is also aware of the psychological and social needs of the patients.

"All too frequently," Dr. Burgess emphasized, "medical schools take the attitude that they have achieved their goals once a student earns his MD. That's not the case here. We want to see how our graduates are doing. We want to know if the patients are profiting from the services of our MD-graduates. That's the ultimate test. If the patients are profiting, then we have achieved our goal."

Assistant deans are chairmen of three of the school's councils. Charles Wilkinson, MD, heads the Council on Curriculum; Andrew McCanse, MD, is in charge of the Council on Selection; Ned Smull, MD, is chairman of the Council on Evaluation.

"Our council," said Dr. Wilkinson, "establishes the core curriculum for the medical school. All of the basic sciences," he said, "are taught in conjunction with the patient, beginning in the very first year."

Dr. Wilkinson points out that the emphasis in UMKC curricula "is on the fact that most students finish with a core of knowledge. But we hope that their education will be integrated so that when they finish here they will be aware not only of their limitations but at least have begun the process of problem solving.

"Our goals," Dr. Wilkinson concluded, "may not be too much different from most other schools. We just hope we can meet them."

Dr. McCanse says his selection council had to study 400 applications before filling the 76 year-one through year-five positions that were available this past fall. A total of 128 of the applicants were year-one candidates, he said.

Assisting the council in the selection of year-one students, Dr. McCanse said, was the Metropolitan Area Talent Search Agency. The MAT, according to Dr. McCanse, is a private agency headed by a high school counsellor whose duties are to search out persons of disadvantaged backgrounds with good academic potential. Five of the 40 year-one students were MAT students, according to Dr. McCanse.

As for the future, Dr. McCanse sees "the biggest problem we will face will be dealing with a large number of applicants. We've already faced this but we expect applications for next year will total well over 1,000. This will be a tremendous logistical problem."

Another problem, says Dr. McCanse, is "in the area of dealing with minority groups. We will need to provide ways for these people to get a medical education . . . to provide the necessary academic and financial support to such applicants."

Dr. Smull, who calls the UMKC program "a valid experimental design for the educational process," contends "it is important from the beginning that appropriate evaluatory procedures are put in place. We have a deep commitment," he said, "to be able to compare not only what is said is being done but what is in fact being done."

Dr. Smull says he and his council have "no magic answers," but that "our most basic assumption is a goal to graduate a safe, competent clinician with a commitment to continuing education."

Dr. Smull believes "we are going to be scrutinized by many skeptics who feel there is no way this program will work. So, I feel it is important that we have outside sources evaluate us, too."

According to present plans, students will be evaluated four times a year, with other evaluation procedures instituted as needed. "There's much baseline data to be obtained and accumulated," said Dr. Smull. "It will take several years to learn the things we need to know and our valuation program will be a continuing thing."

The docent program, another innovative feature of the new school, starts in the third year. The Council of Docents currently is composed of MDs Robert Mosser, an internist, and the husband-wife team of William and Marjorie Sirridge. The former is an endocrinologist; his wife a hematologist.

"I've been amazed at what these students have learned to date," said Dr. Kleier. "If I were in a position to choose the type of school I would like to attend, I would want to have an opportunity to choose an educational situation just like this."

Dr. Kleier says the first-year UMKC students, "more so than anywhere else I've seen, have an unbridled enthusiasm in what they are doing. Their learning process does not seem to be a burden to them. They want to study."

Ralph Hall, MD, coordinator for year-one and year-two students, said that "like many others I came into this program a bit skeptical but with considerable enthusiasm. Now I can say this is the practical way to teach and to conduct a medical education. The reaction of all the students to this has been one of excitement."

Dr. Hall says the program "teaches from the patient point of view and I like that." He points out, too, that while the program is six years in duration "we have not shortened the course at all. These students spend as much time in six years here as I did in a traditional eight-year school."

Nonetheless, Dr. Hall believes the program "will better equip our students to care for patients" because he believes the students will "know more, have a broader idea of medicine, and the docents will find the weak spots and be able to fill in the gaps."

That student enthusiasm Drs. Kleier and Hall spoke of is reflected in responses from four of the 18-year-old first-year students interviewed by *American Medical News*.

Says Alan Holmes of Lee's Summit, Mo.: "I think the program is terrific. We're not being swamped but we don't have to wait until we enter our third year to see whether or not we like medicine. We get a shot at it right away. And instead of the instructors taking the attitude—'O.K. you're in here and we're going to rip the hide off of you'—their attitude is —'O.K. you're in here, we believe in you, and we'll make you doctors.' "

Jackie Stotts of Sarcoxie, Mo., said she "didn't have the background for this that some others have. But they [the instructors] have reached all of us. I like it, too, because there are quite a few girls [10] in the program."

Michael Weaver of Kansas City said the thing that impressed him the most was "starting right in with medical education. It's not something that you have to wait two years for, before you get a chance to do it. We get to see patients right away. The program is exciting, not boring, and the people here really make you feel welcome and make you feel like you want to do more."

David John, also of Kansas City, said the program "helps you to see how things, such as chemistry, apply. If we didn't have classes in medicine we wouldn't be able to see first-hand how those things that we've read about and heard about in lectures apply to what we might have to do in practice. Seeing things—right now—is very important."

"We claimed," said Dr. Dimond, "that we were going to create an open medical school. And here it is, just a few weeks into the semester, and I think we've lived up to that claim in the sense that we have more than 300 physicians from the Jackson County (Kansas City) Medical Society on our faculty; our students are in 10 hospitals in town; our students range from the high school to Ph. D. level; and they come from all of the various social backgrounds."

Dr. Dimond said he believes the program is "doing the job that we hoped it would do up to now"; that it is in "remarkably good shape"; that the program is "being kept within the budget"; and that there is "no evidence, so far, that our students are having any problems but that rather they have only enthusiasm for what they are doing."

Dr. Dimond said he has "certain limited ambitions" for the program. These include having 400 students in the school by 1976 and occupying new medical building quarters by 1973. "We have launched the school," he said, "in old, modest facilities and we have convinced ourselves that the spirit is more than adequate to compensate for our physical plant."

Calling the program, at the moment, "an experiment," Dr. Dimond said he is certain that "one way or another it will prove very useful.

"If we are right," he concluded, "we may have proved that you can create people who want to practice medicine in a shorter time and at less cost. But our highest intent—our primary goal—is to develop a person who wants to practice medicine."

INTERSTATE COMMERCE COMMISSION JOINS THE NONSMOKERS RELIEF CAMPAIGN

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. YOUNG of Florida. The Interstate Commerce Commission is the latest organization to join the growing chorus of voices in support of my campaign to provide relief to the nonsmoker while traveling on public transportation. On November 17 the ICC issued a new regulation which states that all buses traveling interstate must provide separate seating arrangements for smoking and non-smoking passengers. This resolution falls in line with the spirit of my Non-Smokers Relief Act, H.R. 4776, which would provide separate areas for nonsmokers while traveling on planes, trains, and buses. Since the introduction of this bill on February 22, overwhelming responses have come to my office from the industries affected as well as from thousands of concerned nonsmokers. American Airlines, TWA, United Airlines, and the Long Island Railroad are among those who have voluntarily complied with these regulations.

The ICC resolution will be effective January 6, 1972, and will require the operators of all 23,000 interstate buses to set aside "no more than 20 percent" of the seats in the rear of each bus for passengers who wish to smoke. The average bus carries 50 passengers, which would mean 10 seats would be available for smokers. Smoking will not be permitted in the remaining portion of the vehicle.

After a thorough study of the problem, the ICC found that:

> Affirmative action is required with respect to limiting smoking on interstate buses. In general, we find that such action is necessary in order to provide for a totally adequate interstate passenger service free from irritants and nuisances which adversely affect the riding public.

The Commission states that the evidence presented to them:

> Overtly demonstrates that second-hand smoke is an extreme irritant to humans (particularly with respect to its effect upon eyes and breathing) within its range, and that therefore, smoking on passenger-carrying motor vehicles must be found to be a serious nuisance, capable of disrupting the orderly enjoyment of public transportation and adversely affecting the adequacy and availability of the service provided by passenger carriers operating in interstate commerce.

Those persons accepting the use of public transportation have no choice of their fellow passengers and their habits, and should not, where it can be avoided, be subjected to irritating annoying, and possibly dangerous habits of fellow passengers. However, neither my bill nor this resolution restricts smokers from smoking in public places or conveyances; that is, as it should be, an individual decision.

The fact that the many industries involved are aware of this problem and are willing to comply with the provisions of the Nonsmokers Relief Act, should be a mandate for action in and of itself. The ICC's report refers to my bill, which was subsequently introduced in the Senate by Senators GURNEY, BROCK, MOSS, and THURMOND, as an encouraging action.

The need for relief has been proven. We should act promptly on this bill to provide relief for millions of American travelers.

THE CITIZENS LEAGUE OF GREATER CLEVELAND: 75 YEARS OF DOING GOOD

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MINSHALL. Mr. Speaker, on Tuesday, December 7, members of the Citizens League of Greater Cleveland celebrate three-quarters of a century of civic service. For 75 years the men and women of this public-spirited organization have done more than talk about good government, they have banded together to do all in their power to bring it about.

They are "Do Gooders" in all the finest sense of the expression. I would like to share with all readers of the CONGRESSIONAL RECORD the following historical sketch of the League's accomplishments:

CELEBRATING 75 YEARS OF "DOING GOOD"

Seventy-five years ago, in Cleveland's centennial year, a group of young men, politically and civic minded, got together and decided to do something about government instead of just talking.

That's how the Citizens League came into being.

The League will celebrate the 75th anniversary of its founding with a luncheon meeting, December 7, at the Statler-Hilton Hotel.

Harry A. Garfield, eldest son of the martyred president, James A. Garfield, was the principal leader in pushing for the organization of a non-partisan civic league.

On November 14, 1896, Garfield persuaded 25 of his young friends to meet with him in his office to talk about the need to do something about Cleveland's dirty politics. Prominent among his cohorts were Rabbi Moses J. Gries, Frederick C. Howe, Charles A. Nicola and John Sherwin.

On motion of Rabbi Gries it was resolved at that meeting "that an organization be affected on permanent lines for the purpose of promoting the betterment of civic and municipal conditions in the city of Cleveland." A committee was appointed to draft a constitution and call a meeting of interested citizens.

On December 5, there were 116 Clevelanders at the organization meeting. Some of those present at the meeting whose names will be recognized by present-day Clevelanders were: H. B. and C. W. Burrows of the Burrows Bros. Co.; H. J. Halle, of the Buckskin Fibre Co.; I. P. Lamson and S. W. Sessions of the Lamson & Sessions Co.; Samuel Mather of the Pickands, Mather Co.; W. G. Mather of the Cleveland-Cliffs Iron Co.; D. Z. Norton and E. W. Oglebay of Oglebay, Norton & Co.; H. A. Sherwin of the Sherwin-Williams Co.; and Thomas H. White of the White Sewing Machine Co.

Among the purposes of the new organization, as set forth in the constitution, were "to induce citizens and taxpayers to take a more active and earnest part in municipal affairs, to devise and advocate plans for improvements in government, to promote businesslike, honest and efficient conduct of municipal affairs, and to secure the choice of competent officials."

Those were the days of Mayor "Curley Bob" McKisson.

Politics were rough and ready. There was talk of graft and corruption.

Harry Garfield became the first president of the new organization, with George T. McIntosh and Martin A. Marks as vice presidents.

The League has had 36 presidents in its 75 years. Living past presidents of the League are Elmore L. Andrews, D. Robert Barber, Warren Bicknell, jr., F. J. Blake, George S. Case, jr., Wendell A. Falsgraf, John H. Gherlein, Walter C. Kelley, jr., Robert F. Longano, Robert H. Rawson, A. A. Sommer, jr., Seth Taft, Herman L. Vail, Robert A. Weaver and Ben D. Zevin.

David C. Fulton is president of the Citizens League in this, its 75th year. Vice Presidents are Charles R. Ault and Frank A. Monhart. Mrs. Tommie P. Patty is treasurer.

The League has had 14 secretary-directors. First full-time director was Mayo Fesler who came to Cleveland in 1910 from a position as director of the St. Louis civic league. For three and a half decades the League and Fesler were synonymous. He was a hard-hitting curmudgeon, who called them as he saw them.

Estal E. Sparlin is the present director of the Citizens League, having come here in 1953.

First recorded crackdown on public officials by the newly organized Citizens League came in 1897 when it accused county commissioners of "extravagance, carelessness and chicanery." A year later the commissioners got another drubbing for their wastefulness in connection with the grading and draining of a rural lane known as Brecksville Road, now Highway 21 through Independence and Brecksville.

As early as 1913, the Citizens League was pointing out the inequalities of representation in the Ohio legislature because of the famous Hanna Amendment which gave each county a representative regardless of size. Mal-apportionment of the General Assembly was battled continuously by the league for all the years until the U.S. Supreme Court finally declared the system unconstitutional with its one-man-one-vote decision in the 1960's.

The League was in the thick of the fight to get municipal home rule in the Ohio constitution in 1912 and worked closely with Mayor Newton D. Baker to draft Cleveland's Charter, the first home rule charter in Ohio, in 1913. Baker was chairman of the charter commission and Fesler secretary.

In that same year the League saw the beginning of the merit system in public offices with the implementation by the General Assembly of a civil service provision included in the 1912 state constitution.

It was in January 1917 that the League started its long campaign to do something about the organization and powers of Cuyahoga County and intergovernmental relations in the Cleveland metropolitan area.

There have been some victories as well as losses during this period. Victories occurred when Sunny Acres and Highland View hospitals were transferred from the city to the county in the 1940's. Other successes came in the 50's and 60's with the transfer of all welfare administration to the county, the turning over of City Hospital—now Cleveland Metro Hospital—to the county, and the acquisition of the zoo by the Metropolitan Park District.

Other accomplishments by the League over the years are: complete revision of the state election laws, including the first requirement for reporting campaign expenses, in 1929; establishment of the Cuyahoga County administrative officer position in 1952; creation of the Cleveland personnel office in 1952; revision of Cleveland budget document in 1950;

work with the late William A. Stinchcomb (a long-time League board member) to establish the Cleveland Metropolitan Park system in 1917; Cleveland's conflict-of-interest ordinance in 1961; installation of computers for the county's tax and accounting activities in 1964; consolidation of Parkview and Fairview Park in 1962 and Westview and Olmsted Falls this year; and numerous others.

Both Director Estal Sparlin and his executive assistant, Blair R. Kost, are registered lobbyists in Columbus. Kost is often referred to as the "lonely lobbyist" because he doesn't have the finances to associate on equal terms with most other lobbyists.

Some of the bills being backed by the League in the current session of the General Assembly are: State code of ethics and conflict-of-interest bill; abolish mayor's courts; permit county commissioners to employ management consultants; require local hearings on liquor permit transfers; establish office of public defender; set primary election date later than May to reduce the long campaign; permit six jurors in civil cases; and nearly 20 others.

During all of its 75 years, the League's major program has been that of making recommendations on candidates for public office. This is probably the thing for which the League is most famous.

In spite of the League's disavowal of any intention to "tell you how to vote" it is well recognized by candidates for office that the "preferred" rating of the Citizens League is worth a sizable number of votes. Politicians may differ about the exact influence of the League but few question the importance of the league's approval.

The theme of the celebration "75 Years of Doing Good" is taken from the sometimes used expression that Citizen Leaguers are "Do Gooders".

DANGLING STATE DEPARTMENT DIRTY LINEN IN OTHER PEOPLE'S YARDS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ASHBROOK. Mr. Speaker, in the November 30 column of Willard Edwards, the Chicago Tribune's highly regarded reporter, reference was made to the State Department's dirty linen in an in-house memo between two State officials, Howard P. Mace, Director of Personnel, and his subordinate, Donald C. Tice. Mr. Mace, of course, is now being considered for the ambassadorship to Sierra Leone, and his case has been the subject of stories in several local Washington papers, Time magazine, the New York Times, the Des Moines Register, and perhaps others. What usually is regarded as a pro forma hearing before the Senate Foreign Relations Committee in the case of ambassadorial confirmations developed into a serious examination of the pros and cons of the Mace selection, supplemented by various letters to Senator FULBRIGHT, with copies to my office, which correspondence I have inserted into the CONGRESSIONAL RECORD.

One witness before Senator FULBRIGHT's committee who has played a major part in opposing the Mace confirmation is John D. Hemenway who was "retired" from State as a Foreign Service officer because he did not receive a promotion in a specified period of time which is grounds for retirement under State regulations. Mr. Hemenway is now near to completing his appeal for reinstatement before a State grievance panel, which proved to be the vehicle that brought the Tice-to-Mace "dirty linen" memo to light.

The Tice-Mace memo is of special interest to me for I introduced legislation in the last Congress and again in the present session to institute a fair appeals procedure for Foreign Service officers who are selected out, with the final determination being made by people outside of the Department. Bear in mind when reading the Tice-Mace memo that had an outside panel been in existence to review Hemenway's appeal, an honest resolution of his case would have been both pragmatic and mandatory.

Had such an objective panel existed in 1969 Mr. Hemenway would have been guaranteed due process and this sordid chapter in the maladministration of State Department personnel might have been avoided.

I insert at this point the covering letter to Senator FULLBRIGHT from Mr. Hemenway, a copy of which I received. In addition to the Tice-Mace memo enclosure, other material forwarded included a memo from Mr. Tice to Ambassador Steeves then Director General of the Foreign Service, a memo from Ambassador Steeves to Secretary Dean Rusk, the new regulations on promotion reform and finally, a letter from Mr. Hemenway to the Washington Post which paper never saw fit to share with its readers. The letter and enclosures follow:

JOHN D. HEMENWAY,
Washington, D.C., November 21, 1971.
Re: Mace Confirmation.

DEAR SENATOR FULBRIGHT: Reference is made to my earlier correspondence with you concerning hearings on September 30 and October 4 before the Senate Foreign Relations Committee on the nomination of Howard P. Mace to be ambassador to Sierra Leone. In this correspondence and in testimoney before your Committee I have submitted portions of transcripts of my Grievance Hearing before the Department of State, which still is in progress.

I have just learned that a petition was circulated in behalf of Mr. Mace on November 19 within the Department of State. I believe that your Committee should know that these signatures were prompted in part by comments during "Foreign Service Day" celebrations by Deputy Under Secretary Macomber and others. The petition was designed to be presented to your Committee in due course. It will be forwarded as a spontaneous gesture, but it is, in fact, merely a further attempt to pressure the Senate Foreign Relations Committee to report the nomination of Howard Mace out of Committee. During "Foreign Service Day", speeches in the Department of State by official participants described the handling of Mace's confirmation by your Committee as "outrageous". Deputy Under Secretary Macomber, in the context of discussing new Department grievance matters, reportedly asserted that "a small group of embittered individuals" had appeared to oppose the Mace nomination.

Three documents I enclose with this letter have come into my hands only recently, through official channels, and I will not be able to submit them into the record of my own Hearing until 7 Dec., the next session of the Hearing. I send you this material to supplement the testimony I have already provided your Committee; these documents clearly establish Mr. Mace's personal duplicity in denying me due process within the Department of State. My own case is merely illustrative; I speak of it, because I know of these things of my own personal knowledge—one could find many other such illegal acts.

I respectfully ask your Committee to consider the formal communication of Ambassador Steeves, Director General of the Foreign Service to Secretary Rusk in which he writes, "The [Hemenway] record is a very favorable one" (Oct. 25, 1968) and again, "I find it somewhat puzzling that he [Hemenway] has not been promoted" (December 31, 1968). I then ask your Committee to pay special attention to the memorandum of Mr. Mace's own Special Assistant (i.e., to Mace himself) dated February 11, 1969, which states on page 1: "The other danger is that he [Hemenway] might get a hearing in the new [Rogers] front office. I would assume, however, that we could short-circuit such a move."

Your Committee may wish to question Mr. Mace on this evidence which suggests: (1) that Mace denied me due process; (2) that Mace attempted to seal off avenues of appeal to higher authority; (3) that Mace combined in a conspiratorial fashion to deprive me of my rights; and (4) that Mace acted to take reprisal action against me for turning to the Secretary of State.

On this latter point, Congressman John J. Flynt, Jr., of Georgia testified at my Hearing on 4 November 1971 that he had looked into the matter of reprisal. His personal inquiry established that ". . . the severance period in Mr. Hemenway's [termination] notice was by far the shortest . . ." of that given to the last 100 persons terminated from the Foreign Service for any reason prior to the date he specified be checked (Hemenway Hearing transcript, November 4, 1971, page 51). Mr. Mace was one of three persons who hand-delivered the material that provided the basis of this statistic to Mr. Flynt's office. Could Mr. Mace have forgotten? Further, Congressman Flynt testified that he looked on the manner of Hemenway's termination "as harassment bordering onto real persecution" (page 53, Hemenway Hearing transcript of 4 November, 1971.)

Please note the memorandum of December 31, 1968 to Ambassador Steeves, Director General of the Foreign Service. It argues, in effect, that justice be denied Hemenway because such justice would have to be extended to other officers equally able (point no. 5 of Tice memo to Steeves of December 31, 1968)! Further, the memorandum of February 11, 1969 from Mace's Special Assistant Tice (who served both Steeves and Mace), considers and then rejects the expediency of changing rules to meet the obvious injustice in my case. This memorandum does not even note that reductions in time-in-class rules were the only stated cause of my selection out (page two, memorandum of February 11, 1969). I call to the attention of your Committee that, two and one-half (2½) years after my selection out, in July 1971, the Department of State personnel system, under that same Director, Howard Mace, promulgated new rules for time-in-class for officer classes 5 through 3. I enclose a copy of the Department's announcement for your ready reference. The effect of the adoption of these rules in July 1971 is to allow a total time of 20 years for an officer to progress through the grades 5, 4, and 3 without reference to a maximum time in any of these grades.

Thus, Foreign Service Officers no longer are to be dismissed as were Hemenway and the late Charles Thomas without pensions after more than 20 years of service. But what of the fact that Hemenway and Thomas were expelled on the basis of *ex post facto* changes in the regulations? (Evidently the Director of

Personnel is unable to admit having made an error in judgment or in law.) In fact, a precedent based on Hemenway's complaint to Howard Mace in 1969 would have spared the family of Charles Thomas the grief they have endured because of his suicide. It also would have saved Charles Thomas to work for the country he loved and served. In fact, under the "newest" new rules, Hemenway would be in the Foreign Service, even without promotion, guaranteed tenure until 1979 and Charles Thomas would be alive and in the service of his country until 1978. Neither Hemenway nor Thomas ever were rated in the low portion of their officer class, but officers were retained who were in the bottom of their class in the year Thomas and Hemenway were expelled.

I have marked portions of these memoranda I think you may find interesting. Your Committee should have all the facts, not merely exhortative petitions. Also enclosed is a copy of a letter I wrote to the Washington Post on 14 November, 1971, provided earlier to your assistant Mr. Kuhl.

Sincerely yours,

JOHN D. HEMENWAY.

FEBRUARY 11, 1969.

To: Mr. Mace.
From: Don Tice.
Subject: John D. Hemenway—Whither now.

It may be useful to sum up where we stand now with Hemenway and review our options and their potential consequences.

On the basis of Friday's conversation, it appears that Hemenway has two basic objectives:

1. To remain in the Department of State by staying in government employment until October of 1970; and

2. To eventually work in the private sector.

In the above framework, Hemenway has two collateral objectives:

1. To remain in the Department of State and, if possible, in his present job in GER; and

2. To do so in a higher salary status.

As was stated in the memorandum of your latest conversation with him, I would put Hemenway's desires, in descending order of acceptability, as follows:

FSR-3—EUR/GER; FSR-3—Other "meaningful" job in Department; FSR-3—Other Agency Detail; FSR-4—EUR/GER; FSR-4—Other "meaningful" job in Department; FSR-4—Other Agency Detail.

To be realistic, I believe we must eliminate the first four of the above alternatives. We would be setting a precedent we couldn't live with comfortably if Hemenway were to be given an FSR-3, and EUR will not have him. The choice really comes down, therefore, to whether he is assigned elsewhere in the Department or sent to another agency.

In effect, this means we will be meeting neither of Hemenway's collateral objectives, and I think we must expect him to raise a stink about it. I doubt, however, that the back-lash won't be something we can't live with. At the worst, he could go to the Hill and bring in influence. I doubt, however, that any of his Senators or Congressmen will back him to the hilt once they are briefed on the lengths to which we are prepared to go to help Hemenway, and the reasons we cannot go further. The other danger is that he might get a hearing in the new front office. I would assume, however, that we could short-circuit such a move.

Both of the remaining alternatives have advantages and disadvantages.

OTHER JOB IN THE DEPARTMENT

One of the primary advantages of keeping Hemenway in the Department would be that we would not be dangling our dirty linen in other people's yards.

A second advantage would be that, presuming a position could be found which took some advantage of Hemenway's background, his usefulness to the USG would continue.

A big disadvantage would be that Hemenway would probably continue to make a nuisance of himself.

A second disadvantage would be that, over the period of time, it would become widely known that we had temporarily "saved" a person selected out. This disadvantage could be minimized, however, were we to adopt as policy (either formally or informally) that persons within two years of qualifying for Civil Service retirement would, as in the case of persons within two years of meeting the 50-20 requirement, be extended. (I will check to see if PE has the figures which indicate the dimensions and implications of such a policy).

OTHER AGENCY DETAIL

The big plus to this would be that Hemenway would be out of the Department and out of our hair.

To Hemenway (if he would so view it) there would be the advantage that he would be accepted as a regular Foreign Service detailee by persons who were not aware of his having been bounced in State.

The big disadvantage of this solution would be the dirty linen aspect. Experience to date with Hemenway indicates beyond a reasonable doubt that he would be constitutionally unable to refrain from discussing his treatment in State, no matter where detailed. Since he has no desire to remain in Government, there would not be the incentive to keep his mouth shut for purposes of his own credibility. Regardless of how appropriate the job in another Agency, I'm afraid he would end up being a pain in someone's bippie. Frank Wile has expressed considerable concern about this, because he is afraid it could taint our exchange relationship with the Agency involved.

Recommended Action

1. CMA seek to identify an appropriate position in the Department, other than in EUR. INR might be the most appropriate place, but it would be doubtful that they would buy him, except perhaps as a freebie. We might have to try to absorb on an overcomplement basis in PER. Maybe Jack Drew could find something for him to do.

2. Assuming a roosting place is found, Hemenway be told:

a. That he cannot be given a higher grade or salary.

b. That he cannot remain in EUR/GER.

c. That the job being offered him is the only one available.

d. That if he declines the offer, the Department will have no alternative to his termination at the expiration of the six months following his TIC date.

3. That the above course of action be discussed with Mr. Rimestad and, possibly, with Ambassador Johnson so that we close off in advance the most likely avenues of appeal (this assumes Johnson would be consulted if Hemenway gets his nose into the front office).

If we follow the above course I think we can expect an adverse reaction from Hemenway, even if he accepts the offered assignment. This may take the form of Hill pressure, and also may involve his going to court.

I don't know that this can be avoided anyway, so we might as well go ahead and take the plunge.

DECEMBER 31, 1968.

To: Ambassador Steeves.
From: Don Tice.
Subject: Notes for Your Briefing of the Secretary re John D. Hemenway.

BACKGROUND

Mr. Hemenway will be received by the Secretary the afternoon of Thursday, January 2, or on Friday, January 3. Following my conversation with Mr. Slauderman, an appointment was made for you to brief the Secretary at 10:00 a.m. today (January 2).

TALKING POINTS

1. Mr. Hemenway was not recommended for promotion by the most recent Selection Boards, and he therefore will be retired involuntarily for Time-In-Class (eight years in this case) in the first half of this year.

2. Based on a thorough review of his performance and development appraisal files, I find it somewhat puzzling that he has not been promoted. Each Selection Board which has considered Mr. Hemenway in Class FSO-4 has placed him in the mid area. He shows consistently good performance, rarely outstanding but with few notations of significant shortcomings. His most recent reports strongly recommend his promotion so that he would be retained in the Service.

3. I received Mr. Hemenway on December 19 at his request. Based on our conversation I believe I can see the element which may have entered into his failure to be promoted. Mr. Hemenway is confident to the point of being arrogant, and aggressive in a manner that approaches rudeness. While these qualities are only faintly hinted at in the written record, it is possible that they may have been known personally to a member or members of the boards which considered him during his crucial years in class, and may have had some influence on the boards.

4. At this juncture, Mr. Hemenway is challenging his retirement on two points: first, that it is not retirement in fact because he is not eligible for an immediate annuity; and second, that the time-in-class period has been shortened since he entered the Service. In our discussion he said that he intended to mount a legal challenge to the action, and implied that Congressional pressure would continue.

5. I see no reasonable alternative to allowing Mr. Hemenway's retirement to stand. Were he to be promoted without having been recommended by the Selection Boards, we would have set a precedent which would haunt us in the future. Were he to be simply extended, i.e., granted more time in his present class, there would be no guarantee that a future board would promote him, and this would involve an injustice to other equally able officers who were subjected to involuntary retirement on the same basis.

MEMORANDUM

October 25, 1968.

To: The Secretary.
Thru: S/S.
From: O/DG—John M. Steeves.
Subject: John D. Hemenway.

We have reviewed the file of John D. Hemenway. The record is a very favorable one. He has stood rather high in the evaluations over the years, but like many other good officers has unfortunately not stood high enough to get in the promotion zone in the very highly competitive system.

There are indications of personality problems, but certainly none of an exaggerated nature. I do not know how he will stand in this year's Board, but it will undoubtedly be high. It is of course his last chance before his 8 years expire. In going over the file I have noted that there are several prominent citizens interested in him, and their high opinion is reflected in the records left by his Foreign Service supervisors and inspectors. This brief review may not be of any great help in responding to the inquiry, but it at least indicates that he has not been in the problem area. We'll just hope for the best.

PROMOTION REFORM: THRESHOLD REVIEW AND MID-CAREER TENURE

The Secretary has approved promotion reform proposals recommended by the Board of the Foreign Service which significantly extends the time mid-career officers may remain in any one class without promotion. Also approved, was the concept of a "threshold review" for promoting class 6 Foreign Service officers to class 5.

These changes represent the consensus of the Task Forces and of a special promotion policy working group that studied how best to apply the reform proposals. Since December 1970, when it was convened, the working group has sought the views of the employee associations and of many individual officers of all classes.

NEW TIME-IN-CLASS PROVISIONS FOR MID-CAREER OFFICERS

With immediate effect, the total cumulative time that officers, now on active duty, may remain in any combination of classes 5, 4, and 3 shall be 20 years, with not more than 15 years in any one of the three classes. Thus, unless they fail to maintain an acceptable standard of performance, middle-level officers are essentially assured of a 20-year tenure after promotion into class 5. Officers now in those classes who are within the previous time-in-class limits, but who have been in the mid-career classes for 20 years or more, will not be penalized by the new provision.

This change is the initial response to the conclusion of the Task Forces that the highly competitive promotion system tends to make caution a virtue, inhibits such qualities as initiative, persistence, and creativity, and discourages officers from accepting training, assignments to other agencies, or other types of unusual "broadening" assignments needed for the development of senior executives. These initial changes are designed to reduce these pressures during mid-career.

THRESHOLD REVIEW

The concept of threshold review is related to the liberalization of time-in-class requirements; it helps insure that officers promoted to mid-career rank have the ability, aptitude, and temperament to serve usefully for at least 20 years more.

Class 6 officers will now participate in a threshold review before promotion to class 5. They shall be eligible for the review when they have served as an officer for at least 3 years and have received performance ratings for at least two different work assignments.

The review will give the Service an opportunity to assess an officer's career prospects before his "selection-in" to mid-career. For the candidates themselves, the review is a chance to reappraise their own career prospects and interests and to reconsider their initial choice of a functional speciality. (In the case of officers appointed by "lateral entry" into class 6, the BEX entry examination will also serve as the Threshold Review.)

PROCEDURES

Eligible class 6 officers will be interviewed by a Threshold Review Panel, consisting of two FSO's on assignment to the Board of Examiners and one other FSO from a bureau primarily concerned with the officer's professional interests and background. The Panel will also consider the full performance file and a summary report of his most recent career counseling interview.

A seven-member "Threshold Review Board," which will meet monthly, will review the Panel's findings and the officer's performance file and decide whether to recommend class 6 candidates for promotion. The Board, chaired by a senior FSO and comprising officers of the Department, of other agencies, and a public member, will also establish the officers' competitive positions on a threshold rank-order list.

About four times a year the Director General will propose promotions from these rank-order listings on the basis of the need for particular functional specialities at the mid-career level. Promotions will be offered within specific functional fields.

Every eligible class 6 officer will be reviewed at least annually by the Board.

NEW TIME-IN-CLASS REQUIREMENTS FOR JUNIOR OFFICERS

Under new time-in-class requirements, officers who enter at class 8 must now be nominated for promotion to class 5 within 7½ years.

Officers who enter at class 7 must be nominated for promotion to class 5 within 5 years.

Officers initially appointed by "lateral entry" to class 6 must be nominated for promotion to class 5 within 5 years.

The maximum time officers of classes 7 and 8 may remain in class remains unchanged at 4 years for each grade.

OTHER CHANGES PLANNED

Just as there is a threshold review from class 6 to class 5, there will be an executive-level threshold review for promotion from class 3 to class 2. This change is still being developed and will be discussed in future announcements.

This Bulletin provides for the implementation of Action Program Items Nos. 37, 39, and 45.

AN AMERICAN DREYFUS CASE?

JOHN D. HEMENWAY,
Washington, D.C., 14 November 1971.

DEAR WASHINGTON POST: On November 6, Post readers were provided with generalized summaries of several quite specific and serious charges against ambassador-designate Howard P. Mace. Until August of this year, Mace had been Director of Personnel in the Department of State, where he has held high personnel posts for years. The Post summarized testimony against Mace before the Senate Foreign Relations Committee quite accurately, i.e., Mace was described as "malicious, capricious, dishonest and arbitrary, among other things."

Does not the Post owe it to its readers to say exactly what the charges were? They were specific. They were capable of proof. Details were made available in the Congressional Record of October 1, 14, 15, 20, 21, and 28, inserted by Congressman Ashbrook of Ohio. The charges also are supported by documents on public record.

Why has the Post not investigated these charges? Accusations I personally made and the matters raised by others either must be true or untrue. Surely, a Post investigative reporter could establish in a few hours whether the charges are supported by substantial evidence. Why not lay the full facts before your readers so that they might judge for themselves? A more complete list of the charges, less generalized, might even shock them:

Perjury by high Department of State officials;

Falsification, tampering with, and "losing" records;

Dispensing false and unearned honors;

Nepotism and special payoffs for political favor;

Faked official explanations and back-dated records;

Appeals to false loyalties to dampen public outcry against evidence of corruption in the Foreign Service;

Cautious and belated high official support to shore up the "integrity" of one accused officer from another involved officer;

Manipulation of judicial procedures that offer some faint hope of administrative relief from injustice;

Defense of corruption in the Foreign Service by creatures spawned and protected by that corruption;

Cover-up upon cover-up extending over a period of years;

Personal prejudice and bigotry.

The discerning Post reader appreciates that, if the above charges are substantiated, the Department of State stands on the eve of the exposure of a massive scandal in its personnel management area. To those with a sense of history, a scandal on such a scale will recall the Dreyfus Case—can it happen in America? In fact, corrupt State Department personnel practices have already destroyed some individuals just as totally as Captain Alfred Dreyfus was ruined by a corrupt bureaucracy. Dreyfus, a French army captain at the end of XIX Century, was victimized by a totally analogous list of abuses. As his loyal family (loyal both to Dreyfus and France) looked on in horror, Dreyfus was stripped of reputation and career, publicly disgraced and ruined.

To its great credit the Post reported the highly significant Senate Committee deliberations concerning ambassador-designate Mace. Another "leading" newspaper published in New York City has ignored the State Department's current personnel problems. The Post also reported the Senate Foreign Relations Committee's decision of November 2, 1971 "to pass over the nomination, making no decision until an indefinite future meeting." (WP Nov. 6, 1971 p. 2)

However, the Post has not yet reported the reasons for the decision above, if known. Surely such reasons exist. The Senate Foreign Relations Committee consists of seasoned legislators pursuing a Constitutional duty. Individual Senators would be derelict in their duty if they ignored detailed charges by bona fide witnesses appearing in public in pursuit of a democratic constitutional process, i.e., a confirmation hearing. After all, it is in the examination of the detail of the charges that their verity is established. If the charges are false, they should be exposed as false, and if true. . . .

We should remember the Dreyfus Case and learn from it. It was in the examination of detail that Dreyfus was cleared. Of course, Dreyfus was assisted by the dedicated help of Zola and courageous newsmen who, in the process, exposed the serious misconduct and scandalous cover-ups of high officials.

Like their French colleagues in an earlier century, Post newsmen may feel that a great newspaper holds a public trust. Perhaps they will agree with me that this carries the duty of responsibility for getting at the facts in this matter.

Sincerely,

JOHN D. HEMENWAY,
"Retired" Foreign Service Officer.

OUTREACH PROGRAM OF THE SOUTHINGTON COMMITTEE ON AGING

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. GRASSO. Mr. Speaker, this week the White House Conference on Aging focused attention on the needs and concerns of the elderly in our Nation. Also, the Conference will leave behind recommendations on how to meet these needs. This is indeed an important event.

It seems appropriate on this occasion to note the enlightened efforts of local communities in their service to elderly residents. The Outreach Project of the Southington Committee on Aging has just completed a program of canvassing the community's elderly to determine their needs and to encourage them to take advantage of the committee's multi-service facility. This is one of many splendid activities of the Southington Committee on Aging which helps to ease the burdens and frustrations of older citizens. It also signifies a new and popular grass roots movement across the Nation which is based on the premise that we must provide for the elderly—the security, comfort and dignity they so richly deserve.

For the interest of my colleagues, a

recent article in the Southington News, which further explains this outstanding outreach project programs, follows:

OUTREACH PROJECTS SEEKS TO CONTACT ALL OVER 55

The Southington Committee On Aging through its newly started Outreach Project is attempting to contact all persons in the community over the age of 55 in order to learn their needs and to inform them of services available to them through Calendar House, the committee's multi-service facility.

A questionnaire has been developed covering major areas of concern. Ten volunteers from Calendar House are assisting Mrs. Margaret Furst, social worker, who is assisting with the Outreach Project.

The volunteers, assigned to various sections of the community will be going door to door seeking persons over the age of 55 and asking them to accept a questionnaire, to fill it out and mail it back to Calendar House within a week. A self-addressed envelope will be provided.

All volunteers will be wearing identification badges. All information will be treated as strictly confidential.

The project started Monday, Nov. 15, and will continue through Nov. 30. Anyone not contacted by Nov. 30 who would like to fill out one of the questionnaires may receive one by contacting Calendar House.

"The Committee On Aging will be most appreciative for any and all cooperation it can receive from the general public with regard to the Outreach Project and the volunteer workers.

"With this cooperation in the Outreach Project it may also help other Southington townspeople as well as yourself in a service to the community," according to a statement by James A. Fortier, project director, Southington Committee On Aging.

The 10 volunteers for the project include Adeline Piercey, Rose Nolan, Mary Palmieri, Mildred Page, William LePage, Herbert Moore, Joseph Barbier, Harry Kamp, Eliza Merriam and William Clark.

FDA REJECTS INGREDIENT LABELING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ROSENTHAL. Mr. Speaker, the Food and Drug Administration has rejected a petition by Label, Inc.—Law Students Association for Buyer Education and Labeling—that would have required the ingredients of all food products be listed on the package label.

That decision is further evidence of the FDA's proindustry, anticonsumer bias.

The agency said it "does not have the legal authority to promulgate" such a rule. That simply isn't so, for three reasons:

First. The Fair Packaging and Labeling Act of 1966 gives the FDA the broad power "to require the disclosure on labels of relevant ingredient information."

Second. Even if one takes a narrow view of the label ingredient regulation power, the FDA could certainly require the listing of ingredients under the provision that without such information the label is deceptive and the package is mislabeled.

Third. It has had the authority to administratively require full disclosure of all contents since passage of the Food, Drug, and Cosmetic Act of 1938.

Instead of acting, however, the agency over the years has created a labyrinth of regulations which allow manufacturers to conceal all ingredients, require that some be listed without specifying that it is only a partial listing, and which allow certain additives—such as colorings and seasonings—to hide behind generic names. There are relatively few products for which FDA requires a complete list of contents on the label.

The FDA prefers to call on industry to "voluntarily" list the ingredients of its products on its labels. I have seen too many times in the past the futility of the FDA's misguided reliance on industry self-regulation and voluntary compliance to believe that it can work in this area.

I have received many letters—as I am sure other Members of Congress and the FDA have—telling of serious reactions to eating a particular food because of hidden ingredients.

One of those was from a Maryland mother of a young boy allergic to hundreds of different foods and ingredients. One of the few things he could eat was tomatoes, so his parents raised them in their backyard and bought them at the market and canned them for the winter. When she ran out of home-canned tomatoes, the boy's mother bought some commercially canned ones. Knowing of her son's allergy problems, she was careful to read the labels closely and pick those marked only "tomatoes and water."

Her son became ill after eating these commercially canned tomatoes, something that never happened after eating home-canned ones. She contacted the company, which blithely told her that the can contained "additional Vitamin C" but they were not required to list it on the label. The boy's doctor confirmed that it was the additional Vitamin C that had made the lad sick. That could have been easily avoided with full disclosure of ingredients on the label.

The food industry, by refusing to voluntarily list all ingredients and vigorously fighting to conceal that information, simply demonstrates its contempt for its customers and its disregard for the principles of open, honest commerce.

I'm not talking about divulging trade secrets and special formulas, but simply a listing of all ingredients. This is vital to the health and safety of the American consumer.

There is a glimmer of hope, however. In its letter to Label, Inc., the FDA indicates it may be becoming disillusioned with voluntary industry self compliance, because it states that it is "preparing legislation" to amend the Food, Drug and Cosmetic Act to require full disclosure of ingredients in food products.

Since legislation is currently pending that would accomplish exactly that, I call on the FDA to immediately support that bill, H.R. 8670, the Truth In Food Labeling Act, which I have introduced with the support of 28 of my colleagues.

Similarly, I call on President Nixon, who has often expressed his desire to see the consumer fairly represented, to endorse this legislation and urge its passage. The President's own adviser on consumer affairs, Mrs. Virginia Knauer, wrote to HEW Secretary Richardson on July 2, 1971, that she "could not agree more" with the findings of the White House Conference on Food, Nutrition, and Health.

That conference, in its final report, noted that because of the current "maze of laws" regarding food labeling, "Consumers are presented with confusing or incomplete information about the products they purchase." It recommended reforms in the labeling laws, such as required statements of properties, a declaration about the amount of any characterizing agent, and simplification of ingredient designation."

The Label petition was submitted to the FDA in February calling for a full disclosure of all ingredients on the labels of food products. I have personally forwarded to the FDA hearing clerk nearly 2,000 letters from private citizens urging this action. They are still coming in. In fact, I have received several dozen already this week. The people want this information. They are entitled to have it.

Under the present system of labeling food cans and packages, it is easier to find out what you are feeding to your dog or cat than to your family.

Complete labeling—as called for in the Label petition and in my bill—would permit the consumer to make more informed choice. The present law is unclear as to what ingredients have to be listed and which do not. In the end, however, the consumer is unaware of exactly what he is buying. For example, on such items as mayonnaise, margarine, vinegar, ice cream, and cola drinks, no ingredient listing is required; on many other products, only a partial listing is needed.

Complete ingredient labeling should not be a difficult concept to comprehend. People have the right to know what they are eating. It is as simple as that.

The present ingredient labeling practices range from nonexistent to misleading. For far too long unsuspecting consumers have eaten foods which are harmful to them because the package label did not list all the ingredients. The advent of widespread usage of food additives, some of which might prove injurious to certain individuals, makes the matter even more urgent. Knowing ingredients is especially important to persons with allergies and other dietary problems. For instance, a person with high blood pressure must watch his intake of milk and cheese products; a diabetic must limit the amount of sugar he consumes.

If the Food and Drug Administration is unwilling to act, then the Congress must. It can do that by enacting H.R. 8670.

Mr. Speaker, I am inserting in the RECORD at this point the FDA's letter informing Label, Inc., of its decision, and the students' response to that action:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
FOOD AND DRUG ADMINISTRATION,
Rockville, Md., Nov. 22, 1971.

Mr. GARY LADEN,
Label, Inc.,
Washington, D.C.

DEAR MR. LADEN: This will confirm my telephone call of November 22, 1971, in response to your letter of November 16, 1971.

After reviewing all the comments, we have reached the decision that we do not have the legal authority to promulgate the regulation LABEL, INC., petitioned for on February 25, 1971. An order ruling on the petition will appear in the Federal Register as soon as possible. That order will urge manufacturers to voluntarily declare the ingredients on standardized foods. Comments received indicate many manufacturers will voluntarily declare ingredients in such foods.

We are preparing a legislative proposal to amend the Food, Drug, and Cosmetic Act to require the declaration of ingredients on standardized foods.

Sincerely yours,

SAM D. FINE,
Associate Commissioner for Compliance.

STATEMENT BY ARTHUR KOCH, CHAIRMAN, THURSDAY, DECEMBER 2, 1971

My name is Arthur Koch, and I am the Chairman of LABEL, Inc., an acronym for Law Students Association for Buyers' Education and Labeling. LABEL is a group of five George Washington University Law Students who have been working together for more than a year to require complete ingredient labeling on all food products.

On February 25, 1971, LABEL filed a petition with the Food and Drug Administration requesting that a new regulation be issued stating that "for the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their product."

We are here today to announce that we have been informed in writing by the Food and Drug Administration that after reviewing the comments, they have decided to reject our proposal. This order, we are told, "will appear in the federal register as soon as possible." We think this is outrageous. The American public has a need and a right to know what is in the foods they are eating.

It was only after considerable pressure that the Food and Drug Administration published, without their endorsement, the LABEL proposal in the May 12, 1971 issue of the Federal Register and opened the matter for public comment. Consumers were amazed to learn that their foods were inadequately and often only partially labeled. More than 5,000 consumers voiced their opinion in favor of the LABEL proposal. Among these were numerous doctors, hospital administrators, dietitians, Senators, Congressmen, Consumer groups, University Professors and most of all, the housewives who prepare the daily meals for their families. Even business groups have endorsed the idea. Giant Food started a complete ingredient labeling program and the National Canners Association and the Grocery Manufacturers of America have recommended to their members that they do likewise. In contrast to the five thousand letters of support, only about two hundred letters were written by various industries who did not want to tell the public what chemicals or other additives they were putting into the foods they sold.

The millions of Americans with allergies, as well as those stricken with heart diseases and other physical ailments, those who feel that certain chemicals are harmful, and those with restricted religious diets, all have a right and a need to know all of the ingredients in a food product. However, under the present labyrinth of FDA regulations, the consumer has no way to ascertain the ingredients contained within the products under a Standard of Identity. Instead, the Standard of Identity has become a sanctuary for hidden ingredients and additives. We ask: Who should make the ultimate choice about the consumption of the ingredients in the foods he eats? By not requiring the labeling of all ingredients, and thus effectively hiding the presence of many of them from the public, the FDA has usurped the consumer's right to make that choice.

The Food and Drug Administration has not stopped at simply issuing regulations and allowing the consumer to be deceived. They have actively told the consumer that the situation is otherwise. In an FDA publication [Additives in our Food, FDA Publication No. 43, October, 1968] the Agency maintains that "food products are labeled with required information to guide and protect the consumer." Further, the FDA has said that "Food Standards are not a device to be used in the interest of industry to circumvent the consumer's right to choose." [Food Standards by L. M. Beacham, Reprint from FDA Papers, Sept. 1967] Even more deceiving, the FDA distributes a large number of posters urging consumers to "READ LABELS CAREFULLY." [FDA Poster Number 8] It seems ironic that the FDA has also issued rules under which a number of food product labels give the consumer no information at all, while others are clearly misleading.

The Food and Drug Administration has deceived the public long enough. It is time they took a careful look at what they are doing and who they are representing. The Food, Drug and Cosmetic Act gives the Agency power to take such action that "will promote honesty and fair dealing in the interest of consumers." The overwhelming favorable public comment leaves no question but that the consumers want and need complete ingredient labeling and that it is only the industry that is opposed.

We again challenge the FDA to be a voice of the people. As soon as the Food and Drug Administration announces publically in the Federal Register their denial of the LABEL Petition, we will request a public hearing. We will not let the FDA bury an issue that they do not want to contend with.

Finally, if the FDA still refuses to require complete ingredient labeling on its own, then we turn to Congress and hope that they pass the "Truth in Food Labeling Bills" introduced by Congressman Benjamin Rosenthal and Senator Harrison Williams which will effectively force the FDA to require that all food manufacturers and distributors list on their labels all of the ingredients which are contained in their products.

IN DEFENSE OF MOTHER BELL

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McCOLLISTER. Mr. Speaker, there were a number of charges leveled at A.T. & T. today, dealing with alleged job discrimination in its treatment of women, blacks and Spanish Americans. In a report submitted to the Federal Communications Commission, the EEOC charged A.T. & T. and its operating companies with "pervasive, system-wide and blatantly unlawful" bias.

Mr. Speaker, in my 18 years of involvement in various civic projects in Omaha, it has been my pleasure to work with many of the people from Northwestern Bell. I know them to be concerned with providing equal opportunities for women and minorities. I know them not only to be concerned, but to be actively seeking out ways to hire and promote these people. Mr. Speaker, Northwestern Bell has not only done a good job in this area, but has been one of the leaders in Nebraska and other parts of the Midwest.

Bruce Schwartz, the company's personnel vice president, candidly admits that more will and can be done. But the amount of progress the company has made in recent years is certainly commendable. Nine years ago, for example, the company had a total of 190 minority employees or slightly less than one percent of its total employees. By this fall, the number had reached 667, or 2.5 percent of the company's employees. This compares favorably with the 2.3 percent minority population in the five States Northwestern Bell serves.

According to Mr. Schwartz, any job at Northwestern Bell can be filled by either a male or female employee. About 55 percent of the company's employees are women, and about 30 percent of its management positions are held by women.

Northwestern Bell has worked hard to promote equal opportunity, seeking out minority applicants, counseling and implementing followup programs to give those hired every chance of success.

In four major cities in five States, it conducted or participated in extensive programs to qualify disadvantaged for employment. It has also loaned both executives and office space for National Alliance of Businessmen programs, and exceeded NAB objectives for hiring each year since it has been participating. It has hired some 649 employees under NAB programs.

Company officials have also expressed concern about another minority, the American Indian. It now employs 37 Indians, and while that number is not overwhelming, it reflects the fact that most do not live in cities and towns the company serves. Telephone people continue to visit Indian schools and reservations to encourage members of this minority group to apply for work.

In their major, metropolitan offices, the company has minority employees both interviewing and serving in the recruiting process. And women and members of minority groups also serve in the management of employment offices and in the overall review of equal opportunity employment matters.

Northwestern Bell has been actively involved in the Urban Coalition, Urban League, the Concentrated Employment Programs and other local programs and groups that work for equal opportunity employment.

I mention all the preceding things, Mr. Speaker, not to say that Northwestern Bell has attained all of its goals in equal opportunity, but to suggest that the facts do mean a continuing progress.

I think my colleagues in the House will agree that changes have long been needed in the field of equal opportunity for women and minorities. Many employers in the United States are suddenly awakening to the fact that perhaps they have not placed enough emphasis in this area or been scrutinizing enough in years past. While most are working hard now to correct that situation, change cannot be brought about overnight. I think Northwestern Bell has done a remarkable job in its efforts, and I'm proud to look to them as an example for other employers in my second district and throughout the United States.

WHAT DOES GEORGE MEANY MEAN WHEN HE TALKS ABOUT A "STACKED DECK"?

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BAKER. Mr. Speaker, George Meany, the President of the AFL-CIO, has created a few waves lately, not the least of which was his charge that the composition of the Pay Board is a "stacked deck" against Labor. He speaks, apparently, out of his concern for the welfare of the "working man."

The Chattanooga News-Free Press feels that a closer examination is necessary of just how representative the five "labor" members are of all working men inasmuch as only about 20 percent of the workers in America are unionized.

The News Free-Press makes the point in an editorial, "Stacked Deck?", that the Pay Board could actually be stacked against the 80 percent of the workers who do not belong to a union and therefore, have no representation on the Pay Board.

This is an interesting point and should be taken into consideration not only by Mr. Meany, but by all of us who are actually interested in the welfare of all working men.

The editorial follows:

"STACKED DECK"?

George Meany, president of the AFL-CIO, has been quite busy lately. In addition to insulting the President of the United States by bad manners when the President appeared at the AFL-CIO convention in Miami Beach, Mr. Meany has been charging that the Pay Board in the controls system is a "stacked deck."

Oddly, he's right—but not in the way he means.

Mr. Meany was claiming that the Pay Board is stacked against organized labor. The fact is that it is stacked in favor of organized labor—but against the great majority of American workers who do not belong to labor unions.

The board has 15 members. Five of them are supposed to represent the "public." Five of them are supposed to represent "industry." Five of them are supposed to represent "labor."

All five of the "labor" members are from unions, including Mr. Meany's crowd. But all the unions of the nation combined "represent" about 20 per cent of the workers. Eighty per cent of the workers do not belong to unions but certainly are "labor." Who represents them? By having all five "labor" members of the Pay Board from the unions, the board is stacked in their favor, not against them. The non-union people are the ones who might make a legitimate complaint about a "stacked deck."

And since only 19 states have Right to Work Laws that allow individual workers to decide freely for themselves for or against union membership without penalty, it is evident that many of the people who are in unions are members only because of rigged laws and contracts that force them to join or not be allowed to work to earn a living. So the voluntary union portion of workers in America is really a small fraction that has been given a big voice in labor affairs, in politics and on the Pay Board.

What Mr. Meany really seeks when he says "stacked deck" is not an even balance; he merely means he wants to rule or ruin.

FEDERAL VIOLENT CRIME COMMISSION

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, to be the victim of a violent crime is a tragic experience—for the individual who is the victim, and for his or her family. In addition to the tremendous psychological and physical pain that most victims must endure, many persons are faced with staggering hospital bills after recovering from an attack. Today, only six States in America offer any compensation for the victim of violent crimes.

I have introduced a bill—the Criminal Injuries Compensation Act of 1971 (H.R. 3963)—that would provide for the compensation of persons injured by certain criminal acts. My bill would establish a Federal Violent Crime Commission which would grant awards up to $25,000 for victims of assaults, robberies, arson, kidnapping, rape, attempted rape, and attempted murder. Families of murder victims would also be eligible for compensation.

The number of persons who are victims of violent crime is increasing daily—the time for compensatory legislation is now.

On November 30, the distinguished Senate majority leader, MIKE MANSFIELD, testified before the Subcommittee on Criminal Laws and Procedures in favor of a victimization bill, S. 750, which he has introduced in the Senate. Mr. MANSFIELD, in his testimony, clearly and convincingly argues for the immediate enactment of legislation which will establish "on the Federal level the principle that violent crime is a three party affair which includes the victim, the criminal, and the State."

Mr. MANSFIELD's testimony follows:

TESTIMONY OF SENATOR MIKE MANSFIELD

Mr. Chairman, distinguished members of the Committee.

I appreciate very much this opportunity to appear before you today. I do so in behalf of the countless thousands of innocent victims of crime. I do so as well out of a deep personal concern for the effects of violence upon society today. With S. 750, I have sought to revive the concept of compensating victims of violent crime. In doing that, I have approached the issue, not as a lawyer, which I am not, nor as a student of law. I have endeavored rather to view the matter as one who is deeply concerned that recent efforts to stimulate new approaches to stemming and even reversing the ever-rising rate of crime and violence have focused too little attention upon the innocent victims of crime.

By no means, Mr. Chairman, do I wish to diminish your superb record against criminal elements. No man, inside the Senate or out, has devoted more energy and effort to that end. Thanks in large part to you, Mr. Chairman, the United States Senate in the last Congress passed 18 or more anti-crime proposals. Societies, nevertheless, have suffered the ravages of violent crime and ours has been no exception. Chronicled daily by the press are crimes of the most heinous nature. To meet this situation it seems to me that there has been created a system of justice that too often presents an abstraction of the state versus the criminal, which in turn has left the victim unappeased, the government bogged down in court and the criminal becoming more expert at his trade.

To be sure, the accused is prosecuted for his crime, and if found guilty, punished by the state. But the victim's sole recourse, within our Fderal jurisdiction, is to seek damages by instituting a civil action against the guilty criminal. At best, this has been an inadequate remedy, considering the financial condition of most perpetrators of violent crime. In fact, a recent survey of victims of violent crimes indicates a bare 1.8% of the victims ever collected anything from their attackers. Yet 74.2% of them suffered economic loss, not to mention the physical damage and suffering involved. And as the President's Commission on the Causes and Prevention of Violence has documented so well, this alarming increase in the rate of violent crime has persisted and with it, no doubt, the great disparity between those victims who are compensated and those who are not.

At the same time, the victims of this violence have been virtually separated from the crimes. That is a matter of policy.

It is a policy that abrogates any social contract that is thought to exist between the citizen and his society. The citizen pays his taxes, he obeys the laws imposed by society and in return he expects—some would argue on a contractual basis—to be protected by those laws from illegal acts which result in injury and suffering to himself. In short, if society fails in its efforts to provide basic protection then the social contract has been breached; the citizen has suffered. To him there is no particular nonpunishable recourse available other perhaps than overt apathy. Reflective of this growing apathy, in my judgment, has been the significant increase in the number of cases where victims simply refuse to become involved—not as witnesses, not to assist the prosecution, not in preventing the crime, not in assisting a police officer.

In my judgment, this overt apathy or nonparticipation by citizens in regulatory functions of society is about to become a most critical and pressing problem. Today, citizens must recognize that through their plain apathy, they are committing crimes against society. To combat such an attitude, it is my view that we—the elected representatives—ought to become more cognizant of the need for legislation that would encourage, and even reward, acts that are socially responsible.

Another aspect of the problem concerns the government's task of rehabilitating criminals. How much violent crime, it should be asked, is committed at the hands of the recidivist who has been released upon society from a penal institution that served only to mold him into a more hardened and bitter criminal than he was when first incarcerated? His innocent victim has been doubly cheated by society. Not only has it failed to protect him with sufficient police and safety facilities, its penal institutions have actually created a more serious threat to law and order by serving as graduate schools for criminals.

It has been said that the institutions of justice have become more concerned with the protection of the rights of the criminal than with the need for law and order in society. To an extent, I would agree. But I feel the major emphasis is misplaced. To me, a major liability with the present system of criminal justice is its utter failure to consider the innocent victim. This is the whole basis for my interest today in reviving the concept of victim compensation.

As a matter of public policy, social compensation programs are not revolutionary notions by far. Indeed, there is great similarity in rationale and origin between notions of compensating workers, assuring them of a reasonably safe place in which to work, and compensating victims of crime, assuring them a reasonably safe society in which to live. Just as the worker was historically frustrated in his attempts to recover damages, so, too, has the victim of crime today been frustrated. In many cases the offender is not apprehended. When he is, he is often destitute. Further, present penal methods do not offer the offender an ability to make restitution because he cannot earn a gainful living.

Along with the worker compensation concept, other steps have been taken in the past 30 years or more which manifest society's abandonment of its laissez-faire attitudes when facing matters of collective community need. Social security and medicare; aid to dependent children, assistance for the handicapped, the aged and the blind, notions of no-fault insurance and national health insurance all reflect a recognition of collective responsibility. Fulfilling this responsibility with regard to victim of crime is no easy task. Senate bill 750 attempts to face the problem. If adopted at the Federal level, however, it would by no means represent the first such step taken in modern times. Indeed, within the last ten years, New Zealand, England, particular provinces in Canada and Australia, have all enacted governmental programs of compensation for innocent victims of violent crimes. In addition, the states of California, Hawaii, Nevada, Maryland, Massachusetts, New York, and most recently, New Jersey, all have enacted some type of compensation program. I have asked some of these states for reports on their experience with the program and submit for the record the responses I have received.

Though I am not wedded to any particular procedure for achieving the task of recognizing the need for compensating the criminal victim, the main features of my bill do deserve some explanation. First of all, a three-man Violent Crime Compensation Commission would be created. The Commission would compensate innocent victims for injury or death resulting from 18 possible offenses. The 18 offenses could be grouped generally under the headings of homicide, assaults and sexual offenses of violence, all occurring within the Federal jurisdiction. There would be a maximum limit of $25,000 for each award.

It would be the Commission's duty to examine the evidence presented both to determine what level of compensation should be granted and whether in fact the person making the claim is truly an innocent victim.

With some limitation, the Commission could order the payment of compensation to or on behalf of the injured victim, to the person responsible for his maintenance, to his dependents or close survivors. The authority of the Commission to award compensation would not be dependent on prosecution or conviction of the accused for the offense giving rise to the injury. Obviously, however, the crime would have to be established.

As far as losses covered are concerned, the proposal would provide compensation for expenses incurred as a result of the victim's injury or death, for the loss of his earning power, for pain and suffering and for any other direct, crime-related losses which the Commission deems reasonable.

Compensation would be denied in cases where the victim was living with the offender or in any case where the Commission finds that unjust enrichment would result to or on behalf of the offender.

Decisions and orders of the Commission would be reviewed by the appropriate Court of Appeals.

A most important provision would allow the Commission, where possible, to recover over against a convicted assailant the amount of any awards granted on account of his crime.

There is also provided a grant program which would encourage states to establish Crime Compensation systems within their individual criminal jurisdictions.

With these hearings, Mr. Chairman, and the study that undoubtedly will follow, I am certain many of the features of this proposal will undergo close examination and undoubtedly changes for the better will be made. Merging the state programs under the existing Law Enforcement Assistance Administration is one suggestion that deserves merit. Improvement, may I say, is an essential purpose of the legislative process.

May I say, too, that I am pleased President Nixon's recommendations for a special compensation program for survivors of policemen killed in the line of duty are here being considered along with S. 750.

One final note. Before this Congress adjourns in 1972, it is my hope that the legislative process will have been completed and that there will be established on the Federal level the principle that violent crime is a three-party affair which includes the victim, the criminal and the state. In the last 100 years, the criminal and the state have dominated the arena of crime and punishment to the injurious exclusion of the victim. To revive at this time the proposition that citizens are entitled to protection, and failing such protection, that citizens are entitled at least to be compensated for the losses they suffer from violent criminal action, can only serve to strength the social fibre of our Nation.

Thank you very much.

COMMENDATION FOR THE VETERANS' ADMINISTRATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. YOUNG of Florida. Mr. Speaker, I am privileged to represent a district that is home for over 87,000 veterans and military retirees. Because of my close association with these fine people, I am acutely aware of the many unique problems which they face daily.

Appropriately, our Nation has longsince recognized its indebtedness to these men and women who have sacrificed so selflessly so that we all might enjoy the many benefits and opportunities we have here in America today. President Lincoln eloquently expressed this in his second inaugural address in March of 1864:

> With malice toward none; with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in to bind up the Nation's wounds; to care for him who shall have borne the battle and for his widow and his orphan. . . .

Today, 107 years later, we find the Veterans' Administration fulfilling the promises of a greatful Nation. Through its vast hospital system, the GI bill education programs, home and business loans, compensation and pension systems, and insurance programs, veterans and families of veterans are receiving much needed assistance.

Probably one of the most worthwhile programs that the VA administers is the vocational rehabilitation program for veterans injured in combat. In this area the VA dedicates its talents and resources to restoring the disabled veteran to employability. To meet the needs of this veteran who has given so much for his country, the VA has specially designed vocational education and training and counseling programs to assist the veteran's return to society as a productive member. Throughout the Nation some 23,000 Vietnam era veterans have received training under this program.

I do not think we truly realize the impact this program, when properly handled, can have on the lives of these individuals. I am enclosing a letter which Mr. Thomas Fisher of Tallahassee wrote to Mr. Donald Johnson, Administrator of the VA, expressing his gratitude for the manner in which he was assisted during his rehabilitation. I have worked closely with the Veterans' Administration Office in Florida for the past 10 years and am very familiar with the high caliber of work which it provides under the leadership of Mr. Odell Vaughn, who is the Administrator of the State. In his letter Mr. Fisher specifically cites the services of Mr. Edward Osborne, a member of Mr. Vaughn's staff, for his understanding and "humanistic" approach in handling the problems of the veterans of Florida.

Since the Veterans' Administration Office which serves the entire State of Florida is in my district, I would like to take this opportunity, on behalf of all Florida veterans to join Mr. Fisher in saluting Mr. Vaughn, Mr. Osborne, and all other associates, for the splendid manner in which Florida's veterans' problems are handled. Mr. Fisher's letter to Administrator Johnson follows:

TALLAHASSEE, FLA., *October 19, 1971.*

DEAR SIR: I was recently certified for training under Chapter 31, Title 38, USC, at Florida State University. My contact at the Veterans Administration Regional Office at St. Petersburg has been Mr. Edward J. Osborne, who works in the Counseling and Training Section. I felt compelled to write to you and let you know that I have received outstanding service from Mr. Osborne. He answered every question that I posed, and I felt that I was receiving personalized treatment. During our contact he was also in the process of counseling other veterans and I observed that he had a similar humanistic approach to everyone. The veterans of this area are lucky to have such a person attending to their needs.

I want to assure you that this small testimonial to good service is entirely unsolicited and Mr. Osborne probably does not even remember my name. I just wanted to voice my personal thanks for a job well done. My C# is 26693474.

Yours Respectfully

THOMAS J. FISHER.

DETROIT'S INTERNATIONAL AFRO-AMERICAN MUSEUM: A BRIDGE OVER TROUBLED WATERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CONYERS. Mr. Speaker, today, more than at any other time in their history, black Americans appreciate the importance of evaluating themselves by their own criteria. The fact that the history books are bereft of the contributions made by black people recalls to mind that one of the prerogatives of the victors is to fashion their own histories. Dr. Charles Wright and a few of his friends, disturbed by this void, hit upon a unique way of filling it. In March 10, 1965, they established the International Afro-American Museum, a venture whose beginning was as modest as its need was great. Dr. Wright and his colleagues knew that, for the black American to be truly understood, his history must be made intelligible. He himself must understand that his daily life and thought reflect his past. The black man of today is at one end of a psychological continuum which reaches back in time to his enslaved ancestors. For him to understand where he is headed, he must know where he has come from. That is the purpose of the museum—to fill in the historical gaps. As Dr. Wright himself has since described it:

> Our purpose for creating I.A.M. was and is to increase one of the rarest commodities on the American market—racial pride among black people, and to help fill the information gap about black people for all Americans . . . We want to present the facts of events and stop the repetition of misinformation. I am convinced that distortion of history got us into our present situation, but we've got to deal with history to change people's attitudes.

The museum supplies the knowledge necessary to shatter the myths of the past. The black man is often compared inappropriately to other immigrant groups who came to America. But in making that comparison, others often forget his lack of cultural identity. He came enslaved to these shores while others came seeking freedom. The net result is that he was forcibly cut off from his past, his language, his culture, and his religion. He was literally a man without a past. He has led an existence which forbade him to be an African and never permitted him to be an American. His American experience was one of both oppression and anonymity. The International Afro-American Museum represents an attempt to penetrate that past and connect it with the present—an ambitious undertaking, to say the least.

The museum's message is simple and clear: 300 years of oppression were not enough to destroy the black spirit. We not only survived, but are now witnessing a new surge of black awareness in a variety of manifestations. Black culture, which thrived despite an alien environment, is rich and vibrant. There is much in the many exhibits from which all Americans can learn and profit. Through the efforts of Charles Wright and his associates, we in Michigan have begun that exciting rediscovery of things past. By relating our African roots to our American experience, we are beginning to generate a healthy concept of ourselves. The museum is more than just a link with the past. For many, in a personal way, it is a bridge over the gap in their own black experience. And thus a noble experiment has become a distinguished achievement.

Inspiration for the museum stemmed from a visit which Dr. Wright paid to Denmark's freedom museum in 1964 which commemorates the heroic Danish fight against Nazi occupation. It was from this point that he began to speculate on the impact of a freedom museum documenting the long history of the black struggle. From this inspirational beginning has grown a truly unique Afro-American museum.

From its founding in 1965, it was determined that the museum would be an independent, grassroots, nonprofit organization, one that would maintain itself by support from the black community. It now boasts a membership in excess of 2,000 people.

On a shoe-string budget, the IAM, acquired from the London Museum some replicas of heads and wall plaques of the Benin Kingdom. Next, a generous African art enthusiast—former Governor of Michigan G. Mennen Williams—donated several pieces. Hard work and many sacrifices in time and money brought in additional black art objects, paintings, carvings, documents and information which began filling the museum and attracting hundreds of interested visitors.

By 1967, the museum was ready to hit the road. It purchased a mobile home, converted it into a trailer-museum, and drove off to the Michigan State Fair. In only 10 days, more than 16,000 people visited the mobile museum. Since then, more than 200,000 visitors have benefitted from its contents. Today the mobile museum is an integral part of the IAM.

A museum primarily concerned with black history, the International Afro-American Museum presents a microcosmic overview of the black experience from Africa to America, revealing a history laden with some of the most exciting episodes found anywhere. Africa—whose early kingdoms had glory before Greece and grandeur before Rome—built large, complex empires, and perfected the art of government, while at the same time creating some of the most enduring and beautiful music, art, and sculpture that the world has known.

Other exhibits offer the viewer a chance to become better acquainted with little-known aspects of the black American experience. Few realize, for example, the invaluable skills which Africans brought to the Americas. The museum's galleries illustrate how these uprooted peoples used their knowledge of crops and soil, climate, stockbreeding, carpentry, to help keep the early colonists alive in the wilderness. Also told are the stories of Negro inventors, scientists, writers, statesmen, and artists, who, despite efforts to prevent their education or the development of their skills, became great men and women.

One such display recreates the life and times of the legendary Paul Robeson, renowned orator, singer, and actor. The museum portrays him as a forerunner of the civil rights movement since his sharp criticism of American society helped focus public attention on the injustices which black people suffer.

More recent exhibits depict the great contributions of Mrs. Rosa Parks and Mr. Whitney Young, Jr., to the civil rights revolution. The exhibit, Whitney Young, apostle of freedom, portrays the life story of this great leader. Mrs. Rosa Parks ignited the fires of resistance across America in a single gesture of defiance. Her exhibit is appropriately titled "Trial of a Black Woman."

Among other museum exhibits, one can see displays ranging from the Afro-American in the Soviet Union, civil rights panels, and Nellie Watts' testimonial, to the underground railroad. In an effort to reach further into the community, the IAM also broadcasts a weekly radio program, gives an annual series of lectures by outstanding authorities on aspects of black history, and publishes a quarterly newsletter. Two films were made for use in schools to promote the vocational interests of young people seeking to enter the professions. These films, titled "You Can Be A Doctor," and "The Bank is Open to You," are available to the public.

This thumbnail sketch tells only half a story, for a fund drive for a larger and permanent home is already underway. The museum's directors have approved plans, constructions for which should begin in 1974, which include an auditorium, a dining facility, and an art school.

Detroit is justifiably proud of the achievements of its International Afro-American Museum. It has instilled pride, kindled aspirations, and has pulled back the curtain of the past revealing the history of a creative and resilient people. One man's inspiration became the basis for an idea which has contributed a great deal to so many. In a way, that is the story of our people, and the story which the museum tells so effectively.

SECRECY AND HYPOCRISY: THE KEYNOTE OF THE NIXON ADMINISTRATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. RARICK. Mr. Speaker, the announcement that President Nixon has authorized the Export-Import Bank to extend credit to Communist Rumania to finance the purchase of American-made goods should remind us of the action taken last July 8 in extending and expanding the Export-Import Expansion Act. At that time and at the urging of the President, the obligations of the Export-Import Bank were exempted from both the budget and the debt ceiling. Congress also removed the prohibition of financing credit deals with any country aiding or abetting countries with whom we are in armed conflict. Such transactions were left to the discretion of the President when he determines such trade expansion to be in the national interest.

Now we learn that the U.S. Secretary of Commerce is in Russia winding up a trade mission—which must mean credit arrangements with that country to buy U.S. goods. With the President and Mrs. Nixon junketeering with Herr Kissinger to China to improve relations with that Communist country, we can expect, as a practical result, Ex-Im Bank loans to start trade with the Red Chinese. It certainly seems as President Nixon thinks such trade to be in the national interest.

In the meantime, the gross public debt of the United States is reported to have reached the grand total of $416,921,843,-765.86, this with the permanent debt ceiling of $400 billion and a temporary debt limit of $430 billion which Congress passed last March 3. As a result of congressional action of July 8th, this figure does not include the Export-Import Bank obligations, which extend American credit based on the U.S. Treasury for the overseas development of both emerging and Communist countries.

Apparently the rationale to offset the whopping deficit in balance of payments resulting from foreign aid is an extension of the bankrupt domestic policy of "spend yourself rich," thinking that by giving more money away to foreigners and manipulating the books properly, we can improve our balance of trade losses which exceeded $861 million for the month of October alone.

With upside-down thinking and detrimental national policies like these, how can citizens have confidence in our U.S. negotiators and their instructions at the Strategic Arms Limitation Talks—SALT—with the Russians in Vienna? If we were unable to negotiate from a position of strength, how can we ever expect to accomplish anything from a position of weakness or ineptness?

And if this is not sad enough, on November 22, the President exposed from the heretofore secret embargo the so-called Law of Treaties signed for the United States on April 24, 1970. There can be little doubt to any informed person studying the Vienna Convention on the Law of Treaties arranged in conjunction with the U.N. that the entire convention is but a de facto detour to circumvent the Constitution of the United States and further endanger the constitutionally secured rights of every American.

Hypocrisy and secrecy have keynoted the Nixon administration. We now learn that the President had entered into a global strategy to lose the war in Vietnam before he went to the White House.

I insert related news articles and material in the RECORD following my remarks:

[From the Washington Evening Star, Dec. 1, 1971]

BAN ON CREDIT TO RED BLOC ENDED

President Nixon has authorized the Export-Import Bank to extend credits for the sale of American goods to Romania. This ended a three-year ban on U.S. government-backed credits to Communist-bloc nations.

The White House announced yesterday that Nixon acted under the terms of the Export Expansion Finance Act passed last summer, which allows the extension of credits to Communist-bloc nations if the President deems it in the national interest.

The President's move, which was not unexpected, was a further sign of the administration's desire to widen East-West trade. It came while Commerce Secretary Maurice H. Stans was winding up a trade mission to the Soviet Union which he hopes may lead eventually to a tenfold rise in trade above the current $200 million yearly total.

As another sign of the improved climate in Soviet-American relations, the Agriculture Department yesterday announced that a six-man delegation of Soviet farm officials, headed by Agriculture Minister Vladimir V. Matskevich, will visit the United States from next Wednesday through Dec. 19.

Soviet officials have stressed to Stans and other American officials that the administration must liberalize credit arrangements if there is to be a substantial rise in trade.

In 1968, Congress banned the Export-Import Bank from either extending or guaranteeing bank credits to Communist nations aiding North Vietnam. But this summer, the ban was limited to those countries at war with the United States—North Vietnam.

Administration officials were reported to be preparing to ask Congress to allow Romania to receive normal tariff treatment on goods sent to the United States—so called most-favored nation treatment. At present, Poland and Yugoslavia are the only Communist nations to receive this treatment.

The administration has indicated it would endorse most-favored nation treatment to Romania. Some officials believe that it might be granted to the Soviet Union as part of a trade package to be negotiated before and during Nixon's trip to Moscow in May.

[From the Washington Evening Star, Dec. 1, 1971]

MEETINGS TO RESUME ON ARMS LIMITATION

VIENNA.—Meetings of American and Soviet experts who hammered out the previous agreements at the Strategic Arms Limitation Talks are expected to resume this week, conference sources said yesterday.

The expert level meetings have been suspended since the first meeting of the current Vienna round two weeks ago. Instead, the only contact between the Soviet and American teams has been through formal statements read out at their twice-weekly full-scale meetings.

[From the Congressional Record, Nov. 22, 1971]

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Vienna Convention on the Law of Treaties signed for the United States on April 24, 1970. The convention is the outcome of many years of careful preparatory work by the International Law Commission, followed by a two-session conference of 110 nations convened under United Nations auspices in 1968 and 1969. The conference was the sixth in a series called by the General Assembly of the United Nations for the purpose of encouraging the progressive development and codification of international law.

The growing importance of treaties in the orderly conduct of international relations has made increasingly evident the need for clear, well-defined, and readily ascertainable rules of international law applicable to treaties. I believe that the codification of treaty law formulated by representatives of the international community and embodied in the Vienna Convention meets this need.

The international community as a whole will surely benefit from the adoption of uniform rules on such subjects as the conclusion and entry into force of treaties, their interpretation and application, and other technical matters. Even more significant, however, are the orderly procedures of the convention for dealing with needed adjustments and changes in treaties, along with its strong reaffirmation of the basic principle pacta sunt servanda—the rule that treaties are binding on the parties and must be performed in good faith. The provisions on judicial settlement, arbitration, and conciliation, including the possibility that a dispute concerning a preemptory norm of international law can be referred to the International Court of Justice, should do much to enhance the stability of treaty relationships throughout the world.

I am enclosing the report of the Secretary of State, describing the provisions of the convention in detail.

The Vienna Convention can be an important tool in the development of international law. I am pleased to note that it has been endorsed by the House of Delegates of the American Bar Association and I urge the Senate to give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *November 22, 1971.*

[From the Washington Evening Star, Dec. 1, 1971]

TWO PULLOUT VERSIONS OFFERED BY LAIRD

(By Orr Kelly)

Secretary of Defense Melvin R. Laird has given two different accounts, within the past week, of the way the Nixon administration's plan for ending American involvement in the war in Vietnam evolved.

In one account, the key decisions are said to have been part of a global peace plan made in the Fall of 1968, before President Nixon's election. In the other account, the key decisions are said to have been made in the Spring of 1969, after the new administration had a chance to look things over.

In a letter to Sen. ——— ———, written Monday and made public yesterday, Laird said the previous administration had no plan to reduce the American troop level in Vietnam and then added:

"You may recall that I disagreed with the inflexible policy of ever increasing troop levels at the time. I publicly predicted in September, 1968, that thousands of American troops could be withdrawn in 1969.

PREDICTION CITED

"The prediction was made on President Nixon's aircraft to representatives of the news media between Boise, Idaho, and Bismark, N. Dak. It was made after lengthy discussions with Mr. Nixon, in the preceding days and weeks, on the details of the plan—which he referred to in New Hampshire and which later, after he became President, came to be known as Vietnamization and the Nixon Doctrine."

Nixon made a number of references during the campaign to his "plan" to end the war, but never spelled it out, leading Democrats to charge that he had no plan.

(Press accounts of Laird's statements on Sept. 24, 1968, quoted him as saying that, "by next June the U.S. is likely to have 90,000 fewer troops in Vietnam," and that statement was interpreted at the time as an accusation that the Johnson administration was planning a withdrawal announcement.)

(Laird also was quoted at that time as saying he had made his predictions without consulting Nixon. The first 25,000-man step in the withdrawal program was announced by Nixon on June 8, 1969, and did not actually begin until July.)

OTHER VERSION GIVEN

Laird's other version of the genesis of the Vietnamization program was given in a Nov. 23 speech to community and military leaders at Leavenworth, Kan. In it, Laird said the possibility of cutting troops in Vietnam had been discussed in the autumn of 1968 but no firm decision had been made until after he visited Southeast Asia in March 1969, after the new administration had taken office.

"On my return from my visit to Vietnam in 1969, I recommended to President Nixon the formulation of the policy of Vietnamization—the orderly transfer to the Vietnamese themselves of the responsibilities for their security and development, borne until that time by the United States. As part of the Vietnamization program, I recommended that we begin to reduce American troop strength in Vietnam.

"I reported to President Nixon that I had told our leaders in Vietnam in accordance with all previous discussions that a satisfactory conclusion to the war meant the eventual disengagement of American men from combat.

NO PROGRAM FOUND

"Unfortunately, I found no program in existence for achieving this goal. Therefore, I recommended that developing such a program should receive our first priority.

"I said it would be possible to accelerate equipping and training of the South Vietnamese with the understanding that such action would permit the replacement of

American forces. And I was able to recommend that the withdrawal of American forces from South Vietnam begin in 1969 with the removal of a substantial number of troops—a step we had discussed in the autumn of 1968," Laird said.

The letter to ——— was part of an exchange between the Defense secretary and the senator which began Sept. 30 when Laird objected to a statement by ——— that "never has an American President lied so blatantly for so long as has Richard Nixon on the war in Vietnam."

"PLAN FOR PEACE"

Laird told ——— the administration had evolved a "plan for peace" before the election and that it had been followed, not only in Vietnam, but in all aspects of our foreign policy.

Laird said the administration had reduced the level of American involvement in Vietnam and declared that "this administration has never raised false hopes about Vietnam nor made promises it couldn't deliver."

——— responded Oct. 2, recalling Nixon's statement during the 1968 campaign that he had " a plan to end the war."

"As intended, this was interpreted by the public as a promise to end the war rather soon," ——— wrote. "Suppose, instead, that candidate Nixon had said throughout the 1968 campaign that he had a plan to end American ground forces combat in the war after four more years and 20,000 American lives. Do you thing for a moment that he would have been elected President?"

WAITS 2 MONTHS

Laird waited nearly two months to reply, until Monday this week. Then he accused ——— not only of being confused himself but of "confusing some sincere Americans around the country by giving wide circulation to the totally unfounded and unwarranted allegation that President Nixon has blatantly lied to the American people concerning Vietnam,"

"I was frankly surprised to see you refer to the President's statement in 1968 in New Hampshire that he a 'plan to end the war' as further documentation of your charge," Laird wrote.

"He did indeed have a plan and we have been proceeding according to that plan not only in Vietnam but in all aspects of our foreign policy. . . .

"Basically, there are two concepts involved which are not difficult to understand unless one deliberately chooses to misunderstand them. One involves the Nixon administration's plan to terminate American combat involvement—ground, air and sea—in the war in Vietnam. The other involves our commander-in-chief's plan to bring about lasting peace.

STRATEGY CITED

At another point, Laird said:

"To put this in as straightforward a manner as I can, the Nixon plan to end the war is bound up in the entire fabric of the President's foreign policy and the complementary national security strategy of realistic deterrents.

"The new approaches have been conceived and implemented with the purpose of moving from an era of confrontation to negotiations and in order to foster conditions for what our comander-in-chief so often has referred to as a 'full generation of peace.' "

[From the New York Times, Nov. 6, 1971]

United States to Let Russians Buy $136 Million in Feed Grain—Terms Deal "First Step" in Expansion of Trade—Maritime Unions Waive Demand for Use of American Ships

(By William M. Blair)

Washington, Nov. 5.—The Nixon Administration announced arrangements today for the commercial sale of nearly $136-million worth of corn and other livestock feed grains to the Soviet Union.

Nixon Administration officials termed the planned sale by two United States grain companies "the first step in the expansion of trade with the Soviet Union," and said that the impetus had been generated for more sales in the future. But they declined to speculate on whether such sales would extend to China in the near future. President Nixon will visit China after the first of the year.

According to Administration officials, the key to the sale was a waiver of American maritime unions' long-time demand that at least 50 per cent of grain shipments to the Soviet Union be carried in American ships.

The officials attributed the maritime unions' action to the Administration's efforts to revitalize American merchant shipping, which include a 10-year program of subsidies to enable domestic shipping to compete with foreign-flag ships.

The sale was expected to have a significant political effect in the big mid-Western corn states. Farmers have complained of depressed prices caused by increasing stocks of grain, including wheat.

There has been a record corn crop this year, and the Administration recently announced a program to combat the price slump—it was also designed to offset political unrest—by paying farmers $600-million more in subsidies to take more acres out of production next year.

The pending sale to the Soviet Union is the first since President Kennedy authorized a $100-million wheat sale to Russia in 1964, a move that stirred controversy.

The new sale will be made by the Continental Grain Company and Cargill, Inc. Spokesmen for the companies declined, for competitive reasons, to disclose how much of the total sale each company would handle. The sale covers 80 million bushels of corn, 28 million bushels of barley and 21 million bushels of oats.

Officials said that the shipments could start immediately, mainly from Great Lakes ports.

The grain deal was described as an indication of an improved climate of relations with the Rusians, who were reported to want more trade with the United States to help overcome consumer problems, including the need for higher-protein foods.

The Russians are expected to use the grains particularly for greater pork and poultry production. The $136-million worth of grain exceeds by $18-million the total of $118-million representing all commodities exported to the Soviet Union last year.

Richard V. Allen, President Nixon's Deputy Assistant for International Economic Affairs, and Andrew E. Gibson, Assistant Secretary of Commerce for Maritime Affairs, said at a news conference that the grain sale arose from a series of developments that started last June.

UNION OFFICIALS SUMMONED

In June, Mr. Nixon lifted some of the barriers for trade with the Soviet Union and China. These included removal of special licensing requirements for shipments and the 50 percent requirement for American shipping.

Mr. Allen related that last week Continental Grain and Cargill told the White House that they had received offers from the Soviet Union for the feed grains. Earlier this week, at Mr. Nixon's direction, union officials were summoned to the White House and, according to officials, were convinced that the Administration intended to make American shipping competitive in world trade.

This, officials said, was in the spirit of the Merchant Marine Act of 1970, proposed by Mr. Nixon. The act provides for a subsidy program for construction of 300 merchant-marine vessels and for operating subsidies to offset lower foreign operating expenses.

At the first White House meeting were Paul Hall, president of the Seafarers International Union, and Jesse M. Calhoon, president of the National Marine Engineers Beneficial Union. Yesterday, at another meeting, those present were Joseph Curran, president of the National Maritime Union; Thomas W. Gleason, president of the International Longshoremen's Association; Thomas F. O'Callahan, president of the International Organization of Master, Mates and Pilots, and William R. Steinberg, president of the American Radio Association.

QUESTION SIDESTEPPED

In the news conference, Mr. Allen, Mr. Gibson and J. Phil Campbell, Under Secretary of Agriculture, referred to Mr. Nixon's "deep personal involvement" in the grain sale but sidestepped the question whether he had talked directly to the maritime-union leaders.

The unions reversed their position on shipping because they were convinced that in the long run more contracts and jobs would be gained by permitting competitive bidding for shipments to the Soviet Union and China.

In answer to questions, Mr. Gibson said that the grain sale "will not be used to put pressure on unions in their negotiations with management" to end current dock strikes on the East Coast and Gulf of Mexico. The Great Lakes are not affected by the strikes. Mr. Gibson and other officials said that the unions had not asked for anything in return for permitting the grain to be loaded on foreign vessels.

On Capitol Hill, Senator ———, said after a briefing by Administration officials on the sale that the Russians would probably transport the grain in their own ships although this had not definitely been decided.

According to the Agriculture Department, the corn will come from the free market and the barley and oats will come from Government supplies.

[From the Washington Post, Nov. 6, 1971]

United States Sells Russia $185 Million in Grain

A surprise deal between the White House and the big maritime unions has paved the way for sales of feed grains to the Soviet Union that could run as high as $185 million, it was announced yesterday.

Such a sale would not only exceed the total of all exports to the Soviet Union last year—$118 million—but would also top the historic and controversial shipment of $125 million worth of wheat to the U.S.S.R. in 1964.

In winning labor acquiescence to removing the requirement that 50 per cent of such shipments be moved in American bottoms, the Nixon administration pulled off a coup on several fronts:

The projected sale to Russia would help reduce the heavy surpluses from this season's bumper crop and firm up prices. The drop in corn from $1.45 a bushel a year ago to about $1.05 today has brought angry protests from farm groups and has become a serious political liability for President Nixon.

The White House House agreement not only puts American growers on a more competitive basis with other major exporters such as Australia and Canada, but would be of significant help to the critical trade and balance of payments situation of this nation.

American grain traders believe this would be only the first of continuing grain shipments to Russia, which is hard pressed to grow enough feed for its rapidly expanding livestock industry. The sale might also help pave the way for expanded export of other products to the Soviet Union, officials believe. And it could improve the atmosphere for trade talks between Secretary of Commerce Maurice H. Stans and Soviet officials in Moscow next week.

No American grain has been sold to Russia for the past eight years because of the problem of the 50 per cent shipping requirement. American shipping charges generally greatly exceed world rates and the Russians have balked at paying the extra cost ever since the big wheat deal of 1963–64.

In June President Nixon suspended the shipping requirement at the same time he liberalized trading rules for mainland China. There were loud protests from organized labor at the time and intimations that the International Longshoremen's Association might refuse to load any grain cargoes destined for Communist nations.

Administration officials said the union leaders had asked nothing in return for finally acquiescing to removal of the shipping preference. They praised the union chiefs' "statesmanship" for putting the interests of the nation first.

But speculation persisted, nonetheless, that some quid pro quo was arranged during the White House parley: the pledge of more vigorous prosecution of Mr. Nixon's expanded merchant marine program (which would mean more jobs for union members) or governmental efforts to help gain the dockworkers a favorable settlement and end the dock strike that has tied up East and Gulf Coast ports for the past five weeks, for example.

Principal negotiators for the White House in the accord were Peter G. Peterson, Mr. Nixon's special assistant for international economic policy, and Charles W. Colson, special counsel to the President. Mr. Nixon was kept continuously informed of the progress of talks, it was understood, and some sources indicated he talked to some union leaders by telephone.

The unions were represented by Presidents Thomas W. Gleason of the longshoremen, Paul Hall of the Seafarers International Union, Joseph Curran of the National Maritime Union, Jesse Calhoun of the National Marine Engineers Beneficial Association, Thomas O'Callahan of the Masters, Mates and Pilots Union, and William Steinberg of the American Radio Officers Association.

The sales arrangements were made directly with the Russians by two large American traders, Continental Grain and Cargill, Inc. It was understood shipments would begin shortly from unstruck Great Lakes Ports and continue through next spring.

The Agriculture Department reported that the commitments would amount to a total of $135 million.

But Continental said its part would amount to $140 million alone, to be paid in U.S. dollars. Cargill declined to reveal the size of its order for competitive reasons. But there were reports in trade circles that it amounted to $45 million.

Continental said its sale would include 2 million tons (80 million bushels) of corn and a total of 900,000 tons (36 million bushels) of oats and barley. The company said it might fill some of these requirements from foreign sources but intends to ship at least 2 million of the 2.9 million tons from American stocks.

Sen. ——— said the grain probably will be carried in Russian ships although this has not been definitely decided.

Many of the Great Lakes ports will be icebound in a matter of weeks and the East-Gulf dock strike might present problems for the grain shipping schedule if it persists much longer. Presumably some of the shipments could be loaded on the West Coast where a Taft-Hartley injunction has interrupted another longshore strike, at least until the new year.

[From the Chicago Tribune, Nov. 6, 1971]

LIST RUSS REASONS FOR GRAIN PURCHASE

(By George Beardsley)

Moscow's move to buy a minimum of $136 million in feed grains from the United States was prompted by a Russian drouth, increasing standards of living in the Soviet Union, and the fear created by the corn blight that hit the United States crop last year, trade sources said.

The sale would help reduce the large amount of corn available this year which is depressing the prices farmers are paid for their crop. Agriculture Secretary Clifford Hardin and other administration officials have been under pressure to do something about this corn surplus.

The Nixon administration announced Friday that Continental Grain Co. and Cargill, Inc., had firm offers from the Soviet Union for 2 million tons of corn, and 900,000 tons of barley and oats.

SEES MORE TRADE

Harold Vogel, executive vice president of Continental Grain, said that in the long run he anticipates more regular trade dealings with the Russians, but that for the "near future" he anticipates no further grain sales to the Soviets.

He said the Russians have said this is all the feed grain they will need thru next summer.

A Cargill spokesman, however, said that no one regards the announced agreement as the total deal.

"It is open ended and could be for more," he said.

He said there appear to be two reasons for the Russians seeking feed grain on world markets.

First, there is an increase in the amount of meat included in the Russian diet, and consequently a greater need for animal feed, he said.

"This is typical of other nations that have gone thru a history of increasing affluence. Human beings like meat, better than porridge.

He also said there is considerable evidence there has been drouth thruout the area where the feed grains are normally produced in Russia, decreasing the amount of feed available as the demand was increasing.

POOR RUSSIAN CROP

Lindley Finch, vice president and agricultural consultant for Continental Illinois National Bank & Trust Company of Chicago, also said indications were that the Russians hadn't had a good crop and are expanding their use of feed grains.

While an increasing demand for animal feed and a drouth put the Russians on the market, it was the devastation of Southern corn leaf blight last year that made the U.S. corn available at a competitive price in the world markets.

There was fear the blight could recur in the Corn Belt again this year, because seed corn firms were not able to supply all the blight resistant seed farmers desired.

OK'S GRAIN PROGRAM

The short crop and constantly shrinking supplies of corn prompted Secretary of Agriculture Hardin to approve a feed grain program for this year that actively encouraged farmers to plant more acres in corn.

This encouragement, coupled with one of the most favorable growing seasons in recent years and a small amount of blight damage have contributed to this year's bumper corn crop, now estimated at 5.4 billion bushels, up sharply from last year's blight damaged crop of 4.1 billion bushels.

The surge in the supply of corn then drove prices sharply lower, making the price attractive to the Russians.

[From the Washington Evening Star, Nov. 6, 1971]

AIM OF RUSSIAN GRAIN BUYING BELIEVED BETTER MEAT SUPPLY

State Department experts said today they were intrigued by Russia's decision to purchase nearly 3 million tons of feed grains in the United States at a time the Soviets are expecting a near-record harvest.

The situation contrasts dramatically, they said, with the disastrous Soviet harvest of 1963 which obliged Moscow to buy millions of tons of grain abroad, including 4 million metric tons from the United States. The Soviet Union paid approximately $250 million for that purchase of grain from U.S. suppliers.

The Nixon administration announced yesterday that an agreement was nearly complete for several U.S. suppliers to sell nearly 3 million metric tons of corn, barley and oats to the Soviet Union for the approximate sum of $136 million.

Specialists in the State Department and Agriculture Department believe the purchase signaled a decision by the Soviet political leaders to take steps to improve the meat supply in Russia.

For decades, the Soviet consumer has had to put up with poor quality meat, often in short supply. It is thought by specialists here that under the new five-year plan, Soviet leaders will make a greater investment in their meat-producing sector.

This could mean, officials said, that in the next few years the Soviet Union will have a continuing need to buy varying amounts of feed grains abroad.

Agricultural specialists said Soviet authorities have not yet released figures for the 1971 grain harvest in the Soviet Union. Estimates by experts here, however, placed the harvest at between 145 and 150 million metric tons of usable grain. The 1970 harvest brought in about 150 metric tons of usable grain.

The Nixon administration is quietly pleased with the projected deal because of its successful attempt to elicit the cooperation of U.S. longshoremen and maritime unions in loading U.S. and foreign ships.

The 1963 sale, announced by President Kennedy Oct. 9, 1963, was seriously complicated by union pressures. The administration finally had to agree that 50 percent of the sale should be carried in U.S. ships whose haulage rates were higher than those of foreign competitors.

Administration officials credited union leaders with a "statesmanlike" attitude in the present instance and noted that President Nixon was anxious to stimulate the U.S. merchant marine with various measures.

The officials said they believed that union cooperation would prevail if further deals for grain sales should be concluded with Communist China and Eastern European nations.

Sales to such Communist countries could ease the situation of the Midwest grain-growing states, which possess a considerable surplus but have not found sufficiently large markets in recent years.

ADJUSTMENT ASSISTANCE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. GIBBONS. Mr. Speaker, on Tuesday, Mr. Stanley Metzger, professor of law at the Georgetown University Law Center, gave an interesting and informative presentation on adjustment assistance to a bipartisan group of Congressmen concerned about our present drift toward defeatism and restrictionism in our trade policies.

Mr. Metzger is a former Chairman of the Tariff Commission and an authority on the serious deficiencies of our adjustment assistance program to provide Federal help to workers and industries that may be adversely affected by import competition. He has also served as Assistant Legal Adviser for Economic Affairs at the Department of State and recently contributed the papers "Adjustment Assistance" and "Injury and Market Disruption From Imports" to the July 1971 report of the President's Commission on International Trade and Investment Policy.

Adjustment assistance is, of course, only one of the Government programs designed to facilitate the adjustment process which American workers and firms are continually making in response to changing economic conditions or consumer tastes. As Mr. Metzger pointed out so ably, there is strong evidence that major innovations or improvements are needed in adjustment assistance and in many of these other programs to make them truly effective and to help reduce unemployment and restore our economic well-being.

Mr. Metzger spoke informally to the bipartisan group and answered questions. I regret that I do not have the text of his comments for the reference of other Members who are interested in improvements in our adjustment assistance program. However, because I think it would be of interest to my colleagues, I insert in the RECORD at this point the text of Mr. Metzger's paper on adjustment assistance from the July 1971 report of the President's Commission on International Trade and Investment Policy:

ADJUSTMENT ASSISTANCE

(By Stanley D. Metzger)

I. ORIGINS OF ADJUSTMENT ASSISTANCE

The Weaknesses of the "Escape Clause" as a Remedy for Individual Firms and Groups of Workers Adversely Affected by Imports:

It was made clear at the outset of the Trade Agreement program in 1934 that the program's purpose was to assist American industry and agriculture, not to cause it serious injury. The Hull policy of freeing trade from artificial barriers was meant to expand international trade and thus benefit firms, workers, farmers and the general public, but in so doing to take into account, meaningfully, the interests of domestic industries which might face serious import competition as a result of the lowered trade barriers envisaged as a consequence of the program's operations.

The 1934 Act thus required that the President consult with those Government Departments which habitually speak for particular domestic industries that might be affected adversely by tariff and other trade concessions (Agriculture, Interior, Commerce, Labor, and (then) War and Navy) before any reductions in United States tariffs were negotiated. There was immediately established the inter-agency Trade Agreements Committee (composed of those agencies and chaired by the State Department) one of whose principal tasks was to undertake a precautionary review before a trade agreement was entered into, for the purpose of avoiding making concessions which in the official judgment of those most knowledgeable would likely result in serious injury to the domestic industry producing a like or directly competitive article. This review included an opportunity for industries affected by forthcoming negotiations (notice of which, including a description of the article likely to be the subject of U.S. concessions, had been made) to appear and present orally and in writing their views both as to what the United States should and what it should not be prepared to offer by way of tariff concessions. This precautionary review was later codified legislatively, and made more restrictive, in Section 3 of the Trade Agreements Extension Act of 1951 (the "peril points" provision). Still later, the 1962 Act eliminated "peril points" as such, but the review continued to operate in the same manner as it had since 1934.

Industries concerned about injury from imports were nontheless dissatisfied with it. They feared that despite advance precautions, trade agreement concessions once negotiated might be followed by an increase in imports caused by the concession, and the domestic industry caused, or threatened with, serious injury because of such increased imports. Accordingly, following the urgings of their Congressional spokesmen, an "escape clause" was inserted at United States request in the bilateral agreement with Mexico in 1942, specifically permitting the withdrawal of a concession under those circumstances.

Following the enactment of the 1945 Trade Agreements Extension Act and while preparations were being made for the negotiation of the General Agreement on Tariffs and Trade, including the first major multilateral tariff reduction negotiation, it became necessary for the Administration, in the words of former Secretary Acheson (*Present at the Creation* (1969), 200–201) to accept "some restrictions on executive power to reduce tariffs" in order to "save what we could of the trade-agreements program" from the ministrations of Senators Milliken and Vandenburg. President Truman issued an Executive Order (No. 9832) requiring that an "escape clause" be inserted in all future trade agreements.

Article XIX of the GATT contains the escape clause principle, which reads as follows:

"If, as a result of unforeseen developments and of the effect of the obligations incurred by a contracting party under this agreement, including tariff concessions, any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury to suspend the obligation in whole or in part or to withdraw or modify the concession."

The 1947 Executive order established a procedure pursuant to which the President would decide in any case whether to invoke the "escape clause" of a trade agreement (either the GATT or one of the remaining bilaterals which had been amended to include escape clauses). This American domestic procedure was later codified in Section 7 of the 1951 Act, which remained in effect, with relatively minor legislative modifications, until a major revision was made in the 1962 Act.

Under Section 7 of the 1951 Act, a domestic industry could apply to the Tariff Commission—

"To determine whether any product is, as a result in whole or in part of the duty or other customs treatment, reflecting such concession, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

"Your committee is persuaded that provisions for adjustment assistance should not be continued as a discretionary alternative action for the President in place of tariff adjustment action where the Tariff Commission has made an affirmative injury and remedy determination after an industry investigation."

The Tariff Commission, within six months, had to report to the President its findings and its recommendations. If it found that such injury had been caused or threatened, it was to recommend the tariff or quota relief necessary to remedy the injury—tariff relief being limited to a rate 50% above the rate existing on July 1, 1934. The President could accept or reject the findings and recommendation of the Commission in whole or in part; if he failed to agree with the Commissin, he had to report to the Congress the reason why. The Congress, by a concurrent resolution adopted by a two-thirds majority of both houses which was procedurally "privileged," might overturn his negative action, thereby causing the Commission's recommendation to be put into effect. This latter never occurred. The President could of course, utilize whatever legislative authority there might be to assist the affected industry and its workers, and not accept the Tariff Commission's report and recommendations. In fact, he had done so in some cases. But the thrust of the escape clause procedure under the 1951 Act, until 1962, was tariff and quota relief, with no special injury-relief tools of other kinds available to the President.

The 1962 Act wrought extensive changes in the escape clause which were designed to make the tariff and quota relief available to domestic industries more difficult to obtain.[1] The basic reason for this step were the adverse economic consequences which had been seen during the 1950's to have ensued whenever escape clause actions were contemplated or taken. As the House Ways and Means Committee noted in its 1962 Report on the legislation (No. 1818, 87th Cong., 2d Sess. 13), "The granting of tariff adjustments in particular cases necessarily had an impact on our total foreign economic policy." Such action "necessitates the granting of tariff compensation to our trading partners on other products in order to counterbalance whatever United States tariffs are raised," or evolves the retaliation of others through withdrawal of concessions which had been accorded to the United States, thus affecting adversely the American export trade.

Nor were the economic consequences the only adverse results of easy escape clause relief. Four years earlier, in 1958, the House Ways and Means Committee had emphasized that, "Escapes from international obligations authorized by the Congress in return for reciprocal obligations should not be lightly permitted." Contrary to those protectionists who wanted to deprive the President of discretion to refuse to accept a Tariff Commission inquiry finding, the Committee concluded that "the President must continue to have discretion in escape clause cases because their effect on foreign relations and other aspects of the national interest may outweigh the benefit to a particular industry." The Committee had been quite aware that any escape clause action looms much larger, politically and economically, to trading partners of the United States than it appears to us. It knew that when President Eisenhower had refused to take action in the Icelandic fish fillets case, the political repercussions contemplated were action to have been taken (with adverse consequences upon American retention of air bases) played a major role in his decision. It was also aware of the political tremors which occurred when escape action was taken on Swiss watches. Our friends and allies in Europe indeed were alarmed at the way in which a large country could act in seeming disregard of the economic consequences to a smaller country. During the 1947–62 period, the Tariff Commission had found injury in 33 cases, and split evenly in 8 more. The President had refused to invoke the escape clause in 26 of the 41 cases referred to him.

It is thus clear that a major weakness

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[1] The manner in which this was accomplished, principally through tightening of the causation criteria between the concession increased imports and serious injury, is described in Metzger, *Trade Agreements and the Kennedy Round* (1964) at 44–55

of the escape clause as a relief mechanism for individual firms and workers in an industry (an industry that could make a good case under it which could show that it was imports that were really causing injury, and not the myriad other reasons for industrial decline) was the inhibition upon its use which was a necessary consequence of the position of the United States as the largest industrial nation in the world and as the leading nation of a worldwide coalition designed to maintain the political freedom and factor the economic development of its members.

A second major weakness of the escape clause for individual firms and groups of workers was the fact that before industry-wide relief (raising of tariffs, imposition of quotas) could be secured, serious industry-wide injury, caused by concession-fed increased imports, had to be shown. Many firms, and groups of workers within them, might be seriously adversely affected by such imports yet receive no relief because the industry of which they were members as a whole was performing satisfactorily despite such increased imports. Average prices, wages, profits, sales volume, new investment—the normal indications of industrial health or sickness—might indicate no major discomfort, even though things might of course have been even better without imports. In those circumstances, neither the industry as a whole nor any component of it was eligible for the industry-wide relief provided by the escape clause; the "marginal" firms and workers in the industry were left unprovided for.

Finally, escape clause remedies were not tailored to the needs of import impacted individual firms or groups of workers. These remedies, temporarily tariff increases or quota restraints, might well fail to meet the problems of such firms and workers even if their industry as a whole secured escape clause relief.

The firm which was marginal might be expected to find difficulty securing new capital in order to achieve adjustment to new lines in the same or a related industry in view of both the temporary nature of the escape clause relief[2] and the doubts about its survival as a marginal firm even with such relief; it is likely that such relief even when given, will for the reasons already adverted to, be somewhat less than the maximum desired by an industry to shelter its most marginal members. The firm may also not know in which direction to shift its resources and not be in a position to find out at reasonable expense during the temporary period of partial relief afforded by the escape clause remedies.

Workers in such firms needed (1) training for new skills to be performed in a firm which was shifting to new lines, or to make themselves marketable independent of such a firm if it could not make the adjustment, (2) time (and unemployment compensation during that time if the firm shut down temporarily or altogether), and (3) relocation expenses to place themselves with new enterprises, if necessary. None of these benefits, or tools of adjustment, were available under the traditional escape clause remedies. The escape clause remedies were both inadequate for many individual firms and groups of workers and too upsetting of foreign relations if used more than sparingly. It was clear that something new was needed to remedy these weaknesses of the escape clause if the United States was to continue a liberal trade program designed to expand, rather than contract, international trade and at the same time avoid injury to important domestic economic interests.

The Effort to Secure Labor and Small Business Commitments to Expanded International Trade in the Trade Expansion Act of 1962:

The weaknesses of the escape clause were perceived early in the 1950's. The Randall Commission on Foreign Economic Policy noted in its 1954 report the proposal of David McDonald, then President of the United Steelworkers of America, for adjustment assistance for workers in the form of extended unemployment compensation and retraining and relocation benefits, and bills were introduced that year in both House and Senate (then Senator John Kennedy introduced the first Senate bill) incorporating these conceptions. Indeed, for the next eight years, adjustment assistance bills for workers were regularly dropped in the Congressional hopper but no hearings were held on them, nor any serious consideration given them in the 1955 or 1958 trade agreement extension act deliberations in the Congress. The Administration did not adopt the idea until 1962.

There were a number of interacting reasons for the adoption of the adjustment assistance conception in 1962. The Administration was determined to secure major new tariff reduction authority from the Congress in order to make a substantial tariff bargain with the European Economic Community, lowering the Common External Tariff of the EEC so as to preserve the large American export market in Europe. It sought 50% reduction authority—far more than had been sought in the period between 1945 and 1962.

At the same time, the Administration had been made aware of the uneasiness of the Europeans about the instability of tariff concessions once negotiated arising from the operations of the escape clause, and of their consequent reluctance to engage in substantial new negotiations without greater assurances that there would be tighter controls over these trade restrictive measures (quotas and tariffs)—which were the only remedies then available were the escape clause invoked. As earlier noted, while the President had turned down Tariff Commission findings and recommendations in 26 out of 41 cases, he had nonetheless over the years found favorably in the 15 cases. Moreover, the fact that the Commission had interpreted the 1951 Act so that an increase in imports any time after a Tariff concession was conclusively presumed to result "in whole or in part" from the concession, signified to the Europeans that the connection between the operation of the escape clause and its original object—to authorize an "escape" from an injury-causing trade agreement commitment—had become formal rather than real.

In consequence, it was apparent that the Administration had to seek a tightening of the escape clause in the 1962 legislation which would cut back its potential use and create more safeguards that, if used, it would be truly temporary in duration.

It was also quite clear to the Administration that neither of these objectives—substantial new tariff-reduction authority and tightening of the escape clause—could be obtained without some relief measures being made available which overcame the weaknesses of the escape clause remedies which have been described.

Adjustment Assistance to firms and workers was the apparent answer, and the Administration put it forward. By utilizing a variety of domestic economic means to ease the lot of firms and workers who might be impacted by imports, adjustment assistance avoided the foreign relations pitfalls of the escape clause's tariff and quota relief measures. By dealing directly with the adjustment problems of firms and workers regardless whether the industry of which they were a part was suffering serious injury attributable to concession-fed imports, adjustment assistance avoided the no-man's land in which individual firms and workers sometimes found themselves. Adjustment assistance to small firms and groups of workers in consequence promised to offer to them relief which appeared to be substantive, a net gain over what had been available to them theoretically under the escape clause. That their support for the 1962 legislation, or at least a diminution of their opposition to it, was secured through adoption of the adjustment assistance concept, cannot be considered to be an insignificant factor in the Administration's 1962 action.

Having once adopted the idea, however, there were divided counsels as to the degree in which it should be embraced. These were caused in part by the lack of experience here or elsewhere concerning its possible cost. While studies had indicated that the employment impact of increased trade was very moderate indeed,[3] they had been based on models from the early 1950's. So too, the observed extremely light effects of the entire trade agreements program, in terms of loss of jobs, had been based upon earlier and smaller incremental amounts of trade than might be envisaged from a large tariff bargain among the fully recovered and developed economies of Western Europe and the United States. Accordingly, as might be expected, the Treasury Department leaned in the direction of tight criteria for adjustment assistance, principally for budgetary reasons, while the Labor Department desired to see such assistance made available with a minimum of difficulty.

In addition, there was some concern about treating worker displacement because of imports on a plane different from that of displacement for other impersonal reasons, such as shifts in production from the Northeastern to the Southeastern part of the United States. While special treatment (retirement benefits, unemployment compensation, etc.), had been provided in the past to certain groups of workers, such as railway employees, this had been closely related to the special nature of the industries involved, not to the general economic factors which might possibly be isolated as the cause of the industry's discomfort. Similar concerns relating to firms, together with the lack of preparatory thinking and studies affecting them, other than the aids available generally through the Small Business Administration, were reflected in the adjustment assistance benefits accorded by the legislation to firms.

These tensions concerning the nature of adjustment assistance affected the answer to two basic questions: 1) To what extent should adjustment assistance be conditioned upon a showing of close connections a) between injury and the trade agreements program, or even b) between injury and imports generally, apart from trade agreements concessions, and 2) To what extent should adjustment assistance benefits be superior to those available under general legislation applicable to firms and workers impacted by impersonal economic forces. An Administration which was not very clear on the proper answers to these questions, and a Congress which was understandably cautious about a first effort at a new program concerning whose wisdom they sensed Administration doubts and added those of its own, combined to provide, in the Trade Expansion Act of 1962, concrete answers to these questions. To these must be added the supplemental answers provided by the administration of the adjustment assistance provisions of the Act.

It is to an analysis of these provisions, and this administrative experience, that we now turn. That analysis in turn, should indicate the weaknesses in the adjustment assistance program and point the way to appropriate reforms.

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[2] Under the 1962 Act there must be termination of relief in four years unless a fresh Presidential determination to continue is made.

[3] See, for example, Import Liberalization and Employment, by Salant and Vaccara (1960).

II. EXISTING PROVISIONS FOR ADJUSTMENT ASSISTANCE FOR FIRMS AND WORKERS

Procedural requirements—Eligibility of workers and firms

Adjustment assistance procedures, for firms and workers, begin with a petition for a "determination of eligibility to apply for adjustment assistance" filed with the Tariff Commission by a firm, or by a group of workers or their certified or recognized union or other duly authorized representative. Such a petition may be filed independently, or together with a petition for "tariff adjustment" (escape clause relief).

If the Tariff Commission finds that the industry has been injured, under the Act's criteria for escape relief, the President may act by either providing tariff relief, or providing, respecting such industry, that firms may request the Secretary of Commerce for certification of eligibility to apply for adjustment assistance, or that workers may request such certifications of the Secretary of Labor, or take any combination of such actions.

If the President takes such action, then the Secretaries of Commerce and Labor, respectively, must certify as eligible to apply for adjustment assistance any firm or group of workers in such an industry upon a showing to his satisfaction that the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements have caused serious injury or threat thereof to such firm or group of workers.

If the Tariff Commission fails to find that the industry has been injured, where petitions for both tariff adjustment and adjustment assistance have been filed, or if only a petition for adjustment assistance has been filed, the President may still certify such firm or group of workers to be eligible to apply for adjustment assistance if the Commission has found that "as a result in major part of concessions granted under trade agreements, an article like or directly competitive with an article produced by the firm (or such worker's firm) "is being imported into the United States in such increased quantities as to cause or threaten to cause, serious injury" to such firms, or unemployment or underemployment of a significant number or proportion of the workers of such firm subdivision. While the Tariff Commission has six months to make its determination and report on "tariff adjustment," as it has had under prior law to make escape clause reports, the Commission must report its determination of eligibility to apply for adjustment assistance "not later than 60 days after the date on which the petition is filed."

This interrelated and complex procedure was caused in large part by two somewhat inconsistent legislative determinations: (1) a requirement that there be a showing of a real causal connection between concession-engendered imports and injury to firms or workers where their industries were not injured as a whole, or where the industry as a whole was injured but not each firm within it; and (2) a determination that adjustment assistance to firms and workers be made available within a relatively short period of time, for otherwise in Lord Keynes' famous phrase, "in the long run, we'll all be dead." Congress had decided that adjustment assistance was more appropriate than tariff relief, because it could be "specifically adapted to the individual requirements of those in an industry affected by imports" and because it avoided the adverse "impact on our total foreign economic policy" (H. Rept. No. 1818 p. 13). But it had reflected Administration uncertainties about the incidence of the new program by opting for its most conservative application in answering the first of the above noted basic questions (p. 13) in the sense of 1(a)—it tied adjustment assistance to a strong causal connection between a firm's or worker's injury and concession-engendered imports. And it underlined this extreme caution by tieing the forms of relief to the tightened escape clause causation criteria, which had been designed to make more difficult the extension of tariff relief.

This deliberate Congressional limitation upon eligibility to receive the new kinds of adjustment assistance to be made available was expressed in several ways. First, the same causation language in the section of the bill reported by the House Ways and Means Committee and passed by the House relating to "tariff relief" was applied equally in those sections relating to adjustment assistance to firms and workers; the Senate Committee, in changing this statutory language (adding "in major part," and "the major factor"), also did so identically for both tariff relief and for adjustment assistance to firms and workers. Secondly, the House Ways and Means Committee specifically stated, in its Report on the Bill, that it believed that it was "important that adjustment assistance in all instances be given only where it has been concluded that the conditions requiring assistance were caused by increased imports resulting from tariff concession made under trade agreements." (H. Rept. No. 1818. p. 23).

The parallelism thus disclosed led the Tariff Commission to conclude not long after the enactment of the 1962 Act, in the Cotton Sheeting Workers case, (T.C. Publ. 100, July 1963), that the "statute allows no room for any different interpretation or application" of the causation criteria for adjustment assistance as compared with tariff relief.

This meant that before adjustment assistance could be provided, the firm or workers had to show that (1) trade agreement concessions were the major cause (the cause more important than any other single cause) of increased imports, and (2) that such increased imports were the major cause of injury, i.e., unemployment or underemployment, or lowered prices, profits, etc., to the firm or workers involved. In concrete terms, this meant that from 1962 until November 1969, the Commission had decided 26 cases of adjustment assistance, six filed by workers, seven by firms and 13 by industries, and had made no affirmative findings of eligibility.

While beginning in 1968, some Tariff Commissioners questioned the necessity for identity of treatment as between adjustment assistance and tariff relief cases so far as connection with the trade agreements program is concerned, and during the last half of 1969 and early 1970 some closely-divided, and curiously reasoned cases departed from the Cotton Sheeting Workers doctrine, recent cases have indicated a clear split in the present 4-member Commission and hence great uncertainty as to its future guidelines.

Indeed, the very choice of the Tariff Commission to determine eligibility in adjustment assistance cases along with its task of making findings and recommendations in escape clause cases meant that it was in substantial degree inevitable that that Commission would act in substantially parallel fashion in both types of cases. With statutory causation language the same in both types of cases, any Commission would become concerned at charges of discrimination were they to be applied differently, and those Commissioners who were especially concerned that the tighter escape clause criteria of the 1962 act not be weakened would be more apt to apply the adjustment assistance criteria literally than to take a chance that an easy interpretation might also carry over to the escape clause whose criteria were identically worded.

At all events, it seems clear from the 1962 Act and its application that fresh Congressional action redefining eligibility criteria and changing the decision-making process in adjustment assistance cases is needed if a consistent application of easier eligibility criteria for adjustment assistance is to be achieved.

Substantive benefits for workers

Workers deemed eligible to apply for ac
justment assistance may receive several forn
of assistance: (1) readjustment allowances
a weekly cash allowance intended to suppl
ment regular unemployment compensatic
and to be generally available for 52 weeks
unemployment; (2) training for vocation
readjustment—failure without good cau
to take training to which the worker is r
ferred will terminate his readjustment allov
ances; and (3) relocation allowances, f
workers unable to obtain suitable local en
ployment, to cover the cost of moving th
family to an area where a job is available.

Trade Readjustment Allowances.—Th
cash allowances under the Act are paid on
for weeks of unemployment beginning n
earlier than 31 days after enactment of th
Act and after the date determined as the b
ginning of the import-caused unemployme
problem. The separation itself must occu
after the beginning date but within two yea
of a certification that workers of the firm
subdivision are eligible for worker assistanc
This two-year period can be shortened by
Presidential determination.

A week of unemployment is a week
which the worker earns less than 75 percer
of his average weekly wage and either work
in the adversely affected employment for les
than 80 percent of the average hours, or,
he has been totally separated from the ad
versely affected employment and is workin
at some other job, is not working on a full
time basis.

To be eligible for trade readjustment allow
ances, the worker must have been separate
due to lack of work in an adversely affecte
employment; that is, in a firm or subdivisio
with respect to which there has been
certification of worker eligibility. This tes
of separation due to lack of work is stricte
than under State law. A worker who leave
his job voluntarily may be eligible for Stat
unemployment insurance if he had goo
cause but he would not be eligible for trad
readjustment allowances if he left volun
tarily no matter how good the cause.

To be entitled for trade adjustmen
allowances, a worker must have had sub
stantial employment over the three year
immediately preceding his separation fror
adversely affected employment. He must hav
earned wages of $15 or more in at least one
half the weeks of these three years and, i
the 52 weeks preceding his separation, h
must have had 26 weeks of employment, a
wages of at least $15, in a firm or firms th
workers of which have been found adversel
affected by imports.

These employment requirements relatin
to entitlement to allowances are substan
tially stricter than those under the Man
power Development and Training Act of 196
or under State unemployment insurance law
The Manpower Act requires only three year
of gainful employment at any time in th
worker's past. Of the 14 States where th
unemployment insurance qualifying require
ments are, or can be, expressed in terms o
weeks or employment, none currently have
requirement of more than 20 weeks in a 5
week base period; 7 require less than 20 week
and 7 require 20 weeks. (CCH Unemploymen
Insurance Rept. Para 4805).

*Weekly Amount of Trade Readjustment Al
lowances.*—The trade readjustment allow
ance for a week is 65 percent of the individ
ual's average weekly wage but it cannot ex
ceed 65 percent of the average weekly manu
facturing wage. The individual's averag
weekly wage is determined on the basis of th
so-called high quarter formula typical o
most State unemployment compensatio
laws.

The maximum amount that can be paid t
any worker for a week is 65 percent of th
annual average weekly wage paid to produc
tion workers in manufacturing for the lates
calendar year for which the figure has bee

ublished by the Bureau of Labor Statistics the Department of Labor.

The worker's weekly allowance will be re- uced by one-half of any remuneration that e receives for services performed during the eek of unemployment. This formula gives m an incentive to find work.

The amount of the trade readjustment al- wance is further limited by the require- ent that the total amount that a worker ceives as trade readjustment allowance, re- uneration for services performed during e week, and unemployment insurance and aining allowance under the Manpower Act Area Redevelopment Act, cannot exceed 75 ercent of his average weekly wage.

An adversely affected worker may receive is weekly trade readjustment allowance for ose weeks during which he is attending aining. The trade readjustment allowance ould be in lieu of any training allowance e might receive under any other Federal w for worker training. If, under another ederal law for the training of workers, an dversely affected worker who is taking aining could receive a higher weekly pay- ent, his trade readjustment allowance for week of training will be increased to such igher amount.

The Act provides that trade readjustment llowances will not duplicate benefits already vailable to the worker, but will merely sup- lement them, as necessary, to provide the esignated level of weekly payments for a otential duration of 52 weeks in most cases. oreover, a worker's trade readjustment al- owance for a week is reduced by any unem- loyment insurance to which he is entitled or such week, whether or not he has filed a laim for the unemployment insurance. If, or any week in which the worker is not tak- ng training, he is found ineligible for State nemployment insurance solely on account f his claim for a trade readjustment allow- nce, his trade readjustment allowance will e reduced as if he had received State bene- ts. With respect to a worker who is taking raining, however, unemployment insurance or a week would be deducted from his trade eadjustment allowance for that week only if he worker received the unemployment nsurance.

The Act prevents a worker from obtaining uplicate benefits by first exhausting his en- itlement to benefits under unemployment nsurance or a Federal training law and then pplying for trade readjustment allowances. he potential duration of trade readjust- ent allowances is reduced by the number f weeks for which the worker received such ther benefits when he later files for a trade eadjustment allowance. He is paid at that ime the amount by which his trade read- ustment allowance would have exceeded hese other benefits for the prior weeks.

Time Limit on Trade Readjustment Al- owances.—Under the Act, a worker may eceive trade readjustment allowances for ot more than 52 weeks, with two excep- ions. A worker who is taking training may eceive up to 26 additional weeks of allow- nces to assist him in completing his train- ng. In view of the difficulty that older work- rs would have in finding jobs, a worker who was at least 60 years old when he was eparated is entitled to 13 additional weeks f he remains unemployed, is available for work, and otherwise meets the requirements of the Act. No worker can receive both the dditional 26 weeks and the additional 13 weeks.

The extra 26 weeks' duration for workers aking training will not encourage workers o put off training since a worker's referral o training is not within his control. If a worker refuses, without good cause, to accept raining to which he may be referred early n the 52 week period, his allowance would be suspended.

The normal 52 week duration may be paid to a worker only for weeks of unemployment beginning within two years after the beginning of the appropriate week. The additional 26 or 13 weeks may be paid within three years. For a worker totally separated, the appropriate week is the week of his most recent total separation. For a worker partially separated, the appropriate week is the first week for which he received a trade readjustment allowance following his most recent partial separation.

Training.—The Act provides that every effort shall be made to turn adversely affected workers to full employment through whatever testing, counseling, training, and placement services are available under any Federal law. If the training provided is not within commuting distance of the worker's residence, his transportation may be paid, at not more than ten cents a mile, and while at the training facility, he may be paid subsistence expenses not to exceed five dollars a day. These limitations are the same as those provided in the Manpower Development and Training Act. An individual who goes away for training and for any reason does not complete the course will receive transportation home. In determining "commuting distance" account will be taken of the established labor market area, patterns of place of work and place of residence, and usual community practice.

Insofar as practicable, preference is to be given to training arrangements which coordinate the training program for workers with the readjustment program of the employers. Such arrangements would afford the worker an opportunity to preserve his seniority and other rights and would afford the employer an opportunity to rehire or retain his work force. The training offered to any worker should take his desires into account.

Training is of such importance under the Act that trade readjustment allowances are denied to a worker who, without good cause, refuses to accept suitable training to which he is referred, or fails to continue the course or to make satisfactory progress in it. The denial of allowances will continue until he accepts or resumes approved training.

Relocation allowances.—A relocation allowance is provided by the Act for a totally separated worker who is the head of a family to make it possible for him to take a job in another location if he has no reasonable prospects for suitable reemployment locally. A worker is a "head of a family" if he has dependents who would make the move with him.

A relocation allowance may be paid to a worker only if, for the week in which he applies for a relocation allowance, he is entitled to a trade readjustment allowance (or he would have been so entitled, except for certain circumstances, such as the fact that he has the new job, etc.).

A relocation allowance consists of both the reasonable and necessary expenses incurred in transporting the worker, his family and their household effects from their present location to that of the new job, and a lump-sum payment equivalent to two and one-half times the national average manufacturing wage.

The Act provides (as does the Manpower Training Act) that determinations as to the entitlement of individuals to assistance are final and conclusive, and subject to review, except as the Secretary of Labor may by regulation provide.

Substantive benefits for firms

As earlier indicated while the motive power for adjustment assistance was furnished by organized labor, some sentiment had also developed for special adjustment provisions for firms. Accordingly, the Administration put together and the Congress enacted a package which it hoped would prove to be an inducement to small business as well as labor to accept and perhaps support the continuation of a liberal trade policy.

The procedure which was established for securing adjustment assistance for firms was quite complex—even after there had been an eligibility determination, which had its own procedural difficulties. Following certification of eligibility to apply for the assistance, a firm may file its application with the Secretary of Commerce, indicating its need for assistance. It must then prepare and submit its adjustment proposal. Only after such a proposal is approved may the firm receive financial, technical, or tax assistance.

Adjustment proposals

The adjustment proposal must describe in some detail the nature and cost of the proposed adjustment effort, and the resources to be devoted to it from Federal and other sources. The firm may be furnished technical assistance in order to prepare an adequate adjustment proposal.

Adjustment proposals from firms applying for adjustment assistance are required to be certified by the Secretary of Commerce as: (1) giving reasonable assurance of contributing to successful adjustment (2) giving adequate consideration to the interest of workers involved; and (3) assuring a maximum self-help effort by the firm. No financial or tax assistance and no further technical assistance may be given until the adjustment proposal has been certified.

It is recognized that there may be some firms for which adjustment assistance is inappropriate and which could not adjust to their difficulties in this way. Even though such firms may have been certified as eligible to apply for adjustment assistance, the Secretary of Commerce may not authorize assistance unless he is satisfied that it will be of practical benefit to the applicant. Adjustment assistance, in short, is not to be treated as indemnification of past loss, but as constructive aid for the rehabilitation of a commercial enterprise. Adjustment plans that permit the rehiring of workers laid off due to increased imports resulting from trade agreement concessions are to be preferred.

The Secretary of Commerce is required to submit each firm's certified adjustment proposal to whatever Federal agency or agencies he determines to be appropriate to furnish the financial and technical assistance necessary to carry out such proposal. Such agencies may include the Small Business Administration, the Departments of Agriculture and Interior and the Area Redevelopment Administration. Each such agency determines whether any part of the assistance called for by the proposal comes within the legal authority, regulations, and policies of the agency, and whether it is prepared to furnish such assistance out of its own appropriations. If the agency, for any reason, is not prepared to furnish any or all of the necessary assistance, it must promptly notify the Secretary of Commerce, who may then furnish such assistance as remains necessary to carry out the adjustment proposal.

Financial Assistance—Financial Assistance may be furnished for plant and equipment, including modernization and conversion and, in exceptional circumstance, for working capital.

Loans made or deferred participations taken up are to bear interest at a rate no lower than 4 percent. As late as May 1970, which was before any adjustment assistance to firms had been rendered, the Secretary of Commerce informed the House Ways and Means Committee that the actual rate would be between 7 and 8 percent, the cost of money borrowed by the Treasury. Loans made, guaranteed, or covered by deferred participation agreements may have maturities of no more than 25 years (with a possibility of a ten-year extension for orderly liquidation). Private loans may be guaranteed or covered by participation agreements only if they are made at a reasonable rate of interest. An interest ceiling is provided on the portion of any such loan guaranteed or covered. Guarantees and deferred participation agreements are to be limited to 90 percent of whatever portion of a loan is made for adjustment purposes.

No financial assistance is to be provided unless the Secretary of Commerce determines that there is reasonable assurance of repayment (although it is not necessary that collateral be required). Financial assistance is not to be furnished if it is otherwise available to the firm on reasonable terms from non-Federal sources.

Technical Assistance.—Technical assistance may include such aids as managerial advice, market analyses, research in and development of new or existing techniques and products, and any other technical service that would help promote adjustment to import competition. Subject to the requirement to make use of existing Government agencies to the maximum extent practicable or appropriate in extending technical assistance, the Act authorizes provision of technical assistance through non-Federal sources, on a contract basis or otherwise; it was believed that certain types of technical assistance, such as management studies, might better be handled outside of the Government. A firm may be required to share the cost of technical assistance as appropriate.

Tax Assistance.—The Act authorizes the Secretary of Commerce to certify eligibility for tax assistance when he determines that such assistance will materially help the firm to adjust and that the firm has sustained a loss which arose predominantly from a business seriously injured, in the loss year, due to increased imports resulting from a trade agreement concession. The existence and amount of such loss are to be determined under the Internal Revenue Code. This will permit a firm to carry back the loss for tax purposes two years beyond the three years normally allowed. A firm without sufficient profits for the three taxable years preceding the loss year to take full advantage of the present carryback provisions, may receive a refund out of taxes for the two additional preceding years. Under prior law, it would only be able to get a tax advantage of the loss against possible future income.

III. DEFICIENCIES IN EXISTING LAW, PROCEDURAL AND SUBSTANTIVE, FOR FIRMS AND WORKERS (INCLUDING DEFICIENCIES IN PENDING LEGISLATIVE PROPOSALS) AND SUGGESTED REMEDIES

Procedural deficiencies and proper remedies therefor

The long record of noneligibility of firms and workers for adjustment assistance between 1962 and 1969 convinced most people years ago that some relaxation was needed. Indeed, the almost uniform opinion to this effect—a rolling consensus such as is not often witnessed—is indicative that much more could have been essayed successfully in the direction of readily available adjustment assistance in the 1962 Act had there been a bit more boldness.

The major deficiency in the 1962 Act's eligibility criteria was in its insistence that adjustment assistance be tied tightly to the trade agreements program—its insistence that escape clause criteria, tightened to avoid excessive use of trade restraints, be applied to adjustment assistance, whose domestic relief measures eventuate in no such baneful results. By requiring that a trade agreement concession be the major cause of increased imports, and that such increased imports be the major cause of injury to firms or workers, the Act delivered a double-barreled blow to the hopes of labor and small business that adjustment assistance could be secured without making the camel go through the eye of a needle.

There was no foreign relations reasons for these limitations—they were based upon caution born of concern about costs of a new and experimental program. Unlike the escape clause, with its tariff and quota relief incident to an "escape" from—a derogation of—an international obligation, such as an agreement reducing tariffs reciprocally, there is no foreign relations need to limit adjustment assistance to injury caused by concession-engendered increased imports. The relief afforded by Adjustment Assistance—domestic in nature—has no relationship to whether the increased imports occurred in consequence of a trade agreement, or of economic conditions independent thereof. The only reason for such a connection, then, must rest upon considerations of cost, or perhaps some unspoken reluctance to embrace fully the conception of adjustment assistance itself.

So far as the relationship between increased imports and injury is concerned, there is a much better general case for requiring some connection. After all, if none were required, there would be no logical basis for differentiation between workers displaced by imports and those displaced by a movement from Northeastern to Southeastern United States. Moreover, requiring a connection need not defeat the program, since there is no necessity for making it so tight that adjustment assistance will be available only if increased imports are the major cause of injury, as under present law. Other, less self-defeating formulae can be found; indeed some have been identified in the years since the 1962 Act.

In the Automotive Products Trade Act of 1965 (P.L. 89–283), the Congress established eligibility requirements for adjustment assistance for firms and workers adversely affected by operations under the Agreement Concerning Automotive Products between the Government of the United States and the Government of Canada signed on January 16, 1965, which were considerably less rigorous than those set forth in the Trade Expansion Act of 1962. That Agreement required major American automobile manufacturers to increase markedly the production of vehicles by their Canadian subsidiaries, and it was believed by many that this would necessarily result in a substantial shift in production from the United States to Canada—which has in fact occurred. Adjustment assistance to workers, strongly urged by the United Automobile Workers of America, was permitted under much more relaxed standards. Thus, "if there is a decline in U.S. output of the product concerned and an adverse change (either by increased imports or decreased exports) in the flow of trade with Canada, a direct relationship between the dislocation and the operation of the agreement is presumed to exist, subject to being overcome only by a Presidential finding that the operation of the agreement has not been the primary factor in causing, or threatening to cause, the dislocation."[4]

Fourteen out of twenty-one petitions filed by groups of workers have been granted by a special Automotive Adjustment Board, covering 2,500 workers, following a Tariff Commission report of the facts concerning the firm or workers involved, with no "findings" or recommendations. No petitions by firms have been made. About four-fifths of the eligible workers received weekly payments totalling just under $4 million.

This record of assistance under the Automotive Agreement made organized labor ever more insistent that there be a general legislative change of the 1962 Act which would result in assistance being granted, not denied.

In early 1969, Special Representative for Trade Negotiations Roth issued a report, following advice from a broadly-based panel of businessmen, representatives of labor and farm organizations, which recommended changes in the adjustment assistance provisions of the 1962 Act. Pointing out that adjustment assistance for both firms and workers had "proved to be equally unworkable," the Report proposed that the first branch of causation required to be met—that tariff concessions must be the major cause of increased imports—be eliminated completely. And the second branch of causation—that increased imports be the major cause of serious injury—was proposed to be changed so that increase imports need be only "a substantial cause of serious injury." (Report, p. 47). It refused to loosen this causation link to the extent that the Automotive Agreement had done.

The Roth Report further urged that an interagency board within the Executive Branch, following the pattern of the automotive board under the U.S.-Canadian agreement, rather than the Tariff Commission, should be responsible for applying the new test for adjustment assistance to workers and firms. This was partly because the Commission's record had been a negative one, but also in recognition of the somewhat anomalous position in which the Commission would be put in being asked to differentiate in recommending adjustment relief to firms and workers, and tariff relief to industries, on essentially the same set of facts and circumstances. For this is essentially a policy differentiation, and should be made by responsible policy officers of the Government, not by a fact-finding Commission. The Commission could continue to find the facts, as under the Automotive Products Trade Act of 1945. (Report, pp. 42–3).

Finally, the Roth Report proposed that adjustment assistance be made available when potentially serious injury appeared, under flexible manpower programs involving better solutions than are now available to the problems of potential loss of pension and seniority rights which now reduces labor mobility; and that assistance be made available to separate units of multi-plant companies and to groups of workers in them, when the injury is substantial to the unit but not to the entire parent firm. (Report, pp. 44, 47).

The President's trade message of November 18, 1969, adopted and reaffirmed these recommendations of the Roth Report, pointing out that "direct aid to those individually injured should be more readily available than tariff relief for entire industries." The President emphasized that adjustment assistance "can be more closely targeted; it matches the relief to the damage; and it has no harmful side effects on overall trade policy." (White House Press Release, Nov. 18, 1969, p. 5.)

The proposals for changes in the adjustment assistance provisions of the statute advanced by the Roth Report of January 1969 and by President Nixon in November 1969 remedy a number of the deficiencies in existing law relating to eligibility of firms and workers for such assistance. The cutting of the link to the trade agreements program, while retaining a link to increased imports, represents one important remedial innovation based upon the one used an the Automission to a pure fact-finding role, as in the Automotive Agreement, represents another. The Report and the message might have gone further, however, in the direction of modifying the second link by adopting a formulation based upon the one used in the Automotive Agreement legislation: in increase in imports coupled with domestic unemployment, loss of profits, etc. in the same line creating a rebuttable presumption, for Presidential overcoming, of the necessary connection for eligibility.

On August 13, 1970, the House Ways and Means Committee reported out favorably, by a 17–8 vote, H.R. 18970, the "Trade Act of 1970". As of this writing the fate of this variegated, "omnibus" act which amends not only the 1962 Trade Expansion but the Anti-

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[4] See Metzger, "The U.S.-Canada Automotive Products Agreement of 1965," 1 J. World Trade Law 103, 106 (1967).

Dumping Act, The Countervailing Duty Statute, and the Internal Revenue Code, is not known.

So far as Adjustment Assistance is concerned, it made five major changes in existing law, four of them designed to liberalize, or make easier, the securing of adjustment assistance. The first three sounded in terms of relaxed eligibility standards, and the fourth in increased substantive benefits. But the bill also made a fifth change which radically alters the conception upon which adjustment assistance is based, and thereby jeopardizes its very reason for being.

As anticipated in the Roth Report and President Nixon's Trade Message, the first causation requirement—that between the trade agreement concession and increased imports—was eliminated. Secondly, the second causation requirement of the 1962 Act—that such increased imports be "the major cause" of serious injury—was changed back to the pre-1962 escape clause formulation: increased imports must merely "contribute substantially", without being the major or primary cause, to such injury (Section 111(a) of H.R. 18970). Thirdly, the President, through any agency he may decide to utilize (for workers, presumably the Department of Labor, for firms, the Department of Commerce), will receive the petition for adjustment assistance and decide eligibility after receiving a factual report from the Tariff Commission within sixty days after it is filed. This means that the Roth Report's and President Nixon's recommendation has been adopted.

These three changes should mean, if enacted into law in the future—whether as part of the present bill, or separately later if the present bill should founder on the shoals of the Senate, or of a Presidential veto or pocket-veto—that the eligibility pains of firms and workers would be largely alleviated. It is hardly conceivable that the President, or his designees, would find, in the face of this quite clear legislative direction, that there was no eligibility for adjustment assistance unless there was no perceivable connection between imports and a domestic downturn in employment, profits, etc. of the petitioning concern or group of workers. The Congressional signal should be clear enough to solve the eligibility problem for some time to come.

The fourth change, increasing workers' benefits, will be described and discussed in the next section.

The fifth change portends grave difficulties. Under the 1962 Act, the President has discretion to provide adjustment assistance or tariff relief or nothing, when he receives an affirmative escape clause recommendation from the Tariff Commission. This was consonant with the idea that adjustment assistance would be utilized if feasible; tariff relief, causing the substantial international difficulties which all knew, was to be utilized only if adjustment through domestic measures appeared to be inadequate.

H.R. 18970 changes that conception, which is hardly surprising in view of the general protectionist thread of the bill. As the Committee Report states (H. Rept. No. 91–1435, p. 32):

"Your committee is persuaded that provision for adjustment assistance should not be continued as a discretionary alternative action for the President in place of tariff adjustment action where the Tariff Commission has made an affirmative injury and remedy determination after an industry investigation."

This turns completely around the conception upon which adjustment assistance was based. Adjustment assistance, under the bill, becomes a kind of "booby prize" to which firms and workers are relegated after they have tried—with very large chances of success—to curtail imports through bringing escape clause cases.

For as an examination of the bill's changes in the escape clause shows (see the paper entitled "Injury and Market Disruption from Imports"), its greatly relaxed standards for securing tariff relief in escape clause cases has been combined with its sharp curtailment of effective Presidential discretion to refuse to grant such relief when it is recommended by the Tariff Commission. This will likely mean that a very substantial flow of injury determinations will call for affirmative Presidential action. With tariffs and quotas established in a position of primacy, and adjustment assistance only supplementary as relief mechanisms, it is fair to say that despite the relaxations in the procedures for securing adjustment assistance, such assistance would no longer serve as a necessary adjunct of a liberal trade policy. Rather, should H.R. 18970 become an Act, adjustment assistance would become a curious, almost anomalous, supplemental device in the administration of a protectionist trade policy.

Substantive deficiencies and proper remedies therefore

The major deficiency of the Roth report and the President's message lay not in the procedure of adjustment assistance, where they made marked improvements, but in the substance of such assistance.

In recent years, almost the entire attention of observers of the 1962 Act's adjustment assistance provisions has been focussed upon the failure of firms and workers to secure such assistance because of their inability to meet the stringent eligibility requirements of the 1962 Act. Naturally enough, this has tended to divert attention from an appraisal of the adequacy of the benefits themselves, both to "ease the transfer of factors of production from adversely affected industries"[5] and as an inducement to labor and industry at least to abate their opposition to, if not to support affirmatively, a continuation of a liberal trade policy. For even if every applicant were to be deemed eligible for adjustment assistance, if the assistance itself is insufficiently attractive or efficacious in helping to ease the transition to new endeavors, it is unlikely to deter firms and workers putatively vulnerable to import competition from seeking actively to undermine liberal trade.

This lack of attention on the part of those immediately affected by the scale and scope of the benefits afforded by the 1962 Act has meant that little is known of their views concerning the inadequacies of the substance of adjustment assistance now offered. It may be, of course, that nothing can be done by way of improving the scale of assistance will induce labor and small business to support liberal trade. Nonetheless, the nation having embarked upon the program, and the present Administration having put forward proposals designed to liberalize the eligibility requirement for receiving the assistance now available, it is desirable to point out the deficiencies in the substance of adjustment assistance, with a view to suggesting improvements.

It should be noted that all of the deficiencies in the substance of adjustment assistance hereinafter mentioned would remain were the President's trade proposals to be adopted legislatively, for the simple reason that neither he, nor the Roth Report of early 1969, proposed any significant changes in the substantive benefits available as adjustment assistance to eligible firms and workers.

Assistance to Workers.—The amount and kinds of assistance to workers under the adjustment assistance provisions of the 1962 Act looked fairly generous at that time. The basic benefit of 65% of the average weekly wage "trade adjustment allowance" for 52 weeks, was substantially superior to state unemployment compensation benefits. And the 26 weeks of training benefits beyond that 52 weeks, under certain circumstances, made it that much better. It was true, of course, that these benefits were hedged with technical limitations, earlier identified, which were often more onerous and always as restrictive as those which governed benefits under ordinary state and federal legislation, but these tended to be overlooked in view of the larger cash benefits provided.

Eight years later these benefits appear to be far less attractive. A maximum benefit of 65% of average weekly wages for 52 weeks, after there have been average annual rises in the cost of livng of approximately 6 percent with no increase assured, is less imposing than it was, particularly when it is compared not with the level of state and federal benefits of 1962 but with those of today; both state and federal unemployment benefits have increased internally in amounts and duration during this 8 year period.[6] Moreover, this period has witnessed the growth of the Supplemental Unemployment Benefit in collective bargaining contracts, i.e. the automobile industry, which, when added to state benefits (aided by federal payments), make up a package of unemployment benefits for some workers which is considerably in excess of 65% for 52 weeks.[7] An increase in both the amount and the duration of adjustment allowances is thus clearly indicated if the adjustment assistance provisions are to serve their purposes. Indeed, despite the quietude of both the Roth Report and President Nixon's Trade Message of November 1969, and of the spokesmen for organized labor before 1970, the Ways and Means Committee surprised everyone by recommending in H.R. 18970 that the readjustment allowance, the major component of Adjustment Assistance, be enlarged from 65 percent of the worker's average weekly wage or 65 percent of the average weekly manufacturing wage, whichever is lower, to 75 percent for each. This is a significant step forward. While there appears to be little reason for not establishing the percentage 5 to 10 percent higher than that, the Ways and Means Committee has in this respect acted quite sensibly in the bill it has recently reported. Unfortunately, it did nothing positive in respect of the other worker's benefits which should have been improved, and nothing at all substantively for firms.

The training benefits likewise appear to be less than sufficient in 1970. A maximum of six months beyond the 52 weeks adjustment allowances period appears to represent an inflexibility short duration in light of the fact that the most effective adjustment of the "factors of production" (here, labor) in the United States is in the direction of technologically advanced industries, which require workers with much more extensive training than has been considered normal hitherto. (Undoubtedly, the six months maximum period of training is inadequate for a substantial number of the jobs which are, and will be, made available in such industries.)

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[5] Lester B. Pearson, *Partners in Development*, Report of the Commission on International Development Praeger, 1969, p. 91. See generally, *Adjustment Assistance Measures*, Report by UNCTAD Secretariat, TD/B/C. 2/86 November 20, 1969.

[6] 26 states currently offer benefits of 50% or more of average state weekly wage; in 18 states there is no percentage maximum limit. These are supplemented by Federal payments, and will be increased by some 50% once P.L. 91–373 (the Federal-State Extended Unemployment Compensation Program, Aug. 10, 1970) becomes fully effective. See CCH Unemployment Insurance Reporter ¶¶ 4805, 4081.

[7] The Ford Motor Company agreement which expired on Sept. 14, 1970, for example, provided that such supplemental benefits would bring a worker's total benefits to 95% of his weekly after-tax pay. 1 CCH Labor Law Reporter ¶ 59, 923, at 86,069.

Finally, the technical limitations contained in the legislation shoud be relaxed so that they are more consistent with a genuine intention to provide adjustment assistance, than with the spectre of fraudulant claims.

Assistance to Firms.—The substance of adjustment assistance to firms provided for in the 1962 Act was much thinner than that which was to have been made available to workers: a highly complex, rather than an informal, "adjustment proposal" subprocedure following a determination of eligibility; financial assistance in the form of loans at an effective rate of between 7 and 8 percent, with no grace periods permissible in respect of either interest or principal; and relatively minor tax benefits, this was not by any means a package of benefits calculated to induce wildly enthusiastic support for a liberal trade program even in 1962. Today even the marginal producer who would like to move into another business with promise of something better than a hand-to-mouth existence, to say nothing of aggravation at work and at home, no doubt greets such an "assistance" program with a Gallic shrug.

A greatly simplified and informal adjustment proposal procedure would remedy one deficiency, but it would still be a procedural remedial measure. More needs to be done substantively. Here, the interest rate and duration and other terms on borrowing, and the prohibition on grants, appear to be the major current deficiencies. If the United States can make concessional loans for development purposes in less developed countries for terms up to 40 years, at a favorable interest rate of 3 percent, and with a 10-year grace period on principal repayment as it has been doing for many years in the interest of the successful conduct of the foreign relations of our country can it not offer analogous terms for the same basic reasons, to those whose successful domestic adjustment and development is important to the continuation of liberal trade? If some mix of grants with loans is deemed desirable, in the circumstances of particular cases, is it not desirable to have sufficient legislative flexibility to be able to furnish assistance in that form as well? Again, foreign aid legislation has for a long time permitted grants for technical assistance, and they have been utilized together with concessional loans in projects and programs looking toward economic development.[8]

Summary.—Even with relaxed eligibility standards, it is difficult to believe that a substantial increase in workers' readjustment and training benefits and the extension of much more favorable concessional finance to firms would be an unduly burdensome cost to the United States. It would be a small price to pay for a sensible trade and foreign policy, as well as a decent recognition of the equities of those affected by impersonal forces. Such a liberalization of benefits would be an expression of the Government's earnest intention to really ease the transitional path for firms and industries. It would speak at least as loudly in those accents as the proposed relaxation of eligibility requirements and together with that relaxation, would represent a significant effort (1) to wean labor from its recent reversion from its stouthearted advocacy of liberal trade in the 1935–1967 period, to the short-sighted protectionism which has been embraced during the 1920's by the American Federation of Labor and (2) to give assurance to small business that extraordinary efforts to aid them to adjust to more economic endeavors would be forthcoming. Indeed, given the existing paucity of substantive adjustment assistance for firms, improvements along the lines suggested in all likelihood would be far more impressive of the Government's serious intention to facilitate the adjustment of firms than would be a mere relaxation of the eligibility requirements.

Conclusion

The improvements in the procedure and in the substance of adjustment assistance herein urged would, if effectuated, mark an impressive advance in our ability to assist firms and workers to adjust, as a dynamic society seeks to serve the needs of its people through the most efficient allocation of all of its resources, human and material. They would indicate that the Government is more prepared to recognize its obligation to provide for the general welfare by easing the path to economic health and well-being of those who are thrown out of work or enterprise by impersonal forces, regardless of the extent to which they are "internal" or "external", than it was in 1962. Eventually, it is believed, it should make no more difference in benefits or otherwise whether there is any alleged connection, however remote, between imports and adversity than when the cause of adversity lies elsewhere. These changes might hasten that day.

It must be added, however, that a fundamental condition of adjustment assistance—indeed its raison d'etre—is assistance to firms and workers to adjust to that increased import competition which a liberal trade policy attempts to encourage. In addition to the other multifarious casualties that a reversal or serious impairment of such a policy entails, such a reversal or impairment must inevitably make meaningless and eventually superfluous assistance which is not connected with such adjustment. In short, firms and workers have no moral case for adjustment assistance if they are unwilling to adjust to increased import competition—and what they have no moral case for they will stand an excellent chance of losing, as a democratic society progressively understands its processes.

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[8] Secs. 234(c)–(e) Foreign Assistance Act of 1969, (P.L. 91–175) and predecessor legislation.

A LOVE STORY OF EXQUISITE PERFECTION

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. SULLIVAN. Mr. Speaker, the sad news today of the death of the beloved wife of former Speaker John W. McCormack grieves everyone in this body who has known the McCormacks as warm and personal friends and as the embodiment of a love story of exquisite perfection.

There are many couples who have shared long and happy lives together in loving companionship. But how rare and wondrous was the devotion of the Speaker and his lady—the devotion of a man who had achieved one of the very highest offices in the land, who was at one time a heartbeat from the Presidency, and who carried on his shoulders the most awesome public responsibility, yet never let his official duties come between him and the wife who claimed his loving attention every evening of their married life.

All of us in political life, and particularly in the Congress, know how demanding are the official claims upon our time and the interferences they bring to our personal lives. To understand the McCormack love story, one has to recognize that the devotion was completely mutual—that Mrs. McCormack lived for her husband, shared all of his burdens of national leadership, and made those burdens bearable by her love.

The long vigil is over. John McCormack has fulfilled his promise to his wife that he would always be with her to the end of their days together. After retiring from Congress, he remained at the hospital where his wife lay ill, sharing her pain as they had shared their many joys.

Mr. Speaker, we mourn the death of a gracious lady. Our hearts go out in sympathy to a fine gentleman who led us for so many years as our Speaker, and before that as majority leader. At the same time, we are comforted by the knowledge that the McCormacks lived their love story on such a high plane of decency, virtue, and faith that a merciful God will certainly welcome Mrs. McCormack in His hands, while fortifying the great courage of the bereaved husband in this deep valley of grief.

We have been privileged indeed to have participated on many occasions in the lives of this remarkable man and wife, an experience we shall never forget. May God grant our former colleague the strength he will now need, strength to match the magnitude of his loss.

DR. J. E. ROWAN

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SHRIVER. Mr. Speaker, Dr. J. E. Rowan, a distinguished Kansan and community leader of Lyons, Kans., passed away on Thanksgiving evening, November 25, 1971. He will be sorely missed in his profession which was optometry and in the civic life of Lyons.

It was my privilege to know and work with Dr. Rowan from the time we were both active in DeMolay. He was a loyal friend and supporter of mine. Mrs. Shriver and I join in extending our heartfelt sympathy to Mrs. Rowan upon her great loss.

Under leave to extend my remarks in the RECORD, I include the following editorial from the Lyons, Kans., Daily News which eloquently eulogizes Dr. Rowan. The editorial follows:

DR. J. E. ROWAN

The death Thursday evening of Dr. J. E. Rowan removes from our community one of its truly outstanding citizens.

Joe Rowan was outstanding not because of his successes or achievments in any one field, but because of the many different fields in which he became involved, and in which he contributed significantly. We count at least seven interests upon which he left his mark—profession, church, library, benevolence, social, education and health.

He served his profession, optometry, as president of the Kansas Optometrical association, and as a member and trustee of the American Optometrical association. And his fellow optometrists paid him a high honor when they recognized him as the Optometrist of the Year in Kansas several years ago.

He served his church for several terms as ler or trustee.

He was a past president and currently a ember of the board of trustees of the Lyons brary board. He was a past-president of the uth Central Kansas Library system.

He was a member and past president of the mmunity Chest board, and was always a rong supporter of the United Fund drives.

He was a past president of the Lyons Town d Country club.

He had been a member of the Lyons school ard and had a large part in the drive for a w high school. He served as chairman of e group which petitioned for the formation a hospital district in Rice county—a task hich succeeded and eventually resulted in e fine District hospital on the west edge Lyons, where Dr. Rowan died this week.

He was a leader, and a nice guy to boot. ew are those who contribute as much in as any areas as did Joe Rowan. He will be issed.—P.E.J.

SOVIET DESPOTISM

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MADDEN. Mr. Speaker, a year ago n several statements made by me on the oor of the House protesting the unortunate and inexcusable surrender of he Lithuanian sailor, Simas A. Kudirka, called upon the President and the tate Department to demand of the oviet Union the release of this unforunate Lithuanian patriot from the Soiet tyranny.

I include with my remarks a resoluion unanimously adopted by the Lithunian American Council of Lake County, Ind., asking our Government to intercede with the Soviet Government on behalf of the imprisoned Lithuanian sailor, Simas A. Kudirka.

This resolution was signed by Albert A. Vinick, president, and Peter Indreika, secretary, of the Lake County, Ind., Lithuanian American Council. The resoution follows:

RESOLUTION

We, the Lithuanian-American Community of East Chicago, Lake County, Indiana, assembled this 21st day of November, 1971, at 3905 Fir Street, East Chicago, Indiana, to:

Commemorate the one year anniversary of Lithuanian sailor Simas A. Kudirka who was refused political asylum after he defected to the United State's Coast Guard cutter, "Vigilant."

In the eyes of the American administration he was legally the private possession of Brezhnev, Stalin's successor, and had to be returned to him.

We honor the memory of the generations of Lithuanian freedom fighters who fought Tsarist Russian oppression and the monstrous Soviet Russia's occupation of Lithuania.

We express our indignation of the forcible return of Simas A. Kudirka to the Soviet ship after nearly ten hours of pleading for asylum, and subsequent Soviet Russia's Supreme Court sentenced to ten years in a forced labor concentration camp in Siberia and the arrest and placement in a slave camp of his wife and children.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon help free Simas A. Kudirka.

And we emphasize our confidence in the United States Government to raise direct issue to Soviet Russia's government of Simas A. Kudirka's freedom and permission to come to the United States.

WELFARE MOCKERY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. WALDIE. Mr. Speaker, a very interesting article by Guy Wright of the San Francisco Chronicle has been brought to my attention. It deals with one aspect of the present welfare systems in this country that needs closer scrutiny.

We have been right, Mr. Speaker, in trying to provide a means for living in this Nation to those people who are unable to take care of themselves. But we never intended welfare payments to become Government grants for vacation travel and poodle haircuts.

Mr. Speaker, I include this article by Guy Wright in the CONGRESSIONAL RECORD for the benefit of my colleagues:

CRUISING ON WELFARE

(By Guy Wright)

Home is where the heart is—or is it just a bigger welfare check?

Anyway, Melvin and Lorraine Stewart are coming back to California because Indiana is such a "lousy" state for welfare recipients.

"A disaster state," Mrs. Stewart called it.

"In California they really take care of folks on welfare," she said.

So they are loading up their $10,000 air-conditioned land cruiser and returning to the land of milk and money.

Into the cruiser they will load four television sets, an upright deep freeze and a pair of elegant parlor chairs reupholstered in red velvet at a cost of $248.

All these goodies they have bought since January while on welfare in Indiana.

The $10,000 land cruiser they bought while on welfare in California, and are still paying $118.91 a month on it from welfare funds.

"We bought the cruiser brand new, two years ago, and had a ball," Mrs. Stewart said. "We joined a camper club and traveled all over California. It was really fun."

The Stewarts told their story to a reporter for the Indianapolis Star, which considered it worth front page play a few Sundays ago.

On their return to the promised land they will tow their 1966 Pontiac Bonneville behind the land cruiser.

And of course they will bring their handsomely groomed poodle, Sassay, whose tonsorial treatments, the reporter learned, cost $10 a snip.

Welfare money pays for that too, since the Stewarts say poor health won't permit them to work.

Mrs. Stewart says she is overweight, has high blood pressure and an enlarged heart.

She has been on public aid of one form or another since 1959, she said. She is now 49.

Her husband, 10 years her junior, says he has a bad back.

Although their house in Indiana includes an acre of land, they didn't plant a vegetable garden last summer because of their poor health.

"The weeds would get ahead of us," Mr. Stewart explained.

However, they did take a summer vacation trip to Mammoth Cave in Kentucky in their land cruiser.

Growing their own vegetables was rather pointless anyhow, since they receive free food from the surplus commodity program. But they don't like what they get.

"We've green-beaned to death," Mrs. Stewart said. "And my kids don't like oatmeal for breakfast."

Oh, yes, when they return to California they will also bring Mrs. Stewart's two children, 12 and 9.

When they were here before they received $232 a month in welfare for the children, plus their own aid as "totally disabled," plus $50 a month for a cleaning woman, plus other benefits that pushed their total take to well over $500 a month, Mrs. Stewart said.

In Indiana they get only $235 a month.

And when they went out and bought a coppertone stove-refrigerator combination, the Indiana welfare people refused to pay for it. Now they may have to leave it behind.

But the last straw, Mrs. Stewart indicated, was the termites in their house.

When they complained about the termites, their case worker told them to get a bank loan for termite extermination and welfare would repay it.

The Stewarts never got the loan, and the case worker let the matter drop. Such poor service they find intolerable.

So. Mrs. Stewart is giving up her seat on the Citizens Advisory Council, which advises the welfare office in Owens County, and they are coming back to California, where "they really take care of folks on welfare."

BELLS ELEMENTARY SCHOOL—REFRESHING RESPECT SHOWN FOR FLAG AND COUNTRY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HUNT. Mr. Speaker, I would like to share with my colleagues a very unique exercise that was recently instituted by one of the elementary schools in the First Congressional District of New Jersey.

Bells Elementary School in Washington Township, N.J., has made a "big deal" of saluting the flag in lieu of the usual morning Pledge of Allegiance in homerooms. The newly established ceremony is now conducted outdoors by one grade while other students inside follow the proceedings on the public address system. Shortly after arrival at school in the morning, one preassigned grade assembles around the flagpole while, inside the school, the student selected to lead the Pledge of Allegiance and a small group of singers gather near the public address console. On signal, the flag is silently raised and this is followed by the Pledge of Allegiance and a stanza of "America the Beautiful" over the public address system.

Mr. Speaker, I regret that I cannot include pictures in the RECORD, but it is, indeed, a most impressive and gratifying ceremony to witness. I feel certain that the solemnity with which this exercise is conducted by the youth at Bells Elementary School reflects a love of and respect for their country which is far more meaningful and inspiring than the bleating of some adults who feel the pledge ought not be recited in school because it acknowledges that we are "one Nation, under God."

The administrators and educators at Bells Elementary School deserve commendation for their attitude and understanding of the reverence and inspiration this ceremony affords to the young people. The students themselves can be proud of being a part of this rekindled spirit which shows a refreshing respect for our flag and our country.

CAN U.S. BUSINESS BE SAVED?

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. DUNCAN. Mr. Speaker, many people are saying this country needs to sell better goods at lower prices as a solution to our economic problem. One such statement is detailed in an editorial in the November 27, 1971, Knoxville, Tenn., Journal. At this point I would like to place that editorial in the RECORD.

CAN U.S. BUSINESS BE SAVED?

The deteriorating position of the United States in world trade has raised concern among American businessmen, workers and the public. Industry Week magazine recently put the whole proposition in an interesting perspective.

The magazine said there is "undeniable evidence that our position as a world economic power is slipping." It cited these circumstances:

The American share of world automobile production in 1950 was 76 percent; in 1970 it had dropped to 33 percent. This trend is continuing.

The U.S. share of world steel production was 47 percent in 1950. In 1970 it was only 20 percent.

For many years the U.S. was the world's leader in production of machine tools, which are the master tools of industry. By the end of 1971 this country most likely will be in fourth place behind the Soviet Union, Japan and West Germany.

Nearly half of the people of the United States wear shoes that were made abroad.

More than half of the black and white television sets in this country are imported.

Nine of every 10 Americans listen to radios built in other countries.

One of every six cars on U.S. roads was built overseas.

If these circumstances are disturbing they ought to be.

As the article pointed out, the effects of the American decline will be felt throughout the entire country from the pocketbooks of American workers to the revenues of problem-plagued government, national, state and local.

The prospects were summed up with these questions:

"Are we about to become a vast warehouse for imported goods—goods we will be unable to buy because we will lack the purchasing power?

"Is the United States becoming an industrial dropout?

"Will U.S. industry be forced to continue to move to overseas locations to survive, causing a further loss of jobs for Americans?

"Will our crumbling competitiveness in the world market erode the tax bases on which our governments depend for their revenues, and thus further disrupt both the public services we need and the means by which we hope to solve our great public problems?

"Are we going to blow our position as the No. 1 industrial power and our world-envied standard of living—all in one generation?"

These questions are quite legitimate, especially in view of what has happened over the past 20 years. Japan, West Germany and Russia were still suffering from the devastation of World War II back in 1950. Today they rank ahead of the United States in many areas of industrial activity.

What is the answer?

Several were proposed in the article: making economic decisions for economic rather than political reasons; straightening out the welfare system; equalizing international tariffs so that the United States can compete abroad; increasing domestic productivity and other steps.

"That means," the article said, "that all sectors of our economy—industry, labor and government—must unite in making this country competitive in costs, competitive in quality and competitive in service."

In short, this country must get itself back on a sound basis so that it can sell better goods in increased amounts and at lower prices.

But even to start accomplishing this the American public in general and the American Congress in particular will have to wake up to what has been happening.

BARBER BUSINESS HURT BY FREEZE

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. STEPHENS. Mr. Speaker, during the past weeks we have all heard a great deal about the effect of the wage-price freeze on big business in our country. Small businesses have been similarly affected, however. I think the following article, which was placed in the Warrenton Clipper, Warrenton, Ga., by the local barbers, is a vivid example of the problems being experienced by barbers all over the country:

[From the Warrenton (Ga.) Clipper, July 30, 1971]

LOCAL BARBERS ANNOUNCE AND EXPLAIN PRICE RAISE POLICY

We admit that a haircut is not worth a dollar and seventy-five cents. Neither is a loaf of bread, a gallon of gasoline, a pair of shoes, a bottle of medicine, or anything else we purchase worth the price.

However, the cost of living is not the main reason we are increasing our prices. It's because most of the teenagers have quit getting haircuts altogether, and nearly everyone else have begun to put off their haircuts a couple weeks longer. Our business has been "cut in half" of what it was two year ago. It's the same in the barber business all over the Country. Perhaps the small town barber is about to pass from the scene as did the village blacksmith and the country doctor.

What it all boils down to is that you faithful few customers who still want regular haircuts will have to bear this added expense just to keep us around to cut it.

And—don't expect us to remodel or "fancy-up" the old Shop. It will still be the same crummy ole place. You'll still get the same lousy service and sorry haircuts. Nothing's changing but our prices. A loaf of bread, a gallon of gasoline, nor a pair of shoes never improves simply because the price goes up.

When the cost of living returns to comparable levels of 1960 or frequent haircuts come back in style, perhaps we can give you a dollar haircut again. Until then, in order to stay in business, we announce the following price increases, effective Labor Day:

All haircuts or "trims", $1.75 each.

Shampoo, $1.25.

Shave, $1.50.

Howell's Barber Shop.

CAMPAIGN FINANCING

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. RIEGLE. Mr. Speaker, earlier this week, our colleague, the gentleman from California (Mr. MCCLOSKEY) addressed an assembly of students and townspeople at Dartmouth College on the subject of campaign financing and its current impact on our political system. I believe his comments are well worthy of our careful attention.

REMARKS BY CONGRESSMAN PAUL N. MCCLOSKEY

I would like to discuss tonight what may be one of the two or three fundamental issues in the 1972 campaign. The issue is what John Gardner recently referred to as "The Dirty Little Secret that Everyone Knows"—the vast influence of money in politics.

The influence of money in political decision-making is not new—it has been with us since the inception of Democratic self-government. Under the Nixon administration, however, the threat of concentrated wealth, working secretly to influence governmental decision-making, has reached crisis proportions, and threatens the very existence of the nation itself.

Why should this be so? The reason lies in the fact that the faith of our people is the strength of our system of government. It is not just a desired aspect of our national stability and security—it is essential to that national stability and security.

We can never forget that we are a nation which operates by the consent of the governed. Our people must consent to file honest tax returns, consent to give honest judgment in jury cases, consent to serve in the armed services in time of conflict. That consent is and can only be based on faith in government—faith that the government is honest and faith that it is truthful.

What is the present measure of the faith of Americans that their government is honest, truthful and worthy of trust? A recent poll taken by the Center for Political Studies at the University of Michigan reflects specifically the trend which I believe all of us have instinctively sensed in recent years.

Since 1958, the faith and trust of Americans has been diminishing rapidly. During the past seven years, the number of Americans trusting the government to do what is right all or most of the time dropped from 63% in 1964 to 37% in 1970.

During the same time frame, the question was asked: "Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all the people?" The percentage of Americans believing the government was run for the benefit of all the people dropped from 63% in 1964 to 41% in 1970. By 1970, the second year of the Nixon administration, nearly half of the people interrogated stated their belief that the government was being run by a few big interests looking out for themselves.

There was ample reason for that belief in 1970. There is even clearer reason today. An increasing concentration of wealth working secretly to support political candidates and to influence government decisions is not only welcomed but encouraged by the Nixon administration. Let me define precisely the three evils which so endanger the nation.

First, the new concentration of wealth primarily in big business;

Second, the new importance of wealth in electoral politics;

Third, the administration's encouragement of secrecy in the application of that wealth in political campaigns and in governmental decision-making.

With respect to the new concentration of wealth, there can be no question. Attorney General Mitchell recognized the problem over two years ago. By June 1969, 200 large corporations controlled nearly 60% of the manufacturing assets of the nation. Corporate mergers had more than doubled in the previous year. The Attorney General said in a speech in June 1969, "The danger that this super concentration represents to our . . . political . . . structure cannot be overestimated."

He went on to mention "the unacceptable probability that the nation's manufacturing and financial assets will continue to be concentrated in the hands of fewer and fewer people,"—the very evil that the Sherman Act, the Clayton Act and other antitrust and anti-price-fixing laws were designed to combat.

What did the Attorney General mean when he used the words "danger to our political system" in connection with the concentration of economic power? In effect, he was recognizing the basic fact that the concentration of economic power also meant the concentration of political power.

The whole thrust of our constitutional form of government was to restrain the accumulation of power. James Madison had said "the accumulation of all power, legislative, executive and judicial, in the same hands may justly be pronounced the very definition of tyranny." An accumulation of economic power sufficient to control political decisions can likewise create tyranny.

Senator Kefauver once said: "Through monopolistic mergers the people are losing power to direct their own economic welfare. When they lose the power to direct their economic welfare they also lose the means to direct their political future."

Why, then, has the Nixon administration failed to provide leadership to reduce this increasing concentration of wealth and power?

The answer may lie in the second evil. The influence of big money on the political process. This Administration is the primary beneficiary of the economic power of big business. This is the Administration which has placed primary emphasis on the profits of big business as the goal of our economy—on the theory that those profits will ultimately "trickle down" to the public at large.

This Administration resurrected the SST after it had been abandoned by the Johnson Administration, supported the bail-out of the Penn Central Railroad, and urged the granting of a federal loan guarantee to Lockheed under conditions no small business in America could have hoped to obtain.

This administration's chief fund raiser, Maurice Stans, was named Secretary of Commerce. Now, for the next campaign, it is reported that he will resign his post in order to again raise funds chiefly from the big businessmen of America.

Who besides big businessmen can afford to attend $500 per plate dinners? The $5 million dollars raised from those nation-wide dinners several weeks ago was raised almost entirely from big businessmen. In Houston, Texas, nearly all of the 400 people in attendance (raising $200,000 for the President's re-election) were reported to be oil men. What does this bode for the hope of ending the oil import quota system as recommended by the President's task force over two years ago?

Three years ago, the Republican party was able to raise twice as much money from businessmen as was the Democratic party from all sources. As the administration in power, the Republican leadership is in a beautiful position to cash in on its enthusiasm for big business. A concentration of wealth unaccompanied by campaign spending and contribution reform merely makes is that much easier to raise more money than the opposition. The White House just announced that the President will veto the proposed public campaign financing bill just passed by the Senate. Getting $1.00 from each of 20,000,000 is far less beneficial than getting $20,000,000 from a few thousand corporate executives and oil men, particularly when the opposing party cannot hope to raise equivalent sums.

This administration has not hesitated to respond swiftly and helpfully to those who make large campaign contributions.

Consider the great milk boondoggle of last spring finally disclosed in the newspapers only a few weeks ago.

The government has long had the power to guarantee the price of manufactured milk. Last March that guarantee was $4.66 per hundred weight. The dairy farmer leaders came to Washington to seek an increase. Secretary of Agriculture Hardin denied the increase, finding no evidence to support it.

The dairy farmers, then, ten days later, on March 22, paid $10,000 to four Republican campaign committees. The next day, March 23, the dairy farmer leaders were granted an audience with the President himself at the White House.

The following day, March 24, the dairy farmers paid $25,000 to ten Republican committees for the re-election of the President. Lo and behold, the following day, March 25, Secretary Hardin announced that he would grant a price increase of 27 cents per hundred weight on the basis that "continuing research" had turned up new information on rising costs.

Ten days later, on April 5, $45,000 was given to nine additional committees. And by August 20, a total of $170,000 had been given to at least 68 committees by the milk farmers' political trusts, most, if not all of them based in Washington, D.C. where a loophole in the law permits them to go unrecorded as to the source and amount.

On September 3, 40,000 dairy farmers met for the biggest and perhaps happiest dinner in the history of Chicago. The President dropped by to pay his respects, and no wonder.

The importance of money to politics can be easily recognized when we look at last year's Senate races in seven large states. Fifteen candidates (New York had three) ran in those seven states. Eleven of the candidates were millionaires, and all seven of the winners were millionaires.

The cost of campaigning has skyrocketed. No candidate for public office today has even the remotest chance of winning unless he has either immense personal wealth or wealthy backers. This is a tragedy for the democratic process. Only 2½% of our people earned over $25,000 per year in 1969. Who, earning less than that sum, can afford more than a few dollars for the candidate of his or her choice? The importance of campaign financing is threatening to subvert the whole process of democracy. The concentration of the wealth necessary to campaign financing threatens to subvert our concept of a government of separated powers and to destroy that most priceless asset of all, our faith that our government is *not* controlled by a few big financial interests.

Let me give you an additional example of the *power* of wealth and the power of generous campaign contributions to President Nixon. This example came to light only recently in testimony before my own House subcommittee on Conservation and Natural Resources.

ARMCO Steel was the 69th largest corporation in the United States in 1970. Its corporate officers were reported by the *Washington Star* to have given $14,000 to the Nixon Campaign.

ARMCO Steel has also been one of the worst polluters of the Houston ship channel. Its Houston plant for years has been putting nearly a half ton of cyanide per day into the ship channel. Cyanide is one of the most toxic substances known to man.

On December 9, 1970, after all negotiations with the company had failed, the EPA filed a lawsuit to force a termination of the cyanide discharge.

On September 17, 1971, the federal district judge issued an order requiring that the discharge of cyanide cease forthwith.

On September 28, the President of ARMCO, Mr. C. William Verity, wrote a letter to President Nixon at the White House, asking him to look into the Court's decision. On September 30, Mr. Verity was reported to have commented that Secretary of the Treasury Connally had been contacted and that through his influence, high level consultations were going on at that moment between the Justice Department and the EPA concerning the decision.

On October 4, the Houston Business Journal quoted Verity as saying, "I pray every night for John Connally . . . if I could only have another son, his name would be John Connally Verity. At last there is reality in Washington and it changes the entire outlook for the steel industry and most gratefully ARMCO."

The letter Mr. Verity had sent to the President and the efforts of Mr. Connally were apparently successful, because a few days later on November 4, 1971, the EPA and the Justice Department stipulated to a modification of the Court's judgment of September 17, permitting ARMCO to continue the discharge of Cyanide until July 1, 1972.

The seriousness of this set of circumstances lies in the fact that after a lawsuit was in progress, after a judgment was obtained, the posture of the prosecution was relaxed not by the arguments of counsel for ARMCO, communicated to the government attorneys and the court, but by the direct intervention by the steel company president with the President of the United States. This sort of conduct is reprehensible. Any ordinary litigant who sought personally to stop a lawsuit by the Justice Department would be condemned or prosecuted.

Only recently, a Justice Department attorney, Richard Kleindienst, testified against an aide of Senator Fong who had suggested that a large campaign contribution might be forthcoming if a particular prosecution against constituent would be halted. This aide was convicted.

Since the inception of this country, attempts to interfere with the prosecution of the litigation by the parties themselves have been considered a violation of law and reprehensible. President Nixon is a lawyer. Nevertheless, his personal assistant Peter Flannigan admittedly contacted EPA and the Justice Department after the President received Mr. Verity's letter.

Mr. Flannigan is no stranger to big business. He was also a fund raiser for Mr. Nixon's 1968 campaign as the President of the Barracuda Tanker Corporation, owner of the Liberian flag tanker Sansinena. Under United States law, the tanker was ineligible for U.S. coastal shipping unless a waiver could be granted by the Treasury Department. Being ineligible for such trade, the

Sansinena was worth an estimated $4.5 million; if the waiver could be granted, it would be perhaps worth $11 million.

For several years, Mr. Fred Hartley, President of the Union Oil Company, had reportedly been trying to obtain a waiver for the Sansinena. The waiver could not be granted so long as U.S. tankers were available for the coastal trade. On February 25, 1970, Flannigan's 300 shares of stock in Barracuda were sold to others in the Barracuda venture. On March 2, the Treasury granted an unusually broad waiver for the ship, on the ground that the national security required it.

Senator Joseph Tydings disclosed these facts in a speech to the Senate on March 9th, stating that by a stroke of the pen, the government had made $6.5 million for Barracuda. My own Committee on Merchant Marine & Fisheries prepared to hold a Congressional inquiry on the subject, whereupon the White House called Treasury officials to the White House on the evening of March 9. The next day, Secretary of the Treasury David Kennedy announced that the waiver would be cancelled. The national security apparently no longer required the Sansinena for the coastal shipping of oil.

These examples merely illustrate the power of wealth applied to the governmental decision-making process.

By far the worst evil we face today is the secrecy of large financial contributions which are permitted by loopholes in the law. The Corrupt Practices Act passed in 1925 purports to limit both campaign contributions and spending. Yet, when I commenced this campaign for President, I found that the law has loopholes that a truck could be driven through. The law does not apply to primaries, for example. As mentioned earlier, it does not apply to committees based in Washington, D.C. One wealthy individual can give millions of dollars if he wishes, merely by limiting his gifts to a $5,000 contribution to separate committees. To receive the $170,000 kindness of the milk producers, for example, the Republican National Committee merely set up a whole series of Washington committees, with names like "The Committee for the American Dream," or "Committee for Sound Economy." But for the error of the attorney who thought the law applied, we might never have had the chronological relationship between the campaign contributions to the President and the Administration's change of heart on milk prices.

A funny occurrence in Chicago was disclosed recently. Vice President Agnew attended a $1,000 per plate dinner in Chicago in 1968. False listings of campaign contributors of at least $22,000 were then filed with the Clerk of the House of Representatives. Let me quote from the report of James R. Polk, a former Associated Press reporter who investigated 1968 campaign spending under a grant from the Fund For Investigative Journalism:

"Eighteen donors listed for $22,000 in the Victory '68 record confirmed in interviews that they didn't give the money. Bunched among the false listings were names of a dozen more persons who refused to answer questions, didn't remember, couldn't be found, or died."

Who *did* give the $22,000 in question remains a mystery. Chances are that they were big businessmen of considerable wealth.

The examples of secrecy in campaign contributions are legion. Within six months of my own first election to Congress in 1967, lobbyists from three large industries or associations of industries dropped by my Congressional office to pay their respects and leave me an envelope filled with five or ten $100 bills. Being new to the business, I politely inquired of each one as to the names and addresses of the donors—the gift bearer in each case indicated that the names would be furnished later, and in due course I received a list of names of people from Omaha to Baton Rouge who had each given me $100. I had the distinct impression my inquiry was not the usual practice.

In 1968, 181 Members of Congress filed statements that they had received no contributions and had spent no money on their campaign. Committees had done it for them.

The evil lies not in the gift, but in its secrecy.

I raise this issue tonight because the President has made it clear that he intends to veto the public campaign financing bill just passed by the Senate as he did the spending limitation bill last year. Only a few days ago his Congressional Liaison representative dropped by the Republican cloakroom in the House of Representatives to let it be known that the White House would not be unhappy if the campaign reform legislation now before the House is killed altogether this year.

This is a key issue to the future of America and the restoration of both the honesty and openness of government as well as public faith in government.

The answers are relatively simple. We need a new law which absolutely limits individual contributions, which provides a tax write-off for small contributions, which reasonably limits expenditures in the various media, which grants a reasonable chance for equal debate time to all candidates at the lowest available rates, and above all else requires complete disclosure of contributions and adequate enforcement powers and procedures. Many of these provisions are included in the Senate bill which the President has said he will veto and in the legislation now before Congress. As compared with the present system of secrecy and corruption, I strongly favor the Senate bill. If the President continues to oppose campaign contributions disclosure and reform, I believe he should be defeated on that basis alone in the March 7th primary. I hope, for the good of the country, he will withdraw his opposition.

RAY R. SIMPSON HONORED

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. O'KONSKI. Mr. Speaker, the Wisconsin Legislature recently honored Ray R. Simpson, founder of the Simpson Electric Co. of Lac du Flambeau, Wis. Mr. Simpson has completed 60 years of active participation in the electrical instrument business.

I am very pleased that the State legislature so honored Mr. Simpson on the occasion of the 25th anniversary of the operation of his plant at Lac du Flambeau. Mr. Simpson is to be commended for his sound labor practices and forward looking business philosophy, which has made his plant a success for so many years and has contributed so much to the local economy.

At this time, I would like to call Mr. Simpson's achievements to the attention of my colleagues. The citation from the Wisconsin Legislature follows:

THE STATE OF WISCONSIN CITATION BY THE LEGISLATURE

Know you by these presents:

Whereas, Ray S. Simpson entered the electrical instruments business in 1906 and has, in the course of over 60 years of active business life, paid the strictest attention to his products, customers, employes and friends;

Whereas, in 1946, Mr. Simpson, founder of the Simpson Electric Company, ended his search for a solid and capable labor force, choosing Lac du Flambeau as the site of his branch plant; and

Whereas, the past 25 years of operations in Lac du Flambeau have vindicated the wisdom of Mr. Simpson's choice as well as his wholesome business philosophy; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Ellsworth K. Gaulke, under Joint Rule 26, take this opportunity to congratulate the Simpson Electric Company on this its 25th anniversary of Wisconsin operations, and to commend its founder, Ray R. Simpson, for his contributions to the Lac du Flambeau area.

ALASKA'S HIGHWAYS INADEQUATE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BEGICH. Mr. Speaker, presently the State of Alaska has slightly over 3,000 miles of paved highway. As you can well imagine, 3,000 miles of paved highway in an area that is more than 586,000 square miles is hardly adequate to meet the needs of Alaska's population. Because of the rough terrain, severe weather conditions, lack of Federal funding and unfavorable economic conditions throughout the country, road construction in Alaska is now at a minimum.

When citizens of one village or city wish to travel outside their home area they must, in practically all instances, travel by air. There are few roads in Alaska which connect major cities or villages with each other. It is impossible to travel by road from our capital city Juneau, to any other place in the State. All cities of southeast Alaska are inaccessible by road. The people of Nome cannot travel to Anchorage or Fairbanks by highway and the people of Anchorage can drive to few places in Alaska other than Fairbanks. As a matter of fact, the road that links Fairbanks with Anchorage is the only major artery in the State.

The roads within villages and Alaska's smaller cities are, at best, hazardous and incomplete. The frigid weather makes traveling in the winter months hazardous and the warm weather that melts the soft dirt makes spring and summer transportation difficult.

Because the lifeblood of any community and state is its system of communication and transportation, I believe greater efforts should be made to achieve development of a national state and local network of highways, streets, and roads in Alaska which are well planned, coordinated, and safe. Highways will always continue to be the principal mode of America's transportation system.

At the 63d annual meeting of the National Governor's Conference in San Juan, Puerto Rico, during September of this year, the Governors of all the States went on record supporting the continued development of our national highway systems. At that time, they passed a resolution which I believe has significance for Alaska and the United States. I am including a copy of that resolution for the interest of my colleagues in the Congress:

HIGHWAYS

The National Governors' Conference supports continued development of a national, state and local network of highways, streets and roads which are well planned, coordinated, and safe. Highways will continue to be the principal mode in America's transportation system.

The Governors urge the following action as part of the partnership between state and federal governments in highway construction:

1. Funds from the Highway Trust Fund should not be suspended or withheld; and we hereby endorse actions of the Executive Committee in seeking court action to challenge the authority of the Executive Branch of the federal government to withhold distribution of Highway Trust Funds.
2. Apportionments from the Highway Trust Fund should be made as soon as possible after the 1st of July for the following fiscal year to enable the States to adequately implement their highway construction program.
3. The revolving fund within the Highway Trust Fund, set aside for the advance purchase of right-of-way, should be made available as soon as possible, and continued as a measure of economy and planning.
4. Federal fuel taxes should not be increased to the detriment of the States' ability to use the fuel tax as a source of revenue for the construction and maintenance of the highway system.
5. Primary authority for coordination, planning and flexible distribution of trust funds within the States should continue to be at the state government level.
6. An unbiased study should be made to determine the sufficiency of the planned 42,500 mile Interstate System in fulfilling the intent of the system as described in the 1956 act and developed since that time.
7. After completion of the present Interstate System, the Highway Trust Fund should be continued as part of the flexible fund described above. The basic purpose of the Highway Trust Fund in the post-Interstate period should be to strengthen the primary and secondary system, as well as urban systems. Completion of the Interstate system links the nation together as never before, thereby encouraging additional travel which has placed a heavy burden on those portions of the urban primary and secondary streets and road systems that are outdated and inadequate.
8. We endorse the concept of developing a system of scenic highways to allow access to national and state parks and improved recreation areas.
9. We recommend that further study be given for methods by which States can implement the provisions of the Relocation Assistance Program contained in the Federal Highway Act of 1968. Intergovernmental cooperation is needed to overcome the many legal and administrative problems created by this program.
10. Transportation systems have a major role in implementing economic development and growth policies. Economic growth center highways can help reverse the depopulation of rural America and the overburdening of megalopolis, and we commend the Federal Government for its new program to construct such highways. However, the appropriation is totally inadequate and will be spent with little impact if limited funds are divided among all States. Instead, we urge these funds be spent on a small number of carefully selected demonstration projects.

NATIONAL GOVERNORS' CONFERENCE,
Washington, D.C., September 30, 1971.

Hon. NICK BEGICH,
House of Representatives
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BEGICH: Although I have already transmitted to you the complete text of all policy statements adopted at the 63rd Annual Meeting of the National Governors' Conference in San Juan, Puerto Rico, September 12–15, I want to particularly call your attention to the policy position on highways. Realizing your Committee is currently concerned with this subject, I hope the positions the Governors have expressed will be of assistance.

I look forward to the opportunity of continuing our working relation. If there are specific questions on the policy positions, please contact either myself or Michael Dye, the Special Assistant on my staff who works in these areas.

Sincerely,

CHARLES A. BYRLEY,

FULL EQUALITY FOR WOMEN UNDER ALL LAWS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. EDWARDS of California. Mr. Speaker, there appeared in the Washington Post of Monday, November 29, 1971, an editorial which should be brought to the attention of every Member of Congress. The editorial points out that last week's Supreme Court decision holding constitutionally invalid State laws giving preference to men over women for appointment as administrators for decedent's estates, although a commendable landmark decision applying the 14th amendment to invalidate archaic statutes discriminating against women in the administration of estates, does not remove the need for the Senate to act to pass the equal rights amendment in the form approved by the House of Representatives in order to provide full equality for women under all laws.

The editorial follows:

[From the Washington Post, Nov. 29, 1971]

SEX AND THE SINGLE ADMINISTRATRIX

The Supreme Court spoke with one voice on Monday in finding constitutionally invalid an Idaho law that gave preference to men over women for appointment as administrator of a decedent's estate. The one voice was the Chief Justice's and what it said was expressed with admirable precision, clarity and restraint. The nub of the decision is that while "the Fourteenth Amendment does not deny to states the power to treat different classs of persons in different ways," it does "deny to states the power to legislate that different treatment be accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute. A classification 'must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike.' "

A statute favoring men over women in the administration of estates rests pretty plainly on nothing more substantial than an antique prejudice that women are intellectually inferior to men. That prejudice is a relic of the period when men were able to look upon women as one of their more valuable indoor possessions. But it became untenable about the time that women demanded, and demonstrated an abundant capacity for economic independence.

Chief Justice Burger's opinion dealt, quite properly, only with the case before the court and dealt with it on the narrowest possible grounds. It does not in any way diminish the need for the constitutional amendment passed by the House of Representatives assuring full equality to women in all aspects of American life. That equality can best be established through the amendment procedure, rather than through a series of Supreme Court decisions striking down outmoded and irrational inequalities.

Senator Sam Ervin, a gentleman of a very old school, managed to win approval by the Senate Constitutional Amendments Subcommittee for a formulation of his own effectively scuttling the amendment approved by the House. Mr. Ervin's proposal would forbid "any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences" between the sexes. This is so naked a piece of nullification that it ought not to bemuse anybody old enough to be a senator. It amounts to saying that women should be treated as the equals of men except when it suits the whim or pleasure of some legislature to treat them as subordinates. One ought not to play games with the Constitution, or with the women of America, in that fashion.

Women are undoubtedly different from men. But that difference does not afford any rational basis for denying women the equal protection of the laws. Men may look upon women as they choose, individually—as sex objects, as interior decorations, as wives, mothers, co-workers, fellow-citizens. But in the United States, if the country is to remain true to itself, women must be accorded the same opportunity as men to pursue their own interests and to realize their own potentialities.

MINNESOTA'S EXPERIMENTAL CITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FRASER. Mr. Speaker, planning is now underway for one of the most exciting new urban development projects in the country—Minnesota's Experimental City. MXC, as it is known, envisages the creation of self-sufficient city of 250,000 located at least an hour's travel time by car from the Minneapolis-St. Paul metropolitan area.

The project's chairman, Otto Silha, discussed the progress of MXC in a recent address to an American Institute of Architects meeting in Minneapolis.

I am sure that my colleagues would want to learn more about this hopeful new effort to relieve the pressures on our trouble-ridden urban centers, and so I am inserting Mr. Silha's address at this point in the RECORD:

MINNESOTA'S EXPERIMENTAL CITY—AND THE NATION'S FUTURE URBAN DEVELOPMENT

The need for new cities has been recognized by virtually every serious student of urban problems and national growth policy. If one thing is clear in that complex of issues, it is that we cannot continue indefinitely to pack people into existing metropolitan areas. And because of the lead times involved, it is imperative that we begin as a nation to take corrective—and I would stress corrective as opposed to remedial—action now.

The leading indicators of serious problems are unmistakable; the storm warnings are flying. Environmentally we are developing the public mechanisms to contain the problem, but there is much to be learned about what to do. Politically, the breakdown of major social service delivery systems and the fiscal crises and bankruptcies of local governments tell us that we must be doing something wrong. Socially, the desperation seen in our judicial and penal systems is to me an all-too-clear indication of the urgent need for some basic actions. The common element among our national problems is that they all tend to converge in our major cities.

Barbara Ward has stated the rationale for new cities quite succinctly when she says ". . . excessive growth in very large cities can best be controlled not by any rigid attempt to set limits; rather, expansion can be checked only by attracting it to other centers." Our problem has been that we don't have any "other centers" or any effective way for creating them.

In its analysis of the problem of a national urban growth policy, the National Goals Staff in the White House outlined four alternatives:

The first is to continue with present policies which will result in more sprawl, more concentration into a few metropolitan areas, more patch-work redevelopment.

Second, we can try to create a higher rate of growth in rural areas, but we know that this approach, assuming we knew what to do, is only a part of the solution to the larger problem and that it can have almost no effect on the national pattern.

Thirdly, we can stimulate the development of growth centers by various governmental actions. This approach has its limitations as well as its pluses.

The fourth strategy, which has worked well abroad, is one which has been tried only to a limited extent in this country—the creation of new cities, both as parts of major metropolitan areas and as truly new cities.

New cities offer the opportunity for major advances in the state of the art in every facet of urban design, social and physical, to test and prove out both social and physical systems which can subsequently contribute to existing cities. The general experience of the U.S. new cities, however, has been an inability to realize inherent social goals and a difficulty in achieving significant innovation in both physical and social systems.

Their experiences suggest, in fact, a further hardening of patterns established in the suburban development since 1945 and very little contribution to the solution of the problems of the central city and its residents. Reasons for this situation include economic and financial constraints; an inability to deal with the entire process of innovation including technical, financial, political and market factors; and the absence of models of alternative systems on which to build.

I am convinced that a key strategic reason for the paucity of urban innovation is that we are sadly lacking in models for future development, for carefully spelled out and demonstrated alternatives to present patterns. This can be critical to unblocking other constraints.

Certainly we are not lacking for ideas. What we are lacking is an opportunity to put a series of ideas together in a systematic manner, then actually implement them in an integrated, experimental setting, designed to prove out our best thinking in an operational situation. We do this in virtually every phase of American industry, but when it comes to the most important thing of all—the environment in which we and succeeding generations will live—we somehow assume that serendipity will take care of us. The evidence, I would suggest, is to the contrary.

The current generation of new communities, both in this country and abroad, is a welcome addition to our urban development; they are badly needed to meet current needs and for the most part they represent a significant advance over urban developments of the immediate past. But the irony of the new communities—as fine as they are—is that they are tending to reinforce patterns which have proved to be unsatisfactory. They will become a part of the problem.

Let me illustrate: A new city of half a million people has been proposed for the meadowlands in New Jersey just west of Manhattan. I have every expectation that it will be well planned and well executed, and will represent an improved living condition for its inhabitants. But the question which must be asked is whether it is wise to put still another half million people into the heart of the most troublesome urban complex in the country. Should we not instead be finding ways to bring about a better balance of population and resource distribution on a national basis?

Most new cities are forced into obsolete technology. The pattern of new cities, I fear, will represent a great opportunity missed. One of the lessons of the British in their first generation of postwar new towns near London has been just that: that they were too conservative in building their new cities, that they were not sufficiently innovative; that they were willing too early to "accept the inevitable" and to abide by the convention wisdom of another era.

It is apparent that there is a wide gap between what we espouse as desired goals for urban growth for the next several decades and our capabilities to date in achieving these goals, that we are not making the best use of the technological and other resources which are ours. Clearly, the process of adapting and applying current technology into urban settings is more complex than it appears. The steps from "here" to "there" are not well understood.

Some of the basic concepts for the MXC project are to evaluate the current state-of-the-art in terms of a specific prototype situation, to advance that state-of-the-art, and to provide a "real" opportunity for testing and further advancing models of new city development and the application of technologies to these ends. That is to say, to learn how and to build a city better than we have done to date in this country.

When David Starr Jordan was president of Stanford University, he observed that wisdom is knowing what to do, knowledge knowing how to do it, and virtue, having done it. In a sense, that is the theme of the Experimental City. At least in a general way, we do know what the problem is and have some good hypotheses about what to do; we certainly have the technology and the resources; but up to now we are acting—when at all—at an almost minimal level.

The idea for an experimental city originated at the University of Minnesota in the mid-1960's. The University obtained funding from private sources and from three federal agencies (HUD, HEW, and EDA) to investigate the concept and to determine what some parameters would be. Grants of $80,000 each from these three agencies plus grants of $10,000 from a dozen private firms—largely, Minnesota-based—provided the funding for the first phase.

We arranged for a series of 14 workshop sessions which brought together almost 200 scholars and practitioners from across the country. In many cases issue papers were prepared beforehand, and after usually three days of discussion, reports and recommendations were issued. The output of these workshops has been published and has found widespread interest. The discussions were organized around major urban systems—education, transportation, energy sources, manpower, communications, city building technology, government, and so on.

In addition, a national steering committee was formed to develop the general conceptual framework for an experimental city and to provide overall policy direction. This committee includes nationally recognized physical and social scientists, engineers and humanists ranging from such diverse backgrounds as Buckminster Fuller to the late Whitney Young. The contribution of these people to the project has been invaluable.

The Phase I study arrived at a number of conclusions about the key parameters which will largely determine the location and some of the physical characteristics of the city. A population of 250,000 was determined to be "the right size" if the city is to be essentially self-sufficient or freestanding. (This turns out to be the same conclusion the British reached about their second generation new city—Milton Keynes.) Such a city will perhaps require 35,000 to 50,000 acres.

Environmental and economic analysis in Phase II will further refine that figure. Minnesota has thousands of acres of low-utilization, publicly-owned land, some of it in very large tracts, which could be logically acquired for an Experimental City. This would tend to minimize many of the dislocation problems, minimize the cost of acquisition, and suggest new concepts in the use and control of public lands.

The Phase I participants agreed that for the city to have maximum impact, it should be built largely in a relatively short period of time—10 to 15 years. And to ensure that it be truly freestanding and not adversely influenced by existing urban constraints, the City will be at least one hour's ground travel time from a major metropolitan area.

The second, and current, phase is concerned with the elaboration of the framework provided by Phase I and with the design of a planning process to permit implementation. Two major parts of the Phase II effort have been completed, and, as you will see, both are critical to our future success.

We recognized from the outset that government—at several levels—must be involved in the project as an active participant. Accordingly, we began working with the State of Minnesota two years ago. The Legislature created joint operating committees of the House and Senate which held extensive hearings to determine what the State's role should be. Their findings were presented to the 1971 Session which created and funded a Minnesota Experimental City Authority.

The Authority is charged with the selection of a site, recommending the manner of land acquisition and financing, and general approval of plans. It will report to the Governor in January of 1973, so that the Legislature can take action during the 1973 session. The Authority is made up of eleven citizens, appointed by the Governor. To provide needed liaison, the directors of the state departments of planning, economic development, pollution control, and natural resources are ex officio members. Most of those departments have already been involved in our deliberations.

As soon as a site has been designated, no later than October 15, 1972, all public improvements on the land will be frozen, effectively stopping any development until the decision can become final and the land assembly begun. To my knowledge, this is the first time such powers have been granted to a state agency, and we believe that it represents a major innovation.

Sometime next month, an economic base study for the experimental city will be completed. It was determined in Phase I that the city's economic base would be significantly different from that of most cities today, reflecting the structural changes which are occurring in our economy. Activity will be heavily oriented to the knowledge-based industries and will have a large services component and a relatively small basic manufacturing component.

Our current base study is identifying which industries are the most logical candidates for location in the city and what their locational requirements are likely to be. From that information, we are determining the character of the public and private infrastructure investment and staging, and the workforce which could be anticipated. This, in turn, tells us what kind of demographic mix is probable and provides a good initial base for planning. The information from the study is clearly of use to the Experimental City planning, but it can also be the basis for a better base of information for future urban planning elsewhere.

Our Phase II timetable calls for research and preliminary planning in the major systems areas, running in parallel with the site selection and land assembly process, which we hope can be completed by late 1973 or early in 1974.

It is significant to note that we are not talking about vast new expenditures to already overburdened public budgets. We are talking about a better, more rational expenditure of the billions which we will be spending anyway in this country over the next generation or so simply to house the millions of new Americans who will be arriving and to replace certain of our physical plant which has become obsolete.

In an all-too-real sense, our expenditures for urban development are the most critical ones to make, because they shape our environments conclusively for years to come. Yet, we invest less on research and development and planning on which to base those expenditures than in almost any other field of endeavor I know about. In the areospace industry, for example, it is usual to devote from five to ten percent of a total budget to research and development (and I am not suggesting that this is not appropriate). I am convinced that a much smaller investment in urban research and demonstration could be one of the most effective expenditures we could make. We must take what President Nixon has so aptly termed "the long view." We must "look down the road" not just at initial expenditures, but consider the total costs—economic, social, and environmental—we incur as we continue to build this country.

We are well aware of the magnitude and the complexity of the task we propose. We do not suggest that it is a panacea, rather a single but significant step toward a better America.

As this nation prepares to enter its third century, it is fitting that we question the values which underlie the way in which we live, to challenge assumptions and established practice, to ask why—and why not. It is an appropriate time to look at our national goals, to see how well they are reflected in the patterns of urban living which characterize our society today, to find if we like what we see, to re-set our sights.

We have a need to demonstrate—as Americans did two hundred years ago—that we can again articulate the American dream in ways which can motivate all our citizens toward the realization of our common goals. We must translate our disappointments and dissatisfactions of today into possible dreams and plans, and hence into a legacy, for tomorrow. And that is what the Minnesota Experimental City is really all about.

CONGRESSMAN PIRNIE: "SAVIOR OF THE COAST GUARD RESERVE"

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CHAMBERLAIN. Mr. Speaker, at the annual dinner of the New York Coast Guard Chapter, Reserve Officers Association, held on Governors Island, N.Y., on October 29, special and well deserved honor was conferred upon one of our ablest, most sincere and dedicated colleagues, the distinguished gentleman from the 32d District of New York, the Honorable Alexander Pirnie. At that time, the President of the United States and the Secretary of Transportation joined with the membership of the New York Coast Guard Chapter, ROA, to praise Congressman Pirnie as the "savior of the Coast Guard Reserve." They did so knowing full well that had it not been for the inspired leadership of the gentleman from New York, the Coast Guard Reserve, one of the strong links in our chain of defense, might be no more. Those familiar with the situation will recall that for the past 2 years there have been attempts to eliminate the Coast Guard Reserve in the name of economy, despite the fact that there was no question that the mission performed by the Coast Guard Reserve remained and will continue to be valid. Those who advocated elimination suggested that the Naval Reserve would be able to absorb the Coast Guard mission. Congressman Pirnie, and a great number of others who registered deep concern, did not share that view. They knew from past experience that often such realignment of responsibilities proves more costly than projected and less efficient than anticipated. The gentleman from New York led the fight in opposition to the elimination plan and he was successful in enlisting congressional support for the cause. As a result, the Coast Guard Reserve remains strong and stands ready to bring excellence to its assigned tasks.

At the ROA dinner, Congressman Pirnie was named an honorary life member of the New York Coast Guard Chapter. In addition to the expressions of appreciation from all in attendance, the following messages were received:

THE WHITE HOUSE

It is fitting that Congressman Alexander Pirnie's many contributions to the security of our nation is to be further recognized this evening. For many years Congressman Pirnie has been a strong supporter of our military forces. The U.S. Coast Guard has benfited from the efforts of this distinguished Member of the Congress. May your salute to Congressman Pirnie be filled with conviviality and joy.

RICHARD M. NIXON.

DEPARTMENT OF TRANSPORTATION

I am pleased to add my congratulations and best wishes to those of the friends of Congressman Alexander Pirnie, who honor him this evening for his staunch support of the United States Coast Guard. As a senior member of the Armed Services Committee of the House of Representatives, Al Pirnie has been a firm and effective advocate of a strong Coast Guard as an indispensable component of a strong national defense. The Department of Transportation is proud to have the Coast Guard as one of its principal operating elements, and similarly proud and grateful that we can count on the continuing support of our respected friend from Central New York. Again, I applaud the recognition of Al Pirnie's friendship and support this evening.

JOHN A. VOLPE,
Secretary.

Having served with Congressman Pirnie for a number of years on the House Armed Services Committee, I know of his special concern for the Coast Guard Reserve. These tributes are well deserved, and I commend the New York Coast Guard chapter for its recognition of Congressman Pirnie's fine work.

ELDERLY WILL BE MOST ADVERSELY AFFECTED BY CHANGE IN FOOD STAMP REGULATIONS

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BERGLAND. Mr. Speaker, the White House Conference on Aging only today wound up its meetings here in Washington. One of the consequences of this conference is the House joint resolution I am introducing today with the bipartisan cosponsorship of every member of the Minnesota congressional delegation. Participants in the conference from Minnesota met with our delegation earlier this week to express their deep concern over the new Department of Agriculture regulations for the food stamp program to be implemented in January. The primary focus of our discussion that morning was on the food stamp program, as it related to senior citizens.

I have been among those critical of abuses in some instances of the food stamp program. Had I been in Congress in late 1970 when the bill amending the Food Stamp Act of 1964 was under consideration, I would have welcomed many of the improvements intended by this bill. It surely, however, was not the intent of Congress through its amendments to the act to encourage the Department of Agriculture through its regulations to substantially phase out the food stamp benefits for senior citizens. Rather the amendments were intended to improve and reform it.

The effect of the new regulations is substantially to discourage participation by those most in need of the program—in particular, our elderly. While attempting to bring about uniform standards, the regulations will have the effect of encouraging more participation by those in the higher incomes still eligible for the program and discouraging participation of those in the lower incomes—where the benefits of this program should have the most impact.

The Department, as part of its new food stamp program regulations, established national uniform income and resource eligibility standards for the program. While these new standards increased the allowable maximum income that individuals or couples can earn each month in most States, the new standard lowered the maximum income allowed in 12 States, including the State of Minnesota. Unless prompt action is taken, many of our elderly will find themselves ineligible for the program. The States affected are California, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Rhode Island, South

Dakota, Vermont, Washington, and Wisconsin.

As a Congressman from one of the States affected, I am, of course, particularly concerned. I am equally disturbed by another provision—a provision which to my way of thinking will discourage most of the elderly from benefiting from the food stamp program. This new regulation would increase the minimum purchase requirements for individuals and couples and reduce the amount or value of the bonus stamps individuals and couples can receive under the program.

Under last year's food stamp program an elderly couple earning between $150 and $245 was required to spend $36 of their money in order to receive an additional $20 worth of food stamps as a bonus. Under the new regulations issued by USDA, couples earning between $210 and $222 will be required to spend $54 and will get only $6 in bonus stamps. And it should be noted again here that the maximum monthly income allowed for participation in this case has dropped from $245 down to $220.

These changes initiated by USDA and the administration are appalling and constitute an insult to the elderly of this nation who have spent their entire lives working and contributing to the welfare of this Nation as law-abiding taxpaying citizens. And now that many of them are required to live on low, fixed incomes—and during a time when inflationary pressures are driving the cost of almost everything upward—the Federal Government is reducing what meager benefits they have been receiving under this program.

In talking with one of the county welfare directors, in my Seventh Congressional District, he noted that the new regulations could very well have the consequence of killing the food stamp program for lack of participation. He cited the fact that many elderly now eligible to benefit from the program do not participate. The amount they are required to spend in order to obtain bonus stamps amounts to more than they require. To ask that they spend even more to obtain much less would mean that still more senior citizens would be discouraged from participating. The proportion of stamps bought in order to obtain bonus stamps should have been lowered, as it affects the elderly. The amount of bonus stamps received should have been raised, if anything, not lowered.

The joint resolution I am offering today does not, however, attempt to make these modifications, but rather to maintain existing standards in the 12 States and to maintain the present ratio of stamps bought to those obtained as a bonus.

The outcome of the new USDA regulations can only have disastrous effects on the food stamp program.

The resolution follows:

H.J. Res. 992

A joint resolution to assure continued eligibility of recipients of Food Stamp benefits and to maintain present levels of bonuses for these recipients

Whereas, rapidly escalating costs of living have made it increasingly difficult for low income families to pay for the basic necessities of life; and

Whereas, it appears that higher charges established by the Department of Agriculture for certain coupon allotments will create added strain on the limited financial resources of many thousands of needy families now receiving benefits under the Food Stamp Act of 1964; and

Whereas, it appears that many thousands of citizens will no longer be eligible for benefits under the Food Stamp Act of 1964 because of new eligibility standards established by the Department of Agriculture: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Food Stamp Act of 1964 is amended by adding at the end of subsection (c) a new subsection (d): "Notwithstanding the foregoing provisions of this section the standards of eligibility under any State plan of operation shall not make ineligible any household which would have been eligible under the standards of eligibility provided for by the State plan of operation in effect just prior to enactment of Public Law 91–671 which was approved January 11, 1971."

Sec. 2. The first sentence of section 7(b) of the Food Stamp Act of 1964 (which deals with the charge to be made for food stamps) is amended by inserting before the colon preceding the first proviso the following: "or more than would have been charged for a coupon allotment of similar face value prior to the enactment of Public Law 91–671 which was enacted on January 11, 1971."

SOVIETS GAINING WEAPONS LEAD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HOGAN. Mr. Speaker, over the past several years we have been receiving a growing number of reports documenting the Soviet Union's gains in weaponry.

A further documentation was provided in an article in the November 18 edition of the Washington Post detailing the latest findings of the British publication Jane's Weapon Systems.

I insert it in the Record at this point:

Soviets Gaining Weapons Lead

London, November 18 (Thursday)—The Soviet Union is outstripping the United States in the development of sophisticated weapons to an extent that may tip the relative balance between the major nuclear powers, it was reported today.

The latest 586-page edition of Jane's Weapon Systems, an authoritative though unofficial British publication on the world's arms, also reported that the Soviet Union was the only country in the world with an operational antiballistic missile system.

"Russia now has the initiative in weapons technology," the publishers said. "Whereas for a long time it was assumed—with considerable justification—that the NATO countries had a clear lead in the development of sophisticated weapons, it is now clear that the U.S.S.R. has extinguished that lead and is outstripping the West."

Recent advances in the Soviet early warning radar system editor's R. T. Pretty and D. H. R. Archer said, plus "the modern Soviet navy and the nature of its armament a equipment, and the existence of an oper tional antiballistic missile system arou Moscow are evidence of the Soviet ability take the initiative in weapon system d velopment and deployment."

The editors added: "Fragmentary ev dence is emerging of a number of other S viet developments and programs, one which is directly comparabale with, b ahead of a U.S. project. This is a new supe sonic bomber, reported to carry the NAT designation 'Backfire,' and to be a swing wing-machine with low-altitude superson capability. The Approximately equivalent U. BLA-bomber project is as yet only at th mockup stage.

"The strategic possibilities represented b the new technical competence revealed considered a potential source of disturban to the relative balance that exists betwee the major nuclear powers."

The publication also recorded speculatio that India, Japan, and Israel would join th nuclear club.

It quoted reports that Israel had produce a new 300-mile missile capable of carrying nuclear warhead.

Jane's said that according to reports ema nating from Washington the missile, calle Jericho, was in small-scale production i Israel with a warhead capability of betwee 990 and 1,540 pounds.

"From this it is argued that a nuclear pay load is probable," the foreword said.

Noting that Israel had frequently state that it would not introduce nuclear weapon into the Middle East and that the Jerich missile report had not been authenticated the foreword added: "But there is littl doubt that if it were considered by Israe that such weapons were needed, they woul be forthcoming."

KEY CLUB WEEK 1971

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HOSMER. Mr. Speaker, as a Kiwanian and a former Key Club member in high school, I would like to take this opportunity to call the attention of my colleagues to Key Club Week, which is being observed from November 28 through December 4.

Starting with the first Key Club in Sacramento, Calif., in 1925, today more than 83,000 young men are Key Club members, dedicated to improving their hometowns and themselves as the future leaders of America.

And thousands of Kiwanis Club members unselfishly give of their time to sponsor and assist Key Clubs in hundreds of high schools in the United States, Canada, and the Bahamas.

Mr. Speaker, I am proud that I was once a Key Club member at Wilson High School in Long Beach and I am proud of the growth of this great movement, today encompassing more than 100 young men at Jordan, Polytechnic, Wilson, Lakewood, and Millikan High Schools in Long Beach.

Much like being a Member of Congress, being a Key Club member is an honor, an opportunity, and a responsibility to help uplift one's fellow man.

LEARNER VERIFICATION OF CURRICULUM MATERIALS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BRADEMAS. Mr. Speaker, among the witnesses before the Select Subcommittee on Education of the House Committee on Education and Labor, of which I have the honor to be chairman, one of the most controversial in the past year has been Mr. P. Kenneth Komoski, president of the Educational Products Information Exchange—EPIE.

Testifying before my subcommittee on legislation to create a National Institute of Education, Mr. Komoski was critical of the absence of what he called "learner verification" of the curriculum materials used in America's schools. Because of the interest in his statement on the part of a number of scholars, businessmen and educators, I take this opportunity to insert in the CONGRESSIONAL RECORD the text of Mr. Komoski's prepared statement before the Select Subcommittee on Education. The statement follows:

STATEMENT OF P. KENNETH KOMOSKI, PRESIDENT OF THE EDUCATIONAL PRODUCTS INFORMATION EXCHANGE INSTITUTE BEFORE SELECT SUBCOMMITTEE ON EDUCATION, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, MAY 11, 1971

Mr. Chairman, my name is Kenneth Komoski. I am President of the Educational Products Information Exchange Institute. The Institute, usually referred to as EPIE (pronounced "eppy"), was chartered in 1967 by the Regents of the State University of New York as a nonprofit corporation. It is a consumers' union for member schools and school systems in 50 states. With support from these schools, other members, and foundation grants, the Institute conducts independent studies of all types of educational materials and equipment. It publishes its findings in nine *Educational Product Reports* each year. At present, these reports reach about 3,500 educators in schools, colleges, and other institutions.

I believe that unless educational technology is focused first and foremost on the improvement of learning, it becomes simply a means of making education *seem* more efficient without being truly effective. Once the difficult goal of effectiveness is being consistently achieved, education can easily be made more efficient. To proceed in any other fashion means leaving the ultimate educational consumer—the learner—in a constantly vulnerable position.

FUNCTION OF NIE

One important function of the proposed National Institute of Education must be to conduct research and provide leadership that will guarantee all American citizens that every educational material from which children are required to learn is as effective as we know how to make it.

What I have to say to you this morning will clearly indicate that there is an enormous need for better educational materials, and an even greater need for procedures that will guarantee their continuous improvement. The proposed National Institute could provide many of the means and methods upon which that improvement depends.

Educational purchasers are being presented with a tremendous variety of options—even more than are offered to the American car buyer. Overall, the growth of all types of instructional materials since 1951 may be described conservatively as a twenty-fold increase—from approximately 10,000 items twenty years ago, to well over 200,000 in 1971. As is the case with so many of the present automotive options, the educator's options are too often trivial variations on overworked and, in the long run, ineffective themes. Today's teachers and students do not need an ever increasing quantity of options. What they do need, desperately, are high quality alternatives to the inadequately developed materials they are now required to use.

Futurists and economists predict that the education industry will grow into a major American industry in the years ahead. Assuming they are correct, now is the time, while the industry is still in its economic infancy, and schools spend relatively little on its products, to encourage it, cajole it, give it guidance, and, if necessary, manage Federal support in such a way that money is available to help develop and purchase products of proven worth.

ACTION NEEDED NOW

Everything that *can* be done *must* be done to get the education industry to fulfill its potential—not by continuing to provide schools with endless trivial options, but by supplying instead effective alternatives for individual learners. The potential impact of the industry's products is enormous. These products introduce (or fail to introduce) skills, concepts, facts and understanding to 50 million young Americans for twelve crucially important years of their lives. No industry in the country produces products of greater importance or potential.

I am in total agreement with the late Robert Locke of McGraw-Hill who wrote in the *Saturday Review*, "the chief contribution of industry may come through its ability to apply the findings of research to the development of products and services for education." But my analysis of the current state of product development within leading education companies indicates that the industry is a long way from doing so.

Research findings clearly indicate that the learning effectiveness of a product can best be improved through a process EPIE refers to as *learner verification and revision*. These terms are a researcher's way of saying that the learning effectiveness of a product will be improved if it is taken through a systematic cycle of tryouts with learners followed by revisions based on the feedback from those learners. Such evaluations need not always involve large groups of learners. Through appropriate sampling, a small group of "target" students can give the product developers ample opportunity to catch errors and trouble spots accordingly.

CONCEPT NOT NEW

The concept and application of learner verification is not new. It has been in use in the development of standardized tests for several decades. The researchers who developed programed instruction a decade ago were the first to apply learner verification and revision to the creation of learning materials. However, four years of research by the EPIE Institute into almost every type of instruction material, have convinced us that although this research-generated process is becoming more generally understood by educational producers, their capacity to apply it remains virtually untapped.

EPIE estimates that 99 per cent of the materials school children are now required to use have not been put through even the initial phases of the learner verification and revision cycle. If this statistic is disturbing, the picture in particular product areas is even more so. For instance, our investigation of textbooks indicates that *under one per cent* of the approximately 14,000 different textbooks being sold to schools has been systematically shaped through the learner tryout and revision process.

Our study included an analysis of the best-selling texts-plus-media-supplements in major elementary high-school curriculum areas. The best-seller list eventually grew to some sixty different texts and their related materials. Less than 10 percent of these had even been field-tested prior to publication: (I say "even" because the field-testing of textbooks is rarely synonymous with learner verification and revision).

In some cases, simply the reactions from salesmen in the field are considered field-testing. When field-testing actually refers to tests of materials with students, it is usually done just prior to publication with no chance of using the results to revise and improve the product. We believe that such testing is done with the hope that purchasers will be impressed with school "tested" materials. Thus, it is important not to confuse traditional field-testing of textbooks with the learner verification and revision process.

The amount of field-testing and/or learner verification and revision in educational films is apparently even less than it is for textbooks. In the area of broadcast video instruction, we discovered that only three of the two hundred and twenty-three materials used in over 85 percent of broadcast television instruction have been learner-tested. In other words, only a little over one percent of the television material used in schools has been learner-verified.

The Director of the National Center for Audio Tapes at the University of Colorado told EPIE that while he had no statistical data, it is his opinion that practically none of the 20,000 tapes now available have gone through the verification-revision process.

PROGRAMED INSTRUCTION

By far the most discouraging area we have investigated is that of programed instruction. As I have pointed out, research in programed instruction did much to develop and refine the process of learner verification and revision. Yet EPIE's examination of six hundred and thirty-three programed instruction materials now used in major curriculum areas reveals that evidence of learner-verification is available for only 7 percent of these materials. Some "field-testing" was claimed for another 8 percent. A cursory examination of the remaining 3,000 programs less central to the school curriculum indicates an even smaller percentage that appear to have been learner-verified.

Recently, EPIE did a telephone survey of a sampling of major educational producers. Some produce programed materials, and all have begun to move in the direction of *systems of materials* involving a multitude of media and methods. We interviewed them to ascertain their present attitude toward field-testing, learner-verification and product evaluation in general. Here are some of their comments:

Company A, Vice President and Editor-in-Chief:

"A couple of years ago, we wanted to do some field-testing, but scheduling wouldn't allow it . . . It takes too much time and we wouldn't have gotten the books out . . . It wasn't a question of money, but just scheduling. We're now working on a program we plan to field-test. I hope we can . . . Testing has lots of problems, you know . . ."

(This company has no information on field-testing available to schools.)

Company B, Editor-in-Chief:

"We don't do any real testing from the standpoint of content or pedology. . . . When

I was Editor-in-Chief at ——— we did a lot of testing . . . but we were testing the format, you might say. . . . We found that some difficult-to-produce stuff wasn't necessary. . . . This is the kind of testing most publishers do. It can lead to some improvements from the teaching standpoint, but that's just serendipity. . . . More testing is needed, but it costs a lot. . . . When I was teaching, I always wanted to know about classroom trials, but I never got any information. Publishers usually claim that their materials have been classroom tested, or used with thousands of students throughout the country, but no one should call what they do testing."

(This company has no information on field-testing available to schools.)

Company C, Senior Vice President, Editorial:

"We have about one hundred and sixty salesmen and consultants who report back what they pick up in the field; that's really our field-testing."

Company D, Vice President and Editor-in-Chief:

". . . mostly we depend on what we hear from people out in the field. . . . Sure, field-testing is good, but it can be overdone. . . . Some of the government-funded projects are needlessly complicated. . . . They do their own material and revise it and revise it. . . . Any good editor can do the same thing, just on the basis of his own experience. . . . Holt's Biology still sells (this company is *not* Holt) after all the money they (the government) spent on the BSCS materials. We didn't test ——— or ——— and they're still among the best sellers we have."

(This company's field-test information is for its own use only. We were told that if a school wants information on field-testing and the adoption is important enough, an appropriate editor will write a letter.)

LIMITED FIELD TESTS

EPIE also conducted an analysis of advertisements for the instructional materials that appeared in thirteen issues of seven major educational journals and magazines in recent months. In all, EPIE analyzed three hundred and forty-four advertisements. Only seventeen contained references to any type of field-testing. An EPIE researcher contacted the producers who had placed the seventeen advertisements. Only two of them refer to published research studies. Six others said they would be willing to supply information, which ranged from informal feedback from classroom trials to surveys of teacher comments. The producers responsible for the nine remaining advertisements were unable to refer us to (or send us) any evidence to back up the statements made in their advertisements.

In one case, it was quite evident that the producer had no data of any sort, even though his advertisement urged schools to get in touch with any regional office, "to learn how well these materials are working in schools like yours." (The exact wording of this portion of the advertisement has been altered.) A further investigation ascertained that when a school did, in fact, get in touch with a regional office, it would first be sent a list of schools in that region who had purchased the materials, then it would receive a visit from a salesman. This sort of sales strategy is disturbing to EPIE. It was even more disturbing to learn that during the months that this advertisement was being run intensively, the company received *only five* requests for their "field-test" information! Sales, nonetheless, were quite satisfactory during the same period.

When one examines the ways in which most schools select materials, this lack of attention to evidence of effectiveness resulting from learner-verification, or field-testing, is not surprising. EPIE learned this in 1969 when it cooperated with eight state education departments in surveying the evaluation practices used by schools and state agencies in the selection of instructional materials and equipment. The project identified and studied materials selection practices in nineteen school systems designated by specialists across the country as being more conscientious than many others in this task. In every case, these nineteen schools relied almost completely on examination and review of the materials plus (in some cases) discussions with sales representatives. Only occasionally did selection committees use the results of student performance data from pilot tests of the materials conducted in local classrooms. Only one state department of education included in the study strongly recommends local pilot testing of products, but we found little evidence that school systems in the state followed the suggestion.

A recent follow-up study of the nineteen school systems indicates that the practices identified in 1969 are still in use today. However, we are somewhat encouraged by the fact that one of these systems does press producers for evidence of the learning effectiveness of their products, and that others, at least sometimes, seek such evidence. As yet, none makes such evidence a purchasing specification.

When one remembers that these nineteen systems were designated as being more sophisticated than most others in the country in product selection, the nationwide picture remains pretty bleak. Nationally, we must still conclude that most schools fail to employ verification data from learners when selecting curriculum materials. A reason for this, it would seem, is that in evaluating products, school selection committees must devote most of their limited time to judging a product's content and pedagogical approach. Practically no time can be given to gathering evidence of a material's learning effectiveness. Committees assume that materials with "good content" and "the right approach" will, by definition, be effective with learners. Logical as this sounds, it is not necessarily true.

EXISTING RESEARCH

Fortunately, some research exists which has examined whether it is possible to infer learning effectiveness of instructional materials by simply examining them. This research raises serious doubts about the reliability of the practice of judging the quality of learning effectiveness without the help of student feedback (verification).

One of these research studies examined evaluation techniques of a group of teachers and a principal. They were asked to review and rank for effectiveness alternate versions of a set of materials on which evidence of effectiveness with learners had been gathered by the researchers, but was not made available to the educators. With no evidence of effectiveness available to them, the educators were strikingly unsuccessful in judging these materials accurately. The correlation between their judgments and the actual performance of the materials with learners was −.75.

This study is one of few in the educational research literature that has been replicated and had its results corroborated by a second researcher with a similar group of subjects. Despite this fact, most school people and members of the education industry continue to put their faith solely in examination and review rather than evidence of actual performance when judging educational materials.

TRYOUT AND REVISION

Any responsible effort to create or select materials of proven learning effectiveness must use the tryout and revision process. The real problem is that the question of learning effectiveness is not of great interest to most producers and purchasers of educational materials. This situation is not the result of collusion or conscious negligence on the part of companies and schools, but rather of habit, apathy and ignorance. The fact of the matter is this: many producers and purchasers feel that they know how to judge the learning effectiveness of materials. They become defensive when researchers suggest that their methods are less than reliable. Others, as we have seen, simply infer that materials examined and judged acceptable as to content and approach will also produce effective learning.

CORRECTIVE MEASURES

What then, can be done about the present practices of product development and selection? The first step is to admit honestly and candidly that these practices can and must be improved. What must be avoided at all costs is preaching a counsel of perfection ("Research can't tell us precisely what to do, so let's not change things until it can.") and becoming defensive about established practices ("These practices have been developed and refined through professional experience over the years.").

The credo of all *professionals*—in the education companies and in schools—must be: "There isn't a product we produce, or one now in use, that cannot be improved. Every product must continuously be revised in light of the growing knowledge and constantly changing needs of learners." Most producers of materials for young children will eventually be forced to revise their products for those who have been habitués of *Sesame Street*. This kind of extra-school learning is affecting the performance of every educational material in use in schools today.

As they now stand, the materials schools use are not good enough to meet the individual needs of learners. Nor are they good enough to expect our teachers to willingly be held accountable for what students fail to learn when they are required to use those materials.

NEED FOR NIE

A National Institute of Education is needed to institutionalize a continuing broad-based research program into the many problems surrounding the development, evaluation, selection and use of educational products.

The first task of the National Institute of Education in such a program should be the development and dissemination of *realistic* guidelines to help educational producers institute programs of verification and revision. These guidelines should be aimed at both commercial and non-commercial product developers. A second set of guidelines should be developed to assist schools in selection of materials. Here, too, great emphasis should be put on guiding the educational purchaser towards the productive use of verification information as a means of judging effectiveness of materials.

These guidelines should be implementable by any producer or school that wishes to improve present practices. They should be realistic enough to offer a number of routes to achieving improvement. Modest products could be verified modestly; more complex and expensive products more ambitiously. Products, such as total reading programs, or an entire K–12 curriculum, would receive thoroughly comprehensive verification and revision. It is most important that these guidelines be designed so as to be useful in continuously improving *both new and existing materials*.

NIE MACHINERY

The specific mechanism for formulating these guidelines would be an NIE Technical Task Force, made up of NIE staff and representative groups of specialists in product verification and revision. Such specialists employed in the education industry should be invited to participate as individuals. The working assumption of this task force should be that all educational materials should be continuously revised using data from learner verification.

The guidelines for school should help purchasers make maximum efficient use of verification evidence and should urge schools to refuse to purchase non-verified materials.

Once these guidelines have been developed and disseminated, producers would be expected to comply with them within a specific period of time. At the end of that period, each producer would be expected to publish a statement of learner verification of each of his products.

Obviously it will cost producers money and time to comply with these proposed guidelines. Producers will have a new item to add to their product development budgets: the cost of gathering and using feedback from learners. Sad to say, this will be a totally new experience for most producers. This increased cost must inevitably increase the cost of materials to schools. But continuously improved learner-verified materials must, by their very nature, reduce many important non-dollar costs that are now being passed on to the ultimate educational consumer—the learner.

FEDERAL AID

If these increased dollar costs are too great for producers and purchasers to absorb, then Federal aid should be offered. Federal aid to producers could take the form of research and development grants to be used to improve specific materials through verification and revision. Federal aid to schools could be in the form of increased Federal funds for school systems that use the proposed guidelines and institute purchasing policies that give clear preference to learner-verified materials. The outcome of such strategically managed Federal funding would be to drive out stagnant, unimproved materials and provide schools with useful and effective alternatives to what they are now using. But until such a system is instituted, schools should do two things: press producers to supply evidence of the learning effectiveness of their materials, and indicate their willingness to serve as sites where producers can carry out learner-verification studies.

Until such time as these recommendations, or some facsimile of them, are acted upon, the education companies that fail to verify their products with learners, and school boards that fail to demand evidence on learner-performance, share the responsibility for continuing the use of improved learning materials in schools.

I repeat my contention, that this situation is the result more of habit, apathy, and ignorance, than of collusion or negligence on the part of companies and schools, but I also state that *now* is the time to change the habits that have created the present situation. All parties—the industry, the schools, and the Congress must admit to having been ignorant. Now they must do what must be done to become wiser.

DO NOT CALL IT JUSTICE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SKUBITZ. Mr. Speaker. Perhaps few items emphasize today's permissive society as poignantly as does a "Letter to the Editor" in the New York Times of November 30, 1971. I call it to the attention of my colleagues who upon reading it will, I am sure, sympathize as deeply as I do with Mr. Robert L. Schleunes of Point Harbor, N.C. I include Mr. Schleunes' letter in the CONGRESSIONAL RECORD:

DO NOT CALL IT JUSTICE

TO THE EDITOR:

When most voices in the news media seem opposed to capital punishment it is some consolation to see that The Times is willing to look at the other side of the coin. I refer to two recent Op-Ed articles, Bernard Cohen's "On Behalf of Capital Punishment" and "In Memory of Seymour Schneider," who was murdered on Sept. 2.

On Jan. 7, 1970, my daughter was strangled to death in her Wilton, Conn., home. She preferred not to be raped. Age 33 years and three months. Her husband lost a wife, four small children lost their mother, we lost our only child and Carol Schleunes Diack lost all.

Louis Cafone, the murderer, was sentenced to death. In all probability the taxpayers of Connecticut will support him the rest of his wretched life. The murder rated a feature article in The Times of Jan. 15, 1970, titled "The Case of the Mistaken Parole." Louis Cafone, white, rapist, turned loose by the Connecticut Parole Board in July of 1969, never prosecuted for crimes committed in New York State, pronounced "stabilized" by the Connecticut board's psychiatrist, admittedly not supervised properly during his parole.

I am retired and live in a rather remote area, and so my circle of friends is limited. Here is what has happened to some of them: The 24-year-old daughter-in-law of our cleaning woman, mother of an infant, was found bludgeoned to death just a few weeks ago. Another friend's wife is hopelessly insane, the result of a rape. The rapist has since been freed.

How many lives must be sacrificed? A society that is willing to spend a million dollars to try the assassin of Senator Robert Kennedy and probably will never execute him will tolerate almost anything. Well, call it law, if you wish, but do not call it justice.

I have listened to many TV programs and read many editorials all deploring capital punishment. Yet never do the opponents of capital punishment have one word to say about revising the laws to make a life sentence mean just that. Neither do they take a serious look at the make-up of parole boards, many of whose members have no more competence in that field than I have in nuclear physics.

J. Bernard Gates, chairman of the Connecticut Parole Board, commented in The Times on the man who murdered my daughter, "I believe," he said, "that I've got to admit that we've made a mistake." Mr. Gates did not pay for the mistake, Carol Diack, her family and friends continue to pay for it.

ROBERT L. SCHLEUNES.

PENALIZING POLLUTERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HAMILTON. Mr. Speaker, the October–November 1971 issue of the Sierra Club Bulletin contains a pair of articles on the use of economic incentives, including taxes, to control pollution.

This approach to pollution control is efficient, effective, and easy to administer. It is the backbone of the Regional Water Quality Act of 1971, which my colleague, the gentleman from Wisconsin, LES ASPIN, and myself will be introducing prior to adjournment.

I urge my colleagues to read the articles which follow, and to consider cosponsoring our bill.

PART I: ECONOMIC DETERRENTS

(By Michael McCloskey and Julia Hillis)

Traditionally conservationists have been reluctant to consider economic factors in relation to controlling industrial pollution. They have been fearful that shifting the focus to these factors tends to move the discussion into an arena which is basically more favorable to the pleas of polluters. They have tended to associate economics with the efforts of polluters to maximize profit opportunities and to minimize interference in their operations. Believing that polluters are engaging in antisocial conduct, which is also immoral in many cases, conservationists have looked to legal solutions to curb this conduct. When private legal remedies such as the nuisance action failed to cope with the onslaught of pollution, they then looked to government to use its police power to devise regulatory schemes to abate excessive pollution, with prosecution authorized and penalties provided. The schemes that have been developed, which first looked to setting air and water quality standards and now look to specific discharge standards, continue to make disappointing progress. Despite years of work and continuing revision of the laws, the overall problems seem to be getting worse.

As a result, environmentalists are taking a fresh look at the relationship of economics to industrial pollution control. They are realizing that economic factors are a real part of the problem that must be understood, and that economic factors can be turned in a way to minimize pollution as well as to justify it. They are also recognizing that a great many distinctions need to be drawn between the various economic palliatives which have been suggested. Some of these proposals offer an opportunity to buttress standard-setting regulations and to provide incentives for obtaining an even cleaner environment than these standards would afford. Furthermore, they may be able to cure the deficiencies of standard-setting schemes that will never be fully effective because of administrative cumbersomeness, spottiness in prosecution, and the delays inherent in litigation.

Economic incentives to reduce pollution cover a wide spectrum. They run from fines, to tax penalties of various sorts, to conferring tax benefits, to offering subsidies, and to charging fees for licenses to pollute. Those at the beginning of this list offer the most hope, while those toward the end are generally unacceptable.

Traditionally the regulatory approach has relied upon the setting of minimum standards to be enforced by criminal or civil penalties. There has been widespread dissatisfaction, however, with the effectiveness of these penalties. Regulation enforced by penalty has been criticized as offering a polluter only the crudest form of economic incentive to stop polluting. Industry pressure on standard setters, lax enforcement by administering agencies, the necessity of individual legal proceedings against each polluter, the low level of penalties imposed, and delaying tactics by industry are among the reasons for the ineffectiveness of the regulatory approach. Other drawbacks include the lack of incentive to reduce pollution below the minimum standards and to research and develop optimum control technology.

The regulatory approach, however, should not be abandoned for substantial improvements are possible and continuous efforts must be made to strengthen the present system. Penalties should be made sufficiently severe to be noticed on corporate account books; they should exceed the cost of compliance in order to be effective. Standards should be set at very stringent levels so that pollution below that level would be minimal and industry would be forced to develop the necessary technology. Continuous effort is needed to simplify and streamline administration, with lengthy delays eliminated. And, hopefully, agency attitudes could be changed so that a polluter faces the virtual certainty of enforcement action.

Regulations, though, must be supplemented with other measures designed to reach the economic self-interest of polluters. The withdrawal of various government-granted benefits and privileges from those who violate environmental laws and regulations is one approach which has great potential. For example, disqualifying polluters from doing business with the federal government—the largest single purchaser of goods and services—would provide a significant economic incentive to comply with environmental standards. Those violating environmental laws should be ineligible for government contracts, grants, leases, loans, subsidies, and the like. The Sierra Club has commended the Environmental Protection Agency for having recently developed an Executive Order along these lines; however, it fails to go beyond outlawing dealings with those who violate air pollution laws.

This principle could be extended to a wide range of government-granted or regulated benefits and privileges. For example, Sierra Club President Raymond Sherwin has recently purposed that environmental protection might be enforced through the withdrawal of special tax privileges (e.g., the oil companies' depletion allowances, and permission to treat foreign purchases as taxes paid to foreign governments), stock market trading privileges, interstate or international trading privileges, and others. It is only reasonable to make the exercise of privileges conditional upon compliance with environmental standards, and this would also provide a significant economic incentive for compliance.

Emission and effluent charges, or "pollution taxes," promise to be an effective economic incentive for pollution abatement. Such charges would place financial responsibility directly on a polluter according to the amount of pollution discharged. Thus the costs of pollution would be internalized at the source, rather than imposed on society by the polluter. Pollution taxes could be levied either on a flat charge basis, e.g., a certain sum per unit of pollutant, or on a graduated scale, with the charge per unit increasing with the amount of pollutant emitted from the source.

If the charges were set sufficiently high so that pollution would cost more than abatement measures, industry would be motivated to seek the most economical and efficient means of abatement. Competitive factors and cost-minimizing behavior will ensure in most cases that industries will choose the less costly alternative of abating pollution. A significant advantage of the pollution tax system is that the incentive to reduce pollution remains even after regulatory standards are met, encouraging continuous research and development toward the best long-term means of pollution control.

Though the product may cost more due to increased industry costs, *any* effective pollution control will cost the consumer more, either in higher prices or higher taxes. And products now are often artificially cheap; goods should reflect the *total* costs of production, including environmental costs. Pollution taxes, by encouraging the most economical means of control, will cause the least increase in cost consistent with pollution abatement.

One type of economic incentive already in use at both the state and federal levels is the granting of tax relief to encourage pollution abatement. Included among such measures are property tax exemptions, accelerated depreciation write-offs, tax credits, and sales and use tax exemptions. These incentive provisions, while imposing a financial burden on the public, have failed to achieve effective pollution control. They do not encourage the most effective means of pollution abatement. By giving credit for facilities and "hardware," they bias industry toward capital expenditures, often for end-of-the-line treatment, when process changes and related research often would achieve more significant and economically efficient results. Moreover, there is no requirement that the investment actually reduce pollution. Instead of the tax relief being tied to a measured reduction in the actual amount of pollution, the relief is conferred for the mere act of investing in control equipment regardless of whether it works or not.

The tax relief only reduces the cost of the investment; it does not make this investment the most economically attractive course of action, as with the pollution tax.

Even with the tax break, industry is still faced with a net expense for essentially nonproductive facilities. Companies will not usually be stimulated to make unprofitable investments just because the government promises to absorb part of the cost. Further, most tax plans are drawn so that profitable abatement measures do not qualify. In most states, a facility must be for the "primary purpose" of pollution control, and in some, for that purpose exclusively. The federal provision, section 169 of the Internal Revenue Code, disqualifies any property whose costs will be recovered over its useful life, by profits from recovery of wastes or otherwise in the operation of the property. Though basically commercial facilities should not be given a tax break, still, these provisions may discourage good pollution control programs which coincidentally produce reusable materials or marketable byproducts.

Expenditures necessary to comply with health or pollution laws and regulations cannot be considered public benefits gained through tax incentives. In helping to pay for facilities required by other laws, tax relief brings no gain to the public in exchange for the loss of tax revenues, which may be immense. Further, the tax relief aids only large or wealthy companies, which have the least need for public assistance, while failing to aid small or inefficient businesses without the capital to invest in control equipment. Finally, the basic objection to this approach is its philosophy of rewarding polluters for refraining from environmental contamination which they have no right to impose on the public in the first place.

Subsidies are another type of economic incentive which has been suggested. These might be in the form of outright payments for pollution control, or could involve low-interest loans or guarantees. If directly related to the reduction of emissions, payments might be more efficient than incentives related only to capital investments, and also could be channeled to financially hard-pressed companies. However, the award payment approach is largely unsatisfactory. It is subject to some of the same objections applicable to the tax relief approach, and it also has additional deficiencies of its own. Basically, a system that pays polluters to stop polluting is unacceptable. It imposes the burden upon the public, which already has been wronged, and either rewards recalcitrant and antisocial conduct, or distorts our economic system by keeping inefficient units afloat.

Among the economic incentives that are unacceptable are permit fees. These most closely fit the characterization of "licenses to pollute." A nominal fee under the new Refuse Act permit system to cover administrative costs might not be objectionable, but it would hardly provide much of an incentive to clean-up unless the amount of pollution under the permit is minimal and could be easily abated. If the fee were not a flat fee but graduated in terms of the type and amount of pollution, then it would more closely resemble an emission or effluent tax. Some have also suggested auctioning off a limited number of industrial discharge permits. In such a case, the auction market would set the price rather than the government. This approach requires that the total amount of discharges be held within permissible limits and that a competitive market exist to make the auction work. Under such assumptions, the permit price is assumed to rise high enough to induce competitors to reduce their discharges because they cannot afford to bid for a permit or because they can only afford a smaller permit. It is questionable whether these assumptions could actually be met in many cases.

Of all these proposals, the one that has the greatest number of advantages and the least liabilities is the emission and effluent tax. Properly applied, this tax can turn the economic tables on the polluter so that it is to his own self-interest to abate his pollution and to do so in the most efficient possible way. However, to have this effect it is essential that the amount of the tax be greater than the cost of abating the pollution. Moreover, it is essential that the tax be joined with a strengthened standards program which attempts to absolutely prevent all pollution beyond a permissible level. The feasibility of the approach also depends on a number of other carefully defined conditions. These are spelled out in a resolution recently adopted by the Sierra Club's Board of Directors, which sets forth our general policy on this subject:

"The Sierra Club advocates the establishment of pollution taxes which would make it less expensive for a polluter to adopt alternative processes or invest in additional equipment to curtail releases to the environment than it would be for him to continue as before. Such taxes would supplement, and not replace, standards on maximum permissible emissions. These taxes should be imposed when the following conditions are found to generally prevail:

(1) For competitive or other reasons, cost-minimizing behavior tends to exist in the company or industry;

(2) The cost of abatement is expected to be significant, both in relation to revenue from sales and in absolute terms; and

(3) The quantity of pollutant released to the environment can be determined with reasonable accuracy, either by direct monitoring of every source, statistical sampling of a small fraction of many similar sources produced by a few manufacturers, or by indirect means. The cost of monitoring should be small in relation to the tax revenue expected in the absence of abatement.

As a first step, a tax equal to 20 cents per pound should be imposed on sulfur contained in fuels intended for combustion (with a rebate given to those who demonstrate that the sulfur was not released to the environment), and on sulfur emitted from smelters, refineries, and sulfuric acid plants. The tax on lead contained in gasoline proposed last year by the Administration should also be promptly enacted. The feasibility of taxes on the emission of nitrogen oxides, particulate matter, carbon monoxide, and hydrocarbons should be investigated in the next few months, for possible action on these air pollutants; studies should also be conducted on the practicality of similar taxes for the various water pollutants."

PART II: THE EMISSION TAX

(By Laurence I. Moss)

Environmentalists concerned with devising effective pollution abatement strategies must keep in mind that from the polluter's point of view it is cheaper in almost every case to pollute than to stop polluting. There are exceptions: pressures to abate pollution may lead to a search for new processes and occasionally one is found which is more efficient than the former process. But these have been few in number, as might be expected when over the years industry has refined its processes to approach an economic optimum with little or no value attributed to environmental quality. Now, with increasing public emphasis on the value of the environment, a new factor, the social cost of pollution, must be included in arriving at a new optimum. This new social factor will frequently involve higher production costs for industry.

This is the reason that the leaders of industry generally oppose effective abatement measures. They are not evil men. Rather, they work within a system where their performance and that of their companies are judged by the corporate profit and loss statement. When the corporate self-interest is coincident with society's interest, as it often is, the result is satisfactory. When the two interests are separate, the result desired by society is not achieved. This unhappy situation, when it exists, is not the fault of industry. It is the fault of society for not devising and implementing effective constraints and forces which would modify the decisions of industry to make them more consistent with society's goals.

The most common form of such constraints and pressures is the imposition of standards and regulations by the government. This can work well, but normally a number of conditions are necessary to achieve success.

An instructive example is the recent abatement of water pollution by mercury from industrial sources. The diaphragm process was an alternative to the mercury-cell process for producing chlorine. Means were readily available to greatly reduce the effluent from other operations in which mercury had been released.

The costs were relatively small, at least on the scale of operations of most of the companies involved. The 1899 Refuse Act was available and the Environmental Protection Agency and the Department of Justice were willing to use it to shut down non-conforming producers. It would not have been credible for a defendant in such a case to plead that the government was making demands which were impossible to fulfill. Finally, the number of polluters involved and the staff time and energy required for each were low enough so that the administrative and legal resources of the federal government were not overtaxed. As a result, there has been a very substantial decrease in effluent from industrial polluters, though the problem of mercury in water has not yet been solved.

But contrast the mercury case with that of the emissions of sulfur oxides, to pick an example where the standards by themselves are likely to be neither effective nor efficient. Enormous quantities of sulfur oxides—about 35 million tons per year—are emitted from powerplants burning coal and and oil, smelters, oil refineries, sulfuric acid plants, furnaces burning fuel oil, and other sources. The cost of significant reductions in emissions of sulfur oxides is likely to be large, perhaps several billion dollars per year. A proven technology to achieve these reductions, according to the National Academy of Engineering, is not yet available for powerplants which emit 55 percent of all sulfur oxides. Research and development of abatement technology have long been neglected. Even now, after years of discussion of the importance of the problem and specific mention of it in the President's energy resources message, the efforts of the public and particularly the private sectors to find solutions are inadequate in light of the magnitude and urgency of the task.

Indeed, it could easily be argued that not finding solutions serves the economic self-interest of industry. If they are found, then industry will be obliged to implement them, thereby substantially increasing costs of production and perhaps even drastically changing the way in which business is done. If they are not found or if government regulators cannot prove they exist, then industry will be able to present government with a choice of shutting down an activity vital to the economic welfare of the United States or postponing the implementation of the standards. Does anyone seriously believe that EPA in 1975 will shut down all fossil fuel burning powerplants in areas having concentrations of sulfur oxides in excess of the national ambient air quality standard, if a substantial portion of U.S. electrical generating capacity lies within such areas? And even if EPA pressed ahead, it would be possible for industry to delay effective action for years by spending a small fraction of what would be necessary for abatement on administrative appeals and litigation. In short, in a case of this kind, every profit-making instinct of industry would be oriented towards conducting token research and development primarily for its public relations value, withholding any significant results of that research, and delaying implementation of the standards by various legal tactics.

Thus a need exists to supplement the conventional regulatory process in these difficult cases in order to establish a condition under which government and industry are similarly motivated. Pollution taxes will fill this need by making it more costly for industry to continue to pollute than to stop. Under such circumstances it would be expected that industry would greatly increase its investment in research and development and quickly apply any promising technologies, if for no other reason than its return on this investment would be higher than that from competing investments.

The level of the tax should be such that the desired environmental quality—determined by social and political decisions in which both the measurable and non-measurable benefits and costs of pollution abatement are assessed—is attained within a reasonable period. The decision regarding the level of the tax is the equivalent of a decision regarding the desired environmental quality. Because of its inherently value-laden nature, such a decision should be made by Congress, in the full light of public awareness.

Another important aspect of the pollution tax strategy is its efficiency. By encouraging marginal cost decision making, it has the potential of achieving the desired level of environmental quality at the lowest cost. The social and political consensus that has been reached on the need for improving environmental quality could be jeopardized if large, unnecessary costs were incurred. For a given expenditure, a greater degree of improvement in the environment can be attained if it is allocated efficiently. An example of the possible difference in costs is seen in the results of studies by economist Robert H. Haveman, who has calculated that the net budgetary cost for five years of water quality control under an effluent charge system is $4.3 billion, as compared with $12 billion for the Administration proposal and $14 billion for that of Senator Muskie.

With specific reference to the case of emissions of sulfur oxides, the Sierra Club applauds the President's endorsement of a charge on such emissions in his environmental message last February, and again in his energy resources message. We believe that the measure should include the following features:

—A charge of 20 cents per pound of sulfur, achieved in full by 1975. This is greater than the estimated costs of abatement, which for most emissions range from about 5 to 15 cents per pound, but it is less than the measurable health and property costs to society of pollution from sulfur oxides which are estimated by EPA to be 25 cents per pound;

—Uniform application of the charge in all areas of the nation, both for administrative simplicity and to avoid creating havens for polluters; and

—Revenue from the tax should go into the general fund, rather than to a trust fund. The purpose of the tax should be to abate pollution, not to raise revenue, and hopefully, revenue from the tax would quickly decline as effective abatement is achieved. Other environmental improvement programs should be funded on their merits and not be dependent on this source of funds. Obviously, the Administration and Congress should feel obligated to authorize and appropriate enough money for administration, auditing and monitoring, and enforcement of the tax; however, the required amount for these purposes will be small in relation to the expected revenue.

Pollution taxes can be powerful instruments in implementing the environmental quality standards desired by society. They are particularly valuable and fill a present vacuum in the strategy of implementation in cases where there are no obvious technological solutions available, the industry would undergo substantial change upon implementation of abatement, or where the costs of abatement are high. These are the conditions which encourage, under the present system, opposition to and delay of implementation. With a tax set higher than the marginal cost of abatement, this undesirable situation would be changed; industries would find it in their own economic self-interest to abate pollution quickly and efficiently.

CHARLES K. PARKER, AUTHOR, EAGLE COLUMNIST, DIES AT 73

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CONTE. Mr. Speaker, one of the truly unique personalities of western Massachusetts, Charles K. Parker, of Pittsfield, died suddenly last Sunday. An author, teacher and world traveler, his knowledge of the Orient was surpassed only by his affection for its peoples. At home, Charlie Parker brightened the days of many people through his witty, urbane columns in the Berkshire Eagle and, earlier, as a news commentator for WBRK radio. Charlie Parker could be a staunch ally or a formidable opponent, but, regardless of political viewpoint, he was always a pleasure to be with.

As a longtime personal friend of Charlie Parker, I would like to share the following article from the Berkshire Eagle of November 29, 1971, with my colleagues in the House of Representatives. It described the adventurous life of a colorful, engaging individual, who will be greatly missed throughout the Berkshires.

The article follows:

CHARLES K. PARKER, AUTHOR, EAGLE COLUMNIST, DIES AT 73

Charles Kenneth Parker of 63 Pomeroy Ave., retired Eagle columnist and newsroom assistant, author, former radio commentator and teacher for 23 years in the Orient, died yesterday afternoon after being stricken with a heart attack at his home. He would have been 74 on Thursday.

Known by most acquaintances as Charlie, although he preferred the nickname Ken of his boyhood and Williams College days, he was a familiar figure in downtown Pittsfield with his cigar and cane.

A bon vivant, he liked to engage in "light conversation," as he called it, with congenial souls, usually over libations or food or both. He loved to talk with people of all walks of life and of varying shades of political, philosophical and religious persuasion.

A FLAIR FOR WORDS

Although some took exception to his views and philosophy, which were basically right-wing, they respected him for his erudition, unfailing congeniality and generosity. He had a flair for words which found expression not only in his conversation but also in his writing. It was not unusual for him to dash off a poem on a paper napkin or any piece of scrap paper that was handy.

His latest effusion was written a few days before Thanksgiving for Marcel E. Peltier, the Eagle Sunday Sampler's Inquiring Photographer. In answer to the question, "Do you think we have lost the significance of Thanksgiving?" he wrote:

"It's not that the Fourth of July and Thanksgiving Day have lost much of their significance, but that life no longer has the flavor it once had. The flavor caressed the heart as the pumpkin pie, walnut cake and canned raspberries of Thanksgiving dinner caressed the palate. Life has lost much of its flavor because we have been robotized in our tastes, devotees of insipid routines. Life is an adventure in taste. If we keep that spirit of adventure alive, our children's children will give thanks as most of us still give thanks in our hearts for a magnificent heritage."

AUTHORED TWO BOOKS

Mr. Parker was the author of two books and was writing a third. The first, "A Dictionary of Japanese Compound Verbs," in 1939 dealt extensively with the origin of the Japanese language. In 1950 "Dog Eats Moon" was published, a 500-page evaluation of the postwar situation in the Far East based on a series of radio talks the author gave on his WBRK program, "Rim of the Pacific."

A native of Pittsfield and graduate of Pittsfield High School, Mr. Parker was the son of the late Mr. and Mrs. Robert T. Parker of this city. As a youngster he was a member of Boy Scout Troop 1 of the First Methodist Church which, he proudly recalled, hiked to Saratoga, N.Y., and back.

AN EARLY ORATOR

At the age of 16 he made an impassioned speech excoriating the selling of ice cream on Sunday. He also exercised his oratorical abilities in denouncing the evils of drinking intoxicating beverages.

At Williams College, where he received his bachelor of arts degree in 1919, he was known as "Fuzzy" because of his crew cut. This term of endearment continued with his Williams classmates when they gathered with him at reunions.

Immediately after graduation he left for Foochow, China, where he lectured on French, English and modern history at Fukien Union University for two years. He then became a teacher at Osaka Higher School in Osaka, Japan, where he remained for 20 years.

While vacationing in Kobe, Japan, he met and married Shizu (Peace) Narishima, the daughter of a merchant, who had just returned from a year's trip to Europe. They observed their 49th wedding anniversary on July 11.

INTERNED IN JAPAN

Mr. Parker continued to teach at Osaka until five days before Pearl Harbor. He boarded the last ship to leave Japan for the United States on his 44th birthday, Dec. 2, 1941, but was forced to return to Japan and was interned from Dec. 15, 1941 until June 17, 1942 in Yokohama.

Mrs. Parker was not allowed to leave on the ship, but, when the couple were repatriated, she was permitted to come to the United States in June of 1942. Their daughter, June, had come to this country in 1941 to live with her grandparents and attend school here, later graduating from Wellesley College.

During World War II, Mr. Parker was attached to the Office of Naval Intelligence in Washington, D.C., for 3½ years, while Mrs. Parker taught Japanese to American military officers at Yale University.

After the war, Mr. Parker was sent with a group of ONI agents to take part in the bombing survey of Japan and also to serve in the military government under Gen. Douglas MacArthur for two years.

COMMENTATOR IN OHIO

On his return to Pittsfield, he was employed by radio station WBRK, leaving in 1951 to become a news commentator for radio station WLW and television station WLW–TV in Cincinnati, Ohio.

In 1954 he joined The Eagle and started writing a weekly column, "On the Other Hand," presenting the conservative point of view on national and international affairs. He also began a series of daily commentaries over station WBEC.

He retired from The Eagle on Sept. 30, 1964, but maintained an affiliation with this newspaper by writing the "Looking Back" column which appears on the editorial page.

POLITICAL BOMBSHELL

The Eagle was his office, especially after he had the telephone service to his home disconnected after engaging in a heated political campaign for a seat on the School Committee from Ward 4 in the fall of 1955. He tossed a bombshell at a PTA rally by charging the school administration with religious discrimination in its teacher-hiring policies and threatening court action under the Fair Employment Act.

An apology for the accusation was demanded by a member of the School Committee, and when it wasn't forthcoming, a cascade of vituperative phone calls, most of them anonymous, flooded the Parker home.

Soon afterward, he had the phone removed, and it wasn't restored until recent years. He lost the election by a substantial margin.

Besides his wife and daughter, Mrs. Max E. Goldman of Forest City, Iowa, and three grandchildren, he leaves two brothers, Claude A. of Stockbridge and Robert C. of Birmingham, Mich., and a sister, Mrs. Louis DeNagy of Hendersonville, N.C.

Funeral services will be Wednesday afternoon at 2 at St. Stephen's Episcopal Church. Calling hours at the Wellington Funeral Home will be Tuesday night from 7 to 9.

WHAT CONGRESS NEEDS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SCHWENGEL. Mr. Speaker, last Saturday's edition of the Washington Evening Star carried an article on how the White House is keeping track of Congress.

The point of the article is that it takes a computer to effectively keep track of all of the bills and other actions of Congress.

The point I make is that everyone else seems to be doing a better job of keeping track of what Congress is doing than Congress is doing.

The Committee on House Administration is making progress, but we need to accelerate our efforts.

The article in the Star tells us clearly how far behind we are:

White House "Aide": It Watches Hill for Nixon

(By Robert Gruenberg)

Question: Who at the White House knows most what's going on in Congress?

Answer: He (it) isn't at the White House. He (it) is a computer, linked to a network called Systems Response One. The computer is located 10 miles away, in nearby Bethesda.

Clark MacGregor, President Nixon's adviser on Congressional relations, confesses that too much happens on Capitol Hill for the White House to keep easy track of things.

But this untidy state of affairs has been solved—or almost so—by the mechanical brain which, in its development and operation for about a year now, has cost approximately $200,000.

White House officials, asked about it by the Chicago Daily News, at first were reluctant to talk. "I'm not trying to conceal it—but there's a lot of bugs to work out," one said.

But they did explain it, summoning two top officials of the Office of Management and Budget for a demonstration as well.

It turns out that, "bugs" or not, flickering some keys on what looks like an outsized typewriter keyboard can summon answers from the Bethesda computer at the rate of 600 characters a minute.

Richard Cook, one of MacGregor's subordinates who concentrates mainly on House legislation for the White House, can find out within minutes (at the rate of $5 an hour for the computer leasing) up to 180 answers about any one of 800 to 1,000 pieces of legislation in the parliamentary maze of Capitol Hill.

Between 20,000 and 25,000 bills are introduced in Congress each year.

Information on only those bills that White House legislative assistants and OMB aides feel are significant enough to keep a record on is fed into the system—and drawn out again.

Such data as the name of the bill, its sponsor, his party, its subject, the date the proposal was introduced, the House or Senate committee action on it—all the way to a presidential veto and a vote on the veto—come out.

The computer, also keeps vote records of the number of Republicans and Democrats for and against a measure—and whether President Nixon is "I-A" ("in accord," computer language) with the proposed measure.

"It's not doing voting analyses or voting profiles," says Cook, but he adds, "This is not to say we might not eventually look into those areas.

"One of its potential capabilities will be to record the floor votes by name . . . to have a capability of building up voting patterns on issues by members . . . such as how many times they voted on a (similar) bill."

It might even be possible to "develop a pattern of voting by subject matter to the extent that you could attempt to predict the outcome of floor votes on a proposal," he said. He added, however, "It would be a very risky proposition."

Cook said he "would never attempt to predict" the outcome of proposed legislation but, he said, "to the extent that you could predict, you could eliminate from consideration" the necessity to research the records of 60 to 70 percent" of the legislators, going back through reference material for the "past 5 to 10 years."

CRIES OF "1984"

His enthusiastic visions of the future—however qualified—cause shudders among other executive office officials.

Even the hint of an idea that Congress can be "programmed" to come up with what a president wants passed—as long as the planning for that result is based on the right "input" into a computer—has them climbing the walls with nightmares of public outcry over "1984" and "Big Brother."

They wont speak for the record, however.

Cook helped set up a somewhat simpler computer-indexing of bills for the House Banking and Currency Committee, a system now joined by the House Judiciary, Government Operations, and Interstate and Foreign Commerce committees.

He is enthusiastic over the time-saving capabilities of the White House "legislative tracking system," as it is officially known, and its possibilities for cutting down the payroll.

WHITE HOUSE WAS BEHIND

When he came to the White House legislative office, he recalled, he discovered that even the weekly legislative reports were "not reliable."

"Here was the White House—the presidency—even further behind than the U.S. House of Representatives!" he exclaimed.

"We were spending an hour a day out of 10 (hours) answering these dumb questions from congressional offices and legislative assistants wanting to find out where legislation is," he said.

All that, he said, led him to work up the present system.

"Hopefully," Cook said, "it will save time and money, but primarily it is to give more people on the staff accessibility to this kind of information.

"For instance . . . the press office would have accessibility to this, instead of calling us when we're in the middle of more important things like trying to get the votes.

"They'll be able to get the information themselves . . . if (Ron) Ziegler (Nixon's press secretary) wanted to know where such-and-such a bill was (in Congress)."

Among the machine's capabilities is locating legislation sponsored by individual House members or senators.

On a test run for a reporter, a search was made for legislation sponsored by Sen. Charles H. Percy, R-Ill.

Clickety-click-click-click, the machine ticked and soon nine bills sponsored by Percy were listed, ranging from one on historic preservation to a "Community Service Act" for middle-aged and older workers.

Another test run was made for Illinois Rep. Abner Mikva, a liberal Democrat who has introduced scores of proposals ranging from prison reform to abolishing detention camp legislation.

Clickety-click-click went the machine—and turned up blank.

THE POWER OF THE AGING IN THE MARKETPLACE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FRASER. Mr. Speaker, a recent article in Business Week discussed the power of the aging in the marketplace. This week the White House Conference on Aging, has set as its task the job of hammering out a national policy for what is fast becoming not only one of the country's largest and potentially most powerful minority groups but also one of the country's most troubling social issues.

The latest census figures show that the over-65 group is now expanding twice as fast as the under-65 group. These 20 million older Americans constitute 10 percent of the total population and, perhaps more significantly, 17 percent of the voting population.

I recommend the article to my colleagues:

THE POWER OF THE AGING IN THE MARKETPLACE

The over-65s are 10% of the population and increasing faster than under-65s, and they refuse to be ignored as consumers any longer.

"What we must build in this country—among all our people—is a new attitude toward old age; an attitude which insists that there can be no retirement from living, no retirement from responsibility, and no retirement from citizenship."—President Nixon, June 25, 1971.

In President Nixon's America, a rather stark fact confronts society today: People are retiring earlier, living longer, and having fewer children. The result is that in a nation that has long worshipped the youth cult, the retirement ranks are swelling, and the over-all population is actually growing older.

This creates enormous strains on an economy and social structure geared toward the young. Yet this country lacks any all-embracing policy or mechanism for dealing with the 20-million Americans who are 65-and-over. Later this month, more than 3,400 delegates will converge on Washington, D.C., for a five-day White House Conference on Aging, the second in 10 years. They have set as their task the job of hammering out a national policy for what is fast becoming not only one of the country's largest and potentially most powerful minority groups but also one of the country's most troubling social issues.

The latest census figures show that the over-65 group is now expanding twice as fast as the under-65 group. These 20-million Americans constitute 10% of the total population and, perhaps more significantly, 17% of the voting population. What is more, they vote in much higher proportions (70%) than younger voters.

For all their numbers, however, older Americans remain one of the most alienated, neglected, and misunderstood minorities in the country. Fully one-quarter live below the poverty level. Almost two-thirds of those living alone or with nonrelatives are poor or near-poor. Nearly all feel a squeeze on their fixed incomes.

IT'S A $68 BILLION MARKET

They also feel slighted and ignored as consumers. While their individual incomes may be low, averaging about half those of the under-65 group, they still represent an enormous market for all the necessities that a younger family requires. As in every population segment, there is, as well, a higher-income layer at the top that lives quite comfortably. And it is bound to grow as private pension programs expand their coverage and benefits. This group travels, buys cars, dines out at fancy restaurants, buys presents for the kids and grandchildren, and spends a growing share of its retirement dollar on leisure goods and services. Altogether, the over-65 market adds up to $60-billion. This is far larger than the vaunted and highly amorphous youth market—variously estimated at anywhere from $20-billion to $45-billion.

Adam Charles F. Adams, executive vice-president of D'Arcy, MacManus-Intermarco, raises the questions that more and more businessmen are privately asking themselves. "Have American marketers gone overboard in their courtship of the youth market? Have we, as marketers, ignored and possibly offended mature America in our obsession with young America?"

For Adams and many others, the answer is undeniably yes. "As I watch television and read magazines and attend movies these days," Adams says, "I sometimes wonder if anybody besides myself is over 30. There seems to be a conscious denial of middle age—and certainly of old age." TV ads continue to feature shaggy-haired surfers and long-limbed golden blonds swigging Pepsi or dashing around in Detroit's latest scat-abouts. Seldom does an older face show up, except in those stultifying ads for laxatives and denture adhesives.

Arthur S. Flemming (box), chairman of the White House conference and, at 66, a major symbol of leadership in the old-age movement, stresses that today's older Americans want and deserve what most younger Americans simply take for granted. "They want to be involved in life in a meaningful manner," he says. "They want to be part of the mainstream." European nations long ago recognized these needs and have gone far ahead of the U.S. in providing broader pensions, more health care, and the other economic and social necessities of the older generation. Above all, the elderly want dignity. "Too often," Flemming feels, "we have acted as though we were willing to apply the concept of dignity and worth only up to a particular age."

OLDSTERS ON THE MARCH

At this year's White House conference, scheduled for Nov. 28 through Dec. 2, Flemming hopes to complete the job that was only barely begun at the first White House conference, which he organized in 1961 as Secretary of Health, Education & Welfare under President Eisenhower. Altogether, that first conference generated 600 recommendations, some of which led to medicare, medicaid, and the Older Americans Act of 1965. This last act set up the Administration on Aging to coordinate federal old-age programs. Yet over-all, that conference fell far short of expectations. There was no planned follow-up at state and local levels, and many of the 600 recommendations were merely pious expressions of rights and wishes.

Neither Flemming nor anyone else going into the second White House conference expects instant miracles. Nothing short of a total reordering of national values would ever alter the elderly's place in American society. But Flemming does hope that the conference will help stem the depressing human erosion taking place among the aged. The conference could do this by simply helping to put more money in the pockets of the elderly, looking after more of their needs, and generally restoring their faith in a society that, up to now, has only frustrated and finally alienated them. "They recognize," Flemming says of his older constituency, "that society has made some attractive promises, but that our actions have not lived up to these promises."

Some of this will show up in policy and legislative recommendations that come out of the conference. These will touch on all the crucial areas of concern for the aged: industrial retirement policies, pensions, nutrition, health, housing, transportation, education, emotional problems, legal aid, employment, rehabilitation of the disabled, and the special problems of older blacks, Indians, migrant workers, and other disadvantaged minorities. At the same time, the conference should increase the pressure on Congress to pass some of the major old-age bills already pending, including the Administration's massive welfare reform bill.

White House conferences, of course, have a way of generating little more than soaring rhetoric. Even Flemming admits as much when he says: "I don't consider the White House conference an end in itself. It is part of an ongoing process." The conference will have done its job, he feels, if it just quickens the momentum.

Already, that momentum is gaining velocity. From city to city, older Americans are going on the march. In Boston, Chicago, Sacramento, and Philadelphia, the elderly are fighting for partial tax exemptions. In San Francisco and Philadelphia, they seek better housing. In Cleveland, Milwaukee, and New York, they want special transportation privileges. And in scores of other cities, they are campaigning for everything else from greater job opportunities and more liberalized benefits to reduced prices in movies, restaurants, and other private businesses.

To back up their demands, older Americans are also uniting on many election issues that affect them, and often they cast the deciding vote. This might be against a property tax increase or a school bond issue, or against a politician like California's former Senator George Murphy, who committed the political blunder of opposing medicare, expanded Social Security benefits, and other programs dear to the hearts of older voters.

"Senior citizens are seething, angry, and ready for action," says Zena Smith Blau, assistant professor of sociology at Northwestern University and author of Aging in a Changing Society, to be published next year. "We can't take a whole age group and put it to pasture and not have that affect the entire society."

"Since time immemorial," adds Herman B. Brotman, chief statistician for the Administration on Aging, "we've wanted to live longer. Now that we've achieved this, our society and technology have pushed older people out of all the roles that gave them status and function in our society. In an agrarian society, the older person represented a wealth of advice and knowledge. Today, all of the roles have disappeared."

Typical of the new senior militants is Henry A. Sherman, a hard-boiled, 74-year-old retired Army colonel and a delegate to the White House conference. Sherman recently organized an old-age political action group in Houston, and last month the group chalked up its first major victory: the promise of a senior-citizen fare reduction on city buses.

"When we get the fare reduction," Sherman vows, "then comes the gas, telephone, and lighting companies, and then the stores. We will take one group at a time and get them to give a special rate for senior citizens." With a glint in his eye, Sherman shrugs off any suggestion of "political pressure." But the politics is inescapable. "The pressure that we have is that we represent 133,000 people in the county 62 and above who will be very disappointed if they don't get any help. And the politicians know that these 133,000 are all eligible to vote."

THE CLAMOR GROWS LOUDER

Such political facts are not lost on Washington. All through the planning for the White House conference, the Administration has harped on how much the Republicans have done for the elderly, while its critics rail about how little has been done. Among a growing list of congressional supporters, "senior power" now counts among its chief allies Senators Frank Church, Edward Kennedy, Edmund Muskie, Charles Percy, Frank Moss, and Jacob Javits and Representatives Wilbur Mills and David Pryor. Even consumer watchdog Ralph Nader has called for an "old people's liberation movement" and set up a "Retired Professionals Action Group" to champion the causes of the elderly."

As yet, senior power does not constitute a bloc. It is barely even a movement, since it lacks cohesion, strong central leadership, or even direction. What it consists of is millions of oldsters going their separate ways and hundreds of small local groups, some of which have affiliated with one of two major national organizations based in Washington: the National Council of Senior Citizens and the American Assn. of Retired Persons. The NCSC claims 3-million members and is largely labor-oriented, while the AARP, with its sister group, the National Retired Teachers Assn., claims slightly more than 3-million members, mostly retired white-collar workers.

The job that older Americans have set for themselves is one of stupendous proportions. It involves no less than exploding the countless die-hard myths that have grown up around the aged and that nourish the sense of neglect, frustration, and misery many of them feel.

Many retired people, for instance, want to go back to work. They need the money and psychological lift that can come from a job. But most employers are leery of hiring older workers. The complaints are common: "They get sick, cantankerous, forgetful. They are set in their ways. Their learning capacity drops with age. They have less commitment to a job than a younger man.'

Studies show, however, that in many clerical and production jobs, older workers do as well, and sometimes better, than younger workers. George Rosenberg, professor of sociology at Case Western Reserve University and author of *The Workers Grow Old*, published last year, insists that older workers would be a "gold mine" for many companies. "Old people are just as committed as young people," he claims. "Their absentee rates are lower. They are steady workers and are serious and conscientious."

Old people may also have a stake in a job that no younger worker could ever appreciate. The president of an old-age job placement company on the West Coast gives an example: "We have placed at least 3,000 older men and women in jobs and gotten them back into the mainstream of life. One woman told us we saved her from suicide."

As they get older, some men even seem to get more flexible and adaptable, judging by the current trend toward regular or early retirement and then a complete switch in careers. One exceptional example occurred at the very top of the executive ladder. Paul A. Gorman retired from the presidency of Western Electric Co., became president and chairman of Penn Central Co., then moved on to the same spot of International Paper Co.—all within the span of 14 months. With Gorman's appointment at International Paper, former Chairman Frederick R. Kappel, who himself had retired as chairman of American Telephone & Telegraph Co., became chairman of International Paper's executive committee.

Right now, one-quarter of the country's 65-plus men are working part-time or full-time. That compares with two-thirds of the population back at the turn of the century before compulsory retirement became common. More significantly, older women—like younger women—are moving deeper into the labor market. Nearly 10% of the country's women 65-and-over are now working. In 1900, it was 8% of a far smaller population.

The question is not really whether oldsters can work or not, insists Hiram J. Friedsam, director of the Center for Studies in Aging at North Texas State University. "We've never really faced the issue," he says, "of what kinds of jobs older people can perform and how to absorb them into the labor market. We need to take a hard look at this."

One company that has taken a look is Harris-Intertype Corp., a leader in hiring retired top executives as consultants, particularly in technical areas. "It's all related to know-how," says Loren Miller, assistant to the chairman. "We're in a know-how industry, and we see no reason to let this know-how go simply because a man has passed 65."

Some department stores hire older women to serve older customers. Deere & Co., the farm implement maker, employs retired former workers as tour guides. Hastings College of Law, a part of the University of California, has achieved a notably rare distinction in this area: all of its 22 full-time teachers are at least 65 years of age, and all are cast-offs, or were about to become cast-offs, of colleges with compulsory retirement.

NOBODY WANTS TO BE OLD

The older American as consumer is also surrounded by myth. The biggest is that he wants his own individual style of apparel, shoes, food, and so on. The fact is that at a time when more and more consumer markets are being broken down by age, income, and other segments, the old-age market is actually blurring into the others.

"You have a psychological thing here," says John Howard, a Columbia University professor and co-author of *The Theory of Buyer Behavior*. "Many older people don't want to be reminded that they are old, and they often tend to react against advertising and marketing programs that separate them from the masses."

H. J. Heinz Co., for instance, discovered that many oldsters were eating the company's baby food. So Heinz packaged a special line of "senior foods." The product failed, largely because senior shoppers preferred to buy baby food and claim it was for the grandchildren. Some retirement communities face the same problem, partly because they isolate and all but ghettoize the aged. Partly for this reason, two of Del Webb Corp.'s three Sun City retirement communities, one near Tampa, the other in Riverside, Calif., are in trouble, and are even selling off part of their land. (On the other hand, Del Webb's third Sun City, located in Pheonix, is now up to 20,000 population and has just acquired another 11,000 acres for expansion.)

John A. Clausen, professor of sociology at the University of California, speaks for many when he describes the problem of housing for his 92-year-old father. Clausen does not want to isolate his father in an old folks' home. "There is nothing between the standard apartment and nursing home," he says. "There should be more apartments where meals are served. If my father had to go to a nursing home, it would kill him."

Older Americans are just as insistent when it comes to what they wear. "We find there is no such thing as an old woman any more," says Harry S. Robinson, president of Red Cross Shoe Div. of U.S. Shoe Corp., a big seller to the elderly. "From a style standpoint a few years ago, there was a much sharper demarcation between what grandmother wore and what mother wore."

Several women's wear manufacturers have also noticed this and have recently abandoned their lines of apparel for "mature tastes." Says the president of one such company in Dallas: "It was a shrinking market. People don't want older-looking clothes. Most of the older women want to look like their daughters, and generally they can."

The only answer is what one university professor calls a "trans-generational strategy"—marketing to several specific groups at once without alienating one or the other. Greyhound Corp., which does 35% of its business among the older set, has refined this to an art. Its ads feature both youngsters and oldsters having a great time aboard a bus. In the liquor industry, Roger M. Coleman, senior vice-president of Brown-Forman Distillers Corp., calls it "fence-straddling." Says Coleman: "You want to keep your old and valued customer, and yet you want to appeal to the new drinker who's turning 18 or 21."

One of the newest examples of trans-generational marketing is U.S. Foods Corp. of Houston, a shop-by-phone grocery and drug service set up last year. Though the company's best potential customers are 60 and over, its advertising never speaks to them as the elderly. "The aged don't want to be classified as old and helpless," says President William Rogers. "We just market to their needs." A typical ad reads: "If transportation is a problem, we are the company to solve it."

And is transportation a problem? "I got a call from a lady the other day who was just starting to use our service," says Rogers. "She said it was her 76th birthday and that we had made it the greatest birthday she had ever had, and she cried like a baby."

In their shopping, elderly consumers tend to be more cautious than younger consumers, more set in their preferences, and shrewder comparison shoppers. They buy nationally advertised brands. They will usually pass up new products and stick by the older, established ones. They favor larger chain stores and shun small specialty outlets, especially those that gain a name for catering just to the elderly. As Robert Sakowitz, executive vice-president of Houston's Sakowitz, Inc., notes: "It would be suicide to say, 'Come, old people, shop with us.' "

Joseph Reese, a 69-year-old retiree who lives in a grim, rundown area of North Chicago, says: "I don't buy imported shirts, and in the grocery line, I won't go for imported beef or products. I watch prices to see if they are raised, and I always read the ads in newspapers." While Reese generally shops with national chains, he will buy milk and produce from independents. "But I shy away from meats in the independents and watch the turnover of perishable products."

Higher-income retirees change in subtler ways. "I'm buying a Chevelle this year, instead of a bigger car," says Alfred Teplitz, a soon-to-be-retired research engineer at U.S. Steel Corp. "I don't need a big car and all that gas expenditure anymore." Now that he is retiring, Teplitz may postpone, as well, the purchase of a new dining room set.

David Bernstein, a 61-year-old former manufacturing executive, feels the same way. After retiring, he sold his home on Long Island and now he and his wife live in a posh Miami apartment. "Our spending pattern has definitely changed," he says. "An expensive apartment still costs less than a home and gives greater freedom for travel and entertainment." Bernstein expects entertainment to be his largest expense in the next few years. Travel will rank second, and clothing third. Cars, which he calls "an evil necessity," rank far back on his list. His only hope, he says, is to "find one that can stand up for a period of years without too many visits for replacements or servicing—a car that is safe and manageable to drive." His investment tastes run in the same direction. He is now more interested in high-yield securities, such as bonds. He shies away from stocks because of their uncertainties.

Bernstein, Teplitz, and other upper-income retirees are far less cautious when it comes to travel and other recreational activities. In fact, Samuel N. Mercer, a vice-president of Pacific Far East Line, notes a "marked difference" in the attitudes of his company's over-55 cruise customers from those of five or 10 years ago. This probably reflects their greater affluence. "They are a much younger feeling crowd," says Mercer, "more swinging and livelier. They seek more entertainment than they used to and more services too." Mercer also feels that today's seniors are "more sophisticated. They are more knowledgeable, have broadened their horizons, and are more willing to travel to new places. Since they have been conditioned to the world's unrest, an uprising that would have deterred them previously does not frighten them off now. They just barge right on out."

Following the lead of other companies, Pacific Far East does not aim its advertising directly at the over-55 crowd, though this represents the bulk of its business. "We show a mixture of people," says Mercer, "but not too many children. We tend to show a very old-looking lady of 75, though she might be in the background."

For the company that can meet the complex needs of the older market, there are rich dividends. Colonial Penn Group, Inc., which provides the aged with travel services, insurance, and temporary job placement, has built up a $100-million business that is growing 15% to 20% a year. The company works closely with the AARP, the NRTA, and more than 80 client organizations of older people.

"Back in the mid-50s," says its chairman and chief executive, John J. MacWilliams, Jr., "we spotted the need for group style health insurance and developed the first group-style program for retired people. It had been a neglected market. Companies had been frightened to get into it." Then, in the early 1960's, Colonial developed a direct mail, life insurance program tailored to the aged. Four years ago, it began mass marketing old-age auto insurance. "We find," says MacWilliams, "that older drivers are better drivers, particularly the ones who drive 3,000 to 4,000 miles a year. Their exposure to accidents isn't great. They seldom have accidents involving high speed, death, or drunken driving." MacWilliams will not discuss other areas, but does say: "We're not going to stop here."

Like all myths, those about the aging die hard. But even the largest and most persistent myth of all—that the elderly are quiet, sedentary, and hopelessly resigned to their obsolescence—is at last beginning to yield to a few realities. And this false picture will continue to undergo revision as the country faces up to a challenge that no nation has ever confronted before: how to function with a longer-living, shorter-working, and relentlessly aging population.

James E. Birren, director of the Gerontology Center at the University of Southern California and a delegate to the upcoming White House conference, describes the U.S. even now as "a nation of the retired"—if only because of the explosive growth of that segment of the population. In the future, he feels the problems of aging will be further complicated by a change in generations. "The present older generation continually seeks economic security and a place to live. But another generation is coming along very soon that is motivated differently. They have more education, better retirement benefits, and they are better consumers." The inference is that they will want, and demand, far more out of life than money in the bank, a roof over their heads, and a gold retirement watch.

This market is bound to grow not only in size but in the breadth of its needs. "We are a society now that is putting its whole security in the hands of bodies beyond ourselves—government, insurance, pensions, and so on," notes James F. Engel, a professor of marketing at Ohio State University. "So the security problem is being taken off the individual. This can only mean that in the future, it's going to be a market with a lot more discretionary income"—and a lot more ways to spend it. Engel predicts a greater emphasis on learning among the aged and "educational thrusts of all kinds."

THE COMING REVOLUTION

Yet there is also some question as to how willingly this new retirement generation will even retire. Some experts claim they will not go quietly at all, and within the next 20 years, they predict a labor problem of "crisis" proportions. "We have to reduce the nonfunctional reasons for retirement and find ways of keeping these people in the labor force," says one university professor. "It's a very serious problem, the kind of thing we can see coming over the horizon. Employers will have to think about redesigning jobs."

The average worker, for instance, now spends one-quarter of his life in school, one-half in work, and one-quarter in retirement, in that order. "Instead of dividing life into these distinct phases," suggests Chicago's senior-citizens division director, "we need to mix them up over the whole life span." He cites the example of Xerox Corp. Under a new program, certain Xerox employees are now permitted leaves of absence to teach handicapped children, to work in the ghettos, or perform any other nonpartisan good works they choose.

Some sociologists feel there should be a similar shakeup in the retirement process itself. For the present, at least, retirement will continue to be sudden phenomenon with full work one day and full retirement the next. "But during the next several decades," says Robert Wray, retired chairman of the University of Georgia's Council on Gerontology, "it would be desirable if retirement came about more gradually, perhaps with a shortened work week, work day, or longer vacations."

Something must also be done to resocialize the aged into other roles that give retirement years some meaning. This might involve more training programs for those who want part-time or full-time work. It might also mean more volunteer jobs, such as working with shut-ins, planting and beautifying community areas, acting as "foster grandparents" for retarded children, and so on.

In many ways, today's crisis of aging is simply a crisis of dignity and respect. "Older Americans represent an important economic segment, and they just don't want to be ignored anymore," says William Fitch, executive director of the National Council on the Aging, a private, nonprofit educational and training organization. "In the future, I don't think either industry or our politicians will be able to look the other way."

"What we have to bear in mind" adds Peter Dickinson, editor-in-chief of *Harvest Years*, a retirement magazine, "is that we are not just talking about some small minority. We are talking about all of us in the next 10, 20, or 30 years, assuming we don't depart the world ahead of our time. And this has got to give the problems of aging more urgency in the coming decade."

ARTHUR FLEMMING: AN OLD CHAMPION OF THE ELDERLY

There may be a generation gap between youth and the middle-aged, but between youngsters and oldsters? Not at all, says Arthur S. Flemming, the courtly, mild-mannered chairman of the upcoming White House Conference on Aging. "There's a real affinity between the aged and youth," he insists, "because they face a common enemy—the middle-aged. The middle-aged tell youth, 'You're too young to deal with the problems,' and they tell old people, 'You're over the hill.' "

While the White House conference may not bring the elderly back to the summit, Flemming hopes it will at least put them on higher ground. One answer, of course, is for the federal government to become more and more involved with the elderly. But it cannot stop there, "States won't be able to walk away from the issues," insists the 66-year-old former Secretary of Health, Education & Welfare. "And there should be increasing involvement of the private sector in voluntary assistance."

BACKGROUND

Flemming's own involvement with older Americans goes back to 1942, when President Roosevelt appointed him to the War Manpower Commission. There, Flemming helped mobilize old people for essential jobs in the civilian work force.

After a postwar stint as president of Ohio Wesleyan University, Flemming returned to Washington in 1951 to oversee manpower programs in the Office of Defense Mobilization. In 1958, President Eisenhower named him to head HEW. In that role, Flemming laid the groundwork for the 1961 White House Conference on Aging. Following the Eisenhower years, he became president of the University of Oregon and then, Macalester College.

Since his latest appointment in April, Flemming has been on a nonstop travel schedule, attending regional preconference planning sessions and dealing with all of the internal pressures and forces at work within the old-age movement. At one stage, blacks were claiming that the conference was being stacked in favor of whites; many oldsters claimed it was being stacked in favor of "professionals," and others complained it was being stacked with pro-Administration delegates. Dissension reached such a pitch that the National Council of Senior Citizens even threatened to pull out. With the skill and aplomb of a seasoned diplomat, however, Flemming quickly restored balance and calm.

SKILLS

"Arthur has the uncanny ability," says one Washington colleague who worked with him during his Eisenhower years, "to ferret out of a complicated jumble of arguments a course of action that will be acceptable to almost everyone. He's like a machine that can take in and weigh and integrate and balance conflicting pressures, then come up with a solution not way over on one side or the other."

In the regional conferences he attended, Flemming found oldsters particularly concerned about retirement programs in industry. "They're almost bitter toward personnel policies that require retirement at an early age," he notes. "Business and industry could profitably reexamine this policy of retirement at a set age." But Flemming acknowledges that oldsters "realize the tide is running very much against them."

At the same meeting, Flemming also heard pleas for "real" preretirement counseling. "They're not talking about programs which give them details of their pensions and a few essential facts," he says. "They're talking about programs that start years before retirement." Flemming found pensions themselves just as much a concern. "They are definitely asking for a national policy of vesting after a number of years, of portability, and federal supervision over payments. This will be one of the liveliest topics of discussion at the conference."

National old-age leaders give Flemming high marks for his planning and organization of the conference. "It's coming around to a potentially responsive activity," says Bernard E. Nash, executive director of the American Assn. of Retired Persons. "Dr. Flemming has done everything he can to open his conference and make it a people's conference." On the broader problems of aging, Nash adds, "We've just been changing light bulbs instead of the entire electrical system."

THE QUESTION

Nelson Cruikshank, president of the National Council of Senior Citizens, poses the ultimate question, however: "Assume for a moment that a good, dynamic, positive, and reasonable program comes out of the White House conference—and I'll say that's a big assumption—it's going to cost billions. Where will the Nixon Administration be then, and what will it do?"

Flemming has no doubt that the Administration will do its duty. Politically, there may be no other choice.

FLORIDA: THE IMPACT OF AN AGING POPULATION

Florida has long cherished its reputation as the playground of America. Now it is fast becoming the living room, bedroom, and kitchen for the aged of the country.

The 1970 census shows that Florida passed five other states in the last 10 years to become the nation's No. 1 haven for people over 65. They represent 14½% of the state's 6.8-million residents, or nearly 1-million people—almost double the number 10 years ago. Like a hurricane swirling out of the Gulf, the impact of this generation on the state's economy and politics has been shattering, and in many ways may foreshadow what is to come in other states as the number of older Americans inches higher.

THE NUMBERS

Miami Beach, for instance, may be loaded with lavish hotels and hordes of sun-worshipping vacationers. But the last census shows that its permanent population of oldsters is up to 42,000 or nearly half of the city's residents. In St. Petersburg, the over-65 crowd has grown to almost one-third of the population. Then there are the state's other meccas for the geriatric set. Cape Coral (24%), Clearwater (29%), Pompano Beach (22%), Port Charlotte (33%), and Sarasota (26%).

Two of these bustling cities, Cape Coral and Port Charlotte, barely existed in 1960. They were both developed by the big land companies that are cashing in on the boom and, in many ways, even feeding it with their huge promotions, easy financing, and hard-sell merchandising—Cape Coral by GAC Properties, Inc., and Port Charlotte by General Development Corp.

When they started out big in the 1950s, Florida's land companies were mainly in the business of selling just that: land. It was easier and the profits were bigger. But more and more, the land companies now feel that putting homes on the land adds "value" and is a good way to lure more customers. "Our whole pitch," says Neil E. Bahr, executive vice-president of Deltona Corp., "has always been to bring people to see for themselves what we have to offer. It certainly assists our sales efforts when they see homes and happy people living in them."

Not all retirees, of course, flock to the land companies. Over the last few years, more and more of the wealthier set have moved into condominiums. Arvida Corp., which sells high-rise, high-priced condominiums, estimates that up to 80% of its customers are 55 years or older. "I'd say at least half are retirees, 30%-35% are contemplating retirement, and the rest are still actively working," says Arvida President Brown L. Whatley.

Improved jet travel is one reason for the boom. "In the 1940s when an elderly couple moved to Florida," says an assistant vice-president at General Development, "they were separated from their children by at least 48 hours, the time it took to drive from the North. Now they're only two or three hours away." With improved pension and other retirement benefits, far more retirees can also afford to relocate in Florida. Then there are the biggest factors of all: the climate, which makes living cheaper and better, and the state's low taxes.

THE PROBLEMS

In their wake, however, the oldsters have brought some problems. Miami Beach hotelman Morris Lansburgh recently went before the Dade County Tax Adjustment Board and sought a tax cut on his hotels because of what oldsters were doing to his business. "With all deference to senior citizens," he testified, "regardless of how hard we try, we are on a downward trend [in the hotel business] because of the condominiums and the excess of housing and the people living on Social Security." On the one hand, the more well-heeled elderly are moving out of hotels and into apartments or condominiums. On the other: "The tourists who spend money don't want to come to an old folks' home for a glamorous vacation."

The influx of elderly is creating waves in politics, too. Older voters were the deciding factor in electing two political unknowns to major office: Democratic Lawton M. Chiles, Jr., to the U.S. Senate and Democrat Reubin Askew to the governorship. "The one thing the seniors have in common is fiscal conservatism," says Donald Petit, a veteran campaign manager. "They want more money out of Social Security and medicare, but they'll fight you over taxes they have to pay themselves. Askew had the perfect ploy. In promoting a corporate income tax, he offered a way to raise tax money that wouldn't come out of the oldsters' pockets."

One seasoned political observer in Miami adds: "The important thing is that the seniors' vote. They have time to study issues and candidates, and they love to be wooed. You go to them, and they don't forget it. Send them a letter and they're thrilled. They're getting more powerful in Florida each day, and the politician who takes them for granted can't win."

JUVENILE JUSTICE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. RAILSBACK. Mr. Speaker, the seriousness and enormity of our juvenile delinquency problem demands a new approach.

Statistics on juvenile crime are shocking. According to the FBI's recent Uniform Crime Report, the involvement of young persons in crime as measured by police arrests is escalating at a pace almost four times their percentage increase in national population.

Youngsters 18 and under are responsible for one-half of all serious crimes in the United States. This is particularly distressing since their acts generally represent only the beginning of a life at odds with society—50 percent to 75 percent will be arrested again.

I believe H.R. 45, legislation to be considered on Monday, December 6, under suspension of the rules, provides at least a partial answer to our crime problem. Briefly stated, this bill creates an Institute for Continuing Studies of Juvenile Justice. The primary functions of the legislation are threefold: First, to provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency, patterned after the FBI Academy; second, to provide a coordinating center for the collection and dissemination of useful data on treatment and control of juvenile offenders and the juvenile justice system in general; and, third, to prepare studies on juvenile justice including comparisons and analyses of State and Federal laws and model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The training program which the Institute would operate is a matter of the highest priority. As Judge Harold J. Wollenzien of Waukesha, Wis. explained:

> There are inadequate facilities in many parts of the country to deal with the juvenile delinquent, and we need a major program to deal exclusively with the juvenile and provide expertise and training and education to all of the persons who deal with the juvenile daily.

Another priority of the Institute would be the coordination and gathering of information on the various programs dealing with juvenile offenders. Thomas G. Pinnock, Deputy Director of the Department of Institutions for the State of Washington, has called for "a central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of the information to those directly involved with the problems of youth." H.R. 45 establishes this clearinghouse.

Finally, the third priority of the Institute will be to analyze statutory provisions, develop model laws and codes, and make appropriate recommendations. This function holds much promise for steps to be taken to clear the existing confusion in our juvenile justice system. The American Bar Association and the American Law Institute have achieved striking results with a similar approach.

Support for H.R. 45 has been gratifying. Over 100 Members in the House are cosponsors of this bill, and 19 Senators have sponsored identical legislation. Support has also come from some of the best known authorities on the subject of juvenile delinquency in the country. I now insert a few of the many telegrams and letters that have been received from around the country in support of H.R. 45.

Milton G. Rector, Director, National Council on Crime and Delinquency, letter dated October 28, 1971:

We are writing to you to express our strong support for H.R. 45, the bill to establish an Institute for Continuing Studies of Juvenile Justice.

As you know we testified before your committee on July 29, 1970 concerning H. R. 14950, H. R. 45's predecessor in the 91st Congress. At that time, we strongly supported the concept of the bill and continue to do so. However, in our testimony before the committee we suggested that the Institute be lodged in either HEW or LEAA. This suggestion was based on the then existing plans of those two agencies.

Since that time our hopes for HEW and LEAA were not realized. In the last fiscal year LEAA only planned to spend 14.6% of their state block funds in the area of Juvenile Delinquency. Of this pitifully low amount only 14.1% was spent on training.

HEW's performance has been equally disappointing. In the last fiscal year they expended only 12.9% of their resources on training. We have been informed by officials from HEW/YDDPA that in the present fiscal year they do not plan to spend any funds in the training area. This decision, made apparently in the face of the 1968 Juvenile Delinquency Act, is most discouraging.

Therefore, we would like to modify our previous testimony and urge that the Institute as described in H. R. 45 be enacted by Congress.

Daniel P. Starnes, State Director for Georgia, National Council on Crime and Delinquency, letter of June 14, 1971:

I feel that the establishment of such an Institute is a positive approach to juvenile corrections. The system of juvenile justice is so fragmented now and inefficient that it will take federal legislation such as H.R. 45 to bring some order to a chaotic system.

Judge James H. Lincoln, president National Council of Juvenile Court Judges, telegram of October 26, 1971:

The National Council of Juvenile Court Judges is the largest association of judges in the nation with approximately 2,000 members. Our jurisdiction covers over 80 percent of the population of the nation. NCJCJ does not often support federal legislation. We do so when we are convinced that the legislation is of vital national concern and related to juveniles.

We have stated our position in detail by appearing before the subcommittee. Numerous letters have been written detailing our position.

It is not the purpose of this telegram to again make a detailed statement. It is my purpose as President of NCJCJ to again reiterate our very strong support of H.R. 45.

We have had long experience with dealing with the present departments and agencies in Washington concerning matters relating to juveniles. We have an abundance of grass roots knowledge of problems at the local level. We know that H.R. 45 is long overdue legislation. We urge favorable action.

Byron B. Conway, Wood County Judge, Wisconsin, letter of October 22, 1971:

I am a past president of the National Council of Juvenile Court Judges and that organization has taken a deep interest in the passage of this bill since it (H.R. 45) was introduced. The bill is also supported by the National Council on Crime and Delinquency, the Association of Parents and many other sincere organizations that deal with the problems of children.

The juvenile court has become a "whipping boy." People must realize that we do not have a magic wand to accomplish our purpose. We must have adequately trained personnel.

Orman W. Ketcham, judge of the Superior Court of the District of Columbia, letter of October 26, 1971:

At the request of the Committee on Family Law Judges (of which I am chairman) the Family Law Section of the American Bar Association adopted a resolution last July in New York City endorsing in principle H.R. 45, and urging the establishment of an independent Institute for Juvenile Justice.

An independent Institute for Juvenile Justice whose primary function is to find and impart improved ways to curb youth crime is greatly needed. H.R. 45 is a bill which, if enacted, will make a belated, but necessary beginning in this area where federal guidance has not previously been forthcoming.

Everett L. West, judge, Benton Circuit Court, Indiana, letter of October 22, 1971:

I sincerely appreciate your efforts on behalf of H.R. 45 which seeks to establish a National Institute for the training of juvenile court personnel and which further provides for the collection and dissemination of information concerning all programs that may be available to Juvenile Court Judges in the handling of children already adjudicated to have been delinquent.

I am writing this as a judge of general jurisdiction, including that of juvenile court jurisdiction. I find myself unable to find any method whereby probation officers may be trained or whereby standards for probation officers may be found. I have also had any number of instances where after I have made disposition of a case, I have learned that there is in existence Federal programs which would have assisted me in arriving at a better solution.

I am quite certain that the only method to upgrade juvenile court personnel and the handling of juvenile court problems is by the establishment of a judicially oriented training center that is independent of all other agencies. This should do for Juvenile Courts what the F.B.I. has been able to do in training police personnel.

Hope Eastman, acting director, the American Civil Liberties Union, letter of October 26, 1971:

The American Civil Liberties Union strongly supports H.R. 45, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

This legislation represents an imaginative effort to deal with (lack of resources) this problem. It would provide training programs and facilities for persons connected with the prevention, control and treatment of juvenile crime and delinquency. It would also establish a national clearinghouse of information and studies on juvenile delinquency and the juvenile justice system.

Trained personnel and greater knowledge are essential to achieving the specialized treatment and rehabilitation of juvenile offenders which is necessary to halt the alarming increase in juvenile crime and delinquency.

As the National Crime Commission reported: "One reason for the failure of the juvenile courts has been the country's continued unwillingness to provide the resources—the people and facilities and concern—necessary to permit them to realize their potential."

We, therefore, hope that both the House of Representatives and the Senate take early action on this important legislation.

Mrs. Barbara D. McGarry, executive director, American Parents Committee, letter of October 14, 1971:

The enormity of the problem (juvenile delinquency) clearly calls for a new approach, in view not only of financial drain, but, most importantly, in reclaiming the misdirected young lives of that segment of the nation's most important natural resource—its children. This new approach is soundly realized in H.R. 45.

Precisely because of lack of Departmental inertia toward the mounting problem of juvenile delinquency, it is necessary to establish an independent Institute of Juvenile Justice, where Federal funds can be targeted directly to alleviating this problem—both by the training of special probation officers, intake and aftercare personnel, and by determining which programs show the greatest promise in controlling juvenile delinquency and in effectively rehabilitating the youthful offender.

"Legislation Memogram" from Mrs. Walter G. Kimmel, PTA, Memogram issued September 20, 1971:

H.R. 45 is a proposal to establish a National Institute for Continuing Studies of Juvenile Justice.

We believe the bill contains many elements of juvenile treatment and control that are much needed, and we would like to see the bill reach the floor of the House for consideration.

David McCord and James Burton of the Georgia State Department of Family and Children Services, letter dated June 17, 1971:

As social workers with a total of over ten years experience in the Juvenile Justice System, we feel this (H.R. 45) is a needed resource.

Robert A. Kettel, Chief Probation Officer, Juvenile Court of De Kalb County, Decatur, Ga., letter dated June 16, 1971:

I am writing with reference to House Bill 45 which I wholeheartedly support. This bill establishing an Institute for continuing Studies of Juvenile Justice is one that has been needed for some time.

As a professional in the field of juvenile corrections, I welcome the opportunity to give my support to such an effort. House Bill 45 does so much in needed areas of Juvenile Justice. If passed, it will really give us help in finally reaching the real problem in the handling of the juvenile offender.

David L. Daniel, director, Cook County Department of Public Aid, Chicago, Ill., letter dated May 24, 1971:

I am writing you in the interest of the establishment of a National Institute of Juvenile Justice as sponsored by the House bill H.R. 45 and the companion bill S. 1428, now pending in the 92nd Congress. This bill was based upon a resolution of juvenile justice approved by the 1970 White House Conference on Children, and I am informed that it has bipartisan support.

The Department is very much concerned about the welfare and justice of youths and we recognize the need to coordinate, at least on a federal level, all of the various and numerous fragmented programs and findings that are now in existence to help and improve the status of our young people. We believe that it will make in the long run, for a more uniform and planned administration if a National Institute of Juvenile Justice were established that would coordinate and direct all of these various programs.

The current definition of youth, related to chronological age, offense, and court procedures, is to a large extent obsolete. There is a vital need to have a National Institute which would research the entire problem in order to establish a body of knowledge that would indicate needed changes in law as well as qualifications for professional staff to work with offenders. It would offer all the States some uniform guidelines to follow instead of every State dealing with offenders by its own interpretations through numerous institutions.

I wish to express my support for the establishment of a National Institute for Juvenile Justice.

America's best hope for reducing crime is to reduce juvenile delinquency. I hope we begin this task by passing H.R. 45 on Monday.

MINNESOTA RABBI DELIVERS MOVING PLEA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. NELSEN. Mr. Speaker, at an open forum of the White House Conference on Aging chaired by former Supreme Court Chief Justice Earl Warren, Rabbi Noah Bernstein, of Minnesota, delivered a most eloquent plea for a changed public attitude toward the aging. Rabbi Bernstein, of Duluth, who is Upper Midwest Director of Merko's Chaplaincy Service as well as a social worker, stressed the primary need of all parents to provide their children with a sound religious education in order to foster respect not only for our Creator, but for all His creatures of whateaver age.

Under permission previously granted, I include Rabbi Bernstein's complete remarks at this point in the RECORD:

REMARKS OF NOAH BERNSTEIN, OF MINNESOTA, BEFORE THE WHITE HOUSE CONFERENCE ON AGING, 1971, SUPREME COURT CHIEF JUSTICE EARL WARREN, CHAIRMAN

Thank you Mr. Chairman, We have all gathered here in Washington because we realize that the attitude of society toward the aging must change.

We must reverse the current trend of utter disrespect for aging and build a society where one can age with dignity.

Children must be taught that respect due to parents and interest in their well being is not a two day a year affair—mothers day and fathers day, but a 365 day a year matter. This pertains to parents of any means—whether indigent or affluent, not only with regard to material help but also to their emotional well being.

I know of a case where a son provided a lavish meal for his aging parents and the parents felt degraded because he threw the food in front of them and said "eat"! I also know of a case where a son had nothing to offer his mother but a glass of tea but served it to her with love and care and a smile of satisfaction broke out on her lips. The name of the game is genuine concern.

How can we teach genuine concern? By teaching children while still young of the existence of G-d and that morals and ethics emanate from G-d. Children taught respect for G-d, the creater of the world, who sustains the world and cares about our well being will be taught G-d's command to respect their parents and the aging in general.

We should strive to give our children the maximum religious education but at the very least there should be a nondenominational regents prayer where one is taught of the existence of G-d and our reliance upon G-d for our daily sustenance and our well being.

We must also influence children by personal example. If parents treat their parents with respect and show concern for their well being then their children will learn from their example and show more respect for them.

Also funds for adequate programs must be made available in the public and private schools as well as through the multi-media, television, radio, newspaper, etc. on a daily or steady basis to educate and show how to respect, help and relate to the aging.

It should also be stressed that respect due to parents and aging is commanded by G-d and this will give greater mood to society to fulfill their obligation to the aging.

This will then reverse the trend of the utter disregard of children for parents and society for the aging and help build a society where one can age with dignity and where the aging will become the moral and ethical guides for the coming generations.

COMMUNITY DEVELOPMENT TESTIMONY AT WALNUT RIDGE, ARK.

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ALEXANDER. Mr. Speaker, I would like to make a part of today's record testimony from the community development needs hearing that I recently held in Walnut Ridge, Ark., which I believe will be of particular interest to my colleagues in the Congress who are interested in national growth and development problems.

This testimony will be of special interest for two reasons. The comments by Mr. Lawrence Hamilton, director of the Neighborhood Service Center of the Crowley's Ridge Development Council, Inc., concentrate on the problems facing low-income persons in First Congressional District. Mayor B. H. Johnson of College City, Ark., is a commercial airline pilot who chose to live in a small town and commute to his job in a metropolitan area. Mayor Johnson employed the knowledge and insight he has gained from his activities as a public official and as a frequent traveler to major cities in preparing his testimony.

The testimony follows:

STATEMENT BY LAWRENCE HAMILTON, NEIGHBORHOOD SERVICE CENTER, DIRECTOR, CROWLEY'S RIDGE DEVELOPMNT COUNCIL, INC.

(Prepared for Congressman BILL ALEXANDER, First District Field hearing on Proposed Community Development Bank, scheduled for October 23, 1971, at Walnut Ridge, Ark.)

Congressman Alexander, I am Lawrence Hamilton, Director of Neighborhood Service Center Program for Crowley's Ridge Development Council, Inc., serving Craighead, Greene, Jackson and Poinsett Counties in Arkansas, with community action programs that deal with the problems of poverty. I thank you for the opportunity to appear and present my views pertaining to the social and economic development of our area.

Our area has experienced a change over the past twenty years that has resulted in the loss of manpower and brain power. The struggle to establish an industrial basis in transition from a predominately agricultural economy was accompanied by an alarming loss of population by migration. This trend has stabilized and possibly reversed itself in some areas, sufficiently to reduce a great cause for alarm. The trend from a rural to an urban population continues, but at a reduced rate in recent months. The average per capita income in the area is rising, but not rapidly enough, especially in some areas. Per capita income statistics does not necessarily provide an accurate gauge as to the standard of living enjoyed by residents of the area.

The continuing of industrialization to bring a desired balance between agriculture and industry, will depend greatly in the future on federal assistance through loan and grant programs to assist state and local governments develop a comprehensive development program.

Crowley's Ridge, extending north and south through the entire area of East Arkansas Development District and including three of the four counties covered by this report, is a natural asset for pleasant living and for the attraction of tourists. It must be developed carefully and progressively. To accomplish this, there is a urgent need for a complete land use study. Thousands of acres of fertile lands composing the bulk of our area should be protected from flooding, wind and other erosion and used with increasing thought for the great potential of feeding our own and other residents of our country. By turning over lands to the production of foods and then insisting that all of our extracted land products be processed on these lands, we will be able to go far in providing profitable employment for a large segment of our people who are presently unemployed.

We need not capitulate to the philosophy that a large percentage of our residents must always be poor and live at the expense of the rest. There is sufficient brain power among us to devise and activate means to utilize presently wasted power, human and natural resources to produce for the common good. Our policy on poverty must be to relieve suffering only until the causes of poverty are diagnosed and removed. Of course, there will ever be pockets of poverty with which to cope, but the physically able must be shown the way to prideful, happy and remunerative productivity by providing them the opportunity to help themselves.

The Fact Sheet pertaining to this hearing stated that information should be given concerning the most urgent needs of cities and counties. I feel this can best be stated by the people who are the greatest affected by the problems that plague our area. A survey conducted by Crowley's Ridge Development Council, Inc. during July, August and September, 1971, indicated the following causes of poverty in priority order. This information was received from target area residents throughout the area served:

1. Unemployment.
2. Underemployment.
3. Deficient and inapplicable education.
4. Lack of opportunity for job training.
5. Inadequate Housing.
6. Poor Health and lack of purchasing power to provide health services.
7. Large families and need for expanded Family Planning and counseling.
8. Transportation relating to health services, employment and other personal needs.

9. High prices on consumer goods, food and services.

10. Low wages.

The respondents identified the contributing factors that cause the problems to exist as being:

1 and 2—Unemployment and Underemployment. A rapid change in agricultural methods has replaced manpower with machines, resulting not only in fewer available jobs, but those jobs that still exist are apt to be seasonal. Although some factories have moved into the area, there are not enough unskilled jobs to employ the worker displaced by machines on the farm, and people displaced do not have the training to fill skill jobs in factories, because:

(a) Their skills are based on an agricultural economy;

(b) Decreasing need for agricultural labor and an increasing need for second wage earner in families due to minimal wages paid in existing industries.

(c) Tremendous school dropout rate has placed a large number of youths into the labor market unprepared.

(d) Vocational training institutions are not designed so as to encourage the disadvantaged to participate.

(e) Failure of the public schools to adjust curricula to meet the employment demand of the community.

3-4—Education and Job Training.

(a) Target area children begin school at significantly lower levels of education and maturity than nontarget area children.

(b) Some school curricula are not relevant to target area needs in cultural, employment and learning potential, and as a result, target area children fall behind in all educational activities, particular in reading and math.

(c) Vocational programs are not reaching enough target area students, therefore dropouts and unskilled adults lack job skills and the opportunity to correct previous educational deficiencies.

(d) Many low income residents over eighteen years of age are uneducated and a high percentage have not completed the eighth grade.

(e) Continuing educational, cultural, social and recreational needs of the communities are not being served.

5. Housing. There is a limited supply of low and moderate cost housing in the area. The shortage is general throughout the area, but two groups have the greatest need. The elderly, because a high percentage of the target area residents are over 62, and large families, because of the overcrowded houses in the communities.

The problem was created by the following conditions:

(a) Lack of financial resources necessary to meet the cost of new housing or to provide for rehabilitation of substandard housing.

(b) High interest rates.

(c) Rising construction costs.

(d) Target area residents lack of income to meet monthly or yearly payments.

(e) A limited supply of developed land at reasonable costs.

(f) Codes and ordinances prohibiting the development of mass produced houses.

6. Health. Health conditions are a reflection of problems in all areas. Substandard overcrowded housing, inadequate solid liquid waste management, etc. are related directly to all health problems.

Specific causes of health conditions are:

(a) Low educational achievement, unemployment and financial pressure contribute to the environmental, physical and mental health problems of the area.

(b) Health has traditionally received low priority in state and local budgeting.

(c) Health emphasis has been on treatment rather than preventive health services.

(d) Limited health facilities and manpower in the area.

(e) Lack of transportation to health services.

For the sake of time, I will not elaborate on the other causes that contribute to the problems of the area as indicated by the survey.

Crowley's Ridge Development Council is addressing these needs with a limited amount of funds to develop and administer programs to alleviate the existing problems. These efforts, coordinated with East Arkansas Planning Development District, North Central Arkansas Development District, State and local government, along with other agencies, are dedicated to bring about comprehensive economic development.

We realize that the many problems of the area must be treated as one gigantic obstacle that must be removed if we are to enjoy the healthy economic and social climate we desire. To do this, we must be able to establish an adequate financial basis—Water and Sewer Systems, Public Facilities, Health Facilities, Police and Fire Protection, Solid Waste Disposal, Industrial Parks, Recreational Facilities, Adequate Roads and Streets, and maintain a balance between our natural environment, both ecologically and economically.

I would like to mention some of the proposed Development Programs for the four county area. Perhaps some of these will be funded while many will not be, due to lack of funds. Others will be dependent on local tax and bond issues.

Some of the potential Development Programs are as follows:

Potential development program for CRDC area (Craighead, Greene, Jackson and Poinsett Counties)

Greene County:	
1. Greene County Courthouse	$900,000
2. Walcott, Stanford Water Users Association	200,000
3. Center Hill Sewer System	600,000
4. Greene County Rural Water System	650,000
5. Halliday Water System	475,000
6. Oak Grove Water System	169,321
7. Delaplaine Sewer System	84,000
8. Green County Library	350,000
Craighead County:	
1. Jonesboro Center Urban Renewal Project	8,016,600
2. Monette Water & Sewer System	281,824
3. Brookland Sewer System	182,000
4. Philadelphia Water Association	30,000
5. Craighead County Hospital	5,000,000
6. Jonesboro Civic Center	3,500,000
7. Craighead Vo-Tech School	1,000,000
8. Water & Sewer to Arkansas Children's Colony	113,000
Poinsett County:	
1. Tyronza Water System Expansion	36,000
2. Trumann Water & Sewer Expansion	233,500
3. Crowley's Ridge Water Association Water System	354,175
4. Lepanto Water System Expansion	150,000
5. Weiner Water System Improvements	156,000
Jackson County:	
1. Newport Sewer Improvements	85,000
2. Weldon Water System	439,000
3. Jacksonport Water	82,000
4. Newport Industrial Rail Spur	80,000
5. Newport Air Industrial Park	800,000
6. Grubbs Water	219,000
Multi-county potential developopment programs:	
Craighead-Greene: Thompson Creek Watershed Imp	$1,101,100
Poinsett-Cross: St. Francis Water Users Assn. Rural Water Systems	434,000
The total amount of these potential programs	25,371,520

Local governments are limited by the amount of revenue that can be generated. Existing laws make it almost impossible to raise matching money for improvements and development programs. Amendment No. 13 to the Arkansas Constitution permits Ad Valorem Bond Issues for capital improvements for a specific list of public improvements. Bonds cannot be issued for longer than 35 years and cannot bear interest at the rate of more than six percent per annum. With high interest rates and the federal threat to tax municipal bonds, very few cities have issued municipal bonds under Amendment No. 13 in the last few years. Cities are limited to a total of five (5) mills on 20 percent assessment for all capital improvements; with an additional five mills maximum for specific projects. Once a city makes a capital improvement and pledges its five mills for 20 or 30 years, then it cannot make another capital improvement until these bonds are paid off.

Your proposed plan for a community development program to provide funds for local government, would eliminate the present and ever-increasing stagnation of our communities.

Local governments in the past have taken advantage of funds available for community improvement projects, according to the local community ability to raise matching funds. Local government officials are too often discouraged by the almost daily increasing amount of red tape and paperwork and delays in the funding of applications.

East Arkansas Development District, North Central Economic Development District, Crowley's Ridge Development Council, Inc. and other service organizations have coordinated efforts for a united thrust to offer assistance in dealing with the problems mentioned in this report. However, other resources are needed to assist local government and communities develop and fund the needed economic development programs. I feel that your proposed plan for Economic Development would offer this assistance.

I want to again thank you for giving me this opportunity to present this testimony at your hearing.

REMARKS BY MAYOR B. H. JOHNSON, COLLEGE CITY, ARK., AT COMMUNITY DEVELOPMENT HEARING CONDUCTED BY REPRESENTATIVE BILL ALEXANDER IN WALNUT RIDGE, ARK., ON OCTOBER 23, 1971

Congressman Alexander, (Ladies) Gentlemen: I am B. H. Johnson, Mayor of the City of College City, Arkansas. College City is located in Lawrence County and had a population in 1970 of 645. I appear here today in support of Congressman Alexander's commendable efforts to establish a workable and effective community development program.

In addition to my duties as Mayor, I am a commercial airline pilot, employed by Southern Airways, Inc., flying twin-engine passenger jets out of Memphis. I am a native of Arkansas, but have spent several years in the cities of Tulsa, Memphis, New Orleans, and Atlanta. My duties as a pilot routinely take me to many other large metropolitan areas, such as St. Louis, Miami, and Chicago.

College City has many problems . . . and just as many, perhaps more, needs. But one important thing my travels have shown me . . . the big cities have their problems too.

I suspect most of you in this room today know of several people, living in one of our large cities, who would like very much to move to some small town or rural area. The reasons are many: to be back with family or friends, get away from pollution problems, escape those high taxes, lead a slower-pace life, get away from the confusion of mass busing, become a gentleman farmer, or . . . well, you know the reasons.

Why do people move to the cities? To find jobs!

Why do our fine young people go to the cities upon graduation from high school or college? To find jobs!

Imagine for a minute a city with: adequate fire protection, beautiful housing, clean, clear, cool water, dedicated schools, efficient hospitals, frilly libraries, great, giant airports, hilarious parks, ingenious industrial park, and, jumbo streets but no jobs.

Just what good, really, are all these refinements if the people can't work? Our people want the dignity of having jobs! They deserve the pride of being employed! They need the security of a regular paycheck!

The number one need for college city is jobs!

The number one need for Lawrence County is jobs!

The number one need for Arkansas is jobs!

The number one need for the entire United States is jobs!

The year 1972 can see all these needs filled! Congressman Alexander, with your leadership, with imagination and determination, we can have jobs!

The year 1972 can be the year of zero unemployment!

The zero unemployment goal can be attained by the following:

1. Establish locally directed and oriented public works projects. These projects would include:

a. Operating child care centers (up to 24 hrs./day).

b. Building and maintaining streets, parks, and playgrounds.

c. Clean-up of public areas.

d. Garbage pick-up, disposal.

e. Building, renovation, and maintenance of public buildings.

f. Working in public owned institutions, public owned factories, retail outlets, and service establishments.

2. Abolish unemployment benefits. Unemployed persons would report to a public works coordination center for assignment.

3. Abolish public welfare assistance to able-bodied persons under age 60 and over age 18. Able-bodied persons would report to a public works coordination center for assignment.

4. Adopt a maximum 40 hour work-week.

5. Restrict and adjust wages.

6. Offer tax incentives to businesses to increase employment.

7. Lower retirement age for Social Security benefits to 60.

8. Increase number of governmental employees at no cost by reduction of pay. Our government practices discrimination by giving all government payroll to such a few. Many of these relatively high paid persons came to the government with no particular skills or specialized training or education. They have been trained by the government, either in service, or on the job. They likely could not make the same money in business or industry. They are over-paid. 1,000 employees earning $12,000 per year could be transformed into 1100 employees earning $10,000.00 per year.

9. Establish a system of Federal Drainage and Flood Control to include all rivers, creeks, and drainages such as Coon Creek and Village Creek.

10. Substantially increase such Federal Agencies as the Federal Bureau of Investigation, Secret Service, etc.

11. Triple number of aviation weather observation points, and vastly improve the dissemination of this information, both to the general public and to pilots. This can be accomplished through wide use of modern computers and watts telephone systems, etc.

12. Undertake a massive crash program to bring our nation's airports up to date with the aircraft they serve. Airports and their associated facilities are up to 50 years behind the modern jet aircraft. It is nothing but sheer luck that we do not lose thousands of persons annually because of our lack of modern facilities.

There is no sound basis—no valid reason—for a 7 or 6 or 5% national unemployment rate. Job diversification essential.

For balanced economic development we must strive for a variety of jobs. A person desiring to engage in a particular occupation should not have to leave his geographical area to find employment. We do not need all farmers, or dressmakers, or mechanics. Heavy industries tend to pay more and would stimulate the economic growth of the area.

Tax incentives for industries and commercial enterprises needed . . .

To provide for the impetus to attract new industries and businesses to our area a substantial tax credit should be allowed for relocation expenses, training new employees, and moving old employees, and for a loss of business for a reasonable time.

GOVERNMENTAL TREND MUST BE REVERSED

Government offices and agencies providing primarily area or regional wide services must be located in small cities and towns. These offices can serve their function as well outside the large cities, their removal would create less congestion in the big cities, less burden on the cities to provide essential services, and workers in the rural areas could perform the jobs just as well. Of course, many present employees, living in the large cities would welcome a chance to relocate to the small town atmosphere. Some examples of the types of offices that should be relocated are:

1. FAA flight Service Stations (Jonesboro, Memphis, Oklahoma City, etc.).

2. Corps of Engineers (Little Rock, Memphis, etc.).

3. Internal Revenue Service Centers (Memphis).

4. U.S. Postal Service Sector Centers (Jonesboro).

5. FAA Air Route Traffic Control Centers (Memphis).

6. Air National Guard units (Memphis, Little Rock, Atlanta, Knoxville).

7. FAA Academy (Oklahoma City).

8. National Oceanic and Atmospheric Administration (commonly called the Weather Bureau) (Memphis, Little Rock, Tulsa, Atlanta, etc.).

The reason our country is great today—the reason you and I are free to choose—free to go—free to enjoy—is because our leaders back during those hard, trying days in the beginning sacrificed and worked. Due to the controls and influences of big government today, the situation is somewhat different than it was 50, 100, or 150 years ago. We must depend on some help from big government to make our environment right—to create jobs. More than that, to see that what money they spend is wisely spent, fairly spent, and that they do not over-pay someone for doing a task. They must correct flagrant discrimination against individuals in small cities in such programs as the Emergency Employment Act which leaves those persons in cities under 1,000 completely out of the program.

OTHER URGENT NEEDS OF AREA

1. Medical facilities.

A. Federal grants for more equipment, facilities, and to promote a program that will attract more doctors, technicians, and nurses.

2. Recreational facilities.

A. Develop additional park facilities.

B. Establish National Forest in Western section of county.

C. Build community centers.

3. Transportation.

A. Development of the present Walnut Ridge Municipal Airport into a regional jet port with a system of satellite airports is essential. The jet port would feature an instrument landing system, longer runways, and other lighting and approach aids. The satellite airports would each have a hard surfaced 3,000 foot runway, runway lights, a rotating beacon, Unicom, public telephone, serve yourself gas and oil facilities, lobby, rest rooms, and a parking ramp.

4. Technical Training facilities.

A. Establish a technical school at College City, to provide needed skills to your young people and those who are underemployed, unskilled, or in a profession that is being phased out because of automation. The school would feature training for a Private Pilot License. All veterans can train for any other profession with the V.A. paying the entire bill. To train as a pilot, he must first pay $800 to $1,000 out of his own pocket. This prevents many from entering their desired field. With aviation such a growing field, this would be a great investment for our community. The school would provide dormitories and a cafeteria for the students.

5. Public Utilities.

A. Develop a county-wide water and sewer system.

6. Retail Outlet Development.

A. The Small Business Administration should provide a mobile field office and make frequent trips to the area, furnishing the following:

(1) Survey of needs.

(2) Site selection assistance.

(3) Train businessmen.

(4) Assist in loan applications.

(5) Speed up processing of loan applications.

(6) Give priority to areas of low income, areas without essential services, etc.

7. Fire and police protection and equipment.

A. Provide grants and low interest loans to buy equipment, build buildings, train personnel, etc.

8. Drainage and flood control.

A. Coon Creek and Village Creek should be placed under the Federal Drainage and Flood Control System and given top priority.

9. Communication and cooperation.

A. More efforts must be made to be certain all local governments are cognizant of Federal programs available to them.

B. Small cities and towns do not have the personnel and facilities to dig through all the "red-tape" required and compile the exhaustive reports necessary for many government programs. The government should determine simply if the town desires the program, then send in a government representative to take care of the paperwork.

10. Housing.

With the national housing situtaion in urban areas reaching crisis proportions, we feel that a partial solution to this problem is to attract many of those now living in cities to return to the rural areas from whence they came.

Many of these people are elderly and would welcome the opportunity to return to their native home place, but many do not possess the resources to do this and there are few places where they can find to live if they did return. Qualified applicants would be eligible for partial or total refund of moving expenses.

We propose a totally new community designed and constructed to be available to these people both here and away. A pilot program that would serve as a model to the entire nation. We suggest that it be limited to those 60 years and older that are still active and not infirmed.

There are many places throughout our nation where people of wealth can find conditions such as those outlined above.

The program we are outlining would serve to provide those hardest hit by age coupled with a program that will permit them to live out their lives both with usefulness and dignity.

We have the necessary land available that could be provided with existing public facilities such as sewer, water, natural gas, and so forth.

This program the "Interested not the Infirm" would be sponsored by a non-profit and/or limited profit group and would be located at College City, Arkansas, and would consist of a minimum of 500 dwelling units.

In addition the following would be proposed:

A. A community center for entertainment and cultural development to enlarge and promote community participation and individual talents.

B. A non-denominational chapel.

C. A central laundry facility.

D. A heated swimming pool.

E. Miniature golf course.*

F. Hobby shops of various kinds using safety equipment.

G. Greenhouse for year-round gardening and flower growing.

H. A community TV cable system.

I. Various games such as shuffleboard, croquet, and etc.

J. Small shopping mall.

K. A community transportation system for scheduled transportation.

L. Educational training—an extension of Southern Baptist College.

M. Infirmary staffed by a medic and/or registered nurse, an extension of all local doctors clinics and Lawrence County Memorial Hospital.

N. Guest rooms for visitors.

O. A management and/or control center.

P. Hostess to oversee and pre-plan activities.

Q. Small industry to provide scheduled, short workweeks for residents.

R. Exercise rooms.

S. Park and fishing facilities.

Mr. Speaker, this is the 10th insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my search for ways to assist community development in nonmetropolitan areas. Other materials on this subject appear in the CONGRESSIONAL RECORDS of September 22, pages 32741–32742; October 1, pages 34505–34506, October 6, pages 35409–35410; October 13, pages 36133–36135; October 21, pages 37358–37361; October 28, pages 38121–38123; November 3, pages 39156–39158; November 11, pages 40813–40816, and November 17, pages 41882–41884.

REPORT ON THE PARIS NEGOTIATIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BINGHAM. Mr. Speaker, the course of our negotiations with the North Vietnamese in Paris is of constant concern to the Congress and to the American public. The following report on those negotiations, which appeared in the November 6 issue of the New Republic, is a most thoughtful one by an expert, Mr. George McT. Kahin:

NEGOTIATIONS—THE VIEW FROM HANOI

(By George McT. Kahin)

George McT. Kahin, former director of Cornell University's Southeast Asia program, is the editor of Governments and Politics of Southeast Asia. This article reflects conversations he had during a recent visit to Hanoi with various officials, including Prime Minister Pham Van Dong, Ambassador Ha Van Lau (a former delegate to the Paris talks who monitors the negotiations for the Prime Minister), and with the Provisional Revolutionary Government (PRG) Special Representation in Hanoi. The article also draws on a trip to South Vietnam which Mr. Kahin made shortly before going to Hanoi. During the past four years Mr. Kahin has talked with members of the American and Vietnamese delegations to the Pairs talks, and to representatives of the Democratic Republic of Vietnam (DRV) and National Liberation Front (PRG) in Phnom Penh, Djakarta, Rangoon and Vientiane.)

It is evident that President Nixon has turned away from important negotiating opportunities which were offered by the NLF's Provisional Revolutionary Government at Paris four months ago in its new 7-Point proposal. Despite the desire of Hanoi and the NLF to discuss these points and their willingness to elucidate them in considerable detail, the President has been unwilling even to reconnoiter the much broader path to a negotiated settlement which they opened up. With respect to the release of American prisoners, the safe evacuation of American troops and protection of the South Vietnamese against political reprisals, there is no doubt that these proposals and the Communists' subsequent explanations of them offer much that is new and represent a considerable effort to meet many of the public objections made by Mr. Nixon to earlier proposals.

It has been as clear to the Communists as to the Nixon administration that with Nguyen Van Thieu at the head of the Saigon administration there would be no negotiated settlement of the war. Thieu's vested interest in a continuation of the conflict is much too strong for him to accept any sort of compromise so long as he can count on American backing. The only alternative to a continuation of the fighting which he has offered is the NLF's capitulation, with its individual members invited to lay down their arms and trust to his announced good intentions. Any possible doubt as to his position was removed by his reiteration, particularly during the months leading up to the election, of his "Four No's"—no coalition government, no participation of Communists in government, no neutralism, and no loss of territory (*i.e.* no acceptance of any political accommodation wherein the NLF would retain the areas it now controls).

However, President Nixon's repeated protestations of concern for the safety and welfare of American troops and prisoners led Hanoi and the NLF to conclude that these matters were of great importance to him and that if they made significant concessions on them he would become seriously interested in negotiating an end to the war. They realized that Nixon wanted to maintain Thieu at the head of an anti-Communist government in Saigon. But they did not believe that in pursuit of that objective he would be willing to subordinate the interests of American prisoners and soldiers if he were provided with the opportunity for negotiating their release and safe withdrawal. The Vietnamese Communists expected that out of concern for the welfare of these men President Nixon would be willing to accept a sufficient change of leadership in Saigon to permit such negotiations, although apparently they realized he would not be willing to accept a coalition government, even one with only token NLF participation, at least until after November 1972.

Many of the non-Communist South Vietnamese opponents of Thieu who backed General Duong Van Minh's candidacy in the elections shared this view. They believed that if the U.S. permitted reasonably free elections Minh would win, and that his election would meet at least the interim requirements of both the United States and the Vietnamese Communists. With General Minh in the Presidential Palace the way would be opened for serious negotiations, while at the same time Washington would be dealing with a non-Communist leader who acknowledged that substantial dependence on the United States would for a long time be essential to the viability of his regime. Washington could thus have a non-Communist government in Saigon which the Communists would be unlikely to subject to pressure, at least until after negotiations had been given a genuine try. This process, they argued, would take time and would therefore help ensure that such a regime would be still in place at the time of the American presidential elections—an objective which they believed ranked very high on Richard Nixon's scale of priorities.

Hanoi and the NLF would presumably have found little fault with the logic of this analysis. As they saw it, the Vietnam elections would make it possible for Nixon to leave it to the people of South Vietnam to replace Thieu themselves, thereby making it unnecessary for the US itself to arrange for his ouster. Moreover, by relying on the electoral process President Nixon could be regarded as acting consistently with Washington's off-repeated pledge of self-determination for the South Vietnamese people.

The Communists' July 1 proposal was, therefore, attuned to the expectation that it would be attractive enough to the US to induce President Nixon to press for a reasonably open election—one which would allow someone to come to power who was representative of the clearly overwhelming sentiment in South Vietnam for an end to the fighting and a settlement by negotiation. Appreciation of this point is essential to an understanding of the July 1 proposals. If one keeps in mind the distinction between agreements and their execution, and that some of the bilateral agreements between the United States and the Communists require trilateral (that is, including Saigon) cooperation in execution, then it is easier to appreciate why the Communists believe there is a necessary interdependence between the section in their proposal relating to military matters (Point One) and that relating to political power (Point Two). Without question Saigon's cooperation is essential with respect to the exchange of prisoners, and almost certainly it is needed with regard to the safety of withdrawing American forces. As these are the two provisions likely to be most highly prized by the United States, the Communists had reason to believe that it was in the US interests as well as theirs to have a regime in Saigon which would not be an obstacle to implementation of any agreements reached.

The proposal which the Communists offered on July 1 is that if the US will stipulate a terminal date for the withdrawal of all American and foreign allied troops from Vietnam, they are prepared to enter into an agreement with us providing for the safety of these forces as they withdraw and for the release of all war prisoners—the last prisoner to be released concurrently with the departure of the last troops. (The July proposal indicated that this should be accomplished "by the end of 1971," but they are flexible concerning the date, regarding it as negotiable and extendable.) Whereas a year ago the Communists were prepared merely to engage in "discussions" concerning these matters, with this new formula they met one of President Nixon's major objections by being prepared actually to come to an agreement with us spelling out in detail the nature of the safeguards that are required.

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* Regular golf could be played at a country club course only a short distance away.

At the level of actual implementation there is an inescapable interpedendence between agreements reached on military matters (withdrawal, cease-fire, and release of prisoners) and the question of political power in South Vietnam. Their proposal for a bilateral cease-fire with the forces of the US and its foreign allies as soon as the US gives a firm date for total withdrawal is something upon which an agreement can be negotiated directly with us, whether or not the Saigon government is in accord, although it might be very difficult to carry out this agreement without Saigon's cooperation. But with respect to the release of prisoners—"the totality of military men of all parties and of civilians captured in the war"—the problem is necessarily a three-sided one, and implementation of any agreements absolutely requires Saigon's assent and cooperation. Many of the prisoners involved are, of course, held by Saigon—both captured soldiers and political prisoners (non-Communist as well as Communist). And it is here that the consequences of past US military expediency have come back to haunt us. For we have given Thieu custody of the soldiers our forces have captured, and thereby we have made the problem of prisoner exchange much more difficult—necessarily a trilateral affair requiring Saigon's positive participation.

In talking with spokesmen of the NLF and the Hanoi government I gained the clear impression that the part of Point 2 that is essential to carry out if agreements on military matters are to be made operative is that calling for the United States to "respect the South Vietnamese peoples' right to self-determination, put an end to its interference in the internal affairs of South Vietnam," and specifically to cease its efforts to maintain Thieu in power. (With their proposals coming out three months before the South Vietnamese election, they added "and stop all maneuvers, including tricks on elections, aimed at maintaining" him.) The Communists are not, as the Nixon administration alleges, calling upon the United States to "overthrow" Thieu, but simply to stop propping him up in defiance of the opposing majority of South Vietnamese opinion. In the interval between their July 1 proposals and the election they hoped to see a sufficient reduction in American partisanship to permit the South Vietnamese electorate to vote Thieu out of office.

Most of the remainder of Point 2 is of less immediate interest to the United States and covers arrangements whereby three elements—a new Saigon administration, the NLF and those South Vietnamese elements not attached to either of these other two groups—can arrange for a cease-fire between the military forces of Saigon and the Communists and work out a South Vietnamese political settlement. However, there is one other matter under Point 2 which should be of more direct concern—that relating to guarantees against political reprisal. Believing that President Nixon advanced his "bloodbath argument" as an excuse for avoiding a negotiated settlement, the Vietnamese Communists have given special prominence and stronger emphasis to their long-held position that any settlement must provide for concrete measures and effective guarantees prohibiting reprisals against people who have collaborated with whatever party. It is, I think, an earnest of their concern that in response to my questions they indicated they would be in favor of exploring possibilities for international supervision as a means of providing such guarantees, the object, they emphasized, being to agree on "the most effective measures."

Although the NLF and Hanoi are adamant in their insistence that any political settlement in Vietnam must be fashioned by the Vietnamese parties themselves without foreign interference, one of the strikingly new features of the July 1 proposals is the emphasis accorded to an international guarantee of any settlement that is concluded. Indeed, they have introduced a separate point (Number 7) in order to give this matter prominence. A Hanoi spokesman stated to me that there was an important role for outside powers in guaranteeing the settlement reached, and that there should be discussions at Paris concerning this matter. There, he said, whoever has opinions concerning "the concrete details about organization, duty and competence, etc." of international supervision can raise and discuss them. Moreover, he gave me the impression that in his government's view the scope for international guarantees need not be limited to agreements between the several Vietnamese parties, but could possibly be extended to cover the accords which Hanoi and the NLF reached with the United States on matters of cease-fire, exchange of prisoners, and the safe withdrawal of American and Allied forces.

In an effort to ascertain which foreign powers the Hanoi government though might appropriately participate in guaranteeing a Vietnam settlement, I asked whether China, the Soviet Union, Great Britain and Japan might be possibilities. No comment, either positive or negative, was made concerning the first three countries, but it was made very clear that Hanoi would never accept Japan in such a role. Bitterness against Japan stems not merely from memories of the Japanese occupation, but also from their conviction that Japan has been a major ally of the US in its Vietnam intervention, providing what they term the "real logistical base" for American forces, while deriving great economic profit from the war. Moreover, Hanoi is profoundly repelled by Nixon's earlier suggestion that Japan assume military responsibilities in Southeast Asia.

The Communists argue that once the first two points in their July 1 proposal have been agreed upon there will be little difficulty in resolving the others, and they emphasize that, as with Points 1 and 2, they are open to discussion on all these points at Paris anytime the US wishes to raise them. (Points 3 to 6 follow closely similar points advanced by the Communists in their 1969 and 1970 statements; they are respectively headed: "Regarding the Question of Vietnamese Armed Forces in South Vietnam"; "Regarding the Peaceful Reunification of Vietnam and the Relations Between the North and South Zones"; "Regarding the Foreign Policy of Peace and Neutrality"; and "Regarding the Damages Caused by the US to the Vietnamese People in the Two Zones.") They repeatedly stressed to me that they are flexible and ready to discuss in Paris any aspect of their proposal, and in any order, that the US wishes; and that they are also prepared to discuss any points of its own which the United States wants to raise.

The extent to which spokesmen of Hanoi and the NLF were willing to elucidate and discuss details and nuances of the 7-Point proposal with me makes clear that if the US really wishes to talk substance, there is a great deal directly germane to a settlement that can be discussed at Paris, if only President Nixon will give his representatives there a mandate for doing so. Unless one equates "stubbornness" and "uncooperativeness" with the Communists' unwillingness to negotiate their own surrender, it is clear that major responsibility for the impasse at Paris lies with the Nixon administration.

Apparently President Nixon still believes that by heavy reliance on American air power and artillery, he can provide Thieu with the minimally necessary amount of support for ensuring the survival of his regime through 1972, while at the same time withdrawing American troops at a rate, and keeping their casualties down to a level, tolerable to most of the American public. As a fall-back position, in case American casualties again become numerous enough to enflame public opinion against him, the President retains the option of making a well-publicized move toward negotiation in the form of a proposal realistic enough to blunt domestic criticism, even if it did not at that late stage succeed in convincing the Communists that he is serious. At least for his American audience he might be able to develop a plausible argument that the time necessary to give such a new proposal a fair chance required patience, until after November 1972.

In the meantime, President Nixon has, of course, bought time with the American public because of expectations concerning a Vietnam settlement aroused by his projected trip to Peking. Past statements of his and of previous administrations have undoubtedly conditioned many Americans to assume Hanoi's subservience to Peking's wishes; and this myth is now useful to him. It is bound to take some time before Americans appreciate that the proposition that Peking can be relied upon to use its good offices in a Vietnam settlement in a way that favors the United States is no more realistic than the Nixon administration's earlier assumption that Moscow would do so. Whatever the President's expectations, Hanoi and the NLF are evidently not worried that his conversations in Peking are going to lead to any diminution of Chinese support in their struggle with the United States. Nor do they see him inducing China to sponsor an international conference on Vietnam or on Indochina as a whole against their wishes—and they do oppose any such conference unless it is for the purpose of guaranteeing agreements reached at Paris or by the Vietnamese parties themselves. There is no reason to believe that the Chinese could force such a conference on the Vietnamese Communists, and there is no evidence to indicate that they want to try. President Nixon cannot by-pass Paris by going to Peking.

Mr. Nixon can get a cease fire with the Communists in Vietnam covering American forces and those of our foreign allies; he can get all remaining Americans and foreign allied troops out safely; he can secure the release of all American and allied prisoners; and he can get safeguards to help protect the various Vietnamese parties against reprisals. But he cannot get these and also maintain Thieu in power. And he cannot maintain Thieu or any other anti-Communist government in Saigon much longer unless he is willing to commit more American lives to that proposition than the American public is likely to tolerate. For it has become increasingly clear that the withdrawal of American troops increases neither the ability nor the desire of Saigon's forces to protect the Americans who are left behind.

The NLF and Hanoi certainly have the capacity to upset the President's calculations and his timetable, but the propitious time for them to do so would be later, well into the dry season and after a larger number of American troops have withdrawn. A President who has talked so often in terms of negotiating from strength is then likely to find that his negotiating position has become much weaker, and he may well be reproached at home for not having followed up opportunities for saving American and Vietnamese lives offered in our adversaries' recent negotiating offer.

NEW JOB LEGISLATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining my distinguished colleague, the gentleman from Wisconsin (Mr. REUSS) in introducing legislation to create 500,000 new jobs for unemployed Americans and get our economy rolling again. The 500,000 jobs would be federally financed, locally administered public service jobs.

A large-scale Federal effort such as this is needed without delay to provide work for the unemployed, to make available public services which would otherwise not be provided, and to bolster the sagging economy.

This bill would mount a three-pronged attack on the financial ills which now plague our Nation. First, and most important, it will put unemployed Americans back to work. There are presently more than 5 million Americans who are unable to find a job, and without some type of firm, positive action, the rising rate of unemployment will continue to soar upward. According to one estimate, we will have to find 2.4 million new jobs in 1972 just to keep unemployment from getting worse.

This bill will provide our taxpayers with vitally needed public services and will simultaneously head off local tax increases. Earlier this year, as part of a constructive alternative to President Nixon's new economic policy, I urged that more Federal funds be used for programs such as this to aid State and local governments and to head off further increases in local taxes. This proposal would accomplish these purposes by utilizing Federal funds to place unemployed persons on the payrolls of local government agencies to provide badly needed services in the area of education, health care, day care, parks and recreation, libraries, pollution control, conservation, and public works.

This bill would give our sagging economy a badly needed shot in the arm. According to a recent Gallup poll, public concern over economic problems is greater today than at any other time since the job-lean years of the late 1930's when one-sixth of the total working force was unemployed. Since President Nixon has taken office, unemployment has risen constantly, from 3.3 percent up to around the 6-percent level. In my own State of Michigan the unemployment situation is even worse. For the past year it has been approaching 10 percent.

Mr. Speaker, this program is urgently needed because the economic policies pursued by the Nixon administration have been nothing but total failure. Ever since Mr. Nixon's inauguration this country has been plagued by inflation and continually rising unemployment. The President, in introducing his new economic policy, has finally acknowledged that something must be done about inflation.

I would hope, with the introduction of this bill, that he will also acknowledge that something must be done about unemployment. One year ago Mr. Nixon vetoed a job-creating bill similar to this and referred to the public service jobs it would have created as "dead-end jobs" and "WPA-type jobs." In that veto message, in December 1970, Mr. Nixon assured us that he believed his economic policies were working and that he believed the economy was moving up. He stated further that he was not satisfied with the unemployment rate, which was then 5.8 percent.

Today, almost 1 full year later, the unemployment rate is still 5.8 percent, and our economy has still not "gone up." It is time for Congress to provide this country with leadership which the Nixon administration has either been unable or unwilling to exercise.

Enactment of this bill would directly attack the problem of unemployment by immediately creating jobs for 10 percent of those presently unemployed. Furthermore, this program will stimulate the stagnant economy by putting money in the pockets of no-income and low-income persons which in turn will bolster the sagging consumer demand. More consumer demand in turn will lead to more business sales, more investment, and more jobs. The money to finance this program can be readily found simply by cutting back on some of the proposed tax reductions and tax credits for big business.

Mr. Speaker, the President has asked for our cooperation in restoring stability to our shattered economy. The best way to do this is to insure that every American has a job. This program is a step in the right direction. It is a step toward getting this country moving again. I would hope that it will receive the immediate endorsement of President Nixon, and I would hope that all of my colleagues on both sides of the aisle will offer their strong and immediate support.

At this point I would like to insert into the RECORD a short summary of some of the more significant provisions of this bill:

SUMMARY OF BILL

This bill would amend the Emergency Employment Act of 1971 (Public Law 92-54, July 12, 1971) as follows:

(1) Funding.—The present law authorizes $1 billion for FY 1972 and $1.25 billion for FY 1973. The proposed bill would authorize a total of $2 billion for FY 1972 and $4 billion for FY 1973.

(2) Distribution of funds to States.—The present law provides that 80 percent of the funds in the main section 5 program must be apportioned among the States: in an equitable manner taking into consideration the proportion which the total number of unemployed persons in each such State bears to the total number of such persons, respectively, in the United States.

The proposed bill tightens this formula to require that this money be distributed solely "on the basis of the proportion which the total number of unemployed persons in each such State bears to the total number of such persons in the United States."

(3) Distribution of funds within States.—the present law provides for distribution of funds within the States: in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such area bears to the total number of such persons, respectively, in that State.

Again, the proposed bill tightens this up to require apportionment based solely on the proportion of unemployed persons in the area.

(4) Eligible applicants.—Labor Department regulations presently do not allow units of general local government with populations lower than 75,000 to apply directly to the Secretary of Labor for funds, requiring them instead to go through their State governments.

The proposed bill would remedy this situation by allowing units of general local government, and voluntary combinations of such units, to apply directly to Washington for funds if there are at least 1000 unemployed persons within their jurisdiction. Funds would be "provided directly to" and "admistered exclusively under the direction and supervision of, such units of general local government." Their applications would be acted on by the Secretary of Labor "without reference to, or approval of, any other agency in the State."

(5) Full Federal funding.—The present law limits the Federal share to 90 percent but allows states and localities to make up their 10 percent share "in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services." Furthermore, the Secretary can allow 100 percent Federal funding if "special circumstances or other provisions of law" warrant it.

The proposed bill would simply allow 100 percent Federal funding.

(6) More reliable funding.—The present law requires that the main Section 5 program be terminated when national unemployment falls below 4.5 percent for three consecutive months, and emphasizes throughout that the public service employment program is only to be temporary and transitional".

The proposed bill reduces the cut-off unemployment level to 4 percent and eliminates the word "transitional" wherever it appears. This will permit states and localities to run their public service jobs programs without the fear that funds will be cut off abruptly.

All other provisions of the Emergency Employment Act of 1971 would be left unchanged.

COMMUNITY REPORTER MARKS 25TH ANNIVERSARY OF ITS FOUNDING BY PUBLISHER ATTILLO J. MONACO

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ANNUNZIO. Mr. Speaker, I take this opportunity to congratulate Mr. Attilio J. Monaco, publisher of the Community Reporter, an outstanding neighborhood newspaper in the Chicagoland area and in my own Seventh Congressional District of Illinois, which is marking its 25th anniversary on December 5, 1971.

The Community Reporter has made a substantial contribution over the years by its forthright coverage of events affecting the citizens in our neighborhood. Ever since its founding by Mr. Monaco, this newspaper's policy has been and still is to render outstanding service to all races, nationalities, and creeds, and especially to the residents of the area it serves.

Mr. Monaco, whom I know personally, is a dedicated civil leader who has given of himself, his time, his efforts and his funds in order to serve his fellow citizens. He has participated in countless humanitarian activities, and last year was selected as Man of the Year by the Marshall Square Chicago Boys Club. When Mr. Monaco was selected as Man of the Year, all of the proceeds from the banquet in his honor were given to the club and were used to good advantage in helping the boys and girls of the Little Village Community.

Additionally, he has received the Citation of Appreciation, Chicago Boys Club; the Award of Merit, Catholic War Veterans; the Citation of Appreciation, Infantile Paralysis; the Award of Distinguished Service, American Cancer Society; the Plaque for Outstanding Community Service from Citizens of Little Village Community; the Award of Merit, Home Owners Preservation and Enterprise; the Citation for Community Preservation, St. Casimir Post; the Citation for Outstanding Service, Father Flanagan's Boys Town; the Certificate of Appreciation, Kiwanis Club of Little Village; and a Certificate of Participation from the American Legion.

The youngest of 13 children, Attilio J. Monaco was born in Warrenville, Ill., on July 30, 1917, to immigrant parents, Dr. Giuseppe Monaco and Antoinette Colletta Monaco. His biography renews our faith in the American way of life, for by his own efforts, Mr. Monaco has achieved not only personal success but the rewarding opportunity to be of service to his fellow citizens.

He graduated from Morgan Park Military Academy, received a Bachelor of Science degree from Loyola University, and served as a commissioned officer with the U.S. Army Reserve. He began work in 1939 as an accounting clerk for the Chicago District Generating Corp. Subsequently, he served as senior auditor with Commonwealth Edison Co., and vice president of Mitchell Serdiuk, Inc. He founded the Community Reporter 25 years ago and is serving as chairman of the board and president of the Community Reporter newspapers. He is also president of CF Printing Service and chairman of the board and president of M & M Printing & Publishing Co. Additionally, he is one of three organizers of the official Chicagoland and Community and Suburban Newspapers Organization, which represents in excess of 100 publications.

Those who have had the opportunity to come to know Attilio Monaco are keenly aware of the tremendous contributions he has made over the years toward the betterment and well-being of his community. Again, I congratulate him, his devoted wife, Rosemary, and their five children, Michael Stephen, Suzanne Lou, Stephen Attilio, Diane Alice and Alicia Janet, as well as the staff members of the Community Reporter, on reaching this silver anniversary. I extend my best wishes to Attilio Monaco for abundant good health and continuing success in publishing the Community Reporter as well as in his many other worthy endeavors.

THE DESPERATE NEED FOR PRISON REFORM

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BELL. Mr. Speaker, because of my involvement in the effort for prison reform, I read a great deal of the ever-expanding literature on this crucial topic.

Few articles that I have read in recent months, however, have been as thought-provoking and informative as the report by Congressman MIKVA which appeared in the Chicago Sun-Times.

Mr. MIKVA, along with seven other members of Subcommittee No. 3 of the House Judiciary Committee, Congressmen CONYERS, DRINAN, RAILSBACK, BIESTER, FISH, COUGHLIN, and Chairman KASTENMEIER, inspected several jails and prisons throughout the Nation. Having made similar visits to various correctional institutions, I can attest to the accuracy of Mr. MIKVA's observations, and, therefore, urge a careful reading of my colleague's compelling commentary.

THE DESPERATE NEED FOR PRISON REFORM

(By Representative ABNER K. MIKVA)

"The degree of civilization in a society can be judged by entering its prisons"—Fyodor Dostoevsky.

Across the bay from San Francisco, in the Alameda County Jail, some of the prisoners are kept in "tiger cages." They are similar to the infamous prison cells on South Vietnam's Con Son Island except that, in Alameda County, lye is not thrown on the men to keep them quiet. Instead, tear gas is used.

The cells measure 7 feet by 7 feet. There are two men in each cell, and they take their meals there—next to the toilet, which seems to dominate the small space. The cells have no windows. The ceilings are wire mesh so the guards can patrol from a catwalk and peer down into the cells. Some of the prisoners have not been convicted yet; they just cannot raise bail money. The formal name of the county jail is the "Santa Rita Rehabilitation Center."

Last March, a federal judge ruled the maximum-security section at Alameda violated the Eighth Amendment to the Constitution. It amounted to "cruel and unusual punishment." The sheriff's office insisted on the absolute need for that part of the jail, and it was decided to improve the jail, instead of razing it, as the judge had suggested. Since then, a rather substantial amount of federal funds has been spent on the jail to make some rather insubstantial changes.

Since the rebellion at Attica State Prison in New York, there has been a great deal of discussion about prisons and rehabilitation centers and the desperate need for reform. The concern is not misplaced. That much was painfully evident as I visited jails and prisons in various parts of the country with the House Judiciary subcommittee working on prison reform. The visits were made to get a better idea of the problems of prisons, the problems of the prisoners, the guards and the prison officials, so that we can try to find the right legislation to help solve them. The three days we spent at California "correctional institutions" were the most compelling because California has at the same time the best and the worst of this country's prisons. The state has the most enlightened, the most progressive prison system in the United States, but it has been torn by some of the most violent prison rebellions.

The Alameda County Jail does not have the stature or the reputation of a prison like San Quentin. (Burt Lancaster and James Cagney never "did time" at Alameda.) San Quentin is the oldest and most formidable of the 13 state prisons in California. The first prisoners were brought there in 1852, six years before Illinois started putting stone and steel together to build the Old Prison at Joliet—the old prison where, last month, guards fought a five-hour battle with rebellious prisoners. Besides San Quentin and Joliet, there are 23 other fortress-like prisons in this country built before 1900.

As we drove into San Quentin, my first feeling—and that of the other seven Congressmen—was one of disgust and frustration. There is supposed to be a rehabilitative ideal at work, but how can people be rehabilitated when they are not treated as human beings? Walls and iron cages are for punishment and society's vengeance, nothing else. For most prisoners, rehabilitation is just a word.

The warden at San Quentin told us he was responsible for 2,800 inmates, 95 of them on death row, and he talked with pride about the 16 different vocational training programs the prison offers. Of course, only one of every eight prisoners can take part in the program because there are not enough instructors or facilities. A man has to stay in San Quentin about 18 months before he gets his turn at body and fender repair or meat cutting or offset photo process. There is also a clothing factory that would have delighted Lewis Carroll: it uses obsolete machinery to train men for jobs that do not exist.

We had not been in San Quentin 10 minutes when the prison official turned to us and said, "If you are taken hostage during this tour, you're going to be treated as a dead man.

"We tell the same thing to the guards," he said. "We don't bargain with the prisoners no matter what the stakes, and the prisoners know that." To make sure there are no bargains, the guards watch the maximum-security section with automatic rifles and shotguns.

I had never been afraid in prisons or jails, even when Warden Winston Moore let me walk through the worst sections of the Cook County Jail. But I was afraid at San Quentin. There was a look of quiet desperation and profound bitterness on the faces of some of the prisoners, and there was no question in my mind that they could kill without provocation, without even trying to escape. They could explode into violence because they had been there long and because they had nothing to lose.

San Quentin was never a pleasant place to begin with, and it is even worse now. The prisoners told us they feel brutalized. The guards told us they feel terrorized. The starting salary for a guard is $650 a month, and they are understandably reluctant to risk their lives. Some prisoners, on the other hand, would risk their lives on a dare. With polarization like that, prison riots should not be surprising. Things are not much different at prisons in other states, including Illinois.

In California prisons, the maximum-security section is called the Adjustment Center, and officials told us that the "revolutionary" and the "incorrigible" prisoners are sent there. The prisoners call it the "AC." The doctor who used to be the chief psychiatrist at Soledad says the AC should be destroyed: "I don't think a place more destructive of a man's mental health could be devised. . . ."

At San Quentin, death row is on the second floor of the AC, the gas chamber is in the building behind it, and the whole complex rests near the spot where they built the first dungeon at San Quentin 115 years ago. The cells are tiny and dirty, and the prisoners get coffee and milk in the morning and two meals a day—showers once or twice a week, at least theoretically. Instead of psychiatric help and rehabilitation, the men in the AC get discipline and punishment. We carried away two sensations from the AC: the overpowering smell of humanity and the overwhelming sense of desperation.

One of the prisoners who spent time in the AC wrote the parole board:

"I'm tired, tired, tired and tired of being tired. I have spent the last 22 months in the hole, been starved, tear-gassed and beaten. In all honesty, I must say I'm bitter. But not at any individual. I'm bitter at this system. . . . Prison does not aid society or protect it, it breeds contempt for it . . . and I refuse to believe you people are so callous that you feel 10-, 15-, and 20-year sentences in this place aid anyone. Yet, if you are trying to murder us on the installment plan, I must commend you for the thorough job you are doing."

It does not really matter if all the claims of brutality are true. Prison has changed that man, and society is not the better for it.

The State Department of Corrections ordered a report on California prisons by an independent group of lawyers, lawmakers and citizens. It recently recommended that San Quentin be abandoned because "decent living conditions are most unattainable . . . it is ugly and depressing.

California always gets credit for having the best prison system in the country, and the state's achievements in prison reform are impressive, especially when compared with the other states. The prison population has decreased in the last 2½ years—from 28,600 to 20,800—and there are no more prisoners now than there were in 1960.

The state has special institutions for prisoners who need psychiatric help (of course, they cannot handle all the prisoners who need help), and it has begun to recruit more black and Mexican-American prison guards. California has a unique probation-subsidy program that pays counties up to $4,000 for each prisoner that a judge places on probation. The money is used to improve local probation services and rehabilitation within the community. As a result, only one of every 10 convicted felons is sent to prison, and the nine placed on probation not surprisingly tend to stay out of trouble.

The recidivism rate is an all-purpose statistic that indicates how many people released from prison end up there again, convicted of another crime. California's recidivism rate is probably the lowest in the country—just over 30 percent—and it is moving in the right direction. The director of the Department of Corrections, Ray Procunier, said it was difficult to pinpoint the reason for this decline. He mentioned stronger rehabilitation programs, an improved public attitude about ex-convicts and better work by parole agents as factors.

"However," he said, "a closer look often reveals other more likely reasons—a sympathetic and helpful correctional officer, a chance association with a legitimate citizen, or the love of a good woman."

Even with statistics, it is difficult to judge and compare the success of a rehabilitation program or a prison system. By their nature, prisons are not open institutions, and the evidence that comes from within, from both sides, is often intangible, emotional and almost impossible to prove. An attorney who has been working on the problems of prisons and prisoners described the dilemma for us:

"When the Department of Corrections tells us that correctional officers are caring, compassionate and professional, and the inmates tell us that they have been treated indifferently, callously and on too many occasions brutally, we have a credibility problem. . . ."

That is evident after the first hour behind prison walls. The statements from the prison officials, the statements from the prisoners—both seem to be extremes with elements of truth. The whole truth is somewhere between them.

California has pioneered programs that reduce the isolation of prison life. At some prisons, anyone in a prisoner's immediate family can visit with him for up to two days in the privacy of a small apartment. Since 1969, inmates within 90 days of parole have been permitted to make unescorted visits home, and that program is being expanded to prisoners with more than 90 days left to serve. The benefits are obvious—it eases the abrupt transition from prison to society. But the transition still is abrupt.

"When I get out of here," one man said, "the state will give me $68, less the cost of a suit of clothes and transportation. The first thing I'll do is find a woman.

"In a few days," he said, "the money will be gone and, even if I find a job, they wouldn't pay me for a couple of weeks. What the hell am I supposed to do?"

Not all California reforms have worked so well as its experimental programs of conjugal visits and weekend passes. The prisoners still complain about rampant homosexuality and the food. The food is better than we expected, though. There is an emphasis on starches and pork, and most prisons allow extra helpings of bread and potatoes while limiting the amount of meat and dessert.

In California, the biggest complaint of all is saved for the "indeterminate sentence." Convicted felons in the state get an indeterminate sentence, like 1 to 20 years for armed robbery, instead of a fixed sentence. Theoretically, they are eligible for parole after serving one-third the time of the minimum sentence. The idea is that prisoners who show a readiness to return to the community, prisoners who have been rehabilitated, will be able to get out earlier than would have been possible under a fixed sentence. Theoretically, a panel of skilled experts evaluates a prisoner's performance and record at least once a year, looking not so much at the crime as at the man and his development. Under this system, the parole board has the power of a god.

There is evidence that the power has been abused. One prisoner said serving time under the indeterminate sentence is like "going to school and never knowing when you are going to graduate." The indeterminate sentence can be a whip in the hands of prison guards and the parole board, a method to make sure prisoners "toe the mark." The parole board works from a prisoner's file when it considers his case, and a guard can put anything in that file without being challenged.

Until a recent court decision, there was no such thing as significant "due process of law" for prisoners, especially when they went before the parole board. The hearings are often curt and cursory, and when parole is denied, it is denied without an explanation.

"Before they will parole you," one prisoner said, "they must see something in your eyes, that certain look that signifies you are broken." If a prisoner doesn't pass the parole board, he doesn't get out. In most cases, a man convicted of a crime in California will stay in prison longer than if he had been convicted in any other state.

Members of the parole board staunchly defend the program. The chairman of the board said, "this law provides an essential flexibility to an administrative agency which treats each man as an individual within the framework of the law. Our failures are sometimes highly publicized; our success cases are almost never heard from."

Rehabilitation and the rehabilitative ideal are not new to this country. Before the 1800s, jails were just a place for keeping people before they were punished—thieves' hands were cut off and, in England, men were hanged for shooting rabbits. Many prisons even charged their "clients" money, so much for getting in and a bit more for getting out. In 1870, a group of prison "reformers" met in Cincinnati and recommended vocational training, indeterminate sentences and quick parole.

With some exceptions, prison reform in this country has not reached even 1870 standards. If there has been reform, it is only that physical degradation has been replaced with psychological degradation—sometimes. The prison system still is a failure at $1 billion a year.

In the exceptions to that trend, there is some hope. Pressure is building for prison reform. Prison guards are demanding more pay and better conditions. Prison officials are asking for more help and more money. And more attorneys have begun to work with prisoners to correct the abuse they see.

Reform and rehabilitation are not magic words. To begin with, only co-operative prisoners have access to vocational training. The revolutionaries, the hardened criminals get the AC. Yet these are men who may be the most dangerous when they are sent back to society.

Clearly, more psychiatric counseling and vocational training are necessary. But it will also take a monumental change in the public's attitude. A few years ago, a national poll showed that 72 per cent of the people favored significant prison reform, but only 43 per cent would hire an ex-convict to be a janitor. If a prisoner gets special job training or special help, some people think that's going too far; that, after all, prisoners have committed crimes and they ought to be punished. Retribution and vengeance—they have been part of the prison system for centuries, but people hate to admit it.

Retribution and vengeance don't protect society. The laws and the courts call for 20- and 40-year sentences for armed robbery, theoretically to keep these dangerous men off the streets. But what consolation is there if, when his time is up, the prisoner is going to be more bitter and more dangerous?

There are no easy answers. After visiting these prisons, I do not have any. The important thing is to begin, and begin with the small things—more rehabilitation, conjugal visits, shorter prison terms—because this country has never made a positive national commitment to solving the problems of the prison. I am convinced that we cannot delay that commitment any longer.

We can begin by tearing down the prisons that are nothing more than warehouses. It is possible to build prisons that are safe and secure without the emphasis on walls and locks and bars and darkness—without slapping a prisoner in the face with it, saying "You are inferior, and we are keeping you in a cage."

We need smaller penal institutions. It simply is not possible to handle 2,000 prisoners in one prison without treating them as animals. Until the prisons are small enough, rehabilitation will be a luxury for only a few. At Soledad, another California prison, we saw a good example of what decreasing the prison size can do. When the officials there decided to "cool things off," they started by moving 900 prisoners to San Quentin. Even with that modest decrease in size, Soledad became a different place.

At our hearing in California after the prison visits, one of the witnesses cynically observed that the current concern about prisons is a phenomenon that occurs every 30 or 40 years but disappears quickly. If he is right, if the present concern is superficial, prisons will continue to be a plague on society. I do not think the concern is superficial this time, but the country must become aware that prison reform does not come cheaply or quickly. After all, there really is no alternative: we cannot ignore the problem. If we do not find a way to correct people who break society's rules, those people may break society.

At the Alameda County jail, as we walked down one of the cellblocks, a prisoner thrust a note into my hand.

The note said he was 21 years old, and he had been locked up in a 7-by-7-foot cell with another prisoner for almost a year. He had been involved in a "shootout" with the Oakland police, and the prison officials consider him a revolutionary. He is allowed out of his cell only four times a week and then only for short periods of time. The "shootout" was his first offense, and he pleaded guilty in exchange for a less serious charge. He said he has asked to be put with the other prisoners because he is no longer a revolutionary. But prison officials had refused. So he stays in that small cell. The note ended this way:

"If I live through this year, I never be the same, all I fine (sic) myself think(ing) of is hate, hate, hate. They won't give me a chance to change."

If that is the best we can do for prisoners, this society ought to be judged even more harshly than Dostoevski suggested. I think we can do better. Indeed, we have to do better.

HIGH UNEMPLOYMENT—ILLEGAL ALIENS ARE A CAUSE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ANDERSON of California. Mr. Speaker, unemployment in our country is entirely too high.

In the United States, nearly six people out of every 100 are looking for work, but cannot find it.

In my area, Los Angeles, out of every 13 people seeking employment, one person cannot find a job.

And these figures represent only those who are looking for work. We must remember that many have given up trying to find a job.

REASONS FOR HIGH UNEMPLOYMENT

While the reasons for the high unemployment rate vary from area to area, in Los Angeles, people are generally out of work for four basic reasons.

First, the economy is stagnant. Business and industry, because of uncertainty, and a lack of confidence in the future, are not expanding. Rather, they have cut back production and, in fact, our plants and factories are not using approximately 25 percent of their facilities.

Secondly, foreign imports have taken a larger share of the U.S. market. American companies are locating their plants overseas in order to take advantage of low tax rates, low U.S. tariffs, and cheap labor. In addition, foreign companies, using U.S. technology, but with cheap foreign labor, are shipping billions of dollars worth of goods to the United States. This is especially true in the electronics, textiles, and automobile industries.

Third, Federal defense contracts have been cut back. Because of the winding down of the war in Vietnam, and because of a reordering of priorities, defense research and development funds have been cut back.

Fourth, illegal aliens are taking jobs from Americans seeking employment. According to the California State Department of Industrial Relations, 100,000 illegal aliens were employed in California in 1969, and they earned over $100 million in wages.

Mr. Speaker, hopefully, the Revenue Act of 1971 will correct part of the unemployment problem. This measure is designed to spur the economy and create approximately ½ million jobs. In addition, the Revenue Act of 1971, coupled with the 10 percent surcharge on imports, is designed to provide a degree of protection for our domestic industries.

But, today, Mr. Speaker, I am introducing legislation which would plug a loophole in our tax law in order to encourage U.S. employers to hire U.S. citizens rather than illegal aliens.

This measure would disallow a deduction, as a business expense, any salary or wage knowingly paid to aliens illegally employed in the United States. In effect, this bill would give the employers an incentive to hire U.S. citizens, for if he knowingly employed illegal aliens, he could not deduct their salaries from his Federal income tax.

California recently enacted a law which may help the local situation, but I feel that the Internal Revenue Service, working in close cooperation with immigration officials, could do much to solve a problem that is adding heavily to our unemployment, and increasing our welfare rolls.

By cracking down on employers who knowingly hire illegal aliens, this legislation could improve job opportunities for an estimated 100,000 Californians who earnestly seek employment.

NATURAL GAS SUPPLY CRISIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MURPHY of New York. Mr. Speaker, recent committee hearings on H.R. 2513, which I introduced early in this session, established three clear-cut reasons for the existing—and alarming—natural gas supply shortage.

One reason is the steadily increasing domestic consumer demand for a low-priced, clean-burning fuel such as gas. Another is the growing demand by industry for a clean-burning, efficient and economical fuel which enables industrial plants to comply with Federal, State, and municipal regulations governing environmental pollution. And a third reason is the sharp decline in recent years in producer exploratory efforts and discovery of new reserves.

The situation regarding increased consumer and industrial demand for gas is not expected to change. So we have to turn to the third reason for the supply shortage. The plain truth is that our hope for obtaining adequate supplies of natural gas lies in understanding the cause of the slowdown in exploration and development and undertaking to eliminate that cause or at the very least to soften it.

H.R. 2513 represents an effort to move in that direction. All the experts say the gas is out there in enormous quantities waiting to be found. Potential gas reserves of the United States, according to no less an authoritative source than the U.S. Geological Survey, are sufficient fully to meet the Nation's requirements for many years to come.

Unfortunately, present Federal law and regulatory policy have left producers with little incentive to find and develop these potential reserves.

The gas supply shortage, with the consuming public as the helpless victim, is traceable directly to this loss of incentive.

Too many uncertainties hem in the gas producer's operation. He can never tell what the rules of the game are going to be, because they may be changed at any time by order of the Federal Power Commission.

When he signs a contract to sell his gas to an interstate pipeline company, he does not know that he will actually receive the price stated in the contract or for how long a time he will receive it. Nor, under existing regulation, does he know how much gas he will be required to deliver to the pipeline or how long he must continue to make deliveries.

When new supplies are added to the Nation's proven reserves, the producer has every reason to seek to sell it in the intrastate market, where his sales contracts are not subject to such deadening uncertainties. But it is in the interstate market that the need is greatest. The most densely populated metropolitan areas are largely located in States where there is little or no gas production. It is the consumer in these areas who is faced with the threat of inadequate gas supplies.

Testimony during the recent committee hearings showed convincingly that H.R. 2513 offers a practical, affirmative way to help increase the supply of natural gas in the interstate market at a price acceptable to the consumer.

The bill proposes to remove some of the uncertainties by making contracts between gas producers and interstate pipelines binding on all parties concerned. The validity of contract provisions of the bill will enable a producer to determine quickly whether all of the terms and conditions of his contract are acceptable to the Federal Power Commission. He will know that once his contract has been reviewed and approved by the Commission, the document's provisions will not be changed during the term of the contract. This knowledge will do much to provide gas producers with the incentive needed to step up their exploration programs and to commit newly discovered gas supplies to the interstate market.

All major new producer contracts will still have to be submitted to the Commission. The Commission's authority to approve them, approve them subject to stated conditions, or to disapprove them will not be diluted.

If the Commission approves a contract as submitted, it is binding on all parties and is not subject to later revision, except in cases of certain indefinite pricing clauses permitted under H.R. 2513. If the Commission approved the contract subject to stipulated conditions, the involved parties may accept those conditions and the contract becomes binding. If they do not accept the conditions, the contract is null and void. And if the Commission disapproves the contract, it likewise becomes null and void.

The Commission thus will have every opportunity to protect the interests of consumers. H.R. 2513 was not written as a decontrol measure, and, in fact, it is not one.

Regulatory changes proposed in the bill have the object of helping to restore producer confidence—and investor confidence—in the future of gas exploration and development of new supplies. That encouragement is essential to keep the present gas supply shortage from turning into an irreversible disaster.

Representing, as I do, an area in which there is enormous consumption of natural gas, but no production of it, I am deeply concerned about this prospect. I believe that without question enactment by Congress of H.R. 2513 will serve to alleviate a situation which threatens the well-being of millions of Americans.

REMOVING THE VEIL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

REMOVING THE VEIL

(Sermon by Dr. Robert H. Mayo, First Presbyterian Church, San Diego, Calif., Navy Day Service, October 31, 1971)

II Corinthians 3:4–18

When Moses came down from Mount Sinai with the Ten Commandments, his face was veiled, presumably because the reflected glory of the Lord upon his face was so bright, the people could not gaze upon it. (Ex 34:33–35) But in our text (vs 13) which Adm. Walker read, the Apostle Paul adds the further suggestion that the face of Moses was veiled in order that people might not have to gaze upon the slow fading of that glory. It is a sad thing to see the fading glory of anything, whether it is a man past his prime, a nation in decay, or the fading glory of God in the life of an individual.

I have a thesis I want to suggest to you this morning—that the fading glory of a people is primarily a religious problem. The defeat of Athens in 404 B.C. was more than just a military defeat. Stripped of the things of which Athenians were once very proud, military power, Hellenic wisdom, and world leadership, Athens turned in upon herself and developed what Gilbert Murray, in lectures which he delivered at Columbia University in 1912, called "failure of nerve," compounded by a sense of guilt. During this period of her fading glory, Murray suggests the Athenian state developed four religious heresies: (1) Anti-nomianism, literally (antinomos from the Latin) anti-law, rebellion against the establishment. In the days of the Judges every man was described as doing what was right in his own eyes. (Judge 17 :6) Today we describe the anti-nomian spirit, "Every man does his own thing." (2) An Athenian form of Zoroastrianism which divided the world into two warring factions, black and white. (3) Astrology. Murray says that astrology fell upon the Athenian people like some exotic disease on a remote island. (4) Cynicism. Diogenes and his Cynics dropped out of the world and forsook their culture to live the life of a dog.

Does history repeat itself? I really don't know, but the similarities are striking. (1) Cynical and disillusioned young people drop out of society to lead the life of a dog in hippie communes. (2) The anti-nomian spirit in youth rebels against the establishment and reacts against authority in the home, on the streets and on our campuses in their disrespect for our police officers. (3) Neurotic national guilt feelings are illustrated by My Lai and the trial of Lt. Calley. (4) A new interest in the occult, as even Presidential aspirants like Senator Harold Hughes express their faith in astrology. (5) The division of the world (literally) into warring factions within the ghettos, of the blacks and whites. Heresies thrive in spiritual emptiness! In a period of fading glory people seek to redeem a blighted culture with shallow and second-rate solutions and begin to worship false gods.

I plead not guilty! I refuse to be caught up in this national neurosis which results in a failure of nerve, and I refuse to yield to masochistic feelings which condemn our country for being imperialistic, mercenary, or warlike. I would suggest this morning that we stand before our God with unveiled faces, (vs 18) and these are some of the veils which I suggest need to be removed in this hour.

First, there's the veil of gloom and doom. Even our American history today is being taught in this kind of atmosphere. We are the first generation of Americans to be taught to be ashamed of ourselves. It is time for us to quit apologizing for our greatness and begin to take pride in those things which have made this nation to be great. We have heard it said so many times that civilizations become decadent after 200 years that, as we begin to approach our own Bicentennial, we have almost come to believe our culture is over the hill.

Secondly, I would remove the veil which has clothed Communism in a halo of decency and has made an aristocrat out of a wanton harlot. Actress Jane Fonda told 2,000 students at Michigan State University last November 22nd, "I would think that if you understod what Communism was, you would hope. you would pray on your knees that we would some day be Communists." (Detroit Free Press, Nov. 22, 1970) I presume Jane Fonda knows what Communism really is. She has spent enough time and money propagating its doctrines. But do you know what it really is? Do you know Lenin's legacy to youth? On October 16, 1905, Lenin wrote these revolutionary instructions: "Go to the youth. Form fighting squads everywhere of 3, 10, 30 persons. Let them arm themselves at once as best they can, be it with a revolver, a knife, a rag soaked in kerosene for starting fires . . . let 5 or 10 percent make the rounds of hundreds of workers' and student study circles, and supply each group with brief and simple recipes for making bombs." This prescription for revolution was given when the Russian people were bitter over their Naval defeat by the Japanese at Port Arthur. The Encyclopedia Brittannica says, "Patriotic feeling began to turn against the government. The war grew extremely unpopular." Be warned, Christian America! War weariness is Communism's opportunism.

Thirdly, I would remove the veil which confuses anarchy with dissent. The freedom to dissent is one of our most precious American freedoms. But the patriot exercises this freedom within the framework of the law. The anarchist expresses his dissatisfaction outside the law. The one is constructive; the other is destructive. President Nixon said to the graduating class at the Air Force Academy last year, "A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges." I think it's time we began to believe in ourselves, to rally constructive support for our country, and to label the anarchist as the outlaw he really is.

Fourthly, I would remove the veil of military unpopularity, with the demonstrations outside recruiting offices, antagonism against recruiting officers on college campuses, and more recently, activities which sought to keep our ships from going to sea. The expulsion of Taiwan from the United Nations has greatly sobered me. The undisguised glee with which delegates from certain nations hailed the departure of Nationalist China is a very ominous sign that our U.S. diplomacy is at its lowest ebb. We cannot afford the luxury of fighting among ourselves, civilians against the military. We must recognize that we are all part of the same team.

A hundred years ago a British soldier wrote these words on a sentry box in Gibraltar.

"God and the soldier all men adore
In time of trouble and no more.
For when war is over and all things righted,
God is neglected and the soldier slighted."

There are no atheists in foxholes in wartime and no heroes at home in peace-time.

What if our military, fed up with their critics, vacated the perimeters of our national defense to the enemy and said, "All right, you armchair critics, you peaceniks, it's your war! You take it from here!" Military men don't initiate policy; they obey orders. They're not gangsters and assassins but patriots and Christians, of which this Navy Day service is one of the finest illustrations. We all fight under the same national ensign, and live beneath the same banner of faith. We have the same common goal, the same idealism, the same citizenship, the same love for our Lord and for our country.

Fifthly, I would remove the veil which suggests that the only road to peace is the road of withdrawal and retreat. Moshe Dayan, Israeli Defense Minister, has said, "We would not achieve peace by retreating . . . what has been offered to us is retreat without peace." The bleeding hearts in Congress and in the clergy seek to convince us that our only alternative for peace is pacifism. We chip away and we chip away at our military preparedness until we have lost our military superiority. I do not believe that we could afford another Cuban crisis today in the Near East or the Far East or in Berlin, Korea, or South America. In an eyeball-to-eyeball confrontation with the Russians, I believe we would blink. And when we do, we relinquish our place of leadership in the world.

As, Admiral Moorer, Chairman of our Joint Chief of Staffs, said to the graduating class at Annapolis a year and a half ago, "In international gamesmanship there is no prize for second place." Where did we ever get the idea that God can't operate through strength as well as weakness? Or that the solution to evil is to run from it, rather than stand and fight against it? Jesus said, "I have not come to bring peace, but a sword." (Mt 10:34) And if we remove from the Old Testament all the passages of Scripture in which God told the Israelites to fight against the enemy, we have a mutilated Scripture. On one occasion He ordered the complete destruction of the Canaanites, every man, woman and child in order to eradicate evil from Israel. No commanding officer would give an order as harsh as that today. Take out of our Psalms the military songs, and we remove some of our most beloved hymns, including the Twenty-third Psalm. It is a privilege to be an American. Our faith is worth fighting for. But we don't preserve freedom with a naked ideal. We have to beef up our freedoms with the strength to sustain them.

Sixthly, I would remove the veil from patriotism itself. I am grateful for a service like this one. It sends chills up and down my spine to hear the voices in this great Sanctuary sing in unison "The Star-Spangled Banner." I think we as clergy and churchmen err by our silence when we fail to affirm those things which made this nation great. Before our Pilgrim forebears ever set a single foot upon that stern and rockbound coast, they gathered together in the cabin of the Mayflower and signed a Compact: "In the Name of God, Amen. We whose names are underwritten . . . Having undertaken, for the glory of God, and advancement of the Christian faith and honor of our King and Country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, covenant and combine ourselves together into a civil body politic." That is how it all began. That was the beginning of our country. "In the Name of God, Amen." Men and women, for the glory of God and the advancement of their faith, combined in a civil body politic. Never has that civil body politic been more threatened than it is in this hour. Never has it needed men and women to stand up and affirm their faith in this body politic more than now. We all abhor war as useless slaughter and waste. But cannot we, as Christians, seek peace with honor and victory and prove to the entire world that we have recovered from this failure of nerve?

Shakespeare wrote in Julius Caesar (Act IV, Sc 3):

"There is a tide in the affairs of men,
Which taken at the flood leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current when it serves,
Or lose our ventures."

We stand at the flood tide and a failure of nerve now can cause us to lose the venture. This is no time for the faint-hearted. Jesus said, "Would that you were cold or hot! So because you are lukewarm, and neither cold or hot, I will spew you out of my mouth." (Rev. 3: 15–16) A vacillating people cry out, "Peace, Peace, when there is no peace" (Jer 8:11) because they have lost their pride, their honor, and their heritage. Jesus said, "Blessed are the peace*makers*." Peace is something that has to be made. We have to work at it. It occurs only when we make sacrifices for it. There are no panaceas, no bargains in peacemaking. It will take the blood, sweat, and tears of every Christian to emancipate us from this failure of nerve. And that's why I feel that our problems today are primarily religious problems.

When Jesus came down from the Mount of Transfiguration, He was greeted by the father of an epileptic boy who said, "I asked your disciples to cast the devil from my son and they could not." (Mk 9:18 T.E.V.) Will the world say to us, the Christian churchmen of America today "We asked you to cast out these devils which debilitate and destroy and you could not"?

There is an inscription on a 17th Century church in Leicestershire, England, "In the year 1653, when all things were throughout the nation either demolished or profaned, Sir Robert Shirley, Baronet, founded this church, whose singular praise it is to have done the best things in the worst times and hoped them in the most calamitious." What a tribute to a church! In an hour of crisis to do the best things in the worst times!

I believe we will rise to our challenge. Only a mircle can save our fading glory. Only a miracle can remove the veils caused by this failure of nerve. But within the church we believe in miracles. The Scripture which was read to you this morning said, "Where the Spirit of the Lord is, there is freedom," (Vs 17) and individuals filled with the Spirit of God will help us to recover our faith, preserve our freedoms, redeem the time (Eph 5:16), and accomplish "the best things in the worst times." It will take a miracle. But Christian statesmen, like those who sit on the platform with me in this hour, can pull it off. Then when we pledge allegiance to our flag, "One nation under God," it will not be blasphemous irony.

This is not the best possible of all worlds. There's room for improvement in the church and our nation, but I would rather be here, in this hour than any other place, at any other time, in the world's history. We can't rely solely upon our military leadership to provide the patriotism and they can't rely solely upon us to provide the faith. It's our privilege to serve both our God and our country in this hour. We will meet the challenge and we will solve our problems. I believe that this failure of nerve will become the foundation of our faith, and that through patriotic Americans and faithful Christians, we will recover our fading glory. But it is the flood time. As we sing, "Once to Every Man and Nation Comes the Moment to Decide" we invite you to make a decision for Christ, and to come forward and take your place in a church which we believe is trying to accomplish the "best things in the worst times."

NATIONAL GALLERY CONTINUES "CIVILISATION" SERIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MOORHEAD. Mr. Speaker, I am pleased to put into the RECORD today the schedule of events for the month of December, of the National Gallery of Art.

I might note that the gallery is continuing its outstanding series "Civilisation."

The gallery is to be congratulated for conducting this delightful tour through western history and development. I believe that my colleagues would spend an enjoyable afternoon viewing any of the fine shows in this series.

NATIONAL GALLERY OF ART

(Calendar of Events—December 1971)

MONDAY, NOV. 29, THROUGH SUNDAY, DEC. 5

Painting of the Week*—Manet. *The Dead Toreador.* (Widener Collection) Gallery 83, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*The Exhibition of Rodin Drawings: Rodin.* Central Gallery, Tues. through Sat. 1:00; Sun. 2:30.

Tour—*Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

"Civilisation," V—*The Hero as Artist.* Sat. & Sun. 12:30 & 1:30.

Sunday Lecture—*Rodin and Tradition,* Speaker: Horst W. Janson, Professor of Fine Arts, New York University, New York, Auditorium, 4:00.

Sunday Concert—Ann Zalkind, *Pianist,* East Garden Court 7:00.

*11" x 14" reproductions with text for sale this week—25c each. If mailed, 35c each.

MONDAY, DEC. 6, THROUGH SUNDAY, DEC. 12

Painting of the Week*—Monet. *Rouen Cathedral, West Facade, Sunlight.* (Chester Dale Collection) Gallery 84, Tues. through Sat. 12:10 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*The Exhibition of Rodin Drawings: True and False.* Central Gallery. Tues. through Sat. 1:00; Sun. 2:00.

Tour—*Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

"Civilisation," VI—*Protest and Communication.* Sat. & Sun. 12:30 & 1:30.

Sunday Lecture—*Eighteenth-Century Crêches.* Speaker: Loretta Howard, Artist and Collector, New York. Auditorium 4:00.

Sunday Concert—The Madison Madrigal Singers. Robert Shafer, *Conductor,* East Garden Court 7:00.

The gallery is open weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., and Sundays, 12 noon to 9:10 p.m.

MONDAY, DEC. 13, THROUGH SUNDAY, DEC. 19

Painting of the Week*—Jacob van Ruisdael. *Forest Scene* (Widener Collection) Gallery 46, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*Sculpture from the Middle Ages to Rodin.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour—*Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

"Civilization," VII—Grandeur and Obedience. Sat. & Sun. 12:30 & 1:30.

Sunday Lecture—Poussin's *"Holy Family on the Steps".* Speaker: Howard Hibbard, Professor of Art History, Columbia University, New York, Auditorium, 4:00.

Sunday Concert—National Gallery Orchestra. Richard Bales, Conductor, with soloists. East Garden Court, 7:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

MONDAY, DEC. 20, THROUGH SUNDAY, DEC. 26

Painting of the Week*—Giorgione. *The Adoration of the Shepherds.* (Samuel H. Kress Collection) Gallery 21, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour—*Introduction to the Collection.* Rotunda, Mon., 11:00 & 3:00; Tues. through Thurs., 11:00, 1:00 & 3:00; Sun., 2:30 & 5:00.

"Civilisation," VIII—*The Light of Experience,* Sun. 12:30 & 1:30.

Sunday Films—The Year 1200 and Images Médievales. Auditorium, 4:00.

Sunday Concert—Loren Withers, *Pianist,* East Garden Court 7:00.

For reproductions and slides of the collection, books, and other related publications. self-service rooms are open daily near the Constitution Avenue entrance.

THREE NEW PAINTINGS

The acquisition of three paintings was announced last month. These pictures are hanging in galleries on the main floor. A genre piece entitled *The Unlikely Lovers,* painted by Quentin Massys (1465/6–1530) founder of the important Antwerp school of painting, shows an elderly man being robbed of his wallet while seeking the affections of a young girl. Joos de Momper's (1564–1635) *Landscape with a Vista through a Grotto,* a work rich in technical virtuosity and personal fantasy, was painted during the period that saw the full northern development of the art of landscape painting, a period formerly unrepresented in the Gallery's collections. *The Seine,* a landscape by the important black American artist Henry O. Tanner (1859–1937), was painted eleven years after he had moved to Paris and reflects his admiration for impressionism.

RODIN DRAWINGS-TRUE AND FALSE

Original drawings by the major late 19th-century French sculptor Auguste Rodin and forgeries of his work by Ernst Durig and two other forgers known as Hand A and Hand B are on view in the Central Gallery in a special exhibition designed to aid the viewer in discerning between the true and the false. An illustrated folder listing all the works in the exhibition is available. The visitor is invited to test himself on the True-False section of the show by filling in the blanks provided in the folder and comparing his score with the answers, also given in the folder. A book, *The Drawings of Rodin,* published concurrently with the exhibition, is on sale in the Publications Room. The exhibition will be on view through January 23, 1972.

(The identifications of the pictures used in the November Calendar are as follows: *Nude on Her Stomach,* which appeared on the right, is a true work by Rodin; the other drawing, *Seated Nude,* is attributed to the forger known as Hand B.)

EIGHTEENTH-CENTURY FRENCH PRINTS AND BOOKS

A selection of 18th-century French prints, books, and drawings from the National Gallery's Widener Collection remains on view in the Print Exhibition Room, ground floor. through January 6.

EIGHTEENTH-CENTURY CHRISTMAS CRÊCHES

On December 12 at 4:00 p.m., Loretta Howard, artist and collector, will speak on "Eighteenth-Century Crêches" in the Gallery Auditorium. The custom of creating crêches for the home became popular in Naples about 1670 as an exercise in seasonal worship, with precedents in the medieval mystery plays of the Nativity and in the sculptured devotionals in the churches at the Christmas season. Some of the figures are credited to the best 18th-century Neapolitan sculptors.

Nearly 150 baroque crêche figures, including the Holy Family, the shepherds and their flocks, the Magi and their retinue of Eastern figures and camels, peasants, burghers and merchants, and a miscellaneous group of animals, comprised one crêche which Mrs. Howard has given to the Metropolitan Museum of Art. Others in her collection have decorated the White House in recent years.

TWENTIETH-CENTURY GERMAN PRINTS

A selection of 20th-century German prints chosen from a group of 64 given to the United States by the people of the Federal Republic of Germany in 1955 is on view in the Northeast Corridor. There is a wide diversity in technique and subject matter. Woodcuts, lithographs, etchings, linoleum blocks, and monotypes, printed both in color and in black and white, are included.

NATIONAL GALLERY OF ART CHRISTMAS CARDS

Christmas cards of National Gallery works of art are being sold in an area adjacent to the Publications Room at the Constitution Avenue entrance. Prices range from fifteen to thirty cents each.

HOLIDAYS

The Gallery is closed Christmas Day and New Year's Day. No educational services will be offered on Friday, December 24, Christmas Eve.

SAVINGS AND LOAN ASSOCIATION VOICE THEIR OPINION ON H.R. 7740 AND S. 1671

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HANNA. Mr. Speaker, early next session the Committee on Banking and Currency is going to hold hearings on H.R. 7740, the Housing Institution Modernization Act. The Senate Committee on Banking, Housing and Urban Affairs is in the process of holding hearings on a companion bill, S. 1671. Both of these bills would allow a Federal mutual savings and loan association to convert to a Federal capital stock savings and loan association. While this sounds rather simple at first glance, it does open many questions which plague the minds of both the investors and the current managements of savings and loans.

Representatives of the different trade associations expressed their plan as to the best way to allow for this conversion. But I heard very little from the several thousand savings institutions that would be affected by this legislation.

With the aid of the Federal Home Loan Bank Board, I sent a questionnaire to every Federal mutual association and State mutual association which they insure. Approximately 4,700 questionnaires were sent out. The response was most gratifying. Very nearly 1,000 questionnaires were returned, many with long letters either explaining in detail reasons for particular views or giving suggestions for specific wording of the legislation. I am convinced, Mr. Speaker, that the responses represent the well thought out opinions of those who will be the most affected by the legislation.

The questionnaire contained three basic sections. The first asked for a reaction to some of the major arguments used by the partisans on each side of the issue. The second section dealt with specific parts of the legislation itself. The last part asked simply the respondent, speaking for his association, his overall opinion of the legislation and if he anticipates that his association would convert from its present organization format to a Federal capital stock association. Tables 1, 2, and 3, respectively, give the results to each of the above mentioned sections:

TABLE 1

[In percent]

	Federal mutual associations (n=637)				State mutual associations (n=348)			
	Very persuasive	Somewhat persuasive	Not persuasive	No response	Very persuasive	Somewhat persuasive	Not persuasive	No response
I. Supporters of the legislation have made a number of arguments for its passage. How do you rate the persuasiveness of the following assertions?								
(a) It would enable Federals to provide needed additional funds to the housing market	25.0	31.8	39.1	4.1	20.7	27.0	45.1	7.2
(b) It would permit the adoption by Federals of modern methods of operation	23.8	26.8	44.4	5.0	17.0	22.6	53.5	6.9
(c) It would eliminate the need for an existing association to relinquish its Federal charter to convert to a stock form of ownership	44.4	21.6	28.4	5.6	30.2	27.3	32.2	10.
II. Opponents of the legislation have listed a number of arguments against its passage. How would you rate the persuasiveness of these arguments?								
(a) Savers would receive a windfall which they neither earned nor bargained for	42.0	22.4	31.0	4.6	36.6	19.8	37.4	7.2
(b) Existing stock associations would be hurt by transfers of accounts to mutuals by savers seeking a windfall	18.2	23.2	54.7	3.9	17.8	25.6	49.4	7.2
(c) Mutual associations would be placed under great pressure to convert by savers seeking a windfall	43.8	26.4	22.3	7.5	42.3	29.0	25.3	3.4
(d) Existing mutual associations would become a battleground for corporate raiders bent on turning a fast profit on the conversion	41.1	28.1	26.2	4.6	41.4	23.8	27.6	7.2
(e) Existing management of mutual associations who are responsible for the growth of the association would, were Federal stock chartering and conversion possible, be vulnerable to replacement by the new shareholder owners	44.5	32.8	18.3	4.4	45.5	27.8	19.8	6.9

TABLE 2

[In percent]

	Federal mutual associations n=637			State mutual associations n=348		
	Approve	Disapprove	No response	Approve	Disapprove	No response
III. A number of modifications and refinements to the legislation have been suggested. Please indicate whether you approve or disapprove of the changes.						
(a) The net worth of an existing mutual association should, as an incident to the acquisition of a Federal stock charter, be (select 1 of the following):						
1. Disbursed to the FSLIC, the Treasury, or some other public purpose	2.0	74.7	23.3	2.3	72.4	25.3
2. Frozen, with a debenture being issued by the association to the FSLIC in the amount of the net worth to be followed by the sale of capital stock in the association; or	12.5	63.3	24.2	9.5	61.8	28.7
3. Frozen, in a segregated reserve to be available for distribution in the event of liquidation to those account holders in the association who, at the time of conversion, were depositors	56.2	30.5	13.3	60.7	25.8	13.5
(b) Deposits, for the purpose of establishing stock rights, should be frozen on a date certain reflecting either the date of enactment of the legislation or some date prior thereto	54.2	8.0	7.8	50.3	10.3	39.4
(c) Specific provisions should be made to (1) reward management through the distribution for nominal consideration of stock issues as in incident to chartering or conversion and (2) protect management from arbitrary removal for a specified period through mandatory voting trust or other arrangements	84.4	9.0	6.6	51.6	9.5	38.9
(d) Chartering of Federal stock savings and loan associations should be allowed only in those States whose laws provide for chartering of capital stock savings and loan associations	44.9	47.1	8.0	42.8	18.7	38.5

IV. Which of the following best describes your attitude toward legislation to permit Federal chartering of capital stock savings and loan associations?

[In percent]

	Federal mutual associations n=637	State mutual associations n=348
Favor	46.6	37.6
Oppose	35.7	43.5
Indifferent	13.0	12.6
No response	4.7	6.3

V. Would you be interested in converting to a capital stock savings and loan association if such legislation were enacted?

[In percent]

	Federal mutual associations n=637	State mutual associations n=348
Yes	29.9	23.6
No	33.4	44.3
Maybe	34.7	26.4
No response	2.0	5.7

ALASKAN FLIP-FLOPS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ASPIN. Mr. Speaker, Wednesday 19 other Members of the House joined me in introducing legislation that would delay the decision on the Alaskan pipeline until January 1, 1973, so that a full study of Canadian pipeline alternatives could be considered. Today I would like to include in the RECORD a recent article by former Secretary of the Interior, Stewart Udall and Jeff Stansbury entitled "Alaskan Flip-Flops."

The article discusses succinctly and accurately, realistic economic merits of the Canadian vs. Alaskan pipelines. That article follows:

[Release of Saturday, Oct. 16, 1971]

ALASKAN FLIP-FLOPS

(By Stewart Udall and Jeff Stansbury)

Somebody should award Interior Secretary Rogers Morton a gymnastics gold medal for his latest flip-flops over Alaskan oil. Within a month he has hinted that the Interior Department will approve a trans-Alaska oil pipeline, cozied up to an alternative Canadian route, spurned this same Canadian route and put off his final decision until next year.

Close observers of Interior, among them Rep. Les Aspin (D-Wis.), believe Morton has already made up his mind to issue a permit for an 800-mile pipeline between the vast North Slope oil fields and the Alaskan port of Valdez. An environmental statement due from his department in December will doubtlessly give short shrift to the Canadian alternative. This in turn will provoke fresh legal arguments from the Wilderness Society, Environmental Defense Fund and Friends of the Earth, whose lawsuit has blocked the Alaskan pipeline since April, 1970.

But with over $1.5 billion sunk into its arctic adventure, Alyeska, a consortium of 7 oil companies, enjoys the unstinting support of the White House. This alliance has led Interior's Office of Oil and Gas (OOG) to stack the statistical deck heavily in favor of an Alaskan pipeline.

For over a year, OOG has raised the specter of an oil famine in the seven westernmost states. Its estimate of the region's oil needs has jumped with every new wave of opposition to the pipeline. As environmentalists point out, OOG spelled backwards is GOO—which is precisely what may cost Alaskan tundra if the pipeline is built.

By 1980, says OOG, the seven western states will need 3.7 million barrels of oil a day. Without a daily transfusion of 2 million barrels from Alaska, these states will allegedly have to rely on heavy Middle East imports. This, declares Interior, is strategically indefensible.

The trouble with OOG's "oil famine" argument is that it is based on Alice-in-Wonderland numbers. The seven Western states now consume about 2 million barrels of oil a day. For this figure to reach 3.7 million by 1980, consumption would have to grow by 7% a year—double the national rate. This verges on the impossible. West Coast oil consumption is now growing at only *half* the national rate.

In reality, the Western states will not be able to absorb 2 million barrels of Alaskan oil in 1980. Why, then, does Interior refuse to consider a Canadian pipeline that would supply the oil-hungry U.S. Midwest and East?

The answer is that Alyeska fully intends to market much of its oil abroad, primarily in Japan. Alyeska President Edward Patton and Interior Undersecretary William Pecora concede that some of the North Slope deposits will find their way abroad from Valdez. Given OOG's souped-up data, the likelihood that the North Slope outflow will exceed 2 million barrels a day by 1980 and the great difficulty of marketing this oil on the U.S. East Coast, it is clear that up to 500,000 barrels a day will eventually be sold in the Far East.

If, as is likely, the Alyeska companies are allowed to bring an equal amount of foreign oil into the East Coast at the pegged-up price that prevails there under the Oil Import Quota Program, they will make a killing. The victims will be the Alaskan environment and consumers throughout the East and Midwest. The strategic argument for an Alaskan pipeline, moreover, will become a shambles.

Clearly, the regional inequities in the per barrel price of oil alone should rule out an Alaskan pipeline. Today the Eastern and Midwestern states pay 75 cents and 50 cents more respectively than the Western states. An Alaskan pipeline with transshipment across Prince William Sound and the Gulf of Alaska, would grossly exaggerate these inequities. A pipeline across Canada to the Midwest, however, would flatten out the costs considerably.

Environmentalists find no excuse for Interior's failure to study the Canadian alternative. Secretary Morton, they say, merely echoes Alyeska's propaganda when he claims that a Canadian pipeline would cost twice as much. Not only would it cost about the same as the Alaskan route (counting the tankers needed to haul oil from Valdez to the Pacific Northwest), but it would bring Alaska $95 million more in royalties each year from the higher price that oil commands in the Midwest. This bonus would vastly outweigh the short-lived employment advantages of an Alaskan pipeline.

Recently, Atlantic-Richfield circulated a memo among its allies in Alyeska and the Interior Department. Hinting that a *gas* pipeline would be built from the North Slope through Canada, the memo argued preposterously that Canada might someday cut off U.S. petroleum supplies if an oil pipeline crossed her territory.

Why would a gas pipeline be immune to the whims of Ottawa if an oil pipeline wouldn't? If Alaskan gas can be marketed in the Midwest, why not Alaskan oil? And if a gas pipeline is to be built through Canada, why not minimize the ecological damage by laying the oil pipeline alongside it? These are questions Alyeska conveniently brushes aside.

Meanwhile, neither Alyeska nor Interior can convince anyone that heavy oil tanker traffic across Prince William Sound will not endanger the richest salmon and halibut fishery in the Pacific Northwest. Last summer, Morton met with members of the Cordova District Fisheries Union, which opposes the shipment of Alaskan oil out of Valdez. "I don't think the politics are with you," he told them.

Indeed. There is not one ecological argument for the Alaskan pipeline. Not one economic argument. Not one strategic argument. There is only the political argument inherent in the great power of the U.S. oil industry, which enjoys the fattest subsidies known to capitalism. Along with his gymnastics award, Secretary Morton deserves a bronze medal for candor.

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THE HONORABLE SAMUEL DE PALMA ON U.S. CONTRIBUTIONS TO THE U.N.

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FRASER. Mr. Speaker, Thursday, December 2, 1971, Assistant Secretary of State for International Organization Affairs, Samuel De Palma, testified before the House Foreign Affairs Subcommittee on International Organizations and Movements. Secretary De Palma's statement on the financial assessments of United Nations members was one of the best the subcommittee has received on this subject.

The Secretary reviewed the method for establishing the assessments of U.N. members and he pointed out the "gross anomalies" that would be introduced by efforts to relate U.N. contributions to population alone, ignoring national income or national capacity to pay.

Mr. Speaker, Secretary De Palma also said that the United States "should continue to seek downward revision both in our assessment percentage and in the U.N. ceiling rate itself." He was not simply asking that the status quo be maintained. He looked forward to the time when it will be possible for the Federal Republic of Germany to enter the U.N. and make a substantial contribution to U.N. revenues.

The De Palma statement is informative and thoughtful. It is well worth a few moments of our time:

STATEMENT OF THE HONORABLE SAMUEL DE PALMA, ASSISTANT SECRETARY OF STATE

Mr. Chairman: I appreciate the opportunity to discuss the proposal to change the basis for paying U.S. contributions to the United Nations family of agencies and programs from the present system to one based on comparative population data.

It would be useful at the outset to review the method for establishing the assessments of U.N. members. This background will make clear what has been done to reduce the U.S. assessment rate in the past and will indicate what can most usefully be done to continue this process in the future.

Article 17, paragraph 2, of the Charter of the United Nations provides that "the expenses of the Organization shall be borne by the Members as apportioned by the General Assembly." What this provision means essentially, Mr. Chairman, is that the United States, so long as it is a member of the United Nations, is subject to the rate of assessment apportioned to it by the United Nations General Assembly and decided by a two-thirds majority.

To assist in making its apportionment, the General Assembly relies upon the technical advice of an expert Committee on Contributions. This body presently consists of twelve individuals, appointed on the basis of broad geographic representation, personal qualifications and experience. It includes one American. Rule 161 of the Rules of Procedure of the General Assembly provides that the Committee on Contributions shall advise the General Assembly "concerning the apportionment . . . of the expenses of the Organization among Members, broadly according to capacity to pay." The criterion, "capacity to pay," was adopted at the first part of the first session of the General Assembly in February 1946. Also included in the original terms of reference of the Committee on Contributions was the provision that "if a ceiling is imposed on contributions the ceiling should not be such as seriously to obscure the relation between a nation's contributions and its capacity to pay."

From the outset of the United Nations, the capacity to pay criterion has been applied by the Committee on Contributions through the use of comparative national income statistics. According to the Committee, these data have been progressively improved and the comparability of the data has been enhanced by the use since 1964 of comparative net national products at market prices. Net national product is defined as the total of personal and governmental consumption expenditures on goods and services, plus expenditures for investment. Net national product differs from gross national product by excluding depreciation allowance for capital consumption.

Acting according to its original criteria, the Committee on Contributions in its first apportionment set the U.S. rate of assessment for 1946 at 49.89%. The U.S. objected to this assessment. While recognizing the difficulty of other states in making contributions after the devastation of the Second World War, Senator Vandenberg pointed out that the U.S. did not think the Organization ought to rely unduly upon the contributions of a single member. This vigorous U.S. objection succeeded in persuading the Assembly to reduce the U.S. rate for 1946 to 39.89%, and it remained at that level through 1949.

Meanwhile, in 1948 the General Assembly, at the urging of the United States, accepted the principle of a ceiling to be fixed on the rate of contributions of the member bearing the highest assessment. The principle was that "in normal times no one Member State should contribute more than one-third of the ordinary expenses of the United Nations for any one year." Simultaneously, the General Assembly recognized that "the per capita contribution of any Member should not exceed the per capita contribution of the Member which bears the highest assessment." In 1954, the 33⅓% ceiling was brought into effect by a General Assembly Resolution.

In 1957, the General Assembly, again at our insistence, reduced the ceiling to 30% in principle, and the U.S. contribution has been moving toward that rate ever since. In 1970, when the Committee on Contributions made its apportionment for the years 1971–1973, the percentage contributions of the members which had entered the Organization during the previous three years, amounting to 0.16 percentage points, were distributed proportionately among the membership, with the United States receiving 0.05 percentage points. This process reduced the U.S. contribution from 31.57% in 1968–1970 to 31.52% in 1971–1973.

As a result of the criteria supplied to the Committee on Contributions by the General Assembly, five general classes of Member States exist for the purposes of apportionment. With respect to the criterion of capacity to pay, three of these categories are relatively advantaged, and two are relatively disadvantaged.

The three categories of United Nations Members who are specially advantaged in the determination of their assessment rates are:

1. Members with per capita incomes below $1,000 per year and assessment rates above the 0.04% minimum rate. These less-developed countries are given an allowance for low per capita income which reduces their assessment rate.

2. The second category of specially advantaged Members includes only the United States, whose percentage share is reduced below capacity to pay by the application of the ceiling principle. The UN Committee on Contributions pointed out with reference to the scale for 1968–1970 that if the rate of assessment of the United States were assessed on the basis of comparative national income statistics adjusted for low per capita income, its rate would have 39.48% instead of 31.57%.

3. A few countries have also benefited from the application of the per capita ceiling principle which holds that "the per capita contribution of any Member State should not exceed the per capita contribution of the Member which bears the highest assessment." Relatively small reduction in assessment rates have been applied to Canada, Kuwait, New Zealand and Sweden over the years in order that their per capita contribution not exceed the per capita contribution of the United States.

There are also two categories of specially disadvantaged Members who pay more than they would under the strict application of the capacity to pay criterion as measured by relative national product.

These are:

1. Members individually assessed at the minimum rate of 0.04% (which is the case for more than 60 of the poorest Members) who pay more because the minimum rate exceeds their assessment based on capacity to pay.

2. Members with per capita incomes above $1,000 per year (except for those affected by the ceilings) also pay more than their relative capacity to pay. This group of developed countries pays more because the assessment rate of each, based on capacity to pay, is substantially increased to pay for the benefits given the advantaged categories (including the United States).

If I may summarize, Mr. Chairman, because of the adoption of an arbitrary ceiling, for over twenty-five years the United States has paid less than it would have if it had been assessed according to the same criteria applied to the other main industrial states, including the Soviet Union, the United Kingdom, France and Canada.

The legislation you are considering, which relates assessments to population, implies a United Nations assessment rate for the United States which we estimate at 6.20% in place of the present U.S. assessment of 31.52%. On a strict capacity to pay basis we estimate that at the present time the U.S. rate, based on national income statistics when adjusted to benefit the low per capita states, would actually be 38.40%. Comparable figures for the Soviet Union, including Byelorussia and the Ukraine, would be 7.34% on a population basis as compared with 14.66% on the adjusted basis. In fact the Soviet Union is now assessed at 16.55%. The difference between 14.66% and 16.55% is the extra amount we estimate the Soviet Union is assessed because of the ceiling principle applied to the U.S. contribution.

Comparable figures for France are 1.54% on the basis of population as compared with its present assessment of 6.00%; and for the United Kingdom: 1.72% on the basis of population as compared with its present assessment of 5.90%. These figures show that other major industrial powers would also gain a significant advantage from an assessment based on population. Nevertheless, in our judgment there would be little or no support even from these countries for changing the apportionment pattern in the United Nations to one based on the criterion of comparative population. We strongly doubt that these other prospective beneficiaries would favor it because they would not want to take on the large majority that would oppose it on the grounds of its being unrealistic and unfair. The large population states like China which would be assessed at about 22.85%, or Pakistan at 3.34%, or Brazil at 2.67%, or Indian at 15.91%, or Indonesia at 3.43% would obviously find it unacceptable.

We are convinced it would be impossible to negotiate such a scale of assessment because of the gross anomalies it would introduce. Very poor countries would find themselves paying many times their present rate, while the rate of most affluent countries would be substantially reduced. Based on average per capita incomes, an Indonesian would contribute about 44 times more of his income than the average U.S. citizen; the average Nigerian would contribute 49 times more. In terms of time per capita worked to pay toward their country's UN assessment, under the population scale an American would work two minutes, an Ethiopian two hours, an Englishman four minutes and a Brazilian twenty-five minutes. In fact, under the population scale, everyone's per capita contribution, expressed in time worked to pay toward the UN assessment, would exceed that of the average American.

We could not defend such a scale on the grounds of reason or equity and certainly could not expect to gain a two-thirds majority for it.

I strongly hope the Congress would not decide that the United States should pay its UN assessment at a 6% rate. If we unilaterally paid on the basis of population, the United States would soon be sufficiently in arrears to lose its vote in the General Assembly and, even earlier, would have pushed the United Nations over the fiscal brink. This is not a formula for reducing the U.S. contribution; it is a formula for abandoning the United Nations.

Insofar as voluntary contributions are concerned, we now contribute at varying rates—depending on our interest in the programs—but generally at a rate not to exceed 40%. Were we to reduce our contributions to about 6% we would be contributing far less than our fair share to important peacekeeping, economic development and humanitarian activities.

Mr. Chairman, that having been said, our experience of the past twenty-five years demonstrates that we can and should continue to seek downward revision both in our assessment percentage and in the UN ceiling rate itself. This experience has shown in particular that reductions are most successfully accomplished when new members with substantial contributions enter the Organization. Under this condition, none of the old members would have their own contribution raised if the ceiling rate were lowered. Consequently, we are looking forward to the time when it will be possible for the Federal Republic of Germany to enter the Organization with a percentage assessment rate which has already been set by the Committee on Contributions at 6.80%. Should the U.S. get almost the full benefit of this amount, its rate of assessment could reach the 25% recommended by the Lodge Commission last April. You will recall that this Presidential Commission made the following recommendation:

"As new members are brought into the UN, their assessed contributions to the regular budget, which may be substantial, will call for a redistribution of the financial burdens reflected in the scale of assessment. Furthermore, for its own independence and development, an international organization of 127 members should not depend upon one state for almost one-third of the contributions to its regular budget.

"The Commission recommends that the United States affirm its intention to maintain and increase its total contributions to the UN, but that, as part of a redistribution of responsibilities, it will seek over a period of years to reduce its current contribution of 31.52% to the assessed regular budget of the Organization so that eventually its share will not exceed 25%.

"In recommending that the United States seek a reduction of the percentage of its assessment for the regular budget, the Commission wishes to emphasize that it is in no way proposing any diminution of the overall commitment of U.S. resources to the UN system. Each reduction in the U.S share of the regular budget must be clearly marked by at least a corresponding increase in U.S. contributions to one or more of the voluntary budgets or funds in the UN system."

Mr. Chairman, we have given this recommendation of the Lodge Commission the most serious consideration. We have decided that it is an appropriate and necessary goal for the U.S. to pursue and we shall work to achieve it as rapidly as we can, hopefully in connection with the admission of new members. We believe that a reduction of our assessment to 25% would be beneficial to the UN because the Organization ought not to be overly dependent on the contribution of a single member. Above all, we do not believe it is politically advisable for an organization of sovereign and juridicially equal states, which is approaching universality of membership, to perpetuate such an extreme disparity between voting power and influence, on the one hand, and financial contributions on the other.

Mr. Chairman, a 25% ceiling for assessed contributions would achieve a better balance between voting power and capacity to pay, without abandoning capacity to pay as a major criterion. Finally, let me stress that we have had this matter under study for some time and our decision to work toward this goal has been taken as a matter of principle and not in retaliation for recent events in the General Assembly.

"THE GREAT AMERICAN BALLOON ADVENTURE"—A TV PRESENTATION OF AMERICAN GRANDEUR AND COURAGE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HANNA. Mr. Speaker, at a time in our national history when so much doubt is being expressed by cynics both at home and abroad about the greatness of America, it was a refreshing experience for me, as I am sure it was for millions of other TV viewers, to see "The Great American Balloon Adventure." This is a 1-hour Alcoa special filmed account on television of a young balloonist's voyage across our magnificent continent, beginning in San Francisco and completing the adventure with a landing in Central Park, New York City. The program was on TV coast-to-coast on Tuesday evening, November 30, in most areas.

Produced and directed by Dennis B. Kane for the editors of Life magazine and sponsored by Alcoa, the balloonist, 26-year-old Bob Waligunda, showed amazing courage and great pride in the grandeur of America. His odyssey reminded me at once of the indomitable courage and spirit of adventure of our forefathers when they pushed westward in their covered wagons despite every obstacle and danger. "The Great American Balloon Adventure" is a fitting tribute to the great American pioneering spirit which is very much alive today.

The balloonist's voyage carries him and his red, white, and blue striped balloon across the Golden Gate Bridge, the Grand Canyon, the Kansas wheatfields, the Louisiana bayou country, the Gulf of Mexico, up to the green hills of Vermont and finally to New York City.

The music, which superbly catches the spirit of the balloon soaring through space and through its many adventures, was composed by Alden Shuman. It was magnificent.

Mr. Speaker, the heritage of America is great and its grandeur should serve to strengthen our morale when it begins to sag and to remind us of the necessity for vigilantly preserving America's beauty and conserving it, free from pollution and contamination.

To all those associated with a great TV presentation, we offer our heartiest commendation and thanks.

AN IMMEDIATE NEED TO CHANGE THE REGULATION OF NATURAL GAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. PICKLE. Mr. Speaker, some disasters, such as flood and drought and earthquakers, result from uncontrollable forces of nature. Others are made by man. A present, glaring example is the natural gas supply shortage, which is already forcing curtailment of the use of this economical, convenient and ecologically beneficial fuel in a number of areas in the United States, our Nation's Capital being one of these areas.

I say this gas supply shortage is manmade because it grows out of Federal regulatory policies which have been pursued over the past 15 years. These policies have simultaneously encouraged increased consumption of natural gas and discouraged the exploration which would have yielded the new supplies so badly needed.

The number of wells drilled declined sharply from 57,111 in 1956 to 28,088 in 1970, and another 10 percent drop is being experienced this year. At present, the United States is burning gas twice as fast as it is adding to known reserve supplies.

These facts add up to an extremely serious situation. According to information submitted recently to a House subcommitee by the Chairman of the Federal Power Commission, 12 out of 22 major pipeline companies will encounter problems, "ranging from minor to very serious" in meeting their commitments to customers this year. Service curtailments will cut back consumption of natural gas by 493 billion cubic feet this year, inconveniencing many, hampering normal operation of numerous industrial plants, and adding to the pollution of the atmosphere. Much more severe dislocations are expected in the future.

It should be clearly understood that the present gas supply shortage is not due to a lack of potential supplies to meet all the demands of the market. In fact, the potential reserves appear to be so great as to be almost incalcuable. Informed estimates range up to 2,061 trillion cubic feet.

But potential reserves obviously cannot be used until they are discovered and developed. That is why it is so imperative to change the Federal policies which discourage exploration for and development of new gas supplies.

A first step is to inject stability into prices for gas approved by the Federal Power Commission. They do not at present possess that quality. Producers selling their gas to interstate pipelines have no guarantee that contract provisions regarding price, volumes of gas to be delivered, or length of deliveries will not be changed by a later FPC order.

H.R. 7144, which I introduced earlier in this session, would relieve these uncertainties by making producer-interstate pipeline contracts valid and binding, just as contracts are in other segments of the business community. This would be done without removing the authority of the Commission to pass judgment on all major new contracts. But it would keep prices from being subsequently reduced once they have been approved by the Commission.

The bill also would require the Federal Power Commission to give consideration to market and economic conditions as well as to competitive fuel prices in any determination of wellhead gas prices. The need for this provision is pointed up by the fact that during what has amounted to a 10-year freeze on gas prices inflation has added nearly 50 percent to the cost of bringing in a new well.

Mr. Speaker, I am from a gas producing State, but H.R. 7144 is not a producers' bill. That is clearly proved by the support it is receiving from consumer State Members. It is the consumer who is the main victim of the gas supply shortage, which is already bad enough and is certain to get worse before it gets better.

I make this sober statement because even prompt enactment of H.R. 7144 will not cure the shortage overnight or within a few months. The search for and development of new gas fields takes time. But passage of the bill would move us in the right direction and could well mark the beginning of a period of intensive exploratory activity by men who have demonstrated that they know how to find gas when they are accorded sufficient incentive to engage in this costly undertaking.

I hope Congress will take that step during the 92d Congress. It is of national importance.

HON. CHARLES C. DIGGS, JR.: "MY VISIT TO SOUTH AFRICA"

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 3, 1971

Mr. FRASER. Mr. Speaker, the November 1971 edition of Africa Report, a nonpartisan magazine of African affairs, features an article by our distinguished colleague, the gentleman from Michigan (Mr. DIGGS), chairman of the Foreign Affairs Subcommittee on Africa.

The article reports on Congressman DIGGS' recent visit to South Africa. It indicates that the reception he received from the black people of Pretoria and the southwestern townships—Soweto—deeply moved him. I am certain that his experiences in South Africa will make him an even more effective advocate for racial justice than he was before he made his latest fact-finding mission to Africa—and he has always been effective.

Congressman DIGGS is not unique in describing the South African apartheid system as "inhuman." The system is inhuman and vicious. Most Americans would agree with such a characterization. But, most would also agree with the words of Assistant Secretary of State for African Affairs David D. Newsom that "our hope is that it—change in South Africa—will come peacefully," words Newsom expressed in a September 21, 1971, speech aimed "for a wider audience, in Africa as well as at home."

It is too simple to voice this truism, as Secretary Newsom did, while waiting for economic and demographic pressure to produce change—positive change one hopes. For what exists in South Africa and southern Africa today, as Congressman DIGGS can testify, bears no relationship to peace. Daily violations of basic human rights—the right to travel, to work, to enjoy one's family, to live where one desires—are part of South African life. The daily violence is not always concealed by the velvet glove. The mailed fist, too, is much in evidence, especially when opposition to the existing system is openly expressed. And South Africa "legally"—through capital punishment—kills more people each year than any other "civilized" government.

The existing war of the South African Government against her black and colored citizens—and some whites as well—should not be characterized by our policymakers as peaceful progress. None of us wants open warfare in South Africa. But "peaceful progress" of the magnitude and type we see today should not be accepted as the pace of progress our Government finds acceptable. Present policies are not good enough. I join Congressman DIGGS in calling for American businesses in South Africa to "push beyond the permissible" in their efforts to facilitate change in South Africa.

The present pace of change should not be acceptable to us. We must continually push and probe, prod and protest until change for the better becomes a fact. Then we can—perhaps—say that our hope is that change in southern Africa will be peaceful. The change occurring today—and Mr. DIGGS points out that the situation of the black African is worsening—is neither peaceful nor positive. To believe it is either or both is to close our eyes to reality.

As Mr. DIGGS puts it:

> The U.S. must end its hypocrisy in decrying violence as means of liberation on one hand and on the other, refusing to condemn the violence with which the South Africa government subjugates the majority.

The complete article follows:

MY VISIT TO SOUTH AFRICA

(By CHARLES C. DIGGS, JR.)

(NOTE.—With the exception of Namibia, Zimbabwe and the Sudan, CHARLES C. DIGGS Jr., U.S. Congressman from Detroit and Chairman of the House Subcommittee on Africa, has now personally visited each country on the continent. Congressman Guy Vander Jagt of Michigan accompanied the Chairman on the biracial, bipartisan visit to Bissau, Cape Verde, South Africa, Mauritania, the Gambia and Algeria.)

On my arrival at Jan Smuts Airport, Johannesburg, I learned that the South African government, evidently alarmed over the unsettled situation in Namibia, had reneged on its unconditional granting of a visa and was interposing objections to my visit to Namibia.

My first decision was to abort the trip. I was profoundly moved, however, by the reception by the black people of Pretoria and Soweto, the black township near Johannesburg of nearly a million people. The yearning of the people to see blacks from outside and the common bond that unites us were compelling. I decided to continue the fact-finding trip to South Africa as a people-to-people mission.

We met and listened to many representatives of the blacks from different strategies. We met with the students, black and white, English and Afrikaner. We met with the Coloured (mixed origin) representatives, both those believing progress can be achieved working with the government and those opposing it. We met with Indian groups, with Progressives, with United Party leaders and with nationalists who are beginning to question their government's policy. We did not meet with South African officials. The government's position is well known whereas too little contact had been made with the majority of the people.

There is some ferment in South Africa. A few whites may be beginning to realize that, whether they like it or not, their self-preservation demands that they accept a multiracial society. Nevertheless, it is not clear that the ferment does not arise out of a concern with the degrading trappings of apartheid, "pretty apartheid," rather than out of a genuine disagreement with the basic policy of perpetuating minority rule. The present debate may well be on the means, and not the issue of maintaining white control. Moreover, I found no evidence that the ferment is being translated into action. The inhuman, pervasive restrictions on the majority of the people and the repressive laws, applicable against anyone, black or white, who opposes the system, are being mitigated not one iota.

In fact, the situation of the African is worsening. He has no right of political participation in the government, no right of movement, no right to work or even to live with his family. Resettlement projects, Terrorism Act trials, bannings by unchallengeable executive fiat continue.

I deeply deplore the recent action of the government in banning Mewa Ramgobin, the Indian leader and husband of Gandhi's granddaughter.

The government barred our visit to Dimbaza; so, we could not witness the "discarded people" sent to that resettlement area. We visited a squatter village and saw the squalor and persecution of the people and children. We attended the Pietermaritzburg trial, under the infamous Terrorism Act, of the members of the Non-European Unity Movement.

The essence of my visit was witnessing the indomitable spirit of the people, and I have returned with the conviction that majority rule in South Africa is inevitable. I am not prepared to start predicting when or how, but the countdown has begun.

The U.S. has no choice but to get on the side of freedom. Complicity with apartheid must be ended. As the leading power in the world, the U.S. must act to avoid the holocaust, which otherwise will surely come, and help all the people of South Africa, the blacks, the Coloured, the Indians and the whites to a free South Africa. The U.S. must end its hypocrisy in decrying violence as a means of liberation on one hand and, on the other, refusing to condemn the violence with which the South African government subjugates the majority. The U.S. must recognize that any means are legitimate so long as the recalcitrance of that government continues.

The U.S. must reform its employment practices in the embassy, the consulates and at the NASA tracking station, where I found callous racism. When it is considered that the justification for a tracking station in South Africa has not been—and in fact cannot be—given, it becomes clear that, at a minimum, NASA has no choice but to institute decent employment practices or terminate the contract.

It is inexcusable that the intention, stated before the Subcommittee last year, to place a ranking black foreign service officer at the U.S. Embassy in Pretoria has not been implemented. Several black foreign service officers, as well as staff, should be assigned to our embassy and consulates. A USIS office should be opened in Soweto.

My visit to the sugar plantations demonstrated that a sugar quota for South Africa is an abomination. It should be terminated.

The government should advise U.S. business that if they stay in South Africa they are on their own and, in the event of racial difficulties, will not receive protection. The facade that we do not encourage U.S. business investment in South Africa should be ended.

It is incontrovertible that U.S. business, representing the second largest foreign investment in South Africa and concentrated in the manufacturing and dynamic sectors, buttresses the South African economy and, therefore, the present government and apartheid. Its presence not only renders the U.S. hostage to apartheid, it provides a stake in the status quo. Nevertheless, there are innumerable policy and legal difficulties in therefore, determined to direct present efforts against the exploitation of the blacks by U.S. business, which uses the apartheid system as an excuse for slave labor practices.

I was shocked at the blatant racism of U.S. business in South Africa. U.S. business must be required to pay equal pay for equal work, to institute training programs, to throw off local coloration, to respect all employees and refuse to adhere to racial practices. The law of South Africa to a large extent does not limit wages, fringe benefits, training and educational programs, special services such as counseling, legal and educational assistance to the employee and his family. Institutions supportive of the majority, such as the distinguished Inanda Seminary, should be aided.

American firms must push beyond the permissible. It is inconceivable that the South African government would not, as it has in the case of the Japanese, find dispensations from the laws requiring discrimination in facilities and jobs, if that is the price of keeping American business. The "Whites—Only" signs, and the segregated facilities, which we witnessed both at the U.S. plants and at the NASA tracking station, must be eliminated. The enormous communications gap between the South African subsidiaries and U.S. parent companies must be closed. I am requesting meetings with the boards of major companies involved in South Africa toward this effort.

The U.S. government must use every legitimate means to bring U.S. business to dedicate itself to fair employment principles. I shall urge that fair employment practices in their South African enterprises be a condition of eligibility of U.S. firms for government contracts.

The basic fact found by our factfinding missions to South Africa is the unquenchable will of the people to be free. South Africa is not isolated from the tide of self-determination and freedom which revolutionized the world in the middle of this century and which, through the U.N. Charter, made majority rule, self-determination and human rights legal obligations of all countries, including South Africa and the United States. This tide of freedom is a surging undertow in South Africa that will overcome.

I have returned from the factfinding mission with a greater understanding of the situation in South Africa. My views on basic strategy have been reinforced. Direct observation has afforded new insight and has netted new weapons for the arsenal.

TRADE—A TWO-WAY STREET WE MUST TRAVEL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HANNA. Mr. Speaker, I rise to address the House on an issue of critical importance to the American economy. There is no need for me to review the long list of those economic ills confronting us today—we are all painfully aware of them. What I wish to call to the attention of the House is a developing problem which may, if Congress does not take appropriate action, stifle our economic development for years to come. I refer, Mr. Speaker, to the growing sentiment for economic isolationism. The rallying cry for trade restrictions is once again heard across the land and, as we might expect, voicing the same tired clichés and generalizations used for the last 100 years.

An economy in our present state of development simply cannot afford to withdraw from its involvement in international trade. Every Member of this House, I am sure, was concerned about the headline in the Washington Post: "U.S. Payments Gap Largest in History." I suspect that the trade restrictionists will attempt to use this headline to further their cause of economic isolation. Of course, the exact opposite should be the case. That the Nation's balance-of-payments situation is a serious problem is not in dispute here; what is in dispute is the proper course of action to redress the problem.

If we look at the historical components of our balance-of-payments situation, we find that the one consistently favorable element is international trade. Since 1946, the United States had chalked-up a trade surplus of $123 billion. After a 2-year lag in 1968 and 1969, our 1970 surplus was back up to $3 billion. These facts suggest that the worst thing we could do to our balance of payments is to put restrictions on trade. On the contrary, unless we are willing to drastically reduce our military installations abroad, our best and perhaps only chance of improving our payments position is to expand our trade activity.

In addition to improving our balance of payments, Mr. Speaker, there is a second reason why our economic prosperity requires expansion of our trade volume. The United States has 6 percent of the world's population and produces 44 percent of the world's industrial goods. This and similar data that has come to my attention in recent weeks indicate that our potential production of goods far exceeds our ability to consume or utilize. If we are to achieve and sustain full employment of labor and capital, Mr. Speaker, we must develop markets for our products beyond our shores.

In order to achieve this goal, we must allow underdeveloped countries to participate, unfettered, as our trade partners. We may need to make some concessions in the short run in order to make a handsome profit over the long haul. This is not to say that a flexible policy involves self-sacrifice. On the contrary, we are today very much dependent on the nations of Asia, Africa, and Latin America. Before people adopt the "Economic Fortress America" platform, they should consider the fact that one-fifth of the raw materials used by our factories today is imported. If we restrict trade, those factories will be idle and their employees out of work. I hasten to add at this point that anyone who thinks we can restrict imports and keep exports expanding is kidding himself. Trade is a two-way street and we have vital interests on both the export and import side of that street.

The trade restrictionists are often heard to say that the United States can live without trade, that it is only 8 percent of our gross national product. That may be true, but, if we look at the makeup of that small percentage, we find that several of our larger employer industries are dependent on foreign trade. Seven percent of all manufacturing jobs in America are directly dependent on export. In the aircraft industry, the figure is 10 percent; in computers, 12 percent; and in engine and turbine production, 20 percent. Looking at trade only in terms of U.S. jobs, our exports in 1970 supported 4,300,000 jobs and imports supported another million. The nation that trade is to blame for our unemployment today is simply fallacious. In actuality, the facts suggest that the best way to expand jobs is to expand our trade activity.

In conclusion, Mr. Speaker, I wish to say that our stake in international trade is both great and obvious. The urgency of expanding trade can be stated very simply—we need to improve our balance of payments, develop new markets for our produce, and expand job opportunities here at home. All three of these goals were be enhanced by greater—not lesser—trade activity.

Mr. Speaker. I am appending some data that I think the Members of the House will find well worth their time reviewing:

TABLE I. RAW MATERIAL IMPORTS OF THE UNITED STATES

[Material and percentage imported]

Tin	100
Industrial diamonds	100
Chrome ore	99
Bauxite	99
Cobalt	95
Beryllium	93
Nickel	93
Asbestos	91
Manganese ore	91
Crude rubber	100
Tantalum ore	85
Antimony	85
Fluorspar	77
Cadmium	70
Mercury	45
Zinc	40
Lead	37
Iron ore	35

Source: Department of State Publication, 8546; Commercial Policy Series, 206; January, 1971; and Office of Media Services, Bureau of Public Affairs.

TABLE II. PERCENTAGE OF U.S. GOODS PRODUCED FOR EXPORT

Recent U.S. exports:

52% locomotives.

49% tracklaying-type tractors.

31% agricultural chemicals.

30% construction and mining equipment.

27% sewing machines.

26% oilfield equipment.

26% refined copper.

25% pulp mill products.

24% office machines.

23% engines and turbines.

21% broadcast systems.

21% x-ray and therapeutic apparatus.

20% special industrial machinery.

20% lubricating oils.

20% carbon black.

20% gum and wood chemicals.

19% textile machinery.

18% food products machinery.

17% aircraft.

17% synthetic rubber.

16% paper industries machinery.

16% printing trades machinery.

15% scientific and mechanical measuring instruments.

15% pumps and compressors.

15% metal working, cutting, and forming machinery.

15% woodworking machinery.

Source: Department of State Publication, 8546; Commercial Policy Series. 206; January, 1971; and Office of Media Services, Bureau of Public Affairs.

TABLE III. EXPORT OF U.S. AGRICULTURAL PRODUCE

In recent years we exported on the average:

59% of our wheat.

61% of our milled rice.

81% of our dried peas.

58% of hides and skins.

42% of soybeans.

42% of hops.

40% of tallow.

33⅓% of cotton.

33⅓% of tobacco.

33⅓% of grain sorghums.

33⅓% of nonfat dry milk.

SENATE—*Saturday, December 4, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we turn aside from the turbulent and tumultuous world without, to open our hearts to the quiet and peace of Thy presence.

We bring to Thee our work to be sanctified, our wounds to be healed, our sins to be forgiven, our hopes to be renewed, our better selves to be quickened.

O Thou in whom there is harmony, silence the discord of our lower selves and bring Thy harmony into our higher selves.

O Thou whose greatness is beyond our highest praise, lift us above our common littleness and our daily imperfections. Send us visions of the love that is in Thee, and of the good that may be in us.

In Thy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 3, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar beginning with Calendar No. 521.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CERTAIN PUBLIC LANDS HELD IN TRUST BY THE UNITED STATES FOR THE SUMMIT LAKE PAIUTE TRIBE

The bill (S. 952) to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to lots 1, 2, 3, 4, northwest quarter northeast quarter, south half northeast quarter, section 7, and the north half, section 8, township 41 north, range 26 east, Mount Diablo meridian, Nevada, containing six hundred acres, more or less, together with all improvements thereon, are hereby declared to be held by the United States in trust for the Summit Lake Paiute Tribe and shall hereafter constitute a part of the Summit Lake Indian Reservation, Nevada, subject to the reservation of a right of access across said lands to the northeast quarter northeast quarter, section 7, township 41 north, range 26 east, Mount Diablo meridian, Nevada, for the benefit of the owner thereof.

SEC. 2. Notwithstanding any other provision of law, the Summit Lake Paiute Tribe is hereby authorized to negotiate a purchase of the northeast quarter northeast quarter, section 7, township 41 north, range 26 east, Mount Diablo meridian, Nevada, from the owner thereof and to cause the title to be conveyed to the United States in trust for the benefit of the Summit Lake Paiute Tribe.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–540), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill provides that all right, title and interest of the United States in 600 acres, more or less, of public domain land, together with all improvements thereon, will be held in trust for the Summit Lake Paiute Tribe. The bill further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the U.S. Government determined by the Commission.

NEED

The Summit Lake Paiute Reservation was established by Executive order on January 14, 1913. By the act of March 3, 1928, the area was enlarged and now consists of some 10,500 acres. The public domain land in this proposal was fenced with the reservation land by the Civilian Conservation Corps in the middle 1930's. There are two springs and a small excavated pond situated on the tract and they furnish much needed water for livestock grazing on the southern portion of the reservation.

These 600 acres have been used continuously with tribal land for grazing purposes to make a well-rounded range unit. In order to protect the value of the tribal range resources the tribe considers it imperative that this tract be made part of the reservation. The highest and best use of the property is for grazing of livestock during the spring and summer for about 6 months' use.

COST

No additional expenditure of Federal funds will result from the enactment of S. 952.

BILL PASSED OVER

The bill (S. 1115) to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony in Nevada, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

CERTAIN FEDERALLY OWNED LANDS IN THE STATE OF NEVADA HELD BY THE UNITED STATES IN TRUST FOR RENO-SPARKS INDIAN COLONY

The bill (S. 1218) to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in the lands described below and all easements, right-of-way, and other appurtenances thereto are hereby declared to be held by the United States in trust for the Reno-Sparks Indian Colony, subject to all valid, outstanding interests, and rights-of-way:

RENO-SPARKS INDIAN COLONY

Two tracts of land located in section 7, township 19 north, range 20 east, Mount Diablo base and meridian, Washoe County, Nevada, more particularly described as follows:

Beginning at a point on the north county road right-of-way fence line, as it existed on January 22, 1927, being 1,268 feet east and 30 feet north of the west quarter corner of said section 7, said point being at the intersection of the boundary fence between L. M. Christensen and A. L. Hensen, as it existed on January 22, 1927, with said north county road right-of-way line:

thence north 00 degrees 08 minutes west, 490.30 feet;

thence west, 787.74 feet;

thence south 0 degrees 12 minutes west, 490.30 feet to said north county road right-of-way fence line;

thence east along said fence line, 373.16 feet;

thence north, 104.35 feet;

thence east, 208.71 feet;

thence south 104.35 feet to said north county road right-of-way fence line;

thence east along said fence line, 208.71 feet to the point of beginning; containing 8.38 acres, more or less; also

Beginning at the intersection of the east line of the west half southwest quarter of said section 7 with the south line of Scott Street Road as it existed on March 8, 1917, said point begin 30 feet south of the northeast corner of said west half southwest quarter:

thence south 89 degrees 35 minutes west, along the south line of said Scott Street Road, 361.2 feet;

thence south and parallel with the east line of said west half southwest quarter, 2,326.18 feet to the north line of Glendale Road, as it existed on March 8, 1917;

thence south 64 degrees 30 minutes east, along the north line of said Glendale Road, 400 feet to the east line of said west half southwest quarter;

thence north along said east line 2,501 feet to the point of beginning; containing 20 acres, more or less.

The above-described lands contain an aggregate of 28.38 acres, more or less, known as the Reno-Sparks Indian Colony site.

SEC. 2. The governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, may dedicate land to the public for streets, alleys, or other public purposes under those laws of the State of Nevada that are applicable to the dedication of land for public purposes.

SEC. 3. The governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, may contract with the State of Nevada, or its political subdivisions, for the furnishing of water, sewage, law enforcement, or other public services on terms and conditions deemed advantageous to the colony and its occupants.

SEC. 4. The governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, is hereby authorized to enact zoning, building, and sanitary regulations for the use of such colony site, and said governing body may contract with political subdivisions of the State of Nevada for assistance in preparing such regulations.

SEC. 5. In addition to any authority now existing, the governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, may lease lands to members of the colony for homesite purposes for terms of not to exceed ninety-nine years, inclusive of all renewals.

SEC. 6. The governing body of the Reno-Sparks Indian Colony, with the approval of the Secretary of the Interior, may take such actions as may be necessary to quiet title to lands within he described boundaries of he colony including issuance of deeds for the purpose of extinguishing title to erroneous descriptions within the area and accept title in the name of the United States in trust for the Reno-Sparks Indian Colony in order to establish proper boundaries of the property.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–538), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill would grant to Reno-Sparks Indian Colony in Nevada the beneficial interest in and to 28.38 acres of land the colony has been using and occupying since it was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians. It would also authorize the governing body of the colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning, building, and sanitary regulations, and take actions to establish proper boundaries of the colony lands.

BACKGROUND

The colony site consists of two tracts of land one of which was acquired in 1917 and the other in 1927 pursuant to authority of and with funds made available by two acts of Congress for the purpose of procuring home and farm sites for the nonreservation Indians in the State of Nevada. Title to the land was taken in the name of the United States.

On June 10, 1935, the Indians residing in the colony voted to accept the Indian Reorganization Act of June 18, 1934, and later adopted a constitution and bylaws which was approved by the Secretary of the Interior on January 15, 1936. Article I of the constitution and bylaws provides that the organized colony shall have jurisdiction over all of the land within the boundaries of the colony site, except as otherwise provided by law.

The property since its purchase has been used almost exclusively for homesite purposes by the colony members. There are now located on the land over 100 cottages and mobile homes. The value of these improvements, which are in varying degrees of repair and maintenance, has been estimated at approximately $125,000 to $150,000.

When purchased, the land was rural in character and location. In the intervening years the city of Reno has grown until the colony is completely surrounded on all sides. Nearly the whole acreage of the colony has been plotted into lots which have been assigned to members of an approved assignment form. Although the colony has domestic water and waste disposal facilities, which were completed in 1968, there is need for modernization and improvement of the housing and community facilities and services.

NEED

Although the land was purchased for the use and benefit of Indians, the legal title is in the United States. The need for the transfer of the beneficial interest, a compensable interest, from the United States to the Reno-Sparks Indian Colony, stems from the doubt of State, county, and city authorities as to the authority of the colony to contract for improvements on land owned by the United States. It is a point well taken as the Department of Housing and Urban Development has also questioned the authority of the colony to make an in-kind contribution toward the neighborhood facilities project even though only the use of the land is involved. Section 1 of the bill would effect a transfer of the beneficial interest in the land to the colony and resolve any doubt as to the interest in the land to the colony and resolve any doubt as to the interest and rights of the Indians in and to the land.

DEPARTMENTAL AMENDMENT

The proposed departmental amendment in section 4 is already in the bill as introduced and therefore is unnecessary.

COST

No additional expenditure of Federal funds will result from the enactment of S. 1218.

BILL PASSED OVER

The bill (S. 345) to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

THE SALE OF CERTAIN LANDS ON THE KALISPEL INDIAN RESERVATION

The bill (H.R. 8381) to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–542), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 8381 is to give the Kalispel Indian Community additional land management authority within the Indian reservation. The committee also considered S. 1101, a similar bill introduced by Senator Jackson.

EXPLANATION

Section 1 authorizes the Secretary of the Interior, on behalf of the Kalispel Indian Community, to acquire lands within the reservation, to sell tribal lands, and to exchange tribal lands. The committee amendment deletes the authority to acquire and to exchange, because the tribe already has such authority. This amendment follows the precedent established by Public Law 91–274 relating to the Tulalip Reservation.

Section 2 provides that any sale of tribal lands must be approved by the tribe in accordance with its constitution, and must conform to a land consolidation plan approved by the Secretary of the Interior.

Section 3 requires any land sale proceeds to be used to purchase other lands, or in furtherance of a land consolidation program.

Section 4 authorizes the Secretary of the Interior to sell or exchange "heirship" land on request of the owners of a majority interest in the land. The committee amendment limits a sale to the tribe, to a member of the tribe, or to an Indian who has an undivided interest in the land.

Section 5 permits the tribe to acquire land within the Reservation in trust notwithstanding any limitation in general statutes relating to the removal of land from the tax rolls. The committee deleted the section as unnecessary. A limitation of this kind was formerly carried in the annual Appropriation Act for the Department of the Interior, but the limitation has been dropped from recent Appropriation Acts.

Section 6 permits the mortgaging of tribal land.

Section 7 permits 99-year leases of tribal land.

COST

Enactment of the bill will involve no Federal cost.

BILL PASSED OVER

The bill (H.R. 9096) to amend chapter 19 of title 38 of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

USE OF DIVIDENDS TO PURCHASE ADDITIONAL PAID-UP NATIONAL SERVICE LIFE INSURANCE

The bill (H.R. 11334) to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–544), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The general purpose of the bill is to authorize holders of policies of national service life insurance (NSLI) on which dividends are payable to use their dividends to purchase additional paid-up insurance. The committee is advised by the Veterans' Administration that as of December 31, 1970, there were about 5,308,000 NSLI policies in force of which about 4,388,000 participate in dividends. Of the latter number, the Veterans' Administration advises that based on the experience of commercial insurance policies containing provisions permitting purchase of insurance with dividends that about 25 percent will avail themselves of this right.

38 U.S.C. 703 limits the issue of NSLI to multiples of $500 with a $1,000 minimum and a $10,000 maximum. It also provides that no person may carry a combined amount of NSLI or U.S. Government life insurance in excess of $10,000 at any one time. Similar limitations with respect to U.S. Government life insurance are contained in 38 U.S.C. 741. The first section of the proposal, if enacted, would amend 38 U.S.C. 703 and 741 to provide that the limitations therein shall not apply to the additional paid-up insurance, the purchase of which is authorized under the bill.

38 U.S.C. 707(a) currently provides that insurance dividends will be set aside and used to prevent the lapse of the insurance unless the insured, in writing, requests their payment in cash. Under section 2 of the bill dividends would continue to be set aside and used to prevent the lapse of insurance unless the insured elected any other dividend option authorized under his policy, including the use of dividends to purchase additional paid-up insurance as authorized by the bill.

The additional paid-up insurance authorized under the proposal would be issued only upon application in writing, but without proof of good health. For 6 months after the effective date of the bill insureds could use their dividend credits and deposits existing at the date of their application to purchase paid-up insurance. Thereafter, only dividends declared after the date of application could be used to purchase additional paid-up insurance. The holders of endowment policies could use their dividends only to purchase additional paid-up endowment insurance which matures concurrently with their basic policy. The holders of policies (other than endowment policies) could use their dividends only to purchase additional paid-up whole life insurance.

The paid-up insurance granted under H.R. 11334 would be in addition to any insurance otherwise authorized under present or prior provisions of law. The insurance would be issued on the same terms and conditions as are contained in standard NSLI policies except (1) the premium rates for such insurance and all cash and loan values thereon would be based on such table of mortality and rate of interest per annum as may be prescribed by the Administrator; (2) the total disability income provision authorized under section 715 could not be added to the paid-up insurance issued under the bill; and (3) the insurance would include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable. The Veterans' Administration is of the view that these exceptions are desirable to vest in the Administrator a broad discretion in developing the details of the new proposed paid-up insurance.

The committee is informed that the option to use dividends to purchase additional paid-up insurance is a right now enjoyed by most commercial life insurance policyholders and, therefore, it seems most appropriate to incorporate this new option in the NSLI program. Enactment of the bill would also constitute a further effective and sound approach in our continuing efforts to minimize the ever-increasing term insurance premium problem. It would establish a program under which the holders of NSLI term policies could acquire some permanent plan coverage on which no premium would be payable. The premiums on term insurance increase with the age of the insured on each 5-year renewal, and at the older ages are practically prohibitive. This creates financial hardship and dissatisfaction. The Veterans' Administration advises that their experience shows that it often results in a reduction or discontinuance of the insurance at a time when it is most likely to mature. The paid-up insurance authorized by the bill would alleviate some of these hardship cases.

COST

With respect to cost, the Veterans' Administration advises as follows:

If the proposal is enacted, the costs other than the administrative costs will be negligible. The Government's cost stemming from the extra hazards of service, for the first 5 years will average less than $5,000 per year. The administrative cost will be borne by the Government. Changes will be required in field procedures, in the Insurance Master Record, in actuarial records, and in procedures and reports. It is estimated that the initial cost of notifying the policyholders of the benefits of the bill will be approximately $450,000. The additional administrative costs will approximate $7,900 per 100,000 dividend option changes.

The committee has examined the cost estimate provided by the Veterans' Administration and finds no basis to question is authenticity and, therefore, adopts it as its own.

UNIFORM DEFINITIONS OF CERTAIN BENEFICIARIES OF SERVICEMEN'S GROUP LIFE INSURANCE

The bill (H.R. 9097) to define the terms "widow," "widower," "child," and "parent" for servicemen's group life insurance purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-545), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

Servicemen's group life insurance (SGLI) is payable upon the death of a serviceman in the active service. The man may designate any beneficiary he chooses; however, if he makes no designation, it is payable under the law to the widow or widower, the child or children, parent or parents, in that order of precedence and, in the absence of any of the above classes, to the executor or administrator of the deceased person's estate. If there is no executor or administrator, it is then payable to other next of kin entitled under the laws of the domicile of the deceased member.

Existing law does not define the terms widow, widower, child, or parent for SGLI purposes, thus presumably leaving such definitions to local State law. This has resulted in a lack of uniformity in the disbursement of what are in substantial part Federal funds. Under the law, the Federal Government bears the cost of SGLI traceable to the extra hazards of active duty in the uniformed services under a formula set forth in the statute.

Under H.R. 9097, the terms widow and widower mean a person who is the lawful spouse of the insured member at the time of his death. This definition is generally accepted by most States for the purpose of paying life insurance benefits. It is similar in text to the definition contained in 38 U.S.C. 701(2) applicable to national service life insurance.

The greatest need for uniformity is in the area of children and parents. In some States an adopted child can inherit from both the adopting and the natural parents. In others he can inherit only from the adopting parents. In some States an illegitimate child can inherit from the mother only. In others he can also inherit from the natural father. In at least two States, as the result of State statute, all children born out of wedlock are the legitimate children of their natural parents. With respect to persons inheriting from children as parents, the State laws are equally diverse.

Under the definitions in H.R. 9097, an adopted child could qualify for SGLI benefits based on the death of both his natural and adopting parents. This definition is in accord with our long-standing practice in paying death compensation benefits. On the other hand, under H.R. 9097, no person who consented to the adoption of a child may be recognized as a parent for SGLI purposes. This prohibition would eliminate consideration of a claim from more than one father or one mother in an adoption case.

Since in most States an illegitimate child can inherit from his natural mother, in all cases under H.R. 9097, an illegitimate child would be considered the child of its natural mother. On the other hand, the State laws and judicial precedents have placed many limitations on the establishment of a parent-child relationship where an illegitimate child is claiming benefits based on the death of his alleged father.

The bill adopts the most widely accepted criteria established by State law and the judicial precedents for establishing that an illegitimate child is the child of his alleged father.

Section 2 would make the new definitions applicable only to the settlement of SGLI by reason of the death of an insured member occurring on or after the date of enactment.

The committee believes that it is significant to note that for the purpose of the various monetary benefits administered directly by the Veterans' Administration, title 38, United States Code, sets forth uniform definitions of the terms "widow", "child", and "parent". Since the servicemen's group life insurance program is federally sponsored and to a very substantial extent financed by the Government, it is believed appropriate that there should be similar uniformity in determining the appropriate beneficiaries under that programs.

COST

It is the conclusion of the committee that enactment of the bill would not result in any additional cost to the Government.

NAMING OF VETERANS' ADMINISTRATION HOSPITAL AT SAN ANTONIO, TEX., FOR AUDIE L. MURPHY

The bill (H.R. 11220) to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. **MANSFIELD** Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-546), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

This bill would designate the new Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital. Audie Murphy was the most decorated soldier of World War II with 24 citations. Born and raised in Farmersville, Tex., Murphy joined the army at age 17. He fought in Casablanca, Sicily, and throughout the southern part of France. He rose from a private to lieutenant and among his 24 awards are the Medal of Honor, Distinguished Service Cross, the Legion of Merit, Service Star with Oak Leaf Cluster and the Bronze Star with Oak Leaf Cluster, and a "V" (for valor). He also received the Purple Heart with two Oak Leaf Clusters which represents three battlefield wounds and four medals from foreign governments. Perhaps the extraordinary courage of this man is best revealed by the official citation to the Medal of Honor which reads as follows:

Second Lieutenant Murphy commanded Company B, which was attacked by six tanks and waves of infantry. Lieutenant Murphy ordered his men to withdraw to prepared positions in a woods, while he remained forward at his command post and continued to give fire directions to the artillery by telephone. Behind him, to his right, one of our tank destroyers received a direct hit and began to burn. Its crew withdrew to the woods, Lieutenant Murphy continued to direct artillery fire which killed large numbers of the advancing enemy infantry. With the enemy tanks abreast of his position, Lieutenant Murphy climbed on the burning tank destroyer, which was in danger of blowing up at any moment, and employed its .50 caliber machinegun against the enemy. He was alone and exposed to German fire from three sides, but his deadly fire killed dozens of Germans and caused their infantry attack to waver. The enemy tanks, losing infantry support, began to fall back. For an hour the Germans tried every available weapon to eliminate Lieutenant Murphy, but he continued to hold his position and wiped out a squad which was trying to creep up unnoticed on his right flank. Germans reached as close as 10 yards, only to be mowed down by his fire. He received a leg wound, but ignored it and continued the single-handed fight until his ammunition was exhausted. He then made his way to his company, refusing medical attention, and organized the company in a counterattack which forced the Germans to withdraw. His directing of artillery fire wiped out many of the enemy; he killed or wounded about 50. Lieutenant Murphy's indomitable courage and his refusal to give an inch of ground saved his company from possible encirclement and destruction, and enabled it to hold the woods which had been the enemy's objective.

After having been wounded three times in later combat activity, young Audie Murphy returned home. He wanted to stay in the Army and become a career soldier but was turned down after being classified 50 percent disabled because of his war wounds. He died earlier this year at the age of 46 in a tragic plane crash.

The new $36 million San Antonio Veterans' Administration Hospital will be a fitting tribute to this outstanding war hero. Construction on the hospital began in October of 1970 and is scheduled for completion in December of 1973. The hospital will have a total of 760 beds and complete outpatient services will be available. The bill also authorizes the Administrator of Veterans' Affairs to provide such a memorial at the hospital as he may deem suitable to preserve the remembrance of Audie Murphy.

While it is not the general practice to name Veterans' Administration hospitals for individuals, there are exceptions. The first hospital named was for Royal C. Johnson, the first chairman of the Committee on World War Veteran Legislation. By Public Law 79-189 the hospital at Montrose, N.Y., was designated as the "President Franklin Delano Roosevelt VA Hospital." Finally, just last year, by Public Law 91-421, the hospital and domiciliary complex at Bonham, Tex., was designated as the "Sam Rayburn Memorial Veterans' Center."

There would be no additional expense to the Treasury, as the result of the enactment of the first section of the bill. When implemented by the Administrator, section 2 will involve some expense but it is obvious that it would be relatively insignificant.

NEW MODIFIED LIFE PLAN OF NATIONAL SERVICE LIFE INSURANCE WITH REDUCTION AT AGE 70

The bill (H.R. 11335) to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-547), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

The purpose of the bill is to authorize the conversion or exchange of national service life insurance (NSLI) to a new policy of insurance on the modified life plan under the same terms and conditions as is provided under existing law for modified life plan insurance except that the reduction of the face value by one-half occurs at age 70 instead of age 65.

Under existing law (38 U.S.C. 704 (b) and (c)), NSLI can be converted or exchanged to a modified life plan of insurance on the same terms and conditions as the insurance it replaces, except at the end of the day preceding the 65th birthday of the insured, the face value of the modified life insurance policy or the amount of extended insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium, and with certain other exceptions not here pertinent. If the insured so desired, he can upon application and payment of premiums at his then attained age 65, be granted ordinary life plan insurance to replace the amount of insurance reduced under his modified life policy on his 65th birthday. On modified life plan insurance issued under the bill, this reduction and replacement would occur at age 70.

The modified life plan of insurance was developed to encourage the term policy holders to convert to a plan of insurance on which the premiums remain the same throughout life. The premiums on term insurance increase with the age of the insured at each 5 year renewal and at the older ages are practically prohibitive. Thus, at the older ages, veterans who have paid premiums on term insurance for many years are confronted with the unhappy choice of either dropping their term insurance or continuing to pay the very high premiums which increase as indicated. Because of the reduction in the face value of the insurance by one-half at age 65 under existing law (age 70 under the draft bill), the premiums on the modified life plan at the age of issue are substantially less than the premiums on the other permanent plans of insurance. These lower premiums tend to encourage conversion of the term policies. Since May 1, 1965, the effective date of the modified life at age 65, that plan has been featured in informing insureds who have not reached their 60th birthday of the advantages of the plan over term insurance. The Veterans' Administration advises the committee that approximately 200,000 insureds have changed to that plan. The new proposed modified life at age 70 plan for a comparatively small additional premium, ranging from less than a dollar to $3.50 per month, will permit the insured to continue the full amount of insurance ($10,000) for an additional 5 years at ages during which the death rate is increasing.

If the bill is enacted, insureds may choose between the age 65 and age 70 modified life plans. Had both plans been available, it is quite possible that some insureds who chose the age 65 plan would have selected the age 70 plan. In most cases the age 70 plan will have a higher reserve or cash value than the age 65 plan. If an insured under the age 65 plan wishes to change to the new age 70 plan, he will have to pay in this additional amount.

There will be a small number of insured under the age 65 modified life plan who will have passed their 65th birthday. In that case, the face amount of their insurance may already have been reduced by one-half, or they may be paying the additional premium (over $5 per $1,000 insurance per month) required to avoid the reduction. In either case, the insured may feel that he has been disadvantaged because the new plan was not made available at an earlier date.

The committee concurs in the belief expressed by the Veterans' Administration that equity requires that these insureds be given an opportunity to change to the new age 70 modified life plan. Hence, under H.R. 11335 an insured having in force an age 65 modified life plan upon written application and payment of the required premiums, reserves, or other amounts made within one year from the effective date of the draft bill could exchange his age 65 modified life plan without proof of good health for an age 70 modified life plan policy in an amount equal to the insurance then in force or which was in force on the day before the insured's 65th birthday, whichever is the greater. Thus, if the amount of the insurance has already been reduced by one-half because the insured is past age 65, the amount of insurance in effect under the age 70 plan would be restored to the full amount. If the insured is paying an additional premium to avoid the reduction, there will be a reduction in the premium, and in some cases a reduction in the cash value, the amount of which will be refunded to the insured.

COST

The Veterans' Administration estimates that if H.R. 11335 is enacted, there will be no benefit cost to the Government. They estimate, however, that the administrative cost of the bill for the first year will be approximately $100,000, the large percentage of this being programming.

The committee examined the cost estimate provided by the Veterans' Administration and finds no basis to question its authenticity and, therefore, adopts it as its own.

AMENDMENT OF TITLE II OF THE SOCIAL SECURITY ACT

Mr. MANSFIELD. Mr. President, I understand that Calendar No. 534, H.R. 10604, has been cleared all the way around.

Mr. SCOTT. Mr. President, that is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 10604.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 10604, to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new section:

IMPROVEMENT OF WORK INCENTIVE PROGRAM

SEC. 2(a)(1) Section 402(a)(15) of the Social Security Act is amended to read as follows: "(15) provide (A) for the development of a program, for each appropriate relative and dependent child receiving aid under the plan and for each appropriate individual (living in the same home as a relative and child receiving such aid) whose needs are taken into account in making the determination under clause (7), for preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life, and for implementing such program by assuring that in all appropriate cases family planning services are offered to them, but acceptance of family planning services provided under the plan shall be voluntary on the part of such members and individuals and shall not be a prerequisite to eligibility for or the receipt of any other service under the plan; and (B) to the extent that services provided under this clause or clause (14) are furnished by the staff of the State agency or the local agency administering the State plan in each of the political subdivisions of the State, for the establishment of a single organizational unit in such State or local agency, as the case may be, responsible for the furnishing of such services;".

(2) Section 402(a)(19)(A) of such Act is amended to read as follows:

"(A) that every individual, as a condition of eligibility for aid under this part, shall register for manpower services, training, and employment as provided by regulations of the Secretary of Labor, unless such individual is—

"(i) a child who is under age 16 or attending school full time;

"(ii) a person who is ill, incapacitated, or of advanced age;

"(iii) a person so remote from a work incentive project that his effective participation is precluded;

"(iv) a person whose presence in the home is required because of illness or incapacity of another member of the household; or

"(v) a mother or other relative of a child under the age of six who is caring for the child;

and that any individual referred to in clause (v) shall be advised of her option to register, if she so desires, pursuant to this paragraph, and shall be informed of the child care services (if any) which will be available to her in the event she should decide so to register;".

(3) Section 402(a)(19)(C) of such Act is amended effective January 1, 1972, by striking out "20 per centum" and inserting in lieu thereof "10 per centum".

(4) Section 402(a)(19)(D) of such Act is amended to read as follows:

"(D) that training incentives and other allowances authorized under section 434 shall be disregarded in determining the needs of an individual under section 402(a)(7);".

(5) Section 402(a)(19) of such Act is further amended by striking out subparagraph (E).

(6) The parenthetical clause in section 402(a)(19)(F) of such Act is amended by striking out "pursuant to subparagraph (A) (i) and (ii) and section 407(b)(2)" and inserting in lieu thereof "pursuant to subparagraph (G)".

(7) Section 402(a)(19) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) that the State agency will have in effect a special program which (i) will be administered by a separate administrative unit and the employees of which will, to the maximum extent feasible, perform services only in connection with the administration of such program, (ii) will provide (through arrangements with others or otherwise) for individuals who have been registered pursuant to subparagraph (A), in accordance with the order of priority listed in section 433(a), such health, vocational rehabilitation, counseling, child care, and other social and supportive services as are necessary to enable such individuals to accept employment or receive manpower training provided under part C, and will, when such individuals are prepared to accept employment or receive manpower training, refer such individuals to the Secretary of Labor for employment or training under part C, (iii) will participate in the development of operational and employability plans under section 433(b); and (iv) provides for purposes of clause (ii), that, when more than one kind of child care is available, the mother may choose the type, but she may not refuse to accept child care services if they are available;".

(8) Section 403 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of this Act, the Federal share of assistance payments under this part shall be reduced with respect to any State for any fiscal year after June 30, 1973, by one percentage point for each percentage point by which the number of individuals referred, under the program of such State established pursuant to section 402(a)(19)(G), to the local employment office of the State as being ready for employment is less than 15 per centum of the average number of individuals in such State who, during such year, are required to be registered pursuant to section 402(a)(19)(A)."

(9) Section 403 of such Act is amended, effective January 1, 1972, by adding after subsection (c) the following new subsection:

"(d) Notwithstanding subparagraph (A) of subsection (a)(3) the rate specified in such subparagraph shall be 90 per centum (rather than 75 per centum) with respect to social and supportive services provided pursuant to section 402(a)(19(G)."

(b)(1) The first sentence of section 430 of the Social Security Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(2) Section 431 of such Act is amended (1) by inserting "(a)" immediately after "SEC. 431.", and (2) by adding at the end thereof the following new subsections:

"(b) Of the amounts expended from funds appropriated pursuant to subsection (a) for any fiscal year (commencing with the fiscal year ending June 30, 1973), not less than 40 per centum thereof shall be expended for carrying out the program of on-the-job training referred to in section 432(b)(1)(B) and for carrying out the program of public service employment referred to in section 432(b)(3).

"(c)(1) For the purpose of carrying out the provisions of this part in any State for any fiscal year (commencing with the fiscal year ending June 30, 1973), there shall be available (from the sums appropriated pursuant to subsection (a) for such fiscal year) for expenditure in such State an amount equal to the allotment of such State for such year (as determined pursuant to paragraph (2) of this subsection).

"(2) Sums appropriated pursuant to subsection (a) for the fiscal year ending June 30, 1973, or for any fiscal year thereafter, shall be allotted among the States as follows: Each State shall be allotted from such sums an amount which bears the same ratio to the total of such sums as—

"(A) in the case of the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, the average number of recipients of aid to families with dependent children in such State during the month of January last preceding the commencement of such fiscal year bears to the average number of such recipients during such month in all the States; and

"(B) in the case of the fiscal year ending June 30, 1975, or in the case of any fiscal year thereafter, the average number of individuals in such State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) bears to the average number of individuals in all States who, during such month, are so registered.

(3)(A)(i) Clause (1) of section 432(b) of such Act is amended—

(I) by inserting "A" immediately after "(1)"; and

(II) by striking out "and utilizing" and inserting in lieu thereof "and (B) a program utilizing".

(ii) Clause (3) of section 432(b) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(B) Section 432(d) of such Act is amended to read as follows:

"(d) In providing the manpower training and employment services and opportunities required by this part, the Secretary of Labor shall, to the maximum extent feasible, assure that such services and opportunities are provided by using all authority available to him under this or any other Act. In order to assure that the service and opportunities so required are provided, the Secretary of Labor shall use the funds appropriated to him under this part to provide programs required by this part through such other Act, to the same extent and under the same conditions (except as regards the Federal matching percentage) as if appropriated under such other Act and, in making use of the programs of other Federal, State, or local agencies (public or private), the Secretary of Labor may reimburse such agencies for services rendered to persons under this part to the extent such services and opportunities are not otherwise available on a nonreimbursable basis."

(C) Section 432 of such Act is further amended by adding at the end thereof the following new subsection:

"(f)(1) The Secretary of Labor shall establish in each State, municipality, or other appropriate geographic area with a significant number of persons registered pursuant to section 402(a)(19)(A) a Labor Market Advisory Council the function of which will be to identify and advise the Secretary of the types of jobs available or likely to become available in the area served by the Council;

except that if there is already located in any area an appropriate body to perform such function, the Secretary may designate such body as the Labor Market Advisory Council for such area.

"(2) Any such Council shall include representatives of industry, labor, and public service employers from the area to be served by the Council.

"(3) The Secretary shall not conduct, in any area, institutional training under any program established pursuant to subsection (b) of any type which is not related to jobs of the type which are or are likely to become available in such area as determined by the Secretary after taking into account information provided by the Labor Market Advisory Council for such area."

(4) (A) Section 433(a) of such Act is amended—

(i) by striking out "section 402" and inserting in lieu thereof "section 402(a) (19) (G)"; and

(ii) by adding at the end thereof the following new sentence: "The Secretary, in carrying out such program for individuals so referred to him by a State, shall accord priority to such individuals in the following order, taking into account employability potential: first, unemployed fathers; second, dependent children and relatives who have attained age 16 and who are not in school, or engaged in work or manpower training; third, mothers, whether or not required to register pursuant to section 402(a) (19) (A), who volunteer for participation under a work incentive program; fourth, all other individuals so referred to him."

(B) Section 433(b) of such Act is amended to read as follows:

"(b) (1) For each State the Secretary shall develop jointly with the administrative unit of such State administering the special program referred to in section 402(a) (19) (G) a statewide operational plan.

"(2) The statewide operational plan shall prescribe how the work incentive program established by this part will be operated at the local level, and shall indicate (i) for each area within the State the number and type of positions which will be provided for training, for on-the-job training, and for public service employment, (ii) the manner in which information provided by the Labor Market Advisory Council (established pursuant to section 432(f)) for any such area will be utilized in the operation of such program, and (iii) the particular State agency or administrative unit thereof which will be responsible for each of the various activities and functions to be performed under such program. Any such operational plan for any State must be approved by the Secretary, the administrative unit of such State administering the special program referred to in section 402(a) (19) (G), and the regional joint committee (established pursuant to section 439) for the area in which such State is located.

"(3) In carrying out any such statewide operational plan of any State, there shall be developed jointly by the Secretary and the administrative unit of the State administering the special program referred to in section 402(a) (19) (G) in each area of the State an employability plan for each individual residing in such area who is participating in the work incentive program established by this part. Such employability plan for any such individual shall (i) conform with the statewide operational plan of such State, (ii) provide that the separate administrative unit referred to in section 402(a) (19) (G) (i) will provide the services referred to in section 402(a) (19) (G) (ii), and (iii) provide that the Secretary shall be responsible for providing the training, placement, and related services authorized under this part."

(C) (i) Section 433(e) (1) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(ii) Section 433(e) (2) (A) of such Act is amended by striking out "a portion" and inserting in lieu thereof "of 100 per centum (in the case of the first year that such agreement is in effect, if such agreement is in effect at least three years) and 90 per centum (if such agreement is in effect less than three years; or, if such agreement is in effect at least three years, in the case of any year after the first year that such agreement is in effect)".

(iii) Section 433(e) (2) (B) of such Act is amended by striking out "on special work projects of" and inserting in lieu thereof "in public service employment for".

(iv) Section 433(e) (3) of such Act is hereby repealed.

(D) Section 433(f) of such Act is amended by striking out "any of the programs established by this part" and inserting in lieu thereof "section 432(b) (3)".

(E) Section 433(g) of such Act is amended by striking out "section 402(a) (19) (A) (i) and (ii)" and inserting in lieu thereof "section 402(a) (19) (G)".

(F) Section 433(h) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(G) Section 434 of such Act is amended—

(i) by inserting "(a)" immediately after "Sec. 434."; and

(ii) by adding at the end thereof the following new subsection:

"(b) The Secretary of Labor is also authorized to pay, to any member of a family participating in manpower training under this part, allowances for transportation and other costs incurred by such member, to the extent such costs are necessary to and directly related to the participation by such member in such training."

(5) (A) Section 435(a) of such Act is amended, effective January 1, 1972, by striking out "80 per centum" and inserting in lieu thereof "90 per centum".

(B) Section 435(b) of such Act is amended by striking out "; except that with respect to special work projects under the program established by section 432(b) (3), the costs of carrying out this part shall include only the costs of administration".

(6) Section 436(b) of such Act is amended by striking out "by the Secretary after consultation with" and inserting in lieu thereof "jointly by him and".

(7) Section 437 of such Act is amended to read as follows:

"Sec. 437. The Secretary is authorized to provide to an individual, who is registered pursuant to section 402(a) (19) (A) and who is unemployed, relocation assistance (including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual who desires to relocate to do so in an area where there is assurance of regular suitable employment, offered through the public employment offices of the State in such area, which will lead to the earning of income sufficient to make such individual and his family ineligible for benefits under part A)."

(8) Section 438 of such Act is amended by striking out "projects under".

(9) Section 439 of such Act is amended to read as follows:

"Sec. 439. The Secretary and the Secretary of Health, Education, and Welfare shall, not later than six months after the date of enactment of the Revenue Act of 1971, issue regulations to carry out the purposes of this part, as amended by the Revenue Act of 1971. Such regulations shall provide for the establishment, jointly by the Secretary and the Secretary of Health, Education, and Welfare, of (1) a national coordination committee the duty of which shall be to establish uniform reporting and similar requirements for the administration of this part, and (2) a regional coordination committee for each region which shall be responsible for review and approval of statewide operational plans developed pursuant to section 433(b)."

(10) Section 441 of such Act is amended—

(A) by inserting "(a)" immediately after "Sec. 441.";

(B) by adding immediately after the last sentence thereof the following sentence: "Nothing in this section shall be construed as authorizing the Secretary to enter into any contract with any organization after June 1, 1970, for the dissemination by such organization of information about programs authorized to be carried on under this part."; and

(C) by adding after and below such section the following new subsection:

"(b) The Secretary shall collect and publish monthly, by State, by age group, and by sex, the following information with respect to individuals registered pursuant to section 402(a) (19) (A)—

"(1) the number of individuals so registered, the number of individuals receiving each particular type of work training services, and the number of individuals receiving no such services;

"(2) the number of individuals placed in jobs by the Secretary under section 432(b) (1) (A), and the average wages of the individuals so placed;

"(3) the number of individuals who begin but fail to complete training, and the reasons for the failure of such individuals to complete training; and the number of individuals who register voluntarily but do not receive training or placement;

"(4) the number of individuals who obtain employment following the completion of training, and the number of such individuals whose employment is in fields related to the particular type of training received;

"(5) of the individuals who obtain employment following the completion of training, the average wages of such individuals, and the number retaining such employment three months, six months, and twelve months, following the date of completion of such training;

"(6) the number of individuals, in public service employment, by type of employment, and the average wages of such individuals; and

"(7) the amount of savings, under part A of this title, realized by reason of the operation of each of the programs established pursuant to this part."

(11) Section 442 of such Act is amended effective January 1, 1972, to read as follows:

"TECHNICAL ASSISTANCE FOR PROVIDERS OF EMPLOYMENT OR TRAINING

"Sec. 442. The Secretary is authorized to provide technical assistance to providers of employment or training to enable them to participate in the establishment and operation of programs authorized to be established by section 432(b)."

(12) Section 443 of such Act is amended, effective January 1, 1972, by striking out "20 per centum" wherever it appears therein and inserting in lieu thereof "10 per centum".

(13) (A) Section 444(c) (1) of such Act is amended by striking out "section 402(a) (15) and section 402(a) (19) (F)" and inserting in lieu thereof "section 402(a) (19)".

(B) Section 444(d) of such Act is amended (i) by striking out "a special work project" and inserting in lieu thereof "public service employment"; (ii) by striking out "project" at the end of the first sentence and inserting in lieu thereof "employment"; and (iii) by striking out "402(a) (15)" and inserting in lieu thereof "402(a) (19)".

(c) The amendments made by this section shall, except as otherwise specified herein, take effect on July 1, 1972.

Mr. TALMADGE. Mr. President, last year the Committee on Finance and the Senate unanimously approved by amendment to offer a tax credit to employers hiring welfare recipients and to make a number of needed improvements in the work incentive program. This program was created by the Congress as a part of the Social Security Amendments of 1967. It represents an attempt to cope with the problem of rapidly growing dependency on welfare by providing welfare recipients with the training and job opportunities needed to help them become financially independent.

Unfortunately, last year's social security bill did not become law. I therefore offered my amendment to the Revenue Act of 1971, and again it was approved by the Finance Committee and the Senate.

I am pleased that the conferees on the tax bill agreed to that portion of my amendment allowing a tax credit for employers hiring welfare recipients who participate in the work incentive program. This should provide a needed incentive for the creation of jobs in the private sector for welfare recipients.

The other part of my original amendment was designed to improve the operation of the work incentive program. The House conferees said they could not consider these provisions, not because they lacked merit, but because they modified the Social Security Act and would thus be subject to a point of order in the House. I advised them that I would offer these provisions as an amendment to a social security bill at the earliest convenience, and that is what I am doing today.

Let me now describe the major features of my amendment.

First. A major criticism of the present work incentive program has been the lack of development of on-the-job training and public service employment. On-the-job training and public service employment offer the best opportunity for employment of welfare recipients because they provide training in actual job situations. Unfortunately, less than 3 percent of the welfare recipients enrolled in the work incentive program today are participating in on-the-job training and public service employment. My amendment would require that at least 40 percent of the funds spent for the work incentive program be used for on-the-job training and public service employment.

Second. My amendment would also simplify the financing and increase the Federal share of the cost of public service employment (formerly called special work projects) by providing 100 percent Federal funding for the first year and 90 percent Federal sharing of the costs in subsequent years—if the project was in effect less than 3 years, Federal sharing for the first year would be cut back to 90 percent.

Third. Under present law, all "appropriate" welfare recipients must be referred by the welfare agency to the Labor Department for participation in the work incentive program. Certain categories of persons are statutorily considered inappropriate. Persons may volunteer to participate in the work incentive program even if the State welfare agency finds them inappropriate for mandatory referral.

Another criticism of the program has been that the State application of those standards of "appropriateness" for the program have resulted in widely differing rates of referrals and program participation. My amendment would eliminate this situation with a series of amendments. First, it would require welfare recipients to register with the Labor Department as a condition of welfare eligibility unless they fit within one of the following categories:

First. Children who are under age 16 or attending school;

Second. Persons who are ill, incapacitated or of advanced age;

Third. Persons so remote from a WIN project that their effective participation is precluded;

Fourth. Persons whose presence in the home is required because of illness or incapacity of another member of the household; and

Fifth. Mothers with children of preschool age.

At least 15 percent of the registrants in each State would be required to be prepared by the welfare agency for training and referred to the work incentive program each year; States failing to meet this percentage would be subject to a decrease in Federal matching funds for aid to families with dependent children. The amendment would also establish clear statutory direction in determining which individuals would receive employment or training by generally requiring the Departments of Labor and Health, Education, and Welfare to accord priority in the following order, taking into account employability potential:

First. Unemployed fathers;

Second. Dependent children and relatives age 16 or over who are not in school, working or in training;

Third. Mothers who volunteer for participation; and

Fourth. All other persons.

Thus, under the amendment, mothers would not be required to participate until every person who volunteered was first placed.

My amendment would increase from 80 to 90 percent the rate of Federal matching for WIN training expenditures. Welfare agency expenditures for social, vocational rehabilitation, and medical services which are provided to directly support an individual's participation in WIN would also be matched at the 90 percent rate. Under existing law, these services are now generally matched by the Federal Government at the 75 percent rate.

The amendment would require the Secretary of Labor to establish local labor market advisory councils whose function would be to identify present and future local labor market needs. The findings of these councils would have to serve as the basis for local training plans under the work incentive program to assure that training was related to actual labor market demands.

My amendment also mandates coordination between the Departments of Labor and Health, Education, and Welfare and their counterparts at the local level. The amendment would require a separate WIN unit in local welfare agencies and joint participation by welfare and manpower agencies in preparing employability plans for WIN participants and in program planning generally.

Mr. President, the Senate will be acting next year on legislation to overhaul our welfare system. I do not know what form that legislation will take. But in the meantime, we must not delay in improving the present law to make it effective. I urge my colleagues to support my amendment.

Mr. LONG. Mr. President, I would ask that this amendment be agreed to. The committee has discussed the matter, and as the Senator from Georgia has just explained, the amendment was a part of the revenue bill passed by the Senate last week. The provisions of the amendment were passed previously on last year's social security bill. These provisions were not agreed to by the House last year because the House did not go to conference on the social security bill. This year, the provision had to be dropped in the conference on the revenue bill because the House conferees contended that the provision was not germane to that bill.

The **PRESIDENT** pro tempore. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. LONG. Mr. President, I send an amendment to the desk and ask that it be stated.

The **PRESIDENT** pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the bill add the following new section:
>
> SEC. —. Section 1007 of the Social Security Amendments of 1969, as amended, is further amended by striking out "1972" where it appears and inserting in lieu thereof "1973".

Mr. LONG. Mr. President, I would like for the RECORD to show that I propose this amendment on behalf of the distinguished Senator from California (Mr. TUNNEY). He came to the committee and directed this matter to our attention.

The Social Security Amendments of 1969 included a provision to assure that recipients of aid to the aged, blind, and disabled would be allowed to keep at least a portion of the social security benefit increases which that act provided effective in 1970. This provision prohibited States from offsetting the full amount of those increases with corresponding reductions in welfare grants. Instead, the act required that each recipient be assured that his total monthly income would be raised by at least $4 or (if less) by the amount of his social security benefit increase. Originally, this pass-along provision was to have expired at the end of June 1970. Subsequent legislation extended the provision through October 1970 and also made it applicable to welfare recipients who received an increase this year in railroad retirement benefits. Public Law 91-669 provided a further extension of the provision through the end of 1971.

The pending amendment would extend the provision 1 additional year, until the end of 1972.

I would ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I deeply appreciate the efforts of the distinguished Senator from Louisiana for displaying again the leadership and concern which has been so important to the senior citizens of this country.

When I first offered this amendment to H.R. 10604 and brought it to the attention of the Finance Committee, the chairman immediately understood its importance and agreed to support it.

I would like to thank him for that support and underline again the need for this amendment.

Without this amendment, hundreds of thousands of senior citizens in the country, including a quarter of a million Californians, would be subject to losing the important "pass through" benefits of at least $4 per month, which require the States to pass along that much of the increase in Social Security, which was voted in 1969.

Mr. President, if this "pass through" provision had been allowed to lapse, it would not only have affected detrimentally those hundreds of thousands of senior citizens, but also would have entailed heavy administrative costs to States, especially a State like California, which would have been particularly costly if the provision were allowed to lapse and were then revived when welfare reform legislation was passed in the next session of the Congress.

I am delighted, therefore, that the able chairman has included my "pass through" amendment in H.R. 10604. I wish to thank him for his leadership and urge the passage of the amended legislation.

Mr. BELLMON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, insert the following:

INCLUSION UNDER MEDICAID OF CARE IN INTERMEDIATE CARE FACILITIES

SEC. 3. (a) (1) Section 1905(a) of the Social Security Act is amended—

(A) by striking out "and" at the end of clause (14),

(B) by striking out the period at the end of clause (15) and inserting in lieu thereof "; and", and

(C) by inserting after clause (15) the following new clause:

"(16) intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902(a)(31)(A), to be in need of such care."

(2) Section 1905 of such Act is amended by adding at the end thereof the following new subsections:

"(c) For purposes of this title the term 'intermediate care facility' means an institution which (1) is licensed under State law to provide, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing home is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities, (2) meets such standards prescribed by the Secretary as he finds appropriate for the proper provision of such care, and (3) means such standards of safety and sanitation as are established under regulation of the Secretary in addition to those applicable to nursing homes under State law. The term 'intermediate care facility' also includes any skilled nursing home or hospital which meets the requirements of the preceding sentence. The term 'intermediate care facility' also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts, but only with respect to institutional services deemed appropriate by the State. With respect to services furnished to individuals under age 65, the term 'intermediate care facility' shall not include, except as provided in subsection (d), any public institution or distinct part thereof for mental diseases or mental defects.

"(d) The term 'intermediate care facility services' may include services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions if—

"(1) the primary purpose of such institution (or distinct part thereof) is to provide health or rehabilitative services for mentally retarded individuals and which meet such standards as may be prescribed by the Secretary;

"(2) the mentally retarded individual with respect to whom a request for payment is made under a plan approved under this title is receiving active treatment under such a program; and

"(3) the State or political subdivision responsible for the operation of such institution has agreed that the non-Federal expenditures with respect to patients in such institution (or distinct part thereof) will not be reduced because of payments made under this title."

(b) Section 1902(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (29);

(2) by striking out the period at the end of paragraph (30) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (30) the following new paragraph:

"(31) provide (A) for a regular program of independent professional review (including medical evaluation of each patient's need for intermediate care) and a written plan of service prior to admission or authorization of benefits in an intermediate care facility which provides more than a minimum level of health care services as determined under regulations of the Secretary; (B) for periodic on-site inspections to be made in all such intermediate care facilities (if the State plan includes care in such institutions) within the State by one or more independent professional review teams (composed of physicians or registered nurses and other appropriate health and social service personnel) of (i) the care being provided in such intermediate care facilities to persons receiving assistance under the State plan, (ii) with respect to each of the patients receiving such care, the adequacy of the services available in particular intermediate care facilities to meet the current health needs and promote the maximum physical well-being of patients receiving care in such facilities, (iii) the necessity and desirability of the continued placement of such patients in such facilities, and (iv) the feasibility of meeting their health care needs through alternative institutional or noninstitutional services; and (C) for the making by such team or teams of full and complete reports of the findings resulting from such inspections, together with any recommendations to the State agency administering or supervising the administration of the State plan."

(c) Section 1121 of such Act is repealed.

(d) The amendments made by this section shall become effective January 1, 1972.

Mr. BELLMON. Mr. President, the amendment that my colleague, Mr. HARRIS, and I offered to the pending bill is noncontroversial. It has been passed in virtually identical form by both the House and the Senate separately.

Intermediate care was made available for the first time in 1968 to the aged, blind, and disabled who are eligible for cash assistance. It was designed to meet the need of those people whose physical and mental condition required them to be in an institutional setting which provided more than room and board, but less than skilled nursing home care.

Intermediate care was established because many thousands of assistance recipients were being classified as skilled nursing home patients even though they needed a lower level of care. That was done because Federal matching funds were available for skilled nursing care but were not available for institutional care below that level.

This amendment also makes medically indigent people eligible for intermediate care in addition to continuing the availability of such care for the indigent. This will help in bringing about the proper placement of patients without consideration of what level of care might be eligible for Federal matching and what might be ineligible.

The amendment is necessary now because the Department of Health, Education, and Welfare is requiring immediate proper patient placement. Without this amendment, Oklahoma and other States would be confronted with serious and immediate difficulties of compliance.

In addition, the amendment outlines the requirements and provides the basis for standard setting with respect to intermediate care facilities.

This amendment also permits, under certain circumstances, publicly operated facilities for the mentally retarded to qualify as intermediate care facilities.

Mental retardation is not, in most instances, a condition which responds to treatment. However, there are public institutions whose primary objective is the active provision of rehabilitative, educational and training services to enhance the capacity of mentally retarded individuals to care for themselves or to engage in employment. Public institutions whose primary objective is the provision of health services or rehabilitative services to the mentally retarded should be subject to Federal participation under adequate safeguards. It has accordingly defined such facilities as intermediate care facilities if certain statutory conditions are met.

The first of these conditions is that the institution meets standards of either health services, rehabilitation services or a combination of the two which are set forth by the Secretary of Health, Education, and Welfare. It is expected that the Department of Health, Education, and Welfare, in developing such standards, will take steps to assure that these standards are sufficient to achieve the purposes and to distinguish such facilities from those which are primarily residential. In the case of these facilities, it expects the Secretary's standards to relate not only to fire and safety, but also to sufficient qualified personnel to achieve the stated objectives of the institution.

The second condition is that the individual in such an institution who is mentally retarded, has been determined to need and is actually receiving the health or rehabilitative services which the institution sets forth as being provided. This condition is necessary because of the shortage of facilities, persons may be placed in such an institution even though they are not actually involved in the institution's program or could not benefit from it.

The third condition of the amendment is that the State government or the local political subdivision responsible for the operation of the institution agree that the Federal funds received by reason of these provisions will not be used to displace non-Federal funds which are already being expended for mentally retarded persons.

An intermediate care facility, under present law, must be an institution or a distinct part of an institution which provides intermediate levels of care.

The amendment removes the distinct part requirement so as to avoid mandating transfers of patients from a nursing home which might, in individual cases, result in a hardship or otherwise affect the physical or mental well-being of a patient adversely. Deletion of the distinct part requirement is not intended to encourage indiscriminate intermingling or inappropriate placement of patients. It is expected that the Secretary of Health, Education, and Welfare would, by regulation, require assurances that not more than a reasonable proportion of intermediate care patients be kept in skilled nursing homes. This would be necessary to avoid dilution of the skilled nursing services for the skilled nursing home patients.

Further, it is expected that there would be lower rates of reimbursement paid for the intermediate care patient who is in the skilled nursing home than would be paid for the skilled nursing patient.

Finally, the Secretary would also be expected to require safeguards, where skilled nursing and intermediate care patients were intermingled, to prevent the nursing home from agreeing to keep an intermediate care patient only until such time as it could find a skilled nursing care patient for the bed.

I urge adoption of this urgently needed amendment—which, again, has previously received Senate approval.

Mr. LONG. Mr. President, it was agreed by the committee that this amendment should not await action on H.R. 1 because the State of Oklahoma, and perhaps other States, need action on this matter immediately.

Mr. HARRIS. Mr. President, I compliment my distinguished colleague, Senator BELLMON, for his efforts in getting this amendment to this stage. I was pleased to be able to attend the Finance Committee meeting.

I am grateful to the chairman of the Finance Committee and to the members of the committee for their willingness to support the amendment. I hope it can be speedily adopted and enacted into law because we have a very serious situation in our State that needs to be corrected.

The Senate once passed the amendment, but it never got to conference because there was no conference on the bill.

The House passed this on H.R. 1, and as we have not gotten on the same vehicle through both Houses, this is our opportunity to do so.

INTERMEDIATE CARE—HARRIS-BELLMON AMENDMENT

Mr. LONG. Mr. President, the Senator's amendment is certainly appealing, inasmuch as it was basically developed in the Finance Committee, and as he has noted, has been approved separately by both the House and Senate.

In view of that fact, I certainly would be willing to agree to the Harris-Bellmon amendment.

If, in fact, the committee had added this amendment itself, it would have included the following statement as report language, which I ask unanimous consent to be printed at this point in my remarks. Again, I have no objection to taking this amendment.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

INTERMEDIATE CARE FACILITIES

In order to provide a less costly institutional alternative to skilled nursing home care, the committee and the Congress approved in 1967 an amendment to title XI of the Social Security Act which authorized Federal matching for a new classification of care provided in "intermediate care facilities." The provision was intended to provide a means for appropriate placement of patients professionally determined to be in need of health-related supportive institutional care but not care at the skilled nursing home, or mental hospital level.

The intermediate care benefit was not intended to cover care which was essentially residential or boarding home in nature. It was not intended to proved a refuge for substandard nursing homes which would not or could not meet medicaid standards. It was not intended as a placement device whereby States could reduce costs through wholesale and indiscriminate transfer of patients from skilled nursing homes to intermediate care without careful and independent medical review of each patient's health care needs.

Many thousands of patients are in skilled nursing homes who do not need that level of care, according to recent General Accounting Office and HEW audit reports. Thousands of those people are in skilled nursing homes because their States have not as yet established intermediate care programs.

The committee has therefore, included an amendment to clarify congressional intent with respect to intermediate care and to make such care, where appropriate, more generally available as an alternative to costlier skilled nursing home or hospital care.

The committee amendment is designed to make it clear that intermediate care coverage is for persons with health-related conditions who require care beyond residential care or boarding home care, and who, in the absence of intermediate care would require placement in a skilled nursing home or mental hospital.

The committee amendment would require an intermediate care facility to meet standards, prescribed by the Secretary, as are deemed necessary to assist in meeting the needs of the types of patients expected to be placed in such institutions.

The amendment also provides for the transfer of the intermediate care provisions from title XI of the Social Security Act to title XIX (medicaid). This action will enable the medically indigent, presently ineligible for intermediate care, to receive such care when it has been determined as appropriate to their health care needs. This change should also serve to end the practice, in some States, of keeping medically indigent patients in skilled nursing homes where they could more appropriately be cared for in intermediate care facilities. Such States do so because, under present law, Federal matching funds are available toward the costs of skilled nursing home care provided medically indigent persons but not for care of those people in intermediate care facilities.

The committee amendment would also authorize Federal matching under medicaid for care of the mentally retarded in public institutions which are classified as intermediate care facilities. Matching would be available only in a properly qualified institution meeting standards (in addition to those required of an ICF) established by the Department for mentally retarded persons (other than those primarily receiving custodial care) receiving an active program of health-related treatment or rehabilitation. States would not be eligible for the additional Federal matching funds unless they maintained the level of State and local funds expended for care of the mentally retarded. The purpose here is to improve medical care and treatment of the mentally retarded rather than to simply substitute Federal dollars for State dollars.

The committee agrees with the House of Representatives that intermediate care is by definition less extensive than skilled nursing home care and that the cost of intermediate care should generally be significantly less per diem than skilled nursing home care in the same area.

In view of the rapidly increasing expenditures for intermediate care and in view of the extension of intermediate care to the medically-indigent, the committee has added another provision to its amendment requiring regular independent professional review of patients in intermediate care facilities. Teams, headed by either a physican or a registered nurse, would regularly review, on site, the nature of the care required and provided to each intermediate care recipient. That review would be undertaken on a patient-by-patient basis on-site and may not be performed at a distance or without reference to the specific circumstances of the individual patient.

The committee reiterates the concern it has previously expressed with respect to the failure of many States to properly undertake the independent medical audit of skilled nursing home and mental hospital patients to assure that each patient for whom Federal funds is provided is in the right place at the right time receiving the right care. This shortcoming among the States has characterized placement and review of intermediate care patients heretofore. Each skilled nursing home, each mental hospital patient, and each intermediate care patient must be individually reviewed by an independent team to assure proper placement. Wholesale and general review for purposes of what is virtually cursory compliance with Federal requirements must not be permitted by the Department of Health, Education, and Welfare. Where such independent audits and other utilization review requirements are not properly carried out, the committee expects that the Secretary will promptly act to reduce Federal matching rates toward costs of the institutional care involved until proper compliance is forthcoming from a State.

The amendment is effective January 1, 1972.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. SCOTT. Mr. President, I understand that all amendments have been cleared all the way around.

Mr. LONG. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10604) was read the third time and passed.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-552), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND AND PURPOSE OF THE BILL

Under present law, the social security lump-sum death payment is made to an insured person's surviving spouse, whether or not his body is available for burial, if they were living together at the time of his death. Where no eligible spouse survives, the lump-sum death payment is contingent upon there being burial expenses. The payment can be made directly to the funeral home for any unpaid burial expenses upon the request of the person who assumed responsibility for those expenses, or the payment can be made as reimbursement to the person who is equitably entitled to the payment by reason of his having paid the burial expenses. In the latter cases, when the body is not available for burial or cremation, there can be no burial expenses, and therefore the lump-sum death payment cannot be paid under the law.

While there may be no burial expenses incurred when an insured person's body is not recovered, the family often incurs expenses in connection with his death, such as expenses for a memorial service, a memorial marker, or a site for a marker. The committee believes that there is no valid reason for denying the lump-sum death payment to help defray the cost of such expenses. On the contrary, it is difficult to justify not paying the lump-sum in such instances, especially in those cases in which the death payment is the only social security benefit that could be payable on the deceased person's earnings record. Most of the current cases in which the body of the decedent is not recovered involve servicemen killed in action.

The committee believes that, because of the above considerations and because the cost of the change would be negligible, the social security lump-sum death payment should be provided for equitably entitled individuals to the extent that they incur expenses customarily connected with a death, even though the body may be unavailable for burial.

COSTS OF CARRYING OUT THE BILL AND EFFECT ON THE REVENUES OF THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, the following statement is made relative to the effect on the revenues of this bill.

It is estimated that the cost of the bill would be negligible.

VOTE OF COMMITTEE IN REPORTING THE BILL

In compliance with section 133 of the Legislative Reorganization Act of 1946, as amended, the following statement is made relative to the vote by the committee on reporting the bill.

The committee ordered the bill favorably reported by voice vote.

ORDER FOR RECESS TO 10 A.M. MONDAY, DECEMBER 6, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9 A.M. TUESDAY THROUGH SATURDAY OF NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that for the remainder of next week, up to and including Saturday, the Senate convene at the hour of 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF LEWIS F. POWELL, JR.

Mr. SCOTT. Mr. President, in the time allotted to me at this point, and I will not use the full 3 minutes, because the distinguished chairman of the Judiciary Committee is prepared to speak with reference to the nomination of Mr. Lewis F. Powell, Jr., I simply want to say that in the beginning of this administration and prior to the sending up of any nominations to the Congress, I had suggested to the Attorney General the name of Mr. Lewis F. Powell, Jr., as a highly qualified, suitable, potential nominee for service on the Supreme Court.

A little later I was advised that Mr. Powell had requested that at that time his name not be considered. I am glad that as time passed, Mr. Powell did agree to allow his name to be considered.

It will be a great pleasure to support him. I will have more to say about it at a later time.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized at this time for not to exceed 15 minutes.

(The remarks of Mr. BEALL when he introduced S. 2949 are printed in the Routine Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Senate will proceed to the transaction of routine morning business with statements limited to 3 minutes.

(The remarks of Mr. HARRIS when he submitted Senate Resolution 207 are printed in the RECORD under Submission of a Resolution.)

SENATOR RANDOLPH ADVOCATES NATIONAL ENVIRONMENTAL POLICY ON SURFACE MINING

Mr. RANDOLPH. Mr. President, the Senate Committee on Interior and Insular Affairs has been holding a series of hearings, through a subcommittee headed by the able Senator from Utah (Mr. Moss), inquiring into the need—and there is an urgent need—for the formulation of a national environment policy on surface mining. I testified before the subcommittee on December 2.

I know, as a Senator from the State of West Virginia, where mining is a major industry, and where more than 11,000 men are directly employed in surface coal mining, that there are adverse environmental effects through the improper mining of coal, in what is commonly known as the stripping process. We do know, however, that in West Virginia, this type of mining industry, separate from the deep mining industry which employs approximately 35,000 miners, is a very considerable part of our economy.

In 1966, the State Legislature of West Virginia addressed itself to this subject. The urgency then—and it continues now—was, in part, due to the response given by the State legislature to conservation and ecological concern. So a very stringent law was enacted, although it may have some defects, which attempted to govern surface mining of coal. There has been some criticism of the enforcement of this law, but I know personally, from investigations throughout the State, from viewing the land itself where the mining operations have been carried on, from knowing of the program of restoration of the stripped acreage, that there has been a very marked improvement in the practices of such mining in the State of West Virginia. The land abuses are much less severe than they were in the past.

The PRESIDING OFFICER. The Senator's time, 3 minutes, have expired.

Mr. BYRD of Virginia. Mr. President, I yield 2 minutes from my time to the Senator from West Virginia.

Mr. RANDOLPH. I appreciate the cooperation of the able Senator from Virginia.

We continue to have problems, of course, with the mining of coal, the deep mining of coal and the surface mining of coal. One of these problems is the acid drainage problem, which has to do not only with the drainage that comes from the mining operations but from abandoned and orphaned surface mined lands. This problem has been a considerable one and the attention being given by the Congress of the United States is necessary.

Under my sponsorship, the Congress has provided areawide demonstration programs to control and abate mine drainage pollution. These provisions were strengthened also, as my colleagues recall, in the recently passed Senate version of the Federal Water Control Act Amendments of 1971, which I cosponsored.

I believe that, as we think in terms of repairing the devastation resulting from past practices, and also the exploitation, in part, of some regions in the Appalachian area and in the watershed of the Monongahela River, we have restored orphaned and abandoned surface mines. But the problem, which is now being given very careful and continued consideration, as it should be, in the Senate, and as to which I have testified in recent days, requires Federal, State, and local commitment as well as regional planning.

Critical to the whole operation is continuing surveillance and monitoring of surface mining procedures and land reclamation projects. Implementation, however, should rely on strong State laws and effective enforcement consistent with Federal guidelines and minimum standards, which should provide sufficient flexibility to reflect regional characteristics of the potential problem.

Yet, the Federal Government should have sufficient authority to enjoin improper surface mining operations where State enforcement is inconsistent with Federal guidelines and minimum standards. There is ample precedent for this in Federal laws now in being for the control of air and water pollution.

I propose that careful attention be given to the question of whether or not surface mining legislation under consideration in the Congress should require that the Environmental Protection Agency or the Department of Interior promulgate criteria and minimum standards governing surface mining which would provide for the control of the adverse environmental effects.

I would support provisions modeled after national environmental statutes which provide for State formulated implementation plans. Such plans should provide for permit systems to implement Federal minimum standards. Unless disapproved by Interior and/or the Environmental Protection Agency, the State implementation plans also could serve as the Federal implementation plan.

I recognize that there is some disagreement on the respective roles of the Environmental Protection Agency and the Department of the Interior in the establishment of national criteria and minimum standards.

The Environmental Protection Agency, however, is this Nation's leading agency for the implementation of Federal environmental policy. But this does not preclude the establishment of the Federal permit program within the Department of the Interior. Such programs could be modeled after the administration's joint Environmental Protection Agency-Corps of Engineers permit system established under the 1899 Refuse Act.

In instances where a State program or implementation plan is inconsistent with the purposes of the act, the Federal plan should be established and administered similar to the program for Federal lands.

In the case of Federal and Indian lands, concern is for the depletion of a nonrenewable resource either publicly owned or in public trust. The Federal Government is acting as the administrator and steward for their development. Therefore, I recommend cessation of the Federal issuance of leases for surface mining pending the promulgation of Federal criteria and minimum standards. At that time, all applicants for leases to surface mine public lands should be required to file an environmental impact statement in accordance with the provisions of the National Environmental Policy Act of 1969.

Existing permittees and licensees should be allowed a maximum of 1 year to comply with the act. Otherwise, their permits or leases should be considered for revocation. It would be possible to obtain an economic advantage by devastating these lands in the absence of a requirement of proper management techniques.

In addition, the Secretary of the Interior probably should be required to prepare an environmental impact statement, in accordance with the National Environmental Act, on the cumulative regional effects of surface mining associated with the issuance of Federal permits and leases and Bureau of Reclamation water permits for coal stripping on public lands in the West.

Land, like air and water, is a basic natural resource. Without usable land, Mr. President, our society and our Nation cannot continue to be economically sound and physically healthy.

Reduction and prevention of the environmental devastation which can accompany improper surface mining is essential to improving the quality of life, and establishing the diversified savings that are essential to a sound economy.

Mr. SPONG. Mr. President, I yield 3 minutes to the Senator from Montana.

THE "PHASE II" ECONOMIC TAX PACKAGE

Mr. MANSFIELD. Mr. President, I am happy to note that the conferees have now completed work on the President's economic tax package. I wish at this time to commend them for the expeditious manner in which they addressed themselves to the task of constructing a measure that we all hope will put this Nation's economy back on its feet. Particularly, I am pleased that the conferees retained the concept of election financing.

Overall, in this endeavor, the conferees undertook an enormous task, thrashed out the differences, and pieced together what appears to be a reasonably balanced package; one that we hope will both stimulate productivity, encourage employment, and for the first time remove the primary dependency on election costs from the large economic interests of the Nation.

My personal view is that the measure is somewhat defective in at least one major respect. For the first 3 years of operation the permanent revenue loss under this measure will reach close to $16 billion; and the permanent loss of well into the billions will continue every year thereafter. Such losses will occur in my judgment at too great an expense to the consumer and lower income Americans and with too great a benefit to the large economic business interests of the Nation. Aside from this imbalance, however, for the sake of this Nation and its floundering economy, I hope and pray this program achieves the ends it seeks.

The ravages of inflation, unemployment, and the host of ills that have followed in their wake have been permitted to endure for too long. Too many Americans have been made to suffer. To put it plainly, the need for this tax bill is now, and I am pleased, indeed, that the veto talk which greeted its reference to conference has subsided.

Of course, it is the President's prerogative at any time to indicate to the Congress through his press secretary, or otherwise, his concern over various features of legislation passed by both Houses. Just as certainly, conferees meeting in such cases are not bound by such admonitions. Indeed, in the conference, the President's views may or may not be helpful.

What is clear is that the conference on the economic tax measure is now over and what must come first and foremost is this Nation's economy. It was out of a deep concern for the economy that the Congress—the Senate and the House alike—joined to expedite this measure as the President's No. 1 priority legislative item. It did so to help an economy that has been plagued for too long by worsening unemployment, increasing inflation, and a dollar that has been severely and permanently weakened.

In the process, other legislative business of the Senate—also most important and even vital to the American people—has been postponed, or otherwise moved aside to help turn the economic tide and get this Nation back on its feet. As a result, the economic tax bill went through in record time for a measure of such far-reaching dimensions. As was expected, to, the proposal underwent the give and take and working-out that is an essential part of the legislative process.

In that respect, I think a word ought to be said about those provisions of the measure which for the first time will permit the public to help finance election costs. Let me first dispel all doubts on this matter at this time: Election financing is here to stay as far as this Senator is concerned. The issue is larger than 1972. It is larger than any party as well. Much larger. If the law is placed on the books as a first step, commencing next year, all citizens, no matter their income status, will be encouraged to participate in the elective process with tax credits and tax deductions. They will benefit all candidates to whatever office—Federal, State, or local. It is only in this way, may I say, that a candidate can be able to overcome his becoming just another investment for some large economic interest. Only with such assurance can an end be put to the notion that this elected official or that is "labor's man" or "industry's man" or whoever else's man. Only with such a system can there be a man or woman elected by and for all people, insulated from dependency upon either his own personal fortune or that of some wealthy interest group that chooses to back him or, to state it honestly—to buy him.

For the presidential campaign the feature of this proposal that allows the people to participate is enormously important. It was most unfortunate that its effect was postponed. The sooner implemented, the better off will be this Nation and its ability to protect and preserve the democratic institutions we love and cherish so much.

If by postponing its effective date a veto was avoided, that is well. In my judgment there is nothing sacred about the year 1972. But it is tragic that this matter was viewed by some in such political and partisan terms. The particular financial condition of one or another of the political parties at a given time should not be a factor. Whether it has $40 million in the bank obtained largely from enormous economic interests or whether it is in debt, the people should not be precluded from joining the elective process.

Beginning in 1973 what this proposal provides is that on a voluntary basis, citizens themselves can authorize the campaign funds for the presidential race. That is well. It would make it permissible for the American people—if they so choose—to absorb a portion of election costs that have skyrocketed beyond all reason. In turn, it would compel those seekers of this Nation's highest elective office to be beholden but to a single, solitary interest group—the American people themselves.

Indeed, this provision must remain. Without it, democracy as it has been heretofore constituted and as we have come to know and love it today, simply cannot endure.

I thank the distinguished Senator.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SCOTT, from the Committee on the Judiciary:

J. Blaine Anderson, of Idaho, to be a U.S. district judge for the district of Idaho; and

Clifford Scott Green of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, December 4, 1971, he presented to the President of the United States the following enrolled bill:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and refered as indicated:

By Mr. BEALL:

S. 2949. A bill to amend title 28, United States Code, to provide for a Judicial Conference of the United States and the States. Referred to the Committee on the Judiciary.

By Mr. PERCY:

S. 2950. A bill to amend section 4216(b) of the Internal Revenue Code (relating to constructive sale price) and to add a new section concerned with brand names. Referred to the Committee on Finance.

S. 2951. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 2949. A bill to amend title 28, United States Code, to provide for a Judicial Conference of the United States and the States. Referred to the Committee on the Judiciary.

Mr. BEALL. Mr. President, I introduce today a bill to establish a Judicial Conference of the United States and the States. This conference will be summoned annually into session by the Chief Justice of the United States, who will preside over its proceedings. In addition to the Chief Justice, the conference will be composed of the chief judge of each Federal judicial circuit; the chief judges or justices of 11 State supreme courts who will be selected by the National Conference of State Chief Justices; and 10 trial judges, five from the Federal district courts who will be appointed by the Chief Justice of the Supreme Court and five State trial judges chosen by the National Conference of State Trial Judges. The Federal district judges, the State chief judges or justices, and the State trial judges will serve for 3 years.

The duties of the conference, as spelled out in the legislation are: To carry on a continuous study of the problem of Federal and State jurisdictions, conflicts of jurisdictions, the effects of Federal legislation upon State courts, and the improvements of Federal and State systems of justice. An annual report of the proceedings, with recommendations for Federal and State legislation is required and copies will be forwarded to the President, the Congress, and the Governors of the respective States.

Mr. President, as a nonlawyer, I have observed that the backlog of criminal and civil cases is often cited as the single most pressing problem facing our State and Federal courts today. The results of delays in the administration of justice poses a serious threat to the confidence of the public in our judicial system. In criminal case after criminal case the delay between arrest and trial is far too long. The appeals process runs even longer with the average time in the State systems to process an appeal estimated to be as long as 18 months. The public deserves and should demand that our system of justice be able to operate in a timely manner.

As President Nixon stated in his March 11 address in Williamsburg:

> A system of criminal justice that can guarantee neither a speedy trial nor a safe community cannot excuse its failure by pointing to an elaborate system of safeguards for the accused. Justice dictates not only that the innocent man go free, but that the guilty be punished for his crimes.

The situation is even worse in civil cases which Chief Justice Burger said were becoming "the stepchild of the law." Our court system is expected to adjudicate conflicts between private citizens. The public has a right to expect such claims will be decided in a fair and timely fashion. Chief Justice Burger warned the American public is losing patience with a "cumbersome system that makes people wait 2, 3, or 4 more years to dispose of an ordinary civil claim." Continuing the Chief Justice said:

> Most people with civil claims, including those in the middle economic echelons, who cannot afford the heavy costs of litigation and who cannot qualify for public or government-subsidized legal assistance, are forced to stand by in frustration, and often in want, while they watch the passage of time eat up the value of their case. The public has been quiet and patient, sensing on the one hand the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights.

On all levels of national and local government, the problem has been attacked primarily from the point of view of creating additional judges under the theory that, if enough judges are appointed, "the speedy trial" guarantee of our Federal and State constitutions will be effectively realized.

Certainly more judges are often needed and Congress and the States should provide the necessary judicial manpower. Experience, however, has demonstrated that the "more judges" approach is not always the panacea, for the increase in the number of judges does not appear to be keeping up with the growing demands placed on the judiciary by the constantly increasing population, economy, and expanded judicial construction and definition of the substantive procedural rights of the accused.

A graphic illustration of the impact of expanded judicial rights can be seen by the large increase in the number of State prisoners filing habeas corpus petitions to test the validity of State convictions. From 89 in 1940, the number of such petitions has ballooned to over 12,000 in 1969. The genesis of this increase was a trilogy of cases before the Supreme Court in 1963 whose cumulative effect was to erode and some say to "emasculate" the exhaustion of State remedies doctrine embodied in 28 United States Code, section 2254. The Court held that this statute referred only to State remedies available when the application for Federal habeas corpus was filed.

Some have suggested that adequate postconviction remedies in the State courts would reduce the Federal court review of State convictions to a minimum. Chief Justice Burger expressed this viewpoint in his state-of-the-judiciary address in August 1970:

> There is evidence, however, that the desired reduction is not a automatic consequence of the availability of adequate post-conviction remedies.

To the contrary, Mr. George Cochran Doub contends in the April 1971 American Bar Journal:

> The report of the Committee on Habeas Corpus of the Judicial Conference of the United States . . . in September of 1966, recommending certain statutory amendments,

> demonstrated that even when fully adequate post conviction remedies are made available, to the state court prisoners, there is no reduction in the number of applications for writs of habeas corpus filed in the federal courts by state prisoners. The report pointed out that in Delaware, Florida, Kentucky, Missouri, New Jersey, North Carolina, Oregon, and West Virigina, applications for writs of habeas corpus to federal courts by state prisoners had continued to increase notwithstanding satisfactory post conviction remedies that had been provided those state prisoners.

Thus, it is Mr. Doub's thesis that adequate postconviction remedies are not the full answer, because "they do not result in any significant reduction in the burdens imposed on the Federal courts to review the factual or legal issues," in State criminal proceedings.

Mr. President, we in the Congress are not without our own contributions to the problem. On the one hand we create additional judgeships and shortly thereafter diminish or often nullify their effect on the problem by enacting laws whose effect is the addition of thousands or more cases to the already crowded court dockets. The Nation has looked more and more to the courts to resolve the conflicts. Yearly, the duties of the courts are enlarged, expanding into new fields such as environmental and consumer areas. These are areas where attention is needed and my only point is that we should know and take into account the impact of our actions on the judiciary.

The courts have responded remarkably well to the burden that society gives them. Their new duties are a reflection of the overall confidence that Congress and the country has in the judicial system. It is, however, imposing a heavy workload on our judicial system. New and different approaches are needed. The problem of administration, management and efficiency, are as the Chief Justice said, "the tool, not the goal of justice." It is a means to an end.

In his 1970 state of the judiciary address, Chief Justice Burger outlined various steps for future action in this area. Leading this list was his suggestion that "in each State there would be created a State-Federal Judicial Council to maintain continuing communications on all problems." The thrust of the suggestion was the reduction in the friction or tensions in relations between State and Federal courts primarily with respect to prisoner petitions.

In his 1971 Williamsburg address, the Chief Justice noted with pleasure that these suggested councils are now in actual operation in 33 States, many established by formal order of State supreme courts.

Following, but expanding on the subject, the measure I introduce today calls for the creation of a truly representative Federal-State judicial conference. Through this device, the State and Federal judicial and legislative system will receive a nationwide picture of a wide range of matters affecting the entire judiciary. They can then better evaluate the impact of proposed and recommended legislation on the judiciary insofar as the same may decrease or increase caseloads.

Mr. President, this suggestion originated with a distinguished Baltimore practicing attorney, Mr. George Cochran Doub. Mr. Doub is now practicing with one of Baltimore's leading law firms. He is a former Assistant Attorney General of the United States in charge of the Civil Division of the Justice Department from 1956 to 1960 and prior to that time, he was the U.S. attorney for Maryland from 1953 to 1956. He also has been a member of the Advisory Committee on Federal Civil Rules. In his American Bar Journal article, to which I previously referred, he concluded his article which basically dealt with habeas corpus procedures, by calling for the establishment of a Judicial Conference of the United States and the States. He said:

> More important than any suggested changes in federal habeas corpus, Congress should establish a judicial conference of the United States and the States, to be composed of the Chief Justice of the United States, the chief judges of the ten federal circuit courts of appeals and the chief Justices of ten state supreme courts.
>
> At the present time, the state judiciaries, which have the principal responsibility for the maintenance of law and order within their borders and are seriously affected by federal legislation, have no official forum where they may be heard. Such a judicial conference would provide an important place for their voice and the means for needed collaboration between the federal and state judicial systems.
>
> The Judicial Conference of the United States, composed entirely of federal judges, has been able to make signal contributions to federal practice and procedure, but in the field of federal habeas corpus the conference has felt compelled to accept not only the rulings but the dicta of recent Supreme Court opinions relating to habeas corpus practice. The proposed judicial conference of federal and state judges would bring to bear a far broader approach and perspective, and its recommendations might prove beneficial and constructive with respect to the perplexing problems of federal and state judicial relationships.
>
> If such a judicial conference is established, its first order of business should be to review the federal habeas corpus statutes and to make recommendations for amendments.

Mr. Doub has worked closely with me in the preparation of the legislation. I ask unanimous consent that his entire article in the American Bar Journal be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, I also want to express my appreciation to Chief Judge Hall Hammond of the Maryland Court of Appeals, the State's highest court, and Chief Judge Dulany Foster, of the supreme bench of Baltimore City for their help and suggestions.

As my colleagues will note, the bill I am introducing follows the suggestions of Mr. Doub with one addition. Because I believe it essential that the perspective and experience of trial judges be represented, I have added 10 trial judges, five from the Federal courts and five from the State courts.

Mr. President, since there would be no compensation to the participants other than ordinary expenses associated with the attendance at conference proceedings, the measure that I introduce will involve relatively small amounts of money. At minimal costs, this has great potential for bringing about improvements and reform in the administration of justice nationally.

The President called for new approaches in his Williamsburg speech when he stated:

> If we limit ourselves to calling for more judges, more police, more lawyers operating in the same system, we will produce more backlogs, more delays, more litigation, more jails, and more criminals. "More of the same" is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

I agree that new approaches, new devices and techniques must be explored and created if we are to avoid judicial anarchy. The present U.S. Judicial Conference has made outstanding contributions to the improvement of judicial practice and procedure in the Federal courts. I believe the establishment of a Judicial Conference of the United States and the States has the potential for similar judicial improvements in the State courts and for striking the proper delicate balances of Federal-State relations. By providing a form and a focus for the Federal and State for improvements of judicial administration, the proposed Judicial Conference of the United States and the States has the potential for bringing about "genuine reform." I urge that the Committee on the Judiciary give favorable consideration to this measure.

EXHIBIT 1

THE CASE AGANIST MODERN FEDERAL HABEAS CORPUS

(By George Cochran Doub)

The erosion of public respect for the judicial system has seriously harmed the effectiveness and credibility of this vital branch of government. As the courts become overwhelmed with backlogs of civil and criminal cases, concerned judges and lawyers have sought the development of new concepts of administration, the training and appointment of administrative officers, the better management and control of trial court calendars and the development of more efficient systems of record management.

These palliatives are helpful, but they cannot cure the disease of the patient; that can only be done by at least some minimal surgery. This is particularly true of the current distortion in the federal courts of the great writ of habeas corpus, which has debased the writ by making it nothing more than a routine vehicle for the review by the federal courts of state court criminal judgments.

THE PROBLEM IS A SELF-INFLICTED WOUND

The federal habeas corpus problem was not thrust upon the federal judiciary by the Constitution or the Congress. It was created by the Supreme Court in comparatively recent years under circumstances which suggest that the Court had no realization at the time of the crippled offspring it was unwittingly spawning. In retrospect, the resulting deluge of federal habeas corpus petitions of state prisoners, which has been suffocating district courts as well as the courts of appeals, has made clear that the problem is not congential. It is a self-inflicted wound.

The Constitution says no more than that "the Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it". The clause denies the power of the legislative and executive departments to suspend the privilege except under the circumstances stated, but it does not define the scope of the privilege.

The power of the federal district courts to issue the writ is statutory because of the principle that they possess only such jurisdiction as is expressly granted to them by Congress. The Judiciary Act of 1789 provided that the courts of the United States should have power to issue writs of habeas corpus to inquire into the cause of commitment, provided that writs of habeas corpus should in no case extend to persons unless in custody under the authority of the United States. Thus the power of the federal courts to issue the writ was carefully circumscribed and limited to persons in federal custody. No jurisdiction was conferred to inquire into the legality of custody of anyone by a state.

It was not until 1867, during Reconstruction, that the jurisdiction of the federal courts was widened by a provision that the writ might issue "in all cases where any person may be restrained from his or her liberty in violation of the Constitution or any treaty or law of the United States". Then for the first time the federal courts obtained the power to inquire into the legality of state criminal judgments. This provision is now codified in 28 U.S.C. § 2241(c)(3).

When the Supreme Court solemnly proclaimed in *Harris* v. *Nelson*, 394 U.S. 286, 290 (1969), that "the writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action", the Court ignored the fact that during the first seventy-five years of our nation's history the federal courts had no power to review state court criminal judgments by way of habeas corpus.

From 1867 until about 1952 the Supreme Court manifested judicial discipline and restraint with respect to federal habeas corpus, a regard for state judicial processes and an intuitive sense of the dangerous disorders which would accompany successful collateral attacks upon the finality of state court judgments.[1] A question of fact or of law distinctly put in issue and determined by a court of competent jurisdiction could not be reviewed later on federal habeas corpus. State court judgments that rested on independent state grounds could not be reviewed although federal claims were present. Only if an applicant had not been afforded an opportunity in the state court to raise his federal claim could it be heard.

Since 1952 the principle of federal judicial restraint has not slowly eroded; it has been cast away by a majority of the Supreme Court in the appealing name of personal liberty.

EXPANSION OF FEDERAL HABEAS CORPUS CONCEPT BEGINS

The drastic expansion of the federal habeas corpus concept began in *Brown* v. *Allen*, 344 U.S. 443 (1953), in which the federal claims of a state prisoner had been presented to the highest court of the state on direct appeal from conviction, had been rejected by that court on the merits and certiorari had been denied by the Supreme Court. On appeal from the denial of a federal habeas corpus petition, the Supreme Court held that Brown was entitled to reconsideration of his constitutional claims on his later application to a federal district court.

In *Irvin* v. *Dowd*, 359 U.S. 394 (1959), Irvin's conviction was affirmed upon appeal by the supreme court of a state. In reversing dismissal of his later application for federal habeas corpus, the Supreme Court held that this state court decision had rested on the determination of Irvin's federal claim and therefore his claim should be considered by the district court on federal habeas corpus. Thus, under *Irvin*, as well as *Brown*, the federal district courts were deemed to be not only authorized but obligated to review decisions of state supreme courts on federal questions.

In 1963 in *Fay* v. *Noia*, 372 U.S. 391, the Supreme Court decided that federal habeas corpus for state prisoners lies, despite the existence of an adequate and independent nonfederal ground for the state judgment of conviction, pursuant to which the applicant was detained by the state. After conviction, Noia, with competent counsel, deliberately elected not to appeal his conviction and years later sought federal habeas corpus on the ground that a confession obtained from him was unlawful because coerced. Under *Noia*, even a deliberate and intentional choice not to assert a constitutional claim on appeal did not preclude its later assertion on federal habeas corpus; a failure to exhaust state remedies did not preclude federal habeas corpus. The Supreme Court emasculated the doctrine embodied in 28 U.S.C. § 2254, which requires the exhaustion of state remedies, by holding that the statute referred only to state remedies available when the application for federal habeas corpus was filed.

TIDAL WAVE OF APPLICATIONS IS "JUDGE-MADE BUSINESS"

Chief Judge Lumbard of the Court of Appeals for the Second Circuit said last September of the tidal wave of habeas applications:

"This is judge-made business, resulting principally from the 1963 Supreme Court decision in *Fay* v. *Noia*, which held in effect that there was no finality to any state court criminal case so long as the prisoner made Constitutional claims and some federal judge entertained doubts about whether these questions had been fairly resolved by the state courts."[2]

In *Jackson* v. *Denno*, 378 U.S. 368 (1964), the Supreme Court held unconstitutional the established New York state practice with respect to the admissibility of admission. This "New York rule", which had been followed in sixteen states and six federal circuits, is that, when there is a factual conflict in the evidence as to the voluntariness of a confession over which reasonable men may differ, the judge leaves the question of voluntariness to the jury. This decision was contrary to prior decisions of the Court rendered as recently as 1953, 1958 and 1959.[3]

This due process question had not been presented to the state trial court or on appeal. Indeed, experienced counsel for the defendant had not even objected to the admissibility of the statements made and had not requested a preliminary court hearing on voluntariness, which was permitted under the New York procedure. One would suppose that under these conditions the federal claim was not even germane to the case. But the Supreme Court directed that petitioner be released unless the state retried him or afforded him an independent court hearing on the voluntariness of his admissions. Understandably, the Court did not conclude that the admissions were involuntary.

The Supreme Court has held that the doctrine of *res judicata* does not apply in the federal habeas corpus field and the denial of a state prisoner's application for collateral relief on habeas corpus is not *res judicata*, this on the theory that conventional notions of finality of litigation have no place when personal rights are at stake and their infringement is alleged.[4] Separate and successive habeas corpus applications may be filed and heard, provided each presents a different claim for relief.

SUPREME COURT ENUNCIATES REQUIREMENTS

A perplexing problem for federal district judges on applications for habeas corpus has been the extent to which they must determine the merits of factual disputes forming the basis of the prisoner's federal question claim, 28 U.S.C. § 2243 provides: "The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require." In *Townsend* v. *Sain*, 372 U.S. 293 (1963), the petitioner had objected to the introduction of his confession in a state trial on the ground that it was the product of coercion. The confession was admitted, the petitioner convicted and his conviction affirmed by the state supreme court. After exhausting his postconviction remedies in the state courts, he filed a petition for habeas corpus in a federal district court. In reversing the denial of his application, the Supreme Court enunciated requirements relating to habeas corpus hearings. It declared that a federal district court must grant an evidentiary hearing to a habeas corpus applicant if (1) the merits of the factual dispute were not resolved in the state hearing, (2) the state factual determination was not fairly supported by the record, (3) the fact-finding procedure utilized by the state court was not adequate to afford a full and fair hearing, (4) there was a substantial allegation of newly discovered evidence, (5) the material facts were not adequately developed at the state hearing, and (6) for any reason the state trier of the facts did not afford the applicant a full and fair fact hearing.

In discussing each of these requirements the Supreme Court interpreted them broadly. It further said that when these tests were not applicable and the material facts were in dispute, the holding of a factual hearing was in the discretion of the district judge, and even if he concluded that the applicant had been afforded a full and fair hearing by the state court, resulting in reliable findings, he need not accept the facts as so found. "In every case [the federal district judge] has the power, constrained only by his sound discretion, to receive evidence bearing upon the applicant's constitutional claim." Although the district judge may, when the state court has reliably found the relevant facts, defer to the state court's findings of fact, he is not obliged to do so, and important factual determinations may be made on a new record.

When a federal trial judge may be required to hold an independent factual hearing and on a record totally at variance with that before the state trial court, and in effect reverse its decision, are not the elements of judicial anarchy present?

INCREASE IS ASTOUNDING BUT NOT SURPRISING

It is not surprising that as the result of the recent expansion of the federal habeas corpus concept, the federal district courts have been swamped with habeas corpus applications from state prisoners. The increase is illustrated by the fact that state prisoner habeas corpus petitions have increased from eighty-nine in 1940 to 12,000 in 1969, according to the figures of the Administrative Office of the United States Courts. In a five-year period from 1939 to 1944, one person presented in the district court fifty petitions for writs of habeas corpus; another, twenty-seven; a third, twenty-four; a fourth, twenty-two; a fifth, twenty. One hundred and nineteen persons presented 597 petitions—an average of five per person.[5]

THE STATES: CAN THEY HELP?

In his admirable address, "The State of the Judiciary—1970", before the Annual Meeting of the American Bar Association in St. Louis in August, 1970, Chief Justice Burger, after pointing out that the federal district courts had been obliged to review more than 12,000 state prisoner petitions in 1969, as compared with eighty-nine in 1940, said:

"There is a solution for the large mass of state prisoner cases in federal courts—12,000 in the current year. If the states will develop adequate post-conviction procedures for their own state prisoners, this problem will largely disappear and eliminate a major source of tension and irritation in state-federal relations."[6]

This echoed a similar statement by Chief

Footnotes at end of article.

Judge Lumbard, Chairman of the Special Committee on Minimum Standards for the Administration of Criminal Justice of the American Bar Association, in May of 1966:

"We shall recommend adoption by the states of adequate remedies so that federal court review of state convictions will be reduced to a minimum and the facts on which such federal relief is sought will, so far as possible, be found and determined by the state court."[7]

The report of the Committee on Habeas Corpus of the Judicial Conference of the United States, known as the Phillips Committee, in September of 1966, recommending certain statutory amendments, demonstrated that even when fully adequate postconviction remedies are made available to state court prisoners, there is no reduction in the number of applications for writs of habeas corpus filed in the federal courts by state prisoners. The report pointed out that in Delaware, Florida, Kentucky, Missouri, New Jersey, North Carolina, Oregon and West Virginia applications for writs of habeas corpus to federal courts by state prisoners had continued to increase notwithstanding satisfactory postconviction remedies that had been provided those state prisoners.

The hopes expressed by the Chief Justice and Judge Lumbard may not be realized because they are based on the fallacious assumptions that when applications are filed, the federal district judges need do no more than examine the state postconviction findings of fact and that the district judges are bound by those state findings. In fact, under the directives of the Supreme Court, the federal district courts may be obliged to grant an evidentiary hearing to an applicant and to retry the factual issue involved in the state proceeding in order to meet the *Townsend* standards. Although adequate state postconviction findings of fact make it more likely that the federal courts will not overrule them and often they are accepted, those courts are not constrained to follow them. Adequate state postconviction remedies are not the full answer. They do not result in any substandard reduction in the petitions or the burden imposed on the federal district courts to review the factual and legal issues.[8]

FEDERAL LEGISLATION SEEMS TO BE THE ONLY METHOD

As Justice Clark pointed out in *Noia*, federal legislation seems to be the only method to restore the federal writ of habeas corpus to its proper place in the federal judicial system. That place is one of great importance—an ultimate, exceptional remedy against illegal restraint—but it should not be a substitute for an alternative to appeal, nor should it be a burial ground for state appellate rules or adequate state procedures.

Certain amendments were made to the habeas corpus statutes in 1966 at the instance of the Judicial Conference upon the recommendations of the Phillips Committee. These amendments integrated into the statutes most of the standards defined in *Townsend*.

Although the Phillips Committee's recommendations were designed to reduce habeas corpus applications, its report made clear that the members of the committee, as federal judges, considered that they were bound by the opinions of the Supreme Court in *Fay* v. *Noia, Sanders* v. *United States* and *Townsend* v. *Sain*. Accordingly, the amendments seem to integrate into the statute the expansive concepts of habeas corpus jurisdiction developed by the Supreme Court and to write into the statute, which can be changed only by the Congress, words from majority opinions of the Supreme Court that otherwise might later be modified by that Court.

Objections to this new expanded jurisdiction of the federal district courts are far more profound than case statistics.

WE HAVE LITTLE CONFIDENCE IN OUR JUDICIAL SYSTEM

Conviction in the state courts now has become merely the starting point of interminable litigation. State appeals are followed by successive petitions for federal habeas corpus and successive federal appeals. What is involved is a repetitious, indefinite, costly process of judicial screening, rescreening, sifting, resifting, examining and re-examining of state criminal judgments for possible constitutional error. The protection of constitutional rights is the cornerstone of our system of criminal justice, but are the state judicial systems so weak, so inadequate as to require discarding all the traditional principles of *res judicata* and estoppel? No other nation in the world has so little confidence in its judicial systems as to tolerate these collateral attacks on criminal court judgments.

Under *Denno* a state prisoner need not bother to assert his federal claims in the course of his state trial or on his state appeal from conviction. Even when he is represented by experienced counsel he need not accord the state trial judge or the state appellate judges an opportunity to hear and decide those claims as a precondition for federal habeas corpus. The hospitable federal system will hear his claims, although fair and reasonable state procedures are left in a shambles.

Under the new concept of federal habeas corpus, the state prisoner may now deliberately select not to appeal his conviction to a state supreme court and elect to have the validity of his conviction determined by habeas corpus in a federal district court. If he has appealed unsuccessfully to his state supreme court, he may then deliberately elect not to apply to the Supreme Court of the United States for certiorari and instead seek a writ of habeas corpus in a federal district court. Even if he has petitioned successfully for certiorari and the petition granted and the judgment affirmed, he may have the issue reviewed by the district court on habeas corpus if he alleges a fact not in the prior record.

This comparatively new concept of federal habeas corpus has dangerously prejudiced the delicate balance of federal-state relations and has seriously degraded the authority of the states and their judicial tribunals.

RESENTMENT BY THE STATE JUDICIARIES IS NOT HEALTHY

There is perhaps no single attribute of federal judicial power more abrasive of the relations of the states and the Federal Government than the over-expansion of the great writ of habeas corpus by the federal courts as applied to state prisoners. State judges who do not bitterly resent the new concept of habeas corpus jurisdiction of the federal district courts are few. When federal trial judges are required to reconsider and review decisions of state trial judges and even decisions of state supreme courts, state judges cannot fail to recognize that their status has been downgraded to one of increasing inferiority to the federal bench. With the multiplication of federal statutes dealing with matters that before had been left to the states, the expansion of federal jurisdiction has been inevitable. But in the case of federal habeas corpus jurisdiction state judges know that expanded jurisdiction has not been forced on the federal courts by Congress but that it is judicially expanded power. This resentment by the state judiciaries against the federal judiciary is not healthy or wholesome.

No valid criticism may be made of the patient handling of habeas corpus petitions by the federal district courts. Those judges have exercised admirable restraint in their almost daily and routine task of dealing with petitions from state prisoners. Each petition must be defended by the state attorney general. Successive applications may attack in turn each step in the state proceeding in addition to the police, trial judges and the competence of defense counsel. The burden on the states of defending these applications is costly. In Maryland three assistant attorneys general do nothing else.

WE ARE WITNESSING A TRANSFORMATION

We are witnessing a fundamental transformation by the decisional process in the relationship of the federal and state judicial systems. Federal district judges now exercise through their habeas corpus jurisdiction a power of review of state court criminal judgments far in excess of the power of any appellate court, including the Supreme Court of the United States. The procedural framework within which the federal review of state judgments operates is derived from a legacy of a time when federal review was rare and extraordinary. Even those who applaud federal court review of state court judgments concede that appellate review by a single federal judge is an anomaly, "the product not of design but of historical accident".[9]

Any discussion of this problem requires consideration of the human values involved and the recognition, as Learned Hand said, that "There is no democracy among human values, however each may cry out for an equal vote."[10] Does our dedication to the spirit of liberty and justice require these extensive review procedures for the protection of the innocent? Judge Lumbard has said, "For all our work on thousands of state prisoner cases I have yet to hear of one where an innocent man has been convicted. The net result for the non-existent needle in the ever-larger haystack has been a serious detriment to the administration of criminal justice by the states."[11] The question involved in a habeas corpus application is not guilt or innocence of the petitioner and, indeed, that issue is irrelevant to the federal inquiry. Nor is the fact that the evidence in the state case plainly established the guilt of the petitioner a relevant circumstance. On the contrary, the federal court is concerned solely with the malleable nuances of due process that now attach to every step in the criminal process—detection, search, interrogation, confession, arrest, arraignment, trial and appeal.

WHAT IS THE PROBLEM?

If one could believe that the overriding problem of our time is the conviction of innocent persons by the state courts, perhaps these endless review procedures are justified, but it is difficult to believe that this is so. Certainly state procedures are far superior to those of many decades ago when Justice Holmes said in *Kepner* v. *United States,* 195 U.S. 100, 134 (1904): "At the present time in this country there is more danger that criminals will escape justice than that they will be subjected to tyranny."

As the nation wallows in lawlessness, is not the overriding problem the detection and conviction of criminals within the framework of the new attributes of due process, a problem in which most constitutional theorists have no interest?

Under no circumstances should applications for habeas corpus continue to be a standard routine vehicle for collateral attack on and review by federal district courts of the validity of state court judgments. Nor should state prisoners be permitted to bypass reasonable state trial and appellate procedures. Nor should the great writ become a plaything or racket for penitentiary inmates.

CONSIDERATION SHOULD BE GIVEN TO REVISION

Since the Constitution is not a "suicide pact" (to quote Justice Jackson),[12] does not compel judicial anarchy and recognizes that the scope of federal habeas corpus is statutory, consideration should be given to the re-

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Footnotes at end of article.

vision of 28 U.S.C. §§ 2243, 2244 and 2254 to make clear:

1. The federal district court may summarily hear and determine the facts only when they have not been determined by the state court in the course of fair proceedings.

2. An application for a writ of habeas corpus should not be granted when the applicant was afforded a fair and adequate opportunity to raise his claim in the course of the proceeding resulting in the judgment, but he elected or failed without justification to do so.

3. An application should not be granted when there exists an adequate and independent nonfederal ground for the judgment of conviction.

4. When the applicant was represented by competent counsel in the proceeding resulting in the judgment, it should be presumed that the applicant had knowledge of his federal claim and his failure to assert it in that proceeding should be deemed an abuse of the writ.

5. The burden of proof should be on an applicant to establish that his failure to raise a newly asserted federal claim in the course of the federal or state court proceeding resulting in the judgment is not an abuse of process.

6. When the court believes that an application may have merit, it should appoint counsel for the applicant, who must include in his application or amended application all federal claims. A subsequent application should be deemed an abuse of the writ.

7. The court should be entitled to consider whether the length of time that has elapsed between the facts complained of and the application, or between a previous application in a court of the United States or of any state under the corrective processes provided by the state and the present application, prevents a fair and reliable inquiry into the issues presented by the application or will prevent reprosecution or correction of the error complained of, and the court in its discretion may determine that the failure of the applicant to make the application within a reasonable time has resulted in an abuse of process.

These recommended changes in the federal habeas corpus statutes are self-explanatory and would seem constitutional because they relate to matters of practice and procedure. If they do not end the surrealist ballet, consideration may then be given to the adoption of the traditional and present practice in England precluding appeals from the denial of habeas corpus applications.

More important than any suggested changes in federal habeas corpus statutes, Congress should establish a judicial conference of the United States and the states, to be composed of the Chief Justice of the United States, the chief judges of the ten federal circuit courts of appeals and the chief justices of ten state supreme courts.[13] At the present time, the state judiciaries, which have the principal responsibility for the maintenance of law and order within their borders and are seriously affected by federal legislation, have no official forum where they may be heard. Such a judicial conference would provide an important place for their voice and the means for needed collaboration between the federal and state judicial systems.

The Judicial Conference of the United States, composed entirely of federal judges, has been able to make signal contributions to federal practice and procedure, but in the field of federal habeas corpus the conference has felt compelled to accept not only the rulings but the dicta of recent Supreme Court opinions relating to habeas corpus practice. The proposed judicial conference of federal and state judges would bring to bear a far broader approach and perspective, and its recommendations might prove beneficial and constructive with respect to the perplexing problems of federal and state judicial relationships.

If such a judicial conference is established, its first order of business should be to review the federal habeas corpus statutes and to make recommendations for amendments.

FOOTNOTES

[1] For example, Darr v. Burford, 339 U. S. 200 (1950).

[2] 25 Record N.Y.C.B.A. 516 (1970).

[3] Stein v. New York, 346 U. S. 156 (1953); Payne v. Arkansas, 356 U. S. 560, 568 note 15 (1958); and Spano v. New York, 360 U. S. 315, 324 (1959).

[4] Sanders v. United States, 373 U. S. 1 (1963). Although this decision involved the interpretation of Section 2255 of the Judicial Code, the principles defined are applicable to federal habeas corpus cases.

[5] Reviser's Note to 28 U.S.C. § 2244, citing H. Rep. 308, 80th Cong. See also, Dorsey v. Gill, 148 F. 2d 857, 862 (D.C. Cir. 1945).

[6] 56 A.B.A.J. 929, 931 (1970).

[7] New Standards for Criminal Justice, 52 A.B.A.J. 431, 434 (1966).

[8] United States ex rel. Rutherford v. Deegan, 406 F. 2d 217, 220 (2d Cir. 1969); Worts v. Dutton, 395 F. 2d 341 (5th Cir. 1968); Hamrie v. Bailey, 386 F. 2d 390, 393 (4th Cir. 1967).

[9] Mayers, Federal Review of State Convictions, 50 Judicature 168 (1967).

[10] Hand, The Spirit of Liberty 113 (3d ed. 1960).

[11] Supra note 2, at 516.

[12] Terminiello v. Chicago, 337 U. S. 1, 37 (1949).

[13] In his state of the judiciary address, supra note 6, Chief Justice Burger recommended a state-federal judicial council in each state and a national judiciary council with equal representation from each branch of government. The local state-federal judicial councils would be important, and the national judiciary council would have no representation from the states.

By Mr. PERCY:

S. 2951. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations. Referred to the Committee on Labor and Public Welfare.

INCREASE IN MAXIMUM TERMS OF OFFICE FOR LOCAL UNION OFFICIALS

Mr. PERCY. Mr. President, I am introducing a measure today which, though exceedingly brief in text, has major importance to millions of labor union members throughout the country.

The measure would amend the Labor-Management Reporting and Disclosure Act of 1959—Landrum-Griffin Act—to increase the maximum term of office for officers of local labor unions from 3 to 5 years. The amendment pertains to only one section of that act. Indeed, the change consists only of one word, substituting "five" for "three."

Title IV of the Landrum-Griffin Act currently requires the election of officers of national labor unions at least once every 5 years, and the election of local officers at least once every 3 years. The bill which I introduce today would result in a parallel tenure for union officers, whether they be national or local. If enacted, this bill would amend section 401(b) of the Landrum-Griffin Act to read as follows:

> Every local labor organization shall elect its officers not less often than once every five years by secret ballot among the members in good standing.

Clearly, my bill does not compel local labor unions to adopt longer terms of office for their elected representatives, but grants them the option presently available under Landrum-Griffin to national unions. Landrum-Griffin merely specified an allowable maximum tenure. Unions may and frequently do, through their constitutions and bylaws, provide a tenure of office briefer than the present 5 years allowed for national officials and 3 years for local officials.

A recent report from the Department of Labor indicates that as of 3 years ago, only 25 of the 178 national unions participating in a survey elected officers for the maximum 5-year term. Of the remainder, 56 national unions opted for 4-year terms, 20 for 3-year terms, 59 for 2-year terms, and 16 for 1-year terms. Two unions preferred varying terms for the several elective positions. For the approximately 77,000 local unions in this country, there are, unfortunately, no comparable statistics to indicate how many elect officials for the maximum permissible period of 3 years as compared to briefer terms of office.

The reason for the difference in allowable terms for national and local officials can be traced to the investigatory disclosures into international union affairs in the late 1950's that resulted from the work of the Senate Government Operations Committee. Local union abuses that were documented by its chairman Senator McCLELLAN included misuse of union funds, padded expense accounts, ballot-stuffing, job referral denials under union hiring halls, intimidation, and actual physical violence. Some local union officials were shown to have received kickbacks from employers in return for "sweetheart" contracts that provided for wages or working conditions below prevailing minimum standards.

The Landrum-Griffin Act proscribed these kinds of activities while attempting to increase the responsiveness of union officials.

Today, instances of alleged irresponsibility in local union affairs are relatively rare. No doubt, this is due in large part to the additional disclosure requirements that are imposed by Landrum-Griffin. Nevertheless, with the wisdom of experience as a guide, I believe that Congress may have overreacted in setting forth the additional statutory requirements of a 3-year maximum tenure for local officials.

The record shows generally responsible leadership on the part of local union officers, and a general lack of corruption in local union elections. For example, during the first decade of experience under Landrum-Griffin, the Secretary of Labor has judicially sought to overturn only 155 of more than 150,000 local union elections, a ratio of about one-tenth of 1 percent. Also noteworthy is the fact that during the past year there were only 78 criminal prosecutions brought against officers for embezzlement of union funds and related violations under the disclosure requirements of Landrum-Griffin. That number similarly represents less than one-tenth of 1 percent of the total number of unions and is almost negligible in the context of the total number of union officials.

Notwithstanding this admirable record on the part of organized labor, I would point out that we have on the books comprehensive legislation which effectively discourages those who would violate the law in the course of their official duties. These safeguards will remain intact irrespective of an increase in the terms of local officers. It is groundless to assume that the 5-year term would encourage abuse.

Our experience under Landrum-Griffin also indicates a very high degree of responsiveness on the part of both national and local union leaders to the peculiar needs of the rank and file membership. Much of the social progress that this country has witnessed over the decade in the areas of civil rights, minority enterprise, occupational safety, consumer protection, and preservation of the environment can be directly traced to enlightened union leadership concerned with long-run goals for the Nation as a whole. Responsible leadership—particularly where secure and, as a result, courageous enough to override the so-called nonnegotiable and emotion-laden outcries of the moment—has been able to persuade the rank and file membership to rethink its more radical positions, soften its demands, and be amenable to compromise. As a result, union leaders whose security is firm have frequently induced the membership to do an about face on makework strategems, racial restrictions, and unrealistic wage demands.

To the contention that a 5-year term will make for less responsive and less effective leadership, I can only say that I do not see any logical correlation between length of tenure and quality of leadership. The history of labor relations following enactment of Landrum-Griffin 12 years ago would appear to repudiate that thesis. The 5-year term has not led to any discernible unresponsiveness or ineffectiveness in union leadership at the national level. I see no reason, therefore, to assume that the 5-year term would lead to unresponsive or ineffective leadership at the local level.

The bill offered today to permit longer terms of office will help to stabilize the positions of local labor leaders. Stability should aid in toning down the sometimes intractable positions of local leadership. That is to say, I am afraid that too short terms almost require union leaders to become more vocal in their demands, more unyielding in their requests—in part to maintain their visibility and retain an aura of toughness and voter appeal amongst the rank and file. As Thomas J. Nayder, president of the Chicago Building Trades Council has testified:

> I have been told by many local union officers that the members who actively urge the rejection of contracts recommended by the officers and negotiating committees are those endeavoring to take over the positions of leadership in the local union. With short three year terms of office, the campaigning for positions in the local union goes on throughout the term and contract terms become one of the leading campaign issues. The member who aspires to union leadership follows the technique of promising more and more and urging that responsible contract proposals be turned down. All of this politicking during the three year term has resulted in irresponsibility and has helped put upward pressure on the inflationary trends. A five year term of office would certainly contribute to greater responsibility and reasonableness on the part of local union officers.

Stability can also serve to counter overreaction born of inexperience on the part of union officials. In this regard, Teamsters' President Frank Fitzsimmons has commented that:

> Experience under the Landrum-Griffin Bill, which limits the terms of office for a local union officer to three years, has proven to be harmful to labor, its members and also management.
>
> "New officers find themselves in the position of spending a year or perhaps eighteen months becoming proficient in their positions and then are immediately faced with the prospect of standing for election. If this term of office were extended to five years, as in the case of international union officers, I am certain that it would lend a great deal of stability to the entire area of collective bargaining.

Particularly in view of the increasing complexity of labor-management negotiations, local union officials are constantly faced with new and perplexing difficulties to be resolved. They must have and should have a reasonable length of time to become acclimated to union affairs without concern about reelection if they are to represent effectively the rank and file. The 5-year term would facilitate this needed learning period and promote an atmosphere of more purposeful negotiations.

Moreover, permitting local elections to be held only once in 5 years should relieve many unions of needless expenditures of time and moneys which are occasioned by too frequent elections. Where a local union sees a benefit in conducting elections every 5 years, and in so doing elections costs are reduced significantly, I believe that the Federal Government ought not be a stumbling block to progress.

Finally, I would like to point out that the measure I am introducing today is entirely consistent with the recent trend of more enduring collective bargaining agreements. We have moved from a time during the late 1950's when the 1- and 2-year contract was the norm to a time, now, where the 3-year contract predominates—in nearly two-thirds of all collective bargaining situations. Another 6 percent of such contracts are for 4 years or more; while still another 4 percent extend for indefinite terms. These figures, reported by the Department of Labor, apply to contracts negotiated both by national and local unions.

Without doubt, most local unions with contracts of long duration would seek longer collective bargaining agreements if the tenures of their negotiating officials were to be extended. Such long-term agreements promote greater stability in labor-management relations. Similarly, I feel certain that longer tenure for local union officers would afford an increased opportunity for more civility and less dislocation in labor-management negotiations.

Again this amendment to the Landrum-Griffin Act is permissive only. It does not mandate a 5-year term, but merely allows it. The decision is one that will be and should be left to the rank and file. The local members themselves will be free to determine whether a 5-year term, or some lesser term, will be in their own best interest. As a result, they will have a greater voice in the very matter of their own union representation. To a U.S. Senator that holds a 6-year term, a 5-year term for a labor union official should not seem unreasonable.

Mr. President, I ask unanimous consent that the text of my bill to amend the Labor-Management Reporting and Disclosure Act of 1959 be printed in the RECORD at the conclusion of my remarks. I also request that excerpts from the statement of May 11, 1971, of Thomas Nayder, president of the Chicago Building Trades Council, presented to the Special Subcommittee on Labor of the House Committee on Education and Labor, be printed in the RECORD.

There being no objection, the bill and excerpts were ordered to be printed in the RECORD, as follows:

S. 2951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(b) of the Labor-Management Reporting and Disclosure Act of 1959 is amended by striking out "three" and inserting "five."

SEC. 2. The amendment made by the first section shall be applicable with respect to elections held after the date of enactment of this Act.

STATEMENT OF THOMAS NAYDER, PRESIDENT, CHICAGO BUILDING TRADES COUNCIL

Just briefly, I would like to go into the background of the Labor-Management Reporting and Disclosure Act, commonly known as the Landrum-Griffin Act, so that a better understanding may be had of the rationale behind the original proposition that local union officers should only hold office for a term of three years.

The Act came into being on September 14, 1959, as a result of investigations and hearings conducted by a Senate Committee known as the McClellan Committee. This Committee came to certain conclusions which, in my opinion, were not founded in fact and did not relate to the great majority of labor organizations, but which nonetheless resulted in the enactment of certain rather hastily conceived legislation. The Committee, in its first interim report issued in March 1958, found that there was a significant lack of democratic procedures in the unions studied and stated that constitutions had been preverted or ignored, one-man dictatorships thrived and there was fear and intimidation. The Committee did not indicate in any manner how extensive this was, or whether as later facts indicated, these allegations related only to a few labor organizations. A subsequent statement by the Committee in House Committee Report No. 741, said in part:

"Some trade unions have acquired bureaucratic tendencies and characteristics. The relationship of the leaders of such unions to their members has in some instances become impersonal and autocratic. In some cases men who have acquired positions of power and responsibility within unions have abused their power and forsaken their responsibilities to the membership and to the public."

This, then, was the rationale for severely limiting an incumbent's term of office in a local union.

There has now been a twelve-year experience under the Landrum-Griffin Act and it has become readily apparent that what was such a great cause of concern in 1959, namely, wide-spread corruption and denial of rights to membership, was not in fact a reality. On the contrary, it has, it seems to me, become clear that in the main, union leadership is responsible and concerned with the interests of the members. In addition it has become remarkably clear that in many cases the union leadership is more responsive and more concerned with the rights of the general public than the individual members of a particular bargaining unit may be.

The past twelve years have demonstrated that because of the constant pressure of remaining in office or obtaining reelection to office, union leaders have been placed in a position where they may no longer lead, but instead, have been forced to go along with what is oftentimes a raucous and unreasoning minority in a given bargaining situation. Thus, through fear of losing votes; through the knowledge that a new election is always just around the corner; union leaders have been forced to bow to demands for strikes, to claims for unusual concessions in collective bargaining agreements and to yielding on matters which properly should be handled by the leaders and not by the entire membership.

The Landrum-Griffin Act forced requirements upon union officials which are far more onerous than those borne by members of this Congress, for instance. Thus, they are required to post bonds, they are precluded from holding office for a variety of reasons, they are under constant scrutiny. I am not saying that this is wrong, I am merely indicating that the House of Labor is certainly one of the best kept and responsible houses to be found in this great Nation.

The question must inevitably arise, why should officials be seeking five-year terms instead of three, when members of the House must stand for election every two years. There is a difference I submit between the two situations. The House of Representatives is intended to be compromised of individuals, each of whom is representing certain small districts of constituents or special interest groups. But, in addition to the House, we have our elected Executive Officers and we have the Senate, with six-year terms of office.

There are, in other words, different responsibilities to different constituencies. The same is true of a labor leader. It is his duty to represent all of the members. As such, he is an executive; he is required to exercise leadership; he must do more than merely prepare the laws and contracts, he must implement them. In so doing, he is placed in a position where his ability to act should be as unimpaired as that of a public executive or the head of a corporation. This redounds both to the benefit of the membership and the general public. In addition, I believe that management will be quite pleased to deal with an individual who can effectively speak for the membership, rather than dealing only with uncertainty.

To conclude, the fears of the 50's were unfounded; the need of the 70's for responsible union leadership is great and can be to a large extent satisfied by extending the term of office for local executives to five years.

It is my experience in Illinois that there is a direct correlation between the three-year term of office and irresponsibility on the part of the membership and the shooting down of contract proposals recommended by the leadership. I have been told by many local union officers that the members who actively urge the rejection of contracts recommended by the officers and negotiating committees are those endeavoring to take over the positions of leadership in the local union. With short three year terms of offices, the campaigning for positions in the local union goes on throughout the term and contract terms become one of the leading campaign issues. The member who aspires to union leadership follows the technique of promising more and more and urging that responsible contract proposals be turned down. All of this politicking during the three year term has resulted in irresponsibility and has helped put upward pressure on the inflationary trends. A five year term of office would certainly contribute to greater responsibility and reasonableness on the part of local union officers

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SENATE RESOLUTION 207—SUBMISSION OF A RESOLUTION RELATING TO THE THREAT TO PEACE IN SOUTH ASIA

(Referred to the Committee on Foreign Relations.)

Mr. HARRIS. Mr. President, the chapter of this administration's foreign policy historians are most likely to remember probably is being written this week in South Asia. Long after the press blitz about the President's trip to the Great Wall is forgotten, people will recall that in the last months of 1971 the Nixon administration stood by while an international disaster occurred which was totally unnecessary had commonsense and national interest been heeded.

For months both the friends and critics of this administration have pointed out that the new crisis center of danger to world peace was now South Asia. They warned that America's whole political future in Asia now hangs in the balance. For by our totally indefensible policy we have managed to offend both parties to the conflict. We offended Pakistan by not doing enough to aid it in its hour of need, for we could not without outraging our own people. Yet we also insulted India by our total disregard for its appeals that we at least halt military shipments to a Pakistani Army slaughtering innocent victims in East Pakistan.

In April, I called for an end to economic and military assistance to Pakistan. I discussed that view in very strong terms with Assistant Secretary of State Sisco, personally, all to no avail.

All in all, it was a remarkable performance. In defiance of national interest, pleas of allies and dictates of commonsense, this administration methodically continued a bankrupt, immoral policy until yesterday the ultimate reality—full scale war between India and Pakistan—struck. Only at the last possible minute did the United States act to halt the further delivery of arms to Pakistan. And then as if to provide a belated and spiteful balance to its policy, this week it announced that it would no longer continue military shipments to India, which long ago owing to American folly had turned to the Soviet Union as its main arms supplier.

Mr. President, the record of the past several months proves one thing. Supposed grasp of grand strategy is no substitute for commonsense and compassion. Dr. Kissinger is acknowledged to be a brilliant man and President Nixon asks to be remembered for his accomplishments in foreign policy. But while the President and his advisers have spent weeks worrying about the protocol of a symbolic trip to Peking, they apparently could not spare the time to understand the human drama unfolding in South Asia. And I believe that however symbolic that trip—which I myself approve—its results can scarcely offset the tragic setback for our nation and world peace which his administration's neglect of the India-Pakistan crisis has brought about. If the President had to visit China because some 750 million people live there, by similar reasoning he should not ignore South Asia since 690 million live in that region.

But now that war has broken out, what is to be done? Now that the mistake has been made and a whole generation of Indians and Pakistanis taught to mistrust us?

I say, let us begin with at last grappling with the realities of the crisis.

The first reality is that Pakistan in its previous form is dead. The date of death is not precise but it occurred sometime this summer as Pakistan continued on with the bloody suppression of the East, driven by its own intransigence and by the unwise counsel of friends like Communist China and the United States.

But the second reality is that Pakistan's separate parts continue to live. It may still not be clear how these two parts will evolve. They may move on to separate and independent status. Or despite rivers of blood, they may yet be able to come together under a new form of association which at last grants the East the freedom and self-determination it has sought for so many years.

My personal opinion is that an independent Bangla Desh is inevitable. But Pakistan should be given a last, peaceful chance to return to its former status of potential greatness.

The third reality in South Asia is that the cause of peace is not served by the international conspiracy to avoid U.N. involvement in this crisis. There is always one virtue of public debate. It places nations in a position where they must defend policies that in the full glare of publicity may prove to be indefensible.

By the international agreement to silence on the India-Pakistan crisis, it is safe to say that the conduct of virtually every interested party has been worse than it otherwise would have been.

Had the Security Council taken up the crisis at an early date, Pakistan would have been forced to defend large-scale crimes.

Had the U.N. debated this issue early, India—for which otherwise one has only sympathy—could not have continued so easily its seemingly callous game of exploiting the tragedy to weaken its hated opponent.

Had the United Nations seized the initiative, Communist China would have been compelled to explain how it squared its well-publicized support for the impoverished masses of the world with a policy of backing the brutal suppression of East Pakistan.

Had the world body demanded a public accounting, the United States and the Soviet Union would have been under an obligation to defend their immoral decision to continue big power politics as usual in the face of one of the greatest human tragedies of this century or any other.

Mr. President, writing in his diary of the Kennedy years and our policy in Vietnam and elsewhere, a great American, Chester Bowles, noted his fears that officials who downgrade morality in politics may find themselves without a directional compass in a period of fast-breaking events. In such a situation, information is always partial so that one is forced to take action at least in part on the basis of moral principle or political instinct. And he worried that the devotees of power politics, whose political instincts told them that considerations of morality were irrelevant, would lose their way.

Nowhere is Ambassador Bowles' observation more relevant than with regard to American policy toward this crisis. Both the President and his trusted advisers these past months have retreated to the clouds of global strategy while the human reality was millions in flight and hundreds of thousands dead.

As decent men, and I know they are, they should have listened to what their own moral sense told them. But they did not. And now they have brought lasting discredit on themselves and on the American Nation. They have indirectly permitted U.S. participation in one of the worst crimes of this century and they have not achieved peace. Instead they have helped to bring on a war, whose ultimate course no one in this Chamber can predict.

I am a strong believer, however, in the view that it is never too late to do right. Let us at last take this issue to the U.N. Security Council, as I and others urged weeks ago. There, all the interested great powers are now able to participate for the first time in the postwar period.

Without ruling on the merits of an independent Bangla Desh, let us call for its representatives to participate. On this score we simply must not allow events again to overtake us with tragic consequences for ourselves and the people directly involved in the conflict.

Finally, let us force everyone, ourselves included, to be honest about the bankrupt policies we have all been following.

Today, Mr. President, I am submitting a resolution, with Senators BAYH, CRANSTON, HART, HATFIELD, HUMPHREY, MCGOVERN, MONDALE, TUNNEY, and WILLIAMS, which would declare it to be the sense of the Senate that the United States follow precisely this course.

I ask unanimous consent that this resolution be printed in the RECORD at this point. I also ask unanimous consent that a letter which I and several other Senators sent to the President on November 24 on this subject be printed in the RECORD.

Mr. President, it is time that Members of this body and of the administration speak for the conscience of America in this hour of crisis.

There being no objection, the resolution and letter were ordered to be printed in the RECORD, as follows:

S. RES. 207

Whereas a full scale war between the Governments of India and Pakistan has developed out of the current hostilities on the sub-continent; and

Whereas a prolonged conflict between those two populous countries would be a major disaster for world peace and could involve outside powers; and

Whereas an immediate exchange of views in the Security Council by parties directly or indirectly involved in the menacing conflict in South Asia could improve the prospects for peace in that area; and

Whereas the continued political and military struggle in East Pakistan demonstrates that a state of civil war exists in that region; and

Whereas in the Security Council deliberations all parties to the conflict should be represented; and

Whereas the People's Republic of China, the Union of Soviet Socialist Republics and the United States of America are all gravely concerned at the heightening tension in South Asia: Now therefore be it

Resolved, That it is the sense of the Senate that (a) the United States delegation at the United Nations should propose the formal inscription on the agenda of the Security Council of an item entitled "The Threat to Peace in South Asia";

(b) the United States Delegation should at the same time call for an emergency session of the Security Council on this subject at the earliest possible date;

(c) the United States delegation should propose the formal participation in the Security Council debate of representatives of the Bangla Desh, and

(d) although the first order of business for the Security Council must be the cessation of hostilities between India and Pakistan, the United States delegation should press for rapid Security Council consideration of steps including the negotiated release of Sheik Mjuibur Rahman which will permit the vast majority of East Pakistani refugees now in India to return to their homes in East Pakistan in the very near future.

THE PRESIDENT,
The White House.
Washington, D.C.

The pending war between India and Pakistan may be the greatest threat to world peace since World War II. For not only would a war between these two states involve two enormous population masses, untold casualties and a possible religious and communal war; but there would also be grave danger that concerned outside powers—in particular China, the Soviet Union and the United States—might at some point be dragged in.

We, the undersigned Members of the Senate, strongly believe the world can no longer wait for conventional diplomatic discussions leading to an end to this menace to world peace. Both the powers directly involved, India and Pakistan, and those major powers indirectly involved must participate. And there is only one body where these discussions can be held rapidly and without loss of face for the parties concerned. That body is the United Nations Security Council.

Because the root cause of the conflict between India and Pakistan is the continued suppression of popular will in East Pakistan, the resulting flow of millions of refugees into India and the enormous burden which this had placed on that nation, we also believe that the Security Council should invite for participation representatives of Bangla Desh.

With these points in mind, we respectfully urge you to instruct the U.S. delegation at the United Nations formally to inscribe the item "the threat to peace in South Asia" on the agenda of the United Nations Security Council and at the same time to call for an emergency session of the Security Council on this subject.

The first order of business in the Security Council debate necessarily must be cessation of hostilities between India and Pakistan. But because the refugee problem lies at the heart of the tension between the two countries, we also urge the U.S. delegation immediately to press for rapid Security Council consideration of measures which will permit the vast majority of these refugees to return to their homes in East Pakistan in the very near future.

A war involving India, Pakistan and the three major powers concerned would affect more than 50 percent of the entire population of the globe. Whatever one's views on the likelihood of this possibility, the magnitude of such a catastrophe is so awesome that we firmly believe the United States must leave no door to peace untried at this crucial moment.

Walter F. Mondale, Bob Packwood,
Frank E. Moss, Lee Metcalf,
Birch Bayh, Philip A. Hart, Fred
R. Harris, Alan Cranston, William Proxmire, John V. Tunney,
Hubert H. Humphrey.
U.S. Senators.

ADDITIONAL STATEMENTS

CAMPAIGN REFORM BILL

Mr. SCOTT. Mr. President, barring any unforeseen roadblock, Congress, next week, will send to the President, for his approval, the most sweeping campaign reform bill in history. The Washington Evening Star of today, December 3, 1971, has published an excellent editorial which points up some of the differences between the Senate and House bills, in addition to the key factors which ought to be kept in mind. I commend this editorial to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Dec. 3, 1971]

PROGRESS IN CAMPAIGN REFORM

Congress, in shaping two separate pieces of legislation to reform campaign spending and to finance publicly presidential campaigns, is doing itself proud. Neither of these measures is perfect. But they are very good measures. And the way now appears clear to get them in final form and to the President well before the current session ends.

It would be difficult to overstate the significance of this legislation. As the costs of campaigning for office have soared over the years, so has the influence of the dollar and the wealthy contributor. Past efforts to control the trend have been feeble, and it is probably no mere coincidence that, as all the polls reveal, public trust in politics and politicians has been diminishing steadily. And so what is at stake is the integrity of our democratic electoral process.

Of the two proposals, by far the most controversial is the idea of financing presidential campaigns through an income tax checkoff. Although basically a good idea, its hurried introduction as an amendment to the President's tax-cut bill was a transparent move by Senate Democrats to alleviate their current money problems. As we said at the time, if the proposal had to come up now, far better that it stipulate an effective date after the 1972 campaign. Unlikely as it seemed, that's exactly what the Senate-House tax-bill conferees have approved—a 1976 effective date. By one stroke, they have removed a major source of partisan dissension from the measure. And though Democratic Chairman Larry O'Brien must be in tears with evaporation of a potential $20.4 million 1972 campaign kitty, that compromise should remove the threat of a presidential veto or a series of poisonous court tests early next year.

The plan does leave some uncertainties. Besides the postponement, the conferees decided only to authorize payment in presidential candidates instead of automatically appropriating the money. This may have been done to make the plan more legally sound, but it opens the door to congressional blockage through refusal to appropriate money, every four years. It's something for Congress to wrestle with at a later date. Certainly it will have the time.

On the campaign-spending front, the House bill approved so overwhelmingly is very close in its particulars to one the Senate passed in August. Both seek to establish a balanced set of limits that will hold down campaign costs and reveal more of the sources of political contributions. They would for the first time set ceilings on what candidates for national office can spend on communications and advertising. And they would create a mandatory national requirement for public reporting of campaign money contributed and spent.

Two changes the House made in the Senate bill deserve comment. One would require financial reports to be filed with congressional employes or the Comptroller General rather than with a new, bipartisan Federal Elections Commission. This represents a weakening of the disclosure provisions and should be reversed in conference committee. The second change, more difficult to judge, would place mass mailing and telephone campaigning costs under the spending ceiling. On the surface, that makes sense. But those two campaigning techniques, unlike radio and television advertising, will be terribly difficult, perhaps impossible, to police. And what Congress should want to avoid is legislating regulations that are unenforceable and thus go ignored.

That last dilemma points up the essential problem in reform efforts like this. What is desirable isn't always attainable. Trying to fashion completely airtight rules runs the risk of backfire. The congressmen know all this, of course. If there's any subject on which all of them are expert, it's campaign financing and spending, and which limits might work and which can be circumvented. Their goal, then, should be the cleanest, most workable alternative possible to the current unregulated mess, one that curbs the worst excesses and sheds a maximum of light on the process. It's a goal that appears within reach.

PRESIDENT'S ADDRESS TO WHITE HOUSE CONFERENCE ON AGING DELEGATES

Mr. CHURCH. Mr. President, the President of the United States issued an important message to the delegates at the White House Conference on Aging. He outlined the administration's strategy for the Nation's elderly.

In many ways, these proposals represent a step forward. For example, the President recommended that funding for the Older Americans Act be substantially increased next year. He also indicated that he will propose reforms for our private pension system—including extension of coverage, vesting, and safeguards to help assure that pension funds are soundly managed.

However, even a preliminary analysis reveals that the President's statement lags far behind recommendations made by the conference participants on a number of key fronts. Today, I shall focus on only one of these fronts.

This concerns more adequate income for the aged—their No. 1 problem. Particularly disappointing was the President's failure to urge an earlier and higher social security raise than proposed under H.R. 1. That bill provides for a 5-percent increase, but it would not go into effect until June 1972.

Yet the elderly poor have increased in numbers by nearly 100,000 during the past 2 years. For this important reason, I believe that a more substantial increase—as outlined in my social security-welfare reform proposal, S. 1645—should be adopted. Briefly, this measure would authorize benefit raises averaging about 15 percent for all social security recipients, but they would be weighted to provide larger increases for persons who need them the most—individuals who now receive inadequate payments because of low lifetime earnings.

At a later date, I shall focus on other key issues in the Nixon statement.

Mr. President, I commend the President's aging message and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE WHITE HOUSE CONFERENCE ON AGING, WASHINGTON, D.C.

Many of you have made a very important pledge this morning, a very specific commitment to action in the post-Conference year. I have come here this morning to join you in that pledge.

This means I will give close personal consideration to the recommendations of this Conference. I have asked Dr. Flemming to stay on—not only as Chairman of this Conference in the follow-up period, but also as my special consultant on aging so that I can take up these matters personally with him, as well as with John Martin, my Special Assistant on Aging. I will put your recommendations at the top of the agenda of our Cabinet-level Committee on Aging—which is chaired by Secretary Richardson and on which Dr. Flemming also plays a leading role. And finally, I have asked Dr. Flemming to create a post-Conference board to act as your agent in following up on your proposals.

When matters that affect the interests of older Americans are being discussed. I am determined that the voice of older Americans will be heard.

As we consider your suggestions, we will be guided by this conviction: any action which enhances the dignity of older Americans enhances the dignity of all Americans. For unless the American dream comes true for our older generation, it cannot be complete for any generation.

This is true, first, because we all grow old. The younger generation today will be the older generation tomorrow. But more than that, the entire Nation has a high stake in a better life for its older citizens simply because it needs them. It needs the resources which they alone can offer.

We are speaking, after all, of a proven generation, one that has brought this country through the most turbulent period in human history. Its skills, its wisdom, its values, its faith—these are among the most valuable resources this Nation possesses.

This country will have to be at its best if we are to meet the challenge of competition in the world in the 1970s. And we cannot be at our best if we keep our most experienced players on the bench.

Yet in recent years a gulf has been opening between older Americans and the rest of our people. This gulf is the product, in large measure, of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

We must change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let me begin where most of you begin: with the problem of inadequate income. If we move on this front, all the other battles will be easier. If we fail to move here, the other battles will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill which is known as H.R. 1—and approve it without delay. For this legislation would revolutionize our whole approach to income problems among the elderly.

For the first time in our history, it would put a national floor under the annual income of every older American. For the first time in our history, it would make social security benefits inflation-proof.

It would also allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. And I hope the Congress will also include in H.R. 1 my proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

H.R. 1—as it now stands—would provide some 5½ billion dollars in additional Federal benefits to older Americans: 3 billion dollars in increased social security benefits, and—when it is fully effective—another 2.5 billion dollars in new benefits to persons with lower incomes. My proposal to eliminate the monthly Medicare fee would enrich this 5.5 billion dollar package by an additional 1.4 billion dollars—the equivalent of an additional 5 percent increase in social security.

As we work to increase Federal benefits for older Americans, we must also work to reduce the pressure of taxes. We are therefore supporting a series of tax reform proposals which would enable a single person age 65 or older to receive up to $5,100 of tax-free income. A married couple, both of whom are 65 or older, could receive over $8,000 in tax-free income if these changes take effect.

However, one of the most onerous of all taxes for older Americans is largely unrelated income. I refer, of course, to the property tax—which keeps going right on up, even when an older person's income is going down. In fact, property tax collections have increased by some 40 percent in the last five years alone.

Nearly 70 percent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving. And yet because of property taxes, the same home which has been a symbol of their independence often becomes a cause of their impoverishment.

Even older persons who rent their homes often bear an unfair burden, since property tax increases are often passed along in the form of higher rents. And the inequity of the property tax is often all the greater because it takes money from those who have already educated their own children and uses it largely for the education of others.

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders, full of hope and pride. And over the years that followed they made their dreams come true.

But today—many years later—things have changed, so much so that Mrs. Ewing begins her letter by asking, "Was it just an empty dream after all?" Her father—at 73—is too ill and tired to work. His family is grown and scattered. And to meet his real estate tax he is now being forced to sell the property for which he worked so hard and so long. "If this is really the country I grew up believing it to be," Mrs. Ewing continues, "these inhumane tax laws must be changed. . . ."

I agree. We need a complete overhaul of our property taxes and of our whole system for financing public education. Our revenue sharing program can help relieve the pressure on property taxes and older Americans have a large stake in its enactment. But additional reform is also needed.

I am therefore preparing specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. It is clear that these remedies will involve large sums of money. We are prepared, however, to make the hard decisions we will have to make. The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

A second major problem affecting the income of older persons is the inadequacy of private pension plans.

I will therefore propose to the Congress a new program to reform our private pension system. This program will include measures designed to expand pension coverage and to ensure that pension funds are soundly and honestly managed. I will also recommend new laws to require the vesting of pensions—to ensure that the benefits which accumulate in a person's working years are paid to him when he is older.

Lately, of course, we have been giving high priority to another effort that has special meaning for older Americans: the drive to curb the rise in the cost of living. When wages and prices rise unreasonably for the few, the result is an unreasonable decline in the purchasing power of the many. By holding wage increases to reasonable levels for those who are working, we will help to protect the incomes of those who are retired.

I have appreciated the support that older Americans have given to this effort—and I am determined that as we achieve our new prosperity, it will be a new prosperity without inflation, and therefore without the hidden tax that hits so cruelly at those on fixed incomes.

As the income position of older Americans improves, so will their ability to cope with many of the other problems you have been discussing. But even with higher income, many older persons will still face problems beyond their individual control.

Take the one million Americans who live in nursing homes, for example. Many of them—like my 91-year-old aunt in California—receive excellent care in pleasant surroundings. But many do not—and there is little they can do about it. This is why I announced last summer an 8-point program for improving our Nation's nursing homes and for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes. But we will not hesitate to cut off funds from homes which are hopelessly substandard. Furthermore, we will take the initiative in making sure that public and private resources are available to provide alternative arrangements for the victims of such homes.

But nursing homes are only one part of the picture. The greatest need is to help more older Americans to go on living in their own homes. Income programs and tax reforms can help us achieve this objective. And so can a number of additional decisions which we already have made.

We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly.

We have made two additional administrative decisions which will also help older Americans to remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominium apartments and retirement communities. The second will require that Federal grants which provide services for older persons also provide for the transportation they need to take advantage of these services.

Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis. I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that additional 50,000 volunteers can be involved. I will request that the Foster Grandparents program be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under this program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income.

Older persons can be proud of how well they have made all these programs work in recent years. These decisions mean they will now be able to work in more places and for more people.

I have spoken this morning about some of the immediate steps I am taking as a part of my commitment to action. We are proud of these initiatives—but we are not content to rest on them. Instead, we want to build on them. That is why I have outlined a mechanism for following up on this Conference—one which will allow us to take the fullest advantage of the excellent work which you have done.

Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

As you know, these proposals involve very difficult budgetary problems for the Government.

However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this Conference—a message which must now be heard in every community in this land.

The message is simply this: We need a new national attitude toward aging in this country—one which fully recognizes what America must do for its older citizens, and one which fully appreciates what our older citizens can do for America.

Only a new national attitude toward aging can end the "throw away psychology" which, I understand, was so graphically demonstrated in the film you saw last Sunday night. Only a new attitude toward aging can reopen the doors of opportunity which have too often been closed on older men and women. And—to borrow another phrase from your multi-media presentation—only a new attitude toward aging can keep older Americans from "slipping through the cracks."

We are entering a period when people will be retiring even earlier from their regular jobs—and when it will therefore be more important than ever to recognize that retirement from work does not mean retirement from life. This concept must be at the heart of our new national attitude toward aging.

A few months ago I met with a remarkable man by the name of George Black. For more than eighty years, Mr. Black has been making bricks by hand in Winston-Salem, North Carolina. George Black is 93 years old—but this does not mean that his productive days are over.

Recently our Government sent George Black to the country of Guyana in South America, so that he could share his skills with people in that land. When he was asked about his trip, Mr. Black made this comment: "I have always asked the Lord," he said "to let my last days be my best days. I feel like he's answering my prayers."

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them—as for him—its answer depends not only on what they are given but on what they continue to give.

Older Americans have much to give to their country. The best thing this country can give to them is the chance to be a part of it—a chance to play a continuing role in the great American adventure.

In a real sense, this Conference is just beginning. For all of us are going home with promises to keep. As we keep those promises—as we fulfill our commitments to action—we will make this Conference the great New Beginning you have talked about this week. And we will help make the last days the best days for all of our countrymen.

QUALITY HEALTH CARE FOR RURAL AMERICA

Mr. HUMPHREY. Mr. President, a major aspect of bringing parity to rural American is improvement in health and medical facilities and services. Good health and medical care is essential to successful rural development.

I have just read the publication of a most informative and encouraging research study of rural hospitals, written by Dr. Neville J. G. Doherty, assistant professor of health care economics at the University of Connecticut Health Center. The study was published last week by the U.S. Department of Agriculture, Economic Research Service.

The report indicates that high quality health service can be brought to rural people through relatively small rural hospitals organized in a district network through local effort with the assistance of Federal programs.

I ask unanimous consent that the abstract, preface, and summary of this report on hospitals in rural Michigan be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

QUALITY HEALTH CARE FOR RURAL AMERICA

ABSTRACT

A composite method is developed and used for regional analysis of the distribution and efficiency of general hospitals. The study areas is the Grand Traverse Region, an eight-county rural areas in Michigan. The region had approximately the correct number of hospital beds to handle current and expected needs. Average costs were constant, indicating no economies of scale. Lower short-run costs than in comparable hospitals elsewhere indicated relatively productive techniques. Greater rates of use of the larger hospitals indicated that patients discounted the higher prices of larger hospitals by implicit evaluations of the higher quality of care and number of services they offered.

Key words: Health facilities, rural health, multicounty area, regional planning, Michigan.

PREFACE

The problem of rurality, poverty, and health is a circular one. In rural areas, incomes are generally lower and medical services generally poorer and less accessible than in urban areas. At the same time, the incidence of chronic illness, which limits work activity and thus reduces income, increases with both rurality and low-family income. Farmers in general experience a high rate of this type of illness. Also, the shortage of emergency services in rural areas is a definite contribution to the very high accident fatality rate in farming

Quantitative and qualitative factors intensify the rural health care problem. Low incomes and sparse populations prevent rural areas from competing effectively in the medical marketplace; consequently, deficiencies exist in both the quantity and quality of rural-located medical personnel and facilities. Although general practitioners are evenly distributed by population density throughout the country, areas of high population density and high household incomes attract more specialists and hospital-based physicians. As a result, rural people often do not get the quality of care available in urban areas.

Thus, in terms of both need for medical care and availability of medical services, the rural poor are often deprived of even minimally adequate health care. Programs are underway or being planned that will help solve the problem. They include increasing the supply of services, reorganizing existing services and developing new ones on the basis of regional needs, and removing income and other barriers which impede the ability of the poor to obtain medical care. These efforts are based on a concern for the plight of disadvantaged Americans and an awareness that all Americans should have the opportunity to receive good health care.

To contribute to the search for solutions to inadequate medical care in rural areas, this report presents methods to measure efficiency in the distribution, costs, and utilization of hospital services. The methods are applied to general hospitals in an eight-county, rural-oriented area in the northwestern part of Michigan's lower peninsula.

SUMMARY

General hospitals in Michigan's Grand Traverse Region operated as a reasonably efficient group in 1967, according to measurements of the distribution of their services and their costs and utilization.

The rural region's seven general hospitals had approximately the correct number of beds to handle current and expected needs at the minimum investment. To test the adequacy of bed numbers in terms of both service output and efficiency, actual 1967 numbers and hospital occupancy rates were compared with the number of beds that would be available under two alternative organizational structures. The alternatives considered the hospitals to be: (1) organized as seven autonomous units, each serving its own patients' needs, and (2) a group of fully cooperative hospitals fulfilling the function of one large hospital serving the entire region.

In addition, an appraisal was made of the subregional distribution of beds among four hospital service areas delineated in the 1968 Michigan State Plan for Hospital and Medical Facilities Construction. Although in some areas of the region, additional beds are needed to fulfill projected 1973 requirements, these needs can probably be met with existing facilities, provided there is sufficient cooperation among the hospitals.

A limited analysis of the hospitals' long-run average costs suggested that these costs were constant and equal to marginal costs. There seemed, therefore, no reason for concluding that fewer but larger facilities would provide services more economically than the existing hospitals.

Compared with average short-run costs in similar hospitals elsewhere, such costs in the region's hospitals were lower, indicating relatively efficient techniques. In 1967, the region's hospitals had approximately the same ratio of personnel to patients and the same length of patient stay as did hospitals in all of Michigan and the United States; but in the region, average costs, payroll per patient day, and average employee salaries were lower.

Finally, it was indicated that some of the higher total costs in the region's larger hospitals can be attributed to their ability to offer more and better services than do the smaller hospitals. This indication appears to be recognized by patients and doctors in the region because hospital occupancy rates increase with hospital size. Nevertheless, the smaller hospitals, by virtue of their geographic distribution and lower costs, were especially advantageous to the region's rural population.

A POEM ON ENVIRONMENT

Mr. ERVIN. Mr. President, my constituent Mr. Hamp Carter, of Walnut Cove, N.C., has written a poem on the environment entitled "America Bruised and Battered."

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

AMERICA BRUISED AND BATTERED

I was once America The Beautiful
  The land of the brave and the free
But now friends take a look around you
  And see what you're doing to me.

You spray me with your poisons
  Kill the little fishes in my streams
Take away my vegetation
  With your great big ugly machines.

Now I lie here bruised and battered
  Beneath a dirty smoke-filled sky
Knowing man must help me soon
  Or we both shall surely die.

Tho' man has treated me badly
  I still believe man is my friend
So, come friend and help me
  Become America The Beautiful again.

OLDER AMERICANS AND THE WHITE HOUSE CONFERENCE ON AGING

Mr. CHURCH. Mr. President, the White House Conference on Aging is now concluded.

Among the many articles published about subjects that received attention at the conference was an editorial published in the Washington Post of November 27. The editorial draws upon recent reports by the Senate Special Committee on Aging, and it makes the point that action is needed within the next few months, not at some distant date. As the Post points out:

> Time is what the aged do not have.

Even while calling for action, however, the Post also recognizes that the root cause of many of the problems affecting the elderly may be a widespread negative attitude toward aging in the United States.

Mr. Colman McCarthy, a member of the Post editorial board, has written perceptively in the past on issues related to aging. In his article of November 28 Mr. McCarthy asks, "Why are the Old Put on Shelves?" He questions "a value system that plays down filial respect while playing up much that is passing and cheap."

Mr. President, I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 27, 1971]

THE WHITE HOUSE CONFERENCE ON AGING

Three White House Conferences have been held to date by the Nixon administration—on hunger in 1969, on children in 1970 and on youth in 1971. A fourth conference, on aging, begins its working sessions Monday. Some 3,400 delegates are scheduled to attend the meetings, discussions and debates that will last through Thursday. The reports of the three earlier conferences are now tucked away on quiet shelves, proverbial trees that fell unheard in a forest. Yet, 3,400 people would not be gathering here if they didn't share some feeling of hope that life for the nation's 20 million over-65 citizens can be improved.

What this life is often like, if the brush of statistics can adequately paint a detailed picture of frustration and anguish, is clear. Older people comprise 10 per cent of the U.S. population—but 20 per cent of all poverty victims. Thirty-three per cent of their personal income goes for housing, while younger citizens spend 23 per cent. They account for 25 per cent of annual admissions to mental hospitals. Elderly homeowners—two-thirds of all older persons—often live on steady incomes while unsteady tax rates soar. In 1970, Medicare met only 43 per cent of aged people's health bill, down from 45 per cent the year before. Some 24,000 nursing homes care for one million elderly, but as Representative David Pryor (D-Ark.) has reported, many are highly commercialized and dehumanizing.

Few of these facts are new to the delegates meeting here this week or to anyone who has been following the useful work of the Senate Special Committee on Aging. Its chairman, Senator Frank Church of Idaho, has stated: "I think there is no country, that has the means as we do, that has done as badly in providing for the elderly as we have here in the United States. This is one of the greatest travesties, I think, of the contemporary American way. It's one of the most conspicuous of our failures. We have our successes, we have much to be proud of in this country, but this treatment of the elderly is something that we ought by right, to be ashamed of, and I think that's why it cries out so for attention."

Getting the federal government to do more for the elderly will be extremely difficult in the years ahead but not impossible. Politically, the old have strength, even though attention is now on the youth vote. Business Week magazine, for example, points out that in Florida "older voters were the deciding factor in electing two political unknowns to major office: Democrat Lawton M. Chiles Jr., to the U.S. Senate and Reuben Askew to the governorship." Nationally, the old account for 17 per cent of the voting population.

Perhaps the most hopeful sign of this week's conference is that so many of the elderly themselves—both in Washington now and in their home communities—are eager to be involved in followup work that is fruitful. Time is what the aged do not have. As Dr. Flemming observed: "We are constantly saying, well, if we do some planning now, some years from now it may be possible for us to deal with a particular issue. But those who are elderly now haven't got the slightest interest in that kind of talk. My hope is that we see coming out of the conference action programs that can be implemented within 15 months . . ."

[From the Washington Post, Nov. 28, 1971]

Human Obsolescence: Why Are the Old Put on Shelves?

(By Colman McCarthy)

Everyone wants to live a long life, but there is one trouble—you have to grow old to do it. For many of America's 20 million citizens who make it past 65, the trouble is hardly worth it. Unless you are rich or have especially devoted children, chances are that old age may be a time of anguish, loneliness and sadness, worse for some than others. Perhaps the greatest torture of being old is that one must go about it surrounded by products and services that are ever new and ever fresh. Last year's model, last year's fashion, last year's wardrobe—this feverish custom of discarding what in many cases is only sightly old leads naturally to a throwaway mentality. Thus, easily put out of sight and out of mind are last year's people, the old.

The White House Conference on Aging, beginning today and running through the week, will likely have much to say on the cruel ways in which old people are neglected by the government and by institutions. But this running tragedy is not so much a planned horror as it is a reflection of a deepset attitude. Along with racism and sexism, there is now "oldism," an intolerance of people too slow, too wrinkled and too tired for the American pace. Dr. Robert Butler, a Washington psychiatrist and one of the few in the country who practices "life-cycle therapy," believes a strong feeling exists "of not wanting to have all these ugly old people around."

How has this happened? Since abandoning another human being is not a natural instinct, the reason may be cultural. It is regularly pointed out, to the point of fatigue, that America is obsessed with the young, a fudge of idolatrous concern that thickens with each new fad. But saying the country is over-fascinated with a youth cult is only part of it, and even then it is inaccurate; if we care so much about kids, why must educators constantly beg for money, why are school lunch programs left unfunded, why are stores allowed to sell flammable sleepwear for children? The deeper cultural reality that allows the old to be the nation's resident castoffs is that American values have been largely shaped by both the Calvinist mystique of achievement and the American frontier notion of self-reliant individualism. These two creeds naturally exclude the elderly because old men and old women are seen as no longer achieving and no longer self-reliant. They are non-producers who should be stripped of their "we try harder" buttons; after that, what else can be done but stash them on a shelf? As Dr. Robert Butler has noted, "Our society serves the productive. We view ourselves as an organism that can all too easily dispense with its parts, which are subject to facile replacement. Most of our national policy decisions are economic and technological rather than moral. The Office of Management and Budget decides. There is a Gross National Product, however important, that is closely watched but there is no Human Value Index."

If putting away old people—removing them from budget priorities, from family circles—fits in well with the American way, it is also true that this wasn't always the case or style with all Americans. One can visit ethnic families in the Northeast industrial towns—Italians, Poles, Slovaks, Greeks and others—and inevitably an old person is found to be an honored and wanted member of the family. Unlike others, many ethnics insist on keeping the parents and grandparents in the main path of travel, if only because the young know that one day they must go that way, too. If you are kind to your parents, Irish children are told, you will have a long life. But keeping to this tradition of respecting the old is not easy for ethnic Americans. Professor Michael Novak, soon to publish a book on ethnics ("The Rise of the Great Unwasped" from Macmillan), has written: "One of the more poignant prices ethnics had to pay to become Americanized was to learn not to care for one's parents or grandparents, to learn that life belongs most to those between the ages of 15 and 50, in the public schools, the ethnic child was taught to make fun of one's parents and grandparents—their accents, their gestures, their values. 'Old fashioned' became a word used not for the respect due of wisdom but for contempt due to inferiority or being different from Wasp America. It was silly to care for one's aging parents, to put up with their complaints, customs and needs. 'The American way' was to ship off the old folks to some sanitized rest home; but most ethnic people couldn't quite bring themselves to do that. For cattle maybe, but not for one's parents. The solution often was to find some small apartment, a separate room, in which the old folks could live in some compromised way, not quite in the center of the family as their parents had been, but assuredly not institutionalized as 'the Americans' were."

A word and concept now in heavy use is "community." Real estate men no longer build developments, they create communities, the young go off to found communes. But this talk of community is strange; how can you have a common unity when no place is given to the elders of the tribe. "Traditionally," Nathan W. Shock, head of NIH's Gerontology Branch, has said, "the older person in the community had a role in that he had lived longer, he therefore had more experience, he was wiser . . . he knew where the tigers were in the jungle."

The sources of this tradition are easily found, even without going to the East where the old have always been revered. In the 6th century Rule of St. Benedict, for example, one of the earliest charters for community living, the fathers and brothers of the monastery are told in chapter 37 that the old are worthy of special treatment. "Although human nature itself inclines us to show pity and consideration to the old . . . still it is proper that the authority of the Rule should provide for them. Let their weakness be always taken into account, and let the full rigour of the Rule as regards food be in no wise maintained in their regard. There is to be a kind consideration for them, and permission is to be given them to anticipate the regular hours." Even today, in the many European and American Benedictine monasteries and convents, old members of the community are cherished and honored for their wisdom.

These are rare enclaves of charity, however, and the spirit of compassion has not spread. But it persists at least. In the end, the main impact of this week's White House Conference on Aging must be less on American politicians or programs than on American values—the principal source of many of the elderly's sufferings. Some of these are inevitable, the results of sickness or family scattering. But many are not; they are caused by a value system that plays down filial respect while playing up much that is passing and cheap. In a recent book on the elderly, French writer Simone de Beauvoir asked, "What should a society be like that in his old age a man can remain a man?" The answer: "He must always be treated like a man."

This is not an easy goal, neither for wide-open conferences nor for closed-up minds. But if it is true that every country is entitled to a few mistakes, then perhaps we are now coming around to recognizing one. America, compared with other countries, is still young—exactly the time to see that the realities of aging do not become the horrors of aging.

NURSING HOME SUBSTITUTES

Mr. CHURCH. Mr. President, Sylvia Porter is a columnist who can write compellingly on personal economics, as well as national ecenomic issues.

In a column published in the Washington Star and in other newspapers on November 27, she discussed an issue which is of mounting concern to the elderly and to offspring of older Americans.

That issue is the high cost of nursing home care, and the persistent question which is raised again and again: Are not many nursing home patients needlessly placed in such institutions when they might better be served by far less expensive alternative care-giving arrangements?

Of course, for many nursing home patients, there can be no substitute for skilled, around-the-clock care. Old, ill people need attention.

But, as pointed out in a recent report to the Senate Special Committee on Aging, there is growing reason to believe that a sizable number of those in nursing homes would not have to be there if alternative forms of care were available.

Sylvia Porter comments on that report and on other encouraging evidence that many disabled or debilitated older Americans can be served in their own homes, rather than undergo the trauma that so often results from placement in an institution.

I ask unanimous consent that her article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, Nov. 27, 1971]

Your Money's Worth—Nursing Home Substitutes

(By Sylvia Porter)

Today, if you have to keep a patient in a nursing home, the cost will range from $200 to $1,000 a month—hardly what most people can afford.

On top of that, the horrors of many nursing homes have been widely publicized: patients tied to beds or chairs whether they need to be or not and "drugged into bed" with tranquilizers for the convenience of the staff; the pervasive stench; utter lack of privacy, dignity, fresh air, recreation; complete abandonment of the idea of rehabilitation. Many nursing homes are by no means way-stations to better health. They are the end of the line.

The biggest horror of all, though, and the ultimate irony, may be the fact that so many occupants—possibly a majority—don't belong there at all.

A new 1971 study of nursing home inhabitants in Massachusetts reveals that, of every 100 nursing home residents, only 37 actually need full-time skilled nursing care; 26 need just minimal supervised "living"; 23 could get by comfortably with periodic home visits by nurses; 14 do not need institutionalization at all.

A similar study in Buffalo concluded that, of every four patients now in nursing homes, one does not need to be there.

A new report by the Senate Special Committee on Aging, written by specialists at Brandeis University's Levinson Gerontological Policy Institute reports:

"Large numbers of the disabled are forced into nursing homes or into mental hospitals at a very high charge to the public treasury simply because public programs could not give attention to alternative ways of meeting their needs outside of intitutions."

Accuses the report: "While we pay generously for active treatment, we pay nothing to reinforce the natural life system arrangements to which the disabled can turn in their own communities. The entire burden is placed upon family and neighbors . . . until they are virtually bankrupted in money and energy; then the unfortunate individual is removed to a nursing home."

More money is not the answer. In the opinion of many, less money for fewer nursing homes will be closer to the solution.

"It is possible to resettle 70 percent of all ordinary admissions in their own homes or hostels," according to Dr. Lionel Z. Cosin, clinical director of England's United Oxford Hospital Geriatric Unit and a top authority in this field. Cosin insists that permanently bedridden patients and frail or confused long-term patients should represent a very small percentage of admissions to geriatric facilities.

In England, where a number of progressive elderly care systems are now being pioneered, the cost of "day hospital" care is only 6 percent of the cost of acute-care hospitals and only ⅒ of the cost of a nursing home.

Here are some imaginative alternatives offered one British hospital for elderly citizens and for the relatives caring for them at home:

1. The "holiday" admission—for a week or two during which the family is free to take a planned vacation—from home and from the dependent relative.

2. The short-term admission, also for two weeks or so—again to give families an occasional spell of badly needed relief from the stresses of caring for their aged charges.

3. The "floating bed system"—scheduled admission every fortnight for three or four days.

4. The Day Hospital—a unit offering medical and nursing care, physical and occupational therapy, plus luncheon.

Surely, we in the United States can experiment with similar solutions and come up on our own with alternatives to today's obviously rotten system. And surely what is needed in the United States, too, are major financial and other incentives to help the elderly and disabled remain in their own homes and communities.

THE NEED TO RATIFY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we are coming near the end of the first session of the 92d Congress. When Congress adjourns the Senate will have lost another opportunity to ratify the International Convention on the Prevention and Punishment of the Crime of Genocide. If this treaty is not acted on this session it will, of course, remain on the Executive Calendar to be considered next session.

Nevertheless, I am saddened to see this session end without the Genocide Convention being ratified. In the 22 years that the Convention has been before the Senate awaiting ratification it has been adopted by 75 nations of the world, including almost all of our NATO and SEATO allies. In these 22 years many articles have been written about it, many speeches have been made. All the arguments for and against this treaty have been made and remade. The American people have a right to expect the Senate to act on it in the near future, if not in the closing days of this session, then in the opening days of the next.

The Senate should give its consent to the ratification of the Genocide Convention because this treaty will help to prevent a recurrence of the horrors of mass murder. By ratifying the treaty the United States will go on record as opposing the crime of genocide. We will be extending to our citizens the protections this treaty has to offer. The Genocide Convention does not abridge the rights of the American people. It does not cede any authority from the United States to any world body or any nation. It does not diminish the powers of the several States.

Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

ON BEHALF OF THE POW'S

Mr. CHURCH. Mr. President, the plight of a prisoner of war is a sad, and sometimes desperate, one. All Senators, whatever our differing views toward U.S. military involvement in Vietnam, would not support a settlement that would not bring about a prompt release of American prisoners of war now held by the Government of North Vietnam and its allies.

Nevertheless, there are those who have been tempted to make political capital of the plight of our POW's. This is unfortunate and is properly rebuked by Shirley Culbertson, a member of an association of families of servicemen believed prisoners or missing in action. In a letter published in the Washington Post, she writes:

> To think that after all the facts have been presented, there are still some representatives who still wish to place every conceivable obstacle in the path of any bill to end this war, using the same trite, inexcusable reason that our present administration knows best and should not be interfered with, is too tragic to be amusing. The American people should know better.

Shirley Culbertson's letter is wise counsel, and I wish to bring its contents to as many readers of the Record as possible. Therefore, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record. as follows:

On Behalf of the POW's

Last week another attempt was made in the House of Representatives to establish a termination date for all U.S. military operations in Indochina. It was Rep. Edward Bollings' Defense Appropriations Bill. We sent a letter in support because we believe, like so many of our fellow Americans, that it is now up to Congress and the President to terminate our role in Indochina.

The arguments for passage of this bill were some of the most sensible and heartrending I have ever heard. They reflected the opinion of the majority of the American people and indicated, most importantly, the desire of conscientious representatives to vote the will of their constituents.

The arguments against are still unbelievable to me. To think that after all the facts have been presented there are still some representatives who still wish to place every conceivable obstacle in the path of any bill to end this war, using the same trite, inexcusable reason that our present administration knows best and should not be interfered with, is too tragic to be amusing. The American people should know better.

POW/MIA Families for Immediate Release is angry at having to swallow the same story about the President's plan to help American POWs when every time a bill is offered and a door is opened to help us end this war and get our POWs the administration maneuvers and pressures with scare tactics to their key supporters in the House to slam it.

President Nixon has blatantly abandoned the prisoners and is creating two residual forces—one in Southeast Asia to continue the war, and one in this country consisting of POW/MIA families who are not going to remain quiet about these defenseless pawns. *Our* residual force is rapidly growing, and though the Southeast Asia residual force fights with bullets, we intend to fight with ballots to campaign against this administration and their loyal followers whom we accuse of deliberately abandoning the prisoners.

Bringing ground troops home is fine, but prisoners are troops too, and they are *not* coming home. This war is *not* over despite what the administration wants the American people to believe.

Shirley Culbertson,
Pow Sister, POW/MIA Families
for Immediate Release.

McLean.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

TRIBUTE TO SENATOR ELLENDER AND OTHER SENATORS ON YESTERDAY'S PASSAGE OF SUPPLEMENTAL APPROPRIATION MEASURE

Mr. MANSFIELD. Mr. President, it hardly needs saying that the Senate's excellent record concerning the disposition of appropriations measures this session has been due to the efforts of the dean of this body—the distinguished chairman of the Appropriations Committee and President pro tempore, the Senator from Louisiana (Mr. Ellender). Never has the Senate been able to address itself to the consideration of the Government's funding measure more efficiently. That there have been delays at anytime on any proposal has never once been due to action or inaction by the Committee on Appropriations of the Senate. It has been Senator Ellender, his determination, his amazing energy, his expertise and devotion that has made possible such an outstanding record.

The passage yesterday of the supplemental appropriations bill is a case in point. It is one of two major funding measures handled by the chairman himself. It received thorough and careful deliberation, and it was due to the groundwork prepared by the chairman that it resulted in such overwhelming Senate success. I only wish to thank once again Senator ELLENDER for his outstanding contributions to the Senate and the Nation.

The ranking minority member of the Appropriations Committee, the Senator from North Dakota (Mr. YOUNG) deserves similar commendation. His dedicated and untiring efforts in moving this and so many other funding measures along toward final approval have been indispensable. His work closely with the chairman has been a fine example of bipartisan spirit. We are grateful to Senator YOUNG for his cooperation, his support and his contributions on all of these bills, especially on the supplemental item passed yesterday.

Joining in yesterday's debate to assure a comprehensive bill were the Senator from Washington (Mr. MAGNUSON), the Senator from Illinois (Mr. PERCY), and many other Senators. Their sincerity and thoroughness in presenting their viewpoints are greatly appreciated by all of us. The importance of their advocacy cannot be overemphasized.

To be commended, as well, are the Senators from Wisconsin (Mr. NELSON), from California (Mr. TUNNEY), and from Connecticut (Mr. WEICKER). Their contributions, along with those of many other Senators, were invaluable in making our determinations overall. The Senate appreciates their attention and the quality of their arguments.

I wish to thank the entire Senate for the splendid cooperation of all Members this whole past week. It took hard work and immense effort on all measures passed. It was truly a yeoman's task.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session for the further consideration of the nomination of Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court of the United States.

SUPREME COURT OF THE UNITED STATES

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. EASTLAND. Mr. President, there have been very few men in the history of the country nominated to the Supreme Court whose nominations have been reported out by the Judiciary Committee with a unanimous vote. As I recall, the only other one in modern times was Mr. Byron White. I think that Mr. Powell can certainly be proud of the fact that he received the unanimous vote of the Judiciary Committee.

Personally, I am proud and happy to support the nomination of Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court of the United States. I urge the Senate to speedily and overwhelmingly confirm this splendid nomination.

In my judgment, Mr. Powell is a great gentleman, a great lawyer, a great southerner, and a great American.

I am confident that he will make a great Justice of the Supreme Court.

Mr. Powell is acknowledged by all to be one of the leading members of the Bar in the United States. He has been awarded the highest honors of his profession. He was president of the American Bar Association in 1964–65, president of the American College of Trial Lawyers in 1969–70, and president of the American Bar Foundation in 1969–71.

Mr. Powell has been engaged in the private practice of law since 1932 in Richmond, Va., except for service in our Armed Forces during World War II. He has enjoyed a highly successful practice.

The Standing Committee on Federal Judiciary of the American Bar Association, after stating that it was reaching no conclusions as to the philosophy or personal beliefs of the nominee, made the following unanimous findings as to Mr. Powell's qualifications:

> The present unanimous conclusions of the Committee, limited to the area described above, is that Mr. Powell meets high standards of professional competence, judicial temperament, and integrity. To the Committee, this means that, from the viewpoint of professional qualifications, Mr. Powell is one of the best persons available for appointment to the Supreme Court.

The testimony given by the witnesses on this nomination, including Mr. Powell himself, and other evidence produced in the hearing record of the Judiciary Committee, substantiate this evaluation of the Standing Committee on Federal Judiciary of the American Bar Association.

As to Mr. Powell's reputation among those who know him best, the Standing Committee on Federal Judiciary made the following unanimous finding:

> One hundred thirty-two lawyers and judges were interviewed in the seven states of the Fourth Circuit. In addition, seven law school deans were asked for their own views and to the extent possible the views of their faculties. The Comments received can only be described as unrestricted enthusiasm for Mr. Powell. He has received in most eloquent and emphatic terms the highest possible praise of the members of the profession who have known him and worked with him.

The hearings held by the Judiciary Committee also validate this finding of the American Bar Association committee.

Mr. Powell was enthusiastically endorsed for this nomination by both Senators from Virginia and the entire congressional delegation from that State, who were present for his presentation to the committee.

I hope and trust that the Senate will promptly confirm this nomination.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished chairman of the Committee on the Judiciary has mentioned the fact that a number of law schools endorsed the nomination of Mr. Powell without reservation. One of those law schools happens to be the law school of the University of Montana, which, in my opinion, is the best law school west of the Mississippi.

I am happy to join in what the distinguished Senator has said. Other lawyers from my State have written to me regarding Mr. Powell. They represent all persuasions so far as politics is concerned, both Democratic and Republican. They have been unstinting in their praise and their admiration of this man, and they are delighted that the President has seen fit to recognize this outstanding American and to nominate him for this most important post. I join the distinguished chairman of the committee in urging speedy confirmation of the nomination.

Mr. EASTLAND. Mr. President, I thank the distinguished majority leader. I have never known a nomination to receive the enthusiastic support of the legal profession that the nominee, Mr. Powell, has received.

Mr. BYRD of Virginia. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. I yield.

Mr. BYRD of Virginia. Mr. President, I spoke in the Senate last evening at some length in regard to Mr. Powell, but I join the Senator from Mississippi and the Senator from Montana this morning in stating again that I feel that Lewis F. Powell, Jr., of Richmond, Va., possesses all the qualifications so necessary for a Justice of the Supreme Court of the United States. He is a lawyer's lawyer. His entire adult life has been spent in the law. He loves the law. He has a deep reverence for the judicial system, and he possesses in abundance, I feel, the judicial temperament which is so vitally important for a Supreme Court Justice—or any judge, for that matter—to have.

I am pleased by the President's nomination of Lewis Powell to be a Justice of the Supreme Court. I feel that he will carry out his responsibilities with dedication, with ability, and with distinction. I hope that his nomination will be confirmed by unanimous vote. The fact that the Committee on the Judiciary reported his nomination to the Senate unanimously augurs well, I feel, that he will receive a unanimous vote when the roll is called in the Senate on Monday next.

Mr. EASTLAND. I say again that I think that with the exception of Mr. Justice Byron White, he is the only man in modern times who has received a unanimous vote by the Committee on the Judiciary.

Mr. BYRD of Virginia. The Senator from Mississippi has brought out an interesting fact. I had not been aware of that. I think it is a great tribute to Lewis Powell that he is the second man in recent history whose nomination has been reported unanimously by the committee so ably headed by the distinguished senior Senator from Mississippi.

Mr. EASTLAND. I thank the Senator from Virginia.

Mr. RANDOLPH. Mr. President, will the able Senator from Mississippi yield?

Mr. EASTLAND. I yield.

SENATOR RANDOLPH SUPPORTS POWELL NOMINATION

Mr. RANDOLPH. Mr. President, I join my colleagues, Senator MANSFIELD and Senator BYRD of Virginia, and with the chairman of the Committee on the Judiciary, Senator EASTLAND, in supporting the pending nomination of Lewis F. Powell, Jr., to the Supreme Court. I shall gladly vote for the nomination on Monday next, at 4 p.m.

Never before have I had so many letters from attorneys and others in the State of West Virginia endorsing a nominee for a position on the Court. In view of the recent history of contested nominations it is a pleasure to join in confirming a man who enjoys such widespread confidence as Mr. Powell.

The following quote is indicative of the comments I have received:

> He is an outstanding man in every way and certainly would add brilliance, scholarly wisdom, and practical knowledge, integrity and compassion to the Supreme Court.

Mr. EASTLAND. Let me remark that the Committee on the Judiciary has received hundreds of letters from attorneys all over this country endorsing this nomination.

Mr. RANDOLPH. I hope that Mr. Powell will be given a substantial vote in the Senate, and that very few votes will be cast against him. I firmly believe that he will approach his duties as a member of the Supreme Court forthrightly and fairly; that we will have done a credit to ourselves as the Senate, advising and consenting to the nomination of this man by the President, and that his service in the future will be of a type that will insure the very finest justice being administered from that level of jurisprudence.

Mr. EASTLAND. I thank the distinguished Senator.

Mr. SPONG. Mr. President, initially, I should like to thank the chairman of the Committee on the Judiciary, the distinguished Senator from Mississippi (Mr. EASTLAND), for his splendid presentation this morning in behalf of Lewis Powell.

In the bitter aftermath of the Senate's rejection of the nomination of Judge Harrold Carswell, it was believed by many that a southerner could never be confirmed to a seat on the Supreme Court.

I contested that view. I have always believed that a qualified southerner should be nominated, and if nominated could be confirmed, and if confirmed would serve the Court and the Nation with great distinction.

At that time, in a Senate speech, I said:

> Today the South has much to offer the Nation—experience, patience, and wisdom—qualities gleaned from military defeat, poverty and deprivation. It is in this region where blacks and whites, in nearly equal numbers, for better or worse, have coexisted for generations. A qualified southerner could give more than geographic and philosophical balance to the Supreme Court—he could give perspective.

Lewis F. Powell, Jr., of Richmond, Va., is such a man and I am proud to support the confirmation of his nomination to the Court and to commend him to the Senate.

Lewis Powell was born in Suffolk, Va., on September 19, 1907. He was graduated from Washington and Lee University magna cum laude and received his L.L.B. from the same university, graduating first in his law class of 1931. He received a degree of master of laws from Harvard Law School in 1932. Lewis Powell is a member of Phi Beta Kappa, Omicron Kappa Delta, and the Order of the Coif.

Mr. Powell has engaged in the practice of law since 1932 in Richmond. His career has included positions of high honor and great responsibility in the legal profession. He was president of the American Bar Association in 1964–65, president of the American College of Trial Lawyers in 1969–70, and president of the American Bar Foundation in 1969–71.

In its evaluation of Mr. Powell's qualifications, the standing committee on the Federal Judiciary of the American Bar Association called the nominee "one of the best qualified lawyers available for appointment to the Supreme Court," and concluded unanimously that he meets "in exceptional degree, high standards of professional competence, judicial temperament and integrity." That appraisal was echoed by the many hundreds of lawyers, judges, law school faculty members, and newspaper editors who have commented on the nomination and by the members of the Committee on the Judiciary who unanimously recommended the confirmation of Mr. Powell's nomination.

These are impressive credentials which commend this man to the Senate for confirmation. As a fellow lawyer and one who has worked with Lewis Powell in bar association matters, I might dwell at length on his accomplishments in his chosen profession. But I want to share with the Senate today some of my personal knowledge of his record as a citizen of Virginia and its capital city of Richmond during the difficult times following the decision of the Supreme Court in Brown against Board of Education.

During those years, I was chairman of a commission to study and make recommendations to improve public education in Virginia. I had an opportunity to observe Mr. Powell in action and to understand the full scope of his influence and sense of fair play. Mr. Powell conferred with me with respect to the commission's work, testified before the commission and strongly supported the recommendations our commission made to improve education throughout Virginia.

In his position as chairman of the Richmond Public School Board from 1952 to 1961 and later as a member of the State board of education from 1961 to 1969, including a term as president in his final year, Mr. Powell was in a position of complex responsibility during some very turbulent and confused times. His primary concern was to keep the schools open and to preserve the public education system for all pupils.

I shall not dwell here upon the problems that followed desegregation orders in many cities of the South. That a similar fate did not befall Richmond was in large measure due to the calm leadership, the perceptive judgment, and open-minded and fair-attitude which exemplified Lewis Powell's service as school board chairman. In a time of turmoil and agitation, his forceful, and moderating voice stood out to many Richmonders as the best hope to avoid serious disruption of their city's public school system.

Looking back to those days, in the perspective of history, men of reason and good will can suggest actions which Mr. Powell might have taken to speed up or slow down the process of desegregation, but none can question his courage, independent judgment, and intellectual honesty. I am pleased that the committee, after viewing Mr. Powell's entire record against the political context of the times, by their statements and their unanimous vote, concurred.

Similarly, on questions about Mr. Powell's record in the area of civil liberties, these members of the committee thoroughly studied the record and concluded that Mr. Powell "does, indeed, possess the strong dedication to preserving our basic civil liberties which we believe any nominee to the Supreme Court must have. We believe he is committed to guaranteeing, for every citizen, all the protections of the Bill of Rights."

Finally, Mr. President, I want to comment on the question of personal integrity which has become a central issue in recent nominations before the Senate. Because he is a competent and successful lawyer, Mr. Powell has acquired considerable personal financial holdings and has had a professional connection with a great many clients. These could present complications should any of these interests become involved in cases before the Court. Mr. Powell has demonstrated his sensitivity to this problem by voluntarily reducing his personal investments and assuring the committee that he "will lean over backwards" to avoid even the appearance of impropriety. His commitment to the highest ethical standards is beyond question.

I applaud Lewis Powell's candor before the Judiciary Committee and his readiness to disclose financial holdings. I am moved once again to say to the Senate, as I have on past occasions, that I do not believe we should continue to require public disclosure from judicial nominees, as well as appointees to executive positions in our Government, without requiring the same of ourselves.

Mr. President, Virginians are a proud people. It is sometimes suggested, and not without justification, that we are too often prone to dwell upon our past. I hope the Senate will indulge me if I do just that. We are proud of Thomas Jefferson and George Mason, authors of the very rights and liberties that concern us in our present-day examination of prospective Supreme Court Justices. We are proud, also, of Mr. Jefferson's cousin, John Marshall, of Virginia, who was perhaps our greatest Chief Justice. But it has been well over a hundred years since a Virginian sat on the Supreme Court of the United States. I am pleased and proud that a nominee who has received such unanimous approval by the Senate Judiciary Committee is a Virginian.

President Nixon is to be commended for turning to excellence in making this nomination. Lewis Powell represents excellence in character, excellence in ability, and excellence in qualification. His understanding of those rights guaranteed by his Virginia forebears will be of immeasurable aid to a Court no longer graced by Justice Hugo Black, whose seat he will occupy. Lewis Powell's service on the Supreme Court will, I believe, reflect credit upon Virginia, upon the South, and upon those who have supported his nomination.

Mr. SCOTT. Mr. President, I take great personal pride in the fact that I was born in Virginia and educated in the Commonwealth of Virginia and that I serve on the board of visitors of the University of Virginia by appointment of the present Governor, Linwood Holton.

Mr. President, as I have said earlier this morning, I have known Mr. Powell and have also known of him through many other members of the bench and bar. I have already testified to my very high regard for him.

I add this simply to note that it is good that the Virginia tradition is being carried on, a tradition of judicial excellence, of constitutional competence, and of awareness that the Commonwealth of Virginia after some lapse of time is again going to be represented on the Supreme Court of the United States.

Having lived for half a century in the Commonwealth of Pennslyvania, I can, of course, only express the hope that the time will come when one of our prominent lawyers or judges will also be a colleague of this High Bench.

Mr. HART. My comments shall be very brief for two reasons. First, in the form of individual views some of us on the Judiciary Committee have detailed as part of the committee report our reasons for support of Mr. Powell. Second, one of the signers of the individual views, the Senator from Indiana (Mr. BAYH), plans to speak more fully and will voice the reasons that persuaded me to join in this unanimous recommendation of the committee supporting Mr. Powell.

This morning I make comment on only one aspect of the career of Mr. Powell. One thing that early concerned some of us on the committee was the role which Mr. Powell played, first as the chairman of the Richmond School Board and later as a member of the State board of education. This was in the period immediately following the decision in the Brown against Board of Education.

In the magnificence of hindsight, it may well be true that Mr. Powell could have done more to achieve a more rapid integration of the schools in Richmond.

But the basic battle at that period of time was whether you tried to correct an unconstitutional school system or you closed the schools; whether you seek the goal of an integrated system or whether you shut the schools. And under pressure, which I am sure was intense, Mr. Powell gave constructive leadership in seeking to persuade his community and his Commonwealth to obey the law and conform to it.

I understand more clearly now than I might have had a year ago just how intense the pressure is when a community is required to correct a school system found to be segregated as a result of public policy, or de jure.

Mr. Lewis Powell stood up to that pressure. He took the right course—comply with the requirement of the Constitution and law; he rejected the popular course—close the schools. He has my respect and vote.

Mr. BYRD of Virginia. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. BYRD of Virginia. Mr. President, I want to thank the distinguished Senator from Michigan for his support of Mr. Powell. I do this not only as a Virginian, but also as a close personal friend of the nominee.

I realize that the Senator from Michigan is a man of strong convictions. I like men of strong convictions. I might say that the political philosophy of the Senator from Michigan and that of the Senator from Virginia is somewhat different, should we say. However, I do not know of any individual for whom I have higher personal esteem or one whom I regard as more dedicated to the strong views which he holds than the able senior Senator from Michigan. His support of Mr. Powell for confirmation to the Supreme Court will go a long way toward obtaining a unanimous vote for this confirmation. And I want to express my appreciation to the distinguished Senator from Michigan.

Mr. HART. Mr. President, I am grateful to the Senator from Virginia for his very kind reference.

PRIVILEGE OF THE FLOOR

Mr. HRUSKA. Mr. President, I ask unanimous consent that Mr. Stanley Ebner and Mr. Malcolm Hawk of my staff be allowed the privilege of the floor during the debate on this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, at the close of the session last evening I had the opportunity to hear the remarks of one of the distinguished Senators from Virginia (Mr. BYRD) commenting on the nomination of Mr. Powell. This morning it was my good fortune to hear the remarks of the other Senator from Virginia (Mr. SPONG) with reference to the nomination of Mr. Powell.

Indeed, I find great similarity, in the type leadership provided for the political process, between the man we now consider for the highest court in the land and the man who just spoke so eloquently in support of the nominee. Both have served in positions of leadership in the legal community, and have demonstrated the desire to innovate and move toward the solutions of problems.

I wish to emphasize the strong feeling of concurrence I have with my friend from Virginia. One item he mentioned, which I suppose is not the most popular thing to discuss in this body, is disclosure. I have felt for some time we should have disclosure, and this was reemphasized in the unforunate debate which was precipitated by a previous judicial nominee. I say unfortunate because that kind of acrimony surrounding a nominee for the Supreme Court is not good for the country. But out of that acrimonious debate I hope there may be a better understanding on the part of our colleagues as we look over conflicts of interest within the executive branch. We have become increasingly aware of the fact that these conflicts of interest also on occasion can occur in the judicial branch.

For the most part, I think these conflicts of interest, particularly in the judicial branch, are inadvertent. I cannot conceive of very many judges in this country sitting down and looking at their stock portfolio and saying, "How can I decide this case so that my stock goes up a point or two." I think most judges are above that. But if we are talking about the appearance of justice, as well as justice in fact, we also have to look at the appearance of impropriety, as well as impropriety in fact.

The Senator from Virginia this morning quite properly pointed out that the legislative branch has not been immune from charges of conflict of interest.

I hope in the near future our colleagues will recognize that few things that I know of could restore confidence and faith of the average citizen in the legislative process like complete disclosure of financial interest. I do not think many of us in this body have anything to hide.

Our constituents should be able to know our sources of income and our earnings, then we will be able to demonstrate once and for all that this system is as clean and as pure as it is possible for a system containing human beings to be.

I compliment the Senator from Virginia for emphasizing the fact that at the same time we are talking about how we prohibit conflict of interest in the judiciary and the executive branch we better take a look at our own house. Some of us have done that personally. I must say I cringe a bit when I read some of the headlines about "BAYH's disclosure." On the one hand some wonder how in the world I own so much or am able to make so much, making a few speeches on campuses and that type thing; and on the other hand there are those who wonder how a man with relatively few assets can sit in judgment in the U.S. Senate. Those are the horns of the dilemma with which we are faced.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. SPONG. I thank the Senator for his reference to what I have had to say about financial disclosure. I would not want to do anything to delay this body in proceeding toward what I hope will be the unanimous approval of Mr. Powell.

For the record, being aware of the efforts of the Senator from Indiana in favor of financial disclosure, we should be aware that we have now had hearings on this subject. Hopefully, next year there will be before the Senate a bill that will not only require disclosure for judicial nominees and executive appointees, but for Members of Congress, as well.

While I am standing, I wish to thank both the Senator from Indiana and the Senator from Michigan for what they have had to say about Mr. Powell's record, particularly in the individual remarks in the report on the nomination. I know they have been ever conscious in their duties and responsibilities to their beliefs in determining that Lewis Powell is a man who is sensitive to the rights and freedom of us all.

Mr. BAYH. I thank the Senator from Virginia. I know of his deep interest in this whole matter of congressional disclosure. I think we all can take heart, at least all of us interested in this matter of disclosure, that there is some progress being made. Hopefully we will move forward next year. I know that if we do, he will have a large part to play in this effort.

Mr. President, getting on to the question before the Senate today, I assure the Senator from Virginia that I in no way want to delay this nomination. In fact, for the last 3 weeks or a month I have been urging that we should go forward quickly with the Powell nomination. Some Senators on both sides, I suppose, will talk about the politics of the matter, but it seems to me if we are talking about Supreme Court nominees we have to talk about each man or woman on his or her own merits.

I thought the suggestion of the Senator from Illinois the other day that we consider both nominees en bloc was sort of an insult to the judicial process. We are talking about individual Supreme Court nominees. As Senators we act as individuals, each of us vote individually and not with a seat mate or a man elected the same day we were. So it must be in the case of two Supreme Court nominees.

Mr. President, I intend to vote to confirm Mr. Powell to be an associate justice of the Supreme Court. Because of some questions that were raised about Mr. Powell, which were discussed in hearings, I want to take this opportunity in the early stages of the debate over the Powell nomination to discuss with my colleagues exactly why I believe Lewis Powell's nomination should be confirmed and should have been confirmed some time ago.

I decided to vote for Lewis Powell's confirmation because I believe that he possesses the three qualifications which the Nation and the Senate should demand of a nominee to the Supreme Court. Those qualities are: outstanding legal ability, unimpeachable personal integrity and a demonstrated commitment to fundamental human rights.

I. LEGAL ABILITY

The obvious minimum quality for nomination to the Supreme Court is distinguished legal ability. The nominee should have broad legal experience, of course, and should have dealt with a variety of problems in a variety of roles.

I join my colleague from Virginia in congratulating the President for returning to excellence. When the statement was made that the Senate of the United States was discriminating against the South and no southerner could be confirmed, I was asked by some of our friends in the press if I disagreed with this whom would I be willing to support? And the first candidate who came to my mind was Lewis Powell, because I knew him and he could in no way be branded as mediocre—no way.

Here was a man with whom one could disagree on a point, but here was a man beyond question as far as intellectual capacity is concerned.

But experience alone is not enough if we are talking about legal ability and legal qualifications. We must demand distinction—distinction as a scholar, as a practicing attorney, a judge or a legislator. The nominee's record must show that he has the ability to be a legal craftsman of the first order. The hearings—and the time I spent working with Lewis Powell on the 25th amendment to the Constitution when he was president of the American Bar Association—have left me with complete confidence in his legal abilities.

Mr. Powell's record speaks for itself.

A number of people have spoken at length about this record. Permit me just to hit the high points.

He has literally been at the pinnacle of the legal profession, as a senior partner in one of Virginia's most prestigious firms, and as President of the American Bar Association, the American College of Trial Lawyers, and the American Bar Foundation. He has served his city and his State as chairman of the Richmond Public School Board, and as a member of the Virginia State Board of Education. He has also been a distinguished member of the President's Commission on Law Enforcement and Administration of Justice and of the National Advisory Committee on legal services to the poor.

But Lewis Powell does not have to be judged on the basis of a paper record alone. Few men in America could earn the active support of as many leading lawyers and law professors—representing a wide variety of views about the issues before the Court—as has Lewis Powell. The roster of individuals who attended the committee sessions in order to testify on Mr. Powell's behalf reads like a modern Who's Who of the legal profession. Included were Judge Lumbard of the Second Circuit, former Senator Joseph Tydings, Dean Neal of the University of Chicago Law School, and Dean Paulsen of the University of Virginia Law School, not to mention an array of former presidents of the American Bar Association, Virginia State officials, and other highly regarded members of the bar.

If you look at this array of legal talent throughout the country and the wide variety of philosophies involved, I must say I have never seen anything like the number of people who speak with authority on this nomination because of the personal relationship they have had with Lewis Powell.

Finally, the American Bar Association's standing committee on the Federal Judiciary was not content with finding that Mr. Powell meets "high standards of professional competence, judicial temperament and integrity," which is their highest rating, but they voted unanimously to indicate that Mr. Powell meets this standard "in an exceptional degree."

There is no need to dwell upon his legal abilities. No question of any kind was raised during the committee's hearings concerning Mr. Powell's competence as a lawyer.

II. PERSONAL INTEGRITY

The second quality is, as I mentioned a moment ago, unimpeachable personal integrity. This is a broad category, encompassing the ethics, the temperament, and the courage of the nominee. There must be no serious ethical flaws in the nominee's background. The Supreme Court cannot afford to have a member whose vote might be influenced by political or financial interest. Nor can it afford a member who is insensitive to the importance of the appearance, as well as the reality, of fairness and propriety. Only a record of good judgment and discretion in professional life can assure this.

Another aspect of personal integrity is the nominee's temperament. The important feature here is fairness and openmindedness. All litigants must be confident that the nominee would listen without prejudgment to all arguments and then reach a decision in a reasoned way.

Yet another aspect of personal integrity is personal courage. The nominee must be willing to stand up and be counted for the principles of the Constitution, regardless of the personal or political cost. We can never allow a person to reach the Court who might be swayed by outside pressures to abandon our fundamental law.

I have no doubts about Lewis Powell's personal integrity. Because he has a great number of former clients—some of whom are apt to be involved in cases brought to the Supreme Court—and because he has substantial personal stockholdings, I asked him to outline his views on judicial disqualification at the hearings. I was more than satisfied with his answers.

Asked whether he would sit on cases involving former clients, he responded—and properly so—that while he was extremely sensitive to the problem, he felt it would be impossible to lay down any absolute rule; he said his decision in each case would take into account, among other factors, the nature and length of his previous services to the client, as well as the specific interest the former client has in the litigation then before the Court.

Even before the hearings started it was clear that Mr. Powell recognized that his stockholdings could cause problems for the Court. I was impressed with his active efforts to seek out the best solution for these potential conflicts. The new canons of ethics require a judge to disqualify himself if he has "any interest, however small" in the proceedings.

Lewis Powell is willing to guide his actions by these principles of the canons. As he said in the hearings:

> I would recognize as the binding principle, to which I will attempt to adhere, both to the letter and the spirit, the Canons of Judicial Ethics. I recognize they are not legally binding on the members of the judi-

> ciary but I think increasingly they will be so regarded.
>
> I am aware also of 28 U.S.C.A. 455, and obviously I would comply with that.

And he went on to add that:

> I certainly can assure you that my own effort and every inclination would be to lean over backwards in this respect to avoid the appearance of impropriety. . . .

III. COMMITMENT TO FUNDAMENTAL HUMAN RIGHTS

I come finally to the third quality, which I have considered important in judging the ability, competence, and qualifications of Supreme Court nominees. In my judgment, it is, in many ways, the most important. It is a demonstrated commitment to fundamental human rights. The great struggle of our time has been to secure equal justice under law for all citizens. It goes without saying that demonstrated insensitivity to the problems of inequality and discrimination should disqualify a candidate for the Court. No person should be put on the Court whose views are inconsistent with securing equal rights and equal opportunity for all regardless of race, religion, creed, national origin, or sex. And equally important are the fundamental liberties of the Bill of Rights. Thus, a nominee should also have a record which shows that he is committed to preserving these basic individual freedoms.

Some people might ask, Mr. President, how in the world could anyone feel that a potential Supreme Court nominee should be examined about his concern for the individual liberties guaranteed by the Bill of Rights? I feel this is a matter which is increasingly relevant to us in the Senate today because there is a general lack of understanding in the country today over the importance of the individual freedoms of the Bill of Rights.

A year ago, one of the major networks commissioned a poll covering a wide variety of areas. They polled a broad cross-section of our national constituency on the question of the importance they placed on the Bill of Rights. I was appalled that 56 percent of those people polled said they would favor repealing the Bill of Rights.

Fifty-six percent. It is distressing that most of our citizens today, not having had to come face to face with the reality of what would happen to them if it were not for the protection of the Bill of Rights, feel that they are no longer important today.

Therefore, I feel it is most important that those of us in this body, and even more so those who reach the highest court in the land, recognize that today, almost 200 years after those measures were incorporated in the Constitution of the United States, these guarantees are equally as important, if not more so, than they were in a bygone age.

Thus, in my judgment, a nominee must also have a record which shows he is committed to preserving these most basic freedoms.

I believe that Lewis Powell's record demonstrates that he is personally and deeply committed to the concept that all our citizens are entitled to equal justice under the law. I think it can be fairly said that guaranteeing equal justice under the law was Mr. Powell's guiding principle while he was president of the American Bar Association. He announced soon after he took that office that one of his primary goals would be the funding of a comprehensive and scholarly study to formulate minimum standards for the administration of criminal justice. This project has produced thorough and provocative studies on many of these basic problems, including free press and fair trial, post conviction remedies, guilty pleas, review of sentences, pretrial release, and jury trial.

This was the organized bar's first serious attempt to deal squarely and responsibly with many of the difficult issues raised by the Supreme Court's recent criminal law decisions.

I have not agreed completely with all of these Supreme Court decisions. Most are realistic and necessary to assure justice for all of our citizens. Some may have gone too far. But I think little is to be gained by the use of tactics such as those of the people who, by the use of billboards, used to say, "Impeach Earl Warren." Much is to be gained by thoroughly studying the issues involved, and seeing how they can be dealt with, so that our laws can be enforced and criminals can be kept off of our streets. But individual citizens should not have to fear that they will run afoul of justice which is not equal for all of our citizens.

Mr. Powell must be given credit for bringing to fruition this bar association study of these crucial issues. The organized bar, including the ABA, has never been dominated by those who deal with criminal cases. Mr. Powell himself admits that his criminal trial experience has been almost "nonexistent." There were few "political" reasons to take on such a task. Therefore, I believe this project must be considered as an important measure of Lewis Powell's dedication to the rights of others.

While these studies were significant, his efforts as bar association president to bring legal services to the poor are even more important to my mind—if only because I know something about the opposition he faced and the extent to which Lewis Powell personally took the initiative, placing his own reputation on the line to overcome that opposition. I think it can be fairly said that Lewis Powell was largely responsible for generating the support among the organized bar the legal services program had to receive—and which it did receive. Jean Camper Cahn—one of the original architects of the OEO legal services program—told the committee of the crucial role Mr. Powell's initial support for the program played. She also praised his subsequent efforts, "broadening the organized bar's commitment to legal services," and commended his "fierce insistence on preserving the professional integrity of the program." According to Mrs. Cahn, Lewis Powell insisted on "insulating the program from any improper political pressures."

Some may not recall the intense pressures that existed at that time. It boiled down to this: "If a person cannot afford an attorney, we of the organized bar do not feel we need to go this far in including legal services in the OEO program." Some of this debate still exists, as one can realize if he has been in California and listened to the CRLA debate going on out there. At an early stage of that debate, Mr. Powell was willing to put his prestige on the line, and this, more than anything else, is responsible for the impressive progress we have witnessed in this area.

Despite this impressive evidence, Mr. Powell has received some criticism in the areas of civil liberties and civil rights, and I believe it is important to discuss the specific questions that have arisen.

A. CIVIL LIBERTIES

An article Mr. Powell wrote originally for the Richmond, Va., Times-Dispatch—which was later reprinted in the New York Times and elsewhere—raised several questions concerning his views on civil liberties. During the course of that article Mr. Powell appeared to defend certain positions which the present administration has taken, including their right to wiretap in certain cases without a prior court order, positions which I consider dangerous and potentially destructive of our constitutionally guaranteed right of privacy. Because of this article, I have been especially careful to study all of what Mr. Powell has said on the subject—in this article, in contemporaneous speeches and articles, and in response to questions at the hearings. Upon consideration of the record as a whole, I have concluded that the problems I originally had with the article are much less serious than I had first thought.

In that article, "Civil Liberties Repression: Fact or Fiction?", Mr. Powell's stated theme was that America is not a repressive society; while there are "some instances of repressive action," he wrote, these are generally "episodic departures from the norm" and not "part of a system of countenanced repression." As Mr. Powell explained at the hearings, this newspaper article was an answer—one might call it a rebuttal—to the assertion that America is becoming a repressive society. Because he was writing a journalistic answer to specific charges which had been published in the same newspaper several weeks earlier, he felt it unnecessary to spell out more than the general outline of his argument. He did not go into detail about all the factors he would take into acocunt as a lawyer—or as a judge—in deciding about the constitutionality of any specific course of action. As he told the committee, he was "not writing a law review article." He went on:

> I wrote that primarily on the issue of repression and I dealt in a shorthand way with some very complex issues and, as a lawyer, that is a dangerous thing for one to do.
>
> My thesis was that America, if viewed fairly, overall, is certainly not a repressive society, and I cite four or five examples.

Although in this article he seemed to blur the distinction between foreign and domestic threats to national security, I am convinced that Mr. Powell remains open to argument about the safeguards to privacy which the Constitution requires on wiretaps relating to internal threats to the security of the United States. He told the committee that "in most cases it would not be difficult to draw" the line between foreign threats and alleged domestic threats to national security. It is interesting to note that several months before he was nominated he also touched on this subject in a speech he gave to the Richmond Bar Association on April 15, 1971. He said then:

> But the President's authority with respect to internal security is less clear. There is an obvious potential for grave abuse, and an equally obvious need when there is a clear and present danger of a serious internal threat.

He concluded by saying that legislative action might well be contemplated to define the proper solutions more completely.

I think it is important for all of us to put this feeling which was expressed before the nomination in proper perspective with the perhaps more simplified version expressed in that Virginia newspaper article.

Mr. Powell's clear belief in and deep respect for each individual's constitutionally guaranteed right of privacy—a respect which manifested itself not only in the committee hearings but long before as well—also did much to alleviate the concern I had felt earlier. In 1967, for example, he said:

> We rightly cherish the privacy of citizens in their conversations. Indeed, unless substantial privacy exists, the very fundamentals of free speech are threatened. . . . Certainly, no serious thought should be given to granting an unlimited right to eavesdrop.

I repeat:

> Indeed, unless substantial privacy exists, the very fundamentals of free speech are threatened. . . . Certainly, no serious thought should be given to granting an unlimited right to eavesdrop.

More recently, at the hearings, he told us:

> I would say, not as a prospective judge but generally as a citizen, that I think all Americans have the right not to have their privacy intruded upon; there is no question about that.

After studying Mr. Powell's speeches and actions over the years, I have concluded that he does, indeed, possess the strong dedication to preserving our basic civil liberties which I believe any nominee to the Supreme Court must have. I believe he is committed to guaranteeing, for every citizen, all the protections of the Bill of Rights.

I think that as the debate on the next nominee commences and proceeds, we should remember that previous quotation from Mr. Powell's statements in bygone years. He said:

> Certainly, no serious thought should be given to granting an unlimited right to eavesdrop.

That is the Powell position. I think the record will also indicate that that is not the Rehnquist position.

B. CIVIL RIGHTS

It was also troubled by questions which have been raised about Mr. Powell's record in the area of civil rights. In particular, I was disturbed by the testimony which Representative John Conyers and Attorney Henry Marsh III of Richmond presented to the committee. Their complaints concern actions taken by the Richmond City School Board while Mr. Powell served as chairman and the Virginia State Board of Education while Mr. Powell was a member.

I expressed this concern to the distinguished Senator from Virginia (Mr. Spong) and I discussed this with him at some length. I do not intend to try to justify or support each one of Lewis Powell's decisions in his past capacities. He certainly participated in programs on the Richmond board and the State board with which I would disagree. Perhaps he could have done more to disassociate himself from some of these programs. And, in the bright light of hindsight, some of his actions now seem unjustifiable. Perhaps Lewis Powell did not do everything humanly possible to end segregation in Virginia during the troubled decade following Brown against Board of Education. I wish to emphasize that if that were the test for appointment to the Supreme Court of the United States, for each of us, from the day we were born to the present day, to have done everything humanly possible to wipe out the vestiges of second class citizenship—which, unfortunately, today still exist—few of us in public life, North or South, could have passed the test. Unfortunately we must all share that indictment.

I do not suppose that any Member of this body, in examining his or her past history, can find perfection in every act and deed. I know that as I examine my own record, I would like to be able to change some things I have done. I would like to feel that I am now more sensitive to the significant problems that exist today, as I look at them, than I was 17 or 18 years ago, when I first became a member of the Indiana General Assembly.

I wonder how many of us can recall the climate of that period in the South, how many of us are aware of the tremendous pressures on those who sought in good faith to abide by the decision in Brown v. Board of Education. Perhaps Armistead L. Boothe put it best in his testimony is support of Mr. Powell when he said, "From July 1954 onward the issue in the State was just as sharp as the new knife blade" between keeping the schools open and massive resistance. Much as we would like to look back and suggest that there were better alternatives—and, indeed, there were—the only alternatives realistically available at that moment in Virginia appear to have been those described by Mr. Boothe.

Lewis Powell, like our colleague Senator Spong, was one of the courageous men in Virginia who were determined to obey the law of the land, and not to engage in massive resistance to the school desegregation cases, and not to urge others to participate in this type of program. As he told the committee:

> The task of my Board, and my task as I conceived it, was to keep the schools open, and that we did, and finally they were integrated.

What his critics have all too often failed to realize, I believe, is that it would be unfair to judge his individual specific actions without reference to the political context—the environment and the attitudes of the times. I am convinced that Lewis Powell was bucking the tide of opposition to change, pushing slowly but steadily toward the time when all the schools could be integrated.

My belief is confirmed by the statements of other concerned persons. Mr. Powell's nomination is supported by several leaders of the black community in Richmond, including the first black member of the Richmond School Board, who served in that capacity with Mr. Powell from 1953 to 1961.

Jean Camper Cahn, the black woman attorney I referred to earlier in my remarks, who was instrumental in the inception of the legal services program—she and her husband wrote the first law journal article, or note, on this important concept—was spoken highly of Mr. Powell, based upon her close working relationship with him in implementing that program.

She wrote in a letter to me and to the committee, as follows:

> My support is based upon the fact that I am drawn inescapably to the sense that Lewis Powell is, above all, humane, that he has a capacity to empathize, to respond to the plight of a single human being to a degree that transcends ideologies of fixed position. And it is that ultimate capacity to respond with humanity to individualized instances of injustice and hurt that is the best and only guarantee I would take that his conscience and his very soul will wrestle with every case until he can live in peace with a decision that embodies a sense of decency and fair play and common sense.

The impression one gains from studying Lewis Powell's entire record comports with his own summary of his views about racial equality.

As he told the committee:

> I had a mother and father who had a deep conviction that all human beings were equal and that no one was better than anyone else; and I inherited that and have never departed from it.

That inheritance will serve Lewis Powell well on the Supreme Court.

Mr. President, Lewis Powell and I may disagree on some matters of judicial philosophy. Perhaps if the power of nomination were mine, I would have nominated someone whose views coincided more closely with my own. But that is not the issue here. Based upon my investigation of Mr. Powell and the records and testimony he gave before the Committee on the Judiciary, I am convinced that he is within a great American tradition of legal philosophy—the tradition of Holmes, Frankfurter and Harlan. This tradition has often been called conservative. But whatever it is called it has played a vital role in preserving and protecting the fundamental liberties of the Bill of Rights and according equal justice to all Americans.

For these reasons, I will, indeed, vote for the confirmation of Mr. Lewis Powell.

We have had a great deal of discussion, Mr. President, if I might add one note before concluding, over the past several months relative to judicial philosophy. This is not the first Senate to be confronted with such arguments. Historically about 25 percent of the nominations that have been made by past Presidents never reached the Supreme Court. They have been turned down for a wide variety of reasons, some of which—if one one would read the history of past Court nominations—have been purely political. Many of the disputes and debates have been philosophical in nature.

If some feel that the Supreme Court has not been subjected to a philosophical test in the past, they are not reading our history well.

More recently there has been a lot of talk about strict constructionist. I have not yet been able to determine what strict constructionist is.

More recently the President, in emphasizing the judicial philosophy of the two nominees which are now before the Senate, came up with another phrase entitled "judicial conservative." Mr. Powell and Mr. Rehnquist are said to be judicial conservatives.

Mr. President, I wish to say, as I look at the Powell nomination—and as I will in the future, and as I have over the past weeks been looking at the Rehnquist nomination—that I am not so concerned about whether this man or the next nominee is a strict constructionist or a judicial conservative—whatever those words may mean. I am concerned about what kind of man he is, and I have come to the conclusion that Mr. Powell is the kind of man described by Mrs. Cahn, who is concerned about humanity. Once he is placed on the Supreme Court of the United States, he will not rest until he is convinced in his own conscience that his vote on the Supreme Court will result in justice and humanity for the individuals involved in each case.

It is this feeling that compels me not just to vote for Lewis Powell but to argue as persuasively as I can that this man meets the standard which we in the Senate are duty bound to apply to any nominee, and, when the time comes, to argue equally as vigorously that the second nominee, William Rehnquist, does not.

The true test is not whether either or each of these nominees will agree with the Senator from Indiana on issues which come before the Court. That is not the question.

The question is whether Lewis Powell possesses that sensitivity and whether his mind and his background are free from philosophical roadblocks which, even with great legal integrity, great legal training, and great intellect, would make it impossible for him to come to a truly unbiased decision. I am convinced that Lewis Powell more than meets that standard.

I have grave reservations whether the other nominee does.

I want to say in closing that it is awfully easy for some of us who have been reared in some parts of this country to prejudge the action of others. I wonder if it is possible for a young man who was born in a community near Terre Haute, Ind., from a background of that kind, to judge the activities and actions and thoughts and decisions of someone who was born in Richmond, Va., at the same time.

Mr. President, if that is difficult, then how much more difficult it would be for someone born in the last 20 or 30 years to prejudge someone who was born 30 or 40 years earlier in that same community.

I am convinced that Lewis Powell, who was born in Richmond, Va., and rose in that legal community, faced with the most controversial issue of the age, has indeed been a source of progress and a force and a persuasive voice toward resolving these critical questions in a humane, dispassionate, and equitable way.

For that reason, I shall without reluctance vote for the confirmation of Lewis Powell to be an Associate Justice of the Supreme Court of the United States.

Mr. SCOTT. Mr. President, I ask unanimous consent that the two nominees to the bench of the U.S. district court, reported favorably today by the Committee on the Judiciary, be considered at this time.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. BYRD of Virginia. Mr. President, I assume that these nominations have been cleared with the majority leader?

Mr. SCOTT. The Senator is correct. They have also been cleared with the chairman of the committee and with the ranking minority member of the Judiciary Committee and hearings have been held and no objection was noted.

Mr. BYRD of Virginia. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT COURT OF THE UNITED STATES

The legislative clerk read the nomination of J. Blaine Anderson, of Idaho, to be a U.S. district judge for the district of Idaho.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Clifford Scott Green, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PERSONAL STATEMENT BY SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, I have noted a column in today's Washington Evening Star carrying the headline "Vote on Powell Set Monday, With Rehnquist Ballot Next." I read with particular interest this column by Lyle Denniston, a Star staff writer—and specifically read with interest the last paragraph—which has reference to a meeting of the policy committee of the Democratic Party on yesterday in the office of the distinguished majority leader, during which meeting the question as to whether Mr. Rehnquist's name would be called up first or whether Mr. Powell's name would be called up first was considered at some little length.

The last paragraph reads in part:

> Only one participant in that meeting, Deputy Leader Robert C. Byrd, D-W. Va., who spoke last, argued in favor of starting with Rehnquist.

Mr. President, it is rather unfortunate, I suppose, that Mr. Denniston, appears to be possessed with an obsession for a misstatement of the facts. This is only the second time that I recall that he has participated in a column which misstated the facts with reference to me. I called the attention of the Senate to the first occasion not too long ago. And I think it nothing but proper that I call to the attention of the Senate and to the attention of Mr. Denniston his misrepresentation of the true facts again.

As to my having spoken last and argued in favor of starting with Rehnquist, I do not know where Mr. Denniston received his information in this instance. He did not say that it came from a Senate source. He stated it as a matter of fact and without any question.

As to my arguing in favor of starting with Rehnquist's name, the Senator from Michigan (Mr. HART) was at that meeting, and if I am in error, I hope he will rise on the Senate floor and correct me and correct the RECORD.

I did state that under normal procedure the name of Mr. Rehnquist, appearing first on the Executive Calendar, would be brought up before Mr. Powell.

I could have said that the name of Mr. Otepka, appearing even ahead of that of Mr. Rehnquist, would be called up first. But I stated that by unanimous consent or motion, of course, the majority leader could proceed to call up a nomination out of the order of its appearance, if he wished.

I never expressed any objection to calling up Mr. Rehnquist first, but I did indicate that I thought it would be well to try to seek an agreement to vote on Mr. Rehnquist at a specific date and time so that all Senators could be notified in advance as to when the vote would occur, and that by calling up Mr. Powell first, perhaps an agreement could be reached in accordance with which all Senators would be notified as to when Mr. Rehnquist would also be voted on.

So, I did not argue in favor of starting with Rehnquist, and every member of that policy committee who was present knows that the statement in the newspaper is not correct.

Mr. HART. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Michigan.

Mr. HART. Mr. President, I agree that the Senator from West Virginia did not argue in favor of starting with Rehnquist first.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator.

The second sentence in that paragraph reads:

> For several days, Byrd had been passing the word to Republicans that Rehnquist would be brought up first.

I will give Mr. Denniston $1,000 if he will bring to me the Republican to whom I stated that Mr. Rehnquist would come up first.

I did not know whose name would come up first. The majority leader never at any time told me that Mr. Rehnquist's name would come up first. How then could I say that Rehnquist would come up first?

It is the prerogative of the majority leader to make such motion or such unanimous-consent request.

The majority leader happens to be in the Chamber at this time and he can speak for himself. Whether he knew in his own mind, I do not know. I never made any such statement to any Republican that Mr. Rehnquist would be brought up first.

Mr. President, I will not call Mr. Denniston a modern Ananias. I will not call him a liar. I would simply say he is a purveyor of pathological inexactitudes.

Mr. BAYH. Mr. President, would the Senator yield?

Mr. BYRD of West Virginia. I yield.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. I have just been given by a staff person today's Star with Mr. Denniston's column. I have not had a chance to read it all.

I have not had the kind of personal experience with Mr. Denniston that the Senator from West Virginia has, insofar as pathological—whatever it was the Senator from West Virginia referred to.

I do not rise to deal with the substantiality of this report. I was not at that policy committee meeting. The general thrust of that meeting was described to me, with a full understanding on the part of the leadership that it would be, by the distinguished Senator from Michigan.

I think the Senator from West Virginia is aware, as a member of the Committee on the Judiciary, that there has been a tremendous amount of pressure—from what source I do not know—but a tremendous amount of pressure within the Committee on the Judiciary and within this body to have the Rehnquist nomination come first. If Mr. Denniston could not feel that, the Star should fire him. That pressure exuded out of every pore around here.

How in the world the Rehnquist nomination was placed on the calendar ahead of the Powell nomination I do not know. Both were reported the same day. If we look at the calendar we find that the Rehnquist nomination is No. 324 and the Powell nomination is No. 325. But we find that the message from the President sending down the Powell nomination precedes the Rehnquist nomination.

I hope the Senator from West Virginia will not get too excited about this, because I do not think Mr. Denniston did this maliciously. I am sure he can speak for himself, and I hope he will do that.

But the fact remains that the President sent the Powell message before the Rehnquist message, and the fact that the President nominated Powell to fill the Black vacancy and Rehnquist the Harlan vacancy, and the fact that the White House said that if the Senate confirms both nominees he will swear in Mr. Powell first so he will be the senior judge.

We could have had Mr. Powell on the Court 3 weeks ago if we had gone ahead with the Powell nomination. It seems to me obvious, therefore, that there has been some effort—from unknown sources—to delay Mr. Powell's confirmation until Mr. Rehnquist is approved.

There is sensitivity to these things that causes these stories to be written.

I do not have any question about the Senator from West Virginia. I have not been referring to the Senator from West Virginia, but to the forces which over the past several days have been trying to reverse the position of these nominations. I think we could have had a man on the Supreme Court, a sitting judge for some time now, if certain Members of this body had not been playing politics with this matter.

Mr. BYRD of West Virginia. I am not arguing one way or the other as to who should come first. That is not the point of my having taken the floor at all. I am sure the distinguished Senator from Indiana knows I have not tried to bring any pressure on him or anyone else to bring up the Rehnquist nomination first.

I am not "excited," to use the Senator's word, about what Mr. Denniston said. I am completing my 25th year in politics. I long ago became accustomed to newspapers making misstatements of fact, and in most cases I am sure that they are well intentioned and certainly not occasioned by malice.

I do not know whether that is the case in this instance or not, but here is a plain statement of fact that I told Republicans that Mr. Rehnquist's name was to be brought up first.

I do not intend to let Mr. Denniston drive a wedge between me and my majority leader or between me and my Democratic colleagues; and Mr. Denniston is going to have to quote chapter and verse any time he makes a statement of that kind, because I am going to challenge him.

That is all I am saying. I do not care whose name is brought up first, and I do not care if Mr. Rehnquist is confirmed. I intend to vote for him, but I do not intend to take 60 seconds to say why I intend to vote for him.

Mr. BAYH. If the Senator——

Mr. BYRD of West Virginia. I rose on a point of personal privilege and that is all I am addressing my remarks to.

Mr. BAYH. Permit me to say I have not read more of this article or examined it any further, because of what the Senator said, but things like this will not change the relationship that exists between me and the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. BAYH. I, too, am accustomed to some of these things that happen.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. PERCY. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. PERCY. Mr. President, my remarks are on this very point. I have just now read this article. From everything I know there is not a word of truth in what is said in the last paragraph.

If Mr. Denniston had just read the RECORD himself, he would know that I engaged in a colloquy with the distinguished assistant majority leader just a few days ago asking if it would be possible to have some understanding that we would vote for the two Supreme Court nominees one following the other. There are those of us who thought we would adjourn on the 4th of December and who have commitments out of town. We wondered if we could come back for one vote on both nominees and not come back twice.

The distinguished assistant majority leader said at that time it might be possible to do that, but that was the prerogative of the majority leader and he would defer to his judgment, indicating to this Republican that the assistant majority leader had not made up his mind at all, and that he was willing to work it out in whatever way is best for the Senate, but that he would defer to the majority leader on the sequence of business and the order in which they would be taken up.

Mr. BYRD of West Virginia. The Senator is correct. When any Senator addressed himself to me on the subject, I pointed out that the Rehnquist nomination was first on the calendar; it would normally be brought up first; but that the majority leader, under the procedures of the Senate, could make a unanimous-consent request or a motion to proceed to another nomination first, and any Senator would have to ask the majority leader as to his intention.

Mr. MANSFIELD. Mr. President, I, too, read the article in today's Washington Star. To the best of my knowledge, to put it mildly, it is inaccurate. The assistant majority leader did not make any promise; he was in no position to do so, or to make any such statement. He was in no real position to do so with respect to what would be done or not done in the calling up of nominations for the Supreme Court.

Under precedent and custom of the Senate that obligation happens to be the prerogative of the majority leader, to whom the Senate, as a whole, has assigned that responsibility.

As I indicated last night, I had given this matter a great deal of thought. There were a good many factors to consider.

Ordinarily, all things being equal, the nominees on the Executive Calendar are considered in sequence—in the order in which they appear. That procedure applies generally where nominess are disposed of by unanimous consent and where there is no controversy. Where there is a "hold" on one of them or when controversy is involved, other factors must be considered and the items must be scheduled accordingly. It should be said that there were no "holds" on either Mr. Rehnquist or on Mr. Powell.

I was somewhat perturbed and distressed because of the situation which had developed. I sought advice on the Republican side, without making any commitments. I called a special meeting of the Policy Committee on yesterday afternoon to seek their advice and counsel.

On the basis of my own judgment—and I think I stated that yesterday—and on the basis of my own responsibility, I decided that on balance it would be the best policy to call up the nomination of Mr. Powell first, to get that out of the way, and I thought that by so doing it would be possible overall to reduce the amount of debate and bring these nominations to a head that much sooner. I think my judgment was correct. Time will prove whether it was or was not.

As far as pressures are concerned, in response to a question raised by the distinguished Senator from Indiana, no one—no one downtown or here in the Congress—came to me in any way, shape, or form and advised me to take up this one first or that one first. Not one single person approached me on that score. Therefore, I would have to disclaim any pressure in that respect as well.

So, in the final analysis, I did seek counsel. I did seek advice. I did not tell anyone what I was going to do. When the decision was made, it was made on my own volition, and I think the Record should contain that statement, because that statement is the factual and actual truth.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BAYH. I want to confess that I have been guilty of bringing pressure on one occasion. I said I would like to see the Powell nomination brought up. That is the only time.

Mr. MANSFIELD. That was the Senator's advice. Will the Senator report what my reply to him was?

Mr. BAYH. The Senator has already said what his reply was. If the Senator had been a member of the Judiciary Committee, in which there was an effort to tie the two together, he would probably be as sensitive to it as I am. I have no information about what went on in the policy committee. I am sure the majority leader made this decision on his own volition, as he does on all matters like this.

Mr. MANSFIELD. I seek advice and counsel. I need it quite often. As far as my relationships with the deputy majority leader are concerned, they are of the utmost trust. I have every confidence in him, and nothing that he does does he do on his own, but he does consider it with me first, and usually—always, I would say, so far as I know—with my approval.

Mr. BYRD of West Virginia. Mr. President, I close this little chapter simply by stating that I think the decision to call up the nomination of Mr. Powell first was the right decision.

NOMINATION OF MR. LEWIS F. POWELL, JR., TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. PERCY. Mr. President, I concur in the statement just made, and I would like to make a very brief substantive statement on the nomination of Lewis Powell.

I have known Mr. Powell for a number of years. I was with him at a business council meeting when he gave one of the most scholarly and thoughtful presentations I had heard for many years. I have followed his work through the years. We have shared many mutual friends. I have known him to be a man of great intelligence, scholarship, compassion, and understanding, a man eminently qualified through power of intellect and scholarship to be one of our most distinguished Supreme Court Justices.

I was extremely pleased when he was nominated. I know that he has had some reluctance, or did, at least, at that time, about accepting such a responsibility at this particular stage in his life. But as I have said to him, there is really no way that a lifetime record as fine as his has been could really be brought to the attention of the American people and the Congress of the United States other than by his offering his name in nomination for an appointment of this scope and magnitude. His work is known by everyone whose life he has touched, but now his work will be known by millions and millions of Americans.

It is a wonderful process we go through in analyzing and appraising the qualifications a man has for high office, particularly when the appointment is made by the executive branch and advice and consent is required of the legislative branch. And when there is a life as dignified, as fine, as worthwhile as this man's life has been, not only is it in tribute and testimony to him, but also it is an inspiration to every member of the bar, to every judge, as well as an inspiration to everyone who desires to lead a worthwhile life.

I did not object yesterday, though I was on the floor, when unanimous consent was asked by the majority leader for a vote at 4 o'clock on Monday afternoon, though I must say my heart sank a little because I knew I had a 6-month binding commitment to be in Illinois at that particular hour. However, I simply knew the people with whom I had that commitment would understand if I had to break it, even though it has been of such long standing.

I checked with the White House, asking if to their knowledge any Senator was in opposition to this nomination and, if so, I would request the courtesy of a live pair in the Senate. I was advised that, to the best of their knowledge, not one single Senator intends to vote against the nomination.

I at this time request of my colleagues to have a live pair with any Senator who intends to cast his vote against Mr. Powell, but I know of no such colleague.

Inasmuch as I have made known my strong feelings, both personally to Mr. Powell and to my colleagues several days ago, about this nomination, and how enthusiastic I am about Mr. Powell's potential contribution to the Court, and my feeling that he will truly be one of our great and most distinguished Justices of the Supreme Court, I hope his family will understand that, if there is one less vote cast, it will still be, in my judgment, a unanimous vote.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. SPONG. First, I want to thank the Senator for what he has had to say this morning in behalf of Mr. Powell's nomination. The Senator from Illinois is not a lawyer. In the eyes of some, what he has had to say would be given additional weight by reason of the fact that he is not a lawyer.

I want to tell the Senator that we are appreciative of the record he has made on this nomination this morning. I wish him no luck in finding any Senator who would pair with him on the nomination, because as Senator Byrd has earlier expressed, and as have I, we are hopeful and looking forward to a recorded unanimous confirmation. I do thank the Senator from Illinois.

Mr. PERCY. I might say that I tried to be, as I always do in Supreme Court nominations to study the nominee as exhaustively as I possibly can. I did not want to take even my own judgment in this matter and in addition to studying Mr. Powell's record, I talked with both distinguished Senators from Virginia, Senator Spong and the senior Senator, Senator Harry Byrd, just to have confirmation of Mr. Powell's ability and record. There was not any shadow of doubt of their love, affection, high regard, and the pride they have as Senators from the great State of Virginia in the nomination of Mr. Powell. Virginia has produced great men that have led this Nation, including the two distinguished incumbents in the Senate today. There was no question in their minds of the pride that all Virginians have in this great and powerful man and of the powerful intellect that he will add to the Supreme Court of the United States.

I thank my distinguished colleague (Mr. Spong) for his comments and, noting the presence of the senior Senator from Virginia (Mr. Byrd) in the chair as Presiding Officer of the Senate, I express my appreciation to both of them for what they have always done to strengthen the institutions of this country; and certainly, by contributing to and encouraging the acceptance by Lewis Powell of this nomination, I think they have rendered invaluable service to the country. I hope, too, that I shall not be successful in finding one single colleague who would choose to render me a live pair in this particular instance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING THE CONFERENCE REPORT ON THE REVENUE ACT IN THE RECORD

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that the conference report on H.R. 10947, the Revenue Act of 1971, be printed in the Congressional Record of today's proceedings of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Conference Report (S. Rept. No. 92–553)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 29, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 60, 65, 68, 70, 71, 72, 73, 74, 75, 77, 78, 80, 83, 84, 86, 93, 103, 106, 114, 115, 116, 117, 120, 121, 123, 125, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 8, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 45, 46, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 79, 82, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102, 104, 105, 107, 108, 109, 110, and 112, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—JOB DEVELOPMENT INVESTMENT CREDIT; DEPRECIATION REVISION

Sec. 101. Restoration of investment credit.
Sec. 102. Determination of qualified investment.
Sec. 103. Limitation of credit to domestic products.
Sec. 104. Definition of section 38 property.
Sec. 105. Regulated companies.
Sec. 106. Investment credit carryovers and carrybacks.
Sec. 107. Treatment of casualties and certain replacements.
Sec. 108. Availability of credit to certain lessors.
Sec. 109. Reasonable alowance for depreciation; repair allowance.

TITLE II—CHANGES IN PERSONAL EXEMPTIONS, MINIMUM STANDARD DEDUCTION, WITHHOLDING, ETC.

Sec. 201. Increase in personal exemption.
Sec. 202. Increase in percentage standard deduction.
Sec. 203. Low income allowance.
Sec. 204. Filing requirements.
Sec. 205. Certain fiscal year taxpayers.
Sec. 206. Election of standard deduction.
Sec. 207. Waiver of penalty for underpayment of 1971 estimated income tax.
Sec. 208. Adjustment of withholding.
Sec. 209. Changes in requirements of declaration of estimated income tax by individuals.
Sec. 210. Expenses to enable individuals to be gainfully employed.
Sec. 211. Levies on salaries and wages.

TITLE III—STRUCTURAL IMPROVEMENTS

Sec. 301. Unearned income of taxpayers who are dependents of other taxpayers.
Sec. 302. Limitation on carryovers of unused credits and capital losses.
Sec. 303. Amortization of certain expenditures for on-the-job training and for child care centers.
Sec. 304. Excess investment interest.
Sec. 305. Farm losses of electing small business corporations.
Sec. 306. Capital gain distributions of certain trusts.
Sec. 307. Application of Western Hemisphere Trade Corporation provisions under the Virgin Islands tax laws.
Sec. 308. Capital gains and stock options.
Sec. 309. Certain treaty cases.
Sec. 310. Bribes, kickbacks, medical referral payments, etc.
Sec. 311. Activities not engaged in for profit.
Sec. 312. Certain distributions to foreign corporations.
Sec. 313. Original issue discount.
Sec. 314. Income from certain aircraft and vessels.
Sec. 315. Industrial development bonds.
Sec. 316. Disclosure or use of information by preparers of income tax returns.

TITLE IV—EXCISE TAX

Sec. 401. Repeal or suspension of manufacturers excise tax on passenger automobiles, light-duty trucks, etc.
Sec. 402. Credit against tax on coin-operated gaming devices.

TITLE V—DOMESTIC INTERNATIONAL SALES CORPORATIONS

Sec. 501. Domestic international sales corporations.
Sec. 502. Deductions, credits, etc.
Sec. 503. Source of income.
Sec. 504. Procedure and administration.
Sec. 505. Export trade corporations.
Sec. 506. Submission of annual reports to Congress.
Sec. 507. General effective date of title.

TITLE VI—JOB DEVELOPMENT RELATED TO WORK INCENTIVE PROGRAM

Sec. 601. Tax credit for certain expenses incurred in work incentive program.

TITLE VII—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE

Sec. 701. Allowance of credit.
Sec. 702. Deduction in lieu of credit.
Sec. 703. Effective date.

TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Sec. 801. Presidential Election Campaign Fund Act.
Sec. 802. Miscellaneous amendments.

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(c) Accounting for Investment Credit in Certain Financial Reports and Reports to Federal Agencies.—

(1) In general.—It was the intent of the Congress in enacting, in the Revenue Act of 1962, the investment credit allowed by section 38 of the Internal Revenue Code of 1954, and it is the intent of the Congress in restoring that credit in this Act, to provide an incentive for modernization and growth of private industry. Accordingly, notwithstanding any other provision of law, on and after the date of the enactment of this Act—

(A) no taxpayer shall be required to use, for purposes of financial reports subject to the jurisdiction of any Federal agency or reports made to any Federal agency, any particular method of accounting for the credit allowed by such section 38,

(B) a taxpayer shall disclose in any such report, the method of accounting for such credit used by him for purposes of such report, and

(C) a taxpayer shall use the same method of accounting for such credit in all such reports made by him, unless the Secretary of the Treasury or his delegate consents to a change to another method.

(2) Exceptions.—Paragraph (1) shall not apply to taxpayers who are subject to the provisions of section 46(e) of the Internal Revenue Code of 1954 (as added by section 105(c) of this Act) or to section 203(e) of the Revenue Act of 1964 (as modified by section 105(e) of this Act).

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

On page 6, line 7, of the Senate engrossed amendments, strike out "not more than 2 years".

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(D) Countries maintaining trade restrictions or engaging in discriminatory acts.—If, on or after the date of the termination of Proclamation 4074, the President determines that a foreign country—

"(i) maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or

"(ii) engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce,

he may provide by Executive order for the application of subparagraph (A) to any article or class of articles manufactured or produced in such foreign country for such period as may be provided by Executive order."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with the following amednments:

On page 9 of the Senate engrossed amendments, after line 7, insert the following:

(3) Section 488(a)(2)(B) relating to exceptions from rule for property used outside the United States) is amended by inserting after clause (viii) (as added by paragraph (2)) the following new clause:

"(ix) any cable, or any interest therein, of a domestic corporation engaged in furnishing telephone service to which section 46(c)(3)(B)(iii) applies (or of a wholly owned domestic subsidiary of such a corporation), if such cable is part of a submarine cable system which constitutes part of a communication link exclusively between the United States and one or more foreign countries; and."

On page 9 of the Senate engrossed amendments, beginning with line 8, strike out all through line 2 on page 10 and insert the following:

(d) Certain Property Used To Explore for, Develop, Remove, and Transport Resources From Ocean Waters and Submarine Deposits.—Section 48(a)(2)(B) (relating to exceptions from rule for property used outside the United States) is amended by inserting after clause (ix) (as added by subsection (c)(3)) the following new clause:

"(x) any property (other than a vessel or an aircraft) of a United States person which is used in international or territorial waters for the purpose of exploring for, developing, removing, or transporting resources from ocean waters or deposits under such waters."

On page 10, line 12, of the Senate engrossed amendments, after "disposition," insert: then, unless such sale or other disposition constitutes an involuntary conversion (within the meaning of section 1033),

On page 10, line 24, of the Senate engrossed amendments, after "184," insert: 187,

On page 12, line 10, of the Senate engrossed amendments, strike out "(c) and" and insert: (c)(1), (c)(2), and

On page 12, line 12, of the Senate engrossed amendments, strike out "(c) and" and insert: (c)(1), (c)(2), and

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(b) Definition of Public Utility Property, etc.—Section 46(c)(3) (relating to public utility property) is amended—

(1) by inserting "or" at the end of clause (ii) of subparagraph (B), and by striking out clauses (iii) and (iv) of such subparagraph and inserting in lieu thereof the following:

"(iii) telephone service, telegraph service by means of domestic telegraph operations (as defined in section 222(a)(5) of the Communications Act of 1934, as amended; 47 U.S.C., sec. 222(a)(5)), or other communication services (other than international telegraph service),";

(2) by adding at the end of subparagraph (B) the following new sentence: "Such term also means communication property of the type used by persons engaged in providing telephone or microwave communication services to which clause (iii) applies, if such property is used predominantly for communication purposes."; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) In the case of any interest in a submarine cable circuit used to furnish telegraph service between the United States and a point outside the United States of a taxpayer engaged in furnishing international telegraph service (if the rates for such furnishing have been established or approved by a governmental unit, agency, instrumentality, commission, or similar body described in subparagraph (B)), the qualified investment shall not exceed the qualified investment attributable to so much of the interest of the taxpayer in the circuit as does not exceed 50 percent of all interests in the circuit."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

On page 15, line 23, of the Senate engrossed amendments, strike out "paragraph (1)" and insert: "paragraphs (1) and (2)"

And the Senate agree to the same.

Amendment numbered 28:

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with the following amendments:

On page 19, line 12, of the Senate engrossed amendments, before "Property" insert: "Certain".

On page 19, lines 21 and 22 of the Senate engrossed amendments, strike out "which is not short term lease property (as defined in paragraph 4)" and insert: "other than properly described in paragraph (4))".

On page 20, line 11, of the Senate engrossed amendments, before "short" insert: "certain".

On page 20, line 14, of the Senate engrossed amendments, strike out "short term lease property" and insert: "property described in paragraph (4)".

On page 20, line 18, of the Senate engrossed amendments, strike out "which is new section 38 property"

On page 20, lines 23 and 24, of the Senate engrossed amendments, strike out "short term lease property" and insert: "property described in paragraph (4)".

On page 21, line 9, of the Senate engrossed amendments, strike out "short term lease property" and insert: "property described in paragraph (4)".

On page 22 of the Senate engrossed amendments, strike out lines 7 through 11 and insert:

"(4) Property to which paragraph (2) applies.—"Paragraph (2) shall apply only to property which—."

"(A) is new section 38 property,

"(B) has a class life (determined under section 167(m)) in excess of 14 years,

"(C) is leased for a period which is less than 80 percent of its class life, and

"(D) is not leased subject to a net lease (within the meaning of section 57(c)(2))."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

Insert the matter proposed to be inserted by the Senate amendment, and on page 19, line 17, of the House engrossed bill strike out "110" and insert: 109

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with amendments as follows:

Strike the matter proposed to be stricken out by the Senate amendment, and on page 24 of the House engrossed bill, after line 20, insert the following:

(4) by inserting after subparagraph (B) the following new subparagraph:

"(C) Every individual having for the taxable year a gross income of $750 or more and to whom section 141(e) (relating to limitations in case of certain dependent taxpayers) applies;".

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate amendment numbered 47, and agree to the same with amendments as follows:

On page 35 of the Senate engrossed amendments, strike out the table after line 5 and insert the following:

"Percentage method withholding table

	Amount of one withholding exemption
"Payroll period:	
Weekly	$14.40
Biweekly	28.80
Semimonthly	31.30
Monthly	62.50
Quarterly	187.50
Semiannual	375.00
Annual	750.00
Daily or miscellaneous (per day of such period)	2.10."

On page 37 of the Senate engrossed amendments, strike out line 24 and all that follows down through line 2 on page 38 and insert in lieu thereof the following:

(h) Fifteen-Day Extension of Existing Withholding Provisions.—

(1) Paragraph (3) of section 3402(a) (relating to requirement of withholding) is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 16, 1972".

(2) Paragraph (2) of section 805(b) of the Tax Reform Act of 1969 (relating to percentage method of withholding) is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 16, 1972".

(i) Effective Date.—

(1) The amendments made by this section (other than subsection (h)) shall apply with respect to wages paid after January 15, 1972.

(2) The amendments made by subsection (h) shall apply with respect to wages paid after December 31, 1971, and before January 16, 1972.

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 210. Certain Expenses To Enable Individuals To Be Gainfully Employed.

(a) In General.—Section 214 (relating to expenses for care of certain dependents) is amended to read as follows:

"Sec. 214. Expenses for Household and Dependent Care Services Necessary for Gainful Employment.

"(a) Allowance of Deduction.—In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1)), there shall be allowed as a deduction the employment-related expenses (as defined in subsection (b)(2)) paid by him during the taxable year.

"(b) Definitions, Etc.—For purposes of this section—

"(1) Qualifying individual.—The term 'qualifying individual' means—

"(A) a dependent of the taxpayer who is under the age of 15 and with respect to whom the taxpayer is entitled to a deduction under section 151(e),

"(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself, or

"(C) the spouse of the taxpayer, if he is physically or mentally incapable of caring for himself.

"(2) Employment-related expenses.—The term 'employment-related expenses' means amounts paid for the following expenses, but only if such expenses are incurred to enable the taxpayer to be gainfully employed:

"(A) expenses for household services, and

"(B) expenses for the care of a qualifying individual.

"(3) Maintaining a household.—An individual shall be treated as maintaining a household for any period only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, is furnished by such individual and his spouse).

"(c) Limitations on Amounts Deductible.—

"(1) In general.—A deduction shall be allowed under subsection (a) for employment-related expenses incurred during any month only to the extent such expenses do not exceed $400.

"(2) Expenses must be for services in the household.—

"(A) In general.—Except as provided in subparagraph (B), a deduction shall be allowed under subsection (a) for employment-related expenses only if they are incurred for services in the taxpayer's household.

"(B) Exception.—Employment-related expenses described in subsection (b)(2)(B) which are incurred for services outside the taxpayer's household shall be taken into account only if incurred for the care of a qualifying individual described in subsection (b)(1)(A) and only to the extent such expenses incurred during any month do not exceed—

"(i) $200, in the case of one such individual,

"(ii) $300 in the case of two such individuals, and

"(iii) $400, in the case of three or more such individuals.

"(d) Income Limitation.—If the adjusted gross income of the taxpayer exceeds $18,000 for the taxable year during which the expenses are incurred, the amount of the employment-related expenses incurred during any month of such year which may be taken into account under this section shall (after the application of subsections (e)(5) and (c)) be further reduced by that portion of one-half of the excess of the adjusted gross income over $18,000 which is properly allocable to such month. For purposes of the preceding sentence, if the taxpayer is married during any period of the taxable year, there shall be taken into account the combined adjusted gross income of the taxpayer and his spouse for such period.

"(e) Special Rules.—For purposes of this section—

"(1) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the deduction provided by subsection (a) shall be allowed only if the taxpayer and his spouse file a single return jointly for the taxable year.

"(2) GAINFUL EMPLOYMENT REQUIREMENT.—If the taxpayer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

"(A) both spouses are gainfully employed on a substantially full-time basis, or

"(B) the spouse is a qualifying individual described in subsection (b)(1)(C).

"(3) CERTAIN MARRIED INDIVIDUALS LIVING APART.—An individual who for the taxable year would be treated as not married under section 143(b) if paragraph (1) of such section referred to any dependent, shall be treated as not married for such taxable year.

"(4) PAYMENTS TO RELATED INDIVIDUALS.—No deduction shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a) (relating to definition of dependent) or to a dependent described in paragraph (9) of such section.

"(5) REDUCTION FOR CERTAIN PAYMENTS.—In the case of employment-related expenses incurred during any taxable year solely with respect to a qualifying individual (other than an individual who is also described in subsection (b)(1)(A)), the amount of such expenses which may be taken into account for purposes of this section shall (before the application of subsection (c)) be reduced—

"(A) if such individual is described in subsection (b)(1)(B), by the amount by which the sum of—

"(i) such individual's adjusted gross income for such taxable year, and

"(ii) the disability payments received by such individual during such year,

exceeds $750, or

"(B) in the case of a qualifying individual described in subsection (b)(1)(C), by the amount of disability payments received by such individual during the taxable year.

For purposes of this paragraph, the term 'disability payment' means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 is amended by striking out the item relating to section 214 and inserting in lieu thereof the following:

"Sec. 214. Expenses for household and dependent care services necessary for gainful employment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 211. LEVIES ON SALARIES AND WAGES.

(a) WRITTEN NOTICE REQUIRED.—Section 6331 (relating to levy and distraint) is amended by redesignating subsection (d) as (e) and by inserting after subsection (c) the following new subsection:

"(d) SALARY AND WAGES.—

"(1) IN GENERAL.—Levy may be made under subsection (a) upon the salary or wages of an individual with respect to any unpaid tax only after the Secretary or his delegate has notified such individual in writing of his intention to make such levy. Such notice shall be given in person, left at the dwelling, or usual place of business of such individual, or shall be sent by mail to such individual's last known address, no less than 10 days before the day of levy. No additional notice shall be required in the case of successive levies with respect to such tax.

"(2) JEOPARDY.—Paragraph (1) shall not apply to a levy if the Secretary or his delegate has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to levies made after March 31, 1972.

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with the following amendments:

On page 52, line 18, of the Senate engrossed amendments, after the period insert: The burden of proof in respect of the issue, for purposes of this paragraph, as to whether a payment constitutes an illegal bribe, illegal kickbacks, or other illegal payment shall be upon the Secretary or his delegate to the same extent as he bears the burden of proof under section 7454 (concerning the burden of proof when the issue relates to fraud).

On page 52 of the Senate engrossed amendments, beginning with line 19, strike out all through line 10 on page 53, and insert:

"(3) KICKBACKS, REBATES, AND BRIBES UNDER MEDICARE AND MEDICAID.—No deduction shall be allowed under subsection (a) for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer."; and

On page 53 of the Senate engrossed amendments, beginning with line 14, strike out all through line 11 on page 56 and insert:

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to payments after December 30, 1969, except that section 162(c)(3) of the Internal Revenue Act of 1954 (as added by subsection (a)) shall apply only with respect to kickbacks, rebates, and bribes payment of which is made on or after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with the following amendments:

On page 60, line 4, of the Senate engrossed amendments, after "1969," insert: and before April 1, 1972,

On page 60, lines 6 and 7, of the Senate engrossed amendments, strike out "such date" and insert: May 27, 1969

On page 60, line 9, of the Senate engrossed amendments, strike out "on or after April 1, 1972" and insert: after March 31, 1972

On page 61, line 8, of the Senate engrossed amendments, after "1969," insert: and before April 1, 1972,

On page 61, lines 9 and 10, of the Senate engrossed amendments, strike out "such date" and insert: May 27, 1969

On page 62, line 18, of the Senate engrossed amendments, before "the" insert: and

On page 62, line 20, of the Senate engrossed amendments, strike out the comma.

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agrees to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 314. INCOME FROM CERTAIN AIRCRAFT AND VESSELS.

(a) ELECTION.—Section 861 (relating to income from sources within the United States) is amended by adding at the end thereof the following new subsection:

"(e) ELECTION TO TREAT INCOME FROM CERTAIN AIRCRAFT AND VESSELS AS INCOME FROM SOURCES WITHIN THE UNITED STATES.—

"(1) IN GENERAL.—For purposes of subsection (a) and section 862 (a), if a taxpayer owning an aircraft or vessel which is section 38 property (or would be section 38 property but for section 48(a)(5)) leases such aircraft or vessel to a United States person, other than a member of the same controlled group of corporations (as defined in section 1563) as the taxpayer, and if such aircraft or vessel is manufactured or constructed in the United States, the taxpayer may elect, for any taxable year ending after the commencement of such lease, to treat all amounts includible in gross income with respect to such aircraft or vessel (whether during or after the period of any such lease), including gain from sale or other disposition of such aircraft or vessel, as income from sources within the United States.

"(2) EFFECT OF ELECTION.—An election under paragraph (1) made with respect to any aircraft or vessel shall apply to the taxable year for which made and to all subsequent taxable years. Such election may not be revoked except with the consent of the Secretary or his delegate.

"(3) MANNER AND TIME OF ELECTION AND REVOCATION.—An election under paragraph (1), and any revocation of such election shall be made in such manner and at such time as the Secretary or his delegate prescribes by regulations.

"(4) CERTAIN TRANSFERS INVOLVING CARRYOVER BASIS.—If the taxpayer transfers or distributes an aircraft or vessel which is subject to an election under paragraph (1) and the basis of such aircraft or vessel in the hands of the transferee or distributee is determined by reference to its basis in the hands of the transferor or distributor, the transferee or distributee shall, for purposes of paragraph (1), be treated as having made an election with respect to such aircraft or vessel."

(b) CLERICAL AMENDMENT.—Section 862 (relating to income from sources without the United States) is amended by adding at the end thereof the following new subsection:

"(c) CROSS REFERENCE—

"For source of amounts attributable to certain aircraft and vessels, see section 861(e)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after August 15, 1971, but only with respect to leases entered into after such date.

And the Senate agreed to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with the following amendments:

On page 70, line 1, of the Senate engrossed amendments, strike out "316" and insert: 315

On page 70 of the Senate engrossed amendments, strike out lines 13 through 22 and insert:

(b) CERTAIN CAPITAL EXPENDITURES.—Section 103(c)(6)(F)(iii) (relating to exception of certain capital expenditures for purposes of the $5,000,000 limit) is amended by striking out "$250,000" and inserting in lieu thereof "$1,000,000".

"(c) EFFECTIVE DATES.—The amendments made by subsection (a) shall apply with respect to obligations issued after January 1, 1969. The amendment made by subsection (b) shall apply with respect to expenditures incurred after the date of the enactment of this Act."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 316. Disclosure or Use of Information by Preparers of Returns.

(a) Criminal Penalty.—Part I of subchapter A of chapter 75 (relating to crimes) is amended by adding at the end thereof the following new section:

"Sec. 7216. Disclosure or Use of Information by Preparers of Returns.

"(a) General Rule.—Any person who is engaged in the business of preparing, or providing services in connection with the preparation of, returns of the tax imposed by chapter 1, or declarations or amended declarations of estimated tax under section 6015, or any person who for compensation prepares any such return or declaration for any other person, and who—

"(1) discloses any information furnished to him for, or in connection with, the preparation of any such return or declaration, or

"(2) uses any such information for any purpose other than to prepare, or assist in preparing, any such return or declaration, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution.

"(b) Exceptions.—

"(1) Disclosure.—Subsection (a) shall not apply to a disclosure of information if such disclosure is made—

"(A) pursuant to any other provision of this title, or

"(B) pursuant to an order of a court.

"(2) Use.—Subsection (a) shall not apply to the use of information in the preparation of, or in connection with the preparation of, State and local tax returns and declarations of estimated tax of the person to whom the information relates.

"(3) Regulations.—Subsection (a) shall not apply to a disclosure or use of information which is permitted by regulations prescribed by the Secretary or his delegate under this section."

(b) Clerical Amendment.—The table of contents for part I of subchapter A of chapter 75 is amended by adding at the end thereof the following new item:

"Sec. 7216. Disclosure or use of information by preparers of returns."

(c) Effective Date.—The amendments made by this section shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment, and omit the matter proposed to be inserted by the Senate amendment.

On page 52 of the House engrossed bill, strike out lines 5 and 6 and insert the following:

(a) Repeal of and Exemptions From Tax.—

(1) Repeal.—Section 4061(a) (relating to tax on automobiles, etc.) is amended to read as follows:

On page 53, line 13, of the House engrossed bill, strike out the final quotation mark.

On page 53 of the House engrossed bill, after line 13, insert the following:

"Truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less (as so determined)."

(2) Exemptions for local transit buses, and for trash containers, etc.—Section 4063 (a) (relating to exemptions for specified articles) is amended by adding at the end thereof the following new paragraphs:

"(6) Local transit buses.—The tax imposed under section 4061(a) shall not apply in the case of automobile bus chassis or automobile bus bodies which are to be used predominantly by the purchaser in mass transportation service in urban areas.

"(7) Trash containers, etc.—The tax imposed under section 4061(a) shall not apply in the case of any box, container, receptacle, bin, or other similar article which is to be used as a trash container and is not designed for the transportation of freight other than trash, and which is not designed to be permanently mounted on or permanently affixed to an automobile truck chassis or body, or in the case of parts or accessories designed primarily for use on, in connection with, or as a component part of any such article."

(3) Technical amendments.—

(A) Section 4221(c) (relating to relief of manufacturer from liability in certain cases) is amended by striking out "section 4063(b)," and inserting in lieu thereof "section 4063 (a) (6) or (7), 4063(b),"

(B) Section 4222(d) (relating to registration in the case of certain exemptions) is amended by striking out "sections 4063(b)," and inserting in lieu thereof "sections 4063 (a) (6) and (7), 4063(b),".

(C) Section 6416(b)(2) (relating to specified uses and resales in case of which tax payments are considered overpayments) is amended—

(i) by striking out "described in section 4221(e)(5)." in subparagraph (R) and inserting in lieu thereof "described in section 4063(a)(6) or 4221(e)(5); or"; and

(ii) by adding at the end thereof the following new subparagraph:

"(S) in the case of a box, container, receptacle, bin, or other similar article taxable under section 4061(a), sold to any person for use as described in section 4063(a) (7)."

And the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment.

On page 58, line 16, of the House engrossed bill, after "imposed" insert the following: (without regard to the amendment made by paragraph (2) of subsection (a) of this section)

On page 58, line 18, of the House engrossed bill, strike out "(f)" and insert the following: (g)

On page 60, line 15, of the House engrossed bill, strike out "(a) and (f)" and insert the following: (a), (f), and (g)

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with amendments as follows:

On page 98, line 17, of the Senate engrossed amendments, strike out "403" and insert the following: 402.

On page 99 of the Senate engrossed amendments, strike out lines 20 through 24.

And the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with the following amendments:

On page 104 of the Senate engrossed amendments strike line 25.

On page 105, line 3, of the Senate engrossed amendments strike "group." and insert: group; and

On page 105 of the Senate engrossed amendments between lines 3 and 4 insert:

"(v) the uncommitted transitional funds of the group as determined under paragraph (4)."

On page 105, line 8 of the Senate engrossed amendments strike out "subparagraph (B) (ii)" and insert: subparagraphs (B) (ii) and (v)

On page 106, between lines 9 and 10, of the Senate engrossed amendments, insert the following:

"(4) Uncommitted transitional funds.—The uncommitted transitional funds of the group shall be an amount equal to the sum of—

(A) the excess of—

(i) the amount of stock or debt obligations of domestic members of such group outstanding on December 31, 1971, and issued on or after January 1, 1968, to persons other than United States persons or any members of such group, but only to the extent the taxpayer establishes that such amount constitutes a long-term borrowing for purposes of the foreign direct investment program, over

(ii) the net amount of actual foreign investment by domestic members of such group during the period that such stock or debt obligations have been outstanding; and

"(B) the amount of liquid assets to the extent not included in subparagraph (A) held by foreign members of such group and foreign branches of domestic members of such group on October 31, 1971, in excess of their reasonable working capital needs on such date.

For purposes of this paragraph, the term "liquid asset" means money, bank deposits (not including time deposits), and indebtedness of 2 years or less to maturity on the date of acquisition; and the actual foreign investment shall be determined under paragraph (3) without regard to the date in subparagraph (A) of such paragraph and without regard to subparagraph (D) of such paragraph.

On page 106, line 10, of the Senate engrossed amendments strike out "(4)" and insert: (5)

And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with the following amendment:

Omit the matter proposed to be inserted by the Senate amendment and insert on page 105, after the period in line 11, of the House engrossed bill, the following: For purposes of this section, a foreign corporation which qualified as an export trade corporation for any 3 taxable years beginning before November 1, 1971, shall be treated as an export trade corporation.

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with the following amendment:

On page 108 of the Senate engrossed amendment strike out lines 7 through 11 and insert:

"(3) Limitation.—No controlled foreign corporation may qualify as an export trade corporation for any taxable year beginning after October 31, 1971, unless it qualified as an export trade corporation for any taxable year beginning before such date. If a corporation fails to qualify as an export trade corporation for a period of any 3 consecutive taxable years beginning after such date, it may not qualify as an export trade corporation for any taxable year beginning after such period."

And the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu thereof insert: of this title

And the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu thereof insert: of this title

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with the following amendments:

On page 115, line 14, of the Senate engrossed amendments, strike out "VII" and insert: VI

On page 115, line 17, of the Senate engrossed amendments, strike out "701" and insert: 601

On page 115, line 21, strike out "44" and insert: 42

On page 117, line 10, of the Senate engrossed amendments, strike out "and".

On page 117, line 12, of the Senate engrossed amendments, strike out the period and insert: , and

On page 117 of the Senate engrossed amendments, after line 12, insert:

"(E) section 41 (relating to contributions to candidates for public office).

On page 121, line 12, of the Senate engrossed amendments, strike out "or".

On page 121, line 19, of the Senate engrossed amendments, strike out "individual." and insert; individual, or

On page 121 of the Senate engrossed amendments, after line 19, insert:

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

On page 122 of the Senate engrossed amendment, after line 11, insert:

"(d) Failure To Pay Comparable Wages.—

"(1) General rule.—Under regulations prescribed by the Secretary or his delegate, if during the period described in subsection (c)(1)(A), the taxpayer pays wages (as defined in section 50B(b)) to an employee with respect to whom work incentive program expenses are taken into account under subsection (a) which are less than the wages paid to other employees who perform comparable services, the tax under this chapter for the taxable year in which such wages are so paid shall be increased by an amount (determined under such regulations) equal to the credits allowed under section 40 for such taxable year and all prior taxable years attributable to work incentive program expenses paid or incurred with respect to such employee, and the carrybacks and carryovers under subsection (b) shall be properly adjusted.

"(2) Special rule.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

On page 122 of the Senate engrossed amendments, strike out lines 13 through 22, and insert:

"(a) Work Incentive Program Expenses.—For purposes of this subpart, the term 'work incentive program expenses' means the wages paid or incurred by the taxpayer for services rendered during the first 12 months of employment (whether or not consecutive) of employees who are certified by the Secretary of Labor as—

"(1) having been placed in employment under a work incentive program established under section 432(b)(1) of the Social Security Act, and

"(2) not having displaced any individual from employment.

"(b) Wages.—For purposes of subsection (a), the term 'wages' means only cash remuneration (including amounts deducted and withheld).

"(c) Limitations.—

On page 123, line 11, of the Senate engrossed amendments, strike out "wages or salary of an employee" and insert: item with respect to any employee

On page 123, line 24, of the Senate engrossed amendments, strike out "or".

On page 124, line 5, of the Senate engrossed amendments, strike out "trust," and insert: trust, or

On page 124 of the Senate engrossed amendments, after line 5 insert:

"(C) is a dependent (described in section 152(a)(9)) of the taxpayer, or, if the taxpayer is a corporation, of an individual described in subparagraph (A), or, if the taxpayer is an estate or trust, of a grantor, beneficiary, or fiduciary of the estate or trust.

On page 124, line 6, of the Senate engrossed amendments, strike out "(c)" and insert: (d)

On page 124, line 17, of the Senate engrossed amendments, strike out "(d)" and insert: (e)

On page 125, line 9, of the Senate engrossed amendments, strike out "(e)" and insert: (f)

On page 125, line 19, of the Senate engrossed amendments, strike out "(f)" and insert: (g)

On page 126 of the Senate engrossed amendments, strike out the matter between lines 3 and 4, and insert:

"Sec. 40. Expenses of work incentive programs.

"Sec. 41. Contributions to candidates for public office.

"Sec. 42. Overpayments of tax.

On page 126, line 4, of the Senate engrossed amendments, strike out "of such Code".

On page 126 of the Senate engrossed amendments, after line 15, insert:

(4) Section 56(a)(2) (relating to imposition of minimum tax for tax preferences) is amended—

(A) by striking out "and" at the end of clause (ii),

(B) by striking out "; and" at the end of clause (iii) and inserting in lieu thereof a comma, and

(C) by inserting after clause (iii) the following new clauses:

(iv) section 40 (relating to expenses of work incentive program), and

"(v) section 41 (relating to contributions to candidates for public office); and".

(5) Section 56(c)(1) (relating to tax carryovers) is amended—

(A) by striking out "and" at the end of subparagraph (B),

(B) by striking out "exceed" at the end of subparagraph (C), and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) section 40 (relating to expenses of work incentive program), and

"(E) section 41 (relating to contributions to candidates for public office), exceed".

On page 132 of the Senate engrossed amendments, beginning with line 4 strike out all through line 2 on page 148.

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with the following amendments:

On page 157, line 18, of the Senate engrossed amendments, strike out "IX" and insert: VII

On page 157, line 21, of the Senate engrossed amendments, strike out "901" and insert: 701

On page 157 of the Senate engrossed amendments, strike out line 24 and insert in lieu thereof: section 40 (as added by section 601 of this Act) the following

On page 158 of the Senate engrossed amendments, strike out the first 12 lines and insert in lieu thereof the following:

"Sec. 41. Contributions to Candidates for Public Office.

"(a) General Rule.—In the case of an individual, there shall be allowed, subject to the limitations of subsection (b), as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of all political contributions, payment of which is made by the taxpayer within the taxable year.

"(b) Limitations.—

"(1) Maximum credit.—The credit allowed by subsection (a) for a taxable year shall be limited to $12.50 ($25 in the case of a joint return under section 6013).

"(2) Application with other credits.—The"

On page 158, line 20, of the Senate engrossed amendments, strike out "2" and insert: 3

On page 159, lines 5, 8, 12, 13 and 14, and 17, of the Senate engrossed amendments, strike out "election" and insert: nomination or election

On page 160, line 5, of the Senate engrossed amendments, strike out "election" and insert: nomination or election

On page 161, line 7, of the Senate engrossed amendments, strike out "42" and insert: 41

On page 161, line 8, of the Senate engrossed amendments, strike "902" and insert: 702

On page 161, line 17, of the Senate engrossed amendments, strike "42" and insert: 41

On page 161 of the Senate engrossed amendments, strike out lines 21 and 22 and insert:

(a) shall not exceed $50 ($100 in the case of a joint return under section 6013).

On page 162, line 8, of the Senate engrossed amendments, strike "42" and insert: 41

On page 162 of the Senate engrossed amendments, after line 19, insert the following:

(c) The table of sections of part VII of subchapter B of chapter 1 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Contributions to candidates for public office.

"Sec. 219. Cross references."

On page 162, line 20, of the Senate engrossed amendments, strike "903" and insert: 703

On page 163 of the Senate engrossed amendments, starting with line 3, strike out all through line 2 on page 187 and insert in lieu thereof the following:

TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Sec. 801. Presidential Election Campaign Fund Act.

The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

"Subtitle H—Financing of Presidential Election Campaigns

"Chapter 95. Presidential election campaign fund.

"Chapter 96. Presidential election campaign fund advisory board.

"Chapter 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Condition for eligibility for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certification by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Examinations and audits; repayments.
"Sec. 9008. Information on proposed expenses.
"Sec. 9009. Reports to Congress; regulations.
"Sec. 9010. Participation by Comptroller General in judicial proceedings.
"Sec. 9011. Judicial review.
"Sec. 9012. Criminal penalties.
"Sec. 9013. Effective date of chapter.

"SEC. 9001. SHORT TITLE.

"This chapter may be cited as the 'Presidential Election Campaign Fund Act'.

"SEC. 9002. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'authorized committee' means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a) (2), the term 'candidate' means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 9006(a).

"(6) The term 'major party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(8) The term 'new party' means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

"(9) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(10) The term 'presidential election' means the election of presidential and vice-presidential electors.

"(11) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

"(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Comptroller General prescribes by rules or regulations.

"(12) The term 'expenditure report period' with respect to any presidential election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

"SEC. 9003. CONDITION FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request,

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) MAJOR PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

"(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

"(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL.—Subject to the provisions of this chapter—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to 15 cents multiplied by the total number of residents within the United States who have attained the age of 18, as determined by the Bureau of the Census, as of the first day of June of the year preceding the year of the presidential election.

"(2) (A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

"(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

"(b) LIMITATIONS.—The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

"(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) RESTRICTIONS.—The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

"SEC. 9005. CERTIFICATION BY COMPTROLLER GENERAL.

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9007 the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9007 and judicial review under section 9011.

"SEC. 9006. PAYMENTS TO ELIGIBLE CANDIDATES

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. The Secretary shall maintain in the fund (1) a separate account for the candidates of each major party, each minor party, and each new party for which a specific designation is made under section 6096 for payment into an account in the fund and (2) a general account for which no specific designation is made. The Secretary shall, as provided by appropriation Acts, transfer to each account in the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous presidential election) to such account by individuals under section 6096 for payment into such account of the fund.

"(b) TRANSFER TO THE GENERAL FUND.—If, after a presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in any account in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) PAYMENTS FROM THE FUND.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the specific account in the fund for such candidates the amount certified by the Comptroller General. Payments to eligible candidates from the account designated for them shall be limited to the amounts in such account at the time of payment. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) TRANSFERS FROM GENERAL ACCOUNT TO SEPARATE ACCOUNTS.—

"(1) If, on the 60th day prior to the presidential election, the moneys in any separate account in the fund are less than the aggregate entitlement under section 9004(a) (1) or (2) of the eligible candidates to which such account relates, 80 percent of the amount in the general account shall be transferred to the separate accounts (whether or not all the candidates to which such separate accounts relate are eligible candidates) in the ratio of the entitlement under section 9004(a)(1) or (2) of the candidates to which such accounts relate. No amount shall be transferred to any separate account under the preceding sentence which, when added to the moneys in that separate account prior to any payment out of that account during the calendar year, would be in excess of the aggregate entitlement under section 9004(a)(1) or (2) of the candidates to whom such account relates.

"(2) If, at the close of the expenditure report period, the moneys in any separate account in the fund are not sufficient to satisfy any unpaid entitlement of the eligible candidates to which such account relates, the balance in the general account shall be transferred to the separate accounts in the following manner:

"(A) For the separate account of the candidates of a major party, compute the percentage which the average number of popular votes received by the candidates for President of the major parties is of the total number of popular votes cast for the office of President in the election.

"(B) For the separate account of the candidates of a minor or new party, compute the percentage which the popular votes received for President by the candidate to which such account relates is of the total number of popular votes cast for the office of President in the election.

"(C) In the case of each separate account, multiply the applicable percentage obtained under paragraph (A) or (B) for such account by the amount of the money in the general account prior to any distribution made under paragraph (1), and transfer to such separate account an amount equal to the excess of the product of such multiplication over the amount of any distribution made under such paragraph to such account.

"SEC. 9007. EXAMINATIONS AND AUDITS; REPAYMENTS.

"(a) EXAMINATIONS AND AUDITS.—After each presidential election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

"(b) REPAYMENTS.—

"(1) If the Comptroller General determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments to which candidates were entitled under section 9004, he shall so notify such candidates, and such candidates shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, he shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary an amount equal to such amount.

"(3) If the Comptroller General determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 9006(c), to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

"(c) NOTIFICATION.—No notification shall be made by the Comptroller General under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9008. INFORMATION ON PROPOSED EXPENSES.

"(a) REPORTS BY CANDIDATES.—The candidates of a political party for President and Vice President in a presidential election shall, from time to time as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) PUBLICATION.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"SEC. 9009. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Comptroller General shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) REGULATIONS, ETC.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9007 (a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"SEC. 9010. PARTICIPATION BY COMPTROLLER GENERAL IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCE BY COUNSEL.—The Comptroller General is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) RECOVERY OF CERTAIN PAYMENTS.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9007.

"(c) DECLARATORY AND INJUNCTIVE RELIEF.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) APPEAL.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"SEC. 9011. JUDICIAL REVIEW.

"(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMPTROLLER GENERAL.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) SUITS TO IMPLEMENT CHAPTER.—

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 9012. CRIMINAL PENALTIES.

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(g) CONTRIBUTIONS.—

"(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contributions to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002 (11).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidte and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(c) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(d) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(e) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES AND CONTRIBUTIONS.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(g) Unauthorized Disclosure of Information.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"Sec. 9013. Effective Date of Chapter.

The provisions of this chapter shall take effect on January 1, 1973.

"CHAPTER 96. PRESIDENTIAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"Sec. 9021. Establishment of Advisory Board.

"(a) Establishment of Board.—There is hereby established an advisory board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act.

"(b) Composition of Board.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, who shall serve ex officio;

"(2) two members representing each political party which is a major party (as defined in section 9002(6)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of the first presidential election following January 1, 1973, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a presidential election and expire on the sixtieth day following the date of the subsequent presidential election. The Board shall elect a Chairman from its members.

"(c) Compensation.—Members of the Board (other than members described in subsection (b)(1) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) Status.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States be considered as service as an officer or employee of the United States."

Sec. 802. Miscellaneous Amendments.

(a) Designation of Income Tax Payments to Presidential Election Campaign Fund.—Effective with respect to taxable years ending on or after December 31, 1972, section 6096(a) (relating to designation of income tax payments to the presidential election campaign fund) is amended to read as follows:

"(a) In General.—Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund for the account of the candidates of any specified political party for President and Vice President of the United States, or if no specified account is designated by such individual, for a general account for all candidates for election to the Offices of President and Vice President of the United States, in accordance with the provisions of section 9006(a)(1). In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to any such account in the fund."

(b) Repeal of Certain Provisions.—

(1) Sections 303, 304, and 305 of the Presidential Election Campaign Fund Act of 1966 (80 Stat. 1587) are repealed.

(2) The enactment of subtitle H of the Internal Revenue Code of 1954 by section 801 of this Act is intended to comply with the provisions of section 5 (relating to the Presidential Election Campaign Fund Act of 1966) of the Act entitled "An Act to restore the investment credit and allowance of accelerated depreciation in the case of certain real property", approved June 13, 1967 (Public Law 90–26, 81 Stat. 58). The provisions of section 6096 of the Internal Revenue Code of 1954, together with the amendments of such section made by subsection (a) shall be applicable only to taxable years ending on or after December 31, 1972.

And the Senate agree to the same.

Russell B. Long,
Clinton P. Anderson,
Herman E. Talmadge,
Carl T. Curtis,
Jack Miller,
Managers on the Part of the Senate.

W. D. Mills,
Al Ullman,
James A. Burke,
Martha W. Griffiths,
John W. Byrnes,
Jackson E. Betts,
Herman T. Schneebeli,
Managers on the Part of the House.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

FARM MACHINERY AND EQUIPMENT

Amendment No. 4: Under the bill as passed by the House, the investment credit provided by section 38 of the Internal Revenue Code of 1954 is restored for property acquired after August 15, 1971, or acquired during the period April 1–August 15, 1971, pursuant to an order placed after March 31, 1971. Senate amendment no. 4 restored the investment credit for farm machinery and equipment acquired during the period January 1–August 15, 1971, pursuant to an order placed during the period January 1, 1971, through March 31, 1971.

The Senate recedes.

ACCOUNTING FOR INVESTMENT CREDIT IN FINANCIAL REPORTS

Amendment No. 7: The Senate amendment provides that, for purposes of accounting for the investment credit in financial reports, no taxpayer shall be required to use any particular method of accounting. The amendment also requires taxpayers to disclose in their financial reports, the method of accounting used for the investment credit.

The House recedes with an amendment. The conference agreement clarifies the application of the Senate amendment by providing that taxpayers for purposes of reporting to Federal agencies and for purposes of making financial reports subject to regulation by Federal agencies are to be permitted to account for the tax benefit of the investment credit either currently in the year in which the investment credit is taken as a tax reduction, or ratably over the life of the asset. This includes not only reports made to the Federal Government, but also reporting to stockholders to the extent any Federal agency has the authority to specify the method of such reporting. This treatment is to be available notwithstanding any other law or regulation under law. The method used after the date of the bill must be consistently followed unless permission to make a change in the method of reporting is obtained from the Secretary or his delegate. The requirements set forth in this provision are not to apply to reports of public utilities for which other rules are provided under section 105 of the bill.

USEFUL LIFE FOR INVESTMENT CREDIT PURPOSES

Both the bill as passed by the House and as passed by the Senate in section 102 provide that a taxpayer must use the same useful life with respect to an asset in determining the amount of the allowable investment credit as the taxpayer uses in computing depreciation or amortization on the asset. The conferees agreed that this was not the rule in the past.

The conferees also concluded that where a taxpayer uses a method of depreciation, such as the units-of-production method or the income-forecast method, which does not directly relate the useful life of the property in terms of a specific number of years, the determination as to what constitutes the useful life for purposes of the investment credit as required by the bill should be made by comparing the depreciation taken under the units-of-production method or income-forecast method at the end of 3, 5, and 7 years with the most liberal depreciation which would be taken under the double-declining-balance or sum-of-the-years digits method for an asset of the useful life of seven years. If the depreciation expected to be taken under the units-of-production method or income-forecast method at these time intervals does not exceed by more than 20 percent the depreciation taken under the most favorable of the other two methods, the useful life of the asset under the income-forecast method or units-of-production method will be assumed to be seven years. Similar comparisons may be made with other useful lives. If the depreciation actually taken is greater than anticipated, then rules achieving essentially the same result as the recapture rules with respect to the investment credit are to apply. The effect of this is to permit the taxpayer to obtain a tax credit where he utilizes a method of depreciation which yields results substantially equivalent to the double-declining balance or sum-of-the-years digits methods of depreciation for comparable useful lives. This, of course, does not prevent a taxpayer from showing on the basis of his particular facts or circumstances, that other treatment with respect to the investment credit should be made applicable.

LIMITATION OF CREDIT TO DOMESTIC PRODUCTS

Amendment No. 8: Under the bill as passed by the House, the investment credit was not to be available for certain property which is completed outside the United States or 50 percent or more of the basis of which is attributable to value added outside the United States, if the construction of the property begins before the termination date of Presidential Proclamation 4074 (which imposed the import surcharge) or is acquired before that date. Senate amendment No. 8 provides that the investment credit will not be denied for foreign property acquired pursuant to an order placed after March 31, 1971, and before August 16, 1971 (or the construction of which by the taxpayer began during this period).

The House recedes.

Amendment No. 9: The bill as passed by the House authorized the President by Executive order where he finds it in the public interest to exempt any articles or class of articles from the provision which denies the investment credit to certain foreign property in the case of acquisitions pursuant to orders after (or the construction of which began after) August 15, 1971. Any such exemption could be prospective only from the date of the Executive order. Under Senate amendment No. 9, the exemption could be retroactive for up to two years if the President determined it to be in the public interest.

The House recedes with an amendment under which the exemption can be made retroactive to any date after August 15, 1971, if the President determines it to be in the public interest.

Under the above provision, the House indicated that among the situations in which it believed it was in the public interest to waive the limitation with respect to the investment credit were: (1) where the United States market for a particular type of item tends toward a monopolistic one (i.e., is dominated by one or two domestic producers); (2) where there are practically no U.S. manufacturers of the type of products involved and substantially all items of these types are imported; and (3) where the foreign producer of an item can show that it is seeking to develop a market in the United States prior to transferring the manufacturing operations for the item to the United States. The Senate Finance Committee report expresses general agreement with these three illustrations of public interest but adds a fourths. It would also provide for the waiving of the limitation where so-called "free-list" non-duty items which have a long history of free trade (such as farm machinery) are involved. However, the Senate Finance Committee report also indicated that it is contemplated that the President would not terminate the limitation with respect to an article (or brand of article) if there is a finding that a corporation (or an affiliated group of corporations within the meaning of section 312(1)(2)) has increased the foreign production of that article while within a reasonable time before or after that increase there had been significant decreases in the production of that article (or substantially similar article) in the United States.

The conferees agreed as to the appropriateness of the fourth category added in the Senate Finance Committee report. However, they concluded that it was inappropriate to limit the application of the four exceptions referred to above where there had previously been a significant decrease in the domestic production of the article in question (or substantially similar article). The application of such a rule would be difficult to apply administratively and could result in undesirable consequences with respect to domestic consumers, where, for example, this would perpetuate a situation tending toward monopoly.

Amendment No. 10: The Senate amendment authorizes the President to continue the application of the foreign property provision of the bill, when he terminates Presidential Proclamation 4074, to any article or class of articles, or to any article or class of articles manufactured or produced in any foreign country, if he determines such action to be in the public interest.

The House recedes with an amendment. Under the conference agreement, if on or after the date of the termination of Proclamation 4074, the President determines that a foreign country maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce, he may by Executive order apply the foreign property provision of the bill to any article or class of articles manufactured or produced in such foreign country for such period as may be provided by Executive order. The trade restrictions and discriminatory acts referred to by this provision are the same as those contained in section 252(b) of the Trade Expansion Act of 1962

DEFINITION OF SECTION 38 PROPERTY

Amendment No. 11: Section 104 of the bill as passed by the House made several changes in the definition of "section 38 property", that is, property which qualifies for the investment credit. Livestock and communication satellites (as defined in section 103(3) of the Communication Satellite Act of 1962), or any interest therein, of a United States person were made eligible for the credit. The bill as passed by the House provided that property for which a taxpayer elected rapid amortization under the various provisions of the Internal Revenue Code of 1954 would not be eligible for the credit. Among these provisions where only one of the two provisions would be applicable was section 187 relating to certain coal mine safety equipment.

Senate amendment No. 11 modified some of these changes and made several additional rules. In the case of livestock, the Senate amendment provided that horses would not be eligible for the investment credit and that, if livestock was acquired to replace substantially identical livestock sold or otherwise disposed of within a period beginning 6 months before and ending 6 months after the acquisition, generally the cost of the livestock acquired would be reduced, for purposes of the investment credit, by the amount realized on the sale or disposition.

Senate amendment No. 11 also provided that coal mine safety equipment would be eligible for the investment credit as well as for rapid amortization.

The Senate amendment clarifies the provision of present law relating to storage facilities (section 48(a)(1)(B)(ii) of the Code) so as to make it clear that such provision applies only to facilities for the bulk storage of fungible commodities, including commodities in a liquid or gaseous state.

The Senate amendment extends the investment credit to coin-operated washing machines and dryers located in apartment buildings.

Under present law, property used predominantly outside the United States generally does not qualify for the investment credit. Present law and the bill as passed by the House provide a number of exceptions to this rule. Senate amendment no. 11 provides two additional exceptions. The first is for property (other than a vessel or aircraft) of a United States person which is used in international or territorial waters for the purpose of exploring for, developing, removing, or transporting resources from ocean waters or submarine deposits. The second is for any cable, manufactured in the United States, or any interest therein, of a domestic regulated telephone company (or of a wholly owned domestic subsidiary of such a company), if the cable is part of any submarine cable system which constitutes part of a communication link with the United States.

Senate amendment no. 11 makes it clear that replacement track material of a railroad that uses the retirement-replacement method of accounting for depreciation of its railroad track qualifies for the investment credit if the replacement is made under certain specified conditions or circumstances. A special limitation applies if the replacement is made as a result of a casualty.

The House recedes with amendments. Under the conference agreement, the special rule provided by the Senate amendment for replacement livestock is not to apply if the replacement is due to an involuntary conversion (including an involuntary conversion on account of disease or drought to the extent provided in section 1033 of the Code). The conference agreement restores the provision of the bill as passed by the House relating to coal mine safety equipment for which rapid amortization is elected. The conference agreement includes the provisions of the Senate amendment relating to storage facilities, coin-operated washing machines and dryers located in apartment buildings.

The conference agreement also removes the permanent requirement that submarine telephone cable, in order to be eligible for the investment credit, must be manufactured in the United States and makes it clear that the provision applies only to cables, or interests in cables, used exclusively in communication links between the United States and foreign countries. No inference is to be drawn as to the treatment of such submarine telephone cable under prior provisions relating to the investment credit, either as a result of this provision or as a result of any other provision included in this section. Finally, the conference agreement includes the portion of the Senate amendment which provides that property (other than vessels or aircraft) used to explore for, develop, remove, or transport resources from ocean waters or submarine deposits under such waters is to be eligible for the investment credit. Certain types of drilling rigs used for these purposes have, under prior rulings, been held to be eligible for the investment credit as documented vessels. No change is intended to be made in the status of such rigs.

USED PROPERTY

Amendment No. 12: Under prior law, used property qualifies for the investment credit to the extent that the cost of such property placed in service by a taxpayer in any taxable year does not exceed $50,000.

Under the bill as passed by the House, this limit was increased to $65,000, but was required to be reduced by the amount of the qualified investment in new section 38 property placed in service by the taxpayer during the taxable year.

Senate amendment No. 12 struck out this provision of the bill as passed by the House, and restored prior law.

The House recedes.

PUBLIC UTILITY PROPERTY

Amendment No. 14: Under the bill as passed by the House, public utility property (i.e., section 38 property placed in service by certain regulated companies) qualifies for only four-sevenths of the investment credit (three-sevenths under prior law). Included among the utilities subject to this limitation are regulated telephone companies and domestic telegraph companies. The bill as passed by the House extended this limitation to regulated international telegraph companies and other regulated companies providing communication services.

Senate amendment no. 14 restored international telegraph companies to their status under prior law but extended the definition of public utility property to include communication property of any taxpayer if it is of the type used by persons engaged in providing regulated telephone or microwave communication services and if the taxpayer uses the property predominantly for communication purposes.

The House recedes with an amendment. Under the conference agreement, the provisions of the Senate amendment are retained but in the case of submarine cable circuits of a regulated international telegraph company, the investment credit with regard to any circuit between the United States and a point outside the United States is to be limited to so much of the interest of the company in the circuit as does not exceed 50 percent of the total interests in the circuit.

TREATMENT OF INVESTMENT CREDIT FOR RATEMAKING PURPOSES

Amendment No. 15: The bill as passed by the House provides the following three basic elective options as to treatment of the investment credit for ratemaking purposes: (1) under the first option the credit may not be flowed through to income but may be used to reduce the rate base (provided that this rate base reduction is restored not less rapidly than ratably over the useful life of the property); (2) under the second option the credit may be flowed through to income (but not more rapidly than ratably over the useful life of the property) and there must not be any adjustment to reduce the rate base; (3) under the third option there would be no restrictions on the treatment of the credit for ratemaking purposes. All regulated companies may choose between option (1) and option (2) within 90 days after the date of the enactment of this bill. If no election is made in that time, option (1) applies. Option (3) (election of which must be made within 90 days after enactment) is to be available only with respect to property where under the accelerated depreciation rules enacted as part of the Tax Reform Act of 1969 the benefits of the credit were flowed through to the customers. If, after March 31, 1972, a company flows through to income an amount greater than that permitted under the option applicable to that company, or its rate base is adjusted by an amount greater than that permitted under its applicable option, then the company is to lose the investment credit with respect to its public utility property for all open years and all future years.

Senate amendment No. 15 adopts the basic structure of the House provision with several changes. First, it provides that a regulated company furnishing steam through a local distribution system or gas or steam by pipeline may elect to have neither flow through nor rate base adjustment where a Federal agency having ratemaking jurisdiction determines that the natural domestic supply of the product is insufficient to meet the present and future needs of the domestic economy; this election must be made within 90 days after enactment. Second, a company that elects the second option (ratable flow-through but no rate base adjustment) must use the same ratable flow through on its regulated books of account for any other purposes for which those books are used (thus, there may be no requirement that the company treat the investment credit in its reports to shareholders, or to the public, in any manner different from the manner the company treats the investment credit for ratemaking purposes). Third, ratemaking treatment of the credit must be conformed to the rules provided by the bill in the first final action taken by the regulatory agency after enactment of the bill, rather than by March 31, 1972, as provided under the House bill. Fourth, a denial of the credit under the bill because of a regulatory agency acting inconsistently with the rules of the bill will not apply to property placed in service after the agency puts into effect a determination which is consistent with the bill.

The House recedes with a clerical amendment.

LIMITATION ON CARRYOVERS AND CARRYBACKS

Amendment No. 23: When the investment credit was terminated in 1969 a limitation was imposed on the amount of carryovers and carrybacks of prior unused credits which a taxpayer could use in any taxable year after the termination. The bill as passed by the House removed this limitation for taxable years ending after December 31, 1971. The Senate amendment provides in effect that the limitation is to be removed for the portion of taxable years ending in 1971 after August 15.

The House recedes.

AVAILABILITY OF CREDIT TO CERTAIN LESSORS

Amendment No. 27: The bill as passed by the House provided that in certain cases the credit provided by section 38 of the Code is not allowed to noncorporate lessors of property. Senate amendment no. 27 makes it clear that, where the lessor is a partnership which has a corporate partner, this limitation does not deny to the corporate partner the credit which is otherwise allowable to it.

The House recedes.

CERTAIN PROPERTY LEASED FOR SHORT TERM

Amendment No. 28: Under prior law, a lessor of section 38 property could elect to "pass through" the investment credit to the lessee of the property. Senate amendment No. 28 adds a special rule applicable to a short term lease of property which is defined in the amendment as a lease for a term which is less than 80 percent of the class life of the property leased. In the case of such a lease, the Senate amendment limits the amount of the investment credit which can be passed through to the lessee to the same percentage of the credit which would be passed through under the general lease rule as the percentage which the term of the lease is of the class life of the property.

The House recedes with amendments. Under the conference agreement the special rule provided by the Senate amendment is not to apply to leases of property which have a class life of 14 years or less or to leases which are "net leases" (as defined in section 57(c)(2) of the Code).

CERTAIN PROPERTY PLACED IN SERVICE IN RURAL AREAS AND CENTRAL CITIES

Amendment No. 29: Under the bill as passed by the House, the amount of the investment credit is generally 7 percent of the qualified investment (as defined in section 46(c) of the Code). Senate amendment No. 29 provided that in the case of certain property placed in service in rural areas and central cities, the credit would be 10 percent instead of 7 percent.

The Senate recedes.

RAILROAD ROLLING STOCK

Amendment No. 30: Under present law (section 263(e) of the Code), certain expenditures incurred in connection with the rehabilitation of a unit of railroad rolling stock (except a locomotive) are treated as deductible repairs under section 162 or 212 of the Code.

Senate amendment No. 30 makes this provision elective and also in effect, permits the taxpayer to elect either this provision or the new repair allowance provision provided by the bill as passed by the House (new section 263(f) of the Code).

The House recedes.

TRANSITIONAL RULES FOR REAL PROPERTY AND SUBSIDIARY ASSETS

Amendment No. 33: The Senate amendment provides two transitional rules, one applicable to real property and the other to subsidiary assets, under the new class life depreciation system provided by the bill as passed by the House. These transitional rules are to apply to property placed in service during the period beginning January 1, 1971, and ending December 31, 1973, or if earlier the date on which class lives are subsequently prescribed by the Secretary of the Treasury or his delegate.

The House recedes.

INCREASE IN PERSONAL EXEMPTION

Amendment No. 35. Under existing law, the amount of the personal exemption is $650 for calendar year 1971, $700 for 1972, and $750 for 1973 and later years. Under the bill as passed by the House, the personal exemption would be $675 for calendar year 1971 and $750 for 1972 and subsequent taxable years.

Senate amendment No. 35 retained the $675 personal exemption for calendar year 1971, but the amount of the personal exemption for calendar year 1972 and subsequent taxable years would be $800.

The Senate recedes.

LOW INCOME ALLOWANCE

Amendments Nos. 38 and 39:

The House bill increased the low income allowance to $1,300 for calendar 1972 and subsequent years.

The Senate amendments made this change effective also for taxable years beginning in 1971.

The Senate recedes.

CERTAIN FISCAL YEAR TAXPAYERS

Amendment No. 45: Under the bill as passed by the House, section 21 of the Internal Revenue Code of 1954 was amended to provide for proration of the changes in personal exemptions made by the bill in the case of a taxpayer whose taxable year is not the calendar year.

Senate amendment No. 45 provides for both the changes in the personal exemption and the changes in the standard deduction to be prorated for these taxpayers.

The House recedes.

WITHHOLDING CHANGES

Amendment No. 47: Existing law provides a percentage withholding method for 1971, 1972, and 1973 which incorporates the personal exemption and the standard deduction provided by existing law for those years. Wage bracket withholding tables based on the percentage method are prescribed by the Secretary of the Treasury. Under existing law, there is significant underwithholding in many cases. The bill as passed by the House amended the withholding provisions to reflect changes made by the bill in the personal exemption and standard deduction and to minimize underwithholding. These changes in withholding would take effect in two stages, the first stage was to be effective with respect to wages paid after November 14, 1971, and before January 1, 1973, and the second stage with respect to wages paid after December 31, 1972.

Senate amendment No. 47 amended the withholding provisions to reflect changes made by the Senate amendments in the personal exemption and standard deduction and to minimize underwithholding. Under the Senate amendments, these changes would take effect in one stage, that is, with respect to wages paid after December 31, 1971.

The House recedes with amendments. Under the conference agreement with the withholding provisions are amended to reflect changes made by the action recommended in the accompanying conference report in the personal exemption and the standard deduction and to minimize underwithholding. Under the conference agreement, these changes are to take effect in one stage, effective with respect to wages paid after January 15, 1972.

DECLARATIONS OF ESTIMATED INCOME TAX BY INDIVIDUALS

Amendment No. 48: The bill as passed by the House would increase the income levels above which a declaration of estimated income tax by individuals is required. It would also increase the levels applicable in the case of those requirements for filing declarations which are based on final tax liability or on the amount of income from sources other than wages.

Senate amendment No. 48 would accept the House provision in this respect but would provide that it is to take effect with respect to taxable years beginning after December 31, 1971 (instead of with respect to taxable years beginning after December 31, 1972).

The House recedes.

CERTAIN EXPENSES TO ENABLE INDIVIDUAL TO BE GAINFULLY EMPLOYED

Amendment No. 49: Under existing law (section 214 of the Code) certain categories of taxpayers are allowed an itemized deduction for amounts they spend for the care of certain dependent children (under age 13) and also for incapacitated dependents where such amounts enable the taxpayer to be gainfully employed. The amount of the deduction for any taxable year is limited to $600 where there is one such dependent, or to $900 where there are two or more such dependents. Generally for married couples the amount of the deduction is reduced by the adjusted gross income in excess of $6,000.

Senate amendment no. 49 revises and broadens the existing provision by making the deduction available both for household service expenses and dependent care expenses incurred in order to permit the taxpayer to be gainfully employed. For services of these types provided in the home, a deduction for us to $400 a month is allowed. The $400 deductible amount may also consist of child care expenses outside of the home of up to $200 a month for the care of one child, $300 a month for the care of 2 children, and $400 for the care of 3 or more children.

The deduction under this provision is available for expenses for gainful employment where the taxpayer's household includes a child under age 15 who may be claimed as a dependent of the taxpayer, a disabled dependent (regardless of age), or a disabled spouse. In the case of disabled dependents, the eligible expenses are reduced by adjusted gross income and nontaxable disability payments (government or private) in excess of $750 received by the dependent; and in the case of a disabled spouse, by disability payments. For married couples, the deduction is fully available where their combined annual adjusted gross income is not above $18,000. For those with incomes above this amount the otherwise allowable deduction is reduced 50 cents for each dollar of income above $18,000. The deduction is available whether or not the taxpayer takes the standard deduction.

The House recedes with an amendment. The conference agreement essentially retains the Senate amendment. However, the deduction may be taken only as an itemized deduction and the $18,000 income limit, above which the allowable deduction is reduced, is made applicable to unmarried as well as married taxpayers. In addition, the conference agreement clarifies the fact that a deduction is allowed only for expenses incurred to enable a taxpayer to be employed on a substantially full-time basis (employed for three-quarters or more of the normal or customary work week or the equivalent during the month).

The conference agreement also makes it clear that a taxpayer maintains a household for any period, only if he furnishes over half the cost of maintaining the household during such period.

The requirement that the expenses be incurred to enable the taxpayer to be gainfully employed is not intended to include amounts paid to an individual who is employed, for example, predominantly as a gardener, bartender, or chauffeur.

In the case of the reduction of otherwise allowable deductions by the adjusted gross income or disability payments received by a dependent, the expenses to be offset are only those expenses solely attributable to the disability of the dependent and are not to include the household service expenses which would be allowable in the absence of such dependent.

In these cases, the adjusted gross income and disability payments received by the dependent are applied first against any expenses incurred on his behalf in excess of the $400-a-month limit. Then any remaining payment received is applied against the expenses coming within the $400-a-month limit. Next the reduction for adjusted gross income in excess of $18,000 is applied. Adjusted gross income in excess of $18,000 in the taxable year reduces the amount of eligible expenses incurred (after the imposition of the $400-a-month limit) by 50 cents for each dollar of adjusted gross income over $18,000.

For purposes of the reduction for adjusted gross income in excess of $18,000, expenses incurred during any month (regardless of when paid) are to be compared to the adjusted gross income properly allocable to such period. Generally, the period for this purpose will be the taxable year, but allocations to shorter periods (such as a month) may be necessary where there is, for example, a change in marital status.

Married taxpayers must file a joint return in order to be eligible for the deduction (except for a taxpayer who would not be considered to be married under section 143(b) (1) (relating to certain married individuals living apart) if such section referred to any dependent instead of only to a child). In the case of individuals whose marital status changes during the year, the availability of the deduction is determined with regard to the eligible expenses incurred and the income earned by each spouse during the period of each marital status in a manner similar to present regulations.

LEVIES ON SALARIES AND WAGES

Amendment No. 50: Senate amendment numbered 50 added a new subsection (d) to section 6331 of the Code (relating to levy and distraint) providing that levy may be made on the salary or wages of an individual under section 6331(a) of the Code only after the Secretary of the Treasury or his delegate has notified the individual of his intention to make such levy.

The House recedes with a substitute for the Senate amendment which adopts the substance of the Senate amendment but makes clarifying changes.

UNEARNED INCOME OF CERTAIN TAXPAYERS

Amendment No. 51: Under the bill as passed by the House, certain income of a trust required to be included in the gross income of a beneficiary of the trust was to be disregarded in computing the percentage standard deduction. In addition the sum of the personal exemptions and standard deduction of the taxpayer could not exceed the adjusted gross income computed without regard to such income of the trust.

The Senate amendment provides that in the case of a taxpayer who is dependent of another taxpayer, the percentage standard deduction is computed only with reference to his earned income and the low income allowance is not to exceed his earned income.

The House recedes.

LIMITATIONS ON CARRYOVERS OF UNUSED CREDITS

Amendments Nos. 54 and 55: The bill as passed by the House provides that in certain corporate reorganizations the rules of present law relating to carryover of net operating losses shall also apply to unused investment credits, unused foreign tax credits, and unused net capital losses. Senate amendment No. 54 applies this provision to unused work incentive program credits (added by section 601 of the bill). Under the bill as passed by the House, the new provision would apply to reorganizations and other changes in ownership occurring after the date of the enactment of the bill.

Senate amendment No. 55 limits the application of this new provision to reorganizations and other changes in ownership pursuant to a plan of reorganization or contract entered into on or after September 29, 1971.

The House recedes.

DEFINITION OF NET LEASE; EXCESS INVESTMENT INTEREST

Amendment No. 56: The bill as passed by the House clarified the definition of a net lease for purposes of the minimum tax on tax preferences and for the limitation of the deductibility of excess investment interest. Under present law, a lease is a net lease for these purposes if the trade or business deductions arising with respect to the property leased are less than 15 percent of the rental income produced by the property.

The bill as passed by the House also restricted the business deductions taken into account for this purpose to deductions of the lessor other than deductions for rents or reimbursed expenses with respect to the leased property.

Senate amendment no. 56 incorporates these changes and makes two additional changes in the definition of a net lease. The first change permits taxpayers to aggregate all leases on a single parcel of real property and treat the leases as a single lease for purposes of determining whether in the aggregate the real property is subject to a net lease under the 15 percent rule. The second permits a taxpayer to disregard real property improvements which are more than 5 years old for purposes of determining whether the property is subject to a net lease under the 15 percent rule described above. In addition, the Senate amendment provides that the amount of excess investment interest subject to the minimum tax or subject to disallowance under section 163 of the Code is to be reduced by the amount of any "out-of-pocket losses" of the taxpayer incurred with respect to the leased property. These losses are, in general, the amount by which the deductions for business (or investment) expenses, interest, and property taxes exceed the gross rental income from the property.

The House recedes.

CAPITAL GAIN DISTRIBUTIONS OF CERTAIN TRUSTS

Amendment No. 58: This Senate amendment postpones for one year the application of the capital gain distributions rule enacted by the Tax Reform Act of 1969 in the case of certain accumulation trusts in existence on December 31, 1969.

The House recedes.

WESTERN HEMISPHERE TRADE CORPORATIONS

Amendment No. 59: The bill as passed by the House provided that in determining whether a corporation qualified for the special Western Hemisphere Trade Corporation treatment of the Code, income derived from sources within the Virgin Islands of the United States would not be taken into account.

The Senate amendment provides that for purposes of the income tax law of the Virgin Islands of the United States, the Western Hemisphere Trade Corporation provisions of the Internal Revenue Code will be treated as having been repealed.

The House recedes.

CAPITAL GAINS AND STOCK OPTIONS

Amendment No. 60: Under present law stock options and capital gains derived from sources outside of the United States are not subject to the minimum tax for tax preferences if the foreign country in which the transaction occurs does not give preferential treatment under its tax laws. The bill as passed by the House provides that, for purpose of applying this provision, preferential treatment is accorded if the foreign country imposes no significant amount of tax with respect to the transaction. Under the bill as passed by the House, this new provision is to apply to taxable years beginning after December 31, 1969 (the effective date of the minimum tax for tax preferences). The Senate amendment provided that this new provision would only apply to transactions occurring after June 24, 1971.

The Senate recedes.

BRIBES, KICKBACKS, MEDICAL REFERRAL PAYMENTS, ETC.

Amendment No. 61: Under present law (section 162(c)(2) of the Code as amended by the Tax Reform Act of 1969) a deduction is denied for a payment which is an illegal bribe or kickback if the individual making the payment is convicted or enters a plea of guilty or nolo contendere, in a criminal proceeding. Present law also contains a special provision under which the statute of limitations for assessing deficiencies may be extended in these cases.

Senate amendment no. 61 denies a deduction for any payment which is an illegal bribe, illegal kickback, or other illegal payment under any law of the United States, or any State law which is generally enforced, if the applicable law subjects the payor to a criminal penalty or the loss of license or privilege to engage in a trade or business. For this purpose, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

The Senate amendment also amended titles XVIII and XIX of the Social Security Act to provide criminal penalties for kickbacks, bribes, and rebates made in connection with the furnishing of items or services to individuals for which payment is made under those titles (or is made out of Federal funds under a State plan approved under those titles).

The House recedes with amendments. Under the conference agreement, the provisions of the Senate amendment relating to illegal bribes, illegal kickbacks, and other illegal payments are retained but the burden of proof in respect of the issue as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment within the meaning of the Senate amendment is to be upon the Secretary of the Treasury or his delegate to the same extent as he bears the burden of proof under section 7454 of the Code, relating to fraud. The conference agreement eliminates the provision under which the statute of limitation for assessing deficiencies may be extended in these cases.

Also under the conference agreement, a deduction will be disallowed for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if the kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receiving of such payments. For this purpose, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

Under the Senate amendment, the changes made with respect to illegal bribes, illegal kickbacks, and illegal payments apply with respect to payments made after December 30, 1969. The conference agreement retains this effective date but provides that the provision relating to kickbacks, rebates, and bribes under the Social Security Act is to apply only with respect to payments made on or after the date of enactment of the bill.

ACTIVITIES NOT ENGAGED IN FOR PROFIT

Amendment No. 62: Under present law, in determining whether or not an activity is engaged in for profit for purposes of applying section 183 of the Code (added by the Tax Reform Act of 1969), there is a rebuttable presumption that an activity is engaged in for profit for a taxable year if there is a profit in the activity in two taxable years out of the five taxable years ending with the taxable year in question (in the case of breeding, training, showing, or racing horses, the period is 7 taxable years). This Senate amendment applies this presumption, in the case of a new activity, by using a 5 (or 7) taxable year period beginning with the year in which the taxpayer first engages in an activity. For this purpose, a taxpayer is treated as not having engaged in any activity before 1970.

The House recedes.

CERTAIN DISTRIBUTIONS TO FOREIGN CORPORATIONS

Amendment No. 63: This Senate amendment provides that, in the case of a distribution of property to a foreign corporation (if the amount received is not effectively connected with the conduct by the recipient of a trade or business within the United States), the amount of the distribution is the fair market value of the property.

The House recedes.

ORIGINAL ISSUE DISCOUNT

Amendment No. 64: This Senate amendment provides special rules for taxing (and withholding tax on) original issue discount in the case of nonresident aliens and foreign corporations if the income is not effectively connected with the conduct of a trade or business within the United States.

Neither the Senate amendment nor the report of the Senate Finance Committee is intended to imply how bonds held for six months or less are treated for tax purposes when held by United States persons.

The House recedes with technical and clerical amendments.

FOREIGN BENEFICIARIES OF ESTATES, TRUSTS AND REAL ESTATE INVESTMENT TRUSTS

Amendment No. 65: This Senate amendment provided special rules for taxing (and withholding tax on) certain income of nonresident aliens and foreign corporations from domestic estates, trusts, and real estate investment trusts which have income from property subject to depreciation, depletion, or amortization. The conferees concluded that this provision needed further study.

The Senate recedes.

INCOME FROM CERTAIN VESSELS AND AIRCRAFT

Amendment No. 66: This amendment provides that, if a taxpayer leases a domestically produced aircraft or vessel described in the Senate amendment to a United States person, he may elect to treat income derived with respect to the aircraft or vessel as income derived from sources within the United States. Such an election is to be irrevocable, unless the Secretary of the Treasury or his delegate consents to a revocation, and applies to all income with respect to the aircraft or vessel, including gain on its sale or disposition.

The House recedes with an amendment which incorporates the provisions of the Senate amendment with technical and clarifying changes. Some of these changes are designed to insure that, where an election is made, both the income as well as the losses from any such aircraft or vessel are treated as being from United States sources. The conferees indicated that if it should develop that taxpayers attempt to achieve United States source treatment for losses but foreign source treatment for income or gains, corrective measures will be considered.

INDUSTRIAL DEVELOPMENT BONDS

Amendment No. 67: Under present law, certain small issues of industrial development bonds are exempted from the rule which provides that industrial development bonds are not obligations the interest on which is excluded from tax. Generally, these are issues of $1,000,000 or less, but under certain conditions, can be as much as $5,000,000. Senate amendment no. 67 increased the $1,000,000 limit to $5,000,000, and eliminated the special provisions for issues of $5,000,000 or less.

Also present law exempts obligation issues for certain specified purposes from the industrial development bond rule. One of the specified purposes is facilities for the local furnishing of water. Senate amendment no. 67 eliminates the requirement that water facilities must be local and provides an exemption for facilities for the furnishing of water if the facilities are available on reasonable demand to members of the general public.

The House recedes with amendments. The conference agreement retains the provisions of the Senate amendment relating to facilities for the furnishing of water. The conference agreement retains the provisions of existing law with respect to the dollar limits (both the $1,000,000 and $5,000,000 limits) on small issues which are exempt from the industrial development bond rule, but increases from $250,000 to $1,000,000 the amount of expenditures which may be disregarded in applying the conditions relating to issues of $5,000,000 or less where the expenditures are required by circumstances which could not be reasonably foreseen or arise out of mistake of law or fact. Included in these expenditures are expenditures necessitated by erroneous cost estimates, by increases in costs due to inflation, strikes, delays, or architectural modifications but not increases due to expansions.

EXPENSES FOR HIGHER EDUCATION

Amendment No. 68: This Senate amendment provided an income tax credit (not exceeding $325) for certain expenses incurred by a taxpayer in providing an education above the 12th grade for himself or any other individual.

The Senate recedes.

DISCLOSURE OF INFORMATION BY PREPARERS OF INCOME TAX RETURNS

Amendment No. 69: This Senate amendment required a person who prepares an income tax return or declaration of estimated tax (other than his own return or declaration) to declare under penalty of perjury either (1) that he will not use, or make available to any other person, information furnished to him to prepare the return or declaration, or (2) that he has obtained the consent of the taxpayer to use, or make available, such information. The Senate amendment also provided a criminal penalty if any preparer used, or made available, any information furnished for the preparation of a return or declaration unless the taxpayer concerned had consented thereto.

The House recedes with an amendment. Under the conference agreement, a criminal penalty is provided if a person engaged in the business of preparing returns and declarations (or who does so for compensation), or in providing services in connection with the preparations of returns and declarations, discloses any information furnished to him for the preparation of a return or declaration or uses any such information other than for the preparation of such return or declaration.

This provision does not apply to certain specified cases, such as, use of information to prepare State tax returns and disclosures required by the Internal Revenue Code or by court order.

Under the conference agreement this provision is to become effective on the first day of the first month which begins after enactment of the bill.

PROPERTY TAX CREDIT FOR THE ELDERLY

Amendment No. 70. This Senate amendment provided an income tax credit (not exceeding $300) for real property taxes, and rent treated as real property taxes, paid by individuals age 65 or over whose income does not exceed $6,500.

The Senate recedes.

ADDITIONAL EXEMPTION FOR DISABILITY

Amendment No. 71: This Senate amendment provided an additional personal exemption for a taxpayer who is disabled and for a spouse who is disabled.

The Senate recedes.

SELF-PROPELLED OIL WELL SERVICE OR DRILLING EQUIPMENT VEHICLES AND MOTOR OPERATED CRANES

Amendment No. 72: This Senate amendment exempted from the highway use tax certain self-propelled oil well service or drilling equipment and motor-operated cranes.

The Senate recedes.

DEPOSIT OF EMPLOYMENT TAXES BY SMALL EMPLOYERS

Amendment No. 73: This Senate amendment provided that employers of 50 or less individuals would be required to pay or deposit only one time each quarter certain taxes imposed or deducted and withheld under subtitle C of the Code.

The Senate recedes.

BUDGET INFORMATION WITH RESPECT TO REVENUE LOSSES AND INDIRECT EXPENDITURES

Amendment No. 74: The Senate amendment amends the budget and accounting act to require the budget submitted by the President (or special analyses presented with the budget) to contain estimates of losses in revenue from provisions of the Federal income tax laws and also estimates of indirect expenditures through the operation of Federal tax laws.

The conferees concluded that it would be more appropriate to have such estimates of tax expenditures made by the Treasury Department and to have the estimates submitted annually to the Committee on Ways and Means of the House, the Committee on Finance of the Senate and the Joint Committee on Internal Revenue Taxation. It is expected that these tax expenditure reports to the tax committees will initially be modeled after similar reports previously made and included in the Annual Reports of the Secretary of the Treasury in 1968 and 1970. Modifications may, of course, be made from time to time in consultation with the tax committees. In addition to making these reports to the tax committees on an annual basis, the Treasury Department may desire to include these data on tax expenditures in the annual report of the Secretary of the Treasury. The Treasury Department has indicated its willingness to submit information to the tax committees in the manner indicated above and as a result the amendment no longer appears necessary.

The Senate recedes.

REPEAL OR SUSPENSION OF EXCISE TAX ON PASSENGER AUTOMOBILES, ETC.

Amendments Nos. 75 through 84: The House bill repealed the 7-percent excise tax on domestic and imported passenger automobiles, the 10-percent tax on domestic and imported light-duty trucks and buses of 10,000 pounds or less (gross vehicle weight), and the 7-percent tax on domestic and imported automobile trailers and semitrailers. In addition, it provided (in accordance with specified standards and procedures) for refunds of the excise tax paid by consumers purchasing passenger automobiles (or related articles) after August 15 or light-duty trucks or buses (or related articles) after September 22, 1971. Finally, it provided that any use tax paid by a manufacturer or importer with respect to an automobile or light-duty truck after the specified date is to be treated as an overpayment.

The Senate amendments followed the provisions of the House bill in most respects insofar as domestic vehicles are concerned, although they also repealed the tax on domestic truck trailers and semitrailers of 10,000 pounds or less which are suitable for use with light-duty trucks, the tax on domestic buses to be used predominantly in urban mass transportation service, and the tax on domestic containers to be used in conjunction with trucks for solid waste disposal. With respect to imported vehicles, however, the Senate amendments suspended rather than repealed these taxes, authorizing the President to reimpose them on a country-by-country basis (subject to the existing law phaseout) after considering whether the country involved restricts the sale or use therein of domestically manufactured vehicles.

As to consumer purchase refunds (and the treatment of use tax payments as overpayments) the Senate amendments followed the provisions of the House bill, except that with respect to light-duty trucks it changed from September 22 to August 15 the date after which a purchase (or use) will give rise to such a refund (or to such treatment).

In addition, the Senate amendments added to the House bill new provisions (1) subjecting to ta. the original tires and tubes on imported vehicles, (2) requiring the Treasury Department to assure that the benefit of these repeals and suspensions will be passed on to consumers, and (3) transferring 7 percent of alcohol tax receipts to the Highway Trust Fund to compensate it for the revenues lost by these repeals and suspensions.

The conference agreement follows the House bill in repealing the taxes to which that bill relates (rather than repealing them in the case of domestic vehicles but only suspending them in the case of imported vehicles), and also repeals the taxes on the additional types of vehicles and related items included in the Senate amendments—trailers and semitrailers of 10,000 pounds or less which are suitable for use with light-duty trucks, urban mass transit buses, and containers for use in conjunction with trucks for solid waste disposal (specifically limiting the repeal in this case to *trash* containers for such use). It also follows the House bill in specifying the effective date of the repeal (September 23 for light-duty trucks and August 16 for passenger automobiles) for purposes of determining whether a person purchasing a vehicle or related article before the date of enactment is entitled to a refund of the tax paid and whether use taxes paid with respect to a vehicle before such date will be treated as an overpayment. Only "new" vehicles will qualify for consumer purchase (or floor stocks) refunds; and the conferees anticipate that the test of newness will be found to have been met in the case of any vehicle (other than one being resold) if (1) it is covered by a full manufacturer's warranty or more than 50 percent of the time and mileage of the manufacturer's warranty is unexpired on the day of the sale (or on the effective date of the repeal for purposes of floor stocks refunds) and (2) in the case of passenger automobiles, it has attached to it on that day the "new car label" required by the Automobile Information Disclosure Act of 1958.

The conference agreement includes the provision from the Senate amendment which subjects to tax (with the proceeds going into the Highway Trust Fund) the original tires and tubes on imported vehicles. It omits the Senate language specifically requiring the Treasury Department to issue regulations to assure that the benefits of the repeals are actually passed on to the ultimate consumers. However, this was done with the understanding that the Department is to exercise all possible diligence and surveillance to see that these benefits are in fact passed on, and that the Council on Economic Advisers is to review vehicle prices and report periodically to Congress regarding the extent to which the tax reduction is in fact being passed on. The Committees on Ways and Means and Finance will follow these reports in considering whether they should reimpose this tax. Finally, it omits the Senate language transferring alcohol tax receipts to the Highway Trust Fund.

CREDIT AGAINST TAX ON COIN-OPERATED GAMING DEVICES

Amendment No. 85: The Senate amendment added to the House bill a new provision allowing a credit against the Federal occupational tax on coin-operated gaming devices (up to a maximum of 80 percent of such tax) for similar State taxes imposed on legal gaming devices, but only where the State is imposing such tax (or a similar tax) on the date of enactment. Provision is included for prepayment of the Federal tax as reduced by the estimated amount of the new credit.

The conference agreement includes this provision, except that it omits the requirement of the Senate amendment that the tax (or a similar tax) be in effect in a State on the date of enactment of the bill in order to qualify for the new credit.

DOMESTIC INTERNATIONAL SALES CORPORATION

Amendments No. 86, 93, 106, and 116: The Senate amendments provide that the tax deferral made available under the bill with respect to the export-related profits of a DISC is to apply only to profits for taxable years beginning before January 1, 1977.

The Senate recedes.

Amendment No. 88: The Senate amendment provides that receipts by a corporation from a DISC which is a member of the same controlled group will not be treated as qualified export receipts.

The House recedes.

Amendments 89 and 90: The House bill provided that the term "controlled group" is to have the meaning given the term in section 1563(a) except that a 50 percent rather than an 80 percent test of ownership is to apply. The Senate bill broadened the definition by providing that section 1563(b) shall not apply. This has the effect removing limitations which would otherwise have excluded exempt organizations, foreign corporations, insurance companies and franchised corporations.

The House recedes.

Amendments No. 91 and 92: The House bill provided that export promotion expenses for purposes of applying the intercompany pricing rules include one-half of the cost of shipping export property aboard ships documented under the laws of the United States in those cases where law or regulations do not require that the property be so shipped.

The Senate amendments extend this rule to apply also to the cost of shipping export property aboard airplanes owned and operated by United States persons.

The House recedes.

Amendments No. 94, 95, and 96: Under the bill as passed by the House, it was provided that a DISC's export-related profits would not be subject to current taxation only to the extent the profits were attributable to exports of the controlled group of corporations of which the DISC was a member in excess of 75 percent of the average exports of that group for the years 1968, 1969, and 1970.

The Senate amendments deleted these provisions of the House bill and instead provided that 50 percent of a DISC's export-related profits would be subject to current taxation.

The House recedes.

In the situation where minerals of a taxpayer are sold by a related DISC on a commission basis, the conferees believe that to effectuate the purpose of the DISC provisions of the bill, the taxpayer should not be placed in any different position than if it had directly made the sale for purposes of determining its "taxable income from the property" for percentage depletion purposes. In other words it is intended that in this case the Treasury Department under its broad regulatory authority in this area will provide that the taxpayer is not required to deduct the amount of the commissions paid to the DISC to the extent they exceed the selling expenses of the DISC. Actual or deemed distributions from a DISC, however, are not to be considered "taxable income from the property."

Amendments No. 97, 98, 101, 102, 103 and 104: Under the bill as passed by the House, a DISC's tax-deferred income could be loaned to a United States manufacturer producing for export without causing the income to become taxable if certain requirements were satisfied. A qualifying loan is referred to as a producer's loan.

The Senate amendments provide generally for the termination of tax-deferral on DISC profits which are the subject of a producer's loan if the profits are considered to be invested in foreign plant or equipment. The amount considered invested in this manner generally is the net increase in foreign assets of members of the same controlled group as the DISC, but not more than the smaller of the actual amount transferred abroad by the domestic members or the outstanding amount of producer's loans to these members. The net increase in foreign assets would be the gross amount of assets (described in section 1231(b) of the Internal Revenue Code of 1954) located outside the United States acquired by members of the group in taxable years beginning after December 31, 1971, reduced by specified amounts of foreign funds attributable to periods after that date.

The House recedes with an amendment. The conference agreement follows the Senate amendments and in addition specifies two additional amounts which may be used to offset a controlled group's gross increases in foreign assets for purposes of determining the group's net increase in foreign assets. The first amount is the excess of the amount of stock or debt obligations issued by domestic members of the group on or after January 1, 1968, to unaffiliated foreign persons and outstanding on December 31, 1971, over the net amount of funds transferred by domestic members of the group to foreign members of the group (or foreign branches of domestic members) during the period the stock or debt was outstanding. This excess amount may be taken into account, however, only to the extent the taxpayer establishes that the foreign borrowing (i.e. the issuance of the stock or debt obligations) constitutes a long-term foreign borrowing for purposes of the foreign direct investment program administered by the Office of Foreign Direct Investment of the Department of Commerce. It is intended that a taxpayer ordinarily should establish that a foreign borrowing constitutes a qualified long-term foreign borrowing for this purpose by demonstrating that appropriate reports were filed with the Office of Foreign Direct Investment with respect to the foreign borrowing.

The second amount which under the conference agreement may be taken into account in determining a group's net increase in foreign assets is the amount of liquid assets held by foreign members of the group (and foreign branches of domestic members) on October 31, 1971, in excess of the reasonable working capital needs of such foreign members and foreign branches on that date. For this purpose, "liquid assets" includes only money, bank deposits (other than time deposits) and indebtedness which when acquired had a maturity of 2 years or less.

Amendment No. 111: The Senate amendment provides that a foreign corporation which fails to qualify as an export trade corporation because it fails to meet the 75 percent export receipts requirement may, if it has a substantial export business, transfer its assets to a DISC without any gain or loss, or immediate tax consequences, resulting to any of the parties involved.

The House recedes with an amendment.

Under the conference agreement it is provided that a foreign corporation which qualified as an export trade corporation for any three taxable years beginning before November 1, 1971, will be treated as an export trade corporation for purposes of the provision which allows a foreign corporation to transfer its assets to a DISC without tax consequences.

Amendment No. 113: The House bill repealed the export trade corporation provisions for taxable years beginning after December 31, 1975. The Senate amendment did not repeal these provisions but provided that a corporation which was not an export trade corporation for a taxable year beginning before November 1, 1971, would not be eligible for treatment as an export trade corporation for taxable years beginning on or after that date.

The House recedes with an amendment.

The conference agreement retains the provisions of the Senate amendment but also provides that a corporation which fails to qualify as an export trade corporation for any period of 3 consecutive years beginning after October 31, 1971, may not again be eligible for treatment as an export trade corporation.

Amendment No. 117: The Senate amendment provides that the President will furnish a report to Congress before December 31, 1975, on the effect tax structures and practices of the United States and foreign nations have on the establishment of manufacturing facilities in those countries and on the competitiveness of U.S. exports.

The Senate recedes. The conferees intend, however, that the President should furnish a comprehensive report of the type described in the Senate amendment to the Congress by February 1, 1973, and every three years thereafter.

PROTECTION OF BALANCE OF PAYMENTS

Amendment No. 121: This Senate amendment added a new title to the bill which conferred authority on the President to impose quotas and import surcharges on articles imported into the United States during a balance of payments emergency period (as defined in the amendment). The Senate amendment also directed the Secretary of the Treasury to exempt from the import surcharge piston-type internal combustion engines to be installed in snowmobiles.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

The conferees noted that the imposition of the surcharge on internal combustion engines to be installed in snowmobiles serves to emphasize the way in which the U.S.-Canadian Auto Products Agreement is, in practice, achieving unreciprocal results. Further, the conferees noted that an agreement providing ostensibly for free trade in automotive products ordinarily would not be expected to cover the tariff treatment of an article such as snowmobiles. In view of the fact, however, that the U.S.-Canadian Auto Products Agreement as implemented by the Automotive Products Trade Act provides for the duty-free treatment of snowmobiles from Canada, the conferees urge that the Secretary of the Treasury give full consideration to the competitive position of domestic manufacturers of snowmobiles by providing an exemption from the additional duty proclaimed by the President on August 15 for engines imported for installation in snowmobiles.

JOB DEVELOPMENT RELATED TO WORK INCENTIVE PROGRAM

Amendment No. 122: This amendment added a new title to the bill which provides an income tax credit for certain expenses incurred in the work incentive program. The amendment also contained a series of amendments to title IV of the Social Security Act designed to improve the work incentive program provided by present law. This portion of the amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

Under the portion of the Senate amendment which provides the tax credit, an employer who employs an individual whom the Secretary of Labor certifies as having been placed in employment under a work incentive (WIN) program established under section 432(b)(1) of the Social Security Act will be allowed an income tax credit equal to 20 percent of the wages paid to the employee during the first 12 months of his employment (whether or not such months are consecutive). The amount of credit which can be used in any taxable year is subject to limits similar to those applicable to the investment credit, and provision is made for carryback and carryover of unused credits similar to the carryback and carryover provisions of the investment credit.

Under the Senate amendment, an employer must retain a WIN program employee for at least 1 year after the completion of 12 months of employment, unless the employee leaves his employment voluntarily or becomes disabled. In the event of any other termination of employment of such an employee within the prescribed period, no credit is allowed for wages paid to that employee and any credit which has been allowed in a prior year for wages paid to that employee is recaptured.

The Senate amendment requires that, in order to be eligible for the credit, the wages paid to a WIN program employee must be incurred in a trade or business in the United States. No credit is allowable for wages paid to an employee who is related to the taxpayer.

The House recedes with amendments. Under the conference agreement, an employer is not to lose the credit for wages paid to a WIN program employee whose employment is terminated, if it determined under the State unemployment compensation law that the termination was due to the employee's misconduct. The credit is to be allowed with respect to any WIN program employee only if the Secretary of Labor certifies that his employment did not displace another individual from employment. The conference agreement makes it clear that the credit is to be allowed only for wages paid in cash. In addition, the conference agreement requires that the wages paid to a WIN program employee must be equal to wages paid non-WIN program employees of the employer performing comparable service.

EMERGENCY UNEMPLOYMENT COMPENSATION

Amendment No. 123: The Senate amendment added a new title to the bill which provided for the payment, under Federal-State agreements, of emergency unemployment compensation for up to 26 weeks to unemployed individuals who have exhausted their entitlement to both regular unemployment compensation and unemployment compensation payable pursuant to the Federal-State Extended Unemployment Compensation Act of 1970. In order for a State to be eligible to enter into such an agreement, the State law of such State must provide for the payment of extended compensation in accordance with the Federal-State Extended Unemployment Compensation Act of 1970. Emergency benefits would be payable only during periods of high unemployment, as determined under a formula prescribed in the amendment. The cost of providing emergency compensation would be financed entirely from Federal funds until June 30, 1973, and thereafter the financing would be 80 percent Federal and 20 percent State.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE; FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Amendment No. 124: This amendment adds two new titles to the House bill. The first of the new titles will allow an individual a credit against income tax for one-half of the political contributions made during a taxable year, with a maximum credit of $25 in the case of a joint return of husband and wife, and a maximum credit of $12.50 in the case of the return of a single person (or married person filing separately). The political contribution can be to a candidate for election to a Federal, state, or local office, in a primary, general, or special election, or it can be made to a political committee. In lieu of the credit, a taxpayer will be allowed to deduct from adjusted gross income the amount of political contributions made during the taxable year, except that the deduction in the case of a joint return cannot exceed $100, and in the case of the return of a single person (or a married person filing separately), the deduction cannot exceed $50. These provisions for a credit or deduction apply only to political contributions made after December 31, 1971.

The second of the new titles added to the bill by the Senate amendment provides public financing as an alternative way of financing the general election campaigns of Presidential and Vice Presidential candidates. Under the amendment, the candidates of each major party would be entitled to public financing in an amount equal to 15¢ multiplied by the number of residents in the United States who are age 18 years old or older as of the first day of June of the year preceding the presidential election. A major party is a party which in the preceding presidential election received 25 percent or more of the total number of popular votes received by all candidates for President in that election. A minor party (one that received more than 5 percent but less than 25 percent of the popular vote in the preceding presidential election) would be eligible to receive that percentage of the entitlement of a major party which the minor party vote in the preceding presidential election is of the average vote received by the two major parties in that election.

Under the Senate amendment, a new party can share in public financing after the election if it obtains more than 5 percent of the popular vote in the election. The new party would receive that percentage of the entitlement of a major party which the new party's vote in the current election is of the average number of popular votes received in that election by the major parties. Under this provision, a minor party can increase its basic entitlement if its proportion of votes in the current election exceeds its proportion of votes in the preceding presidential election.

Public financing is provided, under the Senate amendment, by a so-called check-off system, starting with income tax returns for the calendar year 1971. Under this system, an individual can designate that $1 of his tax liability be set aside in a special account in the Presidential Election Campaign Fund for the candidates of a political party specified by the taxpayer. Alternatively, the taxpayer can direct that the $1 will be set aside in a non-partisan general account in the fund. In the case of a joint return having a tax liability of $2 or more, each spouse may designate that $1 is to be paid into an account. If no designation is made, nothing would be set aside in any account by reason of the filing of the tax return.

If the candidates of a political party elect public financing, payments to the candidates can be made only out of the special account designated for that party. If at the beginning of the campaign period there is insufficient money in any account to satisfy the entitlement of the party, the money in the non-partisan general account will be allocated to all the special accounts in the ratio of the balances in those accounts. However, under the Senate amendment, no amount could be allocated to a special account in an amount greater than the smallest amount needed by a major party to bring it up to its entitlement.

If a major party elects public financing, it cannot spend on the general campaign more than its entitlement (15¢ times the number of residents of the United States who are 18 years old or older in the preceding year); and it cannot accept contributions for the general campaign if there is sufficient money in its special account to pay its full entitlement. If there is a deficiency in the account, contributions can be accepted but only to the extent of the deficit.

A minor party or a new party can accept contributions from private sources, but it must agree that it will not spend more in the general campaign than the amount of the entitlement of a major party, and that it will return campaign contributions to the extent they exceed the campaign expenses not covered by public financing.

Public financing provides funds for expenditures related to the campaign period (and establishes limits on total expenditures for such period) beginning with the date on which the first major party nominates its candidate for President and ending on the date 30 days after the election. The Comptroller General will certify the amount payable out of the accounts to the eligible candidates (candidates who elect public financing).

Candidates for President and Vice President (whether or not they have elected public financing) are required to furnish the Comptroller General, from time to time during the general campaign, with a statement of the amount spent—and proposed to be spent—on the campaign. The Comptroller General is required to publish in the Federal Register a summary of these expenses. These expenditure reports include the amounts spent by committees authorized or recognized by candidates whether or not eligible candidates.

The eligible candidates are to file with the Comptroller General a list of committees who are authorized to spend money on their behalf. It would be unlawful for any individual, or for any committee which is not an authorized committee, to spend more than $1,000 during the general campaign on behalf of the candidacy of the eligible candidates of a party.

A Presidential Election Campaign Fund Advisory Board is created to assist the Comptroller General in performing his duties.

Criminal penalties are provided for willful violations constituting prohibited transactions.

The House recedes with amendments. In the case of the provisions allowing a credit or deduction for political contributions, the Senate provision is adopted with only clerical amendments. With respect to the public financing of Presidential campaigns, the House accepts the Senate provision with clerical and technical amendments and with the following changes:

(1) The Senate amendment would have applied to the 1972 presidential campaign. Under the conference agreement, the provision will take effect on January 1, 1973, so the first election to which it will apply will be the 1976 presidential election.

(2) Under the Senate amendment the check-off system commences with income tax returns filed for the calendar year 1971. Under the conference agreement, the check-off system will apply only to tax returns filed for the calendar year 1972 and subsequent taxable years.

(3) The Senate amendment provided an automatic appropriation to the Presidential Election Campaign Fund of the amounts checked off by taxpayers. Under the conference agreement, the payments into the fund will be made only as provided by appropriation Acts, in amounts not in excess of the amounts checked off in tax returns.

(4) In lieu of the Senate provision for transfer of moneys in the fund from the non-partisan general account to the separate accounts, the conference agreement provides for the transfer, on the 60th day before the election, of not more than 80 percent of the moneys in the general account, based upon the entitlement at that time of the major parties and the minor parties. No amount, however, can be transferred to a special account which would bring the moneys in that account above the entitlement of the candidates to which such account relates. If the moneys in any separate account are insufficient at the end of the expenditure report period (30 days after the election) to satisfy any unpaid entitlement of the eligible candidates to which the account relates, the balance in the general account will be transferred to the separate accounts in accordance with the popular votes received by the parties in the current election.

(5) The conference agreement eliminates the provision in the Senate amendment that made it a criminal penalty for an "individual" to spend more than $1,000 on behalf of eligible candidates in the presidential election unless he was authorized by the candidate to make such expenditures. In addition, it was made clear that the prohibition against expenditures in excess of $1,000 by organizations which are not authorized committees does not apply to broadcasting organizations or newspapers (or other periodicals) in reporting the news or editorial opinions, or to tax-exempt organizations reporting to their members the views of the organization with respect to Presidential candidates.

(6) The conference agreement also adds a provision to allow the Comptroller General or other interested parties to bring court actions in order to implement or construe the new provisions. For this purpose the Comptroller General is authorized to employ his own legal counsel. Because the provisions of this title will have a direct and immediate

effect on the actions of individuals, organizations, and political parties with respect to the financing of campaigns for the offices of President and Vice President of the United States, these individuals, organizations, and political parties must know whether major and minor parties may expect to receive financing under the provisions of this title or whether political parties and others should continue to solicit, and individuals, organizations, and others should continue to make, contributions to provide such financing. Accordingly, the conference agreement makes provision for expeditious disposition of legal proceedings brought with respect to these provisions. The agreement provides for actions involving these provisions to be brought before a three-judge district court, to be expeditiously tried, and for appeals from decisions of that court to go directly to the Supreme Court.

FEDERAL IMPOUNDMENT INFORMATION

Amendment No. 125: This Senate amendment added a new title to the bill which required the President to transmit reports to the Congress and the Comptroller General containing certain information whenever any appropriated funds are impounded.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

PROMOTION OF RECIPROCAL TRADE AND PROTECTION OF AMERICAN JOBS

Amendment No. 126: This Senate amendment added a new title to the bill which authorized the President under certain conditions to impose quotas and other import restrictions on articles imported into the United States.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN E. TALMADGE,
CARL T. CURTIS,
JACK MILLER,
Managers on the Part of the Senate.
W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
MARTHA W. GRIFFITHS,
JOHN W. BYRNES,
JACKSON E. BETTS,
HERMAN T. SCHNEEBELI,
Managers of the Part of the House.

ORDER FOR THE RECOGNITION OF SENATOR PEARSON ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, as in legislative session, that on next Tuesday, following the recognition of the two leaders under the standing order, the distinguished Senator from Kansas (Mr. PEARSON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LEWIS F. POWELL, JR., TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HRUSKA. Mr. President, once again, the Nation, through its President, turns to the Old Dominion, the Commonwealth of Virginia, for a member of the Supreme Court.

One of the earliest occasions, perhaps the first occasion of such an appointment was that of John Marshall, a native of what was then Prince William County, Va.

The appointment of John Marshall occurred in 1801, by the hand of President John Adams. Marshall served for 34 years as Chief Justice, the longest holder of that office. He died in 1835, and it is written of him that on his demise, when the Liberty Bell tolled its mournful tones when news of his death was spread, it cracked and has never rung since.

John Marshall was 46 years of age at the time of his appointment; and it might be noted here that that is about the same age as another nominee presently under consideration by the Senate. Mr. William Rehnquist is about that same age, 47 to be exact, and a little later I shall comment on Mr. Rehnquist's nomination and the debate on that nomination which is going on right now; it started last night. Because really, in all candor and all fairness, it must be said that to engage in 2 days of debate, or almost 2 full days, on a nominee who has not a single declared opponent, would seem to have a meaning attached to indicate that something other than just the nomination and confirmation of the nomination of Mr. Powell is involved. But I shall return to that point in a moment.

Chief Justice Marshall's place in history has long been assured in the minds of students of the Constitution and of our Government. Oliver Wendell Holmes said of him:

> There fell to Marshall perhaps the greatest place that was ever filled by a judge.

Felix Frankfurter wrote of this distinguished jurist in his very impressive biography, "John Marshall and the Judicial Function." In part, in that work Frankfurter said of the fourth Chief Justice:

> When Marshall came to the Supreme Court the Constitution was essentially a virgin document. By a few opinions—a mere handful—he gave institutional direction to the inert ideas of a paper scheme of government. Such an achievement demanded an undimmed vision of the union of States as a Nation and the determination of an uncompromising devotion to such insight. Equally undispensable was the power to formulate views expressing this outlook with the persuasiveness of compelling simplicity.

The Chief Justice's most fundamental opinion was rendered in the case of Marbury against Madison, which was written only 2 years after he came to the Supreme Court. Here was established, once and for all, so far as American history was concerned, the right of the Federal courts to pass on the validity of congressional legislation; the right of judicial review.

The power of additional review was the foundation on which all the remainder of the Marshall court's constitutional doctrine rested. But once this power was established, it remained to assert the principle that the Federal Government could exercise not only those functions specifically authorized by the Constitution but those impliedly suggested by the language of that document as well. It has seldom since been forgotten by the Court that, as Marshall put it, "It is a Constitution we are expounding." That quotation comes from another of his famed opinions, McCulloch against Maryland, which was decided in 1819.

Had the Court chosen a narrow and literal reading rather than the broad construction expressed in the McCulloch case, it is doubtful that the Nation would have survived Marshall's tenure of office.

One of his biographers, Donald G. Morgan, said of Marshall:

> To a great degree, the measure of Marshall's influence . . . was in his qualities of character and personal leadership.
>
> The eminence acquired by the Supreme Court during that period and the strength imparted through the Constitution was less the work of Marshall the convinced Federalist, than of Marshall the man. Here was a statesman, not a zealot; an empiricist, not a dogmatist; a leader, not a tyrant.

We know the importance in the history of the early years of our country of the role of John Marshall, but it is no less important that the great work then done and then established be carried on in our time and in the years ahead.

One hundred and seventy years after the selection of Marshall, once again, the Nation turns through its President to a distinguished native citizen of Virginia for appointment to the Supreme Court. Lewis Powell has more in common with John Marshall than that of place of birth. Both engaged actively in the military history of their country—Mr. Marshall in the Revolutionary War, in which his contribution was not only long but also very distinguished—and Mr. Powell in a sustained period of service in the military which was constructive and significant.

Both Marshall and the present nominee have a record of practice of the law, a distinguished record which covers many situations; legal careers that have been constructive and successful. Both have a record of public service which gained for each of them international recognition and acclaim. Mr. Marshall's negotiations in Paris, for example, on the treaty, based upon the so-called XYZ papers, gained him the thanks of a very grateful Congress, because it set at rest a very provocative and a very unfortunate situation. He served also as Secretary of State and briefly in the House of Representatives.

In the history and in the biography of Mr. Powell we find similar international acclaim in the field of jurisprudence and in the field of law. Mr. President, he is one of 3 Americans who have been honored by being designated an Honorary Bencher of Lincoln's Inn.

My first real contact with the work and the significance of Mr. Powell came in 1964 or thereabouts at a time when he was either president or president-elect of the American Bar Association. The project to which he devoted himself with a great deal of energy and a great deal of skill was that of a public defender system for the Federal courts, and of course by extension from there to the State courts. The system was predicated upon the idea that every defendant would have a right to counsel as set out in amendment VI of our Bill of Rights.

I was very active in the discussion and debate on what became the Criminal Justice Act. That act was based on the idea that a system would be institutionalized to afford counsel for those who could not obtain counsel—for themselves—not only in the courtroom but also in the preliminary stages that are so important to anyone accused of crime, for they have such a great impact upon those events which follow in the courtroom. Had it not been for that foundational work done by Mr. Powell, which gave to the Nation an insight into the necessity for such a law, I am satisfied the statute could not have been enacted.

It is significant that the idea of a public defender had been advanced as long as 25 years before the time that it was actually enacted, and in one form or another had been introduced in a number of Congresses during that time. But it was not until this significant contribution by Mr. Powell that progress was made possible.

It is a great pleasure to support this nomination. President Nixon has nominated this distinguished attorney and leader of the bar to take the place of the late Justice Black. These are big shoes he is being asked to fill, but I have every confidence in his ability to do it well.

An honor graduate of Washington and Lee University and its law school, Mr. Powell ranked first in his law school class. Since entering the legal profession, he has been a member of one of Virginia's most distinguished law firms, Hunton, Williams, Gay, Powell & Gibson, of Richmond. Mr. Powell has a most impressive list of clients whom he has served faithfully and to the best of his ability.

Apart from his strictly legal career, this nominee served from 1952 to 1961 as chairman of the Richmond Public School Board. In this position he was intrumental in bringing the school system of Richmond into compliance with the requirements of Brown against Board of Education without strife or the need to close the doors of any school. From 1962 to 1969 Mr. Powell was a member of the Virginia Board of Education.

Within the organized bar in this country, Mr. Powell has held almost every office of importance that his colleagues could award him. Active in the American Bar Association, he has served as a member of the house of delegates and on the board of governors. He was president of that organization in 1964–65. He has also served as president of the American Bar Foundation and the American College of Trial Lawyers.

As the President said at the time he sent this nomination to the Senate:

> Everything that Lewis F. Powell has undertaken, he has accomplished with distinction and honor, both as a lawyer and as a citizen.

This Senator, and I believe all of my colleagues, feel that Mr. Powell will undertake service on the Supreme Court with the same spirit and with the same result.

Mr. President, this nominee is recognized in this Nation and in nations that ring the globe as one of the finest lawyers we have. The President has selected well and I know that the Senate will confirm this nomination without question, and without dissenting vote.

It is a most impressive and formidable team that the Senate is now considering for the Supreme Court. Mr. Powell is a distinguished leader of the bar who has behind him many years of service in a noted firm in his native State. He will bring a breadth of view and depth of experience to the Court which has recently lost two of its most thoughtful and scholarly members. His conominee, Mr. William Rehnquist, is an equally brilliant but younger man who comes to the Court after service as a law clerk to Mr. Justice Jackson, after practice in a small but fine firm in Phoenix, Ariz., and after experience as the "President's lawyer's lawyer" as Assistant Attorney General in the Office of Legal Counsel.

In that capacity Mr. Rehnquist has made frequent appearances before the Judiciary Committee of this body where I have had the opportunity to observe and consider his ability. He has a fine attribute of being able to put into words and into his writings persuasiveness of compelling simplicity, an attribute similar to that which the biographers of John Marshall—including Felix Frankfurter—mentioned concerning the career of John Marshall.

These two men, different in age, experience, and background, will make excellent additions to the Court and to the discussion and consideration of the cases that come before it.

The day of historically important opinions is not over. There will be other decisions of great magnitude that will be necessary. There will be other opinions perhaps equal to that of Marshall in the Marbury case that will need to be written. Ones which will have vast and profound effect on the growth and well-being of this Nation and, in turn, of the world. It is comforting to note that men of such excellence and quality as Rehnquist and Powell will be on the Court so that this important work may be carried on in a stable, progressive, and constructive fashion. Both nominees have developed a maturity of outlook and a respect for the Constitution which will serve them and the Nation well.

All of us can look forward to the time, just a few days hence, when these men will be confirmed and seated on our highest Court.

Mr. President, some remarks and some discussion has been had here this morning concerning the priority of the nominations being discussed and voted upon by the Senate.

I submit that the desires and the expressed suggestion of the senior Senator from Illinois have been achieved. It was his idea that we should have a joint discussion of the two nominees and, after the joint discussion was over, that a vote be taken on one and then on the other. Except for the intervention of a few days—we hope, that it will not be too many days after 4 p.m. on Monday next—we shall have an opportunity to vote on Rehnquist.

It is my hope that it will be made clear that the position taken by the Senator from Illinois is being substantially adhered to.

We are, right now, if the truth be known engaged in a discussion of Mr. Rehnquist and his nomination. In all candor, in all frankness, I say this most kindly. What is supposed to be a discussion of Powell is in substance the beginning of the debate on Rehnquist. There was reference by the majority leader last evening to the Senate rules which say that the items on the calendar shall be called up in the order in which they appear; but as the acting majority leader, the Senator from West Virginia (Mr. BYRD) rightfully pointed out, the name of a third person would have been entitled to priority if resort was had to the technicalities of that rule.

No effort was made on this side of the aisle, and certainly not on the other side of the aisle, to assert any technicality.

The substance of the present situation is that we have two very fine nominations for the Supreme Court before us, and the idea is to proceed with the work at hand in an orderly and expeditious fashion, and that is being done.

Certainly the majority leader, the Senator from Montana (Mr. MANSFIELD), did consult with Members on this side of the aisle. I am one of those privileged to have been consulted on that point. My views on it were expressed to him. As I said, I have no great preference. If it was a decision of the policy committee of the other party to have one before the other, that was perfectly all right; or if it was his decision, that was perfectly all right.

However, I invite the attention of the Senate to the fact, that this will probably be one of the first times in the history of this body that a nominee for the Supreme Court, who apparently is without a single dissenting vote, without a single enemy, without a single person in the 100 Members of this body to say nay, is being given the privilege of having the merits of his nomination discussed in depth and in extensive fashion, Friday, Saturday, and most of Monday next. This is most unusual, especially so when we have much work to do before adjournment. And yet, unanimous consent could not be secured to vote on this nomination prior to Monday afternoon.

There must be something more to it than simply allowing time for the purpose of extolling Mr. Powell's accomplishments, his achievements, and his distinctions. What could it be?

All of us know what it is. Let us be frank. Again, I say this in a spirit of kindliness, this delay is for no purpose except to gain just a little more time before the Senate will have to consider the merits, the distinctions and the achievements of Mr. Rehnquist.

To that extent, if it will serve any purpose, if it brings a ray or two of sunshine into the lives of those who are devoting a lot of energy and time in opposition to the confirmation of that nomination, then its purpose will be served. But, in all frankness, we should recognize the situation for what it is.

I look forward to the debate next week

when we enter into the formal designated debate on Mr. Rehnquist. If we consider that nomination in its historical perspective, and if we consider it in the light of similar nominations of similarly distinguished and talented men, there should be no trouble with the nomination at all.

During that debate there will be a lot of nit-picking, perhaps, and considerable distortion and, I regret, some actual misrepresentation, not by Members of this body, but by members of the press, by members of the public, and by some representatives of some very powerful and vocal organizations. But these misrepresentations will not deceive the Senate, Mr. President. In my judgment, Mr. Rehnquist is brilliant, he has shown a depth of knowledge of the law and a practical application of it which is outstanding, and he has shown a warm human understanding of people and of institutions which augurs well for his service on the Court. He has shown in his writings and his speeches an understanding of the spirit of the law and of the Constitution of the United States that is intelligent, that is modern, and that meets the tests of today.

One area in which he has been criticized is his support of limited wiretapping. Mr. President, we must consider that wiretapping under some circumstances is our national policy. It became our national policy by an overwhelming vote of this body, and of the other body, and with the signature of the President of the United States. It is our national policy, which is well guarded, and well safeguarded by proper judicial review. The wiretapping which Mr. Rehnquist supports and which is present law cannot be engaged in indiscriminately, representations and statements to the contrary notwithstanding. Such charges are being made in editorials which reflect badly upon the editorial writers. When reference is made to indiscriminate wiretapping that can occur under the law today these writers are incorrect.

The most scrupulous care is taken to see that before any wiretapping can be legally used, there must be an application made to the court, the names and the circumstances must be set out, with justification for resorting to wiretapping as being virtually the last resort and a necessary resort in the premises, and limited only to designated situations by way of crime.

When all of these things have been satisfied and complied with, then the wiretapping may go forward, and the fruit of that wiretapping may be used in court. All of these safeguards and all of the things which have been set out in the law are in compliance with the Supreme Court's decision in the case of Berger against New York, and that is a lengthy opinion. The Supreme Court did not say that wiretapping was unconstitutional. It simply said that if it is engaged in, certain things must be done.

The bill that was fashioned principally under the authorship of the Senator from Arkansas (Mr. McCLELLAN) was based on a checklist of the items contained in Berger against New York. And I still recall with pleasure the many conferences we had when we undertook the devoted task of seeing that every one of those safeguards were contained in the bill, and they are now in the law.

That is the basis for the issue of wiretapping that will be discussed here next week.

There is some idea that Mr. Rehnquist is in favor of wiretapping outside of situations covered by that law. Such a contention is incorrect except where it relates to national security.

The record that is contained in these printed pages before us on the hearings on William Rehnquist will make it quickly clear that that type of wiretapping without court approval, which Mr. Rehnquist approves and which he says is necessary for this country's well-being, is the type of wiretapping in cases involving only national security.

Is that something novel? Is it something that is reprehensible? Is it something for which he should be criticized and punished?

Mr. President, the answer to all of those questions is no. The fact is that that also has been a part of our national policy for over 30 years. Six Presidents and I do not know how many attorneys general have resorted to that practice—and it is a good and a necessary practice. There never has been any abuse of it that would be in any measure a counterbalancing factor against any precedent or any potential evils that might flow from that practice.

After all, the first duty of a nation is to survive. That is its first duty. And we should not so surround those who are in charge of the Nation's affairs with technical obstructions which will allow those who seek our destruction as a nation to succeed.

So, when it comes to wiretapping, which is one of the things which will be brought up, no real question is raised by those who seek to detract from Rehnquist's record.

Hardly a critical reference is made to Mr. Rehnquist which does not have in it a statement that he does not sympathize with the Bill of Rights, that he is not in sympathy with the goals of our Constitution, that he has a distinct and total disregard for the Bill of Rights. Those words are to be found in the hearings.

Those words, if they were deserved or true, should be used. They are neither deserved nor true.

Now, another area in which the attack will be made is the idea that he is in favor of no-knock search warrants, the procedure by which policemen can go to the door of a suspected felon and break it down and go in. But that they can do only under certain circumstances. Those also are spelled out in the law.

Until that law was passed by Congress last year, there was a dependence upon that procedure and on practices that had grown up during recent decades and over the last 100 years.

Those provisions are now in statutory form. Are they something new? When Mr. Rehnquist said he believed that to be a procedure that was proper and should be resorted to, is he some kind of maverick? Is he a person whon ventures into something rashly and in disregard for the constitutional rights of American citizens and the Bill of Rights?

The answer to that is a categorical and unequivocal no.

Here is the proof of it. Congress has spelled out the national policy on no-knock search warrants and has passed a law which has been signed by the President calling for this kind of procedure under certain limited circumstances.

Not only that, Mr. President, but no less than 32 States have either in their statutes or through their court decisions adopted it. They are using this type of no-knock search warrant under limited circumstances, well defined, and well safeguarded where they are authorized.

Does that make Mr. Rehnquist out of step, or does it make the detractors out of step?

Again, where we get into the proposition of the Nation surviving or of the Government surviving, we arm these officials with certain powers. There are people in the United States who say the 32 States are wrong, that Mr. Rehnquist is wrong, that the House and Senate are wrong, that the President is wrong, and that the Federal courts are wrong. What can we think about critics like that except that they want to misrepresent and distort the truth in disregard of the realities and the merits of the situation.

Those things and other propositions will be debated next week, and we should look forward to bringing out in the open air what is found in the covers of this green, printed version of the hearings on the nominations of Mr. Powell and Mr. Rehnquist.

When that is done, I have confidence that we will proceed well and in an enlightened fashion to cast our votes on the nomination of Mr. Rehnquist. His nomination should be confirmed because I believe he will have a most distinguished, a most productive, and a most constructive career as a member of that Court.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, today as the Senate considers the nomination of Lewis F. Powell, Jr. to the Supreme Court I wish to announce my support for his nomination.

Mr. Powell has been called a conservative. However, I concur with the view of several Senators who view Lewis Powell as a man who falls directly into the tradition of such men as Holmes, Harlan, and Frankfurter. And this tradition has been called conservative.

No matter how this tradition is viewed, it is one that has steadfastly been dedicated to the Bill of Rights and the provision of equal justice for all Americans.

For this reason I will support the Powell nomination. I have followed closely Mr. Powell's appearance before the Judiciary Committee. From his testimony there and from the testimony of those who supported his nomination, I believe that he has exhibited throughout his legal career a commitment to basic human rights and human dignity which are the cornerstone of a free society.

Mr. THURMOND. Mr. President, today we are considering the capability and suitability of Mr. Lewis F. Powell for the Supreme Court of the United States.

We have all heard of the educational achievements of Mr. Powell. He has broadened his early campus leadership into that of trustee for Washington and Lee University. This is an example of the great emphasis and concern Mr. Powell places on education for not only our young people but for all Americans.

It is also hardly necessary to touch on Mr. Powell's professional and civil achievements. Mr. Powell has long been regarded as one of Virginia's ablest lawyers, and his leadership in his field of law through the American Bar Association has had a profound effect on the whole profession.

Mr. President, having established Mr. Powell's ability and experience we must also analyze his concern for humanity. During his chairmanship of the Richmond public schools, he was in a unique position to help with desegregation. Not only did Mr. Powell contribute substantially to this task, but he helped to bring this transition about peacefully. Some of the lawyers interviewed by the Judiciary Committee were those completely committed to civil rights. These lawyers stressed Mr. Powell's fairness and "true breadth of outlook." Members of the Judiciary Committee also spoke with labor and civil rights organizations. None of these groups were opposed to the nomination of Mr. Powell.

A further insight to the depth of Mr. Powell's character was shown in 1964. At that time, programs of legal assistance or "legal aid" for the poor were first being discussed and developed. In spite of much opposition from within the American Bar Association, Mr. Powell used his own judgment on the subject. From his studies he reached the conclusion that Federal financing was necessary for such service to the poor to be adequate. He was able to convince the bar of the necessity for their becoming deeply involved if such a program was to be really responsive. Thus, he had a great deal to do with the legal aid needy people all over the United States today receive.

There is no question of his patriotic feeling for his country as shown by his service in World War II. Further, there is no question as to his reputation. He is calm, self-possessed, even tempered, and well endowed with an equitable nature. The American Bar Association's report describes the response from members of Mr. Powell's profession as one of "unrestricted enthusiasm." Mr. Powell has a sound objective viewpoint and has shown his ability to be able to weigh all facts with an unbiased "judicial eye" in reaching any conclusion.

Mr. President, in summary I would like to use the description of the Standing Committee of the Federal Judiciary of the American Bar Association. Their report states:

> That Mr. Powell meets, in an exceptional degree, high standards of professional competence, judicial temperament and integrity and that he is one of the best qualified lawyers available for appointment to the Supreme Court.

Mr. MONDALE. Mr. President, the nominations of William H. Rehnquist and Lewis F. Powell, Jr., to the Supreme Court of the United States have now been favorably reported by the Senate Judiciary Committee. A strong dissent on the Rehnquist nomination was filed by Senators BAYH, HART, KENNEDY, and TUNNEY.

After a careful examination of the entire record, I have concluded that I can vote to confirm the nomination of Mr. Powell—but that I must vote against the nomination of Mr. Rehnquist.

In the press and the general public, past confirmation debates have been viewed as a clash between a Republican administration and a Democratic Senate. But it is simply incorrect to view the last two confirmation fights as a partisan controversy. Republicans and Democrats alike joined together to defeat the two individuals because of profound questions about their fitness to serve on the Supreme Court.

Those of us who opposed the Haynsworth and Carswell nominations viewed our constitutional duty to "advise and consent" as a serious responsibility—one that could not be shrugged off in deference to a President's power to nominate Supreme Court justices.

Throughout these earlier debates, this administration and its supporters have acted on the assumption that Supreme Court nominations are the prerogative of the President; that the Senate's role in confirming these nominations is limited to questions of the nominee's integrity, character, and competence; and that to the extent the Senate goes beyond these criteria, it is interfering with a constitutional grant of authority to the President.

I believe this view is wrong on several counts.

To begin with, there is ample historical evidence that the framers of our Constitution did not intend the Senate to be a mere rubber stamp in giving advice and consent for Supreme Court nominations. In fact, the debates in the Constitutional Convention show that initially Supreme Court justices were to be appointed by the Senate without any participation at all by the President. As Senator JAVITS and others have pointed out, the provision ultimately adopted—combining presidential nomination with Senate advice and consent—was a compromise from the earlier position. But the framers certainly expected that the Senate would perform a complete and careful review of every Supreme Court nomination.

Beyond this historical precedent, it is obvious that the stakes involved in confirming Supreme Court nominees demand this same type of review. A Supreme Court Justice does not serve at the will of the President nor does he hold office to carry out the policies of the President. He is a lifetime appointee to an independent branch of government—which is often asked to review the legality of both congressional and executive actions.

As Senators BAYH, HART, KENNEDY, and TUNNEY stated in their individual views to the Judiciary Committee report on these nominations:

> It is no longer necessary to belabor the Senate's coequal role in appointments to the Supreme Court. The President has said that, with the possible exception of promoting world peace, few of his acts are likely to have as lasting an impact upon the American people as his choice of nominees. The same can be said of their confirmation by the Senate. This thought merits reflection as we pause in the rush of legislation to perform that task again.

From the 1968 presidential campaign to the present time, President Nixon has repeatedly emphasized his desire to change the Supreme Court's philosophical orientation and to mold the Court in a fashion acceptable to him.

I do not claim that this President—or any other President—is acting improperly by using his power to nominate Supreme Court Justices in this manner. That is his prerogative; and there is nothing in the Constitution which prevents him from doing so.

But it must be recognized that when the President himself has made a nominee's philosophy the prime issue for consideration, the Senate has a duty to carefully examine the philosophy of each of his nominees.

Prof. Charles L. Black of the Yale University Law School, one of our most distinguished constitutional scholars, best expressed the challenge facing the Senate in these situations.

He wrote:

> If a President should desire and if chance should give him the opportunity to change entirely the character of the Supreme Court, shaping it after his own political image, nothing would stand in his way except the United States Senate.

After a careful review of the historical evidence, Professor Black reached the following conclusion about the proper role of the Senate in the confirmation of Supreme Court nominees:

> A Senator voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by so doing.

A similar conclusion was reached by Profs. Paul Brest, Thomas Gray, and Arnold Paul in a memorandum analyzing the proper scope of the Senate's inquiry into the political and constitutional philosophy of Supreme Court nominees. These scholars concluded:

> First, it is the Senate's affirmative responsibility to examine a nominee's political and constitutional philosophy, and to confirm his nomination only if he has demonstrated a clear commitment to the fundamental values of our Constitution—the rule of law, the liberty of the individual, and the equality of all persons.
>
> Second, the Senate should consider a nominee, not in isolation but in the context of the President's other nominations, past and promised; and that the Senate performs a proper constitutional role in preventing the Chief Executive from distorting the Court in his own image.

The dissenting members of the Judiciary Committee accepted this view of the Senate's confirmation role. They stated:

> Under any theory of the Senate's task, our role inescapably includes weighing the nominee's attitude toward the fundamental values of our constitutional system: limits on government power, individual liberty, human equality. A man takes what he is, and believes, to the bench. Ultimately, it may be less important to debate the meaning of judicial philosophy than simply to acknowledge the inherent strand of discretion in judicial decision—especially Constitutional interpretation. The best intentions of restraint cannot erase the elements of value and judgment involved when the Court applies the majestic generalities of the Fourteenth Amendment and the Bill of Rights.

And Senator George Norris of Nebraska, during the debate over the Supreme Court nomination of Judge John J. Parker, eloquently argued that the Senate must not be oblivious to a nominee's philosophy and beliefs:

> When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of the qualifications—but we ought to know how he approaches the great questions of human liberty.

The President may have a very clear idea of the type of Court he wants in the future—but individual Senators may not share his particular vision.

Those who disagree with the President have the right and the obligation to probe the philosophy of his nominees—and to make an individual and independent evaluation of the nominee's views on important legal issues. This is really what the separation of powers is all about.

What we have here is one branch of Government submitting nominations to another branch of Government designed to alter the course of a third branch of Government. If the Senate simply limits itself to an inquiry into a nominee's competence and integrity—without considering the nominee's philosophy—the Executive alone will determine the future of the Court while the Senate sits passively on the sidelines.

Whether the Senate will meet its constitutional responsibilities is the issue posed by the nominations of Lewis F. Powell, Jr. and William H. Rehnquist.

From the record of the Senate Judiciary Committee hearings and other sources, each of these men appears qualified to serve as Supreme Court Justices on the basis of legal competence and personal integrity. But since the President has emphasized the philosophy of each of these nominees in making his selections, the Senate must carefully evaluate their past and present views on important legal issues.

It was because of such an evaluation that I decided to vote for Mr. Powell's confirmation and to oppose the nomination of Mr. Rehnquist.

It may be argued that this is an inconsistent position; that since both men are considered conservatives, an individual Senator cannot vote for one and vote against the other.

But in evaluating a nominee's philosophy, labels are not very helpful. There must be a careful examination of the nominee's entire public record, including his expressions and views on major issues.

Such an examination convinces me that William Rehnquist should not be confirmed.

In their individual views, Senators BAYH, HART, KENNEDY, and TUNNEY aptly summarized the case against Mr. Rehnquist:

> William Rehnquist's record presents no threshold problem of integrity or excellence. But it does raise serious doubts about his sensitivity and commitment [to the protection of individual liberties and equal rights]. His numerous public positions on issues involving the Bill of Rights display a consistent discounting of those rights—an inadequate appreciation of the underlying interests at stake and of the danger of their erosion.

What I find most disturbing about Mr. Rehnquist's record is his attitude toward the use of the law for the protection of minority rights. The nominee's record demonstrates a persistent insensitivity and indifference to human rights. During a period when this country has tried to ensure equality under the law, Mr. Rehnquist often went out of his way to oppose legal efforts to end various types of racial discrimination.

A memorandum filed by the dissenting members of the Judiciary Committee documents the nominee's record on important civil rights issues. There are two incidents which I believe most clearly indicate Mr. Rehnquist's firm belief that the law should not be used to eliminate racial injustice in America.

In June, 1964, the nominee vigorously opposed a proposed Phoenix ordinance barring discrimination in places of public accommodation. After the ordinance was passed unanimously by the city council, Mr. Rehnquist wrote a letter to the Arizona Republic in which he concluded that it was: "Impossible to justify the sacrifice of our historic individual freedom for a purpose such as this."

To Mr. Rehnquist, property rights were clearly more important than human rights. Fortunately, neither the Phoenix City Council nor the Congress shared his views.

In 1966, while representing Arizona at the National Conference of Commissioners on Uniform State Laws, Mr. Rehnquist made an unsuccessful effort to delete two key provisions of a proposed model State Anti-Discrimination Act.

According to the records of this Conference, the first of these provisions was "designed to permit the adoption by an employer of voluntary plans to reduce or eliminate" racial, religious, or sex imbalance in its workforce. Despite the fact that no compulsory hiring to achieve racial balance was involved, Mr. Rehnquist moved to delete this provision. His motion was defeated.

The second provision opposed by Mr. Rehnquist was designed to prohibit "blockbusting" tactics—used by unscrupulous realtors to play on racial fears for their own profit. In moving to delete this provision, Mr. Rehnquist observed:

> It seems to me we have a constitutional question and a serious policy question, and in view of the combination of these two factors, plus the fact that it doesn't strike me this is a vital part of your bill at all, I think this would be a good thing to leave out.

Mr. Robert Braucher, now a justice of the Supreme Judicial Court of Massachusetts, opposed the Rehnquist motion and defended the outlawing of blockbusting:

> The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they go around to the neighbors and say: "Wouldn't you like to sell before the bottom drops out of your market?"
>
> And the notion that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit.

Again, the Rehnquist effort to dilute this model act was defeated.

These episodes, and others cited in the memorandum submitted by Senators BAYH, HART, KENNEDY, and TUNNEY, raise serious doubts about Mr. Rehnquist's commitment to ending discrimination in America through legal means. Mr. Rehnquist seems to believe that the law must be neutral in these matters—even though such neutrality will inevitably result in the perpetuation of racial discrimination.

Some will argue that Mr. Rehnquist's views on these civil rights issues is a logical result of his belief as a "conservative" in the limited power of Government. If this were true—if Mr. Rehnquist consistently came down on the side of limiting Government's power over the actions of private citizens—then I would tend to view the Rehnquist civil rights record in a different light.

But this is not the case. Throughout his career—and while serving as an Assistant Attorney General—Mr. Rehnquist has consistently advocated strong Government action to the detriment of individual rights on issues involving surveillance of private citizens, wiretapping, criminal procedural safeguards, and dissent by public employees.

Thus, the nominee has staunchly defended the administration's position on wiretapping, arguing that the Attorney General may wiretap without prior judicial authorization whenever he concludes that there is a threat to national security either from foreign agents or from "domestic subversives."

The nominee has advocated and defended extensive Government surveillance of individual citizens, arguing that:

> Self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering.

And in the past, he has strongly attacked the Supreme Court for decisions holding that individuals could not be prevented from practicing law because of previous political beliefs.

After reviewing his record on a variety of civil liberties issues, the Ripon Society, a progressive Republican organization, concluded that to confirm nomination Mr. Rehnquist would be "a dangerous mistake." They argued that:

> Approval of William Rehnquist's nomination will for the first time give credence to what has until recently seemed an alarmist fear: that we are moving into an era of repression. The entire scenario of repression consists of measures that Rehnquist, on the record, has strongly and explicitly invited.

Thus, when it comes to interests which he believes are important—such as widespread surveillance of private citizens—Mr. Rehnquist takes an expansive view of government power; but where elimination of racial discrimination is the interest involved, Mr. Rehnquist suddenly becomes a "conservative," arguing that the power of government must be limited.

William Shannon put it best when he observed that:

> The Rehnquist record is not that of a true conservative. It is the record of an aggressive ideologue with combative impulses and strong commitment to a harsh, narrow doctrine concerning government and individual.

Mr. Rehnquist's strict adherence to a particular ideology is in sharp contrast to the record of the other nominee before the Senate—Lewis F. Powell. Throughout his career, Mr. Powell has displayed on open-mindedness on major issues which is absent in the Rehnquist record.

This does not mean that I agree with everything Mr. Powell has said or done during the course of his career. On the contrary, I disagree with his position on several basic issues. For example, he has expressed views on wiretapping similar to those of Mr. Rehnquist which I find most disturbing.

But the total record indicates that Mr. Powell is not an aggressive idealog—that he is, in short, what William Shannon called a true conservative in the tradition of Justice Harlan.

There is one important aspect of Mr. Powell's career which demonstrates this open-mindedness—and indicates a sensitivity to and concern for the rights of the poor and the powerless in this country.

In 1965, OEO wanted to establish a national legal services program to vastly expand legal representation for the poor. Crucial to the creation of this program was the support of the organized bar—and particularly the ABA.

Mr. Powell was president of the ABA at that time. And in that capacity, he was among those most instrumental in convincing the ABA of the vital need for this program—and of the necessity for strong ABA support.

As a result of his leadership, the program was established—and in its brief existence, it has managed to protect the rights of millions of Americans previously unable to obtain legal assistance.

And whenever that program's lawyers have come under attack for providing effective legal representation to their clients, Mr. Powell has consistently come to their defense—arguing that the independence and integrity of these lawyers must be insured if the poor are really to receive equal representation under the law.

There is no question that without the strong support of Mr. Powell and other leaders of the organized bar, the ability of legal services lawyers to provide full and effective legal representation would have been severely restricted. Instead, the program is still a viable one—and many of this Nation's poor are, for the first time, beginning to have faith in the law and legal institutions.

Because of Mr. Powell's clear commitment to the principle of affording equal representation under the law—and because of the lack of dogma in his views on important issues—I have concluded that his nomination to the Court should be confirmed.

But I cannot find these redeeming qualities in Mr. Rehnquist's record. His is a commitment not to a broadening of human rights—but to their circumscription. His is a record not of growth and enrichment in public service—but of narrow ideological instincts.

These are not easy distinctions for any of us to make. As with judgments of integrity and intellectual competence, evaluations of a nominee's philosophy cannot be infallible. But I am convinced that the Constitution and the public interest charge us to make the best judgments we can.

It is on that basis that I will vote for Mr. Powell and oppose Mr. Rehnquist.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, following the recognition of the two leaders and prior to the resumption of the executive session and the resumption of the consideration of the nomination of Mr. Lewis Powell for the Office of Associate Justice of the Supreme Court of the United States, there be a period of the transaction of routine morning business for not to exceed 30 minutes with the statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. at the conclusion of a recess. Upon the completion of the remarks of the distinguished majority and minority leaders under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with the statements therein limited to 3 minutes.

At the conclusion of the routine morning business, the Senate will return to executive session, and the debate on the nomination of Mr. Lewis Powell to be an Associate Justice of the Supreme Court of the United States will be resumed.

A rollcall vote on the confirmation of Mr. Powell will occur at 4 o'clock p.m. on Monday.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. And then, the further business of the Senate will concern itself with the nomination of Mr. Rehnquist at that time, subject to such items of priority or preference.

Mr. BYRD of West Virginia. That is the understanding. This would be a matter for the majority leader.

Mr. HRUSKA. I simply wanted to confirm what was discussed yesterday.

Mr. BYRD of West Virginia. Yes.

Mr. HRUSKA. And to review and refresh ourselves.

Mr. BYRD of West Virginia. Yes. In the meantime, as the distinguished Senator from Nebraska has pointed out, unless there would be conference reports or equally privileged matters, I know of no other matter that would be called up except by unanimous consent. As far as I know now, there will be no rollcall votes prior to 4 p.m. on Monday.

RECESS TO 10 A.M. MONDAY, DECEMBER 6, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. Monday.

The motion was agreed to; and (at 1 o'clock and 21 minutes p.m.) the Senate took a recess until Monday, December 6, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 4, 1971:

U.S. DISTRICT COURTS

J. Blaine Anderson, of Idaho, to be a U.S. district judge for the district of Idaho.

Clifford Scott Green, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

HOUSE OF REPRESENTATIVES—*Saturday, December 4, 1971*

Pursuant to an order of the House on Thursday, December 2, 1971, the conference report on the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, is herewith printed, as follows:

[Submitted by Mr. MILLS of Arkansas]

CONFERENCE REPORT (H. REPT. No. 92-708)

The committee of conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 29, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 60, 65, 68, 70, 71, 72, 73, 74, 75, 77, 78, 80, 83, 84, 86, 93, 103, 106, 114, 115, 116, 117, 120, 121, 123, 125, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 8, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 45, 46, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 79, 82, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102, 104, 105, 107, 108, 109, 110, and 112, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—JOB DEVELOPMENT INVESTMENT CREDIT; DEPRECIATION REVISION

Sec. 101. Restoration of investment credit.
Sec. 102. Determination of qualified investment.
Sec. 103. Limitation of credit to domestic products.
Sec. 104. Definition of section 38 property.
Sec. 105. Regulated companies.
Sec. 106. Investment credit carryovers and carrybacks.
Sec. 107. Treatment of casualties and certain replacements.
Sec. 108. Availability of credit to certain lessors.
Sec. 109. Reasonable allowance for depreciation; repair allowance.

TITLE II—CHANGES IN PERSONAL EXEMPTIONS, MINIMUM STANDARD DEDUCTION, WITHHOLDING, ETC.

Sec. 201. Increase in personal exemption.
Sec. 202. Increase in percentage standard deduction.
Sec. 203. Low income allowance.
Sec. 204. Filing requirements.
Sec. 205. Certain fiscal year taxpayers.
Sec. 206. Election of standard deduction.
Sec. 207. Waiver of penalty for underpayment of 1971 estimated income tax.
Sec. 208. Adjustment of withholding.
Sec. 209. Changes in requirements of declaration of estimated income tax by individuals.
Sec. 210. Expenses to enable individuals to be gainfully employed.
Sec. 211. Levies on salaries and wages.

TITLE III—STRUCTURAL IMPROVEMENTS

Sec. 301. Unearned income of taxpayers who are dependents of other taxpayers.
Sec. 302. Limitation on carryovers of unused credits and capital losses.
Sec. 303. Amortization of certain expenditures for on-the-job training and for child care centers.
Sec. 304. Excess investment interest.
Sec. 305. Farm losses of electing small business corporations.
Sec. 306. Capital gain distributions of certain trusts.
Sec. 307. Application of Western Hemisphere Trade Corporation provision under the Virgin Islands tax laws.
Sec. 308. Capital gains and stock options.
Sec. 309. Certain treaty cases.
Sec. 310. Bribes, kickbacks, medical referral payments, etc.
Sec. 311. Activities not engaged in for profit.
Sec. 312. Certain distributions to foreign corporations.
Sec. 313. Original issue discount.
Sec. 314. Income from certain aircraft and vessels.
Sec. 315. Industrial development bonds.
Sec. 316. Disclosure or use of information by preparers of income tax returns.

TITLE IV—EXCISE TAX

Sec. 401. Repeal or suspension of manufacturers excise tax on passenger automobiles, light-duty trucks, etc.
Sec. 402. Credit against tax on coin-operated gaming devices.

TITLE V—DOMESTIC INTERNATIONAL SALES CORPORATIONS

Sec. 501. Domestic international sales corporations.
Sec. 502. Deductions, credits, etc.
Sec. 503. Source of income.
Sec. 504. Procedure and administration.
Sec. 505. Export trade corporations.
Sec. 506. Submission of annual reports to Congress.
Sec. 507. General effective date of title.

TITLE VI—JOB DEVELOPMENT RELATED TO WORK INCENTIVE PROGRAM

Sec. 601. Tax credit for certain expenses incurred in work incentive program.

TITLE VII—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE

Sec. 701. Allowance of credit.
Sec. 702. Deduction in lieu of credit.
Sec. 703. Effective date.

TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Sec. 801. Presidential Election Campaign Fund Act.
Sec. 802. Miscellaneous amendments.

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(c) ACCOUNTING FOR INVESTMENT CREDIT IN CERTAIN FINANCIAL REPORTS AND REPORTS TO FEDERAL AGENCIES.—

(1) IN GENERAL.—It was the intent of the Congress in enacting, in the Revenue Act of 1962, the investment credit allowed by section 38 of the Internal Revenue Code of 1954, and it is the intent of the Congress in restoring that credit in this Act, to provide an incentive for modernization and growth of private industry. Accordingly, notwithstanding any other provision of law, on and after the date of the enactment of this Act—

(A) no taxpayer shall be required to use, for purposes of financial reports subject to the jurisdiction of any Federal agency or reports made to any Federal agency, any particular method of accounting for the credit allowed by such section 38,

(B) a taxpayer shall disclose, in any such report, the method of accounting for such credit used by him for purposes of such report, and

(C) a taxpayer shall use the same method of accounting for such credit in all such reports made by him, unless the Secretary of the Treasury or his delegate consents to a change to another method.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to taxpayers who are subject to the provisions of section 46(e) of the Internal Revenue Code of 1954 (as added by section 105(c) of this Act) or to section 203(e) of the Revenue Act of 1964 (as modified by section 105(e) of this Act).

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

On page 6, line 7, of the Senate engrossed amendments, strike out "not more than 2 years".

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(D) COUNTRIES MAINTAINING TRADE RESTRICTIONS OR ENGAGING IN DISCRIMINATORY ACTS.—If, on or after the date of the termination of Proclamation 4074, the President determines that a foreign country—

"(i) maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or

"(ii) engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce,

he may provide by Executive order for the application of subparagraph (A) to any article or class of articles manufactured or produced in such foreign country for such period as may be provided by Executive order."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with the following amendments:

On page 9 of the Senate engrossed amendments, after line 7, insert the following:

(3) Section 48(a)(2)(B) (relating to exceptions from rule for property used outside the United States) is amended by inserting after clause (viii) (as added by paragraph (2)) the following new clause:

"(ix) any cable, or any interest therein, of a domestic corporation engaged in furnishing telephone service to which section 46(c)(3)(B)(iii) applies (or of a wholly owned domestic subsidiary of such a corporatino), if such cable is part of a submarine cable system which constitutes part of a communication link exclusively between the United States and one or more foreign countries; and".

On page 9 of the Senate engrossed amendments, beginning with line 8, strike out all through line 2 on page 10 and insert the following:

(d) CERTAIN PROPERTY USED TO EXPLORE FOR, DEVELOP, REMOVE, AND TRANSPORT RESOURCES FROM OCEAN WATERS AND SUBMARINE DEPOSITS.—Section 48(a)(2)(B) (relating to exceptions from rule for property used outside the United States) is amended by inserting after clause (ix) (as added by subsection (c)(3)) the following new clause:

"(x) any property (other than a vessel or an aircraft) of a United States person which is used in international or territorial waters for the purpose of exploring for, developing, removing, or transporting resources from ocean waters or deposits under such waters."

On page 10, line 12, of the Senate engrossed amendments, strike out "(c) and" and insert: then, unless such sale or other disposition constitutes an involuntary conversion (within the meaning of section 1033),

On page 10, line 24, of the Senate engrossed amendments, after "184," insert: 187,

On page 12, line 10, of the Senate engrossed amendments, strike out "(c) and" and insert: (c)(1), (c)(2), and

On page 12, line 12, of the Senate engrossed amendments, strike out "(c) and" and insert: (c)(1), (c)(2), and

And the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(b) Definition of Public Utility Property, Etc.—Section 46(c)(3) (relating to public utility property) is amended—

(1) by inserting "or" at the end of clause (ii) of subparagraph (B), and by striking out clauses (iii) and (iv) of such subparagraph and inserting in lieu thereof the following:

"(iii) telephone service, telegraph service by means of domestic telegraph operations (as defined in section 222(a)(5) of the Communications Act of 1934, as amended; 47 U.S.C., sec. 222(a)(5)), or other communication service (other than international telegraph service),";

(2) by adding at the end of subparagraph (B) the following new sentence: "Such term also means communication property of the type used by persons engaged in providing telephone or microwave communication services to which clause (iii) applies, if such property is used predominantly for communication purposes."; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) In the case of any interest in a submarine cable circuit used to furnish telegraph service between the United States and a point outside the United States of a taxpayer engaged in furnishing international telegraph service (if the rates for such furnishing have been established or approved by a governmental unit, agency, instrumentality, commission, or similar body described in subparagraph (B)), the qualified investment shall not exceed the qualified investment attributable to so much of the interest of the taxpayer in the circuit as does not exceed 50 percent of all interests in the circuit."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

On page 15, line 23, of the Senate engrossed amendments, strike out "paragraph (1)" and insert: paragraphs (1) and (2)

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with the following amendments:

On page 19, line 12, of the Senate engrossed amendments, before "Property" insert: Certain

On page 19, lines 21 and 22, of the Senate engrossed amendments, strike out "which is not short term lease property (as defined in paragraph 4)" and insert: (other than property described in paragraph (4))

On page 20, line 11, of the Senate engrossed amendments, before "short insert: certain

On page 20, line 14, of the Senate engrossed amendments, strike out "short term lease property" and insert: property described in paragraph (4)

On page 20, line 18, of the Senate engrossed amendments, strike out "which is new section 38 property"

On page 20, lines 23 and 24, of the Senate engrossed amendments, strike out "short term lease property" and insert: property described in paragraph (4)

On page 21, line 9, of the Senate engrossed amendments, strike out "short term lease property" and insert: property described in paragraph (4).

On page 22 of the Senate engrossed amendments, strike out lines 7 through 11 and insert:

"(4) Property to which paragraph (2) applies.—Paragraph (2) shall apply only to property which—

"(A) is new section 38 property,

"(B) has a class life (determined under section 167(m)) in excess of 14 years,

"(C) is leased for a period which is less than 80 percent of its class life, and

"(D) is not leased subject to a net lease (within the meaning of section 57(c)(2))."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

Insert the matter proposed to be inserted by the Senate amendment, and on page 19, line 17, of the House engrossed bill strike out "110" and insert: 109

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with amendments as follows:

Strike the matter proposed to be stricken out by the Senate amendment, and on page 24 of the House engrossed bill, after line 20, insert the following:

(4) by inserting after subparagraph (B) the following new subparagraph:

"(C) Every individual having for the taxable year a gross income of $750 or more and to whom section 141(e) (relating to limitations in case of certain dependent taxpayers) applies;".

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate amendment numbered 47, and agree to the same with amendments as follows:

On page 35 of the Senate engrossed amendments, strike out the table after line 5 and insert the following:

"Percentage Method Withholding Table

"Payroll period:	*Amount of one withholding exemption*
Weekly	$14.40
Biweekly	28.80
Semimonthly	31.30
Monthly	62.50
Quarterly	187.30
Semiannual	375.00
Annual	750.00
Daily or miscellaneous (per day of such period)	2.10"

On page 37 of the Senate engrossed amendments, strike out line 24 and all that follows down through line 2 on page 38 and insert in lieu thereof the following:

(h) Fifteen-Day Extension of Existing Withholding Provisions.—

(1) Paragraph (3) of section 3402(a) (relating to requirement of withholding) is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 16, 1972".

(2) Paragraph (2) of section 805(b) of the Tax Reform Act of 1969 (relating to percentage method of withholding) is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 16, 1972".

(i) Effective Date.—

(1) The amendments made by this section (other than subsection (h)) shall apply with respect to wages paid after January 15, 1972.

(2) The amendments made by subsection (h) shall apply with respect to wages paid after December 31, 1971, and before January 16, 1972.

And the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 210. Certain Expenses To Enable Individuals To Be Gainfully Employed.

(a) In General.—Section 214 (relating to expenses for care of certain dependents) is amended to read as follows:

"Sec. 214. Expenses for Household and Dependent Care Services Necessary for Gainful Employment.

"(a) Allowance of Deduction.—In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1)), there shall be allowed as a deduction the employment-related expenses (as defined in subsection (b)(2)) paid by him during the taxable year.

"(b) Definitions, Etc.—For purposes of this section—

"(1) Qualifying individual.—The term 'qualifying individual' means—

"(A) a dependent of the taxpayer who is under the age of 15 and with respect to whom the taxpayer is entitled to a deduction under section 151(e),

"(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself, or

"(C) the spouse of the taxpayer, if he is physically or mentally incapable of caring for himself.

"(2) Employment-related expenses.—The term 'employment-related expenses' means amounts paid for the following expenses, but only if such expenses are incurred to enable the taxpayer to be gainfully employed:

"(A) expenses for household services, and

"(B) expenses for the care of a qualifying individual.

"(3) Maintaining a household.—An individual shall be treated as maintaining a household for any period only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, is furnished by such individual and his spouse).

"(c) Limitations on Amounts Deductible.—

"(1) In general.—A deduction shall be allowed under subsection (a) for employment-related expenses incurred during any month only to the extent such expenses do not exceed $400.

"(2) Expenses must be for services in the household.—

"(A) In general.—Except as provided in subparagraph (B), a deduction shall be allowed under subsection (a) for employment-related expenses only if they are incurred for services in the taxpayer's household.

"(B) Exception.—Employment-related expenses described in subsection (b)(2)(B) which are incurred for services outside the taxpayer's household shall be taken into account only if incurred for the care of a qualifying individual described in subsection (b)(1)(A) and only to the extent such expenses incurred during any month do not exceed—

"(i) $200, in the case of one such individual,

"(ii) $300, in the case of two such individuals, and "(iii) $400, in the case of three or more such individuals.

"(d) Income Limitation.—If the adjusted gross income of the taxpayer exceeds $18,000 for the taxable year during which the expenses are incurred, the amount of the employment-related expenses incurred during any month of such year which may be taken into account under this section shall (after the application of subsections (e)(5) and (c)) be further reduced by that portion of one-half of the excess of the adjusted gross income over $18,000 which is properly allocable to such month. For purposes of the preceding sentence, if the taxpayer is married during any period of the taxable year, there shall be taken into account the combined adjusted gross income of the taxpayer and his spouse for such period.

"(e) Special Rules.—For purposes of this section—

"(1) Married couples must file joint return.—If the taxpayer is married at the close of the taxable year, the deduction provided by subsection (a) shall be allowed only if the taxpayer and his spouse file a single return jointly for the taxable year.

"(2) Gainful employment requirement.—If the taxpayer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

"(A) both spouses are gainfully employed on a substantially full-time basis, or

"(B) the spouse is a qualifying individual described in subsection (b)(1)(C).

"(3) Certain married individuals living apart.—An individual who for the taxable year would be treated as not married under section 143(b) if paragraph (1) of such section referred to any dependent, shall be treated as not married for such taxable year.

"(4) Payments to related individuals.—No deduction shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a) (relating to definition of dependent) or to a dependent described in paragraph (9) of such section.

"(5) Reduction for certain payments.—In the case of employment-related expenses incurred during any taxable year solely with respect to a qualifying individual (other than an individual who is also described in subsection (b)(1)(A)), the amount of such expenses which may be taken into account for purposes of this section shall (before the application of subsection (c)) be reduced—

"(A) if such individual is described in subsection (b)(1)(B), by the amount by which the sum of—

"(i) such individual's adjusted gross income for such taxable year, and

"(ii) the disability payments received by such individual during such year,

exceeds $750, or

"(B) in the case of a qualifying individual described in subsection (b)(1)(C), by the amount of disability payments received by such individual during the taxable year. For purposes of this paragraph, the term 'disability payment' means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income.

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) Clerical Amendment.—The table of sections for part VII of subchapter B or chapter 1 is amended by striking out the item relating to section 214 and inserting in lieu thereof the following:

"Sec. 214. Expenses for household and dependent care services necessary for gainful employment."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 211. Levies on Salaries and Wages.

(a) Written Notice Required.—Section 6331 (relating to levy and distraint) is amended by redesignating subsection (d) as (e) and by inserting after subsection (c) the following new subsection:

"(d) Salary and Wages.—

"(1) In general.—Levy may be made under subsection (a) upon the salary or wages of an individual with respect to any unpaid tax only after the Secretary or his delegate has notified such individual in writing of his intention to make such levy. Such notice shall be given in person, left at the dwelling or usual place of business of such individual, or shall be sent by mail to such individual's last known address, no less than 10 days before the day of levy. No additional notice shall be required in the case of successive levies with respect to such tax.

"(2) Jeopardy.—Paragraph (1) shall not apply to a levy if the Secretary or his delegate has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy."

(b) Effective Date.—The amendments made by this section shall apply with respect to levies made after March 31, 1972.

And the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with the following amendments:

On page 52, line 18, of the Senate engrossed amendments, after the period insert:

The burden of proof in respect of the issue, for purposes of this paragraph, as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment shall be upon the Secretary or his delegate to the same extent as he bears the burden of proof under section 7454 (concerning the burden of proof when the issue relates to fraud).

On page 52 of the Senate engrossed amendments, beginning with line 19, strike out all through line 10 on page 53, and insert:

"(3) Kickbacks, rebates, and bribes under medicare and medicaid.—No deduction shall be allowed under subsection (a) for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer."; and

On page 53 of the Senate engrossed amendments, beginning with line 14, strike out all through line 11 on page 56 and insert:

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to payments after December 30, 1969, except that section 162(c)(3) of the Internal Revenue Act of 1954 (as added by subsection (a)) shall apply only with respect to kickbacks, rebates, and bribes payment of which is made on or after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with the following amendments:

On page 60, line 4, of the Senate engrossed amendments, after "1969," insert: and before April 1, 1972,

On page 60, lines 6 and 7, of the Senate engrossed amendments, strike out "such date" and insert: May 27, 1969

On page 60, line 9, of the Senate engrossed amendments, strike out "on or after April 1, 1972" and insert: after March 31, 1972

On page 61, line 8, of the Senate engrossed amendments after "1969," insert: and before April 1, 1972,

On page 61, lines 9 and 10, of the Senate engrossed amendments, strike out "such date" and insert: May 27, 1969

On page 62, line 18, of the Senate engrossed amendments, before "the" insert: and

On page 62, line 20, of the Senate engrossed amendments, strike out the comma.

And the Senate agree to the same.

Amendment numbered 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 314. Income From Certain Aircraft and Vessels.

(a) Election.—Section 861 (relating to income from sources within the United States) is amended by adding at the end thereof the following new subsection:

"(e) Election To Treat Income From Certain Aircraft and Vessels as Income From Sources Within the United States.—

"(1) In general.—For purposes of subsection (a) and section 862(a), if a taxpayer owning an aircraft or vessel which is section 38 property (or would be section 38 property but for section 48(a)(5)) leases such aircraft or vessel to a United States person, other than a member of the same controlled group of corporations (as defined in section 1563) as the taxpayer, and if such aircraft or vessel is manufactured or constructed in the United States, the taxpayer may elect, for any taxable year ending after the commencement of such lease, to treat all amounts includible in gross income with respect to such aircraft or vessel (whether during or after the period of any such lease), including gain from sale or other disposition of such aircraft or vessel, as income from sources within the United States.

"(2) Effect of election.—An election under paragraph (1) made with respect to any aircraft or vessel shall apply to the taxable year for which made and to all subsequent taxable years. Such election may not be revoked except with the consent of the Secretary or his delegate.

"(3) Manner and time of election and revocation.—An election under paragraph (1), and any revocation of such election, shall be made in such manner and at such time as the Secretary or his delegate prescribes by regulations.

"(4) Certain transfers involving carryover bases.—If the taxpayer transfers or distributes an aircraft or vessel which is subject to an election under paragraph (1) and the basis of such aircraft or vessel in the hands of the transferee or distributee is determined by reference to its basis in the hands of the transferor or distributor, the transferee or distributee shall, for purposes of paragraph (1), be treated as having made an election with respect to such aircraft or vessel."

(b) Clerical Amendment.—Section 862 (relating to income from sources without the United States) is amended by adding at the end thereof the following new subsection:

"(c) Cross Reference.—

"For source of amounts attributable to certain aircraft and vessels, see section 861(e)."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after August 15, 1971, but only with respect to leases entered into after such date.

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with the following amendments:

On page 70, line 1, of the Senate engrossed amendments, strike out "316" and insert: 315.

On page 70 of the Senate engrossed amendments, strike out lines 13 through 22 and insert:

(b) Certain Capital Expenditures.—Section 103(c) (6) (F) (iii) (relating to exception of certain capital expenditures for purposes of the $5,000,000 limit) is amended by striking out "$250,000" and inserting in lieu thereof "$1,000,000".

(c) Effective Dates.—The amendments made by subsection (a) shall apply with respect to obligations issued after January 1, 1969. The amendment made by subsection (b) shall apply with respect to expenditures incurred after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 316. Disclosure or Use of Information by Preparers of Returns.

(a) Criminal Penalty.—Part I of subchapter A of chapter 75 (relating to crimes) is amended by adding at the end thereof the following new section:

"Sec. 7216. Disclosure or Use of Information by Preparers of Returns.

"(a) General Rule.—Any person who is engaged in the business of preparing, or providing services in connection with the preparation of, returns of the tax imposed by chapter 1, or declarations or amended declarations of estimated tax under section 6015, or any person who for compensation prepares any such return or declaration for any other person, and who—

"(1) discloses any information furnished to him for, or in connection with, the preparation of any such return or declaration, or

"(2) uses any such information for any purpose other than to prepare, or assist in preparing, any such return or declaration, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution.

"(b) Exceptions.—

"(1) Disclosure.—Subsection (a) shall not apply to a disclosure of information if such disclosure is made—

"(A) pursuant to any other provision of this title, or

"(B) pursuant to an order of a court.

"(2) Use.—Subsection (a) shall not apply to the use of information in the preparation of, or in connection with the preparation of, State and local tax returns and declarations of estimated tax of the person to whom the information relates.

"(3) Regulations.—Subsection (a) shall not apply to a disclosure or use of information which is permitted by regulations prescribed by the Secretary or his delegate under this section."

(b) Clerical Amendment.—The table of contents for part I of subchapter A of chapter 75 is amended by adding at the end thereof the following new item:

"Sec. 7216. Disclosure or use of information by preparers of returns."

(c) Effective Date.—The amendments made by this section shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with amendments as follows:

Restore the matter proposed to be stricken out by the Senate amendment, and omit the matter proposed to be inserted by the Senate amendment.

On page 52 of the House engrossed bill, strike out lines 5 and 6 and insert the following:

(a) Repeal of and Exemptions From Tax.—

(1) Repeal.—Section 4061(a) (relating to tax on automobiles, etc.) is amended to read as follows:

On page 53, line 13, of the House engrossed bill, strike out the final quotation mark.

On page 53 of the House engrossed bill, after line 13, insert the following:

"Truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less (as so determined)."

(2) Exemptions for local transit buses and for trash containers, etc.—Section 4063(a) (relating to exemptions for specified articles) is amended by adding at the end thereof the following new paragraphs:

"(6) Local transit buses.—The tax imposed under section 4061(a) shall not apply in the case of automobile bus chassis or automobile bus bodies which are to be used predominantly by the purchaser in mass transportation service in urban areas.

"(7) Trash containers, etc.—The tax imposed under section 4061(a) shall not apply in the case of any box, container, receptacle, bin, or other similar article which is to be used as a trash container and is not designed for the transportation of freight other than trash, and which is not designed to be permanently mounted on or permanently affixed to an automobile truck chassis or body, or in the case of parts or accessories designed primarily for use on, in connection with, or as a component part of any such article."

(3) Technical amendments.—

(A) Section 4221(c) (relating to relief of manufacturer from liability in certain cases) is amended by striking out "section 4063(b)," and inserting in lieu thereof "section 4063(a) (6) or (7), 4063(b),".

(B) Section 4222(d) (relating to registration in the case of certain exemptions) is amended by striking out "sections 4063(b)," and inserting in lieu thereof "sections 4063 (a) (6) or (7), 4063(b),".

(C) Section 6416(b) (2) (relating to specified uses and resales in case of which tax payments are considered overpayments) is amended—

(i) by striking out "described in section 4221(e) (5)." in subparagraph (R) and inserting in lieu thereof "described in section 4063(a) (6) or 4221(e) (5); or"; and

(ii) by adding at the end thereof the following new subparagraph:

"(S) in the case of a box, container, receptacle, bin, or other similar article taxable under section 4061(a), sold to any person for use as described in section 4063(a) (7)."

And the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with amendments as follows:

Restore the matter proposed to be stricken out by the Senate amendment.

On page 58, line 16, of the House engrossed bill, after "imposed" insert the following: (without regard to the amendment made by paragraph (2) of subsection (a) of this section)

On page 58, line 18, of the House engrossed bill, strike out "(f)" and insert the following: (g)

On page 60, line 15, of the House engrossed bill, strike out "(a) and (f)" and insert the following: (a), (f), and (g)

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with amendments as follows:

On page 98, line 17, of the Senate engrossed amendments, strike out "403" and insert the following: 402.

On page 99 of the Senate engrossed amendments, strike out lines 20 through 24.

And the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with the following amendments:

On page 104 of the Senate engrossed amendments strike line 25.

On page 105, line 3, of the Senate engrossed amendments strike "group." and insert: group; and

On page 105 of the Senate engrossed amendments between lines 3 and 4 insert:

"(v) the uncommitted transitional funds of the group as determined under paragraph (4).

On page 105, line 8 of the Senate engrossed amendments strike out "subparagraph (B) (ii)" and insert: subparagraphs (B) (ii) and (v)

On page 106, between lines 9 and 10, of the Senate engrossed amendments, insert the following:

"(4) Uncommitted transitional funds.—The uncommitted transitional funds of the group shall be an amount equal to the sum of—

"(A) the excess of—

"(i) the amount of stock or debt obligations of domestic members of such group outstanding on December 31, 1971, and issued on or after January 1, 1968, to persons other than United States persons or any members of such group, but only to the extent the taxpayer establishes that such amount constitutes a long-term borrowing for purposes of the foreign direct investment program, over

"(ii) the net amount of actual foreign investment by domestic members of such group during the period that such stock or debt obligations have been outstanding; and

(B) the amount of liquid assets to the extent not included in subparagraph (A) held by foreign members of such group and foreign branches of domestic members of such group on October 31, 1971, in excess of their reasonable working capital needs on such date.

For purposes of this paragraph, the term "liquid assets" means money, bank deposits (not including time deposits), and indebtedness of 2 years or less to maturity on the date of acquisition; and the actual foreign investment shall be determined under paragraph (3) without regard to the date in subparagraph (A) of such paragraph and without regard to subparagraph (D) of such paragraph.

On page 106, line 10, of the Senate engrossed amendments strike out "(4)" and insert: (5)

And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with the following amendment:

Omit the matter proposed to be inserted by the Senate amendment and insert on page 105, after the period in line 11, of the House engrossed bill, the following: For purposes of this section, a foreign corporation which qualified as an export trade corporation for any 3 taxable years beginning before November 1, 1971, shall be treated as an export trade corporation.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with the following amendment:

On page 108 of the Senate engrossed amendment strike out lines 7 through 11 and insert:

"(3) Limitation.—No controlled foreign corporation may qualify as an export trade corporation for any taxable year beginning after October 31, 1971, unless it qualified as an export trade corporation for any taxable year beginning before such date. If a corporation fails to qualify as an export trade corporation for a period of any 3 consecutive taxable years beginning after such date, it may not qualify as an export trade corporation for any taxable year beginning after such period."

And the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu thereof insert: of this title

And the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu thereof insert: of this title

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with the following amendments:

On page 115, line 14, of the Senate engrossed amendments, strike out "VII" and insert: VI

On page 115, line 17, of the Senate engrossed amendments, strike out "701" and insert: 601

On page 115, line 21, strike out "44" and insert: 42

On page 117, line 10, of the Senate engrossed amendments, strike out "and".

On page 117, line 12, of the Senate engrossed amendments, strike out the period and insert: , and

On page 117 of the Senate engrossed amendments, after line 12, insert:

"(E) section 41 (relating to contributions to candidates for public office).

On page 121, line 12, of the Senate engrossed amendments, strike out "or".

On page 121, line 19, of the Senate engrossed amendments, strike out "individual." and insert: individual, or

On page 121 of the Senate engrossed amendments, after line 19, insert:

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

On page 122 of the Senate engrossed amendment, after line 11, insert:

"(d) Failure To Pay Comparable Wages.—

"(1) General rule.—Under regulations prescribed by the Secretary or his delegate, if during the period described in subsection (c)(1)(A), the taxpayer pays wages (as defined in section 50B(b)) to an employee with respect to whom work incentive program expenses are taken into account under subsection (a) which are less than the wages paid to other employees who perform comparable services, the tax under this chapter for the taxable year in which such wages are so paid shall be increased by an amount (determined under such regulations) equal to the credits allowed under section 40 for such taxable year and all prior taxable years attributable to work incentive program expenses paid or incurred with respect to such employee, and the carrybacks and carryovers under subsection (b) shall be properly adjusted.

"(2) Special rule.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

On page 122 of the Senate engrossed amendments, strike out lines 13 through 22, and insert:

"(a) Work Incentive Program Expenses.—For purposes of this subpart, the term 'work incentive program expenses' means the wages paid or incurred by the taxpayer for services rendered during the first 12 months of employment (whether or not consecutive) of employees who are certified by the Secretary of Labor as—

"(1) having been placed in employment under a work incentive program established under section 432(b)(1) of the Social Security Act, and

"(2) not having displaced any individual from employment.

"(b) Wages.—For purposes of subsection (a), the term 'wages' means only cash remuneration (including amounts deducted and withheld).

"(c) Limitations.—

On page 123, line 11, of the Senate engrossed amendments, strike out "wages or salary of an employee" and insert: item with respect to any employee

On page 123, line 24, of the Senate engrossed amendments, strike out "or".

On page 124, line 5, of the Senate engrossed amendments, strike out "trust." and insert: trust, or

On page 124 of the Senate engrossed amendments, after line 5 insert:

"(C) is a dependent (described in section 152(a)(9)) of the taxpayer, or, if the taxpayer is a corporation, of an individual described in subparagraph (A), or, if the taxpayer is an estate or trust, of a grantor, beneficiary, or fiduciary of the estate or trust.

On page 124, line 6, of the Senate engrossed amendments, strike out "(c)" and insert: (d)

On page 124, line 17, of the Senate engrossed amendments, strike out "(d)" and insert: (e)

On page 125, line 9, of the Senate engrossed amendments, strike out "(e)" and insert: (f)

On page 125, line 19, of the Senate engrossed amendments, strike out "(f)" and insert: (g)

On page 126 of the Senate engrossed amendments, strike out the matter between lines 3 and 4, and insert:

"Sec. 40. Expenses of work incentive programs.

"Sec. 41. Contributions to candidates for public office.

"Sec. 42. Overpayments of tax.

On page 126, line 4, of the Senate engrossed amendments, strike out "of such Code".

On page 126 of the Senate engrossed amendments, after line 15, insert:

(4) Section 56(a)(2) (relating to imposition of minimum tax for tax preferences) is amended—

(A) by striking out "and" at the end of clause (ii),

(B) by striking out "; and" at the end of clause (iii) and inserting in lieu thereof a comma, and

(C) by inserting after clause (iii) the following new clauses:

"(iv) section 40 (relating to expenses of work incentive program), and

"(v) section 41 (relating to contributions to candidates for public office); and".

(5) Section 56(c)(1) (relating to tax carryovers) is amended—

(A) by striking out "and" at the end of subparagraph (B),

(B) by striking out "exceed" at the end of subparagraph (C), and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) section 40 (relating to expenses of work incentive program), and

"(E) section 41 (relating to contributions to candidates for public office), exceed".

On page 132 of the Senate engrossed amendments, beginning with line 4 strike out all through line 2 on page 148.

And the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with the following amendments:

On page 157, line 18, of the Senate engrossed amendments, strike out "IX" and insert: VII

On page 157, line 21, of the Senate engrossed amendments, strike out "901" and insert: 701

On page 157 of the Senate engrossed amendments, strike out line 24 and insert in lieu thereof: section 40 (as added by section 601 of this Act) the following

On page 158 of the Senate engrossed amendments, strike out the first 12 lines and insert in lieu thereof the following:

"Sec. 41. Contributions to Candidates for Public Office.

"(a) General Rule.—In the case of an individual, there shall be allowed, subject to the limitations of subsection (b), as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of all political contributions, payment of which is made by the taxpayer within the taxable year.

"(b) Limitations.—

"(1) Maximum credit.—The credit allowed by subsection (a) for a taxable year shall be limited to $12.50 ($25 in the case of a joint return under section 6013).

"(2) Application with other credits.—The"

On page 158, line 20, of the Senate engrossed amendments, strike out "2" and insert: 3

On page 159, lines 5, 8, 12, 13 and 14, and 17, of the Senate engrossed amendments, strike out "election" and insert: nomination or election

On page 160, line 5, of the Senate engrossed amendments, strike out "election" and insert: nomination or election

On page 161, line 7, of the Senate engrossed amendments, strike out "42" and insert: 41

On page 161, line 8, of the Senate engrossed amendments, strike "902" and insert: 702.

On page 161, line 17, of the Senate engrossed amendments, strike "42" and insert: 41

On page 161 of the Senate engrossed amendments, strike out lines 21 and 22 and insert:

(a) shall not exceed $50 ($100 in the case of a joint return under section 6013).

On page 162, line 8, of the Senate engrossed amendments, strike "42" and insert: 41

On page 162 of the Senate engrossed amendments, after line 19, insert the following:

(c) The table of sections of part VII of subchapter B of chapter 1 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Contributions to candidates for public office.

"Sec. 219. Cross references."

On page 162, line 20, of the Senate engrossed amendments, strike "903" and insert: 703

On page 163 of the Senate engrossed amendments, starting with line 3, strike out all through line 2 on page 187 and insert in lieu thereof the following:

TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

SEC. 801. PRESIDENTIAL ELECTION CAMPAIGN FUND ACT.

The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

"SUBTITLE H—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

"Chapter 95. Presidential election campaign fund.

"Chapter 96. Presidential election campaign fund advisory board.

"Chapter 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

"Sec. 9001. Short title.

"Sec. 9002. Definitions.

"Sec. 9003. Condition for eligibility for payments.

"Sec. 9004. Entitlement of eligible candidates to payments.

"Sec. 9005. Certification by Comptroller General.

"Sec. 9006. Payments to eligible candidates.

"Sec. 9007. Examinations and audits; repayments.

"Sec. 9008. Information on proposed expenses.

"Sec. 9009. Reports to Congress; regulations.

"Sec. 9010. Participation by Comptroller General in judicial proceedings.

"Sec. 9011. Judicial review.

"Sec. 9012. Criminal penalties.

"Sec. 9013. Effective date of chapter.

"SEC. 9001. SHORT TITLE.

"This chapter may be cited as the 'Presidential Election Campaign Fund Act'.

"SEC. 9002. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'authorized committee' means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a)(2), the term 'candidate' means with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under the chapter set forth in section 9003.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 9006(a).

"(6) The term 'major party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(8) The term 'new party' means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

"(9) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(10) The term 'presidential election' means the election of presidential and vice-presidential electors.

"(11) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

"(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Comptroller General prescribes by rules or regulations.

"(12) The term 'expenditure report period' with respect to any presidential election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

"SEC. 9003. CONDITION FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request,

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) MAJOR PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

"(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (c) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

"(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

'SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL.—Subject to the provisions of this chapter—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to 15 cents multiplied by the total number of residents within the United States who have attained the age of 18, as determined by the Bureau of the Census, as of the first day of June of the year preceding the year of the presidential election.

"(2)(A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

"(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

"(b) LIMITATIONS.—The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

"(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) RESTRICTIONS.—The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

"SEC. 9005. CERTIFICATION BY COMPTROLLER GENERAL.

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9007, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9007 and judicial review under section 9011.

"SEC. 9006. PAYMENTS TO ELIGIBLE CANDIDATES.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. The Secretary shall maintain in the fund (1) a separate account for the candidates of each major party, each minor party, and each new party for which a specific designation is made under section 6096 for payment into an account in the fund and (2) a general account for which no specific designation is made. The Secretary shall, as provided by appropriation Acts, transfer to each account in the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous presidential election) to such account by individuals under section 6096 for payment into such account of the fund.

"(b) TRANSFER TO THE GENERAL FUND.—If, after a presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in any account in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) PAYMENTS FROM THE FUND.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the specific account in the fund for such candidates the amount certified by the Comptroller General. Payments to eligible candidates from the account designated for them shall be limited to the amounts in such account at the time of payment. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) TRANFERS FROM GENERAL ACCOUNT TO SEPARATE ACCOUNTS.—

"(1) If, on the 60th day prior to the presidential election, the moneys in any separate account in the fund are less than the aggregate entitlement under section 9004(a)(1) or (2) of the eligible candidates to which such account relates, 80 percent of the amount in the general account shall be transferred to the separate accounts (whether or not all the candidates to which such separate accounts relate are eligible candidates) in the ratio of the entitlement under section 9004(a)(1) or (2) of the candidates to which such accounts relate. No amount shall be transferred to any separate account under the preceding sentence which, when added to the moneys in that separate account prior to any payment out of that account during the calendar year, would be in excess of the aggregate entitlement under section 9004(a)(1) or (2) of the candidates to whom such account relates.

"(2) If, at the close of the expenditure report period, the moneys in any separate account in the fund are not sufficient to satisfy any unpaid entitlement of the eligible candidates to which such account relates, the balance in the general account shall be transferred to the separate accounts in the following manner:

"(A) For the separate account of the candidates of a major party, compute the percentage which the average number of popular votes received by the candidates for President of the major parties is of the total number of popular votes cast for the office of President in the election.

"(B) For the separate account of the candidates of a minor or new party, compute the percentage which the popular votes received for President by the candidate to which such account relates is of the total number of popular votes cast for the office of President in the election.

"(C) In the case of each separate account, multiply the applicable percentage obtained under paragraph (A) or (B) for such account by the amount of the money in the general account prior to any distribution made under paragraph (1), and transfer to such separate account an amount equal to the excess of the product of such multiplication over the amount of any distribution made under such paragraph to such account.

"SEC. 9007. EXAMINATIONS AND AUDITS; REPAYMENTS.

"(a) EXAMINATIONS AND AUDITS.—After each presidential election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

"(b) REPAYMENTS.—

"(1) If the Comptroller General determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments to which candidates were entitled under section 9004, he shall so notify such candidates, and such candidates shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, he shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary an amount equal to such amount.

"(3) If the Comptroller General determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 9006 (c)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

"(d) Deposit of Repayments.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9008. Information on Proposed Expenses

"(a) Reports by Candidates.—The candidates of a political party for President and Vice President in a presidential election shall, from time to time as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) Publication.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"Sec. 9009. Reports to Congress; Regulations

"(a) Reports.—The Comptroller General shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Regulations, Etc.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"Sec. 9010. Participation by Comptroller General in Judicial Proceedings

"(a) Appearance by Counsel.—The Comptroller General is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Recovery of Certain Payments.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9007.

"(c) Declaratory and Injunctive Relief.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) Appeal.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"Sec. 9011. Judicial Review.

"(a) Review of Certification, Determination, or Other Action by the Comptroller General.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) Suits to Implement Chapter.—

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provisions of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"Sec. 9012. Criminal Penalties.

"(a) Excess Campaign Expenses.—

"(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(b) Contributions.—

"(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002 (11).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(c) Unlawful Use of Payments.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or.

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(d) False Statement, Etc.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter, or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(e) Kickbacks and Illegal Payments.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 *percent* of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES AND CONTRIBUTIONS.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(g) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"SEC. 9013. EFFECTIVE DATE OF CHAPTER.

The provisions of this chapter shall take effect on January 1, 1973.

"Chapter 96. PRESIDENTIAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"SEC. 9021. ESTABLISHMENT OF ADVISORY BOARD.

"(a) ESTABLISHMENT OF BOARD.—There is hereby established an advisory board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act.

"(b) COMPOSITION OF BOARD.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, who shall serve ex officio;

"(2) two members representing each political party which is a major party (as defined in section 9002(6)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of the first presidential election following January 1, 1973, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a presidential election and expire on the sixtieth day following the date of the subsequent presidential election. The Board shall elect a Chairman from its members.

"(c) COMPENSATION.—Members of the Board (other than members described in subsection (b)(1)) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) STATUS.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States be considered as service as an officer or employee of the United States."

SEC. 802. MISCELLANEOUS AMENDMENTS.

(a) DESIGNATION OF INCOME TAX PAYMENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND.—Effective with respect to taxable years ending on or after December 31, 1972, section 6096 (a) (relating to designation of income tax payments to the presidential election campaign fund) is amended to read as follows:

"(a) IN GENERAL.—Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund for the account of the candidates of any specified political party for President and Vice President of the United States, or if no specific account is designated by such individual, for a general account for all candidates for election to the offices of President and Vice President of the United States, in accordance with the provisions of section 9006(a)(1). In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to any such account in the fund."

(b) REPEAL OF CERTAIN PROVISIONS.—

(1) Sections 303, 304, and 305 of the Presidential Election Campaign Fund Act of 1966 (80 Stat. 1587) are repealed.

(2) The enactment of subtitle H of the Internal Revenue Code of 1954 by section 801 of this Act is intended to comply with the provisions of section 5 (relating to the Presidential Election Campaign Fund Act of 1966) of the Act entitled "An Act to restore the investment credit and allowance of accelerated depreciation in the case of certain real property", approved June 13, 1967 (Public Law 90-26, 81 Stat. 58). The provisions of section 6096 of the Internal Revenue Code of 1954, together with the amendments of such section made by subsection (a) shall be applicable only to taxable years ending on or after December 31, 1972.

And the Senate agree to the same.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
MARTHA W. GRIFFITHS,
JOHN W. BYRNES,
JACKSON E. BETTS,
HERMAN T. SCHNEEBELI,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN E. TALMADGE,
CARL T. CURTIS,
JACK MILLER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

FARM MACHINERY AND EQUIPMENT

Amendment No. 4: Under the bill as passed by the House, the investment credit provided by section 38 of the Internal Revenue Code of 1954 is restored for property acquired after August 15, 1971, or acquired during the period April 1–August 15, 1971, pursuant to an order placed after March 31, 1971. Senate amendment no. 4 restored the investment credit for farm machinery and equipment acquired during the period January 1–August 15, 1971, pursuant to an order placed during the period January 1, 1971, through March 31, 1971.

The Senate recedes.

ACCOUNTING FOR INVESTMENT CREDIT IN FINANCIAL REPORTS

Amendment No. 7: The Senate amendment provides that, for purposes of accounting for the investment credit in financial reports, no taxpayer shall be required to use any particular method of accounting. The amendment also requires taxpayers to disclose in their financial reports, the method of accounting used for the investment credit.

The House recedes with an amendment. The conference agreement clarifies the application of the Senate amendment by providing that taxpayers for purposes of reporting to Federal agencies and for purposes of making financial reports subject to regulation by Federal agencies are to be permitted to account for the tax benefit of the investment credit either currently in the year in which the investment credit is taken as a tax reduction, or ratably over the life of the asset. This includes not only reports made to the Federal Government, but also reporting to stockholders to the extent any Federal agency has the authority to specify the method of such reporting. This treatment is to be available notwithstanding any other law or regulation under law. The method used after the date of the bill must be consistently followed unless permission to make a change in the method of reporting is obtained from the Secretary or his delegate. The requirements set forth in this provision are not to apply to reports of public utilities for which other rules are provided under section 105 of the bill.

USEFUL LIFE FOR INVESTMENT CREDIT PURPOSES

Both the bill as passed by the House and as passed by the Senate in section 102 provide that a taxpayer must use the same useful life with respect to an asset in determining the amount of the allowable investment credit as the taxpayer uses in computing depreciation or amortization on the asset. The conferees agreed that this was not the rule in the past.

The conferees also concluded that where a taxpayer uses a method of depreciation, such as the units-of-production method or the income-forecast method, which does not directly relate the useful life of the property in terms of a specific number of years, the determination as to what constitutes the useful life for purposes of the investment credit as required by the bill should be made by comparing the depreciation taken under the units-of-production method or income-forecast method at the end of 3, 5, and 7 years with the most liberal depreciation which would be taken under the double-declining-balance or sum-of-the-years digits method for an asset of the useful life of seven years. If the depreciation expected to be taken under the units-of-production method or income-forecast method at these time intervals does not exceed by more than 20 percent the depreciation taken under the most favorable of the other two methods, the useful life of the asset under the income-forecast method or units-of-production method will be assumed to be seven years.

Similar comparisons may be made with other useful lives. If the depreciation actually taken is greater than anticipated, then rules achieving essentially the same result as the recapture rules with respect to the investment credit are, to apply. The effect of this is to permit the taxpayer to obtain a tax credit where he utilizes a method of depreciation which yields results substantially equivalent to the double-declining balance or sum-of-the-years digits methods of depreciation for comparable useful lives. This, of course, does not prevent a taxpayer from showing on the basis of his particular facts or circumstances, that other treatment with respect to the investment credit should be made applicable.

LIMITATION OF CREDIT TO DOMESTIC PRODUCTS

Amendment No. 8: Under the bill as passed by the House, the investment credit was not to be available for certain property which is completed outside the United States or 50 percent or more of the basis of which is attributable to value added outside the United States, if the construction of the property begins before the termination date of Presidential Proclamation 4074 (which imposed the import surcharge) or is acquired before that date. Senate amendment No. 8 provides that the investment credit will not be denied for foreign property acquired pursuant to an order placed after March 31, 1971, and before August 16, 1971 (or the construction of which by the taxpayer began during this period).

The House recedes.

Amendment No. 9: The bill as passed by the House authorized the President by Executive order where he finds it in the public interest to exempt any article or class of articles from the provision which denies the investment credit to certain foreign property in the case of acquisitions pursuant to orders after (or the construction of which began after) August 15, 1971. Any such exemption could be prospective only from the date of the Executive order. Under Senate amendment No. 9, the exemption could be retroactive for up to two years if the President determined it to be in the public interest.

The House recedes with an amendment under which the exemption can be made retroactive to any date after August 15, 1971, if the President determines it to be in the public interest.

Under the above provision, the House indicated that among the situations in which it believed it was in the public interest to waive the limitation with respect to the investment credit were: (1) where the United States market for a particular type of item tends toward a monopolistic one (i.e., is dominated by one or two domestic producers); (2) where there are practically no U.S. manufacturers of the type of products involved and substantially all items of these types are imported; and (3) where the foreign producer of an item can show that it is seeking to develop a market in the United States prior to transferring the manufacturing operations for the item to the United States. The Senate Finance Committee report expresses general agreement with these three illustrations of public interest but adds a fourth. It would also provide for the waiving of the limitation where so-called "free-list" nonduty items which have a long history of free trade (such as farm machinery) are involved. However, the Senate Finance Committee report also indicated that it is contemplated that the President would not terminate the limitation with respect to an article (or brand of article) if there is a finding that a corporation (or an affiliated group of corporations within the meaning of section 312(1)(2)) has increased the foreign production of that article while within a reasonable time before or after that increase there had been significant decreases in the production of that article (or substantially similar article) in the United States.

The conferees agreed as to the appropriateness of the fourth category added in the Senate Finance Committee report. However, they concluded that it was inappropriate to limit the application of the four exceptions referred to above where there had previously been a significant decrease in the domestic production of the article in question (or substantially similar article). The application of such a rule would be difficult to apply administratively and could result in undesirable consequences with respect to domestic consumers, where, for example, this would perpetuate a situation tending toward monopoly.

Amendment No. 10: The Senate amendment authorizes the President to continue the application of the foreign property provision of the bill, when he terminates Presidential Proclamation 4074, to any article or class of articles, or to any article or class of articles manufactured or produced in any foreign country, if he determines such action to be in the public interest.

The House recedes with an amendment. Under the conference agreement, if on or after the date of the termination of Proclamation 4074, the President determines that a foreign country maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce, he may by Executive order apply the foreign property provision of the bill to any article or class of articles manufactured or produced in such foreign country for such period as may be provided by Executive order. The trade restrictions and discriminatory acts referred to by this provision are the same as those contained in section 252(b) of the Trade Expansion Act of 1962.

DEFINITION OF SECTION 38 PROPERTY

Amendment No. 11: Section 104 of the bill as passed by the House made several changes in the definition of "section 38 property", that is, property which qualifies for the investment credit. Livestock and communication satellites (as defined in section 103(3) of the Communication Satellite Act of 1962), or any interest therein, of a United States person were made eligible for the credit. The bill as passed by the House provided that property for which a taxpayer elected rapid amortization under the various provisions of the Internal Revenue Code of 1954 would not be eligible for the credit. Among these provisions where only one of the two provisions would be applicable was section 187 relating to certain coal mine safety equipment.

Senate amendment No. 11 modified some of these changes and made several additional rules. In the case of livestock, the Senate amendment provided that horses would not be eligible for the investment credit and that, if livestock was acquired to replace substantially identical livestock sold or otherwise disposed of within a period beginning 6 months before and ending 6 months after the acquisition, generally the cost of the livestock acquired would be reduced, for purposes of the investment credit, by the amount realized on the sale or disposition.

Senate amendment no. 11 also provided that coal mine safety equipment would be eligible for the investment credit as well as for rapid amortization.

The Senate amendment clarifies the provision of present law relating to storage facilities (section 48(a)(1)(B)(ii) of the Code) so as to make it clear that such provision applies only to facilities for the bulk storage of fungible commodities, including commodities in a liquid or gaseous state.

The Senate amendment extends the investment credit to coin-operated washing machines and dryers located in apartment buildings.

Under present law, property used predominantly outside the United States generally does not qualify for the investment credit. Present law and the bill as passed by the House provide a number of exceptions to this rule. Senate amendment no. 11 provides two additional exceptions. The first is for property (other than a vessel or aircraft) of a United States person which is used in international or territorial waters for the purpose of exploring for, developing, removing, or transporting resources from ocean waters or submarine deposits. The second is for any cable, manufactured in the United States, or any interest therein, of a domestic regulated telephone company (or of a wholly owned domestic subsidiary of such a company), if the cable is part of any submarine cable system which constitutes part of a communication link with the United States.

Senate amendment no. 11 makes it clear that replacement track material of a railroad that uses the retirement-replacement method of accounting for depreciation of its railroad track qualifies for the investment credit if the replacement is made under certain specified conditions or circumstances. A special limitation applies if the replacement is made as a result of a casualty.

The House recedes with amendments. Under the conference agreement, the special rule provided by the Senate amendment for replacement livestock is not to apply if the replacement is due to an involuntary conversion (including an involuntary conversion on account of disease or drought to the extent provided in section 1033 of the Code). The conference agreement restores the provision of the bill as passed by the House relating to coal mine safety equipment for which rapid amortization is elected. The conference agreement includes the provisions of the Senate amendment relating to storage facilities, coin-operated washing machines and dryers located in apartment buildings. The conference agreement also removes the permanent requirement that submarine telephone cable, in order to be eligible for the investment credit, must be manufactured in the United States and makes it clear that the provision applies only to cables, or interests in cables, used exclusively in communication links between the United States and foreign countries. No inference is to be drawn as to the treatment of such submarine telephone cable under prior provisions relating to the investment credit, either as a result of this provision or as a result of any other provision included in this section. Finally, the conference agreement includes the portion of the Senate amendment which provides that property (other than vessels or aircraft) used to explore for, develop, remove, or transport resources from ocean waters or submarine deposits under such waters is to be eligible for the investment credit. Certain types of drilling rigs used for these purposes have, under prior rulings, been held to be eligible for the investment credit as documented vessels. No change is intended to be made in the status of such rigs.

USED PROPERTY

Amendment No. 12: Under prior law, used property qualifies for the investment credit to the extent that the cost of such property placed in service by a taxpayer in any taxable year does not exceed $50,000.

Under the bill as passed by the House, this limit was increased to $65,000, but was required to be reduced by the amount of the qualified investment in new section 38 property placed in service by the taxpayer during the taxable year.

Senate amendment No. 12 struck out this provision of the bill as passed by the House, and restored prior law.

The House recedes.

PUBLIC UTILITY PROPERTY

Amendment No. 14: Under the bill as passed by the House, public utility property (i.e., section 38 property placed in service by certain regulated companies) qualifies for only four-sevenths of the investment credit (three-sevenths under prior law). Included among the utilities subject to this limitation are regulated telephone companies and domestic telegraph companies. The bill as passed by the House extended this limitation to regulated international telegraph companies and other regulated companies providing communication services.

Senate amendment no. 14 restored international telegraph companies to their status under prior law but extended the definition of public utility property to include communication property of any taxpayer if it is of the type used by persons engaged in providing regulated telephone or microwave communication services and if the taxpayer uses the property predominantly for communication purposes.

The House recedes with an amendment. Under the conference agreement, the provisions of the Senate amendment are retained but in the case of submarine cable circuits of a regulated international telegraph company, the investment credit with regard to any circuit between the United States and a point outside the United States is to be limited to so much of the interest of the company in the circuit as does not exceed 50 percent of the total interests in the circuit.

TREATMENT OF INVESTMENT CREDIT FOR RATEMAKING PURPOSES

Amendment No. 15: The bill as passed by the House provides the following three basic elective options as to treatment of the investment credit for ratemaking purposes: (1) under the first option the credit may not be flowed through to income but may be used to reduce the rate base (provided that this rate base reduction is restored not less rapidly than ratably over the useful life of the property); (2) under the second option the credit may be flowed through to income (but not more rapidly than ratably over the useful life of the property) and there must not be any adjustment to reduce the rate base; (3) under the third option there would be no restrictions on the treatment of the credit for ratemaking purposes. All regulated companies may choose between option (1) and option (2) within 90 days after the date of the enactment of this bill. If no election is made in that time, option (1) applies. Option (3) (election of which must be made within 90 days after enactment) is to be available only with respect to property where under the accelerated depreciation rules enacted as part of the Tax Reform Act of 1969 the benefits of the credit were flowed through to the customers. If, after March 31, 1972, a company flows through to income an amount greater than that permitted under the option applicable to that company, or its rate base is adjusted by an amount greater than that permitted under its applicable option, then the company is to lose the investment credit with respect to its public utility property for all open years and all future years.

Senate amendment No. 15 adopts the basic structure of the House provision with several changes. First, it provides that a regulated company furnishing steam through a local distribution system or gas or steam by pipeline may elect to have neither flow through nor rate base adjustment where a Federal agency having ratemaking jurisdiction determines that the natural domestic supply of the product is insufficient to meet the present and future needs of the domestic economy; this election must be made within 90 days after enactment. Second, a company that elects the second option (ratable flow-through but no rate base adjustment) must use the same ratable flow through on its regulated books of account for any other purposes for which those books are used (thus, there may be no requirement that the company treat the investment credit in its reports to shareholders, or to the public, in any manner different from the manner the company treats the investment credit for ratemaking purposes). Third, ratemaking treatment of the credit must be conformed to the rules provided by the bill in the first final action taken by the regulatory agency after enactment of the bill, rather than by March 31, 1972, as provided under the House bill. Fourth, a denial of the credit under the bill because of a regulatory agency acting inconsistently with the rules of the bill will not apply to property placed in service after the agency puts into effect a determination which is consistent with the bill.

The House recedes with a clerical amendment.

LIMITATION ON CARRYOVERS AND CARRYBACKS

Amendment No. 23: When the investment credit was terminated in 1969 a limitation was imposed on the amount of carryovers and carrybacks of prior unused credits which a taxpayer could use in any taxable year after the termination. The bill as passed by the House removed this limitation for taxable years ending after December 31, 1971. The Senate amendment provides in effect that the limitation is to be removed for the portion of taxable years ending in 1971 after August 15.

The House recedes.

AVAILABILITY OF CREDIT TO CERTAIN LESSORS

Amendment No. 27: The bill as passed by the House provided that in certain cases the credit provided by section 38 of the Code is not allowed to noncorporate lessors of property. Senate amendment no. 27 makes it clear that, where the lessor is a partnership which has a corporate partner, this limitation does not deny to the corporate partner the credit which is otherwise allowable to it.

The House recedes.

CERTAIN PROPERTY LEASED FOR SHORT TERM

Amendment No. 28: Under prior law, a lessor of section 38 property could elect to "pass through" the investment credit to the lessee of the property. Senate amendment No. 28 adds a special rule applicable to a short term lease of property which is defined in the amendment as a lease for a term which is less than 80 percent of the class life of the property leased. In the case of such a lease, the Senate amendment limits the amount of the investment credit which can be passed through to the lessee to the same percentage of the credit which would be passed through under the general lease rule as the percentage which the term of the lease is of the class life of the property.

The House recedes with amendments. Under the conference agreement the special rule provided by the Senate amendment is not to apply to leases of property which have a class life of 14 years or less or to leases which are "net leases" (as defined in section 57 (c) (2) of the Code).

CERTAIN PROPERTY PLACED IN SERVICE IN RURAL AREAS AND CENTRAL CITIES

Amendment No. 29: Under the bill as passed by the House, the amount of the investment credit is generally 7 percent of the qualified investment (as defined in section 46(c) of the Code). Senate amendment No. 29 provided that in the case of certain property placed in service in rural areas and central cities, the credit would be 10 percent instead of 7 percent.

The Senate recedes.

RAILROAD ROLLING STOCK

Amendment No. 30: Under present law (section 263(e) of the Code), certain expenditures incurred in connection with the rehabilitation of a unit of railroad rolling stock (except a locomotive) are treated as deductible repairs under section 162 or 212 of the Code.

Senate amendment No. 30 makes this provision elective and also in effect, permits the taxpayer to elect either this provision or the new repair allowance provision provided by the bill as passed by the House (new section 263(f) of the Code).

The House recedes.

TRANSITIONAL RULES FOR REAL PROPERTY AND SUBSIDIARY ASSETS

Amendment No. 33: The Senate amendment provides two transitional rules, one applicable to real property and the other to subsidiary assets, under the new class life depreciation system provided by the bill as passed by the House. These transitional rules are to apply to property placed in service during the period beginning January 1, 1971, and ending December 31, 1973, or if earlier the date on which class lives are subsequently prescribed by the Secretary of the Treasury or his delegate.

The House recedes.

INCREASE IN PERSONAL EXEMPTION

Amendment No. 35: Under existing law, the amount of the personal exemption is $650 for calendar year 1971, $700 for 1972, and $750 for 1973 and later years. Under the bill as passed by the House, the personal exemption would be $675 for calendar year 1971 and $750 for 1972 and subsequent taxable years.

Senate amendment No. 35 retained the $675 personal exemption for calendar year 1971, but the amount of the personal exemption for calendar year 1972 and subsequent taxable years would be $800.

The Senate recedes.

LOW INCOME ALLOWANCE

Amendments Nos. 38 and 39: The House bill increased the low income allowance to $1,300 for calendar 1972 and subsequent years.

The Senate amendments made this change effective also for taxable years beginning in 1971.

The Senate recedes.

CERTAIN FISCAL YEAR TAXPAYERS

Amendment No. 45: Under the bill as passed by the House, section 21 of the Internal Revenue Code of 1954 was amended to provide for proration of the changes in personal exemptions made by the bill in the case of a taxpayer whose taxable year is not the calendar year.

Senate amendment No. 45 provides for both the changes in the personal exemption and the changes in the standard deduction to be prorated for these taxpayers.

The House recedes.

WITHHOLDING CHANGES

Amendment No. 47: Existing law provides a percentage withholding method for 1971, 1972, and 1973 which incorporates the personal exemption and the standard deduction provided by existing law for those years. Wage bracket withholding tables based on the percentage method are prescribed by the Secretary of the Treasury. Under existing law, there is significant underwithholding in many cases. The bill as passed by the House amended the withholding provisions to reflect changes made by the bill in the personal exemption and standard deduction and to minimize underwithholding. These changes in withholding would take effect in two stages, the first stage was to be effective with respect to wages paid after November 14, 1971, and before January 1, 1973, and the second stage with respect to wages paid after December 31, 1972.

Senate amendment No. 47 amended the withholding provisions to reflect changes made by the Senate amendments in the personal exemption and standard deduction and to minimize underwithholding. Under the Senate amendments, these changes would take effect in one stage, that is, with respect to wages paid after December 31, 1971.

The House recedes with amendments. Under the conference agreement the withholding provisions are amended to reflect changes made by the action recommended in the accompanying conference report in the personal exemption and the standard deduction and to minimize underwithholding. Under the conference agreement, these changes are to take effect in one stage, effective with respect to wages paid after January 15, 1972.

DECLARATIONS OF ESTIMATED INCOME TAX BY INDIVIDUALS

Amendment No. 48: The bill as passed by the House would increase the income levels above which a declaration of estimated income tax by individuals is required. It would also increase the levels applicable in the case of those requirements for filing declarations which are based on final tax liability or on the amount of income from sources other than wages.

Senate amendment No. 48 would accept the House provision in this respect but would provide that it is to take effect with respect to taxable years beginning after December 31, 1971 (instead of with respect to taxable years beginning after December 31, 1972).

The House recedes.

CERTAIN EXPENSES TO ENABLE INDIVIDUAL TO BE GAINFULLY EMPLOYED

Amendment No. 49: Under existing law (section 214 of the Code) certain categories of taxpayers are allowed an itemized deduction for amounts they spend for the care of certain dependent children (under age 13) and also for incapacitated dependents where such amounts enable the taxpayer to be gainfully employed. The amount of the deduction for any taxable year is limited to $600 where there is one such dependent, or to $900 where there are two or more such dependents. Generally for married couples the amount of the deduction is reduced by the adjusted gross income in excess of $6,000.

Senate amendment No. 49 revises and broadens the existing provision by making the deduction available both for household service expenses and dependent care expenses incurred in order to permit the taxpayer to be gainfully employed. For services of these types provided in the home, a deduction for up to $400 a month is allowed. The $400 deductible amount may also consist of child care expenses outside of the home of up to $200 a month for the care of one child, $300 a month for the care of 2 children, and $400 for the care of 3 or more children.

The deduction under this provision is available for expenses for gainful employment where the taxpayer's household includes a child under age 15 who may be claimed as a dependent of the taxpayer, a disabled dependent (regardless of age), or a disabled spouse. In the case of disabled dependents, the eligible expenses are reduced by adjusted gross income and nontaxable disability payments (government or private) in excess of $750 received by the dependent; and in the case of a disabled spouse, by disability payments. For married couples, the deduction is fully available where their combined annual adjusted gross income is not above $18,000. For those with incomes above this amount the otherwise allowable deduction is reduced 50 cents for each dollar of income above $18,000. The deduction is available whether or not the taxpayer takes the standard deduction.

The House recedes with an amendment. The conference agreement essentially retains the Senate amendment. However, the deduction may be taken only as an itemized deduction and the $18,000 income limit, above which the allowable deduction is reduced, is made applicable to unmarried as well as married taxpayers. In addition, the conference agreement clarifies the fact that a deduction is allowed only for expenses incurred to enable a taxpayer to be employed on a substantially full-time basis (employed for three-quarters or more of the normal or customary work week or the equivalent during the month).

The conference agreement also makes it clear that a taxpayer maintains a household for any period, only if he furnishes over half the cost of maintaining the household during such period.

The requirement that the expenses be incurred to enable the taxpayer to be gainfully employed is not intended to include amounts paid to an individual who is employed, for example, predominantly as a gardener, bartender, or chauffeur.

In the case of the reduction of otherwise allowable deductions by the adjusted gross income or disability payments received by a dependent, the expenses to be offset are only those expenses solely attributable to the disability of the dependent and are not to include the household service expenses which would be allowable in the absence of such dependent.

In these cases, the adjusted gross income and disability payments received by the dependent are applied first against any expenses incurred on his behalf in excess of the $400-a-month limit. Then any remaining payment received is applied against the expenses coming within the $400-a-month limit. Next the reduction for adjusted gross income in excess of $18,000 is applied. Adjusted gross income in excess of $18,000 in the taxable year reduces the amount of eligible expenses incurred (after the imposition of the $400-a-month limit) by 50 cents for each dollar of adjusted gross income over $18,000.

For purposes of the reduction for adjusted gross income in excess of $18,000, expenses incurred during any month (regardless of when paid) are to be compared to the adjusted gross income properly allocable to such period. Generally, the period for this purpose will be the taxable year, but allocations to shorter periods (such as a month) may be necessary where there is, for example, a change in marital status.

Married taxpayers must file a joint return in order to be eligible for the deduction (except for a taxpayer who would not be considered to be married under section 143(b)(1) (relating to certain married individuals living apart) if such section referred to any dependent instead of only to a child). In the case of individuals whose marital status changes during the year, the availability of the deduction is determined with regard to the eligible expenses incurred and the income earned by each spouse during the period of each marital status in a manner similar to present regulations.

LEVIES ON SALARIES AND WAGES

Amendment No. 50: Senate amendment numbered 50 added a new subsection (d) to section 6331 of the Code (relating to levy and distraint) providing that levy may be made on the salary or wages of an individual under section 6331(a) of the Code only after the Secretary of the Treasury or his delegate has notified the individual of his intention to make such levy.

The House recedes with a substitute for the Senate amendment which adopts the substance of the Senate amendment but makes clarifying changes.

UNEARNED INCOME OF CERTAIN TAXPAYERS

Amendment No. 51: Under the bill as passed by the House, certain income of a trust required to be included in the gross income of a beneficiary of the trust was to be disregarded in computing the percentage standard deduction. In addition the sum of the personal exemptions and standard deduction of the taxpayer could not exceed the adjusted gross income computed without regard to such income of the trust.

The Senate amendment provides that in the case of a taxpayer who is a dependent of another taxpayer, the percentage standard deduction is computed only with reference to his earned income and the low income allowance is not to exceed his earned income.

The House recedes.

LIMITATIONS ON CARRYOVERS OF UNUSED CREDITS

Amendments Nos. 54 and 55: The bill as passed by the House provides that in certain corporate reorganizations the rules of present law relating to carryover of net operating losses shall also apply to unused investment credits, unused foreign tax credits, and unused net capital losses. Senate amendment No. 54 applies this provision to unused work incentive program credits (added by section 601 of the bill). Under the bill as passed by the House, the new provision would apply to reorganizations and other changes in ownership occurring after the date of the enactment of the bill.

Senate amendment No. 55 limits the application of this new provision to reorganizations and other changes in ownership pursuant to a plan of reorganization or contract entered into on or after September 29, 1971.

The House recedes.

DEFINITION OF NET LEASE; EXCESS INVESTMENT INTEREST

Amendment No. 56: The bill as passed by the House clarified the definition of a net lease for purposes of the minimum tax on tax preferences and for the limitation of the deductibility of excess investment interest. Under present law, a lease is a net lease for these purposes if the trade or business deductions arising with respect to the property leased are less than 15 percent of the rental income produced by the property.

The bill as passed by the House also restricted the business deductions taken into account for this purpose to deductions of the lessor other than deductions for rents or reimbursed expenses with respect to the leased property.

Senate amendment No. 56 incorporates these changes and makes two additional changes in the definition of a net lease. The first change permits taxpayers to aggregate all leases on a single parcel of real property and treat the leases as a single lease for purposes of determining whether in the aggregate the real property is subject to a net lease under the 15 percent rule. The second permits a taxpayer to disregard real property improvements which are more than 5 years old for purposes of determining whether the property is subject to a net lease under the 15 percent rule described above. In addition, the Senate amendment provides that the amount of excess investment interest subject to the minimum tax or subject to disallowance under section 163 of the Code is to be reduced by the amount of any "out-of-pocket losses" of the taxpayer incurred with respect to the leased property. These losses are, in general, the amount by which the deductions for business (or investment) expenses, interest, and property taxes exceed the gross rental income from the property.

The House recedes.

CAPITAL GAIN DISTRIBUTIONS OF CERTAIN TRUSTS

Amendment No. 58: This Senate amendment postpones for one year the application of the capital gain distributions rule enacted by the Tax Reform Act of 1969 in the case of certain accumulation trusts in existence on December 31, 1969.

The House recedes.

WESTERN HEMISPHERE TRADE CORPORATIONS

Amendment No. 59: The bill as passed by the House provided that in determining whether a corporation qualified for the special Western Hemisphere Trade Corporation treatment of the Code, income derived from sources within the Virgin Islands of the United States would not be taken into account.

The Senate amendment provides that for purposes of the income tax law of the Virgin Islands of the United States, the Western Hemisphere Trade Corporation provisions of the Internal Revenue Code will be treated as having been repealed.

The House recedes.

CAPITAL GAINS AND STOCK OPTIONS

Amendment No. 60: Under present law stock options and capital gains derived from sources outside of the United States are not subject to the minimum tax for tax preferences if the foreign country in which the transaction occurs does not give preferential treatment under its tax laws. The bill as passed by the House provides that, for purpose of applying this provision, preferential treatment is accorded if the foreign country imposes no significant amount of tax with respect to the transaction. Under the bill as passed by the House, this new provision is to apply to taxable years beginning after December 31, 1969 (the effective date of the minimum tax for tax preferences). The Senate amendment provided that this new provision would only apply to transactions occurring after June 24, 1971.

The Senate recedes.

BRIBES, KICKBACKS, MEDICAL REFERRAL PAYMENTS, ETC.

Amendment No. 61: Under present law (section 162(c) (2) of the Code as amended by the Tax Reform Act of 1969) a deduction is denied for a payment which is an illegal bribe or kickback if the individual making the payment is convicted, or enters a plea of guilty or nolo contendere, in a criminal proceeding. Present law also contains a special provision under which the statute of limitations for assessing deficiencies may be extended in these cases.

Senate amendment no. 61 denies a deduction for any payment which is an illegal bribe, illegal kickback, or other illegal payment under any law of the United States, or any State law which is generally enforced, if the applicable law subjects the payor to a criminal penalty or the loss of license or privilege to engage in a trade or business. For this purpose, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

The Senate amendment also amended titles XVIII and XIX of the Social Security Act to provide criminal penalties for kickbacks, bribes, and rebates made in connection with the furnishing of items or services to individuals for which payment is made under those titles (or is made out of Federal funds under a State plan approved under those titles).

The House recedes with amendments. Under the conference agreement, the provisions of the Senate amendment relating to illegal bribes, illegal kickbacks, and other illegal payments are retained but the burden of proof in respect of the issue as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment within the meaning of the Senate amendment is to be upon the Secretary of the Treasury or his delegate to the same extent as he bears the burden of proof under section 7454 of the Code, relating to fraud. The conference agreement eliminates the provision under which the statute of limitations for assessing deficiencies may be extended in these cases.

Also under the conference agreement, a deduction will be disallowed for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if the kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receiving of such payments. For this purpose, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

Under the Senate amendment, the changes made with respect to illegal bribes, illegal kickbacks, and illegal payments apply with respect to payments made after December 30, 1969. The conference agreement retains this effective date but provides that the provision relating to kickbacks, rebates, and bribes under the Social Security Act is to apply only with respect to payments made on or after the date of enactment of the bill.

ACTIVITIES NOT ENGAGED IN FOR PROFIT

Amendment No. 62: Under present law, in determining whether or not an activity is engaged in for profit for purposes of applying section 183 of the Code (added by the Tax Reform Act of 1969), there is a rebuttable presumption that an activity is engaged in for profit for a taxable year if there is a profit in the activity in two taxable years out of the five taxable years ending with the taxable year in question (in the case of breeding, training, showing, or racing horses, the period is 7 taxable years). This Senate amendment applies this presumption, in the case of a new activity, by using a 5 (or 7) taxable year period beginning with the year in which the taxpayer first engages in an activity. For this purpose, a taxpayer is treated as not having engaged in any activity before 1970.

The House recedes.

CERTAIN DISTRIBUTIONS TO FOREIGN CORPORATIONS

Amendment No. 63: This Senate amendment provides that, in the case of a distribution of property to a foreign corporation (if the amount received is not effectively connected with the conduct by the recipient of a trade or business within the United States), the amount of the distribution is the fair market value of the property.

The House recedes.

ORIGINAL ISSUE DISCOUNT

Amendment No. 64: This Senate amendment provides special rules for taxing (and withholding tax on) original issue discount in the case of nonresident aliens and foreign corporations if the income is not effectively connected with the conduct of a trade or business within the United States.

Neither the Senate amendment nor the report of the Senate Finance Committee is intended to imply how bonds held for six months or less are treated for tax purposes when held by United States persons.

The House recedes with technical and clerical amendments.

FOREIGN BENEFICIARIES OF ESTATES, TRUSTS, AND REAL ESTATE INVESTMENT TRUSTS

Amendment No. 5: This Senate amendment provided special rules for taxing (and withholding tax on) certain income of nonresident aliens and foreign corporations from domestic estates, trusts, and real estate investment trusts which have income from property subject to depreciation, depletion, or amortization. The conferees concluded that this provision needed further study.

The Senate recedes.

INCOME FROM CERTAIN VESSELS AND AIRCRAFT

Amendment No. 66: This amendment provides that, if a taxpayer leases a domestically produced aircraft or vessel described in the Senate amendment to a United States person, he may elect to treat income derived with respect to the aircraft or vessel as income derived from sources within the United States. Such an election is to be irrevocable, unless the Secretary of the Treasury or his delegate consents to a revocation, and applies to all income with respect to the aircraft or vessel, including gain on its sale or disposition.

The House recedes with an amendment which incorporates the provisions of the Senate amendment with technical and clarifying changes. Some of these changes are designed to insure that, where an election is made, both the income as well as the losses from any such aircraft or vessel are treated as being from United States sources. The conferees indicated that if it should develop that taxpayers attempt to achieve United States source treatment for losses but foreign source treatment for income or gains, corrective measures will be considered.

INDUSTRIAL DEVELOPMENT BONDS

Amendment No. 67: Under present law, certain small issues of industrial development bonds are exempted from the rule which provides that industrial development bonds are not obligations the interest on which is excluded from tax. Generally, these are issues of $1,000,000 or less, but under certain conditions, can be as much as $5,000,000. Senate amendment No. 67 increased the $1,000,000 limit to $5,000,000 and eliminated the special provisions for issues of $5,000,000 or less.

Also present law exempts obligations issues for certain specified purposes from the industrial development bond rule. One of the specified purposes is facilities for the local furnishing of water. Senate amendment No. 67 eliminates the requirement that water facilities must be local and provides an exemption for facilities for the furnishing of water if the facilities are available on reasonable demand to members of the general public.

The House recedes with amendments. The conference agreement retains the provisions of the Senate amendment relating to facilities for the furnishing of water. The conference agreement retains the provisions of existing law with respect to the dollar limits (both the $1,000,000 and $5,000,000 limits) on small issues which are exempt from the industrial development bond rule, but increases from $250,000 to $1,000,000 the amount of expenditures which may be disregarded in applying the conditions relating to issues of $5,000,000 or less where the expenditures are required by circumstances which could not be reasonably foreseen or arise out of mistake of law or fact. Included in these expenditures are expenditures necessitated by erroneous cost estimates, by increases in costs due to inflation, strikes, delays, or architectural modifications but not increases due to expansions.

EXPENSES FOR HIGHER EDUCATION

Amendment No. 68: This Senate amendment provided an income tax credit (not exceeding $325) for certain expenses incurred by a taxpayer in providing an education above the 12th grade for himself or any other individual.

The Senate recedes.

DISCLOSURE OF INFORMATION BY PREPARERS OF INCOME TAX RETURNS

Amendment No. 69: This Senate amendment required a person who prepares an income tax return or declaration of estimated tax (other than his own return or declaration) to declare under penalty of perjury either (1) that he will not use, or make available to any other person, information furnished to him to prepare the return or declaration, or (2) that he has obtained the consent of the taxpayer to use, or make available, such information. The Senate amendment also provided a criminal penalty if any preparer used, or made available, any information furnished for the preparation of a return or declaration unless the taxpayer concerned had consented thereto.

The House recedes with an amendment. Under the conference agreement, a criminal penalty is provided if a person engaged in the business of preparing returns and declarations (or who does so for compensation), or in providing services in connection with the preparation of returns and declarations, discloses any information furnished to him for the preparation of a return or declaration or uses any such information other than for the preparation of such return or declaration.

This provision does not apply to certain specified cases, such as, use of information to prepare State tax returns and disclosures required by the Internal Revenue Code or by court order.

Under the conference agreement, this provision is to become effective on the first day of the first month which begins after enactment of the bill.

PROPERTY TAX CREDIT FOR THE ELDERLY

Amendment No. 70: This Senate amendment provided an income tax credit (not exceeding $300) for real property taxes, and rent treated as real property taxes, paid by individuals age 65 or over whose income does not exceed $6,500.

The Senate recedes.

ADDITIONAL EXEMPTION FOR DISABILITY

Amendment No. 71: This Senate amendment provided an additional personal exemption for a taxpayer who is disabled and for a spouse who is disabled.

The Senate recedes.

SELF-PROPELLED OIL WELL SERVICE OR DRILLING EQUIPMENT VEHICLES AND MOTOR OPERATED CRANES

Amendment No. 72: This Senate amendment exempted from the highway use tax certain self-propelled oil well service or drilling equipment and motor-operated cranes.

The Senate recedes.

DEPOSIT OF EMPLOYMENT TAXES BY SMALL EMPLOYERS

Amendment No. 73: This Senate amendment provided that employers of 50 or less individuals would be required to pay or deposit only one time each quarter certain taxes imposed or deducted and withheld under subtitle C of the Code.

The Senate recedes.

BUDGET INFORMATION WITH RESPECT TO REVENUE LOSSES AND INDIRECT EXPENDITURES

Amendment No. 74: The Senate amendment amends the budget and accounting act to require the budget submitted by the President (or special analyses presented with the budget) to contain estimates of losses in revenue from provisions of the Federal income tax laws and also estimates of indirect expenditures through the operation of Federal tax laws.

The conferees concluded that it would be more appropriate to have such estimates of tax expenditures made by the Treasury Department and to have the estimates submitted annually to the Committee on Ways and Means of the House, the Committee on Finance of the Senate and the Joint Committee on Internal Revenue Taxation. It is expected that these tax expenditure reports to the tax committees will initially be modeled after similar reports previously made and included in the Annual Reports of the Secretary of the Treasury in 1968 and 1970. Modifications may, of course, be made from time to time in consultation with the tax committees. In addition to making these reports to the tax committees on an annual basis, the Treasury Department may desire to include these data on tax expenditures in the annual report of the Secretary of the Treasury. The Treasury Department has indicated its willingness to submit information to the tax committees in the manner indicated above and as a result the amendment no longer appears necessary.

The Senate recedes.

REPEAL OR SUSPENSION OF EXCISE TAX ON PASSENGER AUTOMOBILES, ETC.

Amendments Nos. 75 through 84: The House bill repealed the 7-percent excise tax on domestic and imported passenger automobiles, the 10-percent tax on domestic and imported light-duty trucks and buses of 10,000 pounds or less (gross vehicle weight), and the 7-percent tax on domestic and imported automobile trailers and semitrailers. In addition, it provided (in accordance with specified standards and procedures) for refunds of the excise tax paid by consumers purchasing passenger automobiles (or related articles) after August 15 or light-duty trucks or buses (or related articles) after September 22, 1971. Finally, it provided that any use tax paid by a manufacturer or importer with respect to an automobile or light-duty truck after the specified date is to be treated as an overpayment.

The Senate amendments followed the provisions of the House bill in most respects insofar as domestic vehicles are concerned, although they also repealed the tax on domestic truck trailers and semitrailers of 10,000 pounds or less which are suitable for use with light-duty trucks, the tax on domestic buses to be used predominantly in urban mass transportation service, and the tax on domestic containers to be used in conjunction with trucks for solid waste disposal. With respect to imported vehicles, however, the Senate amendments suspended rather than repealed these taxes, authorizing the President to reimpose them on a country-by-country basis (subject to the existing law phaseout) after considering whether the country involved restricts the sale or use therein of domestically manufactured vehicles.

As to consumer purchase refunds (and the treatment of use tax payments as overpayments) the Senate amendments followed the provisions of the House bill, except that with respect to light-duty trucks it changed from September 22 to August 15 the date after which a purchase (or use) will give rise to such a refund (or to such treatment).

In addition, the Senate amendments added to the House bill new provisions (1) subjecting to tax the original tires and tubes on imported vehicles, (2) requiring the Treasury Department to assure that the benefit of these repeals and suspensions will be passed on to consumers, and (3) transferring 7 percent of alcohol tax receipts to the Highway Trust Fund to compensate it for the revenues lost by these repeals and suspensions.

The conference agreement follows the House bill in repealing the taxes to which that bill relates (rather than repealing them in the case of domestic vehicles but only suspending them in the case of imported vehicles), and also repeals the taxes on the additional types of vehicles and related items included in the Senate amendments—trailers and semitrailers of 10,000 pounds or less which are suitable for use with light-duty trucks, urban mass transit buses, and containers for use in conjunction with trucks for solid waste disposal (specifically limiting the repeal in this case to *trash* containers for such use). It also follows the House bill in specifying the effective date of the repeal (September 23 for light-duty trucks and August 16 for passenger automobiles) for purposes of determining whether a person purchasing a vehicle or related article before the date of enactment is entitled to a refund of the tax paid and whether use taxes paid with respect to a vehicle before such date will be treated as an overpayment. Only "new" vehicles will qualify for consumer purchase (or floor stocks) refunds; and the conferees anticipate and that the test of newness will be found to have been met in the case of any vehicle (other than one being resold) if (1) it is covered by a full manufacturer's warranty or more than 50 percent of the time and mileage of the manufacturer's warranty is unexpired on the day of the sale (or on the effective date of the repeal for purposes of floor stocks refunds) and (2) in the case of passenger automobiles, it has attached to it on that day the "new car label" required by the Automobile Information Disclosure Act of 1958.

The conference agreement includes the provision from the Senate amendment which subjects to tax (with the proceeds going into the Highway Trust Fund) the original tires and tubes on imported vehicles. It omits the Senate language specifically requiring the Treasury Department to issue regulations to assure that the benefits of the repeals are actually passed on to the ultimate consumers. However, this was done with the understanding that the Department is to exercise all possible diligence and surveillance to see that these benefits are in fact passed on, and that the Council of Economic Advisers is to review vehicle prices and report periodically to Congress regarding the extent to which the tax reduction is in fact being passed on. The Committees on Ways and Means and Finance will follow these reports in considering whether they should reimpose this tax. Finally, it omits the Senate language transferring alcohol tax receipts to the Highway Trust Fund.

CREDIT AGAINST TAX ON COIN-OPERATED GAMING DEVICES

Amendment No. 85: The Senate amendment added to the House bill a new provision allowing a credit against the Federal occupational tax on coin-operated gaming devices (up to a maximum of 80 percent of such tax) for similar State taxes imposed on legal gaming devices, but only where the State is imposing such tax (or similar tax) on the date of enactment. Provision is included for prepayment of the Federal tax as reduced by the estimated amount of the new credit.

The conference agreement includes this provision, except that it omits the requirement of the Senate amendment that the tax (or a similar tax) be in effect in a State on the date of enactment of the bill in order to qualify for the new credit.

DOMESTIC INTERNATIONAL SALES CORPORATION

Amendments No. 86, 93, 106 and 116: The Senate amendments provide that the tax deferral made available under the bill with respect to the export-related profits of a DISC is to apply only to profits for taxable years beginning before January 1, 1977.

The Senate recedes.

Amendment No. 88: The Senate amendment provides that receipts by a corporation from a DISC which is a member of the same controlled group will not be treated as qualified export receipts.

The House recedes.

Amendments No. 89 and 90: The House bill provided that the term "controlled group" is to have the meaning given the term in section 1563(a) except that a 50 percent rather than an 80 percent test of ownership is to apply. The Senate bill broadened the definition by providing that section 1563(b) shall not apply. This has the effect removing limitations which would otherwise have excluded exempt organizations, foreign corporations, insurance companies and franchised corporations.

The House recedes.

Amendments No. 91 and 92: The House bill provided that export promotion expenses for purposes of applying the inter-company pricing rules include one-half of the cost of shipping export property aboard ships documented under the laws of the United States in those cases where law or regulations do not require that the property be so shipped.

The Senate amendments extend this rule to apply also to the cost of shipping export property aboard airplanes owned and operated by United States persons.

The House recedes.

Amendments No. 94, 95, and 96: Under the bill as passed by the House, it was provided that a DISC's export-related profits would not be subject to current taxation only to the extent the profits were attributable to exports of the controlled group of corporations of which the DISC was a member in excess of 75 percent of the average exports of that group for the years 1968, 1969, and 1970.

The Senate amendments deleted these provisions of the House bill and instead provided that 50 percent of a DISC's export-related profits would be subject to current taxation.

The House recedes.

In the situation where minerals of a taxpayer are sold by a related DISC on a commission basis, the conferees believe that to effectuate the purpose of the DISC provisions of the bill, the taxpayer should not be placed in any different position than if it had directly made the sale for purposes of determining its "taxable income from the property" for percentage depletion purposes. In other words it is intended that in this case the Treasury Department under its broad regulatory authority in this area will provide that the taxpayer is not required to deduct the amount of the commissions paid to the DISC to the extent they exceed the selling expenses of the DISC. Actual or deemed distributions from a DISC, however, are not to be considered "taxable income from the property."

Amendments No. 97, 98, 101, 102, 103 and 104: Under the bill as passed by the House, a DISC's tax-deferred income could be loaned to a United States manufacturer producing for export without causing the income to become taxable if certain requirements were satisfied. A qualifying loan is referred to a producer's loan.

The Senate amendments provide generally for the termination of tax-deferral on DISC profits which are the subject of a producer's loan if the profits are considered to be invested in foreign plant or equipment. The amount considered invested in this manner generally is the net increase in foreign assets of members of the same controlled group as the DISC, but not more than the smaller of the actual amount transferred abroad by the domestic members or the outstanding amount of producer's loans to these members. The net increase in foreign assets would be the gross amount of assets (described in section 1231(b) of the Internal Revenue Code of 1954) located outside the United States acquired by members of the group in taxable years beginning after December 31, 1971, reduced by specified amounts of foreign funds attributable to periods after that date.

The House recedes with an amendment. The conference agreement follows the Senate amendments and in addition specifies two additional amounts which may be used to offset a controlled group's gross increases in foreign assets for purposes of determining the group's net increase in foreign assets. The first amount is the excess of the amount of stock or debt obligations issued by domestic members of the group on or after January 1, 1968, to unaffiliated foreign persons and outstanding on December 31, 1971, over the net amount of funds transferred by domestic members of the group to foreign members of the group (or foreign branches of domestic members) during the period the stock or debt was outstanding. This excess amount may be taken into account, however, only to the extent the taxpayer establishes that the foreign borrowing (i.e. the issuance of the stock or debt obligations) constitutes a long-term foreign borrowing for purposes of the foreign direct investment program administered by the Office of Foreign Direct Investment of the Department of Commerce. It is intended that a taxpayer ordinarily should establish that a foreign borrowing constitutes a qualified long-term foreign borrowing for this purpose by demonstrating that appropriate reports were filed with the Office of Foreign Direct Investment with respect to the foreign borrowing.

The second amount which under the conference agreement may be taken into account in determining a group's net increase in foreign assets is the amount of liquid assets held by foreign members of the group (and foreign branches of domestic members) on October 31, 1971, in excess of the reasonable working capital needs of such foreign members and foreign branches on that date. For this purpose, "liquid assets" includes only money, bank deposits (other than time deposits) and indebtedness which when acquired had a maturity of 2 years or less.

Amendment No. 111: The Senate amendment provides that a foreign corporation which fails to qualify as an export trade corporation because it fails to meet the 75 percent export receipts requirement may, if it has a substantial export business, transfer its assets to a DISC without any gain or loss, or immediate tax consequences, resulting to any of the parties involved.

The House recedes with an amendment.

Under the conference agreement it is provided that a foreign corporation which qualified as an export trade corporation for any three taxable years beginning before November 1, 1971, will be treated as an export trade corporation for purposes of the provision which allows a foreign corporation to transfer its assets to a DISC without tax consequences.

Amendment No. 113: The House bill repealed the export trade corporation provisions for taxable years beginning after December 31, 1975. The Senate amendment did not repeal these provisions but provided that a corporation which was not an export trade corporation for a taxable year beginning before November 1, 1971, would not be eligible for treatment as an export trade corporation for taxable years beginning on or after that date.

The House recedes with an amendment.

The conference agreement retains the provisions of the Senate amendment but also provides that a corporation which fails to qualify as an export trade corporation for any period of 3 consecutive years beginning after October 31, 1971, may not again be eligible for treatment as an export trade corporation.

Amendment No. 117: The Senate amendment provides that the President will furnish a report to Congress before December 31, 1975, on the effect tax structures and practices of the United States and foreign nations have on the establishment of manufacturing facilities in those countries and on the competitiveness of U.S. exports.

The Senate recedes. The conferees intend, however, that the President should furnish a comprehensive report of the type described in the Senate amendment to the Congress by February 1, 1973, and every three years thereafter.

PROTECTION OF BALANCE OF PAYMENTS

Amendment No. 121: This Senate amendment added a new title to the bill which conferred authority on the President to impose quotas and import surcharges on articles imported into the United States during a balance of payments emergency period (as defined in the amendment). The Senate amendment also directed the Secretary of the Treasury to exempt from the import surcharge piston-type internal combustion engines to be installed in snowmobiles.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

The conferees noted that the imposition of the surcharge on internal combustion engines to be installed in snowmobiles serves to emphasize the way in which the U.S.-Canadian Auto Products Agreement is, in practice, achieving unreciprocal results. Further, the conferees noted that an agreement providing ostensibly for free trade in automotive products ordinarily would not be expected to cover the tariff treatment of an article such as snowmobiles. In view of the fact, however, that the U.S.-Canadian Auto Products Agreement as implemented by the Automotive Products Trade Act provides for the duty-free treatment of snowmobiles from Canada, the conferees urge that the Secretary of the Treasury give full consideration to the competitive position of domestic manufacturers of snowmobiles by providing an exemption from the additional duty proclaimed by the President on August 15 for engines imported for installation in snowmobiles.

JOB DEVELOPMENT RELATED TO WORK INCENTIVE PROGRAM

Amendment No. 122: This amendment added a new title to the bill which provides an income tax credit for certain expenses incurred in the work incentive program. The amendment also contained a series of amendments to title IV of the Social Security Act designed to improve the work incentive program provided by present law. This portion of the amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

Under the portion of the Senate amendment which provides the tax credit, an employer who employs an individual whom the Secretary of Labor certifies as having been placed in employment under a work incentive (WIN) program established under section 432(b)(1) of the Social Security Act will be allowed an income tax credit equal to 20 percent of the wages paid to the employee during the first 12 months of his employment (whether or not such months are consecutive). The amount of credit which can be used in any taxable year is subject to limits similar to those applicable to the investment credit, and provision is made for carryback and carryover of unused credits similar to the carryback and carryover provisions of the investment credit.

Under the Senate amendment, an employer must retain a WIN program employee for at least 1 year after the completion of 12 months of employment, unless the employee leaves his employment voluntarily or becomes disabled. In the event of any other termination of employment of such an employee within the prescribed period, no credit is allowed for wages paid to that employee and any credit which has been allowed in a prior year for wages paid to that employee is recaptured.

The Senate amendment requires that, in order to be eligible for the credit, the wages paid to a WIN program employee must be incurred in a trade or business in the United

States. No credit is allowable for wages paid to an employee who is related to the taxpayer.

The House recedes with amendments. Under the conference agreement, an employer is not to lose the credit for wages paid to a WIN program employee whose employment is terminated, if it determined under the State unemployment compensation law that the termination was due to the employee's misconduct. The credit is to be allowed with respect to any WIN program employee only if the Secretary of Labor certifies that his employment did not displace another individual from employment. The conference agreement makes it clear that the credit is to be allowed only for wages paid in cash. In addition, the conference agreement requires that the wages paid to a WIN program employee must be equal to wages paid non-WIN program employees of the employer performing comparable service.

EMERGENCY UNEMPLOYMENT COMPENSATION

Amendment No. 123: The Senate amendment added a new title to the bill which provided for the payment, under Federal-State agreements, of emergency unemployment compensation for up to 26 weeks to unemployed individuals who have exhausted their entitlement to both regular unemployment compensation and unemployment compensation payable pursuant to the Federal-State Extended Unemployment Compensation Act of 1970. In order for a State to be eligible to enter into such an agreement, the State law of such State must provide for the payment of extended compensation in accordance with the Federal-State Extended Unemployment Compensation Act of 1970. Emergency benefits would be payable only during periods of high unemployment, as determined under a formula prescribed in the amendment. The cost of providing emergency compensation would be financed entirely from Federal funds until June 30, 1973, and thereafter the financing would be 80 percent Federal and 20 percent State.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE; FINANCING OF PRESIDENTIAL ELECTION CAMPAIGN

Amendment No. 124: This amendment adds two new titles to the House bill. The first of the new titles will allow an individual a credit against income tax for one-half of the political contributions made during a taxable year, with a maximum credit of $25 in the case of a joint return of husband and wife, and a maximum credit of $12.50 in the case of the return of a single person (or married person filing separately). The political contribution can be to a candidate for election to a Federal, state, or local office, in a primary, general, or special election, or it can be made to a political committee. In lieu of the credit, a taxpayer will be allowed to deduct from adjusted gross income the amount of political contributions made during the taxable year, except that the deduction in the case of a joint return cannot exceed $100, and in the case of the return of a single person (or a married person filing separately), the deduction cannot exceed $50. These provisions for a credit or deduction apply only to political contributions made after December 31, 1971.

The second of the new titles added to the bill by the Senate amendment provides public financing as an alternative way of financing the general election campaigns of Presidential and Vice Presidential candidates. Under the amendment, the candidates of each major party would be entitled to public financing in an amount equal to 15¢ multiplied by the number of residents in the United States who are age 18 years old or older as of the first date of June of the year preceding the presidential election. A major party is a party which in the preceding presidential election received 25 percent or more of the total number of popular votes received by all candidates for President in that election. A minor party (one that received more than 5 percent but less than 25 percent of the popular vote in the preceding presidential election) would be eligible to receive that percentage of the entitlement of a major party which the minor party vote in the preceding presidential election is of the average vote received by the two major parties in that election.

Under the Senate amendment, a new party can share in public financing after the election if it obtains more than 5 percent of the popular vote in the election. The new party would receive that percentage of the entitlement of a major party which the new party's vote in the current election is of the average number of popular votes received in that election by the major parties. Under this provision, a minor party can increase its basic entitlement if its proportion of votes in the current election exceeds its proportion of votes in the preceding presidential election.

Public financing is provided, under the Senate amendment, by a so-called check-off system, starting with income tax returns for the calendar year 1971. Under this system, an individual can designate that $1 of his tax liability be set aside in a special account in the Presidential Election Campaign Fund for the candidates of a political party specified by the taxpayer. Alternatively, the taxpayer can direct that the $1 will be set aside in a non-partisan general account in the fund. In the case of a joint return having a tax liability of $2 or more, each spouse may designate that $1 is to be paid into an account. If no designation is made, nothing would be set aside in any account by reason of the filing of the tax return.

If the candidates of a political party elect public financing, payments to the candidates can be made only out of the special account designated for that party. If at the beginning of the campaign period there is insufficient money in any account to satisfy the entitlement of the party, the money in the non-partisan general account will be allocated to all the special accounts in the ratio of the balances in those accounts. However, under the Senate amendment, no amount could be allocated to a special account in an amount greater than the smallest amount needed by a major party to bring it up to its entitlement.

If a major party elects public financing, it cannot spend on the general campaign more than its entitlement (15¢ times the number of residents of the United States who are 18 years old or older in the preceding year); and it cannot accept contributions for the general campaign if there is sufficient money in its special account to pay its full entitlement. If there is a deficiency in the account, contributions can be accepted but only to the extent of the deficit.

A minor party or a new party can accept contributions from private sources, but it must agree that it will not spend more in the general campaign than the amount of the entitlement of a major party, and that it will return campaign contributions to the extent they exceed the campaign expenses not covered by public financing.

Public financing provides funds for expenditures related to the campaign period (and establishes limits on total expenditures for such period) beginning with the date on which the first major party nominates its candidate for President and ending on the date 30 days after the election. The Comptroller General will certify the amount payable out of the accounts to the eligible candidates (candidates who elect public financing).

Candidates for President and Vice President (whether or not they have elected public financing) are required to furnish the Comptroller General, from time to time during the general campaign, with a statement of the amount spent—and proposed to be spent—on the campaign. The Comptroller General is required to publish in the Federal Register a summary of these expenses. These expenditure reports include the amounts spent by committees authorized or recognized by candidates whether or not eligible candidates.

The eligible candidates are to file with the Comptroller General a list of committees who are authorized to spend money on their behalf. It would be unlawful for any individual, or for any committee which is not an authorized committee, to spend more than $1,000 during the general campaign on behalf of the candidacy of the eligible candidates of a party.

A Presidential Election Campaign Fund Advisory Board is created to assist the Comptroller General in performing his duties.

Criminal penalties are provided for willful violations constituting prohibited transactions.

The House recedes with amendments. In the case of the provisions allowing a credit or deduction for political contributions, the Senate provision is adopted with only clerical amendments. With respect to the public financing of Presidential campaigns, the House accepts the Senate provision with clerical and technical amendments and with the following changes:

(1) The Senate amendment would have applied to the 1972 presidential campaign. Under the conference agreement, the provision will take effect on January 1, 1973, so the first election to which it will apply will be the 1976 presidential election.

(2) Under the Senate amendment the check-off system commences with income tax returns filed for the calendar year 1971. Under the conference agreement, the check-off system will apply only to tax returns filed for the calendar year 1972 and subsequent taxable years.

(3) The Senate amendment provided an automatic appropriation to the Presidential Election Campaign Fund of the amounts checked off by taxpayers. Under the conference agreement, the payments into the fund will be made only as provided by appropriation Acts, in amounts not in excess of the amounts checked off in tax returns.

(4) In lieu of the Senate provision for transfer of moneys in the fund from the non-partisan general account to the separate accounts, the conference agreement provides for the transfer, on the 60th day before the election, of not more than 80 percent of the moneys in the general account, based upon the entitlement at that time of the major parties and the minor parties. No amount, however, can be transferred to a special account which would bring the moneys in that account above the entitlement of the candidates to which such account relates. If the moneys in any separate account are insufficient at the end of the expenditures report period (30 days after the election) to satisfy any unpaid entitlement of the eligible candidates to which the account relates, the balance in the general account will be transferred to the separate accounts in accordance with the popular votes received by the parties in the current election.

(5) The conference agreement eliminates the provision in the Senate amendment that made it a criminal penalty for an "individual" to spend more than $1,000 on behalf of eligible candidates in the presidential election unless he was authorized by the candidate to make such expenditures. In addition, it was made clear that the prohibition against expenditures in excess of $1,000 by organizations which are not authorized committees does not apply to broadcasting organizations or newspapers (or other periodi-

cals) in reporting the news or editorial opinions, or to tax-exempt organizations reporting to their members the views of the organization with respect to Presidential candidates.

(6) The conference agreement also adds a provision to allow the Comptroller General or other interested parties to bring court actions in order to implement or construe the new provisions. For this purpose the Comptroller General is authorized to employ his own legal counsel. Because the provisions of this title will have a direct and immediate effect on the actions of individuals, organizations, and political parties with respect to the financing of campaigns for the offices of President and Vice President of the United States, these individuals, organizations, and political parties must know whether major and minor parties may expect to receive financing under the provisions of this title or whether political parties and others should continue to solicit, and individuals, organizations, and others should continue to make, contributions to provide such financing. Accordingly, the conference agreement makes provision for expeditious disposition of legal procedings brought with respect to these provisions. The agreement provides for actions involving these provisions to be brought before a three-judge district court, to be expeditiously tried, and for appeals from decisions of that court to go directly to the Supreme Court.

FEDERAL IMPOUNDMENT INFORMATION

Amendment No. 125: This Senate amendment added a new title to the bill which required the President to transmit reports to the Congress and the Comptroller General containing certain information whenever any appropriated funds are impounded.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

PROMOTION OF RECIPROCAL TRADE AND PROTECTION OF AMERICAN JOBS

Amendment No. 126: This Senate amendment added a new title to the bill which authorized the President under certain conditions to impose quotas and other import restrictions on articles imported into the United States.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

W. D. Mills,
Al Ullman,
James A. Burke,
Martha W. Griffiths,
John Byrnes,
Jackson E. Betts,
Herman T. Schneebeli,
Managers on the Part of the House.
Russell B. Long,
Clinton P. Anderson,
Herman E. Talmadge,
Cart T. Curtis,
Jack Miller,
Managers on the Part of the Senate.

EXTENSIONS OF REMARKS

JOINT BOARD FUR, LEATHER AND MACHINE WORKERS UNION RESOLUTION ON ATTACKS ON THE FOREIGN-BORN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. ABZUG. Mr. Speaker, the tide of outcry against the foreign-born which was seen in this country in the 1920's and the 1950's is, I am grieved to observe, rising again. Not all of those who are speaking out on this question are consciously attempting to incite prejudice against the foreign-born, but their comments do have this effect nevertheless.

My friend Henry Foner, who is president of the Joint Board Fur, Leather and Machine Workers Union, has been good enough to send me a copy of the resolution on this subject adopted by the union's executive board on November 20, 1971, and I include it at the conclusion of my remarks.

Mr. Speaker and my colleagues, let us never forget that with the possible exception of the Indians, we are all immigrants or the descendants of immigrants and that it is the foreign-born and their children who have built this Nation of ours.

ADOPTED BY THE EXECUTIVE BOARD OF THE FLM JOINT BOARD

We are deeply disturbed by the campaign being conducted by some newspapers against the foreign-born in our midst. Scare headlines trumpet the charge that "illegal aliens" are depriving Americans of jobs and inflating relief rolls.

That there are some aliens who are here illegally or who have overstayed their authorized time is certainly true—but the extent of the problem is by no means as great as the headline writers would have us believe. Even the Immigration and Naturalization Service has conceded that 97% of the so-called "illegals" are Mexicans, who have been induced to come here by unscrupulous employers. Nevertheless, the House of Representatives Subcommittee on Immigration is holding hearings on an Administration bill that would impose criminal penalties on *all* employers knowingly hiring noncitizens in illegal status.

Since the early days of our republic, the reactionary forces in our country have tried to make the foreign-born scapegoats for the failure of our government to solve the problems of the people. In Jefferson's day, it was the Alien and Sedition Laws. Today, it is the Walter-McCarran Act and other legislation that persecutes the aliens in our country.

Unemployment and rising relief costs are real problems. They will not be solved by pitting the native-born workers against the foreign-born, but rather by measures that will provide jobs and security for *all* Americans. Such a program has nothing in common with the Nixon Administration's program for economic depression and political repression. We urge the defeat of any measure that would further intensify the second-class status of foreign-born Americans.

THE LARGE FEDERAL FUNDS DEFICIT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Saturday, December 4, 1971

Mr. BYRD of Virginia. Mr. President, the President of the United States and his administration are gathered at Key Biscayne, Fla., this weekend to consider the size of the budget which the President will submit to Congress next month.

I hope this important group will have in mind the smashingly large Federal funds deficit.

This is a matter of grave concern to the senior Senator from Virginia. I realize that many Senators do not share my deep concern.

But the figures, I believe, justify the assertion that our Nation is headed for great trouble as a result of these continued deficits.

I have prepared a tabulation showing Federal funds deficits, 1953 to 1972, inclusive.

I ask unanimous consent that the tabulation be published in the Extensions of Remarks.

There being no objection, the table was ordered to be printed in the Record, as follows:

DEFICITS IN FEDERAL FUNDS, 1953-72, INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)
1953	$64.7	$74.1	−$9.4
1954	64.4	67.5	−3.1
1955	60.2	64.4	−4.2
1956	67.9	66.2	+1.7
1957	70.6	69.0	+1.6
1958	68.6	71.4	−2.8
1959	67.9	80.3	−12.4
1960	77.8	76.5	+1.3
1961	77.7	81.5	−3.8
1962	81.4	87.8	−6.4
1963	83.6	90.1	−6.5
1964	87.2	95.8	−8.6
1965	90.9	94.8	−3.9
1966	101.4	106.5	−5.1
1967	111.8	126.8	−15.0
1968	114.7	143.1	−28.4
1969	143.3	148.8	−5.5
1970	143.2	156.3	−13.1
1971	133.6	163.8	−30.2
1972 [1]	143.0	178.0	−35.0
20-year total	$1,853.9	$2,042.7	188.8

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

ATTICA AND THE KERNER REPORT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. ABZUG. Mr. Speaker, Dan Crystal, who is an active and respected attorney in the State of New Jersey and a dear friend of mine, has written an article on the Attica incident and the unlearned lessons of the Kerner report. Although it is primarily addressed to the members of the Passaic County Bar Association, in whose journal it appeared, it is worthwhile reading for anyone concerned about our criminal justice system. I include it at this point in the Record and commend it to each of you:

ATTICA AND THE KERNER REPORT

(By Daniel Crystal)

"Life is a maze in which we take the wrong turning before we have learned to walk."—Cyril Connolly.

The recent riot at the Attica Prison in New York cost 43 lives.

Once again this country has been afforded an opportunity to take a long, hard look at a festering social problem which erupted in violence and bloodshed.

The summer of 1967 brought racial disorders to American cities, and with them shock, fear and bewilderment. The worst came during a two-week period in July—first in Newark and then in Detroit. Each set off a chain reaction in neighboring communities.

President Johnson established a National Advisory Commission on Civil Disorders chaired by Otto Kerner, Governor of Illinois. That Commission wrote a report, popularly known as the Kerner Report.

The Commission minced no words about the prime necessity to solve the ugly racial tensions revealed by its studies.

"Only a commitment to national action on an unprecedented scale can shape a future compatible with the historic ideals of American society. The major need is to generate new will—the need to tax ourselves to the extent necessary to meet the vital needs of the nation."

The Kerner Report was received, noted—and largely ignored. Its fate gives bitter confirmation to the sombre words at the conclusion of the Commission's summary of its report (Bantam Book edition, p. 29):

"One of the first witnesses to be invited to appear before this Commission was Dr. Kenneth B. Clark, a distinguished and perceptive scholar. Referring to the reports of earlier riot commissions, he said:

"I read that report . . . of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee on the Harlem riot of '35, the report of the investigating committee on the Harlem riot of '43, the report of the McCone Commission on the Watts riot.

"I must again in candor say to you members of the Commission—it is a kind of Alice in Wonderland—with the same moving picture re-shown over and over again, the same analysis, the same recommendations, and the same inaction.

"These words come to our minds as we conclude this report.

"We have provided an honest beginning. We have learned much. But we have uncovered no startling truths, no unique insights, no simple solutions. The destruction and the bitterness of racial disorder, the harsh polemics of black revolt and white repression have been seen and heard before in this country.

"It is time now to end the destruction and the violence, not only in the streets of the ghetto but in the lives of people."

The Kerner Report was issued in March 1968.

The Attica Riot occurred in September 1971, more than three years later.

Once again a Study Commission has been appointed. Once again, we run the danger of substituting analysis for action, of restudying familiar facts, of procrastination, face saving, and sweeping the problem under the rug.

We in the legal profession play our appointed roles in the machinery of justice and of the adversary process of law enforcement that sends men to prison. We respect the laws. We tend all too often to wipe out of our mind what happens to a defendant who is convicted and sentenced to prison.

Attica is a blunt reminder that the men who are sent away, black and white alike, still live, still have their individual problems to work out; that something is horribly wrong in our penal system and our prisons.

We must soberly consider why there is such a high rate of recidivism, whether there is any meaningful rehabilitation of prisoners in our prisons and jails, whether the reality of white racism so candidly pointed up in the Kerner Report is inseparably interlinked with the problems of prison inadequacy, of drug addiction, of poor education, of all the unsolved problems that plague our society.

In short, we must consider whether what occurred in Attica is but one of the many symptoms that show us again and again that fundamental changes must be made the urgent business of our society.

The Kerner Commission concluded that the only possible course for a sensible and humane nation was "a policy which combines ghetto enrichment with programs designed to encourage integration of substantial numbers of Negroes into the society outside the ghetto."

Whatever may be said about some of the demands of the prisoners involved in the Attica riots (for example, the demand for amnesty), it is difficult to read other demands without a feeling of shame that a great State could possibly permit any prison to deprive a prisoner of basic essentials to human dignity contained in those demands.

Attica, of course, is in New York. We, as New Jersey attorneys, have primary responsibility to do all that we can to assure that there are humane, progressive penal practices followed in the prisons of our own State. Each bar association ought to make it a major field of interest to assure that there are no Atticas in New Jersey—either in terms of the conditions that caused the riot, or of the danger of a parallel riot in any of our State prisons and jails.

But keeping the lid on our prisons and jails will simply not do the job. It will be like using a band-aid where the diagnosis requires radical surgery.

Suppose that Attica or our own prisons in New Jersey were to be rebuilt completely. Fantasize that all the reasonable and legitimate demands of the inmates had been met. Let your imagination run freely. There are Spanish-speaking and black guards; censorship has eased; there is full freedom of religion, including freedom for those inmates who are Black Muslims; the food is decent and nourishing; daily showers are available, the screens between visitors and inmates have been removed.

Suppose too that this reform of our prisons brings classrooms, counseling with trained psychologists and an opportunity for personal rebuilding through group therapy sessions, even release programs or other methods of providing the opportunity for a normal sex life for the inmates, a good library, vocational training that means something more than learning to make license plates, for example—a skill for which the prisoner has absolutely no use on the outside. Suppose too that prison officials are attempting in good faith to remember that inmates are human beings with dignity and self-respect.

Will that cure the problems of our prisons and jails?

It will help tremendously, certainly.

But unless we are prepared to continue to ignore the lessons so painfully learned in the 1967 civil disorders, and so painstakingly set forth in the Kerner Report, we shall once again be dealing with symptoms rather than with fundamental causes.

What is the road to Attica? To Rahway State Prison? To the New Jersey State Prison at Trenton? Read the Kerner Report. Start with families uprooted, with bad housing, with slumlords, with racial prejudices, with pushers and drug addiction; with overcrowded schools and overworked or indifferent teachers, with unresponsive social agencies; with the pervasive feeling in the mind and heart of a child growing up in the urban or rural slum, or in the black ghetto that he is left out and unwanted. This is not a matter of race completely, for underprivileged whites are subject to somewhat similar pressures.

Doing something about the conditions we all know exist would have a decisive effect in reducing the number of ghetto residents who commit the crimes that consign them on the Atticas of our nation.

Can something be done to bring about rehabilitation and end recidivism?

Most certainly, much more can be done than is now being implemented.

Imaginative use of plans that restore the dignity of men in places like Attica, instead of degrading their self-respect, can be of immeasurable service.

For example, there could be prerelease of the convict to a structured work environment in the community. Such an environment is provided in New York City by Pioneer Services, a corporation which hires a man only if he has a criminal record, a history of drug abuse or alcoholism, and has been unable to hold a job anywhere else.

Pioneer has had encouraging success, according to reports of its first undertaking—a messenger service employing 25 ex-heroin addicts now on methadone. This is a nonprofit, low-stress work program with supportive services. The men have stuck to the program. Out of 10,000 messages delivered since April when the program started, not one has been lost. Morale is high and the men are helping to sign up new clients.

Atticas with all their violence do not happen overnight. The inmates of Attica had been petitioning for many months trying to secure remedial action for the conditions there. The prison officials did nothing concrete to alleviate the conditions. The riot ensued.

Unless we are to have more Atticas, with only the names of the inmates, the guards, and the prisons changed, we must learn from the lesson of Attica.

The Kerner Commission recommended the following objectives for national action:

. . . Opening up opportunities to those who are restricted by racial segregation and discrimination, and eliminating all barriers to their choice of jobs, education, and housing.

. . . Removing the frustrations of powerlessness among the disadvantaged by providing the means for them to deal with the problems that affect their own lives and by increasing the capacity of our public and private institutions to respond to these problems.

. . . Increasing communications across racial lines to destroy stereotypes, to halt polarization, end distrust and hostility, and create common ground for efforts toward public order and social justice.

It is in these fundamental recommendations that ultimately the answer to the Atticas of our nation lies. So long as we divert our national resources to the waste of war the job will simply not be done.

It is a simple choice that we face: The waste of war or a commitment to the needs of peace.

Attica is like a bolt of lightning lighting up the night sky with a warning of what can happen.

Do our prisons in New Jersey rehabilitate those sent there?

Are there things that can be done in New Jersey to send prisoners back on the street, not as hardened criminals, but as useful members of society, with a feeling of dignity and self-worth?

Are we in New Jersey chargeable with ignoring readily ascertained problems in our prisons that can and must be corrected?

There is no pat answer to these basic questions. Realistic, meaningful solutions must be found.

Unless we, as a State and as a nation, finally do something about the recommendations contained in the Kerner Report, reforms in our prisons and jails will not provide a fundamental solution to the problem.

Prison reform is but one aspect of a far more serious problem. That problem was stated with utmost candor in the Kerner Report:

"This is our basic conclusion: Our nation is moving toward two societies, one black, one white—separate and unequal.

"Reaction to last summer's disorders has quickened the movement and deepened the division. Discrimination and segregation have long permeated much of American life; they now threaten the future of every American.

"The deepening racial division is not inevitable. The movement apart can be reversed. Choice is still possible. Our principal task is to define that choice and to press for a national resolution."

Forty-three men, both black and white, prisoners and guards, died at Attica this September.

Attica was emphatically not a racial confrontation so far as the relationship of the inmates with each other was concerned. White prisoners were as deeply involved as were blacks and Puerto Ricans. There was unparalleled unity * * * the prisoners. But to the extent that a very large number of the inmates were black, and most, certainly, came from disadvantaged backgrounds, regardless of race or ethnic background, the problems analyzed in the Kerner Report are the ones which explain how these inmates came to be in prison, and why their feeling of utter frustration and degrading loss of human dignity erupted into the confrontation which cost so many lives.

The lessons of the Kerner Report cannot be ignored much longer.

SENATE—*Monday, December 6, 1971*

(*Legislative day of Saturday, December 4, 1971*)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou King of Kings and Lord of Lords, our Creator and our Judge, we thank Thee for the season of great expectation and for Thy first advent. Keep us ready in our worship and our work for any sudden divine appearance when Thou shalt come to judge the world. O Lord make us strong but gentle, thorough in discipline but gracious in bearing, resolute in purpose, impatient with evil, and merciful toward all people. Keep alive the radiant hope when all men shall seek first the kingdom of God and His righteousness. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Saturday, December 4, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations under the Department of the Treasury, as reported to the Senate last Friday. They have evidently been cleared all the way around. There is no "hold" on them, so I call them up.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, under the Department of the Treasury, will be stated.

The second assistant legislative clerk read the nomination of Romana Acosta Banuelos, of California, to be Treasurer of the United States.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Edgar R. Fiedler, of New York, to be an Assistant Secretary of the Treasury.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of these two nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

WEATHER MODIFICATION REPORTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 519, H.R. 6893.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 6893, to provide for the reporting of weather modification activities to the Federal Government.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Commerce with amendments on page 1, line 10, after the word "nonprofit", strike out "which" and insert "who"; in the same line, after the word "is", strike out "not"; on page 2, line 1, after the word "activities", insert "except where acting solely"; in line 3, after the word "any", strike out "intentional, artificially produced change" and insert "activity performed with the intention of producing artificial changes"; at the top of page 3, insert:

(c) In carrying out the provisions of this section, the Secretary shall not disclose any information referred to in section 1905 of title 18, United States Code, and is otherwise unavailable to the public, except that such information shall be disclosed—

(1) to other Federal Government departments, agencies, and officials for official use upon request;

(2) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding; and

(3) to the public if necessary to protect their health and safety.

And, at the beginning of line 14, insert "whose activities relate to weather modification".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-537), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the legislation is to require all persons engaged in nonfederally sponsored weather modification activities in the United States to report those activities to the Secretary of Commerce.

BACKGROUND AND NEED

Field experiments in scientific weather modification were first attempted in 1946. During the past 25 years basic research in the field has brought scientific weather modification to an operational state in the areas of precipitation augmentation and supercooled fog dispersal. The areas of destructive storm modification, hail and lightning suppression, warm fog dispersal, and more accurate weather prediction methods have also progressed dramatically.

In 1958 the National Science Foundation was given the authority by Public Law 85-510 to require persons engaging in weather modification activities to report such activities. They were also given the responsibility to set up a program of research and evaluation in weather modification and make annual reports on their findings to the Congress and the President. Ten years later in 1968, Congress enacted Public Law 90-407, which repealed the powers of the National Science Foundation to require persons to report all weather modification activities. Since then, no other Federal department or agency has been given that authority.

At present there exists no central information source to provide a complete picture of the " state of the art" in weather modification. Since the expertise in this field, like so many scientific endeavors, is created through an eclectic process, a central information source to which all scientists and environmentalists can refer to in order (1) to compare their results against those of others, (2) to prevent unnecessary duplication of research, (3) to check undesirable atmospheric changes against records of weather modification activities, and (4) to prevent territorial overlapping of weather modification operations, is necessary. Enactment of H.R. 6893 would help solve these problems by allowing the Department of Commerce to keep records of all weather modification activities in the United States.

This legislation in no way attempts to control or regulate any weather modification activities on a Federal or State level. The regulation of weather modification activities is, at present, in the hands of State and local jurisdictions. At present, only the State of Maryland prohibits any form of weather modification activities and 28 other States have statutes concerning reporting and licensing thereof.

The main concern of this legislation is to create an information-gathering mechanism. Such an information source will also provide means for assisting in the administration and enforcement of State statutes.

At present, with no reporting requirement in existence, it is possible that large sums of money are being expended on research that could produce far more accurate results if data were more easily accessible on other research projects that may possibly be territorially convergent. To develop a capacity to modify atmospheric conditions successfully it is imperative that long-range "mapping" of those conditions, as well as development of new theories of air quality, be done. For a scientist to predict his results accurately he must be able to include all of the variables in his equations. While many of those variables remain unknown, his percentage of error remains large. If we are to establish guidelines eventually for environmental protection and damage control in weather modification, we must now construct an archive to record those variables as they are discovered.

The United States, as the most advanced technological country in the history of the world, is beginning to realize the dire need to facilitate some form of social management of its technology. As scientific expertise and operational capabilities grow in the field of weather modification we must develop responsible, and yet not unduly repressive, public policies thereto. An accurate and complete data bank in this field is an essential element in the construction of such policy.

LEGISLATIVE BACKGROUND

Recognizing the need to require reporting of weather modification activities to the Federal Government, Senator Magnuson introduced S. 1258, the companion bill of H.R. 6893, on March 16, 1971, at the request of the Department of Commerce. The bill was referred to the Committee on Commerce. No action was taken on S. 1258 while awaiting hearings, debate, and passage of the companion bill in the House or Representatives. After the House passed H.R. 6893, the committee held no hearings, but discussed the bill in two executive sessions of the full committee. The committee ordered the bill reported favorably, with amendments, on November 23, 1971. Most of these amendments were suggested by the General Counsel of the Department of Commerce in his letter of November 12, 1971, a copy of which appears hereafter under "Departmental Reports."

COMMITTEE AMENDMENTS AND SECTION-BY-SECTION ANALYSIS

The first unnumbered section defines the terms "Secretary" (which means the Secretary of Commerce), "person," "weather modification," and "United States."

The first committee amendment redefined the term "person" to clarify that the only people excepted from the reporting requirements of the act are those "acting solely as an employee, agent, or independent contractor of the Federal Government." As originally defined the term excepted those who are concurrently engaged in weather modification activities on their own behalf and on behalf of the Government. Insertion of the word "solely" limits exceptions from the reporting requirements to Federal departments, agencies, employees, and those contractors whose sole weather modification activity is on behalf of the Federal Government.

The second committee amendment redefines "weather modification," to mean any activity performed with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere. As amended the definition excludes inadvertent weather modification, such as might result from discharge of particle-laden smoke from a factory chimney.

Section 2 requires any person engaging or attempting to engage in weather modification activities in the United States to submit reports prescribed by the Secretary of Commerce. The third committee amendment would permit the Secretary to require reports during, as well as before and after weather modification activities. In some cases weather modification activities may extend over a prolonged period. To insure adequate reporting, it is desirable to permit the Secretary to require reports during such prolonged periods of weather modification activity. Only departments and agencies of the United States, and their contractors, would not be subject to the reporting requirements of this act. However, such departments, agencies, and contractors would be required to detail their weather modification activities and evaluate the environmental impact of those activities pursuant to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Under section 3 the Secretary is required to keep records of weather modification activities in the United States, and periodically to publish summaries of them. The Secretary is also required to make all reports, documents, and other information he receives under this act available to the public to the fullest practicable extent.

The fourth committee amendment adds a new subsection (c) to section 3 and provides specifically how reports, documents, and other information received by the Secretary will be made available to the public "to the fullest practicable extent" as required in section 3(b). The subsection relates to trade secrets and other proprietary information, and is intended to clarify and protect the legitimate rights of owners of such information and to provide for full use of such material within the Federal Government. The subsection provides that such information shall be disclosed (1) to other Federal Government departments, agencies, and officials for official use upon request; (2) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and (3) to the public if necessary to protect their health and safety.

Section 4 defines the processes the Secretary may use to obtain information on weather modification activities. The fifth and final committee amendment applies the provisions of the section to any person whose activities relate to weather modification. Under this amendment the Secretary would have access, as necessary, to the records of persons who are collaterally involved in weather modification, such as suppliers of equipment and chemicals to a weather modifier. On the other hand, it would place bounds on the power of the Secretary by requiring that there be some reasonable relationship between the records and weather modification activities.

Section 5 sets a maximum fine of $10,000 for knowing and willful violation of section 2 of any rule issued under the act.

Section 6 authorizes $150,000 to be appropriated for the fiscal year ending June 30, 1972, and $200,000 each for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out the provisions of the act.

ESTIMATED COST OF THE LEGISLATION

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510), the committee estimates that the cost of H.R. 6893 to be $150,000 for fiscal year 1972 and $200,000 each for fiscal years 1973 and 1974. Cost estimates are not made for succeeding fiscal years since the appropriation authorization terminates after the fiscal year ending June 30, 1974.

The committee is not aware of any estimates of costs made by any Federal agency which are different from those made by the committee.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with as it applies to unobjected-to measures.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE INDIA-PAKISTAN WAR

Mr. SCOTT. Mr. President, the war between India and Pakistan is deplorable. I have twice on the floor of the Senate urged Senators to maintain strict neutrality. I repeat that. We are, of course, disappointed in the veto in the United Nations, in view of the large number of members of the Security Council who obviously wanted to do what they could to bring a restoration of peaceful relationships.

Our economic program in that area is being reviewed, although, of course, this does not apply to our humanitarian efforts, which are greater than all the efforts of other nations combined.

The important thing for all of us to remember, I think, is not to take sides, not to involve this controversy in legislative debate, and to hope that within or without the United Nations ways to peace can be explored and, hopefully, discovered.

So I again repeat my hope that the United States will not become involved in South Asia and in this unfortunate conflict, that it will be remembered that our services as a peacemaker are always available, and that the best chance for peace lies through the collective action of many nations.

Mr. MANSFIELD. If the distinguished minority leader will yield, just for the purpose of saying that I concur completely with what he has said and I compliment him for his initiative.

Mr. SCOTT. I thank the distinguished majority leader.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

The Senator from Maryland is recognized.

(The remarks of Mr. Beall when he introduced Senate Joint Resolution 181 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

NOTICE OF PHOTOGRAPH TO BE TAKEN OF THE SENATE IN SESSION ON THURSDAY, DECEMBER 9, 1971, AT 3 P.M.

Mr. SCOTT. Mr. President, for the benefit of all Senators, at 3 p.m. on Thursday next, December 9, a photograph will be taken of the Senate Chamber, with the Senators in attendance at that time.

It is hoped that Senators will make their plans accordingly in order to be present for this photograph.

I make this statement at this time on the record so that all Senators may be duly apprised and may proceed accordingly.

I thank the Chair.

THE U.N. SECURITY COUNCIL VETO BY THE SOVIET UNION

Mr. BYRD of West Virginia. Mr. President, last Wednesday, December 1, I expressed apprehension that the India-Pakistan quarrel seemed to be headed in the direction of all-out war, and I called for positive action by the United Nations to avert what promised to be a bloodbath.

Though reports from India and Pakistan are still conflicting, it seems certain that my worst fears have been realized and caution on both sides has been thrown to the winds. According to radio reports this morning, the Government of India has officially recognized the Bangla Desh as the government of East Pakistan—a move certain to infuriate the Pakistanis and add fuel to the fires of war.

The attempt last night by the Security Council of the United Nations to adopt a resolution calling for a cease-fire was vetoed by the Soviet Union. While it is by no means certain that India and Pakistan would have heeded such a resolution, it seems to me unforgivable and reprehensible that the Soviet Union should use the veto to ruin whatever chance there was of ending the hostilities.

I can only express the hope, Mr. President, that this negative action by the Russians will be regarded by the world body as the obstructionism that it is and that further efforts will be made to persuade India and Pakistan to stop the bloodletting and settle their differences by intelligent negotiation.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Spong when he introduced S. 2952 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

(The remarks of Mr. Curtis when he submitted Senate Resolution 208 are printed in the Record under Submission of a Senate Resolution.)

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of calendar order Nos. 518, 520, 522, and 524.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR RESTORATION, RECONSTRUCTION, AND EXHIBITION OF THE GUNBOAT "CAIRO"

The Senate proceeded to consider the bill (S. 1475) to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment. On page 2, at the beginning of line 10, strike out "such sums as may be necessary" and insert "$2,481,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve an object having national significance as part of the history of the Civil War, for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall, in such manner as he deems advisable, utilize the authorities contained in the Act of August 21, 1935 (49 Stat. 666) to provide for the restoration, and reconstruction of the gunboat "Cairo," formerly of the Union Navy, sunk in action in the Yazoo River, Mississippi, and for its exhibition at the Vicksburg National Military Park.

Sec. 2. At such time as the restoration and reconstruction of the "Cairo" shall have been completed, and it has been located within the boundaries of the Vicksburg National Military Park, the "Cairo" shall be administered in accordance with all laws, rules, and regulations applicable to such park.

Sec. 3. There are hereby authorized to be appropriated $2,481,000 to carry out the purposes of this Act.

Mr. STENNIS. Mr. President, I rise to urge passage of S. 1475 which authorizes the Secretary of the Interior to provide for the restoration, reconstruction and exhibition of the gun boat *Cairo*. This will enable the display of a famous U.S. Navy vessel which has a colorful and remarkable history. It authorizes the expenditure of $2,481,000 to restore the ship and to construct a building to house certain artifacts taken from it.

The Union gunboat *Cairo* was sunk by naval torpedoes in the Yazoo River, Miss., during the siege of Vicksburg in 1862. It sank quickly—with its cargo, weapons, equipment, and fittings almost intact. It was covered deeply by silt, and for over 100 years was preserved with remarkably little deterioration. It was raised during the period 1960 to 1963, with money contributed privately by interested individuals together with county and State funds. It is now at the shipyard at Pascagoula, where intensive care is necessary to prevent deterioration prior to restoration.

The Department of the Interior has looked carefully at the gunboat, and concludes that it is restorable, and would be a very valuable adjunct to the National Military Park at Vicksburg, as a naval museum. It is estimated that visitation to the *Cairo* would be heavy, and that the income to the Federal Treasury from additional admission fees would be applied toward amortizing the initial investment as well as covering operating costs.

This historic vessel, with its many artifacts, will be a unique exhibit of great historic value. The vast numbers of Americans, from all areas of our country, who visit it in the years to come will have a highly interesting and educational experience in viewing this chapter from our Nation's past.

Mr. President, I am informed by persons expert in this field that the gunboat *Cairo* and its artifacts constitute new source material to such a degree that they will be essential references for students and historians working in the fields of naval history, naval architecture, and the history of the War Between the States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–533), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

To display, for the benefit and education of the visiting public, a restoration of the original gunboat, using as much of the original wood and metal as possible, and certain significant artifacts recovered in the salvage operation. The gunboat and artifacts will be displayed in a visitor-center type construction near the National Cemetery in Vicksburg National Military Park, on the Park's one-way tour route, almost within sight of the spot from which it was recovered. The building would contain, in addition to the display room, storage space to house and protect the extensive and valuable collection of artifacts salvaged with the vessel, an office for the curator and interpretive staff, rest rooms for the public, and a small auditorium for presentation of a short motion picture relating the *Cairo* to the war on the Mississippi and to Vicksburg, as well as such other areas as Shiloh and Fort Donelson.

HISTORICAL BACKGROUND

One month before *Virginia* and *Monitor* were commissioned, and seven weeks before they fought their epic battle in Hampton Roads, the first seven ironclads built in the Western Hemisphere were commissioned at Cairo, Illinois. They were the "city class" gunboats, one of which was the *Cairo*. On February 6, 1862, five weeks before the Hampton Roads battle, they proved their worth by bombarding the Confederate stronghold of Fort Henry into surrender.

In the following months, the Mississippi Squadron, of which these ironclads were the core, cooperated closely with General Grant's army at Fort Donelson, Shiloh, and in the Vicksburg Campaign. The object of these campaigns was to regain control of the lower Mississippi and split the Confederacy.

Cairo and her sister ships, along with other vessels of the Mississippi Squadron, insured the success of General Grant's campaign. Without them, Grant would have been unable to supply his army as it knifed through the Confederacy, and hammered at Vicksburg.

The manner by which *Cairo* was sent to the bottom of the Yazoo helps to illustrate Winston Churchill's statement that the Civil War was the first modern war. Many technological innovations were introduced in the Civil War, and two of the more important of these were involved in the *Cairo* story—the ironclad warship and the submarine mine or torpedo, as it was called in the 1860s. On December 12, 1862, *Cairo* became the first warship in history to be sunk by mines.

For 93 years the *Cairo* lay buried in the mud of the Yazoo River. Then in 1956, after several previous efforts had failed, the boat was located, and thereafter raised. Not only was the sinking itself an event of historic significance, but the degree of preservation of the boat, and the artifacts and relics aboard it have afforded an outstanding opportunity for the study and presentation of naval history and practices. No other armored gunboat survives to illustrate the exact design and construction of this important innovation in naval warfare, and documentation is both incomplete and inaccurate.

The boat was raised through the efforts of the State of Mississippi, the City of Vicksburg and Warren County. Initially, it was believed that the boat could be restored and displayed at Vicksburg. However, facilities were unsuitable for such an undertaking and, in 1965, the remains of the boat were shipped to the yards of the Ingalls Shipbuilding Corporation, Pascagoula, Mississippi. Since that time, the State of Mississippi has been paying for storage and continuing preservation costs. Pursuant to a 1965 agreement with the Warren County Board of Supervisors, the National Park Service has had custody of the artifacts, some of which are at Vicksburg National Military Park, and some of which are at the museum facility at Springfield, Virginia. In 1966, the State, which had obtained title to the boat from the Treasury Department, determined that it had neither funds nor facilities to effect the restoration, and thereafter offered it to the United States.

NEED

Cairo is the only one of the first seven ironclads which is still in existence.

"The . . . gunboat . . ., and the objects recovered with it, comprise a unique document for the study and presentation of naval history and practices. No other armored gunboat survives to illustrate the exact design and construction of this important innovation in naval warfare, and the written and pictorial documentation is both incomplete and inaccurate. The artifacts found aboard the boat offer for the first time the opportunity to visualize and comprehend in depth the activities and practices aboard a commissioned vessel of the period. Some of these objects are well known and immediately recognizable to students because similar pieces have survived from other sources. Other objects can be recognized because their existence was known from documentary sources even though no actual specimens had been found prior to the recovery of those aboard the *Cairo*.

COSTS

The Senate Subcommittee on Parks and Recreation took the position that a full-size replica of the gunboat "Cairo" would be the most desirable and practical manner in which to display this spectacular Civil War memorial. Their reasoning was that a controlled atmosphere building to house the vessel was too expensive. Also they felt that such a restoration would be vulnerable to both time and usage.

A replica of the boat on the other hand, constructed mainly of new timbers and using as much of the old material as practical, would be much more durable. It is conceivable that the vessel could be situated on dry land or in the nearby river.

The exhibit structure would be considerably reduced in size, with the temperature and humidity control requirements much less exacting. This smaller building would be for interpretation, display, and storage of artifacts and for visitor facilities.

It is estimated that this lesser scope structure would cost approximately $300,000. Therefore, a breakdown of the estimated cost for this proposal is as follows:

Roads and trails:	
Entrance drive, parking for 100 cars, and walks	$200,000
Ship approach route to land-berthing site, grade and repair existing road	60,000
Buildings, utilities, and miscellaneous:	
Water, sewer, power and telephone	81,000
Structure for interpretation, exhibits, artifacts storage and visitor facilities	300,000
Construction of full-size replica of ship	1,500,000
Interpretive exhibits	120,000
Security fencing	40,000
Dredging for landing of ship	130,000
Planting and grounds improvements	130,000
Grand total	2,481,000

The estimated annual maintenance ranges from a low of $85,000 to a high of $100,000.

AMENDMENT

The final cost figure arrived at in the bill ($2,481,000) was the result of discussions and deliberations on the part of the Committee and representatives of the National Park Service. Again, the Committee concluded that the original figure of $4,490,000, including over $2 million for the exhibit storage building, was excessive.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAJO COMMUNITY COLLEGE ACT

The bill (H.R. 5068) to authorize grants for the Navajo Community College, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-548), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 5068 is to authorize a Federal financial contribution to the construction and operation of the Navajo Community College, which is a college established and operated by the Navajo Tribe. The Committee also considered a similar bill, S. 2250, introduced by Senators Anderson, Fannin, Goldwater and Montoya.

EXPLANATION

The bill as amended by the committee authorizes the appropriation of $5.5 million as a grant to the Navajo Tribe to assist the tribe in the construction of the college. The bill also authorizes the appropriation of an annual sum as a grant to the Navajo Tribe to assist in the operation and maintenance of the college. The latter sum may not exceed the average amount of the per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type.

The Navajo Community College is the first college established on an Indian reservation, and it is the only college established and operated by an Indian tribe.

The college has been in operation since January 1969. It is presently using available space in the Many Farms High School building, which is a Federal school located on the reservation. Construction of the college buildings has begun, however, and construction will be undertaken in three stages as funds are available.

The total estimated cost of construction, and the anticipated sources of funds, are as follows:

Housing and Urban Development ($2,600,000 presently committed)	$5,500,000
Bureau of Indian Affairs	5,500,000
Navajo Tribe	1,000,000
Economic Development Administration	3,000,000
Industry and individuals ($700,000 presently committed)	1,000,000
Foundations ($280,000 presently committed)	1,000,000
Total	17,000,000

The annual cost of operation will vary with the number of students that are enrolled. The tribe has asked the Bureau of Indian Affairs to contribute $1,200,000 based on an enrollment of 400 students, and $3,360,000 based on an enrollment of 1,500 students. Both of these figures are within the formula adopted by the committee. The average per capita cost for Indian students attending three schools of higher learning that are operated by the Bureau of Indian Affairs is $3,700.

The Office of Economic Opportunity contributed the major portion of the funds used for the operation of the college to the present time. The grants totaled $2,292,899, and they were made as a part of a demonstration and research program. The OEO's evaluation is that the demonstration was a success, that the college is functioning, and that it should be continued on a permanent basis.

The Navajo Community College is different from the ordinary community college. It is tailored to meet the unique needs of the Navajo people, adults as well as children. The student body includes people of all ages, and the curriculum includes academic, vocational, and adult education subjects. The college is intended to supplement, and not be a substitute for, other college opportunities. Some students may prefer to attend off-reservation colleges. Some of them may prefer to start at the community college and continue elsewhere. Others will not wish to leave the reservation and will want an education fitted to their reservation way of life.

Enactment of the bill bill involve the appropriation of $5,500,000 for construction money in fiscal years 1973 and 1974; and the appropriation of annual sums for the operation of the college that would not exceed $5,500,000 per year on the basis of present cost figures. For purposes of comparison, it should be noted that in connection with the elementary and secondary educational programs on the Navajo Reservation the Federal Government has spent more than $117,500,000 for construction during the past 10 years, and the current operation expense is more than $53 million per year. The proposed expenditures for the Navajo Community College are modest in comparison.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommend that the bill be enacted.

CERTAIN FEDERALLY OWNED LANDS HELD BY THE UNITED STATES IN TRUST FOR THE PAIUTE-SHOSHONE TRIBE OF THE FALLON RESERVATION AND FALLON COLONY, NEVADA

The bill (S. 1115) to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in land described as the south half northwest quarter northwest quarter and the southwest quarter northwest quarter section 29, township 19 north, range 29 east, Mount Diablo meridian, Nevada, is hereby declared to be held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada, subject to the right of the United States to use, without compensation, for so long as necessary, as determined by the Secretary of the Interior, four acres, more or less, of such land for irrigation canal purposes.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent of which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–541), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill provides that two tracts of public domain land will be held in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nev., subject to the right of the United States to use, without compensation, for so long as necessary, as determined by the Secretary of the Interior, 4 acres for irrigation canal purposes. It further provides that the Indian Claims Commission will determine the extent to which the value of the trust title conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

One tract of this land contains 40 acres and the other 20 acres. The Fallon Colony is involved in certain improvement projects, and this legislation will provide a land base that will enable the Indians to participate in a much-needed Mutual-Help Housing program.

BACKGROUND

This land has been the home of these Indians for more than 50 years. The 40-acre tract was eliminated from a Reclamation withdrawal and reserved on August 23, 1971, for the benefit of the Indians who at the time were occupying part of the tract and were earning their livelihood in and around the town of Fallon, Nevada. Subsequently, some of the Indians by mistake constructed their homes on the 20-acre tract described in the bill which is contiguous to the north boundary of the 40-acre parcel. This 20-acre tract was withdrawn from further entry on March 14, 1958, in aid of legislation. These two parcels comprise the Fallon Colony.

The Indians are mostly Paiute and a few Shoshone. Some 12 miles to the west another group of Indians live on their allotments on the Fallon Reservation. They, together with the colony Indians, have organized and have a common construction and bylaws. They are known as the Paiute-Shoshone Tribe of the Fallon Reservation and Colony.

The Fallon Colony is an established community of 45 Indians. These Indians have brought electricity and water to their settlement at their own expense.

There are 16 homes located on approximately 25 acres of the 40-acre tract. Eleven acres are under subjugation with water deliveries from the Truckee-Carson Irrigation Project. This parcel is under lease to a member of the Fallon Reservation. Approximately, 4 acres are in the Truckee-Carson Irrigation District's irrigation canal that bisects the property. There are 11 homes on the 20-acre parcel.

The 28 buildings located on the property are classified from good to poor with a value of $85,000. Most of these buildings have been constructed and are maintained by the Indians at their own expense. The land described in the proposal has a current market value of $31,000.

About 90 percent of the Indians of the Colony earn their livelihood working in and around the town of Fallon; therefore, if they were required to move, in order to take advantage of the Mutual Help Housing program, it would mean a considerable hardship to them. There appears to be no use for this property that would surpass the Indians' need for it, nor is there any other property available for their housing program.

Even though there is some tribal land remaining on the Fallon Reservation, all of the good land has been allotted and that remaining would not be desirable for a housing project.

NEED

The Indians of the Fallon Colony have an application before the Housing Assistance Administration for 40 units of Mutual-Help Housing. Up to this time, six new concrete block houses, two mobile homes, and an addition to the church building have been completed. A necessary prerequisite to this housing program is that the Indians have vested property rights in the land, which will be accomplished by this legislation.

COST

No additional expenditure of Federal funds will result from the enactment of S. 1115.

THE SALE AND EXCHANGE OF CERTAIN LANDS ON THE COEUR D'ALENE INDIAN RESERVATION

The bill (S. 345) to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting consolidations of land situated within the Coeur d'Alene Indian Reservation in the State of Idaho into the ownership of the Coeur d'Alene Tribe and its individual members and for the purpose of attaining and preserving an economic land use for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal and individually allotted lands on the Coeur d'Alene Reservation, the Secretary of the Interior is authorized in his discretion to:

(1) Sell or approve sales of any tribal trust lands, any interest therein, or improvements thereon.

(2) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands or interests in lands situated within such reservation.

SEC. 2. The acquisition, sale, and exchange of lands for the Coeur d'Alene Tribe pursuant to this Act shall be upon request of the business council of the Coeur d'Alene Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a consolidation plan approved by the Secre- approved by the Secretary of the Interior.

SEC. 3. Any moneys or credits received by the Coeur d'Alene Tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land consolidation program, approved by the Secretary of the Interior.

SEC. 4. The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands or interests therein on the Coeur d'Alene Reservation held in multiple ownership to the Coeur d'Alene Tribe, to any member thereof, or to any other Indian having an interest in the land involved, if the sale or exchange is authorized in writing by owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than is any other statute of general application approved by Congress.

SEC. 5. Title to any lands, or any interests therein, acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the Coeur d'Alene Tribe or individual Indians and shall be subject to the same laws relating to other Indian trust lands on the Coeur d'Alene Reservation.

SEC. 6. The business council of the Coeur d'Alene Tribe may encumber any tribal land by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed or trust in accordance with the laws of the State of Idaho. The United States shall be an indispensable party to any such proceedings with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, United States Code: *Provided,* That the United States shall have the right to appeal from any order of remand in the case.

SEC. 7. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is further amended by inserting immediately after "the Fort Mojave Reservation", the words "the Coeur d'Alene Indian Reservation,".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–539), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interest in such lands. It would also provide authority for long term leasing of trust lands up to 99 years.

NEED

The Coeur d'Alene Reservation, located in the northwestern part of Idaho and Benewah and Kootenai Counties, originally consisted of approximately 345,000 acres of tribal land. In 1909 approximately 102,570 acres were allotted to members of the tribe, 330 acres were reserved for administrative purposes, and the remaining lands comprising an area of over 242,000 acres were opened to settlement. Since allotment of the reservation lands and opening the surplus lands to settlement approximately 80 percent of the land has passed from Indian ownership. As of June 30, 1969, there were 53,063 acres of trust land in individual ownership and 16,236 acres in tribal ownership.

The Coeur d'Alene Tribe adopted a land acquisition, consolidation, and development program in 1965 and put it into effect on the reservation at that time. To implement this program the Indians need additional authority for the acquisition and disposal of lands or interests in lands. The Coeur d'Alene Indians voted to reject the application of the Indian Reorganization Act of June 18, 1934, to their affairs. Consequently, the authorities contained therein with respect to acquisition, sale, and exchange of trust lands are not available to them.

The tribe set aside $1,150,000 from a 1958 award of the Indian Claims Commission in Docket No. 81. During the past 5 years the tribe has purchased over 3,000 acres of land at a cost of a little over $450,000. Thirteen purchases are presently pending which will require an expenditure of about $300,000. The tribe is now planning a farming enterprise, and land consolidation is of much importance.

At the time of the approval of the land program the tribe owned 13,362 acres of trust land which consisted primarily of acreages restored pursuant to the act of May 19, 1958. This act also contained authority for the sale or exchange of the restored lands. However, the restored land is outside the general farming area and is not useful for trading and unitization purposes. The authority contained in S. 345 will enable the tribe to dispose of these parcels and use the funds to acquire other tracts within the farming enterprise area or elsewhere on the reservation and assist tribal members in consolidating and unifying their individual interests thereby alleviating to some extent the heirship problem. Further, it will be able to exchange lands with tribal members so that both the tribe and the members will have more economical and manageable units.

Although the tribe does not now have an urgent need for long term leasing authority, it does anticipate this authority will be needed within the foreseeable future. The tribe will endeavor to lease land for industrial purposes and has in mind that eventually it is going to become involved in some enterprises in the Coeur d'Alene Lake area.

COST

No additional expenditure of Federal funds will result from the enactment of S. 345.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Medical Stockpile of Civil Defense Emergency Supplies and Equipment

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended September 30, 1971; to the Committee on Armed Services.

Report on Certain Facilities Projects Proposed for Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on certain facilities projects proposed for the Army National Guard (with an accompanying report); to the Committee on Armed Services.

Report on the State of the Finances

A letter from the Secretary of the Treasury, transmitting, pursuant to law, his report on the State of the Finances, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Finance.

List of Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports of the General Accounting Office, for the month of November, 1971 (with an accompanying report); to the Committee on Government Operations.

Report on the Unfinished Education

A letter from the Chairman and Members of the United States Commission on Civil Rights, tranmitting, pursuant to law, part II of a report investigating the nature and scope of educational opportunities for Mexican Americans in the public schools of the States of Arizona, California, Colorado, New Mexico, and Texas, dated October 1971 (with an accompanying report); to the Committee on the Judiciary.

Report on Status of Permanent Residence for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on the status of permanent residence for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on temporary admission of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of the Territory of Guam; to the Committee on Interior and Insular Affairs:

"Resolution No. 157

"Relative to expressing the extreme indignation and opposition of the people of Guam on the proposed acquisition by the U.S. Navy of one of Guam's most prized possessions, that unspoiled and virgin land in the south of Guam known as Sella Bay

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the Commander Naval Forces Marianas has indicated that the Navy intends to go through with the controversial acquisition of Sella Bay and the surrounding lands for use to unload ammunition, thereby seizing from the people of Guam over 4,000 acres of the very limited land of the territory and thereby depriving them of the continued use of a great natural resource; and

"Whereas, the territory of Guam can only cease being a dependency of the military when the relatively little land remaining in civilian control is developed for use of our burgeoning tourist economy, and Sella and Cetti Bays represent the last unspoiled beaches and environs suitable for such development, the loss of these lands denying the territory of Guam its lawful right to develop a viable civilian economy; and

"Whereas, the proposal that lands be exchanged with the Navy so that the territory ends up with as much land after as before the taking is unacceptable since the Sella Bay area is unique in the entire Pacific, maintaining the only pristine Pacific coral reef structure under the American flag and not being capable of duplication anywhere else, the loss to the people of Guam and to the future generations of the territory being so great as to be beyond compensation; now therefore be it

"*Resolved*, That with the Eleventh Guam Legislature does hereby on behalf of the people of Guam express its ineradicable opposition to the proposed taking of Sella Bay and its environs for a Navy ammunition wharf; and be it further

"*Resolved*, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Secretary of Interior, to the Secretary of Defense, to the Secretary of the Navy, to the Attorney General of the United States, to the Chairmen of the Interior and Insular Affairs Committees, Senate and House, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 28th day of October, 1971."

A letter from several citizens of California expressing concern for American prisoners of war; to the Committee on Foreign Relations.

A resolution adopted by the Norfolk, Va., Jaycees, expressing disapproval of school busing solely for the purpose of achieving a racial balance in schools; to the Committee on the Judiciary.

A letter from James Talmadge Moore, of Springfield, Mo., praying for a redress of grievances; to the Committee on the Judiciary.

A letter from Mr. and Mrs. Dale B. Smtih, of Long Beach, Calif., regarding the celebration of November 11 as a legal holiday; to the Committee on the Judiciary.

A letter from Otto L. Gutowsky, of Birmingham, Mich., regarding the AFL–CIO convention in Miami; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK (for Mr. Moss) from the Committee on Interior and Insular Affairs, with an amendment:

S. 978. A bill authorizing the conveyance of certain lands to the University of Utah, and for other purposes (Rept. No. 92–555).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. 2676. A bill to provide for the prevention of sickle cell anemia (Rept. No. 92–557).

By Mr. ERVIN, from the Committee on the Judiciary, with amendment:

S. 1438. A bill to protect the civilian employees of the executive branches of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy (Rept. No. 92–554).

PROTECTION OF THE FUNDAMENTAL RIGHTS OF FEDERAL EMPLOYEES

Mr. ERVIN. Mr. President, I am filing today the Judiciary Committee report on

S. 1438 to protect civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy. This bill was approved by the committee on November 16 without amendments and is identical to S. 782 which was passed by unanimous consent of the Senate in the 91st Congress.

CONTINUED OPERATION OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS—CONFERENCE REPORT (S. REPT. NO. 92-556)

Mr. KENNEDY, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, submitted a report, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska.

By Mr. McGEE, from the Committee on Post Office and Civil Service:

Elmer T. Klassen, of Massachusetts, Frederick Russell Kappel, of New York, Theodore W. Braun, of California, Andrew D. Holt, of Tennessee, George E. Johnson, of Illinois, Crocker Nevin, of New York, Charles H. Codding, of Oklahoma, Patrick E. Haggerty, of Texas, and M. A. Wright, of Texas, to be Governors of the U.S. Postal Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPONG (for himself, Mr. Baker, Mr. Bible, Mr. Nelson, Mr. Dominick, Mr. Pell, Mr. Eagleton, Mr. Bellmon, and Mr. Chiles):

S. 2952. A bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road. Referred to the Committee on Commerce.

By Mr. YOUNG:

S. 2953. A bill for the relief of Isabelle Gannat. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2954. A bill to authorize the establishment of the Knife River Indian Villages National Historic Site. Referred to the Committee on Interior and Insular Affairs.

By Mr. COOK:

S. 2955. A bill to amend certain provisions of title 18, United States Code relating to the release of certain Federal prisoners. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Stennis, Mr. Eagleton, and Mr. Spong):

S. 2956. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S. 2957. A bill to amend the Economic Opportunity Act of 1964 to provide comprehensive legal services for the elderly, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS:

S. 2958. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TAFT (for himself and Mr. Fong):

S. 2959. A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S.J. Res. 181. Joint resolution to establish a Joint Committee on Aging. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPONG (for himself, Mr. Baker, Mr. Bible, Mr. Nelson, Mr. Dominick, Mr. Pell, Mr. Eagleton, Mr. Bellmon, and Mr. Chiles):

S. 2952. A bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road. Referred to the Committee on Commerce.

Mr. SPONG. Mr. President, I am today introducing a bill with Senators Baker, Bible, Nelson, Dominick, Eagleton, Pell, Bellmon, and Chiles to authorize the Department of Transportation to undertake construction of a rapid rail line to Dulles International Airport.

Dulles International is one of the finest airports in the world and perhaps the only one specifically planned with the needs and problems of the jet age in mind. Yet, one of its greatest virtues—its removal from the densely populated city center—is also the greatest obstacle to its full utilization. It is a problem aggravated by the continued competition of the more centrally located National Airport.

The missing link in the development of the federally owned Dulles has been a means of quick, convenient and inexpensive mass transportation and that is what this bill would authorize. It provides for an extension of the main metro system from just north of Falls Church to the airport utilizing the median strip of the Dulles Access Highway. When completed and tied in with the main metro system, the airport line would make it possible to travel from downtown Washington to the Dulles Airport Terminal Building in approximately 35 minutes during peak traffic conditions or inclement weather at an estimated fare of $1.35. That is roughly half the cost and half the travel time of the best transportation to the airport now available.

A feasibility study of this project undertaken by Day & Zimmerman Consulting Services for the Department of Transportation this year recommended that at least two intermediate stations be located on the line to serve the needs of commuters in the airport area. Experience with the Cleveland, Ohio airport rapid transit line—the only one in operation in this country today—has shown that these commuter stops in no way detract from airport service, averaging in the neighborhood of only 30 seconds lost per stop.On the other hand, it was found that they generated fully two-thirds of the revenue on the line enabling it to cover full maintenance and operating costs.

The bill authorizes construction of appropriate intermediate stations with costs and details of the location of facilities of such stations to be worked out through negotiations among the local jurisdictions, Metro, and DOT officials.

Total cost of the airport line, exclusive of the intermediate stations, but including all construction, equipment and terminal stations, would not exceed $90 million. That allows for inflation over the schedule of construction.

Mr. President, 2 years ago, I chaired a Senate hearing at Dulles Airport exploring ways of improving utilization of Dulles. Every major witness at the hearing endorsed the idea of rapid rail service to Dulles, including the Federal Aviation Administration, the Air Transport Association, local jurisdictions, and the Metro authority itself. Subsequently, my amendment to provide for a $150,000 feasibility study of the project was strongly endorsed by the Department of Transportation.

That feasibility study was completed in July of this year. It concluded that there were no engineering or economic obstacles to early construction of such a line and that it would be a "vital link with what will be the area's most important airport and an important branch of the metropolitan Washington rapid transit system."

Mr. President, this rail link is critically needed to improve access to the airport. Without it, Dulles will continue to be underutilized and the Federal Government will continue to spend millions in subsidizing its operation. Since it was opened in 1962, the average annual deficit at Dulles has been about $7 million. For as far ahead as projections have been made, there will continue to be substantial losses.

I would note also that present Metro plans provide for construction of a rapid transit at National Airport by the mid-1970's. Without also facilitating travel to Dulles, the already serious imbalance in the use of the two airports would be aggravated.

Mr. President, it is my hope that this bill can be enacted in this Congress, and work begun on the line—from the airport in—as soon as construction contracts can be let. It is an investment in the future of air service to the Nation's capital which cannot afford to wait.

I send the bill to the desk for appropriate reference, and ask unanimous consent that it be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat.

320), is hereby amended by adding at the end thereof the following new section:

"SEC. 9. (a) The Secretary of Transportation shall make payments to the Transit Authority in such amounts as may be requisitioned from time to time by the Transit Authority sufficient, in the aggregate, to finance the cost of designing, constructing and equipping a rail rapid transit line in the median of the Dulles Airport road from the vicinity of Virginia Highway Route 7 on the K Route of the Adopted Regional System to the Dulles International Airport; except that the aggregate amount of such payments shall not exceed $90,000,000.

"(b) The transit line authorized in subsection (a) of this section shall include appropriate station facilities at the Dulles International Airport and at the point of intersection with the Adopted Regional System, but the cost of any intermediate stations on such a transit line shall not be included in this authorization.

"(c) Upon completion of the transit line authorized in this section, all transit facilities and the underlying real estate interests appurtenant thereto shall become the property of the Transit Authority and shall be operated by such Authority.

"(d) It is the intent of the Congress in enacting this section that the transit line authorized in this section be designed and constructed as soon as practicable following the date of the enactment of this section.

"(e) There is authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, not to exceed $90,000,000 to carry out the purposes of this section. The appropriations authorized in this subsection shall be in addition to the appropriations authorized by section 3(c) of this Act.".

By Mr. COOK:

S. 2955. A bill to amend certain provisions of title 18, United States Code relating to the release of certain Federal prisoners. Referred to the Committee on the Judiciary.

Mr. COOK. Mr. President, today I am introducing a bill which will alleviate a statutory inequity directed at a group of individuals which our society is for the most part unconcerned about, the parolee, or more specifically, the parole violator. This bill affects both classes of individuals who are released from our Federal correctional institutions: First, the mandatory releasee, an individual who has served the full term of his sentence, less good time deductions, and who is deemed "as if on parole" until the maximum term to which he was sentenced has expired, less 180 days; and second, the parolee, an individual who the Board of Parole feels has sufficiently indicated during his incarceration that he is prepared to reenter society without necessarily having to serve behind bars the full term to which he was sentenced.

Section 4082 of title 18 of the United States Code provides that when an individual falls under one of the two categories above, he "shall be allowed in the discretion of the Board, to return to his home, or to go elsewhere, upon such terms and conditions, including personal reports from such paroled persons, as the Board shall prescribe, and to remain, while on parole, in the legal custody and under the control of the Attorney General, until the expiration of the maximum term or terms for which he was sentenced." Thus, section 4082 clearly indicates that the parolee, though no longer incarcerated, is indeed still "in the custody of the Attorney General." This legal custody requires the parolee, among other things, to make a complete written report to his probation officer on a monthly basis, to notify his probation officer immediately of any change of residence or change of employment, to abstain from drinking alcoholic beverages to excess or from associating with persons who have a criminal record. In short, although the individual is no longer behind bars he is still far from being a free man. As a parolee he remains both in theory and fact, very much in the custody of the Attorney General.

Should this man violate his parole, however, and be returned to an institution, he receives no credit whatsoever for the length of time he has spent on parole. For instance, if the individual was originally sentenced to 5 years and served 2 of those years and then was paroled and after 2 additional years he violated parole he would be recommitted to an institution to serve the remaining 3 years of his original sentence, receiving no credit at all for the 2 years spent on parole.

Thus, just with this one hypothetical case, we see that the individual above who violates parole will spend 7 years in the legal custody of the Attorney General although he was only sentenced to 5 years. It is possible that the situation might arise where the parolee merely failed to make his monthly written report to his probation officer or was guilty of some other minor technical violation and as a result he would have to return to prison and serve the 2 years of parole time over again plus the remainder of his original sentence.

The bill which I am introducing today, amending sections 4205 and 4207 of title 18 of the United States Code, enables a parole violator to receive credit for one half of the time he spent on parole against his original sentence. Therefore, using the example of the violator above, when he is returned to prison after serving 2 years on parole he would have only 2 years to serve on his original sentence as opposed to the 3 that he would now have to serve under the present provisions of sections 4205 and 4207.

Certain authorities in the field of crime, including the Brown Commission on the Revision of the Federal Criminal Laws, have recommended that the present provisions of 4205 and 4207 are inherently unjust and the parole violator should receive full credit for the time spent on parole should he violate and be recommitted. I feel the realistic solution to this problem, however, is to allow a 50-percent credit since otherwise a parolee could violate near the end of his sentence knowing that if recommitted he would only have a very short time to serve.

Under the provisions of the bill I am introducing today however, such an incentive for violating parole toward the end of custody is negated by the fact that instead of having only a few months to serve on recommitment he could look forward to serving over again at least one half of the time spent on parole. The chances are that any parolee that close to completing his parole requirement would not be tempted to abscond in the last few months of his custody since in all likelihood one half of the time spent on parole to that point would be a substantial figure and would serve as a definite deterent for such last second violations.

In addition, to compensate for special instances where the violation is of a very minor or technical nature, my bill would allow the U.S. Board of Parole to give the violator full credit for the time he had spent on parole. In other words, in all cases the parolee would receive credit for 50 percent of the time he served on parole and, in certain special cases, the Board of Parole, in its discretion, could give the parolee credit for the full amount of time he was on parole.

Mr. President, the purpose of this bill is by no means to aid those who break the law avoid a lawful sentence. No one is more disturbed than I am about the ever-increasing crime rate in this country. However, while doing all we can here in Congress to combat this lawlessness, we must not lose sight of the fact that the very foundation of our great Nation is its body of law, and, hopefully, justice. As Daniel Webster said:

> Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together.

Let us not forget, therefore, that, since justice is the very fabric of our society, it must be available to all of our citizens, rich and poor, white and black, the educated and the illiterate, and even the convicted criminal. Law and justice should be synonymous, but experience has indicated that, in many cases, they are not. Mr. President, it is my hope that the bill which I am introducing today will serve to bring these two concepts just a little closer. I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 4205 of title 18, United States Code, is amended to read as follows: "The unexpired term of imprisonment of any such prisoner shall begin to run from the date he returned to the custody of the Attorney General under said warrant, but the amount of time which such prisoner shall be required to serve as a result of his retaking shall be reduced in all cases by a period of time equal to one-half of that period commencing with his release pursuant to sections 4163, 4164, 4202, or 4208 of this title, and ending with the date of the issuance of such warrant for his retaking. In addition, the Board of Parole shall have the discretion, when the circumstances warrant it, to diminish the period which such prisoner was sentenced to serve by the full amount of time he spent on parole prior to his retaking.

SEC. 2. Section 4207 of title 18 United States Code, is amended by revising the third paragraph thereof to read as follows: "If such order of parole shall be revoked and the parole terminated, the said prisoner may be required to serve the remainder of the term for which he was sentenced subject to the provisions of section 4205 of this title.

SEC. 3. The amendments made by this Act shall be applicable with respect to any person who, on or after the date of enactment of this Act is on parole pursuant to sections 4163, 4164, 4204, 4208 of chapter 311 of title 18, United States Code, or is released pursuant to such sections or chapter.

By Mr. JAVITS (for himself, Mr. STENNIS, Mr. EAGLETON, and Mr. SPONG):

S. 2956. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress. Referred to the Committee on Foreign Relations.

WAR POWERS ACT OF 1971

Mr. JAVITS. Mr. President, I send to the desk, for myself, for the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. EAGLETON), and also for the Senator from Virginia (Mr. SPONG) a bill entitled "The War Powers Act of 1971." I believe that this legislation will prove to be of historic importance and may, in retrospect, be viewed as the most constructive legislative byproduct of our Nation's tragic Vietnam experience.

This measure deals with the issue of undeclared war, which has become the great constitutional and legal battleground of recent years. In my judgment, it provides a badly needed, carefully drawn, and wholly constitutional remedy for what presently appears to be a constitutional lacuna—applying the war powers of Congress enumerated in article I, section 8 to the phenomenon of "undeclared" war.

I am greatly honored to be associated in this effort with the distinguished chairman of the Armed Services Committee (Senator STENNIS) and the distinguished Senator from Missouri (Senator EAGLETON). I introduced my original war powers bill on June 15, 1970. To my deep gratification, my original submission stimulated the thinking of Senators STENNIS and EAGLETON, both of whom subsequently introduced war powers legislation, along the basic lines provided in my bill, but containing many excellent provisions which were not in my pilot measure. I am very indebted to Senator STENNIS and Senator EAGLETON for their interest, cooperation and, most importantly, for their contributions to the measure as it now stands. Senator SPONG was on the floor when I introduced my original bill, took an immediate interest in it, and has played an important and constructive role throughout the hearings on this measure.

The Senate Foreign Relations Committee, under the leadership of Chairman FULBRIGHT, conducted an extensive—and I believe truly historic—set of hearings on the war powers bills before it. The printed record of those hearings will be available shortly. I am confident that these comprehensive hearings will become an important point of reference for years to come, for all who are interested in this great issue. At the completion of the hearings, I approached Senators EAGLETON and STENNIS to see if we could all agree on one comprehensive redraft of the original bill, incorporating the important ideas contained in their measures, as well as the best suggestions made by the distinguished witnesses who tetified before the Foreign Relations Committee. One of my most gratifying experiences in the Senate has been working with Senators STENNIS and EAGLETON on this comprehensive redraft.

I am hopeful, now, that the matter is ready for final consideration by the Committee on Foreign Relations under the Senator from Arkansas (Mr. FULBRIGHT). We hope to be able to bring it soon to the Senate and to the country, so that everyone may think about it, discuss it, and consider it further during the weeks ahead. I think we have a war powers bill worthy of the great issue which faces our Nation so urgently in view of our traumatic experience in Vietnam.

Mr. President, I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2956

A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act of 1971."

PURPOSE AND POLICY

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States, and ensure that the collective judgment of both the Congress and the President will apply to the initiation of hostilities involving the Armed Forces of the United States, and to the continuation of such hostilities. Under Article I, Section 8, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also "all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." At the same time, the Act is not intended to encroach upon the recognized powers of the President, as Commander-in-Chief, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to respond to attacks or the imminent threat of attacks against the Armed Forces of the United States, and, under proper circumstances, to rescue endangered citizens of the United States located in foreign countries.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States shall be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(a) to repel an attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(b) to repel an attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(c) to protect while evacuating citizens of the United States, as rapidly as possible, from any country in which such citizens, there with the express or tacit consent of the government of such country, are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control: *Provided*, That the President shall make every effort to terminate such a threat without using the Armed Forces of the United States: And provided further, that the President shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States; or

(d) pursuant to specific statutory authorization, but authority to use the Armed Forces of the United States in hostilities shall not be inferred from any Treaty or provision of law, including any provision contained in any appropriation act, unless such Treaty or provision specifically authorizes the use of such Armed Forces in hostilities and exempts the use of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such forces are engaged, or there exists an imminent threat that such forces will become engaged, in military hostilities. No Treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the use of the Armed Forces of the United States in hostilities, within the meaning of this section.

REPORTS

SEC. 4. The use of the Armed Forces of the United States in hostilities pursuant to section 3 of this Act shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such hostilities were initiated, the estimated scope of such hostilities, and the consistency of such hostilities with the provisions of section 3. Whenever Armed Forces of the United States are engaged in hostilities outside of the United States, its territories and possessions, the President shall, so long as such forces continue to be engaged in such hostilities, report to the Congress periodically on the status of such hostilities as well as the scope and expected duration of such hostilities, but in no event shall he report to the Congress less often than every six months.

THIRTY-DAY AUTHORIZATION PERIOD

SEC. 5. Hostilities commenced pursuant to section 3 of this Act shall not be sustained beyond thirty days from the date of their initiation except as provided in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

TERMINATION WITHIN THIRTY-DAY PERIOD

SEC. 6. Hostilities commenced pursuant to section 3 of this Act may be terminated prior to the thirty-day period specified in section 5 by statute or joint resolution of Congress.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 7. (a) Any bill or resolution, authorizing the continuation of hostilities under subsection (a) (b), or (c) of section 3 of this Act, or the termination of hostilities under section 6 of this Act shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the

Members of such House otherwise determine by yeas and nays; any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported to the floor of the House referring it to committee within one day after it is so referred, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(b) Any bill or resolution reported to the floor pursuant to subsection (a) shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after it has been reported, unless such House shall otherwise determine by yeas and nays.

EFFECTIVE DATE

SEC. 8. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act.

Mr. EAGLETON. Mr. President, I am extremely pleased to join with the senior Senator from New York (Mr. JAVITS) and the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) in proposing the consensus "war powers" bill.

The Senator from New York and I have been working in this area for over 2 years and the Senator from Mississippi has long expressed concern over ever-increasing executive discretion in this area.

"Historic" and "momentous" are words that are often used loosely in politics. But, Mr. President, I honestly believe that they are applicable to this consensus bill which was worked out by Senators STENNIS, JAVITS, and myself over the past 5 months.

The bill represents a broad-based consensus of Senators, ranging the ideological and party spectrum, that the unchecked and constant flow of "war powers" from Congress to the President must be stopped.

A democracy cannot allow the single judgment of one man to take the entire Nation to war. No more important decision is made in a democracy than to commit its blood and treasures to a test of force. The Javits-Stennis-Eagleton bill assures that this life-and-death decision will be a collective judgment reached after congressional deliberation.

And that, especially in view of recent history, is "momentous" and "historic," indeed.

Mr. STENNIS. Mr. President, I want to speak briefly on the bill introduced by the distinguished Senator from New York (Mr. JAVITS). I am pleased to be a cosponsor of this measure.

The bill represents the result of a joint effort by the Senator from New York, the Senator from Missouri (Mr. EAGLETON), and myself. Like all such results of somewhat different approaches, it can be improved. I would hope that the Foreign Relations Committee would scrutinize it carefully to insure that the drafting accurately reflects the bill's purpose.

The principles embodied in the bill are, I believe, sound. Under its provisions the President would have the authority, initially, to introduce U.S. Armed Forces in hostilities on his own authority only to repel or forestall attacks on U.S. territory or U.S. Armed Forces, or to protect U.S. citizens while they are being evacuated from danger. In all other cases specific congressional authority would be required—not only a treaty or an appropriation. Procedures are provided so that Congress will be able to act quickly to approve or disapprove the continuation of hostilities begun by the President on his own authority.

I believe that it should be very clear that this bill does not apply to our current efforts to disengage in Southeast Asia. That is, we must make a new start with this bill—not refight old arguments about the legality of the war in Vietnam. By the same token, care should be taken to draft the bill in such a way that it is clear that only the war in Southeast Asia is exempted—that is, hostilities in other areas in which U.S. military men are engaged in delivering weapons or in some other indirect way are clearly not excepted from the bill's provisions.

I believe it should also be quite clear that the President has the authority to deploy forces, for example, on the high seas in an area in which there is tension. Congressional authorization should be necessary in the future before there is a commitment to U.S. participation in war in any form—including the use of U.S. advisers with combat units. But the Congress should not restrain the President's powers, as Commander in Chief, to deploy forces to crisis areas and, for example, "show the flag" by sending a carrier to stand offshore.

Finally, I believe it is quite clear that Congress has the authority to legislate in this area of affairs. Some have claimed that the President's powers as Commander in Chief are so exclusive that they prohibit Congress from legislating in this field. I respectfully, and very strongly, disagree. As the resolution points out, article 1, section 8, of the Constitution specifies that Congress has the power not only to make all laws necessary and proper to carrying into effect its own powers, but also "all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

I am pleased with the study and consideration already given to the like measures by the Committee on Foreign Relations and I trust that after further study and consideration, the committee will include the benefits of their own thought and favorably report a bill soon.

By Mr. HARTKE:

S. 2957. A bill to amend the Economic Opportunity Act of 1964 to provide comprehensive legal services for the elderly, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE LEGAL SERVICES FOR THE ELDERLY

Mr. HARTKE. Mr. President, a serious problem confronting the elderly American is that he is constantly bewildered by the governmental bureaucracy he encounters in his retirement years. Unfortunately, the elderly citizen has limited expertise in coping with the intricacies of programs like social security, medicare, and medicaid. The situation is serious because these programs are essential to the quality of life of the older American.

Although we often think of social security benefits as supplemental, statistics have shown that one-fourth of the couples and two-fifths of the nonmarried elderly depend on Government programs for almost their entire support.

It is clear to all who investigate the matter that the elderly need assistance to secure benefits under Government programs. Yet they rarely find assistance available. Unfortunately the elderly have limited means to pay for aid. This lack of aid often results in the loss of benefits. For example, a number of programs provide for the right to appeal the decisions of the respective agencies. However, since the elderly rarely have the necessary funds to hire counsel, a substantial number do not request hearings.This is of no small importance when one considers a recent study that showed one agency had a 64-percent reversal rate at appeal hearings.

Today most elderly persons live close to the poverty line. Recent Bureau of Labor Statistics found that of 4.4 million retired couples over the age of 65, 56 percent had incomes below $3,857—just above the poverty level currently used by the Office of Economic Opportunity. It goes without saying that these members of our society cannot afford costly legal services and advice to insure that they are not denied their rightful benefits.

Like many of my distinguished colleagues, I receive letters from my senior citizen constituents expressing their frustration with the operation of Government programs. Unfortunately they do not all possess the extraordinary abilities of a 69-year-old widow who took on the Government in a social security case. This determined and articulate Queens, N.Y., native acted as her own counsel and prevailed over the awesome legal resources of the Federal Government. See attached article. It is sad that this case is the exception rather than the example. Most aged citizens are compelled to accept agency action.

To remedy this deplorable situation Congress must take appropriate steps. I propose that Congress act immediately to implement a comprehensive program to alleviate the legal problems afflicting the elderly. This action must span a broad spectrum; including courtroom and administrative advocacy, simplification of the technicalities of Federal and State programs, and research and implementation remedies to problems emanating from governmental programs which do not allow the elderly to live in dignity. In essence, the Federal Government and the States must take coordinated action to develop a national program of forceful advocacy on behalf of senior citizens.

It is necessary to call for a multidimensional approach because of the diversity of need confronting the aged of our society. For example, attempts to amend the Economic Opportunity Act to insure that the elderly poor have the assistance of counsel would not remedy the fact that many current programs lack procedural safeguards. Only one thing is clear, and that is, there must be comprehensive research to develop new knowledge to resolve the issues facing the aged. This new knowledge must be turned immediately toward practical application.

The comprehensive approach must be developed because past attempts in this area have been fragmented and insufficient. This is not to infer that insignificant contributions have been effected by past programs. The facts show quite the contrary. It is common knowledge that the performance of programs like OEO Legal Services has been excellent in serving the elderly where they constitute part of the OEO client community. However, it is equally acknowledged that attemps to discern and alleviate the problems of the elderly as a class have been inadequate. Legal Research and Services for the elderly—sponsored by the National Council of Senior Citizens under an OEO grant—is the only project in the Nation which deals exclusively with the legal difficulties encountered by senior citizens. In 1970 the funding for Legal Research and Services for the Elderly was cut, and the number of LRSE projects was reduced from 12 to five. In essence we have seen a reduction while there should have been an expansion.

To overcome the inadequacies of the past, massive efforts must be made. The first step is to allocate resources specifically for immediate action. The type of action that is necessary must extend far beyond our current efforts. In addition, it is imperative that all governmental agencies affecting the elderly have input into this program. The expertise and knowledge of these agencies can be invaluable in formulating appropriate activity. To cite an example, the experience and knowledge that the Administration on Aging has gained in analyzing the impact of the retired senior volunteer program—now under ACTION—would provide valuable insight into the future development of the legal paraprofessional. Also it goes without saying that the Social Security Administration would also contribute most effectively in developing solutions to difficulties the elderly face with that agency.

There will be those who say that the advocacy role is not proper for Government agencies. I submit that the Government must administer its programs in a way that will encourage and support the participation of the senior citizen.

To coordinate this effort the Office of Economic Opportunity would seem most appropriate. The primary advantage is that within the OEO framework there is an existing vehicle that can be easily adapted to this task. That vehicle is the legal services program. The existence of legal service programs serving the aged has significant advantages in facilitating the development of substantive action. The primary advantage is that many of the necessary changes will no doubt be implemented through legal service programs. Therefore, by having OEO act as the coordinating agency, the implementation of necessary changes and modifications will be eased. Furthermore the establishment of a central coordinating agency will overcome the fragmentation of past efforts. Hopefully the coordinating agency will be able to bring the diverse groups and programs together to enable each to share the knowledge of the other. This is the only way that repetition can be avoided, and accomplishments be made.

The key to this effort to identify and resolve these legal problems is experimentation and innovation. There must be no hesitancy to develop new concepts, as well as to expand those that have worked well in the past. For example the use of the paraprofessional in many programs has provided the vitality and expertise to enable those efforts to survive. This type of activity must be expanded with constant searching to determine new ways to incopropate the use of the paraprofessional. One course of action might be to investigate the use of paraprofessionals as ombudsman. These could be persons who would provide a wide variety of information, given guidance to senior citizens, and act on their behalf in the dealings of the aged with the Government.

This innovation and experimentation I call for must transcend agency and department delineation. All agencies affecting the elderly must be involved to make the programs successful. Experimentation would undoubtedly entail the funding of private as well as public efforts to work on specific areas of concern.

Senior citizen groups should also have input into this activity. The number and variety of senior citizen organizations is constantly on the increase thus creating innumerable repositories of interest and expertise to be used.

The academic community is another area to look to for assistance. Although the program is largely oriented toward the resolution of legal problems, disciplines other than law might offer considerable assistance in developing programs. Within the past few years we have witnessed substantial change of direction in many institutions regarding their awareness of the need of our senior citizens.

In recognizing that the elderly may have unusual legal needs, some law schools have developed programs to provide for legal assistance to the aged. Furthermore, there has been some curriculum change to recognize the special situation of the elderly. Although such action has not been substantial, it is an indication that law schools can rise to the challenge of recognizing the legal needs of the elderly. To cultivate this change of attitude, attempts should be made to include the law schools as well as the rest of the academic community in the efforts to research and resolve these pressing issues.

The suggestions that I have made are in no way to be deemed the exclusive methods to insure that these legal problems are identified and resolved. Rather, it is my hope that the suggestions I have made might serve as a springboard for additional ideas and approaches. The possible course, or courses, of action are unlimited. Activity could range from programs designed to develop methods of informing the elderly of their rights under Federal and State law; to drafting legislation providing procedural safeguards against the arbitrary denial of benefits. The need is overwhelming. We must take affirmative steps to correct the injustice that daily befalls our elderly Americans. The existing fragmented and underfinanced approaches to these legal needs must be supplanted by coordinated and immediate action.

In closing I would like to say that there may be those who feel that this action is superfluous in light of pending legislation to establish a National Legal Services Corporation. My action today does not supplant nor detract from the development of such a program. The purpose of this legislation is to focus attention and action on a very crucial need of the aged of our society. In the event that a National Legal Services Corporation is established it is my hope that a coordinated effort can still be maintained to identify and resolve the legal needs of the elderly. To fail to do so would mean that we continue to have haphazard and insufficient efforts to resolve the bureaucratic problems they face. We must make a national commitment to achieve justice for the aged. The achievement of that commitment requires a well-funded, coordinated effort.

Mr. President, I ask unanimous consent that a copy of this bill and a selected article on this issue be printed in the RECORD immediately following my remarks.

There being no objection the bill and the article were ordered to be printed in the RECORD, as follows:

S. 2957

A bill to amend the Economic Opportunity Act of 1964 to provide comprehensive legal services for the elderly, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 222(a) (3) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "The Director in carrying out the program authorized under this paragraph shall take appropriate action to meet the legal problems of the elderly by providing—

"(A) for the development of programs of training, technical, legal and paraprofessional assistance to identify and resolve the legal problems of the elderly;

"(B) for the collection and dissemination of information to coordinate and evaluate the effectiveness of activities and programs affecting the legal problems of the elderly;

"(C) offer advice and assistance to all to all agencies and programs providing legal services and assistance to the elderly;

"(D) take all other necessary action to identify and provide for the resolution of legal problems affecting the elderly."

Section 2, There is authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1972, and $1,000,000 for the succeeding fiscal year to carry out the provisions of section 222(a) (3) relating to legal services for the elderly.

A WIDOW TAKES UP LAW AND BEATS UNITED STATES

(By Robert E. Tomasson)

"He that pleads his own case has a fool for a client."

A determined and articulate 69-year-old Queens widow who acted as her own lawyer has provided a notable exception to that old English proverb by taking on the awesome legal resources of the Federal Government in a complicated Social Security case—and winning the verdict of a three-judge appeals court.

The case, which spanned nearly 18 months, was argued in two Federal Courts and required scores of pages of complex legal briefs. It involved the widow's claim for $900 in Social Security death benefits after her husband died in 1964.

It pitted Mrs. Persis S. Widermann, a grandmother who has no legal training, against the Secretary of Health, Education and Welfare, Elliot L. Richardson.

In court, her arguments prevailed over those of his legal representatives—Robert A. Morse, United States Attorney for the Eastern District of New York, and Robert Rosenthal and David G. Trager, assistant United States attorneys.

WINS JUDGES' PRAISE

And her arguments won the rare lavish praise by the Federal Judges who ruled in her favor—William H. Mulligan, Harold R. Medina and Walter R. Mansfield of the Second Circuit Court of Appeals, who handed down their decision last Wednesday.

Asked in an interview yesterday why she had chosen to act as her own lawyer, Mrs. Widermann said: "I didn't know any, and considering the amount of money due me I didn't think any lawyer would really be interested."

"I was probably foolish," she added, "but I thought I was right and I thought I would win."

Her case, involving numerous technicalities in the vast thicket of Social Security regulations, required long days of writing and research in the legal tomes of the New York and Brooklyn Public Libraries and the law library of New York University.

THIRTY-SIX-YEAR APPENDIX

The research produced a 27-page brief, a 36-page appendix of notes and legal citations and, after the Government lawyers had submitted their arguments, a 13-page memorandum of reply.

The Government's main argument was that Mrs. Widermann had been denied retroactive death benefits because she waited more than one year to submit her claim.

Her counterargument, in effect, was that she had met the substantial if not the procedural requirements for claims-filing by submitting numerous letters and statements in the year following the death of her husband, Roman, on April 4, 1964.

Her writing style was not the formal epistemological labyrinth of the legal profession, but it was a combination of clear English and well-documented argument.

In her brief, for example, she wrote:

"The intention to claim monthly benefits need not be expressed (Section 2021A of the Claim Manual) and in cases where some doubt exists about the intent to file, the doubt should be resolved by finding an intent to file (Section 2021C of the Claims Manual)."

Legal citations obscure to the laymen included: "Haberman v. Finch, 418 F.2d 664, 667 (2d Cir. 1969); Walston v. Gardner, 381 F.2d 580, 585 (6th Cir. 1967); Rodriguez v. Celebrezze, 349 F.2d 494, 496 (1st Cir. 1965)."

"At first, I started writing 'the applicant' and all that jargon, but I soon gave that up and just wrote 'I'," Mrs. Widermann recalled. "They knew what I meant."

The court allowed Mrs. Widermann to submit typewritten legal papers, rather than having them printed, which could have cost her hundreds of dollars.

Mrs. Widermann, who lives with two of her four daughters at 120-20 Ocean Promenade in the Rockaway Park section of Queens, first filed suit in Federal Court in the spring of 1970. Last May, Federal Judge Anthony J. Travia denied her claim, but she appealed to the Second Circuit Court of Appeals, which reversed Judge Travia's decision.

PATIENT AND DILIGENT

In doing so, Judge Mansfield wrote: "This appeal unveils the travail of a patient and diligent widow seeking to penetrate a labyrinth of complicated Social Security regulations in a frustrating effort to obtain payment of less than $1,000 in survivors' insurance benefits."

He went on: "The standard should be whether the claimant has met the essential substantial requirements of the regulations rather than whether she has complied with non-essential procedural requirements."

Thus, the judge wrote, "the significant fact is the failure of the Administration to tell her, after she had clearly expressed her intention to claim survivors' insurance benefits, that unless she filed promptly on the prescribed form she would be limited to the 12-month period immediately preceding such filing. We have no doubt that if she had been advised of the time limitation, she would have filed a formal application at once."

Outside of court, Judge Mansfield said: "This lady had the ability to limit herself to essentials and be very calm about it. I've seldom seen anyone before who had the qualities to present an application so that we gained something from it."

Judge Medina called Mrs. Widermann "intelligent, right on the ball, extraordinary."

"She doesn't give in very easily," he said. "She made a perfectly splendid argument."

And Judge Mulligan commented: "She was determined, very meticulous. I think it's a great thing that somebody can persist and can end up in the Circuit Court of Appeals on her own."

Mrs. Widermann, a former teacher of the visually handicapped who now is a teaching supervisor in the city school system, graduated from Smith College in 1924 with a degree in history and later earned a master's degree in business administration from the University of Chicago.

The widow, who was called on for oral arguments in court, said afterward: "I enjoyed working on the case. I enjoyed working on the brief. But I didn't enjoy appearing in court.

"I was very nervous. It was too exciting."

By Mr. JAVITS:

S. 2958. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

URBAN TRANSPORTATION EMERGENCY RELIEF ACT

Mr. JAVITS. Mr. President, I send to the desk a bill to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas and ask that it be referred to the appropriate committee. Mr. President, this measure has been introduced in the other body by Mr. KOCH and 28 of his colleagues.

This bill is entitled "The Urban Transportation Emergency Relief Act." It is designed to allow the Federal Government to help maintain and repair existing roadbeds and rights-of-way, which include such things as the existing tunnels, elevated structures and tracks, signal systems and power transmission lines. The bill would authorize $1 billion to be spent for such purposes, earmarking $200 million for each of the next 5 years. If it passes, for the New York City area and I expect other urban areas, it could offer sufficient funds to help keep the fares on the subways and commuter lines from running away.

This bill represents a bipartisan recognition that the time has long passed for the Federal Government to offer, at a minimum, certain maintenance subsidies, if not operating subsidies generally, to our mass transportation and commuter operations—just as it does for our Nation's highways. The Federal Government should support its "rail-highways" as it supports its "auto-highways" and its waterways and airways. The purpose of this bill is not to provide funds for additional construction of transit lines; its aim is merely to help insure that the lines we have stay alive. The Federal Government must not stand by negligently, watching transit arteries deteriorate, watching the costs become prohibitive, especially for the poor who must rely almost exclusively on such transportation in the cities.

This bill would provide emergency relief at a time when it must be provided. In no way is it a substitute for more comprehensive, long-term solutions to mass transportation and commuter line problems. My view is that we must proceed to the consideration of transportation trust funds to include mass transit and comprehensive regional transportation planning—which I expect Congress will be doing next session.

I see no reason not to examine also the feasibility of a system of "no-fare operation" of public transit systems. In the meantime the assistance this bill seeks must be made available. This bill is merely an interim measure, but a vital one which we need to pass quickly.

Truly, transportation, especially public mass transportation and commuter service, has become the life-blood of urbanized society. Seventy to 80 percent of the population of our country live in these areas and we cannot allow our transportation systems to deteriorate. To refuse aid to these crippled systems is to neglect those who must use them now, especially the poor, and to restrict job opportunities; such refusals means commerce, too, will suffer and considering the size of urban commerce it means the commerce of the Nation will suffer drastically; additional deterioration of our urban mass transit and commuter lines allows the automobiles to pollute and congest our urban areas even more.

There is a great imbalance between the amounts the Federal Government spends on mass transit and commuter service and what it spends on highways. By authorizing $1 billion more to be spent on mass transit, this bill takes a step to correct this imbalance, but still it hardly matches what has been and will be spent on highways. The $3.1 billion authorized for Federal obligation on mass transit over the five fiscal year period 1971–74 is but a small percentage of the close to $50 billion in Federal funds spent on highways since 1956 or even the estimated $4.7 billion that will be spent this fiscal year alone.

In large measure this imbalance in fundings results from the Government's piecemeal consideration of transportation. We have established a trust fund for highways, one for airports, and a separate system for urban mass transportation. By this method, the lobby with the strongest muscle walks away with the biggest piece of the pie.

Mr. President, our States and local governments are strapped with fiscal problems. The costs of local services have become almost insurmountable, to the extent that in New York we are facing a real fiscal crisis. We are fast approaching the point in New York when there will be no money left to keep existing public transportation services operating and in good repair, let alone to provide new services. Even though Federal funds—though limited—exist to provide additional mass transit structures it may prove too difficult for State and local governments to raise the required matching funds and there is no Federal authority nor money available to at least keep the present systems operating smoothly.

New York's transit and commuter services are in desperate financial condition. Many urban areas face a similar crisis and I am sure still others are fast approaching this condition.

For 1972, the New York transit system will require revenues of approximately $190 million above revenues now derived from the present 30-cent fare. In 1973 the deficit will increase to approximately $250 million. The anticipated cash need for commuter services in the New York City area will amount to $57 million over amounts generated by the present fares. The Governor is now calling a special session of the State Legislature in an effort, among other things, to help offset these deficits and I know the State and city will be contributing significantly. If this bill I am introducing today passes, it should provide funds, together with State and local contributions, sufficient to keep the rapid transit fares from rising and to limit increases in communter fares. It is certain we can no longer rely on passenger fares to offset these enormous costs.

Great benefits have accrued to this country—both to urban and rural areas—from our highway and airways expenditures. I do not dispute that. But no longer can one form of transportation be considered in isolation from the other. Clearly, a single unified transportation trust fund is needed; we must have comprehensive planning.

The Department of Transportation on November 22, 1971, in a report entitled "Feasibility of Federal Assistance for Urban Mass Transit Operating Costs," disappointingly rejected the idea that the Federal Government should subsidize operating costs. Rather the report recommended that the Congress pass the President's transportation revenue sharing proposal.

It is unlikely that the transportation revenue-sharing proposal will be enacted quickly. Accordingly, it should not be considered a substitute for the urgent assistance which is needed now to check the deterioration of our public transportation systems. Some interim measure such as the bill I am introducing is needed at least to keep our present systems in repair. Even the release of the mass transit money the President has impounded—money which I have strongly urged him to release—would not help this situation, for it is money to be used essentially to build new capital structure.

The Senate is beginning to recognize that the time has come when a greater proportion of the Federal transportation funds should be made available to mass transportation. Recent efforts to delete a provision from the Revenue Act of 1971 which would have shifted certain general revenues into the highway trust fund, narrowly failed. Similar efforts to have those funds earmarked for mass transit uses also narrowly failed. Fortunately, that provision shifting the funds was deleted in conference. The Senate votes on these provisions, however, signify the increasing dissatisfaction with the "monopoly" highway trust fund concept and indicate a growing desire to apply more money to urban mass transit and commuter services.

The bill I introduce today does not try to subsidize all operating expenses; it merely tries to maintain and keep in good repair those systems we have, and it appears to me that such concept would appropriately complement the Federal present law.

I firmly believe that healing our cities' transportation woes would go a long way to help solve many of our other urban problems. For cities like New York an improved transportation network would add immeasurably to the quality of life. This bill may keep us at least at status quo until we have the opportunity to develop the programs and devote the money to putting transportation systems in the shape we would like to see them.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2958

A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Urban Transportation Emergency Relief Act".

FINDINGS AND PURPOSES

SEC. 2. The Congress finds—

(1) that the continued operation of existing rapid transit and commuter railroad facilities in urban areas is threatened by the lack of resources;

(2) that the Federal Government has a responsibility to help support the operations of these facilities until more adequate long-term programs can be enacted; and

(3) that immediate Federal assistance is needed on an emergency basis to avoid the shutting down of some of these facilities and to prevent fares from escalating beyond the reach of rapid transit and commuter railroad users.

EMERGENCY GRANTS TO MAINTAIN RIGHT-OF-WAY

SEC. 3. The Urban Mass Transportation Act of 1964 is amended by redesignating sections 6 through 16 as sections 7 through 17 and inserting after section 5 a new section as follows:

"EMERGENCY GRANTS TO MAINTAIN RIGHTS-OF-WAY

"SEC. 6. (a) Notwithstanding any other provision of this Act, the Secretary shall make grants to States and local public bodies and agencies thereof in an amount equal to all or a part of the total cost incurred on and after January 1, 1972, of the regular maintenance and repair of the right-of-way of a rapid transit or commuter railroad facility serving a city or the metropolitan area surrounding a city.

"(b) Payment of such grants shall be made quarterly, in arrears, based upon such interim proof as shall be required by the Secretary of Transportation that the said costs have in fact been incurred, subject to subsequent verification and adjustment by the Secretary of Transportation upon the completion of detailed post audits.

"(c) Regular maintenance and repair of the right-of-way shall include maintenance and repair of (1) grade, tunnels, subways, bridges, trestles, culverts, and elevated structures; (2) track, including replacement of ties, rail, other track material, and ballast; (3) signal systems, interlockers (including operation thereof) and grade-crossing warning and protection systems (including operation thereof); and (4) power substations (including operation thereof) and power transmission and distribution systems, including replacement of third rail. Where the cost of maintenance and repair as aforesaid reflects the salary of an employee of such facility, such salary shall be augmented by a factor to approximate payroll taxes, fringe, pension, and retirement benefits, and general overhead and supervision expense attributable to such employee.

"(d) A State or local public body or agency shall be considered to have incurred costs of the regular maintenance and the repair of a right-of-way of a rapid transit or commuter railroad facility if such State or local public body or agency is charged by law or contract with the responsibility to operate or to provide at least 80 per centum of any annual deficit arising from the operation of the rapid transit or commuter railroad facility. Even if a State makes an emergency grant to a local public body or agency comparable to the grant authorized under subsection (a) of this section, the Secretary shall nonetheless make the grant under such subsection (a).

"(e) To finance grants under subsection (a) of this section, there is authorized to be appropriated $200,000,000 for each of the fiscal years 1972, 1973, 1974, 1975, and 1976. Any amount appropriated pursuant to this subsection shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year."

By Mr. TAFT (for himself and Mr. FONG):

S. 2959. A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes. Referred to the Committee on Labor and Public Welfare.

EMERGENCY LABOR DISPUTES ACT OF 1971

Mr. TAFT. Mr. President, the distinguished chairman of the Labor and Public Welfare Committee has scheduled hearings on the 9th of December relative to my proposal for emergency strike legislation.

Since I introduced my amendment No. 765 to the Economic Stabilization Act legislation I have redrafted this proposal by making certain technical changes that I believe will strengthen this approach. Today I introduce for appropriate reference a bill embodying these changes and I ask unanimous consent that the text of this bill appear at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2959

A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Labor Disputes Act of 1971".

SEC. 2. (a) Congress hereby finds—

"(1) that the present procedures established by sections 206–210 of the Labor-Management Relations Act, 1947, and section 10 of the Railway Labor Act for dealing with labor disputes which threaten the health or safety of the Nation or a substantial part of its population or territory, or deprive any section of the country of essential transportation services need to be amended to provide greater flexibility in preventing national or regional emergencies created by labor disputes;

"(2) present procedures for resolving such labor disputes need to be amended to prevent serious disruptions in operations and services essential to the health or safety of the Nation or a substantial part of its population or territory; and

"(3) additional procedures need to be made available to permit prompt action to deal with national or regional emergencies created by labor disputes is necessary to prevent imperiling the health or safety of the Nation or a substantial part of its population or territory by such disputes and to encourage and maintain free collective bargaining.

"(b) It is the purpose of this Act to make available a range of flexible procedures to be utilized in taking emergency action, to prevent the interruption of operations or services essential to the health or safety of the Nation or a substantial part of its population or territory because of actual or threatened strikes or lockouts.

"SEC. 3. Sections 206–209 of the Labor-Management Relations Act, 1947, are amended to read as follows:

"'SEC. 206. (a) Whenever in the opinion of the President of the United States a threatened or actual strike or lockout or other labor dispute in an industry affecting commerce may, if permitted to occur or to continue, imperil the health or safety of the Nation or a substantial part of its population or territory, or deprive any section of the country of essential transportation services, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its own position, and, if the President so directs at any time, there shall be included in such report the recommendations of the board of inquiry for the settlement of some or all of the issues in dispute. The President shall file a copy of such report with the Secretary of Labor and shall make its contents available to the public.

"'(b) Upon receiving the report from a board of inquiry, the Secretary may initiate one or more of the following actions:

"'(1) (A) He may issue an order for a specified period not to exceed thirty days that work shall resume or continue, but otherwise no change in the conditions out of which the dispute arose shall be made except by agreement. During such period the parties to the dispute shall be under a duty to bargain collectively, but neither party shall be under a duty to accept in whole or in part any recommendations of the board of inquiry.

"'(B) The Secretary's order shall be conclusive unless found arbitrary or capricious by a three judge Federal district court, pursuant to section 2284 of title 28, United States Code. The judgment of the court shall be subject to review by the Supreme Court in accordance with section 1253 of title 28, United States Code.

"'(2) (A) He may issue an order for partial operation specifying the extent and condition of partial operation that must be maintained: *Provided,* That in no event shall his order place a greater economic burden on any party than that which a total cessation of operations would impose.

"'(B) The parties shall not interfere by resort to strike or lockout with the partial operation ordered by the Secretary. The Secretary's order shall be effective for a period determined by the Secretary, but not to exceed one hundred and eighty days.

"'(C) The Secretary's order shall be conclusive unless found arbitrary or capricious by a three judge Federal district court, pursuant to section 2284 of title 28, United States Code. The judgment of the court shall be subject to review by the Supreme Court in accordance with section 1253 of title 28, United States Code.

"'(D) (i) The Secretary shall issue his order for partial operation no later than thirty days from the receipt of the report from the President, unless the parties, including the Government, agree to an extension of time.

"'(ii) On notice to the parties, the Secretary may at any time during the period of partial operation modify its order as it deems necessary to effectuate the purposes of this section.

"'(E) Until the Secretary makes his determination and during any period of partial operation ordered by the Secretary, no change, except by agreement, shall be made in the terms and conditions of employment. If the Secretary determines that the implementation of any particular term of the existing terms and conditions of employment is inconsistent with the conditions of partial operation, he may order the suspension or modification of that term but only to the extent necessary to make it consistent with the conditions of partial operation.

"'(3) (A) He may direct each party to submit to him within three days a list of all resolved and unresolved issues in the dispute. The Secretary shall, within four days after the expiration of the three day period, prepare a complete list of the unresolved issues, and within three days send a copy of such issues to each party. After receipt of the issues from the Secretary, each party shall within five days submit to the Secretary a final offer covering each of the unresolved issues. Each party may at the same time submit one alternate final offer covering all the unresolved issues. The Secretary shall forthwith transmit the final offers and any alternative offers to the parties.

"'(B) The parties shall continue to bargain collectively for a period of five days after the Secretary has transmitted the final offers and any alternative offers, during such five days the Secretary may act as a mediator. If no settlement is reached during such five day period, the parties shall within two days thereafter mutually appoint a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, the President shall appoint the panel.

"'(C) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

"'(D) The provisions of sections 207(b) through 207(e) of this Act shall apply to the panel.

"'(E) The panel shall conduct an informal hearing and shall select a final offer within thirty days from the date when the panel was appointed. The government shall not participate in the hearing or in the selection of the offer.

"'(F) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

"'(G) From the time of selection of the panel until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

"'(H) Beginning with the direction of the Secretary to submit final offers and until the panel makes its selection, there shall be no change, except by agreement of the parties, in the terms and conditions of employment.

"'(I) The panel shall consider only the final offers and alternative offers made pursuant to this subsection A of this section. The panel shall not compromise or alter any final offer or alternative offer. Selection of a final offer shall be based on the content of the final offers and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in this dispute including offers of settlement not contained in the final offers.

"'(J) The panel shall select the final offer or alternative offer which it determines to be the most reasonable. The panel shall take into account the public interest, and any other factors normally considered in the determination of wages, hours, and conditions of employment. If any party has failed or refused to submit a final offer, the panel shall forthwith and without a hearing select the final offer of the other party.

"'(K) The final offer selected by the panel together with the resolved issues shall be binding between the parties, whether or not subsequently signed by both parties thereto.

"'(L) The determination of the panel shall be conclusive unless found arbitrary and capricious by a three judge federal district court, pursuant to section 2284 of title 28, United States Code. The judgment of the court shall be subject to review by the Supreme Court in accordance with section 1253 of title 28, United States Code.

"'(4) (A) Upon receiving the report from the board of inquiry, the Secretary may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lockout or the continuation thereof for a period not to exceed 80 days. If the court finds that such threatened or actual strike or lockout:

"'(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

"'(ii) if permitted to occur or to continue, will imperil the health or safety of the Nation or a substantial part of its population or territory, or deprives any section of the country of essential transportation services;

it shall have jurisdiction to enjoin any such strike or lockout, or the continuation thereof for a period not to exceed 80 days. The court additionally shall issue such other orders as may be appropriate for the enforcement of this subsection.

"'(B) In any case, the provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be applicable.

"'(C) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in section 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, sec. 1254).

"'SEC. 207. (a) The board of inquiry shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

" '(b) Members of the board of inquiry or panel appointed under section 206(b)(3) shall receive compensation, at the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each working day on the board or panel, together with necessary travel and subsistence expenses.

" '(c) For the purpose of any hearing or inquiry conducted by any board or panel appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of the board and panel.

" '(d) Any board or panel established under this Act shall act by majority vote.

" '(e) A vacancy on any such board or panel shall not impair the right of the remaining members to exercise all of the powers of such board or panel. Such vacancy shall be filled by the same procedure as provided for initial appointment outlined in this Act.

" 'Sec. 208. (a) The provisions of this title and orders or determinations issued thereunder shall be enforceable upon suit by the Attorney General, through such orders as may be appropriate by any court having jurisdiction of any of the parties.

" '(b) Any action brought under this section shall be heard and determined by a three-judge district court in accordance with section 2284 of title 28, United States Code. The order or orders of the court shall be subject to review by the Supreme Court in accordance with section 1253 of title 28, United States Code.

" 'Sec. 209. (a) Notwithstanding any other provisions of this Act, whenever any employer proposes a change in work rules affecting employees as contained in any labor agreement, unless such work rules relate principally to the health or safety of employees, the employer may make such change effective as proposed, if (1) any cost savings realized as a result of such change affecting rules will be shared 50 per centum each by the employer implementing such a change and the nonprofessional and nonsupervisorial employees, as defined in title I of the Labor Management Relations Act of 1947, and (2) any reduction in the number of operating employees of such employer contemplated by the proposed change affecting rules will be accomplished by attrition.

" '(b) Nothing in this subsection shall be construed to prevent carriers and representatives of the employees from entering into an agreement affecting work rules.

" '(c) For the purposes of clause (1) of subsection (a) of this section, payments to employees shall be on a per capita basis and shall be made not later than four months following the end of each fiscal year. In the event that any employee was not employed by an employer for the entire fiscal year preceding the payment date, the payment to such employee hereunder shall be prorated to cover the period of employment.

" '(d) In the event that any representative of affected employees contests the amount of cost savings as determined by the employer under clause (1), subsection (a) of this section, said representative and the employer shall mutually designate and compensate a certified public accountant, whether an individual, partnership, or corporation, which accountant shall make a determination of the cost savings, which determination shall thereupon be final and binding.' ".

"Sec. 4. Section 210 of the Labor-Management Relations Act, 1947, is repealed.

"Sec. 5. Section 212 of the Labor-Management Relations Act, 1947, is amended to read as follows:

" 'REPEAL OF SECTION 10 OF THE RAILWAY LABOR ACT

" 'Sec. 212. Section 10 of the Railway Labor Act is hereby repealed: *Provided*, That such section shall continue in effect with respect to any emergency board in existence on the effective date of this Act. Disputes heretofore subject to section 10 of the Railway Labor Act shall be subject to provisions of this title.'

"Sec. 6. Title II of the Labor-Management Relations Act, 1947, is amended by adding at the end thereof the following new section:

" 'RIGHTS OF EMPLOYEES

" 'Sec. 213. Nothing in this title shall be construed to limit the right of any employee to resign from his position of employment.'

"Sec. 7. Inapplicability of the Norris-LaGuardia Act.—The provisions of the Act of March 23, 1932, entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', shall not be applicable to any judicial proceeding brought under or to enforce the provisions of this Act."

By Mr. BEALL:

S.J. Res. 181. Joint resolution to establish a Joint Committee on Aging. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, it is said with some justification that perhaps the most neglected minority in the country today are our senior Americans. Perhaps to no group of people do we owe more of a debt of gratitude than to our senior citizens, for they are responsible, in the main, for the many privileges and opportunities which we as Americans enjoy today.

Hopefully, this neglect will shortly be a thing of the past. I am happy that the White House Conference on Aging was called and that it has now been successfully concluded.

The problems discussed at the conference attracted national attention. They show that there is a great responsibility among those who serve in Congress to see to it that that attention is not allowed to sag, as it were. Suggestions have been made as a result of the White House Conference on Aging that deserve the attention of the executive and the legislative branches. It is our responsibility as members of the legislative branch to see that these suggestions are transmitted into meaningful legislative proposals.

It has been my observation recently that, although our intentions are good, the efforts of Congress so far have been fragmented when it comes to dealing with the problems of the aging. Those problems deserve the undivided attention of all of us who serve in Congress.

We must erect a structure so that we can deal with these problems which will result in meaningful solutions.

Therefore, so that Congress can deal effectively with the problems which face the aging, so that we can come up with the kinds of solutions necessary, I send to the desk a joint resolution to establish a Joint House-Senate Committee on the Aging. It seems to me that if we can give these problems the kind of attention they deserve, through concentration of our efforts and through the establishment of a committee which will have the undivided, the sole responsibility of bringing the problems of the aged to the attention of Congress, then we can come up with meaningful legislative solutions, and with meaningful suggestions to carry out the ideas which were born during the recent White House Conference on the Aging.

I send this resolution to the desk in the hope that it will be favorably considered.

This new joint committee will consist of 22 members, 11 Members from the Senate, appointed by the President of the Senate; and 11 Members from the House of Representatives, selected by the Speaker. A similar resolution was introduced in the House by Congressman Quie. The mandated duties of the joint committee will be:

First, to conduct a continuous study and review of the problems of the senior Americans. This will include income, housing, health—including medical research—welfare, employment, recreation, crime prevention, transportation, and greater participation in family and community lift.

Second, to study methods of encouraging the development of public and private programs which would assist older Americans to take a full part in national lift. These senior Americans have had a lifetime of learning and they have a knowledge of skills and abilities to contribute to help make a better America.

Third, to develop policies encouraging the coordination of both governmental and private programs dealing with the problems of aging; and

Fourth, to review the recommendations made by the President on the White House Conference on Aging.

This latter point is most important for senior Americans are tired of hearing only promises of improvements and no action implementing them. I am particularly pleased that President Nixon has indicated that Arthur Flemming, who heads the White House Conference on Aging, will not only be around to follow up the White House Conference but will be retained even beyond that point as a personal consultant on aging matters to the President.

The responsibility for substantive legislation dealing with senior Americans is fragmented both in the executive branch and in the legislative branch. For example, at the executive level, the Department of Health, Education, and Welfare, the Department of Labor, the Department of Agriculture, and the Office of Economic Opportunity and the Department of Housing and Urban Development all have programs involving senior Americans. President Nixon, in order to help coordinate senior citizens programs at the executive level, has created a Special Cabinet Committee on Aging, as part of the domestic counsel. This action is needed and helpful.

In the Congress, we have a similar fragmentation problem. The Senate Finance Committee has jurisdiction over social security, tax matters, and health insurance, while the Labor and Public Welfare Committee has jurisdiction over such areas of interest to the aged as the Older American Act, health, poverty, and education programs. The Banking, Housing, and Urban Affairs Committee has jurisdiction over housing matters. The Agriculture Committee handles food stamps. It would be very difficult to restructure the jurisdiction of the respective committees because the problem of older Americans crosses committee jurisdictional lines. The Joint Committee envisioned by this joint resolution would not be given legislative authority. In many ways it would be like the Senate Select Committee on Aging, but it would have the additional asset of bringing the House and Senate together for a joint examination and study of the problems of Senior Americans.

Mr. President, there are 20 million Americans age 65 and over. I can think of no group that is more deserving of increased attention. They have through their working years earned the right to live their retirement years in security, independence, and dignity. These citizens are largely responsible for the prosperity and greatness that is America today.

These citizens through hard work and determination pulled themselves and their country from the depths of a great depression. Many of them fought in either World War I or World War II. Thus we owe this segment of our society special obligations. The joint committee that I propose today could be the forum for the needed increased attention to the problems of senior Americans by the Congress. The first White House Conference in a decade is now taking place and hopefully the recommendations will lead to action by the executive and legislative branches and the country as a whole on the problems of the aged.

Mr. President, through the creation of the Special Cabinet Committee on Aging, and the retention of Dr. Flemming, the President and the executive branch have indicated that they are geared to action. The establishment of a joint committee, as I proposed today, whose first order of business will be to focus on the recommendations of the White House Conference on Aging would similarly signal a readiness to redress the longstanding grievances of senior Americans, the largest and most forgotten minority in the Nation.

SENATE RESOLUTION 208—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE COMMITTEE ON FINANCE TO ENGAGE IN STUDIES ON UNITED STATES-CANADA TRADE

(Referred to the Committee on Finance.)

Mr. CURTIS. Mr. President, I submit a resolution authorizing the Senate Committee on Finance or an appropriate subcommittee of that committee to engage in studies and make other inquiries which can result in recommendations to the Congress to assure this Nation and our neighbor, Canada, a continuation of amicable and mutually satisfactory relations in trade and commerce throughout the decade of the 1970's.

I do this with a deep sense of gratitude for the warm and friendly relations which have characterized the United States-Canadian posture in the years of our national histories. The bonds of a common heritage, a common language and, for most purposes, common goals, have been significantly beneficial to both nations.

I submit this resolution with an awareness of problems and of stresses within the current trends of both nations which, if left unheeded, might result in even a minor degree of deterioration of those wholesome and mutually beneficial relations in trade and commerce so important to both nations.

The United States has, indeed, some difficult decisions to make in matters of trade balances and capital outflow which are vital to the domestic economy. Proposals to aid in the making of these decisions are before this Congress in substantial volume and the volume will increase within the next few years.

It is my belief that particular attention should be given to United States-Canada relations. Canada is zealous to preserve its national integrity and Canada rightly deserves status among the formidable nations which will shape the world's destiny. Yet Canada has been enhanced, and I hope it will continue to be enhanced, by the technological and capital support of the United States.

To me it is abhorrent to politicize some of the problems which are inevitable in the courses of both the United States and Canada. Durable solutions cannot result from decisions made with a lack of understanding by either nation of the internal problems of the other nation.

Canada deserves to develop, to fashion, and to market its resources for the fullest benefit of its citizens. The employment of U.S. technology and capital investment need not deter this attainment. Canada will export its resources as finished goods or as raw materials depending on the needs, both present and future, of its domestic economy. But, in such important objectives as exploration for and production of energy resources, it will require substantial investment of U.S. capital and substantial access to U.S. markets to underwrite these developments. Needless to say, investors within the United States need to be advised of the policies within Canada which may support or impede the attainment of the objectives sought in the making of capital investments.

For example, Northern Natural Gas Co., a transmission and distribution company headquartered in Omaha, Nebr., has become, in the past 3 years, a substantial investor in exploration for and discovery of gas in the Province of Alberta. Northern's activity has been important to the economy of the Province. Its investment of $80 million has resulted in Northern acquiring rights to more than 3 trillion cubic feet of natural gas. While discovery in Canada is no guarantee for a license to export, there was never any doubt of Northern's purpose to bring Canadian gas into its system.

Northern anticipated Canadian concerns about foreign investment and created a subsidiary operation under Canadian control. Despite Northern's success in discovery of natural gas in Alberta, it has twice been denied an application to export any gas to the United States. Northern's second application, designed more closely than its first to meet prevailing Canadian attitudes and objectives, would have benefited the Canadian consumer of natural gas to an extent at least equal to benefits flowing to the U.S. consumer.

The Northern Co. experience is an example of an area which needs clarification in United States-Canadian trade relations. Policies of the two governments on trade in energy resources must be clarified before U.S. investors can be expected to make further capital commitments, commitments which will provide benefits over the long term for both nations.

It is my purpose, with this resolution, to meet some of the problems which exist or may come into being in United States-Canadian relations in trade and commerce. I believe that, if we were to pursue a favored-nation policy, Canada would richly deserve our favor. I think we deserve a like measure of favor from Canada. My purpose is an enhancement of our historically good relations to the benefit of both nations.

The resolution reads as follows:

S. RES. 208

Resolved, That the Committee of Finance or any subcommittee thereof, is authorized, under section 134(a) and 136 of the Legislative Reorganization Act, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a complete and full study and investigation of the means necessary to improve, within the next ten years, the relations between the United States and Canada with respect to the investment of domestic capital funds, and to trade and commerce. Such study and investigation shall include, but not be limited to, the investment of domestic capital funds in the exploration for, and discovery of, energy resources within Canada and shall include inquiry into policies within Canada for the disposition of energy resources acquired with domestic capital funds.

SEC. 2. The Committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with its recommendations for any necessary legislation.

SENATE RESOLUTION 209—SUBMISSION OF A RESOLUTION RELATING TO THE PLIGHT OF JEWS IN THE SOVIET UNION

(Referred to the Committee on Foreign Relations.)

Mr. CHILES submitted the following resolution:

S. RES. 209

Whereas the President has announced his intention to meet with the leaders of the Soviet Union in Moscow in 1972;

Whereas the Government of the Soviet Union has unjustly discriminated against its Jewish citizens and denied them the right to emigrate to other countries; and

Whereas the plight of Jewish people in the Soviet Union is of deep concern to the people of the United States: Now, therefore, be it

Resolved, That the President is urged and requested to give high priority to a discussion of the plight of Jews in the Soviet Union at his upcoming meeting with Soviet leaders.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 203

At the request of Mr. Hatfield, the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from Oregon (Mr. Packwood), and the Senator from Florida (Mr. Gurney) were added as cosponsors of Senate Resolution 203, calling for a fishing industry representative in the delegation of the United States to the United Nations Law of the Sea Conference.

ADDITIONAL STATEMENTS

THE POLITICAL SITUATION IN EUROPE

Mr. BUCKLEY. Mr. President, the cornerstone of our worldwide system of collective security is what NATO Secretary General Manlio Brosio has described as the first line of defense of the United States, our alliance with the nations of Western Europe in the North Atlantic Treaty Organization. In the 1940's and 1950's, the NATO alliance served as a military bulwark against the very real prospect of unalloyed Soviet military aggression against the nations of Western Europe following the subjugation of the nations of Eastern Europe by the Soviet Union in the years following World War II. In the 1960's, the NATO alliance served as the military "umbrella" beneath which the political and economic freedom of Western Europe was assured. In recent weeks, however, there have been some disquieting signs on the political horizon which raise questions about the continued viability of the Western alliance.

There have been two keys to the continued success of NATO as a force for the security and stability of Europe. One has been the steadfast support—diplomatic, economic, and military—of these alliance by the United States. The second has been the political integrity and independence of the Federal Republic of Germany. Because of her economic importance and strategic geographical position at the very heart of Europe, a West Germany strongly committed to the political independence of NATO and her constituent nations is vital to the very existence of the alliance.

There is some preliminary evidence that the political "cement" of NATO unity is weakening as a consequence of the recent negotiations over the status of Berlin.

U.S. policy in Europe since World War II has been most closely identified with preserving the political status of West Germany in general, and the city of Berlin in particular. It has been the position of the United States as well as the other NATO powers, that the United States, France, and the United Kingdom should retain ultimate authority over Berlin. Moreover, it has been emphasized over and over again that Berlin should be integrated into the political and economic life of West Germany. In support of this principle—a principle spelled out in postwar allied documents as well as the West German Constitution—we have committed the resources and prestige of the United States on scores of occasions since World War II.

Berlin has become politically important, because it is the litmus paper of American and European resolve. Failure to support those rights with respect to Berlin which we have supported in the past, mixed up in the incredible subtlties of secret diplomacy as it is, would be taken as an unmistakable signal to the Soviet Union and her Warsaw Pact client states that the time was ripe to initiate a political offensive designed to achieve the destruction of West European unity and the dissolution of the NATO alliance. Should such a political offensive succeed, the inevitable result would be the "Finlandization" of Europe. Because without a spirit of unity and without a strong American military presence, the nations of Western Europe—especially Germany—could retain all of the outward manifestations of national identity and political independence, but they would be unable to act in concert in a manner which would run counter to important Soviet objectives.

There are elements of the recently signed Quadrapartite Agreement on the status of Berlin which concerns me deeply. It is my view that the trend of events which may follow the Quadrapartite Agreement merits the closest congressional scrutiny. Indeed, the terms of the Quadrapartite Agreement strongly suggest that there should be congressional study of the agreement itself since this agreement may be the first in a series of far-reaching agreements affecting the character of European and NATO security arrangements and the relationship of the United States to Europe.

The agreement appears to make a number of crucial concessions concerning the status of Berlin—particularly the establishment that Berlin is not a part of West Germany—in exchange for an extended list of assurances that the Soviet Union will not harass traffic between West Germany and West Berlin. It seems that the heroic diplomatic and military efforts which have been made since World War II to preserve the association of West Berlin with West Germany may have come to naught if we surrender through negotiation what the Soviet Union could not win by intimidation and blackmail.

There is evidence that there is a growing realization among Germans that the consequences of the Quadrapartite Agreement may not be in their interests either. In a recent address before the National Press Club, West German Publisher Axel Springer observed that the West had conceded important political ground. He goes on to state:

> For instance, it diminished the influence of the Federal Republic in West Berlin by accepting that no sessions of the Bonn Parliament nor the Congress, which elects the Federal President, may take place in West Berlin.
>
> On the other hand, the situation in East Berlin was not even mentioned, where, contrary to earlier agreements, the East German regime has installed its governmental offices and its mock parliament, not even to speak of the East German troops which are stationed there. No West German soldier may—of course—enter West Berlin.
>
> Completely incredible is the concession to establish a Soviet consulate general in West Berlin, a concession granted upon German urging. The Berliners already call this the future home of all spies who were kicked out of Britain recently.

I ask unanimous consent that the complete text of Mr. Springer's remarks and the full text of the Quadrapartite Agreement be printed in the Record.

It is my intention to continue to examine the character of this and future agreements with a view toward their consistency with American interests in Europe, lest we one day, find that our interests have been severely compromised by a series of small steps.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by Axel Springer

Ladies and gentlemen, your chairman asked me to be brief. I think he was right. Because as you know we Germans write the longest articles in the world and make the longest speeches—with the possible exception of the Russians and the Cubans.

The duty to be brief reminds me of a very pleasant ceremony at the Chaim Weizmann Institute in Rehovot, Israel. Before we, the designated Honorary Fellows of the Institute, got our caps and gowns, there were several speakers; they all were asked to be brief.

One of them, the British Ambassador, solved this problem in a very humorous way: he purposely spoke so fast, that nobody understood him. But he stuck exactly to the given time, and the results were waves and waves of laughter in the audience.

Don't be alarmed. I cannot speak English that rapidly.

Seriously, I am grateful and happy to be here today to talk to you about Berlin.

Before I get to Berlin allow me to introduce myself by telling you the four basic principles to which all journalists of our newspapers are bound.

(1) Reunification of Germany in freedom, if possible within the framework of a United Europe.

(2) Reunification between Jews and Germans, which includes strong support for the life-rights of the people of Israel.

(3) Rejection of any kind of political dictatorship.

(4) Defense of the free market economy with social responsibility.

When I said before that I am grateful to be here at this time, my main reason is that I believe we are witnessing today not the beginning of a Berlin solution, as many want us to believe, but the beginnings of a new future Berlin crisis, different from earlier ones.

Many who compared the building of the Wall in 1961 to a painful amputation, now fear that in the meantime the city has been infected by a dangerous creeping illness.

It is, therefore, not a matter of accident that people are leaving Berlin these days in great numbers. The census officials of the city are alarmed. Many more Berliners, they say, have left the city in the past months than those who left even after the building of the Wall.

For years and years I have been calling attention to this danger.

I remember especially a dinner in Bonn, ten years ago, on Friday, August 11th, 1961. Next to me sat the late Edward R. Murrow, then head of the USIA.

At that time, once again, access routes to Berlin were under discussion, and Mr. Murrow asked for my opinion.

"You are all looking in the wrong direction. Watch out for a move to cut off West Berlin from the East by barbed wire and military units."

Mr. Murrow seemed more than interested and urged a detailed continuation of our talk a few days later, when he planned to be in Berlin.

One night later the barbed wire was actually strung, the Western powers reacted only reluctantly, and a short while afterwards a very excited and agitated Ed Murrow sat in my Berlin home.

In a long, extremely serious talk I warned him that this period may some day be regarded as the starting point of a neutralism which might embroil Germany at some future date and break up the NATO alliance.

You all remember, that soon thereafter President John F. Kennedy sent his Vice President, Lyndon B. Johnson, and the, in Germany, very popular General Clay to Berlin, to bring reassurance to the threatened city and to its people.

But the doubts remained.

It seems that especially Willy Brandt, the former Mayor of Berlin and present German Chancellor, never got over the shock caused by Western inaction in face of the Wall. It may be that the seeds for his new dangerous policy towards the East were already laid on this fateful August 13th, 1961.

During a recent discussion in the Bonn parliament, Herbert Wehner, the strong man in the SPD, said: "We must not forget that this Wall was accepted, even though with protest, by those who solemnly signed with us mutually binding treaties:—meaning the Western powers.

Brandt underlined this statement by almost jumping from his seat and three times in a row nodding his head in approval.

Ladies and gentlemen, we spoke of the days when the Berlin Wall was built. Those were trying times. But all this did not in any way change my earlier decision to move the headquarters of my publishing group from Hamburg to Berlin. I felt at that time, as I am convinced now, that in Berlin the future not only of Germany will be decided, but the future of Europe, possibly even the future of modern Western society.

Our move to Berlin was a deliberate decision motivated by politics and not by economy. Almost five years ago we opened our 20-story publishing house, a stone's throw from Checkpoint Charlie and seemingly astride of the ugly and dangerous Berlin Wall.

West Berlin, by the way, is not a small enclave. It covers an area in which you could put the cities of Munich, plus Frankfurt, plus Duesseldorf, plus a large hunk of Hamburg too.

From my office window I look deep into the other, the Eastern part of the city, and I invite each and everyone of you here to come, visit us in Berlin, and share with me this depressing but illuminating view.

A few years ago Willy Brandt said: "Berlin exists for the vision, some day once again to be the capital of a free and united people. The note of alarm from Berlin will continue to exist, even if people elsewhere should get tired."

Let me add two other quotes from earlier speeches of the present German chancellor:

"We must get used to the fact that Russia insists on treating and denouncing Berlin as an alleged focus of danger, a cancer, as they say, a fuse in the powder barrel, a foreign body. But behind the Soviet demand for a treaty with the two forms of state on German soil there is not merely the—understandable—desire on the Soviet part to pocket Berlin, immediately or bit by bit; there is also the idea of globally fixing the results of World War II as the Soviet Union sees them."

Nobody could have put it more clearly. Nor this: "For anyone who put up with the partition of Germany, Berlin would become unnecessary. Berlin upsets the all too comfortable concepts. For it is clear that that miserable Soviet satellite regime which is neither German, nor democratic, nor a republic cannot be consolidated as long as the reddening evening skies over the free part of Berlin light up the hopes of men on the other side of the Wall."

Willy Brandt spoke like this for many, many years. But in the past two years something almost unthinkable has happened in Germany:

After the last federal election campaign in 1969, during which no political party mentioned that a totally new foreign policy was planned, the traditional, generally accepted, common political basis of all three democratic parties in the Bonn parliament *vis-a-vis* the communists broke apart. (As an aside let me add, that this reported by a man who in past elections has given his vote to everyone of these parties, as the occasions demanded.)

Let me make something else clear: I am not here to criticize my government or its policies. This my political friends and I do at home. And be assured, what I am saying here has been said and printed again and again back in Germany.

But because our papers are printed in German, I play the role of the interpreter to you today.

As to the Nobel prize given to Willy Brandt, I don't know exactly what my papers have written because I have been away from home for two weeks.

Personally, I am very happy that a German chancellor got this prize. Peace in connection with the new Germany I like very much. For me, in this respect, Willy Brandt is a link in the chain of all German chancellors since the foundation of the Federal Republic, all of whom worked for peace.

I do not like the prize, though, as approval of Brandt's new policies towards the East because I consider these policies very dangerous. I shall explain why in detail in the course of this speech.

Many are warning who, like myself, have all respect for Willy Brandt's political past. One out of many of these I quote:

"The future of the Federal Republic is dependent upon its ties with the West. Therefore, the new Eastern policies of the present government must be criticized again and again. I foresee a sad ending."

This warning was given just last week by Margarete Buber-Neumann on her 70th birthday. Mrs. Buber-Neumann, a former communist, is an important German political writer. In 1945 she was freed from a Nazi concentration camp. She now lives in Frankfurt.

Some politicians in Germany never stop arguing behind closed doors that the United States is preparing withdrawal from Europe, and that therefore Germany must make arrangements with the Soviets. This German flirting with the communists in turn strengthens the hand of those in America who want to pull back the troops. And this again gives new arguments to the proponents of the German "Ostpolitik." This goes on and on—a vicious circle.

When I discuss today here in Washington the trends of the present West German policies towards Communist Europe, I do so, because I feel and fear that by these policies the whole West is endangered. If this goes on unchanged, the result will not be a peaceful, prosperous, quiet, united Europe, which is a partner of the United States, the result will be rather a Europe whose total resources would be at the disposal of the Soviet Union.

I know others are less alarmed and believe once again in "peace in our time."

Who is right? Those who believe that the Soviets have changed their aims and that we can trust them? Or those who, while admitting that the Soviets have at times modified their methods, are convinced that their aims are the same?

I belong to the latter group, and with good reasons. We in the West focus our eyes on measures of disarmament, arms limitations, manpower cuts, etc. The Soviets however give only lip service to such intentions, and at the same time build up their armed forces. They rearm in such a way and with such speed, that soon they may be the world's number one military power.

This, by the way, is not only the opinion of a disillusioned publisher from Berlin, it has been confirmed to me by top intelligence officers from my own country as well as from yours, from Britain, from Switzerland and from Israel.

What is to be done?

Maybe the question to be answered is a very simple one: Will we see in the last third of our century a *pax americana* or a *pax sovietica?*

One excludes the other. *Pax americana* would mean continued hope for all mankind; *pax sovietica*, new dark ages in our times.

You, our American friends, after your victory in 1945, had the wisdom to help rebuild the destroyed countries of Europe, including my own, your former enemy. This is never forgotten.

When shortly after the war the Soviet Union resumed its aggressive policies, you brought together worldwide alliances. Especially in Europe, they stopped the aims of the communists and allowed the countries protected by the NATO shield to live through years of unheard-of prosperity and growth.

The question, as I said, is: Do we want to work for this *pax americana*, or are we willing to let the other side win?

These are the only alternatives—a compromise is not possible. Even the Soviet term for international compromise—peaceful co-existence—does not mean cooperation, but continuation of the confrontation on other levels.

Piotr Abrassimov, until a few weeks ago Soviet Ambassador in East Berlin, calls peaceful co-existence "a form of the 'class struggle' on an international level."

"Trybuna Ludu," the communist party paper in Poland, makes it still clearer, saying:

"The policy of peaceful co-existence aims at taking away from the capitalists by peaceful means all positions they still hold."

Aggression and peaceful co-existence, disarmament talks and rapid build-up of the armed forces, subversion and cooperation, trade negotiations and trade war—all these and many other seeming opposites are for the Soviets only two different sides of one coin. As long as we refuse to realize this, we are in great danger.

In this worldwide gamble for final victory by the communists, Berlin is one of the most important pawns for the Soviet Union.

The Soviets still quote Lenin who said: "Whoever controls Berlin will rule Germany, and whoever controls Germany rules Europe."

Up to this time, in the struggle for Berlin, the communists have not won. The blockade in 1948, the Khrushchev ultimatum in 1958, the Wall in 1961, the constant intimidations and the shootings—all were a combination of naked power and blackmail. But they did not succeed.

Should the Soviets and their friends now obtain by sweet talk what they failed to get by threats.

Sweet talk? What am I saying?

In the Berlin agreement of the third of September of this year, the four powers condemned the use of force. But of course we continue to hear the shots and also the cries of those who try to flee from the East. Their number has even increased.

Ladies and gentlemen, just about ten years ago Robert Kennedy told me in Berlin that the Wall was the most effective propaganda against communism. I answered:

"I am afraid, in time, people will get used to this monstrosity. And if we keep quiet, if we fail to create permanent worldwide moral pressure, ten years from now the Wall will still be here, will be an accepted "reality."

Today, ten years later, the Wall *is* still there. Worse: its existence has been silently tolerated by the West in the Berlin agreement, which was signed only a few weeks ago.

What was really gained by the West in this agreement? I know the Western representatives invested immense good will and the greatest efforts. But the so-called concessions from the Russians are all self-understood and accepted among decent nations.

Travel simplified from and to West Berlin. Visits by West Berliners to East Berlin and East Germany, of course *not* vice versa. All this is emotionally important to individuals, but politically unimportant.

The West, however, conceded important political ground.

For instance, it diminished the influence of the Federal Republic in West Berlin by accepting that no sessions of the Bonn parliament nor the Congress, which elects the Federal President, may take place in West Berlin.

On the other hand, the situation in East Berlin was not even mentioned, where, contrary to earlier agreements, the East German regime has installed *all* its governmental offices and its mock parliament, not even to speak of the East German troops, which are stationed there. No West German soldier may—of course—enter West Berlin.

Completely incredible is the concession to establish a Soviet consulate general in West Berlin, a concession obviously granted upon German urging. The Berliners already call this the future home of all the spies who were kicked out of Britain recently.

You may be interested to hear how a member of the Western negotiation team sees the future of this institution. He said:

"At first the Soviets will do nothing. But after two years at the latest, they will press for their own liaison officer at the seat of the West Berlin government. Then we shall have Four Power Rule for West Berlin."

The West also gave a deathblow to all hopes for eventual reunification of Berlin and Germany. I mean, of course, reunification in freedom. This new policy will most likely bring in its wake international diplomatic recognition for the East German regime. The run has already been started.

This is, of course, not admitted in such terms by the involved Western representatives. But these are the facts, and the Soviets and their allies already speak and act accordingly.

Believing that self-determination is a basic political right, I, for one, would have been happier, had it been possible to put the Berlin agreement up for a referendum vote to the people of West Berlin.

Ladies and gentlemen! "Berlin exists for the vision some day to be the capital of a free, and united people," said Willy Brandt in former times, as I have quoted earlier. This has also been the policy of all American Presidents from Harry S. Truman to Richard M. Nixon.

Without this vision, what will Berlin be? To this city, also, the aphorism applies: "It shall not live by bread alone."

Are these the words of a German nationalist? Certainly not.

If I speak of reunification, I think mainly of bringing freedom and civil liberties to the Germans in the other part of my city and my country. Reunification on other terms is for me unthinkable.

For a long time I have been content, because at last Germany has found itself on the right side in world politics. It was on the side of the free world, on the side of the United States, on the side of Israel.

The German Chancellor claims that this will continue. But I am not so sure.

What will be the next moves?

The Soviets, and probably also my own government, will press for a speedy accord among the two parts of Germany to fulfill the Berlin agreement. They will also press for a speedy ratification of the Moscow and Warsaw treaties.

Concerning these treaties, a friend of mine, a high official in a country which is also under pressure from the Soviets, asked me recently: "Please explain to me the Russian 'Westpolitik,' which in your country is called German 'Ostpolitik'."

These treaties, in my mind, are so dangerous, not only because they give away German rights without getting anything back in return, but because they are the first sign of a new "renversement des alliances", reversal of alliances, as Bismarck called it.

And this would most certainly be a catastrophe. Without the alliance of the West, which was built with your help and with America as the leading member, the free world would be doomed.

The next step, according to the Soviet timetable, will be the so-called European Security Conference. Here the often-told, long-range aim is to find a political and a legal justification for the demand, that "all troops return home from foreign soil." This in effect would mean that the Soviet units might retire beyond the new Polish eastern border, and that the American units retire beyond the Atlantic.

The Russians plan to have the European Security Conference by spring 1972. During his visit in the Crimea, near Yalta, Willy Brandt accepted this timetable. Or, so I have been informed.

The Soviets expect that next spring President Nixon will be so involved in the elections that only little energy can be spared by him for other matters. This the Russians hope to exploit.

It appears that the British government has chiefly recognized this situation and tries to at least postpone this conference. I hope it succeeds.

If the Moscow and the Warsaw treaties and the Berlin agreement become effective, and if the Soviets reach their goal at a European Security Conference, Russia would become the dominant power over all of Europe.

However, the majority of Europeans and most certainly the majority of my German countrymen still hope for the *pax americana*. In a recent poll 70 per cent of all West Germans considered continued friendship with the U.S.A. as the most important foreign policy issue. And I know that the *pax americana* can only be reached with the full and enthusiastic cooperation of all the friends and allies of the United States. And this, of course, also includes the fair sharing of financial burdens.

Finally: A last word about Berlin. Almost exactly 25 years ago today the first free, secret and direct elections under the Four Power Statute were held in all of Berlin. Shortly before election day, Hans Wallenberg, then an American Major and chief editor of the "Allgemeine Zeitung", wrote an important article. It was entitled "Have No Fear" and, among other things, killed the viciously-spread rumors that American and British troops soon were to leave Berlin.

The elections brought an overwhelming victory for freedom against the darkness of a new, a Soviet dictatorship. Hopes were high.

But never again have there been free elections in all of Berlin. Instead we have had set-back after set-back.

We must recover lost ground and, once again, together build something new, so that it never again will be necessary to say: "Have No Fear."

THE BERLIN ACCORD

The governments of the United States of America, the French Republic, the Union of Soviet Socialists Republics, and the United Kingdom of Great Britain and Northern Ireland,

Represented by their ambassadors, who held a series of meetings in the building formerly occupied by the Allied Control Council in the American sector of Berlin.

Acting on the basis of their quadripartite rights and responsibilities, and of the corresponding wartime and postwar agreements and decisions of the four powers, which are not affected,

Taking into account the existing situation in the relevant area,

Guided by the desire to contribute to practical improvements of the situation,

Without prejudice to their legal positions Have agreed on the following:

PART I—GENERAL PROVISIONS

1. The four governments will strive to promote the elimination of tension and the prevention of complications in the relevant area.

2. The four governments, taking into account their obligations under the Charter of the United Nations, agree that there shall be no use or threat of force in the area and that disputes shall be settled by peaceful means.

3. The four governments will mutually respect their individual and joint rights and responsibilities, which remain unchanged.

4. The four governments agree that, irrespective of the differences in legal views, the situation which has developed in the area, and as it is defined in this agreement as well as in the other agreements referred to in this agreement shall not be changed unilaterally.

PART II—PROVISIONS REGULATING TO THE WESTERN SECTORS OF BERLIN

A. The government of the Union of Soviet Socialist Republics declares that transit traffic by road, rail and waterways through the territory of the German Democratic Republic of civilian persons and goods between the Western sectors of Berlin and the Federal Republic of Germany will be unimpeded; that such traffic will be facilitated so as to take place in the most simple and expeditious manners; and that it will receive preferential treatment.

Detailed arrangements concerning this civilian traffic as set forth in Annex I, will be agreed by the competent German authorities.

B. The governments of the French Republic, the United Kingdom and the United States of America declare that the ties between the Western sectors of Berlin and the Federal Republic of Germany will be maintained and developed, taking into account that these sectors continue not to be a constituent part of the Federal Republic of Germany and not be governed by it.

Detailed arrangements concerning the relationship between the Western sectors of Berlin and the Federal Republic of Germany are set forth in Annex II.

C. The government of the Union of Soviet Socialist Republics declares that communications between the Western sectors of Berlin and areas bordering on these sectors and those areas of the German Democratic Republic, which do not border on these sectors will be improved. Permanent residents of the Western sectors of Berlin will be able to travel to and visit such areas for compassionate, family, religious, cultural or commercial reason, or as tourists, under conditions comparable to those applying to other persons entering these areas.

The problems of the small enclaves, including Steinstuecken, and of other small areas may be solved by exchange of territory.

Detailed arrangements concerning travel, communications and the exchange of territory, as set forth in Annex III will be agreed by the competent German authorities.

D. Representation abroad of the interests of the Western sector of Berlin and consular activities of the Union of Soviet Socialist Republics in the Western sectors of Berlin can be exercised as set forth in Annex IV.

PART III—FINAL PROVISIONS

This quadripartite agreement will enter into force on the date specified in a final quadripartite protocol to be concluded when the measures envisaged in Part II of this quadripartite agreement and in its annexes have been agreed.

Done at the building formerly occupied by the Allied Control Council in the American sector of Berlin, this 3d day of September, 1971, in four originals, each in the English, French and Russian languages, all texts being equally authentic.

Annex I

Communication from the government of the Union of Soviet Socialists Republics to the governments of the French Republic, the United Kingdom and the United States of America.

The government of the Union of Soviet Socialists Republics, with reference to Part II(A) of the quadripartite agreement of this date and after consultation and agreement with the government of the German Democratic Republic, has the honor to inform the governments of the French Republic, the United Kingdom and the United States of America that:

1. Transit traffic by road, rail and waterways through the territory of the German Democratic Republic of civilian persons and goods between the Western sectors of Berlin and the Federal Republic of Germany will be facilitated and unimpeded. It will receive the most simple, expeditious and preferential treatment provided by international practice.

2. Accordingly,

(A) Conveyances sealed before departure may be used for the transport of civilian goods by road, rail and waterways between the Western sectors of Berlin and the Federal Republic of Germany. Inspection procedures will be limited to the inspection of seals and accompanying documents.

(B) With regard to conveyances which cannot be sealed, such as open trucks, inspection procedures will be limited to the inspection of accompanying documents. In special cases where there is sufficient reason to suspect that unsealed conveyances contain either material intended for dissemination along the designated routes or persons or material put on board along these routes, the content of unsealed conveyances may be inspected. Procedures for dealing with such cases will be agreed by the competent German authorities.

(C) Through trains and travel buses may be used for travel between the Western sectors of Berlin and the Federal Republic of Germany. Inspection procedures will not include any formalities other than identification of persons.

(D) Persons identified as through travelers using individual vehicles between the Western sectors of Berlin and the Federal Republic of Germany on routes designated for through traffic will be able to proceed to their destinations without paying individual tolls and fees for the use of the transit routes. Procedures applied for such travelers shall not involve delay. The travelers, their vehicles and personal baggage will not be subject to search, detention or exclusion from use of the designated routes, except in special cases, as may be agreed by the competent German authorities where there is sufficient reason to suspect that misuse of the transit routes is intended for purposes not related to direct travel to and from the Western sectors of Berlin and contrary to generally applicable regulations concerning public order.

(E) Appropriate compensation for fees and tolls and for other costs related to traffic on the communications routes and between the Western sectors of Berlin and the Federal Republic of Germany, including the maintenance of adequate routes, facilities and installations used for such traffic, may be made in the form of an annual lump sum paid to the German Democratic Republic by the Federal Republic of Germany.

3. Arrangements implementing and supplementing the provisions of paragraphs 1 and 2 above will be agreed by the competent German authorities.

Annex II

Communication from the governments of the French Republic, the United Kingdom and the United States of America to the government of the Union of Soviet Socialist Republics:

The governments of the French Republic, the United Kingdom and the United States of America, with reference to Part II(B) of the quadripartite agreement of this date and after consultation with the government of the Federal Republic of Germany, have the honor to inform the Government of the Union of Soviet Socialist Republics that:

1. They declare, in the exercise of their rights, and responsibilities, that the ties between the Western sectors of Berlin and the Federal Republic of Germany will be maintained and developed, taking into account that these sectors continue not be to a constituent part of the Federal Republic of Germany and not to be governed by it. The provisions of the basic law of the Federal Republic of Germany and of the constitution operative in the Western sectors of Berlin which contradict the above have been suspended and continue not to be in effect.

2. The federal president, the federal government, the Bundesversammlung, the Bundesrat and the Bundestag, including their committees and Fraktionen, as well as other state bodies of the Federal Republic of Germany will not perform in the Western sectors of Berlin constitutional or official acts which contradict the provisions of paragraph 1.

3. The government of the Federal Republic of Germany will be represented in the Western sectors of Berlin to the authorities of the three governments and to the senate by a permanent liaison agency.

Annex III

Communication from the government of the Union of Soviet Socialist Republics to the governments of the French Republic, the United Kingdom and the United States of America.

The government of the Union of Soviet Socialist Republics, with reference to Part II (C) of the quadripartite agreement of this date and after consultation and agreement with the government of the German Democratic Republic, has the honor to inform the governments of the French Republic, the United Kingdom and the United States of America that:

1. Communications between the Western sectors of Berlin and areas bordering on these sectors and those areas of the German Democratic Republic which do not border on these sectors will be improved.

2. Permanent residents of the Western sectors of Berlin will be able to travel to and visit such areas for compassionate, family, religious, cultural or commercial reasons, or as tourists, under conditions comparable to those applying to other persons entering these areas. In order to facilitate visits and travel, as described above, by permanent residents of the Western sectors of Berlin, additional crossing points will be opened.

3. The problems of the small enclaves, including Steinstuecken, and of other small areas may be solved by exchange of territory.

4. Telephonic, telegraphic, transport and other external communications of the Western sectors of Berlin will be expanded.

5. Arrangements implementing and supplementing the provisions of paragraph 1 to 4 above will be agreed by the competent German authorities.

Annex IV

A. Communication from the governments of the French Republic, the United Kingdom and the United States of America to the government of the Union of Soviet Socialist Republics:

The governments of the French Republic, the United Kingdom and the United States of America, with reference to Part II (D) of the quadripartite agreement of this date and after consultation with the government of the Federal Republic of Germany, have the honor to inform the government of the Union of Soviet Socialist Republic that:

1. The governments of the French Republic, the United Kingdom and the United States of America maintain their rights and responsibilities relating to the representation abroad of the interests of the Western sectors of Berlin and their permanent residents, including those rights and responsibilities concerning matters of security and status, both in international organizations and in relations with other countries.

2. Without prejudice to the above and provided that matters of security and status are not affected, they have agreed that:

(A) The Federal Republic of Germany may perform consular services for permanent residents of the Western sector of Berlin.

(B) In accordance with established procedures, international agreements and arrangements entered into by the Federal Republic of Germany may be extended to the Western sectors of Berlin provided that the extension of such agreements and arrangements is specified in each case.

(C) The Federal Republic of Germany may represent the interests of the Western sectors of Berlin in international organizations and international conferences.

(D) Permanent residents of the Western sectors of Berlin may participate jointly with participants from the Federal Republic of Germany in international exchanges and exhibitions. Meetings of international organizations and international conferences as well as exhibitions with international participation may be held in the Western sectors of Berlin. Invitations will be issued by the senate or jointly by the Federal Republic of Germany and the senate.

3. The three governments authorize the establishment of a consulate general of the USSR in the Western sectors of Berlin accredited to the appropriate authorities of the three governments in accordance with the usual procedures applied in those sectors, for the purpose of performing consular services, subject to provisions set forth in a separate document of this date.

B. Communication from the government of the Union of Soviet Socialist Republics to the governments of the French Republic, the United Kingdom and the United States of America:

The government of the Union of Soviet Socialist Republics, with reference to Part II (D) of the quadripartite agreement of this date and to the communication of the governments of the French Republic, the United Kingdom and the United States of America with regard to the representation abroad of the interests of the Western sectors of Berlin and their permanent residents, has the honor to inform the governments of the French Republic, the United Kingdom and the United States of America that:

1. The government of the Union of Soviet Socialist Republics takes note of the fact that the three governments maintain their rights and responsibilities relating to the representation abroad of the interests of the Western sectors of Berlin and their permanent residents, including those rights and responsibilities concerning matters of security and status, both in international organizations and in relations with other countries.

2. Provided that matters of security and status are not affected, for its part it will raise no objection to:

(A) The performance by the Federal Republic of Germany of consular services for permanent residents of the Western sectors of Berlin;

(B) In accordance with establishd procedures, the extension of the Western sectors of Berlin of international agreements and arrangements entered into by the Federal Republic of Germany provided that the extension of such agreements and arrangements is specified in each case;

(C) The representation of the interests of the Western sectors of Berlin by the Federal Republic of Germany in international organizations and international conferences;

(D) The participation jointly with participants from the Federal Republic of Germany and permanent residents of the Western sectors of Berlin in international exchanges and exhibitions, or the holding in those sectors of meetings of international organizations and international conferences as well as exhibitions with international participation, taking into account that invitations will be issued by the senate or jointly by the Federal Republic of Germany and the senate.

3. The government of the Union of Soviet Socialist Republics takes note of the fact that the three governments have given their consent to the establishment of a consulate general of the USSR in the Western sector of Berlin. It will be accredited to the appropriate authorities of the three governments, for purpose and subject to provisions described in their communication as set forth in a separate document of this date.

FINAL QUADRIPARTITE PROTOCOL

The governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic.

Having in mind Part III of the quadripartite agreement of Sept. 3, 1971, and taking note with satisfaction of the fact that the agreements and arrangements mentioned below have been concluded, have agreed on the following:

1. The four governments, by virtue of this protocol, bring into force the quadripartite agreement, which, like this protocol, does not affect quadripartite agreements or decisions previously concluded or reached.

2. The four governments proceed on the basis that the following agreements and arrangements concluded between the competent German authorities shall enter into force simultaneously with the quadripartite agreement:

(To be filled in after agreements concluded)

3. The quadripartite agreement and the consequent agreements and arrangements of the competent German authorities referred to in this protocol settle important issues examained in the course of the negotiations and shall remain in force together.

4. In the event of a difficulty in the application of the quadripartite agreement or any of the above-mentioned agreements or arrangements which any of the four governments considers serious, or in the event of nonimplementation of any part thereof, that government will have the right to draw the attention of the other three governments to the provisions of the quadripartite agreement and this protocol and to conduct the requisite quadripartite consultations in order to ensure the observance of the commitments undertaken and to bring the situation into conformity with the quadripartite agreement and this protocol.

5. This protocol enters into force on the date of signature. Done at the building formerly occupied by the Allied Control Council in the American sector of Berlin this 3rd day of September, 1971. In four originals each in the English, French and Russian languages, all texts being equally authentic.

AGREED MINUTE I

It is understood that permanent residents of the Western sector of Berlin shall, in order to receive at appropriate Soviet offices visas for entry into the Union of Soviet Socialist Republics, present:

(A) A passport stamped "Issued in accordance with the quadripartite agreement of Sept. 3, 1971";

(B) An identity card or other appropriately drawnup document confirming that the person requesting the visa is a permanent resident of the Western sectors of Berlin and containing the bearer's full address and a personal photograph.

During his stay in the Union of Soviet Socialist Republics, a permanent resident of the Western sectors of Berlin who has received a visa in this way may carry both documents or either of them, as he chooses. The visa issued by a Soviet office will serve as the basis for entry into the Union of Soviet Socialist Republics, and the passport or identity card will serve as the basis for consular services in accordance with the quadripartite agreement during the stay of that person in the territory of the Union of Soviet Socialist Republics. The above-mentioned stamp will appear in all passports used by permanent residents of the Western sectors of Berlin for journeys to such countries as may require it.

AGREED MINUTE II

Provision is hereby made for the establishment of a consulate general of the USSR in the Western sectors of Berlin. It is understood that the details concerning this consulate general will include the following. The consulate general will be accredited to the appropriate authorities of the three governments in accordance with the usual procedures applying in those sectors. Applicable Allied and German legislation and regulations will apply to the consulate general. The activities of the consulate general will be of a consular character and will not include political matters related to quadripartite right or responsibilities.

The three governments are willing to authorize an increase in Soviet commercial activities in the Western sectors of Berlin as described below. It is understood that pertinent Allied and German legislation and regulations will apply to these activities. This authorization will be extended indefinitely, subject to compliance with the provisions outlined herein. Adequate provision for consultation will be made. This increase will include establishment of an "office of Soviet foreign trade associations in the Western sectors of Berlin," with commercial status, authorized to buy and sell on behalf of foreign trade associations of the Union of Soviet Socialist Republics, Soyuzpushnina, Prodintorg and Novoexport may each establish a bonded warehouse in the Western sectors of Berlin to provide storage and display for their goods. The activities of the Intourist office in the British sector of Berlin may be expanded to include the sale of tickets and vouchers for travel and tours in the Union of Soviet Socialist Republics and other countries. An office of Aeroflot may be established for the sale of passenger tickets and airfreight services.

The assignment of personnel to the consulate general and to permitted Soviet commercial organizations will be subject to agreement with the appropriate authorities of the three governments. The number of such personnel will not exceed 20 Soviet nationals in the consulate general; 20 in the office of the Soviet foreign trade associations; one each in the bonded warehouses; six in the Intourist office; and five in the Aeroflot office. The personnel of the consulate general and of permitted Soviet commercial organizations and their dependents may reside in the Western sectors of Berlin upon individual authorization.

The property of the Union of Soviet Socialist Republics at Lietzenburgerstrasse 11 and at Am Sandwerder 1 may be used for purposes to be agreed between appropriate representatives of the three governments and of the government of the Union of Soviet Social Republics.

Details of implementation of the measures above and a time schedule for carrying them out will be agreed between the four ambassadors in the period between the signature of the quadripartite agreement and the signature of the final quadripartite protocol envisaged in that agreement.

(Note from the three ambassadors to the Soviet ambassadors).

The ambassadors of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America have the honor with reference to the statements contained in Annex II of the quadripartite agreement to be signed on this date concerning the relationship between the Federal Republic of Germany and the Western sectors of Berlin, to inform the ambassador of the Union of Soviet Socialist Republics of their intention to send to the chancellor of the Federal Republic of Germany immediately following signature of the quadripartite agreement a letter containing clarifications and interpretations which represent the understanding of their governments of the statements contained in Annex II of the quadripartite agreement. A copy of the letter to be sent to the chancellor of the Federal Republic of Germany is attached to this note.

The ambassadors avail themselves of this opportunity to renew to the ambassador of the USSR the assurances of their highest consideration.

(Signed by the three ambassadors.)

(Attachment to Note).

His Excellency the Chancellor of the Federal Republic of Germany, Bonn.

Your Excellency:

With reference to the quadripartite agreement signed on Sept. 3, 1971, our governments wish by this letter to inform the government of the Federal Republic of Germany of the following clarifications and interpretations of the statements contained in Annex II, which was the subject of consultation with the government of the Federal Republic of Germany during the quadripartite negotiations.

These clarifications and interpretations represent the understanding of our government of this part of the quadripartite agreement, as follows:

A. The phrase in Paragraph 2 of Annex II of the quadripartite agreement which reads: ". . . will not perform in the Western sectors of Berlin constitutional or official acts which contradict the provisions of Paragraph 1" shall be interpreted to mean acts in exercise of direct state authority over the Western sectors of Berlin.

B. Meetings of the Bundesversammlung will not take place and plenary sessions of the Bundesrat and the Bundestag will continue not to take place in the Western sectors of Berlin. Single committees of the Bundesrat and the Bundestag may meet in the Western sectors of Berlin in connection with maintaining and developing the ties between those sectors and the Federal Republic of Germany. In the case of fraktionen, meetings will not be held simultaneously.

C. The liaison agency of the Federal Government in the Western sectors of Berlin includes departments charged with liaison functions in their respective fields.

D. Established procedures concerning the applicability to the Western sectors of Berlin of legislation of the Federal Republic of Germany shall remain unchanged.

E. The term "state bodies" in paragraph 2 of Annex II shall be interpreted to mean: the federal president, the federal chancellor, the federal cabinet, the federal ministers and ministries, and the branch offices of those ministries, the Bundestrat and the Bundestag, and all federal courts.

(Soviet Reply Note.)

The ambassador of the Union of Soviet Socialist Republics has the honor to acknowledge receipt of the note of the ambassadors of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America, dated Sept. 3, 1971, and takes note of the communication of the three ambassadors.

(Formal Close.)

THE AIR WAR IN VIETNAM

Mr. GRIFFIN. Mr. President, some Americans have been under an erroneous impression that there has been no deescalation of the air war in Southeast Asia.

A recent article in the authoritative Christian Science Monitor makes clear that the air war, as well as the ground war, in Vietnam has been winding down.

I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Dec. 2, 1971]

UNITED STATES CUTS BACK VIET AIR WAR

(By George W. Ashworth)

WASHINGTON.—This air war in Southeast Asia is declining steadily.

Official and unofficial figures on bomb tonnages and sortie raids by attack and fighter planes, as well as by B–52's operating out of Thailand, show a continuing drop.

The air war is falling off at a much slower pace than the involvement of Americans in the ground war in South Vietnam. But its intensity is being lowered.

The decline can be seen in South Vietnam, Cambodia, and Laos. Only along the trail leading out of North Vietnam and into Cambodia and Vietnam through Laos does the air war seem to be holding at a relatively constant level.

However, the continued withdrawal of U.S. Air Force and Navy attack and fighter planes, plus B–52's, will inevitably mean that the war along the Ho Chi Minh Trail must also decline.

Critics of President Nixon's war policies have charged that air warfare is being substituted for ground warfare as American troops are withdrawn.

In one sense, this is true, as it has been announced administration policy to keep the air capability of allied forces up, to cover the withdrawal process.

However, any impression that the air war has been increased because of the decrease on the ground seems to be groundless, from evidence available here.

In a study sponsored by the Center for International Studies at Cornell University, it was concluded that "U.S. air activity in Indo-China as a whole, measured either by sortie raids or bomb tonnages, has declined substantially in the years since the air war reached its greatest intensity."

ONE CARRIER ON STATION

One graphic illustration of the drop in the air war is simply the number of planes available now to carry it out. At one point, when the war was at its hottest, the U.S. Navy regularly had three carriers operating on Yankee Station, off the coast of Vietnam. Now there is only one.

At one point, B–52 strikes were launched from both Guam and Thailand. Now there are, reportedly, only a few more than 40 B–52's available for air missions in Southeast Asia, and all of them are flying out of UTAPAO Air Base in Thailand.

In all, fighter and attack aircraft strength maintained by the U.S. for use in Indo-China has dropped by more than one half.

In a press release accompanying the Cornell report, it was charged that "by the end of this year, the Nixon administration will have deployed in three years as much tonnage of bombs as the Johnson administration did in four."

WINDING DOWN DRAGS

The figures on bomb tonnages indicate that winding down the war is a slower process than escalation. The main reason the charge can be made is that it is taking longer to bring the U.S. war effort to a close than it did to intensify it in the late 1960's.

Tonnage figures made available here by the Pentagon cover all air-delivered munitions expended in Southeast Asia by the allies, including South Vietnam.

The figures disclose that the allies expended 496,310 tons in 1966, 932,119 in 1967; 1,437,370 in 1968, 1,387,259 in 1969, and 977,446 in 1970. Through October of 1971, tonnage came to 651,678 tons. A projection through the end of the year indicates that roughly 750,000 tons will be dropped in 1971.

SORTIES DROPPED

Information in the Cornell study illustrates some of the declines. In North Vietnam, for instance, annual fighter-bomber sorties (one mission by one plane) have dropped from a high of more than 100,000 in 1967 to the hundreds in 1969, 1970 and 1971, following the bombing halt.

After the bombing was stopped in North Vietnam, much of it was shifted to Laos where annual sorties topped 140,000 in 1969. The roughly 100,000 sorties of 1970 will apparently be roughly equaled in 1971.

In South Vietnam, rates have dropped from a peak of around 230,000 in 1968 to 50,000 to 60,000 now. In Cambodia, sortie raids are running at between 25,000 and 30,000 per year. The Cornell study predicts 1971 will be slightly higher than 1970. Unofficial sources estimate a sortie-raid total approaching 30,000 for 1971.

The decline in sorties and tonnages has brought a shift of the destruction away from populated areas, which many sources consider an encouraging trend.

FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, for some weeks, the Subcommittee on Constitutional Rights of the Senate Judiciary Committee has been holding hearings on the freedom of the press. I ask unanimous consent that the following articles and editorials relating to these hearings be printed in the body of the RECORD:

An editorial entitled "Senator ERVIN Fights For People's Freedom," which appeared in the Salisbury, N.C., Post of October 3, 1971.

An article by Peter Lisagor entitled "Nixon Commands News Coverage," which appeared in the Washington Star of October 5, 1971.

An article by Crosby S. Noyes entitled "First Amendment Is Already Strong Enough" which appeared in the Washington Star of October 5, 1971.

An article by Carl T. Rowan entitled "What's at Stake at Press Freedom Hearings," which appeared in the Evening Star of October 6, 1971.

An article by James J. Kilpatrick entitled "Freedom of the Press Is Alive and Healthy," which appeared in the Washington Star of October 10, 1971.

An article entitled "Protecting Privilege," which appeared in Time magazine for October 11, 1971.

An editorial entitled "The Public's Right To Know," which appeared in the Alexandria, Va., Gazette for November 3, 1971.

There being no objection, the articles and editorials were ordered to be printed in the RECORD as follows:

[From the Salisbury (N.C.) Post, Oct. 3, 1971]

SENATOR ERVIN FIGHTS FOR PEOPLE'S FREEDOM

North Carolina's Senator Sam Ervin, generally appraised as a conservative, has established himself as one of history's greatest statesman-defenders of the United States Constitution.

Senator Ervin's continuing battle with the federal establishment is refreshing and much needed in this day when many bureaucrats stamp "confidential" on purchase order contracts covering thumb stacks.

Tuesday, Senator Ervin spoke his opinion as plainly as it could be put into words: "Freedom is in peril—not only in the press, but in the Congress of the United States."

Senator Ervin, a former justice of the North Carolina Supreme Court, blasted attempts by the Nixon administration to call the press before grand juries and to prevent publication of classified documents. He just as plainly denounced "executive privilege" to hide information from Congress.

Every American should share Senator Ervin's concern that the Nixon administration has implied that it may prosecute Sen. Mike Gravel of Alaska for releasing portions of the Pentagon papers.

Through use of his subcommittee on constitutional rights, Senator Ervin is attempting to re-examine and re-assert constitutional guarantees of the press because of these recent developments:

—The administration's attempt to prevent The New York Times and other papers from publishing the Pentagon's study of the Vietnam War.

The growing number of subpoenas trying to compel newsmen to testify and turn over their notes, tapes and films to grand juries.

—The attempt by Congress to compel CBS to produce unused film from its controversial documentary about Pentagon public relations.

—The widespread use of false press credentials by government investigators.

The North Carolina Senator had only harsh words for President Nixon and Vice President Agnew. And Norman E. Isaacs, editor in residence at the Columbia Journalism School told the subcommittee: "There is a deep hostility on the President's part toward the Press and I do not consider it a healthy thing for the country."

President Nixon's allergy for the press is well known to anyone familiar with American history of the last two decades. Possibly it started following his much-ridiculed "Checkers speech," which he made in 1952 to blunt criticism of the fact that as a U.S. Senator he was receiving more than $18,000 per year from a group of millionaires. Dwight Eisenhower had just threatened to kick Nixon from the ticket as his running mate when the payola exposé came to light. Mr. Nixon's explanation satisfied the General—but all of America has never been satisfied with his documentary or alibi—depending on the point of view.

After Mr. Nixon's defeat by John Kennedy in 1960, he returned to California to rebuild his political fortunes by capturing his home state's gubernatorial post. When he was beaten by Democrat Pat Brown, he put on one of the most peevish press interviews ever conducted by a responsible national leader during this century.

He blamed the press for his defeat. Paraphrastically he said he was retiring to private life to deprive the press of a whipping boy.

Of course since Mr. Nixon became President, he has seen quite restrained in open criticism of the news media. There was no necessity, because Vice President Agnew's tirades are too familiar to need repeating.

The press and particularly television have their many imperfections to which this newspaper lays claim to its share.

To Mr. Agnew's credit, we agree that many of his criticisms of the news media have been valid.

We believe the upsetting facet to Senator Sam Ervin is that they have been said by a man who is but a heart beat away from the Presidency of the United States. Mr. Agnew by constant repetition of his criticisms has led many people to believe Senator Ervin's charge that "Freedom is in peril—not only in the press but in the Congress of the United States."

We think that much of what Mr. Agnew has said should have been said, but not by the Vice President of the United States.

If it had been said by the chairman of the National Republican Committee, it would have seemed much less like a threat to suppress free speech and a free press.

[From the Washington Star, Oct. 5, 1971]

Nixon Commands News Coverage

(By Peter Lisagor)

To most people in the news business, it is virtually impossible to be too sensitive, too vigilant or too outspoken about government attempts to censor or discredit their professional performance.

They don't even want to have their courage tested in withstanding federal actions that seem intimidating. They don't want to reveal confidential sources, yield up their notebooks or unused film. The Federal Communications Commission has no better yardstick for measuring the fairness doctrine than any other agent.

Besides, the founding fathers in writing the First Amendment, as well as the rest of the Constitution, felt that government as they knew it tended toward tyranny and they wanted to protect the people.

All of this is being argued before the Senate Subcommittee on Constitutional Rights by the corporate heads of the networks and newspapers and by those folk heroes who broadcast the nightly news. They know that freedom of the press is a commodity of great delicacy in an open society; the media can anger and confuse, as well as inform and entertain. Neither the print nor the broadcast media believe themselves sacrosanct, beyond the law or legitimate criticism. But they oppose the government's right to meddle, to apply subtle pressures that intimidate the craven or those beholden to the FCC for license approval.

In any case, they know that by a switch of the dial or cancellation of a subscription, the public can do them in quicker than a dozen Agnew speeches.

The Nixon administration didn't invent the ceaseless struggle to influence and cajole the news media into favorable reportage. Many Nixon men genuinely believe newsmen are more hostile toward their man than toward past Presidents, ignoring the virtual vendetta that existed between Lyndon B. Johnson and certain members of the press establishment.

But the cold fact is that the President and his works have been treated fairly on the whole, and many in the current White House grudingly admit this in private. One need only ask those Democrats eyeing the White House as a domicile about this fairness doctrine now being scrutinized by the panel headed by Sen. Sam Ervin, D-N.C.

On the day that Sen. Fred Harris, D-Okla., introduced a bill to break up most of the nation's large manufacturing firms, the nation's front pages featured a picture of President Nixon sitting with Soviet Foreign Minister Andrei Gromyko in the Oval Room office beneath a portrait of George Washington. It was a miserable match up.

Harris, an announced presidential candidate, had planned to add a dash of drama to his antitrust bill by holding a news conference on the steps of the General Motors Building in New York City. But he could have stood on his head directing traffic in Times Square without making the kind of splash the President makes on a relatively routine day in the White House.

Earlier in the day of the Gromyko visit, the President pinned the Medal of Freedom on Manlio Brosio, the retiring secretary-general of NATO. In the East Room audience were some of the fiercest and most steadfast cold warriors of the post-war world, including at least three former supreme commanders, former Secretary of State Dean Acheson and other notables. The President could speak feelingly of peace and freedom, and NATO's value in support of both, before returning to his office to await the Soviet representative.

And so it goes. Sen. Hubert Humphrey, D-Minn., introduced a bill to provide a daily free meal to every school child from high school down. The President visits with the leaders of the top education associations in America to plump for his views, visions and programs, and then in the afternoon, receives Prince Souvanna Phouma of Laos.

It's no contest, in fact, and the fairness doctrine is a laugh to those hustling presidential contenders struggling to get a few sticks of type in the paper or to insinuate their ways into the television newscasts.

The President's command of the news media is awesome. He can time events to suit his political timetable, manage his moves for maximum impact. And he, like the media, will be judged by the arbiters who really matter in this society, the people. And that's the way it should be.

[From the Washington Star, Oct. 5, 1971]

First Amendment Is Already Strong Enough

(By Crosby S. Noyes)

Right-on, Sen. Sam J. Ervin Jr., D-N.C.

The First Amendment of the Constitution—the inalienable right of each of us to shoot his mouth off and publish what he pleases—is said to be in danger. And there is no man, since the lamented departure of Supreme Court Justice Hugo Black, more eloquently qualified to leap to its defense.

Ervin's leap takes the form of hearings, now in progress before the Senate Subcommittee on Constitutional Rights. And the prefatory comments on the problem offered by the senator leave little doubt where the investigation will lead and what the conclusions will be.

According to Ervin: "These hearings have been organized because it is apparent in today's America that many people doubt the vitality and significance of the First Amendment's guarantee of freedom of the press.

"Recent developments," he says, "have brought into sharp relief existing concern about the relationship between government and the working press."

Noting that confrontation has replaced negotiation" and referring to attacks on the news media by "high government officials," Ervin adds:

"Some government officials appear to believe that the purpose of the press is to present programs to the public in the best possible light."

The senator is strong on constitutional history and the intentions of our forebears. "Our founding fathers," he says, "were wise enough to know that there is no way to give freedom of speech and press to the wise and deny it to fools and knaves." He even extends this right to the vice president of the United States, leaving it up to his audience to judge into which category of protected free speakers Spiro T. Agnew falls.

With much of this, no newspaperman in his right mind would disagree. The confrontation exists. The rights also exist and it is true that in some cases they have been abused.

In the view of most newspapermen, including this one, it is preposterous to claim, as some do, that the protections of the First Amendment do not apply to the broadcast and television media. We also do not believe that newsmen, except perhaps in cases of extreme gravity, should be required to reveal their sources or divulge unpublished confidential information.

We willingly go along with the Supreme Court in denying the right of the Justice Department to forbid in advance the publication of any news. And we would argue that the practice of issuing fake press credentials to undercover government investigators is indefensible.

This said, however, we can get back to the central theme of Ervin's investigation: The fact that there is a "growing deterioration of the relationship between the press and government" and the implication that the responsibility for this state of affairs is entirely on the government's side.

I doubt, very frankly, that this is so. On the contrary, it seems to me, the attitudes toward the war in Vietnam held by a large segment of the press have exaggerated and distorted the traditional adversary relationship between the press and the government. And this, in turn, has stimulated a reaction of antagonism and hostility toward the press by some members of the government, the Congress and the public.

It can be argued, of course, that in opposing the war in Vietnam, the press was simply doing the job that it is supposed to do in criticizing and, where possible, changing public policy. But the distortion of the adversary relationship goes beyond this today. To a large extent, the press is beginning to assume a posture of systematic opposition to the executive branch of the government, regardless of the result so far as the effectiveness of government itself is concerned.

In the confrontation that has ensued, it is the government and not the press which is on the defensive. The effective weapons are very largely on the side of the media. In the recent past, we have seen these weapons used with devastating effect to frustrate the policies of the government and to destroy an elected president as an effective political leader.

In this situation, the reaction of the press to any official criticism may strike some people as little short of hysterical. Newspapers, certainly, have no reason whatever to be intimidated by anyone. And the need for new legislation to reinforce the guarantees provided by the First Amendment remains most obscure.

[From the Washington Star, Oct. 6, 1971]

What's at Stake at Press Freedom Hearings

(By Carl T. Rowan)

Small wonder that much of the public is confused by the current Senate hearings on freedom of the press; even some of my colleagues don't seem to comprehend what is going on.

With a swashbuckling declaration that "I'm not intimidated," one compatriot claims that newsmen have let criticism by Vice President Spiro Agnew turn them into crybabies. The issue, as he sees it, is that press people who can't stand the heat had better get out of the kitchen.

Then there is the fear expressed by a smattering of newsmen that Sen. Sam Ervin is going to kill the free press with kindness. Someone presumably worries that Ervin, from his vantage point as chairman of the Constitutional Rights Subcommittee, will get a law through Congress guaranteeing the freedom of the press; that one dark day some nasty Congress will repeal it; and that the press will thereafter be left to the mercies of the politicians.

Well, I think Old Senator Sam is doing one great service—for the press, yes, but more so for the country, by turning the spotlight on some ominous assaults on the freedom and independence of the press in recent years.

These hearings may also strengthen press liberties by helping the public to understand that it is *their* right to honest government, and *their* right to knowledge of the actions of the people who run that government that is at stake—and not some right of anyone with a press card to flout laws that ordinary citizens must obey.

The Ervin hearings have nothing to do with the oratorical assaults on the press by Agnew in the sense that any newsman is afraid Agnew can do him in. Most newsmen regard that as a joke. But the Senate hearings do flow out of the possibility that certain politicized and polarized Americans could decide that they like Agnew more than either the First Amendment or the press and thus applaud as the Justice Department chips away at the independence of the Fourth Estate.

Assorted denials to the contrary, this Justice Department has orchestrated a campaign to crush the Black Panthers. When efforts to do it by "legal" killings backfired in Chicago and elsewhere, a decision was made to "get" the Panthers through grand jury indictments.

That is bad enough, but Justice had the audacity to try to force reporter Earl Caldwell of the New York Times to be its accomplice.

Caldwell, a black man, had ingratiated himself with some of the Panthers, establishing contacts essential to his being able to report meaningfully on a group that is of both social and political significance. The government decided it would be easier to indict Panthers if it could force Caldwell to tell a grand jury everything he knew, including things journalistic ethics forbade him to write.

"No, you don't," the 9th Circuit Court of Appeals has told the government. It said freedom of the press is in jeopardy if the government can force reporters to testify in secret grand jury hearings about their sources of news.

If Ervin can get the Congress to pass a law telling the executive branch to leave the press alone, to stop trying to make reporters its agents; and telling the legislative branch that even it must not try to be a super-editor of TV news and documentaries, I say hooray for Ervin!

Passage of such a law would be a dramatic reaffirmation by this generation of Americans that our forefathers were wise when they envisioned a free press, full of faults and imperfections, as an absolutely essential bulwark against tyranny.

So some unlikely Congress does come along that is blind enough to repeal such a law? The press would not be left high-and-dry. It would still have that First Amendment protection.

Some say the First Amendment is all we need. Maybe. But that amendment is only as strong as the Supreme Court says it is. And in this era when nominees to the court must all fit the philosophy of the President, who knows how the "revamped" court might construe this constitutional safeguard on press freedom?

It will do no harm to the press or the nation to have the people say through the Congress that "strict construction" is not a license to invade these hallowed precincts.

[From the Washington Star, Oct. 10, 1971]

Freedom of the Press Is Alive and Healthy

(By James J. Kilpatrick)

Sen. Sam Ervin sent me an invitation several weeks ago to testify before his subcommittee on freedom of the press. This was just before I was heading abroad, and I stalled: My return was uncertain; there wouldn't be time to make the required 75 copies of a statement; maybe a letter would suffice. . . .

The truth was that I didn't want to testify. For a working newspaperman to abandon the press table, and take to committee microphones instead, is an act against nature, like a lady wrestler or a horse on stilts. If we have something to say to senators, we ought to say it in print; and if senators want to talk to us, okay, let 'em put it in the Record.

At the same time, Senator Sam is the wisest man in the Senate; he is deeply concerned—just as all of us in the press are deeply concerned—about the survival of a free press. Perhaps a few observations would be useful.

Taking one thing with another, and looking back to the bad old days of John Adams, this much is clear: The patient is remarkably healthy. Freedom of the press has not merely survived, it has flourished. Americans today have access to more information and opinion than they have ever had. This material is presented far more readably and attractively than it was in the days of the "party press." It is timely. Most of it is objective.

Over the thirty-odd years of my own professional experience, First Amendment freedoms have expanded, not contracted. We no longer are "chilled," in the word of art, by the threat of ruinous libel suits. When I came on the scene, an editor could write gingerly of "planned parenthood" and "social diseases." Now even the girl reporters are writing of contraceptives and syphilis and nobody blinks.

Changes in law and in public attitudes have been accompanied by fantastic changes in the technology of communications. We have tools now—satellites, and computers, and high-speed Telex—that permit us to serve up more information than the ordinary reader can digest. We have network television, a tool of incalculable power. We have greater freedom, better equipment, and a more informed audience than journalists have ever known.

As the Senator proceeds with his examination, listening to the heartbeat, thumping on our lungs, he will discover that freedom of the press is in the good hands of a bunch of health nuts. We are obsessed—some of my colleagues are—to the point of hypochondria. When Spiro Agnew coughs, we tend to yell "TB." If Dean Burch mops his brow, up at the Federal Communications Commission, CBS runs a fever. Some over-zealous prosecutor demands a reporter's notes, and we cry that gangrene is setting in.

This jealous vigilance has its good aspects: As power increasingly is centralized in our society—in government, in labor, in industry, even in communications—it becomes all the more important that a free press maintain its freedom. But when vigilance turns into caterwauling, some of our spokesmen cease to be gladiators and come through as cry-babies. The public is not impressed by the notion that it is "free speech" when CBS belabors the government, but "intimidation" when the government snaps back.

We do have worries: television, mainly. Surely, it is said, TV is entitled to the "freedom of speech and of the press" entrenched in the First Amendment; but the matter is not so simple. In its technical limitations, its history of public licensing, and in the sheer magnitude of its potential audience, TV is significantly different from the printed media. It must be free; and it must be restrained. In a free society, such a problem is not unusual. Few such problems are perfectly solved, and the problem of TV will not be perfectly solved either.

We have other worries. Our magazines, starved for advertising revenue, are dying of malnutrition. Public broadcasting continues to grope uncertainly for an audience. Our craft desperately needs to attract young men and women who are literate, thoughtful, and curious; we are getting some, but not enough.

These are ailments that cannot be neglected, but they are minor aches and pains. I myself am just back from Brazil, and would say to anxious colleagues: Gentlemen, let us look to our troubles, of course; but let us count our blessings, too.

[From Time magazine, Oct. 11, 1971]

Protecting Privilege

Journalists cheered when the Supreme Court ruled last June that the New York *Times* and others could not be restrained from publishing the Pentagon papers under the First Amendment's guarantee of press freedom. Since then the initial euphoria has faded. The *Columbia Journalism Review* rates the decision as a "severely qualified victory," and most editors agree. After all, three of the Justices thought prior restraint of publication was called for in that case, and individual opinions showed that a majority might favor its use in other circumstances. With the death of Justice Hugo Black, who felt the First Amendment gave the press blanket protection, future court votes might go even farther in the direction of restriction.

BUREAUCRATIC MERCY

Editors are concerned at this possibility and so is the United States Senate's leading libertarian, Sam Ervin Jr. of North Carolina (Time, March 8). A Southern conservative politically, Ervin has made a personal crusade of defending individual freedoms from Government encroachment. Last week, in the first of a series of Senate Judiciary Subcommittee hearings, Chairman Ervin and his colleagues heard the testimony of a parade of communications executives and experts.

New York *Times* Executive Vice President Harding Bancroft recalled that before the favorable Supreme Court decision on the Pentagon papers, the press was in fact restrained for 15 days until it was allowed to publish. Representative Ogden Reid, former publisher of the now-defunct New York *Herald-Tribune*, emphasized that "this is the first time . . . that prior restraint has been sought by the Federal Government." As for the broadcasting industry, Walter Cronkite of CBS charged that because it is beholden to the Government for its right to exist, "it is at the mercy of politicians and bureaucrats. Its freedom has been curtailed by fiat, by assumption and by intimidation and harassment." But perhaps the most eloquent plea for First Amendment freedoms came from Ervin himself.

MORTAL BLOW

Said he in an opening statement: "Some Government officials appear to believe that the purpose of the press is to present the Government's policies and programs to the public in the best possible light. They appear to have lost sight of the central purpose of a free press in a free society." Noting that "there are some Americans who apparently think they know what is good and what is bad for other Americans to hear on the radio and to see on television," Ervin charged that the "sweeping Government regulation of broadcasting implicit in this view foreshadows the end of a free broadcast media and with it a mortal blow to the First Amendment."

Ervin is also concerned about the increasing use of false press credentials by Government investigators and about the number of subpoenas on journalists by grand juries and congressional committees. He will watch closely how the Supreme Court rules on three pending subpoena cases in which the Justice Department is seeking to force reporters to reveal confidential sources for stories. *Times* Reporter Earl Caldwell and Newsman Paul Pappas of WTEV in New Bedford, Mass., refused to discuss Black Panther activities for grand juries, and Reporter Paul Branzburg of the Louisville *Courier-Journal* balked at identifying, for yet another grand jury, marijuana and hashish peddlers he had interviewed for a story on drugs.

Ervin's hearings are ostensibly to determine whether a Newsmen's Privilege Bill should be submitted to Congress. Its purpose would be to protect the reporter-informant confidential relationship. Ervin hopes its enactment will not be necessary and that the Supreme Court will provide a "ringing reaffirmation of First Amendment protection that will serve the same purpose.

[From the Alexandria (Va.) Gazette, Nov. 3, 1971]

THE PUBLIC'S RIGHT TO KNOW

Democratic Senator Sam Ervin of North Carolina made the following observation recently when he stated, "I am concerned that many Americans, including some government officials and members of the press, have forgotten the central issue. It sometimes appears that some government officials assume that the role of the press is to present news about government policies and actions only in the best possible light. And it sometimes appears that some members of the press unjustifiably interpret any official response to their criticism, other than acquiescence, as a threat to their freedom to criticize. It is my belief," he continued, "that robust criticism of government by the press and the consequent skepticism of the press on the part of government are the necessary ingredients of the relationship between the press and the government in a truly free society."

More recently, J. Irwin Miller, the president of Cummings Engine Company made the following observations at a new plant dedication of the Columbus (Ind.) Republic where he said the following: "There is little reason to believe that the groups who today have less than complete access to equal justice in our society will be less determined to obtain it than were those revolutionary ancestors whom we revere so greatly, or that they will in the end use less threatening methods, if all else seems to fail. Prudence would therefore seem to be on the side of radical overhaul of the machinery of justice to make the application of justice truly equal."

In Miller's remarks about newspapers, he said: "A newspaper is something a very great deal more than a profit-making institution. A newspaper, whether it likes it or not, is inescapably saddled with the proud and exciting responsibility of leading the thought, of influencing the goals, of determining the character and direction of the community it serves. If then it be true that we stand today as a rare and truly critical point in the history of the nation, each of its newspapers can dedicate itself to no higher service than that of bringing the citizens to a full awareness of the new forces in the society with which they must contend. How is this to be done? I suggest that it is to be done through the device of local issues. It is through a genuine grasp of each local issue of importance that a citizen gains his perception of the great concerns of the nation."

Both Ervin and Miller carry a most powerful message. Each in their own right state the conditions of local problems and great national issues as they exist today in our society.

We at this newspaper shall, as we have in the past, continue to weather recurrent challenges by reporting on our city government and its actions and how those actions directly affect the community it serves. Although press power is not absolute nor infinitely secure, it is our duty to constantly stress the need for Freedom of the Press by reporting the news as it happens and constructively exposing that which is wrong. The point which is sometimes ignored today is that the original demand for a guarantee of press freedom came not from those who were engaged in the business of publishing newspapers or other types of publications. The demand came from persons in all walks of life who knew from recent experience the threat to all individual liberties if there is no freedom of the press and no freedom of speech.

In this age of deception, the public's interest is always at stake. We shall continue to dedicate ourselves to do everything we can to support the public's right to know the truth.

THE PRESIDENT'S POLICY COURSE IS ON THE PLUS SIDE

Mr. SCOTT. Mr. President, the Nashville Banner of December 1 contains a noteworthy editorial entitled "Nixon's Policy Course on Nation's Plus Side." I invite the attention of Senators to the editorial and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

MANSFIELD'S ANALYSIS—NIXON'S POLICY COURSE ON NATION'S PLUS SIDE

Political candor and intellectual honesty are becoming attributes for any in position of public responsibility, and in most of his utterances on public affairs—particularly those bearing on matters of vital national importance—Sen. Mike Mansfield, of Montana, has employed both. He does not let his role as Senate Majority Leadear outweigh that inclination of straight talk.

Thus it was that in an interview with the U.S. News & World Report he gave forthright answers to some pertinent questions:

Yes, President Nixon has increased his prestige because of his foreign policy—including the contemplated visits to Peking and Moscow; and on progress toward agreement in the strategic-arms-limitation talks.

Yes, he has changed the direction of the Vietnamese war, the Indo-China war, from in to out. Yes, he has substantially reduced the number of men in the armed forces, and is bringing these American sons home.

Yes, he is on the right track in the field of domestic policy, engaging in reasoned controls to combat inflation.

"So," said Senator Mansfield, "I think that, over-all, Mr. Nixon has done a good job, and it's made him stronger, and according to the latest polls, it appears that the people think so, too."

So they do. The Gallup Poll reported this week that "Nearly half of union members' families figures showed 42 per cent approval in that category, 45 per cent disapproval, with 13 per cent expressing no opinion.

For the total constituency the approval was wider than that—fifty per cent, an increase over last summer's 49 per cent. But the remarkable thing about the first statistics mentioned is not only that these are union member families, but that the approval percentage there has dropped only one point—an obvious indication that these union members have not followed the thinking of their top leaders who so bitterly assailed President Nixon in their Miami Beach convention.

Just as obviously, there are millions of American citizens—in and out of the organized labor movement, and on both sides of the political aisle—who believe, with Senator Mansfield, that partisanship should stop not only at the water's edge, where foreign policy is concerned; but at that precise point where the nation's security and welfare are at stake as in the war on inflation.

For the initiative and courage he has addressed to the problems thus directly involving the whole nation, President Nixon has earned the plaudits thus candidly bestowed.

STATISTICS ON UNEMPLOYED VIETNAM VETERANS DO NOT TELL THE HUMAN STORY

Mr. McINTYRE. Mr. President, I continue to read the periodic figures telling the story of unemployment in our Nation, particularly the lack of jobs for those who have served our Nation in Vietnam.

The latest figures I have seen indicate that unemployment among Vietnam veterans is still running many percentage points above the national unemployment rate.

I know how much is being done to try to alleviate this problem. Recently I had the privilege of attending a job fair for veterans in Manchester, N.H. Industry and business from throughout New Hampshire came to this fair and met with veterans to discuss job possibilities. Many veterans came away from the fair with chances for employment.

The American Legion, VFW, and other veterans groups are working hard to try to help find jobs for Vietnam veterans.

But the real nature of what is meant by unemployment among Vietnam veterans occurs when you face up to individual problems and what this means to the human being who served his Nation in Vietnam and is now home trying to find a job.

A case in point is a bright young man in New Hampshire. Without specifically naming him, I ask unanimous consent to have printed in the Record this young man's letter to me and a brief résumé he attached to his letter. I do this because I believe it so clearly and meaningfully goes beyond the statistics and brings home the need for us to act to help the Vietnam veterans.

There being no objection, the items were ordered to be printed in the Record, as follows:

Senator THOMAS MCINTYRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCINTYRE: It is with sincere regret that I find it necessary to write to you of my problems, but it seems one of my few remaining alternatives. To state the problem simply, I can not find employment.

In 1967, I left school and entered the Army, where I served three years, one of those in Vietnam. After being honorably discharged I returned to the University of New Hampshire under the GI Bill and received a Bachelor of Science degree this past June. Since that time I have filed at least thirty applications for employment in positions representing widely divergent areas of business. I have been completely unsuccessful in finding work.

I have been living on unemployment payments received from my military service and soon these payments will conclude. I am at a loss as what steps to take next and am therefore writing this letter.

I would appreciate any help or suggestions you could give me. Enclosed is my résumé. I am sincerely hoping you can assist me in some way. Thank you very much.

Sincerely,

——— ———.

RÉSUMÉ

Personal: Engaged, 5'11'', 175 pounds, 25 years old.

Education: B.S., 1971, University of New Hampshire. Major: Business Administration. General business courses with considerable work in Marketing and Economics. Some courses in Accounting.

Summer Work: Earned personal and clothing expenses by working summers and vacations as a retail clerk and in general delivery in a department store.

Military Service: United States Army, 1967 to 1970; Aircraft Parts Specialist. Enlisted in the service following third year of college. One year in Vietnam. Supervised large warehouse of aircraft parts upon return from overseas.

Background: Brought up in Southern New Hampshire area. Preparatory school at Mount Hermon in Western Massachusetts. Member of social fraternity in college. Have traveled throughout Eastern and Midwestern parts of the United States.

Interests: Primarily interested in outdoor activities, e.g. swimming and bicycling. Also enjoy listening to music, reading and tinkering with automobiles.

References: References will be furnished upon request.

RESUMPTION OF WEST COAST DOCK STRIKE MUST BE AVOIDED

Mr. JORDAN of Idaho. Mr. President, once again Idaho farmers, businessmen, and consumers are faced with the prospect of a devastating dock strike. It is quite likely that when the 80-day Taft-Hartley cooling off period expires on December 25, the West Coast longshoremen will again walk off the job.

As I stated on the floor of the Senate on August 6, the work stoppage in West Coast ports has had a disastrous effect on Idaho farmers and on American agricultural exports. Markets which the farmers of the Pacific Northwest have slowly built up over the years are now being supplied by Canada, Australia, and other countries. Foreign buyers are losing confidence in the ability of U.S. producers to deliver the goods.

Once more it becomes apparent that Congress must act on legislation to provide means for the settlement of disputes in the transportation industry before work stoppages occur. The harmful economic effect of such stoppages on the public is too great to allow. It is up to Congress to take action to insure that the public interest does not suffer at the expense of the private interests of the parties to such disputes.

I am pleased that the labor subcommittee has been conducting hearings on the legislation (S. 560) proposed by President Nixon to provide new means for dealing with such disputes. Hopefully, positive action on this legislation will be forthcoming in the near future.

Mr. President, I ask unanimous consent that a representative sample of the letters which I have received from my constituents and an article published in the Wheat Growers News regarding a resumption of the dock strike be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DUMAS SEED COMPANY,
Moscow, Idaho, November 29, 1971.

Hon. LEN B. JORDAN,
United States Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: The alarming possibility that the West Coast dock strike is now expected to resume on December 26th would be a Christmas present that none of us want. I feel that a reasonable solution will not likely be reached under the present efforts for collective bargaining. In fact, informed sources report that the two sides of the table are further apart now than before the Taft-Hartley injunction was invoked.

I believe that the provisions of the Administration Bill (Senate No. 560–H.R. 8020) provides the needed changes to the Taft-Hartley Act to make the Transportation industry operative again. I support the passage of the amendments and I hope you will support it vigorously and bring it to a vote at the earliest possible opportunity.

There have been various estimates of the economic loss to the West Coast caused by this strike. No one knows the total nor do I. All that I can say is that the directly affected me so adversely that I sincerely request that you do something constructive about it. I will be closely attentive to the efforts put forth in Washington.

Sincerely,

E. A. DUMAS,
President.

IDAHO PEA AND LENTIL COMMISSION,
Moscow, Idaho, November 24, 1971.

Senator LEN B. JORDAN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: The dry pea and lentil industry is fast approaching a critical point, which threatens to ruin the entire industry, as a result of the present dock strike situation. As you know, our industry depends to a great extent, on exports with most of our products being shipped during the first six months following harvest. With the West Coast Longshoremen going on strike July 1, we were unable to ship any of our products until the President invoked the Taft-Hartley law in early October.

Even after the ports opened, there was such a backlog at the ports that we have yet to catch up with shipping orders created by the last strike. Although the ports are working at this time, there is at present a slow down in effect by the Longshoremen which further complicates our problem. The price of dry peas has now dropped from $4.50 a hundredweight in June to $2.90 a hundredweight. This is largely because even if sales can be made, ship space is not available to ship our products. Buyers are also reluctant to buy because we cannot guarantee delivery.

The industry has spent five years developing markets in Japan and Europe, which are now being supplied by Australia, New Zealand, and other countries, strictly because we cannot deliver. These markets will be hard to regain even if we could ship our products today.

We have asked USDA to purchase dry peas and lentils for the school lunch program, which would help in keeping our industry alive. They responded by putting out an offer for 1,087,728 pounds of dry peas. With 300 million pounds being produced this past year, this is like throwing crumbs to a starving man.

Many of our processing plants have already notified their people that they will be forced to close their door if the Longshoremen resume the strike on December 26. There appears to be little chance of settlement at this time, as they are not even meeting to try to negotiate a settlement. No talks are going on now, and there are no indications that any are contemplated in the near future. As the situation stands, no one is winning, particularly the innocent pea and lentil farmer and processor.

One needs only to look at the last figures on our balance of payment deficit to understand what this strike is doing to our economy. Must we wait until a few individuals bring this country completely to its knees before Congress acts? Something has to be done now before it is too late.

Very truly yours,

HAROLD BLAIN,
Administrator.

NORTHWEST PEA & BEAN CO., INC.,
Spokane, Wash., November 23, 1971.

Hon. LEN B. JORDAN,
U.S. Senate
Washington, D.C.

DEAR SENATOR JORDAN: Enclosed is a clipping from yesterday's Spokesman-Revise concerning a severe cold wave hitting Europe. If this is the forerunner of a cold winter in Europe, then we can expect increased European demand for our Peas and Lentils.

Primarily because of the mild winter last year, the United Kingdom, for example, imported only 57.4 million pounds of Peas as compared to 80.9 million pounds in 1969–70. Weather has a tremendous effect on eating habits, and cold weather greatly increases consumption of our products.

Unfortunately, it seems to be the opinion of people in ocean shipping that at the end of the 80 day cooling off period, the longshoremen will again quit work. If this happens, our industry will again be hard hit, especially when one considers that on October 31, the stocks on hand of Peas was 345.5 million pounds against 254.9 million pounds on October 31, 1970.

Some constructive action is needed to forestall another long period of inactivity in shipping abroad.

Very truly yours,

H. J. ROFFLER.

[From the Wheat Growers News, Nov., 1971]

TAFT-HARTLEY INTERRUPTS 3-MONTH DOCK STRIKE—WEST COAST PORT TIE-UP COSTS GROWERS MILLIONS

An estimated $88 million worth of Pacific Northwest wheat that would normally have been exported to the Far East remained in storage or on the ground while longshoremen tied up West Coast ports from July 1 until President Nixon invoked the Taft-Hartley Act in early October.

With grower groups, Wheat Commissions and Western Wheat Associates standing by virtually powerless to do anything about the crippling walkout, export sales went to competitors in Canada, Australia and U.S. growers shipping from Gulf ports. The Idaho Wheat Commission and Idaho Transportation Council kept in close touch with the adversaries in strike negotiations and made an intensive effort to alert government officials and the public on damages being inflicted on wheat growers and the Idaho economy.

President Nixon moved to halt the West Coast strike when, on October 1, longshoremen on the East Coast and Gulf also walked out. After a few days of hesitation, the President invoked provisions of the Taft-Hartley Act to meet what was then considered a national emergency.

The Idaho State Wheat Growers Association board of directors, meeting in Boise on October 1, sent a telegram to the President, urging him to use the powers of government in bringing some relief to hard-pressed Western agriculture.

About this same time, news media in Idaho and other Northwest states began recognizing the strike's impact on the inland economy, and editorials started appearing in support of the grower position.

A few days after the Taft-Hartley action began, Western Wheat Associates delegates met in Lewiston, and Executive Vice President Dick Baum reported the first WWA estimates of damages inflicted on Northwest wheat growers by the three-month-long port tie-up.

During the same three months of 1970, Baum explained, about $88 million in wheat exports went to buyers in Japan and other Far Eastern countries. This represented a total of 54.7 million bushels.

Baum guessed that 20 to 25 million bushels of the loss could be recovered, thus leaving total damages from the strike amounting to perhaps $48 million or more.

Idaho Wheat Commission Administrator Harold West added that growers will also be hit for losses as a result of depressed prices, carryover stocks and damages resulting from improper storage.

Western Wheat officials cautioned that West Coast ports are not operating yet under normal conditions and probably will not until a settlement is reached. Disgruntled longshoremen have so far made no effort to get port operations back to full capacity, so there is been no opportunity to make up for huge strike losses. There is also a danger of the walkout resuming at the end of the Taft-Hartley 80 days cooling off period.

Observers are now concerned about the strike's long-term effects on exports. Confidence built up with foreign buyers over the years has been undermined, and trade relationships have been further complicated by extended tariffs on goods imported by the U.S.

BILL TO EXEMPT THE BASKETBALL LEAGUES FROM ANTITRUST LAWS

Mr. ERVIN. Mr. President, during recent weeks I have presided over the hearings of the Antitrust and Monopoly Subcommittee of the Senate relating to the bill to exempt the basketball leagues from antitrust laws. I ask unanimous consent that the following articles and editorials related to these hearings be printed in the body of the Record:

First. An editorial entitled "Ervin Eyes Professional Sports", which appeared in the Durham, N.C. Morning Herald for September 28, 1971.

Second. An article by John F. Steadman entitled "Senator Ervin No Puppet for Pro Basketball," which appeared in a recent issue of the Baltimore, Md., News and other newspapers.

Third. An article entitled "Ervin Terms Merger Plan Worthy of Racketeers' Envy," which appeared in the Washington Post for November 16, 1971.

Fourth. An article entitled "Congress vs. Sports," which appeared in the New York Times for November 22, 1971.

There being no objection, the articles and editorials were ordered to be printed in the Record, as follows:

[From Durham (N.C.) Morning Herald, Sept. 28, 1971]

ERVIN EYES PROFESSIONAL SPORTS

Sen. Sam J. Ervin Jr., D-N.C., has given the professional sports organizations something to think about in his promise to try to put in an amendment to place major professional sports under federal control if legislation to relax antitrust laws for merger of the American and National Basketball Associations reaches the Senate floor.

The amendment would create a federal athletic commissioner to regulate baseball, football, basketball and hockey. Also, Senator Ervin has said he has in mind regulations dealing with the common draft and option clause which limit a player to negotiate with only one team and bind him to it. In addition, he would support legislation outlawing television blackouts of sold out games in cities where they are played.

Senator Ervin, a champion of individual rights, has charged that the basketball merger proposed would lead to the "economic enslavement" of the players. And he has argued that if Congress relaxes the antitrust laws to permit merger, "It should have the right to determine such things as rates of return, ticket prices, territories, and it should supervise the draft of new players."

Also, "If the owners of professional sports teams ask to be treated as a monopoly, they should expect government regulation. Otherwise, the federal government, without any strings, is giving a handful of extremely rich men millions of dollars and giving them the right to drop chains around the neck of every professional basketball player and potential player in the nation."

Senator Ervin has raised pertinent points concerning special privileges professional sports enjoy, as in baseball (granted immunity by the Supreme Court in 1922) and football (congressional approval of a merger in 1966), and as is now sought in the proposed basketball merger.

Professional sports are big business enterprises, he has pointed out, and numerous questions are to be asked about their operations, with what he has termed "modern peonage" for players at the forefront. It would be good to see a full-scale review of professional sports, to see the issues put in better perspective.

In the foreseeable future, however, federal control of professional sports would appear to be a highly unlikely prospect. Much valid argument against such a move could be presented. But Senator Ervin has spoken a warning not to be taken lightly by professional sports.

[From Baltimore (Md.) News]

SENATOR ERVIN NO PUPPET FOR PRO BASKETBALL

(By John F. Steadman)

If the other 49 states aren't careful, there's going to be a mad rush to North Carolina just so the citizens can brag on having a certain elected official who isn't the star of a trained-seal act.

They have a venerable and courageous senator from there by the name of Samuel J. Ervin, who may not be able to identify a basketball from a pumpkin but is showing he certainly ain't no country bumpkin when it comes to searching out the facts.

Senator Sam is acting chairman of the Antitrust and Monopoly Subcommittee and, thus, is sitting in judgment of the attempts by the two professional basketball leagues to bring about a merger.

In the past, some of our legislative trustees in government have been nothing more than bowing, obedient heroworshippers any time some smooth-talking linguist came in from the world of sports to ask for special legal exemptions as pertains to the laws of the land.

It got so you wondered if they had been promised free tickets, tips on the stock market, or were taken out to lunch, the way some sports writers can be handled when it comes to getting them to go along with opinions favorable to management.

But it's obvious at this point in the discussion that Senator Sam is not a company man. He's for the country and what's best for the masses.

Ervin has listened to the testimony from the basketball franchise owners. They are crying the blues, naturally, over losing money because the players have the right to use one league as a bargaining tool against the other.

The owners want to get Federal permission to merge so their game will be all the more accommodating in fulfilling their financial desires.

Professional management is contending that if it doesn't get the green light to bring the National Basketball Association and the American Basketball Association together that it will go broke.

So right now it's sending up distress signals. Crying towels are all over the place.

GREATER NEEDS ELSEWHERE

Ervin is listening but he's not too impressed. He knows all about poverty programs and believes there's more need for help in Appalachia than in major basketball arenas.

Since the basketball moguls have been asking for merger permission, Ervin has wanted to know why and his questioning has been more than superficial. He's putting an elbow in their ribs and blocking them off under the basket, so to speak.

Ervin has asked the 28 pro basketball owners to provide their personal income tax records so he can check on their claim that a merger is an economic necessity.

But the counsel for the opposition pointed out that in the past Congress only asked for such statements from racketeers . . . hoods . . . the element.

So what did Ervin next tell them?

"Attempting to hide behind the defense that Congress looks only at income-tax returns of racketeers is laughable and it is irrelevant when you consider that the basketball owners are asking for control over the lives of human beings that would make a racketeer green with envy that he hadn't thought of the scheme first."

Ervin said he keeps reminding his fellow members of the Senate that the owners are afraid of the truth.

"They feel they can come to Congress and pat us on the head like little boys and tell us any story they please," said the straight-talking, two-fisted Democrat who is certainly not a patsy.

The North Carolina lawmaker, who was one of this country's most decorated soldiers in World War I, had some other pertinent things to say.

"They (the owners) base their request, an antitrust exemption on economic necessity; that is they say their teams are losing money.

"I am not sure this is the legitimate concern of Congress because I don't believe that is our function to bail out every business that is losing money in this country."

OWNERS CREATED OWN PROBLEMS

Ervin is right on the target. The Congress didn't request the owners of franchises in the ABA and NBA to organize teams. They went in of their own volition.

Now that the players' salaries have gotten to astronomical heights they are begging for a merger. And who allowed the contracts to climb?

Why, the same owners who are asking for government relief. They played Santa Claus to the boy athletes and now they want Congress to come to their rescue.

Senator Sam Ervin likes sports. But he doesn't want to hear a lot of crying and pleading for a cause that to him has weak and questionable merits.

When it comes to oratory and sharp infighting, Ervin is no pushover. He knows that the basketball owners will "cop a plea" to get what they want.

Right now, Senator Sam ain't buying their story. That's why he suddenly slammed the gavel and postponed the hearings until next year for what he said was "pressing business in the Senate."

It's maybe only the end of the first half but Ervin has played strong defense. The owners haven't even gotten within shooting distance of their goal.

[From the Washington Post, Nov. 16, 1971]

ERVIN TERMS MERGER PLAN WORTHY OF RACKETEER'S ENVY

(By Mark Asher)

Sen. Sam Ervin (D-N.C.), a staunch advocate of the bargaining rights of players opposing the pro basketball merger, declared yesterday that terms of the proposed merger "would make a racketeer green with envy that he hadn't thought of the scheme first."

Acting chairman of the Senate Antitrust and Monopoly subcommittee, Ervin resumed hearings on the proposed NBA-ABA merger with the owners proclaiming that the merger—and its resulting common draft—was "in the public interest."

"With the exception of the United States government, which can draft people to serve in the armed forces, there is no other business that can draft employees except professional sports," Ervin said.

ERVIN VS. OWNERS

"Now a man can get two bids—one from each league," the senator added. "You say you're doing this for the benefit of entertainment in the public interest. That's exactly what they said in Rome when they threw the Christians to the lions."

The day's testimony, starting at 10 a.m. and ending at 6:15 p.m. with five recesses for roll-call votes on the Senate floor, was mainly a standoff between Ervin and the owners. And Ervin, with intensive and repetitive cross-examination, left little doubt that he was perturbed with the owners' refusal to produce personal income-tax records for him.

Only three of yesterday's seven witnesses were heard. Today's scheduled hearings were postponed because the full Judiciary Committee has scheduled a meeting. The owners suffered a setback when Ervin said the hearings could not be reconvened before the first of the year.

Former Sen. Thomas Kuckel, counsel for the owners, called the postponement "a grave additional problem" as the owners seek passage of legislation that would enable them to merge in time to hold a common draft of college talent and avoid another bidding war for untested rookies. The draft is usually held in March.

As acting chairman of the subcommittee, Ervin has the power to schedule the next round of hearings and Capitol Hill sources noted it is up to the North Carolina senator when, or if, the subcommittee votes on the bill.

TAX RECORDS SOUGHT

Ervin wants the 28 pro-basketball owners to provide their personal income-tax records to back up their claim that a merger is a economic necessity. He has asked for them three times and been turned down on each occasion, Ervin said.

The owners claim that in the past only racketeers were asked by the Judiciary Committee for personal income tax records. Ervin produced examples of precedent.

Wendell Cherry, owner of the Kentucky Colonels, testified he would make his personal income-tax return available, but that he could not speak for others.

Cherry also produced a profit-loss statement for the Colonels that showed losses of $466,747 in fiscal 1970 and $526,104 in fiscal 1971, plus projected losses of $402,837 for fiscal 1972.

$20 MILLION LOSS CITED

If the merger is not allowed, "you've signed the death warrant of the ABA," Cherry said. Economist Robert Nathan, testifying in behalf of the owners, said the 11 ABA teams had lost more than $20 million cash in four years.

Commissioners Walter Kennedy of the NBA and Jack Dolph of the ABA and owner Abe Pollin of the Baltimore Bullets did not get to the witness chair, for the second straight set of hearings.

Nathan testified that Earl Foreman, owner of the ABA Virginia Squires, and Arnold Heft, an area builder, each made a profit of about $400,000 when they sold their one-third interest in the Bullets to Pollin in 1968. The three men bought the team in 1964.

[From the New York Times, Nov. 22, 1971]

CONGRESS VS. SPORTS: FIVE BASIC ISSUES ON ANTITRUST THEME, FACE LEGISLATORS AFTER LONG HEARINGS

So far during 1971, at least 18 bills have been introduced in Congress to deal with some anti-trust aspect of professional sports. When duplications and consolidations are worked out, five issues will remain to be considered:

Should baseball lose its special status as the only sport not subject to the Federal antitrust laws?

Should a merger of the National and American Basketball Association be permitted?

Should television practices now permitted, such as the local blackout, be continued?

Should all the traditional monopolistic privileges sports has enjoyed, including reserve-option control of players and player drafts, be made specifically legal?

Should there be a Federal boxing commissioner?

Of the five subjects in which Congress has shown interest, the first is under fire from two directions. The Curt Flood suit, accepted by the Supreme Court for consideration next year, is on exactly that question: Should the special exemption granted baseball by a Supreme Court ruling in 1922 be extended or removed?

Whatever the court rules, of course, a specific law passed by Congress will take precedence.

MORE HEARINGS NEXT YEAR

The second question, concerning the basketball merger, has received most attention. There have already been two rounds of hearings before a Senate subcommittee headed by Senator Sam J. Ervin, Democrat of North Carolina, and more are scheduled for early next year.

Considerable light has been shed in these hearings on the larger issues of sports-in-general and most illuminating of all is the particular road block the merger has run into.

The National and American basketball associations have made it their main argument that only a merger can save several teams from financial collapse, because competing for top players (especially rookies) is too costly.

Congress tends to be receptive to such a plea, because "the public interest" is served by having a big league sport continue to function in the largest possible number of cities.

But in trying to prove that they face financial hardship, the basketball club owners have put themselves into a box by making the figures they submitted too convincing: Taken at face value, their financial statements indicate that many teams can't survive even with a merger.

The figures show that for "rich" clubs, the increase in player costs over the last four years (since competition began) does not threaten their financial stability; but that the increase for "poor clubs" is not the determining factor either.

In other words, the financial picture given of "poor" clubs is such that they wouldn't be succeeding even if their player costs were drastically reduced.

And the only significant way "weak" members could gain from association with "strong" members would be if the total number of teams were smaller. With 28 teams, the "hot attractions" can't possibly visit the weak spots often enough to put them in the black; with 16 to 20 teams, there would be a better chance, since only the "weak" ones would have gone out of existence and the proprotion of "strong" teams left would be much greater.

But reducing the number of teams is exactly what Congress is against—and exactly what the merger is supposed to prevent. By the end of last week's hearing, the key questions being put by Senator Ervin and Senator John Tunney, Democrat of California, who is a co-sponsor of the bill to permit the merger, were:

If your financial plight is so bad, can you really be saved by being allowed to merge? And if the weak can't be saved, but only the strong made stronger, what justification is there for having the United States Government grant an antitrust exemption to one group (club owners) at the expense of another (players)?

HARD QUESTIONS TO ANSWER

The questions seem hard to answer. There are only two possible ways, even theoretically, that a merger could help "poor" clubs. One would be a really drastic—50 per cent or more—reduction in player salaries. The other would be increased income from association with "strong" teams. But the owners say that wouldn't do the first (and if they tried, they would merely provoke a players strike); and the second, to be meaningful, involves reducing the number of teams. Neither course is palatable to Congress.

What is true in basketball is true, in varying degrees, in all sports. The other two sports issues that generate heat in the halls of Congress—franchise shifts and television policies—are intimately related to the question being pressed hardest by Senator Ervin. He wants to know the real financial picture in major sports, as distinct from the self-selected statements of teams pleading for special consideration, and he is seeking income tax information to get that picture.

Here is a summary of the bills introduced this year:

House of Representatives—Four bills to include baseball specifically under the Sherman Antitrust Act; Two to forbid pro football telecasts on Friday night and Saturday in competition with high school and college games; four to permit the basketball merger; two to place all sports specifically under the Sherman act; one to put all sports under the Sherman act, but to specifically permit reserve-clause, exclusive franchise and other traditional arrangements; one to create a Federal Commissioner of Boxing.

Senate—Two bills to place baseball under the Sherman act; one to forbid local television blackouts for any event that is sold out at the gate; one to permit the basketball merger.

LEONARD KOPPETT.

THE COMMITTEE OF CONCERN

Mr. PACKWOOD. Mr. President, the Committee of Concern, presided over by Gen. Lucius D. Clay, U.S. Army, retired, is an organization held in high regard in this country whose credentials are beyond repute. Recently they have focused their attention on the plight of the Jewish Community in Syria. The Committee of Concern has issued a "Statement of Concern" detailing many of the problems faced by Syrian Jewry.

I ask unanimous consent that their "Statement of Concern" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMITTEE OF CONCERN

STATEMENT OF CONCERN

The distressing and increasingly alarming reports which we have received in recent days from most reliable sources concerning the threat to the survival of the remnants of Syrian Jewry prompts us once again to speak out. Following are details concerning the plight of the Jewish community in Syria:

1. The Syrian authorities are holding in jail twelve young Syrian Jews, charged with having attempted to flee the country. The names of eleven of them are: Isaac Hamra, Sheila Hamra, Misses Badio Dibbo, Boukehi, Melles and Yachar; Messrs. Abdo Saadia, Simon Bissou and Azur Blanga. The last named is 27 years old and was arrested with his wife (24) and his four year old son. The others are all believed to be in their late teens or early twenties.

2. The Syrian security police have interrogated the relatives of the twelve Jews and the relatives of others who have either succeeded in fleeing the country in the past or who were suspected of planning an escape and going to Israel. There are reports that they have been interrogated under torture and held under strict solitary confinement for periods up to three months.

3. All who have been released after confinement are, without exception, reported to be physically ill or bodily maimed or mentally deranged. Jews who did succeed in escaping to Israel or other countries in the free world report that those who have fallen into Syrian hands are being subjected to electrical torture, the ripping off of fingernails and cigarette burns on various extremities of the body. Jewish girls have been abducted, raped and thrown naked into the streets of the Jewish ghetto in Damascus. Recently, Jewish homes were set on fire in the Damascus Ghetto.

4. The desperate attempts of groups of Jews to flee the country are prompted by the cruel conditions to which the community has been subjected for years. Among the restrictions imposed upon the Jews of that country are:

a. A total ban on Jewish emigration. Jews are also forbidden to leave the country for visits to relatives or for medical treatment. Moslem Syrians are readily able to visit neighboring countries; and more than 500,000 Syrians have visited Lebanon thus far this year. Moreover, the property and assets of Jews who succeed in fleeing Syria are automatically confiscated.

b. Even within Syria itself, travel by Jews is restricted to three kilometers from one's home address. Further movement requires a special permit which is generally not granted.

c. Distinctive Jewish identity cards are marked with a red stamp, "Member of the Mosaic faith."

d. Prohibition for employment in government offices, public bodies or banks. Except for doctors and pharmacists, Jewish professionals are banned from practice.

e. Other restrictions on the normal conduct of their personal lives, such as non-installation of telephones and non-issuance of new driving permits.

f. The authorities have turned over houses in the Jewish quarter to occupation by Palestinian Arabs who harass the remaining Jewish residents in the section.

g. A Higher Committee for Jewish Affairs (composed of representatives of the Interior Ministry and the security services) maintains a constant surveillance over the Jewish community and carries out frequent arrests interrogations and sudden house searches invariably at night.

h. Jews are prohibited from selling their houses or other real estate. Also, army personnel and government employees may not make purchases in Jewish owned stores.

i. When a Jew dies, his property is transferred to a Government authority for Palestinian Affairs. His family must then pay rent for the continued use of the home or business property.

j. Jews have become convinced of the futility of bringing petitions against Moslems to the law courts, since the rulings are always in favor of the latter.

k. Most Jews who worked for Moslems have been dismissed without compensation. Most Jewish vendors have had their licenses revoked. The majority of the community has been reduced to abject poverty.

l. Jewish schools have been taken over by the state. Moslem principals have been appointed and Jewish religious studies have been drastically reduced. General school examinations are now always held on Saturday, the Jewish sabbath. Only a very few Jews are permitted to pursue university studies.

m. The Jewish cemetery in Damascus has been almost entirely destroyed and a highway has been built through it. The petition for a new cemetery has been turned down and in the small area that remains, graves have to be opened to accommodate new burials.

We call on the Syrian authorities to cease their persecution of the Jewish minority, to free those unjustly imprisoned and to permit those Jews who wish to emigrate to do so.

Mr. PACKWOOD. Mr. President, for too long the Jews of this world have been discriminated against by almost every other major religion. The history of man's inhumanity to man throughout the world can be seen in microcosm in the history of the treatment of the Jews. If the "Statement of Concern" that I have placed in the RECORD accurately describes the unconscionable treatment of a small minority in Syria, then we have indeed learned nothing from the history leading up to World War II. For how long must a relatively small religion be made to suffer in this world because of imagined wrongs by the rest of us in which the Jews have had no hand in creating. I pray that we do not replay in Syria the same scenario of discrimination the world has watched too often.

In fulsome disgust we justifiably declaim the discrimination against blacks by whites in Africa, against Bengalis on the Indian subcontinent. The least we can do in this litany of wailing is to extend our protection to the Jews of Syria who ask nothing more than to live and let live.

PROTECTION OF AMERICAN SHIPPING

Mr. McGOVERN. Mr. President, I note with some concern and consternation that last week the House passed a bill, H.R. 11589, which would authorize the sale of five U.S. passenger ships to foreign buyers. I believe that this was a hasty action and I urge my colleagues in the Senate to give serious consideration to some of the adverse implications to our own merchant marine and to the economy in general if the sale as authorized by H.R. 11589 is consumated.

The disposal of these five ships at cutrate prices will have an unfavorable effect on American citizens in two ways. First, it would dissipate their tax dollar commitment in the ships. Second, it would replace American seamen with foreign seamen and contribute all fares from American passengers to foreign economies, thereby adversely effecting our balance of payments. This does a disservice to the American taxpayer and to American seamen.

A portion of the American shipping industry has unfortunately given up on making the cruise business a paying proposition. But there is no reason why American ingenuity and enterprise could not devise an effective course of action which would result in our merchant fleet recapturing a fair share of the seagoing vacation trade.

I hope that every effort will be made to find American buyers for these ships and that diversified uses for them will be explored. Let us not foreclose an alternative until all possibilities to keep the five merchant marine ships flying under the American flag are exhausted.

REHABILITATION OF PRISONERS

Mr. MATHIAS. Mr. President, earlier today it was my privilege to attend the National Conference on Corrections now in session in Williamsburg, Va. This is the first time that we have attempted to bring together representatives of all the public agencies that relate to prisons and the rehabilitation of prisoners. The fact that over 40 percent of all crimes are committed by second offenders is clear warning that our present penal system suffers from a high rate of failure. The fact that over 98 percent of all prisoners return to society makes it imperative that our correctional system be improved to save society from this biggest single source of crime as well as for the sake of the prisoners themselves.

A comprehensive program initiated by President Nixon should bring early and substantial help. That plan was both explained and expanded by the Attorney General in addressing the Corrections Conference. The problem is so urgent, the solutions advocated by Mr. Mitchell so promising, and the necessity of public understanding so great that I ask unanimous consent to have printed in the RECORD the speech made today in Williamsburg by the Honorable John N. Mitchell.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW DOORS, NOT OLD WALLS

(An address by John N. Mitchell, Attorney General of the United States)

Let me join the others in welcoming you to this National Conference on Corrections. As many of you know, this conference stems from the continuing concern over prison reform by the President of the United States, and is a part of the national corrections program that he set in motion two years ago.

In 1969 President Nixon directed his Administration to pursue correctional reform along 13 specific avenues. He also appointed a Task Force on Prisoner Rehabilitation, which made a number of significant recommendations in April 1970.

Together, these directives and recommendations represent the most determined and comprehensive approach to corrections ever made in this country. I refer not only to Federal corrections, but insofar as the Federal Government can provide funds, training and leadership, this approach is a Magna Carta of prison reform for all levels of government.

We are here to review how far we have come in implementing the reforms already proposed by the President and others, and to chart a course over the vast sea of problems remaining.

Until the last two years, it could be said of prison reform what Mark Twain is supposed to have said about the weather: "Everybody talks about it, but nobody ever does anything about it."

Some of the talking was done at a National Congress on Penitentiary and Reformatory Discipline, meeting in Cincinnati. Among other things, it recommended that:

The prime goal of prisons is not to punish, but to reform.

Prison personnel should be much better trained and developed to professional status.

Prisoners should be classified and treated appropriately and separately.

They should be handled with incentives and moral suasion, not physical punishment.

They should be given hope of reduced sentence and parole for good behavior.

Their academic education and vocational training should receive primary emphasis.

They should be helped to find their way in society after release.

When were these enlightened ideas proposed? Not last month or last year, but in 1870—more than a century ago.

Forty years ago a National Commission on Law Observance and Enforcement, known as the Wickersham Commission, devoted an entire volume of its report to the subject of corrections. Among its recommendations were the very same ones that had already been recommended in 1870.

Nearly five years ago a President's Commission on Law Enforcement and Administration of Justice devoted a chapter of its final report to corrections. Among its recommendations were ones previously made in 1870 and 1931.

What was the result of this century of recommendations?

In state after state, most of the prisons have no programs for correcting the prisoner. Only a fraction of inmates in the country are exposed to such programs.

Only from 10 to 20 percent of all prison system budgets in this country is spent on actual programs to correct the inmate; the rest is spent on custody and administration.

Only 20 percent of institutional personnel are assigned to correctional-type programs.

In many states, first offenders are mingled with hardened criminals; in many cases, juveniles are mingled with adults.

In any other profession this kind of neglect would be unthinkable. How would we react if a hospital put accident victims in the Communicable Diseases Ward—and at that, a ward in which the patient received a bed, but no treatment? We should be just as appalled at the situation in many of our prisons today. Little wonder that, in sounding the call for prison reform, President Nixon declared, "The American system for correcting and rehabilitating criminals presents a convincing case of failure."

There are, of course, some outstanding exceptions. But in characterizing most American prisons I need only use the same language that the Wickersham Commission used 40 years ago:

"We conclude that the present prison system is antiquated and inefficient. It does not reform the criminal. It fails to protect society. There is reason to believe that it contributes to the increase of crime by hardening the prisoner."

Today we have figures to confirm that belief. According to the FBI, those arrested on Federal criminal charges in 1970 had an average of four prior criminal arrests and an average of nearly 1½ convictions at the local, state or Federal level. The nearly 38,000 arrested on Federal charges in 1970 had a total of more than 22,000 prior imprisonments of six months or longer in one type of institution or another.

These and many other studies with similar results should not surprise us. It is as simple as the words of the novelist, Dostoyevsky: ". . . neither convict prisons, nor prison ships, nor any system of hard labor ever cured a criminal."

The fact is that other trends in American life are going to make this corrections problem even more pressing in the future. The trend toward improved law enforcement systems will not only deter crime in the long run, but in the near term one of its effects should be to increase the arrest rate. Moreover, if the court reform movement proceeds as we hope, it will speed the prosecution of more defendants. Together, these two factors will send many more offenders through the criminal justice system, thus putting added strain on the corrections program.

We must be prepared for this new wave of offenders coming into the prison system—ready not just with added beds and benches, but ready to make the most of an opportunity to reach a larger number of offenders with modern corrections techniques.

At the same time, the rising level of education in the United States is leaving a bigger gap between the undereducated offender and society at large. So our job training and educational programs in the prisons must be pushed even harder to keep up with successes in other aspects of society.

Recognizing that there are many successful corrections programs by various jurisdictions, I would like to examine briefly the particular program developed in response to President Nixon's directions two years ago.

First, the President's program has received growing financial support from Congress, thanks to some dedicated leaders in the corrections crusade such as Senator Roman L. Hruska of Nebraska. Funds specifically earmarked for corrections, over and above the other corrections grants, have been added to the program of the Law Enforcement Assistant Administration, part of the Department of Justice.

Second, in 1970 the Inter-agency Council on Corrections was created to focus the work of all relevant Federal agencies on prisoner rehabilitation. This consists of representatives from a dozen agencies within the Departments of Justice, Labor, Defense, and Health, Education, and Welfare, as well as from the Department of Housing and Urban Development, the Office of Economic Opportunity, and the U.S. Civil Service Commission.

Third, the United States Board of Parole was reorganized in 1969 to enable Parole Hearing Examiners to conduct many of the hearings in correctional institutions across the country. This permits the Board members to devote more time to the decision-making process and to hold more appellate reviews.

Fourth, the Federal Bureau of Prisons within the Department of Justice developed a comprehensive 10-year master plan to improve the effectiveness of the Federal Prison System and hopefully to make it a model of correctional endeavor for other agencies in this country to follow. This plan emphasizes individualized treatment and community orientation. The Bureau has already made a good start in achieving these goals, particularly in two vital areas—personnel training and new facilities.

The first regional staff training center was opened last January. It provides professional training to develop the correctional officer as an agent for change rather than as primarily a custodian or keeper. The second regional training center will be opened the first of this coming year, and three more are planned for the future. As soon as possible, these facilities will also be made available to state and local correctional personnel.

This month the Bureau plans to break ground for its first Metropolitan Correctional Center in New York City. This multipurpose facility will provide pre-sentence and post-sentence short-term detention, diagnostic service to the courts, pre-release services to offenders returning to the city from other institutions, and correctional services for parolees and probationers. Construction will begin on a similar center in Chicago in June 1972, and six other centers are scheduled for urban areas where the need is most acute.

Construction will begin early next year on a facility unique in correctional practice. This is the Behavioral Research Center at Butner, North Carolina, which will provide treatment for and research on special groups of offenders, including the mentally disturbed. And in the fiscal 1972 budget, Congress provided for construction of a West Coast complex of facilities in four metropolitan areas to provide better correctional techniques for youthful offenders.

Fifth, the Law Enforcement Assistance Administration has greatly increased its funding for correctional aid to the states and localities. In fiscal 1971 this reached $178,000,000, which included more than $47 million in Part E funds that Congress, for the first time, especially earmarked for corrections, at the urging of President Nixon. This Part E funding has been more than doubled in the current 1972 fiscal year, bringing the total LEAA funding for corrections in this current year to nearly a quarter of a billion dollars. For the first time, substantial funds are available for a coordinated program to bring American penology into the 20th Century.

From its inception, the entire LEAA corrections program has had a common theme—preparing the offender for assimilation into society. One reason is that community-based programs are within the financial reach of the Federal assistance program and of the states and localities. If these correctional programs are as successful as we hope, we may not need to build all the new facilities that now seem to be required by the antiquated condition of most penal institutions. Some funds are being used for construction, but on a very selective basis which emphasizes corrections, not just detention. Already, as a result of LEAA funding, we can see some visible areas of progress. To cite only a few:

Kentucky has begun its first organized pre-release program for prison inmates.

Arizona has begun treatment programs in county jails.

Michigan is developing a million-dollar model program to treat young offenders in community-based programs.

Missouri is opening 12 new community treatment centers for offenders and ex-offenders and 36 group homes for juveniles.

Louisiana is building a state institution for women and two regional centers for offenders.

Indiana has opened two new regional centers for juveniles in the past two years and will open four more.

Florida is implementing a major probation program for juveniles directed by the state.

New York is launching a massive series of professional training programs for existing correctional personnal at all levels.

Those programs are only a fraction of the whole picture.

Last fiscal year LEAA put over $2 million into job training and placement programs operated by private industry.

LEAA has also made direct grants to cities and counties to finance community treatment centers, narcotics and drug treatment, job placement, juvenile probation, work release, group homes, rehabilitation of alcoholics, halfway houses, volunteer aid programs, psychiatric care, and a host of other offender rehabilitation efforts.

We are also aware that many states need technical advice on how their facilities need improving, and even on how their new buildings should be designed to make maximum use of modern correctional methods. I am able to announce that, to meet this need, LEAA has funded a National Clearinghouse for Criminal Justice Architecture at the University of Illinois.

Professional assistance in planning and implementing education programs for inmates is also a need of many states and localities. For this purpose I am today directing LEAA to establish a National Clearinghouse for Correctional Education, using such funds as are now available for its initial phase of development. This Clearinghouse will give technical help, including curriculum planning and classroom and correspondence course materials, to correctional agencies establishing education programs for primary through college level.

These are only a few highlights, and they do not include numerous research programs to advance the science of corrections.

Already, because this large LEAA funding is now available, state and local correctional administrators have begun to press for change. They are documenting their needs, with new confidence that those needs will be met. No longer are they voices in the wilderness.

In addition, other Federal agencies are providing strong support. At three Federal institutions, the Office of Economic Opportunity has funded programs to prepare selected inmates for advanced educational opportunities. A number of vocational training courses for handicapped inmates have been sponsored by the Rehabilitation Services Administration of HEW. The Manpower Administration of the Department of Labor has made numerous grants to provide occupational training for inmates of Federal, state and local institutions. And the Manpower Administration is also participating with United States Attorneys and the Federal Courts in a program to provide jobs and correctional guidance to selected defendants, without trial.

Recently, steps have been taken to bring even closer coordination of Federal and state corrections programs.

A National Advisory Commission on Criminal Justice Standards and Goals, chaired by Governor Russell Peterson of Delaware, has been established by LEAA. Among the standards it will consider and establish are those for corrections. I trust that when these are forthcoming, correctional institutions at all levels will give them the most serious consideration, to the end that all such American institutions can work toward the same goals.

In addition, the cabinet heads of the Departments of Justice, Labor, and HEW last week joined in sending a letter to the governors of all states and territories, offering fresh technical and financial assistance in a coordinated Federal-state program for correction of offenders. Grants for preparation of plans will be made to all participating states before the end of this fiscal year. Some time in February the representatives designated by the Governors will meet with Federal officials in Washington to agree upon guidelines for the program plans. The result will be that the states can make comprehensive plans with the assurance that they will receive substantial Federal financial support starting in fiscal 1973.

So we have here the first major step in articulating and implementing a national program—Federal, state and local—on the correction of offenders. I hope that your deliberations here will provide a body of professional recommendations that will guide state and Federal planners.

In short, a number of factors have combined to give us the best opportunity in this century to bring some genuine reform to the most neglected aspect of our society.

We have concerned and enlightened leadership—a President who has made prison reform one of the priorities of his Administration.

We have significant funds available and a viable program for allocating them.

We have some outstanding examples of progress in both state and Federal prison institutions.

We have a higher level of public support than ever before.

For the first time, we can mount a national corrections program that does not simply repair old buildings, and is not based only on old concepts of restraint and deterrence. Instead we can make use of the imaginative corrections principles that have been advocated for at least a century.

More than this, we can be bold enough to consider new ideas. Let me close by sharing just a few with you.

First, as you know, the need for better training and common performance standards among correctional officials is shared by all government levels. In this connection I am today directing the Federal Bureau of Prisons and the LEAA to work with the States and localities in establishing a National Corrections Academy. This would serve as a national center for correctional learning, research, executive seminars, and development of correctional policy recommendations. It would cover the whole range of correctional disciplines, from the new employee to the management level. Besides giving professional training of the highest quality, it would provide a continuing meeting ground for the exchange of advanced ideas on corrections. I believe it will be the most effective single means of upgrading the profession and assuring that correction is more than a euphemism for detention. I hope that the members of this Conference will give us the benefit of their ideas on implementing this Academy in the most effective way.

Second, I call upon all agencies to increase minority employment among professional correctional personnel. In my opinion this would greatly increase the effectiveness of counseling and guidance at all stages of the corrections process. Practically all prison systems, including the Federal system, have a long way to go in this record. I am pleased to report that the Director of the Federal Bureau of Prisons has directed all 28 Federal institutions to work toward a goal of one-third minority employment in all new hiring. I urge corrections institutions at all levels to make an extraordinary effort to find and recruit minority personnel—not only because it is the law, not only because it is fair, but because it can genuinely benefit the corrections process. LEAA is already funding a program to aid police departments in increasing their proportion of minority officers, and I am today directing LEAA to expand this program to include the same aid for correctional systems.

Third, let us recognize that correction should begin, not with the prisons, but with the courts. Let us ask whether in every case we need to achieve "the object so sublime" of the *Mikado's* Lord High Executioner—"To make the punishment fit the crime." In many cases, society can best be served by diverting the accused to a voluntary community-oriented correctional program instead of bringing him to trial. The federal criminal justice system has already used this formula in many juvenile cases—the so-called Brooklyn plan. I believe this program could be expanded to include certain offenders beyond the juvenile age, without losing the general deterrent effect of the criminal justice system. I am therefore directing the Executive Office of United States Attorneys and the Criminal Division of the Justice Department to study the feasibility of enlarging the area of criminal cases in which the prosecutor might be justified in deferring prosecution in favor of an immediate community-oriented correctional program.

Finally, I propose for your consideration a more general problem—the need to elevate public attitudes toward the releasee. Studies have shown an appalling resistance to hiring ex-offenders, even by many governmental agencies at different levels, thus frustrating other efforts at correction. Some state laws prohibit the hiring of ex-offenders by government agencies, however well adjusted or corrected they may be. When such a releasee is thus denied the means of making an honest living, every sentence becomes a life sentence. The attitude of each citizen toward salvaging offenders as valuable human beings is one of the obvious cases covered by the popular saying, "If you're not part of the solution, you're part of the problem."

It is my hope that as the rehabilitation approach to penology begins to work, the public will begin to change its archaic feeling about ex-offenders. The public's predominant impression of penology will be, not of old walls, but of new doors. And this in turn can be the final breakthrough in the centuries-old battle to reclaim and assimilate the ex-offender.

Winston Churchill once said that attitudes toward the treatment of criminals are "one of the unfailing tests of the civilization of any country." Let us do all in our power to assure that our country may yet be able to meet this test, not in shame, but with pride.

Ladies and gentlemen, I wish to thank you for your participation in this Conference. We are counting on your counsel as we enter a new phase in a national correctional program, and I trust that your dedication to this cause will produce some truly inspired guidance that is equal to the challenge.

CONFERENCE ON CAMPAIGN REFORM LEGISLATION

Mr. SYMINGTON. Mr. President, Congress has made a valiant effort this year to reform our campaign laws, and I hope that effort will not be wasted in legislation that offers less than the promise of meaningful reform.

The Senate and the House have approved somewhat different versions of the Federal Elections Campaign Act of 1971, and these bills are now in conference.

To a considerable degree the campaign reform measure approved by the Senate relies on publicity to accompany the disclosure of campaign finances as an indirect but a potentially effective means to counter the influence of money and to reduce the pressures on candidates to obtain and spend heavy amounts of money.

A central element in that Senate concept is the creation of a Federal Elections Commission to administer and enforce the proposed new requirements for disclosure of campaign finances. By placing the responsibility in an independent bipartisan commission, the Senate legislation offers needed assurance that a fresh start will be made and that the old "business as usual" filing of statements will be abandoned. The Senate bill also provides for the required financial statements to be filed not only in Washington with the Federal Elections Commission but also in Federal district courts in the home States of the candidates where such statements would be readily available to local newsmen on the scene actually reporting on campaigns. Under the provisions of the House bill financial statements would continue to be filed, as now they are, with the Clerk of the House of Representatives and the Secretary of the Senate. The House also does not provide for filing copies of these statements in home areas of the candidates.

If the tightened requirements for disclosure of campaign funds proposed by both Houses are to receive the respectful attention of all candidates and thereby command the needed confidence of the American people that the facts are being made available to them, it would be highly beneficial to rely on an independent commission separate from Congress to administer the campaign reporting system. I also believe that some provision should be included to require the filing of copies of financial statements of the candidates in their home areas so that they will be readily available for the local media.

Therefore as they consider all the differences in the two measures, I would respectfully urge the conferees not to lose sight of the important purposes of these two elements in the Senate legislation and to retain such or similar provisions in the legislation they recommend to the House and Senate.

FEDERAL AID TO EDUCATION PROGRAMS

Mr. TUNNEY. Mr. President, as we approach the third year of the new decade, we should look ahead to July 4, 1976, the 200th anniversary of the Nation's founding, and ask:

What progress have we made toward those ideals for which the Nation was founded? And more importantly, what should we do to make those inspiring ideals into living realities?

No American ideal has inspired our own people and the people of the world more than the ideal of equal opportunity. No greater testament of the Nation's commitment to equal opportunity exists than our educational system. Although greatly needing reform and revitalization, it still represents an unparalleled commitment to the achievement of equal opportunity through the establishment of equal educational opportunity.

We must continue our quest to provide equal educational opportunity. But we must do so in light of future needs, striving to reform and revitalize our educational system by July 4, 1976, as a major goal of public policy.

Despite today's overwhelming crises in American education, I believe this goal is attainable, and that the future greatness of the Nation depends upon the Federal Government making a substantial investment in our Nation's greatest resource: the desire and ability of our people to learn.

I know that many of my colleagues who voted for the higher figures of the Senate version of the fiscal year 1972 education appropriations bill, share my regret that the higher Senate figures were not enacted into the final form of the bill. That is why I feel deeply that next year the President must budget and the Congress must appropriate the necessary funds to meet full authorizations for existing programs, while initiating new measures to shape our system to the needs of the 1970's and beyond.

It is time for the Congress to end its overdependence on the Executive for educational leadership, which, all too often, has not been leadership at all. It is time for the Congress to sharpen the cutting edge of its historic imperatives and enact the foundations of an educational system that will sustain us during the knowledge explosion and the computer and communications revolution. Such a system requires a built-in sensitivity and flexibility for adaptation to change, a quality sorely lacking in American education today. Before Congress is legislation of the kind that is needed, and I urge its swift enactment.

PRESCHOOL EDUCATION

Preschool education programs are vital if we are to equalize educational opportunity. It frees children of their present deficiencies and equips them for their futures with basic learning skills that have broad application. I support preschool education programs, and I was delighted when the Senate this year adopted an amendment to increase the fiscal 1972 appropriations for Headstart to $398 million.

However, many of the best features of the Headstart program have been incorporated into Senator MONDALE's Comprehensive Child Development Act. I have cosponsored this legislation, which provides for more adequate educational, nutritional, health and other developmental services to children during their preschool years. S. 1512 also provides daycare and after-school services to communities to meet the needs of older children up to age 14, if their mothers are working. This bill provides the additional advantage of parental involvement in its programs, a revival of an older feature of American education, blending with present needs as an investment in our Nation's future. I am pleased that the basic provisions of S. 1512 were included in the OEO conference report which I voted for last week.

ELEMENTARY AND SECONDARY EDUCATION

The California Supreme Court recently called dramatic attention to the archaic way that our public schools are financed. Clearly, when education is so crucial to our Nation's future we can no longer afford outmoded financing methods for our public schools.

It is said that the administration is delaying adequate budgeting for existing educational programs in the hope that more effective programs will emerge through research and pilot projects. I share that hope and I support such research and projects. But we can apply known learning methods now, while continuing to find effective ones. The Federal Government should immediately begin to play a role in developing and funding new forms of financing for our public school systems so that the quality of education offered low and middle income districts will be comparable with those offered in an affluent one.

Unfortunately, the administration's budget request for elementary and secondary schools for fiscal 1972 was only $1.85 billion. The Senate, however, had the foresight to increase this amount by $290 million, and I am proud to have supported the Senate version of the bill. But next year Congress must look neither to the Courts nor to the administration, but should appropriate the full authorization for elementary and secondary schools and enact new legislation to close the educational gap between poor and rich school districts.

FEDERAL AID TO IMPACTED AREAS

The Federal Government wisely assists in the construction, maintenance and operations of schools in areas where Federal activities affect school enrollment. The Senate recognized the Government's obligation to assist schools in such areas by appropriating $237 million more than the Administration's request for the impacted aid program. The full funding of this program would demonstrate the willingness of the Federal Government to carry its fair share of the expenses for educating our children.

The supplemental appropriations bill which we enacted last week provides $200,000,000 for construction of school facilities under Public Law 81–815 and $65,000,000 for the initial funding of the low-income housing provision authorized under Public Law 81–874. Appropriations for these programs are needed and should be enacted by the Congress.

However, I also believe that additional funds are desperately needed under Public Law 81–874 for A and B category students. Local school districts are presently receiving much less than full entitlement and the quality of their education programs has suffered greatly. I feel that the Congress should fund these programs so that each school district can receive up to its full entitlement and when the fiscal year 1973 budget comes to the Congress we should provide full funding for these programs.

LIBRARIES

During the next few years, we must also provide for greater use of our libraries. The Senate recognized this by appropriating $70 million more than the administration's budget request for libraries and educational communications, including $7 million more for college libraries. A strong library system increases flexibility in education.

HIGHER EDUCATION

The administration has failed to adequately budget funds for important student assistance programs such as NDEA title III, EOP, and work study. I have long supported these programs. We not only need to expand existing forms of student aid. We also need to establish a flexible program that will meet a broad range of situations during the next decade.

Such flexibility is offered by S. 1161, which I cosponsored. This bill, introduced by Senator MONDALE, would assist higher education in a number of ways. It provides for special efforts to identify and encourage disadvantaged youths. It establishes a higher education loan bank, and it creates a new program of Federal fellowships for graduate students of exceptional ability and demonstrated financial need.

Finally, it moves in the direction of providing more student educational grants rather than depending on a burdensome loan program.

The administration's view of higher education also fails to see that, without institutional support for operating expenses, student aid will only aggravate the problems of our colleges.

Consequently, I have cosponsored S. 659, which was reported by the Senate Labor and Public Welfare Committee and has passed the Senate in substantially the same form. This bill incorporates some of the features of S. 1161 and offers a promising formula for channeling Federal dollars to where they will be most effectively used in higher education. Succeeding again where the administration fails, S. 659 authorizes assistance to strengthen developing institutions by increasing their academic and administrative capacities and the quality of their student services.

VOCATIONAL AND ADULT EDUCATION

Sections of S. 659 also provide assistance for vocational and adult education, a vital area of education, for which the Senate wisely appropriated more than $45 million more than the administration's budget request for fiscal 1972. These funds go for special programs to attack youth employment, for work-study programs, and for research to upgrade vocational education. Interest in vocational schools is at a new high. Enrollment is expected to jump 9 percent next year. Congress must help to meet the economy's need for skilled craftsmen, technicians, and paraprofessionals in industry, medicine, law enforcement, and other fields. It is my hope that an effective higher education bill will come out of conference as quickly as possible.

NATIONAL SCIENCE FOUNDATION: STUDENT SCIENCE TRAINING PROGRAM

The contributions of science education were apparently overlooked earlier this year when the administration shortsightedly announced cancellation of the National Science Foundation's student science training program.

I wrote to Senator JOHN PASTORE, chairman of the Appropriations Subcommittee dealing with the NSF budget. I urged him to insure the student science training program would be reinstated and funded. The subcommittee wisely increased funding for the NSF to provide for this needed program, which contributes to the Nation's leadership in the advance of science.

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

To some, the disciplines of science must constantly be at war with the arts and humanities. That viewpoint may have served educational advancement in the past. But today, and in the future, it is outmoded. The educational system for the future must embrace knowledge as a whole. That is why I strongly supported the request of the National Foundation for the Arts and Humanities for the more than $63 million it needs for grants to assist artistic endeavors and to support innovative approaches to humanistic learning.

Mr. President, I have touched upon a number of current programs and new legislation that I believe are vital toward revitalizing and reforming our educational system. They are aimed at providing equal educational opportunity in a system that must be responsive to diverse educational needs of our people. The past seedings of Congress in the fields of learning have resulted in a bumper crop of new knowledge. And we would be unwise indeed, if at a time when knowledge is flourishing, we did not provide all our people with the tools of education to harvest and distribute that knowledge to where it can nourish our every endeavor.

SENATE NEEDS FREEDOM OF SPEECH

Mr. ERVIN. Mr. President, the Washington Star of October 9, 1971, contains an article entitled "Senate Needs Freedom of Speech," written by Milton Viorst, which constitutes a thoughtful discussion concerning the recent action of the Department of Justice in attemping to have a Federal grand jury sit in the U.S. District Court in Boston to investigate Senator MIKE GRAVEL'S exercise of his constitutional right of freedom of speech under the debate clause of the Constitution. Inasmuch as I have considered this effort a serious affront to the constitutional rights and duties of Members of the Congress, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Oct. 9, 1971]

SENATE NEEDS FREEDOM OF SPEECH

(By Milton Viorst)

The Senate won an important, but incomplete, free-speech victory on Monday when a federal judge in Boston rebuked the administration for its continued campaign of retribution against those involved in publishing the "Pentagon Papers."

U.S. District Judge Arthur Garrity ruled that the Justice Department could not call either Sen. Mike Gravel or his assistant, Dr. Leonard Rodberg, before a grand jury to discuss Gravel's reading of the papers into the public record on June 29.

He did, however, say that Rodberg had to appear to answer any such other questions—including those related to the impending publication of the papers by a private, nonprofit publisher.

Gravel, a bitter opponent of the Vietnam war, provoked the episode while the Supreme Court was deciding whether the New York Times and the Washington Post had a right to print the papers. He called a one-man subcommittee meeting and laid out a portion of the papers for the world to see.

The Justice Department then brought a legal action, claiming the power to proceed against Gravel, though the Constitution unequivocally forbids the executive to challenge a senator or congressman for official statements.

In fact, the Supreme Court in 1966 said the executive could not even prosecute a congressman for a floor statement made in return for a bribe—though it might, and did, uphold the conviction of a congressman on a bribery charge alone.

The administration ignored its ruling and asserted that Gravel, in his committee speech, was guilty of a common crime. But it actually zeroed in with a subpoena on Rodberg, presumably because an assistant is an easier target.

Oddly, the Senate seemed to be oblivious to this threat to its prerogatives of free speech, perhaps because Gravel is not only a junior member but an iconoclast whose irreverent ways may keep him indefinitely out of the "club."

Gravel, after all, had taken it upon himself to conduct minifilibusters against the Cambodian invasion, the proposed Aleutian nuclear test and the extension of the draft. Many senators, furthermore, disapproved of his all-night subcommittee session to get out the Pentagon Papers.

Only Sen. Sam Ervin, a Southern conservative who has become the most consistent constitutionalist in the body, bothered to speak out against the administration attack.

"The administration's motives in pressing this action," said Ervin, who is counted among the Senate hawks, "are aimed at a senator who dared oppose it on the war, and who had the effrontery to use information the administration desired to keep from the people.

"If the administration were to have its way, we must remain in total ignorance of what has transpired in Vietnam, and anything else the government does, unless it chooses to tell us. By suppressing this information, the executive branch has tried to keep the Congress and the nation in total ignorance.

"Now it tries to dictate what the scope of a senator's business is, and where and when and how he may conduct it.

"The tendency, if not the intent, of this effort is to harass the senator from Alaska, and thereby to silence him and other critics in this body, along with those who are outside these halls."

But Gravel, though gratified by the partial victory that Judge Garrity handed to him, does not think he has won enough. He is going to appeal the ruling.

He argues that if the administration can go after a senator's speechwriter, it is intimidating the senator himself and influencing what he will say. As his brief puts it:

"No member of Congress who fears retaliation against himself or his staff can represent his constituents in a manner intended by the framers (of the Constitution)."

As for Judge Garrity's ruling on Rodberg, he says that publication is an integral part of a senator's right of free speech. He argues that if a staff assistant cannot be questioned about the preparation of a speech, the assistant cannot be challenged for a role in getting it published.

In backing Gravel, Ervin has pointed out that the Senate's right of free speech is fundamental to its independence. If it is denied to Senate aides, he said, it is "stripped of its value."

What is really at stake is the constitutional right of dissent. Ervin says he has "considerable doubts" about whether the administration appreciates that.

PRACTICAL SPINOFFS FROM OUR SPACE PROGRAM

Mr. HATFIELD. Mr. President, I have spoken several times about the practical spinoffs from our space program. As a member of the Aeronautical and Space Committee here in the Senate for 4 years, I know from first-hand discussions the many ways in which all our lives have been enriched by the activities connected with our space program.

In the Parade section of yesterday's Washington Post, Dr. Wernher von Braun addressed some very lucid comments on some of the spinoffs. His thoughts should be of interest to all of us, and I know I read the article at home yesterday with great interest. Much of what is said about our space program is concentrated in the few days immediately before certain amendments having to do with our space program.

Mr. President, I certainly enjoyed

reading Mr. von Braun's article. I call it to the attention of Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How the Space Program Is Helping You

(By Wernher von Braun)

(Editor's Note.—Some Americans question the wisdom of our multibillion-dollar space program. They ask: What do we get out of it? Here is the opinion of NASA's associate administrator, former director of the Marshall Space Center at Huntsville, Ala.)

Space flight is expensive. Thus you may not believe me when I say that the benefits have already far exceeded the costs. And much more is yet to come. Let me give a few examples.

Until about 10 years ago, a favorite target of comedians was the weatherman. Today he is usually right. Why? Because satellites in the sky look down at the whole earth and tell him what the weather will be.

Hundreds of thousands of lives have been saved by accurate predictions of the course of hurricanes. For example, the U.S. National Oceanic and Atmospheric Administration has estimated that 50,000 people would have died when Hurricane Camille hit the Gulf Coast in 1969 if they had not been evacuated. The warning was possible because of satellite pictures. How do you put a price tag on that?

Projected experiments give promise of weather forecasts accurate for up to two weeks. A National Academy of Sciences report estimates the U.S. will benefit by billions of dollars a year in farming, construction, transportation and preventing flood and storm loss. A bit farther in the future is the exciting concept of tests in weather modification and control.

Or how about communications? Today satellites carry about half the world's international telephone, telegraph and television load. The prospects are so good that many companies and government agencies here and abroad are trying to get into the satellite communications business.

COMPUTERS BOOM

Or take computers. The demands of space flight pushed computer technology forward so fast that it is an $8-billion-a-year industry that employs more than 800,000 people.

Thousands of new products and industrial processes have been introduced as the result of the space program. They include long-wearing paints, metal alloys, electronic components and industrial tools as well as devices and techniques useful in medicine and in our daily lives. Coming into use are instruments developed for space research and adapted to combat pollution and to protect the consumer.

What is yet to come? With the help of special reflectors for laser beams placed on the moon by our astronauts, astronomers all over the world are measuring the distance to the earth to accuracies of inches. With these measurements they can detect wobbles in the earth's rotation. The knowledge of when these wobbles occur may help to predict earthquakes. Such warnings would reduce the toll in lives from earthquakes just as they have from hurricanes.

PROBLEM SOLVING

In 1969, a group of leading scientists reported to the National Academy of Sciences that there are a number of ways that space technology can contribute to human welfare and solve some of the world's problems.

Let me tell you about some of these things. One is navigation. The U.S. Navy already uses satellites to pinpoint the location of its ships and submarines. They provide a considerable improvement over the time-honored method of navigation by the stars, which cannot be followed when the sky is overcast. U.S. and European government agencies are now considering the use of navigation satellites to increase the safety of flight in the crowded air lanes over the Atlantic.

Potentially, the most useful of all the applications of space flight is to observe and measure the resources of the earth, to help manage them properly and to deal with the problems of the environment.

For example, aerial observations in New York City have shown it is possible to detect, measure, and map water pollution. An instrument developed by NASA can detect and determine the size of oil slicks at sea. And with slight modification, weather satellites can report worldwide air pollution.

Scientists at Purdue University measured from the air the widespread infestation of Midwestern crops by a rare fungus blight. Off the coast of Iceland, airborne infrared sensors found the new location of the Gulf Stream, which had meandered a considerable distance. This enabled fishermen to continue hauling good catches.

Photographs of the Saudi Arabian desert from Gemini spacecraft identified hills of the type that often indicate the presence of large reserves of oil and natural gas. Similar indications were found in pictures of Australia taken from Mercury spacecraft.

SATELLITE USES

By the end of the decade, we can expect satellite systems to:

Monitor the results of international efforts to protect the environment.

Support the planning and allocation of world food supplies from agriculture and the oceans.

Aid the search for oil and mineral reserves.

Track glaciers and ice floes.

Keep track of the distribution of wildlife as well as human habitation.

Support disaster warning systems and search and rescue operations.

But all of the uses of space flight depend, of course, on the cost. In 1958, the first U.S. satellite, Explorer I, cost more than $100,000 a pound to place in orbit. When we use the largest present launch vehicles, the cost now is less than $1000 a pound. But we can do much better than that.

Technology now makes it possible to return entire space vehicles from orbit and use them again. As a result, U.S. industry and government are working on a vehicle that can be flown 100 times or more before it wears out. It is called the Space Shuttle, and it should cut the cost to about $100 a pound. It will take off vertically like a rocket and land horizontally on a runway like an airplane, avoiding the cost of recovery at sea by ships, aircraft, helicopters and frogmen.

SERVICE IN SPACE

Even larger savings will result in the satellites themselves. At present, most of the expense of building satellites is for repeated tests to make sure they will work properly in space. There are no service stations up there. As a result, we pay around $20,000 a pound to manufacture and test them. Some are even more expensive. With the Space Shuttle, we will return them to earth for periodic maintenance, repair and reconditioning and eliminate most of these costs.

The Space Shuttle will have a large cargo bay that can be converted to a passenger compartment. The acceleration forces will be limited to three times earth gravity, so that passengers in ordinary good health can be carried. They will include scientists, technicians, television crews, journalists, and many other kinds of people who have business in space.

DOCTOR GOES, TOO

On the 1973 flights in the Skylab experimental space station, a medical doctor will go into space with the astronauts. He will carry out a comprehensive program of experiments. The aim will be to establish how well men live and work in weightless conditions in an enclosed space as big as a three-bedroom house. The first flight is planned to last four weeks. Later flights will extend this to eight weeks.

As I have indicated earlier in this article, people on earth can realize many benefits from the use of space flight in the years to come. With low costs and detailed knowledge ow how human beings go about their daily business in the space environment, we can achieve these benefits in a few years and make them available to people everywhere.

NATIONAL HEALTH INSURANCE

Mr. BROCK. Mr. President, Congress recognizes that there is already a health-care crisis in our Nation and has set upon an enormous task in trying to create a national health-care system that is sufficient for the times. The House Ways and Means Committee is heading up the legislative consideration and hearings were just recently concluded. Although the committee plans to begin drafting a bill early in the new year, no one at this point seems to have the remotest idea of just what shape the bill will take. I am fearful. I am fearful that in our anxiety to alleviate this crisis, we may turn to a totally Government-controlled, nonresponsive program which will destroy the third largest industry in America and leave the health consumer helpless.

We have seen an appalling rise in medical care expenditures in the United States—Americans are now spending about $70 billion per year, or some 7 percent of the gross national product, on health and health care. This is a larger commitment to health than made by any other nation in the world. And yet, too often the average American citizen cannot afford the prohibitive price of quality health care—particularly in catastrophic situations.

This is what prompted President Nixon to declare that the Nation faces a crisis in medical care. To many, his plea simply means that all-inclusive legislation must be passed overnight, covering the entire population under one governmental program, and virtually eliminating private health insurance. Such action would surely be a disaster.

One need not look too far into the past to note a similar parallel in the instance of medicaid. Literally rammed through Congress, with inadequate consideration of long-term effect and implications, medicaid has, to be charitable, not measured up to the claims of its advocates. To pursue a similar course in national health legislation affecting every citizen would be the height of folly.

A plethora of proposals has been introduced in the Congress and now pend before the House Ways and Means Committee and the Senate Finance Committee, and these bills embody every conceivable approach to our current problems. But not one bill in its entirety meets the goals I seek and which I feel are critical to a comprehensive national health strategy. And it follows that I have not sponsored or endorsed any one bill. The fundamental aim of our health strategy must be to improve the health status of all citizens in this Nation by expanding and improving the quantity, quality, and distribution of health-care services, as we vigorously seek to reduce this cost to the American family.

Of the 13 approaches before the Congress, there are four major ones—and each fails in one or more critical areas: reduction of costs, incentives to do so, adequate coverage, broader availability, such as in the field of mental health, and so forth.

First, National Health Insurance Partnership Act—S. 1623, H.R. 7741—proposed by President Nixon and introduced by the Senator from Utah (Mr. BENNETT) and Representative BYRNES.

The bill has two parts. First, the National Health Insurance Standards Act—NHISA—would require employers to make group health insurance available to their employees and to contribute to its cost. The House bill provides for limited subsidies to some employers. Second, the family health insurance plan—FHIP—subsidizes health insurance premiums and provides for lower copayments and deductibles for most low-income families. The administration estimates the Federal cost of the proposal at about $3.7 billion to the Federal Government. Increased expenditure on health insurance by employees and employers is estimated at $7 billion. Both estimates, in my opinion, are low.

CRITIQUE

The administration plan contains some desirable features. In its present form, however, there are serious shortcomings. First, it contains a work disincentive in that employed persons and unemployed persons would be eligible for different benefits at different costs. The principal difference is that the unemployed would be subject to the lower FHIP premiums, copayments, and deductibles, while the employed, under NHISA, would receive greater coverage for catastrophic expenses. It is probably true that, for many low-income individuals, the expected value of the FHIP benefits would be greater than the expected value of the NHISA benefits. Since the cost of FHIP to the individual is less than the cost of NHISA, there would be a definte incentive to become or remain unemployed. We have seen enough of this "work disincentive" in our current welfare system.

Second, and perhaps more important, will employers really pay the "employer's share" of NHISA or will they shift the burden of the tax to someone else? Every profit-maximizing employer will try to shift the tax either to his employees or to his customers. If he can increase his prices by the amount of the tax, then the tax is shifted to consumers. If he reduces his worker's wages below what they otherwise might be by the amount of the tax, then the tax is shifted to the workers.

I am also disturbed at coverage exemptions under this plan including persons married or single without children who are poor or indigent, students, self-employed individuals, and persons working less than 25 hours a week. As a result, overuse by higher income families would probably be encouraged, while lower income families would receive little protection against losses which, for them, may be catastrophic.

Second. Health Security Act—S. 3, H.R. 22—introduced by the Senator from Massachusetts (Mr. KENNEDY) and Representative MARTHA GRIFFITHS and supported, among others, by the Committee of One Hundred for National Health Insurance—United Auto Workers—and the AFL–CIO.

This proposal would repeal medicare and provide a program of compulsory national health insurance covering almost all medical expenses, without limitations, copayments or deductibles, for all Americans. It would be financed out of payroll taxes and general revenues. The plan also calls for a Health Resources Development fund to be used to develop health manpower. The sponsors estimate program costs at $67 billion in fiscal 1974 when it is fully operational.

CRITIQUE

While no one can argue that changes are long overdue in the delivery of health care in this country, to judge from this Nation's previous experience with the far less comprehensive medicare and medicaid program, the objectives of the bill can never be achieved. Certainly the Federal Government cannot be expected to keep costs down.

Simultaneously with the implementation of medicaid and medicare in 1966, the rate of inflation in medical prices, which had consistently been higher than that of the general price index, began to increase at an even greater rate. With the Government acting as a major purchaser of medical care, higher unit prices meant higher tax costs for the public programs, or more simply, higher taxes for everyone.

To some extent, an attempt to offset these rising costs was made by benefit reductions, but to reduce benefits once they have been offered is never very popular and can only result in considerable controversy and criticism. Nevertheless, the costs of medicare and medicaid continued to rise and continued to be underestimated, and now Congress finds itself facing the laborious task of seeking the solution. I hardly think it lies in simply enlarging upon errors of the past.

One of the most absurd aspects of the bill is that it encourages people to believe that, just 2 years after passage of this bill, complete health care for all will become a reality.

This is just not going to happen in 2 years—medical manpower cannot be trained and relocated in so short a period. And it is obvious that enough physical facilities could not be constructed in a 2-year period to meet the demands of the entire Nation. In fact, the overload on the system could cause its complete breakdown.

One of the cosponsors of Senator KENNEDY's bill, Senator ALAN CRANSTON, of California, has recently stated his reservations about a totally governmental controlled program:

> Our experience with medicare and medicaid warns us to beware of untried national health care programs. And we must avoid building a demand for care that far outstrips the capacity of our medical personnel and institutions.

I agree.

Most disconcerting is the fact that consumers would have no incentive to seek less costly arrangements, because there are no deductibles or coinsurance, and, therefore, no interest in cost control.

This program would not only add $18 billion to the Government's budget deficit, it would triple the average American's tax bill. Secretary Richardson of the Department of Health, Education, and Welfare has said the approach taken in the Health Security Act would increase the average tax bill for a family of four from $405 to $1,271 per year. Such a taxload is intolerable.

Third, Health Care Insurance Assistance Act, the "medicredit" plan—S. 987, H.R. 4960—introduced by the Senator from Wyoming (Mr. HANSEN) and Representative FULTON and supported by the American Medical Association—AMA.

Medicredit would provide for 60 days hospitalization subject to $50 deductible, other medical services subject to 20 percent copayment with certain stipulations and limitations, and catastrophic coverage of additional hospitalization subject to an income-conditioned deductible. It would be financed out of general revenue for those with no income tax liability and by means of tax credits for others. The AMA estimates annual costs at $14.5 billion when the program is fully operational.

CRITIQUE

Although the medicredit plan scores highly in providing incentives to participants to choose the most efficient form of organization, the AMA approach envisions no change in the way in which producers of care are reimbursed. Hospitals would continue to be paid on the basis of realized costs of charges, and physicians on the basis of charges. Again, this system precludes cost control.

Fourth National Health Care Act—S. 1490—introduced by the Senator from New Hampshire (Mr. MCINTYRE) and Representative BURLESON, and supported by the Health Insurance Asssociation of America.

Under this plan, medicaid would be repealed, and the poor, near-poor, and uninsurable would be covered by State health plans, others by private insurance. Minimum standards are set which include copayments and deductibles. Welfare recipients would receive their insurance free, the near-poor and uninsurables would receive insurance subsidies financed from State and Federal general revenues, and others would be entitled to a greater income tax deduction if they purchase a policy meeting the minimum standards. The Health Insurance Association of America estimates the program would cost $2.4 billion in the first year. The estimate includes medicaid cost offsets but not government revenue loss from tax deductions.

CRITIQUE

The HIAA approach is a very comprehensive plan and I am impressed with its attempt to affect the availability and financing of health care as well as the methods of delivery of health care. However, I do feel that it would be difficult to administer in that each State would set up a State agency designed to approve annual budgets for the health care institutions. There is no indication of the cost of setting up and operating these rate-setting commissions complete with the staffs necessary to review the annual budgets of qualified providers.

The program would be administered by private carriers with minimal control over the insurance industry and no guidelines for employer-employer cost sharing. Because the plan is completely voluntary, I fear that not everyone would be covered—only the larger employers would be likely to provide adequate coverage for their employees.

Let me add one final critique to be levied against each of these bills. There is simply no proposal today which incorporates sufficient incentives to deal with the cost root of our health crisis. Medicredit sponsors, among others, rightly call for new means to encourage more efficient, and more logical, utilization of available facilities and health delivery personnel. This is obviously a first and critical step in cost reduction. Even so, no one takes that step.

Rather than dealing with the disease, most suggest the symptomatic treatment of a mass infusion of Federal dollars so that the consumer, or patient, does not feel the pain. It is fair to ask, will the crisis be cured or choked by such a process? It is my firm conviction that a bill which fails to deal with cost control may prove worse than no bill at all.

The issue of NHI is complex and sensitive, and the proposed solutions can have a pervasive impact not only on our entire system of medical care, but also on the relationship of the private sector and the individual—both physicians and patients—to our Government. The last thing we need now is dogmatic adherence to a specific scheme that could stifle the resiliency needed by the health care industry and government in order to work cohesively.

One of my great fears about the whole prospect of Congress taking on the responsibility of legislating the system into being more responsive to the needs of the health consumer is that few legislators have the experience or expertise in this highly technical area to judge the merits of one proposal as opposed to another. In an attempt to educate myself for the upcoming senatorial deliberations on NHI, I arranged several meetings with over 30 representatives from all areas of the health care industry. I learned not only a great deal about our existing system—its shortcomings and its tremendous accomplishments—but I was thoroughly convinced as to the overwhelming complexity and importance of this problem. There is no magic solution, no panacea.

Congress must hold exhaustive hearings on these proposals. And, most importantly, Congress must rely on the views and expertise of all those affected by the plan during the hearing and drafting process.

Too, priorities must be established. In my opinion, we should focus on a program which meets the following objectives:

First, protect all Americans from catastrophic costs of illness;

Second, help those who cannot pay for their health needs; and

Third, control costs of care to both government and the consumer.

How?

First, we must develop a program for catastrophic illness coverage, one which I hope would reflect a sliding scale insurance plan based on a percentage of a family's income. The medicredit proposal, for instance, contains such a provision based on taxable income. The deductibles would be 10 percent of the first $4,000; 15 percent of income between $4,000 and $7,000; and 20 percent of income above $7,000. The formula is designed to insure that a family of four with an adjusted gross income of $3,000 or less would not be required to make any expenditure before receiving catastrophic benefits. A family of four with an adjusted gross income of $10,000, on the other hand, would have to pay $775 before receiving catastrophic benefits. The deductible and copayment expenses incurred in securing basic benefits could be credited toward the catastrophic deductible. I strongly believe the health consumer, whenever possible, should bear some fraction of the cost, regardless of income. If he has a stake in the matter, he is more likely to seek ways of holding down expenses and will be discouraged from overusing the system at a time when it is straining under current levels of demand.

Second, in addition, I favor a broader definition of catastrophic illness to include illness-related costs, such as prescription drugs, skilled nursing care, and outpatient and inpatient psychiatric treatment. Once the dollar limitation or deductible under the catastrophic part of the plan has been met, all illness-related care should be covered. This, I believe, would go a long way toward providing truly comprehensive medical care.

Along these lines, the bills presently under consideration, in my opinion, fall far short of basic coverage needed for mental illness, which in too many cases deals a catastrophic blow. Because mental illness is one of our greatest and most costly health problems and because it afflicts far more Americans than any other single illness, I support the inclusion of psychiatric/psychological services in any national health insurance plan. The use of these vital services should also be viewed as a necessary component of preventive medicine.

Third, to control costs we must stimulate competition, and the hospital segment of the health industry—as well as other segments such as insurers—should operate within a competitive system. For example, I believe institutional providers should be reimbursed on the basis of competitive charges or costs determined by classification by size and scope of service in the area. This would stimulate competition among providers, whereas reimbursement based on individual budgets results in competition against oneself. The use of the "reasonable cost" and "reasonable charge" approaches to reimbursement have failed to control costs as illustrated by our experience with medicare and medicaid. To hold down hospital costs we should move toward prospective reimbursement—a target rate which encourges competition and rewards efficiency.

Other ways of effectively curbing skyrocketing medical costs would be NHI coverage of outpatient care; that is, the service of a doctor in his office rather than hospital/inpatient care. We must encourage the use of ambulatory and recuperative care facilities, designed to care for the patient recovering from illness or surgery, who no longer needs all the specialized facilities among hospitals withfree a bed in a general hospital for an acutely ill patient while cutting the recuperative patient's cost per day almost in half.

We must employ the use of other cost-cutting techniques such as centralized purchasing, better coordination, and specialized facilities among hospitals within the same community; more efficient utilization of professional staffs and facilities. We need to encourage more doctors, especially more paramedical personnel, and importantly, we need to provide incentives to channel these medical personnel and facilities into our rural areas, where oftentimes health care is nonexistent.

Fourth, to meet our objectives we need to limit government bureaucracy and its administration of NHI, and get away from the current governmental maze of redtape. Again, this can only be done by encouraging a pluralistic, competitive system. A monolithic approach must be avoided at all cost, and I plan to work vigorously for legislation that will encourage innovation and competition among health care providers in both the nonprofit and the proprietary sector.

Fifth, we must stress the importance of health maintenance and disease prevention. A good example of this exists in my own State of Tennessee with TVA's automated system of disease detection, termed the Medical Information System. It became operational in 1967 and today, most employee medical data including history, diagnoses, laboratory data, and work restriction information is recorded and stored on magnetic tape. The system is programed to provide immediate information to user medical offices by teletype, to automatically schedule medical follow-up and periodic examinations, and to provide special and routine reports about medical service activities, and status of employee health. This automated laboratory operating out of Chattanooga has demonstrated the practicability of using a centrally located facility to process laboratory specimens from a wide geographical area. Centralization such as this has made possible the maximum utilization of automated laboratory equipment and reduced the unit cost of the service.

Congress should take a look at TVA's system and other sophisticated health screening techniques. Often referred to as multiphasic health testing, this approach can help separate the entry mix of patients into the well, asymptomatic sick, and the sick. This separation makes possible optimum use of physician services, which can be devoted to the area where they are most needed—the care and the cure of the sick.

In this same area, I feel that the development of health maintenance organizations as well as other delivery systems should be encouraged. HMO's—as they have been labeled by users of governmental alphabetese—are public or private organizations which provide health services to enrollees on a per capita prepayment basis.

HMO's are supposed to play a major role in the administration's program, and I do feel that their use could serve as a valuable competitive stimulus as well as an important tool for providing comprehensive health care services. Loans and grants made available for the development of HMO's should be awarded to any organization, whether it be nonprofit or investor oriented, which can effectively do the job and demonstrate its ability, both from a medical proficiency point of view as well as an economic point of view. There is inadequate evidence, however, to the effect that a capitation plan is less costly in terms of services rendered, or that it lessens morbidity or mortality, and Congress should thoroughly experiment with the concept before financing a network of HMO's.

I hasten to add that I believe each patient should be free to select the setting in which he receives his care. If he prefers a capitation plan or a hospital outpatient clinic to a solo practitioner or a group of physicians, that should be his choice to make.

Legislation is certainly one method for eliminating some of our current problems, but alone it will be woefully inadequate. We must strive to solve the problem of education of the consumer as to good health habits in his everyday life. I seriously doubt that a Federal law will keep people from overeating or overdrinking, and it is obvious that no combination of Federal, State, and local legislation has prevented Americans from making accidents the No. 1 killer of people under 40 in this country.

In conclusion, while our goals are many, I believe we unanimously strive for improvement for every citizen. To reach our goals will require action by every facet of our society. The role of Congress will be a vital one—but it also must be a limited one, and one based upon exhaustive study, complete with a commitment to expanding the choice and the coverage of a health plan for the individual.

Certainly improved health insurance is an idea whose time has come, but to be the least bit effective, it must be done in an orderly, efficient, economical, and reasonable manner.

In the coming year, I urge Members of the House and Senate to divorce themselves from emotion and partisanship, to view the whole concept of national health insurance with integrity, discretion, and responsibility—and in the context of a free society with free choice.

BREAKING DOWN THE ZONING BARRIER

Mr. HARTKE. Mr. President, the problems of the urban poor are legion. Various agencies of government have time and time again announced panaceas, but they have failed. Instead of curing the problems of the city, they have only added to the bitterness and frustration of all Americans.

We search for the answers, but ignore the basic problem. There is no escape from the ghetto. We have seen how the ghetto feeds upon itself, and becomes a self-fulfilling prophecy for its inhabitants. Yet we do nothing. Inner-city residents cannot leave the ghetto because of the exclusionary zoning laws of the suburbs. Corporations flee the city, searching for a lower tax rate, and more peaceful surroundings. In their flight, they leave a wake of unemployed, and a dearth of tax revenue—revenue that our cities desperately need.

The poor cannot follow the jobs; suburban zoning laws will not let them. If they have no jobs, they must turn to welfare programs which are financed by taxes. To avoid ever-increasing taxes, the remaining corporations leave the city—and so it goes. Unless something is done, this vicious circle cannot end in anything but disaster.

Mr. President, recent articles from the New York Times magazine and from the Christian Science Monitor explain the full implications of exclusionary zoning laws, and offer some possible solutions. I ask unanimous consent that the text of these articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SUBURBS HAVE TO OPEN THEIR GATES

(By Linda and Paul Davidoff and Neil N. Gold)

A few years ago, socially conscious residents of the New York suburbs joined in a project that occupied several spring weekends: they chose blocks in the East Harlem and Bedford-Stuyvesant ghettos and traveled to them in teams, equipped with paint, brushes, buckets and mops, for cooperative clean-up, fix-up sessions with the residents. This was a way for middle-class people to experience and, at the same time, try to help solve the neighborhood problems of the ghettos.

A few weekends and some paint had little effect on the crumbling structures and festering economic and social problems of the ghetto neighborhoods. But these efforts, worthy enough in themselves, skirted the reality: that it is the exclusionary practices of the suburbs themselves that help create the poverty and ugliness of the slums, and that well-motivated suburbanites could do more for poor and working-class people trapped in the inner cities by opening up their land, job markets and tax resources to them.

The 1970 Census revealed what had begun to dawn on urbanists in the nineteen-sixties: that the suburbs contain the largest share of America's population. In 1970, 36 per cent of the people lived in suburban parts of metropolitan regions, 30 per cent in the central cities and 34 per cent in rural areas. Some time in the current decade, more people will be employed in the suburbs than in either the cities or rural areas. And according to all predictions, the suburbs will continue to have the largest number of Americans for a long time.

Although the suburbs have provided housing and jobs for millions of new families since 1950, many suburban communities have maintained controls over the kinds of families who can live in them. Suburban values have been formed by reaction against crowded, harassed city life and fear of threatening, alien city people. As the population, the taxable income and the jobs have left the cities for the suburbs, the "urban crisis" of substandard housing, declining levels of education and public services, and dried-up employment opportunities has been created. The crisis is not urban at all, but national, and in part a product of the walls that have been built by the suburbs to discourage outward movement by the poor and blacks in the cities.

Opening the suburbs will not only reduce race and class tensions in our society but bring economic gains to all our people—through better use of the resources these communities have to offer: *land* for housing (and with it the opportunity for a decent public education), *jobs* and *tax revenues*. To bring this about, we need *action* to convince the communities—as well as Federal and state courts and legislators—that change must come, plus imaginative *planning* for an era of housing construction that will meet the needs of an expanding suburban population.

LAND

The new ecological consciousness in America and the cityward movement of our population have led to a widespread belief that we are exhausting our most precious resource: the land. Nothing could be further from the truth. America is land rich. "Megalopolis," the concentration of population along the Eastern seaboard from Boston south to Washington, consists largely of unbroken expanses of open space. Settlements along the Boston-Washington corridor are mostly thin strips along major roads and railroads; off the beaten path, woods and farms predominate. Outside the great metropolitan complexes, the land is open and unused, and places that once were farm land or villages are losing their populations and returning to the wilds. Out of 3,000 counties in the U.S., 1,000 have had a net loss in population during the last 30 years; the move from country to city, and the mechanization of agricultural production, are leaving larger and larger portinos of the continent's land to open space.

Within metropolitan areas, population growth has exhausted the supply of developable open land only within the older inner cities. Vacant land is plentiful within 20 to 30 miles of the centers of every major city in the nation. Without restrictive laws, it would be possible to develop commercial and industrial properties at relatively low land costs in the outer suburbs of metropolitan regions. Moreover, only restrictive zoning, building codes and other antidevelopment legislation prevent the construction of a large number of housing units in these same areas.

The zoning laws cover a large proportion of vacant developable land in the suburbs. In the New York region, 90 per cent of all such land is zoned for single-family residential use; in eight counties of New Jersey, 82 per cent of it is zoned for lots of a half-acre or more; in the portion of Connecticut closest to New York City, three-fourths of the open residential land is zoned for an acre or more. While many older suburban towns either have no significant tracts of vacant land or already have a large population of working-class and minority families, the communities that control the bulk of the vacant land have enacted exclusionary laws.

If housing could be built in an open-market situation in the suburbs, the structure of the housing market in metropolitan America would change sharply. It would be possible to build many more houses on quarter- and half-acre lots, the accepted pattern of construction in the nation since World War II. And it would be possible to build row houses and garden apartments, the least expensive form of housing for families of moderate means.

The land supply in metropolitan areas is being kept off the market not by private acts, but by public enactment. In creating private preserves for the wealthy, law has become the instrument of those who want to keep out moderate- and low-income families. This leads to a paradox that has been called "Ivy League Socialism": excessive government intervention, on behalf of not the poor but the rich. The protected property owners are precisely those most able to protect themselves from undesired neighbors by their own wealth. They can buy large tracts of land, build high fences around them and put their houses in the middle of their estates at the end of long driveways. They do not need the help of the law.

The exclusionary laws are not completely explicit: there are no zoning maps divided into racially or economically restricted areas, so labeled. But there are thousands of zoning maps which say, in effect: "Upper Income Here"; "Middle-to-Upper Income Here"; "No Lower-Income Permitted Except as Household Employes"; "No Blacks Permitted." The practical effect of the maps and codes is to prohibit all but the most costly forms of housing development.

Why do we call the result *de jure* segregation? Because the racial consequences have been understood for a decade or more by anyone familiar with patterns of population movement. It is a certainty that the planners and public officials who draft and enact zoning ordinances restricting land development to single-family, detached structures on plots of an acre or more do so in full awareness that, as a consequence, almost all blacks will be excluded from such zones.

In many areas, acreage zoning is the preferred exclusionary device. The bulk of the land in a municipality is held off the market except for purchasers who are able to afford a house on a tract of one, two, three or more acres of land. Since a single-family home on an acre or more of land cannot be constructed in most suburban areas for less than $35,000, including the lot, families with incomes under $17,000 cannot afford to buy a house built on this land (under the generally accepted rule of thumb that a family can afford to buy a house that costs twice the annual household income). Thus the housing market in the community is effectively closed to the 80 per cent of the population which earns under $17,000—and to the 90 per cent of the blacks.

In other areas—and in some communities that also have acreage-zoning regulations—housing-construction codes have been devised which require extremely expensive forms of residential development: wide lot frontages, costly materials and equipment, square-footage requirements for house interiors—all beyond what is needed for health and safety.

In almost all suburban municipalities tax laws undergird the structure of land-use controls and provide a rationale for exclusion. The real-property tax pays the bulk of local costs for public education, the biggest item in the budget and a major factor in maintaining the status of the community. If a dozen houses are built at costs within the reach of low-income or moderate-income families, the entire community suffers because the taxes realized from the new houses will tend to be below the additional expense to the school system of educating the children from the new families.

(In New Castle, a Northern Westchester community, a 1968 League of Women Voters study showed that local school costs were so high that a new house would have to cost $58,500 in order to yield enough taxes to educate the average number of children per household—$1,688 in taxes for 1.6 children.)

As expenses for education have become the last straw on the suburban taxpayer's back, the impetus toward ever-higher barriers to moderate-cost housing construction has been almost irresistible. Even if motivated by the best and most democratic public instincts, a community must finance its schools; and the easiest way to make the burden bearable is to keep the community costly and exclusive.

What would happen if the exclusionary land-use controls were eliminated? In the private market, the effect would be to dramatically increase the supply of building lots, both for single-family homes and for garden apartments and row houses. The increase in supply would lower the price per lot; the result would be a sharp reduction in the cost of a new home and an increase in the number of families that could afford one. The construction industry would boom, and lower-cost housing could be produced as the market demands.

Putting aside for the moment the moral questions raised by suburban exclusion, another argument against the regulations adopted over the past decade or more by suburban communities is that they have stifled the natural development of the home-building industry. Today, most of the vacant residential land around New York and in other metropolitan areas is zoned for homes on lots 5 to 10 times larger than Levittown's. Zoning has operated to slow down and spread out development. In a nation that has highly valued growth, it is strange to find growth disdained as a matter of policy. Particularly at a time of recession, the multiplier effect of a sustained form of new community development—which would require large capital investment—cannot be ignored. A reinvigorated residential building industry would not only create jobs for unemployed construction workers but lead to enlarged investment in all industries required to serve new suburban developments—and to other urgently needed jobs.

Even if a construction boom produced mostly middle-class or luxury housing, it would help to ease the pressures throughout the housing market that keep moderate-income housing consumers bottled up in city neighborhoods. This is because the "filtering" process—lower-income consumers moving into housing left behind by more affluent consumers moving into bigger and better homes—could begin to operate again. The result would be some improvement in the housing situation for low-income families. The favorite argument of real-estate operators against Government housing subsidies to the poor used to be that "filtering" would satisfy this group's needs. In fact, filtering alone will never provide enough used housing to meet the needs of the lowest-income families. But the current virtual halt in the construction of new, moderately priced housing in suburbia has made the absence of a normal used-house, or "filtered," market acutely noticeable to moderate-income families who would normally be able to afford such homes.

When, in the late nineteen-forties and fifties, it was possible for a family earning a moderate income to buy a new small house in Levittown or its equivalent, the houses and apartments these families vacated went on the market at reduced prices to families earning below the median level. Now that no Levittowns are being built, mobility in the housing market has been sharply reduced and families that should have been able to move are staying put. Obsolescent housing that should have been torn down decades ago is still in use, often at exorbitant prices; city neighborhoods that should have been torn down for urban renewal are still desperately needed for families that have nowhere else to go. It is as true as it ever was that the private market in housing, whether in new or used units, cannot provide housing for the families at the bottom of the income ladder. Subsidies, either in the form of cash to families or Government outlays for housing construction, must be provided. But the costs of such programs has become exorbitant because the private construction market for new housing has been closed off in the suburbs by artificial means.

Since the Industrial Revolution began dumping rural families into big-city slums, housing planners have recognized that public subsidy is needed to enable working-class families to live decently. Every industrial nation provides some form of subsidy for workers' housing; the United States has been in the housing business on a large scale since the thirties.

The 19th-century English garden-city movement laid down the principle that the cheapest—and most wholesome—form of housing for working-class families was the attached cottage, or row house, built so that each unit would have access to common open space. But in America, housing built for low-income and moderate-income families has generally been "projects" in the central cities: massive apartment towers built on the sites of destroyed ghettos, on land that is close to the city's hub and therefore so expensive that building at lower densities is not possible. In the nineteen-thirties the housing pioneers Henry Wright and Lewis Mumford decried the trend to housing for the poor in the inner cities; they pointed out that cheap housing at livable densities requires cheap land, and they urged public-housing authorities to build at the city's fringes. Urban-Renewal experts in the Federal Government and city authorities ignored the experts. Suburban land was locked up, and housing for the poor built at choking densities on the sites of the old ghettos.

Opening up suburban land would mean that Federal money, rather than being used to build absurdly expensive high-rise structures in inner cities, could be spread to a far larger number of units. In New York City, it costs more than $30,000 per unit in Federal and local funds to build public housing. Row houses and garden apartments could be built in the suburbs for well under $20,000 per dwelling unit, if the land costs were reasonable and if lot-size and square-footage requirements were not excessive. Not the least of the savings in time and money would come from working through the manageable governments of the towns, instead of the tangled and near-paralyzed bureaucracies of the cities.

JOBS

If the growth of the suburbs in sheer numbers of people has not yet been fully recognized as a fact of national life, suburban dominance of the metropolitan—and national—job markets has been barely noticed. Yet in "bedroom" suburbs like Westchester County in New York, as many workers now commute into the county each day as travel to the city in the customary pattern.

The service sectors of the job market—the shopping centers and colleges, for instance—have followed the roads and the population. One example is the Cherry Hill Mall shopping center in Philadelphia, which employs 2,000 workers and occupies 80 acres of land about eight miles from the center of the city (accessible via three major highway bridges).

The demand for cheaper land for single-floor assembly-line and warehousing operations has brought more companies—and jobs—to the suburbs. The long, low building requires land; parking lots for employes' cars and for truck storage require land; and land that is far from the streets of the central city costs less. In Mahwah, N.J., for example, the Ford Motor Company purchased about 200 acres just off a New York State Thruway interchange, about 25 miles from the center of New York City and about the same distance from downtown Newark, for a plant which now employs 4,200 workers.

Traditionally, companies that are prestige-conscious or need a communications network near their headquarters have occupied space in downtown skyscrapers. Increasingly, however, they have been able to enhance their prestige and satisfy the residential preferences of their executives by moves to long, low buildings in parklike settings in far-out suburbia. For instance, Pepsico, Inc., has just completed a corporate headquarters in Purchase, N.Y., which employs 1,250 people on a 112-acre site.

The decentralization of the metropolitan job market means that the working population must be permitted to decentralize too, if workers are to be matched with jobs. The unemployment rate in this recession period may be hovering around 6 per cent for the society at large, but inside the urban ghettos it has been at the Depression level of 12 per cent for years. To end the acute problem of unemployment and underemployment, ghetto workers must be permitted to follow the blue-collar jobs out of the central cities.

The remoteness of the job market for relatively low-skilled workers from the ghetto areas aggravates the employment problem. So does the lack of coordination between job-finding agencies in the cities and the suburbs, which makes it difficult for the low-skilled worker living in the ghettos to find out about and apply for low-skilled but decently paid jobs in suburban manufacturing plants. The United States Employment Service and other job-finding agencies must be reorganized along metropolitan lines, so that information about openings can be transmitted to the unemployed in the ghettos. But this will not be enough. Workers must be able to travel to the jobs, which means in the case of blue-collar jobs that they must be permitted to find homes near enough to the jobs so that commuting does not take an excessive bite out of their incomes.

If the ghettos are viewed as underdeveloped areas—an approach that became fashionable in the sixties—the need for movement of workers to jobs in suburbia is even more sharply evident. Economists who were once captivated by the notion of pouring capital investment into depressed regions in order to create new factory jobs are now beginning to recognize that by far the cheapest solution to the problem is to give unemployed workers information about jobs in thriving industrial areas, help them to learn about the unfamiliar customs and housing patterns of the new area, pay them resettlement allowances and get them moved. Only in rare cases does it pay to invest heavily in declining areas rather than help families left behind by changing patterns of industrialization to move into the economic mainstream.

TAXES

Of the 4,200 workers employed at the Ford plant in Mahwah, many live in Newark and New York, and only 88, or 2 percent, in the town where they work. Despite the important role that this factory plays in the metropolitan economy, the local property taxes paid by Ford benefit only Mahwah residents. Taxes on industrial and commercial property that are paid to suburban communities are another example of a metropolitan resource that could be—but is not—used to help solve inner-city problems.

The tax rate on business property reflects the needs only of the suburban jurisdiction that levies it. If the suburb has a relatively small public-school enrollment, and few low- and moderate-income families, its local tax rate will be much lower than the rate that would be necesary if the business property were situated in a poverty-ridden central city. The tax rate is further reduced when, as in the case of Mahwah, the suburb uses its zoning powers to keep out children and to exclude low- and moderate-income households, including those whose breadwinners work in the plant.

Mahwah's successful effort to lure new companies and to exclude the companies' employes has resulted in a 1970 tax rate on industrial and commercial property of 1.55 per cent of full value. By comparison, the city of Newark, which houses and educates nearly 1,000 of Ford's black workers and their families, is compelled to tax business property at the rate of 7.14 per cent of full value.

Mahwah's tax base included $104,000,000 of business property and yielded $1,612,000 in revenues. If this $104,000,000 were taxed at the rate levied on similar property in Newark, it would bring $7,426,000 in added funds to the city. The comparison, of course, is a rough one, since a bigger tax base in Newark might permit the city to lower its rate somewhat. But it does demonstrate the fiscal gains that induce corporations to relocate from poverty-ridden central cities to restrictively zoned suburbs.

Suburban towns and cities use the taxes generated by the coming of large new business properties to reduce residential property taxes or to increase the quality of public services, or both. On the other side of the coin, the movement of industry to the suburbs weakens the tax bases of central cities, requires an increase in their tax rate and cripples their capacity to respond to the social and educational needs of the disadvantaged groups, many of whose members are forced to commute at great cost in money and time to the very suburban plants which are no longer on the city's tax rolls.

ACTION

The movement to open the suburbs has begun. The thorny legal, financial and moral questions will be settled not only by debate but by legislative and court action and by economic pressure.

The first step may well be the establishment of a clear connection, in the public mind and in public law, between jobs and housing for workers. The decentralization of the job market is, as we have noted, one of the least appreciated phenomena of metropolitan life; it is time that voters and public officials became aware of it and acted accordingly. Rather than assuming that a corporation moving its plant or offices from the central city to the suburbs is a tax bonanza for the lucky municipality that succeeds in attracting it, we must require that the company have a clear policy of relating jobs to workers' housing and commuting patterns. The rule must therefore be: no corporation hiring a significant number of workers can move to a location in a suburban community where the housing market is closed to families earning what the workers in the plant will earn.

In effect, this will mean that the tax benefits to a town which welcomes new industry will be balanced by the costs to that community of educating the workers' children, policing their neighborhoods, providing them with municipal services. If a community has all its vacant land zoned for single-family houses on five acres of land, then if it permits a zoning variance for the construction of Jones Corporation's new international headquarters, it must also rezone land for sufficient new garden apartments to house Jones's 300 janitorial, service and lower-level clerical workers; create sufficient quarter-acre plots so that Jones's 250 executive secretaries and junior managerial personnel have a chance of buying homes, and make sure that land and construction costs do not make housing prohibitively expensive in the five-acre zones for its 100 middle-management people.

Both state and Federal action will be needed to promote the rule. In Washington, Senator Abraham Ribicoff is working for just such an approach by reintroducing the proposed Government Facilities Location Act of 1970, which provides that no Federal installation may move to a community which refuses to provide land for workers' housing. Though it does not cover private industry, the bill would have significant impact on communities bidding for Federal largess in the form of shipyards, research facilities and other economic jackpots. (The bill did not emerge from committee last year; this year hearings are scheduled for late fall.)

If a community enforces zoning laws which in effect keep out blacks, can the Federal Government continue to provide water and sewer grants, open-space acquisition loans and other forms of aid to them? Does not such aid violate the antidiscrimination guidelines imposed by the Civil Rights Act of 1964? The clamor against suburban exclusion has led to sharp questioning of the President on this point, and a now-famous statement issued by the Administration last June was meant to answer the questions by establishing a distinction between economic and racial discrimination. A community cannot be punished, in the Administration's view, for keeping out the poor, only for overtly keeping out the black. This distinction is, to say the least, far from firmly established; and lawsuits will soon be brought to challenge the point. The suits will argue that the racial discrimination in the suburbs is the direct and calculated result of zoning laws.

In New York State, Assemblyman Franz Leichter has introduced a package of anti-exclusionary bills which include a prohibition against establishing state facilities in exclusionary communities. Such a prohibition would affect the location plans of state university branches, hospitals, state schools and other major service installations, as well as—under some interpretations of the bill—state-assisted elementary and secondary schools (meaning all schools, now that the barriers to state aid to parochial schools have largely fallen).

Massachusetts enacted in 1969 its "anti-snob zoning law," which provided that at least 0.3 per cent of every community's vacant land must be made available for the construction of low- and moderate-cost housing in each of five years. Other states, including New York, New Jersey and Connecticut, are considering similar legislation to exempt at least a portion of suburban land from the exclusionary regulations.

Our own organization, Suburban Action Institute, is seeking to induce Federal regulatory agencies to act against corporations planning moves to exclusionary suburbs. We have filed complaints with three agencies—the Federal Equal Employment Opportunity Commission, the Federal Communications Commission and the Office of Federal Contract Compliance—against R.C.A., American Telephone and Telegraph and General Electric, for taking steps to relocate to the acreage-zoned communities of New Canaan, Conn., Bernards Township, N.J., and Fairfield, Conn.

By moving to communities within which their minority-group employes cannot find housing, we charge, these corporations are creating conditions of employment discrimination. We believe that they are not simply acquiescing in a discriminatory situation, but affirmatively aiding the creation of segregated employment. (Because of the complaint against RCA before the Equal Employment Opportunity Commission, the company has temporarily withdraw its proposal to build offices in New Canaan for 1,000 people.)

Making laws to restrict corporations from moving jobs to exclusionary communities will not remove the basic incentive for such moves: the tax laws. As long as the costs of educating suburban children are borne by the local real property tax, a community will try to enhance its tax base by luring industry, and will try to keep out housing developments that attract families with children. A radical restructuring of the tax system for financing education is needed, both to end exclusion and to assure every child, whether born in a rich or a poor community, equal educational opportunity.

A statewide income tax for education is the remedy now advocated by the Regional

Plan Association of New York, by the Lindsay administration, and even by suburban taxpayers who can no longer pay educational costs in newly developing communities. Gov. William G. Milliken of Michigan, a Republican, moved to establish a statewide tax for education. New York's State's Fleischman Commission is about to conclude a study of school financing by calling for "full state assumption" of the cost of educating children. Political pressure to relieve local property owners of the burden of school costs is building up around the country as record numbers of local school budgets are defeated.

A recent decision in the California Supreme Court may signal the beginning of the end of the present system of financing local schools. In *Serrano* v. *Priest*, the court said that the local property tax "invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors. Recognizing, as we must, that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing."

The Supreme Court has not ruled on the fundamental issues raised by the zoning since 1926 when, in the case of *Euclid v. Ambler*, it declared that comprehensive zoning ordinances are a reasonable and constitutional method of controlling land use. But the lower courts have begun to rule on the contention that the zoning frequently denies racial minorities the equal protection of the law guaranteed by the 14th amendment. In one recent Pennsylvania Supreme Court case, the justices declared:

"We fully realize that the over-all solution to [housing and growth] problems lies with greater regional planning; but until the time comes that we have such a system, we must confront the situation as it is. The power currently resides in the hands of each local governing unit, and we will not tolerate their abusing that power in attempting to zone out growth at the expense of neighboring communities."

The Justice Department and the American Civil Liberties Union have raised questions of suburban-exclusion with their suit against Black Jack, Mo., on behalf of a group of black residents in St. Louis who wanted to build housing in the town. The group charged that Black Jack incorporated itself into a municipality for the purpose of denying the needed zoning change.

Court cases challenging exclusionary laws are in preparation against a number of suburban communities around the nation and the biggest initial victory has just been won in New Jersey. Judge David Furman of the Middlesex County Supreme Court 10 days ago declared invalid an ordinance in Madison Township, N.J., that called for one- and two-acre lots, required a minimum floor-area that was excessive and placed limitations on multifamily dwellings. The ordinance, the judge said, had the effect of preventing 90 per cent of the people in the area from living in the township and directly contributed to the ghettoization of neighboring cities. (The suit was brought in behalf of a group of black and Spanish-speaking residents of Elizabeth, Plainfield and New Brunswick.)

The judge did not reach the constitutional questions, basing his ruling instead on the state zoning law, which says that localities must zone for the public welfare. Under this law he said, a community when it passes land-use regulations must in the future take into account not only its own needs but those of the region.

The direction the U.S. Supreme Court may take has been hinted at in recent rulings on the need for school busing to achieve integration. Despite the negative decision in the recent Valtierra case in California, which dealt with a referendum that was designed to prevent construction of housing for an *economic* minority, the record of the court on matters relating to *racial* discrimination has been quite uncompromising. It is fair to expect that proof of the racially discriminatory effects of exclusionary zoning will carry great weight with the court.

PLANNING

The massive spurt in suburban housing construction which followed World War II occurred at a time when new young families were desperate for homes—in a full-employment economy and following the end of war-related restraints on building. The decade of the seventies has brought the beginnings of another market of this kind (as those born in the postwar baby boom come into their own child-rearing years), but without the economic conditions which made the housing surge possible after the war.

Housing construction is now at a low ebb. Even if the vise of exclusionary zoning is removed, government subsidies and controls will be required to see to it that the combined public-private housing market actually produces the needed housing. The Kaiser Commission has called for the construction of 600,000 units of Federally-assisted housing each year for the next decade, at a cost of $2.8-billion per year. Aid to the housing market of this magnitude, *combined with* the opening up of vast acreages of suburban land, can insure the construction of the housing that is needed to eliminate the slums and ghettos of the central cities and to permit rebuilding on their land at decent densities.

If suburban land resources do become available, new residential development can be of a far higher quality than that of the nineteen-fifties, which gave rise to fears about "urban sprawl," Levittowns and endless identical rows of shoddily built bungalows. Critics of America's suburbs have led us to fear the terrible sterility of look-alike suburbs. But the suburbs have offered a very satisfactory form of life to those who live in developments that do look alike in many respects. Suburbanites in Levittown and Scarsdale have found that despite the similarities of dwellings and ways of life in their communities, they still like to live there. Of course, suburbs have many problems; what form of human community does not.

We should not prohibit development because it may have some undesirable aspects, unless we develop alternatives that provide suitable housing for all classes of the population.

The garden-city movement and the new towns of Europe as well as the best examples of new development in this country—Columbia, Md., and Reston, Va.—have demonstrated that amenable communities open to all classes can be constructed at far higher standards than those of today's expensive suburban developments, in which each house sits on a plot of one, two or more acres. Present acreage development saves no open space for the public. It calls for cookie-cutter development writ large. It demands that every inch of space be devoted to a private lot—even land not suitable for development.

But if new housing in the suburbs need not follow the pattern of Levittown, it also need not conform entirely to the rules of the garden-city movement in Europe and America. Housing can be built in small developments in existing towns, or in new towns, or in larger developments around highway interchanges and commercial projects. Towns, moreover, can assure the preservation of large amounts of open space through such devices as "cluster zoning" and "planned-unit development," which permit higher densities on portions of a tract if a certain amount of acreage is set aside for public recreational use. Nor would elimination of suburban exclusion prevent those who wish to own large amounts of land from doing so—a privilege guaranteed them by our economic system.

As the prospect of intensified development of the suburbs comes closer, private groups, sniffing profits, are investing in land for eventual massive building. One hopes that these developers will be guided by the principles of balancing industrial and commercial growth with new housing, and of a wide mixture of housing types and costs in open neighborhoods.

Nonprofit groups and public agencies should also be preparing for the future by negotiating for tracts of suburban land, on the theory that when the exclusionary laws are struck down, they had better be ready with plans for construction of low- and moderate-cost housing, or they will risk leaving the whole ball game to the private developers.

ZONING: AMERICA'S HIGH WALL "RIGHTS" BATTLE SHAPES IN CITIES

(By Richard L. Strout)

WASHINGTON.—The next big battle on the civil-rights front will be not busing, but zoning. The problem deals with economic, not racial, segregation.

Politicians here watch preliminary engagements already under way in dozens of communities. Cases are coming to the Supreme Court.

Action of the House of Representatives last week forbidding the use of emergency desegregation funds for school busing will, it is believed, if upheld in the Senate, increase the internal pressure in the big cities to break through the zoning barricade that walls them from the suburbs.

The issue was raised in the House debate on bussing.

INSTABILITY SEEN

Big-city pressure is growing and is compounded of these factors:

While the United States is the wealthiest nation on earth, 24 million Americans are below the poverty line, or about one in nine. About one out of 11 Americans is black. Mechanized agriculture in the last century drive blacks into the big cities in one of the biggest migrations of the world, and there today the unemployment rate is about twice that of the 5.8 percent national average. It rises to 20 percent or more for teenage blacks.

The social instability of this division is typified by the separation of city ghettos from leafy suburbs. The agency for maintaining this explosive separation is zoning, some city planners now declare; ordinances that make it impossible for city dwellers of medium or low income to buy homes out in the country near the migrating city factories.

The deeply emotional issue of bussing would be mitigated if the city dwellers could move out into the country when, obviously, say advocates, it would not be necessary to bus a black child 15 miles from the heart of Detroit—if she lived out in the suburbs already.

The California Supreme Court ruled last August that state schools must be financed by some fairer method than varying property taxes, and the revolutionary case, Serrano v. Priest, has sent shock waves over the country. Statistics noted that poor neighborhoods with low valuations had to pay more proportionately for poorer schools, than rich suburbs did for better schools where a relatively modest tax easily raised more money. Minnesota's high court now has followed California's.

Now comes another move to open the suburbs in Sen. Abraham A. Ribicoff's bill, "government facilities location act," originally introduced last year and reintroduced this year. It would forbid a federal installation to move to a suburb which refused to provide land for houses for workers.

TESTS EXPECTED

Tests in federal courts are expected, too. The Civil Rights Guidelines Act of 1964 forbade discrimination; but is it discrimination where a factory moves from city slums into suburbs if the town continues to enforce zoning restrictions that make it impossible for workers to follow, save by daily busing?

A recent vivid example involved the Ford Motor Company, which bought 200 acres in Mahwah, N.J., a town of 10,500 where it proposed to move its Newark facility, with 4,200 workers. But the workers found exclusionary zoning ordinances requiring them to buy lots of half an acre or more which only a few could afford. This case is now in the courts.

Two years ago Massachusetts required that three-tenths of 1 percent of a community's vacant land must be made available for medium- and low-cost housing in each of five years. Other states propose similar measures.

An organization, Suburban Action Institute, offers legislation to encourage federal regulatory agencies to act against corporations proposing to move into so-called exclusionary suburbs.

Last month a New Jersey state court threw out exclusionary zoning laws in Madison Township, N.J. A similar celebrated struggle is going on over the area known as Black Jack, Mo., where the federal government has intervened actively in a test case.

Presently America divides up like this:

City enclaves, 59 millions.

Suburbs, 76 millions.

Rural, 71 millions.

More people live in the suburbs than anywhere else, and the proportion is growing. Great social, moral, and historical forces make almost irresistible pressure for a breakdown of barriers between city and suburban areas. The busing controversy seems to many to be only the first round.

IMMIGRATION PROBLEMS IN THE COMMONWEALTH OF MASSACHUSETTS

Mr. BROOKE. Mr. President, I have today forwarded to Senator McClellan, chairman of the Subcommittee on State, Justice, Commerce, and the Judiciary Appropriations, of the Committee on Appropriations, a report of my findings on immigration problems in the Commonwealth of Massachusetts.

The problems revealed in my report may well be typical of the problems in other States and it is my hope that this report will lead to effective remedies to what appears to be a national problem. To provide my colleagues with an opportunity to review this report, and I ask unanimous consent that it be printed in the Record.

There being objection, the items were ordered to be printed in the Record, as follows:

Report of Senator Edward W. Brooke, the Subcommittee on State, Justice, Commerce, the Judiciary of the Committee on Appropriations on Immigration Problems in the Commonwealth of Massachusetts, December 6, 1971

I. PURPOSE

The purpose of the two-day hearings was to review the budget and operating procedures of the Boston District Office of the Immigration and Naturalization Service and to evaluate their impact on the Commonwealth of Massachusetts. It was our further purpose to investigate special problem areas related thereto.

The first day of hearings was held on May 27, 1971 in Room 2003A, John F. Kennedy Federal Building in Boston, Massachusetts. The second day of hearings was held on May 28, 1971 in Room 252, Post Office Building, New Bedford, Massachusetts.

Testimony was received from a total of 27 witnesses, 25 of whom appeared at the hearings. The remaining two submitted their statements for the record subsequent to the hearings.

II. BACKGROUND

The Commonwealth of Massachusetts presently ranks fourth among the 50 states in the total number of registered aliens residing therein. And during fiscal year 1970, about 15,477 aliens were admitted through Boston for permanent residence. This brought the total number of registered aliens residing in Massachusetts to 172,454. It is also worth noting that 10,208 temporary visitors entered through Boston during the fiscal year ending June 30, 1970.

During my service in the Senate, I have received hundreds of complaints from citizens and aliens alike on a wide range of immigration matters. However, during the past year my office experienced a tremendous upsurge in the number of complaints. After confering with other Senators, I concluded that the practical application of the Immigration Naturalization Act of 1965, as amended, was causing similar problems in other states. While it would be impossible to conduct a complete review of the multi-faceted application of our immigration and naturalization laws in two days, the hearings held by the Subcommittee were able to highlight some of the most critical problem areas.

III. BUDGET AND OPERATING PROCEDURES OF THE BOSTON DISTRICT OFFICE OF THE IMMIGRATION AND NATURALIZATION SERVICE

The testimony during the hearings revealed that the current operating budget of the Boston District Office for FY '70 was approximately $1,575,000. Of that amount, $1,450,000 was expended on a staff of 106 people located in two offices. The second office, regional in nature, is located in Springfield and employs only three people. In reviewing the staff breakdown, two specific areas deserve special attention.

In the first instance, it should be noted that there is only one special inquiry officer in the Boston and Springfield offices. It should be further noted that at present there are no plans to assign additional personnel in this area. During FY 69, the last year for which figures are available, the Boston District Office conducted 682 deportation hearings, which resulted in 115 deportations. During the same period, the Boston District Office handled 33 exclusion hearings. This latter procedure is invoked when a person applies for admission to the United States and the primary officer rules him or her inadmissable. The case is then referred to the special inquiry officer for a hearing to determine the admissability of the applicant. In sum, we had a situation where one special inquiry officer conducted over 700 hearings on merits in one year. Consequently, it appears that at least one, if not two, more special inquiry officers are needed so that each case can be fully developed to insure a fair and accurate adjudication. We must remember that the initial decision of the special inquiry officer will affect the opportunity of individuals and families to participate in our American democratic process. This is particularly true in the case of an exclusion hearing. It is my understanding that after an exclusion hearing there is an appellate review by the appropriate Federal Circuit Court as is the case in a deportation hearing. In other words, the administrative decision reached by the Board of Immigration Appeals stands as final.

In the second instance, it should be noted that of 106 people in the two offices, only 16 field investigators and they have one supervisor. It should be further noted that the geographical area expected to be covered by these field investigators extends beyond the boundaries of Massachusetts and include Rhode Island and portions of New Hampshire and Vermont. Without going into a detailed job description of field investigators, the hearings were, nevertheless, able to highlight to some degree the heavy caseloads that these men are expected to carry. In addition to the some six-hundred odd deportation cases that required an investigation, it was brought out that the Boston District Office receives anywhere from 100–125 complaints a month from residents concerning aliens alleged to be here illegally. Each complaint requires a comprehensive investigation. Testimony revealed that there is a current backlog of several hundred such investigations.

Moreover, the District Director indicated that, at one time, the Service was divided into specific geographic areas, and field investigators were sent out to check places where aliens, alleged to be here illegally, were known to be employed. This included, among other places, restaurants, construction work sites, and fishing vessels. At the present time, however, he indicated that the field investigators were limited to working only on the basis of leads or complaints that are sent into the Office. In essence, they have been placed in a position merely of responding to complaints rather than conducting their own investigative work.

The problems in this area do not stem solely from an inadequate number of field investigators. The testimony developed that as unemployment increases, complaints are centered around employment; many U.S. citizens or resident aliens feel that they have been displaced in their jobs by individuals who may be here illegally. Another area of complaint centered around the housing shortage; many individuals likewise feel that they have been displaced from their housing by aliens alleged to be here illegally.

The testimony also indicated that the Immigration and Nationality Act of 1965, as amended, has itself contributed to the increase of complaints over aliens alleged to be here illegally. Prior to the 1965 Act, there were no numerical restrictions placed on Western Hemisphere immigrants. The 1965 Act placed a limitation of 120,000 on those immigrants coming from independent countries of the Western Hemisphere. This has apparently caused a significant backlog of applications. Testimony indicated that there is presently a waiting period of approximately 13 months for persons applying from the Western Hemisphere. An additional responsibility is placed on immigrants coming from Western Hemisphere nations. Unless they are joining immediate relatives, they are required to obtain labor clearances before entering the United States. The District Director testified that with our present unemployment situation, a large number of the Western Hemisphere people find it difficult to obtain job clearances within the United States, yet they find it relatively easy to get temporary visitors' visas. Thus, many are able to come here and lose themselves in the population, where they can find work and remain here in an illegal status.

As the testimony continued, it became apparent that though staffing shortages may be contributing to the problems we are facing in Massachusetts, other factors such as the unemployment situation, and the impact of the 1965 Act, are interrelated and make it difficult to measure accurately the impact of budgetary restrictions. While the officials from the Immigration and Naturalization Service were unable to accurately predict how many aliens may be illegally residing in the Commonwealth, their testimony indicated that the number may well be in the thousands.

Aside from the heavy caseloads that field investigators are expected to carry, it is worth noting some of the procedural aspects of their jobs. The testimony indicated that a field investigator has a considerable amount of discretion in the conduct of a routine investigation. Upon the receipt of a complaint, the investigator is assigned to the case by the supervisor. The investigator must then go into the field to gather sufficient information, which he reports back to the supervisor. At this point he is called upon to make a recommendation one way or another as to the status of the alien in question. In this regard, there was testimony to the effect that deportation is always considered as the last resort.

It is encouraging to learn that the policy of the field investigators is to exhaust every opportunity for adjustment before considering the option of the alien's voluntary departure. Even with voluntary departure, a visiting alien who has overstayed can return at some future time without prejudice. We were told that only after it becomes apparent that voluntary departure will not take place, does the Service move toward invoking the deportation process.

The testimony also indicated that illegal aliens are most often found in occupations which are either low-paying or where the physical strain of the job diminishes its appeal.

In a related area, we heard testimony on the proper role of attorneys in immigration cases and the proper role of voluntary social agencies. The Subcommittee heard from Mrs. Esther Kaufman, President of the Association of Immigration and Nationality Lawyers, who was accompanied by Mr. Robert Juceam, Co-Chairman of that Association's Ethics Committee, and Mr. Marshall Medoff, Chairman of the Boston Chapter of the Association. In preliminary questioning, it was revealed that the Immigration and Naturalization Service issues standards for practice before that body and these are contained in the Code of Federal Regulations. It was also brought out that the Code of Professional Responsibility of the American Bar Association has preliminary rules in draft form pertaining to this particular area. Mr. Juceam informed the Subcommittee that the Ethics Committee of the Association of Immigration and Nationality Lawyers has now focused on whether it is possible to develop a specialized code of ethics that relates to an immigration or naturalization practice. The President of the Association further informed the Subcommittee that they are now setting up a national network of attorneys, perhaps not entirely manned by Association members, but at least under the authority and supervision of the Association, so that if an alien in any outlying district wishes to have counsel, he will be able to find counsel or representation at no cost to himself. Mrs. Kaufman pointed out that without legal counsel, mistakes and/or misstatements on the part of an alien acting on his own behalf can create perhaps lifetime ineligibility or general problems that will impede his entry into the United States.

It is important to contrast the role of the attorney with that of the contact representatives supplied by the Immigration and Naturalization Service. The Subcommittee heard testimony indicating that the contact representatives are supplied by the Service for the purpose of assisting aliens who have questions with respect to particular forms to be filled out and submitted by the alien. The large majority of cases are processed in this manner and with this form of assistance. Mr. Juceam pointed out two problem areas for the Subcommittee's consideration. The first is the amount of time that the immigration contact representative can give to any alien. The second is the alternative problem that may be presented, not of any immigration nature, by an alien or an employer who is paying for an alien's application. He went on to cite an illustration:

If an employer is interested in having an alien come to the United States to take training with his company so that the alien may return at the end of the year to head up the operation of the foreign subsidiary, it would appear straightforward that he could use one classification and one form supplied by the Immigration Service to accomplish that end. However, if the employer then indicates that he wants the alien here in a shorter period of time, perhaps because something important is happening in his business, then a different form for a different type of training program will be filled out on behalf of the alien. The difference in this case might be that there is a tax consequence to the alien or that there is a selective service consequence or even a corporate problem that affects the decision as to which of these approaches should be utilized. Mr. Juceam indicated that if the employer were to go to the immigration contact representative, he would learn that there are three types of forms to be used and he would be given assistance in filling out the form he chose. He would not, however, be given assistance in analyzing the collateral problems raised by the use of the different forms.

It is here that the association feels an attorney is needed. While the testimony did not offer any criticism of contact representatives of Immigration and Naturalization, it was pointed out that they are generally employed at the GS–7 level. It was further pointed out that while these contact representatives are given some "in-house" training, they do not participate in the same training course conducted for field investigators in which immigration and nationality law is extensively reviewed. In essence, the contact representative was described as an individual who does not give advice to an alien on a case-by-case basis but rather hands out forms, inspects completed forms, and assists in answering specific questions only when raised. Further, it is possible that a representative of the Immigration and Naturalization Service might not have the alien's best interests at heart since his primary allegiance is to the Service. What is needed in addition to more training is some assurance that aliens with special problems will have the benefit of the true spirit of advocacy.

All of the testimony seemed to indicate a need to provide more extensive training of the contact representatives and/or more stringent requirements for those who wish to serve in that capacity. Even though the Service has a lawyer referral list, they do not provide any legal advice for aliens who may need consultation at an early stage in their application. Mrs. Kaufman in her testimony, suggested that one approach might be to set up a program whereby attorneys could serve in rotation and undertake to spend a specified period of time, one day a month, for example, at the clinic. That way, an alien would know that by going to a specific address at a specific time he would be able to obtain competent legal counsel. Other alternatives were suggested. Notably, the expanded use of legal aid societies and the like.

In another area, Mrs. Kaufman commented on her experience in a voluntary social agency. She indicated that, in all but a few cases, the people in these agencies, no matter how good their intentions, do not have the necessary legal expertise. This testimony was in sharp contrast to that heard later from Mrs. George S. Tattan, Supervisor of Social Services, of the Division of Immigration and Americanization of the Commonwealth of Massachusetts, who indicated that the case workers in her agency are well versed in immigration law. However, it should be poined out that there are no staff attorneys employed by her agency nor do they have a list of lawyers available for referral. The division which she represents was established in 1917. Its original purpose was to protect in-coming immigrants who had difficulty with the English language. The Division's primary purpose was, and is, to assist immigrants in their adjustment to the American way of life. In her testimony, Mrs. Tattan indicated that her agency last year assisted over 21,000 persons with special immigration problems. Mrs. Tattan also indicated that five of the 17 members of her agency serve as representatives of the social service. In that capacity they accompany aliens to the Boston District Office of the Immigration and Naturalization Service to assist them in their dealings with the Service. However, she indicated that they do not go to Washington and appear before the Board of Immigration Appeals, though her agency has assisted aliens in the preparation of forms and the appeals themselves, which have ultimately been sent to Washington to be reviewed by the Board of Immigration Appeals.

It is interesting to note that this particular voluntary social agency has a total of five offices throughout the Commonwealth whereas the Immigration and Naturalization Service itself has only two.

The sum of Mrs. Tattan's testimony suggests the strong feeling that voluntary social agencies play a vital role in the handling of special immigration problems. Nevertheless, it is worth mentioning that we are dealing with a very technical area of the law. Accordingly, it seems that somewhere along the line our procedures should provide adequate provision for aliens to obtain competent legal counsel when the need presents itself. Whether this should come from the Immigration and Naturalization Service, some voluntary social agency, or from some independent source, is a question that needs more attention. Insofar as it affects the practices and procedures of the Immigration and Naturalization Service, it is the proper concern of this Subcommittee.

IV. SPECIAL PROBLEM AREAS

A. Attorneys and private bills

There has been considerable discussion in recent years, both in and out of Congress, about the proper role of an attorney when a private bill is sought on behalf of an alien. Many persons firmly believe that an attorney is not necessary for this purpose. Those who hold this view place their confidence in the professional competence of Congressional staffs, feeling that each office is able to evaluate properly the facts that are brought to its attention by the alien seeking this extraordinary relief. As was developed in the hearings, it is obvious that the record of abuses committed by attorneys in this area has no doubt contributed support for this position. Mrs. Kaufman and the Association of Immigration and Nationality Lawyers believe otherwise. Mrs. Kaufman, in her testimony, indicated that an attorney is not necessary in every instance where private legislation might be sought. Nevertheless, she indicated that the standard by which most members of Congress begin to consider the introduction of a private bill is whether any administrative relief is available. She stressed that this is something that an attorney is especially qualified to evaluate. She went on to testify that an attorney can and should interview a client on every aspect, every fact, every facet of the alien's case to determine whether there exist alternatives to pressing for the introduction of a private bill. If, after such an investigation and consideration of the facts, it is determined that there is no remedy, and the attorney feels that this is a situation in which a private bill can properly be sought, then the attorney's function is to present the case so that the member of Congress to whom it is presented fully understands: why the private bill is being sought; what the merits of the case are; and that no other administrative route can be pursued. This was the sum of Mrs. Kaufman's testimony on this point.

This appears in theory to be the proper role of the attorney. However, Congressional experience has shown that many requests for private immigration legislation are not accompanied by the detailed legal analysis suggested by Mrs. Kaufman. Apparently, many attorneys handling immigration cases have failed to present a fully documented case. A collateral issue to this point is whether an attorney has the right to sell his services based in part on his understanding of the governmental process and perhaps his friendship with people who presently are serving in various governmental posts. As was pointed out by Mr. Juceam of the Association of Immigration and Nationality Lawyers, the United States Court of Appeals for the Fifth Circuit recently addressed this point in a case entitled *Troutman, Jr.* v. *The Southern Railway Company*. The thrust of the Court's decision is that it is not against public policy for a lawyer to utilize personal influence to gain an audience with a member of government, provided that in doing so he does not obtain or seek to obtain relief based on that influence, but that he does present something on the merits of the case. This is a vague area of the law and one in which it is difficult to distinguish what constitutes an attorney's use of personal friendship to obtain a hearing on the merits. Mr. Juceam, in his testimony, indicated that the Ethics Committee of the Association of Immigration and Nationality Lawyers is concerned with this area of the law and is presently reviewing alternative approaches to dealing with it. Their initiative is to be applauded and encouraged. It is clear that the Bar has responsibility for keeping its own house in good order.

Very briefly, it is worth stressing again that this is another problem area stemming from the need for an adequate system of available assistance for aliens upon their entry into our country.

B. TRAVEL AGENCIES AND VISA CONSULTANTS

The background of another special problem area was explained by Mr. Juceam in his testimony. He focused our attention on the role that travel agencies and visa consultants have been and are playing in the area of immigration law. By way of illustration, he produced a newspaper advertisement that had appeared in a newspaper on a Caribbean Island, announcing the availability of employment in the United States and the way to obtain appropriate visas. The announcement listed a number of job categories which at the time were certifiable by the U.S. Department of Labor. The ad gave an address on that island where aliens could go to seek more information. No doubt to make the ad more attractive, a connection was suggested between the office on the island and a New York, English or Canadian corporation. According to Mr. Juceam, the services rendered by this firm and others consist primarily of processing the papers required for labor certification and entry into the United States. Presumably, this work is done by non-attorneys. We were told that evidence suggests that similar firms are cropping up all along the East Coast. We should be concerned as to whether these visa consultants firms or travel agencies are performing a legitimate and useful function with regard to the administration of the 1965 Immigration and Nationality Act, or whether they have been established for the purpose of circumventing the spirit, if not the letter, of our immigration statutes solely to profit from many non-English speaking aliens who may be seeking legitimate entry into the United States. Aside from the potential abuse that may be emerging in this area, it is important for us to understand the role which these firms can and do play with respect to the services presently offered by the Immigration and Naturalization Service and those functions which the Service could conceivably fulfill in the future.

By way of illustration, the Committee heard testimony from Mrs. Joyce Walshaw, a young housewife who, along with her husband, was induced to come into the United States by one of these so-called "visa-consultant" firms. In outlining the facts of her case, Mrs. Walshaw indicated that she and her husband responded to an advertisement in an English newspaper. The article suggested that persons interested in obtaining employment as a "ship fitter" in the United States should arrange for an interview to learn more about the particulars. When Mr. Walshaw went for his interview he was told that, at no cost to him, he would be provided with the following through use of the consulting service.

The husband was promised a job as a "ship fitter." They were told of suitable housing for the entire family in the $125.00 per month range; they were promised permanent residence status and a roundtrip ticket for the husband back to England as well as a one-way ticket for his wife plus $300.00 in cash, after the husband was employed for one year. According to Mrs. Walshaw's testimony, she and her two children did not wish to remain separated from Mr. Walshaw for the one-year period and, since they were financially able to do so, made arrangements for their children to follow them to the United States shortly after their own arrival. Mrs. Walshaw testified that the consultant firm that she and Mr. Walshaw dealt with was one called Penn Consultants of Philadelphia. From their testimony as to the relationship between her husband, his employer and Penn Consultants, what happened is this.

The employer, located in Massachusetts, entered into a contractual relationship with Penn Consultants, located in Philadelphia, whereby the latter agreed to supply foreign-born manpower on a per-head fee basis. Mrs. Walshaw testified as to her belief that approximately three-hundred men came over from England alone at the inducement of the advertisement. She indicated that, to her knowledge, only a handful of these three-hundred men are presently employed here in the United States. The remainder have, to her knowledge, returned to England. Each of the men in question apparently entered the United States on a temporary six-month working permit. Many of these men no doubt left when they failed to either achieve permanent residence status or obtain extensions on their temporary working permits from the U.S. Department of Labor.

According to her testimony, the largest problem facing Mrs. Walshaw and the others from England was housing. They were told that the housing in the United States and in the particular area where her husband would be employed was more than adequate and was reasonably inexpensive. They were told that for a family of four it would be possible to obtain suitable housing for approximately $125.00 per month. After they arrived, she told us that she and her husband were unable to find housing to accommodate their family for a sum even close to $125.00. She felt that this problem alone no doubt prompted many of the families to return to England.

Mr. Walshaw has been employed since his arrival here in the United States, but because of the restrictions placed on Mrs. Walshaw by our immigration statutes, she is legally unable to accept any employment and thus unable to contribute to the family income.

Many of the other men from England ran into a troublesome tax consequence as well. According to Mrs. Walshaw, many of these men were required to pay taxes as single men if they were from Britain. In other words, the married men from England were unable to claim tax relief for their families. In further testimony, Mrs. Walshaw indicated that her husband's take home pay was in the neighborhood of $125.00 per week. With many of the other men placed in this similar pay range, one can easily see why the increased tax burden made it difficult for many of them to pay rent for suitable housing and to live comfortably.

Mrs. Walshaw was queried as to what had been done on her behalf and/or her husband's behalf relative to obtaining permanent visas. She indicated that when the first six-month temporary permit had expired, Penn Consultants applied for an extension. The extension was granted. While the second permit was active, the consultant firm put through or filed on Mr. Walshaw's behalf an application with the U.S. Department of Labor for labor certification. Subsequently, labor certification was granted. Thus eligible to apply for permanent residence status, Mr. and Mrs. Walshaw prepared to do so. They were then advised by the consulting firm not to do so at the particular time for the alleged reason that there were no quota numbers presently available. Acting on the advice offered by the consulting firm, Mr. and Mrs. Walshaw proceeded no further on their application for permanent residence status. At a much later date, Mrs. Walshaw testified; it occurred to them that they should go ahead and file anyway, contrary to the advice given to them by the firm. The day before Mrs. Walshaw testified before the Subcommittee, she was informed by mail that her application for permanent residence had been rejected. The basis of the rejection, she told us, was that her husband entered the U.S. on a temporary basis to work temporarily and was now applying for permanency at the same job. It appears that Mr. and Mrs. Walshaw will have to leave the country.

Mrs. Walshaw indicated by her testimony that the total cost incurred by her and her husband in coming to the United States, relocating their family, and undergoing the hardships forced upon them, exceeded $3,000.

It is worth pointing out that the Subcommittee heard testimony with respect to only one of these consultant firms and involving only one employer here in the United States and employees from only one country. If we give any credence to the claim that there are literally hundreds of these consultant firms presently in operation involving many countries, the dimensions of this problem could be far-reaching.

C. LABOR CERTIFICATION

Another special problem area that was brought to our attention prior to the hearings was the issue of labor certification. The question we focused upon was whether the requirement of labor certification is contributing to the burden of illegal entries into the U.S. Mr. Lawrence W. Rogers, New England Regional Manpower Administrator, the U.S. Department of Labor, testified on this point along with his deputy, Mr. William M. White.

By way of background, Mr. Rogers testified that when the U.S. immigration statutes were overhauled in 1965, preferences were set up within the law specifically for people to come to the United States to work. As a part of the establishment of these preferences, the labor certification provision was installed in its present form to prevent adverse effects on our labor market through lower wages and/or working conditions by a competitive labor force willing to come to this country and willing to work in substandard conditions for lower wages. Certification by the Department of Labor, in essence, means that the immigrant entering the U.S. seeking employment will not displace an American worker who could conceivably be a candidate for the same job.

Mr. Rogers testified that for the period from January 1, 1970 to the middle of May, 1971, a total of 16 and a half months, the New England Regional Office acted on 6,550 applications for labor certification. Of the 6,550 applications received, the Regional Manpower Office approved 3,496 for labor certification. Accordingly, they disapproved 3,054.

To put this in its proper pretext, the 3,496 approved applications represent less than one-tenth of one percent of the average work force in New England. This latter figure, according to Mr. Rogers' testimony, is in the neighborhood of 5,200,000 persons.

In a further breakdown, Mr. Rogers testified that during the same 16-month period, the Department of Labor approved 1,592 applications for aliens in Massachusetts alone. During this same period of time, his department disapproved 1,236 applications. The total number of applications in Massachusetts during this time period came to 2,828. The 1,592 applications approved in Massachusetts should be contrasted with the Massachusetts work force which, in March of 1971, was 2,555,000 persons.

Mr. Rogers also indicated in his testimony that the cost of administering the labor certification requirement comes to approximately $2 million annually.

In later testimony, Mr. Rogers pointed out that the law only requires the Department of Labor to certify the availability of U.S. workers and possible adverse effects on our domestic labor market. From a practical standpoint, this means that an alien can be in the U.S. illegally and apply for and receive labor certification. As a matter of policy, however, we were told that when a labor certification request comes in, if the labor officials ascertain that the applicant is either working illegally or is here in the U.S. illegally, they forward such information to the Immigration and Naturalization Service. The point was made, nevertheless, that the fact that an alien is here working illegally is not by itself cause for denial.

Mr. Rogers went on to point out that the labor certificate, as such, is not recognized by most employers as a formal type of working document as it might be in a country such as England. Of greater significance, he testified, is the fact that anyone can obtain a social security card. U.S. citizenship is not a requirement for social security benefits. The result of this is that an English-speaking alien, armed with either a labor certificate or social security card, will have little or no difficulty in obtaining employment in the U.S. Under the present application of our immigration statutes, an alien is able to enter this country on a temporary 30-day visitor's visa.

According to the earlier testimony of Mr. Coomey, the District Director of the Boston District Office of the Immigration and Naturalization Service, 3,645,328 non-immigrants were admitted into the U.S. in fiscal year 1970. The bulk of these were temporary visitors. This figure, according to Mr. Coomey's testimony, is increasing at the rate of approximately 12 percent each year. Mr. Coomey also indicated that the Service is fairly liberal in the number of extensions that they will grant to temporary visitors. On the average, a temporary visitor can probably remain in the U.S. for a period of approximately six months. During his visit, he can obtain a social security card and present himself for employment at a job site where the need for workers has been indicated. The point to be made here is that with millions of aliens entering the U.S. yearly as visitors, we presently have no accurate measure of the number who choose to remain here illegally and risk the consequences of deportation.

The question at this point is whether the intent of the labor certification requirement is being circumvented by the practical application of our immigration statutes. It would seem that the effectiveness of the labor certification requirement is being compromised by the practical application of our immigration statutes. It would appear that the effectiveness of the labor certification requirement can be measured presently only by the number of aliens who are seeking legitimate entry into our domestic work force.

Mr. Rogers went on to testify that as the unemployment rates have risen in New England the rate of labor certification approvals have decreased correspondingly. In the last four and a half months, he told us that his department has approved only 374 cases. This would, if projected ahead, amount to 1,200 cases on an annual basis or approximately 32 percent of those approved in the past period.

It is at least arguable that this present backlog is encouraging more and more Western Hemisphere immigrants to enter the U.S. as temporary visitors and to remain here working contrary to the labor certification requirement.

One additional factor worth considering. Under our present statutes, there is no way of checking as to whether a labor certified alien remains on the job for which he has been certified. It is conceivable that an alien can be certified for one job and, having obtained the necessary certification, move into another area for which he has not been, nor could be, labor certified. One possible answer to this problem was suggested by Mrs. Kaufman, the President of the Association of Immigration and Nationality Lawyers. In essence, she suggested that a system should be developed whereby aliens can enter the country to seek employment based on estimates of the Department of Labor as to how many can be absorbed. They should then come randomly and without any requirement for a particular job. Mr. Rogers, in his testimony, was in general supportive of this concept, based on his own personal experiences. However, he deferred final judgment on this matter to his superiors in the national office in Washington. Mrs. Kaufman told us that it is her information that the national office of the Department of Labor is, in fact, considering a change in this area along the lines she suggested.

On one final point, it is my understanding that the labor certification requirement does not take into account the seasonal influx of great numbers of people across the border. The present system may be creating hardships for immigrants who are not generally threatening our domestic labor market.

The last special problem area on which we heard testimony in Boston involved the case of Mr. Alphonso Reisgo. The facts in this particular case are fairly representative of a number of allegations which have been brought to my attention reflecting unethical and, perhaps in some cases, illegal conduct on the part of the attorneys.

According to Mr. Reisgo, the following transpired: Mr. Reisgo entered the United States in June, 1968 on a temporary visitor's visa. He was traveling from Spain and was on his way to Canada where he intended to permanently reside. His intention upon entering the U.S. was not to seek permanent residence here. Shortly after he arrived, however, Mr. Reisgo met a friend who told him that he knew a lawyer who could get him permanent residence status. Thereafter, and on the advice of his "friend," Mr. Reisgo went to see the attorney. Mr. Reisgo testified that the lawyer told him that for $1,500 the attorney could obtain permanent residence status for Mr. Reisgo. On this first visit, Mr. Reisgo gave the attorney $200.00 in cash for which Mr. Reisgo did not get a receipt. In October, 1970, approximately four months later, Mr. Reisgo paid an additional $800. At this time, the attorney gave him a receipt for $1,000. The attorney assured Mr. Reisgo that everything would be taken care of within the next six months. Unsure of the progress of his application with the Immigration and Naturalization Service, Mr. Reisgo went by himself to the Boston District Office of the Service. This was on or about November 15, 1970. At that time, he was told by Immigration officials that no papers had been filed in his behalf. He then returned to the attorney and requested an explanation. The attorney responded that his papers were over in "the social security office" and everything was being taken care of. Mr. Reisgo has not seen the attorney in question since November of 1970 nor does he have any evidence that services were performed in his behalf by the attorney either prior to or subsequent to November of last year.

This case represents what may be a common situation in which an alien comes to the U.S. with little or no understanding of our immigration statutes and is taken advantage of by those in whom he has placed his trust. This is clearly an area that is deserving of more attention on the part of the respective bar associations. In this particular case, there may be further evidence that will support an indictment.

E. NEW BEDFORD

As the hearings shifted to New Bedford on the second day, we focused our attention on two major areas. First we heard testimony bearing on fraud and unethical conduct on the part of at least one attorney. Second, we received information outlining the impact of aliens on the economy, housing, health care, and other social services in the Commonwealth. This latter area is directed to the problem of allocating available resources in the most efficient manner.

As to the first issue, my office began to receive an increasing number of complaints in the early spring of this year (1971) from aliens in New Bedford and Fall River who felt that they had been taken advantage of by at least one attorney. On one occasion, the designated representatives of many of these aliens, accompanied by a representative of Governor Francis W. Sargent, came to Washington to meet with my staff. As time went on more and more complaints came to my attention and the needs for some sort of action became evident. While the total number of aliens involved with one attorney in particular has yet to be determined, the testimony supported the contention that well over 200 have been involved.

The first witness was Mr. Paul Andrade, who is presently employed at WGCY Radio Station. Prior to his employment at the radio station, Mr. Andrade was employed at the Migrant Education Project of the Commonwealth of Massachusetts. While so employed, a number of aliens came to him with their own complaints. Though the stories varied somewhat, a common theme was outlined by Mr. Andrade in his testimony. The following is a typical account: A foreign national who visited the United States and expressed a desire to immigrate as a permanent resident would be referred to one particular attorney by friends or relatives, and, it was suggested, possibly paid runners. The attorney would assure the new client that he could arrange to have him remain in the U.S. permanently and legally. The attorney, the testimony indicated, often represented himself to be a member of the U.S. Department of Immigration staff as well as "Consul General of the United Nations" with administrative authority superseding all other attorneys in the United States. The attorney would request in cash a $500 retainer fee from each client. It was further stated that, upon payment, the alien was taken to the Post Office or some other appropriate place, either by the attorney in question or one of his staff, for the purpose of obtaining a social security card. Each client, the testimony indicated, was informed that this card was evidence of his right to work in the United States and that the alien could now find a job, purchase a car, or buy property. Each applicant whose family was not in the U.S. was advised by the attorney to dispose of his possessions in his country of origin and to send for his family as they could now reside in the U.S. permanently and legally, once they were admitted as visitors.

It was suggested by Mr. Andrade that the attorney was often dealing with unsophisticated and often uneducated people awed by his apparent position of influence and prestige. On such occasions as the attorney accompanied them to the offices of the Immigration and Naturalization Service, the courtesy and deference tended to corroborate his claims in their eyes.

When in the course of time, communications of any nature came from the Immigration and Naturalization Service, the clients immediately took them to the attorney in question. Their testimony indicated that the attorney almost invariably advised them that he was handling the whole matter and that they need not take any action to comply. Even when third parties translated the notices and advised the aliens of the seriousness of their situation, and in some cases of their imminent deportation, the attorney would assure them that this was just an administrative mix-up in the large governmental machinery and that they could pursue their normal lives without any fear or hindrance. Their testimony indicated that a number of aliens stated to the attorney in question that they would rather leave the country than be a party to any illegal act. On these occasions, testimony indicated that they were reassured by the attorney that all of his actions in their behalf were completely legal and that they were not violating any law of the United States. One witness testified that, on at least one occasion, the attorney in question acted angered and hurt by the implications that any of his actions were outside the law. This particular witness did not pursue the question any further since she felt intimidated by the sight of the attorney who happened at the time to be armed with two pistols. Her testimony indicated that when the attorney took his jacket off she saw him carrying one gun on his hip and the other lodged in a shoulder holster.

In the fall of 1970, the attorney introduced a new tactic. On October 16, 1970, over 100 of his clients were summoned to his New Bedford office and told, in essence, that there was now a legal mechanism available that would allow them to be not only bona fide immigrants and permanent residents of the United States but American citizens as well. The testimony indicated that he presented each client with a mimeographed form in the nature of an affadavit, the purported effect of which was to enable the aliens to renounce their citizenship in their native land and to declare themselves to be stateless persons. Their forms were witnessed and notarized. The testimony indicated that the fee for this service was $300 and would, according to the attorney, entitle his clients to American citizenship within six to eight months. Some of the people who were presented with this "opportunity" had already paid the attorney amounts ranging from $500 to more than $1,000, but, on this particular day (October 16) we were told that 104 of them paid an additional $300 in cash, for a total of $31,200.

Some time later, the aliens' visitor's visas began to expire, the Immigration and Naturalization Service began to institute deportation procedures against a number of this attorney's clients. The strength of their reliance on the advice of this attorney was highlighted in the testimony of Mr. Antonio Gomes Cruz. Mr. Andrade was kind enough to act as the interpreter for Mr. Cruz and a number of the other witnesses who are unable to speak English. Mr. Cruz testified that in May of 1970 he received his first deportation notice. He had been instructed that any time he received correspondence from the Immigration and Naturalization Service, he was to take it to a particular woman who had been acting as an intermediary between him and the attorney. Upon receipt of the deportation notice, as instructed, Mr. Cruz took the notice to the woman and was informed by her of its nature, but was told not to worry and to go out to sea (Mr. Cruz was employed as a fisherman) as scheduled. When Mr. Cruz returned from his fishing trip, he returned to the woman. He testified that she said she had talked with the attorney and that he had said that everything was running along very well and not to worry.

Approximately two months later, he received a second notice from the Immigration and Naturalization Service notifying the entire Cruz family, which included his wife and two children, to appear at the Boston District Office of the Immigration and Naturalization Service. When Mr. Cruz and his family appeared at the Boston District Office with their attorney, he testified that there was a conversation between the Immigration officials and his attorney which he could not understand. He was instructed by the attorney that everything was all right and that he was to go back home. The attorney further indicated that if the officials were to call him again, he (the attorney) would be available to take care of it. In August, Mr. Cruz received another notice from the Immigration and Naturalization Service requesting that he appear on a given date at the Boston District Office. The same thing happened again and again. There was a conversation between the attorney and the immigration officials which Mr. Cruz did not understand, and again the attorney instructed him to return home and not to worry. Mr. Cruz testified that he went through this routine approximately five times.

Mr. Cruz went on to testify that on or about November 14, 1970, he was arrested by immigration officials as he was about to board a fishing boat to go out to sea. He was handcuffed and taken to the New Bedford House of Corrections. He was held there for four days and then transferred to the Charles Street Jail in Boston. Mr. Cruz spent five days at the Charles Street Jail until he was released on bail pursuant to a restraining order issued from the U.S. District Court in Boston. Mr. Cruz testified that he saw the attorney in question when he was released from the Charles Street Jail, but that he only saw him at a distance and when the attorney saw Mr. Cruz coming he turned his back to him and did not speak. At the conclusion of Mr. Cruz's testimony, I asked Mr. Andrade if he would be kind enough to ask in Portuguese how many people in the hearing room had the same or similar testimony to give with regard to their involvement with the same attorney. 56 people stood and raised their hands, indicating a factual pattern (excluding the arrest sequence) similar to that outlined by Mr. Andrade and Mr. Cruz. While the total number of aliens similarly situated has yet to be determined, it is clear that we are dealing with a number in the hundreds.

It is worth pointing out that many of the witnesses who testified at the hearing indicated openly and willingly that their present status in the U.S. was illegal. They were not obligated in any way to step forward and present their evidence for the record. Nevertheless, they did so without attempting to avoid any of my questions. It seemed evident that these people had acted in good faith and had not knowingly sought to circumvent our immigration statutes. At another point, Mr. Andrade was asked if he would request a show of hands so that we could determine what sums of money had been paid by the people present in the hearing room to this one attorney. We were then able to determine that one had paid $1,100; two had paid $1,000; one had paid $900; 17 had paid $800; 5 had paid $700; one had paid $600; 14 had paid $500; 4 had paid $400; 4 had paid $300; one had paid $200; and 3 had paid $100.

Again asking the entire group how many had received a permanent resident visa card, no one raised his hand. On the question of how many had received labor certification through the efforts of the attorney, the answer again was none. Finally, as to how many had signed the renunciation of citizenship form that had been described in the earlier testimony of both Mr. Andrade and Mr. Cruz, 52 people present in the hearing room raised their hands to indicate that they had done so. Many of the people present had receipts to show the amounts that they had paid to the attorney and/or his secretary.

Midway through the afternoon session, we heard testimony from Attorney Murray H. Rittenberg, of 11 Beacon Street, Boston. Mr. Rittenberg appeared at the hearing voluntarily and testified on his own free will. While his testimony at times was at variance with the facts outlined by the witnesses who had preceded him, the substance of his comments generally supported the earlier testimony.

There are two or three areas that are worth looking at more closely insofar as Mr. Rittenberg's testimony is concerned.

In a discussion of the procedures that Attorney Rittenberg employed to keep aliens in this country, the following testimony transpired:

Senator Brooke. Now, what procedure did you adopt?

Mr. Rittenberg. I looked around. People—they came to me. Most of them came to me, their time had run out. Now, I had talked this over with Immigration—I'm trying to think who the men's names are. I'll tell you in private, not now.

And I was told the people came in and the time is up on their I-94's, that I could let them go to work because actually, it's the same thing with the card. That don't make any difference anyway: it makes no difference anyway; it makes no difference at all, because they already broke the law by staying beyond their time period.

So I advised them all to go to work and get social security cards. To get a social security card—does not mean they are going to work. Everyone who works has the right to it.

Senator Brooke. Stop, if you will, right there. You are very well familiar with immigration law (earlier in his testimony Attorney Rittenberg testified that he considered himself to be a specialist in immigration law). Don't you know that if a person comes in here on a visitor's visa that he is in violation of the law if he goes to work?

Mr. Rittenberg. Certainly.

Senator Brooke. Well, how could you advise someone to break the law?

Mr. Rittenberg. After their time is over.

Senator Brooke. It doesn't make any difference. You are a member of the Bar. If I went out and advised someone to commit larceny, I would be advising them to commit a crime, would I not? As a member of the Bar, I would be in violation of the law myself?

Mr. Rittenberg. Maybe so.

Senator Brooke. What prompted you, as a member of the Bar, number one, fully familiar with immigration law, to advise your clients to go out and get a job in violation of the law you are sworn to uphold as a member of the Bar?

Mr. Rittenberg. They were already in violation of the law.

In further testimony, related to the use of renunciation of citizenship forms, Attorney Rittenberg outlined the legal theory upon which he acted. His belief was, and apparently is, that the United States is a signatory to some treaty which in effect would permit an alien to renounce his citizenship in his native country and thereby become stateless. Then, the United States would not be able to deport him and would in fact be obligated, if not compelled, to grant him residency. Mr. Rittenberg indicated in his testimony that he did not know or was not informed until much later by an assistant U.S. attorney in Boston that the United States is not a signatory to the treaty upon which he based his legal claim.

On the question of advising his clients to ignore deportation orders, it is worth nothing more of the testimony.

Senator **Brooke**. When a client came to you and showed you a deportation notice, why did you tell him to ignore the notice?

Mr. **Rittenberg**. Why? Because I wanted to talk to Immigrations to see if I could get it changed. Very simple. No matter what anybody says to me, that is the answer.

At another point, the dialogue went as follows:

Senator **Brooke**. Have you ever represented a client that jumped ship?

You understand jumping ship?

Mr. **Rittenberg**. Ya.

Senator **Brooke**. You couldn't be in the immigration business and not understand that. Now, a person jumps ship and you advise them to get a job and not worry about anything, you'll take care of it. Do you know that jumping ship in this country is a violation of law?

Mr. **Rittenberg**. I imagine it is.

Senator **Brooke**. You don't need to imagine. You are an expert on immigration law.

Mr. **Rittenberg**. Of course it's a violation.

Senator **Brooke**. Number one, to jump ship is a violation of law and number two, to work after you enter the country by jumping ship is another violation of law, is it not?

Mr. **Rittenberg**. Uh huh.

Senator **Brooke**. Then, why would you advise the client to go to work?

Mr. **Rittenberg**. Probably at the moment I just thought that way.

At another point in his testimony, Mr. Rittenberg offered evidence supporting the contentions raised in the Boston segment of the hearings with regard to the need for more investigative personnel in the Boston District Office of the Immigration and Naturalization Service.

The testimony on that point went as follows:

Senator **Brooke**. Is that within the law, for example, when a visitor's visa expires, say, in June, 1969, and nothing is ever received by the alien, say, for a year, a year and a half, until 1970, or even still longer?

Mr. **Rittenberg**. It's the system. The system, that's all it is.

Senator **Brooke**. What is wrong with the system?

Mr. **Rittenberg**. The system. In other words, when these people's time comes up they have the I–94, they have a record of it. But there is no way for the Immigration really to know each day what people should be approached and told to leave if they haven't left.

Senator **Brooke**. Even after a year?

Mr. **Rittenberg**. Oh, ya. There is no way. They have no work force. The only way they can do it is somebody—and they are doing a lot of that—calls up and reports the facts that so and so is working in this place or living here over his time. They they go out and they get him and they do get him.

Senator **Brooke**. People come here as visitors and stay in this country forever, is that right?

Mr. **Rittenberg**. I know one case, a man's been here for eight years.

At the conclusion of Mr. Rittenberg's testimony, the presence of Mr. Marshall Medoff, Chairman of the Boston Chapter of the Association of Immigration and Nationality Lawyers, was noted. Mr. Medoff was asked if he and members of his association would agree to review all of the cases involving aliens from the New Bedford-Fall River area who felt that they had been disadvantaged by their association with Attorney Rittenberg. Mr. Medoff agreed to provide such a review and to furnish us reports thereon. As immigration proceedings continue, Mr. Medoff will be providing reports, and it is my hope that these reports will assure us that a full review has been conducted and that no one is being deported who has not exhausted every administrative remedy available.

F. IMPACT OF ALIENS ON ECONOMY

The second area on which we focused our attention in the New Bedford portion of the hearings involved the impact of aliens on the economy of Massachusetts and on the range of social services that are available. In this area we heard testimony from Mr. William R. Lapre, Supervising Manager, State Division of Employment Security.

Mr. Lapre testified that unemployment in New Bedford amounted to 12.3 percent in January; in February it was 12.2 percent; and in March it was 12.0. He indicated that New Bedford had not previously had a 12 percent rate for more than 10 years. He went on to testify that he took a survey for the last quarter of 1970 which showed 17,707 new and reopened cases. In essence, his testimony indicated that 24 percent of the unemployed in New Bedford in the last quarter of 1970 were either aliens or immigrants. Geographically, he was discussing the Standard Metropolitan Statistical Area which includes the communities of Dartmouth, Acushnet, Fairhaven, and the city of New Bedford itself. He went on to testify that this 24 percent figure amounts to a substantial increase over previous years. To handle the increase, he hired four Portuguese-speaking claims clerks, and one Spanish-speaking claims clerk. Additionally, he was forced to use two of his regular junior clerks, who are Portuguese, and one supervisor as interpreters during this period.

When queried on the number of complaints that he has received so far in 1971 with regard to aliens taking over the jobs of permanent residents and U.S. citizens. Mr. Lapre indicated that they had received some 100, perhaps 110, complaints. By way of comparison, Mr. Lapre indicated that his office, during the 1970 period, received no more than a dozen.

In further testimony relating to the impact of alien labor on the work force, Mr. Lapre indicated that his office administered the 6th preference part of the Alien Employment Certification Act to the extent that they certified whether there were skilled people available. Since the Act went into effect in December 1965, his office has processed 574 cases. Of those, the Department of Labor has certified 347; they rejected or did not certify 210 and there are now 18 pending.

We also heard testimony from Mr. George N. Maravell of the New Bedford Welfare Service Office, Department of Public Welfare. When queried as to what, if any, impact aliens in the New Bedford area had on the public welfare roles, Mr. Maravell testified that during the period of February 16, 1971 to May 7, 1971, the specialized family unit received a total of 475 family applications for general relief and aid to families with dependent children. Of this total, 71 were families who had emigrated to the United States from Portugal during the past year. Of the 475 applications, 266 were for aid to families with dependent children, and 209 were for general relief. That means that some families were technically eligible for one category; they weren't eligible for another category.

Of the 209 general relief applications taken during that period of time, 50 were immigrants who had come to this country within the last year.

In another breakdown, Mr. Maravell testified that one out of every six families that applied for public assistance between the dates of January 14, 1971 and February 12, 1971 were Portuguese immigrants. In terms of actual figures, 40 of the 240 applicants were non-English-Speaking people from Portugal who had arrived in the city in the past year, and who, because of poor economic conditions in New Bedford, were dependent upon public assistance.

Mr. Maravell testified that his report may appear to be overly critical of the immigrants but it was not intended to be so. The thrust of his testimony, he said, was to point out that the city of New Bedford is only geared toward referring immigrants to the Welfare Department; and the Welfare Department is not geared for such problems without adequate manpower, funds and community resources to deal with the increased case loads that they are expected to handle.

In another part of his testimony, Mr. Maravell indicated that there is a tremendous housing shortage in New Bedford at the present time. A look at his testimony tells the story.

Mr. **Maravell**. When a family—we have had reports from our workers that—is on the way over, some friend or relative has a home or tenement waiting for him. The reason that it is waiting is someone who did live there was evicted.

And it is impossible to find another place to live. And that thing is going on continuously. We have reports, even last night, that people were sleeping in automobiles. They didn't have a house to sleep in.

Senator **Brooke**. The situation is that bad?

Mr. **Maravell**. It is.

Mr. Maravell indicated that his agency has no way of determining whether an alien is here in a legal or illegal status. He indicated that the policy is to assist anyone who is needy, regardless of their status.

It is clear that his heavy caseload has overtaxed the agency tremendously.

Mr. Maravell testified that, although they have a fairly large agency, he could estimate that they are understaffed by about 30 people at the present time. His present staff amounts to 126 people. In round figures, he testified, his agency is expected to deal with 10,000 families, or 20 percent of the population. His agency spent close to $24,000,000 each year in New Bedford, Acushnet and Dartmouth.

While Alphege Landreville, Director of Public Health, attended the hearings in New Bedford, he was unable to remain to testify. Thereafter, he submitted his comments in writing and requested that they be included in the hearing record.

Director Landreville indicated that the City of New Bedford provides not only a tuberculosis control program for New Bedford but for six of the surrounding communities as well; namely, Acushnet, Dartmouth, Fairhaven, Freetown, Mattapoisett, and Rochester, comprising a total population of approximately 150,000 people.

In tuberculin testing of the non-English-speaking children from the public and private schools, he found that 15 percent of this group had a positive reaction, denoting that either they or their families in the countries from which they came had, without any doubt, been in contact with cases of active tuberculosis. The entire families of those children who reacted were then tuberculin tested and all persons showing reaction were then X-rayed and put on medication which was provided by the State Department of Public Health. This meant that in 1970, more than 1,000 persons were receiving medication.

Director Landreville also indicated that public health nurses as well as the nurses in the public school system have found a large number of these immigrant children with intestinal parasites causing serious malnutrition. He went on to assert the belief of the Department of Public Health that immigration authorities in Portugal are not adequately screening the people who are coming to this country from the point of view of determining whether they are suffering from any contagious disease or determining what their health problems may be. On a practical level, Director Landreville told us that the public health nurses who are traveling in the field find they are barred from many of the homes of immigrants who are illegally within this country because many of these people, knowing that they may be deported, fear officials of any kind. This fear makes the work of the field nurses doubly difficult, particularly when there is also a language barrier that is not easy to overcome.

In the related area of education, I received a subsequent communication from the New Bedford Superintendent of Schools, Mr. James R. Hayden. In describing the impact of immigrants on the New Bedford School System, he indicated that in 1965, prior to the enactment of our present immigration statutes, the public school system had 29 immigrant children enrolled. Thereafter and every year since, over 300 children have been enrolled.

What has emerged in essence is a bleak picture of inadequate resources being overtaxed. The people who suffer as a result are not only immigrants but also citizens of the Commonwealth. At the present, we have no accurate measure of the number of illegal aliens in the Commonwealth. We can, however, measure their impact by the burden they add to presently available social services. To this extent, we must begin to supplement existing resources while we continue to search for ways to stem the flow of illegal aliens into the United States.

The aliens who are here illegally have been drawn to our land by the freedoms and opportunities which abound. They came not to thwart the law but to live within its promise of justice. Owing to the fact that they have been generally unfamiliar with our complicated immigration statutes, they have all too often fallen victim to employers and attorneys eager to profit from their ignorance of the law.

They entered this country not only in the wrong way but at the wrong time—during a recession when unemployment was high and social services were severely over-taxed. Their plight cannot be ignored. While the Nation's laws must be upheld, our compassionate tradition must be continued. In response to their illegal status, we must be firm in the application of our laws and understanding as to the individual needs of each alien.

V. CONCLUSIONS AND RECOMMENDATIONS

1. *Conclusion:* In the face of the responsibilities that the Boston District Office of INS is expected to handle, the office is very much understaffed in key areas.

Recommendation: For a beginning, the budgetary authority for the staff positions of field investigators be at least doubled for the Boston District Office for the next fiscal year. This would provide 32 field investigators and two supervisors where there are now only 16 investigators and one supervisor.

2. *Conclusion:* The "contact representatives" with the Immigration and Naturalization Service play an important role assisting aliens in selecting and filling out the appropriate INS forms. To the extent that "contact representatives" offer limited and/or inadequate services, many non-English speaking aliens are left subject to the prey of the unscrupulous.

Recommendation: That the job of "contact representative" in the Immigration and Naturalization Service be upgraded and coupled with a more vigorous training program to include extensive training in immigration law.

3. *Conclusion:* An English-speaking alien who enters the United States on a temporary visitor's visa and thereafter decides to remain in an illegal status, has little or no difficulty in securing a social security card for the purpose of violating other Federal laws relative to alien employment.

Recommendation: I have asked the Commissioner of the Social Security Administration, Robert M. Ball, to determine if it is administratively possible to modify the social security application form in such a way as to obtain from it sufficient information for a cross-check with immigration officials. If this cannot be done administratively, I shall seek to amend the Social Security Act to provide for such an alteration of the application form and to establish the necessary administrative machinery.

4. *Conclusion:* The number of aliens here illegally appears to be significant and may be producing an adverse impact on the economy of Massachusetts and the distribution of the available social resources.

Recommendation: The appropriate federal and state agencies have been requested to assist in documenting the extent of this impact and to prepare specific legislative recommendations to deal with the problem on the federal level.

5. *Conclusion:* That a number of employers have actually invited and encouraged aliens on expired visitors' visas to work in an illegal status. An additional number of employers have acted with reckless disregard as to the status of their employees under our immigration statutes and have thereby encouraged the aforementioned violations. Estimates as to the loss of earning power that has resulted to American citizens run as high as $5 billion each year.

Recommendation: I have asked Attorney General John Mitchell to explore alternative methods by which employers could be made more aware of their responsibilities and immigration laws. In addition, I have requested that the Attorney General review existing statutes and determine whether additional authority is needed to take action against those employers who knowingly hire illegal aliens.

6. *Conclusion:* The requirement of labor certification is costly and is not addressing the problem at hand—that is, insuring that qualified domestic workers are not displaced by aliens. Furthermore, this requirement appears to be exacerbating the problem by encouraging aliens to circumvent the spirit, in many instances, the letter of the law.

Recommendation: Since this issue is currently being reviewed by the appropriate Congressional committees, we should await their findings and recommendations.

7. *Conclusion:* That a number of Portuguese aliens in the New Bedford-Fall River area, as a result of their dealings with at least one attorney, have suffered substantial hardship. Nevertheless, this hardship, by itself, is not sufficient, in my opinion, to justify the introduction of private bills in Congress.

8. *Recommendation:* Where additional hardship can be shown though not sufficient itself to justify the introduction of private legislation, such hardship should be considered cumulatively with the "attorney hardship" for the purpose of introducing the appropriate private measures. In addition, I have requested the Commissioner of the Immigration and Naturalization Service, Raymond F. Farrell, to exercise the greatest leniency permitted under existing immigration statutes in handling those cases that cannot otherwise be adjusted during the interim period. Finally, I have asked Marshall Medoff, Chairman of the New England Chapter of the Association of Immigration and Nationality Lawyers to continue his review of individual cases to insure that the full benefit of counsel is afforded.

TRIBUTE TO KABC–TV, CHANNEL 7, LOS ANGELES, ON THE CREATION OF A LOS ANGELES POLICE MEMORIAL

Mr. CRANSTON. Mr. President, now at a time when militants are directing such great volume of fire—both verbal and real—at police departments throughout our country, I would like to call attention to the efforts of a Los Angeles broadcasting company which has taken a very positive step toward the appreciation of law enforcement.

Channel 7, KABC–TV, Los Angeles, has been instrumental in the creation of a police memorial honoring those officers of the Los Angeles Police Department who have lost their lives in the line of duty. The project was nearly 3 years in planning and preparation, under the direction of John J. McMahon, vice president and general manager of KABC–TV and chairman of the Los Angeles Citizens Committee responsible for the memorial's construction and dedication

While the fundraising was conducted by KABC–TV, the memorial was truly a gift from the people of Los Angeles, with contributions received from private citizens from all walks of life. The memorial, one of the very few—too few—in our Nation, is designed not only as a tribute to fallen policemen, but also as a reminder to the community of how very much all officers may be called upon to give.

The engraved granite monument, 20 feet in height, was dedicated on Friday, October 1, at Parker Center, the police headquarters in Los Angeles, with Attorney General John Mitchell as dedication speaker.

I join the people of Los Angeles and police officers everywhere in commending channel 7 KABC–TV for its contribution to the image of law enforcement.

THE DANGER OF CORPORATE AGRICULTURE

Mr. McGOVERN. Mr. President, the controversy surrounding the confirmation of the nomination of Secretary of Agriculture Earl L. Butz focused a great deal of public attention on the future of American agriculture. Many of us who opposed his confirmation called attention to a genuine fear in rural America, the fear of corporate domination of American agriculture. Despite the claims of the U.S. Department of Agriculture, large corporations are producing more and more of our Nation's food and fiber.

Secretary Butz' longtime association with many of these firms precipitated unprecented grass roots opposition to his confirmation. During the hearings on his nomination conducted by the Senate Agriculture Committee, Secretary Butz implied that corporations now active in agricultural production were curtailing their farming operations. But at the same time, many of these corporations are telling their stockholders of plans to dominate the food industry "from the seedling to the supermarket," as one of the corporations put it in its annual report. These corporations are able to take unconscionable advantage of tax provisions originally intended for the family farmer. I have long advocated that the laws should be revised to eliminate tax-bonanza farming. It is also time to rewrite the antitrust laws to prevent the spread of corporate agriculture.

If we fail to take measures to turn

back the corporate invasion of American agriculture, the entire Nation will feel the results. Not only will rural-to-urban migration continue, but with the demise of the family farm we can expect to see an unhealthy increase in the cost of food in the supermarket.

In the New York Times of December 5, 1971, R. Drummond Ayres, Jr., has depicted with considerable success the extent of corporate inroads into American agriculture. Significantly, the article describes how large firms were able to administer consumer prices once they became the dominant interest in the market. Because the article shows the scope of the corporate threat to American agriculture and what it means for the Nation, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rise of Corporate Farming A Worry to Rural America

(By B. Drummond Ayres Jr.)

Kansas City, Mo., December 3—Few things are growing faster down on the farm these days than corporate influence.

All across the United States, from the wide-open prairie surrounding this cattle and grain center to Maine's fertile potato fields and California's irrigated grapefruit groves, big business is diversifying and moving in on what once was strictly a family enterprise, a way of life.

International Telephone and Telegraph now produces not only transistors but also Smithfield hams.

Greyhound now runs not only buses but also turkey processing plants.

John Hancock now sells not only insurance but also soy beans.

Corporate farming or conglomerate farming or agribusiness—by any name it strikes deep fear in rural hearts, such deep fear that the new Secretary of Agriculture, Dr. Earl Butz, was almost rejected by the Senate after he had espoused the advantages of agricultural giantism and had disclosed membership on the boards of such super farm firms as Ralston Purina and Stokely-Van Camp.

Senator Gaylord Nelson called Dr. Butz's views "brazen" and has begun to investigate corporate influence in agriculture Legislation. The Wisconsin Democrat says: "Corporate farming threatens an ultimate shift in power in rural America, a shift in control of the production of food and fiber away from the independent farmers, a shift of control of small town economies away from their citizens."

The Agribusiness Accountability Project a non-profit study group with headquarters in Washington, has been looking into corporate farming for more than a year and reports:

"Corporations generally have become the dominant force in rural America. Their concentration of agricultural markets and their power over rural people is increasing every day. Control of American agriculture has moved from the fields to the board rooms of New York, Kansas City, Los Angeles and other centers of big business."

Farmers themselves speak even more directly the problem. Summing up the position of one of the largest farmer associations, the National Farmers Organization, Rogers Blobaum of Creston, Ia, said:

"A corporate takeover of the food industry would be a national disaster."

Corporations everywhere deny any takeover is threatened.

"We're not trying to run anybody out of business," says George Kyd, a spokesman for Ralston Purina.

A MISLEADING PICTURE

At first glance, corporations do not seem to loom large on the agricultural scene. Of the 2.7 million farms left in the United States, only about 1 per cent are carried on the Agricultural Department's books as incorporated or owned by corporations. And most of the incorporators still insist they are "family farmers."

But that picture is misleading.

Corporate farms are big farms. Many consist of thousands of acres of the best land obtainable. Their owners often have backlogs of development capital and, if diversified, obtain numerous tax advantages.

On the other hand, the average American farm, the unincorporated farm, consists of only about 400 acres, some of them nonproductive. The man who owns this relatively small plot probably has no big capital backlog, often is deep in debt, and seldom receives any special tax breaks.

Eventually, he may have to sell out, flee to the already jammed city, surrender to those who have the capital to compete in a business where $6,000 deals have replaced $60 mules.

This surrender, in one form or another, takes place 2,000 times a week all across America. That is the average number of farm sales weekly, according to the Agriculture Department. Often, a well-heeled corporation names in to fill the void, or maybe a wealthy city doctor looking for a tax deal or maybe a neighboring farmer who has somehow found the means to expand and is on the brink of incorporation.

Actually, not all farming corporations own land. Some only lease and thus do not show up in farm statistics.

Other farming corporations neither own nor lease land. They simply contract for crops, an operating method that now accounts for about a fifth of the country's total agricultural output.

METHODS COMBINED

A few corporations use a combination of operating methods.

For instance, the Tenneco Oil Corporation owns and farms about 35,000 acres of Southern California's best crop land. It leases 100,000 acres more. And it contracts for the crops of dozens of other farms in the area.

The overall effect is to make Tenneco one of the dominant agriculture forces in one of the biggest farming areas of a state that provides more than a third of all vegetables eaten in the United States.

Tenneco has no monopoly on the vegetable market. But in some other agriculture sectors, corporations have achieved dominance or near dominance.

Three companies—Purex, United Brands and Bud Antle—produce a large share of the lettuce eaten in America, a situation that has led to a rare agricultural antitrust investigation by the Federal Trade Commission. Many Government officials contend that a corporation cannot grow lettuce any cheaper than a family farmer, a point farm economists have frequently made, not only about lettuce but also about most other crops.

Another sector of agriculture dominated by corporate America is the broiler industry. There, 20 or so corporations are in control, producing everything from chicks to feed to packaged drumsticks. Among these companies are Pillsbury, Perdue and Ralston Purina, with which Secretary Butz was associated.

CHANGE AFTER WORLD WAR II

Until shortly after World War II, many broilers were raised in the barnyards of family farms. Small flocks of chickens, though always underfoot, supplied added income, cash for birthday presents or a winter weekend in the city.

Today, there is virtually no market for barnyard chickens. Instead, the family farmer is usually growing broilers under contract for one of the big agrigiants.

In a shed built with a loan from a corporation, he feeds mash produced by the corporation to chicks hatched in the corporation's incubators. When the birds are mature, the corporation takes them away, slaughters them in its own processing plant, packages them prettily, then ships them off to a supermarket—perhaps its own.

The farmer is paid $50 or so for every 1,000 chickens raised. But in any year, if times are hard or management particularly tough, the corporation may cut the growing fee in half.

Should the farmer refuse to sign a new contract, fine—so long as he pays off his loan on the corporation-financed chicken house.

Only last week, chicken farmers on the Delmarva Peninsula—comprising parts of Delaware, Maryland and Virginia—threatened court action when some broiler corporations proposed cutting growing fees in half.

And two years ago, in northern Alabama, growers became so incensed about reduced growing payments that they refused to sign new contracts and began to picket the offices of broiler companies. The companies refused to negotiate, however, and eventually the strikers gave in and returned to work.

Commenting on the strike's failure, one grower, Crawford Smith of Cullman, said:

"Us folks in the chicken business are the only slaves left in this country."

George Kyd of Ralston Purina counters:

"Chicken is cheaper to eat today than it was after World War II, and besides, a lot of farmers have been given work."

THE LESSON IS THERE

To which Harrison Wellford, one of Ralph Nader's agriculture "raiders," replies:

"Poultry peonage. One economist cranked in every applicable factor and concluded that most chicken farmers make minus 36 cents an hour. The broiler industry is the most corporatized in American agriculture and the lesson is there."

Foes of corporate farming refer to the broiler industry as being "vertically integrated"—that is, the corporations control almost everything from field to table. Few other segments of agriculture are so thoroughly integrated. But the trend is in that direction.

Tenneco recently told stockholders:

"Tenneco's goal in agriculture is integration from seedling to supermarket."

In fact, the corporation has almost achieved its goal. Not only does it own land, but it also makes tractors, tractor fuel and pesticides. Furthermore, it packages farm products and sells them in little groceries attached to its service stations.

In the potato industry, some companies have achieved full integration. This became evident several years ago when Idaho farmers tried to get more money for their potatoes by withholding them from processors for several months.

The processors refused to give in. Instead, they dipped into storage houses filled with spuds they had quietly grown themselves or had quietly obtained through growing contracts.

Eventually, the growers surrendered. Their potatoes were beginning to rot.

In the hog and cattle industries, vertical integration remains limited. But corporate influence is being felt.

For instance, some concerns like Ralston Purina now rent gilts and boars to farmers, sell the farmers grain to feed the resulting pigs, then offer to market the pigs once they reach maturity.

In the cattle business, a few petroleum corporations have set up huge feed lots in the Southwest, some with 50,000 heads or more. As a result, old companies are steadily becoming an influential force in cattle feeding, encroaching on the family farmer, the man trying to pick up a little extra income by raising a dozen steers out in the barnyard where the chickens used to scratch.

Big food chains often buy directly from feed lots or set up their own feeding operations. Thus, they reduce the need for stockyards, the one place where the family farmer can always be sure of getting the best price for his cattle because the bidding there is always competitive.

Victor Ray, an official of the National Farmers Union, a large farmers association, contends that several years ago Denver supermarkets whipsawed steer prices down from 29 cents a pound to 21 cents a pound simply by repeatedly shifting purchases from feed lot to stockyards and back to feed lots. Mr. Ray says:

"When the chains weren't buying at the yards, prices naturally would drop. Of course, the chains denied any connection. But interestingly enough, all the while that wholesale meat prices were going down, retail meat prices stayed the same. I figure the people of Denver paid at least $4 million more for food during that period than they should have."

Here in Kansas City, there is a company that specializes in investing the excess capital of wealthy corporations or individuals into cattle and other agriculture operations. Called Oppenheimer Industries, it takes on no client with a net worth of less than $500,000 or an income tax bracket of less than 50 per cent.

Its specialty is "cowboy arithmetic," tax savings for the rich through depreciation, favorable capital gains levies and other legal loopholes. One of its clients is Gov. Ronald Reagan of California, who paid no state taxes in 1970.

The president of Oppenheimer Industries, H. L. Oppenheimer, argues that the money he steers away from the United States Treasury and into farming actually helps keep the family farmer in business and does not contribute significantly to the corporate invasion of rural America.

Federal tax records indicate that at least three out of every four people with annual incomes of $100,000 or more are involved in farming in some way, most of them reporting agricultural losses that can be written off against taxes on nonfarm income.

If Federal tax laws seem to help the city corporation that farms on the side more than the family farmer who farms full-time, they are not the only ways in which Federal programs tend to work against the little man.

The biggest farms—the ones with the wealthiest owners—receive the biggest agriculture subsidies. The biggest farms also get the biggest dollops of Government-supplied irrigation water.

Recently, Congress placed some limits on subsidies. And the courts are beginning to crack down on the big water users, particularly those who do not live on the land they farm.

But still the gap widens between the rich and the poor.

"We lost the battle against Earl Butz but the struggle sure swung attention toward the farm issue. I've never seen Washington so upset over an agricultural thing. Maybe Earl Butz will turn out to be the best thing that ever happened to us."

AUDIE L. MURPHY MEMORIAL VETERANS HOSPITAL

Mr. TOWER. Mr. President, I am extremely pleased that the Senate Committee on Veterans' Affairs has acted with such dispatch concerning H.R. 11220, which is the same as S. 2694, introduced by me on October 15. The bill designates the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans Hospital. The entire Texas delegation in the House of Representatives introduced H.R. 11220, indicating the strong bipartisan support which this measure has evoked.

I feel that the dedication of the San Antonio Veterans Hospital is a fitting and proper memorial to a great American and a great man. Audie Murphy was a fellow Texan. Lieutenant Murphy, according to the Defense Department, was the most decorated soldier of World War II. He received 24 medals from the American Government, three from the French, and one from the Belgian. Besides the Medal of Honor, his awards included the Distinguished Service Cross, the Legion of Merit, the Silver Star with oak leaf cluster, the Bronze Star, the Purple Heart with two oak leaf clusters, and the Croix de Guerre with palm. After being wounded three times, young Audie Murphy was brought home, to receive the admiration and affection of the American people which he had truly earned.

The United States suffered a great loss on May 28, 1971, when Audie Murphy was killed in the crash of a light plane near Roanoke, Va. The dedication of the San Antonio veterans hospital is an appropriate tribute to such a brave and courageous man who sincerely loved his country.

WELL DONE, JUDGE HUGH BOWNES

Mr. McINTYRE. Mr. President, the media carries continuing reports of leniency on the part of our courts towards those who are convicted of trafficking in hard drugs—heroin, morphine, opium, and others.

I have been devoting much of my time to combating drug abuse. We must cut off the sources of drugs in foreign nations. We must crack down on the production of speed-type drugs in our Nation.

And, we must make certain that our court system is able to move swiftly to bring to trial those who are alleged to deal in illegal drugs.

Finally, when the drug pushers are convicted in court I hope they will receive the kind of judgment that will keep them from going back on the streets in a hurry to begin pushing drugs once more.

A distinguished U.S. district court judge, Hon. Hugh Bownes, in Concord, N.H., has just meted out two concurrent 20-year prison terms to a man convicted in his court on two counts of selling heroin in bulk in Nashua, N.H. This same individual had been arrested 2 years ago in connection with the beating death of a young boy in Rhode Island and is wanted in the same on kidnap charges. He is "president" of one of the motorcycle gangs in New Hampshire.

The Manchester Union Leader in a front page editorial says:

Well done, Judge Bownes.

I join the Union Leader in praising my friend, Judge Bownes and, Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WELL DONE, JUDGE BOWNES!

This paper on Wednesday, November 17, reported the fact that U.S. District Court Judge Hugh Bownes sentenced Donald J. Picard, 29, to two concurrent 20-year prison terms after he had been convicted on two counts of selling heroin in bulk quantities from his Nashua residence.

In passing sentence, Judge Bownes termed Picard, who is president of the Lowell Hell's Angels motorcycle gang, "a dangerous menace to society."

This newspaper congratulates Judge Bownes not only for handing out this stiff sentence to someone convicted of pushing heroin but also for the fact that bail was revoked and the defendant remanded to Federal custody.

According to the records, Picard was arrested July 24, 1970, in Nashua in connection with the beating death of Dennis Mulhearn, 17, of Bristol, Rhode Island. Picard also is wanted by Rhode Island on kidnap charges.

In contrast to Judge Bownes vigorous action, unfortunately a great many courts and judges have administered only a slap on the wrist to convicted criminals. This, of course, is not the way to discourage drug traffic. It can only be accomplished by having most severe penalties for selling drugs or using drugs.

Judge Bownes has set a good example. We hope other judges throughout the State and throughout the nation will observe and follow it.

A NEW LOW IN AMERICAN DIPLOMACY

Mr. HARRIS. Mr. President, a new low in American diplomacy was reached yesterday. A senior State Department official, who refused to be identified, called in reporters to declare India primarily responsible for the war with Pakistan and to threaten a reduction in aid to the Indian economy.

This action must rank as one of the shabbiest in our diplomatic relations. It is hypocritical in the extreme for our Government ever to issue such a statement. The only possible justification for it is to hide the total failure of the administration's own policy over the past several months.

For nearly a year, the Congress has pointed to the slaughter in East Pakistan, the contribution which American arms and aid were making to it, and the grave danger of a war between India and Pakistan. Administration officials, almost alone in the country, remained unconvinced.

Even the reality of hundreds of thousands dead and millions in flight did not persuade them. They claimed that by continuing aid to Pakistan the United States gained "leverage" with officials there. They urged others, despite the new high in human misery caused by the flow of refugees, to show patience so that their policy could bear fruit.

Now it has. We have not saved Pakistan. We have contributed to its death. We have not only offended India. We have driven that country, now to emerge as the unchallenged great power in South Asia, firmly into Soviet arms.

I doubt we have suffered such a diplomatic reversal since the fall of China. And what will compensate for this? The President's trip to a country which because of its system of government proclaims that it must remain our eternal enemy?

Let us be honest. Nothing can compensate for this defeat. President Nixon has met his Bay of Pigs.

And it was all so unnecessary. Months ago there was a wave of warnings from the press, the Congress and other governments. Months ago there was widespread agreement by numerous observers that the only way to bring Pakistan to its senses was for the rest of the world to halt economic and military aid to Pakistan, to stop what amounted to an international subsidy for the slaughter of innocent people in East Pakistan. But this administration would not listen and now we see the results.

I do not contend that in this crisis India has been blameless. No sovereign state ever is. And in my statement issued December 4 I noted that India may have exploited this crisis in order to weaken Pakistan. But because of our shameful neglect of India's plight caused by the refugee flow, we should be the last to condemn India. Or if we do condemn Indian aggression, then we must at the same time grapple honestly with the root cause of the war—the cruel suppression of the East Bengalis by a ruthless Pakistani army. This, I and nine other Senators attempted to do on December 6 when we introduced a resolution calling for Bangla Desh participation in the Security Council proceedings.

At this point I ask unanimous consent that an article by Anthony Lewis in the New York Times, December 6, be printed in the Record. Mr. Lewis rightly points out that American policy toward the Indian subcontinent is "as much a disaster by standards of hard-nosed commonsense as of compassion." For however difficult at times, India does "happen to be the largest nation in the world following our notions of political freedom."

I also request unanimous consent that the Washington Post editorial of December 6 be printed in the Record. It also calls for the adjustment in U.S. policy which I believe any objective observer must agree we now need.

Mr. President, I do not believe that Congress can remain a silent observer of this crisis. Something is drastically wrong with our foreign policy machinery when a mistake of this magnitude occurs in the face of repeated pleas from the Congress for a policy change. I, therefore, urge the Committee on Foreign Relations to open hearings on U.S. policy in South Asia at the earliest opportunity so that we may at last understand why this has all happened. We must make every effort to see that this never happens again.

There being no objection, the items were ordered to be printed in the Record, as follows:

The Wringing of Hands

(By Anthony Lewis)

London, December 5.—Suppose that Britain, in the 1930's, had responded to Hitler's savagery by the early threat or use of military force instead of appeasement. If the Nixon Administration had been in power in Washington at the time, it would presumably have sent some official out to wring his hands in public and charge Britain with "major responsibility for the broader hostilities which have ensued."

So one must think after the American statement over the weekend blaming India for the hostilities with Pakistan. Few things said in the name of the United States lately have been quite so indecent. The anonymous state department official who made the comment matched Uriah Heep in sheer oleaginous cynicism about the facts of the situation and about our own moral position.

Consider first the immediate origins of this dispute. They are exceptionally clear as international relations go.

The military junta that rules Pakistan under President Yahya Khan held an election. The largest number of seats was won, democratically, by a Bengali party that favored effective self-government for East Pakistan. Yahya thereupon decided to wipe out the result of the election by force.

Last March West Pakistan troops flew into the East in large numbers and began a policy of slaughter. They murdered selected politicians, intellectuals and professionals, then indiscriminate masses. They burned villages. They held public castrations.

To compare Yahya Khan with Hitler is of course inexact. Yahya is not a man with a racist mission but a spokesman for zenophobic forces in West Pakistan. But in terms of results—in terms of human beings killed, brutalized or made refugees—Yahya's record compares quite favorably with Hitler's early years.

The West Pakistanis have killed several hundred thousand civilians in the East, and an estimated ten million have fled to India. The oppression has been specifically on lines of race or religion. The victims are Bengalis or Hindus, not Czechs or Poles or Jews, and perhaps therefore less meaningful to us in the West. But to the victims the crime is the same.

This record has been no secret to the world. Firsthand accounts of the horror inside East Pakistan were published months ago. The refugees were there in India to be photographed in all their pitiful misery.

But President Nixon and his foreign policy aides seemed to close their eyes to what everyone else could see. Month after month the President said not a word about the most appalling refugee situation of modern times. Private diplomacy was doubtless going on, but there was no visible sign of American pressure on Yahya Khan for the only step that could conceivably bring the refugees back—a political accommodation with the Bengalis.

Pakistan's argument was that it was all an internal affair. Yes, like the Nazi's treatment of German Jews. But even if one accepts as one must that Pakistan was bound to defend its territorial integrity, this issue had spilled beyond its borders. The refugee impact on India very soon made it clear that the peace of the whole subcontinent was threatened.

It was as if the entire population of New York City had suddenly been dumped on New Jersey to feed and clothe—only infinitely worse in terms of resources available. Yet when Indira Gandhi went to the capitals of the West for help in arranging a political solution in East Pakistan, she got nothing.

The Indians can be sanctimonious. Mrs. Gandhi acts for political reasons, not out of purity of heart. India has helped the Bangla Desh guerrillas and, in recent weeks, put provocative pressure on East Pakistan. All true. But given the extent of her interest and the intolerable pressure upon her, India has shown great restraint.

After all, India has not intervened in a civil conflict thousands of miles from her own borders. She has not destroyed one-third of a distant country's forests, or bombed that land to such a point of saturation that it is marked by ten million craters. The United States has done those things and is still doing them; it is in a poor position to read moral lectures to India.

American policy toward the Indian subcontinent is as much of a disaster by standards of hard-nosed common sense as of compassion. India may be annoying and difficult, but she does happen to be the largest nation in the world following our notions of political freedom. In position and population she is by far the most important country of Asia apart from China. To alienate India—worse yet, to act so as to undermine her political stability—is a policy that defies rational explanation.

As the India-Pakistan War Deepens

As the terrible war betwen India and Pakistan deepens, the war aims of both countries broaden. India, from its initial desire to stuff the refugees back into East Pakistan, now seems intent on destroying Pakistan's hold on the East and seating there an autonomous or perhaps independent Bengal political authority. Delhi may also be using the crisis to rip off part or all of Pakistan-held Kashmir. And so for Pakistan, the stakes become not merely its hold in the East, but its integrity in the West. A total war between the two countries is in progress. Communal strife, involving the Moslem minority in India and the Hindu minority in Pakistan, may flare accordingly. Who can predict the eventual toll of dead, and the devastation that awaits the survivors on both sides?

A cease-fire, then, becomes not merely a bow to the diplomatic amenities, but an absolute essential for the welfare for the entire subcontinent. It is plain that India and Pakistan will not themselves conclude a cease-fire; one will have to be imposed on them, and mere appeals—no matter how urgently or unanimously pressed—will make no more difference than a whisper in a hurricane. The elemental national and ethnic forces loose in the subcontinent will not be subdued by rhetoric.

What is needed is not only a strong United Nations call for a cease-fire but a strong United Nations proposal to begin to set right the legitimate political grievances which ignited this phase of the India-Pakistan fire. So swiftly has the crisis expanded in recent days that no one can be sure even this will work, but surely nothing else will. By legitimate political grievances, of course, we mean the return of the refugees and the establishment of an East Pakistan political authority which reflects the aspirations of the people who live there. India's invasion of the West and its apparent designs on Pakistan-held Kashmir deserve no support anywhere; on the contrary, they must be condemned.

It is precisely by these minimal standards that the American approach over the weekend—not to mention before the weekend—has been so grievously wanting. The State Department condemned India and introduced at the Security Council a cease-fire resolution almost entirely favoring Pakistan. The fault was not merely that the United States was wrong on the merits, though we believe that to be the case. The real fault was that the resolution could not conceivably fill its ostensible purposes of relieving Pakistan. No resolution so unbalanced and one-sided had a prayer; a third grader could have predicted the Soviet Union would have protected India with its veto. Merits aside, the only kind of resolution that can pass and that can stand a chance of implementation is one that deals not only with the shooting but with the East Pakistani political situation.

The administration's astonishing and so far largely unsupported charges against India are one thing. The naivete of its approach in the Security Council is quite another. We urge the administration to adjust its policy so as to deal with real tragedy that exists in the subcontinent. Empty words no longer serve.

DEATH OF ED HUSSIE, VETERAN NEWSPAPER REPORTER

Mr. SCOTT. Mr. President, an outstanding newspaper reporter, Ed Hussie, of the Philadelphia Inquirer, has died after a 2-year battle with cancer. He was a friend for many years. He was a devoted family man and the father of nine children.

For more than 30 years he was a reporter on Pennsylvania newspapers. For the last 20 years he was regarded as one of the Philadelphia area's top crime reporters. He was a reporter's reporter. Such a tribute was offered by his city editor when he said:

> When it was a big story and there was little time, you called on Ed Hussie.

Mr. President, I ask unanimous consent to have printed in the Record the story in the Philadelphia Inquirer of December 6, 1971, reporting on the death of Ed Hussie, a great newspaper reporter.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer, Dec. 6, 1971]

Edward Hussie Dies, Inquirer Reporter, 54

Edward J. Hussie, veteran reporter and rewriteman for The Inquirer, died Sunday at his home, 1611 Spring ave., Noble, Montgomery county. He was 54.

Mr. Hussie, a native Philadelphian, was regarded as one of the area's top crime reporters and he was involved in virtually every breaking story of importance in the Philadelphia area for the past 20 years. He died of cancer after a two-month illness.

STAR PITCHER

A graduate of Germantown High School, he was a star southpaw pitcher in local sandlot baseball leagues.

He began his career in 1940 with United Press and worked for the old Philadelphia Evening Ledger, the Seattle Post Intelligencer, the Uniontown (Pa.) Morning Herald and the Philadelphia Daily News before joining The Inquirer in 1954.

"He was one of that vanishing breed of great rewritemen, who could work with unbelievable speed and accuracy on a big story at deadline," Inquirer city editor Robert Greenberg said. "When it was a big story and little time, you called on Ed Hussie."

UNCANNY REPORTER

His colleagues knew him as an uncanny reporter on murder stories, frequently pinpointing the guilty person or persons long before they were arrested or charged.

Some of his more recent major stories were the Mrs. Mary Mamon murder trial in Doylestown for the slaying of a Levittown housewife, a series of articles with reporter Acel Moore on "Terror in the Streets," and coverage of the slaying of Mrs. Laura Carpi, Princeton, N.J., socialite whose body was found in New York's East River last June 8.

His coverage of the Mamon trial in Doylestown was typical, admired by his editors and his competing reporters. Mr. Hussie covered the trial and wrote it, dictating his story to The Inquirer by telephone.

He had an advantage over his colleagues, however, because he had covered for The Evening Ledger, Mrs. Mamon's murder trial more than two decades earlier for the fatal beating of a West Oak lane child.

M'CLOSKEY SHOCKED

Last fall, Mr. Hussie wrote for The Inquirer's Today Magazine an article on Philadelphia builder Matthew McCloskey, which readers said made the prominent millionaire seemed like a next-door neighbor.

Reached at his Palm Beach, Fla., home, McCloskey was shocked to learn of Mr. Hussie's death, recalling the reporter had spent last Christmas Eve with McCloskey's family as part of his research on the biography.

"He was really a great reporter, a fine writer, and a wonderful man," McCloskey recalled. "First of all, he was able to get your confidence. You'd believe when he wrote it down that it would be exactly the way you told it.

"He was a great fellow. He was honest and he could write. In public life, he had a great place."

NINE CHILDREN

Hussie is survived by his wife, the former Anne Wall; four sons, Edward, Peter, Andrew and Terrance; five daughters, Mrs. Deanie Guggino, Christine, Barbara, Marian and Judy; his mother, Mrs. Mary Hussie, of Washington, D.C.; two brothers, William and Owen; three sisters, Mrs. Mary Tomkins, Barbara and Grace, and two grandchildren.

The viewing will be Wednesday evening at the Campbell Funeral Home, 500 E. Benner st. A Mass of the Resurrection will be at 10 A.M. Thursday at the Church of the Immaculate Conception, Jenkintown, Pa.

Burial will be at Holy Sepulchre Cemetery.

AGAINST CRANSTON AMENDMENT

Mrs. SMITH. Mr. President, the December 2, 1971, editorial of WGAN–AM–FM–TV was most admirable. My only disappointment in it is the failure to note that I was present and voted against the Cranston amendment to exempt the news media from the wage-price guidelines being enacted for all Americans.

I wish that the editorial had been timed for delivery before the vote on the Cranston amendment instead of subsequent to the vote. In contrast, Mr. Malcolm Forbes, president and editor in chief of Forbes magazine, provided much better timing in his telegram of November 19, 1971, that preceded the vote by 11 days and which letter I placed in the Record on November 22, 1971, and characterized as "most refreshing and unusual." He gave me courage to vote the way I did.

I ask unanimous consent to place the WGAN–AM–FM–TV editorial in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Senate Vote To Exempt News Media From Wage-Price Guidelines

We were astonished at yesterday's Senate vote to exempt the news media from the wage-price guidelines being enacted for all Americans.

As broadcasters, we don't want such an exemption.

If we were purely selfish, of course, we'd be pleased to be able to raise our prices and make bigger profits than any other industry. And, we'd be pleased to think we could get bigger raises than anyone else, because of increased prices.

But, that's an attitude we find distasteful. We don't think we're better than anyone else. Also, we suspect, favored treatment from government carries as great a threat to Freedom of the Press as does government interference. Further, we believe in sharing in the responsibility of all Americans to win the fight against inflation.

Therefore, we hope the House will reject the Senate amendment.

Beyond that, we pledge that even if Congress should vote to exempt the news media from Phase Two Guidelines . . . the Guy Gannett Broadcasting Stations in Portland, Maine, and Springfield, Massachusetts, will comply with them voluntarily in 1972.

ASSESSMENT OF FUTURE OF REPUBLICAN PARTY

Mr. HATFIELD. Mr. President, the Senate has wisely devoted a great amount of time and effort this year to reforming the political campaign process in this country. Action by the Congress was clearly overdue, but legislation, unaccompanied by the active concern of most Americans, cannot guarantee that either of our two great parties will be truly responsive, responsible, or representative of the best interests of the American people.

Last Saturday evening, the senior Senator from Maryland (Mr. Mathias) addressed the annual dinner of the national Ripon Society, held at the Radisson Center, in Minneapolis, Minn. The Senator appraised the state of our party, suggested a number of steps to help our party and our country, and urged responsible Americans to get more involved with the political process.

I think the Senator's remarks merit the attention not only of Republicans, but also of all Americans interested in improving our political system.

I therefore ask unanimous consent that the Senator's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Charles McC. Mathias, Jr. (R–Md.) Prepared for Delivery to the Ripon Society's National Dinner, Radisson Center, Minneapolis, Minn., Topic: "The Diminishing Republican Minority"

I have come to Minneapolis to ask your help—for the Ripon Society, for our Party, and for our country. As we reaffirm the spirit of our Party's founders, we also assert our conviction that the national government which under their leadership overcame the crises of slavery, westward expansion, and industrialism can under like leadership surmount our current difficulties. And so we meet tonight to commit ourselves as strongly as did our forefathers to building a progressive Republican Party that has the capacity for leadership and the will to lead.

As we meet, the forces shaping national affairs are in an even, but uneasy balance. The left and the right tug at each other within the Congress and the Administration. And soon we will plunge into a national election which seems destined, unnecessarily, to polarize Americans even more.

Much of the nation's future will depend—not simply on who wins the election next year—but on how the issues of that election are defined. I sincerely believe that Americans can in the next twelve months reorder international and national affairs so as to assure both peace and prosperity for at least a decade. But I think our country will capitalize on this opportunity only if responsible, responsive and representative Americans seize the leadership in defining the issues that face us now. As holders of the balance of power between the left and the right, Republican progressives have the unique opportunity to clarify public debate, unite our country and move her forward.

The past year has been one of both promise and frustration for progressive Republicans. On the one hand, we have seen the President pull together into a coherent package—which he terms the New American Revolution—a number of programs pioneered by Ripon:

Family Assistance: A plan which would

provide both the incentive and the means for impoverished Americans to achieve real independence, and would lift some of the enormous financial strain placed upon our state and local governments.

Revenue Sharing: Over the past decade, there has been a revitalization of state and local governments—principally under Republican Governors and mayors like Nelson Rockefeller, George Romney, William Scranton, Linwood Holton, William Milliken, Richard Lugar, and John Lindsay—whose Party left him before he left the Party.

But the responsiveness of these state and local governments continues to be inhibited by an inadequate and regressive tax system. Revenue sharing offers the first real hope for achieving the effective and creative local governments that were the dream of the Founding Fathers of our country and our Party.

Executive Reorganization: As Congressman Frenzel has undoubtedly learned this year in Congress, a very large amount of our time is spent helping Mayors, Governors, and private citizens find their way through the maze of the Washington bureaucracy. The Executive Reorganization plan proposed by President Nixon would simplify and rationalize that bureaucracy—making it serve our citizens more effectively at less cost.

The Volunteer Army: A century after the enactment of the Thirteenth Amendment, we still require involuntary servitude from over 400,000 men each year. Euphemistically we term this system "selective service," and we tell ourselves that it is necessary to our national security—despite the fact that the morale of our fighting men is at an all-time low, and that 70% of our soldiers quit the military within 18 months after finishing their training. Study after study has supported the President's call for a more capable, less expensive military force of volunteers.

Just as we have cheered these and other proposals of the President for a New American Revolution at home, so too have we applauded the President for his initiatives abroad—toward China and Russia, in the Middle East, at the SALT talks, and in Southeast Asia. These delicate maneuvers offer real hope for a more peaceful, secure and just world order.

Taken together, the domestic and international initiatives of the New American Revolution respond not only to their separate problems, but also to the imperative need to restore confidence in our government.

Yet I know that many of you still feel frustrated and uneasy. For the great promises of this past year remain unfulfilled. While the sores in America remain unhealed, our remedies languish in Congress, while Dr. Kissinger is welcomed in Peking, B–52's drop a record number of American bombs in Southeast Asia; while SALT resumes over chocolate and pastries in Vienna, MIRV's and ABM's are deployed in North Dakota; while the President speaks of a New American Revolution, poll after poll shows that the voters identify our Party with the vested interests which seem to profit from war, pollution, discrimination, and income mal-distribution.

And so we ask, where have we failed? What must we Republicans do in the coming year to fulfill for all Americans the great promise of the past year?

I suggest that there are two major steps which we Republicans must take:

First, we must convince the White House to adopt a political strategy as forward-looking as its most important substantive programs. Second, Republicans who are as responsive and as responsible as yourselves must develop far greater clout at the grassroots level.

I want to elaborate on both of these points.

It is a fact which seems to have gone largely unrecognized by the White House that positive Republicans constitute the only major political force in the country which is both willing and able to support Richard Nixon on *all* these programs in the coming election year.

Look, for example, at the response to the President's initiatives toward China or his Family Assistance Program.

Our friends on the right don't support the President. William Buckley, Young Americans For Freedom, the American Conservative Union, have all denounced these key initiatives and publicly oppose President Nixon.

Our friends in the other Party either refuse to discuss these initiatives—hoping the voters will forget them—or else they wage a war of attrition against them.

So the Republicans represented here are the unique center that will consistently go to bat for the President on these parts of his New American Revolution. If we want national action on these programs, we must persuade both the President and the Democratic contenders to confront the problems which they address. Yet some White House staffmen have pursued a political strategy which betray substantive Nixon political supporters and may destine the Republican Party to a permanent minority status.

This strategy—evidenced by the divisive exploitation of the so-called social issue, and by the use of hard-line rhetoric on crime, civil rights, civil liberties, and student unrest, was discredited in the election returns of 1970. We cannot rally a responsible political majority behind the New American Revolution by appealing only the fears and insecurities of a group which is all-white and prematurely aged.

In Washington today, there are many Republicans who confidently proclaim that our Party is strong and growing stronger. Their optimism is buoyed by polls showing that President Nixon would defeat all rivals if an election were held today, by a Party treasury bulging in anticipation of the coming campaign, and by the obvious disarray of the other party.

I would warn Republicans to guard against over-confidence based on these facts. While the President leads all rivals, he still receives the support of only 43% of the electorate—the same percentage he received in 1968. A Gallup Poll found recently that only 25% of Americans identified themselves as Republicans. This is a smaller percentage than at any time in the past decade.

Four years ago 72% of the blacks in this country thought they could count on the Federal Government to help them a great deal. After three years of Republican Administration, only three percent feel that way.

The percentage of new young voters who register Republican is so low that many Republican organizations are afraid to mount new registration drives.

Today Republicans control fewer Governorships, state legislatures and mayoral offices than they did before the 1968 election. And we still hold only a minority of the seats in both Houses of Congress.

In a recent *Fortune* article entitled "That Elusive Political Majority," political analyst James Reichley concludes that "progressive Republicans" are more likely to "serve as the instrument for a new age" than any other group in the country. Among the many reasons Reichley offered for this conclusion was this:

Since the progressive Republicans do not share the legacy of past Democratic administrations, they have the important advantage of being free from the precedents as well as the guilts of recent decades.

They emphasize social reconciliation rather than class struggle. Most crucially, the progressive Republicans . . . are committed to a policy of harmonious collaboration in the public interest between government and business. They thus not only avoid politically exhausting strife with business, but actually can draw on business support and expertise.

Yet our Party's support among professionals and businessmen has steadily declined over the past thirty years. In 1940, 49% were Republicans while only 29% were Democrats. Today, more businessmen and professionals are Democrats or independents than Republicans.

In the next three weeks, the President will decide the substance and tone of his legislative strategy for 1972 and thereby his campaign strategy for reelection. The state of our party and the mood of the nation dictate that the President take these seven basic steps:

(1) to place his highest priority on working cooperatively and forcefully for Congressional action on his New American Revolution, recognizing that our Constitution enables each coordinate branch of government if it so desires to paralyze the system and that only the lubricant of good will and positive leadership can avoid hopeless stalemate;

(2) to replace the unsuccessful strategy of the 1970 campaign with a positive strategy emphasizing unity, equity, peace and prosperity;

(3) to appoint only men and women of unquestioned excellence who embody this positive appeal to key campaign and government positions;

(4) to stake out his position on the high road for the campaign—so he can run as President of all Americans;

(5) to lead efforts to reform the internal allocation of delegates among the states, the selection of delegates within each state, the procedures at the Convention. If the GOP is going to attract new members, it must be able to promise complete participation in Party government;

(6) to demonstrate an unequivocal commitment to the spirit of the Bill of Rights and the Fourteenth Amendment;

(7) to end the tragic war in Southeast Asia. As Senator Mark Hatfield wrote in the *Forum*, referring to leaders of both Parties: "I have seen more of a commitment to ending the war as a political issue in America than to actually ending the war in Indochina." A scheme by which American casualties are reduced but American bombings and civilian casualties are increased is neither politically or morally acceptable.

These are some measures which are necessary and proper for the White House to adopt.

But let me warn you tonight, you cannot sit on your hands and wait for the Republican leaders in Washington to remake the Party in your image.

Senator Barry Goldwater understood that when he told the Republican Convention in 1960:

This country is too important for anyone's feelings. This country in its majesty is too great for any man, be he conservative or liberal, to stay home and not work just because he doesn't agree. Let's grow up, Conservatives. If we want to lead this Party, let's go to work. I am a Conservative and I am going to devote all my time from now until November to electing Republicans from the top of the ticket to the bottom of the ticket, and I call upon you to do the same.

There are a number of Republicans today who suspect that the Ripon Society and all its fellow travelers are anti-Nixon almost by reflex. And, to an unfortunate extent, it would appear they are sometimes right. If you want a greater voice in the Republican Party, you must make it perfectly clear that there are no nattering nabors of negativism amongst your ranks. You must give the same commitment to Republican politics as you have given to issue development in the past. You must school yourselves in practical party politics and in so doing reach out to all groups within the Party as well as to those groups currently alienated from the politics of the status quo.

There are plenty of campaigns around the country in which you can hold a responsible position and get practical experience—whether it be with an incumbent like Mark Hatfield, Ed Brooke or Chuck Percy, or with a prospective Senator like Bob Smylie in Idaho, David Cargo or Pete Domenici in New Mexico, John Chafee in Rhode Island, or Tom Reardon in South Dakota, or with an outstanding Congressmen such as Bill Frenzel or candidates such as John Price in New York. Find a candidate and work for him or her. Or, in the words of the first Ripon book—if you cannot find one, be one. Go to the Convention as delegates or alternates. Become ward and state committeemen and committeewomen. Run for the city council, the state legislature, and the Congress.

One hundred and seventeen years ago a small band of men, fearful for their country's future, frustrated by political fragmentation, and fired by the conviction that principled politics was essential to solving national problems, came together in a small white schoolhouse in Ripon, Wisconsin, to form a political party that could build a progressive America.

The times were not auspicious for their undertaking. Amidst growing division and strife, almost a score of political parties had sprung up in the previous 16 years, only to wither away. At the time Free-Soilers, Know-Nothings, Barnburners, Radical Whigs, Abolitionists, Conservative Whigs, Anti-Nebraskans, Union Democrats and Normal Democrats were all competing for public attention. It took the founders of our party two years to agree on the name "Republican." In some states the new party participated in its first election with no name at all. When the founders of the party first approached an obscure, small town lawyer named Abraham Lincoln and asked him to lead the Illinois party, he flatly refused, predicting that the country's future lay with the Whigs.

But the men persevered. Lincoln reconsidered, and they forged a political coalition that forced the country to face up to its most fundamental problems, that led the union through the bloodiest war in its history into a new era of peace, and that dominated national politics for the next three quarters of a century.

Today, our Party and our country need the faith and spirit of those men in Ripon. To rekindle the Ripon-Lincoln tradition is your mission. It is a very large and difficult undertaking, but a challenge worthy of great men and women. I know you have the ability to meet that challenge, if you have the will.

As James Reichley wrote,

The progressives have little chance of leading the Republican party, let alone the country, before 1976—if then. A few more years of maturing experience, however, will give the younger generation of progressive Republicans time to develop their program. Just possibly, some future Lincoln sits in a governor's chair, in the back rows of Congress, or at some lesser post. If so, the shape of the next national majority probably depends, as much as on anything else, on the thoughts and dreams now passing through his head.

That is your opportunity and your responsibility.

CHILD DEVELOPMENT

Mr. MONDALE. Mr. President, on Thursday, December 2, 1971, by a vote of 63 to 17, the Senate agreed to the conference report on S. 2007, a bill to extend the Economic Opportunity Act, and for other purposes.

During the debate on that measure, under which a time limitation granted 3 hours to those opposing the conference report, and only 15 minutes to those supporting it, a number of misleading statements were made concerning the comprehensive child development provisions.

I have reviewed the record of the full debate with the distinguished Senator from Wisconsin (Mr. NELSON), chairman of the Subcommittee on Employment, Manpower, and Poverty from which this measure arose. In order to correct any misunderstanding about the purpose of this child development program, we would like to answer four of the concerns expressed about it.

First, and of greatest importance, are the allegations that this child development program represents child control. It was charged, during the debate, for example, that the program would concentrate on the inculcation of collectivist attitudes on helpless children; that it is somehow based on the notion that the parent is a failed experiment; that it is totally alien to traditional American values.

Charges and implications of this kind could not be further from the truth. Neither we, nor any of the other 30 Senators and over 100 Congressmen who introduced this legislation, would support a measure of that nature.

The simple truth is that this program is totally voluntary, is designed to strengthen the family, and vests the major responsibility for the operation and control of child development efforts in the parents of the children these programs serve.

This measure specifically requires that programs or services under this title shall be provided only for children whose parents or legal guardians have requested them.

It expressly states that—

> Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children.

And it deliberately requires that parents of children served by child development programs will compose at least one-half of the membership of both the governing boards created to administer these programs. These parent governed boards—the Child Development Councils and the Project Policy Committees—will decide which programs to fund, and approve the content, curriculum, and policy of each individual project.

Finally, to the extent consistent with the capacity of local governments, these programs will be administered locally—like the public school system—to assure that they operate as close as possible to the parents and the people concerned.

Rather than establishing Federal or State control of children, as some opponents contend, this measure returns tax dollars to localities and States to help them develop and strengthen day care programs in community centers, schools, churches, and Headstart programs.

We believe these provisions are absolutely consistent with the traditional American value on parental responsibility. The emphasis we placed in the bill on parental decisionmaking and parent governed councils reflects our belief in the strength and wisdom of parents and families—not, as some have charged, on any "notion that the parent is a failed experiment."

Second, a number of our opponents criticized the delivery system in the bill, and argued that there was not a sufficient role for the States. We disagree.

This bill unquestionably puts a priority on local administration—wherever a locality is, in the determination of the Secretary of Health, Education, and Welfare, capable of providing high quality, comprehensive services. We placed this priority on local administration precisely in order to assure that these programs will be accessible and responsible to the concerns of parents, and will avoid the danger of remote governmental control.

Yet within this framework the measure provides a significant role for the States:

Every local application must be submitted to the Governor for review and comment.

Five percent of the funds are reserved for States for technical assistance, coordination, and review of these local applications.

And States, as well as other public and private nonprofit agencies, may serve as prime sponsors where localities do not apply, or where the HEW Secretary finds that a locality is incapable of providing comprehensive services.

Moreover, States can administer programs for migrant children, programs in areas where a city or county is not adequately meeting the needs of preschool children, or programs under the Secretary's additional 5-percent reservation for model programs.

These roles, and the Secretary's responsibility to determine whether localities are capable of administering programs are spelled out in the bill, and clarified by a colloquy between Senator NELSON and Senator JAVITS during the debate on the conference report. See CONGRESSIONAL RECORD of December 2, 1971, pages 44117–44119.

As Wilbur J. Cohen, dean of the University of Michigan School of Education and former Secretary of Health, Education, and Welfare, said in a recent telegram to us supporting the child development program in the conference report:

> In my opinion, and from my past experience, I believe that the various provisions of Sections 512(2)(0), 513(9), 517(3)(4), 534, 535, 572 would enable the Secretary of HEW and the Governors of the various States to establish appropriate State coordinating arrangements to assure effective statewide planning and review of local projects.

Reasonable men may disagree with the initial priority this measure places on local administration which we believe is essential to assure maximum parental involvement and responsbility. But no reasonable man who has read this legislation carefully can deny that the Secretary of Health, Education, and Welfare, has substantial discretion with respect to which prime sponsorship applications are approved, or that States have a significant role in the planning and operation of these programs.

Third, the suggestion was made that this measure had not received sufficient consideration by the Congress and the public. The facts just do not support that conclusion.

President Nixon, in February 1969, brought public attention to this issue when he called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

And since 1969, when the original bills were introduced, over 200 witnesses have been heard by the Senate and House committees considering this legislation. The Labor and Public Welfare Committee in the Senate held 12 days of hearings, and numerous executive sessions on this legislation; the House Education and Labor Committee held 20 days of hearings and several executive sessions.

Moreover, this issue has been the subject of numerous public discussions, conventions, conferences, and studies. The 1970 White House Conference on Children considered this issue, and the delegates to that conference voted as their top national priority the provision of "comprehensive family-oriented child development programs including health services, day care and early childhood education." The Joint Commission of the Mental Health of Children recommended a proposal of the nature as one of its top priorities for children.

And Project Headstart, which has now been in operation for over 5 years, and on which this measure seeks to build, has given the Congress, the executive branch and the public ample opportunity to review and assess child development efforts.

To question or disagree with elements in this measure or with purpose of the entire measure itself is clearly legitimate and indeed helpful to those of us who want to improve it; but to imply that this measure has not received careful and lengthy consideration by the Congress is just plain wrong.

Finally, the suggestion was made that child development and education experts are uncertain about whether a program of this kind should be undertaken. Yet the facts reveal that the professional organizations experienced in the education, health, and welfare of children are nearly unanimous in the opinion that this measure represents one of the soundest investments our country can make.

In addition to the White House Conference on Children, and the Joint Commission on the Mental Health of Children, the following organizations especially experienced in and concerned with the needs of children have urged the adoption of this conference report:

American Academy of Pediatrics.
Black Child Development Institute.
Child Welfare League of America.
Children's Lobby.
Council for Exceptional Children.
Day Care and Child Development Council of America.
National Association for the Education of Young Children.
National Education Association.

The entire list of national organizations representing parents and citizens concerned about children that are supporting this measure—many of whom were involved in the drafting and refinement of the legislation—includes:

AFL–CIO.
Amalgamated Clothing Workers.
American Bar Association.
Americans for Democratic Action.
Americans for Indian Opportunity Action Council.
American Public Welfare Association.
Committee for Community Affairs.
Common Cause.
Friends Committee for National Legislation.
International Ladies Garment Workers Union.
Interstate Research Association.
Leadership Conference on Civil Rights.
League of Women Voters.
NAACP.
National Association for Catholic Women.
National Association of Social Workers.
National Board of YWCA.
National Conference of Catholic Charities.
National Conference of Christians and Jews.
National Council of Churches.
National Council on Hunger and Malnutrition.
National Council of Jewish Women.
National Council of Negro Women.
National League of Cities—U.S. Conference of Mayors.
National Organization of Women.
National Welfare Rights Organization.
Southern Christian Leadership Conference.
United Auto Workers.
United Methodist Church.
Urban League.
U.S. Catholic Conference.
United Steel Workers of America.
Washington Research Project Action Council.

Mr. President, we are heartened and encouraged by the bipartisan and overwhelming Senate vote to agree to the conference report, and are hopeful that the House of Representatives will take a similar position in support of this program when it votes on the conference report tomorrow.

THE JOSEPH MacDONALD FAMILY HELPS VIETNAM ORPHANS

Mr. McINTYRE. Mr. President, when the American people are asked to help, they do. In a recent newsletter to my New Hampshire constituents, I printed a letter from Father Morris F. Wells, chaplain for the 196th Infantry Brigade in Vietnam. Father Wells, whose parents live in Hampton, N.H., asked me a special favor. He said:

> During my tour here, I have become involved with a Catholic orphanage, Phuoc Tien Orphanage, in a small hamlet of the same name, located near Da Nang. There are 190 children with six Vietnamese Sisters taking care of them. One of our battalions, 4/31st Infantry, has unofficially "adopted" the orphanage and the men are doing everything they can to make life a little more pleasant for these children. The children need everything, and anything, but especially summer clothes, toys (there isn't a ball or a doll in the entire orphanage) and food (especially baby food). My request is that perhaps you could put in a "plug" for help in one of your newsletters to your constituents. They could send any used clothing, toys, food, etc., to me and I would be happy to hand carry them to the orphanage. I am hoping that it will be possible to extend the arm of friendship from the USA to this unknown orphanage in Vietnam. God bless you.

The response from New Hampshirites has been overwhelming.

The Joseph MacDonald family of 360 Winnacunnet Road in Hampton, N.H., responded to Father Wells' request with so much enthusiasm and generosity when they mailed a package on November 15.

With all the talk about people being afraid to get involved and unwilling to give their time to help others, it certainly has been heartwarming to me to see this kind of response from people in New Hampshire. I am proud to serve them in the U.S. Senate.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed in the body of the Record the following articles and editorials relating to the Subversive Activities Control Board:

First. An editorial by Carl T. Rowan entitled "Do-Nothing SACB Should Keep on Doing Just That," which appeared in the Washington Star of July 25, 1971.

Second. An editorial entitled "The Sense of the Senate on Subversion," which appeared in the Washington Post of August 10, 1971.

Third. An article by Henry Raymont entitled "Publishers Warned of Threats to United States Freedoms," which appeared in the New York Times of September 23, 1971.

Fourth. An editorial entitled "Faith in One Another," which appeared in the Washington Post of October 3, 1971.

Fifth. An article entitled "Plan Drawn To Fire U.S. 'Subversives,'" which appeared in the Evening Star of October 29, 1971.

There being no objection, the articles and editorials were ordered to be printed in the Record, as follows:

[From the Washington Star, July 25, 1971]

Do-Nothing SACB Should Keep on Doing Just That

(By Carl T. Rowan)

It seems such a shame to have the United States Congress tied up for days in argument about a do-nothing relic of the postwar witch-hunts called "The Subversive Activities Control Board."

Unfortunately, such action by Congress is necessary if we are to prevent the use of the SACB to impose another spell of McCarthyism and ease the country a little further into police statism.

As things stand, the SACB is no big threat to the people's liberties. The courts long ago clipped the boards' wings to the extent that it is just a $450,000-a-year boondoggling sop to those conservatives who still see Communists under every bed.

The board now rarely meets, and, according to testimony by its chairman, interviewed only three people last year. So it is hardly the great protector of the nation's security.

But the SACB has been of convenience to presidents. When Lyndon B. Johnson wanted to favor one of his secretaries, he named her groom to a seat on this board.

When Richard Nixon wanted to curry favor with the right-wingers, he named one of their favorites, Otto F. Otepka, to a $36,000-a-year seat on the board. The Senate has yet to confirm Otepka, who is a sort of Daniel Ellsberg in reverse. Whereas Ellsberg leaked the "Pentagon papers" out of liberal, antiwar convictions, Otepka was fired by the

State Department for leaking secret documents to senators known to share his right-wing sentiments.

With liberals (and conservative Democrats like Sen. Allen J. Ellender of Louisiana) complaining about spending half a million dollars a year for such a moribund outfit, President Nixon decided to give the SACB at least the appearance of doing something.

On July 2 he issued a little-noticed executive order that would empower the SACB to "determine whether any organization is totalitarian, fascist, Communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any state or which seeks to overthrow the government of the United States or any state or subdivision thereof by unlawful means."

Thanks to that ever-surprising civil libertarian, Sam J. Ervin Jr., D.-N.C., the Senate has voted that SACB may use nary a dollar of its $450,000 appropriation to carry out the broad duties that Mr. Nixon wants to give it.

Ervin and others in Congress know that SACB's proposed new role would carry us back into that ugly era of punishment by smear and guilt by association.

When scores of groups are screaming for peace, who are these five members of SACB to decide that one organization is true-blue American and another subversive?

Who are they to decide which civil rights group is "too militant" and is to be labeled "totalitarian, fascist, Communist, or subversive"?

What worthwhile purpose does it serve in a free society for the attorney general or SACB to draw up a list telling me that the Ku Klux Klan or the Black Panthers are "subversive"? Let their deeds speak. If anyone in either group violates the law, let him be indicted, tried fairly, and if convicted, punished according to the law. This business of punishment by government blacklisting has no place in this society.

With a shift of four votes the Senate would have cut off funds and abolished SACB completely.

But if the board must continue, let it doze in do-nothing splendor the way it has for years. In which case I promise not to ridicule the SACB ever again, having learned the painful way that it is wise to let sleeping ogres lie.

[From the Washington Post, Aug. 10, 1971]

The Sense of the Senate on Subversion

Sen. Sam Ervin has apparently just begun to fight against the President's order exalting and aggrandizing the Subversive Activities Control Board. The senator served notice on Friday, just before the Senate went off for its vacation, that he means to raise the issue again as soon as it returns. He introduced a bill which would forbid federal employees to engage in the new activities propounded for the SACB by the President. And, in addition, he has proposed a resolution expressing the sense of the Senate that Mr. Nixon's executive order is "an attempt to usurp the legislative powers conferred on Congress by the Constitution" and "an infringement of the First Amendment rights of all Americans."

This is strong language. In our judgment, it is precisely right on both counts. Congress created the SACB to do one thing. President Nixon, without any enabling or authorizing legislation from Congress, has now directed it to do something entirely different. It is as though the Civil Aeronautics Board, established by law to discharge certain specified functions in regard to aviation were suddenly told by an executive order to go far beyond those functions and regulate the railroads. The President has supervisory authority over all executive agencies, of course, and a responsibility to see to it that the laws enacted by Congress are faithfully executed. But the President has no lawmaking powers whatever. Lawmaking is exclusively the province of the legislative branch of the government.

Senator Ervin seems to us to be quite right not only in his view that the President has breached the constitutional separation of powers but also in his view that the President has done so in a way that seriously jeopardizes the freedom of expression and the freedom of association guaranteed by the First Amendment. Under Mr. Nixon's executive order, the SACB would be empowered to tell the American people which groups and organizations were officially approved for membership and which were deemed unsuitable by the federal authorities. The SACB would be empowered, in short, to tell you that it is all right for you to join some committees, but not others.

Committees and associations to espouse this and oppose that, to pressure the government in one direction or another, are the dynamos of democracy. They are the chosen instruments for self-government in America. It is dismaying that President Nixon should be so indifferent to the restraints which his order would impose on political action and expression in this country. The idea of an American Republic was conceived in committees of correspondence which flourished among the English colonists in this new world—and which would have been condemned as subversive by any Subversive Activities Control Board appointed by King George III.

The President got funds for his new-fangled SACB by a clever legislative maneuver. His executive order was issued after the House had passed a major appropriation bill in which the controversial agency played no more than a trivial role. The Senate approved an amendment forbidding use of any part of the appropriated funds to carry out the executive order. That amendment was eliminated in conference; and the appropriation passed in its deleted form because Congress wanted to get out of town and knew the departments and agencies had to have money to carry on their work.

Sam Ervin is now offering Congress a clear chance to express its convictions and to deal with the SACB on its demerits. Congress' own honor and authority are at stake. And so is an essential freedom of the American people.

[From the New York Times, Sept. 23, 1971]

Publishers Warned of Threats to U.S. Freedoms

(By Henry Raymont)

The Association of American Publishers held its fall meeting yesterday amid warnings that Government censorship and radical pressure groups are increasingly threatening the nation's First Amendment freedoms.

A report by the association's Freedom to Read Committee likened the situation to the McCarthy era of the early nineteen-fifties, "when attacks on intellectual freedom by the Government and various pressure groups were at their peak."

Senator Sam J. Ervin Jr., chairman of the Senate Subcommittee on Constitutional Rights, in a speech delivered to the closing dinner at the end of the day-long meeting at the Biltmore Hotel, said:

"If America is to be free, her Government must permit her people to think their own thoughts and determine their own associations without official instruction or intimidation."

MORALISTS ASSAILED

At a luncheon session the association heard Homer D. Babbridge Jr., president of the University of Connecticut, assail what he called "a virulent new version" of American moralists, who he said were interfering with free cultural exchanges among nations.

He cited the Jewish Defense League's disruption of concerts by Soviet artists, groups on campuses who thwarted speakers from Greece and Portugal and critics who urged a pullout from Olympic competitions in South Africa because of the country's racial policies.

Senator Ervin's speech was the high point of a day in which more than 300 chief executives from literary and educational publishing houses and university presses discussed such diverse subjects as international copyright problems, dwindling funds for libraries and Government pressures against the publication of controversial materials.

In an extensive analysis of the First Amendment, Senator Ervin, a North Carolina Democrat, developed arguments he has been using against the Nixon Administration on such issues as the use of lie detectors on Federal employes, Army surveillance of private citizens and President Nixon's Executive order expanding the mandate of the Subversive Activities Control Board.

CONCERN IS EXPRESSED

The Senator's speech reflected a concern that leading members of the publishing community have frequently expressed and that was often a factor in yesterday's panel meetings and general discussions—namely, that Government attempts to interfere with such publishing ventures as the Pentagon study of the Vietnam war or the dissemination of radical books in libraries represented a threat to freedom of speech and press.

"It is a critical fact that we are now faced with the necessity of defending the First Amendment," W. Bradford Wiley, chairman of the association, said at a morning meeting. "Nothing like this had happened since the days of Senator Joseph R. McCarthy."

Kenneth D. McCormick, vice president of Doubleday and chairman of the association's Freedom to Read Committee, reported that, among other activities this year, the committee had protested a contempt citation against the Columbia Broadcasting System for refusing to supply out takes, or unused film, from its documentary "The Selling of the Pentagon" and had filed a brief opposing the Government action against The New York Times and other newspapers for publishing the Pentagon Papers.

Mr. McCormick said the association would also file a brief in behalf of the Rev. Phillip F. and the Rev. Daniel J. Berrigan, supporting the rights of Federal prisoners to disseminate their writings and recordings to publishers and the public.

PRESSURES HELD WIDENING

Declaring that pressures from private groups to have certain titles removed from public and school libraries were no longer confined to pornography and sex education, he said:

"It is more and more the book that really talks about the war and gives two sides of it, that presents the race problem as more than an unfortunate spat between two regions, that presents the United States as a country that's been right sometimes and wrong at others."

Other speakers who expressed concern that the political acrimony was interfering with the free exchange of ideas were John C. Frantz, executive chairman of the National Book Committee; Whitney North Seymour, a former president of the American Bar Association, and Harrison E. Salisbury, editor of the Op-Ed page of The New York Times.

In introducing Senator Ervin, Robert L. Bernstein, president of Random House, who is vice chairman of the association, noted that the Senator's subcommittee planned to start hearings on Sept. 28 on "the meaning of the First Amendment's prohibition against abridgement of freedom of the press" and that publishers, newspaper editors and government officials had been invited to testify.

Pounding away at a favorite theme, Senator Ervin said that the First Amendment "is based upon an abiding faith that our country has nothing to fear from the exercise of its freedom as long as it leaves truth free to combat error."

If the right to express dissent is respected, he declared, "violent revolution has no rational or rightful place in our system."

Mr. Ervin, a political conservative who is considered the leading constitutional law expert in the Senate, said President Nixon's order strengthening the mandate of the Subversive Activities Control Board was "beyond the constitutional power of the President," too broad to have any legal value and in violation of the First Amendment.

Mr. Nixon's order, issued July 2, gave the board the power to hold hearings to help determine which organizations should be classified as subversive by the Attorney General.

Before the order, the board, an independent, semijudicial agency created in 1950, had had little work to do for several years.

[From the Washington Post, Oct. 3, 1971]

FAITH IN ONE ANOTHER

When the founders of the American Republic dissolved the political bands that connected them with the British people and signed their names to the Declaration of Independence, they had as yet no country to which they could pledge their allegiance. For the support of this Declaration, they declared instead, "we mutually pledge *to each other* our Lives, our Fortunes, and our sacred Honor." That kind of faith in each other served as the cement of the American society for 175 years.

In the 1950s, however, Sen. Joseph McCarthy began to make a cult of distrust among Americans. Fear of communism, fear of subversion, fear of non-conformity—fear of each other—replaced mutual confidence to a terrifying degree. The superb self-confidence that had been an identifying trait of Americans all but disappeared. Instruments such as the Subversive Activities Control Board and the House Committee on Un-American Activities were forged to keep an official eye on Americans, to search out disloyalty among them, to penalize unpopular opinions and associations, in short, to protect the people from themselves.

It was always a funny thing about the heresy hunters that they never supposed that they themselves were going to be subverted by Communist propaganda or by other dangerous ideas; it was always and only the loyalty and good sense of their fellow-countrymen that they doubted. They had so little confidence themselves in the gospel according to Thomas Jefferson that they were forever fearful that "ordinary" Americans would easily be won over to the gospel according to V. I. Lenin. They had so little faith in freedom as a way of life that they could never bring themselves to rely upon the free institutions established by the American Constitution.

The bluntest instrument of the heresy hunters was the Subversive Activities Control Board. A menace to individual liberty at its inception, this clumsy agency collapsed of its own ineptitude as soon as the political health of the American people began to be restored. It was in a state of innocuous, if costly, desuetude when President Nixon, for some unexplained reason, chose this summer to revive it by giving it a thoroughly totalitarian duty to perform—the compilation of lists of officially disapproved organizations which Americans could join only at their own political peril.

That inveterate believer in freedom, Sam Ervin, has taken another swing at the Subversive Activities Control Board and the odious task the President has assigned to it. In a recent speech to the Association of American Publishers the senator gave a moving expression of his own faith in Americans and in the American dream. "I affirm my faith," he said, "in the sanity and steadfastness of the overwhelming majority of all Americans. I shall not fear for the security of my country as long as love of liberty abides in their hearts, and truth is left free to combat error."

That faith needs to be restored to America. It is time for us to take a new pledge of allegiance to each other.

[From the Evening Star, Washington, D.C., Oct. 29, 1971]

PLAN DRAWN TO FIRE U.S. "SUBVERSIVES"

(By Joseph Young)

The Nixon administration is drafting plans for the automatic firing of all federal employees who are members of any organization the government decides is "subversive" or "revolutionary-terrorist."

The plan would abolish present legal safeguards adopted following the witch-hunts of the Joseph McCarthy era in the 1950s and the loyalty programs of the late 1940s.

It would apply to both "sensitive" as well as "non-sensitive" jobs in government.

Mere membership in a group listed by the attorney general as "subversive" is not now grounds to fire a federal employee. The government must prove that an employee is an "active and knowing" member of such an organization.

The proposed new standards would bring the dismissal of an employee if the government decided his continued employment "would not promote the efficiency of the service."

Apprised of the administration's proposed changes, federal employee union leaders expressed alarm that this could result in a new witch-hunt in the federal service.

They also express concern that the proposal would mean virtually any employee could be fired on vague charges.

The union leaders ask who is to determine in these rapidly changing times of social stress and upheaval which organizations are "subversive" or "revolutionary" and which are not?

Federal union leaders say there is a grave danger that government employees belonging to groups demanding an end to the fighting in Vietnam or in the cause of school and housing integration and other social issues would stand to lose their jobs if the plan becomes effective.

Asst. Atty. Gen. Robert G. Mardian, chief of the Justice Department's internal security division, referred to the proposal in remarks prepared for an Atomic Energy Commission security conference. Mardian has also indicated the administration's thinking on the matter in testimony before Congress.

Mardian described as "legalisms" federal court decisions which carefully circumscribed operations of internal security programs.

He said that "legal distractions . . . have placed an onerous, if not impossible, burden on government and industrial security officers," and that the new standards are part of several proposals to correct this.

Among others he named was a July 2 executive order from President Nixon authorizing the Subversive Activities Control Board to hold hearings and designate groups that fall into the "subversive" or "revolutionary-terrorist" category.

This order is under attack in Congress. There have been bills introduced by Sen. Sam Ervin, D-N.C., to bar use of federal funds to enforce the order.

Mardian argued that evaluating the membership in groups "dedicated to revolutionary-terrorist" principles would offer a "more realistic" test than present standards.

Mardian argued that government agencies should be able to fire employees if membership in an offending group would diminish his agency's efficiency.

Mardian added that "the vast majority of Americans would . . . agree that persons who are knowing members" of such groups "should not be employed in even non-sensitive positions, not simply because they are disloyal, but because such people are not likely to improve the delivery of governmental services of a government system they are trying to destroy."

SICKLE CELL ANEMIA

Mr. TUNNEY. Mr. President, I invite the attention of Senators to an article describing a new approach to the treatment of sickle cell anemia.

I introduced S. 2676, the National Sickle Cell Anemia Prevention Act, which was cosponsored by a bipartisan group of 44 Senators. It is the purpose of the bill to conduct testing, counseling, treatment, public education, and research in regional and community centers.

Sickle cell anemia has been tragically neglected in the past and new approaches for effective treatment and cure have been developing much too slowly. The funding of research efforts has been almost negligible, and it has been a continuing tragedy that no hope could be extended to those with the disease. The research on cyanate treatment at Rockefeller University is a most hopeful development.

Mr. President, I ask unanimous consent that the article, published in the November 19, 1971, issue of the New York Post, and entitled "A Weapon Against Sickle Cells," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WEAPON AGAINST SICKLE CELLS

(By Barbara Yuncker)

A new approach to treating sickle cell anemia, the severe, incurable hereditary blood disease of blacks, is being tested here, it was revealed today.

At Rockefeller University 25 volunteer patients with the life-shortening disease are being given a chemical called sodium cyanate in the hope that it may do in their blood what it does in the test tube—inhibit the deforming "sickling" of oxygen-carrying red blood cells.

The work has already produced the hopeful clue that the survival of abnormal red cells treated outside the body, then replaced appears to be prolonged to near normal (about 120 days) from the variable but much shorter span that is typical of sickle cells. The report was made today by chemist Dr. James M. Manning, a member of the four-man Rockefeller team to a Symposium on Sickle Cell Disease at the Commodore Hotel.

The two-day meeting which has attracted 1200 doctors and allied professionals, about half of them white, is the first major conference in the U.S. devoted to the long-neglected genetic disease.

Nearly 10 per cent of American blacks are believed to be sickle carriers, having one mutant gene. About one in every 400 to 500 blacks inherits the mutant from both parents and suffers the overt disease. It is virtually unknown in whites.

The Rockefeller report represents 11 months of crash research following a 1970 report from Dr. Robert M. Nalbandian of Grand Rapids, Mich., that a body waste chemical, urea, could be used as a drug to ease pain and apparently to desickle deformed red cells in some patients.

That report has been greeted with considerable professional caution. (The sponsors of the present meeting did not invite Nalbandian to be on the program.) But at least four other clinics are now trying to certify or disprove his urea treatment.

And it prompted Dr. Arthur Cerami, a cell biologist at Rockefeller, working with

Manning, to hypothesize that a simple component of the urea solution—cyanate—might be getting whatever results were showing up in Nalbandian's patients.

"And indeed we found cyanate did inhibit sickling in the test-tube," Cerami said in an interview. They were also able to pin point the exact location on the hemaglobin portion of the red cell where the cyanate hooked on and stayed, making the reversal of the sickling permanent for that cell.

Much of the damage of the disease process arises because the misshapen cells snag in the capillaries between the outgoing arteries and incoming viens, slowing blood cell traffic like a jack-knifed truck on a turnpike. Not only does blood flow get snarled, cells die young in the process.

"If sodium cyanate ever works as therapy," Cerami pointed out, "treatment will have to be continuous throughout life, because each new red cell would have to be doctored."

"REASONABLE" TOXICITY

Safety tests on animals indicated cyanate is "no more than three times as toxic as aspirin," regarded as a reasonable range for proceeding to human trials.

Dr. Peter Gillette, assistant professor at Rockefeller and Dr. Charles Peterson, a Harlem Hospital resident on loan to the project, are now treating the 25 sickle cell anemics, from 7 to 50 years old, either by mouth, by intravenous injection or by taking out blood, treating it and putting the red cells back.

The patients are treated continuously. "We don't wait for a sickle cell crisis," Cerami said. "The hope is to use sodium cyanate to prevent the disease process." The tests, under Food and Drug Administration experimental drug rules, are expected to yield answers in about six months.

Cyanate is a comparatively cheap industrial chemical ($400 a ton) in powder form, easily dissolved. It is a three-atom molecule of nitrogen, carbon and oxygen. The Rockefeller team has been using material from an American firm which is giving up production because German and Japanese firms make it more cheaply.

FULL OF IMPURITIES

The unsolved problem for future medical use, Cerami said, is that "much of the stuff bought for industrial use is full of junk, impurities," which could damage patients and foul up experiments so the true value of the pure drug would be hard to determine.

But if the pure drug works and is adequately safe, it would be the first specific therapy for an ailment that can now be treated only symptomatically in most cases.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION—NOMINATION OF LEWIS F. POWELL, JR., TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session for further consideration of the nomination of Mr. Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court, with the vote coming at 4 o'clock p.m.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 1 p.m. today.

The motion was agreed to; and (at 10 o'clock and 44 minutes a.m.) the Senate took a recess until 1 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. McINTYRE).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

A PERSONAL EVALUATION OF LEWIS E. POWELL, JR., AND WILLIAM H. REHNQUIST, NOMINEES TO BE ASSOCIATE JUSTICES OF THE U.S. SUPREME COURT

Mr. FONG. Mr. President, I support the nominations of Lewis E. Powell, Jr., and William H. Rehnquist to be Associate Justices of the Supreme Court of the United States.

Because of the questions which have been raised in connection with these nominees, I should like to state my analysis of the qualifications of these candidates and my reasons for reaching the conclusions I have.

Mr. Powell is a person of unusual professional competence. His outstanding legal ability is universally recognized.

His personal integrity is unimpeachable.

His sensitivity to the problems which his stockholdings present under the Canons of Judicial Ethics and his efforts to minimize these problems, even where it will probably be at considerable financial cost to him, so as to avoid even "the appearance of impropriety," is further indication to me of his sensitivity to and commitment to the concept of assuring not only equal justice under law to all Americans, but of avoiding any appearances which may lead to questions as to the basis of his actions.

Senators are well aware that I am most concerned about preserving our constitutional rights and especially the rights of the people guaranteed under the first 10 amendments to our great Constitution—our Bill of Rights.

I am one of only four Senators who voted against final passage of the omnibus crime bill. I did this because of its provisions which I am convinced are in derogation of these most sacred constitutional rights.

At the hearing on Mr. Powell's nomination before the Judiciary Committee, I very carefully and at length questioned Mr. Powell as to his position in regard to these most valuable and valued guarantees of the liberty and very safety of minorities—and we are all members of some minority in these United States—against the oppression and tyranny of the majority or of the Government.

The Supreme Court of the United States is the last bulwark of freedom and justice for all our peoples.

I am fully satisfied of Mr. Powell's complete and sincere dedication to the preservation of these vital, constitutional rights and of his ability to so interpret our great Constitution as to assure equal justice under law to all persons in this country.

I urge my brethren to confirm the nomination of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court of the United States.

Now I turn to the nomination of William H. Rehnquist, which is also before us for confirmation, to be Associate Justice of the U.S. Supreme Court. In Mr. Rehnquist, we have before us a much younger man, one likely to serve in that exalted capacity for many, many years.

Fortunately, in Mr. Rehnquist, we have a person of outstanding legal ability and scholarship and unquestioned personal integrity. Even his most severe critics have not questioned these qualifications, which he so abundantly has demonstrated.

What four of the distinguished Senators who opposed Mr. Rehnquist's nomination in the Judiciary Committee and various witnesses questioned was largely Mr. Rehnquist's interpretations of and dedication to the concepts contained in the Bill of Rights.

In fairness to Mr. Rehnquist, his various utterances on these subjects should be put in context of time and circumstances.

Much is made of his opposition in 1964 to a proposed Phoenix public accommodation ordinance and to a letter to the editor published in the Arizona Republic on the proposals of the Phoenix school officials to eliminate de facto segregation in that city.

Little is made of the nominee's actions at those times or his very humble and human confession of error of an earlier judgment.

Throughout the period in question, Mr. Rehnquist's own children attended fully integrated schools in the downtown area of Phoenix. Surely, his recognition of the benefits of integration to the children he loved and cared for most—his own children—must give credence to his recognition of the value of equality of opportunity for all, else he could readily have chosen to live in one of the suburban areas where de facto segregation was almost assured. In view of his actions in this regard, I feel compelled to conclude the nominee does not endorse or practice segregation.

It takes a big man to reverse himself—a bigger one to admit in public that he was wrong—and a still bigger one to alter his course of conduct.

While Mr. Rehnquist did oppose a proposed public accommodations ordinance in 1964, in 1966 as a member of the Arizona delegation to the National Conference of Commissioners on Uniform

State Laws he supported the proposed public accommodations provision of the draft model State antidiscrimination act.

When he appeared at the confirmation hearings before the Judiciary Committee, he admitted he was wrong in his 1964 opposition; that he was aware of that error of judgment; and that his understanding of the significance of, the need for, and the scope of the concept of equality had changed and broadened since that time.

As the distinguished senior Senator from Pennsylvania (Mr. Scott) brought out at the hearing, Mr. Rehnquist altered his course of thinking, and he reflected this in his conduct.

In 1969, the opinion of the Comptroller General of the United States was that the Philadelphia plan was unconstitutional. The Philadelphia plan, as Senators well know, required, as a condition of receiving a Government construction contract, a commitment to achieve certain goals of minority hiring. This was to overcome the fact that certain unions did not have minority race members.

Through the efforts of Mr. Rehnquist, the Attorney General upheld the legality and constitutionality of such plans. This was a major breakthrough in the fight for equality in employment opportunity—a basic right to be afforded all men equally under law.

On the subject of civil rights, I am fully satisfied as to the nominee's position and commitment to equal rights.

Insofar as Mr. Rehnquist's approach to civil liberties and the Bill of Rights is concerned, I questioned Mr. Rehnquist very carefully on the subject of wiretapping and electronic surveillance, and on the subject of certain Federal grand jury practices which I fear are in violation of the fifth amendment.

I spelled out to him at considerable length my long and firmly held conviction that if wiretapping and eavesdropping practices were allowed on a wide scale, we would soon become a nation in fear—a police state. I also indicated that, whether based on fact or fancy, many people in all walks and areas of life fear they are under surveillance, so in my opinion we are coming close to being a nation in fear.

While Mr. Rehnquist as the attorney to the Attorney General had spoken in support of positions of the Justice Department, his response to my questions and his prior statement when he addressed a symposium on law and individual rights held in December 1970, at the University of Hawaii, clearly indicated to me that despite his advocate's position and the attorney-client relationship with the Justice Department, the nominee himself is fully aware of the, as he put it, "chilling effect on one's feeling of freedom of certain alleged Government procedures and is capable of disassociating himself therefrom.

Again, I quote his response, in part:

> I believe that I could divorce my role as an advocate from what it would be as a Justice of the Supreme Court, should I be confirmed.

When I pressed him on comments made by a Phoenix Democrat, but representative of other such comments, that he was a "retrograde" in terms of race relations, "a supporter of police methods," "restrictive" on free speech, and so forth, his response, even under the pressure he was subjected to, showed his humaneness, a sense of humor, and the approach to be expected from him to problems presented to him as a Justice of the Supreme Court.

He stated at page 144 of the hearings before the Committee on the Judiciary:

> My first comment would be I can defend myself from my enemies but save me from my friends.

But then in a most serious vein, he continued:

> I think that that is not a fair characterization even of my philosophical views. My hope would be if I were confirmed to divorce as much as possible whatever my own preferences, perhaps, as a legislator or as a private citizen would be as to how a particular question should be resolved and address myself simply to what I understand the Constitution and the laws enacted by the Congress to require.

I am satisfied Mr. Rehnquist is a man of esteemed legal and intellectual ability, a man of great integrity, whose personal philosophy as shown by his actions may, in fact, prove to be not too far removed from that of his critics.

In any event, I feel that as a Justice of the Supreme Court he would apply his great talents "simply to what (he) understood the Constitution and the laws enacted by Congress to require."

I will, therefore, vote for the confirmation of his nomination.

I urge the confirmation of his nomination to be Associate Justice of the Supreme Court of the United States, for I am certain he will serve all the people of this great country with distinction.

THE NOMINATION OF LEWIS F. POWELL, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. JACKSON. Mr. President, the Senate will vote today on the nomination of Lewis F. Powell, Jr. to be an Associate Justice of the Supreme Court.

It is no surprise that this nomination has been unanimously reported by the Senate Judiciary Committee. Mr. Powell's reputation was well known to many of us in the Senate, even before his nomination. Since then, the widespread endorsement of his nomination by those of differing political and philosophical viewpoints has confirmed that Mr. Powell is a man of exceptional ability and character. Indeed, the reception accorded his nomination is a rebuff to those who suggested that the Senate would not confirm a Southerner to serve on the Supreme Court. One wonders why it has taken so long to propose a man of Mr. Powell's stature.

Quite aside from his competence and integrity, Mr. Powell meets another basic test of fitness to sit on the Supreme Court. He has shown by what he has done and what he has been that those who bring causes to him for judgment will have the fullest confidence that their cases will be heard and decided on the law and the merits and not otherwise.

Of course Justices come to the Supreme Court influenced by their pasts. But to be fit to serve there, a nominee must inspire faith that he can overcome these influences when he must. No group—not the organized bar, not business, not labor, not the law schools, not the politicians of any party or region, no racial group—has the right to veto a nominee because they would prefer someone more sympathetic to their side of particular issues. But they do have a right to expect fair treatment and to expect the nomination of those who will justify belief that disputes which come to be settled through the courts will be settled by law and justice alone. I believe that Lewis Powell meets this test: that he will bring to high judicial office the qualities of decency and fairness that are a crucial component of judicial decision-making.

Because Mr. Powell has shown in his life and work those qualities of distinction which we should expect in every Justice of the Supreme Court, I hope the Senate will vote—overwhelmingly—to confirm this nomination.

Mr. HOLLINGS. Mr. President, ordinarily I would take this occasion to speak in behalf of the appointment of Lewis Powell to the Supreme Court of the United States. He is a southerner. He is noncontroversial; and he is certain to be approved. But a speech in his behalf would only be an exercise in headlinemanship. Mr. Powell needs no defense from me. The man I rise to defend today, on the other hand, is not from my section of the country. He is controversial; and his nomination is being contested. It would be unfair to William Rehnquist and to his record to remain silent today.

I have studied the record. I have looked closely at the man. And I am convinced that his appointment to the Supreme Court is not merely satisfactory—it is excellent. I know Bill Rehnquist, and I have worked alongside him. I know his beliefs and his reactions. I know he is no racist. Everyone who knows him knows that. I recently received a letter from Mr. Ben Holman, the Director of the Community Relations Service, in Mr. Rehnquist's behalf. The Community Relations Service is a civil rights agency charged with working for the improvement of minority groups in America. As Mr. Holman points out, Bill Rehnquist "has been highly supportive of our cause and on several occasions sought to broaden our statutory mandate." Mr. President, I ask unanimous consent that the full text of Mr. Holman's letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Mr. President, of all the tasks which come before the Senate, none is more important than its constitutional duty to act on the President's appointments to membership on the Supreme Court.

Throughout most of its history, the Court has held a rightfully exalted position in the esteem of the American people. And because it had the trust of the people, it worked for the inestimable benefit of the Nation. The Supreme Court lacked a bureaucracy, yet it became a powerful force for good. Fragile in form yet enduring in substance, it became a strong pillar for the support of the Republic.

Today—among a sizable, and growing, percentage of our people—the Court has lost ground. The loss is not sectional, nor is it generational. It is North and South. It is young and old. This is simply a statement of fact. No Member of the Senate who has recently been among his constituents is likely to claim that this is the heyday of the Court's prestige. We hear no chorus of praise for the highest tribunal. While its past is still occasionally sung, celebrations of its present are few and far between. The question is obvious—Why? Why this declining esteem for an institution which depends for its success on the public trust?

I believe that the past successes of the Court resulted from its adherence to the activities prescribed by the founders and the Justices themselves. It succeeded because it seldom strayed very far from those activities. And when it did stray, it did not stray for long. The Court usually was in the mainstream of our national life. It saw nothing to be gained from lagging far behind or racing swiftly ahead of America's other institutions.

In recent years, however, the Court seems to have forgotten the lessons of its successful past. It has gone far beyond its normal activities—far beyond its jurisdictions of even a quarter century ago. And, without getting into a lengthy and detailed exposition, there are those who believe the Court has gone into the business of legislation rather than adjudication. There are those who believe that the Court is enforcing practices which the Constitution does not prescribe nor the Congress authorize. I am among the number who so believe.

Mr. President, when a person runs out on his past, forsaking old ways for new, he is the object of at least temporary suspicion. And when a politician promises one thing and does another, his integrity is questioned and his credibility vanishes. So it is with an institution such as the Court. When it goes beyond the normal range of its activities, and does so over a period of many years, it is playing with the fires of suspicion. This is what the Supreme Court has done. And now it has reaped the ashes of discord and distrust.

We are all quick to point out the credibility gaps of the executive branch. And, whether we admit it or not, we are equally aware of the skepticism in which the legislative branch is held. That hardly leaves time to worry about the problems of the judiciary. But today we must find time. Public confidence in the Nation's highest tribunal—in the arbiter of its basic law—is essential if this system of ours is to survive. The Constitution, both as actual law and as popular symbol, is the cement which has bound America together. Weaken the cement by twisting and torturing, and tearing and bending and breaking—and watch the Nation come apart.

Mr. President, the clear imperative of the Constitution is the necessity for balance. The success of our Federal Government has always depended upon balance: balance between the State and local governments; balance between the three separate branches of the Federal Government; and, within the judicial branch, a large measure of self-balance and impartiality. The Constitution is not an ideological brief for today's liberals, or, for that matter, for today's conservatives. It is a complex and diverse document, written by a varied people, and surviving all the many changes of nearly two centuries of national life. Yet there are those who would throw that balance—that richness of experience—that diversity of history—overboard. There are those who argue not for diversity, but uniformity; not for judgment, but for advocacy; not for right versus wrong, but for left versus right or right versus left.

And that, Mr. President, is what this debate today is all about. All the President has to do is nominate someone whose beliefs do not accord with the insistent mood of the establishment, and the establishment rides to the chase with the scent of blood in its nostrils.

The debate over Mr. Rehnquist is not over Arizona polling booths or memberships in such-and-such an organization. It is not over the handling of Mayday or the tapping of a criminal's telephone. A cursory glance at the record suffices to set any impartial observer's mind to rest on all those accounts. No, Mr. President—those are simply smokescreens sent up by those who would remake the Supreme Court in their own image. They know Bill Rehnquist will not help them do that. So Bill Rehnquist becomes to them public enemy, No. 1.

Mr. President, I have been down this road before, 2 years ago, with Judge Haynsworth. The smokescreens went up then, too. "Appearance of impropriety" was the howl of the pack, and a promising high court career was snuffed out before it could begin. Now—with the possibility of Judge Haynsworth's going to the Court gone—many of his opponents admit how flimsy those charges were. The charges against William Rehnquist are just as flimsy.

He is closed-minded, some say. He starts out with the conclusion and works backward toward justifying evidence. Even more serious, he places no value on individual rights and would give the stamp of judicial approval to police-state tactics. The attack on this nominee is a display of dizzying gymnastics the likes we have not seen for a long, long time. He is a conservative, therefore, too individualistic—conservatives want too much freedom for the individual. Then the critics turn right around and attack Mr. Rehnquist for lack of concern for the individual and for glorification of the state. "Now you see it, now you don't" seems to be the motto of the pack in their desire to do Bill Rehnquist in.

Mr. President, there is just no truth in the charge that Mr. Rehnquist is insensitive to civil liberties. His statements abound with references to the rights of the individual. He has thought long and hard about the necessity of protecting the rights of the individual and the necessity for balancing the rights of the individual in relation to the Government's obligation to enforce the law. His statements show a rational balanced, and constitutional position from which the Court can only benefit. As the nominee himself put it:

> A government which does not restrain itself from unwarranted official restraints on the persons of its citizens would be a menace to freedom; but a government which does not or cannot take reasonable steps to prevent felonious assaults on the persons of its citizens would be derelict in fulfilling one of the fundamental purposes for which governments are instituted among men. A society as a whole has a right, indeed a duty, to protect all individuals from criminal invasions of the person.

Would Mr. Rehnquist put a microphone under every table and desk, a wiretap on every phone, an agent in the footsteps of every citizen? Ridiculous. Again, I quote from the nominee,

> I do not conceive it to be any part of the functions of the Department of Justice or any other governmental agency to surveil or otherwise observe people who are simply exercising their First Amendment rights.

The record demonstrates very clearly that the nominee would never be willing to sacrifice the constitutional protections afforded our people simply in the interest of governmental efficiency. For him, the Constitution clearly places restraints on the activities of government. On the other hand, the record also makes clear that he would use the powers afforded the Government by the Constitution-makers at Philadelphia to preserve, protect and defend the safety and well-being of the American people. Any judge who is too shallow to raise the question of how to maintain order is ignorant of one of the basic questions of all government, and ignorant of one of the enduring themes of political philosophy.

The record shows William Rehnquist to be superbly qualified for service on the Supreme Court. His educational and professional career is a long string of our society's highest accolades. His academic honors testify to an acute and profound intelligence. His professional citations mirror the confidence of his associates and the breadth of his experience. Anyone who seriously expects Bill Rehnquist to be the slave of some narrow ideology or defunct theoretician simply does not know the man or his record.

There is not the slightest doubt in my mind that as Associate Justice of the Supreme Court Justice Rehnquist's allegiance will be to the Constitution, and his dedication to making it the honored and revered fountain of law and trust that it deserves to be. He will be there to research, to question, to study, to analyze, and ultimately, to judge. Justice Rehnquist will not need a law clerk to do his homework for him, or to write his opinions. He knows how to do these things himself. And he does them with a precision and a clarity and a brilliance which command respect.

It is the charge of the jurist to judge just as it is our charge in this chamber to legislate. Mr. Rehnquist has the discernment to keep the two functions separate. His opponents cannot make the same claim.

I commend the President of the United States for the excellent choice he has made. And I urge my fellow Members of the Senate to vote "aye" when the moment of decision is upon us.

EXHIBIT 1

DEPARTMENT OF JUSTICE,
COMMUNITY RELATIONS SERVICE,
Washington, D.C., November 4, 1971.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLINGS: You have asked that I share with you my regard of William H. Rehnquist who has been nominated by the President to be an Associate Justice of the United States Supreme Court.

I have personally worked in close association with Bill Rehnquist during my 2½ years as Director of the Department of Justice's Community Relations Service. I always found him to be of impeccable integrity and of gentlemanly conduct.

On many occasions Bill Rehnquist and I have discussed issues relative to the welfare of the Community Relations Service, which, as you know, is a civil rights agency whose sole direction is guided by the improvement of the status of minorities in America. He has been highly supportive of our cause and on several occasions sought to broaden our statutory mandate.

His "conservative" philosophy while practicing law in Arizona was unknown to me until I read about it in the newspapers. As a black man sensitive to the various forms of racist behavior I can assure you that Bill Rehnquist will judge minorities fairly if he is confirmed to the Court.

I hope this information will be helpful to you in your deliberations.

Sincerely,

BEN HOLMAN.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. COOK. Mr. President, I commend the Senator from South Carolina for his remarks. I want to say that the remarks which I will make either late today or on tomorrow will be in respect to what the Senator from South Carolina has said.

I would like to have printed in the RECORD an article in this morning's Wall Street Journal entitled, "Rehnquist and Critics: Who's Extreme?" However, first, I would like to read for the RECORD a portion of that article. It reads:

> The minority report argues that "Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights." The evidence the report discusses at greatest length is a letter Mr. Rehnquist wrote to The Arizona Republic in 1967, responding to remarks on school integration by Phoenix School Superintendent Howard Seymour.
>
> The minority report says, "The truly alarming aspect of the 1967 letter, however, is Mr. Rehnquist's statement, 13 years after Brown v. Board of Education that 'We are no more dedicated to an "integrated" society than we are to a "segregated" society'. . . Yet at least since the Supreme Court declared that 'separate is inherently unequal,' this nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed."
>
> A FREE SOCIETY
>
> The statement in the original letter that must be located with respect to the mainstream runs, "Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' . . . But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an 'integrated' society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities."
>
> Mr. Rehnquist's extremist position on civil rights, then, turns out to be nothing more than the familiar proposition that the Constitution is color-blind. On surveillance he believes that at this moment the scales are not tipped in such a way that dissent is "chilled." On wiretapping he believes the government side of the national security question deserves its day in court. These opinions, the minority report suggests, are so outrageous the nominee should be defeated.

Then, the most important paragraph of the editorial in relation to the remarks of the distinguished Senator from South Carolina:

> As the Senate debates the nomination, it seems, it will have to decide more than whether it's proper to weigh a nominee's philosophy. It also needs to weigh whether words like "extreme" and "out of the mainstream" better describe Mr. Rehnquist's philosophy, or the position his critics have been forced to take to oppose him.

Without objection the article was ordered to be printed in the RECORD, as follows:

REHNQUIST AND CRITICS: WHO'S EXTREME?

(By Robert L. Bartley)

WASHINGTON.—The most powerful impression to emerge from the microscopic public analysis of the life and works of Supreme Court nominee William H. Rehnquist is that his critics are pretty desperate. At one point the arguments and innuendos offered by critical witnesses proved too much even for the most critical Senators, and Sen. Edward Kennedy upbraided the witnesses for creating "an atmosphere which I think is rather poisonous."

Now the critical members on the Senate Judiciary Committee—Sens. Bayh, Hart, Kennedy and Tunney—have filed their minority report setting out the responsible case against the nomination. As Sen. Kennedy's remark suggests, it judiciously avoids the less substantial allegations that have appeared in the press in recent weeks. There is, for example, no suggestion that Mr. Rehnquist is guilty until proven innocent of membership in extremist organizations because his name appears on a list compiled by a little old lady and willed to someone else.

OUTSIDE THE MAINSTREAM

The minority report, rather, focuses mostly on Mr. Rehnquist's views on certain issues, and as such is an intriguing document. It volunteers that there is no question about Mr. Rehnquist's qualifications in terms of legal standing or personal integrity. On the widely debated question of whether the Senate should consider a nominee's judicial philosophy, it makes the case that indeed the Senate should.

The minority, of course, argues that on this third test Mr. Rehnquist flunks. It says he "has failed to show a demonstrated commitment to the fundamental human rights of the Bill of Rights, and to the guarantees of equality under the law." While not every detail of a nominee's philosophy ought to bear on his Senate confirmation, it suggests, so extreme a deviation should. At one point the text puts it simply: The nominee "is outside the mainstream of American thought and should not be confirmed."

A fascinating proposition, this. How can someone with legal standing and personal integrity fit to grace the Supreme Court be that far out of the mainstream? What would be the opinions of a man who is such a pillar of the bar and still fails to understand the Bill of Rights?

So it is with no little anticipation that one turns to the issues discussed in the minority report to find just which of Mr. Rehnquist's opinions bar him from the Court service. One expects not merely that he will have debatable opinions on debatable topics. Certainly the four Senators disagree on many things with Lewis F. Powell Jr., the other Supreme Court nominee before the Senate, but they voted to approve him. So in Mr. Rehnquist's case one expects more extreme opinions, those further out of the mainstream on the right, say, than Justice William O. Douglas is on the left.

As sort of a benchmark, recall Justice Douglas' popular book arguing, "We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution." What right-wing outrages has Mr. Rehnquist uttered, one wonders, that are further from the mainstream than *that?*

As the confirmation hearings started, the best bet for that sort of outrage seemed to lie in the Justice Department position on wiretapping. As the department's chief legal adviser, Mr. Rehnquest must bear no small responsibility for that position, and the department has argued that the Executive Branch has an "inherent right" to wiretap without court order in national security cases. This is tantamount to an assertion that neither Congress nor the courts can control executive wiretapping, and certainly does suggest an insensitivity to the spirit of the Bill of Rights.

Alas for Mr. Rehnquist's critics, though, it turns out that on his advice the Justice Department has dropped the "inherent right" argument in current briefs before the Supreme Court. It now merely argues that in the particular instances of the case, the tap in question was not an "unreasonable" search barred by the Fourth Amendment. He says that the effect of the change is "to recognize that the courts would decide whether or not this practice amounted to an unreasonable search."

Mr. Rehnquist declined to give his personal views, as opposed to the Justice Department position, but he did defend the department's current arguments on the grounds that there are substantial legal questions unresolved, and the Executive is obligated to make its side of the case. "Five preceding administrations have all taken the position that the national security type of surveillance is permissible . . . one Justice of the Supreme Court has expressed the view that the power does exist, two have expressed the view that it does not exist . . . one has expressed the view that it is an open question . . . the government is entirely justified in presenting the matter to the court for its determination."

WIRETAPPING OF RADICALS

This did not satisfy the four critical Senators. They noted that the current issues are somewhat different from those of preceding administrations, not least because the current argument is about wiretapping not of foreign agents but of domestic radicals. The change in the department's position is "more cosmetic than real," they argued, because it is still defending wiretapping rules that would not "provide an adequate restraining effect on the Executive Branch, an adequate deterrent to protect the right of privacy."

For those who may find this particular dispute a matter not of extremist opinions but of reasonable men differing, the minority also delves into Mr. Rehnquist's widely quoted opinion on government surveillance of individuals, that is, not wiretapping but the recording of their activities in public places. In warning against overly restricting such surveillance, he once said, "I think it quite likely that self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

During the hearings, Mr. Rehnquist noted that in his remark he was addressing the question of whether new legislation is needed in addition to the Bill of Rights and laws already on the books, and that the remark must be understood in that context. In colloquy at the time, he conceded that widespread surveillance should be "condemned," and that an individual might already have legal recourse against a government tail. But in considering the argument that surveillance is unconstitutional because it has a "chilling effect" on freedom of expression, he said any such effect is a question not of constitutional law but of fact. And, "those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one or two occasions to, you know, exercise their First Amendment rights, to protest the war policies of the President. . . ."

The minority report argues that even if 250,000 appeared, others may have been deterred by surveillance. It agrees that the committee's majority report correctly describes Mr. Rehnquist's attitude: "Information-gathering activity may raise first amendment questions if it is proven that citizens are *actually* deterred from speaking out." The minority argues that this is precisely the problem, "the difficulty of proving a specific chilling effect is obvious, and the notion that a First Amendment question isn't even *raised* until it is 'proven that citizens are *actually* deterred from speaking out' (emphasis in original) is alarming."

But if Mr. Rehnquist's opinions here are outrageously extreme, it would seem, so are the opinions of the majority of the Senate Judiciary Committee. Similarly if his defense of the constitutionality of such laws as "no-knock" raids and "preventive detention" in the District of Columbia are out of the mainstream, the mainstream does not include the majority of both houses of Congress. So what mostly remains is the question of Mr. Rehnquist's attitudes on the racial issue.

The minority report does not make too much of allegations that Mr. Rehnquist harassed black voters when he was involved in Republican voter challenging teams in Phoenix, but it also does not dismiss them as the majority did. Some of his black opponents have come up with affidavits charging he was personally involved in harassment, and his supporters have come up with a defense of his challenging activities and attitude by a sometime counterpart on the Phoenix Democratic challenging team. The minority report says, "Each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial."

On the nominee's general racial attitudes, the majority report also came up with a letter from the principal of the elementary school Mr. Rehnquist's children attended in Phoenix. "Mr. Rehnquist became known to me when I was a teacher here at Kenilworth School. He had moved his family into Phoenix Elementary School District from one of the outlying suburban, and predominantly middle socio-economic, school districts. He wanted his children to have experience and associations with children from minority groups, as well as with the different socio-economic groups."

The minority report argues that "Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights." The evidence the report discusses at greatest length is a letter Mr. Rehnquist wrote to The Arizona Republic in 1967, responding to remarks on school integration by Phoenix School Superintendent Howard Seymour.

The minority report says, "The truly alarming aspect of the 1967 letter, however, is Mr. Rehnquist's statement, 13 years after Brown V. Board of Education that 'We are no more dedicated to an "integrated" society than we are to a "segregated" society'. . . Yet at least since the Supreme Court declared that 'separate is inherently unequal,' this nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed."

A FREE SOCIETY

The statement in the original letter that must be located with respect to the mainstream runs, "Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' . . . But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an 'integrated' society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities."

Mr. Rehnquist's extremist position on civil rights, then, turns out to be nothing more than the familiar proposition that the Constitution is color-blind. On surveillance he believes that at this moment the scales are not tipped in such a way that dissent is "chilled." On wiretapping he believes the government side of the national security question deserves its day in court. These opinions, the minority report suggests, are so outrageous the nominees should be defeated.

As the Senate debates the nomination, it seems, it will have to decide more than whether it's proper to weigh a nominee's philosophy. It also needs to weigh whether words like "extreme" and "out of the mainstream" better describe Mr. Rehnquist's philosophy, or the position his critics have been forced to take to oppose him.

Mr. **ERVIN**. Mr. President, for many years I have followed the career of Lewis Powell, of Richmond, Va., as one of the leaders of the American bar. It will afford me much pleasure to vote for his confirmation as an Associate Justice of the Supreme Court of the United States. I predict that in that post he will exhibit some of the finest legal acumen and some of the most profound learning that has ever been shown by any member of the Court.

I have found in the decisions of the Supreme Court only one ruling which sets forth the qualifications which the Constitution requires of a member of the Supreme Court bench. This statement appears in the ruling of the greatest jurist of all time, Chief Justice John Marshall, in what was, perhaps, the most famous of all his decisions, that of Marbury versus Madison. In that case Chief Justice Marshall pointed out that the Constitution of the United States obligates every Supreme Court Justice to take an oath or to make an affirmation to support the Constitution. This clearly means that it is the duty of a Supreme Court Justice to lay aside his own notions of what he thinks the Constitution ought to provide and to be guided solely in his decisions by what the Constitution actually does provide.

Chief Justice Marshall made this abundantly clear when he said that the oath of a Supreme Court Justice to support the Constitution requires him to accept that instrument as the rule for his official action as a member of the Court.

I am confident that Lewis Powell possesses this qualification and that he will adhere faithfully to his oath as a Supreme Court Justice to support the Constitution. For this reason I look forward with confidence to seeing him assist the Constitution of the United States in performing its function as a rule for the guidance of Supreme Court Justices.

Mr. President, for these reasons I shall take delight in voting for the confirmation of the nomination of this distinguished American lawyer.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that a nomination reported earlier today, which is at the desk, and which has been cleared all around, be stated.

The **PRESIDING OFFICER** (Mr. CHILES). Without objection, it is so ordered. The nomination will be stated.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

QUORUM CALL

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolution of the Senate:

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes; and

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year."

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NATCHER, Mr. GIAIMO, Mr. PRYOR of Arkansas, Mr. OBEY, Mr. STOKES, Mr. MCKAY, Mr. MAHON, Mr. DAVIS of Wisconsin, Mr. SCHERLE, Mr. MCEWEN, Mr. MYERS, and Mr. BOW were appointed managers on the part of the House at the conference.

NOMINATION OF LEWIS F. POWELL, JR.

The Senate continued with the consideration of the nomination of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court of the United States.

Mr. COOK. Mr. President, after 5 days of extensive and exhaustive hearings in November, and after a long and thorough debate of the qualifications of the two nominees in executive session, the Senate Committee on the Judiciary favorably reported to the Senate the nominations of Lewis F. Powell and William H. Rehnquist to be Associate Justices of the Supreme Court.

In light of the events of the past 4 years, these nominations cannot be considered by themselves but must be regarded as a continuing series of events resulting from the Senate's scrutiny of Justice Abe Fortas' nomination to be Chief Justice. While not a member of this body at that time, it was my privilege to be a part of the nominations of Warren E. Burger, Judge Clement Haynsworth, Judge Harrold G. Carswell, and Justice Harry Blackmun. While not agreeing with all of the Senate's actions on these nominations, I am strongly committed to the Senate's constitutional duty of advising and consenting to the President's Supreme Court nominations.

In my examination of these nominees, I developed certain standards to apply to Mr. Rehnquist and Mr. Powell. On May 15, 1970, in a Senate speech, "Haynsworth, Carswell and Blackmun: a New Senate Standard of Excellence," I set forth my criteria. In part, the statement read:

> First, the nominee must be judged competent. He should, of course, be a lawyer, to my way of thinking, although the Constitution does not require it. Judicial experience might satisfy competence, although I would certainly not restrict the President to naming sitting judges. Legal scholars as well as practicing lawyers might well be found competent.
>
> Second, the nominee must be judged to have obtained some level of achievement or distinction. After all, it is the Supreme Court of the United States we are considering—not the police court in Hoboken, New Jersey, or even a U.S. district or circuit court. This can be established by writings, but lack of publications alone would not be fatal. Reputation at the bar and bench would be significant. Quality of opinions if a sitting judge, or appellate briefs if a practicing attorney, or articles and other publications if a law professor, might establish distinction. Certainly, the acquisition of expertise in certain areas of the law would be an important plus in establishing the level of achievement of the nominee.
>
> Third, temperament could be significant in some cases. Although difficult to establish and not as important as the other criteria I am suggesting, temperament might become a factor where, for example, a sitting judge was hostile to a class of litigants or abusive to lawyers in court.
>
> Fourth, the nominee, if a judge, must have violated no existing standard of ethical conduct. If the nominee is not a judge, he must not have violated the canons of ethics and statutes which apply to the standard of conduct required of members of the bar.
>
> Mr. President, fifth, and finally, the nominee must have a clean record in his nonjudicial or nonlegal life. He should be free of criminal conviction and not possessed of debilitating personal problems, for example, alcoholism or drug abuse. However, this final criteria would rarely, if ever, come into play, due to the intensive personal investigations customarily employed by the executive before nominations are sent to the Senate.

LEWIS F. POWELL

1 AND 2. COMPETENCY; ACHIEVEMENT OR DISTINCTION

In 1929, Mr. Powell graduated magna cum laude from Washington and Lee University, and in 1931 he received his law degree from the same university. He earned his masters in law from Harvard the very next year.

From that time until the present, Mr. Powell has been engaged in the general practice of law in Richmond, Va. The only break in this period was his service from 1942 to 1946 as a combat and staff intelligence officer.

The nominee is recognized throughout the Nation as a lawyer of outstanding ability and has served as president of the American Bar Association, president of the American Bar Foundation, president of the American College of Trial Lawyers and vice president of the National Legal Aid and Defender Association.

He was also appointed by President Johnson in 1965 to the President's Commission on Law Enforcement and Administration of Justice. President Nixon appointed him to serve on the President's blue ribbon defense panel in 1969.

The American Bar Association's committee on the Federal judiciary said that he met the "high standards of professional competence, judicial temperament and integrity" necessary for this high position. The committee also noted that he met the standard in an "exceptional degree."

The list of outstanding lawyers who have enthusiastically endorsed his nomination is indeed impressive. I would like to list just a few of these lawyers and legal scholars:

Orison S. Marden, former president of the American Bar Association.

Bernard G. Segal, former president of the American Bar Association.

Hicks Epton, president, American Trial Lawyers.

Maynard J. Toll, former president of National Legal Aid and Defenders Association; O'Melveny and Myers, Los Angeles.

Dean Phil C. Neal, University of Chicago Law School.

Geoffrey C. Hazard, Jr., Yale University Law School.

William T. Gossett, former president of American Bar Association.

E. Smythe Gambrell, former president of American Bar Association.

Earl F. Morris, former president of American Bar Association, Columbus, Ohio.

Dean Monrad G. Paulsen, University of Virginia Law School.

Dean James P. White, Jr., William and Mary Law School.

Dean Roy L. Steinheimer, Jr., Washington and Lee University Law School.

Charles S. Rhyne, former president of the American Bar Association.

Whitney North Seymour, former president of the American Bar Association, New York City.

Sylvester Smith, former president of the American Bar Association, New Jersey.

David F. Maxwell, former president of the American Bar Association, Pennsylvania.

Bernard Segal, in his statement before the committee summarized the thinking of everyone who has been associated with Mr. Powell when he said:

> It is therefore with profound satisfaction that I speak in support of a nominee who in my judgment is as eminently qualified to serve on our highest judicial tribunal as anyone who has come before the committee since I have been concerned with such matters, and I daresay for many years before that as well. In legal education, legal experience and legal competence, he ranks among the elite of the Nation's bar.

Mr. Lewis Powell is quite obviously one of the most distinguished nominees to come before the Senate in some time. No one has been more highly recommended. Further documentation would surely be redundant. The committee hearings and the Senate report speak for themselves.

3. TEMPERAMENT

I believe that all members of the committee were impressed with the manner in which the nominee handles himself at the hearings.

In a statement urging favorable consideration, Andrew P. Miller, the attorney general of Virginia declared that—

> But more importantly, Lewis F. Powell, Jr. possesses the judicial temperament for the great task to which the President of the United States has nominated him. He has the quality of mind which will enable him to serve with distinction as a Justice of the Supreme Court of the United States.
>
> It is not given to all men to have that quality of mind, yet I know of no man better endowed with it than Mr. Powell. Many men exhibit a knee-jerk reaction to the issues of the day, and render cliched treatment in response, but not the nominee before you.

Of course, like Mr. Rehnquist, we would expect such comments from his friends who not only know him, but generally agree with him. Therefore, I would once again like to turn to those who come from different backgrounds and who have different philosophies.

Jean Camper Cahn, director of the Urban Law Institute of Antioch College, knew Mr. Powell personally through their work together on the legal services program for the poor. While admitting a disagreement with him on many matters, she based her support of this nomination on the qualities that I believe are very important. She said:

> In the context in which I have known him he has come to symbolize the best that the profession has to offer—a man imbued, even driven, by a sense of duty, with a passion for the law as the embodiment of man's ordered quest for dignity. Yet he is a man so curiously shy, so deeply sensitive to the hurt or embarrassment of another, so self-effacing that it is difficult to reconcile the public and the private man—the honors and the acclaim with the gentle, courteous, sensitive spirit that one senses in every conversation, no matter how casual. And it is an unceasing source of wonder to me that so much seems to get done without any sense that the man is ever burdened, hurried, under strain or unable to give you his full and undivided attention.

In questioning the nominee, Senator HART stated:

> I think I should also add for the record a communication which was brought to the attention of the Senate through its introduction in the Record on November 2, by Senator BYRD, who was sitting here with you, of a letter from a member of the Virginia House of Delegates representing Richmond and Henrico County, Doctor William Ferguson Reed. Doctor Reed is the first Negro elected to the Virginia General Assembly during this century, and that letter, written by Doctor Reed to Senator BYRD, strongly recommends your confirmation and makes reference to the fact that all regard you as a fair-minded man. I think it is well that you be aware of that comment by Doctor Reed.

4 AND 5. ETHICAL CONDUCT; PERSONAL CONDUCT

Mr. Powell's life has been subjected to intense scrutiny by the Government and by private citizens alike. His personal and ethical conduct, if anything, is above reproach. There is absolutely nothing in the record to indicate that the nominee has ever been guilty of any impropriety or indiscretion. To the contrary, there is much to recommend him.

Mr. Powell is a man of substantial personal wealth including stock in major corporations which are potential parties to litigation ultimately to be decided by the Supreme Court. Mr. Powell has agreed to divest himself of all but a few of these holdings, and to disqualify himself from cases where he may still retain an interest, however small. He also said that in regard to these and other major corporations that he has represented that he would "lean over backward" to avoid the appearance of impropriety. The committee, very properly, was satisfied with his past and future ethical and personal conduct.

CONCLUSION

Lest some believe that there may be something missing or lacking from my examination of the candidates, I would like to make a few remarks concerning philosophy or ideology.

Concerning this, as criteria, I said in my speech of May 15, 1970, the following:

> At the outset, let us discard the philosophy of the nominees, philosophy should not be considered by the Senate. This happened quite often in the 19th century and the result was to make a political football out of the Supreme Court. The President is elected by the people presumably to carry out a certain program. The Constitution gives to him the power to nominate. If the nomination power had been given to the Senate, as was once considered during the debates at the Constitutional Convention, then it would have been proper for the Senate to consider philosophy. The Senate's role, as I see it, is to advise and consent to the nomination, and thus, as the Constitution puts it, "to appoint." This, I believe, taken within the context of modern times, means an examination into the qualifications of the President's nominee.

I must confess that this concept is not original on my part. It was mentioned at least once before by the Senator from Massachusetts (Mr. KENNEDY) during the Senate's consideration of Justice Thurgood Marshall, when he said:

> I believe it is recognized by most Senators that we are not charged with the responsibilities of approving a man to be associate justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue, or on a given issue of fundamental importance; we are interested really in knowing whether the nominee has the background, experience, qualifications, temperament and integrity to handle this most sensitive, important, responsible job.

Mr. President, I believe that to be as sound now as it was then. Furthermore, the President is the only person who is elected by all the people, and who is chosen to represent all of the people. He alone reflects the views of the majority of the people of this country at a given time. Senators are elected by smaller groups of people at different points in time.

I do not seek to persuade all of my colleagues to my position. I merely wish to state it, and say that it has stood me well in considering previous, as well as the current, Supreme Court nominations.

In conclusion, after attending the Judiciary Committee hearings, and examining the record, I wish to give my unqualified endorsement to this very distinguished lawyer and legal scholar. I believe him to be uniquely qualified to sit on the Supreme Court of the United States.

Mr. President, I urge the immediate confirmation of Mr. Lewis F. Powell, Jr. to be Associate Justice of the Supreme Court.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. BAYH. I suggest to my friend from Kentucky that I am deeply impressed by the reference that he made to the letter of Jean Camper Cahn. I found that to be one of the most emotional, persuasive bits of correspondence that I have seen relative to the human qualities of the man. Certainly the fact that the Senator from Kentucky used it in support of the nominee from Virginia I think is a point well taken.

I just might interject one observation about the feeling of the Senator from Kentucky—he and I agree on many things and disagree on a few, and each of us arrives at his own conclusion as to what criteria we use: I am sure the Senator from Kentucky is aware that should the Senate totally disregard in its consideration the philosophical views of a prospective Supreme Court nominee, we would be at odds with the strong and eloquent position taken by the other nominee, William H. Rehnquist, in a very persuasive article that he had published in one of the Harvard Law Journals, in which he suggested that it was not only the right but the responsibility of the Senate to consider the philosophy of the nominee.

Mr. COOK. I thank the Senator from Indiana. I must say to him I am one Senator who does speak for himself. I lost any tendency toward a dogmatic attitude a long time ago, and I should think to a considerable degree one's attitude is one's own criterion; and that would reflect itself on any other individual.

I thank the Senator for commending the distinguished jurist from Virginia. I look forward to being on the same side with him at 4 o'clock.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. SPONG. I thank the Senator from Kentucky for the splendid presentation he has made to the Senate today in behalf of the nomination of Lewis Powell. I know from observing the actions of the Senator from Kentucky on past occasions that he speaks on these nominations only after a thorough review of the qualifications of a nominee. He and I have been through judicial nomination wars together. I should also like to say that the Senator has again rendered the Senate a service by spelling out his own views, which parallel mine, on the Senate's role of advice and consent.

I recognize, as has been demonstrated by the remarks of the Senator from Indiana, that there is some difference of opinion as to how this role should be played by Senators, but I think since his coming to the Senate, the Senator from Kentucky has rendered a conspicuous service in trying to outline what he conceives to be the constitutional role of the Senate in considering advice and consent to these nominations.

Mr. COOK. I thank the Senator from Virginia very much, Mr. President, and I yield the floor.

Mr. FANNIN. Mr. President, during the weekend a columnist observed that it was a difficult task for the Senate to sustain a 2-day discussion on the nomination of Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court.

Debate is not very exciting when—as in this case—there is nothing to debate. After the first round of wonderful praise for Mr. Powell, all else is repetition.

Nevertheless, I am pleased to join in this discussion and to add my voice to those who have cited the excellent qualifications of Mr. Powell.

He is a legal scholar; he has had a distinguished career as an attorney, including service as president of the American Bar Association; he has been a leader on a number of important boards and commissions.

It is significant that Mr. Powell has been deeply involved in the educational affairs of an important Southern city during a very trying time in history. He carries to the Supreme Court some practical knowledge of the problems which face schools, school officials, parents, and children. We need this experience on the Supreme Court.

Mr. Powell is a man of high intelligence, unquestioned integrity, vast experience, and total devotion to law and to the Constitution of the United States.

Mr. President, it is without reservation that I support the confirmation of the nomination of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m.

The PRESIDING OFFICER. Is there objection?

There being no objection, at 1:51 p.m. the Senate took a recess until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BUCKLEY).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a number of nominations at the desk be called up at this time. It is my understanding that they have been cleared all the way around.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, the nominations will be stated.

GOVERNORS OF THE U.S. POSTAL SERVICE

The legislative clerk read the following nominations, which had been reported earlier:

Elmer T. Klassen, of Massachusetts, Frederick Russell Kappel, of New York, Theodore W. Braun, of California, Andrew D. Holt, of Tennessee, George E. Johnson, of Illinois, Crocker Nevin, of New York, Charles H. Codding, of Oklahoma, Patrick E. Haggerty, of Texas, and M. A. Wright, of Texas, to be Governors of the United States Postal Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, the Post Office and Civil Service Committee, without objection, this morning, reported the names of the Board of Governors. These names were sent to the committee a little over a year ago. The committee read about their appointment in the various newspapers, the first notification it had. Because the new Postal Reorganization Act of 1970 specified that the Board of Governors would be selected with the advice and consent of the Senate, the members of the Senate Post Office and Civil Service Committee felt that the administration had been less than forthright in its procedures in this regard. The consequence was, only now has the Senate committee seen fit to approve the nominations.

Why now, rather than some other time? The answer is that there are now changed circumstances in the Postal System. Some of the elements that contributed to the lack of communication, or the "iron curtain," whatever we want to call it, between the Senate and the operation of the system have since been removed or changed in other ways.

The committee was delighted to approve this panel of nominations for the Board of Governors. They are all very astute gentlemen, distinguished individuals in their own right in their various pursuits. They are of many persuasions and of many talents. I think it is urgent that their approval be followed without delay in their pursuit of the responsibilities of getting the new Postal System off the ground. It is an awesome task and will take time yet, and the patience of this body, as well as the patience of users of the mails which will still be taxed heavily in the psychological sense, as well as in the monetary sense, for the reason that a transition with new structuring is a relatively slow process and yet the ultimate goal is laudable, indeed, both in the saving of money for the taxpayers as well as in the improvement of service for all who use the mails. We are getting there. It will take a while yet before we reach the goals we have set in the reorganization. But we are happy to report the approval of the nominees for the board of governors.

My colleague, the ranking minority member of the committee, who shared with me the responsibilities for the legislation in the first place, and seeking its implementation in the many months since, has been one of the leaders looking ahead to a constructive and responsible U.S. Postal Service which will serve all the people.

Mr. FONG. Mr. President, I join my distinguished colleague from Wyoming in saying that I am very pleased that the Senate has confirmed the members of the Board of Governors of the U.S. Postal Service.

We have been working on these confirmations for a long time and we are very happy that their confirmations have now come to pass.

We, as Members of Congress, should not expect too rapid progress in curing the ills of the Post Office Department, or in believing that many of the criticisms that have been leveled at it will end immediately by having the members confirmed at this time; but we hope that, given time, and given a little more effort, this group will be able to work out a very efficient postal service for this country.

The President has selected an able and capable group for the Board of Governors. They seem to be quite experienced in the field of business operations. We are hopeful that in tackling the big problem of operating the Postal Service, which is a $7 billion a year business, employing approximately 740,000 employees, these Board of Governor members will produce a very efficient Postal Service.

We hope that with a little patience and much hard work, we will achieve the efficient and responsible postal system, we sought when the bill to reorganize the Postal Service was passed.

INDEFINITE POSTPONEMENT OF S. 2722, COMPARABILITY PAY OF FEDERAL EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent, as in legislative session, that Calendar No. 422 (S. 2722), the comparability pay of Federal employees bill, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, as in legislative session, with no Senator seeking to speak on the pending nomination at this moment, that the distinguished Senator from Idaho (Mr. CHURCH) be recognized on that basis.

The PRESIDING OFFICER. Without objection, the Senator from Idaho is recognized.

WAR BETWEEN INDIA AND PAKISTAN AND THE INEPTITUDE OF U.S. POLICY

Mr. CHURCH. Mr. President, the war that has erupted between India and Pakistan is no affair of ours. Whichever side prevails, we can live with the result. Our vital interests as a nation are not at stake on the Indian subcontinent, as long as the great powers refrain from direct intervention in the conflict.

The American role, therefore, should be confined to the efforts within the international community to restore peace, as taken in the Security Council or through the office of the Secretary General of the United Nations. We should also contribute—as no doubt we will—to humanitarian relief efforts on behalf of the millions of refugees who have fled from the war zone. Beyond this, however, we should withhold our hand. The American people have been satiated with too much war already, without mixing in another.

This calls for neutrality, something we have not practiced for a long while. Neutrality means that we keep our Navy out of the way; it means that we refrain from sending our merchant ships into the harbors of either country; it means an arms embargo applied even-handedly for the duration of the hostilities; and it means scrupulous avoidance of favoritism toward either side.

Already the postulate of nonfavoritism had been breached. The Nixon administration, speaking through the State Department, has declared that India bears the major responsibility for the war, while the President's personal spokesman, Ronald Ziegler, charges India with having launched an extensive movement of forces into East Pakistan.

"When you take into account the human problems that exist in the area," Ziegler is reported to have said, "it is difficult for the Americans to understand a resort to force."

As an American, I find it difficult to understand how any Presidential spokesman, with knowledge of the problems that exist in the area, could make such an unctious statement. I have just returned from India, where I traveled the road to Jessore from Calcutta to the Bengal border. I saw for myself the endless stream of refugees fleeing East Pakistan, 1 day's part of the multitude that has inundated the bordering states of India during the past 8 months.

I visited a field hospital near the border, where wounded refugees were brought for treatment. Half of the patients were laid out on the floor, for lack of beds, and the surgery was crude—like that which took place during our own civil war a century ago—due to the limited facilities and the incapacity to administer blood transfusions. Every complicated gunshot wound could be treated only by amputations. Patients were surviving who would have died a century ago, only because of sulfa and penicillin.

These refugees were the victims of Pakistan fire. Most were Hindus but many were Muslims who supported Sheikh Mujibur Rahman in the elections which took place in East Pakistan last year. In those elections the people of East Pakistan had spoken in one voice. They had massively elected the candidates of the Awami League, endorsing a platform which called for an autonomous East Bengal. "Bangla Desh" was the rallying cry in those elections, as it remains the rallying cry today.

I wandered through the refugee camps, questioning men, women, and children on every side. Invariably, their story was the same, the same sad tale of villages pillaged, families decimated, young girls raped. Mothers spoke proudly of their sons of fighting age who had escaped and had now returned to fight in the ranks of the Mukti Bahini guerrilla forces to free their country.

Words cannot describe the sorrow, the outrage, the hatred engendered by the brutal repression of the Pakistan army. I shall not soon forget the passion of a "holy man" I met in a crowded camp. Tears streaked down his creased face, as he kept repeating, "we voted for freedom; we were the majority in the whole country, East and West. We voted for freedom and we were killed."

I came away from that scene of tragedy and despair, knowing in my bones two things: That the people of East Pakistan would never again submit to the rule of the West Pakistan Government in Islamabad, and that, as between India and Pakistan, we Americans should have the humility not to pass a hurried judgment on who is right and who is wrong.

Yet, by implication, we have already branded India the aggressor. It comes with ill grace considering the circumstances. How long would we have waited to strike back had a bloody massacre in Mexico led to the influx of 10 million Mexican refugees into southern California, New Mexico, and Arizona? Would we have waited 8 months? Eight weeks? Eight days?

I do not maintain that India has been blameless nor that she does not now seek advantage in alining herself with the people of East Pakistan against her old enemy in the west. But as long as she resists the temptation to annex East Pakistan and limits her objective to that of supporting the Bengali people in their struggle for independence, there is a large measure of justice in India's cause.

If India has intervened in the civil war of her neighbor, we did the same in Vietnam with far less provocation. Indeed, we dispatched our Army to intervene in a civil war 8,000 miles away from our homeland, against an enemy that could not even reach, let alone threaten, the United States. For the past 7 years, we have fought to sustain in Saigon a government whose latest claim to legitimacy rests upon a dubious election, in which the incumbent President, Mr. Thieu, ran uncontested. Yet, we have fought the war in the name of giving the right of self-determination to the people of South Vietnam.

It must follow that if self-determination is right for South Vietnam, it is also right for East Pakistan, where the people, in an open, free, and contested election, voted overwhelmingly for autonomy. If intervention on their behalf causes India to be accused of "aggression," the Government of the United States should be the last in the world to cast that stone.

I find it hard to understand why there has been such a persistent pro-Pakistan bias in American policy. India's position in the war which has now broken out is not only consistent with our professed ideals, but it is also the position which is most likely to prevail. By showing such favoritism toward West Pakistan, we side with the probable loser, and we forfeit the good will of the freedom fighters in East Pakistan as well as the people of India.

Unless one believes that West Pakistan represents the wave of the future on the subcontinent, it is impossible to reconcile this administration's obvious bias toward Yahya Khan's government with the real national interest of the United States.

Mr. BAYH. Will the Senator yield just briefly?

Mr. CHURCH. I am happy to yield to my good friend, the Senator from Indiana.

Mr. BAYH. I have the greatest respect for my friend, the Senator from Idaho, and I am aware that he has just returned from that trouble spot of the world. I listened with great interest to the remarks and logic of the Senator from Idaho, which were, as usual, very persuasive.

There is one point the Senator from Idaho raised upon which I wonder if he could just expand a bit, in which he mentioned that so long as India restricts its effort to the support of the rebel Bengali regime, he would not be concerned. I know that is a poor paraphrasing.

I watched the special over one of the networks last evening, and noticed the military maneuvers and the strategy that appeared to bring sizable Indian forces into East Pakistan in a very convincing and overwhelming way.

Having just returned from that part of the world, and being familiar with the situation, plus the tradition and the past animosity, does the Senator feel that once the Indian forces have been placed in such a manner as to control East Pakistan that it would be relatively easy to have them removed.

Mr. CHURCH. This question was very much on my mind as I discussed the possibility of impending war with leaders of the Indian Government in New Delhi.

I spoke with the President, Mr. V. V. Giri, with Prime Minister Gandhi, with the Foreign Minister, the Foreign Secretary, the Defense Secretary, and others. And I raised with each of them the question of India's objectives, should war come. All of them stressed that India's only objective was to support the effort of the Bengali people to achieve independence, in accordance with the results of the election that had taken place a year ago.

I asked them if India entertained any ambition to annex East Pakistan and make it a part of India. They denied this categorically. They said repeatedly that the purpose of the Indian Government was simply to help the people of East Pakistan achieve Bangla Desh, which means a free East Bengal. Every Bengali leader I have talked with has expressed his determination that Bangla Desh be a free and separate nation. So I have no reason to believe otherwise; my remarks are predicated upon the assumption that a new nation is in the making. Should it later develop that India, once having occupied East Pakistan, comes to take a different view, then will be the time to pass adverse judgment on Indian motives, and to brand her with the label of "aggressor." But on the basis of the present facts, as we know them, India is doing no differently in intervening in this Pakistan civil war than we ourselves did when we intervened in the Vietnamese civil war or when we invaded Cambodia last year, except that, in India's case, the provocation was much greater, and the necessity for taking some action much more acute.

India cannot possibly support 10 million refugees indefinitely. She is a poor country to begin with. A person has to go out there and witness the tragedy to appreciate its true dimensions. Not only had an enormous economic burden been imposed upon India, but the most severe political and social strains as well. It is the very existence of these refugees, some of whom actually outnumber the indigenous Indian residents in the bordering states of Meghalaya and Tripura, that is creating for the Indian Government a very serious political problem; and the longer this festers, the more radicalized the politics become.

Calcutta is already a seething caldron, largely as a result of the fallout effects of the tremendous influx of refugees following partition in 1947. Now this new burden. So India really had to do something and, it is to her credit, first of all, that she compassionately took in these refugees and attempted, at great cost, to administer to them, to shelter them, and to furnish them with food, medicines, and hope.

But clearly, having waited 8 months for the problem to disappear, it was apparent in New Delhi when I was there that some action had become essential, that India could not wait much longer.

I came away realizing that war was imminent, but I did not think within the week; otherwise, I would not have left my wife and son in India. They came out on the last airplane, leaving just under the wire.

Mr. BAYH. I appreciate the additional thoughts of the Senator.

I have been amazed in reading and in studying, and, on the one opportunity I had, to visit India as a member of our delegation a year or so ago, at the way in which our relationship with India was not what I would like for it to be. I do not know if acrimony is a proper word to use but it is close to some of the comments that have been passed.

So, without belaboring his remarks, would the Senator, for the benefit of those of us who would like the Senator's opinion, give an appraisal of the assistance we have given to try to help the refugees in that situation, whether the Senator feels there is more we could be doing from a humane standpoint, and whether there is any appreciation on the part of Indian officials relative to assistance we already have given?

Mr. CHURCH. I am glad to respond to the Senator. I saw evidence of the assistance we are giving through the United Nations relief agencies, for instance, there are many trucks in the area bearing the UNICEF symbol. Some of them had come from the United States, others from Japan, and still others from Europe. The amount of food and medical supplies we have given is substantial. I kept making the point that the United States had contributed more to the relief of the refugees than all other foreign countries combined.

I must say, however, that although India recognizes this and expresses its appreciation, there are limits to gratitude in a situation of this kind. Likewise, the economic aid we have given India is recognized and acknowledged. Over the years, it has been by far the largest amount of aid India has received from any country.

Yet here again, the gratitude that comes from programs of this kind fades away, at a moment of crisis. All that India can think about now is the dreadful plight of 10 million refugees, the imminence of war, the outrage over what the Government of Pakistan had done in turning its army upon its own people, and the terrible consequences that have flowed from the genocide practiced in East Pakistan.

Also, Indians just cannot understand why, in the face of such a hideous tragedy, there has never been a single word of official condemnation or concern uttered by the Government of the United States; and, of course, they focus on those acts which in their minds indicate that we favor Yahya Khan's military government in West Pakistan, such as our reluctance to cut off military and economic aid to Pakistan after the repression began, and the continuation of military transfers after we announced these had been cutoff.

Mr. BAYH. Mr. President, if the Senator will permit me to interrupt him, will the Senator yield further?

Mr. CHURCH. Yes.

Mr. BAYH. It is impossible for one removed from the foreign policy area to understand, if, indeed, our policy was to cutoff assistance to both adversaries, how we could let that amount of assistance slip through to one side. I still have not had that explained.

Mr. CHURCH. Well, actions of this kind on our part, followed, in the last three days by statements from the Department and the White House, both to the effect that India is principally to blame for the present war, is interpreted by India that the United States is against her; that we clearly favor Pakistan; and, given the character of the root cause for this war, it is exceedingly difficult for India to understand how the American Government can take that attitude, and it is difficult for me to understand it, too. The people of Bengal will prevail. Anyone who believes the status quo can be restored has not faced up to reality on the subcontinent, and I am afraid we have ended up siding with a loser, once again.

Mr. BAYH. I thank the Senator.

Mr. CHURCH. I thank the Senator for his questions.

All of this seems to me a tragedy. India is the only major democracy on the continent of Asia, yet we lack close and cordial relations with her. Our top leaders just have never taken the time to appreciate India's diversity. For sure the United States refuses to recognize India's political significance in Asia. Instead, we have conducted ourselves in such a way as to lose the goodwill of the Indian people, the Bengal freedom fighters, and all those elements that will come to govern East Bengal when this war is over. I think this is an example of gross ineptitude in the conduct of American foreign policy.

WHITE HOUSE CONFERENCE ON AGING: A TRIUMPH FOR THE PEOPLE

Mr. CHURCH. Mr. President, thousands of delegates to the White House Conference on Aging have completed their work and began their journeys back home.

They left behind a report which is a triumph for all older Americans and for every other American as well.

Included in that report are many recommendations which are almost identical with recommendations made, at one time or another, by the Senate Committee on Aging, or harmonious in concept with committee goals.

As chairman of that committee, I feel that the conferees have provided the committee, the entire Congress, the executive branch, and every citizen of this land with a stirring declaration, not only of need, but of confidence that the need can be met.

Even in its preliminary form, the 176-page mimeographed report is a formidable document. It cannot be analyzed in this statement. I will, however, comment on segments of the report in future statements, as perhaps will other members of the committee.

Today, I will merely point to certain key conference recommendations, which give solid support to proposals made earlier by the Senate Committee on Aging:

Adequate retirement income—the No. 1 problem of older Americans—is described as an immediate goal of older Americans, and a basic floor of income is sought through a combination of payments from the social security system and payments from the general tax revenues.

Medicare should be improved by elimination of deductibles, coinsurance, and copayments, and a coordinated delivery system for comprehensive health services should be developed, legislated, and financed to insure continuity of both short- and long-term care for the aged.

Housing funds now impounded by the administration should be released and the highly effective direct loan section 202 of the Housing Act with its special guidelines related to space, design, construction, and particularly favorable financing restored. Minimum production of federally assisted housing was put at 120,000 units annually, a goal identical with that expressed by the Committee on Aging.

A President's Commission on Mental Health and the Elderly should be established at an early date, as recommended in a committee report issued early this month.

The Administration on Aging should be strengthened, and a special Office on Aging established in the White House.

The Federal Government was urged to act immediately to increase support for the development of transportation for all users, with special consideration given to the elderly, the handicapped, rural people, the poor, and youth.

Earmarked funding for manpower training of older workers was urged.

Conferees asked for major increases in funding for research and training related to aging and programs for the elderly.

Mr. President, these preliminary comments have not touched upon many other heartening recommendations, including those made by participants in 16 special concerns sessions. Much more analysis is needed, and I am sure that Congress will take a great interest in providing its share of followup action.

However, I ask unanimous consent to have just one section report from the Conference reprinted in this RECORD today. It deals with income of the elderly, and it emphatically expresses the high priority the conferees placed upon this vital subject.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

INCOME SECTION

INTRODUCTION

There is no substitute for income if people are to be free to exercise choices in their style of living.

The income of elderly people in the past left the greater number of them with insufficient means for decent, dignified living. During the sixties the elderly as a whole enjoyed improvements through greater employment opportunities and better old age security and other public and private benefits. The last two years may have witnessed the reversal of these trends toward improvement as inflation continued to erode the purchasing power of fixed incomes, and rising unemployment reduced job opportunities for older workers. The economic situation of the elderly if past experience is repeated, will improve more slowly than that of younger groups even with an upturn in the national economy. Direct action to increase the income of the elderly is urgent and imperative.

RECOMMENDATIONS

Income adequancy.—The immediate goal for older people is that they should have total cash income in accordance with the "American standard of living."

We therefore recommend the adoption *now*, as the minimum standard of income adequacy, of the intermediate budget for an elderly couple prepared by the Bureau of Labor Statistics (nationally averaging about $4500 a year in Spring 1970). This level must be adjusted annually for changes in both the cost of living and rising national standards of living. For single individuals the minimum annual total income should be sufficient to maintain the same standard of living as for couples (not less than 75 percent of the couple's budget). For the elderly handicapped with higher living expenses, the budget should be appropriately adjusted.

Providing floor of income.—The basic floor of income for older people should be provided through a combination of payments from the Social Security system and payments from general tax revenues.

This proposal would retain the basic features of the Social Security program. In addition, there should be a supplementary payment system based on an income test to bring incomes up to the minimum, financed entirely from Federal Government general revenues and included in a single check from the Social Security Administration.

Liberalizing the retirement test.—Many older persons work in order to supplement their retirement income.

The exempt amount of earnings under the Social Security retirement test should be increased to no less than $3,000 a year (adjusted periodically to changes in the general level of wages).

The offset formula of $1 reduction in benefits for each $2 of earnings should apply to all earnings in excess of the exempt amount.

Elimination of the test would cost an additional $3 billion, and there are more urgent needs to which this sum could be applied than paying benefits to persons who are still employed at more than the exempt levels.

Widow's benefits.—Increasing numbers of women without dependent children who have not been regularly employed are becoming widowed before age 60. We recommend that they be eligible to receive widow's benefits starting at age 50 to help fill the income gap until they are eligible at the later age to receive their Social Security benefit.

Extending "special age-72" benefits.—Certain residents of the Commonwealth of Puerto Rico, Samoa, the Virginia Islands, and Guam are presently excluded from special benefits which are otherwise applicable to persons over the age of 72 who reside in the United States.

We recommend that the 1965 amendments to the Social Security Act, providing for special benefits to all persons 72 years of age and older not otherwise receiving benefits, be applied without discrimination to all residents of Puerto Rico and the territories and possessions of the United States.

Position of disadvantaged groups under Social Security.—Studies should be made to determine whether there are disadvantaged groups within the population whose age at retirement or benefits under the Social Security system may be inequitable because of shorter life expectancy due to social and economic conditions or racial discrimination.

Financing Social Security.—The financing of the Social Security system should include a contribution from general revenues. The whole structure of payroll taxes should be reviewed to lighten this burden on low-income workers.

Private pensions—Social security benefits provides a basic protection which should continue to be improved but which can be augmented through private pension plans.

The Federal Government should take action to encourage broader coverage under private pension plans and insure receipt of benefits by workers and their survivors. It should require early vesting and/or portability, survivor benefits, and complete disclosure to beneficiaries of eligibility and benefit provisions of the plans. In addition, Federal requirements should assure fiduciary responsibility, minimum funding requirements and protection, through reinsurance and other measures, of the promised benefits.

Remission of property taxes.—It is desirable that older persons be enabled to live in their homes.

States and localities should be encouraged to remit part or all of the residential property taxes on housing occupied by older persons as owners or tenants who qualify on the basis of an appropriate measure of income and assets. Remission is to be achieved by Federal and State grant programs to State and local taxing authorities to compensate for reduced revenues.

Meeting health needs.—This Nation can never attain a reasonable goal of income security so long as heavy and unpredictable health costs threaten incomes of the aged.

Priority consideration should be given to the establishment of a comprehensive national health security program which would include the aged as well as the rest of the population. Financing the program solely through wage and payroll taxes and contributions from Federal general revenues would insure that health care expenses would be a shared responsibilty of the Government, employers, and individuals. There should be not deductibles, copayments, or coinsurance.

Until such a system is established, the benefits of medicare-medicaid should be increased immediately to include, at a minimum, out-of-hospital drugs, care of the eyes, ears, teeth, and feet (including eyeglasses, hearing-aids, dentures, etc.); and improved services for long-term care, and expanded and broadened services in the home and other alternatives to institutional care. Here, too, there should be no deductibles, copayments, or coinsurance.

Government should assume responsibility for assuring an adequate supply of health manpower and essential facilities and for improving the organization and delivery of health services.

We support the establishment of a special committee of the House of Representatives which will devote its attention to all social and economic problems of the aged, including income, health, housing, and other needs areas reflected in the organization of this Conference.

Our Nation has the resources to effectively carry out the proposals made by this section provided there is a reordering of national priorities.

NOMINATION OF LEWIS F. POWELL, JR.

The Senate continued with the consideration of the nomination of Lewis F. Powell. Jr., to be Associate Justice of the Supreme Court of the United States.

Mr. WEICKER. Mr. President, despite the fact that he went to Washington and Lee University and I to the University of Virginia, and he went to Harvard and I to Yale, it is with a great deal of pride and affection that I speak on behalf of Lewis Powell to my colleagues this afternoon.

I came to know this distinguished American 25 years ago when he and my father returned as comrades in arms and friends from World War II. I was 15 years of age and he almost 40.

So when I commend Lewis Powell to the favorable attention of the Senate it is done not just by the evaluation of a U.S. Senator, but also done through the eyes of a youngster, college student, Army lieutenant, law student, lawyer, mayor, Congressman, and constant friend. From whatever view, Lewis Powell has always lived for the America that was dreamt to be.

To him, patriotism and compassion have not been just words. They have meant courageous activism. Sometimes the battlefields were Europe; other times they were Richmond and Virginia.

As I have watched Lewis Powell through the gaze of different ages and different occupations, I always knew that to him love of country involved heart, brains, and guts in equal measure. I knew that he believed in our political system as the greatest not because it could protect the status quo but because it could bring about change without tragedy. And he has been in the forefront of such change.

Loose talkers will never have much in common with this man from Richmond. Americans who have been, are, or could be wronged, will.

I yield the floor.

Mr. COOPER. Mr. President, it seems to me that the confirmation of Mr. Powell is certain, and I shall not take the time of the Senate to speak at length on his superior qualities. I simply would like to note that in 1964, during the tenure of the President's Commission to Investigate the Assassination of Late President Kennedy, more familiarly known as the Warren Commission, I had the duty of serving as one of the members of that Commission. Mr. Powell was one of the advisers of the Commission. During the hearings of the extensive and at times complex evidence, many difficult questions arose. His advice and counsel, and the trust that we held in him, proved of the greatest value. One could not only understand his great legal ability, his competence and his own confidence in his great ability, which great lawyers have, but one could learn also of his intellectual qualities, his sympathy in the subject of our investigation, and judicial restraint in dealing with the issues. I was glad I had that experience with him, and I am happy to join with Members of the Senate in voting to confirm the appointment of one who I am sure will make a great Justice of the Supreme Court.

ORDER OF BUSINESS

Mr. COOPER. Mr. President, may I speak on another subject?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may speak as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR BETWEEN INDIA AND PAKISTAN

As in legislative session,

Mr. COOPER. Mr. President, a full-scale war has broken out between India and Pakistan—a war caused by the internal conflict in East Pakistan and Pakistan and the flight of 9 to 10 million refugees to India. There are already reports of mounting casualties on both sides, as the armies of India and Pakistan go into battle against each other armed with modern weapons of war.

This is the third time since the independence of India and Pakistan that a war has broken out. The war between India and Pakistan is the final step in the series of devastating human tragedies in East Pakistan. It is my view that an end to the present conflict between India and Pakistan will not take place until a settlement is reached which will assure that the 9 to 10 million refugees now in India will be able to return in safety to Pakistan, from which they fled, because of the repressive action of the Government of Pakistan.

I support the President's efforts to secure action by the Security Council of the United Nations, which, it is hoped, will bring the war in the Indian subcontinent to an end.

The primary purpose of the Security Council is to take action for the "maintenance of international peace and security."

The Charter of the United Nations, provides under article 33 that, upon the request of any member of the United Nations in the event of war, "the continuance of which is likely to endanger the maintenance of international peace and security," shall first of all, "seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

It is my hope that the Security Council will act, and the Governments of India and Pakistan will accept the good offices of the Security Council, and the United Nations as a whole, to bring the war to a quick end.

The United Nations was created to provide a way for the nations of the world to resolve their disputes peacefully, and to prevent disputes between nations from developing into war. It has this responsibility which it should assume, if it is to maintain the faith of peoples through the world—this is the central issue, rather than the problem and interests of the Soviet Union, the United States, or the Peoples Republic of China.

The United States should continue to urge the United Nations to carry out its great responsibility in the Security Council if possible, and in the General Assembly if efforts in the Security Council fail.

I repeat what I said a minute ago. I have kept up with the problems of India and Pakistan. I have said that the cause of the flight of the refugees to India is the result of the Government of Pakistan's repression in East Pakistan. But now that they are at war, the real question is whether the United Nations will undertake the responsibility which belongs to that body. I hope very much that it will do so.

NOMINATION OF LEWIS F. POWELL, JR.

The Senate continued with the consideration of the nomination of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court of the United States.

Mr. STENNIS. Mr. President, a thorough knowledge of the basic and essential fundamentals of our legal system is of course necessary for a member of the Supreme Court of the United States if that member is going to effectively fill the role of a Justice. However, it is not merely learning in the law that makes a member of that Court a capable member. Rather, it is the knowledge of the law and the fundamentals of the system properly applied to a given set of facts—this is the true test of the contribution any given member may be able to make to the Court.

Mr. Powell is unusually well qualified in this manner through his many years of active and extensive law practice. This included personal and direct participation in hundreds of major courtroom trials before juries and capable judicial officers.

The trial courtroom is the place where the better judicial timber is grown for any court, including the Supreme Court of the United States.

This qualification, along with many others that Mr. Powell possesses, will make him an outstanding member of the Court. His experience and other qualities will strengthen the Court greatly in this highly important field. I am pleased to support his confirmation and predict for him a splendid judicial career of value and consequence to the Nation.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the nomination.

The yeas and nays were ordered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to speak as in legislative session.

The PRESIDING OFFICER. The Chair did not understand the Senator's request.

Mr. BYRD of Virginia. I ask unanimous consent to speak as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REPORT ON THE UNITED NATIONS

As in legislative session,

Mr. BYRD of Virginia. Mr. President, a factual report as to the financial condition of the United Nations seems in order. The United States has been the largest contributor to the United Nations since its founding 26 years ago on June 26, 1945.

During the 25 years that contributions have been made, the U.S. taxpayers have contributed $4.1 billion to the United Nations and its affiliated agencies and programs.

This $4.1 billion contributed by the taxpayers of this country represents approximately 40 percent of the total contributions by all members during the period 1946 through 1971.

U.S. contributions over the years is enumerated as follows:

	Total U.N. assessments	U.S. share	Percent
United Nations operation and maintenance (mandatory)...	$4,400,800,000	$1,248,309,000	28.3
U.N. peacekeeping forces (mandatory)...	719,600,000	276,905,000	38.5
Special programs (voluntary).....	5,168,300,000	2,581,182,000	49.9
Total.........	10,288,700,000	4,106,396,000	39.9

In addition the United States has purchased in excess of $141 million of United Nations bonds. Sixty-five million dollars interest free and $76.3 million at 2 percent.

The 1971 calendar year expenditures of the United Nations are estimated at a total of $1,115,000,000. This is an alltime high and is 17.7 percent higher than last year's expenditures.

Of this $1.1 billion which the United Nations will expend in 1971, the U.S. contributions and assessments total $335,443,000 or approximately 31 percent.

An article in the New York Times dated April 19, 1969, stated:

> The United States, Britain and France told Mr. Thant in separate identical notes that the United Nations budget must be frozen at its present level for the next two years except for small adjustments that are inevitable because of past commitments.

Yet, the total budgets rose from $821,500,000 in 1969 to $1,115,000,000 in 1971, an increase of over 35 percent in that 2-year period.

One hundred seventeen of the 131 members of the United Nations collectively pay less than the single contribution of the United States in a 1-year period.

So that my colleagues in the Senate

may be familiar with the exact figures surrounding the financial condition of the United Nations, I will quote from Secretary General U Thant's address October 6, 1971, before the Budget Committee.

Secretary U Thant stated:

> It would be foolish in the extreme to fail to take account of the melancholy fact that the Organization (United Nations) is, as of now, in a state of near and hopeless insolvency . . . The Working Capital Fund of $40 million has been fully utilized. More than $50 million of debts incurred for past and present peace-keeping operations remain unpaid.

Further, Mr. Turner, Controller of the United Nations, when questioned by my office on Friday, November 5, 1971, as to the exact cash position of the United Nations, indicated that he was unable to state the exact cash position. He could, however, state that the organization—United Nations—did not at present have sufficient liquid assets to meet the mid-month payroll.

Eighty-eight members of the United Nations are in arrears on their payments for a total of $186,867,884 as of January 1, 1971.

Secretary General U Thant when appearing before the Budget Committee of the General Assembly placed much of the blame for the insolvency of the United Nations on:

Russia which is in arears on its payments as of Jan. 1, 1971	$86,864,900
France which is in arrears on its payments as of Jan. 1, 1971	21,780,942
11 Communist members (other than Russia) which are in arrears on their payments as of Jan. 1, 1971	32,731,785

Article 19 of the United Nations Charter denies a country in serious arrears its vote in the General Assembly. This has never been invoked.

I ask unanimous consent that the tabulation of 88 countries in arrears be published in the RECORD, together with other financial figures.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

United Nations family of agencies and programs, Nov. 30, 1971

Total estimated budget for 1971	$1,115,500,000
United Nations, specialized agencies and International Atomic Energy Agency	443,200,000
United Nations peacekeeping force, Cyprus	12,400,000
Special programs	659,900,000
Total	1,115,500,000
Total estimated U.S. contributions for 1971	335,443,000
Regular budget assessment	$111,859,000
U.N. peacekeeping force pledge	4,800,000
Special programs pledges	218,784,000
Total (30.7% of total estimated U.N. budget)	335,443,000

(The aforementioned pledges are partly contingent on other member contributions.)

Arrears due from 88 members as of January 1, 1971	$186,867,884
Arrears due from 75 members for regular budget	55,222,425
Arrears due from 66 members for Middle East (U.N.E.F.) operations	49,546,212
Arrears due from 56 members for Congo (U.N.O.C.) operations	82,099,247
	186,867,884

In connection with these arrears, Article 19 of the United Nations Charter states:

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

SUMMARY AS OF JAN. 1, 1971, COLLECTIONS AND ARREARAGES FOR 1970 AND PRIOR YEARS OF UNITED NATIONS ACCOUNTS FOR THE REGULAR BUDGET, WORKING CAPITAL FUND EMERGENCY FORCE AND THE CONGO[1]

Year	Gross assessments	Credits and reductions	Net assessments	Amount received	Balance due
Working capital fund	$40,064,000		$40,064,000	$40,064,000	
United Nations regular budget:[2]					
Calendar year 1967	118,073,337	$8,654,686	109,418,651	109,379,371	$39,280
Calendar year 1968	130,571,361	10,203,755	120,367,606	118,661,489	1,706,117
Calendar year 1969	143,467,267	12,528,441	130,938,826	123,266,929	7,671,897
Calendar year 1970	159,833,395	12,987,123	146,846,272	101,041,141	45,805,131
Balance due					55,222,425
United Nations Emergency Force:					
Calendar year 1957	15,028,988		15,028,988	11,472,402	3,556,586
Calendar year 1958	25,000,000		25,000,000	18,221,833	6,778,167
Calendar year 1959	15,205,000	41,226	15,163,774	11,060,304	4,103,470
Calendar year 1960	20,000,000	3,553,223	16,446,777	11,896,113	4,550,664
Calendar year 1961	19,000,000	1,754,991	17,245,009	12,623,668	4,621,341
January-June 1962	9,750,000	1,467,296	8,282,704	6,055,740	2,226,964
July-December 1963	9,504,784	691,893	8,812,891	6,369,648	2,443,243
Calendar year 1964	17,770,056	1,656,356	16,113,700	11,714,728	4,398,972
Calendar year 1965	$18,556,141		$18,556,141	$13,690,978	$4,865,163
Calendar year 1966	18,550,000		18,550,000	13,045,944	5,504,056
Calendar year 1967	17,315,000		17,315,000	10,817,414	6,497,586
Balance due					49,546,212
United Nations Congo Account:					
July-December 1960	[3] 48,500,000	3,900,000	44,600,000	29,348,616	15,251,384
January-October 1961	100,000,000	15,575,036	84,424,964	56,877,769	27,547,195
November 1961-June 1962	80,000,000	11,457,858	68,542,142	44,735,145	23,806,997
July-December 1963	33,029,108	2,965,256	30,063,852	19,409,766	10,654,086
January-June 1964	15,068,090	1,207,115	13,860,974	9,021,389	4,839,585
Balance due					82,099,247
Total amount due, Regular budget, UNEF, and UNOC					186,867,884

[1] Source: Information as of Dec. 31, 1970, supplied by the United Nations.

[2] Contributions to the regular budget prior to 1967 are fully collected.

[3] Total costs, including initial airlift, amounted to $60,000,000.

BALANCE DUE, 1970 AND PRIOR YEARS, JAN. 1, 1971

Members (126)[1]	Regular budget	Middle East (UNEF)	Congo (UNOC)	Balance due 1970 and prior years
Afghanistan		$29,499	$37,603	$67,102
Albania	61,343	45,299	43,602	150,244
Algeria	591	8,932		9,523
Argentina	145,756			145,756
Australia		63,227		63,227
Austria				
Barbados				
Belgium	148,367	144,583		292,950
Bolivia	148,259	41,905	34,883	224,997
Botswana				
Brazil	751,705		248,838	1,000,543
Bulgaria	472,890	181,155	190,746	844,791
Burma				
Burundi	109,570	11,278	10,471	131,319
Byelorussian S.S.R	696,113	911,964	1,357,881	2,965,958
Cambodia	106,252	1,689		107,941
Cameroon		1,689		1,689
Canada				
Central African Republic	$48,817	$2,256	$6,589	$57,662
Ceylon				
Chad	59,547	8,385	9,832	77,764
Chile	123,475	165,903	224,847	514,225
China, Republic of	11,934,547	5,274,569	6,687,207	23,896,323
Colombia	433,361			433,361
Congo (Brazzaville)	8,519	9,249	9,938	27,706
Congo (Kinshasa)				
Costa Rica	138,855	13,853	7,218	159,926
Cuba	488,816	249,811	260,259	998,886
Cyprus				
Czechoslovakia	1,447,167	1,814,845	2,759,408	6,021,420
Dahomey	105,314	5,530	6,994	117,838
Denmark				
Dominican Republic	165,495	22,898	54,503	242,896
Ecuador	105,555	10,129	4,120	119,804
El Salvador	106,243	7,411	3,349	117,003
Equatorial Guinea	72,227			72,227

Footnotes at end of table.

BALANCE DUE, 1970 AND PRIOR YEARS, JAN. 1, 1971—Continued

Members (126)[1]	Regular budget	Middle East (UNEF)	Congo (UNOC)	Balance due 1970 and prior years
Ethiopia				
Finland				
France	$3,984,135	$765,655	$17,031,152	$21,780,942
Gabon	4,117			4,117
Gambia	55,612			55,612
Ghana	112,513			112,513
Greece	56,605			56,605
Guatemala			38,209	38,209
Guinea	149,940	19,410	9,938	179,288
Guyana				
Haiti	165,469	25,661	33,916	225,046
Honduras	78,308	691	5,677	84,676
Hungary	1,147,451	898,298	995,024	3,040,773
Iceland				
India	187,545			187,545
Indonesia	478,179			478,179
Iran				
Iraq	98,449	100,407	22,362	221,218
Ireland				
Israel	349,938			349,938
Italy	219,418			219,418
Ivory Coast		1,689		1,689
Jamaica	26,418			26,418
Japan				
Jordan	56,256	45,299	43,602	145,157
Kenya	56,256			56,250
Kuwait				
Laos	152,478			152,478
Lebanon	70,321	19,850	12,108	102,279
Lesotho				
Liberia				
Libya		1,689		1,689
Luxembourg				
Madagascar				
Malawi				
Malaysia				
Maldives	56,256			56,256
Mali	74,236	5,469	24,259	103,964
Malta				
Mauritania	59,000	10,673	17,215	86,888
Mauritius				
Mexico	136,352	679,491	786,193	1,602,036
Mongolia	32,303	12,387	17,215	61,905
Morocco				
Nepal				
Netherlands				
New Zealand				
Nicaragua	$117,666	$1,288	$33,915	$152,869
Niger	63,296	1,906		65,202
Nigeria				
Norway				
Pakistan	140,000			140,000
Panama	56,256	15,648	33,915	105,819
Paraguay	151,205	31,661	24,229	207,095
Peru	287,825	77,441	89,184	454,450
Philippines	690,627	15,632		706,259
Poland	1,177,581	2,528,364	2,466,010	6,171,955
Portugal	311,759		201,673	513,432
Rumania	390,402	682,212	641,015	1,713,629
Rwanda	5,510	11,278	10,471	27,259
Saudi Arabia		74,890	69,487	144,377
Senegal	39,936	9,814	20,418	70,168
Sierra Leone	38,595	5,469		44,064
Singapore				
Somalia		11,191	17,445	28,636
South Africa	352,402	80,862	1,503,337	1,936,601
Southern Yemen	46,256			46,256
Spain		1,089,981	985,159	2,075,140
Sudan	132,805	89,332	5,860	227,997
Swaziland				
Sweden				
Syria	56,256	46,654	20,379	123,289
Tanzania				
Thailand		9,026		9,026
Togo	5,613	16,174	25,324	47,111
Trinidad and Tobago	5,644			5,644
Tunisia				
Turkey				
Uganda	116,997	9,589	10,471	137,057
Ukrainian S.S.R.	1,759,080	3,476,580	5,185,697	10,421,357
U.S.S.R.	19,976,184	27,665,631	39,223,085	86,864,900
United Arab Republic		351,946	48,387	400,333
United Kingdom		283,300		283,300
United States	2,500,000	[2] 1,188,096		3,688,096
Upper Volta	92,258	19,936	14,145	126,339
Uruguay	223,298	54,388	97,662	375,348
Venezuela	632,885	32,298		665,183
Yemen	165,750	45,299	43,602	254,651
Yugoslavia		7,598	333,269	340,867
Zambia				
	55,222,425	49,546,212	82,099,247	186,867,884
Members in arrears	75	66	56	88

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[1] The number of members (126) excludes Fiji, admitted to membership by the 25th General Assembly, Oct. 13, 1970.

[2] This amount is the difference between the original apportionment for 1967 and the amount paid by the United States toward its share of revised estimates of 1967 costs.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed as in legislative session.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

(The remarks of Mr. JAVITS when he introduced S. 2596 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

NOMINATION OF LEWIS F. POWELL, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. HATFIELD. Mr. President, in a few minutes, the Senate will vote on the nomination of Lewis Powell to the U.S. Supreme Court.

I plan to vote for his nomination. I would like to repeat what I said earlier, on November 15, when I first announced I would support the nomination of Mr. Powell.

During the consideration of the nomination of G. Harrold Carswell to the Supreme Court, I said:

> I stand ready to support a nominee from any geographical section of the country. Just as every section should be open for consideration for an appointment, so should any nominee represent the best in professional excellence and personal integrity.

In my opinion, Mr. President, Lewis Powell meets these standards, and is a man I support completely.

Mr. DOLE. Mr. President, the nomination of Lewis F. Powell, Jr. to be an Associate Justice of the Supreme Court, provides a clear sign of President Nixon's continuing commitment to bring Americans of the very highest personal and professional qualifications to the Court as well as his recognition of the great importance of a nomination to the Court.

In his statement announcing the nomination of Lewis Powell the President pointed out the significance of a nomination to the Court. A Justice's appointment is for life. Once seated, his only obligation is to the Constitution and to the people of whom the Government is constituted. A President has more influence—by design or by happenstance—through a Supreme Court appointment than by any other act in the domestic area. If a President's deeds can be said to endure beyond his term in office they do so in the men he places on the Supreme Court. Thus, a great opportunity and a great responsibility is given a President and consequently to the Senate in considering those who might be chosen to fill one of the nine seats on the world's most powerful and important judicial body.

Distinction and honor have been the hallmarks of Lewis Powell's lifetime of service to the law, his State, and his Nation. Both in private practice and in public service he has consistently exemplified the qualities of intellect and character required of those who would sit on the United States highest tribunal. In addition, he is an individual possessing the judicially conservative attitudes the President seeks to have represented on the Court.

He will bring to the Supreme Court the same assets and strengths which have already propelled him to high positions of responsibility and respect among his colleagues and fellow citizens.

His philosophical dedication and practical devotion to our system of "equal justice under law" give every indication that he will emerge as a powerful influence within the Court.

President Nixon has been afforded a unique opportunity to reshape the prevailing attitude of the Supreme Court. Four vacancies within a 3-year period have made it possible for him to move directly and decisively toward fulfillment of his commitment to the American public that he would provide the Court a conservative judicial outlook.

The records of Chief Justice Burger and Associate Justice Blackmun illustrate the impact President Nixon has had in his campaign to balance and redirect the Court. Lewis Powell, I am sure, will make further contributions of significant value to the Court's work of interpreting the Constitution and laws in such a way as to preserve the fullest measure of freedom for all citizens without sacrificing the rights of the majority of peaceful, law-abiding and conscientious Americans.

The number of individuals who have spoken in behalf of Lewis Powell's nomination has been impressive. But even more impressive is his own record which provides persuasive and extremely encouraging evidence that he is ideally suited for service on the Supreme Court. It is a pleasure to support his nomination, and I urge the Senate to confirm the nomination so he may, as soon as possible, assume his share of the Court's heavy work load and begin what will quickly be recognized as an outstanding judicial career.

Mr. TOWER. Mr. President, I support the nomination of Lewis F. Powell, Jr. of Virginia, to be an Associate Justice of the U.S. Supreme Court. Mr. Powell is one of the most distinguished attorneys, not only in the South, but also in the Nation as a whole. He was graduated from Washington and Lee University in 1929, magna cum laude, and received his LL.B. from that same institution in 1931. In the next year, he received a Master of Laws from Harvard Law School. The achievements of Mr. Powell in the field of judicial education are most impressive, and I know that he will add to the expertise of the Court in many areas.

Mr. President, Mr. Powell has practiced law in his native Virginia since 1932, with the exception of time that he spent in the service in World War II. He has distinguished himself in his practice and has been honored in nearly every possible way by his fellow attorneys. He has served as President of the American Bar Association, as president of the Legal College of Trial Lawyers, and as the president of the American Bar Foundation. He most probably knows more about the every day practice of law than anyone on the Court and will be of a tremendous help to the Chief Justice in his attempt to modernize court procedures so that the very great backlog of many cases in certain areas can be cleared up. The expertise of a practicing attorney sitting on the Court will be most beneficial. Not only will the South now have a representative, but the American trial lawyer will likewise have someone who is intimately familiar with his problems.

Lewis F. Powell, Jr. also has expertise in one of the judicially most volatile areas today, the control of local schools. Having served as chairman of the Richmond Public School Board from 1952 to 1961, and as a member of the Virginia State Board of Education from 1968 to 1969, Mr. Powell well understands the problems that our Nation's schools are facing today. In fact, Mr. Powell wrote very cogently on this problem just last year when he stated in a brief on the Swan decision:

> The effort to attain racial balance promotes resegregation and movement to the suburbs. These results defeat the goal of racial balancing, adversely affect education and contribute to urban deterioration. The goal of the desegregation movement must be to achieve the highest quality of education.

In Mr. Powell, quality education will have an effective spokesman on the High Court.

Mr. President, President Nixon has fulfilled his promise that he would nominate and see confirmed a southerner to the Supreme Court. Mr. Powell is a judicial conservative who has all of the qualifications of expertise and sensitivity that one could ask for in a member of the Supreme Court. I believe that Lewis F. Powell, Jr. will make an outstanding successor to the late Justice Hugo Black and I give him my unhesitating support.

Mr. GRIFFIN. Mr. President, as we know our colleague, the distinguished Senator from Utah (Mr. BENNETT) is absent because of illness. I ask that his statement on the pending nomination, together with a letter, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENNETT

When President Nixon recently announced his nominees to the Supreme Court he prefaced it by saying that during a President's term of office he makes over 3,000 major appointments to high government positions. Because of the finality of the Supreme Court decisions and their far-reaching impact on this generation and future generations, it is evident that none is more important than the Supreme Court nominations sent to the Senate for its advice and consent.

The names of Justices Marshall, Holmes, Hughes, Frankfurter and others all bring to mind decisions or opinions which have helped to shape this nation and its legal system. Any review of the Court provides ample evidence of the fact that while there is no single background common to these outstanding jurists, there are common traits which can be used in providing a workable criteria to evaluate the nominees which are before the Senate for consideration.

Of prime importance in the consideration of a nominee to the Supreme Court is his judicial philosophy. President Nixon summarized this when he said, ". . . it is the duty of the judge to interpret the Constitution and not to place himself above the Constitution or outside the Constitution. He should not twist or bend the Constitution in order to perpetuate his personal, political and social views."

Those of us who have had an opportunity to read past statements of Mr. Powell feel confident there is nothing more important to him, professionally speaking, than the law and its relationship to the Constitution. He has demonstrated a genuine respect for the Supreme Court and a willingness to alter his actions if he felt it necessary for him to be in compliance with the Constitution as interpreted by the Court. This high regard for the Court and its decisions reflects the attitude expressed by Justice John Marshall Harlan when he said, "Let it be said that I am right rather than consistent."

A second issue of prime importance is the legal expertise demonstrated by Mr. Powell. Since the Supreme Court is the highest judicial body in this country its members should be among the very best lawyers in the nation. There can be no question that Lewis Powell is one of the most distinguished legal scholars in the United States. Lewis Powell's career has been marked with distinction since his days as a student at Washington and Lee, where he was Phi Beta Kappa and first in his class at Law School. It is worth noting that he has served as President of the American Bar Association, President of the American College of Trial Lawyers, and President of the American Bar Foundation. As further evidence of the respect this man has, Mr. President, I would like to place in the record at the conclusion of my statement a letter which is representative of the mail I have received from my constituents in Utah who have had an opportunity to associate with Mr. Powell. The letter is from Mr. Dallin Oaks, who is presently serving as President of Brigham Young University. As I mentioned, this letter is only one of the many I have received in support of this man, and I could go on to cite numerous examples of how Lewis Powell has distinguished himself in the legal profession. However, after the extensive hearings conducted by the Judiciary Committee, it would only serve to be repetitious.

There is one additional comment I would like to make regarding the Court and its relationship to Congress. Those of us who are students of history are aware of the conflicts Andrew Jackson had with the Supreme Court. In an attitude of dissatisfaction with the Court, Andrew Jackson said, "The authority of the Supreme Court must not be permitted to control the Congress or the Executive, when acting in their legislative capacities." While I certainly would agree with that position, I think the opposite to this statement is also true, particularly as it applies to the Congress. In our legislative duties we have the opportunity and often times the duty to enact legislation which will accomplish certain objectives; but in our consideration of this nominee, it should not be our goal or our position to impose our individual philosophies on the Court. It is the role of the President to nominate these men he feels are qualified to serve on the Court, and it is the role of the Senate to pass on the qualifications of those nominees, not their philosophies.

The President has sent to the Senate a nominee who is not only an outstanding legal scholar, but a great American as well. I strongly and enthusiastically support his nomination.

BRIGHAM YOUNG UNIVERSITY,
October 28, 1971.

Re Appointment of Lewis F. Powell, Jr. to the United States Supreme Court.

Hon. WALLACE F. BENNETT,
U.S. Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: I am writing in strong endorsement of the appointment of Lewis F. Powell, Jr., to the United States Supreme Court. On the basis of my thorough knowledge and acquaintance with Lewis Powell, I am certain that his service on the United States Supreme Court will add quality, prestige, and balance to that great tribunal. I consider him among a handful of truly distinguished appointments of the past two decades.

Since my evaluation of Lewis Powell is a comparative matter, I believe it is appropriate for me to state something of my own experience and basis for comparison. I served for one year as a law clerk to Chief Justice Warren. I then worked for three years as an associate in Chicago's largest law firm, for ten years as a professor of law at the University of Chicago Law School, and for a year as Executive Director of the American Bar Foundation. Since August 1, 1971, I have been President of this University. In the course of the employments just described I have had occasion to work intimately with the most distinguished federal and state judges in our nation, with high government officials (particularly while I was doing a study of the Criminal Justice Act for the United States Department of Justice), with leaders of the Bar, and with top legal scholars.

By comparison with the best legal minds I have encountered, Lewis F. Powell is a nominee of preeminent qualifications and ability for the United States Supreme Court. You will have full information on his wide experience, so I will not review that here. What is important to me is that his wide experience is matched by a breadth of vision. What he sees, he understands, and what he understands, he has the courage to confront, resolve and improve. He has a keen mind, with the extraordinary gift of identifying and resolving the basic issues. He is not led aside by minutia or technicalities. He has a consummate skill in working in groups, combining insight, understanding, and a firm momentum toward the goal.

Lewis F. Powell is a brilliant lawyer, with deep sensitivity and understanding of the problems of individuals and society. He has an excellent grasp of all that is modern and advanced in legal thinking, including techniques and uses of empirical research. Yet, more important he has a deep and abiding loyalty to the principles of our Constitution and to the fundamentals of character and integrity and honor that undergird all of our social institutions.

I urge you to vote for his confirmation, and do all in your power to hasten the day when he can assume his position and commence his service in what I am certain will be an illustrious career on the United States Supreme Court.

Sincerely,

DALLIN H. OAKS.

Mr. BROOKE. Mr. President, I am pleased to vote to confirm the nomination of Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court.

Since President Nixon nominated Mr. Powell on October 21, I have had the opportunity to meet with him and to carefully review his record. I find Mr. Powell to be exceptionally well qualified to serve on the Nation's highest court. He is unquestionably a man of great intellect and integrity. But I believe he is much more. I believe he is an intensely human man, aware of and concerned about changing social tensions.

During the confirmation proceedings on past Supreme Court nominees, I have said I could vote to confirm a conservative though I am a moderate; a southerner though I represent a Northern State; and a strict constructionist though I favor a liberal interpretation of the Constitution. I meant what I said then and I mean it now. And I shall vote to confirm Mr. Powell.

I do so with the confidence that he will uphold the sacred dictum of the Supreme Court: Equal justice under law.

The PRESIDING OFFICER (Mr. SPONG). The hour of 4 o'clock having arrived, under the previous order the question now is, Will the Senate advise and consent to the nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), and the Senator from Utah (Mr. MOSS), are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Utah (Mr. MOSS), and the Senator from Minnesota (Mr. HUMPHREY), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY) and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. PERCY), and the Senator from Iowa (Mr. MILLER) would each vote "yea."

The yeas and nays resulted—yeas 89, nays 1, as follows:

[No. 439 Ex.]

YEAS—89

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Harris

NOT VOTING—10

Bennett
Dominick
Gambrell
Humphrey
Inouye
Miller
Moss
Mundt
Percy
Stafford

So the nomination was confirmed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mr. SPONG). Without objection, the President will be notified forthwith.

THE NOMINATION OF WILLIAM H. REHNQUIST TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the nomination of William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The second assistant legislative clerk read the nomination of William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States.

AMENDMENT OF SECTION 903(c) (2) OF THE SOCIAL SECURITY ACT

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Senate turn to the immediate consideration of Calendar No. 533, H.R. 6065.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (H.R. 6065) to amend section 903 (c) (2) of the Social Security Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none.

The Senate proceeded to consider the bill.

Mr. LONG. Mr. President, this is a bill to extend for an additional 10 years, the period through which the States may obligate for administrative purposes certain funds transferred from excess Federal unemployment tax collections. The committee report is available.

Mr. President, I ask unanimous consent that an explanation of the bill be printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF H.R. 6065

A bill to extend for ten years the period during which certain unemployment funds may be used for State administrative expenses.

Prior to 1954, one-tenth of the 3-percent Federal unemployment tax, or 0.3 percent (called the net Federal tax), was intended to pay the cost of Federal and State administration of the unemployment insurance and employment service programs. However, the net Federal tax was not earmarked for this purpose and, since the revenues had been exceeding administrative costs by about $65 million annually, the excess merely served to increase the general funds of the Treasury.

The Employment Security Administrative Financing Act, signed into law August 5, 1954, earmarked revenues from the net Federal tax for the employment security system, with this order of priority for their use: (1) funds would first be used for current Federal and State administrative expenses; (2) additional funds, if any, would be placed in a special loan account (until the account reached $200 million) from which States could get advances when the cost of benefits became particularly heavy; (3) any remaining funds would be credited to State accounts in the unemployment trust fund either for benefits or (with the specific approval of the State legislature) for additional administrative purposes. If a State wished to use the excess funds for administrative purposes, Federal law required them to use the funds within 5 years of their transfer.

During the next few years, revenues continued to exceed administrative expenses as in the years preceding the 1954 Act. In those years, no State needed to use the loan fund, which quickly reached the $200 million limitation. In 1956, 1957, and 1958, a total of $138 million was credited to State unemployment trust fund accounts. (Table 1 on page 3 of the House report shows amounts credited for each State).

In 1959, three States received advances from the loan fund. Since the excess of revenues over receipts had to be used to replenish the loan fund, no additional funds were transeferred to the State accounts.

The $138 million transferred in 1956, 1957, and 1958 represents the only funds transferred thus far to State accounts; no additional transfers are anticipated in the foreseeable future. These transferred funds have been used by the States primarily to buy the necessary land and construct buildings for use in the employment security program. Thirty-eight States have obligated funds transferred to their State accounts for land and buildings, and one State (Alaska) has also spent funds for benefits.

Purpose of H.R. 6065.—Each year the Congress has appropriated funds for State administration of the unemployment compensation program; these grants have included amounts to cover the cost of rent. These portions of the $138 million transferred to the States which have been spent for land and buildings may be replenished over time out of these annual Federal administrative grants for rent, and the replenished funds may then be used again for land and buildings—but only within the period specified in the law. That period has been extended twice, and is now due to expire in 1973; H.R. 6065 would extend the period for ten years until 1983.

Mr. LONG. Mr. President, this bill is one which passed the House of Representatives and was on the consent calendar, I understand. I do not believe there is any objection to the bill.

The Senate was in conference with the House conferees. The conference was unable to agree to the unemployment insurance amendment agreed to by the Senate for the reason that the germaneness rule which was imposed upon the Senate by the Reorganization Act requires that an amendment to a House-passed bill cannot be accepted in the conference report except as a separate matter and separately voted on by the House of Representatives unless that amendment is germane to the bill under the rules of the House of Representatives.

By virtue of that germaneness rule that was imposed upon the Senate by the Reorganization Act which was recently passed by the Senate, we were unable to persuade the House conferees to agree to the trade amendments, to the unemployment insurance amendment, or to the amendment related to the Highway Trust Fund.

Therefore, Mr. President, I understand an amendment will be offered. One of the reasons the bill is being called up at this time is in order that an unemployment insurance amendment, of the nature which the Senate agreed to, may be offered to the bill, which could be regarded under the House rules, as I understand those rules.

Mr. MAGNUSON. Mr. President, I send to the desk an amendment, on behalf of myself, Senator Ribicoff, Senator Jackson, and Senator Tunney.

The PRESIDING OFFICER (Mr. Buckley). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

At the end of the bill add the following:

TITLE II—EMERGENCY UNEMPLOYMENT COMPENSATION

SHORT TITLE

Sec. 201. This title may be cited as the "Emergency Unemployment Compensation Act of 1971".

FEDERAL-STATE AGREEMENTS

Sec. 202. (a) Any State, the State unemployment compensation law of which is approved by the Secretary of Labor (hereinafter in this title referred to as the "Secretary"), under section 3304 of the Internal Revenue Code of 1954, which desires to do so, may enter into and participate in an agreement with the Secretary under this title, if such State law contains (as of the date such agreement is entered into) a requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1970. Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) Any such agreement shall provide that the State agency of the State will make payments of emergency compensation—

(1) to individuals who—

(A) (1) have exhausted all rights to regular compensation under the State law;

(ii) have exhausted all rights to extended compensation, or are not entitled thereto, because of the ending of their eligibility period for extended compensation, in such State;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada.

(2) for any week of unemployment which begins in—

(A) an emergency extended benefit period (as defined in subsection (c) (3)); and

(B) the individual's period of eligibility (as defined in section 205(b)).

(c) (1) For purposes of subsection (b) (1) (A), and individual shall be deemed to have exhausted his rights to regular compensation under a State law when—

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

(B) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(2) For purposes of subsection (b) (1) (B), an individual shall be deemed to have exhausted his rights to extended compensation under a State law when no payments of extended compensation under a State law can be made under such law because such individual has received all the extended compensation available to him from his extended compensation account (as established under State law in accordance with section 202(b) (1) of the Federal-State Extended Unemployment Compensation Act of 1970).

(3) (A) (1) For purposes of subsection (b) (2) (A), in the case of any State, an emergency extended benefit period—

(I) shall begin with the third week after a week for which there is a State "emergency on" indicator; and

(II) shall end with the third week after the first week for which there is a State "emergency off" indicator.

(ii) In the case of any State, no emergency extended benefit period shall last for a period of less than 26 consecutive weeks.

(iii) When a determination has been made that an emergency extended benefit period is beginning or ending with respect to any State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(B) (i) For purposes of subparagraph (A), there is a State "emergency on" indicator for a week if—

(I) the rate of unemployment (as determined under subparagraph (C)) in the State for the period consisting of such week and the immediately preceding twelve weeks equaled or exceeded 6.0 per centum; and

(II) there (a) is a State or National "on" indicator for such week (as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970), or (b) there is neither a State nor National "on" indicator for such week (as so determined), but (1) within the 52-week period ending with such week there has been a State or National "on" indicator for a week (as so determined), and (2) there would be a State "on" indicator for such week except for the provisions of section 203(e) (1) (A) of the Federal-State Extended Unemployment Compensation Act of 1970.

(ii) For purposes of subparagraph (A), there is a State "emergency off" indicator for a week if, for the period consisting of such week and the immediately preceding 12 weeks, the rate of unemployment (as determined under subparagraph (C)) is less than 6.0 per centum.

(C) (i) For purposes of subparagraph (B), the term "rate of unemployment" means—

(I) the rate of insured employment (as determined under section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970), plus

(II) the 13-week exhaustion rate (as determined under clause (ii)).

(ii) The "13-week exhaustion rate" should be equal to—

(I) 25 percent of the sum of the exhaustions, during the most recent 12 calendar months ending before the week with respect to which such rate is computed, of regular compensation under the State law, divided by

(II) the average monthly covered employment (as that term is used in section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970) of the State with respect to the 13-week period referred to in subparagraph (B) (ii).

(d) For purposes of any agreement under this title—

(1) the amount of the emergency compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to him during his benefit year under the State law; and

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall (except where inconsistent with the provisions of this title or regulations of the Secretary promulgated to carry out this title) apply to claims for emergency compensation and the payment thereof.

(e) (1) Any agreement under this title with a State shall provide that the State will establish, for each eligible individual who files an application for emergency compensation, an emergency compensation account.

(2) The amount established in such account for any individual shall be equal to the lesser of—

(A) 100 per centum of the total amount of regular compensation (including dependents' allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation: or

(B) twenty-six times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

(f) No emergency compensation shall be payable to any individual under an agreement entered into under this title for any week prior to the week following the week in which such agreement is entered into, or if later, the first week beginning more than 30 days after the date of enactment of this Act; and no emergency compensation shall be payable to any individual under such an agreement for any week which ends after June 30, 1973.

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY COMPENSATION

SEC. 203. (a)(1) There shall be paid to each State which has entered into an agreement under this title an amount equal to 100 per centum of the emergency compensation paid to individuals by the State pursuant to such agreement.

(b) No payment shall be made to any State under this section in respect of compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than this title.

(c) Sums payable to any States by reason of such State's having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which would have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 204. (a)(1) Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this title.

(2) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(b) Section 3301 of the Internal Revenue Code of 1954 is amended—

(1) by inserting "(except as otherwise provided in the succeeding sentence)" immediately after "equal"; and

(2) by adding at the end thereof the following new sentence: "In applying the preceding sentence for the calendar year 1972 and the calendar year 1973, the rate of tax shall, in lieu of 3.2 percent, be 3.29 percent.".

(c) Effective with respect to wages paid in any calendar quarter commencing after December 31, 1971, section 6157(b) of the Internal Revenue Code of 1954 (relating to computation of Federal unemployment tax) is amended by striking out "0.5 percent" and inserting in lieu thereof "a percentage equal to the excess of the percentage specified in section 3301 over 2.7 percent".

(d) The first sentence of section 905 (b)(1) of the Social Security Act is amended by striking out "and in the case of any month after March 1972, to one-tenth," and inserting in lieu thereof "in the case of any month after March 1972 and before April 1974, to nineteen fifty-ninths, and in the case of any month after March 1974, to one-tenth,".

(e) Section 901 (a) (1) (B) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (iv);

(2) by striking out the period at the end of clause (v) and inserting in lieu thereof "; and";

(3) by inserting after clause (v) the following new clause:

"(vi) an agreement entered into under the Emergency Unemployment Compensation Act of 1971.".

DEFINITIONS

SEC. 205. For purposes of this title—

(a) the terms "compensation", "regular compensation", "extended compensation", "base period", "benefit year", "State", "State agency", "State law", and "week" shall have the meanings assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

(b) the term "period of eligibility" means, in the case of any individual, the weeks in his benefit year which begin in an extended benefit period or an emergency extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period or in such emergency extended benefit period; and

(c) the term "extended benefit period" shall have the meaning assigned to such term under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

REPORT BY SECRETARY OF LABOR

SEC. 206. (a) The Secreary of Labor shall conduct a continuing and comprehensive study and review of the program established by the Emergency Unemployment Compensation Act of 1971, with a view to submitting to the Congress the report required to be submitted under subsection (b). Such study and review shall be conducted with particular regard to (1) the benefit payments made under such program, (2) projections of benefit payments which will be payable under such program after the period covered by such report, (3) the desirability of continuing such program after June 30, 1973, and (4) the funding of the benefits payable under such program and the funding of benefits thereunder if such program should be continued after June 30, 1973.

(b) On or before July 1, 1972, the Secretary of Labor shall submit to the Congress a full and complete report on the study and review provided for in subsection (a). Such report shall cover the period ending May 31, 1972, and shall contain the recommendations of the Secretary of Labor with respect to such program, including but not limited to, the operation and funding of such program, and the desirability of extending such program after June 30, 1973.

Amend the title to the bill to read as follows: "An Act to amend section 903(c)(2) of the Social Security Act, and for other purposes."

Mr. MAGNUSON. Mr. President, it will be recalled that on November 12 the Senate overwhelmingly approved an amendment to the Revenue Act which I had introduced together with Senator RIBICOFF, Senator TUNNEY, Senator JACKSON, and many other Senators. That amendment would have provided 26 weeks of emergency unemployment compensation benefits to workers who have exhausted all other unemployment benefits and who live in States where unemployment is 6 percent or higher. You will also recall, Mr. President, that this amendment received the support of the distinguished chairman of the Finance Committee, and I wish at this time to thank Senator LONG for his strenuous efforts in behalf of this amendment in the conference held on the Revenue Act.

Tragically, Mr. President, some of the House conferees, working under the President's threat to veto the Revenue Act, invoked a technical House rule to strip my amendment from the Revenue Act. That was a terrible blow, Mr. President, to the 100,000 workers in my State who have exhausted all of their unemployment benefits and to the 1.78 million workers throughout the Nation who have exhausted all of their benefits. This is not to imply, of course, that this was the intent of those House conferees for I know that they are just as concerned about those unemployed people as am I.

But the desperate plight of these unemployed Americans is too great to be ignored or to be left unattended until after the Congress returns from the Christmas recess. It is to the great credit of my very good friend and colleague, Senator LONG, that he made a very special effort to bring H.R. 6065 to the floor today, so that the Senate would have an opportunity to pass this amendment prior to the recess. I can think of no action which would be more appropriate at a time when Christmas is so near than would be the Senate's approval of the amendment we are offering today to H.R. 6065.

Mr. President, with one exception, the amendment which Senator RIBICOFF, Senator TUNNEY, Senator JACKSON, and I are offering to H.R. 6065 is the same as that which the Senate overwhelmingly approved just a few short weeks ago. This is a very simple amendment and I would like to briefly summarize its basic provisions:

It would provide 26 additional weeks of unemployment compensation benefits to eligible workers.

All States that have enacted an extended unemployment compensation law pursuant to the Federal-State Extended Unemployment Compensation Agreement would be eligible.

A State unemployment rate of 6 percent, computed by counting both the insured unemployed and those who have exhausted their benefits, would trigger the emergency benefits.

To finance these emergency benefits, section 3301 of the Internal Revenue Code of 1954 would be amended to increase the tax rate from 3.2 to 3.29 percent.

Finally, under this amendment, the participating States would not be required to pay any portion of the costs of the emergency benefits. Senators will recall that the amendment to the Revenue Act would have required participating States to have assumed 20 percent of the cost in the third and following fiscal years.

Mr. President, in closing I want to emphasize three important points:

First, every State which would have been eligible to participate under the amendment which I proposed to the Revenue Act would also be eligible under this amendment.

Second, this amendment will not impose any financial burden upon participating States.

Third, and I wish to underscore this final point, the distinguished chairman of the Finance Committee and the distinguished chairman of the House Ways and Means Committee have both been consulted and both have personally assured me that this amendment will have their strong support in conference if it is passed here today by the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the amendment and two charts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAGNUSON AMENDMENT

The Magnuson amendment would add a new emergency unemployment compensation title to the Revenue Act of 1971 with the following provisions:

1. Additional Benefits.—Provides an additional 26 weeks of unemployment compensation benefits to persons who have exhausted their rights to 26 weeks of regular benefits plus 13 weeks of extended benefits.

2. Temporary Program.—Benefits under the new program would be payable only until July, 1973.

3. Unemployment Rate Triggering Benefit.—Additional 26 weeks of benefits would be available only in State in which insured unemployment plus rate of exhausting benefits exceeds 6.0 percent.

4. Federal Share.—Additional benefits would be 100 percent Federal.

5. Financing Provisions.—Increases net Federal tax 0.09 percent in calendar years 1972 and 1973 (net Federal tax is now 0.5 percent).

6. Cost.—Estimated at $471 million for calendar year 1972.

States in which benefits would be payable under Magnuson amendment:

Alaska, California, Connecticut, Maine, Massachusetts, New Jersey, Puerto Rico, Rhode Island, Washington, Michigan, Nevada, New York, Oregon, and Vermont.

States in which benefits might be paid if unemployment rises to early 1971 rates:

Arkansas, Kansas, Montana, New Mexico, North Dakota and Wisconsin.

Mr. MAGNUSON. Mr. President, the amendment is the same amendment the Senate passed overwhelmingly, but as pointed out by the distinguished chairman of the committee, the Senator from Louisiana, it was discussed with the House conferees and they must abide by their rules.

But this is a measure they sent over and they agreed this amendment should be on this bill. I have had a long informal conference with members of the Committee on Finance and Members of the House, and the chairman of the appropriate committee over there this morning, and on Friday.

They agree that this is the proper language, and as far as I know they will accept the amendment over there, not only as being germane but as an amendment that should be on the bill.

I hope we do not need a rollcall vote on this matter; it already has been passed by the Senate overwhelmingly.

SEVERAL SENATORS: Vote. Vote.

Mr. SCOTT. Mr. President, before that is done, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Washington.

Mr. CURTIS. Mr. President, reserving the right to object, and I shall not object, may we have a brief statement in reference to this proposal?

Mr. MAGNUSON. Mr. President, I am sorry the Senator had another matter he had to take care of. This is the same amendment the Senate passed in November. The Senator will recall the trouble in connection with the germaneness rule in the House. Chairman MILLS and other members of the Ways and Means Committee in the House intimated that if we would add this amendment on the extension of unemployment insurance to a bill which would not violate their germaneness rule—which is a little different than ours, and they use it frequently—they would be glad to accept it. The particular bill that the Senator's distinguished committee reported is perfectly germane and they are willing to accept the amendment. They wanted us to pass a bill which would extend the benefits for 26 weeks. It may be that they want to recommend it for a quick conference. It will not take too long, if it goes for 13 weeks, which would be all right, because we are going to have to go into it early in the spring, anyway.

Mr. CURTIS. May I ask further, at what percentage of the unemployment rate this additional unemployment compensation will be triggered?

Mr. MAGNUSON. Six percent or over, just as it was as we passed the bill.

Mr. CURTIS. How many States will that affect?

Mr. MAGNUSON. About 15 right now. I have the list. I shall put it in the RECORD.

Mr. CURTIS. We have the basic unemployment systems in our States. Then we have the permanent law for an additional period. I take it that in the State which the distinguished Senator represents that has been exhausted?

Mr. MAGNUSON. Oh, yes. We have 1,000 a week who have exhausted their benefits in three counties. By February 1, it will be 120,000. I do not like to see them go on welfare, as I am sure the Senator does not.

Mr. CURTIS. How does the cost compare of this proposal compare with the cost if a family has to go on welfare?

Mr. MAGNUSON. All I know about welfare—I probably should know more than I do, but I know something about it, because I handle the appropriation—is that it costs us $4,025 per capita for every person in the United States on welfare. That is their figure, and the Senator knows they are pretty low. We have 118,717 employees down there, but it is hard to get that figure. I think the extension for unemployment insurance for people who want to work but are not able to get it will cost us less in the long run. Second, I just do not like to see good people pushed on to welfare, because they have no place else to go. It breaks their dignity and spirit. If a person exhausts his unemployment compensation and is at the age of 50 or 55, it breaks his spirit, and he says, "Oh, well, so what?" And he stays there. His dignity is lost.

I think this is a good compromise of the situation with the House. I think the Senator knows, and he probably wants us to do this, that come next spring, we are going to have to get into the whole matter again, and perhaps basically change the laws. This is an emergency matter. That is what it amounts to.

Mr. CURTIS. I have no further questions.

Mr. RIBICOFF. Mr. President, on November 12 the Senate approved the Magnuson-Ribicoff amendment, as modified by the distinguished Senator from California (Mr. TUNNEY), to extend emergency unemployment compensation benefits to individuals in States with high unemployment. Expanded benefits would have been provided to workers in States with an unemployment rate of 6 percent or more who have exhausted their existing regular and extended unemployment benefits.

Unfortunately, the conferees on H.R. 10947 eliminated this provision from the final version. Today, however, the need is even greater for this legislation. Last week the Labor Department revealed that unemployment in this country had again risen—from 5.8 percent to 6 percent. In many areas unemployment is far above the national average. In Connecticut, September figures revealed that unemployment now exceeds 9 percent and is over 10 percent in three of its major cities.

Today, I ask that the Senate again approve this vitally needed measure to assist American workers. The long-term economic reforms recently approved by the Senate will hopefully create thousands of new jobs. But the sad reality is that there are over 5 million unemployed men and women in this country, many of whom have exhausted their unemployment benefits.

In the first 6 months of 1971, an estimated 1,062,423 workers exhausted their benefits under the regular unemployment insurance program, a national increase of 83 percent over the same time last year. Of these men and women, 34,139 were in my home State of Connecticut. Thousands of other workers exhausted their regular insurance rights before that time. Since extended benefits run for only an additional 13 weeks, benefits have also now been exhausted for those whose regular insurance terminated before July.

Unemployed Americans without unemployment compensation face a bleak New Year unless legislation is enacted immediately to provide emergency unemployment assistance.

I hope that the Senate will accept this vital amendment to the pending unemployment compensation legislation, H.R. 6065, which changes the formula limiting the amount obligated to a State for the administration of unemployment compensation programs.

Mr. President, the Senate has already gone on record in support of this program. Because there is no decrease in sight to the high unemployment rate, I hope that my colleagues will again act to assist those men and women who have exhausted their benefits before they could find another job.

Mr. President, I ask unanimous consent to include an article from the Hartford Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOBLESS PAY GONE, MOMS TURNING TO WELFARE

(By James N. Mason, Jr.)

The unemployment checks have run out for Mrs. Mary Carney of 208 Farmington Ave.

A few days ago she became one of the 2,400 mothers who have applied for public welfare assistance since the fiscal year began in July. Total caseload in aid to dependent children jumped from 27,000 in June to about 29,400 in October, the State Welfare Department reports.

Mrs. Carney put off her trip to the Welfare Department as long as she could. Her last unemployment check came on Oct. 2, but she had $50 saved at the time, and got an income tax return of $102.

This money, plus $10 per week child support from her 13-year-old son's father, kept them going for several weeks while Mrs. Carney kept combing the want ads and taking babysitting jobs or brief typing jobs.

But the cupboard is now bare. She's a month behind on her $120 monthly rent. There was nowhere to go but the State Welfare Department.

Nobody knows how many men and women like Mrs. Carney have reached the end of their unemployment benefits. The State Labor Department said it was so deluged with paperwork during the heavy unemployment period that its computer could not keep up-to-date records on how many people were expiring their benefits.

But the claims for unemployment benefits have been dropping since August, either because people are finding new jobs, partly because they were on brief vacation lay-offs in August (which pushed up the statistics), and partly because benefits have run out, and they don't have jobs.

In September, the Department of Social Services in Hartford anticipated an increase in the number of residents needing emergency assistance because their benefits had run out.

So far, the number is small, but the figure for November (available in early December) may indicate a trend. In September, said a Hartford official, 19 persons who applied for emergency assistance said their unemployment benefits had been exhausted and they still couldn't find a job.

In October, the figure jumped more than twice as high, up to 52 cases.

A spokesman at the State Welfare Department said the increase in mothers receiving aid to dependent children doesn't necessarily mean that they were previously in jobs.

"They may just have been recently deserted," he said. But one of the major reasons cited for a man deserting his family is that he can't find a job to support them. He gets discouraged and takes off, assuming his wife and children will get better support from the Welfare Department.

Mr. TUNNEY. Mr. President, I am pleased to join with Senator MAGNUSON, Senator RIBICOFF, and Senator JACKSON in offering once again to the Senate an emergency program of federally financed unemployment compensation for States hard hit by joblessness.

Senators will recall that on November 12, the Senate adopted a proposal substantially identical to the one we offer today. That proposal was an amendment to the Revenue Act of 1971, and it would have allowed 26 additional weeks of unemployment compensation in States where joblessness—weighted to take account of those who have exhausted all benefits—reached 6 percent or more. The program would have been financed through the Federal Government by an increase in payroll taxes from 3.2 to 3.29-percent.

This amendment would have reached up to 330,000 unemployed persons in California alone, who have exhausted all available unemployment benefits during the past year. It would have allowed 26 further weeks of aid at an average of $54 weekly. Without this additional help, those people who have exhausted unemployment compensation and do not yet have jobs would have no choice but the indignity of welfare.

I was deeply disappointed that the overwhelming will of the Senate, to establish this program, was frustrated by procedural technicalities in the House-Senate conference, and by the administration's threat to veto the entire tax bill. Under these pressures, this emergency program was dropped from the Revenue Act, and thousands of jobless persons in California and throughout the country were left unprotected.

Under the distinguished and imaginative leadership of Senator LONG and Senator MAGNUSON, we have been able to bring to the floor today H.R. 6065, a House-passed bill to which our amendment can be attached. The Senate can reaffirm its decision of last November 12 to establish this emergency aid program.

This program will provide a new bridge to a time of economic recovery for thousands who want jobs and can find no work. It will reduce our welfare rolls as well, and lift a disastrous financial strain from local governments and property taxpayers. As the distinguished Senator from Connecticut, Senator RIBICOFF, pointed out in discussing this proposal on November 12 over 800,000 persons were receiving welfare in June 1971 solely because the father of the family was unemployed. This represents a 53-percent increase above the number of welfare recipients in July 1970, 12 months earlier. In Los Angeles alone, one in eight persons receives welfare. We know that 1.8 million people exhausted their unemployment benefits last year and that the average cost of welfare per family of four is $3,000. Public assistance costs for putting these unemployed workers on welfare would require as much as $3 billion of local and State tax revenues. We cannot afford this burden. We cannot hold local communities hostage, because of the failure of national economic policies.

Mr. President, our amendment does the following:

Provides 26 further weeks of federally funded unemployment compensation to eligible persons, payable until July 1973;

Would be available to any State in which the unemployment rate, computed by a formula taking account of those who have exhausted all benefits, reaches or exceeds 6 percent;

Would be funded through an increase in the payroll tax rate from 3.2 to 3.29 percent;

Would be funded through the Federal Government for all years, unlike our proposal of November 12 which would have shifted some financial burden to States following the first year.

I urge Senators to join us in opening once again the opportunity for meaningful additional aid to hundreds of thousands of unemployed persons.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? [Putting the question.]

The bill was passed.

Mr. LONG. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes thereon; and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. CURTIS, and Mr. MILLER conferees on the part of the Senate.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands;

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations;

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek;

H.R. 9097. An act to define the terms "widow," "widower," "child," and "parent" for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes; and

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of National Service Life Insurance policies to insurance on a modified lief plan with reduction at age 70.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued in executive session with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Mississippi.

Mr. **EASTLAND.** Mr. President, I rise to support the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States. In my judgment, the hearings on his nomination conducted by the Judiciary Committee clearly demonstrate that Mr. Rehnquist is a man of great legal ability and impeccable character. I am certain that he will be a distinguished addition to the Supreme Court.

The record shows that Mr. Rehnquist has had a distinguished career in at least four areas of the law: as a law student at Stanford University, as a clerk to Mr. Justice Robert Jackson, as a successful private practitioner, and since January 29, 1969, as Assistant Attorney General in charge of the Office of Legal Counsel in the Department of Justice.

Mr. Rehnquist was born on October 1, 1924, in Milwaukee, Wis., and attended the public schools of that State. He enlisted in the U.S. Army in 1943 and served his country in that capacity for 3 years. After his honorable discharge from the Army, he enrolled in Stanford University and received his undergraduate education at that institution. In 1948 he was awarded a bachelor of arts degree "with great distinction." He received a master of arts degree in history from Harvard University in 1950. Mr. Rehnquist then returned to Stanford University and entered the law school, from which he was graduated first in his class in 1952. After graduation from law school in February 1952, he served as law clerk to Justice Jackson for about 18 months. After completing his clerkship, Mr. Rehnquist moved to Phoenix, Ariz., and actively engaged in the practice of law in that city from June 1953 until his appointment as Assistant Attorney General in January 1969. Mr. Rehnquist quickly attained the reputation of a great lawyer among the members of the Arizona bar. The esteem in which his fellow lawyers held him is attested by the fact that in 1966 he received an "a.v." rating in Martindale's Legal Directory. This rating is made by one's fellow lawyers and is the highest rating given by Martindale's. One must have practiced law for at least 10 years before receiving an "a.v." rating, and Mr. Rehnquist received it shortly after the expiration of the minimum period. This is an exceptional tribute to a young lawyer.

In January 1969, President Nixon nominated Mr. Rehnquist to be Assistant Attorney General in charge of the Office of Legal Counsel, a position he presently holds. By all accounts he has served in that office with great dedication and ability. The quality of his legal mind and his skill in presenting arguments in favor of the administration's position on legislation are acknowledged even by his opponents.

I can add my own personal testimony as to Mr. Rehnquist's great legal ability. As chairman of the Judiciary Committee, I have had occasion to personally observe his work. It is outstanding. I did not know Mr. Rehnquist until he assumed his position in the Department of Justice. Based on almost 3 years of personal knowledge of this man, I can assure the Senate that he is of the highest character and intellect.

Mr. President, those who know Mr. Rehnquist best know that he is a very fair-minded person of great legal and intellectual capacities. A number of persons have written letters to the Judiciary Committee in support of his nomination. These letters were not printed in the hearings. I ask unanimous consent that these letters be printed at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **EASTLAND.** The opponents of this nomination cannot and do not say that Mr. Rehnquist lacks the legal and intellectual credentials which are prerequisite to becoming a great Justice of the Supreme Court.

They cannot and do not say that his nomination presents any questions or problems of ethics or conflicts of interest.

They cannot and do not say that he does not possess a high character and the proper judicial temperament.

In my judgment, there is not much left for the opponents of this nomination to go on.

The opposition to this nomination has boiled down to dislike for alleged personal and philosophical views of Mr. Rehnquist. The first series of attacks on the Rehnquist nomination were made shortly after President Nixon made the nomination on October 21, 1971. These attacks consisted of desperate and irresponsible efforts on the part of so-called "liberals" in the news media and the academic community to charge that Mr. Rehnquist, in his personal actions and associations, had shown himself to be an "extremist" and "hostile to the rights of minorities."

These charges and attacks were given wide circulation in the press and on TV. They are untrue.

First, it was charged that Mr. Rehnquist was a member of the John Birch Society.

Next, it was alleged that he had been instrumental in challenging black voters in Phoenix at various elections, including those of 1962, 1964, 1966, and 1968.

Lastly, it was charged that Mr. Rehnquist had been a member of For America and/or Arizonans for America, which were alleged to be right-wing extremist groups.

These charges were made and publicized by those in the academic community and in the news media, who are horrified at the prospect that the Supreme Court might not be dominated by liberal judicial activists in perpetuity.

The Judiciary Committee carefully investigated all of these untruths and smears. Each of these charges designed to show that Mr. Rehnquist was or is an "extremist" or a bigot were exploded.

Mr. Rehnquist gave sworn statements to the committee that he had never been a member of the John Birch Society or of For America or Arizonans for America.

I say further, Mr. President, that I have had access to the files of the FBI, and that the Bureau, after a full field investigation, completely exploded each of those charges.

Here is a letter that I received on November 20 from Phoenix, Ariz. It says:

> Re William H. Rehnquist.
>
> DEAR SIR: I was on the board of Arizonans for America from its inception to its end, and was its last president.
>
> To my knowledge, Mr. Rehnquist was never a member of Arizonans for America. He did make a speech to us, and was subsequently put on our mailing list.
>
> Sincerely,
>
> GEORGE HEARN WOOD,
> *An Optometrist.*

He also gave the same statement to the Bureau when its agents called upon him.

Mr. Rehnquist further gave testimony to the committee that he had never acted as a challenger to voters in elections. He further testified that as a legal adviser to the Republican Party in Phoenix, Ariz., he had instructed a party worker who was overzealous in challenging voters to refrain from such actions. Judge Charles L. Hardy, of Phoenix, who was chairman of a committee of Democratic lawyers in the 1962 elections, gave a statement to the committee which confirms the fact that Mr. Rhenquist did not engage in any improper activities in this respect.

There was no testimony obtained by the Judiciary Committee to support these irresponsible and baseless charges against Mr. Rehnquist. Every opportunity was given to those with any evidence to produce it before the Judiciary Committee. The fact that some members of the academic community and the news media chose not to present any evidence to the committee, but chose rather to broadcast fresh charges to the press gives a strong indication of the motivation, responsibility and veracity of such persons.

The hearings conducted by the Judiciary Committee thoroughly discredited these allegations. So now the opponents of the Rehnquist nomination have had to fall back on the issue of the judicial philosophy of the nominee.

Each Member of the Senate has the right and responsibility to determine what weight, if any, to give the personal or judicial philosophy of a nominee in making a decision of whether to advise or consent to a nomination.

Thus, I do not quarrel with my colleagues who oppose Mr. Rehnquist on the basis of his supposed judicial philosophy.

I do think it is very important, however, to recognize that judicial philosophy can and should be a large consideration in all future nominations for the Supreme Court.

During the hearings those who wished to use what they supposed to be Mr. Rehnquist's judicial philosophy against his nomination made repeated efforts to distinguish the Rehnquist nomination from other Supreme Court nominations. What these opponents of Mr. Rehnquist's nomination said to him in essence was:

> It is especially appropriate for us to inquire into your judicial philosophy because you wrote an article in the Harvard Law Review in which you stated that the Senate should carefully inquire into the judicial philosophy of a nominee for the Supreme Court before giving its advice and consent to the nomination, and because President Nixon has publicly stated that judicial philosophy was one of the criteria used by him in making your nomination.

In all honesty, I do not believe that this distinction withstands analysis. If this distinction were valid, suppose that a future nominee for the Supreme Court had written an article in which he stated his opinion that it was improper for a Senator to inquire into the judicial philosophy of a nominee for the Supreme Court, and suppose that the President who nominated such a person stated that the judicial philosophy of the nominee had no bearing on the nomination.

Would this mean that it would not then be proper for the Senate to attempt to ascertain the judicial philosophy of such a nominee? Of course not. The Senate cannot allow its constitutional responsibility to advise and consent to Supreme Court nominations to depend upon such fortuitous circumstances as the past writings of a nominee and the statements or silence of a President who makes the nomination.

As a matter of fact, it is common knowledge that Presidents usually take the judicial philosophy of nominees into account when they make nominations. Strangely enough, until the present administration there has been no outcry among so-called liberal elements of the news media and academic community against this fact of life. They appeared to enjoy having like-minded persons put on the Supreme Court.

The truth is that Presidents have taken the judicial philosophy of nominees into account even when a nomination will further unbalance the Supreme Court. The nomination speaks for itself. The President does not need to tell us that he took judicial philosophy into consideration; it is a self-evident fact.

We do not have to speculate as to the reasons President Johnson twice nominated Mr. Abe Fortas to the Supreme Court. The former President has recently written a book entitled "The Vantage Point" dealing with his tenure as President. Excerpts from this book have appeared in various newspapers. I will quote from the New York Times of October 27, 1971, which contained excerpts from President Johnson's book dealing with the Fortas appointment. First, President Johnson reveals the reason why he appointed Mr. Fortas to be an Associate Justice of the Supreme Court to succeed Mr. Justice Goldberg:

> I was confident that the man would be a brilliant and able jurist. He had the experience and the liberalism to espouse the causes that both I and Arthur Goldberg believed in. He had the strength of character to stand up for his own convictions, and he was a humanitarian.

In discussing his nomination of Mr. Fortas to be Chief Justice of the United States, President Johnson tells us:

> When I nominated Fortas to succeed Chief Justice Warren three years later, I did so for the same reasons I had first appointed him to the Court.

This is what the former President said of Mr. Fortas' rejection by the Senate:

> In the end, Abe Fortas' chief assets—his progressive philosophy, his love of country, his frank views always spoken from the heart and his service to his President—brought his downfall.

A consideration of what appears to be the judicial philosophy of Mr. Rehnquist leads me to the conclusion that his service as a member of the Supreme Court would be highly beneficial to the Nation.

On the basis of the record of the hearings on his nomination, I believe it is fair to say that Mr. Rehnquist possesses what might be termed a conservative judicial philosophy. However, the record amply indicates that he is not the prisoner of any judicial philosophy, and that he will decide cases on the basis of the application of his first-rate legal mind to the question of the proper result as mandated by the Constitution and laws of the United States and applicable judicial precedents. He is certainly not blinded by ideology.

I would like to read from a letter written by Mr. Martin F. Richman, former law clerk to Chief Justice Earl Warren, and Deputy Assistant Attorney General in the Office of Legal Counsel under the previous administration, who gave the following assessment of the cast and quality of Mr. Rehnquist's approach to legal issues:

> The key question for inquiry here, in my opinion, is whether as a Justice Mr. Rehnquist will bring to the decision of the cases not only his own views, however long held and well thought out, but an open mind. Will he approach each case on the basis of the facts in the record, the briefings by counsel, the arguments of his Brethren in conference, and his best judgment of all the available legal materials. In short, will he act like a Judge?
>
> Based on my experience with him my own answer is in the affirmative.
>
> * * * * *
>
> But . . . I am confident that his votes will be based on the merits of the cases, that his opinions will illuminate the issues, and he will make a constructive contribution to the on-going work of the Court in the development of our law.

Mr. Robert H. Bork, professor of law, Yale University, wrote a letter to me as chairman of the Judiciary Committee, in support of Mr. Rehnquist's nomination. He stated, in part, as follows:

> My support is based not merely upon Mr. Rehnquist's professional reputation, which is extremely high, but upon my opportunities to talk with him and to observe him in debate concerning legal matters. There can be no doubt whatever concerning his intellectual qualifications. He possesses a brilliant and analytical mind. More than that, however, Mr. Rehnquist is a deeply thoughtful man with respect for the requirements of intellectual honesty. I am sure, therefore, that in the decision of constitutional cases he will be guided not by his personal philosophy but by a commitment to the commands of the Constitution, interpreted in the light of its text and its history. This does not mean that he will be a wooden internalist but rather that he will attempt to discern the meaning of the Constitution in new circumstances by the document's fundamental principles instead of in accordance with whatever legislative views he might entertain if he were in the Congress rather than upon the Court. This is a difficult task, requiring the utmost in self-discipline and thoughtfulness. I believe that Mr. Rehnquist has those qualities in abundance.

I believe that the record as a whole validates these appraisals of the nominee. Mr. Rehnquist's own testimony clearly shows that he will approach all legal and constitutional issues on this basis.

Mr. President, in considering the personal and intellectual qualities of Mr. Rehnquist, it is very pertinent to consider the judgments of spiritual and religious leaders who have known Mr. Rehnquist and his family.

Mr. Louis B. Early, chairman of the church council and Rev. William B. Schaeffer, pastor of the Emmanuel Lutheran Church, Bethesda, Md., the church presently attended by the Rehnquist family, have written me a letter on behalf of the Rehnquist nomination, I quote from this letter:

> Since the Rehnquist family became members of Emmanuel in July, 1969, they have given a clear witness to the centrality of the Christian faith in their life and home. Their regular presence on Sunday at worship services, the obvious closeness and mutual respect within the family circle, and the readiness to share in the life of the congregation reflect the values which are held in highest regard by the head of the household.
>
> Mr. Rehnquist's unfailing kindness and innate modesty give testimony to the genuineness of his concern for others and his understanding of viewpoints contrary to his own. His clarity of thought and firmness of conviction demand respect. Such characteristics seem to us to be of special importance for one who is being considered for the highest court in the land.

The Right Reverend Joseph M. Harte, the Bishop of Arizona wrote the following letter:

DIOCESE OF ARIZONA,
Phoenix, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
Senator, Chairman of the Judiciary Committee, The New Senate Building, Washington, D.C.

MY DEAR SENATOR: The Hon. William Rehnquist from Arizona is a man of enormous ability and, speaking as the Bishop of Arizona, I can assure you and your Committee that he is "his own man," a man of independent thought and not one to go blindly down the "Right-wing Conservative Path."

Mr. Rehnquist, with a superb judicial background, is flexible, understanding and full of compassion. He is not a person to simply follow without a rational and highly reasonable criteria. His reputation from our part of the country is unblemished and I want to speak out in his favor.

Faithfully and sincerely,
JOSEPH M. HARTE,
The Bishop of Arizona.

Based on the hearing record and all the facts available to us, I urge that the Senate overwhelmingly give its advice and consent to the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States.

EXHIBIT 1

EMMANUEL LUTHERAN CHURCH,
Bethesda, Md., October 25, 1971.

Hon. JAMES O. EASTLAND,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: We, the Church Council and Pastor of Emmanuel Lutheran Church, wish to give this testimony to the integrity and Christian character of our fellow member, William H. Rehnquist.

Since the Rehnquist family became members of Emmanuel in July, 1969, they have given a clear witness to the centrality of the Christian faith in their life and home. Their regular presence on Sunday at worship services, the obvious closeness and mutual respect within the family circle, and the readiness to share in the life of the congregation reflect the values which are held in highest regard by the head of the household.

Mr. Rehnquist's unfailing kindness and innate modesty given testimony to the genuineness of his concern for others and his understanding of viewpoints contrary to his own. His clarity of thought and firmness of conviction demand respect. Such characteristics seem to us to be of special importance for one who is being considered for the highest court in the land.

We urge your approval of his nomination for the Supreme Court of the United States.

LOUIS B. EARLY, *Chairman.*
WILLIAM B. SCHAEFFER, *Pastor.*

CHRIST CHURCH OF THE ASCENSION,
Paradise Valley, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
Chairman, of Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing to commend to your Committee favorable action on the nomination of Mr. William Rehnquist to the United States Supreme Court.

This recommendation is based upon the enviable reputation which Mr. Rehnquist enjoys in this community as a man of integrity, intelligence and the highest moral character.

I am pleased to be able to write to you in his behalf.

Yours very truly,
THE REV. DAN GERRARD,
Rector.

GRACE LUTHERAN CHURCH,
Phoenix, Ariz., November 2, 1971.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: A group of persons interested in the nomination of William H. Rehnquist to the Supreme Court, and who are anxious for his approval by the Senate, and who heard the enclosed "Youth Sermonette" have asked me to submit a copy of it to you. The copy is enclosed.

Bill has always been, since I have known him for the past nine years, a good example to hold before the youth of our congregation. He and I were personal friends besides enjoying a pastor-parishioner relationship.

If there were other ways to urge his approval for the Supreme Court, I would like to make them!

If there is further information you would like from me, please feel free to call upon me.

Sincerely yours,
CHARLES L. STRUBEL.

YOUTH SERMONETTE

(NOTE.—The Youth Sermonette was given at the morning worship of Grace Lutheran Church, Phoenix, Arizona, on Sunday, October 24, 1971, as a regular part of the morning worship. A Sermonette is given each Sunday. This copy of the Sermonette was transcribed from a tape made at the time. A request was made to distribute copies to the above. The request was made by persons interested in supporting W. H. Rehnquist in his nomination to fill a vacancy in the Supreme Court.)

To all of my young friends this morning:

The Bible tells us that each one of us is a citizen of two kingdoms: first, we are members of the Kingdom of God, and second, we are members of the kingdoms of men, or, in our case, citizens of the United States of America. So, we have to learn how to be good citizens of the Kingdom of God; and that is why you attend Sunday Church School, the catechetical classes, come to Church Worship; that is why you are Confirmed. Confirmation means a prescribed course of study on the Bible, the Catechism, and on churchmanship has been completed, and you become members of the adult community of the church.

In the same way, you learn in school about our country: about its history, the philosophy behind our democracy, the Constitution and our kind of politics. You learn the laws of our land and to obey them. If you don't like the laws, you learn that they can be changed by the will of the people. Therefore, we learn to be aware of what is going on in all of the areas of our government and to vote intelligently.

Since we are members of the Kingdom of God, and citizens of the world—the United States—we are living parts of the two! We are members of both of these kingdoms at the same time!

Now, these two kingdoms, although different, with different purposes, are not separate. For instance, you are not a member of the Kingdom of God on Sunday, and then, on Monday through Saturday, drop that membership to become citizens of our country, only to change back to being a member of the Kingdom of God on Sunday!

Rather, what you learn on Sunday, and through all of our educational groups, you use every day of your life. You take the Christian values and put them into the political situation!

I have known many people in the political life who have done just that. During my seminary days, I supplied a parish in Tennessee. One of my parishoners who had been a member of the congregation since birth was the former governor of the state, Prentiss Cooper. In Louisville, Kentucky, Judge Brachy was judge of the City Court; and also, in Louisville, Marvin Sternberg is the judge of the Court of Conciliation. I have known mayors of cities, city councilmen, and so on and so on. These men and women are using their Christian values in almost all of the political positions in our nation.

This last week, President Nixon made an announcement. He stated that he was proposing two men to fill the two vacancies on the Supreme Court of our country, which Court is a most important judicial body. I was surprised to hear the name of Mr. William H. Rehnquist. When I first heard his name, I could not believe my ears; and when I heard and saw the announcement on television a little later, I could scarcely believe my eyes! But, it was true! President Nixon had asked Bill Rehnquist to serve on the Supreme Court! You remember Bill, don't you? He spoke from this Lectern many times when he was a member of our congregation. You remember the "Temple Talks" he made for several years on Stewardship, when he was the chairman of that committee.

It is difficult, even after a person has been nominated for such a position, to be approved for the position on the Court, because he must have the approval of the Senate of the United States. Sometimes that is a high hurdle to jump! Then, there are those who like to defame any person who may be selected for such a position, and sometimes, even in the case of a Christian, ugly names are called, unwarranted charges, unsustained, are made against the person. I have already heard some of these untruths and half-truths and accusations which are not documented. Yet, a Christian's place is in the political arena, to do his best for his God and for his country.

You see, if you say that politics is crooked, or that there is much graft, or anything else like that, then it is up to the likes of you and me to vote in Christian people, or support Christian people, who will change the scene, and change the scene by a witness to a faith in Jesus Christ.

I am sure that we were thrilled to hear our President's announcement! I telephoned the Rehnquists' home the evening that I heard it. Bill was not at home. But Nan was! You remember Bill's wife, Nan, don't you? She taught a class in our Sunday Church School, as Bill did, and she also taught a class in our Vacation Church School. The family was deeply involved in the life of our congregation: Bill was on our church council and he was the vice-president of the congregation for several years. Nan was very excited; she said that they were very proud that President Nixon had nominated Bill, and that she was pleased that their friends in Phoenix were thinking about them.

I do not know whether or not Bill Rehnquist's nomination will be approved; I hope so. I do know that we need some people to speak out. For sure, some of you boys and girls here this morning should be where Mr. William H. Rehnquist may be. The Bible tells you this: you are members of two kingdoms, the Kingdom of God and the Kingdom of Men—the United States of America, and you can use the values of the first to make the second a better place in which to live!

ADMINISTRATIVE CONFERENCE OF
THE UNITED STATES,
Washington, D.C., November 2, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

MY DEAR SENATOR EASTLAND: I am writing in support of the President's nomination of William H. Rehnquist as an Associate Justice of the Supreme Court of the United States. As a former law clerk to the Honorable Harold H. Burton, a law professor for many years, and a friend of a number of Justices, including the late Justices Black, Frankfurter and Harlan, I have been a keen student of the Court for many years. I have a deep conviction that appointees to the Court should be men of the personal integrity with extraordinary intellectual qualifications.

Bill Rehnquist easily surpasses these high standards. His quick wit, shining intelligence, and legal acumen are evident from the most casual contact. What emerges after deeper acquaintance, which I have had the good fortune to have had with him, is balanced objectivity, a scholarly detachment, a rooting in the basic values of the Western tradition that are likely to make him in time one of the great Justices of the Court. The power of his intellect, when combined with his rhetorical skills and personal charm, will make an immediate contribution to the Court; and over the years he will become, I believe, one of its intellectual leaders.

I have worked closely with Bill Rehnquist since 1969 in my capacity as consultant and then as Chairman of the Administrative Conference of the United States, an independent Federal agency which has been greatly assisted by Bill Rehnquist's presence on its Council. Although Bill Rehnquist is a man of convictions—a deeply "principled man"—his convictions are reasoned ones which are likely to be highly responsive to changing conditions and circumstances. Moreover, he is a man of compassion and humanity, who will respond to the uniqueness of particular controversies with the appropriate degree of flexibility.

In short, I believe that William H. Rehnquist is admirably qualified for appointment to the Supreme Court of the United States. I hope that the Senate will confirm him promptly. If I can be of any assistance to the Committee on the Judiciary in connection with this matter, I hope you will call upon me. In any event, I ask that this letter be included in the record of the hearing on the confirmation.

Sincerely yours,

ROGER C. CRAMTON,
Chairman.

TUCSON, ARIZ.,
October 30, 1971.

Senator JAMES EASTLAND,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: In reference to your Committee's examination of the qualifications of William Rehnquist as a nominee to the Supreme Court of the United States, I wish to inform you that some of the news releases emanating from Arizona covering Mr. Rehnquist's activities on the Civil Rights question are in error either deliberately or inadvertently.

During the 1965 debates in the Arizona Legislature on Civil Rights I was the Majority Leader in the Arizona House of Representatives, a majority put together at that time by a coalition of Democrats and Republicans. In my capacity as Majority Leader I was primarily responsible for the Civil Rights Legislation and headed the House of Representatives Conference Committee which dealt with the Senate on that subject.

Demonstrations did take place before the State Capitol. Some demonstrators also tried to invade the Senate side of the Capitol mall, attempted a sit-in, and were ejected by members of the State Highway Patrol. In my recollection, Mr. Rehnquist had no involvement in any of these proceedings.

The demonstrators and their cohorts including then Representative, now Senator Clovis Campbell, were determined to have a piece of legislation which was highly punitive and far beyond the language and purpose of the 1964 Federal Civil Rights Legislation which we tried to approximate. During that tense period some legislators were threatened with death; we had the building evacuated for a bomb scare; and the orderly processes of government were threatened continuously by roving radicals from out-of-state who managed to be influential among Arizona sympathizers to the view that the Federal Act was weak and insufficient and the legislature controlled by bigots and racists. Again, Mr. Rehnquist had no part in the matter either directly or indirectly.

In terms of personal evaluation I watched Mr. Rehnquist in action long enough during my career within the Arizona political scene to make the following judgment:

He is a man of tremendous balance. His judgment is not casually given and when it is given it will be humane, considerate, intelligent, and sound. Any charges that he is a racist will have been made by people who are themselves separatists, political opportunists, chronic trouble makers, or some remainder of those emotionally overcharged people of 1965 whose tunnel vision rendered them incapable of good judgment then or now.

When the Chairman of both the major political parties in this state endorse Mr. Rehnquist, it is a clear indication of the acceptance he has in Arizona. To give any important consideration to the highly personalized opposing reactions of a few of our Arizona citizens whose minds and emotions run in a very narrow channel would be an unfortunate injustice to Mr. Rehnquist. It would also result in an injustice to the well being of our country.

Very truly yours,

JOHN H. HAUGH.

BILBY, THOMPSON,
SHOENHAIR & WARNOCK,
Tucson, Ariz., November 5, 1971.

Hon. JAMES O. EASTLAND,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: I have been a member of the Bar of Arizona for over thirty-five years, having served my state and its Bar Association in various capacities during that time.

I am well acquainted professionally with William Rehnquist, presently under consideration for the Supreme Court.

In my opinion, integrity, intellect and legal skill are, in that order, the essential requisites for judicial office, and Mr. Rehnquist meets the highest standards in these respects.

It would be impossible for a lawyer of Mr. Rehnquist's experience, standing in the community, and interest in his state and nation, not to have assumed some philosophical stance by the time he had attained professional maturity. In my opinion, a man is not qualified to become a judge if he has not taken a philosophical position, whether it be liberal or conservative.

I can state with confidence that there is no person in Arizona worthy of credence and familiar with his career, who would have the slightest doubt that Mr. Rehnquist could be swayed from an unbiased interpretation of the law by his personal philosophy.

I sincerely urge the Senate to approve President Nixon's appointment of Mr. Rehnquist.

Very truly yours,

H. C. WARNOCK.

SUPERIOR COURT OF PIMA COUNTY,
Tucson, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: I support the confirmation of William H. Rehnquist as Associate Justice of the Supreme Court of the United States. It is my feeling that he is eminently qualified for the office in every respect.

Among his colleagues in the legal profession, Mr. Rehnquist's legal scholarship and professional skill are highly respected.

It is urged that the Senate act promptly to confirm the appointment of Mr. Rehnquist as Associate Justice.

Very truly yours,

J. RICHARD HANNAH.

SNELL & WILMER,
Phoenix, Ariz., November 3, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judicial Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: In support of the confirmation of the nomination of William Rehnquist for the Supreme Court I wish to express my unqualified and whole-hearted endorsement. I have known him through law school, in legal practice, and personally in civic, social, and church settings for more than twenty years. He has rare legal talent in depth, humor, balance, integrity, exemplary moral character, wide practical experience, and great courage. I whole-heartedly believe him to be ideally suited in ability, temperament, and background for the office. So, I believe, will feel anyone, of whatever affiliation or group, who will look into his qualifications deeply, fairly, and objectively.

Yours very truly,

FREDERICK K. STEINER, Jr.

TOWN OF PARADISE VALLEY,
Paradise Valley, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
U.S. Senator, Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: William H. Rehnquist served as our Town Attorney for four years from 1965 thru 1968 when he moved to Washington, and we would like to encourage approval of this great attorney as an Associate Justice of the United States Supreme Court.

In all cases, Mr. Rehnquist handled the legal problems of our Town efficiently and effectively. Even tho this was a part-time job for him, Mr. Rehnquist never slighted any of our requests regardless of how busy he might be with his regular law practice—which reflects his helpful attitude and his sincere public spiritedness. He was industrious and thorough at all times yet never was he pedantic; he truly was a problem-solver for our Town Council and never, not even once, did he mislead us.

From our close association with Mr. Rehnquist we know that it would be a credit not only to the Town of Paradise Valley, Arizona but to the nation as a whole to have him appointed to the United States Supreme Court.

Sincerely,

JACK B. HUNTRESS,
Mayor.

O'CONNOR, CAVANAGH, ANDERSON,
WESTOVER, KILLINGSWORTH & BESHEARS,
Phoenix, Ariz., November 1, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR: I am writing to you in connection with the nomination of William H. Rehnquist to the Supreme Court of the United States, and to express my opinion as to the merits of the appointment.

Let me briefly describe my background and legal qualifications, so far as they may be pertinent to my evaluation of Mr. Rehnquist: I am a past-president of the Maricopa County Bar Association; I am a member in good standing of the following organizations: American College of Trial Lawyers, International Society of Barristers, International Association of Insurance Counsel, International Bar Association, Maricopa County, Arizona State and California State Bar Assns.; Board of Visitors, Arizona State University and University of Arizona; lawyer delegate, Ninth Circuit Judicial Conference, since 1968.

I have known Bill Rehnquist for approximately twelve years: I have known him well, and have tried a lawsuit against him; as a friend, I have talked with him on the subject of law in general, about cases, and the practice of law. As a registered Democrat—I am not the least bit concerned about Bill Rehnquist's allegedly ultra conservative Republican views. Most significant to me as a lawyer are his two overriding characteristics—exceptional scholarly ability and complete integrity, that fit him superbly for this position.

Very truly yours,

James H. O'Connor.

Lesher & Scrugs,
Tucson, Ariz., November 1, 1971.
Senator James O. Eastland,
Chairman, Senate Judicial Committee,
New Senate Office Building,
Washington, D.C.

Dear Senator Eastland: I am writing you with reference to Senate confirmation of Mr. William Rehnquist's nomination to the Supreme Court. I have been reading newspaper and magazine accounts of reaction to Mr. Rehnquist's nomination that have renewed in me a deep and growing concern for the whole process of Senate confirmation, which I am taking this occasion to express to you.

I am unable even in my imagination to conceive any basis for legitimate attack on this nomination or this nominee. I know enough of the man and his record to be confident that no attack can be made on his scholarship and intellectual excellence, his professional competence or his personal integrity. I now read, nevertheless, of opposition to his nomination, opposition based, presumably, on his failure to share the political, social or economic philosophies that seem to motivate his detractors. He is reportedly a "judicial conservative." So, I suspect, am I. In my lifetime I have watched Presidents nominate to the Supreme Court lawyers cherishing the most liberal judicial philosophies, and I have sat silent when, as in the case of Justice Goldberg, for example, the nominee was a man whose professional qualifications I could not challenge.

I deeply respect the function that the United States Senate performs in giving or withholding its consent to these nominations. It seems to me quite clear that any group degrades that function when it attempts to convert your hearings on a nominee's character, competence and professional qualifications into a contest of extra-judicial philosophies.

Such I take to be the nature of much of the effort now made in opposition to Mr. Rehnquist's nomination.

I believe that nomination to be a credit both to him and to the President. I hope and trust that the Senate in considering it will focus its attention on the relevant issues—the quality and competence of the lawyer nominated.

Yours very truly,

Robert O. Lesher.

Allen McClennen and Fels,
Phoenix, Ariz., November 2, 1971.
Senate Judiciary Committee
Senate Office Building,
Washington, D.C.

Gentlemen: Charges are being made that Mr. William H. Rehnquist should be disqualified from serving on the Supreme Court because of racial prejudice. My opinion on this question may be of assistance to the Senate Judiciary Committee.

You will need to know something about me and my knowledge of Mr. Rehnquist.

I am a life-long Democrat, and from September, 1963 until April, 1966, I was State Chairman of the Democratic Party of Arizona. I consider myself and am considered to be a "liberal" Democrat; for example, it is well known in Arizona that I supported Bobby Kennedy's presidential campaign even before President Johnson announced that he would not be a candidate for re-election. It is difficult to fully define "liberal" in the present political context, but in my case it has included unqualified support for all civil rights legislation and the Supreme Court decisions requiring integration and forbidding segregation.

I have practiced law in Phoenix since 1949 and have known Mr. Rehnquist both professionally and socially since 1953. We have had frequent contact over these years, politically, professionally and socially, and he has never given me any reason to believe that he was prejudiced in matters of race or color, and I believe that the truth is to the contrary.

I am aware that Mr. Rehnquist has opposed civil rights legislation and Supreme Court decisions in this area, but I believe that this springs entirely from his philosophical belief (which I hope has moderated) that the government should not attempt to intervene in the relationships of people.

My support for Mr. Rehnquist's nomination—and I do support it—arises primarily from the fact that Mr. Rehnquist is first and foremost a *lawyer*, and a very fine and very honest one. His devotion to the law and its proper practice is so strong that he could not possibly be other than completely impartial in trying or deciding a case before him. For example, if I were defending Angela Davis, I would be happy to have Mr. Rehnquist serve as the trial judge.

I realize, of course, that the role of the Supreme Court Justice is not that of the trial judge, and that philosophical bias can affect the Justice's opinion. However, what may be lost here (from my standpoint) will, in my opinion, be more compensated for by Mr. Rehnquist's ability, devotion to the law and complete integrity.

Respectfully,

Robert H. Allen.

Barrie H. Groen & Associates,
Architects,
Phoenix, Ariz., October 28, 1971.
Senator James O. Eastland,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.

Dear Senator Eastland: I had the pleasure of knowing Mr. William H. Rehnquist personally some 15 years ago when he and I were members of the same toastmasters club in Phoenix over a two-year period. During that time our club met weekly and I had the opportunity of hearing Mr. Rehnquist give many, many extemporaneous and prepared speeches on every conceivable topic. I, therefore, was exposed to a very broad spectrum of his views and philosophies of life.

Even in those early years I could not help but be impressed with Mr. Rehnquist's brilliant analytical mind. I always suspected that he was destined for a great future and time has proven me correct. He has a tremendous respect for the law and I have never detected any prejudice in his thinking. Detractors who are trying to brand him as a "racist" obviously do not know him. These charges are pure "bunk".

In my opinion President Nixon could not have picked a better man for a Supreme Court nominee. I urge you to support the president in his wise choice of Mr. Rehnquist.

Respectfully yours,

Barrie H. Groen.

Democratic Party of Arizona,
Phoenix, Ariz., October 28, 1971.
Re appointment to the U.S. Supreme Court of William H. Rehnquist.
Hon. James Eastland,
Chairman, Senate Judiciary Committee, The U.S. Senate, Washington, D.C.

Dear Senator Eastland: Although I am Chairman of the Democratic Party in Arizona, I am not writing this letter on behalf of the Party, but solely to express my own opinion regarding Mr. Rehnquist's nomination to the Supreme Court. I am writing this letter because I have been requested to state my opinion concerning Mr. Rehnquist.

So that the Committee understands my background and orientation, I offer the following. I have been a practicing attorney in Phoenix for approximately fifteen years and have served as State Chairman of the Democratic Party since January, 1970.

In addition, I have been involved in the civil rights movement in Arizona for a number of years, and especially during the first ten years of my residency here. I was one of the drafters of the Arizona Civil Rights Act and was involved in several organizations seeking improved human and race relations in the state. In the past I served as counsel for the American Civil Liberties Union, Arizona Branch, and was one of the founders of the state organization.

I know William Rehnquist personally and have debated with him on several occasions on such subjects as dissent in a free society, and the issue of civil disobedience. In essence, Mr. Rehnquist represented the conservative point of view, and I the liberal point of view on these subjects, if one can generalize in such a fashion. William Rehnquist's superb intellect and competency cannot be legitimately questioned. While I have not seen Mr. Rehnquist since he moved to Washington, when he was in Phoenix, he was regarded as probably one of the ablest lawyers and most brilliant legal scholars practicing law in Phoenix. So far as I know, he has the respect of all of the members of the bar for these legal abilities.

If I were a Senator, even given my own political biases, I would confirm the President's nomination. I have said to others, and repeat here, that I wish the President would not select conservative, "strict constructionist" Judges, but as I understand the Constitution and the custom which bears thereon, the President has a right to select nominees of his own political persuasion. William Rehnquist is a strict constructionist. He is not a radical, not a reactionary, not an extremist, and I have absolutely no evidence to suggest that he is a bigot or a racist. He is a genuine conservative without rancor, and a man of absolute honesty and integrity

Cordially,

Herbert L. Ely.

Jerry H. Glenn,
Phoenix, Ariz., October 28, 1971.
Senator James Eastland,
Chairman, Senate Judiciary Committee, Senate Office Building, Washington, D.C.

Dear Senator Eastland: The attached resolution was adopted by the Judges of this Court on this date.

Same is passsed on to you and your committee for your consideration.

I recall knowing quite well your good friend, Attorney General Joe Patterson of Jackson, with whom I served in the air corps.

I am,

Very truly yours,

Jerry H. Glenn,
Presiding Judge.

Resolution

Whereas, William H. Rehnquist, a member of the State Bar of Arizona, has been nominated by the President of the United States as an Associate Justice of the United States Supreme Court, and

Whereas, the Judges of the Superior Court in Maricopa County are well familiar with his legal ability by reason of professional association with him or of having had the opportunity to observe him while practicing before this Court, and

Whereas, the Superior Court Judges in Maricopa County believe that Mr. Rehnquist is well qualified to be an Associate

Justice of the United States Supreme Court and believe that his nomination should be speedily confirmed by the United States Senate.

Now, therefore, it is resolved that the Judges of the Superior Court of Arizona, in and for the County of Maricopa, do hereby approve the nomination of William H. Rehnquist as an Associate Justice of the United States Supreme Court and do hereby urge the United States Senate to take speedy action to confirm his nomination.

Dated this 28th day of October, 1971.

OFFICE OF THE ATTORNEY GENERAL,
Phoenix, Ariz., October 29, 1971.
Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Wing, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing this letter to support the nomination of William H. Rehnquist for appointment to the United States Supreme Court.

As an attorney, I can attest to Mr. Rehnquist's capabilities as a practicing attorney of the highest caliber. Those of us who have been associated with him as an attorney recognize his ability, his dedication to the law, and the high ethical standards that he evinced in the private practice of law.

Very truly yours,
GARY K. NELSON,
Attorney General.
FRANK SAGARINO,
Chief Assistant Attorney General.

SUPREME COURT, STATE OF ARIZONA,
Phoenix, Ariz., October 29, 1971.
Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I should like to indicate to you and to your committee my ardent support for William Rehnquist who has been nominated by the President for a Supreme Court vacancy.

I have known Mr. Rehnquist for many years and have a very high opinion of his personal integrity and ability. Not only is he an outstanding legal scholar, but he is a man dedicated to the rule of law. When I was on the trial bench in Maricopa County, Mr. Rehnquist appeared before me numerous times which gave me an opportunity to evaluate his ability. Since that time, I have also had the opportunity to see him in various other capacities in the legal field. His reputation in the Phoenix area is outstanding. He can certainly make a great contribution to the U.S. Supreme Court. I urge you and your committee to support his confirmation.

Very truly yours,
JACK D. H. HAYS,
Vice Chief Justice.

SUPREME COURT, STATE OF ARIZONA,
Phoenix, Ariz., October 29, 1971.
Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I am enclosing a petition in support of William H. Rehnquist as Associate Justice of the Supreme Court of the United States, containing the signatures of all the members of the Arizona Supreme Court, as well as the members of the Court of Appeals. These judges and justices are members of both political parties and by signing this petition wish to indicate to your committee the high esteem in which they hold Mr. Rehnquist.

Very truly yours,
JACK D. H. HAYS,
Vice Chief Justice.

TO THE JUDICIARY COMMITTEE,
U.S. Senate,
Washington, D.C.

Each of the undersigned is a member of the State Bar of Arizona and engaged in the practice of law in that state. We have signed this petition in support of the confirmation of William H. Rehnquist as Associate Justice of the Supreme Court of the United States and as an expression of our unequivocal conviction that he is in every respect eminently qualified for the office.

Mr. Rehnquist is possessed of unquestioned legal scholarship. His academic record, clerkship for the late Mr. Justice Jackson and practice in the widest spectrum of difficult areas of legal challenge attest to this. Among his colleagues at the bar he is known as a master of professional skills.

We urge the Senate to act promptly to confirm the appointment of Mr. Rehnquist so that the important business of the Court may move forward with dispatch.

JACK D. H. HAYS,
(And 10 others).

SUPERIOR COURT OF ARIZONA,
Phoenix, Ariz., October 22, 1971.
Hon. JAMES EASTLAND,
Chairman, Senate Judiciary Committee, Senate Office Building, Washington, D.C.

DEAR SIR: The President's appointment of The Honorable William H. Rehnquist to the Supreme Court is one of the best possible.

Mr. Rehnquist is a man of exceptional legal ability and high integrity. I can think of no other member of the Arizona Bar who is better qualified than he for this important position.

I urge that prompt and favorable consideration be given to Mr. Rehnquist's appointment.

Yours very truly,
CHARLES L. HARDY.

THE SECRETARY OF STATE,
Phoenix, Ariz., October 22, 1971.
Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: The nomination of William H. Rehnquist to the United States Supreme Court by President Nixon prompts me to write you.

Mr. Rehnquist was on the bar committee when the Uniform Commercial Code was adopted by Arizona, and I cannot thank him enough for the help he gave us, he did a magnificent job. Due to his work on the Code we have had no problems.

In my estimation, Mr. Rehnquist would make a very fine addition to the Supreme Court. I have found him to be highly intelligent and a very fine person in every respect. He is held in high regard by the legal profession of this State and we would all like very much to see him get the appointment.

Very sincerely,
WESLEY BOLIN,
Secretary of State.

OFFICE OF THE GOVERNOR,
Phoenix, Ariz., October 26, 1971.
Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: May I commend without reservation Mr. William H. Rehnquist for confirmation as Associate Justice of the Supreme Court of the United States?

His record of service in our State, his scholastic achievements, and lately his federal service all combine to affirm his qualifications for such confirmation.

During his career in Arizona, I appointed him to our Commission on Uniform State Laws in which work he rendered yeoman service.

Your favorable consideration and action will be appreciated.

Sincerely,
JACK WILLIAMS.

WITTENBERG UNIVERSITY,
Springfield, Ohio, October 26, 1971.
Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: As a citizen deeply concerned that our Supreme Court justices be men of highest character and of the finest judicial ability I hereby express to you and your Committee my unqualified support for the nomination by President Richard Nixon of William H. Rehnquist.

During the period from 1958 to 1962 I was pastor of Grace Lutheran Church in Phoenix, Arizona. During that time the Rehnquist family were regular worshippers and workers in our congregation. Their participation was not a matter of mere convention but of earnest conviction. The Rehnquist's were loved and respected by all who got to know them in our parish.

Through our numerous personal contacts, as friends visiting in their home and they in our home I got to know Bill Rehnquist very well. I know him to be an intelligent and sensitive man, one whose integrity is unquestioned, whose honesty is uncompromising and whom his fellow men can trust unreservedly. Bill Rehnquist will bring to the Supreme Court qualities of moral uprightness, thoughtfulness and fairness that will make him stand tall and respected among his associates and trusted by the citizens of our land.

Reliable, intellectually keen, a man of conscience and compassion . . . these are qualities of Bill Rehnquist. This I know from personal experience, not from hearsay. Our nation and our Supreme Court need the dedicated service of this man and to this end I support him with all my being and urge his approval by you and the Judiciary Committee.

Sincerely yours,
DAVID J. HARTMAN,
Associate Professor,
Department of Religion.

SUPREME COURT
STATE OF ARIZONA,
Phoenix, Ariz., October 27, 1971.
Hon. JAMES O. EASTLAND,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: As Chairman of the Senate Judiciary Committee, you probably are receiving innumerable letters regarding President Nixon's most recent nomination of William H. Rehnquist for the United States Supreme Court bench.

May I take advantage of this opportunity to endorse this recommendation. As Clerk of the Arizona Supreme Court and, prior to that, 17 years with the Clerk of the Superior Court of Maricopa County in and for the State of Arizona, I had considerable opportunity to work with and observe the abilities of William H. Rehnquist. Although I am a life-long Democrat, I can only say that this man has always had my deepest admiration and respect and will, without a doubt, be a tremendous asset to the United States Supreme Court.

Sincerely,
CLIFFORD H. WARD,
Clerk of the Supreme Court.

COURT OF APPEALS,
STATE OF ARIZONA,
Phoenix, Ariz., October 27, 1971.
Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: May a citizen of Arizona presume to speak on behalf of Mr. Rehnquist?

Mr. Rehnquist was admitted to the practice of law not long before I commenced my judicial service first as a trial judge and then as a member of this Court. Mr. Rehnquist appeared before me while I was on the trial bench and he has appeared in this Court. One case I recall is the complex case of Arizona Water Company v. City of Yuma, 7 Ariz. App. 53, 436 P.2d 147 (1968).

Mr. Rehnquist has always been well prepared. He has the fine capacity for objective analysis. His presentations have been quiet and respectful and at the same time thorough and effective.

We have been neighbors, though not close friends. He has an excellent personality.

Mr. Rehnquist has devoted himself to the service of his profession. He is a past president of the Maricopa County Bar Association. The County Bar was then one of the chief financial supporters of Legal Aid. There was an important recruiting of volunteer lawyer service. As an officer of and as president of the County Bar Mr. Rehnquist gave full devotion to the needs and services of Legal Aid.

As a sidelight and as an insight to Mr. Rehnquist's personal equation with people I mention that Mr. Rehnquist and I traded at the same neighborhood gas station. The people there knew him as a man and as a customer. I bought gas there shortly after the nomination was announced. The enthusiasm of these men for Mr. Rehnquist was genuine and heartwarming.

In my opinion based upon my great respect for Mr. Rehnquist as a man and as a lawyer, it is my sincere recommendation that his nomination be given favorable consideration by the United States Senate.

Because Senator Paul Fannin and Senator Barry Goldwater, I am sure, share my views I am taking the liberty of sending each of them a copy of this letter.

Respectfully yours,

HENRY S. STEVENS.

SUPERIOR COURT OF ARIZONA,
Phoenix, Ariz., October 27, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: Supreme Court nominee William H. Rehnquist has been known to me for approximately twelve years. I feel confident in stating that Mr. Rehnquist is a lawyer of outstanding learning and ability. He has an excellent reputation in the community and enjoys high standing in the State Bar of Arizona. His moderate temperament and willingness to consider all viewpoints equip him very well for appointment to the United States Supreme Court.

Respectfully yours,

DONALD F. FROEB.

SUPERIOR COURT OF ARIZONA,
Phoenix Ariz., October 27, 1971.

Senator JAMES EASTLAND,
Senate Judiciary Committee,
Washington, D.C.

DEAR SENATOR EASTLAND: I would like to add a word in support of William H. Rehnquist as Justice of the Supreme Court.

Mr. Rehnquist has actively practiced law in our courts and has appeared before me on various occasions. I consider him a man of absolute integrity and I believe him to possess unusual ability in the legal field.

Sincerely yours,

LAURENS L. HENDERSON.

STATE TAX COMMISSIONER OF ARIZONA,
Phoenix, Ariz., October 26, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

GENTLEMEN: Please use this letter as my unqualified support of Wm. H. Rehnquist for appointment to the United States Supreme Court based upon his recent nomination by President Richard M. Nixon.

Bill Rehnquist represented the State of Arizona in impeachment proceedings of certain of our elected officials during which trials he presented a masterful case against a very astute defense.

I feel his handling of this case and his respect for the individual rights of our citizens is terrific. I thoroughly recommend this appointment.

Respectfully submitted,

JOHN M. HAZELETT,
Member.

PHOENIX, ARIZ.,
October 28, 1971.

Hon. JAMES O. EASTLAND,
Chairman of Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I was Bill Rehnquist's law partner for almost ten years. His appointment to the Department of Justice ended an association that was about as satisfying as could ever be hoped for.

Bill has intellectual equipment of the very highest order, a deeply felt respect for his calling, and a fundamentally judicial temperament. Our substantially divergent political views never once led me to doubt his willingness, or his capacity, to consider and decide any question, of any kind, on its own merits.

He will make an outstanding member of the Supreme Court.

If I can provide any assistance at all to the deliberations of your committee, please call on me.

Very truly yours,

JAMES POWERS.

COURT OF APPEALS,
STATE OF ARIZONA,
Phoenix, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing this letter to express my personal support of the proposed appointment of William H. Rehnquist to the position of Associate Justice of the United States Supreme Court. I am well acquainted with Bill Rehnquist on both a professional and a personal basis.

Recent newspaper articles have made much of Mr. Rehnquist's conservative political philosophy and the statements which he has made in the past relative to his political views on various subjects. Let me express the hope that the question of Mr. Rehnquist's appointment to the United States Supreme Court does not degenerate into a political popularity contest. His integrity is beyond question. His extreme intelligence and sound legal scholarship, combined with his varied professional experience would, in my opinion, enable him to contribute immensely to the solution of matters brought before the Supreme Court.

Sincerely yours,

LEVI RAY HAIRE.

MCCUTCHEN, DOYLE,
BROWN & ENERSEN,
San Francisco, Calif., October 29, 1971.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing in support of the President's nomination of William H. Rehnquist to the Supreme Court. From 1961 to 1965 I practiced law in Phoenix and knew Mr. Rehnquist. He was in my opinion an able, effective lawyer whose intellect was well respected by the legal profession in Phoenix. He was known to be a sound counsel and advocate. I believe that he has a high understanding and respect for the rule of law and the integrity of the legal process. Although my political views differ sharply from his as a lawyer I have no hesitancy in urging his confirmation.

Sincerely,

ROBERT A. MILLS.

Mr. HRUSKA. Mr. President, after long and thorough hearings, the Senate Judiciary Committee reported the nominations of William Rehnquist and Lewis Powell to the Senate for confirmation as Associate Justices of the Supreme Court of the United States. Mr. Powell has now been confirmed.

As a member of that committee who has followed the confirmation hearings carefully. I feel compelled to answer what I consider mistaken and unfair attacks upon William Rehnquist.

To begin, let me say that that there is no challenge to the legal ability or integrity of the nominee. The attack directed at Mr. Rehnquist is focused principally on his alleged shortcoming in the field of civil rights which, in the words of the Senator from Indiana, "displays a dangerous hostility to the great principles of equal justice for all people." Such a sweeping accusation must be carefully examined in light of the facts. Certainly it cannot be allowed to go unchallenged.

Mr. Rehnquist is accused of "persistent unwillingness to allow law to be used to promote racial equality in America." To support that charge, three occasions are cited on which Mr. Rehnquist opposed a civil rights proposal, ignoring altogether that the nominee had supported a public accommodations provision as well as other civil rights provisions in 1966; that he played a major role in developing the Nixon administration's Philadelphia plan to end race discrimination in the building trade unions; and that he supported school integration efforts in Phoenix until compulsory busing to achieve racial balance was suggested.

Obviously the record does not support a charge of "persistent" opposition to civil rights. At most, it suggests that the nominee was cautious and concerned about racial changes in the law, even though directed at noble ends. Too often changes which are prompted by the most praiseworthy sentiments unhappily create greater harm than good.

The first occasion mentioned on which Mr. Rehnquist opposed a civil rights measure was in 1964 when the nominee expressed grave reservations about the advisability of a public accommodations ordinance. He was not alone in his concern that a certain amount of harm in the nature of greater governmental control over an individual's life would accompany whatever good would come of the Phoenix public accommodations ordinance. He suggested that passing laws would not eliminate either the racial animosity or the indignity to the customer which arose because of that animosity.

Mr. Rehnquist argued at the time that there was no widespread discrimination in Phoenix as there may have been in the Deep South. What practical good might come of the Phoenix public accommodations ordinance in the way of "whipping a few recalcitrants into line" was far outweighed, in Mr. Rehnquist's mind, by the serious harm that could come of widening the range of governmental controls.

I urge my colleagues to note that Mr. Rehnquist has said that his opposition to the 1964 public accommodations ordinance was ill-advised, principally because he did not fully appreciate in 1964 that the minorities wanted symbolic recognition of their right to equal treatment, if nothing more. This change of heart did not come after Mr. Rehnquist's nomination, as some have suggested. In 1966, for example, Mr. Rehnquist supported the public accommodations provision of the Model State Anti-Discrimination Act while he was serving as a member of the Arizona delegation to the National Conference of Commissioners on Uniform State Laws.

The second incident relied upon was Mr. Rehnquist's attempt in 1966 to amend two provisions of that same Model State Anti-Discrimination Act. I find the suggestion that this demonstrates "a dangerous hostility to equal justice" altogether unfair. Have we reached the point at which any opposition to a civil rights proposal, no matter how thoughtful and sound, is to be taken as opposition to civil rights and equal justice? Is it not possible that valid doubts can be voiced about the wisdom or constitutionality of a particular civil rights measure without being opposed to civil rights? I would urge those of my colleagues who are still troubled by the 1966 incident to look to the actual transcript of the proceedings of the National Conference of Commissioners on Uniform State Laws which has been inserted in the RECORD on November 24. I suggest that Mr. Rehnquist's opposition to those two provisions was thoughtful, level headed, and devoid of anti-civil-rights sentiment. It was based—as the transcript will demonstrate—entirely on the grounds that there were possible constitutional problems with the proposal as then drafted and that these sections of the act were not relevant or essential to the topic then under discussion.

It is also important to put this 1966 episode into perspective. After his initial reservations about part of the Model Act, Mr. Rehnquist joined with all other members of the Arizona delegation in voting for the entire act. The chairman of the conference, Albert Jenner, a Chicago lawyer widely recognized as a civil rights advocate, wrote to the committee on November 5 that he endorsed Bill Rehnquist's nomination. He pointed out that while the nominee was a commissioner, he actively supported the proposals of the conference once they were finally adopted.

The third occasion relied upon is Mr. Rehnquist's 1967 letter to a Phoenix newspaper criticizing a suggestion by the superintendent of the Phoenix Union High School District that compulsory busing of students might be used to achieve a better racial balance in the schools. It is not Mr. Rehnquist's defense of the concept of neighborhood schools which offends the nominee's opponents on the committee as much as his statement in that letter that—

> We are no more dedicated to an "integrated" society than we are to a "segregated" society; . . .

In fairness, the rest of that sentence said should also have been quoted. Mr. Rehnquist went on to say that—

> We are instead dedicated to a free society, in which each man is accorded a maximum amount of freedom of choice in his individual activities.

Mr. Rehnquist's opponents contend that he has never dissociated himself from this statement. Indeed, he has not. Instead he agrees with the famous statement of the elder Justice Harlan who said that "the Constitution is color blind." He also agrees with Mr. Justice Holmes that the Constitution does not embody any particular social, economic or political theory. His obligation as a Supreme Court Justice will not be to advocate a social view, no matter how laudable and widely held. His obligation will be to apply the language of the Constitution to the facts of the case before him. To go beyond that and infuse his own political or social views is to ignore the proper role of a Supreme Court Justice.

Interestingly, the four members of the Judiciary Committee who oppose Mr. Rehnquist ignore the nominee's testimony that his children receive an integrated education and benefit from it.

We have some reason to question whether every Member of this body is in that same happy circumstance.

Mr. Rehnquist demonstrates the clarity of thought and careful analysis that every judge should possess. He recognizes a distinction between what may be socially desirable or morally good, and what the Constitution requires. He does not confuse his own philosophy with the provisions of the Constitution.

When Mr. Rehnquist wrote that letter to the editor in 1967 on the subject of neighborhood schools, he was hardly displaying a "dangerous hostility to equal justice." He was insisting that there are limits to the reliance upon force and legislative edict to accomplish the goal of integration. Ultimately, the solution to race problems, he suggested, would be found in the free choices made by the citizens of this country.

The faulty reasoning of those opposing Mr. Rehnquist can be seen in the memorandum accompanying the minority views in the committee report. On page 39 in a discussion of the 1967 letter to the editor, one finds the following comments:

> The truly alarming aspect of this 1967 letter, however, is Mr. Rehnquist's statement, 13 years after *Brown* v. *Board of Education* that "we are no more dedicated to an 'integrated' society than we are to a 'segregated' society." As explained above, this statement cannot simply be written off by the nominee as made in the context of long-distance busing. It must stand on its own as representing his view of our society's obligation to its citizens. And Mr. Rehnquist has never disassociated himself from this statement. Yet at least since the Supreme Court declared that "separate is inherently unequal," this Nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed.

I challenge the statement that "this Nation has not been neutral as between integration and segregation." Surely this country has not been silent on the subject of segregation. We have condemned segregation. But to fall into the trap of either-or reasoning is to miss a significant point. The Supreme Court has required desegregation; it has not ordained integration. It has ruled that States and local communities which have resorted to de jure segregation must now take affirmative steps to undo that segregation. Yet it has not said that racial balance is constitutionally required in classrooms or neighborhoods, for example. Congress and the legislatures of the various States have passed statutes to prohibit discrimination and to insure equal opportunities for all Americans regardless of race, sex, religion, or national origin. But no one has decreed racial balance. The predominant social view in this country certainly is that integration is desirable, but the prevailing social philosophy is not necessarily the law.

Mr. Rehnquist is not opposed because he is personally against integration, because he is not. Indeed, he chose to live in an integrated neighborhood in Phoenix and to send his children to integrated schools. Mr. Rehnquist is challenged because he has not been a civil rights activist, because he has expressed concern about the wisdom of particular civil rights approaches—although not the goal of such measures—and because he has urged caution in passing civil rights laws.

Far from being a disqualifying factor, Mr. Rehnquist's consistent refusal to permit his personal views to affect his view of the proper role of law in our society is a characteristic which suggests that he will ignore his own philosophy in interpreting the Constitution.

The Senate has already confirmed Lewis Powell.

Mr. Rehnquist's opponents on the committee chose to support Lewis Powell. I commend them for that. But these opponents fail to explain why they chose to credit the statement of one supporter of Mr. Powell as proof of his acceptability on civil rights, while on the other hand they utterly ignored the strong statements from a number of Mr. Rehnquist's supporters to the effect that he possessed a sensitivity to civil rights. Some of these supporters harbor political views diametrically opposed to those of Mr. Rehnquist.

The record of both Lewis Powell and William Rehnquist in the field of civil rights demonstrates a cautious approach, without taint of racial animosity. Both men possess the sensitivity and humanity which are essential qualities for Supreme Court Justices.

Mr. President, there is one aspect of this nomination and this debate which I would particularly like to emphasize—Mr. Rehnquist's fairness, openmindedness, and lack of bias. In doing so, I quote from the penultimate paragraph from my individual views in the committee report:

> The Committee during the course of its hearings heard from a number of witnesses on this nomination—some endorsed Mr. Rehnquist while others opposed his con-

firmation. I think it interesting to note that those who know him well including those who differ with him philosophically, have had the best things to say concerning him. In the absence of any ability to reach into a person's mind and determine with certainty his thinking and reasoning on a given subject, I submit that we must rely on the evaluations of those who are personally acquainted with him. This is certainly a more reliable guide to the objectivity and openmindedness of a man than hearsay once or twice removed. On this ground I believe that William H. Rehnquist is an extraordinarily competent, thoughtful scholar and student of the law and in addition is a most compassionate and understanding human being.

The committee report dealt at length with the favorable testimony of several witnesses, and correspondence in support of this nominee, including that from Martin Richman, formerly Deputy Assistant Attorney General, Dean Pedrick of the Arizona State University Law School, Dean Neal of the University of Chicago, Jarril Kaplan, of the Arizona Bar, U.S. District Judge Walter Craig, and Prof. Benno Schmidt of Columbia Law School. Each of these men, while indicating that they might have different philosophical views than Mr. Rehnquist, affirmed their conviction that he was a man of fairness, ability, and judicial temperament. These men who know the nominee well are the best evidence we can have of his outstanding qualities, abilities, and openmindedness.

Mr. Rehnquist has throughout his career exemplified the finest attributes of a citizen and attorney. A brilliant student, skilled and careful practitioner of his profession, involved member of his community, warm and compassionate person, Bill Rehnquist will make an outstanding member of the Supreme Court. I am confident that he will be confirmed by the overwhelming vote of this body.

Mr. BAYH. Mr. President, will the Senator yield.

Mr. HRUSKA. I yield.

Mr. BAYH. Mr. President, I have listened with great interest to my friend, the Senator from Nebraska. Inasmuch as he has referred to the Senator from Indiana in his eloquent remarks, I thought that it might be helpful for the record to show in broader perspective what the views of the Senator from Indiana are.

The Senator from Nebraska suggested that the best way to judge the nominee would be to study his attitudes and the testimony of those who have been personally associated with him.

Does the Senator from Nebraska feel that this is better than to rely on what the nominee himself has said or on what the nominee has written?

Mr. HRUSKA. Is the Senator's question whether I have taken those factors into consideration?

Mr. BAYH. Mr. President, I am just referring to what the Senator has said, that the best way to judge a nominee would be to study the testimony of those who personally associated with him. But if we can get the specific words of the nominee, we do not have to go to any intermediary, because we can see what he thinks and hear what he says.

Mr. HRUSKA. Mr. President, by all means. And the nominee was extraordinarily compliant and obedient to the wishes of one committee. All the speeches he has made are on file, as well as a number of other products of his pen and tongue. The committee considered those. That is right.

Mr. BAYH. The committee did consider them. But I must say that at least a minority of the committee, including the Senator from Indiana, have come to a different conclusion than did the majority.

The Senator from Nebraska referred to that magnanimous and open-hearted gesture that the nominee made when he supported that uniform antidiscrimination statute. Has the Senator from Nebraska read the transcript of the discussion and debate during the time that particular uniform antidiscrimination code was being formulated?

Mr. HRUSKA. I reviewed the transcript, and I read it carefully and with great interest.

Mr. BAYH. I am glad that to hear that, inasmuch as I can point to at least two significant passages in which the nominee opposed parts of that statute. I hope the Senator from Nebraska can point to at least one instance in the debate and the transcript in which the nominee was for something positive. Did he testify or argue in support of any of the provisions? If so, I would like to know. I have studied the transcript and I cannot find one instance where he used his great intellect to get his colleagues on that Commission to support such legislation.

Mr. HRUSKA. The fact is that after the report of that Commission was completed he voted in favor of it as his entire delegation did. I do not know what else the Senator from Indiana would ask him to do.

Mr. BAYH. We have ample testimony to his opposition to the antiblockbusting provision. Blockbusting is an insidious tactic which the Senator from Nebraska knows of, and which I am sure he opposes, in which realtors go into a neighborhood and play on the racial frustrations of people and make a fast buck. He was opposed to outlawing this. We have chapter and verse, and I would be glad to put it in the RECORD. The Senator heard it in the committee. There was not a single word from Rehnquist supporting any single provision of the proposed antiblockbusting statute. The Senator mentioned that in the end he voted for it. That is not much proof of anything to me. Only two votes were against it during the final tabulation, Alabama and Mississippi.

I wish the Senator would—or could—find one statement by Mr. Rehnquist in the transcript which can fairly be interpreted to say, "I am in favor of civil rights."

Mr. HRUSKA. The testimony in the transcript is clear on that. He has done that several times. Given a little time, the Senator from Nebraska will respond by page and line.

I might suggest Mr. Rehnquist's opposition to that blockbusting provision during debates on provisions of the uniform law was based on constitutionality, in the first place; and second, relevance to the legislation being considered by the Commissioners. It was not, as I understand it, based on the merits. A perfectly frank argument was made. He was outvoted and he abided by the result.

Now, perhaps the opponents of Mr. Rehnquist want someone who will respond and be in their image, and in the activist ranks of civil rights, without reference to the constitutional bases that should be considered in any civil rights legislation.

Mr. BAYH. Mr. President, will the Senator yield at that point?

Mr. HRUSKA. And they also would want him to correspond to their mold so that there would be no objection on their part.

Let me suggest that a long time ago we have come to that bridge and crossed it back and forth. The plain fact is, as the Senator from Mississippi pointed out a little while ago, that Presidents over a long period of time have made the personal philosophy and political philosophy of their nominees one of the tests as to whether they would be chosen.

Mr. BAYH. How can the Senator from Nebraska make the assessment in light of the fact that only 1 hour ago, on the Powell nomination, only one Senator dissented. I voted for Lewis Powell. He is not exactly in the mold of the Senator from Indiana, and neither is the distinguished Chief Justice, Mr. Burger, but I voted for him and Justice Blackmun. How can the Senator say you have to have someone who marches along in lockstep?

Mr. HRUSKA. Because the Senator from Indiana persists in making a big point out of the two instances in which Mr. Rehnquist opposed what eventually turned out to be the final word of the Commissioners on the uniform law. Because of his initial opposition to those two provisions he is therefore unqualified to be a President's nominee. That is the argument as I understand it.

To finish my thought, I recall when Justice Whittaker retired in the spring of 1962 and two very distinguished and well-known brothers sat down to discuss the proposition of who should be nominated as Justice of the Supreme Court. The President and the Attorney General sat down and studied the matter. This is the way James E. Clayton, in his book "The Making of Justice—The Supreme Court in Action" describes it on page 51:

> As the two brothers studied the situation, they realized that they wanted the new Justice to be one who looked at the problems he would face from the same perspective as they did. Thinking back on the process months later, the Attorney General tilted back in his chair and said:
>
> You wanted someone who generally agreed with you on what role government should play in American life, what role the individual in society should have. You didn't think about how we would vote in a reapportionment case or a criminal case. You wanted someone who, in the long run, you could believe would be doing what you thought was best. You wanted someone who agreed generally with your views of the country.

Mr. President, my purpose in reading that excerpt is simply this. It describes an effort to try to measure up a nominee by a President, with some of the thoughts that were expressed by the man I just quoted. That is the privilege of the one who appoints the nominee. That is the proof of the proposition in the excerpt which I just read from Mr. Clayton's book.

So I say here there is opposition to a Supreme Court Justice based on statements he made in a debate during the consideration of a uniform law, raising contentions which were not finally agreed to. In the last analysis, however, he supported the final result of the Commissioners and made that report to the State of Arizona. But I think we are a little off base in asking for complete unanimity and conformance to that artificial mold in regard to qualifying a man to be a nominee for the Supreme Court.

Mr. BAYH. My colleague apparently misinterprets what I said, or maybe I cannot articulate my thoughts precisely enough for him. I have never said that the President should not consider philosophy. It is an accepted fact that he does. All Presidents do. I think we have laid to rest the proposition that the Senate should not consider philosophy; indeed, the nominee himself has stated repeatedly that he feels philosophy should be considered.

If one looks at Rehnquist's position, particularly in light of the Newsweek article and the memorandum that the then clerk, William Rehnquist, wrote for then Justice Jackson, in which he opposed overruling Plessy against Ferguson, he is far to the right of Richard Nixon. The President of the United States is against blockbusting, but Mr. Rehnquist was not.

What concerns the Senator from Indiana is that we have a situation that goes beyond getting agreement on everything, which I would not require. We have a man who has been consistently opposed to the direction which this country ought to go in the broad area of human rights.

Since the Senator from Nebraska referred to the 1966 joint meeting of the Commissioners as evidence of his support on civil rights—I suggest the record will show otherwise—let me point out he vigorously opposed two provisions of that act. I want to read what the distinguished reporter, Prof. Robert Braucher, who was a distinguished professor in Harvard and who is now on the Supreme Judicial Court of Massachusetts, had to say about the blockbusting provision Mr. Rehnquist wanted to root out of there. The majority of those Commissioners shared the opposition. He said:

> However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth; and then they go around to the neighbors and say: Wouldn't you like to sell before the bottom drops out of your market?
>
> And the notion that that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit.

This is why the Senator from Indiana is concerned about the nominee. I am convinced that he is a very intellectual man. I am convinced he is honest. I am convinced he is articulate. Indeed, his appearance before the committee showed that. But everything I have seen and everything I have read indicate that there are some very unscrupulous practices that Mr. Rehnquist will not use the Constitution to prohibit, and blockbusting is one of them. I do not think that our guarantees of free speech entitle one to go down and ruin a neighborhood and put white people against black people. Yet that was Mr. Rehnquist's position. And if there is an instance in the record in this commissioners' meeting that would lead me to feel otherwise, I wish the Senator from Nebraska would ferret it out for me. I have read every word of the transcript, and there is not one word in favor of civil rights. In fact—I have not mentioned it; I do not want to beat this to death—the fact is very clear that, in addition to opposing these two provisions of the uniform act, Mr. Rehnquist led a successful effort which prohibited those two provisions from being put into a uniform act, but made it a model act. A model act does not have the same force and effect and does not represent the same unanimous, dynamic commitment to the subject of the act. There is not one single word in those hearings to controvert that, and if the Senator from Nebraska has any, I hope he can give it to me because it would certainly make the Senator from Indiana rest a bit easier.

Mr. HRUSKA. The Senator from Nebraska will just make this observation: One of the statements in his principal remarks was that the opponents of Mr. Rehnquist find fault with him because he has not been a rabid activist in the field of civil rights. They have come to expect that a nominee to the Supreme Court should be such an activist, Mr. President, and for 30 years—certainly since 1961—that has been one of the qualifications in the appointments that have been made. That is one of the propositions with which I dealt in my principal remarks.

Inasmuch as there are others who wish to speak yet tonight before the hour gets late, I shall yield the floor to give them an opportunity.

Mr. BAYH. I hope that the Senator from Nebraska will permit me to examine some of the other statements he made with reference to the Senator from Indiana.

Mr. HRUSKA. Not at this time, because obviously it is a rehash of many of the things which we have debated before. Out of consideration and out of courtesy to some of my colleagues I propose to give them a chance to make opening statements. At a later time if the Senator from Indiana still desires further colloquy with this Senator, the Senator from Nebraska will be here all week, and all next week if need be.

Mr. BAYH. And maybe the week after that. Does not the Senator from Nebraska feel that perhaps it would be more helpful to those who are trying to study this, since he has made certain charges, for the Senator from Indiana to have a chance to have a colloquy right now?

Mr. HRUSKA. I am convinced that the Senator from Indiana will embrace the situation where the debate and discussion will be sufficiently extended that he will not be foreclosed at a later time from going into enlightening briefs. For the time being I think it would be only fair to our colleagues to yield to their desire to be in on the opening statements, to which the opening hours of a debate normally are dedicated.

I yield the floor, Mr. President.

Mr. GOLDWATER and Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I thank the Chair. I do not intend to indulge in the colloquy that just went on. I am not a lawyer, but I do have some feelings about this matter, because Mr. Rehnquist is not only a resident of my State, he is a friend of mine of long standing.

To get to my point quickly, Mr. President, I wish to read paragraph D from a statement that was just given us by the distinguished Senator from Indiana. Paragraph D on page 2 reads:

> *Alleged Harassment of Voters.* There are competing affidavits before the Senate as to whether Mr. Rehnquist personally harassed voters in 1964. The factual dispute is not resolved by any evidence before the Senate. Therefore, each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denials. But this uncertainty should not obscure the fact that Mr. Rehnquist, although he has tried to disassociate himself from the tactics used, held a high and responsible position in the Republican election day apparatus during several election years which saw very substantial harassment and intimidation of minority groups voters.

Mr. President, I will just comment briefly on that. I happen to live in Arizona. I have spent my whole life there. I know something about the political processes there. I have been deeply involved in them, as have my family for over 120 years, and anybody who makes the statement "which saw very substantial harassment and intimidation of minority groups voters" does not know what he is talking about, because this is not the case. It is as far from the truth as the truth can be.

To set the stage, Mr. President, I want to read the State law and the State constitution, even though I have to admit that rightly it has been affected by the Voting Rights Act of 1964 and subsequent decisions.

Article I, section 16–101, is "Registration Requirements":

> QUALIFICATIONS OF ELECTOR
>
> A. Every resident of the state is qualified to become an elector and may register to vote at all elections authorized by law if he:
>
> 1. Is a citizen of the United States.
>
> 2. Will be twenty-one years or more of age prior to the regular general election next following his registration.
>
> 3. Will have been a resident of the state

one year and of the county and precinct in which he claims the right to vote thirty days next preceding the election.

4. Is able to read the Constitution of the United States in the English language in a manner showing that he is neither prompted nor reciting from memory, unless prevented from so doing by physical disability.

5. Is able to write his name, unless prevented from so doing by physical disability.

I will admit, and we all admit, that in a Federal election the State had to conform to the Civil Rights Act of 1964 which required that a literacy test in writing not be given unless it applied to each and every voter. Thus, it was given to no one, in practice in 1964 or later.

Continuing to read from our laws, Article II:

Sec. 16–921. Grounds for Challenging Voter

A person offering to vote may be orally challenged by any registered elector of the county upon any of the following grounds:

1. That he is not the person whose name appears upon the register.

2. That he has not resided within the state for one year next preceding the election.

3. That he has not resided within the county or precinct for thirty days next preceding the election.

4. That he has voted before at that election.

5. That he has been convicted of a felony and has not been restored to civil rights.

6. That he has made a bet on the result of the election.

7. That not being prevented by physical disability from doing so, he is unable to read the constitution of the United States in the English language in such manner as to show he is neither prompted nor reciting from memory, or he is unable to write his name.

Again, this was affected by the 1964 Civil Rights Act, which requires that the test be applied to every voter in writing, or none at all. Also, the 1965 Voting Act requires that a sixth-grade education shall constitute literacy. But it was in effect without qualifications in elections prior to 1964.

Mr. President, we do have challenges in Arizona. I imagine most States have them. I think it is very wise.

Section 16–922, entitled "Challengers Representing Political Parties," reads as follows:

At each voting place, one challenger for each political party may be present and act, but no challenger may enter a voting booth except to mark his ballot.

Mr. President, that is a matter of our law, and each election year it is customary for a county chairman to submit a list of members of his party who are willing to act as poll watchers at each polling place, some 800 in the case of the county in which I live, and those poll watchers are to be found, usually in every single polling place, and they act as interested Democrats and interested Republicans. And, Mr. President, notwithstanding the size of the State, and the fact that we have Indians, Mexican-Americans, Negroes, and other minority groups living in the State, we have had no serious disputes arising from that. I will have to admit that in New Mexico, in one election, there was a problem that arose relative to the Indian voters, but it had no bearing on Arizona.

Mr. President, I think that constitutes enough of our law to indicate that having political watchers is not something unusual. In my State, it has been practiced pursuant to law for many years.

Mr. President, I wrote a letter to the Washington Post the other day. I hope they will print it, because I would like to see the record kept clear, both in the public print and in the Congressional Record. It involved a letter that had been written by Mr. Mitchell on this supposed violation of a person's voting rights. The letter I wrote says:

Dear Sir:

The time is long past due that the lie be put to the repeated observations of people who should know better relative to the supposed action of Mr. Rehnquist in preventing a person from voting.

Contrary to what Mr. Mitchell, Senator Bayh, Mr. Rauh and others might contend, this supposed event did not take place as they describe. Mr. Rehnquist has so stated many times and furthermore, Mr. Editor, I was there so I can speak with considerably more authority than any of the supposed experts can.

And, Mr. President, I was there. I remember a few incidents we had where a team of lawyers gathered in a central office, and Mr. Rehnquist happened to be one of those lawyers, together with some other very prominent members of the Arizona Bar from both parties. The lawyers were gathered in this office so that a watcher who had a suspicion that something might be wrong could, if he challenged and the challenge met with opposition, phone into the central office and get a legal opinion.

There were occasions, not including the incident mentioned, where lawyers would drive to the polling place to settle the thing as amicably as possible.

To continue the letter:

Let's develop the history of this whole situation. Under Arizona's Constitution prior to the Civil Rights Voting Act, a man had to be literate to vote and the test generally was to read the first line of the Constitution and write one's name. Although this was a part of the Constitution, I cannot recall more than a few instances of it ever being brought into play at the polling place. The matter that both parties in Arizona became concerned with this grew from our antiquated registration laws which have long since been changed.

Under these laws a person would not have his voting precinct automatically changed when he moved from one place to another. Because of this it was possible to find some voters registered in as many as six different precincts. It was the practice in some isolated instances for these people to be looked up and taken to the places where they could vote and if they were not challenged, they could have their vote recorded as long as they were not challenged.

Mr. President, the main purpose of our watchers in Arizona has been, in the past, to determine whether or not the person voting—whether he was a Republican or a Democrat, white, black, or brown, did not make any difference—had previously voted in that election. I might say that since that time, as I shall recite, our registration setup has been changed, and now it is impossible, although we do require poll watchers to check and see if the name that is signed coincides with the name in the registration book.

To continue with the letter:

Before going into the watcher setup, let me tell of another practice that prevailed in Arizona in some precincts before we changed our paper ballot. The ballot used to be printed with the names appearing in the same order throughout, so it was a simple task for someone to take a string and tie knots in it so that when placed beside the names to be voted it would show who to vote for, and this string would be given to the illiterate voter who merely went into the voting poll, placed the string beside the ballot and marked his X where each knot appeared. This was subsequently corrected by alternating the names on about every two hundred ballots as they came off the press, so the string trick didn't work after that.

I recite that as a rather humorous illustration. It has been done in other States as well. But this is another reason why I think it is wise for both parties to provide watchers.

To get on with the letter:

Now to prevent unqualified voters from casting a ballot each party, the Democrats and Republicans, set up what we call poll watchers. At each polling place, even today with voting machines we have them and they are applied to every polling place in the State regardless of whether they may be in a predominantly Mexican-American neighborhood, Negro neighborhood or White neighborhood. We are interested in honest voting regardless of race, creed, color or location and that is the whole purpose of watching teams in each party, and they are approved by the County Board of Supervisors in Arizona.

Now to correct the allegations being brought out by his detractors concerning the specific operation in which Mr. Rehnquist was involved, he was appointed along with several other attorneys from both parties by the County Chairman of both parties to give advice and guidance to assure that voting was done only by properly registered voters. The statutes of Arizona recognized the need for polling challengers to assure that only properly registered voters cast a ballot so Mr. Rehnquist and others were seated at a central location. When a challenge was called in from a poll watcher, legal advice was given, not only by him, but by other lawyers gathered for this specific purpose.

I don't believe that Mr. Mitchell, Mr. Rauh or Senator Bayh stretching their liberal thoughts as far as they can can find anything wrong with this as illegal voting, whether it touched upon a man's right to vote because of literacy or illiteracy or his right to vote in more than one precinct or his right to use a string with knots in it. I don't believe these three gentlemen would condone dishonest voting in their precincts anymore than the Republicans and Democrats in Arizona would condone it in their precincts.

I offer this letter, and I hope you will publish it, because if I ever heard a repetition of an outright lie day after day by the newspapers and in Senate speeches, it is this, and if it is raised on the Senate floor it will be charged precisely as that.

Mr. President, to make this part of the Record abundantly clear—and I shall not address myself to anything else tonight—I want to move into this matter of how Mr. Rehnquist supposedly got involved in all of this.

There was an affidavit offered by a Mr. Jordan Harris, of 1825 Appache Street, Phoenix. He testified that on Tuesday, November 3, 1964:

I was present as a deputized challenger for the Democratic Party in Bethune Precinct, a predominantly black precinct in South Phoenix, and witnessed the following incident.

Keep this date, 1964, in mind. It has a great bearing upon whether we should pay any attention to this or not.

I appeared at the polling place, Bethune Precinct, at approximately 11 a.m. on the above mentioned date, deputized, by Judge Flood. When I arrived at the precinct I met with the election board committee and presented my official papers to them as a challenger for the Democratic Party. I met the Party challenger for the Republican Party, Mr. William Rhenquist at that time. I met with Mr. Rhenquist because I noticed him harassing unnecessarily several people at the polls who were attemping to vote. He was attempting to make them recite portions of the Constitution, and refused to let them vote until they were able to comply with his requests. The persons involved were Mrs. Mitchell, Mrs. Campbell and Mrs. Miller. When I noticed he was pulling these people out of the line I then approached him and argued with him about his harassment of the voters. We then engaged in a struggle and the police were called in. Mr. Bob Tate came to my assistance during the struggle. The police then escorted him into the principal's office, Mr. Rhenquist and the police then left by the side door. I know that this man was Mr. Rhenquist because the election board introduced him to me as a challenger for the Republican Party. I believe that he did not leave the polling precinct altogether because I saw him across the street a short time later. He remained at the polling place well after 5 p.m.

JORDAN HARRIS.

It is signed "Jordan Harris," and it is witnessed by a notary public. I think the notary's signature is "Jeanne Warner," but I cannot read it very well.

Mr. President, this affidavit is followed by another affidavit from Mr. Robert Tate, describing about the same actions, and I will not bother to read that at this time. But he goes on to say, in the last paragraph of his affidavit:

I now remember him from pictures I have seen lately in the papers as the same one involved in the above incident at Bethune Precinct. He did not, at that time, however, wear glasses.

That is the end of the affidavit from a Mr. Robert Tate, and it is witnessed by the same notary public.

Mr. President, it is interesting, because, as I said, Mr. Rehnquist was not at that polling place at all.

The AP had a story out of Arizona. The AP reported that Judge Hardy, who was a very prominent and fine judge of our State, said in an interview he had advised Democratic Party challengers and poll watchers in the same years that Rehnquist advised Republicans. Judge Hardy said there was an incident at Bethune precinct in which a Republican challenger got into a scuffle and was escorted from the polling place by two sheriff's deputies, but the judge said it was 1962, and not 1964, and the challenger was not Rehnquist.

Mr. President, I know it was 1962. I was there. I was called because we felt that any attempt—even though our statutes applied at that time—that involved a bodily effort to refuse the right of a person to vote would reflect badly upon the party, and we were not pleased with it, and we made public announcement of it at the time. But this is 1962; it is not 1964. In 1964, a different set of rules applied, and our Attorney General ruled the State practices must conform to the Civil Rights Act of 1964, something which all our attorneys and watchers knew.

"I have nothing to hide," Harris told the Arizona Republic, although he declined to tell his age or to answer a number of other routine questions about himself. I find nothing wrong with that. This is from the newspaper story, which continues.

Some of the details of his life came to light upon examination of files of past news stories published in the Republic and the Phoenix Gazette.

One showed that in March, 1964, Harris, then 52, admitted in Maricopa County Superior Court that he had sold beer to a 19-year-old youth. At the time Harris was the owner of the Friendly Seven Food Market, at 1853 South Seventh Avenue.

He was fined $500 on a plea of guilty to selling spirituous liquor to a minor. Judge Henry S. Stevens sentenced Harris and allowed him to pay off his fine at the rate of $50 per month.

At the time of his plea, Harris acknowledged a prior conviction for a similar offense in 1960.

Newspaper records then showed that Harris had been a railroad cook. Last night Harris said he had once worked for the Atchison Topeka and Santa Fe Railroad, but he declined to tell a reporter what kind of a job he had at the railroad.

Again, that is his right.

Another story in the Republic shed more light on Harris' past.

The article reads: "It was a September 15, 1961 news account of his being severely wounded in the abdomen by a bullet fired by an irate, 21-year-old woman whose $107 welfare check Harris cashed, withholding $81 he said the woman owed on her grocery bill.

Mr. President, I offer all this material merely as background; because if we are going to hear a repetition of the charge that Mr. Rehnquist denied or attempted to deny anyone of his right to vote, I am going to have to repeatedly stand up on this floor and challenge the veracity of it, because I was there, and it is just not true.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. BAYH. I had not intended to interject this incident into the debate. However, one Member of this body did include it in the RECORD. It was one point, and we said the evidence was quite inconclusive. However, since the Senator from Arizona has gone very close to suggesting that some of us were not being kind with the truth, I ask unanimous consent to put the clippings of that era into the RECORD, for all Senators to read, and then they will judge for themselves whether there was any voter intimidation or alleged harassment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Nov. 4, 1962]

CHALLENGERS TO WORK AT POLLS

Maricopa County voters yesterday were urged to make sure they are properly registered, and that they vote at the right polling place to avoid a slow-down in voting.

George Erhardt, director of the County Election Bureau, said election boards have been schooled in handling challenges to avoid as much delay as possible. But Republican Party officials have warned they will challenge every Democratic voter whose qualifications can be questioned.

Erhardt said inspectors have been instructed to take any challenged voter from the line so it can continue to move while the judges handle the challenge.

Meantime, Democratic Party officials said they will have watchers at the polls for the purpose of seeing that voters' rights are protected.

A spokesman for the Republicans said a return address letter has been mailed to many registered Democrats in some areas of Maricopa County, and the challengers will be on hand to question eligibility of every voter where this letter came back undelivered.

Vince Maggiore, Democratic county chairman, an attorney said the Democrats have organized a committee of some 100 attorneys to try to protect the right of every citizen to vote, and he accused the Republicans of using the challenge to delay voting and keep Democrats from the polls.

Under the law, Arizona voters who change their place of residence from one precinct to another before the deadline for registration and do not reregister are disqualified, but if the residence change occurred after the deadline, they may vote in their old precinct.

Under general procedure, a challenged voter is questioned by the election board officials, and he may be required to sign an affidavit that he is a resident of the precinct and eligible to vote under threat of prosecution for perjury.

Republican officials denied any intent to hold up or delay voting, and said they are merely seeking to prevent abuse of voting laws.

[From the Phoenix Gazette, Nov. 6, 1962]

CHALLENGERS TEST VOTERS' LITERACY

(By Bill Herman)

Balloting was slowed down for a while this morning in at least three South Phoenix precincts by challengers who demanded that voters read from portions of the U.S. Constitution to prove they were literate.

Two assistant U.S. district attorneys, an FBI agent, a deputy county attorney, and attorneys for both political parties investigated the incidents.

The challenges were based on an Arizona law which requires a person to be able to read and write in the English language as a condition of voting.

There were no arrests, and the challengers withdrew after conferring with the lawyers.

The county elections bureau said the incidents were reported at Bethune Precinct, 1510 S. 15th Ave.; Okemah, 3146 E. Weir, and Sky Harbor, 3801 E. Washington. There was also an unconfirmed report that similar activity took place at Broadway Precinct, 1701 W. Roeser.

George Erhardt, county elections chief, called the challengers "over zealous."

At Bethume School precinct, Carl Sims, 1821 W. Madison, a former state legislator, said a Republican challenger "was trying to disenfranchise our citizens down here by subjecting voters to a literacy test."

When the U.S. attorney's representatives arrived, Sims told them: "If you don't get that man out of there I'll get some people up here to get him out. He's stopping us from voting."

Mrs. Bessie Bass, 1213 S. 12th Ave., the election marshal, said 13 voters out of 565 had been challenged by 11:30 a.m.

Another voter was challenged on the literacy basis by Jordan Harris, 1825 W. Apache, a Democratic challenger.

Twelve voters were challenged, most of them on their ability to read the U.S. Constitution, by Wayne Bentson, a Republican challenger, of 3550 W. Seldon Lane.

Mrs. Lillie Mae Hall, 1317 W. Pima, an inspector, said none of the challenged voters failed the test though one did refuse to take it and left the polls.

"We also did not hold them to exact pronunciation of the harder words, like tranquility,' Mrs. Hall said.

Mrs. Bass said many of those challenged were upset or angered by the request.

The precinct has a total registration of 1,119.

Most of those being challenged were Negroes and persons of Mexican descent.

J. D. Holmes, a Negro and member of the Arizona House of Representatives, charged that Republicans were "using Mississippi tactics."

He said they were trying to "thwart the minority vote in the state."

Holmes claimed 15 to 20 persons, angered at the delay, left the polls without voting.

[From the Arizona Republic, Nov. 7, 1962]

Voter Challenges Bring Probe

A number of Negroes and Spanish Americans attempting to vote in south Phoenix yesterday were challenged on their literacy and residential qualifications.

The challenges, made by Republicans, led to a brief scuffle in one precinct.

The challengers in seven south side Phoenix precincts were so aggressive that Sen. Carl Hayden, D-Ariz. asked the FBI and the U.S. district attorney's office to investigate.

A Democratic official claimed such tactics have been used in Maricopa and Pima counties for several years. Challengers demanded that would-be voters read a portion of the U.S. Constitution to prove their literacy and show proof of legal residence.

Some persons said the challenging obstructed their right to vote and caused delay for those waiting to vote.

The scuffle came at the polling place in Mary McLeod Bethune School, 1510 S. 15th Ave., where opposing party pollwatchers struggled briefly inside and an angry crowd gathered outside.

Police hustled the combatants inside the nurse's office and Mrs. Ellen Jane Greer, deputy county attorney, restored order.

The U.S. district attorney's office made two checks at the polling place after receiving repeated complaints. The first was made at 11 a.m., and the second—at the request of Sen. Hayden—at about 4:30 p.m.

The first investigation was made by William J. Poudsen Jr. and James J. Brosahan, assistant district attorneys on reports that the voting line was being delayed by the challenge.

Several of the voters, mostly Negroes, declared they felt discrimination was involved, it was reported.

About 17 potential voters had been challenged. Witnesses said many were asked to read parts of the U.S. Constitution.

Shortly after the first inquiry, word of the situation reached Sen. Hayden in Washington.

Carl Muecke, U.S. district attorney here, said last night that his office was then contacted by Hayden's Phoenix office. The latter relayed Hayden's request to join the FBI in a further check of the incidents.

Muecke said he and two FBI agents went to the school and "talked to people who wished to make statements." He said the investigation included talking to those involved "on both sides."

The district attorney said it was reported that 50 would-be voters had turned away from the polls without casting ballots. He said their reasons were not known. They apparently did not include rejection for failure to pass the literacy test, however.

Muecke said the FBI is continuing the investigation and should make its report to his office by the weekend. He said his office will then evaluate the report to see if any federal law or laws have been violated.

In the middle of the fracas at The Bethune School were Wayne C. Bentson, 3550 W. Seldon Lane, a Republican challenger, and Pat Marino, 6439 S. Fourth Ave., a Democratic party representative.

Bentson told police he wanted to file an assault complaint. He insisted Marino intercepted him as he left the nurse's office after making a phone call to party headquarters.

"He grabbed me by the arm and twisted me around," Bentson said. "He grabbed me by the belt and pulled me up against the wall. I hit at him and I meant to."

Marino claimed it all happened when Bentson shoved him as he was entering the nurse's office.

"He hit me in the mouth," Marino said. "I didn't lay a hand on him."

Police made no arrests, suggested both see the county attorney today.

Mrs. Greer, making her second call of the day at the precinct, advised the election board it could exclude anyone of either party who was causing a disturbance.

The board voted to exclude both men, along with another Democrat and another Republican challenger. Both challengers were quickly replaced with substitutes acceptable to the board.

Republican challengers were reported active in seven south side precincts. Mrs. Greer reported she responded to complaints from three others. Sky Harbor, Parkview and Okeman.

Other troubles were quickly settled.

Richard G. Kleindienst, state GOP chairman, guessed that 90 per cent of some 300 challengers in Manicopa and Pima counties were Republican.

"These challengers are the same persons, under the same instructions, who have been doing this is Maricopa and Pima counties since 1956," he said.

But Vince Maggiore, county Democratic chairman, insisted that some Republican challengers were assuming authority reserved to election board officials.

"The tactics being used by Republican challengers in minority areas reflect discredit on a great national party," he said.

"There should be no place in Arizona for deliberate attempts to impede the voting of groups which have fought so hard for their rights."

Responded Kleindienst:

"We challenge in precincts where it has been demonstrated in the past that some parts of the Democratic organization in Maricopa County try to crowd into the polls at the last minute people who are not qualified to vote.

"Our success is the thing that's got them upset. I should think they'd be a little bit embarrassed to point at us."

He challenged Democrats to show where one qualified voter was kept from the polls by challenges.

Democrats claimed that in one or more precincts Republican challengers were calling upon voters to read sections of the constitution "containing a lot of big and difficult words."

They also were demanding an explanation of the word "tranquility," and challenging voters who hesitated, Democratic poll watchers claimed.

Under state law, voters must be able to read from the U.S. Constitution unless they are physically unable to do so. Typed passages are provided for election officials, who are the sole judges of the voter's qualifications.

[From the Arizona Republic, Nov. 8, 1962]

Tempers Cool, Prosecutions Fade in Wake of Incidents at Polls

Nobody asked for prosecution yesterday in the wake of interparty incidents at the polls during Tuesday's election, Ellen Jane Greer, deputy county attorney, said.

"I guess tempers cooled when the polls closed," she said.

Mrs. Greer said the law prohibits anyone from illegally interfering with the election process.

She declined to say whether anything reported to her during the hectic events of Tuesday would be deemed unlawful.

Meanwhile, the FBI had nothing to report on its investigation into claims of intimidation of electors by one or more Republican challengers at one polling place.

Carl A. Muecke, U.S. attorney, said he hadn't received an investigation report from the FBI. He ordered the probe at the request of Sen. Carl Hayden, D.-Ariz.

In Tucson, the chairman of the Pima County Democratic Central Committee charged harassment and abuse of the right of challenge by Republicans Tuesday.

But the Republican county chairman defending it, and the county attorney reported finding no law violations.

Joe Huerta, Democratic chairman, claimed Republicans challenged as a "slow-down tactic" to discourage voters waiting at heavy turnout precincts.

In Spanish-American areas it drove many voters from the polls, he claimed.

"They are proud people," Huerta said, "and this embarrassed many of them."

The GOP chairman in Tucson, John Leonard, denied the law was abused while saying that 30 to 45 challengers were successful in one area.

County Attorney Jack Podret of Tucson said his office investigated dozens of complaints from both parties, "just the same complaints we get every election day."

Most challenges were made on the voters ability to read the U.S. Constitution, as required by state law, or the claim the voter no longer lives in the precinct he wants to vote in.

[From the Arizona Republic, Oct. 21, 1964]

Ballot Security Officer Named

William H. Rehnquist, Phoenix attorney, has been named chief ballot security officer in the Nov. 3 election by the Maricopa County Republican Committee.

"We intend to challenge voters in some of the precincts in which claimed irregularities have occurred in the past," said Wayne E. Legg, committee chairman.

Rehnquist, cochairman of the 1960 ballot security program, said schooling sessions have been scheduled for Oct. 29 and 30 to train workers who will be assigned to the polls.

[From the Phoenix Gazette, Oct. 22, 1964]

GOP Plans Challenge Schooling

Voters will be challenged in some precincts where irregularities have been claimed in the past, Wayne E. Legg, chairman of the Maricopa County Republican Committee, declared today.

Legg announced the appointment of William H. Rehnquist, Phoenix attorney, as the chief ballot security officer.

Rehnquist, who is also general counsel for the county GOP committee, said two schooling sessions have been scheduled to train workers who will be assigned to various precincts for challenging purposes. He said one school will be held Oct. 26 and the other Oct. 29.

In 1960 Rehnquist was cochairman of the ballot security program and in 1962 headed a committee of lawyers formed to protect legal ballot procedures. Don Froch heads the lawyer group this year and Fritz Randolph, also a Phoenix lawyer as well as a former aide to Senator Goldwater, is serving as coordinator of the program.

[From the Arizona Republic, Nov. 4, 1964]

MOST MARICOPA VOTERS PLAY THE WAITING GAME—BALKING MACHINES CAUSE COMPLAINTS

It was a waiting day and night of aching feet and frustration at many polling places in Maricopa County yesterday.

Voters stood in line for as long as four hours as election officials grappled with the problem of malfunctioning voting machines and charges of harassment of voters.

At 10 p.m., at least 500 voters still waited to cast their ballots at a half-dozen precincts in Phoenix and suburbs, all that were left after as many more quit the waiting game in disgust when their radios projected Lyndon Johnson as the presidential winner.

Attendants at Glendale Precinct 4 said the discouraged voters went home, convinced that their votes were not needed to determine the winner.

Precinct 4 was still pushing a line at 10:30 p.m. with more than 200 voters to go. Some had waited since shortly after 6 p.m. Many had not eaten their evening meal and lightly clad women complained of the evening chill. One couple said they had come to the polls, in the Civic Center, three times during the day in hopes of avoiding the long lines.

At Tempe No. 7, there were 253 voters lined up at 10:30 p.m. and voting was expected to continue for at least three hours.

Everywhere during the evening, reporters and election officials said voters were fighting the boredom of waiting with guessing games and good-natured joking, while they swallowed hot coffee from thermos jugs and snuggled in coats and parkas to ward off the cold.

Democratic Party leaders Charged "substantial harassment of Democratic voters" in six Phoenix precincts. State Chairman Robert H. Allen said reports reached his office indicating the harassment consisted mainly of "indiscriminate mass challenging of voter residency."

He named the precincts as Murphy, Riverside, Butler, Sierra, Vista, Sullivan and Glendale No. 4, all with a substantial percentage of voters in Negro and Mexican-American categories. He indicated that most of the trouble caused by the complaints was resolved.

Republican voters in Brown Precinct were among the first to charge that a voting machine was not registering properly. A woman voter said that when she pulled the lever for Goldwater, the Johnson lever kicked out and she presumed her vote went to Johnson. The next voter in the booth came out without complaint.

The third voter made a complaint similar to the first—the machine voted Democratic when the Republican lever was pulled. The trouble was soon corrected.

At the West High Precinct, more than 100 voters were forced to wait when one machine would not function at all. * * *

Complaints of malfunctioning were fairly common. Republican headquarters in Phoenix said many elderly persons had to stand in line for two hours at Youngstown Precinct because of trouble with the machines.

By scheduled closing time, only 1,302 of 1,800 registered voters had pulled the levers at the Sungold Precinct in Palo Verde School.

Avalon and Suncrest Precincts had long lines at closing time and the two machines at Deer Valley Precinct in Church of the Nazarene had not yet served more than 200 voters at 7 p.m.

At Deer Valley, the two machines handled 35 voters an hour during the long day and election judges complained they had no access to telephones so they could call out for help—presumably for more machines.

Some precincts reported smooth sailing all day with no complaints or problems. Long Precinct had only 350 voters to go at 2:30 p.m. out of 948 registered, and Alhambra Precinct had only 300 out of 1,060 voters on the yet-to-vote list by 3:30 p.m.

The Maricopa County Registration and Elections Bureau looked at the day of heavy voting and some confusion with a less-than-worried air.

Complaints were "unusually light," officials said, in view of the tremendous outpouring of voters. The chief complaints involved voters whose affidavits had not been filed with the bureau. The bureau blamed registrars for the oversight.

Mr. GOLDWATER. I will put them into the Record at a further point. In case the Senator cared to dwell on this at greater length, and he evidently has intended to——

Mr. BAYH. The Senator brought it up.

Mr. GOLDWATER. Mr. President, I have the floor.

He outlines that as one of the reasons, and has three pages on it in his minority report memorandum. I want to establish a firm understanding among Senators as to what took place. There are some allegations that I cannot support because I do not have any knowledge of them. But I do know in this case what happened, and, from personal knowledge, know that nothing happened that could in any way reflect on Mr. Rehnquist.

Mr. BAYH. The Senator from Arizona said there was no voter harassment.

Mr. GOLDWATER. That is right.

Mr. BAYH. Is the Senator not aware, since he was there, that there was sufficient harassment to have the FBI called into the Bethune precinct? If he would like to read the FBI field report—it is about a 36-page document—I am sure the chairman of the Judiciary Committee will make it available. If there was no harassment, why did the FBI do that?

Mr. GOLDWATER. The Senator does not understand what I have been trying to talk about. We have had the right in Arizona—and I think most States have it—to appoint two poll watchers to every precinct or to any precinct we care to. If these poll watchers see some person in line who they suspect has voted before or is voting not in consonance with the law, they have the right to challenge. This will happen. The entire line stops while that challenge is corrected.

But I will say this: We have found in the predominantly Republican districts at times, not often—neither side has abused this—the Democrats would challenge a Republican because they knew the whole line was going to vote Republican. When we challenged down in these districts, or up north in the districts where we had reason to believe, in the days before the 1964 Civil Rights Act and the 1965 Voting Act, that a man could not read or write, we had the legal right to challenge that. I think it was demanded upon us to make sure that no illegal votes were cast.

I will go back one more step: There may have been incidents at Bethune—the only case I can recall was a case of a man—certainly not Mr. Rehnquist—being moved out of the polling place by the police. There is no record of this man ever having been booked; there is no record of any charge being made against him. It was merely to settle an argument that had arisen between a Democratic watcher and a Republican watcher, before either took the trouble to call into headquarters and say, "What should we do?"

Mr. BAYH. Looking through some of the statements supporting Mr. Rehnquist, I find the name of Judge Charles Hardy. Is the Senator from Arizona familiar with Judge Hardy?

Mr. GOLDWATER. I know him very well.

Mr. BAYH. What is his capacity? Could the Senator tell the Senate what it is now?

Mr. GOLDWATER. He was judge of the superior court at that time, I believe. I think he possibly has been elevated now, but I would not swear to it.

I have great confidence in him. He is a Democrat. We think very highly of him. He is the one that stated, and I read it, that the alleged incident in question took place in 1962 and not 1964.

Mr. BAYH. I would like to read the statement in the brief that was referred to by the Senator from Arizona. In fact I was sufficiently unimpressed with this particular incident compared to everything else that I have not included it in my speech which I shall make tomorrow. I rise only because the Senator from Arizona takes issue here, and this is the only point he stressed. He seems to have indicated that anyone who thinks otherwise is not telling the truth. If there was no intimidation during the period in which Rehnquist was involved as a ballot security officer, then why did Judge Hardy write this?

> In 1962, for the first time, the Republicans had challengers in all of the precincts in this county which had overwhelming Democratic registrations. At that time among the statutory grounds for challenging a person offering to vote were that he had not resided within the precinct for thirty days next preceding the election and that he was unable to read the Constitution of the United States in the English language. In each precinct the Republican challenger had the names of persons who were listed as registered voters in that precinct but who apparently had not resided there for at least thirty days before the election. In precincts where there were large numbers of black or Mexican people, Republican challengers also challenged on the basis of the inability to read the Constitution of the United States in the English language. In some precincts *every* black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people awaiting their turn to vote to grow tired of waiting and leave without voting. In addition, there was a well organized campaign of outright harassment and intimidation to discourage persons from attempting to vote. In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. There were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging

were highly improper and violative of the Spirit of Free elections.

That is not BIRCH BAYH, that is Judge Hardy.

Mr. GOLDWATER. The Senator made a very important observation when he quotes Judge Hardy's letter in 1962; but that was in 1962, remember. And Judge Hardy made clear that Mr. Rehnquist never attempted to challenge voters at any polling place. The Republican watchers—not Mr. Rehnquist—had made challenges. We had to challenge them to get the Democratic boards of supervisors to approve of the watchers, and we finally did. Remember that in 1962, under the Arizona constitution and statutes, a man could be challenged as to whether he could read or write or there was reason to question whether he was registered in more than one precinct. I do not know Judge Hardy well enough to know what he would call harassment. There was only one incident that I can recall, and it may have been in Bethune where one man, I do not remember whether he was a Democrat or a Republican, was questioned and the police got him outside.

The Senator will notice, if he reads Judge Hardy's letter, that in 1962 the statutes of Arizona at that time had not been changed by the Civil Rights Act of 1964, so it still prevailed. The Republican Party, being the minority party in those days by, I would judge, 3 to 1, wanted to see that no votes were cast against us that should not legally be. We wanted to make every vote count, naturally, just as the Democrats put watchers in Republican districts.

Mr. BAYH. The Senator is relying on the rather strong letter from Judge Hardy. He does not question the judge's qualifications when he suggests that Mr. Rehnquist should be on the Supreme Court.

Mr. GOLDWATER. That is right.

Mr. BAYH. That same man testifies here about the blatant and unauthorized intimidation. Yet the Senator from Arizona says is a lie to make the accusation that there was intimidation going on in the precinct.

Mr. GOLDWATER. It is definitely a lie that Mr. Rehnquist was ever involved. I can only take Judge Hardy at his word, and can only rely on my own personal observations. He thinks highly of Mr. Rehnquist and has approved of him for the Supreme Court. I have respect for Judge Hardy. I do not know him intimately. I am not a lawyer, but I have great respect for him. If my memory serves me correctly, I believe I voted for him, even though he was a member of the other party. Occasionally we do that.

I would say this as to what the Senator says, which I believe to be correct, that this will not be made an issue so that we have then eliminated one little facet of this debate and perhaps we can close the door on that, if the Senator will tell his comrades in arms who want to debate this. If he will do that, I will be happy to sit down and say that this evening has been well spent.

Mr. BAYH. I believe that both sides have presented this clearly. The only reason I rose to engage in this colloquy was that I thought I heard the Senator say that he would say it was a lie if anyone on this floor said there had been any voting harassment in those precincts.

Mr. GOLDWATER. I intend to do that every time Mr. Rehnquist's name is brought into it. Mr. President, I ask unanimous consent to have the entire letter from Judge Hardy printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ.,
November 11, 1971.

Hon. JAMES EASTLAND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: I am informed that at a hearing conducted by the Senate Judiciary Committee on Tuesday, November 9, 1971, Mr. Clarence Mitchell appeared in behalf of the National Association for the Advancement of Colored People and testified in opposition to the confirmation of the appointment of the Honorable William H. Rehnquist as an Associate Justice of the Supreme Court. I am also informed that in the course of his testimony Mr. Mitchell stated that Mr. Rehnquist had in the past been guilty of improper challenging of black voters during a general election a number of years ago and that his organization had received information from me which contradicted the statements which Mr. Rehnquist may have made regarding this matter.

In fairness to all concerned, I feel that I should inform you of my recollection of the events in question. I have also inquired of a number of friends who were Republican party workers in an effort to obtain further information.

To my knowledge, no one representing the National Association for the Advancement of Colored People has ever discussed Mr. Rehnquist with me.

I am informed that Mr. Mitchell testified that the events in question occurred during the general election of 1964. It is my recollection and the recollection of a number of others, both Democrats and Republicans, that actually 1962 was the correct year.

In 1962, for the first time, the Republicans had challengers in all of the precincts in this county which had overwhelming Democratic registrations. At that time among the statutory grounds for challenging a person offering to vote were that he had not resided within the precinct for thirty days next preceding the election and that he was unable to read the Constitution of the United States in the English language. In each precinct the Republican challenger had the names of persons who were listed as registered voters in that precinct but who apparently had not resided there for at least thirty days before the election. In precincts where there were large numbers of black or Mexican people, Republican challengers also challenged on the basis of the inability to read the Constitution of the United States in the English language. In some precincts every black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people awaiting their turn to vote to grow tired of waiting and leave without voting. In addition, there was a well organized campaign of outright harassment and intimidation to discourage persons from attempting to vote. In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. There were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging were highly improper and violative of the spirit of free elections.

Arizona Statutes provide grounds for challenging voters, appointment of challengers, proceedings on challenge and rules for determining the residence of a voter upon challenge. In addition to having a challenger at each voting precinct, each political party is also entitled to have a party representative present at all times. In every general election disputes arise concerning the interpretation of the Arizona Statutes or their application.

During the past several years both of the major political parties have had a committee of lawyers available at party headquarters on election days to assist in resolving any disputes which arise. Usually when a party headquarters is notified of a dispute in a voting precinct, one of the lawyers is dispatched to the scene to discuss the matter with the party representative there and to provide him with legal advice and assistance.

In 1962 I was in charge of the lawyers who acted in behalf of the Democratic party and Mr. Rehnquist in charge of the Republican lawyers.

I never observed Mr. Rehnquist attempting to challenge voters at any polling place. I understand that there was testimony that he had challenged voters at Bethune and Granada precincts. I can state unequivocally that Mr. Rehnquist did not act as a challenger at Bethune precinct. Because of the disruptive tactics of the Republican challenger at that precinct I had occasion to be there on several occasions. The same Republican challenger was there continuously from the time that the polls opened at 6:00 o'clock a.m. until about 4:00 o'clock in the afternoon. About that time, after a scuffle, he was arrested and removed from the polling place by sheriff's deputies. Thereafter there was no Republican challenger at Bethune.

With respect to Granada precinct, I cannot give credence to any charge that Mr. Rehnquist was challenging black voters there. In 1962 there were relatively few black voters residing within that precinct.

Challenging voters was not a part of Mr Rehnquist's role in 1962 or subsequent election years, nor did he have anything to do with the recruitment of challengers or their assignment to the various polling places. The person who was in charge of recruitment and assignment was Mr. Gordon Marshall who is not a lawyer and obviously was not under Mr. Rehnquist's direction as a member of the committee of lawyers. I have confirmed this by talking to Mr. Marshall.

I am informed by Mr. Marshall and others that before election day, Mr. Rehnquist met with all of the challengers to explain the voting laws to them. All of these persons insist that the instructions given by Mr. Rehnquist did not in any way suggest that challenging be conducted in a manner to prevent properly qualified persons from voting.

A day or two after the election Mr. Rehnquist and I had lunch together and discussed the events of election day. He expressed strong disapproval of the tactics which I have mentioned above. I felt then and I feel now that his expressions of disapproval were genuine.

Yours very truly,

CHARLES L. HARDY,
Judge, Superior Court.

Mr. COOPER. Mr. President, I am very much interested in this colloquy. I am sure that this sort of thing goes on in many States of the Union, and possibly in the State of the Senator from Indiana. I have served as an election officer and a challenger at polling places in Kentucky. We do that to protect the interests of our own party. So do the Democrats. There is nothing wrong with that.

Mr. GOLDWATER. There is nothing wrong with that. It is done, in my opinion, in most of the States of the Union. It is customary.

Mr. COOPER. I may say that I had to make some difficult challenges many years ago. We did not make many friends doing that, but it was our duty to do so. I recall in a precinct in western Kentucky where there were not many Republicans and in some counties there were less than 100 Republicans. Of course, we had to protect ourselves and we depended upon the honesty, in many cases, of the other party, to preserve the purity of the election, and in other counties we had to send people in from other precincts and sometimes people from other precincts would come into ours. There were precincts where we had to have poll watchers. That is true in every State, unfortunately.

The adoption of voting machines has helped in that regard to remedy many of those conditions, but I repeat that poll watchers and challenging are not only common practices but are proper practices.

Mr. GOLDWATER. The Senator is so correct. I can recite one instance that took place in a State adjoining ours where some Indians were allowed to vote merely by making a mark with their thumb print, or an X, and one of the Republicans who spoke their language very well stood the legal distance from the polling place and in a loud voice told the Indians that the man they were going to vote for had destroyed their horses. I do not say that that was right, but had there been a Democratic challenger there he would have challenged that. The man made the statement.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAYH. Mr. President, the Senator from Kentucky is such a legend across the river from my home State of Indiana that I wonder if I might ask him a question. He has been a judge, an ambassador, and a Senator.

I am very well aware of the fact that we all have to take certain precautions to keep the other side from stealing the election. I wish I could say that our side is pure on this matter. However, it is not.

When I first ran for the Senate, I became very distressed that in the small towns they would say that the big cities are stealing all the votes and in the cities they would say that the small towns are stealing the votes.

It seems to me that we have to have protection in both places. In the case to which the Senator from Kentucky alluded, has there ever been anything that in his judgment could be categorized as a well-organized campaign of outright harassment and intimidation to discourage persons from attempting to vote?

Mr. COOPER. I am sure that the Senator from Indiana has been in many races. I do not know how many but, he has been in a number of them. I think I have been in 20 campaigns, beginning with my race for the State legislature.

I have been through elections where we used to come to the precincts and bring the ballot boxes back to the courthouse. I have been in elections when we had voting machines.

I have never seen an election when there was not some feeling and some emotion. Of course, there is a great interest in the candidates and in the parties. However, we come sometimes to situations where passions are aroused and fights take place at the polls. I am sure that the Senator knows that this happens. There are great feelings on the part of both parties to protect their rights.

There have been times when efforts would be made to transport voters, who would first vote in their own precincts, and try to have them vote in a second and third precinct. Unfortunately, those practices have occurred.

I suppose that in many cases one side or the other does feel itself being harassed. If the poll watchers are doing their duty, it cannot be properly called harassment. I should note that Kentucky voting laws did not require a test—such as a literacy test. The use of poll watchers and the practice of challenging at the polls can be called an effort to protect the rights of both parties and to insure their equal treatment.

Mr. GOLDWATER. Mr. President, one important part of Judge Hardy's letter which has not been read aloud states:

> A day or two after the election, Mr. Rehnquist and I had lunch together and discussed the events of election day. He expressed strong disapproval of the tactics which I have mentioned above. I felt then and I feel now that his expressions of disapproval were genuine.

Thus, Mr. President, these practices may have existed, but it had never been under Mr. Rehnquist. He has never been associated with it. And he has expressed strong disapproval of any challenge that might involve any physical force or intimidation at any time that I can think of. There is only one time in my memory that this took place and he definitely was not involved.

Mr. BAYH. Mr. President, I appreciate the statement, but there was a time when Judge Hardy's letter makes it rather clear that it did occur.

Mr. FANNIN. Mr. President, I could speak at length on the outstanding qualifications of William H. Rehnquist and also of his record which refutes all the accusations that have been made against him. But I think it would be repetitious. The CONGRESSIONAL RECORD is replete with this coverage. I will just speak for a few minutes this evening.

President Nixon has stated that Mr. Rehnquist has "one of the finest legal minds in the whole Nation." In the past few weeks since his nomination this conclusion has been overwhelmingly seconded by his former professors, his colleagues in private practice and in public service, and significantly, from those who have been his legal and political adversaries through the years. Throughout his career this relatively young man has demonstrated again and again that he has exceptional intellectual and professional competence. In addition, those who have been the closest to him attest to his strong character, fairness, and objectivity.

His intellectual excellence was first demonstrated by outstanding academic accomplishments as an undergraduate and as a law school student. When he received his B.A. degree from Stanford in 1948, it was "with great distinction" and as a member of Phi Beta Kappa. He also received an M.A. in political science from Stanford in 1949 and an M.A. in government from Harvard in 1950.

He returned to Stanford to attend law school from which he graduated first in his class in 1952. While there he served as an editor of the Law Review and was elected to the Order of Coif. In its report to the Judiciary Committee, the American Bar Association's standing Committee on the Federal Judiciary stated of his law school record:

> "[H]e was highly respected by the faculty and fellow students as a gifted scholar. A classmate who is now a partner in a leading west coast firm, at our request, interviewed several other members of Mr. Rhenquist's class. Their evaluation, in part, is as follows:
>
> "Mr. Rhenquist is of exceptional intellectual and legal ability. He was a law student among law students, * * *. From the standpoint of intellectual and legal ability, there cannot be question among reasonable men on his exceptional qualifications.
>
> "His personal integrity is not subject to challenge. While various of the interviewees, including myself, by no means agree with some of the political and social views of Mr. Rehnquist, each of us is completely satisfied, that he will approach his task with objectivity, that he will decide each case that comes before him on the thorough analysis of applicable law and a careful study of the facts."

Mr. Rehnquist's former professors share the opinions voiced by his fellow classmates. One has stated that "he has that all important capacity for steady continual growth" and another that "He was the outstanding student of his law school generation." Among the several letters to the Judiciary Committee on behalf of Mr. Rehnquist the following one from Phil C. Neal, a former professor at Stanford, and now dean of the University of Chicago Law School, is typical:

> Rehnquist was a student of mine at Stanford Law School. He was not only the top student in his class but one of the best students in the School over a number of years. He has remained in my mind as one of the most impressive students I have had in some twenty-two years of teaching.
>
> I believe he would be an independent judge and that he would bring to the Court an unusual capacity for understanding and responding to all dimensions of the difficult problems the Supreme Court must confront. In my judgment his appointment would add great strength to the Court.

Following law school, Mr. Rehnquist came to Washington where he served as law clerk for Mr. Justice Robert H. Jackson during the years 1952–53. Typically, the ABA found that his fellow clerks during this period respected his ability.

In 1953, Mr. Rehnquist moved to Arizona and entered private law practice in Phoenix. He was a partner in various Phoenix law firms from 1955 to 1969. In addition to his varied legal practice in Phoenix, Mr. Rehnquist was quite active in bar association activities. These included a term as president of the Maricopa County Bar Association which includes the Phoenix area and at that time had a membership of approximately 1,200. He was also active in the State bar association and its many activities including the Arizona Law Institute and membership on the Committee on Uniform Laws. When he left Phoenix his rating in Martindale-Hubbell was the highest, and as the ABA report states:

> He was clearly a person of recognized professional quality who, for his age, was highly regarded.

This conclusion is supported by the statements of fellow practitioners who came to know and admire Mr. Rehnquist's legal abilities during his 16 years as a practicing attorney in Phoenix. C. A. Carson III, a former law partner and a member of the ABA board of governors and House of Delegates, characterized the nominee as "a wonderful man, a great lawyer, and a scholar with a fine mind." Another former law partner, James Powers, described Mr. Rehnquist as "a first rate legal scholar," adding:

> He is the ultimate reasonable man. * * * I'm sure he'll make an excellent Justice.

I think that the views of the Arizona legal community are aptly summarized by the statement to the Judiciary Committee of Howard Karman, president of the Arizona State Bar Association:

> I have known Bill Rehnquist professionally for a number of years. After his nomination by President Nixon, I talked to a great many people in Arizona, Republicans and Democrats, liberals and conservatives. To a man they had nothing but praise for Bill Rehnquist. I was surprised that no lawyer I spoke with had an unfavorable comment to make, even those who find themselves at the opposite end of the political spectrum.

He concluded his statement as follows:

> I believe that Mr. Rehnquist is admirably qualified by virtue of intellect, temperament, education, training and experience to be confirmed * * *.

The collective views of Arizona attorneys on this nomination are also reflected in the unanimous endorsement given Mr. Rehnquist by the board of governors of the State Bar of Arizona. They praised him for having "continually demonstrated the very highest degree of professional competence, integrity, and devotion to the ends of justice."

At the national level, the conclusion of the American Bar Association's standing Committee of Federal Judiciary speaks for itself:

> The present conclusion of the Committee, limited to the area described above, is that Mr. Rehnquist meets high standards of professional competence, judicial temperament, and integrity. To the Committee, this means that from the viewpoint of professional qualifications, Mr. Rehnquist is one of the best persons available for appointment to the Supreme Court.

The qualities that earned these plaudits for Mr. Rehnquist from practitioners were also known to the academic community in Arizona. Dean Willard H. Pedrick of the Arizona State University College of Law felt that these qualities would make him an excellent professor of law and approached him on the subject about a year ago. Because of his commitment to the Department of Justice, Mr. Rehnquist declined to consider such a post. Dean Pedrick wrote to notify the Judiciary Committee of the intelligence and integrity of the nominee and warmly endorsed his nomination to the Court. He stated:

> The qualities that would, in my judgment, have made him an excellent law professor should make him an excellent Justice of the United States Supreme Court. On that Court, charged with responsibility to serve the interests of all of the people in interpreting the Constitution of the United States and the laws of Congress, I am confident he will serve his country with great distinction.

In addition to the support of colleagues who have worked closely with him in the daily practice of law, public officials throughout the State of Arizona have added their warm support for Mr. Rehnquist. Arizona Gov. Jack Williams described Mr. Rehnquist as a "real scholar, an outstanding attorney." Vice Chief Justice Jack D. H. Hays, of the Arizona Supreme Court, noted that Mr. Rehnquist is "a very outstanding young man, a tremendous legal scholar." Former Arizona Supreme Court Judge Charles Bernstein stated:

> I couldn't think of a better choice. * * * He has an extremely well-balanced philosophy. * * * A sense of feeling for human beings, especially for the little man.

Gary Nelson, attorney general of Arizona, noted:

> I was ecstatic at the announcement of his nomination. * * * I think he's outstanding.

State Senator Sandra D. O'Connor, a law school classmate, stated:

> He has the potential to become one of the greatest jurists of our highest court.

She noted that as a law student:

> He quickly rose to the top of the class, and, frankly, was head and shoulders above all the rest of us in terms of sheer legal talent and ability.

Arizona State Republican Chairman Harry Rosenzweig remarked:

> The President * * * has made a very fine selection. He is not only a lawyer but a student of the law.

Herbert L. Ely, the State Democratic chairman, also supports the confirmation of William Rehnquist as do the Arizona Republic, the Phoenix Gazette, and the Tucson Daily Citizen newspapers.

As the hearings and the letters to the Judiciary Committee on this nomination make clear, the tributes to Mr. Rehnquist from his fellow Arizonans go on and on. It is also clear that the tributes have flowed equally from those who have worked with him in his capacity as Assistant Attorney General in the Office of Legal Counsel. The principal area of expertise of this Office is in matters of constitutional law. As you know, the Office—often called the President's law firm—assists the Attorney General in serving as legal adviser to the President and his staff. It also drafts the formal opinions of the Attorney General and gives informal opinions and advice to agencies within the executive branch of the Government. In short, Mr. Rehnquist is, as President Nixon described him, the President's lawyer's lawyer.

As I indicated earlier the endorsement by the people who have worked with the nominee in this position is as strong as that given by those who knew him in Phoenix. Mr. Rehnquist's first assistant in the Office of Legal Counsel, Martin Richman, a former clerk to Chief Justice Earl Warren, and who was in the Office during Ramsey Clark's tenure as Attorney General, but who stayed on during the first 4 months when Mr. Rehnquist came to the Office, had this to say:

> I need not dwell on Mr. Rehnquist's legal abilities. He has an incisive grasp for the key issues in a complex problem, the ability to learn a new subject quickly and an exceptional gift for expressing legal matters clearly and forcefully in writing. Though long out of the academic atmosphere, he has a fine scholarly bent, with an inquiring mind on subjects ranging beyond legal matters.
>
> In terms of character, he is strong, honorable, straightforward in his actions and positions. I thought he showed exceptional sensitivity and decency in his decisions on administrative and personnel matters within the Office. While these traits do not necessarily bear on legal ability, they speak deeply of the character of a man.
>
> Mr. Rehnquist approaches legal problems thoughtfully, with careful personal study. He is responsive to persuasive argument, and contributes to it by the articulate presentation of his own views. He brings his considerable legal ability to bear when the issues are broad questions of constitutional law, as well as on more technical matters.

Mr. Richman's successor as first assistant, Thomas E. Kauper, who is now a professor of law at the University of Michigan Law School, also notified the committee that he believed Mr. Rehnquist to be "exceptionally well qualified" for the Court, adding:

> William H. Rehnquist is as fine a lawyer as I have encountered. He has a scholarly, intellectual approach to legal problems which is not found in many practicing lawyers. While he and I did not always agree on the resolution of legal issues, I always received a fair hearing and found him eager to learn all that he could before making a decision. In addition to a powerful legal mind, and perhaps equally as important, Mr. Rehnquist has abiding interest in and concern for the development of the law and legal institutions. He has all the qualities to become a truly great judge, and to assume a substantial degree of intellectual leadership on the Court for a number of years to come.

These conclusions are echoed by members of the career legal staff in the Office of Legal Counsel.

Mr. President, I think it is worth emphasizing that those who have known the nominee personally and have worked closely with him throughout his legal career have been unanimous in their praise. Whether they are former classmates, former professors, fellow practitioners in Phoenix, or colleagues in the Justice Department, these people, regardless of political or philosophical persuasion, have given their full support to his nomination and recommend his speedy confirmation.

Mr. President, the qualifications, character, and philosophy of William H. Rehnquist have been under microscopic examination for more than a month. Members of the Senate Judiciary Committee had ample opportunity to probe his background and his performance as an attorney and as an administration official.

The most ardent of investigators and investigative reporters have left no stone unturned in examining Mr. Rehnquist's past.

There has been a concerted effort by opponents of the nomination to turn up some tangible evidence why Mr. Rehnquist should be rejected.

These efforts have failed.

Nothing has been put forward that casts any doubt on the qualifications of William H. Rehnquist to be an Associate Justice of the Supreme Court. His qualifications are superb.

It has been proven that William Rehnquist has not involved in any voter harassment as has been alleged by his opponents. Mr. Rehnquist has denied the charge. Others who were connected with the elections in question also have said that Rehnquist could not have been involved.

Allegations that William H. Rehnquist was a member of an extremist group in the early 1960's are without foundation. He has denied belonging to the group in question, and no evidence has been offered to support the vicious rumor spread by opponents of the nomination.

There has also been a thorough investigation of the legal philosphy of William H. Rehnquist.

Opponents say he lacks an appreciation of civil rights and that he is prone to support more police powers for the government.

Mr. President, neither of these is true.

Mr. President, some interesting observations concerning the debate over the Rehnquist nomination were made by Tom Wicker in the Sunday editions of the New York Times. He places in perspective the question that we are considering here today.

I ask unanimous consent to insert Mr. Wicker's column in the Record at this point:

There being no objection, the column was ordered to be printed in the Record, as follows:

In Re Rehinquist

(By Tom Wicker)

Washington.—The Senate apparently will confirm Lewis Powell next week as an Associate Justice of the Supreme Court. After that, it will either face up to or delay the far more controversial and difficult matter of William Rehnquist, President Nixon's other nominee to the Court.

As it now appears, Mr. Rehnquist will be confirmed, too, unless those who oppose him are determined enough and able to put together something like the filibuster that, in 1968, prevented confirmation of Abe Fortas as Chief Justice.

This is at least a long-shot possibility because of Mr. Rehnquist's comparative youth (47) and his reputation as a skilled, active and intent champion of strongly conservative causes. Liberals fear he may become for many years the vigorous leader of a reactionary Court, but their dilemma is that no ethical or professional charges sufficient to warrant Mr. Rehnquist's rejection have so far been proved.

That means that the battle has to be fought, if at all, on the tricky ground of Mr. Rehnquist's political views—whether it is called his "judicial philosophy" or his "constitutional approach." The view was put forward in this space on Nov. 11 that this kind of opposition was "dangerous business"—that it suggested the existence of a kind of political orthodoxy, would tend to politicize the Court, would punish some people for their ideas while frightening others out of having any and would lead inevitably to political retaliation.

On balance, with full awareness that Mr. Rehnquist's views on the Bill of Rights seem antilibertarian, and despite weighty arguments from many who disagree, it still is "dangerous business" to reject him for his political views. Is it seriously to be asserted that conservative—even arch-conservative—views disqualify a man for service on the Supreme Court? If so, then what prevents some other Senate from disqualifying a man for strongly liberal views or for being a "new leftist" or a "neo-isolationist" or some other stereotype?

This is not to deny that the Senate has a duty to consider the qualifications of a nominee to sit upon the Court. Or that among the qualifications it ought to consider is his general political, constitutional and judicial view of things. Judge Carswell, for instance, was judged to be lacking in intellectual and legal competence, a judgment that could be solidly documented.

But can it be shown that Mr. Rehnquist lacks fidelity to the Constitution? No, only that in his view it allows more power to the state and less to the individual than many other Americans believe to be the case.

Can it be shown that Mr. Rehnquist's views are factually in error or substantively wrong? No, it is a matter of interpretation, and it is late in the day for liberals to start asserting that the Constitution is an absolute document not subject to interpretation or differing ideas. It is, in fact, the prime duty of the Supreme Court to decide what the Constitution means, on given subjects at given times in history.

Nor is the political aspect of the Rehnquist nomination an open-and-shut affair. No doubt Mr. Rehnquist will be a formidable conservative force on the Court (although that remains a supposition that only time can justify). Even so, the damage he might do to liberal causes could well be less than the political consequences of a third rejected Nixon nominee, a third defeated conservative, in a Senate dominated by liberal Democrats. Just as the Court itself must sometimes practice "judicial restraint," so it may be that the Senate ought to practice some political restraint. This, of course, is a value judgment that each Senator must make for himself.

That also is true of the really crucial question about Mr. Rehnquist, which can best be explained by reference to Mr. Powell. Those who know the Virginia lawyer, a former American Bar Association president, concede that his views in many ways are as conservative as those of Mr. Rehnquist—and that fact was documented in an article by Mr. Powell recently reprinted on this page.

But Mr. Powell, it is said, is an experienced and fair-minded man of judicial temperament who, in deciding legal and constitutional questions, will put aside any personal or political preferences and prejudices that can't be squared with the law and the facts of a case. He might, for instance, generally approve wiretapping as a law-enforcement tool—yet be willing to rule against it when, in some particular case, the facts showed that the law and the Constitution had been violated.

It is to be hoped that that is true—of Mr. Powell and of any nominee, liberal or conservative. Whether or not it is true of William Rehnquist is the vital question about his nomination, and one that each Senator must judge for himself. If Mr. Rehnquist can put his personal views aside when they can't be fairly justified by the law and the facts, then those views should not be the deciding factor; but if any Senator feels that Mr. Rehnquist, or any other nominee, could not so discipline himself intellectually, voting to reject him would surely be a duty.

Mr. FANNIN. Mr. President, William H. Rehnquist is a very human person. A man who has a deep respect for human rights and human dignity. If anyone is in the mainstream of American thought when it comes to the rights of man, it is William H. Rehnquist.

He has stated clearly that he believes in the Bill of Rights. He has said that the Government must be restrained in exercising police powers which could threaten our rights as free men.

Mr. President, I could go on at great length and delve into the reams of material that have been produced in the past month concerning the nomination. I do not think that this is necessary. It is obvious that the overwhelming mass of the material produced makes it clear that the nomination should be confirmed.

William H. Rehnquist is equipped as legal scholar, and as man of human compassion to be an outstanding Associate Justice of the Supreme Court.

It is with great pleasure that I recommend his confirmation.

MR. WILLIAM REHNQUIST AND BROWN AGAINST BOARD OF EDUCATION

Mr. BAYH. Mr. President, new and disturbing information concerning Mr. William Rehnquist's commitment to equal justice in this country was revealed today. According to Newsweek magazine, Mr. Rehnquist, while a law clerk to Mr. Justice Jackson, wrote a memorandum which argued that the rule of "separate but equal" of *Plessy* vs. *Ferguson* should be "reaffirmed." Fortunately for the Nation, Mr. Justice Jackson disregarded his law clerk's advice and voted with the rest of the Court to overrule Plessy and hold in *Brown* vs. *Board of Education* that segregation in the public schools was "inherently unequal."

That case, Mr. President, was perhaps the most significant decision the Court made this century. It was the decision which at long last made the great promise of the 14th amendment—"no State shall deny to any person the equal protection of the laws"—into a realizable goal. And, importantly, it was a unanimous decision.

Mr. Rehnquist was a 28-year-old law clerk when he wrote to Mr. Justice Jackson a memorandum entitled "A Random Thought on the Segregation Cases." In it, he argued that Plessy "was right and should be reaffirmed." He responded to the appellant's argument—made by the present Mr. Justice Thurgood Marshall—this way:

> To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John, Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are. One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such

rights have been sloughed off, and crept silently to rest. If the Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be reaffirmed. If the Fourteenth Amendment did not exact Spencer's *Social Statics*, it just as surely did not exact Myrdahl's *American Dilemma*.

It is distressing indeed that Mr. Rehnquist placed property rights on the same plane as human rights in this memorandum. But it is more distressing that he had the same view 10 years later when, in 1964, he opposed a local public accommodations ordinance on the ground that it was an unjustified imposition on the property rights of owners who wished to discriminate on racial grounds. And Mr. Rehnquist insisted even at his confirmation hearings that property rights are as important as human rights.

Perhaps even more distressing, however, is Mr. Rehnquist's view that the Court's efforts "to protect minority rights of any kind" were doomed to failure. His prediction about the Brown case itself—that the Court "must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men"—was, fortunately, quite inaccurate. But the plain implication of the statement is that Mr. Rehnquist does believe the Supreme Court has a significant role to play in protecting the rights of individuals and minority groups. This sadly fits into the later pattern of Mr. Rehnquist's actions with respect to civil rights. He has persistently been hostile to efforts by court or legislature to use law to correct the racial injustices of the past two centuries.

Mr. Rehnquist realized even in 1953 that his was "an unpopular and unhumanitarian position." And so it was. But more important, it is a position which reflects a cramped and narrow view of the role of the Supreme Court in modern American life. It reflects a view of the Court inconsistent with its high role in the protection of the constitutional rights of every American citizen.

Mr. President, I ask unanimous consent that the full text of the memorandum by Mr. Rehnquist to Mr. Justice Jackson which has been made public by Newsweek be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A Random Thought on the Segregation Cases

(Memorandum by Mr. Rehnquist to Mr. Justice Jackson)

One-hundred fifty years ago this Court held that it was the ultimate judge of the restrictions which the Constitution imposed on the various branches of the national and state government. *Marbury* v. *Madison*. This was presumably on the basis that there are standards to be applied other than the personal predilections of the Justices.

As applied to questions of inter-state or state-federal relations, as well as to interdepartmental disputes within the federal government, this doctrine of judicial review has worked well. Where theoretically coordinate bodies of government are disputing, the Court is well suited to its role as arbiter. This is because these problems involve much less emotionally charged subject matter than do those discussed below. In effect, they determine the skeletal relations of the governments to each other without influencing the substantive business of those governments.

As applied to relations between the individual and the state, the system has worked much less well. The Constitution, of course, deals with individual rights, particularly in the First Ten and the Fourteenth Amendments. But as I read the history of this Court, it has seldom been out of hot water when attempting to interpret these individual rights. *Fletcher* v. *Peck*, in 1810, represented an attempt by Chief Justice Marshall to extend the protection of the contract clause to infant business. *Scott* v. *Sanford* was the result of Taney's effort to protect slaveholders from legislative interference.

After the Civil War, business interest came to dominate the Court, and they in turn ventured into the deep water of protecting certain types of individuals against legislative interference. Championed first by Field, then by Peckham and Brewer, the high water mark of the trend in protecting corporations against legislative influence was probably *Lochner* v. *NY*. To the majority opinion in that case, Holmes replied that the Fourteenth Amendment did not enact Herbert Spencer's Social Statics. Other cases coming later in a similar vein were *Adkins* v. *Children's Hospital, Hammer* v. *Dagenhart, Tyson* v. *Banton, Ribnik* v. *McBride*. But eventually the Court called a halt to this reading of its own economic views into the Constitution. Apparently it recognized that where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases.

In these cases now before the Court, the Court is, as Davis suggested, being asked to read its own sociological views into the Constitution. Urging a view palpably at variance with precedent and probably with legislative history, appellants seek to convince the Court of the moral wrongness of the treatment they are receiving. I would suggest that this is a question the Court need never reach; for regardless of the Justice's individual views on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction. If this Court, because its members individually are "liberal" and dislike segregation, now chooses to strike it down, it differs from the McReynolds court only in the kinds of litigants it favors and the kinds of special claims it protects. To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John, Marshall, that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are. One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

THE NATIONAL CONFERENCE OF BLACK LAWYERS OPPOSES THE NOMINATION OF WILLIAM REHNQUIST

Mr. BAYH. Mr. President, I received today an eloquent and persuasive statement by the National Conference of Black Lawyers in opposition to the confirmation of William Rehnquist to be an Associate Justice of the Supreme Court. The group concluded:

> There exists today a great crisis of confidence in the American judicial system. If those who are striving for justice through the use of the legal system are to continue to hope, that system must give them reason to hope. In these critical times, such hope is not served by placing on the Nation's highest court a man of Mr. Rehnquist's background and views.

I commend to every Senator this entire statement, and I ask unanimous consent that it be printed in today's RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Statement of the National Conference of Black Lawyers on the Supreme Court Nomination of William Rehnquist

The National Conference of Black Lawyers (NCBL) wishes to go on record as firmly opposed to the confirmation of Mr. William Rehnquist as an Associate Justice of the United States Supreme Court. NCBL is an organization of Black attorneys formed to challenge racism in our legal system and to provide the legal expertise necessary in the Black American's struggle for justice. We number in our ranks attorneys representing the entire spectrum of both the private and public bar, as well as elected government officials from the local, state and national levels. It is the view of our organization that Mr. Rehnquist is fit neither professionally nor personally to sit on the nation's highest court.

Perhaps to a greater extent than any other single community of persons in the United States, the Black community knows the need for persons of quality on the bench. We have known judges without humanity or wisdom who could look at fellow human beings and find them less than human because their skins were Black. We have suffered the predations of greedy slaveholders who had as their ultimate support the approval of the highest court in the land. We have been long suffering. We suffer still. But we have also known the power of justice in this country. We have felt the exhilaration of seeing the courts vindicate truth crushed to the earth. In our struggle we have on numerous occasions been heartened by the performance of the Supreme Court, which through the wisdom and courage of some of its judges has dared to protect the rights of the poor, the Black, politically unpopular in the face of hostile national opinion.

Mr. Rehnquist, in our view, does not possess the qualities we have a right to expect from a member of the United States Supreme Court, in whose hands may rest the freedom of future generations. He is a man of technical intelligence without sound judgment; a man of deeply held prejudices, apparently, without the capacity to recognize them. In short, this proposed appointee to the high bench is a man without vision. In support of this judgment we ask that the Senate take note of the following examples of Mr. Rehnquist's views and actions.

In 1964, the City Council of Phoenix, Arizona was considering passing an ordinance guaranteeing to all minority groups equal rights of access to public accommodations. Mr. Rehnquist's position vis a vis the ordinance was that it would be an indignity to the proprietors of such public facilities to require them to open their doors to Black people. Said he, "It is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this."

Despite this position, Mr. Rehnquist purports to be dedicated to a free society in which every person is equal before the law. These professions of belief in equality, however, do not stand up very well in the light of the relative weights Mr. Rehnquist accords to the white proprietor's right to discriminate racially, as against the right of Blacks to equal access to public accommodations. When confronted with this conflict, Mr. Rehnquist has made it quite clear that it is his view that if the white man desires to discriminate against the Black, it is acceptable because "each man (should be) accorded a maximum amount of freedom of choice in his individual activities." (Letter to the Editor, Arizona Republic, September 9, 1967.) What of the Black man's rights? What of the rights of the Mexican-Americans, the American Indian, the Puerto Rican, the Chinese, Japanese or Filipino-American?

Even if, in the face of controversy over his nomination, Mr. Rehnquist has now modified his public views on the question of race and the law, his overall record and long standing insensitivity in this area make him an inappropriate choice for the Supreme Court of the United States.

Mr. Rehnquist's lack of vision is not limited to the area of race. Nor is the damage such lack of vision can do confined to Black Americans. Consider his views on First Amendment freedoms. Mr. Rehnquist has expressed his view in support of government surveillance of persons engaged in political expression—including lawfully protected activity. The "Big Brother" state in which the decision to engage in surveillance of anyone and everyone is secret and unexamined will not, Mr. Rehnquist maintains, "chill" political dissent (See, Speech, "Privacy, Surveillance, and the Law," March 19, 1971). Since we operate in this society on the theory that more police "surveilling" neighborhoods will deter or chill crime, it is difficult to see why survellance would not have a similar effect on political dissent. Apparently, Mr. Rehnquist's answer to this is that political dissenters have nothing to fear since dissent itself is not outlawed. But this is an insufficient response. The specter of more unlawful arrests such as those involved in the May Day Demonstrations, where mass arrests were in Mr. Rehnquist's view justifiable (although his would-be brothers in the District of Columbia Courts strongly disagreed) would in fact "chill" almost anyone. Secondly, even assuming that the demonstrators' fear of unlawful prosecution is unjustified, the question remains whether the government may use fear of prosecution, even if not the reality of it, to stifle protest. The heart of the Constitution centers around the First Amendment freedoms. This government is built on the right of the people to petition the government for change when that government no longer serves them. To "chill" or destroy this is to destroy the very foundation on which this society is supposed to be built. If Mr. Rehnquist does not see and honor this, the society should not dare take the risk of letting him play havoc with our democratic form of government.

Consider, as well, Mr. Rehnquist's views in the criminal justice area. Basically his formula for dealing with the complexities of this country's burgeoning crime and law enforcement problems is only to strengthen the hand of the people. No one disputes, least of all Black people who are most frequently the *victims* of serious crimes, that crime is a dread malignancy which must be cut from the body politic. The question is how to do so. Any thinking person, any unbiased person, sees that there are several levels of problems involved and that fairness cannot be attained simply by giving more power to the police, Furthermore, preventive detention and curtailment of bail privileges for "dangerous" offenders (whoever they are and however identified) is no answer to the underlying ills which cause crime.

The experience of many Black Americans in this society is that of deprivation, disrespect by whites, social ostracism, and political persecution. Can it seriously be expected that in any scale of values that a Black person treated so lawlessly will respect the very law he views as an instrument of his oppression? And what of the lawlessness which police operating without meaningful constraints engage in and foster? Is there no value to be placed on keeping the hands of the state clean? Little or no consideration is given these concerns by Mr. Rehnquist in any of his writings. Instead his views in this area betray more blind spots, more lack of vision.

It is the view of NCBL that it is imperative that a Justice of the Supreme Court have the capacity to analyze and weigh competing values fairly, with an eye to doing justice. Through his prejudice, his authoritarianism, his mechanical approach to serious social problems Mr. Rehnquist has demonstrated that he lacks this capacity—this judgment. We do not maintain that opinions which vindicate civil liberties are *ipso facto* opinions reflecting vision, but we do insist that a person who sits as a Supreme Court Justice possess that critical faculty necessary to judge issues openly and freely. A person as wedded to ideology as Mr. Rehnquist does not possess that faculty. Under the guise of not "rewriting" the Constitution, he misconstrues its function in an evolving society, and seeks the solace of a simpler day when simple shortsightedness such as his dictated simplistic analyses of events and laws.

There exists today a great crisis of confidence in the American judicial system. If those who are striving for justice through the use of the legal system are to continue to hope, that system must give them reason to hope. In these critical times, such hope is not served by placing on the nation's highest court a man of Mr. Rehnquist's background and views. Those who have historically suffered the pains of legally sanctioned and legally implemented class, caste, and political bias, view with alarm the possible ascendance to the bench of a man so cruelly insensitive to the legal rights of the poor, the Black and the politically unpopular. Those who, throughout the world, respect the American effort at constitutional democracy look on in wonder as the nation appears to be moving in a direction that will diminish the stature of the Supreme Court and diminish the role of the Supreme Court as an Institution on the side of liberty.

For all the foregoing reasons, the National Conference of Black Lawyers vigorously urges the Senate of the United States to disapprove the nomination of William Rehnquist as an Associate Justice of the United States Supreme Court.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R.11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service insurance;

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Kansas (Mr. Pearson) tomorrow, the distinguished Senator from Delaware (Mr. Roth) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from Delaware (Mr. Roth) tomorrow, the distinguished Senator from Massachusetts (Mr. Kennedy) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Massachusetts (Mr. Kennedy) tomorrow, the junior Senator from West Virginia, now speaking (Mr. Byrd), be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the junior Senator from West Virginia (Mr. Byrd) tomorrow, there be a period for the transaction of routine morning business for not to exceed 15 minutes, statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR EXECUTIVE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow the Senate go into executive session to resume its consideration of the nomination of Mr. William Rehnquist for the office of Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAYH. For the information of the Senate, as well as the Senator from Indiana, will our distinguished deputy majority leader be so kind as to give us a rundown on the parliamentary situation tomorrow? I have had several Senators inquire whether it would be possible for them to make speeches which would not be germane to the subject of the executive matter before the Senate.

Mr. BYRD of West Virginia. In response to the inquiry of the distinguished Senator from Indiana, once the 3 hours under the Pastore rule have elapsed—if my understanding of the rules and procedures of the Senate is correct—the Senate could not proceed, while in executive session, to the consideration of legislative business without unanimous consent or by motion. However, one can speak on a nongermane subject in executive session without a point of order being raised, after the Pastore rule of germaneness has expired.

Mr. BAYH. I thank the Senator. I am just trying to be in a position to advise Senators. So that 3 hours after the speaking orders, anyone who wants to make a speech on India, for example, it would be the perfect time for speaking. Is that correct?

Mr. BYRD of West Virginia. It is not necessarily 3 hours after the conclusion of orders for the recognition of Senators to make 15-minute speeches. It is 3 hours following the triggering of the Pastore germaneness rule, whatever the trigger may be—the transaction, for example, of some business by unanimous consent on the legislaitve calendar the first thing tomorrow morning; if the leader calls up and disposes of a bill on the legislative calendar by unanimous consent, that would trigger the Pastore rule, and the 3 hours would start to run; or if no business is transacted until the conclusion of the routine morning business and the Senate then goes into executive session to resume debate on the Rehnquist nomination, at that point the 3 hours under the Pastore rule would be triggered. During the course of that 3 hours one could not speak on a nongermane subject, except by unanimous consent; but once the Pastore rule expires, as I stated—and I would like to ask the Chair if I am correct—although one could proceed in executive session to take up legislative business only by unanmious consent or by motion, there is no rule of germaneness in executive session and one may speak on a nongermane subject at that time without unanimous consent.

May I ask the Chair if I am correct?

The PRESIDING OFFICER. The rule of germaneness would apply in the first 3 hours, whether it be an executive session or a legislative session.

Mr. BYRD of West Virginia. That is what I have stated.

The PRESIDING OFFICER. That is what the Senator from West Virginia stated. The Senator is correct.

Mr. BYRD of West Virginia. And once the Pastore rule has expired, is there any rule of germaneness in executive session?

The PRESIDING OFFICER. There is no rule of germaneness at that point.

Mr. BYRD of West Virginia. Although legislative business cannot be taken up in executive session except by unanimous consent, or by motion, a Senator may speak on a nongermane subject once the Pastore rule of germaneness expires.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. I thank the Senator.

QUORUM CALL

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. Pearson, Mr. Roth, Mr. Kennedy, Mr. Byrd of West Virginia; at the conclusion of which orders there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

When morning business has been concluded, the Senate will go into executive session to resume consideration of the nomination of Mr. William Rehnquist for the office of Associate Justice of the Supreme Court of the United States.

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 33 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 7, 1971, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 6 (legislative day of December 4), 1971:

SUPREME COURT OF THE UNITED STATES

Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States.

DEPARTMENT OF THE TREASURY

Romana Acosta Banuelos, of California, to be Treasurer of the United States.

Edgar R. Fiedler, of New York, to be an Assistant Secretary of the Treasury.

U.S. DISTRICT COURTS

Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska.

U.S. POSTAL SERVICE

The following-named persons to be Governors of the U.S. Postal Service for the terms indicated, to which offices they were appointed during the last recess of the Senate:

Elmer T. Klassen, of Massachusetts, for a term of 1 year.

Frederick Russell Kappel, of New York, for a term of 2 years.

Theodore W. Braun, of California, for a term of 3 years.

Andrew D. Holt, of Tennessee, for a term of 4 years.

George E. Johnson, of Illinois, for a term of 5 years.

Crocker Nevin, of New York, for a term of 6 years.

Charles H. Codding, of Oklahoma, for a term of 7 years.

Patrick E. Haggerty, of Texas, for a term of 8 years.

M. A. Wright, of Texas, for a term of 9 years.

HOUSE OF REPRESENTATIVES—*Monday, December 6, 1971*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. Teague of Texas.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

December 6, 1971.

I hereby designate the Honorable Olin E. Teague to act as Speaker pro tempore today.

Carl Albert,
Speaker of the House of Representatives.

PRAYER

The Reverend Mrs. James Wyker, D.D., the Union Church, Berea, Ky., offered the following prayer:

Our Father, we thank Thee for responsible freedom, for a nation demanding its right to worship, assemble, and speak, according to the dictates of conscience.

We ask Thee today to hallow our freedom of yesterday in the enactments of tomorrow. May we dedicate our wealth and leadership to one world, under God.

We pray for our Representatives in the Congress as daily they must make far-reaching decisions for 200 million people. "There is no loneliness in all the world like the loneliness of command." Bless them as they serve, we pray.

May clergy in all religious faiths not only pressure our Government for social justice but minister, in the deepest sense, to those who carry such heavy burdens. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of forty hours in a workweek;

H.R. 9097. An act to define the terms "widow," "widower," "child," and "parent" for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance; and

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 10604. An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial;

H.R. 11932. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 11955. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11932) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. EAGLETON, Mr. PERCY, Mr. BOGGS, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11955) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. McCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. McGEE, Mr. MONTOYA, Mr. HOLLINGS, Mr. YOUNG, Mrs. SMITH, Mr. HRUSKA, Mr. ALLOTT, and Mr. COTTON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2248. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1116) entitled "An act to require the protection, management, and control of wild free-roaming horses and burros on public land."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes;

S. 1218. An act to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes;

S. 1857. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended;

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse;

S. 2262. An act to permit a home mortgage loan by a federally insured bank to a bank examiner;

S. 2824. An act to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes;

S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child; and

S.J. Res. 75. Joint resolution to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology.

The message also announced that Mr. ROTH was appointed as a conferee on the bill (H.R. 9961) entitled "An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes," in lieu of Mr. BENNETT.

APPOINTMENT OF CONFEREES ON H.R. 11932, DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. NATCHER, GIAIMO, PRYOR of Arkansas, OBEY, STOKES, McKAY, MAHON, DAVIS of Wisconsin, SCHERLE, McEWEN, MYERS, and BOW.

THE REVEREND MRS. JAMES WYKER

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute.)

Mrs. GREEN of Oregon. Mr. Speaker, today marks another first, I am told. According to Dr. Latch, our regular Chaplain, today is the first time in the history of the House of Representatives that the invocation has been given by a woman. I count it a special privilege, because she has been a longtime friend of mine and, as I see it, she is one of America's most outstanding women. She is an ordained minister in the Christian Church. She was the first woman to receive an honorary doctor of divinity degree from Transylvania University of Lexington, Ky. She served as the acting president of the International Assembly of the Christian Church. The Christian Church was represented by Mrs. Wyker at meetings of the World Council of Churches at Amsterdam, Holland. She served as a member of the Commission on the World Council of Churches for 6 years, attending meetings in Germany, Denmark, and Scotland.

She was the national president of the Church Women United from 1950 to 1955.

She served as the leader of an international team sent by Church Women United on a mission of good will around the world.

She spent 7 weeks in Europe speaking in Scotland, England, Spain, Morocco, Italy, and Germany for the Protestant Women of the Chapel—wives of our servicemen stationed in these countries. She also served as a member of the Commission on the Status of Women from the State of Kentucky.

So, Mr. Speaker, I consider it a very special privilege to have this friend Mossie Wyker, here today to give the invocation in the House of Representatives.

CONSENT CALENDAR

The **SPEAKER** pro tempore. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

RELATING TO THE TRANSPORTATION OF MAIL BY THE U.S. POSTAL SERVICE

The Clerk called the bill (S. 996) relating to the transportation of mail by the U.S. Postal Service.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

EXTENSION OF AUTHORITY OF AGENCY HEADS TO DRAW CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS TO OTHER CLASSES OF RECURRING PAYMENTS

The Clerk called the bill (H.R. 8708) to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 8708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 492 of title 31 of the United States Code 3620 of the Revised Statutes, as amended (31 U.S.C. 492), is amended by adding below subsection (c) thereof the following new subsection:

"(d) EXTENSION OF AUTHORIZATION FOR DRAWING CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS TO OTHER CLASSES OF RECURRING PAYMENTS.—Procedures authorized in subsection (b) of this section, for the making of a payment in the form of a check drawn in favor of a financial organization, may be extended to any class of recurring payments, upon the written request of the person to whom payment is to be made and in accordance with regulations to be prescribed by the Secretary of the Treasury under authority of such subsection."

With the following committee amendment:

Page 1, line 3, strike out "That section 492 of title 31 of the United States Code is" and insert in lieu thereof "That section 3620 of the Revised Statutes, as amended (31 U.S.C. 492), is".

The committee amendment was agreed to.

Mr. **MONAGAN**. Mr. Speaker, H.R. 8708 will extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments.

Public Law 89–145, enacted in 1965, provided authority for heads of Federal agencies to authorize disbursing officers to draw checks in favor of financial organizations, such as banks, savings banks, savings and loan associations or similar institutions, or Federal and State chartered credit unions. This permissive statutory authority for classes of payments other than salaries and wages was inadvertently dropped when 31 U.S.C. 492 was amended by Public Law 90–365 in 1968. This act, originating in the House Banking and Currency Committee, provided for savings allotments and inadvertently, the previous authority for retiree direct check deposits was omitted.

The House Government Operations Committee has been greatly interested in this employee-optional method of payment of salaries and wages because of its enormous potential for reducing the cost of disbursing operations throughout the Government. Recurring payments, the subject of this bill, involve social security recipients, veteran's pensioners, civil service retirees and recipients of railroad retirement benefits. Included in the approximately 600 million checks issued by the Government annually are 264 million social security checks, 60 million VA checks, 12 million railroad retirement checks and approximately 900,000 civil service retirement checks. The cost savings potential involved by adoption of the composite check procedure for such large numbers of recurring payments is truly substantial.

In hearings before the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations in August 1970, the Treasury reported a significant increase in the numbers of Federal employees availing themselves of the direct-deposit option; and in May of this year, the Commissioner of Accounts of the Treasury reported to us the results of a Government-wide census taken in December 1970. That study showed that almost 650,000 Federal employees had elected to be paid by direct deposit in their checking accounts. Further, the use of the composite check procedure in their applications where sufficient numbers of employees on a given payroll designated the same financial organization made possible the avoidance of over 2.5 million checks annually. This equated to annual cost savings of $223,000.

H.R. 8708 would allow extension of the direct-deposit technique to recurring payments made to the public—such as those for social security benefits, veterans' benefits, and civil service and railroad retirement benefits. It does not require implementation but merely paves the way for voluntary adoption if and when the Treasury and the program agencies determine it to be feasible. We think it desirable, however, to have the option available at the earliest possible time so that the procedure could be readily implemented if and when the joint agency-Treasury studies showed it to be possible. I want to emphasize quite strongly that there would be nothing mandatory on the part of the beneficiaries in these programs if the direct-deposit option were authorized; that is, individuals receiving benefits would be permitted to submit a written request to the program agency to have their payments credited directly to their accounts in financial organizations.

Finally, while cost estimates are difficult to obtain, the protection from theft and forgery afforded by the direct credit procedure, including the potential for composite checks, is an important consideration in evaluating the need for this legislation. The incidence of check thefts, involving primarily mail bags of checks in transit, and raids on apartment mail boxes on the established and well-known pay dates, is an ever increasing problem. Such thefts cause extreme hardship for the payees and they create costs at every point—in the program agency, the Treasury—in its check insurance, check payment, and law enforcement operations—the Post Office, and in the banking system.

Mr. Speaker, the Committee on Government Operations unanimously reported out H.R. 8708 on November 11, 1971, and directed that it be placed on the Consent Calendar. I urge my colleagues to support the measure.

Mr. **FASCELL**. Mr. Speaker, H.R. 8708 will restore the authority of agency heads to draw checks in favor of financial organizations when requested by individual retirees and annuitants. The passage of Public Law 90–365 in 1968, the savings allotment legislation originating in the Banking and Currency Committee, omitted the permissive statutory authority which will be restored by the passage of H.R. 8708.

The authority set forth in H.R. 8708 is permissive in nature to enable each agency to work out its own problems. Each individual retiree and annuitant must request the direct-deposit check procedure in writing. Under no circumstances can any individual be compelled to utilize this procedure when adopted by the agency, should the retiree desire to continue to receive directly his or her individual check.

The Government Operations Committee has encouraged for many years the adoption of the composite check procedure beginning with the Air Force as far back as 1951. Frequent hearings have been held, the result of which has been to encourage the civilian agencies to adopt the system perfected by the military. Of the over 600 million checks issued annually by the Government, over 300 million are for retirees and annuitants, the subject of H.R. 8708.

The passage of H.R. 8708 is still another step toward achieving greater cost savings by a significant reduction in the number of checks issued each year.

I urge my colleagues to support this measure.

Mr. THONE. Mr. Speaker, as has been indicated, H.R. 8708 merely restores the authority to the various agencies to permit the use of direct deposit and composite checks for retirees, inadvertently dropped with the passage of Public Law 90–365. During hearings on this measure, representatives of the Treasury Department indicated in response to my questioning that they did not have an opportunity to testify on the savings allotment legislation—Public Law 90–365—and as a consequence authority permitting composite checks for annuitants and retirees was omitted.

In addition to the compelling points made by Chairman **MONAGAN**, I wish to emphasize the difficulties financial institutions are having in processing the ever-increasing number of social security checks, over 270 million annually. Since the checks are generally received in the first 5 days of each month, this has led to long lines and inconvenience to the general public. As a result, the American Bankers Association has consistently supported the efforts of this committee to make it possible for the large number of individual checks to be reduced. The American Bankers Association's statement of support is set forth in the printed hearings.

Since the authority set forth in the bill is permissive in nature, there will be no cost to the Government until such time as each individual agency works out its own problems and elects to make the composite-check procedure available. Clearly, however, at such time as the conversion is made, the obvious cost savings involved will far outweigh any administrative costs required for changeover.

Mr. Speaker, it was my privilege before the full Committee on Government Operations to move for the unanimous adoption of H.R. 8708 on November 11, 1971. It was so adopted. I now urge adoption of H.R. 8708 by unanimous consent.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF DEFENSE TO LEND CERTAIN EQUIPMENT AND TO PROVIDE TRANSPORTATION AND OTHER SERVICES TO THE BOY SCOUTS OF AMERICA IN CONNECTION WITH BOY SCOUT JAMBOREES

The Clerk called the bill (H.R. 11738) to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 11738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 151 of title 10, United States Code, is amended by adding the following new section, and a corresponding item in the analysis.

"§ 2544. Equipment and other services: Boy Scout Jamborees

"(a) The Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Boy Scouts of America, for the use and accommodation of Scouts, Scouters, and officials who attend any national or world Boy Scout Jamboree, such cots, blankets, commissary equipment, flags, refrigerators, and other equipment and without reimbursement, furnish services and expendable medical supplies, as may be necessary or useful to the extent that items are in stock and items or services are available.

"(b) Such equipment is authorized to be delivered at such time prior to the holding of any national or world Boy Scout Jamboree, and to be returned at such time after the close of any such jamboree, as may be agreed upon by the Secretary of Defense and the Boy Scouts of America. No expense shall be incurred by the United States Government for the delivery, return, rehabilitation, or replacement of such equipment.

"(c) The Secretary of Defense, before delivering such property, shall take from the Boy Scouts of America, good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

"(d) The Secretary of Defense is hereby authorized under such regulations as he may prescribe, to provide, without expense to the United States Government, transportation from the United States or military commands overseas, and return, on vessels of the Military Sea Transportation Service or aircraft of the Military Air Transportation Service for (1) those Boy Scouts of America, Scouters, and officials certified by the Boy Scouts of America, as representing the Boy Scouts of America at any national or world Boy Scout Jamboree, and (2) the equipment and property of such Boy Scouts, Scouters, and officials and the property loaned to the Boy Scouts of America, by the Secretary of Defense pursuant to this Act to the extent that such transportation will not interfere with the requirements of military operations.

"(e) Before furnishing any transportation under subsection (d), the Secretary of Defense shall take from the Boy Scouts of America, a good and sufficient bond for the reimbursement to the United States by the Boy Scouts of America, of the actual costs of transportation furnished under this section.

"(f) Amounts paid to the United States to reimburse it for expenses incurred under subsection (b) and for the actual costs of transportation furnished under subsection (d) shall be credited to the current applicable appropriations or funds to which such expenses and costs were charged and shall be available for the same purposes as such appropriations or funds.

"(g) Other departments of the Federal Government are authorized, under such regulations as may be prescribed by the Secretary thereof, to provide to the Boy Scouts of America, equipment and other services, under the same conditions and restrictions prescribed in the preceding subsections for the Secretary of Defense."

With the following committee amendments:

On page 3, line 2, delete the words "Sea Transportation Service" and insert in place thereof the words "Sealift Command".

On page 3, line 3, delete the words "Air Transportation Service" and insert in place thereof the words "Airlift Command".

On page 3, line 9, delete the word "Act" and insert in place thereof the word section".

The committee amendments were agreed to.

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of H.R. 11738, authorizing certain Federal assistance for the Boy Scouts jamborees in 1973. Representing the State which has been privileged to host the first world jamboree held in America, as well as a national Jamboree 2 years later, with an international encampment sponsored by the Boy Scouts within the L.D.S. Church in the intervening year, and all at Farragut State Park, and as an advocate of the program and principles of the Boy Scouts of America, I enthusiastically support this action in their behalf. One-half of the 1973 jamboree will again be held at Farragut State Park in Idaho which has unique facilities for handling the 40,000 Scouts.

Under the dynamic leadership of Chief Scout Executive Alden G. Barber, the Boy Scouts of America are engaged in a program relevant to the needs of today's boy in all the areas and sections of our country. The program is of vital interest not only to the Boy Scouts, but to all of America.

In granting a Federal charter to the Boy Scouts of America, the Congress placed itself strongly behind their patriotic endeavors, and the Scouts have responded in a manner befitting their responsibilities. It is a part of our national heritage that during the conflict in the two world wars and our country's involvement in Korea and Vietnam, the Boy Scouts have participated in and contributed to every bond drive, every Red Cross campaign, and everything, in sum, that they were asked to do. They often volunteer before the asking. In times of natural disaster of any kind, the Scouts extend their services to the victims, and have won the admiration of a nation and a world.

In keeping with the spirit of the Federal charter granted by the Congress to this superb organization, I wholly approve and recommend the purposes of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING AN ADDITIONAL DEPUTY SECRETARY OF DEFENSE

The Clerk called the bill (H.R. 8856) to authorize an additional Deputy Secretary of Defense, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to know why an additional Deputy Secretary of Defense is needed?

Mr. HÉBERT. Mr. Speaker, if the gentleman will yield, I will tell the gentleman from Iowa the present situation is that there is one Secretary of Defense and one single Deputy Secretary of Defense. The workload of the Deputy has become so enormous, it becomes necessary that a portion of this workload be vested in another Deputy Secretary. Thus, for example, one could be involved in procurement and the other in administrative work.

Mr. GROSS. How many Deputy Secretaries are there?

Mr. HÉBERT. There is only one.

Mr. GROSS. How many Assistant Deputy Secretaries?

Mr. HÉBERT. There are eight Assistant Secretaries and one Deputy Secretary.

Mr. GROSS. This is an additional Deputy Secretary?

Mr. HÉBERT. This will increase the Deputy Secretaries to two instead of the one, and the Assistants will be increased by one, from eight to nine. They requested originally two Assistants, and we deleted one.

Mr. GROSS. This is confirming the fears I have had from the beginning of the creation of the Department of Defense, that it would grow and grow and grow, and simply constitute another layer of fat added to the military establishment. I do not recall any cutbacks in any of the Secretaryships in the various departments such as the Departments of the Army, Navy, and Air Force. Congress, in establishing the Defense Department, simply added another layer of fat on top of the departments we already had.

I note on page 5 that this is not supposed to result in any increased budgetary requirements to the Department of Defense. How is it possible to create another Deputy Secretary and not create additional expense, or is the answer that the Defense Department is funded to such an extent that it can support another office of this high nature?

Mr. HÉBERT. Mr. Speaker, I thank the gentleman for his comment. His observation is an observation which I share about the spread of the Department of Defense, and I think the gentleman and I are among those who opposed the expansion heretofore. Here is the typical example of the earnestness and the attitude of the Committee on Armed Services in watching these things very closely. As I indicated before, they came up with a request for two Assistant Secretaries, and we deleted one but retained the other which was recommended by a Special Subcommittee of the House Armed Services Committee.

Now, as to the fiscal aspects. Very simply, the attrition rate of civilian personnel of the Department of Defense makes it possible, through funds realized through not filling these vacancies caused by attrition, to utilize that money for the payment of these extra secretaries.

Mr. GROSS. I am not going to pursue this discussion, but I just do not understand how, considering the cost that goes with the creation of an assistant secretary and office staff, it can be taken out of funds already appropriated unless the Department of Defense has a lot of funding flexibility or is overfunded.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 8856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of title 10, United States Code, is amended as follows:

(1) Section 134 is amended to read as follows:

§ 134. Deputy Secretaries of Defense: appointment; powers and duties; precedence

"(a) There are two Deputy Secretaries of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as a Deputy Secretary of Defense within ten years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) The Deputy Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Deputy Secretary designated by the President shall act for, and exercise the powers of, the Secretary when the Secretary is disabled or there is no Secretary of Defense.

"(c) The Deputy Secretaries take precedence in the Department of Defense immediately after the Secretary."

(2) Sections 135(c) and 136(e) are each amended by striking out "Deputy Secretary" and inserting in place thereof "Deputy Secretaries".

(3) Section 136(a) is amended by striking out "eight" and inserting in place thereof "ten"

(4) The item in the analysis relating to section 134 is amended to read as follows:

"134. Deputy Secretaries of Defense: appointment; powers and duties; precedence."

SEC. 2. Section 171(a)(2) of title 10, United States Code, is amended by striking out "the" and inserting in place thereof "a".

SEC. 3. Section 5313(1) of title 5, United States Code, is amended to read as follows:

"(1) Deputy Secretaries of Defense (2)."

SEC. 4. Section 5315(13) of title 5, United States Code, is amended to read as follows:

"(13) Assistant Secretaries of Defense 10."

SEC. 5. Section 303(c) of the Internal Security Act of 1950 (50 U.S.C. 833(c)) is amended to read as follows:

"(c) Notwithstanding section 133(d) of title 10, United States Code, only the Deputy Secretaries of Defense and the Director of the National Security Agency may be delegated any authority vested in the Secretary of Defense by subsection (a)."

With the following committee amendments:

On page 1, line 8, delete the word "are" and substitute the words "shall be" in lieu thereof.

On page 2, line 14, delete the word "ten" and substitute the word "nine" in lieu thereof.

On page 3, line 1, delete the number "10" and substitute the number "9" in lieu thereof.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WATER SUPPLY STORAGE IN BENBROOK RESERVOIR

The Clerk called the bill (H.R. 9886) to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservoir.

There being no objection, the Clerk read the bill as follows:

H.R. 9886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632), as amended by Public Law 91-282, is further amended by inserting immediately after the end of the Act the following:

"The Secretary of the Army is authorized to contract with the city of Arlington, Texas, for the use of water supply storage in the Benbrook Reservoir for municipal water supply for any storage not used by the city of Fort Worth or the Benbrook Water and Sewer Authority, for a period not to exceed four years or until such time as the water supply storage is needed for navigation purposes, whichever first occurs."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISASTER LOANS

The Clerk called the joint resolution (H.J. Res. 893) to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes.

Mr. HALL. Mr. Speaker, inasmuch as this joint resolution is excessive in amount, according to the criteria for the Consent Calendar, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ORDER OF BUSINESS

(Mr. ASPINALL asked and was given permission to address the House for 1 minute.)

Mr. ASPINALL. Mr. Speaker, I take this time for the purpose of pointing out that the next six bills on the Consent Calendar fail by 1 day for eligibility on the Consent Calendar. However, they have been publicized. Members of the House have had an opportunity to see the reports. They are noncontroversial.

Mr. Speaker, unless there is objection, I ask unanimous consent for immediate consideration of each one of these bills as they come before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, the distinguished chairman of the Committee on Interior and Insular Affairs and the chairman of his subcommittee, as well as the ranking minority member, have seen fit to discuss these bills with me last week, which we ordinarily refer to, on the Consent Calendar, as the Indian tribal judgment bills. At that time we knew they would not be eligible according to the Consent Calendar rules. We have had an opportunity to review them.

Inasmuch as the proper courts have found these judgments, and they simply make in order under the Subcommittee on Interior Affairs of the Committee on Interior and Insular Affairs the necessary action on the part of the Congress, I see no objection, and I believe it would expedite the business of the Congress and certainly of that committee, and perhaps of adjournment sine die. So the official objectors will not object.

Mr. Speaker, I withdraw my reservation.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Pennsylvania.

Mr. SAYLOR. In addition to the comments which have been made by the gentleman from Missouri (Mr. HALL) I should like to say that these bills all have been reported by the House Committee on Interior and Insular Affairs unanimously.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONSENT CALENDAR

The SPEAKER pro tempore. The Clerk will call the next bill on the Consent Calendar.

DISPOSING OF JUDGMENTS RECOVERED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, FLATHEAD RESERVATION, MONT.

The Clerk called the bill (H.R. 3333) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 3333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 and docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the Tribes shall not be subject to Federal or State income tax.

With the following committee amendments:

Page 1, line 8, after "expenses," insert "shall be used as follows: 90 percent thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder".

Page 2, after line 5 insert a new section as follows:

"SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 3333 is to authorize the use of two judgments against the United States recovered in the court of claims by the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana. One of the judgments for $6 million has been appropriated, and the other one for approximately $20 million is contained in the pending supplemental appropriations bill.

The bill as amended by the committee provides that 90 percent of the two judgments, after paying attorney fees and other litigation expenses, shall be distributed in equal per capita shares to each member of the tribe who is enrolled or entitled to be enrolled on the date the bill is enacted into law. The remaining 10 percent of the money will be used for program purposes on the reservation.

The tribe contains approximately 5,600 members. About half of them live on or near the reservation, and half live elsewhere. Because the off-reservation members receive little benefit from reservation programs, there is an insistent demand that most of the judgment money be distributed per capita. At the hearing before the committee, tribal representatives submitted a tribal council resolution proposing the 90 percent distribution, and the representatives of the Department of the Interior concurred.

The money retained for program purposes will be divided equally between a land purchase program, a credit program, and an educational program. The tribe is presently conducting these three programs with other tribal funds, and the additional capital proposed from the judgment fund should be adequate to supplement those funds.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 602).

To provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill as follows:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the tribes shall not be subject to Federal or State income tax.

SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves to strike out all after the enacting clause of S. 602 and insert in lieu thereof the provisions of H.R. 3333 as passed, as follows:

That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, shall be used as follows: 90 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the Tribes shall not be subject to Federal or State income tax.

SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3333) was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS TO PAY JUDGMENT IN FAVOR OF JICARILLA APACHE TRIBE

The Clerk called the bill (H.R. 9019) to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket No. 22-A, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 9019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to pay a judgment to the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22-A, together with the interest thereon, after payment of attorney fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

SEC. 3. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes or to any lien, debt, or attorney fees except delinquent debts owed to the tribe or to the United States.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendment:

Page 2, line 9, delete "taxes" and insert "taxes." and strike out the remainder of the sentence.

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 9019 is to authorize the use of a judgment against the United States recovered in the Indian Claims Commission by the Jicarilla Apache Tribes in New Mexico. The net amount available is $9,232,709, subject to the payment of attorney fees and litigation expenses. The money has been appropriated.

The bill permits the money to be used for any purpose requested by the tribe and approved by the Secretary of the Interior. The tribe has adopted a resolution calling for the following uses, and the Department of the Interior concurs:

First, community improvement: $1,500,000 to be invested and the interest drawn upon as needed to provide capital or matching funds for construction of detention and correctional facilities, expansion of the domestic water system, paving of streets, and construction of new systems.

Second, capital improvement: $3,135,000 to be invested for income and job-producing purposes, including the development of additional lakes to complete the planned recreation program; improvement of a tribal livestock operation; creation of additional game parks; construction of a tribal sawmill; and the acquisition of stocks and bonds.

Third, per capital payments: $4,515,000 to be used to make a quarterly per capita payment until each tribal member has received a total of $2,000—$800 initial payment and $200 each quarter thereafter.

The tribe has a membership of 1,888, and 250 of them live away from the reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS TO PAY JUDGMENT IN BLACKFEET TRIBE OF BLACKFEET INDIAN RESERVATION, MONT., AND GROS VENTRE TRIBE OF FORT BELKNAP RESERVATION, MONT.

The Clerk called the bill (H.R. 9325) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279–A, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 9325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

SEC. 2. The entire amount of funds credited under the first section of this Act to the Blackfeet Tribe shall be distributed by means of one per capita payment to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe living as of the date of this Act. A share or interest payable to enrollees less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The provisions of the Act of June 10, 1896 (29 Stat. 336), to the contrary notwithstanding, the Secretary of the Interior may make available to the Blackfeet Tribal Council for disbursement by a duly appointed agent of the Blackfeet Tribe such sum from the funds credited hereunder to the Blackfeet Tribe as may be necessary to make the per capita payment provided for in section 2 herein.

SEC. 4. The remainder of the fund shall remain in the Treasury of the United States or be placed in commercial banks or other depositories which will, in the discretion of the Secretary, be most advantageous to the tribe, and to remain there until the Gros Ventre Tribe has adopted plans satisfactory to the Secretary and approved by the Congress.

SEC. 5. Any part of such funds that may be distributed per capita shall not be subject to Federal or State income tax, and shall not be considered in determining eligibility for public assistance.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendments:

Page 2, lines 6 through 15, strike out all of section 2 and insert a new section 2 as follows:

"SEC. 2. The sum of $5,671,156.00 from the funds credited to the Blackfeet Tribe under Section 1 of this Act shall be distributed per capita to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe, and who was born on or prior to and is living on the date of this Act. The sum of $2,100,000 from the funds credited to the Gros Ventre Tribe under Section 1 of this Act shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on the date of this Act and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are descended from a person whose name appears on said roll. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons."

Page 2, lines 16 through 22, strike out all of Section 3 and renumber succeeding sections accordingly.

Page 2, lines 16 through 22, strike out all of Section 3 and renumber succeeding sections accordingly.

Page 2, line 23 through page 3, line 4, strike out the text of Section 4 and insert the following:

"The balance of each tribe's share of the funds may be advanced, expended, invested or reinvested for any purposes that are authorized by the respective tribal of governing bodies and approved by the Secretary of the Interior."

Page 3, lines 5 through 8, strike out the text of Section 5 and insert the following:

"None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 9325 is to divide a $8,679,814 judgment, plus accumulated interest of about $1,152,578, between the Blackfeet Tribe and the Gros Ventre Tribe, and to authorize the use of the money. The money has been appropriated.

The bill as amended by the committee divides the money between the two tribes on a 73.2/26.8 percent basis, which is a formula agreed to by the two tribes. The bill also provides that after paying attorney fees and litigation expenses, a specified portion of the money shall be distributed in equal per capita shares to the members of each tribe, and that the remainder shall be used for program purposes in each reservation. This use has also been requested by the two tribes and endorsed by the Department of the Interior. The funds distributed per capita will amount to about 89 percent of the total.

The Blackfeet Tribe has an estimated membership of 10,000 of whom 4,000 live away from the reservation. Because the off-reservation members receive little benefit from reservation programs, there is an insistent demand that most of the judgment money be distributed per capita. The tribe requested a 100-percent per capita distribution, but after departmental urging it agreed to a 90-percent distribution. It plans to use the program money to acquire additional land and to finance educational improvements.

The Gros Ventre Tribe has an estimated 2,500 members, about half of whom live outside the reservation. The tribal governing body and the off-reservation members support the proposed legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 671) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279-A, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279-A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum of the Gros Ventre Tribe.

SEC. 2. From the funds so credited to the Blackfeet Tribe, a per capita payment of $150 shall be made to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe living as of the date of this Act. A share or interest payable to enrollee less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The provisions of the Act of June 10, 1896 (29 Stat. 336), to the contrary notwithstanding, the Secretary of the Interior may make available to the Blackfeet Tribal Council for disbursement by a duly appointed agent of the Blackfeet Tribe such sum from the funds credited hereunder to the Blackfeet Tribe as may be necessary to make the per capita payment provided for in section 2 herein.

SEC. 4. The remainder of the fund shall remain in the Treasury of the United States or be placed in commercial banks or other depositories which will, in the discretion of the Secretary, be most advantageous to the tribe, and to remain there until the Blackfeet Tribe and the Gros Ventre Tribe have adopted plans satisfactory to the Secretary and approved by the Congress.

SEC. 5. Any part of the funds that may be distributed per capita shall not be subject to Federal or State income tax, and shall not be considered in determining eligibility for public assistance.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves to strike out all after the enacting clause of S. 671 and insert in lieu thereof the provisions of H.R. 9325 as passed, as follows:

That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279-A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

SEC. 2. The sum of $5,671,156 from the funds credited to the Blackfeet Tribe under section 1 of this Act shall be distributed per capita to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe, and who was born on or prior to and is living on the date of this Act. The sum of $2,100,000 from the funds credited to the Gros Ventre Tribe under section 1 of this Act shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on the date of this Act and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are descended from a person whose name appears on said roll. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 5. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9325) was laid on the table.

DECLARING PUBLIC LANDS HELD IN TRUST BY UNITED STATES FOR SUMMIT LAKE PAIUTE TRIBE

The Clerk called the bill (H.R. 9702) to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 952, be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado.

There being no objection, the Clerk read the Senate bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to lots 1, 2, 3, 4, northwest quarter northeast quarter, south half northeast quarter, section 7, and the north half section 8, township 41 north, range 26 east, Mount Diablo meridian, Nevada, containing six hundred acres, more or less together with all improvements thereon, are hereby declared to be held by the United States in trust for the Summit Lake Paiute Tribe and shall hereafter constitute a part of the Summit Lake Indian Reservation, Nevada, subject to the reservation of a right of access across said lands to the northeast quarter northeast quarter, section 7, township 41 north, range 26 each. Mount Diablo meridian, Nevada, for the benefit of the owner thereof.

SEC. 2. Notwithstanding any other provision of law, the Summit Lake Paiute Tribe is hereby authorized to negotiate a purchase of the northeast quarter northeast quarter, section 7, township 41 north, range 26 east, Mount Diablo meridian, Nevada, from the owner thereof and to cause the title to be conveyed to the United States in trust for the benefit of the Summit Lake Paiute Tribe.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. ASPINALL. Mr. Speaker, the purpose of S. 952 is to convey to the Summit Lake Pauite Tribe in Nevada the beneficial interest in 600 acres of federally owned land. The conveyance will be without consideration, but the value of the land will be considered by the Indian Claims Commission for setoff purposes in any claims award made by the Commission.

The land is vacant, unappropriated, public domain, and is contiguous to the south boundary of the Summit Lake Reservation. The reservation is a small one of only 10,500 acres, and the tribe consists of only 50 members. The land was fenced in the 1930's by the Civilian Conservation Corps as a part of the reservation, and the land contains water that is essential to grazing on the southern part of the reservation.

The value of the land is $9,000. It has no mineral value.

The 600 acres completely surround a 40-acre tract that is owned by a non-Indian. The owner is interested in selling it to the Indians, but a transfer of title in trust is prohibited unless specifically authorized by statute. The bill contains this authorization.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9702) was laid on the table.

DECLARING CERTAIN FEDERALLY OWNED LAND HELD BY THE UNITED STATES IN TRUST FOR THE FORT BELKNAP INDIAN COMMUNITY

The Clerk called the bill (H.R. 10702) to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community.

There being no objection, the Clerk read the bill as follows:

H.R. 10702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in lands described as the southeast quarter southeast quarter southeast quarter northwest quarter section 14, township 26 north, range 25 east, and the southwest quarter southwest quarter northwest quarter northwest quarter section 29, township 27 north, range 26 east, principal meridian, Montana, comprising five acres, more or less, are hereby declared to be held by the United States in trust for the Fort Belknap Indian Community of the Fort Belknap Reservation, Montana.

Sec. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1964 (60 Stat. 1050), the extent to which the value of any lands and improvements placed in a trust status under the authority of this Act should or should not be set off against any claim against the United States determined by the Commission.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record).

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 10702 is to convey to the Fort Belknap Indian Community in Montana the beneficial interest in 5 acres of federally owned land. The conveyance will be without consideration, but the value of the land will be considered by the Indian Claims Commission for set-off purposes in any claims award made by the Commission.

The land consists of two tracts that were purchased by the United States in 1934 as the sites for two Indian schools. The purchase price of both tracts was $50. They have a present value of $200. Although the land has some potential value for coal, oil, and gas, the Department of the Interior reports that this potential value is slight.

The Indian schools were closed in 1937 and the children were sent to other schools. The land is excess to the needs of the Department of the Interior, but is desired by the Fort Belknap Indian Community for use in conjunction with other tribal lands.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE APPORTIONMENT OF FUNDS IN PAYMENT OF JUDGMENT IN FAVOR OF THE SHOSHONE TRIBE

The Clerk called the bill (H.R. 10846) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets No. 326–D, 326–E, 326–F, 326–G, 326–H, 366, 367 before the Indian Claims Commission, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 10846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

Sec. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone–Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

Sec. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

Sec. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

Sec. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendedent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

Sec. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorneys' fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

Sec. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of the Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per capita distribution may be used, advanced, expended, invested, or renivested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

Sec. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

Sec. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax, and shall not be considered income, revenue, or expendable funds under the provisions of the Social Security Act.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendment:

Page 7, line 21, after "tax" insert a period and strike out the remainder of the sentence.

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 10846 is to divide a $15,700,000 judgment, plus accumulated interest of about $2,665,388, between the three parts of the Shoshone Tribe, and to authorize the use of the money. The money has been appropriated.

The three parts of the Shoshone Tribe that are entitled to share the judgment are the Shoshone-Bannock Tribes of the Fort Hall Reservation in Idaho, the Shoshone Tribe of the Wind River Reservation in Wyoming, and the Northwestern Band of Shoshone Indians in Utah.

For more than 3 years the three groups were unable to agree on a division of the judgment. After extended negotiations an agreement was finally reached, and that agreement is incorporated in H.R. 10846.

The bill provides that the entire share of the Northwestern Band will be distributed per capita, because they have no reservation and no formal organization. The bill provides that the Fort Hall Indians will distribute 75 percent of their share per capita and use the remainder, with secretarial approval, for reservation program purposes. The Wind River Indians will use their money as provided in a 1947 statute, which requires 85 percent to be distributed per capita and the remainder to be used for tribal purposes.

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of H.R. 10846, which provides for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe. This bill is cosponsored by my distinguished colleague from Idaho, the Honorable JAMES MCCLURE. An identical bill, S. 2042, as amended, sponsored by Idaho Senators FRANK CHURCH and LEN B. JORDAN, was passed by the Senate October 13, 1971.

The purpose of the legislation is to distribute a judgment in the sum of $15,700,000 which was entered by the Indian Claims Commission in consolidated dockets 326–D through 326–H, 366, and 367. Funds to cover the award were appropriated by the act of June 19, 1968 (82 Stat. 239).

The judgment represents compensation to the Shoshone-Bannock Tribes in compromise of claims for the taking in 1868 and 1869 of about 38 million acres of land in Idaho, Wyoming, Utah, and Nevada from the Shoshone Tribe; the use of funds of the Shoshone-Bannock Tribes of Fort Hall Reservation for irrigation purposes; the taking of about 297,000 acres of Fort Hall Reservation land in 1889; the taking of about 407,000 acres of Fort Hall Reservation land in 1898; and failure of the United States to provide a reservation for the Bannock Tribe as promised by the Treaty of February 16, 1869.

No previous judgments or compensation have been granted to the Shoshone-Bannock Tribes of Fort Hall Reservation or to the Northwestern Band of Shoshones.

Fort Hall Reservation was first established by an Executive order dated June 14, 1867, for various Shoshone groups in southern Idaho. A subsequent Executive order, on July 30, 1869, provided a reservation for the Bannock Indians "within the limits of the tract reserved by Executive order of June 14, 1867, for the Indians of southern Idaho." The 1867 order provided for a reservation of 1,800,000 acres, but before any allotments or extensive settlements were developed, there were two major cessions of land to the United States. These occurred in 1889 and 1898, and resulted in a reduction of the reservation to its present area of 523,168 acres.

The Shoshone-Bannock Tribes, with an estimated membership of 2,300, are governed by a tribal business council of seven members elected from the reservation at large. Income is derived mainly from mineral and surface leasing. A substantial portion of this income is used in the tribal land acquisition program.

In recent years, council members have exerted extensive efforts in attempts to improve conditions on the reservation. Primarily through their endeavors, the Shoshone-Bannock Tribes have established very helpful relationships with several Government agencies—in addition to the Bureau of Indian Affairs. For example, they have promoted a VISTA program, Headstart, Upward Bound, and Neighborhood Youth Corps. They have worked with the Economic Development Administration and Federal Water Pollution Control Administration in expansion of existing businesses, and for a community water and sewer project. However, there still is considerable unemployment on the reservation and a relatively low educational level. The Indians are unable to compete successfully for industry with non-Indian communities near the reservation; consequently, industrial development on the reservation is practically nonexistent.

The delay in bringing this legislation before the Congress has been occasioned by a longstanding dispute among the various tribal bands as to the manner in which the judgment funds should be divided. Now that an agreement has been reached, funds remaining after the per capita distribution, as provided in the bill, will be used for the benefit of the tribes at large. Although the Fort Hall Business Council has not yet made a definite decision in this respect, studies are being undertaken as to possible cattle programs, housing, education, and industrial development.

I urge that prompt action be taken so that these much needed funds may be put to useful purpose for the benefit of these people. May I again stress—no new money is involved. The appropriation was made more than 2 years ago. This distribution has the approval of the Department of the Interior and the Office of Management and Budget.

To have this money available before Christmas is not only possible, but would enable many individuals and families to enjoy this special time through the addition of comforts which most of us take for granted, and to begin planning immediately for many improvements in areas now sorely deficient.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2042) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2042

An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll rated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326-J, Shoshone-Goshute, and docket 326-K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorney's fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of this Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per capita distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax, and shall not be considered income, revenue, or expendable funds under the provisions of the Social Security Act.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of the Senate bill S. 2042 and insert in lieu thereof the provisions of H.R. 10846, as passed, as follows:

That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326-D, 326-E, 326-F, 326-G, 326-H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326-D, 326-E, 326-F, 326-G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoeshone Indians for claims of the bands enumerated in dockets numbered 326-H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they posses one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326-J, Shoshone-Goshute, and docket 326-K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorneys' fees, and expenses due the attorneys representing the Northwestern Band under an approved contract effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of this Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per captia distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10846) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on any of the Indian bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

INTERNATIONAL BOOK YEAR

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 149) to authorize and request the President to proclaim the year 1972 as "International Book Year".

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, does this resolution require the expenditure of any Federal funds in any way?

Mr. EDWARDS of California. Mr. Speaker, if the gentleman will yield, this does not require the expenditure of any Federal funds in any way.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S. J. RES. 149

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of (1) the fact that the United States, during its entire history, has recognized importance of universal education in a free society and the commitment of the people and Government of the United States to the free flow of information, (2) the fact that books are basic to both universal education and the free flow of information, and (3) the designation by the United Nations Educational, Scientific, and Cultural Organization of the year 1972 as "International Book Year", the President is authorized and requested to issue a proclamation designating the year 1972 as "International Book Year", and calling upon executive departments and agencies, the people of the United States, and interested groups and organizations to observe such year with appropriate ceremonies and activities both within and without the United States.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman amplify what is proposed to be filed?

Mr. YOUNG of Texas. Mr. Speaker, if the gentleman will yield, the Committee on Rules is meeting this afternoon at 3:30, and plans to take up the foreign assistance appropriations and the Strategic Storable Agricultural Commodities Act, H.R. 1163.

Mr. GROSS. I presume that at least in the case of the foreign handout bill that will come in under a closed rule insofar as waiving points of order is concerned.

Mr. YOUNG of Texas. No, it would not be under a closed rule, but I am sure that the purpose in getting a rule is that there must be some point of order that would lie against it.

Mr. GROSS. I thank the gentleman for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MAYNE. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Texas with regard to the so-called Strategic Storable Agricultural Commodities Act if a rule is granted will this waive points of order to permit the offer of the $20,000 limitation of payments amendment which the gentleman from Illinois (Mr. FINDLEY) advised the committee he wishes to offer?

Mr. YOUNG of Texas. If the gentleman will yield, this action has nothing to do with the type of rule. That has not been voted on yet. Of course, when the Committee on Rules finishes hearing the testimony, which it is anticipated it will this afternoon, then the type of rule would be decided on then, and then the House would have to adopt it. This is just procedural to allow the Committee on Rules to file the privileged reports.

Mr. MAYNE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SECRETARY BUTZ ANNOUNCES THAT USDA TO BUY CORN IN THE OPEN MARKET

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, the announcement by Secretary of Agriculture Earl Butz of last Friday, December 3, that the Department of Agriculture will soon begin purchasing corn in the open market is good news indeed for the American feed grain farmer. Coming as it did less than 24 hours after the new Secretary was sworn in, this action proves him capable of moving promptly and decisively in the farmers' interest.

The purpose of this purchase operation is to improve corn prices which declined sharply earlier this year as a result of serious overproduction of corn, the 1971 crop now being estimated at 5.54 billion bushels. This action combined with the already strengthened and broadened commodity loan program as well as the recent large sale of U.S. corn to the Soviet Union gives farmers a wide choice of alternatives in handling and marketing this year's corn crop.

Record quantities of corn are going under loan earlier in the season this year than ever before. A preliminary report indicates that nearly 240 million bushels of 1971 crop corn had gone under loan through November 26. This is more than 2½ times the previous record amount of corn put under loan from the beginning of harvest through November. It is hoped that additional extensive use of the loan program by farmers plus the on the market purchases ordered Friday will substantially strengthen the market price of corn.

BOBBY LANGSTON, CEREBRAL PALSY VICTIM, SHARES UNIVERSITY OF TENNESSEE VICTORY CELEBRATION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, there is little that I can say which would more dramatically show the high character of the University of Tennessee football team and its coaches than an article from the Knoxville News-Sentinel.

This story tells of how the players invited a courageous, young newspaper boy named Bobby Langston to the dressing room to share in their celebration following the team's tremendous upset victory over Penn State.

Bobby Langston is afflicted with cerebral palsy but despite his handicap, he is always cheerful and willing to help others. He puts in long hours each day selling newspapers at the athletic dormitory to support himself and he is certainly admired and respected by all who know him.

The Tennessee football team gave the game ball to Bobby Langston, showing not only that they appreciated the support of a loyal fan, but also and perhaps more importantly, that even in their own moment of glory, they would take time out to pay tribute to another.

THE FARMER PAYS FOR STRIKES IN TRANSPORTATION

(Mr. NELSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, how long must we sit before something can be done here in the Congress about these disastrous dock strikes that have so disastrously depressed feed grain prices and tied up U.S. agricultural exports? To date, legislation that would lead to the permanent settlement of these national transportation strikes has been pending in Congress for 23 months.

The farmers of Minnesota depend on export markets for a large portion of their farm income. In fiscal year 1971 they ranked seventh among the States in dollar value of all commodities exported. Out of a national total of $7.8 billion, the Minnesota farmers' share was $356.6 million.

We are important soybean exporters—last year the value of Minnesota soybean exports was $92.3 million, plus another $29.3 million in protein meal and another $17.7 million in soybean oil. Our dairy products exported last year topped the Nation with a value of $36.8 million; and we exported $25.6 million worth of wheat and flour.

Mr. Speaker, 80 percent of the soybean exports and 75 percent of the corn exports ordinarily move through gulf ports. Imagine what happens to Minnesota prices for these commodities when gulf ports are closed down and the normal movement is stopped and begins to back up along the river, rail, and highway arteries of trade.

American agriculture depends on the export of one out of every four acres of production. Obviously this is not possible if the ports are closed.

Equally obvious is the fact that the farmer winds up on the short end of any situation that blocks sales at the seacoast and then backs up the movement of commodities along inland routes all the way to the farmstead.

We must act now to prevent situations like the one we are experiencing this year. We can do this by enacting H.R. 3596 or similar legislation in the 92d Congress.

ANOTHER SPIKE IN THE U.N. COFFIN

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the weekend activity in the United Nations Security Council should offer a disenchanting eye opener to those adherents who somehow believe that the United Nations is an instrument of world peace.

Russia, in twice vetoing cease-fire resolutions, has again proven to the world that she does not believe in peace when she or her pawns are winning. Quite noteworthy, her veto of the U.S. middle-of-the-road resolution, which simply called for a cease-fire by both India and Pakistan and a return to their frontiers, is exactly the opposite of the Russian position in the Middle East.

The real peacemaker in the U.N.-thwarted action was the United States, who in trying to favor neither side lost both and is now being linked with Pakistan on the strange rationale that we do not support India. The Soviets' siding with India in this aggressive issue should surprise no one since the Soviets always back the side with the largest population and for some reason the minority-conscious media goes out of its way to throw the U.S. support behind the nation with the least number of people.

But the big loser was the United Nations, which has become but a debating society for the major Communist parties to harangue over dialectic issues while innocent people are again victimized by the ravages of war.

I feel the American people support the President's reported position, that as a sovereign nation we do everything in our power, first, to stay out of the war, and second, to employ every diplomatic pressure to stop the conflict.

With the United Nations again proving to be a failure, the United States will find that it can accomplish more on its own than could ever be accomplished through the U.N. bureaucracy.

I again remind my colleagues that discharge petition No. 10 to discharge H.R. 2632, a bill to rescind and revoke U.S. participation in the United Nations is at the clerk's desk awaiting signatures.

INDIA-PAKISTAN CEASE-FIRE RESOLUTION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, tragically, the fighting between India and Pakistan intensifies while efforts to bring about a cease-fire and a mutual troop pullback are blocked in the United Nations Security Council by the Soviet Union.

Mr. Speaker, it is imperative that the United States take the lead in shifting the India-Pakistan cease-fire resolution away from the Security Council and placing it before the General Assembly. Only there can the peace-loving nations of the world work their will.

If this tragic war is to be ended, it is clear that there must be a withdrawal of Indian and Pakistani troops to their own territories. In short, we must implement the provisions of the U.S. resolutions introduced in the United Nations. The Soviet veto does not alter the facts of the situation. Any political settlement between India and Pakistan can only come about after the fighting stops.

Mr. Speaker, there is $184,350,000 in economic assistance for India in the pending foreign aid bill. I am sure India will appeal to the United States for aid in dealing with problems she herself is now creating. I do not believe that the American public and its representatives in the Congress will be receptive to such appeals should India continue to employ her troops in efforts to take over Pakistani territory. In other words any nation that refuses to cooperate with the U.N. in its peace-keeping efforts should not expect a receptive atmosphere in the Congress or by the American people.

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 45) to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice, as amended.

The Clerk read as follows:

H.R. 45

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Part IV of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 404.—INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

"Sec.
"5041. Establishment; purpose.
"5042. Functions.
"5043. Director and staff.
"5044. Powers.
"5045. Advisory Commission.
"5046. Location; facilities.
"5047. Curriculum.
"5048. Enrollment.

"§ 5041. Establishment; purpose

"There is hereby established an Institute for Continuing Studies of Juvenile Justice (hereinafter referred to as the 'Institute'). It shall be the purpose of the Institute to provide a coordinating center for the collection, the preparation, and the dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, juvenile welfare workers, juvenile judges, and judicial personnel, probation personnel, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

"§ 5042. Functions

"The Institute is authorized—

"(a) to serve as an information bank by collecting systematically the data obtained from studies and research by public and private agencies on juvenile delinquency, including, but not limited to, programs for prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders;

"(b) to publish data in forms useful to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

"(c) to disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

"(d) to prepare, in cooperation with bar associations, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to juvenile justice and related matters including comparisons and analyses of State and Federal laws and model laws and recommendations designed to promote an effective and efficient system of juvenile justice;

"(e) to devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

(f) to devise and conduct a training program of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for law enforcement officers, juvenile welfare workers, juvenile judges and judicial personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders; and

"(g) to develop technical training teams to aid in the development of training programs within the several States and with the State and local agencies which work directly with juveniles and juvenile offenders.

"§ 5043. Director and staff

"(a) The Institute shall be under the supervision of an officer to be known as the Director of the Institute who shall be appointed by the President, by and with the advice and consent of the Senate, to serve for a term of four years. The Director of the Institute shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(b) The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Advisory Commission. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

"(c) If the Office of Director is left vacant, by resignation or otherwise, the President shall appoint a successor who shall serve for the unexpired portion of the term of office.

"§ 5044. Powers

"The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere or within any executive department unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute is authorized—

"(a) to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute;

"(b) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel or facilities or equipment of such departments and agencies;

"(c) to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

"(d) to enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any of the functions of the Institute;

"(e) to compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director of the Institute but not exceeding $75 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

"(f) to report to the President and the Congress annually on programs which have been implemented with the cooperation of the Institute within and among the several States, and to recommend to the Congress further legislative action which may appear desirable.

"§ 5045. ADVISORY COMMISSION

"(a) The overall policy and operations of the Institute shall be under the supervision of an Advisory Commission.

"(b) The Advisory Commission shall consist of:

"(1) the following officials of the Federal Government:

"(A) the Director of the Institute;

"(B) the Administrator of the Law Enforcement Assistance Adminisrtation:

(C) the Director of the Bureau of Prisons;

(D) the Admiinstrator of the Youth Development and Delinquency Prevention Administration;

(E) the Director of the National Institute of Mental Health;

(F) the Director of the United States Judicial Center; and

"(2) 15 persons having training and experience in the area of juvenile delinquency appointed by the President from the following categories:

"(A) law enforcement officers (two persons);

"(B) juvenile or family court judges (two persons);

"(C) probation personnel (two persons);

"(D) correctional personnel (two persons);

"(E) representatives of private organizations concerned with juvenile delinquency (five persons); and

"(F) representatives of State agencies established under the Juvenile Delinquency Prevention and Control Act of 1968 or under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (two persons).

"(c) Members appointed by the President to the Advisory Commission shall serve for terms of four years and shall be eligible for reappointments, except that for the first composition of the Commission, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each of these member's terms shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Any member appointed to the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(d) While performing their duties, members of the Commission shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full time by the Federal Government shall receive in addition a per diem of $100 in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The Director shall act as Chairman of the Advisory Commission. The Commission shall establish its governing rules of procedure.

"§ 5046. Location; facilities

"(a) A suitable location for the Institute shall be selected by the Advisory Commission.

"(b) Following the section of a location for the Institute, the Director, with the approval of the Advisory Commission, shall—

"(1) acquire such property as has been selected pursuant to subsection (a), and

"(2) make such arrangements as may be necessary or desirable for the construction, equipping, and physical organization of the Institute.

"§ 5047 Curriculum

"The Advisory Commission shall design and supervise a curriculum utilizing multidisciplinary approach (to include law enforcement, judicial, correctional, and welfare as well as probation disciplines) which shall be appropriate to the needs of the Institute's enrollees.

"§ 5048 Enrollment

"(a) Each candidate for admission to the Institute shall apply to the State agency established under the Juvenile Delinquency Prevention and Control Act of 1968 (82 Stat. 462; 42 U.S.C. 3801 et seq.), or the State agency established under title I of the Omnibus Crime and Safe Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.), in the candidate's State. The State agency or agencies shall select an appropriate number of candidates and forward their applications for admission to the Director of the Institute. The Director shall prescribe the form of all applications for admission to the Institute and shall make the final decision concerning the admission of all students or enrollees.

"(b) While studying at the Institute and while traveling in connection with his study, including authorized field trips, each student or enrollee in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code."

Sec. 2. The table of contents to "Part IV—Correction of Youthful Offenders" of title 18, United States Code, is amended by inserting after

"403. Juvenile delinquency----------- 5031"

the following new chapter reference:

"404. Institute for Continuing Studies of Juvenile Justice------------------ 5041".

Sec. 3. There are authorized to be appropriated $2,000,000 during fiscal year 1972, and $2,000,000 annually for the three succeeding fiscal years to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. DELLENBACK. Mr. Speaker, I demand a second.

Mr. DEVINE. Mr. Speaker, is the gentleman opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Oregon opposed to the bill?

Mr. DELLENBACK. I am not, Mr. Speaker.

Mr. DEVINE. Mr. Speaker, I am opposed to the bill and I demand a second.

The SPEAKER pro tempore. The gentleman from Ohio demands a second. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin will be recognized for 20 minutes, and the gentleman from Ohio will be recognized for 20 minutes. The Chair recognizes the gentleman from Wisconsin.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Speaker, I would like to ask the gentleman if this institute is intended to set up provisions for schooling or instruction for State juvenile judges?

Mr. KASTENMEIER. Yes, it is, indeed. One of the principal functions is to do that, and we have a number of State judges who have asked previously for this sort of training.

Mr. RARICK. Mr. Speaker, if the gentleman will yield further, having been at one time a State judge with juvenile jurisdiction, in the late fifties, I am wondering if this is a similar program to the one which at that time, was being funded by seed money from various tax-free foundations, and which has now been accepted to the point where it is going to be funded by taxpayers' dollars?

Mr. KASTENMEIER. On that I yield to the gentleman from Illinois (Mr. Railsback).

Mr. RAILSBACK. Mr. Speaker, I would just say to the gentleman that I think the difference in this approach is that we are trying, I think with a rather modest expenditure—modest as compared to most other government programs—modest expenditure—modest as compared to most other government programs—to bring together at one central training institute people who have been nominated by the State or local government officials, but it would be more than just juvenile court judges. It would be law enforcement officers and probationary officers and judicial and correctional personnel, the idea being obviously that if we attack it from a multidiscipline approach, they will each be able to see what the others are doing. In other words, they will share their expertise, but it is meant to be patterned after what I consider to be the very successful FBI Training Academy, which with modest expenditure has been able to train 200 law officers each year from State and local places, who have been able to go back and teach their colleagues.

Mr. RARICK. Mr. Speaker, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Speaker, I am sympathetic to the training of correctional and law enforcement officers, but the juvenile court judges in my State, at least, are elected officials. Will there be any matching State funds for participating in this program in order for these elected judges to attend this training school?

Mr. KASTENMEIER. If they attend this training school, there is a per diem allowance for them. It would not be duplicating money. It should be conceded that many of these judges may be participating in local or State programs which are presently funded by the Law Enforcement Assistance Act or some other Federal agency. This is possible at the local level. If they attend a particular academy, they would be granted a per diem for that purpose from the academy.

Mr. RARICK. Mr. Speaker, if the gentleman will yield further, I would assume then that the overall objective of this bill and this proposed institute would be that the State-elected juvenile judges would become sensitive to what the federally programed professors and "experts" would regard as essential to the national programs affecting the juveniles of our country.

Mr. KASTENMEIER. In responding to the gentleman I do not know if that precisely characterizes it. It would make them sensitive to the information gathered here from the standpoint of the agency. It would enable them to get the sort of training which a Federal agency—the Department of Justice or HEW and others—could cooperate in as well as the ability, perhaps, to participate in some local programs.

Mr. RARICK. Mr. Speaker, if the gentleman will yield further, of course, my only concern was it would give the impression we are now federalizing State juvenile court judges who are elected and who should work for and be sensitive to the needs of their people as well as their communities.

Certainly I am sure the gentleman would agree that the problems and the environment in New York City differ from those in Los Angeles, or New Orleans, La., or some other suburban area. This was the reason why I asked if the program was mainly to sensitize these judges to and to unify their thinking behind national programs.

Mr. KASTENMEIER. I must say to the gentleman, not necessarily, any more so than the Federal Bureau of Investigation necessarily nationalizes law enforcement. It is merely a source of expertise. It is not that controlling. A relatively small amount would be spent in connection with the total spent nationwide in this effort.

Nevertheless, I appreciate the gentleman's question.

Mr. RARICK. Mr. Speaker, will the gentleman yield for one more question?

Mr. KASTENMEIER. I yield for one more question. I do have a time problem.

Mr. RARICK. I just wonder if the gentleman would be sympathetic to the establishment of State-funded programs to create training schools for Federal judges to make them sensitive to local, State, and individual human problems?

Mr. KASTENMEIER. I appreciate the gentleman's comment.

Mr. DEVINE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Members know, I am not a member of the Judiciary Committee, and it may be presumptuous of me to speak in opposition to this legislation. But, having examined the committee report, having looked over the bill, and having talked with some of our colleagues, I believe we could very well be setting another dangerous precedent by established a so-called Institute for Continuing Studies of Juvenile Justice.

First let me point out that by reviewing the committee report one can readily see the Justice Department wrote a letter opposing this legislation as being duplication and overlapping, something we do not need. If there is anything in this Government that we have too much of, it is duplication and overlapping now. More we do not need.

In addition, it may surprise some to know that the Secretary of the Department of Health, Education, and Welfare, Mr. Richardson, also wrote a letter saying there was no need for this legislation, and they oppose it.

Here are the two key Departments of government responsible for the study of juvenile delinquency, and juvenile problems, opposing the legislation which is proposed here in the House.

Let us look this over, to see just what this does.

First of all, the Institute would collect, prepare, and disseminate data bearing on juvenile justice. We have just about all of that we can stand already, I believe.

And it would provide training to personnel in the juvenile justice area. I do not know where we have more personnel than those who are expert or who claim expertise as to the study of juvenile justice and juvenile problems.

And it says we will be dealing with the problems of the aberrant young. I believe that is nothing new.

We would establish an Institute to provide a data-coordinating center and to provide training for personnel connected with the treatment and control of juvenile offenders.

We would create an information bank, publish data, disseminate data and studies, including a periodic journal, prepare studies, devise and conduct a training program, and develop training teams.

I believe all of us who have had any experience in this body for any length of time can see that this is the foot in the door approach.

The initial cost would be $2 million a year for each of the next three succeeding fiscal years.

There will be certain appointments made. The Director would be appointed by the President.

These people would be taken from the various phases of law enforcement—the Bureau of Prisons, and so forth—to create this organization.

But again, there would be a group paid at the rate of $100 a day plus reimbursement for travel and expenses.

They would acquire property and arrange for construction of the institute.

Then people would begin making applications for the institute.

I believe, as the gentleman from Louisiana (Mr. Rarick) pointed out, that this thing could develop to a point where the only persons qualified to become juvenile justices in the State courts over the Nation would be those who had been trained in this Government organization, this Government institute, and they would use this as a qualification for the job.

They would use this as a qualification for the job. To quote specifically from Attorney General Kleindienst, he said:

> The department is of the opinion that enactment of this legislation would result in overlapping and duplication of efforts in the juvenile delinquency field by federally funded organizations, because all of the functions proposed for the Institute of Continuing Studies of Juvenile Justice presently can be performed under existing law.

Mr. KASTENMEIER. Will the gentleman yield?

Mr. DEVINE. Yes. I yield to the gentleman.

Mr. KASTENMEIER. Of course, that is the reason for this legislation. I think both the Department of Justice and the Department of Health, Education, and Welfare know that. They had representatives before our committee, and in terms of the cooperation they were supposed to promote they both thought prospectively about it and hoped that they could get together. It was their plan to work together.

If you talk to the people who must work in the field, such as the juvenile judges and the other independent associations like the American Parents Committee and the National Congress of Parents and Teachers, they will tell you that they cannot get this information. The very coordination that is presently missing is the reason for the bill.

Mr. DEVINE. I thank the gentleman for his contribution.

Let me point out in the letter from the Department of Justice, Deputy Attorney General Kleindienst also points out that already an award of $68,000 has been made to the Federal Bureau of Prisons to conduct a series of workshops on innovative programs for youthful offenders. A $200,000 award has been made to the Massachusetts Department of Youth Services to develop a training center in that State for the New England area.

There is another one. He says in addition to these examples of discretionary grants, $20,314,000 has been allocated by the States in their funding for fiscal year 1971 for training and educating in the juvenile field.

It seems to me that is far enough.

I am now happy to yield to the gentleman from New Jersey, who has a rich background in law enforcement matters.

Mr. HUNT. I thank the gentleman for yielding.

I want to commend the gentleman on his dissertation at this point. You have put in the Record the figures that I have been looking at over the past weekend. Insofar as criminal justice studies for juveniles is concerned, we have them running out of our ears at both ends. What we need somewhere in the line of action with regard to criminal justice for juveniles are judicial bodies who will enforce the law and do something about the trouble we are having with them.

Insofar as the Federal Government once more becoming big brother to look over the shoulders of 50 States, I think this is unfortunate. We have had this happen for many years where studies have been made and people have been trained. Many juvenile departments have been set up. I only find this bill to be another duplication of effort and a boondoggle to get people to travel for $100 a day so that they make more recommendations. Without due regard for the studies that have been made over the past 50 years.

Criminal justice, so far as juveniles are concerned, is not a real complicated problem unless you desire to make it one. In my estimation, this committee, if they were empowered to set it up, would do exactly that.

We have had juvenile justice going on for years at the expense of the taxpayers, and it is about time to stop duplicating efforts where criminal justice or juveniles is concerned, it would be appropriate to consider the use of good, common, ordinary sense. What we need is proper application of present law to each individual case utilizing the expertise of our experts in the judicial fields.

I thank the gentleman for yielding.

Mr. DEVINE. I thank the gentleman for his contribution.

I would like to point out for the purpose of the record you were a New Jersey State trooper for how many years?

Mr. HUNT. Twenty-nine years.

Mr. DEVINE. And you were in an advisory or administrative capacity as a lieutenant in the State troopers. Is that correct?

Mr. HUNT. I was the commanding officer of the Criminal Investigation Section in Troop A New Jersey State Police for a number of years. I have spent my adult life in criminology. I have handled juveniles of all ages and sizes. Juvenile handling and juvenile justice as administered in the State of New Jersey, and in many other States by our juvenile judges—we have a fine juvenile system in New Jersey and they are doing an excellent job. We in the law enforcement field agree with the Department of Justice on this legislation. It is not needed and overlaps many other projects. If we administer the present laws properly with firmness on the part of our judges, that will take care of our juvenile problem.

Mr. DEVINE. I thank the gentleman from New Jersey for his contribution. I have had occasion to examine the gentleman's background in this field from the Congressional Directory and I appreciate having the benefit of the gentleman's knowledge on this important matter.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, I want to oppose here, as I did in the Judiciary Committee the impression which I believe has been left that this Institute would be similar to and, therefore, should be wrapped in the mantle of the FBI National Academy for law enforcement officers.

As I stressed in the committee's deliberations on this bill, the FBI Law Enforcement Academy is entirely different from the Institute for Studies of Juvenile Justice proposed in this bill. It is operated entirely with existing FBI personnel. The trainees come from the police and sheriff departments from all over the country. During a part of the training period, they live in the barracks at the FBI Academy in Quantico, Va. Until recent years when Law Enforcement Assist Administration funds became available, all travel, living, and salary expenses were borne by the trainees themselves or by their local departments back home, rather than the Federal Government. And even today this training at the FBI National Academy does not involve the kind of very expensive per diem and travel allowance paid by the Federal Government that this bill now before us would set up.

I think it is not fair to wrap this proposal in any way in the mantle of the success that has been earned by the FBI National Academy. The proposed Institute should stand or fall on its own merits as it has little or no similarity to the FBI Academy.

The proposed Institute would not have a faculty available and would have to build its entire facility from the ground up. The students of the proposed Institute will not live the comparatively spartan existence of law enforcement officers who come here and to Quantico to attend the FBI Academy. Rather under section 5048(b) they will be allowed travel expenses and full per diem allowance of $25 just as if they were Federal Government employees. You may be sure that the lawyers, judges, and law professors who will be coming from all over the United States to attend will not be living in barracks at Quantico and those who become members of the Commission will receive per diem of $100 per day. I think it is obvious this is going to be a much more expensive thing than the FBI Academy. It is going to create another layer of bureaucracy which will cause great duplication and is not at all needed, as shown by the record made during the deliberations of the committee. This is also the view of the Departments of Justice and HEW, both of whom oppose the bill.

Mr. DEVINE. I thank the gentleman for his contribution and I am aware also of his FBI background, also having attended Quantico for training at the FBI Academy.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding.

I, too, think that there is a necessity for coordinating the Federal effort and the Federal-State relationship insofar as the direction of the studies and the actions taken insofar as juveniles are concerned, as well as in the expenditure of the money. But this act, rather than doing that job, apparently proliferates further the expenditures.

I think the gentleman in the well has made an excellent statement and I would vote for a provision which would, in fact, centralize our efforts and the expenditure of money at one place so that we could get better results than we have in the past.

Mr. DEVINE. I thank the gentleman from Iowa; and I also know of his background and personal dedication in fighting juvenile crime, and know of the time which the gentleman has spent in riding with youth aid division law enforcement officials in the District of Columbia, and his taking many delinquent youths to the ball games.

Mr. Speaker, I would like to conclude my remarks by again quoting from the committee report and from the letter from the Secretary of Health, Education, and Welfare in which he says as follows:

> In summary, we believe that the authority now existing in the Department as well as that existing in the Department of Justice under the Omnibus Crime Control and Safe Streets Act is sufficient to carry out the objectives of H.R. 45. We are working with the Department of Justice in determining the types of training to be carried out by each of our authorities and the type of data collection and dissemination in which department should be involved. The establishment of another independent agency in the form of an Institute would fragment Federal efforts in the field.
>
> We would therefore recommend against passage of this piece of legislation.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. Yes; I yield to the gentleman from Louisiana.

Mr. RARICK. I certainly thank the gentleman from Ohio for yielding and thank the gentleman for placing in the Record the statistics on juvenile crime.

I can assure you that this shows the tremendous caseload our juvenile judges at the State level have to contend with. They are extremely busy people, and have large staffs and of necessity have to delegate much of their fact-finding work and then coordinate the findings with their decisionmaking.

In view of this workload, the question that arises is: Who is going to be taking care of the juvenile caseloads handled by these judges when they are given these vacations to attend these training schools staffed by Federal bureaucrats? Does the gentleman from Ohio have any insight into that question?

Mr. DEVINE. I have no insight nor information that would answer the gentleman's inquiry.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I want to make further comment on the remarks made by my learned colleague, the gentleman from Iowa (Mr. Mayne). The gentleman spoke concerning the FBI National Police School. I am a graduate of that academy, and one of the reasons there is no difficulty insofar as expenses are concerned is that a member who goes to that academy, after he has been selected by the director and the staff, is because the salaries and expenses of the attendees are all paid for by each individual department. In effect, there is no cost to the Federal Government for having selected police officers to attend the academy except for the academy itself, for the barracks and the food. All the rest of these expenses are taken care of.

In fact, when I attended the academy, I lived at 506 East Capitol Street, and paid my own way. So we did not get $100 a day to attend the school. We went there because we were selected, and because we wanted to do something in the law enforcement field, and in many, many instances it has been reflected, in my estimation quite favorably in the handling of juvenile cases.

These are just some of the things I wanted to call to your attention. And I also wish to further commend both the gentleman from Ohio and the gentleman from Iowa who were former FBI agents, and, as one of your colleagues in fighting crime, may I say that you are both doing an excellent job.

Mr. DEVINE. Mr. Speaker, I thank the gentleman for his comments.

Mr. KASTENMEIER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. Railsback).

Mr. RAILSBACK. Mr. Speaker, the soaring crime rate is of overriding concern to all Americans. In 1970, one murder took place every 33 minutes; a forcible rape every 14 minutes; an aggravated assault and a robbery—both—every minute and a half. In the last 10 years, the number of serious crimes has almost tripled while our population has increased by only 13 percent.

The most distressing aspect of all of this is the number of young people who are involved. Almost 50 percent of the persons arrested in connection with serious crimes in 1969 were 18 or under. Also, youth crime continues to increase rapidly. In the last decade, the population of persons 18 or under increased by 27 percent, while the number of arrests in this age group jumped by almost 100 percent. Further, the recidivism rate among young offenders is significantly higher than for older ones. An FBI study revealed that 72 percent of those arrested who are under 21 will be rearrested within 5 years.

It is obvious that until we solve our juvenile delinquency problem we will make little progress in overcoming the national crime problem.

In the past decade, Federal efforts to control delinquency have come from several sources. Two Presidential Commissions were appointed to study the problem and make recommendations.

The Youth Development and Delinquency Prevention Administration of the Department of Health, Education, and Welfare, and the Law Enforcement Assistance Administration of the Department of Justice were awarded generous funds from Congress to combat crime.

However, the statistics on juvenile crime cited earlier talk of the disappointing failure of present programs to have any measurable positive effect on juvenile crime. According to the National Council on Crime and Delinquency, which analyzed the 1970 programs in this area by Justice and HEW:

First. There is a lack of coordination and concerted planning among the Federal agencies;

Second. The continual shifting of organizational structure and requests for small appropriations has shown little commitment by HEW leadership over the years to mount and sustain a Federal delinquency program commensurate with the problem;

Third. In 1970, about one-third of the limited HEW appropriations were spent for planning and supportive services and the remainder were scattered throughout the country in small, underfunded, and uncoordinated programs;

Fourth. It was the expectation and possibly the intention of many that LEAA would pick up on the priority of delinquency where HEW had failed; but, in 1970, LEAA committed only 14.3 percent of its resources to plans for delinquency programs. Because many approved plans do not develop into programs, far less than even this small amount was actually spent to control juvenile delinquency;

Fifth. Of all LEAA funds spent on crime by the State of Illinois, only 6 percent were spent on juvenile delinquency programs.

Although the National Council on Crime and Delinquency has not as yet completed its investigations of the 1971 programs, early indications are that nothing more promising will be reported.

Originally, the National Council on Crime and Delinquency recommended that an Institute on Juvenile Justice could be lodged in either the Department of Health, Education, and Welfare, or the Department of Justice. However, since the performances of these two agencies have been so discouraging in the area of juvenile delinquency, the Council recently endorsed the creation of the independent institute proposed in H.R. 45. On October 28, Milton Rector, Director of the National Council on Crime and Delinquency, wrote subcommittee chairman Robert Kastenmeier the following letter:

> National Council on
> Crime and Delinquency,
> *Paramus, N.J., October 28, 1971.*
>
> Congressman Robert W. Kastenmeier,
> *Chairman, Subcommittee No. 3, Committee on the Judiciary, House of Representatives, Washington, D.C.*
>
> Dear Congressman Kastenmeier: We are writing you to express our strong support for H.R. 45, the bill to establish an Institute for Continuing Studies of Juvenile Justice.
>
> As you know we testified before your committee on July 29, 1970, concerning H.R. 14950, H.R. 45's predecessor in the 91st Congress. At that time we strongly supported the concept of the bill and continue to do so. However, in our testimony before the committee we suggested that the Institute be lodged in either HEW or LEAA. This suggestion was based on the then existing plans of those two agencies.
>
> Since that time our hopes for HEW and LEAA were not realized. In the last fiscal year LEAA only planned to spend 14.6% of their state block funds in the area of Juvenile Delinquency. Of this pitifully low amount only 14.1% was spent on training.
>
> HEW's performance has been equally disappointing. In the last fiscal year they expended only 12.9% of their resources on training. We have been informed by officials from HEW/YDDPA that in the present fiscal year they do not plan to spend any funds in the training area. This decision, made apparently in the face of the 1968 Juvenile Delinquency Act, is most discouraging.
>
> Therefore, we would like to modify our previous testimony and urge that the Institute as described in H.R. 45 be enacted by Congress.
>
> Sincerely,
>
> Milton G. Rector,
> *Director.*

Mr. Speaker, briefly stated, the primary functions of the Institute for Continuing Studies of Juvenile Justice as envisioned in H.R. 45 are threefold:

First. To provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency;

Second. To provide a coordinating center for the collection and dissemination of useful data on the treatment and control of juvenile offenders and the juvenile system in general; and

Third. To prepare studies on juvenile justice including comparisons and analyses of State and Federal laws and model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The institute would be under the supervision of a Director appointed by the President. Overall policy and operation would be set by the Director and his Advisory Commission composed of members of appropriate Federal agencies and experts on juvenile crime from the private sector.

The training program which the institute would operate is a matter of the highest priority. One of our greatest problems is the lack of adequate training for those who deal with young people who have run afoul of the law.

The first contact with the juvenile justice system for most offenders is usually the policeman. His role is an important one for it is he who must make the initial decision as to how to treat the juvenile offender. He has a range of options—arrest, warning, dismissal, meeting with the parents to name but a few. It is imperative, therefore, that the police officer be aware that arrest is not his only option.

Unfortunately, according to a recent survey conducted by the International Association of Chiefs of Police, the average police recruit receives only 7½ hours of training on the problems of juveniles and delinquency. This says nothing, of course, about the quality of that training.

On-the-street contact with juveniles is a daily occurrence—and in-depth understanding of the particular problems of this age group is critical. Yet little inservice training is provided. In the cities with populations of one-quarter to one-half million surveyed by the police chiefs, only 15 percent of the officers assigned to special juvenile units had received any specialized training necessary for them to function effectively in their assignments.

This lack of special training in handling juvenile offenders is also true of juvenile court judges and probation officers, both of whom play a critical role in the young offender's first contact with the law.

The National Crime Commission reported that—

> Less than 10% of all juvenile court judges in the country were full time, three-fourths devoted less than one-fourth of their time to juvenile matters.

Further, half of the juvenile court judges have no undergraduate degree; one-fifth no college education at all, and one-fifth were not even members of the bar.

Probation personnel, perhaps more than any other segment of the juvenile justice system, need specialized training to provide each and every offender with an opportunity to become a well-adjusted and productive member of his community. Unfortunately, education and training requirements for probation officers vary from jurisdiction to jurisdiction. Many require high school diplomas, some require college degrees, and some have no educational requirements at all.

The American Parents Committees questioned each of the State directors of juvenile justice programs on their priority needs for delinquency prevention and control. Almost without exception it was found that States desperately need trained probation officers for juvenile courts.

An offender's contact with the juvenile justice system can mark a turning point in his life. In far too many cases it marks the beginning of a life of crime.

Under H.R. 45, the institute will conduct short-term courses on modern methods of dealing with delinquent youth. The enrollees would return to their States and communities with valuable information they can mold to their particular needs and circumstances.

Another priority of the institute would be to provide a center to gather and disseminate information on the various programs. In the past, we have been plagued by existing fragmentation of Federal and State agencies and programs dealing with juvenile offenders and the lack of coordination among them. As Judge James Gulotta of the National Council of Juvenile Court Judges succinctly said:

> Historically, there has been a lack of organization among the states in the areas of coordinated research, planning, communication, and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information—or even completely misunderstood the resources and knowledge available to only a few.

Thomas G. Pinnock, deputy director of the department of institutions for the State of Washington, has called for "a central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of the information to those of us directly involved with the problems of youth." H.R. 45 provides this clearinghouse.

Finally, the institute is directed to analyze State laws on juvenile crime and develop model laws and codes. The American Bar Association and the American Law Institute have achieved striking results with a similar approach.

Support for H.R. 45 has been gratifying. Over 100 Members in the House are cosponsors of this bill, and 21 Senators have sponsored identical legislation. Congressmen Biester and Mikva were instrumental in the drafting of H.R. 45, and Senator Percy led cosponsorship on the Senate side.

Congressman Claude Pepper of the Select Committee on Crime has held extensive hearings on the juvenile delinquency problem, and lent his efforts to support developing the idea of an institute.

Support has also come from some of the best known authorities on the subject of juvenile delinquency in the country. I now read a few of the many telegrams and letters that have been received from around the country in support of H.R. 45.

Judge James H. Lincoln, president, National Council of Juvenile Court Judges, telegram of October 26, 1971:

> It is not the purpose of this telegram to again make a detailed statement. It is my purpose as President of NCJCJ to again reiterate our very strong support of H.R. 45. We have had long experience with dealing with the present departments and agencies in Washington concerning matters relating to juveniles. We have an abundance of grass roots knowledge at the local level. We know that H.R. 45 is long overdue legislation.

Byron B. Conway, Wood County judge, Wisconsin, letter of October 22, 1971:

> I am a past president of the National Council of Juvenile Court Judges and that organization has taken a deep interest in the passage of this bill since it (H.R. 45) was introduced. The bill is also supported by the National Council on Crime and Delinquency, the Association of Parents, and many other sincere organizations that deal with the problems of children.

Orman W. Ketcham, judge of the Superior Court of the District of Columbia, letter of October 26, 1971:

> At the request of the Committee on Family Law Judges (of which I am chairman) the Family Law Section of the American Bar Association adopted a resolution last July in New York City, endorsing in principle H.R. 45, and urging the establishment of an independent Institute for Juvenile Justice.

Hope Eastman, acting director of the American Civil Liberties Union, letter of October 26, 1971:

> The American Civil Liberties Union strongly supports H.R. 45, a bill to establish an Institute for Continuing Studies of Juvenile Justice.
>
> This legislation represents an imaginative effort to deal with this problem (lack of resources). It would provide training programs and facilities for persons connected with prevention, control and treatment of juvenile crime and delinquency. It would also establish a national clearinghouse of information and studies on juvenile delinquency and the juvenile justice system.
>
> Trained personnel and greater knowledge are essential to achieving the specialized treatment and rehabilitation of juvenile offenders which is necessary to halt the alarming increase in juvenile crime and delinquency.

Mrs. Barbara McGarry, executive director, American Parents Committee, letter of October 14, 1971:

> The enormity of the juvenile delinquency problem clearly calls for a new approach, in view not only of financial drain, but most importantly, in reclaiming the misdirected young lives of that segment of the nation's most important natural resource—its children. This new approach is soundly realized in H.R. 45.
>
> Precisely because of lack of departmental inertia toward the mounting problem of juvenile delinquency, it is necessary to establish an independent Institute of Juvenile Justice, where Federal funds can be targeted directly to alleviating this problem—both by the training of special probation officers, intake and aftercare personnel, and by determining which programs show the greatest promise in controlling juvenile delinquency and in effectively rehabilitating the youthful offender."

"Legislation Memogram" from Mrs. Walter G. Kimmel, PTA, memogram issued September 20, 1971:

> H.R. 45 is a proposal to establish a National Institute for Continuing Studies of Juvenile Justice.
>
> We believe the bill contains many elements of juvenile treatment and control that are much needed, and we would like to see the bill reach the floor of the House for consideration.

I would also like to read a letter I just received from the criminal law section of the American Bar Association. While the letter does not constitute an official endorsement by the ABA, it is nonetheless very encouraging.

The letter follows:

> AMERICAN BAR ASSOCIATION,
> *Chicago, Ill., December 3, 1971.*
>
> Hon. THOMAS F. RAILSBACK,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. CONGRESSMAN: This letter is in response to your inquiry concerning consideration and action on the part of the ABA Section of Criminal Law regarding H.R. 45, 92d Congress, 1st Session, a bill introduced by you to amend Title 18 of the United States Code to establish an Institute for Continuing Studies of Juvenile Justice. Your interest is greatly appreciated.
>
> You will be pleased to know that this bill and the amendments favorably reported by the full Committee on the Judiciary October 28, 1971, were assigned for analysis to our Section's Committee on Juvenile Delinquency which is chaired by Monroe J. Paxman, National Council of Juvenile Court Judges, University of Nevada, Reno, Nevada 98507.
>
> At a meeting of our Section's governing Council held at San Francisco, California, November 13, 1971, Chairman Paxman reported favorably on the bill as amended and our Council unanimously approved a motion to support this legislation in principle. Based thereon, our Section will submit a report to the ABA Board of Governors with a recommendation that the legislation be endorsed in principle by the House of Delegates at the Association's Midyear Meeting, New Orleans, Louisiana, February 3–8, 1972.
>
> Until the Board of Governors and House of Delegates act, ABA policy precludes any official endorsement of legislation in its name or in the name of any section or other representative. I am sure you can appreciate the soundness of such policy. In the event the House of Delegates approves our recommended endorsement, representatives of our Section will then be authorized to testify in favor of and otherwise support this legislation in principle.
>
> I shall continue to follow this matter and will, of course, advise you as soon as we are able to act.
>
> Sincerely,
>
> WILLIAM H. ERICKSON,
> *Chairman.*

Mr. Speaker, America's best hope for reducing crime is to reduce juvenile delinquency. I hope we begin this task by passing H.R. 45 today.

Now when I say that this is patterned after the FBI training academy I do not mean to mislead. It is patterned after it in some respects.

I am not sure what the cost figure is going to be, but it was estimated at $2 million. It was our intention to provide a multidisciplinary approach that would involve law enforcement and probationary personnel, judicial personnel and correctional personnel who would come to Washington where they could be provided some expert training and could learn what some of the other States are doing in the juvenile delinquency field.

I know right now the States are going in every which direction.

Let me say to my friend from Louisiana that this particular legislation has the strong support of the juvenile court judges.

Judge James Gulotta of the National Council of Juvenile Court Judges, a former president, said this:

> Historically there has been a lack of organization among the states in the areas of guaranteed research, planning, communication and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information or even completely misunderstood the resources and knowledge available to only a few.

This is not another research organization. The purpose of it is very simple—to provide training on a short-term basis and to provide and act as an information disseminator.

Right now, as I mentioned before, the States are going in every which direction.

Talking about your law enforcement personnel. The gentleman from Colorado (Mr. MCKEVITT) has several years of training as a prosecutor and he is a strong advocate of this legislation as well as the other persons I mentioned.

I just received a letter from the American Bar Association and although this cannot be considered as an endorsement—here is the action that has been taken to date.

They said in a letter dated December 3 at a meeting of the section's committee on juvenile delinquency governing council held in San Francisco, Calif., on November 13, 1971:

> Chairman Paxman reported favorably on the bill as amended and our Council unanimously approved a motion to support this legislation in principle.

Mr. MAYNE. I do not believe the gentleman has made clear what section of the American Bar Association it is to which he refers.

Mr. RAILSBACK. Let me——

Mr. MAYNE. The letter mentions a committee of a section of the ABA without identifying the section.

Mr. RAILSBACK. No, I said this could not be considered an endorsement. You asked me to yield when I was about to finish reading the letter.

What I was about to read, if I may read that:

> You will be pleased to know that this bill and the amendments favorably reported by the full Committee on the Judiciary, October 28, 1971, were assigned for analysis to our Section's Committee on Juvenile Delinquency which is chaired by Monroe J. Paxman, National Council of Juvenile Court Judges, University of Nevada, Reno, Nevada 98507.

Let me make it very clear that there has been no final action taken by the board of governors.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. RAILSBACK) has expired.

Mr. MAYNE. If the gentleman will yield at that point, you still have not said what section is involved.

Mr. KASTENMEIER. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. RAILSBACK. I think I made it very clear—it says:

> Section's committee on Juvenile Delinquency which is chaired by Monroe J. Paxman.

Mr. MAYNE. What is the section? It is the section's committee—but what section of the bar association?

Mr. RAILSBACK. Oh, I see what you mean. I believe it is the family law section, but I would like to check on that. In checking I find that it is criminal law section.

Mr. MAYNE. I thank the gentleman.

Mr. RAILSBACK. Let me just say there are other organizations I want to pay credit to—particularly the American Parents Committee represented by Mrs. Barbara McGarry which has been very helpful and the National Council of Juvenile Court Judges.

Mrs. DWYER. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentlewoman.

Mrs. DWYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in our continuing and increasing battle against crime, it becomes more important than ever that we identify our goals and recognize the need to develop a strategy adequate to reach those goals. At the heart of any such strategy must be the effort to prevent future criminal activity before it gets started. This means reaching young people and understanding what leads some young people into delinquency and then into crime.

Reducing the crime rate, increasing the personal security of the people and enabling them to focus attention and energies on problems external to themselves—these goals will not be accomplished by cosmetic attempts to hide surface manifestations of deep-seated problems. Unless we learn how to deal with conditions that turn kids into criminals, we will be fighting a losing battle.

H.R. 45, of which I am pleased to be a cosponsor, is designed to help provide the understanding we need. I urge its approval by the House today.

Mr. DEVINE. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, here we go again with a $6 million expenditure on the premise that all Congress needs to do is throw some money at a problem and it will disappear. And this despite the fact that neither the Health, Education, and Welfare nor the Department of Justice support this bill. In fact, both Departments are opposed to it.

I should like to ask the gentleman from Wisconsin where his committee got the authority to go into title V of the United States Code and set up a level-5 director of the proposed institute. Does the committee have no regard for the committee in Congess that is supposed to pass upon the top level officials that you set up in the institutes and commissions that you create?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Is the gentleman suggesting that we cannot set up legislation providing for a level 5 director?

Mr. GROSS. That happens to be within the purview of the Post Office and Civil Service Committee. Moreover, you do not conform in this bill to the law which requires, in creating an institution or other agency, calling for the expenditure of a million dollars or more of the taxpayers' money, to provide the staffing requirements, estimated man-hours and other related information that goes with a proposition of this kind.

Mr. KASTENMEIER. If the gentleman will yield further, if he will refer to pages 24 and 25 of the hearings, he will see the detailed staffing.

Mr. GROSS. That is not what the law requires. The law requires that it be provided in the report accompanying the bill. I notice, too, that on page 6 of the bill the committee originally made the Attorney General or his designee a member of the Advisory Commission. Apparently when the Department of Justice said it wanted nothing to do with this bill, the committee struck the Attorney General from the Advisory Commission.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, I will yield briefly.

Mr. KASTENMEIER. The gentleman will note that the Administrator of the LEAA, and the Director of the Bureau of Prisons, who is responsible to the Department of Justice——

Mr. GROSS. But why did you eliminate the Attorney General or his designee? I will put the question very bluntly. Why did you strike him out?

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am yielding to the gentleman from Wisconsin at the moment. Apparently the gentleman does not have the answer to the question.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. DEVINE. Mr. Speaker, I yield the gentleman 1 additional minute.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 1 additional minute.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Let me say to the gentleman in the well that it was our original intent to have the Attorney General, and then it was felt, after the hearings and after we met, that it would be better to pinpoint the very people to serve in the executive branch that have the most to do——

Mr. GROSS. After the Attorney General said he did not want any part of this and the Department said that they did not want any part of it——

Mr. RAILSBACK. If the gentleman will yield——

Mr. GROSS. No, I have the gentleman's answer. I do not care to yield any further. I am just saying that it is proposed to send another $6 million down the drain, and according to the reports of the Department of Health, Education, and Welfare and the Justice Department, there is no real need for the expenditure of this kind of money. In the State of Iowa we have a little regard—I do not know about Illinois—but we have a little regard for the expenditure of millions of dollars these days. I urge that this bill be voted down.

Mr. KASTENMEIER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Speaker, I rise in support of H.R. 45. I feel that those who oppose this legislation really must ask themselves two or three important and significant questions. The first question would be: At the present time do we as a country—I do not mean the Federal Government, the State government, or local government but all of them together and our whole society—do we face the problem of juvenile delinquency successfully? If your answer is "Yes," to that question, there is no reason to go further in the consideration of this legislation. But if your answer is "No," to that—and I would imagine that the figures that show recidivism on the increase and the figures that show the increasing problems that occur from juvenile crime would indicate a definite "no" to that question.

The second question then is, assuming that our present approach to the juvenile delinquency problem is deficient as a society, do we need as a society to do somewhat better than we have to train ourselves to be more effective than we have been and to work somewhat more in synthesis than we have in the past to produce a better response to this problem?

And if the answer is yes, that is the very best reason for supporting this legislation, for this legislation admits that our approach has not been perfect in the past and admits that there are different programs handled by different entities of the Government and proclaims that it is essential we synthesize these efforts rather than leave them as they are, dangling often at the end of a particular point of view as exemplified by the fact that the Justice Department obviously has a different point of view in the matter of juvenile justice than does the Department of Health, Education, and Welfare.

Mr. DEVINE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, of course, it is difficult to oppose anything that might possibly solve the problem of juvenile delinquency, but we cannot approach these things on an emotional basis. We have to do it objectively, and we have to look at the actual facts. Let me reiterate what the Department of Justice has said:

> The Department is of the opinion that enactment of this legislation would result in overlapping and duplication of efforts in the juvenile delinquency field by federally funded organizations because all of the functions proposed for the Institute of Continuing Studies of Juvenile Justice presently can be performed under existing law.

HEW says the following:

> . . . we believe that the authority now existing in the Department as well as that existing in the Department of Justice under the Omnibus Crime Control and Safe Streets Act is sufficient to carry out the objectives of H.R. 45. . . . The establishment of another independent agency in the form of an Institute would fragment Federal efforts in the field.

Mr. Speaker, they recommend against passage. I think that speaks for itself.

I urge defeat of this bill.

Mr. KASTENMEIER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA) to conclude the debate.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I would like to commend the authors of this bill, in particular, the gentlemen from Illinois (Mr. RAILSBACK and Mr. MIKVA) for their efforts in the drafting and the shepherding of this legislation.

The juvenile's contribution to crime in this country is astronomical. No one knowledgeable in the area of crime in our streets would question the statistics that tell us that:

Seventy percent of the young people living in the inner city find themselves in trouble with the law before they are old enough to vote;

Seventy-two percent of the youth arrested are rearrested within 5 years;

Nearly half of those arrested for criminal offenses are under the age of 18.

It would be improper to contend that overnight H.R. 45 would materially change the recidivism rate with regard to the juvenile offender. However, it is proper to contend that whatever is being done today has not changed the serious problem of the juvenile lawbreaker—a problem that was clearly brought to this Nation's attention by the President's Commission on Law Enforcement and the Administration of Justice in 1967. H.R.. 45 is a beginning at meeting a major crime problem. Its focus is on that age group which ultimately swell the population of our prisons.

H.R. 45 is a redirection. It would provide a coordinating and unifying force that would bring together what is now a multifarious and disjointed attack on a very serious enemy of society—crime.

H.R. 45 is an experiment and a relatively inexpensive one when balanced by the gravity and the importance of the situation which it confronts.

Mr. Speaker, support for H.R. 45 has been expressed by numerous authorities and organizations including the American Parents Committee, the National Congress of Parents and Teachers, the American Civil Liberties Union, and the National Council of Juvenile Court Judges.

I hope the Members will support the enactment of H.R. 45.

Mr. MIKVA. Mr. Speaker, let me say to the distinguished gentleman from Iowa that I went back and did a little research. I have to tell the gentleman when the FBI first proposed its Institute for Law Enforcement, it was opposed on very many of the same grounds that are being offered today against the Institute for Continuing Studies of Juvenile Justice. Indeed, it included a more serious one that was offered; namely, that it would be a takeover of the local law enforcement and would create all kinds of overlapping. I think the track record of that Institute for Law Enforcement speaks for itself. I would only hope this academy would be half as successful as the FBI Academy has been.

I would point out too when these problems do not yield to easy solution, we ought to look for new ways to find some solutions rather than to object there might be some overlapping. Let us not be content with what we have when we know what we have is insufficient.

Just last week the Appropriations Committee of this House severely chastised the District of Columbia Corrections—rightly, I might add—for not having sufficient statistics on recidivism and all the other statistics that correctional agencies do not have, because there is no central gathering place for those statistics. With respect to juvenile delinquency, this service would be provided in this bill. I could enumerate other ways in which there are lacks.

Of course, $6 million, or whatever the amount the distinguished gentleman from Iowa estimates would be the cost of this bill, is a great deal of money; but the cost of letting juvenile delinquency continue unchecked and unabated, the cost of letting the juvenile delinquents turn into the adult delinquent, the cost of having a person start out with juvenile crime and end up as a murderer is a very great cost.

Mr. Speaker, I support H.R. 45.

Passage of this bill today by the House will be a tribute to the efforts of my friend and colleague from Illinois (Mr. RAILSBACK). His continuing concern over the alarming increases of juvenile crime, and his dedication to doing something to deal with the problems behind the grim statistics, has been the driving force behind this bill.

TOM RAILSBACK has not been alone in his concern and his dedication. This legislation comes to the floor with the support of more than 100 Members of the House—Republicans and Democrats, liberals and conservatives, representing urban, suburban, and rural districts.

The bill enjoys considerable support in the other body as well, thanks to the leadership of the senior Senator from Illinois (Senator PERCY), and the junior Senator from Indiana (Senator BAYH). More than 20 Members have cosponsored the bill in the Senate, and Senator BAYH plans to hold early hearings next session before his Juvenile Delinquency Subcommittee.

Mr. Speaker, it should not be necessary to debate the urgency of improving our efforts to reduce juvenile crime, if we are to make any headway in the war against crime. The FBI's Uniform Crime Report for 1970 shows that fully two-thirds of all arrests in major crimes involve people under 21 years old. And juvenile crime continues to increase—42.2 percent since 1965, and a starting 113.7 percent since 1960.

We are missing an important opportunity. When a teenager gets in trouble with the law, it is an early warning signal. These young people—14, 15, 16, and 17 year olds—have not turned to a life of crime after years of unemployment, alcoholism, or dope addiction. They are starting life as criminals, and many if not most of them will have long years of criminal activity ahead of them if something is not done to straighten them out early in the game. The FBI statistics bear this out. On the whole, 63 percent of those people released from prison are rearrested within 4 years. For juveniles, the figure is even higher—nearly 75 percent of those under 21 at the time of their release get in trouble again. The need for action is clear. Reducing juvenile crime will produce a disproportionate reduction in total crime, by taking out of criminal circulation youngsters who might otherwise commit numerous additional crimes through their lifetime.

We do not have all the answers by a long shot. But we do have some. The problem is that we are not making effective use of the knowledge we have.

There are many programs scattered throughout the Federal bureaucracy, dealing with different aspects of juvenile crime. The Department of Labor, the Department of Health, Education, and Welfare, the Department of Justice—all have proliferating programs under various legislative mandates, seeking to develop effective new techniques to stem delinquency.

But the knowledge gained through their efforts is of little use if it does not get out into the field. That is what H.R. 45 will do.

In the hearings before the Judiciary Committee in April, one witness—a juvenile court judge—spoke of the frustration of judges and probation officers who must recommend treatment programs for juveniles without ever being sure whether a more appropriate program is available for a particular individual. "I believe," said the judge, "that there are many million-dollar programs which offer solutions to juvenile problems that are not being used simply because we judges are not aware of their availability." He strongly endorsed H.R. 45, for it would provide a central source of information on what programs are available and what approaches have proven effective.

A second important function of the proposed Institute for Continuing Studies of Juvenile Justice would be the training of personnel working in the field. Too many judges and probation officers and juvenile corrections people around the country are years behind the current state of knowledge in their field. Every study of the needs of the juvenile justice system has pinpointed lack of trained personnel as a serious problem. In searching for a vehicle to meet this need, the model which stands out is the Federal Government's FBI Academy. It has been a model for law enforcement professionalism, training thousands of State and local law enforcement officials. If we are to begin solving the serious problem of juvenile crime which we now face in this country, we must make a comparable effort in training, motivating, and providing information to juvenile justice specialists.

In 1966 the Task Force on Juvenile Delinquency and Youth Crime of the President's Crime Commission recommended that juvenile "specialists" should be present and aid in the disposition of juvenile first offenders. Yet the Commission found that barely 5 percent of all the personnel employed in State juvenile facilities in 1965 were professionally trained treatment personnel. This is the challenge which H.R. 45 is designed to meet.

H.R. 45 offers a kind of revenue sharing plan for redistributing to the States and local governments the wealth of knowledge collected by the Federal Government in the juvenile-justice field. Through the various action and research programs spread throughout the Federal bureaucracy, we are finding answers to some of the problems. But we are not getting this new knowledge back to the people who must apply it—the judges and probation officers who must deal with juvenile offenders on a daily basis. The Institute for Continuing Studies of Juvenile Justice will bring that knowledge to the people who need it, through continuing education programs and a centralized information source.

Mr. Speaker, this is a good bill, and a desperately needed bill. I urge my colleagues to vote to suspend the rules and pass H.R. 45.

Mr. COUGHLIN. Mr. Speaker, I rise in support of this legislation to establish an Institute for Continuing Studies of Juvenile Justice.

Juvenile crime in this country, as we all know, has skyrocketed in the past decade. During the 1960's, violent crime by children under 18 has increased by 148 percent. Property crimes, such as burglary, larceny, and auto theft, have increased by 85 percent.

Despite all our efforts to curtail delinquency, the repeat rate for offenders under the age of 20 is around 74 percent. While children between the ages of 10 and 17 make up only 16 percent of our population nationally, they account for more than 48 percent of all arrests for serious crimes. This is the largest percentage for any group in the country.

The toll from this crime is enormous. In 1970, for instance, the material cost was more than $4 billion. Even more costly were the losses in human terms by both the victims of juvenile crime and the juvenile offenders themselves. The intangible effects in terms of public fear and private despair are immeasurable.

All this is familiar to you, but it bears repeating if only to emphasize the need for this legislation.

In 1968, in response to the rise in juvenile crime, Congress passed the Juvenile Delinquency Prevention and Control Act. This act sought to help States and local communities strengthen their juvenile justice programs, including courts, correctional systems, police, and other law enforcement agencies. It also provided for the training of personnel employed or about to be employed in the area of juvenile delinquency prevention and control, and for developing new techniques and services in the field. The act also sought to emphasize the importance of the community-based approach in its prevention, rehabilitation, and training programs, as well as to coordinate its efforts with other Federal assistance programs relating to the prevention and control of juvenile delinquency.

However, in its 3 years of operation, it has become clear that the act has not lived up to expectations. The fault, it seems to me, has been one of execution rather than any weakness in conception. Our juvenile justice system, much like the correctional system, is characterized by overlapping jurisdictions, different points of view, insufficient coordination among the agencies, lack of dynamism, and not enough money.

In its operation our current juvenile justice system functions so that the total is less than the sum of its parts.

That is to say, most State systems are made up of several interrelated parts, usually separately administered at different levels of government. As a result, no single body oversees the entire system to coordinate the allocation of funds for programs and personnel.

This legislation is designed to remedy the situation.

The purpose of this legislation is threefold: first, to provide training programs and facilities for personnel involved in the field; second, to provide a coordinating center for the collection and distribution of useful information on the subject on a nationwide basis; and third, to prepare studies and recommendations designed to promote an effective and efficient and humane juvenile justice system.

Put another way, this legislation is meant to be a two-pronged attack on juvenile crime. The Institute would provide education and training for persons working to combat juvenile delinquency at the State and local level. The training would be patterned after the very respected and successful FBI Academy, and would offer training by experts for local law enforcement officers, judicial personnel, welfare officials, correctional officers, probation officers, and others connected with the treatment and control of juvenile offenders.

The second attack concentrates on the dissemination of information presently existing but not found conveniently in a central location. The problem of juvenile delinquency, as we all know, is primarily a local one. But, to the extent there are 50 States and countless local communities approaching the problem in their own individual ways, there is need for some central help and coordination.

This legislation goes beyond that providing for studies and recommendations. This is an action program and there can be no doubt that we desperately need positive action in this field.

I hasten to point out that it would not be the purpose of this Institute simply to be another Government agency telling everyone what to do. The key words, I believe, are "help and coordination." There is no question in my mind that the establishment of this Institute would greatly benefit State and local agencies and organizations concerned with preventing and controlling juvenile delinquency, and it is for this reason that I urge my colleagues to vote in favor of this legislation.

Mr. FINDLEY. Mr. Speaker, the bill before us today would create an Institute for Continuing Studies of Juvenile Justice. I first introduced this bill with my colleague from Illinois (Mr. RAILSBACK) on December 8, 1969. I did so, because of the tremendous upsurge in juvenile crime that our country has experienced in the past decade. It is clear to me that the programs that presently exist do not deal effectively with this problem and that new approaches must be found. In my judgment, H.R. 45 is such an approach.

As has already been stated, the Institute for Continuing Studies of Juvenile Justice created by this bill has three purposes. First, it will provide badly needed training for those who deal with young people who have gotten in trouble with the law. Policemen, judges, and probation officers will be able to receive specialized instruction to better enable them to cope with youthful offenders.

Second, the institute will act as a clearing house for information about juvenile delinquency and its control. State and local programs will be monitored and information about them supplied to other jurisdictions for their consideration.

Finally, the institute will develop model laws on juvenile delinquency. Drawing on the experience and legislation of all 50 States, as well as that of other countries, the institute will attempt to write a modern penal code for juvenile offenders to serve as a model for all States.

The cost of this proposal—about $2 million annually—must be measured against the tremendous cost of juvenile delinquency. In 1968, all public institutions for delinquent children in the country spent a total of $227 million—about $4,516 per child.

The cost of the crime committed by juvenile offenders is also tremendous, and in many cases it goes unreported. For example, in 1969, the city of Chicago spent over $1 million just to replace broken windows in the public schools.

The National Council on Crime and Delinquency estimates that approximately 100,000 children are locked up each year by the police. Obviously, this is not the answer to the juvenile delinquency problem. A better answer must be found, and I am hopeful that the Institute for Continuing Studies of Juvenile Justice can help provide that answer.

Mr. MICHEL. Mr. Speaker, as one of the cosponsors of this legislation to establish an Institute for Continuing Studies on Juvenile Justice, I want to emphasize that a major objective of such an institute would be to provide professional, comprehensive training for juvenile court personnel.

In a recent, nationwide survey, State directors of juvenile delinquency prevention and control programs repeatedly expressed the need for more and better trained probation officers. Probation is recognized as one of the most vital and important programs in the rehabilitation of young offenders. Only with properly trained probation officers, however, can we effectively undertake such programs and at the same time assure the adequate protection of the public. When we realize that 50 to 75 percent of these young offenders will be arrested again for crimes as adults, it is clearly time that such training be made widely available.

Juvenile justices have also repeatedly expressed their desire for a continuing legal education program in juvenile studies for themselves and their court personnel. Insufficient knowledge of new programs and research in juvenile justice have meant in the past that delinquents who have come before these judges have not received the best opportunity for rehabilitation and reform. This, indeed, is a heavy burden for justices to bear.

The institute proposed in H.R. 45 has been modeled along the lines of the FBI National Academy. In the past 36 years the Academy has been highly successful in professionalizing law enforcement through the training of experienced law officers, and it has done so far more comprehensively and economically than would have been possible if the States had undertaken independent training institutes. There is every reason to believe that a national institute on juvenile justice would prove equally beneficial and would be highly welcomed by communities and States alike.

The need for a better solution to the juvenile delinquincy problem in this country is all too well recognized. It is my firm belief that the training which can be provided by the Institute proposed by H.R. 45 will be a vital first step toward that solution.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today in support of H.R. 45, a bill to create an Institute for Continuing Studies of Juvenile Justice, and to congratulate my esteemed friend and colleague Tom Railsback for his well-wrought efforts in designing and introducing this bill.

With the passage of this legislation, the Institute in question would collect, prepare, and disseminate data on juvenile justice, as well as train personnel in the juvenile justice area.

The penal system of the United States is, as we have all recently witnessed, deeply and immediately in need of reform. The percentage of "rehabilitated" criminals in this country remains at a shamefully low 5 percent. The blame for this obvious lack of successful reform can be equally distributed among various influences in our society. Yet, it is evident that when given the opportunity to reform offenders, we have, more often than not, disgracefully neglected it.

Mr. Speaker, the juvenile offender must be given a meaningful chance for rehabilitation. If we are to be successful in our fight against crime; if we are to make an honest commitment toward a constructive overhaul of the present system, then we must first make a realistic appraisal of the sorry situation that confronts us. We must then begin to constantly and forcefully alter the present penal system in the hopes of constructing something, anything, that works.

The creation of an agency which will study the problems of juvenile delinquency and unify the juvenile justice system of this country is a vital progression toward such change.

I am proud to be a cosponsor of H.R. 45 and I urge all of my distinguished colleagues to support the passage of this bill and its immediate enactment into law.

Mr. LLOYD. Mr. Speaker, I believe one of the greatest responsibilities an elected representative has to discharge is to make efficient use of existing agencies and to eliminate those which are performing duplicated services. Consequently, I oppose this bill, not because I do not recognize the problems of juvenile crime but because there are already so many listed existing agencies, both public and private, which are conducting in-depth study into the means whereby we can combat juvenile crime and help juveniles live productive lives.

I formerly served as a member of the legislature of my State and at that time I was quite heavily involved in legislative approaches to crime and to juvenile crime. I authorized legislation establishing a nonpaid, completely volunteer council on the administration of criminal justice. In the field of juvenile delinquency, I authored the legislation which established juvenile detention homes with joint State-county responsibility and am pleased to be told that the juvenile detention system established under that legislation is working well to provide essential services for the particular problems existing in Utah. I mention these matters to illustrate that I have some experience in the problems of crime and juvenile delinquency. If the bill before us were to offer new services to meet a national demand, it would justify support, but in my opinion those conditions do not exist.

Our overriding responsibility is to prevent new and unnecessary Government services to be established in the first place so that the expense of maintaining such unnecessary services will not skyrocket as those employed by such services become lobbyists for more and more expansion under the false guise of necessity. While these employees can spend great amounts of time drawing up pin maps and bar charts to justify the continuance and expansion of their jobs, there are few, if any, who are spending comparable time pointing out the reasons why these services should not be expanded or eliminated altogether. In this as in many other proposals which are brought before us, our clear responsibility is to prevent the birth of unnecessary and duplicating services, which will grow into expensive, unnecessary bureaucracies. I, therefore, oppose the bill.

Mr. DRINAN. Mr. Speaker, I rise in support of H.R. 45, to amend title 18 of the United States Code to establish an Institute for Continuing Studies of Juvenile Justice. I am a cosponsor of this measure and have supported it in the Judiciary Committee. I want to highly commend my friends and colleagues, Congressmen Tom Railsback, Abner Mikva, and Ed Biester for their leadership on this issue.

Only yesterday, in her New York Times magazine article, "When Children Collide With the Law," Gertrude Samuels described a study which indicates that each year more than 100,000 children of juvenile court age are held in adult jails or prisons. Another study shows that 79 percent of all offenders under the age of 20 released from institutions in 1963 were rearrested by 1969. Between 1960 and 1969 juvenile arrests increased 90 percent. In many States individuals younger than 20 are not accorded any youthful offender status.

We know that four out of five adults who commit serious crimes have previously been convicted. We know that a majority of adults imprisoned will be recidivists. There is much evidence of a population of adult criminals who return to prison again and again. The growing literature on prison reform, by and about convicts, indicates that the criminal "style" is often, if not invariably, defined during youth. This bill, which would establish an independent institute to study juvenile justice, is an essential part of a reform movement which must be undertaken if we are to cope with the pattern of perpetual criminality which tragically characterizes the prison population of our country.

I greatly regret that this bill comes here today in an atmosphere of controversy. The executive agencies which are involved with control of juvenile crime—the Departments of Justice and Health, Education, and Welfare—claim they have been doing, or are capable of doing, an adequate job in this area. Unfortunately, the statistics belie their claims. Indeed, it is no exaggeration to state that many aspects of our treatment of juvenile offenders more closely resemble the social conditions described in Dickens' "Oliver Twist" than rehabilitative control.

This bill would provide training programs for individuals involved in the juvenile delinquency control and treatment fields. It would provide facilities to collect and disseminate data on juvenile crime. It would fund studies of the operation of the juvenile justice.

These functions are not presently being performed in a coordinated or adequate way. As I listened to the testimony regarding this measure in Subcommittee No. 3 of the Judiciary Committee, the frequent descriptions of the gap between prudent proposals and the current state of juvenile justice made a deep impression on me. In short, we simply do not have a responsive institutional framework to train individuals or to study and propose reforms in this field.

The Judiciary Committee has studied existing programs with great care and has concluded that we need a new approach. I urge my colleagues to support that recommendation.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 45, which would establish an Institute for Continuing Studies of Juvenile Justice. Having been a cosponsor of this legislation in both the 91st and 92d Congresses, I am pleased that the measure has finally reached the floor of the House for consideration.

Legislative hearings were conducted earlier this year to evaluate the status of current juvenile delinquency programs at the Federal level. These hearings brought out the fact that no single individual within the various departments involved in this area is charged specifically with sole responsibility for juvenile delinquency programs. Nor is any one individual charged with coordinating these programs with other departments' efforts in order to prevent overlapping and duplication.

At a time when juvenile crime is reach staggering proportions, a unified, coordinated Federal effort is clearly called for.

Juveniles arrested for serious crime increased 78 percent from 1960 to 1968. Moreover, studies have shown that almost three-fourths of youths once arrested are being rearrested within a few years.

That is why I wholeheartedly endorse the two-pronged approach embodied in the bill. The first will provide a means of disseminating information and expertise in the field of juvenile delinquency treatment and control. The second will provide an academy to offer training by experts for local law-enforcement officers, judicial personnel, welfare officials, correctional officers, probation officers, and others connected with the treatment and control of juvenile offenders.

As a needed answer to an urgent social problem, the bill merits our immediate endorsement.

Thank you, Mr. Speaker.

Mr. MATSUNAGA. Mr. Speaker, as a cosponsor of an identical bill, I am pleased to express my strong support for H.R. 45, which would establish an Institute for Continuing Studies of Juvenile Justice.

Expressing alarm over the increase in juvenile crime has become almost a cliche in recent years, but the figures are truly alarming. In our inner cities, an almost incredible 70 percent of our young people find themselves in trouble with the law before they reach the age of 19. Furthermore, about three-fourths of these youngsters are arrested a second time within 5 years.

One other fact deserves mention: almost one-half of those arrested in 1968 for serious criminal offenses were under the age of 18; in other words, juvenile crime constitutes about half of the total crime problem.

In the face of these figures, the conclusion is inescapable that existing programs to combat juvenile delinquency are not working. Experts tell us these efforts are fragmentary and ineffective. What is needed is not new and harsher laws, but better coordination of existing laws and programs.

Mr. Speaker, H.R. 45 is well suited to that end. It would initiate a two-pronged attack on juvenile crime. The proposed Institute for Continuing Studies of Juvenile Delinquency would establish a clearinghouse for existing information about juvenile crime, information that up until now has not been properly analyzed or disseminated. Uncoordinated studies and programs at various levels of government have accumulated substantial amounts of relevant data, but we have not been able to put that data to its best use.

The second function of the Institute would be to provide training and education to those directly involved in State and local efforts to control juvenile delinquency. The training would be patterned after a similar, highly successful program for regular law enforcement personnel at the FBI Academy.

Mr. Speaker, H.R. 45 would go far toward achieving these two necessary objectives in the field of juvenile justice. I urge its overwhelming adoption.

Mr. RYAN. Mr. Speaker, I support H.R. 45—also introduced as H.R. 7352 which I have cosponsored. It would create an Institute for the Continuing Studies of Juvenile Justice. As a member of the Judiciary Committee, which has reported out this bill, I can attest to the need for this legislation.

Juvenile crime is a pressing and threatening aspect to the crime problem. Arrests of juveniles for serious crimes increased 78 percent from 1960–68, while the number of persons in the under 18 age group increased by only 25 percent.

To attempt to meet this problem, H.R. 45 would establish an Institute for Continuing Studies of Juvenile Justice. The Institute would provide a coordinating center for the collection and dissemination of data regarding the treatment and control of juvenile offenders and provide training for representatives of Federal, State, and local personnel connected with the treatment and control of juvenile offenders.

The Institute would be under the operational supervision of a Director appointed by the President, who would appoint a staff.

Overall policy of the Institute would be under the supervision of a 21 person Advisory Commission appointed by the President. This Commission would be composed of persons having experience or responsibility in the area of juvenile delinquency.

An important facet of this Institute would be its independence of the Federal agencies currently charged with the administration of juvenile justice. Currently the system of juvenile justice is administered by the Departments of Justice and Health, Education, and Welfare. The present state of that system suggests that some new input is needed. I believe that the administration of juvenile justice should be studied in an independent framework with a view toward developing effective new methods for dealing with the problem of juvenile offenders. This legislation provides for an Institute to help fulfill this function. I urge the House to support it.

Mr. RARICK. Mr. Speaker, I entertain serious reservations as to the purpose of H.R. 45 in its intent to establish an institution for continuing studies of juvenile justice which include sending our State-elected juvenile court judges to a Federal training academy.

My reservations apply mainly to the State juvenile judges themselves and not so much to the officers of the court inasmuch as the staff operates under the eyes of the juvenile court judge.

But, I do fear that State-elected officials brought together from all over the United States to a laboratory school and exposed to the persuasions and influences of college professors, psychiatrists, and social workers would be so sensitized on national needs and goals as to end up betraying their electorate at home.

I feel very strongly that this bill crosses the forbidden line which separates the Federal Government from our States under the Federal system and is a direct violation of our constitutional position.

It is utterly irreconcilable to compare a Federal school for elected State juvenile court judges with an FBI Acadamy. Juvenile judges are not in law enforcement or subject to uniform procedures for apprehension of criminals or in carrying out court decrees. Juvenile court judges are to dispense justice.

A national juvenile academy for indoctrination of elected State judges should be considered an insult by the voting electorate of this country. The voters elect as juvenile court judges men trusted for their sense of fairness, honesty, and morality, and who they believe will take into account family traditions and customs of the area in arriving at their decisions and judgments. To subject elected judges to an impressive training and indoctrination course administered by "authorities and experts" unfamiliar with local family conditions would constitute an indignity not only to the judges but to the voters as well. The people want the men they elect to be their juvenile court judges, not the alter ego of Federal bureaucrats and collegiate experts whose philosophy and theories of social justice are foreign to them and their area of the country.

Justice cannot be taught or legislated. Its main teacher is experience and maturity. And, our juvenile court judges do not need any Federal reviewing board or unelected examiners to check their productivity and efficiency. Their score card is graded by the voters in their districts and is always subject to review by the supreme court of their state.

Recently this body by a narrow vote enacted the comprehensive child development programs which indicate that there are many who do not trust parents to raise and control their children. Now if we pass this bill, we will be telling the parents that we do not trust their selection at the polls to elect a fair and impartial juvenile court judge unless his activities and mental approach to social problems has been conditioned by a Federal institute for continuing studies of juvenile justice.

I reiterate my question to the chairman of the committee as to whether he would have any opinion as to the feasibility of the States creating training schools for Federal judges to help condition and sensitize the Federal judiciary to local and State problems.

At most, H.R. 45 represents another unnecessary committee, additional unnecessary spending, another bureaucratic program which would expand, and delivering only unneeded, officious intermeddling.

I still hold confidence in the juvenile court judges of my State and in the electorate who selects them. I plan to cast my people's vote "no."

Mr. BIAGGI. Mr. Speaker, I rise in support of this bill to provide an independent Institute for Continuing Studies of Juvenile Justice. As a cosponsor of the bill, I strongly urge its passage as a necessary tool in reversing the upward trend of juvenile crime.

Over three-fourths of the juvenile offenders arrested this year will return to our criminal justice system within the next 5 years. As a second offender, they will then be headed toward a life of crime. Clearly we must reverse this cycle of juvenile crime being a takeoff point for a life of arrest and imprisonment. This legislation provides that means. It is not just a study, but real action. All studies in the past, including the President's Commission on Law Enforcement and the Administration of Justice, point to the need for reducing juvenile crime.

This bill provides a two-pronged action attack on juvenile crime. First it provides a centralized source for pertinent information on control of juvenile delinquency. Second, it will be a training center for those who will deal with juveniles in the criminal justice system.

The closest parallel we have to this proposed institute is the Federal Bureau of Investigation Academy. No one will dispute the effectiveness of this academy in disseminating information and expertise on law enforcement techniques to our State and local law enforcement agencies. It has been well received on all levels of government as an important tool in the overall attack on crime.

Now we wish to extend a similar tool to the problems of juvenile crime. With proper training, law enforcement officers, corrections officers, social workers and court personnel who come into contact with juvenile offenders will have a better opportunity to turn these youths away from a life of crime. Also by strengthening our local and State ability to deal with juvenile crime they will become a more potent deterrent force.

Mr. Speaker, the measure deserves the unanimous support of this body. I sincerely hope all my colleagues will vote for it.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill H.R. 45, as amended.

The question was taken.

Mr. DEVINE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. ASPINALL. Mr. Speaker, I ask the gentleman from Ohio to withhold his point of order at this time for a unanimous-consent request.

Mr. DEVINE. Mr. Speaker, I will withhold my point of order until the gentleman from Colorado states what the unanimous-consent request is.

Mr. ASPINALL. Mr. Speaker, the unanimous-consent request will be to lay over this matter until the funeral party comes back from Boston.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I agree with what the gentleman from Colorado has said. There is a sizable number of Members who are attending the funeral in Massachusetts. The gentleman is trying to protect them until they get back, which we had hoped would be about now. It was agreed that the unanimous-consent request would be made.

I know there is a fear that a rollcall will not be obtained when the vote is taken. I can only say I will cooperate in getting a vote if there is a quorum present.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, I thought the understanding was that votes might be taken after 1 o'clock this afternoon, in conformance with the request made. It is now 1:20.

Mr. ASPINALL. Mr. Speaker, if I have the time, or if my friend from Iowa will yield to me, I understand the services were postponed from 10 o'clock until 11 o'clock. This is the reason for the request.

I would hope we are not going to be foreclosed from a vote on this bill.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I have indicated that I will cooperate to make certain that a vote is taken.

I understand the weather was bad in Massachusetts. I am told it was not the best flying weather from here to Boston. I hope we can arrange to take a vote at a subsequent time.

Mr. GROSS. On that understanding, Mr. Speaker, I withdraw my reservation.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DEVINE. Is the Chair in a position to make an announcement at this time that a quorum is not present and that a rollcall is in order, and that the actual rollcall will be withheld until such time as the parties in question have returned to the House floor?

The SPEAKER pro tempore. The gentleman from Colorado may include that in his request.

Mr. ASPINALL. Mr. Speaker, inasmuch as there is a reasonable doubt that a quorum is present, and inasmuch as many of our colleagues are absent at this time in attendance at the services in Boston, I ask unanimous consent that the further proceedings on this particular matter—that is, the further consideration of H.R. 45—be postponed until the funeral group returns from Boston.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. HOSMER. Mr. Speaker, reserving the right to object, does the gentleman further request that a rollcall vote be taken at the time the vote is taken?

Mr. ASPINALL. Mr. Speaker, may I suggest that inasmuch as I stated that it is likely that a quorum was not present, and a rollcall vote would be in order at this time, that is of course a part of my request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. The point of order that a quorum is not present is withdrawn.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON FOREIGN ASSISTANCE APPROPRIATIONS, 1972

Mr. PASSMAN. Mr. Speaker, so as to expedite the business of the House on sine die adjournment, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the foreign assistance and related agencies appropriation bill for 1972.

Mr. SHRIVER reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I hope I shall not have to object, what kind of a bill in terms of money is the gentleman going to present to the House? Can he enlighten us at this time?

Mr. PASSMAN. The cuts are the largest dollarwise and percentagewise, ever made on a foreign aid bill.

Mr. GROSS. That sounds reasonable. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 45.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

INTERIM EXTENSION OF CERTAIN HOUSE AND BANKING LAWS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, as amended.

The Clerk read as follows:

S.J. RES. 176

Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "January 1, 1972" and inserting in lieu thereof "June 30, 1972".

(b) With respect to any area where the Secretary of the Department of Housing and Urban Development shall determine that cost levels so require or that such action is necessary to avoid excessive discounts on federally insured and guaranteed mortgages, the Government National Mortgage Association may, for a period of six months after the enactment of this Act, issue commitments to purchase mortgages with original principal obligations not more than 50 per centum in excess of the limitations imposed by clause (3) of the proviso to the first sentence of section 302(b)(1) of the National Housing Act, and it may purchase the mortgages so committed to be purchased.

SEC. 2. (a) Section 404(g) of the National Housing Act is amended by striking out "1¾" and substituting in lieu thereof "1⅗".

(b) Section 702(c) of the Housing and Urban Development Act of 1965 (42 U.S.C.

3102(c)) is amended by striking out "October 1, 1971" and inserting in lieu thereof "June 30, 1972".

SEC. 3. (a)(1) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(2) Section 1315 of such Act is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(b) Section 1336(a) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(c) The provisions of section 1314(a)(2) of the Housing and Urban Development Act of 1968 shall not apply with respect to any loss, destruction, or damage of real or personal property that occurs on or before December 31, 1973.

(d)(1) Section 1305(a) of the Housing and Urban Development Act of 1968 is amended by striking out "and" after "families" and inserting in lieu thereof ", church properties, and".

(2) Section 1306(b)(1)(C) of such Act is amended by inserting "church properties, and" immediately before "any other properties which may become".

SEC. 4. Section 303(b) of the Small Business Investment Act of 1958 is amended—

(1) by inserting the following in lieu of the first sentence thereof: "To encourage the formation and growth of small business investment companies the Administration is authorized (but only to the extent that the necessary funds are not available to said company from private sources on reasonable terms) when authorized in appropriation Acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by such companies. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.";

(2) by inserting "or guaranteed" following "purchased" each time it appears in paragraphs (1) and (2) thereof and in the second sentence thereof;

(3) by inserting "or guarantees" following "purchases" in the last sentence or paragraph (2) thereof; and

(4) by inserting "or guarantee" following "purchase" in paragraph (3) thereof.

The SPEAKER pro tempore. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WIDNALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WIDNALL. Mr. Speaker, at the time these bills were combined by suggestion of the chairman of the committee (Mr. PATMAN) four bills which are included in the matter now before the House, an agreement was actually made that five bills would be included. That has been changed without consultation with the minority and, as far as I know, without consultation with any other Members of the House.

The bills all came out of the committee at the same time by a vote of 22 to 4. This one particular bill, which is not included on the list now, was approved by the committee and the same instructions were given to the chairman to proceed to the immediate consideration of all five of these bills. Now, for some unknown reason, one has been removed.

I do not think this is in order, and I frankly would like to object to the four other bills being considered at this time without this one.

Mr. PATMAN. Mr. Speaker, may I answer the parliamentary inquiry?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, these bills did not all come out of the committee at the same time. The gentleman is mistaken about that.

The administration is urging the passage of some of these bills. They were put together because some of them expire in a few days or by December 31 of this year, at any rate. The flexible interest rate authority expires December 31. The temporary waiver of certain limitations applicable to purchase of GNMA is very important. That must be done now. With regard to the Federal savings and loan insurance, that amendment provides that the funds, instead of being paid into this Federal savings and loan insurance corporation, may be used for housing. It involves $450 million. I think it is very much needed for housing at this time. This would be impossible if this bill were not considered now and passed. As to the flood insurance provisions, very many Members of the House are interested in it. It is going to expire. This bill has the purpose of extending it, among other things, for a period of 2 years.

Most of these bills are being taken up for the benefit of the administration, to protect the administration, by extending these acts which are about to expire.

The small business insurance companies have an important amendment pending in this bill which would help small business generally all over the Nation.

They have been stymied for some time and this would get them off dead center.

I do not believe that many Members want to prevent the consideration of that provision. Unless something is done during the month of December, and if we do not pass a bill today, I doubt very much that we will have an opportunity before December 31 to take further action, at which time at least two or three of these provisions will expire.

Mr. Speaker, I certainly hope that there is no point of order raised against it. This is just a parliamentary inquiry on the part of the gentleman from New Jersey.

Therefore, I suggest, Mr. Speaker, that we proceed with the consideration of the bill.

Mr. WIDNALL. Mr. Speaker, may I continue with my parliamentary inquiry?

It had been my understanding, as the ranking minority member on the committee, that all 5 of these bills would be brought up today. There was no objection on my part or on the part of any other member of the committee about which I know, and the full committee was told by the chairman that we would proceed on all of the bills.

Mr. Speaker, three of these bills came out exactly the same day as the national bank taxation bill, and a fourth bill, namely the Small Business Investment Corporation bill, came out the following day. That bill is one of three of the bills and this one has been eliminated.

My query is: Why was it eliminated and why was the agreement violated and what right did the gentleman from Texas have for violating the agreement?

Mr. PATMAN. Mr. Speaker, may I answer that?

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. PATMAN. The bills were passed out with the understanding that the chairman would take such action as may be necessary to get early, favorable and expeditious consideration of these bills.

When we considered the five bills, there was one on the agenda that would bring down all of them, and they would have no chance to pass and the whole package would fall and none of them would pass. That bill was one on which many Members wanted a rule and application was made for a rule. Therefore, we left it out because we did not want to have them all fall because one failed. I would not be doing, as the chairman of the committee, what I should do in order to expedite favorable consideration of these bills if I put a bill in there that would bring them all down to defeat.

Mr. WIDNALL. The gentleman from Texas has substituted his judgment for the judgment of the committee. It was voted out of the committee by a vote of 22 to 4. There was no clamor to get a rule on this.

Mr. Speaker, what I really object to is bringing up these bills today as a result of the violation of the agreement on the part of the gentleman from Texas.

The SPEAKER pro tempore. The gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes and the gentleman from New Jersey (Mr. WIDNALL) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 176 with the proposed amendment is a bill containing provisions which the Committee on Banking and Currency reported out on November 16.

FLEXIBLE INTEREST RATE AUTHORITY

Section 1 of the proposed amendment to Senate Joint Resolution 176 would amend section 3(a) of Public Law 90–301 to extend for 6 months from January 1, 1972, to June 30, 1972, the authority of the Secretary of Housing and Urban Development to set the maximum interest rates for FHA mortgage insurance programs at rates he finds necessary to meet the mortgage market. Enactment of this section would also operate to remove the present interest rate limitations on VA guaranteed loans which are tied by statute to the rate for FHA insured home mortgages under section 203 of the National Housing Act.

TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY GNMA

Section 1(b) would permit the President, until June 30, 1972, to authorize the Government National Mortgage Association to issue commitments to purchase, and to purchase, mortgages under section 305 of the National Housing Act—the special assistance program—with the original principal obligation of not more than 50 percent in excess of the limitations imposed by clause (3) of the first sentence of section 302(b)(1) of the National Housing Act. Before the President could so authorize GNMA, he would have to find and declare that such action was necessary to assure a greater availability of mortgage credit to federally insured or guaranteed mortgages without increasing the maximum interest rate then in effect. Under section 302(b)(1), GNMA cannot purchase mortgages with a principal amount in excess of $22,000—$24,500 for four-bedroom or larger units.

This temporary authority, expiring at the end of this fiscal year, is necessary in order to permit the special tandem plan instituted by GNMA for the purchase of nonsubsidized FHA and VA mortgages to operate effectively and equitably. This plan was established in August of this year to meet the problem of deep discounts being charged for FHA and VA mortgages at the 7-percent interest rate level. These discounts were more than an average seller of a home could absorb. It is estimated that this provision would cost approximately $15 million of GNMA special assistance funds in carrying out this liberalized purchase authority.

FSLIC INSURANCE PREMIUMS

Section 2(a) of the proposed amendment is designed to prevent an unintended call for prepaid premiums to the Federal Savings and Loan Insurance Corporation by member savings and loan associations. Unless amended the present law, that is section 404(g) of the National Housing Act, would require savings and loan associations to divert up to $400 million of housing funds into payment of prepaid insurance premiums.

Present law requires that if the ratio of the Federal Savings and Loan Insurance Corporation reserves to insured savings falls below 1.75 by December 31, of a given year, member savings and loan associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. It was not anticipated that FSLIC reserves would fall to 1.75 until 1973 or 1974—by which time the Congress would have worked out a more permanent and stable method of maintaining an adequate FSLIC financial structure. There has been, however, an extraordinary increase in insured savings in 1971—which has been extremely helpful in stimulating homebuilding—and the reserve ratio may drop to 1.75 or slightly below by December 31, 1971. The reserve ratio decline is solely the function of the increase in savings and does not reflect a reduction of dollar reserves.

By changing the 1.75 in existing law to 1.60, the triggering of the prepaid premiums can be postponed for a year, giving Congress enough time to review this matter and time to devise a permanent system for generating FSLIC reserves. This amendment would leave the FSLIC reserves at a very adequate level—substantially above the 1.25 reserves existing for the Federal Deposit Insurance Corporation.

The effect of this bill is simply to prevent an unanticipated diversion of several hundred million dollars of housing funds from prepaid premiums which are not necessary.

Section 2(b) would extend for 9 months—until June 30, 1972—the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an areawide system, though under preparation, has not been completed.

This extension is necessary to allow those communities who are in urgent need of water and sewer facilities grant assistance to remain eligible for the grant while completing the requirements for comprehensive planning.

FLOOD INSURANCE PROVISIONS

Section 3(a) of the amended bill extends for 2 years until December 31, 1973, the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage. Many communities just now being covered by flood insurance face a much too early time within which to make adequate provisions for land use and control measures, so the committee believes that additional time should be given those communities so that they may be able to develop and implement strong land use and control measures which should be an important element in making proper use of land in flood prone areas.

Section 3(b) would extend the authority for emergency implementation of the flood insurance program for 2 years from December 31, 1971, to December 31, 1973. Under the emergency program authorized by section 1336 of the National Flood Insurance Act, flood insurance may be made available to owners of residential and small business properties without actuarial determination of risk premiums. Under existing law this authority will expire on December 31, 1971. Without congressional action to continue this authority, no new properties can be insured, and no existing policies can be renewed in communities where actuarial rates are undetermined. It is estimated that some 450 communities would be adversely affected by the determination of this emergency flood insurance program. Despite the efforts of the Army Corps of Engineers and other agencies to prepare the necessary rate studies, it is expected that actuarial rates will be available for only 350 of the estimated 800 communities eligible for the Federal flood insurance program by the end of 1971. The committee believes that the determination of this program in communities where flood risk studies have not been completed would be both unjust and unwise. The committee therefore has recommended that the emergency flood insurance program be extended for an additional 2 years in order to provide the needed program to communities during the period that the required studies are being completed.

Section 3(c) suspends until December 31, 1973, the provisions of section 1314(a)(2) of the Housing and Urban Development Act of 1968.

Current law prevents Federal disaster assistance from being made available for any loss to the extent it could have been covered by flood insurance under the national flood insurance program if flood insurance had been available in the area involved more than 1 year prior to the loss.

Section 3(c) would provide a limited deferral of 2 years in the application of this provision relating to the duplication of flood insurance and disaster relief benefits.

It was reported to the committee that severe hardships had been encountered by citizens of several States who, having suffered extensive property losses due to recent flooding, were yet forestalled from securing any form of Federal disaster assistance inasmuch as flood insurance had been available in their communities for at least 1 year prior to the disaster. Despite the reasonably priced premiums, the number of those securing coverage under the insurance program has been slight, indicating to the committee that the availability of the program and its requirements are not yet generally or widely known by those who inhabit the Nation's flood-prone areas.

The committee believes that the 2-year deferral provided in section 3(c) will offer relief for those who have been declared ineligible in recent months for disaster assistance due to their lack of flood coverage. In addition, the Federal Insurance Administration will have further time to work closely with local governing bodies and private insurers in exercising every effort to apprise those who live and work in flood-prone areas of the benefits of the program and of the consequences should they not avail themselves of its protection.

Section 3(d) amends the act to make it clear that church properties be included in the definition of those properties eligible to be covered. It is the purpose of this provision to cover church properties actively used for church activities and not those properties owned by churches for income producing purposes. Our distinguished colleague from Texas, John Young, testified before the committee urging us to provide flood insurance coverage for churches. He impressed the committee with the urgency to enact this provision because he felt that such coverage was absolutely necessary.

SMALL BUSINESS INVESTMENT COMPANIES

Section 4 would clarify a situation that has been left in limbo for several years. In 1967 when the Small Business Investment Act was amended, the words "or deferred—standby," were mistakenly deleted. Because of this, the Small Business Administration has had problems obtaining private funds for small business investment companies. The lenders feel that the deletion of these words from the act means that SBA cannot guarantee the payment of the principal and interest on such loans. Consequently, it has been difficult for small business investment companies to obtain private funds and with the administrative cutback in Government funding of this program, the small business investment company industry has been severely handicapped.

This provision would merely restore the deleted words and make it clear that the Small Business Administration does have the authority to provide guarantees for private loans to small business investment companies. Similar legislation has already passed the Senate.

Mr. Speaker, Senate Joint Resolution 176, as amended, is basically an extension of time for certain flood insurance provisions and certain Federal housing programs. All of these provisions were reported favorably by the Committee on Banking and Currency and, in most cases, noncontroversial. I urge that the House adopt this resolution, as amended.

Mr. WIDNALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the bills now before the House as amendments to Senate Joint Resolution 176. These bills contain for the most part extensions of dates which are due to expire, and which, if not extended, will seriously impair the Federal flood insurance program, FHA and VA mortgage insurance programs and the water and sewer grant program.

There are four bills here which we are now considering all of which were favorably reported by the Banking and Currency Committee.

The first bill is H.R. 11452 which extends for 2 years the emergency flood insurance program which has proved invaluable since its creation in 1969. This extension should be sufficient to allow the Army Corps of Engineers and other agencies to prepare the necessary rate studies so that by the end of 1973 all communities eligible for flood insurance will be in the regular flood insurance program with their premiums based on actuarial rates.

This bill also contains a suspension until the end of 1973 of the date from which flood insurance coverage becomes a condition of Federal disaster assistance. The current law prevents Federal disaster assistance from being made available for any loss to the extent the loss could have been covered by flood insurance under the national flood insurance program if flood insurance had been available in the area involved more than 1 year prior to the loss. This has resulted in hardship to many citizens who have suffered extensive property losses during recent hurricanes and flooding and who were forestalled from securing Federal disaster assistance inasmuch as flood insurance had been available in their communities for at least one year prior to the disaster.

Many people were not aware of the existence and availability of flood insurance nor of the consequences for failure to purchase such coverage. It was clearly not the intention of Congress to effect such a severe hardship as the denial of Federal disaster relief for the failure to purchase flood insurance during a time when the flood insurance program was in its infancy with limited public awareness of its availability.

This suspension should be sufficient to put all on notice as to the requirement and to give all those who have an opportunity to purchase flood insurance a chance to do so. Unfortunately, the flood insurance amendments contain one extension that will be extremely harmful to the progress of this program and to its ability to function on a sound actuarial basis. This extension deals with the deadline for the adoption of land use and control measures by local communities. The current deadline is December 31, 1971. H.R. 1145 would extend this deadline until December 31, 1973. This extension will completely undermine the effort and the credibility of the Federal Insurance Administration which has published regulations and set up guidelines to accommodate all cities now eligible for flood insurance both in the regular program and in the emergency program. These regulations make it clear that no community will be expected to adopt a higher standard than is permitted by the amount of technical data which is available to the city. They also make it clear that a community is not required to obtain any additional technical flood plain data beyond what the Federal Insurance Administration has provided to the city. A community that has little or no technical data on the limits of its flood plain or its mud slide-prone areas or on the extent of the hazard is asked simply to require the issuance of building permits on all new construction and to review its permit applications on a case-by-case basis to determine whether the sites chosen are reasonably safe from flood or mudslide hazards.

If the proposed construction would not be safe, then the community is expected to impose certain minimum protective requirements as a condition of approving the building permit application.

An extension of the December 31 deadline will simply postpone the date when flood-prone communities will have to take an already overdue and vital step to protect the lives of their citizens. Every eligible community has long known about the land-use requirements of the program and has formally committed itself to comply with them. A postponement of the deadline for the adoption of these measures is likely to benefit only those few communities who do not seriously intend to honor their legislative commitments to adopt such measures.

The Federal Insurance Administration does not seek this postponement and has gone on record against it. It must be remembered that the flood insurance program is a highly subsidized program in which approximately 90 percent of the cost of flood insurance coverage is borne by the Federal Government. The only way this program can remain viable is to require that the protective measures in the program are observed and these protective measures include prohibition or restrictions on building in those areas that are proven to be the most susceptible to flood and mudslide damage.

The second bill is H.R. 11488 which would change the ratio of insurance reserves held by the Federal Savings and Loan Insurance Corporation to insure the savings held by member savings and loan associations from 1¾ to 1⅗ percent. The present law requires that if the ratio of the Federal Savings and Loan Insurance Corporation reserves to insured savings falls below 1.75 by December 31, of a given year, member savings and loan associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. The year 1971 has seen an extraordinary increase in insured savings accounts and the reserve ratio may drop to 1.75 or slightly below by December 31, 1971. This reserve ratio decline is solely a function of the increase in savings and does not reflect a reduction of dollar reserves.

This change in the ratio merely prevents the possibility of prepaid premiums being required because of the inordinate increase in savings deposits. These prepaid premiums would not in any way reflect the need for increased reserves and would be comprised of money which otherwise would be used in the home mortgage market.

Section 2 of 11488 extends until June 30, 1972, the date upon which grants for basic water and sewer facilities must be consistent with comprehensive planning requirements. This is needed because some communities are in desperate need for federal water and sewer grant assistance and are not part of a comprehensively planned areawide water and sewer program. It is expected that by June 30 all those communities that fall within this exception will be able to satisfy the planning requirement for areawide facilities.

The third bill, House Joint Resolution 944, extends for 6 months from January 1, 1972, to June 30, 1972, the time in which the Secretary of Housing and Urban Development may set the FHA mortgage insurance rate levels he deems necessary to meet the mortgage market. Under existing law, the rate set for FHA mortgages also governs the VA rate. This is certainly the most essential extension in these bills. Without it, the FHA and VA maximum mortgage rate would revert to the statutory six percent ceiling which is far below current market rates on conventional mortgages. Without this extension, one can safely predict that not a single FHA insured or VA guaranteed mortgage would be available.

Section 2 of this bill provides that for 6 months the President may authorize the Government National Mortgage Association to purchase mortgages under section 305 of the National Housing Act —the special assistance program—which are 150 percent of the limits that otherwise apply to the purchase of such mortgages. This would mean that the maximum mortgage eligible for this special assistance would go from a current $22,000 with $24,500 for a four-bedroom or larger unit up to a new ceiling of $33,000 with $36,750 for the larger unit. It must be remembered that this program is now providing support to keep the maximum FHA and VA interest rates at 7 percent. Unfortunately, this program does not discriminate between a recipient in need of the assistance and one not in such need. There are no income limits on the mortgagors who are being assisted nor is there any limitation to assure that the mortgages are on primary residences rather than on vacation homes or second homes.

I would hope that the Department of Housing and Urban Development and the Government National Mortgage Association, in administering this program, make every effort to keep the mortgages within the middle or lower ranges of those eligible to be purchased with the hope that the lower mortgage amounts are being used to finance homes purchased by those in more need of Federal mortgage subsidy.

The single and most important factor that has prevented the expansion and growth of the Small Business Investment Company industry under the Small Business Investment Act of 1958 has been the lack of continuity of leverage funds which is vital.

The Small Business Investment Company program is the only source of equity capital and long-term funds to the Nation's small business concerns. It is their only institutional source of venture capital. This legislation, H.R. 8634, would significantly aid the development of the Small Business Investment Company industry by providing for a statutory basis under an effective SBA guarantee program of private loans to small business investment companies.

It is important to recognize the basic factors which require a market-financed guarantee program for the SBIC industry; that is, SBIC access to lenders through the public securities markets for Government-guaranteed obligations rather than through individual privately negotiated sales between an SBIC and a private lender.

It has become clear after extensive investigation, discussion, and experience that, even with an SBA guarantee, SBIC's cannot generally obtain long-term financing from private lenders on a private and individual basis. There are many reasons for this. Most SBIC's, particularly smaller independent ones and those away from the large financial centers, do not have contacts with the large insurance companies, banks, and pension funds who might be interested in such an investment. Financial institutions are generally unwilling to evaluate the portfolio small businesses of the SBIC to determine their value, which they consider significant even though the loan to the SBIC would be guaranteed by SBA. Moreover, financial institutions are generally unwilling to make long-term loans, which, of course, SBIC's must have in order to provide their long-term and equity financial assistance to small concerns.

A stable and ready source of funding for SBIC's is essential if the SBIC industry is to develop and grow as an institutional source of capital for small business. The only adequate available source is the financial markets. It should be recognized that SBIC's are financial intermediaries, and that like S. & L.'s and farm credit institutions they need a means of access to the financial markets.

If this pending legislation is enacted, a major step will have been taken to facilitate private sector participation in the long term debt capitalization of the SBIC industry. Such private sector participation would be in accordance with the congressional mandate contained in the policy statement of the Small Business Investment Act. With such a funding program, a source of consistent future funding for SBIC's may be in the making. With such a stable source of funds, new SBIC's can be created throughout the country and, more importantly, private venture capital will be made available when such funds are needed in the economy to promote the growth, expansion, and modernization of small business concerns.

The guaranty authority would be utilized by SBA in one or more of the following ways, so as to assure the SBIC industry of a continuing source of funding at interest rates generally in line with contemporary market rates for other Federal agency paper:

First. One or more lenders could offer to lend a given sum to unspecified SBIC's and SBA would distribute this fund among eligible SBIC's wishing to borrow, extending the guaranty of these funds to the lender or lenders.

Second. SBA could form a pool of SBIC debentures, and make a public offering, backed by its guaranty.

Third. In the event of the SBIC's insolvency, or if SBA experiences serious regulatory or other difficulties with the SBIC, SBA would continue to make periodic payments to the lender under the terms of the guaranty agreement, and become subrogated to the lender. SBA would then proceed against the SBIC in its own behalf, and all collections would be paid into the revolving fund created by section 4(c)(1)(B) of the Small Business Act, in the same manner as any other debenture payments.

The program would be subject to the following additional controls:

First. No guaranty would be extended to a lender with respect to an SBIC affiliate if it holds as much as 10 percent of the voting power thereof, and SBA would also make every effort to preclude guarantees on cross-dealing among lenders with SBIC affiliated.

Second. It would be subject to the overall ceiling for the SBIC revolving fund of section 4(c)(4)(B) of the Small Business Act, which is currently $450 million and would be increased to $650 million by H.R. 10792, now pending.

Third. In any given year, it would be subject to a guaranty program level approved my OMB, the Appropriations Committees and enacted by the Congress.

Fourth. As to any given SBIC, the guaranteed amount would be presently limited by section 303(b) of the SBI Act to a ratio of 2 to 1, not to exceed $7½ million, plus additional third-dollar leverage on every private dollar in excess of $1 million, for venture-capital oriented SBIC's only, the overall total not to exceed $10 million.

Accordingly, the pending legislation is not only vital to the future of the SBIC industry but it is sound legislation in accordance with the original intent of the Congress. I heartily support and recommend its enactment.

Mr. PATMAN. Mr. Speaker, I yield such time as he consumes to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, I rise in support of Senate Joint Resolution 176 as amended. I wish to limit my discussion to the provisions of this resolution which deals specifically with the Federal flood insurance program. On November 13, the House Committee on Banking and Currency reported out H.R. 11452, a bill to amend and extend certain provisions of the Federal Flood Insurance Act, by a vote of 24 to 0.

The national flood insurance program was enacted in 1968 as part of the Omnibus 1968 HUD Act after almost 15 years of consideration by the Congress. Prior to 1968, no insurance coverage for losses due to floods was available in this country. In order to qualify for flood insurance under the 1968 act, a comprehensive 100-year flood study of the community by the Corps of Engineers would have to be undertaken and completed so that an acturial basis upon which to write the flood insurance policies could be determined. For many communities this would represent many years before they could qualify for this coverage.

In the 1969 housing bill with the cooperation of our distinguished ranking minority member, BILL WIDNALL, we enacted the emergency flood insurance program, which waived the comprehensive flood study for flood prone communities and permitted the Federal Flood Insurance Administration to determine a proper premium rate to be charged. This program has proved very popular, but most important it has provided essential flood insurance for many areas of our country who need the coverage immediately. At the present time, some 653 communities have Federal flood insurance coverage, of those 653 some 433 are covered under the emergency flood program. This program expires on December 31, 1971, and must be renewed for another 2 years, if these communities are to be able to keep their flood insurance. Section 3(b) of Senate Joint Resolution 176 as amended extends this program.

Section 3(a) extends for 2 years—until December 31, 1973—the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage. Many communities just now being covered by flood insurance face a much too early time within which to make adequate provisions for land use and control measures.

Section 3(c) suspends until December 31, 1973, the existing provisions contained in the National Flood Insurance Act which prohibits Federal disaster assistance to the extent that flood insurance is available in an area. It has been brought to our attention that in a number of areas around the country that have experienced serious flood damages, those communities who did not purchase Federal flood insurance policies did not qualify for any Federal disaster assistance relief. In order to give the Federal Flood Insurance Administrator additional time to more widely publicize this program, we are suspending this provision which inflicts undue harm on those citizens who are not aware of the flood insurance coverage.

Section 3(d) amends the Flood Insurance Act to make it clear that church properties be included within the definition of those properties eligible for flood insurance coverage. This provision is strictly limited to those church properties which are actively being used for specific church activities and this insurance will not be available for properties owned by churches for income producing purposes. The Subcommittee on Housing heard in August from our distinguished colleague from Texas, Congressman JOHN YOUNG, testifying on behalf of this much-needed provision and he convinced the subcommittee and the full committee of the need this expanded flood insurance coverage.

Mr. Speaker, the flood insurance program has proved to be a very important insurance program providing for the first time insurance coverage against flood damages. The passage of these provisions will continue to extend coverage under this program and make coverage easier and more widespread for our citizens who are threatened with losses due to floods. I urge the adoption of this resolution.

Mr. WIDNALL. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding. I am somewhat at a loss to speak on the legislation before us—at a loss not because I do not understand the legislation but rather at a loss because I do not understand the action of the chairman of the Banking and Currency Committee in bringing this legislation before us in the form that it presently possesses. The chairman of the Banking and Currency Committee, at the time the committee took action on these several bills, indicated to the committee without equivocation that he would, with all deliberate speed, attempt to have the Speaker place all of these measures on the next Suspension Calendar. The bill that he has omitted from the list of those that are included in the resolution on the Suspension Calendar at this time is a measure providing for a continuation of the interim provisions contained in the legislation we passed 2 years ago involving the uniformity of taxation of national banks by States.

The chairman has indicated that this legislation, House Joint Resolution 838, was removed from the list of those bills included in the subject suspension because it might fail of support, and in the course of it failing to obtain the votes necessary for passage, might drag the whole package of bills down.

Mr. Speaker, I think this is pure hogwash. The chairman himself, in the course of the committee session in which these bills were debated, indicated his support for the very resolution which he has omitted to include in the suspension before us.

In addition, after the vote in committee was taken on this particular measure, House Joint Resolution 838, and after announcing the vote of 22 yeas, 2 nays, and 2 passes, the chairman said—and I beg the forgiveness of the House in quoting from an executive committee transcript, but this is essential to the discussion—the chairman said:

> The bill passed, and every effort will be made to get it on Suspension, and if we cannot, we will make an effort to get a rule from the House.

In view of those words, without yielding other than for the purpose of answering the question, I would ask the chairman if he has attempted to obtain a rule from the Rules Committee with respect to House Joint Resolution 838.

Mr. PATMAN. Yes.

Mr. BROWN of Michigan. What is the progress of that effort?

Mr. PATMAN. We have not received a reply from them yet.

Mr. BROWN of Michigan. When did the gentleman make that request?

Mr. PATMAN. Last Friday.

Mr. BROWN of Michigan. That is with respect to House Joint Resolution 838?

Mr. PATMAN. Yes, the measure, concerning State taxation of national banks. The ranking minority member of the committee, on the gentleman's side, is for this bill. He would rise in support of it. I do not think he would be willing to cause the defeat of all of these bills on account of one bill if left in with the others. But that is up to him.

Mr. BROWN of Michigan. Mr. Speaker, with due respect to my chairman, I would only say that this is a bill that has passed the House Banking and Currency Committee by a vote of 22 to 2, and a bill that there was little controversy on in committee—one or two members being opposed to it, but other than that, none—and it is legislation which the Federal Reserve Board has recommended as necessary. It is legislation which even prompted the chairman to put a statement in the CONGRESSIONAL RECORD on November 19, explaining these several measures. On page 42417, he described House Joint Resolution 838, what it does, explained how the Federal Board of Governors had concluded it was necessary to have more time and, concluding, the chairman said:

> The House Banking and Currency Committee has not had the time to delve into this matter in detail. It is, therefore, for this reason that this extension has been recommended by the committee.

Then on the same page the chairman said:

> Mr. Speaker, as indicated initially, my reason for making this statement is to provide the Members of this body with the basic information necessary to consider various proposals which, hopefully, the Speaker will place on the suspension calendar for December 6. Certainly at that time, if recognized for this purpose, as chairman of the committee, I shall endeavor to fully explain these proposals and attempt to answer any questions that may be raised.

Mr. Speaker, I think this is a gross violation of the trust placed in the chairman of our committee. We of the committee had every right to believe all of the suspensions, all of those described in the chairman's statement, would be before us today. We had a right to rely on his statement.

From the parliamentary standpoint there is nothing we can do. This one piece of legislation, House Joint Resolution 838, is terribly important. Unnecessary confusion and inequity will result in our bank taxing system if this is not passed. There probably will not be another opportunity to get to it again. I just cannot believe the chairman would have done this. I will say this, another time there will be a commitment from the chairman of this committee that if he is going to do something, he is going to do it, and we will not find ourselves in this situation once again.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, the chairman is obligated to expedite committee action and secure favorable consideration. The chairman was for it. He wanted it done. But when the chairman sees that, if he puts this in the package, it will cause the defeat of every one of these other bills—and some of them must be extended—so, in looking at it from the interest of the side that the committee represented and that I represented, I certainly would not do something that would bring them all down to defeat.

Mr. BROWN of Michigan. Mr. Speaker, I do not further yield to the gentleman.

Mr. Speaker, I will say to the gentleman from Texas that the gentleman from Texas very well knows the ranking minority member of the committee was not present the day we took action upon House Joint Resolution 838. The chairman of the committee knows the gentleman from Michigan—I—was the moving party in the committee to get this resolution before the committee and passed by the committee, and it was in response to my urging and my request that the chairman made a commitment that I feel was one made to the committee, that he would take all the action necessary to make sure that this resolution was on the next suspension calendar.

The gentleman from Texas did not contact me. The gentleman from Texas, to my knowledge, contacted no one but exercised an independent judgment to remove this legislation from the suspension calendar, and I think it is deplorable.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I would like to clear up a matter that has come before the Members of the House: The question is the taxing of national banks.

I have a letter from the Governor of my State, Mr. Speaker, and I ask unanimous consent that the letter from the Governor of my State, Governor Ogilvie, be printed at this point in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter is as follows:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, December 1, 1971.

Hon. FRANK ANNUNZIO,
U.S. House of Representatives, House Office Building, Washington, D.C.

DEAR CONGRESSMAN ANNUNZIO: In 1969, Congress passed Public Law 91-156 which contained tax provisions to become effective January 1, 1972. These provisions ended years of inequitable state tax treatment of national banks vis-a-vis state banks, by granting to the states the authority to tax national banks in the same manner as they currently tax state banks. Until this time, Congress explicitly supported the privileged status accorded national banks under the limitations of section 5219, revised statutes, which define the power of states and their subdivisions to tax national banking associations.

The intent of Congress in enacting Public Law 91–156 was to end this inequity. However, the legislation providing the remedy is now being threatened by H.J.R. 839 and S.J.R. 176. Both of these resolutions seek to postpone granting states the tax authority contained in PL 91–156 for one or two years. I urge you to permit all the tax provisions of PL 91–156 to go into effect as scheduled and to vote *against* both H.J.R. 839 and S.J.R. 176.

Illinois has planned for the receipts of annual revenues of $10–$12 million from corporate income taxation of national banks (the same income tax that generates revenues from state banks). The further delay of national bank taxation will worsen an impending fiscal crisis in our state.

This past year state tax revenues have fallen below levels which would have resulted from normal growth in the tax base. This problem has been aggravated by increases in expenditures attributable to the recession, e.g. Public Aid. The failure of Congress to pass both welfare reform and revenue sharing has denied the states immediate fiscal relief.

The economy is recovering since the recession, but the recovery in state tax sources lags behind this recovery. Tax incentives designed to stimulate the economy by granting to businesses an investment tax credit and accelerated depreciation rates have been proposed. Both of these incentives to business are, in part, at the further expense of state tax revenues. It is estimated that the impact this fiscal year will cause a corporate income tax loss of up to $17 million. This loss will continue to grow each year until about 1975.

Now, Congress is considering House and Senate resolutions which would further diminish our state tax base by another $10–$12 million through delay in the implementation of Public Law 91–156. In Illinois, this means we cannot tax the net income of national banks through the state's corporate income tax. The sum of these losses carry forward year after year, and critically affect our ability to continue to provide necessary services to the people of our state.

In addition to these issues of tax yields, your committee also has a major issue of tax equity before it. Congressional enactment of PL 91–156 would end the preferential treatment granted national banks. Many states, however, had already found legal loopholes which permitted them to circumvent the federal limitation through special financial institutions taxes which included the income from national banks in the tax base. While Illinois does not impose a financial institutions tax, other states have been forced to consider separate tax treatment of financial institutions largely because Congress has withheld the authority from the states to tax national banks as state banks are taxed. Effective January 1, 1972, the incentive to tax financial institutions differently from other businesses will be largely removed if Public Law 91–156 becomes effective.

Illinois basically supports the intent of the recommendations by the Board of Governors of the Federal Reserve in its report to the Committee on Banking, Housing and Urban Affairs to move away from intangible personal property taxation of all commercial banks. The new constitution of our state goes even further and requires the removal of all personal property taxes on both businesses and individuals. The movement away from the intangible personal property tax in Illinois will be facilitated by the authority to tax national bank income.

Illinois also supports the Board's recommendation to apportion fairly between the states, national bank income deriving from business activity in many states. This problem is of great concern to all business sectors being taxed by the states. Properly, the question of intangible personal property taxation and taxation of interstate business income are separate and distinct from the taxation of one business sector alone, national banks. Both recommendations require a more general consideration and, if Congress so desires, legislation applicable to all businesses taxed by the states. These are not, therefore, grounds for delaying the effective date of the tax provisions under Public Law 91–156.

Congress can reaffirm its commitment to equitable state taxation of state and national banks by allowing legislation already passed to become effective as scheduled.

Sincerely,

RICHARD B. OGILVIE, *Governor.*

Mr. ANNUNZIO. Mr. Speaker, the Governor wrote to me pointing out that in the anticipated budget for the State of Illinois the loss of revenue to my State alone would be anywhere from $10 million to $12 million. The loss of this revenue at a time when my State is faced with a welfare crisis and with a crisis in the schools, as the Governor pointed out in his letter to me, would make it impossible for him to meet all of the obligations he has in our State. I ask the Members of this House to read this letter.

I want the record also to show that I contacted a great number of Members in this House. I became worried about the pending legislation on the floor of the House. I informed the chairman of the Banking and Currency Committee that if a whole package of banking bills came up under the suspension of the rules procedure and House Joint Resolution 838 were included, I thought the entire package would go down to defeat. I am one of those who favors flood insurance and who favors the extension for SBIC. and felt that these valuable pieces of legislation should prevail.

Public Law 91–156 was duly enacted into law during the 91st Congress and established January 1, 1972 as the effective date for liability of national banks for certain taxes. Governor Ogilvie's budget for Illinois was based on revenues anticipated as a result of enactment of Public Law 91–156.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. PATMAN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ANNUNZIO. Thank you, Mr. Speaker.

Mr. Speaker, this law becomes effective on January 1, 1972. I do not see any reason why anybody should stand on this floor defending national banks against the best interests of the welfare recipients and the schools in my State, as well as many other States in the Union.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. REES.)

Mr. REES. Mr. Speaker, this is another masterpiece from the Committee on Banking and Currency. It is really confused.

This is the committee that argues in debate not about the bill before the House but what happened in the committee, and I am still trying to figure out what happened in the committee. I do know that we voted out four separate bills.

As of last Thursday four separate bills were going to be considered under the suspension of the rules procedure, so that we could separately debate each of four bills. Now we find that the bills are all tied into one amendment to a Senate resolution under suspension.

If a Member tries to find the bills, he will not find them, because there are not any bills available to the Members, to read to find out what the bills do.

Of course, there is not any report, to find out what the thinking of the committee was when they approved the bills. So it is very confusing.

I find the situation is difficult for me, because one of the bills now in the package had to do with the national flood insurance program. During the hearings there was no opposition to the bill. After approval of the bill, I received a letter from the administration, written by the Federal Insurance Administrator, Mr. Bernstein, saying that the administration was violently opposed to the amendments which we approved which at that time we did not think were very controversial.

After reading the letter, I find that their opposition was very well taken, because what the amendments would do is to extend for 2 years the time a community does not have to come up with a land use plan dealing with flood control.

We are allowing a community can receive coverage of the Flood Insurance Act even though that community does not have to come up with a land use plan for another 2 years. I think this is terrible.

Do Members know why it is so terrible? It is because it is an "open sesame" to the Treasury of the United States, because 90 percent of the flood insurance program is subsidized by the Treasury—90 percent.

If we do not come up with decent land use standards to suggest to the planners and the subdividers where they can build or cannot build, and if we do have a disastrous flood, we will find the exposure of the taxpayers could go into the billions of dollars.

I believe this is an unsound provision. There is enough flexibility today with the flood insurance administration to allow any community which does not have money, which does not have expertise to draw up a plant, to come into the program. There is enough flexibility to allow that community to come into the program.

I do not like this bill. If it came up as a separate bill not under suspension, I would vote "no," because it is a bad bill.

However, what do we do now, since it is all neatly tied up in one package since last Friday, so that if you do not vote "aye" on the entire package, you will be voting against most of the bills, some dealing with HUD and motherhood? I think this is a ridiculous procedure, and I would like to add to my remarks a letter from the national flood insurance Administrator, Mr. Bernstein.

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT, FEDERAL
INSURANCE ADMINISTRATION,
Washington, D.C., November 23, 1971.
Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. PATMAN: In view of the action taken last week by the Committee on Banking and Currency favorably reporting H.R. 11452, we believe it is necessary for us to reiterate the previously expressed opposition of both the Administration and the Federal Insurance Administration to any legislation which would defer by even one day the time by which an area must adopt adequate land use and control measures in order to qualify or continue to qualify for Federal flood insurance.

As you know, the date originally specified for the adoption of "permanent" land use and control measures by local communities in the National Flood Insurance Act of 1968 was June 30, 1970. In the 1969 Housing Act that date was changed to December 31, 1971, and "adequate" rather than "permanent" controls were specified. The same Act authorized the Emergency Flood Insurance Program, which enabled us for the first time to process community applications rapidly and to begin providing flood insurance in a substantial number of communities.

The basic criteria that participating communities were expected to follow in their local ordinances were published in the Federal Register, after extensive technical comment and coordination, as early as June 1969. They were revised (partly for the sake of clarification but primarily to incorporate the changes made by the 1969 Housing Act), again after formal opportunity for public comment, in March 1970. Every community that applied for flood insurance eligibility was made fully aware of our statutory land use requirements and formally agreed (by City Council or County Board resolution) to meet them by the December 31, 1971, deadline. From the inception of the program, moreover, our engineers and other knowledgeable staff members have made field trips and held innumerable discussions with State and local officials to elaborate on our statutory requirements, to explain our 100-year flood standard, and to make clear that we had no intention of restricting a community's economic growth and development beyond what is prudently required to avoid needless losses to life and property. We clearly stated that individual community circumstances would be taken into consideration in our review of the land use and control measures each community actually adopts.

Our present regulations, which became effective September 10, 1971, essentially retain the criteria originally published but formally set forth the standards by which local ordinances will ultimately be evaluated. The new regulations make clear that no community will be expected to adopt a higher standard than is permitted by the amount of technical data available to it. They also make clear that a community is not required to obtain any additional technical flood plain data beyond what we ourselves have provided to it. Thus, our regulations do not require that a community undertake any significant expenditures of time or money to comply with our requirements. It may, of course, adopt a higher standard than the minimums we require, but such action is entirely discretionary with the local community in relation to the December 31, 1971, deadline.

In particular, our current regulations are worded in such a way as to permit every eligible community to retain its coverage beyond December 31 if it chooses to do so. Both Section 1910.3, dealing with flood hazards, and Section 1910.4, dealing with mudslide hazards, specify standards that vary in accordance with the quantity and quality of information available. A community that has little or no technical data on the limits of its flood plain or its mudslide-prone areas or on the extent of the hazard is asked simply to require the issuance of building permits on all new construction and to review its permit applications on a case-by-case basis to determine whether the sites chosen are reasonably safe from flood or mudslide hazards.

If the proposed construction would not be safe, then the community is expected to impose certain minimum protective requirements as a condition of approving the building permit application. As the amount of technical data made available to the community is augmented, certain further protective steps must be taken, but none beyond what is generally regarded as legally, architecturally, and economically feasible for such a community under the existing conditions.

In addition, the regulations explicitly provide in Section 1910.5 that any community which believes that adoption of the standards imposed by the regulations would be premature or uneconomic may elect standards of protection which do meet the requirements of Sections 1910.3 and 1910.4 if it explains the reasons for the variances and submits supporting data to justify the exception.

Section 1910.5 also makes clear that all such reasonable variances will be accepted in fulfillment of the December 31 deadline, whether or not the Federal Insurance Administration ultimately concurs in the standards adopted. A community which does not sufficiently justify its departure from the criteria contained in our regulations will be given a reasonable time after the deficiency is discovered in order to correct it, during which period the sale of flood insurance within the community will be continued.

In light of the foregoing, the reasons for our opposition to any extension of time for a community's adoption of at least minimum land use and control measures become evident.

First, our current regulations are drafted in such a way that no currently eligible community will be precluded from meeting the December 31 deadline unless it deliberately neglects to make a good faith effort to do so. Communities applying for eligibility after December 31 will not be delayed, since they will have time to adopt the minimum required land use and control measures while their application is being processed.

It should be noted that even under existing procedures, a resolution by the local legislative body (agreeing to adopt land use controls) is required. The local resolution actually adopting our minimum standards should take no longer than a resolution formally committing the community to adopt them at a later date. An extension of the December 31 deadline would simply postpone the date when flood-prone communities would have to take an already-overdue and vital step to protect the lives of their citizens.

Second, an extension of the December 31 deadline would accomplish no useful purpose. Every eligible community has long known about the land use requirements of the program and has formally committed itself to comply with them. No new information will become available to such communities that is not available now to assist them in meeting the land use requirements.

Moreover, a postponement of the deadline for the adoption of these measures is likely to benefit only those few communities that do not seriously intend to honor their legislative commitments to adopt such measures. We believe that most communities fully intend to meet the December 31 deadline as promised. Since we have repeatedly stated that no such postponement would be sought and since the statutory deadline has been spelled out clearly, such a postponement would constitute evidence that the Federal Government's commitments to meaningful land use and control measures are not serious.

Finally, there is no reason to believe that communities that do not meet the December 31 deadline have any greater likelihood of meeting a June 30, 1972, or any other deadline, since all of the information necessary to meet the requirement is already available to them. Another postponement now would simply increase the probability of another postponement when the June 30, 1972, deadline approaches.

Third, it should be remembered that the flood insurance program is a highly subsidized program in which approximately 90 percent of the cost of flood insurance coverage is borne by the Federal government. It is based upon a 1966 feasibility study by HUD which recommended that such coverage should be made available to stimulate the adoption of land use and control measures by local communities in order eventually to reverse the pattern of ever-increasing annual flood losses. If our mutual resolve to implement that essential purpose becomes weakened, particularly without any demonstrated or urgent necessity, the significance and worth of the whole program, with its very substantial potential costs to the nation's taxpayers, may also come into question.

We have formally communicated these views previously both to you and Mr. Widnall, and we have discussed the matter by telephone with various staff members. Our position in this matter has been consistent and unequivocal.

We strongly urge that the December 31, 1971, deadline for the local adoption of land use and control measures not be deferred, and that Section 1 of H.R. 11452, which would do so, be eliminated from the bill.

Sincerely,
GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker and gentleman of the House, all the gentlemen you heard, I believe, did support all of the bills that are included in Senate Joint Resolution 176 as proposed in the amendment offered. Some object only to the fact that one bill—which they also supported and which I also supported—is not in this bill before us.

Let me point out the situation to you in regard to my feelings about this matter.

For 2 years I have been trying to get my bill, H.R. 8634, dealing with the Small Business Administration, considered by this House. This is the first chance that I have ever had to get a vote on the bill, and I cannot jeopardize this one chance in 2 years now.

I repeat that the arguments you have heard are not arguments made in opposition to any of the bills which are included but only to the fact that one bill is not included. So I urge you to understand that the arguments you have heard do not go to the merits of the legislation before us whatsoever. All of us support this legislation. The arguments only go to the fact that one bill was not included.

The bills that are included in this proposal were voted out overwhelmingly by the members of the committee, every single one of them. All have been fully considered by the committee.

My special interest is in the amendment that includes my bill, H.R. 863.

My bill, H.R. 8634, has been consolidated as part of Senate Joint Resolution 176. H.R. 8634 is very simple—it provides a means for the Small Business Administration to make loans to qualified small business investment companies—SBIC's. Under the law, SBA is authorized to lend $2 to $3 for each $1 of an SBIC's private capital. The SBIC utilizes SBA loans to make further investments in small and new businesses. The law indicates that SBA will usually have appropriated funds available to make these loans, but budgetary strictures for the past 4 or 5 years have meant that the administration has not asked appropriations for this purpose—or for other SBA loan programs, either.

For that reason, SBA and the administration are seeking to fund the SBIC program by raising money from private enterprise. H.R. 8634 is necessary to make this way work. This bill says that SBA shall have the power to place a "full-faith-and-credit" guarantee on SBIC debentures and to sell such debentures to private lenders. If the bill is passed, SBA will receive applications for loans from SBIC's in the same manner as if direct loan money were available. If SBA approves the application, that debenture issued by the SBIC will be sold with a guarantee. Without the guarantee, experience shows, no SBIC could raise money on reasonable terms.

It is apparent, then, that SBA will have complete control over which, whether, or even, SBIC's can issue, and sell, debentures and at what rate, Furthermore, both the Office of Management and Budget and the Treasury Department will give authority to SBA for debenture sales and will monitor the entire operation. Finally, the amount of the debentures sold will be restricted to a dollar ceiling set by Congress in SBA's Appropriation Act.

The cost of the loans to SBIC's will be somewhat higher under this guarantee route than under direct lending, but most SBIC's are willing to pay the increment, since they recognize that direct funding is so uncertain—and because small businesses need more dollars than SBIC's can now supply.

This legislation is urgently needed for several reasons. First of all, a number of SBIC's have already left the industry because of the unavailability of Federal loans and other licensees are now studying whether or not they should remain in the program. Second, a number of older loans to SBIC's are maturing within the next few months and total assets of the SBIC industry will contract unless SBA can extend new loans through the guarantee route. Finally, some potentially strong sponsors of new SBIC's would enter the business of investing in small business if they could be assured that SBA would have the ability to extend loans to them when they qualified for such leverage.

We had hearings on this legislation and have the following letter from SBA Administrator Thomas S. Kleppe, urging adoption.

JULY 15, 1971.

Hon. ROBERT G. STEPHENS, Jr.
Chairman, Subcommittee on Small Business of the Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. STEPHENS: This is in response to your letter of July 6, 1971, requesting the views of the Small Business Administration on H.R. 8634, a bill to amend the Small Business Investment Act of 1958.

H.R. 8634 would clarify and strengthen the authority of SBA to enter into guarantee agreements on loans made by private lending institutions to SBIC's, including MESBIC's. A clear and adequate guarantee authority is essential to allow the development of a stable system for helping to fund the SBIC program through access to private capital markets.

The legislative history of the Small Business Investment Act of 1958 indicates that SBA has implied authority to extend such guarantees. The Comptroller General has so ruled, and the Chairmen of the Banking Committees in both Houses have concurred in that ruling. However, a recent opinion issued by the Attorney General suggests that he may be of a different view. In any case, investors have generally been unwilling to make loans for SBIC's in the absence of specific statutory guarantee language.

It has become apparent, too, that institutional investors making loans to SBIC's need to be assured not only that they will be protected against loss, but assured also that SBA has authority to guarantee timely payment of principal and interest on SBIC debentures—without delays or unscheduled prepayments in the event of regulatory or financial problems involving the particular SBIC.

The enactment of H.R. 8634 would clearly permit SBA to guarantee that, in the event of default by the SBIC, the debt would be assigned to SBA and SBA would continue regular uninterrupted payments of interest and principal to the investor for the full maturity of the loan. SBA would then become the holder of the debenture and would collect the debt from the SBIC.

By providing such assurances to investors, we can open to SBIC's a vitally important source of financing hitherto denied them.

Let me express my appreciation to you, and to the four colleagues participating with you, for sponsoring this legislation. I hope it will be promptly enacted.

Sincerely,

THOMAS S. KLEPPE,
Administrator.

Mr. STEPHENS. To explain further, the terms of H.R. 8634 are simple and holds great promise for the sorely pressed small businesses of our Nation.

Over the past 12 years, small business investment companies have disbursed almost $2 billion to some 40,000 American small businesses. That this SBIC financing has been most welcome to the firms which received it, has been proven by a recent survey undertaken by the Small Business Administration.

The SBA study brought forth these results, among others: First, 95.5 percent of these small businesses said their firm benefited from SBIC financing; second, 85 percent said they were satisfied in their dealings with the SBIC; and third, 89.7 percent said they would use SBIC assistance again under similar circumstances.

As a supporter of the SBIC program, I was gratified by this concrete evidence that SBIC's were carrying out the mandate given them by Congress. Passage of H.R. 8634 will enable SBIC's to increase their loans and investments in new and growing small firms which can get this sort of financing nowhere else.

Attached is the breakdown of the recent study by SBA.

FIRST-TIME SURVEY CONDUCTED OF SBIC PORTFOLIO SMALL BUSINESS CONCERNS

During June-July, SBA completed a first time sample survey of the small business concerns which have received financing from SBICs. The survey was intended to supply answers to the following principal questions:

Are the small businesses that are recipients of the SBIC assistance the type of firms to which the program mission is directed?

Is the assistance being furnished to the small concerns the type of assistance intended?

Are the small businesses benefiting from the assistance and to what degree?

Would these small firms seek SBIC assistance again under similar circumstances?

In addition to the broader issues covered by the above questions, however, certain additional questions in the survey were designed to provide SBA with insight into other aspects of the small concern's quest for venture capital. For example, SBA asked the small concern to indicate sources it sought for financing before contacting the SBIC, and the reasons the initial source gave for its refusal.

In order to assure that the sample survey be representative of the small business concerns in the portfolios of SBICs, as a whole, SBA staff members consulted with the statistical experts at the Office of Management and Budget (OMB). Aside from SBA's desire to have a representative sample, OMB consultation was necessary since by law that Agency must approve the sampling technique and any questionnaire to be used. SBA is confident that its questionnaire reached a representative sample of the small business concerns in the total SBIC industry portfolio.

Shown below are the questions received by the respondents together with their answers:

Question No. 1—Where did you seek financing prior to contacting an SBIC?

[Percent of all responses]

Answers:	
Bank	42.9
Went to SBIC first	21.4
Individuals	17.9
Non-SBIC venture cap. co	7.1
Other	7.1
SBA	3.6

Question No. 2, part A—Why did you seek financing from an SBIC?

Answers:	
Terms available from SBIC not available elsewhere	28.7
Refused by others	25.1
Other	18.0
Reputation of SBICs (in general)	14.4
Undesirable terms elsewhere	13.8

Question No. 2, part B—If refused by others, which of the following best describes the reasons for refusal?

Answers:	
Unsuitable terms	30.7
Too risky	30.7
Exceed Lending limits	28.4
Other	10.2

Question No. 3—What was the purpose (use) of the funds received from the SBIC?

Answers:	
Increase business capacity	33.8
Start-up	31.8
Other	19.2
New product or process development	8.6
Modernization	6.6

Question No. 4, part A—Did your business benefit from the SBIC financing?

Answers:

Yes	95.5
No	4.5

Question No. 4, part B—If "yes" (benefit received), how much?

Answers:

"Considerable"	55.5
"Moderate"	36.8
"Outstanding"	7.7
"Very little"	0

Question No. 5, part A—Were you satisfied in your dealings with the SBIC?

Answers:

Yes	85.0
No	15.0

Question No. 5, part B—If "no" (not satisfied), why?

Answers:

Full financing requirements not met	39.1
Unsatisfactory terms	17.4
Poor service	8.7
Other	34.8

Question No. 6, part A—Under similar circumstances would you use SBIC assistance again?

Answers:

Yes	89.7
No	10.3

Question No. 6, part B—If "no" (not use SBIC assistance again), why not?

Answers—Where the small business was not satisfied in its dealings with the SBIC and/or where it indicated that it would not use SBIC assistance again, candid comments were made by certain of these small businessmen. Because of their subjective nature, these comments are not reproduced here.

Question No. 7, part A—Other than financing, was additional assistance furnished by the SBIC?

Answers:

Yes	36.0
No	64.0

Breakdown of the type of additional assistance furnished, where "yes" (by percent of respondents):

Accounting	25.0
Marketing	21.0
Legal	18.4
Production	5.3
Distribution	2.6
Other	27.7

Question No. 7, part B—Was there a charge for this service?

Answers:

Yes	35.8
No	64.2

Question No. 7, part C—If "yes" (charged for nonfinancial service), how did this charge compare to like services available elsewhere?

Answers:

Same	34.8
Lower	26.1
Higher	21.7
Not available elsewhere	17.4

Question No. 8—Do you feel you received venture capital (based on definition furnished in questionnaire)?

Answers:

Yes	72.4
No	27.6

Question No. 9—In your opinion what type of assistance is most needed by the small businessman today?

Answer—So that the answers would contain elements of originality and candor, no menu of possibilities was supplied for this question. The answers could be classified generally as financial, management, or other. Of the businesses answering this question, 60 percent indicated financial assistance was needed, 27 percent said management assistance, and 13 percent gave other areas of need. Both within the financial and management categories, most of the answers indicated a "general" type of assistance. Lower interest rates were an issue on only 12 percent of the "financial" answers. In the "management" answers, 18 percent said planning was an issue.

In the category of "other" answers, 33 percent indicated tax was an issue; another 28 percent indicated government paperwork requirements were an issue.

CONCLUSION

It is apparent from these replies that the SBIC program is reaching and assisting the firms to which the program mission is directed, and that the firms believe that they have realized considerable benefit.

For the future, the sampling technique offers the potential of expanding SBA's insight into the characteristics of the small business clientele, and its need for the type of assistance offered by SBICs.

Mr. GETTYS. Will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman.

Mr. GETTYS. Mr. Speaker, I rise to support the passage of Senate Joint Resolution 176 which includes the terms of H.R. 8634, since I believe that it rectifies an error Congress made in 1967 when it last amended the Small Business Investment Act of 1958.

Between 1958 and 1967, the Small Business Administration had been able to raise money for the SBIC program through the guarantee route. When SBA attempted to follow the same course in 1968, its authority was challenged by lawyers specializing in financial matters, since the 1967 amendments had inadvertently dropped several words from the SBIC Act of 1958.

The Johnson administration attempted to remedy the problem by legislation in 1968, but Congress adjourned before action could be taken. The Nixon administration has also supported remedial legislation in the President's small business messages of 1970 and 1971. Carrying out this completely bipartisan approach, H.R. 8634 was sponsored by Members of both parties.

The other body has unanimously passed legislation carrying out this purpose on three occasions; I believe we should give our support to it today.

Mr. GRIFFIN. Will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman.

Mr. GRIFFIN. Mr. Speaker, before I decided to support H.R. 8634 whose terms are included in the pending resolution, I checked its impact on the Federal budget, since I believe these are days when the Government should limit its expenditures to the greatest possible extent.

I can assure my colleagues that enactment of H.R. 8634 will not result in one dollar of cost to the Government. As a matter of fact, this legislation is designed to substitute private financing for direct Government loans to small business investment companies, so it means that Federal outlays can be reduced.

From 1958 through 1967, the Small Business Administration on several occasions resorted to use of its guarantee authority under the Small Business Investment Act to tap institutional sources of funding for SBIC's.

Unfortunately, however, Congress made an unnoticed mistake in amending the SBIC Act in 1967 and SBA no longer has the power to utilize an indirect lending process for the SBIC industry. H.R. 8634 will restore a meritorious and useful tool to SBA. I strongly support the legislation.

Mr. PATMAN. Mr. Speaker, I yield as much time as he may desire to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Speaker, I thank the gentleman for yielding to me.

I want to rise in support of this legislation and put particular emphasis on the emergency loan aspects and the need for correcting inequities.

Everyone admits these inequities should never have been in the flood insurance program. Mr. Bernstein has urged me to state his strong opposition to this, and I do not think it ought to be confused with the other proposition as to the extension planning aspects of this insurance program, which has to do with granting communities time to qualify under this act. There are communities in my area that are desperately in need of this extension of time in order to make a judgment about whether or not they want to be under the program at all.

I am impressed, as I am sure many of us are, with reference to the anticipated cost of this extension. Mr. Speaker, I submit that those are highly speculative figures. I think they are not borne out by the experience of building in these flood plains in anticipation of the cutoff date at the end of this year. The opposition to extending the time for compliance is based on factors imagined and magnified.

Mr. Speaker, I commend the gentleman from Texas (Mr. PATMAN) for bringing this progressive and much needed legislation before the House and I strongly support it.

Mr. WIDNALL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Speaker, while the pending resolution is designed to serve several important purposes, I should like to emphasize one such purpose which I think is especially important.

This is extension and improvement of the Federal flood insurance program—a program of great potential in flood-prone areas of my own congressional district and State as well as many others. For several reasons, however, the program has not been fully utilized and the protection it offers has not yet reached many of the people who need it most.

Part of the reason may rest in a general failure to promote, advertise, or sell this program adequately, but surely a more specific reason can be found in the existing program itself, and the objective of the bill our committee has reported is to correct these deficiencies.

Our bill—and I am proud, Mr. Speaker, to be a cosponsor both of the corrective legislation and of the original bill—will extend for 2 years the authority to continue the emergency flood insurance program without actuarial determination of risk—a provision which will enable communities not yet qualified and persons not now covered to obtain protection at the earliest possible time.

The bill will also suspend for 2 years the provision which requires that persons obtain flood insurance coverage, where it is available, as a condition of eligibility for Federal disaster assistance. This existing provision has been the source of considerable hardship in the aftermath of the severe flooding which followed Hurricane Doria this year. While its purpose was laudable, it took effect before people had a reasonable opportunity to equip themselves with insurance, and so, in effect, such persons were triply victimized: By costly flooding, by the absence of insurance, and by the unavailability of disaster loans.

Our bill, Mr. Speaker, will correct this unfortunate situation, and I urge its approval.

Mr. WIDNALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan, Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Illinois earlier suggested that his Governor had written a letter saying that the State of Illinois would lose about $10 million in taxes if this legislation were passed. This is not news, the gentleman made that statement in the committee. The gentleman voted against the bill in the committee.

Mr. Speaker, neither the gentleman from Illinois nor the gentleman from Texas constitute the judgment and will of the committee or of the House.

As a practical matter, I do not know what the Governor's letter said, but I would suggest that there is no possibility that the State of Illinois can lose something it has not had.

What we are suggesting in this resolution, Mr. Speaker, is to continue the existing interim provisions relative to State taxation of national banks until the Board of Governors of the Federal Reserve Bank can have an opportunity to file recommendations, as the original legislation called for.

I would like to further say that since most of my remarks heretofore have been statements addressed to the bill that is not on the Calendar.

I think the other measures in the resolution on the Suspension Calendar at the present time, by and large, constitute legislative measures which should be passed. However, I do concur with the gentleman from California (Mr. REES) in his criticism of one bill and his right to have an opportunity to vote against it.

In conclusion, Mr. Speaker, although I disagree with his right to unilaterally do so, if the chairman of this committee decided not to include House Joint Resolution 838 along with other suspensions in the amendment to the Senate joint resolution, he could very easily have put it on the Suspension Calendar as a separate item. In failing to do so he was acting contrary to the wishes and the directions of the committee.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I would like to respectfully state that no one has made a statement in opposition to this bill. The statements that have been made usually were preceded by the statement, "I rise in support of the resolution," but so and so, and the criticism would be of a little part of one bill.

There is no Member who has arisen and said that he was against the bill to my knowledge.

Now, a Member who voted against this bill, I respectfully submit would be running the risk of voting against his convictions in certain cases about which I know.

First, he wants to support the administration if he is on the minority side. The minority has at least two provisions in here that the administration thinks absolutely vital. One of them allows HUD to fix flexible rate of interest on housing.

That is what you would get if you vote against the bill, and your vote prevails, you just get a whole lot of nothing. So the bill contains provisions here that I am sure many Members of this House would feel very unhappy about if their positions were to prevail and they vote against the bill.

GENERAL LEAVE

Mr. Speaker, My time has expired. I would like to ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this bill and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas.

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask for a vote.

Mr. WIDNALL. Mr. Speaker, since my time has not expired I would like to make a point of order that a quorum is not present.

Mr. PATMAN. Mr. Speaker, I want a vote on this. The Speaker will remember that he stated that each one of us had 4 minutes remaining, and I wanted the minority to finish their time before I concluded, because we have just had one speaker on this side. I cannot understand this, because I thought the gentleman from New Jersey (Mr. WIDNALL) had consumed his entire 4 minutes, because he yielded to the gentleman from Michigan (Mr. BROWN) and the gentleman from Michigan (Mr. BROWN) used the time.

The SPEAKER pro tempore. The Chair will state that the Chair announced that the gentleman from Michigan (Mr. BROWN) had consumed 2 minutes.

Mr. PATMAN. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Texas has 1 minute remaining, and the gentleman from New Jersey has 2 minutes remaining.

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent to withdraw my point of order that a quorum is not present.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. In conclusion, Mr. Speaker, I would just like to urge the enactment of the bills that are before this House. I am just keenly disappointed that the agreement that the chairman had with our committee, as stated in the RECORD as to procedure, as to pushing for all five bills that came out of the committee at relatively the same time, has been violated. And there is no reason on earth that I can think of why that one other bill could not have been brought up separately under suspension of the rules today. I just feel it is a travesty on congressional procedure to have this sort of a thing take place.

I support the bill.

Mr. PATMAN. Mr. Speaker, I stand by every statement I made to the committee. I do not believe the members of the committee would feel very kindly toward me if I were to knowingly fix up a package that would be defeated just on account of one bill. Certainly I was asked to expedite the passage of these bills, to get favorable action, not unfavorable action——

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. No, I cannot yield. I do not have time.

So, Mr. Speaker, in order to get favorable action they were prepared in this way so that we would get favorable action, we hope, at least we have the best chance this way.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I refuse to yield.

The SPEAKER pro tempore. The gentleman from Texas refuses to yield to the gentleman from Michigan.

Mr. PATMAN. If we had done like one of the gentlemen suggested we would have had no hope of favorable action at all. So we at least have a chance of getting something.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. No, I do not yield.

And I repeat, instead of getting a whole lot of nothing. Every bill that passes this Congress represents a compromise of views and a sacrifice of opinion on the part of practically every Member of the U.S. Congress. We know that. If it is a major bill. You cannot have everything exactly your way. So I am glad that the gentleman from New Jersey has taken——

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield now?

Mr. PATMAN. That the gentleman from New Jersey has taken the sensible position, even though he objects to some part, he supports the other.

Mr. ST GERMAIN. Mr. Speaker, I am vitally concerned about the future of the Small Business Investment Company program. I have grave doubts as to whether it is meeting the lofty objectives which Congress set out for the program in its inception.

This is one of the reasons why I voted against H.R. 8634 in the committee and is now being considered as part of Senate Joint Resolution 176. I am also concerned that the SBIC program, which was designed to help small businesses, is actually being operated to benefit small business investment companies at the expense of small business concerns. This belief is heightened by the loose regulatory administration of the industry by the Small Business Administration as well as the large number of favorable regulations that SBA has published to benefit SBIC's. For instance, the Small Business Investment Act provides that SBA shall determine the amount of interest that an SBIC can charge on a loan. SBA has allowed the SBIC's to charge a maximum interest rate of 15 percent; and Congress, by its action in approving H.R. 8634 to make more money available for SBIC's, is in effect putting its stamp of approval on a 15 percent interest rate. I fail to see how this is helping small business.

The SBA has also ruled that a small business investment company cannot gain a controlling interest in a small business concern through the equity route and has in effect limited equity participation to roughly 50 percent. But, SBA has allowed the SBIC's to completely circumvent this regulation by allowing SBIC's to form operating companies which, in effect, can hold 100 percent of the stock of any SBIC portfolio company. This regulation was published without any notice to, or guidance from, the Congress. And, although Congress has passed legislation limiting the amount of stock that a commercial bank can own in an SBIC to 49 percent, SBA has found numerous ways to get around that regulation.

Mr. Speaker, it is time that we had a fullscale, completely objective, investigation of the Small Business Investment Company program to determine whether or not the Government should continue to provide funds through a middleman rather than making them available directly to small businessmen.

I am today asking that fullscale investigative hearings be held on the SBIC program, including the role that the Small Business Administration has played in allowing the SBIC's to charge what I consider to be usurious interest rates and to grab complete control of any promising small business concern. We must find out what types of loans are being made, the purpose of the loan, the interest rate being charged and any other features involved in the financing. Only then will we be able to ascertain whether the SBIC program is indeed helping small business.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong support of section 4 of Senate Joint Resolution 176, as amended. This section would restore to the Small Business Investment Act the authority it lost in 1967 when several words were inadvertently dropped as Congress amended the act. This section would amend title 15 of the United States Code to again allow small business investment companies to authorize the purchase or guarantee of all principal and interest as scheduled on debentures as was originally planned under the Small Business Investment Act of 1958.

It is necessary legislation, because small business investment companies cannot carry out the responsibilities given them by Congress unless they obtain the loans which they are entitled to under the 1958 act. The eight active SBIC's in Chicago have assisted hundreds of small and independent businesses during the past dozen years. For the past 4 years, however, these SBIC's have been limited in their ability to provide dollars to well-qualified small firms, because SBA has not been able to lend the SBIC's the money which they were promised.

This change should go a long way toward remedying that serious shortcoming. The administration and SBA strongly favor this bill; the SBIC industry supports it wholeheartedly; and small businesses themselves will be the beneficiaries of our favorable vote today. I urge its passage.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas, that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 176.

Mr. ASPINALL. Mr. Speaker, inasmuch as there has been a request for a rollcall on this matter, I would like to advise my colleagues that the plane containing the members of the funeral party is now on the ground, and that it will be, undoubtedly, approximately 30 or 40 minutes before they arrive back at the Capitol. Therefore, I would ask unanimous consent that further proceedings under this legislation go over until that time.

Mr. PATMAN. Mr. Speaker, reserving the right to object, and I certainly have no intention to object, with all due respect, I would say to the gentleman that this request is premature. No one is asking for a rollcall vote on this bill. If a rollcall vote is asked for, I would be in favor of the gentleman's unanimous-consent request, but why make the request when it has not been asked for.

Mr. ASPINALL. If the gentleman will yield, it so happens that a request has been made for a rollcall.

Mr. PATMAN. No; it was withdrawn.

Mr. ASPINALL. No; it was not withdrawn.

Mr. PATMAN. Why not wait and see, because it is just premature and we could get through with this bill.

Mr. ASPINALL. Mr. Speaker, I renew my request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado that further proceedings on the bill be postponed until the arrival of the gentleman from Massachusetts (Mr. BURKE) and our other colleagues from Massachusetts.

There was no objection.

MANPOWER DEVELOPMENT AND TRAINING ACT EXTENSION

Mr. DANIELS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11570) to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year.

The Clerk read as follows:

H.R. 11570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out "1972" both times it appears and inserting in lieu thereof "1973".

The SPEAKER pro tempore. Is a second demanded?

Mr. ESCH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. DANIELS) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. ESCH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Speaker, this bill was unanimously approved by the Education and Labor Committee. It provides for a 1-year extension of the Manpower Development and Training Act.

We were unsuccessful in our efforts to enact comprehensive manpower legislation in the last Congress. We are trying again this year, but it would be unrealistic to think that the Education and Labor Committee could report a bill—and much less that the Congress could enact one—before the upcoming expiration of the Manpower Development and Training Act. We must deal with this crisis immediately so that we can deal with the comprehensive manpower legislation properly.

The MDTA expires this June and new authorizing legislation is needed so that the Appropriations Committee can consider the request for next year's funding as part of its regular proceedings on the Labor-HEW appropriations bill.

Programs under the MDTA, including the jobs program, are currently funded at about $750 million, and as of September had almost 150,000 enrollees. Unless we enact new authorizing legislation quickly, authorization for these programs will expire next June.

There is another and just as pressing need to act on MDTA extension quickly. Section 310(b) of the act provides that no funds can be disbursed after December 30, 1972. The practical effect of this provision is that no training agreement extending beyond next December can be signed and the whole program will grind to a halt because realistic commitments cannot be made. This December limitation will start to have a real impact on the program by next January when it will no longer be possible to sign agreements lasting even 1 full year.

Mr. Speaker, we need comprehensive manpower reform legislation, and I have publicly committed myself to doing all in my power to get such legislation reported out of the subcommittee and the full committee at the earliest possible date.

But we want sound and constructive legislation and one cannot write a bill properly while a crisis grows with each additional day of deliberation. Let us take care of the crisis. Let us extend the MDTA. And then we can give the comprehensive manpower legislation the consideration that it deserves.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I am happy to yield to the distinguished gentleman from Kentucky, the chairman of the full committee.

Mr. PERKINS. Mr. Speaker, first let me compliment the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS) for brining this bill to the floor for our consideration.

Mr. Speaker, H.R. 11570 is a bill to extend for 1 year title II of the Manpower Training and Development Act of 1962.

This extension is necessary to allow the Department of Labor to continue to fund such ongoing programs as opportunities industrialization centers, on the job training and institutional training programs, and area skill centers. These programs are currently serving 150,000 enrollees and are funded at $750 million.

Last year the Congress adopted a comprehensive manpower bill that restructured the character of manpower delivery systems. Unfortunately that bill did not become law and we are facing a further reevaluation of the entire manpower program. In order to carry out the necessary comprehensive review of all of these programs we must extend the existing law for at least 1 year. This extension does not diminish the need for prompt consideration of the comprehensive legislation, but is an interim action to allow the committee sufficient time to hold adequate hearings to properly develop legislation responsive to the Nation's manpower needs.

I urge the Members to adopt this needed legislation.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I rise in support of H.R. 11570, which I cosponsored with the Senator from New Jersey (Mr. DANIELS), and urge my colleagues to pass this 1-year extension of the Manpower Development and Training Act of 1962.

At the present time there are nearly 150,000 enrollees being trained with various skills under nearly 15,000 projects in local communities across the Nation. Unless H.R. 11570 is passed, these programs will disappear. The Department of Labor estimates that the number of training opportunities to be funded under title II of MDTA in fiscal year 1973 will be 308,500. During these difficult times for the unemployed and underemployed, we must not allow our single most successful manpower training program to end.

There is legislation pending designed to coordinate our national manpower efforts and resources, and which provides for continuation of the vital training programs conducted under title II of MDTA. While 11 days of hearings on this current legislation have been held by the Select Subcommittee on Labor, it will require additional time to permit all interested parties to testify and to develop legislation responsive to the Nation's manpower needs. MDTA programs are generally funded for periods of 40 to 50 weeks and some are funded up to 104 weeks. As the expiration date for title II, June 30, 1972, approaches, funds cannot be obligated for programs extending beyond that date. As a result, ongoing programs lose momentum and in some cases are being phased out. A 1-year extension of title II would permit ongoing MDTA programs to continue during the pendency of comprehensive manpower legislation and allow an uninterrupted delivery of vital training services on the local level.

Numerous witnesses appearing before the Select Subcommittee on Labor during hearings on comprehensive manpower legislation indicated the need to extend ongoing MDTA programs while current legislation is pending.

Dr. Garth L. Mangum, a noted manpower expert, strongly advocated some form of extension of MDTA while the current comprehensive bill is pending. Dr. Mangum indicated that local MDTA programs are grinding to a halt and losing momentum. He stated:

> The failure to extend [MDTA] without something replacing it in the form of some of the bills you are talking about would be that the most effective, and I say that without qualification, the single most effective program of all the programs we have had in the manpower field would simply disappear.

Malcolm Lovell, Assistant Secretary of Labor for Manpower, also urged the extension of MDTA. He testified that:

> In view . . . of the scheduled expiration of MDTA authority on June 30, 1972, it will be necessary to extend the life of that law, as is provided in H.R. 11570. . . .

Ray Torquanto, director of manpower training programs for the Commonwealth of Pennsylvania, appeared before the subcommittee solely to urge extension of the MDTA and "to bring to everyone's attention the problems of administering this fiscal year's funding appropriation without an extension, because of the way the act must be administered."

The American Vocational Association, through its Executive Director Lowell Burkett and a panel of four State vocational educational administrators, also urged extension of MDTA. One member of the panel very eloquently expressed the problem:

> I believe the Congress should continue MDTA through extension of the present Act until such time as a lasting decision [concerning pending legislation] can be made. With the expiration of MDTA scheduled for July 1, 1972 it is imperative that some action be taken. In case of new legislation, provisions for orderly transition should be included. *As the July 1 date approaches, more of our instructors will be leaving. These people represent an investment of time and money, and we are reluctant to see our program personnel ranks depleted because of the uncertainty of the future.* (emphasis added)

The projected funding of title II is based upon current year operation levels and includes realistic compensation for known variations. The $693.1 million projection represents substantially the same funding level as fiscal year 1972, as indicated in the following table:

MDTA

[In millions of dollars]

	Fiscal year 1972 (appropriation)	Fiscal year 1973 (projection)
Title II	677.5	693.1
Private sector on job training	260.5	260.5
Institutional	324.852	336.452
Special targeting	52.0	52.0
Camps	11.290	15.390
Manpower administration salary and expense	28.8	28.8

Note: The cost difference for institutional training reflects only changes in allowances levels—no changes are anticipated in program levels. The $750,000,000 figure is the "MTS" appropriations figure ($748.8) which also includes: Public sector OJT (PSC–MDTA title I), 35.4. Program support (MDTA title I and III), 42.5, made up of: TA&T, 15.9, LMI, 6.815, RD&E, 19.768. Computerized job placement (title I)—22.3.

As noted above, the only programmatic increase in funding is institutional training, and that increase is only for changes in training allowances and not in program levels. The training allowance formula under MDTA is linked to State unemployment insurance benefit payments. Section 203(a) of MDTA states that training allowance payments to States for trainees "shall not exceed $10 more than the amount of the average weekly unemployment compensation payment. . . ." Thus, as State payments to trainees increase, due to changes in State law, the training allowance paid by the Federal Government under MDTA is automatically increased.

The small increase reflected in the fiscal year 1973 projection for CAMPS is a result of two things. First, several programs which had been funded for less than 1 year were annualized, proportionately increasing their funds commensurate with the extension of their duration. Second, CAMPS has picked up the costs of youth coordinator positions previously funded by the President's Committee on Youth Opportunities.

The unemployed and underemployed workers of this country need training opportunities to acquire necessary skills. The chairman of our subcommittee (Mr. DANIELS) has moved with diligence and dispatch to conduct extensive hearings on the total area of manpower training, but it is obvious that we will not finish that task this year. While comprehensive legislation is being developed to coordinate our total approach to manpower needs and human resources, we must not allow our one successful ongoing program to expire. I urge my colleagues to support H.R. 11570 and vote for extending MDTA for 1 year.

I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

Mr. Speaker, I rise in support of this legislation, H.R. 11570. In the committee report the section which is most important for us in extending this program are the sentences found on page 3 of the committee report:

> The extension of MDTA is not intended to diminish the need for prompt consideration

> and development of comprehensive manpower legislation by the committee. This extension is merely an interim action to allow the committee sufficient time in which to conduct adequate hearings and to attempt to develop legislation responsive to the Nation's manpower needs.

There is no question, Mr. Speaker, as Dr. Garth L. Mangum, one of the Nation's most recognized manpower experts has stated in a letter that the MDTA is the foundation of U.S. manpower policy, and he concluded by saying—

> It remains to be seen whether the authors of comprehensive manpower legislation can build even a better superstructure.

I think it is important that we allow this most fundamental and perhaps most successful of our manpower programs to be extended in order both to give the MDTA programs a full chance to continue and the Congress the time necessary to develop the kind of comprehensive manpower legislation which, in my judgment, is so important. I urge adoption of H.R. 11570.

Mr. ESCH. Mr. Speaker, I have no further requests for time.

Mr. DANIELS of New Jersey. Mr. Speaker, I have no further requests for time, but before I yield back the balance of my time, I do wish publicly to reiterate once again that I propose as the chairman of the Select Subcommittee on Labor to proceed with all due speed to conduct further hearings on manpower legislation and to endeavor to the utmost of my ability to mark up the bill at the earliest possible moment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. DANIELS) that the House suspend the rules and pass the bill, H.R. 11570.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IMPACT AID AND U.S. POSTAL SERVICE PROPERTY

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11809), to provide that for purposes of Public Law 874, 81st Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the U.S. Postal Service shall continue to be treated as Federal property for 2 years.

The clerk read as follows:

H.R. 11809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred.

The SPEAKER pro tempore. Is a second demanded?

Mr. BELL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, I move that the House suspend the rules and pass H.R. 11809. This bill would grant a temporary reprieve to hundreds of school districts whose payments under the impact aid program this year are being drastically reduced or terminated altogether. H.R. 11809 was reported unanimously with bipartisan sponsorship from the Committee on Education and Labor.

Under the present impact aid program school districts having Federal property which is transferred to other ownership during a school year continue to receive their impact aid payments for that school year and for 1 additional year after the transfer has occurred.

When the U.S. Postal Service was created earlier this year and the General Services Administration transferred the post offices under its jurisdiction to this new corporation, over 700 school districts unexpectedly lost property which the Office of Education had considered Federal property for purposes of the impact aid law. And then the General Counsel of the Department of Health, Education, and Welfare compounded the problem by ruling that these particular transfers of Federal property could not qualify for the normal "grace period" because of a quirk in the definition of Federal property contained in Public Law 81–874.

The simple purpose of this bill is to correct the inequity caused by this opinion and to make these districts eligible for the same kind of grace period as all other impact aid districts. This period will allow them to finish this year with the impact money which they have already budgeted and to continue 1 more year while they make plans to lessen their reliance on impact aid or to eliminate their participation in the program altogether.

Therefore, Mr. Speaker, I urge the House to suspend the rules and pass H.R. 11809.

Mr. GROSS. Mr. Speaker, will the gentleman from Kentucky yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Do I understand that the way to get impacted aid is to have Government property in one's congressional district?

Mr. PERKINS. A couple of years ago we extended the maintenance and operations statute—Public Law 874, 81st Congress—to include employees working in post offices which were under the jurisdiction of the General Services Administration.

Of course, the Postal Corporation was thereafter created. It was the opinion of the General Council of HEW which brought about the necessity for this legislation. This only restores the right to be counted for the next 2 years, for Government employees working in post offices which had been under the jurisdiction of the General Service Administration.

Mr. GROSS. Why were Postal employees included in the first place?

Mr. PERKINS. Let me say to my distinguished colleague that this will only continue under this legislation for 2 years.

Mr. GROSS. This seems to me to be legislative gimmickry at its worst to justify impacted school aid on any such premise as that. I am surprised to learn about it.

Mr. PERKINS. The question would not have been raised had the Postal Corporation not come into existence.

Mr. GROSS. Then some of us would have gone right on without ever knowing about it, I guess.

Why 2 years?

Mr. PERKINS. That is the time we felt was needed for these districts to phase out. They have all budgeted the money this year, and then next year they can begin to phase out.

Mr. GROSS. Of course, this is an abnormal situation, in that there is no reason for including these people in the first place.

The school districts affected ought to be able to work out of this by the end of the current year, rather than to add another full year to this kind of rooking of the taxpayers.

Mr. PERKINS. Let me say to my distinguished colleague that this amount was already included in the budget for this year.

Mr. GROSS. So, just because it is there, let us go get it?

Mr. PERKINS. And the Members of both bodies voted to include this type of Federal property.

Mr. GROSS. Can we not admit that mistakes are made around here, and try to rectify them when they are discovered?

Mr. PERKINS. Yes, at the proper time in the future. But I do not believe it would be equal justice for the school districts to make plans and these children to be counted, and then, at this late hour, after the money is in the budget, change it. I believe it could upset a lot of planning.

Mr. GROSS. It is the old story: There is the money. Let us spend it. It does not make any difference whether they are entitled to it or not; let us get rid of it.

I thank the gentleman for yielding.

Mr. BELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 11809.

Ordinarily, when Federal property is sold or transferred, school districts receiving funds related to such property under Public Law 81–874 are accorded a phase-out period during which they can prepare for the reduction of the impact aid money.

Due to a fluke in the law, however, school districts containing post offices transferred by GSA to the new U.S. Postal Service have found themselves ineligible for impact aid they had counted on receiving.

This situation causes unnecessary hardships which would be remedied by the bill before you.

This measure would simply provide those school districts essentially the same phaseout procedure to which they would be entitled if other Federal property were involved.

Mr. Speaker, this is a bipartisan bill and it was reported unanimously by the Committee on Education and Labor.

I urge my colleagues to support it.

Mr. GROSS. Will the gentleman yield?

Mr. BELL. I yield to the gentleman.

Mr. GROSS. Could it be possible that impacted school aid would be paid in a school district 16 years after the military installation was closed and the reason for the aid removed?

Mr. BELL. Not according to this bill.

Mr. GROSS. I am not talking about this bill. Could it be possible that this could happen in this allegedly enlightened world of where there is so much money spent on education?

Mr. BELL. I suppose my answer would have to be that it is possible.

Mr. GROSS. It is possible?

Mr. BELL. But not under this law. Of course, anything is possible.

Mr. GROSS. No one seems to know why postal employees ever got into this thing, because they are not impacting any schools. Are they?

Mr. BELL. I agree with the gentleman from Kentucky on that. I would not favor that, either.

Mr. GROSS. So why are we today compounding the mistakes of the past?

Mr. BELL. As far as this bill is concerned, it is just getting some equity.

Mr. GROSS. Equity?

Mr. BELL. Yes. Equity for people who have been expecting this money and who have been expecting it for quite a while and all of a sudden it is cut off. You have to have a budget and programs planned for a school year. When the budget is upset this way, you have to have some phasing out. That is all this is. It is a phasing out.

Mr. GROSS. Each of these school districts could meet now and revamp their programs before next fall and before another school year starts. There is nothing so cumbersome that they could not hold a meeting and do what they should have done in the first place, which is to pay for this education themselves. They had a hand in the Federal Treasury but they want to get it in clear up to the elbow.

Mr. BELL. The money goes to help the youngsters and the school districts now. I suppose over a period of time they can get together and do this, but this gives them time to do it. Unfortunately, these things take time to plan and to budget. We are trying to avoid a definite hardship for school districts the same as you do in other areas similar to this.

Mr. GROSS. I suppose everyone should go out and get a chunk of Government property of some kind and then get a few mailmen involved in order to raid the Treasury.

Mr. BELL. I do not know. I think probably the Government investments are pretty good investments.

Mr. GROSS. You do not see this coming to an end at any time in the foreseeable future, do you?

Mr. BELL. I think with the fine work that you and others have done maybe we can bring a lot of foolishness to an end.

Mr. GROSS. Thank you.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

Mr. BELL. I have no further requests for time.

The SPEAKER pro tempore. If there are no further requests for time, the question is on the motion offered by the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 11809.

The question was taken.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. BROOMFIELD. Surely.

Mr. ASPINALL. Mr. Speaker, I make the same request that I have made heretofore on the prior two bills. The funeral party is on the way to the House floor. I ask unanimous consent that further proceedings on this legislation be passed over until the funeral party arrives.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, we are getting votes piled up to the point that if they come in succession I do not know whether we will be able to obtain rollcalls. The gentleman from Colorado has been here for a good many years, and he knows how this thing can mushroom and how we can fail to obtain votes on some of these issues on which some of us would like to get on record.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Yes, I yield to the gentleman from Colorado.

Mr. ASPINALL. I think it is the understanding of the leadership that there will be votes under such conditions as have arisen here this afternoon.

Mr. GROSS. On all of these issues?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield further, these three issues that I have suggested. However, with reference to the one that was passed by a voice vote, there is no reason for that.

Mr. GROSS. I agree with the gentleman on that one.

Mr. ASPINALL. With reference to these three bills on which I have made the special request, it is my understanding that there will be rollcall votes if they are desired.

Mr. GROSS. I guess I am getting mellow in my old age, but I will go along with this just once in order to see how it works.

Mr. ASPINALL. May I say to the gentleman, again I appreciate his mellowness and his willingness to go along with this unanimous-consent request.

PARLIAMENTARY INQUIRY

Mr. TALCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TEAGUE of Texas). The gentleman from California will state his parliamentary inquiry.

Mr. TALCOTT. Mr. Speaker, I would like to inquire if indeed there is a quorum present when this bill is called up, whether or not we can have a rollcall vote because right now we are entitled to it?

The SPEAKER pro tempore. It is the understanding of the Chair that the leadership on both sides of the aisle have agreed that there will be rollcall votes on these matters on which they are demanded.

Is there objection to the request of the gentleman from Colorado?

There was no objection.

AUTHORIZING CERTAIN NAVAL VESSEL LOANS

Mr. HÉBERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9526) to authorize certain naval vessel loans, and for other purposes, as amended.

The Clerk read the bill, as follows:

H.R. 9526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend five destroyers and two submarines to the Government of Spain; one destroyer and two submarines to the Government of Turkey; two destroyers to the Government of Greece; two destroyers to the Republic of Korea; and two submarines to the Government of Italy in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this Act shall be charged to funds programed for the recipient government as grant military assistance under the provisions of the Foreign Assistance Act of 1961, as amended, or sucessor legislation, or to funds provided by the recipient government. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1974.

SEC. 2. Loans executed under this Act shall be for periods, not exceeding four years, at the end of which, each ship shall be returned to the United States Navy at a location to be designated by the Secretary of Defense. Loans executed under this Act shall be made subject to the condition that the loan may be terminated by the President if he finds that the armed forces of the borrowing country have engaged at any time after the date of such loan, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Loans shall be made on the condition that they shall be terminated at an earlier date if the President determines they no longer contribute to the defense requirements of the United States.

SEC. 3. No loan may be made under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

SEC. 4. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. ARENDS. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, is the gentleman from Illinois opposed to the bill?

Mr. ARENDS. No, I favor the bill, Mr. Speaker.

Mr. GROSS. Mr. Speaker, I am opposed to the bill and I, therefore, demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Louisiana (Mr. HÉBERT) will be recognized for 20 minues, and the gentleman from Iowa (Mr. GROSS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I rise in support of H.R. 9526, as amended, and recommend its approval by the House.

This legislation, will, if enacted, authorize the loan of 16 naval vessels to nations having a long history of friendship with the United States. The loans involve the following nations:

Spain—5 destroyers and 2 submarines.
Turkey—1 destroyer and 2 submarines.
Greece—2 destroyers.
Italy—2 destroyers.
Korea—2 destroyers.

In summary, therefore, this bill will authorize the loan of 14 vessels to our allies in the European area and two vessels to our good friends in South Korea—a total of 16 vessels.

At this point, I think it important to emphasize that none of these loans are being made to countries with whom we have disagreement as to fishing rights or jurisdiction of territorial and international waters.

Stated another way, these loans are not being made to any of the Latin American countries such as Equador or Chile.

The bill as submitted by the Department of Defense would have authorized the loan of these vessels for 5 years with a provision that they could be extended by mutual agreement between the two countries for an additional 5 years. However, this provision was changed by the Committee on Armed Services to limit the loan perior to 4 years and to preclude any extension of these loans without concurrent action by the Congress approving such extensions.

The committee added this modification to the bill so as to insure congressional control over the future use of these vessels beyond the 4-year period authorized in the legislation.

The ships involved in this legislation will be used by recipient countries to discharge naval responsibilities assumed by them in their respective areas of the world.

All of the vessels scheduled for transfer to the recipient countries will come from ships no longer required for our own forces. The transfer of these ships will involve costs approximating $32½ million. These costs will be charged to funds programed for the recipient government under the Foreign Assistance Act of 1961, as amended, or in the case of certain of these countries, to funds provided by the recipient government.

The ship loans authorized by this legislation are those strongly recommended by the Department of Defense and State Department. The execution of these loans are in the national interest.

The Committee on Armed Services approved this legislation as reported by a vote of 29 to 3. I, therefore, urge approval by the House of this bill as reported by the committee.

Mr. Speaker I include the following letter in support of this legislation.

DEPARTMENT OF STATE,
Washington, D.C., December 3, 1971.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I am writing you with regard to the FY 1972 Ship Loan Bill (HR 9526) which will shortly be presented for a vote in the House. I understand that some Members are reluctant to support it because of the fact that some loaned ships, notably those in Ecuador, have been used to seize or harrass American fishing vessels in the high seas and that these loans have not been recalled.

As you are aware, there are no loans for Ecuador in HR 9526; however, we can readily understand and agree with the need to protect American fishermen and to preserve the United States interest in freedom of the seas.

In point of fact, the recall of our loans to Ecuador in itself would not prevent future harassment of American fishing vessels. Ecuador has other craft with which to patrol its coast, some of which are modern, high performance boats.

Seeking recall of our vessels would serve no useful purpose as a gesture of disapproval of Ecuadorian conduct. You will recall that we terminated all foreign military sales (FMS) and military assistance to Ecuador earlier this year. These measures have only served to gain sympathy in Latin America for Ecuador's position. Far from resolving the overall problem, they have made a negotiated solution more complicated and difficult.

The central difficulty in using pressure of this sort is the impact such measures have in other areas involved in the complex fishing question—the broad range of our foreign policy, economic and security interests in the hemisphere as well as the position of the US with regard to the Law of the Sea.

We have concluded that additional sanctions against Ecuador at this time would harm these other interests involved and have thus decided not to seek the return of the ships at this time.

We believe the better course for the United States to follow is to persist in the effort to find the basis for a negotiated solution which respects all of our interests. This is a difficult course and one which, as you know, has not yet borne fruit. It does not, however, carry with it the disadvantages that are associated with the application of additional sanctions, a course which also has not produced a solution.

I would like to take this opportunity to stress that the ship loans proposed in HR 9526 to Spain, Italy, Greece, Turkey and the Republic of Korea, are important to our overall security assistance program and directly affect US security interests. In particular, the proposed loans to Spain have already been discussed with that country as part of a *quid pro quo* (subject to authorizing legislation) for the use of major US bases in that country. I urge you to give this legislation your support.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I rise in support of the bill as reported by the committee and urge the approval of the House.

I would like to emphasize that the ship loan program is only one part of the overall military assistance program and that these ships would otherwise be held in our inactive reserve fleet at our own expense. The program, therefore, permits these ships to continue to contribute to the defense of our Nation as well as those nations allied with us without any significant monetary contribution on our part.

Seven of the 16 vessels in the bill before the House will be loaned to NATO allies and will be used, for the most part, in the strategic Mediterranean area.

The seven vessels for Spain are part of a Spanish agreement to guarantee the U.S. use of some of its most important military bases anywhere in the world.

The Spanish loans will be used heavily in the Mediterranean and will thus increase friendly naval strength in that area.

The two destroyers for Korea will help that area along toward self-sufficiency and will be important evidence of the firmness of our intentions to fulfill treaty obligations in the East Asian nations.

The ship loan program is an excellent example of the Nixon doctrine in action. It allows us to keep in service ships which would otherwise have to be deactivated and it provides an economic and effective way for our friends and allies to defend themselves and make a greater contribution to our collective security.

These are the considerations that prompted the Committee on Armed Services to concur in this request of the executive branch. I strongly share this point of view and believe that this legislation deserves the support of every Member of this body.

Mr. GROSS. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I have great respect for the members of the Committee on Armed Services, and I have always looked to them for leadership in providing for greater national security, but I remember one time when our colleague, the late Mendel Rivers, twisted my arm and persuaded me to remove my objection to a unanimous-consent request so that he could get a vessel loan bill through, and that was for the Latin American countries. We have a lot of our older vessels down there, both Coast Guard and Navy, and they have been used against our fishing fleet.

Now many of them are not on loan but under what I would call seizure because the loan authorization has expired. I do not know where these vessels will end up and whether we can ever get them returned after 4 years. Frankly, I have just become disillusioned with this loan program.

Mr. Speaker, I will vote for any programs to enlarge our Navy and to build up our national security and to provide for a U.S. ship construction program to deter war by strength, but I cannot get myself to support these loans, after our bitter experience with the naval vessels that have been loaned to Latin Americans.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. HÉBERT. I will say to the gentleman that nobody could be more in accord with what the gentleman has just said than the chairman of the Committee on Armed Services. I feel very keenly about the situation in Latin America and have always looked with dismay on the prostitution of our good graces by the seizure of our ships. It is a most disgraceful act and it is a matter on which I have so expressed myself in committee.

However, I will say to the gentleman that this is no time to bring this matter up.

Mr. Speaker, I will not only call this matter up for a hearing, but I shall vigorously support any such legislation which places limitations on the actions of Latin American countries which have abused our friendship in the manner in which they have handled our largesse.

However, at this particular time, it is of special importance that this bill be passed because of our association with the nations mentioned and particularly with the Spanish Government where we are overdue in carrying out our agreement on the renewal of our base agreement in Spain.

I hope the gentleman would understand the situation in which we find ourselves, and of course I can well understand the gentleman's feeling in the matter, and his reference to our late colleague, Mr. Rivers.

As a matter of fact, the last conference I had with Mr. Rivers, which was a few days before he died and it was in Birmingham, on the ship loan bill. I know his feelings in the matter and I know exactly how he felt and I share those feelings now.

Mr. Speaker, I think in the light of what has happened, he would stand here with the gentleman and myself and decry what has happened in the Central American countries.

This can be corrected by legislation which I will support and bring before the Committee on Armed Services as quickly as possible.

Mr. PELLY. Mr. Speaker, again I want to express my great admiration and respect for the chairman and the other members of the Committee on Armed Services.

However, you cannot pass a bill and compel some foreign nation to return these vessels.

I would like to see a stronger U.S. Navy, under our own control. I feel once we have transferred these vessels under a loan, we have no assurance that they will ever come back and I doubt whether in many instances they will.

Could I ask the gentleman—has there been any transfer of these vessels heretofore? Is this just to authorize action that has already been taken or are we under control of these vessels?

Mr. HÉBERT. No, sir, these are new loans. These ships have not been transferred before. I anticipate the gentleman's concern, however, and again stand with him. We have never asked for and have never seen the return of a single ship—which is wrong—it is as dead wrong as it can be and shows a weakness on our part that should not be.

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Indiana (Mr. Bray).

Mr. BRAY. Mr. Speaker, this is the annual ship loan bill. Under the provision of section 7307 of title 10, United States Code, this section requires the consent of Congress for the sale, transfer, or other disposal of any battleship, aircraft carrier, cruiser, destroyer or submarine that has not been stricken from the Naval Vessel Registry. In accordance with the requirements of section 7307 the Armed Services Committee has approved the following transfers:

Spain: five destroyers and two submarines; Turkey: one destroyer and two submarines; Greece: two destroyers; Republic of Korea: two destroyers; and Italy: two submarines.

Over the past 2 years the United States Navy will have gone from 769 ships on June 30, 1970, to 657 ships on June 30, 1972, for a decrease of 112 ships. Of the ships that have been retired from active duty some have been judged to be valuable enough to be kept on the Naval Vessel Register for possible future use by the Navy. It is from these ships that the loans are being made.

Although section 7307 was first enacted in 1951, it is an example of the Nixon doctrine of supplying our allies with hardware while having our allies supply the manning. Instead of mothballing these ships which have been retired from active duty, they will be continued in service with foreign crews. This will not only allow the foreign countries to have more modern ships than they have now, but it will also keep these ships in better condition than they would if they were in mothballs.

Four of the recipients of these ships are located in the Mediterranean. Spain, standing at the entrance of the Mediterranean, is receiving five destroyers and two submarines. Turkey, which stands astride the Bosporus, is receiving one destroyer and two submarines. Greece, which is close to the Bosporus, is receiving two destroyers, and Italy, which bisects the Mediterranean, will receive two submarines. All of these ships will strengthen the ability of our allies to meet the increased Soviet threat in the Mediterranean. Recently the Soviets have been sailing fleets of 55 to 60 ships or more in the Mediterranean—and doing it far more frequently than they ever did before. Included in those fleets are large numbers of submarines.

Of course, Turkey, Greece, and Italy are members of NATO. Our transfer of the ships involved here to these countries will help strengthen the southern tier of our NATO allies at a time when there is an increased threat to that side of NATO from the Soviets.

Mr. Speaker, the question has been raised as to what the United States is going to do with the ships it has supplied to Ecuador. The Department of State has just written to the committee as follows:

> As you are aware, there are no loans for Ecuador in H.R. 9526; however, we can readily understand and agree with the need to protect American fishermen and to preserve the United States' interest in freedom of the seas.
>
> In point of fact, the recall of our loans to Ecuador in itself would not prevent future harassment of American fishing vessels. Ecuador has other craft with which to patrol its coast, some of which are modern, high performance boats.
>
> Seeking recall of our vessels would serve no useful purpose as a gesture of disapproval of Ecuadorian conduct. You will recall that we terminated all foreign military sales (FMS) and military assistance to Ecuador earlier this year. These measures have only served to gain sympathy in Latin America for Ecuador's position. Far from resolving the overall problem, they have made a negotiated solution more complicated and difficult.
>
> The central difficulty in using pressure of this sort is the impact such measures have in other areas involved in the complex fishing question—the broad range of our foreign policy, economic and security interests in the hemisphere as well as the position of the U.S. with regard to the Law of the Sea.
>
> We have concluded that additional sanctions against Ecuador at this time would harm these other interests involved and have thus decided not to seek the return of the ships at this time.
>
> We believe the better course for the United States to follow is to persist in the effort to find the basis for a negotiated solution which respects all of our interests. This is a difficult course and one which, as you know, has not yet borne fruit. It does not, however, carry with it the disadvantages that are associated with the application of additional sanctions, a course which also has not produced a solution.

With respect to the overall importance of the ship loan bill, the State Department has also advised the committee as follows:

> I would like to take this opportunity to stress that the ship loans proposed in H.R. 9526 to Spain, Italy, Greece, Turkey, and the Republic of Korea, are important to our overall security interests. In particular, the proposed loans to Spain have already been discussed with that country as part of a *quid pro quo* (subject to authorizing legislation) for the use of major U.S. bases in that country. I urge you to give this legislation your support.

Mr. Speaker, I urge the House to pass this legislation.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Pike).

Mr. PIKE. Mr. Speaker, I am one of those who voted against this legislation in committee.

I have voted for it in the past, but I share with the gentleman from Washington (Mr. Pelly) certain reservations about what happens to these ships.

I share with the gentleman from Washington (Mr. Pelly) certain reservations about what happens to these ships, and not only in connection with South America, but today, for example, there are 16 American naval vessels under the jurisdiction of Pakistan. What do you think is happening to the 16 American naval vessels under the jurisdiction of Pakistan today?

The hearings on this legislation run for page after page after page detailing all the ships which American taxpayers have paid for and which are today in the hands of other nations. This bill includes ships to Turkey, for example, and in the hearings from pages 7077 to 7079 we list 121 ships which Turkey has which American taxpayers paid for. Now, they are not all big ships. They are mostly small ships—patrol craft, patrol boats, landing vessels. But there are submarines in there. There are a lot of submarines in there.

This particular bill calls for a lot of ships to Spain, and there are about 50 or 60 ships which Spain already has under her jurisdiction.

If you look at the rationale set forth in the report on this legislation, it says that it is going to accomplish things like getting them to accept our doctrines of the sea, getting these recipient nations to accept our doctrines. Well, one of our principal doctrines has always been the 3-mile limit, which we will extend to 12 miles for purposes of conserving fish resources. But nation after nation which has gotten these ships has ignored this 3-mile limit and is demanding 200 miles of jurisdiction. Our vessels are being used against us all over the world to guarantee to foreign countries that they will take jurisdiction 200 miles out to sea.

The chairman said that these ships are going to remain under our control. The trouble is it just is not so. The bill is probably a pretty good bill as far as the language is concerned, but it is not as strong as the language which we have had in bills in the past.

For example, in connection with Peru, Peru today has two ships of ours on which the legislation has expired. The authority to have these ships has expired. And they do not give the ships back. They keep the ships. The testimony we had before the hearing revealed that not once has a ship which has gone out on "loan"—and "loan" is in quotes—from the United States of America has ever come back to the United States of America.

In connection with a loan which we made to Peru of a ship, a destroyer named the *Isherwood*, the language when we extended the loan, said:

> Any agreement for a new loan or an extension of a loan executed pursuant to this Act shall be subject to the conditions that the agreement will be immediately terminated upon finding made by the President that the country with which such agreement was made has seized any United States fishing vessels.

Peru, everybody knows, has seized U.S. fishing vessels. So what does the State Department say in justification of this this? They say:

> The diplomatic note proposing the terms for the loan extension of *Isherwood* was presented to the Government of Peru after passage of the law. The Peruvians have not responded.
>
> In view of our experience with the *Isherwood* and the delicate state of our relations with Peru at present, we do not believe it is in the best interests of the United States to press the matter of these loans at this time.

One of the ships for which the loan has already expired is a submarine held by Pakistan, and that submarine is in Pakistan right now and the loan has expired. We keep saying, "Well, in view of the delicate nature of our relations with this country we ought to let them keep the ship."

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GROSS. Mr. Speaker, I yield 5 additional minutes to the gentleman from New York.

Mr. PIKE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the hearings on this bill are good hearings, and I recommend that the Members take a look, not just at the report, but also at the hearings, because beginning on page 7018 of the hearings, there is listed the country of Brazil; and we go from Brazil to Burma; to Cambodia; to Canada; to Chile; to Colombia; to Denmark; to the Dominican Republic; to Ecuador; to Egypt; to El Salvador; to Ethiopia, which has about 20 ships; France, which as of last year still had three pages worth of ships which the American taxpayers have paid for and which are still set forth as being on hand last year in France; Burma, which has about 10; Greece, which has about 90, and they are on pages 7034 and 7035 of the hearings. There are just page after page after page. Guatemala has our ships; Haiti has our ships; Indonesia has our ships; Iran; Israel has one, by the way; Italy has two and a half pages worth; Panama has three; Japan has one and a half pages worth. And I have only gotten to the J's. There are literally hundreds and hundreds of ships paid for by the American taxpayers.

It is true, Mr. Speaker, they may be obsolete, but again, the justification given by the Navy for the submarines, for example, which are going to Turkey in this bill, is that they are going to be modernized, going to be used to modernize the Turkish submarine fleet. If they can modernize their submarine fleet with those ships, those ships ought to be of some use to us.

I would suggest we cannot control what happens in any of these countries once they get our ships. Chile has two cruisers in addition to some destroyers, and by an election Chile decided to go Communist, and Chile maintains the cruisers and maintains the destroyers, and if anybody tells me that having American cruisers and American destroyers paid for by the American taxpayers in the hands of the Chileans at this time contributes to our national defense—I just cannot believe it, that is all.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, in the case of Peru, they still have not made settlement for the confiscation of millions of dollars worth of American-owned property. The leases on the vessels loaned to Peru have expired, and yet we cannot get those vessels back.

Mr. PIKE. The gentleman is absolutely correct. I would say most of the ships we have loaned out are today in the hands of dictatorships either of the right or of the left.

Mr. GROSS. I certainly agree with the gentleman.

Mr. PIKE. And once they get their mitts on the ships we do not get the ships back, and we do not control them, and they do not help our national defense in any manner.

Mr. GROSS. The distinguished chairman of the commitee, Mr. Hébert, made a point of the fact that the term of the loan or lease terms in this bill have been reduced from 5 to 4 years. As far as I am concerned—and I do not know the reaction of the gentleman from New York—this simply is window dressing. We are not going to get the ships back anyway unless we force their return.

Mr. PIKE. I would like to think it is a little more than just window dressing, because it was my amendment that cut it down to 4 years. However, the gentleman is correct. It does not matter what the term of the loan is, because, as with all these ships, we never get them back anyway. They are gone, they are out of our hands, they are out of our control. They may be used in civil wars in which both sides may come to hate us, because it is the American ships that are killing on each side, and they may be used against us as they have been in the past.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, did the committee consider the possibility of converting this to a sale instead of a loan? In other words, would it not be a much cleaner issue if we simply sold or donated the vessels?

Mr. PIKE. I would say to the gentleman this bill only scratches the surface of how we get ships into the hands of other countries.

This is a loan program. There is also a lease program. There is a grant program. And there is a sale program. We have more ways of getting ships into the hands of other nations than the world has ever seen.

Mr. HÉBERT. Mr. Speaker, I yield to the distinguished majority leader, Mr. Boggs, for a unanimous-consent request.

HON. WILLIAM P. CURLIN, JR.

Mr. BOGGS. I thank the gentleman from Louisiana.

Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky, Mr. William P. Curlin, Jr., be permitted to take the oath of office now. The certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so only for the purpose of asking: This will not foreclose the time allotted for the purpose of debate under the suspension of the rules procedure?

The SPEAKER. It will not.

Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. CURLIN appeared at the bar of the House and took the oath of office.

Mr. HÉBERT. Mr. Speaker, I yield myself 1 minute.

I would like to have the attention of the gentleman from Iowa, with reference to a question he asked in connection with the amendment to the bill, on the 4-year limitation as related to the 5-year limitation and to the extension.

The distinguished gentleman from New York (Mr. PIKE), I am sure inadvertently, did not identify himself as the author of those two amendments in the committee. From his dissertation here today and the statement Members heard him make I believe the House Members may be under the impression he was opposed to the whole bill. His amendments were accepted by the committee after he offered them.

Now, Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I rise in support of the bill, although certainly with some trepidation, because I was one of those who voted against the bill in the committee.

Mr. Speaker, on July 26, we passed the Foreign Assistance Act amendments, H.R. 9910, which contained the following addition to Section 620 of chapter 1 of part III of the Foreign Assistance Act of 1961:

> (V) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may no be waived pursuant to any authority contained in this Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding.

An attempt to delete this prohibition on the floor was overwhelmingly defeated 122 to 57, the bill was passed, it is now in conference, and we can be virtually certain that the prohibition will be included in the bill which emerges from conference.

Now on page 4 of the report on H.R. 9526, the bill we are now discussing, it says in part—

> Enactment of this measure will involve the expenditures of approximately $32.5 million. In the case of . . . the Government of Greece . . . these costs will be charged to funds programed for the recipient government under the Foreign Assistance Act of 1961, as amended, or its successor legislation, or to funds provided by the recipient government.

I want to be very clear about this. Assuming the House language regarding Greece contained in H.R. 9910, is enacted into law, no funds will be authorized to be appropriated for the transfer of these two destroyers to Greece unless the President notifies the Congress in writing that national security requirements justify waiving the restriction specified in H.R. 9910.

In short, these ship loans to Greece are covered by the same restrictions as other military aid.

I share some of the reservations which the gentleman from New York (Mr. PIKE) on the committee has.

While there are a number of ways in which ships can get to alleged allies and friends around the world, this House has participated with respect to grants and loans respecting perhaps some 17 countries. When we look at that record, I believe it is rather dismal.

There are three destroyers to Argentina. That is a military dictatorship.

There are two submarines and six destroyers to Brazil. That is a military dictatorship which is renowned for its recent evidences of torture, for which columnist Bill Buckley indicted them the other day.

We have two submarines and two destroyers in Chile, which has a Marxist government. Of course, the only reason for having those kinds of ships would be an altercation with Peru.

Of course we balanced that, because we have two destroyers given to Peru, which is a military dictatorship though strongly leaning toward socialism.

We have given a destroyer to the democracy of Colombia.

We have given five destroyers to the democracy of Germany.

In this bill we have some ships programed for Greece. Greece already has two submarines and six destroyers, and two more programed. I will address that situation in a minute.

I would like to add that Italy, a democracy, was given five submarines; Japan, two submarines; Korea, two destroyers and two DE's.

Of course, in Pakistan we knew when we gave them ships some years ago that they would probably only use them against India. Bombay was bombed this morning. Pakistan has one of our submarines which they will undoubtedly use in their effort against India.

The Philippines has one destroyer escort. Spain, admittedly a Fascist state, is getting two submarines under this bill. It already has a helicopter carrier and five destroyers. Nationalist China, which is no paragon of democracy, has six destroyers and one destroyer escort. Thailand, which just recently opted for a military dictatorship, is getting a destroyer escort. Turkey is getting two submarines and a destroyer escort under this bill, but there is no doubt that they will be using these submarines and destroyers not to help us in our NATO effort but against Greece, which is also getting ships under this bill because they have a major problem over Cyprus. Of course, Vietnam got two destroyer escorts in the previous legislation.

So, Mr. Speaker, I would like to ask a question of the chairman of the committee. Considering the fact that there has been some major concern with respect to the use of our ships that we have already approved in this House, as to whether or not those ships have really been used pursuant to a plan which has been helpful to the United States and considering the fact that we have problems with these ships in Ecuador and South America, and so forth.

Mr. Speaker, at the end of my remarks, I want to insert three tables. First, a list of our ships confiscated this year by Ecuador; second, a list of U.S. ships loaned to Ecuador over the past 15 years, many of these ships participated in the confiscation; third, a table of total U.S. seizures through 1970 in South America.

I am wondering if perhaps it might be well if our committee held hearings and actually looked into what the Navy is doing not only with the ships we have approved but those that they have put out on lease and loan without our consent. Of course, they do not always need our approval for smaller ships under the other provisions of the law. Have you thought about our committee holding a general review of this situation and coming up with further recommendations?

TABLE I —FISHING VESSEL SEIZURES, 1971

Seized	Name	Amount paid to obtain release	Released
	PERU		
Mar. 30, 1971	Puritan	$12,000	Mar. 31
	ECUADOR		
Jan. 11, 1971	Lexington	33,800	Jan. 14
Jan. 15, 1971	Bold Venture	49,950	Jan. 16
Do	Anna Maria	52,000	Do.
Jan. 17, 1971	Apollo	86,650	Jan. 19
Jan. 18, 1971	Antonia C	39,840	Do.
Do	Ocean Queen	69,100	Do.
Do	Cape Cod	44,169	Jan. 20
Do	Capt. Vincent Gonns	52,550	Jan. 19
Do	Blue Pacific	56,550	Jan. 20
Jan. 20, 1971	Hornet	37,800	Jan. 22
Jan. 21, 1971	Quo Vadis	48,150	Do.
Jan. 22, 1971	Neptune	42,950	Jan. 23
Do	Day Island	46,500	Do.
Jan. 23, 1971	Caribbean	41,200	Do.
Jan. 27, 1971	Coimbra	17,750	Jan. 29
Do	Western King	38,050	Jan. 28
Do	Jeannette C	65,550	Do.
Feb. 10, 1971	John F. Kennedy	45,000	Feb. 11
Feb. 20, 1971	West Port	32,150	Feb. 21
Feb. 24, 1971	Nautilus	40,250	Feb. 25
Feb. 27, 1971	Concho	41,550	Feb. 28
Do	United States	41,550	Do.
Do	Lois Seaver	24,750	Do.
Do	Sun Europe	23,050	Do.
Mar. 3, 1971	Apollo[1]	155,340	Mar. 4
Mar. 27, 1971	Caribbean[1]	74,160	Mar. 28
Nov. 10, 1971	Venturous	46,100	Nov. 11.
Do	Blue Meridian	32,400	Do.
Do	Trinidad	59,662	Do.
Nov. 12, 1971	Royal Pacific	24,700	Nov. 14.
Do	Endeavor	17,150	Do.
Do	Cheryl Marie	50,900	Do.
Do	Mary S.	45,900	Do.
Do	Eastern Pacific	37,450	Do.
Nov. 13, 1971	Lexington	60,840	Do.
Do	Cabrillo	44,950	Do.
Do	Elsenore	17,200	Do.
Do	A. K. Strom	73,050	Do.
Nov. 18, 1971	Ecuador	22,250	Nov. 19
Do	Wiley V. A	22,350	Do.
Nov. 19, 1971	Anna M	45,050	Nov. 20.
Nov. 23, 1971	Vivian Anne	37,703	Nov. 24.
Do	Larry Roe	41,250	Do.
Do	Missouri	41,200	Nov. 26.
Nov. 24, 1971	John F. Kennedy[1]	80,460	Do.
Do	J. M. Martinac	38,350	Do.
Do	Connie Jean[1]	68,030	Do.
Nov. 25, 1971	Bernadette	19,000	Do.
	Total	2,200,000	

[1] Fines doubled, 2d time seized.

TABLE II.—SHIPS LEASED (NAVY TO NAVY)

Name	Date leased	Date expires
ANL-27 (net laying boat)	November 1965	July 1965.
ARD-17 (auxiliary repair drydock).	January 1961	January 1971.
ATF-155 (fleet ocean tub) U.S.S. Cusabo.	November 1960	November 1970.
AFS-525 (combat store ship).	July 1964	July 1974.
YR-34 (floating workshop).	July 1962	July 1972.
YW-131 (water barge)	January 1963	January 1973.
ADP-66 (transport) U.S.S. Enright.	November 1966	January 1972.

Note: Terms of lease: Can be terminated by either party on 30 days' notice. Neither leases nor loans are subject to specific legislation per 10 USC 2667. Destroyers, submarines, and major combatant ships require congressional authorization to loan.

SHIPS LOANED (GOVERNMENT TO GOVERNMENT)

Name	Date loaned	Date expires
PCE-846 (patrol craft) U.S.S. Eunice	November 1960	November 1965.
PCE-874 (patrol craft) U.S.S. Pascagoula	December 1960	December 1965.

Note: 48 seizures this year.

TABLE III.—DATA ON SEIZURES OF U.S. FLAG TUNA CLIPPERS DURING PERIOD JANUARY 1961 TO DECEMBER 1970

STATISTICAL SUMMARY

	Resume	By year									
		1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Total number of seizures	92	1	10	11	2	10	14	16	10	14	4
Total estimated fishing days lost from seizures	374	4	75	59	2	51	54	63	35	25	6
Total fines paid for release of vessel	$757,021.90	$2,500.00	$17,427.90	$20,688.00	0	$19,312.00	$80,636.00	$105,768.00	$288,960.00	$67,578.00	$154,2520.00
Total licenses and matriculas paid for release of vessels	[1] 151,786.10	[1] 0	[1] 5,180.00	[1] 8,350.70	[1] 0	[1] 28,942.20	[1] 2,900.00	[1] 39,988.20	[1] 40,001.00	[1] 26,514.00	[1] 0
Total other costs	[1] 24,377.12	[1] 714.85	[1] 240.30	[1] 157.00	[1] 0	[1] 1,517.86	[1] 5,039.68	[1] 8,443.60	[1] 6,287.50	[1] 1,976.33	[1] 5,0900.0
Total costs	933,184.12	3,214.85	22,848.20	29,195.70	0	49,772.06	88,575.68	154,109.80	335,248.50	95,968.33	160,152.00

[1] Estimated.

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961-68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Shamrock	253 836	Mar. 21, 1961	Mar. 24, 1961	4	Panama:		Filed: May 29, 1961	Vessel at anchor repairing anchor, 9.25 miles (98° True Isla Pelado, at 08° 39.4' latitude, (north) 78° 51.5' west longitude. Name of foreign vessel unavailable.
					Fine	$2,500.00	Acknowledged: (1)	
					License	None	Certified: July 10, 1961	
					Matricula	None	Paid: (1)	
					Etc	714.85		
					Total	3,214.85		
San Joaquin	270 154	Feb. 12, 1962	Feb. 24, 1962	13	Colombia:		Filed: May 8, 1962	Vessel in set, net in water, seized by warship Arc Gorgonia 7.9 miles SW Pt San Francisco Solano, at 06° 03' north latitude 77° 32'30" west longitude.
					Fine	2,277.90	Acknowledged: May 21, 1962	
					License	None	Certified: Jan. 7, 1963	
					Matricula	None	Paid: June 3, 1963	
					Etc	40.30		
					Total	2,318.20		
Western Ace	263 848	Mar. 28, 1962	Mar. 31, 1962	4	Ecuador:			Near Manta, Ecuador, vessel seized while fishing Name of seizing vessel not available, exact position of seizure not available.
					Fine	None		
					License	4,830.00		
					Matricula	350.00		
					Etc	(1)		
					Total	5,180.00		
Lou Jean	249 580	Apr. 28, 1962	May 3, 1962	6	El Salvador:			Traveling homeward, seized by warship G.D.-2, about 15 miles off Rio Tempa River, at 12° 58' north latitude, 88° 50' west longitude.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	200.00		
White Star	249 335	Aug. 3, 1962	Sept. 10, 1962	35	Ecuador:			Vessel traveling when seized. Name of seizing vessel unavailable, exact position of seizure unavailable.
					Fine	None		
					License	(1)		
					Matricula	(1)		
					Etc	(1)		
Larry Roe	278 930	Aug. 24, 1962	Aug. 24, 1962	1	Ecuador:			Vessel fishing when seized by Ecuadorean warship, off Galapagos Islands. Name of seizing vessel not available, exact positions of seizure not availabe.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	(1)		
Evelyn R.	230 063	Sept. 10, 1962	Sept. 13, 1962	4	Ecuador:			Vessel entered port and was then seized. No seizing vessel. Location was Galapagos Islands.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	(1)		
Western Ace	263 848	Oct. 28, 1962	Nov. 1, 1962	5	Peru:			Vessel fishing when boarded by armed soldiers from Peruvian warship, "Angel", about 11 miles off Peru, at 03° 50' south latitude, 81° 08' west longitude.
					Fine	5,000.00	Filed: not applicable	
					License	None	Acknowledged: not applicable	
					Matricula	None	Certified: not applicable	
					Etc	(1)	Paid: not applicable	
Chicken of the Sea	248 779	do	do	5	Peru:			Vessel fishing when seized and boarded by Peruvian warship, "Angel", about 11 miles off coast of Peru, at 03° 50' south latitude, 81° 08' west longitude.
					Fine	10,000.00	Filed: not applicable	
					License	(1)	Acknowledged: not applicable	
					Matricula	(1)	Certified: not applicable	
					Etc	(1)	Paid: not applicable	
Elsinore	271 490	Nov. 18, 1962	Nov. 18, 1962	1	Ecuador:			Vessel fishing North of Cape Berkely, San Isabella (Galapagos Islands). Name of seizing vessel not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Larry Roe	278 930	Nov. ,1962	Nov. ,1962	1	Ecuador:			Vessel fishing when seized by Ecuadorean warship off Wreck Bay, San Cristobal, Galapagos Islands.
					Fine	150.00		
					License	None		
					Matricula	None		
					Etc	None		

Footnotes at end of table.

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
San Juan	289 819	May 22, 1963	May 22, 1963	1	Ecuador:			Vessel fishing when seized by Ecuadorean warship about 8 miles off Manta, at 00° 44′ south latitude, 88° 53′ west longitude, ship's document converted.
					Fine	None		
					License	None		
					Matricula	None		
					Et cetera	None		
Ranger	253 538	May 25, 1963	June 11, 1963	18	Ecuador:			Vessel fishing when seized by Ecuadorean warship "D.0.–2; Jambeli: D.0.1." 13 miles, 260° True, Cojimes Island, at 00° 22′ north latitude, 80° 17′ west longitude.
					Fine	$9,504.00		
					License	2,232.20		
					Matricula	350.00		
					Et cetera	78.50		
					Total	12,164.70		
White Star	249 335	May 25, 1963	June 11, 1963	18	Ecuador:			Vessel traveling when seized by Ecuadorean warship, "D.0.–2; Jambeli: D.0.1", 13 miles, 260° True, Cojimes Island, 00° 22′ north latitude, 80° 17′ west longitude.
					Fine	11,184.00		
					License	2,652.30		
					Matricula	350.00		
					Et cetera	78.50		
					Total	14,264.80		
Espirito Santo	248 755	June 13, 1963	June 18, 1963	4	Ecuador:			Vessel entered port to buy license, at Salinas, Ecuador, when seized by Ecuadorean warship, name not available.
					Fine	None		
					License	2,416.00		
					Matricula	350.00		
					Total	2,766.00		
Ranger	253 538	June 29, 1963	June 29, 1963	½	Ecuador:			Seized in error about 50 miles off coast of Ecuador. Name of seizing vessel not available.
					Fine	None		
					License	None		
					Matricula	None		
					Et cetera	None		
Ruthie B	252 612	June 1963	June 1963	1	Peru:			Seized by Peruvian warship, 27 miles off coast of Peru, seizure in error. Exact position not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Freedom	262 968	do	do	1	Peru:			Vessel traveling about 27 miles off coast of Peru when seized by Peruvian warship, exact position unavailable.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Ruthie B	252 612	Aug. 19, 1963	Aug. 19, 1963	1	Peru:			Vessel traveling about 38 miles off coast of Peru when seized by Peruvian warship. Exact position unavailable.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Intrepid	254 297	do	do	1	Peru:			Vessel traveling 38 miles off coast of Peru, seized by Peruvian warship. Exact position not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Western Sky	241 122	Dec. 20, 1963	Dec. 30, 1963	11	Ecuador:			Seized at Wreck Bay, San Cristobal, Galapagos Islands, by Ecuadorean warship. Seizure in error.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	[1]		
West Coast	249 369	Dec. 29, 1963	Dec 30, 1963	2	Ecuador:			Seized at Wreck Bay, San Cristobal, Galapago Islands. Seizure in error.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	[1]		
Santa Anita	258 646	Feb. 4, 1964	Feb. 4, 1964	1	Ecuador:			Vessel entered port in Galapagos Islands seeking aid for injured seaman. Vessel seized upon entry into port.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Agnes C	262 870	Dec. 5, 1964	Dec. 5, 1964	1	Ecuador:			Vessel on anchor, Galapagos Islands. Name of seizing vessel not available, exact position of seizure not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Nautilus	285 304	Feb. 17, 1965	Feb. 17, 1965	1	Peru:			Entered Port of Talara, Peru, seeking aid for hurt man. Vessel seized upon entering port.
					Fine	None		
					License	4,734.00		
					Matricula	350.00		
					Etc	[1]		
					Total	5,084.00		
Western King	273 287	do	do	1	Peru:			Vessel entered Port of Talara, Peru for provisions and was taken under seizure.
					Fine	None		
					License	4,278.00		
					Matricula	350.00		
					Etc	[1]		
					Total	4,628.00		
Clipperton	285 518	June 4, 1965	June 14, 1965	11	Peru:			Vessel entered Port of Chimbote, Peru to perform emergency repairs and was taken under seizure.
					Fine	7,128.00	Filed: July 29, 1965	
					License	3,214.00	Acknowledged: Aug. 4, 1965	
					Matricula	350.00	Certified: Sept. 27, 1965	
					Etc	1,517.86	Paid: Nov. 24, 1965	
					Total	12,209.86		
Clipperton	285 518	June 16, 1965	June 16, 1965	½	Peru:			Seized about 60 miles off coast of Peru by Peruvian warship, B.A.F. Calvez #68, at 09° 00′ south latitude and 80° 00′ west longitude. Seizure in error.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Sun Jason	251 946	June 4, 1965	June 6, 1965	3	Peru:			Vessel entered Port of Talara, Peru, to seek aid for ill fisherman and was taken under seizure.
					Fine	None		
					License	1,976.00		
					Matricula	None		
					Etc	[1]		

Footnotes at end of table.

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
San Juan	289 819	June 11, 1965	June 13, 1965	3	Peru:			Vessel fishing, seized about 44 miles off Huanocape Island, at 90° 05′ south latitude, 79° 36′ west longitude, by Peruvian warship, B.A.F. Calvez #68.
					Fine	None	Filed:[1]	
					License	$5,538.00	Acknowledged:[1]	
					Matricula	350.00	Certified:[1]	
					Etc	(1)	Paid: Claim	
					Total	5,888.00	Denied	
Hornet	289 761	June 13, 1965	June 14, 1965	2	Peru:			Vessel traveling about 96 miles off coast of Peru, at 09° 32′ south latitude, 80° 11′ west longitude, by Peruvian warship B.A.F. Calvez #68.
					Fine	None	Filed:[1]	
					License	4,686.00	Acknowledged:[1]	
					Matricula	350.00	Certified:[1]	
					Etc	(1)	Paid:[1]	
					Total	5,036.00		
Concho	270 585	July 29, 1965	July 29, 1965	1	Ecuador:			Seized in error near Salinas, Ecudaor. Name of seizing vessel not available. Exact position not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
White Star	249 716	Oct. 5, 1965	Nov. 1, 1965	28	Ecuador:			Drifting, working on engine near Salinas, Ecuador, about 17 miles from shore, at 02°41′ south latitude, 80°56′ west longitude. Name of seizing vessel unavailable.
					Fine	11,184.00	Filed:[1]	
					License	2,416.20	Acknowledged:[1]	
					Matricula	350.00	Certified:[1]	
					Etc	(1)	Paid:[1]	
					Total	13,950.20		
Mary Barbara	275 716	Dec. 30, 1965	Dec. 30, 1965	1	Peru:			Entered Port of Callao, Peru to obtain engine parts and was taken under seizure.
					Fine	1,000.00	Filed:[1]	
					License	None	Acknowledged:[1]	
					Matricula	None	Certified:[1]	
					Etc	(1)	Paid:[1]	
Day Island	288 260	Feb. 3, 1966	Feb. 18, 1966	16	Colombia:			While traveling toward Panama, seized by Colombian warship, the Almirante Padilla, 8.5 miles between Cape Marzo and Pta Cruces at 06°37′2″ north latitude, 77°40′08″ west longitude.
					Fine	5,000.00	Filed: May 12, 1966	
					License	None	Acknowledged: June 1, 1966	
					Matricula	None	Certified: Oct. 27, 1966	
					Etc	2,058.62	Paid: June 6, 1967	
					Total	7,058.62		
Sun Europa	247 979	Mar. 3, 1966	Mar. 4, 1966	2	Panama:			Vessel in set with net in water, boarded by armed soldiers aboard private yachts, about 5½ miles from Pta Caracoles, at 07°36′ north latitude, 78°21′ west longitude.
					Fine	10,000.00	Filed: Apr. 18, 1966	
					License	None	Acknowledged: Apr. 29, 1966	
					Matricula	None	Certified: Mar. 2, 1967	
					Etc	None	Paid: June 6, 1967	
Mauritania	250 236	Apr. 29, 1966	Apr. 30, 1966	2	Pecu:			Vessel traveling, seized about 40 miles from Pta Picos, by Peruvian warship B.A.F. Diez Conseco #69, at 03°19′ south latitude, 81°25′ west longitude.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	340.49		
Day Island	288 260	May 12, 1966	May 14, 1966	3	Panama:			Vessel traveling, seized by armed soldiers from aboard private yachts, about 29 miles from shore, at 07° 42′ north latitude 78° 42′ west longitude.
					Fine	10,000.00	Filed: Sept. 13, 1966	
					License	None	Acknowledged: Sept. 21, 1966	
					Matricula	None	Certified: Mar. 2, 1967	
					Etc	588.36	Paid: June 5, 1967	
					Total	10,588.36		
Day Island	288 260	May 23, 1966	May 25, 1966	2	Peru:			Just completed set, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol at 03° 44′ south latitude, 81° 06′ west longitude.
					Fine	12,160.00	Filed: Sept. 13, 1966	
					License	None	Acknowledged: Sept. 21, 1966	
					Matricula	None	Certified: July 24, 1967	
					Etc	805.41	Paid: June 25, 1968	
					Total	12,965.41		
San Juan	289 819	May 23, 1966	May 24, 1966	2	Peru:			Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, at 03° 44′ south latitude, 81° 06′ west longitude.
					Fine	11,776.00	Filed: Jan. 10, 1967	
					License	None	Acknowledged: Jan. 24, 1967	
					Matricula	None	Certified: July 24, 1967	
					Etc	(1)	Paid: June 5, 1968	
Pilgrim	291 488	May 23, 1966	May 24, 1966	2	Peru:			Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, 03° 44′ south latitude, 81° 06′ west longitude.
					Fine	11,512.00	Filed: July 18, 1966	
					License	None	Acknowledged: July 29, 1966	
					Matricula	None	Certified: July 17, 1967	
					Etc	(1)	Paid: June 5, 1968	
Chicken of the Sea	248 779	May 23, 1966	May 23, 1966	2	Peru:			Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, at 03° 44′ south latitude, 81° 06′ west longitude.
					Fine	2,900.00		
					License	2,900.00		
					Matricula	None	Certified: Jan. 15, 1969	
					Etc	(1)		
City of Tacoma	295–035	June 14, 1966	June 15, 1966	2	Ecuador:			Seized in error by Ecuadorean warship, B.A.E. Quito LC–71 near Salinas, Ecuador. Exact position not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Clipperton	285 518	June 14, 1966	June 15, 1966	2	Ecuador:			Seized in error by Ecuadorean warship, B.A.E. Quito LC–71, near Salinas, Ecuador. Vessel released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Ronnie S	255 975	Oct. 2, 1966	Oct. 6, 1966	5	Peru:			Vessel looking for fish, seized by Peruvian warship B.A.P. San-Tillan No. 22, 24 miles by radar bearing off shore. West ¼ north of Zorritos, Peru.
					Fine	7,384.00	Filed: Jan. 14, 1967	
					License	None	Acknowledged: Feb. 2, 1967	
					Matricula	None	Certified: June 30, 1967	
					Etc	599.66	Paid: June 25, 1968	
					Total	7,983.66		

Footnotes at end of table.

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Sun Europa	247 979	do	do	5	Peru:			Traveling, seized by Peruvian warship B.A.P. Santillan No. 22, 28 miles, radar bearing offshore, 160° True of Zorritos, Peru.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Eastern Pacific	500 099	Oct. 3, 1966	do	5	Peru:			Vessel drifting, seized at 5:30 a.m., by Peruvian warship, B.A.P. Velarde No. 21, about 20 miles by radar bearing, 306° Magnetic, Pt. Picos, Peru.
					Fine	$9,904.00	Filed: Jan. 31, 1967	
					License	None	Acknowledged: Feb. 14, 1967	
					Matricula	None	Certified: Aug. 1, 1967	
					Etc	647.14	Paid: June 25, 1968	
					Total	10,551.14		
Shamrock	253 836	Oct. 10, 1966	Oct. 13, 1966	4	Mexico:			Vessel seized in error near Cedros Island. Released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
New Era	250 382	Jan. 7, 1967	Jan. 13, 1967	7	Ecaudor:			Traveling towards Peru, seized by Ecuadorean warship, B.A.E. Cayambe, 35 miles 35° True from Cape Santa Elena, at 02° 40′ south latitude, 81° 21′ west longitude.
					Fine	7,200.00		
					License	3,000.00		
					Matricula	None		
					Etc	(1)		
					Total	10,200.00		
Endeavor	258 022	do	do	7	Ecuador:			Traveling toward Peru, seized by Ecuadorean warship B.A.E. Cayambe, 51 miles from Cape Santa Elena, at 02° 50′ south latitude, 80° 45′ west longitude.
					Fine	8,064.00	Filed: Mar. 9, 1967	
					License	2,016.00	Acknowledged: Mar. 20, 1967	
					Matricula	200.00	Certified: Mar. 31, 1967	
					Etc	900.00	Paid: June 6, 1967	
					Total	11,180.00		
Victoria	249 539	do	do	7	Ecuador:			Traveling toward Peru, seized by Ecuadorean warship B.A.E. Cayambe 50 miles from Port of Salinas, 02° 42′ south latitude, 81° 40′ west longitude.
					Fine	8,448.00	Filed: Mar. 13, 1967	
					License	2,112.00	Acknowledged: Mar. 20, 1967	
					Matricula	200.00	Certified: Mar. 31, 1967	
					Etc	1,000.00	Paid: June 6, 1967	
					Total	10,760.00		
Sea-Preme	263 220	Jan. 20, 1967	Jan. 26, 1967	7	Ecuador:			Traveling toward Peru, seized by Ecuadorean warship B.A.E. Quito LC–71, about 6 miles west of Santa Clara Is. at 02° 42′ south latitutde 80° 40′ west longitude.
					Fine	12,528.00	Filed: Mar. 22, 1967	
					License	3,138.20	Acknowledged: Mar. 30, 1967	
					Matricula	200.00	Certified: Apr. 10, 1967	
					Etc	206.08	Paid: June 6, 1967	
					Total	16,072.28		
Caribbean	291 814	Jan. 26, 1967	Jan. 28, 1967	3	Peru:			Drifting at night, seized by Peruvian warship #24, about 15 miles from Pta Picos, Peru, at 03° south latitude, 80° west longitude.
					Fine	10,888.00	Filed: Mar. 30, 1967	
					License	None	Acknowledged: Apr. 21, 1967	
					Matricula	None	Certified: Aug. 1, 1967	
					Etc	664.67	Paid	
					Total	11,552.67		
Hornet	289 761	Jan. 26, 1967	Jan. 28 1967	3	Peru			Traveling, seized at 2220 hours, by Ecuadorean warship B.A.P. Velarde $21, about 24 miles from Pta Picos, Peru, at 03° 27′ south latitude 81° 02′ west longitude.
					Fine	10,072.00	Filed Mar. 30, 1967	
					License	None	Acknowledged Apr. 21, 1967	
					Matricula	None	Certified Aug. 1 1976	
					Etc	637.56	Paid	
					Total	10,709.56		
Defense	240 796	Jan. 7, 1967	Jan. 7, 1967	1	Mexico			Seized in error near Tres Marias Islands, name of seizing vessel and exact position not available. Vessel released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
City of Los Angeles	247 156	Jan. 7, 1967	Jan. 7, 1967	1	Mexico			Seized in error near Tres Marias Islands, name of seizing vessel and exact position unavailable Vessel released.
					Fine			
					License	None		
					Matricula	None		
					Etc			
Ronnie S	255 975	Feb. 15, 1967	Feb. 18, 1967	4	Ecuador			In set, net i water, seized by Ecuadorean warship B.A.E. Guayaquil LC–72, by radar 25 miles from Pta Picos at 03° 27′ south latitude 81° 03′ west longitude.
					Fine	12,768.00	Filed Apr. 12, 1967	
					License	3,192.00	Acknowledged Apr. 21, 1967	
					Matricula	200.00	Certified June 28, 1967	
					Etc	927.77	Paid June 25, 1968	
					Total	17,087.77		
Determined	261 420	Feb. 15, 1967	Feb. 18, 1967	4	Ecuador:			Set, net in water, seized by warship (Ecuador) B.A.E. Guayaquil LC–72, by radar 25 miles from Pta Picos at 03° 27′ south latitude 81°04′ west longitude.
					Fine	8,784.00		
					License	1,896.0 (		
					Matricula	500.00		
					Etc	1,000.00		
					Total	12,180.00		
Ranger	253 538	Feb. 15, 1967	Feb. 18, 1967	4	Ecuador:			Vessel traveling, seized by warship (Ecuador) B.A.E. Guayaquil LC–72, about 32 miles from Peruvian coast at 03° 05′ south latitude 81° 24′ west longitude.
					Fine	9,504.00	Filed: Sept. 4, 1968	
					License	2,176.00	Acknowledged: Sept. 10, 1968	
					Matricula	200.00	Certified: Sept. 24, 1968	
					Etc	1,016.52	Paid: Oct. 25, 1968	
					Total	12,896.52		
Sun Hawk	249 270	May 5, 1967	May 5, 1967	1	Mexico:			Seized in error 9 miles Southwest of Todos Santos, Baja California. Vessel released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		

Footnotes at end of table.

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Western King	273 287	July 4, 1967	July 12, 1967	9	Ecuador:			Ecuadorean aircraft spotted vessel traveling at 1730, later Ecuadorean warship B.A.E. Esmeraldes seized it 24 miles off Cabo Pasado, 00° 19′ south latitude 80° 53′ west longitude.
					Fine	$17,512.00		
					License	4,128.00		
					Matricula	350.00		
					Etc	691.00		
					Total	22,681.00		
Day Island	288 260	Aug. 3, 1967	Aug. 4, 1967	½	Ecuador:			Seized in error by B.A.E. Esmeraldes, 10½ miles SSE of Isla La Plata, at 01° 26′ south latitude 80° 58′ west longitude, released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
American Queen	258 201	Aug. 3, 1967	Aug. 4, 1967	1	Ecuador:			Seized in error by B.A.E. Esmeraldes (Ecuador) 9 miles off Isla Salango, Ecuador, released. Exact position not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Puritan	286 673	Oct. 20, 1967	Oct. 22, 1967	3	Ecuador:			At 0500 hours fired upon, seized and boarded by armed soldiers from warship (Ecuador) Orion II, 70 miles off coast of Ecuador, at 03° 15′ south latitude, 81° 39′ west longitude.
					Fine	None		
					License	15,890.00		
					Matricula	350.00		
					Etc	1,400.00		
					Total	17,640.00		
Navigator	250 182	Mar. 2, 1968	Mar. 4, 1968	3	Ecuador:			At about 2050 hours, Mar. 2, 1968, an Ecuadoreau warship, the Esmeraldas, "E–2", seized the Navigator 23 miles west of Cabo de San Francisco, Ecuador. Navigator held at sea until about 1625 Mar. 4, 1968, a license was bought ($6,982.50) by masters wife, and fact confirmed by Quito.
					Fine	None	Filed: May 21, 1968	
					License	6,545.00	Acknowledged: May 24, 1968	
					Matricula	350.00	Certified: Denied	
					Etc	87.50		
					Total	6,982.50		
City of Tacoma	295 035	Mar. 13, 1968	Mar. 14, 1968	2	Peru:			About 0915, Peruvian: me, a Peruvian warship, No. 22, seized the City of Tacoma at 03° 30′ south latitude, 81° 24′ west longitude. City of Tacoma forced to chase Eucadorean tuna vessel, Venus by Ecuadorean boarding party who fired upon Venus, which also was seized.
					Fine	None		
					License	5,226.00		
					Matricula	350.00		
					Total	5,576.00		
Paramount	250 688	Mar. 20, 1968	Mar. 23, 1968	4	Ecuador:			About 5:30 a.m., Ecuadorean warship, Esmeraldas, E–2 seized the Paramount at 1° 40′ south latitude, 81° 40′ west longitude, 46 miles off coast.
					Fine	21,700.00		
					License	5,425.00		
					Matricula	350.00		
					Etc	2,600.00		
					Total	30,075.00		
Western King	273 287	Apr. 4, 1968	Apr. 5, 1968	2	Peru:			At 4 pm, Western King was seized by Peruvian warship, at 3°35′ south latitutde, 80°57′ west longitude. Approximately 15 miles off coast, while drifting.
					Fine	None		
					License	5,130.00		
					Matricula	350.00		
					Total	5,480.00		
Royal Pacific	286 263	Aug. 8, 1968	Aug. 11, 1968	4	Ecuador:			0930 EST, Aug. 8, 1968, Royal Pacific seized by Ecuadorean warship, 25 de Julio at 0°34′ south latitude, 80°52′ west longitude (21 miles off coast of Ecuador).
					Fine	34,580.00	Filed: Sept. 20, 1968	
					Etc	750.00	Acknowledged: Sept. 24, 1968	
							Certified: Nov. 6, 1968	
					Total	35,330.00		
Connie Jean	503 056	do	do	4	Ecuador:			1114 EST, Aug. 8, 1968, Connie Jean seized by Ecuadorean warship Presidente Alfaro at 00°23′ south latitude, 80°55′ West longitude, (25 miles off Ecuadorean coast).
					Fine	52,640.00	Filed: Sept. 23, 1968	
					Etc	750.00	Acknowledged: Sept. 26, 1968	
							Certified: Nov. 6, 1968	
					Total	53,390.00		
Eastern Pacific	500 099	do	Aug. 12, 1968	5	Ecuador:			1120 EST Aug. 8, 1968, Eastern Pacific seized by Ecuadorean warship 25 de Julio at 00°36′ south latitude, 80°58′ west longitude (21 miles off Ecudorean coast).
					Fine	51,940.00	Filed: Sept. 10, 1968	
					Etc	750.00	Acknowledged: Sept. 16, 1968	
							Certified: Nov. 6, 1968	
Pacific Queen	512 151	Aug. 8, 1968	Aug. 11, 1968	4	Ecuador:			1130 EST Aug. 8, 1968, Pacific Queen was seized by Ecuadorean warship Presidente Alfaro at 00° 23′ south latitude, 80° 56′ west longitude (23 miles off Ecuadorean coast).
					Fine	63,000.00	Filed: Sept. 10, 1968	
					Etc	750.00	Acknowledged: Sept. 16, 1968	
							Certified: Nov. 6, 1978	
					Total	63,750.00		
Ecuador	263 017	Sept. 18, 1968	Sept. 18, 1968	1	Peru: Fine	None		0630 EST Sept. 19, 1968, Ecuador was seized by Ecuadorean warship, Santilian No. 2, at 03° 18′ South Latitude, 81° 03, West Longitude. Forced into Port of Talara, papers examined, found in order. Ecuador released.
Day Island	288 260	Dec. 10, 1968	Dec. 15, 1968	6	Ecuador:			0640 EST Dec. 10, 1968, Day Island seized by Eucadorean warship, Bae "Esmeraldes", at 00° 00 South Latitude, 80° 38′ West Longitude (19 miles off coast of Ecuador).
					Fine	65,100.00	Filed: Jan. 30, 1969	
					License	16,275.00	Acknowledged: Feb. 5, 1969	
					Etc	600.00	Certified: Mar. 12, 1969	
					Total	31,875.00		
Mariner	255 346	Feb. 14, 1969	Feb. 14, 1969	1	Peru:			February 14, 1969, Peruvian warship No. 23 damaged hull, demolished speedboat. Same warship shot up San Juan. Location of seizure 29.6 miles off coast. San Juan 1st shot at about 60 miles off coast.
					Fine	7,216.00	Filed: May 2, 1969	
					License	3,108.00	Acknowledged: May 8, 1969	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	405.38	Paid: Jan. 8, 1970	
					Total	11,229.38		
San Juan	289 819	Mar. 19, 1969	Mar. 19, 1969	1	Peru:			Mar. 19, 1969, about 0550 hours Peruvian time, Peruvian patrol vessel No. 22 seized the San Juan 23 miles NW of Punta Sal, Peru (Gulf of Guayaquil). Forced into Talara, Peru. Upon payment of fine and costs, vessel was released.
					Fine	11,776.00	Filed: May 1, 1969	
					License	5,888.00	Acknowledged: Mar. 19, 1969	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	396.98	Paid: Jan. 8, 1970	
					Total	18,560.98		

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Cape Ann	249 520	do	do	1	Peru:			
					Fine	$5,488.00	Filed: May 1, 1969	Mar. 19, 1969, Peruvian warship No. 22 seized the Cape Ann approximately 23 miles NW of Punta Sal, Peru (Gulf of Guayaquil). Forced into Talara, Peru. Released upon payment of fine and costs.
					License	2,744.00	Acknowledged: May 12, 1969	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	74.31	Paid: Jan. 8, 1970	
					Total	8,806.31		
Western King	273 287	May 16, 1969	May 16, 1969	1	Peru:			
					Fine	10,048.00	Filed: NA	Location of seizure—0.3°28′ south latitude, 80°56′ west longitude.
					License	4,524.00	Acknowledged: NA	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	1,099.66	Paid: Jan. 8, 1970	
					Total	16,171.66		
Alphecca	255 005	June 18, 1969	June 18, 1969	½	Ecuador:			
					Fine	None	(1)	Stopped and seized by Ecuadorean gunboat No. 71 about 6 to 7 miles offshore. Alphecca headed into port to check license.
					License	None	(1)	
					Matricula	None		
					Etc	None		
Caribbean	291 814	June 19, 1969	June 28, 1969	10	Ecuador:			
					Fine	32,950.00	(1)	Seized at 01° 8′ south, 86° 45′ west, about 184 miles off coast of Ecuador near Galapagos Islands. Purchased license and matricula with promise of release. Held 9 days until fine assessed and paid.
					License	8,250.00	(1)	
					Matricula	None	Certified: Oct. 31, 1969	
					Etc	N/A		
					Total	41,200.00		
Neptune	505 674	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea. Neptune fired upon, 2 bursts from machinegun, damage to house only.
					License	None		
					Matricula	None		
					Etc	None		
Marietta	517 099	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Etc	None		
Bold Venture	513 392	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Etc	None		
Queen Mary	520 243	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Et cetera	None		
Royal Pacific	286 263	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Et cetera	None		
Dominator	268 896	July 3, 1969	July 3, 1969	½	Peru:			
					Fine	None	(1)	Boarded and seized about 25 miles off coast by Peruvian warship. Released about 1:15 p m at sea. No fine imposed
					License	None		
					Matricula	None		
					Et cetera	None		
Seafarer	252 486	July 3, 1969	July 3, 1969	½	Peru:			
					Fine	None	(1)	Boarded and seized about 25 miles off coast by Peruvian warship. Released about 1:15 p m at sea. No fine imposed.
					License	None		
					Matricula	None		
					Et cetera	None		
Invader	236 946	Oct. 31, 1969	Nov. 6, 1969	7	Ecuador:			
					Fine	None	(1)	Seized at San Cristobal, Galapagos Island. Vessel had valid license No. 015. Left Costa Rica after unloading on Oct. 16. On 21st entered Ecuadorean 200-mile area, then on 29th purchased second license. Captain of port felt vessel operated in violation for 8 days on expired license. Vessel forced to Salinas, then released without fine or penalty.
					License	None		
					Matricula	None		
					Et cetera	None		
						1970		
City of Panama	514 567	February 14	February 15	1	Ecuador:			
					Fine	$49,650.00	(1)	LC-72 (Guayaquil) seized vessel 17 miles SW Pt. Ancon—02°29′ (south) latitude, 81°08′ (west) longitude. Reported 2 Ecuadorean pilots killed in crash on patrol.
					License			
					Matricula			
					Etc	(1)		
					Total	49,650.00		
Western King	273 287	February 23	February 24	1	Peru:			
					Fine	15,072.00	(1)	Seizure 37 miles from Pta. Pecos, 03°20′ south latitude, 81°12′ west longitude.
					License			
					Matricula			
					Etc	(1)		
					Total	15,072.00		
Day Island	288 260	February 25	March 1	3	Ecuador:			
					Fine	84,050.00	Filed: June 1, 1970	Seized by "25 de Julio", 36 miles off Ecuador; 02°53′ south latitude, 81°12′ west longitude.
					License		Acknowledged: June 5, 1970	
					Matricula		Certified: June 15, 1970	
					Etc	2,600.00	Paid: January 20, 1971	
					Total	86,650.00		
Western Ace	263 848	April 17	April 17	½	Peru:			
					Fine	5,480.00	Not Authorized	Seized on high seas, taken into Talara. No further information.
					License			
					Matricula			
					Etc	(1)		
					Total	5,480.00		

Footnotes at end of table.

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
						1971 (Preliminary)		
1. exington	249 877	Jan. 11	Jan. 14	3	Ecuador	$33,150.00		Anchorage episode resulting in damage to vessel; 02°45′ S. Latitude, 81°45′ W. Long.
2. Bold Venture	513 392	Jan. 15	Jan. 16	1	do	49,550.00		50 Miles S.S.W. of Salinas, Ecuador.
3. Anna Maria	523 633	do	do	1	do	52,000.00		
4. Apollo	529 833	Jan. 17	Jan. 18	1	do	92,000.00		Seized by LC–71 (Quito).
5. Antonina C	525 457	Jan. 18	Jan. 19	1	do	39,850.00		Seized 2°49′ S. Latitude. 81°35′ N. Longitude by "25 de Julio".
6. Ocean Queen	527 550	do	Jan. 20	1	do	69,100.00		Seized 2°38′ S. Latitude, 81°10′ W. Longitude by "25 de Julio".
7. Cape Cod	291 488	do	do	1	do	44,150.00		Seized 3°8′ S. Latitude, 81°30′ N. Longitude by "Guayaquil".
8. Captain Vincent Gann.	527 923	do	do	1	do	52,550.00		Seized 2°51′ S. Latitude, 81°21′ W. Longitude by "25 de Julio".
9. Blue Pacific	509 115	do	do	1	do	56,500.00		Seized 2°38′ S. Latitude, 81°20′ W. Longitude by "25 de Julio".
10. Hornet	289 761	Jan. 19	Jan. 20	1	Ecuador	41,200.00		(1).
11. Quo Vadis	528 822	do	do	1	do	48,150.00		(1).
12. Neptune	505 674	Jan. 22	Jan. 23	1	do	42,954.00		(1).
13. Day Island	288 260	do	do	1	do	46,500.00		(1).
14. Caribbean	291 814	Jan. 23	Jan. 24	1	do	41,200.00		(1).
Total				16		708,854.00		
Other cost						16,000.00		
Total						[2] 724,854.00		

[1] Not available.
[2] Estimate.

TABLE II.—AMOUNTS PAID TO FOREIGN COUNTRIES UNDER THE ACT OF AUG. 27, 1954, AS AMENDED

[Distribution of all claims by year of certification, number, country and by amount]

	Country	Amount
Year and number:		
1955: 2	Ecuador	$55,481.20
1956: None.		
1957: 7	Mexico	8,400.00
1958:		
1	do	1,200.00
1	Ecuador	5,881.10
1959: 2	Mexico	2,400.00
1960: 11	do	24,400.00
1961:		
3	do	6,400.00
1	Ecuador	9,906.60
1	Panama	2,500.00
1962: 4	Mexico	10,400.00
1963:		
1	Colombia	$2,277.90
1	Ecuador	9,504.00
2	Peru	15,000.00
12	Mexico	33,600.00
1964:		
1	Ecuador	11,184.00
5	Mexico	16,000.00
1965:		
1	Peru	7,128.00
2	Mexico	6,400.00
9	Honduras	45,000.00
1966:		
1	Colombia	5,000.00
3	Mexico	5,600.00
1967:		
2	Panama	20,000.00
5	Ecuador	59,904.00
7	Peru	73,696.00
1968: 5	Ecuador	211,664.00
1969:		
5	Peru	$55,692.00
2	Ecuador	122,575.00
1970:		
1	Peru	15,072.00
2	Ecuador	133,700.00
Total fines paid or certified:		
Ecuador		619,799.90
Peru		166,588.00
Mexico		114,800.00
Honduras		45,000.00
Panama		22,500.00
Colombia		7,277.90
Total paid		975,965.80

Note: Fines imposed upon and paid by owners but claims not filed as yet in connection with seizures by Ecuador of vessels determined ($8,784) and paramount ($21,700), for a total of $30,484.

Source: American Tunaboat Association.

Name of vessel, country and claimant	Amount paid	Date of certification	Date of seizure	Congress and session	Public law, number and chapter	Document No.
Sun Streak, Ecuador, Sun Pacific, Inc	$12,000.00	May 20, 1955	Sept. 4, 1954	84th, 1st	Public Law 219, Ch. 541.	H.R. 184
Artic Maid, Ecuador, Artic Maid Fisheries, Inc	43,481.20	July 19, 1955	Mar. 27, 1955	85th, 1st	Public Law 85–58	H.R. 156
Captain Mac, Mexico, Sea Garden Corp	1,200.00	Aug. 3, 1957	Mar. 26, 1956	85th, 1st	Public Law 85–170	S. 60
Lucky Star, Mexico, O. W. Franks	1,200.00	Sept. 3, 1957	Unavailable	85th, 2nd	Public Law 85–352	H.R. 321
Captain Scotty, Mexico, William L. Hardee	1,200.00	Sept. 19, 1957	do	85th, 2nd	do	H.R. 321
Sea Otter, Mexico, N. A. Hardee, Jr. and I. D. Hardee	1,200.00	Sept. 21, 1957	do	85th, 2nd	do	H.R. 321
Princess, Mexico, William Hardee	1,200.00	do	do	85th, 2nd	do	H.R. 321
Ranger, Mexico, Noble A. Hardee, Jr	1,200.00	Sept. 25, 1957	do	85th, 2nd	do	H.R. 321
Scotsman, Mexico, Sea Garden Corp	1,200.00	Oct. 28, 1957	do	85th, 2nd	do	H.R. 321
Captain Wilson, Mexico, Mrs. Agnes S. Authement	1,200.00	Jan. 27, 1958	do	85th, 2nd	do	S. 80
Santa Anna, Ecuador, John Gradis, et al	5,881.10	Jan. 29, 1958	do	85th, 2nd	do	S. 80
Valley Sun, Mexico, Oliver J. Clark	1,200.00	Mar. 4, 1959	do	86th, 1st	Public Law 86–30	S. 20
Ann Carinhas, Mexico, Frances J. Carinhas	1,200.00	Mar. 11, 1959	do	86th, 1st	do	S. 20
Gail–D, Mexico, Producers Marine Ser	1,600.00	Apr. 7, 1960	do	86th, 2nd	Public Law 86–722	H.R. 452
Little Man, Mexico, Henry W. Humphreys	2,400.00	May 31, 1960	do	86th, 2nd	do	H.R. 452
Captain Hansi, Mexico, Curlen J. Kiffe	1,600.00	Mar. 20, 1961	do	87th, 1st	Public Law 87–14	S. 25
Cavalier, Mexico, Harry S. Hirst	2,400.00	Dec. 29, 1960	do	87th, 1st	do	S. 25
Georgia Pine, Mexico, Elizabeth B. DeRick	2,400.00	Sept. 6, 1960	do	87th, 1st	do	S. 25
Green Wave, Mexico, Samuel M. Snodgrass	2,400.00	do	do	87th, 1st	do	S. 25
Miss Port Isabel, Mexico, E. W. Catedra and C. H. Langford	2,400.00	Oct. 19, 1960	do	87th, 1st	do	S. 25
Saratoga, Mexico, O. P. Smith and O. D. Henslee	2,000.00	Sept. 6, 1960	do	87th, 1st	do	S. 25
Sherry Ann, Mexico, A. E. Kern and J. Cerneka	2,400.00	Sept. 15, 1960	do	87th, 1st	do	S. 25
Two Friends, Mexico, Earl Lemaire	2,400.00	Oct. 25, 1960	do	87th, 1st	do	S. 25
Valley King, Mexico, Darrow Tregre	2,400.00	Dec. 13, 1960	do	87th, 1st	do	S. 25
Valley Sky, Mexico, Valley Fisheries Inc	1,600.00	Sept. 6, 1960	do	87th, 1st	do	S. 25
Jerry Ann, Mexico, R. LeLoup Shrimp Co	2,400.00	Aug. 21, 1961	do	87th, 1st	Public Law 87–332	H.R. 229
Judy S., Ecuador, Pacific Clippers, Lief Bjorly and Blue Pacific Inc	9,906.60	Apr. 4, 1960	do	87th, 1st	do	H.R. 229
Shamrock, Panama, E. V. Monteiro and Elvera V. Monteiro	2,500.00	July 20, 1960	Mar. 21, 1961	87th, 1st	do	H.R. 229
Southern Pride, Mexico, V. F. Crotts and W. R. Lackey	2,400.00	June 28, 1961	Unavailable	87th, 1st	do	H.R. 29
Lucy Rae H., Mexico, S. D. Hughston	2,400.00	May 28, 1962	do	88th, 1st	Public Law 88–25	H.R. 90
Ramos Ace, Mexico, W. D. Gooding	2,400.00	do	do	88th, 1st	do	H.R. 90
Captain Jingle, Mexico, Sea Garden Corp	2,400.00	do	do	88th, 1st	do	H.R. 90
Valley Act, Mexico, Valley Fisheries Inc	3,200.00	Nov. 30, 1962	do	88th, 1st	do	H.R. 90
San Joaquin, Columbia, F. M. Medina, et al	2,277.90	Jan. 7, 1963	Feb. 12, 1962	88th, 1st	do	H.R. 90
Valley Gold, Mexico, Darrow Trege	2,400.00	Feb. 8, 1963	Unavailable	88th, 1st	do	H.R. 90
Queenie B., Mexico, Oscar D. Henslee and Francis H. Henslee	2,400.00	June 6, 1963	do	88th, 1st		H.R. 182
O. W. Burton, Mexico, Joaquim Gomes Carinhas	3,200.00	June 7, 1963	do	88th, 1st		H.R. 182
Lyco X, Mexico, F. K. Lytle	3,200.00	June 21, 1963	do	88th, 1st		H.R. 182
Captain, Mexico, Hattie B. Cateora	3,200.00	July 8, 1963	do	88th, 1st		H.R. 182
Captain Scotty, Mexico, William Love Hardee	2,400.00	July 11, 1963	do	88th, 1st		H.R. 182
Valley Wave, Mexico, Valley Fisheries, Inc	2,400.00	July 12, 1963	do	88th, 1st		H.R. 128
John O'Callaghan, Mexico, Sea Garden Corp	2,400.00	July 16, 1963	do	88th, 1st		H.R. 182
Valley Rio, Mexico, Edward Joseph Jones	2,400.00	Sept. 3, 1963	do	88th, 1st		H.R. 182
Georgia Pine, Mexico, Elizabeth B. DeRick	3,200.00	do	do	88th, 1st		H.R. 182

Name of vessel, country and claimant	Amount paid	Date of certification	Date of seizure	Congress and session	Public law, number and chapter	Document No.
Chicken of the Sea, Peru, Ponce Fishing Co., Inc	$10,000.00	Sept. 9, 1963	Oct. 28, 1962	88th, 1st		H.R. 182
Western Ace, Peru, Western Act Co., Inc	5,000.00	Sept. 17, 1963	do	88th, 1st		H.R. 182
Ranger, Ecuador, Harbor Boat & Yacht Inc	9,504.00	Oct. 18, 1963	May 25, 1963	88th, 1st		H.R. 182
C. W. Nugent, Mexico, Irene Nugent	3,200.00	Dec. 17, 1963	Unavailable	88th, 2nd	Public Law 88-317	H.R. 300
Butchie Boy, Mexico, James E. Wade	3,200.00	Dec. 27, 1963	do	88th, 2nd	do	H.R. 300
Southern Glory, Mexico, John Bunny Mills, Sr., Raymond Chester Canada, John Bunny Mills, Jr	3,200.00	Jan. 28, 1964	do	88th, 2nd	do	H.R. 300
Lyco IX, Mexico, F. K. Lytle	3,200.00	Feb. 7, 1964	do	88th, 2nd	do	H.R. 300
White Star, Ecuador, White Star Fishing Co	11,184.00	Feb. 20, 1964	Oct. 5, 1965	88th, 2nd	do	H.R. 300
Narco, Mexico, P. D. LaBove	3,200.00	Oct. 2, 1964	Unavailable	89th, 1st	Public Law 89-16	H.R. 113
Jean Frances, Mexico, B. K. Galloway, et al	3,200.00	Oct. 28, 1964	do	89th, 1st	do	H.R. 113
Arlene, Mexico, R. LeLoup Shrimp Co	3,200.00	Nov. 2, 1964	do	89th, 1st	do	H.R. 113
Davey Boy, Honduras, Norman Jamsen	5,000.00	Mar. 24, 1965	do	89th, 1st	do	S. 19
Jo Frances, Honduras, S. T. Tringali	5,000.00	Mar. 16, 1965	do	89th, 1st	do	S. 19
Dave W., Honduras, S. T. Tringali	5,000.00	do	do	89th, 1st	do	S. 19
Sugar Daddy, Honduras, Gulf Shrimp Co. Inc	5,000.00	Mar. 23, 1965	do	89th, 1st	do	S. 19
Thomas Michael, Honduras, Gulf Shrimp Co. Inc	5,000.00	do	do	89th, 1st	do	S. 19
Southland, Honduras, Pioneer Shrimp Co	5,000.00	Mar. 24, 1965	do	89th, 1st	do	S. 19
Big Daddy, Honduras, Pioneer Shrimp Co	5,000.00	do	do	89th, 1st	do	S. 19
Miss Yvonne, Honduras, Pioneer Shrimp Co	5,000.00	do	do	89th, 1st	do	S. 19
Earline-G, Honduras, L. A. Cejka, et al	5,000.00	Mar. 23, 1965	do	89th, 1st	do	S. 19
Valley Grande, Mexico, J. M. Pafford	3,200.00	July 13, 1965	do	89th, 1st	Public Law 89-309	H.R. 283
Clipperton, Peru, Clipperton, Inc	7,128.00	Sept. 21, 1965	June 4, 1965	89th, 1st	do	S. 64
Captain Nuggent, Mexico, Deep Sea Trawlers Inf	3,200.00	Oct. 13, 1965	Unavailable	89th, 2nd	Public Law 89-426	H.R. 414
Captain Ramos, Mexico, W. D. Parker, et al	1,200.00	Feb. 28, 1966	do	89th, 2nd	do	H.R. 414
Sea Eagle, Mexico, S.D. Augusta	1,200.00	Mar. 9, 1966	do	89th, 2nd	do	H.R. 414
Day Island, Colombia, M/V Day Island Inc	5,000.00	Oct. 27, 1966	Feb. 3, 1966	90th, 1st	Public Law 90-21	H.R. 109
John O'Callaghan, Mexico, Sea Garden Corp	3,200.00	Nov. 2, 1966	Unavailable	90th, 1st	do	H.R. 109
Day Island, Panama, M/V Day Island Inc	10,000.00	Mar. 2, 1967	May 12, 1966	90th, 1st	do	H.R. 109
Sun Europa, Panama, S. Crivello, et al	10,000.00	do	Mar. 3, 1966	90th, 1st	do	H.R. 109
Endeavor, Ecuador, V.L. Morton, et al	8,064.00	Mar. 31, 1967	Jan. 7, 1967	90th, 1st	do	H.R. 109
Victoria, Ecuador, Victoria Fishing Co	8,448.00	do	do	90th, 1st	do	H.R. 109
Sea-Preme, Ecuador, D. A. Marks, et al	12,528.00	Apr. 10, 1967	Jan. 20, 1967	90th, 1st	do	H.R. 109
Ronnie S., Ecuador, T. J. Santos, et al	12,768.00	June 28, 1967	Feb. 15, 1967	90th, 2nd	Public Law 90-253	H.R. 254
Ronnie S., Peru, T. J. Santos, et al	7,384.00	June 30, 1967	Oct. 2, 1966	90th, 2nd	do	H.R. 254
Pilgrim, Peru, United States Tuna Inc	11,512.00	July 17, 1967	May 23, 1966	90th, 2nd	do	H.R. 254
San Juan, Peru, M/V San Juan, Inc	11,776.00	July 24, 1967	do	90th, 2nd	do	H.R. 254
Day Island, Peru, M/V Day Island Inc	12,160.00	do	do	90th, 2nd	do	H.R. 254
Caribbean, Peru, Sultana Fishing Co	10,888.00	Aug. 1, 1967	Jan. 26, 1967	90th, 2nd	do	H.R. 254
Hornet, Peru, Mayaguez Fishing Co	10,072.00	do	do	90th, 2nd	do	H.R. 254
Eastern Pacific, Peru, J. S. Martinac, et al	9,904.00	do	Oct. 3, 1966	90th, 2nd	do	H.R. 254
Western King, Ecuador, Peter Pan Caribe Inc	18,096.00	Dec. 4, 1967	July 4, 1967	90th, 2nd	do	H.R. 254
Ranger, Ecuador, Harbor Boat & Yacht Inc	9,504.00	Sept. 23, 1968	Feb. 15, 1967	90th, 2nd	Public Law 90-608	H.R. 393
Royal Pacific, Ecuador, J. S. Martinac, et al	34,580.00	Nov. 6, 1968	Aug. 8, 1968	91st, 1st	Public Law 91-47	H.R. 91-101
Eastern Pacific, Ecuador, J. S. Martinac, et al	51,940.00	Nov. 8, 1968	do	91st, 1st	do	H.R. 91-101
Connie Jean, Ecuador, Connie Jean, Inc	52,640.00	Nov. 6, 1968	do	91st, 1st	do	H.R. 91-101
Pacific Queen, Ecuador, Cape San Vincent, Inc	63,000.00	do	do	91st, 1st	do	H.R. 91-101
Day Island, Ecuador, M/V Day Island, Inc	81,375.00	Mar. 12, 1969	Dec. 10, 1968	91st, 1st	do	H.R. 91-101
Chicken of the Sea, Peru, White Star Fishing, Co., Inc	2,900.00	Jan. 15, 1969	Oct. 23, 1968	91st, 1st	do	H.R. 91-101
Cape Ann, Peru, Mayflower, Inc	8,732.00	Sept. 18, 1969	Mar. 19, 1969	91st, 1st	Public Law 91-166	H.R 91-199
Mariner, Peru, Mariner, Inc	10,824.00	do	Mar. 14, 1969	91st, 1st	do	H.R. 91-199
San Juan, Peru, M/V San Juan, Inc	18,164.00	do	Mar. 19, 1969	91st, 1st	do	H.R. 91-199
Western King, Peru, Peter Pan Caribe, Inc	15,072.00	do	May 16, 1969	91st, 1st	do	H.R. 91-199
Carribean, Ecuador, Sultana Fishing Co., Inc	41,200.00	Oct. 31, 1969	June 19, 1969	91st, 1st	do	H.R. 91-199
Western King, Peru, Peter Pan Caribe, Inc	15,072.00	May 8, 1970	Feb. 23, 1970	91st, 2nd	Public Law 91-305	S. 91-86
Day Island, Ecuador, M/V Day Island, Inc	84,050.00	June 17, 1970	Feb. 25, 1970	91st, 2nd	Public Law 91-669	S. 91-420
City of Panama, Ecuador, Caribe Master, Inc	49,650.00	Nov. 3, 1970	Feb. 14, 1970	91st, 2nd	do	S. 91-420

Mr. HÉBERT. Will the gentleman yield?

Mr. LEGGETT. I yield to the chairman.

Mr. HÉBERT. Yes. There will be a great deal of concern, because I have challenged the use of these ships in the past. I deplore the fact that we have wandered so far away from the bill which is before us here and are talking about other matters which have no direct relationship to this particular bill under consideration.

As I indicated before, in private discussions and in conference after the hearings, if any legislation is brought before the Committee on Armed Services relating to this subject and asking for a full exploration of the uses of our vessels, the Armed Services Committee will have a searching and indepth investigation made, as I pointed out, and come up with proper and constructive recommendations. I will give it my full support.

However, I want to emphasize now that the business before the House is the passage of this particular piece of legislation. While there is validity to the other argument, with which I agree and which I have already decried, let us get along and not be misled as to what is to take place here.

Mr. LEGGETT. Will the gentleman yield for another moment?

Mr. HÉBERT. I cannot. I have other requests for time. I have yielded to the gentleman as much as I can. He knows my position on this matter, and I thank him for his contribution and his support of the legislation under these conditions.

I yield 3 minutes, Mr. Speaker, to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I simply want to take this time to reinforce what the chairman of the committee, the gentleman from Louisiana (Mr. HÉBERT) said a moment ago.

There has been a good deal of attention focused in the last few minutes on people who have used American ships for preying on our fishing fleets in South America. There has been a good deal of analysis as to whether the countries getting these particular ships are dictatorships or democracies.

I think we are forgetting the fact that countries spelled out in this particular piece of legislation, with one exception, are countries that are directly involved in the Mediterranean. These ships are going to be used in NATO. These ships are going to be used in backing up our naval commitment there. We are already reducing our U.S. Fleet because of severe budgetary limitations, many imposed by the Congress.

The 6th Fleet in the Mediterranean is no exception. If we turn these ships over to these countries, as specified in this bill, then we will be getting more ships in the Mediterranean supporting the NATO naval position. Already the Soviets outnumber us in ships, at times even 2 to 1 in the Mediterranean.

Mr. Speaker, we have just had here in the city of Washington the very distinguished Prime Minister of the State of Israel, Mrs. Golda Meir. We have assured her once again of our support against the various threats of aggression that have been directed toward the State of Israel in the Middle East. But, the only real manifestation of our ability to back up Israel lies in the strength of our 6th Fleet. The only real edge we have to deter aggression by the Soviets in the Middle East is the power of our 6th Fleet, and that power is gravely threatened by Russian submarines in the Mediterranean. These anti-submarine-warfare ships will be used to support our defenses against these Soviet submarines.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. KOCH. I would like the gentleman's response to this situation: We recently passed a bill which has a provision which bars the sale of military equipment to Greece, subject to a condition which permits the President to remove the bar if he believes it is in the national interest of the United States to do that.

It is my understanding that the Senate accepted that provision in conference and that it will be in the bill which will finally come before this House.

Therefore, my question is, does it make any sense to bar the sale of military equipment but at the same time lease destroyers to Greece?

Mr. STRATTON. The gentleman has already answered his own question. This bill provides for the lease of ships, not for the sale of them. Therefore, it is not covered by the amendment to which the gentleman refers.

I do not think the gentleman feels, and I am sure the gentleman would not support, the elimination of Greece from our NATO naval structure in the Mediterranean. If we eliminate Greece or Turkey, both of which lie along the soft underbelly, if I may use that expression, of the Russian flank on the Mediterranean, then we might as well throw NATO out altogether.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HÉBERT. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. KOCH. Mr. Speaker, if the gentleman will yield further, in 1970 on this House floor 10 of us sought to ban the leasing of a submarine to Greece which was regrettably leased to them.

I say to the gentleman that in 1971 I am still opposed to being a party to a transaction which will place blood on our hands by giving the Greek junta arms and ships which they ultimately use against their own citizens.

Mr. STRATTON. Let me say to the gentleman for whom I have a great deal of respect and admiration, that we are not talking here about ideology but about hard reality, and if we really intend to maintain peace in the Middle East and to deter aggression, the only basic way we will be able to do it is with the strength of our 6th Fleet and the NATO naval forces in the Mediterranean. Whether one likes or does not like the Government of Greece, these ships are going to contribute to our overall ability to defend our 6th Fleet carriers against the Soviet submarine threat in the Mediterranean.

Mr. KOCH. Mr. Speaker, if the gentleman will yield further, the security of Israel which is very important to the United States and to me personally will be insured I hope by the presence of the U.S. 6th Fleet and the security of Israel will not be enhanced by supporting the Greek junta and the gentleman knows that.

Mr. STRATTON. No; these ships going to Greece will be under the command of our U.S. Navy Mediterranean commander, Adm. Gerald Miller, in the event of NATO action.

Mr. PIKE. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. PIKE. I ask the gentleman from New York (Mr. STRATTON) on the hard reality of the four NATO allies who get ships under this particular legislation, did one of them vote with us on the Albanian resolution admitting Red China to the United Nations?

Mr. STRATTON. The gentleman is quite aware of what the answer to that question is or he would not have asked it in the first place, being a very knowledgeable attorney. These countries did not support us in the U.N. on the final Red China vote. But we still have our NATO alliance in effect in Europe and the Mediterranean, and I hope the gentleman does not suggest that we should now repudiate that important alliance for peace simply because those countries did not vote with us in the U.N. on one particular vote, important as that vote may be regarded by many of us.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. I know that the bill that is on the floor today does not concern Ecuador or any of the recipients of naval and Coast Guard vessels in South America. But I must express my thanks to the chairman for promising us that he will conduct hearings on the validity of this program for providing naval vessels that have been used repeatedly against our fishermen on the high seas.

It is more than can be justified, trying to explain to one's constituents how it is that we place our surplus vessels in the hands of these foreign-flag nations, which then use them against our citizens. In correspondence with the Secretary of State and conversation with his subordinates, I learned that there is no likelihood these vessels will be recalled. And the reason? There is no assurance that this would result in a reduction of the Ecuadorian Government's campaign against our fishing fleet.

Then one asks, "Why did you cut foreign aid last January?" And they say, "Because Congress mandated the reduction in foreign aid."

"Then will there be no recall of these vessels unless it is mandated by Congress?"

And in State Department language, that is what we are talking about. I do look forward to the time when Congress will take such action—will mandate that when our own former American-flag vessels are on loan to a nation that is harassing our people, that the State Department will demand their recall.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from California.

Mr LEGGETT. Mr. Speaker, I would like to commend the gentleman from San Diego for the great work he has done in presenting this issue to this body, and the need to develop some kind of reasonable international law with respect to fishing.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, may I again inquire how much time I have remaining?

The SPEAKER. The gentleman from Iowa has 3 minutes remaining.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, it is so highly unusual that I find myself on the same side of an issue with the gentleman from Iowa (Mr. GROSS) that I will seize the opportunity to commend his wisdom in recognizing the utter foolishness of our continuing to supply naval ships, willy-nilly, to various countries scattered around the globe. These destroyers and submarines end up more often than not being used by military dictators in either putting down democratic aspirations in their own countries, or in opposing other countries to which we have also supplied armaments.

This issue must be viewed not as a simple question of loaning 16 vessels, as the distinguished chairman of the Committee on Armed Services has suggested, but rather as part and parcel of what our overall foreign policy should be; and when examined in this light, the bill before us should be rejected.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, this bill reads like something that has been lying around on the calendar since 1955, for it is a loud and unpleasant echo of the cold war philosophy. It asks us to authorize the President to give warships to two of the most undemocratic governments in the world—Greece and Spain—so that we may help to protect democratic ideals.

At a time when we are taking a long, close look at our foreign aid program, especially the military part of it, it is astounding to find this bill before us, for it represents all that is wrong with our approach to foreign aid. Our practice of giving out arms as freely as if they were political leaflets, is one that I thought was put to rest when the Senate defeated the foreign aid bill at the end of October; at the very least, I would have thought that our own vote to cut off military assistance to Greece would have put our Armed Services Committee on notice that we do not wish to give further arms to the junta there.

A few days after the Senate defeated the foreign aid bill, I introduced in the House a bill which would redesign our foreign aid program. As I said then:

> The time has come, as the era of the Cold War draws to an end, to redefine our foreign policy objectives, to end our insistence on "the containment of communism," and the attendant predominance of military assistance in our foreign aid programs.

Our basic policy with regard to foreign aid should be to provide economic aid freely, but to provide military aid only where a democratic nation absolutely must have it in order to insure its survival. Greece and Spain are not democratic by any stretch of the imagination; furthermore, neither has demonstrated any need for these warships in order to protect itself.

We are told that this bill will only cost the taxpayers $32.5 million, which is not much of an addition to a $73 billion defense appropriation. But that measly $32.5 million, my friends, is twice what we spent last summer—over the President's objections—for food programs for our children. It is over 30 times what we are going to authorize to plan the programs under the new Child Development Act.

This bill would continue the misguided direction of our national priorities generally and would rejuvenate a foreign assistance policy which most Americans have come to recognize as wasteful and backward. I strongly urge its defeat.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Speaker, the title of this exercise might well be "here we go again."

Despite what we have been told about the revolutionary impact of the Nixon doctrine, this bill, and the testimony adduced by the administration in support of it, represents the sterile cold-war approach to foreign policy that has characterized our efforts in Europe since World War II. With the change of a few dates, the entire record on this bill could be inserted in the appropriate documents for 1952 or 1962 without appearing out of place.

I had hoped that we would begin to benefit from our experience in international relations over the past 20 years, and that we would learn that indiscriminately arming any nation that asks for weapons makes no sense whatever in terms of our own interests, or a rational and peaceful world. Those who wonder what the result of this kind of program really is have only to look at today's headlines to see how well India and Pakistan are using American arms to kill each other off.

The notion that supplying antisubmarine vessels to the Spanish or Greek dictatorships somehow enhances our security, or that it makes any political or even linguistic sense to include these regimes in something the administration persists in calling the "free world" is so farfetched that not even the supporters of this bill will defend it.

What we have before us today is a clear example of the force of inertia in public policymaking. No other explanation accounts for the kind of myopia which is necessary to believe that a few rusty submarines in the hands of some Mediterranean nations has any serious relation to our national security.

Mr. HÉBERT. Mr. Speaker and Members of the House, in closing this appeal in behalf of the Committee on Armed Services for the adoption of this legislation, let me again direct your attention to the fact that there is nobody on the committee, including its chairman, who decries more what has happened in the Latin American countries with our ships. Certainly, there is nobody who decries the fact more than the chairman of the House Committee on Armed Services that democracy does not flourish throughout the world. There is nobody, who realizes more than the chairman of the House Committee on Armed Services that we do not have a utopia on earth and that Heaven is not here with us, but that indeed we have a little bit of hell surrounding us. These are the realities of life—these are the matters with which we must deal.

Now I could not state what I have said more emphatically. The criticism that has been raised has been most valid. I have agreed with it. But this is not the time nor the place to attempt to solve these difficulies.

Each of these matters must come up in its own time. Each must have its own day in court and each matter must be resolved by reasonable men in a reasonable fashion and not through these emotional outcries some of which you have heard repeatedly, with the words changed very little.

I believe now is the time when the days are growing short for this session of the Congress. We have a commitment to one country that is over a year old. Whether we like that country's government or do not like it, we are committed to Spain—a commitment that we place on Spanish soil our bases to defend NATO and to defend our own Nation in time of war. We have made this commitment. It is a sacred commitment and we are a year late in delivering on our part of the bargain. Time is running out on us. I urge you and plead with you this evening as the session closes, as the days grow shorter and the year comes to an end—I plead with you to pass this bill at this time and I reassure you again and again that this entire matter will be thoroughly ventilated and thoroughly explored in depth as soon as the committee comes back in January and we hope to come up with some answers.

My colleagues, I think the record of the House Committee on Armed Services speaks for itself. I think its actions cry out loudly that we keep our word—and I pledge that word to you again today.

Mr. ANDERSON of California. Mr. Speaker, I rise in opposition to H.R. 9526, a bill which would authorize the loan of 16 U.S. naval vessels to foreign governments, and I would like to associate myself with the remarks of my colleague (Mr. VAN DEERLIN).

This bill perpetuates the policy of loaning our U.S. Navy vessels to governments considered to be friendly. I have no doubt that the administration considers the foreign governments involved in this bill as friendly.

But, Mr. Speaker, what happens to these vessels when they are out of our hands? What happens if one of these governments becomes antagonistic and uses the U.S. naval vessels against us?

This is not an impossible scenario. This has happened, in fact, with the U.S. Navy vessels that we loaned to the Government of Ecuador which, at the time, was friendly.

Thus far, in 1971, 50 of our tuna vessels have been illegally seized while fishing in international waters off the coast of South America. Many of our tuna vessels have been seized by naval vessels which we have loaned to the "pirate country."

In February, when the Merchant Marine and Fisheries Committee, of which I am a member, conducted hearings in San Pedro, Calif., testimony revealed that of the 25 U.S. vessels seized by the time of the hearings, all but four of the seizures involved former U.S. naval warships.

Mr. Speaker, we should look at the past record. Two Ecuadorian Navy ships, the *Quayaquil* and the *Quito*, were former U.S. Coast Guard vessels. The Ecuadorian Navy ship, the *Esmeralda*, was formerly the U.S. patrol escort craft, the *Eunice*. These former U.S. vessels have been involved in the seizure of our tuna vessels.

This is the greatest insult, Mr. Speaker, to have our fishermen—many of who are former Navy men—being seized, harassed, and shot at by vessels on which they have served while in the U.S. Navy.

Mr. Speaker, we must reevaluate the policy which allows the Department of Defense to loan U.S. warships to foreign governments. We must either discard this policy or we must enact a provision which provides for the immediate return of our U.S. vessels if they are abused in the same method as has the Ecuadorian Government.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. HÉBERT) that the House suspend the rules and pass the bill H.R. 9526, as amended.

The question was taken.

Mr. HARRINGTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. KOCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 260, nays 116, not voting 55, as follows:

[Roll No. 431]

YEAS—260

Abernethy
Addabbo
Alexander
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Bell
Bennett
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Dent
Devine
Dickinson
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Griffin
Hagan
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hébert
Heinz
Henderson
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kyl
Kyros
Landgrebe
Latta

Leggett
Lennon
Lent
Lloyd
Long, La.
Lujan
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Martin
Mayne
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Minshall
Mollohan
Monagan
Montgomery
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Pirnie
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Railsback
Randall
Rarick
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rousselot
Runnels
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schmitz
Schneebeli
Schwengel
Sebelius
Shoup
Shriver
Sikes
Sisk
Slack
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Veysey
Waggonner
Wampler
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—116

Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Bingham
Boland
Bolling
Brademas
Brasco
Brotzman
Burlison, Mo.
Burton
Carey, N.Y.
Carney
Celler
Clark
Conyers
Corman
Culver
Danielson
Dellenback
Dingell
Dow
Drinan
Edwards, Calif.
Eilberg
Evans, Colo.
Findley
Foley
Ford, William D.
Forsythe
Fraser
Gaydos
Gibbons
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Haley
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Holifield
Hutchinson
Jacobs
Karth
Kastenmeier
Koch
Link
Long, Md.
McKay
Madden
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Mink
Mitchell
Moorhead
Mosher
Moss
Nix
O'Hara
O'Konski
Patman
Pelly
Peyser
Pickle
Pike
Podell
Quillen
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rosenthal
Roush
Roy
Roybal
Ryan
Scherle
Scheuer
Seiberling
Skubitz
Smith, Calif.
Smith, Iowa
Stokes
Thompson, N.J.
Udall
Vanik
Vigorito
Waldie
Whalen
Wolff
Yates
Yatron

NOT VOTING—55

Abbitt
Andrews, Ala.
Baring
Belcher
Blatnik
Burleson, Tex.
Chisholm
Clay
Collins, Ill.
Conte
Curlin
Dellums
Derwinski
Diggs
Dowdy
du Pont
Eckhardt
Edwards, La.
Evins, Tenn.
Fountain
Galifianakis
Gubser
Halpern
Harsha
Howard
Kluczynski
Kuykendall
Landrum
McCloskey
McClure
McCormack
McKevitt
Mann
Mathias, Calif.
Metcalfe
Mills, Ark.
Mizell
Obey
Poage
Powell
Pucinski
Purcell
Rhodes
Rostenkowski
Sarbanes
Scott
Shipley
Springer
Sullivan
Ware
Whalley
Wiggins
Wilson, Bob
Wright
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rostenkowski and Mr. Fountain for, with Mrs. Chisholm against.

Mr. Andrews of Alabama and Mr. Burleson of Texas for, with Mr. Halpern against.

Mr. Abbitt and Mr. Kluczynski for, with Mr. Diggs against.

Mr. Wright and Mr. Ware for, with Mr. Rhodes against.

Mr. Whalley and Mr. Mizell for, with Mr. Howard against.

Mr. Kuykendall and Mr. Derwinski for, with Mr. Clay against.

Mr. Dowdy and Mr. Landrum for, with Mr. Dellums against.

Until further notice.

Mr. Blatnik with Mr. Belcher.
Mr. Shipley with Mr. Conte.
Mrs. Sullivan with Mr. du Pont.
Mr. Evins of Tennessee with Mr. Gubser.
Mr. Galifianakis with Mr. Powell.
Mr. Purcell with Mr. Harsha.
Mr. Collins of Illinois with Mr. McCloskey.
Mr. McCormack with Mr. McClure.
Mr. Mills of Arkansas with Mr. McKevitt.
Mr. Metcalfe with Mr. Pucinski.
Mr. Baring with Mr. Mathias of California.
Mr. Mann with Mr. Scott.
Mr. Eckhardt with Mr. Springer.
Mr. Sarbanes with Mr. Wiggins.
Mr. Zwach with Mr. Bob Wilson.

Mr. MOORHEAD changed his vote from "yea" to "nay".

Messrs. HUNGATE, RARICK, and DEVINE changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRANSPO '72 AUTHORIZATION

Mr. HÉBERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11624), to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

The Clerk read as follows:

H.R. 11624

A bill to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 709 of the Military Construction Authorization Act, 1970, as amended (83 Stat. 317, 84 Stat. 1224), is further amended by deleting from the penultimate sentence thereof "$3,000,000" and inserting in its place "$5,000,000".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, this bill, H.R. 11624, under consideration today will amend the Military Construction Authorization Act for fiscal year 1970 (P.L. 91-142), as amended. In section 709 of Public Law 91-142, the Congress authorized the President of the United States to establish and conduct an international aeronautical exposition. The law provided that the exposition should be held at such time as the President might deem appropriate but not later than 1971. It also authorized such sums, not to exceed $750,000, as might be necessary to carry out the exposition.

Secretary Volpe wrote our committee on May 7, 1970, and requested an amendment. In his request, Secretary Volpe stated:

> Of utmost and urgent importance is the matter of budget. The exposition must be the best of its kind the United States can produce to compare and compete with the Paris Air Show and other similar international events. Because of the high cost and long lead time required for most of the preparations necessary for the exposition, the $750,000 presently authorized to be appropriated is not adequate to meet expenses prior to the time additional funding can be derived from exposition incomes. I am therefore requesting the committee to raise the appropriation authorization to $3 million. We will seek this funding from our own appropriations committee.

Therefore, in Public Law 91-511, section 609, the Congress amended Public Law 91-142 by deleting "1971" and inserting in its place "1972"; and deleting "$750,000" and inserting in its place "$3 million."

The purpose of the bill before us is to increase from $3 to $5 million the funds currently authorized to be appropriated. The exposition, now referred to as "Transpo '72" is scheduled to be conducted at Dulles International Airport beginning next May 27. The President assigned responsibility for the conduct of the exposition to the Secretary of Transportation, who determined that the exposition will exhibit all forms of transportation and not be strictly an aeronautical exposition.

The current authorization level of $3 million was based on preliminary cost estimates made by the Department of Transportation last year. Based upon final engineering studies they have now made a more precise cost estimate and are recommending that the present authorization be increased to a total of $5 million.

Our committee passed this bill without objection, and we recommend the House approve the increase in authorization for this great transportation exposition.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I rise in strong support of this measure. I commend the gentleman and his committee for bringing this legislation before the House. It is very hard to hold this kind of exposition. It is fitting to hold it at Dulles.

Over 3 years, I asked that we initiate an air show at Dulles similar to the exposition in Paris. At that time, I stood nearly alone. I am glad, however, that the idea has not only been kept alive, but actually expanded. We can learn from project; we can swap ideas and technology; we can look beyond the invention of the wheel and, hopefully, even into the future.

I want Members to know I think this is a good bill and I think it should pass.

Mr. HÉBERT. I thank the gentleman from Texas.

Mr. Speaker, I yield the gentleman from Illinois, (Mr. ARENDS) such time as he may consume.

Mr. ARENDS. Mr. Speaker, I rise in support of H.R. 11624.

The purpose of this bill is to increase from $3 to $5 million the funds authorized for appropriation under the fiscal year 1970 Military Construction Authorization Act, as amended, for the conduct of an international aeronautical exposition. The exposition, referred to as Transpo '72, is scheduled to be conducted at Dulles International Airport on May 27, 1972, through June 4, 1972. The responsibility for the conduct of the exposition has been delegated to the Department of Transportation.

When the President assigned responsibility to produce this event to the Secretary of Transportation, the Secretary ordered a review of all factors involved in such an event. It immediately became clear that a simple aeronautical exposition would not satisfy the basic objectives as they were interpreted. The Secretary of Transportation, therefore, sought and received permission to expand the concept of the exposition to include all modes of transportation. As Chairman HÉBERT told you, the Secretary also requested Congress to increase the authorization from $750 thousand to $3 million and to change the date from 1971 to 1972. Congress approved this request and it is included in the fiscal year 1971 Military Construction Authorization Act as section 609 (Public Law 91-511).

The Department of Transportation advises that they anticipate that the exposition will make a considerable contribution to the domestic economy through stimulating the sale of new transportation concepts and systems within our own economy as well as internationally, and, therefore, that the additional funds to be expended pursuant to the additional authorization would be a most productive investment.

I believe this is meritorious legislation and it should receive the support of every Member of this body.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the Members of the House ought to be interested in the fact that the authorizing legislation was enacted in the 91st Congress for this transportation show at Dulles Airport. It came in with a request for $750,000. That apparently was the camel's nose under the tent, because we are now confronted with a bill for $5 million.

Not $750,000, but $5 million.

Somebody, somewhere—perhaps over in the Department of Transportation—has a real T-bone steak appetite. A few of us in Congress are trying these days to get this Government on a hamburger diet until we can stop the huge deficits and the inflation brought about by these extravagances and deficits.

I wonder if today, without any "ifs, ands, or buts," the House is going to increase from $750,000, the amount authorized for this transportation show at Dulles Airport, to $5 million, in this short space of time and with no more justification than we have heard?

If the Members want to jump through the hoop, hop to it. If there is to be a nonrecorded vote, I want the record to show I do not go along with the proposition of coming to the House one day and saying, "All we want, all we need, is $750,000" and then turning around almost the next day and asking for $5 million for the same purpose.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

We went into this matter in the committee. I certainly share the gentleman's concern that the nose of the camel did get under the tent and we evidently have the whole camel there now.

Looking back as to the purpose for this, every 2 years there is a great cry and a great to-do about the Paris air show. It is automatically suspect because it is in Paris.

Some time ago some of the members of the Armed Services Committee, and our chairman at the time, decided it would be a good idea to have an air show over here. It has expanded, and it includes not only air transportation but all forms of surface transportation.

The Secretary has certainly assured our committee he would not see us embarrassed by not being able even to provide transportation control for automobiles to see the exhibits on transportation.

I believe it would be money well spent, and I will support the bill.

Mr. GROSS. I thank the gentleman.

Why did they not, at the inception of this thing, come in with a realistic figure? The answer is, of course, that they might have had some difficulty in getting it through.

This is the old, old game that is played here all the time. They come in and ask for $750,000, and then kite it up to $5 million in a matter of a few months. This is what I take exception to.

Mr. DICKINSON. If the gentleman will yield further, I can only say I have no defense for it. I realize this happens. The gentleman is absolutely right.

I believe even at this figure it would be a good thing, and I will support the bill.

Mr. GROSS. I will say to the gentleman, I have not attended any of the Paris air shows, so I have no debts to pay to the French.

Mr. Speaker, I yield back the remainder of my time. Evidently almost everybody on this side of the aisle is satisfied with this raid on the Treasury.

Mr. HÉBERT. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana that the House suspend the rules and pass the bill H.R. 11624.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 202, nays 173, not voting 56, as follows:

[Roll No. 432]

YEAS—202

Abernethy
Adams
Alexander
Anderson, Tenn.
Annunzio
Arends
Aspinall
Bell
Bennett
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Byrne, Pa.
Cabell
Caffery
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Dellenback
Devine
Dickinson
Dingell
Dorn
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Esch
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Fulton, Tenn.
Fuqua
Garmatz
Gettys
Giaimo
Gonzalez
Grasso
Gray
Griffin
Griffiths
Grover
Gude
Hagan
Hall
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hébert
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kee
Keith
Kemp
King
Kyros
Landgrebe
Leggett
Lennon
Link
Long, La.
McClory
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKinney
McMillan
Mahon
Mailliard
Matsunaga
Meeds
Melcher
Miller, Calif.
Mink
Minshall
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
O'Hara
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Pirnie
Poff
Preyer, N.C.
Price, Ill.
Quie
Randall
Rees
Reid, N.Y.
Roberts
Robinson, Va.
Rogers
Roncalio
Rooney, N.Y.
Ruppe
St Germain
Sandman
Saylor
Scott
Sebelius
Shriver
Sikes
Sisk
Smith, Iowa
Staggers
Stanton, J. William
Steed
Steele
Stephens
Stratton
Stubblefield
Stuckey
Symington
Thompson, Ga.
Tiernan
Udall
Ullman
Veysey
Waggonner
Wampler
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wyman
Young, Tex.
Zion

NAYS—173

Abourezk
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Archer
Ashbrook
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Brademas
Broomfield
Brown, Mich.
Burke, Fla.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carney
Celler
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conyers
Crane
Daniels, N.J.
Danielson
Davis, Wis.
Delaney
Denholm
Dennis
Dent
Donohue
Dow
Drinan
Dulski
Edwards, Calif.
Eilberg

Eshleman
Evans, Colo.
Findley
Fish
Ford, William D.
Fraser
Frenzel
Frey
Gallagher
Gaydos
Gibbons
Goodling
Green, Oreg.
Green, Pa.
Gross
Haley
Halpern
Hamilton
Hanley
Hanna
Hawkins
Hays
Hechler, W. Va.
Helstoski
Horton
Hull
Hungate
Hutchinson
Jacobs
Jones, Tenn.
Kastenmeier
Kazen
Keating
Koch
Kyl
Latta
Lent
Lloyd
Long, Md.
Lujan
McCollister
McCulloch
McEwen
Macdonald, Mass.
Madden
Martin
Mathis, Ga.
Mayne
Mazzoli
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mitchell
Moss
Murphy, Ill.
Nelsen
Nix
O'Konski
Patman
Pelly
Podell
Price, Tex.
Pryor, Ark.
Quillen
Railsback
Rangel
Rarick
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
Satterfield
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Seiberling
Shoup
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Steiger, Ariz.
Steiger, Wis.
Stokes
Talcott
Taylor
Teague, Calif.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whitten
Wydler
Wylie
Yates
Yatron
Young, Fla.
Zablocki

NOT VOTING—56

Abbitt
Andrews, Ala.
Baring
Belcher
Blatnik
Burleson, Tex.
Chisholm
Clay
Collins, Ill.
Curlin
Dellums
Derwinski
Diggs
Dowdy
du Pont
Eckhardt
Edwards, La.
Evins, Tenn.
Galifianakis
Goldwater
Gubser
Harsha
Howard
Jones, N.C.
Kluczynski
Kuykendall
Landrum
McCloskey
McClure
McKevitt
Mann
Mathias, Calif.
Metcalfe
Mills, Ark.
Mizell
Obey
Pickle
Poage
Powell
Pucinski
Purcell
Rhodes
Rostenkowski
Sarbanes
Shipley
Spence
Springer
Stanton, James V.
Sullivan
Teague, Tex.
Ware
Whalley
Wiggins
Wilson, Bob
Wright
Zwach

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Burleson of Texas and Mr. Teague of Texas for, with Mr. Diggs against.

Mr. Pickle and Mr. Rostenkowski for, with Mrs. Chisholm against.

Mr. Rhodes and Mr. Mizell for, with Mr. Metcalfe against.

Mr. Bob Wilson and Mr. Kuykendall for, with Mr. Clay against.

Mr. Spence and Mr. Abbitt for, with Mr. Ware against.

Mr. Andrews of Alabama and Mr. Kluczynski for, with Mr. Zwach against.

Mr. Wright and Mr. Dowdy for, with Mr. Dellums against.

Mr. Howard and Mr. James V. Stanton for, with Mr. Collins of Illinois against.

Mr. Goldwater and Mr. Landrum for, with Mr. Belcher against.

Until further notice:

Mrs. Sullivan with Mr. Gubser.

Mr. Shipley with Mr. Harsha.

Mr. Blatnik with Mr. Derwinski.

Mr. Mann with Mr. du Pont.

Mr. Purcell with Mr. McClure.

Mr. Galifianakis with Mr. McCloskey.

Mr. Jones of North Carolina with Mr. McKevitt.

Mr Evins of Tennessee with Mr. Mathias of California.

Mr. Pucinski with Mr. Powell.

Mr. Mills of Arkansas with Mr. Springer.

Mr. Eckhardt with Mr. Whalley.

Mr. Baring with Mr. Wiggins.

Mr. HOSMER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. DEVINE. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. DEVINE. Mr. Speaker, earlier in the day a point of no quorum was raised on H.R. 45, at which time an agreement was made that a yea-and-nay vote would occur on H.R. 45, and later two subsequent bills, as soon as the delegation had returned from the funeral.

I make the point of order that the delegation has returned, and demand the yeas and nays on H.R. 45.

The SPEAKER. The Chair will state that a point of order does not lie to this matter, although the Chair will honor the agreement that was made. However, the Chair would prefer, with the indulgence of the House, to proceed and do it at the end of suspension of business.

Mr. DEVINE. I would point out, Mr. Speaker, that a number of Members who would like to vote on this legislation have commitments and wish not to be delayed. They were here at the time the bills came up.

The SPEAKER. Will the gentleman withhold until the Chair recognizes for a unanimous consent request?

Mr. DEVINE. Yes, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. THOMPSON of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON of New Jersey. I happen to have been here all day. My parliamentary inquiry is this, and I have no argument with my friend from Ohio: I think it is an unusual procedure on which the gentleman made his point of order. I wonder if it is not a matter of comity as distinguished from a matter of parliamentary right to make such a demand?

The SPEAKER. The Chair will honor the request that has been made, because the agreement was made and understood between those who were present and in charge of the proceedings in the House. The Chair intends to honor that as soon as the unanimous consent request relating to the previous bills is made by the gentleman from Louisiana.

GENERAL LEAVE ON H.R. 9526 AND H.R. 11624

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to extend their remarks on H.R. 9526 and H.R. 11624, bills just acted on.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

The SPEAKER. The unfinished business is the question on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill H.R. 45, as amended.

The Clerk read the title of the bill.

The SPEAKER. Under the unanimous-consent agreement, the yeas and nays have been ordered on this particular bill.

PARLIAMENTARY INQUIRY

Mr. CORMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CORMAN. Is it possible at this point, by unanimous consent, to take these votes by recorded tellers instead of by rollcall?

The SPEAKER. The yeas and nays were ordered on this bill under the unanimous-consent agreement, so the Chair has no discretion on that.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Is this the bill, H.R. 45, relating to the Institute for Continuing Studies of Juvenile Justice?

The SPEAKER. The gentleman is correct.

The question was taken; and there were—yeas 240, nays 135, not voting 56, as follows:

[Roll No. 433]

YEAS—240

Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Carey, N.Y.
Carney
Cederberg
Celler
Clark
Cleveland
Collier
Collins, Tex.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellenback
Dickinson
Dingell
Donohue
Dow
Drinan
Dulski
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
Koch
Kyros
Leggett
Link
Long, Md.
Lujan
McClory
McCormack
McDade
McDonald, Mich.
McFall
McKinney
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Podell
Poff
Preyer, N.C.
Price, Ill.

Pryor, Ark.
Quie
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Scheuer
Schneebeli
Schwengel
Seiberling
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Symington
Terry
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
White
Whitehurst
Widnall
Wilson, Charles H.
Winn
Wolff
Wyatt
Yates
Yatron
Young, Tex.
Zablocki

NAYS—135

Abernethy
Addabbo
Arends
Ashbrook
Aspinall
Baker
Bennett
Betts
Bevill
Blackburn
Bow
Bray
Brinkley
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Denholm
Dennis
Dent
Devine
Dorn
Downing
Duncan
Edwards, Ala.
Fisher
Flood
Flynt
Ford, Gerald R.
Fountain
Gaydos
Gettys
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Haley
Hall
Hammerschmidt
Hébert
Henderson
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Keith
King
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, La.
McCollister
McCulloch
McEwen
McKay
McMillan
Mahon
Martin
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Md.
Minshall
Monagan
Montgomery
Natcher
Nichols
O'Konski
Passman
Pelly
Pike
Pirnie
Price, Tex.
Quillen
Rarick
Roberts
Robinson, Va.
Rooney, N.Y.
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shriver
Smith, Calif.
Snyder
Steiger, Ariz.
Stubblefield
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Veysey
Waggonner
Wampler
Whitten
Williams
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—56

Abbitt
Andrews, Ala.
Baring
Belcher
Blatnik
Burleson, Tex.
Chisholm
Clay
Collins, Ill.
Curlin
Dellums
Derwinski
Diggs
Dowdy
du Pont
Eckhardt
Edwards, La.
Evins, Tenn.
Galifianakis
Gubser
Hagan
Harsha
Hawkins
Howard
Kluczynski
Kuykendall
Landrum
McCloskey
McClure
McKevitt
Mann
Mathias, Calif.
Metcalfe
Mills, Ark.
Mizell
Pickle
Poage
Powell
Pucinski
Purcell
Reuss
Rhodes
Riegle
Rostenkowski
Sarbanes
Shipley
Spence
Springer
Sullivan
Teague, Tex.
Ware
Whalley
Wiggins
Wilson, Bob
Wright
Zwach

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mrs. Chisholm and Mr. Kluczynski for, with Mr. Andrews of Alabama, against

Mr. Rostenkowski and Mr. Diggs for, with Mr. Abbitt against.

Mr. Howard and Mr. Clay for, with Mr. Burleson, of Texas, against.

Mr. Blatnik and Mr. Dellums for, with Mr. Rhodes against.

Mr. Hawkins and Mr. Collins of Illinois, for, with Mr. Spence against.

Mr. Reuss and Mr. Metcalfe for, with Mr. Bob Wilson against.

Mr. Pucinski for, with Mr. Teague of Texas, against.

Until further notice:

Mrs. Sullivan with Mr Kevitt.
Mr. Shipley with Mr. Belcher.
Mr. Evins of Tennessee with Mr. du Pont.
Mr. Galifianakis with Mr. Mizell.
Mr. Mills of Arkansas with Mr. Gubser.
Mr. Mann with Mr. Kuykendall.
Mr. Wright with Mr. Harsha.
Mr. Landrum with Mr. Derwinski.
Mr. Pickle with Mr. McClure.
Mr. Dowdy with Mr. McCloskey
Mr. Baring with Mr. Mathias of California.
Mr. Purcell with Mr. Powell.
Mr. Wiggins with Mr. Springer.
Mr. Hagan with Mr. Ware.
Mr. Zwach with Mr. Whalley.

Messrs. Downing, Denholm, Mahon, Duncan, Minshall, and Williams changed their votes from "nay" to "yea."

Messrs. Schwengel and Barrett changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 11955, SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROGERS. Mr. Speaker, reserving the right to object—and I shall not object—I do want to bring to the attention of the House, and particularly to the attention of the chairman and the members of the Appropriations Committee, the concern which people all over this country have as to proper funding of the Health Manpower legislation which has just passed this Congress and which the President has just signed, asking that it be adequately funded.

The supplemental came up, and the OMB set the figure at about 44 percent of what this Congress has authorized, a very inadequate sum which simply will not meet the needs of the people of this Nation as to getting doctors and getting nurses trained.

If we do not start now we will never get on top of the medical shortage in this country, nor will we be able to get involved in raising the quality and standards of health care in this Nation. We must have the necessary manpower.

The Senate in its bill has raised that sum to about 72 percent of what the Congress has already authorized and the President has signed.

I am not asking to instruct the conferees at this time, but I would ask the chairman and the members of the committee to give favorable and I would hope concurring consideration to the figures as set by the Senate.

I wish the chairman of the committee would comment further to some degree, if he would.

Mr. MAHON. The other body increased the supplemental appropriation bill above the budget by about three-quarters of a billion dollars, overall. That is a very considerable sum. There are many items included in this amount, all of which of course are subject to conference. I am sure the conferees will give sympathetic consideration to all of the additions above the budget and otherwise that were added in the other body. However, in view of the desperate financial situation confronting this country, it is just not practical for the Congress to try fully to fund all legislative authorizations.

Mr. ROGERS. I understand that, and I am not asking for full funding and I do not think anyone is. However, we are asking in its consideration in this conference that you do give special consideration to proper funding of health manpower. I think this is essential.

I yield to the gentleman from Minnesota.

Mr. NELSEN. I thank the gentleman for yielding.

I would like to point out this is probably one of the most important bills we will have passed in this Congress. So many of the needs are so extensive. There was such complete agreement in our committee as to that. I join with my colleague from Florida in calling this to the attention of the committee. I am sure they will give attention to it in their judgment.

Mr. MAHON. Will the gentleman yield further?

Mr. ROGERS. I am glad to yield to the chairman.

Mr. MAHON. I am pleased to have these views and suggestions. I think my friend from Florida knows that we on the Committee on Appropriations try to cooperate with the House in doing what we can do reasonably. Since our Federal finances are in such bad shape, we do have to weigh all of the claims on our limited Federal funds. We just try to do the best we can do under the circumstances. The views that have been expressed here will be helpful to the conferees in connection with this measure.

Mr. ROGERS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Mahon, Whitten, Rooney of New York, Boland, Natcher, Flood, Steed, Smith of Iowa, Mrs. Hansen of Washington, Messrs. McFall, Bow, Cederberg, Rhodes, Michel, Shriver, and McDade.

APPOINTMENT OF CONFEREES ON S. 18, RADIO FREE EUROPE AND RADIO LIBERTY

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 18) to amend the U.S. Information and Educational

Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, MAILLIARD, FRELINGHUYSEN, and BROOMFIELD.

INTERIM EXTENSION OF HOUSING AND BANKING LAWS

The SPEAKER. The further unfinished business of the House is the question on the motion of the gentleman from Texas (Mr. PATMAN) that the House suspend the rules and pass the Senate Joint Resolution—Senate Joint Resolution 176—as amended.

The Clerk read the title of the Senate joint resolution.

TELLER VOTE WITH CLERKS

Mr. PATMAN. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. PATMAN. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. PATMAN, WIDNALL, ANNUNZIO, and HALL.

The Committee divided, and the tellers reported that there were—ayes 357, noes 4, answered "present" 1, not voting 69, as follows:

[Roll No. 434]

[Recorded Teller Vote]

AYES—357

Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kyl
Kyros
Landgrebe
Latta
Leggett
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Railsback
Randall
Rarick
Reid, N.Y.
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NOES—4

Carney
Rees
Van Deerlin
Waldie

ANSWERED "PRESENT"—1

Quillen

NOT VOTING—69

Abbitt
Andrews, Ala.
Ashley
Baring
Belcher
Blatnik
Burleson, Tex.
Chisholm
Clancy
Clay
Collins, Ill.
Conyers
Curlin
Dellums
Derwinski
Diggs
Dowdy
du Pont
Eckhardt
Edwards, La.
Evins, Tenn.
Galifianakis
Gubser
Harsha
Hawkins
Hébert
Heckler, Mass.
Howard
Jacobs
Jones, N.C.
Kluczynski
Kuykendall
Landrum
Lennon
Lent
McCloskey
McClure
McKevitt
Mann
Mathias, Calif.
Metcalfe
Miller, Calif.
Mills, Ark.
Mizell
Pickle
Poage
Powell
Pucinski
Purcell
Rangel
Reuss
Rhodes
Riegle
Rostenkowski
Sarbanes
Shipley
Spence
Springer
Stokes
Sullivan
Teague, Tex.
Ware
Whalley
Whitten
Wiggins
Wilson, Bob
Wright
Wydler
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

IMPACT AID AND U.S. POSTAL SERVICE PROPERTY

The SPEAKER. The further unfinished business is the question on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 11809.

The Clerk read the title of the bill.

The SPEAKER. Under the unanimous consent agreement, the yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 259, nays 113, not voting 60, as follows:

[Roll No. 435]

YEAS—259

Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Camp
Carey, N.Y.
Carney
Casey, Tex.
Celler
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Colmer
Conable
Conte
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Denholm
Dent
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frey
Fulton, Tenn.
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Hosmer
Hull
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kyros
Leggett
Lennon
Lent
Link
Lloyd
McClory
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mitchell
Mollohan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Robinson, Va.

Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ryan
St Germain
Scheuer
Schwengel
Scott
Seiberling
Shriver
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Symington
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Whalen
White
Whitehurst
Widnall
Wilson, Charles H.
Winn
Wolff
Wyatt
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion

NAYS—113

Anderson, Ill.
Archer
Arends
Ashbrook
Ashley
Baker
Betts
Blackburn
Bow
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Byrnes, Wis.
Cabell
Caffery
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Collins, Tex.
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Dulski
Duncan
Dwyer
Edwards, Ala.
Eshleman
Findley
Fish
Flowers
Flynt
Fountain
Frelinghuysen
Frenzel
Gallagher
Goodling
Griffin
Gross
Grover
Hall
Harvey
Hastings
Hays
Heinz
Henderson
Hillis
Hogan
Hungate
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, N.C.
Kyl
Landgrebe
Latta
Long, La.
Long, Md.
Lujan
McDonald, Mich.
McKinney
Martin
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Monagan
Montgomery
Myers
Passman
Quillen
Rarick
Roberts
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Sebelius
Shoup
Sikes
Smith, Calif.
Smith, Iowa
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Talcott
Taylor
Terry
Vander Jagt
Veysey
Waggonner
Williams
Wydler
Wylie
Young, Fla.

NOT VOTING 60

Abbitt
Andrews, Ala.
Baring
Belcher
Blatnik
Burleson, Tex.
Chisholm
Collins, Ill.
Curlin
Dellums
Derwinski
Diggs
Dowdy
du Pont
Eckhardt
Edwards, La.
Evans, Colo.
Evins, Tenn.
Galifianakis
Gubser
Harsha
Hébert
Heckler, Mass.
Howard
Hunt
Kluczynski
Kuykendall
Landrum
McCloskey
McClure
McKevitt
Mann
Mathias, Calif.
Metcalfe
Mills, Ark.
Mizell
Patman
Pickle
Poage
Powell
Pucinski
Purcell
Reuss
Rhodes
Riegle
Rostenkowski
Roy
Sarbanes
Shipley
Spence
Springer
Sullivan
Teague, Tex.
Ware
Whalley
Whitten
Wiggins
Wilson, Bob
Wright
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Bob Wilson.

Mr. Burleson of Texas with Mr. Kuykendall.

Mr. Blatnik with Mr. Rhodes.

Mr. Kluczynski with Mr. Harsha.

Mr. Hébert with Mr. Hunt.

Mr. Andrews of Alabama with Mr. Belcher.

Mrs. Sullivan with Mrs. Heckler of Massachusetts.

Mr. Landrum with Mr. Derwinski.

Mr. Evins of Tennessee with Mr. Mathias of California.

Mr. Galifianakis with Mr. Mizell.

Mr. Purcell with Mr. du Pont.

Mr. Pickle with Mr. McClure.

Mr. Reuss with Mr. Riegle.

Mr. Rostenkowski with Mr. Gubser.

Mr. Mills of Arkansas with Mr. McKevitt.

Mr. Wright with Mr. Powell.

Mr. Baring with Mr. McCloskey.

Mr. Shipley with Mr. Diggs.

Mr. Blatnik with Mr. Metcalfe.

Mr. Reuss with Mrs. Chisholm.

Mr. Howard with Mr. Collins of Illinois.

Mr. Roy with Mr. Dellums.

Mr. Mann with Mr. Spence.

Mr. Eckhardt with Mr. Whalley.

Mr. Dowdy with Mr. Springer.

Mr. Evans of Colorado with Mr. Ware.

Mr. Pucinski with Mr. Wiggins.

Mr. Patman with Mr. Zwach.

Mr. Sarbanes with Mr. Whitten.

Messrs. SMITH of Iowa, ARCHER, and BUCHANAN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISASTER RELIEF FOR CERTAIN MEDICAL CARE FACILITIES

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1237) to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical facilities which are damaged or destroyed by a major disaster, as amended.

The Clerk read as follows:

S. 1237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Disaster Relief Act of 1970 is amended by adding at the end thereof the following new section:

"PRIVATE MEDICAL CARE FACILITIES

"SEC. 255. (a) The President is authorized to make grants for the repair, reconstruction or replacement of any medical care facility which is owned by an organization exempt from taxation under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954 and is operated to carry out the exempt purposes of such organization, and which is damaged or destroyed by a major disaster. Such assistance shall be made available only on application, and subject to such rules and regulations as the President may prescribe.

"(b) A grant made under the provisions of subsection (a) shall not exceed—

"(1) 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with applicable codes, specifications, and standards; or

"(2) in the case of any such facility which was under construction when so damaged or destroyed, 50 per centum of the net cost of restoring such facility substantially to its condition prior to such disaster, and of completing construction not performed prior to such disaster to the extent that the cost of completing such construction is increased over the original construction cost due to changed conditions resulting from such disaster.

"(c) For purposes of this section, 'medical care facility' includes, without limitation, any hospital, diagnostic or treatment center, or rehabilitation facility as such terms are defined in section 645 of the Public Health Service Act, and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operating of such medical care facilities although not contiguous thereto."

SEC. 2. The amendment made by the first section of this Act shall take effect as of January 1, 1971.

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, the purpose of S. 1237 is to authorize Federal assistance for the repair or replacement of any nonprofit medical care facility damaged or destroyed by a major disaster after January 1, 1971. It would amend the Disaster Relief Act of 1970 by adding a new section 255 to make available to nonprofit health-care organizations the same kind of assistance for which publicly owned medical care facilities are now eligible under the 1970 act. It has the unanimous bipartisan support of the committee and was passed unanimously by the Senate on November 3, 1971. Only one technical amendment has been made by the committee to refer to the correct provision of the Public Health Service Act.

I support S. 1237 to amend the Disaster Relief Act of 1970. I personally viewed the earthquake damage along with other colleagues of the House, Mr. Corman and Mr. Goldwater, and members of the Public Works Committee, including our chairman, Mr. Blatnik, Mr. Kluczynski, Mr. Dorn, Mr. Anderson, Mr. Harsha, Mr. Don H. Clausen and Mr. McDonald of Michigan.

We made an aerial view of the disaster area as well as an on-the-ground inspection of some of the most severe disaster sites. We saw the damage to a dam, highways, public utilities, water, sewer, gas, and electric power. We saw damage to businesses, shopping centers, private homes, as well as to some of the hospitals.

In addition, we held hearings in Los Angeles on February 24 at which we heard testimony from some 45 witnesses to learn how effectively the new emergency disaster law was working.

In general we found it was fulfilling its purpose in providing an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities. We were impressed by the effectiveness and speed in which the coordinating effort between the Federal agencies through the Office of Emergency Preparedness and the State took place. Much of the cleanup had already been completed and some restoration was underway when we viewed the area 2 weeks after the disaster.

We did find, however, that although the act provided Federal assistance to State and local governments for damage to public facilities, including public hospital facilities, it had not contemplated the need for like assistance for medical facilities not publicly owned.

Several hospitals had been severely damaged, among which were private nonprofit facilities that provided medical services to large segments of the population.

For example, we visited Holy Cross Hospital in San Fernando operated by the Sisters of the Holy Cross that had been severely damaged. Another nonprofit hospital severely damaged was the Pacoima Memorial Lutheran Hospital.

We received testimony from the administrators of both of these facilities. Both hospitals were built partially with Hill-Burton grants about 10 years ago. These grants were based upon definitive proof of public need and necessity.

Damage to the Lutheran hospital reduced its operation from a 110-bed facility to 28 beds. It was estimated that approximately $6.5 million would be needed to restore all of its facilities.

Damage to Holy Cross Hospital, according to the best estimates of the engineers, indicated that it would not be economical to repair these facilities and that the cost of the repair would exceed the cost of replacement. Both hospitals had outstanding mortgages on the existing structures.

Obtaining funds to rebuild these facilities by public subscription was remote. The state of the economy in the area was poor. Damage to businesses and private homes gave little hope that the funds could be obtained from the general public. The testimony indicated that the problem of financing was so great that unless there was assistance from OEP or a related agency, there was no way that they could continue to serve the community.

We are all familiar with the problems facing health care facilities in this country. Disasters such as occurred in California only magnify these problems. Ninety-three percent of the private community hospitals of the Nation are nonprofit. These provide for approximately 547,000 beds, which result in an annual admission total of at least 20 million persons.

In many communities the only medical facility available to serve the area is a nonprofit facility. If such a facility is destroyed by a disaster the community is left without medical care.

Many of these nonprofit hospitals have been constructed at least in part with Federal funds through the Hill-Burton program. It is just as essential to help restore these facilities when they are damaged by a national disaster as it is to participate in their original construction.

I sincerely hope and urge my colleagues to act favorably on this bill.

Mr. JOHNSON of California. Mr. Speaker, at this time I yield to the gentleman from California (Mr. CORMAN) such time as he may require.

Mr. CORMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say to this House that you cannot fully appreciate the role of the Federal Government in a national disaster until you see what they can do.

The 1970 act with reference to public facilities was absolutely essential to the health of the disaster area following the earthquake of February 9, 1971. A substantial part of my district was without water and sewerage facilities and without fire protection. The Federal Government stepped in immediately however and within a matter of hours, emergency facilities were provided.

S. 1237 which we are considering today will take care of a problem which was overlooked when the Disaster Relief Act of 1970 was originally drafted and that is the problem of nonprofit medical facilities. We had four large hospitals totally destroyed and two of them cannot be rebuilt unless this measure is adopted.

The Holy Cross and Pacoima Memorial Lutheran Hospitals which are both in my congressional district suffered a combined loss of $19 million as a result of the February earthquake.

Holy Cross which had a 259 bed capacity was rendered inoperable as a result of the disaster and has been restricted in recent months to providing only outpatient and emergency services.

Pacoima Lutheran which had a 110 bed capacity prior to the quake has had to rely on makeshift facilities in order to restore itself to full capacity and has incurred serious indebtedness providing for these facilities.

Without Federal assistance these facilities, which were originally built with the aid of Federal Hill-Burton funds, will be left with no way to repair the destruction wrought by the earthquake and some one million citizens of the San Fernando Valley will be left with inadequate medical facilities.

Realizing the busy schedule under which they are working, I would like to thank the committee for acting to ensure consideration of this measure before our adjournment and for coming to my district to see first-hand the terrible problems which resulted from the earthquake.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. I thank the gentleman.

Mr. Speaker, I rise in support of S. 1237 and I would like to thank Chairman BLATNIK and the Public Works Committee members for their expeditious handling of this legislation.

The bill, S. 1237, introduced by Senator TUNNEY, was adopted by the Senate on November 3, 1971, and is similar to the bill, H.R. 6834, introduced by my friend and colleague, Mr. CORMAN, who has been most effective on behalf of this legislation.

As a cosponsor of H.R. 6834, I have worked with both Mr. CORMAN and Mr. GOLDWATER to bring the need for this bill to the attention of my colleagues on the Public Works Committee, and I commend both JIM and BARRY for working so diligently in pressing for the enactment of this bill which would provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which were damaged or destroyed by the February 9 earthquake in the San Fernando Valley and Los Angeles areas.

Mr. Speaker, the earthquake which struck on the morning of February 9, nearly completely destroyed the medical care facilities that were available to the residents of the San Fernando Valley. The Olive View Hospital, a $36 million Los Angeles County facility, was a total loss. As many as 15 private hospitals were damaged, two of which were major nonprofit facilities.

First, the nonprofit Holy Cross Hospital incurred an estimated $9 million damage. Although limited emergency and outpatient services have been continued in a relatively undamaged three-story wing, the main portion of the hospital has not been usable since the earthquake.

The second major nonprofit facility severely damaged by the earthquake was the Pacoima Memorial Lutheran Hospital which suffered such severe damage to its main structure that it had to be demolished and removed.

Mr. Speaker, shortly after the earthquake, I, along with several of my colleagues on the Public Works Committee, went to Los Angeles and directly investigated the situation. From that investigation, the legislation before us today was brought forth.

The bill, S. 1237, would allow the administration to make grants for the post-disaster repair, reconstruction, or replacement of the nonprofit medical care facilities that were damaged or destroyed by the February 9 earthquake. The bill before us today will bring the same Federal protection to the privately owned, nonprofit medical care facilities as is presently available to publicly owned facilities.

Mr. Speaker, I urge my colleagues to join me in supporting this necessary legislation.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to speak in behalf of S. 1237—a very vital bill—which would correct a serious omission in the existing Disaster Relief Act. In April of this year I introduced H.R. 7754, which is essentially identical to the legislation now before us. S. 1237 would include nonprofit medical care facilities as eligible recipients of Federal disaster assistance in the same way as publicly owned medical care facilities are now provided for. Surely there is no doubt in anyone's mind that this provision is both necessary and desirable. No one can disagree that a major medical facility is a most important part of any community, or that medical facilities take on even greater significance in times of disaster.

On February 24, this year, within 2 weeks of the devastating California earthquake, our committee held hearings in Los Angeles to review the damages, the administration of relief programs under the Disaster Act, and to give special attention to any need for new legislation in the field. As the ranking minority member of the Flood Control and Internal Development Subcommittee and as a representative of the State of California, I was intensely interested in the first full-scale test of the Disaster Act of 1970.

I particularly noted the destruction of the health care facilities in the San Fernando area—over a dozen hospitals damaged or destroyed. Forty-six lives were lost because of the collapse of the Veterans' Administration hospital at Sylmar. The new Los Angeles County Olive View Hospital was a total loss. These two hospitals are able to receive disaster assistance, but many other nonprofit hospitals, such as Holy Cross and Pacoima Memorial Lutheran, are not provided for under the act.

S. 1237 would provide for the restoration of nonprofit medical facilities. It was reported unanimously by the committee with one technical amendment to refer to the correct provision of law. It is not the intent of the committee that disaster relief assistance be granted to such facilities without regard to a consideration of the public benefit to be derived. I would like to comment on that intent which was developed during the committee's deliberations on this legislation, and point out that clarifying language concerning the administration of the program is included under committee views in the report accompanying the bill.

The term "any medical care facility," as it is used in this legislation, is somewhat broad and could, conceivably, include certain facilities which might not really benefit the public at large. It is the intent of the committee that an eligible nonprofit medical facility be one that was in active use and providing significant medical services to the general public prior to the disaster, or be an eligible medical-care facility under construction. Replacement would be made on the basis of need to insure the community's health care, and consistent with the comprehensive plans for the affected area.

There is one other point I would like to make in connection with the administrative procedures for this program. S. 1237 authorizes the President to make grants, however, it does not specify to whom the grants are to be made directly. I want to make it clear that it is the intent of the committee that this grant money is to be provided through State or local governments. This would be consistent with section 252 of the Disaster Relief Act of 1970 which provides the same type of Federal disaster assistance for public facilities damaged or destroyed by major disasters.

Mr. Speaker, having made these points clear for the record, I urge my colleagues to support S. 1237.

In order to make some legislative history on the question of precedent and guidelines, I will read from the committee report the following:

> The congressional intent in this legislation is that eligible nonprofit medical facilities should not replaced unless there is a need for them to insure the health care of the community and unless such facilities are consistent with the comprehensive plans for the affected area. Federal aid for such eligible, nonprofit medical facilities is to be provided through local or State governments in the same manner as for public facilities under section 252 of the Disaster Relief Act of 1970.
>
> The Congress recognized that, in extending Federal aid under this legislation to eligible nonprofit medical facilities, questions would arise as to the precedent established. The extension of like Federal disaster aid to other types of nonprofit facilities is not now contemplated.
>
> The committee intends that a "medical care facility," to be eligible for this Federal disaster aid, should have been in active use and providing significant medical services to the general public prior to the disaster, or be an eligible medical care facility under construction.

I further urge the Office of Emergency Preparedness in concert with other agencies to write regulations that are reasonable but would also protect against abuse of this new provision.

Mr. Speaker, I yield such time as he may require to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Speaker, on February 9, 1970, millions of Californians were shaken out of bed at 6 o'clock in the morning by one of the worst earthquakes that California has experienced, and by far in terms of dollars amounts the most expensive. The beholder after awakening could not really believe what he saw unless he was there. There was tremendous, widespread damage to private homes, hospitals, and public facilities. Congress in 1970 passed the Natural Disaster Act, which provided relief for States in which natural disasters are experienced. In California the February 9 earthquake brought a half billion dollars in damages of all types—$200 million of damage was done to public facilities such as schools, electricity, water, sewer and gas, and also public hospitals.

But no provision was made in the 1970 National Disaster Act to help private hospitals. This bill as an amendment to the National Disaster Act will remedy that situation. I ask the unanimous support of all Members for the amendment.

Mr. JONES of Alabama. Mr. Speaker, the bill before us. S. 1237, has great merit and is urgently needed to authorize necessary Federal assistance to nonprofit medical facilities which were damaged or destroyed in the Los Angeles area as a result of the California earthquake in February of this year.

The bill would amend the Disaster Relief Act of 1970, which was enacted into law December 31, 1970, by adding a new section to the act.

This section would authorize the President to make grants up to 100 percent of cost for the purpose of repairing or replacing any medical-care facility which is damaged or destroyed by a major disaster and which is operated on a nonprofit basis by an organization exempt from taxation under section 501 of the Internal Revenue Code of 1954.

The bill would also authorize Federal grants up to 50 percent of cost to restore to predisaster conditions nonprofit medical care facilities which were under construction when damaged by a major disaster. Payment of up to 50 percent of increased construction costs due to the disaster would also be authorized.

The bill is made effective retroactively to January 1, 1971, in order to make this assistance available to those facilities damaged or destroyed in the California earthquake.

This legislation has bipartisan support and was reported unanimously out of committee. With the exception of an amendment of a technical nature to correct a reference to the Public Health Service Act which would define the scope of medical care facilities eligible for assistance, this bill is identical to S. 1237 passed by the Senate by voice vote on November 3, 1971.

The need for this amendment to the Disaster Relief Act became apparent when the committee visited California shortly after the earthquake occurred to inspect the damage and to hold hearings.

The California experience was the first application of the Disaster Relief Act of 1970. In reviewing the problems encountered as a result of this disaster, it became apparent that the committee had overlooked the situation where facilities providing needed medical services for the general public were operated by nonprofit organizations rather than by State or local governments.

The existing legislation had contemplated the need for assistance to repair or reconstruct facilities belonging to State or local governments. Public hospitals damaged or destroyed in the disaster were eligible for Federal assistance under the existing legislation.

What we are doing in this bill is simply to make similar assistance available to the nonprofit institutions that equally serve the public and, in fact, are less able to obtain necessary funds to restore their facilities to predisaster conditions.

I request my colleagues to support this legislation so that the medical services needed in this stricken area may be restored without further delay and that the same assistance offered public hospitals will be available in future disasters to nonprofit hospitals serving the same public need.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill S. 1237, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RIVER BASIN MONETARY AUTHORIZATION ACT OF 1971

Mr. DORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2887), authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes, as amended.

The Clerk read as follows:

S. 2887

An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes as amended

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Act of Congress	Amount
Alabama-Coosa River	Mar. 2, 1945	$38,000,000
Arkansas River	June 28, 1938	57,000,000
Brazos River	Sept. 3, 1954	20,000,000
Central and southern Florida	June 30, 1948	18,000,000
Columbia River	June 28, 1938	130,000,000
Mississippi River and tributaries	May 15, 1928	97,000,000
Missouri River	June 28, 1938	101,000,000
North Branch, Susquehanna River	July 3, 1958	17,000,000
Ohio River	June 22, 1936	62,000,000
Ouachita River	May 17, 1950	1,000,000
San Joaquin River	Dec. 22, 1944	44,000,000
South Platte River	May 17, 1950	37,000,000
Upper Mississippi River	June 28, 1938	2,000,000
White River	do	4,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed $628,000,000.

SEC. 2. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to perform such work as may be required, including the construction of dikes, to prevent shoaling near the pumping plant intake of the Frazer-Wolf Point irrigation unit on the Fort Peck Indian Reservation, located on the north bank of the Missouri River about thirty miles downstream from the Fort Peck Dam, at an estimated cost of $335,000 subject to the provision that the Bureau of Indian Affairs, Department of the Interior, obtain all necessary lands, easements, and rights-of-way, and maintain the project after completion.

SEC. 3. (a) That in connection with the improvements authorized by section 6 of the Act approved October 3, 1962 (76 Stat. 704, 706), to be undertaken on the Crow Creek Sioux Reservation in South Dakota, the Secretary of the Army is authorized and directed to provide the following under plans approved by the Crow Creek Sioux Tribal Council, at an estimated cost of $800,000:

(1) in connection with the community center building which serves as the Crow Creek Tribal Council offices: offices or conference rooms for visiting Bureau of Indian Affairs personnel, auditorium facilities, sufficient offices and conference rooms for tribal offices, and an adequately sized and equipped kitchen to serve community gatherings;

(2) adequate water, sewer, and drainage facilities;

(3) a street lighting system throughout the townsite;

(4) widening of streets and provision of offstreet residential parking;

(5) sufficient parking near the community center for community gatherings;

(b) The Secretary of the Interior is hereby authorized and directed to reimburse the Crow Creek Sioux Tribe, from appropriations authorized by subsection (a) of this section, for all attorneys' fees and engineering fees, and expenses related thereto, as approved by the Secretary of the Interior, that the tribe has incurred or will incur in obtaining and implementing legislation to remedy difficulties arising from implementation of the Act of October 3, 1962 (76 Stat. 704), but such reimbursement shall not exceed a total of $22,500.

SEC. 4. Section 221 of the Flood Control Act of 1970 (84 Stat. 1824, 1831) is amended by striking the period at the end of subsection (f), substituting a comma therefor, and adding the following: "or to the assurances for future demands required by the Water Supply Act of 1958, as amended."

SEC. 5. The Secretary of the Army, acting through Chief of Engineers, is hereby authorized to cause a survey to be made for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects on Chiltipin Creek at and in the vicinity of Sinton, Texas.

SEC. 6. The project for flood protection on Fourmile Run, city of Alexandria and Arlington County, Virginia, approved by resolutions of the Committees on Public Works of the United States Senate and House of Representatives, dated June 25, 1970, and July 14, 1970, respectively, in accordance with the provisions of section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall replace the George Washington Memorial Parkway bridge over Fourmile Run, at Federal expense, substantially as recommended by the Chief of Engineers in his report dated March 2, 1970, published as House Document Numbered 91-358.

SEC. 7. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified to provide that local cooperation to be hereafter furnished in connection with the Obion River Diversion aspect of the Tiptonville to Obion River, Tennessee project, authorized by the Act approved June 22, 1936, and amended by the Act approved July 24, 1946, shall consist of the requirement that local interests agree to maintain the completed works in accordance with the provisions of section 3 of the Act of May 15, 1928, and hold and save the United States free from damages due to the construction works.

SEC. 8. Nothing in any prior Act of Congress, committee report, or congressional document, shall be construed as requiring the State of West Virginia, in connection with the construction of the Stonewall Jackson Lake, West Fork River, West Virginia, and the Rowlesburg Lake project, Cheat River, West Virginia, to furnish assurances that it will hold and save the United States free from any claims for damages from storage of water.

SEC. 9. The Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632) as amended by Public Law 91-282, is further amended by inserting immediately after the end of the Act the following:

"The Secretary of the Army is authorized to contract with the city of Arlington, Texas, for the use of water supply storage in the Benbrook Reservoir for municipal water supply for any storage not used by the city of Fort Worth or the Benbrook Water and Sewer Authority, for a period not to exceed four years or until such time as the water supply storage is needed for navigation purposes, whichever first occurs."

SEC. 10. (a) In order to protect the environment, promote safety, and provide access to the public use recreation area around Perry Reservoir, Kansas, the Secretary of the Army, acting through the Corps of Engineers, is authorized and directed, notwithstanding any other provision of law, to take such action as may be necessary to improve the following roads in the vicinity of the Perry Reservoir area, Kansas:

(1) The road leading north from United States Highway Numbered 24, at Perry, Kansas, to an intersection with a black top road east of the dam, consisting of approximately three miles;

(2) The road on the west side of Perry Reservoir beginning at the north end of Delaware State Park running north and west and intersecting State Highway K Numbered 92 approximately one and one half miles west of Ozawkie, Kansas, consisting of approximately six miles; and

(3) The road beginning on State Highway K Numbered 92, one mile east of Old Town Public Use Area, and running north approximately eight miles to intersect with State Highway K Numbered 4 and State Highway K Numbered 16 east of Valley Falls, consisting of approximately nine miles.

(b) In carrying out such improvements, the Secretary of the Army shall be authorized to realign and grade such roads, and to pave such roads with a plant-mix bituminous surface (including chemical stabilization), in accordance with secondary road standards of the State of Kansas.

SEC. 11. (a) In order to provide adjustments in the lands or interests in land heretofore acquired for the Berdigris River portion of the McClellan-Kerr River Navigation Project in Oklahoma to conform such acquisition to a lesser estate in lands now being acquired to complete the real estate requirements of the project the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to reconvey any such land heretofore acquired to the former owners thereof whenever he shall determine that such land is not required for public purposes, including public recreational use, and he shall have received an application for reconveyance as hereinafter provided, subject to the following limitations:

(1) No reconveyance shall be made if within thirty days after the last date that notice of the proposed reconveyance has been published by the Secretary in a local newspaper, an objection in writing is received by the former owner and the Secretary from a present record owner of land abutting a portion of the reservoir made available for reconveyance, unless within ninety days after receipt by the former owner and the Secretary of such notice of objection, the present record owner of land and the former owner involved indicate to the Secretary that agreement has been reached concerning the reconveyance.

(2) If no agreement is reached between the present record owner of land and the former owner within ninety days after notice of objection has been filed with the former owner and the Secretary, the land made available for reconveyance in accordance with this section shall be reported to the Administrator of General Services for disposal in accordance with the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377).

(b) Any such reconveyance of any such land or interests shall be made only after the Secretary (1) has given notice, in such manner (including publication) as regulations prescribe to the former owner of such land or interests, and (2) has received an application for the reconveyance of such land or interests from such former owner in such form as he shall by regulation prescribe. Such application shall be made within a period of ninety days following the date of issuance of such notice, but on good cause the Secretary may waive this requirement.

(c) Any reconveyance of land therein made under this section shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest, except that no mineral rights may be reserved in said lands unless the Secretary finds that such reservation is needed for the efficient operation of the reservoir project designated in this section.

(d) Any land reconveyed under this section shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements made thereon by the United States (the Government shall receive no payment as a result of any enhancement of values resulting from the construction of the reservoir project specified in subsection (a) of this section), or (2) any decrease in the value thereof resulting from (A) any reservation, exception, restrictions, and condition to which the reconveyance is made subject, and (B) any damage to the land caused by the United States. In addition, the cost of any surveys or boundary markings necessary as an incident of such reconveyance shall be borne by the grantee.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify that notice has been given to the former owner of such land or interest as provided in subsection (b) and that no qualified applicant has made timely application for the reconveyance of such land or interest.

(f) As used in this section the term "former owner" means the person from whom any land, or interests therein, was acquired by the United States, or if such person is deceased, his spouse, or if such spouse is deceased, his children or the heirs at law; and the term "present record owner of land" shall mean the person or persons in whose name such land shall, on the date of approval of this Act, be recorded on the deed records of the respective county in which such land is located.

(g) The Secretary of the Army may delegate any authority conferred upon him by this section to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(h) Any proceeds from reconveyances made under this Act shall be covered into the Treasury of the United States as miscellaneous receipts.

(i) This section shall terminate three years after the date of its enactment.

SEC. 12. The project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $40,031,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Appalachian Regional Commission and the President.

SEC. 13. (a) The Lower Monumental Lock and Dam Project, Snake River, Washington, authorized by the River and Harbor Act approved March 2, 1945 (59 Stat. 10), is hereby modified to provide that the United States shall perform, or pay the cost of performance of, such measures as the Secretary of the Army determines are or may have been necessary to protect any railway bridge or structure from damage caused by the project.

(b) The Secretary of the Army in making the determination required by subsection (a) of this section shall charge to the owner of any such bridge or structure an amount equal to the net value to such owner of any direct and special benefits accruing to the owner from any improvement or addition to or betterment of the bridge or structure, including any expectable decrease in repair, maintenance, or operating expense.

SEC. 14. This Act may be cited as the "River Basin Monetary Authorization Act of 1971".

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, I yield myself such time as I desire.

Mr. Speaker, I urge support of S. 2887 as an essential continuation for development of this Nation's water resources to benefit all the people.

S. 2887 provides increased authorizations for the prosecution of river basin plans for flood control and related purposes by the Secretary of the Army and the Chief of Engineers. This bill provides additional monetary authorizations for projects which have been authorized over the years with monetary limitations.

Monetary authorizations were first put into effect by the Flood Control Acts of 1936 and 1938. They limit authority to appropriate and expend funds within specified basins or specified major projects, to levels below the total costs of the authorized basin or project developments. In this way they give the Congress opportunity to review and control the rate of accomplishment of the basin plans and major projects to which they apply.

In these plans, the Congress has approved an entire plan for development of a river basin in the interest of flood control, navigation, power, and allied water uses, but limited the amounts of funds to anticipated appropriations for a specified period of years, allowing accomplishment of only part of the plan.

Subsequently, the Congress has augmented some of the previously approved plans, by authorizing additional projects, or modifications of projects, and increased the monetary authorization to provide for additional appropriations. When the monetary authorization limit of a plan is approached, legislation is required to provide additional authorization so that appropriations can be made to permit the plan to continue. If such legislation is not forthcoming when needed, construction of projects in the basin plan cannot proceed, even if funds have been appropriated for this purpose.

At the present time there are 29 basin development plans or projects which are subject to monetary authorization limitations. The authorization provided to date, including that provided last year in passage of Public Law 91-282, is, in most instances, adequate for work to be performed through the 1971 construction season, but it is not sufficient to cover the work to be performed during the 1972 and 1973 construction seasons.

Deficiencies in monetary authorization will exist in nine basins, totaling around $201 million through the end of calendar year 1972. Based on projection by the Corps of Engineers for calendar year 1973, the deficiencies for the 2 years would involve 14 basins and the total deficit would amount to approximately $628 million.

S. 2887 contains a table giving a list of the basins, the dates of original authorization, and the amount of increased authorizations needed for the work to be performed through calendar year 1973. The table contains 14 basins as listed in section 1 of the bill. The total amount of increased authorizations needed for work to be performed through calendar year 1973 is approximately $628 million.

A description of the basins and the status of the monetary authorizations involved in S. 2887, as well as the specific projects on which these increased authorizations are intended to be used, are shown in the report on S. 2887, House Report No. 92-691.

The details of the monetary needs for the Columbia River Basin as furnished the committee and included on page 6 of the committee's report had projected a potential funding need for planning on the Asotin project in Idaho and Washington. The committee has been subsequently informed by the Corps of Engineers that this projection is in error, and that the Corps has no plans for funding the Asotin project at this time.

Sections 2 through 13, in general, modify existing projects and general legislation and include authorization of one project. Section 2 authorizes construction of dikes on the Missouri River to protect pumping plant intake of the Frazier-Wolf Point irrigation unit. Section 3 would provide additional community facilities at the Crow Creek Sioux Tribe Indian Reservation in South Dakota. Section 4 excludes assurances for future water supply storage from general authority provided in section 221 of the Flood Control Act of 1970.

Section 5 provides for a flood control survey of Chiltipin Creek in the vicinity of Sinton, Tex. Section 6 provides for the replacement of the George Washington Memorial Parkway bridge over Four-Mile Run at Federal expense. Section 7 eliminates certain items of local cooperation for the diversion channel feature of the Tiptonville-Obion River levee project. Section 8 eliminates an item of local cooperation relating to furnishing water rights for the Stonewall Jackson and Rowlesburg Dam and Reservoir projects, West Virginia. Section 9 authorizes use of future navigation storage in Benbrook Reservoir for emergency water supply for Arlington, Tex., for a period not to exceed 4 years. Section 10 authorizes recreation area access road improvements in the vicinity of Perry Lake, Kans. Section 11 authorizes reconveyance to former owners of certain lands, or part interest in certain lands acquired in fee along the Verdigris River portion of the McClellan-Kerr Arkansas River navigation project. Section 12 authorizes Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, subject to approval by the Appalachian Regional Commission and the President. Section 13 modifies the Lower Monumental lock and dam project, Snake River, Wash., to provide for Federal performance or pay cost of protecting a bridge or structure from damage caused by the project.

Finally, section 14 would cite S. 2887 as the "River Basin Monetary Authorization Act of 1971."

Mr. Speaker, this legislation is urgently needed to carry out the highly important water resource development program of this Nation. It was unanimously reported out by the committee.

At this time I would like to express my appreciation for the leadership given by the gentleman from Minnesota (Mr. BLATNIK), and the gentleman from Alabama (Mr. JONES), and the splendid cooperation given by the ranking minority Members, the gentleman from Ohio (Mr. HARSHA), and the gentleman from California (Mr. DON H. CLAUSEN), and for the participation of Members on both sides.

Mr. Speaker, I yield to the distinguished ranking minority Member (Mr. DON H. CLAUSEN) such time as he may consume.

Mr. DON H. CLAUSEN. Mr. Speaker, I am in complete agreement with the gentleman from South Carolina, I also urge support of S. 2887. It provides an essential increase in the monetary authorizations for 14 comprehensive river basin plans which were previously approved by Congress. It also makes additional, necessary modifications to 12 other existing authorizations.

The added funds for the 14 previously approved basins total $628 million. These funds are to be used to continue work on the 14 basins during calendar years 1972 and 1973.

This $628 million authorization will allow completion of a part of the broad basin plans. The total estimated cost of the 14 projects in the plan is almost $13 billion. These projects have provided and will continue to provide needed flood control, navigation, and other waterway needs. These projects are an important national asset. The Congress can feel justifiably proud of the accomplishments to date and the expectations for the future.

The 12 modifications to existing projects in sections 2 through 13 are also nedeed to carry out the regional and national water resource development program.

Mr. Speaker, the leadership of the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Alabama (Mr. JONES), and the gentleman from Ohio (Mr. HARSHA), as well as the fine participation and cooperation of the Members from both sides are most appreciated. This legislation has the unanimous support of the committee, and I urge the support of the House.

Mr. DORN. Mr. Speaker, I yield to the gentleman from Washington (Mr. McCORMACK) such time as he may consume.

Mr. McCORMACK. Mr. Speaker, I thank the gentleman for yielding.

I would like to have it made perfectly clear, whether there is any money to be used from this authorization for the Asotin Dam on the Snake River. Will the gentlemen respond to that?

Mr. DORN. I would be delighted. The details of the monetary needs for the Columbia River Basin, as furnished to the committee are included on page 6 of the committee's report for the projected potential funding needs, and there is listed the Asotin Dam in Washington. The committee has been subsequently informed by the Corps of Engineers that this project is in error, and that the corps has no plans for funding the Asotin project at this time.

Mr. McCORMACK. What you are saying, then, is that, consistent with the announced intentions of the Corps of Engineers, this bill authorizes no funds for the Asotin Dam?

Mr. DORN. None whatsoever.

Mr. McCORMACK. I thank the gentleman for clarifying this matter.

Mr. McCLURE. Mr. Speaker, the proposed Asotin Dam on the Snake River is the subject of considerable controversy, and it is necessary that we have a very clear legislative record on this pending measure. I take this time for that purpose.

When authorizations for activities of the Corps of Engineers are given, the Congress lumps together all of the proposals within several areas. The committee, of course, goes into considerably more detail and requires that the Corps of Engineers justify its request by detailing its proposals for work to be done.

When their supporting statement revealed plans for work on the Asotin Dam, I immediately made inquiry, because they know of my oft-stated and unchanged position in opposition to any construction of this dam. While the dam was authorized many years ago by the Congress as a part of a comprehensive navigational and power development plan for the Lower Snake, I do not think it is now justified. I am, also, certain that it is strongly opposed by a great majority of the people in the area, as well as an overwhelming number of the citizens of the entire State of Idaho. It cannot be justified for power alone, the navigational need is a myth, and alternative uses of the river at this point are much more important. Recreational use by pleasure boaters is great and increasing. The only real commercial navigation on the river would be destroyed—not enhanced—by the dam. Esthetic values alone outweigh the values of the dam.

When I inquired, I was assured that the Corps of Engineers really does not plan to spend any of the money even though it was included in their request. I am told the committee received similar assurances. I am sure this does nothing to enhance their credibility in the eyes of an increasingly suspicious citizenry. It certainly does not increase my own confidence in their integrity or the honesty of their budget request. If the parliamentary situation were different today, I would seek to amend this measure to remove this item specifically and to reduce the authorization accordingly. Since that option is not open to me today, and I have no desire to hold up the entire measure, I ask only that the record be clear that the committee understands the situation as I have outlined it and that no money will be, in fact, spent on this dam—not even planning funds. I will, of course, ask that no money be appropriated for this purpose.

I have, in the past, received assurances from the Corps of Engineers that they have no plans for construction of a reregulating dam on the Clearwater River below Dworshak Dam. However, in view of their actions on the Asotin Dam, I must again state my adamant opposition to the Lenore Dam or any alternative to it. It is my understanding that absolutely no funds authorized in this measure will be used for the planning of any such dam; otherwise, I would be forced to oppose it today. I have been assured that this is true and want the record to reflect that fact.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of S. 2887, the River Basin Monetary Authorization Act of 1971, and especially support of section 6, which modifies the Four Mile Run flood control project in Alexandria and Arlington, Va., to provide for Federal construction of the bridge located south of the Washington National Airport on the George Washington Memorial Parkway.

May I take this opportunity to express my deep gratitude to my friends and colleagues on the Committee on Public Works for recognizing the inequity which would have been created had the city of Alexandria and the County of Arlington been required to bear the cost of replacement of a bridge located on Federal land, and my even deeper gratitude to them for consistently supporting since 1966 our somewhat uphill efforts to obtain the Federal help essential to avoiding the recurrent tragedies which have plagued the Four Mile Run area for more than a decade.

Back in 1963 we first attempted to obtain approval from the Corps of Engineers for a federally assisted program. I honestly believe it was with the best of intentions that the Corps of Engineers at first failed to take into account major factors in determining, after a flood which caused a little more than a million dollars in damage, that flooding was not likely to recur often. In 1963, high water extended from the mouth of Long Branch Run downstream to U.S. Highway 1, building a flood head at railroad culverts and blocking the Mount Vernon Avenue Bridge with sediment and flotsam. But prior to that deluge we had had only two major floods, in 1942 and in 1933 from a hurricane tide, with only minor flooding in between.

After the 1963 flood, Alexandria and Arlington enlarged the streambed, and since then they have devoted many hours to various attempts to improve the runoff. But some of these improvements have actually increased the potential of flood damage to one section of Arlandria while relieving it in other areas. So in spite of these efforts Four Mile Run flooded in 1965, 1966, and five times in 1969. Alexandria officials were called out four times in 1970 to alert citizens to danger of flooding, and so far this year there have been three flood watches, one flood warning, and one full assembly of troops and partial evacuation.

As I said before, I believe the Engineers overlooked a big factor in determining the frequency of floods in a developed area like northern Virginia. They had to take a whole new look at the tremendous increase in runoff along streambeds in suburban areas created by the construction of the impervious covering in paved areas upstream due to tremendous development of housing and other facilities. I do not believe the frequency studies the corps made in earlier years are at all representative of the frequency we can expect in the future, not only under present conditions but also under conditions that are bound to worsen with increasing development and more rapid runoff into rain-swollen streams.

Mr. Speaker, I am proud to have supported and worked for another type of project in northern Virginia last year. One approved by the Committee on Agriculture, which will provide for carefully controlled development of a suburban watershed, Pohick Creek, to prevent it from becoming another Four Mile Run as our community continues to grow I hope that suburban communities across the Nation will use Pohick Creek as an example of a way in which potential disasters such as we have along Four Mile Run can be avoided.

But it is too late to do more than build a flood control project along Four Mile Run. The conditions existing there, including proliferating home and industry construction, a peculiar set of circumstance involving railroad culverts, and other obstacles actually placed by the Federal Government in the way of proper drainage, call for special action by the Corps of Engineers to help us solve the problem. I am proud to say our committee colleagues agree and have directed that they do help us.

At the time the Four Mile Run project was authorized by our committee colleagues under the provisions of section 201 of the 1965 Flood Control Act, they knew it was imperative that the project be authorized as quickly as possible in view of the disaster potential along Four Mile Run. The section 201 procedure was chosen because it required only committee action in order to get the project underway. Since section 201 limits committee authorization to projects having an estimated Federal cost of $10 million or less, it was necessary for them to approve the project with the assumption that replacement of the George Washington Memorial Parkway Bridge would be considered a local responsibility. On this basis the estimated Federal cost was $9,926,000 and the local cost $6,709,000. Had the bridge been considered a Federal responsibility, the Federal cost would have exceeded the monetary level under which the Committees on Public Works can authorize small water resource projects, and delays in this vital project would have resulted.

Again I thank my colleagues for now recommending that in equity we provide that the Federal Government shall bear the cost of replacing the federally owned and operated structure. They have recognized the urgency, the fear of those who live and work along the streambed of even greater disasters if we delay action, and as they have done consistently since 1966, they have acted in our behalf. Mr. Speaker, I urge the Members of this House to support the action of our committee colleagues. And for every resident of northern Virginia I say thank you.

Mr. EDMONDSON. Mr. Speaker, I support S. 2887 and urge its adoption.

This bill is essential to continued development of our major river basin projects, including the great Arkansas River project, which was opened to navigation to Catoosa early this year.

The measure represents an authorization for further investment in America's most important natural resource—water—and is in the best interest of the country.

I urge its overwhelming approval.

Mr. JONES of Alabama. Mr. Speaker, I support S. 2887 and urge its adoption. The basin authorization bill is needed to maintain this Nation's major water resources programs on schedule and assure that we have adequately provided for the safety and comforts of our future generations. The Congress has never failed to meet this responsibility and I am certain that it never will fail now or in the future.

S. 2887 is a comprehensive measure to authorize the Corps of Engineers to carry forward vital programs for the development and improvement of waterways and harbors as an essential element of the Nation's transportation system, for the protection of lives and property of our citizens against the ravages of floodwaters, for the protection of our valuable coastal resources from erosion, for the generation of low-cost hydroelectric power, for the development of water supplies of suitable quantity and quality to serve our Nation's cities and industries, for the conservation and enhancement of fish and wildlife resources, for providing increased opportunities for our citizenry to enjoy healthful outdoor recreation opportunities, and, in general, for inducing economic development as a means of enhancing the general welfare.

This legislation would continue and strengthen the civil works program of the Corps of Engineers; a program which had its beginning in 1824 when Congress first assigned responsibility to the Corps of Engineers for the development of our rivers and harbors for navigation. In 1936, the program was broadened to encompass a nationwide flood control program. From time to time, the various navigation and flood control acts have been amended to broaden their scope and provide needed related work and improvements. Today, therefore, the civil works program includes virtually all aspects of water and related land resources development. The need for comprehensive development of the Nation's river basins has long been established, dating back to the conservation crusade led by President Theodore Roosevelt, and has had the support of many commissions and other similar bodies in the ensuing years.

Planning efforts for water resources development must consider not only the mushrooming needs of an expanding population and economy for water resources development, but also the more intangible needs of preserving and enhancing the environment in which we live. The legislation we have before us today is an important step forward in that endeavor. I am convinced that the proposed legislation is essential to the continuing economic development of the United States.

The projects that would be continued by this legislation produce many important values in addition to the large monetary benefits that have been evaluated to justify Federal expenditures. The opportunities that the program provides for industrial development along navigable waterways, changes in land uses, relief of unemployment, saving of lives, improvement in health conditions, and the economic and social security of urban communities and farm areas, further enhance its value to the American people. I am convinced that continued and accelerated progress is necessary in the interest of the national economy and of the welfare and well-being of its people.

Mr. Speaker, I would like to take a moment to thank the gentleman from South Carolina (Mr. DORN) for his efforts in bringing this bill through the committee and to the floor. He is an outstanding member of the Committee on Public Works and of this body. I would also like to express my thanks to the gentleman from Ohio (Mr. HARSHA) and California (Mr. DON H. CLAUSEN) for their excellent cooperation.

Mr. BROTZMAN. Mr. Speaker, I am pleased that we can consider S. 2887 before the end of this session of Congress. The authorizations contained in the bill represent a major additional step in securing positive flood control for the Second Congressional District of Colorado and also for the city of Denver.

Under the authorizations contained in S. 2887, the following important matters can be expedited in 1973.

The major construction phase of the Mount Carbon flood control project on Bear Creek near Morrison can begin. The bill anticipates that $17.5 million will be utilized by the end of calendar year 1973. Of that total, $16.2 million is authorized by S. 2887.

The additional $18.9 million authorized for the Chatfield Dam and Reservoir will permit the closure of the dam at the confluence of Plum Creek and the South Platte River southwest of Littleton, Colo. The new authorization brings the total now authorized for the Chatfield project to $78.9 million, or only about $6 million short of the $85 million which the Army Corps of Engineers estimates to be the grand total project cost.

A new authorization of $1.3 million will facilitate major levee and channel improvements in the Boulder Creek flood control project at Boulder.

An additional $160,000 is authorized for the ongoing South Platte River levee and channel improvement project.

These figures, Mr. Speaker, do not represent exact expenditures which will take place by the end of calendar year 1973. The Corps of Engineers would be authorized to make some modifications in the $36.5 million which would be authorized for Colorado flood control projects by the passage of S. 2887. Also, it will still be necessary for Congress to make the appropriations which fund today's authorizations. However, the monetary authorizations are very important. They demonstrate the ongoing concern of Congress in ending, for all time, the ever-present threat to lives and property in Colorado which is posed by flash floods spilling onto the populous plains from mountain rivers and creeks.

I urge the passage of this bill, Mr. Speaker.

Mr. PICKLE. Mr. Speaker, S. 2887 could have both an immediate and long-range affect on projects throughout the Nation. Specifically, it would benefit two Corps of Engineer projects in my district which are very much in need of funding.

This bill extends the authorization for funding of the San Gabriel reservoirs, which after long years of waiting in the wings, is substantially underway now. We've experienced disastrous floods in the San Gabriel; floods which came one year, paused barely long enough for the farms and businessmen to regroup their heavy losses, and then they came back another year later like the tide. The weather clock is running in our area and we are only a heavy rain away from another disaster. This may sound ironic in light of our drought this year, but as sure as night follows day—floods follow droughts.

Therefore, this additional authorization is very much needed to keep our project on a steady course of progress.

This bill also recognizes the pressures on an existing project—Somerville Reservoir. This is an immensely popular facility—so popular, in fact, that the actual attendance far outdistanced the original visitor estimates. We had so many people coming to Somerville that our basic health systems were overrun.

While this bill does not put the money in the bank, it does give us hope that Somerville can receive funds for additional recreational facilities, which would include long-needed additions to our sanitation system.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina (Mr. Dorn) that the House suspend the rules and pass the bill S. 2887, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill S. 2887.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MARINE MAMMAL PROTECTION ACT OF 1971

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, as amended.

The Clerk read as follows:

H.R. 10420

A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Mammal Protection Act of 1971".

FINDINGS AND DECLARATION OF POLICY

Sec. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of disappearance or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they contribute effectively to the health and stability of the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish beyond the point at which they can maintain that equilibrium at which they may be managed on an optimum sustained yield basis. Further, measures should be immediately taken to replenish any species or population stock which has already diminished beyond that point;

(3) there is inadequate knowledge of the population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken, as soon as possible, to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and management of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest possible extent commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, a secondary objective should be to obtain an optimum sustained yield.

DEFINITIONS

Sec. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the number of individuals within a species or population stock has declined to a significant degree over a period of years and, if that decline were to continue, would result in that species or population stock being threatened with extinction and therefore subject to the provisions of the Endangered Species Conservation Act of 1969.

(2) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(3) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the animal involved.

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, and Pinnipedia, and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(5) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(6) The term "optimum sustained yield" means the sustained yield that results in a population of an optimum number of animals, keeping in mind the health of the ecosystem of which they form a constituent element.

(7) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(8) The term "population stock" or "stock" means a group of interbreeding marine mammals of the same species or smaller taxa in a common spatial arrangement.

(9) The term "Secretary" means—

(A) the Secretary of Commerce as to all responsibility, authority, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, and duties under this Act with respect to all other marine mammals covered by the Act.

(10) The term "sustained yield" means a harvest equaling the net population growth of a species or stock at any selected population level.

(11) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(12) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(13) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908, 16 U.S.C. 1091–1094).

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

PROHIBITIONS

Sec. 101. (a) Except as provided in sections 103 and 107 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States except as expressly provided for by an international agreement to which the United States is a party and which was entered into before the effective date of this title;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with acts prohibited under paragraphs (1) and (2) of this subsection; and

(4) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal.

(b) Except pursuant to a permit for scientific research issued under section 103(c), it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted or endangered species or stock; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this title; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection; or

(B) the sale in commerce of such product in the country of origin of the product is illegal.

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner determined by the Secretary to be injurious to marine mammals, whether or not any such mammals were in fact taken incident to the catching of the fish.

(d) Subsections (b) and (c) of this section shall not apply—

(1) with respect to any article imported into the United States before the effective date of this title;

(2) in the case of articles to which subsection (b)(3) of this section applies, to articles imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(3) in the case of article to which subsection (c)(1)(B) or (c)(2)B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such articles unlawful.

LIMITATIONS ON TAKING OF MARINE MAMMALS

SEC. 102. (a) The Secretary, on the basis of scientific evidence demonstrating the need for limitations, shall prescribe such limitations with respect to the taking of animals from each species of marine mammal (including limitations on the taking of individuals within population stocks) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species or population stocks and will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such limitations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken, including but not limited to the effect of such limitations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine escosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The limitations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken in any calendar year pursuant to permits issued under section 103.

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken; and

(4) the manner and locations in which animals may be taken.

(d) Limitations prescribed to carry out this section must be made on the record after opportunity for agency hearing, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe limitations under this section—

(1) a statement of the existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed limitations on such species or population stock;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such limitations; and

(4) any studies or recommendations made by, or for, the Secretary or the Marine Mammal Commission which relate to the establishment of such limitations.

(e) Any limitation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems necessary to carry out the purposes of this Act.

PERMITS

SEC. 103. (a) The Secretary may issue permits which authorize the taking of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable limitation established by the Secretary under section 102, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transfer a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Any permit issued by the Secretary which authorizes the taking of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking. Any person authorized to take a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d)(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views or arguments with respect to the taking proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable limitations established under section 102.

(4) Upon written request of any interested party, if such request is filed within thirty days after the date of publication of notice pursuant to paragraph (2), the Secretary may grant a hearing of record with respect to the application. If granted, such hearing shall be conducted on an expeditious basis.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, views, and arguments may be submitted pursuant to paragraph (2), the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant or party opposed to the permit may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section, or his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the plaintiff resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e)(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable limitation prescribed under section 102, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) Any modification, suspension, or revocation of a permit under this subsection shall take effect at the time notice thereof is given to the permittee. The permittee shall then be granted opportunity for expeditious hearing by the Secretary with respect to such modification, suspension, or revocation. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5).

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized taking;

(2) the period of any transit of such person or agent which is incident to such taking; and

(3) any other time while any marine mammal taken under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) No permit shall be issued pursuant to this section for the taking of any marine mammal during the sixty-day period commencing on the effective date of the initial limitations prescribed pursuant to section 102 with respect to the species or population stock concerned.

(h) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(i) Consistent with the limitations prescribed pursuant to section 102 and to the requirements of this section, the Secretary may issue general permits for the taking of marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

SEC. 104. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000, or imprisoned not more than one year, or both. The Secretary of the Treasury shall pay to any person who furnishes information which leads to a conviction for violation of this subsection an amount equal to one-half of the fine incurred, but not to exceed $2,500 for each violation.

VESSEL FORFEITURE

SEC. 105. Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title. For the purposes of this section, the term "vessel" includes its tackle, apparel, furniture, appurtenances, cargo, and stores.

ENFORCEMENT

SEC. 106. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel or conveyance and to arrest such person;

(3) seize any vessel or other conveyance subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

(e) (1) Whenever any marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 104 (a) or (b). All marine mammals or marine mammal products so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 104 (a) or (b), in lieu of holding any marine mammal or marine mammal product, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3) (A) Upon the assessment of a penalty pursuant to section 104(a), all marine mammals and marine mammal products seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 104(b), all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, in the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product so seized—

(A) a civil penalty is assessed under section 104(a) and no judicial action is commenced to obtain the forfeiture of such mammal or product within 30 days after such assessment, such marine mammal or marine mammal product shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 104(b), such marine mammal or marine mammal product shall immediately be returned to the owner or consignee if the Secretary does not, within 30 days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 104(a).

EXCEPTIONS FOR CERTAIN NATIVES

SEC. 107. (a) The provisions of this title shall not apply with respect to the taking of any marine mammal (other than a marine mammal classified as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes and in accordance with traditional customs,

(2) is not accomplished in a wasteful manner, and

(3) is not done for purposes of direct or indirect commercial sale.

(b) Notwithstanding the provisions of this section, when the Secretary determines it to be in the interests of any species or stock of marine mammal, he may prescribe limitations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in subsection (a) of this section. Such limitations may be established with reference to species or stocks, geographical description of area included, season for taking, or any other basis related to the reason for establishing such limitations and consistent with the purposes of this Act. Such limitations shall be removed as soon as the need for their imposition has disappeared.

INTERNATIONAL PROGRAM

SEC. 108. The Secretary, through the Secretary of State, shall—

(1) encourage the entering into of bilateral or multilateral agreements with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(2) encourage the amendment of any existing international treaty for the protection of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this title;

(3) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, and included in the business of that meeting shall be (A) the signing of a binding international convention for the protection and management of marine mammals, and (B) the implementation of paragraph (2) of this section; and

(4) provide to the Congress by not later than one year after the date of the enactment of this Act a full report on the results of his efforts under this section.

FEDERAL PREEMPTION; COOPERATION WITH STATES

SEC. 109. (a) Except as provided in subsection (b), no State may adopt any law or regulation relating to the taking of marine mammals or attempt to enforce any State law or regulation relating to such taking.

(b) The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the protection and management of marine mammals; except that any such arrangements must be consistent with the purposes and policies of this title.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and management of marine mammals.

(b) The Secretary is authorized to make grants or provide other financial assistance to any State agency to enable such agency to develop and implement a State program for the protection and management of marine mammals which is consistent with the purposes and policies of this title.

(c) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States.

There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $1,000,000, one-half of such sums to be available to each Secretary.

REGULATIONS AND ADMINISTRATION

SEC. 111. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest and in a manner consistent with the purposes and policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 112. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty or convention which may otherwise apply to the taking of marine mammals.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska waters", approved June 16, 1934 (16 U.S.C. 659), is repealed.

AUTHORIZATIONS

SEC. 113. (a) There are authorized to be appropriated the sum of $1,500,000 for each of the five fiscal years following the date of enactment of this Act to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated the sum of $700,000 for the first fiscal year following the date of enactment of this Act and the sum of $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) (1) The Commission shall be composed of three members who shall be appointed by the President, The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, of individuals knowledgeable in the fields of marine ecology and resource management and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their management, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications made pursuant to section 103 of this Act for permits for scientific research;

(3) undertake or cause to be undertaken such studies as it deems necessary or desirable in connection with the protection and management of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and management of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the conservation and management of marine mammals, and suggest appropriate international arrangements for the conservation and management of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be rereferred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman with the advice of the Director of the National Science Foundation, the Chairman of the National Academy of Sciences, and the Secretary of the Smithsonian Institution.

(b) Members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications made pursuant to section 103 of this Act for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202, together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000. Not less than three-fourths of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 202(a) (2) and (3).

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

Mr. PRYOR of Arkansas. Mr. Speaker, is the gentleman from Washington opposed to the bill?

The SPEAKER. Is the gentleman from Washington opposed to the bill?

Mr. PELLY. Mr. Speaker, I voted to report the bill to the floor of the House.

The SPEAKER. Is the gentleman from Arkansas opposed to the bill?

Mr. PRYOR of Arkansas. Yes, Mr. Speaker, and I demand a second.

The SPEAKER. The gentleman from Arkansas qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

I strongly support the bill H.R. 10420. It is the best and most responsible legislation that our committee could develop for the protection of marine mammals after extended hearings and executive sessions. It represents what the committee believes to be a workable compromise among the various interests concerned with marine mammals, and yet preserves an essential scheme whereby these animals will be protected from exploitation for man. In essence, the bill requires that marine mammals be managed in the future for their benefit.

It has been said that a working definition of a good compromise is one that leaves all parties equally unhappy. I am aware that there are representatives of animal protection groups that object to this bill, and I am also aware that there are representatives of organizations which make use of marine mammals who are also unhappy with the bill in its present form. I would say to them, as the committee has said, that this bill provides that level of protection and responsibility which is most in line, not with the interests of these groups, but with the interests of the animals themselves.

As reported by the committee, H.R. 10420 gives to the Secretaries of Commerce and the Interior responsibility and instructions to develop programs to determine to what extent marine mammals should be permitted to be taken, and then to issue permits to authorize that taking. With the single exception of Eskimos and Alaskan Natives, no U.S. citizen will be permitted to capture, harass, or kill a marine mammal without that permission.

The bill assures to the public the right and the opportunity to participate in the permit granting process, in order to make certain that the discretion which this bill provides to the executive branch will not be abused. Representatives of some animal welfare groups have protested the basic conceptions underlying this proposal, saying in effect that they do not trust the Secretaries of Commerce and Interior to handle this program responsibly, and therefore the only way to deal with marine mammals is to impose a flat, absolute ban across the board—with one very important exception—on all taking of marine mammals.

The exception which they are forced to recognize is that of the Alaska fur seal, thousands of which are taken each fall in the Pribilof Islands, off the coast of Alaska in the Bering Sea. It happens that the management of the fur seals is one of the most impressive examples of the benefits of responsible management in history. This species of animals was almost extinguished by uncontrolled hunting early in the 20th century. I think that it is fair to say that if the countries involved had not developed a treaty to restrict the taking of these animals, there would be none today. But a treaty was developed, providing for the management of the fur seals and their survival today is a direct result. A result, if I may say, of management on the basis of solid information.

I am not saying that the management of this animal population has been without problems, and occasional errors on the part of the managers. Our hearings on this legislation went into considerable detail on this point. I am saying that the answers to this and similar problems lie not in discarding the management of resources, but rather in improving our management techniques, and of making them more responsive to the needs of the animals themselves and to the ecological understanding which we are slowly developing.

The criticism of the protectionists, if I may call them that, turns on the discretion which the Congress vests in the Secretaries. Their criticism can be met quite easily, I think. If we assume, as we must, that these groups are sincere in their declarations of concern for the marine mammals, we provide to them every opportunity to review the discretionary acts of the Secretaries, and to see that they measure up to the very strict standards of the bill. Before issuing any permit for the taking of a marine mammal, the Secretary must first have it proven to his satisfaction that any taking is consistent with the purposes and policies of the act—that is to say, that taking will not be to the disadvantage of the animals concerned. If he cannot make that finding, he cannot issue a permit. It is that simple.

Further, he must announce to the public what actions he proposes to take, and must detail the evidence upon which he proposes to act. He must hold public hearings on his proposed actions; he must publish recommendations of agencies which may be critical of his actions—in all of these he has no discretion whatever.

Once he establishes these limitations, he must thereupon go through another public review process in order to grant permits for the taking of marine mammals. At this point, public hearings are discretionary, although the committee is strongly of the opinion that this discretion should continue to be exercised in the direction of full disclosure and open hearings in controversial cases. If the interested public is of the opinion that his discretion has been abused at any point in the process, it is given the right and opportunity to appeal under the Administrative Procedures Act.

Still further safeguards are built into title II of the bill, which authorizes the establishment of an independent Marine Mammal Commission, charged with responsibility for reviewing the entire program, and for considering and recommending ways in which that program may be improved. The commission is given further powers, which I have never seen in any other legislation enacted by Congress: Recommendations which it makes to Federal agencies must be considered carefully by them, and recommendations which are not followed must be returned to the commission with a detailed explanation of the reasons that they were not followed.

The bill goes even further, and requires the creation of an independent scientific review panel, to which the commission may, and indeed must refer for advice on scientific questions relating to the mammals in question. This committee is given similar powers to make recommendations, in the form of formal recommendations from the committee or in the form of recommendations from any member.

I simply do not believe that any administrator, forced to operate in that kind of goldfish bowl, can abuse the discretion that the committee has given him. The concern expressed by the protectionists just does not take account of these extensive safeguards.

It is an important element of the package which we have brought to the House today that the burden of proof in every case rests upon those who propose to capture or take a marine mammal. In order to obtain a permit, they must show that the proposed taking is consistent with the act and is not to the disadvantage of the animals concerned. If they cannot show this, they get no permit.

Efforts were made during the course of the committee's consideration of this measure to have the bill include a limited moratorium upon the taking of all marine mammals. While I can say that we are not unsympathetic with the concern embodied in this proposal, it was nonetheless the judgment of the committee that it was basically inconsistent with the mechanisms which this bill would create to develop a scheme of controls, or lack of controls, unrelated to the needs of the animals themselves. It may be that some animals are well enough studied today to begin a permit program before a moratorium period has run—it is clearly the case that with respect to many animals and population stocks, a 2-year period will not be sufficient to develop the kind of information upon which an effective permit program may be based.

As a practical matter, the legislation before the House today will provide a de facto moratorium for many years with respect to many of the animals which the bill covers. This conclusion follows the provisions of the bill requiring adequate information before a permit can be issued, and the essential lack of hard data on almost every one of the animals covered by the bill. Further, as to those animals such as the polar bear and the great whales, all of which are in a depleted or endangered state, the bill will provide a total moratorium on taking for commercial purposes for a considerable period of time—certainly far longer than would be provided by a 2-year moratorium as proposed by some.

Certainly the protectionists cannot say that they were not given an opportunity to present their case. Of 4 days devoted to hearings on this legislation, one was given almost entirely to advocates of the simpler, absolute proposal represented by H.R. 6558 and similar bills—the legislation that they clearly prefer. That day of hearings was distinguished by its lack of solid scientific evidence and factual testimony supporting any sort of absolute ban.

The protectionists could, or at least did, not succeed in successfully attacking the premise upon which H.R. 10420 is based: that under some circumstances it is actually to the advantage of the animal species and stocks to permit some culling of excess members. Animals can suffer from overpopulation, just as they can from overtaking. We can and we do respond to the problem of overtaking through the extensive techniques which I have described above—we also give the managers the tools with which they may deal with the problems confronted by animal stocks which suffer their own population explosions, and which exceed the carrying capacity of their environment. The committee was told by several witnesses of the problems confronting the seals on the British Farne Islands, which are in the process of destroying their environment. I find the idea of a baby seal dying of disease or starvation even more distressing than that of an adult member killed quickly and painlessly. If killing there must be, it should be as humane as possible—the bill before the House permits this to take place, and the bill of the protectionists does not.

I do not claim that man's hands have been spotlessly clean in the past with respect to marine mammals—they have not. Polar bears have been killed by methods which few would accept as sporting, manatees have been poisoned or run down by motorboats, walrus herds have been decimated, and we have played a part in the destruction of herds of the largest animals ever to have lived on the earth—the whales. All of these activities will be affected by this bill, to the extent that they are engaged in by U.S. citizens, or in U.S. waters.

Opponents of any legislation claim that it is essentially meaningless to attempt to deal with these problems on less than a global basis; and it is undeniable that many of these animals are found in areas not within the jurisdiction of the United States, and are hence open to taking by nationals of other countries. It is certainly our hope that the enactment of strong legislation by this country will serve as a strong example to other countries—just as it is our hope that the ocean dumping legislation, which earlier was acted upon by this body, will serve as such an example. More basically, however, it seems to the committee that a start must be made on the question, and that this, at least, is one thing that we can do. And, I might add, should do.

The committee did not rest here. We included strong language in the report to require the Secretaries to cooperate with the Secretary of State to develop more effective and broader treaties for the protection of marine mammals on a worldwide basis. We also incorporated specific dates by which action had to be taken. I think that I can safely assure this body that we will be watching the development of these activities with great interest.

I would not wish to leave the House with the impression that this bill is opposed by the environmental and conservation community. It is true that there are groups which oppose enactment of this bill today; it is also true that few of these have acquired any recognition as responsible and informed experts in these areas.

The bill is supported, on the other hand, by many recognized conservation organizations. A partial listing of those organizations would include the Rachel Carson Trust for the Living Environment, the National Audubon Society, the Wilderness Society, the Wildlife Society, the Society for Animal Protective Legislation, the Izaak Walton League, and the Wildlife Management Institute. I have here a letter in support of the bill signed by Mrs. Christine Stevens, Secretary of the Society for Animal Protective Legislation. Mrs. Stevens, who is well known to many of us as a prime mover in the adoption of the Animal Welfare Act, says:

> The bill represents an important advance in controlling the capture and killing of these remarkable animals.

I ask that the letter in its entirety be included in the RECORD.

Contrary to what the opponents of this legislation may say, it is not true that the principal support for this legislation comes from the exploiters. Instead, it comes from those who have a sincere and long-term interest in the welfare of the animals involved. I think I am safe in assuring this body that without this kind of support it would never have been possible to have developed the strong bill which is here before you today.

I am aware that this bill has been criticized as being a weak bill. In all candor, I must say that those who have criticized it in this way have not fully grasped the nature of the protection which we have provided. While it is not a simple bill, it is a strong bill, related not to an emotional attitude that cannot accept the thought of an animal suffering, but rather to a positive attitude that man must change his relationship to animals, and must take positive steps to see that they do not suffer unreasonably at his hands.

It is not at all a weak bill. It is indeed a strong bill, providing extensive and ample protection for marine mammals. I recommend its approval.

Mr. Speaker, this bill was reported unanimously from the Committee on Merchant Marine and Fisheries recently. The bill was reported after extensive hearings, at which many hundreds of pages of testimony were taken.

The bill represents the careful judgment of the Committee on Merchant Marine and Fisheries, which has worked very hard on this measure as being the best solution to the difficult problem of providing an adequate level of protection for our marine mammals.

I would commend to my colleagues the language of the report of the committee at pages 18 and 19 in order that all of our colleagues may have a clear understanding of precisely what the bill does.

Before a marine mammal may be taken the Secretary must establish general limitations on the taking and must issue a permit which would allow the taking.

It requires that a strong regulatory responsibility will be exercised after appropriate hearings and provide that no marine mammal may be taken except pursuant to a permit. The public is invited and encouraged to participate fully in these proceedings.

The bill permits and requires the development of an extensive agency management program and sets up the basis on which there will be Federal-State cooperative programs for the management of these species.

The bill creates an independent Marine Mammal Commission to be aided by a scientific advisory body charged with the responsibility for reviewing existing national and international programs.

The bill requires the Secretary of State and the State Department to initiate, prior to a fixed date, a series of international negotiations to protect not only the species of marine mammals, but also to protect their habitat, which is the most important part of the problem. The bill sees to it that the habitat of these species are preserved and protected.

The bill goes still further. It establishes reasonable controls over native taking and it sees to it that the taking by natives is not conducted in an irresponsible, wasteful fashion.

The bill does something else. The bill requires that the taking of these species be done in a humane fashion.

I should like to read again to my colleagues, the great conservation organizations which support the bill now before us:

The Rachel Carson Trust for the Living Environment.

The National Audubon Society.

The Wilderness Society.

The Wildlife Society.

The Wildlife Management Institute.

The Sports Fishing Institute.

The Society for Animal Protective Legislation.

The Izaak Walton League.

The National Wildlife Federation.

The Humane Society of the United States.

The Citizens' Committee on Natural Resources.

Mr. Speaker, the bill was reported unanimously from the Committee on Merchant Marine and Fisheries and unanimously from the Subcommittee on Fisheries and Wildlife Conservation, which handled the bill.

I should like to pay tribute to the members of the committee, particularly my dear friend the ranking minority member, Mr. PELLY, for his invaluable help, and also to the author of the bill, Mr. ANDERSON of California.

I should like to point out that the gentleman from Arkansas (Mr. PRYOR), our good friend and colleague, was also a sponsor of similar legislation which was considered carefully by the committee but which, although found to be very desirable, in many of its particulars did not measure up to the needs of protection of these species as found necessary by the committee.

Mr. Speaker, the bill is an excellent one. It should be passed at this time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Iowa, my good friend, to answer a question.

Mr. GROSS. Why did you have to establish another new commission in Government?

Mr. DINGELL. I am glad the gentleman raises that question. The reason is we do not trust the Interior Department and the Commerce Department to do the complete job of administering this program as should be done. We have therefore set up a panel of experts who are supposed to advise them and superintend research.

I would point out to my good friend he will find this is novel, in that we have required three-fourths of the very limited $1 million budget be expended entirely on research and not on the development of bureacracy. We are as apprehensive as my good friend from Iowa about creating bureacracy.

Mr. GROSS. If you were apprehensive, why establish it? I cannot understand, with all the bureacrats we now have, why you should institute a brandnew commission.

Mr. DINGELL. For one thing, the administration happens to like the idea; but so did we. To accomplish our goals we felt a commission with an appropriate scientific advisory body was important.

We also set this up so that the whole thing will be handled in a goldfish bowl, with maximum public information and participation.

Mr. PRYOR of Arkansas. Mr. Speaker, I yield myself such time as I may consume.

My objection to H.R. 10240 is not only one of procedure but also one of substance.

Traditionally, Mr. Speaker, the suspension calendar has been used as a vehicle to consider noncontroversial legislation. Today we find a very comprehensive and, I must say, extremely controversial piece of legislation that we are being asked to vote up or down without the right to offer an amendment and with only 40 minutes of debate and after only a few hours of study of the committee report and of the legislation itself that the full committee reported out on last Thursday.

Mr. Speaker, first of all, I want to say that the committee and its chairmen have labored very long and very diligently on this legislation to protect our ocean mammals. As to the motives of the chairmen, Mr. DINGELL, and Mr. GARMATZ and the intent of the committee itself—there is no reason to question whatsoever what they had in mind and had to do. Their motives were extremely high and well founded. However, it is my feeling, in the final hours of this session and in an attempt to draft some legislation, that the end result of this committee bill would not have gone and will not go far enough.

Today our basic question must be what is to be gained by considering this particular piece of legislation under these circumstances. Secondly, what damage would accrue should we wait until January when we have adequate time to allow this House of Representatives to work its will on this very comprehensive piece of legislation?

As for the substance of the legislation, Mr. Speaker, I would like to point out a very few areas of H.R. 10240 which I feel could be and should be strengthened.

One, the committee bill which we are considering tonight transfers what should be congressional responsibility into the bureaucracy, for example, and more specifically into the Department of Commerce and the Department of the Interior.

Two, it establishes, yes, another commission downtown to study how and when ocean mammals need to be slaughtered. Mr. Speaker, we do not need another study to know that our ocean mammals are so decimated now and so depleted that many are in danger of complete extinction and have been depleted at a very, very rapid rate in the last 10 years.

For example, with regard to seals, there are arguments made that these seals are killed to prevent overcrowding. I think this argument is nonsense. The press releases from the Canadian Department of Fisheries and Forestry which announced the opening of the hunt last month admitted that there had been an overkill in the North Atlantic in recent years. The herd arriving off Labrador was seriously depleted, they said. They were indicating the size of the herd has been reduced in the last 20 years from 5 million to 1.5 million, a depletion of over 80 percent.

Mr. DINGELL. Will the gentleman yield?

Mr. PRYOR of Arkansas. I will be happy to yield in just a moment, I will say.

As to the treaties which must be a very central and crucial issue, Mr. Speaker, in this debate, H.R. 10240 is much too weak as the initiatives for new treaties to protect ocean mammals are not mandated under this legislation.

Mr. Speaker, I could list other objections to the substance of this legislation, but basically I am saying that this legislation falls far too short of what we must do and what we know we must do.

As a people, I think we are doing some very serious soul-searching.

Mr. Speaker, this legislation may well be a reflection of the American conscience. I am hopeful it will be a reflection of this body's conscience and that it will be a conscience dedicated to the preservation and protection of all of our mammals everywhere.

Hopefully, our action will not represent this great body having gone on record as compromising on this question as a result of the severe time limitation, in the final hours of this legislative situation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. Yes, I yield to the gentleman from Michigan.

Mr. DINGELL. I think in fairness it requires me to go into these questions of the gentleman who has read the bill and the report with reference to the question of the taking of the immature white young seals to which he alludes——

Mr. PRYOR of Arkansas. I think the legislation refers to any seal under 8 months of age which would be protected, is this correct?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, first of all, I would bring to the attention of my good friend from Arkansas the fact that the seal killing that is being referred to is done by the Canadians. The bill now pending before us would prevent the taking by American citizens of the animals or parts of the same either for processing and selling to which the gentleman alludes. So the question of the type of taking of seals to which the gentleman has alluded is absolutely and irretrievably prevented by this legislation by American citizens.

Mr. PRYOR of Arkansas. I would say that I have not seen any of the films of the methods by which the taking of the baby seals is done, but I would say I would doubt very seriously that those people who are involved in the seal killing are not going to inquire as to whether that seal is 2 months old, 8 months old, 1 year old, or 2 years old.

Mr. DINGELL. Mr. Speaker, If the gentleman will yield further, we cannot control what the Canadians do, but those animals which they take unlawfully cannot be imported into the United States.

I think more reference should be made to the fact that the bill requires that wherever a species or immature mammal is taken, that it must be taken in a humane manner, and if it is very young and is not taken in this manner it cannot be killed. It cannot be imported; it cannot be processed and it cannot be sold within the United States.

Indeed, the Secretary cannot issue a permit until he defines the fashion in which the species is going to be taken insofar as arriving at a determination and definition of what is humane taking.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I would be glad to yield to my friend from Iowa.

Mr. GROSS. I think the bill has some merit, but it seems to me the committee went off the deep end. It not only calls for a brand new Commission in Government, the members of which would be paid at the rate of $138.48 a day, plus all expenses, but it also creates an advisory committee, the nine members of which would be paid at the rate of $138.48 per day, plus expenses.

Mr. DINGELL. I would be glad to address myself to that question.

Mr. GROSS. Also, there is created an Executive Director of the Commission at a grade level of GS-18, the highest pay in the classified service.

Moreover, I think the committee has walked right into the jurisdiction of the House Committee on Post Office and Civil Service, the committee that allocates supergrades.

I do not know why the committee would go into all of this business of another commission in Government and another advisory committee in Government.

Mr. PRYOR of Arkansas. I would say to the gentleman from Iowa that sometimes we do simple things in very complicated ways.

Mr. GROSS. And expensive ways I would say.

Mr. PRYOR of Arkansas. And expensive ways.

Mr. KYROS. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from Maine.

Mr. KYROS. I would like to say as a member of the subcommittee that I would first like to commend the subcommittee chairman, the gentleman from Michigan (Mr. DINGELL) whom I think has a feel for marine mammals and all animals in general. I think he has a comprehensive scheme here for taking care of them, but the fact remains that in the preamble of this very bill it says that we simply do not know enough about marine mammals.

We do not know what their value is to us, what their intelligence is to us, or whether they are becoming extinct. I see no reason for anyone to kill harmless seals and sea otters, or to kill walruses. It would seem to me, particularly in this bill, that if the chairman could assure us that we could obtain a public hearing each time a permit was issued, then, in that event it would seem to me that much of the complaints about this legislation to protect the marine mammals could really be an effectively fashioned piece of legislation.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, there is a clear requirement that before any regulations are issued that there will be full public hearings pursuant to the Administrative Procedures Act. There is no requirement that there be a public hearing held for every single permit being taken out, and I do not think that the gentleman from Maine would wish to insist upon a big public hearing in this way on every single permit that is issued, unless the gentleman wants to bring the effect of the legislation to a halt.

Mr. KYROS. Mr. Speaker, I agree with the gentleman in that respect. However, if someone were going to begin to start taking a certain class of sea otters, perhaps we ought to have the right that there should be a public hearing.

Mr. DINGELL. If the gentleman will yield further, we have taken care of the otter problem by requiring that before otters be taken that steps be made to transport them fully throughout their range, so we have covered that situation.

Mr. KYROS. What about walruses?

Mr. DINGELL. If the gentleman will yield still further, as to walruses there is very little actual taking of walruses by American citizens, except the natives, and we are allowing them to continue, but we have tried to control it as carefully as we can by requiring that they be taken humanely, and that the only ones who can take them without a permit are the natives, who have traditionally been taking them, and by humane means.

Mr. KYROS. What about the polar bears?

Mr. DINGELL. Polar bears, it is my judgment, that under the bill that probably the taking of polar bears will be halted in the foreseeable future because of the enactment of this bill.

Mr. KYROS. I had originally hoped that this legislation would provide a 2-year moratorium on the taking of any mammals, and particularly on the importation into this country of any part of marine mammals, because this would indicate to the rest of the nations of the world that the United States stands foursquare in its efforts to make sure that before we touch these natural resources any more that we know precisely what we are doing.

Mr. Speaker, I rise in support of H.R. 10420, the Marine Mammal Protection Act, feeling that while far from being perfect legislation, this bill is the best we can do at this time in extending protection to marine mammals.

While H.R. 10420 constitutes a much-needed and unquestionably well-intended effort to preserve and protect the marine mammal population of the world, that effort should have been strengthened in two vital areas: the extent of the moratorium, and the question of imports.

I believe that a 2-year moratorium should have been contained within the bill, and that the 60-day moratorium provided on the taking of marine mammals is insufficient. We do not know enough about these animal species' levels of intelligence or how useful they may be to man. We do not know how many animals may be taken, or killed, before we do irreparable damage to our ecological system. Further, most, if not all, animal species need the chance to replenish their stocks; we are fast making diminishing species out of virtually all animals, with particularly telling effects upon ocean mammals. Exploitation of our marine mammals must first depend upon an adequate study of the living animals and their ecological relationships; only then can sound management practices ensue.

Second, I believe that H.R. 10420 should have contained an across-the-board ban on importation, possession, or transportation of ocean mammals or their products, except for scientific research as expressed under the terms of the act. Much of the killing for the sake of import is done unnecessarily—there is no indication whatsoever that the products from any of these marine mammals are in any way needed by American citizens. By discouraging the use of luxury furs from animals in danger of becoming extinct, the United States would set an admirable precedent and humane example for the entire world.

Finally, I should like to state that contrary to reports in the newspapers, the bill requires the appropriate Cabinet Secretaries to publish through the Federal Register, notice of all applications for permits, inviting within 30 days, public statement and comment on the advisibility of granting each and every permit requested. H.R. 10420 thus does provide the legislative machinery needed to bring pressure on the agencies authorizing permits, as well as on those individuals for whom the permits are required.

Hopefully, in the not-too-distant future, H.R. 10420 can be strengthened to provide complete protection to all ocean mammals. At this time, however, I feel that only full support can be given this bill to provide the necessary groundwork.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. KOCH. Mr. Speaker, I am going to vote against this bill.

(Mr. KOCH asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. KOCH. Mr. Speaker, I would like, with the permission of the Speaker, to read a short editorial that appeared in the New York Times of today. I could use other words and paraphrase the editorial but they would not be as succinct and as well said as the language used in this editorial which I shall now read:

NOT MUCH PROTECTION

The plight of dolphins, sea otters, whales, polar bears and other ocean mammals has caught the public imagination in recent months. Television films which depicted the bludgeoning to death of baby seals in the Gulf of St. Lawrence last spring during the annual "harvest" evoked an outcry in this country as well as Canada.

The House Merchant Marine and Fisheries Committee has now approved a bill sponsored by Representative Dingell of Michigan, a leading conservationist, which would strike directly at the trade in baby harp seal pelts by forbidding importation of the skins or products of sea mammals less than eight months old.

In other significant ways, however, the bill falls short of the promise implied in its title, "Marine Mammal Protection Act of 1971." It is not a conservation measure aimed at saving species, some of which are dwindling toward early extinction. It is, rather, a wildlife management bill. Its aim is to manage these mammals on "an optimum sustained yield basis . . . to insure the continuing availbility of those products which move in interstate commerce."

Wildlife management is a valid approach in some circumstances, but it is not the sensible way to protect marine mammals which are of negligible commercial importance but of immense scientific and humane concern. There is no reason to set up a permit system to govern the killing of polar bears, walruses, sea otters, sea cows, sea lions, and dolphins.

Instead, there should be a moratorium for five or ten years on the killing of these interesting creatures in American waters and on the importation of products made from them until scientists can arrive at a more complete picture of their prospects for survival.

Because there are omissions and ambiguities as well as good features in the Dingell bill, the House would do well not to rush through its passage this week under a "suspension of the rules" procedure which permits no amendments. Since the Senate in any case will take no action before next year, the House has time to debate the bill under regular procedure and consider amendments which would strengthen and improve it.

Mr. Speaker, for those very cogent reasons, I shall vote "no" on this bill. When this bill is defeated I urge the committee to report out a bona fide Marine Mammal Protection Act, and then I will vote "yea."

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I rise in support of H.R. 10420, introduced by the gentleman from California (Mr. ANDERSON) and cosponsored by myself, which would provide for protection and conservation of marine mammals, establish an independent Marine Mammal Commission, and for other purposes.

In view of the lateness of the hour, I shall only relate the highlights of the legislation for the benefit of my colleagues and ask that I be permitted to revise and extend my remarks at this point in the RECORD.

I know of no one single legislative area in this session of Congress which has drawn more attention from a great many of my colleagues, and from the general public at large, than measures pertaining to the protection and conservation of marine mammals. Your committee considered approximately 38 different legislative concepts embodied in bills introduced by more than 100 Members of this body. Such concepts ranged from a simplistic approach of a complete ban or "moratorium" on the taking of marine mammals, to measures providing for the convening of international treaty meetings or to authorization of large research programs.

Your committee, since the first day of hearings on this legislative area in September 1971, has carefully, studiously, and impartially evaluated and digested the pros and cons of all these approaches, received and considered expert helpful testimony from just about every major environmental and conservation organization, conducted a detailed investigation as to the type, extent, and success of current and planned marine mammal programs administered by the Departments of Interior and Commerce, fully evaluated the extent of protection and conservation measures on an international scale, and have established an impressive scientific and technical record as to the current and anticipated status of each of the marine mammal species. These efforts have culminated in the measure pending before you now—H.R. 10420, which initially formed the basis for the committee's deliberations and has been expanded considerably as a result of your committee's efforts. Excellent assistance was provided by the administration in assisting this committee in its work during the last 3 months. To the extent that the recommendations of the administration have been consistent with your committee's objectives, these comments and legislative suggestions have been embodied within the conceptual framework of the bill, H.R. 10420.

As a result of these hearings, your committee has concluded that the range of animals to be included in the legislation should include all marine mammals species known to man; that is, whales, seals, walruses, sea otters, polar bears, and sea cows. All of these mammals are found on the high seas, in territorial waters, and on U.S. lands with existing protection and conservation mechanisms varying from jurisdiction to jurisdiction and from species to species. We concluded that existing levels and emphasis on research funding are fragmented and in need of revision and expansion. We concluded that, due to the national and international importance of these mammals moving in interstate and foreign commerce, action by the Federal Government was warranted and necessary. We concluded that the moratorium or complete ban on the taking of marine mammals should be just one of the many protection and conservation devices which should be utilized, and that a properly balanced species management approach would give the regulatory agencies the flexibility to insure the protection of each species in light of specific environmental factors affecting such species. In short, your committee concluded that it was imperative that the proper legislative and regulatory framework be established now—not at a time in the future when many or most of these species have joined the "endangered" or "extinct" list. In this case, the old adage that "an ounce of prevention is worth a pound of cure" is quite applicable, for in the absence of this comprehensive legislative approach and regulatory scheme on an international, national and State level—these species shall go the way others have due to the past inability of man to accept the environmental and historical concept that the living natural resources of this planet are irreplaceable and should be protected and conserved for the benefit of future generations and the delicate balance of our fragile marine and ocean ecosystem.

Consequently, in the legislation pending before you, your committee has provided that it shall be unlawful to take any marine mammal except pursuant to a permit. Prior to the granting of a permit, the Secretary of the Interior and the Secretary of Commerce, within their specific areas of species responsibility, must establish specific limitations on the taking of mammals in that species on the basis of sound scientific evidence, and only after evaluating and establishing the impact which such a proposed level of taking would have on the marine ecosystem, the marine mammal species itself from the standpoint of population dynamics, on other natural resources of the oceans such as fish, and the economic and technological feasibility of actual implementation of such taking level. Violations of the act are punishable by a civil penalty of $10,000 or a criminal penalty of $20,000 and/or 1 year's imprisonment. Vessel forfeiture is also provided. Enforcement is provided by both Federal and State officials. Recognizing the fact that complete and total protection and conservation must be provided worldwide if the U.S. program is to have any impact, the legislation requires the Secretary of State to seek an international convention on the subject of marine mammal protection in addition to other bilateral or multilateral international treaties which are consistent with the purposes and policies of the act. Recognizing the fact that any such regulatory and conservation program must be based on sound scientific and technical data, the legislation authorizes the Secretaries to make research grants for research and/or program administration. Authorization level is $500,000 to the Secretary of Interior and a like amount to the Secretary of Commerce.

An independent Marine Mammal Commission, appointed by the President, will provide an additional research capability and perform a value advisory function to both the Federal agencies and Congress. The required scientific expertise which the Commission needs is provided by a Committee of Scientific Advisors appointed by the Commission Chairman. The Commission is provided a 5-year authorization of $1 million per year with the proviso that at least three-fourths of this annual amount must be spent on research. The Secretary of Interior is authorized $700,000 for the first year's administration of the program and $525,000 thereafter for each of the next 4 fiscal years. The Secretary of Commerce is authorized $1,500,000 for the next 5 fiscal years for administration.

Mr. Speaker, in the case of many of these species, such as the porpoise, there is not a great deal known as to the world population levels, the current level of taking either in conjunction with the utilization of other marine resources or otherwise. Thus, the importance of the research provisions of the legislation cannot be overemphasized. Certainly, where there is a lack of scientific information as to whether or not a current level of taking is harmful to the species and the marine ecosystem, it would be advisable to approach the issuance of permits from a conservative standpoint.

However, this is not to say, and I believe it is not your committee's intention, that the Secretary of the Interior or Commerce should establish arbitrary low or high levels of permissible taking solely from a fear of the unknown expressed on the part of the regulatory agency or the general public. The Secretary, in section 102 of the bill, must base his levels of limitations on sound scientific and technical evidence and consequently has the burden of proof of justifying his decision from all of the evidence presented and available. Then, once the general limitations for each species have been established, the burden of proof shifts to the person applying for a permit to take marine mammals, who must demonstrate that the perimeters of the permit are consistent with the purposes and policies of the act and the established limitations.

Mr. Speaker, this measure now pending before this body is landmark legislation, and I urge its overwhelming passage.

Mr. VANIK. Mr. Speaker, after considerable review of the matter, I will vote against passage of H.R. 10420, the Marine Mammal Protection Act of 1971. The bill has been weakened considerably, and I do not believe it will meet its ostensible purpose.

The bill before the House today is being brought to the floor under parliamentary conditions which prevent amendments designed to improve the legislation.

The bill does not establish enough of a definite moratorium on the taking of ocean mammals to allow many of the depleted species to recover. Further, part of the act will be administered by the Department of Commerce—an agency of the Government which has always been dedicated to the development and exploitation of a resource—never its conservation. Throughout the bill, more emphasis appears to be given to the "harvesting" of animals on a "sustained yield basis" than to the actual proper place of these animals within the environment.

Mr. FISH. Mr. Speaker, the Marine Mammal Protection Act before us certainly is in the right direction, but is simply not comprehensive enough. It has, as the enclosed editorial from the Washington Post of December 5, states, several excellent features "but improvements need to be made if adequate mammal protection is to be provided." A no vote will return this measure for further consideration and strengthen along the lines of the Harris-Pryor bill.

There must be an end to widespread killing of defenseless ocean mammals. Only strong legislation will accomplish this. The exemptions in the measure before the House will not provide the needed protection.

Mr. Speaker, I believe this is one of those areas where Executive discretion and vague standards are not enough.

I think the editorial that I now insert in the RECORD is a sound approach:

AN SOS FOR OCEAN MAMMALS

Last March, Senator Fred Harris and Representative David Pryor offered sensible and strong legislation calling for an end to the widespread killing of defenseless ocean mammals. The idea behind the proposal was sound; large numbers of whales, baby seals, porpoises, sea otters, walruses, sea lions, sea cows, dolphins, polar bears and others were being pursued, harassed and slaughtered, on land and sea, by hunters, commercialists and "sportsmen." Many of these animals have endured so much brutality that their number has declined to the point that they are threatened with extinction. The Harris-Pryor bill received support from such groups as Friends of the Earth, Defenders of Wildlife, the Fund For Animals and the World Federation for the Protection of Animals; in addition, 26 members of the Senate and some 90 members of the House became cosponsors.

The ocean mammals seemed about to receive the kind of protection that in the balance of nature they should receive. But then, following hearings in September, the House Merchant Marine and Fisheries Committee put aside on December 1 the Harris-Pryor bill and reported out a bill—the Marine Mammal Protection Act—sponsored by Representative Glenn Anderson (D-Calif.) and nine cosponsors. The latter has the support of the fur industry, various hunting groups and the Nixon administration. It is strange that the committee did not join those supporting the Harris-Pryor bill, which offered solid protection to ocean mammals; but stranger still is the way the Anderson bill is now scheduled to be brought to the House floor on Monday on what is called the suspense calendar. This procedure, used mostly for non-controversial bills, is an odd choice since the bill is obviously the object of heated controversy. On Monday, the House has one option—approve or disapprove—with no amendments allowed.

Clearly, though, amendments are needed if the bill is to be effective. A main weakness is that the killing of mammals would not be stopped in itself; instead, the Secretaries of Commerce and Interior would be given authority to issue permits to allow the continued taking of the mammals. In other words, the Secretary of Commerce, for example, would be subjected to the usual and ever-persistent pressures of vested interests and lobbies. The past record—if current conditions in the mammal world tell us anything—suggests that the mammal interests have seldom been given high priority. Perhaps a turnabout will occur and the Secretary of Commerce will become less commerce minded; but why risk this? Why not merely offer legal protection for the mammals rather than offer legal permission for federal officials to decide their fate?

The Anderson bill has several excellent features but improvements need to be made if adequate mammal protection is to be provided. Since no amendments can be offered Monday, it will be no large loss if the House votes down the bill and allows it to be deferred for action until the next session begins in January. The House will then have a better chance of considering strengthening amendments, ones that will not only make a strong law but will also strengthen the chance for survival among the mammals. They need help.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 10420.

The importance of this legislation cannot be overemphasized. In light of the existing precarious state of many of the ocean's mammal species, in light of the almost complete lack of scientific information on such species, in light of the apparent fragmentation of existing protection and conservation programs for marine mammals, and in light of the strong need for a concerted national effort to insure complete compatibility of program objectives and conservation measures, failure to enact such legislation as is now pending before this body will result in further degradation of marine mammal species and the role they play in assisting to maintain the delicate balance of our ocean atmosphere.

In attempting to resolve conflicting philosophical approaches between a total "hands off" position and one of species management for the benefit of the species and the entire ecosystem, the hearing record and the committee report amply illustrate the fact that the moratorium technique is just one of many which man must and should use to further the laudable goals of marine mammal protection, conservation, and development. To illustrate this point, I would like to quote the remarks of Dr. Lee Talbot, Council on Environmental Quality, when he testified before the committee. His remarks may be found on page 143 of the committee hearing record—92-10.

Dr. TALBOT. Total protection is a necessary tool of management when the objective of management is as we have described it, the broad maintenance of the balance, the stability of the environment, and the avoidance of the depletion or extinction of species. There are a number of situations where total protection for a time and in some cases perhaps relatively permanently is required, but because environmental conditions are dynamic, it is frequently necessary to subsequently apply some other form of management in order to assure our original objective. We have a number of situations on land where total protection of some species—for example, of the deer—has resulted in what amounts to a population explosion of that species, which has adversely affected its own environment and that of many of the other organisms, plants, and animals, with the ultimate damage to the species we were trying to protect.

What I am saying is that total protection is a very important management technique, but it is not the only management technique.

Mr. PELLY. You want a flexible system of protection, is that it?

Dr. TALBOT. Yes, sir; based on adequate scientific knowledge of the situation and of the principles of management.

The bill H.R. 10420 embodies this species management concept—but built into it is the approach that when it is necessary to do so on the basis of scientific evidence demonstrating that conclusion, a total or partial ban on the taking of a particular marine mammal species is within the expressed and implied authority of the Secretaries.

Mr. Speaker, the philosophical approach in the bill is meritorious. The research provisions are comprehensive, and the authorization levels are conservative, supported by a strong factual basis of need, and will serve to materially assist Federal, State, and local conservation efforts in a well-coordinated program of complementary research, administration, and enforcement. I urge its final passage and subsequent enactment into law.

Mr. FORSYTHE. Mr. Speaker, I rise in support of passage of the bill, H.R. 10420.

The merits of the specific provisions of the bill have been aptly explained, and I shall not belabor the point only to indicate that I concur completely in the remarks of the distinguished chairman of the Subcommittee on Fisheries and Wildlife (Mr. DINGELL) and our ranking minority member of the Committee on Merchant Marine and Fisheries (Mr. PELLY).

The important point which I feel is embodied in this legislation is that now, for the first time in the history of man's utilization of marine mammals, there will be a firm, sound, statutory program which will:

First, recognize that uncontrolled continued exploitation is environmentally unsound;

Second, attempt to insure that the mistakes which this Nation, and others in the world community, made in regard to such species as whales, will not occur again; and

Third, insure that any future utilization of marine mammal species must be controlled on a sound scientific basis supported by a comprehensive marine research program, not only from the standpoint of traditional management concepts of "maximum sustained yield" but also from the standpoint of the impact which a level of taking will have on the particular species involved and its relationship with the marine environment of which the species is an integral and important part.

The success of the international treaties prohibiting the high seas unrestricted taking of fur seals is notable. However, at best, few successes have occurred in regard to other management programs pertaining to the other marine mammal species. The sea cow is almost extinct, some subspecies of whales are on the border of extinction, the polar bear is in danger of becoming depleted, the porpoise or dolphin may be depleted unless we develop more scientific data through a massive research program which will support control and protection measures. From that standpoint, the efforts of the American tuna industry, in direct contrast to the fishing industries of other nations who do not yet share our concern for sound conservation practices, in establishing a joint industry-Government research program and the development and implementation of new fishing techniques and innovative gear to conserve marine mammals accidentally and nonwillfully taken in conjunction with fishing activities is commendable.

To a great extent, the credit for eventual enactment of such legislation should go to the general public of the United States, who through their increased environmental awareness have called on local, State, and national leaders in the executive and legislative branches of Government to enact and implement environmentally oriented programs designed to correct a number of mistakes which man has made in the past in failing to live harmoniously with the natural environment. Enactment of this legislation will correct the mistakes we have made in the past in regard to marine mammals, and insure that our actions in the future are based on sound environmental principles of species management.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 10240 which has been amended in several respects since I first introduced it in August. It represents what I believe to be a strong and significant step in the direction of a more responsible relationship between men and animals. This bill would establish a national program designed to preserve and protect marine mammals such as the whale, walrus, seal, polar bear, sea otter, sea cow, and porpoise.

I know that the bill has been attacked by members of some organizations on the basis that it is too weak. I may say that it has also been attacked by representatives of other groups as being too strong. The commercial fisherman of southern California, some of whom I have in my own district, have indicated that it could create impossible burdens upon them in the carrying out of their traditional activities.

I do not believe that either group is correct in its assessment of this bill or its implications. The protectionists, who claim that the bill is defective because it vests too much discretion in the Secretaries of Interior and Commerce, fail to perceive the very considerable checks and balances built into the bill to prevent abuses of that discretion. It would prove, I believe, impossible for an agency head to disregard the clear mandate which permeates the bill and to grant permits to exploiters with no consideration of the effects of their activities upon either the marine environment or upon the populations of the animals involved.

When the Merchant Marine and Fisheries Committee conducted hearings on legislation to protect marine mammals, there were two basic schools of thought. First, some conservationists contend that the best way to enhance a species of marine mammals is to totally prohibit their killing. Other conservationists feel that a total ban would be disastrous to the specie, and that a scientifically managed program is the only way to assure the perpetuation of marine mammals.

The bill before us today, H.R. 10420, combines these schools of thought by prohibiting the killing of any marine mammal unless it is scientifically proven that such killing will, in fact, benefit the specie of marine mammals.

How does the bill, H.R. 10420, conserve and protect marine mammals?

First, without a permit issued by the Secretary of the Interior, or the Secretary of Commerce, no person under the jurisdiction of the United States may import, sell, harass, hunt, capture or kill a marine mammal. In addition, this bill would specifically prohibit the importation of any marine mammal which is pregnant, less than 8 months old, endangered, or taken in an inhumane manner.

With regard to porpoises, on the basis of scientific evidence, the Secretary of Commerce may prohibit the importation of any fish which were caught in a manner which would be injurious to marine mammals.

Second, in order to meet the desires of those conservationists who feel that the professional wildlife scientists should be permitted to manage and obtain the maximum number of a particular specie, a permit system is authorized.

How would the permit system operate? In order to obtain a permit to import, kill, capture, sell, or hunt a marine mammal, a person must apply to the Secretary of Commerce or Interior for a permit.

Upon his receipt of the application, the Secretary is required to publish a notice in the Federal Register, and to invite interested parties to submit their views or arguments with respect to such application.

Those who seek the permit must show that taking a selective number of marine mammals will not work to the disadvantage of the stock of the mammal involved. In fact, if overpopulation of a specie is the reason for the application, rather than allow the taking, the Secretary is required to consider whether or not it would be more desirable to transfer a number of such mammals to another location.

After considering the application and its effect on existing levels of the stock and the divergent views, and after considering the recommendations of the independent three-member Marine Mammal Commission—established under title II of the bill—the Secretary must determine that such a permit will not endanger the health and stability of the marine ecosystem.

A person who knowingly violates this act may be fined up to $20,000 and may be imprisoned for up to 1 year.

Admitted, Mr. Chairman, we do not have enough scientific knowledge of the marine mammals. Thus, the bill H.R. 10420 establishes an independent, three-member Marine Mammal Commission, appointed by the President from a list submitted by the Chairman of the Council on Environmental Quality. None of the members of the Commission may be "in a position to profit from the taking of marine mammals."

This Commission is required to undertake a study and review of the stocks of marine mammals, of the methods for their management, of research programs, and of the permit system.

They shall recommend such steps as are necessary to protect and manage marine mammals. Any recommendations of the Commission which are not followed must be answered in detail by the Secretary of the Interior or Commerce, depending on the recommendation.

In addition, the bill establishes a nine-member Committee of Scientific Advisers on Marine Mammals. This committee, chosen by the Chairman of the Commission, shall be knowledgeable in marine ecology and marine mammal affairs. Any of their recommendations, not followed by the Commission, shall be transferred to the appropriate Federal agencies and to Congress with a written explanation of the Commission's reasons for not accepting such recommendations.

In order to develop knowledge relevant to the preservation of marine mammals and to develop State programs to conserve marine mammals, $20.3 million is authorized under H.R. 10420.

No one can say that the committee has moved irresponsibly on this proposal. We held 4 days of public hearings, and many days of executive sessions, working on and strengthening the language of the bill. I have never been involved in legislation which has been so thoroughly discussed and examined. The subcommittee and full committee both ordered the bill reported unanimously. The bill that we reported is a good one and I urge its adoption.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of my bill, H.R. 10420, the Marine Mammal Protection Act of 1971.

This measure is a strong one that establishes a two-pronged attack on the problem of the depletion of marine mammal populations. It provides the essential Federal protection of these mammals and additionally vastly increases our support of research programs to improve our understanding of these animals and their relationship to the marine and terrestrial ecosystems.

Man's wanton slaughter of these marine mammals has been sometimes purposeful and sometimes inadvertent but its result has been to jeopardize the existence of many species and to threaten the viability of others.

This bill does not provide for a flat ban against the taking of marine mammals—although such a result could be obtained if it is determined necessary to preserve and foster any particular species. The basic philosophy of the bill is to insure that the best policy for preserving the animals is adopted.

The bill has a number of important features. First, it prohibits the taking of marine mammals without a permit. This permit may not be granted without a showing that the proposed taking will not be disadvantageous to the animal population or its future development.

Second, the bill designed the administrative process so that the public has full access to the decisionmaking procedures and an opportunity to participate therein.

Third, the bill establishes for the first time an adequate and extensive program of research on these animals through the creation of an independent Marine Mammal Commission which, with the assistance of a scientific advisory board, will review national and international programs affecting marine mammals to insure that they will further the objectives of protecting these animal populations.

And, finally, the legislation contains a section requiring the Department of State to undertake necessary actions to begin working for international conventions and treaties that would insure other nations begin to take appropriate means to extend the policies adopted in this measure to other nations.

The bill's provisions cover whales, porpoises, dolphins, seals, sea lions, polar bears, walruses, manatees, and sea cows. All these groups need its protection.

This bill is realistic, it will effectively meet the problems of marine mammals and I strongly urge its approval by the House today.

Mr. RYAN. Mr. Speaker, there is a significant need for the Congress to enact legislation to protect ocean mammals. Many species of these mammals face immediate, or longrun, danger of extinction.

Unfortunately, the legislation before us today (H.R. 10420) falls short of living up to its title "The Marine Mammal Protection Act of 1971." As an editorial in today's New York Times pointed out:

> It is not a conservation measure aimed at saving species, some of which are dwindling toward early extinction. It is, rather, a wildlife management bill. It's aim is to manage these mammals on 'an optimum sustained yield basis . . . to insure the continuing availability of those products which move in interstate commerce.' "

Although there are some beneficial features in this legislation, I believe that it could be improved considerably. However, since this measure has been brought up under suspension of the rules, Members of the House have been denied the opportunity to offer amendments to strengthen this bill.

Since the Senate will not take action of this legislation before next year, I can see no reason for the House to rush this bill through under this parliamentary maneuver. Rather, we should debate this legislation under normal procedure and consider amendments which would make this legislation live up to the promise of its title.

Therefore, I intend to cast my vote against the Marine Mammal Protection Act of 1971, this afternoon.

On September 22, I testified before the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marines and Fisheries, in favor of H.R. 7556; the Ocean Mammal Protection Act of 1971—of which I am a cosponsor, and of which our distinguished colleague from Arkansas (Mr. Pryor) is the chief sponsor, and House Concurrent Resolution 77—which I introduced on the first day of this Congress. At that time, I detailed the imperative need to protect marine mammals. I am including the text of that testimony at this point in the Record:

Testimony of Congressman William F. Ryan Before the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries, September 22, 1971

I appreciate the opportunity to appear before the distinguished subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries to testify with regard to various bills concerning the preservation of ocean mammals.

Many species of ocean mammals face immediate, or long run, danger of extinction. Essential components of the delicate balance of nature, these animals have been hunted down and destroyed throughout the world. Marvels of adaptation to their environment, possessed of highly developed intelligence, often characterized by an acute sense of protectiveness for their fellows, the mammals of the world's oceans are irreplaceable.

Yet, man's arrogant rapaciousness continues. Instead of perceiving this planet as a world we share with our fellow living creatures, we plunder its wealth. Within the last 200 years, nearly 75 species of mammals alone have become extinct. Only lately has an increasingly aroused public begun to rouse itself to our common folly.

These hearings which you are now holding are particularly timely, because it is the sad lot of many species of ocean mammals that they face—in a frighteningly short time, unless strong actions are taken very quickly—being added to the list of creatures no longer to be seen on this earth.

You have before you numerous bills and resolutions which take cognizance of this disaster in the making which faces many of the mamalian species which populate our oceans and seas. There are two in particular which I want to discuss. One of these—House Concurrent Resolution 77—I introduced on the first day of the 92nd Congress. In the 91st Congress, I had introduced this legislation as House Concurrent Resolution 495 (and companion bills). The other is H.R. 7556, the Ocean Mammal Protection Act of 1971, of which I am a co-sponsor, and of which our distinguished colleague from Arkansas, (Mr. Pryor), is the chief sponsor. This bill has been reintroduced in modified form as H.R. 10569, Ocean Mammal Protection Act.

Title I of the Ocean Mammal Protection Act of 1971 provides a statement of findings and declaration of policy. I think this Title particularly apt, because it accurately articulates the situation we face at this very moment and which demands aggressive action on the part of this Committee to avert. Section 101 states the finding that "ocean mammals are being ruthlessly pursued, harassed, and killed, both at sea and on land by hunters of many nations of the world." Further, "many ocean mammals will become rare, if not extinct, unless steps are taken to stop their slaughter."

Thus, it is declared to be the public policy of the United States "to protect all ocean mammals from harassment or slaughter;" and, in addition, to enter into negotiations with foreign governments and through interested international organizations "with a view to obtaining a worldwide ban on the further slaughter of ocean mammals."

Title II of the Ocean Mammal Protection Act of 1971 sets up the prohibitions which will help achieve the end to the slaughter which now occurs. Section 202 (a) bars, first, the taking of ocean mammals by persons or vessels subject to the jurisdiction of the United States; second, the use of any port, harbor, or other place for any purpose connected in any way with such taking; and third, the transportation, importation, offering for sale, or possession of ocean mammals or parts thereof.

Section 203 (a) properly makes exception for the indigenous populations along the ocean coasts—that is, Indians, Aleuts, and Eskimos—to take ocean mammals for their own use but not for sale. Thus, the Ocean Mammal Protection Act in no way seeks to destroy the native cultures which have developed the hunting of ocean mammals and the use of the products obtained from these mammals, as a part of their way of life.

Additional provisions of Title II provide strong penalty provisions, which are, I believe, essential to make this legislation more than just compassionate rhetoric.

Why must this legislation be enacted? First, let me discuss the slaughter which we, along with other nations of the world, have conducted against whales. The whales are among creation's most intelligent creatures. They communicate with each other, using numerous sounds in their language. They demonstrate an intense loyalty to each other, so that a school of whales will beach itself and thereby commit mass self-destruction in its efforts to come to the aid of a captured or beached brother. Certainly, man's rapaciousness in hunting down these creatures cannot be condoned. We are involved, not in the extermination of a vicious, disease-carrying animal such as the rat, but rather, in the slaughter of a complex, intelligent and harmless animal of the highest order.

What has man succeeded in doing? In December, 1968, the Committee on Rare and Endangered Wildlife Species of the Department of Interior's Bureau of Sport Fisheries and Wildlife compiled a list of "Rare and Endangered Fish and Wildlife of the United States." This compilation listed 6 large whale species of just American waters which are in jeopardy. Of the Gray Whale, 8,000 were estimated to be left in the California herd, as of 1965. The compilation listed "perhaps a few hundreds in the Atlantic" as remaining of the Blue Whale, and less than 1,500 in the Pacific herd. Less than 5,000 Humpback Whales remained in the north Pacific. As for the Atlantic Right Whale, the compilation stated that "possibly only a few hundreds persist." The same dire situation existed for the Pacific Right Whale. As for the Bowhead Whale, there were an estimated 1,000 in the Bering-Chukchi-Beaufort Sea population, with lesser numbers elssewhere.

The fate of the Blue Whale is a tragic object lesson of this pillage which we have been committing upon nature. The Blue Whale is the largest creature ever to inhabit the earth. An adult Blue Whale measures up to 98 feet long and weighs perhaps as much as 160 tons. Even its new-born young are larger than a full-grown elephant and are reputed to consume more than ½ ton of milk daily.

At the beginning of this century, the Blue Whale population was over 100,000. Today, only a few hundred Blue Whales, perhaps as many as 3,000 according to some estimates, populate our entire planet. As Lewis Regenstein has written, in a recent article entitled "The Vanishing Whales: Long Odds Against Survival," which appeared in the August 22 edition of the Washington Post:

"There is serious doubt that enough males and females will be able to find each other over the great expanse of the ocean to enable the species to breed and perpetuate itself."

James Fisher, Noel Simon, and Jack Vincent have starkly identified the cause of the Blue Whale's demise in "Wildlife in Danger," at page 60:

"The demise of the dinosaurs remains veiled in mystery and surmise, but there is no need to speculate on the reasons for the disappearance of the Blue Whale; the rapaciousness of man is wholly responsible. Seas and oceans comprise 70 per cent of the earth's surface, and one would have thought this ample habitat allowed more than enough space for the whale's survival, but pursuit of the whale has been so persistent that nowhere on the face of the sea or in its uttermost depths, however remote or vast or forbidding, is there any longer a true sanctuary beyond the reach of man's ruthless exploitation."

It may well be late for the Blue Whale. The Asiatic Gray Whale population has apparently disappeared. The largest known colony of nominally protected Southern Right Whales was wiped out in 1962. Threatened with imminent extinction are the Humpback, the Sei, the Finback, the Bowhead, the Sperm, the Gray, and the Right Whales. The frightening pace at which extinction is coming upon these species is indicated just by examining the figures for the estimated average population size of the Fin Whale, published by the International Whaling Commission:

1955–6	110,000
1956–7	101,700
1957–8	89,000
1958–9	88,600
1959–60	65,700
1960–1	59,700
1961–2	45,300
1962–3	40,000
1963–4	32,400

This need not be. Whales do not threaten man. There is no need of self-defense to kill them. They do not endanger our crops, crowd our territory. The commercial products which are derived from them are not unique: whale meat, used for dog and cat food and on mink farms, can easily be replaced by other meats; whale oil can easily be replaced by other products.

In simple terms, then, we are embarked on destruction—pure and simple. This is why the Ocean Mammal Protection Act of 1971 must be enacted into law.

Another creature which would be protected by this legislation is the polar bear. The male polar bear averages about 900 pounds, although specimens twice as heavy have been recorded. It stands about 5 feet at the shoulders and is 7 to 8 feet or more long. The polar bear is found in the Arctic, distributed around the Pole. For much of the year, it lives on the pack ice of the Arctic Ocean. A magnificent animal—and again an animal which in no way threatens man—the polar bear, like the whales, is endangered. The largest and most flourishing white bear population is found in the Canadian Arctic where only 6,000 or 7,000 exist—possibly more than half the world's total. The bear population of Greenland, once high, has severely declined as a result of excessive hunting. Similar over-hunting has reduced the population in the Soviet sector of the bear's range.

The decline of the polar bear is traced in "Wildlife in Danger," by James Fisher, Noel Simon, and Jack Vincent, at pages 71–72:

"The decline of the polar bear dates from the seventeenth century, when the opening up of Arctice waters to shipping led to vigorous hunting. During the next centuries white bears were heavily hunted in Spitsbergen, Novaya Zemlya, islands in the Bering Sea, Baffin Bay, Hudson Bay, and many other places. The decline of the whaling industry in the latter part of the nineteenth century caused the whalers to transfer their attention to sealing, which in turn led to mounting pressure on the polar bear, notably in the Canadian Eastern Arctic, the Greenland Sea, Franz Josef Land, and Spitsbergen. As the fur trade developed, the exploitation of the bear was further stimulated . . .

"For countless years the Arctic seas have provided the polar bear with adequate security; but it is practically defenseless against hunting with precision weapons from powered boats (which are growing very popular in some parts of the animals' range) or from aircraft. Hunting from aircraft has recently become a favorite sport in Alaska, where polar bears are fairly common on the ice that lies north of the Bering Straits. . . . This form of hunting has now been banned over the mainland and territorial waters; but there is at present nothing to prevent the technique from being employed in international waters beyond the three-mile limit.

"Dr. S. M. Uspensky, the Russian authority on the species, believes that in recent decades the range of the polar bear has been gradually reduced, as a result of the onset of milder climatic conditions in the Arctic. . . . A contributory factor has been the increase in the numbers of humans and domestic livestock in the Arctic in recent years, which has resulted in a higher incidence of disease, notably from the Trichinella parasite, which has inevitably affected the bear."

Thus, we see a magnificent creature declining. He does not threaten man. He offers no commercially essential products for man. He is, however, a handsome trophy, and so he is sacrificed to those who mark their accomplishment by the number of heads over their mantle.

Now it is clear that the United States, and the United States' citizens, do not bear the sole blame for the devastation of ocean mammals. Japan and the Soviet Union, in fact, account for most of the world's whaling. Not all hunters of polar bears are Americans. But, even given that it is not within this country's exclusive control to halt the slaughter of whales, polar bears, walruses, and other species, our actions can have an enormously powerful trickle-down effect. For example, while we engage in little whaling, we do account for about one-third of the consumption of whale products. If we close our doors to the importation of ocean mammal products, therefore, we inevitably must decrease the profitability of their destruction, and in turn, we increase the likelihood of cessation of that destruction.

Thus, we must ban the import of all ocean mammal products. The Ocean Mammal Protection Act does this.

Since we do participate directly in the destruction, we must also ban this, as the Ocean Mammal Protection Act does. There must be no loopholes, no exemptions, save the ones provided in the Act for the native populations and limited so that the taking must "be done in accordance with customary traditions and as an adjunct to the native culture." Thus, we cannot allow a loophole for tuna fishermen, in whose nets some 250,000 porpoises die annually.

Third, we must encourage the Secretary of State to negotiate international agreements for the protection of the ocean mammals. Some international activities do exist—the International Whaling Commission, established pursuant to the International Whaling Convention, is one example. Another example of international cooperation was the First International Conference on Polar Bears, held at the University of Alaska in September, 1965. However, international organizations and agreements are thus far too weak. The International Whaling Commission, for example, has no enforcement powers, and in many respects its efforts at preservation have been stymied. Consequently, our government must undertake efforts, through the United Nations, for example, to achieve binding international accords.

In fact, I would recommend working towards a mortatorium on all killing of ocean mammals, not only by means of the Ocean Mammal Protection Act, which only applied to the United States, but worldwide. At the least, this moratorium must run for 15 years, so that our scientists can determine what chances of survival remain for ocean mammals, and what can be done to assure this survival before these magnificent creatures are banished by man, through his arrogance and stupidity, from the face of the earth.

During the moratorium we must work for Title III's prescription: "International agreement or agreements" which "should seek to outlaw all killing of these mammals for any reason."

HOUSE CONCURRENT RESOLUTION 77

I now want to turn to House Concurrent Resolution 77, of which I am the chief sponsor and in which 17 of my colleagues have joined in sponsoring. These 17 are:

Mr. Halpern, Mr. Hanley, Mr. Horton, Mr. Hosmer, Mr. Koch, Mr. Kyros, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. Obey, Mr. Rosenthal, Mr. St Germain, Mr. Symington, Mr. Vigorito, Mr. Waldie, Mr. Whitehurst, and Mr. Wolff.

I have delayed discussing House Concurrent Resolution 77 until first discussing the

Ocean Mammal Protection Act because my resolution's aim is very relevant to that expressed in Title IV of the latter Act. Both of which concern the slaughter of Northern fur seals on the Pribilof Islands.

House Concurrent Resolution 77 has two operative provisions. The first of these expresses the sense of the Congress that the Secretary of the Interior shall prescribe and shall implement with all possible speed and urgency regulations for the harvesting of Northern fur seals which insure that the seals are quickly and painlessly killed before skinning. The second clause provides that penalties be prescribed by the Secretary for violation of the regulations which he shall prescribe and implement in accordance with this resolution.

Once again, we have a tragic example of a cruel practice employed to accomplish an unneeded end. The seals are slain solely for their furs, which in turn are employed to satisfy the market for an unneeded luxury. The seals do not threaten man, nor do they threaten his food supplies. No product which they supply is irreplaceable. The reason why they are victims of slaughter is because they fill an acquired desire for seal fur garments—a desire which can be satisfied in other ways.

Unfortunately, international circumstances would appear to bar any immediate cessation of the seal harvest. The premise for the harvest is an international Convention, first agreed to in 1911 by the United States, Great Britain, Japan, and Russia. The aim of this Convention was to end pelagic sealing—that is, seal hunting at sea—which had contributed so greatly to the enormous decrease in Northern fur seals. Should the international agreement which now exists be unilaterally terminated by the United States, it is very likely that at least some of the other parties to the Convention would resume large scale pelagic sealing—an eventuality which would be very detrimental to the Northern fur seal.

In this regard, I want to refer to the Ocean Mammal Protection Act, as modified, which I have previously discussed. Title IV of that Act expresses the sense of the Congress that the Secretary of State should immediately notify the other parties to the North Pacific Fur Seal Convention, signed on February 9, 1957, as the latest successor to the 1911 Convention, that the United States does not intend to extend its life beyond 1976. Further, Title IV expresses the sense of the Congress that the Convention should be permitted to expire in 1976, after its current termination date in 1975.

In light of the past history of the Northern fur seal—that is, the great depradations following upon the pelagic sealing method which used to be employed—I must oppose any termination of the Convention unless we have an international binding agreement that such sealing will not be resumed. While Title IV of the Ocean Mammal Protection Act does express the sense of the Congress that the Secretary of State should immediately initiate negotiations with the parties to the Convention and other interested nations for the purpose of achieving an international ban on all killing of Northern fur seals, I do not believe that we can unilaterally terminate our participation in the Convention prior to the obtaining of such a ban. Thus, I particularly stress the importance of Section 403 of the modified Ocean Mammal Protection Act, which provides for renewal of the Convention if a new treaty cannot be negotiated.

The Ocean Mammal Protecton Act in the interim prior to a new treaty calls for termination of that portion of the harvest—70 per cent of the seals killed—which is allocable to the United States under the Convention. In principle, I am in accord with the step of at least terminating the United States' percentage of the kill. However, I am fearful that this step might be interpreted—purposefully—by one or more of the parties to the Convention as being an abrogation or violation of the Convention, justifying their resumption of pelagic sealing, and I stress the importance of this consideration.

Now I want to return to the thrust of House Concurrent Resolution 77, which is not cessation of the seal harvest or even its decrease, but rather, revision of the practices employed in that harvest.

The Fur Seal Act of 1966 charges the Secretary of the Interior with the management of the fur seals on the Pribilof Islands. His Department's Bureau of Commercial Fisheries supervises the harvest. The kill is largely limited to 3 and 4 year old bachelor males that congregate on the edge of the seal rookeries.

The Department of the Interior claims that this harvest serves conservation ends, stating in a publication entitled "Fur Seals of Alaska's Pribilof Islands," issued by the Department, that:

"The Pribilof rookeries can support only so many seals. The Bureau of Commercial Fisheries maintains the seal herd at its maximum level of productivity. Animals surplus to the needs of the herd are harvested each summer. If Man does not do it, Nature steps in. Some persons, who have the best of intentions, have the impression that Man could simply leave the fur seals alone and Nature would see to it that they lived happily ever after. It is not true. Nature would see to it that the surplus was killed off. And when Nature sets about redressing a population imbalance there is no place for mercy in the natural process. Nature has no compunction over killing pups slowly with parasites or starvation or any other way. People need to recognize this inescapable biological fact in considering what the consequences would be if Man were to abandon his management responsibilities."

This reasoning is very dubious. The same publication states that the Pribilof Islands herd is now estimated at some 1.5 million animals. This number is nowhere near former totals, and clearly disputes the contention that increased numbers would be detrimental to the animals. According to Mr. Seton H. Thompson, United States Fish and Wildlife Service, writing in the 1969 edition of Encyclopedia Americana on the subject of "Seals and Sealings," (Vol. 24, pages 480–83), at the time of the seal herd's discovery in 1786, there were at least 5 million seals. In 1968, there were 3,837,131 animals in the herd. Thus, under the supposedly enlightened conservation concerns of the Department of the Interior, the herd has decreased in the last 22 years by approximately 2 million—even allowing for inclusion in the earlier totals of the Japanese and Russian herds—without any specified diminution in territory available to the animals.

Unfortunately, so long as other nations do not enter into an international accord banning both pelagic sealing and killing of all seals, or at least allowing cessation of the killing of those seals currently allocable to the United States, under the existing Convention, it would seem that the harvest must continue. But, let us be clear. This harvest stems from the world's demand for fur seals, and the even more disasterous consequences which would occur were pelagic sealing resumed. Its merit does not lie in maintenance of the vitality of the Pribilof seals, as the Department of Interior indicates.

The annual harvest commences with the bachelor seals being driven from the shore to the fields beyond. The distance varies from a few hundred yards to over half a mile to sites where the killing takes place. The actual killing is performed by men armed with hard wood clubs 155 cm. long. They are assisted by one or two men who divide off small pods, or groups, of seals, about 10 in number, from the main herd, driving them toward the killers who then club them on the top of the head. Men known as stickers go around the clubbed animals and cut their skins in the mid ventral thoracic region, followed by pushing the knife into the thorax. The heart is then punctured by the knife. After sticking, other groups of men come to skin the seal.

According to the report prepared by Dr. Elizabeth Simpson for the World Federation for the Protection of Animals and published in 1967, about 13.6 per cent of the animals showed evidence of the animal having received two or more blows with the club, which is supposed to kill them instantaneously with one blow. Dr. Simpson also noted that the length of the drives of the seals to the slaughter grounds is in some locations too long, resulting in "unnecessary distress on the part of some of the seals."

Clearly, then, the so-called merciless seal harvest is not quite as beneficial as it has at times been portrayed. I do want to be frank, however, and acknowledge that Dr. Simpson did conclude that the present clubbing technique is probably the best, in comparison with the use of the captive bolt pistol, electrical stunning, and carbon dioxide stunning prior to sticking. She so concluded on the basis of the premise that "any method involving more handling of the animals would . . . be a step in the wrong direction."

Another study of the Pribilof Islands harvest reached similar conclusions. This study was made by the Task Force to Study Alternate Methods of Harvesting Fur Seals, and was issued in 1968.

We are, it appears, left with a difficult conclusion. Clubbing has been supported by studies. However, there are some directions towards which we should be pushing. First, we should be seeking international accord on totally banning seal killing. Second, we should be impressing upon the Secretary of the Interior the importance of developing more humane methods of killing so long as the harvest continues. To this end, I think it particularly appropriate that House Concurrent Resolution 77 be enacted into law.

I would like, before closing, to make reference to a very real concern which has been voiced. This is the economic situation of the individuals involved in the Pribilof Islands harvest. The total population of the Pribilof Islands is approximately 600 people. Their only income producing industry is the seal hunt. However, I want to stress that this industry is not the result of indigenous cultural patterns: the Russians, who originally owned the Pribilofs, brought Aleutian people from the Aleutian chain of islands to the Pribilofs, where they were kept in bondage as slaves for the purpose of conducing the slaughter. Secondly, I want to stress that I believe it entirely appropriate that should more humane methods of harvest be instituted, the people presently employed be trained to carry out these methods. Should the harvest be terminated, I believe federal assistance to develop new industry, to assist in moving the natives, should they wish to leave, and to retrain them, would be entirely in order.

Finally, I believe similar assistance should be provided the employees of the Fouke Fur Company, in Greenville, South Carolina, which is the only American company engaged in processing and preparing the seal pelts.

Mr. BADILLO. Mr. Speaker, the need for Congress to enact strong legislation to protect ocean mammals has been well documented. But bringing before the House H.R. 10420 is, unfortunately, the illusion of the kind of action that is needed, not the reality. This legislation, which I oppose, is not nearly strong enough to provide the protection that is needed. It is, as the New York Times pointed out in an editorial:

> A wildlife management bill (whose) aim is to manage these mammals on "an optimum sustained yield basis . . . to insure the continuing availability of those products which move in interstate commerce."

I think it was a mistake to bring this legislation up under suspension of the rules, thus denying Members the opportunity to offer strengthening amendments. In view of this, those of us who have been fighting for real protection for ocean mammals have been presented with no alternative but to reject H.R. 10420.

The real failings of this bill are its failure to establish a definite moratorium on the taking of ocean mammals so that many of the species which have been depleted may recover, and the granting of administrative power under the bill to the Department of Commerce—which traditionally has been more devoted to exploitation than to conservation.

It is my sincere hope that in the second session we will be able to enact a bill based on the protection and conservation of ocean mammals, and not on the "harvesting on a sustained yield basis" concept.

The SPEAKER. The question is on the motion of the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 10420, as amended.

TELLER VOTE WITH CLERKS

Mr. PRYOR of Arkansas. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. PRYOR of Arkansas. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. DINGELL, PRYOR of Arkansas, PELLY, and DOWNING.

The Committee divided, and the tellers reported that there were—ayes 199, noes 150, not voting 82, as follows:

[Roll No. 436]

[Recorded Teller Vote]

AYES—199

Abernethy
Adams
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Arends
Aspin
Barrett
Begich
Bergland
Betts
Bevill
Blackburn
Boggs
Bow
Bray
Brinkley
Brooks
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carney
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Colmer
Corman
Crane
Daniel, Va.
Daniels, N.J.
Danielson
de la Garza
Delaney
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dow
Downing
Dulski
Dwyer
Edwards, Calif.
Eilberg
Esch
Eshleman
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Fuqua
Gallagher
Garmatz
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Hagan
Haley
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harvey
Henderson
Holifield
Horton
Hosmer
Hungate
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kazen
Keating
Keith
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Link
Long, La.
Long, Md.
McClory
McCollister
McCulloch
McDonald, Mich.
McFall
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathis, Ga.
Matsunaga
Meeds
Melcher
Mills, Md.
Mink
Minshall
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
Obey
O'Neill
Patten
Pelly
Perkins
Pirnie
Podell
Poff
Price, Ill.
Price, Tex.
Quie
Randall
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Roybal
Ruppe
St Germain
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Sikes
Sisk
Smith, Iowa
Smith, N.Y.
Snyder
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Stratton
Stubblefield
Taylor
Teague, Calif.
Thone
Ullman
Van Deerlin
Waggonner
Waldie
Wampler
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NOES—150

Abourezk
Abzug
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Archer
Ashbrook
Ashley
Aspinall
Badillo
Baker
Bell
Bennett
Biaggi
Biester
Bingham
Boland
Brademas
Brasco
Brotzman
Brown, Mich.
Buchanan
Burke, Fla.
Burlison, Mo.
Byron
Carey, N.Y.
Carter
Chappell
Collier
Collins, Tex.
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellenback
Denholm
Dorn
Drinan
Duncan
Edmondson
Edwards, Ala.
Fascell
Fish
Flowers
Flynt
Frenzel
Frey
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Grasso
Gross
Gude
Hall
Halpern
Hamilton
Hansen, Wash.
Harrington
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Hull
Ichord
Jacobs
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kee
Koch
Landgrebe
Lloyd
Lujan
McCormack
McDade
McEwen
McKay
Mayne
Mazzoli
Michel
Mikva
Miller, Ohio
Minish
Mitchell
Myers
Natcher
Nichols
O'Hara
O'Konski
Passman
Pettis
Peyser
Pike
Preyer, N.C.
Pryor, Ark.
Railsback
Rangel
Rees
Reid, N.Y.
Robison, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Runnels
Ruth
Ryan
Scheuer
Schmitz
Scott
Sebelius
Seiberling
Shoup
Shriver
Skubitz
Slack
Stanton, James V.
Steiger, Wis.
Stephens
Stuckey
Symington
Talcott
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Vander Jagt
Vanik
Veysey
Vigorito
Whalen
Wolff
Yates

NOT VOTING—82

Abbitt
Andrews, Ala.
Baring
Belcher
Blanton
Blatnik
Bolling
Broomfield
Burleson, Tex.
Burton
Celler
Chisholm
Clay
Collins, Ill.
Curlin
Dellums
Derwinski
Diggs
Dowdy
du Pont
Eckhardt
Edwards, La.
Erlenborn
Evans, Colo.
Evins, Tenn.
Findley
Fulton, Tenn.
Galifianakis
Gubser
Harsha
Hathaway
Hawkins
Hébert
Howard
Hunt
Kemp
King
Kluczynski
Kuykendall
Landrum
McCloskey
McClure
McKevitt
McKinney
McMillan
Mann
Mathias, Calif.
Metcalfe
Miller, Calif.
Mills, Ark.
Mizell
Montgomery
Patman
Pepper
Pickle
Poage
Powell
Pucinski
Purcell
Quillen
Reuss
Rhodes
Riegle
Rodino
Rostenkowski
Roy
Sarbanes
Shipley
Smith, Calif.
Spence
Springer
Staggers
Stokes
Sullivan
Teague, Tex.
Ware
Whalley
Wiggins
Wilson, Bob
Wilson, Charles H.
Wright
Zwach

Messrs. PASSMAN and BOLAND changed their votes from "aye" to "no."

So (two-thirds not having voted in favor thereof) the motion was rejected.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RECREATIONAL DEVELOPMENT AT FISH AND WILDLIFE AREAS

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10384) to amend the Act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k–460K–4), to release certain restrictions on acquisition of lands for recreation development at fish and wildlife areas administered by the Secretary of the Interior, as amended.

The Clerk read as follows:

H.R. 10384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress amended, That section 2 of the Act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k–1), is further amended to read as follows:

"SEC. 2. The Secretary is authorized to acquire areas of land which are suitable for—

(1) fish and wildlife-oriented recreational development, or

(2) the protection of natural resources, and are adjacent to the said conservation areas; except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps. Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent."

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 10384 is to increase public recreational opportunities on lands adjacent to areas within the national wildlife refuge system, national fish hatcheries, and other conservation areas administered by the Secretary of the Interior for fish and wildlife purposes.

Mr. Speaker, the Committee on Merchant Marine and Fisheries in 1962 reported legislation that resulted in the enactment of what is commonly known as the Refuge Recreation Act. This act authorizes the Secretary of the Interior to administer, for public recreation, the areas within the national wildlife refuge system, national fish hatcheries, and other conservation areas under his administration.

However, the act further requires him to administer such areas in such a fashion that the recreational uses are incidental or secondary and not inconsistent with the primary objective for which each area is established.

The 1962 act also authorizes the Secretary of the Interior to acquire lands for recreational development adjacent to the aforementioned areas under his jurisdiction administered for conservation purposes. The need for H.R. 10384 arises from the fact that the 1962 act limited acquisitions for recreational purposes only to those areas adjacent to conservation areas in existence in 1962. Furthermore, the act provided that such adjacent lands should be acquired only when needed to avoid adverse effects upon fish and wildlife populations and management operations of such conservation units. Also, the 1962 act placed another unrealistic restriction on acquisitions; it, in effect, limited acquisitions to not more than 100 acres adjacent to each of about 20 refuges in existence in 1962, and to not more than 3 acres adjacent to each of 20 fish hatcheries in existence in 1962.

Mr. Speaker, briefly explained, H.R. 10384 would merely rewrite section 2 of the Refuge Recreation Act to remove these unrealistic restrictions. There would be no limitation on the number and size of areas authorized to be acquired; there would be no requirement that the conservation unit need to be in existence in 1962; nor would there be any requirement that acquisitions would be limited only to those areas needed to avoid adverse effect on fish and wildlife values within a conservation unit.

Mr. Speaker, the Department of the Interior has identified 44,000 acres of land that are desirable for inclusion under this program over the next 5 years. For example, there are about 5,000 acres of gulf shoreline adjacent to the San Bernard Refuge in Texas that would provide wildlife-oriented recreation use which cannot be provided now because of inadequate access and restrictive ownership. There are almost 400 acres adjacent to the Desert Game Range in Nevada that are needed to preserve public use of a subheadquarters area. There are about 600 acres adjacent to the Sand Lake National Wildlife Refuge in South Dakota which are vitally needed to overcome an undue harassment problem on geese in that area caused by intensive goose-hunting activity during the peak of the hunting season.

Mr. Speaker, in all a total of 21 projects have been identified by the Department of the Interior for carrying out over the next 5-year period.

Mr. Speaker, with increasing public demand for more recreational opportunities such as sightseeing, picnicking, camping, swimming, fishing and hunting, boating, and observation of wildlife in its native habitat, I think it is imperative that this legislation be passed promptly so that we can proceed to acquire these areas as soon as possible before they are diverted to other uses.

Mr. Speaker, H.R. 10384 was introduced by the distinguished chairman of our Committee on Merchant Marine and Fisheries, Mr. GARMATZ and myself, as a result of an executive communication from the Department of the Interior. It was unanimously reported by our Committee on Merchant Marine and Fisheries, and I would like to urge its prompt passage.

Mr. HALL. Will the gentleman yield?

Mr. DINGELL. Yes. I yield to the gentleman.

Mr. HALL. Do I understand that this involves not only enclaves in the refuges but also it may allow for the expansion of marine protection areas and wildlife and conservation areas and fish hatcheries, and so forth, by the Department of the Interior?

Mr. DINGELL. The gentleman is correct but only for the purposes set out in the 1962 act. It certainly is not to expand the refuges broadly and generally but simply to enable the refuges which are acquired by Government funds principally to be expanded for recreational uses by appropriated funds where we are receiving visitors in the fields of water recreation, swimming, picnicking, and things of that kind.

Mr. HALL. Does the gentleman propose the use of water conservation funds as recommended by BOR, that would be appropriated funds?

Mr. DINGELL. That is correct. That would be possible under this bill.

Mr. HALL. Let me ask the gentleman further if this changes the Federal land acquisition laws or involves land condemnations?

Mr. DINGELL. I would have to say that only to the degree as indicated in my earlier remarks.

Mr. HALL. Now, Mr. Speaker, if the gentleman will yield further, the gentleman spoke rather vehemently on the last bill which was sunk like a waterlogged log in an Ozark cistern, that he distrusted the Department of the Interior. Does this act not repose this responsibility and trust in the Department of the Interior? As I read it, the Secretary of the Department of the Interior is referred to repeatedly as the party who will prescribe the rules for this operation.

Mr. DINGELL. Subject to the approval of the Appropriations Committee. The Interior Department does have the power to administer this bill, but if the gentleman will permit I would like to observe that this only applies to the acquisition of a limited amount of areas for the protection of endangered species and for the purposes of better management of the refuges, and recreational purposes.

Mr. HALL. The gentleman has repeatedly said, Mr. Speaker——

Mr. DINGELL. Mr. Speaker, may we have the regular order. I would like to give the gentleman a fair answer, and I will. This would authorize the Secretary of the Department of the Interior to acquire certain small areas adjacent to the refuges for purposes of handling visitor traffic and things of this kind.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, does not my distinguished friend who is a great conservationist and has had unlimited experience in Government, think we ought to have an executive director at a GS-18 level and an advisory council and commission in order to accomplish this?

Mr. DINGELL. If the gentleman wants to suggest that to the committee, the committee would certainly be willing to take it under consideration.

Mr. HALL. Far be it from me to ever suggest it, but I am amazed at the inconsistency.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 10384, which would correct some deficiencies noted in the prior administration of existing law by releasing certain restrictions of acquisition of recreational development lands at fish and wildlife areas administered by the Secretary of Interior.

The gentleman from Michigan (Mr. DINGELL) has aptly described the provisions of the legislation and the reasons for its enactment. I wholeheartedly concur in his remarks. The legislation is an administration bill which was unanimously reported out by your committee. I urge its passage.

Basically, the bill would amend section 2 of the 1962 Refuge Recreation Act (76 Stat. 653), as amended (16 U.S.C. 460k–460k-4). Section 2 of that act authorizes the Secretary to acquire limited areas of land for recreational development adjacent to areas of the national wildlife refuge system, national fish hatcheries, and other conservation areas administered by him.

The act, and its legislative history, requires that such land acquisition must be adjacent to a conservation area in existence in 1962, and that such areas must be limited in size—as indicated in the legislative history—1962 United States Code, Congressional and Administrative News, pages 2723—to very small areas adjacent to only 20 refuges and 20 fish hatcheries.

Since 1962, the Department of the Interior has gained a great deal of experience in the administration of this program and has found that a great number of areas can provide compatible wildlife-oriented recreational opportunities without interfering with the basic management program on the adjacent conservation areas acquired pursuant to the 1962 Refuge Recreation Act. Consequently, limitations on the number and size of the areas which could be acquired for such purposes is unrealistic, and tends to unduly restrict the administration of the basic act in accordance with the principles therein. Upon enactment of this legislation, it is my understanding that the Department of the Interior has identified approximately 21 projects amounting to 44,000 acres on which acquisition could be scheduled for fiscal years 1973 to 1977. The estimated initial cost for land acquisition of these 21 projects is approximately $17 million. The funds for such acquisition, as indicated from Department of the Interior, would come from existing and future financial resources and moneys placed within the land and water conservation fund. This bill simply would relieve the existing limitation which the Department must live under in regard to area size of the lands to be acquired. Your committee amended the bill to provide specific authority for the Secretary to acquire lands which are suitable for fish and wildlife-oriented recreational development and for protection of natural resources. This latter category would enable the acquisition of lands adjacent to conservation areas for the purposes of establishing a buffer zone of protection. Such acquisition could be in the form of outright purchase of lands in fee simple or in other proprietary interests such as restrictive easements, and so forth.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 10384, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to release certain restrictions on the acquisition of lands for recreational development and for the protection of natural resources at fish and wildlife areas administered by the Secretary of the Interior."

A motion to reconsider was laid on the table.

SAFER TOYS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise, and extend his remarks and to include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, as the holiday season approaches, millions of Americans will be purchasing toys for their children. It is unfortunate that many consumers will be unconcerned with the potential danger of some of those toys which appear on the pre-Christmas market.

The Food and Drug Administration's Bureau of Product Safety has been making an all out effort to remove unsafe toys from that market, either by Government order or by voluntary compliance by manufacturers. Government's role in the control of unsafe toys is an important one, but we must understand that Government cannot be completely successful in this effort without the cooperation of the consumer. This is an area in which consumer education and consumer participation together with Government inspection and control can provide meaningful protection and reform.

A recent editorial in the Long Island Press, entitled "Safer Toys: A Big Job" states the case clearly and to the point. I call the attention of my colleagues to this editorial from the November 16, 1971, edition of the Long Island Press:

SAFER TOYS: A BIG JOB

The Food and Drug Administration dragged its feet on toy safety last year—banning a few dangerous gadgets just five days before Christmas, after most shopping had been done. But it is doing much better this year, thanks to increased funding.

With a $6 million budget and more than 200 inspectors, the FDA's Bureau of Product Safety has already removed 187 suspect toys from the market and by so doing convinced the toymakers to voluntarily design many others to increase safety.

This is more like it, but the fact that 5,000 new toys are dumped on the Christmas market every year means that the BPS has made just a bare-bones beginning.

It also means that government, no matter how hard it tries, cannot do the entire job of protecting children from unsafe toys. Parents must choose toys more carefully, particularly such big sellers as stuffed animals and dolls, darts, noisemakers, toy guns and rattles. Together, government, safety-conscious parents and manufacturers can remove most of the danger from toy shelves.

EXEMPTION FOR NEWSPAPERS OPPOSED

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the fact that three major daily newspapers in Chicago are demanding equal treatment, along with all of the other segments of labor and industry in the United States, under the extension of the Economic Stabilization Act.

The Economic Stabilization Act expires on April 30, 1972, and bills passed by both the Senate and House Banking and Currency Committees would extend the provisions of this act to April 30, 1973. However, the Senate bill includes an exemption for newspapers and news media, while the House bill does not include such an amendment.

With reference to the proposed exemption, the Chicago Tribune commented editorially on December 3: "A Favor We Don't Want." Furthermore, in a telegram addressed to me, the publisher of the Chicago Sun-Times and the Chicago Daily News, Marshall Field, opposed the exemptions. And editors of various weekly and suburban newspapers in the Chicago area have contacted me to express their opposition to the Senate amendment providing this exemption.

The House is expected to take action on the Economic Stabilization Act extension very shortly, and I urge the Members of this body to maintain the position of the House Banking Committee and vote down any exemptions for newspapers and news media. The editorial and telegram follow:

[From the Chicago Tribune, Dec. 3, 1971]

A FAVOR WE DON'T WANT

We appreciate the solicitous thoughts of the senators who voted to exempt the information media from wage and price controls, but this is a favor that THE TRIBUNE, for one, would prefer to do without.

The exemption was approved by the Senate in the form of an amendment to the wage and price control bill sponsored by a coalition of senators led by Alan Cranston of California. Their argument is that the press was exempted from controls during World War II and that, in Mr. Cranston's words, the present controls would give the government "economic life-or-death power over every publishing and broadcasting operation in the country."

THE TRIBUNE has a long tradition of opposition to special privileges for special interests, whether for the newspapers or anybody else. There is only one special privilege we demand, and that is the privilege of freedom granted to the press under the First Amendment to the Constitution. We have fought for this privilege and will continue to do so, because in fighting for this privilege we are fighting for the public's right to know and are not seeking to set ourselves apart from the public.

We don't consider that the present wage and price controls constitute a threat to the freedom of the press. We think Mr. Cranston exaggerates the danger. The Pay Board and the Price Commission are autonomous bodies, unlike the wartime control boards; and while we may not always approve of their decisions, there is no evidence that they are subject to improper political influence.

As finally passed by the Senate, the Cranston amendment does call on the press to abide by the guidelines on a voluntary basis. Even so, the appearance of favoritism is ill-becoming to the press at a time when the rest of the country is being urged to make sacrifices. If the amendment is approved by the House and the President, THE TRIBUNE will strive to live within the framework of the existing regulations and assume the same burdens and responsibilities as we expect of other businesses.

The country is facing a serious economic challenge. We have urged business and labor to subordinate their interests to the national interest. We are willing to do the same ourselves.

[Telegram]

CHICAGO, ILL.,
December 2, 1971.

Hon. FRANK ANNUNZIO,
House Office Building,
Washington, D.C.:

Hope you can help eliminate Cranston amendment exemptions for newspapers when wage-price legislation reaches House. I believe no one should be exempt if we are to win war on inflation. Have also wired Rep. Mills. Many thanks. Regards

MARSHALL FIELD,
Publisher Chicago Sun Times and Chicago Daily News.

HONORARIA PAID CAMPUS SPEAKERS

(Mr. ICHORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, last year the House Committee on Internal Security, which I chair, conducted a voluntary survey into honoraria paid campus speakers to ascertain whether honoraria might be a substantial source of revenue for the "revolutionary movement."

I believed at the time and I believe now, Mr. Speaker, that every taxpayer and every citizen who pays tuition at a college or university has a perfect right to know how and to whom his tax money and tuition fees are being spent.

If my tuition fees and taxes are furnishing large incomes for people like

David Dellinger, Rennie Davis, and Abbie Hoffman, I think I have a right to know that.

Our 47-page report was, as I said, of a limited nature, but apparently quite on the mark. However, we might have done well to probe the subject actively rather than conduct a voluntary survey.

I find a most interesting Associated Press article in the Washington Star of November 4, 1971, concerning this matter of honoraria paid to speakers espousing extremist views.

The AP story notes that the Rev. James E. Groppi, a Roman Catholic priest from Milwaukee, Wis., who embraces a wide range of radical causes, had a rather staggering increase in his income from 1966 to last year.

According to the Internal Revenue Service, as quoted in the AP story, Father Groppi's income went up from $2,198 in 1966 to an adjusted total of $14,747 in 1967. It more than doubled from the 1967 figure the following year to $30,550; however, he suffered something of a setback in 1969, earning only $20,087.

But 1970, according to the story, was a year of most dramatic significance to Father Groppi. He dragged in $211,111 that year. That is not a bad income for anyone—especially a gentleman of the cloth.

And, according to the AP:

> The source of most of the income was identified as fees for speaking engagements.

The amount of $211,111 could do much good if applied to the work of the church this man represents. But it is my understanding the gentleman has refused these funds to his diocese and, instead, insisted that they must be used to finance the "movement" of radical leftists who support his extracurricular endeavors.

But it is also gratifying to note, in another AP story in the Star on November 25, 1971, that the future of honoraria income for the Father Groppis and David Dellingers of this world does not look bright.

This second story quotes Robert Walker, whose American Program Bureau in Boston books more than half the speakers on American college campuses, as saying:

> The radical speakers are off now. They had their run. Abbie Hoffman and Jerry Rubin are still getting dates but they are not in demand like last year.

Mr. Walker further notes that recently Black Panther leader Bobby Seale drew in a speaking engagement at Stanford University only 200 persons in a hall seating 500. That must have outraged Seale, who has a remarkably foul temper and tongue.

The news articles follow:

[From the Evening Star, Nov. 4, 1971]

Hectic, Taxing Days

The Rev. James E. Groppi paid $1,247 extra in income taxes and penalties in 1967 after the Internal Revenue Service told him that he had understated his income by $7,531, an assistant Wisconsin attorney general says.

Charles Black disclosed the action this week after subpoenaing the Roman Catholic priest's records. The state is gathering data for a civil suit against Groppi, not dealing with taxes. The suit involves a take-over of the state Assembly chambers in 1969 by Groppi and demonstrators who were protesting welfare budget reduction. The state wants reimbursement for alleged damage to the chambers.

Groppi said he paid the additional taxes without challenging the IRS, remarking "Those were very hectic days then, and I wasn't keeping very good records."

Tax returns presented at a court commissioner hearing in Milwaukee showed Groppi's income increased from $2,198 in 1966 to an adjusted total $14,747 in 1967, $30,550 in 1968, $20,087 in 1969 and $211,111 in 1970. The source of most of the income was identified as fees for speaking engagements.

Campus Bookings for Radicals Decline

(By Terry Ryan)

New York.—Abbie Hoffman is down, Buffalo Bob is up and Ralph Nader reigns as superstar this year on the college lecture circuit.

"The radical speakers are off now. They had their run," said Robert Walker, whose American Program Bureau in Boston books more than half the people who speak on American college campuses. "Abbie Hoffman and Jerry Rubin are still getting dates, but they are not in demand like last year."

Politics—radical or straight—usually won't fill an auditorium. Black Panther Bobby Seale and former Tennessee Sen. Albert Gore recently spoke at Stanford University in California. Seale drew 200 people in an auditorium that seats 500; Gore drew 200 in a 400-seat hall.

ISSUES ALONE DON'T DRAW

An issue alone won't draw too well. Georgia Tech has had programs on birth control and abortions without name speakers. They drew 100 to 150 people." said Program Director David K. Neff. "A name speaker will draw 800 to 1,000 people anytime."

A name speaker with an issue is the best bet to pack the house. Nader on consumerism, Dick Gregory on racism and Dr. Benjamin Spock on the war have filled campus auditoriums from Maine to Oregon.

The American Program Bureau reports a long list of dates for pro-abortion speaker William R. Baird Jr. The University of Pittsburgh is using $5,000 from its $25,000 annual speaker budget this month for a four-day session on prison reform with authorities who normally travel the lecture circuit.

LONGER STAYS POPULAR

"I think there is a trend away from having a guy come in and do his one-hour bit and leave," said Dennis Concilla, Pittsburgh's program commissioner. "It is rather unproductive. We are looking for something more from our speakers."

Black poetess Nikki Giovanni is one of the hotter properties on the college circuit. Her fee went from $750 last year to $2,000 this fall, said Richard Fulton, head of the New York agency that handles her. Charles G. Hurst Jr., president of Malcolm X College in Chicago, is strong on campuses throughout the country, especially with black student groups.

"A couple of years ago, the South would have been reluctant to book a black personality," said Fulton. "Now the barriers are down. Across the board, on all speakers, things have loosened up."

$4,000 FOR APPEARANCE

The fees garnered by campus speakers range from a few hundred to a few thousand dollars. Nader, Gregory and Georgia State Rep. Julian Bond, the top attractions on campus, get up to $4,000 an appearance, said Walker, whose agency handles all of them, but they will often scale down fees or appear for free.

The nostalgia kick has hit the colleges. Pinky Lee, zany children's television star of the 1950s, draws well with a lecture on the art of slapstick. Buster Crabbe is doing well with a package that includes his early Tarzan and Flash Gordon movies.

"We could not get Howdy Doody, so we had Buffalo Bob Smith. He was tremendous," said John Fahey, director of student union activities at the University of Hartford in Connecticut. "The students really get into it. They enjoy seeing someone who was important to them when they were children."

Smith was the puppet's sidekick on the popular children's television show in the 1950s.

RECORD SALES IN TWO MAJOR RETAIL CHAIN STORES

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, it is going to be a merry Christmas, at least according to the heads of two major retail chain stores. The chairmen of Sears, Roebuck & Co. and J. C. Penney Co. told President Nixon that Christmas sales this year should be the best in history. Record sales during the month of November were reported by both chains, as well as S. S. Kresge Co., Montgomery Ward & Co., and F. W. Woolworth Co. The Sears and Penney executives indicated these sales gains were attributable for the most part to sale of appliances and other "big ticket" items, which in their opinion indicates consumer confidence in the economy is strengthening.

Other indications of rising consumer confidence have recently appeared. During the month of October consumer installment credit increased $924 million, seasonally adjusted. While this was somewhat below the record $999 million increase during September, it remains a larger increase than any since October 1968.

This increasing confidence in the economy by consumers is shared in the business community. A recent survey by the Department of Commerce and Securities and Exchange Commission indicates the business community plans strong increases in outlays for new plant and equipment during the first half of 1972. Outlays have been projected at a rate approximately 9 percent above outlays during the first half of 1971. According to Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs, this increase in capital expenditures will "have a major expansionary impact on the economy." Such spending for plant and equipment generally has a powerfully beneficial effect on the economy because it stimulates both borrowing for construction and demand for material and manpower. This causes strong secondary activity throughout the rest of of the economy.

It is obvious that the increasing confidence of both consumers and the business community will be further strengthened if, as expected, the President's tax package is enacted in the near future.

CANADA, THE CARIBBEAN, AND LATIN AMERICA: TIME TO REMOVE THE IMPORT SURCHARGE

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, 3 weeks ago we entered phase II of President Nixon's new economic program. The beginning of phase II presented a splendid opportunity to restore mutual confidence and goodwill in the hemisphere by ending the unjust imposition of the 10-percent surcharge on imports from Canada, the Caribbean, and Latin America. President Nixon did not avail himself of this opportunity—apparently choosing instead to continue to use our neighbors as pawns in an attempt to pressure those responsible for our international economic problems into taking corrective actions.

These are harsh words but when it is realized that our Latin American and Caribbean friends buy much more from us than we do from them, it is difficult to reach any other conclusion.

The case for removing the surcharge on Canadian products is different but no less compelling. We do have a deficit in our trade with Canada but a trade balance in Canada's favor is essential to that nation's ability to finance the return on our massive investments in Canada. Even if ending the surcharge was not justified on economic grounds alone, it makes sense on political grounds. Canada is not just a neighbor. It is our closest friend and ally. No amount of short-term economic advantage can possibly be worth undermining the goodwill basic to our close friendship.

Mr. Speaker, I have supported the President's overall economic program. I hope its goals will be achieved but I continue to believe that the international parts of that program which punish the innocent along with the guilty are sheer folly.

Tomorrow the leaders of both the other largest nations of our hemisphere will be in Washington at the same time. What better opportunity could the President have to demonstrate the U.S. continued interest in the welfare of our friends and neighbors? I urge the President to use this unique occasion to announce an end to the surcharge on hemisphere imports.

Mr. Speaker, since I last spoke on November 4 of the damage being done to our neighbors by this arbitrary surcharge several letters and articles have come to my attention which I would like to include at this point in the Record:

[From the Miami (Fla.) Herald, Nov. 16, 1971]

Surcharge Is Unfair to Latins

The president of Mexico, Luis Echeverria, has articulated the attitudes of the developing world with perhaps the greatest clarity for a chief of state.

"There will be no peace in the world until there has been a basic readjustment of the economic relations among nations," he said at the United Nations last month.

"The menace of increasing inequality between the rich countries and the poor is as serious today as the threat of atomic war . . .

"No country, or group of countries, powerful as they may be, may take upon themselves the exclusive guidance of world affairs and even less the guardianship of other nations."

The speech ranged across all of Mexico's foreign policies, but the strongest language dealt in unmistakable terms with the United States and its economic policies, particularly the 10 percent import surcharge.

President Echeverria's comments, as well as those of many other leaders of developing countries, now have been formalized in the U.N. with a proposal to the General Assembly that industrialized countries recognize that there can be no political security until there is economic stability.

Brazil made the proposal and 21 Latin American nations endorsed it. Asian and African countries are expected to follow with similar resolutions.

The effect is a kind of peaceful rebellion against the economic power wielded by the United States, Japan, or the European Common Market and the Soviet Union.

In the Western hemisphere, of course, the principal target of such protest is the United States. Unhappily, the United States feels besieged with problems at home and it ability to respond is limited. Thus the problem will persist and probably worsen before meaningful solutions emerge.

Some relief is possible in the short run, however, if the United States would lift the surcharge against Latin nations. U.S. Rep. Dante B. Fascell, chairman of the House subcommittee on Inter-American Affairs, already has proposed that action in Congress.

He has called on the President to end what he calls "the unjust treatment of our neighbors." He bases this on the fact that the United States had a $917 million favorable trade balance with Latin America in 1970. He suggests it is unfair to punish Latin America for problems brought on by Europe and Japan.

The administration, we are told, is looking for ways to keep its promises for better Latin trade relationships. They are urgently needed. Meanwhile, it seems to us that Mr. Fascell's suggestion offers an opportunity for a meaningful demonstration of good faith.

Chamber of Commerce
of the Americas,
November 19, 1971.

Hon. Dante B. Fascell,
Member of Congress, Rayburn House Office Building, Washington, D.C.

Dear Mr. Fascell: The enclosed statement of position was approved by our Board of Directors on September 18, 1971 while in regular session at Port-au-Prince, Haiti. Transmittal of the statement was withheld pending revelation of later phases of President Nixon's economic plans. We had hoped the special significance of the relationship between the United States and these countries would be recognized in those plans.

We are most concerned, as I know you must be, over the serious consequences of the 10 percent surcharge applied to all imports from the Caribbean and Latin American countries—which our statement explains.

For these reasons, we hope the comments we make will allow you to verify the severe effect of this extra duty on the economy of those countries. With all due respect, we ask you to give our statement your utmost consideration.

Allow me to take this opportunity to thank you for your excellent help, while in my recent visit to Washington, D.C. in the company of our mutual friend, Frank P. Gatteri.

Respectfully yours,
John O. Miller, President.

Resolution

Be it resolved by the Board of Directors of the Chamber of Commerce of the Americas that the Government of the United States of America is hereby respectfully urged to remove the 10 percent surcharge applied to all imports from the Caribbean and Latin American Countries now in effect, which is causing irreparable damage to the economy of those countries.

The Board takes this action because:

1. For years the Government of the United States has encouraged all Caribbean and Latin American nations to believe that they have a special relationship with the United States and that their democratic traditions and history bind all together, including their economies.

2. More than ⅓ of all Caribbean and Latin American exports, $5.2 billion in 1970, were to the United States. Almost $1 billion worth of this total will be affected by the surcharge.

3. According to the U. S. Department of Commerce, the U. S. sold $917 million more in goods to Latin America and the Caribbean than the U. S. bought from them in 1970.

4. The facts are clear. Trade with almost all of the United States' neighbors to the South is helping, not hurting the U. S. balance of payments.

5. The United States, for years, have urged export expansion and pledged to open markets more to Latin and Caribbean products by enactment of a system of general tariff preferences for the developing nations. Yet, just at the time when many Hemisphere nations are beginning to expand their exports of manufactured products so that they can earn money with which to repay the U. S. developments loans, the U. S. has levied an extra 10 percent duty, and this after agreeing to reduce import duties.

6. It certainly is not a good foreign policy to erect trade barriers between the U. S. and their closest friends and allies with whom for so long the U. S. has had a policy of open frontiers and close military and economic cooperation.

7. The direct effects on the economy of those countries and in business in general are serious and threatens National emergency in some of them.

8. The solution to this unjust treatment can be achieved by immediately exempting all Carribbean and Latin American products from the 10 percent import surcharge.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Secretary of State, the Secretary of Commerce, the Speaker of the House of Representatives and the Senate, as well as to the Secretary General of the Organization of American States and all other appropriate persons and organizations.

Chamber of Commerce of
the Americas
Curacao, Neth. Antilles,
November 29, 1971.

Hon. Dante B. Fascell,
Rayburn Office Building,
Washington, D.C.

Honorable Member of Congress: Our Board of Directors, while in regular session at Port-au-Prince, Haiti, September 18, 1971, agreed to request of the U.S. Government the removal of the 10 percent surcharge applied to all imports from the Caribbean and Latin American countries now in effect.

We are most concerned, as we know you must be, over the serious consequences of this 10 percent surcharge applied to all imports from the above mentioned areas which is causing irreparable damage to the economy of those countries.

For these reasons, we urge that you verify the severe effect this extra duty will have on these countries which, for years, the Government of the United States of America has led to believe that they have a special relationship with the United States and that their democratic traditions and history bind all together, including their economies.

With all due respect, we ask your utmost consideration in repealing the 10 percent surcharge which will create a barrier between the United States and their closest friends and allies which for many years have enjoyed a policy of open frontiers.

Respectfully yours,

LIONEL CAPRILES,
Director from the Netherlands Antilles.

CRISIS AT SEA: THE THREAT OF NO MORE FISH

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. KEITH) is recognized for 5 minutes.

Mr. KEITH of Massachusetts. Mr. Speaker, the December 3 issue of Life magazine features a magnificently done photo report entitled, "Crisis at Sea: The Threat of No More Fish."

The report is so excellent, so directly to the point of this very real crisis, that I have directed a letter of appreciation to Life's publisher, Mr. Garry Valk.

As I have told him, the article constitutes a distinct public service in that it focuses attention to the fact that the world, simply, is running out of fish.

This article tells the story so well, and so much to the point, that I commend it to the attention of all of my colleagues. It goes directly to the heart of the cause of an exploding world population's loss of a major source of badly needed protein—as well as to the heart of the plight of "the men of Gloucester and New Bedford and other east coast ports where the unemployment rates are among the highest in the country," of "the veteran fishermen who no longer can expect their sons to follow in a tradition as old as the country," and of "owners who see their means of livelihood rotting away uselessly beside a wharf."

As a Member of Congress whose constituency includes the badly threatened fishing industry of New Bedford, Cape Cod, and the islands, I have long been gravely concerned with the fact that, as the Life story warns, the world's fish "are being plundered by overfishing so great that some stocks may be on an irreversible voyage to extinction."

It was this very concern that caused me to request my assignment to the House Committee on Merchant Marine and Fisheries. It is this same awareness that has impelled my emphasis on the importance of the Law of the Sea Conference, to be held in Geneva in 1973.

For, as the Life article puts it, quite properly, this vital international Conference may well be man's last chance to reverse the threat of no more fish.

A preparatory committee for the 1973 Conference met twice in 1971. Last summer's session was the most productive to date. Several position papers were placed on the table in support of concepts such as coastal states' rights, strict coastal zones, and jurisdiction over the seabed, particularly as it relates to oil and hard minerals.

The developing nations are seeking strict coastal zones extending to 200 miles. The developed maritime powers prefer to recognize coastal states' rights in which the territorial seas would be extended to 12 miles. The United States position is not to favor an exclusive coastal state zone but, rather, a coastal zone in which the abutting nations are the jurisdictional body controlling the exploitation of the resources in that zone.

Obviously, the United States is attempting to find an acceptable middle ground between these points of polarization.

Obviously, too, this is not a simple matter.

Perhaps even greater concern to me as a Member of the Congress, however, is the proper representation at the Conference of our commercial fishing industry and in particular its views on fisheries conservation. This year, our commercial fishing industry will commemorate 100 years of fisheries conservation. From its point of view, there is little to celebrate. If drastic action is not taken to assure this proper representation and consequent conservation at the 1973 United Nations Law of the Sea Conference, there will be no bicentennial. Long before that time course there will be no more American fishing industry. And so, Mr. Speaker, our fishing industry's adequate participation in any future planning sessions and the Conference itself is imperative.

I would like to call my colleagues attention to an article which appeared in the December 3, 1971, issue of Life magazine. I wholeheartedly concur in its conclusion and, especially, invite your attention in its conclusion relating to our posture on the Law of the Sea Conference in 1973.

It is very apparent that this Conference is our last chance to preserve for posterity the rich resources of the world's oceans.

The full text of this Life article and its cutlines follows:

CRISIS AT SEA: THE THREAT OF NO MORE FISH

The world is on its way to running out of fish. The endless riches of the sea that were supposed to mean salvation for the world's multiplying population turn out to be far from endless. They are being plundered by over-fishing so great that some stocks may be on an irreversible voyage to extinction.

For most of the earth's history, fish have had more than an even break. They could shelter in places fishermen could not go, or evade crude tackle with relative ease. But in the past two decades such automated marvels of electronic fish catchery as the American tuna seiner *Captain Vincent Gann* have radically altered the balance. Adopted by small nations as well as large, the new technology has led in the space of 20 years to a worldwide doubling of the quantity of fish caught. Today the haddock is gone from Georges Bank off the coast of New England and the yellowfin flounder from Alaskan waters, just as the herring was hunted out of the Baltic.

There is no good reason for any fish to become extinct. Actually, the world could safely catch twice as many fish as it does now, provided some simple rules of conservation were followed. But seaboard nations, including the U.S., are so tangled in tradition, in 18th-century concepts of "freedom of the seas" and in three-mile territorial limits that they have not been able to agree on sensible laws of fishery. In 1973 they will get another chance It may be the last one.

The American "super seiner" *Captain Vincent Gann* is a year-old $2.5 million air-conditioned example of all that's new and deadly efficient in fishing. The *Gann* has captured as much as 250 tons of tuna in one set of her giant net. She stays at sea until her tanks are loaded with 1,100 tons of frozen tuna, and at the rate she's been catching fish she will pay off her total cost in only six more years—if the tuna don't run out first.

The old method of fishing for tuna with bamboo poles and barbless hooks allowed many to escape. The modern seine net, when all goes well, captures every fish in the school. But seining for tuna was never practical until synthetics came along after World War II to provide fibers strong enough to hold the fish. Then a Yugoslav immigrant to the U.S. invented a hydraulic power block to hoist the acres of net back aboard, and the "super seiners" were born. Though the U.S. was first to build them, the rest of the world is catching up. The international fleet already must chase from Peru to west Africa and back to the mid-Pacific to find fish.

The U.S. may lead in tuna fishing for the moment, but in most other kinds of fishing we rank as an underdeveloped country. Behemoths like the *Boevaya Slava* (below), a 575-foot Soviet factory ship, have outclassed our efforts and have brought the Russians within striking distance of the Japanese as the world's leading food-fishing nation. Fitted with all the processing and freezing equipment of a big onshore plant, the great ship is like a moving island, going wherever she is needed, taking in fish from her fleet of two dozen smaller catcher boats. She also offers the men from the smaller vessels an opportunity for a kind of floating shore leave, with medical care, movies, a library and showers.

Having built their fishing fleet from scratch in the last 20 years, the Soviets have been able to borrow or buy the best of the new technology. They have also surpassed other countries in another way: the officers of their vessels must pass through a university-level technical training program that makes them the best-educated fishermen in the world.

The *Blue Surf* is typical of what's left of the Gloucester fleet. Rusting, flaking, shivering with the vibrations of her 25-year-old diesel, she still dares the North Atlantic even in midwinter when good sense would dictate that she ought to be tied to the wharf. She is one of 96 vessels left in a fleet that once numbered nearly 400. For the past year the *Blue Surf* has fished for cheap nickel-a-pound ocean perch, not because that's what her crew wants to do—some weeks they have earned less than $60 apiece —but because there isn't anything else. The haddock, cod and flounder she was built to catch have been swept from the New England banks by foreign vessels that will now move on to different seas. For the small New England vessels with limited range, there's no place left to go.

Just to the south of the rocky undersea canyons where the *Blue Surf* seeks a living, the fertile Georges Bank extends in sandy shallows 160 miles out from Cape Cod. A generation ago, New England fishermen were taking thousands of tons of haddock and cod and flounder from Georges every year, and hardly denting the supply. Ten years ago the Russians appeared, then the Poles, the Germans (East and West), the Spaniards and even the Bulgarians. At times their fleets totaled more than 500 vessels, many of these the new factory ships able to freeze everything they caught and to stay at sea for months.

In this situation the Americans never had a chance. Most of the foreign vessels were either state-owned or built with subsidies that ranged from 50% to 100%. For Americans, it was—and is—the other way around. Since 1792 federal law has subsidized the U.S. boat-building industry by stipulating that all American fishing vessels must be built in this country. Today our fishermen have to pay twice as much for a vessel as their foreign competitors do. Considering the low duties charged on most fish, it is thus possible for foreign vessels to fill their holds almost within sight of the American coast, carry the fish back home and then ship it right back here at a profit. In 1970, the excess of fishery imports over exports cost the U.S. $700 million in our balance of payments.

In the U.S., the immediate damage has been to people: to the men of Gloucester and New Bedford and other East Coast ports where the unemployment rates are among the highest in the country, to the veteran fishermen who no longer can expect their sons to follow in a tradition as old as the country, to owners who see their means of livelihood rotting away uselessly beside a wharf.

The long-term loss has been to the fishing grounds. Some biologists estimate that if all fishing stopped tomorrow, the haddock would never return to Georges Bank in the numbers that existed there just ten years ago. Like huge mechanical combines harvesting a field of wheat, the foreign vessels have raked over the grounds until they are now little more than a wasteland. One Canadian study defined the problem: "What is everybody's property is nobody's responsibility."

By 1970, when it was perfectly apparent they had wiped out nearly every living thing on the North Atlantic banks, the fishing nations involved got together and agreed on a quota system. It was no more than an admission of damage already done and is not likely to reverse the process of destruction. The foreign fleets came to the North Atlantic after they had cleaned out the Baltic and the North Sea. When they clean out the banks near our shores they will go elsewhere.

American fishermen have been powerless to halt the rape of their own fishing grounds, partly because the U.S., as a maritime power, has insisted on the three-mile territorial limit as a guarantee of free passage through all the world's oceans and straits. On this point we have the unfamiliar but wholehearted support of the Russians. Our dogged insistence on narrow limits is a major cause of the uncontrolled slaughter of fish. But this doesn't have to be the case.

In 1973 the U.S. will take part in a worldwide "Law of the Sea" conference in Geneva. We could lead a return to sanity by sponsoring three measures there:

Dual seaward limits for all coastal states: 12 miles as the limit of sovereignty, with an additional fishery conservation zone extending out to the point where the continental shelf slopes off into the ocean depths. Most fish live on the shelf, not in the depths. By placing responsibility for the world's fish stock in the hands of the nations bordering the seas, the world would take a practical step toward preservation and regulation. A coastal state should not be able to restrict all fishing to its own boats. But it should be able, through licensing, to limit the total catch to a sustainable yield.

International limits on the different species of tuna that would cut off the fishing worldwide when a set quota is reached. Tuna range through all the world's oceans, and tight conservation measures in one area mean nothing if it's open season at the fishes' next port of call.

Agreement that river-spawning fish such as salmon should never be caught on the high seas but only at the mouths of the rivers in which they are born and where they return to spawn and die. If salmon are netted during the oceanic part of their life cycle, it may well mean that when the time comes for them to return to their native rivers, none are left to strike up certain streams, while other rivers are glutted. Two improbable villains in the present situation are Denmark in the Atlantic and South Korea in the Pacific. Neither nation has a salmon river of its own and both insist on the right to catch salmon on the high seas. If their attitude wins out in the name of "freedom of the seas," the salmon may go the way of the whale.

There is no reason why laws cannot be written that would acknowledge the basic right of free passage and still allow for the conservation of the world's fisheries. In fact, unless such laws are written, we will be preserving only the right of passage over a dead sea.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

There are 865 species of trees native to the continental United States, including a few imports that have become naturalized to this country, according to the American Forestry Association.

CLOSING A LOOPHOLE IN OUR DRUG CONTROL LAWS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, today I have introduced a bill which would close a serious gap in the Controlled Substances Act enacted last year. A brief description of an incident that took place earlier this year in Rochester, N.Y., will demonstrate the need for this legislation.

A surgical supply company, registered under the Controlled Substances Act to distribute drugs, sold its warehouse to the city of Rochester for an urban renewal project. When it removed its inventory from the warehouse, the company left behind large quantities of amphetamines, barbiturates, and assorted drug paraphernalia which were out of date and had lost their commercial value. Shortly thereafter, these drugs and supplies found their way into the illegal drug scene in Rochester.

Thanks largely to the efforts of Mr. George W. Finegan, a volunteer with the middle earth youth project, personal contact was made with drug users to alert them that these drugs were chemically unstable and highly dangerous. As a result, 30,000 doses of destro amphetamine and more than a case of lethal procaine were recovered and destroyed.

Mr. Finegan filed a complaint against the supply company with the U.S. attorney for the Western District of New York. The U.S. attorney, however, determined that no violation of Federal law had occurred. In fact, there was apparently no ground even for the revocation of the company's Federal registration under which it was authorized to distribute controlled substances.

The bill I have introduced today would correct this deficiency in the law in two ways. First, it would empower the Attorney General to revoke or suspend a Federal registration where a registrant "has abandoned or otherwise failed to maintain effective controls against the diversion of any controlled substance," or where he "failed to provide a standard of control consistent with the public health and safety." The Attorney General is directed to apply such standards when determining whether to register an applicant to manufacture or distribute controlled substances. Surely these applicants should be held to the same standards after they have received their registration and are dealing in dangerous drugs.

Second, my bill provides for criminal penalties where, as in the case cited above, registrants simply abandon controlled substances rather than taking responsibility for their destruction or end destination.

Mr. Speaker, the primary purpose of our registration system is to insure that dangerous drugs move only in authorized channels. The incident that occurred in my congressional district clearly demonstrates that our present laws do not provide adequate safeguards. I believe the legislation I have introduced will significantly enhance our chances to fight and win the battle against drug abuse. An identical measure has been introduced in the Senate by Senator THOMAS EAGLETON and I hope that each of my colleagues in the House will join us in this effort.

At this point, Mr. Speaker, I would like to include for the RECORD a letter I received from Mr. George Finegan and the letter to Mr. Finegan from the U.S. attorney.

MIDDLE EARTH YOUTH PROJECT,
Rochester, N.Y., December 1, 1971.
Hon. FRANK HORTON,
Cannon House Office Building,
Washington, D.C.

DEAR MR. HORTON: Under existing Federal law, abandonment of, or gross negligence in the handling of a dangerous drug, such as amphetimine is not a crime.

For the past 6 months, I have been on the street, as a youth worker in Rochester and in my judgment, Amphetimine is a greater public health and public safety problem than is heroin.

A speed freak, (amphetimine user) will kill. I've seen enough chemically induced paranoia as a result of amphetimine to be outraged by the drug industrys wanton disregard of their public responsibility.

Early this summer, while recovering from a heart attack. I began spending my time with teen agers, most of them white, middle class and all of them drug oriented.

Two of them, who were runaways found a warehouse which was scheduled for demolition under urban renewal and which contained an estimated 500,000 units of amphetimine and barbituates as well as needles, syringes and worst of all, a case of procaine which if injected could be lethal.

The owner of the drugs had abandoned them because they were out of date and had lost their commercial value.

I was able to intervene and recover some 30,000 units, a case of procaine which we turned over to Mr. John Sullivan of the U.S. Attorneys office. He was most cooperative and interested to the point of spending his own free time to learn of our project and what we were attempting to do.

His research into this matter elicited the fact that abandonment is not now a violation of federal law. While the particular case that I cited is relatively rare, it does point up a deficiency in the law and we are most grateful for your interest in the matter.

The bill which you propose to sponsor in the house would be a small but I think significant step in the drug control effort.

Respectfully,

GEORGE W. FINEGAN.

U.S. ATTORNEY,
Rochester, N.Y., October 20, 1971.

Re: Complaint Against Local Drug Wholesale Supply Company

Mr. GEORGE FINEGAN,
Middle Earth Youth Project,
Rochester, N.Y.

DEAR MR. FINEGAN: This letter is in regard to your complaint against the Monroe Surgical Supply Company. I have, in the vault at the United States Attorney's Office, Rochester, New York, the material that you caused to be turned over. That material being various needles, syringes, vials of narcotic drugs and sundry pills.

Under the facts alleged in this complaint, there appears to be no violation of a federal criminal statute. Aside from the evidentary problems that would be inherent in the direct proof of this case in relationship to Monroe Surgical Supply Company's original ownership and abandonment of these articles, there is no statute under which this office can proceed. The mere fact of abandonment of control substance narcotics does not give rise to a criminal violation. This opinion is based on my research and consideration of the statutes and on the advice of the regional office of the Bureau of Narcotics and Dangerous Drugs in Buffalo and New York City. An investigation of this matter has been conducted by the Bureau of Narcotics and Dangerous Drugs.

In this type of situation, there is a possibility that a wholesale drug supplier in abandoning this type of material may violate State registration and record keeping requirements and in that manner, their application for a renewal of license might be denied for failure to comply with State requirements.

In this instance case, Monroe Surgical Supply Company has now voluntarily withdrawn from the narcotic drug wholesale supply business.

I wish to thank you for your continued cooperation and concern in drug related matters with this office.

Very truly yours,

H. KENNETH SCHROEDER, Jr.,
U.S. Attorney.
By: JOHN T. SULLIVAN, Jr.,
Assistant U.S. Attorney.

PROVIDING FOR THE SAFEKEEPING OF THE HOLY CROWN OF ST. STEPHEN

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I am today reintroducing my resolution providing for the safekeeping of the Holy Crown of St. Stephen until such time as a constitutional government freely elected by the Hungarian people once again functions in Hungary.

This resolution was originally introduced on July 30 of this year when I was joined in cosponsorship by 25 colleagues. Similarly, Senator ROBERT DOLE introduced Senate Concurrent Resolution 48 on October 29 and was joined by six colleagues in the other body.

Joining me in the reintroduction of this resolution today are:

Mr. COLLIER of Illinois.
Mrs. GRASSO of Connecticut.
Mr. HOSMER of California.
Mr. HUNT of New Jersey.
Mr. KUYKENDALL of Tennessee.
Mr. MINSHALL of Ohio.
Mr. PRICE of Texas.
Mr. RARICK of Louisiana.
Mr. SCHMITZ of California.
Mr. THOMSON of Wisconsin.

Mr. Speaker, I am pleased by the support of my colleagues for this resolution. I believe it indicates that many Members of this body are gravely concerned with the fate of the Hungarian Holy Crown and with the American role in its preservation.

Mr. Speaker, I have written to President Nixon expressing this shared concern, particularly in light of recent news stories that the Holy Crown may have been used as the negotiating tool to secure the resettlement of Joseph Cardinal Mindszenty in Rome and Vienna. I have asked the President to clarify the intent of these negotiations since I recently received a letter from Cardinal Mindszenty expressing his gratitude for our efforts to safeguard the Holy Crown.

Mr. Speaker, I include these documents in the RECORD at this point:

DECEMBER 3, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Once again, news reports indicate that the United States is negotiating with the Hungarian Government for the return of the Hungarian Holy Crown of St. Stephen, which was entrusted for safekeeping to the United States in 1945.

I am enclosing for your further information the translation of an article which appeared in the October 21, 1971 issue of the *Salzburger Nachrichten*, entitled "Secret Exchange of Mindszenty for St. Stephen's Crown?", as well as a copy of The Scott Report which appeared in the November 11, 1971 edition of *The Wanderer* newspaper. These articles allege that negotiations for the return of the Crown are under way, and even go so far as to indicate that the Crown has been promised in exchange for the safe resettlement of Joseph Cardinal Mindszenty in Rome and Vienna. Despite these allegations, the enclosed copy of a letter which I received from Joseph Cardinal Mindszenty indicates that the Cardinal himself wishes the Holy Crown to be retained in the United States at this time.

To date, thirty-nine members of the House and seven Senators have co-sponsored my resolution providing for the safekeeping of the Holy Crown until such time as a constitutional government freely elected by the Hungarian people once again functions in Hungary. This support is, I believe, indicative that many members of the Federal legislature are gravely concerned with the fate of this symbol of constitutional government and of the American role in its preservation.

I have called on Chairman Thomas E. Morgan of the House Committee on Foreign Affairs to initiate hearings on this important resolution. Prior to any public hearings, I would appreciate having your comments about these reports of alleged negotiations concerning the return of the Crown.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

VIENNA, *November 20, 1971.*

Representative Mr. LAWRENCE J. HOGAN,
U.S. House of Representatives, Washington, D.C. U.S.A.

SIR: It is with the deepest sense of gratitude that I received the information about a resolution action for the preservation of the Holy Crown of St. Stephen, for trying to prevent its being delivered into the hands of our worst enemies.

I express my feelings of hope in the success of your endeavors for this noble cause.

With the expression of my thanks,

I am sincerely yours

JOSEPH CARDINAL MINDSZENTY,
Primate of Hungary,
Archbishop of Esztergom.

SECRET EXCHANGE OF MINDSZENTY FOR ST. STEPHEN'S CROWN?

München [Munich] October 20, 1971 (DPA). According to information received by the CSU organ "Bayernkurier", secret negotiations between the American and Hungarian Governments are underway concerning the crown of Saint Stephen, which is on deposit at Fort Knox in the United States.

As the Bavarian Party organ writes in its latest issue, "the return of the crown of the founder of the Hungarian Kingdom was one of the conditions which the Hungarian Government had made for the granting of safe conduct for Josef Cardinal Mindszenty during his recent resettlement to Rome. Allegedly, the negotiations concerning the departure of the Cardinal who had enjoyed asylum in the USA Embassy in Budapest since 1956, resulted in Pope Paul VI's "strict order" for the Cardinal to come to the Vatican, while the Budapest Government had given its approval of the exchange of St. Stephen's crown for Mindszenty's departure".

[From the Wanderer, Nov. 11, 1971]

WILL REDS GET ST. STEPHEN'S CROWN?

(By Paul Scott)

WASHINGTON.—Secret diplomatic maneuvering is now underway for the State Department to turn over the Holy Crown of St. Stephen's to the Communist Government of Hungary.

The historic crown, the oldest Christian symbol of freedom and authority in Europe, was entrusted to the U.S. Government in 1945 to keep it out of the hands of attacking Russian armies and until Hungary is a free nation again.

The return of the Holy Crown and its jewels is being engineered by Dr. Henry Kissinger, the President's chief foreign-policy adviser, and is an integral part of President Nixon's new policy of accommodating Moscow and Peking to obtain a lowering of East-West tensions.

Under the Kissinger plan, the Holy Crown is to be returned to Hungary before the President visits Moscow. The return could come as early as this Christmas if a U.S.-Hungary claims settlement agreement can be worked out before then.

The return of the Holy Crown is to serve as a public gesture to Moscow and the other Soviet-bloc nations that the U.S. Goverment fully recognizes Communist control over Hungary and the other captive nations of Eastern Europe.

Given to King Stephen of Hungary by Pope Sylvester II in the year 1000 A.D., the Holy Crown is a national treasure of immense historic and symbolic significance to Hungarians and American Hungarians who believe that government power is inherent in the Holy Crown itself. To many Hungarians, the Holy Crown represents that Hungary always would be a Christian nation.

Discussions on the arrangements for the return of the Holy Crown are now going on in Budapest between Hungarian officials and U.S. Ambassador Alfred Puhan. The arrangements are expected to be completed soon unless Congress bars the move.

Twenty-five lawmakers led by Representative Lawrence Hogan (R., Md.), a leading Catholic layman and former FBI agent, have introduced a concurrent resolution in Congress designed to block the return. Their resolution expresses the sense of Congress that the Holy Crown should remain in the United States until Hungary once again functions as a constitutional government established through free elections.

The House legislators, who are from politically strategic States ranging from New York to California, and Massachusetts to Pennsylvania, are now pressing for public hearings before the House Foreign Affairs Committee. The Hogan group's objective is to expose the Kissinger plan before it can be consummated and rally public and Congressional support against the return.

Their argument against the return is that it would be taken by persons behind the Iron Curtain as a breaking of a sacred trust and a sign that the United States has given up hope that Hungary and the other captive nations will ever be free. As one member of the Hogan group put it:

"The return of the Holy Crown would be a symbol that the United States believes Communist rule will go on indefinitely in Hungary and the other Eastern European nations."

State Department officials so far have been able to delay public hearings by declining to answer the committee's request for the Nixon Administration's position on the resolution.

THE NEW POLICY

The significance of the present U.S.-Hungarian talks to return the Holy Crown is that they began shortly after President Nixon made his decision to support the legalization of Communist control over all the people and nations seized during and since World War II.

Although never announced by the President, this new doctrine of writing off the captive nations of Europe and Asia was secretly made known to Soviet and Chinese leaders several months ago and shortly after the decision was made.

Administration insiders say the new Nixon policy had a lot to do with those invitations from Moscow and Peking for President Nixon to visit those countries next year. Another sign of the policy is the red-carpet treatment that the White House accorded President Tito when the Communist boss of Yugoslavia visited Washington last week.

It was Tito who encouraged Nixon during their meeting last year in Belgrade to give "legal recognition" to the territorial changes that took place in Europe after the Second World War.

MINDSZENTY EXILED

The pressured exile of aging Cardinal Mindszenty recently from his self-imposed asylum in the U.S. Embassy in Budapest was part of the new Nixon policy toward the Communists. As a symbol of a free Hungary, the Communist government there wanted Cardinal Mindszenty removed from the country. The Nixon Administration agreed and put pressure on Rome to force Mindszenty to leave.

Significantly, one of the charges leveled against Cardinal Mindszenty, when he was jailed after the Communists took over Hungary, was that he had urged the United States to protect the Holy Crown or turn it over to Rome for safekeeping. Cardinal Mindszenty was freed from jail by the Hungarian Freedom Fighters during the October, 1956, uprising. He was forced to seek asylum in the U.S. Embassy when Soviet troops crushed the rebellion.

Now living in exile in Austria, Cardinal Mindszenty's private plea to his supporters here is to do everything possible to keep the Holy Crown out of the hands of the Communists. One of his long-time supporters here, former Speaker John McCormack, is telling members of Congress that "the return of the Crown to the present Hungarian government must be stopped."

FRENCH HEROIN PROCESSING AND TRAFFICKING MUST BE TERMINATED

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. Blackburn) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, the illicit traffic in heroin continues to increase at an alarming rate with a corresponding increase in human suffering as a result.

Today, Mr. Rangel and I are introducing a bill designed to communicate to France the intense desire of the United States that French heroin processing and trafficking be terminated. The legislation we are introducing would raise the surcharge on French products from the present 10 percent to 25 percent. In order to make it more attractive to French authorities and to encourage them to show good faith, we are giving the President the discretionary authority to reduce or remove such a surcharge when it is proven to his satisfaction that the French Government is realistically demonstrating an ability to stop the illicit flow of drugs from their country into ours.

France must make more than the token effort it has been making to put the drug producers and drug smugglers out of business. The political pressure from Paris has already resulted in the ouster of John Cusack, the most active American drug fighter in France and European desk chief of the Bureau of Narcotics and Dangerous Drugs. A top-level French official has been indicted and now refuses to come to the United States and stand trial on narcotics charges. An officer at the French consulate in New York, implicated in an international dope smuggling ring, has refused to appear before a Federal grand jury. A former French ambassador has publicly admitted knowledge of diplomatic complicity in heroin traffic. Yet the French Government wants the American people to naively believe they are doing their best.

It is our hope that economic leverage will work where protocol has failed. The lives of too many of our young people are at stake for the United States to knuckle under to French political power. Through this legislation being proposed today, we hope to show France that the United States means business.

We are joined in this effort by 11 of our colleagues: Mr. Baring, Mr. Brasco, Mr. Cleveland, Mr. Daniel of Virginia, Mr. Diggs, Mr. Forsythe, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Horton, Mr. Schwengel, and Mr. Stokes.

DISTURBING DEVELOPMENTS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. Frelinghuysen) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, the events of the past few days on the Indian subcontinent promise deep trouble, not only for East Pakistan but for all concerned. No matter how swiftly military operations may develop, it is hard to envisage any victor in the conflict now underway.

The role of India in this conflict is most disheartening. Admittedly India has been under heavy and increasing pressure because of the millions of refugees from East Pakistan which she has been caring for. Admittedly also, it would have been difficult prior to the outbreak of war, to argue about the urgent need for Pakistan to develop a political accommodation which would have relieved that pressure.

However in seeking a military solution for her problems India has released a whirlwind. It has made a political accommodation impossible and may well affect her own future adversely. Furthermore, India's unilateral action in recognizing the independence of a so-called People's Republic of Bangla Desh makes India the architect of a policy which, if successful, could have far-reaching consequences.

A People's Republic of Bangla Desh, described by Mrs. Gandhi as following "the basic principles of democracy and socialism," is certainly not what the people of East Pakistan were voting for just a year ago when they so overwhelmingly supported Sheikh Mujibir Rahman. This new socialist People's Republic smacks strongly of Soviet influence on India. This is not unnatural perhaps in view of the treaty signed last August between the U.S.S.R. and India, but at the same time India's decision is a disturbing indication of what may lie ahead on the subcontinent.

CONGRATULATIONS TO THE ECONOMIC DEVELOPMENT ADMINISTRATION

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Don H. Clausen) is recognized for 5 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I noted with interest an announcement which was made recently by the Economic Development Administration that the agency's investment in economic planning and development on Indian reservations had passed the $100 million mark.

The achievement of this milestone is noteworthy for two reasons. The first is that it indicates the fulfillment of the promise made by President Nixon to expand the Federal Government's role in helping the Indians.

The second, of equal importance, is the effect this financial support has had in encouraging the Indians to view their reservations in a new light—one that reflects the opportunity for new jobs and better family incomes.

The Economic Development Administration is the U.S. Commerce Department agency that helps communities develop their resources to enable them to reach their full economic potential. EDA has designated more than 100 Indian reservations around the country as eligible for this support and has received enthusiastic responses from tribal members to its offer of assistance.

The many projects which have received grant and loan support range from the installation of basic sewer and water services to land preparation and the construction of buildings for use by industry.

They represent the true meaning of a partnership between the Federal Government and a local community—in this case the Indian reservation.

EDA offers financial help to the tribes in the form of planning grants to prepare an overall economic development program. It supports technical studies on the feasibility of certain industries operating on reservations and follows up this preliminary work with grants and loans to install the utilities and prepare the land for industry to use. Business loans are made to the tribes or to businessmen to start the work going.

The success of the program can be measured in the number of jobs created and the Indians employed.

One example is the Fairchild semiconductor plant on the Navaho reservation at Shiprick, N. Mex., which EDA assisted in establishing. Indians were trained for the work and there are now more than 800 employed at the production center.

Another project, and of far-reaching potential for the Nation as a whole, involves sea-farming by the Lummi Tribe of Washington. The program was established with the aid of $2 million in public works and technical assistance funds from EDA. The tribe expects the production of oysters and fish to employ 600 persons by the end of the fifth year. And Lummis believe the project will develop into a $4 million annual industry.

There are many other projects which are equally noteworthy—tourist centers, training schools, industrial parks, lumber mills, cattle raising cooperatives—to name a few.

Much work is still to be done, but these EDA programs have already been a key element in assisting the American Indian build a better life based upon economic growth from the Indian's own initiative and labors.

EDA's support to the Indians passed the $100 million mark on September 30, 1971, when it approved a $460,000 grant for an industrial park on the Swinomish Reservation in the State of Washington.

It is my understanding the EDA has set a goal of approving grants and loans totaling $26 million for the Indian programs in fiscal 1972. I am pleased that this program continues to reflect the increasing desires and abilities of the American Indian to obtain a full share of economic growth.

I have some designated EDA Indian reservation areas in my congressional district and they are working on programs and economic development proposals that I am hopeful will lead to job opportunities, business opportunities, and an overall economic, social, and cultural enhancement of our Indian community.

I am pleased with the progress and commend Mr. Podesta and his very able staff for their very beneficial efforts on behalf of our American Indians.

ATTACK ON THE SOUTH CAROLINA COMMISSION FOR FARM WORKERS

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 15 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I think it is somewhat fitting that the Office of Economic Opportunity has chosen a date so close to the infamous attack on Pearl Harbor to begin their own attack on the South Carolina Commission for Farm Workers. Mr. Speaker, this morning the OEO has undertaken the task of stripping away funds for this State commission. I submit that, like the lynch laws of the early West, they would like to give the South Carolina Commission for Farm Workers a fair trial and then hang them. I further submit that, like that infamous attack on Pearl Harbor, the OEO has operated under the cloak of secrecy, and has now struck with little warning. Even to this hour, the OEO has yet to officially notify me of their actions, despite my concern. Despite the fact that radio and television accounts of my concern have run throughout the First District—the OEO has not heard. Despite headline after headline that have appeared in newspapers around the First District—the OEO has not seen. Despite my speeches in this Chamber previously—the OEO does not respond.

The hearings are officially underway and I would like at this point to comment on the morning session. I went to these hearings with an open mind and the thought that we might really get a semblance of justice. I felt that, with the hearings out in the open, the OEO would have to keep the proceedings "above board." Mr. Speaker, this is far from the case. We have underway—in the name of "defunding hearing"—a regular kangaroo court with an in-house judge. The South Carolina Commission for Farm Workers has been pitted against the bureaucratic army—armed with a peashooter. The OEO is not allowing things like truth and objectivity to stand in their way of a conviction. I really half-expect to hear someone on the panel to yell—"Off with their heads" before the day is over.

I would give the South Carolina Commission for Farm Workers about as much chance of standing this onslaught as a crippled chicken in a field full of foxes.

Even though the South Carolina Commission for Farm Workers has truth on their side, they are in the process of being devoured. I would like, for the record, to submit the reasons the OEO has brought about this action—followed by the 11-page reply of the South Carolina Commission for Farm Workers. This, I feel, states the case for and against much better than all of the rhetoric that could be advanced in this hearing:

STATEMENT OF SPECIFIC REASONS FOR TERMINATING GRANT CG-0774 TO THE SOUTH CAROLINA COMMISSION FOR FARM WORKERS

This statement sets forth the reasons for terminating the Office of Economic Opportunity ("OEO") grant CG-0774 to the South Carolina Commission for Farm Workers ("SCCFW") and identifies the facts relied on as justifying termination and the OEO requirements which it is contended SCCFW has violated.

A. DEFICIENCIES IN PROGRAM OPERATIONS

(1) The work program in the grantee's CAP Form 7 provides for a program of Adult Basic Education (ABE) which includes both General Education Development (GED) preparation and pre-vocational job orientation to be conducted at each of the Commission's four target county multipurpose centers which would be set up to train some 200 potential trainees. The centers are the Charleston Center, the Williamsburg County Center, the Dorchester Center, and the Sumter Center. However, the grantee has not conducted any Adult Basic Education classes and there is no indication of any formally structured ABE classes having been conducted during this program year F.

An evaluation of SCCFW conducted during the period August 2–6, 1971, concluded that there were no ABE activities from April 1, 1971, the beginning of the program year F, to August 2, 1971. The reviewing team headed by Mr. Jose Garcia of the Migrant Division, determined that the ABE program was at a virtual standstill, that is, there were no classes of any type for farm workers in the SCCFW organization.

During the period September 21–24, 1971, a follow-up visit was made by a Migrant Division fact-finding team, at which time all of the area offices were visited. Again, there was no indication, as observed by the fact-finding team and through talks with SCCFW people, that any ABE classes were being conducted or had been conducted during the program year F as required by the grant terms and conditions. There was, however, some follow-up activity on ABE participants from the previous program year E which ended on March 31, 1971. But this follow-up activity to previous participants ended on July 1, 1971.

As further substantiation that no ABE classes have been conducted, it should be noted that there is a special condition of the grant entitled "Pre-vocational and Skills Services and/or Training Fund" which allows for some $60,000 to be used, with prior OEO approval, to assist in the grantee's training program. This special condition specifically provides for contracting of services to perform the necessary training in the program. Since there has been no request for the use of this fund to contract services, it is further evidenced that no ABE activities were being conducted.

(2) The work program calls for migrant day care services designed to meet the basic needs of migrant infants while their parents are working. A child care program was started in April 1971, but ended on August 6, 1971, and has not resumed as yet. At the time of the September 21 through 24 visit, it was noted that the year-round day care program supported by Title III–B funds had not been started up again after a recess in August.

(3) The work program outlines an Economic Development program to organize the rural poor in target counties into cooperative endeavors such as: buying clubs, sea food processing and marketing, credit unions, handicraft marketing, farm purchasing and marketing, and child care services. However the only economic development project attempted has been that of the buying clubs.

(4) The work program of the CAP Form 7 provides for a Job Follow-up program. However, it is reported by the Migrant Division's reviewing team of September 21–24, 1971, that all Job Follow-up activity ceased on or about July 1, 1971.

(5) The grant to SCCFW included special conditions entitled "Special Reporting Re-

quirements" which the grantee was required to comply with. For our purposes here, the more pertinent special conditions required the following: (a) Special Condition No. 5 required that the grantee submit a plan and implementation schedule for the restructuring of the Board to reflect the multi-county nature of the agency (SCCFW) and the need to provide representation for target area populations not then covered; the plan was to have been submitted by July 1, 1971, and (b) Special Condition No. 6 which in conjunction with the restructuring of the Board, required the grantee, by the same date, July 1, 1971, to submit a plan and implementation schedule for the relocation of centers, outreach staff, agency support resources, etc., to better reflect the seasonal and migrant worker target area population of South Carolina; also, this special condition required the grantee to develop working relationships with other agencies serving the poor. However, (a) the grantee did not submit the plans required by these special conditions within the allotted time, (b) the grantee requested and gained an extension of time from OEO to August 12, 1971, for the submission of the plans, (c) OEO, on June 29, 1971, requested the grantee to set up a Special Committee to negotiate with it in order to seek compliance with the special conditions on behalf of the grantee, (d) the grantee established the Special Committee on July 8, 1971, and it met on July 20, 1971, to resolve the questions raised by the Migrant Division for compliance with the special conditions, (e) the plans were submitted by the Special Committee to the Migrant Division and were considered adequate to meet the grant special reporting requirements; and the Migrant Division, in a letter to the grantee dated September 8, 1971, indicated an acceptance of the recommendations made by the Special Committee to meet the OEO special conditions.

Notwithstanding the above, the grantee (SCCFW) met on September 9, 1971, and the board, by motion, unanimously voted to dissolve the Special Committee and to replace it with an Executive Committee for purposes of negotiating on the special conditions with the Migrant Division. They also moved to repudiate and reject the work accomplished by the Special Committee, thereby resulting in the grantee's non-compliance with the special conditions of the grant.

Although the grantee failed to be in compliance with the conditions outlined in the "Special Reporting Requirements", the Executive Committee of the grantee forwarded to OEO on September 16, 1971 its own responses to the above requirements. These responses have been reviewed and have been judged inadequate and inappropriate for the following reasons:

(a) The restructuring of the grantee's board calls for the election of grantee staff members from the several program centers "to serve in a non-voting advisory capacity to the Governing Board." Such a provision further weakens the role of the grantee's Executive Director as the principal advisor to the board.

(b) A provision is made for at least one-third (⅓) of the board to be made up of migrants and seasonal farm workers and/or their elected representatives even though the grantee was informed of the current Migrant Division requirement that at least fifty-one percent (51%) of Title III-B grantee board members be so designated.

(c) The grantee persists in allowing the presence of only one-third (⅓) of its board members to constitute a quorum although advised by OEO that the percentage must be raised to fifty percent (50%), in accordance with OEO Instruction 6005-1.

(d) The Executive Committee argues that the persistent failure of the grantee to comply with the terms of the "Special Reporting Requirements" is proper grounds for a further delay in the relocation of program centers. OEO does not recognize non-compliance as an adequate justification for the continued failure to properly relocate program centers.

(e) The Executive Committee further suggests the establishment of satellite centers as an acceptable modification of the OEO relocation requirement. Such an expansion of the existing network of centers rather than the relocation of existing centers is both unnecessarily costly and programmatically unacceptable.

The foregoing items (1) through (5) constitute grounds for termination under clauses (1) and (3) of General Condition 9 of the grant.

B. DEFICIENCIES IN ADMINISTRATION

(1) A financial report entitled "South Carolina Commission for Farm Workers, Inc., Report of Financial Systems and Management Technical Assistance Needs," dated September 28, 1971, was made by an independent certified public accountant (CPA), Joseph A. Chesanek. The CPA states that "a review of the Commission's financial and accounting systems and procedures revealed that the systems and procedures in use are inadequate with regard to meeting OEO's minimal requirements." The condition of the accounting system violates CAP Guide Vol. II, Part 1.13. and fails to meet the standards set forth in section 243 of the Economic Opportunity Act of 1964, as amended.

Among the other financial and management deficiencies noted are (a) that the time and attendance records are lacking in administrative or fiscal controls, which are required by CAP Guide DI, II, Part 1.2.a. and OEO Instruction 6900-01, Part Vo.2, and (b) that the procedures for the approval of travel vouchers lack the necessary accurate accountability, which is prescribed by OEO Instruction 6910-1, and (c) that no accurate record is maintained as to the location and disposition of non-expendable property, as is required by OEO Instruction 7001-01. Additional deficiencies are noted in the attached excerpts from the CPA's report on SCCFW called "Report of Financial Systems and Management Technical Assistance Needs."

(2) The Special Condition of the grant entitled "Pre-vocational and Skills Services and/or Training Fund" which provides for some $60,000 of earmarked funds to supplement the Pre-vocational and Skills Services and/or Training Fund requires that special and separate accounting procedures be set up for this fund. The special requirement has not been implemented.

(3) The current senior staff person is described as the grantee's "Acting Administrator", a position not authorized or funded by the terms of the present grant.

C. GRANTEE BOARD OF DIRECTORS

(1) Article 2, Section 3 of the grantee's by-laws, which were last revised July 11, 1968, requires that two persons from each advisory council serve on the grantee board. However, this requirement of the by-laws has not been met since there are only three persons from the advisory councils. (See clause 4 of General Condition 9 of the grant and the attached excerpts from the Summary Report by the consultant, Mayfield K. Webb, from the Educational Systems Corporation).

(2) Article 2, Section 5 of the by-laws provides for a maximum of two consecutive terms of two years each for board members.

A memo sent to all board members on July 2, 1968 containing proposed changes to the by-laws of the SCCFW, including the change limiting the term of office of board members to two (2) years which was subsequently adopted on July 11, 1968, identified the following persons whose terms should end on December 31, 1969:

1. Thomas Duffy.
2. Marybelle Howe.
3. John T. Enwright.
4. James Adamson.
5. Virgil Dimery.
6. Leon Walker.

In addition, the terms of the following members were noted as scheduled to end December 31, 1970:

1. Willis Goodwin.
2. Lynn Rhodemeyer.
3. McKinley Washington.
4. James Martin.
5. Henry Grant.
6. Saul McBride.
7. D. L. Culver.
8. Irvin Drayton.

No evidence has been presented to show that the above persons ended their terms as indicated and that they were elected or selected to new terms. Their presence as board members therefore appears to be in violation of this provision of the agency's by-laws (see clause 4 of General Condition 9).

(3) Article 2, Section 6 of the by-laws provides that three consecutive absences from board meetings constitute voluntary resignation from the board. (See the Summary Report by Mayfield K. Webb.)

Persons whose presence as board members appears to be in violation of this section are:

1. Thomas Duffy.
2. Raymond Stoddard.
3. Henry Grant (PR).
4. Robert Hurst.
5. Paul Mathias.
6. Suzanne Pendarvis.
7. Harold Simmons.
8. Gray Temple.
9. John Enwright.
10. Herbert Fielding.

(4) Article 2, Section 3 of the by-laws provides that all sections of the state are to be represented on the board. Since the grantee has failed to meet this requirement, it is in violation of its own by-laws and clause 4 of General Condition 9 of the grant.

(5) The minutes of the Board of Directors meeting show that since as early as June 29, 1971, the Board has been unable to effectively address itself to the important question requiring its attention regarding the programmatic needs of the program.

The minutes show that a large part of the time has been spent in discussion of things other than programmatic concerns of the agency to the exclusion of much of the important business pending for the Board's attention. As a result the Board has not provided adequate leadership in setting policy, meeting conditions of the grant and supervising the program. The conditions have isolated the program from the community influence and control which the Board of Directors was intended to represent, and significantly impaired the grantee's capacity to enlist community support.

The situation so seriously impeded the carrying out of the grant work program that the OEO Migrant Division found it necessary to request, and did request on June 29, 1971 that a Special Committee be appointed to act for the board in the grantee's dealing with the Migrant Division. On September 9, 1971, in Kingstree, South Carolina, the meeting of the board was summarily adjourned by the Chairman after a board member allegedly engaged in denouncing fellow board members for racial prejudice and other name calling. In addition, at least one board member was reportedly manhandled at the meeting by a staff member. The events of September 9, 1971, were described in a Charleston, South Carolina newspaper by a reporter who was present at the meeting.

The foregoing items (1) through (5) all involve changes which significantly impair the representative character of the Board, which are grounds for termination under clause 4 of General Condition 9.

The facts described above require termination of the grant. On numerous occasions during the past several months the Migrant Division has expressed its concern to the grantee regarding the serious deficiencies in the program. Several meetings were held in Charleston and in Washington at which problems with the grantee's program board and administration were discussed and possible solutions were offered. All efforts to reach a mutually acceptable solution have either been resisted or rejected outright by the grantee.

As a result, Title III–B program operations in South Carolina are at a standstill. OEO funds are being expended to support a staff without measurable benefits accruing to the Title III–B target population. As a result of vacancies in key leadership positions, the present staff of the program has shown neither the professional qualifications to operate a Title III–B program nor the fiscal competence to maintain proper control of six hundred thousand dollars of Federal funds. In addition, grant funds have been expended in violation of the special conditions of the grant. Under these circumstances OEO can no longer permit Federal grant funds to be expended by the grantee.

South Carolina Commission for Farm Workers—Migrant Division

The South Carolina Commission for Farm Workers, Inc. (SCCFW) offers the following information in response to the allegations made by the Migrant Division of OEO against the SCCFW concerning OEO Grant CG–0774, Program Year "F".

The SCCFW has continued to serve the migrants and seasonal farm workers despite the problems created by the Migrant Division of OEO. Namely, the problems are:

1. Grant was not approved until May 26, 1971.

2. Funds were not received until July 7, 1971, which is over three months after the beginning of Program Year "F" and after the major migrant season in South Carolina.

3. A letter from the Migrant Division dated June 29, 1971 restricted III–B funds to current operational costs.

4. On September 15, 1971, the Migrant Division revoked the Commission's Letter of Credit.

5. A continuous threat of defunding by Migrant representatives and through the news media.

6. A letter dated October 28, 1971 informs the Commission of the Letter of Credit revocation over six weeks after the action.

7. The same letter informs the SCCFW that its funds are not frozen and that monies are available on a month-to-month basis for program operations. This is the first correspondence received by the Commission stating that we had operational funds. At this time the Commission proceeded to put its educational center program into full operation.

These and other hardships placed on the SCCFW by the Migrant Division have hampered our efforts to serve the migrants and seasonal farm workers as well as impair our support program efforts (six additional programs funded for $656,000), but the following activities indicate what the ability of the SCCFW is in spite of the lack of cooperation and support of the Migrant Division of OEO. With their support and cooperation, the SCCFW can continue an expanded, more complete program to serve the migrant and seasonal farm worker families.

A.(1) All centers were advised in late June by representatives of the Migrant Division and ESC not to implement the ABE program, planned for FY/F and delayed by the lack of funds. The centers were told that a survey would be conducted, pursuant to the reorganization of SCCFW. When the issue was not resolved by mid-September, the centers opened classes on a voluntary basis. When funding was received in November, additional stipended classes were begun on November 29. The classes are as follows:

(a) Adult Basic Education:

(Center, class, enrollment, and counties served)

Dorchester: Typing; 5 (Stipend), 12 (Non-Stipend); Dorchester.

GED; 19 (Stipend), 11 (Non-Stipend); Dorchester, Berkeley, N. Charleston.

Handicrafts; 30 (Non-Stipend); Dorchester, N. Charleston.

Pre-vocational training; 28; Dorchester, Berkeley, N. Charleston.

Sumter: ABE; 12 (Stipend), 9 (Non-Stipend); Sumter, Clarendon, Lee.

GED; 14 (Stipend), 10 (Non-Stipend); Sumter, Clarendon, Lee.

Handicrafts (Economic Dev.); 6 (Stipend), 5 (Non-Stipend); Sumter, Clarendon, Lee.

Pre-vocational training; 29; Sumter, Clarendon, Lee.

Williamsburg: GED; 15 (stipend); Williamsburg, Georgetown, Florence.

ABE; 9 (Stipend); Williamsburg, Georgetown, Florence.

Handicrafts; (3 sites); 32 (Non-stipend); Williamsburg, Georgetown, Florence.

Pre-vocational training; 24; Williamsburg, Georgetown, Florence.

Yonges Island: GED-vocation training with CEP; 32 (Stipend); Charleston.

ABE; 11 (Stipend); Charleston.

Handicrafts; 8 (Non-stipend); Charleston.

Pre-vocational training; 31; Charleston.

Total 240 Trainees.

From July 16 to August 6, 1971, all center staffs were ordered by OEO to conduct a survey of seasonal and migrant farm workers, industry and support agencies in 26 counties of South Carolina.

Mr. Garcia was misinformed or neglected to check his information carefully. In August there is no Adult Education program due to the farm season. Normally, our Adult Education starts in September, but due to the lack of funds and the threat of termination, it was not feasible to implement a fall program, although limited voluntary education programs were conducted.

Our program does not call for a year-round educational program. Classes are in progress on a stipended basis to carry out the education component of the grant. We have been unable to carry out the program due to the fund limitations imposed by the Migrant Division.

In reference to the fact-finding team of September 21–24, we have received no information that this team even visited our Sumter and Williamsburg Centers.

PREVOCATIONAL AND SKILLS SERVICES AND/OR TRAINING FUND

Because the Migrant Division informed SCCFW that no new programs were to be implemented, SCCFW was unable to use these funds previously. A contract has been drawn up between SCCFW and the Manpower Development Training Center (MDTA) in Charleston and will be submitted to OEO within ten days. This contract provides that MDTA will provide 36 weeks of full-time training in construction trades for 20 seasonal farm workers from Dorchester County. SCCFW will recruit the trainees and provide the stipends. CEP will provide two weeks of assessment and pre-vocational training, as well as full-term transportation. MDTA will provide the skills training in carpentry, masonry, floor-covering, roofing and electricity. SCCFW and CEP will work together to provide job placements upon completion of the course. Plans are being developed with the Technical Education Center in Sumter for a skill training contract in construction skills.

(2) Day Care:

Although no migrant funds have been obtained, year-round day care centers have been organized by SCCFW staff, VISTA volunteers and community members and are operating or ready to open in all areas served by the Commission:

(a) Charleston County:

1. Yonges Island Day Care Center—65 children of seasonal farm workers.

The center was built through community efforts with technical assistance in construction and organization from SCCFW. Funds are provided by the Episcopal Church ($10,000), volunteer contributions and fund-raising projects. Food reimbursement is provided by USDA.

CHILD CARE SERVICES

Plans are being made for seasonal farm workers in Dorchester and Charleston Counties to form a cooperative to provide furnishings and materials for day care centers. This is an adjunct of the handicraft program operating in the centers.

BUYING CLUBS

1. Sumter County—High Hill Buying Club—38 members, and Spring Grove Buying Club—44 members.

2. Williamsburg County—Bloomingvale Buying Club—50 members; Lanes Buying Club—30 members; and Nesmith Buying Club—32 members.

3. Handicraft Co-ops:

As a direct outgrowth of the III–B center operations, members of handicraft classes at the Centers are organizing co-ops to market their products which include quilts, sweaters, hats, rugs, shawls and ties.

(a) Dorchester Center—10 members.

(b) Sumter Center—35 members.

(c) Williamsburg Center—42 members (have already marketed some products).

(d) Yonges Island Center—30 members.

4. Job Follow-up:

Contrary to the Migrant Division's allegations, Job Development has been actively pursued by the Center staffs in the time period since July 1, 1971.

(a) Dorchester Center:

1. 135 youths placed in NYC jobs at 16 day camps operated by SCCFW as part of summer feeding and educational program.

2. 5 seasonal farm workers placed on full-time permanent jobs.

3. 38 businesses contacted for job openings.

(b) Sumter Center:

1. 7 seasonal farm workers placed on full-time permanent jobs.

2. 72 businesses contacted for job openings.

The Center staff is paid by CEP and New Careers. The day care is located at the SCCFW Yonges Island Center until its building is completed.

2. Technical assistance and support services are provided by SCCFW for the Parker's Ferry Day Care Center and the River Road Child Development Center.

(b) Dorchester County: Dorchester County Day Care Center, Ridgeville—78 children of seasonal farm workers.

The center was organized by SCCFW and community members and receives USDA food reimbursements. Staff members are volunteers and WIN trainees. The building was provided by Dorchester County Council. Other funds are received through contributions and fund-raising events. The SCCFW staff helped to write and to submit a proposal for funding to OEO.

(c) Sumter County: The High Hill Day Care Center—30 children of seasonal farm workers.

The center has been approved for USDA food reimbursement and operates solely through volunteer efforts and contributions.

(d) Williamsburg County: Three day care centers—85 children of seasonal farm workers.

Organized by SCCFW staff, VISTA volunteers and the community, the centers receive USDA food reimbursements. Volunteer efforts, contributions and a small grant from the United Methodist Church assist operations. A fourth day care center is planned for the SCCFW I. H. Bonner Center in Kingstree.

(e) Day care services were provided to 184 children of migrant workers at six sites in three counties. This was operated in conjunction with the public schools, who use Title I money.

All the Day Care Centers provide a full-day program of nutritional, health, and educational services.

(3) In addition to organizing and sponsoring a number of buying clubs, SCCFW is directly involved in organizing and providing assistance to several other areas of economic development, as follows:

AGRICULTURAL CO-OPS

1. John's Island Vegetable and Farm Co-op.

2. Sea Islands Vegetable Co-op—330 members.

(c) Williamsburg Center:

1. 13 seasonal farm workers placed on full-time permanent jobs.

2. 10 youths placed in NYC jobs at summer recreation camps organized by SCCFW.

3. 61 businesses contacted for job openings.

(d) Yonges Island Center:

1. 5 seasonal farm workers placed on full-time permanent jobs.

2. 13 youths placed in NYC jobs at summer recreation camps organized by SCCFW.

3. 41 businesses contacted for job openings.

(5) During Program Year "F", the SCCFW has served 410 migrant families representing 876 individuals with emergency aid which included food, medical and travel assistance in cooperation with the North Carolina Council of Churches.

Twenty-two self-help houses are now under construction. Fifty-seven persons are benefiting from these homes being built in Sumter, Charleston and Williamsburg Counties. As of September, SCCFW has processed twenty-seven home loans for contract built houses in Charleston County with eight contracts built in Williamsburg County, one in Dorchester County and three in Berkeley County.

In the pre-construction period, classes are held in construction techniques, tool use and safety, decorating, home management, family economics, maintenance, carpentry, masonry, plumbing, etc. Classes are held for the women in making curtains and drapes, care of the new home, advice and guidance in taxes, insurance and debt paying, furniture refinishing and repair.

VISTAs work in the area of housing by assisting housing groups and individuals in the completion of work agreement forms, income tax forms, sewing instructions and other home management areas.

The SCCFW is applying to HUD for a Home Ownership Counseling Service for low-income families, and the Commission is sponsoring a self-help housing project for Midlands Community Action Agency in three counties located in target area III.

There are 17 VISTA Volunteers assigned to the SCCFW (six were assigned in November, 1971). VISTAs work primarily in the support programs of the Commission, but they attempt to coordinate their efforts with the programs of III–B. They work in Talent Search and the Emergency School Assistance Program as recruiters, tutors, counselors, fund raising for various youth activities, to help in defraying the application costs for students entering college and providing transportation to youth related activities. Also, they work in organizing youth groups, sponsoring youth programs as drama groups, Black history classes, arts and crafts activities and recreational activities.

The SCCFW is a member of the Coastal Plains Coordinating Council, which is working with the S.C. Planning and Grants Division to develop and support local groups in Planning District #5 and #10 (the southwestern part of the state) for economic development, health and sanitation and housing endeavors. Through Talent Search we are working with Wilberforce University and a silk screening factory in Akron, Ohio to establish a similar plant in Charleston County which will be youth owned and operated.

The Commission works with the Sea Island Vegetable Co-operative in attempting to set up a local farm produce market as a means of getting better prices and contracts for farm produce. The Commission was instrumental in getting a small grant of $7,500 to support this co-op in its initial stages. The SCCFW works with the planning group of Rural Missions in the development of a Comprehensive Rural Health Program for the five major islands of Charleston County. This center will be in the heart of the migrant work area and will serve migrants as well as seasonal farm workers. Health programs are also conducted in Dorchester and Williamsburg Counties.

Three members of the Governing Board of the SCCFW serve on the State Committee to Study the Problems Confronting Migrant Laborers—LaNue Floyd, Marybelle Howe and McKinley Washington.

The Board on September 22, 1971 adopted plans which answer the Special Conditions of the grant. These plans are the will of the Board and are in agreement with the program as approved by OEO on May 26, 1971. These plans would have been sent in on July 1, 1971 if the Migrant Division had not insisted on rewriting the program in such a manner that seemed unfeasible, inoperable and completely removed from the people for whom it was intended to serve. This interference from the Migrant Division against the wishes of the majority of the Board must stand as the major reason for the difficulties of the SCCFW. The Special Committee of the Board was not representative of the elected seasonal farm worker Board contingent and did not have the support of the communities served by the four centers nor the staff of these centers. In fact, the various community groups were not allowed any say in determining the Migrant Division plan. A meeting was held with the Center Directors by Robert Lunz and Ray Robinson in which staff was told that the Migrant Division plan would be implemented or the grant would be terminated.

The September 9th Board meeting was the first opportunity that seasonal farm workers had had to express their wishes and opinions to the whole Board, and the action of the Board on this date represents the desires of the people; the Board has always attempted to run programs which are responsive to the needs of the people rather than the dictates of those who are not familiar with the problems of migrants and seasonal farm workers in South Carolina.

The compliance suggestions mailed from the Migrant Division were adopted by the full Board on September 22, 1971.

(a) The election of staff members in an advisory role to the Board was a staff suggestion in order to increase communication efforts and coordination for a multi-county program. We feel that it would strengthen the program and the role of the Executive Director, as well as give the Board members a greater opportunity to become more familiar with the on-going workings of each center and other components. We are not wedded to this idea and if the Migrant Division sees this as undesirable, it can be dropped.

(b) The plan submitted to the Migrant Division does not provide for one-third seasonal farm workers, but rather, that 51% of the Board members will be elected. OEO instruction COO 5–1 does not make this a requirement of governing boards.

(c) The SCCFW has used one third (⅓) of its Board members as a quorum since this is a part of the by-laws and approved by Noel Klores. If we must have fifty percent (50%) of the membership for a quorum, we will do so.

(d) The Board opinion is that the SCCFW non-compliance is the direct fault of the Migrant Division, not of the grantee. The SCCFW has attempted for nine months to gain compliance with the Migrant Division as to the terms of the grant as approved and according to the wishes of the seasonal farm worker community.

(e) The Executive Committee does not suggest satellite centers as a modification of the grant. Satellite centers are provided for in the general body of the approved grant.

B.(1) The SCCFW has a regular C.P.A. who audits all of the Commission's books and grants. He has submitted with each annual audit a statement that the SCCFW has an adequate accounting system with adequate internal controls. Plans are for the SCCFW to set up its books in accordance with OEO Guidance 6806–1 in the next program year. The present system has been used for several years and it was found adequate by Peat, Marwick, Mitchell and Company.

(a) The time and attendance sheets are checked periodically each week and are approved each week by the component head and verified by the bookkeeper. The vast majority of our staff spends most of the time in the field and are not considered office workers. Three support programs use Neighborhood Youth Corps members, College Co-op students and other volunteers for the newspaper, crafts and other youth activities . . . There are always a number of people in the office working on a voluntary basis or in some special capacity. I do not believe any of the employees in question in Mr. Chesanek's report were III–B employees.

(b) Travel vouchers are properly approved by the various component heads or the Director and certified by the bookkeeper.

(c) The records during the present year are in compliance with OEO CAP Grant Financial Policy and Procedures Guides, Volume V, Property and Supply Management.

(2) The instructions for complying with the Pre-vocational and Skills Services and/or Training Fund special conditions are unclear, and the SCCFW has asked for clarification from at least two Migrant Division representatives with no results, Also, if the conditions require a separate bank account, this would be impossible to date since the SCCFW has not had the necessary $60,000 to open an account.

(3) The Migrant Division has apparently accepted the "Acting Administrator" title for the senior staff position as we have received correspondence addressed from the Migrant Division using that title.

C.(1) The by-laws of the Commission, Article 2, Section 3, require three elected members from each of the four Advisory Councils, not two as you state. There are at present three members on the SCCFW Governing Board from each of the four Advisory Councils. Each Advisory Council is at present in the process of electing two additional seasonal farm workers to the Board.

(2) The SCCFW by-laws were revised on July 11, 1968 (copy of minutes enclosed). The Board members cited in Section C, paragraph 3 were elected until December 31, 1969, with eligibility for an additional two-year term. They were re-elected to serve until December, 1971. Board members whose terms expired December 31, 1970, were re-elected to serve until December 31, 1972.

The by-laws were revised by Peat, Marwick, Mitchell and Company in 1970 as part of the Peat, Marwick, Mitchell MIP. These by-laws were approved with the PMM MIP by Noel Klores on February 16, 1970. (Copy of letter enclosed.)

Our records show that Father Duffy, Raymond Stoddard and Suzanne Pendarvis have never missed three consecutive meetings. The SCCFW does accept valid excuses for not attending Board meetings. From June through August there were on the average three Board meetings per month, which made it impossible for many members of the Board to attend. Normally, the Board does not meet in August.

(4) All sections of the state are represented on the Board. The great concentration of members are from Areas I and II since this is the area in which most of the III–B efforts are concentrated, as most of the migrants and seasonal farm workers are located in the Coastal Plains region of the state. (Enclosed are Board list and areas of representation.)

(5) The confusion, lack of support for the Board by the Migrant Division, conflicting statements from Migrant Division representatives to staff, Board members and the press, and the unavailability of Miss Graves during this period created the dissension within the Board. The SCCFW analyst from the Migrant Division took it upon himself to change the program as approved to an entirely different program and he also took it upon himself to attempt selection of the employees of the SCCFW. He waged personal vendettas against several SCCFW employees. The past programs and efforts of the SCCFW Board prove the effectiveness of the Board if they are supported rather than dictated to and coerced by Federal officials.

The SCCFW Board includes many of the areas' most industrious and selfless members of the communities the SCCFW serves. Their ability, concern for migrants and seasonal farm workers and the efforts that they expend on behalf of the poor is exemplary. They have proved their worth.

The Migrant Division seems to be unaware of the community and the people who are served by the SCCFW if they are of the opinion that the community is not involved in SCCFW efforts and that they do not support those efforts of the Commission.

The Board and all of the component programs of the SCCFW strive to involve the community and continue to do so despite the efforts of OEO officials who work against the community representatives and the involvement of the Commission with the larger community. Examples of the Commission's community efforts are a $326,000 summer feeding program for 20,000 youths in a ten-county area with 32 agency and community groups participating. In many areas we were successful in setting up the actual youth programs for the feeding program. 453 high school graduates were placed in 35 colleges in September, 1971, with a total of $750,642 in financial aid through our HEW Talent Search Program. Working with community groups in seeking funds for economic development, health, day care, etc., Board members, staff, VISTAs have been directly involved in program development for over $250,000 (already funded) which will serve migrants and seasonal farm workers, as well as the rural poor.

The implementation of the grant was impeded by several factors prior to June 29, 1971, none of which were due to the Board. Namely, the factors were conflicting information from the Migrant Division, threats from the Migrant Division, lack of cooperation from the Migrant Division, grant approval was not received until June 4, 1971, and no funds were in Charleston until July, 1971. Prior to June 29, 1971, two special committees had been named to go to Washington to meet with Ruth Graves. These arrangements could not be concluded due to the Migrant Division. The Board named another special committee in July at the request of Miss Graves. The composition of this committee was made up entirely of different Board members than the previous Committees. Several Board members were pointedly overlooked. There is a general opinion that the Committee was selected by the Migrant Division.

The Kingstree meeting was not adjourned—the Chairman just walked out because of the objections by the people to Washington's taking over the SCCFW through its appointed special committee. There were several hundred seasonal farm workers and other community people in attendance to voice their objections to the Washington takeover and its statewide plan, which they considered unfeasible. The fact many seasonal farm workers came to support the SCCFW program is indicative of the grass root support held by the Board, and the participants should have been welcomed and encouraged rather than dismissed as a mob.

The vacancies in the SCCFW have seriously affected the efforts of the Commission, but we have overcome most of these deficiencies by getting the existing staff to take on the extra work. These vacancies were not filled due to the lack of funds, the uncertainty of the SCCFW, as created by the Migrant Division, and the freeze placed on our operations by the Migrant Division in June.

Mr. Speaker, it appears to me as though an agency has dropped the ball in this instance. It looks as though administration policies of the OEO are sufficiently suffering. It also takes on the unsavory flavor of a vendetta.

If this defunding attempt survives, a cruel blow will have been dealt to the progress being made on the migrant level. The migrant worker, who has worked long and hard and has asked very little, will have once again been treated shabbily.

The South Carolina Commission for Farm Workers—who had set sail on the sea of hope, with hard times behind them, and progress dead ahead—will have been scuttled by a scurrilous, bureaucratic attack. When the time for the pat on the back was at hand—the OEO chose to fill its palm with a knife. One can only hope faith will survive.

ADL—SUPERPRESSURE GROUP—GESTAPO OF THE ESTABLISHMENT

The SPEAKER pro tempore (Mr. (Boggs). Under a previous order of the House, the gentleman from Louisiana (Mr. Rarick) is recognized for 30 minutes.

(Mr. RARICK asked and was given permission to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, much has been said lately about snooping, confidential files, and dossiers—violations of the individual's right to privacy and intimidation of civil rights and free expression.

Most of the attacks against such activity have been leveled at public bodies such as the FBI, House and Senate Internal Security Committees, the military and police files. In the last Congress we even enacted H.R. 15073, now Public Law 91–508, which was amended to include the Consumer Credit Protection Act to curtail and regulate such activity by private concerns dealing in credit and employment.

But the world's largest spy network, the ADL—the Antidefamation League—is either too powerful to be curbed or too well imbedded to be mentioned or to come under public scrutiny.

What is the ADL? It is a private investigative organization engaged in spying and preparing secret dossiers and reports which it uses to suppress free speech and discussion and to influence public thought and sentiment of an unsuspecting citizenry.

I, too, believe that anti-Semitism is amoral and un-American. I also feel that anti-Christianism and anti-Americanism are as amoral and un-American.

The late Senator Jack B. Tenney of the California Un-American Activities Committee, in his book, "Zion's Fifth Column," of Standard Publications, Tujunga, Calif.—1953—came to the following conclusions with regard to the Antidefamation League:

> Many of these political activities are un-American in that they seek to pervert our Republic and our government and make it something never intended by the Constitution.
>
> It is un-American to seek foreign control over our domestic laws by the ratification of *United Nations* treaties—such as the *Genocide Convention* and the *Declaration of Human Rights*—which, under our own Constitution, become the supreme law of the land.
>
> It is un-American to assume the re-education and reorientation of American thinking in accord with the design of a foreign minority bloc;—especially when that bloc seeks to preserve its separate entity internationally and nationally.
>
> It is un-American for a so-called minority group to create and maintain a vast espionage system; to establish and maintain a network of national and international organizations and agents for its own particular purposes—*whatever they may be.*
>
> It is un-American for any segment of American society to use the facilities of communication and information by controlling its "lay members" in such facilities, advertising mediums, or by other devices of pressure, for the dissemination of its own particular propaganda to an unsuspecting public.
>
> It is un-American to apply *"book-stifling"* and *"quarantine treatments"* to writers and speakers with the attendant coerced "co-operation" of newspapers and other media of communication indicated in such process.

The CIA and FBI are tinker toys compared to the ADL.

So that our colleagues may have a better understanding of this monstrous gestapo of the establishment, the ADL, its activities and the use of its intelligence dossiers as a private super pressure group, I ask that selected portions of Senator Tenney's book be read into the Record at this point.

Zion's Fifth Column

INTRODUCTION

Zionism may be said to be as un-American as Communism or Fascism.

In its political racism it patterns Nazism.

In the United States Zionism threatens not only the American people as a whole, but

American Jewry in particular. *"Jewish communities"* are being organized wherever Jewish populations can support them. Here the Zionist doctrines of the *"oneness of the Jewish Nation"* and the separateness of Jewish culture and historical heritage are being emphasized. Some of the *"authority"* of the ancient ghetto is being revived by *"official Jews"* for *"disciplinary"* purposes and American Jews are being isolated from the normal flow of American life.

A network of Zionist espionage and propaganda organizations operate within the United States and throughout the world, spying on Jews as well as Gentiles, and propagandizing both. American Jewry is exploited continuously, contributing tens of millions of dollars annually for the support of multitudinous agencies whose budgets rival governmental bureaus.

Criticism of organized Jewry is always countered by the cry of *"anti-Semitism"*—and it makes no difference that the critic happens to be a person of the Jewish faith.

The appearance of this work will be greeted with the same cry. The admitted fact that Zionism is strictly political and economic will not, in the least, deter the *Anti-Defamation League* from countering with name-calling based on religious and racial implications.

Zionism, like Communism, is an international menace. While Zionism does not propose to destroy the government by force and violence, it professes no loyalty or allegiance to the United States. Its loyalties are in Israel and it considers the Jews of the world subjects of the Jewish State.

The general public knows little or nothing of organized Jewry, its purposes and operations. Jewish groups, such as the *American Council for Judaism*, who oppose the un-American activities of the Zionists and their agencies, receive scant publicity through the ordinary channels of communication. American Jews, such as Rabbi Elmer Berger, have little opportunity to inform either the public in general or American Jewry in particular concerning the stand of patriotic American Jews on the subject of Zionism and its operations.

It is hoped that this work will supply needed information on the subject.

The section, "Notes on Zionism," is intended as background material. Much of this section is historical in nature and not essential reading for an understanding of various contemporary Jewish organizations and their operations. It does, however, offer some explanation as to why these organizations have come into existence and why they operate as they do.

This book would have to be written whether the organizations involved were composed of Swedes, Irish or English, just as books had to be written about the Italians in Fascist Italy, the Germans in Nazi Germany, and the Russians in the Soviet Union. In the case of Italians, the Germans, and the Russians there is no spirit of hatred against the Italian, the German or the Russian as individuals, their race, religion or ethnic origin. And there is none in this treatise on so-called Jewish organizations. It is the things that men do that merit condemnation. All of the German people cannot be charged with the crimes of Hitler; all of the Italian people are not responsible for Mussolini, and the Russian people as a whole are not answerable for Stalin.

By the same token all Jews are not to be blamed for the fanaticism of Zionism, nor held responsible for the policies and un-American activities of its agencies. As a matter of fact the Jew is directly a victim of the Jewish bureaucracy. Morris S. Lazaron, writing in Council News, April, 1952 (official publication of the American Council for Judaism) states:

"The individual Jew has no personal right to make decisions, according to nationalist thinking; but all right and wrong, good and bad, derive from whether what is said or done tends to promote the welfare of the Jewish people and the State of Israel. Such ideas are unpleasantly familiar. They bring to mind Italian Fascism, German Nazism, and Kremlin Communism."

It is to be hoped that the organizations dealt with in this work will attempt to answer on the basis of the issues involved, if indeed, they have answers. They must know by now that the thread-bare charge of "anti-Semitism" is not quite as effective as it once was. It will not now even suffice for a smoke-screen.

The American people are beginning to ask questions and they are beginning to demand answers. They are not to be satisfied with name-calling.

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

The *Anti-Defamation League of B'Nai B'Rith* is referred to in many quarters as *"the Jewish Gestapo."* While it is obvious that its activities are concerned with spying and snooping;—ferreting out "anti-semitism",—it is unfair to label it "Jewish."

Very few American Jews know much about the actual operations of the *Anti-Defamation League*. Its leaders, both on the national and local levels, maintain a double policy in public relations. The picture presented to *B'Nai B'Rith* membership is different from the picture held up to the general public.

It is quite obvious to anyone with knowledge of the facts that the ADL is the creature of the ambitious clique that controls it. There is a report that certain executives in some of the *B'Nai B'Rith* Lodges are presently making an attempt to disassociate their organizations from the ADL, and that the ADL bureaucracy is threatening to leave the *National Community Relations Advisory Council* rather than consent to a reduction of its area of operation. (Since the foregoing was written, both the *Anti-Defamation League* and the *American Jewish Committee* have withdrawn from the *National Community Relations Advisory Council.*)

While the ADL bureaucracy emphasizes its Jewish character for defensive purposes it does not speak for American Jews. The political nature of its work is not revealed to the average Jewish contributor, and its activities in this field are carefully concealed from American Jewry and the general public under either ethnic or religious cloaks.

Therefore the *Anti-Defamation League* may be properly termed a *"private Gestapo."*

The word "Jew" is used loosely by Jews and Gentiles alike. There are those who attach a religious connotation to the term. Most dictionaries define "Jew" as a member of the Hebraic division of the Semitic race; a Hebrew; an Israelite. The word comes from Judah, meaning the son of Jacob and originally was used to indicate a member of the tribe, or the Kingdom of Judah. It is also used to indicate the adherents of the religion of Judaism.

It is apparent that most Gentiles use the term in its ethnic, rather than in its religious sense, as, indeed, do many Jews. Communists are, of course, atheists and oppose Judaism as they oppose Christianity and other religions. When a Communist refers to himself as a "Jew" it is clear that he is referring to his Hebraic origin rather than the faith of Judaism.

Anti-Semitism

The term "Jew", then, as popularly used has no relationship to religious faith, and the term "anti-Semitism" carries no connotation of religious hatred or persecution.

The word "Semite" originally meant one of the people believed to be descended from Shem, the son of Noah. Today the term includes the Arabs, the Akkadians of ancient Babylonia; the Assyrians; the Canaanites (including the Amorites, Moabites, Edomites, Ammonites, and Phoenicians); the various Aramaean tribes (including Hebrews); and a considerable portion of the population of Ethiopia. An "anti-Semite", therefore, is one who is opposed to the Semites.

Before the French Revolution anti-Semitism had its basis in religious hatred against European Jewry. Because the Jews were restricted to unpopular trades, such as usury, the sentiment also had an economic undercurrent. Since the dawn of the Eighteenth Century, however, anti-Semitism cannot be said to have its roots in other religion or economics as such.

Prior to 1930 the term "anti-Semite" was almost unknown to the average American. Not one in 10,000 would have been able to define it. In school, on the job—the American Jew was a fellow whom you liked or disliked in the same way you liked or disliked Pat or Tony. Like every other person you grew up with, the Jews were just Americans. They had their faults, their prejudices and their virtues. Like Pat and Tony they were sometimes obnoxious, petty and disagreeable, but more often, like Pat and Tony, they were pleasant, kind and friendly.

The average American Jew is much the same today as he always was. Left to himself he integrates into the American pattern. Unlike Pat and Tony, however, the American Jew has the memory of centuries of persecution and discrimination of his race in his thinking. Unlike Pat and Tony he is indoctrinated with a racial superiority complex and a sense of international brotherhood with Jews everywhere. The horrible treatment of the Jews in Germany under Hitler is fresh in his mind. But he would be content to be simply an American if the clever men of his race would let him.

His fear and his complexes are exploited by the bureaucracies that control and direct the net-work of organizations set up in his name and ostensibly for his protection. The laws of America are not sufficient, he is told. There must be a multitude of committees and councils—a vast interlocking series of organizations that will work for his interest alone.

The *Anti-Defamation League* is one of the most aggressive of these Jewish agencies. Through its exploitation methods in its appeals for funds many American Jews have become obsessed with the idea that all non-Jews are either consciously and actively anti-Semitic or passively and potentially anti-Semitic. The scare-propaganda of the ADL has created a persecution complex in the collective Jewish mind. Confidential material mailed to American Jews by organizations appealing for funds is marked *"to be destroyed after reading"*—thus creating an atmosphere of terrifying secrecy and pending doom; the futility of appealing to the ordinary governmental agencies, and effectually cutting the Jew off from his American fellows.

This technique tends to build the ADL into the *"only"* champion of the Jew; the *"only"* power that stands guard between the Jews and the "Fascist" Gentile anti-Semites. On the other hand the ADL and other Jewish organizations picture the Jews as the paragons of all virtue while the Gentiles are cast in the role of persecutors and villains;—the sum total of all that is evil, vicious and mean.

"It is currently estimated," declares a spokesman for the *Joint Jewish Appeal*, "that 25%—or more than 20 million Americans—have an already rooted prejudice against their fellow citizens. Fourteen independent polls, conducted by impartial research organizations—reveal that, out of every four adults questioned, at least one has been infected with anti-Semitism . . .

one is opposed to anti-Semitism . . . while a third . . . and a fourth are, as yet, undecided."

Thus 75 percent of the adult population, according to this statement, is either actively or potentially anti-Semitic. The one in four or 25 percent opposed to anti-Semitism,—and this group must necessarily include the American Jewish population—indicates that nearly every adult Gentile American—including American Negroes are activley or passively anti-Semitic. Whether the Jewish organizations behind the *Jewish Appeal* intended to convey this impression is probably irrelevant, but the conclusion is inescapable.

If the statistics quoted are true, the ADL and its sponsoring *B'Nai B'Rith* Lodges should engage in some soul-searching. Either the universal anti-Semitism indicated is deserved or the ADL and similar organizations are doing a thoroughly miserable job in public relations.

It is obvious to any student of the problem that the latter is the case.

Jewish exploitation of Jews

Under date of July 7, 1952, A. E. Kraus and Paul L. Rolston, on the letterhead of the *United Jewish Welfare Fund,* addressed a mimeographed letter to Jewish insurance underwriters.

Paul L. Rolston is the Chairman, and Arthur E. Kraus associate Chairman of the Insurance Division of the *United Jewish Welfare Fund* of the *Los Angeles Jewish Community Council.*

The letter follows:

"Dear Fellow-Underwriter:

"May I apologize for our failure to contact you personally relative to your contribution to the *United Jewish Welfare Fund?* I know you will understand because we, like you, have a living to make.

"Although the worthiness and the need of this cause need no amplifying, let me give you one example—the attached is a true and shocking story. It touches everyone of us, whether we are in Life, Casualty or any other type of insurance business. The anti-Semites who publish the dangerous filth described herein are well-financed. They have no trouble raising funds. But the source of funds to combat them—your *United Jewish Welfare Fund*—finds it much harder to get support.

"We are critically behind schedule in meeting this year's minimum quota, not only to combat anti-semitism, but to support such other agencies as: taking care of the Jewish needs of men and women in uniform; supporting over 30 of our local agencies; saving lives of Jews in Israel, Europe and the Moslem World.

"Will you do your part? At this writing your contribution has not been received. I join with your colleagues in the Insurance Division in urging that you read the attached folder, then *promptly* make your gift to the *United Jewish Welfare Fund*—and make it generous enough to enable us to conquer the hate that threatens us all.

"Your pledge card is enclosed. Sign it for the maximum amount, keeping in mind that you may pay your contribution in monthly or quarterly installments. Please take care of this matter today so that we may all go back to the business of selling insurance."

Enclosed with the letter is an expensive—and alarming—five-page folder. In red and white ominous lettering against a black background over a mass of wriggling arrow-pointed white lines is a red curling, snake-like figure. The overall effect is designed to be frightening. The recipient of the folder is led to believe that the drawing is the work of some sinister, blood-thirsty anti-Semite rather than the propaganda "art-work" of the *United Jewish Welfare Fund.*

Reproduced throughout the folder are the title pages of a number of booklets dealing with Jewish questions. *Not a single title page reproduced indicates violence against the Jews.* The overall effect of the folder, however, conveys the terrifying idea that all Jews are in deadly peril.

The second page of the folder warns: *"Make No Mistake: on every side there is DANGER to our homes and families."* The word *"danger"* is in inch-high, blood-red quivering letters.

Under the name of Leslie G. Cramer, Chairman of the *United Jewish Welfare Fund,* is a further warning and appeal for "generous" contributions. "Read this evidence of an organized and terrible threat to America," declares Mr. Cramer, "and to the cherished freedoms enjoyed by yourself and those you love."

Stamped across the center page of the folder is the admonition: "Confidential. Please destroy after reading."

On another page, in black and red lettering, is the following: "Today—and every day—the vicious peddlers of *anti-Semitism* are active and . . . only you . . . can stop them!" The word "anti-Semitism" is underscored with a blood-read smear

The last page of the folder informs the reader: "These Agencies work day and night for you—for all America—to quell the hate-mongers."

Following are listed the *American-Jewish Committee,* the *Anti-Defamation League of B'Nai B'Rith,* the *American-Jewish Congress,* the *Jewish Labor Committee,* and the *Jewish War Veterans.*

The psychological reaction to this sort of propaganda is obvious. The average uninformed American Jew is immediately confronted with visions of pogroms and mob violence;—terrorized by the thought that the ordinary protections of government will be denied him;—that only the Jewish agencies stand between him and doom!

It is this technique of exploitation of the American Jew that is creating anti-Semitism in America.

The troublemakers

Benjamin R. Epstein is the National Director of the *Anti-Defamation League of B'Nai B'Rith.* Arnold Forster is general counsel. The policies of the organization are made by these men.

It is apparent from even a cursory study of the ADL and its methods that Epstein and Forster, together with a handful of professional Jews, constitute a self-perpetuating dictatorial bureaucracy, more powerful than the sponsoring *B'Nai B'Rith* Lodges.

The vast spy network is allegedly under the direction of Arnold Forster.

Forster and Epstein have recently published a new book on anti-Semitism, *"The Troublemakers"* (Doubleday & Company, Inc., Garden City, N.Y., $3.50). Skimming rapidly through the pages an impartial reader comes to the conclusion that the authors must have had themselves in mind when they came up with the title for the book. It would appear that the contributors to Mr. Forster's 1951 budget of allegedly one million, eight hundred thousand ($1,800,000.00) dollars had a right to expect a little more for their money than they receive in *"The Troublemakers."* If the authors intend to scare American Jewry into greater contributions and larger annual budgets for Mr. Forster, the book is understandable. If the authors had any intention whatever to ameliorate racial intolerance and anti-Semitism in the United States, then their effort must be marked zero-minus—and the book is incomprehensible.

The *Anti-Defamation League of B'Nai B'Rith* maintains regional offices in New York; Chicago; Columbus, Ohio; Miami, Florida; Boston, Mass.; Portland, Oregon; San Francisco; Atlanta, Georgia; Los Angeles; Denver, Colo.; Washington, D.C.; Seattle, Washington; Milwaukee, Wis.; Indianapolis, Indiana; Kansas City, Mo.; and Houston, Texas.

Arnold Forster, in addition to acting as general counsel for the organization, is also designated as National Civil Rights Director. In 1947 the Civil Rights Committee of the ADL consisted of the following: Jacob Grumet, Chairman, New York; Hon. David A. Rose, Vice-Chairman, Boston, Mass.; Leo Abrams, Chicago, Ill.; Alan Altheimer, Chicago, Ill.; Joseph Cohen, Kansas City, Kan.; Hon. Martin M. Frank, Bronx, N.Y.; Lester Gutterman, New York City; John Horwitz, Oklahoma City, Okla.; Frank Kaplan, Pittsburgh, Pa.; Samuel Kramer, New York; Charles W. Morris, Louisville, Ky.; Bernard Nath, Chicago, Ill.; Louis A. Novins, New York City; A. N. Pritzker, Chicago, Ill.; and Benjamin Samuels of Chicago, Ill.

In addition to Forster and Epstein the National Commission of the organization (1947) included: Hon. Meier Steinbrink, Chairman; Harold Lachman and Max J. Schneider, Vice-Chairmen; Richard E. Gutstadt, Executive Vice-Chairman; Barney Balaban, Phillip W. Haberman, Hon. Herbert H. Lehman, honorary Vice-Chairman; A. C. Horn, honorary Treasurer; and Jacob Alson, Treasurer. J. Harold Saks is designated "Community Service Director," while Frank N. Trager is National Program Director. I. B. Benjamin of Los Angeles was a member of the National Commission in 1947.

Founder of the ADL

Sigmund Livingston is credited with founding the *Anti-Defamation League.* For better than thirty years he acted as national chairman. An Illinois lawyer, he appears to have approached some of the problems of anti-Semitism constructively, attacking the myths and libels against the Jewish people with facts and reason.

The *Anti-Defamation League* was incorporated into the *B'Nai B'Rith shortly* after its founding.

Sigmund Livingston attacked anti-Semitism almost wholly from the religious point of view. Although this basis for anti-Semitism became negligible after the French Revolution, Mr. Livingston succeeded in dissipating many of the fragmentary myths that tended to persist. In his approach to and disposal of other facets of the problem, however, he lost much of his objectivity and judicial appraisement. Avowedly a partisan, as far as the subject matter was concerned, he became almost fanatically so when dealing with factual questions. The organization he founded is living proof of this statement.

His approach to the *"Protocols of the Elders of Zion"* as a literary forgery does not, in any sense, dispose of the context of the document. Although Henry Ford apologized to Jewry for the publication of the *"Protocols"* in *The Dearborn Independent* in a letter addressed to Louis Marshall of the *American Jewish Committee* in 1927, the apology did not wipe out his statement published in *The New York World* of February 17, 1921. In this article Mr. Ford was quoted as saying:

"The only statement I care to make about the Protocols is that they fit in with what is going on. They are sixteen years old and they have fitted the world situation up to this time. They fit it now."

Sigmund Livingston disposes of the *main question*—the context of the *"Protocols"*—with the following:

"Others may base their antagonism upon their belief in the absurd charge that the Jews are part of an international conspiracy, as outlined in the infamous 'Protocols.' This chrage has been the 'leader' of all the merchandise of hate offered by the anti-Semitic propagandists. The folly of this charge must be apparent to anyone who seriously investigates. The 'Protocols,' the foundation for this anti-Semitic charge, as has already been shown, are a fraudulent invention. Even a superficial view of world Jewry should convince anyone that there is no truth at all in this charge. The Jews have no recognized organization or world affairs. They have not even a chief rabbi. They have no bishops, no archbishops, no pope, or any other office of comparable dignity or power. Jewry is divided as much as Christendom, if not more. The Orthodox and the Reformed faiths are as far apart as are the Catholic and Protestant division of Christianity. Even on the question of nationalism they have no real unity, for there are Zionists, non-Zionists and anti-Zionists. Furthermore, the numerical strength of the Jews compared to the population of either Europe, America or the world is inconsequential. The story of a Jewish 'world conspiracy' to overthrow existing governments is one of the greatest hoaxes ever perpetuated."

The fallacy of Mr. Livingston's reasoning in this statement is quite apparent. In the first place he *assumes* that one form of anti-Semitism is the result of an imagined "Jewish international conspiracy";—that all Jews are allegedly involved and, therefore, hated. This premise is simply not true. There is no general hatred of the Russian people because Stalin and his Politburo contemplate the conquest of the world. Conspiracies are never made by an entire people; they are always made by a few leaders.

This argument does not dispose of the context of the *"Protocols."*

Nor does the statement that the *"Protocols"* are a "fraudulent invention", together with the proffered proof, cancel out their contents.

The averment that "the Jews have no recognized organization or world affairs" was not a true statement when Mr. Livingston wrote it unless the use of the world "recognized" was deliberate. It is not true today.

The assumed premise that anti-Semitism is founded in *religious feeling* is the basis of a major portion of Mr. Livingston's reasoning and this premise, as we have seen, is false. Therefore the fact that the Jews do not have a chief rabbi, bishops, archbishops or a pope, proves nothing.

The final disposition of "the question of nationalism" is particularly injudicious and borders on argumentative trickery. Again Mr. Livingston lays down the false premise that a "Jewish conspiracy" involves *all* Jews, and then quite logically "explodes" the fallacy he, himself, has created.

No person in possession of the ordinary faculties of reasoning would condemn an entire people, either as an ethnic group or as a religious sect, for the actions or utterances of some of its members. It is obvious that a plan by a few Irishmen for the subjugation of the world is not a conspiracy by all the Irish people,—even though the conspirators might base their plans on Irish psychological, ethnic and religious reactions. The guilt of the handful of conspirators is not disproved by arguing that no "Irish conspiracy" could possibly have existed because the Irish are divided by religious faiths and are numerically weak "compared to the population of either Europe, America or the world."

The real question involved in any document is the truth or falsity of the contents. Whether the author was John Doe or someone else, is of little moment in the final analysis. It isn't like a facsimile of Jonh Doe's signature on a check,—where it is the signature that counts. It is merely a question of fact or fiction.

The real issue involved in the "Protocols" is unanswered by Mr. Livingston. The real question is whether or not a hand full of Jews have an organized world system; whether or not a self-appointed Jewish bureaucracy, using word Jewry as its pawn, seeks world domination.

The B'Nai B'Rith

The *B'Nai B'Rith* is the oldest and largest Jewish membership organization in the United States. It was founded in New York in 1843. In 1939 it had 85,000 members in 520 lodges in the United States and Canada, besides 40,000 women and girls in 300 auxiliaries. Today (though statistics are lacking) it is reported that *B'Nai B'Rith* membership in the United States exceeds 300,000. In 1882 it organized internationally. By 1930 there were *B'Nai B'Rith* lodges in forty countries. During the early thirties the lodges in Germany, Austria, Danzig, Czechoslovakia, Brazil, Rumania, Poland, Turkey and Algeria were liquidated or otherwise forced into inactivity by governmental action. There are lodges now in more than twenty foreign countries.

The *B'Nai B'Rith* sponsors the *Hillel Foundation* at many American Universities; the *Aleph Zadik Aleph,* junior *B'Nai B'Rith* for non-college youth; a *Vocational Guidance Bureau* to further the occupational redistribution of Jews, and the *Anti-Defamation League.*

In 1859 American Jews established the *Board of Delegates of American Israelites,* a protective agency against discrimination. This organization was succeeded by the *Board of Delegates of Civil and Religious Rights* in 1878. The *B'Nai B'Rith* interested itself in this organization and aided it in its objectives and undertakings.

In 1906 the *American Jewish Committee* came into existence. This group is said to reflect the more conservative point of view of American Jewry.

The *American Jewish Congress* was launched in 1922. It became the spokesman of the Zionist organizations and purports to express the viewpoint of middle class metropolitan American Jews. It is alleged to be the proponent of "a more democratic American-Jewish life"—whatever is meant by this pharse. It is an affiliate of the *World Jewish Congress.*

The *Jewish Labor Committee* was born in 1924. It was designed to represent organized American Jewish labor.

In 1938 the foregoing organizations united with the *B'Nai B'Rith* to form a *General Jewish Council.* The chief purpose of the Council was to create and uniformity of policy and action among the several affiliated organizations. The *American Jewish Conference* was a 1943 development for the same purpose. The *National Community Relations Advisory Council* serves the same objective.

The *National Jewish Welfare Board* was founded in 1917 and is authorized by the United States government to serve the religious, welfare and moral needs of Jews in the U.S. armed forces and Veterans administration hospitals. In 1951 it created new local armed services committees; recruited 75 Jewish chaplains; served 135,000 men in the U.S. and overseas; and helped in the reorganization of the United Service organizations (U.S.O.) taking responsibility for 25 clubs. The membership in 1951 included 331 Jewish community centers and Young Men's Hebrew associations with 502,000 members and 40 national affiliated organizations.

Jacob R. Marcus, Encyclopaedia Britannica expert on the subject, declares American Jewry "is highly organized." He estimated (1947) that the Jews of the United States spend at least one hundred million ($100,000,000) dollars a year to maintain their various agencies. "If every branch of every lodge were to be included," says Mr. Marcus, "there would be at least 25,000 individual clubs, societies, groups and synagogues in the United States."

"I have an abiding faith," declared Sigmund Livingston, "that religious prejudice and mass hatred will be vanquished, in time, by reason and truth."

It is the considered opinion of most students of the subject that religious prejudice *has* disappeared as a basis for mass hatreds. Here and there isolated individuals and groups of individuals indicate an unreasoning hatred for the persons of other faiths, and the Jews are not excluded from this category. Anti-Semitism does still exist and it is apparently increasing and expanding but it is not based upon dislike of Judaism. It appears to be confined to Zionists and to have its roots in opposition to Jewish organizational and political activities. It does not appear to extend to the Jewish people as individuals but is directed at the bureaucracy that controls and directs the amazing network of Jewish organizations.

Arnold Forster and Benjamin R. Epstein of the *Anti-Defamation League of B'Nai B'Rith* answer Livingston's fervent prayers with *"The Troublemakers"*, nearly forty years later.

Under the white searching light of reason and truth the fog of bigotry, intolerance and hatred melt away.

Under the direction of Epstein and Forster anti-Semitism appears to be on the upgrade.

As a matter of fact anti-Semitism is the ADL's stock-in-trade. Should it wither and die the ADL brass would be out of business,—and Epstein and Forster, *et al.* would be out of jobs.

Livingston's purpose appears to have been constructive; building good will and friendly relations between Jew and Gentile; the puncturing of anti-Jewish myths and libels;—the application of reason and truth to the dark places of ignorance and prejudice. Although he could not escape his own prejudices concerning Gentiles, he did what he could to enlighten them as to their prejudices against the Jews. While the organization was a psychological mistake in the field of race relations it appears to have been sincere.

The ADL's present policy is far afield from Livingston's laudable objectives. It now hurls anti-Semitism in political campaigns and links candidates, marked for destruction, with the boogy-men it dramatizes in its publications.

Whatever Mr. Livington's plans were for the *Anti-Defamation League of B'Nai B'Rith* the fact remains that it has become the world's most powerful gestapo; the brain center of a vast spy network and the intelligence unit of a myriad of Jewish organizations. Ostensibly this intelligence center only concerns itself with "anti-Semitism". The thousands of nerve-fibres connecting the center with Gentile activities throughout the world appear to be stimulated only by the catch-phrases of anti-Semitism.

But there are those who say that the organization serves other and more sinister purposes.

Certainly its activities are not curbing anti-Semitism.

Inside the Anti-Defamation League

Beyond the double doors of the *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* is a single door. On it is lettered: "Fact Finding, Legal and Investigative Divisions."

Shall we enter?

"We are unwilling to guess about anti-Semitism," an ADL spokesman tells us. "These offices have long maintained a close watch on the activities of Democracy's bigoted enemies."

In spite of the double-talk involved in the use of the term "Democracy" we understand what the spokesman is saying.

Our glance follows banks of filing cabinets and, for a moment we believe we are in the Record Department of the *Federal Bureau of Investigation* in Washington, D.C. Clerks are busy at the cabinets, sorting and filing papers.

Our ADL spokesman is very frank and informative about the entire operation, although we find that we must occasionally interpret his propaganda double-talk in order to understand clearly. We are curious to examine some of the papers and cards contained in the banks of cabinets, but we are not afforded the opportunity. We are told that "carefully and painstakingly documented evidence" is piling up in these files.

"What does it tend to prove?" we inquire innocently.

"It proves that the amazing parallel between the Nazi climb to power in Germany and the present-day tactics of the enemies of human rights within our own borders can no longer be denied!" declares our guide.

His vehemence and emotionalism mark his sincerity. He apparently is a victim of his own propaganda. We know that he is talking about himself.

What is done with all the information on anti-Semitism contained in the ADL's banks of filing cabinets?

We are shown a roomful of girls pounding away at typewriters. Automatic teletype tickers beat a machine-gun racket. Linotype machines pour out molded lines of metal words and phrases. We learn that the printing presses are disgorging tons of newsprint while hundreds of thousands of propaganda books roll through automatic binderies. Clerks and more clerks; busy telephone switchboard. Motion picture sets spring into action at the command of the brain center; Mitchell cameras swing into focus. Miles of film developing in laboratories. Newscasters and commentators at radio microphones; radio towers flashing the ADL's propaganda to the four quarters of the globe . . .

All this to off-set anti-Semitism, we are told.

"Ceaselessly tirelessly," boasts our guide, "through one of the largest mass education and public relations programs ever attempted by private groups, the *Anti-Defamation League of B'Nai B'Rith* and the *American Jewish Committee* are engaged in an all-out determination . . ."

His voice is lost in the roar of the presses, the clatter of typewriters, linotype-machines and the automatic teletype tickers.

The Press

We enter a door marked "Press Division, Feature Services." A man is at a desk dictating to his secretary. He pays no attention to our presence.

"Release number 61," he dictates. "The following constitutes additional background material on . . . "

"What do the newspapers do with the material you feed them?" we ask.

"Information supplied to the newspapers reaches the public in the form of editorials," is the answer.

We pass on through a door marked: "Press Division, Pulp Section." We discover a large work table in the center of the room around which are several copy readers busily at work. The table is piled high with magazines, among which we see copies of *"Famous Western Stories"*, *"Ideal Love"* and *"Crack Detective Stories."*

We are not sure whether the copy readers are searching the pages of the magazines for tell-tale indications of anti-Semitism or cataloguing the articles and stories planted by the ADL. We are informed, however, that the *"Pulp Magazine Section"* is charged with the responsibility of utilizing the pages of the pulps; planting stories and articles glamorizing the Jews. Our guide does not elaborate on how the job is done; whether or not the ADL articles and stories are ever returned with polite rejection slips.

"Pulp magazines," he declares with a note of finalty, "—with their enormous circulation carry true stores of American-Jewish heroism in peace as well as in war."

What other handful of private individuals in the world's history has had such power at its fingertips? What private group of individuals can maintain *Fact-finding Divisions, Legal Divisions, Investigative Divisions, Press Divisions?* What other private organization can say with assurance that its propaganda reaches the public in the form of newspaper editorials; that it can utilize the pages of the pulp magazines?

We are in another room.

"This is the 'Comic Book Section'," we are told.

"Does the ADL plant propaganda in children's comic books?" we ask.

"Comic books," our guide replies, ignoring the form of the question," carry strips denouncing native fascists and their use of inter-group tension as a weapon against Democracy."

The phraseology is reminiscent of the *Daily People's World* and the *Daily Worker*. *"Native fascists," "inter-group tension," "Democracy"*—brain-blinding slogans from the dialectical lexicon of Marx and Lenin.

We enter a studio through a door lettered "Press Division, Cartoon Section." Men are working at drawing boards. Cartoons by Carl Rose and Eric Godall are prominently displayed on the walls.

"Cartoons are very useful," explains our guide, "Some are prepared by the nation's most popular artists and decorate the newspapers of the land—pointing the fingers of ridicule and scorn at bigotry and the purveyors of radical hatred."

Passing on down the corridor we come to a door marked "Press Division, Books," Our ADL spokesman tells us that the Book Section is charged with "exposing the fascist trick of using anti-Semitism in its 'divide and conquer' campaign." We are told that efforts of the Book Section are reaching America's bookshelves in ever-increasing numbers.

"The fact is," declares our guide, "that, today, a great percentage of all material prepared by the Press Division is done so at the request of publications previously serviced."

We observe some of the titles of the volumes that fill the book cases. *"They Got the Blame," "Out of the Many—One," "We Who Are America," "These Are our Neighbors," "Living Together in Today's World," "Brothertown," "United We Grow," "Strong as The People", "This is Our Town", "These Are Our Friends", "Early American Life", "This is Our Heritage", "One God"*, and *"Under Cover."*

We are hurried along to the *"Research Division"* and into the *American Jewish Committee* library. We are told that we are in "an arsenal of information"; that the library contains over twenty-one thousand volumes, and "more than two million additional items dealing with Jewish problems and anti-Semitism in America."

"And what is done with all this information?" we ask.

"A special division channels this authenticated material to that group of men and women whose opinions are certain to have a deciding effect on America's future. . . ."

Mass organizations

We are now before a door on which is lettered "Veterans Division."

"It is of vital importance," our guide is explaining, "that the American veteran—he who has already risked his life in the struggle against fascism—has come face to face with it and knows it for what it is—should be forewarned of the same danger at home . . . so that he will not have to risk his life again. The fight is being carried on in the *American Legion*, the *Veterans of Foreign Wars* and other large Veteran's organization."

No segment of American life seems to have been overlooked by the enterprising ADL and the *American Jewish Committee*.

We are now in the "Labor Relations Division."

"This Division," our guide is saying, "works closely with both the C.I.O. and the A.F. of L. on a local as well as national scale, determined to prevent the promoters of inter-group tension from spreading their poison through these ranks."

We are beginning to understand something of the magnitude of the ADL's operations. We are beginning to appreciate its vast spy-network sprawling across the nation and throughout the world. Our imagination is staggered by its apparent control of the avenues of communications. We pause to remember that we are dealing with a *private* organization, financed by contributions wrung from American Jews;—American Jews cut off from the healthy intercourse of American life by the alarm-trumpets of fear and suspicion.

We remember the provocative phrases of our ADL spokesman: *"native fascists", "bigots", "racial hatred", "anti-Semites,"* etc., and we suddenly recall that He who loved all mankind said: *"These things I command you, that ye love one another."* (John XV, 17). We ponder the psychological reaction of one who is branded *"a native fascist"* and a *"bigot";* whether or not such a person is hardened in his bigotry or suddenly transformed into the quintessence of brotherly love. Robert Herrick paraphrased Ausonius (*ut ameris, ama*) when he declared that *"love begets love."* It would appear that the ADL is more motivated by Econchard Lebrun-Pindare's harsh admonition *"let us be brothers—or I'll cut your throat"*, than the gentle command to *"love one another."*

Book stifling

Our hurried visit to the "Book" section of the "Press Division" gave us little opportunity to examine the full scope of the work of this department. We were shown the propaganda product and told that such volumes as "Under Cover," "They Got the Blame", etc., were reaching America's bookshelves in ever-increasing numbers.

Nothing was said concerning "book burning"—that hysterical pastime of Herr Hitler and Comrade Stalin.

The ADL does not go in for book-burning as yet. Obviously, such bonfires contemplate a degree of force only found in lawlessness or in the hands of a dictator. Pending such direct and conclusive action—or perhaps we should say in lieu of such action—the ADL indulges in what it calls "book stifling". Applied to books displeasing to ADL bureaucracy the "stifling" method appears to be quite as effective as applying the torch;—perhaps more so, as it catches the books at the source, cutting off the channels of publicity and destroying retail markets.

"The Conquest of a Continent" by Madison Grant is a book in point—and it is undoubtedly illustrative of many others that experienced the "stifling" method of the ADL. "The book was driven from the market," writes Mr. Franklin Hichborn. "Sales were not only restricted, they were stopped."

How was it done?

The following is a letter signed by Richard E. Gutstadt, Director-Secretary of the ADL, on the League's stationary, dated December 13, 1933 at Chicago:

"To the Publishers of Anglo-Jewish Periodicals:

"Gentlemen:

"Scribners & Sons have just published a book by Madison Grant entitled 'The Conquest of a Continent.' It is extremely antagonistic to Jewish interests. Emphasized throughout is the 'Nordic superiority' theory, and the utter negation of any 'melting pot' philosophy with regard to America.

"Scribners, in a sales circular concerning the book, points to Herr Hitler as the man who has demonstrated the value of 'racial purity' in Germany. The author insists that American development depends upon the elimination of unassimilable alien masses in our midst. This book is considered by some as even more destructive than Hitler's 'Mein Kampf'. Mr. Grant also avers that 'national problems are in the end racial problems.'

"We are interested in stifling the sale of this book. We believe that this can best be accomplished by refusing to be stampeded into giving it publicity. Every review or public criticism of a book of this character brings it to the attention of many who would otherwise know nothing of it. This results in added sales. The less discussion there is concerning it, the more sales resistance will be created.

"We, therefore appeal to you to refrain from comment on this book, which will undoubtedly be brought to your attention sooner or later. It is our conviction that a general compliance with this request will sound warning to other publishing houses against engaging in this type of venture."

Mr. Franklin Hichborn, mentioned above, has written a very interesting analysis of this case. In reference to the "Nordic superiority theory" he says:

"There is a tendency among all peoples to regard themselves as superior. The American Indians were quite sure they were that. The Jews enjoy for themselves the same modest opinion. Mr. Samuel Untermeyer, outstanding among his people, was quite sure of it, and so expressed himself the very year that Madison Grant's *'Conquest of a Continent'* was suppressed. Mr. Untermeyer proclaimed in speech and print that the Jews are the 'Aristocrats of the World'. (See Mr. Untermeyer's radio address published in the *New York Times* for August 7, 1933.)"

Commenting on the ADL's charge that Madison Grant's book was the "utter negation of any 'melting pot' philosophy with regard to America," Mr. Hichborn quotes from a foreword written by Dr. Paul Hutchinson to Rabbi Elmer Berger's book *"A Partisan History of Judaism"*. Dr. Hutchinson, Editor of the *Christian Century*, after showing that American people expect their melting pot to melt, comments:

"In the light of this historic development—plain enough whether or not one regards it as justified or wise—I find it tragic to see so many of our Jewish citizens electing for an attempted separate existence within our American society. While they insist that the idea of a divided allegiance is as repugnant to them as to any of their neighbors, they nevertheless denounce the principle of cultural amalgamation. They proclaim that the focus of their emotional and spiritual longing is elsewhere, and they show themselves ready in the discharge of their duties as American citizens to subordinate all other considerations to the interests of a foreign nation. The very word 'assimilation' has become a reproach on their lips. *They insist that the melting pot must not be allowed to melt.*" (Emphasis on the concluding sentence supplied by Mr. Hichborn.)

We are not here concerned with the merits or demerits of books. We are presently interested in *how* the ADL operates.

Foreign language groups

"The Foreign Language Division" of the *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* concerns itself with translating ADL propaganda into foreign languages and planting articles in the foreign language press.

"In addition," explains our ADL spokesman and guide, "this division keeps a constant check on foreign language papers, representing some sixteen different languages. This check makes possible an accurate evaluation of trends of thought taken by this special group of America's citizens."

Radio

In the "Radio Division" we are told that "there is no single road to the American mind," and "that every road must be utilized". Consequently the *American Jewish Committee* and the *Anti-Defamation League* makes extensive use of radio. In 1946 an average of 216 individual radio stations broadcast ADL material daily. The average is alleged to have doubled since 1946.

"We reach all faiths," declares our guide. "Programs like *"The Battle of the Warsaw Ghetto'*, starring Raymond Massey, and *'Behold the Jews'*, starring Aline McMahon reach millions of Americans . . . Where material prepared by this division has been judged pertinent, it has been sought for use by programs such as *'Kate Smith'*, *'We, The People'*, *'The Doctor Fights'*, *'Mr. District Attorney'*, *'Treasury Salute'*, *'Reunion, U.S.A.'*, and others enjoying the largest listening audience in the country!"

Christian churches

"What about other religious denominations?" we ask. "Are you able to get to them?"

"More than 8,000 thoughtful men of God of many Christian sects and denominations, disquieted by the hostility stirred up against the Jews, have been able—through this channel—to get the facts for their congregations—ammunition to help in their part of the fight against race hatred. Prominent among the men of religion concerned by this problem, is forward looking Rev. William C. Kernan, of the *Institute of American Democracy.*"

Institute for American Democracy

"Just what is the *Institute for American Democracy?"* we inquire.

"The *Institute for American Democracy* sponsors hard-hitting Democratic propaganda appearing on billboards from coast to coast. Stirred to enthusiasm by this program, civic leaders like the Hon. Maurice J. Tobin, Governor of Massachusetts, have backed it by personally presenting these democratic arguments to their communities. In the transportation systems of twenty-four cities sixteen thousand billboard messages are being displayed, Supplementing its billboard and car-card program, the IAD has produced a series of one-minute films—dramatizing its message, shown as part of the regular feature presentation in theatres patronized by people in all walks of life."

We had run across this organization in our studies (see *The Tenney Committee: The American Record*) and had learned that it was, like the *Institute for Democratic Education*, a "front" or subsidized organization of the *Anti-Defamation League of B'Nai B'Rith*. Our ADL friend would have liked us to believe that the two *Institutes* were independent of ADL control—just two organizations "cooperating fully in this vital battle against bigotry."

The Rev. William C. Kernan, we are told, headed up the "cooperating" *Institute for American Democracy*. We don't know very much about the Rev. Kernan except that a script writer for the *Joint Jewish Appeal* wrote a few lines for him. "It is no longer possible for *any* American," declares the script writer via Rev. Kernan, "regardless of race, color or creed, to sit idly by in the belief that the purveyors of racial hatreds and disunity do not mean them. Who attacks one minority group, attacks all groups. The public must be made to understand this!"

Page 1667 of Appendix IX of the Reports of the *House Committee on Un-American Activities* lists William C. Kernan as a member of the Executive Board of the *Council of United States Veterans, Inc.* His name appears among others, on a letterhead of the organization marked *"Exhibit 1."*

Following Rev. Kernan's name (under the geographical designation "New Jersey" is *"Past Post Chaplain, A. L."* (*American Legion*).

"It should be noted," comments the *House Committee on Un-American Activities*, "that exhibit No. 1 which follows, a letterhead of the *Council of U.S. Veterans*, bears union label No. 412 . . . For the significance . . . see this report entitled *'Prompt Press'* (sec. 187)".

Turning to page 1511 of Appendix IX under the title *"Prompt press"* we find the following: "The bulk of the literature of the *Communist Party* is printed under union label 412 by the *Prompt Press* . . . Union label 412 appears on work done by the *New Union Press*. The latter is a dummy organization which uses the presses and other fixtures of the *Prompt Press."*

What was the *Council of United States Veterans, Inc.?*

Says the *House Committee on Un-American Activities*, Appendix IX page 1661f:

"The *Council of United States Veterans*, the latest form of Communist-controlled veterans' organization, has embodied in its statement of purpose (see certificate of incorporation, New York, March 22, 1937), aims which easily conform to those of the *Communist Party* and the *Workers Ex-Service-Men's League*, streamlined in accordance with the Trojan horse policy adopted at the Seventh Congress of the *Communist International* in 1935."

After comparing a section of the organization's statement of purpose with a section of the Constitution of the *Communist Party of the United States* adopted May 27 to 31, 1948, the Committee goes on to say:

"The foregoing weasel-worded provisions did not prevent either the *Communist Party* or Gardner Jackson, the legislative representative of the *Council of U.S. Veterans* and sponsor of the *Washington Committee for Democratic Action*, from defending those who, in obedience to the line of the *Communist Party* after the signing of the Stalin-Hitler pact in August 1939, led devastating strikes in defense industries, opposed the national defense program, opposed investigation into subversive activities among Government employees by the Department of Justice and other agencies, and picketed the White House. Both the *Council of U.S. Veterans* and the *Workers Ex-Servicemen's League* provided in their statements of purpose for cooperation with international veterans' organizations like the *Internationale Des Anciens Combattants* and opposed any discrimination regarding membership toward Communists."

All of which goes to prove that the Rev. William C. Kernan apparently found himself in some pretty bad company. It does not prove that the Rev. Kernan was a Communist, a Communist fellow-traveller or even a Communist sympathizer. It may well be that the Rev. Kernan was only naive; that he was fooled;—that his good intentions and idealism were taken advantage of for purposes never revealed to him.

It may well be that his name was used without his consent.

And it may be possible that the ADL was pulling his leg when he was induced to head its dummy organization, the *Institute for American Democracy.*

"All of this must cost a lot of money," we observe. "Does the ADL subsidize the *Institute for American Democracy?"*

Our ADL guide ignores the question. He covers his failure to answer by launching into an account of a Chicago organization—"joined in the battle for unity."

Appreciate America

"It has a simple but all impressive title," he is saying. "It is called *'Appreciate America'*. It was founded by an ex-Marine Corps Major Paul H. Douglas—wounded at Peleliu and Okinawa fighting fascism abroad—non-profit making *'Appreciate America'* has plunged into the fight against fascism at home . . . Through this agency, to the steadily swelling arguments against bigotry have been added the civic-conscious voices of Hollywood stars whose faces are as familiar to most Americans as their own."

"What about this Chicago organization—*Appreciate America?*" we ask. "How is it financed? Is it part of the ADL set-up? Is it subsidized?"

"I want to tell you about another cooperating organization," continues our ADL spokesman, again disregarding our questions. "It is the *Institute for Democratic Education*. It is headed by . . . "

While waiting for our ADL spokesman to tell us about the *Institute for Democratic Education*—"another cooperating organization—we are trying to recall what we knew about Paul H. Douglas,—the founder of *"Appreciate America."* Our ADL friend had only touched on the glamorous highlights of the Professor's career.

Then we remembered!

Professor Douglas had been connected in one way or another with quite a number of non-profit organizations. As a matter of fact we recalled that the professor seemed to have had a marked predilection for joining up with non-profit organizations. Through the years he was a member of the Executive Committee of the *America Committee for Democracy and Intellectual Freedom*; member of the National Advisory Board of the *American Friends of the Chinese People*; member of the Committee of the *American Friends of Spanish Democracy*; sponsor of *American Investors Union, Inc.*; member of a sponsoring committee for a dinner promoted by the *American Student Union* in 1937; member of the National Advisory Board of the *American Youth Congress*; member of the Arrangements Committee of the *Chicago Conference on Race Relations;* sponsor of the *National Emergency Conference*; member Board of Sponsors of the *National Emergency Conference for Democratic Rights*; and a member of the *Non-Partisan Committee for the Re-election of Congressman Vito Marcantonio.* (Dies Reports Appendix IX).

Many of the foregoing "non-profit organizations" are as unknown to the average American as is Professor Paul H. Douglas' *"Appreciate America."* The following from Appendix IX of the Dies Reports on Un-American Activities are thumb-nail sketches:

"The *American Committee for Democracy and Intellectual Freedom* is a Communist front organization operating among College teachers and professors." (Page 323).

"The American Friends of the Chinese People: The word "American" was added to the title in 1935 as a part of the general streamlining process during the Popular Front period. This organization faithfully reflected the current policies of the *Communist Party* on Chinese questions, on the general question of loyalty to the Soviet Union, and on the question of war in relation to America. . . ." (Page 1477).

"American Friends of Spanish Democracy . . . For a full discussion of the place of this organization among the Communist-front organizations, see Chapter entitled *Spanish Aid Committees.*" (Page 38 and page 1616f).

"American Investors Union, Inc., was a Communist front organized under the aegis of *Consumers Union* . . ." (Page 386).

"The American Student Union was formed at a convention held at Columbus, Ohio, in December, 1935, and resulted from the merger of the *National Student League* (Communist) and the *Student League for Industrial Democracy* (Socialist) . . . The combined organization was under Communist control from its inception and followed the official objectives of the *Communist Party.*" (Page 514).

"The American Youth Congress—for a period of 7 years—from 1934 to 1941—was one of the most influential front organizations ever set up by the Communists in this country. The Communist control of the organization was so adroitly handled (at various periods during its life) that a large number of unusually prominent persons were drawn into the circle of its supporters. In the end, however, it was all but universally recognized that the Communists were in complete control." (Page 525.)

"The *Chicago Conference on Race Relations* had such well-known and publicly avowed leaders of the *Communist Party* among its sponsors as John Schmies, William Patterson, and Joe Weber. Interlocked through their personnel with the Chicago conference were such well-known Communist front organizations as the following: *National Negro Congress, League of Women Shoppers, American League for Peace and Democracy, International Workers Order, Workers Alliance,* and the *German-American League for Culture.*" (Page 608.)

"A *Conference on Pan-American Democracy* was held on December 10 and 11, 1938, at the Hotel Washington, Washington, D.C., marking the establishment of the *Council for Pan-American Democracy*. The conference was announced in the *Daily Worker* of November 29, 1938, in a column edited by Harry Gannes, at the time a Communist 'expert' on Latin-America . . . The purpose of the conference was to send delegates to a Communist-inspired Latin-American Congress of Democracies at Montevideo, March 20 to 24, 1939." (Page 672.)

"The National Emergency Conference met in Washington, D.C., May 13–14, 1939. The personnel of the sponsors of the conference indicates clearly that it was a Communist-front organization." (Page 1205.)

"The *National Emergency Conference for Democratic Rights* teemed with confirmed fellow-travelers and sympathizers of the Communist Party." (Page 1209).

"The *Non-Partisan Committee for the Re-election of Congressman Vito Marcantonio* was organized during the congressional election campaign of 1936 . . . On the Non-Partisan Committee will be found the names of such publicly avowed members of the Communist Party as Langston Hughes and Louise Thompson . . . A check of the names . . . will reveal the extraordinarily large proportion of veteran Communist fellow-travelers who were members of the *Non-Partisan Committee for the Re-Election of Congressman Vito Marcantonio.*" (Page 1374.)

Yes, it appears that we remembered Professor Paul H. Douglas—the founder of *"Appreciate America"*—"joined in this battle for unity;"—the man who fought "fascism" abroad—and who fights "against fascism at home. . . ."

Rabbi Philip R. Alstat in the *Jewish Examiner* for August 8, 1952 tells us that Col. Jacob M. Arvey selected Professor Paul Douglas for the Democratic nomination for Senator from Illinois in 1948. Louis Cohen, a Chicago attorney, had already launched a *"Stevenson for Senator" Committee,* but Boss Arvey "persuaded Stevenson to accept the gubernatorial nomination."

Christian friends of the Anti-Defamation League

Our ADL spokesman speaks of the formation of the *"Christian Friends of the Anti-Defamation League"* as though the organization was a spontaneous movement prompted by "8,000 thoughtful men of God of many Christian sects and denominations"—and that the ADL had nothing to do with its creation.

"This is one of the clearest signs," he declares, "that all of America is slowly but surely becoming increasingly aware of the true nature of anti-Semitism—and the threat it constitutes to the country as a whole."

We are becoming familiar with the propaganda tag-lines: "—the threat it constitutes to the country as a whole"; *"who attacks one minority group attacks all groups", etc.* In psychological warfare it is known as the "amalgamation technique." It is very effective. In advertising, the clever ad-writer places the prospective buyer in the pyorrhea category by declaring that "you, too, may have pink tooth-brush." The Communist Party employs the amalgamation method in wholesale quantities. "The Smith Act and the McCarran Act," declare Communist Party propagandists, "are not really directed at the Communist Party! They are directed at labor organizations and minority groups!"

Whether or not the busy boys in the ADL had anything to do with the formation of the *Christian Friends of the Anti-Defamation League,* it is quite certain that both the *Institute for American Democracy* and the *Institute for Democratic Education* were its babies. (See *The Tenney Committee: The American Record.*)

Institute for Democratic Education

"The IDE," our ADL guide is explaining, "is headed by Dr. Howard LeSourd, Director of Boston University's Radio Institute. Their program embraces bringing the lessons of Democracy home by means of electrical transcription. . . . These transcriptions—titled 'Lest We Forget'—dramatize the stories of great Americans of every race, color and creed. They now comprise a library of hundreds of records . . . featuring such personalities as Melvyn Douglas, Donald Cook, John Carradine, Quentin Reynolds, and others whose services have been enlisted in the fight. After being broadcast these transcriptions are then made available to school systems all over the country."

Dr. Howard M. LeSourd, heading up the ADL's *Institute for Democratic Education,* was a sponsor of a dinner on *"The Century of the Common Man"*, held at the Astor Hotel in New York City on October 27, 1943, under the asupices of the *Joint Anti-Fascist Refugee Committee. (House Un-American Activities Reports,* Appendix IX, page 941). Says the Committee (page 940): "The Chairman of the *Joint Anti-Fascist Refugee Committee* was Edward K. Barsky, well-known Communist leader of a number of the Communist Party's front organizations which worked in the Spanish field. This organization held a dinner at the *Hotel Astor*, New York City, on October 27, 1943. Among the prominent Communist sponsors of this dinner were the following: Max Bedacht and William Gropper. Listed as trade-union sponsors of the organization were the following: Ernest De Maio, Ben Gold, Donald Henderson, and Herbert March."

Dr. LeSourd apparently has not been much of a joiner, as the record does not disclose other organizational affiliations or connections. And his sponsorship of a single affair by the *Joint Anti-Fascist Refugee Committee* does not prove that he was, or is, a communist, a communist fellow-traveler, or even a communist sympathizer. And like many other good intentioned men, he may not have known anything about the organization or its leaders and fell for the sales talk of those who induced him to sponsor the dinner. And it may well be that he never gave his consent for the use of his name. Like so many other University profs he may know nothing whatever about Marx and Engels—or Communism. In short, it is quite apparent that the good professor didn't know what the organization or the affair was all about. Although Paul Robeson was listed as one of the dinner speakers, it is quite possible that Dean LeSourd believed him to be an "agrarian reformer." After all, the dinner was on *"The Century of the Common Man"*—and a quote from Henry A. Wallace on the invitations set the theme to which Dean LeSourd probably subscribed. "Everywhere," Henry was quoted, "the common man must learn to build his own industries with his own hands in a practical fashion. Everywhere the common man must learn to increase his productivity so that he and his children can eventually pay to the world community all that they have received. . . . The methods of the nineteenth century will not work in the people's century which is now about to begin."

And it is equally possible—although highly improbable—that Dr. LeSourd had no knowledge that the *Institute for Democratic Education* was a front for the *Anti-Defamation League.*

We catch sight of a door labeled "International Activities" but our guide rushes us along without an explanation. We are before the department of "Intercultural Activities."

"This work in school systems," says our guide, "is coordinated by a special division given over to the development of intercultural relations. Working specifically with *The Bureau For Intercultural Education* and with educators and leaders of all culture groups, this division services public and parochial schools, teachers' workshops, and the publishers of textbooks used in all school systems. The work of every division is subject to constant tests to determine its effectiveness."

We move rapidly down the corridor and pause at an oak-paneled door labeled "Institute for Social Research."

"The division of *Scientific Research and Analysis,*" our guide is telling us, "uses campus-tested techniques in measuring the value of methods employed. Trained sociologists—experts in the field of inter-group tensions are employed. Based on findings, constant revisions of conception and approach are made."

Without pausing in his running account of AJC and ADL activities our guide pauses before another door on which is lettered "Community Service Division."

"It remains for the *Community Service Division*"—pointing to the door—"to assure that this vast national program will reach every single one in the country."

Leading us to another door marked "Speakers Bureau", he continues:

"One means of accomplishing this is the maintenance of a Speakers' Bureau . . . which furnishes more than 7,000 *Rotary, Kiwanis,* and other types of audiences with speakers of national reputation, carrying the message of Democracy into individual communities. Spread coast to coast, the *Community Service Division* is subdivided into 14 regional offices, and maintains an additional 2,000 key men in 1,000 cities through the country."

"What do these 2,000 key men do?" we ask innocently.

"They helped handle more than 4,000 individual cases of anti-Semitism during the past year. . . . The American Jewish Committee and the Anti-Defamation League of B'Nai B'Rith are forming a protective shield across the nation . . . an armor plate of educated thought . . . proof against the lies of subversive forces stabbing at America's vitals. . . . A first line of defense in the battle to preserve the lives, the liberty, and the happiness of every single one of us!"

Our ADL guide and spokesman waxes eloquent as he conducts us to the double doors.

"The *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* are confronting these attackers at every turn; attacking it now—this minute. . . . The fight costs money. Full continuation of it requires contributions. . . . I shall not insult your intelligence by repeating countless reasons why you should contribute to this year's Joint Defense Appeal. Suffice it to say that as Jews you will want to give. As Americans you can do no less. It is your duty."

We were back in the clear, clean air of America as the double door marked American Jewish Committee and Anti-Defamation League of B'Nai B'Rith close behind us. We had just seen the inside workings of a private espionage and propaganda agency; an agency organized with and maintained by, private contributions; the nerve center of a world-wide net-work whose tentacles reach into every Gentile activity.

It is probably the largest and most efficient private gestapo in the world today and, without doubt, the largest of its kind in the history of the world. And—amazing as it may be—this vast interlocking system of departments, sections and divisions, is devoted to but one issue—and only one issue in spite of propaganda to the contrary;—political conquest in the name of racism!

Its operations and purposes differ from the Federal Bureau of Investigation in every important aspect. . . The FBI is a national governmental agency, created by the representatives of all the citizens of America for the specific purpose of safeguarding all the people of the United States. The FBI is directed by a great American concerned with the preservation of the Constitution of the United States, the security of the Republic and the peaceful happiness and personal safety of every man, woman and child, regardless of color, creed or ethnic origin.

The ADL and the AJC are the antithesis of the FBI.

There should be no place in America for private gestapos.

Summation of ADL Activities

We have seen the world's most elaborate private gestapo at work and have learned something of its operations.

Through their interlocking and coordinated agencies the *Anti-Defamation League of B'Nai B'Rith* and the *American Jewish Committee,* shielded by their so-called "minority" character, are able to emotionally stir and activate American Jewry and a considerable portion of American Gentiles to ideological or political programs. Criticisms and protests are effectively silenced by the cry of *"anti-Semitism."*

The national headquarters of the two organizations direct a vast army of informers in its network of regional offices throughout the country, tabulating, evaluating, cataloguing and filing information on "anti-Semitism."

The following is a summation of ADL and AJC activities:

Propaganda is furnished to certain radio commentators throughout the country, who, in turn, incorporate the planted material in their broadcasts.

Similar propaganda is planted in the nation's press.

So-called "programs of community action" are subtly "put into operation" by regional offices.

"Nationalist" movements are particularly watched and reported by ADL agents.

The *"Civil Rights Division"* of the ADL is charged with gathering information on "anti-Semitism" and exposing it as "undemocratic activity."

The ADL's *Radio Department* supplies script material and "guidance" to many of the nation's most popular networks.

Transcribed "singing commercials" were broadcast "many times daily by stations all over America.

Eight hundred and fifty radio stations broadcast the *Lest We Forget* programs produced by the *Institute for Democratic Education.*

The transcribed programs of *Lest We Forget* are used as "educational aids by 2000 schools and school systems in all parts of the country."

Billboards and car-cards "created" by the *Institute For American Democracy* are seen in more than 200 cities.

Half a million indoor posters have been displayed in schools, churches and union halls.

A million and a half blotters were distributed to children in a six-month period.

Over 3400 advertisements have appeared in 700 newspapers and national magazines.

Cartoons are sent regularly to 3100 leading publications.

The ADL serves as a *"consultant"* in the motion picture field and takes credit for having "helped" promote such films as *"Gentleman's Agreement", "Crossfire",* and *"Till the End of Time."*

In the field of literature, the ADL acts as pre-publication *"adviser"* to many publishers. Where *"advice"* is ignored the ADL acts as *"book stifler".* Books like *"All About Us", "One God", and "Gentleman's Agreement"* are promoted extensively with the cooperation of *B'Nai B'Rith* lodges and chapters.

Each year the ADL distributes more than a million reprints of newspaper and magazine articles.

Through the *American Lecture Bureau,* 300 speakers indoctrinate 7000 audiences with ADL propaganda.

The ADL arranges to have Rabbis invited to Christian camps to answer questions about Jews and Judaism.

Nation-wide tours are arranged by the ADL for celebrities such as Harold Russell, star of *"The Best Years of Our Lives."*

ADL's *Foreign Language Department* reaches 22,000,000 people in the United States in their mother tongue, through their "own stories and articles" in 16 languages in 900 foreign language publications.

Posters are distributed in clubs and neighborhood meeting halls.

Sixty radio programs have been transcribed in six languages and broadcast by foreign language stations throughout America.

The syndicated articles of ADL's *Education Department* appear in leading educational journals.

The ADL agents infiltrate organizations of teachers and parents.

The ADL's *Women's Department* activates *B'Nai B'Rith* women in its programs.

The *Veteran's Relations Department* infiltrates verterans' organizations.

The *Christian Friends of the Anti-Defamation League,* said to include 8500 clergymen, is an ADL channel into innumerable Christian organizations. The ADL propagandizes this group with a monthly newsletter containing *"material"* for sermons and other activities.

Each ADL regional office is an "ADL miniature." Each office "represents the Jewish community." Each office probes "local discrimination" and encourages and attempts to direct "community action." Each office sponsors community projects that reach into the smallest hamlets. Each office seeks to establish *Fair Employment Practices Boards.* Each office seeks to influence organizations such as the *American Legion.*

Each office, in brief, is repugnant to every cherished American tradition, and a disservice to American Jewry.

In purporting to combat anti-Semitism the ADL actually engenders anti-Semitism. In advocating extension of freedom it would curtail freedom.

Thus, the ADL is in the paradoxial position of creating that which it would destroy, and destroying that which it would create.

ADL Bureaucracy

We have learned that the *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* are ostensibly concerned with propaganda and information on anti-Semitism and anti-Semites. That their purposes are strictly political is obvious. The first activity takes many forms. We have seen a few of its operations as we visited the various sections of the *"Press Division."*

In the *"Fact-Finding, Legal and Investigative Divisions"* we learned of the organizations' second,—and perhaps most important,—activity;—the collection of files on so-called *"anti-Semites."* We had a glimpse of the extensive rows of cabinets containing data on thousands of individuals who, for one reason or another, qualify by ADL standards as anti-Jewish, actually or potentially.

ADL files are of three categories. The first set consists of newspaper and magazine clippings supplied from many sources. The second set of files are designated *"confidential"*—and *your* name may be included. A third set of files—not housed at ADL headquarters—are kept by secret or undercover agents. These files cannot be easily reached by Congressional subpoenas,—because Arnold Forster declares there are no secret agents or secret files.

The *United Jewish Welfare Fund* of the *Los Angeles Jewish Community Council* publishes a year book containing an "Honor Roll" of those who contributed $25.00 or more to the UJWF the year previous. The 1952 publication contains 88 pages without the cover. At page 7 under *Joint Defense Appeal of the American Jewish Committee—Anti-Defamation League of B'Nai B'Rith* appears the following:

"These two oldest and largest national Jewish agencies combatting anti-Semitism and promoting intergroup harmony—are financed through the *Joint Defense Appeal.*

"Believeing that the most effective way to safeguard the welfare of Jewry is to preserve and extend the democratic liberties of all American, the AJC and ADL: (1) seek to educate the American people on the need for more adequate protection of human rights through the law, and (2) endeavor to create a climate of opinion hostile to hate and prejudice.

"Through 38 AJC Chapters and 27 ADL regional offices, the two agencies seek to reach the American people at every stage where attitudes are formed: through all the media of mass communication, through work with church groups, labor groups, labor unions, veterans organizations and other influential, opinion-moulding groups; through action in the legislative field and through scientific study of the causes of bigotry. In foreign affairs the AJC–ADL, working closely with the U.N. and through offices in Washington and overseas, seek to strengthen support of Israel, work for enforcement of the human rights provision of the U.N. Charter and help to liberalize America's immigration laws."

AJC and ADL received an allocation of $98,000 in 1951 from the *United Jewish Welfare Fund* of the *Los Angeles Jewish Community Council.*

The Pacific Southwest Regional Office of the ADL is located at Suite 217, 590 North Vermont Avenue, the new headquarters of the *Los Angeles Jewish Community Council.* Milton A. Senn is the Executive Director.

Hon. Meier Steinbrink of New York is National Chairman, Philip M. Klutznick, Chicago; Maurice Dannenbaum, Houston; and Edmund Waterman, New York, are National Vice-Chairmen. **Richard E. Gutstadt of Chicago is National Executive Vice-Chairman. Jacob Alson of New York is National Treasurer. Benjamin R. Epstein is National Director.**

The Pacific Southwest Advisory Board is composed of the following: Hon. Stanley Mosk, Los Angeles, President; Jack Y. Berman and Harry Graham Balter, Los Angeles, Vice-President; Isaac Sukmann, Long Beach, Treasurer, and I. B. Benjamin, member, National Commission.

The Executive Committee is chairmaned by the Hon. David Coleman of Los Angeles. David Goldman, Pasadena, is Vice-Chairman. Sam Faber, Los Angeles, is Treasurer. Mrs. Henry Levy of Los Angeles is Secretary. Executive Committee members are as follows: Harry Graham Balter, Stanley Bergerman, Jack Y. Berman, David Blumberg, Harry Braverman, Erward Brietbard, Donald Breyer, Hyman O. Danoff, Mrs. Gilbert Denton, Norman Godell, Charles Goldring, Mrs. Charles Goldring, J. Leo Gordon, Irving Hill, Lawrence Irell, Moe Kudler, Mrs. Moe Kudler, Jules Lindenbaum, Hon. Stanley Mosk, O. H. Prinzmetal, Aaron Riche, Mrs. Ben Rosenthal, Irving Schulman, Joseph D. Shane, Larry Simon, Edward Stodel, Jacob Stuchen, Isaac Sukmann, Mrs. George Taussig, Philip Wain and Mrs. Morris Wesser.

Militant Arm of Zionism

The secret political police of the Czars were the terror of Russia. The secret political police of Stalin is no less terrifying. The secret police of European nations were a continuous nightmare to the people. If they had, or have, any excuse whatever for existence, it is on the basis of governmental operation for internal and external security reasons. They have never created or preserved loyalty.

The *Anti-Defamation League of B'Nai B'Rith* and the *American Jewish Committee* do not have any excuse whatever for their operations. Their secret agents spy upon American citizens. Extensive files and dossiers are compiled on those whom they dislike; those with whom they disagree, and those who, in any way, criticize their activities or the ambitions of Zionism. They penetrate the political field injecting racism into political campaigns. Through their multitudinous controls of the media of communication they are capable of destroying reputations and silencing all rebuttal. By *"book stifling"* and the *American Jewish Committee* technique of *"quarantine"*, critics are denied a public audience for either attack or defense.

While these organizations do not have the governmental power to penalize their victims they possess equally effective powers. In heavily populated Jewish political districts a candidate for public office is completely at their mercy. A memorandum from the local ADL office charging that a particular candidate is "anti-Semitic" or supported by someone else alleged to be anti-Semitic is sufficient to insure the defeat of the candidate. And it makes no difference that the candidate may be completely free of such bias.

In certain fields of endeavor, both professional and nonprofessional, where employers are predominantly Jewish, a word from the regional office that John Doe is "anti-Semitic" is sufficient for ending John Doe's career. The terror carries over into Gentile concerns where the Gentile employer is persuaded to "go along."

The press is extremely sensitive to ADL "suggestions" and "recommendations." "Gentlemen's agreements" are made whereby certain ADL pet-hates are never to be mentioned in print.

The amazing part of the whole sordid story is the fact that Americans—including American Jews—know so little about it. Those who have had occasion to learn a little of ADL and AJC operations are fearful to do or say anything about them. Legislators who have some knowledge of the facts are fearful of taking any action because they well know that they would be smeared as *"anti-Semites"* in the next election. No newspaper will risk its advertising contracts by telling the story.

Most American Jews would be happy to integrate into American life; to be Jews only in matters of conscience—and Americans in all else. If left to themselves, the great majority of American Jews would resent implication that they owe allegiance to a foreign state.

No reasonable person can find legitimate fault with the deep sense of concern and warm compassion exemplified by American Jews over the plight of persecuted Jews, a concern and compassion shared by every person of good will and decent instincts—regardless of race, color or creed. These instincts are among the highest virtues of both Judaism and Christianity. It is the *perversion* of them that is objectionable.

Under the broad protective shield of the Constitution of the United States the Jew has every right accorded every other person—*but no more.* There is no right claimed by a Gentile that should be denied a Jew or any other person, and it follows that no Jew or any other person should be given *preferential rights.*

No group of citizens, regardless of race, color or creed, should constitute itself a private agency for a foreign government. No group of American citizens may take unto itself the characteristics of a police state and retain the affection and respect of other American groups. Propaganda breed counter-propaganda, and espionage results in counter-espionage. Both activities create distrust and suspicion. There can be no peace nor brotherhood in an atmosphere of distrust and suspicion.

The United States, breaking away from the police states of Europe, establishing human dignity and personal freedom became a beacon light of hope to the oppressed Jews of the world. They trickled into the colonies from Spain and Portugal; from Germany and Holland after the American Revolution, and from eastern Europe by the hundreds of thousands at the turn of the century. They joyfully left the lands of their birth, happy to breathe the clear, clean air of freedom and opportunity. Gone were the secret political police, the hateful preachers of pogroms, and the accumulative dossiers. A Benjamin Franklin would be first among Gentiles with a generous contribution for a Philadelphia synagogue, and, one by one, the shop-worn prejudices of the Old World would fall away.

The only ghettos in America were the ghettos built by the Jews themselves. They were understandable ghettos;—colonies of people who spokes the same mother tongue, and adhered to the same traditions, customs and religion. But there were the "official" Jews who remembered the power and the authority of the "official Jews" of Europe's walled ghettos;—"official Jews" who fought individual emanicpation and insisted on a new type of ghetto they call the "Jewish nation." They became the spirit of American Zionism;—the driving force of the *Anti-Defamation Leagues* and organized Jewry.

American Jewry must carefully examine the operations and activities of the many organizations it supports. Because these organizations are labeled "Jewish" the general public assumes that their leaders speak for all American Jews. It is, therefore, the responsibility of American Jews to determine what these leaders are saying and what the organizations are doing;—determine whether or not the *Anti-Defamation League* is within the American tradition;—whether or not the ADL, in its alleged fight for the preservation of *"democracy"*, is actually treading in totalitarian footsteps.

The cry of *"anti-Semitism"* has ceased to be an effective smoke-screen.

Activities strictly political

This is the story, in brief—and largely in its own words from its own documents—of the amazing *American Jewish Committee.* That it is an almost incredible story is conceded.

To have told it is to be called an "anti-Semite"—which, of course, completely begs the question. It is a shop-worn retort that knows no better answer. The story should be told whether the organization be Irish, Swedish or Jewish. Race and religion have nothing to do with it.

These activities are political. Semitism and Judaism are mere shields which have effectively cloaked these activities. The deceit must be torn aside so that the American people may see what it hides.

Many of these political activities are un-American in that they seek to pervert our Republic and our government and make it something never intended by the Constitution.

It is un-American to seek foreign control over our domestic laws by the ratification of *United Nations* treaties—such as the *Genocide Convention* and the *Declaration of Human Rights*—which, under our own Constitution, become the supreme law of the land.

It is un-American to assume the re-education and reorientation of American thinking in accord with the design of a foreign minority bloc;—especially when that bloc seeks to preserve its separate entity internationally and nationally.

It is un-American for a so-called minority group to create and maintain a vast espionage system; to establish and maintain a network of national and international organizations and agents for its own particular purposes—*whatever they may be*.

It is un-American for any segment of American society to use the facilities of communication and information by controlling its "lay members" in such facilities, advertising mediums, or by other devices of pressure, for the dissemination of its own particular propaganda to an unsuspecting public.

It is un-American to apply *"book-stifling" and "quarantine treatments"* to writers and speakers with the attendant coerced "cooperation" of newspapers and other media of communication indicated in such process.

In short, the activities, methods and techniques of the *American Jewish Committee*, in the opinion of this writer, are repugnant and obnoxious to every American tradition and practice.

It is obvious that the *American Jewish Committee* is not *American*. It remains for American Jewry to say whether or not it is *Jewish*.

NURSING SCHOOLS DESPERATELY NEED HELP

The SPEAKER pro tempore (Mr. DINGELL). Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, in light of the critical shortage of trained nurses and other health personnel in our country today, it is indeed sad to note the closing of qualified schools of nursing due to the lack of adequate funding. America's existing schools of nursing are in desperate need of help.

One such school is the Queen of Angels School of Nursing in Los Angeles, Calif., which has carried on its important work for many years as an adjunct of the world-renowned Queen of Angels Hospital. As the director, Mrs. Eva Stockonis, stated to me in a recent letter:

> It is indeed regrettable that for lack of about $150,000 support yearly, a good strong school like ours is going to close—especially when we graduate such good nurses, about 50 a year.

Director Stockonis advises me that they have been forced to apply for Federal aid to enable them to phase out the school of nursing program within 2 years. But can we stand by and permit such a thing to happen? It is tragic when, for the lack of only $150,000 per year, we will lose such a critically important element of our educational and medical capability.

In Congress, we have passed the Comprehensive Health Manpower Training Act and the Nurse Training Act, and these, fortunately, have been signed into law by the President. The administration is asking for a new supplemental appropriation which would bring the total spending for health manpower programs to $530 million for fiscal year 1972, $100 million higher than last year.

These efforts should help to expand the present numbers of health personnel, but much more needs to be done. Is it not bad policy and bad economics to permit outstanding existing facilities to close, while the taxpayers are called upon to provide new schools in order to meet our growing needs? The fact that nursing schools with such fine credentials cannot be kept open, when there is a demand for more trained nurses, points out the glaring fact that we have not been doing enough, and are not now doing enough, to assure the continued existence of this form of training.

We must do everything possible to provide health manpower. This requires us to support adequately the continuing operation of hospital-related schools of nursing as well as nursing programs in other educational institutions.

CANADA AND THE ALASKA PIPELINE ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today I am including in the RECORD an excerpt from the record of debate in the Canadian House of Commons on November 19, 1971, as further evidence of Canada's keen interest and readiness to consider a Canadian oil pipeline as an alternative to the proposed trans-Alaska pipeline. I particularly draw my colleagues' attention to the remark by Mr. Chrétien that the Canadian Government is "ready to entertain any application" for a Canadian pipeline.

The excerpt follows:

OIL—PROPOSED MACKENZIE VALLEY PIPELINE—AFFIRMATION OF GOVERNMENT SUPPORT—ENVIRONMENTAL AND SOCIAL STUDIES

Mr. R. J. Orange (Northwest Territories): I have a question for the Minister of Indian Affairs and Northern Development. Would the minister please advise whether statements are correct which are attributed in the press to Secretary Morton of the United States to the effect that the Canadian alternative oil pipeline route is not being considered because it does not appear to have the support of the Canadian government?

Mr. Speaker: Order, please. I am sure the hon. member knows that a question cannot be asked in those terms. Would the hon. member resume his seat. The hon. member is asking the government to confirm a report in the newspapers. I do not think that a question asked in those terms is in order. The hon. member could rephrase the question.

Mr. Orange: Can the minister say whether the suggested alternative oil pipeline down the Mackenzi Valley still has the support of the Canadian government?

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, I should like to advise and confirm to the House the continuing interest and willingness of the government of Canada to examine and discuss any proposals relating to the transport of Alaskan petroleum resources through Canada to market in the United States. Together with the Minister of Energy, Mines and Resources I announced guidelines to northern pipelines on August 13, 1970.

Some hon. Members: Oh, oh!

Mr. Chrétien: Those guidelines—

Some hon. Members: Oh, oh!

Mr. Speaker: Order, please. The minister knows that if he wants to make a statement in the House he should be prepared to do so on motions.

An hon. Member: What a smuggling job!

Mr. Chrétien: Mr. Speaker, I have only one more line.

Mr. Speaker: Order, please. If the Minister has only one more line he might be allowed to finish.

Mr. Chrétien: I should like to thank members who have given me the opportunity to practice my English. Those guidelines made it clear that, in principle, oil and gas pipelines were acceptable to the government of Canada but on the conditions stated in the guidelines.

Mr. Orange: Can the minister indicate the degree of priority which has now been given by the government to the environmental and social studies necessary before such pipelines are constructed?

Mr. Chrétien: Mr. Speaker, the House knows very well that the government has given the highest priority to the environmental and social studies on which we have spent millions of dollars. We have made a lot of progress and are ready to entertain any application.

PROPOSED MACKENZIE VALLEY PIPELINE—RESULTS: OF ENVIRONMENTAL STUDIES

Hon. Robert L. Stanfied (Leader of the Opposition): Mr. Speaker, I should like to ask the Minister of Indian Affairs and Northern Development whether the studies have now been completed with regard to environmental protection and environmental risk resulting from such a pipeline through the Canadian north and, if so, is the minister prepared to be open with the results of this research?

[Translation.]

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, I cannot verify that all studies are completed. I said earlier that we made considerable progress in that regard and that we could examine any application we would receive. Then decisions would probably be taken after completion of the studies.

[English.]

PROPOSED MACKENZIE VALLEY PIPELINE—DISCUSSION WITH INDIANS ON SETTLEMENT OF CLAIMS

Mr. Erik Nielsen (Yukon): I have a supplementary question for the minister since he seems to be so well prepared to answer these questions today. Has he yet had any consultations with the Indian people whose lands, which any proposed route must traverse, are involved with respect to settling their land claims? If he has not had such discussions, when does he intend to commence them?

[Mr. Chrétien.]

[*Translation.*]

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, the hon. member should know that Indians have had their own committee to study their rights and treaties for two years already and that they are examining that problem while Commissioner Barber is doing the same work for the government.

[*English.*]

Mr. Nielsen: Since the minister did not answer my question I can only assume that he did not hear it. Has the minister had any discussions with the Indian people concerning their land rights in these areas of the north and, if not, when does the government intend to commence them?

Mr. Chrétien: Mr. Speaker, I have explained to the House that there is a mechanism in place. Probably the hon. member was not aware of it.

Mr. Nielsen: That is still no answer.

Mr. Speaker: Order, please. The Chair will recognize the hon. member for New Westminister for a last supplementary on this subject. We will soon be running short of time and I have to seek the co-operation of hon. members to limit the number of supplementaries.

PROPOSED MACKENZIE VALLEY PIPELINE—CONSTRUCTION BY GOVERNMENT WITH CANADIAN FUNDS

Mr. Douglas A. Hogarth (New Westminster): I should like to ask the minister whether the government will give consideration to the possibility of the construction of such a pipeline by the Canadian government with Canadian funds?

Some hon. Members: Hear, hear!

An hon. Member: You are in the wrong party, Doug.

[*Translation.*]

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, the matter of Canadian participation in the construction of the pipeline was dealt with in statements made in August 1970. In fact, we would be happy that Canadians take part in it to the greatest extent possible.

AMERICAN LEGION MASSACHUSETTS DEPARTMENT COMMANDER ROBERT LEO ENG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, in the United States where so much attention is focused on conflict, tragedy, and crime, and where to read the daily newspaper is a depressing event, it is a welcome change and most heartening to be able to bring to the attention of my colleagues a man who has unselfishly devoted himself to service to his community and fellow man, American Legion Massachusetts Department Commander Robert Leo Eng. I was privileged to be a guest at a recent dinner in his honor, and can honestly say that I could not be prouder of anyone from my district than Bob Eng and his accomplishments.

Department Commander Robert Leo Eng is a lifelong resident of Quincy, Mass., where he was born on December 20, 1925, the third son of the late Mr. and Mrs. Yee Han Eng, in a family of nine children. He was educated in the public schools in Quincy, graduating from Quincy High with the class of 1944.

He joined the Air Corps Reserve in August of 1943 and was called to active duty on March 14, 1944, at Fort Devens and received basic training at Greensboro, N.C. Bob was assigned to service schools in radio, electronics, and radar at Truax Field, Madison, Wis., Chanute Field in Illinois, and Boca Raton in Florida. Further assigned to duty at Westover Air Base, Chicopee Falls, Mass., with B-24's serving overseas flights to England. He was discharged from Fort Devens, Mass., on May 7, 1946, with the rank of corporal.

Awaiting acceptance to GI bill schooling, Bob took courses in radio at MIT and attended the School of Photography at Yale University campus, New Haven, Conn. He is a gold medal winner in portraiture. He also completed graduate courses in commercial and color photography and camera repair. Opening his photography and camera repair business, he has been self-employed since, servicing many newspapers and accounts throughout the State.

Robert Leo Eng's 21 consecutive years of membership in the American Legion began in 1950, in appreciation for receiving the GI bill of rights via the Legion, when he joined Quincy Post No. 95, the World War I and city's original Legion post, of which there are now five in a populace of 87,000.

Bob served his post as third, second, and first vice commander before becoming commander in 1954. Later he served 10 consecutive years as post historian, during which the post won, on several occasions, second place, statewide in the department community service competition, based on his scrapbook. His interest in public relations resulted in a post newsletter for 9 years, of his 10 as PRO. Among the other related positions he held was president of the building association. Numerous committees kept him involved and interested in post activities.

As a delegate to the Norfolk County District Six Council for 18 years, he served as an assistant sergeant-at-arms, executive committeeman, historian, assistant adjutant, finance officer, junior and senior vice commander and as commander in 1966–67. During these years, he was Americanism chairman for 9 years; newsletter editor, 3 years; publisher, 4 years, and publicity chairman for 3 years.

Elected a department vice commander in 1967, Robert Leo Eng was reelected in 1968, and for both terms served as department community service chairman. He sought reelection as a department vice commander in 1970 and received an overwhelming 52 vote plurality at the Hyannis department convention.

Eng served a third term as department community service chairman during his third term as a department vice commander in 1970. He was appointed department Americanism chairman in 1961 and was a committee member for 10 years. His outstanding record of 16 years on the department community service committee included nine terms as a vice chairman.

He served on the department public relations commission for 2 years and was State convention publicity chairman in 1963 at Quincy. An original organizer and vice president of MALPA, the Massachusetts American Legion Press Association, he has been a member for 8 years.

Bob has served national committees for over 15 years. He has been a member of the national ALPA organization for the past 12 years.

Bob served as a staff member of the department boy's State committee for 2 years in the capacity of official photographer. He was formerly public relations director for the city of Quincy civil defense for 7 years.

Robert Leo Eng is the first of Chinese descent to attain the high office of department commander of Massachusetts.

I would like to include in the RECORD the address of the principal speaker at that recent occasion honoring Robert Eng, Mr. Harold Putnam, a longtime friend of mine who had an outstanding career in the State Legislature of Massachusetts and is now continuing this fine career as regional director of the Department of Health, Education, and Welfare in Boston.

Address of Harold Putnam

Comrades of the American Legion, friends of Bob Eng, several weeks ago, when I returned to my office, my secretary reported that Bob Eng's office had called, but she didn't know what they wanted.

I asked her to return the call at once, and to say that whatever Bob Eng wanted, he could have it! In my job, it is not safe to make such promises usually, but I felt safe in making it to Bob Eng because I knew he would not be seeking a million dollar grant or anything else that it might be difficult for me to deliver.

Bob Eng never asks anything for himself. His whole life has been marked by a dedication to others, so I am honored to be joining with you tonight in this salute to Bob. All he wanted was for me to be the principal speaker tonight; I am delighted to be a part of this significant occasion.

And I am delighted to share this head table with officers of the State Department of the American Legion, and with my old friend, Congressman James A. Burke, whom I have known since boyhood and with whom I had the honor to serve in the Massachusetts Legislature.

Your guest of honor tonight and I are reaching the age when many of our friends are ascending to important positions in public life. Many of my friends are taking positions on the benches of the Commonwealth, and they are apt to regale me with judge stories, of which this is typical:

A forlorn old man appeared before the bench of a local district court, and despite his obvious age and poverty, he had a certain dignity about him.

My judge friend noted the defendant's poverty, and remembered his duty to notify him he was entitled to counsel, so he said:

"It is my duty to advise you that you have the right to counsel."

To which the poor, old man replied: "I have counsel, your Honor,"—pointing heavenward.

The judge was taken aback by this unorthodox reply, yet thinking quickly and not wanting to offend the poor, old man, said:

"That's all very well, sir, but how about somebody local?"

We honor tonight "somebody local." In my book, Bob Eng has been the first citizen of Quincy since I first knew him over fifteen years ago. I join you tonight in saluting him for—

His loyalty to the Legion;

His loyalty to his friends;

His courage on public issues; and

For the example that he sets for every minority person in our country that a good man or a good woman can make it in America.

There has been much speculation throughout the country as to whether a minority person can be elected President or Vice President of this country. One candidate has decided that he could not make it with a black running mate. If I were faced with that intriguing dilemma, I think I would give serious consideration to a certain Chinese-American!

Bob Eng didn't tell me what to say here tonight, but knowing me as he does I am satisfied he would like to have me say something serious, to talk with you frankly about some of the problems that face veterans and therefore that face the American people.

The hour is late, but I would like to comment briefly upon two matters confronting the State Department of the American Legion—the need for revisions in the State personnel system and the question of the State bonus. And then I would like to invite you to dedicate yourselves to some community service projects that might make this dinner tonight a living and continuing tribute to our friend, Bob Eng.

The Massachusetts State personnel system is one of the worst in the land. As one who has studied the State Civil Service system for years and is now a part of the Federal Civil Service, I hope I can be excused for believing that the Federal Civil Service system works in the public interest, and the State Civil Service does not.

The State Civil Service system does not attract qualified young leaders. It does not provide challenging promotional opportunities. It discriminates inexcusably against blacks and Spanish speaking—and against women. And the salaries offered to professional and managerial personnel are shamefully inadequate. We have reached the tragic but natural end of a personnel policy that rewards "Indians" but does not have a very high regard for "chiefs."

I hope the Legion will re-examine the State personnel system. It has new reasons to do so in the light of recent decisions of our courts—one requiring that veterans' preference be made available to out-of-state veterans, as well as to in-state veterans, and the other striking down police examinations as not job-related. Surely, these decisions will force the Legislature to re-study the system, and hopefully the Legion can cooperate in achieving some constructive changes.

Everybody suffers when public positions are filled by applicants whose success is based upon examinations found not to be job-related. Did you every look at a police examination? How would you do? Or how would your son do upon his return from Vietnam?

The exam asks you to define "fortnight,"—perhaps not so hard if you spring from an Anglo-Saxon origin, but definitely not a *job-related* question.

Define "inveterate"—what does that have to do with the hard tasks of being a police officer?

"From what country did the United States acquire the Louisiana Territory?" The answer may not be much help to you when you face the point of a criminal's knife!

How are you doing on this test? If you are not doing well, you join the good company of almost all the blacks in the Commonwealth, all the Spanish speaking, and a large per cent of the white population as well.

It is no accident that police and fire departments wind up with a racially discriminatory result. The courts have now decreed that the test-makers planned it that way. The American Legion should not be a party to this practice, but should examine more closely the Federal Civil Service.

The Federal Civil Service works; the State Civil Service does not. The Federal Civil Service produces a competent work force, giving good services to the public; a work force secure in its jobs and fairly paid.

The Commonwealth of Massachusetts should do as well, and it must begin by paying professional and managerial personnel salaries commensurate with their training and experience. The other day the Legislature and the Governor differed over a requirement that the heads of the several regional welfare offices have five years of management or accounting experience.

This seemed like such a sound idea that I inquired as to why it could not be enacted into law. Why was it opposed at the last minute? The answer: because it would be impossible to hire such qualified people at the salary proposed. What was the salary proposed—about one-half what the person would be paid for similar work in the Federal service and slightly above what Uncle Sam gladly pays a top secretary.

Is it any wonder that the Massachusetts welfare system is in deep trouble?

As to the State bonus, I share the unhappiness of the Legion that funds were not made available to complete the payment of the State bonus. I have a rather simple standard for judging this issue, and World War II veterans from the Greater Boston region will understand my thinking.

When we went into the service, new little Cape Cod houses in Westwood were selling for about $4,000. When we returned the price was around $9,000.

When the Korean veterans left, the same houses were selling for about $12,000 and when they returned the price was up to $16,000.

When Vietnam rolled around, the price of the same houses was around $16,000, and now that those veterans are returning, the price has reached about $25,000.

By his loyal service to his country, the veteran has been priced out of the home market. The house which he might have occupied by staying home has appreciated during his absence at the rate of around $2,000 per year.

I can understand the anguish of public officials who must appropriate the money and vote the taxes, but I can't escape the conclusion that the State bonus is little enough to recompense the veteran for that loss.

But tonight should not be just a chance to discuss a few important public issues. I would like to have it be a tribute to Bob Eng—in the area of concern dearest to his heart—community service.

I am convinced that the future of the American Legion lies in community service. If its membership is to be built and if its image is to be strengthened, then these results must be earned through effective community service. This has been Bob Eng's example; this should be our tribute to him.

I urge an expanded community service program, and I recommend these features:

1. More concern for the aged and the young. There is no place in American life for an "age gap." As Secretary Richardson of my Department points out, we must treat the whole person, and we must demonstrate our concern for the whole people, not just the working population, but our aged and our young.

4. I urge the Legion to help us with prison reform. Secretary Mitchell said yesterday that we "are turning out criminals faster than they can be rounded up," and he called our penal institutions "a national shame."

No one can disagree with his conclusion that no civilized society can allow this shame to continue. No solvent democracy can afford to continue paying more than $5,000 per man per year for the kind of prison care that inmates receive today.

Some leaders are beginning to produce some needed change, and the best I have seen is what Sheriff John J. Buckley is doing at the Middlesex County House of Correction in Billerica. He has a hospital for his inmates, but little or no medical care. And for his entire budget for education and recreation for more than 200 men, he is allowed $178 per year—not per man, but a total appropriation for the year!

Yet he is turning the system around. He is creating a spirit and a morale unknown previously in prison life. He is re-educating and retraining a dedicated guard force. And he is rehabilitating many of the inmates.

I visited the prison last week with Jim Nance, the great fullback of the New England Patriots, and we agreed that it was one of the most satisfying days we had ever spent. Legionnaires could make such visits; and Legionnaires could accomplish much good by showing their concern and by rendering this type of community service.

Oratorical contests, Legion baseball,—prison inmates need all such ideas, and all such programs.

I offer these suggestions to you tonight, because I believe they would be a fitting tribute to the man we honor.

A testimonial dinner is nice, but it is over and done when this microphone goes dead and the last car drives away from this armory. But this type of community service will live—in an inspired organization, in a more responsible citizenry, in a healthier community.

These are the goals for which Bob Eng has worked all his life. I can think of no finer and more enduring tributes than the achievement of some of these objectives in Bob's name.

For these purposes, and for Robert Leo Eng, we should all be glad to pledge "our lives, our fortunes and our sacred honor."

1,250 ATTEND TESTIMONIAL TO ROBERT ENG

QUINCY.—About 1,250 people attended a testimonial dinner Saturday in the Quincy Armory for American Legion Massachusetts Department Commander Robert Leo Eng of Quincy.

Among those attending were Congressman James Burke (D-Milton); state Rep. Joseph Brett (D-Quincy), U.S. Department of Health, Education and Welfare regional director Harold Putnam, Mass. National Guard Assistant adjutant general William Molla, national Legion Vice Commander Roy Sweet, former national legion Vice Commander Soleng Tomm, and Republic of China consul general Hugh O'Yong.

Mr. Putnam, a longtime friend of Mr. Eng, was the principal speaker.

Mr. Putnam praised the Legion's junior baseball program. He said half of the athlete's on major league baseball teams today got their start in the program.

Mr. Putnam asked the legionnaires to extend their athletic program to football and basketball.

Before the dinner, the state legion executive committee met in Houghs Neck Post 380, of which Mr. Eng is a member.

OEO EXTENSION ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, last Thursday the Senate voted to accept the conference report on S. 2007, the OEO Extension Act. Tomorrow, the House will be asked to accept that same report. Attached to this bill are provisions for so-called "child development"—an entirely new series of programs, to be funded individually and to operate independently from the Office of Economic Opportunity.

The programs of child development, and the funding of it, are drastic departures from the generally agreed-upon duties of Government. They are considerably at odds with our national tradition of family life. Ostensibly to solve some problems, and remedy some deficiencies that occur in childhood, these proposals would vitiate the family of its cohesiveness, of its loyalties and internal love and discipline.

It is contended by the proponents of this legislation that there are millions of deprived children, deprived, one assumes, of established child development services. For the sake of argument, let us assume the proponents have correctly assessed the situation, though I should point out that the proponents extravagantly overstate the need. But let us assume they are correct. Will child development programs, when instituted as outlined in this bill, help them, or will it further retard them?

Evidence of psychology indicates that the children would not be helped. Significant psychological research is pointing to the proposition that institutionalized child care is dangerous for the child's mental well-being. Findings have indicated over and over again that the younger the child, the more danger such programs could be to his psychological development. It has also been shown that it is dangerous to the mental health of a child for him to be shifted from one center to another, to be cared for by one nurse after another, to be administered to by one technician after another. This could lead to the development of an insecure, unloving child and could foster a destructive adult personality.

Dr. Konrad Lorenz calls this syndrome the "disease of nonattachment." It takes the form of an inability to cope with one's aggression, and of a profound emotional stultification. And its cause is the lack of a strong family atmosphere.

Dr. Dale Meers has recently completed a study of "International Day Care: A Selective Review and Psychoanalytic Critique." Some of his observations and conclusions are deeply unsettling, and I wonder that the advocates of child development can so blithely fail to take them into account. Let me quote a few passages from this report:

> Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. . . .
>
> The early years from birth through three appear developmentally as the time of maximum psychiatric risk, and failures of psychobiologic adaptation are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies. . . .
>
> . . . clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure . . .

This is indeed a dreadful panorama of possibilities to spread before ourselves, and to wish to undertake upon our shoulders. We do not wish this fate to anyone, much less to hosts of innocent children. For the benefit of my colleagues, I insert the Report of the Emergency Committee for Children and the entirety of Dr. Meers' report to be printed at the conclusion of my remarks.

The articles follow:

INTERNATIONAL DAY CARE: A SELECTIVE REVIEW AND PSYCHOANALYTIC CRITIQUE

(By Dale R. Meers)

INTRODUCTION

Historically, social concern for the welfare of children is interrelated with the tenuous, often tortuous evolution of scientific knowledge of child development. The relationship is inevitably reciprocal. Social conscience has sometimes pushed the scientist where he has been hesitant to venture. Alternatively, scientific documentation has been the gadfly or social conscience, though society often has proven resistantly imperturbable where scientific clarity has presented a too discomforting mirror to social indifference.

Currently in the United States, social concern is reflected in legislative considerations of the special fate of children—often those of minority groups—whose home circumstances or natural parents have suffered so drastically that the young are not afforded optimal conditions for normal, healthy maturation of body and mind. The progression of social responsibility reflects, in some measure, advances in scientific comprehension of the fundamental importance of adequate nurture in the earliest years of childhood.

For example, just as the publicly maintained poorhouses once represented a significant advance in social commitments to child welfare, so the ensuing development of congregate child care institutions were a corrective response to limitations of the poorhouse. Once established, the congregate institution remained, for want of better solutions, and with it came the unforeseen consequences of hygienic institutionalization, particularly the continuous tragedy of marasmatic[1] deaths of infants and the pseudo-defectiveness of older children—outcomes that become the subjects of extended international research.

Consequently, by the 1920's a quiet social revolution came to pass in the federal state support of family nurture via foster home and adoption services that emptied the congregate institutions of the U.S. As appears true in all modern, industrial nations, however, social values of "the family" appear to dissipate with increasing options for economic and geographic mobility. With smaller families for the upwardly mobile, and decreasing community support for the direction of child activities, the qualitative base for foster home care in the U.S. now appears less than adequate. The "racial" prejudices of the nation, moreover, have further taxed the program for foster care. Massive migrations of our Negro population into urban visibility have simultaneously brought a belated concern for fragmented lives, a situation that was earlier ignored.

The inequities of foster home care have hit the Black child hardest, and we have seen his disadvantage exacerbated by his grossly disproportionate placement in our returning congregate institutions. There are parallel concerns with the stigmata suffered by the welfare-mother, and current social policy considerations suggest a new synthesis in which child Day Care might simultaneously diminish the need for foster/institutional placements and also permit the training of mothers for employment outside the home. Nationally, the over-sell of the Head Start Day Care type programs has been accepted by the public with convictions that are not shared by the scientific community that sponsored Head Start. For those families where there is no question of the adequacy of home life, the matter has been complicated further by the position statements of the American Educational Association on the presumed salutary qualities of ever-earlier education, and these appear to have escalated popular interests in Day Care.

Popularized reports of the reputed virtues of international child care programs, particularly those of the U.S.S.R. and the Kibbutzim of Israel, appear as major contributions to present U.S. legislative proposals for national support of Day Care. One may speculate that the anomic phenomenon of our urban depersonalization has added to the romantic aura that surrounds the reputed virtues of the Kibbitzim. The extraordinary advances of Soviet atomic and space technology appear popularly, if obscurely, linked to that nation's innovations in education—as though technological advances were ultimately derivative of the early child care programs. In the absence of extended documentation, which is essential to scientific assessment of the effects of programs, imagination has colluded with scant observations, and some western observers have concluded that the Day Care of other nations is a singular blessing.

With such preconceptions, this author began his research explorations in 1964.[2] Review of the scant available literature led, subsequently, to reports of the National Academy of Science and then to correspondence with a number of prominent research and administrative directors of child care programs in the U.S.S.R., Hungary, German Democratic Republic (East Germany), Czechoslovakia, Greece, Israel and France. The study of these particular countries was a function of available literature, the responsiveness of the countries' research communities, and the character of particular types of child care programs. Professional visits were made to selected child care centers in each of these countries, other than the U.S.S.R., by Dr. Allen Marans in 1963 and by this author in 1965. Both tours included personal observations of centers, extended discussions and consultation with policy makers, administrative directors and child care staff. Because of the apparent importance of the Soviet Union's programs, and increasing uncertainty of their scope and purpose, support was requested and provided by the U.S. Public Health Service, under the U.S.-U.S.S.R. scientific exchange program, for this author and a colleague[3] to study in Moscow, Leningrad and Reiga (1967).

No claim is made here that the observations in these several countries provide some representative sampling, nor is it suggested that programs and centers are necessarily similar. Indeed, as a first generalization, one may note that greater differences appear to exist between some child care centers in the same country than between the best of each country. Extreme dissimilarities in any one country, however, appear as historical accidents in which older facilities have been bypassed because budget priorities have been given to the development of new improved centers. In the effort to highlight the characteristics and directions that seem most relevant to U.S. concerns, many differences of quality care are ignored here. Since the U.S. has little to learn from inadequate foreign centers, such facilities are discussed only where it seems important to illustrate particular programmatic or policy problems. The worst of U.S. urban Day Care occasionally may be equaled, but not easily exceeded, by the worst of those observed abroad by this author; however, the intent here is to studiously avoid any implication of invidious comparisons of the U.S. with other nations' programs. The following discussion is predominantly concerned with the best of international centers and technical management such that the ensuing critical evaluation relates to those special problems inherent in even the best of Day Care programs. Particular types of institutional experience and research is directly relevant to Day Care

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Footnotes at end of article.

for the very young. Accordingly, this paper also makes selective reference to problems of "institutionalization" and "hospitalism."

The subject of child care cannot be readily separated from the philosophical/ideological commitments of the several countries reviewed. The collectivistic orientation of Kibbutzin child care is dramatically different from that of Greece or France, and surprisingly different from official policies of the Soviet Union. Philosophic views are inherently reflected, purposefully or unwittingly, in the social/economic priorities that underpin funding for child care staff, physical facilities, resources for the children, etc. Emphasis here is given to the programs of communist countries because their extended experience covers both decades and millions of children in Day Care. Administratively, their programs are not unlike those seemingly envisioned by U.S. legislation, i.e., with policy funding and standards nationally established yet with considerable regional and local latitude for the administration of the individual centers. The sheer magnitude of existing communist child care programs, which entail a radical departure from the conventions of family nuture, constitutes an extraordinary social experiment (with a fascinating range of scientific implications).

THE SOVIET MODEL AND EAST EUROPEAN ADAPTATIONS

The geographic span that separates the U.S. and the U.S.S.R. is less formidable than the ideological and conceptual distance that must be bridged in scientific dialogue. For Pavolov is to Soviet education, child care and psychiatry as Lyschenko was to agronomy and genetics (e.g., see: Tur. 1954; Barkoczi, 1964; Tardos 1964). Since Pavolovian conceptions do not entertain the possibility that mental illness can be a consequence of adverse infant and childhood nuture, psychiatric research on the relationship of early Day Care and psychopathological disorders is notable only for its non-existence. During Stalin's life, both social psychiatry and social psychology were politically interdicted, presumably on the rationalization that social is a synonym for class and that, in a classless society, there were no differences to study. Similarly, with the establishment of the Communist state in Czechoslovakia, foster care and adoptions were replaced by state sustained Day Care and residential care for children and research on the complexities of these Czech programs was forbidden at the university level,[4] but indirectly possible in psychiatric settings.

The difficulties in reviewing Soviet research, such as there is, are compounded by their limited internal budgets for journal publications in the behavioral sciences; literature proves far more available via the East Europeans. The literature review that preceded these field students began with a series of documents obtained in the U.S.S.R. by members of the President's Panel on Mental Retardation (1964) and the Child Psychiatry Mission to the U.S.S.R. (Lourie, 1962; Report of the Medical Exchange Mission, 1962). Our study was enriched by the translation of Schelovnaova and Aksarina's basic text (1960), which had been made available in Russian by Professor Zaporozhets who had consulted in Washington in 1964. Bronfenbrenner's several papers (1963a, 1963b, 1964) were fascinating and we were prepared to see, in East European adaptations of Soviet models of Day Care, a coherent effort in which the state used the Day Care nursery to produce the "new Communist man."

It was a considerable surprise, therefore, to find that East European programs, in 1965, appeared to be not only prosaic but also struggling with such a multitude of organization and administrative problems that it was difficult to perceive anything in the way of nursery centered, conditioning. Self-consciously as aware of their problems as they were proud of their achievements, East European administrators made continued recommendations that one should see the truly successful Day Care centers in the U.S.S.R., where extended experience is matched by optimal funding. In the two years that preceded personal study of the Soviet centers, this author contributed a number of conclusions, from inferential data, as to Soviet programs that have since proved to be singularly erroneous (Meers and Marans, 1968).

We wrote at that time: "In 1965, Khrushchev introduced a nationwide program aimed at the creation of a new Soviet man's (Bronfenbrenner, 1963). To accomplish this objective a major portion of the responsibility for child-rearing was deliberately shifted from the family to the children's collectives, the U.S.S.R. day nursery." (*Ibid.*, p. 239). Inherent in this (erroneous) formulation was the conclusion that the contemporary generation of Soviet parents, having been deprived of a "proper" upbringing, could not be expected to rear this new Soviet man without help from appropriately educated, state-supervised staff. The state thereby purportedly recognized the role of the "upbringer" as the purveyor of the new culture, since mother substitutes were nominally selected and trained to induce the political ideas of the state.

Whatever the political goals of social planners in the East European countries, however, it was clear in 1965 that the extraordinary complexities of staffing and developing massive programs precluded any systematic induction of political-cultural values. Surprised by the absence of ideological implications in programming, this author raised the question repeatedly. As a typical response, Pikler (Budapest) advised that in three decades of close and cooperative working relationships with Soviet child care specialists, she was quite unaware of any such state policy.

During the author's three weeks of study in Moscow, Leningrad and Reiga, there were continuous occasions to discuss Soviet Day Care policy, from the ministerial level, through administrative and research staffs down to the various Day Care centers' personnel. It is clear that the Soviet Union would indeed like to provide the best-of-all-possible worlds for their children, so that their new Soviet man would have every advantage that a modern industrial nation might provide. The status of the Soviet child is considered unique and there is a presumption, not unlike that held in the U.S., that the best is being done for their children. It is humorously suggested that children are the new "upper class" of the classless society. And, indeed, part of the Soviet claim appears merited by the extraordinary priorities and investments that sustain the multiplicity of child care programs.

The Soviet Day Care programs, however, appear anything but revolutionary in their intent. They are designed to provide the type of comprehensive care that has been depicted in the U.S. as "Head Start." The term, in U.S. usage, is a misnomer since our programs, like those of the U.S.S.R., are intended to provide a *better* start and not an accelerated introduction to intellectual/academic matters. In the vast Soviet federal state, which encompasses disparate nationalities and ethnic peoples, the provision of basic, high-quality health and social services continues as a fundamental problem. The provision of early Day Care has the explicit intent of ensuring the best health and nurture that can be uniformly provided. If there is an unstated, implicit political intent in these programs, this author would conclude that it has to do less with the creation of the ideal communist than with the creation, in the younger generation, of a "national citizen" who is free from regional and ethnocentric biases.

Parenthetically, one should add that the Soviet Day Care centers are hardly oriented to the introduction of reading, writing, and arithmetic at ever younger years. On the contrary, only scant and incidental "educational" material is introduced in the last year of nursery school, and formal education is only started at age seven, a year later than in the United States.

Day Care programs of the East European nations differ most in the intent and rationalizations of their separate cultural, economic and political status. The Hungarian programs evolved from an organic community need to provide for homeless, parentless children who were incidental victims of the Nazi siege of Budapest. Economic dislocation from western Europe and the attempt to industrialize provided powerful government incentives to adopt and implement Soviet models of Day Care and the frugal conditions of the post war economy provided substantial incentives for mothers to place their children in Day Care and secure work. From meager beginnings in Budapest, Day Care centers were established wherever possible, e.g., in unused factories, and these centers proliferated through the following decades with an express government intent to provide equal and adequate services in rural as well as urban centers.

While pleased with their continued upgrading of building design, staff ratios, etc., Hungarian Day Care of infants under the age of three has been viewed as a regrettable side effect to the necessary employment of mothers and therefore has been considered a program that should be progressively limited and eventually terminated as economic conditions might permit. This conviction appeared to be based less on any question of possible damage or retardation of the children concerned, than on humanitarian responses to the manifest unhappiness that substitute care creates for the small child separated from home and mother (Laslow, 1965).

In East Germany[5] a different confluence of factors has affected the characteristics of Day Care. Under Communism, a "feminist" movement appears to present a powerful, government-sustained reaction to the residual patriarchal dominance of the old-time German family. Day Care provides not only for children, but also gives women an alternative to the domesticity that has carried a cultural aura of subservience.

East Germany suffered a massive loss of manpower in the war and was further plagued by the succession of Nazi extermination of "liberal" professionals, the postwar exclusion of established pro-Nazis from responsible positions, and the exodus to West Germany. Massive displacement of populations and extended war damage led the country into an austerity program from which it has yet to emerge. Extended efforts to industrialize a previously agrarian area only added to the chronic and severe manpower shortage, adding urgency to the need for the labor of women. The establishment of Day Care centers on a mass scale, however, placed the Day Care programs in direct competition for the already short supply of woman power. With the inception of the programs, it appeared that many of the older and least suitable women, who were unable to find better employment in industry, secured employment in child care. Recruitment, staffing and training continue as major problems.

Czechoslovakia was spared much of the war devastation suffered by Germany and Hungary. Its industrial base and professional population were left relatively intact. Economic reorientation to the East and severe planning/production limits on luxury goods contribute to a continuing austerity and provide strong economic motivations for families to secure a second income through the work of mothers. Government support and encouragement of the use of Day Care has appeared more doctrinaire than economically motivated. The best of Czech Day Care appeared hygienic, sterile and depressing; the worst seemed melancholically, fatalistically sorrowful. Czechoslovakia in transition may reflect severe anomic reactions to the enforced and extended readaptations of cultural values to the changed political and economic ways of communism.

THE SCOPE AND COSTS OF COMMUNIST DAY CARE

In 1964, some 10% of the Soviet Union's pre-school child population were cared for in various types of child care facilities; five of seven million children were in (non-residential) nurseries and Kindergartens. Consonant with Zaporozhets' (1964) projections, 1967 estimates (provided in the U.S.S.R.) indicated that 30% of the nation's pre-schoolers were then enrolled, and that the figure was as high as 60% in major Soviet cities. In 1964, Zaporozhets had anticipated that a goal of 100% would be achieved by the 1980s. East European estimates in 1965 approximated those of the U.S.S.R., i.e., some 30% of these nations' children were in Day Care. By 1970, East Germany had between 30% to 45% of under-threes in Day Care, and 51% of the older children in Kindergarten, Schmidt-Kolmer (1970) projected that by the 1980's nearly all of the four to six year olds, and some 50% of the under-threes, would be in Kindergarten/Day Care. Czechoslovakia, in surprising contrast, as a result of governmental policy responses to research evidence of emotional injury to the very young child, has systematically reduced its Day Care for children under three, and current estimates indicate an enrollment of only 12% of these children in 1970 (Langmeier and Matejcek, 1970; Matejcek, 1970).

In the Communist nations, financial support for both capital construction and operational expenses depends upon sponsorship, e.g., of factories, co-ops, urban micro-units, etc. The state is usually responsible for basic costs. The *capital* expenses for Day Care centers in East Germany approximate 11,000 Marks/per child, i.e., about $2,600 (as an under-estimate based on an official 4.2 rate of exchange). This represents a *quarter of a million dollars* in construction costs for each prefabricated unit that houses some 100 infants.

Operation budgets of both Czech and East German centers approximate one-quarter to one-third of the earned income of the average working parent, e.g., East German costs are 155 Marks per month per child (Schmidt-Kolmer, 1970) and Czech costs are 526 Crowns per month per child (Matejcek, 1970). Since the East German incomes, as a high estimate, are about 630 Marks per month and Czech incomes are about 1600 Crowns per month, the placement of three children from one family in Day Care would involve operating expenses equal to the income of a working mother. The costs to families remain low only because of state subsidization. Bronfenbrenner's estimate that Soviet expenditures equal the total cost of Soviet space exploration appears quite plausible.

In the continuing, philosophic commitments of the U.S.S.R., enormous expenses are involved in the construction of rural new-town communities and in the beginning ultra modernization of cities such as Moscow. Planners make use of the "micro-unit," an extended complex of modern, high-rise apartments (prefab) that are relatively self-contained as a neighborhood. These units include shopping, medical, and Day Care centers, plus related schools. Emphasizing the *family* as the core of the Soviet state, i.e., the child's first "collective" (Makarenko, 1954), Day Care is seen as but one of the adjunctive services provided by the state to sustain the uniqueness of each family.

QUALITATIVE DIFFICULTIES IN COMMUNIST DAY CARE

However philosophical their dedication to the new generation, Communist allocations of salaries and status to the child caregiver are marginal. Moreover, the vast extension of the programs appears to have made recruiting demands that do not permit the quality of staff selection aspired to by planners. Training, subsidized rather liberally by Western standards, aims at a continual upgrading in quality of service (Schmidt-Kolmer, 1970). Yet the self-selection of caregivers usually brings young, unmarried girls or women who cannot obtain better paying industrial employment. In 1965, the child caregiver population had a high mobility rate even after training. This experience is not peculiar to the Communist states, as is indicated by Israeli data showing that only 18% of Kibbutzim caregivers had worked for ten years or more, and that in a single year 28% had left their group of children (Gerson, 1970).

Communist literature tends to idealize the participation of parents, who purportedly participate actively with Day Care staff out of a sense of duty to child and country. Options for parents are clearly available for both conferences and staff lectures on child care and the desirability of continuing at home the routines established in the centers (Robinsin, 1965). The realities of Communist life do not readily match the idealization of active parental participation. It is a long and arduous day for both working parents and one must question whether the educational options offered are in fact realistic. Informal Soviet humor suggests that Ivan's parents listen to free advice with closed ears.

One criterion of the adequacy of Day Care programs is the degree to which planning and administrative staff make use of them for their own children. While many senior staff appeared to be beyond child-rearing ages, it was notable that this author did not meet any such professionals who had their children in early Day Care nurseries. On the contrary, the few who did discuss this noted the preference to use their incomes to employ someone to care for their children at home.

MULTIPLE AND INTERMITTENT "MOTHERING"

The child caregiver is an employee, and there are prerogatives that derive from that status that are denied to most biological mothers, such as, coffee breaks, sick leave, holidays and the option to leave one's charges if the conditions of work are not sufficiently gratifying. Continuity of care, however, provides two major advantages for the child: (1) his mother will know him with sufficient intimacy so that, in his preverbal months of life, she can understand and alleviate his needs so he will not experience undue pain; and (2) the baby is afforded an option to accommodate to a consistency of care that evokes his continuing interest in and attachment to an emotionally responsive person. It has been this author's experience that nursing staff covertly resist continuity of care of any one or more babies. Indeed it was a common experience, internationally, that caregivers often could not readily identify their children by name and, with babies, did not know with certitude whether each one had been fed. Schmidt-Kolmer (1970), citing a study done in Leipzig, reaffirms experience elsewhere, namely, that the younger and less active the child in the day nursery, the smaller the amount of attention he received.

Education, as Schelovanova and Aksarina (1960) have commented, begins in the earliest of life experiences as the child grows in his mother's arms. Multiple mothering, all too frequently, provides an uncoordinated octopus. The multiplicity of caregivers, their overlapping of shifts, their replaceability for illness or holidays, their departures for other employment, all leave the very young child accommodating first to one and then to another. And infants and young children do adapt to all environments. Once they have exhausted the repertoire of genetic responses of crying and kicking, they are notoriously accommodating to adult wishes for untroubled, relatively passive responsiveness.

Zaporozhets (1964) has noted that consideration was given in the U.S.S.R. to providing each employed mother a full year's pay [6] following the birth of her child, a consideration that was raised because of the obviousness of babies' adverse response to deprivation. Few people question that the infant in group care suffers in some degree. Since accommodation is so rapid for most children, however, the controversy continues as to whether the consequences are ultimately significant to personality, intellectual capability, or psychopathology. In this author's experience in both Eastern Europe and the U.S.S.R., children seen in group Day Care were singularly lacking in verve and spontaneity; they consistently appeared depressed. The most quietly dramatic event of the tours of various Soviet centers occurred in Leningrad, in a Kindergarten.

While walking through empty play rooms, as children dressed elsewhere to await their parents' arrival, we heard laughter! Our hosts joked that we must be used to the dourness of the Moscovites. When we saw the children later, however, the explanation appeared more logically to relate to the older children's excitement upon greeting their own parents. Evidence of smiling is a poor criterion by which to question programs, yet it is not without interest that of the many photographs [7] taken in the course of the author's tours, there is only one picture of one smiling child—one whose mother proved to be the group's caregiver (taken in Prague in 1965).

COMMUNIST RESEARCH CONCERNING THE DAY CARE CHILD

Social psychological and social psychiatric research, as noted, were interdicted in the Soviet Union until after Stalin's death. Both Tur (1954) and Schelovanov (1964) have conducted physiological research directed in part to circumvent the development of "hospitalization psychic disorders." Their programs for massage and exercise of babies appear widely used in the Communist Day Care nurseries. While Schelovanova and Aksarina (1960) refer to "hospitalism" in poorly organized nurseries, publications of research on this subject are either not available or are nonexistent.

Further, the limited Soviet research that concerns environmental influence on maturational processes have centered on residential care, only.[8] The findings are worth noting: (1) that institutionally reared children are "better" adapted to subsequent formal schooling, i.e., they are more responsive and obedient to teachers; and (2) a percentage of those children suffer from some type of minimal yet specific verbal retardation. In 1967 such studies had continued through the age of 11 and the verbal retardation was still manifest (Koltsova, 1967).

East German data (Schmidt-Kolmer, 1970) suggest that nursery reared children scored higher on development tests at the time of entry into kindergarten than those reared at home. This is a significant finding, though tests at such an early age are strikingly unstable and not good predictors of subsequent intellectual development. Like their Soviet institutionally reared counterparts, these nursery reared children also adjusted more easily to Kindergarten life. Pikler (1965) has indicated that data from her (exceptional) institution (Budapest) document that even residentially reared children can compare adequately with U.S. and U.S.S.R developmental norms.

In the last few years, a number of confer-

Footnotes at end of article.

ences have been called by the communist nations to confer and plan collaborative, comparative research on the problems and consequences of their Day Care programs. Regrettably, theoretical orientations of the communist professional world continue to exclude psychiatric evaluations, except in the most global descriptive sense. Their research data have consistently reflected concern with relative maturational levels of motor and intellectual achievement (Schmidt-Kolmer and Hecht, 1964; Langmeier and Matejcek, 1965). It will be another decade or more before social psychiatric evidence will begin to become available, and by that time over 50% of their child populations will have been exposed to this social experiment.

As an incidental but unresearched clinical finding, some East Europeans have noted the tendency of the very young, group reared children to indiscriminately damage their playthings, without manifest anger, when not supervised closely. An abundance of toys and play material are usually conspicuous, but customarily neatly placed out of the children's reach. One Communist child care specialist reflected that they may need to reassess the chronology of "dialectic materialism" since, in the absence of private property (teddy bears), the toddlers have little respect for collective ownership.

Inhibition of aggression, however, in the early years of character formation may be clinically more significant. However meritorious the physical inhibition of agression in the well-mannered older children, or adult, there is an extremely important question as to the age at which inhibition takes place and the degree to which aggression can thereafter be purposefully, consciously exploited (e.g., for proper, socially acceptable purposes.)

Whatever the reservations of those child care staff in Communist countries who do not use Day Care for their own children, it is clear that the respective governments, Czechoslovakia excepted, strongly support and encourage the use of Day Care. The preponderance of the Communist scientific publications consider this work a significant advance, and the general public responds with enthusiasm and preparedness to use facilities that are so readily available.

SELECTED INSTITUTIONS: LOCZI, METERA AND KIBBUTZIM

There are specific characteristics of "institutional" types of experiences that are directly relevant to Day Care programs, particularly to difficulties in staffing. Loczi, the National Methodological Institute for Infant Care (Budapest), has a distinguished professional staff and excellent options in staff selection and training. Pikler, the director, has noted that conventional staff recruiting was anything but satisfactory and that it took years of experience to intuitively arrive at criteria for staff selection. August Aichorn is reported to have observed that emphatic women could not stand the work of Loczi's caregivers and the Pikler's staff were "paternalistic" young women (Pikler, 1965).

The Metera Baby Center (Athens) was sustained by a socially powerful group that included the Greek Queen. Founded as an urban refuge for illegitimately pregnant girls who might find physical safety for themselves and their babies, Metera was intended as a neonatal, residential nursery that worked towards adoption of their charges. As a model institution with an extraordinary "well baby" nursing and training program (1963–65), unique staff selection opportunities were matched by staff ratios of one adult per child. Traditional academic training was extended for the nurses via courses in language, art, dancing, music, etc. Among Metera's selection criteria was the condition that nurses could not marry because marriage was a necessary impairment of the nurse's capacity for emotional investment in her babies. Yet, it is clear that the "objectivity" required of these nurses in evaluating adoptive parents demanded either a great deal of pain for the nurse, or an earlier disengagement from emotional mutuality with that baby. It is notable that almost all babies who remained at Metera beyond eight months demonstrated developmental lags.

The collective rearing of Kibbutzim children is discussed elsewhere[9] and is noted here only in reference to (1) the high turnover of care-givers (Gerson, 1970) and (2) the staffing peculiarities of semi-institutionalization. Twenty of 200 Kibbutzim now have private arrangements for children to sleep in their parent's apartments, so that child care in these settlements approximates the conventions of Day Care. However idealized the Kibbutz in popular imagination, aspects of the original Spartan philosophy persist. In a study limited to an intergenerational sample of grandmothers, mothers and present children, Marburg (1970) has recently provided a powerful psychiatric statement on the internal debates that continue to trouble Kibbutzim child care planners. As a particular example of current practices that have possible psychiatric consequences, Marburg notes that for all their dedication: "To this day, the progressive educationalists and psychologists have found no response to their claim that children should not be left alone at night, without an adult being present. The night watch is restricted to an hourly inspection and the operation of the intercom system."

FRANCE: THE PARISIAN CRECHE[10]

The economic stress of the majority of lower socioeconomic families of Paris has been a powerful inducement for full time employment of both parents. Day Care for babies from two months to three years of age has been provided as a social service to working mothers for over 50 years. In exceptional cases, babies from families with specific social problems are also accepted. Parents are required to meet part of the costs and a sliding scale is used to relate fees to family income. Government allowances for working mothers offset this expense, at 2.3% of her salary (Davidson, 1962).

As of 1963, the Paris Administration of Public Assistance has established, or supervised, a total of some 180 creches. Limited availability and extended public interest contributed to long waiting lists. In older neighborhoods, both indoor and outdoor space requirements of the creches were inadequate. In the newer, suburban areas, housing developers customarily build creches, but usually turn the management over to the Administration of Public Assistance (Administration Generale, 1956–60).

The Paris creches are open for a 12 hour day. They are somewhat smaller than the East European versions, and accommodate about 40 to 60 babies. The quality of care appears to vary considerably from one center to another, depending more on the attitudes of staff than on particular physical options or limitations. Some nursing staff cannot be induced to provide rudimentary types of care that are indispensable to the babies' well-being. (This is not a peculiarity of Parisian nurses, one must add, since the same problem is demonstrable with some staff in Washington, D.C.). In particular inadequate centers, babies were kept in bathinette cribs all day, except for feeding. With cribs placed close together, blankets were draped over the sides permitting the baby to observe little more than the ceiling and a few hanging toys.

Such nursing practices have extended to a rejection of handling babies, on the rationalization that they might be accidentally bruised. Some nurses have rejected instructions that they turn babies on their stomachs for part of the day, out of nominal fear the babies might suffocate. Despite strict regulations prohibiting premature toilet training, some caregivers have attempted to induce compliance of tying three month old infants on a pot. While such nursing attitudes are not general, their open continuation documents the difficulty a supervising agency faces in attempting to guarantee minimal standards. Even in the best of creches, there seemed relatively little attempt to provide infants with "stimulation" either by use of toys or visually attractive objects such as mobiles (Marans, 1963).

The director customarily has an apartment in the creche, and if she has children they are usually enrolled there. The director is responsible, usually without secretarial help, for a surprising range of activities: she must decide whether a child is too ill to stay and she must check health certification on return; she is responsible for contacts with welfare agencies and clinics to which babies may be referred; she is supposed to supervise her staff and be available to the mothers who wish and need to know how their children fare; she controls creche finances and receives payment of weekly fees; she is supposed to select and purchase food from local stores while bearing in mind nutritional needs of the children and the available budget; from the selection of equipment and play materials made available by the Administration of Public Assistance, she selects those appropriate, in her judgment, for her center; etc.

Directors appear quite overburdened. While allowed some measures of autonomy, the caregivers usually reflect attitudes of the director. As a general observation, the caregivers have appeared skilled in customary functions of child care, reasonably warm and gentle with babies, and within limits, responsive in some measures to individual differences. As in Leipzig, and elsewhere, the creche staffs prefer the active, aggressive, more independent child. Parisian staff ratios appear enviable by East European standards since there is one adult to six to ten children. Even so, nursing assistants find little time for relaxed involvement with individual children. Staff ratios may be misleading, with respect to free time, since it is unknown whether the creche caregivers, like those of the communist nations have an extended back-up staff for housekeeping and maintenance.

Babies accommodate to the system very quickly. From the staff's point of view, a baby does not customarily overreact to his mother's departure, unless she appears hesitant and conveys to the child some of her uncertainty. Staff would prefer to have mothers leave quickly since the quiet child facilitates their work. Incongruously, there seems to be no recognition of the possibility that babies who are sufficiently sensitive to sense maternal uncertainty, might also respond to their caregivers relative indifference.

As would be expected, the Administration of Public Assistance was less than satisfied with the creches or the standards of training, yet the continuing demand for more placements appear to consume available finances such that budgets remain too limited to replace those centers that are demonstrably inadequate. Staff shortages undoubtedly reflect the demanding nature of the work, the low status, and the low salary scale. Research on the effects of early Day Care appeared notable only for its absence.

CONCLUSIONS: A CRITICAL OVERVIEW

This less than complete review of some international child care programs permits a number of conservative conclusions that are relevant to present U.S. interests in Day Care. As a first consideration, one may review assumptions about Day Care that are either irrelevant or demonstrably untrue; secondly, there are lessons that derive from organiza-

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Footnotes at end of article.

tional experiences abroad; and thirdly, there are highly significant questions relating to the psychiatric dangers of early Day Care.

It is easiest to start with those assumptions that are irrelevant or untrue. Analogies made between proposed Day Care in the U.S. and the system of Kibbutzim child care are simply illogical since the Kibbutzim are typically a unique configuration of self-selected families who are deeply committed to an experiment in social living that is almost totally unlike anything in the U.S. (other than our few rural, religious settlements). The Kibbutz child programs are organic part of life, and not an ancillary service for distressed or underprivileged families.

It has been argued that U.S. federal funding of Day Care would eventually lead to a decrease in spending for welfare, via the training and subsequent employment of welfare mothers whose children would be placed in Day Care. That Day Care could lead to economies in government expenditures seems contradicted by the evidence of the Communist nations. The capital investments of these nations for adequate centers approximate a quarter of a million dollars per center, and the operating expenses have equaled one-quarter to one-third of the earnings of the mothers of each child, with the state typically funding 85% of operating expenses. Where government support and authority have been given, this has been understood as an assurance of the adequacy and desirability of Day Care. Under such circumstances, Day Care has become "socially acceptable" and the public has pressed for even greater expansion and expenditure, even in Czechoslovakia at the very time that research evidence was leading to a reversal in national policy (for the under-threes).

We sometimes assume that recruitment staffing and training of Day Care personnel should be elementary. The assumption is most questionable. The status of mothers, and their substitutes (whether babysitters or caregivers), is minimal in the hierarchy of U.S. social conventions. Since we lack the emotional zest of the Kibbutzim or the ideological thrust of the Communist world, it appears singularly unlikely that U.S. recruitment of caregivers could be maintained at a level much beyond that of France or East Germany. One might expect that the principle of lesser employability would determine the caregiver's self-selection and that, in lieu of high pay or high status, mobility of caregivers would be considerable.

Motives that were persuasive in the establishment of Day Care in Communist countries appear much less relevant in the U.S. The Communist nations have been hard pressed in their industrial development and have needed the labor skills that working mothers provide. The U.S. appears to have a diametrically opposite problem since our technological revolution has made many jobs obsolete and gives promise of an eventual reduction in the work week. Given the U.S. "generation gap," and ever increasing crime, drug and delinquency rates, a powerful argument can be offered in the opposite direction, that is, that there is a profound need for increasing direct maternal/parental involvement with children, particularly in the early years when social attitudes and conscience are formed.

The philosophical rationale that Day Care provides women with equal rights with men (to work) appears at first blush persuasive and reasonable. The psychoanalytic clinician would certainly be among the first to concur that some women would greatly relieve themselves and their children by the use of Day Care, when such mothers are miserable or distraught in the normal course of "mothering" and homemaking. This, however, does not solve the problem of the right of infants to proper nurture and care. The problems inherent in group care have profound developmental implications and it is anything but clear that men of intellect and determination can provide programs that nurture half so adequately as even the uneducated, unconflicted mother. Nor does the provision for equal rights to work take into account sufficiently the right of a mother to independently provide nurture and love to her own infant, in her own home, if she so chooses. There are many women who prefer to care for their own children at home, and yet find themselves unable to do so for economic reasons. The social planner must ask, therefore, if the psycho-biological process of gestation and maternity confer special rights on mothers, namely, for optimal social support in the nurture of our young—a right that has never been realized under existing welfare programs. Planners also need to ask whether such support ought not to extend to direct assistance to the family as well as to public programs such as Day Care.

It is argued that provision of state supported Day Care could be of immediate benefit to many disadvantaged mothers who are overburdened with large families and excessive responsibilities in the absence of a husband. If Congressional concern, however, is to extend programmatic supports to the stability of disadvantaged families, then one may question whether Day Care should be the solution of choice. Day Care may free a woman to work, but it does not follow that it enhances her authority, or her availability to her children, or her acceptability in marriage. Income maintenance programs, when analyzed in terms of costs and benefits, might be a more logical alternative than Day Care.

There are a number of uncontroversial findings that seem clear in the assessment of organization, administrative and staffing experience of international programs. Medical regimes have appeared inappropriate, wanting, and often damaging. The traditional educational model is equally inappropriate to the nursery and the "pedagogical" label of the Communist departments proves somewhat of a misnomer. Although these programs are increasingly administered in educational departments, these administrative units appear to be a new and continuing synthesis of professional ideas and practices that derive from pediatrics, nursing, education, and psychology, and this synthesis is far from complete.

The ineffectiveness of French supervising authority in maintaining minimal standards clearly illustrates a major administrative problem. Bureaucracies are hardly well known for their intrepid enforcement of even important regulations, and their dilatory action presents critical hazards in child-rearing programs that are less consequential elsewhere. Those who are familiar with the plight of other populations who suffer state care and supervision, such as the mentally ill, would urge that every Day Care center should have its Ombudsman.

If Day Care is to be used widely and beneficially, the "recognition" of the value of the caregiver must be extended in clear terms of status and income. Otherwise, the child in care remains the helpless victim of the lesser-employables. Physical characteristics of the Day Care centers are particular staff ratios, moreover, are as important to the staff as to the children. Empathic, sensitively tuned-in women do not continue in employment when the conditions of care leave children chronically upset or passively miserable.

In its selection of caregivers, Metera opted for the emphathic-intuitive, (nominally) materialistic woman. Pikler's benevolently paternalistic "professionals" appear as the polar opposite of a continuum on which caregiving qualities may be described. Metera may have erred in its screening policy that demanded a choice between marriage, with the prospects of biological motherhood, and the substitute of nursing care. Women who can opt for a profession to the exclusion of martial intimacy, may prove unprepared for the emotional intimacy and intuitive spontaneity that provide a communication bridge for the infant and preverbal child. Moreover, if economics dictate staff ratios of ten babies per adult, as occurs commonly elsewhere, it is doubtful that empathic staff can endure the consequent depersonalization of babies and the pain the babies will manifest. Under these circumstances, staff may seek a solution in the alternative emphasis on professionalization and technical management of routines.

The most consequential and controversial question of early Day Care is that of potential danger and damage to the very children for whom the centers are designed. From a psychoanalytic viewpoint, the dangers of psychiatric damage are inversely related to chronological age: the younger the child, and the more vulnerable he is to genetically determined, involuntary, automated adaptations.

Marasamus is a rarity today in the U.S., the U.S.S.R. and other modern states. Hospitalism, a childhood debility first described and defined by Brenneman (1932) however, can usually be found in the lesser of contemporary institutions of any nation. The phenomenon merits further comment since it is too often assumed that, in the absence of gross symptomatology, children are not otherwise effected. Hospitalism is an omnibus descriptive label that has had a varied professional usage, one more recently used as a synonym for *anaclitic depression* (e.g., Hinsle and Campbell, 1970). The latter term, however, has a regressive clinical history that is relatively explicit as to age of onset. The range of development failures and arrests of early childhood that are subsumed under the term *hospitalism* are not well studied and psychiatric nomenclature lacks appropriate diagnostic labels for them (Sachs, 1970).

Irrespective of whether the dysfunction is a developmental failure or a regressive process, some measures of retardation and depression are typical (see Joffee and Sandler, 1965). The term *hospitalism* is a professional invention, a misnomer in its semantic, guilt reducing implications. The physical structure of hospitals or residential institutions have, in fact, little bearing on the pathology. Children who live with their families within the physical structure of an institution simply do not suffer from this malady. The significant casual variable appears to be the depersonalization of human relationships that are vital to the child's healthy maturation.

Other professions have seen psychiatry as the *bete noire* of the hospital and institution since its clinicians, of necessity, challenge the anonymity and professional detachment that proves so necessary, for example, to medical staff who individually and collectively (via routines) defend their own psychological equilibria from empathic responsiveness to the pains so constantly in evidence in their patients.

Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. The typical concatenation of variables include (1) a multiplicity of caregivers who (2) are interchangeable, a problem that becomes greater where the dispersion of caregiving interests is to groups (rather than individual babies) who are (3) so young that they make spontaneous psychological adaptations that may not be totally reversible. Maturational adaptations that may be pathological, it should be noted, are not necessarily evidenced as developmental failures, e.g., Kanner (1949) and James (1960) have described exceptionally precocious skills that reflect such severe pathological illnesses as autism.

The early years from birth through three appear developmentally as the time of maximum psychiatric risk, and failures of psycho-biological adaptation are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies, e.g., impulse disorders, non-congenital retardation, psychopathic and schizoid personality disorders, etc. Since these severe pathologies are not directly evident in present Day Care populations of the Communist world, or in the experimental nurseries of the U.S., many academically oriented child development researchers presume that mental change is an all or nothing phenomenon. Yet one may confidently, dogmatically assert that no one knows enough about childhood developmental deficits to be completely certain of their presence or their remediation.

However, clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure, such as flattened feelings (schizoid personality), asocial attitudes (psychopathic tendencies), defense against emotional intimacy (fear of marriage), etc.

Anaclitic depression is a universal phenomenon that toddlers suffer when separated from mothers for any appreciable length of time (Spitz, 1946). The Soviets have recognized the greater difficulties of accommodation after seven months of age and place many babies earlier. The adaptational, psychiatric consequences of early placement can prove extreme, though the process is subtle. Where a baby's aggressive hurt and anger in response to separation is not mitigated, and his anger is afforded little option for external expression, such recriminations may be internalized and "turned back on the self" and thus provide a base for clinical depression in later years. In time, the Communist nations will inevitably provide epidemiological evidence of the behaviorial and emotional effects of group care.

In emphasizing the potential damage of early Day Care, there is a danger of implying that there is little risk for the three to five year olds. From the psychoanalytic viewpoint, the maturational vulnerabilities of that age span include (only) the risk of phobic, hysteric and obsessional neuroses and these risks certainly should be taken into account. Nevertheless, the child who is emotionally secure in his third year exudes intellectual curiosity and evidences a hunger for experience with his contemporaries and, in this instance, part-time Day Care offers delight and a momentous learning experience, i.e., so long as the option for daily attendance remains, more or less, with the child.

Child care by experts seems to have found a ready audience in both Congress and the general public. With Moynihan (1969) one may comfortably state that science is at its best as a critical tool, and that the scientist has lost his perspective when he commends modifications of such complex social-cultural-psycho-biological processes as child-rearing. Given the present state of our ignorance about psychiatric damage, massive Day Care programs appear all too much like Pandora's box. Those who would convey the idea that Day Care is unproblematic should review the programmatic, compensatory routines of Soviet texts (Tur. 1954; Schelovanova and Aksarina, 1960; Schelovanova, 1964) and the U.S. literature of child development research (e.g., Escalona and Leitch, 1952; Skeels, 1964; McV. Hunt, 1964; Bloom, Davis and Hess, 1965; A. Freud, 1965).

In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.

Some clinicians and child development researchers, such as this author, are presently in an anomolous position. They have long and fervently recommended and supported the establishment of Day Care centers of special cases for the very young; yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start. Group Day care entails for greater risks and these should be taken only where the alternatives are patently worse.

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U.S.A.: Verne G. Robinson, Coordinator, U.S. Soviet Health Exchange, Office of International Health, U.S. Department of Health, Education, and Welfare, Public Health Service, Washington, D.C. Particular thanks are due Dr. Robinson for his counsel of patience and his contining support in the extended negotiations that led to the Soviet research tour. Dr. Allen D. Marans', Pediatrician, Child Psychiatrist, Psychoanalyst, former research colleague and co-author, benevolent critic friend, who was instrumental in introducing this author to child development research. Particular indebtedness now derives from Dr. Marans' review and helpful criticism of this paper.

FOOTNOTES

[1] *Marasmus*, from the Greek "to waste away." Ribble (1944, p. 634) noted that five decades ago, marasmus/infantile debility was responsible for nearly half of the infant mortality rate. While marasmatic deaths are rare today, other psycho-biological failures of infancy include developmental dwarfism (Silver and Finkelstein, 1967) and the "failure to thrive" babies. Current research is suggestive that deficiencies in growth hormone and ACTH may be significantly modified by correction of emotionally disturbed environments (Powell, *et al.* 1967).

[2] The Committee on Day Care for the Maternal and Child Health Section of the American Public Health Association and the National Institute of Mental Health provided initial encouragement and sustenance for this research.

[3] Halbert B. Robinson, then Chairman, Department of Psychology, the University of North Carolina.

[4] The Czech national psycological association, which might have provided research evaluations, was also disbanded.

[5] The German Democratic Republic is not well known in the U.S. by its proper title and hence is referred to, for purposes of clarity, as East Germany.

[6] In its retreat from infant Day Care, the Czech government provides paid leave for maternal absence for one year and a reemployment guarantee of 18 months (Matejcek 1970),

[7] Taken with a miniature camera, with super sensitive film to avoid "flash."

[8] It should be noted, however, that Soviet researchers apparently concur that the subjective experience of the under-threes in Day Care, who necessarily spend the predominance of their waking hours in group care with multiplicity of mothers, approximates that which occurs in the regime of a residential institution. Day Care infants, of course, experience more continuity of care at night and on week-ends.

[9] See Section III in this chapter.

[10] These observations are dated (1936–65) and hopefully only portray problems of the past. This section is included to illustrate the problems of a central administration in limiting or modifying child care practices that are indisputably inappropriate.

A Review and Report of the Proposed Federal Program of "Child Development"

The Emergency Committee for Children has released a review and report on the proposed federal program to establish "child development" centers and a "child advocacy" corps.

The report concludes that the comprehensive "child development" program constitutes a real and major threat to the American family as a basic institution of our society. The Committee report also warns that the "provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow" and that when the program is in operation this will undoubtedly mean a gross invasion of the privacy of the American family.

The Emergency Committee is made up of scholars and religious leaders concerned with the fundamental concepts premising the program regarding the upbringing of children. Quoted in the report are advocates of "child development" programs who contend that family life is dangerous and harmful to children; also that institutionalized and communalized childrearing is superior "to all other forms" of raising children. The Committee noted that no evidence exists to warrant those conclusions, or for much which is asserted in the bill as Congressional findings.

The Committee charged that establishment of so-called "child development" centers would necessarily mean the stressing of "group conformity" if for no other reason than the institution has to be manageable. Such "impressed conformity" is a necessary condition for this type of center and hence is dangerous, *per se*, to the future independence of the American personality.

THE BILL

This bill provides for the establishment of "Child Development Programs" (comprehensive childrearing centers), "Child Development Councils" (to govern the programs), and a "Model Federal Government Child Development Program" (to try out the idea on the children of civilian government employees). It also provides guidelines and money for "National Child Advocacy Projects" (to draw attention to the needs of children), "Neighborhood Offices of Child Advocacy", and "Neighborhood Councils on Child Development". A permanent HEW Office of Child Development would also be established.

The Bill would see, in a few years, that the Federal government will have assumed a major role in the mental, physical, and social examination, diagnosis, identification, and treatment for every child under 15 years of age in the nation. As a matter of the child's right shall the government exert this control over the family, because, as one proponent of the bill has said, "We have recognized that the child is a care of the State." It would seem that the supporters of this legislation are interested in a Federally-cared for and governmentally-nurtured child.

"CHILD DEVELOPMENT" ADVOCATES

"Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country."

Dr. Urie Bronfenbrenner, a leader at the White House Conference on Children, quotes such statements in his book *Two Worlds of Childhood: U.S. and U.S.S.R.*, one of the popular authorities cited in defense of the child development proposals presently in Joint Conference and shortly to go before the President for approval or veto. The public relations of this bill presented it as strictly a beneficient day care program, to facilitate the employment of poverty-level mothers. The provisions of the bill are somewhat more wide. And the supporters of the legislation indicate their support in such ways as to cause trepidation regarding the eventual course of some of their provisions.

Statements like one by Siv Thorsell, a Swedish child development expert: "It is unreasonable to demand that the parents should meet all the child's needs, still less that the mother should accept responsibility for the child's upbringing to the extent she does now" reflect a lack of proper respect for certain fundamental institutions of society. Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, is openly opposed to the family: "there is serious thinking," he says, "that maybe we can't trust the family . . . to prepare young children for his new kind of world which is emerging."

The child development bill is obviously more than another anti-poverty measure; it is blatantly a social experiment scheme to change the nature of American society by undermining the basic unit of that society: the family. It falls well beyond the range of necessary and proper legislation into the discolored realms of orwellianism and mind-control. It is more than a violation of the rights of citizens: it is an assault on the already weakened fortifications of Western civilization.

In examining the legislation, the intent of its framers and supporters must be carefully scrutinized. We find the first section (501) of the Senate bill (S. 2007) particularly revealing in this regard. This section purports to reveal "Congressional findings", namely:

That "millions of children . . . are suffering unnecessary harm from the lack of adequate child development services";

But there is no evidence that anywhere near such numbers of children suffer such harm. Since the beginnings of the Republic, there have been laws governing mistreatment of children. Some children may, indeed, suffer deprivation or cruelty—but they do not suffer the lack of government services. And what are "child development services" anyway? "Comprehensive physical and mental health, social and cognitive development services necessary . . . to profit fully from . . . educational opportunities", says the bill elsewhere [§ 512(2) (A)]. That provides little clarification. What is meant by "mental health services"? Mandatory examination and treatment? Experimental therapy? The bill does not indicate.

That "Comprehensive child development programs . . . should be available as a matter of right to all children."

The language of the legislation as it passed the House established in law that children have a "right" which they formerly did not possess. The nature of that right/rights is not explained other than by implication, e.g., the various programs and projects created by the Department of Health, Education, and Welfare and institutionalized through the HEW Office of Child Development will be available to children as a matter of "right."

Let us presume for a moment that a parent is against a program or unwilling to permit his child to be incorporated into it. The result will be that the parent was/is depriving the child of "rights" established by law, and could be potentially confronted by some remedial action to "restore" to that child his "rights" under the child development act. One could envision the future in which a "child advocate", in an attempt to restore a child's "rights", could obligate the parent to appear before some board or court for purposes of reviewing his qualifications for parenthood.

Even if such a formal mechanism is not established, the child development act, by its nature, when operational, would establish a *de facto* situation in which those operating the program could cause significant turmoil between the program and the parent, and between the parent and the child.

That "It is essential that such programs be undertaken as a partnership of parents, community, and State and local government with appropriate assistance from the Federal Government";

But it is not at all "essential" that every level of government become involved in the training of the children of private citizens. History invariably shows that "partnerships with the government soon become greatly imbalanced." The Child Advocacy section of this bill might be a classic example of that "partnership". Child Advocacy Officers, positions established by this bill to find and satisfy otherwise undiscovered needs of children, will seek to defend the child's right against his parents' ignorance or reluctance to submit him to federal assistance. Professionally-trained, overzealous staffers will be no match for simple parents whose instincts are right, but who are not educated or prepared to argue with program operatives. A *de facto* situation of coercion will be created.

That "it is the purpose . . . to provide every child with a fair and full opportunity to reach his full portential";

It is good for children to have opportunities for self-improvement; in America today such opportunities exist in multitude, probably more so than anywhere else in the world. The nation's children, from A. Lincoln on, have certainly reached great potential, and have done so without "child development services". The fact of the matter is that such extensive governmental intervention will probably accomplish precisely the opposite of the stated intent. Large institutions, as opposed to parental initiative, tend to stifle the child's imagination and expressiveness. Government intervention can make the deeply personal experience of growth and education a massive bore, and forget that it is trying to provide opportunities as it becomes preoccupied with standardizing results.

And "to establish the legislative framework of the future expansion of such programs to universally available child development services."

What is perhaps most alarming is the provision for these programs to be universal. Such a provision discloses that the framers implicitly content that, whatever maladies may exist among the nation's children, they are not limited to the economically deprived. The premise is that practically every child is deprived in some way. But every child in America does not suffer otherwise irremediable wrongs; in fact, most children are well cared for and well provided for by their parents, with adequate amounts of love and generally sufficient amounts of discipline. The demand for universal application of any program to *all* American children leaves far too much room for irresponsible social experimentation with the nation's youth by excessively idealistic or ideologized executors.

LIMITED HEARINGS

The fallacious contentions and erroneous conceptions of this bill should have been revealed and publicized in the Committee hearings. But the investigative function of the Committee hearings was largely ignored with this bill. The House Committee on Education and Labor, Subcommittee on Education, held a total of three hearings on the bill, with only five main witnesses. Two of them, Congresswomen Chisholm and Abzug, aired some rhetoric on the sufferings of women in need of day care. Two Governors and one former Governor also testified, but their discussion focused almost exclusively on technicalities of administration. Many times before, Federal administration of Federal programs on local levels has created duplication of these efforts with State efforts, squandering considerable money on the process. Governor Moore of West Virginia cautioned in his testimony that " . . . the proposed system . . . would spawn so cumbersome and conflicting a bureaucracy that the needs of children—and of quality services for children—would be overshadowed by political and bureaucratic concerns."

RIGHT NOT TO PARTICIPATE

That the proposed legislation would spawn anything more than an inefficient bureacracy was not considered in the Hearings. Discussion of the substance of the bill was carefully avoided. With one exception, the written testimony submitted to the Committee was invited and devoted itself to praising the legislation. The one exception was C. Ross Cunningham, of the Christian Science Committee on Publication, who stated that "specific language in the statute itself is necessary to protect those with religious scruples from over-zealous workers at the local level." A clause to exempt children from treatment on grounds of religious objection was later added to S. 2007, perhaps in direct response to this testimony. Testimonies from other religious leaders were evidently not solicited.

Furthermore, there is reason to believe that the limiting provision to permit religious objections might be unconstitutional as a denial of equal protection of the law. Regardless, the provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow. The right to rear the child rests exclusively with the parent, and the law in the interests of family structure ought to reflect that relationship. While in the minds of many, religion may be the foundation of the parental right, it should be expressed in the law that as a matter of right the parent is not required to either participate in any "child development" program or even explain his reason.

PARENTAL RELATIONSHIP

Included in the report of the hearings was a recent report of the Educational Commission of the States, Task Force on Early Childhood Education. This report supported the adoption of more extensive child development programs, but in one respect it differs significantly from Federal concepts. The first priority of the States regarding child development services was "strengthening of the role of the family as the first and most fundamental influence on child development."

To the Emergency Committee for Children this seems an entirely proper emphasis to maintain. The Bill adopted by the House, like that by the Senate, mentions scarcely anything to indicate respect for this basic institution. The Education Commission of the States was not preoccupied with promoting the "emotional and social adjustment" of children, as seems to be the case with legislative proposals from the Congress.

The potential of this piece of legislation is clearly and definitely the revolutionizing of the traditional family structure in America. The parental role in children's upbringing will be deemphasized and the role of government greatly expanded. As government assumes parents' responsibilities, parents' rights over their children will tend to be sacrificed, *de facto* or *de jure*. Such a government, in our opinion, is contrary to the best interests of our society and not in concert with the Western tradition. It is disastrous and tragic. The family is the cornerstone of emotional stability and strength, the first educator and strongest influence toward decent human natures and relationships. To replace the rich, loving family with depersonalized bureaucracy would be to destroy the most valuable social institution in America, and to weaken immeasurably the strength of the American nation.

COMMUNALITY FOR CHILDREN

Central to the arguments of certain advocates and sponsors of the child development bill is an implicit direction toward a total revamping of American society, beginning with the popularization of one or another form of collective child-bearing. Occasionally this direction becomes explicit, as in the writings of Dr. Urie Bronfenbrenner. Bronfenbrenner's contention is that Soviet society is worth more than American society because the concern of one generation for the next is so much greater there. This concern is exemplified for him in the "children's collectives", where infants from three months of age are brought for communal upbringing.

The most lauded advantage of communality is the facilitation of discipline. The greatest virtues of a Soviet child are obedience and self-discipline, both developed through skillful fostering of the earnest desire to conform to the group, which, in turn, accepts its values from adults or other authoritative figures, eventually the State. Conformity, thus, is the paramount virtue in collectivized children, and, of course, in collectivized adults.

Yet the Soviet Union seems more than satisfied with its crop of programmed citizens. Plans for the future are burgeoning to make a child's life a series of transitions from nursery to day and night kindergarten, to boarding school, to independent life, in the hopes that, in time, the family "will dissolve within the context of the future social commune."

Dr. Bronfenbrenner is, of course, entitled to his views. But what he advocates is, fortunately, so alien to our culture that any attempt to impose the Soviet system here would be doomed to disastrous failure. However, the proposals of this bill definitely encourage the attitudes necessary for such a system to ever be adopted. This country does not want Soviet childbearing. Conformity has never been regarded as a supreme virtue by the American people; in fact, individuality from diversity within and among families is much sounder and more reflective of American institutions. Parents love their children and are dedicated to their welfare. Privacy and personal intimacy are the keynotes of American family life. Congress may write lists of contrived complaints about American childbearing, but such complaints will not reconcile the American public or the traditions of American life to surrendering children to government agents.

CONCLUSION

We of the Emergency Committee for Children are grateful for the individualistic streak in the American personality, believing that it is the greatest possible protection against the utopian schemes of misguided collectivists. We of the Committee, whose backgrounds are in the Academy and religious life, are united in our concern and opposition to what we see as a significant threat to Western civilization and American society as we presently know it.

INDIA'S NAKED AGGRESSION AGAINST PAKISTAN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am certain that America and the world are shocked by India's naked aggression against Pakistan. The open invasion of East Pakistan by India's military forces has destroyed efforts by our country and others to maintain peace in that part of the world and to restore order and sound government to East Pakistan. Short of the examples of communist aggression in Korea and Indochina this open act of war by India is the most flagrant example of the violation of another nation's neutrality that we have seen in recent years.

We are observing the process of the setting up by armed force of a new nation which is to be a satellite of India and Russia. Pakistan does not have the armed strength or the resources to prevent it. The United Nations is going to do nothing as is its wont. The United States cannot be expected to take a hand militarily. However, it will be noted that there was scheduled for inclusion in the current foreign aid bill about $400 million of additional U.S. aid for India. It is well to remember that in the past quarter century our Nation has given $8 billion of the taxpayers' money from the American treasury to India. This has freed Indian funds for the creation of military might and the purchase of modern weapons principally from Russia. It is no secret except to the American people that the Russian fleet enjoys special privileges in Indian ports in its move toward the domination of the Indian Ocean. The very least we in the Congress can do is to express our disapproval of these tactics by cutting off aid to India.

I believe we in the Congress should forthwith take steps to assure the world that U.S. foreign aid is not going to be used flagrantly, either directly or indirectly, for the enslavement of other peoples and for unjustifiable acts of war. Language has been written into the foreign aid appropriation bill which is intended to bring about a suspension of aid other than for refugee relief and rehabilitation and humanitarian assistance while India and Pakistan are involved in armed conflict with each other. This will accomplish the purpose but possibly not in terms as strong as are justified.

In view of these facts, I do not consider that it is proper to mute the obvious fact that India is an aggressor and that Pakistan has been invaded or that India's objective apparently is the dismemberment of the Pakistani Republic. This should be spelled out and impressed on the American public.

The reporting on this deplorable situation and the events leading up to it has been biased and it has served to disguise the step-by-step approach by India to open warfare without provocation against her neighbor. Now the facts are clear and at the very least, they should serve to prevent further waste of American funds in assistance to India.

THE ABM AND THE B-1: HAVING YOUR CAKE AND EATING IT, TOO

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, a recent Air Force policy letter for commanders from Gen. John C. Meyer, the Air Force Vice Chief of Staff, included this statement:

> (The Soviet Union) might choose to attack simultaneously our (bomber bases and) missile fields with large yield ICBMs (directed at the missile fields) to be launched approximately 15 minutes ahead of the SLBMs (directed at the bomber bases). In this case, our alert bombers, responding to the ICBM warning, could escape destruction by launching under positive control.
>
> Conversely, if the Soviets elected to time their attack primarily against bomber bases, they would have to delay launch of their ICBMs to insure they were not detected earlier than the SLBMs. In this case, there would be adequate time for national decisions and execution of our own ICBM force.

In short, it is impossible for the Russians to destroy our ICBM's and our manned bombers in the same attack.

Mr. Speaker, this is exactly the point many of us made during the ABM debates. We were told we needed Safeguard to protect our ICBM's from Soviet attack. We answered that the Soviets wouldn't attack our ICBM's because if they tried we would get our bombers off the ground first; if they tried to hit the bombers first, we would get them with the ICBM's. To this the ABM people responded that Soviet SLBM's could not only destroy our bombers on the ground, but could keep our Minuteman ICBM's pinned down until the Soviet ICBM's got there. We were skeptical that this was feasible, but the ABM people insisted it was.

Now General Meyer and his bomber people tell us pin-down is not feasible. At the same time, the ABM people tell us pin-down is feasible.

If pin-down is feasible, we would be wasting our money to build the B-1 bomber. If it is not feasible, we would be wasting our money to build Safeguard. But what the Defense Department does is to sing one tune when we are considering antiballistic missiles.

As a result, it gets the money for both. It is a case of B-1 versus ABM and both winning. Unfortunately, the losers are the effectiveness of our deterrent, our national economy, and the American citizen.

ABM CRITICS' CRITICS LEAVE THEMSELVES OPEN TO CRITICISM

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, there has been some discussion in recent weeks of a report by an ad hoc committee of the Operations Research Society of America. This report severely criticizes the quality and integrity of a number of the arguments made by prominent scientists who opposed the Safeguard anti-ballistic-missile system. To a much lesser extent, it also criticizes a few of the arguments made by proponents of the system.

Despite the fact that the inquiry leading to the report was instigated by one of the more prominent advocates of Safeguard, the report has received a great deal of public notice and is possibly becoming generally accepted as an authoritative and impartial commentary. This is most regrettable.

The argument made most strongly by those of us who oppose Safeguard, and the most basic point of contention in the Safeguard debate is this: Safeguard is not an effective weapons system. It is incapable of accomplishing its primary mission, which is to significantly increase the survival of our Minuteman deterrent against a heavy sophisticated Soviet ICBM attack.

Amazingly, the ORSA report, which purports to be the voice of competence and objectivity on the ABM issue, did not take up this question at all. Instead it confined itself to the secondary question of the magnitude of the threat to Minuteman. Obviously, if Safeguard cannot do its job it does not matter how serious the threat is; Safeguard remains a waste of money.

Mr. Speaker, I hope this ORSA report is not typical of the level of operations research being conducted for the Department of Defense these days. If it is typical, I doubt it will frighten the Russians but it certainly frightens me.

I insert in the RECORD two letters on the subject recently written by anti-ABM scientists and published in the Washington Post:

LETTERS TO THE EDITOR ON THE OPERATIONS RESEARCH COMMITTEE REPORT AND THE ABM DEBATE

Joseph Alsop's column of November 8 for the most part accurately reflects the findings and tone of the recent critique by the Operations Research Society of America of the role of myself and others in the ABM debate. What Mr. Alsop failed to appreciate or convey to his readers was the fact that the ORSA report is a technically incompetent critique—based on bizarre procedural arrangements, selective use of evidence, and remarkably uncritical acceptance of administration assumptions, many of which had little or no foundation in fact.

This is not the place to discuss all of the deficiencies of the ORSA report—we have done that in some detail elsewhere—but have readers be misled by Mr. Alsop's column it is perhaps useful to comment on two issues in the ABM debate: the possible vulnerability of the U.S. Minuteman force to a Soviet SS-9 "first strike" in the mid-70's, and whether the Safeguard ABM deployment would make a significant difference in Minuteman survivability.

Although the second question was really what the ABM debate was all about, ORSA focused its attention almost exclusively on the first, a hardly surprising fact since Albert Wohlstetter who instigated the inquiry, and whose lead it slavishly followed, had largely avoided commenting on Safeguard's utility in both his testimony and his specification of changes.

As regards Minuteman vulnerability, I would point out that estimates necessarily had to be based on interpretation of intelligence information and technical judgment of what the situation would be six years later. Various participants in the debate made quite different judgments, and such differences, not mathematical manipulation which was essentially trivial, nor the application of esoteric operations research techniques, accounted for my estimating that 25 per cent of the Minuteman force would survive while Mr. Wohlstetter and Defense Department spokesmen estimated 5 per cent. I leave it to the reader to draw his own conclusion as to whose judgments were more reasonable, pointing out that I would now revise my estimates of Minuteman survivability upward as it now seems even less likely than it did two years ago that the U.S.S.R. could fully equip its SS–9 force with highly effective multiple independently targettable reentry vehicles (MIRVs) by the mid-70's. Reports such as those by Michael Getler of a recent DOD/CIA sponsored study by TRW (The Washington Post, June 17), General Ryan's March 9 testimony before the House Appropriations Committee, and Secretary Packard's remarks of October 21 lead me to believe that the administration too might now estimate very substantial survivability.

The administration seems also to have largely come around to the views of its opponents with regard to the question of Safeguard effectiveness. Thus, it is now recognized, even in the Defense Department, that the missile site radar is the Achilles' heel of Safeguard, and there are serious efforts under way to design a dedicated hardsite defense employing less expensive radars as many of us recommended. And it is now considered, as we had suggested, that Safeguard as originally planned will be an inadequate defense if a build-up in Soviet missile capabilities continues, whereas originally it was argued that it was needed in case of such a build-up.

Mr. Alsop points out that we admitted mistakes. A single example will perhaps put that admission in perspective. I had argued that Messrs. Laird, John Foster and Wohlstetter had made unrealistic assumption in imputing to the Soviet Union the capability, in executing an attack against us, of compensating for all their missile failures by replacing the failures with other warheads aimed at the same targets. In fact, Mr. Wohlstetter had, unlike Messrs. Laird and Foster, apparently assumed that 15 per cent of the failures could not be so replaced. I was in error and was criticized by ORSA for the mistake. It is to be noted that neither Mr. Wohlstetter nor the Defense spokesmen offered any analysis to support their contention that such tactics were feasible. Yet, the ORSA committee did not criticize this omission. Rather, it attempted the back-up analysis for them, in so doing finding it necessary to use assumptions about Soviet MIRV technology totally at variance with observations!

Finally, Mr. Alsop alleges that I charged Howard Berger, one of the ORSA committee, with harboring personal animus against me; that Dr. Berger has claimed I was guilty of prevarication in making such a charge and that there is solid evidence to that effect. I made no such charge and challenge Mr. Alsop and Dr. Berger to produce evidence that I did, much less evidence that I lied in making it! What I and my colleagues did suggest was that since Dr. Berger had previously been relieved by me of a position of responsibility, he should have been disqualified either by himself or by ORSA from participating in the inquiry. In suggesting this, we were not charging animus on his part, but rather lack of sensitivity and appreciation of reasonable professional and ethical norms by him and ORSA, a charge which the style of the ORSA inquiry fully substantiates.

As has been the case with so many of his columns, Mr. Alsop has again regrettably elected to accept uncritically those arguments consistent with his deep-seated biases rather than to attempt to understand and elucidate the issues involved in a complex question—in this case, those relating to the Safeguard deployment question.

G. W. RATHJENS.

CAMBRIDGE, MASS.

In September 1971, an Ad Hoc Committee of the Operations Research Society of America (ORSA) issued a report censuring, as not being up to the standards of the Society, the congressional testimonies in opposition to the Safeguard ABM system of Dr. Jerome Wiesner, president of MIT; Drs. George Rathjens and Steven Weinberg, professors at MIT, and to a lesser extent, Professor Wolfgang Panofsky, Stanford University. Predictably, this was put in the Congressional Record by Senator Jackson, the strongest proponent of Safeguard in the Congress. On October 13th, Donald Rumsfeld, Counsellor to the President, wrote from the White House a letter to Robert Machol, president of ORSA, stating that the report had been discussed personally with President Nixon, that Admiral Zumwalt, Chief of Naval Operations, discussed the work in a most favorable way, and that "you and the Society have performed a magnificent service." To cap it off, on November 8th, in a column which you carried, the columnist, Joseph Alsop, extolled the report and decried the dishonesty of the opponents of Safeguard.

Just to keep the record straight, we think it should be known that five members of the ORSA Council issued a minority report questioning the propriety, impartiality, and ability of the Ad Hoc Committee to carry out such an investigation. This minority report was not mentioned by Senator Jackson and others. More importantly, this unprecedented investigation was carried out at the request of Professor Albert Wohlstetter, the leading non-governmental protagonist for Safeguard, confidant of Senator Jackson, and consultant to Admiral Zumwalt. Professor Wohlstetter, who was praised in the report, is a member of ORSA; the other witnesses who were censured are not members and did not participate in the work of the Committee.

Although the primary purpose of the congressional hearings was to determine the need for Safeguard, and whether, indeed, it would work, the ORSA Committee study never even addressed the testimony on these central issues, but instead concentrated its attention on several sub-issues such as (1) the vulnerability of our Minuteman deterrent to an administration postulated Soviet threat, and (2) the Soviet ability to destroy both our Minuteman missiles and bombers in a simultaneous attack. These sub-issues were suggested to ORSA by Professor Wohlstetter, one of the protagonists in the debate whose standards the ORSA Committee was, in theory, investigating. This action by the Committee would appear highly unethical, and the ORSA Council's sensitivity to such a charge is demonstrated by the fact that it excised from its published version of Professor Wohlstetter's letter those portions directing their attention to these sub-issues.

We think everyone should ask whether a group which employs such standards in its investigations has demonstrated the competence to evaluate the standards of such eminent scientists with a record of dedication to public service as Drs. Wiesner, Rathjens, Weinberg and Panofsky. We think one must conclude that the ORSA Ad Hoc Committee—and those Council members who endorsed the report—have just become additional protagonists in the continuing ABM debate along with Professor Wohlstetter, Senator Jackson, the White House and Joe Alsop.

GEORGE B. KISTIAKOWSKY.

CAMBRIDGE, MASS.

HERBERT SCOVILLE, Jr.

MCLEAN, VA.

HERBERT F. YORK.

LA JOLLA, CALIF.

THE ADVOCATES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the award-winning television program, "The Advocates," which is aired weekly on the Public Broadcasting System and is coproduced by WGBH Boston and KCET Los Angeles, has done another outstanding job of presenting the pros and cons of a pressing social issue. In this case the issue is gun control, which the advocates explored on November 16 in a program entitled "Should Congress Ban Private Ownership of Handguns?"

One of the key witnesses on that program, Mr. Speaker, was our colleague from Illinois (Mr. MIKVA) who has become a leader in the Congress in support of stronger gun control legislation.

The gentleman from Illinois did an outstanding job on The Advocates program of representing the views of the increasing number of us in the House who support a ban on the further manufacture, transfer, and importation of firearms except for police, military, and organized sporting purposes. I know that a great many Members of the Congress who missed seeing the November 16 Advocates program will welcome an opportunity to read the transcript of the program, which follows, and will want to join me in congratulating the Advocates and the participants.

THE ADVOCATES

This is an unofficial public service transcript. The Advocates is not responsible for errors of omission or commission.

Topic: Should Congress ban private ownership of handguns?

November 16, 1971.

Participants: Former Senator Joseph Tydings (Pro); with U.S. Rep. Abner Mikva (D. Ill.); Charles Gain, Chief of Police, Oakland, Calif.; Lt. Joseph McNamara, New York City Police Dept.

Senator Ted Stevens (Con): with Harlon Carter, Former President, National Rifle Assoc., Former Chief, U.S. Border Patrol; Colin Greenwood, Chief Inspector of Police, West Yorkshire, England; Professor Ernest Van Den Haag, Psychologist, Professor of Social Philosophy, New York University.

Moderator: Victor Palmieri; Executive Producer: Greg Harney; Executive Editor: Peter McGhee; Producer: Tom Burrows; Director: Alan Muir.

This Public Broadcasting Service (PBS) program originated at KCET, Los Angeles.

ANNOUNCER: Tonight, from Los Angeles, The Advocates. With special guests, Senator Ted Stevens, former Senator Joseph Tydings, and the moderator, Victor Palmieri.

PALMIERI: Good evening. Welcome to The Advocates. Each week we look at an important issue in terms of a practical choice. Tonight the issue concerns the increasing use of handguns in violent crimes. Specifically, our question is this: "Should Congress Ban Private Ownership of Handguns?" Our special advocate, former Democratic United States Senator from the State of Maryland, Joseph Tydings, says "yes."

TYDINGS: Yesterday the House of Representatives approved $1.6 billion to expand research efforts against cancer in the next three years. Tonight, we advocate the expenditure of substantially less money to reduce the most dangerous domestic cancer of our society—the gun crime and violence in our streets. We attack that cancer by banning pistols. And with me tonight to support the ban on private ownership of pistols and revolvers are Congressman Ab Mikva of Illinois, Chief Charles Gain of the Oakland Police Force here in California, and Lt. Joseph McNamara of the New York City Police Department.

PALMIERI: Our other special advocate, Republican United States Senator from the State of Alaska, Ted Stevens, says "no."

STEVENS: With the increase in riots and lawlessness in our nation in the last few years, millions of law-abiding citizens have purchased handguns for their own protection. Others use them for sporting purposes. The proposition that we face tonight is based on the premise that if these guns are taken away from you and me, lawlessness, accidents and crime rates will decline. With me tonight to tell you that gun laws don't take guns from criminals are Harlon Carter, past President of the National Rifle Association, Chief Inspector Colin Greenwood from England, and Dr. Ernest Van Den Haag, New York University sociologist.

PALMIERI. Thank you, Senator Stevens and Senator Tydings. Ladies and gentlemen, before we begin tonight's program, we'd like to take just a moment and ask you to share with us an important event in the field of public broadcasting, because this week KCET, the Public Broadcasting station in Los Angeles, will dedicate its new production and broadcasting facilities on Sunset Drive here in Hollywood. These studies have a very long and varied history in motion pictures and television, dating back to 1912. Here pioneer film makers produced a continuous series of westerns, slapstick comedies, and melodramas. Then in 1970, KCET purchased the site and soon began the process of turning the old sound stages with their memories and histories into large, modern television production facilities. And tonight, our program originates live and in color from the newly completed Studio A. The Advocates is proud to salute KCET for its continuing contribution to public broadcasting. From these new studios, the staff of KCET will continue to bring public television audiences more programs in the sucessful Hollywood Television Theater series as well as the upcoming film odyssey series of film classics. So the studio we dedicate tonight and the question we consider both have roots in the American western movies.

It is part of the folklore of America that it was won by the gun. And in many parts of America, ownership of a gun by a boy is a right of passage to manhood. But in many other parts of America, the cities most of all, the gun has become a symbol of crime, for guns increasingly are involved in violent crime—in 65 percent of all murders, in 40 per cent of all robberies, in a quarter of all aggravated assaults. And the gun most often used for these crimes was the handgun. One hundred law enforcement officers were murdered last year—93 by guns, and of those, 73 by handguns. In short, the handgun has become the choice of the armed criminal.

Nonetheless, the American tradition of gun ownership and the passionate defense of that right by organized gunowners have combined to oppose further government regulation of firearms. The last major piece of legislation was the Gun Control Act of 1968 which banned mail order sales of guns and ammunition to private individuals and forbade dealers to sell guns to known felons, drug users, fugitives, or mental defectives.

While the law has made it difficult for sportsmen carrying their guns from state to state, it does not seem to have affected the illegal flow of guns across state lines or illegal transactions within states.

Well tonight, therefore, we consider what some people urge must be the next step in gun regulation—an outright ban on the private ownership of all handguns. Let me emphasize that we are talking about handguns only, not long guns. Senator Tydings, will you begin.

TYDINGS. Well, last January the National Commission for the Reform of Criminal Laws recommended a ban on the private ownership of pistols. This proposal would prohibit the sale, manufacture and possession for all, except law enforcement officers and private security guards. The only exception would be target handguns kept at a local club or antique pistols. We advocate this ban at a time in history when there are 30 million pistols in private ownership today, when we are manufacturing and importing an additional 2½ million pistols every year, when last year 8 thousand Americans were murdered with handguns. We must halt this rush to a violent and an armed society. By 1980, if we continue as we're going today, there'll be a pistol for every adult male in this country.

PALMIERI. Well, thank you very much, Senator. Now with your first witness.

TYDINGS. We have tonight to speak in support of the National Commissions Report a very fine congressman from Illinois, Congressman Ab Mikva. (applause)

PALMIERI. Congressman, welcome.

MIKVA. Thank you. Nice to be here, Mr. Palmieri.

TYDINGS. Congressman, you served on the National Commission. What did the National Commission recommend with respect to a pistol gun law?

MIKVA. Well, we recommended many things, but specifically as far as the pistols are concerned, we specifically recommended that the private ownership of pistols and further manufacture for private ownership purposes be abolished.

TYDINGS. Was this a new idea? A new proposal?

MIKVA. No, the idea is a very, very old one. We poached off of the reports of the Eisenhower Commission and previous studies have been made by two presidents, by—

TYDINGS. By the Crime Commission of 1967—

MIKVA. By the Crime Commission in 1967. We had our own consultants. We've studied the results—

TYDINGS. Kerner Commission on Violence—

MIKVA. Kerner Commission. We studied the results in every other country. It's not a new idea.

TYDINGS. Congressman, in your proposal, it would cost over a period of years some billion and a quarter dollars. How do you justify this expenditure?

MIKVA. Well, First of all, that's a one time expenditure, and when you think of the thousands and thousands of lives that are now being lost, the price per head is just one that has to be very reasonable. President Nixon just suggested that we ought to pay $50,000 for every policeman that's killed in the line of duty. Well, there were over a hundred policemen killed last year alone, and most of them by hand guns.

PALMIERI. Excuse me, Congressman. What would all that money be spent for in gun control?

MIKVA. Well, it would be spent for the guns that would be turned in to the government. They would be paid for either at their value or under a proposal that I have—$25 per gun, whatever they're worth.

PALMIERI. I see. Thank you.

TYDINGS. Now, Congressman, what are the prospects for an average American family if we don't reverse this trend of 2½ million pistols being purchased every year in this country?

MIKVA. Well, I think the prospects are frightening. I don't know any big city resident in the country these days who isn't already worried about crime in the streets and is worried about their children and themselves walking on the streets of our cities.

When you project what's going to happen if we don't get the handle on the pistol problem, it literally will be an armed camp.

Tydings. Do you feel that we can overnight eliminate private ownership of pistols in the United States?

Mikva. No, but I think that if we can get the handle on the new supply, we can begin to turn around on what so far has been a headlong rush to disaster.

Tydings. Congressman Mikva, why hasn't the government acted on any of these prior recommendations—the 1967 National Crime Commission recommendation, the Eisenhower Commission of Violence in 1969. Why hasn't Congress acted in this field of gun control?

Mikva. Well, there's been a very well organized lobby that represents a clearly . . . a minority of the people in this country . . . but they have been so well organized and so well financed and up to recently were even subsidized by the federal government, to the extent that they have been able to persuade the Congress not to act on this pressing problem. I hope that's changing. You've been one of the great battlers for that, Senator Tydings, and I think we're on the side of turning that around.

Palmieri. All right. Let's go to cross examination, Senator Stevens.

Stevens. Yes, Congressman, I hope that you agree—we all agree—that criminals shouldn't have guns. I don't think that we have anyone in Congress who wants to give criminals guns, but what about this? This is a *Washington Daily News* headline: "Only 15 per cent of all gunslingers in the District of Columbia are sent to jail—85 per cent, under the existing strong laws in the District of Columbia, are set free." Now, why would this new law give us any better law enforcement as far as guns are concerned?

Mikva. Well, what it would do, Senator, is that it would cut off the new supply which represents some 2½ million handguns per year and it's this increasing number . . . we've always had a gun problem in this country. It's just gotten so bad in recent years because the supply of handguns has gone up so . . .

Stevens. You don't really believe . . . you don't really believe that this law is going to take guns from criminals. do you?

Mikva. Well, of course it will. Every year tens of thousands of guns are confiscated by the police. The problem today is that for every one that's confiscated, Senator, is, you know, two new ones are manufactured or imported. And until we get the handle on supply, we aren't going to be able to do anything about the ones that are outstanding.

Stevens. Well what about New York City? The strongest gun control laws in the United States and guns continue to flow into illegal sources, but the legal use of guns in New York City has practically been stalled. What about that?

Mikva. Senator, you make the point as to why we need a national law. The poor states and cities by themselves just can't try to solve this problem, and every time I hear somebody say let the local governments do it, let the states do it, they can't. It's belying the real issue because you know that you cannot solve this problem on a state-wide basis.

Stevens. Well, now, you seem to imply that it's an organized gun control lobby. What about Montana, Alaska and Texas and Wyoming? Don't you think those of us who live in these areas where we enjoy the outdoors—don't you think we have the right to have handguns if we want them?

Mikva. Senator, I can't believe that anybody who lives in those states really feels that that right, that theoretical right, or that target-shooting right is worth the lives of thousands and thousands of our fellow citizens that have been killed in the big cities and in the small cities. Your own state, Senator, has a pretty high . . .

Stevens. We have a high death rate all the way. We have a high death rate all the way, it's a wild country . . .

Mikva. Well, I think with a few less guns there might be a few more Alaskans living there.

Stevens. There also might be . . . if there were a few more guns, maybe there are a few more people in the cities living. Who do you think are buying these guns?

Mikva. Well, this is what's so tragic, Senator. Everybody is buying guns these days.

Stevens. And why?

Mikva. The fear goes up. The fear of guns. So as we are more afraid of guns, we buy more guns and we end up killing more of our . . .

Stevens. The fear of guns? Or the fear of lawlessness and riot? Or lack of law enforcement?

Mikva. But, Senator, the two tie together, and unfortunately, as there are more guns in this society, there is more lawlessness.

Stevens. Let me put it this way. Did you ever try to fly fish in a stream with hip boots and carry a rifle, Congressman?

Mikva. No, I've never carried a rifle while I was doing that, Senator.

Stevens. Yeah, but did you ever do it in bear country without a gun?

Mikva. No, but I want to emphasize that nothing in our proposal is going to take away the rifle or the shotgun from any of the hunters. We don't want to interfere with the hunters; we're not interested in over-regulating. All we're trying to do is save some American lives, and I'm sure you're with us in that.

Stevens. But the sportsmen, the fishermen, who want handguns. Why do you want to take them away from them?

Mikva. Senator, I don't know a sportsman or a fisherman who really feels that his right to pack a handgun, which he doesn't really use to shoot fish or shoot bears with, is more important than the lives of policemen or the other citizens who are being killed.

Stevens. If you were ever in the woods without a gun, you'd wish you had one.

Palmieri. Congressman, thank you. (Aplause.)

Stevens. Our second witness tonight is a man with twenty-five years experience in law enforcement up through the ranks, the Police Chief of Oakland, California, Chief Charles Gain.

Palmieri. Chief Gain, welcome to the south land.

Gain. Thank you.

Tydings. Chief, is the handgun an effective means of self-protection for the average homeowner?

Gain. No, sir, it is definitely not. Most home burglaries occur when the occupants are not at home at all. The burglar does not want to confront people within a home. And in addition to those facts, there's the matter that handguns are used too much for murders within the family, or they're involved too much in accidents within the family, so they do not provide good self-protection in the home.

Tydings. It is true that four out of five homicides in this country result from family altercations—altercations between persons who know each other?

Gain. Tragically, it is true.

Tydings. And the availability . . . what does the availability of a pistol in a situation like that mean?

Gain. Too available. When one is in the heat of passion he turns to that instrument which is available and most effective, and too much it's that handgun—the pistol.

Tydings. Let me ask you this, Chief. What about the handgun as a means of protection for the businessman?

Gain. Tragically, it is not good protection there either. The one who would perpetrate a robbery, for example, of a store plans it, he catches the owner when he is off guard, when he has an element of surprise. The police advise merchants not to try to use force to repel robberies. They say submit and give the money. If a businessman would try to grab a gun, it might precipitate a nervous perpetrator to use a handgun, resulting in the death of the businessman. There are other alternatives . . . alarm systems, there's insurance, there's detection devices . . . and things of this nature for the businessman.

Tydings. And you have very strong recommendations to the businessmen of your city with respect to keeping pistols . . .

Gain. We state: "Stay alive. Do not try to resist."

Tydings. Now, Chief, what about the argument that only law-abiding citizens buy most of these pistols, and they ought to be able to. What happens when those pistols are brought into a private home? Are they avail . . . I mean, how often is a home robbed with a pistol?

Gain. Very frequent. Sometimes a pistol is the very object of a burglar itself. So it's very, a very frequent occasion to have pistols stolen from within the home which will later be used for the perpetration of a crime.

Tydings. What about the argument, Chief Gain, that only law-abiding citizens would turn their guns in, and therefore, the criminals would keep their guns, and therefore, the crime rate would stay up that we really shouldn't curb the sale or possession of pistols.

Gain. Very fallacious and misleading argument. As has been mentioned, the market would eventually dry up. Thousands of handguns are confiscated. As there are fewer guns, they become more expensive; therefore, harder to obtain. In time, we would see criminals neither would have guns.

Tydings. Chief, could you think of any better way to spend money than to try and dry up or bring back or bring out of circulation pistols and handguns in the area?

Gain. No, Senator, I cannot. Because it is, in fact, a realistic way to reduce the tragic amount of violence within this country . . .

Tydings. And what about money for more policemen or . . .

Palmieri. I'm afraid we're going to have to let Senator Stevens take over at this point.

Stevens. Chief, I've checked up on you and you've done a pretty good job in Oakland without these additional gun control laws. You've actually had a reduction in guns in your area, haven't you?

Gain. No, we have not.

Stevens. It's my understanding that you've had a very successful time as Chief of Police and have a reduction in crime rates.

Gain. Last year, we had a 7 per cent deacceleration in the crime rate. This year, we have an increase in the crime rate.

Stevens. Well, maybe I was looking at last year's statistics. Tell me, what do you think about the Detroit experience? The *Detroit News* reported on July 20, 19671 that Detroit grocery store hold-ups showed a sharp reduction since the Grocer's Organization began conducting gun clinics. You don't believe in that, I suppose?

Gain. I don't know all the facts. Let me mention something else about Detroit, though. There's a study that demonstrates that as there's been increased private ownership of guns, there's been an increase in homicide, an increase in accidents involving guns, an increase in suicides—a direct correlation.

Stevens. Well, how about Orlando? I assume that you do know about Orlando in view of the fact that I understand that San Diego is going to follow their approach, Orlando, Florida's, where police trained 2,500 women in the safe handling of firearms in late 1966 after a series of robberies and attacks on women in their own homes—forceful rapes, aggravated assaults, and burglaries.

They were reduced 90 per cent, 25 per cent and 24 per cent, respectively, in the first nine months after the police, co-operating with the citizenry that was disturbed, did in fact give the leadership that was required. Now you don't believe in that approach?

Gain. My reaction to that is this. What we must do, Senator, is to save lives. We do not want to train people and have a gunslinging nation. Orlando was one little city. Let's look at the experience of New York and other cities. Let's look at the 30-million guns, the tragic number of policemen who have been killed by pistols, the tragic number of murders within the family, the tragic number of accidents. Let's look at the larger picture realistically.

Stevens. Let's look at those accidents for a minute. Six-tenths of one per cent of all accidents in the country happen from guns. Now, is that really a significant part of your argument? That this new law will reduce those?

Gain. Let's translate that into actual figures. That would be . . .

Stevens. 1,150 nationally . . .

Gain. Annually, and in thirty years we're talking about 30,000 deaths of American citizens. 30,000 deaths . . .

Stevens. It's twenty . . . as I recall, fifty times as much with an automobile. Shall we ban automobiles?

Gain. Why such an odius comparison? A person who drives an automobile is involved in a voluntary, healthful-type activity, and an accident may result, but handguns . . .

Stevens. But a person who owns a handgun are not . . .

Gain. A person who owns a handgun owns an instrument that has one purpose, Senator, and that is to kill. It has no healthy thing such as giving a person mobility from one place to another.

Stevens. Protection. How about the Eisenhower Report? The Eisenhower Report said let the shopowners keep their guns. You disagree with that?

Gain. It did not say it that emphatically. It suggested that perhaps as compared to the home owner, a shopkeeper might have a little bit more safety. Suggested. It did not say it.

Stevens. Well, let me go to another country. In the Belgian Congo, when Mobutu took the arms from Belgians the *New York Times* reported robbers have had a field day in Belgian homes in the Congo since the Belgian firearms were ordered confiscated. Why won't that hapepn here?

Gain. I think we should confine our grieved concern to the United States of America. What happens in the Congo may not have relevancy at all here. We know what the facts are within this country and I think we should stay to the national picture here.

Palmieri. Senator, let me take the last question. Very shortly, why are policemen against gun control?

Gain. We are against gun control because of the tragic numbers of murders within the home, accidents . . .

Palmieri. Wait a minute. Wait a minute. The question I asked was too quick. Why are policemen often the chief opponents of gun control? You are not one of the opponents. Can you give me a quick answer on that, then we'll turn to Senator Steven's case.

Gain. Opponents? I would have to say, in fairness to my colleagues, that if they're for handguns and so on, then they do not know the facts or they do know them and they're not acting upon the facts.

Palmieri. Fair answer. Thank you, Chief. (applause) Senator Tydings we're going to come back to you later and give you a chance for rebuttal, but now we'll go to Senator Stevens for his side of the case.

Stevens. Thank you. The toughest gun control laws in this country exist in New York City and in Washington, D.C., yet the crime rate in each continues to soar. In New York, less than one-half of one per cent of all the guns involved in crime were illegally registered. In Washington, D.C., as we've seen, only 15 per cent of the criminals apprehended with guns end up in jail. Congressional action to outlaw handguns will only take guns away from law-abiding citizens. It will have little or no effect on criminals. Rather than pay to condemn and sieze all handguns, many of us agree we should increase the penalty for the abuse of the right to bear arms . . . That the use of a gun in committing a crime should be a separate offense in and of itself, with a mandatory jail sentence. Also, we've learned from the experience of prohibition that Americans will refuse to obey a law which prohibits them from doing something they believe they have the right to do. Policemen in Orlando, Florida, and Royal Oak, Michigan, trained citizens to use handguns for self-defense. And criminals knew the law-abiding citizens were working with the police to stop crime. Crime stopped dramatically. Handguns have legitimate uses. Let's hear what they are from a sportsman and National Rifle Association past president, and life member of its executive council, Harlon Carter. (applause)

Palmieri. Mr. Carter, we're glad to have you on the show.

Carter. Glad to be here.

Stevens. Mr. Carter, why do sportsmen use handguns?

Carter. Senator, in the great outdoors, there are many legitimate uses for a handgun. The big game hunter, for example, has a use in that it's very important for him to have an auxiliary arm. He uses it to finish wounded animals, to control rattlesnakes or other vermin, coyotes, a rabid fox, perhaps. The fisherman needs a handgun in wild areas. In the north, there's a bear to scare away, in the south, a water moccasin to kill. Lately, handguns are being used as a primary gun on the hunt. Coyotes, jack rabbits, even wild boar. They provide more challenges in the hunt; it's a more interesting kind of thing. The handgun hunter has to be more skilled in terms of the hunt itself. He has to be a better stalker, and he has to be a better hunter and a better shot.

Stevens. Then handgun hunting is really more sporting.

Carter. Definitely. It has, as I indicated, more challenges, more skill is required. It's a better game, a better sport all around for good people.

Stevens. And game have a more equal chance, too.

Carter. And game . . . game definitely do have a more equal chance.

Stevens. What's wrong with this proposal to keep all target guns in shooting clubs, Mr. Carter?

Carter. It makes the target arms of law-abiding citizens a target for criminals. We've had hundreds of thousands of firearms stolen out of our arsenals, chiefly military, here in the last few years. And this imposes a burden on law-abiding and good people which is not imposed upon the criminals.

Palmieri. Final question.

Stevens. Sport shooting is an international competitive item, isn't it, in the Olympics, for instance?

Carter. Definitely. Yes sir.

Stevens. How are those people to be trained for that if we can't have our guns?

Carter. I don't know how you would do it.

Palmieri. Senator Tydings.

Tydings. Mr. Carter, there was a film that just ran which while you testified . . . which showed someone shooting a boar with a pistol?

Carter. I think he shot at the boar.

Tydings. Shot at the boar. Where was that . . . where was that taken?

Carter. That was at Teleco Junction, Tennessee.

Tydings. Now, is it a fact it's against the law to shoot boar with a pistol in the State of Tennessee?

Carter. No, sir.

Tydings. Well, I would like to refresh your recollection. It is against the law; and as a matter of fact, you couldn't shoot a boar in the State of Tennessee if you didn't shoot in a private preserve.

Carter. Teleco Junction is this town. Teleco National Forest encompasses parts of North Carolina, parts of Tennessee and adjacent areas.

Tydings. How much does it cost to shoot in one of those private preserves?

Carter. I don't really know, sir.

Tydings. Mr. Carter, in 1967 the President's Crime Commission recommended a strong national gun control law. You opposed that . . . the conclusions . . . and the National Rifle Association did, did you not?

Carter. Yes, we did.

Tydings. In 1969, the Eisenhower Commission on Violence proposed strong national gun controls, specifically, registration and licensing of pistols, and you opposed that, did you not?

Carter. That's correct.

Tydings. And the National Rifle Association opposed it.

Carter. May I tell you why we opposed those?

Tydings. Well, let me ask my questions, and then you can make your answers. In 1971, the President's Commission on Recodification of the Federal Criminal Code . . . they have proposed now the ban on the manufacture and sale of pistols . . . you've opposed that, have you not?

Carter. We do oppose that.

Tydings. Have you ever advocated . . . have you ever supported any type of broad, national, comprehensive anti-crime gun control?

Carter. Let me answer the first question first. We opposed those provisions to which you referred because, without exception, they imposed burdens on law-abiding people, and not upon criminals. They exact requirements of me, as though I were a suspect, and you . . .

Tydings. You didn't weigh the consideration of the protection of the public, the need to help reduce the crime rate . . .

Carter. We're deeply concerned about the crime rate in this country because it's used chiefly as an argument against us, unfortunately.

Tydings. Do you support the ban on ownership and sale of sawed-off shotguns?

Carter. Oh, surely, and on submachine guns and weapons of that . . .

Tydings. And submachine guns, handgrenades. Why, sir? Why?

Carter. Because they come under a category defined in the Act as "destructive devices," and we are all . . .

Tydings. With no logical, reasonable use. They're dangerous, aren't they?

Carter. Well, they don't have any sport . . .

Tydings. You could use . . . you could use a submachine gun . . .

Carter. They have no . . . they have no sports use.

Tydings. Well, now, I've seen advertised back in '67 the use of a bazooka to shoot a deer and you saw it was advertised in the National Rifle Association magazine, remember? There was a big furor about it?

Carter. I never saw that, and there never was a bazooka advertised in the *American Rifleman* for hunting. We don't take that . . .

Tydings. But the fact of the matter is the bazooka and the sawed-off shotgun have no real legitimate reason to be in a home, do they?

Carter. None of us advocate bazookas.

Tydings. But it would be useful for self-defense, couldn't it?

Carter. No. Not logically and not reasonably, Senator.

TYDINGS. Well, why . . . why is there a difference between a handgun, which is based . . . solely built to kill human beings . . . why do you support the possession, the wide-open ownership of 30 million handguns in private possession, 2½ million sales every year, and yet you say you can't have a sawed-off shotgun? Or you can't have a bazooka?

CARTER. In the first place, as I pointed out earlier, the handgun is not built particularly for killing human beings. It is a very challenging sport. It exacts more in terms of concentration and ability than any other sport that I know. It demands more an eye, co-ordination, and muscle. It is a magnificent test of men.

PALMIERI. Gentlemen, it's now my duty to intervene. I thought for a moment we'd have to grant you immunity when the Senator opened his questioning but we enjoyed having you on the program very much. (applause) Will you continue?

STEVENS. Well, that's all very well. We're really not trying to keep guns in the hands of criminals; we're trying to protect the rights of individuals to have guns. Let's hear from a man who lives under strict gun controls—Chief Inspector Colin Greenwood, of West Yorkshire, England. (applause)

PALMIERI. Welcome, Inspector.

STEVENS. Could you tell us . . . you just completed six months of study at the Institute of Criminology at Cambridge University. What type of guns does England have? What gun laws, that is.

GREENWOOD. Since 1920 we've had the very strictest controls on handguns and rifles, and they've been very rigidly enforced for those fifty years.

STEVENS. Do criminals still have guns?

GREENWOOD. Oh yes.

STEVENS. What about the experience on the rest of the Continent? What about Switzerland, for instance? We've heard stories about Switzerland.

GREENWOOD. Well, during my research, I had to look at Switzerland, and an unusual situation exists in that every man in Switzerland is a member of the Swiss Army, and he is required by law to keep his weapon, which may be an assault rifle, a submachine gun, or a pistol, in his home, with ammunition. So that in every house in Switzerland, there are guns and ammunition. And when I tried to get the rate of armed crime in Switzerland, the official answer is that it's so low that it's not recorded.

STEVENS. Well, tell us about your gun laws in England. What's been the cost in terms of manpower and law enforcement?

GREENWOOD. Well, the purely administrative work . . . the clerical work . . . is done by non-police staff, but in terms of field inquiries done by regular police officers, the time spent amounts to the full time of two hundred police officers each year.

STEVENS. Now you're a Chief Inspector in your constabulary as I understand it. Do you feel that strict gun laws do, in fact, keep guns from criminals?

GREENWOOD. No, they don't. And the situation in England was that, prior to control, the rate of armed crime in England, as an example, was running about 18 crimes a year.

In a city of some seven thou . . . seven million people, just 18 crimes each year in which a gun was involved. The strict controls came in, and this continued about that level until by 1960 there were 39 crimes—robberies in London in which a firearm was used. In 1970, there were 274. That's to say that in a decade, there was a 700 per cent rise in the use of guns in robbery, within a regime of the strictest possible controls.

STEVENS. And what have these strict laws meant to your public generally?

PALMIERI. Excuse me, I was just saying to the Senator this has to be the last question.

GREENWOOD. Fine. It appears that there's an element of being misled. The public believed that the gun controls will reduce armed crime, and because of this, they lose sight of the real problem, which is an increasing willingness to use violence, of which firearms is just a part—and a relatively constant part.

PALMIERI. Inspector, let's hear from Senator Tydings.

TYDINGS. Inspector Greenwood, we had 8,000 pistol murders in the United States last year. How many did you have in all of Great Britain?

GREENWOOD. A minute proportion.

TYDINGS. How many? Three? Four?

GREENWOOD. Well, pistol murders . . . it's not easy . . .

TYDINGS. Less than ten, wasn't it?

GREENWOOD. Less than ten.

TYDINGS. In all of Great Britain. Now, what's your population in Great Britain?

GREENWOOD. 48 million.

TYDINGS. And the population of this country is roughly four times as much.

GREENWOOD. Yes, it is.

TYDINGS. How many armed robberies with pistols did you have in all of Great Britain last year?

GREENWOOD. In all of Great Britain. Four hundred and some.

TYDINGS. And we had 200,000 in our country.

GREENWOOD. I'm not suggesting that there's anything but the fact that England has a minute proportion, but in anybody's language, a rise of 700 per cent . . .

TYDINGS. Would you care to take the responsibility of putting 10 million pistols in private ownership in Great Britain today? As a law enforcement officer?

GREENWOOD. Well, I don't have that responsibility . . .

TYDINGS. Yes, but would you take that responsibility? As a law-enforcement officer? Because that is the proportion . . . That's the proportion to our 30 million in circulation in the United States today. Would you take that responsibility?

GREENWOOD. You pose an impossible question.

TYDINGS. No, but as a law-enforcement officer? Of course you wouldn't. It would expose many of your officers to great danger.

GREENWOOD. May I . . .?

PALMIERI. Yes, you may.

GREENWOOD. You can't turn the clock back fifty years at a stroke. We'd just introduced shotgun controls which had the effect of doubling the use of shotguns in crime.

TYDINGS. No, but would you take responsibility?

GREENWOOD. I would withdraw shotgun controls immediately. I would substantially . . .

TYDINGS. We're not talking about shotgun controls. We're talking about pistols and whether or not, as a law-enforcement officer, you would accept responsibility with your federal law-enforcement officers for 10 million pistols in private ownership in Great Britain today.

GREENWOOD. Now may I answer?

TYDINGS. Yes, yes you may . . . would you?

GREENWOOD. There isn't a . . .

PALMIERI. Senator, I don't think you gave him an even chance. Now, I'm going to give you an even chance. Inspector . . .

GREENWOOD. There is no yes or no to this sort of question. I've tried to answer your question . . . only . . . if you'll allow me to do so. What I would do would be to immediately reduce the tremendous amount of police time that is spent on administering gun controls. I would not at one fell swoop remove fifty years of ingrained habit. You can't do that sort of thing, no matter what the subject. The evidence is that removing controls on guns would not have a noticeable effect on armed crime.

TYDINGS. What evidence?

GREENWOOD. My evidence from six month's research.

TYDINGS. Would you care to take the responsibility, just say, for 350,000 additional pistols a year in Great Britain?

GREENWOOD. Well, I've answered that. It can't be done in one fell swoop.

TYDINGS. You would not wish to take that responsibility. Do you think it would raise or lower the crime rate?

GREENWOOD. At one fell . . . I don't think that it would significantly affect the crime rate, but crime isn't the only problem.

TYDINGS. Would you care to have a police officer in Great . . . Would you care to remove the present restrictions against the ownership and possession of handguns in Great Britain today?

GREENWOOD. Not at . . .

TYDINGS. You would not, would you?

GREENWOOD. I've answered that three times. Not at one fell swoop, no.

TYDINGS. Why not?

GREENWOOD. Because you can't change fifty years of experience overnight.

TYDINGS. Because it would endanger the lives of police officers and citizens, wouldn't it?

GREENWOOD. There's no evidence. The shooting of police when there were no controls at all in England were less than they are today, and today they are minute.

TYDINGS. You mean to stand there and say with less than ten pistol murders in Great Britain, as against 8 million in the United States last year, you don't think your laws against the ownership possession have some effect?

GREENWOOD. I don't know about the position in the United States. I'm not speaking about that. I'm telling you the results . . .

TYDINGS. You're here testifying . . .

PALMIERI. Just one moment. I'll leave you the last word.

GREENWOOD. I'm telling you the result of six months' research in England. Now, you may apply that to the position in the United States, but that's for an American to do . . . not for an Englishman.

PALMIERI. Inspector, thank you very much. (applause)

STEVENS. I don't know where you got that 8 million from, Joe, but it's a nice figure.

TYDINGS. Eight thousand.

STEVENS. Eight thousand would be closer to it. We've heard from England. Now what will it cost the United States taxpayers to outlaw handguns? The Treasury Department estimates it will cost one and a quarter billion dollars to condemn and seize all handguns. And that's just the beginning. The FBA . . . FBI says we now spend about 4.4 billion dollars on all law enforcement, including local, state and federal agencies. But Inspector Greenwood suggests that British experience shows that outlawing guns does not cut down crime. And the 1968 Presidential Commission on Violence three years ago told us that crimes of passion and suicides won't be materially affected either. Then there's accidental death. To put this in proper perspective, the National Safety Council and the FBI provided these figures, on accidental death rates based on accidental deaths for one thousand: Automobiles, falls, alcoholism, drowning, fires, poisons, even airplanes, are greater risks than handguns to you. Should we spend over a billion dollars with the hope of keeping some of these people from accidentally killing themselves? Surely that money could be better spent on safety education through the police, through television and gun clubs. Let's hear more about the relationship of guns to violence in our society from a professor of philosophy and a psychoanalyist, Dr. Earnest Van den Haag, of New York City. (applause)

PALMIERI. Welcome, Doctor.

STEVENS. I think that means I'm going too fast, Doctor, so I'll have to slow down here a little bit. Tell me . . . with your studies . . . as a lecturer of sociology, as a psychoanalyist from New York University, would prohibition against handguns reduce gun accidents and suicide?

Van Den Haag. Well, such accidents happen if these people leave such guns carelessly around. I should think that a person who leaves a gun carelessly around so that his children will have access to it and has not trained his children will also leave matches carelessly around or household cleaners or drugs. And accidents can happen with these, too, and I'm not in favor of prohibiting all of these things, so I think that instead of one accident, you may have another accident, but the basic reason for these accidents happening is the carelessness of parents. You cannot avoid all dangerous substances. The reason is we leave these dangerous materials around. It doesn't matter what they are.

Stevens. So will handgun prohibition reduce crime rates, in your opinion?

Van Den Haag. Well, let me, if I may, make one other point which I forgot to make. It's often pointed out that many people commit suicide with handguns, which indeed they do. But here again, I would like to reinforce a point I made . . . A person who wishes to commit suicide wishes to commit suicide, and will find a means to do so. In fact, I would think if he doesn't have a gun, he may turn on the gas, in which case he would not only take his own life but also endanger those of his neighbors. In a sense, I think guns are better, if you have to commit suicide.

Stevens. Well, they're saying we should prohibit guns to reduce crime rates. Now, do you really believe that'll happen?

Van Den Haag. Well, if you prohibit guns, of course, law-abiding citizens will obey the law and comply with the prohibition. Criminals, by definition, are people who don't obey the laws. So criminals would not hand in their guns. Then the result would be basically will be that law-abiding citizens will be disarmed and criminals will be armed, which will increase the crime rate, not decrease it.

Stevens. What can we do to reduce crime in this country?

Van Den Haag. Well, Senator, only about 3 per cent of all our crimes are being punished, in any way at all. Of violent crimes, only between 10 and 14 per cent are punished. Crime, in other words, pays. The cost of crime is one of the few things that has not gone up . . . inflation and so on. My opinion is that the way to reduce crime is to make it more costly to the criminal by making it more certain that he will be apprehended, convicted and punished.

Palmieri. Professor, let's hear from Senator Tydings.

Tydings. Professor Van Den Haag, Senator Stevens asked one question which I didn't . . . I don't know whether you actually answered. If there . . . let me rephrase the question . . . If there were no handguns in private possession in the United States, do you feel that the pistol murder rate would be lower?

Van Den Haag. Well, you have answered your question. If there were no pistols, would the crime rate be lower?

Tydings. In private ownership.

Van Den Haag. Obviously, because without pistols, you can't murder anyone with pistols.

Tydings. So it would be substantially lower.

Van Den Haag. But forgive me . . . this is not a question. It's a proposition. You have said if there are no pistols, then people can't use pistols.

Palmieri. Well, what he's . . . Professor, if the handgun were outlawed, which is the question . . .

Van Den Haag. I think that was the question Senator Stevens asked . . . that was a reasonable question.

Tydings. I want to start from a point of zero. If there were no handguns, we would have substantially less . . .

Van Den Haag. If you had no people, you would have no murders either. I mean . . .

Tydings. If we had half . . . If we had half . . . If we had half as many . . .

Van Den Haag. If you had half as many, then if you had half as many people, you'd probably have half as many murders.

Tydings. But if we had half as many handguns in private circulation today, that effect would that have upon the pistol murder rate?

Van Den Haag. None.

Tydings. None at all?

Van Den Haag. I don't think so. Forgive me, the point that I was trying to make . . . just for the sake of clarification, let me repeat it . . . that the prohibition would not reduce the number of handguns in illegal possession by criminals. And the murder rate depends, in general, on the number of criminals and the murder rate by guns depends on the number of guns criminals have, not the number of guns in general.

Tydings. All right, let's take the problem of gun murders . . . the homicides which are not committed by professional criminals . . . the 80 per cent of those 8,000 homicides which were committed in violent passion between members of the same family or friends. Do you feel that if there had been a pistol present in only half of those fatal accidents or fatal shootings, if there had been no pistol, that those shootings would have been reduced?

Van Den Haag. Senator, you have a peculiar way of asking the question. There is no way of shooting without a pistol.

Tydings. Right. And the point I'm trying to make . . .

Van Den Haag. No, forgive me . . . you are really asking about murders, not about pistols. If you ask about murder, the answer is that if you want to kill your wife and you don't have a pistol, you use a knife.

Tydings. But the fact of the matter is, Professor, that you're five times more likely to kill your wife if you use a pistol, and the statistics show, than if you use a knife.

Van Den Haag. You misinterpret the statistics.

Tydings. Well, that was the conclusion reached at by the Eisenhower Commission on Violence.

Van Den Haag. Well, that shows a great deal about the Eisenhower Commission. Forgive me. If you want to kill your wife, you don't want to kill her because you have a pistol handy. You want to kill her because there's something about her you don't like.

Tydings. You don't feel then . . . You don't feel that the pistol is any more dangerous or lethal to have around . . .

Van Den Hagg. I think it's less lethal, because with a pistol, you can shoot and miss. With a knife, you usually don't.

Tydings. Well, that's completely contrary, you know, Professor, to every, every single study on criminal research that's been done.

Van Den Haag. Sir, I know plenty studies that are completely contrary to the evidence.

Tydings. Now, you say . . . you state that guns left carelessly around, or like other dangerous materials left carelessly around . . . where would you leave a gun if you were going to keep it in your house?

Van Den Haag. So that it is accessible to me, but not to my children.

Tydings. Yes, but where would you leave it so that it's accessible to you but it's not accessible to your children and still at the same time use it (quote) (unquote) for self-defense? It's an impossible situation, isn't it?

Van Den Haag. Well, if you answer the question, I don't have to. Do you want me to answer it?

Palmieri. Very quickly.

Van Den Hagg. All right. Well, I've never been in that situation because I live in New York City, and being a law-abiding citizen, I'm not allowed to have a gun.

Tydings. You don't have one?

Van Den Haag. No, since I do obey the law. But if I had one, I wouldn't find it very hard to put it in a drawer, near my bed, say, and lock that drawer and keep the key.

Palmieri. Doctor, thank you for being on The Advocates. (applause)

Stevens. We don't want criminals to have guns. We do believe that the right to have guns is so ingrained in our heritage that we should give up our guns only if the criminals give theirs up first. If we thought this law would work, we would support it. It won't work, and taking guns from sportsmen and those who need and want guns to protect themselves won't reduce crime. The most I can say for this proposal is God save America from the do-gooders who believe the deterrent in guns laws will work but won't enforce criminal laws against criminals. (applause)

Palmieri. Okay, Senator Stevens. Now we'll hear from Senator Tydings. He has a chance for rebuttal.

Tydings. I would like to say that we'd be very delighted to have the British system, the British statistics in this country today. If we could have a rate which was less than ten persons killed with gun murders in all of last year, compared to eight thousand in the United States, we'd be delighted to see it, no matter what the Inspector may say about the effect of the ban of ownership of pistols and revolvers in Great Britain. And I might like to point out with respect to the Professor. The Professor can expostulate all he wishes, but the fact of the matter is that with a pistol, when you pull that trigger, you're far more likely to kill somebody than if you pick up a hammer or a knife or any other type of weapon. And the facts are absolutely conclusive—the pistol is five times more deadly than any other type of weapon. When you consider that 80 per cent, four out of five of all homicides in this country, are committed in altercations involving people who know each other, members of the same family, and then you throw the pistol in, the availability of the pistol, it's just too great a risk to take. I'd like to wind up our presentation this evening by calling on a lieutenant with fifteen years experience in the New York City Police Force, Lt. Joe McNamara. (applause)

Palmieri. Glad to have you with us, Lieutenant.

McNamara. Thank you.

Tydings. Lt. McNamara, you've heard Inspector Greenwood. How would you like to take on, or take the British portion of crimes of violence . . . pistols, pistol deaths, in New York City?

McNamara. Well, sir, I'd like to offer my English colleague a little advice, if I may. The time that he spends or saves in investigation of gun applications will be only a mere fraction of the time the English police will spend investigating the murders and armed robberies if they did indeed let people have handguns.

Tydings. What does the . . . does 30 million guns in circulation in private owners . . . in private hands in the United States mean to the police officers on the beat? The day-to-day responsibility?

McNamara. We must remember that the handgun is five times more likely to cause death than a knife attack. It is also easily concealable. To the American policeman, this means that at any moment, he may be shot and killed. And this, subsequently, affects his ability to protect the public.

Tydings. Lt. McNamara, if we continue to import and manufacture 2½ million pistols a year and they go into private ownership, would you care to comment on the type of society that we're going to have ten years from now, say by 1980, with an additional 10 or 20 million handguns in circulation.

McNamara. Senator, if we continued at that rate of circulation, that would be roughly one for each male adult.

It would be living in an armed camp on the brink of chaos. Even today, we find school children who would have settled their differences a few years ago with a fistfight, go home, come back witht a handgun, and commit murder.

Palmieri. Let's go to cross-examination, Senator Stevens.

Stevens. Lieutenant, the Sullivan Law has reduced dramatically the number of guns in legal hands, what's it done in New York . . . those in illegal hands?

McNamara. Senator, we, despite all the publicity to the contrary, have a much lower murder rate than those states with lax gun controls; but even despite the fact that our laws are undermined . . .

Stevens. Now New York City?

McNamara. Yes, sir, New York's murder rate . . . (interruptions) . . . statistics just came down comparing New York City's murder rates to southern cities, we find that they're more than double, because the use of handguns in those cities is permitted.

Stevens. Now, you want prohibition of handguns, right?

McNamara. Yes, sir.

Stevens. Well, we prohibit heroin don't we?

McNamara. Yes, and I would like to comment. That's a false analogy, Senator, for this reason.

Stevens. Why?

McNamara. Heroin has different physical qualities than handguns. The amount of heroin that we could equate with the size of a handgun is worth a couple hundred of thousand dollars on the streets of New York. And the need for the addict to get the handgun is so strong and the profit is so great that it's very difficult to control. Now, firearms are not that difficult. In terms of that gross volume that we're talking about of 24, 30 million handguns . . .

Stevens. Who are buying those guns? Criminals?

McNamara. But that doesn't make any difference to the victim of a crime. If I'm going to be murdered, I don't care who bought the gun originally, whether a citizen bought the gun or . . . (interruption) . . . Half the guns . . . over half the guns used in crime are originally purchased lawfully, and that's the crux of the matter. If you're going to lower the handguns in circulation, you must have complete control. You cannot be selective. I would have to agree with you that sportsmen don't abuse their handguns, but it doesn't make any difference, because they do lose them.

Stevens. How about the British experience? They ban . . . they increase the controls on shotguns, and twice as many shotguns are used.

McNamara. All right, how about the British experience? I read an article some three weeks ago by the English coroner, who told . . . who spoke . . . about 30 or 40 homicides in a metropolitan area of some 14 million people, and he was quite blunt about saying the reason it is so low is the handguns, the policy on firearms in England. Now, 30 or 40, compared to an equivalent area in the United States where we would run up around 1,500 or 2,000 homicides . . .

Stevens. We haven't produced Colin Greenwood to say we should follow the British example. As a matter of fact, they don't have . . . their bobbies don't have guns. Would you like to take the guns away from all your people in New York?

McNamara. I think it's a great idea. If we had as little violence and as few guns in circulation as England does, I think that would be wonderful.

Stevens. How about Switzerland? Would you like to put a gun in each house? They have no gun . . . rate . . . crime . . . gun rate. What about that?

McNamara. Well, as I understood that testimony, the people that have guns are part of the armed forces.

GUEST CHAPLAIN OF TODAY

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the Record.)

Mrs. GREEN of Oregon. Mr. Speaker, earlier today, I spoke about the guest chaplain who gave the invocation today. I had been advised that this was the first time that a woman had given the opening prayer in the House of Representatives. Later this afternoon, I was told that research showed a woman had given the invocation back in 1948.

My own pride and pleasure in having played a part in the invitation, extended to Mrs. James Wyker by Dr. Latch, is not decreased one iota by the new knowledge—to me—that another woman minister gave the invocation in the 1940's. It is my hope that another 23 years will not pass before another woman is invited. However, the national reputation which Mrs. James D. Wyker has attained is not tied to her sex—but based on her record of achievement through her years as president of the National Council of Church Women, her leadership in the Committee of One Hundred, her service as the acting president of the International Convention of Christian Churches, her speaking tour to seven countries to meet with the chaplains and wives of chaplains stationed overseas. Her dedication is known to countless thousands; hers has been a voice of reason and a life of service. Those of us privileged to know her have had our lives enriched by her friendship.

WELCOME TO THE UNITED STATES EXTENDED TO HIS EXCELLENCY EMILIO GARRASTAZU MEDICI, PRESIDENT OF THE REPUBLIC OF BRAZIL

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record.)

Mr. FASCELL. Mr. Speaker, it gives me great pleasure on behalf of the Congress to welcome to the United States His Excellency Emilio Garrastazu Medici, President of the Republic of Brazil, who will be in Washington on a state visit from December 7 to 9. Brazil, the largest and most populous nation of Latin America, has historically been one of our closest friends in the Western Hemisphere. Our countries were allies in the two world wars and have cooperated in both the Organization of American States and United Nations peacekeeping missions in the hemisphere, the Congo, and the Near East. Our positions on many issues of mutual concern have been similar, but where differences have arisen, we have respected one another's views and sought to resolve them in a friendly fashion.

The visit of President Medici gives us our first opportunity in nearly 10 years to welcome a Brazilian chief of state. In the interim, Brazil has made great strides in developing its enormous potential. As a result of what has been termed an "economic miracle," Brazil's economy has been expanding at an annual rate of nearly 9 percent during the last 3 years. At the same time, conscientious fiscal reform has reduced the rate of inflation from nearly 90 percent to under 20 percent a year. President Medici and his countrymen can take rightful and just pride in their accomplishments. We share in their satisfaction and wish them every continued success.

I am confident that the visit to Washington by the head of state of the great nation of Brazil will contribute much to the ties that have bound us together in friendship over the course of our respective histories.

IZAAK WALTON LEAGUE PUTS "FINGER" ON EXPERTS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, just as the once-mighty buffalo herds in the West fell prey to hunters under contract to feed workers building railroad tracks to the west coast, the once plentiful and beautiful scenic areas in the East—particularly West Virginia—are falling prey to certain special interest exploiters of our natural resources.

One of the great and highly respected defenders of the public interest—the Izaak Walton League of America—recently presented its recommendations to the U.S. Forest Service for management of the Cranberry-Williams River area of the Monongahela National Forest in West Virginia. I have introduced H.R. 3973 to designate three sections of the Monongahela National Forest—Cranberry Back Country, Otter Creek, and Dolly Sods—as wilderness areas. Since the Izaak Walton League recommendations, presented through my good friend, Keith Taylor, pertain to many other national forest areas, I would like to insert in the Record for the benefit of my colleagues, the following statement by Mr. Taylor:

Statement of Keith Taylor

Mr. Chairman, I am Keith Taylor, national director and member of the National Executive Board of the Isaak Walton League of America. I am here at the request of our national staff in Washington. Less than two years ago our national president and staff reviewed the Cranberry-Williams area and were greatly impressed with its uniqueness and wilderness-like quality.

The Izaak Walton League is a lay organization made up of individuals from all walks of life, professional and otherwise, and we certainly applaud public meetings of this nature. We are here to make recommendations and suggestions in this wilderness beginning in West Virginia. It is a pleasure for us to see this public imput being demonstrated here today in seeking and supporting a wilderness area in the Cranberry back country of West Virginia.

I know I can speak for many in the League who become completely nauseated when they hear someone say, "let's leave it to the experts." We would not be in the trouble in many areas of government today if we had not left things to the experts.

We would have completed the Florida Barge Canal, built the SST, crossed Alaska haphazardly pipelines, if we had left things to the experts. In West Virginia, we would have lost recreation on the New River to the Blue Ridge project, covered the Smoke Hole with water and completely ravaged the West Virginia hills with strip mining—and, yes, we would have had a policy of clearcutting on the Monongahela National Forest which, to us, is not compatible and unworkable on a multiple-use forest: if we had left this to the experts.

We are sure that special interests have pleaded with our legislative committee in Charleston and our delegation in Washington to leave the timbering policy on Monongahela to the timbering experts.

The League is pleased that we have elected Representatives in Charleston and Washington that listen to the public and respond to the thinking of citizens of West Virginia such as in the recent controversy on the Monongahela. This issue demonstrates that public imput and participation in this wilderness discussion is vital and necessary.

Recently at a wilderness conference in Washington, John R. McGuire, Associate Forest Service Chief, extended an invitation to conservationists to set down and help develop the criteria and standard for the protection of a system of primitive areas in the east and south. The Izaak Walton League enthusiastically welcomes this opportunity and commends the forest service for this public spirited, long awaited action.

We are here to say full speed ahead and would like to make the following recommendations regarding the cranberry wilderness area proposal:

I. Recommendations of the West Virginia Legislatures Timber Management Commission be adhered to by the United States Forest Service. Specifically, we refer to recommendation nos. 5 and 6. These points call on the United States Forest Service to abandon even-age management as a policy and implement uneven-age timber management as the policy on the general forest zone.

II. WILDERNESS

A. We recommend a wilderness area with exact figures of acreage to be determined at a later date, from the cranberry glade Botanical Area, north and west to include the drainages of the north and south forks of the Cranberry River and all of the drainage of the middle fork of the Williams River that lies within the present Cranberry back country.

B. We also recommend that a buffer zone under the forest service "pioneer zone" concept be implemented to surround and protect this wilderness area and that as few roads as possible be constructed in this buffer zone. Most of the road construction here would be administered for fire protection. Timber cutting would be limited to select cutting only in this zone with, perhaps, a few small patch cuts to improve wild life habitat. Other methods of extracting timber from the buffer zone should be implemented such as by helicopter, balloons, and aerial tramways. Other methods of extracting timber has to be instituted. We simply do not need a road up every hollow, around every ridge and down every mountain top. Look at the acreage taken out of production, the erosion that takes place and the piecemeal, checkerboard elimination of good game and wildernesslike areas.

III. SCENIC RIVERS

A. That the Williams River be initiated into the scenic river protection as now provided to the Cranberry and zoned to protect the adjacent lands of the streams.

IV. ACQUISITION

A. All mineral deposits contained in the subsurface of the proposed wilderness and buffer zone area should be purchased outright.

May I call your attention to the fact that part of the right of way for the highland scenic drive was purchased with land and water conservation funds. Whether this is legal or not, I don't know, but I am sure the Congress didn't have highway right of way acquisition in mind when the land and water conservation funds were set up. Then, on Saturday, November 6, 1971, Governor Arch A. Moore, Jr. of West Virginia announced to a Delegation from Huntington, who were seeking to build a modern highway from the west end of Huntington into the city over the old B & O Railroad right of way, that he would get the money from the land and water conservation fund to purchase this land and pay this back later, which I seriously question.

Now, if purchasing right of way for road construction with funds from the land and water conservation funds is legal, then it seems to me that the mineral rights under the Cranberry back country can be purchased with the same funds.

Being from the Huntington area, I can tell you we need that road which is proposed; but being from West Virginia, I can tell you that it is just as important for us to secure the mineral under the Cranberry back country.

Some may say we don't have that kind of money. If the tax records were examined and the declared value noted on the mineral under the Cranberry back country on which taxes have been paid in the past, I don't think we would find a figure of value that would be out of the question as far as the purchase is concerned.

This reminds me to say that Izaak Walton League of America believes that the 1872 mining laws which we now have on the Federal statutes is obsolete and out of step with present day thinking and planning, and must be repealed.

V. WILDLIFE

A. We vigorously support the continuation of the black bear sanctuary.

B. That fish stocking be carried out in a manner consistent with regulation protecting wilderness areas.

C. That small patch cuts would be encouraged in the buffer zone to improve the wild life habitat.

VI. TRANSPORTATION

A. Strict regulatory measures be provided that would prevent travel in wilderness or pioneer zone by trail vehicles.

VII. BACK COUNTRY

A. The Izaak Walton league under no circumstances will compromise the present gate arrangements now in effect in the cranberry back country. They must not be removed.

B. We would encourage development of a limited recreation area at the three forks of the Williams river. Such recreation facilities to be consistent with the natural characteristics now prevailing in the cranberry back country.

Thank you for the opportunity of presenting our views in this matter. The Izaak Walton League of America wholeheartedly supports the wilderness area proposal for the Cranberry Back Country.

AUGUSTA MILITARY ACADEMY

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record.)

Mr. MICHEL. Mr. Speaker, in my capacity as the ranking Republican on the Subcommittee of the Appropriation Committee which funds the Office of Education, I have the opportunity on many occasions to meet with administrators, teachers, and students associated with many of our public high schools, colleges, and universities all over the country. While conditions have been somewhat calmer in recent months on the college campuses, all of us know and are concerned that many high schools around the country are now experiencing the unrest and in some cases even the violence which was so commonplace on the college campuses in recent years.

While there are many reasons which can be cited for conditions of this kind, the two which were mentioned by almost everyone that I have met with were the appalling lack of self-discipline and the disrespect for authority which so many young people attending these public institutions have exhibited.

These are standards of character which must be instilled in young people at home but in all too many cases parents have neither the desire nor ability to provide the necessary guidance for these youngsters. Then when they are thrown in the atmosphere of permissiveness which permeates so many of our public educational institutions, these undesirable traits become even more exaggerated.

Thus, in this day when there is so much concern about the youth of our country, it was a distinct pleasure for me to be in the company recently of six young cadets from one of the Nation's outstanding military preparatory schools, the Augusta Military Academy at Fort Defiance, Va., located in the beautiful and historic Shenandoah Valley. What young men learn in the classroom may be forgotten but the intangible qualities of integrity, reliability, courtesy, and self-discipline are traits which, once instilled, stay with a man all of his life and these cadets exhibited these qualities in such a high degree as to rekindle our faith in the generation that will follow us.

Through the years, fine institutions such as Augusta have molded young men into leadership roles. While everything a man possesses may be swept away by the tides of fortune, nothing destroys the character of a boy whose well-trained mind can react to the vagaries of life. In addition to the superior academic programs of these military prep schools, they provide unparalleled training of young minds and promote a discipline of thought and action not to be achieved elsewhere.

Mr. Speaker, I salute these worthwhile institutions which are doing so much to prepare the next generation of our Nation's leaders for their calling. Augusta military academy and the other fine military elementary and high schools deserve special appreciation for their contribution to our Nation's vitality of leadership.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Kluczynski (at the request of Mr. Teague of Texas), for today, on account of official business.

Mr. Evins of Tennessee (at the request of Mr. Teague of Texas), for Monday, December 6, and the balance of the week on account of illness.

Mrs. Sullivan, for this week, on account of business.

Mr. McKevitt (at the request of Mr. Gerald R. Ford), on account of illness in family.

Mr. Fountain (at the request of Mr. Teague of Texas), for today, on account of death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sebelius) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Keith, for 5 minutes, today.

Mr. Horton, for 10 minutes, today.

Mr. Hogan, for 5 minutes, today.

Mr. Blackburn, for 5 minutes, today.

Mr. Frelinghuysen, for 5 minutes, today.

Mr. Don H. Clausen, for 5 minutes, today.

(The following Members (at the request of Mr. Davis of South Carolina) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Davis of South Carolina, for 15 minutes, today.

Mr. Gray, for 15 minutes, today.

Mr. Rarick, for 30 minutes, today.

Mr. Danielson, for 5 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Waggonner, for 15 minutes, today.

Mr. Matsunaga, for 60 minutes, December 8.

Mr. Hungate, for 60 minutes, December 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hansen of Idaho to extend his remarks prior to vote on H.R. 11738 (Defense Department Aid to Boy Scouts).

Mr. Monagan, to extend his remarks prior to vote on H.R. 8708, No. 96 on the Consent Calendar.

Mr. Fascell, at the request of Mr. Monagan, to extend his remarks on H.R. 8708 prior to vote.

Mr. Thone, at the request of Mr. Monagan, to extend his remarks on H.R. 8703 prior to vote.

Mr. Yates and to include extraneous matter.

Mr. Matsunaga prior to the passage of H.R. 45.

(The following Members (at the request of Mr. Sebelius) and to revise and extend their remarks and include extraneous matter:)

Mr. Horton.

Mr. Reid of New York.

Mr. Brown of Michigan.

Mr. Pelly in three instances.

Mr. McClory.

Mr. Fish.

Mr. Price of Texas in two instances.

Mr. Hogan in 10 instances.

Mr. Veysey in two instances.

Mr. Burke of Florida in two instances.

Mr. Hosmer in two instances.

Mr. Bray in two instances.

Mr. McKinney.

Mr. Chamberlain in two instances.

Mr. McDonald of Michigan.

Mr. Scherle.

Mr. Broyhill of Virginia in two instances.

Mr. Findley.

Mr. Schwengel.

Mr. Frey.

Mr. Derwinski.

Mr. Frenzel in two instances.

Mr. Lloyd.

Mr. Sandman.

Mr. Wyman in two instances.

Mr. Brown of Ohio.

Mr. Mizell in two instances.

Mr. Crane in five instances.

Mr. Talcott in five instances.

Mr. Lujan.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter:)

Mrs. Hicks of Massachusetts in four instances.

Mr. Eilberg.

Mr. Hawkins.

Mr. Begich in five instances.

Mr. Rarick in three instances.

Mr. Rogers of Florida in five instances.

Mr. Kluczynski in three instances.

Mr. Fountain.

Mr. Mahon.

Mr. Ryan in four instances.

Mr. Minish.

Mr. Symington in four instances.

Mr. Hébert in two instances.

Mr. O'Neill in two instances.

Mr. Edwards of California in three instances.

Mr. Sikes in five instances.

Mr. Badillo in two instances.

Mr. Biaggi in three instances.

Mr. Jacobs.

Mr. Mitchell in three instances.

Mr. Celler.

Mr. Burke of Massachusetts in four instances.

Mr. Rooney of New York.

Mr. Fascell in four instances.

Mr. James V. Stanton.

Mrs. Griffiths in two instances.

Mr. Dulski in five instances.

Mr. Anderson of California in three instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1218. An act to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1857. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, to the Committee on the Judiciary.

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse; to the Committee on Interstate and Foreign Commerce.

S. 2262. An act to permit a home mortgage loan by a federally insured bank to a bank examiner; to the Committee on the Judiciary.

S. 2824. An act to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child; to the Committee on Post Office and Civil Service.

S.J. Res. 75. Joint resolution to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology; to the Committee on Interstate and Foreign Commerce.

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes.

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek;

H.R. 9097. An act to define the terms "widow", "widower", "child", and "parent" for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Texas, as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid up national service life insurance;

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age seventy.

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands;

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on December 3, 1971, present to the President, for his approval, bills of the House of the following titles:

H.R. 6283. A bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

H.R. 10383. A bill to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. A bill to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 7, 1971, at 12 o'clock noon.

OATH OF OFFICE OF MEMBER

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 92d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C. title 2, sec. 25), approved February 18, 1948:

William P. Curlin, Jr., Sixth District of Kentucky.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

[*Pursuant to the order of the House on Dec. 2, 1971, the following report was filed on Dec. 3, 1971*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10384. A bill to amend the act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k—460k–4), to release certain restrictions on acquisition of lands for recreational development at fish and wildlife areas administered by the Secretary of the Interior, with amendment (Rept. No. 92–706). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on Dec. 1, 1971, the following report was filed on Dec. 4, 1971*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10420. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes; with amendment (Rept. No. 92–707). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on Dec. 2, 1971, the following report was filed on Dec. 4, 1971.*]

Mr. MILLS: Committee of conference. Conference report on H.R. 10947 (Rept. No. 92–708). Ordered to be printed.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1334. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Special benefits for disabled coal miners," for fiscal year 1972, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1335. A letter from the Deputy Assistant Secretary of Defense (Installations and Logistics), transmitting a report of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1336. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, covering the quarter ended September 30, 1971, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1337. A letter from the Assistant Secretary of the Interior, transmitting copies of an order and supporting documents covering cancellation of reimbursable charges existing as debts against individual Indians or tribes of Indians for the fiscal year 1971, pursuant to 47 Stat. 564; to the Committee on Interior and Insular Affairs.

1338. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting the second in a series of reports investigating the nature and scope of educational opportunities for Mexican Americans in the public schools of Arizona, California, Colorado, New Mexico, and Texas, pursuant to Public Law 85–315; to the Committee on the Judiciary.

1339. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1340. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered under the authority of section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

1341. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 18, 1971, submitting a report, together with accompanying papers and illustrations, on Saugus and Pines Rivers Basin and adjacent coastal areas, Massachusetts, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted August 16, 1949 and June 23, 1964, respectively; to the Committee on Public Works.

1342. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend Public Law 92–84 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

Received From the Comptroller General

1343. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released during November 1971, pursuant to Public Law 91–510; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service Report on improved manpower management in the Federal Government (Rept. No. 92–709). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. House Joint Resolution 838. Joint Resolution to defer until January 1, 1974, the effective date of an amendment to section 5219 of the Revised Statutes relating to the taxation of national banks by the States; with amendments (Rept. No. 92–710). Referred to the House Calendar.

Mr. PASSMAN: Committee on Appropriations. H.R. 12067. A bill making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–711). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 727. A resolution waiving points of order against the bill H.R. 12067. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes. (Rept. No. 92–712). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 728. A resolution providing for the consideration of H.R. 1163. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes. (Rept. No. 92–713). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS of Arkansas:

H.R. 12043. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 12044. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 12045. A bill to provide for Federal collection of State individual income taxes, to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. BLACKBURN (for himself, Mr. RANGEL, Mr. BARING, Mr. BRASCO, Mr. CLEVELAND, Mr. DANIEL of Virginia, Mr. DIGGS, Mr. FORSYTHE, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HORTON, Mr. SCHWENGEL, and Mr. STOKES):

H.R. 12046. A bill to increase the duty applied for balance-of-payments purposes to 25 percent ad valorem in the case of products of France until such time as the French Government takes certain actions to stop the flow of narcotic drugs from France into the United States; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 12047. A bill to provide for Federal collection of State individual income taxes to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. BYRON:

H.R. 12048. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

H.R. 12049. A bill to require the National Railroad Passenger Corp. to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents on the same basis that such transportation was available to such employees and dependents on the date of enactment of the Rail Passenger Service Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 12050. A bill to amend the National Flood Insurance Act of 1968 to require flood insurance coverage under that act for all properties covered by federally insured or guaranteed mortgages; to the Committee on Banking and Currency.

By Mr. FRASER:

H.R. 12051. A bill to extend for an additional 12 months the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 12052. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GUBSER (for himself, Mr. ANDERSON of Illinois, Mr. COLLINS of Texas, Mr. EDWARDS of California, Mr. FISHER, Mr. FORSYTHE, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mrs. HICKS of Massachusetts, Mr. KEMP, Mr. KUYKENDALL, Mr. MANN, Mr. MAZZOLI, Mr. SCHWENGEL, Mr. WAGGONNER, Mr. WARE, and Mr. RHODES):

H.R. 12053. A bill to establish a commission to encourage, process, and make awards with respect to citizens' suggestions for the improvement of Government operations, and for other purposes; to the Committee on Government Operations.

By Mr. HORTON:

H.R. 12054. A bill to amend the Controlled Substances Act; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 12055. A bill to amend the Interstate Commerce Act to give the Interstate Commerce Commission the same power respecting intrastate motor carrier rates as it now has over intrastate railroad and freight forwarder rates; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 12056. A bill to extend for an additional 6 months the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; to the Committee on Ways and Means.

By Mr. McDONALD of Michigan:

H.R. 12057. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself and Mr. CORMAN):

H.R. 12058. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. MORSE:

H.R. 12059. A bill for the relief of residents of northern Ireland; to the Committee on the Judiciary.

By Mr. O'KONSKI:

H.R. 12060. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 12061. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. RAILSBACK (for himself and Mr. BEVILL):

H.R. 12062. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 12063. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

By Mr. SEBELIUS (for himself, Mr. ADAMS, Mr. ASHLEY, Mr. BARING, Mr. ESHLEMAN, Mr. FINDLEY, Mr. HAGAN, Mrs. HICKS of Massachusetts, Mr. KEMP, Mr. KING, Mr. MATSUNAGA, Mr. MONTGOMERY, Mr. PICKLE, Mr. ROBINSON of Virginia, Mr. ROE, Mr. ROUSH, Mr. SCHEUER, Mr. SCHMITZ, Mr. SEIBERLING, Mr. SNYDER, Mr. UDALL, and Mr. ZION):

H.R. 12064. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. JAMES V. STANTON:

H.R. 12065. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, to provide death benefits to survivors of certain public safety and law enforcement personnel, and public officials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. CHARLES H. WILSON, Mr. THOMPSON of New Jersey. Mr. BEGICH, Mr. HARRINGTON, Mrs. CHISHOLM, Mr. YATRON, Mr. HELSTOSKI, Mr. HALPERN, Mr. RANGEL, Mr. MILLER of California, Mr. ST GERMAIN, Mr. CLAY, Mr. OBEY, Mr. COLLINS of Illinois, Mr. EILBERG, Mr. GAYDOS, Mrs. HICKS of Massachusetts, Mr. HAWKINS, Mr. DRINAN, Mr. HATHAWAY, Mr. EDWARDS of California, and Mr. CORMAN):

H.R. 12066. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PASSMAN:

H.R. 12067. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. FISHER (for himself, Mr. BRINKLEY, Mr. BURLESON of Texas, Mr. CABELL, Mr. CLEVELAND, Mr. COLLINS of Texas, Mr. EDWARDS of Alabama, Mr. FLOWERS, Mr. FLYNT, Mr. GRIFFIN, Mr. HALEY, Mr. HENDERSON, Mr. JONES of North Carolina, Mr. LENNON, Mr. McMILLAN, Mr. NICHOLS, Mr. PIRNIE, Mr. RARICK, Mr. ROBERTS, Mr. SCHMITZ, Mr. SEBELIUS, Mr. SIKES, Mr. THOMPSON of Georgia, Mr. WAGGONNER, and Mr. WINN):

H.R. 12068. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. FOLEY:

H.R. 12069. A bill to provide for the setting aside of certain lands for the purpose of making available additional food and cover for wildlife; to the Committee on Merchant Marine and Fisheries.

By Mr. SEIBERLING:

H.R. 12070. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Tennessee:

H.J. Res. 995. Joint resolution to designate the week which begins on the first Sunday in March 1972, as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri:

H.J. Res. 996. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SLACK:

H.J. Res. 997. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. FASCELL:

H. Con. Res. 475. Concurrent resolution to seek relief from restrictions on Soviet Jews; to the Committee on Foreign Affairs.

By Mr. HOGAN (for himself, Mr. Collier, Mrs. Grasso, Mr. Hosmer, Mr. Hunt, Mr. Kuykendall, Mr. Minshall, Mr. Price of Texas, Mr. Rarick, Mr. Schmitz, and Mr. Thomson of Wisconsin):

H. Con. Res. 476. Concurrent resolution expressing the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice; to the Committee on Foreign Affairs.

By Mr. MORSE:

H. Res. 726. Resolution expressing the sense of the House of Representatives relating to the situation in northern Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HICKS of Washington presented a bill (H.R. 12071) for the relief of Djordje Kovac, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

171. By the SPEAKER: Petition of the Senate of the Episcopal Theological Seminary, Cambridge, Mass., commending the action of the House in defeating the proposed amendment to the Constitution on prayer in public schools; to the Committee on the Judiciary.

172. Also, petition of the City Council, New York, N.Y., relative to allowing servicemen scheduled for discharge to take the civil service examination at their military bases; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

PHARMACISTS TO BE HONORED BY U.S. STAMP

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, December 6, 1971

Mr. GRIFFIN. Mr. President, last April 26, I spoke on the Senate floor and urged that a commemorative postage stamp be authorized to honor the Nation's pharmacists.

Happily, this has come to pass.

In a release issued over the weekend, the U.S. Postal Service announced that such a stamp will be featured in the 1972 series of new stamps.

As one who worked in a drug store for a number of years, I am personally delighted by this news. It is most appropriate that tribute will be paid in this way to the Nation's 100,000 pharmacists.

Having been associated with many people on this project, I wish in particular to commend former Postmaster General Winton M. Blount, Acting Postmaster General Merrill A. Hayden as well as the members of the Postal Service's advisory committee who approved the recommendation for the issuance of this stamp to honor the pharmacists.

In addition, I wish to recognize the dedicated efforts of Mr. Irving Rubin of Port Washington, N.Y., editor of the Pharmacy Times, who provided untiring support.

Mr. President, I ask unanimous consent that an article published yesterday in the Washington Sunday Star be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Sunday Star, Dec. 5, 1971]

A STAMP FOR PHARMACISTS

(By Belmont Faries)

A commemorative stamp will be issued next year in tribute to the service role played by the nation's 100,000 pharmacists, the U.S. Postal Service announced yesterday.

There will also be two new denominations in the regular series, a 7-cent and a 14-cent for the preferential rate for educational materials.

The pharmacy stamp will be keyed to the theme "Partners in Health," the announcement said. Design of the stamp and date and place of issuance will be announced later.

Requests for a stamp honoring the druggists of America reached the Post Office Department at least as early as 1934, and there have been several campaigns by organizations in the field since.

The effort that led to the 1972 stamp was initiated by Irving Rubin of Port Washington, N.Y., publisher of Pharmacy Times, who enlisted the aid of such major pharmacy organizations as the American Pharmaceutical Association and the National Association of Retail Druggists and an even more effective advocate, Senate Minority Leader Robert P. Griffin.

Sen. Griffin, who worked for seven years as a drug store clerk while still a student and knew, as he noted in a Senate speech, something about the important role of the retail pharmacist in his neighborhood and community, took up the matter personally last April with Postmaster General Winton M. Blount. He later entered his letter strongly urging a stamp honoring the nation's pharmacists in the Congressional Record.

As used in the stamp request, the "Partners in Health" theme referred to the role of the pharmacist in the community. The Postal Service announcement, however, seemed to relate it to the other health professions, mentioning that a stamp honoring doctors had appeared in 1947, dentists in 1959, nurses in 1961 and a postal card for hospitals this year.

Mr. GRIFFIN. Mr. President, in addition, I ask unanimous consent that the text of the U.S. Postal Service release be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

U.S. POSTAL SERVICE PRESS RELEASE

A postage stamp in tribute to the service role played by the nation's 100,000 pharmacists will be issued next year, the U.S. Postal Service announced today. Two new regular stamps also will be issued.

The commemorative stamp will be keyed to "Partners in Health." A stamp honoring doctors appeared in 1947. There was a stamp in 1959 to salute the 150th anniversary of the American Dental Association. In 1961, nurses had their stamp, and earlier this year American hospitals were commemorated with a postal card.

Design of the pharmacy stamp and date and place of issuance will be announced later.

Two regular postage stamps intended to meet the preferential rate for educational materials also will be issued next year.

The stamps will honor:

Benjamin Franklin. His myriad interests included advancement of education and service as the first Postmaster General. The denomination will be 7 cents.

Fiorella La Guardia, who in three terms as New York City mayor brought sweeping reforms to the city and reorganization of its government. New Yorkers called him with affection "The Little Flower." This will be a 14-cent stamp.

The special fourth class rate which the new stamps in the Prominent American series will cover is 14 cents for the first pound, 7 cents for each additional pound or fraction. Mailed under this rate are books, non-commercial films and similar educational materials.

The Postal Service also announced that the Family Planning stamp planned for issuance this year will be postponed until 1972 and that the Folklore series, reported as a set of two stamps for 1972, will consist of only one stamp, featuring Tom Sawyer.

DEVALUATION OF THE DOLLAR AND OUR FOREIGN TRADE POLICY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, the world marketplaces and currency exchanges seem to be confirming in a way that no administration official seems willing to do, reports that emerged last week from Rome that the American mission had indicated its willingness to devalue the dollar by as much as 10 percent. A Congressman in such a situation is invariably torn between a desire not to say or do anything which will further encourage speculation and sow the seeds of doubt about something as delicate as the stability of a currency and at the same time a constitutional obligation to participate in such an obviously important decision on the part of this Government as to devalue our currency. That is why I did not rush to judgment last Thursday or Friday; but since the bankers and businessmen of the world seem to have taken the rumors at face value and seem to be making such a devaluation near inevitable, I think it is time for those in positions of responsibility in this area to at least underline the seriousness of what has been going on this past week. Actually, what has transpired these few days is only the culmination of what has been apparent for some time now; namely, a complete erosion of this country's trading position. Last week's moves have in fact been forced upon a government which has been unwilling until now to face reality and rethink wornout policies and practices in the area of international trade. No nation, not even the powerful United States, of seemingly unlimited wealth, can afford to import more than it exports month after month while at the same time maintaining year after year one of the largest handout programs known in the history of mankind. No nation can fight a war year after year to the tune of billions, demand the domestic economy to make sacrifices long overdue and at the same time continue to allow the multinational corporations, the currency speculators, and the international bankers to operate completely free of restraint, untouched by political considerations of the 20th century, allowed to live in a world as close to the 18th century idea of "laissez faire" as is humanly possible. The international business community has got to address itself to the fact that the primary obligation of a government responsible to the people who elect it is to preside over a healthy domestic economy. No political party today can eschew a policy of full employment. The 1930's saw to that and yet day after day we are being asked to do just that, to refrain from doing anything to attack the staggering unemployment in this Nation that might possibly interfere with the completely one-sided free-trade world we live in. I know of no other nation in the world whose political leaders can afford such a policy. How much more will the dollar have to be devalued? How many more years of trade deficit are we going to have to endure? How many more jobs in this country are going to be lost to cheap, foreign imports? Before this country adopts a measure of restraint—that is all we are asking for—and ask the rest of the world to cooperate with us in a period of sacrifices and austerity on the international front to match that being asked of our people on the domestic front under phase II and, before that, phase I. I am telling you today that phase I and phase II are doomed to failure unless we have a phase I and a phase II on the international front. What is so sacred about foreign trade that it cannot be touched, while domestic trade is subjected to all kinds of regulations in the name of a healthy economy? These are some of the things which I hope are being discussed in Rome while the dollar is being devalued, because a nation in our position cannot make such concessions every day of the week without getting a very definite and tangible quid pro quo.

Mr. Speaker, let there be no mistake about it. We are living through days that will shape the very future of our economy for years to come. The stuff of which history is made. Let us live through it—Congress and the Executive—with our eyes wide open. Let the public know the implications of these high level meetings. If it is time for the Nation to pull its belt in, and the President said it was on August 15 and many times since, let our actions live up to our words and let us leave no stone unturned, even those along the international boundaries, in our efforts to bring order out of chaos and restore our economy to a healthy condition. Moderation is the order of this day instead of the runaway unemployment figures, the runaway import figures, and the runaway balance of payment deficits we have been experiencing for some months now. Let us not be accused in years to come of lacking the determination and follow-through to take all of the measures necessary to achieve our objective. Let us not be content with halfway measures. A 10-percent surcharge or a 10-percent devaluation is nothing more than a stop-gap reaction to a crisis situation years in the making and which demands far more farseeing solutions and systematic treatment than such knee-jerk reactions. It is time for Congress to begin deliberating forthwith about the economy in toto. It is time we ended this sorry spectacle of having one committee making its own way in the area of wage and price controls for our domestic economy while the committee with responsibility for trade matters is tied up on other matters and cannot concurrently explore what needs to be done at the same time as far as foreign trade is concerned. Time is running out and we are not seizing opportunity today the way we should be. We will have more than the historians to answer to if such is the case, for not going after the whole picture and settling for dramatic gestures and token moves on a couple of fronts.

NEW OPPORTUNITIES FOR THISS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FRENZEL. Mr. Speaker, we in Minnesota are very proud of the high regard accorded our politicians. George Thiss, who served as chairman of the Minnesota Republican Party from 1965 until June of this year, has exemplified, and helped to maintain that tradition.

Being State chairman of a political party is a trying, and often unrewarding job. I was delighted to see the Minneapolis Star recognize the contribution of Mr. Thiss in the following editorial which appeared on December 1:

NEW OPPORTUNITIES FOR THISS

Minnesotans quite rightly take pride in the generally high level of politics this state enjoys. One of the reasons for this solid standard is that both major parties have had articulate, savvy state chairmen.

It is a difficult task to speak day in and day out for either party. The job requires both a grasp of basic issues and surface intraparty rivalries. A state chairman must be diplomat as well as a partisan spokesman, able to put the best face on any situation.

But to be effective in Minnesota he must have integrity, especially in dealing with the news media and the general public. George Thiss, who left the Republican state chairmanship last June, met those exacting requirements.

In his new job as executive director of the Upper Midwest Research and Development Council, he will draw on his practical knowledge of regional economics and sociology and his past academic background as assistant headmaster of Breck School. Thiss will be able to apply his talents over the larger Upper Midwest of which Minnesota is but a part.

We wish him well in his new nonpartisan enterprise.

CONCERN OVER INCREASED UNEMPLOYMENT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SYMINGTON. Mr. Speaker, I would like to call my colleagues' attention to an article dealing with the critical and continuing unemployment problem which appeared in the St. Louis Post-Dispatch on Friday, November 26, 1971. On August 6, 1971, I placed in the RECORD results of a poll of my constituents that indicate inflation and unemployment were their most serious concerns. This article, written by William H. Kester, the Post-Dispatch's financial editor, documents their concern over increased unemployment. Mr. Kester notes that the unemployment rate for the Nation and St. Louis was 3.5 percent in 1969 when Mr. Nixon took office. The unemployment rate for the first 10 months of this year averaged 6.2 percent in the St. Louis area and 5.9 percent in the Nation.

Mr. Speaker, in addition to the results of my questionnaire I have received a number of letters urging my support of the President's plan. Judging from the vacillation of the Pay and Price Board, I am not quite reassured that there even is a plan to support at the moment. It seems mere trial, error, and wishful thinking. Unemployment continues to rise, and in the St. Louis area has now risen above the national rate. I insert in the RECORD at this point the St. Louis Post-Dispatch article which documents that sad fact:

UNEMPLOYMENT RATE HERE ABOVE NATIONAL AVERAGE

(By William H. Kester)

With the number of jobs in the St. Louis area declining in the last 12 months, the unemployment rate has risen and is above the national rate, a comparison shows.

The Missouri Division of Employment Security reports that there were 975,400 jobs in the metropolitan area in October, down 17,100, or 1.7 per cent, from the year-earlier total of 992,500.

The number of jobs is employment plus those workers on strike. Workers involved in work stoppages are not counted as employed or unemployed in the report, but are counted as part of the labor force.

There were 975,100 employed and 300 on strike last month. A year earlier, the employment figure was 982,200 and the number on strike was 10,300, primarily those at General Motors and the Alton Box Board plants in the area.

Unemployment last month totaled 53,600, or 5.2 per cent of the labor force, compared with 50,400, or 4.8 per cent a year earlier, the agency said.

Because these figures are not adjusted for seasonal variations, they cannot be compared with seasonally adjusted ones for the nation—the rates usually reported.

The seasonally adjusted unemployment rate in the St. Louis area, based on adjustment factors calculated by the Federal Reserve Bank of St. Louis, was 6.2 per cent last month and 5.8 per cent a year earlier.

By comparison, the national unemployment rate, adjusted for seasonal variations, was 5.8 per cent last month and 5.5 per cent a year earlier.

In the first 10 months this year, the adjusted unemployment rate averaged 6.2 per cent in the St. Louis area and 5.9 per cent in the nation.

Reflecting the slow economic growth of the St. Louis area in recent years, the unemployment rate has risen faster than the national rate. For example, the local jobless rate was below the national average in 1966, 1967 and 1968, equal to it in 1969, but above it in 1970 and 1971.

Here are the unemployment rates by years:

[In percent]

Year	St. Louis	United States
1966	3.3	3.8
1967	3.4	3.8
1968	3.4	3.6
1969	3.5	3.5
1970	5.4	4.9
1971	6.2	5.9

(a) average for 10 months of seasonally adjusted rates.

In April and May 1970, unemployment in the St. Louis area soared as a result of layoffs at plants affected by the strike of Teamsters against truck lines. Apparently, the relative impact of the truck strike was greater here than in the nation as a whole. Unemployment rose sharply here in those two months.

Nonfarm employment here has grown about 19 per cent from the 1957–59 average, compared with an increase of 35 per cent for the nation as a whole, the Federal Reserve Bank of St. Louis reports.

While employment has declined in the last year in the St. Louis area, it has increased nationally. The national October employment total was 80,065,000, an increase of 1,149,000, or 1.5 per cent, over the year-earlier level of 78,916,000. The national employment figures include workers on strike.

Reflecting the decline in job opportunities in the St. Louis area in the last 12 months, the labor force has declined 13,900, or 1.3 per cent. The labor force consists of those employed, unemployed and on strike.

As was reported earlier, the decline in employment here in the last two years has been widespread. Only one of 21 manufacturing industries had more workers in September than two years earlier. Employment in September 1969 was a record high.

THE WAGE-PRICE FREEZE PROVES EFFECTIVE

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SANDMAN. Mr. Speaker, uncertainty by many Americans as to the effectiveness of the freeze phase of President Nixon's new economic policies has been reflected in the letters of hundreds of my constituents.

As with most tasks of analysis, it has taken time for all of the economic indicators to be reported.

Now that they are in, it is clear for all who have eyes to see, that the freeze has had a positive effect in our economy; that it has worked.

The stated goals of the freeze were to stabilize prices, restore consumer confidence, improve the employment picture, and to stimulate the economy generally without increasing the rate of inflation.

From all of the indicators I have seen, the President's program has worked and the Nation is now on its way to the goal of prosperity with peace, without inflation.

Here are the facts:

DATA

PRICES

The Wholesale Price Index (WPI) dropped .3% in September and again by .1% in October.

The important industrial commodities component of the WPI dropped by .1% in September, and by .3% in October (seasonally adjusted)—the October drop was the largest decline in 11 years.

Of 3885 prices tabulated in a special Department of Commerce wage-price freeze survey, 87% showed no change in price from August to September during the freeze. 6% actually declined, while fewer than 8% increased.

The rate of inflation as measured by the GNP deflator has been dropping steadily. In the first quarter of 1971 it was at a 5.2% annual rate; 2nd quarter, 4.1%, and third quarter, 3.0%.

CONSUMER CONFIDENCE

The Sindlinger Consumer Confidence Index shows that consumer confidence is steadily increasing. It was 117.7 immediately before the imposition of the freeze: 120.6 on October 6; 123.0 on October 20; 126.7 on November 3; and 127.9 on November 10. It continues to climb.

The McGraw-Hill Survey of Plant and Equipment Spending Plans for the Fall of 1971 shows an anticipated increase in capital spending of 7%—representing the first real increase in capital investment since 1969.

EMPLOYMENT

Total employment since June increased by 1.4 million jobs. Unemployment rate in the survey week immediately prior to the freeze was 6.1%—presently 5.8%.

—All important married men category reached a low 3.0%—the lowest in a year.

—Total employment increased by a substantial 300,000 jobs from September to October.

INTEREST RATES

Interest rates have been declining over a broad front during the freeze, indicating a lower level of inflationary expectation.

[In percent]

Item	Rate before freeze	Present rate
Treasury bills	5.37	4.12
Corporate bonds (AAA)	7.71	7.26
Municipal bonds	6.17	5.24
Prime rate	6.00	5.50

RETAIL SALES

Retail sales for October running close to 12% over October of 1970.

Extension of consumer installment credit for September reached a $12 billion annual rate—an all time high record.

Consumers are now buying more and saving less. Saving as a percent of disposable personal income dropped from 8.2 to 7.7% from the 2nd to the 3rd quarter of this year.

HOUSING STARTS

Private housing starts in 3rd quarter were at annual rate of over 2.1 million. Rate of housing starts in first 10 months of 1971 is at a higher annual rate than any year in history. This means more sales of consumer goods like furniture and appliances.

AUTOMOBILE SALES

Automobile sales reached a record all-time high during month of October—more than 1 million new cars sold.

Mr. Speaker, we all agree that the freeze was strong medicine. I think the President deserves tremendous credit for having the courage to proscribe it.

As important has been the spirit of cooperation of the American people to make the wage-price freeze as effective as it has been.

There is every reason to predict that the postfreeze initiatives will work as well, if not better.

All Americans are desirous of prosperity in a full generation of peace. To me, the foregoing data suggests that we are on the right road toward that goal.

AMERICAN AIRLINES HAILS PROBABLY THE WORLD'S BEST SKIING

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. LLOYD. Mr. Speaker, the New York Times of Sunday, December 5, carried a ski advertisement by American Airlines reporting on the excellent skiing which exists in Utah along with the facilities which exist in my State.

For the benefit of so many of my colleagues and their families who are becoming very sophisticated in their skiing preferences, I am submitting here part of the American Airlines ad:

AMERICAN AIRLINES WOULD LIKE TO TAKE YOU OFF THE BEATEN TRACK—UTAH

Utah isn't one of those places thousands of skiers fly to each winter.

It's one of those places they fly over. What most people don't know is that Utah probably has the world's best skiing.

One reason is the snow. A light, dry powder that most professional skiers consider the best in the world. (As much as 40 feet of it falls each year.)

Then there's the ski runs; some of the best in the country. For beginners as well as experts. And practically all of them are within a 45-minute drive of Salt Lake City.

But what's nicest of all about Utah are the prices. They're unbelievably low. A lift ticket, for instance, runs $4 to $5 less than at most major ski areas.

FEDERAL CIVILIAN EMPLOYMENT, OCTOBER 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. MAHON. Mr. Speaker, I include a release highlighting the October 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, OCTOBER 1971

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of October was 2,872,638 as compared with 2,883,908 in the preceding month of September. This was a net decrease of 11,270, due primarily to seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of October totaled 2,833,064. This was a net decrease of 11,475 as compared with employment reported in the preceding month of September. Employment by months in fiscal 1972, which began July 1, 1971, follows:

Month	Employment	Increase	Decrease
July 1971	2,903,151	20,157	
August	2,890,160		12,991
September	2,844,539		45,621
October	2,833,064		11,475

Total employment in civilian agencies of the Executive Branch for the month of October was 1,698,188, a decrease of 10,478 as compared with the September total of 1,708,666. Total civilian employment in the military agencies in October was 1,134,876, a decrease of 997 as compared with 1,135,873 in September.

The civilian agencies of the Executive Branch reporting the largest net decreases were Agriculture Department with 3,123, Department of HEW with 1,762, Interior Department with 1,721 and Postal Service with 1,222.

In the Department of Defense the largest decreases in civilian employment were reported by the Navy with 754 and Army with 510. The largest increase was reported by Air Force with 529.

Total Executive Branch employment INSIDE the United States in October was 2,643,149, a decrease of 9,528 as compared with September. Total employment OUTSIDE the United States in October was 189,915, a decrease of 1,947 as compared with September.

The total of 2,833,064 civilian employees of the Executive Branch reported for the month of October 1971 includes 2,532,253 full time employees in permanent positions. This represents an increase of 2,263 in such employment from the preceding month of September. (See table 2 of accompanying report.)

The Executive Branch employment total of 2,833,064 includes some foreign nationals employed abroad, but in addition there were 97,173 foreign nationals working for U.S. agencies overseas during October who were not counted in the usual personnel reports. The number in September was 97,736.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of October totaled 31,512, an increase of 109 as compared with the preceding month of September. Employment in the Judicial Branch in the month of October totaled 8,062, an increase of 96 as compared with September.

DISADVANTAGED PERSONS

The total of 2,872,683 reported by the Committee for October includes 23,426 disadvantaged persons employed under Federal opportunity programs, a decrease of 2,146 from the preceding month of September. (See table 4 of accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full time in permanent positions by executive branch agencies during October 1971, showing comparisons with June 1970, June 1971, and the budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	October 1971	Estimated June 30, 1972 [1]
Agriculture	82,912	84,252	84,267	87,300
Commerce	25,427	28,435	28,035	29,600
Defense:				
Civil functions	30,297	30,063	30,142	31,300
Military functions	1,129,642	1,062,741	1,068,118	1,061,600
Health, Education, and Welfare	102,297	104,283	106,463	102,100
Housing and Urban Development	14,661	16,030	15,989	16,700
Interior	59,349	57,570	57,956	59,100
Justice	38,013	42,662	42,936	46,800
Labor	10,217	11,352	11,928	12,100
State	23,618	23,398	23,224	23,700
Agency for International Development	14,486	13,477	13,175	11,100
Transportation	63,879	68,482	68,532	71,900
Treasury	86,020	90,135	91,629	100,400
Atomic Energy Commission	7,033	6,920	6,887	7,000
Civil Service Commission	5,214	5,324	5,279	5,900
Environmental Protection Agency [2]		5,959	6,489	8,900
General Services Administration	36,400	38,076	37,709	41,600
National Aeronautics and Space Administration	31,223	29,478	28,591	28,400
Office of Economic Opportunity	2,387	2,478	2,086	2,500
Panama Canal	14,635	13,967	14,020	14,900
Selective Service System	6,665	5,569	5,730	6,500
Small Business Administration	4,015	4,004	4,008	4,200
Tennessee Valley Authority	12,657	13,612	13,780	13,300
U.S. Information Agency	9,989	9,773	9,675	9,900
U.S. Postal Service	565,618	564,782	563,122	590,500
Veterans' Administration	148,497	158,635	159,948	160,800
All other agencies	27,420	28,838	30,024	31,200
Contingencies				10,000
Total	2,552,571	2,520,295	2,529,832	[3] 2,589,300
Public Service Careers (Disadvantaged persons in Federal opportunity programs—see table 4, p. 14)		1,899	2,421	
Total	2,552,571	2,522,194	2,532,253	

[1] Source: As projected in 1972 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council, and Atomic Energy Commission.

[3] Does not reflect Presidential order of Aug. 15, 1971 for 5-percent personnel reduction estimated by the Director of Office of Management and Budget on Sept. 9, 1971 at 100,000 governmentwide exclusive of the Postal Service.

NEW DIMENSIONS FOR CAREER TRAINING

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HAWKINS. Mr. Speaker, we are frequently reminded by journal articles about unemployed college graduates and Ph. D.'s that our educational system is sadly out of balance. For some time now, our young people have been placed under tremendous pressure from parents, teachers, and society in general to "go to college." Our youth has been brainwashed into thinking that the only educational alternatives after high school are college or nothing. There is, of course, a wide range of alternatives available to most of our Nation's youth in 1- or 2-year courses in both public and private institutions.

Two steps must be taken immediately to bring our educational system into balance and maximize the utilization of our vast pool of talented manpower. We must somehow see to it that the full range of post high school educational options are well known and, second, we must begin to remove the ridiculous stigma attached to not "going to college."

I am submitting for the Members' attention an article that elaborates on these points and suggests one approach to a solution:

NEW DIMENSIONS FOR CAREER TRAINING

(By Galal J. Kernahan)

Some people think they can see themselves in a mirror. They are mistaken. They can best see themselves when gazing out a window.

What they want to be—or fear they might become—in the world somewhere out there reveals more than a looking glass ever could.

A 17-year-old girl waits outside the counselor's office. Within her view across the school grounds, the world rushes by on an expressway.

She sees herself going to college, but she can't really see herself in college. The expense. The tedium. She wants to be out. She wants to be making a living. She wants to make her own way. And she needs to . . . for herself, her family and, in ways she hasn't even thought of, for American society and this nation's economy.

A job soon? But what marketable skills has her college-bound academic program provided her?

The young, black Marine is off-duty at Da Nang in Vietnam. He has time on his hands. When he isn't looking vaguely out the window, he mechanically turns over one card after another from the deck on the table. Commercial transports lift into the sky and wheel off toward Okinawa, first leg of the journey home for returning servicemen.

In six months, he'll be on one of those planes. Going home to what? A good job? Or a long, indeterminate stretch of unemployment? What has he got to sell to an employer? Service in a controversial war? Some ribbons and a good conduct discharge? With that, and luck, he might be able to push a broom.

Can he withstand the resentment eating at him . . . resentment that, multiplied, builds into racial bitterness or an unremitting pressure toward the bottle . . . or the needle?

The son of the government official in a city in India watches what flows down the street in front of his home. He is 20 and soon will be leaving for America for technical training. This is what his family wants so, as has always been natural for him, this is what he wants.

But it will be a very different life. His excitement is tempered with misgivings. He knows others who have come back trained, yes, but hurt and disillusioned.

The American consulate has been helpful, but it is hard for him to conceive of doing all the things he must do in a strange land without the advice and guidance of his family. Find a place to live? Buy some kind of transportation, get a license, learn to cope with freeways? Open a bank account? Get properly started in the right school? Understand language and customs "from the inside" where words and actions mean things quite different from their face value?

These three situations point up dimensions of American education until recently too little understood. Each could easily move toward an unhappy ending. Each could produce deep, angry frustration marking the persons involved for life and hurting this country.

It is not that America is without educational resources to give these stories endings full of success and satisfaction. The resources are here, but the process of making available precisely the right educational experiences for the person involved is where problems lie.

American Educational Dimensions, Incorporated, of Orange, California, in solving these problems performs a remarkably effective service for our country.

How is this being done? Think, again, of the girl waiting near the administrative offices for her interview. Her counselor knows that about four-fifths of the students are in traditional academic programs, that only about two fifths will matriculate and only one-tenth will earn a bachelor's degree. Last year, nationwide, two-fifths of the graduates left college to face unemployment or severe underemployment.

Speaking of the huge numbers of young people going on to college, U.S. Commissioner of Education S. P. Marland, Jr., says, "Too many take this step, I fear, because a pernicious conformism infecting our society forces them to flock to campuses to get credentials many really don't need—or, at least, shouldn't need. Given the inflexible law of supply and demand, the flood of bachelor's degrees has inevitably reduced their valus as an entree to a good, professional job primarily because there simply aren't that many jobs in the American economy that require a college education."

But the high school guidance personnel are in a bind. They are caught between a discipline-related workload and the demand (from parents, to a large extent) for higher education-oriented counselling.

Fortunately, more and more are turning to A.E.D. for help. One way American Educational Dimensions responds is to provide "Career Days" presentations on high school campuses. Students learn about a wide variety of careers where there are jobs and short-term special training—not four years or more of college—are needed.

A.E.D. administers career interest and vocational aptitude tests on the basis of their own top work choices to students, and then offers individual interviews to those students and their parents to interpret test results. Complete guidance and assistance in everything from the securing of financial aid—if necessary—to placement in accredited technical schools is offered.

These schools have an excellent record of steering their students to jobs. They have to or they don't survive. They are finely attuned to the job market

The girl waiting to talk with the counselor is lucky. A.E.D. will put a wide window on the future before her at her high school's "Career Day." And she will see herself more hopefully and clearly than she ever imagined.

The Marine in Vietnam will see an end to his boredom and anxiety, too. Through the services of A.E.D., it won't be long before he will get a clear picture of good jobs for which he can train. He has not only the opportunity for thorough testing but, once his choice is made, he can go into a "prestart program" of correspondence instruction that will be topped off with technical training at an accredited school.

Such a procedure benefits everyone. Base commanders know that the more of their men planning and studying for a specific civilian career the less succumb to resentment, racism, alcoholism and narcotics—the curses of military life in too many places. And for every veteran who can end-run what happens in too many cases—the mustering-out line that automatically merges with the line going into the unemployment office—Americans can feel pride in another inroad on one of our most shameful problems: young veterans coldly rejected from earning opportunities for lack of saleable skills.

As the War in Southeast Asia winds down and the men assigned to bases both in the U.S. and overseas continue to turn over, it is absolutely essential that young men have the opportunity to match themselves to and train for jobs that will really be there when they enter civilian life. This is one of the tasks to which A.E.D. has dedicated itself with programs which include, in some cases, bringing civilian career training schools right on to U.S. military installations.

A.E.D. offers a unique range of services to the America-bound foreign student. It includes steps that will halt a phenomenon which has tended to damage both the countries from which overseas students have come and our own nation. Too many satisfied and successful students have stayed in the U.S. creating a "brain drain" for home countries in need of their educated skills. Those experiencing frustration and unnecessary failures in American schools and society have gone home with a bitter picture to share.

Not only will A.E.D. provide aptitude, language proficiency and other testing and counseling, but it will establish acceptance by the preferred institution, coordinate air transportation and lodging—within the rental range desired—before the foreign student leaves for America.

On arrival, he is met, taken to his lodgings, introduced to banking services, presented to officials of his school, aided in getting a driver's license and given four days of special orientation to everything from supermarket shopping to Americanisms that might be a complete mystery to him on the basis of formal English instruction he might have had before. All this is designed to assure his student days will be pleasant and successful.

To assure that he meets his obligation to return with his talents to his native land, two steps can be taken in accord with his government. The air ticket he purchases can be a non-redeemable round-trip ticket. A bond may be posted to be refunded to him or his family only on his return.

William Anthony, president of American Educational Dimensions, Incorporated, believes that a better job of matching educational resources to the needs of students and of society will provide the answer to a host of personal as well as larger economic problems.

"I find myself in agreement with so much of the diagnosis being given today. Men in Congress, business and educational leaders, manpower specialists and economists all concur that too few of our systems and career-preparation patterns harmonize well. Their maladjustment leads to great economic and social loss—to say nothing of the personal toll taken on individuals of the generation now seeking to enter the civilian work force.

"Our A.E.D. programs are precisely designed to defer to all the human factors while applying practical systems to help people prepare for and enter the kind of productive careers that will provide them with satisfaction and strengthen society."

BURLINGTON NORTHERN HEAD SAYS AMTRAK TRAINS ARE STAGECOACHES

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. PELLY. Mr. Speaker, Louis Menk, chairman of Burlington Northern Railroad and an Amtrak board member, has said Amtrak long distance trains are "stagecoaches" and should "die an honorable death," according to the December Newsletter of the National Association of Railroad Passengers. This organization suggests that Burlington Northern is running its trains so late that "perhaps Menk is helping to kill passenger service."

This is strange to us in Congress, Mr. Speaker, because Mr. Menk is not adverse to seeking Federal aid for the freight operation of the railroads. Yet, he makes such statements when serving on the board of an organization, Amtrak, which is charged with promoting passenger train service.

I insert the NARP editorial at this point in the Record.

The editorial follows:

ABOUT BURLINGTON NORTHERN'S "STAGECOACHES"

Louis Menk, chairman of Burlington Northern (BN) Railroad and an Amtrak board member, has told *Forbes Magazine* that "The long-distance passenger train is in the same position now as the stage-coach once was to railroading; it is time to let it die an honorable death."

Perhaps Mr. Menk is helping to kill it. Data released by Amtrak shows the BN Chicago-Seattle trains to have a 61.1% on-time (within six minutes of schedule) performance record. The other 38.9% of the time, BN's trains are late an average of 76 minutes per train.

In testimony before the House Interstate & Foreign Commerce Committee, NARP Chairman Anthony Haswell said that such on-time performance is "incredibly poor" and "nothing less than 95% should be considered acceptable."

Maybe Menk and BN want the trains late. Maybe if trains are run like stagecoaches, they will indeed die.

While Menk makes sounds like an ever-eager pallbearer, he is readily accepting cold cash from the supposed corpse. By Menk's own admission to the *Chicago Sun-Times*, Amtrak will save BN $42 million annually. For this reason alone, Menk should be more gracious to Amtrak and its long-distance passenger trains.

Presidents of freight-hauling railroads should call Mr. Menk and politely ask him to shut up. The problems that confront passenger trains—such as high terminal costs, antiquated work rules, worn-out equipment, and a grotesque imbalance in government transportation policies—are also hurting freight operations. Any improvements that can be made in the context of passenger service are bound to benefit freight service.

To say that passenger trains have no future is to suggest that railroading has no future. If that is Mr. Menk's belief, then he should get out of railroading and become president of a coal-hauling barge line. Chances are the barges won't run on time, either.

DANGEROUS TOYS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HARRINGTON. Mr. Speaker, I bring to your attention the following two articles concerning the product safety of children's toys. The first article is written by Carol Young, staff writer for the Bureau of Product Safety concerning bicycles and other toys and the hazards related to these toys. The second is written by Nancy L. Ross, Washington Post, Sunday, December 5, 1971, and discusses the delays in banning toys by the Food and Drug Administration.

Along with the information that I presented in the CONGRESSIONAL RECORD previously—Monday, November 29, 1971, pages 43349 through 43352—and these two new articles, I hope that parents and gift givers alike will be able to make better decisions concerning this problem.

Mr. Speaker, I urge that all who have problems concerning harmful toys will report them to the Food and Drug Administration Bureau of Product Safety—Mr. Malcolm W. Jensen, Director—and that people of Massachusetts contact Mr. Robert W. Kilpatrick, Product Safety Control, U.S. Food and Drug Administration, 585 Commercial Street, Boston, Mass. 02109 or by calling Mr. Kilpatrick, telephone number: Area Code (617)-223-3171.

The material follows:

PLAYING SAFE IN TOYLAND

(By Carol Young)

Gifts of toys are tokens of love. It is important that they be chosen with care. It is tragic when a toy, meant to bring happiness, seriously injures a child.

Protecting children from unsafe toys is one of the responsibilities of FDA's Bureau of Product Safety. The Child Protection and Toy Safety Act of 1969—which became effective in January 1970—empowers the Food and Drug Administration to remove and keep from the market toys and other children's products with electrical, mechanical, and thermal hazards.

How big is the hazardous toy problem? How many children are injured? Toy-associated injuries accounted for less than 5 percent of over 120,000 reported injuries in and around the home compiled for a year's period from FDA's injury surveillance system. This system includes reports from 130 hospitals in 31 States.

Bicycles were involved in the majority of the toy-associated injury cases. Other vehicle-type toys, such as roller skates, sleds, and tricycles were linked with most of the rest of these injuries. Dolls, homemaker items such as toy stoves and irons, stuffed animals, chemistry sets, and molding equipment accounted for less than 1 percent of the reported cases.

Almost half of the total reported injuries to persons involved live animals, personal use items, and environmental factors. Next in number were injuries associated with buildings and their fixtures and furnishings.

No law can protect a child completely from all dangers. Complete surveillance of the toy market is impractical due to its size. There are approximately 1,200 toy manufacturers in the country producing an estimated $2.5 to $3 billion in toys each year and there are approximately 83,000 entries of imported toys each year.

With limited money and manpower resources diverted from other product safety programs to toy safety activities, FDA has obtained voluntary modifications or removal of 24 toys from the market. In addition, about twice this number are now under investigation for possible voluntary action. FDA also conducted a retail level toy survey across the country in December which resulted in the banning of 39 toys from sale.

Protecting children from unsafe toys is a parental as well as a governmental responsibility. Consumers should exercise sound buying judgment. Consideration should be given to the age and size of the child, his ability, and the area in which he plays with his toys. The ages of other children in the family also should be considered. A toy that is safe for one child may be dangerous in the hands of an unsupervised and less skillful younger brother or sister.

Toy buyers in the family should reject those with obvious hazards—sharp points; rough or unfinished surfaces; small, detachable parts that may be swallowed; brittle plastic or glass that breaks easily and leaves sharp edges that may cut; poorly constructed toys with sharp spikes or pins that are exposed when the toy is pulled apart by a curious child; toys with triggers, gears, or other parts activated by a spring or motor that may pinch fingers or catch hair.

Toys that feature exposed flame in use or are made of combustible materials should be avoided. Chemistry sets, rocket kits, and similar toys should be bought only for children old enough to handle them wisely. The minimum age recommended by the manufacturers of such toys should be heeded.

Since wires can wear through, electric toys such as trains and "home appliances" for little girls should be checked periodically. Such toys should not be purchased for the very young. A child should be shown how to insert a plug safely into an electrical outlet and how to unplug the cord.

Special care must be taken with toys that have trailing loops and cords. A child should be taught never to put these loops or cords around him in such a way that they may trip or choke him. Toy arrows should be tipped with some soft substance that cannot be removed. Care must be taken with suction tips. They can come off and expose dangerously sharp ends.

Care also must be taken with balloons—they can choke a child if accidentally taken into the windpipe. Whistles and toy instruments should not have parts (mouthpieces for example) that can be easily detached. Children should be taught to sit or stand still when playing toy musical instruments. A push or fall can cause serious mouth or throat injury.

A large number of bicycle injuries result from misuse and could be prevented if parents took the time to teach their children some of the commonsense rules for riding. Bicycle riders should be taught to obey all appropriate traffic regulations, lights, stop signs, and one-way streets; to slow down at intersections, look both ways, and proceed with caution; to give pedestrians the right-of-way; to ride single and single file; to "play it straight" in traffic and leave stunt riding and racing for open areas free of traffic; and to never hitch a ride on other vehicles.

In a special study conducted on bicycle injuries, "horseplay" and colliding with obstructions were the two leading factors found to contribute to accidental injuries among the group studied.

Parents should make certain that a bicycle is the right size for the child to handle properly and that it's equipped with headlight and reflector, if it's to be ridden after dark. It also should have a bell or horn, chain guard, brakes, pump, and mirror. And it should be kept in good condition.

FDA currently is developing safety standards for electrical, mechanical, and thermal toys and will insure compliance by monitoring factories and retail outlets where toys are sold. The Agency also is working with manufacturers to correct possible structural or design hazards reported by consumers.

With these activities, and with consumers exercising sound judgment in making their selections, and giving proper instruction to children to use toys and games as they were intended to be used, toys can be the source of enjoyment instead of tears.

[From the Washington Post, Dec. 5, 1971]

PLAY ANYMORE THE FDA'S SEARCH FOR TOYS THAT HURT

(By Nancy L. Ross)

Last year at this time Consumers Union was engaged in an eleventh-hour court battle to force the Food and Drug Administration to remove eight toys it deemed particularly dangerous from store shelves before Christmas. The FDA finally issued a list of 39 banned toys, including several named by CU, on Dec. 21, 1970.

Stung by public criticism, the agency set up a comprehensive program to find, review and, where necessary, recall or ban outright hazardous playthings. During the past twelve months, its Bureau of Product Safety, working under the Child Protection and Toy Safety Act, which went into effect in January 1970, has passed on nearly 1,000 toy samples. Of these it has either banned or asked the manufacturer to redesign some 250.

In addition manufacturers have voluntarily corrected 100 more toys. For example, Etch-A-Sketch, a popular toy whose glass surface shattered, injuring children on at least 22 reported occasions, was redesigned with a shatter-proof plastic top. Thus it does not appear on the banned list.

In some cases only relabeling was required. Lawn darts, for example, which are known to have caused two deaths through pierced skulls, were not withdrawn from sale; rather, they were simply relabeled for adult use.

How effective has this voluntary program been in eliminating dangerous toys from among the 5,000 new ones that come on the market each year, from stores whose inventory may list 12,000 separate play items? How effective has this program been in reducing the number of toy-related injuries which the U.S. Public Health Service estimates total 700,000 annually. And what about the millions of possibly dangerous toys still in home toy boxes?

At a press conference Nov. 5, FDA Commissioner Charles C. Edwards summed up his agency's efforts thus: "I would not presume to say that we are satisfied with our accomplishments, but I do think we have made a significant start."

An antipodal viewpoint is that of Edward M. Swartz, the Ralph Nader of the toy industry. In a telephone interview from his Boston law office, the author of "Toys That Don't Care," said, "The situation is no better. (The FDA) has moved against certain toys, but others just as dangerous have replaced them." He called manufacturers' response to the question of safety "totally self-defensive and totally irresponsible."

The toy industry, which recently put Swartz's picture on a trade magazine with the caption, "Will the Spoiler Spoil Christmas for 1971?" has begrudgingly started to change its attitude. Toy Manufacturers of America, Inc., whose members account for more than 85 per cent of the approximately $3 billion plus annual dollar volume of toys sold in the USA, now points with pride to its 10-month-old Toy Safety Assurance Program.

With the aid of Arthur D. Little Co., consultants, TMA will establish standards to be submitted late this year or next to the National Bureau of Standards. Once reviewed by consumer, retailer and federal groups, these standards will form the basis of a voluntary product standard issued by the Commerce Department. The process is slow and bureaucratic, the final result inevitably a compromise.

With the same breath TMA maintains toys are not as dangerous as the government estimates indicate. (The accuracy of the 700,000 figure will be tested scientifically for the first time next year when the FDA's National Electronic Injury Surveillance System becomes fully operational. The system, inaugurated last July, receives daily reports of home accidents from the emergency rooms of 119 hospitals and uses the data to make projections for the entire country.)

Toy wholesaler and retailer Lloyd Raport feels caught in between government, consumer and industry pressures. Raport, who is president of Juvenile Sales, a suburban Washington chain, criticized some public interest groups for acting last year "without adequate research." He is now cooperating with four groups to spot unsafe toys. He faulted the FDA, once it had done its own testing, for not notifying him and others like him of which toys it had found dangerous. He promised to get a copy of the FDA list and remove any offending toys from his own stock.

Raport has gone a step farther and of his own accord banned from his shelves projectiles like slingshots and peashooters which he considers dangerous even though they do not now appear on FDA's list. (The agency is still working on velocity and sharpness standards for projectiles, and punctures as well as standards for cribs, bicycles and other toys.)

Consumers Union, unlike last year, is adopting a "wait and see" attitude on enforcement of the FDA ban. The organization has decided instead to press the agency of what it considers long overdue regulations on thermal-electrical toys.

FDA engineers cite the very technical nature of the standards as a reason for the delay. The standard, as now proposed, would allow, for example, a maximum of 140 degrees F. for unmarked metal surfaces, higher for non-heat conducting materials like wood. Eighteen months ago Consumers Union called public attention to children's ovens in which the temperature can rise to 660 degrees. Such items are still on the market.

With its equivalent of 15 toy inspectors nationwide, the FDA cannot police Christmas shopping. Malcolm Jensen, director of Product Safety, admits some of the banned toys are probably still being sold in the stores. So, unless consumer vigilantes take it upon themselves to clear the shelves of unsafe toys a la Carrie Nation, the burden of trying to assure safety falls this year as it always has on parents.

Fortunately, all parties interviewed agree, the publicity on this issue has made the buying public more aware this year. The major TV networks have carried stories as have newspapers. Swartz helped put together a four-page color spread in Life magazine. And consumer groups have put out guidelines on what to avoid when buying toys.

LABOR UNIONS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, a constituent of mine, Mr. Arthur J. Grice, of Falls Church, Va., who recently retired from Federal service after 36 years of combined military and civilian service, has asked that I insert in the RECORD the text of a letter he wrote recently to the President expressing his concern about the excesses of certain leaders of the labor movement in the country. While I do not agree completely with Mr. Grice's position, I do believe he has made some excellent points that will be of interest to all who read this RECORD.

FALLS CHURCH, VA.,
November 22, 1971.

President NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: I want to commend you for your Forthright speech to the Labor Union Leaders at their Convention last Friday, and especially your remarks to Mr. Meany (that's a good name for his Disposition). Sometimes I think that He thinks that He is President of the U.S. and he gets so upset if anyone dares speak of him or his unions in a derogatory manner.

I recently Retired from the Federal Government Services, (22 years 3 Months in the U.S. Navy and 14 years in the Library of Congress) so I never became a Union member. I was in favor of the Labor Unions and what they were doing back in the thirties, because they were trying to get the Employees better working conditions; Shorter Hours, Outlaw Child Labor, better lighting and air conditions in Industry Buildings, more and better Safety Controls and the like. These progressive moves did not make the Management go Broke or cause Inflation.

For the past twenty years or more the Labor Union Leaders have become Big Bosses and keep demanding More and More and usually its Pay Raises. They aren't as interested in working conditions and safety precautions as they are the Pay Hikes every year or so. When I refer to the pay raises I don't mean an average decent raise, I mean they want from 20 to 40 percent raises each time a year or so rolls by. So it turns out that the only Reason for the big Labor Union Leader to stay in office is to Obtain high Raises for the Employees. That's why they get so angered anytime someone mentions Wage and Price Controls or Guidelines. I think that the Management could have an agreement directly with the Employee Guaranteeing them a continuous Raise according to the climb in Prices (Monitored by the Government) then there would be no need for the employees to Support those Expensive Labor Leaders. Can anyone imagine the cost to the employees in Union dues to take care of all the numerous buildings, the Ivory Towers of the Heads of the Labor Union Leaders and most of all the Disgraceful Salaries The Leaders receive.

If the Union Leaders really want to help the country, why don't they get together and say to the Management "we want a Decrease in pay of 30% and we want Management to lower the prices of his Product or Fares 30%. His employees would then have the same purchasing power; in addition the Management would be able to sell more of his Products abroad and this would enable him to Hire more people, aiding the Unemployment situation. This would also ease the Inflation Problem.

It seems to me that The Labor Union Leaders have gotten too big for Their Britches and are causing too much anguish for the country by continuously demanding high Raises every Year or eighteen months. I have often said that I believe the Labor Union Leaders have caused the Presidents more worry and fret during the last twenty years than Russia with all its Mighty Power for War. It's a shame that because of the High Wages Demanded by the Union Leaders, we are unable to sell our products abroad, and in fact the man on the street has to buy many of his Products that were made in: Italy, Germany, Japan and elsewhere because the Producer here in the U.S. cannot sell his products at such low prices and pay the high Wages demanded by the Labor Union Leaders.

What the Union Leaders Realize but never tell their Employees is that when they go out on strikes demanding such high raises they are contributing Much to the Misery and Poverty Problems Because: Millions who are not getting these raises in pay suffer. People with low incomes, Retired people, people on Social Security and those who worked hard all their life to have a few savings for their old age find they can afford very little at present day prices. If the Doctors, Nurses, Hospital attendants, and the Armed forces went on a Long Strike I can imagine the Loud Grumbling of the Union Leaders "Those People have no regard for Humanity".

Now; when one complains about a Situation, He or She should always come up with a Solution if possible. I know that my Recommendations will Scare the Pants off Congressmen and probably the administration, because the Big Union Leaders have tried to convince all political Leaders that they cannot win an election without the backing of the Union Leaders. (I am sure this is not so if the Congress and the Administration would explain to the Unions what is really being done to them by the Union Leaders) My solution is "outlaw the unions, they have out lived their Services to the Nation and are Making a Mockery of our Government. The same way that the Government can Control Monopolies from Merging and becoming too big for the good of the Nation, they can Do away with the Unions or at least Outlaw Many of their Actions. Why should one Union go on Strike in Support of another. I know the Union Leaders Must have a System because it seems that they arrange the Strikes Consecutively, and at least every eighteen months it's time for the first Union Striking to start the whole shebang again.

The Union Leaders even take it upon themselves to Decide who should sit on the Supreme Court. They say the Nominees are not Qualified. Well what are the Union Leaders qualified for. Why don't they spend some of their time in the Plants, Factories, or other places where their Members are employed and ask them to do a better job. Has anyone bought a automobile, had an Electrical job performed, purchased an appliance or used the transportation Systems and gotten one hundred percent Perfection? Usually when you buy a car you can bet your life you will make several trips back to the Dealer before the car runs and performs well. I have heard of the Labor Union Leaders making no Statements regarding the half-Vast performance of the union members who are building these Products and maintaining the Services such as the Teamster Union.

As a closing note, I would say that the Congress, the Administrations, and yes, all of us are partially to blame for this Growth of Power of the Labor Union Leaders. We have let them go from "asking for Raises etc" to "I Demand that you Give me this, that and the other" or I will Close down The Country. In the same way that the Police Force in Washington Showed the Demonstrators Recently that they were not going to shut down the Government work, The Federal Government should show the Union leaders that They are not going to Shut down the progress of this Nation.

Respectfully yours,
ARTHUR J. GRICE.

VENEREAL DISEASE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BADILLO. Mr. Speaker, I was recently impressed with the action of station WNEW in New York City which, under the direction of Bob Kivelson, has devoted approximately $16,000 worth of prime time during the week of October 17–23 to bring to the public's attention the alarming increase in venereal disease.

The station devoted its entire Sunday news closeup hour to the subject of venereal disease on October 17. During that time Dr. Vernal G. Cave, director of the Bureau of Venereal Disease Control, New York City Department of Health, and two of the bureau's epidemiologists, George Buynoski and Mrs. Barbara Spillane, discussed the problem with Mike Stein, the news director. The panelists also took calls from listeners which were aired live. Moreover, after the program was off the air, the panelists stayed on the phone for another hour to answer questions from concerned listeners.

Throughout the week of October 18 through October 23, the questions and answers on the subject of venereal disease were aired every hour around the clock, 24 hours a day on WNEW–AM/FM. The material for the campaign was provided by five or more members of the venereal disease staff who were brought in from the various clinics in New York City to man the phones and answer the listeners' questions. Each of the station's normally scheduled programs participated in the campaign by announcing that the department of health representatives were available during their show. In addition, to give this material the largest possible exposure, Metromedia promoted it on its own air, on its television station WNEW–TV, and in newspapers and magazines.

The result—an estimated 15 million listeners that week received the venereal disease message.

I believe that WNEW deserves a public commendation for its action. I am certain that much good was accomplished during its week-long campaign in New York City and I believe that other stations throughout the Nation could profitably emulate the station's example.

For the information of my colleagues, I am inserting in the RECORD the introductory material used by WNEW to kick-off this outstanding program:

VENEREAL DISEASE

Good evening, I'm Bruce Charles and this is Sunday news close-up. Tonight WNEW begins a week-long examination of the problem of venereal disease. And calling venereal disease a problem is putting it mildly. For the blunt truth is that venereal disease today has reached *epidemic* proportions. Someone is infected by it every two minutes. Or, to put it another way, thirty people will have contracted some form of V.D. before this program is over. Some of them will go blind. Others become insane. Some may even be killed by venereal disease. And the real tragedy is that none of it *needs* to happen. V.D. is easily prevented. Once contracted, the cure is simple and painless if caught early enough. Then why is V.D. on the increase? One of the reasons is that it's the disease no one wants to talk about. The social disease that people are ashamed to discuss. Well, we intend to break through that barrier tonight and all this week on WNEW. Joining our news director, Mike Stein, in the studio tonight are three people whose careers are devoted to the prevention and cure of V.D. They are Doctor Vernal Cave, director of the Bureau of Venereal Disease Control of New York City's Department of Health; George Buynoski, senior epidemiologist of the bureau, and Barbara Spillane, also an epidemiologist with the bureau. We're going to talk to them about V.D. But far more important, we're going to let you talk to them about V.D., to call us here in the studio and ask your own questions. Now here's Mike Stein.

THE INTERNATIONAL COMMISSION OF JURISTS, VIOLATIONS OF HUMAN RIGHTS AND THE U.N.

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 3, 1971

Mr. FRASER. Mr. Speaker, John Salzberg, executive secretary of the American Association for the International Commission of Jurists, has addressed himself to the human rights violations inherent in the tragic East Pakistan situation. In a letter to the editor of the New York Times printed September 20, 1971, and in a statement delivered before the Consultation on the American Response to Events in East Pakistan held in Washington, D.C., November 10 to 12, Mr. Salzberg expressed the International Commission of Jurists' resolve to press for more effective United Nations action when violations of human rights are reliably indicated.

Mr. Speaker, I commend this action. The New York Times' comment cited in Mr. Salzberg's statement illustrates that the grossest human rights violations can be forgotten. The Times referred to the rights violations in East Pakistan as "crimes against humanity unequalled since Hitler's time." A November 10, 1971, Times dispatch from Jakarta, Indonesia says:

> In 1965, more than 100,000 suspects were believed jailed and as many as 300,000 killed following the Suharto take-over and the banning of the Communist party.

One hesitates to compare crimes against humanity when dealing with incidents involving hundreds of thousands of deaths; but it is sad but true that we do not have to look back to Hitlerian Germany for inhumanities on the scale now occurring in South Asia.

This points up the fact that there must be an effective U.N. institutional mechanism to, in Mr. Salzberg's words, "utilize the techniques of quiet persuasion, mediation and conciliation which are generally not available. . . ." Concern over human rights violations must be institutionalized. Otherwise the positive benefits of the nongovernmental organizations' intervention mentioned by Mr. Salzberg not only will be for naught but even the fact of a gross violation of human rights and lessons we can learn from such incidents—such as that of 1965 in Indonesia—will be overlooked even by those—such as the Times—sympathetic to improved U.N. performance in the area of human rights.

The several articles follow:

[From the New York Times, Sept. 20, 1971]

PAKISTAN AND THE U.N.

TO THE EDITOR: The tragic developments in East Pakistan dramatize the weakness of the United Nations in situations in which gross violations of human rights are alleged to have occurred. The U.N. has persisted in treating the problem as solely a humanitarian one, providing relief assistance to the victims. Such relief assistance is, of course, an immediate necessity, but as long as the human rights of the people of East Pakistan are ignored, a solution of the problem will be impossible.

As representative of the International Commission of Jurists I spoke before the U.N. Subcommission on the Prevention of Discrimination and Protection of Minorities last month, urging that it consider whether there was a consistent pattern of violations of human rights in East Pakistan, from whatever source. The Economic and Social Council has authorized the subcommission to report such situations to the Commission on Human Rights. Earlier, 22 international nongovernmental organizations made the same request.

The subcommission's response to my statement was disappointing. Although officially a body composed of independent experts, most members were bound by their governments' wishes. Branimir Jankovic of Yugoslavia was the only member to assert that the subcommission could not ignore a situation involving the lives of so many people. The Pakistani member argued that the situation was political and therefore outside the jurisdiction of the subcommission. Don't all massive violations of human rights have political implications?

I believe the U.N. must improve its capacity to investigate massive violation of human rights, a capacity now subject to the whims of international politics. The U.N. has thoroughly investigated racial discrimination in South Africa and the alleged violation of human rights in the Israeli-occupied territories. These were considered politically acceptable topics. Yet in other situations of at least comparable magnitude in terms of human suffering the U.N. remains mute.

What hope is there that the U.N. will take a more forthright stand on the question of massive violations of human rights? It has finally adopted procedures for reviewing the communications on human rights sent by individuals and groups. However, the subcommission will be responsible for the initial recommendation, and the political factors that led to its reticence in the case of East Pakistan may prevail.

The General Assembly will be considering at this session a proposal adopted by the Economic and Social Council for a High Commissioner for Human Rights. The independence of his office may enable such a commissioner to take initiatives the political organs would hesitate to do. In the long run, member states of the U.N. must recognize that governments are not immune from criticism when they flagrantly violate the rights of their citizens. Otherwise the U.N. will lose the support of its real constituency, the peoples of the United Nations.

JOHN SALZBERG,
Executive Secretary, American Association for the International Association of Jurists, Inc.

[From the New York Times, Nov. 10, 1971]

Jakarta Opening Political Prisons

(By James P. Sterba)

Jakarta, Indonesia, Nov. 9.—The Indonesian Government, appearing confident of political stability, says that it is speeding the release of thousands of political prisoners jailed without trial in 1965 when General Suharto assumed power following an abortive Communist coup.

Government officials say that by the end of December, they will have released this year about 50,000 people suspected of having been Communist sympathizers, leaving 35,000 suspected Communist leaders and activists still jailed.

In 1955, more than 100,000 suspects were believed jailed and as many as 300,000 killed following the Suharto take-over and the banning of the Communist party.

Since then, the Command for Security and the Restoration of Order has made almost daily arrests of persons suspected of being Communists or believed associated with the attempted coup.

CATEGORIES OF PRISONERS

Since 1965, the prisoners have been classified in categories—A, B or C, depending on the Government's degree of suspicion. Minor suspects, forming category C, will all be released by the end of the year, according to the Attorney General, Brig. Gen. Sugih Arto. Two years ago, General Arto said, 69,000 prisoners were in category C.

President Sukarno, the Indonesian independence leader, surrendered his powers to General Suharto, the Defense Minister at the time, after an attempted coup of 1965. President Suharto has since then officially followed a policy of nonalignment and has sought accords with the West and with China. Mr. Sukarno died last year.

About 5,000 prisoners in category A, having had "prime suspect" roles in the attempted take-over, will remain in jail awaiting trial. Over the last six years, only about 30 of these suspects have been tried every year.

The 25,000 to 30,000 others are classified as category B, "hard-core activists," or are unclassified.

A THIRD SENT TO ISLAND

Because there were too many of these prisoners to try, and also because the Government appears to have little evidence on them, about a third have been transferred to Buru Island in the remote eastern region of Indonesia. Government officials say the rest will be screened and either moved to Buru or gradually released.

On Buru Island, the prisoners have reportedly been given land and equipment to set up farming communes. The Attorney General said their wives would be allowed to join them soon but that many of the wives were afraid to go because they did not think they could ever return.

About half the wives, General Arto said, told him that they planned to divorce their husbands. Two officials of the International Red Cross visited Buru Island earlier this year and pronounced the prisoners in good health and well fed. Thus far, reporters have not been allowed to visit the island.

General Arto said that the Buru Island prisoners were growing food on more than 1,000 acres and had built a hospital staffed by six doctors and 24 nurses.

The United Nations Response to Human Rights Violations in East Pakistan: A Case Study of the United Nations Capability To Deal With Human Rights Violations

(The following speech was delivered by John Salzberg, Representative to the United Nations for the International Commission of Jurists, before the Consultation on the American Response to Events in East Pakistan which was held in Washington, D.C., November 10–12, 1971. The speech outlines the efforts to bring before the UN the reports of violations of human rights in East Pakistan. The failure of the United Nations to respond to these efforts illustrates the critical need for the UN to improve its capacity to deal with violations of human rights.)

Since March 1971, an estimated 200,000 persons have been killed in East Pakistan as a consequence of the dispute between the elected leaders of East Pakistan, the Awami League and its leader Sheikh Mujib Rahman, and the government of Pakistan. *The New York Times* has referred to the violations of human rights in East Pakistan as "crimes against humanity unequalled since Hitler's time." The press has been replete with various accounts of the atrocities. If these accounts be true, then it is apparent that the Pakistan army has pursued a deliberate policy of brutality against the peoples of East Pakistan, particularly Hindus, members of the Awami League, and students and faculty members of the universities. Responsible journalists and political leaders, such as Senator Edward Kennedy have termed the Pakistan army's policy as one of genocide. This policy, according to recent press accounts, is continuing in effect at the present time. In fairness, it should be mentioned that it has also been reported that Awami League militants have been responsible for atrocities committed against sympathizers with the government of Pakistan.

What has been the response of the United Nations to these various reports of gross violations of human rights in East Pakistan? What has been the response of this world organization, which was established by the peoples of the United Nations with one of the basic reasons for its establishment being "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." The United Nations is committed under Article 55 of the Charter to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." Furthermore, under Article 56, "All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55." Are the United Nations human rights Articles applicable to the situation in East Pakistan? Has the United Nations in the course of its twenty-five year history developed machinery for the effective application of these human rights Articles in cases such as East Pakistan? This speech describes the United Nations response to the reports of human rights violations in East Pakistan since March 1971 and suggests possible future United Nations action.

NONGOVERNMENTAL ORGANIZATIONS' APPEAL TO THE SUBCOMMISSION ON DISCRIMINATION AND MINORITIES TO CONSIDER HUMAN RIGHTS VIOLATIONS IN EAST PAKISTAN

Ambassador S. Sen, the Permanent Representative of India to the United Nations, brought the question of respect for human rights in East Pakistan before the United Nations for the first time in a speech he delivered to the Economic and Social Council on May 12th, 1971. Ambassador Sen stated that "the large-scale massacre, senseless killings of unarmed civilians, including women and children, brutalities and atrocities committed on a massive scale, widespread burning and destruction of property and the multitude of indignities inflicted on the people of East Bengal constitute a problem of such magnitude that international conscience must be roused and international effort must be made to restore some semblance of civilized existence in this part of the world." He called on the Economic and social Council to express its opinion on the events in East Pakistan. The Economic and Social Council did not respond to India's appeal, nor have other organs of the United Nations responded to similar appeals by India.

Certain international non-governmental organizations in consultative status with the Economic and Social Council thought that perhaps an intervention on their part regarding the situation in East Pakistan might evoke a different response. India's intervention could be interpreted as being motivated by political purposes vis-a-vis Pakistan, whereas a non-governmental intervention could only be interpreted as a humanitarian action.

Twenty-two international non-governmental organizations (NGO's) submitted on July 20th a written communication to the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities, calling upon that organ to examine at its session to be held in August "all available information regardless the allegations of the violation of human rights and fundamental freedom in East Pakistan" and "to recommend to the Commission on Human Rights [its parent body] measures which might be taken to protect the human rights and fundamental freedoms of the people of East Pakistan" This nongovernmental initiative was led by Donald Keys, Representative to the United Nations for the World Federalists, and by the International Commission of Jurists. The twenty-two international organizations represented a variety of religious, educational, youth, legal, social and civil organizations. Dr. Homer Jack, Secretary-General of the World Conference of Religion for Peace, lobbied persuasively on behalf of the NGO petition at the Sub-Commission's session.

The Sub-Commission on the Prevention of Discrimination and Protection of Minorities was the most appropriate United Nations organ to consider this communication. The Commission on Human Rights had authorized the Sub-Commission in 1967 "to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms." In addition, the Commission authorized the Sub-Commission to prepare a report "containing information on violations of human rights and fundamental freedoms from all available sources." The Economic and Social Council approved these decisions and, in addition, authorized the Commission on Human Rights "to make a thorough study of situations revealing a consistent pattern of violations of human rights and to report, with recommendations thereon, to the Economic and Social Council." Surely, in the light of these resolutions and the Sub-Commission's special concern for discrimination and minorities, that organ was obliged to give serious consideration to the reports of human rights violations in East Pakistan.

The Sub-Commission was also an appropriate organ to consider in East Pakistan situation in terms of its composition. Most United Nations organs are composed of representatives of states: the representatives are, of course, bound to follow their governments' instructions. The Sub-Commission is composed of individuals serving in their personal capacity. Hopefully, they are less influenced by political considerations which all too often influence the views of representatives of governments when considering human rights questions at the United Nations.

As the Representative of the International Commission of Jurists I spoke before the Sub-Commission on August 16th and appealed to the members to consider the reports of violations of human rights in East Pakistan. Reports of violations from various sources were cited, but no judgment was made on the actions of the government of Pakistan or of the Awami League. I emphasized that the Sub-Commission did not have to make a final judgment on the situation, but in terms of its authorization by the Economic and Social Council was only obliged to decide whether the situation appears to reveal a consistent pattern of violations of human rights on the basis of available information.

The Sub-Commission responded with silence. Although officially a body composed of independent experts, most members were apparently influenced by their governments' positions. The only member to speak in favour of considering the events in East Pakistan was Mr. Branimir Jankovic of Yugoslavia who said that:

"It did seem . . . that when faced with a situation affecting tens of thousands of persons, members were inclined to suppress their feelings and consciences. But in such a situation, the Sub-Commission should not remain silent. It was true that, being a body of experts on human rights, it could not deal with the political aspects of the question. Nevertheless, it could not ignore the mass destruction of human life, particularly when women, children and old people were involved."

One member noted in private that members could not take action necessary to their government's position without jeopardizing their chances for renomination to the Sub-Commission by their governments.

The NGO intervention was not without some benefits both in connection with the situation in East Pakistan and with respect to the general capability of the United Nations to deal with violations of human rights. In connection with East Pakistan, the oral intervention of the International Commission of Jurists forced the Pakistan member of the Sub-Commission to answer the charges of violations of human rights and, to that extent, made the Pakistan government accountable to the United Nations for its actions in East Pakistan. The report of the Sub-Commission to the Commission on Human Rights describes the discussion which took place, and the Commission on Human Rights might decide to give the matter further consideration when it meets in February.

In connection with the general capability of the United Nations to deal with violations of human rights, the NGO written communication and oral intervention establishes a precedent for NGO's in the field of human rights violations. Generally, NGO's are not permitted to submit as official UN documents statements referring to violations of human rights in specific member states of the United Nations. This type of communication is normally treated as a confidential communication, seen only by the UN Secretariat and the member state concerned. In this case, however, the NGO statement was circulated to all member states of the United Nations.

The oral intervention by the International Commission of Jurists went further than the written statement in that it cited specific reports of violation of human rights. The NGOs will want to make judicious use of this precedent when situations occur that are similar to the situation in East Pakistan. In view of the reluctance of governments to report on human rights violations by other states, in many cases, NGO interventions may be the only way in which some situations of gross violations of human rights are brought to the attention of the United Nations.

PAKISTAN'S RESPONSIBILITIES AS A STATE PARTY TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Completely unnoticed by the press and critics of Pakistan's policies is the fact that Pakistan is a state Party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention which has been hailed by scholars in the field of international human rights as the most advanced UN convention in the field of human rights. The Convention defines the term "racial discrimination" as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." The Convention clearly applies to the situation in East Pakistan whose people are of a different ethnic origin from the people of West Pakistan. Under the Convention each state Party "undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation." The Convention specifies a variety of rights that state Parties are obliged to guarantee including "the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution." The Convention also guarantees political rights such as the right to vote and to stand for election and equal treatment before the courts.

The Convention provides for a Committee on the Elimination of Racial Discrimination which consists of eighteen experts who serve in their personal capacity. The Committee is to review reports submitted every two years by the states Parties to the Convention and may request additional information from the states Parties. Furthermore, the Convention provides that "if a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee." If the dispute between the two states Parties is not resolved, an *ad hoc* Conciliation Commission may be established which will investigate the situation and make "such recommendations as it may think proper for the amicable solution of the dispute."

Indian and Pakistan are both states Parties to the Convention. The Committee on the Elimination of Racial Discrimination has met twice since the events of March 1971 and will meet again in February 1972. The Committee considered the Pakistan report at its April session and decided the report was inadequate and requested the government of Pakistan to submit additional information. The Committee did not specify in what particular areas the Pakistan report was deficient. Pakistan failed to submit the supplementary report requested in time for the September session of the Committee. The Committee did not make any mention of this omission in its report to the General Assembly. Clearly, the Committee could have given detailed instructions to Pakistan on the information desired, as it did with Greece. Also, it could have drawn attention to the General Assembly the fact that Pakistan had not submitted its supplementary report. In contrast, the Committee did draw to the General Assembly's attention the situation in Israeli-occupied Golan Heights, as reported by Syria; and the situation in the U.S. Panama Canal Zone, as reported by Panama.

The states Parties to the Convention (now totaling fifty-six) have also been remiss, since none of them have submitted a complaint that Pakistan is not respecting the Convention. If any of the states Parties were to initiate such a complaint it would bring into being the Conciliation Commission which would investigate the facts fully and make recommendations. One wonders why India has not made such a complaint. A complaint under the Convention is certain to bring about an investigation since the Conciliation Commission would be established even if Pakistan objects to its creation. Furthermore, the Commission's recommendations would have greater influence with Pakistan as compared with recommendations by UN organs (which in any case are not forthcoming) since the Commission is provided for under a Convention of which Pakistan is a state Party.

SELF-DETERMINATION FOR EAST PAKISTAN

The UN Secretary-General noted in his recent introduction to the report of the Secretary-General on the work of the Organization that problem "to which as yet no acceptable answer has been found in the provisions of the Charter, is the conflict between the principles of the integrity of sovereign States and the assertion of the right to self-determination, and even secession, by a large group within a sovereign State. Here again, as in the case of human rights, a dangerous deadlock can paralyse the ability of the United Nations to help those involved."

The United Nations has been a fervent advocate for the right of self-determination for colonial territories but has refused to consider the application of this right to peoples living within a sovereign independent state. The UN did make an exception in the case of the Black Africans in the Republic of South Africa who have been subjected to gross discrimination including the exercise of their political rights. Should not the United Nations make provision for the exercise of the right of self-determination for similar situations in which the persistent persecution of a people voids a state's claim to its territorial integrity?

Krishna Menon, the former Foreign Minister of India, spoke in September before the UN's Special Committee on Colonialism as the representative of the World Peace Council. He appealed to the Committee to consider the situation in East Pakistan which he considered a case of one country oppressing another. He asserted that the people of East Pakistan have the same right of independence as do any other people. The Special Committee did not respond since the General Assembly has not classified East Pakistan as a colonial territory.

PROSPECTS FOR THE FUTURE

The United Nations has so far failed to give any serious attention to the human rights implications of the events in East Pakistan. The UN has taken various measures to provide relief both to East Pakistan and to the East Pakistan refugees in India. These measures, however, are not directed at the *fundamental* requirement for resolving the conflict, which is *respect for the human rights of the peoples of East Pakistan.*

NGO representatives to the UN can continue to press for UN consideration of the reports of violations of human rights in East Pakistan. The Committee on Racial Discrimination will be meeting in February and should require Pakistan to file a full report. The Commission on Human Rights will also be meeting in February. The Sub-Commission on the Prevention of Discrimination and Protection of Minorities will be meeting in August. A working group of that organ will meet just prior to the session to sift through the communications from individuals and groups alleging violations of human rights and to indicate to the Sub-Commission whether any situation appears to reveal a consistent pattern of violations of human rights. The Sub-Commission may refer such situations to the Commission on Human Rights, which can conduct a thorough study of such situations and make recommendations to the Economic and Social Council. To make these procedures operative for East Pakistan, it is important that communications be sent to the UN from persons who have witnessed atrocities in that area.

The International Commission of Jurists continues to press for a more effective UN in the field of violations of human rights. We are presently urging the UN to create an Office of High Commissioner for Human Rights. This proposal is presently before the General Assembly. The High Commissioner would be able to take initiatives with respect to difficult human rights situations. He would utilize the techniques of quiet persuasion, mediation and conciliation which are generally not available to a legislative body. He would be less susceptible than other UN organs to political considerations.

Secretary-General U Thant has expressed his own personal conviction on the importance of the respect for human rights in the work of the United Nations and the need for a more effective UN in the field of violations of human rights:

"I feel more strongly than ever that the worth of the individual human being is the most unique and precious of all our assets and must be the beginning and the end of all our efforts. Governments, systems, ideologies and institutions come and go, but humanity remains. The nature and value of this most precious asset is increasingly appreciated as we see how empty organized life becomes when we remove or suppress the infinite variety and vitality of the individual.

"In this connexion I feel obliged to mention a problem which has been almost daily in my mind during my time as Secretary-General. I refer to the violation of human rights within the frontiers of a State. Theoretically the United Nations has little standing in such situations—and they are all too common. Legally the membership of the United Nations has done an admirable job on human rights. The necessary texts exist. But practically where does an individual or a group of individuals find recourse against oppression within his own country? World public opinion has become an increasingly important factor in such problems. I myself have privately done the best I could in many such situations, knowing full well the weakness of my own position, and I know that many national leaders have done the same. But this can never be enough, and the time has surely come when Governments in the United Nations must make a determined effort to give justice a world-wide dimension."

PRAYER FOR THE POW'S AT CHRISTMAS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HOSMER. Mr. Speaker, at the request of the Armed Forces Journal the Armed Forces Chaplains Board has written a special prayer for the prisoners of war who cannot be with their families this December to celebrate the Festival of Lights and the Birth of Christ. This is the Prayer:

Christmas and Chanukah in Hanoi

Our Father God, as you are mindful of our POW'S and the daily burden they bear, Grant them an equal measure of courage and hope in their God and County. Hasten their release and Return them safely to family and home. Hear the prayers of your people Who ask that even amid the din of conflict We may keep step with the distant drumbeat of Your promise of Peace on Earth among men of Good Will. Amen.

The prayer is the Journal's December editorial and it makes a request in which I join that this be brought to the attion of the reader's chaplain, rabbi, or minister or priest. It suggests that he be asked to include the prayer and his own thoughts on our prisoners of war and their families in the Chanukah or Christmas services at each reader's church or synagogue.

The Journal continues as follows:

This December, as many as 1,499 American Servicemen will spend Christmas in Communist prison camps: 785 in North Vietnam, 254 in Laos, 560 in South Vietnam and Cambodia. Of these, we *know* that 378 have been captured in North Vietnam: but the North Vietnamese admit to holding only 338 prisoners. We know that 82 men have been captured in South Vietnam and Cambodia: the Viet Cong will admit to holding only one. We know that three men were taken prisoner in Laos: the Communists will not admit to holding any.

What these numbers mean is that, while you and we are observing our Christmas or Chanukah, one thousand two hundred and sixty other American families will *not* know whether or not their husbands, their sons, or their fathers are alive—or dead. Fourteen hundred and ninety-nine Americans: 1,136 missing in action, 339 acknowledged to be prisoners, and 124 whom we know were captured, but of whom no further word has been heard.

Some of these men, like Navy LCdr Everett Alvarez, will be spending their *seventh* Christmas in Hanoi. Seven years . . .

Even for the few families who know that their loved one *is* imprisoned, this December will be bleaker than any in years.

The mail getting through from (and presumably to) our prisoners of war is at its lowest ebb since 1968. Each month, now, the trickle of letters gets smaller and smaller. So far this year (as of 28 October, the last date for which an authenticated count could be made as we went to press 23 November), only 469 letters have been received by the families of our POWs. Only 170 letters have gotten through in the last six months! Even though the Communists admit holding 339 men prisoner, only 195 have been heard from this year, and only 50 of them in the last six months. Even though the Communists admit holding 339 men prisoner, only 331 have *ever* gotten a letter through to their families.

Even forgetting that fewer and fewer letters are getting through as 1971 draws to a close, the mail POW families are getting this year is only *one-fifth* of what got through in 1970 (2,646 letters from 330 different POWs). It is only *half* the mail they received in 1969 (942 letters from 293 different men). Only *one letter* has *ever* been received from any of the 91 men known to have been captured in South Vietnam, Cambodia, and Laos. (In case you didn't know, North Vietnamese and Viet Cong held prisoner in South Vietnam are allowed to receive, not only mail, but *visitors* as well.)

The mail our POW families are now getting is only *one-eighth* of what they should be receiving by North Vietnam's own commitment at the Paris peace talks early last year, when they announced that they would let each prisoner send one letter every month. It is less than *one-forty-third* the number of letters POW families should be getting under ground rules agreed to by the North Vietnamese when they signed the 1949 Geneva Conventions (which provide for two letters and four postcards from each prisoner every month). Yet the flow is getting thinner as Christmas and Chanukah draw near . . . .

Christmas isn't getting any brighter for the 1,499 families who wonder when their Serviceman will be home, *if* he is still alive. Nor is it very pleasant for the men held prisoner in Hanoi.

Talk, as we did just before this issue went to press, with Air Force Capt Wesley Rumble. He was captured in April of 1968 when his F-4D was hit over North Vietnam. He was released in August of 1969: that was *two and a half years ago, the last time North Vietnam released on American prisoner of war.*

Captain Rumble had a "good" Christmas in Hanoi three years ago. He and his three cellmates got to play ping pong—for about one minute, while Japanese press photographers took pictures of "Christmas in Hanoi." As soon as the pictures were shot, the ping pong table was taken back to the guards' recreation room and Captain Rumble was taken back to his cell.

He had a "great" Christmas dinner: an orange, a bowl of soup, some bread, a salad plate, and "something else"—meat? "I don't remember, I don't think so. It's been so long. There *was* something else. Actually, it was a pretty good meal, one of the best I had there, including the ones before they let me out. I wasn't used to so much food; I couldn't eat all of it."

Captain Rumble remembers one other detail: his Christmas dinner was cold. "Far colder than normal. But after we saw the Japanese photographs of it, taken before we got to the mess hall, we figured out why: the dinner was really for their benefit. We just got to eat it."

Christmas decorations? Yes, POWs have those, too—the ones they make on their own. Captain Rumble and his cellmates made some. But they had to take them down, and the guards took them away. All of the 30 to 45 American POWs in his compound got to enjoy them later—for about one minute each, as each man had his photo taken by the Japanese press in a special, gaily decorated room—the one where the guards had hung Captain Rumble's Christmas decorations.

A minute of ping pong, a minute of Christmas, a cold meal—Christmas in Hanoi. For 1,499 Americans. Or is it 339? Or 473?

There's so little any one of us can do. But maybe if *all* of us did *something* . . . if *all* of us prayed together for these 1,499 men and their families. If *you* took the "editorial" above to your chaplain, your priest, your minister, your rabbi . . .

Maybe, just maybe, Christmas and Chanukah would be a little brighter in Hanoi this December. And maybe, *next* December . . .

Mr. Speaker, I hope that all Americans will ponder upon these words and give their special prayers this year for the prisoners of war, the men missing in action and their loved ones.

LUCIA EVANGELISTA HINES AND JEROME HINES DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. MINISH. Mr. Speaker, on November 22, 1971, the friends of Lucia Evangelista and Jerome Hines, the renowned opera stars, held a testimonial dinner in their honor. The occasion was an impressive outpouring of their fellows citizens' deep affection and admiration for this remarkable couple who have given so generously of their superb talents and precious time to countless charitable causes over the years.

In recognition of their selfless service, the Board of Trustees of the village of South Orange proclaimed November 22 as Lucia Evangelista Hines and Jerome Hines Day. I am pleased to insert at this point in the RECORD the proclamation designating the day as a tribute to these outstanding citizens and residents of South Orange:

LUCIA EVANGELISTA HINES AND JEROME HINES DAY, NOVEMBER 22, 1971

Whereas, The Board of Trustees of The Village of South Orange has been advised by The Friends of Mr. and Mrs. Jerome Hines Committee that on November 22, 1971, the Committee, with appropriate ceremony will honor Lucia Evangelista Hines and Jerome Hines;

Whereas, as artists, citizens and benefactors of innumerable charities of all races and creeds; and

Whereas, they have given unselfishly of themselves to raise funds for the many schools of our district; and

Whereas, they have furthered the causes of the Salvation Army, New Jersey Association for Retarded Children (Essex Unit), Marylawn of the Oranges, B'nai B'rith and Hadassah, etc.; and

Whereas, as artists and citizens of our town for the past fifteen years, they have also worked to bring concerts and operas to our Village in the endeavor to raise funds for the Salvation Army, Hadassah, B'nai B'rith, Marylawn, New Jersey Association for Retarded Children and the underprivileged children of Newark;

Now, therefore, I, John J. Francis, Jr., President of The Village of South Orange, on behalf of the Board of Trustees and the Residents of the Village in recognition of the honor bestowed on Lucia Evangelista Hines and Jerome Hines, do hereby proclaim that Monday, November 22, 1971, be designated as Lucia Evangelista Hines and Jerome Hines Day, as a tribute to outstanding citizens and residents of South Orange.

RECENT PRICE LEGISLATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a monthly newsletter at my own expense to keep my constituents advised of my activities in their behalf. The following is the text of my latest Washington Report:

CONGRESSMAN BOB PRICE, WASHINGTON ACTION REPORT

RECENT PRICE LEGISLATION

A bill to sever all U.S. connections with the United Nations, including getting the U.S. out of the organization and moving the headquarters out of the U.S.

A Constitutional amendment to prohibit busing as a means of achieving racial balance in schools. This would preserve the neighborhood school concept.

A welfare bill which would require able-bodied individuals to take a job or job training rather than a guaranteed annual income.

A bill to reinstitute the bracero program which allows Mexican citizens to cross the border and work for farmers and ranchers who are unable to find employees elsewhere.

Legislation to repeal the 10 percent excise tax on farm trucks, under 10,000 pounds gross weight.

The domestic Exploration Investment Tax Credit which would provide a tax credit to encourage additional domestic oil and gas exploration and secondary recovery operations.

Combatting animal waste pollution is a growing problem for many rural communities. Thus, to obtain the advice of many concerned individuals, Congressman Price took the lead in convening a nationwide symposium on the problem. More than 200 individuals attended the symposium including Tom Herrick of Amarillo, Doug Florence of Stratford, A. L. Black of Friona.

Among conclusions of the symposium participants were recommendations for instituting systems of federal and state tax credits for animal pollution abatement; intensifying academic, private, and government pollution control research programs; and emphasizing the need for all levels of government to cooperate better with the private sector regarding animal waste disposal problems.

With the help of U.S. financial, industrial, and military assistance, the Republic of Korea has become the showcase of Democracy in Asia. Its ability to maintain and safeguard its hard won freedoms from renewed aggression, however, depends heavily on the strength and effectiveness of its armed forces.

Bob Price is an expert on air weapons systems. His experience, which includes combat service in Korea as a jet fighter pilot, enables him to evaluate the capabilities of strategic aircraft.

A life-long farmer and rancher, Bob Price is not a stranger to the problems and challenges of agriculture. As a member of the House Agriculture Committee, he makes a special point of meeting at every opportunity with farmers, ranchers, and agri-businessmen.

These many different discussions enable Congressman Price to speak authoritatively in Committee and on the floor of the House about the role of government in solving the varied problems facing farmers and ranchers today.

Area residents come to Washington individually and in groups to discuss legislation with Congressman Price. He is always interested in hearing the views of those who are directly affected by laws enacted by Congress.

In deciding how to vote, Congressman Price listens to testimony in committee, reads letters from home, and carefully studies all possible consequences of proposed legislation.

Congressman Price is now working to obtain the first Economic Development Administration business development loan for Moore County.

The proposed American Beef plant in Moore County will process 2,000 head of cattle a day, employ up to 1,100 people and have a payroll of $10 million a year when it reaches full capacity. This is the type of industrial development Congressman Price is bringing to our area.

When American Zinc Company announced closing of its Dumas plant, almost 400 industrial jobs were lost.

With area and business leaders Bob Price helped get Moore County an eligibility rating for special government industrial financing programs provided solely to counties with high unemployment.

In record time, Congressman Bob Price pushed the eligibility rating through the Departments of Labor and Commerce.

The Northwest Texas Congressman is also a sponsor of legislation which will give business an income tax credit to relocate in rural areas and provide job training for local residents.

WHEELOCK WHITNEY NAMED INVESTMENT BANKER OF THE YEAR

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FRENZEL. Mr. Speaker, another Minnesotan has been recognized for leadership in the Nation's business community.

Wheelock Whitney was recently named by Finance magazine as the "Investment Banker of the Year." Wheelock Whitney has made many important contributions to the Twin Cities as a businessman and a humanitarian. I commend to my fellow Members the article in the Minneapolis Tribune which was printed on December 5 highlighting many of Wheelock's interests and activities including the efforts contributing to his latest award:

WHITNEY ESCAPES THE "STOCK" IMAGE—"INVESTMENT BANKER OF YEAR" DARES TO BE UNCONVENTIONAL

(By Jim Fuller)

Wheelock Whitney somehow does not seem the sort of man that a national magazine would choose to honor as "Investment Banker of the Year."

He sometimes prowls his Downtown Minneapolis office not only in shirtsleeves, but also shoeless. He is given to bright ties and wide suspenders patterned in brilliant primary colors. Someone gave him some incense, so he lit a stick in his office one recent day for the appreciation of a visitor.

A life-long Republican with a silver-spoon background, Whitney has frequently and sometimes very publicly denounced Vice-President Spiro Agnew as a threat to world peace and domestic tranquility. He has appeared at rallies and worn black armbands to attest to his longstanding opposition to the Indochina war.

On the other hand, Whitney also is chief executive officer of Dain, Kalman & Quail, Inc., one of the most successful regional investment firms in the business. And last week he closed out a year as president of the prestigious Investment Bankers Association of America (IBA), having accomplished something that seemed unlikely at best a year ago.

That major accomplishment was the merger—to take place Jan. 1—of the 634-member IBA and the 457-member Association of Stock Exchange Firms (ASEF), by far the biggest and most important trade organizations in the investment field.

It was largely that achievement that led slick, but sturdy, old Finance magazine to name Whitney Investment Banker of the Year last week.

To outsiders, the merger of a couple of trade associations won't mean much. But to the investment business, it is a major step toward ending what has been regarded as a dangerous confusion of positions.

The industry was hit hard by the bear market of the past two years. Some firms collapsed and others merged, and there were howls from investors, regulatory agencies and Congress. For some time, industry leaders have known that some unity of thought had to be achieved if they were to put their house in order—and save themselves from what they feared might be harsh new governmental regulations.

Instead of a united front, however, the industry has so far met its critics at congressional hearings and elsewhere with a babble of conflicting voices and opinions.

Whitney, a self-confessed "sports nut," put it this way: "We've been like a football team with 11 quarterbacks. Such a team wouldn't win many games—and neither do we."

In spite of the general agreement on the need for better coordination—and the economies a consolidation of organizations would bring—there was considerable opposition a year ago to the Whitney merger proposal. The IBA, largely representing securities underwriters, and the ASEF, representing brokers, both were founded in 1913, and their parallel but separate traditions were highly regarded in many executive offices, despite some overlap in membership.

More important, ASEF members were at first adamant against merger as long as commercial banks were to be members of the proposed new organization, and the IBA had a number of commercial banks on its rolls.

Whitney enlisted support from influential members of both organizations and named IBA Vice-President Philip Baker to head that group's merger study committee, while Baker's counterpart in ASEF, Dwight Faulkner, led a similar study unit.

A compromise was reached under which bank bond departments could remain in the new organization, and Whitney, aided by Baker and Faulker (both top New York investment men) and others, did a selling job that ended last Wednesday. On that day the IBA voted 377–27 to approve the merger, a move that followed by a few weeks a similar vote by the ASEF membership.

Whitney said he hopes the new organization, named the Securities Industry Association, will be joined by the National Securities Traders Association within a year. That would complete the unification of the industry's major trade groups.

At the start of his year as IBA president, Whitney set himself another goal—to revive the flagging spirits of the country's stock brokers. He began by arranging talks before groups of registered representatives, but as the securities business picked up during early 1971, Whitney found the brokers "going from 1970 despondency to 1971 euphoria."

"Instead of enthusiasm, they needed dampening down, if anything," he observed, so he switched his speaking efforts to college campuses.

The year produced, he said, "many interesting scenes in the campus setting."

Whitney said he was encouraged by the fact that "young people are getting less turned off by business" than they seemed to be a couple of years ago, although he conceded that "maybe that's because jobs are scarce."

In addition to the college appearances, monthly executive board meetings, frequent trips to sell the merger idea and handle other normal IBA presidential duties, Whitney's appointment calendar shows that he attended 17 major meetings, most of them district IBA meetings, between March 14 and last week.

If the hectic schedule has had any physical effect on the 45-year-old Whitney, it doesn't show. He looks younger than he is, and he moves, intellectually and physically, with the energy of a man in his twenties.

However, he admitted that the year as IBA head took some toll. Harder than the traveling, he said, "was what happens when you're home." He spoke of constant interruptions while trying to concentrate on the business of Dain, Kalman & Quail, and the frequent calls to travel on short notice.

He usually was able to continue his twice-weekly squash matches ("I like competition"), but his other sports, civic and business activities suffered somewhat. He is a director and a great fan of both the Twins and the North Stars, and was instrumental in getting both teams going in the Twin Cities, but he hasn't seen his usual quota of games this year.

To make time for the IBA duties, his family and his own business, he admitted, he cut back on his attendance to the business of the 12 or 13 other companies he serves as a director. His involvement in civic and political activities also slipped considerably.

Despite his absences, Dain, Kalman had what Whitney termed "an excellent year," a fact he attributed to the firm's other executives. In fact, the company earned $1.4 million in the first nine months of this year, compared with $396,740—most of that in the fourth quarter—for all of 1970. Last year was, of course, a very bad one for most investment houses.

Now, while he feels the industry as a whole is "still a long way from solving its problems." Whitney is looking forward to turning much of his considerable energy back into some favorite activities closer to home.

He is concerned about human rights and about the environment—to the point that he recently wrote and forwarded to John Gardner, head of Common Cause, a "presidential speech" in which he suggested that "pollution stamps" be sold and used in the manner of Christmas Seals, but to fight pollution.

His "pet project," he said, is the Johnson Institute, an organization that offers help to alcoholics and drug users ("a perplexing problem") and which he serves as president. He intends to spend more time now selling fellow executives on the need for establishing rehabilitation programs for alcoholic employees, he said.

And then there is politics.

Whitney ran unsuccessfully against Eugene McCarthy for the U.S. Senate in 1964, and he has served as mayor of Wayzata. He calls himself "an independent Republican"—and there is no doubt that his refusal to follow a straight party line has won him considerable animosity among GOP regulars. His mail after an anti-Agnew speech last year proved that.

Nevertheless, he admitted that he has not given up on politics. While generally satisfied with the performance of Democratic Sen. Hubert Humphrey and Walter Mondale, Whitney said he is "disappointed" with the "anti-business" stance of Gov. Anderson. When pushed, he conceded that "I wouldnt foreclose the possibility of my seeking office again and added that "if I do, it probably would be for governor."

He does not expect to get Republican endorsement for any statewide office, he said, but would run as a Republican in a primary election.

Whether or not he seeks office again, he said, he will push for a stronger system of primaries for both parties "so that we can let the people decide who the candidates will be, instead of letting a handful of party officers make the decision."

THE GREEK DICTATORSHIP—A MATTER FOR NATO

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. EDWARDS of California. Mr. Speaker, when the NATO Council of Ministers meet in Brussels this week, an effort will be made to admit on the agenda the question of the Greek dictatorship.

A sorely troubling aspect of American policy on Greece, a policy which generally supports the junta, is that we again seem indifferent to the destruction of democracy and fundamental human rights as long as military loyalty is assured. Our policy shrugs off the announced purposes of NATO in a manner which is, to say the least, short-sighted.

Now comes Sir Hugh Greene, Chairman of the European Atlantic Action Committee on Greece, with a probing memorandum which penetrates to fundamentals and is well worth our attention.

I insert the memorandum in the RECORD.

The memorandum follows:

THE GREEK DICTATORSHIP—A MATTER FOR NATO

In this memorandum we present a collation of separate arguments, some of them nonetheless substantial for having been used before, others relatively new to the discussion of this problem. Together they amount in our view to an unanswerable case for the NATO Council of Ministers to give serious and immediate consideration to the existence in their midst of an intransigent dictatorship, and to make it known that they do so. At the same time we believe that this memorandum effectively refutes the well-worn argument that NATO (and the USA at its head) has no legitimate basis for interesting itself in the Greek problem or that such interest would be interference in the internal affairs of another country. On this issue, the Danish and Norwegian Governments, who have pressed for action within NATO and will do so again, are right.

A. THE PURPOSES OF NATO

1. The words of the Preamble to the North Atlantic Treaty are well-known and eloquent:

The Parties to the Treaty "are determined to safeguard the freedom, common heritage and civilization of their peoples, *founded on the principles of democracy, individual liberty and the rule of law*".

(In Greece, democracy has been destroyed, individual liberty does not exist, and the only law is martial law, in force for nearly five years now without a break.)

2. In Article 2, the Parties make a specific undertaking:

They "will contribute toward the further development of peaceful and friendly international relations *by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded,* and by promoting conditions of stability and well-being."

(In 1971 Greece has no free institutions, and innumerable utterances of the junta's leaders have served only to obscure the principles of democracy. We refer later in this text to the question of stability.)

3. The President of the United States of America reaffirmed these ideas on the 20th anniversary of NATO (1969):

"NATO means more than arms, troop levels, consultative bodies, treaty commitments. All of these are necessary. But what makes them relevant to the future is what the alliance stands for. To discover what this Western Alliance means today, we have to reach back not across two decades but through the centuries, to the very roots of the Western experience.

"When we do, we find that we touch a set of elemental ideals, eloquent in their simplicity, majestic in their humanity; ideals of decency and justice, and liberty, and respect for the rights of our fellow men. Simple, yes; and to us, they seem obvious. But our forbears struggled for centuries to win them, and in our own lifetimes we have had to fight to defend them.

"These ideals are what NATO was created to protect."

4. President Nixon's words are a useful reminder that NATO is more than a simple defence alliance which might be expected to be indifferent to the regimes of its members so long as their military loyalty was assured. The NATO information service itself has stated unequivocally that NATO "is not solely a military alliance designed to prevent aggression or to repel it should it occur; it also provides for continuous co-operation and consultation in political, economic and other nonmilitary fields." (January 1971).

5. Clearly the North Atlantic Treaty constitutes an expression of faith in Western civilization. NATO exists to ensure the conditions necessary for the protection of that civilization. It is toward that end that the military defence of the geographical area is intended to be a means.

6. These points have been underlined in two official NATO reports:

(a) In May 1956 the Committee on Non-Military Co-operation ("The Committee of Three") stated that the successful accomplishment of NATO's task "will depend largely on the extent to which member governments, in their own policies and actions, take into consideration the interests of the Alliance."

(b) Later in its Report the same Committee made it clear that (i) "in developing their national policies, members should take into consideration the interests and views of other governments, particularly those most directly concerned, as expressed in NATO consultations, even where no community of view or consensus has been reached in the Council"; and (ii) "both individual member governments and the Secretary-General should have the right to raise for discussion in the Council any subject which is of common NATO interest and not of a purely domestic character". (See (d) below.)

(c) In December 1967 the "Harmel Report" on Future Tasks of the Alliance stressed again that where the allies do not agree "the practice of frank and timely consultations needs to be deepened and improved." Obviously this practice is impeded if the very issues on which the allies disagree are excluded from the agenda of the Council of Ministers. Certainly there are pressures in the direction of unanimity, but the existence of a formal veto is not well established and disagreed positions have more than once been recorded in communiques.

(d) The two extracts (b) and (c) above appear in the respective reports in the context of foreign policy. However, the Greek dictatorship is emphatically NOT a purely domestic matter, since concern has been expressed throughout the NATO countries and by some NATO governments at Greece's violations of the terms of the Treaty, to the extent that this problem could be viewed as a disruptive force within the Alliance. The problem therefore has foreign policy implications for the other members of the Alliance, and the statements of the two reports above may properly be extended to cover it.

B. THE DILEMMA OF GREECE

7. The State Department of the USA has felt this dilemma most acutely:

(a) In a letter addressed to members of Congress in August 1969 it was put this way: "On the one hand we see an autocratic government denying basic civil liberties to the citizens of Greece. We think such an internal order does not coincide with the best interests of Greece, whose stability in the long run, we believe, depends upon the free play of democratic forces . . . On the other hand, Greece is a NATO ally which has scrupulously fulfilled its treaty obligations . . ." (in the military sense only of course).

(b) The dilemma was stated again in the first paragraph of the official State Department publication "Greece—US Policy" (in the GIST series): ". . . how to support our mutual interest in Western security in the Eastern Mediterranean, while encouraging the return to representative government we believe is necessary for Greece's long-term stability and progress."

(c) Thus, although reasons of short-term stability have been adduced for friendly treatment of the regime (in the vain hope that this would lead to some kind of normalisation), it is in fact recognized clearly that a threat to long-term stability is involved.

8. Up to the present date, in spite of its awareness of this dilemma, NATO has chosen the view that it has to do with military realities alone, and has failed to attach due importance to the need, observed in Para. 7 above, to assist in the restoration of the freedom of the people of Greece who themselves (and not their self-imposed dictators) are the true allies of NATO. For we must not forget that it was a democratic government in Greece that signed the Treaty and that committed the country to participation in all the NATO programme.

C. WHY NATO CAN AND SHOULD ACT

9. For a guide we could do worse than to consult parliamentary opinion in the NATO countries. During 1971 two events greatly clarified the direction in which this was moving:—

(a) On 3rd August the United States House of Representatives voted by 122 to 53 to suspend military aid and arms sales to Greece under the present regime. The final position of Congress as a whole is not yet clear owing to the disenchantment which has led the Senate to throw out the entire foreign aid programme. Several Senators expressed their revulsion at a programme which served to prop up repressive regimes in different parts of the world, and the Chairman of the Senate Committee on Appropriations is on record as saying (November 1971): "Congress will insist on a foreign aid programme that aids people, instead of dictatorships". The NATO Council of Ministers could draw useful inferences from these events.

(b) In September 1971, at its annual meeting in Ottawa, the North Atlantic Assembly (regarded by the NATO Committee of Three in 1956 as making a valuable contribution "to the development of public support for NATO and solidarity among its members") passed a resolution on Greece which went further than previous ones, first in stating that policies of friendly persuasion have failed, and second in recognizing the threats that the continuing dictatorship poses both to the moral credibility and to the internal cohesion of the Alliance. This resolution explicitly recognized too that "Greece's membership of the North Atlantic Alliance gives Greece not only rights but also responsibilities, one of the most important being to end the political injustice which characterizes Greece's internal situation". The weight of this resolution, with its request to the Governments and Parliaments of the NATO countries to use their influence for the restoration of democracy in Greece, should serve as a pointed reminder to the NATO Council of Ministers that the Greek dictatorship is indeed a matter for NATO.

10. The interests of NATO are affected in several ways, and it should be pointed out that the matter of military aid to Greece, on which the U.S. House of Representatives has set an example, does fall clearly within the domains of NATO. In December 1966 the Council of Ministers recommended wide participation in a programme of aid to Greece and Turkey. It was agreed that this programme should be extended to cover the period 1966–70, and since then there has been no further extension. Thus the sanction for providing aid within the framework of NATO would appear to have lapsed—if this is so, a formal acknowledgement of it would be in order, while if there is any doubt about it a call to reconsider the recommendation would equally be in order. In this latter context, the threat to the long-term interests of the alliance (see above), could be aired for discussion in a way which would show that the NATO Ministers had fully faced their responsibilities. As stated above, (Para 6.c) the recording of a disagreement on the subject would not be at variance with precedent.

11. More than once, the NATO Ministers have stressed that peace and security in Europe depend inter alia upon "the rights of its peoples to shape their own destinies". This was reaffirmed in the Declaration attached to their communique of December 1969. The people of Greece do not have this right; and this fact alone demands the attention of the Council of Ministers.

12. In spite of a remark made earlier in 1971 by the new Secretary-General of NATO that the present Greek leaders "are not bent on exporting their system", it should be remembered that there have been intermittent signs of a revival of fascism in Greece's NATO neighbours. The people responsible have without doubt derived comfort from the type of regime in Greece (witness the slogan "Ankara—Athens—Rome" that appeared in the streets of some Italian cities at the beginning of 1971), and it is not for lack of effort on the part of that regime that these clumsy attempts, unthinkable a few years ago, have failed to gain much momentum. In this context, we quote again from the Harmel Report of 1967: "The ultimate political purpose of the Alliance is to achieve a just and lasting peaceful order in Europe accompanied by appropriate security guarantees."

13. Another cause for NATO's concern is the effect that the dictatorship in Greece has had upon a) the armed forces and b) public opinion within Greece itself. Detailed analysis and documentation on these points exists, but here a few brief quotations will serve to show the implications for NATO.

(a) The following is from a speech made in the United States (and subsequently written into the Congressional Record: October 1971) by one of the most highly decorated Greek officers and most loyal servants of NATO, now living in exile and deprived of his nationality, General Orestis Vidalis:

"The Armed Forces are thus transformed from a national institution, the servant of all the people, to a political instrument serving the dictator in enslaving the people by force. This all leads to an unbearable burden that the Armed Forces cannot carry without sacrificing their military competency, cohesion and efficiency. At the same time, they lose the support of all political shades of a frustrated population and, as a result, the reserve potential of the Nation becomes worthless."

(b) Given the role of America in Greece since World War II, it is natural that the majority of Greeks regard NATO as very nearly synonymous with the United States. Thus we make no excuses for including the following extract from the October 1971 Declaration of 183 former Greek Deputies in Athens, including the leading members of both main political groupings, on the occasion of the visit to Greece of the Vice-President of the USA:

"This friendship (between the Greek and American peoples) is based on common ideals. It has been strengthened in our own century in common struggles in the cause of democracy and against totalitarian systems. Yet this friendship, indispensable for the security of the Free World, has been shaken in the heart of the Greek people and is in danger of disappearing, on account of the support given by the United States to the present regime in Greece."

(c) In May 1971, Newsweek quoted a foreign diplomat in Athens on the same subject:

"Greeks from all walks of life believe that the USA is behind their unpopular regime. . . . For the first time in their lives they are becoming hostile to America."

Similarly, the propaganda use to which the Greek regime puts every manifestation of NATO co-operation with Greece (official visits by high-ranking officers etc.) plays an important part in demoralizing the people, sowing the seeds for their antipathy to NATO, and thus undermining the Alliance itself.

14. Much has been made of the principle of "non-intervention in the internal affairs of any state by any other state". But there is more than one interpretation of this phrase, as the following quotations eloquently attest:

(a) "We have adopted an Alice in Wonderland approach in which we believe that we stop interfering by giving (the Greek regime) arms. I would like to think that the proper way to stop interfering is to stop giving them arms." (Senator Claiborne Pell in the US Senate, October 29th, 1971).

(b) "We reject any interference in the internal affairs of Greece. But even more so do we reject the support given—on the pretext of non-intervention—to a regime which has deprived the Greek people of their freedoms. This is the most dangerous kind of intervention in the internal affairs of a country, since it undermines the system of security of the Free World. When this system is turned into a system of protection of governments that do not spring from the free will of the people, the very existence of the Free World crumbles." (Declaration of 183 former Greek Deputies in Athens, 15th October 1971).

We believe that these two arguments speak for themselves, and clearly point up the moral duty and practical need for the NATO ministers to place on record that they have at least directly confronted the problem of Greece.

D. CONCLUSION

It is generally recognized that the policy of friendly persuasion of the Greek junta has already failed. We are convinced that the above arguments a) provide all the necessary "legal" justification for the matter of Greece to be examined by the NATO Council of Ministers, b) to show it to be imperative for the Ministers to accept that the Greek dictatorship thus falls within their responsibility and for them to go on record as expressing their concern, and c) touch on the reasons why such an expression may have really positive consequences. In this latter context we would underline two points. First, informed commentators have repeatedly stressed that the great majority of the officer corps of the Greek armed forces are more deeply committed to the Western alliance than they are to the leaders of the present regime; if made to understand that the alliance has reservations about continued full co-operation with the junta as such, they in their turn will opt for full co-operation under a more healthy system of government. Second, as indicated by the Declaration of former Deputies twice quoted above, which concludes with a resolve "to work together for the restoration of free institutions", there does exist today the necessary solidarity in the political world of Greece to ensure a smooth transition to a new democracy, in which Greece will again be able to conform to the Preamble and Article 2 of the North Atlantic Treaty.

CELLER PROPOSES MAJOR ANTITRUST REFORM

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. CELLER. Mr. Speaker, on December 2, 1971, I introduced H.R. 12004, a bill to amend the Sherman and Clayton Antitrust Acts, to create an Office of Industrial Organization to Control Concentration of Economic Power.

The bill proposes a major reorganization of antitrust law enforcement to insure the maintenance of competition.

I am today inserting into the RECORD a copy of a detailed press release I issued simultaneously with the introduction of the bill.

The release follows:

CELLER PROPOSES MAJOR ANTITRUST REFORM

Representative Emanuel Celler (D.–N.Y.), Chairman of the House Committee on the Judiciary, and of its Antitrust Subcommittee, today introduced a bill that would bring a sweeping revision in antitrust law enforcement. In introducing the bill Chairman Celler said, "We must at this moment in our economic history take every measure to insure the maintenance of competition within a truly free enterprise system." Mr. Celler's bill, the "Corporation Control Act," repeals some parts and amends other sections of the antitrust laws. In addition, Mr. Celler's bill would transfer to an agency, to be created, all outstanding authority in the Federal system over corporate combinations, mergers, acquisitions, or joint ventures.

The new agency will be the "Office of Industrial Organization" to be headed by an Administrator, appointed by the President and confirmed by the Senate, and who will rank at Cabinet level.

Chairman Celler said his bill would consolidate and simplify the Government's organization to attain antitrust policy objectives by the centralization of functions that are now fragmented. The powers that are transferred to the new Administrator will enable him to foster competition, and, at the same time, to prevent and to dissipate undue concentration of economic power in interstate and foreign commerce.

Chairman Celler's bill is a result of the Antitrust Subcommittee's investigation in the 91st Congress of mergers and acquisitions by conglomerate corporations. The report, "Investigation of Conglomerate Corporations," dated June 1, 1971, contained an outline of the legislation recommended by Chairman Celler. The report contains a detailed analysis of mergers and acquisitions, and other business practices of the six companies selected by the Subcommittee for intensive study.

The "Corporation Control Act" would add to the traditional prohibitions of the antitrust laws a new administrative control that would be lodged in the Office of Industrial Organization. This positive administrative safeguard would require approval by the Administrator in advance of any merger and acquisition in commerce, and for any combination or joint venture by corporations.

The "Corporation Control Act" deals with problems of "aggregate" concentration in the economy generally, was well as problems of concentration of economic power in particular markets. Mergers, acquisitions, and combinations among "major companies" are a primary concern. A "major company" is a company that falls in any one of the following classes:

(a) Any company engaged in manufacturing or mining included in a list of the largest two hundred (200) corporations, ranked according to sales or assets;

(b) Any company engaged in banking, insurance, transportation or utilities included in a list of the largest one hundred (100) corporations, ranked according to revenues or assets;

(c) Any company with annual sales or assets in excess of two hundred fifty million dollars ($250,000,000);

(d) Any company with assets in excess of twenty-five million dollars ($25,000,000) that has in excess of fifteen percent (15%) of total annual sales in any concentrated market.

A "concentrated market" is one in which total sales exceed $100 million in a year when any four companies account for combined sales in excess of 50 percent of such market.

The "Corporation Control Act" prohibits four classes of action:

1. Monopolization or attempts to monopolize. Any corporation that accounts for 50 percent of the annual sales in any market, or which has the power to exclude competitors, or to fix prices in such market is deemed to have monopoly power.

2. Mergers or acquisitions where the effect may be substantially to lessen competition or tend to create a monopoly in any line of commerce in any section of the country.

3. Corporate combinations or joint ventures whose effect may be to restrain trade or commerce unreasonably.

4. Interlocks by common directors, officers, or employees between competing corporations, or between corporations that are customers, suppliers, or sources of credit or capital.

In addition to his approval power, the Administrator is charged with enforcement of the "Corporation Control Act." He will investigate and hold hearings for this purpose. Judicial enforcement of the "Corporation Control Act" is in United States District Courts, in actions brought by the Attorney General, when authorized by the Administrator. Actions brought in the District Courts are required to be expedited in every way, and appeals from a District Court decision are only to the United States Supreme Court.

Inasmuch as the "Corporation Control Act" supplements antitrust prohibitions with affirmative administrative controls, private actions by third parties are not authorized. The provisions of section 1 of the Sherman Act, applicable to contracts, combinations and conspiracies in restraint of trade, as well as the provisions of the Clayton Act against exclusive dealing and discriminatory pricing, however, remain in force under the Department of Justice and will continue to be the basis for private antitrust actions.

It is anticipated that extensive hearings will be held on the proposal so that all points of view may be reflected in the testimony.

WOMEN'S MARCH FOR LIFE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HOGAN. Mr. Speaker, I have become increasingly troubled in recent years by the growing disrespect for human life and disregard for our Constitution. I refer specifically to the opinion that existing abortion laws should be liberalized to allow abortion on demand. Such a view contradicts a fundamental constitutional principle that no citizen shall be denied his rights without due process of law. There can be no more basic right than the right to life and yet abortion proponents seek to abolish that right in favor of abortion on demand.

Opposition to this abortion on demand psychology and concern for the sanctity of life were demonstrated on the steps of the Capitol recently by the men and women who participated in the Women's March for Life. At the end of the march they presented me with an antiabortion resolution and I now insert the resolution and accompanying statement into the RECORD:

Congressman Hogan, We are marching today to defend the rights of those who cannot defend themselves—the unborn babies. In all the medical textbooks—up until the present time, when they are being "revised" and rewritten—it is stated that life begins at conception. We know that a baby's heart beats at three weeks after conception—that at six weeks his internal organs are present, and his nervous system is intact and he can feel pain at seven weeks—before most mothers are even sure they are with child. Yet there are those who would kill him because he is an inconvenience to them.

Some women say he is a part of their bodies, but he is a unique human being, who, by eight weeks even has his own unique fingerprints. *His* cells, which all contain *his* genetic code, are completely different from her cells, which all have her genetic code.

If, after he is born, these mothers still do not want their offspring, I can assure them that there are many couples who would welcome him.

Society is facing many serious problems today. But a just society cannot solve social problems by killing human beings. Therefore, we of the Women's March For Life, would like to present you with this Resolution:

Whereas, Women are traditionally the guardians of life; and

Whereas, Today, as never before, our concern and compassion are needed, for often it seems that life was never cheaper; and

Whereas, Both the Fifth and Fourteenth Amendments to the United States Constitution specifically protect the right to life in that both amendments declare that no person shall be deprived of life without due process of law; and

Whereas, the Fourteenth Amendment guarantees to every person the equal protection of the laws; and

Whereas, the Constitution of the United States no where qualifies life as being of any specific age, state of dependency or degree of genetic perfection or acceptability in order to share in the promise, pledge and protection of the Republic; and

Whereas, the Federal law criminally prohibits all abortions in Washington, D.C. not necessary for the preservation of the life or health of the mother; and

Whereas, The Supreme Court of the United States has recently held that this Federal law protecting the unborn in the District of Columbia is not unconstitutionally vague; and

Whereas, Abortion on demand has become rampant in Washington, D.C. during the last nine months, with more than two thousand unique and irreplaceable human lives currently being destroyed by criminal abortion each month; and

Whereas, Bills are pending before the 92nd Congress of the United States to deprive the unborn child of his constitutionally protected right to life and equal protection of the laws; and

Whereas, The Constitution has placed a duty on members of Congress to protect inalienable rights of life, liberty and the pursuit of happiness; and

Whereas, President Richard M. Nixon, as Chief Executive of the United States, is responsible for the enforcement of the Constitution and all Federal laws, including the law to protect the unborn child from death by abortion in the District of Columbia; now, therefore, be it

Resolved, Women's March For Life petitions members of the 92nd Congress of the United States of America and the President of the United States of America to be solicitous of the rights of the unborn child and to emphatically reject all bills which invidiously discriminate against the constitutional right to life of the unborn child, and Women's March For Life petitions members of Congress and the President of the United States of America to demand that the law to protect the unborn child be enforced in the District of Columbia; and, be it further

Resolved, That a copy of this Resolution be delivered to all members of the 92nd Congress of the United States of America and to the President of the United States of America.

Congressman Hogan, We know that you have been prominent in the defense of the unborn baby. We are confident that you will work to see the defeat of any bills which would allow a baby to be killed in his mother's womb. We thank you for your continued fight and for meeting us here today.

LET US FREEZE GOVERNMENT, TOO

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SCHERLE. Mr. Speaker, this administration has asked the American people to join in the fight against inflation by accepting stringent Government controls on wages and prices. On the whole, the public has responded admirably. But if the Government can demand the cooperation of individuals, it must be prepared to keep faith with them by tightening its own belt and applying the same stringent standards to Federal expenditures.

Following is an editorial originally published as a full-page advertisement in three major Washington, D.C., newspapers by the U.S. Chamber of Commerce, and reprinted in the Chamber's Washington Report on October 31, 1971. Mr. Speaker, I will insert it in the RECORD. It is my belief that everyone involved in policymaking decisions in Government should read it.

The material follows:

LET'S FREEZE GOVERNMENT, TOO—

A MESSAGE ADDRESSED TO THE PRESIDENT AND MEMBERS OF THE CONGRESS

Under the current program of controls and freezes, you are:

Asking working men and women to make sacrifices in holding down wage demands.

Asking businessmen to make sacrifices in holding down prices.

What sacrifices will government make? Government surely doesn't want to ask others to make sacrifices it isn't prepared to make itself. If your program to control inflation is to succeed, government must do two things:

1. Cut federal spending.
2. Restrain the creation of money through the Federal Reserve System.

It is unfair to control the economic decisions of people—while letting federal spending run rampant. Government must do its part—it, too, must show self-discipline.

To halt inflation, Federal Government spending must be frozen—better yet—CUT, and the money supply restrained. Economic controls deal with the result of inflation. Frozen or reduced spending is one sure way to reduce inflationary pressures. As wage and price increases are deferred, so too should spending for new federal programs be deferred.

It is also time for Congress and all agencies of government to evaluate existing programs by their measurable results and get rid of the deadwood programs that have a proven record of ineffectiveness. Congress too seldom reviews the need for legislation previously enacted.

Will you, Mr. President and Members of Congress, face up to these needs?

Only *you* have the authority to investigate, hold hearings, ask questions and sit in judgment of these spending questions. If *you* don't know where and how to stop spending, then you should set up the proper mechanism to find the answers.

If the citizens of the United States must struggle under economic controls then government should, in all equity, retain its own actions, with emphasis on reduced spending and a restrained money supply.

It is time for government to cooperate with the American taxpayer in this fight against inflation.

Mr. President and Members of Congress, the responsibility is yours.

VETERANS DAY

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. MIZELL. Mr. Speaker, on November 11, I joined with several of my colleagues in introducing legislation to restore November 11 as the official date for observance of Veterans Day, one of this Nation's most important memorials.

At that time, I cited the historical significance of the date as being a principal reason for its official redesignation, and I mentioned the lack of meaning and symbolism that many people, especially veterans, felt when Veterans Day was celebrated this year on October 25.

Meaning and symbolism are two of the most important elements in a national observance of this kind, and in my recent remarks I sought to persuade my colleagues that all symbolism and almost all meaning had been removed from this memorial when Congress voted—before I was privileged to serve here—to make Veterans Day a day of convenience rather than a day of respect and gratitude and reflection.

No words of mine can be so persuasive, however, as those spoken by Mrs. Lucius Majette of Winston-Salem, a constituent of mine who was in Paris at the time the World War I armistice was signed on November 11, 1918. On November 11, 1971, Mrs. Majette said, rather defiantly:

> Nobody is going to tell me November 11 isn't Veterans Day.

Changing it, she said, would "be like changing Judgment Day."

Similar opinions were expressed all across the country this year by veterans' groups, people like Mrs. Majette who can still attach personal significance to the date, and thousands of other Amercans for whom Veterans Day just did not mean as much this year as they thought it should have.

At this time, I include in the RECORD two articles that appeared in recent editions of the Winston-Salem, N.C. Journal, one dealing with Mrs. Majette, the other reporting various reactions to this year's Veterans Day observance:

SHE WAS THERE—SHE KNOWS: "NOVEMBER 11 IS ARMISTICE DAY"

(By Joe Pichirallo)

"Why, I put my big old flag out there the other day," she said, "and everybody wanted to know why."

Her puffed, white cheeks turned pink.

Nov. 11 is Armistice Day, she said, "and it'll always be, as far as I'm concerned."

Mrs. Lucius Majette of 1924 Brantley Street is mad at President Nixon—so mad that at the age of 75, she's going to write him a protest letter. He's made a dreadful mistake.

He signed a bill which has moved Veterans' Day to the fourth Monday in October. Rep. Wilmer Mizell, D-N.C., has introduced a bill to return the observance to Nov. 11.

Neighbors of Mrs. Majette put up their flags this year on Oct. 25.

But not Mrs. Majette. She displayed her flag last Thursday—Nov. 11.

"Nobody's going to tell me Nov. 11 is not Veterans' Day," she said yesterday at her home.

"Be like changing Judgment Day."

Besides, she said, she was there, in Paris, "when they signed it."

Mrs. Dodge Glenn Majette served with the Red Cross for 14 months, mostly at a canteen for U.S. soldiers in Lyons, France, during World War I.

Her late husband, an employe of Imperial Tobacco Company for 45 years, served there at the same time with the 81st (Wildcat) Division.

Yesterday, the chunky, peppery old woman sat against the edge of her easy chair, a satin black and white bow in her gray hair. ("My only problem," she said, "is I can't stop talking.")

Staring as if she could see Paris right there in her living room, she recalled the commotion caused by the signing of the Armistice on Nov. 11, 1918. ("Most exciting day I ever had.")

She had been about to get a new assignment and had gone shopping in Paris with a girl friend when "all of a sudden, it sounded like all hell had broke lose."

There were loud cheers as people—"so many, looked like they came out of the ground"—jammed Paris streets. Cars were overturned, windows smashed, all kinds of noise, she said.

"And I never got kissed so much in my life. From men, women, children. Why, I was fixing my hat every 10 minutes," she said, a merry twinkle in her light blue eyes.

She interrupted her reminiscencing to get out her flag.

She's very proud of the American Flag.

She placed the flag gently in its holder outside her house—just as if it were last Thursday.

She refused help to furl it.

"I'm used to doing it," she said, neatly rolling up the 3x5 foot flag. "We don't want to get him wrinkled," she said in warm motherly tone.

On the flag's box is a list of holidays to display it.

One of them is "Veterans' Day, Nov. 11."

"That's what it is," said Mrs. Majette. "Why don't they leave Armistice Day like it was."

For Many, Armistice Day Still November 11

"Our Armistice Day is Nov. 11," said Paul Andre, Ohio quartermaster of the Veterans of World War I. "It always was, and it always will be."

Members of Andre's group and many other veterans, particularly those who fought in World War I, are marking Veterans Day on Thursday even though the legal date of the holiday was Oct. 25.

Veterans Day—called Armistice Day until a few years ago—traditionally marked the anniversary of the end of World War I. Congress changed the date to the fourth Monday in October to provide an extra three-day weekend.

The official ceremonies held Oct. 25 were highlighted by a wreath-laying at the Tomb of the Unknowns at Arlington National Cemetery in Washington. Some antiwar groups also demonstrated that day, joining veterans' parades in about a dozen large cities.

BOYCOTTED CELEBRATION

Many veterans' groups, however, boycotted the Oct. 25 celebrations.

In Cambridge, Mass., Chapter 464 of the World War I veterans announced ceremonies for Thursday and a spokesman said: "This organization does not intend to allow a great day to be juggled around to a date that means nothing. Our services may be simple, but they will be held. To hell with phony holidays."

The Department Council of Maine Veterans of World War I planned a wreath-laying ceremony in Portland at 11 a.m.—the exact time the armistice took effect.

"You have to be one of us to realize what this really means," said William P. Shapleigh, the council adjutant. "One hour before noon the curtain came down, and it looked like we'd all be going home."

MEANS NOTHING

Shapleigh said his group didn't participate in Oct. 25 ceremonies. "That means nothing to us," he said. "Any move . . . to change history by legislating new dates for the observance of patriotic holidays is a tragic mistake."

The convention of the Indiana Department of the American Legion passed a resolution urging that Nov. 11 be kept as Veterans Day and a group spokesman said most Indiana towns would observe the holiday on Thursday. "Oct. 25 was a holiday only for governmental offices and schools," said Art McDowell, legion spokesman, on Wednesday.

"The business and industries didn't take a day off. There was no three-day holiday as promised. So in Terre Haute, Fort Wayne, New Albany and other cities, the parades and speeches will be tomorrow."

MICHAEL J. HARRINGTON ON THE SUBJECT OF NATIONAL HEALTH INSURANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. KOCH. Mr. Speaker, the Ways and Means Committee has recently completed its hearings on the subject of national health insurance. I would like to bring to the attention of our colleagues the comprehensive statement delivered before the committee by the distinguished gentleman from Massachusetts (Mr. Harrington).

In preparing for his committee appearance, Representative Harrington made an exhaustive study of two major areas of health care that have not been given adequate attention in any of the major health care proposals: Care for the mentally ill and custodial care. The information he provided the committee reveals the critical need in this area and suggests how serious the omission of such coverage would be in any national health insurance program. In his statement, Representative Harrington has also made some cogent comments on the crisis in health care delivery in the United States and provided an interesting analysis—with recommendations—on why hospital care costs have skyrocketed in the past decade.

If indeed we are to enact legislation that will relieve Americans of ruinous personal health care costs we must include adequate provisions for mental and chronic care. It is tragic enough for a family to have a member suffer from a mental illness, mental retardation, cancer, or any of the other afflictions requiring long-term medical care, without also having to suffer a protracted and devastating financial hardship.

Congressman Harrington offered the Ways and Means Committee a number of recommendations. He urged that the following provisions for mental illness should be included in any bill reported out of the Ways and Means Committee:

1. Full coverage of 90 days of hospitalization, per benefit period;
2. Further hospitalization if the patient's doctor of peer group review determines it is necessary;
3. A review every 30 days of extended hospitalization;
4. Coverage of "active" treatment only;
5. A minimum of 20 visits to a psychiatrist on an outpatient basis, per benefit period;
6. Full coverage of all prescription drugs;
7. Full coverage of community mental health center assistance, and strong provisions providing federal funding for continuance of such centers;
8. Full coverage of home visits by qualified staff members of clinics or comprehensive mental health centers;
9. Full coverage for 90 days stay in day mental hospital with same provisions for extension as full time hospital, per benefit period.
10. Full coverage for 90 days stay in night mental hospital with same provisions for extension as full time hospital, per benefit period.
11. A five year study to determine costs of mental health insurance with an eye toward removing restrictions if data demonstrates feasibility.

In the area of chronic care, Representative Harrington has recommended:

1. That national health insurance provide unlimited nursing-home care.
2. That national health insurance provide for transient and permanent half-way house care.
3. That national health insurance pay for the care of the severely and mildly retarded and that such insurance cover the cost of special training and education.
4. That national health insurance be redefined to include social services necessary for decent health care.
5. That the chronically ill—not in custodial care—be provided with the at-home constant services, medication and equipment they require to maintain themselves, and that such services be provided to everyone regardless of ability to pay.

Like Congressman Harrington, I am a cosponsor of the Health Security Act of 1971 introduced in the House by our distinguished colleague from Michigan (Mrs. Griffiths) and by the senior Senator from Massachusetts (Mr. Kennedy). But, I agree with our colleague from Massachusetts that this legislation falls short of providing adequate treatment for the mentally ill and provisions for custodial care for the chronically ill.

I recommend Representative Harrington's statement to our colleagues, and I am submitting its full text for printing in the Congressional Record. I hope that the Ways and Means Committee is able to act on his recommendations.

Statement of Hon. Michael J. Harrington Before House Ways and Means Committee on National Health Insurance

INTRODUCTION

Mr. Chairman, thank you for allowing me to appear before you today.

You are holding extensive hearings in an area of primary concern to every American—health, and I am hopeful that the information you have compiled will result in legislation which will give all Americans the decent health care they deserve.

I have co-sponsored the Kennedy-Griffiths bill because I believe the problem of health care is so acute that only a comprehensive, compulsory national health insurance system will solve it. The abysmal failure of the present system to give proper health care to the poor, the elderly, and the middle class at reasonable cost necessitates a dramatic change. The Kennedy-Griffiths bill is a start in the right direction and I commend Senator Kennedy and Congresswoman Griffiths for the leadership and initiative they are showing on this critical matter. I intend today to suggest several areas where their bill should be expanded—but none of these suggestions are in any way intended to detract from their achievement in putting together a first-rate piece of legislation in an area of great complexity.

I do not intend to take up the Committee's time with a repetition of the statistics which demonstrate the overwhelming need for the Kennedy-Griffiths bill. Instead, I will address myself to three areas where I believe further attention is needed. They are adequate treatment for the mentally ill, provisions of custodial care for the chronically ill, and comprehensive health care planning.

MENTAL ILLNESS

The majority of those suffering from mental illness are the poor. They have been the subject of much discussion before the Committee, since it is they who also receive the worst health care. Discussion has centered on ending discrimination against general health care for the poor but little has been said about mental health.

Those with the least education and the lowest income have the highest rates of admission to state and county mental hospitals and to out-patient psychiatric services. Within this group, older citizens (those over 55) have the highest rate of mental illness with women at a rate almost double that of men.

Nor are the poor the only group in need in this area. To an increasing degree our large labor unions have gotten involved in the problem of mental illness among their members. The United Auto Workers Health program is a model in this field, and as International President Floyd Smith of the IAM points out....

"As industry becomes increasingly automated more jobs become monotonous, boring and frustrating. They not only provide no satisfaction, but, by decreasing the worker's sense of personal contribution, undermine his sense of individual worth. As the environment for humans in industry becomes more sterile the climate for alcoholism, drugs and antisocial behavior becomes more fertile. This entails a significant loss not only for workers individually but for the nation's productive capacity as a whole. . . .

"Along with other labor organizations, our union has tried to negotiate pre-paid psychiatric care provisions in collective bargaining contracts. We have had some success. But our efforts are little more than a band-aid where major surgery is required. Just as physical health care is too enormous for privately negotiated insurance plans the problems of mental health cannot be solved without establishing a comprehensive base of government support for a wide range of services."

The simple fact is that very few Americans today can afford private psychiatric care out of their own incomes.

In fact, 10 per cent of the total population—or 20 million people—have been or will be hospitalized for mental illness at some time during their lifetimes. In 1969, one out of every three hospital beds in the United States was a psychiatric bed. It has also been estimated that up to 25 per cent of the population will need some kind of psychiatric care during their lifetimes. We are therefore talking about between 20 and 50 million people.

Why then is it that every bill before your Committee discriminates against the mentally ill? The answer is twofold.

First: American society does not like to think about mental illness. It is not considered a "real" illness. If the sick person would only "exercise some self control and pull himself together" he'd be fine. This arrogant, frightened, ignorant viewpoint is false and unjust. The advances made in medicine—particularly in pharmacology—linking mental illness with physiological problems and the evidence of the effectiveness of psychotherapy demonstrate that mental illness is indeed real.

Second: There is a great fear that the cost of treatment for mental illness—if it were available to everyone—would be prohibitive. Studies made of different national health insurance plans have shown no marked increase in the use of psychiatric facilities. The increases have been offset by a corresponding decrease in the number of visits to the regular family physician. (Doctors report that a high percentage of their patients are suffering from psychosomatic complaints.)

Studies of the various group practice prepayment plans providing comprehensive outpatient psychiatric care have shown that about 5 to 20 persons per 1,000 enrollees receive some out-patient psychiatric care each year. Average number of visits per patient ranges generally from 7 to 15, and total visits per 1,000 enrollees range from about 50 to 170. Total visits for psychiatric care comprise from 1 to 4 per cent of total visits for all conditions, including preventive care.

Hospital admissions for mental conditions generally range from about 2 to 4 per 1,000 covered population annually and comprise about 2 to 3 per cent of all hospital admissions. Days of care for mental conditions range from about 25 to 60 days annually per 1,000 population, and comprise about 5 to 7 per cent of the days of care for all conditions. The average per diem cost of care for mental illness is *lower* than that for all conditions (since there are no charges for operating room, anesthesia, x-ray and laboratory examinations) and the overall cost of hospital care runs about 3 to 5 per cent of that for all conditions.

There is no good reason—from the data shown—why insurance coverage of hospital and outpatient care for mental conditions should not be as extensive as that for general illness.

The problem is that such coverage is now limited to a small percentage of the population. And in many cases, persons with a history of mental illness cannot receive adequate coverage.

I have received several letters from the parents of mentally ill children. These letters show so clearly the need for adequate coverage, that I would like them to be placed in the hearing record at this point. The unnecessary pain and suffering to which our present health care system subjects children and their parents is so horrible that it must be changed. The letters speak for themselves.

Your Committee, Mr. Chairman, has a unique opportunity to do a service to Americans by allowing them the same right to mental health as is now claimed for physical health.

Let me briefly summarize the provisions for mental health care in the National Health Insurance Partnership Act, the National Healthcare Act of 1971, the AMA Medicredit Plan, and the Health Security Act.

THE NATIONAL HEALTH INSURANCE PARTNERSHIP ACT OF 1971

The National Health Insurance Partnership Act of 1971, does not require than an approved basic health care plan include outpatient or inpatient psychiatric services. Section 603 of the bill, setting forth the benefits which must be included in an approved employer-employee-financed health plan, states that a plan must include "physician's services (except when provided by a psychiatrist) to an inpatient of a hospital," and "physician's services (except when provided by a psychiatrist), . . . for a person who is not an inpatient of a hospital." Similar restrictions on coverage of psychiatric services would apply to benefits under the Family Health Insurance Plan, proposed under Title II of the bill.

THE NATIONAL HEALTHCARE ACT

The "Minimum Health Care Benefits" spelled out in the National Healthcare Act of 1971, include three visits per year to a physician in his office or in an ambulatory health care center. Presumably, these visits could be used for treatment by a psychiatrist. This plan also covers the first 30 days in a general or psychiatric hospital per illness and full charges for physicians' services while institutionalized. Over a six-year period following enactment of the proposed legislation, additional benefits would be phased-in. Additional visits to a physician for treatment of mental disorders would be unlimited in number and would be subject to a 50 per cent copayment by the patient.

THE AMA "MEDICREDIT" PLAN

The Health Care Insurance Assistance Act of 1971 embodies the "Medicredit" approach to health care financing supported by the American Medical Association. Under the bill, a qualified private health insurance policy eligible for Federal income tax credits would have to include at least the following benefits relating to mental health care: (1) 60 days of inpatient hospital care for psychiatric treatment; (2) outpatient diagnostic tests and emergency services; and (3) psychiatric care by a physician regardless of where the services were provided—number of visits unspecified.

HEALTH SECURITY ACT

The Health Security Act of 1971, introduced into the House by Representative Martha Griffiths and into the Senate by Senator Edward Kennedy, would provide for 45 consecutive days of psychiatric inpatient care during a benefit period. Covered services do not include institutional care of a person as a psychiatric patient unless that person is receiving *active* treatment (as opposed to maintenance or custodial care) for an emotional or mental disorder.

Psychiatric services to an ambulatory patient are covered only for active preventive, diagnostic, therapeutic, or rehabilitative service with respect to mental illness. If the patient seeks care in the organized setting of a comprehensive health service organization, or a hospital outpatient clinic, or other comprehensive mental health clinic, there is no limit on the number of consultations. The care of a psychiatric patient in a mental health day care service is covered for up to 60 days. If the patient is consulting a solo practitioner, there is a limit of 20 consultations per benefit period. Psychologists' services are covered if they are part of institutional services or are furnished by a comprehensive health service organization. Services of independently practising psychologists are not covered.

Of all the legislation the Health Security Act has the best mental health provisions. I am in full sympathy with the requirement that time in a mental hospital should be spent on "active" treatment. Custodial care, which I shall discuss elsewhere, should no longer be tolerated for the mentally ill. I can understand why a 45 day limit has been placed on hospitalization, but I cannot wholeheartedly approve. There is no such limit for physical illness. If a patient requires active treatment after 45 days why should he be penalized. I would suggest that ideally, no limit be placed on the number of days allowed in a mental hospital. However, I realize that one reason for such a limitation is to create an incentive for moving people out of the hospital and to encourage the use of community mental health centers. I applaud these objectives and endorse them.

Nevertheless, there will be some small number of persons who will require extended hospitalization. I would therefore suggest a minimum of 90 days of active treatment. If the limit were 90 days almost every patient (not just a majority) would be covered. If the patient cannot respond at the end of 90 days, I further suggest that either on the doctor's recommendation or by some type of peer group recommendation or some other method, the patient be allowed to continue active treatment, subject to a review every 30 days. I know that there are problems in peer group review, and I am not advocating this as a solution to the problem. I don't have enough expertise to offer the ultimate answer to the proper review mechanism. I hope the Committee will look into it.

Mr. Chairman, the number of patients being discussed here is very small, the cost is very small—to us—but it would be disastrous to their families if they had to bear the burden. Statistics clearly show that the number of hospitalized patients is dropping, and gives further evidence that the cost of adequate hospitalization for those who need it is not beyond the resources of this nation.

The number of inpatients in State and county mental hospitals as of June 1970 was 338,592. This represents a drop of 35,192 patients, or a 9.5 per cent decline over the past year. Thus, for the 15th consecutive year, the population of these institutions has declined. Accompanying this trend is the number of net releases from mental institutions. The number has tripled from 126,000 in 1955 to 395,000 in 1970. 1970 was the first year that the number of net releases exceeded the number of admissions.

The cost per day for the average resident patient in State and county mental hospitals has risen from a figure of $12.59 per day in 1969 to $14.89 per day in 1970. Compare this to a cost of approximately $85 per day in our best private mental hospitals, and we can see that the treatment in the mental hospitals cannot possibly be as good as the average patient needs. Yet, there are many families that cannot afford even the cost of the state hospital, who are afraid to put a member into a state hospital, but have no choice. When the cost for a year's stay in such a hospital is $5,434.85 it is clear that most families simply can't afford to pay.

A second area in the coverage of mental illness also concerns me. This is the restriction on the number of visits allowed to a psychiatrist. The Kennedy bill places no limit on the number allowed if the psychiatrist is part of a health maintenance organization. The limit is 20 if he is in private practice. I recognize that this provision seeks to provide incentives for the formation of HMO's, and that is an effort I fully support. This recognition of the worth of HMO's is one of the important innovative features of the Kennedy-Griffiths bill. But it will take us some time to reach that goal and in the interim I am concerned at the plight of those who find no HMO available to them, or who for some other reason will be continuing treatment with a single practitioner. Ideally, there should be no limit on private visits in these circumstances. If the person is sick he should be allowed to see his doctor.

Realistically, I know that there are strong inclinations to limit the visits. As I have demonstrated, when the private plans began covering subscribers for psychiatric visits there was no overwhelming increase in the number of persons seeking such visits, and the cost did not become staggering. If the Committee is convinced that some control is necessary, I would ask two things—first, limit the visits to no less than 20, as we see in the Kennedy bill. Second, require that a study be made within 5 years of the cost and utilization of psychiatric services. At that time revise the restrictions in light of the data. I think we will see a considerable loosening of restrictions against mental health coverage. Let us not shut the door once and for all in this Congress.

Finally, Mr. Chairman, we must at all costs preserve the community mental health centers. Approximately 400 mental health centers are or will be in operation in the near future. At the present time, funding for these centers is on an extremely tenuous basis, with legislation providing such funding running out in the next two years. It is essential for progressive and good mental health, that these centers remain open. They have contributed immeasurably already to keeping patients out of the hospital and to providing adequate outpatient care. If national health insurance does not provide some form or reimbursement to these facilities, and does not make it a clearly mandated goal that these facilities shall continue in operation, we will have lost one of the best, most economical, and most farsighted health organizations in existence.

To summarize, at a minimum the following provisions for mental illness should be included in any bill reported out of this Committee:

1. Full coverage of 90 days of hospitalization, per benefit period;
2. Further hospitalization if the patient's doctor of peer group review determines it is necessary;
3. A review every 30 days of extended hospitalization;
4. Coverage of "active" treatment only;
5. A minimum of 20 visits to a psychiatrist on an outpatient basis, per benefit period;
6. Full coverage of all prescription drugs;
7. Full coverage of community mental health center assistance, and strong provisions providing federal funding for continuance of such centers;
8. Full coverage of home visits by qualified staff members of clinics or comprehensive mental health centers;
9. Full coverage for 90 days stay in day mental hospital with same provisions for extension as full time hospital, per benefit period.
10. Full coverage for 90 days stay in night mental hospital with same provisions for extension as full time hospital, per benefit period.
11. A five year study to determine costs of mental health insurance with an eye toward removing restrictions if data demonstrates feasibility.

Mr. Chairman, President Kennedy in his Message on Mental Illness and Mental Retardation in 1963 stated:

"Mental Health Services should be financed in the same way as other medical and hospital costs. At one time this was not feasible in the case of mental illness, where prognosis almost invariably called for long and often permanent courses of treatment. But tranquilizers and new therapeutic methods now permit mental illness to be treated successfully . . . within relatively short periods of time—weeks or months, rather than years."

President Kennedy was right eight years ago. Is the Congress ready to act now? I hope so.

CHRONIC ILLNESS

The second area of concern to me is the care—particularly custodial care—of the chronically ill. The image conveyed to the American public is that the Congress is seriously considering legislation which will provide comprehensive health benefits for everyone. That image is false. These bills do *not* cover everyone, and it is my intention today to bring to light and to discuss the fact that those needing custodial care are *not even being considered* for coverage under any national health insurance proposal.

Let's not fool ourselves, but most of all let's not fool our constituents. Some people are not going to get the right diseases. Some people are going to need longer term care than the Congress or the President wants to give them. And these are generally the people with the least political clout—the aged living in nursing homes, the mentally retarded, the mentally ill who require a sheltered environment and have no home to return to. If it is indeed too expensive to provide these individuals with adequate health coverage, let's drop our mantle of hypocrisy and admit that there are limits to what we can do. If we can afford to provide them with coverage then let's demolish once and for all the idea that "custodial" care is not "health" care.

Our society has consistently differentiated between health services and social services. It is time to take another look at our definition of services and determine how and why we ever got into such a silly bind. It is increasingly clear that better health—and less expensive health care—may come for many in a middle ground between home and hospital. It has been estimated that 10 per cent or more of the chronic long-term patients in the Massachusetts state mental hospitals could be released if they had foster homes or half-way homes to which they could go. Studies of the severely retarded have demonstrated that with adequate training and education, most can learn to function on a minimal level. Yet we spend twice as much as we need to keep such individuals in state facilities simply because we lack the funds and imagination to look for and use the alternatives.

I would like to see any health care bill reported out of this Committee include unlimited coverage for custodial care—defined as nursing homes, half-way houses, foster homes, and where necessary institutionalization. The emphasis should be permanently on alternatives to institutionalization.

A look at the statistics of the numbers of chronically ill proves the need for both home care and "custodial" care coverage.

It is evident that Americans are living longer. Since 1900, the life expectancy for the American male has risen from 48 years to 67 years and for American females from 51 to 74 years. Yet the United States currently ranks 22nd in the male life expectancy and 7th in the female life expectancy of all the major industrial nations of the world. A male in Sweden can expect to live five years longer than the average American male and a female in the Netherlands can expect to live nearly two more years than the average American female. Of course, part of this is due to American affluence and our way of life, but the major reason for their longevity is their nation's health care system.

Since 1901, the United States has had 40 Nobel prize winners for medicine. We have prevented or controlled formerly fatally infectious diseases such as pneumonia, typhoid fever, and tuberculosis. Yet, these other nations have a more comprehensive health care and health delivery system which provides their people with adequate care at a cost that is not prohibitive. To these nations, health is of the first priority.

With these advances in medical sciences, more and more Americans are reaching the ages at which they become vulnerable to arthritis, emphysema, rheumatism, heart disease, cancer, multiple sclerosis, Parkinson's disease and other chronic illnesses.

Of the 22 million Americans suffering limitations from chronic illnesses over 12 million are severely enough affected that they had to discontinue their major activity (job, housework, or studies). An additional four million are disabled to the degree that they could hold no job at all.

Nearly 11 million Americans suffer from arthritis alone. Rheumatism afflicts another 6 million. Heart diseases have stricken nearly 15 million Americans with another 13 million suspected sufferers. Over 500,000 people suffer from multiple sclerosis. Parkinson's disease which is primary among the crippling neurological diseases afflicts over one million individuals, and 50,000 more Americans will be afflicted with this disease every year.

Diseases such as diabetes, which afflicts nearly three million citizens, can be controlled if diagnosed—but nearly half of the sufferers do not know they have it.

The incidence of chronic respiratory diseases, particularly emphysema, has been recognized by health authorities as a growing menace because of the increasing contamination of our environment. In the last five years, emphysema cases have risen over 109 per cent. People affected by bronchitis and/or emphysema number well over four and a half million. The number of deaths per 100,000 caused by emphysema has increased from 5.4 in 1960 to 11.1 in 1970, more than a twofold increase in just one decade. Because their disease is progressive and their ability to breathe is affected emphysema patients need continuous care, beyond the hospital. Home care is essential and expensive. In time, with enough research, there might be a cure. Until then, the needs of the afflicted must be met.

Over 800,000 persons suffering from chronic illnesses are strictly confined to their homes. A typical case was related to me in a letter from Mrs. Eva M. Rees, Executive Director of the Visiting Nurse Service of New York. Mrs. Rees wrote:

"Mrs. D., a woman of 45, has multiple sclerosis. Her illness has progressed to a point where she is unable to do any self care. She is completely dependent on helping persons for bathing, toileting and nutrition. Her husband works, her 3 sons are of school age, and with no other family members available, a home health aide was essential for her care. Mr. D's income was inadequate to meet medical expenses and they were therefore able to qualify for Medicaid assistance and home health aid services was provided 8 hours a day, 5 days a week. With changes in eligibility, however, the Ds no longer qualified for Medicaid assistance and although several voluntary agencies tried to provide assistance, this 45 year old woman had to be sent to a nursing home where she will likely remain until she dies."

This kind of governmental insensitivity is cruel to both the patient and her family, and results in a much more costly form of treatment. It would be both more humane and less expensive to stay at home.

This Committee has already heard the projected cost of hospitalization for the next few years. People who suffer from the chronic illnesses will be forced to meet these costs. Yet, the incomes of families with a severely chronically ill person are less because of the inability to work. When the chronically ill person is the head of the family, disruption of earned income may be acute. When another member of the family is the one afflicted, earning losses may not be quite as severe, although other expenses may be incurred in the forms of attendant care, housekeeping, or special equipment.

According to the Social Security Survey of the Disabled, the median family income of disabled adults in 1965 was $5,270—compared to an average family income of $6,817. And families with a severely disabled adult had incomes of $3,156—an amount bordering on the poverty level. These people must meet costs estimated at between $900 and $1,000 a month.

Home health care must be provided for the chronically ill. But adequate custodial care deserves equal consideration and action. More than one million Americans are in nursing homes. 270,000 mentally retarded individuals are confined to institutions.

Ten per cent of all persons suffering from multiple sclerosis will need the full range of custodial care.

A percentage of individuals suffering from other illnesses which I have discussed will need custodial care.

Let me use cancer as an example. Victims of cancer, which kills two out of every three people it attacks, in almost all cases undergo a long-term treatment period and they or their families must face astronomically high costs.

In a letter that I received from Mr. Richard T. Mayes, Treasurer of the Children's Cancer Fund of America, he says:

"The problem of how families of average means can pay for custodial care of the critically or chronically ill short of help from the national Treasury is beyond the scope of this organization to even suggest a solution. Private or charitable organizations could not even scratch the surface of meeting the expense of medical and custodial care for the millions of children threatened or afflicted with cancer in its many forms.

"I can say quite frankly that all the funds that this small but devoted hard working group can generate in a single year would not be adequate to pay the expenses for more than few victims being treated for any serious cancer illness, of children up to age 14 years."

The initial tests and follow up diagnosis and treatment for children suspected of cancer costs between $1,000 and $5,000 in New York City. Therapy alone in a hospital will cost $200 a day for a period of two or three weeks. That, Mr. Chairman, will cost a family around $4,000. After the therapy is the survival period, this may last two, maybe three years. This will include numerous visits to the hospital and much custodial care. The cost for the family if the child will survive two and a half years, which is the average, is $35,000. In any NHI proposal, there must be adequate provision for custodial care for the victims of these diseases. The costs are too prohibitive for adequate care.

For elderly patients, help is no easier to find. Dr. Lichtman, director of the DeWitt Nursing Home in New York, has reported that not more than twelve people in all of New York City were certified by the Social Security Administration for any type of custodial care in an extended care unit.

The costs of care cannot be counted in terms of pure dollars. Over 224 million days of work were lost in 1963 due to chronic conditions. A total of 6.2 million man years were lost that year because of death illness. The value of this work in terms of 1963 price value minus one-fourth of the man years that would probably be non-productive was $23.8 billion.

Mr. Chairman, there is a special area of chronic illness that I would like to discuss now. This is the case of the mentally retarded—who under all NHI proposals are not adequately covered. Over 6 million Americans are mentally retarded. A mentally retarded child is born every five minutes. Over 20 million family members are affected directly—that is almost one in every five families.

Yet, Mr. Chairman, at least one third of the mentally retarded presently in institutions, if they receive the proper care soon enough, can be productive self-supporting members of society. But institutional care with costs nearly ten dollars a day and there are 270,000 retarded persons in institutions. This money goes for food, clothing and shelter. Little, if any, effort is made at education or training. A father making thirty dollars a day might have to pay one-half of his wages just to keep his child alive. To expect parents to meet these costs at the expense of the rest of the family—which in three-fourths of cases is poor—is incomprehensible. The mentally retarded have a fundamental human right, to proper health care. The fact that he needs more help, both financially, educationally and medically, is all the more reason to help him.

Most mental retardation originates in the prenatal period or in early childhood. The need for increased prenatal and well-baby care is covered under the Griffiths bill and the other proposals. The question is what happens when the retarded baby grows up. Will the family have to assume all costs. Or will the State simply pay to put him away in an institution where there is little or no hope of improvement.

RECOMMENDATIONS

1. That national health insurance provide unlimited nursing-home care.
2. That national health insurance provide for transient and permanent half-way house care.
3. That national health insurance pay for the care of the severely and mildly retarded and that such insurance cover the cost of special training and education.
4. That national health insurance be redefined to include social services necessary for decent health care.
5. That the chronically ill—not in custodial care—be provided with the at home, constant services, medication and equipment they require to maintain themselves, and that such services be provided to everyone regardless of ability to pay.

Chronically ill Americans have been one of the most neglected groups in our history. With over a millian Americans in nursing homes, over 250,000 mentally retarded receiving custodial care, with over 22 million Americans limited in their activities by chronic illnesses, it is time that we end the discrimination against those who are sick. Any health legislation must include measures for them. Any program that will purport to end the crisis in the health system and does not include adequate health care for the chronically ill, the mentally ill, and the mentally retarded—any one who needs custodial care—is betraying the confidence of the American people.

Mr. Chairman, I ask that: in any health insurance legislation that this Committee proposes you remember the American people—the working man who has a family to support—and include an amendment that would adequately cover those Americans in need of custodial care. The structure of the health care system and any requirements of the financial support mechanism must be subject to the needs of the patient whether they be physical, mental, emotional, or socioeconomic.

HEALTH PLANNING

The third area I wish to discuss is that of proper health planning. We now face a crisis in health delivery. For too long we avoided dealing with the inadequacies of our health care delivery system by simply pricing health care beyond the means of a substantial segment of our population. Now that we have begun to recognize our national responsibility to overcome financial barriers to proper medical treatment, we find that we do not have a system capable of furnishing treatment to all of those who need it.

The Kennedy-Griffiths bill's emphasis on HMO's is a critical first step in establishing this system. I believe that other steps must be taken as well to create a genuine system in place of the uncoordinated, archaic, unresponsive machinery we now have.

WBZ Radio and TV in Boston have put forth two editorials on health care entitled the National Urban Coalition "Counterbudget and Our National Health." Both editorials are concerned with health planning and I would like to quote them:

"'Counterbudget' sets two fundamental objectives which we agree should guide the hunt for a new national health program. One is to assure access to adequate health-care facilities to all Americans. The second is to provide more efficient organization and utilization of those facilities, to control costs.

". . . Simply adopting an insurance program won't do anything to assure a change in the distribution of health care. Very simply the spread of manpower and facilities is more important than financing in determining the number of people who get health services and the quality of the care they receive.

"'Counterbudget' notes that the most pressing supply need is for manpower. There just aren't enough trained people to care for Americans today. The poor suffer most because doctors and other health personnel are less willing to practice in the inner cities and rural areas. But everyone suffers at least somewhat, due to higher costs for health care.

"The Coalition recommends steps to increase the supply to doctors and dentists. But it feels the most urgent manpower requirement is for more nurses and so-called paramedical personnel—doctors' assistants, dental technicians, mental health workers and neighborhood health aides.

"This is something that involves government at every level and private interests as well. But in the federal budget alone, the Coalition study urges an 80 per cent increase in support for health manpower development over the next five years. It also means a chance for better health for millions of Americans. Let's get moving on it."

The problem is more than inadequate manpower utilization. It is also improper utilization of existing facilities.

For instance, the North Shore Children's hospital in Salem has many empty beds and has had to close an entire floor. Yet, this is one of the finest children's hospitals in New England. The reason is not that children are healthier than ever before. The reason is that other hospitals which may be a few minutes closer to home are taking children, while they delay admission of adults who also need care. Many hospitals in the Salem area could simply convert their children's wings into adult care units and transfer the children to the North Shore Children's Hospital.

What we have here is in fact a form of "competition" between hospitals which results in an under-utilization of a very fine hospital and a downgrading of health care for adults in the area. The hospitals in an area should coordinate their services so that costs can be cut and the quality of care can be improved. The situation which the North Shore Children's hospital finds itself in is patently absurd, and until we as consumers demand that the narrow self-interest of the medical profession give way to sound management and planning, we will pay the price.

There are complaints from other sections of the country that hospital beds are empty. We also hear the cry that there is a tremendous doctor shortage. Both of these facts are true. But, here again, sound planning would alleviate a lot of the problem. With an increased emphasis on ambulatory, preventive medicine, fewer hospitals will have to be built and an increasing number of hospitals will have empty beds. We could save millions of dollars by determining those areas where increased out-patient care will cut the number of hospital beds needed, and by planning for the utilization of the money previously spent on construction, we would use existing facilities to their better ends.

I am no expert in the field of health planning. I can't pretend to offer the Committee any concrete solutions. Several people, including Professor Elliott Krause at Northeastern University, are working on the solutions and I suggest that the large and complex body of information on this be studied by the experts and implemented. It is possible to point to failures in the health care system and to lessons we might learn from those failures. The August 1970 issue of Hospitals, the Journal of the American Hospital Association, provided the following information about the true reasons for the rise in hospital costs.

Hospital per diem costs rose continuously throughout the decade, but during the post-Medicare period, they rose 34 percent more rapidly than during the pre-Medicare period. While labor costs rose more rapidly than non-labor costs during the pre-Medicare four years, they rose substantially less rapidly than non-labor costs during the post-Medicare period. The rate of growth of hospital assets also sharply accelerated in the post 1965 years.

Admissions to hospitals also rose throughout the decade, by 21 percent over the 1961–69 period. But the supply of hospital beds (certainly one major indicator of the supply of hospital services) more than kept pace, rising 25 percent over the same period. While the rate of increase in supply of beds was about the same during the four year periods before and after Medicare (12.4 percent after), the rate of increase in admissions to hosiptals sharply declined in the years after Medicare and Medicaid took effect (admissions in 1965 were up 13.2 percent over 1961; in 1969 they were up only 6.8 percent over 1965). In other words, during the post-Medicare period, the number of beds increased substantially more rapidly than admissions.

Occupancy rates have risen throughout the sixties, reaching 78.8 percent in 1969. But almost two-thirds of the increase has come in the last four years, i.e., since Medicare. The Hospitals statistics indicate, however, that the increased occupancy rates of the latter period are virtually entirely due to a sharp hike in the average length of stay of patients in the hospital (7.6 days in 1961, 7.8 days in 1965, 8.3 days in 1969). It may be possible to speculate that with Medicare or Medicaid insuring that a patient's full stay in the hospital would be paid for, the hospitals took advantage of the situation and hold onto patients longer, thus increasing their income. (It costs the hospital almost as much to maintain an empty bed as a full one, but with an empty bed, there is no income to offset the expense). In any case, hospitals' patient loads are still far below capacity, even after the increase in occupancy rates of the last decade. One would not expect the relatively small hike in occupancy rates of the last few years to have had a major impact on prices.

From the Hospitals figures, it seems clear that hospital prices did not rise under the impact of a soaring demand. Rather the critical feature of the post 1965 period was that Medicare and Medicaid, like Blue-Cross and other insurance plans, paid hospitals whatever they claimed as their true costs for providing patient care. The costs (the "price" paid by the reimbursement agencies and the basis for the price paid by patients who pay their own bills) were not set in a free marketplace, where the supply and demand argument might have some relevance. Instead, the hospitals were able to set their cost virtually arbitrarily. Equipment, higher salaries for everyone, building renovation and expansion—hospitals can add them into their "costs" and get reimbursed.

Medicare and Medicaid have driven hospital costs up. But not by stimulating consumer overuse (relative to supply) of hospitals. Costs rose because the hospitals appropriated money for their own benefit.

Obviously, we need far greater controls over the costs of medical care. We must develop some kind of standard by which to judge the validity of medical charges. Because health care is complex—no two people react exactly alike to the same illness—we cannot have standards that are so rigid they allow for no leeway. But we cannot maintain a blind, unquestioning attitude toward medical costs.

One solution—and this is simply a suggestion from a lay man—might be the one stressed by the National Advisors Commission on Health Manpower in 1967. This would be for insurance organizations—whether they be private or the Federal government—to provide incentives to economize by their payment schedule so that the most efficient producers of care receive the greatest net income. Conversely, those who are least efficient should be penalized for their inefficiency. By setting reasonable standards, those who exceed them would receive a bonus and those who cannot reach would have fees reduced. Such economic incentives might have startling and pleasing results.

I urge the Committee to include a good planning program in any legislation reported out. Without decent planning we will be throwing money down the drain and will perpetuate a health system which does none of us any credit. It is time for the overview. We have done enough one-step problem solving with the result that our health care system is fragmented and crumbling. Let's put it back together again on a stronger foundation.

Thank you.

THE AMERICAN LEGION

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HÉBERT. Mr. Speaker, my good friend, E. Davis McCutchon, of Pass Christian, Miss., was one of Louisiana's delegates at the historic convention which founded the American Legion.

Recently he gave a speech about this convention to the Joe Graham Post in Gulfport, and because I feel it is a rare firsthand account of the event, I want to insert Mr. McCutchon's remarks in the Record at this point:

The Formation of the American Legion

(By E. Davis McCutchon)

Thank you, Mr. Commander and Founding Member of the Legion—It was my pleasure and privilege to have been one of the twelve delegates, appointed by Governor John M. Parker, to represent the state of Louisiana at the Caucus of the American Legion held in the Shubert-Jefferson Theatre in St. Louis in May of 1919.

It was at the Caucus that the Legion was born—but the actual beginning took place in a historic meeting held in Paris shortly after the signing of the Armistice. In his book, *The American Legion Story,* Raymond Moley, Jr. says:

"There can be no question as to the fatherhood of the idea or to the initiator of the chain of circumstances which led to the formation of The American Legion. The honor belongs to Theodore Roosevelt, Jr."

The honor belongs to Theodore Rosevelt, Jr., eldest son of the illustrious "Teddy" Roosevelt, President of the United States, 1901–1909, who called the Paris meeting which was attended by twenty officers of various divisions of the Army. It was at this meeting that plans were formulated for the organizational meeting in St. Louis which was attended by 1100 delegates from all parts of the United States.

The greatest tribute that I have ever seen paid to any one man occurred at the St. Louis Caucas. The name of Roosevelt was placed in nomination to be the First Temporary Commander. The nomination was seconded by Colonel Luke Lee of Tennessee. Roosevelt was on his feet immediately to say "I wish to withdraw my name." His words were drowned out by the deafening roar of applause from the 1100 delegates. For twenty minutes the ovation continued, but Roosevelt was firm in his decision. When he was finally able to talk after the noise subsided, he said:

"We must never give the impression that any one would use this great organization for personal political gain. I know that no one in this audience has any such feeling but we must create the impression all over the country today on which this organization will carry on and serve a great purpose for years in the future."

Roosevelt stood by his declared decision and Lieutenant Colonel Henry D. Lindsey, of Texas, became the First Temporary Commander—a Southern Democrat, nominated by a Yankee from Maine and seconded by a Yankee from Ohio.

The first National Commander was Franklin D'Olier, of Pennsylvania, 1919–1920.

Later in the St. Louis Caucas, the following preamble to the Constitution was adopted:

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America;

To maintain law and order;

To foster and perpetuate a one hundred per cent Americanism;

To preserve the memories and incidents of our Associations in the great war;

To inculcate a sense of individual obligation to the community, state, and nation;

To combat the autocracy of both the classes and the masses;

To make Right the master of Might;

To promote peace and good will on earth;

To safeguard and transmit to posterity the principles of justice, freedom and democracy;

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

The St. Louis Caucas had its moments of excitement, turmoil, dispute and self-expression. I remember, on one occasion, when a former high ranking officer took the stand to nominate someone for office and started out by saying, "I place in nomination the name of a man who distinguished himself on the field of battle, a man who . . ." and on and on until a former buck private in the balcony cried out "Cut out all that stuff—name the man."

I think it may interest you to know how the name "Post" was adopted as a designation of individual group units of the Legion. The Army representatives wanted the name to be "Dugout"—for instance "Dugout Number 114" or "Dugout No. 127" etc.—but the Navy ex-service men present said "No—let's call them Lookouts!" It appeared that a deadlock would develop until one of the delegates suggested the name "Post" which could not be identified with either the Army, the Navy, or the Marine Corps. This was the name that was adopted.

Let's go now to the National Convention of the Legion that was held in New Orleans in 1922 during the Prohibition Era. I was one of a group sworn in by Chief of Police Guy Molony, an ex-service man. Our job was to aid the police department in the preservation of law and order. At our first assembly, Guy Molony told us "if you see anyone point a pistol at another person, pull the trigger, and kill him, it shall be your duty to put the offender under arrest—anything short of that, use your own judgment."

I remember well an incident that attracted nation-wide publicity. At 11:00 A.M. on the first day of the convention a delegate stood at each of the windows on one side of the Roosevelt Hotel (then known as the Grunewald Hotel) on each of the twelve floors of the hotel. At a given whistle signal, probably blown by a top Sergeant, each man by each window took a sharp knife and ripped the bottom of a pillow taken from the room of the hotel. The resulting snow storm of feathers was beautiful. Today this would be called damaging to the ecology.

Again in 1968, a National Convention of the American Legion was held in New Orleans and many of you here present probably participated in it. By now the delegates had reached the age of maturity and understanding and the Convention, under the able guidance of Albert La Biche, was very business like and very successful.

To go back to the formative days of the Legion, it should be recorded that it was built on a solid foundation as shown by the fact that it has survived and prospered for more than fifty years and is still a dominant force for good in the daily activities of our American Way of Life.

The Washington Star welcomed the Legion "as an agency for the promotion of the best in our national life."

The New York Times exclaimed "Justice, Freedom and Democracy, without partisanship. The idea is noble. It should prevail!"

And Woodrow Wilson said:

"I am happy to have this opportunity to address a word of greeting and comradeship to the men who have served in the Army, Navy, and Marine Corps and are now banding themselves together to preserve the splendid traditions of the service . . . the spirit of their service, and the continuation of that spirit in the American Legion, will make it always an inspiration to the full performance of high and difficult duties."

The American Legion—a great organization—dedicated to unselfish principles, was born in St. Louis 52 years ago—may it always continue to grow in the perpetuation of the high ideals on which it was founded.

A NEW LANDOWNER

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. ABOUREZK. Mr. Speaker, because of my involvement in the effort to preserve the family farm and restore economic stability in rural America, I was particularly interested in an article written by Peter Barnes which I am inserting into the Record today.

I fully endorse Mr. Barnes' excellent article both for its overview of rural problems and for its suggestions for reform. The article follows:

A New Landowner

(By Peter Barnes)

Not long ago the Bureau of the Census published some disconcerting statistics. The number of poor Americans in 1970, it reported, was 25.5 million—more than the number in 1960. The incidence of poverty was particularly high in rural America, where 19 percent of farm families and 10 percent of non-farm families were earning less than $3,100 a year.

These statistics come as no surprise to anyone who has travelled through the small towns and backwaters of northern New England, Appalachia, central California or the South. Yet they should cause all of us—particularly Democrats—to sit up and take note.

We applauded the ringing promises of Lyndon Johnson to build a Great Society, and the pledge of Sargent Shriver to wipe out poverty by 1976. But something obviously went wrong—something more fundamental than the election of Richard Nixon. Despite billions spent by the federal government on social programs, despite the longest uninterrupted period of economic growth in America's history, very little new wealth trickled down to poor people, least of all to the rural poor.

What went wrong, or rather was wrong from the very beginning, was the basic assumption that poverty in afluent America is primarily a cultural, racial and geographic problem. This assumption underlay the various anti-poverty and regional development programs of the 1960s.

The failure of these programs makes unmistakable what should have been recognized long ago: that poverty in America is above all an economic problem, a result of flaws in the distributive system that prevents the nations' vast productive wealth from being equitably shared.

These flaws can perhaps be boiled down to a few short sentences: wealth in America flows to those who own capital and land, and to those who have economic power. Most poor Americans do not own anything that produces income, and are not employed in industries where labor unions have demanded a healthy slice of the economic pie. Hence they remain poor.

This analysis leads to an inescapable conclusion: if poverty in America is ever to be eliminated, there must be a fundamental restructuring of the economy so that ownership of land and capital, and power in the economic marketplace, are much more widely distributed.

Let's look again at rural America. Not only did poverty fail to disappear in the 1960s; the economic conditions necessary to make poverty disappear actually worsened. Thus, the number of independent farm owners decreased dramatically, while the accumulation of land by giant corporations markedly increased. By the end of the decade nearly 10 million persons had been economically driven from rural areas to the slums and barrios of our cities. Despite the rhetoric of the war on poverty, in other words, the total impact of federal policies in rural America was actually to create more poor citizens.

RURAL AMERICA

Tax laws, crop subsidies, water subsidies and labor policies also encouraged the emergence in some parts of the country of a form of social and economic organization that can only be described as corporate feudalism. This form of social organization, if allowed to persist and expand, will not only perpetuate a kind of serf-like status for millions of poor Americans. It will also hasten the demise of small town businesses and the rural middle class, remove control of rural communities from the communities themselves to far-off corporate board rooms, and generally preclude the revitalization of rural America along democratic lines.

What should the Democratic Party do? It should propose and seek enactment of a comprehensive program for land reform. The guiding principles behind this program should be these: land should belong to those who work and live on it; holdings should be of reasonable, not feudal proportions; and small-scale farming should be made economically viable.

These are not revolutionary concepts, nor are they alien to the Democratic Party. They are squarely in the tradition of Jefferson, Jackson, Bryan and Roosevelt. They were recognized in the Homestead and Reclamation Acts, and have been urged by the United States upon Japan, South Vietnam, and dozens of other nations in Asia and Latin America.

A comprehensive land reform program should include at least the following principal elements:

Enforcement of the 160-acre limitation in reclamation areas by federal purchase and resale of excess landholdings. Legislation to this effect has been introduced by Senator Fred Harris, Representatives Robert Kastenmeier, Jerome Waldie and others, and been endorsed by the AFL–CIO, the National Farmers Union, the Sierra Club, the National Education Association and Common Cause.

Establishment of appropriate acreage limitations for landholdings outside reclamation areas. The size of the acreage limitation would vary with the type of crop grown. All land owned or controlled by a single individual or corporation in excess of the appropriate acreage limitation would be subject to a federal excess land tax. Revenues from the excess land tax would be used to help poor persons acquire land.

Vigorous application of existing antitrust laws to agriculture and enactment of new laws barring vertically integrated conglomerates from engaging in farming.

Restructuring of tax laws and subsidies to favor small-scale rather than corporate farming.

Greatly increased credit and technical assistance for agricultural cooperatives.

New laws assuring small farmers and cooperatives a fair return for their labor and greater power in the economic marketplace.

The long-term benefits of land reform would be so enormous as to defy simple categorization. Racial tensions would be eased; urban overcrowding would be reduced; welfare rolls would shrink; alienation of workers from their work would diminish; more citizens would enjoy economic independence; the environment would be protected and democracy strengthened.

CBS NEWS ON THE BLOOD CRISIS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. VEYSEY. Mr. Speaker, every time a surgeon performs an operation requiring a blood transfusion he takes a chance that the patient may contract hepatitis. Since the best practical test for the presence of this disease is only 25 percent effective, the doctor is forced to choose between the risk to his patient of contracting hepatitis, or the risk of not providing the blood he needs.

The CBS radio network program "Outlook" recently featured a story which dealt concisely with this operating room dilemma, and the shortage of voluntary blood in general. Through articles and comments such as this, the public's awareness of this serious condition is growing, but nothing has been done about it yet.

The National Blood Bank Act, H.R. 11828, which I recently introduced attacks this problem head on. It would establish a national program to recruit voluntary donors so we can phase out commercial blood. It would also require the labeling of blood so that doctors can understand more fully the risks involved.

I intend to reintroduce this bill this week, and will be happy to include any of my colleagues who may care to join me.

The article mentioned above follows:

CBS OUTLOOK

The other day at Cook County Hospital in Chicago, I watched an eighteen-year-old girl undergoing an operation to enlarge a faulty heart valve. During the two-hour surgery, she was transfused with three pints of blood. The chances were, with blood from a commercial blood bank, one in ten that she would contract hepatitis. Dr. Constantine Katoulis, Chief of Cardiovascular Surgery, who was in the operating room with me, said, 'It's the lesser of two evils. The risks of not operating are greater than the risks of contracting hepatitis.'

"But why does there have to be such a risk? Well, for the past quarter century, the American Red Cross at the government's request has tried to organize blood banks with voluntary donors. They have managed to collect less than half of the seven million pints needed annually. Hospitals supplement that with replacement blood from patients and their families, and 20% of the blood supply comes from commercial banks which buy it for $5.00 a pint and up from people who need the money. Such donors conceal past illnesses. The spread of drug addiction has increased the danger of hepatitis. Skidrow blood, drug-addict blood, does find its way into the nation's blood supply. Why doesn't the United States have, as other Western countries do have, an adequate supply of voluntary blood? Many say, 'Because of the apathy of the American public.' But that is disputed by some, like Leo Purlis, the Community Services Director of the AFL–CIO. He says that no real effort has ever been made to mobilize the American public and that, he says, is at least partly because it's been resisted by organized medicine. Well, why should organized medicine resist? Dr. Aaron Josephson, who runs the Red Cross Blood Bank in Chicago, a blood bank that was prevented for four years from starting because of opposition of the local medical society—Dr. Josephson says that members of the medical society, themselves involved in blood banking, have insisted that paid donors could meet the need, although they have now admitted that they can't. And so today, fewer than 10% of the potential blood donors among the 200,000,000 Americans give blood and Purlis says that if the Red Cross undertook a dynamic nationwide program, the Red Cross would be flooded with free blood. Now the Red Cross admits that the resistance of the supporters of free enterprise has slowed its efforts. And under the pressure of the growing hepatitis menace, the Red Cross has now moved to expand the supply of voluntary blood. Last week, it announced an intensive nationwide campaign for more donors, calling on its Chapters to help recruit donors for community non-profit blood programs, whether or not they're Red Cross programs. This has been long in coming, and if it succeeds, then the United States will finally join the other Western countries where blood is considered a necessary service and not a commodity to be bought and sold."

WAYS OF ALIENS TO ENTER THE UNITED STATES

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the alien wishing to enter the United States has numerous ways of achieving his goal.

Perhaps one of the easiest is by jumping ship. Every year, the figures go higher and higher in this area.

And the ship jumper may not necessarily be a person only seeking a good job in America. Not long ago, a mainland Chinese who had joined a ship's crew in Hong Kong deserted in Vancouver.

American and Canadian authorities trailed him constantly as he made "drops" of packages across the continent. He and a companion finally were apprehended in New York.

The fact that the man was from mainland China and was apparently smuggling in narcotics gives us another dimension of the problem of illegal immigration—the possibility that Communist spies are entering America and bringing with them narcotics.

In fiscal year 1970, according to the Immigration and Naturalization Service's official statistics, 8,548 crewmen are known to have deserted ship in the United States. How many more deserted in Canada and were unreported to Canadian authorities is anybody's guess.

Of the known deserters from ships in American ports, 5,699 were from Europe and 1,962 from Asia, principally Taiwan and Hong Kong.

Curiously, however, INS keeps records on deportations to Taiwan and Hong Kong, but does not break down the number of deserters who started out from Hong Kong, on the doorstep to Red China.

The number of known deserters is not high, but it is steadily rising and poses another problem to the American economy.

THE NEED TO BAN LEAD-BASED PAINT: THE FAILURE OF LABELING LAWS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. RYAN. Mr. Speaker, the children of this Nation are being plagued by a devastating yet totally preventable disease. It is known as childhood lead poisoning. And its primary cause is the ingestion of lead-tainted paint and plaster fallen from dilapidated dwellings.

The Department of Health, Education, and Welfare's own figures underscore the extent of this dread disease. In its May 1971 report entitled "Towards a Comprehensive Health Policy for the 1970's: A White Paper," the Department revealed these grim statistics:

> Paint with lead in it poisons about 400,000 children (predominantly poor) annually. It is estimated that 16,000 of these children require treatment; 3,200 incur moderate to severe brain damage; and 800 are so severely brain damaged that they require care for the rest of their lives.

To this we must add yet another somber statistic: the 200 youngsters who die each year as a result of this deadly menace.

On November 2, the Food and Drug Administration published in the Federal Register a petition intended to get at the root cause of childhood lead poisoning. This petition, submitted by five child health advocates and myself, would ban lead-based paint from all household uses, under the authority of the Federal Hazardous Substances Act.

At the same time, however, the FDA published another proposal as well. This one, initiated by the FDA itself, would merely require that paint with a lead content in excess of 0.5 percent bear a warning label.

Interested persons have been given until December 28 to comment on either or both of these proposals.

It is my firm belief that a mere labeling requirement is totally insufficient to protect the health of our children. The inadequacy of labeling laws has been well evidenced by the recent findings of the New York City Bureau of Lead Poisoning Control. Under the provisions of the New York City Health Code, it is unlawful to sell paint with 1 percent lead unless specific warning labels are attached. Yet, on November 17, Health Services Administrator Gordon Chase announced that one out of every 12 New York City retail stores recently checked by the Bureau of Lead Poisoning Control was in violation of this ordinance.

Add to these violations the fact that once a paint is used on a wall the occupant does not know whether or not it contains lead, and the result is a tragic likelihood that this disease will continue unabated.

What is needed is clear: Lead-based paint must be banned.

At this point I include in the RECORD some recent press releases from the New York City Bureau of Lead Poisoning Control detailing violations of section 173.3 of the New York City Health Code pertaining to lead-based paint:

HEALTH SERVICES ADMINISTRATION,
The City of New York, September 1971.

DEAR FRIEND: As I wrote you in July, the regular printed edition of HSA's Newsletter is a casualty—we hope a temporary one—of New York City's financial crisis. But our belief that you would still want to know about our programs and progress was substantiated by the interest you showed in my informal July report to you on HSA's latest activities. Since then, we've launched some new programs, like ambulatory detoxification for heroin addicts, and revised some old systems, like restaurant inspections, as well as confirmed, dramatical improvement in the efficiency and effectiveness of our rat control program.

In my last letter, I reported that HSA had prepared a list of important phone numbers telling you where to call for information on health services, from abortions to vital statistics. We've had over 300 individual requests for some 1,500 copies of the list. For those of you who already have the directory, the new number for Family Planning (Information on Family Planning Projects) is: 966–3828, ext. 68. This is also the number for Maternity & Infant Care. If you don't have the directory, but would like a free copy, send a postcard asking for "Where to Go," to HSA, Public Information, Room 620, 125 Worth Street, New York 10013.

Lead found in paint: Since most children who contract lead poisoning have eaten chips of paint containing lead, the Health Department regularly tests interior household paints for excessive lead content as part of its lead poisoning prevention program. A series of recent tests of various household paints found 22 out of 146 cans tested with a lead content above the legal level of 1.0%. (Under Section 173 of New York City's Health Code, it is illegal to sell paints with a lead content above 1.0% unless the label on the paint can warns that the paint contains lead and should not be used for interior surfaces.) The cans, representing 16 different brands of paint, had levels of up to 13.5%. We informed the manufacturers of the paints by letter of the Health Department's findings and told them to remove the paints from the market. All have agreed to do so. At the same time we released a list of paints to the press. The paints found to have an excessive lead content are as follows:

Brand name	Color	Manufacturer	Lot/Code number
1. Adelphi	Rich orange	Adelphi Paint & Color Works, Inc	None.
2. Adelphi	Black enamel	do	Do.
3. Mirrolac	Bonfire red	Devoe Paint—Division of Celanese Coatings Co	1034.
4. Magicote Enamel	Lettuce green	Eaglo Paint & Varnish Corp	053082.
5. Frisco	Tangerine	Frisch & Co., Inc	None.
6. Japalac	Bud green	Glidden Co	2C27A/Y-1212.
7. Interlux	Green	International Paint Co	65C/OC77.
8. Mercury	Buttercup yellow	Mercury Paint Co	3084.
9. Kot-A-Tile	Brite cherry	Paint Fair	None.
10. Florflux	Tile red	Patterson-Sargent	4038A/23891.
11. Peerlux	Orange	Peerless Paint & Varnish Corp	9873.
12. Pleasant	Flame orange	F.O. Pierce Co	0525A3.
13. Pleasant	Autumn yellow	do	0524A5.
14. P.V.A	Olive green	Pentagon Chemical & Paint Works	146Z.
15. P.V.A	Golden yellow	do	LJ23.
16. Seal Luxe	Tropical orange	Seal Rite Paint & Chemical Corp	3013SG–8G–HF.

Ambulatory detoxification program: In July, HSA launched an ambulatory detoxification program aimed at reaching 36,000 heroin addicts a year—the largest program of its kind in the nation. The program will be in full operation by early 1972, with 13 clinics each performing 5,000 detoxifications annually, plus three mobile units with a combined capacity of 7,500 detoxifications annually. The program will provide approximately 72,500 detoxifications annually and will reach 36,000 addicts a year, on the assumption that each addict will be detoxified an average of two times a year. Two clinics are already in full operation, one run by St. Mary's Hospital in Brooklyn, the other by the New York Medical College Department of Psychiatry in Manhattan.

Patients treated in the program will be given decreasing daily doses of methadone over a seven-day period, until they are drug-free. Patients who come to be detoxified will be encouraged to seek longer-term treatment.

The entire program is supervised by HSA, which negotiates contracts with hospitals and other medical institutions that wish to set up detoxification clinics. Jim Kagen is overall director. Carl G. Hooper is the program's Director of Operations. Overall medical supervision is by the Department of Health.

Rats: Six-month report: A six-month report on HSA's Rat Control Program shows that we have made impressive productivity gains over last year. The increase in efficiency and effectiveness is due to our comprehensive program of inspections, garbage removal, extermination and community education. The Rat Control Program operates in five target areas of the city—Harlem, the Lower East Side, South Bronx, Bedford-Stuyvestant, and Brownsville.

Comparing the first quarter of 1970 (January–March) with the month of June 1971, the premises inspected per man day dose from 5.5 to 17.7, while the cost per premise inspected dropped from $10.00 to $3.11. The number of premises exterminated per man day rose from 2.3 to 9.8, with the cost dropping by about four-fifths. The number of man days per ton of refuse removed dropped from 10.8 to 3.5, with the cost per ton removed dropping from $216 to $70.

In addition, the actual work accomplished by the program increased impressively. Comparing January–June 1970 with the same six month period in 1971, the number of premises inspected went from 11,575 to 30,281; the number of premises exterminated went from 15,648 to 34,207; and the number of tons of refuse removed went from 2,412 to 8,449.

HSA is now putting into operation a number of new procedures to make further improvements in the Rat Control Program's effectiveness. These include a block recidivism study to determine the rate at which blocks deteriorate after being treated by the program; computerization of the reporting and billing system; and a career ladder program for field personnel.

Comprehensive approach to alcoholism: This summer, the city's first comprehensive alcoholism treatment service involving a voluntary hospital was created. The new system combines under single management facilities for the initial detoxification stage of treatment, and facilities for long-term outpatient care. In the past a major problem in treating the city's 300,000 alcoholics has been the fragmentation of facilities, which meant that many alcoholics who were detoxified never went on to receive long-term treatment.

The new system was made possible by combining the facilities of Columbus Hospital, at 227 East 19th Street, and the ACCEPT clinic of the New York Council on Alcoholism, at 29 East 22nd Street. Columbus Hospital has set up a ten-bed detoxification unit which can handle 500 patients a year. The ACCEPT clinic handles approximately 1,000 people a year on an outpatient basis. The program is financed by private, city and state funds.

New restaurant inspection system: A new inspection system, designed to increase speedy compliance by restaurants with New York City's Health Code, went into effect July 26. Any restaurant which does not quickly correct significant violations will have its name released to the public, another major innovation of the new system.

Under the new procedures, a Health Department Sanitary Inspector who, during an initial inspection of a restaurant, discovers major Health Code violations—for example, the presence of roaches around food, or inadequate food storage conditions—will inform the restaurant owner that there will be a compliance inspection at a fixed date one to three weeks later. If the violations have not been corrected by then, the owner will have to attend an administrative hearing.

Following the hearing, the names of all restaurants without a valid reason for noncompliance will be released to the press, along with the nature of the violation, and a final date for compliance will be set. Failure to correct the violations by that date will result in closing down the restaurant.

The new system contains fewer compliance inspections than previously, cutting the time restaurants have to correct violations by one-third. It is just the first step in the direction of tougher enforcement. Another step planned for the end of 1971 is a posting system, in which all restaurants will have to show a "scorecard" of the latest inspection to anyone who asks to see it.

Times reprint: Enclosed with this report is a reprint of an article which appeared in the New York Times in July, analyzing President Nixon's health insurance bill. If you agree with our analysis, and are concerned about the question of health insurance, you should write your Congressmen and let them know, since Congress will be considering several health insurance bills this year.

Sincerely,

Gordon Chase,
Administrator.

The City of New York,
Health Services Administration,
August 22, 1971.

HSA Lists Six Household Paints With Excess Lead

Several more household paints have been found by the Health Department to contain lead levels above the 1.0 percent legally permissible level for paints intended for use on interior surfaces, Health Services Administrator Gordon Chase announced today.

Mr. Chase said that certified letters have been sent to all the paint companies, informing them of the findings of the Health Department tests. "If the companies do not voluntarily remove the paints from the market, we will take legal actions against them," Mr. Chase said. "In the meantime, we are releasing the names of the paints containing excess lead in order to protect anyone who has already purchased these brands."

Of 70 cans tested, representing 24 companies, 16 cans contained more than 1.0% lead. Some paint had a lead content of up to 13.5%. Under section #173.13 of the New York City Health Code, it is illegal to manufacture paints with a lead level above 1.0% unless the label on the paint can warns that the paint contains lead and should not be used on interior surfaces.

The paints containing excess lead are:

Brand name	Color	Manufacturer	Lot/Code Number
1. Adelphi	Rich orange	Adelphi Paint & Color Works, Inc	None.
2. Adelphi	Black enamel	do	Do.
3. Mirrolac	Bonfire red	Devoe Paint—Division of Celanese Coatings Co	1034.
4. Magicote Enamel	Lettuce Green	Eaglo Paint & Varnish Corp	053082.
5. Frisco	Tangerine	Frisch & Co., Inc	None.
6. Japalac	Bud Green	Glidden Co	2C27A/Y 1212.
7. Interlux	Green	International Paint Co	65C/OC77.
8. Mercury	Buttercup	Yellow Mercury Paint Co	3084.
9. Kot-A-Tile	Brite Cherry	Paint Fair	None.
10. Florflux	Tile Red	Patterson-Sargent	4038Q/23891.
11. Peerlux	Orange	Peerless Paint & Varnish Corp	9873.
12. Pleasant	Flame orange	F. O. Pierce Co	0525A3.
13. Pleasant	Autumn Yellow	do	0524A5.
14. P.V.A	Olive green	Pentagon Chemical & Paint Works	146Z.
15. P.V.A	Golden yellow	do	LJ23.
16. Seal Luxe	Tropical orange	Seal Rite Paint & Chemical Corp	3113SG-8G-HF.

Dan H. Still, Director, Control Unit, Bureau of Lead Poisoning Control, said the results of the recent tests show that the problem of excessive lead in paint is widespread. "The problem really is national in scope, as many of the paints sold in New York are manufactured outside the city," Mr. Still said. "In the absence of federal regulations prohibiting the manufacturing of paint containing lead, all we can do is continue our testing program to make sure that paint with excessive lead is not offered for sale in the city."

The Health Department regularly tests household paints for excessive lead content. An earlier check showed three companies manufacturing paint with excessive lead. All three companies agreed to remove those paints from the market.

The paint testing program is part of an overall effort to prevent lead poisoning in children. Most children contract lead poisoning as a result of eating chips of paint containing lead.

For further information contact: Naomi Feigelson—566-8040.

Health Services
Administration of the
City of New York,
October 27, 1971.

HSA Announces Embargoing of Leaded Paint, Plus List of New Violators

Health Services Administrator Gordon Chase announced today that HSA's Bureau of Lead Poisoning has embargoed paint supplies sold in retail stores containing unacceptable levels of lead according to the New York City Health Code. The Health Code, section 173.3, stipulates that paints containing in excess of 1.0 percent lead are in violation of the law, unless specific warning labels are attached.

Mr. Chase said that earlier this year 23 paint manufacturers were informed by the Health Department that certain colors produced by their companies were in violation of the law for containing unacceptable lead levels, and they were asked to remove the paint from the market and stop distribution voluntarily. Previous spot checks had not uncovered violations. However, a recent Health Department spot check revealed that illegal paint was still on sale despite warnings to the industry as well as the companies. Five paint manufacturers were repeat offenders, and seven new companies were also found in violation.

"The industry was put on notice to remove this paint from the market three months ago," Mr. Chase said. "It is both disappointing and shocking that a number of paint companies continue to show such a lack of concern for the law and for the health and well-being of city residents."

Dr. Vincent Guinee, Director of HSA's Bureau of Lead Poisoning, said the Bureau's new survey showed 20 of 89 cans of paint contained greater than 1.0 percent lead. The five repeat offenders are: Patterson-Sargent; F. O. Pierce; Pentagon Chemical; Frisch and Co.; Adelphi Paint. The seven new violators are:

Brand	Color	Manufacturer	Lot/code No.
1. Magic Lux	Jade green	Hoboken Paint Co., Inc	None.
Do	Sunbeam	do	Do.
2. Adams[1]	Burnt orange	Pentagon Chemical & Paint Co., Inc	Do.
Do	Golden yellow	do	GR-23.
Do	Olive green	do	G-46S.
3. Rite-on-Green	Green	Sapolin Paints, Inc	35544.
4. Pittsburgh	Lawn green	PPG Co	3543.
Do	Chartreuse	do	98606E.
Do	Lagoon green	do	60457K.
Do	Jonquil yellow	do	95024E.
5. Art-Tex	Canary	Art-Tex Adhexive Products, Inc	5066799.
6. World of Color	Forest green	T. C. Dunham Co	None.
7. Vinaloid	Tangerine	Four Square Paint Co	Do.

[1] Label shows only "Adams" without mention of Pentagon as manufacturer.

The Health Department regularly tests household paints for excessive lead content. To date the Bureau of Laboratories has tested 234 cans of paint, 43 of which were found to have illegal lead levels. The paint testing program is part of an overall effort to prevent lead poisoning in children, Mr. Chase said. Most children contract lead poisoning as a result of eating chips of paint containing lead.

For further information contact: Naomi Feigelson, 566-804.

Health Services
Administration,
The City of New York,
November 17, 1971.

HSA Announces Lead Paint Embargoes

Health Services Administrator Gordon Chase announced today that one out of every twelve retail stores checked recently by the Bureau of Lead Poisoning Control was found in violation of the Health Code, section 173.3. Five hundred forty-one stores have been inspected to date.

As a result of store inspections by the Bureau from October 13 through October 28, 1971, paint was embargoed at 44 locations. Of those 44, Chase said, 40 embargoes were placed against three repeat offenders. They were Adelphi Paint and Color works, 18 embargoes; Pentagon Chemical and Paint Works, 12 embargoes; and Frisch and Company, 10 embargoes. (A summary of embargoes by company and a breakdown of inspections by borough is below.)

All of these companies have been notified by letter that they were violating the Health Code and were given the chance to remove the paints voluntarily, Chase explained. When subsequent checks showed that the companies had not complied voluntarily, the embargoes were issued.

"According to the New York City Health Code, it is unlawful to sell paint with 1.0% lead unless specific warning labels are attached," Chase said. "Continuing surveys on our part show that the sale of such paint is widespread. Lead poisoning is a serious problem in New York and we would hope that manufacturers and store owners would willingly remove paints with an excess of 1.0% lead from the shelves. If they don't, however, we will continue to embargo the paint."

According to Dr. Vincent Guinee, Director of the Bureau of Lead Poisoning Control, its primary goals are to locate children who are at high risk of getting lead poisoning and to keep parents informed concerning sources of lead which are potentially dangerous to children.

"Last year," Guinee said, "more than 2,600 children in New York got lead poisoning, most of them from nibbling on paint chips peeling off apartment walls. Lead poisoning can cause brain damage, and in severe cases can lead to death. There are no noticeable symptoms in the early stages of the disease, and the only sure way to find out if a child has lead poisoning is to take a blood test.

The Bureau of Lead Poisoning Control, established January 1970, regularly tests household paints for excessive lead content.

To date, The Health Department's Bureau of Laboratories has tested 234 cans of paint, 433 of which have been found to have illegal lead levels.

The paint testing program is part of an overall effort by HSA and the Bureau of Lead Poisoning Control. Chase pointed out that New York City's Health Department gives free blood tests to children at city clinics and urged parents who think their child may have lead poisoning to bring him or her for a free blood test right away. The public should call 349–2255 for information on lead poisoning tests.

SUMMARY OF EMBARGOES OF ILLEGAL PAINT FROM OCT. 13, 1971, TO OCT. 28, 1971

Name of company	Number of embargoes	Number of cans
Adelphi Paint & Color works	18	299
Pentagon Chemical & Paint Works	12	62
Frisch & Co	10	122
Hoboken Paint Co	2	8
Glidden-Durkee	1	2
Benjamin Moore & Co	1	2
Total	44	495

	Stores inspected by borough	Embargoes in each borough
Manhattan	150	15
Bronx	147	10
Brooklyn	80	4
Queens	129	15
Richmond	35	0
Total	541	44

"COLLECTIVE SECURITY IN ASIA," AN ADDRESS BY ADM. JOHN S. McCAIN, JR., COMMANDER IN CHIEF, PACIFIC

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HÉBERT. Mr. Speaker, Adm. John S. McCain, Jr., the dynamic U.S. commander in chief, Pacific, made a very thought-provoking address at the American Legion Convention in Houston, which I think is worthwhile reading for all Members of Congress.

I am, therefore, placing his speech in the RECORD, so all Members may have an opportunity to see it:

COLLECTIVE SECURITY IN ASIA

(By Adm. John S. McCain, Jr.)

The United States of America has always had lovers of liberty. We can thank God that we have had in this great land men and women who understand that we must fight, toil, and sacrifice for freedom, to pass the torch of liberty intact to the next generation of Americans. The rights enjoyed by all Americans are a legacy secured by such men and women. And in the forefront are members of the American Legion, other distinguished veterans' organizations, the Armed Forces of our Nation, and especially the men and women who have given their lives or personal freedom for their fellow men.

I think our greatest asset as a people and country is the tradition of citizen-soldier defense. Service to country is the foundation of our democracy and the fulfillment of America's promise of freedom for mankind. For 195 years a tide of courageous countrymen and women have honored a common cause in our continuing struggle for national existence, human liberty, social decency, and political equality. Our nation's faith and confidence in the Armed Forces was shaped on the anvil of the American Revolution. A timeless tradition was forged in the freedom fires of our Independence to keep our people safe and vigilant against marauding forces.

Today the United States leads an alliance of free nations of the world. Its purpose is to achieve peace through maintenance of a strong deterrent force unless or until effective arms control agreements that reduce the threats we face are concluded. It is obvious any country with the global interests of the United States has to be interested in an issue anywhere that could plunge hundreds of millions of people into war. We live in this troubled world, and we cannot get out of it. We will not survive if we do not rise to the security challenges facing our nation.

Never before in the history of mankind has the world been more dependent upon the acts of men of peace, or more reliant on brave men to defend it. This is the foremost reason why our nation must maintain vigilant, realistic war deterrent forces.

The stark reality is that man faces a perpetual problem—a problem that man has faced from the stone age and through the centuries. And that problem is finding a way that all nations and all households can be free from the scourge of war, so that the men, women and children of this planet can live in peace.

The threat of communist aggression in Asia affects the peace of the area and the problem of collective security throughout this vast region. Its significance is underscored by the fact that in my area of responsibility, the United States Pacific Command, live more than one-third of the people on earth. It is also an area of riches and poverty, of peace and war, of ancient civilizations, nationalism, and competing ideas.

Its political spread surprises many. For there are actually 27 different national flags represented in this area . . flags of large and powerful nations, and flags that few of us have ever seen; flags of nations friendly to us and those of nations openly hostile; flags of long and firmly established nations and flags of newly created and politically unstable nations.

As the Commander in Chief of all United States Pacific Forces, I have the responsibility for the defense of our national interests from Southeast Asia to Northeast Asia and in the entire Pacific. I constantly move about this vast area of the world to visit all the subordinate commands. In geography, the Pacific Command covers about two-fifths of the earth's entire surface, some eighty-five million square miles of ocean, continents, and islands. It extends from the shores of California to India, an East-West span of about ten thousand miles. Its North-South axis extends from the Bering Sea to Antarctica.

The Pacific Command headquarters in Honolulu has been set up as a fully integrated "team" representing all the services—for no longer can sharp lines of distinction be drawn between "land warfare," "sea warfare", and "air warfare." The Pacific Command "team" utilizes the specialized skills of Army, Air Force, Navy and Marine personnel. It is the first such unified command to conduct major command operations.

I might point out that this concept has worked in practice far beyond the expectations of those who originally set it up to deal with the complex problems of the Pacific area. I also want to stress that this "team" includes dedicated, skilled civilians.

Before reviewing the security situation in East Asia, I should like to add a most heartfelt word of appreciation of the caliber, loyalty, patriotism, and skill of the more than 800,000 servicemen and women who compose our nation's largest unified military command.

The American in uniform has youth, intelligence, aggressive curiosity, and a firm determination to defend his heritage. He is a skilled, resourceful, and disciplined individual. He has a lasting spirit of pride and honor—in himself, his fellow soldiers, sailors, marines and airmen and in his country. He possesses stamina and courage, a fearless virility and a sacrificial heart. Whether on Yankee Station in the Tonkin Gulf, in South Vietnam, or in Korea, he is carrying out and supporting the policies of our Government.

In the Pacific, we are facing the whole gamut of threats, both active and potential, that the communists have at their disposal. A glance at a map shows that, of the communist nations in the world, the four which present threats to Free World security—Communist China, the Soviet Union, North Vietnam and North Korea—border the Western Pacific.

As President Nixon indicated in his 1970 foreign policy report to the United States Congress, "The balance of nuclear power has placed a premium on negotiation rather than confrontation." At the same time, however, we must be aware of the continuing global threat from the ambitions, goals and activities of communist countries. Only a firm, positive posture backed by adequate military capabilities can assure the security of this region, and with it, that of the Free World.

There have been many "trouble spots" across the globe since VJ-Day in 1945, a day we thought would bring peace to the world.

But what may be surprising to many is that there have actually been some one hundred "shooting wars" during that period, and countless additional "incidents" and "crises." In 1970 alone there were 30 trouble spots. The United States was directly involved only in those conflicts that threatened our national interests or that of our allies.

Today we have the war in Southeast Asia, the border conflict between the Soviet Union and Communist China, the very dangerous situation that exists in the Middle East, and the continuing question of the two Germanys. Another challenge is the expanding projection of Soviet power worldwide through military, political, psychological, and economic means. Especially foreboding is the challenge provided by the recent emergence of Soviet seapower throughout the oceans of the world. And finally, the critically important effort of the forum for the Strategic Arms Limitation Talks in which the United States and the Soviet Union are participating at the conference table has great significance.

The strategy of Realistic Deterrence is designed to systematically diminish the likelihood of outbreak or continuation of conflict. A new defense policy, the strategy takes a prudent middle course between the two policy extremes of world policeman and new isolationism. It is a positive, active policy. Realistic Deterrence emphasizes measured, meaningful involvement and vigorous negotiation from a position of strength. The strategy focuses major attention on a Total Force Concept. In practical terms, it means spending for new weapons and systems and manpower requirements for our Armed Services will be carefully weighed against anticipated needs. In this context, the strategy places greater reliance on the willingness and capabilities of "friends and allies" to play a larger role in their own defense. The U.S. will maintain sufficient strength which will be meshed with other nations in a partnership to make peaceful settlements of disputes more profitable than a shooting war, for both friends and their adversaries.

In an area as vast as the Pacific Command, the United States deterrent posture demands a high degree of mobility and a carefully planned deployment. It calls for a flexibility and a versatility that allows for discriminating application of military force. Finally, we must have adequate strength in forces and weapons, for in some areas in this world that is still the only language that is fully understand and respected.

There have been a number of examples in recent history when U.S. deployed military capabilities have served to snuff out incipient explosive situations. In the Near East the landing of our Marines at Lebanon is one such example. In the Far East, the firm action of our Seventh Fleet during the attacks on Quemoy and Matsu was another. Much closer to our own shores, our military depoyment to the Dominican Republic was a major factor in resolving that situation.

But the most dramatic—and possibly the most critical—example in recent history was the so-called "Cuban confrontation" in which the two major nuclear powers faced each other eyeball to eyeball, each knowing that the other could press the nuclear trigger.

Here we virtually mobilized our forces. Our air power took to the skies on a 24-hour alert. We moved Army and Marine units to within easy striking distance of Cuba. Our Navy formed a quarantine cordon around the island. All of this the Russians knew. They knew as well that we would not back away from our stance. It was the physical deployment of our air, land, and sea forces—just as much as the readiness of our long-range missiles—that led the Russian leadership to order their missile-carrying ships to turn back.

To understand the threat we face in the Pacific fully, it is necessary to review three major developments that have virtually rewritten the textbooks on both military strategies and on political alignments.

The first of these developments is the revolution in military weaponry resulting from the much publicized "technological explosion" of the past few decades.

The second is the rapid segmentation of the world's peoples in more and ever more independent nations.

The third is the continuing aim of some communists to impose their system on mankind, by any means—political or military, open or subversive.

Let me discuss these one by one.

We all know that modern technology has created what might be termed the "ultimate weapon" in that it could destroy any spot on earth in a matter of minutes. That, of course, is the nuclear armed ballistic missile. We have this in two forms, the Minuteman, launched from protected silos deep in the earth . . . and the Polaris launched from atomic-powered submarines deep beneath the surface of the sea. These have been well publicized.

Less well know are a host of weapons, both offensive and defensive, covering a broad spectrum of military uses. Let me give just a few examples:

In the air we have the "Side-winder" attack missile which seeks out its flying target by "homing" on the heat of jet exhaust. Quite literally, this follows the enemy aircraft and climbs right up its tailpipe before it explodes to destroy its target.

An example in ground warfare hardware is a new counter mortar radar which detects incoming rounds and calculates the exact firing positions of enemy mortars for returning fire directly onto the target.

Another advance in aerial technology is a reconnaissance aircraft that can photograph minute detail from positions many miles high, making it extremely difficult for an enemy to conceal his installations or his moves.

A highly ingenious and interesting defensive weapon, developed for the jungle fighting in Vietnam, is commonly called the people sniffer. In principle it detects, chemically, the presence of human bodies, no matter how dark the night, how silent the approach, or how thick the jungle.

No discussion of modern weapons can ignore the impact of the computer—on guidance systems, on fire control, on communications, or navigation. But there is one area in which no computer, no technological breakthrough has been able to change a fundamental of warfare as old as warfare itself.

And that is the decisive "weapon" in all warfare is the man on the ground with the gun on the spot. Whatever preliminaries may be carried out through the use of technological triumphs, it is that man on the ground with the gun on the spot who must occupy and hold the disputed areas. That is as true today in Vietnam as it was in the time of the Roman legions, or of the caveman who started all warfare as such with his club.

But there is one big difference. No matter how slowly he may crawl through the jungle, or edge his way forward to attack, the modern U.S. soldier, the man with the gun, rides to the scene of his combat job . . . in a jet aircraft, in a fast transport, in a truck, or, now for the first time in a major war, in a helicopter. In fact, I might add, wherever you may be in Vietnam today, you are certain to see helicopters overhead . . . carrying troops, delivering supplies, replenishing ammunition, ferrying wounded.

But when he gets there, this man with the gun still uses his own two feet when confronting his enemy in combat—to do his part of the job that eventually settles all wars.

Not only have military textbooks had to be rewritten through the inventiveness of man, but also political textbooks . . . through the burgeoning desire of man to be free and to govern himself.

Nowhere has this been more significant than in the Afro-Asian area which includes nearly a third of the total land mass of the earth.

At the close of World War II this area was largely under the colonial control of seven European nations . . . Britain, France, Italy, the Netherlands, Portugal, Belgium and Spain. If there was trouble in the Congo, let us say, that was the responsibility of the government in Brussels . . . rioting in India had to be contained by the troops of Britain. Rebellion in Algeria was a problem for Paris, not for the world. All this has changed.

Today some 50 new nations, in all stages of development and representing all degrees of stability, occupy this same area. There are 50 governments to deal with, many of them wholly new to governing. Any one of these could trigger a "crisis", some of them have already done so.

The expanding membership of the United Nations dramatizes this segmentation into more and more self-contained units. At its founding in 1945, the United Nations consisted of 51 nations, most of them long established, many of them strong politically, economically, and militarily. Today the United Nations' membership totals 127, or 76 more than the original number. Almost all of these new members are also "new nations." Some are smaller in population than our major cities. Yet each has a voice in the General Assembly equal to our own. Collectively they form uncertain and constantly shifting alignments between the Free World, the communist-dominated world and the so-called "uncommitted" bloc of nations.

Whatever its shortcomings as an international peacekeeping force, the United Nations still provides a forum for discussion, a common meeting ground, and a mirror of world opinion without which international relationships would be even more difficult to reconcile than they are now.

To supplement the United Nations, various military alignments have been set up by the Free World to provide a certain degree of "collective" security in the face of the avowed ambitions of communism to dominate the world politically, militarily, and economically.

As you well know, to safeguard the countries bordering European communist countries, there is the North Atlantic Treaty Organization, made up of 12 West European nations, Turkey, Canada, and the United States.

In the Western Hemisphere there is the Organization of American States, or "OAS," consisting of the 21 republics which share this area. This is, of course, more political and economic in character, than military.

United States participation in the Central Treaty Organization is less direct but still a factor, supporting the four nations which form the alliance.

Finally, we come to the two security pacts of direct concern to the Pacific Command. The Manila Pact—the South East Asia Treaty Organization—is made up of nations whose major concern is the containment of communist activities in Southeast Asia. The eight SEATO nations include the United States, Great Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines. SEATO is very, very important in spite of what you may read or hear. And if we did not have SEATO we would have to invent this organization. In the three years that I have had this command, I have found that in order to solve problems you just have to establish channels of communication. This is an important function of SEATO. It is especially invaluable as we face the continuing crises confronting us today. The other pact, ANZUS, is made up of the three English-speaking nations which have major commitments and responsibilities in the Pacific area . . . Australia, New Zealand, and the United States. This involves many matters of mutual concern, both military and political.

One further security bulwark has been erected toward achieving greater stability along the eastern coast of Asia. This area is stabilized by U.S. mutual assistance pacts with Japan, Republic of Korea, Republic of China, and the Republic of the Philippines.

All of these political-military groupings are defensive in nature.

Communism has changed radically in the past 18 years. At the time of Stalin's death the Communist "bloc" of nations was, in reality, under a single dominant leadership. It extended from Europe to the Pacific as a contiguous geographic area. In it lived about a third of all the people on earth. Today, this erstwhile "bloc" is split into factions as vitriolic toward each other as they are toward the Free World. Instead of a single communist leadership, there are now 14 separate leaderships. Although they may have individual interpretations as to how they want to expand, and at whose expense, the ambitions of the major communist leaders still pose a constant and serious threat to the Free World. Nowhere is this more apparent than in the areas which fall within the Pacific Command, for here are the most aggressive communist nations.

Without doubt the leaders of Communist China, North Korea and North Vietnam are the most formidable problem Free World diplomacy has ever faced. They do not think or react in the psycholoigcal and political sense which you and I understand. They are insensitive to life and property. Theirs is a long-range goal of territorial and ideological conquest. And to achieve this objective they are ruthless and resolute, patient and persistent.

The fact that the leaderships of the four communist powers in Asia are divided by differing motivations and ambitions increases the difficulty of predicting what they might do in the way of possible military adventures.

We have fought two major wars with the communist powers in this area. Two of these nations have taken aggressive action which led us into wars not of our own choosing. These, of course, are North Korea and North Vietnam. I plan to discuss Vietnam with you a little later.

The Soviet Union's primary immediate objective is to have the countries of the area look to the USSR rather than China for leadership, inspiration and help.

Backed by impressive economic and manpower resources, Soviet Far Eastern military strength remains a major threat. In the Far East, the Soviets have an army of a quarter of a million troops; an air force comprised of over a thousand jet bombers and a rocket force of hundreds of nuclear-tipped missiles. The threat posed by their modernized Pacific Fleet is increasing steadily. Presently, in the Pacific, they have over 50 major combatants and more than 100 submarines, many of them missile-equipped. Their navy also has hundreds of other craft involved in many types of missions.

The intense rivalry between the Soviet Union and the Communist Chinese is a match of dangerously militant challengers for supremacy of the communist world.

In competing with Peking for leadership of the communist world, the Soviets can be expected to continue to assist their North Korean and North Vietnamese communist allies by providing large quantities of weapons, equipment and supplies. The Soviets appear to support containment of the Vietnam conflict, to reduce possibilities of its leading to general war. For this and other reasons of their own, rather than through any lack of opposition to U.S. objectives, they appear to favor dialogues concerning a Vietnam settlement on Hanoi's terms, however.

The growth of Soviet military offensive capability continues unabated. The Soviets have been strengthening their military forces on land, on the sea, and in the air for some time. One striking example of their expanding strategic offensive forces momentum is that the Soviet Union has forged ahead of the U.S. in numbers of strategic land-based missiles. As Secretary of Defense Laird has reported, the monster Soviet SS-9 Intercontinental Ballistic Missile system deployed or under construction is estimated to have increased from 230 a year ago to about 300 today. In addition, 29 or 30 Polaris-type ballistic missile submarines are now operational or under construction and at present construction rates, will exceed the U.S. fleet of nuclear-powered ballistic missile submarines in 1974.

The Soviets, pressing southward since the days of the Czars, have emerged as a naval power. They have finally succeeded in operating fleets in the great oceans of the world. Soviet naval and air maneuvers have been made in the Norwegian Sea, the North Atlantic, in the Mediterranean, the Indian Ocean, the Sea of Japan, and the Philippine Sea. Moreover, approximately 20 nations in these areas are welcoming Soviet flag visits. Clearly, the Soviets do not use their navy in a parochial sense. They have grasped the significance of seapower and its importance to trade, fisheries and oceanographic research.

Certainly the major potential source of danger in the Western Pacific is Communist China. While the motivations and intentions of the Communist Chinese leaders are matters of conjecture, their capabilities can be fairly accurately measured.

The Communist Chinese Army at 2.5 million officers and men is the largest standing army in Asia and it is equipped with modern weapons. Communist China's air force numbers nearly 4,000 combat aircraft, including MIG-21's and other sophisticated weapons systems. The navy is limited but growing, and includes the world's fourth largest fleet of 40 attack submarines and a growing missile patrol boat force. Another half-million men make up an impressive paramilitary force.

The Peoples Republic of China has extended territorial claims to parts of India and have occupied Tibet. Their forces also have clashed with Soviet troops—on the Kazakhstan-Sinkiang frontier, which featured major fighting, comparable to that of March 1969 on the Ussuri River frontier, 2,000 miles to the east.

As to intentions, the Chinese Communist forces appear at present, in spite of Peking's bombast about nuclear war with both the U.S. and Russia, to be defensively oriented in make up and deployment. However, their nuclear capability will before long be able to span most of Asia and the Soviet Union.

The Chinese moved closer to the day when they will launch their first ICBM with the successful orbiting of their first satellite. This event proves the Chinese have the capability to put in orbit a considerable payload. It also confirms their technological progress and, as Secretary Laird has pointed out, we must credit them with the near term capability to fire their first ICBM. They could have an operational ICBM capability in the mid-1970's. They have worked on an MRBM (Medium Range Ballistic Missile) capable of delivering a 20 kiloton warhead up to 1,000 miles for a number of years, and appear to be capable of a limited deployment at any time, even this year.

Regarding their nuclear weapons capability, the Chinese Communists detonated ten nuclear devices from October 1964 to the end of September 1969. Six of those tests involved thermo-nuclear devices.

The Chinese Communist strategic nuclear threat to the United States, for many years to come, will be far too small and will lack the accuracy to pose a threat to our strategic offensive capability. However, even a small and relatively unsophisticated Chinese Communist nuclear force could threaten their neighbors and our forces on mainland Asia and in the Western Pacific.

It appears that Communist China presently seeks to dominate its neighbors through political pressure, subversion and so-called "wars of national liberation"—rather than by military conquest. It has been cautious in risking its own resources; however, to expand its influence it may add nuclear blackmail to its pressure on its neighbors. Communist China's continued support of insurgencies and "wars of liberation" remains a paramount threat to U.S. interests in East Asia and the Western Pacific despite hopes for improved relations.

Turning to the Republic of Korea, the North Korean threat has not diminished in the last two years. Continued infiltration of the South, the brazen capture of the Pueblo, and the shoot-down of an American plane many miles from North Korean air space, reflect a truculence that could escalate sharply into major war.

North Korea makes no secret of its goal to unify Korea by force under its control during the next few years. Clearly, North Korea will not scruple at even the most flagrant measures to achieve its objective. Hundreds of North Korean-initiated incidents have erupted in the Republic of Korea. During 1968, there were 220 major incidents provoked by North Korea along the Demilitarized Zone. The trend in 1969 and 1970 was down. Nevertheless, the threat of the Pyongyang regime persists and is underlined by its continued efforts to infiltrate armed bands along sea routes into the South.

Comparing the forces of both North Korea and the Republic of Korea we find that the North Korean Army is considerably smaller than the Republic of Korea Army of over half a million men. The North Koreans have a large guerrilla-type commando force. North Korea's Navy is also smaller than the Republic of Korea's force but North Korea has a large fleet of patrol and coastal craft which are frequently used to land guerrilla forces on the coastline of the Republic of Korea.

On the air power side, the Republic of Korea is at a clear disadvantage since the North Korean's force outnumbers it about three to one in combat aircraft. North Korea's jet capable airfields are about double those facilities in the Republic of Korea. However, the United States can provide the balance of air power from aircraft currently deployed in the Pacific.

A most positive development in Northeast Asia is the Republic of Korea's improved relations with Japan, resulting in closer economic ties and a beneficial commercial exchange between the two countries.

Economically, Japan is now third among the nations of the world. Following a long period of reconstruction and domestic investment and development, Japan is now turning its attention and resources toward assisting the economic and social development of the free nations of Asia. Japan remains firmly aligned with the free nations of Asia. This is exemplified by the November 1969 agreement between President Nixon and Prime Minister Sato on the reversion of Okinawa to Japan by the end of 1972 and the indefinite continuation of the mutual security treaty between our two nations.

Moving south is another area of communist pressure: the Taiwan Strait. A communist Chinese attack on Taiwan in view of our firm commitment under the Mutual Defense Treaty of 1954 and of our combined defense capability would be a foolhardy venture. But the possibility can never be excluded. "Liberation" of Taiwan continues as a cardinal Chinese Communist objective.

Significant Chinese Communist military force is tied up on the mainland coast opposite Taiwan. Opposite Communist China is a significant Republic of China Army, an air force of over several hundred fighters, and a small navy of destroyer-types and patrol craft. Facing the Republic of China defense on Taiwan is a communist army of over 150,000 men, an air force of over 1,000 fighters and bombers, and a significant naval force including destroyer-types, submarines and a large coastal patrol force.

The South China Sea separates the Philippines from the mainland communist aggressive threat. Conscious nevertheless of the long-term danger, the Philippine Government provides important bases in support of the Free World stand in Vietnam, and ultimately, the security of the Philippines themselves. The HUK rebellion is a constant reminder of communist insurgency.

In Indonesia the Suharto Government has made definite progress in raising the country up from the depths to which it sank under Sukarno. Effective measures have been taken to prevent the Peking-oriented communist party of Indonesia from reviving on an important scale. Economic recovery and development are underway and there has recently been a marked resumption of American and other foreign investment in Indonesia's vast oil and other resources. While remaining unaligned, Indonesian foreign policy has been marked by growing readiness and desire to work with other free nations of the area for mutual economic, social and security interest.

In Malaysia a generally promising course of development was briefly interrupted by 1969's communal disturbances and riots. However, another similar outbreak is becoming less likely. Despite communist efforts to exploit racial unrest, the 1971 anniversary of the riots passed without serious incident. Nevertheless, the still unsettled situation provides fertile ground for communist subversion.

While Singapore has thus far remained little touched, extension of communist inspired instability to that tiny island nation would imperil freedom of passage through the Malacca Straits which are crucial to Asian petroleum imports for its industry. The new accord reached by Britain, Australia, and New Zealand provides for continued defense arrangements to protect Singapore and Malaysia. Its significance is that the British will keep a military force in Southeast Asia to help maintain the peace of the region.

Turning now to Burma, we have a country which is presently suffering from a stagnant economy and insurgent control of large areas of the country. Chinese Communist aid to insurgents in the northeastern areas of the nation poses an ominous threat. A Communist Chinese goal may be to connect their road system with the Burmese system which would open new avenues of approach to Thailand and Laos. The next 12 months may be critical in determining the nature and probable success of their intervention in Burma. The Burmese Army is hard pressed to deal with internal security, and it would be unable to offer effective resistance to a major attack by Red China.

The insurgency in North and Northeast Thailand is supported and encouraged by Peking and Hanoi. The Royal Thai Government is moving to meet the threat. The outcome is not yet clear, but there is ground for confidence that unless the external basis of the insurgency is magnified, the Thai authorities will, with continued U.S. material and advisory assistance, progressively bring the insurgency under control.

Regarding the situation in Laos and Cambodia, President Nixon has reported how the North Vietnamese sent tens of thousands of troops into all three countries of the Indochina peninsula across every single common border for the past eight years. It is a fact that North Vietnam has systematically and repeatedly invaded Laotian territory since 1962 in violation of international agreements and the sovereignty of the people of Laos.

Communist forces in Laos include some 100,000 North Vietnamese regulars and 45,000 Pathet Lao troops that have dealt serious setbacks to the Laotian Armed Forces. The importance of the communist occupation of the long eastern flank of Laos is found in the fact that Ho Chi Minh trails run through this area into key points that give them access for operations against South Vietnam and Cambodia and potentially Thailand.

In Laos, we are primarily concerned with interdicting the enemy's support efforts channeled toward South Vietnam and Cambodia. By contributing to his capability to carry out his intentions in South Vietnam and Cambodia, we are directly supporting the Vietnamization program and decreasing the danger to our troops as they are redeployed.

The enemy has two jet capable airfields in southern North Vietnam. These are Bai Thuong and Quan Lang, and they give the enemy the flexibility of rapidly deploying his aircraft to and from these airfields. As an example of this enemy option, recently a North Vietnamese MIG-21 aircraft attempted to attack American aircraft in Laotian skies. Enemy aircraft also have tried to lure our planes over enemy anti-aircraft and SAM missile emplacements on the Laotian-North Vietnamese borders. The enemy has frequently fired upon our aircraft flying in Laotian airspace.

In North Laos the capabilities of our Laotian allies are limited and the initiative is with the enemy. North Vietnam will undoubtedly attempt to more firmly establish Laos as a sanctuary for its operations in the south. As long as American lives are involved, we will continue to deny the enemy any respite in this area. Further, the Republic of Vietnam, with the Lamson 719 precedent, will also deny the enemy this assurance.

The Chinese Communists have been building a road network through Northern Laos. In the near future they will have established an all weather motorable road which extends from Communist China in the north, Dien Bien Phu to the east, all the way across Laos to the Mekong River, which is in itself a great water highway. Although making no overt threats, it is obvious that the Chinese Communists intend to use this road and to apply pressure on both the gov_ ernments of Laos and Thailand. It will be definitely extend their capability to support year round insurgent operations, and has already virtually cut off Northwest Laos from the rest of the country.

Some 55,000 communist troops are waging aggression against the people and Republic of Cambodia. This follows Hanoi's consistent pattern of aggression in Indochina. Events of the past year in Cambodia emphasize, again, the regional nature of the war. For well over five years the enemy was afforded the luxury of free access to sanctuary areas and lines of communication in Cambodia. From these bases he attacked the Neutralist Government of Laos, supported insurgency in Thailand, and posed a serious and increasing threat to the Vietnamization program.

One of the great acts of moral courage and discipline in our search for a just peace in Southeast Asia was when President Nixon ordered the 1970 Cambodian operation. The President's move into communist sanctuaries was bold and decisive. The purpose was to protect allied forces by destroying enemy sanctuary areas and supply caches. We did this. Subsequently, all U.S. ground forces were withdrawn from Cambodia. We are out.

Now to get into positions to threaten the southern half of South Vietnam, Hanoi must cover a large amount of ground that is unfriendly. This is a new stress on Hanoi's home front. The resources the Chinese Communists and the Soviets are willing to divert and the problems of transportation, communications, and the exigency of the weather have a great bearing on North Vietnam's ability to launch new offensive operations against South Vietnam.

Previously, the enemy took areas in Cambodia of use to them in their assaults on South Vietnam. The key to the whole thing for Hanoi was its input of supplies and materials from the sea at Cambodia's deep-water port of Kampong Som. This vital sea and land funnel has been denied them by the Khmer government. Without such input, then Hanoi's ability to mount high level attacks on the Southern third of South Vietnam is greatly diminished. Moreover, as Secretary of Defense Laird has indicated, the South Vietnamese Armed Forces are free to operate in a combat role in the former communist sanctuaries of Cambodia.

The 1970 allied Cambodian operation must be considered one of the most consequential events of the war. This is true for a number of reasons.

First, for the Army of the Republic of Vietnam, the Cambodian operational success offers proof that it has finally arrived. Today one of seven South Vietnamese men is under arms in defense of his country. He serves in the largest Asian Army outside of Communist China. He has proven he can hold his own and defeat the enemy.

Second, Camobdia demonstrates that the North Vietnamese Army and communist Viet Cong are not the world's most efficient army as some self-appointed critics have claimed. Hanoi's army certainly has been efficient in terms of its callous indifference to battlefield losses, estimated to be over 750,000 killed in action since this war began. And the loss of their Cambodian sanctuary bases and supply caches proves conclusively that they are not independent of an expensive logistics system either.

Third, what is not so apparent to the public is the fact that the enemy has been steadily pushed off the backs of the overwhelming majority of the South Vietnamese people.

The geographical progress since 1967 in reducing the threat to Saigon, and indeed the whole of South Vietnam, is readily apparent today. Hanoi's leaders have been dealt a succession of crippling blows to their ability to attack South Vietnam.

Cambodian troops, meanwhile are taking the war to the enemy. When I was in Phnom Penh for consultations with Cambodia's Premier Lon Nol and other top government and military leaders, I also had an opportunity to examine firsthand several Cambodian fighting units. I came away impressed with their growing ability and determination to counter North Vietnam's aggression. The Cambodian forces are putting U.S.-provided small arms equipment to good use in their efforts against the communist forces illegally present in their country.

In February, thousands of South Vietnamese troops with U.S. air support moved against the North Vietnamese presence in Laos which relates directly to Hanoi's aggression against South Vietnam. Men and supplies to support that aggression have been pouring from North Vietnam through Laos into South Vietnam for years, and they also were going into Cambodia, all by the way of the Ho Chi Minh trail. The South Vietnamese operation into Laos was developed with a limited objective to destroy supplies stockpiled by the North Vietnamese in the mountainous region of Laos. The Lamson 719 operations, as the Vietnamese call it, also intended to prevent the launching of a 1971 communist offensive in the northern areas of South Vietnam and to permit the Vietnamization program to continue.

The Ho Chi Minh trail—actually a network of roads—is the jugular vein connecting North Veitnam with its forces in Cambodia and South Vietnam. This is Hanoi's vital pipeline, and we have disrupted North Vietnam's logistics flow toward its forces in Cambodia and South Vietnam. It will result in saving U.S. lives and insure orderly continuation of our redeployment program. It was not the intent to block the Ho Chi Minh trail in the sense of permanently sealing off all infiltration routes to the south, and the success of the operation should not be measured in this context. The objective was to disrupt the traffic flow.

The South Vietnamese Army took the initiative from North Vietnam's forces by meeting them head on, with confidence, in enemy-occupied territory along route 9 and in the Tchepone area. They deployed a professional military force, faced hard fighting, and gave a good accounting of themselves against a much larger enemy force. Many enemy units were battered. Although they took some lumps, the Army of the Republic of Vietnam, with U.S. air support, bested a number of first-line North Vietnamese battalions. A fact often overlooked is that the South Vietnamese had a very effective operation underway in Cambodia at the same time. In Cambodia, using their own air power, South Vietnam's forces in the CHUP plantation area have also done very well in the other phase of their double-barreled disruptive incursions against Hanoi's supply caches and transport network. There is no doubt the total effort in Laos and Cambodia by South Vietnam's forces has denied the enemy vital resupply efforts and materiel they would otherwise have used against Allied forces. However, the real results—like in last year's successful Cambodian incursion—will not be apparent until later this year, when the rainy season ends.

On this note and in the face of conflicting reports, I would like to briefly review the recent history of both allied and enemy operations.

There have been three major enemy initiated offensive operations and three major allied initiated operations beginning with and since the enemy Tet offensive of 1968. And in each operation, the enemy suffered a major defeat. The Tet offensive of 1968, in itself a cease-fire violation in which 68,000 enemy troops were involved, was a triple disaster—it was a military defeat for the enemy; it alienated large segments of the South Vietnamese population; and 40,000 enemy soldiers were lost.

Continued disasters for the enemy in his "Little Tet" operation of May 1968 and his Tet 1969 offensive led him to reassess his entire tactical operation. He returned to guerilla war tactics and again emphasized resolutions toward a "protracted war."

The first of three recent allied operations was the May–June 1970 Cambodian cross-border operation. This was another major defeat for Communist forces in Indochina and set the stage for accelerated American troop withdrawals. In addition to over 31,000 enemy killed in this operation, vast sums of military supplies were captured or destroyed.

In the South Vietnamese cross-border operations in the CHUP Plantation area of Cambodia which began on the 4th of February, over 5,000 of the enemy have been killed and 10,000 of his forces have been tied down. The military objectives were accomplished. This was the first of its two-fold success.

The second success story to be told here—and one that I have seen very little mention of in the press—is that this operation was completely supported by South Vietnamese efforts. They flew the air support. They flew the logistics support.

Regarding the ARVN cross-border Lamson 719 operations into Laos, we know that enemy materiel losses were staggering. He lost an amount of food that could have fed 139 battalions at two pounds per man a day for 30 days. Individual weapons were captured or destroyed that could have equipped 14 battalions; and 20 battalions could have been equipped with crew-served weapons captured or destroyed.

Even more important than these statistics is the fact that the enemy's sanctuary has been struck, and he will never be certain it can't or won't happen again.

Hanoi's massive effort to push war materials down the Ho Chi Minh trail during the now concluded six-month dry season was severely limited by U.S. planes and the South Vietnamese ground operation into Laos. Only about one out of each eight tons of supplies North Vietnam put into the trail got through to its troops in South Vietnam and Cambodia.

An indication that Hanoi may be thinking about a protracted war is found in their installation of an extensive petroleum pipeline from Vinh, North Vietnam, which extends into Laos by way of the Mu Gia and Ban Raving passes and into known enemy resupply bases. The petroleum pipeline was interdicted in the South Vietnamese Lamson 719 operation but has since been rebuilt. It releases substantial numbers of enemy trucks from their former mission of moving petroleum drums for other purposes.

The North Vietnamese also use the rivers and streams of Laos for their resupply efforts. They have built a bamboo pole pipeline—a long network of bamboo poles lashed together to guide barrels and plastic bags which "free float" munitions and supplies. This bamboo pole pipeline channels containers into prepared lagoons used as holding and sorting basins.

In summary, throughout Southeast Asia, the enemy is faced with problems that he has not encountered in the last decade. In Laos, he was forced to expand his lines of communication in an effort to compensate for the loss of the Cambodian port of Kampong Som, disruptions to his lines of communication by the cross-border operations into Cambodia, and the need to resupply his forces in the south. Operation Lamson 719 disrupted the enemy's 1970–71 logistics timetable. The effects of this disruption upon North Vietnamese plans may be amplified by the need for Hanoi to anticipate possible future ARVN out-country incursions. In Cambodia, the change of government in 1970 obliged the enemy to reassess the situation and reorient his efforts in an attempt to replace vital supply lines. To accomplish this, he diverted main force units from South Vietnam, further limiting his offensive capabilities. The enemy's future military effectiveness throughout southern Indo-China is directly related to his ability to solve the serious logistical problems which he now faces.

Regarding the future of Cambodia and Laos, President Nixon has said we are exploring "methods through which the neutrality of countries like Cambodia and Laos, who cannot possibly defend themselves" will be "guaranteed without having the intervention of foreign forces."

Successes in the Vietnamization program and regional cooperation among Asian allies will advance progress toward United States goals in Indochina. Our goals remain: to end American casualties; to continue the withdrawal of our forces; to accelerate Vietnamization progress; and to successfully implement the Nixon Doctrine throughout East Asia and the Pacific.

In South Vietnam the President's policy is sound. The current plan for reduction of men is both safe and reasonable, particularly in view of our success in Cambodia. It will speed up Vietnamization to insure continued U.S. redeployments from Southeast Asia, and to reduce American casualties. As President Nixon has said, there will be a reduction by December in our authorized strength in Vietnam to our new goal of 184,000—a cut of nearly 365,000 Americans.

Vietnamization as a path to peace in Vietnam fulfills four purposes: Self-determination for the South Vietnamese people. Honors our obligations to the Vietnamese. Systematically reduces American ground combat involvement. Helps restore the credibility of our actions at home and abroad.

Throughout the Republic, the Vietnamese soldier is taking over the combat readiness and combat action in this war. The Republic of Vietnam Armed Forces continue to train themselves, accept new combat responsibilities, and set out in their combat actions with a renewed determination to defeat the enemy. The Republic of Vietnam Army continues to seek out the enemy and preempt him at every opportunity, defeating his forces and destroying his caches before they can launch their next attack.

Simultaneous with this is the turnover of military equipment and bases for their operational and logistical growth.

Let me at this time touch on just a few significant Vietnamization illustrations:

First, the economy: over 95 percent of essential roads and waterways are now open. Rice production is moving towards self-sufficiency. The big problem, however, is control of inflation to insure the economic stability of Vietnam.

South Vietnam's government has been and continues to grow in strength. Locally elected governments are spreading throughout the country. Nine of 10 hamlets now have popularly elected officials, and more important there has been a noticeable increase in the number of citizens willing to seek office.

The Pacification Program has shown considerable progress within the past two years. Almost 94 percent of the population now live in relatively secure areas. Another factor showing the progress of the government is the Chieu Hoi program. This program, which started in 1963, provides amnesty to enemy forces desiring to come over to the side of the South. In 1970 alone, 32,000 enemy defected from the Viet Cong or the North Vietnamese to the side of the Republic of Vietnam.

The next element of Vietnamization is a stronger national police for the internal security of the Republic. Greater emphasis has been placed on training and strengthening of the police for local security. Since these men are from the hamlets and villages to which that are assigned, they know the villagers within that area and are therefore able to identify enemy personnel. They have been greatly instrumental in rooting out the Viet Cong infrastructure. Police substations have been established in villages and hamlets where elections have been held to provide greater security to the people of South Vietnam.

Turning now to the military improvement and modernization efforts, we find that this program is ahead of schedule.

The Republic of Vietnam's Armed Forces have grown from 274,000 men and women under arms in 1960 to today's 1,200,000. This includes 400,000 Army regulars, 40,000 Navy, 40,000 Air Force, 12,000 Marines, 500,000 territorial force troops, and about 215,000 paramilitary forces including civilian irregulars and national police.

The goal however is *quality* and not quantity. General Abrams and his staff greatly emphasize the necessity for developing quality manpower and leadership within the armed forces of the South. Since June 1969, when President Nixon ordered the first American troop redeployment and made Vietnamization a priority mission, South Vietnamese infantrymen have replaced American troops in these key regions:

The capital military district, including defense of Saigon.

The Mekong Delta.

The coastal belt along the South China

Sea running from north of Da Nang to the eastern flank of the Demilitarized Zone.

The Central Highlands.

Demilitarized Zone.

Since U.S. redeployment began about 24 months ago, 100 American military installations have been turned over to the Vietnamese.

The Vietnamese Air Force—gaining strength in both equipment and technical proficiency—now has 32 squadrons of more than 800 aircraft including jet and propeller-driven bombers, helicopters, AC47 gunships, C47 transports and light single-engine reconnaissance planes. Among its 40,000 airmen are 1,200 trained pilots and 1,500 more scheduled for training. Their combat sortie rate within the past year has increased 67 percent for fixed wing aircraft and a threefold increase for helicopters.

One of the problems we are now faced with is training time. Training is not an overnight accomplishment. It takes time. For example, it takes 12 months to train a jet pilot in just the basic skills of flying his aircraft. It takes six months to train a mechanic to maintain that jet aircraft. Before either of these can start his training, 30 to 36 weeks of English language instruction is required.

The U.S. 7th Air Force has transferred to the Vietnamese Air Force over 400 helicopters, A37 jet fighter bombers and AC47 gunships. Approximately 7,200 of the Republic of Vietnam's military personnel are being trained in the United States this fiscal year. Most are associated with air operations. The number is nearly five times that of two years ago.

Probably the most rapid progress in Vietnamization has been made by the U.S. Naval Forces in Vietnam. This is the brown-water navy that patrolled the Mekong Delta rice bowl south of Saigon and screen infiltration corridors for enemy troops and equipment leading from Cambodia into the western delta. This is now the responsibility of the South Vietnamese Navy.

The South Vietnamese Navy has reached a strength of 40,000 men and 1,500 vessels. It operates almost entirely in the Mekong Delta which contains more than half of the country's population south of Saigon.

Since the Vietnamization program began, the U.S. Navy has given the South Vietnamese Navy 810 combatant and logistic craft, including 850 river patrol boats. More than 6,000 Vietnamese have been trained to meet U.S. Naval standards of operation, and the command of two major bases has been given to the South Vietnamese Navy. Significantly, no U.S. patrol boat operating in Vietnamese waters today has an entirely American crew.

U.S. Coast Guard has phased out its Vietnam-based combat operations. Coast Guard Squadron One has turned over all of its 26 patrol vessels to the Vietnamese over a 15 month period. The squadron was mostly involved in patrol and surveillance work along the South China Sea coast. Now there are only a few advisory and technical personnel remaining.

The added significance to what I have just mentioned is this. It is relatively easy to just turn over equipment and bases, indiscriminately, but this is not the case in Vietnam today. The Vietnamese Armed Forces are capable and well trained to maintain and continue the fight with the equipment and operational facilities they are receiving. In addition, the men in the field, including the Regional Forces and the Popular Forces, are being equipped with the best weapons. Over 96 percent of the Republic of Vietnam's Armed Forces are using the M-16 rifle, and they are proving they can use it very well.

Enemy aggressiveness continues to be the determining factor in the Allied search for a just peace in Vietnam and the entire Indochina area. As Secretary Laird recently stated to the House Armed Services Committee, in South Vietnam, the major threat to friendly forces is posed by Viet Cong and North Vietnamese Army forces just north of the DMZ, in the southern Laos panhandle and in the northern two provinces of MR 1. The principal communist threat in South Vietnam is the enemy's continued capability to launch a major, multi-regimental level operation. The enemy's actions in Indochina demonstrate that his ultimate objective of trying to put North Vietnamese leadership in South Vietnam remains unchanged.

Hanoi is greatly concerned about the progress of the Pacification and Vietnamization programs. Our intelligence reveals that Hanoi's objectives are to wear down the resolve of the Free World, discredit the Pacification program, disrupt the Vietnamization progress, and most importantly, to exert pressure on United States and world public opinion.

As President Nixon has reported to the American people, the enemy's three basic strategies have failed. He has not won and cannot win a military victory or a political victory in South Vietnam. And he cannot achieve a political victory in the United States.

United States troop withdrawals are predicted on reduction in intensity of actions by the enemy, progress in the Vietnamization program and progress at the Paris talks.

The communists have been warned by the United States Government that the timing of American troop withdrawals will depend on the current military and diplomatic situation. President Nixon has stated:

"If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

President Nixon's fulfilled pledges and his plan to further reduce the total U.S. troop commitment in South Vietnam—responsible, disciplined acts of statesmanship—are a result of the confidence that Pacification and Vietnamization are succeeding. The South Vietnamese are developing the capability for their own defense. Combat action has declined for our forces. The South Vietnamese are doing more. The North Vietnamese are able to do less. Our troops continue to perform a necessary though unpleasant function. We will need an effective military force in South Vietnam in the months ahead to safeguard our continued redeployment permitted by progress in the Vietnamization program. We are well on the way toward ending our ground combat role. I believe our objectives, in the long run, will prove successful.

It would be unrealistic to hope that a Vietnam settlement, when achieved, will end the threat of aggressive communism. Backed by U.S. ground, sea, and air power, our allies must develop and maintain conventional forces to help deter the aggressive ambitions of their communist neighbors.

At the heart of the Nixon Doctrine—which has been readily recognized and accepted by our allies—is the principle of partnership, of shared responsibility for peace and security. The President has stated the United States will keep its treaty commitments with the expectation that our friends and allies will assume greater responsibility for their own defense.

This evolutionary development is a major change in U.S. foreign policy. Its significance is two-fold: It means continued U.S. leadership of the Free World but with a reduced American presence. And secondly, this new phase in American foreign policy will mean a future savings to us all in terms of American lives as well as dollars.

Although some question the need for a strong, realistic war-deterrent force, I would remind all that no battles have been fought on Continental United States soil since the Civil War. In World War II the mood of the country reflected the knowledge that the Republic was beset by trials as grave as any it had faced in its history. There was an unquestioned acceptance of the need to sacrifice to insure the survival of an ideal. We felt intuitively that our society offered man his best hope of a way of life by which he could fulfill himself in freedom.

Over the decades since then, however, the issues have been many and complex, and the rightness of our actions on the world scene has not been so easily demonstrated as in World War II. There is some disenchantment with the military today among certain groups, giving rise in turn to criticism not notable for its amiability. In point of fact, even a superficial look at recent history gives us reason to be proud of what our defense forces have accomplished over these years.

It is easily forgotten that United States strength and commitment were indispensable elements of the economic and political resurgence of Western Europe. The United

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Far East, and the fact that freedom survives under the shadow of aggressive communism is testimony to the effectiveness and perseverence of our armed forces.

Despite the determination of world powers to extend by force a political system which scorns freedom, the Free World alliance remains a symbol of hope to nations where freedom has died.

MRS. JOHN W. McCORMACK

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, the death of Harriet McCormack, beloved wife of our former Speaker, John McCormack, after a long and tragic illness, has brought great sorrow and a profound sense of loss to me personally and to all those who have had the privilege of knowing the McCormacks.

Mrs. McCormack truly exemplified the most noble qualities of the time-honored role of wife and helpmate. Anyone who has ever known John McCormack knew of his total devotion, his deep admiration and respect, and his abiding love for his wife. Their romance was a storybook tale that began more than half a century ago. While visiting friends at Nantasket Beach in 1917, the young John gave a tiny, pretty, blue-eyed girl a hand putting up an automobile top in a rainstorm. It was love at first sight, a love that seemed to grow ever stronger with each passing year.

Harriet Joyce was a professional singer with a promising operatic career. A rich contralto, she had signed a contract with the Metropolitan Opera. But in 1920, she gave up her singing career for a greater one, dedicating her life and love to John McCormack, the promising young lawyer and veteran who would become one of the successful and respected politicians of our times.

It is truly said, and I am sure John McCormack would be the first to agree, that behind every great man there is a great woman. Harriet was with him every step of the way. He sought her advice, respected her opinions, and from her deep faith in him, drew much of the strength and self-confidence which made him outstanding in the political world. Their love was a living legend in Washington, for they preferred each other's company to all the glittering social scene of the Capital. In all the years of their married life they never spent a night apart.

A woman of deep serenity, quiet grace, and profound religious faith, Harriet McCormack was a life-long inspiration to her husband. Their marriage carried out the highest ideals of the Christian family and set an example seldom matched except in fiction and poetry. Perhaps the poet Wordsworth came closest to expressing the precious relationship they shared and cherished. In "She Was a Phantom of Delight," he wrote:

And now I see with eye serene
The very pulse of the machine; . . .
A perfect Woman, nobly planned,
To warn, to comfort, and command;
And yet a Spirit still, and bright
With something of angelic light.

And from "Weak Is the Will of Man":

Tis hers to pluck the amaranthine flower
Of faith, and round the sufferer's temples bind
Wreaths that endure affliction's heaviest shower,
And do not shrink from sorrow's keenest wind.

As a former constituent of Speaker McCormack's, as a fellow Bostonian, as a member of the Massachusetts delegation and of Congress, on which he has left the indelible imprint of a lifetime's brilliant, loyal, and loving service, I share his sorrow in his terrible loss. If there is any consolation in his grief, I hope it might be the knowledge that his wife's memory will glow warm in the hearts of those who knew and loved them both, inspiring us with the qualities she gave of so abundantly during her lifetime.

THE LATE HONORABLE THOMAS JEFFERSON MURRAY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1971

Mr. FISHER. Mr. Speaker, the late Tom Murray was elected to the 78th Congress and continued to serve for 24 years, much of it as chairman of the Post Office and Civil Service Committee.

His record in the Congress speaks for itself. Above all, he practiced restraint in his legislative philosophy, while devoting himself assiduously to improvement in postal service and fair treatment for all civil service employees.

It happened that Tom came to Congress when I did. He always practiced the philosophy of Thomas Jefferson, concerning himself with the evils of big government and excessive Federal spending. His influence in the Congress had a wholesome and stabilizing effect.

Tom Murray was a great patriot, a defender of the flag, and a stanch supporter of adequate national defense. In many ways he was an ideal Congressman in all matters relating to the cause of good government.

To me Tom was a personal friend. I always profited from his advice and his leadership. He was truly a great American.

UNITED STATES ASSISTS TO PLACE A RUSSIAN ON THE MOON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. RARICK. Mr. Speaker, many informed Americans will recall the space exploration hysteria of the early 1960's—a costly crash mobilization to head off Russian space superiority.

Then followed the hysteria to ratify a Soviet-United States outer space treaty to prevent the Russians from beating the United States to the moon and arming it with a nuclear device.

Almost as if the U.S. moon shot was delayed until after our leaders signed away our advantage to place an ABM on the moon, on July 20, 1969, U.S. astronauts landed on the moon. Eight Americans on four different trips have been to the moon and explored that celestial body. Russia has to this day failed to place man on the moon.

Now we learn a proposed U.S.-U.S.S.R. joint-manned space flight is under discussion. Because of the dismal failures of the Soviet space program—despite our exchange of sophisticated data, the furnishing of electronic computers, and even giving the Russian scientists tours of our space center—the Russians are disappointed at their loss of face as well as at U.S. space superiority.

So, following traditional U.S. political fashion to prevent U.S. domination in any field, our President and our diplomats seek to bolster the Soviets' inferiority of mechanical achievement under socialism by integrating a U.S. space flight with a United States-Russian crew so our Soviet friends can fulfill their goal of placing a Communist on the moon.

A question remaining is why just Russians? Why not Africans or Red Chinese? But then this United States-Soviet progress is all in the name of peace and expansion of world brotherhood for open trade; and when the plan is announced in 1972, it is hoped to gain votes for President Nixon's candidacy.

I ask that related news clippings and the text of the Treaty on Outer Space be inserted at this point:

[From the Washington Evening Star, Dec. 3, 1971]

UNITED STATES AND SOVIET PLAN JOINT SPACE FLIGHT

Moscow.—American and Soviet scientists plan to sign an agreement within the next two months on a joint manned space flight, a U.S. Embassy official disclosed today.

The agreement was discussed between Soviet and American scientists during the past few days in Moscow. It was the third session between specialists of the National Aeronautics and Space Administration and the Soviet Academy of Sciences.

Jack Tech, a science attache at the U.S. Embassy, said the scientists released the following statement:

"The main purpose of this third working session was to discuss the technical details of space hardware compatibility and to discuss a joint American-Soviet space mission. It is intended to sign final agreement within two months. Details will not be given out until then."

In Washington, the National Aeronautics and Space Administration had no immediate comment. But a spokesman said Dr. James C. Fletcher, administrator, probably would have a statement later. Officials indicated they were surprised at the announcement from Moscow.

[From the Washington Post, Dec. 4, 1971]

UNITED STATES-SOVIET SPACE LINKUP SEEN NEAR

(By Robert G. Kaiser)

Moscow.—An American official indicated here today that the United States and Soviet Union are near a formal agreement that could lead to a meeting in space between astronauts from both countries.

In a statement read to reporters by telephone, the U.S. science attache here, Dr. Jack Tech, said "it is intended to sign a final agreement within two months. Details will not be given out until then."

Answering questions, he acknowledged that the agreement would concern a program to link up Soviet and American spacecraft. Docking in space would presumably involve manned ships.

Later, however, a U.S. embassy spokesman said reports of an imminent agreement were premature. Whether this meant Dr. Tech's statement was wrong or only premature itself could not be ascertained.

After a meeting in Houston last June, American and Soviet officials indicated that they were proceeding toward a program that would involve the docking of spaceships from the two countries.

It was announced at that time that the two countries were proceeding on the assumption that the first experiments would involve the docking of an American spacecraft with an orbiting Soviet laboratory, and vice versa.

Assuming no new difficulties, then, a more complete agreement in the near future would not be surprising. Nevertheless a formal plan to bring Soviet and American astronauts together in outer space would have symbolic importance—and might also be politically useful for the Nixon administration in next year's elections.

Even if an agreement is signed within two months, however, it is expected to take several years to achieve an actual Soviet-American rendezvous in space.

A delegation from the National Aeronautics and Space Administration (NASA) has been meeting here since Monday with space officials from the Soviet Academy of Sciences. Sources close to the delegation would only say tonight that it was a misunderstanding to think that an agreement had already been reached.

The NASA working group here is led by Robert Gilruth, director of the Houston Manned Spacecraft Center. He could not be reached for comment.

At a reception for a group of visiting American governors here in October, Soviet cosmonaut Andriyan G. Nikolaev told several Americans that U.S. astronauts would work in space with their Soviet counterparts. "We speak the common language of space," Nikolayev said on that occasion.

U.S. and Soviet space officials agreed here last January that "space cooperation is in the interest not only of the Soviet Union and the United States, but of people everywhere."

[In Washington, a NASA spokesman said the talks in Moscow have not ended, adding: "After the talks have ended, they will be subject to recommendations and approval." Any understanding as to a test mission would come later, he said.]

[Legislature on Foreign Relations, 1969]

J. SPACE

1. TREATY ON OUTER SPACE [1]

Text of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies; Treaties and Other International Acts Series 6347; Signed at Washington, London and Moscow on January 27, 1967; Ratification advised by the Senate April 25, 1967; Ratification by the President of the United States May 24, 1967; Ratifications of the Government of the United States, the United Kingdom and the Union of Soviet Socialist Republics deposited with the said Governments at Washington, London, and Moscow October 10, 1967; Entered into Force October 10, 1967; Proclaimed by the President October 10, 1967

The States Parties to this Treaty.

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development.

Desiring to contribute to broad international cooperation in the scientific as well as legal aspects of the exploration and use of outer space for peaceful purposes,

Believing that such cooperation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples,

Recalling resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space", which was adopted unanimously by the United National General Assembly on 13 December 1963,

Recalling resolution 1884 (XVIII), calling upon States to refrain from placing in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or from installing such weapons on celestial bodies, which was adopted unanimously by the United Nations General Assembly on 17 October 1963,

Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breath of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space,

Convinced that a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, will further the Purposes and Principles of the Charter of the United Nations,

Have agreed on the following:

ARTICLE I

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and States shall facilitate and encourage international cooperation in such investigation.

ARTICLE II

Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

ARTICLE III

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international cooperation and understanding.

ARTICLE IV

States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the moon and other celestial bodies shall also not be prohibited.

ARTICLE V

States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties.

States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

ARTICLE VI

States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

ARTICLE VII

Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridicial persons by such object or its component parts on the Earth, in air space or in outer space, including the moon and other celestial bodies.

ARTICLE VIII

A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth. Such objects or component parts found beyond the limits of the State Party to the Treaty on whose registery they are carried shall be returned to that State Party, which shall, upon request, furnish identifying data prior to their return.

ARTICLE IX

In the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, many request consultation concerning the activity or experiment.

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[1] The following countries, as of December 31, 1968, have signed: United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, Chile, Mexico, China, Italy, Honduras, Ethiopia, Ghana, Cyprus, Canada, Bulgaria, Australia, Denmark, Hungary, Iceland, Czechoslovakia, Japan, Romania, Poland, Tunisia, New Zealand, Colombia, Finland, Panama, Laos, Greece, the Philippines, Turkey, Yugoslavia, Afghanistan, Argentina, the United Arab Republic, Haiti, Luxembourg, Vietnam, Venezuela, the Federal Republic of Germany, Israel, El Salvador, Thailand, Sweden, Ecuador, Togo, the Dominican Republic, Switzerland, Burundi, Ireland, Cameroon, Indonesia, Bolivia, Bottswana, Lesotho, Korea, the Congo (Kinshasa), Uruguay, the Central African Republic, Rwanda, Nicaragua, Austria, Belgium, Brazil, Burma, Ceylon, France, Gambia, Guyana, Holy See, India, Iran, Iraq, Jamaica, Jordan, Lebanon, Malaysia, Mongolia, Nepal, Netherlands, Niger, Norway, Pakistan, Peru, San Marino, Sierra Leone, Somalia, South Africa, Trinidad and Tobago, Upper Volta, Morocco, Uganda, Libya, Nigeria, Malagasy Republic, Barbados, Mali, and Spain have acceded.

Thirty-three countries have ratified.

ARTICLE X

In order to promote international co-operation in the exploration and use of outer space, including the moon and other celestial bodies, in conformity with the purposes of this Treaty, the States Parties to the Treaty shall consider on a basis of the equality any requests by other States Parties to the Treaty to be afforded an opportunity to observe the flight of space objects launched by those States.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the States concerned.

ARTICLE XI

In order to promote international co-operation in the peaceful exploration and use of outer space, States Parties to the Treaty conducting activities in outer space, including the moon and other celestial bodies, agree to inform the Secretary-General of the United Nations as well as the public and the international scientific community to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

ARTICLE XII

All stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity. Such representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

ARTICLE XIII

The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and use of outer space, including the moon and other celestial bodies, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international inter-governmental organizations.

Any practical questions arising in connection with activities carried on by international inter-governmental organizations in the exploration and use of outer space, including the moon and other celestial bodies, shall be resolved by the States Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organization, which are Parties to this Treaty.

ARTICLE XIV

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Government designated as Depositary Governments under this Treaty.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendment upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

ARTICLE XVI

Any State Party to the Treaty may give notice to its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

ARTICLE XVII

This Treaty, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate, at the cities of Washington, London and Moscow, this twenty-seventh day of January one thousand nine hundred sixty-seven.

CHINESE-AMERICAN PARENTS FIGHT FOR NEIGHBORHOOD SCHOOLS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. COLLINS of Texas. Mr. Speaker, everyone in America is watching the courageous fight of the Chinese community in San Francisco. They are determined to maintain quality education for their children. The Chinese have a tradition of strong family devotion. They are keenly concerned with the future of their children.

When the courts were determined to ruin their schools, this group would not take it lying down. I was impressed with the analysis written by Joseph Alsop in his Washington Post column of December 3.

Here are the key paragraphs from Alsop's column. Let us all pray for these fine Chinese-Americans who are in the vanguard in this fight for freedom of the individual:

NEIGHBORHOOD SCHOOLS

There are—or rather there were—three markedly superior public schools in San Francisco. Their names were Commodore Stockton, Washington Irving and Spring Valley. The overwhelming majority of their pupils came straight from the darkest depths of Chinatown, but they were what the social pseudo-scientists now call "high achievers."

Commodore Stockton School is also a memento of the era of total exclusion. It was established because most West Coast school systems used to be sternly segregated, not for blacks, but for the "Orientals." But now the San Francisco school system has been subjected to forcible homogenization, by a general order requiring forced school busing.

To this order, the Chinatown community in San Francisco has responded with active fury. A hero came forward, in the person of a shrewd, sensible and ambitious lawyer, Quentin Kopp. With all but unanimous Chinatown political support, lawyer Kopp has now won a place on San Francisco's board of supervisors.

This was a reward, in effect, for the anti-busing suit brought by lawyer Kopp on behalf of pupils in the three dominantly Chinese public schools. On appeal for a stay of execution of the federal court's busing order, the suit has already reached the Supreme Court of the United States.

Justice William O. Douglas predictably refused the stay of execution, essentially on the ground that everybody had to be forcibly homogenized, whether they liked it or not. Shortly, the Chinese suit will reach the U.S. court of Appeals in California, which is likely to make the same findings as Justice Douglas.

Hence the Chinese suit is likely to reach the Supreme Court, once again, and in answer-yes-or-no form, during the next year. Until then, despite the poverty of the great majority of Chinatown's new immigrants, San Francisco's Chinese are mostly sending their children to private schools organized and paid for by the Chinese community.

All this is interesting for two reasons. First, it suggests how vastly more complex the school problem is than most people suppose. Secondly, it offers any persons who like political betting a very good long shot.

Here the point is that the Senate Republican whip, Sen. Robert Griffin of Michigan, and the House Republican leader, Gerald Ford, long ago went to Attorney General John Mitchell to plead for "positive administration action."

It is pretty clear, in fact, that the President means to make forced school busing one of the major shows of the 1972 campaign.

Yet Senator Griffin has already mentioned the anti-busing suit brought by the Chinese in San Francisco, as the ideal opportunity for the Justice Department to intervene as "amicus curiae." The reasons are obvious. The Chinese-Americans used to be a rigidly excluded minority. And no one can deny their skin color is not caucasian.

Even Northern states like Michigan will also be deeply affected.

One must add that this is a tragic business. The guilt, ridden American liberals have approached this problem without the briefest look at the hard facts; with a great burden of sentimental preconceptions, and without even asking the blacks in Harlem, for instance, whether they really want busing. (They do not, as the record shows.)

PRIME MINISTER GANDHI'S STATEMENT CONCERNING WAR

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HELSTOSKI. Mr. Speaker, war has broken out between India and Pakistan for the third time in 25 years. We must all deplore this tragic development; enough suffering has already occurred in South Asia without a major war further contributing to the bloodshed and destruction.

However, despite my disappointment that American peace-making efforts failed, I am appalled by the vindictive attitude taken by the State Department toward the government of India. Statements issued by that agency over the weekend would have us believe that India is guilty of unprovoked aggression.

As is to be expected in light of our past efforts in South Asia, the State Department's attitude is myopic and heavily slanted in favor of the Pakistani dictatorship. A brief review of the facts will show that complete blame for the outbreak of hostilities can in no way be laid on India's doorstep.

The current crisis in the Indian subcontinent was initiated last March by the brutal attack on the civilian population of East Pakistan by Pakistani dictator Yahya Khan. Seeking to suppress the popularly elected Awami League, the Pakistan Government has, since March 25, been conducting a genocidal war against the Bengalis which has driven over 10 million refugees into India. Led by the United States, the developed countries have poured millions of dollars worth of refugee aid into the region. Despite this, the strain of 10 million refugees on the Indian economy and the region around Calcutta has been intolerable.

Mrs. Gandhi has been warning the world for months that India could not be expected to tolerate this threat to her internal security. Only an equitable settlement of the Pakistani Civil War, enabling the refugees to leave India, could avert extreme Indian action to relieve this intolerable strain on her resources.

The United States, in response, has failed to alter its friendly policy toward the Pakistani government. We have taken no concrete action which would end the suffering in Bangla Desh and relieve the strain on India's economy. Why should the State Department then be shocked and hurt that India has rejected its eleventh hour mediation efforts? The administration's bias in favor of the Yahya Khan regime and its ambivalent attitude toward the genocidal rampage underway in East Pakistan are plain for all to see. The State Department cannot regain its credibility in South Asia until it ceases to embrace the Pakistani dictatorship and takes a strong and morally correct stand against the bloodshed in Bangla Desh.

Mr. Speaker, Prime Minister Gandhi outlined over the weekend to her parliament the issues and causes of the current war as India sees them. As we review the State Department's morally outraged statements on the South Asian crisis we would do well to keep Mrs. Gandhi's eloquent speech in mind. Under unanimous consent, therefore, I include her remarks to the Indian Parliament at this point in the RECORD:

[From the New York Times, Dec. 5, 1971]

TEXT OF PRIME MINISTER GANDHI'S STATEMENT TO PARLIAMENT CONCERNING WAR BETWEEN INDIA AND PAKISTAN

NEW DELHI (Reuters).—Following is the text of Prime Minister Indira Gandhi's statement in Parliament today:

This morning the Government of West Pakistan has declared a war upon us.

Last evening the West Pakistani Air Force violated our air space wantonly and attacked a large number of our airfields.

Simultaneously, their ground forces shelled our positions along the western border. Their propaganda media have made totally baseless allegations that India had launched an assault.

The news reached me just as I was leaving Calcutta. Immediately on my return I took counsel with my colleagues and with leaders of the Opposition parties. We were all of the mind and united in our resolve that the nation's freedom should be defended and unanimous that the aggressor should be beaten back. I am sure that the same sense of solidarity will mark our work in the difficult days ahead.

A state of emergency has been proclaimed. We are approaching the House to adopt the Defense of India Bill.

Our feeling is one of regret that Pakistan did not desist from the ultimate folly, and sorrow that at a time when the greatest need of this subcontinent is development the peoples of India and Pakistan have been pushed into war.

We could have lived as good neighbors but the people of West Pakistan have never had a say in their destiny. In this grave hour our own dominant emotion is one of confidence and faith.

For more than nine months the military regime of West Pakistan has barbarously trampled upon freedom and basic human rights, committed heinous crimes, unmatched for their vindictive ferocity.

Many millions have been uprooted, 10 million have been pushed into our country.

We repeatedly drew the attention of the world to this annihilation of a whole people, to this menace and to our security. Everywhere the people showed sympathy and understanding for the economic and other burdens and the danger to India.

But governments seemed morally and politically paralyzed. Belated efforts to persuade the Islamabad regime to take some step which would lead to a lasting solution fell on deaf ears.

The wrath of the West Pakistan Army has been aroused because the people of Bangla Desh have stood and struggled for values which the army is unable to comprehend, and which it has suppressed in every province of Pakistan.

As the Mukti Bahini's [Liberation Forces'] effectiveness increased, the West Pakistani army became more desperate. Our tradition is to stand not with tyrants but with the oppressed. And so the anger has been turned upon us.

West Pakistan has escalated and enlarged the aggression against Bangla Desh into a full war against India.

War needs as much patience and self restraint as does peace. The military regime of West Pakistan will go all out to sow suspicion and rumor in the hope of fermenting communal tension and internal trouble. Let us not be taken in by their designs. We must maintain unity and a sense of high purpose.

We should be prepared for a long struggle. High production, agricultural and industrial, is the foundation upon which defense rests. The courage and fighting capability of the Jawans [soldiers] have to be backed by the dedication of the farmer, the worker, the technician and the trader.

The business community has a special responsibility to resist the temptation to hoard or to charge higher profit.

Artists and writers, teachers and students, the nation looks to you to defend our ideals, to keep high our morale.

To the women of our country, I make a special appeal to save every possible grain and rupee, to avoid waste. The sacrifice of each of us will build the nation's strength and enduring power.

We have stood for peace but peace itself has to be defended. We are fighting to safeguard our territorial integrity and national honor. Above all, we are fighting for the cause of human freedom.

SENATE SHOULD START OVER ON CAMPAIGN SPENDING

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BROWN of Michigan. Mr. Speaker, the House-Senate conferee's defusing of the Senate's proposed $1 checkoff on tax returns to finance presidential campaigns of its partisan explosiveness by delaying its impact until 1976 should not be allowed to obscure the considerable remaining problems inherent in such an approach to reform of campaign spending.

In this regard, I recommend to the attention of my colleagues a recent editorial published in the Detroit Free Press.

The editorial follows:

[From the Detroit Free Press, Nov. 29, 1971]

SENATE SHOULD START OVER ON CAMPAIGN SPENDING

Credit neither party with rising above its special interests in the Senate's vote for a national tax plan to finance presidential campaigns.

The bill passed the Senate 52–47, with only Republicans Case of New Jersey and Mathias of Maryland joining 50 Democrats in favor of the bill. Against it were the other 42 Republicans, four southern Democrats and independent Harry Byrd of Virginia.

The bill is a monstrosity, but that is not why the Republicans opposed it. Their reasoning was much more simple and, in fact, the same reasoning used by Democrats to favor it.

To oversimplify, the bill would allow taxpayers to check off $1 ($2 for a couple) on their tax returns to go to the presidential campaign of the party of their choice. The top limit a party could get would be $20.4 million, depending on the party's popularity and how many taxpayers check the box. To get the money, the party would have to agree not to spend any more than that for its presidential campaign.

The party-line split was ordained. Democrats, $9.3 million in the hole from 1968, need the money. Republicans, with estimates of up to $40 million in the kitty (President Nixon raised $5 million in one night earlier this month) don't need the money and don't want the Democrats to get any.

This newspaper has long supported a measure to reform campaign spending, even including, if necessary, some method of public financing. But this bill isn't it. It's a handout which might ease the Democrats' shorts—or the GOP's when it's out of office—but it doesn't cure the problem. It doesn't really even touch it.

In the first place, it's limited to the presidential ticket. For the little guy who supports, say, George McGovern at April taxtime and winds up with a Henry Jackson heading his party in August, he's out a buck. For the big guys—the tycoons, the corporations (deviously) and the labor unions—the votes have already been bought and paid for. The bill doesn't provide a nickel for the primaries or the state conventions, nor does it include any prohibitions on primary spending or collections.

In the second place, it doesn't go below the President. Yet all 100 senators and 435 members of the House are federal officials. In Michigan it takes close to $1 million to elect a senator, especially if there is a primary. It even takes about $50,000 to make a good run for Common Council in Detroit.

There's nothing in the bill to stop all sorts of committees from springing up. The party itself might be limited, but the party always pleads self-righteous ignorance about all those so-called independent citizens committees.

If Congress ever decides to reform campaign spending, we will applaud. We might even dance in the street a bit if the weather is decent. But except for a Senate-passed bill limiting television spending for a party's presidential ticket to $8 million, and a 10-cents-per-voter limit on other campaigns, which hurts a challenger more than an incumbent, Congress hasn't gotten close to the subject:

Mr. Nixon's problem, aside from partisanship, is that this campaign financing hokum is tied to a multi-billion tax cut program he badly wants. To kill the giveaway he'd have to veto the whole thing. Democrats, of course, are counting on that.

If what emerges from conference committee resembles the Senate package, we'd urge a veto, a rebuke and a polite request for Congress to start over.

UNIVERSITY OF IOWA RECEIVES $3.5 MILLION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SCHWENGEL. Mr. Speaker, last month the University of Iowa announced that Roy Carver of Muscatine has given $3.5 million to the University of Iowa.

This magnificent gift is a dramatic demonstration of confidence in the University of Iowa.

Roy Carver's dedication to the University of Iowa, as expressed in his gift, is heartwarming to us who love the University of Iowa. It serves to remind us of the great need for this kind of support for our public institutions.

This gift will enhance the quality of education and will serve as a living memorial to Roy and his family.

It is an honor for me to be able to call Roy Carver a good friend. He is a fine gentleman. His gift to the University of Iowa prompted many news stories and editorials which justly honor him.

I include them in the RECORD at this point:

CARVER MAKES $3.5 MILLION GRANT TO UNIVERSITY OF IOWA

IOWA CITY, IOWA.—The University of Iowa announced today (Friday) receipt of the largest individual gift recorded thus far in 1971 for any American college or university: 85,000 shares of Bandag, Inc. stock valued at approximately $3.5 million, from Roy J. Carver, chairman of the board of the Muscatine, Iowa, company.

U of I President Willard L. Boyd said the gift, largest in the University's history, will make possible a variety of projects, including development by the U of I College of Medicine of a model for a pioneering community health program.

Aid to needy students and endowment of several distinguished professorships will be provided by the Carver gift, as will an addition to the University's Museum of Art, assistance with the restoration of the historic Old Capitol building and with the furnishings of a performing arts hall now under construction, the proposed resurfacing of Iowa Stadium with artificial turf, and support for the President's Academic Development Fund—"seed money" for improving instruction and making breakthroughs into new areas of knowledge.

The gift of Bandag stock was made to The University of Iowa Foundation, which sold 25,000 shares in a public offering yesterday. Executive Director Darrell Wyrick said the Foundation will retain its remaining 60,000 shares in its portfolio for the present. A single share of the stock valued at $12 in 1968 would now have grown to 9 shares with a total value of about $360 through subsequent splits.

Founded by Carver in 1957, Bandag produces rubber, supplies and equipment for recapping tires under a patented process designed to increase tire wear to double that obtaining from conventional retreads. Company sales, increasing nearly 50% a year, in 1970 reached $28.8 million and in the 12 months ending Sept. 30, 1971, totaled $36,300,000.

Carver, who also heads the Carver Pump Company and the Carver Foundry Products Company of Muscatine, said he and Mrs. Carver selected The University of Iowa Foundation as the recipient because "We believe the University is the instrument that will provide the best multiplier over many years. for some of the things that will benefit the people of the state."

"Iowa has been good to us," Carver continued. "We have raised a family here, have prospered here, and have our roots here. Partly because of our proximity to Iowa City and partly because our four boys also attended the University at one time or another, we developed over the years a strong interest in and affection for the University and its people. Now we are fortunate enough to be able to express our feelings in some tangible way. Mrs. Carver and I are particularly happy to have been able to make the gift while we are living and able to observe and share in the results."

In announcing the size and scope of the Carver gift this morning, President Boyd described it as having "great educational, cultural and historic significance, not only to this community but for the entire state," inasmuch as part of it will strengthen the educational process while other portions will aid in completing facilities which Iowans in large numbers utilize for personal enrichment.

President Boyd continued, "Above all, the gift is a great vote of confidence in the young people who will be served by it, and in the University itself. It provides a dramatic example of what private gifts can mean to a public university, and it will focus new and much-deserved attention on efforts of The University of Iowa Foundation to secure support for needs which cannot otherwise be met."

The Carver support for planning a model community health center, which would be located in Muscatine and which could provide experience of value to other Iowa communities, reflects the feelings both of Mr. and Mrs. Carver and the University that the problem of delivering health services to small communities is a matter of paramount importance, President Boyd said.

It is anticipated that medical staff members for the proposed center would be recruited for that purpose with the help of the U of I College of Medicine, where some of them would subsequently hold faculty appointments. The College would work in close cooperation with the center, which it would utilize as a community-based educational resource and where it would develop and evaluate new and more efficient ways of delivering health care.

Carver, a 1934 engineering graduate of the University of Illinois, Champaign, already was a successful manufacturer of pumps when on a visit to Germany in 1956 he was impressed by the unusual retread tires on an automobile he was using. He sought out the developer and subsequently purchased the North American rights to the Bandag "cold" method of recapping tires, as opposed to the high temperature utilized in conventional methods. Bandag retreads quickly attracted attention to major truck, bus and industrial tire users because they could get twice the mileage at lower cost than was possible through other retreads. In 1961 Carver purchased world rights and now has factories in Canada, Belgium, North Carolina and Texas, as well as Muscatine.

Both Mr. and Mrs. Carver are members of The Presidents Club of The University of Iowa. Carver is also a director of the First National Bank of Rock Island, Ill., and is a member of the President's Advisory Council of Augustana College in that city.

The Carvers have four sons: Roy James, Jr., 28, of Evanston, Ill.; John A., 26, Mt. Vernon, Iowa; Clayton, 25, San Diego, Calif.; and Martin G., 23, Bloomington, Ind.

President Boyd said the Carver gift will provide "practical, visible, esthetic and sensitive" help for three key U of I buildings: the Art Museum, the Virgil M. Hancher Auditorium and Old Capitol.

To be called the Roy and Lucille Carver Galleries, the Art Museum addition will provide new display areas for prints, sculpture and portions of the University's permanent art collection and Elliott Collection. In the 30 months it has been open to the public, some 185,000 persons have visited the Art Museum, which was built with funds raised by The University of Iowa Foundation.

The grant will also provide furnishings, equipment, art works and plantings for the stage area, "green room" and lobby of the new Hancher Auditorium now being built on the west bank of the Iowa River. Scheduled to open next fall, the structure will comprise one of the finest facilities in the world for the performance of musical productions, concerts, opera and ballet.

A statewide committee is currently planning restoration of Old Capitol as a "living museum" to reflect and preserve the heritage of the periods when it served as Territorial and State Capitol of Iowa, and subsequently as principal administration building of The University of Iowa. "The Carver gift provides a substantial part on one phase of this project, restoration of the original House Chamber, and as such it is hoped that it will encourage all Iowans to share in remaining aspects of the restoration," President Boyd said.

Mrs. Virgil M. Hancher, wife of a former

U of I president, heads the restoration project, which was instigated last year by President Boyd.

While a portion of the Carver grant to the University is earmarked for the installation of an artificial surface in Iowa Stadium, U of I Athletic Director Chalmers W. Elliott said that this project will proceed when a thorough analysis of all the factors relating to the installation has been completed.

"Artificial turf could be a real 'space blessing' for the entire University in view of the continued development of University Hospitals in the Field House-Stadium area and the consequent reduction of parking and practice space," Elliott said Friday. An all-weather playing and practice surface would not only free additional space for intramural and physical education activities but would itself be available for some such uses, he explained.

However, Elliott emphasized, recent complaints by several players and coaches that some artificial turf, at least, is not living up to earlier expectations for it must be pursued and resolved before the University could proceed with installation of such a surface in Iowa Stadium.

Concrete planning toward the establishment of a model community health center in Muscatine can now get under way as a result of the University of Iowa announcement today of its record gift from Roy J. Carver, chairman of the board of Bandag, Inc., and the uses to which the proceeds will be put.

Dr. John Eckstein, dean of the U of I College of Medicine, said the Muscatine County Medical Society has already approved the concept in principle. Thus far, he said, the main obstacle to launching such a center has been the lack of funds to plan and organize a project which would jointly serve the interests of the community and of the College in its search for innovative means for attracting physicians and delivering health services on a community level.

The proposed center would offer medical care to citizens of the community and would function in conjunction with the existing local physician-hospital system in an integrated, supportive manner. In addition, it would provide the College of Medicine opportunity to develop and evaluate new methods of delivering medical care, and would serve as a facility for specialized educational purposes.

"Muscatine is undergoing the same problems that other Iowa communities face—a growing shortage of physicians, and the effect this has on over-all health care," observed Dr. John Parks of Muscatine, president of the Muscatine County Medical Society. "Hence the needs of the Muscatine community for health services, and the needs of the College of Medicine for access to a model health facility, are compatible," he said.

Experiences gained in planning and operating the Muscatine center could be useful to other communities in their efforts to establish their own health care programs, Dr. Eckstein said.

The primary objective of the Muscatine project would be to make high quality medical care more readily available to members of that community. In the process, however, the center would serve as a community training ground for students in the health professions; test new ways of delivering health care more effectively, including the utilization of allied health personnel (physician's assistants, etc.); demonstrate the problems and benefits to be expected in other regional health centers; and would attempt to develop a professional environment that would attract physicians to a community.

Dr. Eckstein said today's announcement clears the way for detailed planning and will greatly expedite progress on the project.

BIOGRAPHY OF ROY J. CARVER

Roy J. Carver launched his successful business career in the depression year of 1938 with a capital investment of $100.

He made the move despite the advice of his father and others who offered convincing arguments that 1938 was no time to start a new business. However, Carver saw an opportunity; he was convinced there was a need to be filled; he was confident in his ability to meet that need, and he was willing to stake his total assets that he was right.

He has followed the same pattern ever since, including the establishment of what has become the enormously successful Bandag, Inc., the Muscatine-based company that is changing the complexion of the tire retread industry.

Born December 15, 1909, in Preemption, Illinois, Carver worked his way through the University of Illinois but, characteristically, found time to go out for the varsity wrestling team. He was graduated in 1934 with a degree in engineering but the nearest to an engineering job he could find in those depression years was as a technical assistant to State of Illinois purchasing officials.

Among the products he evaluated were self-priming pumps. He concluded he could design a better pump than anything then available and he was so sure he was right that he quit his job and started the Carver Pump Company at Matherville, Illinois. The "company" consisted of a section of the work bench in his brother's garage. Profits from the sale of the first pump went toward building the second—and so the pump company was launched.

Convinced that a major war was coming, Carver visited Washington in 1939 and made known to military purchasing officials the capabilities of his pumps. Shortly thereafter he was visited by a British Purchasing Mission which, amazed at the performance of Carver pumps, gave him his first large order. It was for $140,000. He was off and running.

When the United States entered the war, he was told to get all the manufacturing space he could find because he was going to need it for military orders. He located an abandoned sauerkraut factory in Muscatine, and moved in. It is still the headquarters of all Carver's enterprises, including Bandag, Inc.

The same alertness to opportunity that resulted in the pump company resulted, in 1954, in another venture—Carver Foundry Products. On a trip to Europe that year Carver saw West German foundries using a unique method for hardening sand cores and molds. Called "Steinex," it utilized a chemical reaction rather than heat and saved hours of hardening time and improved the accuracy of foundry cores. Carver promptly placed an order for the U.S. and after a period of testing formed Carver Foundry Products as the vehicle with which to introduce the new technique to the U.S. market. It is still a part of his business holdings and, like the pump company, is privately owned.

In 1956, one of the most significant events in Carver's life took place. Again he was touring Germany and noted the unusual-looking retreaded tires on a car he was using. Impressed, he sought out the developer and purchased the North American rights for the Bandag process of "cold" retreading of tires.

The following year Bandag started operations in Muscatine. A continuing research and development program was instituted in order to meet the more demanding needs of the American market and in 1961 Carver purchased the world rights to the process.

Large users of truck, bus and industrial tires soon became familiar with the product and, as a result, Bandag sales have been increasing about 50 per cent a year. For the year 1970 sales reached $28,500,000, and in the 12 months ending Sept. 30, 1971, were $36,300,000.

In essence, Bandag retreads provide double the mileage of ordinary retreads. The process varies greatly from that used in the conventional (so-called hot cap) method in that the Bandag tread is pre-cured in one of Bandag's own factories at extremely high pressures. This produces very dense tread rubber which is resistant to punctures, cuts and at the same time provides better traction and longer life. The tread is then bonded to the tire casing at a low temperature which results in lower casing loss than is the case with hot cap methods.

The industry has been quick to accept Bandag retreads beause of the uniform high quality, the longer tread life, and the lower tire maintenance costs.

Again, characteristically, Carver saw an opportunity and was willing to back his judgment with all his assets.

"We almost brought the Carver Pump Company to its knees during the time we were developing the product and preparing to put it on the American market," he comments. "But we got through it."

His willingness to do what's necessary to get the job done is reflected in his linguistic abilities. In order to do business in South America, without being at a disadvantage, he figured he'd better learn Spanish. He not only learned, but is fluent in the language. The same reasoning applied to his subsequent mastery of French and German.

Carver spends considerable time visiting Bandag's foreign facilities and he usually flies the company's Lear jet himself on these trips. In order to keep a close eye on the performance of the product, the jet and his automobiles are equipped with Bandag retreads.

Carver's wife, Lucille, has been actively involved in all of his businesses, not only as an officer and in a managerial capacity. They still live in the large frame and brick house they bought 25 years ago when they outgrew their first home in Muscatine. They have four sons: Roy James, Jr., 28, Evanston, Ill.; John A., 26, Mount Vernon, Ia.; Clayton, 25, San Diego, Cal.; and Martin G., 23, Bloomington, Ind.

Carver serves on the board of the First National Bank of Rock Island and is a member of the President's Advisory Council of Augustana College in that city. He is a member of the Presidents Club of The University of Iowa, the National Aeronautic Association, the Aircraft Owners and Pilots Association, BPOE, the Muscatine Chamber of Commerce, the Iowa Council of the Boy Scouts of America, and the Geneva (Muscatine) Golf and Country Club.

[From the Iowa City Press-Citizen, Nov. 6, 1971]

A GIFT TO MANY

Few public officials ever experience the pleasure of accepting a gift of $3.5 million, as Gov. Robert D. Ray, and University of Iowa President could Friday. Even fewer persons ever are able to make such a gift as Mr. and Mrs. Roy J. Carver of Muscatine did to the university.

Many, however, will be able to enjoy the benefits of the Carvers' generosity. This was the point made by the governor, the university head and Regents President Stanley F. Redecker in expressing the gratitude of the university and state. It also was the point made by Carver in his statement on the gift:

"Mrs. Carver and I decided to make this gift in this way because we wanted to do something for the state and for the University. Iowa has been good to us. We raised our family here, have prospered here and have our roots here. Partly because of our proximity to Iowa City and partly because our four boys all attended the University of Iowa at one time or another, we developed over the years a strong interest in and affection for the university and its people. Now we are fortunate enough to be able to express our feelings in some tangible way."

"We have come to the conclusion that the University is the instrument that will provide the best multiplier, over many years, for some of the things that will benefit the people of the State. And in designating the University of Iowa as the recipient, through its foundation, we feel we will have been able to further strengthen what we regard as a great institution. Mrs. Carver and I are particularly happy to have been able to make this gift while we are living and able to observe and share in the results."

Boyd, while he noted what the gift means to the university, also stressed as did the governor that the benefits will extend directly and indirectly to all citizens of the state. And both he and Gov. Ray emphasized, too, the confidence in the young citizens of Iowa that was exemplified by the gift of the Carvers.

Friday was for Iowa and the University of Iowa a "momentous and exciting" day, as the governor noted. But because of the scope of the Carvers' gift and what it will make possible, Iowa and its citizens as well as the university and its students will have many more days to remember with pleasure and excitement.

[From the Muscatine (Iowa) Journal, Nov. 8, 1971]

EXCITING GIFT

Iowans in general and Muscatine residents in particular must certainly be grateful to the spectacular contribution made to the University of Iowa by Mr. and Mrs. Roy J. Carver of Muscatine.

Carver's gift of Bandag stock worth $3.5 million will help finance a wide variety of programs and projects at the university—including furnishings and equipment for the new Hancher auditorium, an addition to the University's museum of art, proposed artificial turf for the Iowa stadium, assistance with the restoration of the Old Capitol, aid to needy students and the endowment of several distinguished professorships.

Of particular importance to local people is the plan for the university to establish a model community health center in Muscatine.

As the presdent of the Muscatine County Medical Society, Dr. John L. Parks, M.D., has been working with local groups and the university for the past year and a half towards the goal of alleviating the physician shortage and maintaining a modern comprehensive medical care system for Muscatine.

Establishment of the health care program needed two things: funding, and a commitment from the university. Carver's generous gift for the health center and other needs at the university has made this commitment possible.

Although the largest bulk of the Carver gift will go to other university projects it is a tremendous stride for the people of Iowa to have the College of Medicine pioneer here in new methods of providing community medical care.

Many details are left to be worked out in the upcoming months, but a brief outline is known. A physician director will be hired by the university to head the Muscatine center and a building will be located near Muscatine General hospital. Primary medical care facilities and personnel will be made available to a representative sample of the Muscatine community. The center will also serve as a community training ground for the health professions, and should develop a professional environment that hopefully will attract other physicians to the community.

Dr. Willard L. Boyd president of the University of Iowa, said the Carver gift "has great educational, cultural and historic significance, not only to this community but for the entire state".

The gift, largest in the history of the university is truly an exciting and magnificent gesture by this Muscatine industrialist who built a multi-million dollar business from a meager beginning.

[From the Des Moines Register, Nov. 12, 1971]

A GENEROUS GIFT TO U OF I

The gift by Roy J. Carver of Muscatine of $3.5 million to the University of Iowa is, so far as we can discover, the most generous contribution ever made to an Iowa educational institution. It even exceeds the magnificent gift made by C. Y. Stephens for the Iowa State University Center which ultimately will be in the neighborhood of $2.5 million.

Roy Carver is unique among such large contributors to universities in that he did not designate his money for one particular purpose. The U of I administration thus is able to plow this money into the fields which it feels most needed additional support. The gift will make possible many improvements in the University of Iowa and will benefit the state as a whole.

The grant will provide aid for needy and disadvantaged students.

The university plans to strengthen the faculty, endow several Carver Distinguished Professorships, help finance a Medical College experiment in health care delivery in Muscatine, increase the physical facilities of the university in many ways and add extensively to the Museum of Art. The Carver grant will provide assistance toward the restoration of the original House chamber in the Old Capitol.

What is remarkable about this gift is that it demonstrates great confidence in the University of Iowa, its leadership and in the young people who study there, at a time when many alumni and other contributors have been reducing their gifts to colleges and universities. Dissatisfaction with student protests and the new ways of student life has turned off some givers, but here is a man who expresses his optimism about young people and their institutions.

It is unusual, also, for a donor to higher education to make such a large donation to a public university. Taxpayers often forget that public universities are in need of non-tax funds to broaden their activities and improve the quality of their offerings. The state of Iowa is heavily indebted to Roy J. Carver.

[From the Muscatine, Iowa, Journal, Nov. 13, 1971]

JOY OF IT ALL!

To those who complain about all the bad news in the papers, I commend the story of Roy Carver, our neighbor upriver at Muscatine.

Roy Carver gave $3.5 million to the University of Iowa the other day. But that's not the real story. Rich people giving away money is not unique.

No—the big thing, the wonderful, exciting, delightful thing, that makes you want to run around and shout, is the way Roy Carver felt about giving away all that money, and the way he felt about giving it to the University of Iowa.

"I felt fine!" he said. "Fine and richer."

He called it an investment, not a gift. "The results will mean a hell of a lot more than money."

What also ought to mean a hell of a lot more than money to the University of Iowa is what Roy Carver thinks of it. It must come as a shock to legislators, administrators, taxpayers and—yes—a lot of students, who are always running down today's youth and today's universities.

"Tremendous bunch of wonderful people," Roy Carver calls them, putting his money where his mouth is. "A lot of people have short memories."

Mrs. Carver talks about how exciting it is "to see what it (the gift) can do for the university and the students."

"Iowa has been good to us," Carver reflects, getting in a reminder that other people ought to consider making similar gifts—while they're alive.

The joy of it all—that's what grabs you.

The Carvers are obviously what the Man had in mind when he said it is more blessed to give than to receive!

[From the Cedar Rapids (Iowa) Gazette, Nov. 11, 1971]

AFFECTIONATE GIFT

When Roy J. Carver's enormous gift to the University of Iowa was announced last week, the first stimulus for enthusiasm was, naturally, the total—about $3.5 million in stock, a whopping windfall for any financially strapped institution or state.

The Muscatine industrialist's donation was a record high endowment for the university and the most generous given to any American college or university this year. Yet in a sense the gift defies pecuniary measurement and deserves its prime evaluation in terms of prospective revitalization of education in Iowa.

Viewed from any angle, the endowment is an enlightened salute to the state's educational potential.

So huge is the scope of proposed uses that it portends benefits, directly or indirectly, for all Iowans and out-of-state citizens attending the university. Multiplicity of use points up the mental versatility of the donor—aid to needy students, professorial endowments, development by the college of medicine of a model for a pioneering community health program, addition to the museum of art, assistance in restoration of the Old Capitol building, proposed installation of synthetic turf in the football stadium and other notable endeavors.

Presented to the University of Iowa Foundation, the endowment promises an investment worth extending far beyond today's approximate worth of the stock.

With disarming modesty, Mr. Carver has noted that instead of feeling much poorer, he feels "much richer." This is a sincere reflection of his affection for the state and its young people. The University of Iowa Foundation should administer the endowment in the same spirit.

[From the Denison (Iowa) Bulletin, Nov. 16, 1971]

CARVER

A Muscatine businessman, Roy J. Carver, has given back stock worth $3.5 million to the University of Iowa. It's the largest individual gift recorded thus far in 1971 for any American college or university. University of Iowa President Willard Boyd said the gift, 85,000 shares of Bandag, Inc. stock will make possible a variety of projects including development of a model for a pioneering community health program.

Aid to needy students and endowment of several distinguished professorships will be provided by the Carver gift, as will an addition to the University's museum of art, assistance with the restoration of the historic old capitol building and with the furnishings of a performing arts hall now under construction, the proposed resurfacing of Iowa stadium with artificial turf, and support for the president's academic development program.

Founded by Carver in 1957, Bandag produces rubber, supplies and equipment for recapping tires under a patented process designated to increase tire wear to double that obtainable from conventional retreads. Company sales, increasing nearly 50 per cent a year, in 1970 reached $28.8 million and in the

12 months ending September 30, 1971, totaled $36.3 million. One share of stock worth $12 in 1968 would now have grown to nine shares with a total value of about $360 through several splits.

When asked by a reporter about the report that he owned some $30 million in Bandag stock, Carver replied: "That was a month ago and I'm about $16 million richer now than I was then."

Carver, who launched his successful business career in 1938 with a capital investment of only $100, now has six Mercedes Benz autos and flys his own Lear jet. Oh yes, there are Bandag retreads on his Lear jet and each Mercedes Benz.

[From the Freeman Journal, November 10, 1971]

Roy J. Carver

(By Don Reid)

A Muscatine businessman, Roy J. Carver, has given stock worth $3.5 million to the University of Iowa. It's the largest individual gift recorded thus far in 1971 for any American college or university. University of Iowa President Willard Boyd said the gift, 85,000 shares of Bandag, Inc., stock, will make possible a variety of projects including development of a model for a pioneering community health program.

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[From the Washington Journal, Nov. 5, 1971]

Huge Gift to University

Iowa City, Iowa.—The University of Iowa announced today (Friday) receipt of the largest individual gift recorded thus far in 1971 for any American college or university: 85,000 shares of Bandag, Inc. stock valued at approximately $3.5 million, from Roy J. Carver, chairman of the board of the Muscatine, Iowa, company.

U of I President Willard L. Boyd said the gift, largest in the University's history, will make possible a variety of projects, including development by the U of I College of Medicine of a model for a pioneering community health program.

Aid to needy students and endowment of several distinguished professorships will be provided by the Carver gift, as will an addition to the University's Museum of Art, assistance with the restoration of the historic Old Capitol building and with the furnishings of a performing arts hall now under construction, the proposed resurfacing of Iowa Stadium with artificial turf, and support for the President's Academic Development Fund—"seed money" for improving instruction and making breakthroughs into new areas of knowledge.

The gift of Bandag stock was made to The University of Iowa Foundation, which sold 25,000 shares in a public offering yesterday. Executive Director Darrell Wyrick said the Foundation will retain its remaining 60,000 shares in its portfolio for the present. A single share of the stock valued at $12 in 1968 would now have grown to 9 shares with a total value of about $360 through subsequent splits.

Founded by Carver in 1957, Bandag produces rubber, supplies and equipment for recapping tires under a patented process designed to increase tire wear to double that obtainable from conventional retreads. Company sales, increasing nearly 50 per cent a year, in 1970 reached $28.8 million and in the 12 months ending Sept. 30, 1971, totaled $36,300,000.

Carver, who also heads the Carver Pump Company and the Carver Foundry Products Company of Muscatine, said he and Mrs. Carver selected The University of Iowa Foundation as the recipient because "We believe the University is the instrument that will provide the best multiplier, over many years, for some of the things that will benefit the people of the state."

"Iowa has been good to us," Carver continued. "We have raised a family here, have prospered here, and have our roots here. Partly because of our proximity to Iowa City and partly because our four boys also attended the University at one time or another, we developed over the years a strong interest in and affection for the University and its people. Now we are fortunate enough to be able to express our feelings in some tangible way. Mrs. Carver and I are particularly happy to have been able to make this gift while we are living and able to observe and share in the results."

In announcing the size and scope of the Carver gift this morning, President Boyd described it as having "great educational, cultural and historic significance, not only to this community but for the entire state," inasmuch as part of it will strengthen the educational process while other portions will aid in completing facilities which Iowans in large numbers utilize for personal enrichment.

President Boyd continued, "Above all, the gift is a great vote of confidence in the young people who will be served by it, and in the University itself. It provides a dramatic example of what private gifts can mean to a public university, and it will focus new and much-deserved attention on efforts of The University of Iowa Foundation to secure support for needs which cannot otherwise be met."

The Carver support for planning a model community health center, which would be located in Muscatine and which could provide experience of value to other Iowa communities, reflects the feelings both of Mr. and Mrs. Carver and the University that the problem of delivering health services to small communities is a matter of paramount importance, President Boyd said.

It is anticipated that medical staff members for the proposed center would be recruited for that purpose with the help of the U of I College of Medicine, where some of them would subsequently hold faculty appointments. The college would work in close cooperation with the center, which it would utilize as a community-based educational resource and where it would develop and evaluate new and more efficient ways of delivering health care.

Carver, a 1934 engineering graduate of the University of Illinois, Champaign, already was a successful manufacturer of pumps when on a visit to Germany in 1956 he was impressed by the unusual retread tires on an automobile he was using. He sought out the developer and subsequently purchased the North American rights to the Bandag "cold" method of recapping tires, as opposed to the high temperature utilized in conventional methods. Bandag retreads quickly attracted attention of major truck, bus and industrial tire users because they could get twice the mileage at lower cost than was possible through other retreads. In 1969 Carver purchased world rights and now has factories in Canada, Belgium, North Carolina and Texas, as well as Muscatine.

Both Mr. and Mrs. Carver are members of The Presidents Club of The University of Iowa. Carver is also a director of the First National Bank of Rock Island, Ill., and is a member of the President's Advisory Council of Augustana College in that city.

The Carvers have four sons: Roy James Jr., 28, of Evanston, Ill.; John A., 26, Mt. Vernon, Iowa; Clayton, 25, San Diego, Calif.; and Martin G., 23, Bloomington, Ind.

[From the New York Times, Nov. 7, 1971]

Stock Worth $3.5 Million Given University of Iowa

Iowa City, Iowa, Nov. 6.—The University of Iowa said that it had received the largest gift in its history—85,000 shares of stock of Bandag, Inc., valued at about $3.5 million.

The gift is from Roy J. Carver, chairman of the board of the Bandag concern, which is in Muscatine. It produces supplies and equipment for recapping tires.

Williard Boyd, university president, said yeterday that it was the largest individual gift recorded in 1971 by an American college or university.

[From the Daily Ledger, Nov. 5, 1971]

$3.5 Million Gift to Iowa U

Iowa City, Iowa—The University of Iowa said Friday it has received the largest gift in its history 85,000 shares of stock of Bandag, Inc., valued at about $3.5 million.

The gift is from Roy J. Carver, chairman of the board of the Bandag firm, located in Muscatine.

Willard Boyd, University of Iowa president, said it is the largest individual gift recorded in 1971 by any American college or university.

Boyd said the gift will pay for a variety of projects, including a model of a pioneering community health program by the university's College of Medicine.

Other uses for the gift, said Boyd, will include aid to needy students, endowment of several distinguished professorships and an addition to the university's Museum of Art.

Among other uses for the gift, said Boyd, will be to help pay for artificial turf at the universitys stadium.

Boyd said the gift will also help to restore the Old Capitol building, to furnish a performing arts hall now being built and to boost the President's Academic Development fund for improving instruction and making breakthroughs into new areas of knowledge.

The gift was made to the University of Iowa Foundation, which sold 25,000 of the shares in a public offering Thursday. The foundation will keep the other 60,000 shares for now, said Darrell Wyrick, executive director of the foundation.

Bandag, Inc. was founded in 1957 by Carver and produces rubber, supplies and equipment for recapping tires under a patented process.

The firm's sales were $28.8 million in 1970 and $36.3 million in the 12 months ended Sept. 30, 1971.

Carver, who also heads the Carver Pump Co. and the Carver Foundry Products Co. of Muscatine, said he and Mrs. Carver decided to make the donation to Iowa because, "We believe the university is the instrument that will provide the best multiplier, over many years, for some of the things that will benefit the people of the state."

"Iowa has been good to us," he continued. "We have raised a family here, have prospered here, and have our roots here. Partly because of our proximity to Iowa City and partly because our four boys also attended the university at one time or another, we developed over the years a strong interest in and affection for the university and its people.

"Now we are fortunate enough to be able to express our feelings in some tangible way. Mrs. Carver and I are particularly happy to have been able to make this gift while we are living and able to observe and share in the results."

Boyd described the Carvers' gifts as having "great educational, cultural and historic significance, not only to this community but for the entire state," inasmuch as part of it will strengthen the educational process while other portions will aid in completing facilities which Iowans in large numbers utilize for personal enrichment.

[From the Tribune-Times, Ames (Iowa) Nov. 5, 1971]

SUI Receives Largest Gift in Its History

Iowa City.—A Muscatine business executive today presented 85,000 shares of stock valued at about $3.5 million to the University of Iowa, the largest such gift this year to any American college or university.

The gift of the stock of Bandag, Inc., of Muscatine was made by Roy J. Carver, 61, chairman of the board of the company. Carver said the gift, the largest in the university's history, was made because "Iowa has been good to us."

Carver said the gift was made partly because of "our proximity to Iowa City and partly because our four boys also attended the university at one time or another."

GREAT SIGNIFICANCE

University President Willard Boyd said the Carver gift is of "great education, cultural and historic significance, not only to this community but to the entire state." He said, "Above all, the gift is a great vote of confidence in the young people who will be served by it and in the university itself."

Boyd said 25,000 shares of the stock have been sold, the remaining 60,000 shares will be held by the Iowa Foundation for future use.

The university president said the money will be used for a variety of projects, including the establishment of a model community health center in Muscatine in conjunction with the SUI College of Medicine. In addition, the Carver gift will help finance an addition to the Museum of Art, the restoration of the historic Old Capitol building on the main campus and the furnishing of a performing arts hall now under construction.

In addition, Boyd said the gift will provide funds for the proposed resurfacing of the Iowa Football Stadium with artificial turf, "seed money" for improving instruction and teaching techniques, aid to needy students and endownment of several distinguished professorships.

[From the Hawkeye-Gazette, Nov. 5, 1971]

Announce U of I Gift: $3.5 Million

Iowa City.—The University of Iowa announced Friday receipt of a gift valued at $3.5 million, the largest individual gift recorded this year for any American college or university.

Roy J. Carver, Muscatine, chairman of the board of Bandag, Inc., gave the university 85,000 shares of his company's stock, it was reported by U of I President Willard L. Boyd.

The gift, largest in the university's history, will make possible a variety of projects, including development by the university's college of medicine of a model for a pioneering community health program. The center would be located at Muscatine.

Aid to needy students and endowment of several distinguished professorships will be provided by the Carver gift.

Also to be provided will be:

An addition to the university's Museum of Art.

Assistance with restoration of the historic Old Capitol building.

Help in furnishing a performing arts hall now under construction.

Proposed resurfacing of Iowa Stadium with artificial turf.

The gift of Bandag stock was made to the University of Iowa Foundation, which sold 25,000 shares in a public offering Thursday.

Founded by Carver in 1957, Bandag produces rubber supplies and equipment for recapping tires under a patented process designed to increase tire wear to double that obtainable from conventional retreads.

Carver, who also heads the Carver Pump company and the Carver Foundry Products company of Muscatine, said he and Mrs. Carver selected the University of Iowa Foundation as the recipient because "We believe the university is the instrument that will provide the best multiplier, over many years, for some of the things that will benefit the people of the state."

[From the Keokuk Daily, Nov. 5, 1971]

Muscatine Industrialist Gives $3.5 Million Grant to SUI

Iowa City.—The University of Iowa announced today receipt of the largest individual gift recorded thus far in 1971 for any American college or university: 85,000 shares of Bandag, Inc. stock valued at approximately $3.5 million, from Roy J. Carver, chairman of the board of the Muscatine, Iowa, company.

U of I President, Willard L. Boyd said the gift, largest in the University's history, will make possible a variety of projects, including development by the U of I College of Medicine of a model for a pioneering community health program.

Aid to needy students and endowment of several distinguished professorships will be provided by the Carver gift, as will an addition to the University's Museum of Art, assistance with the restoration of the historic Old Capital building and with the furnishings of a performing arts hall now under construction, the proposed resurfacing of Iowa Stadium with artificial turf, and support for the President's Academic Development Fund—"seed money" for improving instruction and making breakthroughs into new areas of knowledge.

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"Iowa has been good to us," Carver continued. "We have raised a family here, have prospered here, and have our roots here. Partly because of our proximity to Iowa City and partly because our four boys also attended the University at one time or another, we developed over the years a strong interest in and affection for the University and its people. Now we are fortunate enough to be able to express our feelings in some tangible way. Mrs. Carver and I are particularly happy to have been able to make this gift while we are living and able to observe and share in the results."

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The Carver support for planning a model community health center, which would be located in Muscatine and which could provide experience of value to other Iowa communities, reflects the feelings both of Mr. and Mrs. Carver and the University that the problem of delivering health services to small communities is a matter of paramount importance.

[From the Muscatine Journal, Nov. 5, 1971]

Medical Society Statement Tells of Background Study

With the announcement of the planning for a model community health center here as the result of the gift of about $3.5 million in Bandag stock by Mr. and Mrs. Roy Carver of Muscatine to the University of Iowa, Dr. John L. Parks, M.D., president of the Muscatine County Medical Society, issued this statement:

"For approximately the past year and a half, the Muscatine County Medical Society and Muscatine General Hospital, in conjunction with many community organizations, including the county board of supervisors, the mayor and city council, The United Way, Chamber of Commerce. Jaycees, and the Muscatine Development Corporation, have been conducting a coordinated program for the purpose of finding ways and means not only of alleviating the physician shortage but of providing and maintaining a modern comprehensive medical care system for Muscatine. As the president of the Muscatine County Medical Society it has been my pleasure to act as community coordinator for this project.

"For some time, as a part of this program, but especially during the past several months, representatives of the S.U.I. College of Medicine and the community of Muscatine have been intensively studying the feasibility of a Model Community Health Center beng established in Muscatine which, hopeful, would be of mutual benefit to the college and the community. Dr. John C. MacQueen, associate dean, has been coordinating these efforts for the college.

This proposed center would be located near the Muscatine General Hospital. It would offer comprehensive primary medical care to a representative sample of citizens of the community and would function in conjunction with the existing local physician-hospital system in an integrated supportive manner. It would provide the college an opportunity to develop and evaluate new more efficient ways of delivering medical care and also a facility for specialized educational purposes.

"Very recently, after careful review of the results of the above studies and other data, the College has endorsed this project in principle and is prepared to proceed first with the development of the detailed plan and then with the implementation of such a plan, assuming it is satisfactory both to the college and the community.

"The Muscatine County Medical Society and the trustees of Muscatine General Hospital, and the other community groups, have also endorsed the efforts of this project to date, and have indicated their support and cooperation during its planning, implementation and operation.

"Funding of this project has been a major problem. Now as a result of the interest of Mr. & Mrs. Roy Carver and their donation to the University this problem has been greatly alleviated and the project can move ahead much more rapidly.

"On behalf of the County Medical Society, the hospital and in fact the entire community I would like to express our most grateful thanks to Mr. & Mrs. Carver for their generosity and assistance in helping to solve one of our community's truly critical problems."

[From the Journal Muscatine (Iowa) Nov. 9, 1971]

PLANNING STARTS FOR HEALTH CENTER HERE

Concrete planning toward the establishment of a model community health center in Muscatine can now get under way as a result of The University of Iowa announcement today of its record gift of about $3.5 million in Bandag stock, from Roy J. Carver, chairman of the board of Bandag, Inc., and the uses to which the proceeds will be put.

Dr. John Eckstein, dean of the U of I College of Medicine, said the Muscatine County Medical Society has already approved the concept in principle. Thus far, he said, the main obstacle to launching such a center has been the lack of funds to plan and organize a project which would jointly serve the interests of the community and of the college in its search for innovative means for attracting physicians and delivering health services on a community level.

The proposed center would offer medical care to citizens of the community and would function in conjunction with the existing local physician-hospital system in an integrated, supportive manner. In addition, it would provide the College of Medicine opportunity to develop and evaluate new methods of delivering medical care, and would serve as a facility for specialized educational purposes.

"Muscatine is undergoing the same problems that other Iowa communities face—a growing shortage of physicians, and the effect this has on over-all health care," observed Dr. John Parks of Muscatine, president of the Muscatine County Medical Society. "Hence the needs of the Muscatine community for health services, and the needs of the College of Medicine for access to a model health facility, are compatible," he said.

Experiences gained in planning and operating the Muscatine center could be useful to other communities in their efforts to establish their own health care programs, Dr. Eckstein said.

The primary objective of the Muscatine project would be to make high quality medical care more readily available to members of this community. In the process, however, the center would serve as a community training ground for students in the health professions; test new ways of delivering health care more effectively, including the utilization of allied health personnel (physician's assistants, etc); demonstrate the problems and benefits to be expected in other regional health centers; and would attempt to develop a professional environment that would attract physicians to a community.

Dr. Eckstein said today's announcement clears the way for detailed planning and will greatly expedite progress on the project.

HEW ATTACKS PUBLIC HEALTH SERVICE SYSTEM

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, it is getting to be the case that hardly a month can go by without it being necessary for the Member after another to seek the floor of this House to remind his colleagues about the latest devious plan by HEW to get at the public health service system in this country. No sooner do we appear to head them off at one pass than they find another exposed flank to attack. It is as if the Secretary made a decision to eliminate the public health service system one way or another in spite of the fact that both Houses have gone on record as opposed to such an objective.

The latest attack in a series of attacks made front page news in the Sunday papers a couple of weeks ago while Congress was beginning its Thanksgiving recess. These moves always seem to break in the papers when Congress is either rushing to adjourn or is already adjourned. I hate to think this is done to avoid the criticism which these moves so rightly deserve.

This latest attack involves plans to phase out the Federal Doctor Corps, the Public Health Service Commission Corps, which numbers some 5,500 offices. These men are part of a proud and long tradition in this Nation's history. They possess an esprit de corps which is the envy of other branches of the Government. They are men who are dedicated to the public good, while providing a high degree of medical skill and knowledge in areas where it is needed. On the surface, the plan of HEW to dissolve the corps and replace it by a civilian system seems harmless enough, but it is one more element in what seems to be a campaign to weaken and destroy the public health system of this country by killing it through a process of uncertainty. Not satisfied with having created considerable uncertainty about the future of the public health service hospitals around the Nation, the present move seems to be aimed at seeding the same clouds of uncertainty over the Corps itself. That is the ominous ring that I detect in the seemingly innocuous plan to dissolve the corps. I am glad to see in this case that HEW feels it necessary to gain congressional approval of this move and that it is not going to try to achieve it through Executive fiat. Let the notice go out today that the administration is in for a tough fight if they do come to Congress with such a plan. It is one thing to study proposals to broaden the area of service of the Public Health Service Corps and broaden its scope to cover even more of the urban communities than it now serves, but I hope I will be excused if I question the motives behind the latest study of the Public Health Service Commission by HEW.

As usual, the rationale trotted out with such an announcement is that applications for Public Health Service careers are falling off and the Department is simply responding to a situation regrettably. I do not know what statistics the Department has for such insinuations, because my office alone has referred to the Surgeon General any number of applications since I have been in Congress, for a career the Public Health Service, and invariably the reply comes back to me stating in effect:

> In view of the tremendous number of applications for the Public Health Service Corps, unfortunately it was not possible to accept the excellent candidate you have referred for consideration.

In other words, there were more applications from qualified medical school candidates than there were positions available. Now, when they want to get rid of the agency, it is remarkable how they can argue the exact opposite.

On the surface, at least, the Department claims that much of its concern over the future recruitment program for the Public Health Service Corps is based on the likelihood the present draft will be phased out and an all-volunteer service will take its place. My own reaction to this alleged concern is that it just does not seem to bear any relation to what my own experience with the young people of this country has been in such matters. Today's youth, I think, is a generation which would welcome as many opportunities as possible to serve in areas where they are needed the most and would welcome the Public Health Service as an ideal opportunity for serving their country. I think it is incumbent upon HEW to at least await congressional hearings with potential applicants and youth in general before they arrive at a firm decision on this.

In conclusion, let those involved take note that Congress is not going to be caught sleeping on this latest move. I hope we can get the reaction of the Surgeon General once he returns from South America and has a chance to respond to the reports circulated while he was away.

RUSSIAN SPIES IN UNITED NATIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. DERWINSKI. Mr. Speaker, there are particular developments which reemphasize the constant complications in free world countries caused by Soviet espionage and subversive activities, which are generally directed by Soviet diplomatic personnel in countries where they are accredited. The Soviet Mission to the United Nations is no exception to this pattern.

In an article in the Aurora, Ill., Beacon-News on November 10, 1971, Dumitru Danielopol points out the consistent pattern of Soviet espionage and subversive activities which should be kept in mind since there is a tendency in the American public to too often think that the Soviets have really mellowed.

IDENTIFICATION OF RUSS SPIES RILES MALIK

(By Dumitru Danielopol)

WASHINGTON.—Yakov A. Malik, the Soviet delegate to the United Nations blustered and fumed the other day because a large number of Russians working in the world organizations had been called potential spies by U.S. Ambassador George Bush.

American security officers, Bush said, have shown that of the 250–300 Soviet citizens in the Soviet mission or employed by the U.N., as many as 50 per cent are known members of the KGB.

His statement came on the heels of the expulsion from Britain of 150 Russian diplomats and officials as spies and saboteurs and of a report in the New York Times on Oct. 3, from 20 capitals all citing evidence of Soviet espionage.

The Soviet delegate called the accusations "slanderous" . . . "anti Soviet hysteria."

Now comes the news that the Belgian government has decided to expel or bar from Belgium more than 30 Soviet citizens named as spies by defector Anatol Tchebotarev.

It should be apparent to anyone that the KGB activities around the world are getting bolder and more dangerous. One pattern is discussed in a foreboding account, "The Soviet Plot to Destroy Mexico," by John Barron, which recently appeared in the Condensed Book section of Reader's Digest. This book is must reading. It is based on the testimony by one of the top Soviet agents in Mexico, Raya Kiselnikova, who defected last year.

It contradicts every notion that the Russians are ready for detente and peaceful coexistence. It is a sordid account of sabotage, espionage, intrigue and criminal acts of all kinds.

It shows how young Mexicans are duped by the promise of "scholarships" in Russia, are taken over by the KBG to be trained "in all tools of terror . . . arson, explosives, karate, assassination, extortion, ambush, disguises, clandestine travel, recruitment, communication and weaponry."

Back in Mexico "the Mexicans were required to infiltrate military bases, sabotage guarded vehicles, set ambushes, fight the soldiers with the bare hand and flee pursuing patrols."

Illegal strikes are part of the plan.

A labor leader, Demetrio Callejo, confessed that he had been bribed by the KGB with $80,000 to organize wildcat railway strikes.

"The Russians almost succeeded in 1959 in bringing significant segments of the economy at a standstill," the report says.

The disorders of 1968 which nearly wrecked the summer Olympics in Mexico City were also Soviet inspired, he says, planned to cause embarrassment and financial trouble to the Mexican government.

"What happened in Mexico is merely part of a world wide KGB subversion," the report says. It recalls what happened in Ecuador, Ethiopia, the Congo, Colombia, Turkey, etc., where Soviet and other Communist diplomats were also expelled.

Even Mr. Malik should read Barron's account

SUPPORT FOR CRIME CONTROL BILL

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. JAMES V. STANTON. Mr. Speaker, I am pleased to note that my legislative proposal calling for crime control through revenue sharing has received widespread support and attention since I introduced the bill (H.R. 11813) on November 16. On behalf of myself and the Honorable JOHN F. SEIBERLING of Akron, cosponsor of the legislation, apprise my colleagues of a few of the responses we have received. As examples, I append here an editorial that appeared in the Cleveland Plain Dealer, a brief note from the executive director of the U.S. Conference of Mayors and a newsstory that appeared in the lead position on page 1 of the Seattle Post-Intelligencer:

[From the Plain Dealer, Nov. 18, 1971]

DO CRIME FUNDS FIGHT CRIME?

Ever since it was launched in 1968 the Law Enforcement Assistance Administration (LEAA) has been a storm center. Acting by block grants through states, its benefits trickle down too slowly to the cities, where crime is heaviest and most damaging.

Complaints against the LEAA are now hardy perennials. It is no surprise that the U.S. Conference of Mayors denounced it again Monday. Mayors dislike the governor-dominated block grant system. They have reason to protest also the clutter of state and regional and Washington bureaucracies that must approve each grant to their crime-plagued communities.

Now U.S. Rep. James V. Stanton, D–20, has ambitiously drawn up a bill that might quicken the flow of LEAA funds to the front line of the crime war. It would give high-crime urban areas unshackled, direct grants to meet costs of good, concrete crime-fighting plans.

Gov. John J. Gilligan has already begun to deal directly with Ohio's six largest urban counties. This "Ohio plan" is what Stanton means by unclogging the LEAA flow of funds.

If Stanton's statistics are correct as baldly stated, LEAA is either overfinanced or is not effective at getting its money out to the communities properly. Stanton says Ohio has passed out only 40% of its 1970 LEAA funds and less than 1% of its 1971 funds, though fiscal 1971 ended months ago.

Yet LEAA has the fastest-growing budget in Washington. Its appropriation was boosted this August by $70 million to a total of $700 million for fiscal 1972.

When the phrase "safe streets" became a magic vote-getter, the law-enforcement help from Washington was grandly planned to step upward to a $1-billion annual budget. But there is reason to doubt that the money is being well spent, or that even the current budget is actually needed.

When cities are hard put to keep policemen on their payrolls, what good are grants to buy specialized vehicles? The LEAA concept and its accomplishments thus far need reassessment. Stanton's bill can provide an occasion for this healthy review.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., November 19, 1971.

Hon. JAMES STANTON,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR JIM: I've just read the materials you submitted for the *Record*, including your "Emergency Crime Control Act of 1971".

Congratulations! You are to be commended for the excellent documentation you presented on the current problems local law enforcement programs are facing. I am delighted that you were able to use some of the Conference of Mayor's material.

I hope that your office and ours will be in close touch on this matter so that the necessary legislative changes can be made.

Thanks for your efforts on our behalf.

Sincerely,

JOHN GUNTHER,
Executive Director.

[From the Seattle Post-Intelligencer]

RED TAPE SNAGS ANTICRIME FUNDS, LAWMAKERS CHARGE—U.S. MONEY NOT REACHING CITIES

(By Harry Kelly)

WASHINGTON.—More than 90 per cent of the $340 million in federal funds appropriated to fight urban crime was tied up by bureaucratic red tape and never reached the cities last year, two Democratic congressmen charged yesterday.

In addition, they said, half the funds from the year before, 1970, were also being held up in the massive bottleneck at the state level when the 1971 fiscal year ended June 30.

The two congressmen—James V. Stanton, D-Ohio, and John F. Seiberling, D-Ohio—said the crime-fund logjam has been disclosed by a General Accounting Office study.

They said it showed the 1968 Safe Streets Act—which set up a system of channeling bloc grants from Washington through the state governments and then to the cities—was a failure.

The congressmen said state officials were "sitting on" the federal funds.

Further, Stanton accused Atty. Gen. John Mitchell of delivering "phony communiques." He criticized Mitchell for asserting that "the fear of crime has been driven from the streets" of some American cities.

"It's not fear being driven from the streets, it's the people who are being driven from the streets," said Stanton.

The congressmen arranged a news conference yesterday to make their case against the bloc grant program as administered by the Law Enforcement Assistance Administration (LEAA) which was created by the Safe Streets Act.

FAMILY FARM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FINDLEY. Mr. Speaker, the ridiculous attack made prior to confirmation of Secretary of Agriculture Butz was based in part on the totally unsupported assertion that he was against the "small farmer" of the family type and in favor of the giants of the industry.

A column in the Herald-Whig of Quincy, Ill., written by farm editor Keith L. Wilkey, deals with the nonsense being peddled largely by some people who claim to represent the family farm and its role in modern agriculture. Although Mr. Wilkey did not mention Mr. Butz by name, his commentary certainly places in proper perspective much of the foolishness spewed out in regard to the Butz confirmation. Here is the text of Mr. Wilkey's column:

We Are for the Family Farm

(By Keith L. Wilkey)

Despite the divergent views held by various segments of agriculture, there is one issue on which every one is united. There is 100 per cent agreement that "we are for the family farm."

Of course, I can't imagine anyone stupid enough to say, "I'm against the family farm." Yet to hear some farm leaders and agricultural politicians (hopefuls) and others say, "I'm for the family farm," it has a tendency to leave you with the idea that they are standing up for a principle that their less worthy contemporaries are not supporting.

Beware of the office-seeker or would-be farm leader who builds his case on the retention of the family farm. It simply means that he doesn't know what else to say and if he says he is for the family farm, it gives the impression that he is knowledgeable as well as dedicated about something he is not.

What is the family farm? Does it mean different things to different people, or is there only one family farm concept? The family farm can be anything from the grubbiest 80-acre spread in the thin hilly country to a 5,000-acre upland prairie loam farm that consistently turns out 200-bushel per acre corn.

What other kinds of farms are there beside family farms? Well, we hear a good bit about commercial farms. But these are in essence family farms. If a farm isn't commercial these days, what is it?

Corporate farms. Now there's the emotional issue. The fellow who is all for the family farm is usually a first string fighter against the corporate farm. It sounds like something pretty bad. It denotes big machinery and equipment, lots of commercial influence, money by the barrel at the head New York office to be had for the asking and a sinister design to do in all the family farms.

But suppose a farmer and his son are operating a 340-acre farm as a family enterprise. We smile and say, "There . . . now there is a family farm! That's what I mean by a family farm. That's what this country needs . . . more family farms. We must protect the family farm against the corporate giants. The family farm is the backbone of this country and we must protect the family farm!" (This can go on and on into the night.)

So, in order to plan for his estate, or perhaps other reasons, the farmer goes to his lawyer and asks him to draw up incorporation papers. He takes in his wife and the son as the incorporators. That makes it a corporate farm. Impossible! This nice man and his nice son are not corporate farmers . . . can't be; "they are family farmers."

But yes, they are now operating a corporate farm. It might not be your image of it, but it is just as much of a corporate farm as those operated by CKB Industries, Gates Rubber Company, or any one else.

Actually, the big majority of corporate farms in this country are merely farm families who have incorporated for various legal reasons. And all of those, plus the ones operated by large companies, when added together, make up less than one per cent of the total number of farms in the nation.

Yet we hear denunciations of the corporate farm and a sterling, brave and self-righteous defense of the family farm. I really think that many people have the nostalgic image of the self-sustaining farmstead of 40 years ago when they hear the term, family farm, and picture a ruthless, bullying, stinking rich Wall Street corporation dispossessing innocent, hardworking, defenseless farmers of their land, when they hear the term, corporate farm.

So the next time someone bends your ear about how corporate farms are chasing out all the family farmers and taking over agriculture, it might be a good time to just remember you left your car parked two blocks away with the lights on.

VOYAGE OF THE APOLLO 15

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FREY. Mr. Speaker, at a time when it appears every national technical and scientific advance is being challenged and assessed in a debate on priorities, it is fitting to call to your attention a clear evaluation of the remarkable advances made during the latest flight to the moon by the spacecraft Apollo 15. That voyage was possibly the most valuable and comprehensive scientific mission ever undertaken.

America and the world have benefited immeasurably from our scientific efforts in space. And the benefits will continue. Willard F. Rockwell, Jr., chairman of the board and chief executive officer of North American Rockwell, in the course of an address given before the Society of Industrial Realtors, tells us in a forceful way of the specific scientific advances made by the crew of Apollo 15.

This country has constructed a careful and precise plan for our future achievements in space. The contributions of Apollo 15 add impetus to the attainment of those goals:

Voyage of Apollo 15

The voyage of the Apollo 15 was one of the most valuable and most comprehensive scientific missions ever accomplished.

The three days Dave Scott and Jim Irwin spent on the surface of the moon are expected to lay the foundation for man's first scientifically accurate insight into the creation of the universe. In the exploration of outer space, Apollo 15 may rank some day as does the voyage of Magellan here on Earth.

The amazing part of the voyage, for me, was that the whole world figuratively made the entire journey. We didn't just read about it—we *saw* it.

New knowledge was uncovered right before our eyes, exactly as though we were standing in the laboratory with Louis Pasteur or Alexander Graham Bell. For sixty-seven hours we watched the painstaking gathering of scientific specimens. We saw the actual emplacement of complex electronic equipment.

We saw true exploration in action.

And there was another significant aspect of this entire operation that could easily have been overlooked: That was the consummation of the full partnership of engineer and scientist in space exploration.

Neither discipline alone could have extracted full value from that mission.

It's no secret that there have been misunderstandings during the years of preparation as to whether or not the scientific community was, in fact, receiving an appropriate level of attention in the Apollo program. Those controversies disappeared with Apollo 15's incredible voyage of scientific discovery.

Cooperation was vital for the success of the mission, and throughout the mission, the coordination and cooperation between the NASA flight controllers and the "back room" scientists was a display of unparalleled teamwork.

The engineering skill that developed the Apollo 15 spacecraft was matched by the scientific equipment it carried into space. In the service module there was a new package of instruments that included eight experiments used to gather data while the spacecraft was in lunar orbit.

Two special cameras, part of the package, took more than five thousand photographs of the lunar surface. Today those photos are being studied by scientists around the world.

In addition, highly sensitive spectrometers were extended on long booms to sample molecules of gas spewed from cracks in the moon's crust, measuring alpha rays, X-rays and gamma radiation. That experiment alone was the most comprehensive geo-chemistry survey of the moon ever undertaken.

And the results were remarkable.

The gamma-ray spectrometer discovered a radioactive hot spot in the lunar surface, a huge area 112 miles long and almost 50 miles wide. Because the emission of radioactivity from that area was so abnormal, scientists were able to deduce that the region was a source of volcanic activity far back in the moon's history.

Another instrument, the mass spectrometer, found evidence of some kind of atmosphere around the moon. It picked up pockets of neon and argon gas. And, as the spacecraft orbited, the spectrometer scooped up some carbon dioxide that apparently had burst from a surface fissure.

They are all small pieces of a complex puzzle that scientists are gradually assembling.

Still another instrument was able to detect x-ray radiation from minerals on the surface, an indication that the lunar highlands are rich in aluminum.

The largest single instrument in the spacecraft bay was the panoramic camera which took photographs four and one half inches wide, and forty-seven and one half inches long. There were 1700 of those panoramic pictures taken. One film covers a surface area 28 miles wide and 136 miles long.

According to Dr. Fred Doyle of the U.S. Geological Survey, Chairman of the Apollo Photographic team, one of these pictures contains 15 trillion bits of information.

More than 12 percent of the moon's 14 million square miles of surface was mapped—six times more than on all previous expeditions. That means the panoramic camera was the most comprehensive data-gathering instrument ever flown into deep space.

One of the experiments set upon the lunar surface was a laser reflector, a sophisticated light reflecting device not unlike those reflectors which cause street signs to shine at night.

This was the third such reflecting device set on the moon. And it was much larger than those emplaced on the prior expeditions.

Using laser beams aimed at these reflectors, scientists have been able to measure the distance between the earth and the moon within an accuracy of six inches. Remember, we're talking about distances of nearly a quarter of a million miles.

Those measurements are going to play a role in an even more significant activity, the ability to measure the movements of the wide-spread continents floating on the surface of the Earth. I say "floating" advisedly. Scientists are on the verge of understanding, for the first time, the so-called "Continental Drift". They're advancing from speculation to near-certitude as to that perplexing question—were Africa and South America once a contiguous land mass?

With the aid of studies generated by the infinitesimal accuracy of these new measurements, scientists are also going to have a better understanding of why the earth "wobbles" as it orbits the sun. They'll have a better understanding of tidal effect. A whole treasure of other knowledge is becoming available as a result of these laser beam reflectors.

Al Worden was alone in the command module for 73 hours, circling the moon while Dave Scott and Jim Irwin walked and rode on the surface of the moon.

During that time Worden was adding significantly to the scientific knowledge of this nation. He discovered, for example, the first clear evidence of volcanic areas over many different areas of the moon. He identified as being of volcanic origin nine craters which scientists for years had thought were caused by impacts.

He observed that the walls of the craters on the far side of the moon were steeper than those on the near side—a puzzling fact confirmed by a laser altimeter carried in the spacecraft itself.

One crater gouged more than four miles into the surface of the moon was discovered to be the deepest hole known on the planet. In another crater, invisible from Earth, Worden saw evidence of a massive landslide, six times greater than the Peruvian landslide, the biggest rockslide ever recorded here on Earth.

Worden confirmed that the moon is layered like a cake, down to a depth of at least twelve miles. According to geologists, this means the moon went through a "building up" process in its early life, laying coat after coat on itself until it reached the size and shape we see today.

This is a profound discovery in understanding the history of the solar system.

The 170 pounds of samples returned to Earth from the moon are yielding surprises the full meaning of which will not be understood for some time. For example, plants grown on lunar soil are exhibiting a growth rate four times faster than when grown in earth soil.

Why is this? As yet the scientists don't know. But eventually the secret will be unlocked.

And, while boosting life processes to these plants, the effect of lunar material on other living organisms works in a different, but equally baffling way. For example, the scientists at the medical facility in the Lunar Receiving Laboratory in NASA's Houston heaquarters found that some earth bacteria died when exposed to a mixture of core tube materials taken during the Apollo 15.

These staph organisms didn't die when exposed to other material. They died only when exposed to the core samples. Again, the reason isn't known, but the long range impact could be profound.

Dave Scott and Jim Irwin obtained core samples, two of which were double drive cores which measure about thirty inches deep, and the third a single core measuring fifteen inches deep. The fourth, by contrast, measured eight and a half feet in length.

Biomedical evaluation of these core samples is now underway in the Lunar Receiving Laboratory.

In the meantime, Apollo 15 lunar samples are being made available to 200 scientists. With their staffs this will actually total about 700 scientists who are studying the moon material. Forty-eight scientific institutions in sixteen foreign countries are receiving samples for scientific evaluation.

From the voyage of Apollo 15 a lifetime of new scientific studies will be emerging in a steady stream. For example there were experiments left on the moon to measure temperature, solar winds, magnetic fields and lunar atmosphere. For some scientist, somewhere in the world, one series of those measurements may be a key to a new world of discovery.

Scientists from Rice University have disclosed that instruments placed in earlier Apollo landings detected water vapor spewing from the surface of the moon like a geyser.

None of this would have been possible without the voyage of Apollo 15 and the other probes into deep space. As Dr. Wernher von Braun said recently, "We're learning of the relationship between the earth and the sun and their effects on our lives which could be learned in no other way save by means of the rocket and spacecraft."

Now that we have this momentum it's unfortunate that only two more Apollo flights are scheduled to the moon. Originally five were planned but budget cuts have cancelled all but two. There will be other projects but the fact remains that of the 45 superbly trained active astronauts, 30 will never get a chance to get into outer space.

Fortunately as we near the end of lunar exploration, we're entering a new era of space activity.

Once again, we'll have front row seats in watching the deployment of the space shuttle—which Senator Howard Cannon, member of the Senate Committee on Aeronautics and Space Sciences, has cited as one of the most important undertakings of the 1970's if we hope to have a strong and prosperous America.

The space shuttle is the key development of a new era where we'll have men in space working for men on earth.

Perhaps hundreds of young people living today will actually be stepping abroad for trips out into space. And most assuredly, the world's leading agriculturists, geologists, and mineralogists will be going out to their new laboratories in the sky.

That shuttle and the new space laboratories will make possible two and a half billion dollar savings annually because of improved weather forecasting and observation. They'll mean tremendous savings in areas of crop and forest disease control where we're now losing as much as $7 billion annually. They'll mean great strides in uncovering the world's mineral resources, in advancing the world's commercial fisheries to new high levels of production, in managing timber and water resources.

They'll bring entirely new concepts in flood control, irrigation, and power production management programs.

The real potential, the benefit to man on earth, of our national space program has barely been touched. We're fortunate that we have already seen, and that we'll continue to see, this new world unfolding.

We'll be witness again as great discoveries are made by men who will live and work in space.

We're going to be reminded over and over again of the truth of Dave Scott's words when he first stepped on the lunar surface.

"As I stand among the unknown wonder of Hadley Rille," Scott said, "I realize a basic truth to our nature. Man must explore—and this is exploration at its greatest."

SOVIET JEWS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. EILBERG. Mr. Speaker, the Nixon administration's callous attitude toward the plight of the Soviet Jews has been a source of constant concern and heartbreak for American Jews and all persons concerned about the plight of persecuted minorities.

The latest example of this lack of feeling came in a statement by Deputy Assistant Secretary for European Affairs Richard T. Davies before the Subcommittee on Europe of the House Committee on Foreign Affairs.

An eloquent answer to this statement was provided by Albert Liss, national executive director of Brith Sholom, a Jewish fraternal service organization, in a letter to the editor of the New York Times.

I enter this letter into the Record.

November 12, 1971.

Editor,
New York Times
New York, N.Y.

To The Editor: In his appearance before a House Foreign Affairs Sub-Committee, Richard T. Davies, Deputy Assistant Secretary for European Affairs, made an obvious attempt to whitewash our government for its failure to take a stronger stand on the plight of Soviet Jews. As indicated by your columnist Bernard Gwertzman, "With Nixon due to visit the Soviet Union next May the status of Soviet Jews is viewed as something that must be faced openly since he will be under some pressure from American Jewish groups to raise the matter with the Kremlin leaders." We can expect that Mr. Davies' statement is the first shot in a fusilade aimed at stilling the Jewish nuisance so as not to embarrass the Administration.

To make his case, Mr. Davies raises the false issue of terror, thus hoping to discredit the struggle waged by American Jews on behalf of their Soviet brethren. No responsible Jewish organization or qualified observer has suggested that there is a reign of physical terror against Jews in the Soviet Union comparable to that suffered by Jews under Nazism. We have contended, and with abundant evidence, substantiated frequently in reports published in the New York Times, that, although recognized as a nationality in the Soviet Constitution, Jews are not accorded the same rights enjoyed by other ethnic groups; that Soviet policy prohibits Jewish cultural and institutional life. Putting it simply, Jews are not free to live Jewish lives and those who seek to do so or, in its absence, choose repatriation to Israel, their ancestral homeland, suffer harassment, loss of jobs and even imprisonment. Anti-Semitic literature, bearing the government's imprimatur, is widely distributed, their authors honored.

The test for freedom for Jews is not their numbers in various phases of Soviet life, but their absence or limited numbers in others: for example, in foreign service, in delicate areas of government and the military, and in admission to certain professions and institutions of higher learning. Soviet society cannot be judged by the status given Jews who have conformed to the Soviet view but by the Soviet treatment of Jews who identify actively as Jews and call upon the government to allow them the human right to emigrate, which, incidentally the Soviet Union endorsed when it became a signatory to the Universal Declaration of Human Rights.

Ironically, Mr. Davies' attempt to soft-peddle the issue of Soviet Jewry can only strengthen the JDL which Mr. Davies vehemently denounces.

In remembering the calculated efforts of Western leaders, including many from our own government, to dismiss as inconsequential the stirring of Anti-Semitism in the early days of Hitler Germany, Jews may cynically conclude that their brethren are again abandoned, and in this mood of despair and outrage be drawn to that enticing slogan of JDL, "never again."

It is a sign of the State Department's insensitivity to the concern of American Jews for their brethren abroad and their obvious failure to grasp fully the peril Jews face in the Soviet Union, that Mr. Davies concentrates his most virulent attack upon the few desperate men of the JDL while offering feint-hearted reproach to the Soviet authorities who turn the entire power of their state, with all the cruelty capable in an authoritarian society, against a small defenseless people.

It were better had Mr. Davies turned some of his anger against the Soviet perpetrators of crimes against their Jewish citizens. One can condemn and be repelled by the mindless actions committed by the JDL and still recognize how pitiful are their dimensions when weighed in the balance against the injustice of the mighty Soviet government which provoked them.

ALBERT LISS.

AN ANSWER TO HARVARD ON SEX DISCRIMINATION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mrs. GRIFFITHS. Mr. Speaker, during House action on the higher education bill in November, a provision in the bill to prohibit sex discrimination in colleges and universities receiving Federal funds was sadly watered down. Opponents of the provision proudly made reference to a letter written by Charles Daly, vice president of Harvard, which appeared in the RECORD on November 1. At this time, I would like to place into the RECORD an answer to the Harvard position stated by Mr. Daly. It is in the form of a letter written to the president of Harvard from Dr. Richard B. Child, a Harvard alumnus and now assistant professor of law at the New England School of Law in Boston, Mass. The letter follows:

NEW ENGLAND SCHOOL OF LAW,
Boston, Mass., November 8, 1971.

President DEREK C. BOK,
Harvard University.

DEAR PRESIDENT BOK: I was shocked and appalled to learn in last Saturday's Crimson that Vice President Daly, on behalf of your administration, had written to the U.S. House of Representatives in opposition to an amendment to the current higher education bill requiring that coeducational colleges eliminate sex as a factor in their admission policies. (The amendment was subsequently defeated by the House.)

I believe that you gave an interview to the Crimson earlier this fall in which you stated that you would be speaking out relatively infrequently on public issues because such interventions by high officials of an institution like Harvard—despite their strong initial impact—would likely suffer severely diminishing returns upon frequent repetition. Yet I can hardly think of a less appropriate use of your administration's prestige than Mr. Daly's letter to the Congress.

It is one thing to oppose internal pressures by stating that if the University's administration itself were to eliminate Harvard's sex-discriminatory admissions policy by accepting otherwise qualified applicants regardless of sex, too many male alumni would retaliate by cutting back on gifts. It is quite another thing to oppose a law which would (apparently) apply equally to every coeducational private college and university in the nation! Are Harvard alumni seriously likely to hold your administration responsible for an act of Congress? And even if alumni at every private college and university in the U.S.A. "retaliated" by blaming their institutions' administrations for an act of Congress (!) would this possibility justify continued grants of federal funds to foster (in effect) sex discrimination? Should a racially moderate local school board oppose nation-wide administrative action to curb racial isolation on the grounds that too many white parents might withdraw support from the public schools? (Not a perfect parallel, but perhaps apt.)

As for Mr. Daly's argument that an increase in the percentage of women at Harvard "might underutilize our science facilities" etc., this is rather sharply undercut by the Harvard admissions department statistic quoted by the Crimson, indicating that a higher percentage of women than men are now coming to Harvard intending to major in science. If the Crimson accurately reported this information, I wonder why it was not available to Mr. Daly?

A further irritating detail in the Crimson article is clearly not primarily your administration's fault, although I hold you partially responsible. The Crimson headline last Saturday was "House Deletes 1:1 Ratio Clause." I fail to understand how the Crimson's editors concluded that an amendment requiring elimination of sex as a factor in university admissions policies would establish a "1:1 ratio," or any other ratio. Depending on the respective numbers of adequately qualified men and women who apply to Harvard in any given year under a wholly now—sex—discriminatory admissions policy, there might in one year conceivably be as many as twice as many women in the freshmen class as men, and the next year thrice as many male freshmen as female.

I know that you and Mr. Daly understand this perfectly well, but I wonder if it might not have been helpful in your earlier statement proposing a new 2.5:1 ratio of men to women to point out that the altering of ratios and the total elimination of discrimination are two very clearly distinct concepts. The latter is "sex-blind;" the former, not at all. The Crimson might then have been less likely to fall into the rather remarkable error of confusing the abolition of sex discriminination with the establishment of a "1:1 ratio."

Finally, I would like to know what basis—other than speculation—Mr. Daly has for his projection of a significant falling off of alumni support if sex discrimination were eliminated in Harvard's admissions policies? I will provide him with one minor datum: I personally do not intend to contribute further to Harvard until the university administration fundamentally alters existing patterns and policies of sex discrimination on all fronts. I invite other alumni with similar views to make their voices heard.

I am sending copies of this letter to the Crimson and to Representative Griffiths.

Sincerely yours,

RICHARD B. CHILD.

PRICE FREEZE: A TOOL TO DESTROY PRIVATE HOUSING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. RARICK. Mr. Speaker, private housing is now a field coupled with a public interest, so it must either submit to officious governmental control—which it cannot—or private housing must be destroyed.

And the keys to destruction of private housing by now should be self-evident—rent controls and tenant organizations. Now even the IRS has entered the battle in favor of public housing by ruling that tenants need not pay "unjustified" rent increases. Yet, while the housing investors are denied the right to pursue a fair profit, the Construction Committee approved of pay increases for labor in that field of 56.2 percent which well might sound the death knell for private housing—since only taxpayers building public housing can afford to pay such exorbitant prices with no expectation of return.

This latest prosocialist housing trend can be expected to support the administration's new HUD policies of Federal blockbusting by building public housing plantations in the suburbs "to class integrate" the neighborhoods. With construction costs continuing to soar, few who already fled the violence of the cities will be able to retreat again to rebuild another sanctuary of safety for their loved ones.

Equal housing for all has become a political drive for substandard housing for all. Who really believes that Government bureaucrats and public housing can do a better job of housing Americans than free enterprise and private individual housing?

I insert related newsclippings at this point in the RECORD:

[From the Washington Post, Dec. 4, 1971]

PANEL ALLOWS HUGE PAY RISE

(By James L. Rowe Jr.)

The Construction Industry Stabilization Committee yesterday said it has approved contracts granting a 56.2 per cent increase over two years to Delaware plasterers and 39.6 per cent over 24 months to Philadelphia cement masons.

The approvals were announced just one day after the Pay Board suspended the committees authority to approve new construction contracts until its chairman—Harvard's Prof. John Dunlop—appeared before the Pay Board to explain the CISC's policies and procedures.

There has been severe criticism of the CISC's approval of many construction contracts with increases well in excess of the 5.5 per cent general guideline set down last month by the Pay Board. The board granted the CISC authority to administer Phase II controls on the pay side in the construction industry.

The construction panel two weeks ago approved 450 of 500 contracts signed before the freeze and granted wage increases in the contracts to be paid retroactively through the 90-day freeze which expired Nov. 14. The Pay Board has barred retroactivity except in special cases.

Four of the six contracts announced yesterday approved pay increases dating back to Nov. 1. The Construction Industry Stabilization Committee said the contracts had been approved at its regular weekly meeting on Nov. 26.

The approvals announced yesterday included increases:

From $8.42 to $9.26 an hour in two stages for Philadelphia bricklayers (9.9 per cent over 12 months).

From $5.55 to $8.67 an hour in four stages for Delaware plasterers (56.2 per cent over 24 months).

From $6.44 to $7.84 an hour in four stages for Fort Worth, Tex., sheet metal workers (21.7 per cent over 22 months).

From $5 to $6.40 an hour for Philadelphia general laborers (28 per cent over 24 months).

From $7.825 to $9.425 an hour for Teamsters building trade workers in northern California (20.4 per cent over 24 months).

From $6.37 to $8.39 an hour for cement masons in Philadelphia (39.6 per cent over 24 months).

All the contracts had approvals granting retroactive increases back to the effective date of the contract—all falling before the freeze.

The Pay Board—which itself has drawn heavy criticism for granting a 15 per cent first-year pay increase to soft coal miners—called in the CISC earlier this week to "review" its policies. Pay Board sources said CISC Chairman Dunlop declined to come personally and instead sent the committee's executive secretary, Quinn Miller.

Miller spent most of Thursday morning with the Pay Board. Thursday afternoon the Pay Board again wrote Dunlop, telling him to appear next week and canceling the CISC meeting set for yesterday to review new contracts. The CISC did not meet but the Labor Department released information on the six contracts.

Meanwhile, the Pay Board issued its second clarification on merit pay increases, saying that where no labor agreement exists, the sum total of any company's merit increases must hew to its 5.5 per cent standard.

It said merit pay raises written into labor contracts are generally "narrow, rigidly controlled and do not involve substantial increases in pay."

But under merit plans and salary administration plans which are not part of labor agreements, such increases are often wide and involve substantial pay increases.

In a related development, the Price Commission announced it has granted the motor parts division of Chrysler Corp. a 3.7 per cent increase—Chrysler had requested a 4.4 per cent increase.

Earlier, the commission approved Chrysler's request to raise prices on its 1972 model cars and trucks by an average of 4.5 per cent (on a 5.3 per cent request). But Chrysler said it would only raise prices by 3 per cent for competitive reasons.

The remaining Big Four automobile companies—General Motors, Ford, and American Motors—received price increase approvals ranging between 2.5 per cent and 2.9 per cent.

The Price Commission also approved a 4.5 per cent increase for The New York Times book review section and special advertising.

It approved a 4.6 per cent increase for Deere and Co. for tractors and lawn and garden equipment and a 2.84 per cent average increase for Levi Strauss on "selected cotton products."

PANEL ALLOWS HUGE PAY RISES

The Construction Industry Stabilization Committee announced approval of pay increases of 56.2 per cent and 39.6 per cent over two years yesterday, just one day after the Pay Board had suspended the committee's powers to approve construction contracts.

[From the Washington Post, Dec. 4, 1971]

IRS CITES LIMITS ON RENT RISE—TENANTS GET POINTERS OF WITHHOLDING

(By Bob Woodward)

The Internal Revenue Service ruled yesterday that tenants may refuse to pay added rent unless landlords can prove the increased charges were being paid on 10 per cent of their similar units prior to the Aug. 15 wage-price freeze.

IRS, the price plan enforcement agency, also cautioned landlords not to raise rents unless they have complete records to prove the new rental charges are justified.

Herbert Seidman, an IRS attorney, said tenants still run a risk by refusing to pay the rent increase if the higher charges prove to be justified. If no clear violation is apparent, Seidman said, tenants should seek legal advice, call the IRS or try to get the landlord to agree to place the money in a reserve fund until final determination is made.

Various Federal Price Commission and IRS officials said the ruling is an attempt to slow down rent increases, that they said threatened to become a major stumbling block in inflation stabilization.

In Washington, it now appears about 15 per cent of the 400,000 apartments will receive rent increases averaging about 5 per cent by Jan. 1, according to spokesmen for the rental industry.

John T. O'Neill, executive vice president of the Building Owners and Managers Association of Metropolitan Washington, said yesterday that the IRS ruling shows "the system of price controls is breaking down . . . the goal of controlling inflation is completely lost now."

Saying further pressure on landlords not to do what is permitted in the Phase II guidelines is "very unfair," O'Neill said the IRS ruling will add to the misconception that rent increases are illegal.

Price Commission guidelines issued Nov. 13 say landlords must make their books available to tenants being assessed rent increases. However, the IRS ruling yesterday adds that the tenants may legally withhold the rent increase if the books are not open for inspection or do not show 10 per cent of the similar units in the building or complex were paying the higher rate before the wage-price freeze.

On Tuesday Price Commission Chairman C. Jackson Grayson Jr. told landlords that rollbacks of rent increases would be necessary if planned revisions to the current guidelines do not permit the higher rates.

IRS officials in the Washington area reported yesterday that more than 3,000 inquiries from Washington area tenants and landlords were received in the last week on rent increases—more than on any other subject covered by the President's economic program.

[From the Washington Post, Dec. 4, 1971]

TENANTS MAY REFUSE TO PAY "UNJUSTIFIED" RISES, IRS RULES

(By Walter Rugaber)

The Internal Revenue Service has ruled that tenants are legally entitled to withhold rent increases from landlords who refuse to produce the records justifying them.

The IRS statement yesterday, the latest move in a government drive to hold down rents pending the compilation of more specific guidelines on the subject, came as part of an unusually stern warning on rent increases.

The agency, which is responsible for enforcing the Nixon administration's economic stabilization program, "cautioned" landlords, "urged tenants to be vigilant," and promised to "vigorously investigate" violators.

Landlords cannot raise rents even within the present guidelines, the IRS warned, unless they keep "complete records on rental practices" and make them available to tenants facing increases.

The landlord must show the prices for his units and give "the reason for any increase" over the amount that could be charged during the 90-day freeze, the service said.

The Price Commission's current regulations permit landlords to increase residential rents to levels no higher than those charged on 10 percent of their comparable units before the freeze began Aug. 15.

But there are many confusing details and unanswered questions.

In the Washington area, it was anticipated that rent boosts would affect a possible 20 percent of apartment dwellers by Jan. 1.

The increases under new lease agreements here were expected to average from 5 to 6 percent.

The chairman of the Price Commission, C. Jackson Grayson Jr., urged landlords to put off the substantial number of increases that were apparently planned this month even if the present standards permit them.

The IRS also said new and better standards will be worked out by the Rent Advisory Board and the Price Commission.

Herbert Seidman, a revenue service lawyer, said if a ladnlord refuses flatly to produce the records in justification of an increase he clearly will be breaking the rules.

Tenants could in such cases withhold rent increases and request a revenue service investigation. If the landlord moves to evict him, Seidman said, the tenant can go to the IRS or the civil courts.

When records are provided, the government lawyer noted, it becomes more complicated. If the tenant thinks the information is inadequate or wrong, he said, the increase can still be withheld but not without risks.

In any argument over details which ends with a refusal to pay the increase, Seidman said, "There is some risk factor on the tenant's part as to whether the guy (the landlord) is really in violation."

One of the practical ways to handle less clear-cut cases, the official suggested, would be to put the rent increase in escrow until the revenue service can make a specific ruling.

[From the Washington Post, Dec. 5, 1971]

ONE-YEAR LID ON RENTS URGED BY HEAD OF TENANTS GROUP

(By Burt Barnes)

Chairman Rose Wylie of the National Tenants Organization called yesterday for a one-year freeze on all rents and urged tenants to refuse to pay any rent increases pending release of rental guidelines under Phase II of the President's new economic policy.

Mrs. Wylie spoke at a press conference here at the start of a two-day meeting to discuss what tactics the organization should follow during Phase II, the National Tenants Organization claims a membership of about 300,000 and has branches in several cities.

Mrs. Wylie, who also is a member of the Rent Advisory Board, also said the board is "stacked in favor of the landlords."

The Rent Advisory Board was appointed by President Nixon to recommend guidelines to the Price Commission on how much and under what circumstances rents may be increased and in what cases exceptions to the guidelines may be allowed.

But Mrs. Wiley, who also is head of a citywide public housing tenants council in Philadelphia, predicted the guidelines would favor the landlords. She said tenants would "have to take action in their communities" but she did not specify what that action would be.

Yesterday's meeting was attended by delegations from Baltimore, New York, Boston, Philadelphia and here and many of the participants complained that rents have already been raised since the end of the wage-price freeze on Nov. 14.

On Friday, the Internal Revenue Service ruled that tenants may refuse to pay rent increases put into effect since the expiration of the freeze unless the landlords can prove that the additional charges were being paid on at least 10 per cent of their similar units before the freeze.

Current to guidelines—subject to revision when the Rent Advisory Board makes its recommendations—forbid landlords from passing on increases in property taxes to tenants in the form of increased rents, but several persons at the meeting said tax increases had, in fact, been passed on them.

"The administration has given no consideration to social goals for the Economic Stabilization Program," Mrs. Wylie said.

"There is talk within the rent board of the Economic Stabilization Program possibly creating hardships and inequities but these are seen only as being on the landlords and investors. The hardships being imposed on the working people are being overlooked."

[From the Washington Post, Dec. 4, 1971]

TENANT SUPPORT URGED

Many landlords have tossed in their sleep, seeing imaginary newspaper headlines claiming "rent strike" and hearing shouts by angry tenants parading in front of their apartment houses.

Some property managers may shrug, thinking it can't be any different in a time when difficult problems always seem to lead to confrontation. But a top government housing official disagrees.

Tenants, according to Norman V. Watson, Housing and Urban Development's assistant secretary for housing management, are more than people to be milked for rent. They are potentially a landlord's best allies in successfully managing his property and, of course, turning a profit.

It is unfortunate, Watson said in a recent speech to the Better Housing League of Greater Cincinnati, that landlord-tenant relations and the entire area of property management have taken a back set in recent years in the drive for more housing units.

Government subsidized housing programs have emphasized production, he added, and tax laws have provided lucrative shelters for housing investors with no provision for how well the property is managed.

That emphasis is changing, Watson said, and public housing owners and managers can benefit.

"There is a tendency on the part of still too many housing managers to react defensively to the idea of tenant organization and involvement in management matters," Watson said, "But in my opinion, tenants are the manager's greatest resource for achieving good management.

"When tenants feel they are being treated fairly and have a voice in management matters, all the evidence suggests that they will take greater pride in their project and better care of the property.

"Conversely, when the tenants feel alienated, the result is likely to be greater crime, vandalism, rent delinquencies and rent strikes."

Emphasizing the problem Watson noted there were 73 subsidized housing projects in default in mid-1970, involving 7,500 units. A year later, there were 189 projects in default, involving more than 20,000 dwelling units.

The government is reacting, Watson said. For example, his agency has just been created, an overdue recognition that quality, as well as quantity, is important in the nation's housing boom.

Watson's office has also published a guidebook for prospective housing project owners. It outlines, in nontechnical language, a multitude of management methods for the inexperienced property owner.

The property management problem will not evaporate, even as the need for more units decreases, Watson said.

And he warned: ". . . Congressional and public support for our subsidized housing program is not likely to last very much longer if we permit the housing we build to be mismanaged and if the programs become plagued by rising default and foreclosure rates, high vacancy rates, tenant delinquencies, crime and vandalism, rent strikes and tenant-management hostility."

[From the Washington Post, December 4, 1971]

RENT BOARD FACING MAJOR TASK

Apartment residents, owners and builders are watching the moves of the 14-member Rent Board named as part of the President's Phase II economic stabilization program.

Under provisions of the Phase II program, the Rent Board will advise the Price Commission on the day to day problems that must be faced in any type of control of apartment rents. To use the official terminology: "The Rent Board shall provide advice concerning special considerations involved in the stabilization of rents. It shall also assist the Commission in the performance of its functions by making technical analyses of specific matters referred to it by the Commission."

Apartment owners and organizations representing tenants are looking to the Rent Board to provide specific guidelines on:

When and how rents may be raised.

What constitutes a hardship case in which income from rents fails to cover demonstrated costs.

How vacant units should be handled.

The "pass through" of controlled expenses such as property tax (not controlled by any Phase II regulation).

Automatic increases provided in leases.

Increases agreed upon before the freeze and Phase II.

Actually, the initial rulings on the Phase II program did include several pertaining to rents, but also resulted in a certain amount of confusion among property owners and managers.

First, the Price Commission said that rents would "generally" remain frozen until the Rent Board was formed. Then subsequent rulings indicated that (1) new apartments built after Aug. 15 would not be subject to control, and (2) rents on existing buildings could be raised, under certain circumstances.

Generally, the Commission said that rents could be raised after Nov. 14 to a level no higher than the owner-manager was charging for similar units during the base period (July 15 to Aug. 16).

But the actual regulations are subject to different interpretations. Nationally at least, there is some confusion as to which apartment units could be raised and by how much.

The Internal Revenue Service, which investigates complaints and monitors compliance under the stabilization program, said that landlords must keep records and make them available at the request of any tenant, prospective tenant or representative of the Price Commission and IRS.

These records, said IRS, must reflect: (1) the base-price for each rental unit, (2) the reason for any difference between the base price and the maximum rental the landlord was allowed to charge for the unit during the 90-day freeze.

The most recent announcement from the Price Commission was in the form of a warning, to the effect that rents should not be raised until guidelines are issued by the Rent Board, and that any rent increases not in accordance with these guidelines might have to be rolled back. Meanwhile, some area tenants had already been notified of increases effective Dec. 1 or Jan. 1, subject to adjustments.

The Rent Board was obviously mindful of its task. An organizational meeting was held the day after the Board members were announced. The Board has been holding both day and evening sessions to finalize the guidelines.

Industry reaction to nominess was generally favorable. The chairman was described as "industrious and conscientious," and one builder-developer of multi-family housing called the industry members of the Board "well qualified, with far more than a cursory knowledge of real estate and apartment development."

[From WCBS newsradio, Nov. 24, 1971]

EDITORIAL: FOREST HILLS HOUSING

Providing adequate housing in pleasant surroundings for all Americans must be viewed as a worthwhile national challenge, not a distasteful national burden.

We support the scatter-site housing concept, which moves low-income projects from the inner city into the more affluent suburbs.

The current controversy over the project planned for Forest Hills tests public acceptance of that concept.

In Forest Hills wide acceptance is apparently lacking, and so is the realization that it is the responsibility of all communities to share in the challenge.

An alternative to scatter-site housing is to build more projects for the poor in the inner cities.

The other is to build low-income housing away from established neighborhoods.

But the isolation and concentration of the poor, the record shows, give birth to new ghettos.

More, the problems of new and bigger ghettos will eventually spill over into even the most secure suburban communities, like Forest Hills.

WCBS does have reservations about the details and the size of the Forest Hills project. But we have no reservations about the concept of scatter-site housing.

We see no other way to break the circle of poverty and despair which exists in the inner city ghettos.

With proper planning and safeguards, and with intense community involvement from the start, scatter-site housing can succeed.

In a later editorial, we'll discuss our reservations about the execution of that concept in Forest Hills.

[From WCBS newsradio, Nov. 26, 1971]

EDITORIAL: FOREST HILLS HOUSING—II

The low-income housing project being built in Forest Hills is too big and was poorly conceived from the start.

We said in an earlier editorial that WCBS supports the policy of moving low-income housing from the inner cities to the suburbs.

But the success of this good idea depends on how each project is approached, and the approach must be tailored to each community.

Forest Hills was selected because it is a stable, middle-income neighborhood with a vacant lot.

In 1966, one hundred thousand poor people were crying out for decent housing. The planners decided to cut into this number by building 840 apartments in three hi-rise buildings in Forest Hills.

This might look good on paper. But three towers that rise above the rest of the neighborhood won't look good in Forest Hills. And that's important.

The object is to integrate the poor into middle-class neighborhoods. But to start them off in structures obviously different from what their neighbors live in makes the poor and their life style seem even more out of place.

For success, the design of low-income housing must be compatible with the community, even if numbers and money are sacrificed.

WCBS feels that greater consideration should be given to this in Forest Hills, and in all similar projects.

We also feel that intense local involvement in planning is essential for acceptance of public housing. This acceptance will never come automatically. But if a community is given a real voice in the decision-making process, it will come more easily, even in Forest Hills.

The Forest Hills project has become a national issue. Its success or failure could influence the development of public housing across the country for years to come. For this reason, it must be done right.

We suggest the city stop and re-evaluate its plans for Forest Hills. This would cost some money, but a successful project here is important for the future of public housing nationwide.

[From Newsweek, Nov. 15, 1971]

THE BATTLE OF THE SUBURBS

She was a pretty woman, brunette, thirtyish and discernibly nervous at the prospect of addressing even so small a crowd as the twenty-odd residents who assembled in the tiny American Legion clubhouse just outside the affluent Los Angeles suburb of Woodland Hills, Calif. The atmosphere was already emotionally charged and now, as the woman rose, the tension became almost palpable. But once she had risen, the words came easily—soft, steady and with no trace of a falter.

"As a housewife," said Mrs. Carleen Zawocki, "I do not fear low-income housing in our community. I'm not afraid of having black and poor people move in. I just don't see what's so frightening about this."

With that, the room seemed to explode with fury. Shouts and epithets rang out. Several persons had to be sternly reprimanded by the hearing officer after they had jumped up to hurl personal insults at the speaker. One woman shrilly accused Mrs. Zawocki of having brought her eight-month-old baby with her to the meeting solely to create sympathy for her stand.

This outburst set the tone. In tumultuous weeks that followed, few families in Woodland Hills were left unaffected. Cookouts and Kaffeeklatsches were transformed into acrid encounter sessions. Neighbor turned against neighbor. At one point, a young stockbroker offered a calm and candid summation of the position of those who, like himself, were fighting Mrs. Zawocki and her allies.

"Low-income housing," he said, "represents all of the problems I moved here to the San Fernando Valley to get away from. If we allowed it to be built, Woodland Hills could turn into a suburban slum. To be frank, I believe we should simply close the gates." And in the end, that is exactly what Woodland Hills did—but only by the narrowest of margins. The proposal to rezone the community to permit multiple-unit, low-income housing was defeated by the Los Angeles city council by a vote of 8 to 7. But to the proponents of open-door housing, this came as much less of a shock than the sheer emotionalism that the issue had precipitated in the first place.

"I just didn't expect people who are so much like myself to get so violent about this," Mrs. Zawocki recalls in troubled puzzlement. "But now I know that even these people can be terrible when they're afraid—and people here are afraid of any kind of poor people moving into the community."

THE PROTAGONISTS

None of the participants in Woodland Hills' drama stands alone. Each has his counterparts, thousands strong in hundreds of other town halls and zoning-commission chambers from one end of the nation to the other. Collectively, these ordinary U.S. citizens are the protagonists in what looms as the major domestic social and political battle of the decade ahead—a battle whose outcome will be of enormous importance in determining the structure of U.S. society for many years to come.

Urban experts call this confrontation "The Battle of the Suburbs," and already it has become the kind of close-to-home domestic war whose headlines regularly dwarf all others in local newspapers. No corner of the nation is unaffected by the strife. As of this week, bitter zoning battles are in progress in suburbs as different and as far apart as Madison Township, N.J.; Lima, Ohio; Troy, Mich.; New Canaan, Conn.; Lake Natomas Heights, Wash.; and Black Jack, Mo.

At Lake Natomas Heights, hundreds of residents recently charged out of their neat, split-level homes to stand and defy the bulldozers about to clear the ground for one low-income housing site. Two weeks ago, in Madison Township, N.J., a state court stunned local officials by striking down the community's entire local zoning ordinance on the ground that it excluded lower-income families. "It's a fantastic decision," exulted one open-housing libertarian. "This could be the opening wedge for real integration in the suburbs."

Still another historic legal precedent may come out of a similar struggle in Black Jack, Mo., to date the only suburb in the U.S. where Washington seems to be intervening forcefully in support of low-income housing. "The outcome of the Black Jack case," says one of the acting attorneys, "could prove to suburban housing what the landmark 1954 case of Brown vs. the Board of Education was to school integration." Others see the outcome of the battle of the suburbs as even more portentous. "What happens to the suburbs in the remainder of this century," says urban expert Donald Canty, editor of the influential magazine City, "will be the principal determinant of the quality of life in virtually all America."

THE COMPLEXITIES

Like most of the other great domestic issues that have come to the fore in recent years, the battle of the suburbs is both cause and symptom of the tremendous force for change that seems to be at work today at virtually every level of U.S. society—a force that is simultaneously social, political, moral (particularly with respect to racial issues) and above all, economic.

There is no lack of hard, statistical documentation for both the extent and the rate of change that is at work on U.S. suburbs. Now, for the first time in history, more Americans (a total of 76 million) live in the suburbs than in either the great urban enclaves (which are home to 59 million) or in the predominantly rural regions outside the metropolitan areas (total population: 71 million).

Nor is there any dispute among the experts as to the original cause of this phenomenon: it is the rapidly accelerating flight by the middle class from the decaying central cities, with their slums, their ghettos, their increasingly bereft and bewildered populations of the poor, the black and the elderly. But now this flight has been joined by a massive new exodus. For in city after city, hundreds of major corporations have picked up and moved their plants from urban to suburban addresses. This corporate migration has created a vast, new blue-collar job market in the suburbs—but one that is, for the moment, physically inaccessible to the urban blue-collar workers the corporations have left behind them. This is because the corporate émigrés have fled to communities where restrictive zoning laws ban the sort of federally subsidized housing that would permit the urban poor to settle near their old jobs. The New York City region provides a striking example. In the New York suburbs, it is estimated that 150,000 of the 750,000 new jobs created during the last decade were blue-collar jobs. But the number of blue-collar workers who found homes in the New York metropolitan area suburbs during the same period increased by only 50,000.

To the pessimists, who seem to outnumber the optimists by a substantial majority, one possible outcome of the cities vs. suburbs struggle has already been limned in lurid and frightening detail. Some, echoing the 1968 Kerner commission's report on civil disorders, see the fight developing for the most part along racial lines, with the central city of tomorrow looming as a kind of concentration camp for Negroes and other nonwhite minorities, while the white middle class guards the ramparts of suburbia, possibly with arms. "The great irony of current history," says New York University sociologist Richard Sennett, "may someday appear to be that this generation, seeking to avoid the disorder of city life, succeeded only in creating warring camps that had no way of communicating—other than through violence."

The pessimists may yet be proved right. Meanwhile such hope as can be said to exist seems to lie in the prospect that the struggle over the suburbs may unfold in such a way that the combatants will finally realize that it need not be fought to the bitter end. But before anything like that can be brought about, a number of myths remain to be dispelled and a number of new realities faced up to and accepted.

First on the list of the new realities is the proposition that most of the nation's suburbs simply aren't the suburbs any more. The older suburbs have grown so fast and so dynamically in recent years that most of them have long since become cities themselves. These are the areas that urban planners call "spread cities" or the "slurbs," and while some have deteriorated badly others are holding their own; a few, like Philadelphia's Wynnefield section, have actually reversed the trend to decay and set about resolutely trying to establish a community where white and black, poor and moderately affluent can live together in relative amity (page 63).

THE OBJECTIVES

Partly for this reason, the older suburbs do not rank as a prime strategical objective in the battle of the suburbs. The real objective of the rather fluid coalition of white liberals, blacks and other social activists, moderate and radical alike, who are the vanguard in the fight for open housing, is farther away from the city. The goal is the suburbs whose defenders see them as a kind of second-defense perimeter around the cancer of the megalopolis. They are the more affluent suburbs of Chicago, New York, Los Angeles, St. Louis and other big cities—leafy enclaves with neatly manicured lawns and rigorously enforced zoning regulations that prohibit the construction of either small-plot (a quarter acre or less) single-family units or any multiple-unit housing at all. Federally subsidized low-income housing is generally taboo in these areas, and the emotional climate in many is such that newcomers who do not fit established economic and racial standards are about as welcome as Dutch elm disease.

This is the suburbia that civil-rights groups call "the white noose" around the cities and where they are channeling energies once reserved for sit-ins and busing battles. Two years ago, the National Association for the Advancement of Colored People launched a massive legal attack against exclusionary housing practices in the more affluent suburbs. The NAACP's target is not the occasional real-estate agent who excludes would-be black home buyers but the entire arsenal of devices that prevent low-income housing from ever going up. "This is the new frontier in the civil-rights struggle," says NAACP executive director Roy Wilkins. A similar offensive has been mounted by the National Committee Against Discrimination in Housing, which has instigated lawsuits against such lily-white enclaves as San Leandro, Calif.

THE PROPAGANDA

Like similar struggles, the battle of the suburbs has already produced its own particular version of the fog of war. One graphic demonstration of how subtly the propaganda machines are working still may be found on a campaign billboard in Jefferson Parish, La., currently the scene of a heated dispute over the construction of low- and middle-income housing. The billboard, erected by a slate of candidates, shows a typically American family in silhouette and reads: "Jefferson: It's the good life. Let's keep it that way."

At this level, there is no scant question that "keeping it that way" means maintaining suburbia's racial barriers. "The fear as always is that low-income housing means black people," says Celia Zager, chairman of the San Fernando Valley Fair Housing Council. Interestingly enough, however, the 1970 census figures on the over-all exodus from the cities offers at least some signs that racial barriers are slowly being chipped away in some parts of suburbia. These figures show that while the white population of the suburbs registered an increase of 29 per cent during the preceding decade, the non-white population of the suburbs rose by 37 per cent. Extrapolating from these figures, the experts estimate that some 200,000 blacks are leaving the city ghettos each year—not, to be sure, to settle in Grosse Pointe, Beverly Hills or Old Greenwich, but at least to travel the first stage of the long, difficult trek from the ruined central cities to the green and leafy expanses beyond.

There are also some further, faint signs that the racial issue may not in the long run prove as decisive as it looms at present. A growing body of evidence suggests that what is really at the heart of the struggle is income and class rather than color—and the fact is that some vigorous opposition to federally subsidized low-income housing in suburbia now comes from the black middle class itself. A dramatic demonstration of this attitude recently occurred in the New York City suburb of North Hempstead. There black homeowners bitterly challenged a proposal to erect a group of prefabricated ranch houses that were to be rented to tenants of a largely black, public-housing project in the city. In the face of the black homeowners' organized resistance, town officials finally abandoned the plan. "People who rent houses don't keep them up," one of the Negroes who fought the proposal explained to housing expert Joseph Fried. Then his gaze locked on a painting of Martin Luther King on his living-room wall. "Maybe what I'm saying would be contrary to what Dr. King would say," he added. "But this is my opinion."

For the moment, suburban opponents of low-income housing command an imposing arsenal of stratagems to help them keep the lower classes out. Thus besides raising the prices of developing land, many suburbs impose so-called "Cadillac requirements." For example, building codes may call for relatively expensive housing materials, thus barring cheaper, factory-produced units; or they may require the construction of costly sidewalks, water lines and sewers before a house or apartment can be built. But the ultimate weapon of the exclusionists is what the open-door forces call "snob zoning." These are ordinances that permit only single-family homes to be built—and then only on relatively large 1- or 2-acre plots; low-cost, multi-unit buildings are thereby effectively precluded.

In defense of these practices, suburban leaders argue accurately enough that even a modest influx of low-income families usually places an intolerable burden on already strained services. Certainly, as Fried demonstrates in his definitive book, "Housing Crisis U.S.A.," there is no denying that even federally subsidized low-cost housing rarely "pays its way" in suburbia. First, it fails notably to enlarge the property tax base; then, since low-cost housing is usually inhabited by families with more children than the norm, it invariably requires higher public expenditures for schools—an item that already composes the largest chunk of most communities' budgets. Another argument that resounds forcefully at most rezoning hearings is that exclusive zoning helps preserve a suburb's "quality of life"—in other words, that higher population densities invariably produce higher rates of crime, welfare and pollution.

For their part, the open-housing activists readily acknowledge that more low-income families invariably require more public services. The solution they propose is the equalization of property taxes throughout a county or state, with dozens of communities sharing the same tax-revenue pool to pay for their schools, police departments and recreational facilities. Thus a community with a tax base that could not support an influx of the poor would be sustained by neighboring communities with more solid tax bases and few low-income families.

THE LEGALITIES

Obviously, such a radical broadening of taxing jurisdiction would meet stiff opposition from most suburban legislators, particularly those who represent middle- and upper-class constituencies. Yet the possibility that just such a pooling system may one day become the rule was dramatically suggested by a recent decision by the California Supreme Court. The court ruled that the state's entire public-school-financing system, which is based largely on local property taxes, is unconstitutional because it favors rich towns at the expense of poor towns. Similar court decisions are pending in Michigan, Texas, Wisconsin and New Jersey—with profound implications for the drive to open suburbia to the poor. The issue will almost certainly wind up before the U.S. Supreme Court.

Another contention put forward by the zoning reformers is that the federally subsidized housing program—which currently accounts for more than a fourth of all housing units produced annually in the U.S.—is undergoing a radical tranformation as it thrusts toward suburbia. The reformers say that the sterile, high-rise urban monsters that are the stereotype of such housing are being discarded now in favor of the low-density, "cluster" concept popularized by such new planned communities as Reston, Va., and Columbia, Md. These low-income dwellings would resemble garden apartments and be built on open land along with more expensive homes—perhaps town houses and split-levels ringing a common, village-style green. "If the open land in the suburbs is made available to low-income housing, there is absolutely no reason why it can't be built for human needs and to human scale," says Paul Davidoff, co-director of the Suburban Action Institute, a nonprofit organization that is emerging as the most activist open-door champion.

THE ACCOMMODATIONS

Another development that the activists see as working in their favor is that while many suburban governments seem more than willing to rezone to accommodate relocating urban corporations and thus acquire additional tax revenues, they are balking at rezoning to permit the construction of housing for the firms' working-class employees. One of the most bitter engagements over this zoning double standard is unfolding in suburban Mahwah, N.J. (population: 10,440). Mahwah officials readily welcomed the Ford Motor Co. when it decided to relocate an assembly plant from Camden, N.J. But it next became apparent that only one in five of the plant's 5,000 employees could afford to live in predominantly middle-class Mahwah. At this point, protesting civil-rights groups found themselves joined by a somewhat unlikely ally—Local 906 of the United Auto Workers. The UAW's regional nonprofit housing corporation had planned to construct a low-income housing complex near the plant, a move that would require considerable loosening of the residential laws. Mahwah residents quickly sent up a roar of indignation—and the case is now shaping up as a protracted battle before the New Jersey state courts.

This kind of legal stalemate has prompted housing libertarians to push for a tough, two-part strategy. They say corporations that flee to restrictively zoned suburban sites will first be accused of violating the equal-employment opportunities provision of the 1964 Civil Rights Act, since their minority employees are almost invariably trapped behind in the cities. Next, the Department of Housing and Urban Development will be asked to withhold its community-development grants—which currently add up to $1.7 billion yearly—from those suburbs that gladly accept lucrative new industry but usually reject the low-income workers who ordinarily come with the package.

Not surprisingly, the explicit threat of Federal involvement has produced counter stratagems in suburbia, and perhaps the most significant case in point is the tiny St. Louis bedroom suburb of Black Jack, Mo. (population: 3,224). Late in 1969, word got around Black Jack that the town was scheduled to be the site of a federally assisted, low-income, racially integrated housing project. Outraged residents quickly petitioned the St. Louis County Council for permission to incorporate Black Jack as a fourth-class city—thereby gaining zoning authority for themselves. After hundreds of tight-lipped Black Jack housewives picketed the county courthouse, carrying American flags and flanked by their children, the council granted the incorporation request. Thereupon Black Jack hastily formed a zoning board and promptly banned all multifamily housing—including the proposed project.

The Black Jack case quickly became the focal point of a bitter policy fight within President Nixon's Administration—and an unlikely test of Washington's determination to promote low-income housing in the exclusionary suburbs. After a series of argumentative private sessions between Attorney General John Mitchell, who favored a cautious approach, and HUD Secretary George Romney, who urged a bold one to open up the suburbs, the President announced that he would not compel suburbs to accept economic integration—but that he would demand strong legal measures against those that clearly practiced racial discrimination.

This seemed at first to confuse all sides. But then three days after Mr. Nixon's speech the Justice Department surprised even its most vigorous critics by slapping a Federal suit on Black Jack. The suit charged that Black Jack's zoning action against the proposed housing project deprived prospective residents of their right to fair housing under Title VIII of the 1968 Civil Rights Act. Though the outcome of the Black Jack case is far from certain, housing activists hope that it will prove a major benchmark in the fight to open up the suburbs.

THE WEAPONS

What remains to be seen, meanwhile, is just how far the Nixon Administration may be willing to go against communities that practice less blatant forms of exclusion. The evidence in hand to date suggests that here the White House is moving with great caution and definitely wants to avoid anything that smacks of force. Present plans are not to withhold Federal funds from restrictive communities, as HUD's Romney has urged, but to reward with priority consideration for Federal assistance those localities whose development proposals provide for low- and moderate-income housing. For his part, Romney has also promised that the availability of such housing will be a prime consideration in selecting new suburban sites for Federal agencies. "That's leverage," says Romney, "but it's not force."

But the fact remains that for all its cautious approach, the government has already scored at least one notable success. This, in anticipation of winning points under HUD's "reward" policy, the Dayton, Ohio, metropolitan region—which embraces five counties and 29 municipalities—has now endorsed a plan that would disperse federally subsidized housing on a quota basis throughout the entire area. At first, the plan drew angry fire from a number of the suburbs involved; some who favored it even received anonymous telephone threats. But then The Dayton Daily News marshaled an intensive editorial campaign against what it termed hold-the-line thinking in our "white-on-white suburbs," and the plan was finally approved—though by no means solely because the residents underwent any kind of major philosophical conversion. "None of us wanted to have Washington cut off Dayton's allowance," admitted one housewife, summing up the prevailing view.

But with those communities that simply decide to do without Federal development grants in order to retain their exclusivity, the government for the moment has no quarrel. "Our approach is not going to steer national growth in a direction opposite to what would otherwise occur," says HUD Under Secretary Richard Van Dusen. What he and other officials see as the best long-term solution is gradually to create metropolis-wide housing agencies, composed of representatives from all the communities, that would choose the sites for future subsidized, low-cost units by majority vote. The suburbs thus selected would then receive Federal grants to help pay for the extra services required by their new, low-income residents.

Obviously, such an approach would take much of the heat off Washington—and this may explain why the Administration is vigorously pushing a bill that would set up just such umbrella-like housing agencies throughout the nation. "It may look like we're passing the buck," admits one HUD hand, summing up what seems to be Washington's view of the battle of the suburbs, "but a system like this just might help get across the idea that the fate of the cities and the suburbs are basically intertwined."

[From Newsweek, Nov. 15, 1971]

A SUBURB THAT STRUCK A TRUCK

There was a time, back in a crueler day, when the Wynnefield section of Philadelphia was known derisively as "Kike's Peak." But for the thousands of Jews who migrated there from the city's ghettos in the 1920s and '30s, a Wynnefield address was a sure sign of having arrived. Located just inside city limits, yet cut off from other neighborhoods by the main-line railroad tracks and Fairmont Park, Wynnefield had all the feel of a suburban fastness only fifteen minutes from downtown. Its houses ranged from substantial pillared dwellings set back on manicured lawns to well-kept row houses along streets lined with maples and sycamores. Its public schools turned out more children who ended up with doctorates than any other area in the city. And Wynnefield's Har Zion synagogue, with a Conservative congregation of 1,700 families, soon became one of the largest and most powerful in all the Delaware Valley. "Wynnefield was brand-new, clean, green, spacious and had status," says lawyer Stanton Kratzok who has lived in Wynnefield for 50 years. "It was a gilded ghetto without walls. It had a heterogeneous pocketbook but a homogeneous attitude—everybody felt middle-class."

Then in 1963 or 1964—no one is quite sure when—a house for sale in the heart of Wynnefield eluded the protective custody of local real-estate agents and went out on an open listing to brokers all over the city. The man who finally bought it was a retired Army colonel turned school teacher from West Philadelphia. He also turned out to be black.

At first, the reaction among Wynnefield whites was one of confusion and a vague feeling of alarm. Then, like cider turning sour, the community began to decay. Real-estate blockbusters moved in and spread fear with postcards warning homeowners to sell while they still had time. Blacks were hustled into cheaper housing in lower Wynnefield and For Sale signs sprouted like dandelions in the plusher environs of upper Wynnefield as well. Stores along 54th Street began boarding up their windows and moving out. Juvenile crime shot up.

SCHOOLS

And as a final blow, Wynnefield's most prized possession—its school system—deteriorated rapidly. Parents started fearing for their children's safety. "The whole character changed," complained one PTA activist who solved her family's problem by moving to another suburb. By 1970, the black incursion into Wynnefield had reached about 50 per cent, and many residents felt the complete turnover was only a matter of time.

But then, almost miraculously, or so it seemed, the tide began to turn. In the past year, even some of the For Sale signs have started coming down. Alarm was replaced first by caution, sometimes by optimism, and some whites are buying alongside blacks. And in the process of apparently holding the line, Wynnefield residents feel they have learned some bitter lessons that may serve other suburbs similarly beseiged.

For one thing, the whites discovered soon after their initial fright that the real problem facing them was more one of class than of race. The first wave of newcomers, for instance, was largely made up of "Ebony readers," middle-class blacks as bourgeois in their attitudes toward education and appearances as the whites they replaced. "They considered Wynnefield as an escape from the jungles of West Philadelphia," says Kratzok, "just as the Jews found it a refuge in the 1920s." They were more than eager to join crusades and keep out bars, laundermats and the other potential hangouts for young people who might prove to be troublemakers. "You work all your life to come to a place like this," says George Howe, a 48-year-old black carpenter who works for the Philadelphia transit authority, "and you don't want the rough element around."

CAMPAIGN

Some Wynnefield residents respond to this realization with alacrity. A Wynnefield Residents Association was formed to bring lawsuits against blockbusters and campaign for integration. The Jewish Community Relations Council held block meetings to encourage whites to stay put. "They were told they shouldn't leave unless something drastic happened," says Rabbi Henry Cohen of the Beth David synagogue. "And that the only thing drastic that could happen would be if they left."

Next, some of the whites discovered that they couldn't afford to move even if they wanted to. "My home is worth $25,000," says Martin Piltch, an executive for an electronics company and former president of WRA. "If you moved it four blocks over the city line, it would cost me $50,000." So homeowners dug in for the duration. "Now I don't feel tension among my friends," says Rabbi Cohen, whose congregation has taken to sponsoring bicultural Sunday school for black and Jewish children. "We have to do the whole bit—floodlights on the house, locks, alarm systems. Our wives don't walk out at night more than a couple of houses away. OK, there are certain things we accept. Big deal. Within this, we feel secure. We're not sacrificing anything; we're comfortable."

STUDY

So far, perhaps, the biggest threat to Wynnefield's stability has come from within its white ranks—specifically at a time two years ago when officials of the Har Zion synagogue started making noises about moving the whole congregation out of the community. "The oligarchy of the synagogue was made up of very practical business people," says sociologist Samuel Klausner of the University of Pennsylvania. "As they saw it, Wynnefield was going to be all-black, and they should simply reinvest elsewhere." To cover its tracks, however, Har Zion hired Klausner to make a study of the community, which the synagogue elders hoped would provide enough evidence of Jewish emigration to justify their evacuation. What they got, however, was hardly to their liking. Instead of offering up a rationale for flight, Klausner's study found that the Wynnefield area was not likely to become all-black in the foreseeable future. And even if more Jews did flee the community, Klausner concluded, they would all scatter to different suburbs, thus failing to provide Har Zion with a big enough congregation in any one town to justify a new temple.

After voting to reject Klausner's conclusions, Har Zion reluctantly decided to stay put—for the time being. Over at Beth David however, a firm decision was made seven years ago. Not only did the Reform synagogue decide to stay in Wynnefield, but since then it has added to the congregation many Jews who live across the city line in Lower Merion. "Once you get across the city line, it's very easy for the wall to go up," says Rabbi Cohen. "There's a psychological value in having suburbanites maintain contact with integration and all the problems of take-over. Today, it's Wynnefield. Tomorrow it could be anywhere."

[From the Christian Science Monitor, Nov. 11, 1971]

ZONING: AMERICA'S HIGH WALL—"RIGHTS" BATTLE SHAPES IN CITIES

(By Richard L. Strout)

WASHINGTON.—The next big battle on the civil-rights front will be not bussing, but zoning. The problem deals with economic, not racial, segregation.

Politicians here watch preliminary engagements already under way in dozens of communities. Cases are coming to the Supreme Court.

Action of the House of Representatives last week forbidding the use of emergency desegregation funds for school bussing will, it is believed, if upheld in the Senate, increase the internal pressure in the big cities to break through the zoning barricade that walls them from the suburbs.

The issue was raised in the House debate on bussing.

INSTABILITY SEEN

Big-city pressure is growing and is compounded on these factors:

While the United States is the wealthiest nation on earth, 24 million Americans are below the poverty line, or about one in nine. About one out of 11 Americans is black. Mechanized agriculture in the last half century drove blacks into the big cities in one of the biggest migrations of the world, and there today the unemployment rate is about twice that of the 5.8 percent national average. It rises to 20 percent or more for teenage blacks.

The social instability of this division is typified by the separation of city ghettos from leafy suburbs. The agency for maintaining this explosive separation is zoning, some city planners now declare; ordinances that make it impossible for city dwellers of medium or low income to buy homes out in the country near the migrating city factories.

The deeply emotional issue of bussing would be mitigated if the city dwellers could move out into the country when, obviously, say advocates, it would not be necessary to bus a black child 15 miles from the heart of Detroit—if she lived out in the suburbs already.

The California Supreme Court ruled last August that state schools must be financed by some fairer method than varying property taxes, and the revolutionary case, Serrano v. Priest has sent shock waves over the country. Statistics noted that poor neighborhoods with low valuations had to pay more proportionately, for poorer schools, than rich suburbs did for better schools where a relatively modest tax easily raised more money. Minnesota's high court now has followed California's.

Now comes another move to open the suburbs in Sen. Abraham A. Ribicoff's bill, "government facilities location act," originally introduced last year and reintroduced this year. It would forbid a federal installation to move to a suburb which refused to provide land for houses for workers.

TESTS EXPECTED

Tests in federal courts are expected, too. The Civil Rights Guidelines Act of 1964 forbade discrimination; but is it discrimination where a factory moves from city slums into suburbs if the town continues to enforce zoning restrictions that make it impossible for workers to follow, save by daily bussing?

A recent vivid example involved the Ford Motor Company, which bought 200 acres in Mahwah, N.J., a town of 10,500, where it proposed to move its Newark facility, with 4,200 workers. But the workers found exclusionary zoning ordinances requiring them to buy lots of half an acre or more which only a few could afford. The case is now in the courts.

Two years ago Massachusetts required that three-tenths of 1 percent of a community's vacant land must be made available for medium- and low-cost housing in each of five years. Other states propose similar measures.

An organization, Suburban Action Institute, offers legislation to encourage federal regulatory agencies to act against corporations proposing to move into so-called exclusionary suburbs.

Last month a New Jersey state court threw out exclusionary zoning laws in Madison Township, N.J. A similar celebrated struggle is going on over the area known as Black Jack, Mo., where the federal government has intervened actively in a test case.

Presently America divides up like this:

	Millions
City enclaves	59
Suburbs	76
Rural	71

More people live in the suburbs than anywhere else, and the proportion is growing. Great social, moral, and historical forces make almost irresistible pressure for a breakdown of barriers between city and suburban areas. The bussing controversy seems to many to be only the first round.

Feature articles appear simultaneously this week in Newsweek, and Time, while the New York Times Sunday Magazine section carries another study on the issue. Writers note that federal subsidized housing currently accounts for more than 25 percent of all housing units produced annually in the country.

VETERANS' ADMINISTRATION MEDICAL RESEARCH IMPROVING NATION'S HEALTH CARE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. TEAGUE of Texas. Mr. Speaker, I want to share with my colleagues the recent tribute paid by the President of the United States to Dr. Edward D. Freis, senior medical investigator at the Washington, D.C., Veterans' Administration Hospital, and to VA's entire medical research program.

On November 30, the President wrote Dr. Freis:

> My warmest congratulations to you on receiving the Albert Lasker Medical Research Award for clinical research. There can be no question that this is one of the most prestigious awards given in medical research, and it is a source of special pride to me that it was given to a member of the Federal Government's medical research team.
>
> Your findings that the early treatment of hypertension can reduce deaths from stroke and congestive heart failure have given new hope to millions of people throughout the world. In addition, the research method you used—the Cooperative Study Group embracing seventeen hospitals—suggests that our Veterans' Administration hospitals offer great potential for reducing the time necessary to test new treatments.
>
> These splendid achievements have earned you the gratitude of all our fellow citizens, and on their behalf I am pleased to extend to you my very best wishes for continued success in the future.

I know that Members of the Congress join with the President in his feeling of pride in this most significant accomplishment by a Federal employee. The honor is not only an accolade to Dr. Freis, but also to the accomplishments and potential of VA cooperative research.

In my capacity as chairman of the House Committee on Veterans' Affairs, I have become increasingly aware of the extent to which many of our VA physicians and scientists are recognized leaders in their specialties, and the vital role played by VA medical research in guarding the health of veterans as well as the public in general.

Because of VA medical research, treatment of TB has improved to the point that veterans hospitalized for the disease decreased from 17,000 in 1954 to about 2,000 at the present time.

The first successful pacemaker implant operation was performed at the Buffalo, N.Y., VA hospital.

Pioneering work in lowering body temperature in connection with open heart surgery was done at the Coral Gables, Fla., VA hospital.

The Denver, Colo., VA hospital is the site of the world's most advanced liver transplant procedures.

VA research led to development of the gamma globulin "horse serum" to control the body's rejection reaction in organ transplants.

Some of the earliest work in laser surgery has been in progress since 1963 in VA hospitals at West Roxbury, Mass., Pittsburgh, Pa., and Washington, D.C.

The work of VA researchers continues to expand our medical frontiers. It is often easy to forget that this research will benefit not only the veterans under the care of the VA, but millions of other Americans who may, incidentally, be veterans or the dependents of veterans. From each advance in VA medicine, we all profit.

The list of accomplishments goes on, but to try to name all the highlights from the more than 6,000 research projects underway each year at VA hospitals would be to let history overshadow an ever-promising future.

The fruits of VA-supported research must be counted as an important asset in our national health care delivery system, an asset which must not be overlooked as we attempt to improve the quality of the health care delivery system for our entire population.

As one of the largest unified medical systems in the world, the VA Department of Medicine and Surgery has an unparalleled potential for solving some of our most serious medical problems.

One of the most important, of course, is serving as a model for an effective health care delivery system. Equally important is its unique capacity for cooperative research. Its excellent staff of physicians and researchers have tremendous potential for studying specific medical problems that are beyond the capacity of any one investigator or one hospital. The VA is uniquely situated to undertake studies that require large-scale investigation with correlation and evaluation at a central point.

Dr. Freis, for example, initiated and quarterbacked a 5-year study of hypertension under controlled conditions in 17 VA hospitals. In this fashion very important research findings were compressed into a few years that otherwise could not be accomplished in a lifetime by individual investigators.

Dr. Freis' work disproved an old medical cliche that "a little high blood pressure will not do you any harm." The research demonstrated the lifesaving effectiveness of the use of drugs in treatment of moderate hypertension, and the consequent dramatic reduction of deaths from stroke and congestive heart failure. This study in 17 VA hospitals established that drug treatment for moderate hypertension reduced the death rate by more than 50 percent, and that drug treatment is 67 percent effective in preventing major complications arising from even moderately high blood pressure.

High blood pressure affects almost 23 million Americans. It is a leading cause of stroke, heart disease, and other conditions. Stroke alone kills over 200,000 Americans a year. The cardiovascular diseases are the No. 1 cause of death in our country.

Medical problems of major magnitude remain to be solved, and many of them are being studied by VA researchers—or are being considered for study—in individual laboratories or through cooperative studies.

The national problem of drug abuse is one example of a vulnerable target for this cooperative technique. Already 32 specialized treatment centers in VA hospitals are treating veterans who have fallen victim to the habit of excessive drug use. As the experience of these centers is analyzed and results compared, we may find that we have the ideal vehicle for solving the challenging, social, psychological, and pharmacological problems involved in this national tragedy.

Sickle cell anemia is being approached on the same scale, and the advances in cancer treatment and detection that have already distinguished VA research will certainly be expanded.

As evidence that the medical and scientific professionals of the world share my confidence in VA medicine, I want to point out that just during the past few years, at least 30 members of VA's Department of Medicine and Surgery have received some of the most coveted awards for research. These include a $10,000 award by the World Health Organization to Dr. Ludwik Gross of our Bronx, N.Y., VA Hospital, for his pioneering work showing that cancer could be caused by a virus; the $10,000 Dickson prize from the University of Pittsburgh to Dr. Solomon A. Berson and Dr. Rosalyn S. Yalow, also of the Bronx VA Hospital, for new techniques in measuring hormones in the blood; the $5,000 Eppinger prize to Dr. Thomas E. Starzl of our Denver VA Hospital for his outstanding work in kidney and liver transplants, and the Ayerst-Squibb Award of the U.S. Endocrine Society, and the Van Meter prize of the American Thyroid Association to Dr. Andrew P. Schally of our New Orleans VA Hospital for his brain hormone discoveries.

THE LAND OF MYSTIC WONDERS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. LUJAN. Mr. Speaker, last night at a reception held by the New Mexico delegation for the New Mexico delegates to the White House Conference on the Aging, my good friend, Col. Cruz R. Alvarez, read for us his composition entitled "The Land of Mystic Wonders."

I want to share it with the Members of this body. It reads as follows:

THE LAND OF MYSTIC WONDERS

(By Cruz Richards Alvarez)

Out where the sun turns into golden dust as it kisses the mesas dotted with prickly pears, yuccas and ocotillo, and the emerald green of fertile valleys is glossed with a vivid hue; out where the chaparral, bizarre state bird, sportively devours poisonous snakes, and the mocking bird sings merrily in the coolness of the country foliage about the rosy beauty of the Supreme Maker's aurora; out where the air is pure, the atmosphere hospitable, and a brilliant radiance shines the blue face of heaven; out where the mysterious abodes of prehistoric cliff dwellers have withstood the destructive forces of nature for milleniums; out where snow-capped and craggy sierras hide in their bosom the riches sought in yesteryears by gallant conquistadores; out where noble Spanish cavaliers left their footprints of romance and drama, and the ancient mission bells chime the glories of Christianity brought by pious Franciscan friars; out where the atomic bomb, an awesome wonder of man's inventive genius, made its recent debut in a luminous thunder-cloud as ambassador of universal peace and benefactor of mankind or the forerunner of apocalyptic desolation; out where the stately statue of Christ the King, perched in grandeur on the lofty crest of Mt. Cristo Rey at El Paso de Norte, watches and blesses His flocks in the New World; out where the Guadalupe Mountains—named in honor of Our Lady of Guadalupe, the spiritual queen of the Americas—has brought to light in the Carlsbad area the most gigantic caverns known to man; out where Mother Nature in fanciful mood created a fairyland sea of rolling snow-white gypsum—the Great White Sands—stretching for miles against the crimsoned purple of the San Andres Range; out where the primitive sons of Indian warriors live a peaceful but colorful life; out where the homes of the brave are... who, by their heroism in the battles of the European and Mediterranean countries, the Pacific and Indian Ocean areas and the frozen Aleutians, displayed the valor, courage and sagacity of the American Eagle, the Spanish Lion and the Indian Thunderbird; out where the grandchildren of Shakespeare and Cervantes—proud each one of their ancestry, language, culture and history—smile and work hand in hand their destiny under the Stars and Stripes... that, my friends, is the New Mexico of today! An enchanted slice of the vast Spanish province it was in the 16th century embracing the entire Southwest!

SENATOR W. RUSSELL ARRINGTON HONORED AS LEGISLATIVE LEADER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McCLORY. Mr. Speaker, recently I learned of the intended retirement from the Illinois State Senate of my longtime friend and former colleague, Senator W. Russell Arrington of Evanston, Ill.

Senator Arrington has served as both majority and minority leader of the Illinois State Senate. In the light of his retirement, it is most appropriate to comment on Senator Arrington's outstanding political service.

Mr. Speaker, in communicating my farewell to Senator Arrington today, I wrote as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 6, 1971.

Hon. W. RUSSELL ARRINGTON,
State Senator,
Evanston, Ill.

DEAR RUSS: For an old fighter such as you, I know that you must have experienced quite a battle with yourself in reaching a decision to retire from the Illinois State Senate.

Having served with you in Springfield for some years, I can attest to the fact that there was never any doubt as to where you stood on an issue, and you were never without adequate talents to express yourself articulately and convincingly—as well as firmly.

The people of Illinois and your fellow members benefited from your service. I should add that it was always a lesson in political science to the uninformed to learn that a person of your brilliance and exceptional qualities should indeed be one of the nation's great state legislative leaders—and a political powerhouse in what is appropriately named "The Land of Lincoln."

I regard it as part of my own political astuteness that I recognized you as my leader during most of my days in the Illinois State Senate. In addition, it was my privilege and good fortune to enjoy your confidence and friendship.

In the closing period of your service to the state and to the nation, I salute you and I extend to you every good wish for the days ahead.

Sincerely yours,
ROBERT McCLORY,
Member of Congress.

Mr. Speaker, recently the Chicago Sun Times had a brief and perceptive editorial summarizing Senator Arrington's service. I am also including this editorial as follows:

A LEADER IS LEAVING

Sen. W. Russell Arrington (R-Evanston) has announced his retirement from the Illinois Legislature after nearly 28 years of service. His leadership and legislative knowledge will surely be missed, just as it was missed during the idleness forced upon him this year by the illness which now prompts his retirement.

Arrington has been described often as arrogant, for he is not a man given to demeaning his own stature. But the arrogance, and its coincident toughness, made him a leader in the Senate, and under him the Senate moved with an uncommon efficiency.

He'll be on the job as minority leader until his term expires, and he has said he will fight for an ethics bill until retirement becomes a fact. We urge him on in that battle, and add that however outrageous we have considered some of his past actions, however we have disagreed with him on occasion, we believe he has been one hell of a good legislator.

LINDSAY AND THE FOREST HILLS CRISIS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. UDALL. Mr. Speaker, as so frequently happens, the problems that are beginning to plague all urban and suburban America have already created a crisis of major proportions in New York City. The dilemma of the residents of Forest Hills is not as far away as it may seem to some of us geographically. Therefore, I include in the RECORD Milton Viorst's column from the December 2 Evening Star, in the hope that his honest and responsible assessment of the situation will prove valuable to my colleagues:

LINDSAY AND THE FOREST HILLS CRISIS

(By Milton Viorst)

To some liberals, New York's Mayor John V. Lindsay appears the exquisitely principled leader, courting public criticism to insist on construction of an 840-unit low-cost housing development in the heart of middle-class Forest Hills.

Indeed, it takes a courageous, clear-headed progressive-minded man to recognize that if our cities are to survive, we must break up the ghettos and rehouse their inhabitants within the white fortresses that have previously excluded them.

But to others, the mayor looks like a pig-headed, arrogant dogmatist, indifferent to human sensibilities, a super-confident WASP unaware of the insecurities which eat at the hopes and aspirations of most of us.

Indeed, the Forest Hills crisis has laid bare raw contradictions in the doctrine of American liberalism—and may very well have cost John Lindsay whatever prospect he had for creating a coalition of urban and disadvantaged forces to back him in his campaign for the presidency.

The contradictions lie in our simultaneously held belief in an integrated society and in the integrity of neighborhoods, in the rights of the poor to share in America's munificence and the rights of those who have come up from poverty to enjoy the fruits of their success.

We see far more clearly now than we saw a decade ago how those beliefs may clash—and clash very violently.

A decade ago, it seemed as obvious—if you'll pardon that expression—as black and white. Integration was good; racism was bad. Principles required men of goodwill to promote the former. decry the latter.

To be sure, Southerners kept telling us that the issue wasn't that simple. We replied that they were making excuses, looking for a dodge. For the most part, we were right. But when they said we'd see things differently when the integration campaign hit the North, they were right, too.

It seems that there are two ways to explain the change. The first is for us to beat our breasts and concede hypocrisy. The second is to spin fine theories about the difference in the situation here and now. I think there is truth—and exaggeration—in both explanations.

In retrospect, I suspect we realize now how easy it was for us to say to the South: "YOU integrate." We were sanctimonious. We did not choose to see our own segregation as racism. We rationalized it, as economic and temporary.

But I believe it also is true that we had not exalted it into a beautiful social doctrine. We did not equate it with godliness. We did not take it as part of our heritage, as unchallengeable as the Constitution. We did not—unlike the South—say "Never."

An argument can be made that this simply confirmed our hypocrisy—for Chicago is more segregated than Atlanta, and New York's black slums are worse than New Orleans'. Still, we never felt comfortable with our segregation and we kept telling ourselves, though quietly, that we'd do something about it.

Now the Forest Hills crisis comes along and puts it all on the line—or, at least, seems to. Forest Hills voted for Stevenson. It even voted for Lindsay. But its people don't want an 840-unit low-cost housing development there.

Sure, there's some racism involved—blind, irrational racism. But there's also the fear, which is not unreal, of those who fought their way up from the Bronx, who welcomed middle-class blacks who also made it, that if their community is destroyed, their dreams will be destroyed with it.

The local high school is already so overcrowded that it is on triple sessions. How many high school kids in 840 units? Figure a hundred or so? It's not so blindly irrational to ask where the mayor expects to put them.

In March, a Chicago judge ordered a low-cost housing development in a white neighborhood—but specified low-rise buildings of superior design, containing no more than six units. He said integration would fail in an inflamed atmosphere.

Lindsay's plan calls for three 24-story buildings, the tallest in Forest Hills. The concentration he proposes looks less like breaking up the ghetto than transferring it. Previous experience suggests that Forest Hills' loss might be no one's gain.

I can't say the Chicago formula would succeed—but I know the conflict is inflaming both blacks and whites. We cannot surrender on integration, only recognize it as harder than we once thought. A wise leader can't stand on virtue, but must seek out ways to make the goal less painful to achieve.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

U.S. YOUTH COUNCIL AND LATIN AMERICA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FASCELL. Mr. Speaker, on this diverse but steadily shrinking planet, mankind is faced with the strange paradox that while each person wishes only peace and a better life for himself and his children, hostility and war continually frustrate these individual hopes. One of the keys to breaking this circle of hostility is greater understanding—the kind of understanding which can only come from personal contact and discussion. Only in this way can insight and mutual respect be substituted for preconceptions and bitterness. It is for this reason that I have long supported the concept of exchange programs particularly among young people.

One of the major groups working to encourage greater communication and understanding among young people of the world is the U.S. Youth Council which represents more than 20 national youth groups and is the U.S. affiliate of the World Assembly of Youth. This summer, a delegation of four distinguished young Americans visited Venezuela, Colombia, Chile, Peru, and Costa Rica as a part of the Youth Council's worldwide program of exchanges with other national youth councils and the sending of delegates to international youth conferences and seminars. Reading the report of these four distinguished young Americans, John Casper Alessi, Clem Bezold, Jon Dennis Cozean and Diane Edwards LaVoy, strengthened my conviction of the great value of visits of this kind made. They not only broaden the horizons of those participating but also make a small but important contribution to the gradual increase of understanding between nations.

As chairman of the Inter-American Affairs Subcommittee, I believe that Members of Congress will find that the delegation's well written report is both interesting and informative and for that reason, I am including it in the RECORD:

U.S. YOUTH COUNCIL,
New York, N.Y., September 1971.

REPORT OF THE 1971 LATIN AMERICAN DELEGATION

The following report is the result of our visit to five Latin American countries, Venezuela, Colombia, Chile, Peru and Costa Rica, during the month of August, 1971. Our visits in each country were short, from two to eight days, yet we tried to consider numerous issues and meet with a diversity of people. Our success in this was both surprising and rewarding; we met with students and young people, with campesinos and with people in barrios, with U.S. and local businessmen, with priests and bishops, and with local officials and political leaders. We found the Latin people to be warm and friendly and, with few exceptions, very willing to speak with a delegation of U.S. young people.

The trip taught us that in most cases we have much more to learn about the Latin American reality before we can reach final conclusions on the matters we considered, so this report represents the ideas and situations we encountered, as perceived through our own divergent interests and biases, rather than any type of conclusive statement. We offer it in the hope that it will be of interest and value to those who read it.

John Casper Alessi.
Clement Bezold.
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FINAL REPORT OF USYC LATIN AMERICAN DELEGATION

I. YOUTH

A. Political activity

In Venezuela political activity centers around the two major parties, *Accion Democratica* and *COPEI*. Recruiting for these parties begins early; university and frequently high school elections are between slates of candidates running as members of supporters of *AD* or *COPEI*. The AD Youth section is characterized by a hierarchical structure with Cristobal Hernandez, the youngest deputy in the Congress, as the party youth Secretary. There is vertical discipline within the party whereby all sections take part in setting party policy and then all must support it. The absence of this democratic centralism is the main structural difference of the *COPEI* youth, who take stands on issues and candidates separately.

The political activity of young people in Chile is important and highly sophisticated. The ideological party system includes at least seven major youth sections or parties, five of which are members of President Allende's coalition. With the diversity of parties, political discussions become relatively program-oriented and specific rather than vague generalizations. Young people provide much of the vibrancy of these parties, i.e., hanging posters, painting messages on walls (frequently with great skill), and other campaign work.

The universities are the other main area of political activity for young people. (See also University Reform below.) In Chile, as in Venezuela, candidates for school offices frequently run as a member of one of the parties. Previously the president of the *FECH*, the student federation of the country's largest university, was a Christian Democrat. Now the president is a Communist and the activities of the federation are explicit in their reflection of Communist ideology; the federation is affiliated with the International Union of Students and the World Federation of Democratic Youth, centered in Budapest. The students at the *FECH* office were reluctant to speak with us when they learned that USYC is the U.S. affiliate of the World Assembly of Youth.

In Costa Rica we encountered intelligent questioning young people. Several of them, of various political orientations, pointed out their country's political parties, which have competed in an orderly way for the last twenty years, hold little attraction for much of today's youth. One student predicted that the next election (early 1974) would be decisive as new leaders will replace the well-known figures who have led Costa Rica since the 1948 civil war. There are new parties, such as the Socialist Party and a type of Christian Democrat party which may attract the interest of the young voters. While the president of the student federation is a Communist, there appears to be among students in general opposition to any form of imperialism either from the Soviet Union or from the U.S.

B. University reform

University reform is a current issue in most of the cities the delegation visited. Both in Venezuela and in Colombia, students have opposed recently-passed university reform laws, which they see as major steps toward converting their universities into unquestioning producers of technicians. They attribute the process of transformation largely to the influence of U.S. foundations, which they say require that a university of a department receiving a grant undertake steps to lessen the decision-making power of the students. A leader of the Liberal party youth in Colombia outlined the differences between existing "Latin" and the intended "Anglo-Saxon" models for a university. Under the Latin system, the student remains largely within one faculty, in which he can hope to have some influence. He enjoys a feeling of solidarity with the other students in that faculty and he participates in a relevant give-and-take, thereby defining his own views. There is a meaningful leadership structure with which university officials can deal.

In the American university, according to this Colombian student leader, a student is only one of several thousand, as he does not enter a department until his last year or two. When dissatisfaction erupts, it is anarchic, according to this student, as there is no meaningful way for students to effect decisioning making. Colombia has been particularly troubled by student strikes, and more than a third of the country's thirty-eight universities were closed or only partially open at the time of the delegation's visit. Recently, independent and moderate students have organized to demand the opening of the schools. The government wants the students to pay more attention to learning and less to politics.

University reform in Peru, by which all universities were placed under the authority of a national control board, and perennial student political leaders were expelled, is considered harsh and a continuation of the policy eliminating the influence of partisan politics in the country.

C. Voluntary service

In Chile we met with the Chilean Association of Volunteers, which sponsors various projects on both local and national levels. They attempt to put the volunteer in touch with the poor and their problems so that he can develop his own human resources while helping others towards social and economic development. CENTROSEV, a permanent secretariat which gives information on voluntary service is also located in Santiago.

Much volunteer work, particularly at this time in Chile, is the result of partisan political activity. When asked about the relative effectiveness of this type of work the executive director of CENTROSEV commented that it is effective but more importantly it frequently makes other volunteer work better received.

The University of Chile approaches voluntary service in a very organized way through its Department of Social Action, which coordinates volunteers and interns from the various schools, i.e., social work, medicine, economics, engineering, etc. Surveys of the problems and resources of a neighborhood are first done by students of sociology or social work and then students are given specific tasks related to their various disciplines.

Among community development workers we encountered a basic change in thinking: in the past, the Promoter (the community organizer) was looked on as the agent of social change; now there is a realization that the true agent of change is the *campesino* himself. Also there has been a move on the part of certain social action groups away from volunteers altogether. *Accion*, the well-respected group founded by Joseph Blachford, now uses local professionals with only a few remaining exceptions.

The work of Paulo Freire, a noted Brazilian educator, in "conscientiacion", has had a significant influence on people working with the poor directly, as well as on certain religious and political leaders. His process of education which calls for the awakening of self-awareness, is described in his book entitled *Pedagogy of the Oppressed.*

D. The role of the U.S. volunteer

When asked about the opportunities for U.S. young people interested in voluntary service in Latin America most Latins responded negatively. Because of the questions of cultural imperialism, and lack of adequate skills and maturity which the Peace Corps experience has raised, (see section on Peace Corps below) the principal opportunities described to us were in the area of technical skills or work camp programs.

A specific example of this is the trend within *Accion*. A worker in this field, who has been with *Accion* for eight years, after his activity in organizing his own community, felt that the contribution of America volunteers has been invaluable but that their usefulness has ended. He pointed out that there is less of a paternalistic relationship between the *Accion* workers and the community, if the former are professional Venezuelan employees, rather than volunteers. He said that some of the American volunteers should never have come. In particular, he resented those whom he believed came for the trip and the language experience and then left early, and those who used their Accion experience to further their own careers in sociology, psychology, and so on.

Yet within the areas mentioned above—that of technical skills and summer work-camps—there are still some opportunities. Persons interested in more information should contact Clem Bezold, care of the U.S. Youth Council (also, information of this type is contained in the catalogue entitled "Invest Yourself", and published by the Commission on Voluntary Service and Action).

II. ROLE OF U.S. INVESTMENT

A. Venezuela

Oil plays the predominant role in the Venezuelan economy; its production equals 36% of the GNP, 70% of the government revenue and 92% of the foreign exchange. The oil industry in turn is dominated by a few large American companies; ie., Creole (Esso) is responsible for nearly 50% of the total production.

The oil companies operate under concessions given in 1943 and '44 for a period of forty years at which time all equipment and assets revert to the government. Several sources we interviewed indicated that the companies have earned more than their original investment and the government has increased the tax on company profits to 70%. The current dispute is over the new Reversions Law which stipulates that beginning 'in 1983 all equipment will revert to the government—not only the derricks and pumps on the concession site but also all assets in the country. Also the government is requiring the companies to deposit a certain amount as insurance that they will comply with the original law which called for reinvestment in order to assure modern, efficient equipment.

A representative of the Venezuelan government oil company showed us clippings from various U.S. papers, one in particular which some members of the delegation felt described the situation in terms which served only to misinform the American reader; the reversion law was depicted as banditry, with no mention of the original reversions law to which the companies had agreed. This official lamented the fact that he had no public relations department of the size or with the finances of those of North American companies.

B. Chile

A member of the youth section of the Radical Party complained that, even when the Chilean government held 51% of a plant or mine, it was vulnerable to blackmail by the American company holding the other 49%. This is so because the U.S. company could risk losing its share, since it is protected by its investment insurance of OPIC from the U.S. government, while the Chilean government has no such protection.

C. Peru

Investments have decreased since the military government began nationalizing the major industries. The representative of the Council of the Americas, Humberto Cortina, commented that Peru's stringent new investment laws provide little incentive for foreign capital to come to Peru. Part of the problem, he feels, is caused by the fact that the Peruvian generals believe that by talking to foreign investors, they are automatically conceding something to them.

III. U.S. GOVERNMENT POLICY AND PROGRAMS

A. Low profile

In an attempt to gain some insight into what U.S. policy is from those implementing it in the various countries we spoke with officials in the U.S. embassies.

In Colombia, some spokesmen felt that the U.S. was now ignoring Latin America. Others argued, however, that during the 1960's the U.S. had promised more than it could deliver. They went on to say that the low profile recognizes that the U.S. cannot implement basic schemes of social change in Latin America. The new policy is said to allow the U.S. to exercise flexibility and coolness.

In Peru it seemed that U.S. policy extends beyond the low profile. The U.S. government is trying to show the Velasco government that the U.S. is not hostile. The Velasco government in turn is trying to develop good relations with the U.S., especially because of its problems with foreign investments.

In Chile the U.S. position seemed to be one of "coldness". While the U.S. is not openly hostile to the Allende government, the cold and correct, if not unfriendly feeling was a great contrast to that in Peru; while the U.S. was not out to destroy Allende, it wouldn't offer support. An example of this was the refusal by the Export-Import Bank to lend Chile money to purchase Boeing 707 jets. This was interpreted not only as an insult to the Allende government, but as an affront to the Chilean people.

B. Public safety program of AID

The delegation encountered much criticism, especially from students, of the U.S. police training programs. The most specific case came from a well-known young writer in Costa Rica. Arrested for unexplained reasons he was taken to police headquarters where he was physically beaten during interrogation. The Costa Rican officer performing the violent questioning had been to two AID training schools. The diplomas from these, as well as an American flag hung on the walls of the office where the beating took place. Both the President of the country and the head of the AID Public Safety Mission confirmed the basic facts. The latter also commented that this particular officer had, on at least one occasion, done the same thing to a young U.S. citizen, and that privately the officer expressed the feeling that it was his duty to make life difficult for the "Communists."

The young writer in this case is not a communist. It appears that this local police officer is harassing, illegally and brutally, people with whom he disagrees, while flaunting the fact that he has been trained for his work by the U.S. government. The need for a professional police force is the reason for the Public Safety Mission, yet because of the fractional nature of Latin American politics, it may at times be more a training for professional suppression.

Students also made the accusation that the use of torture has increased since the beginning of U.S. training. The AID official commented that the use of torture, particularly the electric cattle prod, has declined since he began his work in San Jose. Yet the main question here is not whether the U.S. is the direct cause of the use of brutal techniques, but rather how frequently Public Safety Program trainees use their experience to suppress legitimate opposition groups while carrying the label "Trained by the U.S. government".

C. Peace Corps

The Peace Corps was also the center of much criticism throughout Latin America.

This criticism seemed to be basically of three types: 1) Politically motivated in a cold-war sense, 2) nationalistically motivated and 3) professional criticism. The second type was the most wide-spread, focusing on the Volunteer as another form of cultural imperialism. Professional criticism came from local voluntary organizations, from UN officials and from some local government officials. The basic criticisms are that the PCV is frequently immature and unprepared, and their motives involve more personal benefit than altruism. In the rural areas, the salary of a U.S. volunteer ($125/month) makes the PCV relatively rich. Health and language problems hinder much of their work for the first year.

Yet most of the officials did see a role for volunteers with technical skills. Praise for the Peace Corps came from Jose Figueres, the President of Costa Rica, and others in that country. President Figueres recently asked that the Volunteers thrown out of Bolivia be sent to his country for the remainder of their service time.

D. The CIA

In every country we heard allegations about the CIA; that they use Peace Corps volunteers as information gatherers; that they helped prepare a military coup in Chile right before the elections in which Allende won; that they are working together with the large landholders in order to sabotage the land reform process in Chile and that they are assisting the right-wing armed group in Costa Rica. Whatever the actual activities of the CIA are, these criticisms were widely held especially among students.

IV. NATIONAL SITUATION AND ATTITUDES

A. Attitude toward national governments

Chile—we found a noticeable optimism—although sometimes guarded—on the part of the people of various different occupations and orientations. During our stay there was considerable apprehension about reported food shortages, although government supporters insisted that there was no serious problem of shortages. The various parties which comprise the governing Unidad Popular retain their ideological identities, and there is much lively political dialogue among these and other groups.

While we were in Santiago the MIR, the most radical party in the country, received much attention and support from young people following the death of one of its leaders.

Peru—We noticed little, if any, real enthusiasm for the military government although equally little concerted opposition to it. The APRA party was described by several people as the only other organized force besides the army. Its leaders urged a return to democratic processes in elections and on campuses. The military government has taken strong steps to eliminate party politics from university campuses, to lessen the power of the landowners, and to create the image and flair of an indigenous revolution. Although the government is attempting to stimulate grassroots self-help committees through the Pueblos Jovenes program, a worker in the leadership training field indicated that the local "leaders" developed under this program tend to be opportunistic and the net effect is to undermine more genuine local leadership. This view was more forcefully expressed by the indigenous leaders of an established city-wide league of barriada residents in Arequipa, whose very existence was threatened by the Pueblos Jovenes program imposed on their neighborhoods by the current military "dictatorship." Also, there was a disappointment in Arequipa among some residents that graft and corruption among local officials is just as bad under the present military government as it was under the previous civilian administration.

Costa Rica—We found an appreciation for the U.S. among many older Costa Ricans; from students we sensed a strong resentment of the U.S., especially its companies, (Alcoa and United Fruit), and a resentment of their government for dealing with them. The political opposition to President Giguerос' government charged unprecedented levels of graft. The President responded to our questions about this by saying that corruption did exist and that he was investigating the charges, and that the majority of them, up to that point, had been proven false.

Venezuela—Hostility seemed more obvious in Caracas than in other cities, i.e., the presence of heavily armed policemen outside the U.S. Embassy and company offices, and some national government offices. Certain officials familiar with rural Venezuela, and some leftist students believed that there have been more political deaths during the past ten years of democracy than there had been under the last ten years of the Perez Jiminez dictatorship. They expressed concern about the possible extent of the killings, by the army, of peasants alleged to have helped guerrillas. The two employees felt that any such executions would not have been authorized at a high level within the government, while the students accused the government of systematic repression.

B. Freedom of the press

In Latin America, the concept "freedom of the press" has often been regarded as a privilege. not a right. Today, even that privilege has come into question by a number of governments—both liberal and conservative—which feel that their policies are above criticism.

Because of its importance, the delegation sought to study the issue of press freedom in the countries visited. In most cases, it was found that the large, influential newspapers were conservative in politics—reflecting the views of the establishment families which own them. In Chile and Peru, the major newspapers are under pressure to follow the "official" line. In Colombia and Venezuela, the leading newspapers tended to automatically follow the official line, apparently without much government prodding. In Costa Rica, a free press was most evident, as the leading newspaper has maintained its traditional conservative opposition to the present liberal government.

Of those countries visited, Chile was the most fascinating from the point of view of the press. No fewer than nine daily newspapers are published in Santiago. With one exception, virtually all are devoid of advertising, and presumably most obtain operating funds from outside sources, such as political parties. The largest, oldest, and most important newspaper in the city is *El Mercurio*, rated by some as one of the leading newspapers in Latin America. Circulated nationally, *El Mercurio* carries about 75% of all newspaper advertising in the city. An important part of the paper is its large classified advertising section (particularly the "help wanted" column). Politically, *El Mercurio* is independent-conservative. Though it belongs to the opposition press, it avoids any direct criticism of President Allende. Instead, the newspaper is critical of policies and various members of the coalition which comprise the Popular Front. Less restrained in its criticism of the government is *La Segunda*, a snappy right-wing tabloid that is perhaps the best designed and edited newspaper in the country. Also in the opposition column is *La Prensa*, which was established by the Christian Democratic party after it lost the presidential election last year. This paper provides the most comprehensive coverage of international news.

Pro-government newspapers include *El Siglo*, the Communist Party voice. Founded in 1940, the newspaper is widely regarded as the official government paper. Like many Communist Party publications, *El Siglo* devotes most space to dull party affairs and attacks against the United States. Another Communist publication is *Puro Chile*, whose style and tone could be described as a left-wing *New York Daily News*, with sensational headlines and analysis of news along predictable lines.

A major source of income for the Chilean press are government-paid ads, which, of course, are placed only in sympathetic publications. Aside from its selective advertising policies, the government has not yet moved forcefully against the opposition press. However, it is possible that the government will take over the newsprint industry (currently owned by the conservative Alessandri family) and exert control over the press in that way. Meanwhile, the economic uncertainties in Chile have caused a dramatic drop in advertising, both in newspapers and with the broadcast media. (*El Mercurio* revenues are said to be down 40%. Radio advertising has dropped even more drastically, but no stations appear in immediate danger at this point. In the field of radio and television, the government exerts more direct control—as it always has in the United States through the FCC.

In Peru, the government has made a great effort to "peruvianize" the media, especially radio and television. The military government currently enforces a "Law of the Free Press", which provides for a kind of self-censorship. As a net result, the newspapers refrain from openly criticizing the regime. In return, the government does not interfere with newsprint supplies and does not force large wage increases on the newspapers—two favorite tools that Latin American regimes have traditionally used to keep newspapers in line.

Peru's broadcast media is now in a state of transition—and confusion. In order to "peruvianize" the air waves, the government plans to require that a major portion of all such programs be devoted to Peruvian music and drama. Broadcasters believe that such a law will increase costs and reduce quality.

C. Urban poverty

Although the delegation was once told "when you've seen one *barriada* you've seen them all", we found considerable differences between the "barrios", "barriadas", "poblaciones nuevos" or "urbanizaciones" which surround the cities we visited.

Caracas—about 700,000 of the two million residents of Caracas live in barrios on the mountains that ring the city. The barrio of Caripitas, which we visited with an *Accion* worker, has a population of more than 35,000. Located near an industrial area, the level of unemployment is lower than that of many other barrios. While many of the older dwellings are made of cement and brick, newer shacks high on the hillside have been built temporarily of bits of packing materials and metal sheeting.

Existing schools serve only a few hundred children. Efforts are being made to build more and it seems the government is working as fast as it can be expected, given the rapid and unplanned population growth. While, with the help of *Accion*, the community has made important improvements, the barrio receives virtually no municipal services from the government. Malnutrition and health problems were visible in terms of the distended bellies of many children, the decayed teeth of some, and the presence of much garbage and filth. Prostitution is a serious problem in Caripitas, it is often attributable to the lack of adequate employment opportunities for women. Little birth control is practiced; the government and private agencies alike tread lightly in this area.

Arequipa (Peru) and *Lima*—There are eighty-some *barriadas* outside of Lima, and sixty-some surrounding Arequipa, making up the greater portion of Arequipa's population. Many of the people living in these *barriadas* are Indians.

One of the delegation visited the Arequipa barriada of Alta Libertad with two local volunteers. A fast growing area, it now includes over a thousand families living on a series of high barren slopes. In contrast to Venezuela, the little white volcanic rock (*"sillar"*) houses are spaced far apart, often in orderly rows. In many of the Arequipa *barriadas,* the municipal government has parceled off this land providing legal title and encouraging the eventual development of well-planned little towns. Protection from the cold is necessary here. The people are more rural than their Caracas counterparts: they eat a simpler—possibly a poorer—diet, and they are less acquainted with television sets and other conveniences. Many still wear the traditional clothes of the Peruvian Indian. The people regard their rustic houses and their dry but spacious parcels of land as long-term investments. Their one-room sillar houses are often roofless and mortarless, but many have been plastered and finished very handsomely. One old woman told us, "I'll probably never be able to do all these things myself, but my children certainly will during their life-times."

The two *barriadas* south of Lima which we visited consisted in part of little brick houses in various stages of construction, and in part of crowded thatched huts. Most of the people we saw were dressed more modernly than in Arequipa, although there seemed to be far fewer televisions, motorbikes and other conveniences than in a Caracas *barrio.*

San Jose, Costa Rica—San Jose's four or five shanty towns are not very noticeable to a casual visitor and it is often said that "Costa Rica has no very rich and no very poor". However, the very poor, and some of whom live in a small "bowery" downtown while other live on crowded hillsides and along narrow lanes, make up a significant proportion of San Jose's 300,000 population. We walked along one crowded lane, called *"Aquantafilo"* (Hungerpains), and visited at length with a family in another such area. Unemployment, lack of water and inadequate medical care were among their most serious problems. In a collection of short stories called *Los Marginados,* the prize-winning young novelist, Julieta Pinto, very perceptively describes the life of Costa Rica's poor.

D. Birth control

Some students and people connected with the Catholic Church were critical of family planning programs, not from a substantive point of view but on the grounds that the motives for which it is being pushed by U.S. foundations and the ruling classes in Latin America are political and economic rather than humanitarian. These arguments, also in the book *El Complejo de Layo* by Hernan Vergara, at times betray a strong inclination towards illustrating the "complicity of the ruling classes with imperialist American objectives". However, the Colombian Youth Council has run a successful series of seminars on family planning and may extend this program in the future in conjunction with the World Assembly of Youth's Family Planning Program.

E. Agrarian reform

The delegation found a great contrast between the Venezuelan and the Chilean land reform programs due largely to two factors: In Chile (and similarly in Peru), agricultural reform is designed to have an important political and ideological role in the current "revolution", while in Venezuela the political value of the reform seems to lie in its ability to incorporate the farmer into the non-revolutionary mainstream. The second factor is budgetary; Venezuela's oil income permits it to provide more material assistance to its rural population than could be done in Chile (the contrast is even greater in Peru).

A FAO official familiar with both the Chilean and Venezuelan reforms termed the latter "reform in a hammock", indicating that everything was given the Venezuelan farmer. Our observations of a Venezuelan agricultural area, while not upholding his view entirely, did indicate that the Venezuelan farmer probably receives more assistance of every sort than his Chilean or Peruvian counterpart. Also the large companies still provide much of the heavy machinery and market the crops, so that the campesinos have the risk and responsibility of the crops' success, since it belongs to them, yet do not own or control the other factors necessary to increase their profits significantly.

In Chile, the agrarian reform has increased both in speed and extent under the new government, growing from, in the terms of the same FAO official, "reform in a flowerpot",—that is, the redistribution of the land in single plantations, leaving most of the surrounding area to remain in large estates—to the organizing of "Agrarian centers" occupying tracts of land previously made up of a number of estates. Almost as much land has been redistributed during the ten months of the Allende government as during the six years of the Frei government. The goal of the reform has also shifted; under Frei the reform was intended to integrate the peasant into the national capitalistic economy and the democratic system and to increase productivity; now the reform is seen as an important means of developing consciousness of social values and of lessening the influence of private property values.

F. The environment

In Costa Rica we met with the Congressman sponsoring legislation to create their version of the Environmental Protection Agency. Noting that signs of air and water pollution are evident the bill states that it is necessary to take steps to control pollution before economic interests and growth becomes as to impede this protection, as is happening in other countries now. It establishes a Council on Environmental Standards to set the minimum norms of quality for water and air and other classifications necessary in a conservation program, and an agency, *Conservacion Ambiental,* to enforce these norms.

FLOOR STATEMENT ON URBAN HOUSING

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HALPERN. Mr. Speaker, the problem of urban blight has, in the past 10 years, approached catastrophic proportions. Overcrowded and inadequate housing, poor medical facilities, polluted air and water, overtaxed mass transit facilities—these and other evidences of decay in our cities must be recognized for the threat they offer to American society as we know it, and counteracted with rational city planning.

I submit for the RECORD, Mr. Speaker, a lecture delivered by Samuel J. Lefrak to members of the Harvard University Graduate School of Business Administration.

In this address Mr. Lefrak describes the conception and construction of Lefrak City, a series of five interlocking circles of apartment buildings located in New York City. This project has been an immense success in the search for safe, comfortable living.

Lefrak City is an innovative experiment in middle-income urban housing—an experiment which the cities of this Nation would do well to examine and possibly to duplicate.

The address follows:

HARVARD UNIVERSITY GRADUATE SCHOOL OF BUSINESS ADMINISTRATION, BOSTON, MASS., APRIL 14, 1971

Professor David, Members of the Faculty, Ladies and Gentlemen: I'm here today because I want to excite you about the field of real estate development.

It's a fascinating business. And, it's basic business. Everything begins with real estate and ends with real estate. Real estate encompasses the hospital, your home, your office, the dormitory, the factory—and even the cemetery.

The financial rewards can be immense. And, the opportunities for social service, for benefiting your fellow man are also immense.

Today, the great challenges are in housing—urban housing. Our cities are falling apart. More urban housing units are being destroyed by abandonment and deterioration than are being built. Each year we are falling further behind. Our cities were built by free enterprise. They will be rebuilt by free enterprise.

I'm proud to be a builder and real estate man working within the free enterprise system.

I'm going to discuss a single case history with you: The conception, planning and creation of Lefrak City.

Lefrak City is remarkable in many ways.

First, the facts. It consists of 20 eighteen story apartment houses where 25,000 people live. On the 40-acre site are two office buildings, a post office, library, four schools, a 3,000 car underground garage plus 1,000 car garage above grade, a shopping plaza, a 1,200 seat motion picture theatre, swimming pools, tennis courts, squash courts, a health club and much more. I built it all—the city did nothing.

It is located just off the Long Island Expressway in the Borough of Queens.

I used the word "remarkable" in mentioning Lefrak City.

Why?

In terms of profit on invested capital, Lefrak City is a prime example of the use of leverage. The property returns a bottom line profit of $6,000,000 and has a value of $150,000,000. And those values, gentlemen, are not Wall Street paper values—they are land-values, one-way values: Up! And up and up and up each year.

In terms of meeting social needs, Lefrak City is a great success.It provided housing at an average of $41 to $45 a room. It offers employment right on the site. In addition, part-time workers and moonlighters, can supplement their regular income and when their work is finished walk back to their apartment in a few minutes. It places scores of facilities within walking range. Lefrak City has kept middle income families of all ethnic backgrounds within New York City. Without Lefrak City they would have moved to the suburbs. Lefrak City pays New York City the sum of $5,000,000 in real estate taxes annually. Before Lefrak City the piece of land on which it stands provided only about $16,000 each year in taxes.

Lefrak City is remarkable because it recycles a city and it looks into the future. It is a satellite city. A city within a city. We need scores of new satellite cities within our major urban areas if our cities are to survive. When you build a satellite city like Lefrak City you are building on a foundation of city services and installations that already exist.

It is wise to remember that Queens had a subway and highways, built and paid for, before Lefrak City existed. What Lefrak City has accomplished is using that which existed in a revolutionary way which has created massive and needed improvement. Ecologists call this re-cycling. We did it before they labeled it.

Like all real estate stories, Lefrak City began with a piece of land.

Throughout the 1950's I had been very active in the Queens apartment building boom. In fact, from the years 1945 through 1960, my company built approximately 20% of the housing in that borough.

Before building Lefrak City we had completed Forest Hills Park on a 20-acre site that once was President Martin Van Buren's farm. This development housed 11,000 people in 21 buildings and before Lefrak City, was the largest privately financed housing development in the United States.

Forest Hills Park was only one-quarter of a mile from the site of Lefrak City. Separating it was the Chinese Wall known as the Long Island Expressway, once described as the world's largest parking lot.

The Lefrak City site looked very unpromising when I first started to think seriously about it in 1956. There was a creek running beneath it which created swampy conditions that would need considerable piling and land preparation to make construction feasible. The site was filled with abandoned cars, junk and debris.

This wasn't surprising.

For years the property had been known as "Mary's Dump". Its greatest moment of glory was when it contained Quonset huts which housed returning veterans of World War Two.

For such a seedy looking piece of land its ownership was distinguished and interesting.

Originally it had been owned by Joseph Kennedy, President Kennedy's father. He sold it to Frank Erickson, the bookmaker. Mr. Erickson was New York's most successful bookmaker until he gained television prominence before the Kefauver committee. For him, television didn't create a new career. It ended an old one. He lost the property for non-payment of taxes.

After Erickson the property was picked up for back taxes by the English branch of the Astor family, Lord William Waldorf Astor. The English have always been smart about strategic land around the world, from Singapore to Gibraltar—to Mary's Dump.

This posed a special problem for me.

The Astors owned land. They didn't sell land. Sometimes they would lease. But, sell? Never! In fact, they hadn't sold any land in 400 years. And, that sale was probably an accident.

I wanted this piece of land. I felt I could lick the construction problems it posed. I felt I could make a Phoenix rise from the ashes. I wasn't sure of what I would build there but I was sure I wanted that land.

How could I make the Astors sell? After all, in their eyes this was a sin comparable to dipping into principal.

When the Astors acquired the land their thought was to develop a regional shopping center. However, after they analyzed it, they found the project to be economically unfeasible.

This was a problem. How could the land be used economically and intensively? How could extensive street building be eliminated?

In 1960 while viewing the Olympic Games I saw the Olympic symbol and it triggered something in my subconscious. I couldn't get it out of my mind. I made the right sketches that provided the basis for a city within a city.

What I visualized was a series of five interlocking circles, of tall buildings constructed around bilevel atrium core areas. These cores would be filled in with amenities—swimming pools, playgrounds, tennis courts, gardens and walkways. This planning system would give each tenant unobstructed access to light and air. It would enable each tenant to walk to shops, medical services, recreation—everything. The automobile would at last be placed in its proper niche—beneath the ground.

Armed with sketches, I began my pursuit of the Astors in earnest. They did not commit the heresy of selling immediately. The negotiations took almost three years.

Finally, they recognized that my plans made economic sense. My plans made intensive development possible and intensive development made the entire project economically feasible.

Let me stress again the importance of land planning. If planned in the usual grid pattern, almost one third of the entire site would have been lost to public streets. Since I bought the land at $5 a foot and it is now valued at $200 a foot, it would have represented a colossal loss of value and floor area ratio density. In addition, building on a traditional grid plan would have destroyed the entire concept of a city-within-a-city.

The innovative plan of Lefrak City paid off in profit to me and in social benefit to those who live there.

We bought the swampy dump for $6,515,000.

The terms were: A down payment of $500,000 and a ten-year mortgage for the remainder. Mortgage interest was 1% for the first year and 3% for the remaining nine years.

At last I owned the land and I had to move and move very fast for the City of New York had passed a new zoning law restricting density to such a point that it made residential construction economically unfeasible.

My belief is that the secret of success in real estate development is speed, timing and money management. Speed is your friend. Delay is your enemy.

Let us now deal with the money side of Lefrak City. So far I had committed $500,000 to buy the land. We divided the land into six sections and had a bank set the value for the first section. With the assistance of the financial community we made the down payment without using any of our own funds. By the proper use of leverage and money management we pyramided our loans and cash flow as we repeated section after section and, as the project grew, we obtained more mortgage money on an ever increasing land value multiple.

Our satellite city was built with the aid of the largest financial institutions in America, namely; Chase Manhattan Bank as trustee for the Ford Motor Company Pension Plan, John Hancock Insurance, New York State Employees Retirement Fund, Prudential Insurance, Equitable Life Assurance, First National City Bank and Metropolitan Life.

We mixed banks, and insurance companies and pension funds in a synchronized cycle of construction loans and permanent mortgage loans and ultimate rentals to the point where an unused waste land became a satellite city valued at $150,000,000.

Now you know why I believe Lefrak City is a dramatic example of leverage and money management.

But, none of this would have meaning if Lefrak City couldn't attract tenants. Let me give you another real estate adage: There's nothing as expensive as an empty apartment. An empty apartment is like alimony. You pay and you pay and you pay but you get nothing to enjoy.

How could we attract tenants, not just a few tenants, but 5,000 families? After all, we were not alone in the apartment market. Buildings were rushed into construction to get under the zoning wire. New York City was glutted with apartments.

But, despite the ferocious competition we were successful.

We were successful because we followed the rule that has guided The Lefrak Organization for over 66 years: Give people what they want at a price they can afford to pay.

We knew what prospective tenants wanted: Spacious apartments; easy shopping; ample recreational facilities.

We called it "Total Living".

And "Total Living" captured the imagination of thousands of people.

New Yorkers had become tired of battling the traffic in order to spend a summer weekend at the beach. So, we gave them giant outdoor and indoor swimming pools on the site. Plus a health club. Plus wading pools and sun decks. Plus gardens and restaurants and a movie theatre, tennis courts, etc. Our apartments are fully air conditioned. In addition, we installed push button electronic kitchens and anticipated the future in communications by building in coaxial cables for CATV.

We made it fun and fashion to spend your vacation at home. Lefrak City is not a place to run away from.

We knew what people wanted but how to give it to them at a price they could afford? Our target price was $40 per room per month. This was what the middle income family man could spend for rent. Today, of course, you couldn't build apartments at such rental prices.

But, then our aim was $40 a room.

We did everything to create economies without sacrificing quality. Mass purchasing of materials. Efficient programming of construction.

But, most important, we recognized that attracting the residential tenants would make the retail and office sections of Lefrak City exceptionally valuable. Thus, the residential portion of Lefrak City would be the portion where we would give the greatest value and make the least amount of return. Our substantial return would come from retail and office space.

This has worked out according to plan.

Our two office buildings—containing over 1,000,000 square feet of space—are fully leased to prime tenants. The retail space is fully leased and the merchants are doing business that exceeds their expectations.

And the residential tenants are getting what they want at a price they can afford to pay.

Lefrak City is a success—a big success.

I have used all of my skills in making it a success.

And, at the risk of seeming immodest, I must point out that you have to master a number of skills before you can become a master builder. It isn't easy and it really isn't magic. I am an engineer and an architect. I have studied law and banking. In addition, I have more than a fair knowledge of such crafts and disciplines as sales management, advertising, public relations and merchandising.

I had to use all of my skills at Lefrak City. For example, Lefrak City faces the Long Island Expressway which is always in a bumper to bumper traffic jam—so we created a sign showing a father holding his small, young daughter by the hand and she looking up, very sadly, at him saying, "Daddy, if we lived here—you would be home now" . . .

But, though Lefrak City is a major success, it is also a major responsibility.

Lefrak City is a totally private community. It was built with not one cent of public money. I did not ask for and did not receive any tax abatement or tax consideration. On the contrary, Lefrak City has a very high tax assessment.

Lefrak City has its own water system, its own electric generator, its own fire department, its own police department and its own sanitation department. It is a private community without any public Streets. Therefore, the owner has the prime responsibility for health, safety and welfare.

I can report to you that we are doing a good and responsible job. In fact, we have had no muggings—no murders—no riots.

We have proven that it can be done. We can build for the average American. We can save our cities. And, we can do it the free enterprise way.

Lefrak City has been studied by planners around the world. They have found that Lefrak City works. It has been emulated in Rome, in London, and in Tokyo.

WEST VIRGINIA PAPERS OPPOSE CAMPAIGN CHECKOFF

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BROWN of Ohio. Mr. Speaker, the concern of citizens across the Nation about the provision recently adopted by "the other body" which would authorize the financing of presidential elections out of Federal income tax revenues, is beginning to be heard.

An editorial in the Buckhannon, (W. Va.) Republican-Delta expresses the doubts, the strong disapproval, even the disdain, many Americans feel about this matter.

In the form of an open letter from Editor Herb Welch, the editorial poses a number of pointed and penetrating questions which deserves far more consideration than they have yet received.

Welch is not without credentials in national political matters. A former administrative assistant to then Congressman, the late Edward G. Rohrbough, Welch not only participated in several congressional campaigns, but he also served an important role in the presidential campaigns of 1952 and 1956 in behalf of Dwight Eisenhower. He served in the executive department during the Eisenhower administration in the fields of housing. A successful businessman, Editor Welch publishes two weekly newspapers in central West Virginia, the Republican-Delta and the Weston Independent, and quite obviously, he continues his keen interest in national affairs.

Herb Welch's open letter editorial is submitted here for the RECORD, and I commend it to the attention of my colleagues:

THE WEST VIRGINIA WHIRLIGIG

(By Herb Welch)

An open letter to:

Honorable Richard M. Nixon, President of the United States.

Honorable Spiro T. Agnew, Vice President of the United States.

Honorable Mike Mansfield, majority leader, Honorable Hugh Scott, minority leader, and Honorable Robert C. Byrd, Honorable Jennings Randolph and Honorable Hubert Humphrey, United States Senate.

Honorable Carl Albert, speaker, Honorable Gerald R. Ford, minority leader, and Honorable Harley O. Staggers, United States House of Representatives.

Honorable Arch A. Moore, Jr., governor of West Virginia and chairman of the National Governors' Conference.

Honorable Dean Burch, chairman, Federal Communications Commission.

The National Broadcasting Company, American Broadcasting Corporation and the Columbia Broadcasting System; David Brinkley NBC.

Honorable George Meany, president, AFL–CIO.

Honorable Bob Dole, U.S. Senator and chairman of the Republican National Committee.

Honorable Larry O'Brien, chairman of the Democratic National Committee.

It's hoped that this will be considered a personal letter by all the distinguished gentlemen listed above and an expression of personal convictions of one American out of 200 million.

It has to do with a topic as timely as tomorrow and as close to the people, all the people of America, as the preservation of the Republic.

It's to record one man's grave misgivings over the decision of the U.S. Senate to finance the general election campaigns of the candidates for President at the expense of the taxpayers.

It's one man's plea that the U.S. House of Representatives and the President of the United States act now, before it's too late, to reverse the ill-considered action of the Senate.

The letter is being addressed to all three television networks for it has been they, along with spokesmen for the Democratic National Committee, another addressee, who have done the most to advance this sinister proposal to the present crisis stage.

The three TV networks and much of the metropolitan print media, including newspapers and magazines, are among those who have axes to grind. Let the light fall upon all the gleaming ax blades now so carefully sheathed in darkness—that's the motivation of the Republican-Delta of Buckhannon and the Weston Independent in publishing this open letter.

It is argued that the cost of a presidential campaign is so astronomical that only a wealthy man can afford to seek the highest office in the land. And it is admitted that one of the biggest items of expense is television time.

So is it not understandable that Mr. David Brinkley of NBC and other commentators of other networks should editorialize in favor of submitting the bill to the taxpayers?

And should we really expect a metropolitan newspaper or a national magazine which also owns a television station to take an opposing view?

Artfully, the proposal to pass the cost of a presidential campaign along to the taxpayers was tacked onto a revenue bill. It's to be hoped that President Nixon will veto the measure if the sponsors of the rider are also successful in the House, as it is presently feared.

Estimates are that the amendment would raise $50 million dollars to be divided, presumably, this year among at least three candidates, provided Mr. George Wallace runs on a third-party ticket, as expected.

Sen. Hubert Humphrey, meanwhile, has estimated that it would cost him exactly the same sum, $50 million, if he were to enter all the presidential primaries this year. He is one of the advocates of the measure which now has been approved by the Senate.

So, assuming that Mr. Humphrey and Mr. Brinkley are sincere in wanting to eliminate voluntary personal contributions to presidential campaigns, would one-third of the amount required in a primary do the job in the same number of states in a general election campaign? You can bet that additional individual contributions would still be cheerfully accepted!

What is so wrong, moreover, with a voluntary contribution of a voter to the candidate of his choice?

Certainly such an expression of support is to be desired over a contribution which results from a mandate of government, as is presently proposed.

Inasmuch as only one of the two houses of the Congress has acted at this time, it's not clear how the taxpayers' enforced contributions would be apportioned. In the Senate, there were two proposals:

The Mathias Amendment, which would permit the taxpayer to designate either the party to which his contribution would be made or a general fund;

The Allen Amendment, which would guarantee a proportional reimbursement of campaign expenses to an "eligible" minority candidate.

Neither Mr. Brinkley nor the others who so strongly espouse the Senate action have answered a number of questions which immediately arise:

1. Shall the taxpayer be asked to give his financial support to any candidate which his party might nominate—prior to the selection of the candidate and prior to the campaign in which the issues would be drawn?

2. If so, is it a valid assumption that there will be no taxpayers who cherish the right to vote for the man rather than the party and to come to a decision also upon the basis of the issues?

3. Will it be left to bureaucrats to determine who is an "eligible" candidate and what is an "eligible" campaign expense?

4. If the taxpayer requests that his contribution go to a general fund, would he not thus be pledging his support to candidates whom he intends to vote against as well as to the candidate for whom he intends to vote?

5. Has anyone thought of limiting campaign expenses as an alternative of requiring candidates and political parties to live within their budgets?

It is proposed the $1 be taken from the income tax payment of each taxpayer. That's the "asking price" of the initial offering; the price for the next, who knows?

Would a good insurance salesman first hit his prospect with the rates for a $1 million policy—or would he lead up to them by quoting rates and coverage upon smaller policies?

It is proposed that the small bite of $1 per head would be for presidential candidates only. That's again for the first year only. The millions so collected would go to the national committee headquarters of the nominees.

What about the "coverage" as well as the "premiums" in future years under the new policy? Based upon past performances of all major parties, are we certain that the national committees could find no other "deserving" candidates for the largess of the taxpayers?

It's an open secret that national committees of both major parties have aided candidates for U.S. Senate, House of Representatives and, occasionally, governors of states. The policy has been to feed the money to only those candidates, however, where it might mean the difference between victory and defeat for the party. A sure winner and a certain loser usually have not shared in the benefits.

So what happened in many states? Candidates ran in marginal states and marginal districts, often pocketing the cheerfully accepted contributions with no thought of applying them to election expenses.

Should we cut the defense budget by $50 million to so reward the professional losers as well as the successful nominees? For that matter, should the taxpayers pick up the tab for any of them?

You know, of course, that the Senate has made no provision to provide the funds which would be milked from the income tax cow by its action.

Let's say that we don't cut the defense budget, although that's the biggest one of all and the one which is most deserving as the cold war grows hotter and hotter. Let's say we cut Health, Education and Welfare—and school lunch money. Or Department of Transportation—and federal road money. Are we all agreed that the politicians need the money more than the school kids and the people who use the highways? More than those on relief rolls?

As chairman of the Democratic National Committee, you, Mr. O'Brien, are doing only that which comes naturally. After all, you admit that you're $20 million in the red—and that's just about what you'd receive the first year from the taxpayers.

But in all good conscience, Mr. O'Brien, would you really refuse additional private contributions?

And you, Mr. Humphrey, were you really sincere when you implied that presidential candidates were called upon to sell out to the special interests in accepting campaign contributions from conventional sources? Did President Eisenhower sell out? Did Woodrow Wilson sell out? Did Abraham Lincoln sell out?

And you, Mr. Meany, are you supporting the bill because you think it's good for America—or because you'd like the taxpayers to absorb a substantial portion of the bill you've been paying from the AFL–CIO treasury to back the candidates you've personally smiled upon?

There's no such thing in government as "temporary" and there's no such thing in government as token federal funding. Government is the freewheeling big-time spender—with your tax dollars—and the sky is the limit.

The proposal to extract $1 from the top of every annual income tax payment for the general election campaign only, of the major candidates for president only, is but the beginning of a new concept, a concept which could lead to domination of all elections of all states by the federal government.

At this late hour, a selling job has been done upon the people fo America by the self-serving mass media which would benefit directly from the proposal.

Compared to the big guns which have already been fired, two weekly newspapers in West Virginia are voices in the wilderness.

But shouldn't it be a question of what's right rather than who is right?

The issue here is as fundamental as freedom itself.

Sincerely yours,

W. Herbert Welch.

HOUSE OF REPRESENTATIVES—*Tuesday, December 7, 1971*

The House met at 12 o'clock noon.

Msgr. Angelo R. Cioffi, Regina Pacis Roman Catholic Church, Brooklyn, N.Y., offered the following prayer:

God of our fathers, and Lord of all creation, from whom all blessings flow, look down upon us, here assembled to carry out our work on the problems facing our Nation at this critical time.

O, give us light to probe them thoroughly, sound judgment to solve them well, and willpower to implement them to the best of our ability.

Bless our labors, O Lord, infuse brotherly love into the hearts of all our people, and grant—we pray—lasting peace to all the Nations of the earth.

"Peace at home, and peace abroad;
Peace to friend, and peace to foe;
Peace to men of good will."

This is the prayer welling up from our hearts, O Father of mercy, O God of peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6065. An act to amend section 903(c)(2) of the Social Security Act; and

H.R. 6893. An act to provide for the reporting of weather modification activities to the Federal Government.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6065) entitled "An act to amend section 903(c)(2) of the Social Security Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long, Mr. Anderson, Mr. Talmadge, Mr. Curtis, and Mr. Miller to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes;

S. 1115. An act to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nev.; and

S. 1475. An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes.

The message also announced that Mr. Case was appointed as an additional conferee on the bill (H.R. 11955) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes."

MSGR. ANGELO R. CIOFFI

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Mr. Speaker, I wish to commend our distinguished visiting chaplain from New York for a most appropriate and moving opening prayer.

The Brooklyn, N.Y., community, and indeed the entire New York metropolitan area, has long known of the extraordinary contribution of Monsignor Cioffi.

The reverend monsignor was born in Cervinara, Italy, on December 1, 1887, and came to America in 1904 to attend St. John's Seminary in Brooklyn, N.Y.

In 1907 he was sent by the late Bishop Charles E. McDonnell to the American College in Louvain, Belgium, where he was ordained a priest in July 1910.

His first assignment upon returning to Brooklyn was as curate of St. Anthony's Church in Greenpoint where he served for 2 years. He then served for 7 years in Our Lady of Mount Carmel Church, Astoria, Long Island.

In 1919, he was commissioned by the archbishop to start a new parish in Patchogue, Long Island. When he completed that assignment, he returned to Brooklyn to reconstruct St. Rosalia's Church.

Today St. Rosalia's—or Regina Pacis—is a major church in the New York area, and includes a parochial school with 1,200 students, new rectory, a shrine, a convent, and a youth center.

In 1968, President Johnson visited St. Rosalia's in testament to its importance and vitality.

Monsignor Cioffi's most current project is the construction of a senior citizen's residence to provide for ederly citizens who cannot obtain decent housing. This project has attracted the personal praise of Governor Rockefeller and planners throughout the Nation as an outstanding example of effective response to a pressing public need.

Monsignor succeeded in obtaining various funding for this project, and his tenacity and dedication to this most worthy project have brought the residence into reality.

He continues to spearhead the drive to complete the residence and to make it grow, and his energy and selfless interest in the community are now legend in New York.

It is a great pleasure and privilege for the House of Representatives to welcome Msgr. Angelo R. Cioffi today.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I am happy to yield to my colleague from Queens.

Mr. ADDABBO. I commend the gentleman in the well and associate myself with his remarks. I wish to also point out the dedicated work of Msgr. Angelo R. Cioffi in behalf of the church and the people of the county of Queens and all he has served in his over 50 years of priesthood. I pray for his continued good health.

Mr. MURPHY of New York. I thank the gentleman.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 11309, AMENDING ECONOMIC STABILIZATION ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight Tuesday, tonight, December 7, 1971, to file a report on H.R. 11309, to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, is there any reason why we cannot get a rule on this within the week?

Mr. PATMAN. We have requested it, and we have been pressing for it. I have reason to believe that there is a possibility for Thursday morning, but I do not have much encouragement for that time.

Mr. ROUSSELOT. In other words, the chairman of our committee has been assured by the Rules Committee that very serious consideration will be given to granting a rule this week?

Mr. PATMAN. That is correct.

Mr. ROUSSELOT. I thank the gentleman for that information.

Mr. Speaker, further reserving the right to object, does the gentleman anticipate it will be brought to the full House this week, maybe Friday?

Mr. PATMAN. No; I do not anticipate it will be brought up this week. The people who have charge of this bill on both sides, the majority and the minority, have quite a bit of homework on this bill to do to get ready. It is very controversial. All kinds of amendments will be offered that we are not acquainted with. It takes some time, and it takes some time for preparation. If we will get the rule on Thursday, we will have a giant step in the right direction.

Mr. ROUSSELOT. Further reserving the right to object, if the gentleman is able to obtain a rule on Thursday, and we are able to bring it to the floor on Thursday or Friday, then we would be able to complete the business prior to this weekend?

Mr. PATMAN. From what I have heard about it, there is hardly an expectation that we will finish this week anyway, and besides, if we were to pass this bill on, say, Friday, which is unlikely, we would have to have a conference, and the conference would go into the first part of next week. There is no way to escape the conference, as I see it. I thank the chairman for the information he has provided.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, further reserving the right to object, is it possible that there is someone who cannot be here for personal reasons who is heavily involved in the consideration of this bill?

Mr. PATMAN. I am just talking about the official business before the Congress.

Mr. GROSS. It seems to me if a rule is granted today, the bill could be brought up easily by Thursday.

Mr. PATMAN. If we brought it up Thursday and passed it Friday, we would have a conference beginning the first part of this week anyway. There is no way to escape the conference.

Mr. GROSS. All right, but then there would be that much progress toward getting the business of the session over I cannot help but wonder if there is someone heavily involved in this bill that has some personal matters to take care of, perhaps a trip to Europe or some other junket.

Mr. PATMAN. If I were to attempt to answer that question, I would have to interrogate 434 other Members first.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. REES. Mr. Speaker, further reserving the right to object, I would like to ask the chairman—as a member of the Banking and Currency Committee, very familiar with the legislation on phase II—Is the House version not very close to the Senate version? And I would suspect that there would probably be only one or two points where the House would be disagreeing with the Senate. I see no reason why the phase II bill, if it receives the rule, cannot come up on Thursday and be passed on Thursday and a conference come in on Friday.

A great many of us are relying on statements by the leadership saying we are going to get out of here around the 10th and have fully scheduled events in our own districts. As one member of the committee who believed what I read about adjournment, I was prepared to fully debate the phase II bill on Thursday. This is the date we were discussing in the Banking and Currency Committee.

Mr. PATMAN. The gentleman has stated the points that he knows about on the House side, but there are also amendments on the Senate bill that were not considered in the House at all, and we are going to have controversy, I am sure, on more than one of them.

Mr. REES. I mentioned to my distinguished chairman, that I thought there would be two, at the most three disagreements between the two Houses. I see no reason why some of these amendments cannot be anticipated now, and the discussions can be actually started with the chairman of the committee in the other body.

Mr. PATMAN. If we did not have anything else to do. But remember that the Members who have charge of this bill are also conferees on other bills.

Mr. REES. As a member of the committee who has been on the committee for 6 years but never a member of any conference committee I should like to volunteer right now to be a conferee. I should think the gentleman would be happy to let some of the junior members participate in the conference and help relieve you of your workload. I would be willing to go over to the other side now and open discussions with some of the Senators, to see what can be done to expedite the bill, so we can finish it this week.

Mr. PATMAN. The gentleman would make a very fine conferee.

Mr. REES. In about 20 years.

Mr. PATMAN. And if it is necessary to call for him he will be considered.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from California yield?

Mr. REES. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Would the distinguished chairman of the Committee on Banking and Currency agree—of course, after consultation with the Speaker and the majority leader—if he got a rule Thursday morning, to try to bring the bill to the floor Thursday afternoon after the other scheduled business?

Mr. PATMAN. If that is the only thing holding up adjournment, yes.

Mr. REES. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 248, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. HALL. Mr. Speaker, reserving the right to object, I must know if this bill, as reported to be a similar bill, is identical with H.R. 5657. If not, what are the plans, under the unanimous-consent request, to perfect it? To wit, is the amount of estimated cost exactly the same?

Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. The amount of estimated cost is the same. The difference is that the House version bars any attorney fees. The Senate bill allows a 10-percent attorney fee. That is the only difference between the two bills.

Mr. HALL. Further reserving the right to object, Mr. Speaker, will the House's usual proscription as to attorney fees prevail if we adopt the Senate bill, and is it the intention of the gentleman to amend the Senate bill by striking the Senate language and inserting the House language?

Mr. DAVIS of Georgia. The latter course is my intention.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There being no objection, the Clerk read the Senate bill as follows:

S. 248

An act for the relief of William D. Pender

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Pender, an employee of the Department of the Army, the sum of $3,602.69, in full satisfaction of all claims of the said William D. Pender against the United States for compensation for the loss of household goods and personal effects which he had to abandon in Fairbanks, Alaska, after he was incorrectly informed by the Department of the Army personnel that such goods and effects could not be stored or shipped at Government expense incident to his transfer from Fort Greely, Alaska, to Fort Belvoir, Virginia, and which could not otherwise be disposed of by the said William D. Pender because of prohibitively high commercial storage rates and the shortage of time between the issuance of transfer orders and the reporting date at his new duty station: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. DAVIS OF GEORGIA

Mr. DAVIS of Georgia. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Georgia moves to strike out all after the enacting clause of S. 248 and insert in lieu thereof the provisions of H.R. 5657 as follows:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Pender, an employee of the Department of the Army, the sum of $3,602.69, in full satisfaction of all claims of the said William D. Pender against the United States for compensation for the loss of household goods and personal effects which he had to abandon in Fairbanks, Alaska, after he was incorrectly informed by the Department of the Army personnel that such goods and effects could not be stored or shipped at Government expense incident to his transfer from Fort Greely, Alaska, to Fort Belvoir, Virginia, and which could not otherwise be disposed of by said William D. Pender because of prohibitively high commercial storage rates and the shortage of time between the issuance of transfer orders and the reporting date at his new duty station: *Provided,* That no part of the amount appropriated in the Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The motion was agreed to.

The Senate bill was ordered to be read as third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5657) was laid on the table.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice?

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

VITO SERRA

The Clerk called the bill (H.R. 5586) for the relief of Vito Serra.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DUTY-FREE ENTRY OF CARILLON FOR MARQUETTE UNIVERSITY

The Clerk called the bill (H.R. 3786) to provide for the free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wis.

There being no objection, the Clerk read the bill as follows:

H.R. 3786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty a four octave carillon for the use of Marquette University, Milwaukee, Wisconsin.

SEC. 2. If the liquidation of the entry of the article described in the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF CARILLON FOR THE UNIVERSITY OF CALIFORNIA AT SANTA BARBARA

The Clerk called the bill (H.R. 4678) to provide for the free entry of a carillon for the use of the University of California at Santa Barbara.

There being no objection, the Clerk read the bill as follows:

H.R. 4678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty a carillon imported June, 1969, for the use of the University of California at Santa Barbara.

SEC. 2. If the liquidation of the entry of the article described in the first section of this bill has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 35) favoring the suspension of deportation of certain aliens.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

Mr. GROSS and Mr. HALL objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

WILLIAM LUCAS (ALSO KNOWN AS VASILIOS LOUKATIS)

The Clerk called the bill (H.R. 6912) for the relief of William Lucas (also known as Vasilios Loukatis).

There being no objection, the Clerk read the bill as follows:

H.R. 6912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, William Lucas (also known as Vasilios Loukatis) may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. George Lucas citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents, or brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. NORMA McLEISH

The Clerk called the bill (H.R. 7316) for the relief of Mrs. Norma McLeish.

There being no objection, the Clerk read the bill as follows:

H.R. 7316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Norma McLeish, the widow of a United States citizen, shall be deemed to be an immediate relative and the provisions of section 204 of the Act shall be inapplicable in her case.

With the following committee amendment:

On page 1, line 5, strike out the words "deemed to be an immediate relative" and substitute in lieu thereof the following: "held and considered to be within the purview of section 201(b) of that Act".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELEONORA G. MPOLAKIS

The Clerk called the bill (H.R. 8540) for the relief of Eleonora G. Mpolakis.

There being no objection, the Clerk read the bill as follows:

H.R. 8540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Eleonora G. Mpolakis may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Mike Bellas, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and substitute in lieu thereof the following: "Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

AFL-CIO SUPPORTS PRICE SUPPORT LOAN INCREASE AND STRATEGIC RESERVE

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I am gratified that the largest organized group of consumers in this Nation has given its support to measures to give the grain farmers much needed help which will come before the House this week.

I have just received a telegram from Andrew Biemiller, legislative director of the AFL-CIO, endorsing and urging the House to approve H.R. 1163, Congressman NEAL SMITH's strategic grain reserve bill, with my amendment, cosponsored by numerous other Members, which will raise wheat and feed grain price support loans by 25 percent on the 1971 and 1972 crops.

I include the telegram in the RECORD:

Hon. JOHN MELCHER,
U.S. House of Representatives,
Washington, D.C.:

The AFL-CIO supports the Melcher amendment to H.R. 1163, the Strategic Food Reserve Bill. Congressional action is badly needed to increase price support loans on wheat and feed grains by 25% for 1971 and 1972 crops. The House Agriculture Committee has supported the Melcher proposal by a 19 to 6 vote. House action will help the Nation's farmers while having a negligible impact on consumer prices. It is our understanding that Representative Neal Smith, chief sponsor of H.R. 1163, supports the Melcher amendment. AFL-CIO urges the House to vote for the Melcher amendment and for H.R. 1163 on final passage.

ANDREW J. BIEMILLER,
Director, Department of Legislation.

HEARINGS ON PROPOSED "BUSING" AMENDMENTS SCHEDULED

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, I rise at this time to announce that the Committee on the Judiciary will schedule public hearings to begin early in the second session on proposed amendments to the Constitution and other legislative proposals respecting the transportation and assignment of public school students.

Efforts to desegregate public schools by means of student transportation or student assignment have evoked intense concern and have given rise to a number of proposed constitutional amendments.

Any amendment to the Constitution requires thoughtful and dispassionate study. I am convinced that the Judiciary Committee hearing process will furnish the Members of the House a reasoned and thorough appraisal of the legal and social considerations involved.

Interested parties wishing to testify or present statements to the committee should contact the committee officers, room 2137, Rayburn House Office Building, Washington, D.C. 20515.

REPRESENTATIVE FROM DEPARTMENT OF STATE TO BRIEF MEMBERS ON THE INDIAN-PAKISTAN SITUATION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time to make the announcement to the membership as a whole that this afternoon at 3:30 p.m. in the office of the gentleman from Illinois (Mr. ARENDS), the minority whip, H-129, there will be a representative from the Department of State to brief those Members who wish to be briefed on the India-Pakistan situation.

IMMINENCE OF WAR ON THE INDIAN SUBCONTINENT

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, in speaking recently on the House floor about the imminence of war on the Indian subcontinent, I suggested that the United States should consider the advisability of suspending both military and economic assistance to India. Since then our Government in separate actions has decided to stop both these forms of aid to India.

News reports indicate that the Indian Government has reacted with indignation to these decisions of our Government, and also to the position which the United States has taken at the United Nations. A well-known editor of an Indian newspaper is reported to have said that New Delhi is "not accustomed to be talked to in such terms," and that "Washington can shove its aid where it wants to."

In my opinion, Mr. Speaker, it is most regrettable that military operations on the subcontinent have made it necessary for the United States to suspend our aid. Millions of innocent people will not be receiving food, blankets, medical supplies and other assistance because conditions will make it impossible to continue to provide such humanitarian aid.

The unhappy fact is that war is essentially a crude and cruel instrument for achieving national objectives. The weight of war on the subcontinent will fall immediately and with heavy impact on millions of innocent people, Indians and Pakistanis alike. By resorting to war, India is diverting her strength from the enormous task of providing for the needs of her own people. In the pursuit of her objectives, she seems also in the process of deliberately antagonizing those who have helped her substantially in the past. No matter what the future may hold, India will need substantial help from others. By her actions, and by ill-tempered responses to actions of others, she may be cutting herself off from such help.

EMPLOYMENT-UNEMPLOYMENT IN NOVEMBER

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LLOYD. Mr. Speaker, yesterday the Washington Post editorialized on phase I, the freeze, of the President's economic policy stating that it was "ineffectual in the crucial matter of jobs." Let us look at the statistics.

In November, total civilian employment increased by 177,000 and passed the 80 million mark for the first time in history. Total employment has increased by about 1.5 million since June. This is the biggest 5-month increase of employment in 16 years. The strength of the employment picture in November is also seen in an increase in average hours of work per week, especially in manufacturing.

Despite the large increase of employment in the last few months the unemployment rate continues to hover around 6 percent. This is because there has been an extraordinary increase in the number of people in the civilian labor force—working or seeking work—in those same months. However that exceptional rate of increase in the labor force will not continue, and the kind of increase in employment we have been getting will make solid inroads into the unemployment figures. In fact, when the tax measures the administration has recommended actually take effect the rise of employment and reduction of unemployment will speed up.

Mr. Speaker, the Post's unfavorable assessment does not appear to be warranted by all the facts.

LIMITATION ON AGRICULTURAL PAYMENTS

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, Members of the House should be alerted to the only chance we will have to impose a $20,000 limitation on agricultural commodity payments in the waning days of the session. We will have an opportunity to do so only if we vote down the previous question on the rule granted yesterday by the Rules Committee for H.R. 1163, the so-called Strategic Reserve bill. Although the gentleman from Illinois (Mr. FINDLEY) and I testified before the committee asking them to waive points of order to permit his $20,000 limitation amendment, the Committee refused to do so by a vote of 8 to 7. It therefore becomes necessary to defeat the previous question on the rule before the House can even consider a payments limitation.

We have heard a good deal of concern expressed in recent weeks about the way in which our family farmers are being swallowed up by vertical conglomerates, and other huge agricultural combines. These agrigiants are receiving huge Government payments under present commodity programs which greatly aggravate the grossly unfair competitive advantage they already hold over small and medium sized farmers. Such large payments also discredit the entire farm program in the eyes of the American taxpayer and jeopardize its continued existence.

Members genuinely interested in helping the family farmer can do so by supporting a strict $20,000 limitation of payments amendment to the strategic reserve bill. The issue will be clearly drawn when Members are asked to vote down the previous question on the rule in order to make the amendment in order. Those who really want to help the family farmer can do so by voting "no." Those who prefer to support the big fellows by insuring their continued receipt of huge commodity payments can do so by voting "yes" on the previous question.

ECONOMIC OPPORTUNITY CONFERENCE REPORT ON S. 2007, AMENDMENTS OF 1971

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 437]

Abbitt
Abourezk
Andrews, Ala.
Annunzio
Ashley
Belcher
Biaggi
Blatnik
Broyhill, N.C.
Chisholm
Clark
Clay
Collins, Ill.
Culver
Derwinski
Diggs
Dowdy
Edwards, La.
Evins, Tenn.
Fountain
Fraser
Galifianakis
Gallagher
Garmatz
Gray
Hébert
Helstoski
Howard
Kluczynski
Landrum
McClory
McClure
McKevitt
Macdonald,
Mann
Metcalfe
Mann
Mills, Ark.
Morse
Murphy, Ill.
Pepper
Powell
Pryor, Ark.
Pucinski
Purcell
Rostenkowski
Roy
Sarbanes
Scheuer
Sisk
Spence
Springer
Steele
Sullivan
Teague, Calif.
Wiggins
Wilson, Bob

The SPEAKER. On this rollcall 374 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 2007, ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 29, 1971.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the manager be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. Brademas).

(Mr. BRADEMAS asked and was given permission to revise and extend his remarks.)

Mr. BRADEMAS. Mr. Speaker, I rise in support of the conference report and want to address myself to only two or three major points.

First, some have attacked the child development title in this legislation on grounds that it will produce a Sovietization of their children and their takeover by the Federal Government.

This charge is of course thoroughly irresponsible, even, indeed, absurd.

I remind you, Mr. Speaker, that earlier this year, nearly 100 Members of the House in both parties introduced the child development bill and that President Nixon has called for a national commitment to action along the lines of the child development program in this conference report.

But so that there may be no misunderstanding, let me explain how the bill has been carefully drafted to protect the rights of parents and their children.

First, participation in the program is completely voluntary.

Children will not participate unless a parent or legal guardian specifically requests it.

Second, the bill specifically provides that no part of it "shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, and physical development of their children."

The bill provides that children will not be tested unless the parent or guardian is informed and given an opportunity to accept.

To reiterate, the child development program, unlike our public school system, is totally voluntary.

But beyond what I have already said, the legislation provides that decisions on the nature and operation of child development programs are to be made at the community level, with the full involvement of parents.

In other words, parents are assigned a significant role throughout the bill and, Mr. Speaker, I would like to make clear that if there had been any effort in this legislation to reduce the central role of the family in rearing their children, the bill would not have had my support.

So it should be clear that this legislation is aimed at giving the taxpayer some of his money back so that churches, schools, YMCA's, settlement houses, and parents at the local level can provide preschool programs for their children without the control of either State or Federal governments.

Now the second point I want to say a word about, Mr. Speaker, is the charge that States do not have a significant role.

No one who has read the bill thoroughly can substantiate that charge. Indeed, the language is specific in requiring State involvement at every stage: creation of prime sponsors, formation of comprehensive child development plans, and project operation.

Moreover, up to 5 percent of operating funds will become available to States to carry out their functions. In this way, States are encouraged to provide technical assistance and coordination of child programs within their boundaries. The States can thus identify problems, help in solving them, and advise HEW on how effectively programs are meeting child development standards.

But there is still another way in which States may participate in the program. The bill specifically authorizes the Secretary to fund directly any program—including that of a State—whenever he finds that a local community has not submitted a program, submitted an inadequate program, or where a program does not or cannot meet the needs of children.

Indeed, there can be no question that the comprehensive child development program on which the House votes today provides a more important role for the States than does the present Headstart program.

So the argument about an inadequate role for the States is a spurious one.

But the final point I want to make, Mr. Speaker, goes to the importance to children of the kinds of services that would be made available by the passage of this legislation. And I am especially concerned to guess that children of middle-income families as well as poor children will have an opportunity to benefit from the various services provided by the bill—on the basis, above a certain income level of fees paid on a sliding scale basis.

I think, Mr. Speaker, that the most eloquent words I have heard about the need for the child development program contained in the conference report today were uttered by President Richard Nixon in February 1969, in a message to Congress in which the President said:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

President Nixon went on to say, Mr. Speaker, on August 11, 1969, in proposing his Welfare Reform bill:

> The child care I propose is more than custodial. This administration is committed to a new emphasis on child development in the first five years of life.

Mr. Speaker, the bill on which we are about to vote provides Congress an opportunity now to act to make good on the pledge of President Nixon.

The bill on which we are now to vote makes possible a better chance for all the children of America, and I hope the conference report will be adopted.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Speaker, I thank the distinguished gentleman from Minnesota (Mr. Quie) for yielding. The weakest link in American education in the 1970's is in preschool education, the years from 1 to 5. Educators and psychologists now know that it is in this period of life that a child's greatest rates of learning takes place. Yet there is no organized, readily available voluntary education set up for children in that age group, featuring a broad, socioeconomic mix and available to the middle-income family.

I believe this is the most important education and social bill in recent years. I would point out to the Members that it not only enjoyed the support of a majority of the Republicans in the Senate, including three Members of the leadership—Senator Scott, Senator Griffin, and Senator Bob Dole—but the bill also enjoys in principle very broad support from organizations throughout the country. While these groups may not agree with every detail of the bill, the AFL–CIO, the Amalgamated Clothing Workers, ILGWU, the United Steelworkers, League of Women Voters, Leadership Conference on Civil Rights, National Council of Churches, National Council of Jewish Women, United Auto Workers, United States Catholic Conference, United States Conference of Mayors, YMCA, Common Cause, the Day Care and Child Development Council, and many others do support the concept of this legislation.

I believe the bill is consistent with the President's very clear pledge on February 19, 1969, to a "national commitment to providing all American children an opportunity for a healthful and stimulating development during the first 5 years of life." On April 9, 1969, President Nixon said, "I again pledge myself to that commitment." If the House approves this conference report, the President has the opportunity to redeem his pledge to the American people by signing the bill into law.

Throughout the 3 years of negotiations on this bill, we have sought to fulfill the objective. In my judgment, the comprehensive child development title in this conference report preserves a number of important principles that are central to meaningful child development for 7 million preschool children. These principles are:

First. The services to be provided are to be of high quality and of a comprehensive nature. The bill explicitly enjoins custodial care and strives throughout to achieve quality day care that will be a positive educational experience for the child.

Second. No parent or child is in any way compelled to participate in these programs. The entire day care concept is voluntary.

Third. The delivery system of day care programs is basically a local one, so that those organizing and running the programs are from the same neighborhoods as the children and parents to be served, with adequate controls and meaningful powers residing in the prime sponsor agency, such as the city or State.

Fourth. While the Secretary should look first to locally run programs, the conference report and a colloquy in the Senate make clear that the Secretary has very broad discretion in selecting prime sponsors, including the discretion to use the States in order to put into effect the best possible performance in respect to child development. This principle of flexibility and discretion in the interest of most effective programs is vital. It applies also to section 513(b) of the conference report which stipulates that if any common geographical area is included in two prime sponsorship plans, then the Secretary shall select the one "which he determines has the capability of more effectively carrying out the purposes" of this program. In other words, the Secretary could designate a county that includes a smaller city, if the county is more capable, or he could designate a larger city which includes several counties, if the city is more capable.

Fifth. Finally, the fee schedule established in the bill will provide free services to those who need them most, families with incomes below $4,320. Between that income figure and $6,900, nominal weekly fees are charged, ranging from $1 to $5, and above that level, the Secretary will draw up a fee schedule. I would have preferred to see that free services were available to a larger group of families, since it seems to me that in New York City, for example, where so many mothers need and want to work but lack adequate day care for their children, even $2 a week from the family budget is a strain.

Nonetheless, I believe that the fee system in the bill will not price quality day care out of the reach of lower middle-income families and it will encourage a socioeconomic mix in day care programs.

I am happy now to yield to the distinguished chairman of the committee, who has worked very hard on this legislation (Mr. PERKINS) for purposes of a colloquy.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PERKINS. Mr. Speaker, I yield the gentleman a minute and a half.

Mr. REID of New York. Mr. Speaker, I wish to propound a number of questions to the manager of the conference report, the gentleman from Kentucky, the chairman of our committee which handled this bill. I think that the questions and answers will be of great importance both to the Members who must decide how they will vote on the conference report and to the administration.

My questions concern the selection of prime sponsors for child development programs.

It is my understanding of the conference report that a State, a locality, a combination of localities, Indian tribal organizations, or public or private nonprofit agencies or organizations may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements for the purpose of carrying out child development programs upon meeting the requirements spelled out in the bill.

Mr. PERKINS. The gentleman is correct. Section 513 so provides in the case of localities and combinations of localities there is a requirement that the units of general local government cover an area having a population of 5,000 or more persons.

Mr. REID of New York. Am I correct also that in considering applications for prime sponsorship, which is called the "prime sponsorship plan," the Secretary is required to act upon plans submitted by localities and combinations of localities, in that order, but he may designate a State as a prime sponsor as to areas where localities or combinations thereof fail to meet the requirements contained in the bill?

The SPEAKER. The time of the gentleman has again expired.

Mr. PERKINS. I yield the gentleman 1½ minutes.

The SPEAKER. The gentleman is recognized.

Mr. PERKINS. Yes. And that order of consideration applies also to prime sponsorship plans submitted by Indian tribal organizations, so that he must act first on its application, and can designate the State for the area if the Indian tribal organization fails to meet the requirements in the bill.

Mr. REID of New York. Would the gentleman please spell out the prime sponsorship requirements that any applicant must meet.

Mr. PERKINS. Yes. In reviewing plans submitted by localities, combinations of localities, and Indian tribal organizations, or States, the Secretary must make the judgment in each case that:

The plan sets forth "satisfactory provisions" for establishing and maintaining a Child Development Council meeting the requirements of section 514, section 513(a)(2);

The plan provides that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan, section 513(a)(3);

The plan sets forth arrangements under which the Child Development Council will be responsible for planning, coordinating, monitoring, and evaluating child development programs, section 513(2)(4);

In the case of applicants which are units of government, the plan provides for the operation of programs through contracts with public or private agencies, section 513(a)(5);

The plan contains assurances that the Council has the administrative capacity to provide—itself or by contract or other arrangement—effective and comprehensive child related family, social and rehabilitative services, coordination with educational services, and health and other services, section 513(a)(6);

The plan also includes "adequate provisions for carrying out comprehensive child development programs in the area to be served"—section 513 (b), (c), (d).

Mr. REID of New York. With respect to the last requirement, in determining whether the plan includes "adequate provisions for carrying out comprehensive child development programs," it is anticipated by the conferees that, in addition to other appropriate factors, the Secretary may make a judgment as to the capability of the particular applicant to carry out effectively comprehensive child development programs?

Mr. PERKINS. The gentleman is correct.

Mr. REID of New York. And by the term "comprehensive child development programs" do not the conferees expressly contemplate programs of high quality providing the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential?

Mr. PERKINS. The gentleman is correct. Sections 501(a)(2), section 571(3) and other provisions of the title make the meaning of that phrase clear.

Mr. REID of New York. So there is a responsibility with the Secretary to satisfy himself that any applicant, whether a locality, a combination, or an Indian tribe or a State, has the administrative capability to marshal resources and to provide effectively or assure access to the educational, social, and other services needed to insure the comprehensiveness and high qualities and standards for programs conducted under the title.

Mr. PERKINS. Yes, subject to the qualification that whatever standards he may apply under these provisions are objective and applied to each case with an even hand; it is not intended as a license to develop standards such as population criteria which would have the practical effect of excluding a particular class of eligible applicants.

The Secretary's determination of the particular facts on which he bases his decision is conclusive if supported by substantial evidence. The conference agreement is explicit on this point, in section 513(h)(2).

Mr. REID of New York. Therefore, if an applicant which is a locality, or a combination of localities, or an Indian tribe lacks the capability to carry out comprehensive programs or if the plan fails to meet the other requirements under the sections which the gentleman has outlined, then the Secretary clearly has the authority to reject that application and to designate a State or other public or private nonprofit agency as prime sponsor, if it meets the requirements.

Mr. PERKINS. Yes. and the requirements that would apply would be the same.

Mr. REID of New York. In summary, then, while the conference bill reflects the judgment that the Secretary should look first to locally run programs—in the interest of parental participation and other elements—the Secretary is not powerless to choose a State over a locality and he is granted ample flexibility and freedom to make reasonable judgments to insure the comprehensiveness and high quality of care for children as long as he is prepared to support them with findings of fact.

Mr. PERKINS. The gentleman is correct.

Mr. REID of New York. And is it also true that if none of the units of government, whether they be localities or combinations of localities, Indian tribal organizations, or the State itself qualify as prime sponsors, or in certain other specified conditions that he still has authority under the so-called bypass provisions to fund programs directly, and a State, as well as any other public or private agency, could qualify as a grantee under that provision?

Mr. PERKINS. Yes. Section 513 (j) and (k) so provide.

Mr. REID of New York. And am I correct that even in respect to areas where a locality or a combination of localities or an Indian tribe may be designated as prime sponsor, that the State is to have a significant role?

Mr. PERKINS. Yes. The conference bill authorizes the Secretary to utilize up to 5 percent of the funds allocated for use in each State for activities by States, in the nature of technical assistance to localities, combinations thereof and Indian tribes including assisting in the establishment of child development councils, encouraging the cooperation and participation of State agencies and the full utilization of resources, and developing information useful in reviewing prime sponsorship plans and comprehensive child development plans submitted by localities, combinations thereof, and Indian tribes. Section 513(a) and section 515(b)(3) require that the Governor have the right to review prime sponsorship plans and comprehensive plans, respectively, with the right in each case, to submit comments to the Secretary.

Mr. REID of New York. Although the Secretary would not be bound by those comments, would they be among the factors he could consider in making the determinations relating to prime sponsorship which we discussed earlier?

Mr. PERKINS. Yes.

Mr. REID of New York. So one may reasonably conclude that under the conference bill the Secretary has the authority to significantly involve the States, in order to assure high quality care.

Mr. PERKINS. The gentleman is correct. That is the intent.

Mr. REID of New York. I thank my colleague very much. If he will bear with me for one further point, the conference report authorizes $2 billion in appropriations for child development care for the first year in which it is fully spelled out—to wit, fiscal 1973; $100 million is provided for fiscal 1972 for startup activities. It has been my understanding that the $2 billion authorization is intended by the conferees as a goal which we have established, without knowing what the total picture may be at the time of appropriation; for example, we do not know what may be available from other sources such as the family assistance plan, H.R. 1, if that should become law.

Mr. PERKINS. The gentleman is correct. The authorization is, of course, subject to the appropriation process and to the influence of various factors, as the gentleman suggests.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. QUIE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, as a person who first introduced child development legislation long before the Headstart program began, and one who has worked for child development legislation all during the development of this bill, I wish I could come before you and urge you to support the conference report, but I cannot.

To me this conference report is an administrative monstrosity. It is impossible for it to work out properly. All the problems we saw with the inception of the Economic Opportunity Act through OEO are going to be visited upon this program and the way it operates, and the regional offices will be running these programs just as they have been doing under OEO. At the present time the members will recognize that in the case of elementary and secondary schools of the country it was necessary to consolidate them so that they would be adequate administrative units. At one time a small unit like a one-room schoolhouse could administer the program when education support was limited to the local area, but this is a Federal program completely, and it is not possible for a community of 5,000 to 10,000 to be a prime sponsor. As I pointed out in my remarks on December 1, 1971, page 43903, such a community would have few—15 to 30—children funded under expected appropriation. By restricting the State it will mean the regional office will administer them, not the small local group.

It has been indicated a number of times in the conference report as I read it, and the Secretary of Health, Education, and Welfare himself has said:

> The present language mandates in all cases priority be given to local prime sponsors, with the states left only as residual catch-all for geographical areas which have submitted either no applications or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a state application over a local application, even if the state application would better assure quality care for children.

It is as clear as can be that this is not the local control program that many expect but rather control residing in the Federal Government that should go and can only go to sizable enough unity of government—primarily the State. Really we are not talking about taking power away from local committees but away from the regional office and giving it to the State and large combinations of localities which can only be possible if the Secretary has complete authority to designate the State or such combination as prime sponsor.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, as one who has for a long time been a strong supporter of early childhood development and of legal services and of OEO, this is a very difficult vote. While I think it is imperative that the OEO be extended, while there is an excellent legal services program which we have in the conference report, I think that the early childhood development section of this report makes it mandatory that for the long-range soundness of anything we can constructively do in this area, this conference report should today be defeated.

There is not any question but that there is need for the first two sections of this bill. I will not dwell on them except to say strongly I deeply regret that in the defeat of this conference report today—and I hope this House will accomplish that—there will be a temporary moving away from the highly desirable legal services corporation. The proposal in this bill in this area is good, the idea is a very much needed one, and I hope we can move soon in that particular direction when we have finished our operations today.

But this particular child development act mixes up the strong need with a very poor potential solution. There is great need for a long step forward in the Federal Government, in my opinion, to do something sound and constructive. We could go through the hours of testimony about working mothers and about a series of needs which have arisen in specific areas of the country and in specific locations, some of them in government, where we should have a sound program in this field, but at this moment we have come up with an administrative monstrosity which should be defeated today.

Mr. Speaker, before commenting in greater detail on the child development provisions in the conference report before us today, I would like to emphasize my longtime support for comprehensive early childhood education and childcare legislation.

On February 9, 1970, along with members of the Republican Task Force on Education and Training which I chaired, I introduced the Comprehensive Headstart Child Development Act of 1970, H.R. 15776. Shortly thereafter, in April of 1970, our task force issued a report analyzing the need for early childhood services in the United States which was entitled "Report on Programs for Early Childhood." In both the 91st and 92d Congresses, I worked closely with Members from both sides of the aisle, with interested individuals and groups, and with the administration, to devise a sound comprehensive child development bill.

I am still convinced, as I was when I introduced H.R. 15776 almost 2 years ago, that there is a real need for federally supported comprehensive child development programs throughout this Nation. At the same time, I believe Congress is obligated to develop legislation which will provide a sound and workable administrative system from the start.

The legislation before us today does not provide for such a system. In fact I fear that the provisions of the conference report establishing the delivery system for child development programs are so unworkable that it would be better to have no legislation at all at this time than to pass this report as it stands now.

The principal problem with the delivery system is that the population level for prime sponsorship—not program operation, but prime sponsorship—has been reduced in conference to 5,000; and the Secretary of Health, Education, and Welfare has been given far too little authority to exercise his judgment in choosing among applicants for prime sponsorship.

I think there has been some unfortunate misunderstanding that smaller communities would not be able to run their own programs if the cutoff for prime sponsorship were a large figure. This is a complete misconception. Not only would smaller communities be able to run their own programs as program operators with larger units being prime sponsors, it would actually be easier for them to do so because they would not have to cope with the complex and specific Federal requirements which the bill establishes for prime sponsors. In fact, as program operators rather than prime sponsors, they would be able to set up programs which were designed specifically for their own needs.

On the surface, the points of distinction between prime sponsorship and program operation may seem insignificant. Let me stress that, on the contrary, these distinctions spell the difference between efficient administration—and the economically sound use of Federal dollars which results from such administration—and chaotic redtape—and the waste of Federal dollars which we all know results from such redtape. I believe it is patently absurd to create thousands upon thousands of eligible prime sponsors who can apply directly to HEW. What kind of bureaucracy will HEW have to set up in order to process these applications? The prospect is truly appalling.

Still another problem is that a small program under the prime sponsorship of a small community will have to go to HEW if they need special expertise not available in their community. I believe it would be far better if this community as a program operator could go to an intermediary prime sponsor—a larger governmental unit—for the special expertise necessary to maintain high quality child development programs.

Early in the development of this legislation, I favored limiting prime sponsorship, and the direct Federal involvement which prime sponsorship entails, to States or to units of 500,000 population. With this population level steadily reduced, I was prepared in conference to support a final compromise which I felt was as far as we could possibly go. This compromise would have given the Secretary of HEW the discretion to choose among prime sponsors rather than mandating him to designate one particular prime sponsor. Unfortunately, even this provision was unacceptable to a majority of the members of the conference committee.

With a background of long involvement in child care legislation and my personal convictions on the need for these services, it has not been an easy decision to oppose passage of this report. I deeply regret the fact that the fate of the Legal Services Corporation and the Office of Economic Opportunity extension are tied to the child development provisions. Although I would prefer it if the conference committee had not seen fit to restrict the President in delegating OEO programs, I still support the extension of OEO. And I strongly support the provisions of the conference report establishing the Legal Services Corporation. We worked long and hard to come up with a compromise that would be agreeable to all parties on this matter, and I wish we could pass this part of the bill separately today.

I feel strongly, however, that the delivery system called for in the child development provisions of the conference report would be so unworkable that we would be far better off defeating the report today. We should then begin immediately on three separate measures: an immediate extension of the OEO authorization, the establishment of a Legal Services Corporation, and finally, new and sound comprehensive child development legislation.

Mr. QUIE. Mr. Speaker, I yield to the gentleman from Idaho (Mr. HANSEN), 2 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I rise to regretfully urge the defeat of the conference report. I do that as one who has been an early and strong supporter of child development legislation and one who applauds the sincere and constructive efforts of all of those on both sides of this question to bring to this floor the kind of child development bill that could generate the broad support that would assure continued and adequate funding of one of the most important and needed programs in the area of education that can come before this Congress.

The need still is for the kind of a bill which will provide the legislative framework which can mobilize and organize and direct the resources and manpower and collective concerns of this country and apply them toward the obvious needs of young children.

The bill which was originally introduced—and indeed the bill as it emerged from the subcommittee—still offered a real hope for providing that kind of leadership and that kind of impetus. It was a good bipartisan bill.

But that is not the bill before us today. The bill before us today has been significantly redirected to the point that there is no real hope for generating the kind of meaningful State participation—participation of the whole partnership of States and communities, the private sector and the Federal Government—that is essential for success. If our goal is, as I believe it should be, to help young children, to develop the kinds of services that will identify and respond to the needs of young children, then this bill will not do it. The early childhood services that are so urgently needed are too important to be launched by legislation that is so hopelessly defective.

Because of my strong conviction that we can write a much better bill, I urge the defeat of the conference report.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I share with the gentleman from Oregon the hope that it will be possible, if the conference report is defeated, as I believe it should be, for us to come back and to establish a legal services corporation and to continue the Office of Economic Opportunity.

Sharing the feelings of the gentleman from Idaho and of the gentleman from Oregon about the problems in the child development section, let me turn my attention to two other provisions in this conference report which lead me to believe it ought to be defeated.

One has to do with a provision contained in the conference report which was in the Senate bill but which was not in the bill as passed by the House, which would effectively prohibit the Office of Economic Opportunity from delegating or transferring programs. Since this program started in 1964 eight programs have been delegated by the Director of the Office of Economic Opportunity. The prohibition runs directly contrary to the concept of the agency as originally intended by the Congress and as the President of the United States said he believes it ought to be. This provision ought not to be in the conference report. For this reason, I urge that we defeat the conference report, so that this provision may be stricken.

Beyond that the House conferees, in my judgment, much too quickly receded and accepted the earmarking contained in the bill as passed by the other body. What the earmarking effectively does to the local Community Action Agencies is to say that no matter what the needs are determined to be in the local community it does not make any difference, that we in the Congress have more wisdom and have more judgment, and we believe that alcohol and drug abuse are more important than day care or legal services or any other single program of OEO, and we say to them, "You are not allowed to make a judgment at the local level. We will make it at the Federal level."

The earmarking provision will work to inhibit the agency from doing the job which needs to be done in terms of innovation, research and development, and will make it more difficult for the local Community Action Agency effectively to carry out the programs which are determined at the local level.

Further, Mr. Speaker, I would like to address the issue of prime sponsorship. It is important that everyone understand how the delivery system in the bill was designed to work. It would work through a prime sponsor, which is the vehicle for securing funds, and which establishes a child development council that in turn develops a comprehensive plan for services for the prime sponsorship area. Within the prime sponsorship area there may be any number of individual programs, each of which will have a project policy council composed of parents and parent-approved members. The project policy committee will assist in developing the local program plan.

Many people have become confused about who would be eligible for funds and have the impression that unless the population limitation was reduced to a small number, such as 5,000 which is now in the bill, the bill would be only for big cities and States. This is simply not the case. If the population limitation were set at 100,000 as in the bill originally reported by the Select Subcommittee on Education, or at 500,000 as I would prefer, individual cities or local units of government would still develop their own plans on an individual basis, but would submit an application for funds through a single State, large city, or federally recognized Indian tribal organization application which has been approved for prime sponsorship. If units of 5,000 or more population are allowed to become prime sponsors, the Federal Government could conceivably have as many as 5,000 applications to process and handle. This would be a totally unrealistic administrative task and would make effective monitoring impossible. But even aside from these bureaucratic considerations, this type of prime sponsorship plan would not accomplish our goal of coordinating child development activities on the local, State, and Federal level. It is important that comprehensive services be made available to children. This can only be done through a delivery system which has a limited number of prime sponsors. This is a crucial issue on which the success of the child development legislation rests. In its present form, I do not believe the legislation can be effectively implemented.

Mr. Speaker, my vote against the conference report is a very difficult one to make. The bill contains a section I regard as one of the best and most necessary pieces of legislation to come before the 92d Congress. That is the section establishing an Independent Legal Services Corporation.

The House and Senate conferees reached a totally commendable compromise on the Legal Services Corporation. The most difficult question of the composition of the board was resolved in a manner that assures the legal aid program's independence and effectiveness in representing the poor.

All 17 members of the Board of Directors are appointed by the President, subject to the advice and consent of the Senate, and are selected from among members of the public, the judiciary, and low-income client population, former poverty lawyers, and representatives of professional legal organizations.

The framework of the Legal Services Corporation has been developed with great care for the people to be served for a strict accounting of program funds, for sound organization, and for the highest standards and ethics of the legal profession. This legislation can improve our entire system of justice in this country, and it is a model of what good law should be.

I am distressed that this legislation—and the delivery of legal services to the poor—is now put in jeopardy because of the chaos-inviting delivery system in the child development section of the bill.

I want to stress most forcefully—my deep misgivings over the conference bill have nothing to do with the legal services section. I hope the legal services section will appear word for word, precisely as it is, in a new OEO bill that deserves to become law.

For these reasons, in addition to those outlined by my colleagues, I urge the defeat of the conference report so that we might begin anew to do a better job.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker and Members of the House, I rise in support of the conference report. I rise in support of it with the full knowledge that many of my colleagues on the committee and in the House are troubled by various aspects of the bill, primarily the legal services and the child development aspects.

I served on this committee, as many of us did, and worked with it and attended the hearings, and I believe a reliable appraisal of the good and the bad in the conference report shows that there is more good than there is bad and that it is more helpful than it is harmful. Therefore it ought to be supported.

I know that the child development portions will be discussed, so I would like to turn my attention for a moment to the Neighborhood Youth Corps provisions in the conference report.

I believe the Neighborhood Youth Corps is a very important part of this conference report and a very important part of the Office of Economic Opportunity bill. The Neighborhood Youth Corps impresses me as one of the programs in my district in Louisville, Ky., which has had and has provided help to the 16- and 17-year old dropouts and those kids who do not have a chance in this world. This project is designed to prepare enrollees to return to school or for admission to community colleges, and it prepares them to take their place in society.

I hope as we look at this bill and evaluate the conference report we keep in mind that this is an up or down vote. We cannot excise from this conference report any portion that we disagree with. We must vote it up or down.

I think, ladies and gentlemen, we have reached the point where we make a value judgment. We have to take this thing on balance. When I say "on balance," I believe personally—and I hope that the House will concur—that this bill has good in it and will provide opportunities for our children and therefore it ought to be supported.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, in all good conscience I cannot support this conference report. I am well aware of the fact that there has been a limited good in some of the programs, such as Neighborhood Youth Corps, and Headstart when it was in OEO and a limited benefit—in comparison to the billions spent—in some others, but it seems to me we cannot look at a narrow portion of a multibillion-dollar program and fail to ask questions about these billions that have been spent on the war on poverty and with very unsatisfactory results.

I have told the chairman—and I must say I have great respect for my chairman and support him on most of the bills that come out of our committee—but I can never again support the OEO programs unless there is a drastic change in the direction—major changes in administration so the promises made can be kept—so the billions spent will actually benefit the poor. Any serious study of the OEO in the last several years would show hundreds of millions of dollars have gone down the drain with comparatively small benefits for the intended beneficiaries, the poor. A study would show that we have financed revolutionaries with Federal funds; it would show that we have paid people incarcerated in penal institutions a larger sum of money to pursue a college education than we have paid GI's who have returned from Vietnam to pursue their college education. It would show, Mr. Speaker, that the so-called poverty program has caused the establishment of many consulting firms and corporations that are out for one purpose only, and that is to get contracts out of the Office of Economic Opportunity. As defense funds become more limited, defense contractors have spun off corporations to get OEO contracts.

It would show that many people with high salaries and very lucrative contracts have made a good thing out of poverty, but the poor people of this country have benefited very little.

Mr. Speaker, a study would show that we have spawned community action agencies too many times that have not been interested in providing concrete help but have been more interested in providing rhetoric and in receiving high salaries, themselves.

It would show that there have been hundreds of thousands of dollars in community action agencies that have never been accounted for and in some cases charges of outright embezzlement.

The record of the Job Corps could never justify the hundreds of millions of dollars that have been spent on that in terms of placement of graduates of the Job Corps program.

Mr. Speaker, I suggest that the poor people have been studied and surveyed and analyzed ad nauseum.

I have said before on the floor of the House that we are spending this year and every year recently over $42 billion in Federal, State, and local funds on programs exclusively designed for the poor and for which the middle-income people and the low-middle-income people are not eligible. This includes OEO, welfare—but does not include social security.

It seems to me, Mr. Speaker, that the time ought to have assured, with the state of the economy in this country what it is, that Congress and the public begin to ask why, with the expenditure of $42 billion for not only OEO but other programs exclusively designed for the poor, why do we have so much poverty in this country today and why have we made so little progress. Why are not our overlapping multitudinous programs working better. What is wrong?

Mr. Speaker, I think some of the answers can be found in an article—and I am amazed that the Washington Post would carry it—but in last Sunday's Washington Post there appeared an article entitled "Street Gangs: Hustling the Do-Gooders."

Mr. Speaker, we have spent millions of dollars on programs financing gangs and this article in the Washington Post starts out as follows:

> Whether a sucker is born every minute or every hour, an unusually large number of them seem to land in some Government social service agencies and among foundation grant-givers. These are well-intentioned suckers, to be sure, but suckers nonetheless—people who are so eager to do good that they are often easy touches for the hustlers.

Mr. Speaker, a careful reading of this article by the Members of this House would surely raise questions about where we are going in the expenditure of Federal funds and why we are financing gangs on the basis that they are the ones who can somehow rehabilitate the juvenile delinquents of this country.

The article further says that "the OEO grant-givers made no effort to examine the facts or to provide either training or technical grants for the administration of the funds."

I urge my colleagues to read the entire article as well as Tom Wolfe's: "Maumauing, the Flak-Catcher."

So, Mr. Speaker, I would find it impossible to live with my conscience and any longer support a program that does not have a radical change in direction—with administrative requirements for responsible expenditure of funds.

I also submit one final suggestion, Mr. Speaker. As I see it, in the child development program we have another case of reverse incentive. Instead of the program as it came out of the Committee on Ways and Means where there was an incentive for people on welfare to get off welfare—and for day care centers for their children when they worked—we now find if parent or parents stay home and do nothing, their children are able to have the day care provided free of charge. A welfare mother—doing nothing would have free day care for her children in most States under the conference report provisions. A working mother with two children would have to pay if she makes over $1,300.

Mr. Speaker, I suggest that we get rid of this newest reverse incentive in this country and spend our money more wisely. Program after program, in recent years, have reverse incentives built in. If you are a good citizen, work hard, pay your own way—none of the programs are for you.

As Saul Alinsky said:

> "In some ways, middle class groups are more alienated, more out of the scene than the poor. There aren't any special funding programs for them. They don't have a special anything except getting constantly clobbered by taxation and inflation."

Mr. Speaker, I include at this point in the Record the full text of the article which appeared in the Washington Post and to which I have referred:

Street Gangs: Hustling the Do-Gooders

(By Richard W. Poston)

Whether a sucker is born every minute or every hour, an unusually large number of them seem to land in some government social service agencies and among foundation grant-givers. These are well-intentioned suckers, to be sure, but suckers nonetheless—people who are so eager to do good that they are often easy touches for the hustlers.

Rarely have they been easier targets, though, than in the case of giving large sums to city street gangs, a nationwide practice that came into vogue during the late 1960s as a way of aiding ghetto youths. And few gang members have been more adept at prying loose the grants than those in "The Real Great Society" on New York City's Lower East Side.

Built primarily around the leaders of two violent gangs—Angelo Gonzales from the Dragons and Carlos (Chino) Garcia from the Assassins—this ghetto group was clothed in an aura of glamor, advertised from coast to coast, and became one of the most widely used models for promoting federal and private grants to street gangs. It was one of the most incredible games of myth-making in the history of American social service.

Born in New York City to hard-working Puerto Rican parents who never ceased worrying about him, Angelo was indoctrinated in his early teens into the sordid life of the ghetto streets. He never finished high school, and his prowess as a street fighter, his ability to brag and cheat and con, enabled him to rise to the prestigious position of a Dragon warlord.

"As a warlord," he told me, "I was the guy who said when we would fight another gang. I had to be the first cat on the scene.

I had a suicide squad we called the Magnificent Seven that took the most dangerous risks. Man, we did about everything, fight, mug, steal."

At age 15, he and three members of his cadre followed an elderly man into an elevator, killed him, and stole his money—$2.60. Angelo was caught and, as a juvenile, was sentenced to 3½ to 5 years. In prison, he decided that would be his last criminal act.

The same ghetto conditions that produced Angelo also created Chino. Born in Puerto Rico as one of six children, he was brought to New York by his parents at age 5. Within a few years he, too, adapted to the streets. During his teens, Chino, like Angelo, developed a large muscular build. He dropped out of school at the 9th grade level and rose rapidly as a hoodlum, roaming the streets and subways with a mugging ring and building his reputation in the Assassins.

"We used to go into another gang's territory," he said to me, "and play knock-knock. We would go to a guy's door and knock, then shoot the cat that opened it. We did sniping from rooftops or from anywhere we could hide. We pulled robberies. Mostly mugging. And we made money with whores and homosexuals. We gave them protection."

Chino was in and out of jail so many times that even he could not remember how often, and at 17 he was told by the police to leave the country, or else.

He went into "exile" in his native Puerto Rico. There, feeling weary of the violent life, Chino made up his mind that he, too, would look for something new.

Both Angelo and Chino returned to Manhattan's Lower East Side in the summer of 1964. The two gang leaders started running together again, looked up their former street friends—many of whom had become either junkies or pushers—found the Dragons and the Assassins virtually dissolved, and set out to form a new gang, this time to "do something positive." What that might be they didn't know—perhaps combat delinquency, start legitimate businesses, prevent riots. Like many street youths, their imaginations were almost without limit, and despite several tempting opportunities to make real "bread" by working for the Mafia, they stuck to their dreams of fabulous good works. But except for a small club room they fixed up in an empty basement, from which they were evicted for too much partying, that was about it—dreaming, drinking, smoking pot, interludes with girls, and in their flights of fantasy, doing all the great and wonderful things they talked about.

What changed all this were persons from outside the ghetto. First came two brothers, Mike and Fred Good, then in their early 20s. They came from a middle-class family in a Philadelphia suburb, wound up on the Lower East Side, and through a series of chance events became loyal confidants to Chino and Angelo and their street friends. Short on experience in social problem-solving but long on idealism, exceptionally bright and eager to improve the human enterprise, Mike and Fred found the gang leaders the most exciting individuals they had ever met. They rented an apartment to serve as club headquarters and immersed themselves in Angelo's and Chino's dreams of good works.

Following closely on the heels of Mike and Fred came a young professor named Charlie Slack. Charlie, who had a Ph. D. from Princeton, personified the avant-garde. He also had the flair of a Hollywood press agent and a string of personal contacts with people in influential positions almost everywhere. Charlie, too, became a confidant of the gang leaders, and with his promotional talent, along with that of Mike and Fred, scores of prominent individuals, college students and professional grantsmen were attracted to the apartment to join in nightly "rap sessions" in which the dreams of good works soared to ever ascending heights—leaving all who came carried away by the romantic notion of tough gang leaders out to reform and rehabilitate one of the nation's most vicious social jungles, the Lower East Side of Manhattan.

"With Charlie in the picture," said Fred, "it became a really insane, Disneyland kind of framework. Nothing we said we could do seemed too big or impossible."

Meanwhile, in Washington war had been declared on poverty, and a crash effort was under way to find projects that the government could support. From bright young bureaucrats and private consulting firms that mushroomed to get in on the poverty business, from professors, foundation executives, psychiatrists, clergymen and an assortment of well-to-do amateurs, came a new idea: Members of urban street gangs, despite their history of delinquent behavior, are not really bad guys, but talented neighborhood youths who possess charismatic powers of leadership that make them uniquely equipped to serve as conduits for federal and private money with which to organize slum-trapped young people into worthwhile activities.

Among many professionals active in the antipoverty campaign, this idea gained rapid acceptance, and at Mike's and Fred's apartment the flamboyant Charlie soon realized that it wouldn't be at all difficult—indeed, would be an interesting lark—to build the Lower East Side gang leaders into national celebrities.

So, billed as the "West Side Story" boys, now in the vanguard of a ghetto youth movement that could make the poverty war succeed, Charlie put the newly named Real Great Society on a circuit of personal appearance tours that reached across the nation. Taking cues supplied by their middle-class promoters and confidants—including eloquent quotations from Jefferson to Kennedy to Johnson—the gang leaders were provided with platforms on college campuses, at national and regional conventions, and at local service clubs. They were put on television and radio, extolled in the press and in several leading national magazines, wined and dined by local bigwigs, and wound up their evenings with the inevitable girls and parties. At every stop it was a repeat performance, and almost every time they brought their audience to standing ovations with stories of how they as big-city gang leaders were reforming New York's Lower East Side—even converting it into an area of "smiling cops."

As the fantasy grew so did the stories, and being human, the gang leaders began to believe their own publicity. At the University of Wisconsin they so impressed an audience of judges, probation officials, and police officers that in the heat of the moment, Angelo, quoted in the Wisconsin State Journal, climaxed one speech with the sweeping announcement, "Juvenile delinquency in New York is dead."

"It was a traveling road show," said Charlie. "Full of heroics, way overblown, a terrific attention getter. And the guys got so they could really play it. They were natural born actors anyway. They loved an audience. They loved attention. They were crazy about traveling. They had a ball, and I had a ball just being with them."

Having had his fun, Charlie eventually dropped from the scene and moved on into the consulting business. But by that time the myth had grown to dramatic proportions, the famous image that made The Real Great Society a magic name in antipoverty circles had been established, and the gang leaders themselves were so widely credited with achievements they had not accomplished that it was no longer necessary for them to settle down to the real work of actually doing the things they had talked and dreamed about.

Then, to confirm the image, Fred, along with other promoters who came in from outside the ghetto, put out proposals that started a flow of foundation grants—$15,000, $25,000, $50,000, and more. Several projects were begun including three new businesses—all of which soon failed because of mismanagement and inadequate guidance. Highly publicized, but with no mention made that they had failed, these ventures increased still further the fame of the Lower East Side gang leaders and greatly enhanced the idea of federal and private financing of urban street gangs throughout the nation.

Then came the largest and most important project to fuel the myth. This was an educational program known as the "University of the Streets," which used voluntary teachers and offered vitrually any subject that a group of six or more youths wanted to study. Started in the summer of 1967 with a private grant of $25,000, the project in 1968 brought the gang leaders a quarter of a million dollars from the Office of Economic Opportunity. But again, certain important facts were carefully omitted from the publicity—and from the campaign that brought in the federal money.

One of the most glaring omissions was that the University of the Streets was neither started nor operated by the gang leaders, but by Fred and other volunteers who came in from outside the ghetto, along with many unglamorous poor people in the neighborhood who were not members of The Real Great Society. This omission further embedded one of the major myths upon which the government grant was based; that the gang leaders were doing the work that made it possible for sources of outside aid to reach thousands of ghetto youths. With the romanticism toward street gangs that had built up in Washington—for which the promoters of the Real Great Society were largely responsible—the OEO grant-givers made no effort to examine the facts or to provide either training or technical guidance for the administration of the funds. It was simply assumed that the gang leaders, by virtue of being gang leaders, now widely renowned as social reformers, already had all the expertise they needed to qualify them as managers of the government money.

Those who actually were organizing and operating the University of the Streets, fully aware that the magic gang reputation was making the federal and private financing possible, were willing—at least for a while—to go along with the myth. They let everyone continue believing that the university was the gang leaders' own doing.

But as time went on, strains developed between the gang leaders and the university's organizers and staff over how the school was to be run—and by whom. The gang-leaders, with their inflated self-image, became increasingly determined to control the money and maintain the high living to which they had become accustomed. But the workers became increasingly resistant and the rebellion grew. The myth upon which the financing had been based was becoming, to the workers, more of a liability than an asset.

Through a series of maneuvers the workers managed to get Muhammad Salhuddeen, a locally respected black man of the streets in his late 30s, who had attempted to arbitrate the conflict, appointed director. With that accomplished, the workers gained the support of a group of neighborhood parents and decided to convert the University of the Streets into an independent operation free from the Real Great Society influence. But as this move took shape, the gang leaders, seeing their most valuable source of funds in danger of slipping away, reverted to their violent past.

Repeatedly they tried to get rid of the workers, but the workers refused to quit. The resulting internal power struggle caused the bulk of the government's $253,557 to be wasted, and brought the University of the Streets to a standstill. OEO, still enamored by the myth, backed the gang. With this support from Washington, along with assurances that they could close the university entirely and still be eligible for federal funds, the gang leaders, with a band of cronies from the streets, moved in and physically demolished the project. Doors were torn from hinges, light fixtures ripped out, windows smashed, library books thrown on the floor.

But that didn't seem to disturb the Washington grant givers. The Real Great Society they were was awarded additional federal grants totaling $155,000, money which resulted in little more than another payroll operation in the maze of human despair that still prevails on Manhattan's Lower East Side.

Meanwhile, the workers at the University of the Streets, led by Muhammad—whose patient efforts to keep the peace were all that avoided bloodshed on the day the project was wrecked—repaired the damage. Then, after a year of mostly payless paydays and almost unbelievable struggle to keep the project alive—able to gain only meager financial support because it no longer had the famous gang image—the program was gradually put back into operation. Finally, in 1970, it succeeded in gaining financial aid from the Department of Health, Education and Welfare, plus additional funds from New York City and a few private sources. At present, the University of the Streets is supplying vocational training to approximately 300 Lower East Side street youths. It has become an independent neighborhood program, and the workers' productivity is not a myth.

But myths about street gangs seem to persist. Certainly, few could quarrel with the goal of opening new opportunities to the millions of ghetto youths who need help. But to regard urban street gangs as appropriate instruments for accomplishing this urgent task, to publicize and build them into something they are not, is to set our society up for million-dollar hustlers.

If we are to help ghetto youths, we must be honest with ourselves and as objective as possible about the facts in each case. Every street gang is not a "youth group" uniquely suited to lead the necessary social reforms; many gangs must use brutal beatings and murders to recruit dues-paying teenagers. Nor can we fall for the line that some of the larger street gangs, such as those on Chicago's South Side, are major political powers; the fact is that their chief opponents are the residents in the very neighborhoods in which they operate.

We also must be less romantic about how grant money is used. It may not sound very glamorous, but appropriate supervision over the funds is essential, as is counseling by workers committed to constructive change. Unless we do become more realistic, it will be difficult to say which is the greater obstacle to delivering the help that is needed—the gangs or the "establishment."

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, the House will shortly cast what may be properly characterized as our paramount moral vote of the session. During the 7 years since its inception in 1964, the antipoverty program has afforded a modest shield of protection to the disadvantaged—the poor, the elderly, the young, the nonwhites. While the bulk of its programs which have received maximum publicity have been urban-oriented, it has also provided economic and social assistance to the oft-forgotten but ever-present rural poor.

Until 1969, this Nation was winning the war against poverty. Unfortunately, the tide has turned in the opposite direction. Latest statistics indicate that in 1970 the number of poor persons increased by over 1 million from the 1969 level. The rejection of the conference report before us could but result in yet a further setback in our efforts to eliminate want and misery from this Nation.

It has been my heartfelt hope that

this year would not witness but yet another repetition of the acrimonious debate and division which unfortunately has been the biennial hallmark of OEO extensions. The House Education and Labor Committee under the dedicated and skillful leadership of its Chairman, Carl Perkins, fashioned a bill which was cleared by the committee on a bipartisan vote of 32 to 3. The House followed suit on October 1 by giving its approval to the Economic Opportunity Amendments of 1971, 251 to 115, a majority of both parties voting in the affirmative.

The conference report in all significant areas, incorporates the House position. In light of this, I was therefore disappointed to learn that all but one of the Republican House conferees had refused to sign the report.

I am informed that this was the result of White House pressure and that the administration has mounted an all-out fight against House adoption of this report. It has been aided and abetted by some of the most vicious rightwing propaganda I have ever witnessed.

I will readily concede to those who must judge every action, every vote, solely on the bookkeeping basis of political assets as against political liabilities, that many Members can undoubtedly vote against antipoverty with political impunity. But I do not believe that we can answer the roll today on the basis of such narrow and shortsighted criteria. Neither do I think that a majority of the House, at this season of the year certainly, will elect to turn indifferently its back on our less fortunate fellow citizens.

Mr. Speaker, I cannot believe that this body would choose, less than 3 weeks before Christmas, to play the role of an unreformed Ebenezer Scrooge.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, on many occasions I am proud to be associated with the remarks and view point of my distinguished friend, the Speaker of the House, but on this occasion I differ with the gentleman very strongly.

The White House is opposed to this legislation and to this conference report, and it is doing as any administration has sought to do where it differs with a legislative conclusion to express its will. Therefore, I certainly disagree with the observation made by my distinguished friend, the Speaker of the House. I cannot imagine any lobbyists, if that is what you want to call them, from the White House, influencing the distinguished Member from the State of Oregon, the gentlewoman (Mrs. Green).

I think she has a reputation in this body of expressing her own views, some of which I agree with and some of which I do not. But her explanation of the need and necessity for reform of OEO ought to convince any open-minded person that this conference report should be defeated. She has over the years supported the OEO legislation.

She has made a study in depth—and not just this year but over the years, and certainly the arguments made by her should be most significant for those who have an open mind on whether or not this conference report should be defeated.

But there are other parts of the conference report that also ought to be discussed and considered and which, in my opinion, justify the need and the necessity for the defeat of the conference report.

We have a new section or title here involving legal services. Legal services over the years has been in trouble from the west coast to the east coast and from the northern border to the South.

An honest attempt was made by the administration to come up with a legal services organization that would have more autonomy. The ABA, the American Bar Association, submitted its proposal to provide a legal services operation.

But this conference report goes contrary to what the administration recommended. It is contrary in certain aspects to what the American Bar Association recommended. The conference report is fundamentally in opposition in a very important part to the recommendations of the administration and to some extent to the American Bar Association.

The Child Development Act is opposed here by five Members on our side. I think four of them are basically interested in the child development program and their opposition is not the concept but to the way that the conference committee has provided for the delivery system of the services.

The gentleman from Minnesota (Mr. Quie), the gentleman from Oregon (Mr. Dellenback), the gentleman from Wisconsin (Mr. Steiger), and the gentleman from Idaho (Mr. Hansen) are not opposed to the child development program—but they cannot swallow this program and, therefore, I think we ought to be guided by their observations and by their comments.

For the reasons given by the gentlewoman from Oregon (Mrs. Green) and for the reason that the conference report is contrary to the administration's recommendations on legal services, and for the reasons given by the gentleman from Minnesota and others, in my opinion, the conference report ought to be voted down. I think we can do a better job on this legislative package if not this year then certainly next year.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentlewoman from Massachusetts (Mrs. Heckler).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I wish to thank the gentleman from Kentucky (Mr. Perkins) for yielding and giving me an opportunity today to express my views.

Mr. Speaker, I feel that in the last 5 years as a Member of this distinguished body, honored as I am to be in this Chamber, I have not yet voted for a perfect piece of legislation.

I think the question we have to ask ourselves as we analyze any bill is whether or not it serves its basic purpose and if it has flaws, whether or not those flaws are fatal to the realization of the goal of the legislation itself.

It seems to me that the concept of quality child development services in itself is urgently needed in America today.

It would be wonderful if every child in America could grow and flourish in the warmth and security of a happy, healthy home under the loving care and attention of its mother or a close relative.

It is to the credit and benefit of our society that many million American children do just that. They are fortunate.

But it is also a fact of life that many do not, many cannot, many will not. I repeat, this is a fact of life.

In the real world of today, many mothers work, out of choice or necessity. Others may be sick, or otherwise simply incapable of caring adequately for their children.

The result is children whose preschool or after-school care ranges from none at all to catch-as-catch-can babysitters.

No care is the cheapest solution to the problem, but what price do we pay in the lack of security and guidance? Baby sitters cost money, be they adequate or inadequate, and there are not nearly enough to go around. In our mobile society, older family members, who used to be nearby, now live in another State.

Those of us concerned about this situation have worked to develop a sound, plausible answer to a situation that is by no means ideal but which, nevertheless, is a real one in this country today.

And that is a system of quality day care facilities, supported by Federal funds, that can offer the very best environment and care that it is humanly possible to provide in such a setting. What is the Federal stake in the situation? It is the working women, who, knowing their children are well cared for, have peace of mind, and it is the children of America who can be better, happier citizens because of it.

Lest anyone doubt the reality of their need, let me pass on to you the experience I have had in regard to the subject of day care.

I have long been interested in the subject of day care and have been involved in developing a program, almost always with the benefit of counsel and information provided by experts, by the social engineers who speak from drawing boards and learned analyses. As the issue moved to the forefront and awaited congressional approval, I decided to find out what the people for whom it was being prepared thought about it.

Two weeks ago, I held a hearing on day care in the city of Fall River, Mass., in my congressional district. Fall River was appropriate for such a hearing because it is a heavily industrialized city of 100,000 where nearly half the entire work force is women. Many of them are the sole support of their families. And many have the added handicap of a different mother tongue than English.

The estimate is that there are some 8,000 working women in Fall River with children under the age of 14. This means upwards of 25,000 children who require some kind of day care. And that is one city in the United States, which, I am sure, has many, many counterparts.

So more than 650 people came to the hearing. They ranged across the entire spectrum of Fall River's population, from the chamber of commerce to organized labor, from the individual working mother to the personnel manager of a large insurance company. Some spoke, others spoke only by their presence. And they were unanimous in their response: they all want a system of quality day care centers. Their emphasis was on need and on quality.

I would not want it on my consicence that we have denied them in their need because of details. We must not lose our perspective and become preoccupied with hair-splitting while the needs of millions of women and children remain unfulfilled.

Our principal concern should be with the concept itself and with the criteria for quality of care extended to these children. The 25 criteria for sponsorship set up in this legislation are so complicated and so restrictive that I see it as self-perfecting. The Secretary of Health, Education, and Welfare is the ultimate arbiter of whether applicants meet this criteria and I have a great deal of regard for Mr. Richardson. I feel that he himself will constitute the toughest criterion.

But this is not just a concept. It builds on the Headstart experience which we know has proven valuable, not only to the children, but also to both their parents. This too embodies the freedom of choice, and, once that choice is made, totally involves the mothers and fathers who themselves derive benefit from what is probably an even deeper awareness of the needs of their children.

We have child care now under the social security program, so there is no great precedent here. What is here is the question of whether we want a custodial function or quality that produces an end result: better parents and better children.

Is the price too high? We spend a great deal of money on programs to combat drug abuse and school dropouts. Why not spend some in a preventive function and hopefully obviate the need for federally funded drug and dropout programs in the future.

All of us know there is usually a considerable difference between authorization and appropriation and that we have control of both. If the $2 billion authorization in this bill is really the nose of the camel under the tent, it is our privilege and responsibility to see that a more realistic amount is made available, keeping in mind that there is an ability-to-pay fee system provided for.

I feel very strongly that this program should include personal participation by way of fees. I do not foresee it as totally funded by the Federal Government. For one thing, fees will introduce a socioeconomic mix which I think is necessary to the success of the program itself.

If the delivery system is imperfect, it can be corrected by practice and experience. Let us not be guilty of presumption and condemn a program before the fact. Is there no recourse to us in future sessions? Do we go out of business when we approve this bill?

The situation is not perfect, but it is real.

Let us respond to it now.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, if the gentlewoman from Massachusetts (Mrs. HECKLER) is in the Chamber, I would be glad to yield for a question. I am happy to yield 1 minute to the gentlewoman.

Mrs. HECKLER of Massachusetts. I thank the gentleman. I appreciate his yielding to me. I would just like to mention further the testimony of some people in support of this program. I know that the public hearing in Fall River demonstrated a broad spectrum of support that far surpassed any of my expectations as to the interest, the concern, and the need. Those who participated in the hearing, from representatives of the Chamber of Commerce to working men from the unions, the school superintendent, a psychologist, social workers, Headstart mothers, and the waitresses at the very public building in which the meeting was held and who asked to testify showed that we could have held hearings all night long because women who work, and with whom I am particularly concerned, need the peace of mind to know that their children are safe. It seemed to me that the outpouring of sentiment was testimony from the real world that we do not often get in Washington, where such sentiments are distilled by the pronouncements of experts.

Those who spoke were extremely strong in their support and their announcements of the need for quality day care and child development services. The key word here is "quality." It seems to me that quality is the highest criterion.

The importance of quality is what this conference report stresses, and I urge its passage.

I thank the gentleman for yielding.

Mr. SCHEUER. I totally agree with our gentle colleague from Massachusetts. If ever there was a classic case of washing the baby down the sink with the bath water, this is it. There is not a Member on either side of this Chamber who has not had some reservations about virtually every piece of legislation they have voted on. I have voted in the last 7 years on perhaps 1,500 pieces of legislation. I would vouch that not one of them was delivered to us perfectly cast in a heavenly mold from Mount Sinai or Mount Olympus. We are imperfect human beings dealing in this poverty problem, the most extraordinarily complicated, anxiety-ridden, tension-ridden problem that urban civilization has ever produced. Of course, these are flaws. Of course, there has been imperfect administration by the Democratic administration that preceded this as well as by the present administration.

But let us get on with the job of giving our children, the middle class and poor children alike—the preschool training they urgently need.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, the House today has a great responsibility as well as an opportunity to enact into law a comprehensive program for the benefit of children. So often in the 7 years of experience that I have had before this body dealing with programs that benefit children we are merely asked to take into consideration compensatory education programs to help alleviate the problems that children encounter after they have reached school age or have become teenagers. These compensatory programs have not by and large been entirely successful, because we are trying to reach these children too late with too little money.

We have been faced by enormous research documentation and reports which indicate that where we have failed in American education is by not according attention and concern to the very young child. This is precisely what the early childhood education bill does. It provides funding at the time the children are impressionable, where their educational opportunities will produce the dividends which we are seeking when they enter into formal education.

There are 5 million young children today who could benefit from a program such as is conceived under our early childhood education amendment in this comprehensive legislation. These young children will be given an opportunity not only for educational adventures at an early age, but also for a comprehensive approach toward their social and behavioral attitudes which are crucial in the development of these children as they begin their formal education.

There are many millions of young children who are today in day care centers that provide no educational content at all. They are merely being provided custodial services. This program will allow us to extend this program and provide them with these educational services.

Mr. Speaker, I hope the House will support this legislation.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, there are a number of valid reasons for objecting to this bill and to this conference report but, in the time available, I shall confine myself to the inclusion in this package of the Brademas or child development amendment.

As the sponsors of this amendment say, it is the most sweeping—and, I think we might fairly add, the most revolutionary—program of child care by and on the part of the Government of the United States in all of our history.

With this program the Federal Government enters into every home, into every playroom, into every nursery in the United States of America.

It enters, I may add, surreptitiously and by the back door—presented here in this House one afternoon as a 60-plus page so-called amendment, without a rule, in violation of all orderly procedure, and voted on and adopted by three votes by a House most of which knew little or nothing of the subject matter before it.

This mammoth and very expensive program of "child development" is, as its sponsors emphasize, not merely for those who need help and assistance and a chance they may never have had at the welfare or the poverty level, nor is it merely day care for the children of the working poor—its thrust, admittedly, is for an overall program of custody, nutrition, education, training, and social indoctrination from a tender age—not at the hands of the family, but at the hands of the Federal Government, and covering people of every economic and social level in our society.

True, today we are presented with a voluntary program. But in view of the obvious disposition of many of those who support this measure to believe that the State can do a better job of child rearing than can the American family, and in view of the trend of modern society, I think we are entitled to wonder how many years it will be before we are back here considering a bill involving some form of direct or indirect compulsion.

And why should you and I—taxpaying and self-supporting Americans—why should we, in any case, have made available to us, on any basis, a program which permits us to have our children largely raised by Federal welfare workers and bureaucrats? This is a job we ought to do ourselves.

I am not interested in technical arguments about the details of delivery systems.

I say that it is wrong in principle and contrary to our heritage and our traditions for the Government of the United States to take over from the parents of America, on any basis, the education, the training, and the rearing of America's children.

If we do this, we change the America we have known—and we change it, in the long run, for the worse, not for the better.

We trade in the old American belief in the private family and home—however humble—for the gospel of social welfare, administered by the case worker and presided over by the politician.

In good conscience we ought not to do this.

I urge the ejection of the conference report.

Mr. QUIE. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. Waggonner).

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, from the text of the debate in the Senate, as it appeared in the Record for December 2, 1971, on the question of the Economic Opportunity Amendments of 1971, it would seem that the proponents are relying on the proposition that institution of the so-called comprehensive child development program will, when operational, strengthen the family unit. To suggest that the proposition is wrong would seem to me to be almost self-evident. But let me explore further.

It would seem that proponents of comprehensive child development do not fully understand the implications of their prescriptions, or else, as a matter of strategy, they are verbally denying what they in fact are attempting to do. I would like to think that it is the former, but in any event their fundamental stated premise is that comprehensive child development will strengthen the family. We should address ourselves to this suppressed premise of the bill.

The "child development" program, we are told by the bill, will be carried out through a system of local "child development" centers as authorized and chosen by the Department of Health, Education, and Welfare. These centers will be established, we are told, not for custodial purposes, not to release the welfare mother for work, but to provide a system of child development services which are needed by millions of children. It would seem that if one accepts the proposition of such need, one is actually saying that the family is not able or willing successfully to undertake its assigned task. Because universality is recommended as a future objective, one has to conclude that the premise is that the family is unable to perform successfully. If, in the alternative, the proponent would deny this, then what he must say is that a child has an inherent need for the services which will be made available at the child development centers, services which the child simply cannot get at home. If he would deny that also, then he will have successfully denied the need for the program.

Therefore, in analyzing the program we are able to say that either the family has failed, or there is an inherent need for some kind of communal, institutional arrangement if children are going to successfully "develop." The only other option is that a proponent would believe both; he could not reject both without rejecting the program. But, Mr. Speaker, that is exactly what the advocates of child development have been doing. They have merely asserted the need for child development centers without ever having analyzed the need.

To consider whether child development strengthens the family, it was necessary to look to need, as suggested by the proponents. To fulfill either or both of those needs, as analyzed, is the substance of the program—in this case it is either that the family has failed in its responsibility to its children or that it is inherently defective, except perhaps in certain select situations. But in either case, one cannot really contend that the objective of the program is to strengthen the family. To do so is pure strategy, devoid of the substantive considerations of the so-called child development program. This program will not strengthen the family, but is an attack—veiled or otherwise—on the family itself. No amount of rhetoric will obscure that fundamental point.

Mr. Speaker, I include Senator Paul Fannin's remarks taken from the Senate debate at this point in the Record:

Mr. Fannin. Mr. President, I shall vote against this conference report. Almost 3 months ago this body approved Senate bill 2007, which included among other things a proposal entitled a "comprehensive child development" program which according to section 501(a) (1) of the bill is required, because millions of children are suffering from the lack of "child development" services. Furthermore, the language of the bill notes that Congress has determined that "child development programs" are "essential to the achievement of the full potential of the Nation's children." To begin with Mr. President, I am not at all sure that the Congress, or anyone else, for that matter, has determined beyond doubt any such thing.

On the contrary, recent sociological and psychological studies are confirming what man seems to have intuitively known all along: that a child, out of the natural environment of the parent-child relationship, suffers. In the formative years, major inroads on time and allegiance into the singular relationship of the parent to his child can cause severe harm. We are now hearing that institutional care is less effective than the natural relationship the child has with his parent, even if the latter is not blessed with a Ph. D. In considering this so-called child development program we ought not be sidetracked by overly optimistic rhetoric which, when employed by the sponsors and proponents, would lead us to the conclusion that comprehensive services of the nature indicated in this bill are essential to the development of a child's full potential and are inherently superior to the individual relationship of parent and child.

There are many problems with this so-called child development program, not the least of which is the fundamental premise upon which the program is drafted. Many who oppose this program have been rightly concerned over the apparent open-ended financial commitment we will be making should we adopt "child development." The conference report, No. 92–682, authorizes a $2 billion, 1 hundred million expenditure by the fiscal year ending June 30, 1972. The original legislative sponsors have promised us that an annual doubling of amounts will be needed to deliver in basic forms these allegedly desirable services to children who just do not know how bad off they really are. Secretary Richardson and the Department of Health, Education, and Welfare have been quoted to the effect that we are talking in terms of about $20 billion at initial program operational levels.

In addition, the administration of this program is another factor which has troubled more than a few. The provision for prime sponsorship and cultural units whose numbers exceed 5,000, will engender a bureaucratic monstrosity heretofore unknown to this city—and as the Members know, this is not a city in which bureaucracy is unknown.

As important as these considerations may be, they presume the acceptability of the program itself. Simply because a program might have been made less expensive or provision made for more efficient administration does not mean that we should sanction the program. Mr. President, this call for child development, a misnomer which more properly should be designated child control and reform, is not a good program. Its premises are very wrong and most dangerous, for apart from the beautiful words, is the notion that the parent is a failed experiment. To be sure, the conference report has tightened up considerably on the language dealing with parental permission, but Mr. President, when we get down to basics we must determine how this program will be realized. When instituted, the parent-child relationship will be significantly altered, and done so on the suppressed premise that so-called professionals are allegedly better equipped to fashion the personalities and destinies of your youth.

Some have contended that all this business about parent and child is a phony issue. However, we have only to look to the words of key child development sponsors to conclude that not only is the value of the individualized parent-child relationship a real issue, it is the fundamental issue; not just to me and those who are unalterably opposed to this experiment, but to those advocating massive governmental intervention into the lives of those as young as 18 months.

As strange as it might seem to most Americans, there are many who feel that the parent ought not be trusted with the responsibility of bringing up his child, although it should be pointed out that the advocates always talk in terms of "shared responsibility" and "partnership." A key advocate of institutional intervention into child upbringing is Dr. Reginald Lourie, president of the Joint Commission on Mental Health of Children. Dr. Lourie testified before a congressional committee, saying that—

> "There is serious thinking among some of the future-oriented child development research people [himself no doubt included] that maybe we can't trust the family alone to prepare young children for this new kind of world which is emerging."

He indicated that the shortcomings of the family is one of the reasons why they felt they needed to have access to the babies.

I might add parenthetically that any real concern for this new kind of world ought to be directed toward holding in check the enthusiasm of those Orwellian planners who, using government as the agency of their selected reform, feel that they can bring up America's children better than one's own parents.

Dr. Lourie views the current relationship that a child is exclusively within the authority of his parents as depriving the child of much needed and desirable professional and institutional child development. It is Lourie's thesis that a new order of child is mandated for his brave new world—and it is because the child has been cloistered within the family relationship that he is destined to lead the imperfect life. To insure against that, Dr. Lourie contends that access to children must be had during the first 2 years of life because it is then that the brain will be growing faster and absorbing its impressions and establishing its subsequent habits which will be with the child throughout his days. Lourie said:

> "[The brain] is then . . . most plastic and most available for appropriate experience and corrective interventions."

Mr. President if we have anything to fear it ought to be those who suggest that what this sorry world needs is corrective interventions into the forming personalities of our young.

Another who has endorsed these child development techniques is Arlene Skolnick, who, in the August 1971, issue of Psychology Today, went to the brink with her rhetoric when she titled her little piece "Families Can Be Unhealthy for Children and Other Living Things." In this article Miss Skolnick contends that comprehensive child development programs are "a means of rescuing children" from the isolation that is family life whether it be from families of affluence or poverty. She further contends that the "family—read: parent—is not a psychological necessity" and that it is "the myth of the family" which "blinds us to the dangers" of our present child development arrangements—which is to say that families can be unhealthy for the children and other living things.

One congressional sponsor said in support of this bill that with the adoption of comprehensive child development we will have finally recognized that the "child is a care of the State." Mr. President, the child is not the care of the State, he is a care of his parents and the parents are a care of themselves and their adulthood. To suggest otherwise is subversive of the true and proper ordering of life.

Now one might respond that such is not the proposition of the bill before this body. But the language of the bill and the intent of the framers requires one to conclude that a basic lack of faith in the parent as properly responsible for the children's development is the essence of the bill. The language of the bill indicates that rich and poor alike just do not have what it takes to be good parents. Some however, restrict their condemnation to poor parents. Well, Mr. President, the amount of money one has has nothing to do with the true quality of a father or mother. To suggest that one is going to be a lousy parent, because he is poor is snobbish and dangerous.

We are told in this bill that all children should have comprehensive child development services and that universality should be the program's ultimate objective. No other conclusion is possible: The parent is a failed experiment.

Here I should like to return to the point that not only is this view outrageous, it is, pure and simply, wrong. Recent studies by Dr. Konrad Lorenz among others have yielded results just the opposite to what the Louries and Skolnicks would have us believe. Lorenz contends that institutional child care in which parental responsibilities are assumed even in part by an agency can cause what psychiatrists call "the disease of nonattachment." Among the manifestations most often connected with "nonattachment" is the inability to cope with or discipline one's own aggressive impulses and the tendency toward emotional mutation where the lack of a consistent and dominant family atmosphere in the formative years find children later who are unable to feel joy, grief or remorse.

Mr. President, only sketchily have I been able to express my thoughts and concerns over what I see as the fundamental issue involved in title V of this bill—Economic Opportunity Amendments of 1971. There is no doubt in my mind that the firmness of our national mental health is directly related to the vitality and integrity of our family life traditions. I am also convinced that this experiment whether we choose to call it child development or child control is an adventure which will prove progressively destructive to the institutions and traditions of family. I am especially sure that if the American people knew and understood what we may very well be on the verge of approving that there would be loud and convincing objection to this radical departure from our sound family arrangements. In fact, although this bill has been largely ignored by the popular media, there has still been growing alarm over what we might be about to do.

And that brings us to a final question, what are we about to do if we approve comprehensive child intervention? About the only thing we know is that child development centers will be established to recreate our kids in a textbook image. But absent from the legislation is just exactly what that means. During the House debate on September 30, 1971, an inquiry was made as to the nature of "child development services" and no answer was given.

Listen to what child development proponent Alice M. Rivlin, writing in the December 1 Washington Post, said:

> "While there is some vagueness about what 'child development' actually is . . ."

Let us stop right there. "Vagueness?" That means no one has bothered to spell out what we are about to do. What this bill in fact does is grant the authority over to the Department of Health, Education, and Welfare to determine what it ought to do to make children good and pure. What that means is that the Louries and Skolnicks will be drafting the programs. That I am not sure is really something I want seen done—with my children or anybody else's children.

But Miss Rivlin told us more when she wrote, that while the program is vague as to its tools:

> "It is very clear what this program is *not*. (Her emphasis). First it is *not* just a babysitting operation to provide custodial care for children while their mothers work."

At least Miss Rivlin is honest about the whole thing. Many have heard and accepted the idea that all we are about to do is establish day-care centers for working mothers. Nothing could be further from the truth, what we are about to do is sanction massive psychological and sociological interventions—corrective interventions—as Dr. Lourie tells us—to produce what Dr. Lourie thinks would be a better child.

Mr. President, what we have before us is a serious challenge to the family. What we have is another step toward the Orwellian vision of 1934. It is said that these fears are "pretty farfetched," because this program is going to be voluntary. The response is overly legalistic and avoids how the program will and necessarily operate. Even language in the conference report provides for funds to solicit recruits for the child reformation centers. Further, when the program is being operated by those training in its advancement, does anyone seriously believe that the parent will have anything other than a de facto obligatory arrangement. I am not impresed with the protection provided by the bill, because it is clear what the sponsors and proponents have in mind, whether they know it or not it is 1984. It is communalization of what should be personal and private. It is a disaster. It should be defeated.

Mr. WAGGONNER. Mr. Speaker, it is contended by the proponents of this legislation that there are millions of deprived children, deprived, one assumes, of established child development services. For the sake of argument, let us assume the proponents have correctly assessed the situation, though I should point out that the proponents extravagantly overstate the need. But let us assume they are correct. Will child development programs, when instituted as outlined in this bill, help them, or will it further retard them?

Evidence of psychology indicates that the children would not be helped. Significant psychological research is pointing to the proposition that institutionalized child care is dangerous for the child's mental well-being. Findings have indicated over and over again that the younger the child, the more danger such programs could be to his psychological development. It has also been shown that it is dangerous to the mental health of a child for him to be shifted from one center to another, to be cared for by one nurse after another, to be administered to by one technician after another. This could lead to the development of an insecure, unloving child and could foster a destructive adult personality.

Dr. Konrad Lorenz calls this syndrome the "disease of nonattachment." It takes the form of an inability to cope with one's aggression, and of a profound emotional stultification. And its cause is the lack of a strong family atmosphere.

Dr. Dale Meers has recently completed a study of "International Day Care: A Selective Review and Psychoanalytic Critique." Some of his observations and conclusions are deeply unsettling, and I wonder that the advocates of child development can so blithely fail to take them into account. Let me quote a few passages from this report.

> Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. . . .
>
> The early years from birth through three appear developmentally as the time of maximum psychiatric risk, and failures of psychobiologic adaptations are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies. . . .
>
> . . . clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure . . .

This is indeed a dreadful panorama of possibilities to spread before ourselves, and to wish to undertake upon our shoulders.

The United States in 1964 became the first nation to subsidize a radical conspiracy against its own legal system. This it did through OEO's so-called legal services program—a program I prefer to call an "illegal disservice." The objectives were laudable enough: To give the poor greater access to the courts by providing competent legal assistance at little or no cost. Few could argue with this.

But from the best of intentions have come the worst of actions. Today the legal services program of the national poverty agency—a program we are asked to perpetuate and make "independent"—stands as a monument to tunnel vision. Legal services is helping some of the poor, but at what cost.

The tip of the financial iceberg is seen in the Reginald Heber Smith Fellowship program. "Reggies" as they are called, are given a crash program in instant revolution, sometimes termed poverty law, and assigned to legal services programs throughout the country.

The press has reported on Reggies who have become pillars of the antidraft movement, defenders of narcotics users and builders of a counterculture that feeds like a parasite off the taxpaying majority of Americans. A recent magazine article told of a young Reggie who drew a $10,000 stipend from the Federal Treasury—the American taxpayer—while he cavorted about his commune, working for the "movement" and enjoying the pleasures of group sex.

Reggies have been implicated in the bloody killings of San Quentin that saw revolutionaries assassinate prison guards with a gun believed to have been purchased through the legal services program.

In scores of States and hundreds of communities radical young lawyers of legal services have tried to make instant history through legal action that serves no purpose other than the harassment of mayors, Governors, legislators, and city officials.

An effort ostensibly to produce instant change in archaic laws against the poor, these suits are usually little more than headline catching ego trips for lawyers who tired of the substantive but unglamorous role of individual advocacy. It is more fun to sue the State in a class action and get front page play—than to quietly prevent a poor old lady from being evicted by a crooked landlord.

Law reform has become the rallying cry for legal services but in most instances that ennobling term is but a euphemism for "let us sue the Governor and get famous."

The House should ask whether these generic defects in the legal services program are addressed in the conference report we debate today. The reply must be that they are neither addressed nor redressed.

Radical law groups can still submit lists of completely unacceptable candidates to the President of the United States to force a radical composition of the legal services corporation board of directors. The President does not have the prerogative of guidance that should be his in determining the makeup of the board.

Political activities by legal services lawyers while technically prohibited, is not clearly forbidden; that distinction being left to the corporation board, once established.

But more important is the thrust of the corporation spelled out in the bill's activities and powers section.

Despite the salubrious phrases the corporation will still have lawyers marching stridently into court to sue the establishment for any real or imagined grievance against the so-called client community.

The establishment is the elected body of local government officials who have a far more legitimate claim to conduct than have the lawyers.

And the suit will be not at the expense of the radicals themselves, but at the expense of the people being sued, the quiet nonradical middle Americans who elect the mayors and Governors and who pay most of the taxes that Congress arbitrarily doles out to radicals.

Our conduct could not be more illogical were we a fire department pumping water on one side of a fire, and gasoline on the other.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Tennessee.

Mr. BAKER. Mr. Speaker, I want to make clear at the outset that I am not opposed to economic opportunity. We are a nation founded upon economic opportunity. I believe every person should have such opportunity to the maximum amount possible. And, many people throughout our Nation do need a helping hand to get themselves and their families out of poverty. Who could not support the intent of a program we had hoped would bring our underprivileged back above the poverty level into the life we like to call the American way of life to walk with dignity and pride?

Yet, I remain deeply disturbed by the comprehensive child development provisions embodied in this conference report.

I do not oppose realistic programs of Federal assistance to State and local governments to help establish and maintain day care centers for the children of working mothers. If we, after all, intend to require work or work training of a parent or parents as a condition of eligibility for welfare assistance, then it is only fitting to make provision for the care of dependent children.

Thus, I support the establishment of day care centers for working mothers as provided for in H.R. 1. However, there is a world of difference between day care centers for working mothers and the comprehensive child development program contained in this conference report. There is no question about the importance of the early childhood years. But, in the midst of the efforts to assist children, I hope everyone recognizes that this child development proposal is not in any sense of the word an antipoverty measure.

There is real danger that more harm than good can come from these so-called child development provisions. This language would create a Federal bureaucracy with the authority to strongly influence and possibly control the character of our children—to mold them psychologically, socially, morally, educationally. This legislation addresses itself to the question of national child advocacy. It moves toward the question of collectivized child rearing. It raises the question of whether parents will be a major factor in their children's lives, or whether the Federal Government should be authorized to mold the character of our youngsters.

We have seen what has happened over the past decade as educators have determined that their business is to correct mistakes which they feel have been made in the home. This is understandable. Mistakes are made in the home. But, mistakes are also made in the schools. With this measure we would have Federal bureaucrats, who think they know much better than the parent how the child should be treated, using the child development programs as vehicles to reach their social objectives—conditioning the child through behavioral techniques to adopt the attitudes and values which the social planners believe to be the most desirable.

Are we to make our children wards of the Government?

As legislators, we ought to be deeply concerned about any program which accepts as an underlying premise that American parents are not able and do not have the right to bring up their children.

Have we had so much regimentation, so much conscription, so much sacrifice of freedom in the interest of security and total training for all, that we have taken away the initiative of the people and the development of will and moral stamina so parents can raise and train their own children? Are we going to free the mothers in order to enslave their children?

Are we, after all, going to accept Professor Skinner's suggestion that the real threat to the survival of the human race is Western man's illusions of individual free will and individual dignity? Freedom and dignity must go, he said—they are only illusions anyway. He proposes instead a kind of benign tyranny—a peace on earth arrived at through behavioral technology—a programing of people by a system of rewards, to behave just as the programer wishes. And, herein lies the basis of this child development proposal.

Beyond my philosophical opposition, I believe there are very important practical reasons to oppose this measure. The complicated delivery system has been described to us over and over again. What it boils down to is that even if a combination of localities or the State is better equipped or has a greater capacity to administer programs which are to serve the needs of a particular area, the Secretary of Health, Education, and Welfare must still approve the city as the prime sponsor. Think about the number of applications the Federal Government might receive. The House-Senate conference committee has, it seems to me, designed a delivery system for the child development provisions that is unworkable and worse than no system at all.

There is a cost factor which must not be ignored. Under the conference language, as I understand it, the cost would be a soaring $31.9 billion, if all the estimated 40 million eligible children participate. Free services go to children of families of four with incomes of less than $5,250 annually. But then the formula goes from there to provide partial subsidies to families making up to and, in some cases, well beyond $20,000 a year.

The day care and headstart programs had as basic goals the assistance of low income families. The provisions we are discussing today go well beyond this, obviously. These child development provisions create hopes which cannot possibly be fulfilled. The result will serve only to increase the frustration and bitterness which the poor of this Nation feel. Another unfulfillable promise has been made which can only lead to another round of accusation and recrimination about where the blame lies.

Too many pieces of legislation have offered panaceas for every social and economic ill, boosting the hopes and aspirations of millions. Then, when the final appropriation is considerd, through limitations on the income of the Federal Government, we are unable to meet the financial requirements for implementation of the programs.

I felt it was a serious mistake to add the child development provisions to the OEO legislation in the first place. And, I continue to oppose, for practical reasons, the inclusion of this hastily considered child development language, title V, in the Economic Opportunity Amendments of 1971. In all good conscience, I must vote against this conference report today.

Mr. SCHMITZ. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from California.

Mr. SCHMITZ. Mr. Speaker, the comprehensive child development portion of the bill brought to us from conference committee today furnishes a striking example of how all too often we make law in this body without consulting or adequately informing the solid, hard-working, productive citizens whom most of us claim to represent and who, far more than anyone else, pay the taxes that keep our whole topheavy Washington wonderland going. We could hardly get much closer to the most intimate, personal, daily lives of these constituents of ours than by setting up a massive Federal program to take charge of developing their children who are still too young to go to school. Here is legislation potentially affecting every family in the country which has, or expects or hopes to have, a child in it under 6 years of age. Yes outside the professional pressure groups and the gaggle of "women's lib" and "social reform" activists who have pushed it so hard and so fast, you will find very few Americans aware of this bill at all—and of those who have become aware of it since we began so precipitously to act on it, many are fundamentally and vehemently opposed.

We passed the Comprehensive Child Development Act September 30 by the extraordinary device of adding it as an amendment to the Economic Opportunity Act extension, despite the fact that its advocates have been the first to point out that it is not to be regarded as a welfare or a relief measure, but as establishing a program for services available to the entire population. Since September 30, I have received numerous inquiries about this act from my District and from all over the country. Most of you have probably received them too. The most frequent request has been simply for a copy of the bill. Surely this should be the very least our constituents have the right to expect from us—that we be able to supply them with a copy of legislation telling how we intend to develop their children for them.

Mr. Speaker, we could not supply the copies they asked. Because of the manner in which the bill was passed, there were no copies. There were only pages of the finest print used in the CONGRESSIONAL RECORD—difficult to read, almost impossible to copy by machine. There was no committee report. The only committee report this House has ever put out on this landmark legislation, which would establish a program intended to affect the whole future of American children and the American family, is the conference committee report before you today—which, like all conference reports, is confined to explaining how the differences between the House and Senate versions of the bill were adjusted. There is no overall justification for the measure, no explanation of what this body intends to be done with it. We are left with nothing but the floor rhetoric of its advocates when they rammed it through by a three-vote margin September 30.

This is scandalous treatment for a measure of this importance. I for one am at a loss to explain to my constituents and others who ask me for information and help, why this bill was so handled that there has been neither a copy nor a committee report to give them, until today—the day of final action. I have yet to hear an explanation for this procedure from any of the gentlemen who have handled and are handling this legislation. I hope they will provide one. At least, I would like to know what they are telling their own constituents who ask about it.

This is not representative government, but elitist paternalism, displaying exactly the attitude which causes people to fear the longrun consequences of this bill—the attitude that we here in Washington know best what to do about other people's children and that the less they know about our plans, the better.

Government should keep out of the lives of little children! Is not it enough that Government has invaded virtually every other facet of human existence in America? At the age of 5 or 6 most of our children go to a Government school, where they stay for at least 12 years and often 16. Large and increasing numbers, when they leave school, take a Government-paid or a Government-subsidized job. Virtually everyone now retires on at least a partial government pension, in the form of social security if nothing else. Increasingly we are treated for our illnesses under Government-supported or Government-arranged health care plans. The list is endless, but so is the bureaucrats' appetite for enlarging it. Now they want to violate the last sanctuary, by persuading and financially inducing mothers to give up their children barely able to walk and talk, to Government's tender embrace.

Of course they do not yet ask for power to take children by force. That never comes first. But, Mr. Speaker, as surely as twilight follows sunset and darkness follows twilight, it comes last. It is the end to which all such programs logically tend.

The family is the backbone of America, the backbone of any healthy society. Destroy the family and we destroy America. This "child development" legislation aims at providing a substitute for the family, in the form of committees of psychiatrists, psychologists, sociologists and social workers. But there is no substitute for the family. A Nation of orphanages cannot endure, and should not. It is an offense to God and man.

Even the Red Chinese found that they could not destroy the family, hard as they tried in their commune program during "the great leap forward." But the effort cost untold human suffering. How much suffering will we be responsible for by encouraging little children to be raised apart from their mothers?

We are voting on more than a bill today; we are voting on a generation. Shall a rapidly growing number of American children born from this day forward, be pressed by every inducement at Government's command to be developed apart from their parents? Even those genuinely in need of help from outside their families, those who in effect are asking us, in the familiar Biblical phrase, for bread and fish—shall we give them as the quotation continues, a stone and a scorpion? Walk into the halls of the Department of Health, Education, and Welfare and think of having it in place of a mother—that indeed is giving those little children a stone instead of bread. And read the testimony of Mrs. Dean Barnes of Idaho, which I placed in the RECORD at the time of our last debate on this measure, about the way the present Headstart program—after which the new "child development" program is to be modeled—is actually operating, to get a very clear picture of the scorpion.

The generation we are trying to develop through the program this bill would set up will one day judge us as each new period in history judges its precedessor. How are we going to answer the next generation if they see in us the men and women who took away their mothers?

This is not just another vote. Gentlemen, you are playing with elemental fires on this issue. Every society known to history has been based on the family. Christians believe that God Himself dwelt—quiet, loving, unknown—in the bosom of a closely knit family in Nazareth for 30 years. We dare not scorn the family or dismiss it as outdated. Vote to keep child development in the home where it belongs! Vote no on this conference report.

Mr. ASHBROOK. Mr. Speaker, I would ask the Members of this body when the last time was that they heard so much faint praise about any piece of legislation that was before us. I would ask them when the last time was that they had heard so many excuses given for any one given piece of legislation. I would ask them when the last time was they saw so many people come to the well of the House who obviously, on the horns of a moral dilemma and a legislative dilemma, referred to the fact that there probably was more good in the bill than bad; who alluded on so many occasions to the fact that this was not a perfect piece of legislation and who, in effect, gave so much faint praise to an issue that has been brought before us.

I would suggest, as I listened, that in the 11 years I have been in this body I have never heard so much negative talk about any one piece of legislation. What we see is a great uneasiness on this conference report, and I say rightly so.

First of all, we are talking about a budget time bomb. Money has not been discussed here. We are talking about a program that will be several hundreds of millions of dollars at the inception and will clearly pass into the lower billions of dollars within 1 or 2 years. It will be one of the basic budget busters of the future if we adopt this conference report.

So, you are voting right now for a bill which in the next few years will be a budget buster.

Second, I think there is a great cause for concern over the operation of the poverty program, the legal services program, but particularly over the innovative child-development program.

Mr. Speaker, I would only make one point—you cannot make many points in 2 minutes. If there is anything these hearings indicated it is the fact that there is no bona fide body of intelligent thought in the country today as to what direction child development should take.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. QUIE. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ASHBROOK. Mr. Speaker, I would conclude by pointing out that witness after witness before our committee indicated they did not know what direction child development should take. Witness after witness indicated that there was no trained professional group to carry out the functions mandated by this bill.

So, what are you talking about? You are talking about an experimental program and I suggest that there is an invasion of parental rights and responsibility in this experimentation.

I suggest there is an opportunity for bringing about a climate in education that we do not want. The testimony is there. The goal is life adjustment, development of attitudes, and intervention in the domain of parental responsibility.

Mr. Speaker, I do not think this is the type of area where we should experiment. I do not think we should mandate the additional billions of dollars called for in this bill.

I respectfully join my colleagues on both sides of the aisle in urging the resounding defeat of the conference report.

Mr. QUIE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, the thrusts of the speakers on the other side of the aisle have been largely in expounding the need—and there is great need in this area—but there is also a clear distinction between need and the proposed methods of fulfilling that need.

This bill, if passed, will once again constitute on the part of the Congress an irresponsible promise. It will create expectations which cannot be fulfilled. It will set up an administrative procedure that cannot be effectively and efficiently administered. It will establish a system of child care that will be most difficult to amend and improve, as it should be improved, in future years.

Mr. Speaker, the adoption of this conference report today would be a serious mistake. We should defeat this conference report and then deal with the three component programs swiftly, but in new legislation.

Mr. QUIE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I know some of you are concerned about the fact that the conference report might be defeated. Well, I am confident that this piece of legislation will not become law. I believe that we do have the time, with what we have learned since this bill came out of the House about child welfare, to write far superior legislation than that which is here now pending before us.

I hope we have gotten through to you what an administrative monstrosity this conference report is. Reference has been made to the cost of its administration. If this conference report is agreed to and the President were to sign it we will just be putting out a tremendous sum of money going into its administration costs. Maybe, it will be a public employment bill like OEO, but the cost of its excessive administration will not be going for the benefit of the children who need the program if we leave it this way. The States cannot effectively be utilized in the administration of this program. State after State now is developing its child development program and they should be utilized and not be treated in the manner which this legislation is drafted.

Mr. PERKINS. Mr. Speaker, I yield myself 9 minutes.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am pleased to yield to the distinguished gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I appreciate the gentleman yielding, and my purpose for asking him to do so is to ask a specific question.

As I understand it, in the child development section of the bill there is included comprehensive health provision particularly covering visual defects. My question is this: If a child is referred by a counselor or an officer in charge of this program with a visual defect will the parents of that child have the opportunity to have the child referred to an opthalmologist or to an optometrist of their choice?

Mr. PERKINS. That decision would be the same parental decision as if the child were not enrolled in the program.

Mr. FUQUA. The parents would have an opportunity to make their own decision?

Mr. PERKINS. Absolutely.

Mr. FUQUA. I thank the gentleman.

Mr. PERKINS. Mr. Speaker, I am completely surprised to listen to the tenor of this debate today from our minority friends. They would have you believe that this conference report is something that has just been jerked out of the air without thoughtful consideration. The truth about the whole matter, and our minority friends know it, is that we spent some 30 or 40 days in hearings, and spent some 9 days in conference. The thing that makes this debate so surprising to me is because the minority got just what they wanted in conference. They talk about Legal Services. They got everything that they wanted in Legal Services. I went with the minority to uphold the House position on Legal Services, and we upheld the House position 100 percent on Legal Services, and they will not dare deny that.

Let me say to the distinguished minority leader that the American Bar Association so far as I know supported all the way the Legal Services Corporation and in particular the provisions of the conference report dealing with legal services.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I think the minority leader a few moments ago asserted that the legal services portion of this conference report was not consistent with the recommendation of the American Bar Association. Every Member of this House received last week a letter from the president of the American Bar Association asking us to support the conference report that is before us today, and stating categorically that the conference report, title IX of this bill, is completely consistent with the recommendations of the American Bar Association.

I do not believe that the minority

leader intentionally intended to mislead the House; I have to believe that he just did not know any better.

Mr. PERKINS. The point is, the House minority got their way. I think the gentleman from Minnesota (Mr. QUIE) and all of the members of the committee received their option if they wanted to go back and simply retain the existing law, and they said that they did not want to do this.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding.

I believe what the minority leader was speaking of was that this was not the bill that the American Bar Association and others submitted to the Congress, and of course it is not the bill the administration submitted to the Congress; it is a compromise.

Mr. PERKINS. But the House supported you on the legal services in the House aspect of the bill.

Mr. WRIGHT. Mr. Speaker, would the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I should like to ask the Chairman of the committee, the gentleman from Kentucky (Mr. PERKINS) two very brief and succinct questions.

First, with respect to the child care centers, it is my understanding that no child would be assigned to any such center without the express consent of his parents. Is that correct?

Mr. PERKINS. That is absolutely correct. What we have here is an expansion of the Headstart program.

Mr. WRIGHT. I thank the gentleman.

Second, I further understand that no such center would be forced upon any community unless that community asked for it, and wanted it.

Mr. PERKINS. That is correct.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield for approximately 30 seconds?

Mr. PERKINS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I just want to say for the benefit of my friends on the minority side that it is really quite extraordinary that this bill is such an administrative monstrosity when the chairman of the Republican National Committee, the Republican leader of the U.S. Senate, and the Republican whip of the U.S. Senate, joined with the overwhelming majority of the other body in voting to approve the conference report.

Mr. PERKINS. Now, Mr. Speaker, one of the most significant features of this legislation is the title added to the Economic Opportunity Act to broaden Headstart into a more comprehensive child development program serving the educational, nutritional and health needs of children of preschool age. We worked hard in committee in developing this legislation. It adds a significant and important component to the other economic opportunity programs already authorized.

I am sure that my colleagues have received many communications urging the adoption of this conference report. While this type of communication far outnumbers the ones that I have received opposing the adoption of the conference report, I am greatly disturbed by the tenor of some of the communications of opposition.

Their opposition is predicated upon complete misconception or perhaps a direct and deliberate misrepresentation of what the child care provisions of this bill really are. Let me read a typical one of these letters which I judge is based upon a common source of information, as the letter resembles others coming from other parts of the country:

> Please do all in your power to stop Senate Bill S. 2007 and House Bill 10351 from coming into law. We sure do not want any more laws to infringe on people's rights to look after their children, laws that would take away more of our constitutional liberty and rights.

This is such a distortion of the whole purpose and thrust of Headstart programs and the Federal funding of locally guided and developed preschool and child care programs that it scarcely needs refutation.

Nevertheless, let me make it clear to my colleagues here today that the programs authorized by the child development provisions of the conference report provide no governmental control over a child, the parents of a child, or family.

Participation of children in these preschool programs is entirely dependent upon the wishes of the parent. This was made even more clear when the House Education and Labor Committee adopted an amendment to the House version of the Child Development Act which is contained in the conference report—page 16, last paragraph, 92–682—which reads that a child development plan must provide "that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them."

The gentleman from Wisconsin (Mr. STEIGER) was the author of this amendment in committee, as he was of the following provision which is written into the conference report—section 581, page 33:

> Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

In putting to rest once and for all this outrageous and completely deceptive charge that the child development provisions can be called a child control bill, let me say that the program is simply designed to strengthen the educational opportunities of children throughout this Nation and particularly to meet the needs of those children whose parents cannot afford kindergarten or preschool education and those parents who are not in the home because they must work to provide family income. But participation throughout is voluntary and program control remains in the hands of the local community directed by the parents and citizens of the community as has been traditional in our Nation with respect to public education.

Mr. Speaker, authority for programs under the Economic Opportunity Act under the basic law was due to expire on June 30, 1972, unless further extended by the Congress. They are now operating under a continuing resolution. One of the first acts of the House Committee on Education and Labor following the organization of the 92d Congress was to initiate in-depth hearings of the operation of economic opportunity programs and to consider legislation to extend the act. Thirty full days of hearings were conducted by the full committee during the months of March, April, May, and June. In addition, two ad hoc subcommittees conducted additional hearings in the field. Every aspect of the poverty program was probed. Following five legislative meetings of the committee in July and August, the measure was reported to the House.

At this time the bill represented basically a 2-year extension of the Economic Opportunity Act with minor amendments to initiate a demonstration rural home improvement program and to initiate a program of involving the poor in environmental improvement projects.

A major amendment of the committee was to separate from OEO legal services program into a Legal Services Corporation to be governed by a Board of Directors for the most part appointed by the President.

It will be recalled that this provision was further amended on the floor to prohibit any Federal support for representation through legal services in criminal matters.

It will be further recalled that a House floor amendment was adopted which has the ultimate effect of consolidating in one authority the diverse child care provisions now contained in manpower programs and Headstart. It will be recalled that this floor amendment was further modified by the Erlenborn amendment to establish the income criteria for participation without charge in child daycare programs to be $4,200 for a family of four, rather than the $6,900 for a family of four as originally provided in the amendment.

The conference report that we present today carries with it these important House amendments. First, it retains the prohibition against the use of Federal funds in legal services for representation of clients in criminal matters.

Second, it preserves and strengthens the authority of the President to appoint members of the Legal Services Board—totally rejecting the Senate approach.

Third, the conference report retains the House provision with respect to eligibility for participation in child care programs without charge as being $4,200 per annual income for a family of four as against the $6,900 level provided for in the Senate bill.

My colleagues will recall that when the House bill was on the floor an amendment was adopted which reduced the 100,000 population requirement for eligibility for sponsorship of a child day care program to 10,000. This was compromised in conference to 5,000.

I believe that small communities should be provided the same eligibility standing with States and large cities. The ultimate decisions with respect to policy matters governing the health, education, and the social development of children should rest at the local level.

So much for those matters which were of critical importance in maintaining the House position in conference. The conference has maintained the House position throughout.

The issue before us today does not address itself to these matters that I have just discussed, but rather to whether or not we are to continue programs of vital importance to every community throughout this Nation—Headstart, comprehensive health services, emergency food programs, senior opportunities and services, alcoholic counseling and recovery, drug rehabilitation, rural housing development, Green Thumb, New Careers, Job Corps, Neighborhood Youth Corps, and Operation Mainstream.

As I said earlier, the committee has exhaustively studied the administration of these programs. Let me share with my colleagues at this point some of the remarks made by people from various parts of the country who are involved in these programs.

Mayor Robert Burns, of Edens, Tex., accompanied by Charlie Florez and Winton Brown, told us about Operation Mainstream. I was highly impressed with the very positive impact that Operation Mainstream is having throughout the Nation and in central Texas, particularly about which Winton Brown spoke—

> The program in the Operation Mainstream in the 3½ years we have operated it we have had 770 people on board under our 132 slots per year. So you can see that we do not keep them on an average of a year at a time. Some of them may be oh, 6 weeks, some may be on 2 years depending on the type of training and the individuals themselves.
>
> Very few go over 1 year.
>
> Of the 770 that we have on board we will have 140 on today which means we have terminated from the program 640 people in the 3½ years we have been operating.
>
> Of that 630, 419 have been placed in for permanent jobs which they have held at least 1 month; 91 percent of them have held them at least 6 months. That, depending on how you want to develop your placement rate, that is 66.5 percent of all of them that have been on the program. And it is about 91 percent of the youth that we are authorized to have, the 132 slots.

This is what Boyd Cassell of the Virginia Department of Highways had to say about Green Thumb—

> Project Green Thumb consists of low income people often living in rural poverty stricken areas of the State, who through no fault of their own, cannot continue to farm or find employment.
>
> The men employed in Virginia are from 57 to 94 years of age. The average age of the group is 70.
>
> The average size Green Thumb family is 2.4 with an average annual income of $538 per person and a total income of $1,287 per family.
>
> The average length of unemployment, prior to Green Thumb, was 5½ years. Project Green Thumb has enabled these men to work and earn $1,600 per year to supplement their small incomes.
>
> I have been closely associated with these people and can call many of them by their first name. These elderly men actually work using their skills to improve their environment, to maintain dignity and respect.
>
> This is not a handout program, these people work. They have proven that they are willing and anxious to work for compensation to secure the bare necessities of life for their families.

I asked Dr. O. E. Frank of Emergency Food and Medical as to whether or not that program had been one of the top priority programs of community action agencies. He responded:

> Yes, particularly in the rural areas, where the local resources are frequently very scarce and inflexible.
>
> The community action agencies have relied very heavily on the emergency food program. It is usually considered a major part of the total program and a key to the community in general.

With respect to Job Corps, A. B. Templeton, president of the Texas Educational Foundation, Inc., San Marcos, Tex., stated:

> To illustrate to you the hard value of the government's investment in Job Corps, I would like to cite a few figures. The 16,058 young people we have already placed on jobs will earn approximately $3,674,070,400 and pay $551,110,560 in federal income taxes during their work-life. This is $2,338,044,800 and $350,706,720 more, respectively, than the same number of untrained people who would be doomed to a life of intermittent work at low wages and periodic reliance on welfare. And yet, to accomplish this, the Job Corps Centers in Texas, since their inception, have cost a total of $84,840,226.

With respect to Headstart, the Director of the Office of Child Development in HEW highlighted the views I think that are shared universally throughout the Nation when he said:

> As I am sure you are aware, Headstart is the major Federal program for preschool children of the poor. During the 7 years of its existence, over 4 million children have received comprehensive medical, dental, nutritional, educational, and social services through this program.
>
> In fiscal year 1971, approximately 174,000 children will attend the full-year, part-day program, 89,000 will attend the full-year, full-day program, and 209,900 will attend the summer program.
>
> There can be little doubt that Headstart has met many of the intellectual, social, and health needs of the children it has served; or even more important, however, Headstart enhances the quality of life of the deprived preschool child every day he is in the program.
>
> I would offer the opinion that the Headstart program represents one of the best expressions of our Nation's concern for its children. It is vitally important that the Economic Opportunity Act be renewed so that Headstart may be authorized to continue the task of providing comprehensive preschool service to economically disadvantaged children and their families who would otherwise be deprived of such services.

Dewey Duckett, Midlands Community Action Agency, Columbia, S.C., had several positive views with respect to the importance of the Economic Opportunity Act and programs to the people of his area—

> In our State, since 1965, over 3,000 leading citizens have given their time voluntarily to serve on board or commissions. They have approved and monitored the expenditure of over 100 million dollars in federal funds. Some 95,000 different individuals have worked voluntarily in programs operated by Community Action Agencies.
>
> But if the objective is to eradicate poverty, stabilize the economy, maintain domestic tranquility and reduce today's 5½ million unemployed persons significantly, then in light of this, the appropriation for the Office of Economic Opportunity should be increased.
>
> Programs such as Main Stream, Green Thumb, Green Light and special youth programs warrant pump priming at this time. While observing some of these programs in operation in Virginia last week, one of the most impressive programs I have witnessed was the Green Thumb. Here, Senior Citizens were gainfully employed and providing a public service with dignity and pride.
>
> It is good for our servicemen returning from Vietnam who need priority and special attention in the areas of employment, housing, education, and civilian readjustment.

Mrs. Noryleate Downing, director of the poverty program in Newport News, Va., was extremely helpful to the committee. She stressed programs for the elderly, for community action in general, for the significance of summer programs, and for new careers and job training, saying—

> And our elderly program, this is something that I would like to mention.
>
> We have estimated that this program has saved the taxpayers of our community more than $50,000 a year because of the amount of services that has been rendered the elderly in our community.
>
> We have had a total number of participants on an accumulated basis of 2,160, and the program has provided services to over 3,000 elderly people in the community.
>
> When community action came into being, there was the one institution, or the one agency that was established, that searched out and brought in the poor to find out what their needs were, and then to devise means by which some of these needs could be met, so I would plead with you today not to eliminate the community action program regardless of what comes or goes.
>
> There has been a tremendous change in the attitudes of the community at large, who in the past have not identified themselves as the hard-core poor, but now they have begun to give support by becoming involved in the affairs which affect the poor.
>
> As a result of that, the chief of police wrote to Congressman Downing a letter and told him the crime rate had dropped, and he attributed it to the work we had been doing that summer, and we did it with this program.
>
> The training is aimed at providing paraprofessionals. We presently have enrollees as library assistants in the Newport News Library, psychiatric aides, and these are at our mental hospital in Williamsburg.
>
> We have some as recreational aides with the Department of Recreation at Hampton and Newport News, and the social service aides, with the Hampton and Newport News Welfare Departments.

Mr. Speaker, what are you doing to solve the dropout problem?

Mr. Speaker, I do not believe a day goes by that I am not asked this question.

Our major national effort to keep young people off the streets and in school or in job training is the Neighborhood Youth Corps program.

Unless this conference report is adopted authority for the Neighborhood Youth Corps will die.

What is the Neighborhood Youth Corps doing?

In 1970 the program had 480,000 first-time enrollments, 46,000 in the out-of-school program and 436,000 in the in-school and summer programs.

These programs emphasize remedial education, skill training and supportive services.

By and large the enrollees are school dropouts about 16 or 17 years of age at the time they enter the Neighborhood Youth Corps.

The projects are designed to prepare enrollees to return to school or admission to a community college for a general education development certificate or for the best semiskilled or entry level job for which the individual can be qualified.

In the President's Second Manpower Report to the Congress this year, the great benefits of this program are evidenced.

We are all concerned that we derive the maximum benefit for the expenditure of Federal dollars for education and training.

Here is what the President's Report says about an evaluation of the Neighborhood Youth Corps program in Indiana:

> A 1970 cost benefit study in Indiana, which compared the 1967 earnings of out-of-school participants with those of a control group of young people also eligible for NYC but not enrolled in it. . . .

Indicates—

> the earnings gained as a result of NYC participation was shown to be substantial, and the benefits of the program to society were estimated to be much above its cost. . . . Other significant findings were that the increase in post program earnings was directly related to the length of enrollment in the program. . . .

Presentations to the committee by the administration indicated an intention to maintain enrollment levels in the out-of-school program at the same level in fiscal year 1972 as in fiscal year 1971 at 36,800 training opportunities.

In the inschool program almost 100,000 enrollment opportunities are contemplated.

For the summer program the same level will be maintained in fiscal year 1972 as in 1971 at 414,200 enrollment opportunities.

Witnesses before the committee could not speak too highly of the summer program in furnishing not only meaningful work and related training to youngsters but also in enabling them to continue their regular education programs in the academic year financially strengthened by their earnings.

This program has contributed significantly to school dropout rates.

In Arkansas, it was reduced from 37.2 percent to 28.3 percent.

In Illinois, the dropout rate was reduced from 29 percent to 20 percent.

In Missouri, the dropout rate was reduced from 33 percent to 23 percent.

In my home state, the dropout rate was reduced from 28 percent to 22 percent.

So these programs have dramatically improved the futures of thousands of youngsters and should be extended. At this point, Mr. Speaker, I ask that a funding authorization table be placed in the RECORD:

OEO FUNDING

[In thousands of dollars]

Title and program	Final apportionment fiscal year 1971	Budget fiscal year 1972	Conference report fiscal year 1972	Conference report fiscal year 1973
Title I:				
Job Corps	$170,200	$210,287	$900,000	Such sums.
Concentrated Employment	116,400	120,800		
Neighborhood Youth Corps	324,800	362,500		
Public Service Careers	91,400	90,400		
Operation Mainstream	38,800	38,800		
Program Support	18,500	18,779		
Special Neighborhood Youth Corps			500,000	0
Title II:				
Local Initiative	357,199	341,900	328,900	$328,900
Head Start	360,000	376,500	500,000	
Follow Through	69,000	60,000		70,000
Legal Services	61,200	61,000	61,000	109,000
Comprehensive Health Services	99,000	114,000	114,000	114,000
Emergency Food and Medical Services	48,700	3,500	62,500	62,500
Family Services	18,600	25,000	25,000	25,000
Senior Opportunities and Services	8,000	8,000	8,800	8,800
Alcoholic Counsel and Recovery	12,800	2,000	18,000	18,000
Drug Rehabilitation	12,800	18,000	18,000	18,000
Title II—Continued				
Environmental Action	0	0	$5,000	$5,000
Rural Housing Development and Rehabilitation	0	0	10,000	15,000
Training and Technical Assistance	$16,566	$13,500	13,500	13,500
State Economic Opportunity Offices	12,500	13,000	13,000	13,000
Research, Development, Demonstration, and Evaluation	85,953	72,600	65,400	65,400
Special Title II Direction and Administration	20,832	19,700	25,700	25,700
Title III-B: Migrants and Seasonal Farmworkers	35,000	35,000	38,000	38,000
Title V: Child Development (Planning)			100,000	2,000,000
Title VI: Administration	18,350	18,000	18,000	18,000
Title VII: Community Economic Development	36,000	25,000	58,000	62,000
Title VIII: VISTA	36,400	33,000	45,000	45,000
Total	2,044,600	2,056,466	2,927,800	3,054,800

Now you are coming here trying to camouflage the true issues involved in this thing.

Mr. Speaker, I have received communications representing a broad spectrum of individuals and organizations and the public in general across the Nation urging Congress to adopt this conference report. I would like the following list of communications that I have received inserted in the RECORD at this point:

LIST OF COMMUNICATIONS

N. T. MacFarlane, State Chairman of the Academy of Pediatrics in Kentucky.

Reverend Monsignor James T. McHugh, Director of the Family Life Division, United States Catholic Conference.

Stanley J. McFarland, Assistant Executive Secretary, Government Relations and Citizenship National Education Association.

Dr. Jay M. Arena, President of the American Academy of Pediatrics.

Stuart L. Kadison, President of the Los Angeles County Bar Association.

Eileen M. Jacobi, Executive Director of the American Nurses Association.

Ruby Wheatly, President of the Department of School Nurses, National Education Association.

Helen Brion, Chairman of the Department of School Nurses Legislative Council.

Frederick D. Goldberg, President of the Professional Association of Day Care Directors of New York.

Hans G. Tanzler, Jr., Mayor of Jacksonville, Fla.

Wes Uhlman, Mayor of Seattle, Washington.

Henry W. Maier, Mayor of Milwaukee, Wisconsin.

Robert J. Harris, Mayor of Ann Arbor, Michigan.

Joseph L. Alioto, Mayor of San Francisco, Calif.

Norman Chrisman, Jr., Chairman, Government Affairs Committee, Kentucky Society of Architects.

Kenneth A. Gibson, Mayor of Newark, New Jersey.

Patrick J. Lucey, Governor of Wisconsin.

Gary Walls, President of American Personnel Guidance Association.

Patrick J. McDonough, Acting Executive Director, American Personnel Guidance Association.

Sandra Bolin, President of the League of Women Voters of Berea, Kentucky.

Catherine A. Tyler, Day Care Coordinator, Wiconico County Health Department, Salisbury, Md.

Roman S. Gribbs, Mayor of Detroit, Michigan.

Mrs. Theodore Wedel, President of the National Council of the Churches of Christ.

William E. Fowler, Jr., President of D.C. Mental Health Association.

B. J. Chandler, Dean, School of Education, Northwestern University.

Richard Davis, Dean, School of Education, University of Wisconsin.

David Clark, Dean, School of Education, Indiana University.

J. E. Thomas, Associate Dean, School of Education, University of Illinois.

Arthur Wise, Associate Dean, School of Education, University of Chicago.

Luvern Cunningham, Dean, College of Education, Ohio State University.

Jack C. Mervin, Dean, College of Education, University of Minnesota.

Charles R. Hicks, Director, Teacher Education, Purdue University.

Donald J. McCarty, Dean, School of Education, University of Wisconsin.

Van Cleve Morris, Dean, School of Education, University of Illinois.

Wilbur J. Cohen, Dean, School of Education, University of Michigan.

Mrs. M. J. Butler, Jr., Director, Greater Taunton Day Care Center, Taunton, Mass.

[Telegrams]

WASHINGTON, D.C.,
December 5, 1971.

CARL PERKINS,
House of Representatives,
Washington, D.C.

D.C. Mental Health Assn. favors the passage S2007 the Child Development bill as reported by the conference committee and urges your support.

William E. Fowler, Jr.,
President.

Ann Arbor, Mich.,
December 5, 1971.

Representative Carl Perkins,
House of Representatives,
Washington, D.C.

We strongly urge support for passage of Child Development Program in conference report on Economic Opportunity Amendments. Child Development Programs will help children reach their full potential. As educators we endorse this important legislation. We believe legislation provides adequate safeguards for parental responsibility, voluntary participation and local control.

B. J. Chandler,
(and 12 others).
Dean, School Education, Northwestern University.

Lexington, Ky.,
December 1, 1971.

Representative Carl D. Perkins,
Rayburn House Office Building,
Washington, D.C.

The Kentucky Chapter of the American Academy of Pediatrics strongly endorses the conference report on the economic opportunity amendments. We feel the child development programs in this legislation are important for the proper development of needy children in our State. In our opinion local input and assessment of need can best be determined at the local level.

N. T. MacFarlane, MD.D.,
State Chairman, Kentucky A.A.P.

Office of Government Liaison,
U.S. Catholic Conference,
Washington, D.C., December 1, 1971.

Dear Congressman: I am enclosing a copy of a letter addressed to Rep. Carl D. Perkins, Chairman of the House Committee on Education and Labor, from Msgr. James T. McHugh, Director of the Family Life Division of the United States Catholic Conference, in support of the Conference Report on S. 2007, the Economic Opportunity Amendments of 1971.

In addition to support for continuing the OEO program, the U.S. Catholic Conference is particularly concerned that Title V, the Child Development Programs, be enacted. Msgr. McHugh has carefully examined the provisions of Title V and is satisfied that S. 2007 makes adequate provision to safeguard the rights of children and parents.

I would hope that you could give your support to the Conference Report on S. 2007.

Sincerely,

James L. Robinson,
Director.

Family Life Division,
U.S. Catholic Conference,
Washington, D.C., November 30, 1971.

Hon. Carl D. Perkins,
House of Representatives,
Washington, D.C.

Dear Mr. Perkins: I write to you in support of the Conference Report on S. 2007, a bill continuing the Economic Opportunity Act of 1964 and establishing Child Development programs to service the needs of children, particularly those with special problems and those from low-income families.

The final version of the Child Development bill, as contained in the report of the Conference, emphasizes the special needs of children in poor families, and establishes a preschool child care program that will support their emotional and educational development. It also provides funds for special programs and services for handicapped children. Achievement of these aims will support the quality of family life, and will provide valuable assistance to poor families and minority group families. The special recognition and assistance for handicapped children will help these children achieve a greater measure of opportunity as they grow and mature.

It is our hope that this legislation will be readily endorsed by the Congress so as to provide the best opportunities to all American children.

I would appreciate your making our views known to the members of the Congress in their consideration of the Conference Report.

Sincerely,

Rev. Msgr. James T. McHugh,
Director.

National Education Association,
Washington, D.C., December 1, 1971.

Hon. Carl D. Perkins,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

Dear Chairman Perkins: The National Education Association urges that the Congress approve the conference report on S 2007, the Economic Opportunities Amendments of 1971. As you know, the NEA has been an active supporter of the "War on Poverty" since its inception. While we have been critical of administrative actions of the OEO in recent years, this in no way denotes lack of support for the intent of the law. We believe the 1971 amendments, if properly administered, can improve the operation of the programs.

We are, of course, particularly anxious that the Child Development provisions of S 2007 be enacted. The need for a national program for child care centers, with major emphasis on improving the health, education, and growth of children, is great. We see no reason to delay enactment of such a program. Indeed, it is long overdue. S 2007 provides one year of lead time to "gear up" for the actual funding to begin in 1973. If major problems emerge during this time the Congress can make the necessary adjustments.

The confusion fostered by some opponents who contend that the program interferes with parental rights is regrettable. The program in S 2007 is entirely voluntary. It does not contain the repressive provision suggested by some that parents who refuse to place their children in day care facilities so that they can be trained for work will lose AFDC payments.

We commend you for your effective and consistent leadership in this great cause.

Sincerely,

Stanley J. McFarland,
Assistant Executive Secretary, Government Relations and Citizenship.

American Academy of Pediatrics,
Evanston, Ill., November 24, 1971.

Hon. Carl D. Perkins,
Rayburn House Office Building,
Washington, D.C.

Dear Mr. Perkins: The American Academy of Pediatrics, the national organization of board certified physicians providing care to children, heartily supports the adoption of the conference report on the Economic Opportunity Amendments, S. 2007. We are particularly enthusiastic about the comprehensive child development title of this legislation which provides for the establishment of a national, federally assisted child development program. The Academy supports the concept of child care as a composite of comprehensive and coordinated services designed to offer a sound basis for growth and development of the child while supporting and encouraging the parents in their effort to care for their children. We are of the opinion S. 2007 would provide a sound legislative basis for the establishment of such a program.

The Academy endorses the section of the child development title which provides for local administration of child care programs. We recommended in testimony before Senate and House committees that the major responsibility for planning and delivery of child development programs is most appropriately placed at the community level. We believe the conference report is equitable, and will allow for possible funding of most jurisdictions which apply for prime sponsorship responsibility. Jurisdictions which are able to plan and operate a quality child care program should be given this opportunity.

We are in complete agreement with the concept of funding priority to ongoing Headstart programs. The provision further assuring local review of Headstart programs is an additional strength of the conference report. The extension of the excellent programs like Headstart to all low income families desirous of child development services will be facilitated by the enactment of this legislation.

The level for eligibility for free child care services decided upon by the conferees is reasonable, and will not place an undue financial hardship on poor and near poor families who wish to utilize the child care programs.

In summary, we believe the child development title of the Economic Opportunity Amendments provides a realistic framework in which child development programs can operate that are responsive to the needs of individual children and communities. We sincerely urge your support for the adoption of the conference report on the Economic Opportunity Amendments of 1971.

Sincerely yours,

Jay M. Arena, M.D.,
President.

Los Angeles County
Bar Association,
Los Angeles, Calif., November 29, 1971.

Hon. Carl D. Perkins,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

Dear Congressman Perkins: Because of the impending vote on Joint Resolution 2007, I write to you to remind you of our prior correspondence in which we communicated to you that at its May 5, 1971 meeting, the Board of Trustees of the Los Angeles County Bar Association recorded its support of the concept of a National Corporation for Legal Services.

Sincerely,

Stuart L. Kadison,
President.

[Telegram]

Washington, D.C.,
December 2, 1971.

Hon. Carl D. Perkins,
House Office Building,
Washington, D.C.:

Strongly urge your support of child care bill as in conference report S. 2007.

Eileen M. Jacobi,
Executive Director,
American Nurses Association.

Washington, D.C.,
December 1, 1971.

Hon. Carl Perkins,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.

On behalf of the department of school nurses, we respectfully request your support of child development program as contained in S. 2007. We feel this program would constitute a significant move in the direction of preventing social, education, psychological, and health related problems in children and youth, thereby promoting the mental health and physical well-being of subsequent generations of adults.

Mrs. Ruby Wheatly,
President, Department of School Nurses, National Education Association.
Miss Helen Brion,
Chairman, Department of School Nurses Legislative Council.

The Professional Association
of Day Care Directors of New York,
New York, N.Y., November 24, 1971.

The President,
The White House,
Washington, D.C.

Dear President Nixon: At issue here is the fate of the Comprehensive Child Development Bill which forms part of the 1971 Admendments to the Economic Opportunity Act. This bill will be acted upon by the House of Representatives on Thursday, December 2, 1971 as its first item of business.

You speak often about your concerns for the future of this great country. Certainly the future of the United States depends to a major extent upon the kind of education and care our children receive. The kind of support the Federal Government gives to ensure that children throughout this country are being reached is, therefore, of paramount importance. It is not only a matter of enabling the poor citizens of this country to seek employment. This goal is short sighted and economically wasteful if child care is not also seen as a way to instill in our young children educational values and lessons which will in the long run equip them to be more productive citizens.

The Professional Association of Day Care Directors of New York City urges your active support of this bill. We are also urging the support of our elected representatives. However, we feel strongly that you have a great role to play by encouraging nationwide support of a measure that looks to the future well-being of the United States.

Sincerely yours,
Frederick D. Goldberg,
President.

Jacksonville, Fla.,
November 25, 1971.

Hon. Carl Perkins,
Chairman, Education and Labor Committee, Rayburn Building, Washington, D.C.:

Have been notified Senate bill S. 2007 out of conference committee. Request support for OEO legislation particularly comprehensive Child Development Act Day Care and related Child Services greatly needed in Jacksonville.

Hans G. Tanzler, Jr., *Mayor.*

Seattle, Wash.,
November 25, 1971.

Representative Carl Perkins,
Washington, D.C.:

I urge your vote to adopt conference report on S. 2007 the Child Care bill. Every child deserves the opportunity for quality child care.

Wes Uhlman,
Mayor, City of Seattle.

Milwaukee, Wis.,
November 25, 1971.

Congressman Carl Perkins,
Chairman, House Education and Labor Committee, Rayburn Building, Washington, D.C.:

As Mayor of Milwaukee and as president of the United States conference of mayors, I urge you to adopt the conference report on S. 2007 which authorizes funds for antipoverty, manpower and child development programs. I believe that Milwaukee and the other cities of the Nation need the measure as proposed by the conference report to help develop the human resources of these cities and to reduce the high costs of poverty. I urge your support of the conference report.

Henry W. Maier,
Mayor of Milwaukee,
President of U.S. Conference of Mayors.

Ann Arbor, Mich.,
November 26, 1971.

Representative Carl D. Perkins,
House Office Building,
Washington, D.C.

Urge your support for conference committee report authorizing continued OEO funding (S. 2007).

Mayor Robert J. Harris,
City Hall.

San Francisco, Calif.,
November 26, 1971.

Hon. Carl Perkins,
Chairman, House Education and Labor Committee, Rayburn Building,
Washington, D.C.

San Francisco strongly supports conference report on S-2007, OEO Child Development bill, and urges immediate approval. Critical manpower and economic opportunity programs depend on enactment of this bill. We also applaud the new program of child development grants contained in S-2007 with the cities as the prime sponsors.

Joseph L. Alioto, *Mayor.*

Frankfort, Ky.,
November 30, 1971.

Hon. Carl Perkins,
U.S. House of Representatives,
Washington, D.C.:

Please support the conference report on Economic Opportunity Act of 1971.

Norman Chrisman, Jr.,
Chairman, Government Affairs Committee, Kentucky Society of Architects.

Newark, N.J.,
December 1, 1971.

Congressman Carl D. Perkins,
Rayburn House Office Building,
Washington, D.C.

I strongly urge your support for the OEO authorization/child development act (conference report on S. 2007). The continuation of the antipoverty and manpower program funded under the OEO authorization, as well as the new child development program are vital to the city of Newark. Strong and affirmative action on this bill is desperately needed.

Sincerely,

Kenneth A. Gibson,
Mayor, City of Newark, City Hall.

Madison, Wis.,
December 1, 1971.

Representative Carl Perkins,
House Office Building,
Washington, D.C.

It has come to my attention that an effort to defeat H.R. 10351, the extension of the poverty program, is taking place among your colleagues.

I want to inform you that I strongly support the passage of H.R. 10351 and encourage your support. This act would mean the extension of the fine efforts of the community action agencies in Wisconsin and add the important day care program. The passage means much to the citizens of Wisconsin.

Upon favorable action, I urge your prompt support for full funding.

Patrick J. Lucey,
State of Wisconsin.

Washington, D.C.,
November 30, 1971.

Carl B. Perkins,
U.S. House of Representatives,
Washington, D.C.

On behalf of the 28,000 members of the American Personnel Guidance Association throughout the United States we ask your support of the comprehensive child development provision in S. 2007 now in conference. The Association particularly endorses those services to be provided low income children with particular emphasis on appropriate educational, social, and vocational guidance and counseling which can maximize the intellectual and physical growth potential of such children both at the preschool and elementary levels.

Gary Walls,
American Personnel Guidance Association.

Berea, Ky., *November 29, 1971.*

Hon. Carl Perkins,
House of Representatives,

We urge your presence and yes vote for the OEO child care authorization conference report.

Sandra Bolin,
President, League of Women Voters of Berea.

Morristown, Tenn.,
November 12, 1971.

Representative Carl Perkins,
Rayburn House Office Building,
Washington, D.C.

Dear Sir: This letter is in regard to the Child Development Bill which is before your committee.

We the undersigned Head Start parents and registered voters of the State of Tennessee would like to have three (3) points in the compromise bill, they are;

1. adequate money—2 billion dollars
2. guarantee Head Start programs; and
3. local communities should be prime sponsors not the State!

We hope to have your deepest consideration and help upon this matter. Thank You.

Sincerely,

Eilinda L. Abhaltt,
(And 120 others).
Chairman, Headstart Parents and Registered Voters of the State of Tennessee.

Salisbury, Md.,
November 17, 1971.

Hon. Congressman Carl Perkins,
House of Representatives,
Washington, D.C.

Dear Congressman Perkins: I feel very strongly that our government must support quality child care programs for all children whose parents wish such care. Therefore, I urge you to vote in favor of the Comprehensive Child Development Bill, S. 2007.

We must not turn our backs on our most precious possession, our children.

Thank you for your support.

Sincerely,

Catharine A. Tyler,
Day Care Coordinator.

City of Detroit, Executive Office,
November 26, 1971.

Hon. Carl D. Perkins,
House Office Building,
Washington, D.C.

Dear Congressman Perkins: I understand that the conference report on S. 2007—providing for a two year extension of the Office of Economic Opportunity and the establishment of Comprehensive Child Development Centers—is scheduled for a House vote on Thursday, December 2, 1971.

This legislation is important to Detroit, particularly in its provisions which would continue Community Action funding, increase youth training slots and aid early childhood development.

I urge you to vote for the conference report on S. 2007.

Sincerely,

Roman S. Gribbs,
Mayor.

NATIONAL COUNCIL OF THE CHURCHES
OF CHRIST IN THE U.S.A.,
Washington, D.C., December 1, 1971.
Hon. CARL PERKINS,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE PERKINS: On behalf of the National Council of Churches, I want to express to you our support for the conference report on S. 2007, the child development/Office of Economic Opportunity/Legal Services bill.

The elimination of poverty must remain a primary goal for this nation. This bill moves toward that goal. The Legal Services provision is, we believe, workable and gives credibility to the concept that our legal system strives to serve the ends of justice. The continuation and creation of such programs as Emergency Food and Medical Services and Community Economic Development *within the structure of OEO* assures that the poor will continue to have an advocate within the government, and provides a base for future initiatives. The authorizaiton for day care that is community controlled and that focuses on the development, rather than the custody, of the small child is a welcome recognition of a vital public responsibility.

We appreciate the leadership you have given on this issue, and express our fervent hope that this conference report receives the approval it so obviously deserves.

Sincerely yours,
Mrs. THEODORE WEDEL,
President.

THE GREATER TAUNTON DAY CARE CENTER, INC.
Taunton, Mass., November 10, 1971.
Representative CARL PERKINS,
Chairman of Commerce, Education and Labor, Washington, D.C.

DEAR MR. PERKINS: I would like, at this time, to state that our Day Care Center supports your bill. We are in complete agreement with what you are trying to do.

Would you please mail me a copy of this bill to the above address. I would like this at our center.

Thank you for your time.

Sincerely,
Mrs. M. M. BUTLER, Jr.,
Director.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. BROOMFIELD. Mr. Speaker, it is with a sense of regret and disappointment that I rise to vote in opposition to the Office of Economic Opportunity conference report.

This decision was reached only after a great deal of thought and with the full realization of the serious effect it may have on the future of OEO. Basically, my vote stems from a strong disagreement with the child care development measure based on a careful study of its provisions since it was added to the OEO extension.

Close scrutiny of this section of the report proves it to be an extremely weak bill, one which is an inefficient vehicle for the goal it seeks. It is designed to encourage duplication of effort and waste of funds.

Mr. Speaker, I am aware of the great need for a means to allow mothers to get off welfare and become gainfully employed. This is a worthy goal but, one which is impossible to achieve under the bill's present construction. The facts prove this proposal, well intentioned as it is, to be both inefficient and unmanageable.

Its major failing is that it contains a faulty delivery system, one which has been haphazardly drawn. The guidelines for receiving a federally financed child care center have been drawn so loosely as to make any community of 5,000 eligible.

I am not proposing, Mr. Speaker, that we should impose arbitrary population figures to discriminate against our smaller communities. On the contrary, I realize that they are often faced with the same needs and requirements of our urban areas.

My point, however, is this: By creating a large number of small centers each vested with the power to interpret and bend national guidelines as they see fit, there will be no semblance of cohesion or central direction to the program. By encouraging vast numbers of independent child care centers, the limited staff of the Office of Child Development will be overwhelmed with the administration of the program. As a matter of fact, it would prove an impossible task.

A quick reading of the procedural requirements to start a child care center bears this statement out. In addition to the necessity of instituting for administrative purposes a community advisory board, there are at least 25 separate requirements which must first be met.

The result is that the Office of Child Development will be bogged down investigating each community program and approving their setup. All this must be done before one child benefits from the program. Rather than having one program to serve a group of surrounding towns, there will be several programs for one region.

All of this, supposedly done in the name of local control, will cause a waste of time and money. Fewer children will be enrolled at a greater cost without any assurance whatsoever that the centers will be more effective because of their smaller size.

Furthermore, the Secretary of HEW is not empowered to make grants but rather must fund all who apply and meet minimum standards of eligibility. This is true even if an existing State or regional plan encompassing the same area would do a better job.

Mr. Speaker, experience has proven the truth of these assertions. We need only look as far as the Headstart program itself. Originally, it too placed an emphasis upon local control and was structured to encourage many small units.

Several years ago there were more than 900 different programs. Headstart proved too large to administer. Consequently, in the last 2 years no new Headstart programs have been initiated.

Mr. Speaker, the fears which I am expressing today are felt by those who are in the field trying to administer OEO projects. They are the ones who must work within the guidelines which we develop here in Washington. We can make their jobs even more difficult if we neglect their advice.

For example, in Oakland County, Mich., a portion of which I represent, the local OEO has started a child care center corporation. It has been established to give technical advice and assistance on a regional level to the entire county.

The local OEO learned a valuable lesson from the difficulty of coordinating and administrating the many localized plans which Headstart encouraged. Thus, this corporation was envisioned as a natural vehicle through which child care funds could be funneled. This vehicle has the potential to serve more than a million people.

If we pass this legislation in its present form, that corporation and all of its preparatory work will go down the drain. Each of the municipalities, 63 in Oakland County, Mich. alone, would be eligible for its own center. Just think of the duplication of effort and administrative funds.

Of course, there could never be enough money for each of these towns to be served individually. It is sad but true that by emphasizing local control fewer communities will receive benefits.

Mr. Speaker, we must demand a better means to deliver this program to the people. We need look no farther than the Oakland County OEO and the example that they have provided. I would prefer giving the Secretary of HEW the discretion to make the final decision on awarding prime sponsorship grants. In this way, smaller communities can be consolidated into one overall plan.

More children would be served with the same money and with less redtape and time. We are dealing with limited funds in the first place. Inefficiency is a luxury that we can ill afford.

There are many children and parents who have desperate need of these services. It is absolutely inexcusable that because of poorly devised legislation they will be denied them.

It is for these reasons that I cast my vote against the conference report. I do so reluctantly because at the same time this represents a vote against the entire OEO program. I would hope that we can pass a continuing resolution to keep this worthy Agency afloat.

In the meantime, we should send the child care development measure back to committee for further work. It must be restructured if it is to be a success.

Mr. BADILLO. Mr. Speaker, I would like to compliment the House and Senate conferees who have worked long and hard to bring before the Congress a version of the 1971 Office of Economic Opportunity amendments that will truly serve the national interest and will be acceptable to both bodies. I sincerely hope that the amendments will receive the overwhelming support of Congress in order that the much-needed programs of the Office of Economic Opportunity may be assured of continuance.

There are several "firsts" among these amendments on which I would like to comment.

To begin with, I am very happy to see that the powers of the Director have been so amended as to prevent the further spinoff of programs presently operated under titles II, III, VI, and VII of the Economic Opportunity Act. This restriction, added to section 19, is an extremely important one—it in fact assures the continuance of the functions of the Office of Economic Opportunity.

I also heartily approve the mandate given the Director under section 222 to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts, or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs. Drug addiction is exacting a fearful price from our Nation and so far, we are making all too little progress in coping with it. The most successful rehabilitation efforts seem to be those made by groups rooted in the community in which the addict and his family live. I am confident, therefore, that the type of programs authorized under this section will prove very beneficial to our communities throughout the Nation. The stipulation that the Director must make provisions that will allow participants to complete a full course of rehabilitation, even though they become non-low-income by virtue of becoming employed as part of the rehabilitation process, gives added assurance concerning the success and impact we can expect from such programs.

The environmental action program, authorized under the same section, is another welcome innovation. It provides payment to low-income persons who work on projects designed to combat pollution or to improve the environment. Since our poor are most directly exposed to the menace of our deteriorating environment, such projects will not only bring welcome job opportunities and income but shall, hopefully, improve the texture of living for those dwelling in blighted areas.

Although not of such direct impact to my district, I shall welcome the establishment of the rural housing development and rehabilitation program. The shortage of available housing units is creating an unprecedented crisis in our Nation. Every effort to improve and maintain existing units and assist in the development of new housing is very welcome. A program such as this will, I am sure, be very welcomed by those of my colleagues who have emphasized frequently in the past the need for the stabilization of our urban areas.

When hearings were held on the OEO amendments this past summer, I was disturbed at the indications that higher levels of non-Federal contribution may be required. I thought then and I think now that our localities are not in a position to contribute more to these programs, however much needed they may be. In the context of our present and deteriorating economic situation, an increase in non-Federal contributions would merely aggravate local crises as city and county governments fight to make ends meet on incomes from a steadily shrinking economic base. I am very pleased, therefore, with the language incorporated into section 225 prohibiting the Director from requiring a non-Federal contribution in excess of 20 percent of the approved cost of the program.

The programs of the Office of Economic Opportunity were designed to benefit all those in need of them. The language added to section 224, mandating the distribution of funds in such a fashion that all significant segments of the low-income population served will be benefited can only add to the success of the programs.

I regard somewhat in the same context the new provisions that will apply to Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands under section 225, the authorization under which community action programs operate. Funds reserved for their use will be increased from 2 to 4 percent for fiscal year 1972. In addition, beginning with fiscal year 1973, Puerto Rico will be treated as a State for purposes of this section. As I have repeatedly stated in committee, such status accorded to Puerto Rico will not only benefit that island but will also substantially assist our large cities on the mainland to which the poor from Puerto Rico presently flock, seeking livelihood and job opportunities.

Titles V and IX, Child Development and Legal Services, have, of course, been receiving well-deserved national attention. The Child Development section of this measure is the product of much labor and thought on the part of the Select Subcommittee on Education and the conferees.

Comprehensive child development programs are of the utmost importance to our Nation. Children of working parents and of parents on public assistance must not be singled out to receive custodial care only. The early development of a child's talents and resources unalterably shape the course of his life. Full opportunity must not be, in our Nation, the privilege of the well-to-do; it must be the right of all.

But child development must not be purchased at the cost of the abdication or rescinding of parental responsibility and control. There are in this measure provisions for parental participation in the design and development as well as the carrying out of the program. A State, any combination of localities having a total population of 5,000 or more persons, Indian tribal organization, or public or private nonprofit agency or organization may serve as prime sponsor for an area's child development plan. However, at the time of application, the prime sponsor must show that it has made satisfactory provisions for the establishment and maintaining of a child development council which meets with the requirements of section 514. One of the requirements of that section specifically states that 50 percent of the child development council members must be parents of children who will be receiving services. The council will be responsible for developing and preparing a comprehensive child development plan. The plan must include the provision, where available, of child-related family, social, and rehabilitative services; educational services; health and mental health services; as well as nutrition services. It must also provide for the training of professional and paraprofessional personnel. Provisions must also be made for employment opportunities, under the plan, for older people, parents, young persons. Volunteers must also be involved in the program.

I would have been happier had a higher income ceiling for free services been established—a family income of $4,320 a year is very meager indeed. Also, I believe that unless extreme care is exercised in establishing the level of charges to be levied against the income of families immediately above the $4,320 bracket, such charges will prove difficult to meet. On the plus side, however, is the fact that the services will be available to all children whose parents or legal guardians request them on their behalf; that 10 percent of the sum to be spent is earmarked specifically for the needs of handicapped children who have, unfortunately, been getting short shrift under most of our programs; and that through the operation of such type of programs we may be in a position to end the social, economic, and cultural isolation of the children in our Nation.

I am also very pleased that under this title Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, will be treated as States. The exclusion of children from these areas for economic or other reasons would be inexcusable.

And while we are on the subject of economics, I want to state that the $2 billion appropriated for this title is enough only for a beginning. In order to reach our goal of meaningful child development, much larger sums will have to be committed for this purpose as soon as the programs get underway.

Title IX, the Legal Services Corporation, has been the object of much controversy and painful negotiations. Again, I would have been happier if at least a portion of the 17-member board, which will be responsible for the operation of this nonprofit corporation, had not been Presidential appointees. However, the incorporating trusteeship, which is to function for the first 6-month period of transsition, is composed of the members of prestigious organizations: the president of the American Bar Association, the president of the National Legal Aid and Defender Association, the president of the Assciation of American Law Schools, the president of the American Trial Lawyers' Association, and the president of the National Bar Association. Six members of the 17-member board that will be responsible for the operation of the corporation after the period of transition is over, will be chosen from among members of the general public, two from among nominees submitted by the Judicial Conference of the United States; two from individuals who are eligible for assistance under the provisions of title IX, two from among former legal service project attorneys, with the five remaining members to be selected from the nominess of the incorporating trusteeship.

The declaration of policy that enumerates the reasons for establishing the corporation states, among other things, that an access to legal services and appropriate institutions for all citizens of the United States is not only a matter of private and local concern, but is also of appropriate and important concern to the Federal Government; that the integrity of the attorney-client relationship and the adversary system of justice in the United States require that there be no political interference with the provisions and performance of legal services; that existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change; and that a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

Again, under this title, Puerto Rico, Guam, American Samoa, the Virgin Islands, et cetera will be treated as "States" and their residents will be eligible for the same level of services as will be rendered to residents of the 50 States.

There will be, I am sure, many difficulties to surmount in the operation of this program. However, the conferees have worked long and conscientiously, keeping in mind the overwhelming need to make the term "equality before the law" a reality in our country. Consequently, I hope that the concept of the Legal Services Corporation will receive broad-based support—from Members of Congress, the general public, and the administration.

In closing, I would like to comment on the provisions of title VII which establish a coordinated community economic development program. Title I D special impact programs and title III A, the rural loan program, have been combined under this new approach and have received a level of funding, $60 million for fiscal year 1972 and $120 million for fiscal year 1973, which represents, for the first year of operation, an increase of almost 30 percent allocated to these programs of economic development. Assistance will be given to private locally initiated community development corporations and related nonprofit agencies or organizations in conducting activities which are directed to the solution of the critical problems existing in particular communities and neighborhoods; within those urban and rural areas having concentrations or substantial numbers of low-income persons. The activities of programs will have to be of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting "tendencies toward dependency, chronic unemployment, and community deterioration." They must also hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

This, of course, is the type of planned attack we need to make on our economic ills. A coordinated program of this type, designed by community-rooted organizations will serve to prime the economic pump. Moreover, to assure the effectiveness of this approach, design and planning assistance grants will be available under title II. These grant moneys are to be used by the Director to pay community-based design and planning organizations to provide technical assistance and professional services to community organizations in the planning of the programs.

The types of programs specified include economic and business development programs which provide financial and other assistance, including equity capital to start, expand, or locate businesses in or near the area to be served so as to provide employment and ownership opportunities for residents of the area involved. Small businesses are eligible for assistance.

Community development and housing activities which can lead to the creation of new training, employment, and ownership opportunities are also authorized. Manpower training programs for unemployed and underemployed low-income persons will be included.

The above are the most significant of the Economic Opportunity Amendments of 1971. I believe that the measure, on the whole, is well deserving of support. I again thank the conferees and urge my colleagues to support the measure.

Mr. FISHER. Mr. Speaker, I am opposed to the adoption of this conference report for a variety of reasons. The measure is so bad that, if approved here today, I would hope the President will veto it.

Much of the debate today has related to the child development provision. Under the terms of that provision a brand new program would be inaugurated which for the first time would involve Federal functionaries in the rearing of children, influencing their minds and thoughts, and casting the mold for their future lives. While it is true no parent is compelled to submit to this technique, the concept and its inducements would be expected to gradually wear down resistence to its application—which reminds us:

Evil is of such a frightful mien,
As to be hated needs but to be seen;
But seen too oft—familiar with its face,
We first despise, then pity, then embrace.

However laudable is the idea of proper child care, which we all support, we are dealing here with a revolutionary concept in the area of having the State enter American homes, to coddle and influence the minds of small children, and at least to some extent replace the normal development of parental influence over the minds and lives of children. The scope of this proposal is a far cry from ordinary day care for the children of working mothers.

Mr. Speaker, I recently received a telegram from Mrs. Jean Harris, State president, Texas Congress of Parents and Teachers, which stated that during the 62d annual State convention of that organization in November, attended by 2,693 voting delegates from across the State, a resolution was adopted expressing strong opposition to this child development program.

In addition, I have received scores of other messages from parents expressing similar convictions. I cannot believe proponents can be fully aware of the extent of this concern and opposition.

Moreover, the cost of this comprehensive child development program will be prohibitive. The figure of $2 billion is given. But that is for early stages of it. A realistic figure is $10 billion in the foreseeable future. It is indeed a budget buster, and therefore highly inflationary.

Aside from the child development feature, the OEO needs to be vastly reduced or eliminated, and any good programs transferred to other agencies. Taking advantage of open ended authority, delegated by the Congress, that Agency has expended vast amounts of money which has been wasted or unaccounted for. OEO's blank check authority has been abused time and again, and this can be documented in scores of instances.

Mr. Speaker, again I hope this conference report will be voted down. If approved, I hope the President will exercise the right of veto.

Mr. BURKE of Florida. Mr. Speaker, I rise in opposition of S. 2007, the conference report on the Economic Opportunity Amendments of 1971. This legislation authorized $900 million a year for continuation of OEO-administered programs, $950 million for manpower programs, and $500 million for 1 year to the Neighborhood Youth Corps program. In addition it creates a Legal Services Corporation to replace the present OEO legal service programs and forbids the President from transferring any program from OEO to another Government agency without legislative approval and also offers a compromise version of the day-care bill. I voted against the House version which passed the House on September 30, 1971. I will do so today.

My colleagues will recall that the so-called child-development part of this legislation was added to H.R. 10351 by Congressman BRADEMAS' lengthy amendment, an amendment that contained more than 11,000 words and occupied 22 columns of fine type in the CONGRESSIONAL RECORD.

Most people had expected that as a part of plans for welfare reform a bill would be enacted that would provide modest Federal subsidies for needed day-care centers in some cities. It was envisioned there would be places where welfare mothers desiring to work could leave their children while they went to work. Instead the House approved a full-blown socialistic plan for the "comprehensive" development of all children to the age of 14. To my way of thinking it is the boldest and most far-reaching scheme ever advanced for the socialization of our American young.

The advocates of this legislation argue that "millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this, the bill directs the Secretary of Health, Education, and Welfare to foster programs that will provide "comprehensive physical and mental health, social and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential." The programs may include food and nutritional services; medical, psychological, and educational services, appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance, however, plays no part in the program.

The House on June 22, 1971, passed H.R. 1 which should aid the Nixon administration toward its proposed goal of consolidating and improving child-care programs with priority going to the children of working parents who are receiving welfare assistance and, regardless of the work status of the parents, to children of economically disadvantaged families. The Nixon administration hoped to create an integrated system of child care utilizing all Federal authorities, including Project Headstart child care under title IV of the Social Security Act, and welfare reform provisions of H.R. 1, thereby providing free child care to the poorest of our citizens while at the same time providing for a socioeconomic mix in child-care facilities with children from families above the minimum-income level.

The conference report to the Economic Opportunity Amendments of 1971 provides free care for all children of families earning not more than $4,320 a year. Families with between $4,300 annual income would pay 10 percent of their income over $4,320. Families with between $5,916 and $6,960 income would pay the 10 percent, plus 15 percent of income over $5,916. A family of four with $6,960 income would pay a total of $317 a year. The HEW Secretary would set a fee schedule for families with more than $6,960 income.

The bill authorizes $100 million to plan the program in fiscal 1972 and $2 billion to develop it in 1973. The program might cost $350 million in fiscal 1973, but the House authorization is open ended. The bill contemplates, ultimately, Federal support of the entire range of services that have to do with the development of a child.

The method of administering this program is grotesque. Much of the problem revolves, not around who may operate individual projects, but who is eligible to be a prime sponsor.

The distinction between the two is important. A prime sponsor is the mechanism through which a child development council—the overall mechanism—is established, and an overall comprehensive plan for services is developed. Under the prime sponsor there would be a number of individual operating programs—each following the same rules and regulations promulgated by the Department of Health, Education, and Welfare—but each individual program operator would not deal directly with HEW. There are few restrictions on who may operate a program since they deal only with the prime sponsor.

The confusion seems to be about who is eligible to submit an application as a prime sponsor. As the conference report presently stands, if both a city—with a population of 5,000 or more—and a combination of localities or a State submit simultaneous applications for prime sponsorship to serve the same geographical area, the Secretary is mandated to approve the city's application if it meets minimum requirements. This results regardless of which is better equipped or has a greater capacity to administer programs which serve the needs of the particular area. The Secretary must approve the city as the prime sponsor.

Governor Askew of my State of Florida has expressed concern as the chief executive of the State of Florida that the scheme advocated in this legislation would create a pattern of participation based primarily on the availability of funds rather than the presence of need. He feels that the requirement to put up 20 percent in matching funds for the program while bypassing State governments in the designation, funding, and administration of day-care centers precludes poor local groups from participating.

The Governor wrote me as follows:

STATE OF FLORIDA,
OFFICE OF GOVERNOR
REUBIN O'D. ASKEW,
October 22, 1971.

Hon. J. HERBERT BURKE,
Tenth Florida District
Washington, D.C.

DEAR HERBERT: It has come to my attention that the Senate and the House of Representatives have approved S2007 and similar legislation which would completely bypass state governments in the designation, funding, and administration of day care centers and other child development programs.

While local involvement and local commitment are needed, I am sure you agree that the states should play a major role in supervising these programs to assure the best use of every available dollar.

Bypassing the states would require each local group to put up the necessary 20 percent matching funds for the program. It is my opinion that this would create a pattern of participation based primarily on the availability of funds rather than the presence of need. This problem could be solved, of course, by channeling the funds through the state administrative organizations on a priority basis so funds could be provided to the communities that have the greatest need. In addition, state participation would allow use of these funds to be coordinated with other state and local programs, thereby promoting maximum efficiency.

While I recognize that there is not much time left in the consideration of this particular change, I am sure that each of you will keep in mind the need for a meaningful state role in consideration of this and any similar legislation affecting federal-state-local programs.

Sincerely,

REUBIN, *Governor.*

The contrivers of this legislation following the do-gooder theory must be aware of the socialistic aspects of the same. The honest fact is that it is social legislation of monumental proportions. It promises to alleviate the problems of millions of American women who must work but who have no suitable arrangements for the care of their children. It promises a national commitment to comprehensive early childhood education. It estimated that there are 6 million preschoolers whose mothers work, and in light of the estimate, that it will cost at least $1,600 per child for adequate full-time care, it is easy to see that the total price tag of such a program will cost billions of dollars annually. But our socialistic planners care not. The problem has not been approached with caution, instead a helter-skelter mechanism for administering the program has been thrown together and hence we are asked shall we be socialist or shall we not?

Let us not forget that, in the context of a Communist society, in which children are regarded as wards of the state and raised in state-controlled communes, this scheme might be sensible. However, in America where our people cherish the values of home, family, church and parental control the passage of this bill is an insult to our founding fathers and to the majority of the American people. I hope this legislation will be defeated.

Mrs. ABZUG. Mr. Speaker, as you have appropriately observed, the vote on this conference report represents the "paramount moral vote of this session of Congress." The omnibus OEO bill which is now before us would do much more than merely extend the Economic Opportunity Act of 1964; it would, for the first time provide a permanent structure for the highly successful neighbor legal services program by the creation of the National Legal Services Corporation, thus providing poor and low income people assurance that they will not be deprived of legal services in civil matters because of their economic misfortune.

Most important, however, this bill incorporates the Child Development Act, the only new piece of social legislation to emerge from this session of Congress. For the first time, we have an opportunity to clearly articulate a national policy in favor of low-cost, federally subsidized child care. Let there be no mistake, a vote in favor of the conference report is a vote in favor of the children and women of this country and a vote against it is a vote against them.

The Child Development Act will permit all communities of 5,000 and over to set up 24-hour child care facilities. These will be local programs—programs over which local educators, professionals, and parents will have ultimate control. The act recognizes the desperate need of low-income families for child care they can afford. Those with incomes below the poverty level, $4,320, will be provided with free child care; those with incomes of up to $6,960, the Bureau of Labor Statistics figure for a minimum adequate standard of living for an urban family, will be provided with day care at fees within their limited means.

This Child Development Act is a first step in a direction we must go: the establishment of universal child care. Low-cost, broad-based child care must be as prevalent and acceptable as public education. This bill is only a first step, but it is a vital first step.

The Child Development Act is a children's bill, but it is more than that. It is a women's bill, too. Women's rights is definitely an issue here, even though not many speakers here have mentioned it. If a woman must stay at home to mind the kids, she won't be able to go to school—take a job—or work harder for promotion. Without adequate, low-cost day care facilities, women are doomed to occupy low-paying, low-prestige jobs; without day care, women must remain economic serfs.

Believe me. The women of this country are no longer willing to be the involuntary source of cheap labor that the absence of adequate day care facilities has dictated. I am sure that most of you have already heard this from the women in their districts. I can assure you that you will hear from them again if the Child Development Act is sacrificed to some misguided notion of "economy" or "priority." I can also assure you that their message will not be favorable. This is not a politically partisan question—it is a human question.

Critics of the Child Development Act have hinted darkly that all kinds of evil will follow the establishment of low-cost, broad-based child care, but all they have really said is that it is too expensive. Too expensive—what an insult to the women and children of America. We spend some $75 billion for war and killing and Members of this Congress and administration have the audacity to say that a bill authorizing $2 billion for child development is too expensive. Their message is clear—unlimited funds for war and technological needs but nothing for human needs.

I cannot believe that this is the message of the majority of this House. I urge the adoption of S. 2007, the OEO conference report.

Mr. MEEDS. Mr. Speaker, I rise in support of S. 2007, the Economic Opportunity Amendments of 1971. I would like to direct my remarks to the bill's provisions on legal services.

Created in 1964, the Legal Services program has been one of the most effective aspects of the Economic Opportunity Act. For the poor it has helped make the system responsive. Legal services attorneys have won landmark cases, including decisions on migrant labor, welfare regulations, housing codes, and police-community relations.

In 1971 over 1 million poor Americans will be represented by approximately 2,000 attorneys. Just 2 years ago the caseload was only half as large.

Recently I helped obtain a $150,000 grant to fund a legal services program for citizens in Snohomish, Skagit, and Whatcom Counties in my State of Washington. Located centrally in Everett, Wash., the program will hire five lawyers to help clients with a host of civil problems, among which are the mounting cases of repossessed homes, cars, and other personal property.

With success has come controversy, and this year I have helped write the legislation before us today which reshapes the entire legal services program.

Our bill creates a private, nonprofit corporation to fund local projects and expand legal services and opportunities. The corporation will be run by a board of directors, and 11 of the 17 members will be chosen by the President from lists submitted by groups representing clients of and members of the legal profession. Except in a very, very narrow instance, no attorney can take criminal cases. There are appropriate guidelines to restrict political activity.

Mr. Speaker, the Legal Services Corporation will continue to help more and more low-income Americans deal with the system. President Nixon stated recently that perhaps four out of five of the legal problems of the poor go unattended. I find this shocking and believe that the legal services program must be expanded. Former Chief Justice Earl Warren put it best when he said that:

> A right without an advocate is as useless as a blueprint without a builder or materials.

Mr. Speaker, only 30 years have elapsed since the U.S. Supreme Court ruled that Congress could legally pass a national child labor law. Only 30 years. Prior to the *Darby* case it was not unusual for small children to be working long days in factories, in textile mills, and even in the coal mines.

Brutal exploitation of child labor was perhaps the worst aspect of our industrial revolution. For a lot of American youngsters childhood offered only suffering, toil, misery. I am reminded of the child labor horrors today as we consider legislation designed to enrich the early years. I am reminded further of what Lord Avebury wrote in 1887:

> It is customary, but I think it is a mistake to speak of happy childhood. Children are often overanxious and acutely sensitive. Man ought to be man and master of his own fate; but children are at the mercy of those around them.

There is a vast middle ground between the childhood of the sweatshops and the childhood of affection, attention, and happy growth. Doctors and scientists tell us that a child's environment in his first 5 years is crucial to the way he matures and to his adulthood. In a more romantic age William Wordsworth penned the definitive statement on infancy: "The child is the father of the man."

FIRST AND LAST

We Americans were the first industrial country to embark on mass public education. Even today there are many, many nations where education is available only to the elite. Not so in the United States where adults have taxed themselves to aid the next generation. Peoples in other parts of the globe would be astounded if you told them that the average Washington State resident has an educational achievement of more than 12 years.

But we Americans are the last industrial country without available, adequate, and inexpensive child care services. That we are lagging in this area is not surprising, for our country has always been far behind other nations in establishing industrial reforms. For example, when Congress passed the Social Security Act in 1935, there were 27 nations that already had similar programs. Germany, under the leadership of that radical Otto von Bismarck, established sickness and maternity insurance in 1883. The Government of England created unemployment, disability, and health insurance in 1911. France set up unemployment compensation in 1905. Perhaps the ultimate example of our lagging behind was a Federal law to protect health and safety in employment. Congress didn't pass this bill until 1970.

Government-supported child care services are common throughout the major countries of the world except America. In Japan the Government helps support more than 12,000 day-care centers and more than 9,000 kindergartens. The Scandinavian nations have advanced facilities that furnish three types of supervision: day nurseries, kindergartens, and afternoon recreational centers for young students.

CHILD DEVELOPMENT AND S. 2007

S. 2007, the bill to continue and improve the Economic Opportunity Act of 1964, was passed in September in different versions by the House and Senate. Before us today is the final version written by the House-Senate conference committee. I strongly urge passage of this essential legislation.

The current phase of congressional activity on day care and child development began with the introduction of a bill on August 19, 1969. Since then the Select Education Subcommittee of which I am a member has held lengthy hearings on the various proposals and has studied the entire issue in great detail. Testimony produced 166 statements and witnesses who favored the comprehensive approach to child development.

It has been my pleasure to cosponsor child care legislation in the 91st and 92d Congresses. I have helped write the bill before us today and am proud of its provisions.

Support for the comprehensive child development legislation has been expressed by a broad range of groups including the League of Women Voters, the American Academy of Pediatrics, the U.S. Catholic Conference, the National Association for Catholic Women, the National Education Association, the National League of Cities, the AFL-CIO, Common Cause, and the American Bar Association.

NORMAN ROCKWELL NO MORE

My colleague from Idaho, Republican Representative ORVAL HANSEN, had this to say when the House debated the child development legislation on September 30:

> This is truly an idea whose time has come. Indeed, as we look across the country, we might very well conclude that it is long overdue. Quietly, without much notice, some very basic changes in the American family have been taking place. The American family today is not any longer—if it ever was—the Norman Rockwell-Saturday Evening Post stereotype complete with a mother waiting at the door with hot apple pie for the children after school.

Today there are 32 million working women. The number of mothers in the work force has increased sevenfold since 1940 and has doubled since 1950. Many women are the heads of families.

Among the children of working mothers are 6 million youngsters under the age of 6. What happens to them is the reason for the bill before the House this afternoon.

America has for these children only 641,000 certified day-care slots. Headstart serves only 263,000 children in full-year programs and 208,000 in summer projects.

The working mother is often forced into makeshift child care arrangements that are haphazard, inadequate, and even harmful.

Relatives are pressed into service; children are left alone with a key and a sandwich; a bored child decides to play with matches or explore the medicine cabinet.

The child development legislation will be costly if funded adequately. But consider the costs we are already paying. We are paying when 10 to 25 percent of our children are not prepared to meet the new challenges when they first enter school. We are paying when statistics show that the majority of crimes in this country are committed by persons under 25. We are paying when welfare costs continue to skyrocket.

We are paying when mothers suffer emotional and financial anxiety over finding proper care during the working day. We are paying when welfare mothers want to work but cannot surmount the obstacles related to child care.

We are paying when lack of child care facilities prevents the women of this Nation from making the contribution of which they are capable. Our country needs and must have the skills, talents, and abilities of its women.

We are paying dearest when the children do not get a fair chance.

CHILD DEVELOPMENT—IF SIGNED AND FUNDED

Mrs. Bruce B. Benson, president of the League of Women Voters of the United States, had this to say in a November 30 letter to the Congress:

> The League believes it absolutely essential for this nation to provide comprehensive care for children. Every year of delay is a year's opportunity denied to millions of children. Even though S. 2007 will not satisfy even the existing needs, it is a big step in the right direction.

S. 2007 authorizes $2 billion through June 30, 1973. Five hundred million dollars is earmarked for Headstart. It should be stressed that the legislation we are considering today does not appropriate any funds. Actual appropriations will come later when the House and Senate Appropriations Committees begin working in January on the new budget.

There has been some talk that President Nixon may veto this bill. I hope not. To veto the measure would run counter to the statement he made in a February 1969 message to Congress. Said the President:

> So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

Funds contained in the measure can be used for a host of child development services, including construction, rental, and remodeling of facilities. For the child the bill offers services that are educational, medical, nutritional, recreational, and social. Funds will also be used in the training of professionals and paraprofessionals to work with the children.

The bill specifies that free services are to be provided for low-income families. A family of four whose annual income is $4,320 would pay nothing, and families with larger incomes would pay fees on a sliding scale.

THE HALLOWEEN CAMPAIGN

During the past several weeks Congress has been receiving a good deal of mail against the child development legislation. While there has been considerable misunderstanding about the measure, right-wing extremists have engaged in a deliberate Halloween campaign to portray the bill as being full of demons, devils, and other scary figures.

Some of these people are saying that the Federal Government is going to take children from their homes and control them. Nonsense. Section 515(a)(24) states that:

> Programs or services under this title shall be provided only for children whose parents or legal guardians have requested them.

Section 578 of the measure is pretty much the standard clause Congress inserts in all aid to education bills:

> No department, agency, officer, or employee of the United States shall, under authority of this Title, exercise any direction, supervision or control over, or impose any requirements or conditions with respect to the personnel, curriculum, methods of instruction, or administration of any educational institution.

To protect the legal and moral sanctity of the family, section 581(a) of S. 2007 specifies that:

> Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children. Nor shall any section of this title be construed or applied in such a manner to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

Furthermore, the bill requires each sponsor of a child development program to establish a child development council to approve the basic policy decisions on the program. At least half of the council must be composed of parents whose children are served by the project.

HELPING THE CHILDREN

In her 1843 poem, "The Cry of the Children," Elizabeth Barrett Browning struck a blow against the agony of child labor:

> The young, young children, O my brothers,
> They are weeping bitterly;
> They are weeping in the playtime of the others
> In the country of the free.

What the industrial revolution did to children was finally brought under control. Protecting children has been evolving gradually into helping them become healthy, educated, adjusted adults. No child care program can ever replace a loving and constructive family environment. But love and concern are not always present. Even when these qualities are shared in the family unit, we still face the problem of the child whose mother is gone during the working hours.

We can bicker among ourselves about the details of this or that bill. But no matter how long we debate, one question remains supreme: What are we going to do about the children? Ignore them? Pay attention to them only in school and only when they begin having problems? Let them sit silently and alone in an empty house? Pretend that they do not need stimulation, like so many figures in a wax museum? Our Government has not done very well so far for the millions of children of working mothers and mothers who want to work. With S. 2007 we can do better.

Mr. DONOHUE. Mr. Speaker, I earnestly urge and hope that this conference report on the continuation and expansion of the wholesome programs of the Office of Economic Opportunity will be overwhelmingly accepted by the House.

The basic legislation provides for a 2-year continuation of programs that have already proved their effectiveness in carrying out our national commitment to perseveringly eliminate poverty in this country, such as community action projections, neighborhood health centers, emergency food and medical services, drug and alcoholic rehabilitation, migrant workers aid and senior citizen assistance.

The legislation further provides new and expanded activities to help meet the desperate needs of our Nation's cities and rural areas; to enlarge the Neighborhood Youth Corps unit for the establishment, because of the existing grave unemployment situation in this age group, of 100,000 new jobs for young men and women; to institute the National Legal Services Corporation to strengthen legal services for the poor and, perhaps more fundamentally important than anything else, to create a comprehensive child development opportunities and quality day-care service program designed to give our Nation's children, especially the disadvantaged and handicapped children, the best life start a concerned country can provide.

I would like to emphasize, Mr. Speaker, since there has been much misunderstanding about this particular provision, that this measure has been endorsed by the National Education Association, League of Women Voters, National Association for Retarded Children, National Council of Churches, U.S. Catholic Conference of Bishops, League of Cities and the National Conference of Mayors. May I also emphasize that no services may be offered to children under the provisions of the bill without the full consent and involvement of parents or legal guardians and all the activities will be completely designed, operated and controlled at the community level with the parents of the enrolled children holding the principal responsibility. Obviously, then, any fears, however well meant, that Federal Government intervention will tend to eliminate parental authority are unfounded.

Mr. Speaker, the programs contained in this legislation constitute the essence of our continuing war on poverty, that we initiated several years ago to extend help and hope to the discouraged millions of young, old and middle-aged poor people in this country. Our current national economic situation makes it unfortunately too clear that these programs are needed today more than ever before. They are not intended to establish any institutions of perpetual care but only to enable our poor citizens and families to increasingly better their economic status so that the programs can be gradually reduced and eventually eliminated.

Mr. Speaker, the substance of this

measure truly represents a prudent investment in the present and future welfare and progress of this Nation and I believe it merits the resounding approval of this House.

Mr. ANDERSON of Illinois. Mr. Speaker, it is with great reluctance that I must oppose this conference report. I say that because I have been a strong supporter of both the major new features in this bill—the Legal Services Corporation and the comprehensive child development program—and I have, in fact, consponsored legislation in both of these areas. And let me say parenthetically that I have no quarrel with the conference version of the Legal Services Corporation program. I am especially proud of the fact that the Education and Training Task Force of the House Republican Conference has devoted considerable attention to the need for child development programs and has worked diligently in developing a bipartisan approach to this problem. I think it is most regrettable that this bipartisan spirit has collapsed. And without pointing the finger at anyone in particular, I think we should recognize that several factors involved in this collapse include the lack, to date, of any committee report on this major new program, the fact that few members had even seen the text of this 62-page amendment before it was tacked onto the EOA bill, and the fact that it was altered substantially both on the floor and in conference. This is just no way to win friends and influence people in launching a major new program of this kind, no matter how desirable the program and how well intentioned its authors.

I know there are those who would argue that the child development concept is such an overriding good in and of itself that we should overlook the imperfections and flaws which mar this title and pass it regardless. I just can't accept that thesis. If there was one outstanding lesson we should have learned from our domestic program efforts of the last decade, it is that good intentions do not necessarily make for good legislation, and we have had plenty of bad programs come back to haunt us because we operated on that mistaken assumption. And yet today, there will still be those who will argue that we should not allow ourselves to become hung up on the administrative arrangements contained in this bill because this is basically a sound and urgently needed program. Well, I would submit to my colleagues here today that it is precisely because this program is so urgently needed, especially by the working mothers of America, that we cannot afford to build a faulty foundation or it will fall flat on its face and we will once again open ourselves to the charge that we have allowed promises to outstrip performance—that we have raised a lot of false expectations because we will not be able to deliver on the promises made in this legislation.

And the key word here is "delivery." The crucial component of this comprehensive child development program is the delivery system, and I defy anyone to lightly dismiss the importance of this component. That would be like dismissing the importance of propulsion technology in putting a satellite into orbit. And yet in the conference version of the child development program we have an administrative monstrosity—burdensome, unmanageable, uneconomical, inefficient and chaotic. For in requiring that the Secretary of HEW must choose the smallest unit as the prime sponsor for a given area, we are in effect guaranteeing a proliferation of prime sponsors each having the least available expertise and resources and the most unfavorable cost/benefit ratio. It would, as the gentleman from Minnesota (Mr. QUIE) has so aptly put it, be analogous to going back to the day when each one-room schoolhouse would also be one school district. For obvious reasons of necessity we have gotten away from that concept; whereas in 1900 there were 100,000 school districts in this country, today there are 17,000, and this figure is dropping at the rate of 1,000 per year.

Or, to get back to my space analogy, the requirement in this bill would be like telling the administrator of NASA to use his weakest booster rocket and lowest quality fuel to put a satellite into orbit, even if a more substantial booster and higher quality fuel were available.

I would hope that we are genuinely interested in developing a program which will provide the maximum number of people with the best possible services at the lowest possible costs. That is why it is so important that we reject this conference report and go back to work on a bill which will give the Secretary the flexibility to choose those prime sponsors which are most competent and capable of serving a given area.

In light of the twin aims of the bill to provide: first, "child development programs for all children whose parents or legal guardians shall request them regardless of economic, social and family backgrounds," and second, high quality, comprehensive care including health, educational, psychological, nutritional, and so forth, services. The 2-billion authorization may be adequate for the initial year, but it is thoroughly misleading as to the eventual costs. The following are some cost figures based on differing assumptions about participation rates and cost per child:

[In billions]

Participation	$1,200/ child	$1,600/ child	$200/ child
1. Below poverty line only ($3,721, family of 4)	$3,165	$4,220	$5,276
50 percent participation of children below poverty line	1.582	2.110	2.638
2. Children in families eligible under H.R. 1, Jan. 1, 1973	3.3	4.4	5.5
50 percent participation	1.652	2.203	2.754
3. Children in female-headed families eligible under H.R., 1 Jan 1, 1973	1.7	2.3	2.8
50 percent participation rate	.853	1.137	1,422
4. Cost of bill under consideration, including only children in families eligible for free services (under $4,320) and partial subsidization (under $6,900)	6.190	8.475	10.761
50 percent participation rate	3.097	4.240	5.380
5. Free services for all children under 5	20.599	27.465	34.332
50 percent participation rate	10,299	13,732	17.166

SOME IMPLICATIONS OF THE ABOVE FIGURES

First. All of the above estimates are based on 1970 census figures for children under 5. However, child development advocates are also talking about after-school services for children 5 and above, so the real costs would be much greater if these children were included in the calculations.

Second. To provide quality care for just the children in families below the poverty line—3,721 for family of four—would cost twice the amount of the $2-billion authorization. Moreover, to provide care for just half of the children promised free care—in families with incomes under $4,230—and almost completely subsidized care—in families between $4,320 and $6,900 would cost two times the authorization.

Third. In light of the figures in the above paragraph and in light of the bill's promise to provide at least partially subsidized care for children in families above $6,900, it seems to me that we have in the making one more huge credibility gap, and one more social welfare promise largely unfilled. Congress will never appropriate even a fraction of the amounts needed to provide even the minimum free care and partially subsidized care promised by this bill.

The history of medicaid and medicare is instructive here because it promised wide availability of skilled nursing home care for the first time—that is, financed demand—when there were not adequate facilities and personnel available. As a result of the pressure of this new demand, administrators gave temporary licenses to substandard facilities and in time you got the whole series of scandals uncovered by Nader, Congressman PRYOR, Senator PERCY in Chicago, and so forth. I see no reason why this same syndrome would not operate in the day field, when you remember that there were only 600,000 licensed day care slots in the entire country in 1969, yet we are here proposing services for 2 million to 10 million kids. I think this danger is especially great because under the bill any group representing more than 5,000 persons can qualify as a prime sponsor. Obviously, many prime sponsors of this type will be in no position to provide quality care, and there will, as a result, be strong and probably successful pressure to loosen standards for a transitional period that may never end if the skilled nursing home experience is any guide. Yet many child psychologists advise that substandard care may be worse than no care at all, especially for children from nonpoor families. Therefore, before we start financing a massive surge of new demand we better make sure that enough resources, personnel and facilties are available to absorb it.

The problem with this bill is that it completely melds together funds for first, facilities, planning, demonstration projects, personnel training and "start-up costs," and second, subsidies to allow children to participate, that is, fuses funds for supply and demand. I think any funds we do make available should be targeted to:

First, welfare children, especially in

female-headed families. This is the area where funds are desperately needed if we are to begin to break the cycle of poverty, crime, and dependency. Once they get in elementary school it is usually too late.

Second, the development and expansion of a child care delivery system. There is already plenty of demand for services from nonwelfare families, as witness the huge waiting list for most current programs. The implication is that the startup costs for facilities, personnel, and so forth, is too great for any significant expansion of day care supply given the current ad hoc system. Therefore, if we are going to make funds available other than to welfare families they should be in the form of grants, loans, loan guarantees, technical assistance, model project funds and the like to spur the development of a supply system that at present cannot respond to even current demand. Specifically, this would be in the form of development assistance to prime sponsors serving areas of from 200,000 to 500,000 persons, they would become the central administrative units in a nationwide system. Over time, if we got our budgetary problems worke out, we could institute a tax credit to help finance demand for families in the working-class range just above the welfare level. But as a general principle, if nonwelfare families want day care they should finance the main portion of the cost themselves. The underlying principle of this bill is just the opposite and should be rejected on that ground alone.

Finally, Mr. Speaker, let me say that I thoroughly reject the notion that this bill is somehow designed to destroy the family and nationalize or "Sovietize" our children. This is sheer nonsense. This bill makes abundantly clear in unequivocal terms that the program is entirely voluntary—nobody is suggesting a legalized Federal kidnaping program. The program would simply be available to those families who need such a service. In addition, the governing bodies of both the prime sponsors and the individual projects are to have 50 percent representation by parents having children in these programs, and these governing bodies are responsible for the programs, politics, personnel, and other administrative details. In short, this program is oriented toward the type of programs and services desired by the parents involved and gives those parents sufficient administrative powers and representation to insure it. Contrary to popular misconception, this would not be run by a group of bureaucrats or a computer in Washington, D.C. It is local, it is voluntary, and it is parent-oriented. I hope we will defeat this conference report and bring back a bill that will best meet the needs of those parents who want this program.

Mr. MADDEN. Mr. Speaker, I am supporting this conference report, now under consideration, in order to continue and expand the Economic Opportunity Act which has been so highly beneficial in the past to millions of needy folks throughout the country and to families of low income. I supported the legislation when it was before the Rules Committee early this year and later when it successfully passed the House. The other body made some changes in the legislation and the conference between the House and Senate has returned a satisfactory bill and the conference report should be adopted by a large majority.

This legislation will carry out the highly successful and much-needed Neighborhood Youth Corps programs and authorizes $500 million for the fiscal year ending June 1972, for the highly successful Headstart program and also provides for the Follow Through program of $70 million for the fiscal year ending June 30, 1973.

This legislation also provides money for the carrying out of the Comprehensive Health Services program and the Emergency Fund Medical Services program along with the Family Planning program which projects are set out and described in the pending bill. There are also provisions for the Senior Citizens Opportunities and Services program as well as carrying out the additional cost of Environmental Action programs.

Thirty-eight million dollars set out in the bill will be for the purposes of carrying out part (b) of title III for migratory and seasonal farmworkers as well as money relating to the community economic development and the housing development and rehabilitation program described in section 222 of the bill. Provisions are also provided for the drug rehabilitation program and for community action boards.

CHILD DEVELOPMENT PROGRAMS

Millions of American children are suffering unnecessary harm from the lack of adequate child development services.

Comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children and should be available to children whose parents or legal guardians request them regardless of economic, social, and family backgrounds. Children with special needs must receive full and special consideration in planning any child development programs. Priority should be given to preschool children with the greatest economic and social needs. While no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training or education. Comprehensive child development programs not only provide a means of delivering a full range of essential services to children, but can also furnish meaningful employment opportunities for many individuals, including older persons, parents, young persons, and volunteers from the community.

This legislation is a comprehensive and cover-all program pertaining to the needs of many low-income and poverty-stricken families throughout the Nation. If passed today and signed by the President, it will contribute greatly to the recovery of our economy, increase employment and give necessary and needed education and training to the younger generation so that they will not become dependents on relief by reason of lack of training and preparation during their youth.

Ninety percent of the crime today can be traced to the negligence of our government—loca, State, and national—in not providing aid and help to young folks in preparing for practical employment in later years.

In recognition of parental responsibility for children, the conference report states that:

> Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the full development of their children. Nor shall any section of this title be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law (Sec. 581).

In this bill there is no compulsion and no government control of children. I would hate for all these other good programs to be jeopardized because of a misunderstanding.

I do hope this conference report is passed by a large majority vote.

Mr. RANDALL. Mr. Speaker, my opposition to the conference report on S. 2007 is not to be equated as being in opposition to all child care programs. On the contrary, Headstart has proven to be successful.

Our opposition to S. 2007 and our own H.R. 10351 is not predicated solely and only upon this novel, untried and unbelievably expensive child development section. There are several parts of the overall poverty program that have not been either economically administered or effective in results. The gentlelady from Oregon (Mrs. GREEN) today on the floor of the House once again called the attention of the membership to the indisputable facts that hundreds of millions of dollars have been wasted on the poverty program. In her remarks she indicated that a considerable portion of the money has never been accounted for in what appeared to be at the time, worthwhile community action programs. She pointed to the present large payments being made to consulting firms whose main interest is to increase the income of their organization. Then she pointed to the poor record of placement of Job Corps graduates. If I recall her remarks correctly, she said that a total of $42 billion had already been spent on the poverty program, and asked in the light of such large expenditures, why has there been so little progress?

During the debate, the most telling argument advanced against the comprehensive child development program was that it amounts to a kind of reverse incentive. The earlier effort of the Ways and Means Committee provided child care only for working mothers. Now, as I read this conference report, it no longer contains the priority of the House which limited care to working mothers and single parents. Instead, our conferees extended care to all preschool children. In other words, under the conference report mothers could stay home, do nothing and yet still receive day care for their children.

Mr. Speaker, I can support reasonable day care costs for those working mothers who need it. As long as mothers are proving they want to get off the welfare rolls and are willing to accept work to do that then child care is justified. But this bill is not merely day care for working mothers. Its thrust goes far beyond that. Instead it is a broad, comprehensive custodial program with provisions for nutrition, and education which leaves the door ajar for indoctrination at the tender preschool age. Most of this kind of care parents ought to do for themselves.

I am no authority on child care but I think I do know enough to understand that there is no substitute for parental care of children. There is no substitute for the family. Nothing can take the place of a family atmosphere. This leads us to consideration of the question whether our children would in fact be hurt or harmed by this kind of a development program. What we are surely talking about is institutionalized child care. This daily care matter means that for the greater portion of each day, the child is separated from both parents. Personalization, is replaced by depersonalization which is all that is possible with so many to be cared for. Before we approve the conference report we should consider the potential risk and possible emotional damage which can happen during the time from birth and during the preschool period until a child is 3 or 4 years old.

Even if we could disregard all of the other objections to this novel program it carries an impossible price tag. According to my arithmetic, when our bill went over to the other body, it authorized approximately $5 billion for 2 years. There was no sum certain contained for the child program. As a matter of fact, the House version was kind of open-ended because H.R. 10351 authorized such sums as should be required. Now, I suppose it could be said a fixed or specific limitation on authorization is better than none at all. But on page 62 of the report I see the Senate authorized $2 billion for just fiscal 1973 for this new comprehensive child development program. Once again it should not be too difficult to conclude that with the $5 billion for all of the other OEO programs, by adding the $2 billion for child development programs for fiscal 1973 alone, we are voting on a conference report that authorizes $7 billion.

How many times have we heard it said we should never worry about any amount that is authorized? What we should really be concerned about is the amount that is finally appropriated. Yet again and again the Congress subjects itself to criticism, in my judgment justifiably so, when we strike out and authorize programs which we can never afford to fund. Such a course of action is misleading. The adoption of an authorization bill creates an implied covenant to match that authorization with appropriations.

Now comes the question: What is so wrong with fully funding an authorization of this amount? The answer is it would not only be a budget buster for fiscal 1973 but will blow the budget to pieces year after year. It is bad enough to have the $2 billion added for fiscal year 1973, but it is worse to realize that when H.R. 10351 was debated earlier on the House floor, the minimum figure to fund the child development program when it becomes fully operational was thought to be $7 billion a year with a maximum of $20 billion a year.

A major argument advanced by proponents of these comprehensive child development services is that no services will be rendered free or gratis to those with an income over $4,320. But the fee schedule for those with income greater than this figure is graduated to a point where those who have a family income of $6,960 a year pay only $6.30 a week for a total annual cost of $315.

Obviously, this is only a small sharing of the cost and the greater part of the burden must be paid for by Federal appropriations. According to the conference report, this child development service is available to even those with incomes over $6,960. In such cases the personal contribution is to be set by the Secretary of Health, Education, and Welfare.

Mr. Speaker, day care for working mothers trying to get off the welfare rolls is justified. Even reasonable tax credits for working mothers in lower middle-class income brackets should be approved by our Ways and Means Committee. But we are embarking upon an innovation which has never before been tried in America. When all else has been said the facts are, that at this time, we simply cannot afford to authorize the $7 billion called for by S. 2007.

Mr. KOCH. Mr. Speaker, we will soon be voting on the conference report to S. 2007, the Economic Opportunity Amendments of 1971. I am pleased to support this legislation which includes two very important provisions essential for social progress, namely, the Legal Services Corporation and the child development programs.

The Legal Services Corporation is the new independent nonprofit corporation which would replace the present legal services program now under the Office of Economic Opportunity. This provision is very important in that it will remove legal services from the political arena and give it the independence so necessary for a program such as this. To assure adequate services for the poor it is most necessary to have unhampered legal advocacy.

The comprehensive child development program is another very important provision which authorizes $2 billion for fiscal year 1973 for child development programs and $100 million for fiscal year 1972 for planning of these programs. The bill envisions a comprehensive program for the care, nutrition, health, and educational enrichment of the child recognizing that the early years set and determine what a person will be later in life. Under the provisions of this bill, the disadvantaged and working mothers receive priority, which is only fitting since more women are working now than ever before.

I will vote "aye" on final passage.

Mr. RARICK. Mr. Speaker, I consider the comprehensive child development programs of the conference report of the bill S. 2007, the Economic Opportunities Amendments of 1971, to be among the most oppressive legislation and the greatest threat to individual freedom to come before this body during my 5 years as a Member. If enacted into law and implemented, these programs would undermine and lead to the deterioration and ultimate destruction of the family, locally controlled public school systems, and religious morals. It appears to me that the projected goal of these programs is a planned collectivist society similar to that of Soviet Russia, Red China, and the kibbutzim of Israel, and consequently the demise of individual freedoms secured to our people by the Bill of Rights.

If this Congress or the HEW bureaucrats were to come right out and proclaim that they were going to take America's children away from parents and home and put them all under Federal control, custody, and ownership, the parents of America would rise up in protest and indignation. So, what is bad must be disguised to appear good or at least economically beneficial in order to be sold to an unsuspecting citizenry.

President Nixon in his state of the Union address remarked that he desired to return power to the people at the local level to make those decisions which so greatly affect their lives. I concur with this view of our President and also agree with him when he stated:

> The idea that a bureaucratic elite in Washington knows best what is best for people everywhere and that you cannot trust local government is really a contention that you cannot trust people to govern themselves. This notion is completely foreign to the American experience. Local Government is the government closest to the people and it is most responsive to the individual person; it is people's government in a far more intimate way than the government in Washington can ever be.

Yet, the comprehensive child development programs would centralize power and control over the rearing and education of children in the hands of the Secretary of Health, Education, and Welfare.

In the conference report, section 578, stipulates that:

> No department, agency, officer, or employer of the United States shall, under authority of this title, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to the personnel, curriculum, methods, of instruction, or administration of any educational institution.

Other sections of the act direct the Secretary of Health, Education, and Welfare to establish standards and guidelines and authorize the Secretary to grant or withhold funds to local agencies on the basis of their compliance with such standards and guidelines.

Section 534(a) directs the Secretary of Health, Education, and Welfare to "promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance."

The many programs set forth in section 512 for which the Secretary of Health, Education, and Welfare would authorize funding as well as prescribe standards and guidelines and empower the Secretary of Health, Education, and Welfare to become a virtual czar over the lives of America's children. He would set standards for specially designed health, social, and educational programs—including after school, summer, weekend, vacation, and overnight. The times indicated include 24 hours of every day in the year. Since some of the proponents of comprehensive child development programs have openly boasted that communal forms of child upbringing in Russia and the kibbutzim of Israel are superior to the traditional family way of this country, parents might expect—should this legislation be enacted and implemented—to visit their children occasionally on weekends.

Under the provisions of section 512, government bureaucrats would decide what food children will eat, what is to go into their minds, the psychological tests and experiments, sensitivity training, and even the drug treatment they should undergo.

The Health, Education, and Welfare Secretary would have the final determination as to the morals to be instilled in children. A study made by the Department of Health, Education, and Welfare points out that a day-care center which ministers to a child from 6 months to 6 years of age has more than 8,000 hours to instill in the child values, beliefs, fears, behavior patterns, and can so mold the child as to affect his mind, personality and future potential.

The imparting of moral, spiritual, and social values to children should take place in the home assisted by the church and is the prime responsibility of parents, not politicians. The Constitution does not give the Federal Government such power, duty, or right. What moral, spiritual, and social values could the Federal Government espouse except political training to perpetuate the policies of its leaders?

The American government was established by and for the people, not the people by and for the government. I have been notified by several of my constituents and other Americans that they plan to protect their children from the bureaucrats of government—peacefully if possible, or by such other means as are necessary. They have informed me that the "Nation's" children really belong to their parents; that the government has no children; that the people own the government and not vice versa; and that the government is to work for the people and not the people for the government.

Jefferson stated it well when he said:

> The government is best which governs least.

So long as America adhered to the U.S. Constitution and the Holy Bible, America prospered. There was a minimum of government and a maximum of individual responsibility, free enterprise and freedom. Because people were free to lead their lives with a minimum of government interference, they were a creative and dynamic force, and their vitality made for a more just and orderly society. This is the system under which America prospered and became the leading nation in the world. Strong nations make weak people. Strong people make a great nation.

The child development programs would merge the political order with the social order, and the one order resulting would be the political. When the State totally controls society, we have a totalitarian form of government, which prescribes the standards society is expected to follow. The strength and energy of a nation flow from society to the state and not vice versa. The provisions of the child development programs as contained in S. 2007 if fully implemented would, I fear, eventually lead to a faceless robot society—it would foster a state humanistic secularistic religion thereby abrogating the traditional separation of church and state which has served to preserve freedom of religion.

The "child developers" who would diminish freedom, talk of the kind of citizens the state wants; whereas, if they desired to enhance freedom, they should be concerned with the kind of state the citizens want.

Mr. Speaker, I conclude my remarks with analytical comments on several other sections of the conference report of the bill S. 2007.

TITLE V—CHILD DEVELOPMENT PROGRAMS, STATEMENT OF FINDINGS AND PURPOSE

Section 501(a) states that Congress finds that—

> Millions of children in the nation are suffering harm from the lack of adequate child development services.

As just one Member of the Congress, I have not found this to be true nor have I seen any evidence to support such wild irrationalization. Congress is not yet a court.

While section 501(a) (2) stipulates that the child development programs should be available to the children whose parents or legal guardians request them "regardless of economic, social, and family backgrounds," section 501(a) (3) indicates that priority must be given to economic and social need "pending the availability of such programs for all children." This leaves no doubt that the legislation intends that the programs include all children in the future. We can be sure that the Federal courts and HEW bureaucrats will find coercive measures to force participation so as to get the "correct" racial balance, socioeconomic mixture, and whatever other balance or mixture they deem necessary in changing diverse individualities into one uniform conglomeration.

Section 501(b) purports that it is the purpose of child development programs to "provide that decisions on the nature and funding of such programs be made at the community level with the full involvement of parents" when, in reality, the decision to fund and the authority to set standards and guidelines are given to the Secretary of Health, Education, and Welfare by sections 511 and 512, respectively.

Section 501(b) states that:

> It is the purpose of the child development programs to recognize and build upon the success gained through the Headstart program.

There is abundant evidence to show that Headstart has been a failure, not a success. President Nixon stated on March 3, 1970:

> In our Headstart program where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds. If Headstart were a success, why then the necessity for this radical new child development program?

PART A—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

Section 512(2) (G) provides that activities of a child development program may include activities such as, diagnosis and identification of mental and emotional barriers with appropriate treatment to overcome such barriers. What are mental and emotional barriers? Who decides, and how is it decided? What is "appropriate treatment" as applied to an emotional or mental barrier? A statement entitled "Mental Health and World Citizenship" which emanated from the International Conference on Mental Health held in London in 1948 stated that the family imposes their imprint early in the personality development of the children who then perpetuate the traditional pattern to which they have been molded, and it is these people "who present the immediate resistance to social, economic, and political changes". Are the mental and emotional barriers to overcome the traditional beliefs and religious teachings of the parents?

Section 512(2) (I) provides for activities to ameliorate identified handicaps. What kind of handicaps? Mental? Emotional? Physical? A statement prepared by the Wisconsin Association for Mental Health, "A Progress Report for the State of Wisconsin" states that an "emotionally disturbed child" cannot be isolated from the definition of the "retarded" or "physically handicapped" because all children at times appear to be disturbed. Thus, all children at some time are "emotionally handicapped." A recent article in the National Enquirer stated that an abnormally high ratio of emotionally handicapped children in Quebec was traceable to poverty, poor health standards and lack of child support programs. Welfare statistics showed that 360,000 children or 24 percent of the total needed special care for their handicaps, and of those, more than 41,000 children have been removed from their families and placed in institutions and foster homes.

Since a purpose of the legislation as stated in section 501(b) is to "provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs" and since section 512(2) (O) authorizes the Secretary of Health, Education, and Welfare to provide for "such other services and activities as the Secretary may deem appropriate in furtherance of the purposes," it is logical to conclude that children with "identified handicaps" could be taken from parents and placed in child development facilities designated by some bureaucrat. Or, perhaps, the parent is the "identified handicap" constituting the barrier to the child's emotion and mental well-being as determined by Federal standards.

Section 512(2) (L) provides for "in-home services and training in fundamentals of child development for parents. . . ." An article in Moscow News of

August 14–21, 1971, on preschool education in Russia states that nursery teachers "keep in contact with the parents and help them to bring up the children in a correct manner." The report of the Joint Commission on Mental Health of Children, page 75 states that in educational programs for children under 3 "Mothers would be taught the preferred ways of handling infants." In the report of the Education Commission of the States, June 1971, page 42, the value of home visits is given: "These children and parents needing special help because of physical and mental handicaps could be identified and provided the additional help required." Are parents to be trained as agents of the State? Dr. Edward Zigler, head of the Office of Child Development was quoted in the San Francisco Examiner February 10, 1971, as being "very apprehensive" about a nationwide network of child care centers as they were "a concept quite alien to the American ethos." That government controlled child care is indeed an alien concept apparently is no considered a deterrent, but a concept to be emulated.

CHILD ADVOCATE

Section 512(2)(M) calls for the use of child advocates.

At the White House Conference on Youth of 1970, which made numerous recommendations, some of which are reflected in the legislative proposals for child development programs, a forum chaired by Judge James J. Delaney of the Colorado Juvenile and Family Court provided these dates regarding a child advocate: First, the child advocate would be the day-to-day protector of children's rights in nearly all areas of child concern; second, the advocate would intervene when a child's "liberty or health are jeopardized, whenever he is deprived at home, schooling, medical care, property rights, entitlements or benefits, or is subjected to involuntary treatment." For example, if a child is severely beaten by parents, the advocate might step in to get medical attention. If a child is suspended or expelled from school, the advocate might negotiate with the school on his behalf. The child advocate would also secure legal services for children who are arrested. In short, the child advocate would supposedly protect the rights of children against those whom he considers to be abusive and unjust parents, teachers, and police officers.

The child advocate would "reach aggressively into the community, send workers out to children's homes, recreational facilities and schools, develop new services, contract for others and modify existing services agencies so that the range of needs discovered is matched by the range of services available. They would assume full responsibility for all education in the community as opposed to schooling—including pre-primary education, parent education, and community education."

The child advocates in reaching aggressively into the communities and sending social workers into children's homes to advise them of their needs should be aided by the recently issued Census Department "Block Statistics" which provide on every block of our major cities such data as age, number of negroes, number of occupants, number of homes, number of rooms, average number of persons per room, and the average cost of houses.

Section 512(2)(O) allows "such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this part." This is a wide open, blank check grant of power—a Pandora's box. Anything goes.

PRIME SPONSORS OF CHILD DEVELOPMENT PROGRAMS AND CHILD DEVELOPMENT COUNCILS

Sections 513 and 514 establish that any State or local unit of government of a given size may be a "prime sponsor" of a child development program and that an application from a prime sponsor is required to be submitted to the Secretary and establish what the application must include. Among other requirements, an application must provide for the establishment of Child Development Councils. Members of CDC's are required to have a membership of at least one-third parents of children who are economically disadvantaged.

Section 514(b)(3) states that CDC's are responsible for planning, coordination, and monitoring child development programs. In general, language of the bill would lead one to believe that in any case, the CDC's have authority and control over child development plans and programs. Section 534(a) clarifies any misunderstanding. It clearly states that the Secretary shall "promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance." This section puts to rest the belief that child development programs will be of local determination. To further the myth of local control, section 534(c) establishes a special committee on Federal standards for child development services. "Such committee shall participate in the development of Federal standards for child development services. Note that the Secretary will promulgate the standards—the special committee merely "participates."

COMPREHENSIVE CHILD DEVELOPMENT PLANS

Section 515 establishes the requirements for a comprehensive child development program which must include a career development plan and advancement on a career ladder; jobs for persons residing in communities served by such projects; enrollment to the extent feasible for children from a wide range of socioeconomic backgrounds. That establishment of child care facilities will bolster the economy by providing jobs for low income persons is often cited as one of the benefits of creating child care programs. Requiring a socioeconomic mix will assure busing.

Section 515(a)(16) requires the assurance that mechanisms have been developed "to provide continuity between programs for preschool and elementary school children." This requirement effectuates a statement in the Report of the Education Commission of the States, under a chapter titled "Objectives of a Public Early Childhood Program." Objective No. 5 states:

> One of the objectives of education before the age of six should be to foster changes in the public schools . . .

And on page 21:

> The public schools need broader definition of objectives. Intellectual objectives need to be expanded to include more emphasis on problem solving and general objectives need to be expanded beyond intellectual development to include the physical and mental health of children.

Here it would be appropriate to consider what is meant by "mental health." It should be realized that the concept of mental health as now used has little relationship to insanity; that mental health according to the United Nations definition is a "state of complete physical, mental and social well being and not merely the absence of disease or infirmity." (World Health Organization Report, March 1948). A statement from "Mental Health and World Citizenship" cited above stated: "Principles of mental health cannot be successfully furthered in any society unless there is a progressive acceptance of the concept of world citizenship. World Citizenship can be widely extended among all peoples through the application of the principles of mental health.

PROJECT APPLICATIONS

Section 516(a)(11) provides that "no person will be denied employment in any program solely on the ground that he fails to meet State or local teacher certification standards." This constitutes an encroachment on the long-recognized right of the sovereign States to establish and require teacher certification standards.

PART B—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION PRESERVICE AND INSERVICE TRAINING

Section 531 authorizes the Secretary of Health, Education, and Welfare to provide financial assistance to enable individuals employed or preparing for employment in child development programs "including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out a child development program, or any institution of higher education, including a community college, or by any combination thereof." Will it be the purpose of "inservice training" to change attitudes, values and beliefs utilizing sensitivity training techniques, by whatever name? Will the participants be advised of the nature of the training?

Section 532 directs the Secretary of Health, Education, and Welfare to "make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this title on a continuing basis to assist them in planning, developing, and carrying out child development programs." This means, in effect, in cases where the local sponsors do not have the "know-how" to draft an application for a Federal grant the way the HEW bureaucrats want the application drafted, that the Secretary of Health, Education, and Welfare can have some of his planners draw up the application or can contract this task out to some other agency. This is just another assurance that HEW—not the people at the local level—will control the program.

DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

Section 535 directs the Secretary to appoint a special committee to consist of parents and children in development programs, State and local licensing agencies, public health officials, fire prevention officials, construction unions, etc., to develop a uniform minimum code for child development facilities, to which all child development facilities, both public and private, new and old, shall conform. This section neatly provides a scheme for political maneuvers—something for everybody, not just the children.

Section 535(d) provides that the Secretary must approve the code and such standards shall be applicable to all facilities receiving Federal assistance. "The Secretary shall urge their adoption by States and local governments." What is the necessity for the States and local governments to go through the formality of adopting the standards when Federal dictates have decreed they shall be applicable to all facilities using Federal assistance? This is a perfect example of the sham of "participatory democracy" at work, or the theory of "citizen participation," better known as "decentralized administration of centralized authority."

PART C—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

This title, under section 541(g)(1) establishes that "The Secretary shall have the same function powers and duties . . . as the Secretary of Housing and Urban Development", thereby creating yet another expensive bureaucracy. Section 541(h)(1) creates a Child Development Facility Insurance Fund, and section 541(h)(5) authorizes initial capital for the fund and "to assure the soundness of such fund thereafter, such sums may be necessary." This is an assurance that the fund need not pay its own way, or in any way, shall accountability be required.

PART D—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

Section 546 authorizes the Secretary to make grants for child development programs for children of employees of the Federal Government. Section 547(a) provides that not more than 80 percent of the total cost of programs shall be paid from Federal funds. Section 547(b) provides that the non-Federal share may be provided through public or private funds "and employer contributions." Remember, this part pertains to children of employees of the Federal Government.

PART E—RESEARCH AND DEMONSTRATION COORDINATION OF RESEARCH

Section 553 assures the Secretary of Health, Education, and Welfare total control of all research and training efforts. And as assurance of dissemination of Federal directives, section 553(c) establishes a Child Development Research Council represented by Federal educational and health agencies, "to assure coordination of child development and related activities under their respective jurisdictions and to carry out the provisions of this part."

PART F—GENERAL PROVISIONS DEFINITIONS

Section 571(9) and (10) respectively define "parent" as "any person who has day-to-day parental responsibility for any child and "single parent" as "any person who has sole day-to-day responsibility for any child." Is the parent the worker in the child development facility? These definitions are intended to include adults in the so-called communal and homosexual families as stated in the White House Conference on Children Report.

SPECIAL PROVISIONS

Section 574(d) stipulates that the Secretary of Health, Education, and Welfare shall not provide financial assistance for any program under this title which involves political activities. There is a similar provision with respect to the OEO, yet the OEO in repeated flagrant violations of the provision engages in political activities, and no action is taken by the executive branch of the Government to stop such practices or to castigate the irresponsible OEO officials.

FEDERAL CONTROL NOT AUTHORIZED

It should be noted that this part does not say "Federal control prohibited." It says: "Federal control not authorized." There is a difference. Section 578 states that no department, agency, and so forth, of the United States shall "exercise any direction, supervision or control over or impose any requirements or conditions with respect to the personnel, curriculum, methods of instruction or administration of any educational institution." How does this statement apply to child development facilities? While education is a part of early childhood programs, the supposed goal is total development of the child. Since this section applies to "educational institutions" and not to "child development facilities," what is the scope of Federal control over child development facilities? Section 571(7) differentiates in designating "schools" and "child development facilities," so it must be assumed that the Federal Government does recognize a difference.

Mr. Speaker, the child development programs constitute a serious threat to the liberties of our people. No provision of the Constitution authorizes the Federal Government to undertake the functions of parent replacement by providing child advocates, establishing child development facilities and carrying on the many other related functions. If the people at the State or local level decide they want the Government to act as parent and the taxpayers want to pay the bill, then let it be done in accordance with the wishes of the people as provided in their State and local constitutions and laws.

The child development programs would involve a fantastic cost which this country is in no financial condition to bear. For the purpose of carrying out the programs, $100,000,000 is required for the fiscal year ending June 30, 1972 with $2 billion for the ensuing fiscal year. It has been conservatively estimated that the amount would soar to $20 billion within a few years.

The child development programs would weaken individual liberty, pride, and responsibility by denying that precious feeling of accomplishment and well-being which results from achieving something on one's own against odds—the basis of true mental health. The end result of such threatened programs can only be more regimentation of our lives by bureaucratic planners.

I urge my colleagues to vote against the acceptance of this conference report on S. 2007.

Mr. FRENZEL. Mr. Speaker, the conference report on S. 2007 contains three separate provisions, the OEO bill for 1971, the Early Childhood Development Act, and the Legal Services Corporation Act. I have been a strong supporter of the first provision, and an author of the latter two. Therefore it is with great regret that I feel obliged to vote against S. 2007.

The OEO section is flawed by provisions restricting local determination on how funds should be spent, and by restrictions on transfers of functions. We have been phony in insisting that community action groups be given autonomy in their own operations. We have given "lipservice" to "neighborhood control."

But what the right hand giveth the left taketh away. In the final analysis, Congress has not trusted the community action groups. The programs must be administered in exactly the proportions Congress determines, no matter what the local needs. If your area wants day care and the day-care money is gone, forget it. Let them have a nice drug program, even if they do not want it.

But even after these "Papa knows best" restrictions had been demanded by the Senate, and acceded to by our House managers, I still support the OEO portion of this bill.

This Legal Services Corporation bill, which I was proud to sponsor, has, miraculously, been improved in the conference committee. It will be an enormous improvement over the present scattered systems of legal services to the poor.

It will provide controlled, uniform legal services where needed and will answer valid criticisms concerning previous lack of controls, and uneven distribution of services.

The final portion of S. 2007 is the Early Childhood Development Act—or the day care bill, as many have described it. I was a proud sponsor of legislation similar to that which passed the House and supported the House version.

However, in reading the conference report, I found that in the over 100 differences between the House and Senate versions, our House managers have conceded to the Senate in two out of three. Many of the differences were minor. But with a success ratio of only one-third, our managers can hardly describe S. 2007 as the same kind of animal on which we voted earlier this fall.

My original bill contemplated uniform national implementation of childhood development programs through stimulation of State planning. States are not exactly ignored in this version, but I do believe that they have been assigned a minor role. Under this bill, it is evident that the planning districts in my own State will be ignored and that any State coordination is, at best, unlikely and, at worst, impossible.

On this point, and others, I would like to say for the Record that no one can put words into a bill that are not there. Colloquies on the floor of this House, or the other body, have been merchandized as establishing "Legislative History" or "Legislative Intent." The colloquies I have seen, or heard, with respect to the role of the States, the authority of the Secretary, the coordination of programs, are merely wishful thinking. I urge my colleagues to look to the bill, itself, rather than the approving managers' descriptions thereof.

The fatal flaws in the childhood development section stem from Senate amendments which reduce size of population level for prime sponsorship to 5,000 people. This, of course, means that literally hundreds of uncoordinated programs are possible in each State. Small prime sponsor units will have to look to HEW for advice, counsel, and expertise. Coordination will be national only, and will, based on the HEW trade record be disastrous.

The worst of it is that to give local people control of programs did not require giving them prime sponsorship. Prime sponsorship could have been retained by larger units; States, planning areas; counties; large cities; or metropolitan areas. Smaller local units could still have operated and managed programs. Now we can expect a proliferation of competitive programs—a situation analogous to the proliferation of political subdivisions around a central city core.

The 5,000 population limitation gives us a sorry kind of federalism—a weird combination of typical Washington centralism and law of the jungle. The middle level coordination was, sadly, eliminated.

The Secretary's powers of approval of prime sponsors are clear, but his discretion is clearly limited. The "shall's" and "may's" in the bill are clear signals that he cannot disapprove localities—or combinations or others—applications if they fit the criteria, even if they may not be the best plans for the total area. In my area for instance, qualified groups could be designated—would have to be designated—even though our county has a proper vehicle for prime sponsorship for the area and has done the preliminary planning for it.

This provision means that a competitive race between prime sponsors is a likely result, rather than a careful, coordinated plan for development of day care.

After careful reading of the bill, I am convinced that, while some childhood development and day care will occur under it, it pretty well assures that reasonable development and care cannot occur. This area is too important to waste our money and, more significantly, our human resources on a poor plan.

My own brief experience in Washington reveals an unvarying pattern of congressional inability to correct or replace Federal programs once they have been started. These programs create their own constituencies with insatiable demands for services. Parallel programs can be created, but old ones never die.

I have received many letters in support of this bill, and very few opposed to it. Nevertheless, almost all of the supporters do so in concept, rather than detail. I, too, support the concept, but someone has to look at the detail, or the result will be the repeat of a false promise. If, indeed, the program can work at all, it will likely suffer in appropriations, because of the lack of confidence in it.

On balance, Mr. Speaker, I find this area of need too important for me to vote for a program which will not work well, if at all. Therefore, I must oppose despite my liking for other portions of S. 2007 and my support of the childhood development concept. With my negative vote goes my pledge for assistance in the search for reasonable workable programs as soon as possible.

Mr. McKAY. Mr. Speaker, I support the conference report on the OEO amendments, but I do so with some misgivings. I share the concern of many of you about the administration of the child development program, particularly the provision allowing any community with a population above 5,000 to be a prime sponsor. By thus bypassing the State government we not only weaken further the capacity of the State to respond to social problems, we also leave responsibility with agencies of local government which—at least in Utah—do not have the administrative machinery to deal with them.

I recognize that some States have failed to respond when given the primary role in various programs, but that is not an adequate reason to penalize those States which have and will act responsibly. As Governor Rampton points out in his letter to me—which I am including for publication with this statement—it would be a simple matter to write legislation which would provide for alternate administrative action if any State failed adequately to respond.

Additionally, I am concerned that the child development program not become a State subsidized nursery school program.

I am delighted to think that some families, under the provisions of this act, may be able to earn their own way more adequately while having assurance that their young children are receiving the basic medical, nutritional, and psychological care. On the other hand, early parental relationships are extremely critical and must be tampered with only with the greatest of caution.

I am merely suggesting that when this aspect of the bill is funded and administered, all involved must do all they can to see that American families are strengthened—not weakened—by this legislation.

I also share certain misgivings about the political purposes for which some funds may have been used by groups in a few States. We are pleased in Utah that the money which has come in through the OEO has in large measure reached the people for whom it was intended without causing the political problems which have developed elsewhere. I believe the same results could be obtained throughout the program by instituting administrative controls. Killing the program would be, in my opinion, unnecessarily drastic action, and would cause hardship for the people of my State who are finding the various OEO programs valuable in their lives.

As a member of the Appropriations Committee, I am also satisfied that the OEO programs will receive critical scrutiny during the appropriations process, and any expenditures which are not in the national interest will be curtailed. I have great confidence in Mr. Flood and his subcommittee and in the appropriations process generally.

Mr. Speaker, I am hopeful that my reservations and those others stated here today will be heeded in future OEO amendments. Under the circumstances we face today in considering this conference report I cannot, on balance, vote to kill programs on which so many depend because of my dissatisfaction with certain portions of the report.

Mr. Speaker, I ask that a letter from the Honorable Calvin L. Rampton, Governor of Utah, be printed at this point in the Record.

The letter follows:

Office of the Governor,
Salt Lake City, Utah, October 5, 1971.
Representative K. Gunn McKay,
U.S. House of Representatives,
Washington, D.C.

Dear Gunn: I am concerned about two bills currently pending before the Congress having to do with comprehensive child development. Each of these bills would make substantial grants available for the general purpose of the act. I am in concurrence with the objective, but greatly disturbed about the administration proposals contained in the act.

These bills are HR 6748 and S 2007. The House bill provides for partially by-passing the states by giving cities over 100,000 in population priority over the states as prime sponsor to administer child development programs for that city, while the Senate bill would make a similar provision for cities over 25,000 population.

Under the laws of the state of Utah the cities have no facilities, and in fact no authority, to carry on programs of this type. It is true that cities of first and second class have their own school districts, but these school districts have no connection with city government but rather have their liaison with the State Department of Education. Various school districts in the state, under the general supervision of the state office of education have been doing substantial work on pilot projects for early childhood education and development. To circumvent the state school office and go directly to the cities would lead to confusion and great waste of public monies.

I would, therefore, like to ask that you support proposals to make the state the prime sponsor of the project, providing for cities to be secondary sponsors if the state did not act within a reasonable time, say 90 days. If this is done, it would be my intention to designate the state Office of Education which, as you know, is under the jurisdiction of an elected school board, as the single state agency to administer the project.

I will deeply appreciate your help on this matter.

Sincerely,

CALVIN L. RAMPTON, *Governor*.

Mr. FISH. Mr. Speaker, as one who believes deeply in the need for early child development legislation, it is with regret that I must vote against the conference report on S. 2007, the Economic Opportunity Amendment of 1971. For a number of reasons, however, I find unacceptable both the child development legislation and certain changes in the basic concept of the Economic Opportunity Act.

The child development legislation before the House in my judgment provides an unworkable distribution system. Our States are bypassed by this legislation despite the fact that many States today are developing comprehensive plans which should be coordinated with any Federal effort. As prime sponsors, the need is for cities large enough to have the capacity to adequately plan to implement the program. Communities without the needed resources are made prime sponsors which can only raise expectations that are bound to be frustrated.

The thousands of potential program grantees present an administrative nightmare. Proper administration as well as oversight by the Congress is as important in such a serious piece of legislation as child development as in any area I can think of. As structured, however, it would be nearly impossible for Congress to oversee.

The measure also contains changes which I cannot accept in the concept of our basic poverty law concerning the prohibition against delegation and the earmarking of program funds. The prohibition against delegation was not in the House passed version and violates the concept of OEO as an innovating, experimenting agency, an incubator, if you will. Programs responding to a social need that are proven worthwhile become structured in more permanent line agencies leaving OEO free to break new ground. To prohibit delegation clearly tends to make OEO a permanent line agency itself.

The earmarking of program funds, also a Senate contribution, can only effectively limit local authority to establish its own priorities. Earmarking funds and not permitting discretion according to local needs moves decisions away from localities where needs are best known.

The need particularly for early child development legislation is clear but the vehicle of fulfillment is a different matter. The legislation before us has too many faults. We have had ample historic experience with the difficulties in changing a program once it is enacted to know the problems of embarking on the wrong course.

The Congress has the obligation and the opportunity to develop legislation which will provide a sound workable administrative system of child development and should give it a high priority.

The SPEAKER. The question is on the conference report.

Mr. QUIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 211, nays 187, not voting 33, as follows:

[Roll No. 438]

YEAS—211

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bergland
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Clay
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Hosmer
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Koch
Kyros
Leggett
Link
Long, Md.
McCloskey
McCormack
McCulloch
McDade
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Madden
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Shriver
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Whalen
Widnall
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki

NAYS—187

Abernethy
Anderson, Ill.
Archer
Arends
Ashbrook
Baker
Baring
Bennett
Betts
Bevill
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Gettys
Giaimo
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Henderson
Hillis
Hogan
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Keating
Kee
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, La.
Lujan
McCollister
McDonald, Mich.
McEwen
Mahon
Mailliard
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Nelsen
Nichols
Passman
Pelly
Pettis
Pike
Pirnie
Poage
Poff
Price, Tex.
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Sikes
Smith, Calif.
Smith, N.Y.
Snyder
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thone
Vander Jagt
Veysey
Waggonner
Ware
Whalley
White
Whitehurst
Whitten
Williams
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—33

Abbitt
Andrews, Ala.
Annunzio
Belcher
Blatnik
Broyhill, N.C.
Collins, Ill.
Derwinski
Dowdy
Edwards, La.
Evins, Tenn.
Fountain
Galifianakis
Howard
Kluczynski
Landrum
McClory
McClure
McKevitt
Mann
Metcalfe
Mills, Ark.
Murphy, Ill.
Powell
Pucinski
Purcell
Rostenkowski
Sisk
Spence
Springer
Sullivan
Wiggins
Wilson, Bob

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Mann against.

Mr. Blatnik for, with Mr. Dowdy against.

Mr. Howard for, with Mr. Abbitt against.

Mr. Rostenkowski for, with Mr. Andrews of Alabama against.

Mrs. Sullivan for, with Mr. Landrum against.

Mr. Sisk for, with Mr. McClory against.

Mr. Kluczynski for, with Mr. McKevitt against.

Mr. Murphy of Illinois for, with Mr. Spence against.

Mr. Collins of Illinois for, with Mr. McClure against.

Until further notice:

Mr. Metcalfe with Mr. Powell.

Mr. Mills of Arkansas with Mr. Broyhill of North Carolina.

Mr. Evins of Tennessee with Mr. Belcher.

Mr. Purcell with Mr. Derwinski.

Mr. Pucinski with Mr. Springer.

Mr. Wiggins with Mr. Bob Wilson.

Mrs. HANSEN of Washington and Mr. HICKS of Washington changed their votes from "nay" to "yea."

Mr. SYMINGTON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. QUIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the body of the RECORD on the conference report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on December 2, 1971, the President approved and signed bills of the House of the following titles:

H.R. 1836. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer;

H.R. 1867. An act for the relief of Bernadette Han Brundage;

H.R. 1899. An act for the relief of Mrs. Maria G. Orsini (nee Mari);

H.R. 1931. An act for the relief of Jesus Manuel Cabral;

H.R. 1962. An act for the relief of Dah Mi Kim;

H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;

H.R. 2087. An act for the relief of Park Ok Soo and Noh Mi Ok;

H.R. 2107. An act for the relief of Jose Bettencourt de Simas;

H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez;

H.R. 2408. An act for the relief of Louis A. Gerbert;

H.R. 2706. An act for the relief of Miguelito Ybut Benedicto;

H.R. 2803. An act for the relief of In Kyong Yi;

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 3041. An act for the relief of Mary James Kates, owner of the Gladewater Daily Mirror;

H.R. 3082. An act for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris;

H.R. 3383. An act for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido;

H.R. 3425. An act for the relief of Helen Tziminadis;

H.R. 3475. An act for the relief of Paul Anthony Kelly;

H.R. 5422. An act for the relief of The American Journal of Nursing;

H.R. 7085. An act for the relief of Eugene M. Sims, Sr.;

H.R. 8356. An act to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation;

H.R. 10203. An act to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes.

CONFERENCE REPORT ON S. 29, CAPITOL REEF NATIONAL PARK, UTAH

Mr. TAYLOR. Mr. Speaker, I call up the conference report on the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I do so because this is a conference report which may be agreed to without any particular discussion.

Are all amendments germane to the bill?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, I wish to assure my friend, the gentleman from Iowa, that all amendments are germane. Agreement on the conference report was arrived at in conference. We changed the language in some instances, but there is germaneness all the way through the conference report.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. SAYLOR. Mr. Speaker, further reserving the right to object, and I will not object, I merely wanted to go on record as saying that I am afraid that in adopting this conference report and the action that has been taken by the committee, we are setting a very bad precedent. You will notice the following language in section 5(b) of the report:

> (b) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the park.

This is the first time since 1916 we have put that kind of reservation into a national park bill. We have put such reservations into bills relating to national monuments and recreation area bills, but we have never before put that language in a national park bill.

In 1916, when the National Park Act was established, one of the very purposes of the act was stated to be that we would—

> Provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

This is the first time our committee has violated that rule since 1916. For that reason I did not sign the conference report. If the people of Utah want to have power lines run across the park, then they should not have asked for a national park in their State; instead, they should have asked for a national monument. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11955 UNTIL MIDNIGHT TOMORROW

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I am glad to yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file a conference report on the bill H.R. 11955, making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Texas if the conferees from the two bodies of the Congress have completed their work and are indeed ready to file a report.

Mr. MAHON. If the gentleman will yield, the conferees met earlier today and plan to meet again later in the afternoon. We think there is a good possibility that we may conclude consideration today and thus be able to file a report tonight. I have asked unanimous consent that we may have until midnight tomorrow to file a conference report in view of the desire to expedite the conclusion of the appropriations business.

Mr. HALL. Mr. Speaker, there is no indication that this body will not be in session tomorrow, is there?

Mr. MAHON. No.

Mr. HALL. Then, unless the committee has completed its work, I am constrained to object.

The SPEAKER. Objection is heard.

The Clerk will read the statement of the managers.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 30, 1971.)

Mr. SAYLOR (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TAYLOR. Mr. Speaker the report recommended by the conference committee on S. 29—a bill establishing the Capitol Reef National Park in the State of Utah—differs in only two respects from the legislation which the House approved.

First, both houses had approved provisions dealing with the trailing of cattle and sheep through the park. The conferees accepted compromise language. The House language permitted the Secretary to designate the trailways and establish reasonable regulations for their use. The Senate language provided for the trailing of cattle and sheep through the park. The conference committee recommends a modification of the House language to assure the recognition of "traditional trailways," but it still permits the Secretary to establish reasonable regulations for their use.

Second, both bills included provisions dealing with easements across this elongated park. The compromise language recommended provided that easement shall be granted by the Secretary unless he finds that the routes of such easements would have significant adverse effects on the administration of the park.

There is no question about the importance of making some allowance for easements because this park area stretches as a narrow strip running about 90 miles through two counties. It would be unwarranted to prohibit crossings altogether, but the Secretary should have some control over where they shall be made. The compromise language protects that authority.

Mr. Speaker, there were five other areas of difference between the House bill and the bill approved by the other body. These differences dealt with: limitations on the continuation of grazing within the park; development of the park; wilderness study; and limitations on the amount authorized to be appropriated for land acquisition and development.

In each of these five cases, the Senate conferees accepted the House language.

This briefly explains the conference report on this legislation. I support it and recommend its approval.

Mr. LLOYD. Mr. Speaker, I rise in support of the Conference report on this legislation establishing a new national park in the State of Utah. While this is not my legislation and it is sponsored by my colleague, the gentleman from Utah (Mr. McKAY) I was a member of the conference committee, and I would like to direct my remarks to the statement made by the distinguished gentleman from Pennsylvania (Mr. SAYLOR) who suggested that we would be establishing a precedent in this national park legislation by granting a possible easement, for carrying electric power across the park. I know too the great Chairman of the full committee has expressed his own apprehensions regarding the precedent, if it is such, that we may be setting.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, this, in fact, does not establish a precedent. We have two other precedents, one which has to do with the C. & O. in a parkway, and the other having to do with the Gulf Islands National Park and Seashore. The only reason for taking this procedure was to make possible the service of the area concerned, to transfer the power from the rather sparsely populated areas—in fact, there is very little population—to places of population or centers of population in the State of Utah. This is the only way it could be done, and I wish to assure my colleagues in the House that whatever facilities are used for this purpose, they will be used in conformity with the area which is concerned, and that there will be no ugliness whatsoever.

Mr. LLOYD. I thank my chairman for that explanation of the proposition which was presented by the gentleman from Pennsylvania (Mr. SAYLOR).

May I also explain to my colleagues of the House that this new national park, which is the fifth national park to be established in Utah, has been supported not only by the people of Utah—actually, there has been considerable controversy over the years—but perhaps even more by people throughout the continental United States who wish to preserve this particular area as a national park.

It extends along a unique geologic formation some 75 miles, from 2 to 12 miles wide, a very narrow corridor running from north to south until it reaches Glen Canyon Recreation Area, which surrounds Lake Powell on the Colorado River. As a consequence, the wheeling of power or other types of utilities across our State will be rendered impossible unless this easement is granted. Otherwise it would be required that these lines go northward for some 75 miles and then back southward for another 75 miles, for a 150-mile round trip.

That is not the only problem involved. This particular park includes great expanses of desert land, whereas any alternative route around the park would mean the power would have to be transported through beautiful forest lands in the Fish Lake National Forest.

So, from the standpoint of environmental impact it would be much more harmful to direct this route through the mountains and forests of the Fish Lake National Forest, than to use a desert area of this long, narrow park as a crossing point.

Since this particular park, the boundaries of which are designed to surround the geologic formation, encompass great expanses of desert land it would appear more protective of the environment to transport power over a desert area rather than through the beautiful areas of forest land, particularly inasmuch as the chairman of the full committee has pointed out that this does not in fact establish the new precedent, feared by the gentleman from Pennsylvania. It is certainly in the public interest and in the interests of environmental quality to accept this reasonable and practical compromise language which was adopted by the conferees.

Mr. Speaker, this legislation now comes as the culmination of efforts and negotiations over many years. It represents the consensus and best judgment of all those who have worked closest to the issue.

I am happy to recommend this new proposed national park to my colleagues in this House.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. McKAY).

Mr. McKAY. Mr. Speaker, I should like to associate myself with the remarks of my colleagues on the committee, the gentleman from Colorado (Mr. ASPINALL) and the gentleman from North Carolina (Mr. TAYLOR), and also the remarks of my associate from Utah (Mr. LLOYD). I concur in all he has had to say.

It has taken a long time to bring this agreement about. I commend the gentlemen for their efforts not only on this bill but also on the conference report, which I urge the adoption of.

I have advocated the creation of a national park from Capitol Reef National Monument for a long time. A substantial majority of the people of Utah share this view. I have explained to the Interior Committee and on the floor of the House the reasons why our people advocate this measure. Our desire for a national park in this area springs from our deep affection for the land and our sincere and continuing desire for the preservation of the natural beauty and archeological significance of the area. I know that the gentleman from Pennsylvania and his friends share our love for this land, and I know that they are interested as we are in avoiding any efforts to despoil or exploit this area. I should like to point out, however, that people of Utah must continue to live in the areas adjoining this park. To do that, they will need access to utilities. I should like to point out that Capitol Reef National Monument, together with the Glen Canyon Recreation Area which it adjoins, together extend lengthwise for over 120 miles from the southern boundary of the State of Utah, thus dividing the southern half of our State in two parts. Under these circumstances, it is imperative, for the livelihood of the people in southern Utah that utilities cross Capitol Reef.

Certainly it is possible to grant utility easements which will not detract from the scenic beauty and the value of Capitol Reef as a national park. Indeed, although 120 miles long, the park would be only 1 mile wide in some areas. The conference report provides adequate machinery for the Secretary of the Interior to assure the locations of easements in places consistent with the act. For the conference report to be defeated because of a disagreement over technical language would be a serious disservice to the Capitol Reef area for it would leave this land, which all of us agree is so valuable for scenic and historic purposes, without the protection afforded by national park status. I would hope that those who are as fond of this area as are the people of Utah would vote for the conference report. I also assure this House that I am reporting accurately the view of the Utahans who must live within the proximity of this park. I hope the conference report will be adopted so that after 10 years of effort this park might be a reality.

Mr. TAYLOR. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE CONSIDERATION OF H.R. 12067, FOREIGN ASSISTANCE APPROPRIATIONS, 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 727 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 727

Resolved, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes, and all points of order against said bill are hereby waived.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks I will yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, this resolution, House Resolution 727, provides for the waiving of points of order against the consideration of H.R. 12067 and the waiving of points of order against the provisions of the bill. The 3-day rule is also waived, because the bill was not reported until December 6 and a general waiver of points of order was provided because the authorization bill has not been enacted. Title II and practically every item in Title I of the bill would be subject to a point of order because of the lack of authorization.

Appropriations provided in this bill are less than those that would be provided in a continuing appropriation. The Appropriations Committee in its wisdom has reported this bill. I urge adoption of the bill.

I now yield to the gentleman from California (Mr. Smith).

Mr. SMITH of California. Mr. Speaker, I concur in the remarks made by the gentleman from Massachusetts (Mr. O'Neill).

I did not anticipate we would take this rule up today, but the bill will not be up until tomorrow.

There is a 35 percent cut in the request. This is probably the lowest foreign aid bill we have had in years, and although I do not intend to support it, I think the Members have a right to hear the measure and decide whether they will vote for or against it.

Accordingly, I approve of the rule and urge its adoption.

Mr. GROSS. Will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman.

Mr. GROSS. I thank the gentleman for yielding.

I suppose the Rules Committee has no alternative but to approve this rule, if it is to make any progress toward adjournment, and what I have to say has been said before. But it seems to me that this session of the House has resulted in more travesties on the normal and regular process of legislating than any session I have been in for a long, long time. Here again is a travesty upon the regular procedures of the House.

All points of order against the bill are waived. I do not know what is in the bill precisely, but whatever may be in the bill it will be impossible to get at it with a point of order.

I do not know how to protest any more vigorously than I have this sort of procedure. I do not attribute the blame to the Committee on Rules, because apparently there is no other way to handle it in order to get the legislation out of the way, but it is certainly an indictment of foot-dragging and the programing of legislation.

I hope to live long enough to see orderly procedure restored and adopted as a way of life in the House of Representatives. We used to have with at least some degree of regular procedure, but apparently that has gone where the woodbine twineth.

Mr. SMITH of California. I do not know, frankly, what else we can do in this instance. The continuing resolution would actually cost more money than this particular bill.

I think the gentleman from Louisiana has done very well. I think the House is entitled to hear the matter, and accordingly I am supporting House Joint Resolution 727, although, as I say, I do not intend to support the legislation.

Mr. O'NEILL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. O'Hara).

Mr. O'HARA. Mr. Speaker, I take this time to comment on the rule. I know there was great urgency about this matter, but it seems to me to be the better practice to do what the Rules Committee has done in the recent past; that is when it grants waivers of points of order against a bill it specifies the provisions of the rules upon which points of order are waived rather than granting a general waiver of all points of order.

I would like to ask the gentleman from California to comment on that.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from California.

Mr. SMITH of California. That is the procedure which we have tried to follow for many, many months, but I will say to the gentleman that in all honesty there are some 12 different sections of this bill which in my opinion are subject to a point of order.

The gentleman knows what happened in the other body. The other body passed out two bills and this body passed out one authorization bill which presented a unique problem in going to conference. The Committee on Rules did not have the time to sit down and write a long, lengthy rule waiving specific points of order.

However, there is one little section in this bill which is very interesting and I am sure the gentleman from Louisiana (Mr. Passman) can explain it far more in detail than I can. The gentleman from Louisiana did a very fine job in his presentation before the Rules Committee. Under the circumstances I do not know how we could have done otherwise in this instance in granting a rule.

Mr. GROSS. Mr. Speaker, a point of order. The House is not in order.

The SPEAKER. The House will be in order.

Mr. GROSS. Mr. Speaker, the House is still not in order.

The SPEAKER. The House will be in order.

Mr. GROSS. Mr. Speaker, I still insist on the point of order that the House is not in order.

The SPEAKER. Will the gentleman from Michigan please stand at the mike and take the floor.

Mr. O'HARA. Mr. Speaker, I appreciate the gentleman from Iowa's insistence upon orderly procedure, the subject to which I have been addressing my remarks. I am glad the gentleman agrees.

The situation of the gentleman from California and his colleagues is an understandable one. However, I wish to express my interest in seeing that these extraordinary proceedings, when they are resorted to, are limited as much as possible. I am sure that the Rules Committee would have preferred it that way if there had been more time.

Mr. O'NEILL. Mr. Speaker, I now yield to the gentleman from Louisiana (Mr. Passman).

ALLOCATION OF TIME FOR GENERAL DEBATE ON H.R. 12067, FOREIGN ASSISTANCE APPROPRIATIONS, 1972

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that general debate on the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes, be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Kansas (Mr. Shriver) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'NEILL. Mr. Speaker, I want to reiterate the fact that I believe the explanation given by the gentleman from California was the correct one. We appreciate the criticism of the gentleman from Michigan, but under the circumstances we believe this is the best rule we could have brought out.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE 1970 ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–181)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed, with illustrations:

To the Congress of the United States:

I herewith transmit the 1970 Annual Report of the St. Lawrence Seaway Development Corporation. This report has been prepared in accordance with Section 10(a) of Public Law 83–358, as amended, and covers the period January 1, 1970 through December 31, 1970.

Richard Nixon.

The White House, *December 7, 1971.*

HOUR OF MEETING TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Speaker, reserving the right to object, I presume that inasmuch as the unanimous-consent requests have been entertained, that apparently we are not going to bring up the economic stabilization bill or the agricultural strategic reserve bill today, as scheduled; and that we are about ready to adjourn, before 3:30 this afternoon. What would be the purpose of adjourning on such short notice today and coming in early tomorrow morning?

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. O'NEILL. We have not as yet received a rule on the economic stabilization bill. We anticipate that there will be a rule tomorrow.

We have remaining at the present time the farm bill which we expect to bring up tomorrow and take up the rule and bring it up under general debate.

For the rest of the week there will be the tax conference report which the gentleman from Arkansas (Mr. MILLS) will bring up.

There will be the economic stabilization bill which we hope to bring up Thursday and finish it either on Thursday or Friday. There will be various conference committee reports.

There is still a glimmer of hope that we can finally get out of here and we are in a final drive, and this would help to expedite matters if we could get in this week for the remaining days at 11 o'clock. I think the Speaker feels it is the will of the entire body to continue that drive and that is why we have made the request.

Mr. HALL. I have the highest respect for the gentleman's request and I am not wanting to treat it in an obstructive manner or anything like it, if I could be assured that we are in a true drive on the part of the leadership even to the point where if it is necessary we would pass an adjournment resolution, and leave it with the other body and go on off about our business, including Christmas, as we have done historically in the past, upon completion of our business.

I would certainly never think of objecting to a unanimous-consent request like this, if I could even be reasonably assured that we would bring the economic stabilization bill up, or the one we had the colloquy with the gentleman from Texas earlier today—supplemental appropriation—on Thursday and complete it by Thursday night.

Then, if these conference reports are in and we are ready for action—and complete action—on them and adjourn sine die, even by Saturday night, I would do everything in my power to aid and abet the leadership in their efforts to adjourn.

Is there any assurance that the gentleman can give us?

Mr. O'NEILL. With regard to the question of a continuing resolution, I do not know what the situation on the other side is at the present time. But I can, I believe, give you the assurance that the Economic Stabilization Act will be up Thursday and, if we do not complete it on Thursday, we will complete it on Friday.

I can say truthfully that there is a drive on to get the Members back to their districts.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. As I understand the program, if we come in at 11 o'clock tomorrow, the first order of business will be the foreign aid appropriation bill.

The second order of business will be the agricultural bill.

On Thursday, we would have the tax bill conference report and then we would start on Thursday, following that, on the Economic Expansion Act. If we do not finish it on Thursday, we would then conclude it on Friday by 4 o'clock. In the interim, there will be several conference reports.

Is that a fair summary of what the anticipated program is?

Mr. HALL. Mr. Speaker, I will simply say under the reservation of objection, I see no earthly reason why we could not, and in the interest of the citizens should not, adjourn this Congress sine die by Friday evening even if we have to come in early and work late hours on Wednesday, Thursday, and Friday in order to accomplish that.

I understand there is a tendency in this direction on the part of the other body, at least some of the "Representatives of the States" in that body, are holding their feet to the fire in order to try to accomplish this. Perhaps one or two dangle us all on the thin thread of their pets or foibles. Certainly with a little interface and with a little bit of cooperation and under the direction of dynamic and inspired leadership. I believe we could force the first session of the 92d Congress into adjournment. I am prone to agree with the unanimous-consent request, if I could just get more of a blessed assurance—would you give me more assurance on behalf of the leadership including the Speaker himself and the distinguished majority leader toward this end? Is there anything wrong with this program, I will ask the distnguished gentleman from Louisiana?

Mr. BOGGS. I might say to the gentleman, the Speaker and I and the majority whip have been attempting to expedite this program this week. We would like very much, more than the gentleman in the well, to have a sine die adjournment this week.

Mr. HALL. I question that, but I accept your good faith.

Mr. BOGGS. I will say to the gentleman the degree is just about as strong as his. But there is this problem which the majority whip has pointed out about the foreign aid bill. It is our plan to call up the bills remaining on the calendar this week. Those bills are the reform bill, the foreign aid bill, the foreign aid appropriation, and the economic bill. In addition to that, we look forward to consideration of conference reports on several appropriation bills, the economic bill, and the foreign aid bill.

The gentleman has undoubtedly told you that the foreign aid bill is causing this difficulty in the other body.

Mr. HALL. I will say to the gentleman that I am very familiar with the foible of one individual in that other body who insists on voting repetitively on his same authored amendment. I am very familiar and fed up with that inasmuch as we've voted and rejected the same on four occasions.

I think it is not reasonable nor is it in the interest of the good people of the country, for us to delay the adjournment of Congress sine die on that basis or on the foibles or penchants, if you please, of any individual who does not want to call up a bill even after it has been voted out by the committee.

Finally, I will say the Nation would be better off if some of these bills would be allowed to die right now. Be that as it may, I still seek "blessed assurance."

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. If we are able to get unanimous consent to come in at 11 o'clock tomorrow, would it also be the objective of the leadership on the other side of the aisle, if it would help to achieve getting the program out of the way, to make a similar unanimous consent request for Thursday and Friday, if necessary?

Mr. BOGGS. I think it might very well be——

Mr. HALL. Mr. Speaker, let me say at this point, your request for unanimous consent is going pretty well your way. Do not press your luck too far. That can be asked from day to day.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I second that motion.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BRADEN INSULTS NEW HAMPSHIRE

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, New Hampshire—the beautiful State is also New Hampshire the Granite State. It is a citadel of rugged independence. Nowhere in the entire United States of America is there to be found a more self-reliant, courageous, humble, reverent, and independent citizenry than in New Hampshire the Granite State whose State motto is "Live Free or Die."

It is too bad that encountering such discerning thoughtful and conscientious voters disturbs certain columnists. It also discourages left-leaning candidates for President in either party. But frustrated columnists should refrain from resorting to anti-New Hampshire distortion and misrepresentation in what they put out across the Nation, if for no other reason than its reflection against their favored candidates.

In his today's syndicated column in the Washington Post entitled "MUSKIE Finds Granite State Quiet," Tom Braden describes New Hampshire as about the least most logical folkway in America for a test of presidential candidates. He writes that:

> New Hampshire is so small that anybody who can claim to influence the votes of ten people is a power-broker. It does not have a major city.

Mr. Braden owes the people of New Hampshire an apology, for almost nowhere else in the Nation can there be found a more representative cross section of concerned Americans of varying ethnic backgrounds and political persuasion. Most New Hampshire voters are not extremists of either stripe and they are demonstratedly quite capable of thoughtfully discerning what is needed in America in terms of policies and candidates.

Put another way—New Hampshire folk know a man when they see one and they can also spot a phony, a mile away.

Mr. Braden's statement that New Hampshire "does not have a major city" should deeply offend every resident of Manchester, the Queen City of New Hampshire, that by almost any standard is a major city of nearly 100,000 residents. Braden owes the residents of our largest city a retraction.

New Hampshire voters are not likely to forget Mr. Braden's nationally distributed insults. After such slander of New Hampshire his support of a particular candidate will almost certainly prove to be a liability.

The balanced judgment of a majority of New Hampshire voters will support President Nixon's struggle to achieve a generation of peace and a stable economy. This is certain to distress the Bradens of the media who apparently favor tossing the Nation to the hyenas of the urban jungle, but it does not justify maligning New Hampshire by poison pen.

Would to God this Nation had 50 States a majority of whose residents possessed the balanced judgment of New Hampshire people. The United States of America would be the gainer.

So the extent of Mr. Braden's disaffection may be seen in context I include his column at this point in the Record:

Muskie Finds Granite State Quiet

(By Tom Braden)

Dover, N.H.—There are a great many more spruce trees than there are people in New Hampshire, but both stand silent before Edmund Muskie. The front-runner tramps through the snow from one small meeting to another and is greeted with a politeness so granite-faced that it is impossible to mistake it for enthusiasm.

Maybe this is the way New Hampshire is. Having one of everything already, as Robert Frost pointed out in his famous poem: One mountain worth the name, one college, one statesman to be proud of, one president, "pronounce him Purse and make the most of it for better or worse," New Hampshire isn't about to cross the street to shake hands with something there's more than one of—like a presidential candidate.

Maybe it's that neighbor Muskie understands the sufficiency of New Hampshire. At any rate, he does not offend its people by crossing the street to shake hands with them.

Or maybe it's that Muskie's campaign is only now getting under way, and we are witnessing the silence, which, it is said, invariably precedes the storm. A headquarters in Manchester, this state's largest city, is just opening; an in-state staff is only now being assembled. Muskie's organization seems to have taken New Hampshire almost as much for granted as New Hampshire seems to take Muskie.

"It's restful just to think about New Hampshire," Frost wrote, and Muskie seems to have caught the mood. If he is right, his neighbors, three months from now, will give him the vote to which a neighbor may feel entitled, and all will be well.

But even of this early date, it is impossible to down the suspicion that he may be wrong. Is it a warning of trouble ahead to watch Muskie walking through a crowded college cafeteria on his way to a meeting while the diners hardly bother to look up from their coffee?

Is it a warning of trouble that he can speak for 20 minutes without worrying about being interrupted by applause?

Or that a man waiting for a haircut in a barber shop, asked if he would like the candidate to autograph a picture, murmers a polite "No thanks"?

Would these things happen to a Lindsay? A Kennedy? One feels an almost irresistable impulse to speak crossly to New Hampshire: "Look, this man you're not even bothering to look at is one of the best and most intelligent leaders of your country. He's worked hard for you; he cares about you. Can't you do something to show you are about him?"

Of all the illogical folkways which govern American politics, the least logical is the folkway which makes New Hampshire a major test for the presidency. The state is so small that anybody who can claim to influence the votes of 10 people is a power-broker. It is unrepresentative. It does not have a major city. It has only one newspaper of any size and that one can be counted to deliver 15 to 20 per cent of the vote to an odd-ball named Sam Yorty who is not seeking an office, but maintaining a career.

But the folkway exists and Muskie has to exist with it, though it may destroy him and the chances for victory of a Democratic Party which has made him its favorite son.

If Muskie is offended by the lack of attention here, he doesn't show it. But he ought to know New Hampshire, and if he does, he must know that the Muskie name and the easy Muskie style are creating about as much excitement here as though somebody came in from the woodpile to remark that it's snowing again.

REHNQUIST AND CRITICS: WHO IS EXTREME?

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I notice that according to published reports over the weekend, the American Civil Liberties Union, the nonprofit conscience of America which has been seeking in recent years to remold America's basic institutions and laws through court proceedings, has now extended its area of operation into that of selecting Supreme Court Justices. I would request that the Internal Revenue Service look into the question of their tax-exempt status now that they are actively engaged in lobbying.

Aside from the ACLU's excursion into areas previously considered beyond their scope, an interesting question was posed to me yesterday. The question was asked: "Upon assuming his seat on the Supreme Court, would Mr. Rehnquist not now be expected to disqualify himself from any cases in which the American Civil Liberties Union was involved?"

In my own opinion, it would be a serious error in judgment on the part of Mr. Rehnquist or any judge to disqualify himself from hearing a case simply because a participant in the lawsuit had voiced disapproval of the judge. If such a precedent were established, a litigant or a lawyer could make it impossible for a case to be tried by simply saying scandalous things about every judge who tried the case.

The fact that the American Civil Liberties Union is seeking to slander a man's name and reputation is evidence of bad judgment on the part of the ACLU. The judge being slandered is expected to be above the pettiness of petty people and exercise judicial temperament far removed from the squabbling which might be associated with his original appointment.

For myself, if I ever felt any reservations about Mr. Rehnquist's qualifications to sit on the Supreme Court, those reservations were dissipated upon the announcement from the ACLU.

For the benefit of my colleagues, I am inserting at this point an editorial which appeared in the Wall Street Journal of yesterday, December 6, 1971:

Rehnquist and Critics; Who's Extreme?

(By Robert L. Bartley)

Washington.—The most powerful impression to emerge from the microscopic public analysis of the life and works of Supreme Court nominee William H. Rehnquist is that his critics are pretty desperate. At one point the arguments and innuendos offered by critical witnesses proved too much even for the most critical Senators, and Sen. Edward Kennedy upbraided the witnesses for creating "an atmosphere which I think is rather poisonous."

Now the critical members on the Senate Judiciary Committee—Sens. Bayh, Hart, Kennedy and Tunney—have filed their minority report setting out the responsible case against the nomination. As Sen. Kennedy's remark suggests, it judiciously avoids the less substantial allegations that have appeared in the press in recent weeks. There is for example, no suggestion that Mr. Rehnquist is guilty until proven innocent of membership in extremist organizations because his name appears on a list compiled by a little old lady and willed to someone else.

OUTSIDE THE MAINSTREAM

The minority report, rather, focuses mostly on Mr. Rehnquist's views on certain issues, and as such is an intriguing document. It volunteers that there is no question about Mr. Rehnquist's qualifications in terms of legal standing or personal integrity. On the widely debated question of whether the Senate should consider a nominee's judicial philosophy, it makes the case that indeed the Senate should.

The minority, of course, argues that on this third test Mr. Rehnquist flunks. It says he "has failed to show a demonstrated commitment to the fundamental human rights of the Bill of Rights, and to the guarantees of equality under the law." While not every detail of a nominee's philosophy ought to bear on his Senate confirmation, it suggests, so extreme a deviation should. At one point the text puts it simply: The nominee "is outside the mainstream of American thought and should not be confirmed."

A fascinating proposition, this. How can someone with legal standing and personal integrity fit to grace the Supreme Court be that far out of the mainstream? What would be the opinions of a man who is such a pillar of the bar and still fails to understand the Bill of Rights?

So it is with no little anticipation that one turns to the issues discussed in the minority report to find just which of Mr.

Rehnquist's opinions bar him from the Court service. One expects not merely that he will have debatable opinions on debatable topics. Certainly the four Senators disagree on many things with Lewis F. Powell Jr., the other Supreme Court nominee before the Senate, but they voted to approve him. So in Mr. Rehnquist's case one expects more extreme opinions, those further out of the mainstream on the right, say, than Justice William O. Douglas is on the left.

As sort of a benchmark, recall Justice Douglas' popular book arguing, "We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution." What right-wing outrages has Mr. Rehnquist uttered, one wonders, that are further from the mainstream than *that?*

As the confirmation hearings started, the best bet for that sort of outrage seemed to lie in the Justice Department position on wiretapping. As the department's chief legal adviser, Mr. Rehnquist must bear no small responsibility for that position, and the department has argued that the Executive Branch has an "inherent right" to wiretap without court order in national security cases. This is tantamount to an assertion that neither Congress nor the courts can control executive wiretapping, and certainly does suggest an insensitivity to the spirit of the Bill of Rights.

Alas for Mr. Rehnquist's critics, though, it turns out that on his advice the Justice Department has dropped the "inherent right" argument in current briefs before the Supreme Court. It now merely argues that in the particular instances of the case, the tap in question was not an "unreasonable" search barred by the Fourth Amendment. He says that the effect of the change is "to recognize that the courts would decide whether or not this practice amounted to an unreasonable search."

Mr. Rehnquist declined to give his personal views, as opposed to the Justice Department position, but he did defend the department's current arguments on the grounds that there are substantial legal questions unresolved, and the Executive is obligated to make its side of the case. "Five preceding administrations have all taken the position that the national security type of surveillance is permissible . . . one Justice of the Supreme Court has expressed the view that the power does exist, two have expressed the view that it does not exist . . . one has expressed the view that it is an open question . . . the government is entirely justified in presenting the matter to the court for its determination."

WIRETAPPING OF RADICALS

This did not satisfy the four critical senators. They noted that the current issues are somewhat different from those of preceding administrations, not least because the current argument is about wiretapping not of foreign agents but of domestic radicals. The change in the department's position is "more cosmetic than real," they argued, because it is still defending wiretapping rules that would not "provide an adequate restraining effect on the Executive Branch, an adequate deterrent to protect the right of privacy."

For those who may find this particular dispute a matter not of extremist opinions but of reasonable men differing, the minority also delves into Mr. Rehnquist's widely quoted opinion on government surveillance of individuals, that is, not wiretapping but the recording of their activities in public places. In warning against overly restricting such surveillance, he once said, "I think it quite likely that self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

During the hearings, Mr. Rehnquist noted that in his remark he was addressing the question of whether new legislation is needed in addition to the Bill of Rights and laws already on the books, and that the remark must be understood in that context. In colloquy at the time, he conceded that widespread surveillance should be "condemned," and that an individual might already have legal recourse against a government tail. But in considering the argument that surveillance is unconstitutional because it has a "chilling effect" on freedom of expression, he said any such effect is a question not of constitutional law but of fact. And, "those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one of two occasions to, you know, exercise their First Amendment rights, to protest the war policies of the President. . . ."

The minority report argues that even if 250,000 appeared, others may have been deterred by surveillance. It agrees that the committee's majority report correctly describes Mr. Rehnquist's attitude: "Information-gathering activity may raise first amendment questions if it is proven that citizens are *actually* deferred from speaking out." The minority argues that this is precisely the problem, "the difficulty of proving a specific chilling effect is obvious, and the notion that a First Amendment question isn't even *raised* until it is 'proven that citizens are *actually* deterred from speaking out' (emphasis in original) is alarming."

But if Mr. Rehnquist's opinions here are outrageously extreme, it would seem, so are the opinions of the majority of the Senate Judiciary Committee. Similarly if his defense of the constitutionality of such laws as "no-knock" raids and "preventive detention" in the District of Columbia are out of the mainstream, the mainstream does not include the majority of both houses of Congress. So what mostly remains is the question of Mr. Rehnquist's attitudes on the racial issue.

The minority report does not make too much of allegations that Mr. Rehnquist harassed black voters when he was involved in Republican voter challenging teams in Phoenix, but it also does not dismiss them as the majority did. Some of his black opponents have come up with affidavits charging he was personally involved in harassment, and his supporters have come up with a defense of his challenging activities and attitude by a sometime counterpart on the Phoenix Democratic challenging team. The minority report says, "Each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial."

On the nominee's general racial attitudes, the majority report also came up with a letter from the principal of the elementary school Mr. Rehnquist's children attended in Phoenix. "Mr. Rehnquist became known to me when I was a teacher here at Kenilworth School. He had moved his family into Phoenix Elementary School District from one of the outlying suburban, and predominantly middle socio-economic, school districts. He wanted his children to have experience and associations with children from minority groups, as well as with the different socio-economic groups."

The minority report argue that "Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights." The evidence the report discusses at greatest length is a letter Mr. Rehnquist wrote to The Arizona Republic in 1967, responding to remarks on school integration by Phoenix School Superintendent Howard Seymour.

The minority report says, "The truly alarming aspect of the 1967 letter, however, is Mr. Rehnquist's statement, 13 years after Brown v. Board of Education that 'We are no more dedicated to an "integrated" society than we are to a "segregated" society' . . . Yet at least since the Supreme Court declared that 'separate is inherently unequal,' this nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed."

A FREE SOCIETY

The statement in the original letter that must be located with respect to the mainstream runs, "Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' . . . But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an 'integrated' society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities."

Mr. Rehnquist's extremist position on civil rights, then, turns out to be nothing more than the familiar proposition that the Constitution is color-blind. On surveillance he believes that at this moment the scales are not tipped in such a way that dissent is "chilled." On wiretapping he believes the government side of the national security question deserves its day in court. These opinions, the minority report suggests, are so outrageous the nominee should be defeated.

As the Senate debates the nomination, it seems, it will have to decide more than whether it's proper to weigh a nominee's philosophy. It also needs to weigh whether words like "extreme" and "out of the mainstream" better describe Mr. Rehnquist's philosophy, or the position his critics have been forced to take to oppose him.

SIR ALAN P. HERBERT

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. HUNGATE) is recognized for 60 minutes.

Mr. HUNGATE. Mr. Speaker, I have requested this special order today so that my colleagues and I can pay well-deserved tribute to a great man—Sir Alan P. Herbert, British poet, playwright, barrister, former Member of Parliament and rare humorist—who died at the age of 81 on November 11.

Sir Alan, writing under the name A. P. Herbert, was the mainstay of Britain's humor weekly, Punch, for 60 years. Herbert, who could make the best possible use of a good sense of humor and wit, is a legend in Parliament and was a gifted author—The Secret Battle, Uncommon Law, The Ayes Have It, and so forth—and musical playwright and lyricist—"Paganini," "Helen," and "Bless the Bride."

It seems appropriate to recall some of his incisive wit. Sir Alan P. Herbert, the man, is gone, but his legacy to mankind lives on. His style, his humor will continue to give us the tremendous opportunity to look at ourselves, our laws, and our civilization, and not be afraid to laugh at ourselves.

In "Fardell against Potts" Sir Alan developed the concept of the reasonable man:

> Mrs. Fardell, while motorboating on the river Thames, collided with and overturned Mr. Potts' rowboat, causing damage to the rowboat and injury to Mr. Potts who was riding in it.

Mr. Potts sued Mrs. Fardell and the court asked the jury to decide if the defendant was using reasonable care in the circumstances. The jury found the defendant was not using reasonable care and awarded Mr. Potts damages. Mrs. Fardell, the defendant, has appealed.

Our common law has been built about the reasonable man. He is the judicial ideal of a good citizen. No matter what problem comes before the courts they are able to solve it by putting the question: "Was this or was this not the conduct of a reasonable man?" and leaving that question to be answered by the jury.

Reasonable man always thinks of others. Prudence is his guide, safety his watchword. Although any given example of his behavior must command admiration, when taken together his acts create a very different impression.

He looks before he leaps. He never daydreams when approaching the edge of a dock. He substitutes order for bearer on checks and then marks them to account of payee only and registers the letter in which they are sent. He never mounts a moving vehicle, nor alights a train in motion. He investigates exhaustively the good faith of every beggar before giving alms and informs himself of the history and habits of a dog before administering a caress. Never, from one year's end to the next, does he make excessive demands on his wife, his servants, his ox or his ass.

In business he looks only for that narrow margin of profit 12 men like himself would deem fair. He regards his fellow merchants and their goods with that degree of suspicion which the law deems admirable. He never swears, gambles or loses his temper. He uses nothing, except in moderation, and even when flogging his child is meditating only on the golden rule. Devoid of any human weakness, without one single saving vice, this excellent, but odious, character stands like a monument in our courts, vainly appealing to his fellow citizens to order their lives after his example.

Hateful as he must be when privately considered, it is a curious paradox that whenever 12 people gather in a jury box they are easily persuaded that they themselves are each and generally reasonable men—not stopping to realize how odd it is that fate has placed 12 members of a species in one room at one time on one jury.

To return, as every judge must ultimately return, to the case before us, it has been urged for Mrs. Fardell that in all the law there is no single mention of a reasonable woman. Such an omission extending over centuries must be more than coincidence. Among the innumerable references to the reasonable man, one might expect at least a passing reference to a reasonable person of the opposite sex. No such reference is found for the reasons that no such being is contemplated by the law. Legally, at least, there is no such thing as a reasonable woman. Therefore, the judge below should have directed the jury that while they might find the defendant's conduct was not that required of a reasonable man, her conduct was only to be expected of a woman, as such. It is no bad thing if here and there the law conforms with the known facts of everyday experience.

The view that there exists a class of beings illogical, impulsive, careless, irresponsible, extravagant, prejudiced and vain, free for the most part from those worthy and repellant virtues which distinguish the reasonable man, and devoted to the irrational arts of pleasure is a view which should be as welcome and well accepted in our courts as it is in our drawing rooms. Judgment for Mrs. Fardell.

Having demolished the reasonable man, he next proceeded to dissemble the institution of marriage in the tender tale of "Marrowfat against Marrowfat":

Mr. Marrowfat petitioned this court for a divorce alleging his wife deserted him. Mr. Marrowfat's counsel, Sir Humphrey Codd, has indefatigibly argued a novel part of law. A cynical writer has somewhere said that marriage is a lottery. Sir Humphrey suggests this observation has some significance in law.

Sir Humphery says the essence of a gambling transaction is that a person makes a sacrifice in hopes of receiving a benefit, but that receipt of the benefit depends on chance and not on his skill and judgment. Sir Humphrey argues this is exactly the characteristic of this marriage contract and that this court should no more assist in enforcing it than we would assist a gambler to recover his losses, or even his winnings.

Mr. Marrowfat, while sailing to Columbo, met Mrs. Marrowfat, then Gladys Willow, for the first time at a fancy dress ball on ship where he drew her, by lot, as his partner for dinner. Gladys was dressed as a Columbine and Mr. Marrowfat as an Oriental prince. After dinner and dancing they went to the top deck to seek relief from the tropical heat. Up there the unexpected beauty of the Southern Cross excited in Mr. Marrowfat a warm affection for Gladys, and he made such protestations and caresses as are commonly the preliminaries of a matrimonial entanglement. In fact, an offer of marriage was made and accepted a few days later in a Hertz rent-a-car in Columbo.

Sir Humphrey says Mr. Marrowfat was governed throughout by chance and not by judgment and skill. Chance embarked them on the same boat. Chance threw them together at the fancy dress dinner. Chance directed at that meeting Gladys should be dressed as a Columbine, a costume she never wore before or after.

It is common ground she is not a good wife, but never before making the contract, says Sir Humphrey, did Mr. Marrowfat have an opportunity to determine if she was apt to be a good wife, for those attributes most in evidence and most desirable on ocean trips are not the same as those of a good wife in the home. Mr. Marrowfat, therefore, staked his liberty and fortune without knowing the return, if any, he would receive. He selected his wife as many select racehorses. With no stronger reason for believing it to be the fastest runner than that it has an attractive mane or an elegant tail. I am satisfied this contract was in the nature of a gambling transaction and therefore Mr. Marrowfat is not entitled to the aid of this court and his suit for divorce is dismissed.

"So much for this case, but doesn't this decision have a wider meaning than the particular affairs of the Marrowfats. Can it be said that any matrimonial transaction is different in essence from wagers. But if I may believe the evidence of numerous newspaper placards and headlines, there are men who are able with almost infallible accuracy to predict the future behavior of racehorses in given circumstances. But can the same be said of him who selects from the numerous women about some particular female to be his partner in life. The prophet of the racehorse has in nearly every case definite material on which to found his predictions: Such and such a foal has run faster than such and such a filly over such and such a course in wet weather or in dry weather, with a cough, with glanders, with enthusiasm, etc., and therefore may be expected to do this, that or the other thing in the same or similar circumstances. But the case of the prospective husband is ex hypothesi completely opposite. He is backing a horse which has never run before. Or if his fancy be a widow, has never run the same course in the same company. The form of a racehorse is public property, but the form of a bride is of necessity concealed.

It is commonplace in literature that women are unpredictable. Women complain that all men are alike, but men complain that no two women are the same and no woman is the same for many days or even minutes together. Thus, experience, however extensive, is not a certain guide and no man's judgment is in this department valuable.

In all matrimonial transactions, therefore, the element of skill is negligible and the element of chance predominates. This brings all marriages into the category of gaming and, therefore, I hold the court cannot, according to the law, relieve the victims of these arrangements.

Therefore, it will be idle for married persons to bring their grievances to us and this divorce court shall not sit again. It is not without a pang that I pronounce the death sentence of divorce for it has meant so much to so many in the courtroom. To those learned counsel who have made a good thing out of it, I offer my condolences and particularly to Sir Humphrey Codd, who by his own argument, has destroyed his own livelihood. A person wanting a divorce must in the future divorce themselves.

While I do not have at hand Sir Alan's first amendment views on freedom of religion which would have no doubt helped us on the prayer amendment, he did shed considerable light on our heritage of free speech. This was done in the case of Engheim, Muckovitch, Kettelburg, Weinbaum & Oski against The King:

A group was formed in London calling themselves "Hands Off Russia" group. They met every Sunday PM in Trafalgar Square in front of Lord Nelson's Monument. They would sing songs, wave banners, make speeches, the general tenor of which was to invite compassion for those in bondage and expressing determination to better materially the conditions of the human race. These, at first sight unobjectionable aims, aroused another group to form, called "Hands Off England" group. They held meetings, sang songs, waved banners and made speeches the general tenor of which was to express concern for those in bondage and a desire to better the conditions of the human race.

It would appear that two groups with so much in common might well hold joint meetings, but when it was announced that both groups planned to meet in Trafalgar Square on the same day at the same time, an injunction was obtained and a police order forbade both meetings. The "Hands Off England" people obeyed, but the "Hands Off Russia" people did not and were arrested. They appealed their conviction asserting their rights of free speech had been violated.

Now there is a popular delusion that a citizen has a number of rights which entitle him to behave as he likes so long as he does no specific harm.

There are few, if any, such rights, and in a public street there are none.

There is no conduct in a street which cannot be brought into some unlawful category, however vague. If you stand still, you are loitering. If you run, you are likely to disturb the peace. If your glance is affectionate, it is annoying. If it is hard, you are threatening. If you keep to yourself, you are a suspicious character. If you are with others you may be part of a conspiracy. If you beg without singing, you are a vagrant. If you sing without begging, you are a nuisance. But nothing is more obnoxious to the law than a crowd, for whatever purpose collected, which is proven by the fact that in law a crowd consists of 3 persons or more. If these 3 have an unlawful purpose, they are an unlawful assembly, while if their proceedings are calculated to arouse fears or excitement, they are a riot.

It is thus easily seen, that a political meeting in a public place must always be illegal, and there is certainly no right of public meeting as postulated by appellants.

It was held long ago, that the only right a citizen has in a public street is to pass at an even pace from one end to the other breathing unobtrusively through the nose and attracting no attention.

If you are not allowed to do what you like, how much less likely are you to be allowed to say what you like. It is generally agreed that speech is several degrees inferior to action. Words are good. Deeds are better. Do more, say less. Silence is golden. The strong silent man is much admired by all of us, not because of his strength, but because of his silence.

Appellants contend a Briton may speak as freely as he breathes. However, there is no reference to free speech in the Magna Carta, our ancestors knew better. As a legal notion free speech has no more existence than free love.

Nothing is more difficult than to make a statement that does more good than harm and many great men die in old age without ever having done so. It may well be argued that if all public men could be persuaded to remain silent for six months, the nation would enter upon an era of prosperity such that not even their subsequent utterances could damage it.

Every public speaker is a public peril no matter what his opinions. And far from believing in indiscriminate freedom of speech, I think public speech should be classed as a dangerous instrumentality such as a car or a firearm which no man may employ without a special license from the state. These licenses should be renewable annually and be endorsed with particulars of indiscretions or excesses, and speaking to the public danger would in time be regarded with as much disgust as careless and imprudent driving. I find there is no right of free speech, and a good thing too.

Sir Alan P. Herbert knew well man and his fears, his inconsistencies. He learned even better how to live with them and get on with the greater tasks of living. He enjoyed a long and vigorous life and the world is a better place for having known him.

Mr. Speaker, at this point I would like to quote the remarks of my distinguished colleague, the gentleman from West Virginia (Mr. HECHLER) who is—as was A. P. Herbert—both author and legislator. I herewith read his remarks into the RECORD, as follows:

REMARKS BY HON. KEN HECHLER OF WEST VIRGINIA

I am pleased to join my colleague from Missouri (Mr. HUNGATE) in expressing our great admiration for the late Sir Alan P. Herbert. His 81 years were utilized to the fullest. He was in every sense the complete man—probably even more.

As a fellow legislator and author I offer for your enlightenment and enjoyment a sampling of Sir Alan's great humorous masterpieces, the case of "Haddock v. The King":

"Laughter was heard at the courthouse today when the negotiable cow case was concluded.

"The defendant, Mr. Albert Haddock, has for many months, in spite of earnest endeavors on both sides, been unable to establish harmonious relations between himself and the Director of the Internal Revenue Service. The Director maintains that Mr. Haddock should make over a large part of his earnings to the government. Mr. Haddock replies that the proportion demanded is excessive in view of the inadequate services, or consideration which he himself has received from that government. After an exchange of endearing letters, phone calls, IBM cards, and even checks, the amount demanded was reduced to $228, and about this sum an exchange of opinions continued.

"On January 31st, the Collector was diverted from his responsible labors by the apparition of a noisy crowd outside his windows. The crowd had been attracted by Mr. Haddock who was leading a large white cow of malevolent aspect. On the back and sides of the cow were clearly stencilled in red ink the following words:

"'JANUARY 31, 1964.

"'To the MONTGOMERY COUNTY BANK:

"'Pay to the Director of the Internal Revenue Service who is no gentleman, on order the sum of $228, and may he rot.

"'ALBERT HADDOCK'.

"Mr. Haddock conducted the cow in the Director's office and tendered it to him in payment of income tax and demanded a receipt. The Director declined to accept the cow, objecting that it would be difficult or impossible to pay the cow into the bank. Mr. Haddock throughout the interview maintained the friendliest demeanor, and he now remarked that the Director could endorse the cow to any third party to whom he owed money, adding that there must be many persons in that position.

"The Director then endeavored to endorse the check. (Where?) On the back of the check, that is to say the abdomen of the cow. The cow, however, appeared to resent endorsement and adopted a menacing posture. The Director, abandoning the attempt, declined finally to take the check.

"Mr. Haddock lead the cow away and was arrested on Main Street for causing an obstruction. He has also been cited by the Internal Revenue Service for non-payment of income tax.

"Mr. Haddock, on the witness stand, said that he had tendered a check in payment of income tax and if the Director, Internal Revenue Service, did not like his check, he could do the other thing. A check was only an order to a bank to pay money to the person in possession of the check or a person named on the check. There was nothing in the statute or customary law to say that the order must be written on a piece of paper of specified dimensions. It is well known that a check can be drawn on a piece of note paper. Haddock himself had drawn checks on the backs of napkins, on handkerchiefs, on the labels of wine bottles: all these checks had been duly honored by his bank and passed through the bankers clearing house. He could see no distinction in law between a check written on a napkin and a check written on a cow. The essence of each instrument was a written order to pay money, made in the customary form and in accordance with the statutory requirements A check was admittedly not legal tender in the sense it could not be lawfully refused, but it was accepted by custom as a legitimate form of payment. There was funds in his bank sufficient to meet the cow. The Director might not like the cow, but the cow having been tendered, he was estopped from charging him with failing to pay. (Mr. Haddock here cited Lucas v. Fink):

"As to the action of the police Mr. Haddock said it was a nice thing if in the heart of the leading commercial country of the world a man could not convey a negotiable instrument down the street without being arrested. He has instituted proceedings against Constable Boot for false arrest.

"Cross-examined as to motive, Haddock said he had no check forms available and being anxious to meet his obligations promptly, had made use of the only material at hand. Later he admitted there may have been present in his mind a desire to make the Director, Internal Revenue Service, look ridiculous, but why not? There was surely no law against deriding the income tax.

"This case has at least brought to the notice of the court a citizen who is unusual both in his clarity of mind and integrity of behavior. No thinking man can regard those parts of the Internal Revenue acts which govern the income tax with anything but contempt. There may be something to be said, not much, for taking from those who have inherited wealth a certain proportion of that wealth for the service of the state and the benefit of the poor and needy; and those who by their own ability, brains and industry have earned money may reasonably be invited to surrender a small portion of it towards the maintenance of those public services by which they benefit, to wit: the police, the Army, the Navy, the public sewers, etc. But to compel such individuals to bestow a large part of their earnings on other individuals, whether by way of pensions, unemployment benefits or education allowances, is manifestly barbarous and indefensible. Yet this is the law. The origin and only official basis of taxation was that the individual citizens in return for their money received collectively some services from the state: the defense of their property and persons, the care of their health or the education of their children.

"All that has now gone. Citizen A, who has earned money, is simply commanded to give it to citizens B, C, and D who have not and by force of habit this has come to be regarded as a normal and proper procedure, whatever the comparative industry or merits of citizens A, B, C and D. To be alive has become a virtue, and the mere capacity to inflate the lungs entitles citizen B to a substantial share in the laborious earnings of citizen A. The defendant, Mr. Haddock, repels and resents this doctrine, but since it has received the sanction of the legislature, he dutifully complies with it.

"Hampered by practical difficulties, he took the first step he could to discharge his legal obligations to the state. Paper was not available so he employed instead a favorite cow. Now there can be nothing obscene, offensive or derogatory in the presentation of a cow by one man to another. Indeed, in certain countries (India) the cow is venerated as a sacred animal. Payment in kind is the oldest form of payment. Payment and payment in kind more often than not meant payment in cattle. Indeed, during the Saxon period in England, Mr. Haddock tells us cattle were described as 'Viva Pecunia' or living money from their being received as payment on most occasions, at certain regulated prices. So that whether the check was valid or not it was impossible to doubt the validity of the cow. Whatever the Director, Internal Revenue Service, distrust of the former, it was at least his duty to accept the latter and credit Mr. Haddock's account with its value.

"But as Mr. Haddock protested in his able argument, an order to pay is an order to pay, whether it is made on the back of an envelope or the back of a cow. The evidence of the bank is that Mr. Haddock's account was in funds. From every point of view, therefore, the Director, Internal Revenue Service, did wrong, by custom, if not by law, in refusing to take the proffered animal, and the citation issued at his insistence will be discharged.

"As for the second charge, the court holds that Constable Boot did wrong. It cannot be unlawful to conduct a cow down main street. The horse, at present a much less useful animal, is not infrequently seen on that street without protest, and the automobile, more unnatural and unattractive still, is more numerous than either animal. Much less can the cow be regarded as an improper or unlawful companion when it is invested (as I have shown) with all the dignity of a Bill of Exchange.

"If people choose to congregate in one place upon the apparition of Mr. Haddock with a promissory cow, then Constable Boot should arrest the pepole, not Mr. Haddock. Possibly if Mr. Haddock had paraded main street with a paper check for one million dollars made payable to bearer, the crowd would have been as great, but that is not to say Mr. Haddock would have broken the law. In my judgment Mr. Haddock has behaved throughout in the manner of a perfect knight, citizen and taxpayer. The charge brought by the state is dismissed and I hope with all my heart that in his action against Constable Boot, Mr. Haddock will be successful. What is the next case please?"

People were a great source of material for Sir Alan; their laws an even better source.

During his 15 years in Parliament, Sir Alan P. Herbert distinguished himself by devising and carrying through a new divorce act, the first fundamental change in British divorce law for 81 years. People wondered that a man so happily married and surrounded by a devoted family should fight so desperately for easier divorce. But of course the reason why he was so resolute was just because of the happiness of his own marriage.

His argument was that marriage, in its happiness, is grand and simple; nothing should impair its dignity. Therefore, divorce in its unhappiness should be simple and grand. Everything should be done to support its dignity. It was an extraordinary feat for a Private Member to put such an important law on the statute book. Many look upon it as Herbert's chief success.

In closing I quote a description of Sir Alan P. Herbert that explains why he so well deserved this tribute today:

"He is a sight of London, like St. Paul's, though he wears his dome at the side. He has written verse not equaled since Praed. He has graved his name into English law. He wanted only a Sullivan and a bad temper to beat Gilbert at his own game. He can navigate the Thames and work out his position from the stars, without one glance at the bank. But his real forte is for friendship. He is a remarkably good friend, even to his enemies—excepting himself."

Mr. Speaker, my distinguished colleague from Wisconsin (Mr. Reuss) has also asked to be included in this tribute to Sir Alan. I herewith read his prepared remarks into the Record:

STATEMENT OF HON. HENRY S. REUSS

The occupational ailment of taking themselves too seriously afflicts many legislators. A. P. Herbert never suffered from that malady.

A Member of Parliament for 14 years, until his Oxford University seat was abolished in 1950, Herbert combined a unique gift for making people laugh with deeply held convictions on a diverse array of issues.

He conceived and fought for passage of some far-reaching legislative measures. Perhaps his most notable achievement in the House of Commons was his radical revision of Britain's outmoded divorce laws. Herbert's bill added such grounds as mental cruelty, desertion and insanity to a law which, until that time, recognized only adultery and "unnatural offenses" as grounds for dissolving a marriage.

The causes he espoused ran the gamut from tax reform to revised betting laws to conservation. His love for the Thames River led to a thirty-year membership on the Thames Conservancy. In these fights, he enjoyed more than his share of victories.

Indeed, when Herbert died last month, at the age of 80, his obituary in the London Times chronicled many of his sober interests and accomplishments. But, appropriately, it identified him, first and foremost, as the man who "did more than any man of his day to add to the gaiety of the nation."

His wit was unrestricted by subject or form; it shone through just as brightly in prose, in verse, in musical comedy. Much of his best material appeared in the humor magazine, Punch, to which he contributed for more than 60 years, beginning in 1910.

Always he stood in defense of clear, direct English. Complaining of the corruption creeping into military language, he lamented that a modern Lord Nelson would never have said, "England expects every man to do his duty." Instead, said Herbert, it might have come out: "England anticipates that as regards the current emergency, personnel will face up to the issues and exercise appropriately the functions allocated to their respective occupation groups."

His output was a prodigious as his interests were varied. He wrote more than 60 books, 17 plays and hundreds of poems and song lyrics.

With singular effect, he combined the roles of crusading reformer, conservationist, novelist, barrister (though he never practiced law), Member of Parliament, writer of musical comedies and humorist.

One of the characters in Herbert's 1947 musical, "Bless the Bride," is provoked to exclaim in song:

"If I'd only done the things I thought of doing,

"What a lot of splendid things I should have done."

No such qualms for A. P. Herbert.

He did the things he thought of doing.

Mr. MONAGAN. Mr. Speaker, the ability to effect social change through humor is a rare gift indeed. To be critical while eliciting a smile, and to achieve progress by demonstrating the absurdity of the present, takes a great deal of knowledge and skill. Such capability in an individual evokes admiration and respect. And an individual for whom the world developed such admiration and respect was Sir Alan P. Herbert, known more generally as A. P. Herbert, the British writer, who died on November 11.

On the surface, it appeared that many of the causes which Sir Herbert fostered were supported in jest. Although a member of the bar, he never practiced law. He was a champion of divorce law reform, while he himself had a happy married life for 57 years. At a time when England was being bombed by Hitler, Sir Herbert was critical of church bells being used as air raid sirens, and helped bring about a resumption of their ringing for all occasions. He wrote:

> The old inventive British brain
> Had better, surely, think again
> Bring back the bells; and use a drum
> To let us know that Hitler's come.

He became a Member of Parliament, representing Oxford University, in 1935. On his second day in the House of Commons, he launched into his maiden speech, which brought this reaction from the late Sir Winston Churchill:

> Call that a maiden speech? It was a brazen hussy of a speech. Never did such a painted lady of a speech parade itself before a modest Parliament.

His championship of the cause of divorce reform was inspired and effective. In effect, he ridiculed the existing divorce law—then limited to adultery—out of court. By graphically portraying in the cleverly titled "Holy Deadlock" the ridiculous stratagems to which the parties to a suit were required to resort and the silly positions which the courts were compelled to take, he brought home to the British public the need for liberalization and was the principal causative force in bringing about this major legislative change.

To me the gayest and most memorable of his pieces were his parodies of legal opinions which appeared over the years in "Punch" and were collected in the appropriately titled "Uncommon Law." The names of the cases were suggestive: Pratt, G. K., v. Pratt, P., and Mugg; Carrot & Co. v. The Guano Association; British Phosphates & Beef Extract Ltd. v. The Alkali Guano Simplex Association. The subtitles were noteworthy too—"Is Magna Carta Law?", "Is Marriage Lawful?", "The Negotiable Cow", "Why is the Coroner"?, "Are Suicides Insane?"

My favorite, Rumpelheimer v. Haddock, involved a case where an automobile and a boat collided at a point where a highway was covered with two feet of water from a navigable river and wherein the President of the Probate, Divorce, and Admiralty Division gave his notable judgment which excluded the rules of the road applied the law of Admiralty to the collision.

One of Sir Alan's worthiest crusades sought to bring to reality the probably impossible goal of persuading his fellowmen to write in clear language and he alleged that if Lord Nelson had lived during World War II, he would not have said, "England expects every man to do his duty," but would have declaimed "England anticipates that as regards the current emergency personnel will face up to the issues and exercise appropriately the functions allocated to their respective occupation groups."

His legacy of humor, reform, journalism and legislative accomplishment is substantial and noteworthy: 70 books, including 19 collections of verse, 13 novels, 17 plays, and 14 general books. In addition, he contributed to Punch magazine for more than 60 years.

A. P. Herbert has left us after brightening our lives for far longer than the span allotted to the average man. We shall not read his pieces any more but he passes on leaving behind a notable record of legal, political, legislative, and literary achievement.

CRISIS AT SEA

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. Keith) is recognized for 15 minutes.

Mr. KEITH. Mr. Speaker, yesterday, I called the attention of the House to a magnificently done photo report which appeared in the December 3 issue of Life magazine. It was entitled, "Crisis at Sea: The Threat of No More Fish." It pointed up the desperate need for enforceable international conservation measures if the world's fisheries resources are to be saved.

Today, I would like to call the attention of the House to an article on the same subject by New York Times columnist C. L. Sulzberger. It appeared in that newspaper last Sunday, December 5, as well as in other newspapers subscribing to the New York Times service.

Writing from Oslo, Norway, Mr. Sulzberger warns of what he properly describes as:

> The rapidly approaching death of that king of all game fish, the Atlantic salmon.

He notes that:

> The salmon is not being murdered solely by pollution, but that the worst offender is

the greedy commercial fisherman aided by modern electronic devices.

He calls attention to the fact that:

Two organizations exist which could in theory end this tragic situation—the International Commission for Northwest Atlantic Fisheries and the Northeast Atlantic Fisheries Commission.

But, as Mr. Sulzberger adds:

No country opposing any proposal favored by either commission is obliged to observe it—and the Danes don't.

He goes on to suggest, however, that:

Denmark's application for membership in the European Common Market can be shelved until Copenhagen agrees to cease deep-sea salmon netting.

I must certainly agree with the Sulzberger thesis that, with the world rapidly running out of such fish as the Atlantic salmon, economic sanctions against those responsible for it could be an effective means of combating the trend.

Even if such sanctions were imposed against offending nations, however, it would not resolve the total problem of finding a positive, enforceable and lasting means of preserving the rich resources of the world's oceans. That total problem can, and must, be solved at the Law of the Sea Conference to be held in Geneva in 1973.

As I said yesterday, this vital conference is our last chance to end that threat of no more fish—and we must make the most of it.

Here is Mr. C. L. Sulzberger's article in its entirety.

[From the New York Times, Dec. 7, 1971]

MUST THE FISH-KING DIE?

(By C. L. Sulzberger)

OSLO, NORWAY.—One of the sadder ecological tragedies that menace our age is the rapidly approaching death of that king of all game fish, the Atlantic salmon (salmo salar, to distinguish him from his inferior Pacific cousin).

The salmon is not being murdered solely by pollution, factories and motorized ship traffic along the inland rivers where he breeds. The worst offender is the greedy commercial fisherman aided by modern electronic devices. Dozens of rivers on both sides of the Atlantic had previously seen the end of traditional salmon runs: the Hudson, Thames, Rhine and Seine among them.

But enough streams remained for millions of salmon to spawn and then return as small fish or smolt to secret caverns in the ocean. There they hide, fed on Arctic shrimp, grew to maturity and finally swam back to the rivers of their birth still flowing through Canada, the United Kingdom, Ireland, Iceland and Norway.

Until World War II nobody knew where the salmon went once the young fish fled into the ocean. The salmo salar was a lovely creature caught only at the mouths of the rivers on his way to spawn. It is possible to control and regulate such an offshore catch; also the catch by sportsmen angling upstream as the salmon leaps and swirls to the spawning area where he re-creates his cycle.

But this natural process has now been upset and the salmon is threatened with the extinction of the dinosaur or dodo bird. During the mid-nineteen-fifties his principal saltwater feeding ground was discovered off the west coast of Greenland in the Davis Strait. Later, a subsidiary ground was located north of this country's Lofoten Islands.

Once it was proved that large shoals of salmon matured in these waters, professional ocean-going boats started to hunt them down. The task was made easy by such inventions as sonar. It became simple to locate concentrations of fish and destroy them in one operation, either with encircling nets or thousands of long lines with strings of baited hooks.

Nations owning salmon-producing rivers quickly recognized the danger to the species. Within a decade the catch in the Davis Strait alone increased from an annual sixty metric tons to over two thousand. However, Denmark, which exercises sovereignty over Greenland, has steadily refused to recognize the threat.

The Danes contend no scientific proof exists that salmon being taken in international waters off Greenland or the Lofotens come from any special river or that deep-sea fishing is directly related to numbers of salmon in normal spawning areas.

Nevertheless, it is an open secret that this is nonsense. Danish crews usually rip off tags of any fish taken in the ocean and thus destroy evidence that the fish had earlier been captured and marked by game wardens in particular sites. However, cooperative Danish fishermen have quietly shipped evidence—in the form of tags—to authorities seeking to restrain the salmon slaughter.

Meanwhile the catch in the few remaining great rivers of North America and Europe has been declining at a precipitate and disastrous rate. This trend does not affect Denmark, which has had no salmon rivers of its own for years.

Two organizations exist which could in theory end this tragic situation—the International Commission for Northwest Atlantic Fisheries and the Northeast Atlantic Fisheries Commission. Unfortunately, no country opposing any proposal favored by either commission is obliged to observe it—and the Danes don't.

Thus, although ideology has been ignored in favor of ecology, and the United States, Canada and Spain have joined the Soviet Union, Poland and Rumania in the salmon-preservation fight. Denmark refuses. In this it is supported by West Germany, a far less important fishing factor.

There is really no way of bringing the Danes to heel except by concerted action. Today an opportunity for such action exists. Denmark is seeking membership in the European Common Market. Surely its application can be shelved until Copenhagen agrees to cease deep-sea salmon netting, a process which probably doesn't earn more than $3 million extra for the country anyway.

It is reasonable to impose this kind of penalty on ecological crime just as—which I have previously written—it would be reasonable to defer final action on Britain's admission to the market until the British, like the Europeans they hope to join, start treating dogs like human beings and let them freely in and out of their islands so long as their medical and travel papers are in order. Salmon and dogs somehow make mankind's life more tolerable and should be treated accordingly.

SALE OF AMERICAN FEED GRAINS TO THE SOVIET UNION

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 5 minutes.

Mr. SEBELIUS. Mr. Speaker, the recent sale of American feed grains to the Soviet Union gives the United States access to one of the largest grain markets in the world—Eastern Europe and the U.S.S.R. This contact and the "statesmanship" decision by maritime leaders to load grain on foreign-flag vessels could ultimately provide grain producers with the best of both worlds—planting freedom and flexibility and elimination of price-depressing domestic surpluses. The net result could bring a fair price for farm products and adequate compensation for the farmer's investment, industry, and productivity.

In agriculture today, we are experiencing a real dilemma. Farmers, of course, want planting freedom and management flexibility to harvest full bounty from their available land resources. Yet, farm prices are a painful reminder that overproduction severely depresses prices and farm income.

We can resolve this dilemma and improve farm prices by increasing demand through expanded markets at home and abroad. In my home State of Kansas, I have been most impressed by the cooperative efforts of the Kansas Association of Wheat Growers, the Kansas Wheat Commission, and Far-Mar-Co., Inc., regarding wheat utilization and domestic market development. This intensive research under the dynamic leadership of Dr. Wayne Henry and Ben Garrish will mean expanded markets and more extensive utilization of wheat and wheat products.

It is most unfortunate that this landmark development regarding exports to the Soviet Union has prompted controversy and undue criticism. I feel that the editorial "Export Criticism Errs," which recently appeared in the Southwestern Miller places the terms and impact of this agreement in proper perspective. With unanimous consent, Mr. Speaker, I submit this well-written editorial to the attention of my colleagues. The editorial follows:

[From the Southwestern Miller,
November 30, 1971]

EXPORT CRITICISM ERRS

A silly by-product of the sale of American feed grains to the Soviet Union is the tempest in a teapot over whether prices on Commodity Credit Corp.-owned oats and barley in effect represent subsidization of a Communist livestock and poultry industry. The furor mainly involves gross misinterpretations, along with ignorance of the importance of export markets to agriculture and the economy. The basic facts are that the C.C.C. has sold to exporters 24,000,000 bushels of oats and 39,000,000 bushels of barley at f.o.b. prices that are less than the domestic market. The levels at which the C.C.C. sold the grains were very much in line with competitive prices from other selling countries and were below domestic quotations primarily because the latter are elevated by the availability of price support loans. Without delving into the difficult issue of whether those world prices equal the cost of production for U.S. farmers, it is correct to state that American prices are above the world market, rather than that the world market is below domestic quotations.

It is recognition of that actuality that is largely responsible for the export subsidy program. Even though open market loan rates on wheat were reduced at the start of the certificate program in 1964 to a level that more nearly reflected world prices than in the past, a subsidy has been paid almost daily since then with the primary aim of facilitating competitive offerings of U.S. wheat and flour. Actually, no subsidy payments have been made on feed grains for a number of years, because U.S. corn and grain sorghum, the major feed grain exports, have in effect set world levels. Oats and especially barley meet greater competition than those grains in world markets, and that is why the C.C.C. elected to make them available at below-domestic market levels.

Truly incredible in the carping at the Soviet trade is the foggy thinking that would equate the sale with subsidization of the expansion of livestock and poultry production in the Soviet Union and the assertion that this is somehow part of a Communist plot. "Is it in our interest in the long run to subsidize the expansion of the Russian livestock and poultry industry?" asks Representative Neal Smith of Iowa in an unbelievable display of naivete, concerning the very developments that would most benefit the fabled corn growers of his state. The possible emergence of a thriving livestock and poultry economy in the Soviet Union and other Bloc nations is one of the most exciting dreams of American feed grain producers. The entire effort of the U. S. Feed Grains Council, as an organization charged with the responsibility of expanding U. S. feedstuffs exports, is directed toward stimulating such developments in many parts of the world. If the Soviet sale represents just a small step toward turning an underdeveloped livestock and poultry system in the Soviet Bloc into one approaching a developed one, it is an event of tremendous importance to the future success of American feed grain farmers.

Some of the criticism of the feed grain business also overlooks one very important facet of export trade. Even though barley and oats have been made available to U. S. exporters at levels below the domestic market, the fact that this country will gain the foreign exchange involved in the sale is a very major benefit.

If one can find amusement in misguided criticism, the most hilarious part of the Soviet sale criticism is the implication that somehow American consumers are being discriminated against because U. S. grain is being made available to Soviet users at lower prices than in this country. On the basis of the benefits for the American export potential and the U. S. position in world markets, that argument is fallacious in the extreme. It would be well for those who voice such concern to turn their attention to an example of indisputable discrimination against American consumers, as posed by the wheat processor certificate levy. The users of feed grains in the United States may not be able to obtain oats and barley as cheaply as their Soviet counterparts, but in the case of wheat foods, the cost is raised by a tax of 75 cents on each bushel ground. Therein lies complete disregard of the American consumer.

MINORITY VIEWS OF REPRESENTATIVE HENRY B. GONZALEZ ON H.R. 11309

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I have today filed the following dissenting views with the Committee on Banking and Currency.

This bill provides the administration unprecedented economic powers; no President in peace or war has asked for, much less been given the kind of power authorized in H.R. 11309. What is more distressing is that no cogent, positive, convincing case has been made in support of this legislation. Your committee has heard much about a crisis, but not much about what it consists of and how it should be met. The extensive testimony of an array of economic experts served only to underline that there is a deep and troubling conflict of opinion over the causes and cures of our economic woes.

If Congress enacts this legislation it will be taking only a stab in the dark. There is no persuasive testimony that the new economic policy is or will be any more effective than the once-touted and now forgotten game plan. Considering the enormity of the administration's past failures in economic policy, I believe that Congress has a positive responsibility to review and help shape future economic policy. But the Congress is reacting in a floundering way to the crisis, and apparently is unable or unwilling to evolve a policy of its own to replace the jerry-built apparatus that was created after the collapse of the disastrous game plan. This is sad and deplorable; the battering and bruising the body politic absorbed from the game plan should have strengthened our resolve to undertake a firm and positive hand in economic policy. Yet we are being asked to rubberstamp an unprecedented grant of power to an administration whose capacity for error in economic matters appears to be exceeded only by its stubborn determination to stay on a disastrous course.

There can be no doubt that this country is in serious economic trouble. For the past 2½ years we have had persistent, excessive unemployment. At the last report unemployment had crept up to a rate of 6 percent, meaning that 5.2 million Americans are trying to find jobs—with no success. If one considered the number of people who have simply given up looking for work, as have many of those unemployed for a year or more—and there are many of these—there may well be close to 9 million people who need jobs and cannot find them. Moreover, even as the rate of unemployment has increased we have had increasing trade deficits, a stagnant stock market, and a host of other symptoms that clearly spell recession. Ironically, though, we have had rising prices throughout this recession, and as matters grew worse the rate of inflation actually increased. All of this, which the administration dubbed a new type of inflation led to the junking of the game plan, so bravely advertised, with its monthly promises that things would get better. Be patient, we were told, better times are just around the corner. Then came August 15, a whole new ball game, as Secretary Connally puts it, and a demand for unprecedented economic powers.

We are told that wage controls are vitally important, but there are at least 5.2 million Americans, and probably closer to 9 million, to whom wage controls are meaningless—because they have no wages to control. The labor force will grow by a million people in the next 12 months. Moreover, we will be reducing our Armed Forces by an almost equal number, and the President has sworn to cut civilian Government employment by a hundred thousand. Therefore in order just to keep the number of unemployed from growing, the economy of this country must produce something like 2 million jobs in the coming year. This would require an economic growth rate of roughly three times what this country had from August 1970 to August 1971. The current economic indices do not show that we are enjoying anything like that kind of growth today, and even though some private forecasters are hoping for an increase of about 9 percent in the gross national product for the next year, this is at best only a hope based on the happiest possible turn of events. Even if that rate of growth is achieved—and there is no sign now that it will be—the number of people unemployed in this country a year from now will be about the same as it is today. Not even the most optimistic forecast predicts an unemployment rate of less than 5.5 percent a year hence.

If the kind of growth rate that the administration obviously hopes for is going to be achieved, it will require pushing the economic accelerator right to the floor. To the President and his advisers this means allowing great tax writeoffs, running a huge deficit and hopefully, holding the price lid down by means of artificial controls. It also means building a kind of inflationary time bomb; and the risk that the prices that do not go up now will very likely go up explosively once the lid is taken off the economic pressure cooker envisioned in the economic policy of which this bill is a part. It is in fact not so much a policy as a riverboat gambler's bet—and the stakes are very high indeed.

Unfortunately for your committee, the economic policy is tied into the tax reduction package. Unless the House, or its committees, examine the whole package of tax writeoffs plus controls, we will see only its parts. Since we have not considered the package as a whole, we are being asked to approve a program of which we have no more understanding of the true shape than the proverbial blind men feeling an elephant. The administration seems to be hoping that by allowing an unprecedented deficit of $3 billion or so, following on the heels of the likewise unprecedented $26 million deficit for the last fiscal year, plus unprecedented tax writeoffs for business will make the economy grow like tomatoes in a hothouse, and that price controls will keep inflation down to something like 3 percent a year. Three percent annual inflation may be less than what the game plan accustomed us to, but it is anything other than price stability. As any poor man can can tell you. The poor, the old, the unemployed, the minorities—all hoping for better days—will just have to keep waiting, under this plan. Be that as it may, this bill is only part of the economic policy we are being asked to approve, and we have never examined the whole thing as in total. The sum may be lesser than its parts, or greater—and we have a duty to know. We cannot act responsibly unless and until we at least have a full view of the program.

The bill before the House anticipates a need for controls that would be brought about by tax cuts and a deficit of gargantuan proportions. But he have seen neither the total of the tax cuts, nor the real spending plans, and cannot know in fact what the fiscal situation is. Neither do we know what the monetary policy of the Nation is. Nor do we know if the controls asked for will be needed. Indeed recent history should cause Congress to question whether there was a policy in the past or even is one now. If we are in our present straits because we have failed to act on economic policy as a whole, we may well simply be repeating past mistakes by acting once again in a piecemeal fashion.

It is possible that the new economic policy, no less than the late game plan, is based on false assumptions. Some experts before your committee argued that this was precisely the case, and it is a possibility well worth thinking about. The price of being wrong twice in economic policy may be too much to bear.

The possibility that the new policy may be just as wronghead as the last, and that the administration may again doggedly refuse to accept change until well after disaster has struck, leads me to conclude that Congress ought to reserve to itself powers to review the policy at an early date. There can be no harm in this; if matters are going well, we need take no action other than to grant a further extension of powers. But if matters are going from bad to worse, we could act to revise policy as needed. The administration already has the power to follow its new policy through April 1972. By that time we should be able to clearly see what the policy will and will not do. We could, in the early months of 1972, review the situation and either extend existing powers granted the President or revise them. This bill, however, extends those powers and even broadens them, through 1973. This means purely and simply that H.R. 11309 will make impossible any positive congressional action next spring if the economy continues to perform below expectations. There is no reason for Congress to thus abdicate its responsibilities—especially in light of bitter recent experience in matters economic.

Some economists argue that a wage-price freeze will only postpone the symptoms of inflation, rather than solve the underlying problems. The President himself has argued against a freeze policy, on this same ground. The obvious question we should ask, but which has not been raised, is what happens when the price lid comes off. The object of this new economic policy is to create a very fast pace of growth, and by any standard economic theory, this means that wage and price pressures will increase, not decline, during the coming year. This suggests that if inflation is going to be brought under control, increasingly stringent actions may be taken by the administration to keep the lid on during the projected acceleration of economic growth. This in turn might serve only to aggravate the long-range problem of inflation, for the lid has to come off, or the pressure decreased, sooner or later.

If price pressures do build up during the expected spurt of growth we can expect not only more stringent regulations than we now have, but more elaborate ones as well. We would do well to bear in mind Benjamin Cohen's iron law of economic controls:

> To be effective, controls must reproduce at a rate faster than that at which means are found for avoiding them.

Thus, although the country is assured that the President wants no maze of regulations, if economic controls are going to be used and made to work, the regulations and redtape will multiply at an exceedingly rapid pace notwithstanding his promises to the contrary. It is certainly possible that the projected economic growth will never occur, but if it does, we will surely see Cohen's law in full operation, to the discomfiture of one and all.

Contemplating this likelihood of regulations multiplying geometrically, and the equal likelihood of ever more difficult enforcement, I question the wisdom of making the Internal Revenue Service the economic policeman of the Nation. The primary purpose of the Internal Revenue Service ought to be administration of the tax laws, and this should be its exclusive responsibility. To add wage and price control enforcement to its powers would concentrate too much authority within the Internal Revenue Service.

When President Kennedy had his famous confrontation with the steel industry over price increases, he dispatched an emissary to the steel executives who merely raised the possibility that the tax accounts of the steel industry would have to be reviewed if the objectionable price increases were not rescinded. The prospect of a prolonged harassment of the Internal Revenue Service was enough to cause the now famous price rollback. This tactic might have been clever, in light of the fact that the President then had no authority to enforce his desires to roll back steel prices, but it also demonstrates clearly that having the taxman for a wage-price policeman will make threats and intimidation a key weapon in the economic arsenal of the Government. There will be few who dare question the taxman, no matter how arbitrary or capricious his acts.

Intimidation has no place in or out of Government, and I believe that wages and prices can be stabilized effectively enough without assigning the Internal Revenue Service to the task. Moreover, I believe that the IRS has quite enough to do to collect the taxes of the Government, without being burdened with a task for which it is not equipped or prepared to handle.

Phase I of the new economic policy produced an immense number of inequities, as your committee heard at great length. Some of these inequities have been reversed, others ameliorated and others continued, under phase II. The experience we have thus far indicates that Congress ought to provide for clearer guidelines for the economic policy than we have to date. This bill unfortunately would simply give the administration carte blanche; we have no assurance whatever the gross inequities we have already seen would be corrected at this or any other future time, and the bill provides no redress. This legislation simply passes the buck, in the pious hope that somebody, somewhere, at sometime will take care of the most glaring grievances and errors. We have readily available a gage of how fatuous this is. Far from making it easy for citizens to appeal from decisions of the economic cops, the administration bill would affirm everything that was done, right or wrong, and create procedure that would make appeals difficult or impossible.

Partisan claims and counterclaims have so obscured the real issues involved in this bill that it was virtually impossible for your committee to act objectively. Some Members frankly said that they were casting their votes according to instructions, which to me meant that they were supporting the bill regardless of their own judgments. The economy does not belong to any one political party; as citizens we all have an equal stake in it and concern for it. We each have equal responsibility, and partisanship has no place in a national issue as complex and vital as the economic policy.

Yet political considerations have been so pervasive that even simple procedural questions ensnared your committee in acrimonious disputes. And if such pettifoggery dominated the minor questions, thoughtful Members will readily concede that any meaningful examination of the bill, let alone the assumptions on which it rests, was impossible. It is no mere partisan matter to question the content, intent, and foundations the economic policies advocated by the President; if the emperor has no clothes he will appear naked to his courtiers and enemies alike.

We have a serious duty and heavy responsibility for economic policy. This bill is an abdication of duty and a complete failure of responsibility.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Americans have long taken pride in the natural beauty of this Nation. According to the American Forestry Association, the oldest living trees in the world are reputed to be the bristlecone pines, the majority of which are found growing in California.

THE OEO–CHILD DEVELOPMENT CONFERENCE REPORT

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 20 minutes.

Mr. VEYSEY. Mr. Speaker, the bill before the House today could potentially affect the lives of more Americans than any other piece of legislation in this Congress. Whether the bill will be able to deliver what it promises, however, is doubtful. In its present form I think it will not.

I am concerned that important parts of both the OEO and child development sectors of this bill are so complicated and unrealistic that they are self-defeating. At the same time, the evaluation section of the bill has been so weakened that any chance of improving the various programs as they proceed seems remote at best. We are asked to authorize billions of dollars, and yet the bill has no effective mechanism to assure that these programs are effective.

I specifically question those aspects of the child development system which require the selection of a multitude of city applicants as prime sponsors to run a comprehensive plan in a given area. Small school districts across the Nation are recognizing the impossibilities of operating without consolidation. As the cost of education skyrockets, there are now a thousand consolidations every year.

Instead of 50 broad statewide plans, we are asked to develop a huge Federal bureacracy to analyze the overlapping applications of up to 40,000 communities. The needless duplication and waste involved is enormous. But more important, we are preventing ourselves from spending the money on the more effective programs. I think it is vital to give the Secretary the discretion to decide how large an area should be covered by a comprehensive plan.

We need child development, not bureacracy development.

I am also concerned over the proposed structure of the Legal Services Corporation. In California we have learned that more experience is needed before we institutionalize a lawyer-dominated corporation such as proposed in the bill. My friends in the legal fraternity are experts at accommodation and compromise. I am certain they can work effectively in cooperation with the Governors of the various States when they want to. In California, the Governor's veto has been important in bringing about accommodation.

My third objection to the OEO-child development bill, in its present form, is that the effective evaluation requirement which the House Education and Labor Committee included in its version was gutted in the conference.

I have been amazed to learn how little we have gotten for our $11 billion investment in OEO to date. We know there have been effective and successful programs, and there have also been failures. But no one in Congress is certain which are which, and there is no systematic approach to eliminate the ineffective programs.

The section on evaluation in the House bill, which I authored, would have required that the Director develop and publish standards for evaluation at the time programs are started, and then evaluate the effectiveness of each program and project as it proceeds. The conference accepted this, but for some reason they rejected the commonsense requirement that the Director take the results of these evaluations into account when he recommends future funding of various programs and projects.

Striking such a requirement not only emasculates the evaluation, it tells program managers that politics, not performance, is what counts at OEO. I cannot accept it.

For these reasons, Mr. Speaker, I am opposed to the OEO conference report, and urge my colleagues to oppose it with me.

SPAIN HONORS WILLIAM M. HICKEY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on December 1, William M. Hickey of New York was honored at the Embassy of Spain through the presentation by the Spanish Ambassador of the Gran Cruz del Orden de Merito Civil for his activities over the years in supporting the cause of making Spanish culture and American indebtedness to Spain known to the American people. In his response to Ambassador Arguelles' remarks, Mr. Hickey made a brief statement particularly referring to his efforts on behalf of the Spanish Institute in New York City. In these days when good relations with nations of Spanish background are so vital to the United States, I believe that Mr. Hickey's remarks have a particular pertinence and that they should have a broader audience.

With appreciation for Mr. Hickey's efforts over the years in this vital field and for his share in bringing the Spanish Institute to a high peak of effectiveness, I insert his remarks in the RECORD for the information of my colleagues.

Señor Embajador, Señora, invitados de honor, amigos.

Siento una profunda alegría al recibir este Gran Cruz del Orden de Mérito Civil, y agradezco este gran honor que Ud., Señor Embajador, y su gobierno, me ha concedido.

Me gustaría dirigirme a Uds. completamente en español, pero aunque lo hablo, no con fluidez, porque no tengo apportunidades suficientes para practicarlo en Nueva York.

Para este razón, y con el gentil permiso de Uds., quiero continuar estos breves comentarios en inglés.

It would seem appropriate on this occasion to tell you something about the Spanish Institute and how I become interested in things Spanish, and what I foresee for the Institute.

Some 23 years ago, in 1948, the World Bank had recently been organized and was receiving applications for loans from electric utilities, particularly in Mexico, but as yet had no staff to analyze them.

At the suggestion of some New York banks, the then President of the World Bank asked me to go to Mexico and report to him on these applications. My directors allowed me to do this work and the loans were made.

This was interesting work, but more important was the discovery of the rich Spanish heritage in the architecture, history, language and culture in that fascinating country, followed by studies and trips to Spain.

Then in 1954 I met a young vice president in the National City Bank who asked me to be a director in The Spanish Institute, which he was then organizing. His associates in the bank and many friends all say "There's only one George Moore." No more need to be said.

For nearly 11 years now I've been Chairman of The Institute. It has been an interesting and rewarding experience.

The Institute is devoted to bringing about a greater understanding in the U.S. of Spain and Spanish America and Spanish culture.

At the outset some 20 years ago I was struck by the lack of appreciation in the U.S. of the very important part the Spanish played in the history of the U.S.

This had not always been true, however. At the turn of the century Spain, Spanish art, Spanish history and Spanish literature went through a period of tremendous popularity here.

Witness the founding of the Hispanic Society of America in New York, a unique institution which has the greatest prestige among Spanish and Spanish-speaking people all over the world.

Our Institute was founded in more recent years and went through some difficult times when there was no understanding of the present Spanish government. This era has now passed and there is a much better feeling towards the extraordinary achievements of the Spanish Chief of State.

However, there is still much to be done and the Spanish Institute's aim is to bring as many scholars, artists and business people from Spain and Spanish America as possible before New York audiences.

As far as scholars are concerned we aim to be the voice of the Hispanic Society and to convey their message to a much greater number of people.

We hope to give the Spanish-speaking population of New York, who have, as do all newly arrived ethnic groups, difficulties in living in this metropolis, a new sense of the greatness of their heritage.

After all, St. Augustine, Florida is the oldest city in the U.S. And in it is located the oldest house of worship, wherein side by side are the coats of arms of Spain and the U.S., symobilizing the friendship of these two nations and their joint dedication to preserving the values of western civilization.

Toledo, Ohio was named after Toledo, Spain, as a result of inspiration from the Spanish writings of Washington Irving.

Of particular interest to me was learning the full name of the largest city in California. Many here call it "L.A." In San Francisco I understand some call it "Inferior California." But the full name is "El Puebla de Nuestra Señora, La Reina de Los Angeles de Porciúncula." To probably 1,000 people I have asked this question over the years. Only one, a professor of history at St. Louis University, knew the answer.

Yet, how much this name holds in the way of language, culture and history.

I mention this because it is illustrative of how much there is to do here in developing understanding and appreciation of Spain and Spanish America.

This we hope The Spanish Institute can accomplish in the years to come.

We are most grateful for the constant support of our Consul General in New York, Mr. Martin Gamero, the Spanish Tourist Office and this Embassy in Washington.

KEMENY ON NATIONAL TRANSPORATION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in his convocation address at the opening of the 202d college year, President John Kemeny of Dartmouth College characteristically addressed himself to a question of great national import and one which also had significance for the community of Hanover, N.H., and the surrounding area.

His proposal that we should turn our sights to the present unsatisfactory operation of our system of national transportation and dedicate our energies and resources to bringing it to an acceptable condition of public utility is timely and appropriate.

It is the hope that Dr. Kemeny's suggestion will be heeded and acted upon by those with the responsibility of doing so. I have advocated such a course for a long time and I hope that support for such action will increase with the interest of such eloquent advocates as Dr. Kemeny.

For the interest of my colleagues I append Dr. Kemeny's address herewith:

THE PRESIDENT'S CONVOCATION ADDRESS

We celebrate the 100th anniversary of Thayer School at a time when it is fashionable to blame science and technology for all the ills of the world. Yet it is my conviction that the fundamental problem is our total inability to *manage* science and technology and to bring them to bear on the problems of society.

I would like to discuss this problem in terms of a concrete example, and I have chosen our national transportation system. My first observation is that we do not have a national transportation system. We have a historical accident compounded by shortsightedness, greed, and political manipulation.

We once had a great railroad network, and today at a time when many nations have rejuvenated railroad systems that serve as a matter of national pride, our passenger system is essentially dead. It was killed through greed. It was killed by the taking of profits without ploughing them back into maintenance and improvements. It was killed through gross mismanagement. It was killed through unions that became so greedy and shortsighted that in the long run they will put most of their members out of work. It was killed by a national policy that subsidized all the competitors of the railroads and neglected the railroads themselves.

Next we built an air transportation system, and in the beginning we saw great improvement. It is certainly wonderful to be able to fly coast to coast in five hours. For a while we seemed to have a policy of building up an air transportation system to serve all communities, including this one. But then profits fell; we lost interest in subsidizing air transportation, and we found more and more communities cut off from the national system.

Through these years the growth in the number of airplanes brought about new problems. We created congestion in the air which should have been completely predictable. We created sonic booms making life difficult in many parts of the country. We created the problem of moving thousands of people through highly congested cities to the terminals that service the airplanes. And, when all these problems confronted us, what great national plan was proposed to solve them? It was proposed that we build a supersonic transport plane which would produce greater sonic booms, which would mean moving more people through highly congested cities, and which would have a negligible effect on the problems that really worry most air travelers.

Take a typical trip by airplane from Boston to New York. From the time when you leave your home in a suburb of Boston, you fight through the traffic to get to the airport. You wait until you can get on the plane. You then have a short and usually pleasant flight to New York. You then wait for your baggage, try to get a cab, and fight even worse traffic getting into Manhattan. Of all of these, the only part that works well is the actual flight; and therefore it seems to me that if we are going to improve the air transportation system, one should work on those problems that are pressing on all people and not on a major new project that is going to be of benefit to only a handful of people.

We also built a great highway system, and this too had many benefits. Indeed we are fortunate in this part of the country; it is safer and less frustrating to drive on our great interstate routes than on the roads that existed a decade ago. I'm sure that students find the trip to Smith both faster and more enjoyable as a result of it. And in addition, in Vermont and New Hampshire you can enjoy the scenic beauty that accompanies these interstate roads. And yet these highways created problems of their own. With some one hundred million cars on the road, the problem of pollution in the nation is threatening the survival of mankind. At the same time we are using at an alarming rate natural resources of the world which can never be replenished. And while it is wonderful to have interstate roads when you live in Hanover, New Hampshire, they are threatening to bring death to the inner parts of several of our oldest and best known cities.

We have reached a stage where the main means of transportation (because we don't have a public system) is the private car. If you look at two examples of the effects of millions of private cars on cities, you can see the problem that confront us. Let me first take Los Angeles. It is a city that boasts of the greatest freeways—engineering miracles on which you can speed at 70 miles an hour right through the center of the city. I remember our experience the last time I was in Los Angeles. We went bumper to bumper on one of these 70-mile-an-hour roads at a speed somewhat slower than that which would have been possible with a horse-drawn carriage several generations ago. At the same time I witnessed thousands of cars fuming into the already smog-filled air. I saw the tremendous waste in resources. If my estimates were right, we averaged one and a half people per car, all going in the same direction for a stretch of twenty miles. I couldn't help thinking that there must be some rational way for providing a mass transportation system that would replace this completely haphazard, accidental method of transporting the majority of our people.

In New York the problem is much worse. I went to high school in New York City and it is a city I once loved. But since that time everything that man could do to ruin it has been done. It once had, believe it or not, a great subway system. It once had good bus service. It once had commuter railroads that people enjoyed riding. Instead of that, Manhattan today is the greatest traffic jam in the nation, with its streets permanently torn-up for improvements.

We seem to cater, in our planning of city transportation, to the desires and the whims of the rich and the selfish. We ignore the needs of the poor and those who do not have a sufficient voice in the affairs of our nation; and yet justice is done in the end, because while we make life almost impossible for the poor, in the not-so-long run we succeed in making life impossible for the rich and the selfish as well.

Let me mention one example of the way cities make major decisions. I happened to be in New York at the time of the great controversy as to whether to finance subway construction by means of raising the fare on subways or raising the toll to get into the city by car. This went on for a very long time. It would seem to any impartial observer that the solution was clear. If you raise the fare on the subway, then fewer people will take the subway, and it will be harder to maintain it and justify it, and you are going to encourage more cars to come into the city, to compound an already almost hopeless problem. If, instead, you raised the tolls on bridges and tunnels, you might encourage more people to take an interest in the public transportation system, and you might remove a few thousand of the cars that now pollute and jam up the city. You might even consider something drastic such as a $5 or $10 fee to get into Manhattan, or possibly a prohibition of all private cars in the central city.

I don't have to tell you what the outcome was. Subway fares were raised.*

When one looks at city planning, one sees cities that still have a hope, except for certain areas that are traditional bottlenecks where traffic jams up. And then you hear that three more great skyscrapers are built—and where are skyscrapers built? Right in the middle of the worst traffic jam.

The cumulative effect of all this lack of planning and shortsightedness, I claim, goes way beyond simply the discomfort that has been given so much publicity. It seems to me that we spend a major portion of our life rushing around like maniacs. I have great envy for some of my predecessors who had the luxury of taking a beautiful train and traveling leisurely across the country to visit alumni clubs, or possibly even taking a boat to Europe. That has been replaced by taking the fastest plane, getting out to the airport as quickly as possible, flying into the next city, being met there and rushed to your next appointment. And there are thousands of us, hundreds of thousands if not millions of us, who live our lives according to a schedule like that. We arrive at work tired and irritated, and therefore it is not surprising if we are unpleasant to our colleagues and associates.

In the process we destroy the quality of our environment and we use up our natural resources without any thought at all that other generations may follow us. And yet all the science and technology that is needed to alleviate this great problem and other great problems of society is known today. But we seem to be totally unable to manage it and to bring it to bear on the immediate problems of society. Somehow we can't take our transportation system and try to look at it as a whole. We fail to examine the interaction among the various components; the side effects, outside of the simple questions of how long it takes for a car or a train to get from one point to the other; the effect on the lives of human beings. We fail to examine the psychological impact of this tremendous rush and frustration; the effect on property, on scenic beauty, on the nature of the world we live in. Somehow we do not seem to be able to put this together into a sensible plan on which we can act.

Reaching the moon was a great achievement for man, and I for one am glad and proud that mankind has achieved this. What I can't understand is why we seem to be totally unable to mount a similar effort, for example, to design a reasonable transportation system for the United States. But perhaps this is because between earth and moon you do not find one hundred different political subdivisions. Perhaps it is because there is no opportunity for get-rich-quick schemes on the moon at the present time. Perhaps it is because we were not asked in this to make direct personal sacrifices for the betterment of mankind. Or perhaps it was because there once was a President of the United tSates who inspired the entire nation in a great goal and in a great concerted national effort that took us to the moon.

Thayer School enters its second century at a critical moment in the history of our country. If we continue the present path of inability to manage the great resources and great scientific and technological know-how available to us, we will witness the decline and fall of a great nation. But if we learn how to channel the miracles of modern technology for the benefit of mankind, we could be at the threshold of a new golden age.

Members of the Class of 1975, the future is in the hands of your generation.

DECEMBER 7, 1941—REFLECTIONS ON GREATNESS

(Mr. FLOWERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FLOWERS. Mr. Speaker, who among us needs to be reminded of the significance of December 7 in our Nation's history? For some, this date may have only historical importance, but for most of us there was a deep personal or family involvement in the relentless struggle that followed Pearl Harbor. In any event, it is altogether fitting and proper that we pause and reflect on this 30th anniversary of the precipitous beginning of World War II for America.

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* The reference is the creation of the 30 cent fare, not the current controversy.

First to my mind is the memory of the untold sacrifice and suffering of so many fellow citizens. These were indeed the "times that try men's souls." From the near national graveyard that was Pearl Harbor—symbolized forever in the battleship *Arizona* lying at the bottom of her channel—to the battlefields of North Africa, Europe, and the islands of the Pacific, sacrifice and suffering were more the rule than the exception for Americans in the early forties. I am reminded of Edmund Burke, a great British statesman of yesteryear, when he said:

> All that is necessary for the forces of evil to win in the world is for enough good men to do nothing.

Fortunately, for the world of today and tomorrow, there were "enough good men" in 1941, and let us not ever forget that many of them were Americans.

Next to mind is duty. Duty might have seemed an unnecessary word for the times because a whole nation subscribed to the concept. In the words of Robert E. Lee at another critical period in our history:

> Duty is the sublimest word in our language. Do your duty in all things. You cannot do more. You should never wish to do less.

The spark of national greatness was certainly reignited during this era. While barely emerging from the stress of the great depression of the thirties, the United States was thrust onto the center stage as the only hope for a free world. And the call was answered with a sense of national commitment never matched before or since. The task undertaken was not to be an easy one, nor was the outcome for our Nation certain when World War II began, or at many stages through its perilous course.

Those immortal words of Thomas Paine rang as true on December 7, 1941, as they did in Revolutionary times:

> Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict the more glorious the triumph. What we obtain too cheap, we esteem too lightly: 'tis dearness only that gives everything its value. Heaven knows how to set a proper price upon its goods; and it would be strange indeed, if so celestial an article as freedom should not be highly rated.

So as we reflect upon this day 30 years ago, let us remember the times as they were—the sacrifice and suffering—the call of duty that thank God was answered—and the greatness that was and is the United States of America. And let us be proud to be Americans on this 7th day of December 1971.

SPEAKING UP FOR THE MIDDLE CLASS IN FOREST HILLS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the controversy in Forest Hills over a low-income housing project is not a parochial issue. In the coming decade, practically every city and suburb in our country must confront the enormous problem of providing housing opportunities for low-income families while maintaining the stability of existing middle-income communities. No one should pretend that there are cheap or easy solutions to this problem.

I support the concept of scatter site housing, and as a member of the Banking and Currency Committee having jurisdiction over Federal housing programs, I am cosponsoring legislation that would establish sensible and equitable incentives for scatter site housing in the suburbs as well as the cities. But I do not support the Forest Hills project unless its present size is reduced. This is also the position of Congressman BEN ROSENTHAL and an overwhelming number of the Forest Hills residents who he represents.

The city's insistence on the largeness of this project—840 units in three 24-story buildings and nearly twice the size of any other project planned or built for a middle-income neighborhood in New York City—makes the Forest Hills situation unique and potentially damaging to the cause of scatter site housing. A concentration of this many low-income people within a middle-class neighborhood intensifies the fears and difficulties of economic integration.

If you have worked hard all your life, as most Forest Hills residents have, to give your family a safe home and a decent education, you rightfully worry about the possible deterioration of your neighborhood. And it is an understandable fear that a large infusion of poverty stricken people, many on welfare, will pose a threat to the way of life in a middle-class community. Like all New Yorkers, the residents of Forest Hills are alarmed about the increase in street crime and school violence. To characterize this concern as " racism" is an outrageous charge that evades what is really going on in the city and unnecessarily polarizes New Yorkers.

No one can seriously deny that the crime rate in our ghettos is higher than elsewhere—particularly among the multiproblem families on welfare. If anyone doubts this, let them ask a resident of Greenwich Village, a liberal community, what happened after many welfare families were placed in hotels in that area; let them ask what happened in Brooklyn Heights under similar circumstances—the increase in crime in both areas is well known.

The city itself recognizes that many welfare families create special problems for public housing. HDA Administrator Walsh has reported that 40 percent of the new tenants taken into New York City Housing Authority projects last year were welfare clients. Chairman Golar of the housing authority has said:

> We're taking in huge numbers of families with terrible social problems.

Crime, addiction, and vandalism plague public housing projects throughout the country.

But the Forest Hills controversy is more than just a fight over public housing—it is a middle class revolt against a city administration that has forgotten or given up on the middle class. The waste, ineptitude, and highhandedness of the city administration has destroyed much of the good will the city needs to win acceptance of its scatter site housing program. One cannot expect middle class New Yorkers to rally to the cause of the city if the city administration scorns them, ignores them or plays favorites at their expense. As one man recently told me—

> We get nothing for our money in the middle class. I mean we work hard and they walk all over us.

It is no wonder then that the middle class has turned to the concept of community control in order to gain some hand in determining the way of life in their neighborhoods.

However, community control does not mean every middle class neighborhood is opposed to low income housing. It is bitterly ironic that the city administration is resisting the pleas of the Forest Hills community to reduce the amount of low-income housing units while simultaneously refusing the demands of Yorkville, another middle class community, for more low-income housing. The middle class will, no doubt, draw the resentful conclusion that community control may work for the rich or the poor but not for them.

If the city administration continues to ignore middle class needs and belittle middle class fears, then the middle class will continue to leave the city and we will have gained nothing even if we build 10 Forest Hills. And tragically, the poor will suffer most. No great strides can be made toward securing the economic and social progress of New York City if it is not founded upon sympathy for, and the legitimacy of middle class aspirations as well as those of the poor. The city's refusal to scale down Forest Hills so as to reduce the number of low-income families only sets off one group against the other to the detriment of us all.

The city administration can still rectify its error by sitting down with the community and working out a reasonable settlement. It is not too late for the city to revive the art of compromise which has kept New York together through decades of enormous change.

BUREAUCRACY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, one of the jobs of a Member of Congress is to assist constituents in cutting through bureaucratic redtape. Everyone of us, I am sure, has had the occasion to write a constituent and tell him that, "Yes, the Government made a mistake and to rectify the error, a check will be forthcoming for x number of dollars." Often this can amount to hundreds of dollars.

As pleased as I am to be able to give constituents this good news, and as pleased as I am that mistakes can be found and agencies are flexible enough to correct them, every time a case like this comes up, I am plagued by the question of how many similar mistakes are being made and not being uncovered. I cannot help but worry how many people are not getting their full benefits. And I wonder if the particular constituent had not had congressional assistance, whether the error would have been found.

I have recently had a case that reflects in frightening detail the chaos that seems to rule Government bureaucracies. In this case, involving the Social Security Administration, the news was not good. Every time I wrote to the Social Security Administration, a letter came back saying that my constituent owed even more money than before. To portray for our colleagues the dimensions of the confusion, including the issuance of duplicate checks, I would like to run through the chronology of this case.

I do this not so much to criticize the Social Security Administration, because I know they have a tremendous benefit program to administer under very trying circumstances, but rather to focus attention on a problem that is endemic to many Government bureaucracies. I believe it is important that the Congress seek effective administration of the programs it establishes and insure that sufficient manpower is allocated to do the job efficiently and with as few errors as possible. In the long run, this type of operation generally saves money, and, of course, is far preferable for the people involved.

Mrs. X's son first wrote to me in March 1971 to say that his mother's check had suddenly stopped coming. She had not received her January or February checks—providing at the age of 74 her principal means of support. I wrote the Social Security Administration about this on March 10.

On April 6 Social Security called my office to say that a check for the payment due was being sent immediately but instead of including payment for January and February only, the check included payment for November through February. The entire amount for the check was $561.40. Mrs. X would either have to return the check or she could keep the extra money and go without benefits for 2 months. The error had been made because of the expedited payment procedure.

On April 19, Mrs. X's son wrote to Social Security by registered letter asking where the check for the excess payment should be sent. He received no answer until July 1 when Social Security wrote to Mrs. X stating that Social Security records showed an overpayment of $696.40: The $561.40 check issued April 6, plus $135 in benefits that had been paid in 1969, but had to be returned because Mrs. X had earned more than $1,680 during that year.

On June 11 Mrs. X dutifully mailed Social Security a check in the amount of $696.40.

Three months later, on September 10, Mrs. X received a brief letter from Social Security stating the following:

> Based on our records you received a check in the amount of $561.40; of this total amount $426.40 represents an overpayment. Please remit this amount.

Knowing that she had mailed Social Security a check in the amount of $696.40 on June 11, Mrs. X thought that Social Security now owed her $270. As Mrs. X's son said to me:

> It's hard to believe, the letters are completely contradictory.

I directed an inquiry about this to Social Security.

Now I have received a letter stating that a further review of Mrs. X's record shows that between January 1969 and October 1971 she had been overpaid $1,080.60. Fortunately, the computer did show that she had returned $696.40 and indicated that she now owes an additional $384.20.

Needless to say, at this point Mrs. X and her son are at the point of despair. They do not understand what is happening and are, of course, fearful that next month the Social Security Administration might claim she owes still more money. In the meantime, her benefits have stopped, and she is without funds to either live on or to return the $384.20 Social Security claims she owes the Administration.

The letter of November 30 which I received from Social Security is itself confusing and suggests that at this point even Social Security may not know where the mistake was made. Social Security has simply added up the benefits Mrs. X was due, collected the checks issued in her name, and figured that the difference between the two is the overpayment. Their letter follows:

SOCIAL SECURITY ADMINISTRATION,
Flushing, N.Y., November 30, 1971.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in further reference to your inquiry to Commissioner Ball concerning Mrs. X, New York, N.Y. 10028.

We have undertaken a further review of Mrs. X's record and we find that she had been overpaid $1080.60 through October 1971. She refunded $696.40 reducing this overpayment to $384.20.

In our letter of June 11, 1971, we advised you that Mrs. X was overpaid $696.40. However, additional checks were subsequently issued to her which increased the amount of the overpayment.

Mrs. X was entitled to receive the following payments:

Payment for—	Monthly rate	Less monthly deduction for medical insurance premiums	Total payable
January 1969	$21.00	0	$21.00
February through May 1969	156.00	0	624.00
June through December 1969	156.00	$4.00	1,064.00
January through May 1970	179.40	4.00	877.00
June through December 1970	179.40	5.30	1,218.70
January through May 1971	197.40	5.30	960.50
June through October 1971	197.40	5.60	959.00
Total			5,724.20

She received the following payments:

Payment for—	Amount of check	Total paid
January through April 1969	$628.00	$628.00
May 1969 through February 1970	[1] 152.00	1,520.00
January through February 1970	46.80	46.80
March through May 1970	[1] 175.40	526.20
June through December 1970	[1] 174.10	1,218.70
January through February 1971	348.20	348.20
November 1970 through February 1971	561.40	561.40
March 1971	174.10	174.10
March 1971	174.10	174.10
April 1971	174.10	174.10
Apri 1971	174.10	174.10
January through April 1971	72.00	72.00
May 1971	36.00	36.00
May 1971	192.10	192.10
June through October 1971	191.80	959.00
Total		6,804.80
Less refund		696.40
Total		6,108.40
Mrs. X received	6,108.40	
She was entitled to	5,724.20	
Overpayment	384.20	

[1] Each month.

The law provides for the recovery of an overpayment through the withholding of subsequent benefits payable on the same record.

The law further provides that recovery of an overpayment may be waived where the overpaid person was without fault in causing the overpayment to be made, and recovery would either cause her financial hardship or be otherwise inequitable.

Mrs. X will be notified directly concerning her overpayment and the requirements for waiver. She will be advised of the month our recovery action will begin in the event that she does not request waiver.

Our usual procedure in recovering an overpayment is to withhold the overpaid person's full benefits until the entire amount has been repaid. However, if this causes Mrs. X financial difficulty, she may request that we withhold only a portion of her benefits each month for the extent of time necessary to recover the overpayment. If she wishes this partial adjustment she may request it by getting in touch with our West 125 Street, New York Office. Mrs. X may also make any other request concerning her overpayment at that office. The people there will be glad to assist her in every way possible.

Sincerely yours,
PASQUALE F. CALIGIURI,
Regional Representative.

The purpose of this is not to say that Mrs. X is being billed for more than she owes—for one, I cannot figure it out myself. And if I cannot figure it out, how can an elderly lady of 74 figure it out? And so we have a situation in which big Uncle Sam is tormenting—figuratively speaking—a little old lady. Indeed, when the son called my office this week about the Social Security Administration's latest letter, he broke down and wept and said he feared for his mother's health because of the strain and the anguish his mother was called on to bear.

Hopefully, for Mrs. X's sake, the Social Security Administration will be able to waive the recovery of the overpayment.

Mr. Speaker, last week President Nixon addressed the White House Conference on Aging and talked of new programs and benefits for the elderly. May I suggest that one thing he could do immediately—with no new legislation—is to give top priority to the Social Security Administration and the processing of social security and medicare benefits. This would be received with gratitude by the elderly.

Having steered men to the moon and brought them home again with such navigational accuracy, we should have no doubt in our minds that we have the computer technology to meet the administrative demands of any benefit program.

NEEDED URGENTLY: SHORESIDE FACILITIES FOR THE U.S.S. "ARIZONA" MEMORIAL, PEARL HARBOR, HAWAII

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. MATSUNAGA. Mr. Speaker, today marks the 30th anniversary of the "Day of Infamy," the Japanese surprise attack on Pearl Harbor, which marked the beginning of World War II.

About 3,000 American lives were lost in that single initial battle. Our Navy was crippled. The most severe losses suffered by any one ship that day were suffered by the officers and men of the U.S.S. *Arizona*. Almost 1,200 men from the *Arizona* lost their lives that day; the bodies of more than a thousand men still lie entombed in the sunken hulk of the *Arizona* in the middle of Pearl Harbor. Ten years ago, Congress authorized the construction of a memorial at the site of the U.S.S. *Arizona*, in honor of the brave men who gave their lives for their country during the attack on Pearl Harbor.

The *Arizona* Memorial has since become a truly national memorial, visited annually by citizens from every State in the Union. Despite the fact that the memorial can be reached only by boat, it was visited by more than 700,000 persons last year. It has been estimated that by 1975 more than a million people will visit the *Arizona* Memorial every year.

Despite the great influx of visitors, the memorial remains adequate to handle the load; however, existing shoreside facilities are painfully inadequate. Visitors to the *Arizona* Memorial must wait for long periods of time, occasionally in inclement weather, for the opportunity to make the short pilgrimage by boat from the landing to the memorial itself. It is indeed a national shame that we have not corrected this situation.

Therefore, I have introduced in this Congress, as I did in the 91st Congress, legislation to rectify the situation. My bill would provide the usual visitor conveniences, along with a theater and museum for the orientation and education of visitors to the memorial. Films of the attack could be shown in the theater, and documents and other paraphernalia could be exhibited in the museum to assist the visitor in enhancing his understanding and appreciation not only of the U.S.S. *Arizona* Memorial itself, but also of the war in the Pacific and the need for constant effort to maintain peace with other nations of the world.

Today, on this 30th anniversary of the Pearl Harbor attack, I am reintroducing my bill, with the entire Arizona House delegation, the chairman of the House Veterans' Affairs Committee, and more than 100 other distinguished colleagues, as cosponsors.

At the conclusion of my remarks, I will include the text of the bill and newspaper editorials in support of my bill.

Mr. Speaker, the facilities proposed in my bill would add an educational dimension, not available today, to the millions of Americans who will be making their pilgrimage to the U.S.S. *Arizona* Memorial in the years ahead, while providing the usual visitor comforts and convenience.

I believe that the time has come to move speedily toward enactment of this legislation.

The material follows:

H.R. 12083

A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the United States Ship Arizona Memorial at Pearl Harbor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to provide for the establishment and maintenance of permanent shoreside facilities (including, but not limited to, a theater and museum) within the Pearl Harbor Naval Base, Hawaii, to provide for the education and convenience of visitors to the United States Ship Arizona Memorial.

SEC. 2. The Secretary of the Navy may include and display in the theater and museum such personal property, relics, documents, memorabilia, and exhibits as he deems appropriate to assist visitors and enhance their understanding of the historic American interest in the Pacific Ocean areas, and to deepen their appreciation of the great heroism of the men who lost their lives at Pearl Harbor on December 7, 1941.

SEC. 3. In carrying out his duties under this Act, the Secretary of the Navy may consult with any interested individuals, groups, or organizations, including the Pacific War Memorial Commission of the State of Hawaii.

SEC. 4. There is authorized to be appropriated a sum not to exceed four million dollars for planning and construction of the facilities authorized in Section 1 hereof and such sums of money as may be necessary from time to time to carry out the purposes of this Act.

[From the Honolulu Star-Bulletin, Nov. 3, 1971]

BETTER TO REMEMBER

Aside from the beach at Waikiki, Hawaii's most famous tourist attraction is the USS Arizona Memorial in Pearl Harobr.

Though it will be 30 years next month since the Arizona was sunk in the surprise attack on Oahu, the number of visitors to the memorial continues to grow rather than decline.

Last year 358,502 people made the trip to the memorial on Navy launches and a nearly equal number are estimated to have visited it by commercial tourist boats operating from Kewalo Basin in Honolulu.

Cognizant of this interest and the fact that visitors often have long waits for Navy launches traveling to the hulk at its resting place beside Ford Island, Congressman Spark Matsunaga has been pressing a bill to build a theater and museum at the Navy landing used for trips to the memorial.

He is suggesting that funds of up to $4 million be authorized to finance these facilities to tell visitors more about the famous Dec. 7, 1941 attack.

The theater could show films of the actual assaults and some of the effective re-creations of it. The museum would bring it to life with mementos.

This is a national project, not a local one, though Hawaii would welcome it.

Most visitors to the memorial are from out of State, persons who rate Pearl Harbor as one of the "must see" elements of their trip here.

Pearl Harbor, as one of the great historical battle scenes in U.S. history, ought to have this sort of memorial.

Island residents can help by writing to Mainland friends, newspapers and Congress members to call attention to the proposal and supporting it.

[From the Honolulu Star-Bulletin, Nov. 22, 1971]

A NEW MEMORIAL

For better or worse, Pearl Harbor and Hiroshima stand out as the two most significant names recalling the gigantic Pacific War that started nearly 30 years ago, on Dec. 7, 1941.

The Japanese have rebuilt their destroyed city and made its center a national shrine, dedicated to peace by recalling the horror of war. Hiroshima and Honolulu, incidentally, have a sister city reationship.

Under the point of explosion of the first nuclear weapon used in war is a cenotaph with the names of Hiroshima's dead. Many acres of open area surrounding the bomb center are designated as Peace Park.

Within the park are the unrestored skeleton of a building that survived the bomb, an eternal flame, many memorials including memorial bridges, and a museum. In the museum the story of the bombing and its aftermath are shown and told with a grimly factual understatement.

Memorial efforts at Pearl Harbor so far have been limited to the shrine erected over the hull of the sunken battleship, U.S.S. *Arizona*, where more than 1,000 dead still remain.

Though it can be reached only by boat, the *Arizona* Memorial is visited by about 700,000 people each year, most of them visitors to Hawaii, American and foreign, including Japanese.

As the 30th anniversary of Pearl Harbor nears, a move is afoot, with U.S. Navy support, to expand the Pearl Harbor memorial by constructing a museum and theatre at the boat landing from which visitors are taken out to the *Arizona*.

The National Park Service is cooperating informally on planning for the project.

A 9.5 acre site is available just west of the present Ford Island ferry landing, and the adjoining sketch offers a Navy artist's conception of what might be developed. The Memorial is in the background, under the flag.

Rear Adm. Thomas B. Hayward, commandant of the 14th Naval District, supports the project.

It will mesh well with other plans to clean up the waters of Pearl Harbor and eventually to open some of its shore areas to park and recreational use.

In Congress, Rep. Spark Matsunaga, D-Hawaii, plans to offer a new bill on Dec. 7 to support the Navy's plan.

He expects most of the Arizona delegation to co-sponsor it and expects many other members of Congress to join in backing the project estimated to cost $4 million.

Though Hawaii will welcome this important facility, its real value will be national.

After they have seen Hawaii's beaches and recreation spots, visitors to the Islands make the *Arizona* Memorial their No. 1 destination.

The proposed facilities will add an educational dimension to this experience that does not now exist.

This opportunity to learn can be found at places like Valley Forge, Fort McHenry, the Alamo, Fort Sumter and Gettysburg, other names that stand out in history. It ought to be offered at Pearl Harbor, too.

Those who support this plan can help it along by expressing their endorsement to friends across the Nation and to members of the U.S. Congress who will be asked to pass on the Pearl Harbor memorial bill.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANN (at the request of Mr. O'NEILL), for Tuesday, December 7, 1971, on account of official business.

Mr. BLATNIK (at the request of Mr. O'NEILL), for Monday, December 6, and the balance of the week, on account of illness.

Mr. BROYHILL of North Carolina (at the request of Mr. GERALD R. FORD), for today, on account of illness.

Mr. FOUNTAIN (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. VANIK, for 20 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. SEBELIUS, today, for 5 minutes.

Mr. VEYSEY, today, for 20 minutes.

(The following Members (at the request of Mr. SEBELIUS) to revise and extend their remarks and include extraneous material:)

Mr. KEITH, for 15 minutes, today.

Mr. GRAY, for 5 minutes, today.

Mr. SEBELIUS, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BOLLING in two instances and to include extraneous matter.

Mr. PASSMAN, and to include extraneous material.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. PRICE of Texas.

Mr. ESCH.

Mr. RHODES in five instances.

Mr. ERLENBORN.

Mr. WYMAN in two instances.

Mr. DERWINSKI in two instances.

Mr. QUILLEN.

Mr. COLLINS of Texas in three instances.

Mr. HAMMERSCHMIDT.

Mr. BYRNES of Wisconsin.

Mr. HOSMER.

Mr. MCCLURE.

Mr. STEIGER of Wisconsin in two instances.

Mr. DUNCAN.

Mr. BROOMFIELD.

Mr. CEDERBERG.

Mr. FREY.

Mr. RUPPE.

Mr. CHAMBERLAIN.

Mr. MCDONALD of Michigan.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. HAMILTON in three instances.

Mr. GRIFFIN in two instances.

Mrs. GRIFFITHS in two instances.

Mr. CARNEY in three instances.

Mr. GONZALEZ in two instances.

Mr. RARICK in three instances.

Mr. ROGERS in five instances.

Mr. KLUCZYNSKI.

Mr. FOUNTAIN.

Mrs. HICKS of Massachusetts in three instances.

Mr. FLOOD.

Mr. FRASER in five instances.

Mr. JACOBS.

Mr. HANNA in five instances.

Mr. ROONEY of Pennsylvania in two instances.

Mr. BEVILL.

Mr. GARMATZ in two instances.

Mr. BURKE of Massachusetts in two instances.

Mr. WOLFF.

Mr. DINGELL in three instances.

Mr. HELSTOSKI in five instances.

Mr. HARRINGTON in three instances.

Mr. EDWARDS of California in two instances.

Mr. ROY.

Mr. MOSS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1115. An act to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nev.; to the Committee on Interior and Insular Affairs.

S. 1475. An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes; and

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year."

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 8, 1971, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1344. A letter from the Secretary of the Treasury, transmitting an annual report on the state of the finances of the Federal Government for fiscal year 1971, pursuant to 31 U.S.C. 1027 (H. Doc. No. 92–180); to the Committee on Ways and Means and order to be printed with illustrations.

1345. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 11309. A bill to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes; with an amendment (Rept. No. 92–714). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK (for himself, Mr. BEGICH, and Mr. HATHAWAY):

H.R. 12072. A bill to provide housing for persons in rural areas of the United States on an emergency basis; to the Committee on Banking and Currency.

By Mr. ASPIN:

H.R. 12073. A bill to amend title 38, United States Code, to increase the statutory rates for anatomical loss or loss of use; to the Committee on Veterans' Affairs.

By Mr. DOW:

H.R. 12074. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mr. BYRNES of Wisconsin:

H.R. 12075. A bill to exempt from Federal income taxation certain nonprofit corporations all of whose members are tax-exempt credit unions; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 12076. A bill to amend the Community Mental Health Centers Act to reorganize certain grant programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE:

H.R. 12077. A bill to amend the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. HANLEY (for himself, Mr. Udall, Mr. Carey of New York, Mr. Eckhardt, Mr. Mikva, Mr. Minish, and Mr. Seiberling):

H.R. 12078. A bill relating to comparability adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Burton, Mr. Carey of New York, Mr. Carney, Mr. Cleveland, Mr. Corman, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Esch, Mr. Fascell, Mr. William D. Ford, Mr. Forsythe, Mrs. Grasso, Mr. Hamilton, and Mr. Hammerschmidt):

H.R. 12079. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself, Mr. Hathaway, Mr. Hawkins, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Kyros, Mr. Link, Mr. Matsunaga, Mr. Mazzoli, Mr. Moorhead, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Roy, Mr. Ryan, Mr. Seiberling, Mr. Steele, Mr. Stokes, and Mr. Wolff):

H.R. 12080. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

By Mr. KASTENMEIER:

H.R. 12081. A bill to amend chapter 313 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. LINK (for himself and Mr. Andrews of North Dakota):

H.R. 12082. A bill to authorize the establishment of the Knife River Indian Villages National Historic Site; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA (for himself, Mr. Teague of Texas, Mr. Udall, Mr. Rhodes, Mr. Steiger of Arizona, Mr. Abourezk, Mrs. Abzug, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Aspin, Mr. Begich, Mr. Biaggi, Mr. Brasco, Mr. Broyhill of North Carolina, Mr. Byrne of Pennsylvania, Mr. Cabell, Mr. Carey of New York, Mr. Clark, and Mr. Cleveland):

H.R. 12083. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself and Mr. Udall, Mr. Rhodes, Mr. Steiger of Arizona, Mr. Teague of Texas, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Denholm, Mr. Donohue, Mr. Edwards of California, Mr. Esch, Mr. Evins of Tennessee, Mr. Fisher, Mr. Frelinghuysen, Mr. Garmatz, Mr. Gibbons, Mr. Gray, Mr. Hanley, Mr. Hanna, and Mrs. Hansen of Washington):

H.R. 12084. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. Rhodes, Mr. Steiger of Arizona, Mr. Teague of Texas, Mr. Udall, Mr. Hawkins, Mr. Hicks of Washington, Mrs. Hicks of Massachusetts, Mr. Holifield, Mr. Horton, Mr. Hosmer, Mr. Hungate, Mr. Kee, Mr. Lent, Mr. Link, Mr. Lujan, Mr. Madden, Mr. McCollister, Mr. Melcher, and Mr. Metcalfe):

H.R. 12085. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. Steiger of Arizona, Mr. Teague of Texas, Mr. Udall, Mr. Rhodes, Mr. Miller of California, Mr. Minish, Mr. Morgan, Mr. Moorhead, Mr. Moss, Mr. Murphy of Illinois, Mr. Patten, Mr. Pepper, Mr. Pirnie, Mr. Price of Illinois, Mr. Rarick, Mr. Riegle, Mr. Roe, Mr. Rostenkowski, and Mr. Roy):

H.R. 12086. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. Teague of Texas, Mr. Udall, Mr. Rhodes, Mr. Steiger of Arizona, Mr. Sarbanes, Mr. Schwengel, Mr. Seiberling, Mr. Shipley, Mr. Sisk, Mr. Steele, Mrs. Sullivan, Mr. Thone, Mr. Vigorito, Mr. Ware, Mr. Williams, Mr. Winn, Mr. Wolff, Mr. Yatron, and Mr. Young of Texas):

H.R. 12087. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. METCALFE:

H.R. 12088. A bill to amend and expand the Emergency Employment Act of 1971 to reduce unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 12089. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 12090. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

H.R. 12091. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. SCHMITZ:

H.R. 12092. A bill to authorize testing and research on the use of nontoxic substances in the diagnosis, treatment, and prevention of cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. SEBELIUS (for himself, Mr. Shriver, Mr. Skubitz, and Mr. Winn):

H.R. 12093. A bill to amend the Watershed Protection and Flood Prevention Act so as to provide necessary assistance in connection with rural development; to the Committee on Agriculture.

By Mr. THOMPSON of New Jersey:

H.R. 12094. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 12095. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear, seal, walrus, sea otter, and related species for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 12096. A bill to require the Secretary of the Interior to make a comprehensive study of the wolf for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

By Mr. ZWACH:

H.R. 12097. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

By Mr. DELANEY:

H.J. Res. 998. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of South Carolina:

H.R. 12098. A bill for the relief of Chae Il Kwon; to the Committee on the Judiciary.

By Mr. JONES of Alabama:

H.R. 12099. A bill for the relief of Sara B. Garner; to the Committee on the Judiciary.

By Mr. DOW:

H. Con. Res. 477. Concurrent resolution relating to the status of Sylvia Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

SENATE—*Tuesday, December 7, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. Ellender).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God who has caused the light to shine out of darkness and hast revealed Thy glory in the face of Jesus Christ, let Thy light be upon us to illuminate our pathway and to give wisdom to our daily duties. May Thy kingdom come on earth beginning in us.

O Lord, may the memory of this day in history move us to a deeper commitment to the ways which make and keep the peace. And may this season of expectation be to us a time when we have joy as we work and peace as we pray.

In the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 6, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THIRTIETH ANNIVERSARY OF PEARL HARBOR

Mr. SCOTT. Mr. President, perhaps the saddest fact about this 30th anniversary of Pearl Harbor is that the world, which might have learned some lessons from war, seems to have learned very little, and here we are with a brandnew war between India and Pakistan beginning only a few days before this anniversary.

This is a sad and deplorable state of affairs. At least, I think we can contribute our part by not contributing to the exacerbation of the conflict and by continuing to maintain strict neutrality. Let us remember Pearl Harbor not in vengeance any more, not in bitterness any more, but as a warning, as a lesson, as a thought for the future.

Not very much came out of Pearl Harbor that was good, except something that we call victory. Not much came out of subsequent conflicts, even victory. There is a lesson to be learned. This is the only way, in some sadness, some grief and, of course, in solemn memory of those who died for their Nation and for other nations, in which we are able to commemorate this anniversary.

I have spoken simply that the time shall not go unnoticed in honor to those who lost their lives and who risked their lives for their country. But before anything else, as we remember Pearl Harbor, let us remember never to become involved in war again, if all the collective wisdom of our country and our country's leaders can be dedicated to avoiding it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. I wish to join the distinguished minority leader. Victory is an amorphous word. It really means nothing any more. Victory does not restore the limbs of those who lost them; the lives which were destroyed; the costs which were wasted. Nobody wins anything any more; and I would hope that out of these cataclysms, these holocausts, which have primarily limited themselves to the Asian Continent in late years, would come a lesson for all mankind, so that the words of the Prince of Peace might be taken to heart, and taken to heart with good intent.

Mr. SCOTT. I thank the majority leader.

Mr. PEARSON. Mr. President I should like to associate myself with the remarks just made by the distinguished minority leader and the distinguished majority leader on this day which has been enshrined in the history of our country.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Kansas (Mr. PEARSON) is now recognized for not to exceed 15 minutes.

INCREASE FEDERAL AID TO EDUCATION IN ORDER TO DRIVE DOWN PROPERTY TAXES

Mr. PEARSON. Mr. President, a quiet rebellion is underway throughout our Nation. It is not a rebellion based on the ideological principles of a 20th-century Karl Marx. It is, rather, a revolt of those Americans who have seen their property tax burden skyrocket in recent years and who refuse to agree to increases. The first casualty of the taxpayer's refusal to vote for increased taxes has been the public school.

Because proposals which address only the problem of relying on or limiting property taxes do not answer the equally important problem of deteriorating public school systems, I urge an alternative or supplemental program: Increased Federal aid to education.

This is not to say that State and local governments are relieved of their responsibilities to find new sources of school revenues. Indeed, increased Federal aid should be conditioned, I submit, upon the ability of State and local governments to achieve a reduction in property taxes and a more equitable distribution of funds to finance our public schools.

Mr. President, we should not be surprised by this national taxpayer's revolt because our public schools are primarily financed by local taxes on property, a tax system which is inequitable, regressive, and outmoded. It places the burden of financing increased school costs almost exclusively upon property owners. And we have reached a limit in the willingness and the ability of homeowners to pay property tax increases.

Property taxes in this country fund 52 percent of local school costs while State and Federal aid amounts to 39 and 8 percent, respectively. Ninety-eight percent of all revenues raised by independent school districts comes from property tax levies. School bond issues, however, have been failing to receive voter approval with startling regularity. According to the Investment Bankers Association, voters in 1960 rejected 11 percent of the school bond issues put before them; in 1965 the rejection rate was 33 percent; last year the rate had leaped to 52 percent.

I can think of no more convincing evidence that new sources of school revenues must be found, and found quickly.

Mr. President, the recent wave of school closings after voter rejection of school bond issues has spread from Youngstown, Ohio, to suburban Kansas City, where the schools in Independence, Mo., have had to close for several weeks. These bond issue defeats, I believe, accurately reflect the revolt of hard working, educationally minded, middle-American homeowners who sincerely believe that they cannot bear higher taxes on their property. They value and respect education as much, perhaps more, than their affluent neighbors, but they are the victims of a regressive educational tax system.

Middle-income Americans have few opportunities to ease their tax burdens with writeoffs and tax credits. They pay, and pay in full, for education and other public services. By their votes against local bond issues, they have clearly said, "Enough!" We must heed their clear signal of distress and stop treating schools on the same tax basis as sewers and street repairs. We must act now to provide an alternate system for financing education—on the State and, most importantly, on the national level.

Surely in this Nation, the wealthiest the world has ever known, we have the resources to devote to quality education. It is a scandalous sin of omission to continue to rely on a faulty tax system to provide revenues for education—the most important investment in our future.

Mr. President, there is another, perhaps more important, reason why we must change the system through which we finance our schools. Too many Americans are denied the right to adequate educational facilities, not simply because they are black, or because they are poor, or do not speak English as a native language. They are denied educational equality because of an inadequate, antiquated tax structure founded in 19th century America and incapable of financing a 20th century education for all Americans.

Mr. President, each Member of this body is aware that school districts in many of our States offer inferior educational opportunities because the value of their taxable property is low. These districts are not only in the inner cities of our country. Some of the Nation's poorest school districts are found in rural areas. Because of continued dependence on the property tax, an uneven geographic distribution of wealth promotes an uneven distribution of educational opportunity.

In one State, for example, the richest school district has a property assessment of almost $1 million per child, while the poorest has only $100 per child. Can any Member of this body believe that children living in a district which has only $100 of taxable property funds per child have an equal opportunity to compete for advanced education and jobs with children whose district has $1 million per child? The richer district has 10,000 times as much to spend on each child. Must we have further evidence of a need for reform in our educational tax structure?

Mr. President, the State courts have begun to deal with the inequities of the property tax base for education. The recent Supreme Court decision of Serrano against Priest judicially recognized a condition of which the urban and rural poor have been acutely aware for the past two decades. In that case, the Court was "called upon to determine whether the California public school financing system, with its substantial dependence on local property taxes, violates the 14th amendment." On August 30, 1971, by a

6 to 1 decision, couched in the terms of the equal protection clause, the Court cast serious doubt on the constitutionality of the property tax system of educational finance.

Mr. President, I submit that local, State, and Federal Governments cannot wait for the courts to affirm what we already know to be true—that the system of financing the primary and secondary education of American children places an unequal burden upon property owners and promotes inequality of educational opportunity. But the courts are beginning to act. And the inequities are clear. The taxpayers are demanding reform. Our children, as they all too often are, will be the victims of our inaction.

The national educational finance project, a federally funded study, asserted that—

> The time has come to seek new directions in the processes of raising and allocating revenues if we are to achieve the goal of equality in education.

In summary then, what I am saying is this: Property taxes are too high. Narrow efforts intended only to relieve this heavy burden will harm, and in some States have already materially harmed, our schools. A property-tax-supported public school system produces and preserves inequality among schools and is in imminent danger of doom for unconstitutionality. I, therefore, urge State and local governments to step up to this most important and pressing matter. Further, I propose that the Federal Government substantially increase Federal aid to education—both to drive property taxes down and to try to provide each child in this Nation with an equal and a quality education.

I believe we can do this, Mr. President. I am certain we must try. And in pursuit of a revised educational tax structure, the need to reorder our Federal spending priorities will be of critical importance. Certainly, few items in the Federal budget deserve a higher priority than a good education for all the children of this Nation.

I urge the President to act on the recommendations of this Federal study; to respond to this crisis with legislation increasing Federal assistance to public schools in areas which reduce local property taxes for educational financing. I urge the Congress to initiate its own proposals for Federal assistance to public schools. Finally, I urge responsible officials at the State and local levels of government to review their current educational tax structures.

Mr. President, I have not used all my time. I yield back the remainder of it.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the junior Senator from Delaware is now recognized for not to exceed 15 minutes.

COMMISSION ON INDIVIDUAL RIGHTS

Mr. ROTH. Mr. President, last year, when I was a Member of the House of Representatives, I sponsored an amendment to S. 30, The Organized Crime Control Act of 1970, which ultimately became title XII of the act. That title established a National Commission on Individual Rights to be composed of 15 members, four of whom are to be Senators, four of whom are to be Members of the House of Representatives, and seven of whom are to be private citizens appointed by the President of the United States.

I bring this matter to the attention of the Senate today because under the terms of title XII the Commission is to begin functioning on January 1, 1972, less than a month from now.

I should like to review very briefly what the purpose of the Commission is and why I feel it is of such great importance that it begin to function as soon after the first of the year as possible.

The act charges the Commission with the responsibility for conducting a comprehensive study and review of Federal laws and practices relating to special grand juries, dangerous special offender sentencing, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by Executive action.

The act states that the Commission may also consider other Federal laws and practices which in its opinion may infringe upon the individual rights of the people of the United States. The Commission is then to determine which laws and practices are needed, which are effective, and whether they infringe on the rights of the American people.

The law requires the Commission to make interim reports and recommendations at least every 2 years and a final report to the President and the Congress at the end of 6 years. Sixty days after the submission of the final report, the Commission will cease to exist.

In recent years Congress, responding to the demands of the American people to take decisive action to combat the rising tide of crime in this Nation, has enacted several pieces of important anticrime legislation. At the same time, certain administrative actions have been implemented to combat crime. It is no secret that a significant number of Americans—while greatly troubled about increases in crime—are seriously disturbed by what they believe to be an infringement on the constitutional rights of our people which may occur as a result of the war on crime.

As Members of Congress, we have an obligation to see to it that that delicate balance is maintained; that we provide our law enforcement officers with all the tools necessary to control crime, but that we make certain that in the process of conducting the battle we do not trespass on the basic rights of innocent individuals.

I believe we have attempted to maintain that balance in the laws we have enacted in recent years, but I recognize, too, that a vigorous difference of opinion on that point may exist. It is essentially for that reason that I offered the amendment to establish the Commission on Individual Rights to the Organized Crime Control Act of 1970. I also recognize that the implementation of laws may bring about results or practices not anticipated by the lawmakers.

I should point out here that I do not view this Commission as just another commission, but rather one which will in some way affect every man, women, and child in our Nation. The Commission is necessary if we are to have a broad view of the effects of both crime legislation and administrative attempts to control crime in this country. If we were to attempt to review each piece of legislation individually, we would miss the impact that an overall study would provide. But in reviewing all these areas, their effects upon each other and their interrelationship with each other, the Commission will be able to study these laws to determine how each affects the use of the other and whether there is a resulting violation of rights.

Not only will this Commission aid the Congress in reviewing the effect of the legislation which it has provided for the control of crime, but it is important for two other reasons.

This Commission will be of immense aid to the courts, which will have to rule on the validity of these laws and practices which the police will establish in their use. The Commission will provide a body of trained experts neutral in their approach to the problem and able to point out to our judicial officers what effect their rulings will have in the broad spectrum on other laws and practices as they affect the individual rights of the people.

Second, the Commission will be important in bringing to light intrusions on our individual rights which although protected by the Constitution have been violated seemingly without our knowledge. I have in mind here the reported collecting and data-banking or personal information about civilians who are active in politics or who belong to organizations which are or might be active. Although such data banks have supposedly been destroyed, how could the collection and storage of such information have been anything but an intrusion upon the personal lives of certain individuals?

But little is known about Government data gathering and its effects on constitutional rights. Further there have been no guidelines determined by Congress on how the executive may keep records and statistics on individuals. Congress, and not the executive branch, should establish basic policies on these matters.

I believe that the answer to this area is, first, to find out what type of information is being stored, then to determine the relative necessity of its being maintained and the way it could be used to subvert the individual. At that point I believe definite guidelines could be determined. It is my belief that the Commission on Individual Rights is the proper vehicle to make such an inquiry and to furnish recommended guidelines to the Congress. Since the Commission is taking an overall approach on the subject, it cannot only report to the Congress the context in which such data keeping is obtained, but also how it is used in relation to the other laws we have enacted.

January 1 is rapidly approaching. Six years does not seem to me to provide an excesive amount of time for the Commission to undertake its wide-ranging and important studies. Congress needs this help. I urge President Nixon and the designated congressional officers to promptly name their appointees to the Commission and Congress to promptly consider such appropriations as may be necessary to give the Commission an early start in 1972 to evaluate all facets of our criminal laws.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from Massachusetts is to be recognized.

Mr. BYRD of West Virginia. Mr. President, if the Senator from Delaware will retrieve his time, I would like to suggest the absence of a quorum and utilize that time for the quorum without prejudice to the Senator from Massachusetts who is to be recognized under the next order.

Mr. ROTH. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to reverse the sequence of the two orders recognizing the distinguished Senator from Massachusetts and the junior Senator from West Virginia.

The PRESIDENT pro tempore. Without objection, it is so ordered.

GASIFICATION OF COAL

Mr. BYRD of West Virginia. Mr. President, on December 3, 1971, the Senate passed the supplemental appropriations bill in which was contained $10,280,000 for accelerating coal gasification research. Although much has already been said about future energy problems which this country will face, I want to speak about an energy shortage which is already here—the shortage of natural gas—and the necessity of this country's taking immediate steps to provide additional domestic sources of this clean burning fuel.

The natural gas consumption of the United States increased from about 13 trillion cubic feet per year in 1960 to around 22 trillion in 1970. Allowing for normal growth—presently considerably accelerated by environmental protection regulations—the demand for natural gas is expected to be about 33 trillion cubic feet by 1980. If maximum production from present reserves is projected, plus a substantial production from future—not yet found—reserves, plus maximum foreseen supply from Canada and Alaska—this latter not yet assured—the total foreseeable continental gas available to the United States in 1980 will be about 21 trillion cubic feet. This is less than is available today and represents a shortage of around 12 trillion cubic feet per year.

We are approaching the situation of having only a 10-year available reserve of natural gas. Perhaps it may be argued that, because it has taken several years for the reserve ratio to decline by 1 year, we will have no real problem for perhaps 15 years—allowing for new discoveries.

Even with optimistic projection of future new reserves and supplies from the Arctic, neither of which is assured today, the future presents a dismal picture.

The indication of a 10-year reserve supply of natural gas, however, is misleading. Increasing population plus increasingly stringent air pollution controls are forcing an ever-increasing demand for natural gas. In many applications, gas is the only fuel which can satisfy air pollution regulations. A second factor is that as natural gas is removed from a proven reservoir, subsequent removals must be at a slower rate. It may take from 20 to 30 years to gain access to a present 10-year reserve supply. The shortage is undoubtedly already with us, as evidenced by many pipelines announcing curtailed deliveries, the refusal of many gas distribution systems to accept new industrial gas consumers—and in some cases new residential consumers located on existing systems—and even the lack of gas for existing household heating systems in cold weather.

For many commercial and small industrial users, natural gas—aside from a perhaps relatively expensive No. 2 fuel oil—is the only possible fuel which will permit them to met air pollution regulations. Alternate fuels require large capital investment and additional manpower to meet such regulations. Thus, it appears that a natural gas shortage will be most detrimental to the small businessman and, ultimately, the individual homeowner.

Some relief from the impending shortage will be provided in two ways—the importation of liquefied natural gas—LNG—from foreign sources by tanker ships, and the building of plants to convert petroleum liquids to synthetic natural gas using existing technology. Some major companies appear to have firm plans for the gasification of naphtha while at least one is planning to import LNG. The plans of four other companies for gasifying naphtha or crude oil, or importing LNG, appear to be in various stages of development.

These alternatives require very large capital investments in new facilities, and even the most optimistic estimates do not foresee them filling more than 20 percent of the 1980 shortage. Even with very low prices at the foreign wellhead, largely in North Africa, the cost of LNG when it enters the U.S. pipelines will be 400 to 500 percent higher than present domestic wellhead prices. There is no assurance that the foreign wellhead price will remain low and, of course, this supply, because of its source, is subject to other uncertainties.

The conversion of petroleum liquids to gas has the same disadvantages. The price will increase 400 to 500 percent, and because of our increasing national shortage, the petroleum raw material will be largely imported from uncertain overseas sources.

A third alternate is to manufacture synthetic natural gas from coal. Coal represents by far the Nation's largest fossil fuel energy reserve; and, as such, it is the resource from which most of our future energy requirements will have to be met. It is technically feasible to manufacture synthetic natural gas, as well as synthetic petroleum from coal. Our coal reserves are sufficient to provide all of our gas and liquid fuel requirements through the 21st century. All estimates indicate that gas produced from coal will be less costly than the first two alternates I have mentioned. The production of hydrocarbon fuels from coal is the only method by which the United States can become self-sufficient in its vital energy requirements.

Some industrial firms have already announced plans concerning coal gasification, and one company is reportedly hoping to have a coal gasification plant—based on the German Lurgi process—in operation by 1976. Although the Lurgi gasification process is commercially available, there are certain characteristics of this technology that are not conducive to producing an early, large, low-cost supply of supplemental natural gas.

It seems quite apparent that the companies which have announced Lurgi plant plans, but have not yet committed themselves to construction, regard it as a stopgap measure, since these same companies have also pledged substantial funds to support the Interior-American Gas Association gasification program. It is significant that the announcements by these companies did not come out until after the President's clean energy message of June 4, 1971.

The Department of the Interior-American Gas Association accelerated gasification program was announced in that message, and a supplemental budget request of $10,280,000 to start the program in fiscal year 1972 was submitted to the Congress shortly thereafter.

This program calls for an expenditure of $30 million per year, for 4 years, to accelerate and expand the existing Office of Coal Research gasification development program. Approximately $20 million each year is to be provided by the Government, and $10 million is to be provided by AGA. The House of Representatives did not include any funds for this program in H.R. 11955, the supplemental appropriations bill. The Senate Appropriations Committee, at my request, included the full supplemental estimate of $10,280,000.

I have mentioned that gasification of coal is technically feasible and that one promisingly commercial process is available. It is universally agreed that the commercially available process is far from the best answer for American conditions and that, for coal gasification to satisfy our country's requirements, one or more of the processes which have been under development in the United States must be brought to the point of full commercial application. This is a difficult and expensive thing to do. For each process, a multimillion-dollar pilot plant must be built and operated over a period of years. The necessity for several pilot plants is that, until they have operated, no one can be sure which process is commercially practical. Also, the parallel operation permits evaluation of alternate methods for similar subprocesses such as gas cleanup, methanation, and so forth. This country's nuclear power and space industries would not be in the position they are in today if similar, and sometimes more expensive, parallel efforts had not been followed in the beginning. A number of those projects were abortive—as some of the gasification processes may be—but success was assured by numbers.

If a time sequential method were followed for all research efforts planned in the accelerated coal gasification program, it would require upward to 30 years to complete. Clearly, in view of the developing gas shortage this would be much too long.

I am aware of the technological difficulties involved in providing the people with a secure, clean gaseous fuel. However, I believe that these difficulties can be overcome and that the Interior-AGA program has the greatest potential for assuring the earliest, least costly, and most reliable supply of synthetic pipeline gas.

The Government, on August 3, 1971, acting through the Department of the Interior, entered into a cooperative agreement with the American Gas Association to develop coal gasification processes. The plan is to develop a joint Government-industry effort to establish a coal gasification industry which can serve a vital role in helping to solve the energy and pollution problems facing the Nation today. This can be accomplished by converting coal to clean-burning gas for distribution in our existing networks of transmission and distribution lines.

The first 4 years of this program are aimed at obtaining firm data, so that engineering for a demonstration plant can be undertaken by the mid-1970's. With an allowance for completion of engineering and construction, a commercial-scale plant would be available for operation late in the 1970's. The research and development program will accelerate the pilot plant stage of coal gasification methods presently under active study by OCR and will culminate with the construction and operation of a technically feasible demonstration plant in the shortest possible time. The best process may prove to be one presently under development, but it is more likely that it will consist of an optimum selection from various process elements developed at the pilot plants included in the overall program.

The proposed program will have as a base three coal gasification projects under contract by the Office of Coal Research. The most advanced project is the Hygas project in Chicago, Ill. This research is being carried out by the Institute of Gas Technology, and the American Gas Association has been partially funding the project for several years.

The second project is the CO_2 acceptor process for which a pilot plant is being completed in Rapid City, S. Dak. Shakedown operations should begin in the spring, and plant operations later in the year. An integrated operation is projected for next summer. The third major project is being researched by Bituminous Coal Research, Inc., a subsidiary of the National Coal Association. It is called the Bi-Gas process. This work has been carried on in Monroeville, Pa., and construction of a pilot plant is planned for Homer City, Pa.

The processes being investigated differ with respect to the method of gas-solid contacting, supply of heat to the steam decomposition reaction, the gas cleanup method, and methanation system. A broad technical base has been established to proceed with the accelerated program. Administrative procedures have been established to obtain maximum results with minimum cost. Good results can be exploited, and unfruitful investigations will be dropped. This will eliminate duplication and minimize development time. A highly skilled independent and disinterested engineering organization will be retained to continuously evaluate all phases of the program. This will assist the decisionmaking process.

The goal is to establish the best process elements for a demonstration plant in 4 years. The exact size of this unit has not yet been decided, but it would probably handle about 5,000 tons of coal per day and produce about 80 million standard cubic feet per day of pipeline quality gas—gas having a minimum thermal value of 950 B.t.u.'s per cubic foot.

Upon successful completion of the pilot plant stage leading to a demonstration plant, it is obvious that this Government research will have a rapid payout. It is expected that commercial coal gasification will move forward very rapidly in the 1980's, and that the funds expended to develop the technology will be returned manyfold in the form of taxes and many other attendant side benefits. Jobs will be created in many rural areas of the country, since each commercial-scale coal gasification plant can be expected to employ 1,200 to 1,800 people. Having a firm supply of gas will allow our pipeline and distribution companies to service thousands of small-scale industries and businesses which need gas for commercial development but which cannot obtain it in periods of short supply. Commercial coal gasification plants will also reduce our dependence on foreign sources for something as basic as natural gas.

Industry has secured firm commitments from its members for their $10 million share of the program. The AGA contribution will become available to the Department of the Interior as soon as the requested supplemental appropriation becomes available to the Department.

The agreement with AGA provides that all information and data developed in the program are in the public domain, and all patents of inventions made during the program belong to the Government. A cooperative organization of both Government and AGA representatives has been established to guide the program even though the legal contracting officer will be a Government employee and the contracts will be standard Government documents. AGA will reimburse the Government for one-third of the cost of the work but will retain no property rights in the results or pilot plant equipment. All results, data, and engineering designs will be made freely available to the public.

The plain fact is that a gas shortage exists, and it will get worse. The first to suffer seriously from the shortage will be the small businessman and then the homeowner. Big business can afford to shift to alternate fuels—if they are available, which in itself is not entirely certain. Small businesses may go bankrupt. The homeowner will freeze.

The accelerated coal gasification research program presents the only available alternative for a permanent solution to our gas supply crisis. It provides for a much larger proportional financial contribution from industry than to other similar projects. The only domestic, and thus dependable, source of clean gas fuel—including perhaps automotive fuel—needed to meet our requirements lies in our coal reserves. In addition to being the only adequate domestic source, it is the least expensive source. The cost-benefit ratio to be found through the successful completion of this program is enormous. A reduction in the cost to the consumer of 10 cents per million B. t. u.'s is a conservative estimate of the possibilities. Spread over the estimated 1980 demand, this represents a saving to the consumer of over $3 billion each year, and this will increase.

Past delays have created our present predicament, a real shortage of the Nation's lifeblood—energy fuel. This accelerated gasification research program is urgently needed to solve a vital national problem. If a program such as this is not started at once, our future as a nation could be put in needless jeopardy.

Mr. President, I want to urge that the conferees on the supplemental appropriations bill carefully consider the need for accelerating our coal gasification research efforts and that the House conferees accept the Senate amendment adding funds for this purpose.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 1 minute.

Mr. BYRD of West Virginia. I yield the 1 minute to the distinguished Senator from Massachusetts.

The PRESIDENT pro tempore. Under the previous order, as previously modified, the Senator from Massachusetts (Mr. KENNEDY) is recognized for not to exceed 15 minutes.

Mr. BYRD of West Virginia. And the Senator now has 1 additional minute.

Mr. KENNEDY. I thank the distinguished Senator from West Virginia.

U.S. POLICY TOWARD THE CRISIS IN SOUTH ASIA

Mr. KENNEDY. Mr. President, the administration's policy toward the crisis in South Asia defies understanding.

After 8 months of escalating violence and military repression—after hundreds of thousands of civilians have been killed in East Bengal and 10 million refugees have fled into India—suddenly our national leadership recognizes that war has swept over South Asia. But when did this war begin? Who started it? What should be condemned? And what should we and the international community do about it?

Perhaps in the mind of many Americans is the thought that India has created this crisis. But the facts, Mr. President, show that this war began not last week with renewed military border crossings, nor last month with the escalating crossfire of artillery between India and Pakistan: this war began on the bloody night of March 25 with the brutal suppression by the Pakistan army of the free election it held in East Bengal. A review of events since March 25—a quick jostling of our memory—reminds us that the problem in South Asia is today, and has been from the very beginning, a political problem between the ruling military elite in West Pakistan and the Bengali opposition elected in East Bengal.

The facts documenting the beginning of this war, and who started it, are too grim and well reported to be in doubt, even by an administration that attempts to ignore them. Hundreds of articles have now been written and thousands of pictures have been taken by countless eyewitness foreign observers testifying to the bloody terror that has swept over East Bengal since March 25. Indeed, suppressed field cables to the Department of State in the beginning characterized the actions of the Pakistan army as "genocide." Foreign journalists were expelled by military authorities lest they record the holocaust, and film of foreign cameramen was confiscated.

It was only after refugees began to pour out of East Bengal in April that the story of repression could be slowly pieced together. Even now, the full dimension of the tragedy is not really known. Nevertheless, as troops descended upon Dacca at night, they indiscriminately shelled residential areas, attacked the university's student hostels, and imprisoned or executed all suspected Awami Leaguers they could round up. Thousands of East Bengalis have simply disappeared and never been heard of again. Thousands died. And many thousands more sought refuge in the countryside. Dacca became a ghost town in less than 24 hours, and remained subdued and empty for weeks thereafter.

The Pakistan army followed the people into the countryside. Systematically, troops began—according to a Pakistani journalist loyal to the Yahya regime—to liquidate the Awami League's "insurgency" and to crush the Awami League militants throughout East Bengal.

As the Pakistan army moved out into the countryside to crush the Awami League, all evidence—including the simple fact that the bulk of the refugees in India are Hindu—suggest this objective was coupled with a policy of terror directed primarily at the minority Hindu population.

In some areas, according to eyewitness reports in late summer, Pakistan troops were painting large yellow "H" signs on Hindu shops, so as to identify the property of the minority which had become a special target. To show they were not Hindus, members of the Muslim majority—although not fully exempt from the army's terror—were painting signs saying "All Muslim House" on their homes and shops. In turn, the small community of Christians were putting crosses on their doors and stitching crosses in red thread on their clothes. Not since Nazi Germany were so many citizens of a country publicly marked with religious labels and symbols.

Fear has gripped East Bengal since the devastating night of March 25. The World Bank mission, after spending several days traveling throughout East Bengal in early June, was forced to conclude:

> Perhaps most important of all, people fear to venture forth and, as a result, commerce has virtually ceased and economic activity generally is at a very low ebb.
>
> Clearly, despite improvements in some areas and taking the province as a whole, widespread fear among the population has persisted beyond the initial phase of heavy fighting. It appears that this is not just a concomitant of the army extending its control into the countryside and the villages off the main highways, although at this stage the mere appearance of military units often suffices to engender fear. However, there is also no question that punitive measures by the military are continuing; even if directed at particular elements (such as known or suspected Awami Leaguers, students, or Hindus). These have the effect of fostering fear among the population at large.

Report after report over the summer months echoed the findings of the world bank report—as did hundreds of interviews with refugees in India, including new arrivals—interviewed by myself and members of the field team of the Subcommittee on Refugees this past August.

Throughout this period our national leadership watched this tragedy in silence, at no time has any official of our Government, including the President, condemned the brutal and systematic repression of East Bengal by the Pakistan army—a repression carried out in part with American guns and bullets and aircraft. And even in the last few weeks, as the Pakistan army dramatically escalated its terror and repression, our Nation sat in numbed silence.

Now the administration tells us—8 months after March 25—that we should condemn, not the repression of the Pakistan army, but the response of India towards an increasingly desperate situation on its eastern borders—a situation which our Nation calculatedly ignored. Certainly condemnation is justified; but what should we condemn?

We should condemn, Mr. President, the silence of our leadership. Are we so insensitive to what our country stands for that our Government can actually support as well as apologize for a military regime's brutal suppression of democracy? Are we so blind that we can ignore a government that jails a political leader whose only crime was the winning of a free election?

Mr. President, we should also condemn the world's silence and apathy towards the massive human suffering caused by the refugee flow into India. From the beginning, the international community's response has been unconscionably lethargic and wholly inadequate. It has been characterized by little sense of urgency and a low priority of concern for a tide of human misery unequaled in modern times. By ignoring the needs of the refugees we have also alienated the people of India, endangering the economic stability and well-being of the world's largest democracy.

We should also condemn the neglect and insensitivity that is causing the death each day of 4,300 refugee children for the lack of food and shelter. We should condemn the circumstances that have caused the death and suffering of millions more because insufficient funds have been made available to relief agencies in India.

Mr. President, the administration has justified its refusal to condemn Pakistan in the name of keeping leverage with Islamabad. Over and over again—in hearings before the Subcommittee on Refugees, and elsewhere—Congress and the American people were told to be patient while our leverage and diplomacy took effect. Regrettably, there is little on the record—publicly or otherwise—to indicate that many "levers" were pulled. And in the case of a notable exception—the revocation of licenses for the shipment of American military supplies—the lever was pulled belatedly just a month ago, but only in full agreement with Islamabad.

And so the record is clear that—over the months of growing crisis—our Government was supporting a regime that not only suppressed an election but destroyed in the process all the principles for which our country sacrificed so much for so long only 2,000 miles away in Vietnam. Perhaps the only difference between Vietnam and Pakistan is that in Pakistan we have made no pretense of acting in support of principles—so that, in effect, no principles can be violated.

And now—in sharp contrast to our deference to Pakistani sensibilities over these past months of violence in East Bengal—our national leadership suddenly denounces India. We have made her the scapegoat of our frustrations and failures, and of the bankruptcy of our policy toward Pakistan. We have not only cut off military aid to India—over which no one will quarrel—but we are threatening to cut off economic and humanitarian aid as well.

In fact, yesterday our Government suspended some $87.6 million in development loans, in what can only be interpreted as a punitive gesture.

This administration has rightly taken pride in its effort to reestablish contact with one-fifth of mankind's population in China. But are we going to simultaneously alienate one-sixth of mankind in India—a democratic nation with whom we have had years of productive relations?

Mr. President, over the weekend the administration has belatedly turned to the United Nations, asking it to implement its peace-keeping machinery—an initiative many of us supported months ago. All of us hope that our country will finally do whatever it can to help bring peace and relief to South Asia.

Mr. President, I ask why we were not going to the United Nations at the time these refugees were being created. Why were we not going to the United Nations at a time when there was systematic repression and persecution of a people within East Bengal? Why did we not bring this up and pursue it with all the kinds of statements we have seen over the period of the last 36 hours, in the third committee, of the United Nations? Why did we not identify ourselves at that time with the humanitarian needs of the Bengali people? Why were we not at that time condemning the repression that meant many hundreds of thousands of more people killed or executed? Where were we at that time? Now we go to the United Nations in terms of condemning the actions of India.

These ends we seek are not being served by the resolutions we have supported in the Security Council. None of these resolutions—including the one sponsored by our Government—dealt with the causes of the refugee movement, nor with the kinds of things necessary for their voluntary repatriation from India.

That is the basis for the conflict that exists now—the reason for the creation of 10 million refugees, the tremendous burden the refugees present in terms of diverting funds for economic purposes in that part of the world, as well as the social and political problems that are involved. Not one word was uttered with respect to the reasons behind this massive refugee flow. That is the basis of this problem. In our resolution before the United Nations, there was not one word about how the refugees were created.

The problem is that none of the resolutions we have supported recognize the root of the crisis, the interests of the Bangladesh forces, or the urgent need for a negotiated political settlement between Islamabad and its Bengali opposition. In the main the resolutions have merely appealed for a cessation of hostilities between India and Pakistan, with the inevitable result that the war continues—that the source of the conflict still festers.

It is such a cruel irony that we talk about self-determination in Southeast Asia and in Vietnam. We have lost some 55,000 Americans who have been killed there because we want the people in South Vietnam to be able to decide their own future.

We know that the people of East Bengal went to the polls. The election was held under martial law. Sheikh Mujib and the Awami League won 167 out of the 169 seats. It was a democratically held election, with a mandate sufficient to elect him as the Prime Minister of all Pakistan. Yet, what happened? He was thrown into jail because he won the election. Now we are identifying ourselves with the military rulers who put him in jail. Fifty-five thousand Americans went to their deaths in Vietnam to secure such a free election there. Yet we are now identifying ourselves with a regime that has put a duly elected official in jail without any pretense of a civil trial or without any recognition of his success at the polls.

Mr. President, our Government and the United Nations must come to understand that the actions of the Pakistan Army on the night of March 25 unleashed the forces in South Asia that have led to war.

No observer of the situation in South Asia today can come away without the impression that these forces—nationalism and self-determination—can ever be successfully resisted by the force of arms. The right of self-determination for East Bengal—for which the East Bengalis elected Sheikh Mujibur Rahman, and for which they now fight and die—will no doubt be attained eventually. Only the form and the circumstance remain in doubt.

As early as last May, official reports to our Government said that the great bulk of the population of East Bengal had been alienated, perhaps forever, from the central government in West Pakistan. Events since then have more than confirmed the accuracy of these early reports. And because so much blood has been shed, there can be little doubt that the people and leadership of East Bengal will never accept again the political system that prevailed before March 25.

It is time for all of us to recognize the fact that "Bangladesh" now exists, not only in the minds of the majority of the Bengali people, but in the reality of current events.

If we truly recognize this fact—and if we are to avoid escalating vast human suffering and a bloodbath of reprisals throughout East Bengal—the requirements for peace and relief must include the following interrelated steps.

First, we must seek an immediate standstill ceasefire on all fronts sanctioned and supervised under international auspices. A time limit of 15 to 30 days should provide the "cooling off" period necessary to undertake the other diplomatic initiatives necessary to settle the outstanding issues among all parties involved.

Second, we must seek immediate and simultaneous negotiations between India and Pakistan, and between West Pakistan and its Bengali opposition within East Bengal—led by Sheikh Mujibur Rahman.

The purpose of the Indo-Pakistan negotiations should be to restore the 1965 Cease-fire agreements on the western front, and to resolve the new issues resulting generally from the current military confrontation. The purpose of the West Pakistani-Bengali negotiations should be to determine the future status of East Bengal, and the circumstances which will permit the voluntary repatriation of the 10 million East Bengali refugees in India.

And let me stress here, Mr. President, that whatever the future status of East Bengali—whether it be some form of independence or autonomy—it is critical that agreement should be reached between all parties during negotiations for the voluntary repatriation of all opposition political forces. There are "hostages" caught on all sides of this conflict. The Pakistan Army now holds in East Bengali under its control countless Bengali guerrillas and elected Awami League officials. In turn, it is conceivable that the Bengali guerrillas may soon hold within their control elements of the Pakistan Army. In addition, 7 to 8 million members of the minority Bihari Muslim community remain in East Bengal, while approximately 10 million Bengalis, including, of course, Sheikh Mujib in West Pakistan.

If a terrible, mindless bloodbath of reprisals and communal-religious violence is to be avoided, all parties in this conflict must protect these "hostages" of the conflict and abide by the Geneva Conventions and the wisdom of compassion and restraint. The Government of India has made a first step in this direction by announcing it recognizes the applicability of all Geneva Conventions.

Third, we must urge the immediate revival of the United Nations relief mission in East Bengal for the sake of the hapless millions threatened by famine or displaced by war.

The international relief effort in East Bengal has always been more a hope and aspiration than a functioning field operation. The urgent need to change this, will only come when peace has been restored to the Bengali countryside.

Nonetheless, our Nation and the international community must now recognize our responsibility to help in the reconstruction of East Bengal by beginning to think now of the coming problems of rehabilitation and relief. At a time when our Government seems more interested in condemning and cutting off economic aid to South Asia, I hope we will have the foresight to understand that our national interest will soon find the future development and economic stability of all nations in the region an important factor in our foreign policy and in our humanitarian concerns.

Mr. President, for 8 long months our national leadership stood silent and almost idle as the spectre of human deprivation and violence stalked South Asia. It is now a late stage in the crisis—with even more refugees now fleeing because of the escalated violence throughout the area—but I feel the opportunity still exists for our Government to make a positive contribution to the peace and relief of the area. And so I urge the administration to turn its policy around. They must consider the source of the violence, and move toward a fundamental political settlement in East Bengal. Anything short of that means more war, more refugees, more senseless death.

Mr. President, how much time do I have remaining?

The **PRESIDENT** pro tempore. Two minutes remain to the Senator from Massachusetts.

Mr. **KENNEDY**. Mr. President, I ask unanimous consent to have the opportunity to extend my remarks and I also ask unanimous consent that certain provocative editorials and articles published in many of the Nation's newspapers, particularly the lead editorial in the Washington Post this morning on the whole situation in South Asia be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 7, 1971]

THE U.S. PURSUIT OF DISASTER IN SOUTH ASIA

Suppose President Nixon had deliberately set out: to aggravate tensions in South Asia; to identify the United States with a military regime almost universally condemned for its abuse of its own people; to shred American ties with the most populous and powerful nation of that region, a democracy and a traditional friend; to help drive that dominant state into a waiting Soviet embrace; and, once war had erupted, to diminish possibilities of political compromise and undermine what moderates might remain. What would he have done differently with respect to the developing conflict between India and Pakistan over the last eight months? In our view, not much.

The whole rationale of American policy eludes us. Some payment was owed Pakistan for helping arrange Henry Kissinger's first trip to Peking. And Mr. Nixon evidently has long had a soft spot in his heart for Pakistan, at one time a model military anti-Communist regime. But at some point as the tragedy grew, cold calculations of power politics should have overtaken these largely sentimental considerations. Sound policy dictated an effort to maintain friendship with both India and Pakistan; if that were not possible, why put all the American chips on a discredited failing regime in much the smaller and more trouble-ridden of the two nations involved? If the answer lies somewhere in the political geometry of the Moscow-Peking-Washington triangle, we fail to perceive it.

The announcement yesterday that the United States had suspended development aid in the pipeline is equally puzzling. The stated grounds, that such aid contributes to short-term economic welfare and war-making potential, are laughable: the gesture was purely punitive and the party that is to be punished is not the government nearly so much as the impoverished people of India. A more telling abuse of foreign aid—at a more delicate moment, when a new aid bill is hanging by a thread in conference—could not be imagined.

As we have said before, India deserves sharp criticism for its calculated use of the refugee crisis to promote the dismemberment of Pakistan, although such criticism ill befits any government, such as the American government, which tolerated Pakistan's manufacture of that crisis. Where was the quick clampdown on arms aid to Pakistan then? India's invasion of West Pakistan and its now-open designs on Pakistan-held Kashmir are entirely unsupportable. But the source of the present crisis is Pakistani policy in East Pakistan. Only there can a solution be found. That the United States should not only be failing to contribute to such a solution but could be making one more difficult to attain is a measure of how far we in fact have traveled under the much trumpeted Nixon Doctrine toward a new foreign policy. In South Asia, we have moved backward—if we have moved at all—toward those early postwar cold war attitudes that gave us CENTO and SEATO and the heavy-handed employment of foreign aid as a bludgeon or a bribe.

[From the Washington Post, Dec. 6, 1971]

AS THE INDIA-PAKISTAN WAR DEEPENS

As the terrible war between India and Pakistan deepens, the war aims of both countries broaden. India, from its initial desire to stuff the refugees back into East Pakistan, now seems intent on destroying Pakistan's hold on the East and seating there an autonomous or perhaps independent Bengal political authority. Delhi may also be using the crisis to rip off part or all of Pakistan-held Kashmir. And so for Pakistan, the stakes become not merely its hold in the East, but its integrity in the West. A total war between the two countries is in progress. Communal strife, involving the Moslem minority in India and the Hindu minority in Pakistan, may flare accordingly. Who can predict the eventual toll of dead, and the devastation that awaits the survivors on both sides?

A cease-fire, then, becomes not merely a bow to the diplomatic amenities, but an absolute essential for the welfare for the entire subcontinent. It is plain that India and Pakistan will not themselves conclude a cease-fire; one will have to be imposed on them, and mere appeals—no matter how urgently or unanimously pressed—will make no more difference than a whisper in a hurricane. The elemental national and ethnic forces loose in the subcontinent will not be subdued by rhetoric.

What is needed is not only a strong United Nations call for a cease-fire but a strong United Nations proposal to begin to set right the legitimate political grievances which ignited this phase of the India-Pakistani fire. So swiftly has the crisis expanded in recent days that no one can be sure even this will work, but surely nothing else will. By legitimate political grievances, of course, we mean the return of refugees and the establishment of an East Pakistan political authority which reflects the aspirations of the people who live there. India's invasion of the West and its apparent designs on Pakistan-held Kashmir deserve no support anywhere; on the contrary, they must be condemned.

It is precisely by these minimal standards that the American approach over the weekend—not to mention before the weekend—has been so grievously wanting. The State Department condemned India and introduced at the Security Council a cease-fire resolution almost entirely favoring Pakistan. The fault was not merely that the United States was wrong on the merits, though we believe that to be the case. The real fault was that the resolution could not conceivably fill its ostensible purpose of relieving Pakistan. No resolution so unbalanced and onesided had a prayer; a third grader could have predicted the Soviet Union would have protected India with its veto. Merits aside, the only kind of resolution that can pass and that can stand a chance of implementation is the one that deals not only with the shooting but with the East Pakistani political situation.

The administration's astonishing and so far largely unsupported charges against India are one thing. The naivete of its approach in the Security Council is quite another. We urge the administration to adjust its policy so as to deal with the real tragedy that exists in the subcontinent. Empty words no longer serve.

[From the New York Times, Dec. 6, 1971]

THE WRINGING OF HANDS

(By Anthony Lewis)

LONDON.—Suppose that Britain, in the 1930's, had responded to Hitler's savagery by the early threat or use of military force instead of appeasement. If the Nixon Administration had been in power in Washington at the time, it would presumably have sent some official out to wring his hands in public and charge Britain with "major responsibility for the broader hostilities which have ensued."

So one must think after the American statement over the weekend blaming India for the hostilities with Pakistan. Few things said in the name of the United States lately have been quite so indecent. The anonymous state department official who made the comment matched Uriah Heep in sheer oleaginous cynicism about the facts of the situation and about our own moral position.

Consider first the immediate origins of this dispute. They are exceptionally clear as international relations go.

The military junta that rules Pakistan under President Yahya Khan held an election. The largest number of seats was won, democratically, by a Bengali party that favored effective self-government for East Pakistan. Yahya thereupon decided to wipe out the result of the election by force.

Last March West Pakistan troops flew into the East in large numbers and began a policy of slaughter. They murdered selected politicans, intellectuals and professionals, then indiscriminate masses. They burned villages. They held public castrations.

To compare Yahya Khan with Hitler is of course inexact. Yahya is not a man with a racist mission but a spokesman for xenophobic forces in West Pakistan. But in terms of results—in terms of human beings killed, brutalized or made refugees—Yahya's record compares quite favorably with Hitler's early years.

The West Pakistanis have killed several hundred thousand civilians in the East, and an estimated ten million have fled to India. The oppression has been specifically on lines of race or religion. The victims are Bengalis or Hindus, not Czechs or Poles or Jews, and perhaps therefore less meaningful to us in the West. But to the victims the crime is the same.

This record has been no secret to the world. First-hand accounts of the horror inside East Pakistan were published months ago. The refugees were there in India to be photographed in all their pitiful misery.

But President Nixon and his foreign policy aides seemed to close their eyes to what everyone else could see. Month after month the President said not a word about the most appalling refugee situation of modern times. Private diplomacy was doubtless going on, but there was no visible sign of American pressure on Yahya Khan for the only step that could conceivably bring the refugees back—a political accommodation with the Bengalis.

Pakistan's argument was that it was all an internal affair. Yes, like the Nazi's treatment of German Jews. But even if one accepts as one must that Pakistan was bound to defend its territorial integrity, this issue had spilled beyond its borders. The refugee impact on India very soon made it clear that the peace of the whole subcontinent was threatened.

It was as if the entire population of New York City had suddenly been dumped on New Jersey to feed and clothe—only infinitely worse in terms of resources available. Yet when Indira Gandhi went to the capitals of the West for help in arranging a political solution in East Pakistan, she got nothing.

The Indians can be sanctimonious. Mrs. Gandhi acts for political reasons, not out of purity of heart. India has helped the Bangla Desh guerrillas and, in recent weeks, put provocative pressure on East Pakistan. All true, but given the extent of her interest and the intolerable pressure upon her, India has shown great restraint.

After all, India has not intervened in a civil conflict thousands of miles from her own border. She has not destroyed one-third of a distant country's forests, or bombed that land to such a point of saturation that it is marked by ten million craters. The United States has done those things and is still doing them; it is in a poor position to read moral lectures to India.

American policy toward the Indian subcontinent is as much of a disaster by standards of hard-nosed common sense as of compassion. India may be annoying and difficult, but she does happen to be the largest nation in the world following our notions of political freedom. In position and population she is by far the most important country of Asia apart from China. To alienate India—worse yet, to act so as to undermine her political stability—is a policy that defies rational explanation.

[From the Washington Post, Dec. 7, 1971]

UNREALISM ON NEW WAR

(By Joseph Kraft)

A bizarre combination of moral blindness and political unrealism has characterized the handling of the Indo-Pak crisis by the Nixon administration. Even so, the United States is relatively immune from the consequences of this folly.

For with the Communist world divided, almost nothing that happens in South Asia can adversely affect American security in a serious way. But similar folly in other areas could well blow the President's hopes for a generation of peace.

The present round of trouble in the subcontinent goes back to the decision made by the Pakistan government in mid-March to suppress by force the separatist movement in East Bengal. The result of that decision was moral crime on the grand scale. Hundreds of thousands of innocent people were murdered by Pakistani troops, and millions were forced across the border into India as refugees.

Moreover, the decision was not only a crime, it was a blunder. With its government and forces centered in the western part of the country, Pakistan was unable to sustain repression a thousand miles away in East Bengal. Among the refugees in India, there began to grow up an insurgency force—the Mukti Bahini—determined to separate East Bengal from Pakistan in a new nation to be called Bangla Desh.

These developments presented a golden opportunity to Indian nationalists eager to settle old scores with Pakistan once and for all. They had rebuilt their army since the debacle of the war with China in 1962, and were confident they could whip Pakistan in an all-out encounter. Thus secure, they saw in the East Bengal situation an opportunity to put steadily increasing pressure on Pakistan.

To that end they armed and trained the insurgent East Bengali forces. They brought their own armies up to the frontier of Pakistan. They were thus acting as a kind of escort force for growing incursions by the insurgents against the Pakistanis in East Bengal.

At that point the United States still had some leverage. This country is the mainstay of the international groups that provide foreign aid critical to the development of both India and Pakistan, and there was an obvious way to avert the developing trouble. That was to have President Yahya Kahn of Pakistan open negotiations with the West Bengali leader, Mujib Rahman, who had been jailed back in March.

But Washington was never sensitive to the moral enormity of Pakistan's behavior. Hence, the willingness to let military spare parts go there for months after the massacres of East Bengal got under way.

Neither was the administration alert to the cold-blooded logic driving the Indians towards war. Thus the administration did not apply truly heavy pressure on Pakistan for an opening on negotiations between President Yahya and Sheik Mujib—not even after Prime Minister Indira Gandhi of India visited Washington and named that as a price for peace.

With Washington going less than all-out on the negotiating front, Mrs. Gandhi had little reason to control the Indian hawks. Slowly and deliberately, they applied pressure around Pakistan's borders. In the end, Pakistan felt obliged to respond with what is now open warfare.

Containing the fighting now devolves upon the other great powers in the area—the Russians who are backing the Indians; and the Chinese who support Pakistan. The duel between the Communist Big Two thus dominated the United Nations debate, and whatever the result (and the most likely outcome is for a new Bangla Desh state) it will not cause any serious trouble for this country.

Still, there are some hard questions the Nixon administration should be asking itself. Wasn't the administration blind and deaf to the moral crimes committed by Pakistan? Didn't the administration miscalculate what India would do? Weren't both these judgments an expression of President Nixon's personal prejudices and preferences? Weren't these personal inclinations enormously weighted because of the emasculation of the State Department?

More important still are some long-range questions. Couldn't such a woeful performance yield serious trouble in coming encounters with the Communist giants? Even if the United States is insulated from the worst difficulties by the division in the Communist world, what role should this country be playing in the southern continents of the Third World? Does this country want forever to be the patron of regimes in Asia, Africa and Latin America that make up the pillars of the unfree world?

[From the Washington Post, Nov. 25, 1971]

INDO-PAKISTAN CLASH

(By Joseph Kraft)

The sudden increase in tension between India and Pakistan asserts two realities that have been neglected by American diplomacy. Both have now to be taken seriously even by those whose only aim is to help Pakistan.

One is that Pakistan is on weak ground, militarily as well as morally. The other is that, except for the humanitarian instinct of Prime Minister Indira Gandhi, the cold logic of the situation in India argues for all-out war.

It is now apparent that the Pakistani regime of President Yahya Khan bit off more than it could chew when it imposed military rule over East Bengal last March. Though taking a terrific toll in lives and displacing refugees by the millions, the Pakistani forces have not been able to secure full control over East Bengal. Nor has arresting the chief Bengali leader, Mujibur Rahman, enabled the Pakistani military men to throttle the Bengali independence movement.

In India, the Pakistani moves have bred a mood—and a logic—that favors war. The Indian army has been modernized and expanded since the disastrous encounter with China back in 1962. Virtually everybody in New Delhi believes that in an all-out encounter their forces could lick the Pakistanis. Indian losses, as measured in a population of 450 million, living on the edge of misery anyhow, would not even be very high.

Given the negligible cost, national interest argues powerfully in New Delhi for a settling of old scores by force. As the Indians see it, they have been attacked twice in the past by the Pakistanis, and would be attacked a third time whenever the military balance changed.

Moreover, the 9 million refugees who have come over from the East Bengali part of Pakistan are believed in New Delhi to pose a direct threat to Indian development. Not only do they burden India's scarce resources, they also comprise a potential seed bed for Communist subversion and the development of a Bengali separatist movement in India. And the only sure way to get the refugees back to East Bengal is to rout the Pakistani army.

Finally, internal politics are forcing the Indians towards war. Most of the refugees are Hindu. Their plight has been taken up by India's conservative opposition party, the Jana Sangh. In daily assaults in parliament and the press, the opposition is pushing the government to stand up and fight for Hindu rights.

Under the force of these pressures, Mrs. Gandhi's government has made some concessions to the Indian hawks. It has moved the Indian army up to the frontier with Pakistan. It has supplied arms, transport, and protective cover for the East Bengali guerrilla forces—the so-called Mukti Bahini. These insurgents are now operating against Pakistan with mounting intensity.

Mrs. Gandhi personally, however, has committed herself about as powerfully as is possible to the cause of peace. She has argued the humanitarian case at all times and in all places. She has claimed that all the adjustments that have to be made for a political solution can be achieved through diplomatic pressure on Pakistan. It was in that spirit that she visited Washington and saw President Nixon early this month.

President Nixon has in fact been using his good offices to foster new policies in Pakistan. It was in order to maintain leverage on President Yahya that he allowed the flow of American military to Pakistan to continue until just before Mrs. Gandhi's visit.

But the President has fond memories of cooperation with Pakistan in the anti-Communist pacts of the Dulles era. He was able to work on a confidential basis with Yahya in arranging his trip to China. And whatever his feelings about Indians may be, he is not keen on their supporters in the United States—notably Sen. Edward Kennedy.

So the President has been searching for some small concessions that President Yahya could swallow easily. Mr. Nixon has suggested the stationing of United Nations forces on either side of the border. Mr. Nixon has hinted at political negotiations with Bengali leaders of lower stature, and more dubious honesty, than Mugibur. Mr. Nixon has avoided the central issue—the issue of the future status of East Bengal.

In fact, there is no escaping that issue. "The only lasting solution," as Prof. John P. Lewis of Princeton who once served in the American embassy in New Delhi has recently written in a brilliant article, "is some large measure of autonomy for East Bengal." An easing of tension can come in the subcontinent only by an explicit commitment to that target. Anybody serious about averting war will have to take as a starting point negotiations between Yahya and Mugibur for a new understanding to govern relations between Pakistan and East Bengal.

[From the Washington Star, Dec. 3, 1971]

COST OF REFUGEES SPURS INDIA'S FIGHT

(By Henry S. Bradsher)

CALCUTTA.—India's basic justification for using its armed forces against East Pakistan in undeclared war is that it cannot go on indefinitely bearing the burden of refugees from the region.

By increasing the pressure of both its own army and of East Pakistani insurgents on government forces in the region, India hopes to achieve independence for the region under the name of Bangla Desh and then have the refugees return to their homes there.

How big is this burden and how realistic is the hope that the refugees will be willing to go home?

According to P. N. Luthra, the Indian official in over-all charge of the refugee problem, it is costing the government more than $2½ million a day to care for the refugees.

Luthra, an experienced civilian administrator known by his old military title of colonel, said in an interview there are now 9.733 million refugees in India. About 7 million of them are living in government camps and the rest with friends and relatives.

REFUGEE FLOW DOWN

The Pakistani government disputes the total figure, insisting about 2 million persons left East Pakistan when the army began its crackdown on the Bengali nationalist movement March 25.

International relief agencies accept Luthra's figure as being roughly correct, however. The figure is based on issued ration cards and other controls.

The flow of refugees now is down to about 10,000 daily, Luthra said.

The fighting along Pakistan's borders is presumed to be one reason for the decline of the flood that totaled more than 100,000 daily in late spring.

Two and a half million refugees came into a single district of India's West Bengal State just east and northeast of Calcutta.

A visit to that area in July showed refugees squatting by the roadside and camping in fields with little shelter against the monsoons while more continued to walk across the border, hungry and dazed.

A return visit to the area the other day found the roadsides cleared. Camps, no longer flooded from rains looked fairly neat and orderly. But their inhabitants showed listless signs of depending too long upon relief.

They are forbidden to work because the densely populated West Bengal State already had an unemployment problem and local people do not want competition from newcomers.

Luthra said the impact of refugees remains strong in some districts such as West Dinajpur where there are as many refugees as original inhabitants.

India's Tripura State on the east side of East Pakistan also has been flooded by almost as many people fleeing across the border as lived there before.

Many camps have been rebuilt since the monsoon ended, Luthra said, to make them more livable. New camps are being built further back from the border to house more refugees in consolidated units with common food and hospital facilities.

Luthra said the equivalent of 13.6 U.S. cents is being spent daily on nonrecurring expenses such as building camps—for each of the million refugees in camps. Recurring daily costs are 23.3 cents each.

BIG PROMISES

In addition to this burden on the Indian government there is foreign aid. Right now the most noticeable aspect is blankets, especially for refugees in mountainous areas north of East Pakistan.

Luthra said the total aid promised from abroad was about $157 million. About $37 million reached refugee headquarters in Calcutta, but some went directly to the Indian government in New Delhi.

The United States has promised more than $70 million in cash and food.

Despite foreign assistance, India is bearing the main financial and social burdens of refugees.

The cost is hurting India's economic development efforts but the extent of this varies according to whose estimates are used. The United States also has made a special $20 million development loan to offset this impact.

Luthra and other Indian officials take some pride in the way this country has coped with the burden.

Absence of major epidemics, even during the heaviest monsoon to hit India for many years, and avoidance of starvation among refugees is regarded as a considerable accomplishment.

The Indian government is quite firm in saying refugees must go home.

But will they? Especially, will more than three-fourths of the refugees who are Hindus want to leave predominantly Hindu India and return to Moslem Pakistan after the Pakistani army singled out the Hindus for special persecution?

Luthra leans back from his neat desk, taps his fingertips together, smiles and says "I think they will go back."

Even now, some refugees are going to see what the situation is in areas from which Bangla Desh forces have cleared the Pakistani army, Luthra said.

People want to return to their own land. Even Hindus will want to return to their land, Luthra said. The fact that several millions have never left East Pakistan shows that the Hindus can survive there.

Others are not so sure. Well-informed Indians in New Delhi say Prime Minister Indira Gandhi's government is prepared privately for several million refugees to remain despite its public insistence that all must leave.

There have been reports that the government would simply quit providing food rations if necessary to force the refugees out once Bangla Desh is independent, or would move points at which food is issued against ration cards to areas of Bangla Desh.

Asked about such coercion to get rid of refugees, Luthra declined to answer directly but left it as a possibility.

Whatever the tactics followed, whether use of the Indian Army to free East Pakistan from control of the Pakistani government or use of force to make the refugees go home afterward, India now seems determined that it cannot and will not go on taking care of the largest refugee problem in history.

[From the Washington Star, Dec. 5, 1971]

POLITICS IGNORED FOR NOW—HATRED UNITES BANGLA DESH

(By Henry S. Bradsher)

CALCUTTA, INDIA.—The Bangla Desh forces fighting with the Indian army against the Pakistan army are composed of diverse elements united for the moment by passionate hatred.

They include middle-class lawyers from small towns of East Pakistan who formed the core of the Awami League, the political party that won 72 percent of the vote in the region last December, soldiers of the Bengal Regiment and the border police, the East Pakistan Rifles, who defected en masse when the army crackdown on regional nationalism began March 25, students with vaguely radical ideas and youthful hotheadedness, and other Bengalis.

Their only common political viewpoint is the desire to rid their homeland of what they consider to be a long period of colonial exploitation by West Pakistan and now the brutal repression by an alien army of the West Pakistani elite.

DIFFERENCES SUBMERGED

Widely varying political attitudes on questions other than independence for Bangla Desh have been temporarily submerged in the common struggle.

The unifying figure in East Pakistani politics has been Sheikh Mujibur Rahman. To an incredible extent he personally came to symbolize Bengali grievances and hopes and his Awami League focused both these elements into a powerful political force.

Thoughtful Bengalis now say that Rahman remains—even in West Pakistani prison—the only real hope of keeping Bangla Desh forces united. And should independence be achieved, it will only be a question of time before political fragmentation comes—even if Rahman should lead the new nation.

In Rahman's shadow, no other strong leaders developed in the Awami League. "There is only a third-line leadership behind him, without any second line," one Awami League member commented.

The most prominent of these is Syed Nazrul Islam, 46, who is now the acting president of the Peoples Republic of Bangla Desh in the absence of Rahman. A lawyer from Mymensingh, he had led the party during the earlier imprisonments of Rahman.

The prime minister is Tajuddin Ahmed, also 46. As a student leader of East Pakistani agitations against the domination from West Pakistan shortly after the country was formed in 1947, he took his law degree while in jail.

The other three cabinet members are Khandaker Moshtaque Ahmed, 53, in charge of foreign affairs, Finance Minister Mansoor Ali, also 53, and Kamaruzzaman, 45, who is responsible for home affairs, relief and rehabilitation. All are lawyers.

GOALS OF REPUBLIC

The goals of the republic which they declared after March 25 include a "socialistic pattern of economy." But they are conservative people and the Awami League generally has a cautious middle of the road attitude.

Their statements of goals throws doubts on how far they would be prepared to go to achieve economic equality in the badly overpopulated agricultural region. It specifies that there will be no land tax on holdings up to 8 acres—which is a very large amount in the rice lands economy of the region.

Many international economists feel one basic reason for the failures of underdeveloped agricultural countries to bring rapid economic progress has been the refusal of middle class politicians running them to hurt their own personal interests by taxing agriculture adequately.

The Awami League position on this might be challenged eventually by some of the leftist elements which have failed to show any significant popular strength in elections, but nonetheless loom importantly in the region.

CONSULTATIVE PANEL

These include leftists oriented toward Moscow and toward Peking and freelance ones. India, which is sponsoring the Bangla Desh cause, has at Soviet instigation forced the Awami League to accept the creation of a political consultative committee including Moscow-line leftists. But Awami Leaguers are determined to keep them at arm's length.

Probably a more important political element will be students.

STUDENT VIEWS

In March interviews in Dacca, student leaders like Abdul Rab and Nuril Alam Siddiqi talked much more seriously about socialistic answers to the region's economic problems than Awami League leaders talked. Both Rab and Siddiqi were leading students and other young people in guerrilla operations.

These student guerrillas are more emotionally dedicated to Rahman personally than other elements of the Bangla Desh movement. But for them Rahman is a figure who only mirrors what they want.

It is doubtful that Rahman in power as head of independent Bangla Desh, subject to pressures of practical politics, would for long be satisfactory to radical-minded youths.

Members of the East Pakistan Rifles, a paramilitary force, are originally alleged by the Pakistani government to have been planning mutinies against their West Pakistani officers shortly after March 25.

SLAUGHTER ALLEGED

This was one of the allegations the government used in its initial efforts to justify its savage crackdown on East Pakistan. Another allegation was that tens of thousands of non-Bengali residents of the East had been slaughtered by Awami League terror before March 25 which the government had to halt.

Both these charges have been quietly dropped by the government, although they still echo in Pakistani propaganda.

In fact, EPR men seemed then to be essentially non-political. But they are Bengalis, and after the army attacked them on the night of March 25 as part of breaking all Bengali resistance, they fought back. Most fled to fight again.

They were among the men whom the Indian army organized into Bangla Desh, military units.

Another large element, also essentially non-political patriots, are troops from the Bengali regiment.

Mr. KENNEDY. Mr. President, we hear our Government speak of cutting off aid to India at a time when it has suffered its most severe economic test—as it struggles to provide for 10 million refugees, costing it nearly $800 million. The cost of the refugees is more than all the foreign aid India receives. Yet, we talk about cutting off aid.

To illustrate the burden India has carried over these past 8 months I ask unanimous consent to have printed at this point in the Record excerpts from my report to the Judiciary Subcommittee on Refugees, submitted last month.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

CRISIS IN SOUTH ASIA

REFUGEE RELIEF PROGRAM—THE COST TO INDIA

For India, the direct cost of coping with the massive influx of refugees is staggering. The indirect cost—the refugees' impact upon India's long-range development program and economy—is even worse. Because the areas in India around East Bengal where the refugees have fled already have substantial unemployment and underemployment, no addition to the force of unskilled labor—whether refugee or Indian—can contribute much if anything to output. Under these circumstances the refugees represent dead-weight on an already underdeveloped area. They drain resources from the Indian economy without any compensating increase in output.

It is not surprising, therefore, that in many ways the indirect cost to India may even be greater than the direct cost—although less defined. More easily estimated is the direct cost of supporting the refugees. For just one year, this cost is truly staggering.

According to estimates assembled both in Washington and in New Delhi, the direct cost for maintaining 9 million refugees for one year is, at a minimum low estimate, $800 million. Per capita, the refugees will cost between 20 to 25 cents a day, or about two Indian rupees.

The low and high estimates presented in the above table differ because of varying assumptions about the amount of food, the kind and extent of shelter, the quality and degree of medical care, and other such factors relating to the care and maintenance of the refugees. However, USAID's estimate of direct cost is based on a conservatively figured average "inventory" list of requirements for one million refugees in camps.

Most officials agree that these figures are conservative estimates, and USAID/New Delhi has tended to opt for "low estimates" in planning U.S. contributions. So the fact remains, that even with the most sanguine assumptions, the total direct cost to India, caused by the refugees, amounts to nearly $800 million for the India fiscal year ending March 31, 1971—and to more than $800 million for the U.S. fiscal year ending the following June 30.

This figure takes on greater significance when it is realized that it represents between one-sixth to one-fifth of the total outlay that India spends annually on development programs. It is equivalent to nearly one-third of the country's total imports. And it almost matches the annual gross non-food aid that the dwindling "Aid-India Consortium"[1] has been able to give in recent years. Because of the inexorable increase of India's principal and interest payments on these past loans, the Consortium's net yearly input to the Indian development effort, aside from the diminishing U.S. PL480 contribution, is no more than $300 million. In short, maintaining the refugees for one year will directly cost India $500 million more than the net foreign aid it receives from all the Western nations.

The drag that the refugee problem is placing upon the Indian system can be understood only in this broader perspective; for most of the specific commodities that refugees are consuming are Indian products, as, of course, are the administrative and other services they are monopolizing. Since India feels it is already fully budgeted and has no safe room for additional deficit financing—and since the refugees, for the time being, provide no additional productive capacity but, instead, cause displacement of scarce transport and other facilities—the funds that the Government of India now allocates to them tend to be gouged out of the Nation's development budget. Moreover, the encroachment is not just on development finance—it also drains the nervous energy of the nation's leadership. The Prime Minister, her advisors, the Finance Ministry, the Planning Commission—indeed most of the developmental leadership and bureaucracy of the central and state governments—are consumed with the ramifications of the refugees from East Bengal. And a war with Pakistan could be disastrous.

1. Impact on India's Development. These distractions of resources and effort could not have come at a more inopportune time for India. At the moment the disaster struck East Bengal—literally a fortnight before—India had achieved her best hope for material and social progress in 24 years. The first, the so called "green revolution", came after years of sluggish economic and political progress. From 1962 to 1967 India was shaken by two short wars, lost two Prime Ministers, and was wracked by two unprecedentedly severe droughts, contributing to a general economic recession. Indeed, Indian politics appeared to be becoming unglued. But these traumas, instead of demoralizing the leadership, had the effect of shock therapy in 1965 and 1966. A sensible and comprehensive set of new economic and agricultural policies was adopted that, in particular, provided thrust and incentive for a new foodgrains technology involving improved seeds, better fertilizer, and assured water supplies.

This new agriculture policy was spurred by a more effective indigenous research establishment and reinforced by improved foreign supplies, rural credit and other facilities, and it has continued to spread throughout India. And it shows no signs of subsiding now. The result has been that the annual rate of growth in food production since 1966–67 has doubled the previous average. The rapid closure of the old food deficits, which had persisted since the 1950's, created the best base yet for a general economic acceleration—and for a concerted attack on the cruel inequalities of low-end poverty and left-over people that had accumulated unchecked through the 1960's.

From the 1967 election onward, when the ruling party's Parliamentary majority was further eroded, fresh policy initiatives were politically stalemated. Thus the second half of the new hopefulness has come only in the first days of March 1971 with the landslide electoral victory won by the government of Prime Minister Indira Gandhi. The Prime Minister won a rousing mandate for a new brand of populism. When the votes were counted on March 10, the specific content of that populism naturally remained somewhat unspecified. But it was clear that efforts to generate additional incomes and jobs for the poor were sure to encounter financial difficulties, especially as to the provision of sufficient foreign exchange in an age of diminishing foreign aid. Still, there was no question that, added to its on-going agricultural breakthrough, the political breakthrough represented in Mrs. Gandhi's mandate, presented India with its best chance yet for combining faster economic advance with a genuine attack on mass poverty.

Then came the staggering economic burden and the disruptive political impact of the masses of refugees. As they poured into India, the refugees brought local government in many areas to a complete standstill, freezing public works projects and other economic development programs. West Bengal, and more particularly the area around Calcutta, has been an area hardest hit, and provides a depressing illustration of what the impact of the refugees has been on India.

2. The Death of Calcutta. For more than 10 years Calcutta has been generally regarded as one of the world's sickest cities. Created during British rule as the port for eastern India and a united Bengal, it received its first death blow in 1947 with the partition of British India. Again, it was an unprecedented wave of refugees that first pushed Calcutta down the road of uncontrolled growth and decay. After partition, over 3,000,000 refugees fled the newly created East Pakistan to settle in or near Calcutta. And until last year many of these first refugees could still be seen encamped at the Sealdah Railway Station. For many years they have been the largest part of the street population of Calcutta. Thus long before the recent refugee influx, at least a million of the Calcutta metropolitan area's 7 million inhabitants slept in alleys and on sidewalks.

The general depression of Calcutta can be seen in other statistics as well. For example, of its 1.4 million households, only 12% have exclusive use of a latrine and only 14% have their own water tap. There is vast unemployment and under-employment. Local government seems hopelessly fragmented, both functionally and territorially. For a generation, Calcutta, as compared with other major Indian cities, has been unable to raise local resources effectively. Public facilities and services have rapidly deteriorated. Labor unrest is endemic. The city breeds India's most extremist urban politics, where violent demonstrations, tramcar burnings, and thuggery are routine forms of persuasion. Industry has been fleeing the city. In short, even before the recent flow of refugees, the economic center of all of eastern India looked mortally wounded.

There can be little doubt today that the refugee problem threatens to bring to an abrupt halt, whatever upward trends exist in Calcutta's development. For example, the logistical requirements of refugees support are hobbling the city's construction program. One hundred railway wagons are needed to keep the current requirements of cement, crushed stone, steel and other materials flowing. But the current allotment, due to the competing pressure of the refugee program on India's strained railway system, is now down to 35. Other public works projects have come to a standstill because the attention of the leadership has been distracted. And each day a few more refugees trickle into the Calcutta slums, increasing the burden on the city's already impoverished services and facilities.

The crisis of Calcutta was created, in part, by the arrival of refugees two decades ago. Its further descent into decay and death may be brought by the arrival of the latest refugees, unless outside resources are mobilized to rescue it and all of eastern India.

RESPONSE OF THE INTERNATIONAL COMMUNITY

The international community's response to the refugees has been unconscionably lethargic and wholly inadequate. It is characterized by little sense of urgency and a low priority of concern for a tide of human misery unequaled in modern times.

As recently as October 13, the "focal point" for international refugee relief in India, the United Nations High Commissioner for Refugees (UNHCR) was moved to warn the world that it has "to fight against apathy". He told a press conference in Geneva that for the last several weeks there had been no new funds committed to the refugee program in India. In a typically understated fashion, he said that "if no further contributions were received there would be a risk of a gap in supplies in two months' time, and "the situation might become extremely dramatic".

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[1] This includes the World Bank, the U.S., Britain, West Germany, Japan, Canada, France, and several smaller bilateral European contributors.

What the UNHCR means, in strictly human terms, is that, unless funds are forthcoming, predictions will come true that nearly 4,300 children will be dying each day—bringing the cumulative total since April up to 200,000 by the end of the year. He means that millions of blankets necessary for the winter months will not be purchased—for a lack of funds. Urgently needed shelter materials for more than half the refugees will remain unavailable—for a lack of funds. Adequate medical supplies will not be obtained—for a lack of funds. And the list of needs will go on—all for the lack of funds.

Red-tape and procrastination in too many quarters, including the United Nations, have all but immobilized the international response to the staggering refugee needs created by the repression in East Bengal. As of October 19, only a total of $210,200,000 had been contributed to the "focal point" for refugee assistance in India. Of this, approximately $12 million had been in cash and transmitted to the Government of India, while another $26 million worth of goods had already been delivered. The rest—nearly $172 million, or over 75% of the total thus far pledged—is still to be delivered. These goods are on the high seas, or being loaded or purchased, and only by the end of the year, or ten months after the crisis began, will they be delivered. Meanwhile, India carries the burden.

Worse, of course, is the fact that even after all the material aid thus far pledged arrives in India, the total—$210.2 million—is far short of the documented needs of the Indian government to support over 9 million refugees for even one year. Pleas for additional aid have been made. Most recently the U.N. made a strong and urgent appeal to the international community for substantial contributions to the refugee relief effort, since "the inflow of cash and kind had tended to dry up during the last few weeks."

The American record, unfortunately, has been little better than the rest of the international community in the speed with which we have responded. Although the United States has to date pledged $89.2 million—or 44% of the total refugee aid to India—it has come inexcusably slow and long after the full needs were known. The rate of refugee movement and the growth of refugee needs, has far outpaced the rate of American aid and our country's traditional leadership in humanitarian affairs.

The first U.S. contribution of $2.5 million was announced on May 11th, after there were nearly as many refugees recorded in India as dollars pledged—and after American officials in the field had documented the vast costs involved in housing and feeding millions of refugees. Each day, of course, brought more refugees. But it was not until a month later, after another 3 million refugees had arrived, that the United States announced a second contribution of $18 million on June 7. The next American dollar contribution—$70 million—was pledged on June 24, after another 1,500,000 refugees had poured into India. Finally, on September 24th the President asked Congress to include some $250 million for relief needs for both India and Pakistan in the foreign aid authorization for fiscal year 1972.

To be sure, as the Administration has pointed out with pride, our government has pledged a larger share of the total relief budget for the refugees in India than the rest of the world combined. But this pride is quickly dispelled by the vastly greater burden now being carried single-handedly by the government and people of India. When we realize that India faces the prospect of a budget for refugee relief totaling $500 million to $1 billion over this coming year alone, we realize how little the outside world is really doing, and how paltry the American contribution is comparatively.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ENVIRONMENTAL CENTER ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 504, S. 1113.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

(S. 1113) to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Public Works with amendments on page 1, at the beginning of line 4, strike out "Laboratory" and insert "Center"; on page 2, line 1, after the word "the", strike out "Nation" and insert "global environment"; in line 2, after the word "of", strike out "environmental"; in line 3, after the word "quality", insert "and depletion of resources"; in line 12, after the word "principles", strike out "if the Nation is"; in line 15, after the word "development", insert "and application"; in line 19, after the word "that", insert "new and existing"; in line 20, after the word "detect", strike out "and"; at the beginning of line 21, insert "and prevent or minimize"; in line 22, after the word "ecosystem", strike out the comma and "which includes" and insert "including"; in line 23, after the word "man", insert a semicolon; in the same line, after the amendment just above stated, strike out "and that existing technologies must continually be reappraised to detect latent detrimental effects;"; on page 3, line 20, after the word "the", insert "global"; in line 21, after the word "to", where it appears the first time, strike out "the" and insert "that"; in line 24, after the word "assessment", insert a comma and "resource utilization"; on page 4, line 1, after the "complement", insert "but not supplant"; in line 5, after the word "development", insert a comma and "and"; in line 6, after the word "environment", insert a comma and "including resource utilization"; in line 7, after the word "and", insert "perform"; in the same line, after the word "necessary", strike out "work," and insert "functions"; in line 10, after the word "devices", strike out "training and education,"; in line 12, after the word "environmental", insert "and resource use"; in the same line, after the word "alternatives;", insert "(B) training and education conducted through and jointly with other institutions, including universities and colleges;"; at the beginning of line 15, strike out "(B)" and insert "(C)"; in line 18, after the word "and", strike out "(C)" and insert "(D)"; at the beginning of line 21, insert "and conservation of resources"; on page 5, line 2, after the word "may,", strike out "present in policymakers" and insert "upon request, make available expert testimony and other information and present"; after line 6, insert:

"(4) that the organization shall be located and operated in a manner to avoid overlap and conflict with existing public and private research agencies and organizations and, to the maximum extent possible, the organization shall draw upon the expertise of and affiliate with such existing agencies and organizations in carrying out its duties and responsibilities under this Act.

In line 15, after the word "Environmental", strike out "Laboratory" and insert "Center"; in line 16, after the word "the", strike out "Laboratory" and insert "Center"; in line 17, after the word "the", strike out " "Laboratory" " and insert " 'Center' "; in line 18, after the word "the", strike out "Laboratory" and insert "Center"; in line 20, after "section 4", insert "of this Act"; in line 21, after the word "of", strike out "nine members as follows: (1) the administrator of the Environmental Protection Agency; (2) the Chairman of the Council on Environmental Quality established by Public Law 91–190; (3) the Director of the Office of Science and Technology; (4) the Director of the National Science Foundation; and (5) five" and insert "seven"; on page 6, line 4, after the word "than", strike out "three" and insert "four"; in the same line, after the word "of", strike out "the"; in the same line, after the amendment just above stated, strike out "public"; at the beginning of line 7, strike out "(b)" and insert "(2)"; at the beginning of line 8, strike out "clause 5 of"; in line 10, after the word "that", strike out "(1)" and insert "(A)"; in line 13, after the word "and", strike out "(2)" and insert "(B)"; in line 14, after the word "begin", strike out "on April 24, 1971," and insert "seven days after approval by the Senate as provided in paragraph (1) of this subsection; and"; in line 18, after the word "appointment", strike out "one" and insert "two"; in line 19, after the word "and", strike out "two" and insert "three"; in line 20, after the word "Board", strike out "chosen from private life"; at the beginning of line

23, strike out "(c)" and insert "(3)"; at the top of page 7, insert:

"(4) The Board shall keep the Congress fully and currently informed with respect to all of the Board's activities.

"(b) There shall be established a General Public Advisory Committee to advise the Board on scientific and technical matters relating to environmental research and development pursuant to this Act, to be composed of nine members, who shall be appointed from the public by the President. Each member shall hold office for a term of six years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such terms; and (b) the terms of office of the members first taking office after date of enactment of this Act shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after such date. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their traveling and other expenses while engaged in the work of the Committee.

"(c) There is established a Federal Agency Liaison Committee consisting of—

"(1) a Chairman, who shall be the Administrator of the Environmental Protection Agency; and

"(2) a representative or representatives from (A) the Council on Environmental Quality; (B) the Department of the Interior; (C) the National Science Foundation, (D) the Department of Agriculture, (E) the Department of Commerce, (F) the National Aeronautics and Space Administration, (G) the Department of Defense, (H) the Atomic Energy Commission, (I) the Smithsonian Institution, and (J) the Department of Health, Education, and Welfare, and who will serve without additional compensation.

"(3) The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence.

"(4) Each member of the Committee shall keep the Department or Agency which such member represents fully and currently informed of all the activities of the National Environmental Center.

"(5) The head of each Department or Agency represented on the Committee shall keep the Board fully and currently informed on all matters within such Department or Agency which relate to the activities of the National Environmental Center.

On page 8, line 25, after "Sec. 5.", insert "(a)"; in the same line, after the word "the", strike out "Laboratory" and insert "Center"; on page 9, at the beginning of line 3, strike out "(a)" and insert "(1)(A) designate or"; in the same line, after the word "establish", strike out "regional" and insert "not to exceed six"; in line 4, after the word "Laboratories", strike out "not to exceed four in number"; in line 6, after the word "such", strike out "regional"; in the same line, after the word "by", strike out "environmental criteria" and insert "the Board after consideration of the criteria set forth in subsection (b) of this section"; after line 8, insert:

"(B) The Board shall not designate or establish the location of any National Environmental Laboratory until such location has been approved by resolutions adopted in substantially the same form by the appropriate Committee of the House of Representatives and by the Committee on Public Works of the Senate. For the purpose of securing consideration of such approval the Board shall transmit to the Congress a prospectus of the proposed location including (but not limited to)—

"(i) a brief description of the location;

"(ii) an estimate of the maximum cost of the location; and

"(iii) a statement of justification for such location.

"(2) enter into agreements to establish various degrees of affiliation with existing agencies and organizations;

On page 10, at the beginning of line 1, strike out "(b)" and insert "(3)"; at the beginning of line 2, strike out "Laboratory" and insert "Center"; in the same line, after the amendment just above stated, strike out "as determined from an analysis of the social and environmental priorities established by the Congress, the executive branch, and the private sector;"; at the beginning of line 5, strike out "(c)" and insert "(4)"; at the beginning of line 8, strike out "Laboratory" and insert "Center and any National Environmental Laboratory designated or established under paragraph (1) of this subsection"; in line 13, after the word "the", where it appears the first time, strike out "Laboratory" and insert "Center"; in line 17, after "section 10", insert "of this Act"; at the beginning of line 18, strike out "(d)" and insert "(5)"; in the same line, after the word "from", insert "make contracts to,"; at the beginning of line 21, strike out "(e)" and insert "(6)"; at the beginning of line 25, insert "and the Environmental Protection Agency"; on page 11, at the beginning of line 1, strike out "(f)" and insert "(7)"; at the beginning of line 5, strike out "(g)" and insert "(8)"; in the same line, after the word "as", insert "may be necessary for the"; in line 6, after the amendment just above stated, strike out "a"; in the same line, after the word "location", strike out "for" and insert "of"; in the same line, after the word "the", strike out "Laboratory" and insert "Center"; in the same line, after the amendment just above stated, strike out "or regional laboratories" and insert "and the National Environmental Laboratories established or designated under paragraph (1) of this subsection;"; at the beginning of line 10, strike out "(h)" and insert "(9)"; in line 11, after the word "including", insert "aircraft, vessels, vehicles and other"; in line 12, after the word "equipment", strike out the comma; in line 13, after the word "the", strike out "Laboratory" and insert "Center"; at the beginning of line 14, strike out "(i)" and insert "(10)"; in line 15, after the word "the", strike out "Laboratory" and insert "Center"; at the beginning of line 22, strike out "(j)" and insert "(11)"; at the beginning of line 24, insert "as may be necessary"; in the same line, after the amendment just above stated, strike out "of the Laboratory"; at the beginning of line 25, strike out "regional laboratory, or laboratories," and insert "National Environmental Laboratory"; on page 12, line 1, after the word "to", insert "paragraph (1) of this"; in line 2, after the word "subsection", strike out "(a) of this section"; in line 4, after "title 5", insert "of the United States Code; and"; after line 5, insert:

"(12) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof, including support for appropriate mechanism of public understanding of environmental issues.

"(b) In designating the primary research program for each National Environmental Laboratory established under paragraph (1) of this subsection, the Board shall consider the general environmental problems related to ecosystem measurement and analysis, recycling materials and pollutants, energy, community restoration and development, transportation, and resources utilization, technology assessment, and long-range environmental planning.

In line 19, after the word "under", strike out "clause (j)" and insert "paragraph (11)"; in line 20, after the word "of", insert "subsection (a) of"; in the same line, after "section 5", insert "of this Act"; at the beginning of line 22, strike out "regional" and insert "National Environmental"; in line 24, after the word "the", strike out "broad" and insert "general"; on page 13, line 1, after the word "subsection", strike out "(b)" and insert "(a)"; in line 2, after "section 5", insert "of this Act"; in line 4, after the word "clause", strike out "(g)" and insert "(8) of subsection (a) of"; in line 5, after "section 5", insert "of this Act"; on page 14, line 4, after the word "the", where it appears the first time, strike out "Laboratory" and insert "Center"; on page 15, after line 12, insert:

"(b) The Board shall, on or before October 1 of each year, submit to the Committees on Appropriations of the House of Representatives and of the Senate a statement of the expenditure, in the preceding fiscal year, of all funds available under subsection (a) of this section.

At the beginning of line 18, strike out "(b)" and insert "(c)"; in line 19, after the word "appropriated", strike out "such sums as may be necessary to carry out the purposes of this Act: *Provided*, That not to exceed $200,000,000 may be appropriated for the use during any fiscal year of any one regional laboratory established pursuant to subsection (a) of section 5. Such" and insert "for the fiscal year beginning July 1, 1972, $40,000,000, and for the fiscal year beginning July 1, 1973, $80,000,000. Any"; on page 16, line 3, after the word "the", strike out "Laboratory" and insert "Center"; and, after line 9, insert a new section, as follows:

OVERSIGHT STUDY

SEC. 11. The Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to environmental quality, which are conducted, supported, or assisted by all agencies of the Federal Government pursuant to any Federal law or regulation and assess the conflict, coordination, and efficacy of such programs, and make an interim report to the Congress thereon by January 1, 1973, and a final report by June 30, 1974.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Center Act of 1971".

"SEC. 2 (a) The Congress finds—

"(1) that the global environment is presently experiencing a rapid deterioration of quality and depletion of resources;

"(2) that the environmental resources of the Nation are finite;

"(3) that the demands of a growing population and an increasing material standard of living will place an additional burden upon the capacity of the environment;

"(4) that the optimum allocation and use of our limited environmental resources will require the maximum use of scientific principles to restore and enhance the health, diversity, beauty, and capacity of the environment for perpetuity;

"(5) that the development and application of technologies has often created unintended ecological, economic, and social effects which have a profound impact on the environment;

"(6) that new and existing technologies must be assessed on a timely basis in order to detect, predict, and prevent or minimize the detrimental effects these may have on the ecosystem including man;

"(7) that the amelioration and prevention of environmental problems depend on a thorough understanding of the complex interactions among the human, natural, and technological components of the ecosystem, thereby requiring multidisciplinary research and analysis of the total environment;

"(8) that while the established departments and mission-oriented agencies make and will continue to make valuable contributions in specialized research and development, they lack authority and organization to deal comprehensively with the interconnected problems of the environment; and

"(9) that a complete and thorough understanding of the ecosystem cannot be accomplished through fragmented application of specialized research and development efforts, but rather requires a unity of effort and emphasis which is focused on the restoration and enhancement of the total environment.

(b) "The Congress declares—

"(1) that to assist in the effort to restore and enhance the global environment and to minimize future damage to that environment, it is necessary to establish a new organization with sufficient professional breadth and scope to provide a unified and systematic approach to the problems of technology assessment, resource utilization and environmental quality; that such an organization will complement but not supplant those public and private agencies presently dealing with various aspects of the environment; and

"(2) that the organization will conduct basic research, development, and analysis of human and natural activities affecting the environment, including resource utilization and perform other necessary functions which shall include but not be limited to (A) data collection, storage, and dissemination, data analysis and synthesis, the development of methods and devices, and objective analysis of various environmental and resource use policy alternatives; (B) training and education conducted through and jointly with other institutions, including universities and colleges; (C) the formulation of, and where appropriate, the development, testing, and demonstration of, alternative solutions to existing and probable environmental insults; and (D) the performance of other functions to assist public and private agencies and persons in the restoration, enhancement, and protection of the environment and conservation of resources; and

"(3) that it shall not be an appropriate function for the organization or of any of its constituent parts or representatives to make specific recommendations as to policy or choices between alternative courses of action, whether at its own initiative or upon request, but that the organization may, upon request, make available expert testimony and other information and present various alternative courses of action and describe the probable results of each such course of action.

"(4) that the organization shall be located and operated in a manner to avoid overlap and conflict with existing public and private research agencies and organizations and, to the maximum extent possible, the organization shall draw upon the expertise of and affiliate with such existing agencies and organizations in carrying out its duties and responsibilities under this Act.

"SEC. 3. There is established at the seat of government a National Environmental Center and a Board of Trustees of the Center (hereinafter referred to as the 'Center' and the 'Board') whose duty it shall be to maintain and administer the Center and site or sites thereof, and to execute other functions as are vested in the Board by section 4 of this Act.

"SEC. 4. (a) (1) The Board shall be composed of seven members appointed by the President from the public, by and with the advice and consent of the Senate. Not more than four of such members of the Board may be members of the same political party.

"(2) Each member of the Board appointed under subsection (a) of this section shall serve for a term of six years from the expiration of his predecessor's term except that (A) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (B) the terms of office of such members first taking office shall begin seven days after approval by the Senate as provided in paragraph (1) of this subsection; and shall expire, as designated by the President at the time of appointment, two at the end of two years, two at the end of four years, and three at the end of six years. No member of the Board shall be eligible to serve in excess of two terms, except that the member whose term has expired may serve until his successor has qualified.

"(3) The President shall designate a Chairman and a Vice Chairman from among the members of the Board chosen from the public.

"(4) The Board shall keep the Congress fully and currently informed with respect to all of the Board's activities.

"(b) There shall be established a General Public Advisory Committee to advise the Board on scientific and technical matters relating to environmental research and development pursuant to this Act, to be composed of nine members, who shall be appointed from the public by the President. Each member shall hold office for a term of six years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after date of enactment of this Act shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after such date. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their traveling and other expenses while engaged in the work of the Committee.

"(c) There is established a Federal Agency Liaison Committee consisting of—

"(1) a Chairman, who shall be the Administrator of the Environmental Protection Agency; and

"(2) a representative or representatives from (A) the Council on Environmental Quality; (B) the Department of the Interior, (C) the National Science Foundation, (D) the Department of Agriculture, (E) the Department of Commerce, (F) the National Aeronautics and Space Administration, (G) the Department of Defense, (H) the Atomic Energy Commission, (I) the Smithsonian Institution, and (J) the Department of Health, Education, and Welfare, and who will serve without additional compensation.

"(3) The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence.

"(4) Each member of the Committee shall keep the Department or Agency which such member represents fully and currently informed of all the activities of the National Environmental Center.

"(5) The head of each Department or Agency represented on the Committee shall keep the Board fully and currently informed on all matters within such Department or Agency which relate to the activities of the National Environmental Center.

"SEC. 5. (a) In administering the Center, the Board shall have all necessary and proper powers which shall include, but not be limited to, the power to—

"(1) (A) designate or establish not to exceed six National Environmental Laboratories with the geographical distribution of any such Laboratories determined by the Board after consideration of the criteria set forth in subsection (b) of this section;

"(B) The Board shall not designate or establish the location of any National Environmental Laboratory until such location has been approved by resolutions adopted in substantially the same form by the appropriate Committee of the House of Representatives and by the Committee on Public Works of the Senate. For the purpose of securing consideration of such approval the Board shall transmit to the Congress a prospectus of the proposed location including (but not liimted to)—

"(i) a brief description of the location;

"(ii) an estimate of the maximum cost of the location; and

"(iii) a statement of justification for such location.

"(2) enter into agreements to establish various degrees of affiliation with existing agencies and organizations;

"(3) establish broad policy directions for the Center;

"(4) solicit, accept, and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Center and any National Environmental Laboratory designated or established under paragraph (1) of this subsection, and any such money, securities, or other property shall, upon receipt, be deposited into a special fund administered by the Board for the purposes of the Center and the source, amount, and restrictions of any gift, bequest, or devise of money, securities, or other property in excess of $5,000 fair market value shall be included in the annual report required under section 10 of this Act;

"(5) obtain grants from, make contracts to, and make contracts with, State, local, and private agencies, organizations, institutions, and individuals;

"(6) obtain grants from, and make contracts with, any Federal agency, including the Atomic Energy Commission, as provided for in section 33 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2053) and the Environmental Protection Agency;

"(7) take such steps as may be necessary to coordinate with all public and private agencies so as to avoid unnecessary duplication of environmental research and development activities;

"(8) acquire such site or sites as may be necessary for the location of the Center and the National Environmental Laboratories established or designated under paragraph (1) of this subsection;

"(9) acquire, hold, maintain, use, operate, and dispose of any physical facilities, including aircraft, vessels, vehicles and other equipment necessary for the operation of the Center.

"(10) appoint and fix the compensation and duties of a General Manager and such officers of the Center as may be required. The compensation of the General Manager and other such officers shall be fixed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title 5;

"(11) appoint and fix the compensation and duties of a Director or Directors and such other officers as may be necessary to administer any National Environmental Laboratory established pursuant to paragraph (1) of this subsection; and such Director or Directors may be appointed and compensated without regard to such provisions of title 5 of the United States Code; and

"(12) provide for the widest practicable and appropriate dissemination of information concerning its activites and the results thereof, including support for appropriate mechanism of public understanding of environmental issues.

"(b) In designating the primary research program for each National Environmental Laboratory established under paragraph (1) of this subsection, the Board shall consider the general environmental problems related to ecosystem measurement and analysis, recycling materials and pollutants, energy, community restoration and development, transportation, and resource utilization, technology assessment, and long-range environmental planning.

"SEC. 6. Any Director appointed under paragraph (11) of subsection (a) of section 5 of this Act shall be responsible for the management and development of the National Environmental Laboratory for which he is appointed and for the research program that such Laboratory conducts, subject only to the general policy directions provided by the Board pursuant to subsection (a) of section 5 of this Act.

"SEC. 7. The Board shall, in connection with acquisition of any site or sites, provided for in clause (8) of subsection (a) of section 5 of this Act, provide to businesses and residents displaced from any such site or sites relocation assistance, including payments and other benefits, equivalent to that authorized to displaced businesses and residents under the Housing Act of 1949, as amended. In providing such relocation assistance and developing such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

"SEC. 8. The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedures of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

"SEC. 9. (a) There is hereby authorized to be appropriated to the Board $50,000,000 for each of four consecutive fiscal years beginning with the fiscal year ending June 30, 1972, to be deposited in a fund (hereinafter referred to as the "Special Trust Fund") for the perpetual maintenance and support of the long-term research activities of the Center. It shall be the duty of the Board to invest such fund only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of the outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are extended to authorize the issuance at par of public-debt obligations for purchase by the Special Trust Fund. Such obligations issued for purchase by the Special Trust Fund shall have maturities fixed with due regard for the needs of the Special Trust Fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield. The Board may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only where it determines that the purchase of such other obligations is in the public interest. Any obligations acquired by the Special Trust Fund (except public-debt obligations issued exclusively to the Special Trust Fund) may be sold by the Board at the market price, and such public-debt obligations may be redeemed at par plus accrued interest.

"(b) The Board shall, on or before October 1 of each year, submit to the Committees on Appropriations of the House of Representatives and of the Senate a statement of the expenditure, in the preceding fiscal year, of all funds available under subsection (a) of this section.

"(c) In addition to amounts appropriated pursuant to subsection (a) there are authorized to be appropriated for the fiscal year beginning July 1, 1972, $40,000,000, and for the fiscal year beginning July 1, 1973, $80,000,000. Any sums appropriated under authority of this subsection shall remain available until expended.

"SEC. 10. The General Manager of the Center shall transmit annually to the President and to Congress a report which shall set forth, but not be limited to, (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs."

OVERSIGHT STUDY

SEC. 11. The Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to environmental quality, which are conducted, supported, or assisted by all agencies of the Federal Government pursuant to any Federal law or regulation and assess the conflict, coordination, and efficacy of such programs, and make an interim to the Congress thereon by January 1, 1973, and a final report by June 30, 1974.

Mr. BAKER. Mr. President, on this bill there are some amendments made to the original text by the reporting committee and before we proceed to consideration of the bill, I ask unanimous consent that the several committee amendments be considered and agreed to en bloc and that the bill as thus amended be treated as original text for purpose of further amendment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I have a brief statement on the bill which I will abbreviate even further in the interests of saving time.

My understanding is that there is at the desk an amendment to be offered by the distinguished Senator from Oklahoma (Mr. BELLMON) which I find entirely acceptable and to which I am willing to agree, at the appropriate time.

It is also my understanding that the distinguished junior Senator from New York (Mr. BUCKLEY) has an amendment, which is not printed and at the desk but which I have examined and, at the appropriate time, I think, I will find that to be acceptable as well.

Without imposing unduly on the time of the Senate, I want to extend my appreciation to the Committee on Public Works and its staff, especially to its chairman, the distinguished Senator from West Virginia (Mr. RANDOLPH) and the ranking Republican member, the distinguished Senator from Kentucky (Mr. COOPER), for holding extensive hearings on this proposal over a period of time and for permitting the subcommittee and the full committee to consider the proposal fully and to report it for action to the floor of the Senate.

Similarly, I would like to express my appreciation to the majority leadership and the minority leadership for seeing that the bill on the calendar was given the opportunity to be taken up for action this morning. Being late in the session, I am especially mindful of the gratitude that those of us who sponsor this bill owe the joint leadership in making it possible for us to consider the bill at this time.

Now, Mr. President, it is my hope and expectation that the Senate will not be long detained in consideration of this measure. It is, I think, a fairly simple and straightforward piece of legislation. But it is also, in my judgment, an important one.

The committee report on S. 1113 describes in detail the need for this new institutional structure and how the committee hopes that the National Environmental Center will interact with existing public and private efforts in the environmental field.

The bill would create a new Federal agency in Washington D.C., called the National Environmental Center. Policy for the NEC would be established by a seven-man Board of Trustees. The Board would be empowered to name a General Manager of the NEC and such other personnel as may be necessary to carry out the functions of the Center. The Board would be further authorized to establish as many as six independent National Environmental Laboratories—NEL's—each headed by a Director appointed by the Board.

The committee has gone to great length—both in the bill itself and in the committee report—to emphasize its intention that the work of the NEC and the NEL's not be duplicative of the work being done now or in the future by other public and private agencies, groups, institutions, corporations, or individuals.

The committee intends that the NEC and the NEL's should function in such a way as to complement the work of others. In order for this goal to be realized, it is essential that the NEC–NEL structure establish and maintain close formal and informal relationships with others in the field. Toward this end, the NEC and the NEL's should, as a general rule, restrict themselves to the kind of undertakings for which they are particularly well suited—comprehensive, systematic, interdisciplinary research—and leave to the mission-oriented agencies those tasks for which they have been created and for which they, in turn, are best suited—intensive, short-term research and development related to particular environmental problems. Section 10 of the bill authorizes a study by the Comptroller General of the various on-going environmental research and development efforts of existing agencies, with a view toward recommendations from the General Accounting Office as to how actual and potential duplication might be eliminated through the consolidation of functions. It may prove to be the case that some of the activities now being conducted by line agencies would more appropriately be undertaken by the NEC–NEL structure.

The PRESIDING OFFICER (Mr. Allen). The time of the Senator from Tennessee has expired.

Mr. BYRD of West Virginia. Mr. President, I yield my 3 minutes to the distinguished Senator, if I may be recognized under the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the distinguished acting majority leader.

Mr. President, the relationship between the NEC–NEL structure and the other environmental entities should not be characterized by competition but by a sort of symbiotic cooperation and cross-fertilization. It is expected that there will be a substantial and continuing interchange of information and personnel among the various institutions carrying out research in the environmental field.

The bill itself seeks to encourage this kind of relationship and to provide the tools necessary for its practical realization. The Board has been given full authority to make and receive grants, enter into contracts, make and receive interagency transfers, and enter into interagency agreements. Thus, the NEC–NEL's should make full use of the personnel and facilities of other agencies and institutions, just as such other agencies and institutions should make full use of the personnel and facilities of the NEC–NEL's. This two-way relationship should not be limited to public agencies at the Federal, State, and local level; it should be extended to private agencies, corporations, and individuals.

In establishing or designating the National Environmental Laboratories authorized by section 5(a)(1) of the bill, the Board may well choose to establish one or more of the NEL's at a site where a public or private facility is already located and in operation, rather than begin from scratch. This would, in the committee's judgment, be entirely appropriate. And there is ample precedent for such an arrangement. The Board has, under the provisions of the bill, full flexibility in this regard, subject only to site approval by the appropriate congressional committees. Through its capacity to enter into leases and other contracts, its authority to make and receive grants and interagency transfers, the Board should be able to make whatever arrangements are necessary, both with regard to physical facilities and personnel, to promptly establish the necessary National Environmental Laboratories.

While it is difficult to overemphasize the need for cooperation and for avoiding duplication, it is also important to emphasize the significant degree of independence that the committee has sought to provide for the NEC and the NEL's. During the course of its hearings on the bill, the committee heard testimony from a number of Federal agencies to the effect that the existing Federal structure possesses the capacity to do the kind of comprehensive, systematic, interdisciplinary work proposed for the NEC–NEL's. Had the committee been persuaded that this was, indeed, the case, it would not have acted favorably on S. 1113. While the committee intends no unfavorable or critical reflection on the competence and dedication of existing agency personnel, the committee does conclude that, by virtue of their very nature, existing mission-oriented agencies cannot and should not be expected to perform the functions envisioned for the NEC–NEL's. It is no criticism of the present or any other administration to observe that the work of mission-oriented agencies is necessarily subject to the program of any given national administration and likely to be concentrated in those areas which most immediately support the regulatory priorities of any given moment.

In order to achieve its intended potential, the NEC–NEL structure, while responsive to the executive and legislative branches, must have a meaningful measure of independence, so that long term, comprehensive needs will not be compromised by the exigencies of the moment. The Board of Trustees is expected to set broad policy guidelines, and the Director of each National Environmental Laboratory is expected to exercise broad discretion over the operations of the NEL for which he is responsible.

It may well be that the Board will choose to charge each NEL established under the Act with a principal or "primary" mission, such as those enumerated in section 5(b) of the bill. Such a primary mission should not restrict the freedom of the Board or the Director of a particular NEL to involve themselves in other areas of exploration.

Another aspect of the bill that is particularly important, Mr. President, is the role of the NEC–NEL in policy formulation. The committee believes that it should be clearly understood that the Congress intends to delegate none of its own policymaking functions to the NEC–NEL's. It is the committee's hope that the work of the NEC–NEL's will greatly facilitate policy determinations in the environmental field by the Congress. But in section 3(b)(3) of the bill the committee seeks to make it explicitly clear, as words can make it clear, that the National Environmental Center and all of its components are not to become proponents or opponents of any potential policy determination. The NEC–NEL's could and should make available to policymakers the likely results of alternative courses of action. But, as the bill states, it is not to be an appropriate function of the NEC–NEL's to advocate any particular course of action. The committee believes that this distinction—however difficult it may be to realize in practice—is of great importance. The usefulness of the NEC–NEL's will be proportionate to their reputation for independence and objectivity. If the NEC–NEL's become involved as advocates, such a reputation will be very difficult to achieve and maintain. I personally would hope that the NEC–NEL's will come to be thought of, much as the Bureau of Standards is, as an agency that can be turned to with a minimum fear of political or ideological bias.

Mr. President, I ask unanimous consent that the general statement of the committee report and a section-by-section analysis of the bill be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

General Statement

The industrial revolution of the last century marked a major turning point in the economic and social history of man's existence. The invention and application of mechanized processes, the division and specialization of labor, the harnessing of new forms of energy, and the utilization of natural resources opened new vistas of economic prosperity. The industrial and technological revolutions have produced—particularly in the Western nations—a remarkably high material standard of living. And the exponential expansion of economic growth has assumed a degree of inevitability.

It became apparent to many—even during its early stages—that this period of unprecedented expansion would not be without its social costs. Dickens and scores of others chronicled the squalid social conditions and labor abuses that frequently characterized urbanized industrial centers and factory towns. Progressive governments undertook efforts to remedy some of the more egregious wrongs that had sprung up in the wake of rapid change. Affirmative legislative acts and the evolution of the common law have increasingly worked to expand and protect the rights of individuals and groups within the framework of a mixed free enterprise economy.

It was not until the decade of the 1960's, however, that the world's industrialized nations began to develop a widespread awareness of the impact of man's activities on the natural environment. Billowing smokestacks—long a symbol of human progress—became a symbol of environmental abuse. Air and water—long treated by the economic system as "free" commodities—began to assume an increasing value.

As public concern about environmental degradation grew, so did the demand for action. During the last decade, the Congress enacted a number of important environmental statutes designed to control and abate various types of insults to segments of the environment, e.g., air pollution, solid waste disposal, pollution of the navigable waterways and the oceans. Although much remains to be done in each of these areas, an important and meaningful beginning has been made.

But it has become increasingly apparent that, in the long term, an intelligent relationship between man and his natural environment can only be achieved through a systematic approach. The global ecosystem is precisely that: a system. In this enormously complex network, each subsystem, however subtly, is interconnected with all others. Any action that impacts on one element of the environment can have a discernible effect on seemingly unrelated elements of the same fundamental system. It is not enough, then, to treat air pollution and water pollution as if they were discrete and separable problems. To use a gross example, it has been estimated that as much as 40 percent of the surface pollution of the oceans derives not from the discharge of pollutants directly into the aquatic environment but from the precipitation of air pollutants.

A number of Federal agencies are presently engaged in important research that relates, in varying degrees, to environmental considerations. Examples are the Environmental Protection Agency, the Department of the Interior, the National Aeronautics and Space Administration, the Department of Agriculture, the Department of Housing and Urban Development, the Department of Health, Education and Welfare, the National Science Foundation, and the Atomic Energy Commission. The contribution of these and other public and private research efforts will continue to be of major significance.

But virtually all efforts of this type are necessarily directed to a limited aspect of the environmental problem. This is the expected and appropriate function of a mission-oriented or regulatory agency. It is natural, for example, that the research carried out by the Water Quality Office of EPA should focus on the most immediate problems associated with water pollution, or that the research of the Department of Agriculture should be concentrated on land conservation and practices related to the productive use of agricultural and forest lands.

During the course of its many hearings and investigations on environmental matters over the past 8 years, the Subcommittee on Air and Water Pollution and the Committee on Public Works have repeatedly taken notice of the absence of any single public or private unit with the mandate and the resources to conduct systematic, interdisciplinary research on matters relating to the global environment. The Committee proposes to remedy this perceived deficiency—at least in part—through the establishment of the National Environmental Center and constituent laboratories. As the text of the bill clearly states, the National Environmental Center is not intended to supplant in any way the necessary activities of existing public and private agencies but, rather, to complement those agencies; to provide a process whereby the entire range of environmental research, analysis, and to assure that an assessment can be brought together and viewed as a coherent, systematic whole.

The interdisciplinary nature of the National Environmental Center can scarcely be exaggerated. In assessing the impact of man's activity of the environment, no single discipline can possibly anticipate the full range of effects that any single action or group of actions may have. It is expected that the National Environmental Center would draw on the broadest spectrum of professional competence: physical scientists, economists, lawyers, business executives, agronomists, demographers, sociologists, and historians, to name a few. And the work of these men and women would not be *multi*disciplinary but *inter*disciplinary, that is, a maximum effort must be made for coordination among various disciplines, so that aspects of a given environmental consideration which might escape the notice of one would be embraced by another.

A readily comprehensible example of the kind of question which would lend itself to this sort of interdisciplinary exploration is that of alternative modes of transportation. The decision by a medium-sized city to proceed with a mass-transit system will send ripples out through that community and throughout the society and the economy. If electrically-powered underground transit is selected, regional demands for electrical energy will be affected. In meeting the need for energy, utilities will demand alternative fuel sources which may cause mining coal that may devastate the surface of a distant mountain or a new drain on limited natural gas supplies, or the construction of a nuclear facility with its relatively high waste heat component. The selection of the routes for such a subway system will determine land use, living and employment patterns for years to come. The construction of the system itself requires the commitment of financial, material, and human resources that will affect surrounding markets.

Man-made degradation of the natural environment is not ordinarily malicious; it is the unwanted by-product of the full range of man's search for a richer and fuller life. There is every evidence that economic progress and a quality environment can be made compatible. But precisely because the full range of man's economic and social activity is involved, and precisely because the global ecosystem is a system and not a random collection of separate parts, no quest for harmony between man and his environment is likely to be successful unless it proceeds on a systematic and integrated basis.

SECTION-BY-SECTION ANALYSIS

Section 1. Section 1 would establish the short title of the Act as the "National Environmental Center Act of 1971."

Section 2. Section two provides a detailed statement of congressional findings and declaration setting forth the elements of the environmental problem which the Congress finds support the establishment of an organization with independence and sufficient professional breadth and scope to provide a unified and systematic approach to the problems of environmental quality.

Section 3. Section 3 would establish the National Environmental Center at the seat of government.

Section 4. Subsection 4(a) would establish the Center to be managed and controlled by a Board of seven Trustees appointed by the President with the advice and consent of the Senate to serve terms as designated.

Subsection 4(b) would establish a General Public Advisory Committee to advise the Board of Trustees on scientific and technical matters relating to the environmental research and development program of the National Environmental Center.

Subsection 4(c) would establish a Federal Agency Liaison Committee comprised of representatives of Federal agencies for the purpose of keeping the Board of Trustees fully and currently informed of all relevant activities of Federal agencies and keeping all agencies of the Federal Government fully and currently informed of all activities of the National Environmental Center.

Section 5. Subsection 5(a) would establish the powers and duties of the Board of Trustees to include the designation or establishment of six National Environmental Laboratories in locations subject to the approval, by resolution, of the Committee on Science and Astronautics of the House of Representatives and the Committee on Public Works of the United States Senate; to enter into contractual agreements; to establish affiliation with any existing agency or organization; to establish broad policy and directions for the Center and its Laboratories; to accept gifts for deposit in a fund with public disclosure of gifts over five thousand dollars; to obtain grants and to make grants and contracts with other organizations; to make contracts with, and obtain grants from any Federal agency; to act to avoid duplication of environmental research and development activities; to acquire sites for the location of National Environmental Laboratories; to acquire and hold title to equipment, including aircraft, vehicles, and vessels; to appoint a General Manager of the Center for administrative purposes; and to appoint and fix compensation for Directors of each national laboratory and such other officers as may be necessary.

Subsection (b) describes general areas of environmental concern which the Board shall consider at the time of designating the primary research program for any laboratory established.

Section 6 sets forth the requirements and duties of the Directors of each National Laboratory established by the Board of Trustees.

Section 7 provides authority for relocation assistance in the event of land acquisition for the National Environmental Laboratory.

Section 8 provides general authority for the establishment of by-laws, rules and regulations for the administration of the Center and the Laboratories.

Section 9. Subsection (a) establishes authority to create a special trust fund for the long-term endowment of the Center. There is authorized to be appropriated $50 million for each of four consecutive fiscal years with such appropriations available only to invest in interest bearing obligations of the United States.

Subsection (b) requires the Board to transmit to the Committee on Appropriations of the House of Representatives and the Senate, a statement of the expenditures of any funds derived from the special trust fund.

Subsection (c) authorizes the appropriation of $40 million in fiscal year 1973 and $80 million in fiscal year 1974 for the operation of the Center and the National Environmental Laboratories.

Section 10. Section 10 requires the General Manager of the Center to transmit annually to the President and to the Congress a report setting forth the expenditures of the Center and a description of the research programs undertaken by the Center.

Section 11. Section 11 would mandate the Comptroller General to conduct a study of the environmental research activities of all agencies of the Federal Government and furnish Congress with an assessment of conflict, overlap, and coordination.

COMPREHENSIVE ENVIRONMENTAL RESEARCH MOVES AHEAD

Mr. RANDOLPH. Mr. President, today the Senate will authorize a giant step forward in the struggle to solve our Nation's environmental problems. S. 1113, the National Environmental Center Act of 1971, when enacted, will assure a far more systematic approach toward combating the problems which cause the deterioration of the world around us.

There is ample evidence that no single public or private agency has the authority, the resources, and the manpower to conduct systematic interdisciplinary research on environmental matters such as is envisioned by this legislation. The establishment of the National Environmental Center will provide such a capability. This center and its constituent laboratories will complement the existing functions of public and private agencies by providing a process whereby the whole range of environmental research can be brought together and studied as a coherent, systematic whole.

Mr. President, this legislation was primarily sponsored by Senator HOWARD

BAKER of Tennessee and Senator EDMUND MUSKIE of Maine. While I joined them in this endeavor and the Committee on Public Works devoted much time and thought to the subject of national environmental laboratories, it was these two Senators who formulated the initial legislation and guided it through the committee. Their efforts deserve the highest praise.

Mr. President, this legislation is added evidence of the commitment of the members of the Committee on Public Works and its Subcommittee on Air and Water Pollution to the development of adequate legal authority and effective institutions to clean up the Nation's environment.

I hope that final action will be taken on National Environmental Center legislation at an early date.

Mr. COOPER. Mr. President, I support the action the Senate takes today on the bill, S. 1113, to establish an independent and integrated environmental research capability.

Mr. President, all of us are aware of the dimensions of the environmental problem. Air and water pollution and solid waste disposal problems face all of us every day. To these problems are now added issues related to energy, to transportation, to urban deterioration, to surface mining, and on and on. All of these great issues are interrelated and yet nowhere in our Government is there any substantive capability to undertake interdisciplinary research on these issues and on their direct and indirect effects. The bill, S. 1113, would provide such capability.

Mr. President, with this bill the Senate reaches a new level of awareness of the environmental problem. We are beginning to hear more and more that the problems of the environment cannot be solved quickly or easily. There can be no doubt about their complexity, nor any doubt about the high cost of remedies. It is clear we must examine the true causes of environmental problems and relate public policy to those causes.

We have all often heard the rhetoric of the need for change to solve the environmental problems. Yet, Mr. President, we still have very little knowledge or evidence on what directions that change would follow. In large measure, an inadequate research and analysis base underlies that uncertainty.

It is to be hoped that by creating an independent staffed and funded research institution, this Nation will be able to begin to generate the kind of research, analysis, and assessment which should provide new insights into the nature of the problem and assist in the development of guidelines for the establishment of policy to resolve them.

The bill, S. 1113, is largely the product of Senator HOWARD BAKER, who since the beginning of his service on the Subcommittee on Air and Water Pollution has emerged as one of the truly strong forces in the development of the congressional response to environmental problems. Senator BAKER brings to the Senate a combination of an outstanding legal mind supported by a background in engineering. He has become an excellent legislator.

It is entirely fitting that the President selected Senator BAKER to serve as chairman of the Citizens Advisory Committee to the Secretary of State in preparation of the U.S. position for the United Nations Conference on the Environment to be held next spring. Senator BAKER has accumulated a wealth of knowledge and experience on environmental issues. The bill, S. 1113, is a testament to his outstanding expertise.

S. 1113, is the product of an extensive study by the Committee on Public Works. The bill was originally introduced in the 91st Congress following the submission of a special report to Senators BAKER and MUSKIE by an interdisciplinary task force at Oak Ridge National Laboratory. During the second session of the 91st Congress, Senators BAKER and MUSKIE solicited comments on the proposal from a large number of persons and organizations familiar with problems related to environmental research. These responses were printed in a publication of the committee.

These two Senators, now along with 43 additional cosponsors, reintroduced the environmental research proposal, S. 1113, in this Congress. Six days of hearings were held by the subcommittee and additional material was solicited, especially from Government agencies.

The need for the independent institution which would be created in the bill, S. 1113, is clearly established. The Congress must provide for an organization with a mandate to perform large scale interdisciplinary research on environmental issues. The Nation cannot rely upon existing mission or regulatory agency research on environmental issues. The environmental research envisaged in S. 1113 cuts across all agency lines and, indeed, will cut across national boundaries. Any agency which is going to perform research which will have global implications must be independent and be completely immune from allegations of nonobjectivity; allegations which would normally flow if the organization were part of an existing mission agency or agencies. S. 1113 is structured to prevent these allegations from arising in fact, or in theory. Several provisions, in addition to structural independence—such as public disclosure requirements or research activities and funding sources are specifically included in the bill for this purpose.

Mr. President, in testifying before the committee, Dr. Roger Revelle, on behalf of the National Academy of Science/National Academy of Engineering states:

> Since that time, we have done more thinking on this question, and we would say that the National Environmental Laboratory, as you have envisioned it, would be a valuable part of the national program for environmental maintenance and improvement, provided it had three unique characteristics.
>
> The first would be that it should combine the *natural and social sciences*. The staff should not consist only of physical scientists or biologists and engineers, but also there should be economists and specialists in human problems, because the basic environmental questions, as you gentlemen well realize, are problems of the interactions between people and their environment.
>
> Second, it should have a combination of *scientific research and engineering development*. Not just one or the other, but both research and at least preliminary or exploratory development.
>
> Third, it should combine in-house research and engineering development, and support of what one might call out-house research and engineering; that is, university research, research by other laboratories, and support of preliminary developments by industry.

Mr. President, the bill S. 1113, provides the characteristics described by Dr. Revelle. Particularly emphasized is the interdisciplinary character of the research. In addition Dr. Revelle strongly supported the independence of the National Environmental Center in his concluding remarks:

> Finally, I would agree that an independent status for the Laboratory as envisioned in S. 1113 would in fact give it flexibility, responsiveness, and visibility, and would insure that it looks dispassionately, disinterestedly, and with a sufficiently broad view at environmental problems.

I want to commend Senator BAKER and Senator MUSKIE and Senator RANDOLPH and all the members of the Subcommittee on Air and Water Pollution and the Committee on Public Works, and the staff, for their outstanding work in bringing this bill to the Senate.

The PRESIDING OFFICER (Mr. ALLEN). The bill is open to further amendment.

Mr. BELLMON. Mr. President, I have an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to state the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 783) reads as follows:

> On page 1, between lines 2 and 3, insert the following:
>
> "TITLE I".
>
> On page 1, line 3, strike out "That this Act" and insert in lieu thereof "SECTION 1. This title".
>
> On page 5, line 13, strike out "Act" and insert in lieu thereof "title".
>
> On page 5, line 20, strike out "Act" and insert in lieu thereof "title".
>
> On page 7, line 6, strike out "Act" and insert in lieu thereof "title".
>
> On page 7, line 13, strike out "Act" and insert in lieu thereof "title".
>
> On page 10, line 17, strike out "Act" and insert in lieu thereof "title".
>
> On page 12, line 20, strike out "Act" and insert in lieu thereof "title".
>
> On page 13, line 2, strike out "Act" and insert in lieu thereof "title".
>
> On page 13, line 5, strike out the word "Act" and insert in lieu thereof "title".
>
> On page 13, line 2, strike out "Act" and ininsert in lieu thereof "title".
>
> On page 16, after line 19, add the following new title:
>
> "TITLE II
>
> "SEC. 201. (a) This title may be cited as the 'State Environmental Center Act of 1971'.
>
> "(b) The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of research, investigations, and experiments relating to the environment, to provide for concentrated study of environmental problems of particular importance to the several States, to provide for the widest possible dissemination of environmental information,

and to assist in the training of professionals in fields related to the protection and enhancement of the Nation's natural environment.

"SEC. 202. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to as the Administrator) is authorized to establish or designate within each State one State environmental center.

"(b) Each State environmental center established or designated pursuant to subsection (a) of this section shall be located at that college or university in each State now receiving, or which may hereafter receive, the benefits of the Act of July 2, 1862, as amended, except that in any State in which two or more such colleges or universities have been or hereafter may be established, the State environmental center shall be located at one of such institutions designated by the Governor of such State.

"(c) Each State environmental center shall—

"(1) have a nucleus of administrative, professional, scientific, and technical personnel capable of planning, coordinating, and directing comprehensive research programs and the other activities necessary to carry out the purposes of this title;

"(2) assist and coordinate the research and education capability of educational institutions and other appropriate institutions with the State;

"(3) be authorized to make grants to, contract with, providing matching funds to, and enter into other arrangements with educational institutions, foundations, private organizations, and individuals whose training, experience, and qualifications are such as to contribute to the work of the State center in furthering the purposes of this title; and

"(4) be authorized to contract with, make grants to, and accept grants from local, State, and Federal agencies for the purpose of undertaking research, investigations, experiments, and any other activities related to the environment and consistent with the purposes of this title.

"SEC. 203. (a) In order to aid in diffusing among the people of the United States useful and practical information on subjects relating to the enhancement of the Nation's natural environment, each State environmental center designated or established pursuant to section 202 of this title shall have as one of its principal functions an education extension program.

"(b) The work of the education extension program of each State environmental center shall be directed toward, but not limited to—

"(1) the general public;

"(2) units of government, including, local, State, and Federal;

"(3) business, industry, and commercial establishments; and

"(4) civic, fraternal, and other public interest groups.

"(c) The education extension program of each State environmental center shall provide a full range of educational and communications services, including—

"(1) workshops, seminars, clinics, courses, field trips, and demonstrations;

"(2) the publication of materials, including bulletins, fact sheets, monographs, and other appropriate matter; and

"(3) a reference service to facilitate the rapid identification, acquisition, retrieval, and use of environmental information.

"SEC. 204. (a) The Administrator shall promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this title.

"(b) Each State environmental center shall transmit annually to the Administrator a report which shall set forth, but not be limited to, (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs.

"SEC. 205. (a) There is authorized to be appropriated for the fiscal year beginning July 1, 1972, $6,250,000, of which $125,000 shall be made available by the Administrator to each State environmental center; for the fiscal year beginning July 1, 1973, $8,750,000, of which $175,000 shall be made available by the Administrator to each State environmental center; and for the fiscal year beginning on July 1, 1974, and for each fiscal year thereafter, $12,500,000, of which $250,000 shall be made available by the Administrator to each State environmental center.

"(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated for the fiscal year beginning July 1, 1972, and for each fiscal year thereafter, $10,000,000, which shall be allocated among the States on the basis of population: *Provided*, That sums allocated under this subsection shall be made available only to State environmental centers in those States which provide $1 for each $2 provided under this subsection."

Mr. BELLMON. Mr. President, I thank my distinguished friend, the Senator from Tennessee (Mr. BAKER), for his comments and also congratulate him for having taken the leadership in the developing of S. 1113.

Mr. President, I consider this measure to be one of the most important pieces of legislation we have had before the Senate this year. I hope that the amendment, if agreed to, will strengthen the bill in some way.

The purpose of this amendment is to add an additional component to those laboratories established by the original bill.

The amendment accomplishes two things. First, it authorizes the establishment of an environmental center in each of the 50 States, to be located at a land grant institution. The purpose of this center is to carry out research, planning, and education on environmental questions.

Many environmental problems are peculiar to one locality, or to a limited geographic area. The establishment of a State center, to provide a research facility to solve that local problem, is of prime importance. In addition, the State center will provide a working facility to augment, supplement, and localize work done in the regional laboratory.

The second aspect of my amendment to S. 1113 is the technology transfer component established with each State center. The term technology transfer refers to the dissemination of information and education of the general public, as well as persons who need accurate environmental knowledge to meet their responsibilities in government and industry. Such technology transfer is an essential element to guarantee the effectiveness of a regional laboratory or a State center. I would equate this component to the extension service of the Department of Agriculture, created by the Morrill Act. This program has developed and disseminated a wealth of knowledge, not only in agriculture, but in practically every field of endeavor. This amendment will build upon and broaden a system that has already proven itself by a long period of service.

This amendment is the same as S. 681, now before the Interior and Insular Affairs Committee. S. 681 complements S. 1113, and it seems highly appropriate to attach it as an amendment.

The purpose is to provide a mechanism to continually monitor environmental matters.

An environmental crisis crept upon this Nation in recent years. This legislation is intended to help avoid such a development again. It will furnish a means and a system to solve the problems as they arise, so that they never reach a crisis level again.

I congratulate the distinguished senior Senator from Tennessee (Mr. BAKER) for his leadership in introducing S. 1113 and I hope that he will see fit to accept the amendment.

Mr. BAKER. Mr. President, I am delighted to accept the amendment. I commend the Senator from Oklahoma for his efforts. The Senator is entirely correct. His amendment will both strengthen and improve S. 1113.

I am delighted to accept the amendment.

I ask the Senator from Oklahoma if, in the vein of strengthening the bill, he would not agree that one appropriate function of the State environmental centers might be the giving of advice and guidance to Governors and State legislatures on such matters.

Mr. BELLMON. The Senator is correct. It is my opinion that because of the urgency of the environmental issue and because of the tremendous emotion that surrounds the environment, there are many units of government that have to make decisions and take action to police the environmental problems when, in some cases, they do not have access to the basic knowledge and information that they need.

Mr. BAKER. I am delighted to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BAKER. Mr. President, as I stated earlier, I understand that the junior Senator from New York has an amendment that he may desire to offer to the bill. I have examined the amendment. I find it acceptable. If he cares to offer it at this time, I would be glad to consider it further.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BUCKLEY. Mr. President, I thank the Senator from Tennessee. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 4, line 21, after the word "and" insert the following new subparagraph:

(E) the development of comprehensive mechanisms for measuring the total social, environmental and economic costs and benefits of human activities, so as to provide an objective basis for choosing between alternative courses of action which affect the environment; and

Mr. BUCKLEY. Mr. President, the purpose of my amendment is to direct the Board of Trustees of the centers to establish as one of its first research objectives the development of mechanisms for the assessment of the cost-benefit and risk-benefit tradeoffs of human activities as they affect the environment.

This year and last, the Senate has adopted sweeping legislation designed to reduce the pollution of our air and water to the extent feasible. In the Federal Water Pollution Control Amendments of 1971, in fact we have set as our goal—or more accurately, as our ideal—the elimination of the discharge of all pollutants into our navigable waters by 1985, except in instances where the "social and economic benefits" to be derived from the imposition of this standard will not justify the "social and economic costs" which would have to be incurred in order to eliminate such discharges. This legislation, however, has had to beg a rather substantial question; namely, just how do we go about measuring "social"—which in the context includes environmental—costs and benefits with sufficient precision to make the necessary judgments? To the extent that we do not have at our disposal widely accepted techniques for making such measurements, to that extent must we rely on what in the last analysis will be the subjective judgments of the Administrator of the Environmental Protection Agency.

One of the difficulties which we face at the present time is that our normal systems of accounting cannot accommodate commodities whose cost and values are not known. While we now generally accept the more enlightened concept that air and water cannot any longer be considered "free," we have not yet achieved any clear idea as to how we can place a cost figure on a given volume of air or water which is returned to the atmosphere or to a stream with impurities added. A system of "accounting" for the environment is rendered especially difficult to achieve because so many of the problems deal with effects separated by time and place from the specific action which is taken.

The PRESIDING OFFICER. The time for the transaction of routine morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for an additional 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, given the complexity and novelty of the problems which are involved, it will undoubtedly take years of intensive effort to develop generally accepted mechanisms for measuring these cost/benefit tradeoffs in a sufficiently comprehensive manner. In the meantime, we will be operating very much in the dark and will have to rely on largely arbitrary laws and regulations which will inevitably prove to have been unnecessarily costly and insufficiently effective. Until we have at our disposal the tools for making reasonably objective choices between environmental alternatives, we will inevitably find ourselves in the unhappy, and potentially dangerous, position of having to place extraordinary reliance on the judgment of a handful of individuals who will have the power of economic life and death over any number of businesses and communities.

Mr. President, we cannot begin too soon to launch an intensive effort to develop these techniques. I believe that the National Environmental Centers contemplated by the legislation before us will provide us with an ideal vehicle for the achievement of this essential goal.

I want to say that we need this tool if we are to provide ourselves with an efficient, effective, and generally acceptable technique for making decisions with respect to the environment.

Mr. President, I believe the measure of the Senator from Tennessee provides us with the proper vehicle for undertaking the kind of decisions that we need to make. I commend the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the distinguished Senator from New York for his contribution in this respect. I know of no further amendments to the bill.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator yield?

Mr. BAKER. I would be happy to yield to the distinguished assistant majority leader.

Mr. BYRD of West Virginia. Mr. President, would the distinguished Senator advise the Senate as to whether or not the amendments which have been offered today by the Senator from Oklahoma and the Senator from New York are acceptable to the distinguished chairman of the Committee on Public Works, Mr. RANDOLPH, and other Members on this side of the aisle.

Mr. BAKER. The Bellmon amendment has been considered extensively, and it is my understanding that both majority and minority members on the Committee on Public Works agree in principle and to the content of the Bellmon amendment, which is somewhat different from the way it was originally introduced; so I think it is fair to say that there is general agreement on the Bellmon amendment.

The Buckley amendment is entirely acceptable to the Senator from Tennessee. I received the amendment only this morning, although I had received information it was to be called up.

At this time I am attempting to check to determine if the distinguished chairman of the Committee on Public Works is agreeable to the amendment. May I at this point suggest a brief quorum to check on the matter?

Mr. BYRD of West Virginia. Would this suggestion be agreeable: That we pass the bill and that we not ask that it be reconsidered? This would give the distinguished Senator an opportunity to check into the matter. If a Senator desires to have it reconsidered, it could be then done.

Mr. BAKER. We can do that. However, I see that my staff assistant has returned. If we may have just a moment I will check.

The PRESIDING OFFICER. The Buckley amendment has not been agreed to.

Mr. BAKER. I understand. I suggest the absence of a quorum at this time.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BAKER. Mr. President, is my understanding correct that the pending question before the Senate is the Buckley amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. It is my understanding that the position of the distinguished senior Senator from West Virginia, who is chairman of the Committee on Public Works, is that he would not object to this amendment. I have no further comments to make at this time.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. BUCKLEY).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1113

An act to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 1. This title may be cited as the "National Environmental Center Act of 1971".

SEC. 2. (a) The Congress finds—

(1) that global environment is presently experiencing a rapid deterioration of qualty and depletion of resources;

(2) that the environmental resources of the Nation are finite;

(3) that the demands of a growing population and an increasing material standard of living will place an additional burden upon the capacity of the environment;

(4) that the optimum allocation and use of our limited environmental resources will require the maximum use of scientific principles to restore and enhance the health, diversity, beauty, and capacity of the environment for perpetuity;

(5) that the development and application of technologies has often created unintended ecological, economic, and social effects which have a profound impact on the environment;

(6) that new and existing technologies must be assessed on a timely basis in order to detect, predict, and prevent or minimize

the detrimental effects these may have on the ecosystem including man;

(7) that the amelioration and prevention of environmental problems depend on a thorough understanding of the complex interactions among the human, natural, and technological components of the ecosystem, thereby requiring multidisciplinary research and analysis of the total environment;

(8) that while the established departments and mission-oriented agencies make and will continue to make valuable contributions in specialized research and development, they lack authority and organization to deal comprehensively with the interconnected problems of the environment; and

(9) that a complete and thorough understanding of the ecosystem cannot be accomplished through fragmented application of specialized research and development efforts but rather requires a unity of effort and emphasis which is focused on the restoration and enhancement of the total environment.

(b) The Congress declares—

(1) that to assist in the effort to restore and enhance the global environment and to minimize future damage to that environment, it is necessary to establish a new organization with sufficient professional breadth and scope to provide a unified and systematic approach to the problems of technology assessment, resource utilization and environmental quality; that such an organization will complement but not supplant those public and private agencies presently dealing with various aspects of the environment; and

(2) that the organization will conduct basic research, development, and analysis of human and natural activities affecting the environment, including resource utilization and perform other necessary functions which shall include but not be limited to (A) data collection, storage, and dissemination, data analysis and synthesis, the development of methods and devices, and objective analysis of various environmental and resource use policy alternatives; (B) training and education conducted through and jointly with other institutions, including universities and colleges; (C) the formulation of, and where appropriate, the development, testing, and demonstration of, alternative solutions to existing and probable environmental insults; (D) the performance of other functions to assist public and private agencies and persons in the restoration, enhancement, and protection of the environment and conservation of resources; and (E) the development of comprehensive mechanisms for measuring the total social, environmental and economic costs and benefits of human activities, so as to provide an objective basis for choosing between alternative courses of action which affect the environment; and

(3) that it shall not be an appropriate function for the organization or of any of its constituent parts of representatives to make specific recommendations as to policy or choices between alternative courses of action, whether at its own initiative or upon request, but that the organization may, upon request, make available expert testimony and other information and present various alternative courses of action and describe the probable results of each such course of action.

(4) that the organization shall be located and operated in a manner to avoid overlap and conflict with existing public and private research agencies and organizations and, to the maximum extent possible, the organization shall draw upon the expertise of and affiliate with such existing agencies and organizations in carrying out its duties and responsibilities under this title.

SEC. 3. There is established at the seat of government a National Environmental Center and a Board of Trustees of the Center (hereinafter referred to as the "Center" and the "Board") whose duty it shall be to maintain and administer the Center and site or sites thereof, and to execute other functions as are vested in the Board by section 4 of this title.

SEC. 4. (a) (1) The Board shall be composed of seven members appointed by the President from the public, by and with the advice and consent of the Senate. Not more than four of such members of the Board may be members of the same political party.

(2) Each member of the Board appointed under subsection (a) of this section shall serve for a term of six years from the expiration of his predecessor's term except that (A) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (B) the terms of office of such members first taking office shall begin seven days after approval by the Senate as provided in paragraph (1) of this subsection; and shall expire, as designated by the President at the time of appointment, two at the end of two years, two at the end of four years, and three at the end of six years. No member of the Board shall be eligible to serve in excess of two terms, except that the member whose term has expired may serve until his successor has qualified.

(3) The President shall designate a Chairman and a Vice Chairman from among the members of the Board chosen from the public.

(4) The Board shall keep the Congress fully and currently informed with respect to all of the Board's activities.

(b) There shall be established a General Public Advisory Committee to advise the Board on scientific and technical matters relating to environmental research and development pursuant to this title, to be composed of nine members, who shall be appointed from the public by the President. Each member shall hold office for a term of six years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after the date of enactment of this title shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after such date. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their traveling and other expenses while engaged in the work of the Committee.

(c) There is established a Federal Agency Liaison Committee consisting of—

(1) a Chairman, who shall be the Administrator of the Environmental Protection Agency; and

(2) a representative or representatives from (A) the Council on Environmental Quality, (B) the Department of the Interior, (C) the National Science Foundation, (D) the Department of Agriculture, (E) the Department of Commerce, (F) the National Aeronautics and Space Administration, (G) the Department of Defense, (H) the Atomic Energy Commission, (I) the Smithsonian Institution, and (J) the Department of Health, Education, and Welfare, and who will serve without additional compensation.

(3) The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence.

(4) Each member of the Committee shall keep the Department or Agency which such member represents fully and currently informed of all the activities of the National Environmental Center.

(5) The head of each Department or Agency represented on the Committee shall keep the Board fully and currently informed on all matters within such Department or Agency which relate to the activities of the National Environmental Center.

SEC. 5. (a) In administering the Center, the Board shall have all necessary and proper powers which shall include, but not be limited to, the power to—

(1) (A) designate or establish not to exceed six National Environmental Laboratories with the geographical distribution of any such Laboratories determined by the Board after consideration of the criteria set forth in subparagraph (B) of this section;

(B) The Board shall not designate or establish the location of any National Environmental Laboratory until such location has been approved by resolutions adopted in substantially the same form by the appropriate Committee of the House of Representatives and by the Committee on Public Works of the Senate. For the purpose of securing consideration of such approval the Board shall transmit to the Congress a prospectus of the proposed location including (but not limited to)—

(i) a brief description of the location;

(ii) an estimate of the maximum cost of the location; and

(iii) a statement of justification for such location.

(2) enter into agreements to establish various degrees of affiliation with existing agencies and organizations;

(3) establish broad policy directions for the Center;

(4) solicit, accept, and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Center and any National Environmental Laboratory designated or established under paragraph (1) of this subsection, and any such money, securities, or other property shall, upon receipt, be deposited into a special fund administered by the Board for the purposes of the Center and the source, amount, and restrictions of any gift, bequest or devise of money, securities, or other property in excess of $5,000 fair market value shall be included in the annual report required under section 10 of this title;

(5) obtain grants from, make contracts to, and make contracts with, State, local, and private agencies, organizations, institutions, and individuals;

(6) obtain grants from, and make contracts with any Federal agency, including the Atomic Energy Commission, as provided for in section 33 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2053) and the Environmental Protection Agency;

(7) take such steps as may be necessary to coordinate with all public and private agencies so as to avoid unnecessary duplication of environmental research and development activities;

(8) acquire such site or sites as may be necessary for the location of the Center and the National Environmental Laboratories established or designated under paragraph (1) of this subsection;

(9) acquire, hold, maintain, use, operate, and dispose of any physical facilities, including aircraft, vessels, vehicles and other equipment necessary for the operation of the Center.

(10) appoint and fix the compensation and duties of a General Manager and such officers of the Center as may be required. The compensation of the General Manager and other such officers shall be fixed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title 5;

(11) appoint and fix the compensation and duties of a Director or Directors and such other officers as may be necessary to admin-

ister any National Environmental Laboratory established pursuant to paragraph (1) of this subsection; and such Director or Directors may be appointed and compensated without regard to such provisions of title 5 of the United States Code; and

(12) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof, including support for appropriate mechanism of public understanding of environmental issues.

(b) In designating the primary research program for each National Environmental Laboratory established under subsection (a) (1) of this section, the Board shall consider the general environmental problems to ecosystem measurement and analysis, recycling materials and pollutants, energy, community restoration and development, transportation, and resource utilization, technology assessment, and long-range environmental planning.

SEC. 6. Any Director appointed under paragraph (11) of subsection (a) of section 5 of this title shall be responsible for the management and development of the National Environmental Laboratory for which he is appointed and for the research program that such Laboratory conducts, subject only to the general policy directions provided by the Board pursuant to subsection (a) of section 5 of this title.

SEC. 7. The Board shall, in connection with acquisition of any site or sites, provided for in clause (8) of subsection (a) of section 5 of this title, provide to businesses and residents displaced from any such site or sites relocation assistance, including payments and other benefits, equivalent to that authorized to displaced businesses and residents under the Housing Act of 1949, as amended. In providing such relocation assistance and developing such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

SEC. 8. The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this title, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedures of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

SEC. 9. (a) There is hereby authorized to be appropriated to the Board $50,000,000 for each of four consecutive fiscal years beginning with the fiscal year ending June 30, 1972, to be deposited in a fund (hereinafter referred to as the "Special Trust Fund") for the perpetual maintenance and support of the long-term research activities of the Center. It shall be the duty of the Board to invest such fund only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of the outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are extended to authorize the issuance at part of public-debt obligations for purchase by the Special Trust Fund. Such obligations issued for purchase by the Special Trust Fund shall have maturities fixed with due regard for the needs of the Special Trust Fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield. The Board may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only where it determines that the purchase of such other obligations is in the public interest. Any obligations acquired by the Special Trust Fund (except public-debt obligations issued exclusively to the Special Trust Fund) may be sold by the Board at the market price, and such public-debt obligations may be redeemed at par plus accrued interest.

(b) The Board shall, on or before October 1 of each year, submit to the Committees on Appropriations of the House of Representatives and of the Senate a statement of the expenditure, in the preceding fiscal year, of all funds available under subsection (a) of this section.

(c) In addition to amounts appropriated pursuant to subsection (a) there are authorized to be appropriated for the fiscal year beginning July 1, 1972, $40,000,000, and for the fiscal year beginning July 1, 1973, $80,000,000. Any sums appropriated under authority of this subsection shall remain available until expended.

SEC. 10. The General Manager of the Center shall transmit annually to the President and to Congress a report which shall set forth, but not be limited to, (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs.

OVERSIGHT STUDY

SEC. 11. The Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to environmental quality, which are conducted, supported, or assisted by all agencies of the Federal Government pursuant to any Federal law or regulation and assess the conflict, coordination, and efficacy of such programs, and make an interim report to the Congress thereon by January 1, 1973, and a final report by June 30, 1974.

TITLE II

SEC. 201. (a) This title may be cited as the "State Environmental Center Act of 1971."

(b) The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of research, investigations, and experiments relating to the environment, to provide for concentrated study of environmental problems of particular importance to the several States, to provide for the widest possible dissemination of environmental information, and to assist in the training of professionals in fields related to the protection and enhancement of the Nation's natural environment.

SEC. 202. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to as the Administrator) is authorized to establish or designate within each State one State environmental center.

(b) Each State environmental center established or designated pursuant to subsection (a) of this section shall be located at that college or university in each State now receiving, or which may hereafter receive, the benefits of the Act of July 2, 1862, as amended, except that in any State in which two or more such colleges or universities have been or hereafter may be established, the State environmental center shall be located at one of such institutions designated by the Governor of such State.

(c) Each State environmental center shall—

(1) have a nucleus of administrative, professional, scientific, and technical personnel capable of planning, coordinating, and directing comprehensive research programs and the other activities necessary to carry out the purposes of this title;

(2) assist and coordinate the research and education capability of educational institutions and other appropriate institutions with the State;

(3) be authorized to make grants to, contract with, providing matching funds to, and enter into other arrangements with educational institutions, foundations, private organizations, and individuals whose training, experience, and qualifications are such as to contribute to the work of the State center in furthering the purposes of this title; and

(4) be authorized to contract with, make grants to, and accept grants from local, State, and Federal agencies for the purpose of undertaking research, investigations, experiments, and any other activities related to the environment and consistent with the purposes of this title.

SEC. 203. (a) In order to aid in diffusing among the people of the United States useful and practical information on subjects relating to the enhancement of the Nation's natural environment, each State environmental center designated or established pursuant to section 202 of this title shall have as one of its principal functions an education extension program.

(b) The work of the education extension program of each State environmental center shall be directed toward, but not limited to—

(1) the general public;

(2) units of government, including local, State, and Federal;

(3) business, industry, and commercial establishments; and

(4) civic, fraternal, and other public interest groups.

(c) The education extension program of each State environmental center shall provide a full range of educational and communications services, including—

(1) workshops, seminars, clincs, courses, field trips, and demonstrations;

(2) the publication of materials, including bulletins, fact sheets, monographs, and other appropriate matter; and

(3) a reference service to facilitate the rapid identification, acquisition, retrieval, and use of environmental information.

SEC. 204. (a) The Administrator shall promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this title.

(b) Each State environmental center shall transmit annually to the Administrator a report which shall set forth, but not be limited to, (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs.

SEC. 205. (a) There is authorized to be appropriated for the fiscal year beginning July 1, 1972, $6,250,000, of which $125,000 shall be made available by the Administrator to each State environmental center; for the fiscal year beginning July 1, 1973, $8,750,000, of which $175,000 shall be made available by the Administrator to each State environmental center; and for the fiscal year beginning on July 1, 1974, and for each fiscal year thereafter $12,500,000, of which $250,000 shall be made available by the Administrator to each State environmental center.

(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated for the fiscal year beginning July 1, 1972, and for each fiscal year thereafter, $10,000,000, which shall be allocated among the States on the basis of population: *Provided*, That sums allocated under this subsection shall be made available only to State environmental centers in those States which provide $1 for each $2 provided under this subsection.

Mr. COOPER subsequently said: Mr. President, as in legislative session, I ask unanimous consent that the Secretary of the Senate be permitted to make technical changes in S. 1113, the National Environmental Center Act of 1971, passed by the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Supplemental Appropriations, Fiscal Year 1972 (S. Doc. No. 92-46)

A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1972, in the amount of $4,051,095, for the legislative branch (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Transportation of Dependents of Certain Military Personnel

A letter from the Secretary of the Army submitting proposed legislation to authorize the transportation of dependents of certain military personnel to and from rest and recuperation centers, and for the payment of per diem allowances for such dependents and for other purposes (with accompanying papers); to the Committee on Armed Services.

Adjustment of Charges Against Tribes of Indians

A letter from the Assistant Secretary of the Interior submitting, pursuant to law, one order and supporting documents covering cancellations and adjustments of reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the National Society of the Daughters of the American Revolution

A letter from the secretary of the DAR submitting, pursuant to law, the annual report of that society for the year ended March 1, 1970 (with accompanying papers); to the Committee on Rules and Administration.

Convention of American Instructors of the Deaf

A letter from the president of Gallaudet College, Washington, D.C., submitting the proceedings of the convention held at Little Rock, Ark., June 25–July 2, 1971 (with accompanying papers); to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FONG (for Mr. McGee) from the Committee on Post Office and Civil Service, with an amendment:

S. 889. A bill to restore the postal service seniority of Elmer Erickson (Rept. No. 92-559); and

S. 1031. A bill to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement (Rept. No. 92-560).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. Con. Res. 26. A concurrent resolution on national American Indian and Alaska Natives policy (Rept. No. 92-561).

By Mr. TUNNEY, from the Committee on the District of Columbia, with an amendment:

S. 2677. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia (Rept. No. 92-562).

By Mr. TUNNEY, from the Committee on the District of Columbia, with amendments:

S. 2429. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes (Rept. No. 92-563).

REPORT ON ADMINISTRATIVE PRACTICE AND PROCEDURE—REPORT OF A COMMITTEE (S. REPT. NO. 92-558)

Mr. KENNEDY, from the Committee on the Judiciary, pursuant to Senate Resolution 333, 91st Congress, second session, submitted a report entitled "Administrative Practice and Procedure," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Mrs. Betty Crites Dillon, of Indiana, the representative of the United States of America on the Council of the International Civil Aviation Organization, to serve on the Council with the rank of Minister;

Robert Foster Corrigan, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Rwanda; and

William A. Stoltzfus, Jr., of New Jersey, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary to the State of Kuwait, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the State of Bahrain and to the State of Qatar.

ENROLLED BILLS SIGNED

The President pro tempore on today, December 7, 1971, signed the following enrolled bills which had previously been signed by the Speaker of the House of Representatives:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands;

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations;

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes.

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek;

H.R. 9097. An act to define the terms "widow," "widower," "child," and "parent," for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service insurance;

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of National Service Life Insurance policies to insurance on a modified life plan with reduction at age 70.

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. DOLE (for himself and Mr. Pearson):

S. 2960. A bill to amend the Watershed Protection and Flood Prevention Act so as to provide necessary assistance in connection with rural development. Referred to the Committee on Agriculture and Forestry.

By Mr. RIBICOFF:

S. 2961. A bill to remove impediments to commerce among the States by prohibiting the States from imposing certain discriminatory taxes upon insurance corporations carrying on interstate commerce. Referred to the Committee on Commerce.

By Mr. JAVITS (for himself and Mr. Hart, Mr. Bayh, Mr. Brooke, Mr. Burdick, Mr. Cranston, Mr. Eagleton, Mr. Jackson, Mr. Kennedy, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Stafford, Mr. Stevenson, and Mr. Tunney):

S. 2962. A bill to amend the Manpower Development and Training Act of 1962 to provide financial assistance for a special manpower training and employment program for criminal offenders and for persons charged with crimes, and for other purposes. Ordered held at desk.

By Mr. METCALF:

S. 2963. A bill to amend the act of June 27, 1918, relating to certain reversionary interests of the United States in certain real property in the State of Montana. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 2964. A bill for the relief of Nukul Srisukho. Referred to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 2965. A bill to provide greater access to Government information, and for other purposes. Referred to the Committee on Government Operations.

By Mrs. SMITH:

S. 2966. A bill making a supplemental appropriation for the fiscal year ending June 30, 1972, and for other purposes. Referred to the Committee on Appropriations.

By Mr. SPONG:

S. 2967. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself and Mr. PEARSON):

S. 2960. A bill to amend the Watershed Protection and Flood Prevention Act so as to provide necessary assistance in connection with rural development. Referred to the Committee on Agriculture and Forestry.

UTILIZATION OF WATERSHED FOR WATER SUPPLY STORAGE

Mr. DOLE. Mr. President, I am today introducing a bill which I feel is urgently needed to permit people in my home State of Kansas, and in the rural areas of all States as well, to more fully utilize and benefit from the small watershed program carried out under Public Law 83–566.

Under provisions of the Kansas State water plan, the water resources board is authorized to request the inclusion of water supply storage space in projects constructed by the Federal Government and to enter into agreements with the Federal Government concerning the payment of such storage features. Inclusion of such storage may be made at the request of the board or through the board by other interests. In carrying out this directive the board has participated with the Corps of Engineers in a number of reservoir projects in accordance with the provisions of the Water Supply Act of 1958—Public Law 85–500.

Also under this phase of endeavor, the board has been aware of the untapped resource available through the Public Law 566 program. Several years ago, in cooperation with the Soil Conservation Service, steps were initiated to inventory possible reservoir sites within the watershed areas of the State where water supply storage could be incorporated to service a need, both present and future. About 70 potential sites were identified as meriting further detailed study and consideration. Generally it was the intent to pursue this activity through the watershed district program of the State.

The Food and Agriculture Act of 1962—Public Law 87–703—included several amendments to Public Law 83–566, one of which involved authority for adding storage to meet future demands for municipal or industrial water supply included in any reservoir structure constructed or modified under the provisions of the act. This was done with the intent to make the Public Law 566 authority comparable to the Water Supply Act of 1958.

It should be noted that while the intent has been to have a similar type of assistance with respect to future water supply in Corps of Engineers' projects and Public Law 566 projects, there is a basic difference in the two programs in that Corps projects are Federal projects and control of water is in the United States, whereas in Public Law 566 projects, control of the water is in a local organization.

Unfortunately, the authority provided by the 1962 law has been found to be too restrictive to permit its application fully as intended. The present language of the provisions added in section 4(2)(B) of the Watershed Protection and Flood Prevention Act requires that the local organization shall agree prior to initiation of construction to repay the cost of future water supply storage. The requirement of an agreement to repay has been interpreted as necessitating a local organization to take legal steps, such as the issuance of bonds, to constitute an enforceable agreement for such repayment.

The amendment to Public Law 83–566 which I am introducing today should help bring about a greater degree of uniformity between Public Law 566 projects involving future water supply and Corps of Engineers' projects. The amended language should eliminate the restrictive interpretation placed on a repayment agreement, by requiring only a reasonable showing that there is an anticipated need for the water and that the local organization or an authorized State agency gives assurances that the Federal Government will be reimbursed the cost of the water supply for anticipated future needs. Such assurances could be in the nature of a commitment by the local entity which anticipates need for the water not to use any other source of water until repayment for the particular additional future water supply has been provided for, and agreement that control of the use of the water will be in the United States until such time as the future supply is needed and appropriate legal arrangements are made for reimbursement of the United States for the costs of such water supply storage.

It is extremely important today that planning efforts take into account the full spectrum of resource needs. Reservoir sites in upstream areas which have the capability of serving multiple-purpose needs are limited and represent an irreplaceable resource. It behooves us to utilize those sites to their full potential wherever practicable. My bill will help assure this objective.

Mr. PEARSON. Mr. President, I am pleased to join with my distinguished colleague from Kansas (Mr. DOLE) in offering an amendment to Public Law 566 which, if adopted, will improve significantly the opportunity for small watershed projects to serve the long-range requirements of the States in which they are located. I congratulate my colleague from Kansas for the leadership he has taken in this effort to resolve a chronic problem which has inhibited the effectiveness of the small watershed program.

The economic development of rural America is frustrated in certain areas by inadequate water resources. The Congress has adopted important measures in the past designed to assist individual citizens, localities, and States in developing comprehensive water resource conservation programs. Among these Federal initiatives is Public Law 83–566, a landmark act which created the small watershed program.

The Water Resources Board of the State of Kansas, under State law, is authorized to enter into agreements with the Federal Government to construct water supply storage facilities in connection with Federal flood control projects. The law in Kansas, I am informed, is comparable to State law in other areas of the Nation. The Kansas agency, pursuant to its authority, has entered into agreements with the Corps of Engineers, in connection with several corps reservoir projects, to reimburse the Federal Government for the construction of water storage facilities for future rural development and present needs.

During consideration of the Food and Agriculture Act of 1962—Public Law 87–703—Congress recognized that the States could not effectively cooperate with the Federal Government in constructing water storage facilities in connection with small watershed projects. Thus, Congress adopted amendments to Public Law 566 at that time, permitting deferred repayment of municipal and industrial water supply costs. The Office of General Counsel of the U.S. Department of Agriculture, in an informal opinion dated February 1971, determined that the Kansas Water Resources Board, an arm of the State government, was ineligible to underwrite construction costs for water storage facilities despite the amendments adopted in 1962. This impediment effectively denies the State an opportunity to cooperate with the Federal Government in developing water storage facilities in connection with the small watershed development program.

The board has identified 70 sites in Kansas where small watershed development could, consistent with the purpose of Public Law 566, include water storage facility construction in cooperation with the State agency. The need for additional water storage, in some cases, is long-range and consistent with local rural development objectives. Thus an amendment to Public Law 566 must be adopted which will allow the States, if they choose, to participate with USDA and local water districts, in developing adequate water resources for future needs.

The amendment we offer today will accomplish this objective. This bill would permit deferred payment to the Secretary for the cost of water storage within the life of the reservoir structure. The bill also provides that adequate assurances may be made by local organizations, or by agencies of the State government, that the Secretary will be reimbursed for the cost of water storage incurred in connection with small watersheds.

I would point out that this bill would not result in increased Federal spending. It would implement the intent of Congress, as enunciated in the 1962 legislation. It would permit an authorized State agency to obligate itself for rural development, when local organizations lack legal capacity to make the necessary assurances. Finally, and most importantly, it would significantly improve the practical operations of our federal system in water resource development and conservation.

Congress has a deep obligation, practically as well as philosophically, to insure that legislation adopted at the Federal level is wholly consistent with the objectives of the States and localities. When all levels of government are afforded an opportunity to cooperate in the national interest, government at all levels becomes more responsive and effective.

By Mr. RIBICOFF:

S. 2961. A bill to remove impediments to commerce among the States by prohibiting the States from imposing certain discriminatory taxes upon insurance corporations carrying on interstate commerce. Referred to the Committee on Commerce.

INTERSTATE INSURANCE CORPORATION TAXATION ACT

Mr. RIBICOFF. Mr. President, today I introduce a bill designed to remove impediments to commerce among the States by prohibiting the States from imposing certain discriminatory taxes upon insurance companies operating in interstate commerce.

States at present tax insurance companies on the premiums received from their resident policyholders. Under the laws of a majority of States, however, premium laws discriminate between foreign and domestic companies. In 25 States the tax laws favor domestic companies. Three States impose greater premium taxes on their domestic companies than they impose on foreign companies. The remaining 22 States impose equal tax rates on all companies.

The tax rates in the three States that impose higher taxes on domestic companies—Connecticut, New York, and Massachusetts—were adopted to avoid the imposition on its domestic companies of even greater adverse discrimination through the application of retaliatory laws in other States.

As States seek new ways to raise vitally needed revenues, it is clear that they will continue to jockey for favorable revenue positions vis-a-vis other States in the field of interstate taxation. A more rational system of taxation must be found.

State premium tax discrimination has been considered by the State insurance commissioners who have jurisdiction over the regulation of insurers and in many States administer the premium tax system. On December 15, 1970, the executive committee of the National Association of Insurance Commissioners adopted a resolution as follows:

> In summary, the task force finds the present system of premium taxation to be unfair and inappropriate to the contemporary insurance economy and recommends as a single and indivisible program, the elimination of premium tax discrimination domestic and foreign, the elimination of premium tax discrimination among types of insurance organization or arrangement, and the elimination of retaliatory premium taxes."

The bill I introduce today is one possible approach to the problem. Insurance companies and other informed groups and individuals have differing opinions about this bill, but it is my hope that the introduction of this bill, together with consideration of my legislative proposal to reform interstate taxation, S. 317, will afford the Senate an opportunity to develop a rational system of interstate taxation.

I ask unanimous consent that the text of the legislative proposal, a section-by-section analysis, and a memorandum describing the existing system, be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2961

A bill to remove impediments to commerce among the States by prohibiting the States from imposing certain discriminatory taxes upon insurance corporations carrying on interstate commerce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Insurance Corporation Taxation Act."

DISCRIMINATORY TAXES

SECTION 1. No provision of law enacted by a State or political subdivision of a State, except a provision imposing a retaliatory tax, shall make any corporation engaged in the business of issuing insurance, annuity or reinsurance contracts in the State liable for a greater amount of taxes than the amount of such taxes for which such corporation would be liable if it were domiciled in the taxing State. When any law of a State or political subdivision thereof is in conflict with this section, tax liability may be discharged under such law in the manner which would be provided under the law of such State or political subdivision if the corporation were domiciled in the State.

RETALIATORY TAXES

SEC. 2. No provision of State law shall make any life insurance corporation liable in any taxable year for a retaliatory tax if for such year the State in which such corporation is domiciled imposes an income tax, as defined in this Act, on life insurance corporations not domiciled therein and such State or any political subdivision thereof does not impose on such corporations any other tax on or measured by income, premiums, or other receipts.

DEFINITIONS

SEC. 3. As used in this Act—

(A) "Life insurance corporation" means a corporation that qualifies as a life insurance company under Section 801(a) of the Internal Revenue Code of 1954, as now or hereafter amended.

(B) "Retaliatory tax" means a tax imposed by a taxing State on insurance corporations domiciled in another State in retaliation for taxes imposed by such other State on insurance corporations domiciled in the taxing State.

(C) "Income tax" means a tax imposed by a taxing State on or measured by an allocable share of a life insurance corporation's taxable income determined in accordance with the method provided in part 1, subchapter L of the Internal Revenue Code of 1954 as now or hereafter amended, with permissible modifications as follows:

(1) The taxing State may make adjustments in the method for determining taxable income in order to conform such method to its constitutional requirements.

(2) The taxing State may define taxable income under a method that is more favorable to life insurance corporations than the method provided under the Internal Revenue Code and may disallow deductions for taxes paid by life insurance corporations to the taxing State.

The term "income tax" includes a transitional tax which is imposed on or measured by premiums or annuity considerations received by the life insurance corporation during the taxable year from or on behalf of residents of the taxing State and which (1) is adopted as a part of a law imposing an "income tax" and against which the income tax imposed is allowed as a credit and (2) is imposed for the taxable year on bases and at premium tax rates that do not exceed those in effect when the transitional tax was first enacted.

(D) "Allocable share" means an amount determined by multiplying a life insurance corporation's taxable income by a fraction the numerator of which is an amount equal to the premiums and annuity considerations received by such corporation during the taxable year from or on behalf of residents of the taxing State and the denominator of which is an amount equal to the total of all premiums and annuity considerations received by such corporation during such taxable year.

(E) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States.

SEC. 4. EFFECTIVE DATE.—The provisions of this Act shall apply to all taxable years commencing after December 31, 1972, except that section 1 shall apply to all taxable years commencing after December 31, 1975.

SUMMARY OF BILL TO PROHIBIT THE STATES FROM IMPOSING DISCRIMINATORY TAXES ON LIFE INSURANCE CORPORATIONS ENGAGED IN INTERSTATE COMMERCE

Section 1. Discriminatory Taxes.

This section prohibits a state from imposing taxes that discriminate against life insurance companies domiciled in other states, hereinafter referred to as "foreign companies." It extends to such companies the protection other corporations have always enjoyed under the commerce clause of the Constitution. The bill does not, however, limit the power of a state to impose higher taxes on its domestic life insurance companies than it imposes on foreign companies. If enacted Section 1 would affect the tax laws of 25 states, which currently discriminate against foreign companies. (See footnote 1, page 2 of attached memorandum.) For the purpose of the Act a life insurance company is defined as a corporation that qualifies as a life insurance company under Section 801(a) of the Internal Revenue Code.

When a state law is in conflict with Section 1, a foreign company may discharge its tax liability in the manner which would be provided under the law of such state if such company were domiciled in the state.

Section 1 deals only with tax rate discriminations enacted by a particular state. It does not apply to the so-called retaliatory laws under which a taxing state may impose an additional tax on companies domiciled in another state in retaliation for taxes imposed by such other state on companies domiciled in the taxing state.

Section 2. Retaliatory Taxes.

Retaliatory tax laws have been adopted by 46 states. (The District of Columbia, Alabama, Hawaii, New Mexico and North Carolina have not enacted such laws.) Some of these laws have been in force for over a century. They were enacted to discourage states from arbitrarily increasing premium tax rates. This protection is of paramount importance to life insurance companies, since their contracts extend over many years and the rates thereunder cannot be changed to absorb tax increases.

As long as states continue to tax life insurance companies on premium receipts, the continued protection of the retaliatory laws is essential. On the other hand this safeguard is not needed if a state adopts an income tax law that taxes net gains from operations and thus reflects a company's ability to pay taxes. Currently several states are considering such an enactment.

The purpose of Section 2 is to insulate from retaliation life insurance companies of any state that replaces its premium tax law with an income tax law. However, the income tax law must meet certain conditions set forth in the bill. One condition is that such a state shall not impose in addition to the income tax any other tax on or measured by income, premiums or other receipts. Another condition is that the income tax must be imposed on an "allocable share" of the company's "taxable income" and taxable income must be determined in accordance with the method provided in the Internal Revenue Code for the taxation of life insurance companies. Certain modifications of this Federal method are permitted as follows:

(1) A state may modify the method to satisfy its constitutional requirements.

(2) A state may modify the method to provide more generous deductions, exemptions or exclusions than those provided in the Internal Revenue Code.

(3) A state may disallow the taxpayer the right to deduct the taxes it paid to the taxing state for the taxable year.

(4) In order to avoid a possible loss of revenue, a state may adopt a transitional premium tax as a part of its income tax law, provided the minimum tax satisfies certain requirements. These requirements are (1) the minimum tax must be adopted as a part of a law imposing an income tax, (2) the income tax must be allowed as a credit against the transitional tax, and (3) the premium tax rates for the transitional tax may not be increased in future years.

If the above conditions and requirements are not met in any taxable year the state's domestic companies are subject to the retaliatory laws of other states.

Under Section 2 a state, in lieu of a transitional premium tax, may impose an income tax at rates that are high enough to produce its revenue objectives. At the outset such rates may be higher than the income tax rates imposed by the states on other corporations.

A state income tax law, in order to qualify under the bill, must impose a tax on an allocable share of the taxpayer's taxable income. Under the bill definitions "allocable share" is determined by multiplying the taxpayer's total taxable income by a fraction the numerator of which is equal to the premiums received during the taxable year from residents of the taxing state and the denominator of which is an amount equal to the total of all premiums received by the life insurance company. The term "premiums" includes annuity considerations.

Section 2 does not require any state to enact an income tax law. A state may continue to impose premium taxes on life insurers, in which case the domestic companies of such a state will be subject to the retaliatory laws of any state in which they do business. On the other hand, under Section 2 a state may elect to enact an income tax law, which meets the requirements of the bill, and thereby insulate its domestic companies from the retaliatory laws of other states.

Section 3. Definitions.

This section defines various terms used in the bill.

Under Section 4 of the bill the provisions of Section 2 dealing with the retaliation laws would be effective at the end of the year in which the bill is enacted. Section 1, which prohibits states from discriminating in favor of their domestic companies, would not become effective until 3 years later so as to provide an opportunity for the states to modify their laws.

Attached is a list of companies sponsoring the proposed bill with assets representing approximately 50% of the total assets of U.S. life insurance companies and a memorandum dated February 25, 1971, on the subject of state taxation of insurance companies engaged in interstate commerce.

STATE TAXATION OF INSURANCE COMPANIES ENGAGED IN INTERSTATE COMMERCE

The states tax insurance companies on the premiums received from their resident policyholders. Under the laws of more than half the states, the premium tax rates are discriminatory. The purpose of this memorandum is to examine these discriminatory laws in terms of the public interest and their impact on interstate commerce.

The power of the states to discriminate in taxing insurance companies is derived from Congress. In *United States* vs. *Southeastern Underwriters Association*, 322 U.S. 533, 64 S. Ct. 1162, decided June 5, 1944, the Supreme Court in a 4–3 decision, with two justices not participating, held that insurance companies doing business over state lines were engaged in interstate commerce. Prior to *Southeastern*, the Court had held in a number of decisions that the making of contracts of insurance within a state by licensed insurers domiciled outside the state was not commerce. On the basis of these earlier decisions, insurers had been regulated and taxed solely by the states without regard to the limitations imposed by the Commerce Clause of the Constitution.

The impact of the *Southeastern* decision on state laws governing insurance was mentioned with concern by Chief Justice Stone in his dissent to the majority opinion. Among other things he warned, "Certainly there cannot be but serious doubt as to the validity of state taxes which may now be thought to discriminate against interstate commerce, * * *" It was also thought that the decision severely limited the power of the states to regulate insurance. In response to these concerns, Congress on March 9, 1945, enacted the McCarran-Ferguson Act. Chap. 20, 59 Stat. 33.

In the McCarran Act, Congress declared that the continued regulation and taxation by the several states of the business of insurance is in the public interest; that silence on the part of Congress shall not be construed to impose any barrier to the regulation or taxation of such business by the several states; that the business of insurance, and every person engaged therein, shall be subject to the laws of the several states which relate to the regulation or taxation of such business; that no act of Congress shall be construed to invalidate, impair, or supersede any law enacted by any state for the purpose of regulating the business of insurance or which imposes a fee or tax upon such business, unless such act specifically relates to the business of insurance. The Act contains certain exceptions to these general provisions in the case of the Federal Trade Commission Act, the Robinson-Patman Act, the National Labor Relations Act, and the Merchant Marine Act. These exceptions are not relevant to this discussion.

One of the first issues litigated under the McCarran Act was whether Congress authorized the states to discriminate in taxing insurance companies engaged in interstate commerce. This question was decided by the Supreme Court on June 3, 1946 in *Prudential Insurance Company* vs. *Benjamin*, 322 U.S. 408, 66 S. Ct. 142. In a unanimous decision, the Court held that through enactment of the McCarran Act Congress intended to validate discriminatory state premium taxes; that Congress had the power to permit such discrimination. A South Carolina law taxing out-of-state licensed companies (hereinafter referred to as foreign companies) on premiums received from residents of South Carolina was upheld, notwithstanding the fact that South Carolina did not tax its domestic insurers on the premiums they collected from residents of the state.

Today the premium tax laws of 25 states discriminate in favor of domestic companies.[1] Three states impose greater premium taxes on their domestic companies than they impose on foreign companies.[2] The remaining 22 states do not impose higher premium tax rates on foreign companies.[3] The discriminatory tax rates enacted in Connecticut, Massachusetts, and New York were adopted to avoid the imposition of its domestic companies of even greater adverse discrimination through the application of retaliatory laws in effect in 46 states.[4]

A retaliatory statute is a device adopted by the states many years ago to protect domestic insurers from higher premium taxes in other states. The statutes operate as follows. Assume that Company A is domiciled in Maryland and is licensed to do business in Virginia. Assume that Company B is domiciled in Virginia and is licensed to do business in Maryland. The two states impose a 2% uniform premium tax and have enacted retaliatory laws. Maryland decides to raise its premium tax to 3% on both domestic and foreign companies. Under the retaliatory law of Virginia, Company A, domiciled in Maryland, would be charged a 3% Virginia tax. Thus Virginia would penalize Maryland companies doing business in Virginia because Maryland raised its tax rate on Virginia companies. Under the example, Company A would pay a 3% tax in Virginia; Company B would pay only a 2% Virginia tax. In Maryland both companies would pay a 3% tax. The result is to impose a discriminatory tax rate on the Maryland company doing business in Virginia. This would violate the Commerce Clause if it were not for the McCarran Act.

A state that raises its premium tax rate on foreign companies above the level of the tax imposed on foreign companies by the other states could trigger retaliation against its domestic companies in as many as 46 states. No additional legislative action is required to produce these tax increases, nor are the revenue needs of the retaliating states related in any way to the tax windfall the retaliatory laws created.

Tax retaliation may be avoided by a state rejecting proposals to increase rates on foreign companies to levels that exceed those imposed by other states. However, in recent years as the need for additional state revenue greatly expanded and states advanced proposals for across-the-board increases in business taxes, opposition arose to exempting insurers from premium tax increases as a method of avoiding retaliatory taxes on domestic companies. It became increasingly apparent that the revenue requirements of the states would have to be met by insurers regardless of the resulting retaliatory taxes.

In New York a way was found to collect the revenue expected from insurers without exposing domestic companies to retaliation. Under the New York plan, a tax increase was levied on domestic companies in an amount sufficient to cover the revenue expected from both domestic and foreign companies. No additional tax was imposed on foreign companies; roughly a double tax was imposed on domestic companies. Since the tax on foreign companies was not increased, there was no retaliation. In Connecticut and Massachusetts, similar plans were adopted. As a result, companies domiciled in these states are now required to pay substantially higher premium taxes than their foreign competitors.

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[1] Alabama, Alaska, Arizona, Arkansas, Florida, Hawaii, Illinois, Kansas, Kentucky, Maine, Michigan, Mississippi, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin, Wyoming.

[2] Connecticut, Massachusetts, New York.

[3] California, Colorado, Delaware, Georgia, Idaho, Indiana, Iowa, Louisiana, Maryland, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, West Virginia. (Six of these states, however, have tax reducing investment laws—Colorado, Georgia, Idaho, Louisiana, Montana and New Mexico.)

[4] The District of Columbia, Alabama, Hawaii, New Mexico and North Carolina have not enacted retaliatory laws.

State premium tax discrimination has been considered by the state insurance commissioners who have jurisdiction over the regulation of insurers and in many states administer the premium tax system. On December 15, 1970, the Executive Committee of the National Association of Insurance Commissioners submitted a resolution to the Association outlining the problem. The resolution, which was adopted unanimously by the commissioners, contained the following conclusion.

"In summary, the task force finds the present system of premium taxation to be unfair and inappropriate to the contemporary insurance economy and recommends as a single and indivisible program, the elimination of premium tax discrimination between domestic and foreign companies, the elimination of premium tax discrimination among types of insurance organization or arrangement, and the elimination of retaliatory premium taxes."

Until 1944 discriminatory premium taxes had limited influence on competition in the insurance business. Moreover, the rates then in effect in most of the important insurance states tended to be uniform. New conditions, such as the needs of the states for more revenue, have greatly aggravated the discrimination and its impact on interstate competition. (See attached review of recent legislative developments in Connecticut, Massachusetts, New York and Pennsylvania.) Uneven premium tax burdens in a state favor one group of policyholders over another; one insurer over another. The resulting unfair competition is especially damaging in the field of mass marketing, such as group insurance, where a premium tax differential often represents a substantial part of the overall cost of providing the service.

List of Companies Favoring Legislation

Aetna Life & Casualty.
American Mutual Life Insurance Co.
Bankers National Life Insurance Co.
Berkshire Life Insurance Co.
Central Life Assurance Co.
Equitable Life Assurance Society.
Farmers and Traders Life Insurance Co.
Fidelity Mutual Life Insurance Co.
Guardian Life Insurance Co.
Harleysville Life Insurance Co.
Home Life Insurance Co.
Investors Syndicate Life Insurance Co.
John Hancock Mutual Life Insurance Co.
Life Insurance Company of North America.
The Manhattan Life Insurance Co.
Massachusetts Mutual Life Insurance Co.
Metropolitan Life Insurance Co.
Monarch Life Insurance Co.
Mutual Life Insurance Co. of New York.
National Life Insurance Co.
New England Mutual Life Insurance Co.
New York Life Insurance Co.
Northwestern National Life Insurance Co.
Security Mutual Life Insurance Co.
State Mutual Life Assurance Co. of America.

By Mr. JAVITS (for himself, and Mr. Hart, Mr. Bayh, Mr. Brooke, Mr. Burdick, Mr. Cranston, Mr. Eagleton, Mr. Jackson, Mr. Kennedy, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Stafford, Mr. Stevenson, and Mr. Tunney):

S. 2962. A bill to amend the Manpower Development and Training Act of 1962 to provide financial assistance for a special manpower training and employment program for criminal offenders and for persons charged with crimes, and for other purposes. Ordered held at desk.

COMPREHENSIVE CORRECTIONAL TRAINING AND EMPLOYMENT ACT

Mr. JAVITS. Mr. President, I send to the desk a bill on behalf of myself and the distinguished Senator from Michigan (Mr. Hart) who is the principal cosponsor. We are joined in this measure by Senators Bayh, Brooke, Burdick, Cranston, Eagleton, Jackson, Kennedy, McGovern, Mondale, Muskie, Nelson, Pell, Randolph, Stafford, Stevenson, and Tunney.

The act authorizes the Secretary of Labor, in coordination with the Attorney General and the Secretary of Health, Education, and Welfare, to make available training and employment opportunities for offenders, including work release and other programs for incarcerated offenders, jobs in the public and private sectors, as well as pretrial intervention and probation programs, technical assistance and research.

We propose, in short, that the administration and Members of the Congress join in formulating a national effort through which public resources and private efforts may be combined to improve opportunities for offenders, to increase the effectiveness of the correctional process and to better serve the Nation by reducing recidivism.

Mr. President, it has been apparent for some time—and the events at Attica and elsewhere serve as a tragic reminder—that prisoner rehabilitation and related offender processes are in disgraceful shape, with a heavy cost for society and the individuals involved.

As President Nixon stated, on November 14, 1969:

> The American system for correcting and rehabilitating criminals presents a convincing case of failure. No realistic programs to substantially reduce crime can ignore the appalling deficiencies in our prisons and rehabilitation efforts.

There are many inadequacies in our present correctional process which must be addressed, but, as the President's task force on prisoner rehabilitation stated in its April 1971, report:

> Satisfying work experiences for institutionalized offenders including vocational and pre-vocational training when needed, and the assurance of decent jobs for released offenders, should be at the heart of the correctional process.

Yet, surveys have established that 90 percent of local penal institutions have no training or education at all; 85 percent of Federal inmates lack any marketable skill and have not completed high school; exoffenders have levels of unemployment three times the norm; and less than one-third of inmates who receive training use it in their first job.

It is not surprising that two out of three persons confined in correctional institutions are repeaters.

The measure which we introduce today seeks to provide a framework to begin to remedy these deplorable facts. It has been designed with particular attention to three major objectives:

First, we have identified the various elements of manpower training and employment programs which have been demonstrated to be particularly effective in rehabilitating offenders; in this regard, we drew heavily upon the experience of the Department of Labor and the Department of Health, Education, and Welfare under the general provisions of the Manpower Development and Training Act of 1962, particularly the demonstration section contained in section 251 of that act.

A key element is the provision of pretrial manpower training and employment opportunities. The Department of Labor has funded test programs in seven cities—Cleveland, Minneapolis, San Antonio, Baltimore, Boston, Atlanta, Newark—under which persons charged with crime are given the opportunity to be committed for training and placement assistance for a 90-day period prior to judicial consideration of their cases. The training staff subsequently makes a recommendation to the court, relating to disposition of the case, which may include further training or employment. In a demonstration project along these lines involving defendants 15 to 25 years of age conducted last year in Washington, D.C., it was found that participants committed further criminal acts at a rate less than one-half of that of a control group that did not receive the manpower training project services. A similar program, the Manhattan court project, has been conducted with considerable success in New York City.

Another important element concerns the provision of manpower training and related services during confinement in prison, where inmates do not now have the opportunity to make maximum use of their time. Considerable promise has been shown in programs under which prisoners are permitted to receive training in real work situations with up-to-date equipment and the involvement of the private sector. For example, at Greenhaven Prison in Poughkeepsie, N.Y., training is provided for 40 prison inmates in office machine repair under a program conducted with the assistance of the private sector. In New York City, the Department has funded a program for a community treatment center for 40 offenders awaiting parole or release from Federal institutions; inmates receive employment placement, counseling, and job training. Another program is underway at Rikers Island, N.Y., where 100 training slots in metal fabrication, woodworking, and production machine work are supplemented with basic education and vocational training.

In a project conducted by the South Carolina Department of Crime, inmates have been working in industry and private business during the day in communities in which they plan to live upon release from incarceration, returning to community prerelease centers at night.

In the last 5 years, work release inmates have paid from their earnings nearly $500,000 to the Department of Corrections for room and board and more than $300,000 to support their families.

Mr. President, perhaps the most crucial element is linking the training to an actual job.

The importance of such a link has been demonstrated generally in the JOBS program, conducted by the National Alliance of Businessmen and funded by the Department of Labor under which almost 600,000 opportunities have been provided for the disadvantaged over the last 4 years.

But, this approach has been applied to criminal offenders only in a handful of cases and the National Alliance of Businessmen has advised me that it has no estimate of the number of offenders or ex-offenders currently involved in their programs.

The Departments of Labor, Health, Education, and Welfare, and Justice are currently funding joint projects to this end—for example "Project Transition" which supplements the South Carolina work-release program to which I referred—but these efforts represent only a very small beginning, compared with the potential that exists through a combination of public and private resources.

Mr. President, the bill we introduce today emphasizes the links between training and employment opportunities by—

Giving funding priority in respect to training programs for those efforts as to which prior arrangements have been made for subsequent employment;

Involving private industry and up-to-date equipment in training programs assisted under the title;

Requiring the Secretary and the applicant to determine that training which relates to a job for which there is generally a demonstrated demand on the National, State, and local level;

Requiring the formation of advisory committees for programs, including representatives of the private sector, as well as participants in the programs.

Moreover, it provides for an increase in the jobs generally available to criminal offenders and persons charged with crimes by—

Authorizing the Secretary to provide employment opportunities in the public and private sectors, with reimbursement where necessary;

Requiring the Secretary to insure that programs involving criminal offenders and persons charged with crimes are given full consideration for funding under the on-the-job training and job creation programs under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, and the Emergency Employment Act of 1971;

Authorizing the Secretary to provide personnel to assist the U.S. Employment Service in providing jobs;

Requiring the Commissioner of the Civil Service Commission to report to the President and to the Congress on the manner in which Federal jobs may be increased.

As this bill is considered in the context of manpower reform generally, we shall consider what quotient of public service jobs may be set aside particularly for criminal offenders, and persons charged with crime.

Second, we have sought to insure that the programs authorized under the title will interlock with existing programs and advance the larger objective of comprehensive and coordinated penal reform.

To this end, the bill:

Grants considerable flexibility to the Secretary of Labor in choosing between public and private agencies, institutions, and organizations for the planning, conduct, and evaluation of programs;

Requires the Secretary of Labor and the Attorney General to enter into agreements to assure the combining of resources, maximum program coordination and joint planning between programs conducted under the Safe Streets Act and other similar laws. Of the $700 million available for correctional programs under that act for this fiscal year, approximately $2 million will be spent on training in correctional institutions;

Requires the Secretary of Labor and the Secretary of Health, Education, and Welfare to enter into agreements under which the latter shall be responsible for providing education to persons assisted under the title and for maintaining linkage to educational, vocational education, and rehabilitation to programs, as currently is the case under existing programs.

Third, we seek a substantial increase in Federal funding for offender programs.

The administration is to be commended for the priority that it has given to these efforts—expanding funding from less than $1 million in fiscal 1968 to $31 million in the current fiscal year, but the training and employment programs still account for less than 1 percent of the $4 million spent on manpower programs generally and less than 4 percent of the $1 billion spent for corrections generally.

The bill authorizes the appropriation of $40 million for fiscal year 1972, $100 million for fiscal 1973, and $200 million for fiscal year 1974.

We consider these amounts to be reasonable yearly additions which may be put to effective use, to cut into the overall need—which is so much greater:

With respect to pretrial programs, the Department of Labor efforts will reach 4,000 dependents, approximately three-tenths of 1 percent of the total of one and a quarter million individuals who are under the jurisdiction of the criminal justice system at any one time. Many of whom are of an appropriate age for such program.

With respect to correctional institutions, its programs will reach 6,000 inmates nationwide while 400,000 persons—60 times that number—are now incarcerated in correctional institutions in the Nation.

Mr. President, I am pleased to note that Senator GAYLORD NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare, of which I am the ranking minority member, intends to have hearings on such programs, as a part of consideration of comprehensive manpower reform early next session, and I hope to have the benefit of comments and suggestions of the administration, as well as experts in the field with respect to the approach which I have proposed. Particularly, I hope we will consider what portion of funding might be expressly reserved for the essential educational element.

We look forward also to working with members of the Subcommittee on Criminal Laws and Procedures for the Committee on the Judiciary, as well as the Subcommittee on Penitentiaries—whose chairman, Mr. BURDICK, held very beneficial hearings on this subject earlier this year.

The current situation and the goals which we seek were expressed by Chief Justice Warren E. Burger, in remarks before the Association of the Bar of the City of New York, on February 17, 1970. He said:

> Few prisons today have even a minimal education or vocational training program to condition the prisoner for his return to society as a useful self-supporting human being. A distressing percentage of prisoners cannot read or write.
>
> The training programs in most State institutions are limited to a few skills, and there is almost no effort to correlate training programs with the demand for particular skills. It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union. I suggest these two simple illustrations to indicate the desperate need for comprehensive and coordinated planning and research at local and national levels. This requires a monumental effort with the best leadership and brains of labor unions, industry, the Departments of Justice, of Labor, and of Health, Education, and Welfare. To be successful these programs need local community support which must involve Churches, YMCA's, Chambers of Commerce and Bar Associations.

Mr. President, as I indicated, inadequate training and job programs is one of the elements contributing to the crisis in our correctional process. I shall introduce additional proposals which would affect other reforms.

Mr. HART. Mr. President, for too long prison reform in America has been like Mark Twain's observation on the weather. Everyone talks about it, very little is done.

Over and over, Presidential commissions and expert studies tell us that our correctional systems do not correct. The file cabinets of Washington overflow with that finding. Yet to date the response has been a token, totally inadequate one. Recent tragedies at Attica and other institutions only underline our failure to make prisons decent places of true rehabilitation.

The bill introduced today by Senator JAVITS and myself zeros in on useful skills and employment assistance to criminal offenders—the area long recognized as perhaps the most critical ingredient of successful rehabilitation.

Some may shortsightedly call this "coddling criminals." But I can think of no more foolish mistake we can make in the protection of the public safety than to withhold adequate resources and energy from offender rehabilitation on that ground. Almost two-thirds of those now in prison have been there before. We should know not merely how many men are sent to jail, but what kind of men emerge.

Manpower training programs for prisoners do exist, of course, on a fragmented and uneven basis. But this area of effect must be given priority, while improved correctional institutions are developed and other important services provided. Particularly while our economy is in disarray, the problems faced by an unskilled ex-offender who seeks to go straight are enormous.

One of these problems is the man's criminal record itself, which is often an almost insurmountable hurdle to employment. The junior Senator from North Dakota (Mr. BURDICK) has introduced a bill to remove that hindrance as far as possible for offenders who can demonstrate good conduct since their release. And under the leadership of the Senator from North Dakota, his subcommittee of the Judiciary on penitentiaries has advanced legislation on many other fronts to facilitate successful rehabilitation.

With his backing, and the other bipartisan support behind this bill I hope that we can pass this measure promptly in the next session. It provides a comprehensive range of training and employment services at every stage of the criminal justice process—with emphasis on early intervention for those who can be diverted to constructive employment or schooling prior to incarceration. In addition, priority will be given to funding programs which have lined up job opportunities for those in training. All applicants for Federal assistance under this act will be required to involve the local business community correctional officials, and the potential trainees in planning and executing programs.

Hopefully, with this bill we can begin to help offenders turn away from careers of crime. Put more bluntly, perhaps we can reduce the number of "graduate degrees in crime" which is all the prison release papers now seem to constitute.

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the RECORD the bill, a section-by-section analysis of the bill, and the following supporting documents: a letter from the Department of Labor outlining current efforts; a letter from the National Alliance of Businessmen regarding their efforts; and a summary of present sources of funding for correctional programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE CORRECTIONAL TRAINING AND EMPLOYMENT ACT

SEC. 2. This section amends title II of the Manpower Development and Training Act of 1962 to establish a new Part D entitled: "Comprehensive Correctional Training and Employment Programs", as follows:

SEC. 251. STATEMENT OF PURPOSE

This section declares the principal objective of the U.S. correctional system to be the rehabilitation of individuals confined in correctional institutions, sentenced to probation, or released on parole and states that manpower training and employment programs have been identified as one of the most critical elements of successful rehabilitation.

The purpose of the Part is to authorize the provision of specialized manpower training and employment programs for criminal offenders and persons charged with crimes, as an integral part of the correctional process, and with the assistance of the private sector, in order to improve employment opportunities for such persons, increase the effectiveness of the correctional process and reduce recidivism.

SEC. 252. DEFINITIONS

This section defines the terms "eligible individual", "eligible applicant", "juvenile delinquent", "youthful offender", "Secretary", and others.

"Eligible applicant" means any state or local public agency or private agency or organization, or combination thereof.

"Eligible individual" means criminal offenders, including youthful offenders, and juvenile delinquents, and persons charged with a crime.

"Secretary" means the Secretary of Labor.

SEC. 253. PROGRAM AUTHORIZATION

Authorizes the Secretary of Labor to provide financial assistance to eligible applicants for the planning or conduct of, or assistance to: pretrial and other intervention programs offering eligible individuals participation in training and employment programs prior to final disposition pursuant to plans approved by the appropriate judicial and prosecuting authority; manpower training and employment programs in correctional institutions (including on-site and off-site work experience projects); programs offering a full range of employment opportunities with public agencies and private business concerns; professional and paraprofessional training programs; research programs assisting employment service personnel; programs for the provision of manpower training and employment services in model community-based centers and the provision of bonding assistance.

SEC. 254. FINANCIAL ASSISTANCE FOR MANPOWER TRAINING AND EMPLOYMENT PROGRAMS

Authorizes the Secretary to make grants to eligible applicants, consistent with basic criteria under Section 605: Each application must ensure that supportive services are provided along with training and employment; ensure that training is for a job for which a demonstrated demand has been determined to exist; provide wherever possible for the involvement of industry, labor and employment personnel from the private sector of the economy and for the use of training equipment comparable to what used in the job for which training is furnished; indicate prior arrangements for release of participants upon satisfactory completion of training and for follow-up training; and meet certain administrative requirements.

With respect to training programs, this section accords priority in funding as to programs for which arrangements have been made with public or private employers for employment after release.

BASIC CRITERIA

SEC. 255. Requires the Secretary to prescribe basic criteria in respect to labor market information, suitable length of training, the formulation of employability plans, the establishment of advisory committees, and the equitable participation in programs by all segments of the population of eligible individuals.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 256. Requires the Secretary to establish criteria assuring equitable distribution of financial assistance among the States taking into account, among other factors, relative crime rates and the ratio of the number of persons confined in correctional institutions, on probation, on parole, or charged with crimes within the state to those nationally. No state shall receive more than 15 percentum of the amounts appropriated.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 257. Limits federal financial assistance to 90 percent of program cost unless the Secretary, pursuant to objective criteria, decides otherwise; non-federal contributions may be in cash or in kind.

MANPOWER TRAINING AND EMPLOYMENT PROGRAM IN FEDERAL CORRECTIONAL INSTITUTIONS

SEC. 258. Authorizes the Secretary of Labor, pursuant to agreements with the Attorney General and the Secretary of Health, Education and Welfare, to conduct special model programs for eligible individuals in Federal correctional institutions and in the federal courts, consistent with the purposes of the part.

AVAILABILITY OF EMPLOYMENT OPPORTUNITIES

SEC. 259. Requires the Secretary to ensure due consideration for applications for programs serving eligible individuals submitted under on-the-job training programs under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, as amended, and the Emergency Employment Act of 1971.

SEC. 260. COORDINATION AND PROGRAM LINKAGES

(a) Requires the Secretary of Labor and the Attorney General to enter into agreements to assure the combining of resources, maximum program coordination and joint planning between programs conducted under this Part, under Part E. of Title I of the Safe Streets Act of 1968, the Juvenile Delinquency Prevention and Control Act of 1968 and other federal laws; (b) requires the Secretary of Labor and the Secretary of Health, Education and Welfare to enter into agreements pursuant to which the Secretary of Health, Education and Welfare will provide education to participating eligible individuals and will ensure programs linkage with vocational education, vocational rehabilitation and similar programs; (c) requires coordination, by arrangement with the Director of ACTION, for the use of volunteer programs; and (d) authorizes the Secretary to ensure such arrangements as are necessary to ensure maximum coordination and joint planning between programs conducted and assisted under this Part within each State.

SEC. 261. STUDIES AND REPORTS

Authorizes the Secretary of Labor, in consultation with the Attorney General and the Secretary of Health, Education and Welfare to conduct a continuing study on the effect of programs conducted or assisted under the Part and to compile information on the employment opportunities of criminal offenders, including research on impediments to employment. The Chairman of the Civil Service Commission is also required to report on the means of increasing employment opportunities for such persons in the Federal Service.

SEC. 262. PAYMENTS

Authorizes payment of the federal share of program costs.

SEC. 262. WITHHOLDING

Authorizes the Secretary to withhold funds, after notice and hearing, in cases of an applicant's non-compliance with statutory provisions of the Part.

SEC. 263. AUTHORIZATION OF APPROPRIATIONS

This section authorizes appropriations of $40 million for FY '72, $100 million for FY '73; and $200 million for FY '74.

SEC. 3. This section amends the Manpower Development Training Act of 1962 to make certain conforming changes.

SEC. 4. This section amends the Wagner-Peyser Act of 1933 to require state employment service plans to include provision for the designation and assignment of personnel for the promotion and development of employment opportunities and placement for criminal offenders and persons charged with crimes.

DECEMBER 7, 1971.

Mr. JOHN K. SCALES,
Minority Counsel, Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.

DEAR JOHN: Attached is a statement by former Assistant Secretary of Labor Jerome Rosow on the Department of Labor's role in offender rehabilitation. As you know, the Department of Labor has sought a more active role in offender rehabilitatoin through the provision of manpower services and employment opportunities. Your interest in our activities in this area is very much appreciated.

Please let me know if I can be of further assistance in this or any other matter.

Sincerely,
FREDERICK L. WEBBER,
Special Assistant for Legislative Affairs.

STATEMENT OF JEROME M. ROSOW, ASSISTANT SECRETARY FOR POLICY, EVALUATION, AND RESEARCH, U.S. DEPARTMENT OF LABOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PENITENTIARIES, JUDICIARY COMMITTEE, U.S. SENATE, WEDNESDAY, MAY 19, 1971

Mr. Chairman, on behalf of Secretary Hodgson, I want to thank you for the kind invitation you have extended to the Department of Labor to join with your Subcommittee in its exploration of "the vocational approach as an avenue to the rehabilitation of offenders." You have asked that we include in our presentation "barriers to employment as well as present efforts in placement, training, evaluation and counselling for federal, state, and local offenders."

To provide a complete account of our activities in this field, including the emerging shape of our expanding program as it turns to deal with "future needs and directions," requires a number of witnesses.

It will be my responsibility to give an account of the rationale which supported the decision of both Secretary Shultz and Secretary Hodgson to seek a more active role for the Department in offender rehabilitation through the provision of manpower services and employment opportunities. This analysis guides both our long-term strategy and the general shape of immediate actions. In turn, representatives of the Manpower Administration, charged with responsibility for executing these decisions, will describe in detail the nature of the current program, its problems and results, along with an assessment of those factors which in their opinion will have the most significant impact upon future developments.

In brief, our analysis rests on the belief that there is a close connection between an effective criminal justice system and the development of economic opportunity for offenders flowing through that system.

Here we are talking, quite simply, about the prime importance of *jobs* as the key element in a new national strategy designed to rehabilitate known offenders—to prevent the commission of further criminal acts. This hearing is evidence of an increasing public understanding of the potential of such an approach.

We do not claim to have a monopoly on the most practical and effective ways in which to apply the vocational or labor market approach to the problem of rehabilitating the offender. Much significant work is underway at the State and local level, in large part stimulated by both the block and discretionary grant program of the Law Enforcement Assistance Administration. Further, an extensive program of vocational rehabilitation in a number of states has been mounted with the guidance and support of the Rehabilitation Services Administration. Finally, significant innovation has been pursued and applied in the work of the Federal Bureau of Prisons.

As a final caveat, our expectations in applying the vocational or labor market approach must be realistic. There are many men behind bars who need lots of help, beside skills and employment assistance. They have drug problems, alcohol problems, reading problems. They're too old or too sick or mentally ill. These people need considerable special attention before we can think in terms of aiding them to be self-sufficient. An unknown, but perhaps significant, number are not going to be able to move into the mainstream of society.

Unfortunately, they are not getting the care they require in overcrowded, understaffed institutions. These institutions, on the other hand, have many men and women within them who *can* be helped to be self-supporting. It is our belief that we must assist these individuals if we are ever to be in a position to deal effectively with the rest.

In order to present our view of the nature of the problem, let me briefly sketch the process by which our policy was developed and the basic considerations upon which it rests.

The single most critical consideration underpinning our thinking is that only a very small proportion of offenders are incarcerated—even for the most serious offenses. Further, most offenders—an overwhelming proportion of whom are youth—are never adjudicated and if adjudicated are not imprisoned.

Clearly, then, most offenders are already *in society*—whether on bail, on probation, on parole, or in community-based corrections.

Let's take a moment to roughly estimate the ways in which the flood of crimes narrows to a trickle of men and women entering penal institutions. Taking the roughly 4,500,000 Index crimes reported to the Federal Bureau of Investigation in 1968 as our initial parameter, note first that there were less than 800,000 clearances of such offenses. Less than one successful outcome for law enforcement activity for every five reported serious offenses—even at the initial stage of apprehension of a suspect—is a sobering reflection of a long-range trend with significant implications for the criminal justice and corrections systems.

This trend expresses, among other factors, an 85 percent increase (adjusted for population growth) from 1960 to 1968, in the rate per 100,000 for the FBI Crime Index. The rate of increase has, until quite recently, been accelerating, bringing critical points in the criminal justice system under enormous pressure. In the area of law enforcement activity, for example, as against the 122 percent increase in the *absolute* number of Index crimes from 1960 to 1968, there was a 51 percent increase in clearances for such crimes in the same period.

As a result, the clearance rate (clearances over Index crimes) has declined steadily from 31 percent in 1960, to 21 percent in 1968. This decrease has been accelerating, as well, and applies to every category of offense in the index. I will have a further word to say about the significance of the clearance rate, but for the moment let us follow our flow of 4,500,000 Index Crimes, through almost 800,000 clearances, as it proceeds through the system.

The relative decline in the effectiveness of low enforcement activity has not kept the courts from being overwhelmed by the absolute increase in the number of individuals who are formally charged with offenses. Almost 400,000 individuals were formally charged, that is, held for prosecution, as against the 800,000 clearances. Further, delays between arrest and final disposition are increasing and are most severe for those who seek to exercise their right to a trial—where it is not at all uncommon for a year or more to be consumed before adjudication.

If you take a closer look for example, at the Federal criminal justice system, you find an increasing trend—from 1966 through 1969—of criminal investigative matters declined for prosecution and an increasing backlog—at the same time—of Federal criminal cases. While it is not possible to determine the relative significance of the major factors reflecting the pressures upon the system, some of these, at least, can be identified.

There is an increasing number of trials per number of cases filed, with fewer guilty pleas, etc. There is an increasing length of time of trials, with an increasing number and complexity of pre-trial and post-trial motions—as well as an increasing number of appeals per trial convictions. As cases get more complex, and under the circumstances described above, it becomes easier to understand why less than one half the cases cleared in 1968—across the nation—resulted in individuals being charged. Or why of these 400,000, 160,000 were found guilty of the offense charged or of a lesser offense, with 60,000 acquitted or having charges dismissed.

Note that these two categories comprise only a little more than half of the 400,000 individuals charged. The remainder, around 180,000 were referred to juvenile court.

This is significant for a number of reasons, if only because it places many youthful offenders at or just beyond the reach of a labor market policy designed to achieve rehabilitation through economic self-sufficiency. This represents another practical constraint upon the utility of our approach.

If arrests, then, have been less than one for every five serious offenses, convictions have been running at around one out of five such arrests. What happens to those found guilty? Our estimates are that perhaps 90,000 were placed on probation—where, as we know, most will receive little meaningful assistance and scant supervision—with the remaining 70,000 being committed to some kind of pearl institution. Of these 70,000, as many as 40,000 will eventually be released on parole, with almost all of the remainder serving their full mandatory sentence.

The net result: something like one out of every seventy serious offenses reported in 1968 may have resulted in an individual being charged, tried, convicted, sentenced, and committed to a penal institution. And less than half this number will serve the full sentence for the offense.

Clearly, then, the distribution of offenders through the criminal justice system, yields a picture at any one moment in time in which the great number of those individuals under supervision are not within institutions. In that same year, for example, we estimate that of the 1.2 million adult offenders, fewer than one in three of those under supervision were in institutions of any kind, with one of six on parole and the remainder on probation.

The significance of this analysis is that it reveals powerful trends likely to endure over time which compel the conclusion that an offender rehabilitation policy focused primarily on penal institutions would not be either balanced or comprehensive Offenders exit from the system at a number of points—not the least important of which is the revolving door character of prisons themselves, with 19 of every 20 commitments resulting in release, most of these within two years.

Accordingly, an effective offender rehabilitation policy must provide program options at each stage of the criminal justice and corrections systems—and offer a continuous sequence of services keyed to the flow of the offender through those systems.

The goal would be to provide with due concern for the interests of society and the constraints of security—a realistic opportunity to achieve economic competence at every possible stage of the system to every individual capable, with help, of taking advantage of this opportunity. In this manner we may break into and break down the cycle of the offender's life-style.

In addition, our programs can serve to ease pressures upon elements of the system which are malfunctioning under severe strain and may—without assistance—deteriorate further.

Corrections, for example, as an element of the system, has rehabilitation as its goal, but is not functioning effectively—and should, perhaps, not be expected to, under existing circumstances. Any measure applied to the system's outcomes yields the same result. Of 18,333 offenders released to the community from the Federal prison system in 1963, 63 percent had been arrested within five years of release. These 11,477 individuals had been rearrested over 28,000 times, 3,600 of them four or more times. Taking a different cut, consider the 94,467 individuals arrested in 1968 for an Index offense: 46 percent had been imprisoned on a prior sentence for 90 days or more. And, finally, at a reasonably representative large central state prison in Maine, 53 percent of the inmates, as of February, 1970, had served prior sentences at that institution, while only one out of six had no prior record.

It is not surprising that prisons fail to rehabilitate, that probation is relatively ineffective, and parole often poorly supervised and deprived of resources.

A national policy on offender rehabilitation is only gradually emerging, so that existing efforts—inadequate as they may be—are scattered and uncoordinated. Most crucially, when a man is found guilty and sentenced, our interest in him wanes. Though society supports the police in their important work of law enforcement and while we are aware of the need to modernize and improve our courts, we are not as concerned with what happens after conviction. We should be, for the picture is bleak.

Each year perhaps two million different Americans serve a sentence for a broad range of offenses in one of our local jails, State prisons, or Federal institutions. At any one time, as we have seen, about one and a quarter million individuals are under the jurisdiction of the criminal justice system. Almost four hundred thousand are in a jail or prison, many awaiting trial. Most will be in old, decayed buildings, designed only for confinement. Many buildings in active use are more than one hundred years old, reflecting the fact that corrections was the last major area of traditional local responsibility to receive direct Federal assistance.

Thousands of county and local jails—where more than half the inmates are imprisoned without having been convicted of a crime—are in terrible condition, with little rehabilitation available. Over 95 percent of the staff is concerned with strictly custodial duties. Counting inmates, locking them up, counting them again and so on through the day. Isolated from society, with no links to work, a place to live, and meaningful human relationships, inmates' time passes at a painful snails pace—with little preparation for living in the world outside.

In terms of prisoner population data, the offenders dealt with by the criminal justice system are poorly educated, very young, disproportionately black, overwhelmingly male, and unsuccessful in forming stable families. They are also plagued by serious and multiple personal problems, frequently involving alcoholism, mental retardation, drug addiction, and mental and physical illness. They constitute, therefore, a seriously disadvantaged group, poorly situated to benefit from economic growth even were they not faced with other, artificial barriers to decent employment.

In addition to these elements of disadvantage, institutionalized offenders bring with them a severely limited range of prior work experience, largely concentrated in the low-skill end of the spectrum.[1] Offenders face, as well, substantial barriers to employment in the attitudes and practices of prospective employers (both public and private), as well as of co-workers, employment agencies, and the public in general.[2]

In the face of this overwhelming picture of personal, educational, and occupational deficits—and of systems structured to exclude the offender from a reasonable range of opportunity—there is little organized governmental rehabilitation effort. Of perhaps one billion dollars spent to maintain corrections, roughly 3 percent or $30 million goes for rehabilitation. Ninety percent of local institutions—the recognized vestibule to a criminal career—have no education and training at all, while perhaps two-thirds have no rehabilitation of any kind.

In large part because of these cumulative disadvantages, offenders—particularly those just released from prison—are unable to seek, secure, and retain stable and worthwhile employment. The Pownall national sample survey shows 17 percent unemployment for released male prisoners in the labor force, at a time of 5 percent unemployment in the national civilian labor force. This study is quite conservative, understating the problem, since it represents a period six months after release—when many have already been rearrested or are otherwise unavailable for sampling.

Though we lack adequate information on this subject—as well as comprehensive studies of recidivism—the inability of former inmates to obtain satisfactory employment—or to receive education or training to prepare for such employment—clearly contributes significantly to the problem.

A major research effort is required covering unemployment rates, labor force participation rates, earnings and quality of employment, and personal characteristics of offenders; in its absence we know enough from research and pilot efforts to postulate a significant relationship between training, manpower services, employment, and recidivism for offenders. Studies show unemployment is a major factor in parole and mandatory release violations and steady employment is directly related to lower recidivism—with a direct relationship between parole success, job training, placement and supportive services, and employment for the ex-offender.

Employment and income, therefore, are central to any offender rehabilitation strategy, which is, in turn, essential to both correctional reform and the President's anti-crime program. An effective offender rehabilitation policy must provide program options at each stage of the criminal justice and corrections systems—and offer a continuous sequence of services keyed to the flow of the offender through those systems.

Let us consider—not as an alternative, but for purposes of completeness and contrast—some estimates of the cost of bringing the entire field of corrections up to professionally-determined standards. These are, indeed, staggering. An adequate physical plant alone—that is, replacing jails and prisons that should be closed, would require over $12 billion. Upgrading the rest of the system would cost at least $3 billion more.

Is this the only direction in which we should go? It was our conclusion that there were far less costly and potentially more fruitful approaches to correctional reform. This conclusion rested upon an analysis of over seven years of experience the Department of Labor has had with a variety of experimental, demonstration, pilot, and research activities bearing upon the relationship between employment, training, manpower services, and the recidivism of criminal offenders.

In FY 1970 Secretary Shultz decided that our experience warranted expanding our small effort, consisting primarily of a pilot inmate training program, two pre-trial intervention projects, a demonstration bonding program, and some significant research. You will hear more about each of these from later witnesses, both from within and without the Department.

I would like first, however, to briefly describe this decision and stress that it has been recently reaffirmed and restated by Secretary Hodgson.

The decision was of a two-fold nature: First, we would add to the roughly $3 million we were spending, mostly on inmate training, $10 million in new resources for FY 1971. An effort would be made to provide a more realistic balance between activities designed to reach inmates and those aimed at other stages of the system for the far greater number who are not institutionalized.

Second, we would make every effort to develop effective relationships between the criminal justice and manpower systems, aligning our efforts in such a manner that they support and sustain constructive change and reform within these structures. At the same time we will insure that our efforts and those, for example, of the Law Enforcement Assistance Administration, are mutually beneficial. As you will soon hear, from representatives of the Manpower Administration, the Secretary's charge to integrate our expanding program into state and local effort that is supported by the block and discretionary grants of LEAA has been vigorously pursued—as have efforts to relate the activities of the state employment services to the corrections system.

We envision the Federal role as being one of providing national guidance, developing model systems for directing manpower services and employment opportunities to the critical intervention points within the criminal justice system, and conducting an intensive and innovative research and demonstration program. More responsibility for designing, planning, and administering a balanced program of offender rehabilitation activities will be exercised by State and local government with our support and technical assistance.

Briefly, what are some of these activities which we have decided are helpful enough to warrant more resources and attention? For some offenders, the appropriate point for assistance is upon arrest and before arrangement and trial. We call this pre-trial intervention.

Results from our first two projects indicate that if young people can be turned aside from lawbreaking before they have established a "record," there is greater hope that they will not commit further delinquent or criminal acts.

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[1] Occupational distribution of the male prison population, 1960 (Source: Census of Institutions, 1963): According to last major occupation prior to incarceration; 68.6 percent laborers, service workers, operatives, 24.7 percent craftsmen, clerical-sales, 6.5 percent managers, professional-technical, as compared with men in the general labor force: 38.4 percent, 34.8 percent, 26.7 percent respectively.

[2] Over half the States will not employ a person with a criminal record. Seventy percent of 475 private employers in a 1946 New York City sample stated they would never hire a released offender; all but one of these said they would fire any offender inadvertently hired. In 1964, 50 percent of employers surveyed in 16 midwestern cities had never hired parolees and 23 percent had a stated policy against doing so. Seventy-five percent of employment agencies recently sampled refuse to refer any applicant with an arrest record. Seventy-two percent of the public stated, in a 1968 survey, they were uneasy working alongside ex-offenders.

The concept is simple. At present there are three traditional ways of dealing with young first offenders: they can simply be discharged—and often are—without any serious attempt to help them, in the often forlorn hope that they will straighten themselves out; they can be released on probation, where very little support—as I shall show—is available; or they can be incarcerated, with results which often serve no one's interests. For a youngster who may be on the threshold of a criminal career—and for whom normal court processing would in all probability be a negative and hardening experience—none of these is satisfactory.

Pre-trial intervention provides the court with a fourth alternative. Carefully selected defendants, 16 to 26 years of age, charged with primarily economic offenses—were recruited for enrollment in a 90-day period of voluntary participation prior to judicial review of their cases. Each individual was provided with job or training placement assistance, group and individual counseling, remedial education and other assistance as required. The staff then made a recommended disposition of the charges to the court based on the extent to which the enrollee satisfactorily participated and demonstrated his determination to use legitimate means to obtain economic rewards.

After three years of experience, our Washington project has been incorporated in the court budget, with the enthusiastic endorsement of the U.S. Attorney and the Chief Judge. Of 753 young offenders accused of such things as petit larceny, attempted auto theft, forgery and simple assault, charges against 468 have been dropped, while 285 were returned to normal court processing, primarily because of unsatisfactory performance. Charges were dismissed at a rate of 76 percent for adult enrollees and 40 percent for juveniles.

The acid test is that favorably terminated participants committed further criminal acts at a rate less than one-half that of control group which did not receive project services. Over 1,000 job and training placements were made, with the employment rate among former adult enrollees a year after leaving more than double that at the time of enrollment. At a program cost of a little over $500 per enrollee, the project exhibited a benefit-cost ratio of at least 2:1.

Before proceeding further, I'd like to note that probation—as a realistic alternative to imprisonment—has never been seriously tried in America. This underlines the importance of providing the courts with other alternatives, such as pre-trial intervention, for those many individuals who would not be well-served by probation, or, what's worse, institutionalized because of local deficiencies in probation.

I want to stress that prisons—as bad as many of them are—get almost all the corrections dollar, scanty as that is. Little or nothing is left for probation or—for that matter—for parole. When it comes to sentencing, then, the courts are compelled to rely on costly and ineffective residential institutions.

A massively expanded probation system could tap all those resources for education, employment, and training, that almost every community has in greater quantity and quality than the most expensive institution. Potentially much more effective than institutionalization and obviously cheaper, probation remains virtually an unexplored frontier for rehabilitation.

At the next stage—imprisonment—even less assistance is available for the offender. As I noted above, it is estimated that of over $1 billion spent on prisons, perhaps $30–$40 million goes for rehabilitation. It is also more difficult to inform and involve the public in rehabilitation work within prisons because of the relative isolation of corrections from those opportunity systems which support and sustain the rest of the community.

In recent years the Labor Department has tested skill training in penal institutions, together with supportive services, education, job development and placement. This modest experimental program was expanded in fiscal 1970 to 49 projects with more than 3,100 inmates at a cost of $5.3 million. The average cost of $1,600 per enrollee includes a small stipend—most of which is held back as "gate money" to cushion the difficult post-release adjustment period.

A careful evaluation finds that inmate training programs can be mounted in many different kinds of settings, despite legitimate security requirements. Most institutions, after initial caution, were cooperative—and many altered previously unexamined arrangements of long standing to make training possible.

Unfortunately, state employment services were asked to shoulder the difficult task of job development and placement, with little assistance and less advance notice. Overall, not enough attention was paid to developing a job in advance of release and inadequate use made of the existing JOBS mechanism.

Considering these tooling-up problems, program results prior to our recent decision to expand inmate training are encouraging.

As you will hear we seek to have not only more projects—but a better program. We know that we must link training with a specific job. One approach is through improved performance by State employment services, so we are funding model programs in five states—Pennsylvania, Georgia, Oklahoma, Arizona, and Massachusetts—to expand their capacity to provide manpower services for offenders.

Yet we recognize that State employment services are not necessarily in the best position to provide all manpower services needed by offenders. For one thing, we have fresh evidence that parole, probation, and corrections staff can be equipped to perform many of these functions. This is being done in North Carolina and may serve as a model for other states. Moreover, a balanced program must actively involve the private sector.

Before discussing this, however, I want to stress that all those interested in jobs for ex-offenders now have an important, thoroughly tested new weapon to assist them: bonding assistance. The Department bought fidelity bonds for more than 2300 ex-offenders, including inmates released after completing our skill training programs. Only 30 defaulted.

Our studies show former prisoners able to hold jobs otherwise unobtainable without bonding assistance. Further, employers were often motivated to review their regular requirements for subsequent hires. As a result, we are now providing bonding assistance at all institutions where we provide skill training.

We are going even further. We have so much confidence, we are extending the program nationwide to make bonding assistance available through more than 2,200 local employment service offices for all ex-offenders who apply—and who can demonstrate that they are barred from accepting a specific job offer solely because of inability to secure a commercial bond. Significantly, the bonding company substantially reduced its rates to us and has now agreed to give standard coverage rates to any bondee bonded for 18 months without a paid default, if he is unable to get commercial bonding.

We know now also that a comprehensive program of manpower services and employment opportunity for offenders in the criminal justice system requires volunteer involvement and extensive private sector participation. The government can only do so much; the very size of the problem requires that the private sector—in its own self-interest—shoulder a major part of the burden.

It would seem wise for the Labor Department to build on such involvement and test greater reliance on the private sector for job development, placement, and follow-up. This could be a useful alternative to exclusive dependence upon an already over-burdened state employment service.

When we look at the overall picture, we see the Department of Labor expanding inmate training, pretrial intervention, bonding assistance and manpower services to offenders. From a $3 million program in FY 1970, the President's budget requests $29 million for FY 1972, the bulk to be administered at the State level in the coming year.

Each state already has a planning agency setting priorities in the related fields of law enforcement, courts, and corrections, under bloc grants from the Law Enforcement Assistance Administration. Each state determines where it can spend these funds most effectively. Hopefully, manpower services can be carefully aligned with this Safe Streets program.

We are working with the Justice Department to insure this kind of coordination at the national and regional levels. Concerned citizens and public interest groups can help bring these programs together so as to achieve maximum impact in each state.

We are very much aware, however, that while we can stimulate improvements in our criminal justice system, the improvement itself must largely be brought about by states, municipalities, volunteer organizations, professional groups, and just plain concerned private citizens. We are also aware that the more systematic alignment we have undertaken between the manpower network and the criminal justice and corrections systems—of which you will be hearing more—is a large order. We know we have a long way to go, but we have been making progress.

This effort, overall, will require a change in public attitudes, as well as in institutional practices. This theme comes through strongly in remarks that Chief Justice Burger has made on a number of occasions. He has said, "If we want prisoners to change, public attitudes toward prisoners and ex-prisoners must change." It seems to me that there is no more critical area where such change must take place than that of employment and opportunity for self-sufficiency.

We believe that any realistic plan for rehabilitation of offenders will center—for many, though not all—on the manpower approach I have discussed with you this morning. While there are clearly limitations, it is equally clear that we have not begun to press against those limits. We have a long way to go.

It seems to us—taking what we feel is a sound and balanced view of overall public policy—that work and preparation for work can also help in the struggle to achieve court and correctional reform. If we are right, it is another reason to encourage comprehensive planning at the Federal and state levels, so that we can identify and meet the needs of offenders for training, rehabilitation, and work. At the same time, state-wide planning for reform in the criminal justice system can rest on a broader base. This base must include the kind of attitude change of which the Chief Justice spoke, together with the work of all the volunteers—and more—now working in corrections.

In closing, I would like to try to bring together a number of themes that seem to me to be of great importance.

Corrections and offender rehabilitation have long been viewed as traditional responsibilities of state and local government. Equally traditional has been the low priority accorded to these areas, together with a continuing strain on state and local finances.

These factors combine to insure that the the overall level of resources available for these tasks—particularly if the approach is the conventional one of building more, and hopefully better, institutions—will continue to be grossly inadequate.

This will be the case even with the substantial aid available for corrections and offender rehabilitation to states that make imaginative use of the grant program of LEAA.

Further, if law enforcement becomes more effective as a result of such aid it will swell the human tide flowing through the systems we discussed earlier. The clearance rate, as a vital indicator of law enforcement activity, would then slow its rate of decline and, perhaps, after leveling off, turn up. If that happens it will signal a massive increase in the costs of operating the criminal justice system.

Further, delays in every form of final disposition subsequent to arrest—already severe—could become so extensive as to present the possibility of a complete breakdown in the application of our concepts of trial, proof, judgment by verdict of peers, effective representation by counsel, and so forth. Our society can ill afford such risks. These systems exist to afford the innocent an opportunity for vindication, a function which must be performed if our society is to remain free.

Last year in the District of Columbia, as a result of increased and more effective law enforcement, the clearance rate for serious crimes doubled, from 10 to 20%! Consider, along with these startling indications of prospective pressures on the rest of the system, the fact that of $873 million spent on fighting crime in New York City in 1970, 3/10 of one percent was devoted to rehabilitation of offenders.

Clearly, a crisis of as yet undisclosed dimensions and impact is riding closer to the edge of public consciousness.

Put quite simply, it can be reduced to one question: What are we to do with all of these people we will be apprehending, and, in varying numbers, convicting?

While we are not able to predict with precision—at this still quite early stage—the extent to which our manpower program can help, it is clear that the results would be in the right direction. Further, if the manpower system—along with others—can be more successfully aligned in ways that will tend to break down the almost complete isolation of the criminal justice and correction systems, it may work to hinder what would appear to be—as in the case of the welfare system—an almost completely predictable further deterioration.

Remote from the institutions and services which support the mainstream of our society, the level of resources which these systems can bring to bear—without assistance and meaningful linkages—is inadequate and must remain so. At the present time, organizational arrangements that could facilitate this process of effective intervention in the life-style of many offenders are both parochial and primitive. The integration of criminal justice and corrections resources with state employment services, vocational rehabilitation agencies, and the training programs of the private business sector, is only now being formulated as a problem to be resolved.

Until this is done, the full resource capacity that can be brought to bear upon the problems of crime and recidivism can only be guessed at and, more importantly, existing programs (conventionally listed in inventories as interfaced correctional resources) will not realize their full potential.

Last summer, Bernard Segal, then President of the American Bar Association, said, with respect to the subject of correctional facilities and services: "We have enough research and studies. This is the time for action." We agree.

OCTOBER 18, 1971.

Mr. JOHN K. SCALES,
Minority Counsel, Subcommittee on Employment, Manpower and Poverty, U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR MR. SCALES: This is in response to your letter of October 4 requesting information on programs and activities conducted by the National Alliance of Businessmen which relate to employment and training of criminal offenders.

Ex-convicts who are poor and wihout suitable employment are eligible for the NAB/JOBS program. Accordingly many ex-convicts, as well as some federal work-release prisoners, have been provided employment and training by NAB/JOBS employers. We have not, however, collected data on the numbers of individuals in this category.

Sincerely,

WILLIAM C. WOODWARD, *President*.

Mr. JAVITS. Mr. President, I send the bill to the desk and serve notice that I shall have a unanimous-consent request later in the day with respect to its referral.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the bill I introduced today relating to manpower development and training, for corrections, be held at the desk for referral to a committee until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. MUSKIE:

S. 2965. A bill to provide greater access to Government information, and for other purposes. Referred to the Committee on Government Operations.

TRUTH IN GOVERNMENT ACT OF 1971

Mr. MUSKIE. Mr. President, our democratic system depends upon the vigorous interaction of three branches of government amongst themselves and with the press and the public. The interaction—so vital to our freedom—is threatened with serious imbalance as the power of the executive branch grows. A great part of that power stems from the executive branch's ability to withhold information from Congress and the public.

With the growth of the security classification system, of normal bureaucratic maneuvering, and of formal use of executive privilege, the executive branch can hide from Congress, the press, and the public information that is absolutely crucial for responsible decisionmaking. This is not the result of a plan or plot, or even a policy. More accurately, it is the inevitable result of the changes that have taken place in our Federal Government over the past two decades.

Engaged in a cold war, we needed a permanent Military Establishment of major size and an elaborate classification system. As the size and complexity of our Government grew, information became more important and complicated. Information became harder to find and easier to hide. As issues and events began to move more rapidly, fewer institutions like Congress or the press could by themselves keep track of the essential knowledge of Government policy.

The executive branch alone now has the resources to assemble the detailed knowledge needed to formulate public policy in our technological society. And in a natural attempt to increase its leverage, the Executive withholds that information to further its own policies. Information is hidden to hide mistakes and blunders. Adverse information is hidden to preserve political reputations and promote policies. Dissenting opinion is hidden to mute opposition.

The new power of the Executive and the importance of the information transforms what was once an effort to put the "best foot forward" of an administration into an ability to control what Congress and our people will know about many key Government decisions and policies. The public and the press often no longer have enough facts to make responsible judgments about the course of Government. And Congress often does not have the information essential for it to carry out its constitutional responsibilities.

The Pentagon papers are the best example of this problem. Material that is essentially historical was denied to the public on national security grounds. That information, had it been known at the appropriate time, may have substantially changed the course of events in Vietnam. Even after it was too late to affect our policies, but when it could have served to inform us about past errors in order to avoid a tragic repetition of Vietnam, the Pentagon papers were still denied to the American people and their representatives.

Just last month citizens had to go to court—where they were largely unsuccessful—in order to attempt to obtain basic factual data about the potential environmental impact of the Cannikin test. Most of this information was unavailable to Congress. It was not made available before an irrevocable decision to go ahead with the test was made.

A battle in Congress of several years over the SST went on while key evaluations of the effect of the craft on the environment, the economy, our balance of payments, and so on were denied to Congress—even though Congress had to decide on whether to fund the project or not.

These are just a few of the many examples that demonstrate a need for fundamental reform. We must get the facts about our Government and its policies to the people and to Congress. Only in this way can our citizens and their representatives judge and, when they feel it is appropriate, oppose the policies of our Federal Government. This is the way we will restore some balance between the powers of the executive branch and the rest of our Government. It will also restore trust in our Government by removing much of the credibility gap.

In order to provide the essential information about our Government needed by Congress and the public, I am introducing today the Truth in Government Act. It creates a Disclosure Board which will supply Congress and the public adequate information about the policies of Government. It will also provide independent control over our classification system to end its abuses. Such an independent agency can judge amongst the competing claims of Congress' need to know and the Executive's need for secrecy to protect national security.

This legislation creates a seven-member Disclosure Board. Its members are selected by the President with the advice and consent of the Senate. They would serve staggered 15-year terms.

In order to insure a diversity of views one member must come from a background in the American diplomatic corps, one from the military, one from the press, one from Congress and one from the legal profession. The Board is given the power to subpena any Government document in order to fulfill its functions. Its reports and decisions are to be publicly printed.

The first responsibility of the Board is to supervise the security classification system. The Board is granted the power to issue rules and regulations governing classification and the power to enforce them. Classification is required to be made subject to stringent principles restricting its use to cases of demonstrated need. Classification of documents is limited to a period of years according to their nature. Extension of that period is not automatic; the official requesting an extension must prove to the Board that it is consistent with the principles limiting classification.

The Board has the power to investigate any cases of misclassification or overclassification; to declassify documents; and to order agencies to modify their methods of classification to conform to the Board's rules and regulations.

The President has 45 days to review these decisions, orders, or regulations of the Board. If he modifies them, he must give a public, written explanation of the modification.

This part of the bill will take the classification system away from those who use it to protect themselves instead of secrets. It will allow an impartial Board to review the case for secrecy—so that secrecy when needed will be kept and, when unneeded, it will be efficiently swept away. It will give all Americans reassurance to know that the stamp "secret" will be restored to its rightful place.

A second major responsibility for the Board will be to provide Congress documents it needs to fulfill its Constitutional responsibilities. Congress needs sufficient information to make reasoned choices about appropriations, new legislation, and required oversight. Without this information, our system of checks and balances breaks down.

Just as important, Congress, as elected representatives of the people, can reflect their interest in light of information that cannot be made available to the general public. This will allow a broader check on the Executive, while preserving needed confidentiality.

This legislation creates a system to accomplish this by allowing either House of Congress, 10 Senators or 43 Representatives, or any congressional committee to request from the Board executive documents that have been refused to them. When such a request is made, the Board will hear from the requesting party why the documents are needed by Congress and then will hear the justification for the refusal to produce them from the relevant agency or department. The department could rely upon any of the traditional reasons for executive privilege: National security, diplomatic need, the privacy of personnel, the needs of criminal investigation, or the protection of candid advice to superior. The Board would balance these two needs and provide a written decision. The Board would be able to release the documents under a protective order requiring their secrecy and restricting their availability.

The decisions of the Board can be modified by the President if he invokes executive privilege with a written order. Both the Board's and the President's decisions are appealable to the U.S. Court of Appeals and then the Supreme Court by the original parties.

In the normal course of events the Board under these provisions will reject and accept many requests for documents. Undoubtedly, many documents will be sent to Congress with limitations upon their distribution. In the case where the Board rejects a serious and strong claim of executive privilege, the President could overturn or modify the decision, while publicly stating his reasons for so doing. Decisions by the Board, modified or unmodified, would go to the court of appeals and then the Supreme Court. The Court would review the reasonableness of the decision below—in effect reweighing the constitutional balance.

Although this is unusual, I think it is highly appropriate for the courts to make this type of decision. They have the institutional neutrality that is needed. They have the expertise in balancing these types of competing constitutional claims. And they have the perspective to ensure that the entire democratic system will be served by the decision.

In those decisions where the argument for secrecy is weakest, the Board would release documents to Congress without protective order; they would become public. This would be the major avenue for making information public.

Put to provide another route for public access to information, the Truth in Government Act substantially liberalizes the provisions of the existing Freedom of Information Act, which now provides for private suit in court for the release of Government documents. Under the law, all documents must be made available save those that fall into one of many broad categories of exemptions. To date this legislation has not provided major access to Government documents. In order to strengthen the act, my legislation would amend it to:

Provide attorney's fees for those who win a suit to force an agency to release documents it has improperly held;

Allow courts to judge the reasonableness of a claimed exemption from the Freedom of Information Act—overruling *Epstein v. Resor*, 421 F. 2d 230 (1970);

Make determinations by the Board that a document should be declassified a prima facie case that the document is not within the national security secrecy exemption of the Freedom of Information Act; and

Permit a district court in a Freedom of Information Act case to seek an advisory opinion from the Board.

Thus private citizens, using the Freedom of Information Act, will be able to affect the flow of vital information to the public.

This entire bill is structured to restore balance to our system. Properly administered, it can provide greatly increased information for the public. Congress will have a reasonable way to obtain the information it needs in order to play its role in our constitutional system.

Yet this legislation does not go too far. It preserves a classification system in competent hands. It gives ultimate control over that system to the Commander in Chief. It creates an orderly procedure for releasing documents to Congress that does not ignore the legitimate needs of Executive privilege. Contemporaneous documents and the advice of aides are absolutely protected.

I suggested this proposal for an independent declassification board last summer during the heightened concern over Government secrecy caused by the Pentagon Papers controversy. The reaction to it across the country was enormously favorable. I ask unanimous consent that editorials about the board printed last summer be placed in the Record at this point.

There being no objection, the editorials were ordered to be printed in the Record as follows:

[From the Vallejo (Calif.) Times-Herald, June 25, 1971]

Beating the Secrecy Label

It was unfortunate the showdown between the press of America and the United States Government happened in the case of the government charging the New York Times with endangering the country's security by publishing a series of articles based on what was said to be a secret study of the Vietnam War in 1964.

All of this could have been prevented if someone had come up with the idea years ago as proposed by Sen. Edmund S. Muskie the other day. He said he would introduce legislation to create an independent board with authority to lift secrecy labels from government documents.

Under Muskie's plan, the board could make a document public after a lapse of two years. And at anytime, this board could send relevant documents to the appropriate committee of the Congress.

"Whatever the facts are," Muskie said, "they cannot inflict more damage than a rising tide of disbelief. We must give people a reason to believe anew in their ability to control the great events which shape and alter their fate. And that is why the board must be an independent board in appearance as well as in fact," he added.

Muskie said his plan would give the president and the departments the strongest incentive to be frank about the facts, which would in any case be made public almost immediately or soon afterwards. And at this same time, an independent board could protect the national security without using it as an excuse to hide blunders or launch covert policies.

Muskie's plan appears to have merit. With an independent board working unfettered and unbiased and holding allegiance to neither the government nor the people, showdowns can be avoided. All showdowns, and in this instance the word is used all-inclusive, are damaging because there can be only one winner. In some instances, however, both sides come out the loser when the showdown is resolved.

Congress should take a careful look at Muskie's plan in the not too distant future.

[From the Rock Island (Ill.) Argus, June 22, 1971]

Overcoming Secrecy Abuse

Democratic Sens. Edmund Muskie and George McGovern have made a timely suggestion in connection with the New York Times publication of official Vietnam war documents—require that any "national security" stamp put on an official paper be subject to periodic review.

Sen. Muskie proposed the establishment of an independent board which after two years would be allowed to make public any paper classified as secret.

Because a paper so labeled won't always be known to exist, any department or agency classifying a document as top secret should be made to come before the board within a specified time and justify continued classification if this was intended.

But why not a shorter time period for nondefense agencies? Yes, a lot of documents are suppressed by these agencies, often to cover up official blunders.

Newspapers believe there has been far too much secrecy, but have no desire to publish facts that are harmful to the nation; in fact, they have often withheld such information when stumbling upon it. In the present dispute the Times has taken pains to delete references that might harm the U.S. in its relations with other nations.

[From the Lewiston Daily Sun, June 23, 1971]

Secrecy and Democracy

The most positive and important development to come out of the current imbroglio among the federal government, The New York Times and the Washington Post, over the publication of secret papers on the origin of the Vietnam War and high level discussions and decisions about it has come from our junior United States Senator, Edmund S. Muskie. While some office holders on both sides of the political fence have been seeking to make political capital of the situation, to embarrass present or past Presidents, our senator has come up with a concrete proposal which is meritorious. He plans to file legislation to create an independent, bipartisan board with authority to lift secrecy labels from government documents.

Secrecy and democracy are antithetic, on the surface, at least. How can there be government "of the people, by the people and for the people" if the people are denied information by a stamp of secrecy placed on documents on public affairs by officials who may or may not have good reason? But even in democracy, there must be some secrecy. It is necessary for national security, particularly, and extends into other fields such as trade, research and even planning at times.

Secrecy should serve the interests of the public and not be a cloak to protect officials against the disclosure of their honest mistakes, nonfeasance or misfeasance.

The use of the secrecy stamp in Washington is regulated by an Executive Order issued by the late President Dwight D. Eisenhower in 1953. It set up three classifications, of declining importance: Top Secret, Secret, and Confidential, and vested the power to classify in the heads of the various departments. The power in turn could be delegated to appropriate officials. Provision is made for downgrading of classifications after a period of years leading to final declassification. The latter may require 25 to 30 years, when Top Secret papers are involved. Great Britain recently adopted a 30-year regulation, while France continues to a 50-year rule.

An independent board, such as proposed by Senator Muskie, could make periodic reviews of classified material to determine whether the reason for secrecy remained valid. We agree with the senator that such a system "would give the President and the departments the strongest incentive to be frank about the facts. * * * At the same time an independent board could protect national security without using it as an excuse to hide blunders or launch covert policies. * * *."

[From the Lincoln (Nebr.) Journal June 22, 1971]

Merit in Declassifying Board

A sensible and unemotional suggestion was offered by Sen. Edmund S. Muskie, D-Me., in the highly explosive situation of the publication of the Pentagon papers. He will propose legislation to create a seven-member independent board responsible for declassifying secret government documents.

This board should be free from government control and pressure from the news media. Too often government officials have put on the classified stamp to avoid embarrassment or to cover up incompetence or worse when national security is not involved.

There should be stronger regulations about putting classified papers in code. Coding of documents which later can be declassified leads to the claim that declassification gives foreign agents an opportunity to break the codes.

Loose regulations about coding in itself lead to locking history into secrecy, giving government officials too much latitude to keep their operations from the people who have a right to know and from the press which has a right to print except when national security is threatened.

If the country is to remain strong and free the people must have faith in the government and in the press to protect their right to know what government is doing and is up to.

Congress should give strong consideration to the proposal of Sen. Muskie. An independent board should have wide authority and cover both the executive and legislative branches. Secrecy is not confined to any one segment of government.

One of the administration's arguments against the printing of the documents by the New York Times and Washington Post is that this will cause concern abroad and the loss of confidence in the United States. It is doubtful that the United States will lose face with other nations if it keeps faith with its people at home.

If it can't have it both ways, then if the government of the United States of America is to survive as it was conceived, it must make the choice of being trusted at home.

[From the Minneapolis (Minn.) Star, June 22, 1971]

Those Secrecy Labels

Outrage over deceit on U.S. involvement in Vietnam, as disclosed in the secret "Pentagon Papers," appears to be widespread. There is probably less outrage, however, and more puzzlement, over the government's practice of classifying documents "secret" and "top secret."

John Kenneth Galbraith, in the letter reprinted on this page, asks a critical question about this practice: Against whom was this secrecy employed? He charges, with some validity, that it was used against Congress, "our own people and our friends," and that it protected "the freedom to make catastrophic mistakes."

It is obvious that there has been a loosening of long-standing security practices during the course of the Vietnam War. Officials who have become disenchanted with U.S. policies have leaked information, or, once having left office, have rushed into print with their own versions of what has happened. At the same time, there has been a tendency, by many in high office, to overclassify information, to stamp ordinary documents and study papers "secret" and keep them so classified for long periods. One result is that a good deal of information, often common knowledge to our foes, is kept from the public.

Sen. Edmund Muskie, D-Maine, says he will introduce legislation to create an independent board with power to lift secrecy labels from official documents. The board would be able to make documents public after a two-year waiting period, and send others to committees of Congress while they were still classified.

Muskie's proposal is a laudable one, but we would prefer to see a board responsible to the public—in other words, made up of elected officials—rather than one appointed by, and responsible only to the president. Only in this way can the public's right to know, rather than the actions of high officials be protected.

[From the Hackensack (N.J.) Record, June 25, 1971]

Escape Hatch for Truth

The first proposal for adjusting the machinery of government to prevent unwarranted classification of official documents has come from Sen. Edmund S. Muskie.

Details are sketchy. The Maine Democrat outlined the plan at a party fund-raising dinner, a forum hardly conducive to dispassionate consideration of important innovations. The plan has promise none the less.

Sen. Muskie would create an independent seven-member board to review secret documents two years or more after their original classification and to make public those whose disclosure it deems to pose no threat to the nation's security or diplomatic relations.

Under present law the authority to declassify such documents is vested in the authors who declared them secret originally or their successors in office.

The membership of Sen. Muskie's board would presumably include neither the authors nor the subjects of the reports under its scrutiny. There would be less temptation to keep the lid on merely to cover up ineptitude or outright malfeasance. And the public's essential right to know what its government is doing would be enlarged.

This is all to the good. As Sen. Muskie put it: "We must give people a reason to believe anew in their ability to control the great events that shape and alter their fate."

One potential danger in the plan is that it might encourage a reluctance to put certain sensitive considerations in writing or a tendency to confine them to unofficial memorandums.

Sen. Muskie should be encouraged to consider this possibility and prepare his plan for formal congressional consideration promptly. National concern over how much the people are entitled to know about this government has never been more intense.

[From the New York (N.Y) Post, June 23, 1971]

How Human Are Judges?

(By Max Lerner)

In the three federal court cases hogging the news—guess which—there are at least 20 federal judges involved. Within the week the nine Supreme Court judges will probably have been drawn in, to get the cases settled for good.

This is a vast expenditure of judicial energies and brains, but the issues are worth it. Everyone agrees that we are now involved in a crisis of belief—in the government and in the press. Which means that we can't depend on the officials of either of them to settle it, since each has an ax to grind—drastic secrecy rules in one case, and an absolute freedom of press in the other. At this point only the judiciary and the judicial mind can serve as arbiters.

Are the high federal judges qualified for this role? They cannot be wholly qualified—no one can be—for to be above all human bias and passion they would have to be men like gods. I know more about the Supreme Court judges than I do about the Federal District and Appeal judges, but they are all very human, with their own biographies, preferences, ambitions, values. The glimpses we get of them, as each moves into the public spotlight for his brief intense moment of exposure, show up the human qualities and perhaps some of the frailties.

Many years ago, when my innocence about the judicial process was first breached, it occurred to me that judicial decisions are not babies that come into the world conveyed by storks, but that they come out of the travail and conflict of opposing interests, power systems, world views. That is still true. But it is also true that there has to be something special about the way judges operate that sets them off from those other government servants, the political men.

The something is what we mean by the judicial mind. Either it is there or it isn't, and in too many cases it isn't. But it had better be there in the high judicial posts. For if we are in a crisis of belief about politicians and about the media, it would be catastrophic if our belief in the judiciary were also under siege.

I read an account the other day of a federal judge. It said that his friends thought of him as a man who knows his own mind, and has no hesitation in speaking it. I should like such a man for a friend. But a judge must not only know his own mind, like the rest of us. He must be able to transcend it, in the sense of transcending his own preferences. He must reach out to reconcile the claims of conflicting groups, and do it clearly enough, in long-range terms, so that men will know where they stand in the sight of the law, and feel that it deals fairly with them, and that they can live out their lives in a rapidly changing world with some measure of order and security.

The trouble is that many judges see this as their self-image, and hide their own partisan views behind it. FDR understood this about the conservatives on the Supreme Court who blocked the New Deal legislation, and he was so angry that he made the mistake of blasting them out of the way by a court-packing threat.

The judges of the Warren Court were just the opposite. They were impatient with the slow pace of change in giving all men greater access to equal life chances, and in protecting the obscure.

In the process they moved so passionately and unwarily, in the field of criminal law that they aroused the rage of a large segment of opinion which felt they were unjudicial, and that they had ignored the everyday fact and fear of crime. Thus with the best of motives one of the most creative courts in American history ended with what Fred Graham has called a "self-inflicted wound," and witnessed another crisis of belief in the judicial mind.

On the vexed problem of how to declassify secret government documents Sen. Muskie's suggestion of a blue-ribbon civilian commission, to review the classification after two years, makes considerable sense. Somehow we shall find a better way than the present one.

Even the problem of the credibility of government officials can be solved—by changing them. But the belief in the fairness of judges goes deeper than either of these. In a Time of Troubles like the present we need constantly to renew a kind of social contract between struggling groups, and it is the courts that must have credibility as the keepers of that contract.

[From the Scranton (Pa.) Times, June 23, 1971]

A "De-Secreting" Board Much Needed

Both of those masters of satire, Russell Baker and Art Buchwald, whose columns appear on this page, have had their fun with the government's tendency to withhold information by way of classifying even apparently harmless documents with graded variations of secrecy.

Their caustic wit on this subject was prompted by the Justice Department's attempt to halt further publication of the Pentagon Papers, as the McNamara study of our escalated commitment to the Vietnam War has come to be known.

And both the Pentagon Papers and the satirical commentaries point up a need for some means of prodding governmental departments into releasing or else justifying the continued hiding of information about subjects which have universal impact on the quality and direction of life in the United States.

The only recommendation we have seen put forth publicly thus far is that of Maine Sen. Edmund Muskie. He has proposed that legislation be enacted which would establish an independent board with authority to declassify secret government documents in the public interest. The board would be authorized to act after the documents had been withheld from Congress and the public for two years.

It is significant that congressional committees have not been able to get requested information from the executive branch because of the screen of official secrecy, including the Pentagon Papers. The need for an independent agency to monitor these documents is apparent when it is realized that without such a board the very existence of vital documents is little known. An independent board also would be less likely than the executive branch to make the covering up of administrative ineptitude the test of whether a document should be placed in the public domain.

[From the Providence (R.I.) Journal, June 23, 1971]

Too Much Secrecy

The furor over the Pentagon papers that have been published thus far has pointed up the growing problem of secrecy in government. The practice of classification has long since bureaucratized the concealment of government decisions and information embarrassing to officials, far beyond the requirements of national security. Once classified and filed away from public scrutiny, papers tend to stay buried for years on end. That is why the proposal of Sen. Edmund S. Muskie for creation of an independent declassification board finds a receptive public today.

If such a board had the power to make a document public after a two-year waiting period, as suggested by Senator Muskie, there would be strong pressure on top officials to be more open and honest about their policies and actions. There would be less incentive to try to hide the facts, since the secrecy label would not cover them for long. Presumably, the executive department would have full opportunity to oppose lifting of the secrecy curtain and to convince the board, perhaps in private hearing, of the necessity for continued classification.

But an independent board, whose directive was to release as much as possible, would have a very different approach from a bureaucracy whose tendency is to file and forget—or to release only what is favorable to its interests. If the board's work were carried out in the spirit of full information for the people, there would be much less chance for suits against newspapers or other media for publishing information that had been classified, justifiably or without sound reason.

If very much of the material in dispute in the cases of *The New York Times* and *The Washington Post* were clearly harmful to national security, there would have been much less controversy over its publication, perhaps none at all. Of all those who have commented on the security aspect, the most convincing is Sen. Stuart Symington of Missouri. When he asserts that the disclosures were not harmful to national security, he speaks from the experience of long years in the Senate, preceded by service as a top defense official—secretary of the air force. "It's obvious to us for many years," said Mr. Symington, "that the executive department has been taking advantage—as it is today—in classifying in order to cover up various matters they do not want the people to know."

A declassification board which cannot release documents to the public for two years may not solve the problem posed by an executive who holds out on the people or feeds them misleading information to keep them quiet. A feature suggested by Senator Muskie, permitting the board to furnish documents to appropriate congressional committees during the two-year period, would go part-way toward solving that problem. Beyond that, top officials must begin working to restore the attitude of trust between the people and the government—between Congress and the executive—that existed in a less turbulent time of our history. The simplest way to do that is to "level" with the people. As Senator Muskie said Sunday, "Whatever the facts are, they cannot inflict more damage than a rising tide of disbelief."

[From the Houston, (Tex.) Chronicle, June 23, 1971]

Muskie on Official Secrecy

The continuing controversy over publication of the Pentagon papers has focused attention on the manner in which the government classifies "secret" information.

The Pentagon papers, portions of which have been published by the New York Times, the Washington Post and the Boston Globe, are indeed classified as "secret." But the editors of those three newspapers published the information anyway—not because they are unpatriotic or desirous of causing this nation harm but rather because they believed the secret classication in this case is not justified.

Government officials have a natural inclination to put the secrecy stamp on anything which might be embarrassing. It is far more human to attempt to hide mistakes and blunders than it is to publicize them.

If publication of the Pentagon papers is harmful to the nation's security, as the government contends, then we doubt seriously that the editors of three great newspapers would seek to publish the documents.

The U.S. Supreme Court ultimately will have to decide who is right in this controversy, one of the most important issues of press freedom in this country's history.

Meanwhile, Secretary of Defense Melvin Laird has directed his Pentagon censors to declassify as much of the lengthy report as possible.

It should be kept in mind that we are not dealing here with current military plans which might if disclosed jeopardize the safety of our military personnel. Rather we are dealing with high government decisions, policies and contingency plans which occurred at least four years ago and as far back as the Truman administration. This is history, and in such a case Americans can justifiably wonder why the "secret" classification still applies.

Sen. Edmund S. Muskie, in a speech over the weekend, observed that "countless citizens no longer believe in their government. . . What they do believe is that the government lies, and this disbelief has reached a new high with this week's publication of the Pentagon papers. They are the daily front-page story and the urgent concern of anyone who cares about the trust that binds Americans together."

He said that this danger of loss of trust in the government and this "corrosion of ideals" is so great that specific steps must be taken to prevent any government from operating in so secret a fashion in the future.

Muskie proposes to introduce legislation to create an independent seven-man board with the authority to declassify secret government documents after a waiting period of two years.

"This system," Muskie argues, "would give the President and the departments the strongest incentive to be frank about the facts, which would in any case come out almost immediately or very soon."

We think Muskie's plan is a sound one.

Incidentally, a husband and wife team were the ones who blocked efforts to declassify the Pentagon papers. Dennis J. Doolin, deputy assistant secretary of defense for international security in charge of East Asian affairs, had the responsibility of periodically reviewing the 46-volume report. He was assisted by his wife, who is deputy director of the office of special considerations in the U.S. Department of Health, Education and Welfare.

[From the Salt Lake City (Utah) Deseret News, June 22, 1971]

Too Many Secrets? Let's Take a Look

A few days ago this page called for a review of the government's classied documents and reports to determine which ones need no longer be kept secret.

We did so because America might have been spared some embarrassment if the report leaked to the New York Times regarding the origins of the Vietnam war had been released instead by the government itself. Maybe the government couldn't have released all of that report, but it could have made public substantial portions of it without impairing national security.

We did so because too much information is kept secret by the government not to protect national security but to guard against the exposure of official bungling and deceit.

We did so because the public must be given the facts—no matter how distressing or distasteful the facts may be—if the people are to pass sound judgments on how well its public servants are actually serving it.

So it was encouraging to read Sen. Edmund S. Muskie's announcement the past weekend that he will introduce legislation to create an independent board with authority to lift secrecy labels from government documents after two years.

Of course, there's room for differing with Senator Muskie over the size and composition of the board. He suggests a board of seven members, which isn't large considering the volume of classified documents it would have to review. But the smaller the board the better it would be from the point of view of making sure that legitimate secrets remain secret.

Moreover, would the five private citizens he wants on the review board—in addition to a member from the government and one from the press—really possess enough expertise to handle the job?

As a case in point, take the secret study leaked to the New York Times and the Washington Post. Would such review board members be in a position to know on their own that some of the material was originally coded and that its publication could help other nations decipher other messages of the same period that might so far have eluded translation? Would the reviewers know on their own that some of the material can enlighten foreign analysts on how U.S. intelligence operates, together with some of its strengths and weaknesses?

Or would the reviewers have to take the Pentagon's word on such matters? If so, wouldn't such a board be independent in name only and wouldn't we all be right back where we are now?

Certainly the mere existence of such a board could help heal some of the deep wounds that are summed up in the term "credibility gap" as well as restore confidence that this is, indeed, a government of the people.

[From the Salt Lake City (Utah) Tribune, June 22, 1971]

Muskie Declassification Proposal Would Bury "Credibility Gap"

Sen. Emund S. Muskie's proposal that an independent board be created to declassify government documents after two years is basically sound. It is about time that some machinery be provided to protect the American public's right to know what its government is doing. The Maine Democrat's proposal contains the basic blueprints for such long overdue protection.

If any member of Congress has any doubts that there is a need for such a declassification, he should turn to the Senate Armed Services Committee record and review those portions where Defense Secretary Melvin Laird refused to give the committee the now-disputed Pentagon papers, even after they had been published in the New York Times. Secy. Laird's reason for refusing the committee's request was that the papers were still "classified." Despite the fact the papers were public information, the secretary still exercises his executive prerogatives and won't let the committee have the papers.

Over the years similar actions have prevented Congress from getting information it deemed necessary for thoughtful consideration of legislation. The Muskie plan for a "public-centered" declassification would not only keep the public informed but give Congress vitally needed information.

A potential pitfall of the proposal is that the board instead of hastening the release of information to the public, might end up restricting its flow. Conceivably the board, after hearing only the highly persuasive arguments of government agencies on a declassification issue, might slap its own security stamp on the questioned documents. To avoid this spectacle of doubly classified information, Congress must provide for mandatory public hearings on these matters.

Any declassification board must also include some type of appellate procedure which would allow persons denied access to government information means of adjudicating their complaints. Government information classification is now pretty much a one-way street. There are many ways information may be classified and virtually none to force declassification. Inclusion of some appellate process would assure that inappropriate "secret" labels that the board overlooked, or even avoided investigating, would be tested in public.

The term "credibility gap" has become one of the more distasteful idioms of the American language. The Muskie plan is a positive step toward giving the phrase the swift and proper burial it has long deserved.

[From the Norfolk (Va.) Ledger-Star, June 21, 1971]

Way Out of a Dilemma

If we were to wager on the outcome of the confrontation between the government and *The New York Times*, the money would be on permission to publish the rest of the stolen or purloined Pentagon Papers.

For the horse is out of the barn, and what the *Times* was saying (through James Reston) last week—that the papers were practically floating around Washington—is perhaps true enough this week. *The Washington Post* had begun publishing its own version of the papers and all of the columnists with pipelines are busy calling the principals—such as the Bundys, former Defense Secretary McNamara and Averell Harriman—to get their versions. Gentlemen involved in the frequent conferences that drafted position papers and plans quite naturally will be doing their own explaining, sooner or later.

Meantime, the confrontation is in the federal courts, specifically in two Courts of Appeals; the *Post* case is before the District of Columbia Circuit and the *Times* case before the Second District Circuit. The next steps, if any, must be appeals by the losers to the Supreme Court.

There is one Constitutional point in these cases that badly requires solution; that is, the right of the government to prevent publication of documents that it believes may injure negotiations of this country with others; and the right of any member of the press to unilaterally declassify government documents on ground that the people have a right to know what their government is doing.

We do not see how anyone can argue that the North Vietnamese, sitting across the table at Paris, will have benefited less than the people of the U.S. by these revelations.

Nonetheless, what damage is to be done will be done before this is over. All these secrets will come out.

Therefore, it seems to us that the Nixon administration would be wise now to declassify these Pentagon Papers on its own part, and throw them open to the public by way of the entire press, television and radio.

Then a second step, like the proposal of Senator Muskie, seems sound and wise to us. That is, create an independent board empowered to lift security labels when their declassification is overdue. Senator Muskie would wait two years; perhaps a shorter period might suffice, or a longer, depending upon the circumstances. The board ought to be composed of appointees from the Executive, the Legislative and the Judicial Departments of the government. Surely no one will argue that all three are not involved in this present confrontation.

But, that is for the future. For the present, President Nixon ought to see that these papers about which so much controversy swirls now, are released to all interested in delivering them to the public.

[From the Washington Evening Star, June 22, 1971]

The Classification Game

The loud debate over the significance of the Pentagon Papers seems destined to last at least through the 1972 elections. The government's legal assault on freedom of the press promises to be rattling around the courts for some time as well. But even before the political and juridical questions are finally resolved, there is at least one tangential issue that can be settled now.

The process by which official documents are classified and stay that way can be seen for what is: An unholy mess.

Abuse of the classification is no new thing. It has existed at least since the invention of the rubber stamp and has been the subject of periodic protests in Congress and the press. The present controversy has, however, focused public attention on the classification game as never before and has produced the best hope for ending the practice of sweeping political dirt under a security rug.

Few would deny the government's need to carry out many of its military moves and some of its diplomacy in secrecy. Nor is there any serious questioning of the government's obligation to protect its legitimate secrets for as long as the national security is involved. But the method by which documents are now classified carries with it a virtual guarantee of misuse.

No one, government officials included, likes to have a past mistake paraded in public. But unlike the run-of-the-mill goof-off, the upper-level government type can arrange to have the documentary evidence of his errors hidden from public view until the heat is off. And there is more at fault with the present system than the common human inclination to keep skeletons hidden. There is the common human disinclination to invite trouble.

The original decision as to how a given document is to be classified is, generally speaking, left up to a low or middle-echelon officer. The obvious way to invite trouble is to stamp a really hot secret "Confidential." The instinct for survival dictates that the highest classification possible is the one that will be chosen.

The same rule applies to declassification: When in doubt, keep it hidden. Theoretically, the classification is supposed to have a set life span designated by a number code signifying automatic declassification by a certain date. But again, that system depends on a government agency's desire to follow its own guidelines as to when the security blanket should be abandoned. It doesn't work.

There are alternatives to the present system. One that deserves serious consideration has been suggested by Senator Muskie, who proposed that all classified material should be reviewed by an independent board after two years. The board could declassify the material and release it to the public. It could also at any time make classified documents available to appropriate committees of Congress.

It might be advisable to change the proposed legislation so that all documents would automatically be declassified after two years, unless an independent board should approve a government request for an extension. In any event, some such system of review would constitute a major improvement over the present setup. It would insure eventual public exposure. And such assurance would tend to curb the excessive use of the Top Secret stamp as a cloak for wrongdoing, incompetence or political embarrassment.

Mr. MUSKIE. Mr. President, the proposal just introduced is new and unprecedented. I am certain that during its consideration, it can be improved. There may be questions about whether the Board as structured will attract members of sufficient caliber. The scope of Presidential review of the Board may need to be modified. The provisions for judical review of its decisions must be tested against the profound and difficult constitutional issues which are involved. While I believe the legislation is both constitutional and wise, I think it deserves close scrutiny in Congress and the executive.

I have offered this legislation in an effort to assure the public and Congress of greater access to information they should have. It necessarily entails a lessening of a President's powers. And clearly a President would have to voluntarily cooperate with legislation such as this—to accept it and agree to procedures that circumscribe his power. I hope that this will be done, not as a forced limitation of the President's power, but as a voluntary Presidential decision that limits his power because he feels it is best for our constitutional system.

We need to end bureaucratic secrecy and provide the people with the facts about our Government. If we do not, our system of government will continue to be weakened. If we do, we shall begin to restore trust and truth in our Government.

I ask unanimous consent that the bill be printed in the RECORD at this point along with an outline of its proposals.

There being no objection, the bill and outline were ordered to be printed in the RECORD, as follows:

S. 2965

A bill to provide greater access to Government information, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DISCLOSURE BOARD

SEC. 101. This Act may be cited as the "Truth in Government Act of 1971".

ESTABLISHMENT

SEC. 102. There is established an independent board to be known as the Disclosure Board (hereinafter referred to as the "Board").

SEC. 103 (a) The Board shall consist of seven members to be appointed by the President, by and with the advice and consent of the Senate.

(b) Two of the original members of the Board shall be appointed for a term of 3 years, two for a term of 7 years, two for a term of 11 years, and one for a term of 15 years. Their successors shall be appointed for a term of 15 years each, except that any individual appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor and subject to the limitations with respect to party affiliation. No member shall serve for more than one term, but a member may serve until his successor has been appointed and qualified. No more than four of the members shall at any one time be affiliated with the same political party.

(c) One member of the Board shall have a background in the diplomatic corps, one shall have a background in military or intelligence work, one shall be from the news media, one shall be a former member of Congress, and one shall be a member of the bar.

ADMINISTRATION

SEC. 104. (a) The President shall designate one of the members of the Board as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in case of the absence or disability of the Chairman. Four members of the Board shall constitute a quorum. Except as provided in section 202 (a)(6), decisions of the Board shall be made by a majority of the members present.

(b) Members of the Board shall be responsible for maintaining the security of classified material in their custody, and all security procedures prescribed by law and Executive order shall be followed.

(c) In addition to other penalties provided for by statute, the disclosure of material classified or other by any member or employee of the Board shall be punishable by a fine of not to exceed $15,000 or imprisonment for not to exceed ten years, or both, unless such disclosure is made in accordance with the provisions of this Act.

(d)(1) No member of the Board shall actively engage in any business, vocation, or employment other than that of serving as a member of the Board.

(2) Section 5313 of Title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Members, Freedom of Information Board."

POWERS

SEC. 105. The Board is authorized to—

(1) adequate measures to guard the physical security of the documents be taken;

(2) issue subpoenas duces tecum to all custodians of classified and other official government information for the purposes of compelling production of such information excepting none whatever for in camera inspection by the Board or its staff in order to carry out the purpose of the Act and the duties of the Board under section 552(d) of title 5, United States Code or for release of such documents in accordance with the terms of any decision of the Board under this Act;

(3) hold hearings, administer oaths, take testimony, and require persons to appear and furnish information relevant to the Board's duties;

(4) make such rules and regulations as may be necessary to carry out its duties; and

(5) appoint counsel when appropriate for indigent private parties appearing before the Board under section 202(a)(6) of this Act or under section 552(d) of title 5, United States Code.

RECORDS

SEC. 106. The Board shall print a record of its decisions, orders, reports, rules and regulations for public use, and shall keep on file for public use a record of its proceedings and hearings. Portions of the proceedings may be classified in accordance with the principles set forth under section 204 of this Act.

REPORTS

SEC. 107. The Board shall report not later than sixty days after the close of each fiscal year to the Congress and to the President concerning its activities under titles 2, 3, and 4 of this Act. Each such report shall contain a register of the employees of the Board and their positions, duties, and salaries, and shall contain an accounting of all funds expended by the Board during the preceding fiscal year. The report shall contain an evaluation of the Board's efforts to achieve the purposes of this Act and may contain such recommendations for legislation or other governmental action as the Board determines to be appropriate.

TITLE II—SUPERVISION OF THE SECURITY CLASSIFICATION SYSTEM

GENERAL DUTIES

SEC. 201. The Board shall be responsible for the supervision and review of the security classification system of the executive branch. It shall insure that classification of information is kept to an absolute minimum consistent with the needs of national security.

SPECIAL DUTIES AND AUTHORITY

SEC. 202. (a) The Board shall—

(1) conduct a thorough and continuing investigation and appraisal of the standards and practices of classifying official information in the executive branch;

(2) promulgate rules and regulations, in accordance with section 553 of title 5, United States Code, and in conformity with the general principles under section 204 of this Act, designating: (A) Classification categories for all official Government information; (B) the titles or positions of Government officials authorized to classify Government information; (C) criteria for declassification and for the downgrading or upgrading of the classification of all Government information; (D) standards for permitting access to classified information; (E) rules regulating the use of derivative classification; and (F) any other matters necessary to carry out the purposes of this Act;

(3) provide for the automatic expiration of classification of particular items or certain categories or subcategories of items of information after periods ranging from two years from their production in the case of the least sensitive information to twelve years from their production in the case of the most sensitive information;

(4) within a reasonable period of time to be determined by the Board, provide for the mandatory reclassification and the expira-

tion for such classification not to exceed twelve years or for the declassification of all information which was classified prior to the effective date of the rules and regulations promulgated under this Act;

(5) declassify or reclassify all information classified or reclassified after the effective date of the rules and regulations promulgated under this Act which is not classified in conformity with said rules and regulations;

(6) investigate upon the motion of three or more of its members or upon inquiries initiated by Members of Congress, private citizens, or officers or employees of the Government, any allegation of improper classification of information, or upon the failures of any Federal agency to comply with the provisions of this Act and with the rules and regulations promulgated hereunder, and publicly issue a report describing the results of each such investigation; and

(7) order a lower or higher classification, or a declassification of information, or direct any department or agency of the executive branch to modify its classification procedures or practices to conform with the rules and regulations of the Board upon a finding by the Board of improper classification pursuant to the proceeding clauses.

(b) All information in the executive branch shall be subject to the procedures prescribed under clause (3) or (4) of subsection (a) of this section. The Board is authorized to extend for a period of not to exceed 10 years the classification of any item of information if the Board determines, upon written application and a showing by the official authorized to classify that item, that—

(1) such extension is required for purposes of national security; and

(2) such extension is consistent with the provisions of section 204 of this Act.

PRESIDENTIAL REVIEW

SEC. 203. Any rule, regulation, decision, or order issued by the Board under this title shall become final unless, within 45 days of receipt of the Board's written rule, regulation, decision, or order, the President issues an order overruling or modifying that rule, regulation, decision, or order setting forth in writing his reasons for such action. Any such order of the President shall be final and published in accordance with section 105 of this Act, except that the title or other identifying features of the information involved may be deleted at the request of either the Board or the President.

CLASSIFICATION PRINCIPLES

SEC. 204. In carrying out its duties under this title, the Board shall be subject to and guided by the following principles—

(a) The American public and press need to be fully informed concerning the policies, decisions, and operations of the Federal Government in order to participate intelligently in and report responsibly on the democratic processes.

(b) The Congress, as the elected representatives of the people, need even greater access to information concerning the policies and operations of the Federal Government in order to determine the need for new legislation, assess the appropriate level and distribution of appropriations, and exercise its oversight responsibilities.

(c) The legitimate needs of Congress, the public and the press require that classified security classification information be imposed only where its protection for national defense is demonstrably necessary. Classification of information shall be limited to information the declassification of which would clearly and directly threaten the national defense of the United States.

(d) Classifications should be removed when the passage of time eliminates the requirement for security, and information of a historical nature should not be or remain classified unless a clear relationship to current national defense interests can be demonstrated.

(e) Procedures governing classification and derivative classification should insure that each classification decision be the carefully considered act of a responsible official, whose accountability for the classification decision is a matter of record.

(f) No information should be classified for the purpose of preventing embarrassment to any official of any branch of government, or for the purpose of concealing incompetence or misconduct.

TITLE III—CONGRESSIONAL ACCESS TO DOCUMENTS

GENERAL DUTIES

SEC. 301. The Board shall be responsible for providing Congress, upon request, certain information necessary for Congress to discharge fully and properly all its constitutional responsibilities.

SPECIAL DUTIES AND AUTHORITY

SEC. 302. (a) The Board shall receive and act upon any requests submitted to it for the issuance of an order directing any department or agency of the Executive Branch to transmit one or more documents held by such department or agency to—

(1) either House of Congress if such request was made pursuant to a majority vote of the Members of such House;

(2) any standing or special committee of either House of Congress if the requested document or documents relates to its jurisdiction; or

(3) either House of Congress if such request is made pursuant to a petition signed by not less than 10 members of the Senate or not less than 43 Members of the House of Representatives, as the case may be.

(b) Any request made to the Board under subsection (a) shall state with reasonable particularity (1) the document, documents, or category of documents requested, (2) the constitutional or other need for access to the document or documents requested, and (3) the previous efforts made to obtain access to the document or documents requested.

SEC. 303. (a) Upon receipt of such a request, the Board shall immediately advise the head of the appropriate Federal department or agency and the President of that request, subpena the document or documents and solicit the reasons of that department or agency for its refusal to transmit the requested document or documents to the Congress, a committee thereof, or members, as the case may be.

(b) The Board shall conduct an investigation to determine whether such documents shall be transmitted to the Congress. The Board may order an evidentiary hearing with oral argument before the entire Board in any such case. Upon concurrence of five members, such a hearing shall be closed. In making this determination, the Board shall weigh the respective constitutional authorities and duties of the parties, including—

(1) the extent to which disclosure would impede the orderly administration of the executive branch; and

(2) the extent to which the information contained in each documents is necessary for the performance of legislative functions.

(c) The Board shall not be empowered to transmit documents which the Board finds (1) were initially prepared within two years of the date of the request or (2) are interagency or intra-agency memoranda or correspondence consisting principally of advice, recommendations, or opinions prepared in connection with policy determinations of a department or agency of the Executive Branch.

(d) The Board is authorized to enter an order in any such case granting or denying the request, or granting the request upon such terms and conditions as may be necessary to protect the security of the documents, including but not limited to terms and conditions requiring that—

(1) adequate measures to guard the physical security of the documents be taken;

(2) access to the documents be given only to Members of Congress or only to certain Members of Congress whose responsibilities require access to the documents;

(3) all discussion concerning the documents take place in executive session of committees and closed sessions of either the Senate or the House of Representatives.

(e) Any decision made under this title shall be in writing and shall set forth in detail the reasons for (1) granting any request, (2) subjecting the request to an appropriate protective order, or (3) denying the request.

(f) The pact that a document requested is classified shall not, in itself, be a reason for denying Congressional access to such document.

PRESIDENTIAL REVIEW

SEC. 304. Any decision of the Board under this title may be modified in whole or in part by order of the President within 30 days of publication of the Board's written decision. No modification of a decision by the Board which restricts the release of documents to Congress shall be made unless the President invokes executive privilege. Any order of the President modifying a decision of the Board shall be written and shall be published in accordance with Section 105 of this Act. If the President invokes executive privilege, the written order shall explain the necessity for such invocation.

APPEALS

SEC. 305. (a) Any decision rendered by the Board under Section 303 shall become final unless, within 30 days after publication, the President orders a modification of the decision in accordance with Section 304 or either party files an appeal with the United States Court of Appeals for the District of Columbia Circuit. Any Presidential order modifying a decision of the Board under Section 304 shall become final unless, within 30 days after publication, either party files an appeal with the United States Court of Appeals for the District of Columbia Circuit.

(b) For purposes of this section, a party eligible to appeal a decision of the Board under Section 303 or an order by the President under Section 304 shall be (1) the party which requested the documents in question under Section 302, or (2) the agency or department which submitted reasons opposing such request under Section 303(a).

(c) The Court of Appeals shall determine whether there is substantial evidence on the record as a whole to sustain the action of the Board or the President, having due regard for the need and right of the Congress to obtain information in order to fulfill its constitutional duties and the privilege of the Executive to withhold information under executive privilege. The court may, if appropriate, order the production of classified documents from the Board or from any department or agency. The party aggrieved by the decision of the Court of Appeals shall have an appeal as a matter of right to the United States Supreme Court.

TITLE IV—PUBLIC INFORMATION

PUBLIC INFORMATION AMENDMENTS

SEC. 401. (a) Section 552(a)(3) of title 5, United States Code, is amended by inserting after the second sentence thereof the following sentence: "The court shall award reasonable attorney's fees and costs to the complainant if it issues any such injunction or order against the agency."

(b) Section 552(b) of such title is amended by inserting at the end thereof the following:

"In any case in a district court under paragraph (3) of subsection (a) of this section, the court shall have jurisdiction to determine whether any exception provided by this subsection, if asserted by the agency, has been reasonably asserted, and for this purpose the court may compel the production of the records in camera. The declassification of records under title II of the Truth in Government Act of 1971 constitutes a presumption, rebuttable only by clear and convincing proof, that such records are not within the purview of clause (1) of the first sentence of this subsection."

(c) Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any case in a district court under paragraph (3) of subsection (a) of this section, the court may request an advisory opinion from the Freedom of Information Board on the reasonableness of any assertion of any exception provided by subsection (b) of this section.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 501. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

TITLE VI—SEPARABILITY

SEC. 601. The sections, subsections, paragraphs and provisos of this Act are hereby declared to be separable, and if any one or more of the sections, subsections, paragraphs, or provisos of this Act, or the application thereof to any person or circumstance, should be held to be unconstitutional or invalid for any reason, the validity of other sections, subsections, paragraphs, and provisos of this Act, and the application thereof to other persons or circumstances, shall not be affected thereby.

OUTLINE OF MUSKIE TRUTH IN GOVERNMENT BILL

TITLE I—DISCLOSURE BOARD

Establishes a seven-member Board appointed by the President with the advice and consent of the Senate. The seven have staggered terms; one each shall be from the American diplomatic corps, the military, the press, Congress, and the law. Special security provisions are provided for the Board and its staff. The Board has the power to subpoena *all* documents needed to carry out its duties. Decisions and orders of the Board must be publicly printed.

TITLE II—SUPERVISION OF CLASSIFICATION

The Board is granted the authority to supervise the security classification system. It has the power to promulgate rules and regulations governing classification and to enforce adherence to them. Classification of documents is required to automatically expire; extension of classification requires officials to prove to the Board that further classification is needed to protect national security. The Board can investigate charges of overclassification from public and private persons. The President is given power to review the Board's decisions on classification.

The Board is required to administer the classification system according to principles in the legislation restricting secrecy to cases of demonstrable need.

TITLE III—CONGRESSIONAL ACCESS TO DOCUMENTS

A House of Congress, a Congressional Committee, or ten per cent of a House of Congress (10 Senators or 43 Representatives) can request the Board to release to it a document that the Executive has refused to release to Congress. In such cases, the Board holds a hearing of those requesting the documents and the agency or department refusing to release the documents. The Board weighs the Congressional need for information versus the claim of executive privilege and decides the issue in a written opinion. No documents of an advisory nature or less than two years old are subject to release. Documents given to Congress can be subject to protective orders of the Board to retain their confidentiality. The President can modify these decisions.

Board decisions and any Presidential modifications of them are subject to appeal to the U.S. Court of Appeals and then the Supreme Court.

TITLE IV—PUBLIC ACCESS TO DOCUMENTS

In order to increase direct access to government documents by the public, the bill liberalizes the Freedom of Information Act by:

1. Providing reasonable attorney's fees for those who successfully seek the release of documents in court under the Freedom of Information Act;

2. Granting the courts the power to review the reasonableness of a claim of executive privilege under the Freedom of Information Act;

3. Making declassification by the Board a *prima facie* case that the information being sought under the Freedom of Information Act was not subject to executive privilege.

By Mrs. SMITH:

S. 2966. A bill making a supplemental appropriation for the fiscal year ending June 30, 1972, and for other purposes. Referred to the Committee on Appropriations.

Mrs. SMITH. Mr. President, in this "environmental decade" we hope the American people are learning to invest and to build more constructively than in the past. This should be a principle in the areas that affect the quality of both our national and our personal lives.

A point of reference is our agricultural land use adjustment programs, and a specific point of application should be in title VIII of the Agricultural Act of 1970. That title of this most important piece of legislation provides for a land use adjustment, or cropland conversion, program of long-term agreements between farmers and the Secretary of Agriculture—with the authorized acreage adjustments beginning in each of the calendar years 1971, 1972, 1973, and 1974.

In part due to the relatively limited acreage impact—perhaps something like one-half million acres that could be accepted under the $10 million authorization per year—and in part due to the reliance on the larger annual set-aside programs specifically for feed grains, wheat, and cotton, this long-term agreement provision of the act was not implemented for 1971. And funds were not budgeted or appropriated for this modest-size program for 1972.

In my State of Maine—and I daresay in many other States—there is a special need to operate this additional—already authorized—program. To a great extent this land use adjustment program would be more important to help individual farm families make needed changes in the use of their land than it would be in the strictly crop adjustment sense—though it would make its contributions in both areas, and would have important benefits for nonfarm people.

The aid to helping people make such adjustments can be stated this way: Each year many farmers find it necessary to reduce or discontinue their farming operations due to age, health, or other physical disabilities; but they cannot afford and, in many instances, do not want, to leave their farm home. The relatively small adjustment payments would permit them to retain their family farm and continue to be a viable part of their community, while the cropland retired would also contribute to needed production adjustment, which is in the public interest.

Other benefits would be these:

There is need to keep substantial acreages of some kinds of row crops and small grain out of production for at least a decade. Conversion of this cropland to other public-benefit uses for periods of 5 to 10 years will be less expensive to the Federal Government than to deal with these surplus acreages on a year-to-year basis.

The part of the needed cropland conversion that could be obtained under such a program would be at a lower Federal cost of production avoided then is probable under annual production adjustment programs. The program would provide important benefits to nonfarm people. In many instances, the environmental benefits derived from adjustment of land adjacent to streams, rivers, and lakes to conserving uses would serve as a catalyst to better conservation and antipollution uses. Through the use of permanent grass strips in rolling areas of this country we could reduce soil erosion and enhance the beauty for the benefit of nonfarm people.

The program would increase the resources and opportunities for outdoor recreation. This is especially true for those farms which enter into the supplemental public access agreements which are authorized under this legislation. Under these agreements, the general public can have free access to the converted acres for hunting, trapping, fishing, and hiking. These benefits are made available without regard to race, creed, or color.

Mr. President, I urge that prompt action be taken on my proposal for a supplemental 1972 appropriation of $10 million to put this small, but important, land-use adjustment program into effect in calendar year 1972, for farm families which have a specific need for it. By committing annual payments in this amount for 10 years, much good of the type I have outlined can be accomplished.

This aid should start early in calendar year 1972, for the need is now and the farmers needing this program assistance should have the opportunity to plan before spring to make the needed adjustments.

My bill in this regard is as follows:

S. 2966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply a supplemental approriation for the fiscal year ending June 30, 1972, and for other purposes, namely:

DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For necessary expenses to carry into effect the land use adjustment program authorized in section 16(e) of the Soil Conservation and Domestic Allotment Act ,as amended (16 U.S.C. 590p(e)). "$10,000,000.00."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1438

At the request of Mr. Ervin, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 1438, a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

S. 2273

At the request of Mr. Tower, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 2273, a bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States.

S. 2676

At the request of Mr. Tunney, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponor of S. 2676, the National Sickle Cell Anemia Prevention Act.

S. 2734

At the request of Mr. Schweicker, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 2734, a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

S. 2850

At the request of Mr. Taft, the Senator from Hawaii (Mr. Fong) was added as a cosponsor of S. 2850, to amend the Labor-Management Relation Act, 1047, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes.

S. 2875

At the request of Mr. Metcalf, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 2875, a bill to restore certain rights to free or reduced rate rail passenger transportation granted by railroads to employees upon retirement.

S. 2898

At the request of Mr. Hartke, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 2898, a bill to provide college tutors for the homebound handicapped.

S. 2944

At the request of Mr. Buckley, the Senator from Virginia (Mr. Byrd), the Senator from Utah (Mr. Moss), the Senator from New Jersey (Mr. Case), the Senator from Colorado, (Mr. Dominick), the Senator from California (Mr. Tunney), the Senator from California (Mr. Cranston), the Senator from Illinois (Mr. Percy), the Senator from Alaska (Mr. Stevens), the Senator from Hawaii (Mr. Fong), the Senator from North Dakota (Mr. Burdick), the Senator from Ohio (Mr. Taft), the Senator from Maryland (Mr. Beall), the Senator from Vermont (Mr. Stafford), and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 2944, a bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

S. 2945

At the request of Mr. Buckley, the Senator from Utah (Mr. Moss), the Senator from Virginia (Mr. Byrd), the Senator from Colorado (Mr. Dominick), the Senator from Illinois (Mr. Percy), the Senator from Alaska (Mr. Stevens), the Senator from California (Mr. Cranston), the Senator from Hawaii (Mr. Fong), the Senator from North Dakota (Mr. Burdick), the Senator from Ohio (Mr. Taft), the Senator from Maryland (Mr. Beall), and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 2945, a bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies.

S. 2952

At the request of Mr. Spong, the Senator from South Carolina (Mr. Hollings) and the Senator from California (Mr. Tunney) were added as cosponsors of S. 2952, a bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road.

SENATE RESOLUTION 210—SUBMISSION OF A RESOLUTION CALLING FOR THE PRINTING AS A SENATE DOCUMENT A REPORT ENTITLED "A REPORT TO THE DELEGATES FROM THE CONFERENCE SECTIONS AND SPECIAL CONCERNS SESSIONS"

(Referred to the Committee on Rules and Administration.)

Mr. FONG. Mr. President, for Senator Frank Church, chairman, and myself as ranking minority member of the Special Committee on Aging, we are submitting a resolution for referral to the Committee on Rules and Administration calling for the printing as a U.S. Senate document, "A Report to the Delegates From the Conference Sections and Special Concerns Sessions," resulting from the 1971 White House Conference on Aging, held in Washington, D.C., November 28 through December 2.

The Conference Chairman, Dr. Arthur S. Flemming, has personally indicated his interest in having such a reprint published by the Senate.

The resolution reads:

S. Res. 210

Resolved, That the report of the 1971 White House Conference on Aging (A Report to the Delegates from the Conference Sections and Special Concerns Session), held in Washington, D.C., November 28-December 2, 1971, be printed as a Senate document, and that there be printed three thousand eight hundred additional copies of such document for the use of the Special Committee on Aging.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 784 AND 785

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted two amendments intended to be proposed by him to the bill (S. 2512) to further promote equal employment opportunities for American workers.

ADDITIONAL STATEMENTS

THE RUSSIAN ARMADA AND DOMINATION OF THE STRAITS

Mr. GOLDWATER. Mr. President, I believe the time has come for us to recognize the tremendous ramifications of the great new Soviet superfleet which is now facilitating a rapid Russian move to fill the power vacuum east of Suez created by the withdrawal of British forces from the Persian Gulf area.

We have read much in recent months about the extent of the Soviet naval buildup but very little about what it portends for the future of the United States and the entire free world.

There is no doubt in my mind that the Soviet thrust east of Suez is just the latest move in a strategy aimed at world domination.

It underscores the vast and all-too-often unrecognized importance of growing Soviet strength in the straits which control the waterways of the world. Only recently have naval planners in this and other nations begun to consider seriously the strategic theory which holds that the country that dominates the important straits around the oceans of the world will also control ocean shipping and have a strong, if not decisive, influence upon the economies of other countries. Domination of these straits could make it impossible for any country to use the oceans freely if the power controlling the straits denied them access. In the event of war, of course, such control would be conclusive.

Strategists in this country who seriously credit the "domination of the straits" theory believe that it explains many recent Soviet moves such as the enormous buildup of Russian ships in the Mediterranean Sea, in the Indian Ocean, in the North Sea, and elsewhere. It also accounts for Soviet efforts to gain naval base rights and privileges in many widely separated areas of the world. And it heightens enormously the strategic importance of the Suez Canal and shows dramatically how a reopening of the canal in the near future might advance Soviet designs. The estimate is that a reopening of the canal would bring the important Indian Ocean 9,000 miles closer for the Soviet fleet and only 2,000 miles closer for ships of the United States.

Mr. President, there is sound reason to believe that the Soviets have been building their enormous seapower in an effort to take over completely the Mediterranean Sea, including both the Strait of Gibraltar and the Suez Canal. This would give them easy and quick access to the Indian Ocean, in which they have shown such obvious interest. The control of the Indian Ocean would, of course, result in Soviet domination of the Strait of Malacca and mark a strong beginning in a drive to dominate all the important waterways of the world used for shipping.

Mr. President, it frightens me when I hear people who should know better dispute the "domination of the straits" theory with the argument that it is no longer important to control the oceans. It obviously has escaped the notice of these people that in any war of any size a vast majority of the equipment tonnage as well as the great majority of troops would have to be transferred by sealift. The kind of aircraft it would take does not exist, nor is it foreseen.

There can be no doubt that the latest moves in the global game plan of the Soviet Union have begun to have an alarming impact on strategic planners in the United States and other parts of the free world. And for the first time many Americans are beginning to understand that ours is an island continent and that our international influence is related directly to free access to the sea.

Amazingly, this is only a recent concern. It is so easy for the vast majority of Americans not to understand its tremendous implications. This is because the Soviet Naval buildup has been conducted with amazing speed at a time when American attention was riveted primarily on the Indochina war and homefront problems.

It must be understood that 6 years ago the Soviet Navy was just a coastal defense system of no great concern to anyone but the Kremlin.

Today the Soviet fleet is an ocean-spanning super navy which may soon be able to deny us free use of the seas and to drive us from positions needed to support our allies.

This is a true estimate of a real and growing peril to the United States and the entire Free World. It is a condition which has been pointed out in recent months by just about every important naval authority in the world.

The situation has placed Soviet submarines so close to our shores that it has been necessary for the Strategic Air Command to move some of its bases further inland. It is a situation which has made Soviet warships so prevalent on the waterways of the world that special conferences have been called between United States and Soviet officials in an effort to avoid collisions at sea.

And it is a situation which has been estimated as follows:

By Raymond V. Blackman, editor of "Jane's Fighting Ships," writing in the 1971–72 edition:

> The situation for the U.S. Navy is serious. By any standards, the Soviet fleet now represents the super Navy of a super power.

By the President's Blue Ribbon Defense Panel:

> The Soviet Naval buildup is a major element in the shifting balance of military power, although not itself a direct threat to the United States (except the submarines), the new and growing Soviet Naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, freedom of the seas.

By the Joint Congressional Committee on Atomic Energy:

> The United States, unless it moves quickly to counter a rapidly expanding Soviet Naval threat, faces a future in which it will have to surrender to the Soviet on all issues or risk nuclear annihilation. Any delay may mean "no future."

Pentagon officials trace the Soviet naval buildup directly to the Cuban missile crisis of 1962, when the weakness of the Soviet navy forced them to back down in the face of a show of naval strength by the United States. Since that time, the Kremlin has allocated vast resources to its naval program. For example, between 1966 and 1971, when the United States produced 88 combatant and amphibious ships, Soviet shipyards produced over 200. The Soviet fleet is thus rapidly approaching the U.S. fleet in total numbers of combatant ships.

The increase in Soviet naval power has taken place in concert with a similar buildup of the Soviet merchant marine. Together these Soviet activities on the high seas represent an entirely new dimension in the balance of world affairs. And, tragically, very few Americans understand the true meaning of the development in terms of their own security.

Too few Americans understand that the Soviet Union has never before been a sea power. It emerged from World War II as the greatest of European land power, but when it sought to capitalize on that power to acquire new territory the United States and her allies were able to halt the expansion through a series of mutual defense agreements. To a large degree our agreements, such as with NATO, were maritime alliances in that they depended upon the United States to be able to freely use the seas to support its allies and prevent their encirclement.

Two products of the Soviet buildup are seen as direct threats to the ability of the United States to make free use of the seas. These are the expanding Soviet antiships missile and submarine forces which are increasing in such numbers as to make the adequacy of our counterforces questionable. Soviet antiship missile-launching platforms have increased fourfold since 1960. The Soviet submarine numbers over 300 attack and cruise missile submarines as compared to 57 which the Germans had in the beginning of World War II. Without counting ballistic missile types, the Soviet passed us in total nuclear submarine in 1963.

At the same time the Soviets have passed us in the total number of merchant ships and are overtaking us in terms of total tonnage. More than half of the merchant fleet is less than 10 years old while over half of the U.S. merchant fleet is more than 20 years old. What is more, the Soviet merchant fleet is centrally controlled and coordinated by the state and, consequently, it is completely responsive to Soviet foreign policy and available to bolster the Soviet navy.

There can be no doubt that the Soviets can pull all elements of their maritime strength together at any time. We saw this last year when the Russians conducted a worldwide naval operation, including attacks on simulated U.S. aircraft carriers, antisubmarine operations, and amphibious movements and landings, and underway replenishments. These occured simultaneously in the Atlantic and Pacific Oceans, the seas of Okhotsk and Japan; the Barents, Norwegian, North Philippine, Mediterranean, Black, and Baltic Seas.

But nowhere in the world has the influence of Soviet naval strength been more markedly demonstrated than in the strategic areas of the Mediterranean Sea and the Indian Ocean. In the Mediterranean, once regarded as an "American lake," the Soviet naval ships surpassed the U.S. 6th Fleet in total annual ship days by mid-1969. The increasing presence of Soviet ships has contributed to a marked change in political alliance of the region. With their maritime forces playing a major role, the Soviets have exploited the insurgency movements and the local antagonisms of the Eastern Mediterranean. As we have seen, they have made important clients of certain Arab nations such as Egypt and Syria. And by means of these client relationships and their newly developed naval strength the Soviets have leap-frogged NATO's southern flank and have sought to establish increasing political leverage along the African and Asian littorals of the Mediterranean.

This is what President Nixon was alluding to in his foreign policy statement of February 25, 1971, when he said:

> The Middle East is heavy with the danger that local and regional conflict may engulf the great powers in confrontations.

As I pointed out earlier, the Soviet Union is bidding for control of the old British imperial route to the Indian Ocean and the Far East. This is being furthered through the skillful manipulation of local conflicts and direct military intervention along the Suez Canal.

In the Indian Ocean, particularly, the Soviet influence is becoming important. The Soviet naval presence there became continuous in 1969 and now exceeds ours by a factor of two. Coupled with numerous port visits and displays of naval strength have been offers of Soviet technical and construction assistance to Sudan, Somalia, South Yemen, India, Ceylon, and Singapore.

American officials claim the Soviets are seeking naval base rights and privileges in both the Eastern Mediterranean and Indian Ocean. Their base developments have been recorded in Alexandria and Mersa Matruh in Egypt; in Port Sudan; and in Berbera, Somalia. Overtures also have been made to India, Ceylon, and Singapore, according to well-founded intelligence reports. Meanwhile, the Russian naval forces are using anchorage facilities in the vicinity of Socotra, Seychelles, Maldives, and Mauritius islands. Indeed, if the Soviets succeed in acquiring the bases they now seek they will soon stand astride the strategic oil supply lines of Europe and Japan.

The volatile politics of this distant area are ripe for exploitation—as was seen in the recent abortive coup in Sudan, and the left-wing uprising in Ceylon. And of course, the withdrawal of the British from the Persian Gulf area has already left pro-Communist regimes in Somalia and South Yemen.

But none of this should come as any great surprise. The Soviet leaders have never concealed their interest in the area east of Suez. We do not even have to go back to historical references to Csarist statements at the time of Catherine the Great about warm water ports—which are known to almost every history student—in order to document the abiding Soviet interest in the Persian Gulf-Arabian Sea area. We have only to recall the effort made by the Soviets to carve out a sphere of influence in this area south of Baku and Batun "in the general direction of the Persian Gulf." This was disclosed when the Molotov-Ribbentrop protocols of 1940 were opened to the public.

Anyway it is figured, the Soviet Union's naval buildup confronts the United States with the most serious challenge it has faced in this century. The enormous nuclear advantage which the United States once held over the Soviet Union no longer exists. The dynamic defense and foreign policies which Washington once pursued are being forcibly modified, primarily as a result of U.S. weariness with the long and costly war against Soviet-supported Communist forces in Vietnam.

Consequently, the United States may be forced to curtail its overseas commitments while the Soviets push their greatest expansion in history. The danger is great and the outcome depends almost entirely on what response the United States finally decides to make to the growing Soviet challenge to its global role.

Because of our land mass most Americans do not understand how dependent the United States is on its maritime might and its overseas alliances. President Nixon 2 years ago noted the maritime position of the United States in these words:

> What the Soviet Union needs in terms of military preparedness is different from what we need. They are a land power primarily, with a great potential enemy on the East. We are primarily a sea power and our needs, therefore, are different.

Another way to say this is to consider the relative positions of our friends and our potential adversary. Almost all of our allies are overseas. Soviet allies, for the most part, border directly on Soviet territory. And by the same token, the potential opponents who could threaten our naval interests are overseas, while the principal threats to their vital interests are overland.

Since World War II, the balance of world power has depended on a series of countervailing Western alliances which in turn depended to a great extent upon a magnificent U.S. Navy which was a product of that war. And, of course, superior nuclear arms and naval strength were the military factors which tipped the balance in freedom's favor throughout the 1950's and 1960's. But today our superiority no longer holds and Soviet arms are on a par with our own. We are involved in a nuclear standoff where neither of the superpowers dares to use its capability for fear of devastating reprisal.

What does this mean? It means that the United States must look once again to conventional forces to provide the means of protecting our national interests. Without strong conventional forces we have only two options where our interests are threatened—engage in nuclear war, or back down.

These are hard facts. They are more than sufficient reason for rebuilding our naval strength as rapidly as it can be done. Our Navy must be refitted and modernized. Our merchant marine must be brought up to its required strength and new, modern ships added to our commercial readiness. For, in the foreseeable future, it will be conventional rather than nuclear forces which will be the deciding factors wherever United States and Soviet interests clash.

Our commitments everywhere require free access to the sealanes and an adequate sealift strength. Even with the availability of the newest cargo aircraft over 90 percent of our overseas military cargoes must travel to their destination on the surface of the oceans. Any time we decide to deploy forces overseas, we must be able to control the sea lines of communication. And there is no longer an easy assumption that this can be done. Since we no longer possess nuclear superiority Soviet naval expansion actually threatens to negate our sole remaining capabilities to support our alliances and protect our economy.

The level of Soviet naval strength is causing our naval planners great and justified anxiety. They do not worry that we might lose a battle if it occurred between the two super fleets; they worry that we might be denied the use of the seas for our commerce and sealift. If this happens we would not even come to the point of open conflict. As soon as they are reasonably sure of the outcome, the Soviets are free to try a Cuba in reverse. It might help Americans to visualize such a situation if they were to consider the possibility of a Soviet blockade of the Mediterranean. In the near future, if Soviet strength continues to grow in concert with American weakness, we would be hard pressed to challenge such a blockade. We would be in the same position as the Russians fund themselves in when we announced the blockade of Cuba and they found their naval forces incompetent to challenge.

The truth is that in face of Soviet naval expansion, our own Navy is encountering a reduction in strength and resources. If we express the Navy budget of the past 11 years in terms of 1972 dollars, it shows that while an estimated $3 billion per year is needed for shipbuilding to maintain our fiscal year 1971 naval strength, we have not approached that amount for 8 years. It is true that Navy budgets increased in the Vietnam years, but the increases did not cover even the full annual cost of the Indochina operations. As a result, shipbuilding allocations were pared down to compensate. In essence, the Navy was accepting obsolescence and "eating down" its stores to finance the war.

Since fiscal year 1968, our Navy budgets have declined as defense matters have been accorded less and less precedence in national planning. This is not readily apparent, because in absolute dollars an increase of 7 percent seems to have taken place. But when the budgets are expressed in terms of fiscal year 1972 dollars to allow for the effects of inflation, a decline of buying power of 11 percent is seen. And the upshot of all of this is that for almost a decade our naval modernization has been held back—first by war and later by the debilitating effects of inflation. Since 1965, the Navy has been forced to reduce 25 percent of its ships, 20 percent of its combat aircraft, and 7 percent of its total personnel. The combat commitments of the Navy at the time the reductions were carried out naturally affected the nature of force reductions. Because our carrier and amphibious forces were heavily involved in Southeast Asia between 1968 and 1970, forced cutbacks in those years had to be concentrated in the less committed sea control forces. Since then, in 1971 and in 1972 planning, efforts have been made to balance reductions between the two force categories so as to retain some sort of overall naval balance in the face of Soviet capabilities.

But balance in depleted existing forces alone is not sufficient. New initiatives to consolidate, to simplify, and to increase forced effectiveness were ordered by Adm. Elmo R. Zumwalt, Jr., U.S. Chief of Naval Operations, but all of the Navy initiatives taken together do not offset the effects of recent forced reductions in the face of onrushing Soviet naval expansion. There is a cutoff point where mere quality of fighting forces is not sufficient—where numbers are required in addition to quality. Adequate forces must be available in advance to sustain the first onslaught of a naval war. Following this, surviving units must be in numbers sufficient to sustain a war of attrition as we seek to destroy enemy forces and to maintain movements of men and supplies overseas.

Admiral Zumwalt has described our sea control forces as "high risks baseline forces from which we must build." And he has informed Congress of a vastly reduced margin of adequacy in connection with naval projection forces in a war with the Soviets.

This is necessarily a restrained and modest view of a dire situation. When the editor of "Jane's Fighting Ships" says "the situation for the U.S. Navy is serious" and when a Presidential blue ribbon panel says "American freedom of the seas is threatened," we are in deep trouble.

In addition, experts overseas are beginning to view the shifting balance of naval power with concern and are openly wondering at the value of future alliances with the United States. Under the circumstances we must acknowledge that the elements of national power are clearly understood by both our allies and our enemies. Today, our allies and the uncommitted nations of Eurasia and Africa see themselves as increasingly encircled by offshore Soviet naval might. The frequent Soviet naval exercises in the Atlantic and the continued Soviet naval presence in the Mediterranean Sea and the Indian Ocean are in their eyes directly related to what they discern as a growing distaste in the United States for overseas commitments.

This is one of the prices we already are beginning to pay for the neoisolationism which has become so pronounced in the Senate of the United States. Our allies are beginning to interpret what they see in terms of estimating how they can fend for themselves. And their natural reaction can be expected to be increased accommodation to Soviet power with the attendant dissolution of NATO and other alliances which have rested on U.S. maritime power.

We are not far from the point where the American people must decide whether they want this country to become an island standing alone.

In the final analysis, the Navy is the deciding military factor which enables the United States to be an international power. And it is a serious situation when we permit a wave of war weariness and neoislationism to force a deduction of one-third of our fleet strength at a time when the Soviet Union is doubling and tripling hers.

It must be remembered that in the past few centuries, Russian objectives of territorial expansion were forestalled by the British, the Japanese and, most recently, the U.S. fleets. Throughout the 19th century, the might of the British fleet laid behind and gave sustenance to a series of European land alliances which held Russia in check. The decisive defeat of the Russian fleet by the Japanese at the turn of this century prevented the earlier development of Russia as a naval power. Subsequent to World War II, the U.S. fleet has been the guarantee to ourselves and our allies that a flow of seaborne commerce and strategic material was assured and that our alliances were underwritten in naval strength.

But now the once great British and Japanese fleets, as well as those of other allies, have declined to mere coastal defense forces, incapable of holding open even their own vital oil supply lines from the Middle East. So the door is now ajar for the Soviet to break free of the entanglements of encircling land alliances and to spread power and influence toward historical objectives in the Middle East, Asia and even in Europe. Stung by their impotency in the face of the U.S. Navy to force a successful conclusion to the Cuban missile crisis, the Soviets have forged an unprecedented naval expansion. And they have chosen their weapons well. The Soviet navy is designed not to overpower us on the surface of the sea and to attack our shores, but to deny us the use of the sea and to drive us from the position from which we support our alliances. The large Soviet submarine and missile fleets are admirably suited to the task.

So what can we expect the men in the Kremlin to do in the circumstances prevailing today?

First. They will avoid nuclear war.

Second. They will continue their buildup of nuclear weapons.

Third. They will continue their Naval expansion in blockade and missile forces.

Four. They will attempt to capitalize on political unrest in Eurasia and Africa and other strategic areas of the world.

Five. They will increase "showing the flag" and continue "gunboat diplomacy" in Eurasia and Africa.

Six. They will foster communism on a worldwide basis through aid and subversion.

Seven. When they are ready, they will confront us with superior force in a place like Israel or Korea and we will be forced to back down.

PEARL HARBOR DAY

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Florida (Mr. GURNEY), who is necessarily absent, I ask unanimous consent to have printed in the RECORD a statement by him relating to Pearl Harbor Day.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PEARL HARBOR DAY

(By Senator GURNEY)

Lest we forget, today is December 7—a memorable day in our history. On this date, 30 years ago, this Nation was at peace. While the sounds of war rumbled in other parts of the world, America slept, unaware that it was about to be plunged into the bloodiest conflict in the history of mankind.

At the U.S. Navy Yard, Pearl Harbor, all was peaceful and quiet early that Sunday morning. Little did anyone suspect that, in the cold waters to the northwest of Hawaii, six aircraft carriers of the Japanese navy had launched two major air strikes against the most important U.S. naval base in the Pacific. Hence, when the little black dots appeared in the morning sky, there was no warning—no realization of what they meant. Our planes were at rest on the airstrips; our ships made beautiful targets as they lay peacefully at anchorage in the harbor. A more attractive target can hardly be imagined.

With deadly efficiency, the Japanese fighters and bombers wreaked havoc amongst our unprepared fighting men. Many awoke to the sounds of bombs or torpedoes crashing into their vessel; for some, those were the last sounds they ever heard. Many died in the valiant efforts to rescue comrades or to save their ship. Battleships, cruisers and destroyers went up in columns of smoke, soon the heart of our Pacific fleet sank to the bottom of the harbor. For many brave American sailors, their floating home suddenly became their tomb. When the smoke had cleared, it was found that 2,036 sailors had died, and another 759 had been wounded. In addition, the Army suffered an additional 215 killed and 360 wounded. It was indeed, as author Walter Lord has termed it "a day of infamy."

Today, thirty years later, we honor the memories of all those who made the ultimate heroic sacrifice on the "day of infamy." No more could have been asked from any group of men. Indeed, the men of Pearl Harbor characterized that day the qualities that have helped make this Nation great. And while we are remembering and honoring all those who fought and died at Pearl Harbor, we must also remember the larger significance of the day—the horrors of war and the price of unpreparedness.

December 7, 1941, marked an end and a beginning; the end of an era of relative isolationism and the beginning of a gigantic effort to restore world peace. Before the war was over some 16 million American servicemen had participated in the effort to stop what Pearl Harbor had started. Of these 291,557 were killed in action. We must recognize the sacrifice of these men, and of all the veterans of World War II, when we memorialize those who made the supreme sacrifice at Pearl Harbor. And if these remembrances are to mean anything, we must also rededicate ourselves to preventing the possibility of any future Pearl Harbors. The lessons of Pearl Harbor must not be forgotten, or simply considered "past history"; they have too much applicability to contemporary times for us to dare forget them. The challenge to freedom is still present today, just as it was in 1941. We must be ready to meet the challenges to our freedoms—freedoms that the men of Pearl Harbor fought, bled and died for—whenever they arise. If we do not, then the 2,251 soldiers and sailors that died there that infamous day thirty years ago, died in vain. As we remember, and honor, them today, I hope, pray, and believe that we have the strength to fulfill the aspirations for which they so gallantly made the ultimate sacrifice.

COMMISSIONER MOORE ON STATISTICS POLITICIZING UNEMPLOYMENT STATISTICS

Mr. PROXMIRE. Mr. President, as promised in this morning's hearing by the Joint Economic Committee on November employment-unemployment data, I ask unanimous consent to have printed in the RECORD a letter received from Commissioner Geoffrey H. Moore, Bureau of Labor Statistics, Department of Labor, and the unexpurgated version of an article entitled "Objectivity in the BLS," published in abridged form in the New York Times of November 18, under the title "It All Adds Up."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, D.C., November 19, 1971.

OBJECTIVITY IN THE BLS

In view of recent public concern over changes at the Bureau of Labor Statistics, I thought you might be interested in a copy of a statement that I sent to the New York *Times* and which appeared in abridged form in the Times of November 18.

The phrase "politicizing the Bureau of Labor Statistics" has been used recently in editorials, news columns, TV shows, speeches in the Congress, and cocktail parties. Is politics really at work in the Bureau? The question is of vital concern to the public and to policymakers, as well as to the staff of the BLS.

Since I direct the affairs of the Bureau of Labor Statistics, the issue is of particular concern to me. When I first became Commissioner of Labor Statistics in March 1969, I set forth four goals for the BLS, and one of them was to maintain a position of impartiality in the presentation and analysis of statistics. The other three were to insure that our work was kept relevant to the economic and social problems of the Nation, that the results were accurate, and that they were presented in a timely manner. If the BLS in fact is being "politicized," one of my goals is being dumped overboard.

I have another reason for concern. For nearly thirty years before coming to BLS I was associated with the National Bureau of Economic Research, Inc., in New York City. This private organization is well known for its devotion to the conduct of impartial studies of economic problems. At the NBER the goal of objectivity in economic analysis is at the forefront, and I believe it is basic to the development of economics as a science. As exponents of that idea both the National Bureau and the BLS stand out as landmark institutions.

Finally, as President of the American Statistical Association during 1968, just before I became Commissioner, I developed and helped to promote the idea that a comprehensive review of the Federal statistical system was needed, a proposal that resulted in President Nixon's appointment last year of a Commission on Federal Statistics. Clearly the purpose of this proposal was to improve the Federal statistical system, not to destroy it.

With that background, it is evident that I did not accept the job of Commissioner in order to "politicize" the BLS, and I would regard it as a disaster if, despite my efforts, it should happen. My belief is, however, that the BLS is now in a stronger position than ever to maintain its objectivity, for two reasons. One is that the recent public attention given to the subject and the outpouring of support for the BLS as an institution whose objectivity must be maintained would make it more difficult for anyone, from either side of the political fence, to divert the Bureau from its path of strict objectivity. The second reason is that the recent reorganization of BLS and the accompanying hubbub concerning its motivation, has put all of us on our mettle. The top staff of the Bureau is particularly aware that now is the time to demonstrate afresh our capacity for objective analysis.

What is the evidence of "politicization"? Last April the news briefings that the BLS had conducted twice a month with the release of employment and consumer price figures were discontinued. This step was not taken to "politicize" the release of information, but for precisely the opposite reason—to prevent that from happening. The press briefings had personally involved the technical staff of the Bureau in situations leading to political controversy. I recognize there are differences of view regarding the usefulness of briefings for the release of statistical data—and understandably the press has criticized the decision. But the essential fact is that our written releases, which are available to everyone and not just those who can attend briefings, still contain the factual information and technical analysis they have always contained. Moreover, the staff continues to be available to answer and amplify technical questions at any time.

Last July the Office of Management and Budget requested the Departments of Labor, Commerce, Agriculture, and Health, Education and Welfare each to review their statistical organizations and to set up parallel structures following certain broad guidelines. Since the BLS conducts about 90 percent of the statistical work of the Labor Department, this request directly involved BLS. A new organization plan was worked out, and went into effect October 18. Nearly all the new members of the top staff have held important positions in the BLS for years. Only one person from outside BLS has been appointed, and his professional qualifications are of the highest. Two positions remain to be filled. The new duties and responsibilities given to the members of the top staff will in my judgment in each case better fit their professional and managerial capacities and the needs of the organization.

Although the reorganization has been cited as evidence of "politicization," the fact is that no political appointments have been made, none have been suggested to me, and none will be made as long as I am Commissioner. All new appointments and promotions have been, and will continue to be, based on the professional and managerial competence of the individual concerned.

It is not easy, in a Washington agency, to dispel the notion that any changes in personnel, in policy, or in procedures are politically motivated. Virtually every move can be so interpreted with a little imagination and political suspicion. For example, the BLS recently announced that there would be a gap during 1972 in our quarterly releases on the employment situation in low-income areas, in order to shift from 1960 to 1970 Census definitions of such area. This was immediately described in the press as a political move by the Administration to avoid reporting "bad news" during an election year. The fact is that the decision originated with and was recommended by the technical staff of the BLS and the Census Bureau.

If as a result of such episodes the Bureau should be inhibited from making technically justified decisions for fear they might be considered political, then a real "politicization of the BLS" would have begun. A real deterioration in the quality of its output would be the result.

Politics is not at work in the Bureau. We are fully mindful of the importance of an independent fact-finding agency in economic affairs, and we are dedicated to the preservation of the Bureau's reputation for objectivity and reliability.

GEOFFREY H. MOORE.

TODAY THE SUBCONTINENT—TOMORROW, HALF THE WORLD

Mr. MONTOYA. Mr. President, the situation on the Indian subcontinent has deteriorated into full-scale war between India and Pakistan. My first, most overwhelming reaction is that our country must not become enmeshed in this struggle in a military sense in any way whatsoever.

In a humanitarian sense, however, we must make our presence felt. It is utterly vital that a cease-fire be arranged as quickly as possible. Should such a condition be brought into being, the United Nations could be utilized to act as a buffer between all contending factions.

In turn, this would create a breathing space within which to repatriate refugees while mounting a major worldwide relief effort, in which I am certain the United States would join generously.

A date meanwhile could be set for a plebescite, to be administered and closely supervised by the United Nations. All Bengalis could participate. They could then opt for inclusion within Pakistan, India, or for total independence. A consortium of world powers, acting in concert with the U.N., could insure that their collective will took concrete form, immune to any outside efforts to alter the result.

Only in such a manner can we act to prevent a far larger and more dangerous conflagration.

Having staked out that position, some other pertinent observations are very much in order. India's naval forces have taken punitive actions against two American merchant vessels, which seem to have been guilty only of the heinous crime of peacefully plying international waters.

Our State Department has lodged a formal complaint with the Government of India, giving out the following information in the process. Indian planes bombed and strafed the ship, *Buckeye State*, off Chittagong. The second American vessel, *Expediter*, was intercepted by elements of the Indian Navy and forced to proceed to the Port of Madras.

Mr. President, I regard these two acts by the naval forces of India as inexcusable and deliberate. With both flying the American flag while passing through international waters, what possibly could have motivated India to act in this manner toward them?

Perhaps it is time for the American people to reexamine their thinking and policy toward both India and Pakistan. For example, over the years many well-meaning, internationalist-minded Americans looked upon India as a unique nation. They unquestionably accepted her as an outstanding democracy, embryonic great power and an equal in the most vital decisionmaking processes in the world. Such unswerving devotion to these ideals and their elevation to policy have cost the United States dearly.

Before proceeding, let me state unequivocally that I hold no brief for the appalling regime of Yahya Khan, which has acted in so barbarous and outrageous a manner toward its own people. Whatever I say about India is in no way an endorsement of Pakistan, her policies and allies. It was wrong for our own country to fuel the arms race on the subcontinent, which we have done for years through major arms sales to both countries. Much innocent blood is being shed with American-supplied weapons. By contributing so much hardware to both sides, we have not brought honor or respect to the name of the United States.

This aside, let us again examine India's policies and how they have affected our own Nation.

Her international pronouncements have more than once seemed to be at some variance with her domestic policies. Since her independence from Great Britain became a fact, she has managed to show the world the following inconsistencies.

After agreeing to hold a full plebiscite in Kashmir, most of whose people are Moslem, India broke that promise, maintaining her hold on that strategic principality against the wishes of most of its people and in spite of repeated Pakistani requests to honor the agreement and hold the vote.

When the Naga Hill tribesmen sought some degree of autonomy, India's Government ferociously put them down by the sword with merciless slaughter. In spite of the evinced desire of France and Portugal to vacate their remaining colonial enclaves on the western coast of India, she proceeded to march in and take them by force of arms.

Each of these actions by itself is anything but the inspired act of conscience of a democratic government. Still, other nations have done similar things without being singled out for condemnation. Yet what has given so many Americans pause is that India has simultaneously sought acceptance internationally as a moral preceptor for the world. In the United Nations and in public statements generally, she has often lectured the United States on the niceties of international behavior, more often than not stridently condemning one or another American policies.

This has caused considerable consternation among Americans, and I confess that I am one of them, Particularly so in light of India's ongoing expectation of massive American foreign assistance. If any nation receiving foreign aid has, by its actions, brought the program into disrepute domestically among our people, it has been India, and I say this with regret. In fact, India has seemed to regard vast sums of American aid as her due, rather than something to be earned or repaid. Whenever the American public complained or a Member of the Congress balked, it was regarded somehow as the act of an antihumanitarian. So the American dollars continued to pour into dams, agriculture work of a hundred kinds and a vast variety of similar projects. Gratitude was nonexistent, and if thanks were rendered, even perfunctorily, the public and Congress at large knew little of it. Mr. President, India has been the recipient of American largesse since 1946. From then until 1970, we have sent her a total of $7.5 billion in economic aid. From 1962 to 1970, total American military aid to India amounted to $92 million.

In fiscal year 1972, our total assistance came to $419 million in AID, Peace Corps, military assistance, and Public Law 480 funds, Massive quanitities of surplus food was sent to India under this program, which to my knowledge is continuing as of this day. Such help, when sent, was shipped in Indian instead of American ships. Transportation costs for this service, which are considerable, were sustained by the U.S. taxpayer. As far as I know, these moneys have not been repaid.

Yet every Member of the Senate is fully aware that millions of Americans, old and young, are without adequate diets. Millions of them will go to bed hungry tonight, as they did last night and as they will tomorrow night.

At least they show some gratitude when our Government extends this type of assistance.

At the same time, India has opposed the United States with vigor and consistency in the United Nations. She has sided with us a mere 22 percent of the time. Out of 159 votes, India was with us 45 times. Usually she was to be found allied with the Soviets or the Chinese in opposition to any and all of our policies. And India has just capped these accomplishments by signing a long term agreement with the Soviet Union, further widening that nation's already significant sphere of influence in that strategic part of the world.

Over the years, our assistance, rendered without payment in hard cash, has saved India massive quantities of foreign exchange. With the money our contributions saved her, she purchased ever-increasing quantities of weapons from Russia. It is these armaments she is using with such telling effect upon her enemies, the Pakistanis. And also upon American merchant vessels.

At this point is is well to note with deep regret the inaction of the administration in recent months in regard to this situation. All the world saw it coming, bearing down upon mankind like a juggernaut. Why did the administration not see fit to utilize its considerable influence with both Pakistan and India. We could have been far more effective as a restraining force beforehand. As usual, we are to late with too little. Let it be freely admitted that inaction by the great powers went a long way toward worsening the appalling human equation now confronting the world. The refugees are really the world's responsibility.

It is monstrous and a stark tragedy that Pakistan has seen fit to act in such a barbarous manner toward it own people. This is to be vehemently condemned. The United States must not stand aside and merely wring its hands while making sorrowful noises. We can and must help.

But at the same time let us separate this international concern from India's motives. Moral outrage has moved India previously only when her advantage was possible or when she waxed indignant in order to strike at a western power.

It is especially noteworthy at this time to call attention to her lack of outrage and support of the Russians when Soviet might obliterated the tiny yet indefatigable burst of Czechoslovakian freedom. Soviet armaments meant more to her than the desire of an old people to enjoy a new freedom. Of such fabric is morality woven in New Delhi.

The world must act out of conscience and self preservation. The geopolitical equation confronting the world is growing more ominous hourly. Communist China and the Soviet Union are competing for influence in the subcontinent. Pakistan is the client ally of the Chinese, who will not allow her to absorb too substantial a military defeat. Before allowing this to transpire, I feel China will enter the conflict, delivering a significant military rebuff to India's armed forces. She has proven easily able to accomplish this in the past, and in the present situation would find it an opportunity too good to be bypassed. If anything, China is far more able to act militarily now than in the past.

In turn, this type of an action would offer an irresistible argument and temptation to that group in the Soviet military establishment which has been arguing constantly for a surgically precise, preemptive strike against Communist China. This school of thought has already resulted in a massive arms buildup along the Sino-Soviet frontier line, innumerable small clashes and bloodcurdling saber rattling in Moscow. Removing China's burgeoning thermonuclear capacity might prove an irresistible temptation to this influential group of ranking officers within the Red army.

The entire situation is fraught with considerable peril for the world. It is imperative that a cease fire be arranged immediately, before the military situation gets too far out of balance.

THE NEED FOR RURAL DEVELOPMENT

Mr. PACKWOOD. Mr. President, a number of bills have been entered in this session of the 92d Congress, designed to improve some single phase or the entire spectrum of rural America. After studying the various measures, I have reached the conclusion that some are too complex in structure for proper administration while others are not comprehensive enough to do the immense job required for full and rapid rural development.

Mr. President, one of my distinguished colleagues has brought a bill before us which may not be the ultimate answer to all rural problems, but it definitely is closer to what I believe must be undertaken in the immediate years ahead to achieve a balance between rural and urban America that will benefit both.

I refer to S. 2800 which was recently introduced by the Senator from Kansas (Mr. DOLE) and cosponsored by 20 other Senators. It places the strongest emphasis upon making rural areas equal in public facilities, protection services and convenient transportation systems. But, at the same time it encourages resettlement of families who desire to return to the land provided their plans will not disrupt the normal agricultural production and marketing programs in existence today.

In other words, the bill to which I enthusiastically add my sponsorship would give assistance to farmers. Unless we retain agricultural producers in all sections of the Nation, rural America would have to be constructed from scratch—an impossible undertaking. To even consider such a procedure is beyond thinking.

The bill would therefore help make it possible to maintain efficient family type farmers thereby encouraging young and knowledgeable men and women to remain in rural America to build more new wealth from the soil, directly and indirectly.

My contention that rural America must be reconstructed, rather than create an entirely new concept of development, has been shown time and again by statistics and tabulations showing the declining number of men and women engaged in farming. However, I want to reiterate as a part of the record that agriculture still stands as America's number one industry in size, employing 4.6 million workers, or more than the steel industry, automobile industry, and the textile industry combined. Three out of every 10 jobs in private employment are related to agriculture. It takes 8 to 10 million people to store, transport, process, and merchandise the products of agriculture. It requires another 6 million to produce the equipment and supplies farmers use for production and family living.

Much of the vibrant power of rural America has been lost due to continuing attrition of farms. In my own State of Oregon, the number of farms and farmers has declined drastically—from 42,551 in 1960 to 29,063 in 1970. If we are to truly revitalize our rural areas, certainly every leader must recognize that agriculture must be the cornerstone of any successful rural development program as we initiate new plans for the future.

With that brief presentation of my basic belief in the approach this body must take for full and meaningful rural development, I offer a summary of what S. 2800 would accomplish:

The bill would not set up an entirely new governmental entity. Rather, it would create a Rural Development Administration out of the existing Farmers Home Administration. The purpose is to strengthen present FHA farmer programs and expand other existing FHA rural development phases. Under this plan, no agency would be created that would take months and years of trial and error to develop a workable program.

Instead, FHA could rapidly encompass the new and expanded portions provided for under the law and get off to a fast start by mere acceleration of present and related programs.

The bill provides up to $750 million for comprehensive grants to rural communities for local planning and sparsely populated areas.

The Secretary of Agriculture would be directed to establish a preference for farmers who could take active part in community projects designed to accomplish certain desired ends.

The Secretary of Agriculture could add other eligible categories under direction of the bill, and establish the levels of participation. Loans would be possible up to 90 percent; interest subsidies could be granted up to 50 percent; and ratio of population would determine equalization grants.

The types of community programs and types of financial assistance for which each would qualify are categorized in detail.

Guaranteed loans would be amplified for water and sanitation projects, with some subsidization of interest payments and equalization grants, along with community health and protection measures. The latter categories would involve such much needed items as hospitals and clinics in addition to police, ambulance and fire protection services.

Economic expansion would qualify for guaranteed loans. Financing would be provided to make sure that establishment of income producing facilities or industries with employment opportunities would be as plentiful in rural areas as in metropolitan areas.

The loan guarantees would be set at levels to enable local financial institutions to take part in the risk and thereby assure administration of loans, and to share in the income benefits of the revitalized communities.

Comprehensive plans would provide for employment expansion along with community improvement to assure balanced growth.

To safeguard production and marketing of agricultural products against undue competition by new development, the bill would only provide for guaranteed loans on land or home construction on land up to 20 acres outside actual farms. This would give industry and families desiring to settle in healthy rural America an opportunity to do so, and share in an incentive subsidy of 1 percent of the interest charge on the loan to be paid by the Federal Government.

That, in essence, is the plan of the measure which I am cosponsoring. Study of rural development plans offered by many of the Nation's best minds are encompassed in this bill. It is designed to give that initial surge and drive, meeting the needs of that dormant initiative present and ready in all sections of rural America. Townspeople and farmers alike are awaiting the opportunity to press forward. They will now have full opportunity to make their community into more economically attractive places to live and work.

I have not found any other plans that would be an improvement on the concept of S. 2800. The important factor of this bill is that it simplifies procedures and at the same time offers farmers, communities, multicounty units, and rural families the means of taking quick action on feasible plans that will accomplish in shorter time the desired revitalization of rural America.

U.S. MILITARY INVOLVEMENT IN SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, the Young Democratic Club of the University of Arkansas recently approved a resolution concerning U.S. military involvement in Southeast Asia.

The resolution approved by the Young Democratic Club calls for the immediate withdrawal of U.S. forces from the area—

> Contingent upon the release of all United States prisoners of war to a neutral third country which will release these prisoners to the United States upon the completion of the withdrawal of forces.

Mr. President, I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Be it resolved by the Young Democratic Club of the University of Arkansas:

1. That we are opposed to United States military involvement in the conflict in Southeast Asia and therefore call for the immediate withdrawal of all United States forces from the countries of Vietnam, Laos, and Cambodia, the waters surrounding them and the air above them.

2. That we favor limiting the involvement of the diplomatic corps and the CIA to the single role of observers to the political situation in Vietnam, Laos, and Cambodia, and thereby refraining from participation of any type in the military or political situations in those countries.

3. That the immediate withdrawal of United States forces be contingent upon the release of all United States prisoners of war to a neutral third country which will release these prisoners to the United States upon the completion of the withdrawal of forces from Vietnam, Laos, and Cambodia.

4. That this resolution be sent to the Arkansas Congressional Delegation, the Governor of Arkansas, the Majority Leader of the United States Senate, and the President of the United States, urging them to work for the adoption of this policy as that of the United States.

EXEMPTION FROM CONTROLS

Mr. GRIFFIN. Mr. President, in an editorial published on December 3, 1971, the Chicago Tribune emphasized that it expects no special privileges when it comes to wage and price controls. Some have argued that the news media should be exempt.

The editorial observed:

> The country is facing a serious economic challenge. We have urged business and labor to subordinate their interests to the national interest. We are willing to do the same ourselves.

I ask unanimous consent that the complete text of the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Favor We Don't Want

We appreciate the solicitous thoughts of the senators who voted to exempt the information media from wage and price controls, but this is a favor that The Tribune, for one, would prefer to do without.

The exemption was approved by the Senate in the form of an amendment to the wage and price control bill sponsored by a coalition of senators led by Alan Cranston of California. Their argument is that the press was exempted from controls during World War II and that, in Mr. Cranston's words, the present controls would give the government "economic life-or-death power over every publishing and broadcasting operation in the country."

The Tribune has a long tradition of opposition to special privileges for special interests, whether for the newspapers or anybody else. There is only one special privilege we demand, and that is the privilege of freedom granted to the press under the First Amendment to the Constitution. We have fought for this privilege and will continue to do so, because in fighting for this privilege we are fighting for the public's right to know and are not seeking to set ourselves apart from the public.

We don't consider that the present wage and price controls constitute a threat to the freedom of the press. We think Mr. Cranston exaggerates the danger. The Pay Board and the Price Commission are autonomous bodies, unlike the wartime control boards; and while we may not always approve of their decisions, there is no evidence that they are subject to improper political influence.

As finally passed by the Senate, the Cranston amendment does call on the press to abide by the guidelines on a voluntary basis. Even so, the appearance of favoritism is ill-becoming to the press at a time when the rest of the country is being urged to make sacrifices. If the amendment is approved by the House and the President, The Tribune will strive to live within the framework of the existing regulations and assume the same burdens and responsibilities as we expect of other businesses.

The country is facing a serious economic challenge. We have urged business and labor to subordinate their interests to the national interest. We are willing to do the same ourselves.

SOLAR ENERGY—THE MEINEL PROPOSAL

Mr. GRAVEL. Mr. President, an article called "Is It Time for a New Look at Solar Energy?" appeared in the October 1971 Bulletin of the Atomic Scientists. Written by Dr. Aden and Marjorie Meinel, of the optical sciences center at the University of Arizona in Tucson, it proposes solar farms to produce the Nation's electrical needs, pollution-free, at reasonable cost.

Mr. President, I ask unanimous consent to have the article just mentioned printed at the end of my remarks.

This article is a less technical presentation of the Meinels' proposal than the paper of theirs which I placed in the Record July 8, 1971, pages 20416–20418. A new paper on this subject will be presented by the Meinels in February at the American Physical Society. Also, there will probably be an article by them in the February issue of Physics Today. This week, I believe the Meinels are giving a paper at the American Geophysical Union meeting in San Francisco.

DEMONSTRATION PLANT IN 1976

No wonder there is so much interest in their proposal. The technology is already available to implement it.

They propose completion of the first 50-megawatt demonstration plant in 1976, at a total cost of $125 million. They propose the completion of the first 1,000-megawatt electrical plant by 1980.

The year 1980 is also the AEC's accelerated target date for the first nuclear "breeder" reactor, only 300 to 500 megawatts in capacity. The first breeder is expected to cost at least $400 to $500 million, plus at least $2 billion in research and development. In all fairness, an additional $2 billion in light-water-reactor research and development ought to be charged against the breeder, since LWR technology has provided so much of the basic nuclear reactor information.

Out of this country's annual $1,000 billion gross national product, the Meinels propose that we commit $10 billion, or an average of $1 billion each year, to the development of solar energy during the next decade; $10 billion also turns out to be the figure which the AEC hopes to see committed to the nuclear breeder between 1972 and 1982.

GOOD NEWS FOR BANKERS?

The estimated cost of building a 1,000-megawatt electrical solar plant of the Meinel design, after the necessary development has been done, is $1 billion, or somewhat less than $1,000 per installed kilowatt, including the steam system and an allowance for interest at 10 percent.

Bankers ought to be interested. Solar energy may be without fuel costs during operation, but not without interest costs on the large initial capital investment required by some of the proposed systems.

CALCULATING COSTS

The Meinels approach the cost calculations in a straight-forward manner.

They consider that in a steam-cycle system such as the one they propose for using solar energy, the solar heat replaces the fuel; everything else remains the same. Therefore, if they want solar energy to be competitive, they must supply the energy at the same cost per kilowatt-hour as the conventional fuel.

At the present time, the fuel cost for electricity produced with natural gas in Arizona is 5.3 mils per kilowatt-hour, or $0.0053.

Starting with that, they calculate backward.

If we want to produce solar electricity with fuel costs of 5.3 mils per kilowatt-hour, and if we assume that the system operates 40 years, that we amortize the capital investment over 15 years, and that we pay interest at 10 percent, how much can we spend collecting the sunlight?

The answer works out to about $60 per square meter. "It looks feasible to do it for that cost," say the Meinels.

GOOD RECEPTIONS

For the last 7 months at least, one Meinel or the other has been on the road every week, tirelessly submitting the solar electricity proposal for scrutiny and challenge by business and Government experts. I am very pleased to learn that they are receiving encouragement at two AEC laboratories, Livermore under the foresight of Dr. Roger Batzel and Dr. John Gofman, and Oak Ridge under the leadership of Dr. Alvin Weinberg, as well as at the President's Office of Science and Technology under Dr. Edward David, and at one of the country's biggest engineering firms.

Does a good idea have a chance, I wonder, if its authors happen to lack the financial resources to spend months traveling and selling it? If there is a so-called "energy crisis," Congress should be providing funds to help the people with potential solutions.

I am tremendously pleased that the Meinel proposal is receiving consideration. That is not enough, however. I hope to see them receiving dollars in President Nixon's new budget next month.

HARVESTING ELECTRICITY FROM IDLE LAND

The potential of this one solar scheme alone is tremendous. The present installed generating capacity of the whole United States today is about 350,000 electrical megawatts. To produce 1 million electrical megawatts from sunlight by the Meinel proposal would require an area of land only 74 miles on each side, or about 5,500 square miles.

That figure compares with approximately 60,000 square miles of good grainland which the Department of Agriculture hopes to keep idle in 1972. It also compares with about 100,000 square miles of desert land in the Southwest United States, and with approximately 500,000 square miles of farms in this Nation. Incidentally, the Department of Agriculture may spend 1.8 billion tax dollars in 1972 for price supports and production controls for grain alone, according to the Washington Post of October 19, 1971.

MAKING IT HAPPEN

It is clear that this country has plenty of land available for harvesting a crop of solar electricity. It is clear that this country has plenty of unemployed scientists and engineers eager to tackle new assignments. It is clear that solar energy should receive far more than token funding in the administration's new budget.

If the ordinary taxpayers were ever consulted, I believe they would agree. They would do well to make their opinions on this subject known to Congress, to the Senate Interior Committee Energy Task Force, and to White House Budget Director George P. Shultz.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bulletin of the Atomic Scientists, October, 1971]

IS IT TIME FOR A NEW LOOK AT SOLAR ENERGY?

(By Aden Baker Meinel and Marjorie Pettit Meinel)

[The authors propose a solar power generating system which would produce 1,000 megawatts of electricity by the thermal conversion of sunshine to produce steam. They suggest the conversion can be done by the optical concentration of sunshine in ground collectors spread over desert regions. The collection of enough solar energy for a 1,000 megawatt generating system would require a solar power "farm" covering an area 3.8 kilometers on a side. Aden B. Meinel is director of the Optical Sciences Center, University of Arizona, his wife, Marjorie Pettit Meinel, has collaborated with him in this study.]

(NOTE.—Figures referred to are not printed in the RECORD.)

Amid the controversies and public acrimony over fossil and nuclear power plants one is beginning to hear solar energy mentioned as a possible solution. Can solar energy really be developed to a point where it will be a significant source of power by 1980, 1990 or 2000? Could solar energy ever supply the total national need for electrical energy, or is it at best only a minor contributor? And whatever happened to the glowing prospects for solar energy that were heard in the early 1950s? We asked ourselves these questions, and we would like to share with you the road over which they have led us during the past year.

As recently as 1969, solar energy was dismissed as holding little promise for contributing to the future energy needs of the United States. The reasons for this dim view, expressed by a committee of the National Academy of Sciences, are easy to find when one looks at the history of solar energy. Solar cells have been spectacularly successful for spacecraft applications, but they are far too expensive to be considered either now or in the foreseeable future for bulk electrical power production. Moreover, since solar energy is received only during daylight hours, one must store the energy for night use, and this is not inexpensive after the energy has been converted into electrical power by the solar cell. At the present time the total cost of silicon solar cell power and battery storage is on the order of 1,000 times more expensive than conventional electrical power. There seem to be formidable reasons why a few hundredfold improvement in cost is beyond even a mass production effort.

An improved system concept wherein the electrical output from solar cells is stored through electrolysis of water has been proposed by A. Bratenahl and J. Weingart of the Jet Propulsion Laboratory, Pasadena, California. In their plan, the gaseous hydrogen and oxygen would be stored for eventual recovery of the energy by fuel cells. A fuel cell is effectively the inverse of electrolysis, thereby recovering substantially all of the stored energy. If the hydrogen and oxygen were simply burned to provide heat for a thermodynamic conversion system, one would lose energy through the inevitable Carnot efficiency factor, and an initial 10 per cent conversion efficiency would be cut at least in half upon reconversion.

Another reason for the view expressed by the 1969 NAS committee is evident when one looks at efficiencies of conversion of solar energy by thermal means. The efficiencies of steam turbines or turbines driven by organic fluids such as ethyl chloride have been in the range of a few per cent at best. Any plan to utilize solar energy at conversion efficiencies significantly below 10 per cent, as with cadmium sulfide solar cells or old "state-of-the-art" thermodynamic systems, is doomed by the adverse economics incurred in collecting energy over an immense area, as has been pointed out by Glenn T. Seaborg, retiring chairman of the Atomic Energy Commission.

Even if we are able to use new technology, a basic obstacle to solar energy utilization is the high initial capital facilities cost. It is true that no fuel is being consumed by a solar power facility, but dollars are being consumed in the form of interest money. This is the equivalent of buying fuel for the lifetime of a system. The diluteness of solar energy, about one kilowatt per square meter at noon in a desert climate, or 4 megawatts thermal per acre, means that large collecting areas are needed even at 30 per cent conversion efficiency. It will take considerable ingenuity and manufacturing know-how to reduce unit costs of the collector enough to yield electrical power at a price comparable to power generated by, for example, fuel oil.

In reading the literature of solar energy research done over the past 20 years, one becomes aware of a persistent theme that we feel has impeded the quest for solar energy utilization. The theme has been that solar energy is primarily for underdeveloped countries—a way to get some energy for people who cannot afford the price of fossil or nuclear fuels. A close corollary has been the goal of a roof-top unit, often devised by ingenious persons but aimed as a power generator on a microscopic scale compared to national needs; as a result it suffers from economic noncompetitiveness with bulk electrical power.

SATELLITE POWER STATION

In our literature survey, one proposal appeared to break loose from the limited vision that seems to have inhibited the field of solar energy. This proposal by Peter Glaser of A. D. Little, Inc., is for a satellite power station. Although we do not agree that his system requirements are possible goals in the next few decades we do agree with his objective, expressed to us in several conversations, that is, the desire to break people away from the limits of imagination that seem to have characterized so much work in the field. It seemed to us that equal imagination should be given to a terrestrial system, since going into space to gain less than four times as much solar energy per day hardly seems worth the added expense of building the system in space. Following the theme that Glaser emphasized—a solar energy system in the context of the total available technology and manufacturing capabilities of an advanced nation—we began a technology survey aimed at a new look at thermal conversion of solar energy.

Thermal conversion of solar energy has not been particularly successful, and it is clear that the resultant low efficiencies, less than 2 per cent, are due to low operating temperatures. The maximum extractable energy from a source of heat depends upon the maximum and minimum temperatures (degrees Kelvin) of the thermodynamic cycles, so one avenue for increasing efficiencies is to increase the input temperature of the thermal conversion cycle. Following conversations with some of our friends in the power utility business, we decided to seek a solution that would interface with the operating conditions used by most of the power industry, namely, 1,000°F (540°) steam at 1,200 pounds per square inch (84 kg/cm^2). The conversion efficiency of such steam-generating plants is about 40 per cent of the energy content of the input fuel, including stack losses. If we can devise a way to meet these temperatures, we can expect similar efficiencies, which when the losses at collection and extraction are taken into account still leaves us with the prospect of converting solar energy into electrical power at about 30 per cent efficiency.

Thermal conversion of solar energy at temperatures of 540° C has another advantage: We can store the energy until used, in the form of heat. Thermal storage of energy is particularly attractive when the heat of fusion of salts or other materials is used since considerable energy can be stored or removed from such a storage medium at a constant temperature, another factor desired by user utilities. One also has at hand the extensive experience in the use of liquid metals as a heat transfer medium to convey the heat from the solar collectors to the thermal storage tank. When we talk to some of the persons working with liquid metals in the nuclear power programs, we wonder whether we really want all the problems that they are battling; but in reality the situation is simpler for solar energy since nuclear cross-sections, radio-activity and thin encapsulation of fuel elements are not involved.

The basic thermal conversion system for solar energy is shown in Figure 1. Three subsystems are needed: the collecting subsystem at the top, the liquid metal loop between the collection subsystem and the thermal storage subsystem, and the using subsystem at the bottom, shown here as a high-pressure steam system. In reality, the actual system is much more complex to carry out these three basic functions in an optimum way when the sun is and is not shining, but for the purposes of this article we will not need to delve deeper into the system functions.

COLLECTING SOLAR ENERGY

There are two ways to collect solar energy at temperatures in the vicinity of 540° C. The obvious way is to use optical concentration, wherein the sunlight is focused to some degree by means of a mirror or a lens on a collecting surface. A second way is to alter the radiative properties of the collecting surface so that sunlight is absorbed efficiently but infrared emission is inhibited—a selective surface. If a collector is vacuum encapsulated so that the dominant loss mechanism is infrared reradiation, then it is easy to show that the product of optical concentration, X, and the ratio of the absorbance in the visible, a, to the emittance in the infrared, e, must exceed 24, and preferably should be in the vicinity of 40 for efficient extraction of the collected energy, $X(a/e)$ nearly equal to 40.

A method of obtaining the desired product using normal absorbing surfaces, where a/e is nearly equal to 1, could be a long string of collectors of a mirror-type that focus energy on absorbing sections of a linear pipe containing the heat transfer fluid. The "string-of-beads" system could be made to cover large areas, and each module could be produced in large quantities, so a possible design could be evolved along these lines. We have looked briefly at the economics of mirror and Fresnel lens systems of this type, but their operating requirements for tracking the sun, maintenance and high wind characteristics convince us that the cost might not be optimum for a solar power system.

Another avenue is provided by the use of selective surfaces. Selective surfaces can be made in two ways. The first is to use a material with an intrinsic change of optical characteristics from absorbing to transparent near 1 micron wavelength in the infrared, such as silicon or some other semi-conductors. B. O. Seraphin, who has developed this type of selective surface by combining a thin film of silicon over gold, spaced by a stopper layer, points out that in contrast to silicon solar cells his selective coating depends only on the intrinsic optical and not on the electrical properties of the silicon, and costs are orders of magnitude lower than for solar cells. The second way is by use of an interference film stack, as originally developed by G. Hass and A. F. Turner. In this type of selective surface, the intrinsic materials may be transparent or reflective over both the visible and the infrared, and the absorbance is obtained by interference between layers of precisely controlled thicknesses. Refractive thin films that appear to be able to withstand years of operation at 540°C can be made of materials like molybdenum and aluminum oxide.

The current state of the art of selective films is such that ratios of 10 to 20 are attained, so some optical concentration is required for optimum operation of a system. Concentrations of 2 to 4 are possible by simple linear optical systems. Such a system has different cost and operational factors than an array of reflectors. We expect the state of the art of selective films can be advanced to a point where no boosters are required to concentrate sunlight, but we can proceed with a system at any time with today's selective coatings. Cost factors look favorable today also. A few years ago thin films of the evaporated type were very expensive, a few dollars per square centimeter, but continuous evaporators have lowered the cost for the films of the type required for solar energy into the region of a dollar per square meter. In the following description of a solar power facility of national scope we will assume that we are able to get a 30 per cent conversion efficiency by one of these methods and proceed to examine the other facets of the questions that we addressed at the beginning of this article.

GENERATING SYSTEM POSSIBLE

We propose that a solar power generating system providing the equivalent of a conventional 1,000 megawatts (electrical) generator is quite possible. Such a system would entail a peak power input at noon of 13,000 megawatts (thermal). At the efficiencies projected for this system of 30 per cent, the size of such a collector would be 14 million square meters, or equal to a square 3.8 kilometers on a side. Since solar collectors should not be densely packed lest they shadow each other for early and late sun or when the winter sun is low in the sky, the land area required is about 3 times the collector area. Nevertheless, the total collection area needed per 1,000,000 megawatts (electrical) would be equal to a square 118 kilometers, or 74 miles, on a side. We feel this area is a practical goal to be developed. In fact, the collection areas for several million megawatts could be distributed readily over the six or seven western states that have a satisfactory number of clear days.

We note on occasions when we are talking with student groups that an immediate objection is raised concerning this use of so much land. We counter with the following question: Are they aware that the United States already has an energy program that occupies 500,000 square miles of land and yields only 1 per cent of our energy needs? The usual reaction is surprise that such a project has escaped their critical attention. When we reply that the proect is called farms and the product food, and that we need only 1 per cent as much land to harvest most of the remaining energy needs, the response is, "Oh, we hadn't thought of it in those terms." Our plea is that people now begin to look at solar energy as a harvest of at least equal importance with agriculture.

One must be aware of the degrees to which words polarize people when it comes to sensitive topics. We have become aware that the moment we mention power plants some people cease to hear what we are saying because of the opposition that has been generated to power plants in the past two years. We are tempted to call our proposal one for solar farms to reap the energy harvest from the sun since in a very real sense we are not destroying a resource—we are creating one out of sunshine.

It is clear from these facts that solar energy can be a major contributor to the energy needs of the United States; in fact, it could some day carry the burden of the world's electrical energy needs. Since it can be more than a minor contributor to the total energy picture, unlike hydroelectric, tidal and geothermal energy, it would seem that considerable effort is warranted to answer the detailed technical questions and construct demonstration units in the decade ahead.

The prime lands for the solar harvest are shown in Figure 2. Other land of importance is to be found along the Rio Grande Valley in Texas and New Mexico. A major new requirement posed by solar energy is immediately obvious from this map: the great distance of the energy-gathering areas from the major energy-consuming areas of the midwest and eastern seaboard. We need the ability to deliver the power to distant load centers. The metropolitan areas of the southwest can be served by conventional overhead power lines, but the midwest and east require new transmission technology, and even in the west people would like to see overhead power lines disappear. Current research has pointed the way to a solution: either underground cryogenic alternating current aluminum lines, proposed by P. H. Rose, or superconducting direct current lines, proposed by R. Garwin and J. Matisoo, H. Woodson and others. It is probable that a grid of trunklines of these underground types will prove both acceptable to the public and economic to the consumer. Questions of safety, redundancy, load adaptability and economics are important, and we are sure that some of the currently underutilized high-technology companies would welcome these challenges inherent in the solar power project.

The deployment of 5,000 square miles of system over the approximately 130,000 square miles of desert in the United States and northern Mexico would not appear to raise great or insolvable ecological problems. We do feel that practical reasons would tend to lead to the grouping of individual 1,000 megawatts (electrical) stations in a few areas. Manufacture and transportation are factors leading to this end. In order to get the unit costs low enough to keep the resultant power costs within the goal of 5 to 10 mills per kilowatt hour power, it will be necessary to construct an integrated manufacturing facility in the local areas where each group is to be erected. For example, Yuma, Arizona; Barstow, California; and Las Vegas, Nevada, could well be the sites for such manufacturing facilities. Another factor is the need for new cities to serve the persons employed by the solar power farms, of perhaps 1 to 2 million people per million megawatts.

ENVIRONMENTAL IMPACT

What about the environmental impact of the solar power farms? Solar energy quite clearly is a pollution-free source of energy that consumes no resource. The process of converting this energy, however, is not entirely free of pollution. No source of energy can be utilized without a price to the environment, in spite of the partisan claims made by advocates of one or another energy schemes. We all are too familiar with the characteristics of fossil and nuclear systems to repeat the story here. Fusion systems will exact their price also. Even geothermal energy has its pollution problems.

The environmental price we must pay for the solar power farms arises from:

1. Waste heat from the turbines,
2. The imbalance of either the local or the global heat balance, and
3. Land use in desert areas termed "ecologically fragile."

Waste heat results as the inevitable consequence of the laws of thermodynamics: a steam turbine driven by any energy source and operating at the same temperature and pressure has the same amount of heat to be rejected into the environment. There is no escape. The problem is to disperse it or utilize it so that the impact on the ecology is minimized. We feel that the solar power farms offer us an unprecedented opportunity to consider this waste heat as a new energy resource.

When one looks at critical needs of the southwest, the pressing need with no present alternative solution is not power—it is water. Various great projects are moving river water from abundant areas to the population centers in arid regions. These efforts are merely interim ones since the great overdraft placed upon prehistoric underground water supplies cannot be met by existing rivers. The obvious answer is to use the waste heat from the solar power facility to desalinate seawater. A short excursion into this topic shows that the amounts of water to be gained are staggering. If we take the rate of production of fresh water as promised by the new nuclear power plant being built by Pacific Gas and Electric Company, 50 million gallons per day per 1,000 megawatts (electrical), it would appear one could produce 50 billion gallons per day, or enough for 120 million people at twice the current per capita usage rate. A model of the central power-water producing facility is shown in Figure 3. (Note the scale of the parts as indicated by the vehicles in the parking lot. Thermal storage tanks are to scale for a two-day reserve of thermal energy.)

When one views this solar project as a joint power/water producing enterprise it immediately takes on an international aspect, in part because of the arid lands of northern Mexico, but also because the Gran Desierto of Mexico is the prime sunshine area of North America and the Gulf of California is the closest area capable of supplying enough seawater. Discussions are already under way with colleagues in Mexico on this dual project, and the prospect of fruitful cooperation between our countries is a pleasant one.

HEAT BALANCE

To return to environmental questions, what about the heat balance of the desert? Will the collection of solar energy alter the climate of the desert? The answer is definitely no—if you want it that way. The solar collectors are darker than the natural floor of the desert, so one collects more solar energy than would otherwise be the case, but this excess energy is delivered to cities elsewhere in the form of electrical power. It is true; that the global heat input is not balanced—a point often missed by people who claim that solar energy does not heat the earth as do nuclear and fossil fuels. If one did elect to balance the global heat input, then the additional blackening due to the collectors would have to be compensated for by whitening the intervening or other areas, but then the local desert would be cooled by the export of electrical energy elsewhere. Take your pick, but in either case the result will be very small.

A second environmental concern is with regard to the land surface and Gulf of California ecology. The desert admittedly is a fragile thing, but it is also an immensely valuable energy resource where living is delightful when water and air conditioning are added. We think that any rational person flying over the vast deserts of the southwest can not be unimpressed by the great areas of arid land lying unused. It would seem to be an acceptable price for the harvest of sunshine that some 5 per cent to 10 per cent of this desert be impressed into the service of mankind. There are spectacular and unusual areas of desert that properly should be preserved for posterity to enjoy, and steps should be taken to avoid inadvertent and irreparable damage to these selected areas. With care the solar farms could even improve conditions in their vicinity. We live in a desert area near a metropolitan center, and it seems to us that our small efforts to improve collection of rainfall runoff increase the number and vigor of the species of desert animals and flora that live about our home. Similarly, solar collectors have the potential of improving the marginal existence of desert animals and flora through the concentration of rainfall runoff on the desert floor between rows of collectors—much as is being done by the U. S. Forest Service in paving water collection areas to aid desert animals today.

The Gulf of California must be given special consideration since the plan to desalinate seawater involves moving brine back to the ocean. A proposal by the AEC a few years ago to place a large nuclear desalting plant on the shore of the Gulf stirred much opposition since the brine was to be dumped near the estuary of the Colorado River, a spawning ground for many aquatic species of life. It is clear that one must take care in dispersing brine (33 per cent concentration over seawater), but in a major binational project this could be done. The absolute effect on the Gulf is very small. The normal annual evaporation due to the dry desert air flowing over the Gulf is about 2 meters per year. The removal of 50 billion gallons per day represents an increase in evaporative loss of about 2 millimeters per year over the northern portion of the Gulf.

INFLUX OF PEOPLE

The major environmental impact of the proposed solar farms could be the influx of people into the southwest. There is a real possibility that the growth of a metropolitan area could ruin the desert for solar energy collection. Even today the daily pulse of smog from Los Angeles arrives by late afternoon as far away as at Yuma, Arizona, and Las Vegas, Nevada. Cars as we know them today would have to be prohibited in the Colorado River Metropolitan Area, but since we are talking about the first decades of the twenty-first century, gasoline cars must by then be a vanishing species since gasoline will be scarce.

The influx of people will be accentuated by the availability of power. A solar power system must be sized for production of sufficient power in January; hence there is a large surplus of "no fuel-cost" power for the remainder of the year, except at the probable peak of air conditioning load in July, August and September. This seasonally excess power could be used to pump fresh water to distant points, or it could be used by chemical or industrial processors. For example, a jet airliner or boat will never be plugged into a power outlet; hence liquid fuels remain a necessity for civilization. To synthesize clean-burning liquid fuels one needs a large supply of cheap power. As a consequence, industry may tend to move into the Colorado River Metropolitan Area. Clearly, one needs early establishment of controls over the development of these desert areas.

It is our conclusion that not only is it high time for a new look at solar energy but also that it is a key to a nonnuclear future of the world. It offers a great goal that reaches to the limits of creative imagination. We hope that this nation will recognize the immensity of the bounty to be gained from the solar harvest and give its best in this quest for solar power.

LAND REFORM IN VIETNAM

Mr. PACKWOOD. Mr. President, Prof. Roy Prosterman, of the University of Washington School of Law, is one of the acknowledged experts in this country in the area of land reform, in nations throughout the world.

Several years ago, Mr. Prosterman was a member of a Stanford Research Institute study on the possibility for land reform in Vietnam.

Based upon Professor Prosterman's study a land reform was indeed initiated in Vietnam which is proving to be immensely successful.

I ask unanimous consent to have printed in the RECORD the text of a letter from Professor Prosterman to the New York Times, indicating the success of the land reform program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAND REFORM IN VIETNAM

TO THE EDITOR:

The Times' recent field coverage from South Vietnam has persistently omitted reference to the highly successful land reform program, even though you editorially referred to it upon passage in 1970 as "probably the most imaginative and progressive non-Communist land reform of the twentieth century" (April 9, 1970). Recent stories have cryptically referred to "rural prosperity" (e.g., Sept. 5) without further elaboration.

In fact, under the Land-to-the-Tiller Law and distribution of Government-owned lands, over 400,000 of the 800,000 South Vietnamese tenant-farmer families have now become owners of their land, free of charge. The rest will follow before the end of 1972.

There is widespread evidence from field interviewing being done by Control Data Corporation and others, of peasant enthusiasm for the program. Since tenant farmers have traditionally been the backbone of Vietcong strength, the change is doubly significant.

I would suggest that millions of prosperous peasants deserve at least as much attention as hundreds of unhappy monks in the news columns of The Times.

ROY L. PROSTERMAN.

SEATTLE, October 29, 1971.

PHILLIP WEYMOUTH, OFFICE OF SERGEANT AT ARMS, JOINS ENVIRONMENTAL PROTECTION AGENCY

Mr. McINTYRE. Mr. President, I wish to pay tribute to a distinguished servant of the U.S. Senate, Mr. Phillip Weymouth, of Lisbon, N.H., who served in the Office of the Senate Sergeant at Arms since 1957 and who recently resigned to become Assistant for Congressional and Intergovernmental Relations of the Environmental Protection Agency in Boston.

All of us in the Senate who came to know Phil realized that he personifies classic New England virtues. He is quiet, shrewd, fair, patriotic, deeply committed to the ideal of public service, and scrupulous in the exercise of his duties. Devoted to his own Republican Party in the Senate, he felt that his prime duty was to serve the Senate and above all the Nation. Few men have understood the practical workings of this body as well as Phil Weymouth. Once of the finest privileges and pleasures of my senatorship has been that Phil Weymouth is a warm personal friend of mine.

It is typical that Phil is now going to put his talents to use in one of the most critical problems of our times, environmental protection, and New England, and New Hampshire, I am sure, will proudly welcome him home.

THIRTIETH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR

Mr. FONG. Mr. President, 30 years ago today Pearl Harbor was attacked.

Many wounds opened then and during the subsequent terrible fighting around the world have healed. Remnant scars are disappearing.

But none of us who lived through that day has forgotten, no one should.

I speak as I do without the least bit of vengeance. I speak because we who have survived owe it to those we commemorate on this anniversary to carry on toward the goals sought then which are still goals being sought today, the most important of which is a world at peace.

I need remind no one that the world is far from this main objective—the Indian subcontinent is aflame; the Mideast simmers as friends of both Arabs and Israelis alike worry; America is withdrawing its combat forces from Vietnam but the fighting there is not over.

However, I hope we do not despair.

During the 30 years since the attack, America has grown, the world has grown, and new generations are among us. In America, for instance, the median age is 27.7 years which means the majority of our citizens were not yet born when the attack occurred.

A sense of forgiveness does prevail in America, especially among our young.

Today we pray for peace. If this spirit can be made to prevail throughout the world, mankind, I feel, has reason for optimism and hope.

MINING THE DEEP SEABED

Mr. METCALF. Mr. President, Senators JACKSON, ALLOTT, BELLMON, STEVENS, and I introduced S. 2801, a bill to regulate U.S. nationals in their mining the deep seabed. The bill contains within it unique questions of domestic and international law. For an example of the directions this new field of law is taking, one might consult a recently published article by Mr. John G. Laylin entitled, "Past, Present, and Future Development of the Customary International Law of the Sea and Deep Seabed."

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAST, PRESENT, AND FUTURE DEVELOPMENT OF THE CUSTOMARY INTERNATIONAL LAW OF THE SEA AND DEEP SEABED †

(By John G. Laylin *)

International courts and legal scholars have long recognized that customary international law contains a core of recognized, time-honored rules. They also acknowledge that the formation of customary international law is a growing process. It can grow from claims by one or more nations to new legal rights and the responses to such claims by other nations. The creation of international legal norms by reciprocal interaction between nations is particularly evident in the body of customary law known as the international law of the sea.

International law may grow from negative responses to positive claims, as well as from acquiescence in such claims. The universally accepted principle of freedom of the high seas began with the denial by the Netherlands and other states to broad claims of Spain, Portugal and England to sovereignty over large ocean areas. Through the writings of Grotius and others, freedom of the high sea was asserted as a principle of customary international law, and eventually the interested nations acquiesced in this principle, and refined it.

Since the time of Grotius, the international community has participated in the formulation of rules promoting accommodation of the principle of freedom of the high seas to existing and new uses for the world's oceans.

Examples of these formulated rules are numerous. The international community has recognized that naval vessels on the high seas may secure required space for military exercises and other activities by giving appropriate signals. Thus, the United States, the Soviet Union and other nations periodically designate certain portions of the high seas for limited periods of time as areas in which various naval exercises or tests will be undertaken. By their responses to such uses, other nations have participated in a process leading to rules governing the circumstances as to when and to what extent and in what manner there is to be no interference with such exercises under customary international law.

Some rules of customary international law applicable to the seas have required centuries within which to become established. Others have grown to maturity less slowly. The world moves faster today. For example, the United States proclaimed in 1945 the establishment of fishery conservation zones contiguous to its coast line in those areas "where fisheries have been or shall hereafter be developed and maintained by nationals of the United States alone . . ."[1] The 1945 proclamation left conservation measures in fishery areas exploited by U.S. and non-U.S. nationals to be established in future international agreements. In this same proclamation the United States provided for the protection of the interests of other states in its fisheries, and agreed to recognize similar conservation zones established by other states provided that the rights of United States fishermen were safeguarded.

Six years after the 1945 proclamation by the United States, at least 13 states had claimed the right to exclusive fishing rights in zones contiguous to their territorial sea. In 1966 the United States established by law a nine-mile fishery zone contiguous to its three-mile territorial sea. In this contiguous zone the United States has "the same exclusive rights in respect to fisheries as it has in its territorial sea. . . ."[2] By 1966, ten states claimed contiguous fishery zones more than three but less than 12 miles wide; 40 states claimed 12 miles; and 19 states claimed more than 12 miles. In that same year, the Legal Adviser of the United States Department of State testified before a Senate committee that the government considered a fishery zone 12 miles from the coast line to be consistent with international law. Thus, unilateral but similar claims to fishery zones by a number of nations, and the acceptance of those claims by other states, led, in only two decades, to a principle of customary international law recognizing the lawfulness of 12-mile fishery zones.

The international community has not agreed on the precise limits of a coastal state's territorial sea. It has agreed, however, that there are limits. Wheresoever the boundaries may be, there exist areas of the high seas that are outside of the jurisdiction of any nation. At the same time, customary international law recognizes, as we have seen, that nations may have exclusive use of the high seas for certain limited purposes over limited periods of time without violating their obligation to respect the freedom of the high seas.

Customary international law has also evolved rules permitting uses of the resources of the ocean floor beyond national jurisdiction. The best example is the acquisition of exclusive rights over sedentary fisheries such as oysters, sponges, coral, pearls, chanks and beches-de-mer. Claims to these fisheries are currently based on the continental-shelf doctrine, as embodied in the 1958 Geneva Convention on the Continental Shelf. However, prior to that Convention and to the unilateral claims to the continental shelf made subsequent to the Truman Proclamation in 1945, nations had made extensive claims to exclusive rights to exploit these fisheries. The best known examples are the pearling beyond territorial waters by nationals of India, Ceylon, and Australia, and of states along the Persian Gulf and the sedentary fishing rights asserted by Tunis up to 17 miles from its mainland.

The claims by nations to the use of resources adjacent to their coast lines but beyond their territorial waters eventually de-

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Footnotes at end of article.

veloped into the doctrine of the continental shelf. When the United States made the first explicit statement of this doctrine in a unilateral claim which has come to be known as the Truman Proclamation of 1945, no state protested, and many emulated it.[3] The international community codified this doctrine[4] in the 1958 Geneva Convention on the Continental Shelf.

As a result of the widespread claims by nations to the continental shelf during the previous two decades, the International Court of Justice was able to state in its 1969 judgment in the *North Sea Continental Shelf* cases, that Articles 1–3 of the 1958 Convention "reflect pre-existing or emergent customary law." The I.C.J. characterized the doctrine of the continental shelf as a "recent instance of encroachment on maritime expanses which, during the greater part of history, appertained to no-one." The Court left to be determined which rights in Articles 1 through 3 were pre-existent or emergent. That coastal states had certain rights to exploit seabed resources adjacent to their coast line the Court seemed to agree had been established. How far out this area of special rights extended was, perhaps, emergent.

The International Law Commission in the commentary on its draft of a convention on the high seas recognized that freedom of the high seas included "freedom to explore or exploit the subsoil of the high seas" including the area beyond national jurisdiction.[5] Article 2 of the 1958 Geneva Convention on the High Seas, which was based on the ILC draft, recognized that freedom of the high seas included the right to the use of ocean spaces for certain enumerated freedoms and others "which are recognized by the general principles of international law . . . ." The Convention provided that all of these freedoms would be exercised by all states "with reasonable regard to the interests of other States in their exercise of freedom of the high seas." In short, Article 2 recognizes the right to engage in various uses of the high seas provided that such uses do not include any claim to sovereignty over high-seas space and that they are carried out "with reasonable regard" to the interest in freedom of the high seas of other states.[6]

While the international community has not agreed on a fixed boundary of the legal Continental Shelf, it is, as stated, agreed that some areas of the deep seabed, whatever its extent, is beyond the jurisdiction of any state.[7]

On May 23, 1970, the United States proposed negotiation of a treaty establishing an international regime for the exploitation of the seabed resources in the area seaward of the 200-meter isobath. On August 3, 1970, the United States submitted to the United Nations Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor Beyond the Limits of National Jurisdiction a draft convention on the international seabed area. The United States representative described the draft convention in his statement to the Committee as "a further step in a negotiation process." He acknowledged that it could be improved in the course of future sessions of the Committee.

The President's May 23rd announcement recognized that it "may take some time" before a multilateral convention could be negotiated, agreed upon and ratified.[8] The President proposed a policy to be followed in the interim by the United States and other nations interested in exploiting the resources of the deep seabed beyond the area of exclusive coastal state jurisdiction.[9] For an area between the 200-meter isobath and the seaward edge of the continental margin (the "Trusteeship Zone") the President's announcement called for coastal states' special rights but not exclusive jurisdiction; for the area beyond the continental margin, no state would enjoy special rights. This area would be subject only to an international authority. A substantial portion of the revenues collected by the United States during the interim period in the area seaward of the 200-meter isobath would be set aside to be made available, if the Congress approved, to developing nations once a sufficient number of other states adopted an interim policy comparable to that proposed.

All permits or licenses granted for the area seaward of the 200-meter isobath should, the announcement stated, be subject to the multilateral convention to be agreed upon. To reassure investors in a deep seabed project, the announcement stated that the convention should respect the integrity of all permits theretofore issued.

To anyone contemplating investment in a deepsea project, the question at once arises, how can the integrity of permits granted before a multilateral convention has been agreed upon, be assured if they are to be subject to provisions which have not even been tentatively accepted?

The August 3rd draft convention submitted by the United States to the United Nations Seabed Committee had as one of its purposes to help limit the areas of uncertainty. The draft convention also suggests lines which might usefully be followed during the interim period. The task of reconciling the terms of the interim license and the probable permanent one was shown to be manageable.

While the delegates of the many countries with their many different interests debate over the provisions of a multilateral convention, the countries that are now ready and desirous of promoting orderly development of the law for the recovery of the resources of the deep seabed can promote, by parallel legislation, the emergency of customary international law for the deep seabed.

Building on the President's May 23d announcement, the Congress could enact, with respect to areas beyond the territorial jurisdiction of the United States, legislation prohibiting every person subject to the personal jurisdiction of the United States from interfering with exploitation of the deep seabed being carried on under an exclusive license issued by the United States. The legislation would, of course, not presume to grant licensees any rights as against persons not subject to the personal jurisdiction of the United States. Any person may now carry on activities on the deep ocean floor without a license provided that he conducts these activities "with reasonable regard" to the equal right of others. The purpose of the license would be to give to persons who bind themselves to observe reasonable limitations and conditions as much protection from interferences in the recovery of resources found on or in the deep seabed as the United States has a right to give.[10]

Other nations could pass comparable legislation[11] protecting persons licensed by them from interference by persons under their jurisdiction. If their legislation also protected operators holding licenses issued by the United States, our legislation could require persons subject to United States jurisdiction to respect the rights of operators under licenses issued by them.

If the parallel or comparable legislation forbade the granting of a license to persons not under the jurisdiction of one of the cooperating or reciprocating states, a workable regime would come into being without the necessity for any formal treaties or conventions. Non-coastal states could issue licenses under their comparable legislation and participate as full as the coastal states, and such of the reciprocating states as are still developing countries would be eligible for loans or other assistance from revenues set aside as contemplated in the interim policy proposed by the President.

No state can by itself establish a rule or principle of international law, but any state can sow seeds which can grow into "a general practice accepted as law."[12] Seeds for future customary law to encourage orderly recovery of the resources of the deep seabed can be sown by informing interested nations of an intention to enact legislation which would provide reciprocal benefits to other nations disposed to follow a practice comparable to that we propose.

The principal provisions of such legislation could be along the following lines:[13]

1. The legislation will apply to areas within the Continental Shelf and to areas beyond. It will authorize the issuance of licenses to mine in both areas but the licenses for areas beyond the territorial jurisdiction of the United States will be good only against nationals and others subject to the personal jurisdiction of the United States.

2. Licenses will be limited to persons who are under or who subject themselves to the jurisdiction of the United States, who agree to abide by the restrictions laid down in the Act, and who demonstrate their competence to mine from the deep seabed. The legislation will place limitations on the extent of areas which may be licensed, the length of time for which licenses may be issued and will prescribe other conditions, including work requirements, designed to encourage early and orderly exploitation. In order to encourage exploration, the legislation will require licenses to be issued in the order applied for by qualified applicants.

3. While the legislation can operate effectively without comparable legislation by other states, our statute should provide for reciprocity with states that by one means or another require their nationals to respect licenses isued by the United States. States having comparable provisions on a reciprocal basis are here called "reciprocating States."[14]

4. Rights of action will be established which may be exercised by Reciprocating States and thier licensees against all persons within the jurisdiction of any Reciprocating State who interfere with the rights of a licensee of any Reciprocating State. Rights of action will also be established which may be exercised by any Reciprocating State against any person within the jurisdiction of a Reciprocating State which exceeds rights granted under a license. The legislation will not limit existing rights to carry on scientific research or to explore and exploit the resources of the deep seabed on a non-exclusive basis so long as the exercise of this right does not impinge upon the rights of any licensee.

5. All licenses issued by the United States shall require the licensees to observe general rules issued or subscribed to by the United States to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investments necessary for the exploitations licensed by the United States or other Reciprocating States, and to provide for peaceful and compulsory settlement of disputes.

6. Applicants, to protect their rights to priority, must notify ———[15] when they file their applications for licenses. Upon issuance of the license the Reciprocating State must also notify ———. No person will be issued a license which impinges upon the rights of any person to exploit an area under license issued by a Reciprocating State. For this purpose a license will be deemed to have been issued on the date of notification of filing of the application.

7. An escrow fund shall be established to become available eventually for assistance to developing Reciprocating States. With the notification of the issuance of a license, the United States (and every other Reciprocating State) shall deposit in its escrow fund $——— for the rights granted to its licensees to exploit each unit quadrangle of the deep seabed area. Annually it shall deposit $——— for such right to each such unit not relinquished.

Each Reciprocating State may draw from its fund to the extent necessary to cover any payments it makes to its licensees to reimburse them for losses suffered by interference with the exercise of their rights by a non-Reciprocating State or persons not within the jurisdiction of a Reciprocating State.

8. The United States Licensees will pay a nominal registration fee to the United States. Licensees who are United States citizens, residents or corporations are, of course, presently subject to the income-tax laws of the United States on a worldwide basis. Licensees who are not, will nevertheless be subject to the tax jurisdiction of the United States with respect to their income arising from the exploitation under the United States license. Minerals recovered from the deep seabed area under license issued by the United States will be entitled to free entry into the customs territory of the United States.

9. In conformity with the President's statement of May 23rd, 1970, the proposed legislation will require that all licenses issued during the interim period be "subject to the international regime to be agreed upon" provided that such régime includes "due protection for the integrity of investments made in the interim period," as proposed by the President.

10. While the President's statement seeks to assure that the international regime to be established would "include due protection for the integrity of investments made in the interim period" in the course of the negotiation of a multilateral convention for such an international régime, the government may find it desirable for reasons of high policy to agree to restrictions which impinge upon the rights of operators under licenses issued during the interim period.[16] In order to allow the negotiators the necessary freedom of action, and yet to implement the President's call for protection of investments necessary to finance operators during the interim period, the legislation should provide for insurance analogous to that now issued by the Overseas Private Investment Corporation (OPIC). This insurance would cover losses suffered by U.S. licensees from limitations imposed by or under the international régime.

11. During the period before achievement of a multilateral convention for the international régime, protection for the integrity of investments made in such interim period is required against losses suffered by interference by non-Reciprocating States, or persons not under the jurisdiction of a Reciprocating State, with the exercise of the rights of an operator licensed by the United States. The legislation should provide that OPIC-type of insurance described in paragraph 10 should also cover losses suffered from such interferences which have not been redressed by actions against the offender, or for which the fund described under paragraph 7 is not adequate.

As the foregoing relates to the area in which no nation would have special rights, any nation that chose could establish practices during the interim period along similar lines. These might well facilitate earlier agreement on the projected multilateral treaty which would substitute conventional law relating to the deep seabed for unilateral reciprocal action by states.

The United States and many other nations wish to restrain unilateral action designed to increase coastal state jurisdiction.[17] While the proposal here made contemplates separate state action, that action is neither for the purpose of enlarging the rights of the state, nor for extending its territorial claims. The interim régime proposed here would not involve any claim by a state to an exclusive right in or sovereignty over areas of the deep seabed. Rather, the action is one of self-limitation. It is consistent with the well-recognized principle of international law that a nation has jurisdiction over its nationals, residents and persons who submit themselves to its jurisdiction. It also protects the interests of the international community in the deep seabed by providing for a mechanism which would allow developing countries to share in the revenues generated by exploitation of the seabed. Finally, from the point of view of the United States, the proposed interim regime would adhere to the principles set forth in the President's May 23rd statement by promoting progress in deepsea mining while discouraging encroachment on the freedom of the seas.

FOOTNOTES

* A. B. Cornell (1925), LL.B., Harvard (1928); member, New York and District of Columbia Bars; the Council, and Committees on Oceanography and Law of Treaties, Section of International and Comparative Law, American Bar Association; Committee on Deep Sea Mining and Executive Council of the American Branch, International Law Association; American Society of International Law. Mr. Laylin holds the following honors and awards: Commander, Order of the Lion, Finland (1949); Commander, Order of Dannebrog, Denmark (1958); Sitara-I-Pakistan, Pakistan (1961); Comendador of Order San Carlos, Colombia (1967).

† For the past development, the writer is indebted to William L. Griffin, one of the first American legal scholars to anticipate the need for early further development of the customary international law of the sea and deep seabed; for the present, to his associate, Peter D. Trooboff; for the future, to colleagues on a number of committees concerned with the developing law for the deep seabed.

[1] 13 Dept. of State Bull. 484 (1945).

[2] 16 USC §§ 1091–1094. The 1966 legislation makes the United States' rights within this zone "subject to the continuation of traditional fishing by foreign states . . . as may be recognized by the United States."

[3] 13 Dept. State Bull. 484 (1945).

[4] The Convention codified the concept that coastal states have certain rights to the resources of the adjacent continental shelf and introduced the concept of exploitability in determining the seaward boundary.

[5] The Commission's commentary on its draft Article 27, which became Article 2 of the High Seas Convention, indicated that the "list of freedoms of the high seas contained in this article is not restrictive." The Commentary explained that the "Commission has not made specific mention of the freedom to explore or exploit the subsoil of the high seas." The reason for this omission, according to the Commentary, was that "apart from the case of the exploitation or exploration of the soil or subsoil of a continental shelf . . . exploitation [of the high seas soil or subsoil] had not yet assumed sufficient practical importance to justify special regulation." 51 Am. J. Int'l L. 205–06 (1957).

[6] The 1958 Conventions on the Territorial Sea and the Contiguous Zone (Art. 24) and on the Continental Shelf recognized certain special rights of coastal states in contiguous zones of the high seas adjacent to their territorial waters and in their continental shelves beneath high seas.

[7] The existence of this area was referred to in the International Law Commission Commentary on what became Article 1 of the 1958 High Seas Convention. It was expressly recognized in 1968 by the Legal Working Group of the United Nations Ad Hoc Committee to Study the Possible Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction, in 1969 by the Permanent Committee on the Possible Uses of the Sea-bed and the Ocean Floor Beyond the Limits of National Jurisdiction, also in 1969 in the Secretary General's report on the resources of the deep seabed, and in Resolution 2749 (XXV) of the 1970 General Assembly. The last affirmed "that there is an area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined."

[8] The Convention on the Continental Shelf came into effect for the United States fifteen years after the beginning of the preparatory work in the International Law Commission. The ILC began its preparatory work on the law of the seas in 1949; it rendered its final report in 1956. The Geneva Conference first met in February 1958, and the Convention on the Continental Shelf was signed by the United States in April 1958. The Convention entered into force for the United States in June 1964.

[9] In December 1969, the United Nations General Assembly passed a resolution declaring a moratorium on all exploitation of the resources of the deep seabed beyond national jurisdiction. Although this resolution was passed by a vote of 62–28, with 28 abstentions, less than a third of the member states voting for it were parties to the 1958 Geneva Convention on the Continental Shelf and half of the member states voting against the resolution were parties to the Convention. During the debates on this resolution, the United States representative stated that the prohibition on exploitation in the draft resolution would be "without binding legal effect." One of the cosponsors of the draft resolution, the delegate from Ceylon, concurred in this opinion of the prohibition's legal effect.

The view of the states that supported the Moratorium is, of course, a political fact which must in the opinion of the writer be met with a positive response, *see Testimony Before the Special Subcommittee on the Outer Continental Shelf*, 91st Cong., 1st and 2d Sess. 117, 133 (1970).

[10] Licenses issued by the United States to non-nationals would presumably be conditioned upon consent by the licensee to the jurisdiction of the United States for all deep-sea mining activities affecting United States nationals.

[11] By legislation is meant any legal arrangement requiring nationals to respect the rights of persons lawfully licensed by a reciprocating state.

[12] The Statute of the International Court of Justice directs the Court to apply, inter alia "(a) international conventions. . . .; (b) international custom, as evidence of a general practice accepted as law; . . ."

[13] The American Mining Congress Committee on Underseas Mineral Resources on January 27, 1971 submitted a statement containing in an attachment suggestions for legislation for the interim period along the lines here proposed. The report was submitted to the Departments of State and the Interior.

[14] The legislation will define a "Reciprocating State" as one certified by the Secretary of ——— as a state having legislation or state practice or agreements with the United States. which establish an interim policy and practice comparable to that of the United States, including reciprocity of treatment. References to Reciprocating States will include the United States.

[15] An international agency, presumably a specialized agency of the United Nations.

[16] For discussion of the need to provide adequate protection for licensees who obtain rights subject to "the international regime to be agreed upon," *see Special Committee on Outer Continental Shelf*, Outer Continental Shelf, 91st Cong., 2d Sess. 28–33 (1970).

[17] The moratorium resolution passed by the General Assembly in 1969 may have had the effect of encouraging unilateral attempts to increase coastal state jurisdiction. Brazil, for instance, shortly after voting for the resolution, announced that it claimed a 200-mile wide territorial sea.

IMPOUNDING OF CONSERVATION FUNDS HURTING NORTH CAROLINA FARMERS

Mr. ERVIN. Mr. President, earlier this year the Congress appropriated $195.5 million for the rural environmental assistance program, which until recently was known as agricultural conservation program. I understand that the Office of Management and Budget, the bureaucratic czar of all Federal spending, has apportioned only $140 million of this appropriation for actual expenditure in the current fiscal year.

The failure of OMB to apportion the full appropriation already is being felt in some 45 counties in eastern North Carolina, where our farmers suffered severe crop losses because of Hurricane Ginger and other heavy rains during the last several months. In addition to the huge crop losses, including severe damage to the peanut crop in northeastern North Carolina, our farmers have suffered soil erosion and other problems that additional REAP funds could help alleviate.

The ACP–REA program has been one of our most successful agricultural programs since its inception in 1935. It has concentrated on improving the quality of our farm lands through a program of matching farmers' money with Federal funds in order for local farmers to undertake conservation projects. Individual farmers put up one-half to two-thirds of the cost of each project, which means that the $55.5 million impounded represents at least $110 million in conservation projects that will not be undertaken this year. For North Carolina farmers, this means that they will be unable to begin projects to restore their damaged lands and to guard against crop losses because of water damage in the future.

Even before the recent natural disaster in my home State, a sampling of local ACP–REAP governing committees indicated that North Carolina farmers were willing to underwrite 239 percent over the 1971 REAP allotment. These good intentions on the part of our farmers are gone with the wind, however, because of the administration's penchant for impounding funds that have been lawfully appropriated by the Congress.

Mr. President, I am no stranger to the problem of impoundment of funds. The Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, studied the issue in depth last March, and subsequent to our hearings of that month, I introduced S. 2581, the impoundment procedures bill which will provide for a congressional check on the practice. During the subcommittee's hearings, it was revealed that the administration had impounded almost $13 billion in appropriated funds, including almost $6 billion in the highway trust fund, and I have no information that this total has been decreased since March.

Compared to a total of $13 billion, the $55.5 million of impounded REAP funds seems like a drop in a bucket. However, this additional expenditure would be a very large figure indeed to the farmers of North Carolina and the Nation.

I have recently written to Mr. George P. Shultz, Director of OMB, and to Agriculture Secretary Hardin requesting that they unfreeze the full REAP appropriation so that our farmers can undertake more conservation projects in the next year. Not only will this be important in North Carolina, but more conservation projects are needed all over the country in order to halt the major source of pollution in our rivers and streams—soil itself.

The concern of farmers throughout the Nation was reflected in a letter written to me recently by Mr. Robert M. Koch, president of the National Limestone Institute, Inc. Prior to his service with the Limestone Institute, Mr. Koch was an Agriculture Department official at the local and national levels, and he is qualified to speak of the great usefulness of the ACP–REA program. Mr. Koch included with his letter a copy of a letter written to Mr. Shultz by the Honorable TOM STEED, of Oklahoma, chairman of the House Appropriations Subcommittee on Treasury, Post Office, and General Government.

Mr. President, I ask unanimous consent that my letter to Mr. Shultz, Mr. Koch's letter to me, and Mr. STEED's letter to Mr. Shultz be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DECEMBER 6, 1971.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: As you know, the Subcommittee on Separation of Powers, of which I am Chairman, has examined in some detail the practice of Executive impoundment of appropriated funds. Recently, my attention has been called to an impoundment that is having a very direct and crucial effect on the farmers in forty-five North Carolina counties who have suffered huge crop losses recently because of heavy rains.

I understand that approximately $55.5 million appropriated for the Rural Environmental Assistance Program (REAP) has been impounded by the Office of Management and Budget. The release of these funds could help to solve many of the problems that our North Carolina farmers have experienced during this unsually wet year in our State. Also, the application of these appropriated funds in the near future would aid these farmers in establishing much-needed conservation projects in order to avoid a repeat of the recent crop disaster in years to come.

The impoundment of appropriated funds is a problem that has disturbed many members of the Congress. The problem is especially distressing when the funds are impounded in the face of a natural disaster, as is the case in North Carolina.

I strongly urge you to release the full appropriation for REAP so that the Agriculture Department can assign a reasonable amount to the counties in North Carolina which have suffered crop damages this year.

With all kind wishes, I am
Sincerely yours,
SAM J. ERVIN, JR.,
Chairman, Subcommittee on Separation of Powers.

NATIONAL LIMESTONE INSTITUTE, INC.,
Washington, D.C., November 15, 1971.
Hon. SAMUEL J. ERVIN, Jr.,
United States Senate,
Washington, D.C.

DEAR SENATOR ERVIN: I would like to call to your attention a situation which in my view requires reconsideration by our Nation's policy makers.

The Congress passed the Soil Conservation and Domestic Allotment Act in 1936. One of the strongest features was the authorization of what has come to be known as the Agricultural Conservation Program, recently renamed the Rural Environmental Assistance Program. In 1936 the Congress determined that this Nation could well afford to spend $500 million annually to go into partnership with farmers throughout the country working to improve and preserve the soil and water of this Nation.

In 1936 an excellent beginning was made in each of the 3,000 counties of the Nation. Long term conservation practices were begun with the farmers putting up part of the money and *all* of the labor, machinery, etc. necessary to carry out conservation practices on the land. *Each* year over 1 million farmers seeded millions of acres, planted millions of forest trees, strip-cropped and contoured millions of acres besides carrying out many other practices too numerous to mention.

All these conservation practices were approved by authorities at the County, State and National level. Unfortunately through the Thirties, Forties, Fifties, and even into the Sixties practically no consideration was given to the environment or ecology. Rather the ACP was dubbed a "farm subsidy."

Nothing could be further from the truth! Over the long term the farmers would benefit to be sure. But the real beneficiaries are all the Nation's citizens. Minerals were added to the soil—my own industry's sales of aglime went from 1 million tons to 30 million tons—and all consumers received more calcium (one of the most important elements to all life) in the foods they eat. (Before anyone receiving these letters jumps to the wrong conclusion, let me insert that aglime sales are only 4% of our business and that much of its sells for only $1.00 a ton at the quarry. I became completely sold on this Program as the original administrator of it in my home country of Franklin, Massachusetts from 1936–41. The following five years at USDA I was in charge of the Conservation Materials Section in the nine Northeastern States before coming to my present position 25 years ago. If this were not true, I probably would be writing to you only about the $6 billion of Highway Funds which are impounded and which represent our primary business!) Soil is the Nation's number one pollutant of our waterways, greatly exceeding sewage in this regard. Consider how much more serious this would be if we had not promoted the phenomenal increases in acreage of clover, alfalfa and grass and millions of trees through ACP practices since 1936.

During this period of time "economizers" have insisted that farm subsidies should be cut and this Program has gone from $500 million to $300 million to $250 million and more recently to $195.5 million. Even this didn't satisfy the Office of Management and Budget. In spite of strong protestations of many Congressmen, including a large number of Republican Senators who wrote a joint letter to President Nixon, OMB impounded almost a third of the amount authorized by Congress.

First they impounded $45.5 million for the 1971 Program. Now, in spite of a strong directive from the Congress not to do it, the OMB has impounded $55.5 million for 1972. Let me refer you to the enclosed speech by Congressman Jamie L. Whitten, Chairman of the House Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection on this subject.

Now when literally *everyone* is concerned about the environment, how can the Administration—or two or three bureaucrats—completely overrule the entire Congress in their efforts to maintain this Program? How can these two or three men—or is it only one?—say we are going to "save" $55.5 million when over a million farmers are ready to match it with their own money to bring about a better environment? Shouldn't Congress insist that the Nation go back to what has proven to be sound policy since 1936 and demand that $500 million be authorized? With the farmers matching this as they proved in the survey Mr. Whitten refers to, we could get a billion dollar effort completed each year through an organization which is already equipped to reach every farmer—and every acre—in the Nation.

While new efforts may be needed, shouldn't we utilize an existing effective program facility—namely the Agricultural Stabilization and Conservation Service which now functions in every county? Why must we always create a new agency and spend billions doing it when new ideas come along?

Just as an example of OMB's reasoning, they left the $154.7 million intact for the Soil Conservation Supervisors who advise farmers at the local level—these are not the administrators of the ACP–REAP—but cut the monies available to the farmers to match in getting the actual practices on the land to $140 million! And the SCS supervisors only give advice on less than 25% of the practices carried out by the farmers! Is it any wonder that there is a grass roots revolt in the rural areas?

Will you write or contact either or both the President and Mr. Shultz about the impoundment of this $55.5 million for the 1972 ACP–REAP? Farmers in the Nation are anxious to do their part in the environmental battle and ready to match Federal money with their money plus their time and labor to carry out on the land practices which will benefit all of us.

I am also enclosing a copy of a letter to Mr. Shultz concerning this written by Mr. Steed who, as you know, is Chairman of the House Appropriations Subcommittee on Treasury, Post Office and General Government.

Respectfully yours,
ROBERT M. KOCH,
President.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 29, 1971.

Mr. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: It has just come to my attention that the OMB has once again impounded some of the funds for the ACP–REAP Program.

Over a million farmers in all of the 50 states have shown an interest in doing something about the ecology by offering to match their Federal Government's funds in carrying out soil and water conservation practices which have been approved by local and state officials. A county recently wrote that their farmers had requested $300,000 assistance, which means that they would have put up $300,000 of their own money besides carrying out the practices. Instead, the County Committee could only provide $80,000 because of the cutback. Obviously this year they will have less.

The nation's authorities in this field tell us that our nation's water is polluted a great many times more by soil runoff than by all the sewage we dump into the streams. It seems to me that rather than cut the amount authorized by the Congress under the Soil Conservation and Domestic Allotment Act of 1936—$500 million—we should be taking steps to increase this.

I urge you to reconsider this drastic action and restore the full $195.5 million directed by the Congress for the 1972 Rural Environmental Assistance Program. I believe to do so will be in the national interest.

Sincerely yours,
TOM STEED,
Member of Congress.

WYOMING COMMANDER TO JOINT CHIEFS

Mr. HANSEN. Mr. President, I am proud to note that the commander of the 90th Strategic Missile Wing of the U.S. Air Force, which is headquartered in Wyoming, will be reassigned to the Office of the Joint Chiefs of Staff early in 1972.

Gen. Harold A. Strack, who has had a distinguished military career beginning in 1943, is the subject of an article published recently in the Wyoming State Tribune. In order that he may be better known to Senators, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Wyoming State Tribune, Nov. 26, 1971]

GENERAL STRACK GETS NEW PENTAGON ASSIGNMENT

Brig. Gen. Harold A. Strack, commander of the 90th Strategic Missile Wing here, has been reassigned to the Office of the Joint Chiefs of Staff in Washington, effective shortly after Jan. 1, the Air Force announced today.

Strack, 48, will replace a Navy rear admiral as the chief of the Studies, Analysis and Gaming Agency, a branch of the Joint Chiefs of Staff.

The new post will involve dynamic analysis and computer war gaming for strategic and general purpose forces Strack said.

No successor to Strack as wing comamnder at Warren has been named.

Strack first was assigned to Warren as deputy commander for operations in July, 1963, and 18 months later was named wing vice-commander. He held that post until June, 1965.

He then was reassigned to the Pentagon as Chief of the Strategic Nuclear Branch, also an office of the Joint Chiefs of Staff.

In July, 1968, as a full colonel, he became deputy assistant to the chairman of the Joint Chiefs of Staff for strategic arms negotiations.

Returning to Wyoming in August, 1969, Strack assumed his duties as commander of the 90th Strategic Missile Wing. He was promoted to general officer rank last January.

Born March 29, 1923, in San Francisco, Strack received his pre-service education at schools in that area, including study at San Francisco College.

He entered military service Feb. 10, 1943, attending navigation school at Selman Field in Monroe, La., was graduated and commissioned as second lieutenant on Oct. 16, 1943.

During the following year, Strack served with the 15th Air Force in the European Theater of Operations and flew a total of 34 combat missions over the Balkans, France, Italy and Germany.

He was squadron staff navigation officer.

He took part in combat operations again in 1950, when he served as a B–29 crew radar observer on 28 missions over Korea and as the wing staff radar observer.

Between combat tours, Strack was a senior navigation instructor and head of navigation ground training at Mather AFB in California.

He furthered his military and civilian education through study at Mather, Sacramento State College and the University of Maryland.

After serving with the 22nd Bomb Wing as wing staff observer, 1951–54, Stack was named chief of the Radar Bomb Branch, working directly under the SAC headquarters director of operations.

He commanded the First Radar Bomb Scoring Group from July 10, 1956 to Aug. 16, 1959.

He was chief of the Missile Requirements Branch, Directorate of Operations, SAC headquarters, for the next three years.

Strack holds the aeronautical rating of Master Navigator and has been awarded the Master Missileman badge.

He's a member of the American Institute of Aeronautics and Astronautics.

Among his many service decorations are in Legion of Merit, Distinguished Flying Cross, Purple Heart, Air Medal with five Oak Leaf Clusters, the Joint Service Commendation Medal, Korean Service Medal and the EAME Campaign medal with six battle stars.

He also has received the World War II Victory Medal, American Campaign Medal, United Nations Service Medal, National Defense Service Medal and the Presidential Unit Citation with Oak Cluster.

Strack is married to the former Margaret Deck and the couple has three children, Carolyn, Curtis and Tamara.

EMERGENCY TRANSPORTATION DISPUTE LEGISLATION

Mr. PACKWOOD. Mr. President, the crushing economic burden of the 1971 Northwest longshore strike will long be remembered by all citizens of that region, including all those Oregonians who have suffered either directly or indirectly as a result. As we near the end of the 80-day Taft-Hartley cooling-off period, which was invoked after the strike had been in effect for over 3 long months, the economic picture in the Northwest is again beginning to cloud over. Farmers and lumbermen, the backbone of our regional economy, are doing everything in their limited power to move their crops out before the onset of a new strike, which is expected at this point around Christmastime. Importers and exporters alike are desperately seeking to make arrangements now to somehow compensate for the new losses that will inevitably be sustained if a continuation of the strike occurs at the end of the month.

How successful any preparation can be remains to be seen, but we do know for a fact that resumption of the strike will adversely affect the public, the economy, and the international trade arrangements which have painstakingly been worked out over the years. We know to expect lasting and probably irreversible damage to our foreign markets, since our major purchasers have already been forced to look to other nations to meet their monthly purchasing requirements. U.S. producers will suffer long-term as well as short-term losses because foreign purchasers will hesitate to restore trade with the United States until it can be proven, as pointed out by Federal Maritime Commission Chairman Helen Delich Bentley that:

> U.S. ships won't be shut down at the drop of a hat.

I ask unanimous consent to have printed in the RECORD a text of a letter I have had from Mr. John Welbes, executive vice president of the Oregon Wheat Growers League; a letter from Mr. Lester Estergard, chairman of the Oregon Orchardgrass Seed Producers Commission; and another from Mr. W. Scott Lamb, executive secretary of the Oregon Chewings Fescue and Creeping Red Fescue Commission. In addition, I ask unanimous consent to have printed in the Record a letter written by Oregon Governor Tom McCall to my distinguished colleague and chairman of the Senate Labor Subcommittee, the Senator from New Jersey (Mr. Williams), and also a copy of my most recent letter urging action on this legislation. These letters describe the dilemma facing Oregon and explain why new procedures are so desperately needed.

There being no objection, the items were ordered to be printed in the Record, as follows:

Oregon Wheat Growers League,
October 28, 1971.

Hon. Robert W. Packwood,
Senate Office Building,
Washington, D.C.

Dear Senator Packwood: The Oregon Wheat Growers League urges the members of the Senate Committee on Labor and Public Welfare to do everything possible to pass legislation to up-date the Taft-Hartley law in order to prevent these long-delayed strikes. Not only is wheat concerned, but all segments of agriculture, timber and other related businesses.

During the months of July, August and September, only 93,000 bushels of wheat were exported from the Pacific Northwest and this went through the Port of Vancouver in Canada. This compares to approximately 25,000,000 bushels during the same period last year. Reliable sources inform us that the wheat industry lost $1 million a day during the strike period. The Council of California Growers reports that the strike cost them $17 million dollars daily.

We are positive that after the cooling off period they will again go out on strike. This is also the feeling of our buyers of wheat, as Japan for example, tendered for December shipment but indicate that they will not tender for January shipment. No one knows how many markets were lost during this period but some estimate 25–35%. Our foreign office representatives inform us that their countries are no longer looking at the U.S. as a dependable source of supply.

Enclosed you will find a resolution passed at our recent Workshop. This closely resembles S.B. 560 and we urge you to have hearings and pass legislation dealing with this problem before adjournment. We favor this bill.

Very truly yours,
John H. Welbes,
Executive Vice President.

Oregon Wheat Growers League,
October 14, 1971.

MARKETING COMMITTEE RESOLUTION PASSED AT O.W.G.L. WORK SHOP HELD OCTOBER 13, 1971, IN PENDLETON, OREG.

The transportation strikes in our nation, both regional and nationally, have resulted in untold economic losses to the public and severely hampered interstate and export trade. These punitive strikes in our transportation system should be halted by responsive Congressional action.

The inadequacy of the Taft-Hartley Act to cope with present day labor management problems, has been amply demonstrated.

Therefore, the Oregon Wheat Growers League urges Congress to enact new labor management legislation encompassing strike prevention and settlement procedures in the interest at regional parity of public welfare and trade throughout our nation.

The Oregon Wheat Growers League recommends the following modification of the Taft-Hartley Act:

1. Taft-Hartley Act should cover regional as well as national emergencies.

2. Establishment of a committee to determine the reasonable period of time to allow a strike to continue before it becomes an emergency requiring the Taft-Hartley 80-day injunction.

3. If the strike is not settled during the 80 day period, the striking union would be allowed to resume its strike for a 15-day period. This time period would also include compulsory arbitration.

Oregon Orchardgrass
Seed Producers Commission,
Salem, Oreg., November 23, 1971.

Hon. Robert W. Packwood,
U.S. Senator, Senate Office Building,
Washington, D.C.

Dear Senator Packwood: The Oregon Orchardgress Seed Producer Commission representing over 400 Orchardgrass seed producers in Oregon respectfully request you make every possible effort, including entering a congressional bill, to bring an end to the Longshoremen's Union strike prior to the December 25 deadline for the resumption of the strike.

According to Union spokesmen, the strike will resume after the cooling-off period and this would come about at a time when the prime movement of seed to foreign markets is underway. Many EEC countries are questioning the stability of seed supplies from the United States and encouraging more trade with nations on the continent for such supplies. It is only the competitive edge of Oregon's specialized seed growers that make it possible to sell seed to Europe. If the dock strike continues and seed cannot be shipped, Oregon stands to lose much of this trade advantage. Once lost, it will be extremely difficult to regain, if regaining would at all be possible.

The Oregon Orchardgrass Seed Producers Commission urges you to use the full authority of your office to prevent resumption of the Longshoremen's strike on December 25, 1971.

Respectfully,
Lester M. Estergard, *Chairman.*

Chewings Fescue and
Creeping Red Fescue Commission,
Salem, Oreg., November 12, 1971.

Senator Bob Packwood,
Senate Office Building,
Washington, D.C.

Dear Mr. Packwood: Attached is a letter from the Chairman of the Fine Fescue Commission to the President of the United States in regard to the current dock strike. This matter is of extreme importance to the grass seed growers as well as other agricultural producers in Oregon. It is inconceivable that our nation's lawmakers can sit idly by while the markets for Oregon agricultural products are jeopardized by a small segment of our work force.

We respectfully urge you to make every possible effort to end this strike before it is resumed at a time when Oregon grass seed trade is at its zenith.

Respectfully,
W. Scott Lamb,
Executive Secretary.

Chewings Fescue and
Creeping Red Fescue Commission,
Salem, Oreg., November 11, 1971.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: At the November 9th regular meeting of the Fine Fescue Commission of Oregon, the commissioners unanimously passed a resolution to call on the President of the United States and to our Congressional delegation to urge a total effort to bring an end to the dock strike before the cooling-off period ends in December.

Fine fescue growers produce some 15 million pounds of grass seed annually in Oregon. In 1970–71 approximately one-half of the seed produced moved into foreign trade channels on a cash sales basis and was shipped through the Port of Portland. The bulk of this seed was shipped during November through January for spring planting in Europe and Japan.

The Longshoremen Union leaders have indicated they intend to re-institute the strike following the 80-day moratorium. Such action by the union could virtually destroy the grass seed market abroad for Oregon seed growers, a market it has taken many years to establish. Loss of these markets, even on a temporary basis, would result in an oversupply of grass seed on the domestic market and would prove disastrous to seed prices and growers' income in Oregon.

The Fine Fescue Commission respectfully requests you use the full force of your office to bring about an immediate settlement of the strike.

Respectfully,
John W. Hayworth,
Chairman.

Office of the Governor,
Salem, Oreg., November 17, 1971.

Hon. Harrison A. Williams, Jr.,
Chairman, Subcommittee on Labor, Senate Labor and Public Welfare Committee, New Senate Office Building, Washington, D.C.

Dear Senator Williams: As things now stand, a resumption of the West Coast dock strike seems inevitable around next January 1, after the 80-day Taft-Hartley cooling-off period expires.

Last month the Japanese Wheat Mission came to my office to seek my pledge of deliveries of western grains through Pacific Coast ports in January, February and March of 1972. The time to place orders for these cargoes was then imminent. I assured the mission members—all highly placed officials of the Japanese Food Agency—I would explore every avenue to a possible settlement of the strike.

Meanwhile, the deadline has passed and Japan has had to turn to Canada and Australia for these winter deliveries—just as it turned to the same countries for nearly 60,000,000 bushels of wheat for shipment in July, August and September of 1971. My affidavit which helped the Federal Court in California to decide to order the cooling-off period specified that the dock impasse on this coast had inflicted $125,000,000 in damages on Oregon's economy.

These were observable damages that had already occurred. Oregon's prospective damages will exceed one billion dollars by the end of the decade if Japan continues to be denied our western wheat supplies and stays with those countries which met her needs when the United States reneged.

Portland City Commissioner Frank Ivancie's longshoremen's mission to Japan, Taiwan and Korea has just returned with intelligence of tragic concern for the whole nation. Flour mills in that area are spending millions of dollars to re-tool to process the different kinds of wheat being substituted for ours. The finality of this action in terms of door-shutting against American wheat does not need elaboration.

Officials of the International Longshoremen's and Warehousemen's Union tell me, however, that unless they prevail in the strike perhaps one-third of their members will be without employment permanently. This is because technology is forcing a situation where there are more longshoremen than jobs. At the same time officials of the union inform me they recognize that the employers group, the Pacific Maritime Association, lacks the financial capacity to meet the problem.

It is indeed a challenge that is beyond the means of the private sector. I have directed my State Employment Administrator to discuss with the union such measures as retraining and early retirement to take care of the potentially surplus members. A dilemma the size of this one, however, takes more curing than the state is capable of providing—but at least we might suggest a remedial social program for Congress to review.

The human side of labor-management disputes with such difficult components and far-reaching implications deserves great attention. And so does the procedural side of resolving the actual impasse before the public interest is impaired and the parties themselves torn and embittered by their differences.

The sense of urgency in finding a better way is not new, nor can Republicans claim priority in asserting it.

Delivering a speech in Detroit during his campaign for the Presidency in 1952, Adlai Stevenson called for a new method of settling national emergency labor disputes. "We cannot tolerate shut-downs which threaten our national safety, even that of the whole free world," Stevenson said. "The right to bargain collectively does not include a right to stop the national economy."

Nearly two decades have passed since this challenge was issued. These two decades have seen the procedures for resolving labor disputes, first enacted in the Wagner Act and amended by Taft-Hartley, left initially unaltered; although Landrum-Griffin did effect improved intra-union procedures.

The lack of substantial reform legislation during the past two decades does not reflect tranquility in labor-management relations.

Eight times since 1963, Congress has been compelled to take temporary emergency measures to keep railroads in operation. Great cities have been paralyzed by tie-ups in relatively small, but extremely vital, enterprises. Earlier in 1971, the national economy tottered on the brink, as one rail-line after another was struck. On top of this, a multi-coast dock strike adversely affects the nation.

Your subcommittee is to be congratulated for its recognition of the fact that the time has come when Adlai Stevenson's challenge must be met. I have seen copies of a number of proposals before you, such as S. 954, S. 560, S. 1934, and S. 2583.

Farm interests in Oregon are strongly behind S. 560; but rather than address myself to specific bills, I prefer to deal with concepts.

One of the more interesting of these would empower a panel to consider the final offer of each side, and approve one—which then would become effective as the contract between the parties.

We also should review proposals that would permit regulatory authorities, particularly in the transportation industry, to order partial operation of struck carriers based on a need to insure national health and safety, provide fuel for electrical generation, and continue operation of passenger service.

It was maddening last summer to have federal intervention denied in the West Coast dock strike because it supposedly did not constitute a national emergency. When a major section of the country is economically stricken, it has to be of national concern. But the point here, since this argument failed vis-a-vis the West Coast dock strike, is that we ought to have an enactment giving the Federal government the capability to deal with emergency transportation disputes affecting major regions, as well as the entire country.

Another thought is that piling up one cooling-off period after another really doesn't solve anything. At least, in the present dock deadlock out here, work by resentful dockers is often conducted at snail's pace; and motion would be almost undetectable, I believe, during any subsequent cooling-off chapter. By the same token, a too-coercive final settlement mechanism could be self-defeating.

In searching for better ways to go, we should not ignore the experience of other nations. Australia, for example, has established a system of conciliation and arbitration under the general supervision of a Commonwealth Industrial Court. This is structured along lines of specialized courts in the United States, such as tax courts. A sub-body under the court is the Commonwealth Conciliation and Arbitration Commission of 22 members with considerable conciliation and arbitration authority.

Again, this a mere suggestion to throw into the amalgam of proposals with which your subcommittee is conjuring. What we must come up with, and soon—I respectfully urge—is a program to forestall the closing down of the United States, as so nearly happened in August, 1971, during the railroad strike, a strike that if pressed without limit, could have brought the country to darkness and squalor.

In sum, then, the nation must have updated methods of approaching the social and procedural sides of the major transportation strike problem. You have impressive backgrounds in both areas—and I thank you for your attention to this over-long letter and pledge my cooperation in your quest of answers.

For 20 years we have seen major transportation labor disputes become increasingly harmful to the public at large. And, if you were here on the edge of the Pacific watching the dock strike grow into an international disaster, you would agree we cannot wait another 20.

Sincerely,

Tom McCall,
Governor.

U.S. Senate,
Washington, D.C. November 22, 1971.
Hon. Harrison Williams,
Chairman, Senate Labor Subcommittee, New Senate Office Building

Dear Pete: I think all would agree that the six days of hearings on emergency transportation labor disputes legislation which the Labor Subcommittee has held so far this year have been immensely helpful in allowing us to pinpoint some of the major issues and problems in this area. We have a great deal of diversity among both supporters and opponents of specific proposals, but we also have a wide range of specific proposed solutions from which to choose in reaching a decision on the most equitable permanent procedures to solve emergency labor disputes in the transportation industry where the public interest is affected.

I have been gratified that Congress now seems more willing to face up to its responsibility of protecting the public interest where emergency transportation labor disputes are concerned, and where failure of the two parties to settle results in economic catastrophe for millions of innocent Americans, in no way connected with the issues surrounding the dispute itself. Congress certainly realizes that its role as labor arbitrator in crisis situations is neither a flattering nor appropriate one. I'm convinced that if we present the choices, the arbitrators role, versus permanent legal procedures, our colleagues will agree that the latter is both more appropriate and more equitable for all concerned.

The progress we have made so far on this legislation, Pete, is certainly encouraging. We do, however, have a very long road ahead of us, and we all know the road will not be easy. However, the longer we postpone moving this legislation, the more we force Congress to impose its own decisions as a labor arbitrator. And I think it's fair to say that our task will not be made easier as time goes on. In the case of the Northwest and particularly my State of Oregon, we have already suffered untolled millions of dollars of losses as a result of first the railroad strike this summer and now the longshore strike, which is threatening to resume over the Christmas holidays. The economic losses suffered in Oregon are not just losses to wealthy businessmen and shippers. The losses are felt up and down the economic chain, from the lumber worker who loses his job to the migrant who can't find employment, to the state government, whose budget is already in a very precarious position, to the federal Treasury, which sees the losses reflected on our balance of trade sheet. People in the Northwest who have already suffered from this uncertainty for all these months would be quick to tell the Congress that the permanent legislation we are now thinking about considering is way over due. Why, they would ask the Congress, should they be asked to suffer for the failure of two parties in a labor dispute to reach a mutually satisfactory agreement, and also for the failure of Congress to act responsibly in providing the permanent legal procedures which would make such irrational and arbitrary hardships a thing of the past.

Pete, the entire Northwest is trembling again at the thought of a renewed longshore strike. Oregon cannot sustain this additional negative impact. May I again implore you to press forward with hearings on this vital legislation, with the hope that we can move a bill or bills to the floor at the very earliest time.

With kindest regards.

Cordially,

Bob Packwood.

Mr. PACKWOOD. Mr. President, I cannot stand idly by while the Senate moves toward adjournment, having failed for yet 1 more year to meaningfully consider legislation to reform procedures governing emergency strikes in the transportation industry. The several days of hearings we have held in the Labor Subcommittee are certainly an indication of progress in this area. But the progress is slow, Mr. President, and does not in any way reflect the urgency of the economic disaster which befalls the public interest under existing statutes.

Clearly, the Senate will not be able to consider this badly needed new legislation before adjournment, but let me again urge Senators to find the time and the inclination at the earliest possible date in the new session to bring emergency transportation dispute legislation out into the open for rational debate and action.

CHEESE QUOTA

Mr. BENTSEN. Mr. President, President Nixon is doing our domestic dairy industry an injustice by not adopting the quotas on certain types of cheese recommended months ago by the Tariff Commission.

In January 1969 a number of cheeses were placed under quota, but it was decided that any cheese in these categories which cost 47 cents per pound or more would be exempt from the quota. This was intended to permit specialty cheeses which are not normally manufactured in the United States, to be imported. However, by 1970, increasing imports of the over 47-cent cheeses accounted for nearly 25 percent of all dairy imports. Because of this, the President asked the Tariff Commission to hold hearings and make recommendations on this type of item.

The Commission recommended that the 47-cent price break be abolished and that a quota be established for the various types of cheese involved, regardless of prices. The three quota groups decided upon are: Swiss cheese, Gruyere-process cheese, and certain other cheese. The

Commission recommended that the present quotas for each of these three categories, which had previously applied only to under 47-cent cheese, be increased by taking into account recent imports of over 47-cent cheeses. In effect, the new quota, which was to cover regardless of purchase price, would be based on the past shipment of both over and under 47-cent cheese.

Though the President made his request 8 months ago and the Tariff Commission made its recommendation over 3 months ago, there has been no further action.

Mr. President, I support very strongly the idea of trade between the United States and other countries. We need trade if we are to have a healthy economy, but trade must be a two-way street, with equal restrictions and privileges for all countries. The United States has worked hard to establish open markets; however, in this case I think the President should enforce the recommendations of the Tariff Commission. Our own dairy industry should not be sacrificed for the sake of our import policy.

A SALUTE TO GEORGE NORRIS

Mr. HRUSKA. Mr. President, it is a pleasure to invite the attention of Senators to the November 1971 issue of the magazine Rural Electrification, which shows on its cover a picture of former Senator George Norris, of Nebraska, striding along the sidewalk of—probably—his hometown of McCook in a characteristic posture. The cover is entitled "A Salute to George Norris."

The magazine contains two items of particular interest. One, a feature article entitled "George Norris at Home"; the other is a brief editorial endorsement of the bill (S. 1130) introduced by my colleague from Nebraska (Mr. CURTIS) and me which would make the Norris home place in McCook into the George W. Norris Home National Historic Site.

I ask unanimous consent that the article and the editorial be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE NORRIS HOME

George Norris's home in McCook, Nebr., is a national landmark, but it is not yet an American historical site, the highest honor given to important places in our history. It is far past time that the Norris home was given that designation.

GEORGE NORRIS AT HOME

(By Ted Shepherd)

George William Norris. What shall we say of him?

That he gave Nebraskans 40 years' service in Congress, America the TVA and REA, our Constitution its twentieth amendment?

These things are already well-known. Let us instead speak of the man.

Not the public man. He was a giant, a hero, and heroes beget legends and legends become bronze. But in these times we need reassurance that it was not bronze but poor flesh, like our own, that compiled this catalog of achievement.

Let us talk about the private George Norris.

His arms were too long. George Norris's arms were so long he had to have special made coats. That was a special pain, because he didn't like to shop for clothes, perhaps because he attached little importance to personal adornment—perhaps because he had been one of a farm family of 12 children that had known very hard times.

But his wife Ellie was determined that her husband should be decently attired. For years, then, whenever George would get a one-coat suit, Ellie would—in secret—pay the tailor to make a duplicate coat. From time to time—and this went on for years without George ever the wiser—she would switch coats so the dirty one could go out to be cleaned.

Finally he caught her.

"He sat down on the radiator and—this isn't the nicest language in the world, but it's what he said—'you beat the devil!', and then, how he laughed!"

That is the way Ellie Leonard Norris of San Jose, California, now 97 and residing in a McCook, Nebraska, nursing home, remembers her husband.

Ellie was his second wife. His first, Pluma Lashley, gave him three daughters—and, as a result of complications during the birth of the third died.

The shock of this loss and the terrible sense of responsibility thrust so cruelly upon him gradually put Norris in a certain frame of mind: he wanted to die, too. In his autobiography, *Fighting Liberal*, he spoke of that dark time.

A prolonged bout of dentistry—Norris had had extremely troublesome teeth—and general decline of spirit and health left him in serious condition, and there came a day when his physician laid things on the line. "You are battling against every bit of medicine that I give you," Dr. Greene said. "Without your assistance, I have no hope for your recovery, and I think it is up to you to decide now whether you are going to live or die."

Norris had a very human and heartbreaking reaction: "I did not tell him so, but in my own mind I thought it better under the circumstances I die."

He did not die then, of course, because, as he related in his book, one of his little girls said she would rather sit with him in a darkened room than go into the sunshine to play with her friends, and he suddenly realized that with that kind of promise and love available dying would be a most improper course to follow.

In 1903 he and Ellie, who was teaching school in McCook, married.

"I was 29. George William was also in his late twenties. I had a romance that death had ended. He had a marriage that death had ended. We picked up the pieces and made what I think was a very good life."

Not always an easy life, however. For Ellie's only children, twin boys, were stillborn. She concentrated her love upon her stepdaughters, and her feelings for them are evident when she says, "I like to think sometimes that Pluma got my boys and I got her girls."

George Norris was very much a family man. He liked to be at home, and when he was home he liked to do things with the family. This becomes apparent in a conversation with Ellie Norris.

Did he like hunting or fishing—or say, just riding?

"No, no. He used to say, 'Riding mixes my dinner up.' He loved for us to go out with the girls on picnic dinners."

Did he play any games?

"He was a crackerjack card player—but he used to get awfully disgusted with the men who, the second the Senate or House let out, would go into a poker game. He was a real baseball fan, though, and we went to the games in Washington and listened to them on the radio here."

Gardening, reading?

"He was a good gardener—but not flowers. I doubt if he knew the difference between a pansy and a sunflower. He loved to read aloud to the girls. His favorite reading was history and Dickens. His favorite novel, I think, was *Bleak House*."

Go to McCook, a town of about 8,000 persons set down in southwest Nebraska about midway between Denver and Omaha, and you can see the Norris home, currently a registered national landmark and, if legislation introduced in Congress by the state's senators passes, someday a national historic site.

A less bleak house would be hard to find. It sits on a tree-lined street (Norris Avenue) across from a park, and it holds in its appealing interior much of the personality of George Norris.

Besides the plaques—including a special one to honor his work on behalf of the nation's rural electric cooperatives—the furnishings that tend to catch the eye first are the rugs. They are orientals.

This man who spent his life hammering out the plain planks of Western populism had a real fondness for the intricacies woven into floor coverings by people of the feudal East.

In the basement a display area of books, documents, and other government memorabilia includes a carved wooden duck—personal memento of the Lame Duck amendment which finally realized George Norris's belief that after the people have decided against returning a man to Congress he should get the heck out of the place. Soon.

On the first floor one tends to pause at the study—a small room with French doors and an old desk where Norris spent more time than he really wanted to at home in work on matters of government, including, no doubt, a number of hours working over the twentieth amendment, for it took some 11 years between introduction as bill and passage as law.

There was an unbroken house rule. When George William was in that study he was not to be disturbed, for any reason. Ellie Norris can recall the evening when one of the little girls, denied the companionship of her father through most of the day and now forbidden to disturb his work, kissed the study door and went to bed. Ellie Norris, too, observed the bounds of that sanctuary.

"He would pace that study. I have sat in the living room and my heart just ached for him. But I couldn't help him."

She speaks of the day he completed his deliberations in the study and came out to tell her he had decided to oppose America's entrance into World War I, a decision that stripped him of considerable popularity and supporters, and some friends.

"I'm glad you're going to vote the way you are," Ellie Norris said, and she recalls his reply: "Yes, my girl, but it will probably cost me my seat in the Senate."

That decision did not cost him his Senate seat but in 1930 he had to embark in an all-out campaign to win the Republican nomination. Some of the old guard party leaders tried to louse up the primary election by the simple expedient of running another George W. Norris—a grocer without any political experience—so it would be impossible to tell how many votes had been cast for each candidate.

Norris had to work hard to beat that, but he did. First, after a battle that ended in court, he showed that "Grocer" Norris had filed late for the primary—and thus the other Norris's name was not allowed on the ballot. Second, Senator Norris campaigned with a vengeance. Behind the house, in the garage, is the steed he rode into a thousand political jousts: a 1937 Buick. "George William," says Ellie Norris, "said he wore out two sets of tires and two windshields campaigning over Nebraska's gravel roads."

Apart from politics, Norris could be a very private man—sometimes even to his family—and there are two illustrations that bear this out.

Examine the photographs and you will see that his eyelids tend to droop slightly. As a young man, on a shooting expedition with friends, he was accidentally shot by one of them in the face. Ellie Norris says that he knew which friend had committed this near fatal blunder—but he never mentioned the man's name, even to her.

In college days in Ohio he helped form a secret society of friends, its only purpose to encourage and retain already formed friendships, its only secret its name. The society enjoyed more than 45 annual reunions, but nonmembers, including Ellie Norris, never knew what its initials—L. U. N.—stood for (though in the society's early days some people referred to it as Lunatics Under Norris).

Ellie Norris has a spread that she made for George William's bed many years ago. It is a nice spread, but perhaps rather feminine—for, as Ellie Norris smilingly recalls, he replied to this wifely generosity with a gift to her: a saw.

The curator of the Norris home is Steve Bell, 26, a teacher of economics and government at McCook High School. He took the job because his interest in Norris developed after researching a high school project paper on the TVA. Bell finds that Norris and his work are of great interest to young people.

"Maybe 50% of the people who come through the home," he says, "are 16 and under. At first I thought they were just doing it to kill time. But I found a lot of them were coming back. Then, when I saw they were correcting me in my comments on the home the second and third time through I found out they were paying attention."

After you have viewed the house—including in its contents Jack Dempsey's hat, which was traded for a Norris model after both men decided a swap was in order—you can drive south by the Republican River and view the Norris farm, still operating, on a rural electrification system he labored so hard to secure.

Then, if you have time, return to town and drop in on Harold P. Sutton, who runs a jewelry store in McCook and who met George William in 1904 after using a Norris speech as the subject of a high school graduation theme.

He is great friends with Ellie Norris and he knows the way—for he has traveled it many times—to the nearby cemetery where, near the graves of his twin boys, George Norris rests today. Stand there awhile with Sutton and, after the discussion has drifted over TVA and REA and Nebraska's unique unicameral legislature—another, and very efficient Norris accomplishment—sooner or later you will hear him describing Norris's honesty.

This is the trait that everyone remarks upon.

One day, not so very long ago, a visitor—a little sick of hearing this continual repetition of honesty, honesty, honesty and inclined to view bronze with some suspicion—asked Ellie Norris for some examples of this honesty, some specifics please.

Ellie Norris thought a while. She was the man's wife for more than 40 years, and now his widow nearly 30 ("sometimes his death seems a long way off; other times it seems like yesterday"). She has a lot to think about.

And then she smiled and said, "The newspapermen voted him the most honest man in Congress."

THE GENOCIDE CONVENTION AND THE UNITED NATIONS

Mr. PROXMIRE. Mr. President, article 8 of the Genocide Convention states that—

> Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.

Many people have voiced the fear that this article gives the United Nations the authority to interfere in the internal affairs of the United States. They fear that the U.N. will be investigating every incident involving a member of a minority group in America, constantly impinging upon our sovereignty. They fear that our Government will be unable to work with minority group members without having the U.N. constantly involving itself to check on possible acts of genocide.

But is this really the case? Is this possible? Article 2, section 7 of the United Nations Charter says:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.

Since the Genocide Convention says that any United Nations action must be according to its Charter—and, indeed, how could it act otherwise—and since the U.N. Charter specifically forbids the U.N. from interfering in a nation's internal affairs, the above outlined scenario is legally impossible. The Genocide Convention does not give the U.N. authority to intervene in our domestic affairs. We do not have to fear any limitation on our sovereignty.

So what does the Genocide Convention do? Why should the United States ratify it? By ratifying the Convention the United States tells the people of the world, that we, as a nation, abhor this horrible crime. We go on record as being against the systematic extermination of racial, national, or religious groups. When the Congress has enacted the necessary legislation we will then be able to do our share to insure that the horrors of Nazi Germany are never repeated.

Mr. President, the hour is late. The Senate must ratify the Genocide Convention.

CONQUEST OF CANCER

Mr. KENNEDY. Mr. President, recent discoveries by teams of medical scientists at the University of Southern California and Georgetown may well prove to be a monumental step forward in respect to the conquest of cancer.

These new discoveries appear to link two viruses directly to cancer. If it is possible to establish a link between viruses and cancer, it may well prove that scientists will ultimately control the disease through development of vaccines or other measures.

Mr. President, these new discoveries with respect to cancer are especially timely because the Senate and House conferees are now in the final stages of approving major new Federal legislation for the conquest of cancer. I think the articles by Harold Schmeck of the New York Times, Thomas O'Toole of the Washington Post, and Judith Randal of the Washington Star will be of interest to all my colleagues in the Congress, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TWO VIRUSES FOUND IN CANCER STUDIES

(By Harold M. Schmeck, Jr.)

WASHINGTON, December 5.—Research workers here and on the West Coast have announced the discovery of two new candidates for the ominous title of human cancer virus.

The discoveries, made independently, are part of a current ferment of research in which scientists are trying to link viruses with human cancer. When and if such a link is proved, it is expected to have profound effect on man's understanding of cancer and, potentially, his ability to deal with it. There have been several other suspected human cancer viruses, but none has yet been proved.

There are strong similarities and evidently some differences between the two new candidate viruses. Both are C type viruses, a type that is the focal point of much current cancer virus research.

Both newly found viruses are thought to stem from cells of one kind of human cancer, rhabdomyosarcoma, which affects muscle tissue. The cancer tissue studied on the West Coast was from a 7-year-old girl; that on the East Coast from a 38-year-old woman.

CELLS PROPAGATED

In each case, cells from the original cancer were propagated at length in laboratory flasks and showed no evidence of virus. It was the achievement of coaxing viruses forth at last that led to the announcements from each team at news conferences here and in Los Angeles last week.

Much experience in animal research has shown that detectable virus often disappears from cancers known to be caused by that virus. New techniques to make those hidden viruses reappear have generated much new study in recent years in regard to human cancers. It has long been known that viruses can cause cancers in animals.

The West Coast team was led by Dr. Robert M. McAllister and Dr. Murray B. Gardner of the University of Southern California School of Medicine, in collaboration with scientists here, including Dr. Robert J. Heubner, head of the viral carcinogenesis branch of the National Cancer Institute.

The other team was led by Dr. Sarah Stewart at the Georgetown University School of Medicine here.

INSTITUTE PROVIDES FUNDS

Both projects are supported by the special virus cancer program of the National Cancer Institute, a unit of the National Institutes of Health.

In the research done primarily on the West Coast, cells from a tissue culture derived from the girl's cancer cells were injected into fetal kittens. After birth, some of the kittens developed tumors that showed strong evidence of being human rather than animal cancer tissues. From one of these cancers, much virus has been obtained.

In telephone interviews, Dr. Gardner and Dr. Huebner said the evidence suggested strongly, but did not yet prove, that a human virus had been found in these cancer cells. Whether or not this or any other virus caused the original cancer is unknown. Attempts to prove that will be the focal point of future research.

NEW TECHNIQUE USED

The work by Dr. Stewart and her colleagues at Georgetown also involved tissue culture cells derived originally from a cancer patient, but did not involve animal research. Instead, the team used a new chemical technique developed by Dr. Wallace P. Rowe and colleagues at the National Institute of Allergy and Infectious Diseases to coax forth hidden viruses from cells growing in tissue culture.

The method has been used to find animal cancer viruses in cancer cells from which all detectable trace of the viruses had disappeared.

Dr. Stewart said the new research marked the first time this method had been used to find a virus in cells derived from human cancer tissue.

"We do feel this virus is a potential human cancer virus," she said.

Virus particles similar to the virus her group has found were seen under the electron microscope in sample of the original human cancer tissue, Dr. Stewart declared. She said this argued against the possibility that the virus was a contaminating animal virus.

FUNDAMENTAL DIFFERENCE

Dr. William Feller, one of her collaborators said the new virus was fundamentally different from known animal viruses in the way it buds from the cells it infects. This also suggests that it is not an animal virus, he said.

For both of the new candidate viruses there is suggestive chemical, immunologic and other evidence that the agent in question is not just an animal virus but is one that infects human cells primarily. Whether or not these are human cancer viruses is a question that will require much further study. Research to prove this crucial point is already planned or beginning.

First Human Cancer Virus Apparently Isolated at USC

(By Thomas O'Toole)

A team of medical scientists in Los Angeles has discovered what appears to be a human cancer virus, the closest anybody has come to isolating and identifying a possible cause of the dread disease.

"This discovery puts us in a position where maybe we can determine to what extent this virus is involved in human cancers," said Dr. Robert J. Huebner of the National Cancer Institute. "It's a light-year ahead in terms of understanding how a cancer virus might work in humans."

The virus in question was found by scientists at the University of Southern California School of Medicine and the Childrens Hospital of Los Angeles, where the virus was observed in a seven-year-old girl with a muscle cancer called rhabdomyosarcoma.

A USC pathologist team led by Dr. Murray B. Gardner took cells of skeletal muscle from the girl's pelvis (where the cancer had spread) and injected them into embryonic kittens being carried by three cats.

One stillborn and three live kittens from the three cat litters were found to have muscle cancers. One of the three diseased live kittens had a solid tumor in the brain, which the Los Angeles scientists chose for their most exhaustive study.

"The tumor in the cat's brain," said Dr. Huebner, "looked the same as it did in the child."

When the tumor cells were "grown" in the laboratory, they were found to contain human chromosomes, the carriers of human heredity that are distinct from animal chromosomes.

"These chromosomes were quite visible after growth," Dr. Huebner said. "There was no mistaking them."

Together with a team led by Childrens Hospital's Dr. Robert M. McAllister, Dr. Gardner and his USC team then put their virus through an exhaustive series of tests, including sending samples of the virus to three other laboratories for their analysis.

Scientist teams at Flow Laboratories in Rockville, Md., and at Microbiological Associates in Bethesda, Md., found that the virus (named RD–114 by McAllister and Gardner) was not from the mouse, rat, hamster or cat—four animals whose cancer viruses have been mistaken in the past for human cancer viruses.

A third scientific team at the National Cancer Institute also discovered an enzyme in the virus that was similar to enzymes found in animal cancer viruses. Analysis by the Cancer Institute showed that this enzyme was different from any animal enzyme.

"We know conclusively that we do not have a cat virus, a hamster virus, a mouse virus or a rat virus," Dr. Huebner said. "This virus is a new virus and it is a mammalian virus, and while there is an outside chance that it comes from an animal other than man we don't think so." Where the Los Angeles discovery puts man in his fight against cancer is hard to fathom right now, but it could be a giant leap.

Dr. Huebner explained that it has taken researchers 50 years to link cancer with viruses, but that great strides have been made in the last few years.

"Four years ago, we didn't have a hamster virus and now we do," he said. "Two years ago, we didn't have a rat virus and now we do. Progress is being made."

At the same time that the Los Angeles discovery was being announced, a team from Georgetown University School of Medicine said they had isolated what they believe to be a "candidate human cancer virus."

Dr. Sarah Stewart, professor of pathology at Georgetown, said she had taken the virus from a 38-year-old woman with the same kind of muscle cancer as the seven-year-old girl at Childrens Hospital in Los Angeles.

While she said she could identify virus particles in the woman's cancer cells, Dr. Stewart admitted that she had not confirmed her finding by the same testing done by the Los Angeles team.

"We are about to embark on that now," she said over the weekend. "We feel we have a human cancer virus."

Two New Viruses Linked to Cancer

(By Judith Randal)

Two federally supported scientific groups, working independently of each other, have found viruses they think will prove to be the cause of some human cancers.

The new findings, by scientists at Georgetown University here and in Los Angeles, bring to five the number of so-called "candidate" viruses reported since July.

The researchers believe that the type of viruses in question lie dormant in all people's genes in incomplete form from the time of conception and become active only if something in their environment permits them to mature.

It is unlikely, therefore, that they could be conquered by a protective vaccine. But an understanding of their nature could lead to other methods of prevention and control.

Both newly reported viruses were derived from the tumors of patients with a form of cancer called rhadbomyosarcoma, which originates in muscle. Both are "Type C," a class of spherical viruses which include those known to cause leukemia and other cancers in a broad spectrum of animals.

It is possible, therefore, that the two viruses are related or even identical. Such coincidences are not unusual in science.

One virus was found in the thigh tumor of a 38-year-old woman in June 1970. Dr. Sarah Stewart, long a leading scientist at the National Cancer Institute and now a professor of pathology at Georgetown University Medical School, kept some of the tumor cells alive in laboratory flasks for study after the growth was surgically removed.

So far most of her evidence comes from electron microscope photographs. That is, her evidence so far is primarily visual, although she and her associates have begun other tests whose results so far are promising.

The other virus, obtained from a tumor in a seven-year-old girl at Children's Hospital of Los Angeles in the late 1960s, has a similar history, but it has been more extensively tested.

Eight scientists—at the University of Southern California in Los Angeles, at Flow Laboratories in Rockville and at the National Cancer Institute in Bethesda—have collaborated in a variety of experiments to define its behavior and properties.

These scientists say their test results make "this virus . . . appear to be the most likely candidate for a human C-type virus yet described."

Dr. Stewart and her faculty colleague, Dr. William Feller, reported they had at first been handicapped by the disappearance of recognizable virus from the tumor cells after a few generations of laboratory growth.

This is a phenomenon familiar to scientists who have worked with animal cancer viruses and until this year it was a major stumbling block in research.

Then Dr. Wallace P. Rowe and his colleagues at the National Institute of Allergy and Infectious Diseases reported that such "hidden" animal cancer viruses could be made to reveal themselves in mature form if the cells were treated with either of two chemicals. Their work with mice led the Georgetown scientists to try the same technique.

CHEMICALS USED

Chemical reactivation with a substance known as IUDR has been so successful, the Georgetown team found, that it should now be possible to obtain the complete virus in sufficient quantity to isolate it and study it in great detail.

Photos taken with an electron microscope and preliminary tests already indicate, they said, that the virus differs from those known to cause sarcomas, or malignancies, in cats and mice. However, the possibility that the new virus is an animal contaminant and is not of human origin—while remote—has still not been entirely ruled out.

No one yet knows whether the virus will cause tumors in other species or lead to malignant changes in the architecture of normal human cells grown in test-tubes. Both findings are thought important to demonstrate a cause-and-effect relationship between any given virus and human cancer.

Drs. Robert M. McAllister and Murray B. Gardner, leaders of the University of Southern California School of Medicine team which together with other scientists has been studying the second virus, appear to be further along toward these goals.

For one thing, RD–114, as the virus is designated, has been isolated in cell-free filtrates as well as merely photographed and is available in large amounts. For another, it has been injected into another species and found to produce tumors.

In this experiment, cells from the child's tumor which had been nurtured in the laboratory were injected into the embryonic kittens of three pregnant cats. One stillborn and three surviving kittens of the 10 thus treated were found to have cancers similar to that of the little girl from whom the original tumor came.

This is presumptive evidence that the virus contains genetic information that programs for a human rather than a feline cancer.

From the tumor which had been growing in the stillborn kitten's brain, the scientists also grew cells whose chromosomes were clearly human rather than feline, even stronger presumptive evidence.

ENZYME RELATIONSHIP

The brain tumor was also found to contain Type C virus which further tests have demonstrated contains the recently discovered enzyme reverse transcriptase. This enzyme is associated with all the viruses known to cause leukemia in animals and many known to cause such solid tumors as sarcomas, too.

Still other tests have demonstrated that substances on the outer coat of the virus react with materials from cells treated with cancer viruses that infect mice, rats, hamsters and cats. This clearly indicates, the scientists say, that RD–114 is mammalian.

On the other hand substances in the inner core of the virus do not so react.

Because it is the inner core that governs the species which the virus can infect under normal circumstances, the scientists believe this may indicate that the virus they are studying is a human contaminant rather than an animal one. Further tests will be needed to furnish proof.

In an interview, Dr. Robert C. Huebner, who oversees the project for the Special Virus Cancer Program and has collaborated in it himself, said the study has progressed so rapidly that more definitive information may be available in as little as a month.

UNDERMINING THE CHANCE FOR PEACE IN SOUTH ASIA

Mr. BAYH. Mr. President, while it is difficult to secure precise information on the war raging between India and Pakistan, one need not belabor the need to end the bloodshed as quickly as possible. As with all such tragedies, the first goal must be a ceasefire which can then be followed by negotiations and resolution of the sources of the conflict.

Because a prompt end to the hostilities should be the primary aim of this Government, I was appalled to read the injudicious and counterproductive statement by a high official of the State Department who charged India with "major responsibility for the broader hostilities which have ensued." Not only is this incorrect, as I shall in a moment explain; it added further fuel to the flames of war at a time when this Nation might better have been playing the role of peacemaker. Moreover, by presupposing that we are capable of judging the question of guilt, we have undermined our own ability to help bring about peace in the future.

An examination of the complex history which brought about this most recent warfare can be helpful in demonstrating why the statement by the administration official was ill-timed and ill-aimed.

There are, of course, centuries of conflict between Hindus and Moslems culminating in the 1947 division of the subcontinent into India and Pakistan—with Pakistan, in turn, being divided in half.

Twice before in the last 25 years India and Pakistan went to war over territory, with religious tensions a persistent thorn in the sides of both countries.

With Pakistan itself there has been continuing hostility between East and West, between Hindus and Moslems.

Last year Pakistan held an open election in fulfillment of a longstanding commitment to democratic government. However, when the vote in East Pakistan went overwhelmingly to the Bengalis who favored separation from West Pakistan, the Pakistani Government ignored the will of the people and refused to institute the freely elected government.

Moreover, West Pakistan followed with a terrible blow against East Pakistan. Tens of thousands of Bengalis associated with the independence movement were killed. Millions fled from East Pakistan into India in fear for their lives.

This created a great problem for India who although sympathetic to the Bengalis, could not provide food or shelter to so great an influx of refugees.

The tensions which resulted brought about mobilization in both India and Pakistan with the outbreak of fighting last week.

Where was this Government during this period prior to hostilities? We quietly continued to send arms to Pakistan during the worst period of the slaughter in East Pakistan and suspended shipments only after the House voted to end military aid to Pakistan. Weeks later, we belatedly ended arms sales to India. It is a sad commentary that the war raging on the subcontinent today is being fought on both sides with U.S.-made weapons.

While we were all too free with military assistance we provided far too little in the way of humanitarian assistance needed to deal with so immense a refugee problem. We failed to go to the United Nations until the bloodshed was widespread. We failed to put the needed emphasis on a cease-fire. We failed to insist that this dispute be limited to the question of refugees rather than the historical power struggle between India and Pakistan. And now we have failed the crucial test of refraining from inflammatory rhetoric, thus denying ourselves the potential for helping to arrange even a temporary peace.

Mr. President, the errors of the past year are all too clear. The plight of millions of refugees without food, shelter, or minimal medical care, along with the mounting number of casualties, must be the center of our concern.

We must immediately demonstrate our neutrality and thereby reestablish our credibility as a peacemaker.

We must insist on action for peace in the General Assembly of the United Nations where all parties concerned—including spokesmen for the refugees—should join in the search for constructive action.

We must mobilize the resources at our command, while working with the international community, to refocus attention on the refugees and provide relief for these and other victims of the war.

Finally, we must stop the game of pointing fingers and instead give peace the priority it deserves.

To do any less than this, to engage in name calling, to falter in the drive for a cease-fire, to become lost in diplomatic gamesmanship—none of these responses would be satisfactory.

Once the fighting is stopped and relief efforts are underway we can foster an ultimate resolution of the tensions on the subcontinent by acting as a responsible member of the international community instead of functioning as munitions supplier to both sides.

There is, on the subcontinent, a crucial test for the foreign policy of the Nixon administration. It is an unfortunate reality that, to date, the administration has failed that test.

CLEAN ENERGY VIA THE WIND

Mr. GRAVEL. Mr. President, windpower, which is a variant of solar energy, is a nonpolluting form of energy available in great quantity.

The World Meteorological Organization has estimated that windpower available for turbines at favorable sites throughout the world is approximately 20 million megawatts. In comparison, the entire present installed electrical generating capacity in the United States is 350,000 megawatts.

Alaska, Hawaii, great areas of both continental coasts, and an extensive area stretching from the middle of Texas through Oklahoma, Kansas, Nebraska, South and North Dakota, plus parts of Colorado, Montana, Minnesota, Michigan, New York, and New England, experience winds which average 12 miles per hour or more. That speed may turn out to be sufficient for producing nonpolluting electricity at reasonable cost. Wind-velocity maps of the United States are available from the U.S. Department of Commerce Weather Bureau, and from the Federal Power Commission.

CERTAIN TO WORK

The capability to generate electricity from windpower was demonstrated decades ago, but development was ignored in light of claims that nuclear electricity would be "too cheap to meter."

However, at the time of the report to the Senate Interior Committee by the National Fuels and Energy Study Group in 1962, electric generators run by windmills were operating in Germany, South Africa, Russia, the United States, Britain, and elsewhere. Thousands of small 3- or 4-kilowatt generators were in use throughout the world. A 100-kilowatt wind-driven generator had been operating successfully in Denmark for several years; one that size had been installed also in the Isle of Man; and a 640-kilowatt wind generator had been tested in France.

UNITS OF 5 OR 10 MEGAWATTS

Another Government-sponsored study group, under Ali B. Cambel, concluded in 1964 as follows:

> There is sufficient knowledge for construction of a 5,000- to 10,000-kilowatt prototype installation that would allow a realistic appraisal of the use of wind energy. A design study of the apparatus and a meteorologic survey of possible sites would need to precede construction. Such a program would provide important information about the economic feasibility of aerogenerators, including their integration into electric grids. . . . On a long-term basis, wind-power is a reliable energy source . . . the supply is inexhaustible, and its use has no detrimental effect on the surrounding area since there are no harmful or disagreeable byproducts.

EFFICIENT, NONPOLLUTING, AND STORABLE

New respect was paid to windpower recently in the September 1971 issue of the Scientific American. In the article, "The Conversion of Energy," Engineering Prof. Claude Summers, of Rensselaer Polytechnic Institute, says:

> What about the wind? . . . A propeller-driven turbine could convert the wind's energy into electricity at an efficiency somewhere between 60 and 80 percent . . . Windpower would have the great advantage of not introducing waste heat into the biosphere.
>
> The difficulty of harnessing the wind's energy comes down to a problem of energy storage. Of all natural energy sources, the wind is the most variable. One must extract the energy from the wind as it becomes available and store it, if one is to have a power plant with a reasonably steady output . . .

One scheme that seems to offer promise is to use the variable power output of a wind generator to decompose water into hydrogen and oxygen. These would be stored under pressure, and recombined in a fuel cell to generate electricity on a steady basis. Alternatively, the hydrogen could be burned in a gas turbine, which would turn a conventional generator.

A similar solution to the storage question was suggested in a paper entitled, "Outline of Windpower Application Data," October 18, 1963, by Engineer Hellmut R. Voigt of Sun Valley, Calif.

READY TO GO?

In fact, Professor Voigt has worked extensively on windpower designs, and has written a book-length manuscript in German which includes extensive figures and drawings for his proposed "Cyclone D–30" windpower plant.

Mr. Voigt and another engineer in Salem, Oreg., by the name of Joseph Tompkin, would like to see the construction of a prototype "Cyclone D–30" windpower plant with a 750-kilowatt capacity completed within 3 years and within a budget of $1 million.

While I am obviously not qualified to judge the merits of their particular design, there are many people who are. What I am urging is that such proposals be evaluated without delay, and that appropriate funding be provided, both for the people with nonpolluting energy ideas, and for the people who ought to assess the ideas.

ASSESSMENT: MAKING BIAS USEFUL

Assessment, of course, can make or break an idea. Sometimes a single person on a particularly important review board can delay a whole technology and its business potential with impunity and anonymity.

Since human nature probably introduces positive or negative bias into every review, bias in technology assessment can perhaps be handled only by accepting it, and making it work for society openly and equally.

If we use the Voigt windpower design as an example, we should assign one group of reviewers to assess it with a view to accelerating its development, something which often happens in the real world even when the expert reviewers are allegedly objective. We should assign another group of experts to assess it with a view to killing it, which also often happens in the real world.

GETTING THE INCONVENIENT FACTS

We generally believe that "adversary" legal procedure is an effective way to reveal inconvenient information. A system of "adversary" science and technology assessment could perform the same function for various energy sources, with great benefits for sound investment practice, for the environment, for world health, and for world peace.

Let us not fool ourselves. The production of energy is a fundamental factor in all those matters. We simply cannot afford a grand distortion through bias, or any premature dismissal of clean, inexhaustible energy sources.

PAPER PLACED IN THE RECORD

Windpower is one of the elements in the "National Network of Pollution-Free Energy Sources" which deserves prompt attention. A survey of windpower potential is provided in appendix 6 of that research proposal, which was prepared in April 1971, under the leadership of Engineering Prof. William E. Heronemus at the University of Massachusetts.

A few days ago, I placed the research proposal itself in the Record.

Mr. President, I ask unanimous consent to have appendix 6, entitled "Extraction of Pollution-Free Energy from the Winds," printed at the end of my remarks today.

ADDITIONAL MATERIAL

At a later time, I will place additional material on windpower in the Record. Thanks to the excellent help of Dr. Warren Donnelly, who is science and technology specialist in the Congressional Research Service, I can make available several papers which are not commonly easy to obtain.

A book on this subject, which I am sure is not easy to obtain, is called "Generation of Electricity by Windpower" by Edward William Golding. It was published in 1955 by E. & F. N. Spon, Ltd., 22 Henrietta Street, London W.C. 2.

There being no objection, the appendix 6 was ordered to be printed in the Record, as follows:

[From "A National Network of Pollution-Free Energy Sources; A Research Proposal Prepared at the University of Massachusetts Under the Leadership of Engineering Prof. William E. Heronemus"]

Appendix 6: Extraction of Pollution-Free Energy From the Winds

(Note.—Figures referred to are not printed in the Record.)

During the last decades of the nineteenth century at least 30,000 windmills were being operated in Denmark, northern Germany, the Netherlands and England. The annual total energy output amounted to 10^9 Kwh [6–1]. At least three centuries earlier the wealthiest trading nation of northern Europe, Holland, owed much of its commercial prowess to home industry and agriculture powered to great extent by the wind.

Not one iota of environmental pollution accrued to this sizeable extraction of power from a natural resource. But as years rolled on, the low power-density of wind machines made them less attractive as newer engines were invented.

RECENT HISTORY

In the 1930's a most significant experiment with wind powered generation of electricity was begun by a U.S. industry—academic team, which resulted in 1941 in a 1250 KW generator feeding into a synchronized a.c. power system of the Central Vermont Public Service Corporation. That experiment effectively ended in 1945 when a fatigue-type failure in the stainless steel blade root caused the loss of a blade, the system and the concept [6–2].

Active modern research in utilization of wind power had been underway for many years prior to that time, notably in Denmark and Germany, and the failure at Grandpa's Knob, Vermont, U.S.A., was literally felt around the world.

A. Betz, one of the pioneer aerodynamicists had been particularly active in promoting greater utilization of wind power [6–3], and a large number of the early airfoil theorists addressed themselves to the idea of improved windmills.

During and after the 1939–1945 war, the U.S. government first in the form of the War Production Board and later as the Federal Power Commission, made critical analyses of the economic feasibility of wind power generation in the U.S. [6–4] and [6–5]. In 1951 an attempt was made by the Department of the Interior to obtain funds for a large prototype aerogenerator, justified by national defense needs [6–6]. That attempt failed, and the chance for a major U.S. program for generation of electricity from wind power faded with the retrenchment of the post-war years.

DEFERMENT IN FAVOR OF NUCLEAR POWER

It appeared that Britain might step ahead with wind power just as she started to do with tidal power in the late forties, but the nuclear scientists gained control. Britain opted for leadership in nuclear fission central plants and won the race. Her work in wind power was continued by an able group within the Electrical Research Association, with Golding [6–7] becoming a world leader in the technology. What had been a major thrust toward large scale utilization of wind power in the world's most heavily industrialized countries now became a matter of philosophic interest and a hope for energy-hungry emerging nations.

The World Meteorological Organization took leadership in assessing the potential for wind power around the World and, in particular, for identification of sites where the correct topography could produce an intensification of wind velocity at rather low altitude, thus making possible improved power extraction at low tower-cost and reduced fear from icing [6–8] and [6–9].

UNITED NATIONS CONFERENCE 1961

A most recent and complete report on world-wide efforts to utilize wind power, and a demonstration of the very considerable effort that has gone into perfecting design of wind turbines of many sizes, are to be found in Volume 7 of the Proceedings of the Rome 1961 United Nations Conference on New Sources of Energy [6–10].

The diversity of approach to this source of pollution-free energy is rather typified by the following statements taken from that report:

(1) The World Meteorological Organization has concluded that wind power available for turbines at favorable sites throughout the World is of the order of 2×10^{10} kw.

(2) The total wind power of the atmosphere is estimated to be about 3×10^{17} kilowatts.

(3) Great Britain still hopes to build individual aerogenerators as large as 6,000 kw.

(4) In the same volume the representatives from India speak with awe of home-made wind mills that might produce 1 to 15 kw for a village pump. One cannot help but conclude that perhaps the wind, the most obvious of natural energy sources, has held the interest of the richest and the poorest of men.

POTENTIAL AMOUNTS OF POWER

Putnam [6–11] in 1953 thought that wind turbines could extract no more than 0.10 Q Btu energy *cumulative* over the next 100 years, and he therefore considered them to be of no significance to the U.S. power industry.

If aero turbines to the total of 2×10^{10} kw. were installed at all favorable sites, if the annual production were 5000 kwh per annum per installed kw, total energy extracted would be 10^{14} kwh per year (100×10^{12} kwh).

The 1964 Energy R & D Panel projected a year 2000 U.S. requirement in an "all-electric economy" for 31×10^{12} kwh generation per year. If thirty percent of the world's favorable wind power sites were in the U.S., the total generation requirement for the U.S. for year 2000 could be met by wind power alone with an installed plant of 6.2×10^9 kw.

MANY SMALL UNITS

But there is the rub: the largest feasible wind turbine appears to be about a 6 megawatt unit, and 2 Mw units are even more desirable: one million to three million new aerogenerators would be required!

Three million generators may be a little beyond that which is practical. We do note, however, that Russia reportedly committed herself to the contruction of 600,000 mills of about 200 Kw each, and that task was to be accomplished during one ten year plan [6–11]. Verification of accomplishment of that task has not been found. Russia has many broad areas in the steppes and in Siberian plains where moderate but persistent winds are found.

POTENTIAL OF THE GREAT PLAINS

There is at least one extensive area in the U.S. where moderate but persistent winds are found. Exhibit XIV from Thomas' "Electrical Power from the Wind" [6–5] is reproduced here as figure 6–1. Fig. 6–1 is a chart prepared by the U.S. Weather Bureau showing Lines of Equal Wind Velocities and Selected Weather Bureau Station Values, average hourly velocity of the wind, daylight hours, estimated for elevation of 100 feet throughout the U.S.

That chart shows a region of the Great Plains starting in the heart of Texas, running 1100 miles north at a width averaging 300 miles in which the average hourly wind velocity is 12 miles per hour (5.40 meters per second). There are contained within that large area two smaller but sizeable areas where the average rises to 14 miles per hour (6.29 meters per second) and one area of about 20,000 square miles where the average rises to 16 miles per hour (7.19 meters per second).

Height is a factor

Using the method of Section 2, [6–9], *Variation of Wind Speed with Height over Uniform Terrain,* we can estimate that the velocities at 200', 300', 400' and 500' above ground will vary from a minimum to a maximum as follows:

Velocity at reference height=100'	Least probable average velocity at—(cm./sec.)				Greatest probable average velocity at—			
	200'	300'	400'	500'	200'	300'	400'	500'
K equals	1.07	1.11	1.135	1.152	1.205	1.35	1.40	1.45
12 m.p.h.=5.40 m./sec	5.77	5.98	6.12	6.21	6.51	7.14	7.56	7.89
14 m.p.h.=6.29 m./sec	6.72	6.96	7.12	7.24	7.58	8.30	8.81	9.18
16 m.p.h.=7.19 m./sec	7.69	7.99	8.16	8.28	8.66	9.49	10.05	10.48
18⅛m.p.h.=8.09 m./sec	8.65	8.97	9.18	9.49	9.74	10.68	11.30	11.80

A check on the calculated intensification of winds with altitude as tabulated above, against data observed at Dallas Tower, Texas, and reported in Figure 1 of [6–9], yields K values which are intermediate to the least and greatest K's tabulated above. Thomas [6–5] reports that the average of a considerable number of balloon observations gave a K factor of 1.35 to 1.45 for velocity at 500 feet against velocity at 40 feet above the ground.

The area having an average velocity of 14 mph covers about 80,000 square miles in North Texas, Oklahoma, and Kansas, plus another 11,000 square miles in South Dakota, a total of 91,000 square miles.

ADDITIONAL AREAS

There are also extensive regions of 14 mph winds in upper Minnesota and of 12 mph winds in northwestern Michigan and along the southern shores of Lake Ontario and Lake Erie. The velocity and persistence of the winds in the Green and White Mountains of New England are well known. Little is recorded about the winds in the western mountain ranges. It is expected that there may be vast areas where persistent high velocity winds prevail.

There are extensive areas on the West Coast extending north from San Francisco a distance of 150 miles over the redwood forests, and again along the entire coast of Washington State where winds with average velocities from 17 to 20 miles per hour can be found. There is a belt along the East Coast, Boston to Hatteras, where average velocities exceed 12 mph with numerous local areas with 20 mph average velocities.

ECONOMIC POWER AT 12 MILES PER HOUR

It is stated in [6–8] that in Great Britain the output of a wind generator set can be *economic* at annual mean wind speeds above 5.6 meters per second. Such a generator would have a rated capacity of no more than two megawatts. The Grandpa's Knob machine operated in a regime characterized by an annual mean wind speed of 17 miles per hour (7.6 meters per second), though the designers thought they were working in a 21 miles per hour (9.4 meters per second) annual mean wind-speed regime.

In the planning document for the 1945 survey conducted by the U.S. Weather Bureau to determine sites favorable for wind power development, it was stated ". . . but here it may be said that only at sites where the average annual wind velocity is 10 meters per second or greater, is it economically worthwhile to erect a wind turbine of large capacity."

Thomas [6–5] wanted an annual average wind of 23 to 25 miles per hour (10.3 m/sec to 11.2 m/sec) for his large 7500 Kw generator, but felt that regimes of 18 to 21 miles per hour (8.09 to 10.3 meters per second) average annual wind speed would be adequate for an economically competitive 6500 Kw unit. Thomas [6–5] permitted a capital investment of only $68 per Kw of rated capacity in his studies.

The 1964 report on "Energy R & D and National Progress" [6–11] states that an average annual wind velocity of about 30 mph (14.9 m per sec) is required to produce power economically.

STATEMENTS CHALLENGED

The validity of that statement is questioned, as are the economic factors published along with it. The published data from those groups in England, Denmark, Germany, France and Israel working with wind power do not substantiate that high value any more than does the factual experience at Grandpa's Knob (17 mph), the Thomas designs (18 mph) or the Golding designs (12.5 mph).

From the above it is concluded that there is excellent possibility of generating a considerable quantity of electricity from the winds over the Great Plains at costs competitive with any other form of generation. The rated capacity of each aero turbine might be as little as 2 to 4 megawatts, and most of the windmills would have to be set on tall towers.

It is also concluded that vast quantities of electricity could be generated from the winds over the Great Plains in the large region of 12 mph annual average winds at costs somewhat higher than those of modern oil fuel central plants, but still very competitive with the total cost of power generated by our heavily subsidized nuclear central plants.

Major elements of cost associated with plants in this marginal wind belt are:

(a) tower costs

(b) the cost of the long blades required for large swept diameters

(c) site costs.

A NEW CROP FOR THE GREAT PLAINS

The possibility of large numbers of air-turbine sites "sharing" the predominantly agricultural use of the Great Plains is worthy of investigation. The design of the site and tower and connecting lines play a strong role in this concept. Productivity and utility of grazing lands, corn fields and hay fields need suffer little if anything if dotted on even 1 mile centers, with towers of appropriate design and underground transmission lines.

The leanness of the energy in the lower speed winds can best be compensated for by large swept diameters and taller towers, or, by larger numbers of smaller machines on lower towers. It would appear that a good competition exists between "x" 6 Mw generators on 500' towers against "3x" 2 Mw generators on, say, 200' towers.

ADVANTAGES GAINED SINCE 1939

1970 technology should certainly have much to offer toward making larger rotor blades much less expensive than the Grandpa's Knob blades even at 1939 prices.

Filament wound oriented fiber technology and all of the post-1942 advances in aluminum alloy, magnesium alloy, and titanium alloy metal parts for flight should make a 1972 large capacity wind turbine much more cost-effective than a 1939 or 1946 machine.

And there is certainly no reason to admit that icing of blades need be a problem in any modern machine, thus removing another of the earlier objections to high-tower machines.

FRONTAL ATTACK PROPOSED

It is therefore proposed that two controlling elements of the concept of expanded generation of electricity by wind power in Heartland America be investigated in the first phase of this pollution-free energy study:

(a) The design of towers up to 400 feet in height for 2 to 7.5 Mw aerogenerators,

(b) The design of blades for extra large swept diameter aerogenerators, 2 to 7.5 M rated capacity, diameters large enough to compensate for the 12 mph average annual wind compared against the more desirable 20 or 30 mph average annual wind.

The above suggests a frontal attack where a more sophisticated approach toward carefully selected sites has prevailed. Twenty-five years of sophisticated approach have yielded zero additional Kw of installed aerogenerator capacity in this country.

The above suggests identification of cost differentials between aerogeneration in a very large regime of steady but lean winds, and oil-fired or nuclear central plant generation. The differentials could lead to direct subsidy of pollution-free plant if necessary. There is a strong popular will in this country today to stop studying pollution and start doing something abut it. This research could show a way.

COPING WITH WIND VARIABILITY

A complete analysis of the feasibility of large scale generation of electricity from wind power in this country requires a study of wind velocity as a stochastic process indexed by the variables "time" and "geographical location." The wind will always be variable and some method of firming power taken from it must be available in any useful network.

The aerogenerators, together with other units, must supply power to meet the demand for electricity at all times. Even though average wind may be high, any periods of calm would be detrimental to a scheme where power is generated from the wind. This problem can be alleviated by providing alternative power from several sources such as

1. existing or retained fossil-fuel or nuclear central plants

2. conventional quick-start gas-turbine generators

3. storage facilities (such as pump storage)

4. other aerogenerators in other geographical locations.

The use of alternatives No. 1 and No. 2 may be necessary, but it would be partially self-defeating because some fuel would have to be burned. Also, like most standby schemes, this alternative would be expensive because the capacity required must be sufficient to meet peak needs.

Alternative 3, though expensive, is non-polluting. However, the most attractive form of storage in which potential energy is stored by pumping water to an uphill reservoir requires terrain with a suitable gradient, space, and water. All these requirements are not always available, especially in the major wind-belt areas, unless a very broad approach to the problem is taken.

Our largest body of inland water, Lake Superior has a water level normally 22 feet above that of the next waters into which it drains. The combination of the extensive 12/14 mph wind regions in Minnesota and Michigan and a large capacity lowhead pumped storage system using Lake Superior as the upper basin may offer a unique opportunity for a vast new system of firm pollution-free power. The combination of the extensive 12 mph wind belt lying in the orchards and farm land of the southern shores of lakes Erie and Ontario with a sizeable expansion of the existing pumped storage plant astride Niagara Falls is another opportunity of grand scale which should be studied.

Alternatives 3 and 4 are therefore potentially attractive, but more study is required. The questions which must be answered are: When a given area is calm, what is the likelihood that there will be wind in another location, and how far away is this location. In other words, while it does not make sense to look at time averages, it does to look at geographical averages for any given point in time. If it could be shown that at any time the average velocity of a region is sufficiently high, then a system of nearly all aerogenerators would be feasible.

One further question of interest concerns the size of the region over which the average is taken. The larger the region, the more likely it is that there will be wind present somewhere in it. However, a large region implies that power will have to be transported over long distances. Thus, other forms of standby power might be economic even though wind-generated power is available some distance away.

MONITORING THE WIND

Some data necessary to analyze the patterns of wind are available, since the U.S. Weather Bureau undertook an initial task in 1945 to help seek out favorable wind turbine sites back in 1945. Thomas refers to that effort and the archived results, as does the World Meteorological Organization. To make the study conclusive, a large program of data collection should be activated using the U.S. Weather Bureau as the responsible task force.

Summarizing such anemometer data so they can be used for feasibility and later for economic studies is relatively straightforward, but the number of calculations necessary wil require the use of digital computers. For any regions of interest, a set of plots will be developed showing the amount of time that the average wind velocity, averaged over the geographical region, is less than various values. See Fig. 1 for an example.

As larger regions are chosen, the wind-velocity characteristics will become more favorable; e.g., in the above example region 2 might represent a much larger area than region 1. Plots can be developed for day and night hours, and for different seasons as well as for the hours of peak and minimum electricity consumption.

Once the data are on computer tapes or discs and the data-manipulation programs have been developed, several studies can be made. In particular a large geographical area can be divided into different sets of regions to find that set which yields the best average wind characteristics while insuring that the maximum distance of power transfer is less than a specified value.

DATA-ANALYSIS AND TOWER-ANALYSIS NEEDED

Work on data analysis and work on tower analysis are proposed as University of Massachusetts contributions in this area. A brief of the proposed work on towers follows:

(a) A 200 to 250 ft tower supporting a 2 Mw turbine versus a 300 to 400 ft. tower supporting a 6 Mw turbine.

(b) A single tower versus multiple towers supporting a single platform.

(c) Aluminum alloys as opposed to structural steel.

(d) Tubular members as opposed to open sections.

(e) Space trusses as opposed to a thin tower guyed by cables.

(f) Two turbines supported by a single tower as opposed to one turbine per tower.

The availability of the computer will be a great help in carrying out a comparative study among the various alternatives.

Once a configuration has been decided on, a limit analysis will be carried out. The purpose of this analysis will be to determine the collapse load of the tower. In order to design a structure economically, it is necessary to know the safety factor on failure as well as on yielding. A limit analysis will involve the nonlinear behavior of the material above the proportional limit and will therefore present a challenging problem in structural analysis.

Since the tower will be subjected to a repeated type of loading, a fatigue analysis will also be undertaken.

CONCLUSION

It is interesting to note, in conclusion that the earlier indepth analysis of feasibility of wind power [6–4] paid great attention to the design of towers, so that erection of the tower itself and then the aerogenerator on the tower could be a reasonable operation at remote sites. In 1970 the Flying Crane makes all such concern passe. Foundations and towers can be erected in the most remote locations at a fraction of the cost required to slash a new road up Grandpa's Knob and laboriously haul in and hoist up that aerogenerator, circa 1939.

The technology required to reduce all aspects of aerogenerator cost is developed, lying idle in 1971, while we persist in proliferation of polluting energy sources.

Large numbers of windmills standing tall over plain or forest will not be acceptable to all people as "free of pollution." Their presence must at best be accepted as a logical alternative. Fortunately the type of terrain suggested here for windmill siting may meet with much less objection from an aesthetics point of view than would siting in the eastern mountains.

This major question must of course be answered long before any major windmill program is started. Blue skies, clean air, and clear, cool water seem attractive tradeoffs for the aesthetic pollution that would result.

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CONSTITUTIONAL CONVENTION PROCEDURES BILL

Mr. ERVIN. Mr. President, as you know, on October 19, 1971, the Senate passed my constitutional convention procedures bill, S. 215, with one amendment, by a vote of 84 to 0, and the bill is now pending in the House Judiciary Committee.

I am very hopeful that the House will take early action on the bill, and that it will be enacted into law. Until such a measure is passed, there will continue to exist a legislative gap from which could erupt a constitutional crisis. Make no mistake—this can happen. Several times the States have come precariously close to filing the required number of petitions to call a convention, the last time in 1969, when there was lacking only one.

I am informed that some of our colleagues in the House have doubts about S. 215, not because they disagree with its provisions, but because they fear that its passage would "encourage" the States to file petitions under article V. I am compelled to take issue with this view. As I have stated a number of times, my bill seeks neither to encourage nor to discourage the filing of petitions; it merely provides severely needed procedures and guidelines in the event a convention should be called. It seems to me that the greatest danger to the Constitution is the startling lack of procedures and guidelines in the event the requisite number of States call for a convention, not in the effects predicted if the measure should become law.

The argument of "let sleeping dogs lie" fails to be persuasive. The States have not been deterred in the past from filing petitions, and I do not believe they will be deterred in the future.

Since my bill passed the Senate, newspapers throughout the country have commented upon it. Mr. President, I ask unanimous consent to have printed in the Record some of the press reports and editorials.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 20, 1971]

SENATE VOTES TO MAKE AMENDING OF CONSTITUTION MORE DIFFICULT

(By Warren Weaver, Jr.)

WASHINGTON, October 19.—The Senate approved unanimously today a new set of ground rules for amending the Constitution through calling a national convention, a action never yet taken in the 184-year history of the document.

The action was taken to allay fears of some constitutional lawyers that a convention held under present procedures could rewrite the entire Constitution.

Final passage by an 84-to-0 vote came after a group of liberal Senators won a sharply contested battle to make it more difficult for such a constitutional convention to approve any recommended changes.

On a vote of 45 to 39, the Senate approved an amendment by Senator Birch Bayh, Democrat of Indiana, that increased from a simple majority to a two-thirds' majority the convention vote required to adopt new constitutional amendments.

As finally passed by the Senate, the bill sets up a three-step process: two-thirds of the state legislatures must vote for a convention, then two-thirds of the convention delegates must approve any changes in the constitution and finally three-quarters of the state legislatures must ratify those changes before they become effective. The Constitution itself establishes the first and third steps.

DIRKSEN MOVE RECALLED

The convention bill, sponsored by Senator Sam J. Ervin Jr., Democrat of North Carolina, had its origin in a campaign by the late Senator Everett McKinley Dirksen to authorize a constitutional convention on reapportionment and overturn the Supreme Court's one-man, one-vote ruling.

By mid-July of 1969, 33 states, one short of the necessary two-thirds, had passed resolutions calling for a convention, but there was nothing in the Constitution or any Federal statute as to how or when to hold such a meeting, who would attend or what procedures would control it.

Nor, to the dismay of many constitutional lawyers, was there any guarantee that a constitutional convention would be restricted to the subject on which the states had requested action. Some authorities believed that, once constituted, such a convention could rewrite the entire Constitution as it pleased.

The Ervin bill specifically prohibits such a convention from adopting "any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention." Congress is made the judge of any disputes on this issue.

House opposition to the Ervin bill is expected to be led by Representative Emanuel Celler, chairman of the Judiciary Committee, who takes the position that the present state of uncertainty, while undesirable, is preferable to the active encouragement of a flood of new amendments that might result from setting up the new machinery.

Today's Senate debate centered almost entirely on the Bayh amendment to require a two-thirds majority for convention action. The move to make changes harder to achieve was almost uniformly opposed by Senate conservatives.

Mr. Ervin argued against the higher voting requirement, saying, "We don't need this hurdle, it's adding something to the Constitution that's not in it." In the absence of contrary language, the North Carolinian maintained, any decision should be made by majority vote.

If the Ervin bill becomes law its first test might well come on the issue of revenue sharing. Senator Ervin said that 11 states had already adopted resolutions for a constitutional convention on this subject.

The pressure for a convention on reapportionment fell off considerably with Senator Dirksen's death, and several states have since rescinded their resolutions favoring the move.

The Ervin bill would empower Congress to set the time, place and subject matter of a convention, once the requisite 34 states requested one. Each state would be entitled to a number of delegates equal to its representation in the House and Senate combined, to be elected or appointed by the Governor.

Delegates would be paid and also compensated for expenses and travel. The Vice President would preside over the convention until it chose its own officers. It would meet within one year of Congressional authorization and have one year to complete its business.

Any convention-drafted amendment that did not win the approval of 38 states within seven years would die.

[From the Washington Post, Oct. 20, 1971]

CONSTITUTIONAL CONVENTION RULES VOTED

Haunted by the spector of a runaway convention to amend the Constitution, the Senate wrote strict ground rules yesterday to head off any such possibility.

The Constitution itself provides two ways of amending.

1. Adoption of an amendment by a two-thirds majority of both houses of Congress and then ratification by three-fourths of the states.

2. A constitutional convention on petition of two-thirds of the states and then ratification by three-fourths of the states of any amendments recommended by the convention.

The first method has been used 26 times, the second never.

But after Supreme Court decisions requiring legislative reapportionment, many states sought to amend the Constitution to permit at least one house of a state legislature to be elected without regard to equal population districts.

Although the Constitution makes provision for amendment by convention, it sets no ground rules. Here are the procedures as approved by the Senate yesterday:

A state wishing to have a convention called must pass a resolution setting out the subject of the amendment to be considered. If within seven years two-thirds of the states petition for a convention to consider the same amendment, Congress is obligated to call the convention and set its date, provide for its quarters, and pay its expenses.

Delegates shall be elected, and each state is entitled to as many delegates as it has representatives and senators.

The convention would be limited to the subject of the call.

Under the original bill by Sen. Sam J. Ervin (D-N.C.), a simple majority of the convention delegates could agree to an amendment, which Congress would then be obligated to submit to the states for ratification.

But Sen. Birch Bayh (D-Ind.) succeeded in amending the bill—on a 45 to 39 roll call—to provide that a two-thirds majority of the convention would have to approve any amendment before it could be submitted.

The bill was seen as having virtually no chance of passage in the House this year.

[From the Buffalo Evening News, Oct. 23, 1971]

NEW RULES ON CONSTITUTIONAL CHANGE

Changes in the U.S. Constitution, according to its Art. V, can be initiated in two ways—by action of Congress in proposing amendments for ratification by the states; or by petition from two-thirds of the state legislatures calling for a special convention to propose amendments.

The latter method has never actually been used, but a number of efforts to bypass Congress via that route have come close to succeeding. Now the U.S. Senate has just unanimously adopted a plan that would usefully establish procedural ground rules for proposed amendments evolving from some future national constitutional convention called by the petition route.

A potentially grave danger lurks in this vague, never-used procedure whereby amendments could come from a national convention, bypassing Congress entirely via the call of 34 states. Nothing in present law or precedent would clearly prevent such a convention, though ostensibly called to consider a very limited change, from totally rewriting the Constitution and throwing its handiwork back to the states for ratification.

The central virtue of the Senate-approved plan, sponsored by Sen. Ervin (D., N.C.), is that it seeks to prevent such a runaway operation. It would require a sitting convention to confine its decisions to those areas of change for which it was called. If it were organized to consider an amendment on revenue-sharing, for example, it could act only on that issue. On the other hand, if it were plainly called for the purpose of considering a complete revision of the Constitution, then its business would range across this broadest of all areas.

In addition, the bill would require the convention to approve any proposed changes by a two-thirds, rather than a simple, majority.

The Senate bill faces an uncertain fate in the House, where some feel it would be better to leave the existing situation as it is on the theory that establishing this new machinery could actually encourage the use of this new route to change. But this overlooks the important offsetting advantages of establishing the procedures clearly now, when they can be considered on their merits, rather than hurriedly at some future time when a crisis arises and the long-term arguments for and against the convention procedures themselves could become entangled in short-term arguments for and against the specific constitutional change being sought by the States.

[From the Grand Rapid (Mich.) Press, Oct. 24, 1971]

RULES FOR CONSTITUTIONAL CHANGE

There can be no argument with the U.S. Senate's decision, on an 84–0 vote to set up ground rules for amending the Constitution through a constitutional convention.

Article V of the Constitution states simply that two-thirds of the states may call for such a convention, but in the document's usual spare language, the mechanics of the task are omitted.

Since the Constitution never has been amended through the convention route, there have been no precedents, and there has been fear, growing over the years with several attempts to call such a meeting, that some rules ought to be determined beforehand.

Sen. Sam Ervin Jr., sponsor of the Senate bill, voiced concern that a constitutional convention without ground rules, could quickly degenerate into a constitutional crisis. Given the impulsive disregard shown the Constitution by politicians during the 184 years of its existence, we would tend to agree.

Sen. Ervin's greatest fear was that constitutional convention delegates, sent by their states to amend a specific article, would get carried away by their authority and would make wholesale changes in other articles.

The rules passed by the Senate would limit a constitutional convention to a single subject, and there can be no quarrel with that.

An amendment to Sen. Ervin's measure

also would require that two-thirds, rather than a simple majority, of the convention would have to approve a change before it is submitted to the states.

Since our Constitution has performed admirably in preserving democracy and has proved to be flexible enough to be updated occasionally by men of goodwill, it would seem that any procedures which prevent brash changes in the articles are worthwhile.

[From the Louisville (Ky.) Courier-Journal, Oct. 25, 1971]

PLUGGING AN OLD HOLE IN THE CONSTITUTION

U.S. Constitution, Article V:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by congress. . . ."

The late Senator Everett Dirksen gave his colleagues some restless nights a few years ago when he nearly succeeded in getting two-thirds of the states to petition for a constitutional convention to override the Supreme Court's one-man, one-vote doctrine of state legislative apportionment. Although enthusiasm for the so-called "Dirksen Amendment" has waned since the Senator's death, the worry he inspired has forced Congress to face up to an important job which Congresses have neglected for nearly 200 years.

The Senate last week unanimously approved a set of ground rules for amending the Constitution by the national-convention method—a method we've never employed, but may someday. The House should approve the bill, too, before the state legislatures find another cause, because a convention without guidelines could result in . . . what?

GEORGE MASON'S FEAR

The history of Article V of the Constitution, which authorizes the convention method of amendment, is an example of how democratic governments sometimes allow important matters to "fall between the stools" and lie there until crisis threatens.

During the last days of the Constitutional Convention in 1787, George Mason of Virginia complained that the amendment process of the newly drafted Constitution was entirely in the hands of the Congress, a situation he saw as highly dangerous to the states and citizens. Gouverneur Morris of Pennsylvania then proposed that Article V be amended to include the convention method, which could be used when Congress ignored the will of the people.

That Morris' method has never been used may be testimony to the sagacity of our Congresses. Or perhaps our representatives simply have been clever enough to know when the jig is up. Nevertheless, firm guidelines for the organization and conduct of constitutional conventions are long overdue, for although Congress received only 10 applications from states during the Republic's entire first century, it had received 206 by 1963. And by mid-July 1969, 33 states—only one short of the necessary two-thirds—had passed resolutions calling for a convention to consider the "Dirksen Amendment." The possibility of a constitutional convention obviously isn't dead.

But there's nothing in the Constitution or any federal statute specifying how or when to hold such a meeting, who would attend, or what procedures would control it. Nor, to the dismay of many constitutional lawyers, is there even a guarantee that such a convention would have to stick to one subject. Some fear that a convention could rewrite the entire Constitution if it decided to.

A MEASURE OF CONTROL

The Senate bill, introduced by Senator Sam Ervin (a supporter of the "Dirksen Amendment") in 1967, would fill these gaping holes. As finally passed by the Senate, it sets up a three-step process: two-thirds of the state legislatures must vote for a convention; then two-thirds of the convention delegates must approve any constitutional changes; then three-fourths of the legislatures must ratify the changes before they become effective. It would prohibit a convention from considering any amendments other than those specified in Congress' concurrent resolution calling the convention, and it provides that each state's delegates—equal in number to its representation in Congress—may either be elected or appointed by the governor.

If the Senate bill becomes law, it may, as Representative Emanuel Celler believes, encourage a flood of new amendments, which would be unfortunate. Nevertheless, we disagree with Mr. Celler's contention that the possibility of that flood makes the present limbo of Article V preferable to the order that the Senate bill would provide. The hurdles created by the bill's three-step amendment process are, we believe, difficult enough to protect us from frivolity.

Our history hasn't laid to rest George Mason's fear that our Congresses wouldn't always be composed of the wisest and most just of our citizens, so Gouverneur Morris' addition to Article V is a useful constitutional fire escape—to be used only in case of emergency. But a fire escape without steps is more dangerous than useful. The House should ignore Mr. Celler and install those steps.

[From the Louisville (Ky.) Times, Oct. 25, 1971]

THE SENATE ACTS TO DEFUSE A BOMB

More than four years after the alarm was sounded, the Senate finally has acted to defuse a time bomb which conceivably could blow the United States Constitution apart.

The danger stems from a provision in that document's Article V whereby two thirds of the states can force the calling of a constitutional convention for the purpose of submitting amendments. This could expose the entire Constitution to tampering hands, legal experts have warned. Article V itself places no limitation whatever on the agenda of such a convention.

The Senate's action seeks to fill this vacuum. The bill it has approved and sent to the House would lay down ground rules for a convention. One of these would limit such a body to the subject matter set forth in the call of the petitioning states. Another would require a two-thirds vote for any amendment the convention wished to submit.

Inclusion of the two-thirds rule was a victory for a liberal bloc led by Sen. Birch Bayh, D-Ind. It was approved 45–39 over objections from the bill's sponsor, Sen. Sam J. Ervin Jr., D-N.C. Oddly enough, opposition to this added safeguard against reckless constitutional change came mostly from conservatives who like to picture themselves as champions of the Constitution's preservation as it was handed down by the Founding Fathers.

The Ervin bill, first introduced in 1967, was in response to a threat that became imminent when state legislatures across the nation began lining up behind the late Sen. Everett Dirksen's attempt to submit an amendment overturning the Supreme Court's "one man, one vote" ruling.

Traditionally, all proposed constitutional changes have been submitted directly by Congress for ratification by the states. When Mr. Dirksen, who was Republican leader in the Senate, found this route blocked by Senate opposition to his amendment, he called upon the states to initiate action under an Article V alternative that had never been invoked in the nation's history. This says that Congress, "upon application of the legislatures of two-thirds of the states, shall call a convention for proposing amendments . . ." These then must be ratified by three-fourths of the states, the same as when Congress itself does the submitting.

The Dirksen movement came perilously close to forcing a constitutional crisis. By 1969 it had enlisted the support of 33 legislatures—only one short of the necessary two-thirds. Kentucky and Indiana, to their shame were among the petitioners. Several states since have rescinded their support, so for all practical purposes this particular threat appears dead.

However, the potential for constitutional crisis still lurks in Article V's broad language pertaining to conventions. Hence the importance of ground rules.

Those proposed by the Senate are not perfect by any means. One would allow each state's delegates to a convention to be either elected by the people or appointed by the governor. They should be elected—period. The job is much too important to be entrusted to any governor's handpicked delegation. Nowhere in the democratic process is popular representation more essential than in the drafting of constitutional proposals. We trust this defect in the Ervin bill will be corrected in the House.

Though the measure passed the Senate without a dissenting vote, there are signs of opposition in the House. This stems not from the defect we have cited but from the bill's main purpose. Rep. Emanuel Celler, D-N.Y., for one, has taken the position that the present state of uncertainty, while bad, is preferable to what he forsees as a flood of new calls for a convention from legislatures pressing for this or that amendment. As chairman of the House Judiciary Committee, his can be a vital role in determining the bill's ultimate fate.

Presumably he feels that, with the danger of a runaway convention removed, states would be less reluctant to exercise their option under Article V. That may be. Even so, we cannot agree that this would be worse than leaving the present danger unchecked. In the absence of any guidelines or ground rules, Article V is, as we have noted, a time bomb that could be triggered any time 34 state legislatures become so reckless. The sooner it is defused the better. Experience has demonstrated that the danger is far more real than imaginary.

[From the Auburn (N.Y.) Citizen-Advertiser, Oct. 26, 1971]

CONSTITUTIONAL CONVENTIONS NEED GUIDELINES

Final enactment of the Ervin bill on control of national constitutional conventions, approved unanimously by the Senate and now before the House, would solve some possible problems and raise others. It would avert for one thing the danger of a runway convention.

The basic difficulty arises from the fact that the Constitution does not clearly define such a convention's mandate. There is reason to fear that if a convention were called at the request of the states to consider a particular amendment it might jump the traces and consider others as well—perhaps even throw out parts of the Bill of Rights or other vital guarantees. There is nothing in the Constitution to prevent such a runaway convention.

This is the problem to which Senator Sam J. Ervin Jr. of North Carolina addresses himself in the bill now approved by the Senate. It would prohibit a constitutional convention from adopting "any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention." In cases of dispute, Congress would be the judge.

The uncertainty of the present guidelines is certainly undesirable. A constitutional convention would be subject to all sorts of political, ideological and special interest pressures to make this or that change. The Ervin bill would avert this danger, confining the delegates to the specific subject of the convention call.

Meanwhile, the preferable method whereby proposed amendments must be approved by Congress and ratified by the states would remain unimpaired.

[From the Washington Post, Oct. 27, 1971]

The Details of a Constitutional Convention

At long last, the Senate has passed and sent to the House of Representatives a bill which would fill in one of those awkward gaps left in the Constitution. The bill is designed to implement the amending clause of that document which says Congress shall call a constitutional convention when two-thirds of the states demand one but leaves unspecified any of the details about how such demands are to be made or how such a convention should operate. While such details may seem unimportant, the lack of them has created considerable concern in recent years and the need for Congress to spell them out carefully cannot be doubted.

It was, of course, dissatisfaction with the Supreme Court's reapportionment decision that crystallized the need for this legislation. More than 30 states applied to Congress for a convention to frame an amendment wiping out that decision and, for a while, it looked as if the necessary 34 would apply. Among the problems that arose, however, were question about the power of a newly elected state legislature to rescind an application that state had filed earlier, about the duration of the effectiveness of an application, and about the limits, if any, that would be placed on a convention if one was called. Indeed, it once seemed clear that if a 34th state passed such an application, Congress was going to be the scene of a monumental fight over such details.

The Senate now, after long prodding by Sen. Sam J. Ervin, has taken a major step towards answering questions and many others. Its bill would let a state rescind an application at any time up until a 34th state acted, would limit the validity of applications to seven years, and would limit a convention to proposing amendments on the subject matter set out in the applications. Fortunately, in our view, the bill was amended on the Senate floor to provide that two-thirds of the convention delegates would have to agree before any of its proposals could be sent along to the states for ratification.

The bill worked out by Senator Ervin over the last four years is not the kind of legislation that brings instant headlines to its proponents but it is the kind that the nation sorely needs from time to time. We hope that the House of Representatives and its Judiciary Committee will grasp the need for this bill and quickly concur in eliminating the gap in the Constitution which presents the threat of an eventual crisis as long its continues to exist.

[From the Ashland (Ky.) Independent, Oct. 30, 1971]

To Curb a Runaway

The United States Constitution provides for two methods of amending that document. Congress can propose amendments by a two-thirds vote in both houses, or two-thirds of the states can require Congress to call a convention for proposing amendments. In either case, the amendments must then be ratified by three-fourths of the states before their acceptance as a part of the Constitution.

On its face, all this seems simple and straightforward enough. Behind the facade of simplicity there lurks an amorphous uncertainty. The uncertainty is with respect to the mandate of a national constitutional convention if one were ever called by the states.

This has never happened, as yet, though we have come close a few times. The question is: If a constitutional convention were called, would it be limited to action on the amendment proposed in the convention call? Might it not, rather, go beyond this and take up additional amendment proposals? Who is to say it may? The constitution is silent on this; it merely speaks of "a convention for proposing amendments," which seems to leave the door wide open.

Dealing with that problem is what the bill just unanimously passed by the Senate is all about. This measure, introduced by Sen. Sam J. Ervin Jr. of North Carolina, would prohibit a constitutional convention from adopting "any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention."

There is some feeling, notably expressed by Chairman Emanuel Celler of the House Judiciary Committee, that setting up explicit convention machinery might touch off an undesirable flood of amendment proposals. This drawback is less pernicious than the runaway convention danger, which the Ervin bill would stymie.

[From the Washington (D.C.) Evening Star, Nov. 2, 1971]

Senator Sam Shows His Love for Constitution

(By James J. Kilpatrick)

If Sam Ervin did not exist, as Voltaire once remarked of God, it would be necessary to invent him. In a Senate that has been briefcase gray since the death of Everett Dirksen, the canny old North Carolinian provides almost the only color. Of greater importance, he is often the only statesman in the crowd.

One thought of this a couple of weeks ago, in watching Ervin pilot a bill through the Senate that no other senator would have cared enough to fight for. To be sure, he had some help from the noblest Roman of them all, Sen. Hruska of Nebraska, but the bill was stamped with Ervin's mark: It was intended to safeguard the Constitution and it looked to the future in terms of the past.

We have had great constitutionalists on the Hill since the days of Webster, Calhoun and Clay, but we have not had many of them lately. The Constitution has fallen upon hard times. It comes and goes on Capitol Hill like some impecunious uncle-by-marriage, a visitor who has to be tolerated but not really welcomed. The Constitution is mostly in the way.

Not to Sam Ervin. He speaks of the Constitution in the same loving accents by which a man speaks of his wife, his mother, his child or, for that matter his Redeemer. We had an old scholar once at Virginia who felt the same way about Shakespeare. It is a feeling kindled out of the affection that is deeper than love—and out of a sense of the marvelous, also. Always something new! Some perfection never grasped before!

Yet not perfection. Like mother, wife and child, the Constitution has its failings. The procedures for electing a President are sorely in need of repair. The grand ambiguities of the general welfare clause provide endless trouble. There are other broken parts and patches of rust. And it is the peculiar role of Senator Sam to put things right.

Thus, he was tinkering around two weeks ago with Article V. This is the section of the Constitution that deals with amendment of the Constitution. If you care about these matters, you will know the familiar process: A resolution is introduced in Congress proposing some amendment of our basic law; if the resolution wins approval by two-thirds of both House and Senate, it goes out to the states for ratification; and if three-fourths of the states ratify, the amendment becomes part of the Constitution.

That is the familiar process. Every amendment has been adopted in this fashion. But it is one of the marvelous aspects of the Constitution, reflecting the framers' intuitive distrust of the Congress, that Article V offers an alternative route to amendment. This route never has been taken all the way. It provides that, upon the application of the legislatures of two-thirds of the states, the Congress "shall call a convention for proposing amendments."

A constitutional convention? We haven't had one since 1787. But off and on through the years, states have talked of using the bypass route. By Ervin's count, at least 304 such "applications" have been received, dealing with 251 proposals for amendment. Over the past 20 years, in a latter-day revival of Calhounian gospel, such applications have become more numerous. Between 1957 and 1969, 33 states—just one short of the magic two-thirds—asked for a convention to propose an amendment on reapportionment.

Suppose a 34th application had been received? Article V is not self-executing: It says that "Congress shall call." Call how? Call whom? Senator Sam found the uncertainties a delightful problem. Four years ago he set upon repairs. On Oct 19, his bill passed. When the House concurs, we will have created standby machinery for a contingency that may never arise. The bill defines state applications, provides for a convention, prevents a runaway body and carefully safeguards the process as a whole. It is a nice piece of probably useless work; and Mr. Madison, one imagines, would be pleased.

[From the Pasco (Wash.) Tri-City Herald, Nov. 2, 1971]

Convention Safeguards

There hasn't been a constitutional convention in this country since 1787. But in 1969 the late Sen. Everett Dirksen, R-Ill., raised fears one might be called.

He came within one petition of forcing a convention under a procedure provided in the Constitution itself, but never taken in the 184-year history of the document.

Dirksen sought the convention on reapportionment to overturn the Supreme Court's one-man, one-vote ruling. His success in persuading 33 state legislatures, only one short of the two-thirds required, aroused fears that such an assembly, once convened, could, if it pleased, rewrite the Constitution.

The Constitution says that two-thirds of the state legislatures must approve a convention and three-fourths of the legislatures must ratify any changes. But it doesn't place any limitations on the convention, once it is assembled, even if it decided, as Sen. Sam Ervin, D-N.C., has pointed out to scrap the Bill of Rights and seriously alter our form of government.

The Senate a week ago acted to clear up some of the confusion by establishing firm guidelines for convention procedure. The bill written by Senator Ervin would require that two-thirds of the convention delegates must approve any changes and that they may only consider an amendment or amendments included in the concurrent congressional resolution calling the assembly.

Congress would direct the time and place for the convention and would limit it to a year. Each state would be entitled to the number of delegates equalling its combined representation in the Senate and House. Delegates would be elected or appointed by the governor.

The Ervin bill was passed by the Senate, 84-0. But there is opposition in the House. From Rep. Emanuel Celler, D-N.Y., for one. The chairman of the judiciary committee argues that precise guidelines might encourage states to seek redress of grievances through a convention.

Those who agree with Celler, including some constitutional lawyers, say the present state of uncertainty is a major deterrent to state legislatures.

This uncertainty didn't, however, stop Senator Dirksen from trying. Nor is it likely to stop anyone else so politically skillful and determined as Dirksen. Further, there is no justification for blocking a convention demanded by two-thirds of the states. It would be downright undemocratic to do so.

The Ervin bill proposes sensible safeguards against a runaway convention during a period of unusual political passion.

DAIRY IMPORTS CALL FOR PRESIDENTIAL ACTION

Mr. McINTYRE. Mr. President, our Nation's leaders have got to come to grips with the threat of dairy imports.

Now I am basically a free trader. I believe in the concept of free trade. But I also believe that free trade must be based on fair competition, and I can not see where dairy product competition from abroad is any more fair than competition from imported shoes that sell for less, because those shoes are produced by cheap labor.

Foreign imports are hurting the shoe manufacturers of New Hampshire and all of New England, forcing them into cutbacks, driving some of them out of business.

Dairy imports are hurting our dairy farmers in the same way. Each pound of imports displaces a market for each pound of domestically produced dairy products.

Last year it is estimated that additional purchases of surplus commodities—made necessary because of imports—topped $100 million.

In effect, this means that we are subsidizing foreign imports. This is not free trade, because is is not fair competition.

On August 15, the President announced a new foreign trade policy when he imposed a special additional duty on imports. This new policy will help many branches of American industry and agriculture which were facing unfair foreign competition for as long as the temporary additional duty lasts.

But one important sector of our economy—the American dairy industry—will not be getting much help. The administration acted to exempt most dairy imports—milk, cream, butter, cheese, ice cream, and many other dairy products—from the additional duty.

So relative to the rest of the economy which is under pressure from foreign imports, the dairy industry is in even worse competition shape now than it was before the announcement of the new economic program.

So what do we do? We can rely on existing laws and demand that they be administered as effectively as possible.

And we can let the President of the United States know what executive actions are need to promote the best interests of your industry.

The Tariff Commission has completed its investigation of dairy imports and the report is before the President.

One of those recommendations strongly deserves favorable consideration by the President, and that is the recommendation to eliminate the arbitrary price break which allows cheese based on over 47 cents a pound to be imported outside quotas.

Somehow the President must be convinced of the urgency and the legitimacy of this recommendation. Imports continue to rise every day.

As is so often the case, the need here is for balance and perspective. No one is asking the President to scuttle free trade. All the dairy industry is asking is free trade based upon fair competition.

AUDIE L. MURPHY MEMORIAL VETERANS HOSPITAL

Mr. BENTSEN. Mr. President, last Saturday, December 3, the Senate passed by a voice vote H.R. 11220, a bill to designate the veterans hospital presently under construction in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans Hospital, and to direct the Administrator of the Veterans' Administration to authorize the erection of an appropriate memorial to Audie Murphy if he deems suitable. I am pleased to note that this legislation, similar to my bill, S. 2694, received the support of this body.

This legislation is a tribute to the heroism and patriotism of Audie L. Murphy who risked his life in distinguished service to his country during World War II. The Audie L. Murphy Memorial Veterans Hospital will be a living tribute to the spirit of this young Texan whose name is synonymous with bravery and love of country. This hospital, which will provide greatly needed medical services to thousands of veterans in the future, will evoke the spirit of these courageous defenders of our Nation's freedoms as well as the love of country which underlay the bravery of the late Audie L. Murphy.

ROBERT ROOSA ON AMERICA'S ROLE IN THE WORLD ECONOMY

Mr. RIBICOFF. Mr. President, few men have the depth of understanding the complex international economic issues facing the United States and the world, as does Robert Roosa, a former Under Secretary of the Treasury for Monetary Affairs. Mr. Roosa appeared recently before the Subcommittee on International Trade of the Committee on Finance to discuss the international aspects of the President's new economic program. In addition to his brilliant exposition of the issues during his testimony, Mr. Roosa agreed to submit in writing answers to a number of important questions of the members. I ask unanimous consent that Mr. Roosa's statement and written responses be printed in the RECORD at the end of my remarks.

It now appears that a solution to the short-term problem of establishing new currency parities is in the offing. However, longer term reforms in the international monetary system are required.

Of primary importance in this regard is Mr. Roosa's commentary on the role of gold in the future of the international monetary system. Not only does he persuasively argue for a reduction and, over time, an elimination of gold from the international monetary system, but he also discusses a way of arriving at that happy end.

Mr. President, I recommend careful reading of Mr. Roosa's views to Senators who are intrigued by the mysterious world of international money.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ANSWERS TO QUESTIONS OF THE SENATE FINANCE COMMITTEE

1. One witness at a prior hearing suggested the establishment of a mutual security fund to which all NATO countries and Japan would contribute in accordance with their ability to pay. Do you think this idea would sell to our allies?

Why shouldn't countries who have balance of payments surpluses set aside part of those surpluses in a mutual security fund for payment of NATO expenses?

The proposed "Mutual Security Fund" is the latest of a familiar line of proposals, all having a common objective: that within alliances members should not lose foreign exchange as a result of their contribution to the alliance's needs. I support that principle and, of course, we have had various declarations in support of it from our Western European and Japanese allies.

Before discussing the difficulty in securing workable arrangements at the operating level that would accomplish this unexceptionable principle, I should like to call attention to what the principle does *not* mean.

Foremost, it does *not* mean that *governments* are to be compensated for the *budgetary* costs of common defense. To the contrary, it means only that, in the case of the United States, defense dollars that are spent abroad for purposes of alliance undertakings shall be reimbursed out of a common fund, to which the U.S. and all of its allies have contributed.

Another point of clarification is that the foreign exchange costs of American overseas defense activities are far less than the actual budgetary costs of honoring and maintaining these foreign defense commitments. This is because many of the costs of meeting, say, our commitment to defend Western Europe, are in the form of Pentagon expenditures in the United States for equipment, weapons, supplies and staff salaries. These do not lead to the accumulation of dollars abroad and do not affect our balance of payments, even though the outlays represent a use of our real resources.

As reasonable as the principle is, there are many reasons why it has been difficult—at one time or another—to implement it explicitly, and why it has been practicable only in partial and indirect ways.

Most important, for most of the postwar period dollars have been an attractive and useful reserve asset. The U.S. deficits on the defense accounts helped to financed a needed growth in world-liquidity and commerce, and helped many nations to achieve balance of payments equilibrium. Certainly the existence of these dollar balances has, by their availability, resulted in some boost in U.S. exports and has also enabled private foreign interests to invest in the United States.

Of course, not all of the dollars were used in that way. Often they were deposited in the Eurodollar market where they earned a very satisfactory return and were used to finance other trade and investment flows. While obviously beneficial to our allies, some of the derivative results have certainly been consistent with our own national interests, as, indeed, have been, I trust, the defense of our major allies which occassioned the "loss" of dollars in the first place. There is, therefore, the risk of "protesting too much" in this matter.

Political resistance to U.S. "burden-sharing" proposals has many elements. In foreign eyes, it sometimes appears that we are asking other people to support more military activity than may be considered necessary. Apart from that, many would argue that only the net balance of payments effect, rather than total dollar outlays abroad, should be considered—that is, they make allowance for the fact that many defense dollars are returned to the U.S. through purchases. That measure of "burden" is extremely difficult to define. Even more difficulty comes, however, in reaching agreement on the relative "ability to pay" of various countries. Is it national product? or net balance of payments position? or state of reserves?

For all these reasons, it will not ever be easy to "sell" anything so conceptually difficult and politically visible as a mutual security fund. We should certainly press our allies, however, to achieve the principle of "shared-foreign exchange costs" in other ways, and we should also continue to be on the alert for new ways to reduce these overseas expenses directly.

2. The French Finance Minister appears to be quite eager to make gold the center of the international monetary system. Perhaps the French experience with inflation has given them a deep suspicion of paper currency. If the French persist in thier view of keeping gold in the center of the system, do you feel there is much prospect for resolving critical currency and IMF reform issues that divide us today?

In his speech to the IMF and subsequently, Finance Minister Giscard d'Estaing and for that matter President Georges Pompidou have seemed to me to recognize that gold can no longer serve as the "center" of the world monetary system, and that the SDR or some other internationally-managed reserve asset must in time replace the dollar and gold as primary reserve assets. As I understand the French positions, there are other ways in which they may tend to make a settlement more difficult. First, while they seem to agree with the long-range goal, the French are said to be determined that the United States should first raise the price of gold (although not necessarily restore convertibility) as its "contribution" to a new set of exchange rates. As I will explain below in my answer to question four, I would prefer that any change of the gold price be accomplished in an indirect way, through a change in the dollar-SDR parity that will upgrade the reliance on the SDR as the basis of a new monetary order. A change in the dollar-gold parity would risk taking the steam out of the reform movement. For that reason, any change would have to be accompanied by an iron-clad agreement to go forward with the basic reform as well. The logic of the French position—and it is shared by many others, of course—is that any realignment of parities against the dollar that did not include at the same time a change in the dollar's parity with gold, would have several undesirable consequences for the countries that had revalued:

(a) Gold holdings would be worth "less" in terms of the national currency (e.g. worth fewer francs, d-mark, etc.). In countries where private gold hoarding has been substantial and widespread, such a development would of course be politically unpopular and, contrary to even the minimum expectation (that gold would not *lose* value under *any* circumstances), private hoarders would find that their gold was worth less in local purchasing power. It is perhaps too easy for Americans—who, outside the Confederacy, have never endured the catastrophic consequences of a complete debasement of paper currency—to conjure up the vision of harm being done only to a small circle of "Latin American Playboys", "gold speculators" and "gnomes of Zurich", whose losses can be safely ignored. In fact, the political consequences are far more widespread since many families of quite normal circumstances abroad purchase and save gold as a kind of insurance policy against the sort of destitution and economic chaos most European adults can remember in their lifetimes. If the U.S. Treasury were one day to announce that Savings Bonds were to be redeemed henceforth at only 95% of par, one can well imagine the outrage and political pressures that would develop here, even though, of course, the economics are quite different. Obviously, if U.S. citizens found that their dollars were "worth" less in gold, even though gold is unobtainable, foreign politicians could more easily allay political pressures in their constituencies by pointing to a U.S. "contribution" or "sacrifice" in the overall settlement, and private European gold-hoarders would at least realize some appreciation of gold in terms of dollars to offset in part the depreciation of gold vis-a-vis their own currencies when they revalued.

(b) A second objection, similar in logic to the first, (although almost certainly less important politically), is that failure to change the dollar price of gold will result in a loss of purchasing power for the gold held in national reserves, and, therefore, a "reduction in international liquidity." Since those offering this view are most often surplus countries the liquidity argument lacks persuasive conviction. More serious, perhaps, is the fact that the few countries whose national currencies are revalued against the dollar will show a "book loss" on their dollar and gold reserves—the books being expressed in the national currencies. Of course if the dollar were devalued against gold first, (and if the amount of revaluation against gold required of them were consequently reduced) then the magnitude of these book losses would be less in proportion to the gold held in the national reserves. In effect, the dollars they held would be "worth" more in gold, thus partially offsetting the book loss on any gold they held. A reasonable counterargument is that these effects have virtually no economic impact, and that these same central banks, using dollar reserves, had been expanding their liquidity through Eurodollar deposits for many years.

(c) A third objection is more technical in nature and concerns the role of gold in central banks' reserves and transactions. There is a body of opinion that dollars should be promptly replaced in reserves and that gold should remain at least the primary numeraire in the international monetary system, and, through direct convertibility by the IMF, gold should be the "backing" for SDRs as that new reserve begins to play the greater role in world reserves. Some, but not all, of these advocates also urge the U.S. to return to dollar/gold convertibility. The difficulty with these approaches, so "reasonable" on the surface, is that they remove an important incentive for world monetary leaders to reach agreement on the thorough-going reforms that are needed for the long term health of the international monetary system.

As members of the committee know from the last ten years of hearings, any system that relies on a gold-backed U.S. dollar will almost inevitably reproduce the pressures on U.S. reserves that we have undergone over these years, with an unacceptable magnification of any valid "balance of payments disciplines" when translated into U.S. domestic policies; the same difficulties in adjusting the dollar's exchange rate against other leading currencies whenever warranted; the same mushrooming in official liabilities to foreigners—with the concomitant uncertainties, and all the other burdens that we wish to move away from.

The question then becomes whether the SDR should be "backed by gold", presumably by an IMF willing to exchange gold for SDRs on demand from central banks who regard their SDR holdings as excessive for one reason or another. There is of course a considerable body of opinion that holds that a guaranteed gold convertibility feature for SDRs will be necessary if SDRs are to ever enjoy sufficient "confidence" to replace the dollar as a primary reserve asset. Such an undertaking by the IMF, they note, would free the United States from any necessity in the future of selling gold to foreign dollar holders or to the IMF. The dollar, like any other currency, would be free to find new levels by adjusting through market-determined parity changes against the gold-backed SDR. Isn't that the heart of the U.S. demand?

The answer should be "no". In the first place gold-backing for SDRs is not necessarily required for SDRs to achieve confidence. To the contrary. An SDR that is not "backed by gold" cannot, by definition, be "devalued." It can only lose purchasing power in terms of the currencies of countries that revalue against SDRs. But apart from the historically anomalous revaluations of the yen and d-mark—reflecting the recovery of two major economies after the devastations of a World War—revaluations have been the exception and devaluations the rule because the normal pattern in inflationary periods is for national currencies to depreciate in purchasing power. Under a regime of SDRs this normal, if lamentable, depreciation will not be a threat to SDRs because when each country depreciates, it will have to agree to pay "more" of its currency for SDRs. If, say, the Mexican peso or Israeli pound depreciates, SDR holders will automatically be able to acquire enough additional pesos or pounds to offset the depreciation.

Instances of appreciation of national currencies against SDRs in any event are likely to be relatively less frequent following the present rather extraordinary upward adjustments in exchange rates between the United States and a few other key currencies. Under these circumstances, SDRs should enjoy more confidence than the dollar has in recent years, because, unlike the dollar, SDRs will be measured by definition, in the average relative value of all national currencies.[*] On the other hand, the dollar standard, because the dollar is itself a national currency, proved practically incapable of adjustments to reflect any diminution in its own purchasing power (or the enhanced purchasing power of other currencies relative to it.) Even more paradoxical, as demand for adequate reserves grew, the U.S. was virtually required to run rather permanent deficits in its payments in order to provide these needed reserves. As the volume of reserves increased, the dollar became all the more questionable and uncertain as a reliable standard of value.

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[*] To illustrate, assume that in 1972 the W. German Deutschemark is given an official parity of 3.3DM=1 SDR, and that the U.S. dollar's official parity is set at $1.00=1 SDR. If the central bank of Faroffistan accumulates reserves of 3.3DM (or $1.00) in 1972, and elects to exchange its 3.3DM or its dollar for an SDR, then Faroffistan has added one SDR to its official reserves, consistent with Faroffistan's policy of holding monetary reserves in SDRs rather than foreign currencies. But then suppose that by 1997—25 years later—the official parity of the DM declines to 5 DM=1 SDR and that the U.S. dollar's official parity declines to $2.00=1 SDR. Both national currencies would have depreciated against SDRs, but the central bank would be protected because it held SDRs. For had the bank maintained a dollar in its reserves, that dollar in 1997 would be worth only 2.5DM (i.e. 5/2) while its SDR is worth 5 DM. Had the bank held 3.3DM over the 25 years, the 3.3 DM would be worth only .66⅔ of an SDR (i.e. 3.3/5). With an SDR equal to $2, the original holding of DM would now be exchangeable into only $1.32 in U.S. currency. The worth of the SDR would, in effect, be an average (weighted) of the DM, the dollar, and all other currencies, and would rise in relative terms whenever these or any other currencies depreciated.

This illustrates a fundamental point that monetary reformers have been trying to make for a long time. It is what is "in front" of a currency that makes it valuable, not what stands "behind" it. And when there is a large increase in the supply of a currency, the chances are that each unit of that currency will buy less. The value of a dollar or deutschmark, or yen, in economic terms, is the goods and services that can be purchased with it, not some alchemy between the currency and gold. The idea that gold "unlike the dollar" does represent a "constant" value over time is simply not supported by the evidence. In fact, a central bank that elected to hold gold at almost any time during the last 25 years, and held it until now, would be worse off, measured in terms of the present value of the holding, than if it had held an interest-bearing deposit in the national currency of about any leading country. Wide fluctuations in the price for gold in the free market that has existed since the two-tier system went into effect in March 1968 dispel the notion that there is anything "constant" about gold's value. "Apolloinaire"—as the French once called it—has undergone price fluctuations just as any other commodity—copper, aluminum, or diamonds. Instead, the dealer's greatest preoccupation seems to be that central banks—who were once the "market makers" for the material and could be relied upon to maintain a floor price that protected speculators—will cease to purchase gold and that some may in a relatively short time become net sellers, driving the price of Apolloinaire down to new lows.

The point is simply this: very little in the history of the quest for a rational monetary order is gained by establishing SDRs as a "gold-backed" reserve, or by thinking of SDRs as "paper gold." The value of SDRs will be determined by the currencies into which they can be exchanged, and that will be partly the result of the number of SDRs credited and partly of the parities set by the various countries in terms of SDRs. And the value of SDRs will be sustained so long as nations pledge their full faith and credit to exchange, on demand, their own currencies and other currencies for SDRs and to exchange SDRs for debit balancies in their accounts, in settlement of international reserve transactions, under the Articles of the IMF. Even if the IMF is not required to exchange gold for SDRs (and it should not be required to do so), the whole notion of a gold-parity for SDRs perpetuates a wrongheaded idea—long discarded in domestic monetary affairs—that what makes a currency valuable is the content of gold behind it. Nonetheless, so long as the SDR is defined as 88 grams of gold, that can serve as a useful transitional crutch until everyone has learned from experience that the SDR can walk alone.

Having presented the case against perpetrating the mythology of gold, I should be willing to see a small 5–7% devaluation of the dollar against gold if there were no other way to arrive at an interim agreement on exchange rates before the end of the year. So long as the United States does not undertake to reopen the gold-window, there is no real economic objection to such a change if it helps, under present conditions in a restoration of the confidence needed for international economic activity and finance.

The central French concern has seemed to be that the more than 30% advantage they have acquired against the Deutsche Mark (as a result of past devaluation and the two D-Mark revaluations) not be offset by a revaluation of the franc against gold, which the French feel they could not defend politically or in the foreign exchange markets. By leaving the franc unchanged against gold, and while we devalue the dollar in nominal gold content, the argument goes, the D-Mark could be further appreciated against the dollar while remaining at about its present relation to the franc. This it is argued, would ameliorate intra-EEC strains in trade and agriculture and remove the single greatest obstacle to an overall agreement of the Group of Ten.

Of course the effect on exchange rates vis-a-vis the dollar—the only important *economic* factor at stake—would be identical to the outcome we ourselves seek. Although we should persist in our insistance on eliminating gold from the underpinnings of a reformed international monetary system based on SDRs, it may be that the risks of letting the present uncertainties go unresolved outweigh the advantages to be gained for the time being by insisting on a complete dethronement of gold. So long as convertibility is understood to be out of the question, and there is a firm commitment to reach prompt agreement on the shift over to a full scale SDR system, the U.S. can afford to make a minor concession on the gold price now.

It would have been better in devaluing the dollar to devalue against SDR instead of gold, thereby enhancing the prestige of SDRs. Unfortunately this latter step would require the concurrence and actions of some eighty or more national governments and legislatures to bring about the needed changes in the IMF Articles. By devaluing simultaneously against both *numeraires* (gold and SDRs), the United States will still strengthen SDRs—although, unfortunately, perpetuating the "paper gold" mythology.

Parenthetically, it will be interesting to see whether a willingness on our part to devalue the dollar will in fact provide the needed linchpin. As I noted, the French are anxious to maintain the advantage they have appropriated for themselves (not only against the D-Mark, but also against virtually all the other European currencies) by refusing to float the franc. In the face of what they see as a burgeoning "worldwide recession", it may turn out that they will be unwilling under any circumstances to compromise on European cross-rates. In this respect the proposed Pompidou-Brandt discussions may hold the key.

3. Pierre-Paul Schweitzer, Managing Director of the International Monetary Fund has made several suggestions to get the U. S., the EEC and the Japanese to the negotiating table. It would appear that the first order of priority is the realignment of currencies. Do you have any comments on Mr. Schweitzer's plan to bring the major trading partners together?

It should be clear by now, if it was not clear in late August or at the IMF meetings in September, that the present extraordinary situation is fraught with so many important economic and political consequences for the major trading nations that an interim solution or agreement would require intense bargaining among the political leaders of the Group of Ten and OECD. Mr. Schweitzer was able to play a timely and decisive role in calling for discussions, suggesting the outlines of a broad settlement and, since that time, in maintaining communications links and transactions networks among the IMF membership that have helped to prevent the chaos and confusion that might otherwise have ensued. He and the Fund staff have also wisely and helpfully attempted to represent the concerns and interests of countries outside the Group of Ten to the principals in the EEC, G–10 and OECD discussions.

But the Fund cannot reasonably be expected to be capable of organizing a settlement on its own strength when a sizeable adjustment of the major national exchange rates (and associated levels of employment, income and business viability) is required. It ceases to be a matter of narrow monetary expertise and much more a matter of balancing off many different facets of national interest through complex multilateral and bilateral negotiations among principals at the highest political levels. Mr. Schweitzer cannot say, for instance, what Japan's contribution to the Asian Development Bank should be, what military purchases she should make from the United States *in lieu* of greater exchange rate changes, or to what extent and when the United States' own complex economic and political interests in Europe, Asia, Latin America, Canada, or the Middle East are endangered or furthered by this or that concession in the monetary, alliance, or trade discussions. For better or ill, that is what we elect our political leaders to do for us, and they must deal with each other directly. This cannot be done by an International Monetary Fund staff, no matter how competent or informed, although, as I suggested, the Fund does have a very important role. And as the political agreements take shape through compromise and negotiations, the Fund most definitely has a role to play in the more technical discussions as to what the new monetary system should be and how it shall be constituted and governed. The aim must be to design a new system that will relieve the necessity for international monetary matters ever again to require such drastic political surgery outside the Fund's own process or in spite of its Articles.

While I believe we should be grateful that the Group of Ten was in existence when it was needed, I also hope, at the same time, that the outline of the new system will be such as to accommodate normally and flexibly the kinds of pressures that in recent years have shaken Members' confidence in the Fund, with first the Sterling devaluation, the franc and Deutsche Mark speculations, the gold speculations of a few years ago, and most recently and decisively, the Dollar Crisis. I foresee the day, perhaps within two years, when the IMF will enjoy a greatly re-enhanced prestige and role, unencumbered by a system that has been getting increasingly out of step with the times, and that in the end was becoming so unworkable that the Fund itself had become a major proponent of fundamental change. Given a reformed system (founded on a political consensus) to enforce—one that is closely aligned with the modern world of gigantic capital flows, multinational enterprises, a Euromarket for money and capital, dynamic economies, and interdependence in all things—the IMF will play a central and leading role.

4. What do you think could replace gold as the center of the international monetary system to which all currencies have been pegged? Do you think it will be the special drawing rights, a combination of reserve currencies, or a system of flexible exchange rates?

I believe gold will be replaced by the SDR or another internationally-created and managed reserve asset under the IMF. SDRs will first replace gold as the numeraire for exchange rate parities to be set. Then they will begin to replace dollars as the primary reserve asset held by central banks and used to settle official accounts. Lastly the SDR, possibly in a decade or so, will largely replace gold as a reserve asset and gold will for all practicable purposes become another commodity. Although the SDR may initially be defined in terms of gold, I do not anticipate that it will be convertible and we may live to see the day that gold is devalued (against SDRs). However, individual countries will for some time elect to hold and trade gold among themselves. So long as they do not trade at below the parity price, the Articles should permit this.*

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*That is, so long as they do not exchange more SDRs for gold than the SDR price of gold under the IMF.

We should have an agreement that enables all currencies, the dollar included, to be traded 2½% above or below their parities against SDRs. The possibility of such fluctuation should reduce the likelihood of disruptions caused by massive short-term capital flows since central banks will no longer "guarantee" convertibility at virtually the same rate an arbitragener paid for a currency when investing in its local market. (If margins are ±2½ for example, an investor's risk could be as great as 10%.) This also means that central banks will much less frequently be forced by speculation (and/or speculation-induced "leads and lags") to accumulate or sell gigantic quantities of international reserves to defend their parities from upward or downward pressures in the marketplace. That will be particularly the case if there is also a readiness to change parities by relatively small amounts when a currency remains at or close to its upper or lower limit for an extended period.

We should, consequently, look for a revision of the IMF Articles to permit small and more frequent adjustments of parities to reflect "natural" recognition of changes in the real purchasing power of national currencies and the relative strength of national economies and to reflect these changes close to the time when they actually occur. Such a new framework for exchange rate fluctuation and changes should greatly reduce the pressure experienced in the past for imposing restrictive fiscal and monetary policies as a means of bringing about the economic adjustments needed to remove deficits. These arrangements should also help to take the question of "devaluation" out of the context of moral and political opprobrium that built up under the old rules of the game.

Testimony Prepared for Submission to the Senate Finance Committee on September 14, 1971 by Robert V. Roosa, Partner Brown Bros. Harriman & Co.

Mr. Chairman: I am very happy to be with you today. Since I was advised only late last week of this opportunity to testify, I regret that I cannot offer a full exposition of my views at this time. I am looking forward to the opportunity of discussing today all aspects of the President's new economic policies with which members of the Committee are concerned.

The President's new economic policies have an overriding importance for the future of the international monetary system, and for relations among the advanced nations. Although the pressures for changing the Bretton Woods system have been mounting for many years, the President's actions in imposing the 10 per cent import surcharge, suspending the gold-convertibility of the dollar and in proposing a buy-American investment credit, have created a situation of international tension requiring prompt, sensitive, and creative plans and negotiations that will result in substantial changes in the international monetary system. The outcome of these negotiations will be of great and enduring importance for the American people.

In lieu of further initial comments, I should like to submit the text of my *Open Letter to the Group of Ten and the IMF* which was published in *The New York Times* last Sunday, September 12, 1971:

By cutting the dollar loose from gold convertibility in mid-August of 1971, the President has moved forward by at least a decade the timetable which many members of the International Monetary Fund had implicitly been following toward this fundamental change in the structure of the international monetary system. To be sure, no one was ready at this time, in spirit or in planning, for the mutation to which all knew they must eventually adjust. Yet now that the golden cord has been cut, the International Monetary Fund and all its members have a fortuitous opportunity to move with deliberate speed toward a new form of the Bretton Woods system—a form which hopefully may be as well attuned to the changing world economy over the remainder of the twentieth century as the original Bretton Woods design was for the quarter century that followed World War II.

A certain amount of tidying up of presently existing arrangements will have to occur first, in order to provide a reasonably calm environment for the deliberation and negotiation that must precede agreement on a major new design. An early upward adjustment of the exchange rate parities of a handful of currencies against the dollar should be speedily agreed upon. Provided the changes are sufficient to assure the credibility of the resulting structure of exchange rates, there is undoubtedly room for considerable differences as to the precise magnitudes to be chosen. And so long as a new flexibility can be expected to emerge as part of the new design, there need be no prolonged quibbling nor international deadlocks over the details of a few percentage points in the specific parities set for the end of 1971.

The agreements which should be reached promptly represent a sort of damage control operations, in order to avert further spreading and hardening of the trade restrictions, capital controls, and multiple exchange rates which have been rapidly splintering the international economic community over recent months. Moreover, so long as these restraints are proliferating, it is impossible to expect the nominal "floating" of the currencies of other leading countries to provide a sure clue to the appropriate levels of their parities. Since a severing of gold from the dollar had to come sometime, it would be most unfortunate, however, now that the step has been taken, if other countries or the IMF should expect the United States—as a sort of penance while new parities with the dollar are being set—to glue back together some pieces of the broken idol through a hastily contrived "return to gold" at some slight change in its dollar monetary price.

Once the immediate pressures toward economic isolationism can be checked, by reestablishing the customary modalities for making payments across the exchanges, the way will be open for further constructive consultations. The members of the International Monetary Fund, spurred by initiatives of the industrialized countries in the "Group of Ten," have already demonstrated their capability for creative innovation, during the four years of preparation that preceded the historic agreement in 1967 to establish Special Drawing Rights (SDR's) as a manmade substitute for gold reserves in the IMF. It is around these SDR's, serving as a nucleus of reserves, that the world can now begin to develop a kind of monetary system that will be capable of maintaining stability—instead of permitting recurrent disruptions and distortions that inhibit international competition—in the payments flows among nations over the years ahead.

Just as the final collapse of the convertible gold-dollar version of Betton Woods was precipitated by a sudden and rapid deterioration in the international economic position of the United States, so also the first steps in preparing the stage for a new Bretton Woods system are quite properly being initiated by our Government. By acting to halt the corrosive inflation, to stimulate greater productivity, and to enlarge employment and incomes, the Administration is positioning the United States to restore sustainable two-way flows of trade and capital between itself and the rest of the world. The immediate stage setting on the part of the United States also rightly includes fresh effort to cut the dollar costs of supporting military and economic assistance programs abroad, and to attack the many non-tariff barriers to the freer expansion of trade and capital movements.

One lesson that has become clear, over the four weeks following August 15, however, is that the dimensions of any of these economic and financial efforts which impinge on other countries are so large, and so intertwined with a myriad of powerful political and social considerations in these other countries—large or small, developed or developing—that no sweeping or swift agreements are likely to be found. The Administration is surely right to attack the immediate problems confronting the United States all at once, with fresh exhilaration and determination; it is equally right to urge other countries, particularly those with large balance of payments surpluses, to initiate proposals as a basis for joint consideration and action; but it would just as surely be wrong to expect any large proportion of the imbalances among nations to be settled in a single massive negotiation. No country wants piecemeal correctives, with the risks they bring of new crises created by the disparities that still remain; but the needed total result may have to be reached through several separate, though parallel and interrelated, agreements or undertakings. In the necessary arraying of priorities, the time has come for a heightened concentration of attention on the longer range objectives to be sought in the redesign of the international monetary system.

Pleading only the special privilege of one who, in Dean Acheson's lofty phrase, was "present at the creation," I would like to put into the cauldron of discussion among the "Group of Ten," and hopefully the other members of the IMF as well, a seven-point program for adapting the Bretton Woods design to the flexibility that the world's monetary system now needs.

(1) The SDR's should be the principal reserve asset for use by central banks in making direct settlements among themselves. The dollar, and other currencies, should be held by central banks primarily as transactions balances, for use in intervening in the public markets for foreign exchange.

(2) Because most countries are not yet ready to demonetize gold completely, SDR's should be defined as a specified weight of gold in order to continue a role for gold within the Bretton Woods system. No central bank should be required to include gold within its reserves and no reserve settlement obligations should include a required gold component. All IMF requirements presently in terms of gold should be made interchangeable with SDR's. Any central bank should be at liberty to sell or buy gold, to or from anyone, provided the price does not exceed the equivalent of the established gold content of the SDR.

(3) The gold content of the SDR might be changed only through the same voting procedures as apply to a change in the Articles of the IMF itself.

(4) Each member country declaring an established parity for its currency to the IMF should define that parity in terms of SDR's.

(5) The acceptable normal range of variation in the market rate for any currency with an established parity, as defined in the Articles, should be widened from the present 1 per cent above or below the old dollar parity to 2½ per cent above or below the new SDR parity.

(6) Under conditions determined by the Executive Directors of the IMF, market rates should be permitted to fluctuate outside the 2½ per cent band for transitional periods of up to one year, by which time a new parity must be established.

(7) The scope provided in the original Articles for modest changes in parities without detailed IMF scrutiny or opprobrium has long since been fully used by most members. That original intention should be renewed by a change in the Articles to encourage more frequent and smaller adjustments of parities, subject to general provisions established from time to time by the Executive Directors.

This combination of suggestions preserves the essence of the Bretton Woods system: the IMF at the center as the ultimate source of needed reserves, and with related powers to exert some discipline upon individual countries whose actions seriously impair the well-being of the members as a whole; established parities for convertible currencies; and a numeraire for the setting of those parities. The major changes would be the increased reliance on the SDR (with the use of gold in reserves remaining a matter for the independent choice of each country), the elimination of gold convertibility requirements for the United States and the IMF, and the introduction of orderly arrangements for flexible adjustment of exchange rates and parities.

The deeper processes of change in the world economy certainly point toward the need for analysis well beyond the scope of this brief comment, and probably point toward action well beyond the range of any influences to be expected from greater or lesser flexibility in exchange rates alone. It is the rapid evolution of such forces which do in my mind, however, urgently emphasize the need for resuming the kind of intensive probing and appraisal that began in 1963, when the Deputies of the Group of Ten first began exploring the foundations of the system on which the SDR's have since been built.

AMERICA'S PLACE IN THE WORLD ECONOMY

(By Robert V. Roosa)

At no time since the end of World War II has this country's position in the world economy been more precarious, and at the same time potentially more promising, than in 1971. That paradox, which each of us sees from a slightly different angle, seems to me to account for the ambivalence in what we have been saying to each other during these three stimulating days. Most of us reject protectionism, but we applaud the President's August 15 program. Many of us seek the dismantling of what controls there are over capital flows, but we deplore this year's stupendous deficit in the American balance of payments, which is so largely the result of uncontrolled movements of short-term capital. And though I think we all hope for a major realignment of currency parities in are formed monetary system, many of us are still worried that a failure to agree on the interim steps needed now for currency stability may aggravate the tendencies toward depression that are already apparent in many parts of the world.

There is not, I am going to be so bold as to suggest, anything inconsistent about our holding all of these views at once. But one has to stand back a bit, to search out the unifying theme. To me, the theme is that the American economy is in the midst of a revolutionary change, a change as little recognized as was the industrial revolution until long after it had begun to reshape the world, and a change which may bring about new patterns in the commerce among nations as profound as those brought over the past century by the industrial revolution. Our economy is now well into the post-industrial phase in the dynamic growth pattern of advanced societies—we are experiencing what a few prescient economists have called the services revolution. That is not the popular caricature of services identified with more and more bureaucrats and automatic vending machines, although we have those too, but instead an economy in which rapidly advancing technology, sophisticated research and scientific management account for more of the marginal increments of valued output than do the additions of direct labor or invested capital in traditional manufacturing processes.

Those of us trying to form judgments on economic policy in this new environment are caught in a tangle of transition, trying to look backward and forward at the same time. And indeed we must. For just as industrialization and urbanization in the earlier phase of economic evolution did not displace the agrarian economy, but were built upon it, so the new services state is being erected on a base of support brought forward from the industrial and agrarian stages of development.

It is part of the transition, and I believe an inherent part, that new institutions must rise to new importance in the economic inter-relations among nations. There are new forces and new forms in the relations between this country, in the lead of the change, and other industrialized countries that are following along similar paths. There are other and different potentials in the relations between all of the more industrialized countries and the less developed countries which as yet have only tentatively, or often only in narrow sectors, entered into the phases of industrialization. That is why our economy—sufficiently industrialized to be able to afford a remarkably comprehensive system of education, and to afford the overheads involved both in massive programs of research and in developing management of all kinds into a science—has evolved a new kind of export, the export of technology and technique. That is why American firms have found it rewarding to father the multinational corporation, and why most other countries have readily made room for firms which bring in management and marketing capabilities to employ their assets and their people more efficiently. That is why our financial institutions, also multi-nationalizing, have gone abroad, not merely to help service the multinational corporations but also to introduce our own pioneering financial methods, wherever they seem to fit, and incidentally to service as well the vast extraterritorial market in Eurodollars and other Euro-currencies.

It is partly from the growing pains of these tremendous innovations—which have produced a declining surplus in this country's traditional trading relationships and a greater volatility in short term money flows—that the United States has derived this year's balance of payments deficit. By any past standard, that deficit, at least until August 15, was so staggering as to be almost incomprehensible. But in correcting our deficits over the years ahead, we have to look not only backward to past patterns but also forward to new opportunities. And that is what has been so encouraging about these meetings—the high proportion of attention given to where the United States can go from here. Before I go on to draw together the more promising strands from all that you have heard during these crowded days, and to add some embroidery of my own, I would like to sort out some of the features of our trade last year that help to underscore my emphasis on the significance of the services economy for the future nature of our trade. Then I will try to sum up, not as a catalogue, but with emphasis on what is new—(1) the potentials I see in our bilateral relationships with other countries, (2) what may be possible in our joint relationships with other countries through various international organizations, and finally, (3) what we might hope for in the design of the international monetary system. The limits of your patience and my competence should permit me to generalize rather glibly without providing too much elaboration.

THE COMPOSITION OF OUR TRADE IN 1970

The major shift occurring in the composition of our exports and imports of goods is almost a mirror image of the shift in our comparative advantage that has come with the transition to a predominantly services economy, at a time when most of the other leading countries were still moving into the later stages of industrialization. While we have a pronounced lead in communications hardware, computers, office machinery and air transport, for example, many of the other countries are now outdoing us in the more standardized, high volume, assembly-line production that used to be the American image.

It is this change, in addition to the various discriminatory trade barriers which we rightly try to remove, and along with the well-known differences in wage and tax rates, that helps to explain why, last year, the United States paid out for foreign automobiles, for example, $2.3 billion more than foreigners paid us for automobiles produced in this country. Even in food, beverages and agricultural products, we have paid out close to one-half billion dollars more in imports than we earned from our own exports in each of the past three years. Our deficit in consumer goods (excluding autos and food) last year was $4.8 billion. And our deficit in industrial supplies have averaged $2.2 billion since the mid-sixties. Steel alone accounted for $900 million of that deficit in 1970.

Yet we still had a merchandise trade surplus last year of $2.7 billion. Where did it come from? The answer is mainly from exports of capital goods in the high technology sectors, which produced a product-line surplus of over $10.5 billion last year—part of which represented sales to the overseas arms of our own multinational companies.

The key is that wherever the service inputs are large from highly trained staffs—management, research, skills—we still lead in export performance. And it is, of course, these same sectors which have been most vigorous and grown most rapidly here at home over the past decade. It is to these sectors of the home economy, and to the judicious expansion of American enterprise abroad, that we must look for much of the added strength that can restore viability in our payments balance with the world. The great need now is for the daring to use this strength in new ways, and in new directions—in our direct relations with other countries, in our reliance on international organizations, and in our contribution toward reform of the international monetary system.

NEW BILATERAL RELATIONSHIPS

The Administration has effectively launched its efforts to bring down the barriers blocking entry of our goods into the markets of many of our traditional trading partners. That is essential. But if my appraisal of the difference in the phasing of structural change among countries is valid, if others will be following us one by one into the services revolution, then the lowering of old barriers will not be enough—not for the longer run. We have to open up new routes, not only trade routes but services routes, that will enable us to earn abroad at least as much as we spend, or invest, or give away abroad. We have to take full advantage of the long lead we have, and the comparative advantage that gives us, in providing management, financial, and technical services to the world.

Some of the most promising territory for new ventures might appear offhand the most improbable—the Communist countries. They have all the ingredients in talent, raw materials, and savings that any management team could wish for, even though they also have their bureaucracies and the rigidities of centralized planning, not to mention their ideology. All the same, they respect, and increasingly seem eager to invite and to pay for, the management skills and high-technology goods that we have to offer. And if the world is to have what the President is calling for—a generation, or better yet, an era of peace—the sturdiest beginning is surely in establishing new working relationships in the kinds of activity where Russia, China, and other Communist (or as they would correct me, Socialist) countries and ourselves come nearest to speaking the same language, that is, in business transactions which benefit both sides.

Our allies, most notably the United Kingdom, Germany, and Japan, have opened the way for us. They have so reduced their restrictions as to encourage trade in such products as computers, advanced equipment, chemicals, and even turnkey manufacturing plants. A natural advantage that American enterprises might normally enjoy has thus far been lost by default to smaller and sometimes less efficient European and Japanese firms—often recognized as such by the Communist enterprises—and which in practice often base their products and services on technology first developed in the United States.

To finance the acquisition of the products, technology, and services they want, Socialist enterprises have been turning more frequently to joint marketing arrangements, joint ventures, subcontracts, and other arrangements with western companies that increase their ability to earn foreign exchange by increasing exports to the West. Moreover, the Soviet Union, in particular, has been aggressive in opening up markets for the products of the services-sector of the Soviet economy, as can be seen in their campaign to sell the TU144 "SST" to western airlines, and the persistent Soviet efforts to open up markets for their generally sophisticated metallurgical and construction equipment.

While for many years the Socialist countries had to insist on rigid bilateral trade agreements to be assured of the means to pay for their imports, it is now apparent that they wish to move toward greater flexibility in their choice of suppliers and markets. I suspect they would be able to pay, with hard currency earned elsewhere, for many of the high technology items they want from us. And our even greater opoprtunity is for management contracts, or joint ventures, or licensing arrangements, which may directly generate enough foreign exchange to make the necessary payments to any American firms.

Alongside the opportunities in the Communist countries, the other great area of opportunity is in expanding the role of our multinational corporations in less developed countries everywhere. The shibboleth of American imperialism, with which we are still maligned, can give way to working partnership as the patterns being pioneered by many firms become recognized. Our role no longer needs to be identified so largely with the extractive industries, nor with sole ownership. Indeed the course of the future may well be that more and more of the further increase in the world's manufacturing capability will occur in countries that are now underdeveloped, with expanding local participation in all aspects of the business.

The great multinational corporations—helping to mobilize capital, train labor, organize production, develop marketing, and open up distribution channels for the LDC's in the advanced nations—can, as working arrangements with local governments evolve, help these countries to move into a stage of the industrial revolution that the United States itself is already leaving behind. And they can help bring to the LDC's much modern technology that was not available when we were in a similar phase of the development process. So long as there is a predominance of local labor, and local participation in the capital of these projects, the place of the American firm in contributing the needed management services can continue to be creative, without reviving the image of the absentee rentier that has fostered so much antagonism in the past.

There will always, of course, be risks, the kinds of risks that are increasingly recognized as insurable in the broadest sense. They require a premium from the participating company, of course, but also a residual of contingent liability on the part of the Governments involved, reflecting the common public interest in promoting (indeed propelling) development. If American companies are to substitute for, or at any rate to complement, our Government's own programs of direct grants and loans to the less developed countries, the integrity of OPIC's facilities for providing insurance against non-commercial risks should be unquestioned. Perhaps in time, the often discussed proposal for insurance under the World Bank's auspices can be realized.

There is also a particular task for our Government in its own efforts to assist the less developed countries—a task uniquely indicated by the same elements of the new "services state" that have such profound implications for business relationships with the Communist and the less developed countries. That is in making a special effort to discover and promote capabilities for providing technical services, quite independently of specific loans or grants. The Peterson Task Force on International Development recommended to the President in March 1970 the establishment of a U.S. International Development Institute for this purpose. That recommendation was good then; it is even more urgent now.

NEW RELATIONSHIPS WITH GROUPS OF COUNTRIES

Although I am stressing here only the newer aspects of America's place in the world economy, I should not leave any misunderstanding on one great element of continuity. I hope we can remain in character; I hope we can maintain the spirit and the style of openness, tolerance, and freedom that have characterized our international economic policy throughout the post World War II period. It is distressing to hear, as we have, some voices calling for a new combativeness; for retaliatory restrictions on imports; for a beggar thy neighbor version of economic isolationism. I prefer to listen, as I did last night, to the insistence of the Secretary of the Treasury that such threats must be countered.

There are at least three important ways in which we can help to do that by strengthening our reliance on negotiation as opposed to confrontation. The most obvious is in the military field itself, and the SALT talks may carry the world some distance in that direction. The challenge to our high technology is to find, through control over the weapons systems themselves, methods to assure the ultimate in deterrence.

A second is in our economic relations with the other more developed countries. No one could read the balance of payments statistics released two days ago without recognizing that movements of capital, both short term and long, have become even larger forces in affecting the balance of our external payments than the movements of goods in trade. For influencing goods flows, the world has, in the General Agreement on Tariffs and Trade (the GATT), albeit with all its weaknesses, an agreed formulation of acceptable Governmental practices and a forum for airing complaints. The spirit of the Agreement is to encourage freer trade; the practice is at least to prick a nation's conscience when it moves in the opposite direction. Is it too much to hope that something comparable could now be undertaken for capital movements—an agreement that would affirm free capital flows as an objective and would establish some consensus as to methods for coping with such flows when they overwhelm one country's accounts or threaten to impair the functioning of the international payments system? Perhaps that is the way to bring an end to those alphabetic nightmares that bother so many of you—the OFDI and VFCR.

A third avenue for greater reliance on multilateral approaches concerns the less developed countries. There, too, the way has been pointed in the Peterson Task Force report which urged that "the international lending institutions become the major channel for development assistance, and that U.S. bilateral assistance be provided largely within a framework set by international institutions."

THE INTERNATIONAL MONETARY SYSTEM

The implications I have drawn from the structural change in the American economy literally thrust it outward into increasing interdependence with the rest of the world. Such a view may seem quixotic at a moment when the most advanced form of interdependence, the international monetary system, seems to have broken down from hyperstimulation. Yet in my view it is that same interdependence which is now increasingly, as the weeks go by, impelling all of the leading countries toward agreement.

There is a slight perversity, to be sure, in the fact that the countries most directly affected have all along seemed much closer to agreement on the final features of basic reform—features which will, if only for procedural reasons, require a year or two to implement—while they remain rather further apart on the terms of the interim settlement needed to keep the machinery moving until the basic reform is in place. Nonetheless, despite the widespread apprehension over the risks of precipitating a European recession, or perhaps partly because of that apprehension, I suspect that a tolerably workable interim agreement will be achieved within the next few weeks. Because the United States has rightly moved to demonetize gold, it seems slightly ridiculous that there should be so much insistence abroad on our changing the bookkeeping price of a metal we have dethroned. By the same token, though, we clearly need not be fastidious ourselves about making a little change in the "price" if that breaks a log jam that is holding up the kinds of correction in currency parities on the part of other leading countries that can provide a basis for reaching equilibrium in our own balance of payments during the months ahead.

Looking beyond this interim phase, it is clear that the rigidities of the early form of the Bretton Woods System have outlived their usefulness. Even though most countries will always need and wish to have established parities for their currencies, in order to avoid the temptation for continuous self-serving manipulation of the exchange rate when there are no visible and well established rules of the road, there will have to be agreed scope for relatively flexible adaptation of parities. When the nations of the world community are undergoing dynamic change at differing rates, and are in differing stages of economic evolution, there will have to be relatively frequent modifications in the parity relationship among their currencies. But as I have said, a consensus on that has already largely formed.

We will want to see the dollar gradually shrink in use as a reserve asset held by official institutions. That aspect of the dollar's recent role has become too much for any one country to support or manage. It creates continuous friction among nations while depriving the United States of any possibility for effective initiative to help in the resolution of differences.

Instead, the world's need for a reserve asset which can be increased in quantity according to some generally agreed non-inflationary criteria can best be provided through the joint action of all countries. Fortunately the instrument for that has already been created. To be fully useful as a reserve asset, that instrument (Special Drawing Rights—the SDR's) will have to be more generally usable by official holders. Negotiations over such details will probably reveal some technical problems and differences that may strain the negotiators, but the broad outlines of the desired end result are, fortunately, already quite non-controversial. And it is reassuring that the real essentials of Bretton Woods will be preserved: convertibility among currencies, capacity in the currency markets to service any volume of exchanges, and cooperation among the countries.

There will have to be new rules within the International Monetary Fund, too, providing a considerably broader basis for the adjustment of parities, widening the band of permissible fluctuation around parity, and permitting an occasional "transitional float."

When all of that has been completed, the dollar will be free to adjust its parity, just as any other currency may. This time, though, the parity adjustment will be in terms of SDR's; no longer gold. The great capacities of the American financial community will then be able to concentrate unselfconsciously on the services performed in providing dollars for the financing of world trade and the investing of capital. Freed of the obligations of a reserve currency, but increasingly used as a common medium among countries, the dollar can fit into place naturally as a principal vehicle for the financial services which this country, and perhaps others, will be increasingly able to perform.

CONCLUSION

I can conclude these remarks as I began them—in an optimistic vein. The American economy is going through a difficult transition. As the first of the service oriented economies, we have much pioneering and experimenting to undergo. But there is a discernible pattern and a clearly promising outline for what can lie ahead. And there are accelerating opportunities for American leadership. If we preserve the spirit that has guided our economic policy since World War II, we may be able to establish economic relationships which can undergird peaceful progress for the remainder of the century.

L. B. J. IN FOCUS

Mr. BENTSEN. Mr. President, Mr. Jack Valenti has written an articulate and perceptive review of President Lyndon Johnson's book, "The Vantage Point."

Mr. Valenti was in a unique position to know the President, for he served as his special assistant in the White House for several years. It is, therefore, not surprising that Mr. Valenti's own vantage point would be one that would allow him to describe with some care the texture of the events that accompanied the decisionmaking processes of President Johnson.

Mr. Valenti's review speaks for itself. It is a revealing portrait of a dedicated man who gave greatly of his enormous talents and who approached his work with the highest regard for the national welfare.

I ask unanimous consent that Mr. Valenti's review be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Houston Chronicle, Oct. 31, 1971]

The Bravest, Wisest Friend

(By Jack Valenti)

That was Roy Wilkins' comment on President Johnson, a Southerner. The "flowering irony" of the remark may serve the linchpin of Johnson's administration and is reflected in his high-adventure, personal account of that time.

The Vantage Point, by Lyndon Baines Johnson, Holt, $15.

If you are at all interested in politics, presidential decision-making, and Lyndon Johnson not necessarily in that order of preference, then you will want to read "The Vantage Point."

I remember so well a meeting when President Johnson gathered with black leaders in the Cabinet Room to rejoice in the Voting Rights Act of 1965. After the meeting with LBJ had ended, a meeting with moments of genuine passion and jubilation, Roy Wilkins spoke to me: "It's strange, isn't it, that the bravest, most compassionate, wisest friend the Negro in America has ever had is a Southern President."

The flowering irony of that remark may well serve as the linchpin of the Johnson presidency, and the events recounted in this book. It is an irony neither sardonic nor deflating, but the irony of contradictions, of savage criticism of the President after a deluge of measures in education, health, medical research, conservation, anti-poverty, human rights which have left an unerasable and beneficient mark of future generations on Americans.

And there is the irony that the liberal establishment, the very people whose banners and causes were carried to legislative completion by President Johnson, are the ones who today are his most venomous critics. A psychiatrist friend of mine with a savoring comic sense once concluded that the reasons why so many liberals fumed at Lyndon Johnson is because he made all their declarations the law of the land and they had nothing more to become impassioned about. But then politics has always been a marriage broker for the mad and the practical.

What "The Vantage Point" does is to uproot and turn again to light those high adventures of the Johnson presidency which, unhappily, have been so scarred by Vietnam that is is chic to be forgetful of what he did to try to lift the quality of American life, and how he did it.

Five of the 23 chapters deal with Vietnam. With documentation that is remorseless in its sweep, one finds himself understanding the "why" of the presidential Vietnam decisions. It is fair and legitimate to debate the right-or-wrong of the decisions, but it is hard to believe any rational man reading the President's account would have, at the time, chosen a different direction had he been the chief executive.

I sat in on the crucial meetings, for example, of July 21–27, 1965 in which the anchor decision was made to dispatch large numbers of troops to Vietnam. Throughout the discussions which went at a grinding pace for long hours each day, the President asked the hardest questions, was the cruelest skeptic and searched out with more diligence all the crannies of each military statement.

When it was all done, when all the exhausting, deadly serious talk was finished, it was plain to everyone around the table that no American President could steer any other course except the solemn one President Johnson had commanded to be taken. It must be noted, not without some further irony, that no aide in the White House nor any relevant official in the government (excepting George Ball) thought the decision was wrong, at the time it was made.

What these chapters make so clear to Americans who will read them is the decision-making torment of Vietnam, the honorable men involved, and the eye-wash incredibility of much of what has been written about what the President "thought" and why he did what he did.

For those who might relish a recriminatory rebuttal by the President in which he scalds the hide off his critics, there is disappointment in store. Indeed, the President treats his classical foes—Gene McCarthy and Sen. Fulbright—and various and * * * general mishmash of opposition with cool dispassion. The legendary Johnson self-discipline is still muscular and intact.

My regret is that there is not enough present of the Johnson humor, robust, pungent, embracing, which, in between streaks of laughter, sent forth stout reminders of presidential instructions and desires.

There is in a chapter like Bite the Bullet, the Run for the Tax Surcharge, a fascinating insight into the arcane art of getting congressmen to debate a tax hike one year before an election and to vote for the tax in an election year. A tax measure and all its companion gargoyles are as welcome in a parliamentary chamber as a fresh outbreak of bubonic plague.

While it would be difficult to mark this chapter with the suspense of a Hitchcockian flick, there is readily visible that special brand of LBJ mystique which only he could apply to sometimes refractory, sometimes fretful, sometimes puzzled congressmen who find themselves voting for measures they have never supported before.

Any man who aspires to leadership in the town council, in the statehouse, or wherever, is ordered to read this chapter for Lesson One in professional skill and poise.

"The Vantage Point" is also a look at the man, whose virtures and faults dance through a turning prism, a complex, towering, endlessly contradictory, sentimental, immensely instinctive, caring man whom former Cabinet officer John Gardner described as "one of the most intelligent men I have ever known."

No man is fit to govern large societies unless he is willing to confront the most abrasive kind of decision without looking over his shoulder at the election calendar or his political critics. In all matters of prime concern to the nation, I found President Johnson, as this book will confirm, much as Churchill regarded the early 20th Century British first minister, Arthur James Balfour—a man, said Churchill, whom nothing "could overcome his central will or rupture his sense of duty."

That comes through in the book, comes through with mounting fascination.

There is also here a curious and ofttimes misty veil of fateful mischief, the intrusion of timing and luck, baggage which a leader must carry with him and without which all great enterprises are disfigured. Lyndon Johnson was the first of four Presidents to preside over the nation when events in Vietnam collided with such vehemence that he was the only one of the four Presidents who had to confront the grisly choice of "either get in with more in Vietnam or get out now." The question could neither be ignored nor casually handled.

From the first decision to give aid to Indochina in April 1950, to the summer, 1965 decisions, the hoops of commitments bound the U.S. tighter and tighter. Every President, as the record so clearly shows, found it a fact of life to regard Southeast Asia as essential to the security of the free world. Once let Southeast Asia fall to Communist domination went the prevailing official opinion, and the unravelling of that part of the world insofar as it concerned our own security would begin.

This view was staunchly held by every American administration since 1950. The holiness of this doctrine was the loom over which stretched our decision to hold on in South Vietnam. Against the possibility of an Asian quagmire had to be measured the abandonment of a keystone policy.

How could this be explained? Of course, there was risk in going in further in Vietnam, but what of the larger and even more crippling risk of total U.S. incredibility in Asia? How do we justify all that was said and done, not by one President, but by three and, counting Johnson, four Presidents, if we suddenly shifted gears and left the South Vietnamese alone to fend for themselves?

Moreover, could an American President

have withstood the fury of criticism beating in on him the day that Southeast Asia was indeed Communist encircled? Could President Kennedy have fled from Cuba or Berlin?

No matter if interment of democratic government in Vietnam was either good or bad; no matter, for the critics would have justly argued that we retreated when we didn't have to. What would have happened if there were thousands of Vietnamese massacred by a vengeful Ho Chi Minh (that he would be capable of this is aptly proved by the murders he committed in his own domain)?

Is it possible for an Administration in the face of this calumny, this bitter indictment, this careless neglect of a word firmly given, of a pledge solemnly offered, is it possible for such an Administration to find afterward any promise or purpose it pursues worthy of belief?

Every public man knows he cannot take refuge in what might have been. He had to stand or fall on what happened. President Kennedy's bleak assessment of the Bay of Pigs—"Success has a thousand fathers, but failure is an orphan"—is a very true accounting.

It is quite possible that the loudest of the critics today would be the very ones who would have insisted on the dismantling of the Johnson Administration for its lack of sensitivity in protecting the people of South Vietnam.

Every President makes key, vital decisions without knowing all the facts he should know to make the decision. But events, crises and danger do not wait for all the facts to fit. It is the unruly nature of the Presidency to force action before all the searchings are complete.

And so the President acts. When the daggers are at your belly, hindsight, that precious, protean luxury, is nowhere to be found. All that is available is a certain amount of humility, some instinct and judgment based on facts and duty, and finally that imprecise, farcial altering of logic and reason, that fickle, unpredictable miscreant we call Luck.

But even now we forget, we callously forget, it was President Johnson who got the peace talks going, who stopped the bombing of the North, slowed the war down, and put into motion the essential actions of Vietnamization, which were the first considered movements toward U.S. disengagement and withdrawal.

It was also LBJ's lot to be the steward of the land when for the first time in history of the Republic there took place a social insurrection whose portents were not foreseen by anybody but which exploded the social mores and political moral sense of the nation. The universities and the dark streets came alive in fire and fury and tangled the national conscience. From the conflict between the emerging generation and the aging one, and from the smoke of burning neighborhoods sprung the unweeded garden, rank and gross, whose seeds were latent God knows how long.

There is further peculiar irony in the twist of events that made President Johnson the focus of these luckless events. In all the wide-ranging reports of the various task forces, so populated by college professors, there was no hint of this new dimension of youthful disaffection for the society as they found it. Moreover, President Johnson in his zest to bring the finest brains into the government was given to an over-abundant pride in young people. He created the White House Fellows program, constructed the Presidential Scholars project from the high schools of the land and; counted among his highest achievements his triumphant fight to bring a college education to the poorest and the most disadvantaged youth in the land, black and white; exulted in the reach for excellence which he perceived to be the new goal of children and youth becoming adults.

History is a pitiless arbiter and it will judge the Johnson presidency with the same stern standards it applies to any great captain of a country in the middle of avalanching change. On one essential fact I think most thoughtful people would concur: History's judgment has not yet been fitted into place. The souring influence of the immediacy of the moment has, hesitantly, blurred the most impressive catalogue of social legislation since FDR by a President who cared, really cared in his gut and in his mind about the black, the sick, the aged, the handicapped, the unhoused and the unremembered, the powerless and the helpless. But it is there. It is the kind of legacy history remembers when contemporaries forget. It is in this book, and whoever now chooses to look deeply at the Johnson presidency must begin here if he wants to spring from the base rostrum.

A NATIONAL NETWORK OF POLLUTION-FREE ENERGY SOURCES

Mr. GRAVEL. Mr. President, a research proposal entitled "A National Network of Pollution-Free Energy Sources" was submitted in April 1971 to the National Science Foundation.

The proposal, which was prepared under the leadership of Engineering Prof. William E. Heronemus at the University of Massachusetts in Amherst, includes 15 appendices or chapters. I intend to place many of them in the RECORD as soon as possible. The appendix titles are as follows:

APPENDICES

Appendix 1.—Organization and Management of the Project.

Appendix 2.—Utilization of Ocean Thermal Gradients as a Pollution-Free Natural Energy Source.

Appendix 3.—Utilization of Ocean Current Momentum as a Pollution-Free Energy Source.

Appendix 4.—Extraction of Pollution-Free Energy from Fast Flowing Tidal Rivers.

Appendix 5.—Utilization of Deep Ocean Cold Water as a Low Pollution Heat Sink for Nuclear Fission Central Plants.

Appendix 6.—Extraction of Pollution-Free Energy from the Winds.

Appendix 7.—Collection and Transmission of Power from a Very Large Number of Relatively Small Generating Stations on Land or in the Sea.

Appendix 8.—Utilization of Belt Electrostatic Generators and Other Terminal Devices in a High Voltage Direct Current Transmission Network.

Appendix 9.—Anchor and Mooring Systems Suitable for Very High Pull Loads in Deep Water Sites.

Appendix 10.—The Generation of Hydrogen Fuel Utilizing Solar Energy.

Appendix 11.—Determination of the Optimal System of Power Generation: Analysis of Economic and Social Costs of Alternative Methods of Energy Generation.

Appendix 12.—An Overview of Phase One and a Preview to Phase Two.

Appendix 13.—Personnel Resources: Applicable Experience.

Appendix 14.—Resources; Facilities and Equipment.

Appendix 15.—Detailed Work Statement and Budget.

RESEARCH BUDGET

The amount of money requested for phase I of the entire research proposal is extremely modest:

First year: $749,572.

Second year: $878,714.

Third year: $887,387.

Phase I total: $2,515,673.

So far, Professor Heronemus has received no indication from the National Science Foundation about the disposition toward this proposal. Meanwhile, parts of it may be under consideration for funding also at the Interior and Commerce Departments.

One place or another, it ought to receive full funding in President Nixon's new budget, now in preparation under Budget Director George P. Shultz at the White House.

A BREATHTAKING CONCEPT

For the last 20 years, nuclear electricity has grabbed about 85 percent of the Federal research dollars for energy. In return for about $3 billion tax, we are now getting a very dangerous way to boil water, 9,000 megawatts of nuclear electricity, and a load of the ultimate pollutant—radioactivity. This is hardly inspirational progress.

Great progress would consist of learning to tap the inexhaustible, and nonpolluting natural sources of energy at reasonable cost. I am referring in particular to solar energy, the clean fusion cycles, and to geothermal hot water.

"A National Network of Pollution-Free Energy Sources" is a breathtaking concept. If there is any sincerity in government or business behind the concern over the alleged "energy crisis," projects like this will be funded fully without delay.

I ask unanimous consent that the proposal be printed in the RECORD.

There being no objection, the proposal was ordered to be printed in the RECORD, as follows:

A RESEARCH PROPOSAL SUBMITTED TO THE NATIONAL SCIENCE FOUNDATION TO INVESTIGATE A NATIONAL NETWORK OF POLLUTION-FREE ENERGY SOURCES

(By a Multidisciplinary Group of Faculty and Students in the Engineering, Business Administration, and Physics Departments—April 1971, University of Massachusetts at Amherst)

(NOTE.—Figures referred to are not printed in the RECORD.)

BACKGROUND

A major problem confronting the United States is how to meet the growing demand for energy without further serious damage to the environment. Nuclear energy appears to provide a somewhat better answer to this problem for the near future than fossil fuel energy, provided that some fairly expensive restrictions are imposed on the design and location of nuclear power plants. Furthermore, domestic sources of oil and gas are more limited than those for uranium. The result is that most of the tremendous construction of electrical generating capacity anticipated during the next 15 years will be based on nuclear energy.

But what will be the outlook in 1985? As the result of increasing consumption of fossil fuels, domestic sources of oil and gas, probably including the Alaskan source at Prudhoe Bay, will be further depleted in spite of continued imports. The demands of nuclear fission plants for cooling water may have overtaxed the capacity of our rivers and lakes. The consumption of U235 will have risen to such a level that uranium supply may pose a problem. Breeder reactors to permit the use of U238 may by then have become both a possibility and a risky necessity. Practical use of fusion energy may still not be within reach.

Meanwhile, this country and, in particular, the East Coast will have suffered on several counts. In the immediate future, we can expect the "energy gap" to result in a series of crises as peak loads are not met. The East Coast will dependent on foreign sources for most of its oil and gas. The environment will continue to deteriorate in spite of ever-increasing severity of controls. Air pollution, oil spills, thermal pollution are likely to be worse, not better in 1985.

In the face of the continuing dilemma: power versus pollution, a third alternative must be sought. It may be found in the many and varied non-pollution energy sources known to exist in the United States or its off-shore waters. In the aggregate, these energy sources, tied together in a national network, could satisfy a significant fraction of our total power needs in the year 2000. That favorable outcome could result from a serious research and development effort started now and a design and construction effort started in 1985.

QUANTITATIVE STATEMENT OF THE PROBLEM

In the year 1961 the *per capita* use of energy in the United States was 180×10^6 Btu as compared with 130×10^6 Btu in Canada, 120×10^6 Btu in the United Kingdom, and 30×10^6 Btu in Japan. Our energy came largely as a mixture of fuels: coal, oil, natural gas and uranium, with only three percent coming from hydroelectric sources. With time, the mixture of fuels has changed and the trend toward electricity utilization has continued.

Table 1 presents both extreme and balanced demands for fuels and electricity for the year 2000 based on projections made by Resources For the Future, Inc. and by the Atomic Energy Commission/Federal Power Commission. These projections are compared with past actual usage figures.

Essentially current technology is assumed for the year 2000 except for the breeder reactor. Even the austere RFF projection (last column) assumes large increases in the use of coal, oil, and natural gas, as well as of nuclear fuel. There is serious question as to whether all these assumed increases can be accomplished, or, if so, at what cost in increased pollution.

TABLE 1.—U.S. FUEL AND ENERGY USE AND PROJECTED USE

		Actual use		Projections for the year 2000		
Fuel	Unit	1959	1969	"All-Electric" model*	"All-Fuel" model†	The R.F.F. direct use fuel and electric model‡
Coal	10^9 tons	0.38	0.52	If coal alone were used: 9.7	If coal alone were used: 7	0.7
Oil	10^9 bbls	3.45	5.04	If oil alone were used: 42.2	If oil alone were used: 21.9	10.8
Gas	10^{12} std. c.f.	11.58	20.35	If gas alone were used: 244	If gas alone were used: 96	32.7
Uranium	10^3 tons		Very small	If uranium alone were used: 4.3	If uranium alone were used: 4.3	.55

*In the "All-Electric" model, 32×10^{12} kw.-hr. of electricity will be generated and 17.12×10^{15} B.t.u. of direct fuel use energy will also be consumed, per year, except in the case where uranium is the fuel. In that case all energy would be delivered to all consumers as electricity.

†In the "All-Fuel" model, 4.71×10^{12} kw.-hr. of electricity will be generated and 98.14×10^{15} B.t.u. of direct fuel use energy will also be consumed, per year, except in the case where uranium is the fuel. In that case, all energy would be delivered to all consumers as electricity.

‡The Resources for the Future, Inc. (R.F.F.) projection calls for 4 fuels to be used, each in the quantity shown. 12.72×10^{12} kw.-hr. of electricity will be generated. 93.75×10^{15} B.t.u. of direct fuel use energy will also be consumed per year.

The table does not show the distribution of electricity and direct-use fuels and the changes required therein to meet the projections. The existing electrical distribution philosophy: "shortest distance from generator to customer" has led to colocation of population centers and pollution generators. This system must be overlaid with a vast new network about ten times as large. Thus, the 1970–2000 period involves us with the choice as to whether we continue to colocate people and power-related pollution, or uncouple the two.

SOLAR ENERGY

But there is a third alternative: members of the UMass team are convinced that there is a reasonable probability of satisfying an important fraction of the U.S. demand for electricity and fuel in the year 2000 without pollution. This technological turnabout could be accomplished by utilizing solar energy stored in the oceans and the winds to generate electricity and direct solar radiation to dissociate water into hydrogen fuel. These new pollution-free sources are located geographically along parts of the East and West Coasts, along the Alabama-Florida Gulf Coast, in the Great Plains, and in the Southwest.

The fact that some of these locations are removed from population and industrial centers and from major electrical transmission networks, need not cause concern for two reasons. Available technology with reasonable extensions should permit economical transmission to existing networks or population centers. On the other hand, the availability of ample power and fuel in environmentally attractive open country should encourage the migration of industry and population away from our increasingly polluted metropolitan areas.

But these desirable developments and the general turnabout suggested earlier will occur only as the result of a series of actions and accomplishments. Pollution-free electrical power of the order of 3×10^5 Mw must be generated to satisfy a major part of the demand anticipated in the year 2000. Pollution-free sources of energy flux of many times this amount must be tapped on the assumption that only a small fraction of the potentially available energy will actually be harnessed. The technology of power generation and transmission based on these sources must be developed. Power plants and distribution systems must be designed and built. Hydrogen fuel must be generated in enormous quantities to replace natural gas as our reserves are depleted and in addition, substitute for an important fraction of the projected growth in fossil fuels. In general, a gradual transition must be made from our current pollution-rich technology to a new pollution-free technology.

This conversion in technology would bring with it a series of political, economic, and social problems. There would be problems of capitalization, management, and land use, and of ameliorating widespread economic hardship caused by the transition. There would be the question of public versus private enterprise. There would be new bookkeeping recognizing perhaps larger capital and operating costs, but no pollution costs and no fuel costs. This latter feature would have an important bearing on geopolitics. These political, social and economic problems would have to be analyzed even as the new technology was being developed.

POLLUTION-FREE ENERGY SOURCES

A preliminary exploration has brought to light a great number of pollution-free energy sources. These sources vary greatly as to their nature, their geographical distribution, their potential for making a significant contribution, and the technology needed to harness the energy. In a series of appendices, scientific and technical justification is presented for investigating several of these pollution-free energy sources.

OCEAN THERMAL GRADIENTS

The concept of an *ocean thermal gradient heat engine* has been with us for decades, was first demonstrated in 1929, and still has enthusiastic supporters. Thermal gradients in the Gulf Stream offer considerable promise, especially with a Mass concept for capitalizing on the velocity of the Gulf Stream to improve plant design and performance. (Appendix 2) If it can be extracted economically, this source alone would supply the entire U.S. requirement for electricity in the year 2000.

TETHERED KINETIC ENERGY, OCEAN

The Florida Current and Gulf Stream offer a particularly promising locale for *tethered kinetic energy machines*, machines which will extract momentum from the current. Within a core of water 10 miles wide by 450 feet deep by several hundred miles long, there appear to be velocities strong enough to turn either rotor type machines or free-stream propeller-type machines. In Appendix 3, conceptual designs are worked out for several of these machines and used for detailed calculations. These calculations show that a 240-foot diameter, 4-disc, propeller-type machine operating in a free-stream velocity of 7 feet per second might be expected to generate 24 megawatts of electrical power. Twelve of these machines might be submerged abreast across the core of the stream, and this assembly could be repeated once a mile along the stream for some 350 miles. Tapping this 100,000 megawatts of pollution-free power may not be economically feasible, but it certainly deserves serious investigation.

TIDAL RIVER KINETIC ENERGY

Tidal river kinetic energy machines have been used in the past in Europe and in this country. Today, France gets 340 megawatts of electrical power from the Rance River using a combination of potential and kinetic energy and requiring the damming of an estuary. A number of sizeable tidal rivers in New Hampshire and Maine could contribute a significant amount of power without damming or embayment, and at no appreciable cost to navigation, marine ecology, or recreation. Detailed calculations in Appendix 4 show that from two of five promising sites on the Piscataqua River, an annual average of 39 megawatts might be extracted.

NUCLEAR FISSION

As has been pointed out earlier, planned *nuclear fission power plants* will tax the cooling capacity of our rivers and lakes. In the process, these plants will inflict serious, if unknown, ecological damage on our fresh water environment. To the extent that these plants could be built into submarine hulls and moored submerged in shallow off-shore waters, especially off New England and the Middle Atlantic coast, thermal pollution problems could be eliminated. In Appendix 5, ocean thermal considerations, submarine engineering design consideration, cooling features, earthquake resistance, and servicing convenience, taken together, are shown to be quite favorable to such an installation.

WIND POWER

During the latter part of the last century, windmills in northern Europe extracted power from the winds at an average level equivalent to at least 100 megawatts. More recently, in 1945, fatigue failure in the windmill blade shut down a 1.2 megawatt generator that had been feeding into a power system in Vermont. The concept faded with post-WWII retrenchment. More recently, the World Meteorological Organization has concluded that wind power available for turbines at favorable sites throughout the World totals 20 million megawatts. Great Britain still hopes to build individual *aerogenerators* of 6 megawatt capacity. In the United States, regions of moderately high average wind velocities are found along portions of both coasts but especially over a large area of the Great Plains. In Appendix 6, the economic and engineering feasibility of a large number of 2 to 6 megawatt aerogenerators is considered for the Great Plains area, and recommendations are made for a detailed investigation of tower and blade design and a cost comparison with other means of generation.

TRANSMISSION NETS

The ocean-based thermal gradient engines and kinetic energy machines, discussed above, will each require a combination mooring line and electrical tether. Its design presents a complex of mechanical, hydrodynamic, and electrical engineering problems. Power from the multiple sources must be combined in a compatible way and transmitted to shore. An even more complex (but perhaps not so difficult) network will be needed to tie together the multiplicity of disparate sources on land into regional networks. In Appendix 7, these problems are discussed and the geographical distribution of all the pollution-free sources discussed above, is summarized. The conclusion is that many of the new generating complexes could feed into existing regional networks but that certain other *transmission nets* would have to be added. For both underwater and land use, emphasis will be given to coaxial cable and high voltage direct current for transmission.

ELECTROSTATIC GENERATORS

Most of the pollution-free energy sources discussed above are variable and in some cases, unpredictable in strength. Furthermore, there are a very large number of relatively small sources. Combining these into a conventional three-phase A.C. network would pose very serious problems of controlling frequency, phase, and voltage. These network problems would be largely eliminated if D.C. transmission and current-limited, rather than voltage-limited generators were employed. In Appendix 8, a potentially attractive alternate to conventional techniques is described. Belt *electrostatic generators* have been employed since the turn of the century, but always for the development of voltage rather than the generation of power. And belt electrostatic generators are current limited devices which convert from a mechanical shaft rotation to high voltage D.C. power with a single moving element, the eletrostatically-charged belt. Surprising as it may seem, these generators have the potential for significant power generation at reasonable efficiencies. These possibilities and a number of design questions are discussed in the appendix. It is of particular interest that the use of high voltage D.C. in coaxial transmission lines is especially attractive in terms of low transmission line losses.

Mooring mammoth generating plants in the world's strongest oceanic current poses a new level of tethering problem. But the availability of new materials technology and submersible work vehicles allows this problem to be tackled with some confidence. The floating or submerged hulls and the deep water conduits for off-shore generating plants create problems of the sort commonly encountered in ship and submarine design. In Appendix 9, the bearing of these technologies on design problems encountered in this work, is discussed and tasks are proposed for developing and evaluating concepts for mooring systems, hull configurations, and cold water conduits.

HYDROGEN VIA SUN POWER

Natural gas is the most attractive fuel today from a cost and pollution-free point of view, but U.S. natural gas reserves will not last into year 2000 at the predicted expenditure rate. Hydrogen is an excellent substitute for natural gas as a fuel. It can be combined with oxygen to produce electricity in fuel cells or to operate clean internal or external combustion engines. In Appendix 10 a concept is proposed for generation of molecular hydrogen by dissociation of water using solar energy. A novel concept for a low-cost optical system is proposed for study.

A PLANNING METHODOLOGY

To compare various possible networks utilizing various combinations of non-polluting energy sources and to select therefrom an optimal system is an extremely complex problem involving technological and economic factors. When these systems are then compared with nuclear or fossil fuel-based systems, ecological and sociological factors are introduced. Therefore, a *planning methodology* is needed and should be developed with associated computer models. Appendix 11 lists socio-economic questions which must be answered with the aid of such methodology. The development of mathematical-computer planning models in the early phases of the research effort will help to define data needed for decision-making at various stages and will provide a framework according to which such data can be stored and analyzed. The need for certain types of information generates major projects in data collection, storage, and analysis. The existence of a computer model will make these efforts much more orderly and easier to computerize.

QUANTITATIVE SIGNIFICANCE OF POLLUTION-FREE ENERGY SOURCES

In the preceding discussion of pollution-free energy sources and in supporting appendices, arguments are presented for making a serious study of the technical and economic feasibility of harnessing these sources. But, if such a study is worthwhile, why have these sources remained unattractive to the energy industry for the last forty years and why have national review boards considered them to be insignificant? Let us take these questions in order.

The bookkeeping of private enterprise calls for maximum return on capital investment. This consideration dictates large power plants for generation efficiency built in or near population centers for transmission efficiency. The natural result is large aggregates of fossil fuel or nuclear generation plants in metropolitan areas. The bookkeeping used does not take into account consideration the pollution costs which are to be paid by others or endured by the public. Nor does it consider the depletion of non-renewable resources, the increasing dependence on foreign sources for gas and oil, and the geopolitical crises growing out of this dependence.

Over the past seventeen years national review boards and individual authors have judged non-polluting energy sources to be contribution and uneconomic in any event. These conclusions, possibly influenced by the bookkeeping of private enterprise, are in flagrant contradiction with earlier studies, all references in the appendices.

But these energy sources are by no means insignificant. Conservative calculations based on solid data demonstrate that the entire energy requirement for the year 2000, both for electrical energy and direct fuel use, could be met by a limited group of non-polluting energy sources. Nor would this demand exhaust the resource. For each of the energy sources evaluated, considerable further growth would be possible and for the ocean thermal source, growth by orders of magnitude would be possible.

The level of utilization proposed for each source is determined, not by the limitation of the source, but by the objective of examining the technical and economic feasibility of providing from that source a reasonable fraction of the national need for electrical power or fuel energy in the year 2000. According to the austere RFF estimate (Table 1), at least 10^6 Mw of connected generating capacity would be needed. In consideration of this total estimated requirement, the appendices propose for further study conceptual systems which would provide the following amounts of power:

Appendix	Source	Power per element (megawatts)	Number of elements	Total power (megawatts)
2	Ocean thermal engines.	100	2×10^3	2×10^5
3	Ocean kinetic energy machines.	24	4×10^3	1×10^5
5	Ocean moored nuclear fission plants.	100	2×10^3	2×10^5
6	Aerogenerators	2	5×10^4	1×10^5

GEOTHERMAL ENERGY

These are not the only potential sources, however, of pollution-free power. The extensive geothermal sources studied by the Department of the Interior and the development of low-head hydroelectric generation both appear to provide the opportunity for generating significant amounts of power.

GAS REQUIREMENTS

Again referring to the RFF projection of Table 1, the natural gas requirement for the year 2000 is estimated to be 32.7×10^{12} standard cubic feet. According to Appendix 10, the hydrogen gas equivalent of 100×10^{12} standard cubic feet would require 2000 sq. mi. of lens area or some 16,000 sq. mil. of total array area—formidable but quite feasible. It is proposed that a conceptual system one-tenth this large, i.e. one covering a total ground area of 1600 sq. miles be examined.

So one would be considering pollution-free generation of electrical power and hydrogen fuel at levels that are definitely significant in terms of total national needs. Furthermore it is strongly suspected that new bookkeeping which includes pollution costs, fossil fuel depletion costs, and geopolitical costs, will present the proposed new generating plant in a surprisingly favorable light.

PROPOSAL

Briefly stated, the University of Massachusetts proposes to investigate the feasibility of utilizing this variety of non-polluting sources of energy and gaseous fuel and of tying these sources together in nationwide networks of appropriate design. In three phases, totaling seven years, the University proposes:

Phase 1. To analyze and precisely define the problem of generating energy and gaeous fuel from non-polluting sources and to examine alternate solutions for feasibility;

Phase 2. To continue systems analysis and design and to conduct laboratory and field investigations in order to answer major questions raised during the first phase; and

Phase 3. To design, construct, and test developmental hardware representing components and perhaps complete sub-systems of the most promising approaches, while continuing supporting laboratory and field work.

This major research and development effort, managed by a national agency with the University providing its initial research team would be carried out by the following personnel:

A number of UMass professors (30), graduate research assistants and undergraduate participants from eight departments in the Schools of Engineering, Natural Sciences and Mathematics, and Business Administration;

One or more research groups in other universities called in because of special competence and regional interest;

Several industrial consultants having specialized knowledge and the potential capability for contributing to the project in later production design phases.

In Appendix 1, Organization and Management of the Project, there is further discussion of project scope and method, personnel resources, project funding policies, work schedules, and key events in Phase One.

The principal contribution to be made by the University of Massachusetts to this project is the directed and concerted application of the talents of many engineering, physics, and business administration faculty and their graduate research assistants. In Appendix 13, the talent available and how it might be applied, are described. Facilities and equipment required for the project are discussed in Appendix 14.

The detailed work statement and budget proposed in Appendix 15 are based on the following considerations:

The total effort must be so divided into phases that the results reported at the end of each phase can provide adequate guidance regarding the desirability and nature of the next phase;

Succeeding phases must provide opportunities to expand participation in the effort or to transfer management of the project;

During each phase as many tasks as possible should be conducted simultaneously, with appropriate project-level planning and coordination, to shorten the time required to complete the phase.

On this basis, during the first phase at least five major research tasks will be carried along in parallel, each with a sizeable task force, but with close coordination and guidance at the project level. The budget for this first phase may be summarized as follows:

Phase one

Funds requested from sponsor:	
First year	$749,572
Second year	878,714
Third year	887,387
Phase One Total	2,515,673

Phase One Total Effort: 1,878 Man Months.

The preceding discussion refers repeatedly to the appendices. This has been necessary because its quantitative statements and its conclusions rest for their authority directly upon the appendices where designs are presented, calculations are made, and references to the literature are cited. Only by turning to these appendices will the reader come to appreciate the scholarship, attention to detail, and concern for quantitative results that has motivated the preparation of this proposal.

PROPOSED AS A MULTIDISCIPLINARY PROJECT IN THE NSF PROGRAM OF RESEARCH APPLIED TO NATIONAL NEEDS

A New Request to NSF. Proposed Starting Date: 1 February 1972.

Amount Requested: $2,515,673, for Phase One.

Proposed Duration: 36 months for Phase One, 84 months for three phases.

Endorsements

Wm. E. Heronemus, Principal Investigator.

M. P. White, Head, Dept. of Civil Engineering.

J. R. Dixon, Head, Dept. of Mechanical and Aerospace Engineering.

G. Dale Sheckels, Chairman, Dept. of Electrical Engineering.

L. R. Short, Acting Head, Dept. of Chemical Engineering.

R. W. Trueswell, Head, Dept. of Industrial Engineering.

L. C. VanAtta, Assoc. Dean of Engineering for Research.

K. G. Picha, Dean of the School of Engineering.

R. S. Porter, Chairman of the Polymer Science and Engineering Program.

L. Cook, Acting Head of the Dept. of Physics and Astronomy.

J. M. Allen, Acting Dean of the Faculty of Natural Sciences and Mathematics.

J. B. Ludtke, Chairman, Dept. of General Business and Finance.

G. B. Simmons, Chairman, Dept. of Management.

W. R. Smith, Dean, School of Business Administration.

P. W. Camerino, Coordinator of Research.

W. H. Maus, Controller.

THE CO-INVESTIGATORS IN THE RESEARCH PROJECT, "A NATIONAL NETWORK OF POLLUTION FREE ENERGY SOURCES"

C. R. Adams, Associate Professor, Civil Engineering Department.

L. L. Ambs, Assistant Professor, Mechanical Engineering Department.

M. W. Belovicz, Assistant Professor, General Business & Finance Department.

S. M. Bemben, Associate Professor, Civil Engineering Department.

C. E. Carver, Jr., Professor, Civil Engineering Department.

A. Chajes, Associate Professor, Civil Engineering Department.

G. M. Choate, Assistant Professor, General Business & Finance Department.

F. J. Dzialo, Associate Professor, Civil Engineering Department.

F. H. Edwards, Associate Professor, Electrical Engineering Department.

N. C. Ford, Associate Professor, Physics Department.

R. Giglio, Associate Professor, Industrial Engineering Department.

R. M. Glorioso, Assistant Professor, Electrical Engineering Department.

W. Goss, Assistant Professor, Mechanical Engineering Department.

W. E. Heronemus, Professor, Civil Engineering Department.

E. E. Kaczka, Associate Professor, General Business & Finance Department.

F. C. Kaminsky, Associate Professor, Industrial Engineering Department.

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P. A. Mangarella, Assistant Professor, Civil Engineering Department.

J. G. McGowan, Assistant Professor, Mechanical Engineering Department.

R. E. McIntosh, Associate Professor, Electrical Engineering Department.

H. J. Miser, Professor, Industrial Engineering Department.

E. C. Osgood, Professor, Civil Engineering Department.

K. G. Picha, Dean, School of Engineering.

R. H. Plattner, Assistant Professor, General Business & Finance Department.

R. F. Rikkers, Associate Professor, Industrial Engineering Department.

F. D. Stockton, Associate Professor, Civil Engineering Department.

C. A. E. Uhlig, Professor, Electrical Engineering Department, The Tuskegee Institute.

L. C. VanAtta, Associate Dean, School of Engineering.

M. P. White, Head, Civil Engineering Department.

M. S. Wortman, Professor, Management Department.

W. J. MacKnight, Associate Professor, Chemistry Department.

L. H. S. Roblee, Professor, Chemical Engineering Department.

THE COSTS OF ANOTHER DOCK STRIKE

Mr. GRIFFIN. Mr. President, I have spoken on numerous occasions about the devastating effects of strikes in the transportation industry and the need for Congress to enact reform legislation. S. 560, which I introduced on behalf of the administration, has been before Congress for nearly 2 years.

The current west coast dock dispute is a compelling example of the critical and far-reaching effects of even the threat of a strike in a vital transportation industry.

If this dispute is not settled by Christmas Eve, December 24, the union will be free once again to strike. We all hope that the parties will reach an agreement before the deadline. But even the threat of another strike is already having a serious adverse effect on farmers, consumers, and hungry people in other countries.

According to a letter which I received yesterday from Clarence D. Palmby, Assistant Secretary of Agriculture, the Commodity Credit Corporation, because of this strike threat, has already stopped purchasing processed foods for the feeding of hungry people abroad.

According to Mr. Palmby, the 1969 dock strike, which lasted 115 days, cost U.S. taxpayers over $1 million because of expenses incurred by the Commodity Credit Corporation.

I ask unanimous consent that my letter of December 3, 1971, to Assistant Secretary Palmby and his response of December 6, 1971, be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., December 3, 1971.

Mr. Clarence D. Palmby,
Assistant Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture, Washington, D.C.

Dear Clarence: Currently West Coast docks are operating under court order pursuant to the 80-day Taft-Hartley "cooling off" period. This 80-day period expires December 24, 1971.

As you know, legislation has been introduced by myself and others which would deal firmly with transportation strikes which affect the public interest. Unfortunately, it would appear unlikely, to say the least, that Congress will act on this permanent legislation in time to relieve farmers and consumers in the event the West Coast dock strike is not settled by December 24.

Naturally, we all hope that the parties will reach a voluntary agreement. But it is my understanding that commodity shipments are already backing up in the Midwest in anticipation of another strike. In view of the approaching deadline, can you tell me what action, if any, the Department is taking in connection with programming commodity shipments to the West Coast docks?

With warm personal regards, I am

Sincerely,

Robert P. Griffin,
U.S. Senator.

Department of Agriculture,
Washington, D.C., Dec. 6, 1971.

Hon. Robert P. Griffin,
U.S. Senate,

Dear Senator Griffin: We are pleased to reply to your letter of December 3 concerning the programming of Commodity Credit Corporation commodity shipments to the west coast docks for export.

As you state in your letter, the west coast docks now are operating under the 80-day "cooling off" period provided by the Taft-Hartley Act. This 80-day period expires December 24. On October 12, 1971, west coast longshoreman labor leader, Harry Bridges wrote in his column in the union newspaper, The Dispatcher: "The program of the strike strategy committee calls for resumption of the strike after the 80-day period if necessary." Since that date we have had no word that the strike strategy committee has changed its plans nor have we had word that negotiations are progressing to the extent agreement will be reached by December 24.

During 1968–1969 the Taft-Hartley cooling off period was invoked at the east coast and gulf ports. Following the expiration of that 80-day period, work stoppages occurred for as long as another 115 days. As a result of that strike, cost to the government exceeded $1 million because CCC had to pay demurrage, rerouting, storage, and fumigation. Some losses were also incurred due to infestation and deterioration of commodities during the time they were held.

In responding to the question concerning the programming of commodity shipments to the west coast docks by CCC, it is necessary to distinguish between the shipment of CCC-owned commodities, such as grain, and processed foods which are purchased by CCC for the feeding of hungry people abroad. In the case of grain, CCC stocks have not been moving to the west coast in any volume for several months because free stocks of grain are more than adequate to meet export needs were it not for the strike. Processed foods, however, are handled differently. Most of them are purchased from the processor on a delivered port (f.a.s.) basis. The shipments are made by the suppliers. The purchase of processed commodities by CCC for delivery to the west coast was stopped after contracting for those quantities which could be delivered and loaded abord vessels prior to December 24. Substantial additional quantities would have been purchased and would now be purchased were it not for the pending strike.

We are confident the action we have taken in suspending procurement will meet with the approval of the agricultural community and others concerned with the problems imposed by the west coast dock situation. None of us desire to overload storage facilities at the docks, to stymie transportation leading to the docks, to permit spoiling of commodities, or to cause Commodity Credit Corporation to pay uncalled for charges.

We view the potential strike with great concern since this Administration full well realizes the importance of agricultural exports to our whole Nation, to the U.S. farmers, and to the successful operation of the Agricultural Act of 1970, which Congress passe only a year ago.

Sincerely,

Clarence D. Palmby.

BIG CYPRESS NATIONAL RESERVE

Mr. HATFIELD. Mr. President, many hands have helped to save the Everglades through the years. The Senate has enacted several provisions in recent years, both in Department of Transportation appropriations bills and in public works authorization bills, to protect Everglades National Park.

Despite these actions, the problem of the Everglades water supply has persisted, chiefly because of the uncertain future of the Big Cypress Swamp, which adjoins the park on the north and provides more than half of the water for the Everglades National Park.

It was therefore highly encouraging to receive President Nixon's proposal to acquire the Big Cypress as a national reserve. Under this new concept, the land would be acquired by the Federal Government and managed for national public purposes by the State of Florida, which has a long history of good work in defense of the Everglades.

I look forward to sponsoring legislation to carry out the administration's proposal. The Subcommittee on Parks and Recreation, on which I serve, only last week held a field hearing in Florida on the Big Cypress question, and I am hopeful that we will be able to give the matter early consideration.

I ask unanimous consent to have printed in the Record the fact sheet issued by the White House, the statement by the President, and an editorial published in the New York Times of November 30, 1971.

There being no objection, the items were ordered to be printed in the Record, as follows:

Fact Sheet—Proposed Federal Acquisition of Big Cypress Swamp for a National Reserve

The Proposal: The President has today directed Secretary Morton to submit to the Congress legislation to create the Big Cypress National Reserve. This legislation, when enacted by the Congress will empower the Secretary of the Interior to acquire the requisite legal interest in the 547,000 acres which form the heart of the watershed.

This proposal is the culmination of a study of the South Florida ecosystem begun two years ago within the Department of the Interior. The State of Florida would manage the area under agreement with the Secretary of the Interior and at no cost to the Federal Government.

Location: The Big Cypress National Reserve is contiguous with the Northwestern portion of Everglades National Park and its center is about 70 miles West of Miami.

Size of Area: The proposed acquisition of Big Cypress Swamp encompasses an area of 854 square miles (547,000 acres)—an area over ¾ as large as the entire state of Rhode Island and over 12 times the size of the District of Columbia. By way of comparison, the proposed acquisition is for an area slightly larger than the Great Smokeys National Park in North Carolina.

Acquisition of Big Cypress represents the largest unit added to the park system during this Administration.

Background: South Florida is a unique ecosystem which is the only natural habitat in the continental United States for a wide variety of subtropical flora and fauna. The extraordinary growth and development of this region posed an immediate threat to this wild and untamed region. In order to safeguard the wildlife of the area from the demands for increasing land use of an expanding population. Congress in 1934 authorized the Everglades National Park. This 2,200 square mile tract has provided millions of Americans with an unparalleled opportunity to observe first hand a pristine subtropical wilderness, as well as assuring a refuge which guarantees the existence of many endangered species. Part of the original proposal for the Everglades National Park was the acquisition of the Big Cypress Swamp area, which contributes 56% of the surface water vital to the fragile ecology of the Everglades. The acquisition of the Big Cypress Swamp area, which borders the Everglades to the north, thus rectifies the oversight of the past and guarantees the future integrity of this irreplaceable national treasure.

Big Cypress, as a national fresh water reserve, extends the concept of protecting critical areas for public benefit previously utilized in the Ice Age National Scientific Reserve in Wisconsin. Through acquisition of Big Cypress, the watershed critical to the supply of Everglades National Park and the domestic supplies for Florida's southwest coast cities would be similarly protected. The loss of fresh water in Big Cypress or any impairment in its quality or change in its flow patterns would have serious repercussions in the estuaries, which are the nurseries for the famous Tortugas Pink Shrimp, an important economic food crop yielding income for many of the Gulf fishermen. The acquisition of 547,000 acres of the most critical watershed lands in the heart of the Big Cypress is necessary for preservation of Everglades National Park.

In addition to these ecological and conservation benefits, the proposed federal acquisition would guarantee the ancestral home of the American Indian tribes who have inhabited the region for thousands of years. About one hundred and fifty of these Indians (mainly Miccosukee and Seminoles, are today scattered in small family-size communities within sight of the Tamiami Trail (U.S. 41). In this area, these Indians are presently without land of their own. The National Reserve at Big Cypress will assure that the Indians will be able to maintain their traditional ways of life without fear that they will be driven from the land or that the hunting and fishing which has been their prime means of sustenance will be terminated.

Present Ownership of Tract: The area proposed for acquisition presently has about 21,000 ownership interests. Only 12 tracts are larger than 1,000 acres. Most of the acreage is in less than 2-acre parcels, and nearly all is presently undeveloped.

Statement by the President

BIG CYPRESS NATIONAL FRESH WATER RESERVE

About 35 miles west of Miami lies the Big Cypress Swamp, a unique ecological preserve of paramount importance to the future of Southern Florida. In order to protect Big Cypress Swamp from private development that would destroy it, and to insure its survival for future generations, it is now essential for the Federal Government to acquire this unique and vital Watershed. I will therefore propose legislation to acquire the requisite legal interest in 547,000 acres of the swamp.

The end of Big Cypress Swamp would not only severely cut back South Florida's water supply, but would also mean the destruction of the Everglades National Park—and with it the loss of a treasure-trove of natural resources, teeming with flowering plants, rare birds and other forms of uncommon endangered wildlife. The swamp's huge stands of cypress, wet prairies, and slightly higher islands of pine trees are together an essential link in the ecology of both Everglades National Park and the rich Floridan estuaries of the Gulf of Mexico. Animals and birds move between the park and the swamp without knowledge of the artificial borders drawn by man.

This land acquisition will mark the fourth time this administration has taken steps to protect the unique natural resources of South Florida. First was the halting of the commercial jetport proposed in Big Cypress, which would have wrought irretrievable damage to the area. The pledge to locate the jetport elsewhere has given us time to examine again alternative plans for the survival of the swamp. Second, through the 1970 Rivers and Harbors Act, the Eastern portion of Everglades National Park has, for the first time, been assured an adequate supply of water. Third, by legal action, the administration has halted the threat of destruction from thermal pollution to Biscayne National Monument, one of the newest units of the National Park System, thus assuring the preservation of an important ecosystem next door to Miami.

My decision today is intended to secure the future not only of the Big Cypress, but also of an adequate water supply for the western part of Everglades National Park. This action will also assure an adequate water supply to the growing communities on Florida's west coast, because the swamp is a natural water storage area.

To guarantee the continued availability of Big Cypress to the people, I propose that, upon acquisition of those private lands whose development would destroy the watershed, the Secretary of the Interior be authorized to enter into an agreement with the State of Florida for the management of Big Cypress. The State is in the process of acquiring other public areas nearby and is the logical agency to provide single unified management. The Nation, as a whole, will benefit through the protection of Everglades National Park and through the addition of another major wildlife haven and recreation area.

[From the New York Times, Nov. 30, 1971]

ENVIRONMENT IS GOOD POLITICS

When political rivals compete to perform a sound service, a grateful public can afford to give ample credit all around. The country finds itself in this position with respect to the simultaneous efforts of the Nixon Administration and a group of Democratic Senators to save Florida's Big Cypress Swamp "from private development that would destroy it," as the President said. Destruction of the swamp, as it happens, would also mean destruction of the Everglades National Park, which depends on the Big Cypress watershed, not to mention the loss of much of South Florida's water supply.

What the Administration proposes is to buy the 547,000 acres of the swamp from the 21,000 individuals, real estate companies and businesses that now own it. For some $156 million the Federal Government would acquire this entire area, designating it as the Big Cypress National Fresh Water Reserve but leaving its management to the State of Florida. Technically a recreation area, it would be open to hunters, fishermen and campers—as some of it is now—but would be permanently closed to any kind of construction, which has been the major threat.

The Senate Interior Committee, headed by Senator Jackson of Washington, is considering a bill introduced by Senator Chiles of Florida which is substantially the same as the Administration's proposal. Such is political life that both the White House and the Senators supporting Mr. Chiles are angling for the major share of kudos in the matter—and the claims of both sides are valid.

Senator Jackson's interest grows out of hearings he held in 1969 concerning the jetport that was to have been built in the Big Cypress area. The Administration's goes back to Walter Hickel's visit to the Everglades as one of the first acts of his tenure as Secretary of the Interior as well as to Mr. Nixon's ultimate action in forcing abandonment of the jetport.

More important than this little tug-of-war itself is the fact that environmental progress has so clearly become a political asset. The White House fortunately realizes that even in this year of financial stringency a long-term investment in the envirnment can be at once a national need, a wise economy and a popular move.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION—NOMINATION OF WILLIAM H. REHNQUIST TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session for further consideration of the nomination of Mr. William H. Rehnquist, to be an Associate Justice of the Supreme Court.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

PRIVILEGE OF THE FLOOR

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I ask unanimous consent that during the debate on the Rehnquist nomination, Mr. P. J. Mode and Mr. Michael Helfer of my staff be permitted access to the Senate floor at all times.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, the Senator from Nebraska was unable to hear the semiaudible voice of the Senator from Indiana. Would he favor the Senator from Nebraska with an idea of what his request was?

Mr. BAYH. Mr. President, I am glad the Senator from Nebraska is interested in the semiaudible words of his colleague from Indiana, and I am glad to repeat the request. It is very similar to one that my friend from Nebraska made.

Mr. President, I ask unanimous consent that two of my staff members, Mr. P. J. Mode and Mr. Michael Helfer, be permitted access to the Senate floor during the remainder of the debate on the Rehnquist nomination.

Mr. HRUSKA. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the confirmation of the nomination of Mr. Rehnquist to be a Justice of the Supreme Court.

Mr. GRIFFIN. Mr. President, I will save the Senator from Indiana any embarrassment at this particular moment; but I want to tell him—or at least serve notice on him—that if he is going to conduct a filibuster, he had better stay on the floor and be talking, or the Senator from Michigan is going to ask for the question.

Mr. BAYH. Mr. President, I appreciate the courtesy of the Senator from Michigan. He has every right to do what he wishes. I think perhaps there have been times during his tenure in office when he has had a moment or two of delay, in which he has been required to ask the Senate to give him the normal courtesy. If the Senator from Michigan does not want to grant that, it is within his right to do so.

The PRESIDING OFFICER. The question is on agreeing to the confirmation——

Mr. BAYH. Mr. President, I should like to suggest that the Senator from Indiana has not said anything or done anything that would lead the Senator from Michigan to believe that he is conducting a filibuster. It is probably one of the least verbose filibusters in the history of the country.

CALL OF THE ROLL

Mr. BAYH. Mr. President, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on——

Mr. BAYH. Mr. President, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I call for the regular order, there having been no transaction of business.

The PRESIDING OFFICER. We are in the midst of a quorum call.

Mr. GRIFFIN. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BAYH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 440 Ex.]

Allen
Bayh
Byrd, W. Va.
Ellender
Griffin
Hruska
Mansfield
Sparkman

The PRESIDING OFFICER (Mr. ALLEN). A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Baker
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph

Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Utah (Mr. MOSS) is absent on official business.

I also announce that the Senator from Idaho (Mr. CHURCH) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senators from Maryland (Mr. BEALL and Mr. MATHIAS) are detained on official business.

The PRESIDING OFFICER. A quorum is present.

SUPPLEMENTAL APPROPRIATIONS, 1972 (H.R. 11955)—ADDITIONAL CONFEREE

Mr. ELLENDER. Mr. President, as in legislative session, I ask unanimous consent that the Senator from New Jersey (Mr. CASE) be added as a conferee in the consideration of the supplemental appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BURDICK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.)

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. BAYH. Mr. President, I regret any inconvenience to the Senate resulting from this live quorum call. In retrospect, perhaps it was not such a bad idea. I admit that my original intention was not to give a majority of the Senate the opportunity to hear some of the arguments of this case. I acted because of my feeling that the Senator from Michigan was totally out of order even to suggest that a filibuster was in progress, and if that was the kind of game he wanted to play, then two can play the same game. I was not proud of that feeling, but as Senators came into the Chamber I could not help but think of the irony that confronts the Senate at this particular moment.

We are in the process of debating a nomination to the highest Court in the land—a nomination that has not been without significant controversy. This nominee, if confirmed, will probably sit on the Supreme Court of the United States for 30 years. During that time he will interpret every piece of legislation that is passed in this body throughout the next three decades or so. Not wanting in any way to limit the tenure of any of our colleagues here today, I suppose it is only realistic to suggest that there will not be too many of us around in this body when the present nominee, if he is confirmed, leaves the Supreme Court of the United States.

Each Supreme Court Justice has one-ninth of the weight of the judicial branch of the entire country, whereas the Senator from Indiana finds that he has—and is proud to have, but nevertheless is limited to—only one one-hundredth of the vote of the U. S. Senate.

Yet I must admit that I find a feeling—albeit understandable—in the Senate that a great number of our colleagues are much more interested in things other than who should fill this seat on the Supreme Court.

It has been a long session. We all are tired. We all are impatient. We all are anxious to be elsewhere with our families, with our constituents. But I should hope that my colleagues will give the kind of attention to this nomination that is deserved, using as a frame of reference the amount of time that the Senate has expended in this last year on other items which will have a lesser long-range impact on the history of this country.

A number of matters are of deep concern to the Senator from Indiana. I became involved in a colloquy last night following the speech of my friend and colleague from Nebraska, Senator HRUSKA, about some assertions that he made about the feelings of the Senator from Indiana. It is a rather dangerous business for one Senator to try to interpret the feelings of another. It is sometimes a full-time job to determine one's own feelings—as I admitted here in explaining my motives for insisting on a live quorum call. The Senator from Nebraska was unwilling to continue that colloquy at that time. I hope we shall have the opportunity to do so continue this colloquy before this debate is over, because there were several points that the Senator from Nebraska raised relative to the opinions and statements of the Senator from Indiana that were simply erroneous. I am sure the Senator from Nebraska did not do that intentionally, but that is the case, nevertheless.

One of the assertions he made was that the Senator from Indiana and the others who signed the minority report were opposed to the nominee because we felt that his philosophy was simply out of step with ours. As I suggested at that time, were that the case, we would hardly have voted earlier that afternoon to confirm the nomination of Lewis Powell. Not only did I vote for him yesterday, but I had been urging for almost a month that we come to an immediate vote on the Powell nomination. He could have been sitting on that Court for almost a month if we had done that. Yet political maneuvering behind the scenes somehow kept Lewis Powell off the Court.

Why was I urging that Lewis Powell be placed on the Court? Was it because I agreed completely with his philosophy? Even the most casual student of Lewis Powell's thoughts and mine would find that there is nowhere near unanimity of thought on some of the major issues.

Lewis Powell and I agree generally on some of the basic elements that I feel constitute the necessary prerequisities and qualifications for a Supreme Court nomination. Lewis Powell is an exemplary lawyer. He is an intelligent, honest human being, and I think he has the kind of sensitivity and humaneness in the area of human rights and civil rights that any Supreme Court nominee must possess. That is why I wanted Lewis Powell on the Court. I did not support him because I agreed with him on all issues.

To one degree or another the same can be said about the nomination of the distinguished Chief Justice, Chief Justice Burger, and Justice Blackmun. The Senator from Indiana does not believe that a Supreme Court Justice should have to agree with him on every issue, or even a majority of issues. However, there are a number of tests which any nominee must pass if he is to get my vote; and I am only one Member of the Senate, but I feel very strongly about this.

One matter has been brought to our attention over the past 48 hours which under normal circumstances, if the Senate were not so involved in returning to our families and our homes and our constituencies, would have been a matter of extreme alarm to most Members of this body. But the matter to which I refer, and to which I will refer at length this morning, hardly received any notice in this body. I am referring to the recent disclosure that the nominee urged, when he was a law clerk, Justice Jackson to vote against Brown against Board of Education. Not only did he urge him to vote against Brown against Board of Education, but some of the reasoning, and some of the rhetoric in that page and a half memo is almost impossible to believe. So permit me, if I may, to explore thin for the consideration of my colleagues this morning.

I must admit, Mr. President, that the issues involved in the nomination of William Rehnquist are not headline-making issues. They are not startling revelations of incompetence or lack of personal integrity, which, unfortunately, marred previous nominations to the Court. We do not have a nomination here of a man who has said:

> I yield to no man in my belief in white supremacy.

We do not have a nominee here who has been characterized by his chief proponent in the Senate as being mediocre, nor an effort to try to rationalize what mediocrity would mean on the Supreme Court. We do not have a nominee here who is involved in a whites-only covenant. We do not have a nominee here who took part in an effort to try to transform a public golf club into a private golf club so as to avoid the Supreme Court prohibition of segregation in the former.

No, we do not have the type of issue that lets our friends in the press write headlines. We do not have a blatant, easily explained, 2 plus 2 equals 4 insensitivity to human rights and civil rights, as was the case in one of the previous nominations which came before the Senate.

The issues involved in this nomination are subtle, but in the judgment of the Senator from Indiana they are crucially important, for without doubt they, indeed, call into question the nominee's views of the relationship between the individual and the Government, and between the branches of the Government itself.

A long struggle which involves the basic question of the relationship between one individual citizen and his government has existed in this country since the first Supreme Court case. In all probability it will continue to exist throughout the history of this democracy, and may it be long. How much power does the Government have to take away individual rights? On the other hand, how much power does the Government have to guarantee the citizen certain inalienable rights? "One nation, under God, indivisible, with liberty and justice for all," is a phrase familiar to every schoolchild in this country, but the means of implementing that stimulating phrase into meaningful opportunity for each of our citizens have often not been so well understood.

To my mind, the chief concern with which the Senate must and should deal, and hopefully will deal, in considering this nomination is, how important is the individual citizen to William Rehnquist? What responsibility do we in Congress have to see that the individual citizen has a full opportunity to obtain the blessings of this country? What responsibility does a State legislature have to see that the individual citizens of a given State are given similar protection? Indeed, what responsibility does a local government have to protect the same individual rights and opportunities?

These are questions that are called into focus by the Rehnquist nomination, and although they are not the headline-making type of question, in the long history of this country they will have a far greater impact than some of the more sensational items which have been before the Senate in reference to other Supreme Court nominations.

The President has promised us strict constructionists and judicial conservatives on the Supreme Court of the United States. As I said in debating this matter with my friend from Nebraska yesterday, I do not quarrel with the President's picking a man of his own philosophy. It would be rare indeed, if that were not the case. Certainly this is not the first time. It is true that a number of Justices have been appointed because of their philosophical views. But I have searched history, and I have seen no other time when a President has conducted an election campaign on the basis of his upcoming Supreme Court nominations and what they would do. Nor have we ever been privileged to witness a TV extravaganza like that involving the two nominations that have been and are now before us.

So the President has caused us to focus on the philosophies of the nominees he presents to the Senate. Anyone who has studied Frankfurter, Brandeis, and Holmes would be hard put to find a reasonable comparison between them, the ideals of our distinguished President, and the present nominee. But that, of course, is the prerogative of the President, and he has decided in favor of Mr. Rehnquist.

But while talking in terms of strict constructionists and judicial conservatives, whatever those terms may mean, Mr. President, it seems to me that the President has sent us a man in the person of Mr. William Rehnquist, whose views on the Constitution are strangely elastic. I am not quite certain, Mr. President, what the terms "judicial conservative" or "strict constructionist" mean. In the case of the Carswell nomination, we were told that he was a strict constructionist, yet he did not follow the letter of the law, and did not follow stare decisis. Instead, he injected his own personal philosophy, without regard to the precedents and higher courts.

Although I do not think the Rehnquist nomination can be compared on all fours with the Carswell nomination, I do not believe that the record of Mr. William Rehnquist can lead one to any other conclusion than that his views of the Constitution are strangely elastic. He is a man who analyzes questions involving the Bill of Rights in a way which is very hostile to individual liberties. He is a man who has repeatedly demonstrated a marked preference for executive power over judicial or congressional power, and he is a man whose record reveals a persistent distaste for governmental efforts to correct the injustices that 200 years of racial discrimination have wrought.

One is hard put to understand how a man who is presented to the Senate as a judicial conservative, to fill the shoes of the great jurist Harlan, could have so little regard for the individual. It is in the finest tradition of the conservative tradition that the individual citizen be protected from the executive branch, that the Government dare not invade our boudoirs or our offices, or take from us the right to free speech.

Yet, if one examines the record of Mr. William Rehnquist, one has reason to pause. I defy anyone to dispute the evidence of his statements, his actions, his deeds, and his unquestioned support of this administration's efforts to permit the Government of the United States, particularly the executive branch, to have an alarmingly increasing power to inject itself and to impose its will on the individual citizen of this country.

The last 24 hours, Mr. President, have brought us fresh evidence of Mr. Rehnquist's record on civil rights, and I wish to spend just a little time incorporating into this record, for anyone who dares to read it, more detail about the matter that I mentioned a moment ago.

As I said earlier, under normal circumstances, if it were not the tail end of a session, if all of us were not so preoccupied with our own responsibilities, and if all of us were not so anxious to return to our constituents and our families, I would think that the Senate would be up in arms, with the facts disclosed in the newspapers of this country and the article initiated by Newsweek. That magazine has uncovered a memorandum of Mr. William Rehnquist written to then Justice Jackson.

I want to look at what this memorandum means and how it fortifies the feeling that the minority of the Judiciary Committee had when they wrote the rather extensive minority views. The great thrust of our argument in opposition to Mr. Rehnquist was not that he was intellectually incompetent, not that he was mediocre, not that he had ethical conflicts, not that he was a conservative, not that he was a strict constructionist. We were concerned instead that William Rehnquist did not really understand the importance of keeping this system open to minority citizens, of letting every American, regardless of where he lived or what he looked like or where he went to church or the ancestry of his parentage, have a chance to climb up the ladder.

We in Congress, and every State legislator and every councilman, have not only the right but also the responsibility to search out and to wipe away those instances in which arbitrary roadblocks are thrown in the way of those citizens who feel that America holds promise for them.

I think that the evidence that has been brought to light in the last 24 hours or so sustains in unequivocal terms the concerns that we expressed in the minority views. At that time we pointed out that Mr. Rehnquist's record is far from a record of affirmative commitment to equal rights for all citizens. Rather, as we said, it is a record of hostility to the use of law to eliminate racial injustice in the United States. We already knew of three separate occasions throughout his career when Mr. Rehnquist displayed this hostility.

Perhaps "hostility" is too harsh a word, as I read over our report. But I do not think so. I do not think this is hostility in a malicious sense of the word, but the impact and the results are the same. William Rehnquist has absolutely refused—and I fear that if he is placed on the Court, he will continue to refuse—to allow the law to be used as a tool for justice and opportunity for those who are now denied it.

As we look at the previous instances in which Mr. Rehnquist's record is found wanting in the area of human rights and sensitivity to opportunity for all our citizens, I think the pattern is rather clear. In 1964, he opposed a local ordinance prohibiting racial discrimination in public accommodations. Yesterday, when I tried to question the Senator from Nebraska on some of these areas—

and I hope we have a chance to continue that dialog, because it certainly was not completed—the answers were not forthcoming. The Senator tried to make light of this.

In 1964, this country was up in arms. People from all walks were gathering in Washington, peacefully, in the summer of 1964; and there was the greatest peaceful demonstration down Constitution Avenue that we have ever had. Why was this? This was because most American citizens, God-fearing and concerned citizens, had determined that the time had come to wipe away discrimination once and for all.

That was the environment of the day. Yet, in that environment, Mr. Rehnquist testified before the Phoenix City Council, saying that black people should not be permitted in the drugstores of Phoenix. Now he has said—let me hasten to add—that he has changed his mind. He said this in the record before the committee, and I do not want to lead my colleagues to believe otherwise. But I want them to look at the record of the hearings. He did not say he changed his mind because he thought it was wrong. He did not say he changed his mind because he thought it was right and proper for such ordinances to exist—ordinances very similar to the equal accommodations law that was passed in the Federal statute at the same time. No, Mr. Rehnquist said he changed his mind because, one, he previously had not felt that the ordinance could be implemented that easily as it was, and, two, that he really did not understand at the time that minority citizens were that concerned about recognition of these rights.

Therein, Mr. President, lies the main cause for the concern of the Senator from Indiana about the qualifications of Mr. Rehnquist.

If, in the mid-1960's, a leading attorney in Phoenix, Ariz., was not aware of what was going on in the hearts and minds of black and brown and yellow citizens of this country, is he going to be any more concerned about the problems which may confront us tomorrow or a year from now or 5 years from now, as a Supreme Court Justice?

Of course, the Senator from Nebraska relied upon the fact that in the model act which was passed while Mr. Rehnquist was a member of the National Conference of Commissioners on Uniform State Laws there was an equal accommodations provision. But the colloquy between us will show that Mr. Rehnquist only voted for that act after opposing several of its provisions and, indeed, helping to lead the opposition so it was not adopted, with only two dissenting votes, as a uniform act, but had been degraded to the stature of a model act. I am still waiting for the Senator from Nebraska to come forth with one positive word in the transcript of that meeting which shows that Mr. Rehnquist stood up one time and said, "I think we ought to have strong antidiscrimination features in our State laws."

Let me turn in more detail to the 1966 meeting of the Commissioners on Uniform State Laws which Mr. Rehnquist attended. At that time, the Commissioners were meeting to approve a model State antidiscrimination act which could be suggested and urged upon the State legislatures of this land so that they could follow the example that had been set 2 years earlier by Congress. Mr. Rehnquist, as the minority views show, opposed two important provisions of this antidiscrimination measure. First of all, he opposed implementing into the model act—what became a model act due to Mr. Rehnquist's and others opposition to it being a uniform act—a provision by which employers would be entitled to or given the opportunity to compensate voluntarily for past discriminatory hiring practices.

Let me give an example of what this would be. In other words, here is an employer who in the past has denied employment to blacks and browns and other minority groups. This provision would permit him to compensate in future employment so that he could ultimately have a balanced work force. This is the whole philosophy of the Philadelphia plan, Mr. President. I find it significant and inconsistent that Mr. Rehnquist's record for civil rights is sustained because he supposedly was one of the advisers within the administration recommending the Philadelphia plan, but in 1966 when he was a Commissioner on Uniform State Laws from Arizona, he did everything he could to root out this very provision of the uniform act before the Commissioners at that time.

The other item which was then before the Commissioners on Uniform State Laws which Mr. Rehnquist opposed was the antiblockbusting provision. I cannot understand how Members of the Senate who are sensitive about human rights and concerned about people who try to play on the passions and human frailties in order to make a fast buck, could not give great significance to Mr. Rehnquist's position on this particular provision.

Blockbusting is that insidious, inexcusable tactic which is followed by, unfortunately, only a few—and they are unscrupulous—realtors in which they go into a community that is primarily or totally a white community and buy one house, and then they will move in a large number of black citizens and they will degrade the looks of the premises by throwing garbage and junk around in such a way as to devalue the property. In fact, I think that perhaps the best way to describe the blockbusting technique is to read into the record the response of Robert Brancher, then chairman of the Special Committee on the Model Antidiscrimination Act, and a professor at Harvard Law School, who is now a justice of the Supreme Judicial Court of Massachusetts. When Mr. Rehnquist suggested that constitutional rights as well as policy decisions were involved, and therefore, this particular provision should be rooted out, Professor Brancher said:

> However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth, and then they go around to the neighbors and say: wouldn't you like to sell before the bottom drops out of your market?
>
> And the notion that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit.

The vote was then taken and Mr. Rehnquist's effort to delete this provision was unsuccessful.

But this is the concern that the Senator from Indiana has about Mr. Rehnquist's approach to his responsibility as a Supreme Court Justice. As we look into some of the statements that Mr. Rehnquist has made, we see, I think, that he sometimes wants to restrict free speech and association but, apparently, where he wants to protect it is in a place where it has absolutely no purpose.

Do we say that realtors who want to go into a community to destroy it, to get one neighbor hating another, in order to feather their own nests, have a constitutionally protected right to free speech in order to accomplish the goal? Of course, we do not.

If the Senate and House of Representatives and State legislatures want to say that this is bad practice by realtors, it is not for the Supreme Court, it is not for William Rehnquist to say that there is a free speech question which prevents it from doing so.

The Senator from Indiana feels that this certainly is not an area where free speech should be protected. It is like former Justice Holmes, in defining the limits of free speech, who said that no one has the right falsely to yell "fire" in a crowded theater.

I suggest that anyone who has sensitivity enough to sit on the Supreme Court of the United States should be able to recognize that what was yelling "fire" in a crowded theater 30, 40, 50, 60 years ago is blockbusting today.

This is causing the inflammation, the hatred and the fears, and exacerbating them by letting the blockbusting tactic proceed.

I would be willing to wager that if we took a vote in the Senate as to whether there was any validity in the policy of blockbusting, let alone the constitutional question involved, 100 Members of this Senate would vote against blockbusting.

Yet Mr. Rehnquist suggests that it should not be banned both on constitutional and policy grounds, that to strike down blockbusting is bad policy and is also a constitutional violation.

I hope to have the opportunity, before this debate is over, to deal with these questions in greater detail; but, before proceeding to the main matter of concern, I want to touch on one other matter that was enumerated in the minority views and that had been previously brought to our attention before the alarming disclosures of yesterday. This is the evidence that in 1967 the nominee opposed what were moderate plans for combating de facto segregation in Phoenix with the comment that, "We are no more dedicated to an integrated than to a segregated society."

When I asked the nominee about this opposition to the efforts of the school superintendent in Phoenix to provide some integration in the Phoenix school system, Mr. Rehnquist said that the reason was he was then opposed to long-distance busing and that he is still opposed.

I think there are grave questions that can be raised about long-distance busing but the fact is that long-distance busing was not even involved then. It was not the question. It was a very moderate integration plan. But no matter what sort of plan it was, it cannot justify the suggestion that we are no more dedicated to an integrated society than to a segregated society. Now Mr. Rehnquist also said that we are a free and open society in which every individual should be given a maximum amount of freedom in it, and I of course agree with that. But I do not think that a black boy or girl student has a maximum amount of freedom in a society that will not let them into a schoolroom because of their race.

Yesterday's Newsweek magazine disclosed a fourth and perhaps an even more shocking event.

That was Mr. Rehnquist's active opposition to the Supreme Court decision in Brown against Board of Education. In 1953 Mr. Rehnquist was at that time, I think, 28 years of age. He was a law clerk to Mr. Justice Jackson.

The school desegregation cases were pending. The appellants in those cases, black and white alike, argued that racial segregation in public schools violated the great promise of the 14th amendment that, "No State shall deny any person within its jurisdiction the equal protection of the laws."

The school boards and States argued that segregation was permitted under the separate but equal doctrine of Plessy against Ferguson.

Mr. Rehnquist, we now know, wrote a memorandum to Mr. Justice Jackson entitled, "A Random Thought on the Segregation Cases." In it he stated his personal opinion that Plessy against Ferguson was rightly decided and should be reaffirmed. Fortunately for the history of this Nation, Mr. Justice Jackson did not take the advice of his law clerk. Instead he joined with a unanimous Court in Brown against Board of Education in holding that separate educational facilities are inherently unequal.

Mr. Rehnquist's memorandum is a rather extraordinary document, for the arguments he used to oppose the Court's historic decision in Brown are distressing. He suggests that to overrule Plessy was to read into the Constitution the Justices' own sociological view of the Constitution; that personal rights are no more sacrosanct under the Constitution than property rights; and that the Supreme Court has little or no meaningful role to play in protecting the rights of minorities.

Mr. President, I think it is important for the Senate to know and for the country to know the significance of that memorandum. Brown against Board of Education is not just any little old case that happened to appear before the Supreme Court.

In the almost 200-year history of this Nation, few cases have been more significant than Brown against Board of Education. This is a space age Marbury against Madison. It was so apparent that the issue involved should be decided on the side of opening up our schoolrooms that nine Justices—a unanimous court—joined together in striking down discrimination in our public school system. But we now see that Mr. Rehnquist was so out of touch with the important issues of that day that he was urging one of the justices to vote on the other side of the issue.

I think this is of particular significance, Mr. President, because as a legislator I hold the legislative process to some degree jealously. And I do not like to see the Supreme Court become involved in lawmaking. *Brown* was not lawmaking; it was dedication in the face of public pressure to principles of equality. As a legislator and as a lawyer, I am well aware that one of the strengths of the Constitution of the United States is the fact that it has flexibility, it has within its provisions the opportunity for change. That must come as times change, as problems change, and as people change.

Since it is impossible to change the words of the document except by constitutional amendment, the principle, the relevance of the Supreme Court comes from the interpretation that is placed on the Constitution year after year in case after case by the Justices that sit on the Court. And unless those Judges have the sensitivity to look at the country, to come down from the ivory tower of the highest Court in the land and to look at how the laws and conditions affect human beings, then that great document, the Constitution of the United States, may just as well be locked in the Archives and never again seen.

It is Mr. Rehnquist's inability to realize and implement the great promises of this document and to permit them to have the broad scope they need that is a matter of deep concern to the Senator from Indiana. Apparently this same concern was expressed by the nine sitting Judges of the Supreme Court at that moment, because by a unanimous vote they rejected the position of then law clerk Rehnquist.

In looking at the memorandum, there are certain items of interest that indicate, I think rather dramatically, the philosophical bent or, indeed, the philosophical roadblock that appears in Mr. Rehnquist's reasoning as to how he feels the Constitution should be interpreted.

Let me just read from the memorandum significant factors or items. In referring to past Supreme Court cases, Mr. Rehnquist says of the Court:

> Apparently it recognized that where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases.

I do not think that any reasonable interpretation of those past cases can reach that same conclusion. Surely it is never the role of the Court to thwart public opinion; it is the role of the Court to interpret the Constitution notwithstanding public opinion.

He goes on further and says:

> For, regardless of the Justice's individual views of the Constitution on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction.

I think it is rather evident—the fact that nine Judges ruled otherwise—that segregation of our schools, just as segregation of our lunch counters and public facilities, was one of those extreme cases. And fortunately the Court did intervene. And fortunately it was not just the so-called liberals of the Court, but quite contrary to Mr. Rehnquist's admonition, those of all political persuasions on the Court who said that this kind of desegregation should be struck down.

There is one other item in this memorandum that I want to read before proceeding. It reads as follows:

> To those who would argue that personal rights are more sacrosanct than property rights, the short answer is that the Constitution makes no such distinction.

Mr. President, I wonder if we really want a man on the Supreme Court of the United States who believes that after looking at all of the facts of a given case, the cold hard property rights should be weighed on the same scale as sensitive human rights.

Mr. Rehnquist proceeds further:

> One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

I have never been a Jehovah's Witness, and I have never been a slaveholder, and I have never been a businessman—unless one can call owning a family farm a business, which perhaps it is, but not in the frame of reference of Mr. Rehnquist—but to suggest that these rights to protect individuals and groups and classes have been sloughed off by the Supreme Court is just to totally misread what has happened.

However, I must admit that there is a strange irony in the fact that William Rehnquist should write this brief back in 1952 to a Justice of the Supreme Court of the United States saying that—

> If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of the transient majority of nine men.

The fact that that transient majority may be diminished by the presence of William Rehnquist increases the chance that these individual rights will in fact be sloughed off, as Mr. Rehnquist himself predicts.

Finally, Mr. Rehnquist concludes in this infamous brief:

> I realize that it is an unpopular and unhumanitarian position—

He admits he is espousing an unhumanitarian position—

> for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

Before this debate is through I hope to try to bring into proper focus and into proper perspective just what the implications are of William Rehnquist's view that the Constitution enacted Myrdahl's American Dilemma.

Here is a Swedish social scientist who came to this country and looked at the tensions that existed, and the troubles that appeared over the horizon relative to the differences between the races, and as he describes the American dilemma in his book. This is not a wildly revolutionary extreme presentation of the facts, but a very moderate presentation of what we can expect and what we had better do about it. Yet Mr. Rehnquist, who is supposed to be moderate in his views, apparently feels that Myrdahl's American Dilemma is too liberal and too extreme.

Mr. Rehnquist's memorandum, as I have mentioned earlier, is indeed an extraordinary document. Let us look in detail at the matters of concern that I have previously mentioned. The arguments he uses to oppose the Court's historic decision in Brown are distressing. He suggested that to overrule Plessy was to "read [the Justice's] own sociological views into the Constitution"; that, as I said earlier, personal rights are no more "sacrosanct" under the Constitution than property rights; and that the Supreme Court has little or no meaningful role to play in protecting the rights of the minority.

It is amazing to me that someone who could have espoused that particular theory or that philosophy is not a matter of increased concern to the Members of this body, who personally themselves have shown great concern for the rights of minorities and have at all time been willing to place human rights above property rights.

The best answer to Mr. Rehnquist's first point—essentially a claim that to decide Brown as it was decided was unprincipled—comes from the unanimous Court itself. In the opinion by Mr. Chief Justice Warren, the Court first pointed out that the legislative history of the 14th amendment was "inconclusive" on the question of issue, then noted that first cases construing the 14th amendment "interpreted it as proscribing all State imposed discrimination against the Negro race." The Court concluded:

> To separate [children in grade and high school] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

The Court continued in conclusion later in the decision by saying:

> We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

One should also point out that Mr. Justice Frankfurter, a man who was dedicated to the principles of judicial self-restraint and reason, instead of personal decisionmaking, joined the decision. Surely Mr. Justice Frankfurter did not think he was imposing his "own sociological views" onto the 14th amendment, as Mr. Rehnquist suggested the Court would do if they held it was unconstitutional for a State to say that black boys and girls should not be permitted to go to school with white boys and girls.

Mr. Rehnquist's second point was that property rights are as important as personal rights under the Constitution. He said:

> To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are.

This is the same view which led Mr. Rehnquist to oppose a public accommodations ordinance in Phoenix in 1964. At that time, as the nominee himself admitted at the hearings, he "felt that personal property rights were more important than individual freedoms, the individual freedom of the black to go up to a lunch counter." And it is a view to which Mr. Rehnquist clings. In response to a question from Senator Tunney, Mr. Rehnquist said:

> I am certainly not prepared to say, as a matter of personal philosophy, that property rights are necessarily at the bottom of the scale.

This view, of course, taken in reference to personal rights.

And if we are talking about the distinction between personal rights and property rights, and if the nominee says that property rights are not at the bottom of the scale, it seems to me that it is a foregone conclusion that personal rights are.

I wonder if the Senate wants to turn the clock of justice back so that cold, calculating property rights ascend and take a preferential position to the rights of each individual human being and his personal opportunity to explore and attain the values of full citizenship.

My belief is that our legal history shows that there are many interests which can override property rights—take zoning as a mundane example—but there are precious few which can override fundamental personal rights of free speech or association, or the equal protection of the laws. Personal rights and property rights simply do not hold an equal place in our jurisprudence. If Mr. Rehnquist thinks they do, then I submit he is outside the mainstream of modern American thought.

But perhaps the most significant point to be drawn out of the memorandum is Mr. Rehnquist's view of the role of the Supreme Court in our system of Government. He argued that the Court ought not take an active role in protecting the individual rights of minorities, and that if it did take such a role it was doomed to failure. He said:

> One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

He concluded by saying:

> I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

Mr. President, this is a view of the role of the Court wholly at odds with its great traditions. It is, and was designed to be, the institution that protects individual rights. It is, and was designed to be, the institution to which minority groups can turn for vindication of their rights, regardless of the transient views of the majority. I cannot imagine the Senate confirming a man who thinks that the Court ought not play this role. And if the Senate does confirm such a man, we will all be the poorer.

I, like millions of Americans, cannot agree with Mr. Rehnquist that the Supreme Court's attempts to protect the constitutional rights of minority groups and their members have been failures. I, like millions of Americans, think that the Court has had great success. And I, like millions of Americans, think that Brown against Board of Education was a landmark case—a decision which reflects the fairness and justice that is at the heart of the Constitution. It is deeply distressing to me that Mr. Rehnquist thought that Brown was wrongly decided.

Perhaps it would be less distressing if Mr. Rehnquist had given some indication either at the hearings or since the Newsweek article appeared that he had changed his mind about Brown. At the hearings he recognized, as any lawyer would have to recognize, that Brown was the established constitutional law of the land. But he never said that he agreed with the principle of Brown, or the decision in that case. He would only say that the decision was justified because nine Justices became convinced that Plessy was wrongly decided. Thus for all we know, he may still be of the view that separate but equal satisfies the demands of the 14th amendment.

And, of course, that is a true test of a Justice—how he is going to interpret the Constitution in future cases.

I sincerely hope he has changed his mind, but there is no indication before the Senate that he has.

Mr. President, Mr. Rehnquist's opposition to Brown against Board of Education fits into the pattern the other evidence before the Senate revealed. It is a pattern of a man who does not believe that the law should be used to erase the injustices that 200 years of racial discrimination have wrought. And there is nothing in Mr. Rehnquist's record which rebuts the inferences of this pattern of hostility to the use of law to promote racial justice. At a critical time of our history, we should not agree to place a man on the Supreme Court who has consistently been insensitive to the role that a law must play in achieving a fair and just society.

Mr. President, Brown against Board of Education is past. That particular issue will never again be decided by the Supreme Court. At least, I hope and pray it will not be. I hope it has been laid to rest. But the question that concerns the Senator from Indiana is, What about the future? What about the next Brown against Board of Education? What do I mean by that? Well, Brown was the Supreme Court of the United States coming to grips with a deep, divisive, devastating social problem which existed at that moment in history. It was a recognition that the past had been wrong, that steps had to be taken to put this country on a different path if the Court was to protect the rights guaranteed by the Constitution, the provisions of the 14th amendment, to all of our citizens. What concerns the Senator from Indiana is that if William Rehnquist was opposed to making that kind of a dramatic, necessary change in the mid-1950's, when the evidence was tumbling around us that it had to be done and that the Constitution required it, and nine Justices of the Supreme Court recognized it, where, pray tell, will Mr. Justice Rehnquist be on the next occasion when the Court and the country are confronted with a Brown against Board of Education decision?

It was little solace to my mind that Mr. Rehnquist told us that the Brown decision was justified because nine Justices had decided that Plessy had wrongly interpreted the intent of the framers of the amendment.

I would like to think—and I phrase the statement thus because I have never had the privilege of sitting on the Supreme Court of the United States—that the decisionmaking process in the Supreme Court is not totally unlike the decisionmaking process in the U.S. Senate: That the critical decisions, as in this body, are hammered out, not by unanimous consent, but because one or two Senators or a handful of Senators are willing to stand up for what they believe, after study, the law demands and risk the animosity of their constituency or of the country to argue the positions that they feel are morally right or legislatively right or legally right, although from the standpoint of politics and past practice they may be wrong.

This has been my experience in the legislative process both as a State legislator and as a Member of this distinguished body. The times when the U.S. Senate has been most revered and most respected have been those times when it has not just gone along, but when it has come to grips with unfinished business, when it has come to grips with critical problems that have not been solved, when it has dared to depart from the past and chart new policy—new policy based on old principles which had not been fully realized under the older policy.

I have seen this body move, in the 9 years it has been my good fortune to serve here. I have see it change its mind, so that what was once the view of a narrow minority is now the majority will of the Senate. I cannot help but recognize the coincidence that in some of the great issues, some of the general policy problems that have torn us asunder in this country, the distinguished present Presiding Officer, the junior Senator from Florida (Mr. CHILES) is a part of this vocal majority in the Senate today, though I can remember the time when it was an equally vocal minority.

It has been the willingness of a few Members of the Senate and the willingness of our colleagues to listen, and not to enter a debate with closed mind, that has made it possible for the Senate to be responsive to the problems of our country and the people we govern.

Is this totally dissimilar from the process that exists in the Supreme Court of the United States? I think any student of the Court must come to the conclusion that this is not the case, that the precedent cited by William Rehnquist in his memorandum to Justice Jackson has been properly destroyed, has been properly overturned, because those justices who have sat on the Supreme Court have been willing to listen and have been willing to change their minds. Indeed, the former occupants of the two seats which we now fill, Justice Black and Justice Harlan, were two persuasive voices in the movement to change the direction of the Court, and to make a Court majority on the same issues on which, in 1896, there was only a lone dissent.

I am concerned, Mr. President, that the Senate not place on the Court a man whose philosophy, as expressed by every word and deed, is so dedicated to outdated ideas that he is either unable or unwilling to recognize that that great document, the Constitution, has as one of its high purposes the elimination of injustice and inequality.

Mr. President, I want the record to be clear on this: When I say that it is the judgment of the Senator from Indiana that Mr. Rehnquist will remain intransigent, dedicated to outdated ideas and precedent, unwilling to change, and fulfill the great promises of the Constitution, I have no evil feelings in my heart toward Mr. Rehnquist. That may be hard for him to believe, or for some of his supporters to believe, but as I have talked with him personally, and as I have talked with some who know him well in Arizona whose judgment I respect, and as I have heard him testify, I have thought, here is a man who is basically honest. His academic record shows that he has great intellectual capacity; indeed, his appearance before the committee, both by what he said and by his great ability not to say anything in a number of areas, discloses a high degree of articulation.

I suppose I could go on to say that I feel deeply that it is terribly difficult for an individual Senator to be called upon to judge another human being. Each of us possesses his own frailties, and certainly the Senator from Indiana is painfully aware of his own. But the Constitution calls upon us to judge others, and if we are to fulfill our constitutional as well as our moral responsibility, we have to struggle with the problem as best we can.

I have to say that I think Mr. Rehnquist's motives, as he envisions them, are pure. Each of us is the product of his own background. We are all the sum and substance of our own past experiences. And rather than feel that Mr. Rehnquist will reach the wrong decisions for the wrong reasons, I think, because of his past experience, because of what he has said and what he has written philosophically, and his general interpretation of the Constitution, that he will reach the wrong decisions for what he conceives to be the right reasons.

He will use his intellect and his capacity, I fear, to write, speak, and articulate—to put the face of dignity upon and to add an acceptability to—those philosophies and those practices which the Warren Court had laid to rest, and he will in the process, I fear, do so feeling in his heart of hearts that he is right. And although I think each of us must be given credit for doing what we think is right, for that is about the best we can do; those of us who are called upon to judge others, particularly to judge others who would judge the country and the direction in which it is headed, must be concerned about more than the pureness of heart and the kindness of motives. We had better be concerned about results, because the results, not the motives, are going to determine the kind of life and the kind of opportunity our grandchildren are going to have in this democratic society. For these reasons, and others I will bring out in later debate, I urge the Senate to reject this nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JAVITS as in legislative session, when he introduced S. 2962 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR YEAS AND NAYS ON S. 2676

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that it be in order, at this time, to order the yeas and nays on

Calendar No. 537, S. 2676, a bill to provide for the prevention of sickle cell anemia.

The PRESIDING OFFICER (Mr. CHILES). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, as in legislative session, at the request of Senator KENNEDY I ask for the yeas and nays.

The yeas and nays were ordered.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into legislative session for the purpose of taking up a conference report.

There being no objection, the Senate proceeded to consider legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when action on the conference report is completed—I understand the yeas and nays will be requested—the Senator from California (Mr. TUNNEY) may be recognized in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUED OPERATION OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 2, 1971, at 44298.)

Mr. KENNEDY obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I am pleased to file this conference report on Senate Concurrent Resolution 6, and to move its acceptance by the Senate. The Senate conferees previously had reported in disagreement on this resolution, but developments in the Public Health Service Hospital System prompted the Senate and House conferees to return to conference and work out this compromise. The compromise maintains the original Senate resolution, adding amendments to extend the scope of the resolution to cover the Clinical Research Center at Lexington, Ky.

By enacting this resolution, the Senate will remove any possible idea that it is ready to see the Public Health Service hospitals closed, transferred, or otherwise changed without serious consideration of how these facilities can be better utilized within the Public Health Service, or without congressional review in detail of the proposed use of each facility.

Mr. President, in recent weeks we have seen examples of the proposals submitted to the Department of Health, Education, and Welfare for use of these hospitals, and have received a summary of all the proposals from Secretary Richardson. Few of these proposals involve keeping these hospitals in the Public Health Service to serve areas which are short of health services. In fact, the few proposals that do involve keeping the hospitals in the Public Health Service seem to have been given lowest priority by DHEW.

Indeed, all that we hear indicates the DHEW has had no intention of seriously considering keeping the hospitals in the Public Health Service. DHEW's contacts with local communities, in fact, have denied this is an option—they have indicated there are only two options, to close the facility or to transfer it out of the PHS to some community organization. DHEW has pursued this one-sided planning despite the fact that the committee report on Senate Concurrent Resolution 6 specifically states:

> The plan must reflect exploration of how the institution might be used to address the needs of the community—especially the critical needs of medically under-served areas in the community. Opportunities for expanded use of the institution under the Emergency Health Personnel Act should be fully explored and documented.

Mr. President, the Senate's action on this resolution, its action on the Emergency Health Personnel Act of 1970 and its long history of actions relative to the Public Health Service, make it clear that we believe that the Federal Government has a responsibility for providing direct health care services to specified groups of Americans who are in bad positions to obtain health care in any other way. Apparently, DHEW and the Office of Management and Budget disagree with the Congress on this. They have set out systematically to eliminate direct Federal health care services to the merchant seamen and others served by the Public Health Service hospitals, and they refuse to use these facilities to offer direct services to Americans who live in medically underserved areas as authorized by the Emergency Health Personnel Act. Indeed, they refuse to even explore the possibility of using the facilities in this manner.

In fact, while they pursue a seemingly objective review of the future of each facility, and have to date indicated no specific plans for any of the facilities, information has come to our attention that they have already picked two hospitals for closure or transfer to community control by the end of this fiscal year. I am confident their budget request for fiscal year 1973 will reflect the elimination of funds for these two facilities.

In other words, Mr. President, DHEW's plans are further along than they are admitting to Congress, and their planning does not speak to the alternatives of most interest to Congress. Obviously, DHEW intends to present Congress with a foregone conclusion late in the fiscal year when there is little time for Congress to respond.

We cannot and must not permit this defiance of congressional prerogatives—this flouting of the intent of the law. This conference report which I file today precludes changes in the Public Health Service hospitals prior to June 30, 1972. If we see no indications in the next few weeks that DHEW's planning will cover the Senate's concerns, and allow adequate time for congressional review of these plans, I will submit to this body and assure prompt committee action on a new resolution which extends the dates in Senate Concurrent Resolution 6. I urge acceptance of this report as a first step.

Mr. President, this report represents the results of the conference between the House and the Senate on a resolution that was originally submitted by a score of Senators, including the Senator from Maryland (Mr. MATHIAS) and myself on the question of Public Health Service hospitals.

What we tried to do in the resolution was give the Department of Health, Education, and Welfare our position on equitable ways to proceed in considering the future of these facilities. We passed the resolution in the Senate virtually unanimously. In the conference, we had one area of primary difference, the Fort Worth Hospital, and were unable originally to come to an agreement with the House of Representatives. In the reconsideration of the measure last week, however, we were able to get an agreement with the House of Representatives.

Senate Concurrent Resolution 6 gives Congress time to review HEW plans for hospitals, before the plans are implemented. It precludes changes to the facilities through June 30, 1972, and it makes it clear to HEW that Congress wants the hospitals used to meet the needs in medically underserved areas, if possible, under the Emergency Health Personnel Act. This latter act is a most important piece of legislation. Although it is funded at a very modest level, it nevertheless will be a useful instrument of service in underserved areas, and utilizes PHS facilities, such as these hospitals, as bases of operation.

Congress must act now because HEW is moving ahead with its plans. I do not believe that HEW is reviewing the various hospital facilities with the idea of implementing the Emergency Health Personnel Act. With this conference report, the Senate will go on record to make clear to the Department our deep concerns about the importance of Public Health Service hospitals in the context of this act.

I hope we can get action on this measure. I feel it is an important area in which the Senate and the Congress as a whole must express its views, particularly since the country is confronted with a health crisis in so many areas of public health services. I think this effort is on the front line of providing extremely important services to many different elements of the community.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. KENNEDY. I will be glad to yield.

Mr. MATHIAS. Mr. President, I agree with the view that has been taken by the Senator from Massachusetts. Public health hospitals have rendered such a valuable role that it is highly desirable that the Senate take a position which makes it clear that we evaluate the service that they have rendered as a very essential service. I believe that we need to utilize all of the health facilities we have, and utilize them well, and not to take any chance that any one of them will be discarded. There may be room for a legitimate and honest difference of opinion about the way that we finance the delivery of health services, but there is not any doubt in anybody's mind in the country that we need everything we have got, and an important element of what we have got is the public health hospitals. They have, I think, afforded an increasingly valuable service, because they have been putting a lot of emphasis on preventive medicine, which is, I think, the practice of the future.

I believe that the conference report, as the Senator from Massachusetts says, will be a signal that the Senate has a very deep interest in these hospitals.

I thank the Senator for yielding.

Mr. KENNEDY. I thank the Senator for his comments and certainly for the interest he has shown in this area.

I think what we are really doing is going on record today to indicate to the department that we want to be very much involved in how these facilities are utilized in the future, and that we are concerned with the continuing responsibilities under the Public Health Service Act, for example, of providing health services to Federal beneficiaries.

Mr. JAVITS. Mr. President, I strongly support the adoption of the conference report on Senate Concurrent Resolution 6, of which I am a cosponsor, which expresses the sense of Congress that Public Health Service hospitals and clinics remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and the Congress should explore how these facilities can best be used in the future to offer comprehensive health care to Federal beneficiaries and to best meet the needs for health services of the Nation at large—particularly the needs of medically underserved areas.

I have long believed the Public Health Service hospitals and clinics can play an important role in the restructuring of America's health care delivery system. When the Republican County Committee of Richmond County, N.Y., expressed to me its concern about recurrent rumors to the effect that the U.S. Public Health Service hospital at Staten Island, N.Y., and numerous other Public Health Service hospitals and clinics were to be closed, I immediately expressed my interest in the matter to Secretary Richardson.

At a time when the Nation is faced with a health care crisis about which the President, the Secretary of Health, Education, and Welfare, many Members of Congress, and I have expressed grave concern, I believe the Staten Island Public Health Service and other public health hospitals and clinics should be strengthened and modernized in order better to perform their traditional function and allow them to undertake new missions.

I therefore recommended to the Secretary that these professionally excellent facilities be given a new mission—in accord with present and future national health care needs—so that they might, for example, pioneer and develop model health care delivery systems and serve as demonstration centers for experimental programs utilizing corpsmen and other paramedical personnel to provide health services.

It is my understanding that the Department of Health, Education, and Welfare did undertake to go to the communities involved for indepth discussion of alternative utilization of the Public Health Service hospitals and clinics, including their potential for both improved care and more effective use of the existing facilities through conversion to local control and use and providing care for HEW beneficiaries through contracts with the converted Public Health Service facilities, or with public and private hospitals. From time to time HEW has kept the Congress informed as to the status of proposals under consideration and nothing definitive has occurred.

However, there are deep pervasive rumors that HEW plans to take action and make profound changes in the Public Health Service hospital system without allowing the Congress to review with HEW the detailed proposals for each of the Public Health Service facilities. Congress does not wish to restrain creative responses to the problem of whether the present system of Public Health Service hospitals is the best means of fulfilling our responsibilities to Public Health Service beneficiaries. However, the Public Health Service hospital system is one of the oldest and most respected health institutions in America, and was created by Congress, to respond to the special health problems of the merchant seamen. In addition, over the years the Public Health Service hospital system has established close associations with their respective communities.

Although I am concerned with the future of the entire Public Health Service hospital and clinic system, my primary concern is the U.S. Public Health Service hospital located at Staten Island, N.Y., which, incidentally, is the largest of all the Public Health Service hospitals throughout the United States. It has accommodations for 636 beds and has an annual payroll of approximately $13.6 million. Also, the Public Health Service hospital on Staten Island employs over 1,000 people and there is only one industrial concern on Staten Island that employs more. Thus, not only will the physical health of the residents of Staten Island be affected by the closing of the hospital, I would also indicate that the economic health of the community will be seriously affected if this facility is closed. We in the Congress of the United States cannot abandon our prerogatives regarding vital services provided by the Public Health Service hospital system, exemplified by the Public Health Service hospital on Staten Island, which:

Serves 420 patients per day;

Serves 140,000 outpatients annually;

Provides emergency medical services to the public;

Provides physical examinations and laboratory tests for a number of local agencies;

Provides desperately needed nurses' training in cooperation with local colleges;

Provides desperately needed laboratory technician training;

Provides desperately needed dental laboratory technician training; and

Provides unique medical assistance for our other hospitals and their staffs.

If this hospital is closed, who is going to fill the huge gap created by its absence? Certainly no other facility on our 60-square-mile island can provide the medical services, and other nearby New York City hospitals are already crowded.

Mr. KENNEDY. Mr. President, as I understand, the yeas and nays have been ordered, and I move the adoption of the conference report.

Mr. MAGNUSON. Mr. President, as one of the original sponsors of Senate Concurrent Resolution 6, I urge the Senate to give its full and explicit approval to this conference report. As chairman of the Senate Appropriations Subcommittee on Labor, Department of Health, Education, and Welfare, I have had ample opportunity to review the state of health care in this country. On the basis of that review I, like so many other Senators, am convinced that this Nation is in the midst of a national health care crisis. Consequently, I am convinced that the Congress would be seriously remiss if it were to leave the responsibility for determining the future of the PHS hospitals and outpatient clinics solely in the hands of the administration and its anonymous departmental personnel.

Final approval of this resolution by both Chambers will demonstrate once and for all that the Congress intends that the basic questions regarding the future of each of the PHS hospitals and clinics will be resolved jointly by the Congress and the administration—not by the administration alone.

Final approval of this resolution will put the President and the Secretary of HEW on notice that the Congress expects to work together with the administration to determine which of these facilities should continue under PHS direction, which—if any—should be converted to community use and which—if any—should be closed.

If, after Congress approves this conference report, the administration attempts to make these decisions without the prior consultation and consent of the Congress, than it will be in clear violation of the expressed will of the Congress.

The PRESIDING OFFICER (Mr. Chiles). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from Idaho (Mr. Church) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Kentucky (Mr. Cook), the Senator from Colorado (Mr. Dominick), the Senator from Florida (Mr. Gurney), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), and the Senator from Vermont (Mr. Stafford) are necessarily absent.

The Senator from Oregon (Mr. Packwood) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. Cook), the Senator from Florida (Mr. Gurney), the Senator from Iowa (Mr. Miller), and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 441 Leg.]

YEAS—81

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Hansen
Hartke
Hatfield
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—19

Bennett
Church
Cook
Dominick
Gambrell
Gurney
Harris
Hart
Hollings
Humphrey
Inouye
McGee
Miller
Moss
Mundt
Packwood
Pell
Percy
Stafford

So the report was agreed to.

INTEREST RATES ON INSURED MORTGAGES

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 176.

The PRESIDING OFFICER (Mr. Chiles) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, which was to strike out all after the enacting clause, and insert:

Section 1. (a) Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "January 1, 1972" and inserting in lieu thereof "June 30, 1972".

(b) With respect to any area where the Secretary of the Department of Housing and Urban Development shall determine that cost levels so require or that such action is necessary to avoid excessive discounts on federally insured and guaranteed mortgages, the Government National Mortgage Association may, for a period of six months after the enactment of this Act, issue commitments to purchase mortgages with original principal obligations not more than 50 per centum in excess of the limitations imposed by clause (3) of the proviso to the first sentence of section 302(b)(1) of the National Housing Act, and it may purchase the mortgages so committed to be purchased.

Sec. 2. (a) Section 404(g) of the National Housing Act is amended by striking out "1¾" and substituting in lieu thereof "1⅗".

(b) Section 702(c) of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102(c)) is amended by striking out "October 1, 1971" and inserting in lieu thereof "June 30, 1972".

Sec. 3. (a)(1) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(2) Section 1315 of such Act is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973."

(b) Section 1336(a) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(c) The provisions of section 1314(a)(2) of the Housing and Urban Development Act of 1968 shall not apply with respect to any loss, destruction, or damage of real or personal property that occurs on or before December 31, 1973.

(d)(1) Section 1305(a) of the Housing and Urban Development Act of 1968 is amended by striking out "and" after "families" and inserting in lieu thereof ", church properties, and".

(2) Section 1306(b)(1)(C) of such Act is amended by inserting "church properties, and" immediately before "any other properties which may become".

Sec. 4. Section 303(b) of the Small Business Investment Act of 1958 is amended—

(1) by inserting the following in lieu of the first sentence thereof: "To encourage the formation and growth of small business investment companies the Administration is authorized (but only to the extent that the necessary funds are not available to said company from private sources on reasonable terms) when authorized in appropriation Acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by such companies. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.";

(2) by inserting "or guaranteed" following "purchased" each time it appears in paragraphs (1) and (2) thereof and in the second sentence thereof;

(3) by inserting "or guarantees" following "purchases" in the last sentence of paragraph (2) thereof; and

(4) by inserting "or guarantee" following "purchase" in paragraph (3) thereof.

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House on Senate Joint Resolution 176 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Sparkman, Mr. Proxmire, Mr. Williams, Mr. McIntyre, Mr. Tower, Mr. Bennett, and Mr. Brooke conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 7, 1971, the President had approved and signed the act (S. 1810) for the relief of Dorothy G. McCarty.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT (H. DOC. 92-181)

The PRESIDING OFFICER (Mr. Chiles) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

I herewith transmit the 1970 Annual Report of the St. Lawrence Seaway Development Corporation. This report has been prepared in accordance with Section 10(a) of Public Law 83-358, as amended, and covers the period January 1, 1970 through December 31, 1970.

Richard Nixon.

The White House, *December 7, 1971*

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. Chiles) laid before the Senate a message from the President of the United States submitting the nomination of Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary to Trinidad and Tobago, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 18) to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, and Mr. BROOMFIELD were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. ROONEY of New York, Mr. BOLAND, Mr. NATCHER, Mr. FLOOD, Mr. STEED, Mr. SMITH of Iowa, Mrs. HANSEN of Washington, Mr. MCFALL, Mr. BOW, Mr. CEDERBERG, Mr. RHODES, Mr. MICHEL, Mr. SHRIVER, and Mr. MCDADE were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes;

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279-A, and for other purposes;

S. 1237. An act to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster;

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326-D, 326-E, 326-F, 326-G, 326-H, 366, and 367 before the Indian Claims Commission, and for other purposes;

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes; and

S.J. Res. 176. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes;

H.R. 8856. An act to authorize an additional Deputy Secretary of Defense, and for other purposes;

H.R. 9019. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22-A, and for other purposes;

H.R. 9526. An act to authorize certain naval vessel loans, and for other purposes;

H.R. 9886. An act to amend the Act of July 24, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Texas, for the use of water supply storage in the Benbrook Reservoir;

H.R. 10384. An act to release certain restrictions on the acquisition of lands for recreational development and for the protection of natural resources at fish and wildlife areas administered by the Secretary of the Interior;

H.R. 10702. An act to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community;

H.R. 11570. An act to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for one year;

H.R. 11738. An act to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes; and

H.R. 11809. An act to provide that for purposes of Public Law 874, Eighty-first Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the United States Postal Service shall continue to be treated as Federal property for two years.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes;

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes; and

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year".

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes; to the Committee on Government Operations.

H.R. 8856. An act to authorize an additional Deputy Secretary of Defense, and for other purposes;

H.R. 9526. An act to authorize certain naval vessel loans, and for other purposes; and

H.R. 11738. An act to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes; to the Committee on Armed Services.

H.R. 9019. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22-A, and for other purposes; and

H.R. 10702. An act to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community; to the Committee on Interior and Insular Affairs.

H.R. 9886. An act to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservoir; to the Committee on Public Works.

H.R. 10384. An act to release certain restrictions on the acquisition of lands for recreational development and for the protection of natural resources at fish and wildlife areas administered by the Secretary of the Interior; to the Committee on Commerce.

H.R. 11570. An act to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for one year; and

H.R. 11809. An act to provide that for purposes of Public Law 874, Eighty-first Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the United States Postal Service shall continue to be treated as Federal property for 2 years; to the Committee on Labor and Public Welfare.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to executive session.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate resumed the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. TUNNEY. Mr. President, I am here today to exercise a responsibility which I consider to be the most important a Senator has before him—the advice and consent to a nomination to the Supreme Court.

In the 11 months since I became a Senator, I have already had this opportunity once. That was yesterday, when I joined 88 other Senators in approving the nomination of Lewis F. Powell.

The full burden of this constitutionally imposed responsibility did not fall upon me with respect to the nomination of Mr. Powell, because, after examining his record, I found him to be a man of outstanding caliber, worthy of the position to which he has been summoned. There was no question, on those facts, of withholding my consent to his nomination. Unfortunately, the nomination of Mr. Rehnquist is another matter entirely.

First, I believe it important to meet a number of general issues which have been part of this controversy as they were of past confirmation debates. I do feel that great weight must be given to the initial choice of a President in evaluating a nominee to the Court, and I would vote against a nominee only reluctantly. Also, I quite agree that it is unhelpful to attempt to predict how a given nominee would vote on a particular case. Moreover, although the Senate has frequently engaged in the baldest inquiries into the political views of nominees, I believe this kind of review does not well serve the interest of keeping the Court insulated from the ordinary run of politics. Finally, because of the responsibility we must exercise in nominations, I believe it particularly important to act cautiously after full deliberation.

A STANDARD OF REVIEW

Having said all this, I believe equally strongly that there is a fundamental standard against which a Senator must measure a nominee. Mr. Justice Felix Frankfurter, himself a renowned judicial conservative, stated it most eloquently:

> In good truth, the Supreme Court is the Constitution. Therefore, the most relevant things about an appointee are his breadth of vision, his imagination, his capacity for disinterested judgment, his power to discover and suppress his prejudices.

I think that standard is particularly meaningful for our task today. It reaches far beyond any issue of judicial conservatism or liberalism. It is a standard which speaks of our deepest hopes for equal justice under law, for a government which might be one of laws and not of men. We have gone to great lengths to make that vision a reality: we share a written Constitution; we have sought to disperse economic and political power wherever possible; we are skeptical of uncontrolled administrative discretion. Rightfully, we love law and justice, and honor our judges. I believe we accept, whatever our hopes, that any government of laws must also be a government of men. We must therefore at our peril seek out, above all for our courts, fair-minded men and women of imagination and disinterested judgment. That is why the standard expressed by Mr. Justice Frankfurter expresses those values which I believe we must demand of any Justice on the highest court, regardless of region, political views, or judicial philosophy.

Mr. BAYH. Mr. President, will the Senator from California yield?

Mr. TUNNEY. I yield.

Mr. BAYH. I should like to ask the Senator if he would care to, in the words of one of our leading public officials, make one thing perfectly clear, and that is the last point the Senator from California mentioned relative to the judgment of the minority in the Judiciary Committee Report; namely, was it the judgment of the four minority members of the Judiciary Committee that we would oppose Mr. Rehnquist because he did not agree with us in all things or we had a broader objection.

The suggestion was made by our distinguished colleague from Nebraska yesterday that we were unwilling to endorse anyone unless the prospective nominee would approve of everything that this small group of liberals thought was important. I should like for the Senator from California, if he would, for those who read the Record, to give us the benefit of his thinking on whether that was the judgment we made, or whether our objection was for a more basic reason.

Mr. TUNNEY. Mr. President, it is quite clear that the minority views express the point that Mr. Rehnquist was not being evaluated on the basis of narrow political views but was being judged on the basis of his overall judicial philosophy—the breadth of his vision, of his imagination, the way he reacted to the most fundamental of our liberties—and that is the Bill of Rights—in his opinions as a member of the Department of Justice. We were evaluating also the way he felt about racial equality, the fact that Mr. Rehnquist has not demonstrated an understanding of the fundamental concepts so basic to a democratic society, that if a person does not have equality of opportunity he is in fact being denied the same democratic rights that the majority of citizens in our society enjoy.

I think that in the era in which we live, with changes taking place so quickly, with communications being so rapid, it is an absolute necessity that we have a man sitting on the Supreme Court who understands and reveres the most basic of our democratic tenets and principles. Among those basic principles is the equality of opportunity for every individual in our society and the extreme importance of the Bill of Rights for the defense of individual liberty against the interests of governmental control.

Quite clearly, from the discussions that took place in the Committee on the Judiciary, and from the dissenting views that were expressed by four members of the committee, we were not basing our decision on narrow partisan grounds, but on a broader vision of what the Court represents to all Americans; namely, an interpreter of the Constitution in the face of all of the conflicting values and interests which must be weighed.

Each man sitting on that Court, it seems to me, has got to have deep in his very being a true sense of the history of this country, where we have come from, whence we have sprung, and where we are going.

I do not feel that Mr. William Rehnquist, a man of great intelligence, a man of high personal ethics, has the sensitivity toward the needs of our society and its disparate elements which is required to enable him to sit in judgment on these broad constitutional principles.

Mr. BAYH. I appreciate the response of the Senator from California. What he says certainly reflects the feeling and opinion, and certainly the ideas, in the mind of the junior Senator from Indiana, as we discussed them in committee and afterward in the compilation of the minority views. Also, we certainly tried to explain the nominee's views which disturbed us. I think that the Senator from California has captured the feeling very well and I appreciate it.

Mr. TUNNEY. I thank the Senator from Indiana. As I progress in my remarks, I will be more specific as to why I feel that Mr. Rehnquist lacks the necessary qualifications to sit on the Supreme Court.

Mr. President, acting in its own coordinate role of reviewing nominees to the Supreme Court, the Senate, time and again, has exercised its responsibility to inquire both into a nominee's integrity and competence, and also into his attitude toward the fundamental values of our constitutional system.

Demonstrative are the remarks of former Senator Connally on the nomination of Charles Evans Hughes to be the Chief Justice of the United States:

> I have no quarrel with Judge Hughes as to personal character. I grant that he is a man of personal character. I grant that he is a man of personal integrity. I take no issue with the Senator from Illinois (Mr. Glenn) as to Justice Hughes' great ability as an advocate of the bar, but, Mr. President, a man who is personally honest, yet who has driven by an honest conviction to certain economic views, is a much more dangerous Judge and a much more dangerous man in this or any chamber than the weak or vacillating public servant.[1]

Former Senator Dill made a similar judgment:

> Mr. Hughes is a man of quality, a man of great ability. He honestly believes in the doctrine of property rights as superior to human rights under the law he has so ably advocated. That makes him all the more effective and from my viewpoint all the more objectionable.[2]

No one has ever doubted that a President as a matter of course takes into account a prospective nominee's attitude toward the issues of the day, including questions which have come or may come before the Supreme Court in deciding whether to lay his name before the Senate. Reason and logic, as well as the text of the Constitution, suggest no less breadth in passing on the nominee.

The relevance of a nominee's judicial philosophy becomes even more clearly spotlighted, however, when the President explicitly says that a nominee's philosophy is one of the factors in his having been chosen.

It is fair to say that no President has been more explicit than the present one in unfolding a plan for reshaping the Supreme Court by naming to that bench only men of a particular judicial philosophy. In announcing his two current nominations on October 21, the President recalled his campaign pledge:

> To nominate to the Supreme Court individuals who share my judicial philosophy, which is basically a conservative philosophy.

Hence the President singled out two criteria which guided his selections: excellence as a lawyer, and judicial philosophy.

The President has simply made plain what has been implicit all along in the process of making nominations to the Supreme Court—the consideration of a nominee's attitude toward the fundamental values of our constitutional system. Equally implicit is the Senate's duty. If the Senate is to "advise" as well as to "consent", then it is inconceivable that the Senators would deliberately bar themselves from considering the varied kinds of factors which the President invariably considers in choosing the nominee in the first place.

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[1] 72 Cong. Rec. 3574 (Feb. 12, 1930).

[2] *Ibid.*

It is in the nature of the judicial process that those who nominate, and those who confirm or reject, a Justice of the Supreme Court must be concerned about the attitudes and values which the nominee may bring to bear on the decision of cases. Constitutions are not written with the specificity which one finds in a will or a contract. In particular, the great clauses of the Constitution, those in which the rights and liberties of the citizen are most bound up, are commonly clauses of notable generality. Phrases like "due process of law" or "equal protection of the law" invite—even demand—value judgments on the part of a judge. There is no litmus paper test to tell when a man has been denied due process of law. A judge must draw on history, on precedent, on experience, on the sum total of his own insights into the relation between state and individual.

No one could trace the evolution of the great clauses of the Constitution without being struck by the extent to which the judges of any generation are likely to read into that clause their understanding of how society will be best served by the interpretation that they are making.

How else can one account for the many and shifting uses to which the due process clause has been put, for example, the rise and decline of "substantive due process" in reviewing state economic and social legislation, or the more recent use of 14th amendment due process to "incorporate" and apply to the State various guarantees of the Bill of Rights?

Or how can one otherwise account for the many uses of the equal protection clause, ranging from its traditional application to bar racial injustice, to its use to implement other, emerging concerns, such as the dilution of the vote in legislative apportionment or the disabilities which indigency may place upon the accused in a criminal case.

Not only the language of the Constitution, but also the functioning of the Supreme Court as an institution, underscores the extent to which judges must make value judgments. Justice Jackson described how the Court is obliged to reconcile competing forces in our society:

> The Constitution, in making the balance between different parts of our government, a legal rather than a political question, casts the Court as the most philosophical of our political departments. It keeps the most fundamental equilibriums of our society such as that between liberty and authority, and between stability and progress. These issues underline nearly every movement in organized society.[3]

Justice Frankfurter emphasized the extent to which, as he saw it, a judge in interpreting the Constitution is necessarily thrown back upon his own set of values. The words of the Constitution, he wrote, are

> So unrestricted by their intrinsic meaning or by their history or by tradition or by prior decisions that they leave the individual Justice free, if indeed they do not compel him, to gather meaning not from reading the Constitution but from reading life . . . . [M]embers of the Court are frequently admonished by their associates not to read their social and economic views into the neutral language of the Constitution. But the process of Constitutional interpretation compels the translation of policy into judgment.[4]

Strive as one will for the idealized notion that a judge should decide cases without reference to his own social or economic philosophy, it is hard to escape the implications of Jerome Frank's comment:

> When I woke up one morning a Federal Court Judge, I found myself about the same person who had gone to bed the night before an S.E.C. Commissioner.[5]

One of the great students of the judicial process, Benjamin Cardozo, himself later to sit on the Supreme Court, thought to puncture the myth that somehow when a man becomes a judge he is unaffected by the events which shape the thinking of other men:

> Deep below consciousness are other forces, the likes and the dislikes, the predilections and the prejudices, the complex of instincts and emotions and habits and convictions, which make the man, whether he be litigate or judge. . . . [I]f there is anything of reality in my analysis of the judicial process, they [judges] do not stand aloof on these chill and distant heights; and we shall not help the cause of truth by acting and speaking as if they do. The great tides and currents which engulf the rest of men do not turn aside in their course and pass the judges by.[6]

In short a man takes what he is and what he believes, to the Supreme Court. It is our duty to approve or disapprove him on that basis as I believe is made clear in the standard described by Mr. Justice Frankfurter.

B. MR. WILLIAM REHNQUIST

Mr. President, I come then to the present context—the nomination of William Rehnquist. Both of us are relatively young men. Both of us may live to see the end of this century and the beginning of the next millennium. As pointed out by the Senator from Indiana in another Supreme Court confirmation debate, Mr. Rehnquist may be serving on the Supreme Court in the year 2000.

Between now and then, there will be many profound political, social, and economic changes in this country. As a Justice of the Supreme Court, Mr. Rehnquist will be required to pass judgment on the constitutionality of much of that change as it relates to maintaining an equilibrium between freedom and order, equality and efficiency, justice and security.

And for that reason, in his testimony, in his speeches, in his writings, and in personal conversations with him, I have sought to measure, as Justice Frankfurter suggested, his breadth of vision, his imagination, and his capacity to put aside his prejudices.

William Rehnquist's record presents no threshold problem of personal integrity or intellectual ability. It is clear he is a man of superior intellect and great personal integrity. But it raises serious questions about all of those factors I have just listed.

Much of the basis for those questions can be found in the memorandum which three of my fellow members of the Judiciary Committee and I filed with our individual views. Contained in it is the substance of many of my objections to Mr. Rehnquist.

They can be summed up in this way: I believe that William Rehnquist places a very low value upon fundamental principles of equality and individual liberties, a value far lower than that which they are accorded by the Constitution and the Bill of Rights. I am particularly concerned with his willingness to discount or disregard the fundamental nature of basic human rights.

Mr. Rehnquist testified to the Judiciary Committee that he would put aside personal value judgments. Yet the comments of Justices Frankfurter, Jackson, and Cardozo, cited earlier, make clear that the very essence of a justice is his ability to make exceedingly difficult value judgments. And the record before us indicates that Mr. Rehnquist brings an exceedingly limited breadth of vision to those value judgments.

1. CIVIL LIBERTIES

In each instance when he has confronted a judgment involving competing interests of governmental power and individual liberty, he has demonstrated an uncritical willingness to place an overriding value on governmental control. On governmental surveillance, wiretapping, inherent executive power, rights of the accused, dissent by public employees, and many other instances which involve a balancing of governmental and private interests—the record is equally disturbing.

His justification of a vast expansion of the Subversive Activities Control Board, his defense of unrestricted governmental surveillance, his rationale for preventive detention—all demonstrate to me that he is quite the reverse of a "strict constructionist." Instead he is willing to read into the powers of the executive branch an unrestricted latitude which threatens the very basis of individual freedoms.

He reads the Bill of Rights, and decisions upholding them against competing interests, as narrowly as possible, with only a passing reference to their underlying concerns. At the same time, he reads provisions and precedents conferring executive power expansively to justify the most intrusive kinds of official interference with those rights.

An example is his analysis of the conflicting interests regarding Government surveillance. On the one hand, he rejects the notion of judicial control over surveillance on the ground that the very process of litigation will impede the investigative activities of the Executive and will—in Learned Hand's borrowed phrase "dampen the ardor of all but the most resolute" public officials. He does not explore the extent of the impediment, or consider available devices—such as ex parte or in camera judicial proceedings—which would minimize it.

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[3] Robert H. Jackson, *The Struggle for Judicial Supremacy* (New York, 1941), pp. 312–13.

[4] "The Supreme Court," 3 *Parliamentary Affairs* (1949), p. 68.

[5] Quoted in Alpheus T. Mason, *The Supreme Court from Taft to Warren* (New York 1964), p. 192.

[6] *The Nature of the Judicial Process* (New Haven, 1921), pp. 167–68.

On the other hand, he denies that surveillance raises first amendment questions, rejecting the argument that it may "dampen the ardor" of political dissenters. In sum, the acknowledged possibility of abuse of surveillance does not call for judicial controls; but the possibility of abuse of judicial process calls for executive immunity from judicial controls. The Government's investigative interests must be protected from the "chilling effect" of litigation; but the first amendment interests of political dissenters need no protection from the "chilling effect" of the investigation.

Obviously, such conceptions as "possibility of abuse" and "chilling effect" have differing application to the facts and values on the two sides of the surveillance controversy; and, carefully analyzed, they may cut more heavily on one side than the other. But anyone who seeks fairly to resolve the controversy must fairly examine the applicability of these conceptions to the contentions on both sides, not just one. To be concerned with degrees of impairment of investigation that result incidentally from judicial supervision, but unconcerned with degrees of impairment of political expression that result incidentally from surveillance, bespeaks sensitivity to law enforcement values but none to the values of free speech.

2. CIVIL RIGHTS

In the area of civil rights, Mr. Rehnquist's record is especially disturbing, because of the substantial role played by the judicial branch in assuring equality of opportunity to all our citizens.

In recent days with public attention on his arguments as a Supreme Court clerk, against overturning the now infamous "separate but equal" decision, *Plessy* v. *Ferguson* (163 U.S. 537 (1896)), that record has become even more disturbing.

Of the three branches of the Federal Government, it was the judiciary which took the initiative in recognizing the moral and constitutional imperative of the civil rights movement in America. Nearly a century of inactivity followed the freeing of the slaves and the passage of the Reconstruction amendments to the Constitution. The high water marks of Reconstruction efforts to broaden civil rights and racial equality were Supreme Court decisions: The decision in the civil rights cases, overturning a public accommodations discrimination law was confirmed by the "separate but equal" decision of the Supreme Court in Plessy against Ferguson. Both these Supreme Court decisions stand at the beginning of decades of inactivity which ended only with another Supreme Court decision—*Brown* v. *Board of Education* in 1954 (347 U.S. 483). Only after Brown did the flood of civil rights legislation and other reforms begin.

Especially in the field of civil rights, therefore, the rule of law has depended on the actions of judges. The black man in America has pinned his hopes on that rule of law, and black leadership has repeatedly looked to the courts to redress grievances. As Mr. Justice Black put it so well in a 1940 opinion:

> Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement.[7]

It is pointedly unfair, and in the long run futile, to ask a member of a minority group to have respect for law unless in return he has some reasonable assurance that he will share fully in the protections and promises that the Constitution holds out to him. If he loses faith in the constitutional system, the result is frustration, alienation, and eventually civil disorder or worse.

The powerless, the disadvantaged, the unpopular must not be without hope of redress. Even if the winds of political fortune from time to time foreclose legislative and executive channels, such people must be able to look to the courts. Recognizing the intimate relation between litigation and progress of civil rights in a 1963 opinion, the Supreme Court said that while litigation is not always a technique to resolve private differences; it can be—

> A means for achieving the lawful objectives of equality of treatment by all government, federal, state, and local, for members of the Negro community in this country. It is thus a form of political expression. Groups which find themselves unable to achieve their objectives through the ballot frequently turn to the courts. Just as it was true of the opponents of the New Deal legislation during the 1930's, for example, no less is it true of the Negro minority today. And under the conditions of modern government, litigation may well be the sole practicable avenue open to a minority to petition for redress of grievances.[8]

It is one thing for a court to take a "hands off" attitude when all that is at stake is a statute regulating the economy. Those who have money, power, or influence rarely find the courts to be their only hope. It is quite another thing to adopt a laissez-faire attitude to the rights of racial or other minorities.

Insuring that the American system is able to respond to the legitimate expectations of its diverse minorities is one of the compelling imperatives of our time. It is an imperative which will go unfulfilled if those on the Supreme Court are hostile, insensitive, or indifferent to the needs and aspirations of blacks and Chicanos and others who have so far not shared completely in the fruits of American democracy.

The legitimate aspirations of a minority group depend for their ultimate vindication on an open society: an unfettered franchise, freedom to express opinions no matter how obnoxious to the majority, a wide scope for State and Federal reform legislation—for example, congressional power under section 5 of the 14th amendment—and accessible justice in the courts. It is in just such areas as these that rulings of the Supreme Court in the past two decades have had the most impact. It is imperative that the Court continue to share with the Congress this trusteeship.

I have measured the record of William Rehnquist on civil rights against this imperative and find it inadequate.

In accepting the Republican nomination for President in 1968, President Nixon said the following:

> Let those who have the responsibility for enforcing our laws and our judges who have the responsibility to interpret them be dedicated to the great principles of civil rights.

Yet Mr. Rehnquist displays, instead, a consistent hostility toward efforts to bring to all our citizens the full measure of their rights regardless of race or color or creed. His record is one of opposition to even modest efforts toward racial equality. The 1964 Phoenix public accommodations ordinance, the 1966 Model State Antidiscrimination Act, the 1967 letter to the editor of the Arizona Republic, and more fundamentally, his memorandum to Justice Jackson against the now infamous overturning Plessy against Ferguson, "separate but equal" decision of the Supreme Court—all demonstrate that he is a man who shrinks from dedication to those "great principles of civil rights" of which the President spoke.

All of these points are considered in great detail in our joint memorandum contained in the Judiciary Committee report with the exception of his memorandum to Justice Jackson, and I commend it to the Senate.

I believe, however, that the memorandum to Justice Jackson is highly significant, because it provides a strong indication of the manner in which Mr. Rehnquist approaches the proposition that all men are entitled to equality of opportunity regardless of race or color. And combined with his letter to the editor of the Washington Post regarding Judge Carswell in 1970, it demonstrates quite clearly that then and now, William Rehnquist believes that "constitutional conservatism" dictates resistance to "further expansion of constitutional recognition of civil rights."

In 1952, as the Supreme Court approached its unanimous decision in Brown against Board of Education in 1954 holding that racially segregated public facilities were inherently unequal, William Rehnquist said the following in his memorandum to Justice Jackson:

> Regardless of the Justice's individual views on the merits of segregation, it quite clearly is not one of these extreme cases which commands intervention from one of any conviction.

In 1970, in the face of demonstrated hostility to racial justice on the part of Judge Carswell, William Rehnquist wrote to the Washington Post as follows:

> Thus the extent to which his judicial decisions in civil rights cases fail to measure up to the standards of The Post are traceable to an over-all constitutional conservatism, rather than to any animus directed only at civil rights cases or civil rights litigants.

To my mind there is no clearer evidence that William Rehnquist at every point in time continues to regard affirmative commitment to principles of racial justice and judicial conservatism as mutually exclusive. He did so in 1952, he did so in 1970, and I believe he does so now.

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[7] *Chambers* v. *Florida*, 309 U.S. 227, 241 (1940).

[8] *NAACP* v. *Button*, 371 U.S. 415, 429–30 (1963).

I believe that one point ought to be made very clear, and that is that it is possible to oppose such things as violent and disorderly demonstrations and still believe very deeply in the Bill or Rights, in the rights of assembly and free speech. I happen to oppose disorderly demonstrations and violence and the individual who decides to take the law into his own hands. Yet I believe equally passionately that the Bill of Rights must be protected in a mechanistic age in which men sense that their Government has no relevance to them.

What we are demanding of this nominee, as we did of Mr. Powell and other nominees before him, is that he give full consideration to all of the conflicting values and interests of society before making a judgment. One need not be a knee-jerk liberal to be concerned with a record such as that before us today. Concern for an ordered society, for the security of our governmental system, for protection against crime and lawlessness does not and cannot exclude an equal concern for the protection of individual liberties.

If there ever does come a time when concern for individual rights and concern for law and order with justice become mutually exclusive, I fear for our society.

Thus, I reject utterly and completely the notion that opposition to this nomination is based upon any kind of political litmus test between the parties, Republican and Democratic, in this country. I think that it is very clear that Mr. Powell has demonstrated in his record that he has the sensitivity to the Bill of Rights, that he has an understanding of the individual's value in an ordered society. I also believe it is clear that Mr. Rehnquist has not demonstrated such an understanding.

I, for one, reject wholly the thought that because in the Constitution life, liberty, and property are mentioned together, and that because the Federal Government, in recent years, has exercised ever-greater control over property rights, correspondingly the Government should have the right to control ever more completely the freedom of the individual. I believe that one of the things most dangerous about the present age and most dangerous to our democratic way of life is the fact that our political institutions are becoming free-floating aggregates of power, not anchored into the conscience of the individual citizen. I believe that the average citizen feels increasingly that his life has no universal moral significance.

It is ironic that a person such as myself, who has what could be called by some a liberal voting record, should be arguing what has traditionally been in this country a conservative viewpoint; namely, that the right of the individual is superior to the right of a government to exercise more than necessary control.

I do not feel that the Government has the right to exercise casual control over the individual. I feel that the Government obviously has the right to maintain order, and obviously the Government has the right to incarcerate those who break the law, and to punish those who show such contempt of their fellow citizens that they are willing to violate their rights. But everything is a balance. I, for one, am not predisposed to favor justices on the Supreme Court of the United States who feel that the Federal Government has an unlimited right to maintain order in the society, even where the most basic rights of the individual are held in jeopardy.

I never want to see the United States of America become a political community such as exists in the Soviet Union. I do not want to see truth based upon an opinion of the leader of the society as to what truth should be. I disagree with the basic philosophy of Jean-Jacques Rousseau that the general will as interpreted by the leader of the society is determinative of what the individual has the right to think and do.

In that kind of a political community, what really counts is who is the leader, and what are his personal political predilections. The rights of the minority are meaningless, because in the total political community, the general will as expressed by the leader is morally right, and those who disagree are apostates, under conditions such as those that prevailed during the Inquisition, and can be disposed of, and those who do the disposing are morally justified in so doing.

I do not want to see that type of society develop in the United States. But I think we have to recognize that in recent years we have moved far down the line. I think that when we see, as we did in recent history, men called figurative traitors, because they disagreed with a President's foreign policy in Southeast Asia, or when we move a little bit farther back in history and recall the era of Joe McCarthy, we begin to realize that increasingly we are moving toward a political community where the individual's worth to the society is determined by the political philosophy of those in power.

I feel, in that sense, that Mr. Rehnquist's philosophy as it relates to the exercise of government power is quite radical, and it seems to me that my own predisposition is conservative, if conservative means recognizing the importance and the value of individual rights and judgments.

It is my very sincere hope that the nomination of Mr. Rehnquist will not be confirmed by the Senate. He certainly is not a bad man. He certainly is not a man who is going to espouse principles which would incite revolution. But to my mind, he believes and articulates a sense of values which, if it were realized in this country, would mean a sharp departure from what we have known in the past. Considering the judicial system that we have in this country and considering the long tradition in Anglo-Saxon common law of innocence until proved guilty, I cannot imagine why a man as knowledgeable of the law as William Rehnquist would advocate, and be an architect of preventive detention. If you think about it for a moment, preventive detention turns the burden of proof upside down, it forces the defendant to prove his innocence, because he is jailed until trial. The only factual question that has to be determined by a judge before jailing is whether the defendant has had a certain number of convictions in the past. I would agree that if one were going to use the odds of a gambler, a long criminal record may make it more likely that a person arrested for another similar crime may be guilty of that crime—more likely at least than a person who has never been arrested before. But still it represents a very significant departure from the fundamental concept that a man is innocent until proven guilty, and that when a man is arrested and jailed prior to trial, he will have the right of bail.

Mr. Rehnquist apparently feels that preventive detention is a satisfactory means of keeping a man off the streets until trial. I wish that in analyzing the competing interests on that issue, Mr. Rehnquist had shown a corresponding willingness to analyze the effect of other, less restrictive alternatives—alternatives such as swifter trials, more judges and streamlined procedures, so that justice could be expedited—expedited in a way that is consistent with the Constitution which every American citizen treasures. That, I believe, is the essence of the value judgments which a Justice must make, and it illustrates the narrowness of his vision and imagination. I recognize that he is a man who is a consummate technician, but I feel that where he fails is that he does not have that breadth of spirit which encompasses the very essence of our democratic way of life. Although I feel that Mr. Rehnquist is perfectly entitled to have his point of view—and I would defend his right to express that viewpoint—that does not mean that I feel that he should be sitting on the Supreme Court of the United States, one of nine Justices, making decisions which are dramatically going to affect the rights of 200 million other citizens.

Mr. President, I should like to read into the RECORD at this time the memorandum that Mr. Rehnquist drafted for Justice Jackson in 1952 in which he analyzed the conflicting values which confronted the Court as it approached a decision on a half century of racial segregation.

I believe it illustrates and confirms the fact that, in the mind of William Rehnquist, judicial conservatism operates in opposition to the dedication to civil rights of which President Nixon spoke in his nominating speech.

A RANDOM THOUGHT ON THE SEGREGATION CASES

One-hundred fifty years ago this Court held that it was the ultimate judge of the restrictions which the Constitution imposed on the various branches of the national and state government. *Marbury* v. *Madison*. This was presumably on the basis that there are standards to be applied other than the personal predilections of the Justices.

As applied to questions of inter-state or state-federal relations, as well as to inter-departmental disputes within the federal government, this doctrine of judicial review has worked well. Where theoretically co-ordinate bodies of government are disputing, the Court is well suited to its role as arbiter. This is because these problems involve much less emotionally charged subject matter than do those discussed below. In effect, they determine the skeletal relations of the government to each other without influencing the substantive business of those governments.

> As applied to relations between the individual and the state, the system has worked much less well. The Constitution, of course, deals with individual rights, particularly in the First Ten and the Fourteenth Amendments. But as I read the history of this Court, it has seldom been out of hot water when attempting to interpret these individual rights. *Fletcher* v. *Peck*, in 1810, represented an attempt by Chief Justice Marshall to extend the protection of the contract clause to infant business. *Scott* v. *Sanford* was the result of Taney's effort to protect slaveholders from legislative interference.
>
> After the Civil War, business interest came to dominate the Court, and they in turn ventured into the deep water of protecting certain types of individuals against legislative interference. Championed first by Field, then by Peckman and Brewer, the high water mark of the trend in protecting corporations against legislative influence was probably *Lochner* v. *NY*. To the majority opinion in that case, Holmes replied that the Fourteenth Amendment did not enact Herbert Spencer's Social Statics. Other cases coming later in a similar vein were *Adkins* v. *Children's Hospital, Hammer* v. *Dagenhart, Tyson* v. *Banton, Ribnik* v. *McBride*. But eventually the Court called a halt to this reading of its own economic views into the Constitution. Apparently it recognized that where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases.
>
> In these cases now before the Court, the Court is, as Davis suggested, being asked to read its own sociological views into the Constitution. Urging a view palpably at variance with precedent and probably with legislative history, appellants seek to convince the Court of the moral wrongness of the treatment they are receiving. I would suggest that this is a question the Court need never reach; *for regardless of the Justice's* individual views on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction.

I should like to interpose here: If segregation is not one of those extreme cases which commands intervention by the Supreme Court, what in the world would be one of those extreme cases?

To go on with the memorandum:

> If this Court, because its members individually are "liberal" and dislike segregation, now chooses to strike it down, it differs from the McReynolds court only in the kinds of litigants it favors and the kinds of special claims it protects. To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction.

To interpolate again, apparently, if we follow this logic to its ultimate conclusion, we could have debtors prisons in this country. If property rights are always the equal of human rights, the Government could constitutionally establish such debtor prisons.

The Bill of Rights and the 14th amendment, if they stand for anything at all, stand for the proposition that there are occasions when rights fundamental to personal dignity do outweigh rights to property.

To go on with the memorandum:

> To the argument made by Thurgood, not John Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are. One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.
>
> I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

Mr. President, I submit that the memo speaks for itself. It reveals a man who believes that judicial conservation can and should prevent a justice from undoing a half century of racial injustice and indignity. And taken together with Mr. Rehnquist's 1970 letter to the Washington Post in support of Judge Carswell it demonstrates that William Rehnquist believes that judicial conservation does, indeed, compel opposition to affirmative action against racial injustice.

When we couple his insensitivity in civil rights with his insensitivity to civil liberties, I believe his record shows that he is prepared to discount and disregard fundamental values which we as a Nation cannot discount and disregard.

Democracy is a very delicate balance between order on the one hand and liberty on the other. We can and we must demand that our judges be concerned to the utmost with the maintenance of that delicate balance. And thus I must oppose the nomination of William Rehnquist.

Mr. President, I yield to the Senator from Massachusetts.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for a unanimous consent request?

Mr. BROOKE. I yield.

UNANIMOUS-CONSENT AGREEMENT ON S. 2676

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of any special orders for any Senators tomorrow, there be a period of not to exceed one-half hour set aside for the consideration of calendar No. 537, S. 2676, a bill to provide for the prevention of sickle cell anemia; and that the time be equally divided between the majority and the minority leaders or whomever they may designate.

The PRESIDING OFFICER (Mr. HANSEN). Does the Senator wish to waive rule XII?

Mr. MANSFIELD. Yes, indeed. I thank the Chair for reminding me.

Mr. FANNIN. Mr. President, what is the time limitation?

Mr. MANSFIELD. The time limitation is not to exceed one-half hour, the time to be equally divided between the two leaders or whoever they may designate. It is my further understanding that the yeas and nays have been ordered on the measure.

The PRESIDING OFFICER. The Senator is correct. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 7, 1971, he presented to the President of the United States the following enrolled bills:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands; and

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. BROOKE. Mr. President, inscribed on the portico of the Supreme Court are four words: "Equal Justice Under Law." In all likelihood, few Americans have ever noticed this inscription. But through the centuries, millions of Americans have relied on the Court to follow this dictum. And in the past two decades, a disillusioned minority of Americans have become increasingly reliant on this, the Nation's highest tribunal, to accord them the rights they have for so long been denied. The Court has responded to their aspirations for justice and sustained their faith that our Nation remains intent on realizing the noble and necessary goal of equality for all its citizens.

The confidence of the people in the Supreme Court must ever be renewed and never be diminished. This confidence is derived from the actions, opinions and bearings of nine inindividuals. We in the Senate are charged with sustaining this confidence by properly advising and consenting on the President's judicial nominations. We must insure that only the best men and women serve on the Supreme Court of the United States. And there must be no doubt in any American's mind that the U.S. Senate will accept anything less than the best on the Court.

Our quest for the best justices must be considered with a special set of circumstances in mind: The time limits which apply to most other Presidential appointments do not pertain to Supreme

Court Justices. A justice once nominated and confirmed in the last third of the 20th century could well serve into the 21st century and shape the destiny not only of our children but of our children's children and, indeed, their children.

In this context, I am reminded of Justice Felix Frankfurter's observation after many years of service on the Court:

> The meaning of "due process" and the content of terms like "liberty" are not revealed by the Constitution. It is the Justices who make the meaning. They read into the neutral language of the Constitution their own economic and social views. Let us face the fact that five justices of the Supreme Court are the molders of policy rather than the impersonal vehicle of revealed truth.

Five Justices, a majority of the Court, are indeed the "molders of policy." The law is not eternal, immutable; it changes as it is perceived by men. And it is our duty, the Senate's duty, no less than the President's, to insure for the people of the United States that the law is perceived by wise and fair men and women. In carrying out our duty we must measure the men and women nominated by the President against the highest possible standards. I have done so to the fullest extent possible.

During the 35 months of his incumbency, President Nixon has had an opportunity with few precedents. He has had the opportunity to fill four vacancies on the Supreme Court. In so doing, he has nominated six men—one to be Chief Justice and five to be Associate Justices of the Court. I supported the nominations of Warren E. Burger to be Chief Justice and Harry A. Blackmun to be an Associate Justice. At the time of their confirmations I believed each would sustain the people's confidence in the Court. Their records to date have substantiated my belief.

At the same time, I felt compelled to vote against two Presidential nominees to the Supreme Court: Justices Clement Haynsworth and G. Harrold Carswell.

Both of these men should be spared as far as possible a review of the circumstances that led to the rejection of their nominations.

I intend to discuss their confirmation proceedings only to the extent that it is necessary to delineate my criteria for supporting the confirmation of a nominee to the Supreme Court.

In 1948, Mr. Carswell had advocated a doctrine of racial superiority. As repugnant as this concept is to me, I would not have voted to reject him on the basis of the 1948 speech if anywhere in the 22 years which followed there was convincing evidence that he had changed his views. In my search for such evidence, I was mindful of the presence on the Court of Justice Hugo Black, who had taken the oath of a Klansman early in his political career, but who before and during his service on the Court became one of the greatest defenders of personal liberties in American history. Judge Carswell's personal and professional record gave no evidence of a similar ability to grow and change.

In fact there was clear evidence that his views of 1948 were his views in 1970. My search was for more than evidence. I searched for a measure of the man and found he did not measure up to the standard the Senate must set if public confidence in the Court is to be sustained.

I asked: "What kind of man is he?" That is a difficult question. The answers are not readily found. But the question is valid and the answers essential as a Senator weighs his decision and votes on a Supreme Court nomination. It is imperative that we measure the total man.

In this regard, I repeat today what I said on March 19, 1970, during the debate on the Carswell nomination:

> In short I say our responsibility goes far deeper. We are concerned not only with the integrity and honesty of the nominee, but also with the competence, ability and qualifications above and beyond the man's moral fitness to sit on the highest bench of the land.

These qualifications can be discerned in the human qualities of a nominee which are pertinent to confirmation because, in Frankfurter's words, a Justice is more than "the impersonal vehicle of revealed truth."

Judge Learned Hand once discussed the appropriate qualifications of great jurists. He said in part:

> They must be aware that there are before them more than verbal problems; more than final solutions cast in generalizations of universal applicability. They must be aware of the changing social tensions in every society which make it an organism; which demand new schemata of adaption; which will disrupt it if rigidly confined.

In assessing past nominees to the Supreme Court, I have sought in measuring the "total man" to judge the candidate's awareness of and sensitivity to "changing social tensions."

In this regard, it is, and must be, appropriate that we consider a nominee's actions and attitudes with respect to civil rights. I believe that a nominee's affirmation of the progress we have made in assuring equal treatment and opportunities for all Americans is a prerequisite for confirmation. I have applied this yardstick in the past; I have used it in respect to the nomination now before us and I shall hold true to it as long as I am a Member of the U.S. Senate.

For I believe that the Nation's highest tribunal has renewed the promise of liberty and equality, and that it can never renege on this sacred promise.

Mr. President, during the proceedings on past Supreme Court nominees, I have said I could vote to confirm a conservative, a southerner, and a strict constructionist. I voted with confidence to confirm the nominatin of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court.

But I regret that on the basis of his record I do not have that confidence in William H. Rehnquist and I am compelled to vote against his confirmation.

Since I announced my decision last Thursday to oppose Mr. Rehnquist's nomination, additional information as to Mr. Rehnquist's disposition to human rights has surfaced.

In its December 13 issue, Newsweek reported that while a clerk to Justice Robert Jackson in 1952, the nominee wrote a memorandum declaring that the "separate but equal" doctrine laid down by the Court in Plessy against Ferguson in 1896, in Mr. Rehnquist's words, "was right and should be reaffirmed."

This memo further stated:

> Regardless of the Justices' individual views on the merits of segregation . . . it quite clearly is not one of those extreme cases which commands intervention from one of any conviction. . . . To those who argue that "personal" rights are more sacrosanct than "property" rights the short answer is that the Constitution makes no such distinction. To the arguments made by Marshall—Thurgood, not John—that a majority may not deprive a minority of its constitutional rights, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are.

Heaven help us, Mr. President, if this is the answer.

Mr. Rehnquist was 28 years old when he wrote that memo and when he predicted that the Court's efforts to protect minorities would "fade in time, too, as embodying only the sentiments of a transient minority of nine men." Two years later Justice Jackson joined in the unanimous decision in Brown against Board of Education, which declared segregated schools to be inherently equal. The Court's efforts to protect minority rights did not "fade in time." Neither did William Rehnquist's resistance to efforts to protect these rights.

As I did in the case of Judge Carswell, I searched for evidence which might indicate a change and growth in Mr. Rehnquist's attitudes. I looked for indications that the nominee had grown away from the position he stated in his 1952 memo. But I did not, I could not, find such evidence.

On the contrary, my thorough analysis of Mr. Rehnquist's record reveals a continued and disturbing pattern of insensitivity to human rights. The record is devoid of any assurance that, if confirmed, he would not seek to undo the slow, steady progress we have made. Rather, the evidence suggests that, if confirmed, he might actively press to move the Court away from its commitment to equal protection and opportunity.

Since his 1952 memo, I find, time and again, a consistent pattern in Mr. Rehnquist's personal activities, writings, and opinions throughout the 1960's when he practiced law in Phoenix. What is clear from a review of available information is that, while our Nation forged ahead into new dimensions of equal opportunity and treatment for its people, Mr. Rehnquist clung tenaciously to a narrow view of the rights of man.

The years of 1964, 1966, and 1967 were years of hope for the long-disillusioned minorities. Congress began to move, as the Supreme Court had earlier, to insure that human rights were upheld. Yet, in each of these years, Mr. Rehnquist vigorously opposed progress in human rights.

On June 15, 1964, as a "lawyer without a client," William Rehnquist appeared before the city council of the city of Phoenix to argue against adoption of an ordinance guaranteeing equal rights of access to public accommodations.

There was nothing ambiguous about his speech. It was an eloquent, but, in my judgment, totally misguided, defense of the proposition that property rights rank higher than human rights. Let me repeat his words:

> Here you are talking about a man's private property and you are saying, in effect, that people shall have access to the man's property whether he wants it or not.

Fortunately, his testimony did not convince the city council which unanimously passed the ordinance the following day. Undeterred, Mr. Rehnquist reiterated his views in a letter to the editor, published in the Arizona Republic, June 24, 1964. Within weeks the Congress of the United States passed the historic Civil Rights Act of 1964 with its broad public accommodations provisions.

Mr. Rehnquist now claims a change of mind on this issue. In his testimony before the Judiciary Committee last month, he said:

> I think the ordinance really worked very well in Phoenix. It was readily accepted, and I think I have come to realize since, more than I did at the time, the strong concern that minorities have for the recognition of these rights. I would not feel that same way today about it as I did then.

Mr. President, it is incredible to me that any man did not know how strongly minorities felt about their rights. Minorities feel just as strongly about their rights, if not more strongly about their rights, than majorities feel about their rights. That is what is happening all over the world today. People are claiming and crying and fighting for their rights. Minorities who have been oppressed for centuries are fighting for their rights. How can an intelligent man—and Mr. Rehnquist is an intelligent man—not have known in the 1960's that minorities felt so strongly about their rights? Then in 1971, when he came before the Senate Committee on the Judiciary to be confirmed for the Supreme Court of the United States, our highest tribunal, he said that now he understands how strongly minorities feel about their rights.

Mr. BAYH. Will the Senator yield?

Mr. BROOKE. He does not say that he was wrong in 1967. He does not say that at all. He just says the Phoenix, Ariz., ordinance worked well—as though he were surprised that it would work well—and that, therefore, since it did work well, and because he now understands in 1971 how strongly minorities feel about their rights, he has changed his mind and perhaps today he would not say what he said in 1967.

Yes, I shall be very pleased to yield

Mr. BAYH. I just want to reemphasize—and the Senator has done so on his own volition—the fact that although the proponents of Mr. Rehnquist said, well, now, he really does not believe that; it may have been bad to write that memorandum back in 1952 in reference to the case of Brown against Board of Education; it may have been bad not to have wanted black people in the drugstores of Phoenix in 1964—at a time when this city was alive, when hundreds of thousands of people became aware of that great 1964 Civil Rights Act—it may have been bad in 1967 for him to have taken issue with the superintendent of schools in his efforts to desegregate the school system of Phoenix, but this is a new Mr. Rehnquist in 1971. They say he really does not believe in this any more.

As the Senator from Massachusetts has pointed out, he has not said that he was wrong in 1964; he has not said that the philosophy presented in Brown against Board of Education is a good philosophy; he has fallen back on the argument that we did not get quite as many bloody noses out of the public accomodations ordinance as he had anticipated.

I wonder if the Senator from Massachusetts shares concern, as does the Senator from Indiana, that it is too late to remake Brown against Board of Education. That is the law of the land, and to try to look with hindsight at what a man who has now made certain statements relative to Brown against Board of Education some feel now is not important. But we have to look at his philosophy, and the thought processes that he used, and the assessment of various values of the Constitution that he used, to determine how he would judge should another Brown against Board of Education—a similarly dramatic landmark case—come before the Court.

Does the Senator from Massachusetts have concern about the sensitivity and the humanitarian nature of a nominee who looked so coldly and callously at blacks with regard to personal rights as that expressed by the nominee, given another case like this, as there are bound to be several?

Mr. BROOKE. Mr. President, I certainly am very much concerned about Mr. Rehnquist's insensitivity in this area. I am very much concerned at the thought of confirming the nomination of a man for the Supreme Court of the United States who, after making the statement he did in 1967, comes before the Senate Judiciary Committee in 1971 and asks the members to vote favorably upon his nomination and report his nomination to the full Senate, yet even then does not feel strongly enough about basic human rights to say categorically, without any equivocation whatsoever, that he now thinks differently. I searched the record. I read it thoroughly. I find no such language contained herein. I cannot interpret what I have read in the record to mean that he has changed his view, no matter how much I may stretch that record or that language. I cannot find it anywhere in the record. Let me just read the words again:

> I think the ordinance really worked very well in Phoenix. It was readily accepted, and I think I have come to realize since, more than I did at the time, the strong concern that minorities have for the recognition of these rights. I would not feel that same way today about it as I did then.

Nowhere there in those words I have just read do I find a rejection of the philosophy of his statement in 1967—nowhere.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BAYH. The Senator from Indiana sat through every word of that testimony, and it is not there. The interpretation for which the Senator from Massachusetts searched, I also searched for. I asked questions trying to get this type of disavowal. It is not there. I think we have an alarming consistency between the language and the rhetoric throughout his career and the reasoning in his Brown against Board of Education memorandum to Justice Jackson.

Mr. Rehnquist then said the Constitution—I will paraphrase it very badly, because he stated it very articulately, but in essence he said—the Constitution does not give preference to personal rights over property rights. There is great consistency between that language in 1952 and the language in the letter to the editor about the Phoenix public accommodations ordinance, and, indeed, the integrated versus segregated society language in the 1967 letter. So it at least shows the same belief that he had in 1964, 1966, and 1967 as he had in 1952.

I thank my colleague for yielding.

Mr. BROOKE. To go on, Mr. President, Mr. Rehnquist's "change of mind"—in quotes—came slowly, even though it was welcome. It came slowly.

In 1966 he opposed two important provisions of a model State Antidiscrimination Act. One would have permitted an employer with the approval of a State agency, to voluntarily hire new employees to fill vacancies in such a way as to reduce or eliminate racial, religious, or sex imbalance in its work force. The other provision also opposed by Mr. Rehnquist was designed to prohibit "blockbusting" tactics by which some realtors profited from racial fears.

Mr. Rehnquist moved to delete this provision because of what he considered to be "constitutional and policy" questions. Once again his opposition was overruled.

One year later, and only 4 years ago, Mr. Rehnquist voluntarily entered the debate on de facto segregation within the Phoenix Public School System with a letter to the editor published in the Arizona Republic of September 9, 1967. Mr. Rehnquist's letter responded to a series of articles in the Republic outlining the "integration program" for Phoenix High Schools proposed by the Superintendent of Schools, Dr. Howard Seymour. Mr. Rehnquist was as vehement on this issue as he had been before: he opposed any mechanism which would compromise the traditional neighborhood school concept. He wrote:

> Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policy-making bodies, who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a "free" society in which each man is equal before the law, but in which man is accorded the maximum amount of freedom of choice in his individual activities. The neighborhood school concept, which has served us well for countless years, is quite consistent with this principle.

In that letter, Mr. Rehnquist upholds the point of view expressed in his 1952 memorandum. In 15 years, and notwithstanding the Supreme Court's unanimous decision in Brown against Board of Education, it is apparent that William Rehnquist has remained unmoved and unchanged.

Particularly, I reject Mr. Rehnquist's assertion that—

> We are no more dedicated to an "integrated" society than we are to a "segregated" society.

I am convinced that we are a free society seeking full freedom of opportunity, which shall lead us to integration. Thus, I believe we are dedicated to an integrated society.

The United States of which I dream can only be achieved in unity. In my opinion, we cannot have a division of the races. I have always opposed black separatists and white separatists. I have also opposed those who advocate a laissez-faire course and treat as equal the consequences of integration and segregation. Segregation is a lingering evil of the past; integration is an abiding goal of the future. They cannot be equally weighed. Yet only 4 years ago, Mr. Rehnquist so weighed them.

In hearings before the Judiciary Committee, Mr. Rehnquist still had not recanted his view though he has had ample opportunity to do so. Rather he has sought to explain away his statement in the narrow context of busing, though nowhere in his letter is there any mention of busing. His original statement was broadly, not narrowly, based. It dealt with far more than the Phoenix School System; it was Mr. Rehnquist's statement of his strong belief that this was the proper course for the Nation.

Mr. President, to summarize there is a persistently disturbing pattern in Mr. Rehnquist's record in the 1960's. The Nation was moving forward; Mr. Rehnquist was looking back. In 1964, the nominee opposed a Phoenix public accommodations ordinance while Congress was in the process of passing the Civil Rights Act of 1964. In 1966, the nominee sought to delete equal employment and anti-"blockbusting" provisions from a Model State Civil Rights Act, as President Johnson began to enforce title VI of the Civil Rights Act of 1964 to eliminate de jure segregation in Southern school districts. In 1967, Mr. Rehnquist wrote that "we are no more committed to an 'integregated' society than we are to a 'segregated' society," as Justice Thurgood Marshall was appointed to the Supreme Court.

From this pattern, I reluctantly conclude that there is little evidence to support the contention that William Rehnquist has had an appreciation for and a sensitivity to the needs and rights of individuals. On the contrary, his record gives every indication that he remains unappreciative of and insensitive to changing social tensions. His own words, presumably written after careful thought and study reveal a persistent unwillingness to permit the law to be used for the purpose of promoting equal justice under the law for all Americans.

Mr. President, disturbing as Mr. Rehnquist's record was during the 1960's, I wanted to find evidence of growth or change.

In pursuit of evidence to this effect, I encountered an obstacle to complete inquiry—the nominee's position as Assistant Attorney General, Office of Legal Counsel. From the day he assumed this position, it is almost impossible to separate William Rehnquist, the man, from William Rehnquist, the President's advocate. Whatever the merits of the nominee's invoking the lawyer-client privilege on a number of issues, the result was to make sparse his public record and to preclude full assessment of his growth and change since 1967.

In the interval between his 1967 letter to the editor and his nomination on October 21, 1971, I find only one statement by Mr. Rehnquist concerning civil rights that could be construed as personal and not made on behalf of the Justice Department. In a letter to the editor of the Washington Post rebutting an editorial critical of Judge Harrold Carswell, Mr. Rehnquist wrote:

> My criticism of your editorial, however, goes beyond these misimpressions. The *Post* is apparently dedicated to the notion that a Supreme Court nominee's subscription to a rather detailed catechism of civil rights decisions is the equivalent of subscription to the Nicene Creed for the early Christians—adherence to every word is a prerequisite to confirmation in the one case, just as it was to salvation in the other.

The contemptuous tone of Mr. Rehnquist's letter is almost as disturbing as its content. He abruptly dismisses those who have championed civil rights and two decades of judicial progress. The letter offers additional evidence that Mr. Rehnquist had not moved away from the apparent insensitivity to human needs and human rights he expressed in 1952 and evidenced throughout the 1960's.

Mr. Rehnquist apparently has never been reconciled to the failure of his prophecy that the Court's efforts to protect the rights of minorities would "fade in time." Eighteen years passed and the Court's efforts did not fade, but instead grew brighter and a Nation moved ahead. "Personal" rights were held sacrosanct by nine men who embodied a permanent sense of equal justice for all Americans.

We cannot, or should not, now undo the progress this country has made. Those who look to the Supreme Court for fairness, for justice, for equality, must not be disappointed. The American people must continue to be confident that the Naton's Highest Court will fulfill its promise. I believe that the confirmation of William Rehnquist would strain this confidence.

Mr. President, as I said at the time I announced my opposition to two previous nominees to the Supreme Court, it is a painful experience for me to seek to deny any man the opportunity to achieve the highest honor his profession has to offer. Nor do I lightly seek to deny the President of the United States, and the leader of my party, the opportunity to name a man of his choice to our Highest Court.

But, Mr. President, I feel it is my responsibility as it is the responsibility of every one of us in the U.S. Senate, to insure that our Nation must go forward and never backward. One of the most important questions before us is: Will William Rehnquist, on the basis of his record as a member of the Court insure equal justice under law? I ask each of my colleagues to carefully consider the total man whose nomination is before us. I ask that they consider his attitude and actions in the context of the mid and late 1960's. I ask that they consider if on this record, they can support William Rehnquist with the confidence that, under the law, every American will be treated fairly, justly, and impartially and have an equal opportunity to live, learn, and earn.

Mr. President, I speak in the belief that all the people of the United States must have confidence in their system of government. We are charged with sustaining that confidence. Thus we must also ask: Will the confirmation of William H. Rehnquist serve to bolster the confidence of the people in our system of laws?

Mindful of the four words inscribed on the Court, I have concluded that Mr. Rehnquist is not the right man at this crucial period in our history to reassure the people that the Court will hold true to its sacred dictum of "equal justice under law."

I respectfully ask my colleagues to review my reasons.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BAYH. Having sat through the bulk of the Senator's remarks and having discussed the merits and the responsibilities that each of us has as an individual, I must say that I am deeply impressed by the Senator from Massachusetts. I think both of us waged a common struggle in our own mind as to what we should do with respect to this nomination. Both of us have reached the same conclusion. I must say that I have not heard that conclusion and the reasons for substantiating such a conclusion more eloquently expressed on this floor than has been done by the distinguished Senator from Massachusetts, and I am deeply moved.

Mr. BROOKE. I thank the distinguished Senator from Indiana for his very generous comments relative to my remarks on the Rehnquist nomination. I know how deeply the Senator feels about the need to have only the best men and women serve on the Supreme Court of the United States. I know how zealously he has guarded the rights of the people of the United States in the selection of Supreme Court nominees.

I feel, as does he, that the Senate has a grave responsibility in the authority vested in it to advise and consent as to Supreme Court nominees. I know the job he has done on the Judiciary Committee in trying, in all fairness to the nominee and in keeping with the high responsibility of the Senate, to investigate, to inquire, to ask and to search for all evidence he could find, favorable as well as unfavorable—because, certainly, my colleague wants to find favorable evidence, as we all do.

I know how painful it has been for him. I certainly would have hoped that in filing the vacancies on the Court, our President—because he is the President of the Senators from Indiana as well as my President—could have sent us two names that we could have proudly endorsed and whose nominations we could have confirmed. One of his nominees, obviously, was a man that at least 89 out of 90 of those who had the opportunity to vote for confirmation believed was an outstanding appointment to the Court. Now we have the second name, which gives us very serious concern.

So, Mr. President, I am very gratified that the Senator from Indiana has been able to hear some of the remarks I have made concerning this nomination. I am sure that much will be said on the floor of the Senate before the time for actual vote on this confirmation. I have never been able to predict—nor have I ever attempted to predict—what the Senate would do on any vote. I do not know now, and I do not now predict. But I do believe that we perform no greater service than the one we perform in giving full and careful consideration to appointees for the Supreme Court of the United States.

Mr. Rehnquist is a relatively young man. I believe he is some 47 years of age. If God is kind to him, based upon life expectancies, Mr. Rehnquist could live for many years to come. I hope and pray that he does. If my colleagues should see fit to confirm his nomination and he should sit on the Supreme Court of the United States, he could be on that Court during our lifetimes, during the lifetimes of our children, and into the lifetimes of our children's children. Mr. Rehnquist has already demonstrated not only that he is an intelligent man but that he is an aggressive and an active man. I think it would be fair to conclude that Mr. Rehnquist could be classified as an activist. An activist, in my opinion, is one who does things, gets things done, who leads and has people follow him.

I am sure that, rather than sitting on the Court and writing opinions, Mr. Rehnquist would be an influence on any court on which he sat. I believe I am being fair in this assessment of Mr. Rehnquist, based upon the evidence. That evidence is that when he went before the council in Phoenix, Ariz., he was not a member of, to our knowledge, or an officer of, to our knowledge, any particular group, but he was acting on his own initiative. The evidence as to his aggressiveness is the fact that even after he failed to convince the council, he continued moving in that general direction because he had such strong views.

There is nothing wrong with that, of course. It is good to have men with strong views, men who are activists. The Nation would be stifled and stymied without them. I merely point this out because I believe that if Mr. Rehnquist were to be confirmed and sit on the Supreme Court, and if his views have not changed from the 1950's and the 1960's, as I have discussed in specifics this afternoon, then he could be an influence, in my opinion, for wrong on the Supreme Court of the United States, which could conceivably take the Nation back rather than continuing its forward progress.

Thus, Mr. President, I will conclude by saying that I have great faith in the intelligence, the integrity, and the insight of my colleagues in the Senate.

Mr. HART. Mr. President, will the distinguished Senator from Massachusetts yield briefly?

Mr. BROOKE. I am very much pleased to yield to my distinguished colleague from Michigan.

Mr. HART. Mr. President, unfortunately for me I was not able to be in the Chamber to hear all the remarks of the distinguished Senator from Massachusetts but I did have the opportunity to hear several of the point that he made.

One in particular which I believe will be helpful for us, and may add to the wisdom which will be reflected in the rollcall on this nomination, is the suggestion that we attempt to understand as fully as we can the sensitivity of minority groups in America when we are talking about a man for the Supreme Court.

As we look around at ourselves in the Senate, it is evident that this is a body of men elected by the people. We are pretty white. We are pretty male, and we are pretty old. That, I take it, is a reflection of the popular will. We also do not have to worry personally about reducing qualifications for food stamps around here—and neither does the Chief Executive. He can be described in the same way. He is popularly elected.

I believe that describes, with the oversimplification of a shorthand label, and with fair accuracy, two of the three coequal branches of Government.

It helps us understand why those who are poor, those whose educational opportunities have been limited, those who are in minorities of one or another category, correctly understand that it is the third branch of Government, the Supreme Court—which is not the reflection of a momentary majority—to which they must look for help and understanding.

Better than any Member of the Senate, the distinguished Senator from Massachusetts (Mr. BROOKE) can remind us of that.

Sometimes it is suggested that those of us who raise the question about this nominee—and have raised it about others—that he has not demonstrated a devotion to the great principles of civil rights, are flyspecking or looking for an alibi to vote against them. But that is the exact description that President Nixon used when he accepted his party's nomination in Miami: that the kind of judge we should look for is someone who has demonstrated devotion to those great principles of civil rights.

What we are hoping our colleagues will agree, when the record is on the desk of each Senator, and in the views filed by the four of us is first, that there is no such demonstration of devotion at any period in the life of this nominee and, second—which I think is the more important point for us to attempt to develop—that there are significant actions in the career of the nominee which do reflect a lack of sensitivity and a lack of appreciation of those values which the minorities in this country hope we will identify before we put a man on the Supreme Court.

The remarks of the distinguished Senator from Massachusetts are helpful in many ways; I rise only to thank him for making this particular point.

I hope that I have not given offense in suggesting that it may be completely understandable, but nonetheless unfortunate, that unless one has to scratch for food, unless he has to ask to be excused for being different from the majority, he is not going to get the point that some of us are trying to make around here; namely, that the Supreme Court is the one branch of Government where we hope the will of the moment, the cry of the pack, the popularity or the unpopularity of a person or program, will not be the dominant influence but rather that the Court will be influenced solely by the constitutional safeguards which the Founding Fathers built, in order to protect against the whim of the moment, no matter how overwhelming the majority may be at a given time. That is why the President was right, absolutely right, when he said that in the men and women who interpret our laws we should look for qualities that demonstrate a devotion to the great principles of civil rights. He said that, and I echo him; however, I find nothing in the record of the nominee that would support the conclusion that there is in his career any demonstration of such devotion.

I thank the Senator from Massachusetts.

Mr. BROOKE. Mr. President, the distinguished Senator from Michigan has, as always, made a fine, rich contribution to the colloquy. He speaks of his own personal dedication and devotion to the principles which he has enunciated. I know that he has given very serious thought to all of the Supreme Court nominees whose names have been presented to the Senate for confirmation in the many years he has served in the Senate.

Like the Senator from Michigan, I have been somewhat annoyed when people or the press would indicate that we are looking for ways to deny confirmation. I can very truthfully say that in the 5 years I have been serving in the Senate, I have never known any Member of the Senate to look for ways to vote against confirmation. It has been quite the reverse. All the Members of the Senate have looked always for ways to support confirmation.

I would go so far as to say—and I think I am correct—that there is a presumption in favor of confirmation, a presumption of innocence, if you will, and that the burden has always been the other way, that one had to get evidence to prove that a man was not Supreme Court quality or material.

That does not do away with our responsibility to look at the record in depth—the total record—before we cast a vote.

Here we are creating a third coequal branch of the Government. The President appoints and we confirm. It is quite different from Cabinet appointees.

I may have differed with Mr. Butz' qualifications and some of the things he said or stood for in voting for his nomination as a member of the President's Cabinet. But he is the President's man. He serves at the will of the President. The President named him and the President can discharge him. However, the Supreme Court, the judiciary, does not and should not serve at the will of the President. The members of the Supreme Court will be there long after the President has served his term. It is a very serious responsibility and one that cannot be taken lightly.

In the main we have to go to the Justice Department, the investigative branch of the executive department, to get information pertaining to potential appointees to the Court.

We depend upon the Justice Department very heavily for information concerning Presidential nominees to the Court. We have limited staff facilities for independent investigations and inquiries into the background, qualifications, and qualities of nominees. We can also look to an enlightened press, and look to citizens of the United States who might have independent knowledge of a nominee.

Sometimes it takes time. In most instances it takes time before we can get all of the information pertaining to a particular nominee for the Supreme Court. And thus it is rather disturbing when some think that by looking into the record, by really doing our job, we are either delaying or searching for adverse information about any particular nominee for the Court. I think we should take all the time we need.

I am opposed to filibustering. I have never participated in filibusters and I never shall. I have signed cloture motions. I have always voted for cloture when in my own mind I have made a determination that ample time had been given for debate on a particular issue. In the Rehnquist case I will do the same. When ample time has been given and the matter has been debated fully and the qualifications of this particular nominee have been discussed, I will then personally sign a cloture motion and will vote for cloture.

That does not mean by any means that I believe we should not have full debate and full discussion on his qualifications for perhaps the highest position in our National Government.

Mr. President, I know that we had all hoped that our session would have been concluded by now. It has been a long session. Many debates, many bills, many issues and many decisions have been made. The leadership is attempting to bring this session to a conclusion. And it is unfortunate that in the waning days of the session we are confronted with a nomination that gives many of us concern and perhaps even alarm. However, that is a fact.

So we are compelled to stay in session and debate the nomination and continue our other work until such time as the Senate works its own will on the nomination. As I said previously, I do not know when that will be.

I have heard many liken Mr. Rehnquist's case to that of other distinguished jurists in the past who had belonged to organizations or made statements, and have said that if we who are now opposing the nomination of William Rehnquist had been in the Senate, we would have been most disturbed and perhaps would have voted against them.

I am reminded of Mr. Justice Hugo Black of the great State of Alabama, who perhaps was cited more often than any other for this proposition. But if one were to examine the record of Hugo Black one would find, contrary to the beliefs of many, that Mr. Justice Black had shown evidence of change, great evidence of change, prior to his appointment and confirmation to the Supreme Court of the United States.

Oh, that I could have found such change in the record of William Rehnquist. As I said, I searched for that change. Instead of change, I found more evidence that there was no change, and this disheartened me. It disheartened me because I would have liked to have voted for his confirmation. It disheartened me because President Nixon had nominated him. It disheartened me because when I met him, he was very candid and very honest and very forthright. He told me of things in his record which had not come out in the press, certainly not in the hearings, because our meeting was prior to the hearings.

Some weeks before these facts were public information, he gave me names of people to whom I could talk in Phoenix, Ariz. I called those people. I asked him about some people to whom I could talk here in Washington, D.C., and in the Justice Department. He gave me those names, and I called those people. As I said, his candor, his forthrightness were qualities that I admire in him, as in any man. Candor is a prerequisite, in my opinion, for service on the Supreme Court, and it was taken in serious consideration last Thursday when I finally arrived at my own personal decision as to this nomination.

When I called Mr. Rehnquist on Thursday afternoon, I said to him, in essence:

> Mr. Rehnquist, I have tried very hard to find evidence which would warrant voting affirmatively for your nomination.

I went on to tell him exactly what my procedure had been and the course that I had followed, and why I could not vote affirmatively for him.

I do not think I am much different, Mr. President, in this respect from my colleagues. I think each of them in his own way goes through certain procedures before arriving at such a crucial decision. I think, Mr. President, that the Nation should be pleased that 100 Members of this body charged with this responsibility—a rather awesome responsibility, I might add—take that responsibility so seriously and give these nominations every consideration. This is the only way—yes, the only way—that we can be assured that we will have the best possible Supreme Court.

Perhaps, Mr. President, with some very few exceptions, I think one will find that this system has worked magnificently. Every American citizen should be proud; every American citizen should be secure and confident in the knowledge that we have a Supreme Court with the powers that are vested in it, and with the procedure that we have for selecting that Court.

Mr. President, I come to the conclusion of my remarks this afternoon with regret that I had to make them, but with confidence that I have done everything possible that I could have done in arriving at this conclusion. As I said, I hope that my colleagues will listen to my reasons, as I have listened to and read theirs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. HART. I yield.

ORDER FOR RECOGNITION OF SENATOR MONTOYA TOMORROW

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that following the remarks of the two leaders under the standing order tomorrow, the Senator from New Mexico (Mr. MONTOYA) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator for yielding.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. HART. Mr. President, in the individual views of the Judiciary Committee report, I have expressed my opposition to the nomination of William H. Rehnquist. Today, if I may, I wish to highlight four aspects which I think should be kept in sharp focus as each of us deliberates and resolves how we shall exercise our constitutional responsibility of advising and consenting to or withholding our consent to the nomination.

First, there is the question of a nominee's philosophy. Just what does that elusive phrase mean? Second, there is the problem of the nominee's effort to obscure his own personal views from the Senate, perhaps to a degree unprecedented. Third, there is the nominee's record in the area of civil rights—and on this point, a few moments ago, in reaction by way of responding to a speech by the Senator from Massachusetts (Mr. BROOKE) I touched upon that issue. Fourth and finally, there is his approach to the balancing of individual liberties against the pressure of government restraint, or, in short his record on civil liberties.

From reading some news stories and listening to speeches, one might casually conclude that the nominee is being pilloried merely because he is not in lockstep with the political philosophy of those who oppose him. But I think observers would be compelled to agree that many of those opposed to Mr. Rehnquist did not oppose Mr. Powell, did not oppose Mr. Burger, and did not oppose Mr. Blackmun, even though we disagreed with their specific views on some of the issues which will undoubtedly come before the Court.

It has been suggested that, upon analyzing the record, each Senator can come to only one of two conclusions.

This is the theme that underlies many of the newspaper and media commentaries: either that Mr. Rehnquist's views and actions identify him as a right-wing extremist or that they show him only to be a zealous advocate for reasonable positions on controversial issues. I think that is a crude distortion of the position expressed in the individual views that we filed in the report from the Committee on the Judiciary. But there is a third conclusion which each Senator may draw from this record. It is the conclusion to which I have come. It is the conclusion that Mr. Rehnquist has indicated indifference, perhaps a precise enough word, to racial discrimination, and shown an unwillingness to seek its legal redress.

Whatever the reasonableness of any one position he has endorsed in the area of restricting individual liberties, his record is consistently on the side of enhanced governmental power, and gives short shrift to the values underlying the Bill of Rights.

I think that is what this debate should be all about, and I express the hope that my colleagues will study the record with that frame of reference in mind, as the measure to be applied to the nominee.

I make no charge of extremism, but I have concluded that he neither appreciates fully nor approaches openmindedly the fundamental values of human equality and individual liberty promised all Americans by our Constitution.

It is 1971, and I submit that no person with that background—of whatever political philosophy or judicial philosophy—ought to be confirmed by the Senate to sit on the Supreme Court.

In the recent debate about the propriety of inquiring into a nominee's philosophy, a great many different elements have been discussed under that term. The term "judicial philosophy" traditionally refers to a Justice's view of his role on the Court, particularly in constitutional adjudication—"judicial self-restraint," for example, or the so-called "strict construction" of constitutional provisions. These kinds of considerations are not necessarily identified with a Justice's disposition in the balancing of particular constitutional interests.

We have all been aware of how slippery these labels are at best, and how it is impossible actually, with a label or a brand, to encapsulate a great judicial mind. Take, for example, Mr. Justice Black: Here was a man who was the most insistent of his brethren on the Court upon following very literally the plain text of the first amendment and the Bill of Rights in general. Yet he was prepared at other times to effectuate their purpose in contexts where a literal reading alone would clearly not suffice to do so.

One looks at the records compiled by three eminent Justices, Holmes, Brandeis, and Frankfurter. They are three men often cited as in the tradition of so-called "judicial self-restraint," and yet they approached the traditional interpretation of the Bill of Rights with great vigor in landmark opinions which applied those safeguards more broadly than the Court had previously done.

Beyond "judicial philosophy," there is the nominee's attitudes toward the substantive provisions of the Constitution as they apply to the issues of the day, "The great issues of our day," as it is always put by the contemporaries. The history of the Senate's role makes clear the propriety of such considerations, and the nominee before us now, in his earlier writing, urged us to do precisely this, stating that it is our responsibility to identify the philosophy of anyone who is proposed for the Court.

We have been told more than once that Mr. Rehnquist will not let his personal views affect his approach to the Constitution—or as one of his supporters very recently put it, that he will "ignore his own philosophy in interpreting the Constitution." I think there has been some rhetorical fencing on this one, but we kid ourselves if we pretend that one can sort out Justices into those who do and those who do not interject their personal views into constitutional interpretation. The hard truth is that everybody does, and everybody must. It is inevitable. It is in the nature of man. Mr. Rehnquist repeatedly acknowledged at the hearing that all judges bring to the Constitution their own attitudes, biases, and values, the accidents of geography and history, and all the things that make us what we are at a given moment—not intentionally but inevitably, and particularly when the general phrases of the Bill of Rights or the 14th amendment must be applied to new problems. As Mr. Rehnquist wrote in the Harvard Law Review:

> If . . . a different interpretation of the phrases "due process of law" or "equal protection of the laws" (is desired) then men sympathetic to such desires must sit on the high court.

Then our responsibility would be to see where Mr. Rehnquist's sympathies lie.

II. COOPERATION WITH THE COMMITTEE

The Senate's deliberation has been marked by confusion about the Senate's duty to ascertain a nominee's views as best it can and the nominee's right to withhold that information from the Senate. Several very distinct elements have been lumped under the general notion of "privilege," particularly in efforts by Mr. Rehnquist's supporters to suggest that his evasion stands squarely on the precedent of recent nominations. I suggest that this is not correct.

First, in the case of several recent nominees who have been sitting judges or justices, the Senate has generally respected the demands of the principle of separation of powers. Clearly, a judge's opinions are a matter of public record. In those instances, the nominees made clear that they were not disavowing their prior opinions for whatever use a particular Senator wished to make of the fact that that was their opinion. There it stood. At the same time, they resisted—rightly, in my opinion—the efforts of Senators to cross-examine them as to a particular opinion they had written. For any Senator to call a sitting judge to task and force him to justify a past decision surely breaches the basic principle of separation of power and the independence of the judiciary. But that element, that consideration, is obviously inapplicable in the case of this nominee.

Second, every nominee is accorded reasonable latitude to decline giving his view of the proper result in a specific factual situation or the application of a specific principle to a particular set of facts. This avoids the danger that a nominee may be pinned down on particular cases likely to come before the Court to the point that he would be estopped from an openminded review should his nomination be confirmed.

I think that Mr. Rehnquist has invoked the second doctrine as much—perhaps more—than previous nominees, refusing on this ground to answer even general questions about his views on specific constitutional provisions. But he has gone way beyond this and also claimed "the attorney-client privilege" in what he concedes is an unprecedented fashion. It is in this third area that his refusal to cooperate is unprecedented and—I believe and suggest—unjustified. Leaving aside the serious question of whether a Government officer in his position can properly invoke the attorney-client privilege in this situation, Mr. Rehnquist, himself, has revealed that he does not take this excuse seriously, even in instances which arguably do fall within the traditional bounds of the attorney-client privilege. For example, in regard to the Justice Department's pending brief in the Supreme Court on domestic "security" wiretapping, he first suggested that since his role had involved confidential advice to the Attorney General under the attorney-client privilege, it would be inappropriate for him to share the nature of that advice with the Judiciary Committee. Then, on the following day, he readily divulged his criticism of the Department's approach in the lower courts and described his role in revising the brief to stress other legal grounds. Similarly, in regard to the "Pentagon papers," he indicated freely the character and nature of his confidential legal advice to the Justice Department.

His rationale for breaching this attorney-client confidentiality in these instances was that the Department had taken a public position. But that does not change the fact that he has been willing to detail his confidential advice. Certainly, the attorney-client privilege remains even though the client's ultimate position, once decided upon, is presented to the court.

Moreover, Mr. Rehnquist has gone beyond the attorney-client privilege not to divulge confidential legal advice. He has declined to indicate whether his past public statements represent his own views or somebody else's—even without indicating whether they represent the confidential legal advice he at one time or another gave the Attorney General. It has been suggested that where he has spoken as an advocate, he cannot be asked to give his real position.

Surely, his defenders cannot have it both ways. They cannot suggest that it is unfair to take as his position the alarming statements he has made while in his present capacity—to tell us, in effect, "If you only knew his own views, you would not be concerned"—and at the same time suggest that we cannot get his real views because he has acted as an advocate. Where does this leave the Senate in its efforts to carry out its constitutional obligation? I suggest that we must take the record as we find it, and if the nominee unreasonably refuses either to explain or to disavow the disturbing positions he has taken, he does so at his peril. On the basis of the best evidence offered to the Senate, we must determine what views, values, and attitudes he will take to the Court when he interprets and applies the great provisions of our Constitution; or, to return to his Harvard Law Review comment, what sympathies will he take to the Court? What sympathies, what attitudes, does he take with respect to civil rights?

III. CIVIL RIGHTS

Reviewing that record, those of us who opposed the nomination in the committee reached the following conclusion:

> Unrelieved by actions showing an affirmative commitment to racial justice, Mr. Rehnquist's record is one of persistent indifference to the evils of discrimination and an almost hostile unwillingness to accept the use of law to overcome racial injustice in America. President Nixon himself has called for judges to interpret our laws who are men "dedicated to the great principles of civil rights." The nominee's subsequent record, both in Arizona and Washington, is devoid of any significant reflection of such dedication.

Mr. President, I am sure that we are past the point of having to explain at great length why this is no longer a time when a man or woman can be placed on our Supreme Court whose unrebutted record is one of indifference to discrimination, of insensitivity to the consequences of discrimination, and resistance to removing its stains.

The memorandum accompanying the individual views on this nomination details the objection to Mr. Rehnquist on this count. In reading it, however, I urge that one point should be kept firmly in mind. The problem with Mr. Rehnquist's record is not—as some would suggest—a matter of requiring every nominee to have been an activist on behalf of civil rights. We do not ask a nominee, "How many times were you arrested on the picket line? How many times did you join freedom riders? How many times did you expose yourself to physical danger by insisting that somebody be able to exercise his right to vote?" I do not even ask him how many speeches he made in attempting to reach the conscience of America.

Depending upon the circumstances of one's prior activities, it may not always be easy to demonstrate tangible fidelity to the basic principles of human equality.

Despite the President's promise of judges dedicated to civil rights, close scrutiny of a nominee's record for a demonstrated commitment might seem unfair to one whose past gave no cause for concern. But that is hardly the case before us. Here we have a man who repeatedly has been a self-propelled opponent of advances in civil rights—and not because he was pleading a client's case but on his own, gratuitously, if you will, Mr. President.

I respectfully urge my colleagues to read the record and the memorandum; consider the nature and tone of this opposition, written in the mid-1960's by a man not holding office or subject to political pressures, but a man speaking quietly and freely his own thoughts. What does it tell us about his sensitivity to racial injustice and his appreciation of the effort to achieve human equality? It is only against this record that we have understandably sought some evidence offsetting these incidents.

Now let me turn to the specifics involved. Some suggest that Mr. Rehnquist was merely opposed to forced busing when he criticized the modest integration efforts sought for the Phoenix schools in 1967.

I ask unanimous consent that the excerpt of the memorandum dealing with civil rights be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, essentially, the argument put forth to explain Mr. Rehnquist's action is threefold:

First, that the open enrollment approach, the heart of the proposals, was already in effect in Phoenix and, therefore, not in controversy when he voiced his opposition;

Second, that the proposals for voluntary exchanges and community relations were completely unobjectionable to Mr. Rehnquist; and

Third, that the only thing which so "disturbed" Mr. Rehnquist was the superintendent's suggestion that he "did not dismiss the possibility of busing."

In fact, the open enrollment in Phoenix at that time was limited to only a few schools. One of the superintendent's main proposals was to make it citywide. In part, it was in connection with this proposal that the superintendent was considering "busing" in the sense of providing subsidized transportation for those students who elected voluntarily to transfer out of their normal attendance zones. The news articles at the time make clear that Phoenix had been subsidizing transportation for students who remained within their normal attendance zones, but that students who chose to enroll outside them received no help; the superintendent had concluded that this was a financial deterrent to a successful "freedom of choice" plan.

In addition, the superintendent has proposed promoting voluntary exchanges of students among schools in various ways, including the location of special enrichment programs or vocational courses at particular schools. Obviously, this might involve transportation of students who had elected to avail themselves of such programs. But the evidence is overwhelming—and was at the time—that Superintendent Seymour was not proposing, and indeed was opposed to, mandatory busing of students through their assignment to nonneighborhood schools. Mr. Rehnquist's strong letter makes no mention of busing or forced transportation of students. Rather, one need only reread it to be struck by his hostility to the whole range of modest voluntary effort to promote integration in the Phoenix schools. And this, only 4 years ago, because of his firm conviction that:

> We are no more dedicated to an "integrated" society than we are to a "segregated" one.

Mr. BAYH. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. BAYH. In listening to the compelling logic of the Senator from Michigan, the Senator from Indiana's mind flashed back to the hearings in which Mr. Rehnquist was before us articulately expressing his views. The thought that flashed through my mind was, as I think was generally agreed, that this was a man who was more than adequately endowed, with great capacity to articulate his beliefs skillfully, even to the point of not articulating his beliefs, and one whose forthrightness impressed us.

As I recall it, the Senator from Indiana asked a question about the 1967 letter and then asked the question about his opposition to the program of the superintendent of schools. Now the Senator from Michigan has brought up this same topic. So let me read the testimony in order to stimulate the memory of the Senator from Michigan, although I think from what he has said in his speech just now, he is already able to remember it quite well.

> Senator BAYH. May I ask you just to explain in a little further detail a specific quotation from a letter that might be more pertinent to the general question?
>
> The superintendent of schools apparently had said that we are and must be concerned with achieving an integrated society. And you responded and said:
>
> "I think many would take issue with his statement on the merits and would feel that we are no more dedicated to an integrated society than we are to a segregated society, that we are, instead, dedicated to a free society in which each man is equal before the law, but that each man is accorded a maximum amount of freedom of choice in his individual activities."
>
> Is that still your view now?
>
> Mr. REHNQUIST. In the context of busing to achieve integration in a situation where it is not a dual school system; I think it is.

Earlier, I said:

> Senator BAYH. What is your feeling about transporting people either long or short distances to maintain an all-white or an all-black school?
>
> Mr. REHNQUIST. Well, I think that transporting long distances is undesirable for whatever purpose.

At every instance, it seems that when asked about this opposition to integration of the educational system, Mr. Rehnquist falls back on the generally accepted feeling and the general emotional feeling today that long-distance busing is undesirable.

I wonder, now that the Senator from Michigan has brought up the matter of the forthrightness of the nominee, whether we have reason to be concerned about this if, when he is asked about the opposition to the school superintendent, he says it was based on his opposition to long-distance busing. Now, long-distance busing was an issue that he did not write about in his letter and which, from all of the accounts we have, was not at issue. I know that is a serious charge to make, but the issue of forced long-distance busing was not present. There is no mention of forced long-distance busing in the letter to the editor, written by the nominee. To suggest now that the only reason he took that position was that he was opposed to forced long-distance busing just seems not to be right, not to be fully candid, and not to be fully accurate.

I do not know whether the nominee realizes that, but that is the way it appears to the Senator from Indiana.

Mr. HART. Mr. President, the impression or the wonder voiced by the Senator from Indiana might even be more strongly couched if he remembered that later in those same hearings the nominee said that—

> With respect to the 1967 letter which I wrote in the context of the Phoenix school system as it then existed, I think I still am of the view that busing or the transportation of students over long distances for the purposes of achieving a racial balance where you do not have an educational school system is not desirable.

That is how he phrased it.

Of course, it is not desirable. That was not the point.

Mr. BAYH. The Senator from Indiana is reminded that forced long-distance busing was not enough of an issue in Phoenix that it was even a subject addressed by Mr. Rehnquist in his letter. Is that not accurate?

Mr. HART. I think that is accurate. Let us put it this way. I think what we might wonder is whether the nominee is describing now, in 1971, his 1967 letter, as if it pertained to the current controversy over mandatory busing of students. And we ask whether a fair reading of the letter itself and the articles which describe the circumstances in Phoenix does not indicate that in 1967 Mr. Rehnquist actually was opposed to much more; that he was opposed to a very modest effort on a voluntary basis to reduce the division that threatens to destroy us as a people—the division between black and white.

Mr. BAYH. The Senator from Indiana has cause to wonder why, if that was the thrust of the integration program—which rather obviously it was, and there is no question about it—and if, indeed, the nominee took issue with that modest voluntary program, why, when asked to explain further his opposition, he resorted to being against what has become generally accepted as a flag word and an emotional phrase, "long distance busing."

That hardly is the type of candor that prior to this moment I had associated with the nominee.

I appreciate the Senator's yielding.

Mr. HART. I think it might be well—and I am grateful for the comments of the Senator from Indiana—to remember, too, that a newspaper in Phoenix on August 31 of that year 1967, reported the comments of the superintendent, Dr. Seymour, and makes the position of the superintendent very clear. The newspaper said:

> But he [Dr. Seymour] said he opposes gerrymandering district boundaries or "busing" pupils from one part of town to another as means toward "true integration."
>
> "There is nothing more artificial in my judgment that to load a group of pupils from one district and disgorge them at another without making it possible for full, active participation in learning, socializing, sports and activities, and without integrating the adults along with busing pupils."

That was the statement in the paper.

Mr. BAYH. I am glad the Senator brought this into the RECORD at this time, because I recall the discussion in hearings, in which it was rather obvious that the school superintendent, too, was against forced long-distance busing—the sort of artificial busing intended just to guarantee hypothetically 8.55 percent of black or brown children in every classroom. The superintendent apparently believed that there are some times or instances in which busing might be utilitarian in nature under certain circumstances. This might particularly have been true in Phoenix. As I understand it, the program there was strictly a voluntary, freedom-of-choice program, the least offensive type of busing. But the superintendent publicly said he was against the kind of thing that Mr. Rehnquist now says was the reason which precipitated the letter. This again causes me to wonder whether his real reasons had to be more basic, had to be more all-encompassing, had to suggest that there was something innately wrong at that moment in moving toward full, complete quality integrated education.

I appreciate the Senator from Michigan's tolerance in permitting me to interrupt.

Mr. HART. It was a welcome comment, and I do not regard it as an interruption. I think that viewed in the light of these circumstances it is fair to suggest, as I suggest now, that just 4 years ago the nominee, to use his words, found distressing some rather modest efforts by, I think, responsible school officials to promote equality of educational opportunity. That is what I think it suggests. Without any comment on the accuracy of the nominee's responses to the question, what the letter reflects against the circumstances of the plan proposed is an unwillingness to accept even the modest effort to reverse the trend toward what the Kerner Commission warned us we were becoming: a nation of two people, the black and white.

Then there as the second insistence which makes mandatory, I suggest, Mr. President, that we find some affirmative demonstration of concern, of awareness, and of sensitivity before we consent to this nomination. This one occurred in 1964. That is not quite as recent as 1967, but it is not ancient history, and it is not a period when the nominee was in grammar school. In 1964 the nominee opposed a public accommodation ordinance. Let us get that one into perspective.

Mr. BAYH. Will the Senator yield briefly? My arithmetic may not be perfect, but, as I recall, quite to the contrary to being in grammar school. In 1964 the nominee was 40 years of age or over. So at that stage one's judgment, hopefully, would be relatively mature.

Mr. HART. It is a chronological age at which society compels responsibility for one's conduct. Let us put it that way. It is a mature age chronologically.

The majority report of this nomination, on the theory that the best defense may be as strong an offense as one can mount, refers to the nominee's acknowledgment that the Federal Government's constitutional power to pass a nationwide accommodations law is now settled. The inference of that remark and comment is that there was uncertainty about this constitutional question, which was debated at great length in this Chamber that same year, 1964, which was the basis of the concern for Mr. Rehnquist and his opposition to the Phoenix ordinance. But he was addressing himself to a local ordinance, one to which the Federal power did not go at all.

Mr. Rehnquist's 1964 opposition to a public accommodations ordinance also must be kept in perspective. The majority report refers to his acknowledgment that the Federal Government's constitutional power to pass a nationwide accommodations law is now settled. The inference is that it was uncertainty about this question, debated at great length in the Chamber in 1964, which then underlay Mr. Rehnquist's concern. But he was addressing a local ordinance, one to which the question of Federal power did not apply. There has been little doubt seriously raised about the constitutionality of a town forbidding discrimination in public accommodations under its police power to promote the public welfare.

In any event, when he appeared in opposition to the ordinance he did not raise that argument. His opposition was a matter of personal preference—and I think this is a fair shorthand description of it—of preferring property rights over human dignity.

To be sure, he told us during the hearings on the nomination that in 1971 he no longer begrudges such a law.

As I recall it, he also suggested why he thought as he did in 1964. He said:

> The law has worked pretty well. The law has worked well enough. I think I have come to realize since, more than I did at the time, the strong concern that minorities have for the recognition of these rights.

What rights is he talking about? What rights were sought to be protected by the Phoenix ordinance? The right to be treated decently at the hands of someone who invites the public in to sell something. It was not Mrs. Murphy's four-bedroom roominghouse, or less; it was a drugstore. He tells us:

> I did not realize the strong concern minorities have for the recognition of these rights.

I remember in the hearings some witnesses reminded us what June 1964 was like in this country.

Mr. President, I had really thought that in June 1964, everyone—certainly everyone who had reached a majority—was aware that the whole Nation had focused its attention on the denial of the right to be treated as an individual, when a person went into get coffee or aspirin tablets, and not to be judged while 50 feet away, based on the color of his skin. I thought everyone was aware of that and was aware why Dr. Martin Luther King had become a national figure in June 1964. But clearly I was wrong. Some understood less clearly than others, and apparently the nominee was such a person.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. BAYH. The Senator from Indiana had the opportunity earlier in the day to be in the Chamber, and I think the Senator from Michigan was also here during parts of the speech of our distinguished colleague from Massachusetts (Mr. BROOKE). The Senator from Michigan has been one of those Members of this body who has exhibited the greatest degree of compassion and understanding for the problems of those who may be of a different color, of a different background than the majority of our citizens, and has been one of the real leaders to bring equality into law, a real activist in this body. The Senator from Indiana has been happy to follow his leadership in this area since coming to the Senate. I must say I was impressed by our colleague for I am a young man with a white face who has never been placed in the position of being on the other side, of being denied or being discriminated against. I could not help but be impressed with the expression of our colleague from Massachusetts because he had been there.

I wonder what kind of signal it is that goes out from this body, or, indeed, that goes out from the White House when the man who is now just one short step away from the highest Court of the land is one who in the mid-1960's, by his own admission, did not realize how important it was to the black people and the brown people of this country—American citizens—to have access to drugstores and other places of public accommodation. Is that not the kind of thinking that we have to give significant credence to? Is that not the kind of symbolic gesture that says to those who are "different" that we talk about equality and opportunity but really we are not dedicated to it because we put on the highest Court of the land a man who, by his own admission, has not evidenced the degree of sensitivity that would give us to believe that he understood.

Is that a matter of legitimate concern to this body? Should we not consider in addition to what the nominee said, what this nomination symbolizes to others who are looking at the system to see whether there is anything in it, any place, for them?

Mr. HART. It is a legitimate concern and perhaps it is even more serious when we think of what the nominee did not say. He does not say even now, in 1971, that he himself is deeply concerned about the offense that is involved in the denial of access to public accommodations. He has yet to say he understands this is an injustice. He has yet to speak out.

He does say, in effect, "Now I understand some are outraged;" but he continues to be silent with regard to whether he himself feels that way.

This, too, I think, is relevant and appropriate for our evaluation of the nominee's measure of devotion to the great principles of civil rights, to use the words of the President who submitted his name.

Mr. BAYH. Mr. President, will the Senator yield further?

Mr. HART. I yield.

Mr. BAYH. As he points out, we have a real void here. The nominee was given the opportunity to come forth and tell the Senate and the entire country something reassuring now that he is about to assume the mantle of Supreme Court Justice. But instead he talks about having a better understanding of the importance of recognition of these rights to minorities. And he talks about the surprising, in his view, ease of implementing this legislation. This would lead one to believe, as I said earlier, that his conviction about the protection of individual rights depends on the amount of opposition.

Mr. HART. Before the Senator goes on with respect to that point, I think in fairness to the nominee we should make clear that subsequent to the answer that the Senator from Indiana and I have been analyzing before the committee, he did say that even if the ordinance had been less readily accepted, he would no longer oppose it. He suggests that the pragmatic argument that he was about to belabor was perhaps a weaker one than should be advanced in his defense. But it still leaves the conclusion inescapable for the record that the real reason for the change in heart of the nominee, according to him, is the realization sometime within the last 7 years of the strong concern the minorities have for recognition of those rights. But as I say, that still does not go to the point, not of his feeeling that such discrimination is an injustice, but only that he now realizes that others may regard it as an injustice. In my book, that is not enough.

Mr. BAYH. And a rather belated realization at that.

Mr. HART. Yes; and I suggest that that marks one as not qualified. That stamps one as a person to whose nomination we ought not to consent.

Now, perhaps responding to the President's job description of a Supreme Court nominee as someone who should be devoted to the great principles of civil rights, the proponents of the nominee have strained to find that kind of evidence. They pointed to a speech. That was a speech he made in his present position as Assistant Attorney General. It was a speech in which the nominee criticized militants because progress, as the nominee put it, has been made in civil rights.

Further, one of the proponents of the nominee now suggests that the vote cast by the nominee as a Commissioner on Uniform Laws in favor of a model antidiscrimination law revealed his changed view on public accommodations. The action of the Commissioners occurred in 1966, and his proponents suggest that this shows that just 2 years after his opposition in Phoenix to the public accommodations law, he was then in favor of free access to public accommodations.

Let us get that one a little more in perspective. First, this argument was never raised until we had the committee report out of the Judiciary Committee. Several times during the hearings in the Judiciary Committee the nominee was asked for any evidence of his support of civil rights which might offset the incident in 1964 that I have just described. We followed it by including a set of written questions which, through the chairman of the Committee on the Judiciary, we directed to the nominee. We included in those written questions this inquiry:

> What can you see, to what can you refer us, that might offset your opposition in 1964, or, put another way, would serve to demonstrate your devotion to civil rights, as the President phrased it?

At no time, either in the hearings of the committee or in response to our written questions, did Mr. Rehnquist refer to his actions as a Commissioner on Uniform Laws. I think if Mr. Rehnquist thought that was evidence of a change of heart in 1966, rather than in 1971, he would have mentioned it.

In fact, there was no serious controversy over this provision in the proposed law when the Commissioners were debating it. It was approved as a part of the final bill, but only after Mr. Rehnquist and others had succeeded in downgrading the proposed Uniform Act into a Model Act. As the memorandum filed as a part of the Individual Views in the Judiciary Committee report points out, that had the effect of releasing the Commissioners of any obligation to work for the passage of the act in their own States.

That brings us to the real significance of Mr. Rehnquist's participation in the model antidiscrimination act.

His supporters have, if I can phrase it this way, been forced to fall back upon his legal opinion provided the Attorney General upholding the Philadelphia plan as an indication of his support for civil rights. Let us look at that one a minute. The Philadelphia plan requires covered employers to redress racial inequities in employment. Yet Mr. Rehnquist, as a Commissioner on Uniform Laws, vigorously opposed the provision of the Uniform Act which merely permitted employers on their own initiative to take voluntary steps to redress the effects of past discrimination. It is difficult to believe that he and others personally endorsed the mandatory provision of the Philadelphia plan with much conviction if he was so strongly opposed to the much weaker provisions in the proposed Uniform Act.

Mr. BAYH. Mr. President, as soon as the Senator is through with that particular thought, I would like to explore it a bit further with him.

Mr. HART. I conclude this point only by suggesting that his opposition to the provision in the model law against racial blockbusting that was proposed as a feature of the model bill when the Commission on Uniform Laws was in session speaks for itself. Anyone remotely familiar with the viciousness of this practice knows of why—it is a practice I have never heard anyone suggest had a single redeeming value—but the nominee opposed its inclusion as a Commissioner on Uniform Laws in their proposal.

Mr. BAYH. This trend of thought and this part of the Senator's speech, I must say, is a matter of more than passing concern to the Senator from Indiana, because I think this gives us a better understanding of the degree to which the nominee feels there is a legitimate reason for legislative intervention to promote racial justice. If indeed the nominee does not believe there is legitimate reason to legislate to outlaw this blockbusting business, which, as I have said repeatedly, is a most insidious tactic, responsible for more tensions, more animosity, and more hatred between black and white in the same community than anything else I know of, then I wonder, just in what area does the nominee believe there is legitimate reason for legislative activity? I am forced to ask this question because as shown by the transcript of the proceedings of the Commissioners, as the Senator from Michigan will recall, the nominee said that he felt there was both a constitutional question and a serious policy question which caused him to oppose the antiblockbusting provision of the Uniform Antidiscrimination Act.

It is the judgment of the Senator from Indiana that no one has a first-amendment right that guarantees him the business opportunity of going out and playing on the fears and frustrations that result from blockbusting.

Also, the distinguished Senator from Michigan pointed out the degree to which Mr. Rehnquist is alleged to have had a dominant role to play in the Philadelphia plan. When he was asked what evidence he had of a commitment to civil rights, he pointed out that he did participate in drafting the opinion of the Attorney General upholding the plan.

I think it is important for the record to be clear here. We were told by the Senator from Nebraska, with whom I sought to explore the question further yesterday but he did not want me to pursue the line of questioning at that time, that the nominee played a major role in developing the Nixon administration's Philadelphia plan to end racial discrimination in the building trades unions. But when we look at the facts of the situation, we were told earlier, during the hearings, as I recall, that he participated in drafting the opinion of the Attorney General which upheld the plan.

I think we have to look at the situation which confronted him and which confronted the Attorney General. The Secretary of Labor and the Labor Department had come down with a proposal to deal with the discriminatory practices that had existed theretofore in the building trades, and as the plan had been ruled that that plan was unlawful by, I believe, the Comptroller General.

Mr. HART. Yes, by the Comptroller General.

Mr. BAYH. The Comptroller General had said that this was unlawful. So then, of course, the President and the Department of Labor turned to their lawyer, the Attorney General, and said, "Help bail us out of this situation." And thereupon enters Mr. Rehnquist as the Chief Legal Counsel of the Department of Justice, to try to help the Attorney General bail the Department of Labor out of a very difficult situation.

To use this as evidence of a major commitment to human rights is stretching the point significantly, and I appreciate the fact that the Senator brought this up. I would also point out that Mr. Albert Jenner, whose letter has been read into the RECORD several times as evidence of Mr. Rehnquist's contribution to that model act, also is the one who points out that Mr. Rehnquist was the leader of the movement to lessen the effectiveness of that act. Instead of this antidiscrimination measure being a uniform act, which would impose on each Commissioner the obligation to work for its enactment in his home State, it was made a model act, which is a lesser degree of a proposal, and did not bind each delegate to any concerted effort to get it made the law of his State.

Mr. HART. Mr. President, I agree with the thought developed by the Senator from Indiana, and welcome his comments. As far as the nominee's opinion on the Philadelphia plan and its legality is concerned, it would have been noteworthy if the Justice Department, after the President had already authorized the Labor Department's order for the Philadelphia plan, had then said that the order was illegal.

I think it would be well, Mr. President, to note his supporters' emphases on the fact that the nominee did vote favorably on the final passage of the model antidiscrimination act following the Commission's consideration. Those of us in this Chamber know that such a vote is, shall we say, not the best evidence of a man's position if he first has strongly tried to knock out a section in the act, and has failed in that effort. I think fairness requires that that additional explanation be made.

It may be suggested in some of these instances, the nominee's position on a civil rights issue did not involve constitutional questions. That is perfectly correct. But even to the extent this is true, the important point, as noted earlier, is that his underlying attitude toward the injustice of discrimination—its significance or insignificance in his personal scale of values—inevitably will have a strong impact on his reading, if you will, and on his ability to apply the broad promises of the 14th amendment to civil rights problems which are of constitutional magnitude.

In summary, Mr. Rehnquist's repeated initiatives to oppose protection of minority rights is really unrebutted by any substantial expression of concern or sensitivity—let alone affirmative action on his part.

In my book, Mr. President, that alone persuades me that I should not advise or consent to the nomination.

I am reminded that it has been suggested that all the nominee has subscribed to is the unexceptional view that the Constitution is color blind. The short answer to that is this: at least since 1954, we have accepted the proposition that when the elimination of racial discrimination is the issue, the Constitution is not color blind. It requires us to take note of such discrimination and to fix it, to eliminate it.

IV. CIVIL LIBERTIES

In addition to his record on civil rights, and equally disturbing, is the nominee's consistent tendency to discount the Bill of Rights and the interests it preserves, whenever those interests are tested against the pressures for efficient government, order, and authority.

In the protection of individual liberty—as in the promotion of human equality—the Supreme Court has played a unique role throughout our history. Prof. Alan Dershowitz of Harvard Law School put it well in a recent analysis.

> (A) compelling case can be made for a Senator voting against an otherwise qualified nominee with a record demonstrating callousness about—or opposition to—civil rights or civil liberties.
>
> The Executive and Legislative branches are adequate protectors of order, security and efficiency. But there must be a coequal branch which is committed to the far more subtle—and far less popular—values of justice, liberty and equality.

It is not surprising that our popularly elected branches have not always been the most vigilant guardians of individual freedom in the face of the ever present pressures to accomplish the goals of the moment.

I made comment about this in an exchange earlier today with the able Senator from Massachusetts (Mr. BROOKE). To anyone who understands the nature of our process in this country, it is indeed the Court which is the one of the three coequal branches of Government to which the poor and the weak must count for the protection of their sometimes less popular, but nonetheless constitutionally guaranteed rights.

The expressions of concern about the nominee's approach to the Bill of Rights involve far more than his views on swinging the pendulum away from the rights of the accused in criminal procedure. I hope any Senator who thinks the record merely involves disagreement about protecting society from criminal violence will take another look at this record.

It is clear that many today are impatient with the provision of full legal rights to the accused criminal offender. I think they are shortsighted; they forget that the peril to each of us lies in the precedent of eroding the rights of any of us. Unfortunately, they can be persuaded by leaders whose responsibility I question that the great guarantees of liberty imbedded in our Constitution are just technicalities, technical "legalisms," which should be brushed aside if they hinder the prosecution.

A more realistic appraisal of the Bill of Rights was stated by President Nixon in another context when he wrote to the House of Representatives the following reminder:

> A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end.

The President's statement is excellent. But Mr. Rehnquist's record on the Bill of Rights is precisely one of dealing lightly with those provisions in the service of another end—a willingness to "shortcut" the basic purposes of the Bill of Rights, when they might hamper efficient government.

It is not so much Mr. Rehnquist's support of any particular proposal in the area of criminal justice which is as disturbing as his general approach to analyzing the interests that are in competition in the case of the right to bail, preventive detention, arrest without probably cause, and so forth.

But beyond the field of criminal procedure, the nominee's expansive approach to executive power and his restrictive reading of the Bill of Rights affect his approach to other kinds of issues—issues whose direct impact on all citizens should be more readily apparent to them than is the case in the field of criminal procedure.

Every American knows that he has an immediate stake in preservation of their own privacy, in his right to dissent vigorously from his government's policies, and his right to have free access to opinions and information about those policies. Yet these interests, too, are endangered by the appointment of a Justice who has displayed either indifference or willingness to compromise away some of these liberties.

The danger is presented by the inclinations of an Executive to stifle dissent, to undermine organized opposition to official policy, to free itself of congressional oversight or judicial "interference."

Often the effort is made in the name of orderly government or efficient administration. The able senior Senator from North Carolina, on earlier occasions, has used the words that I intend now to use to remind us of a very basic truth. It is language which the Senator from North Carolina attributes to Daniel Webster:

> Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Mr. Rehnquist's speeches pay ample lipservice to these rights. That is exactly what one would expect of someone with his intellectual capabilities and experience. But the occasional phrases which can be lifted out of those speeches to show his "balanced approach" are belied by his analysis of the private interests involved.

The two best examples of this approach to balancing individual rights and governmental interests are wiretapping of domestic "subversives" and government surveillance of political activities. We are talking about today's news, not something that may develop in the future.

WIRETAPPING

Repeatedly the nominee's defenders have pointed to his acceptance of the 1968 Safe Streets Act provision for controlled wiretapping. But that is no more a defense of his record than is the fact that a majority of the Senate approved wiretapping under the 1968 bill. That is simply not the issue here precisely because that 1968 statute did not deal with the present administration's assertion of broad power to wiretap, without prior court approval, in the case of domestic dissidents whom the Attorney General regards as a "subversive" threat to national security. Let us also be clear about the position Mr. Rehnquist successfully advised the Justice Department to adopt on wiretapping in "domestic" national security cases. He tells us that he convinced the Attorney General not to argue solely on the basis of inherent executive power outside the restrictions of the fourth amendment, but rather to argue that the fourth amendment does apply and must be satisfied. That is hardly the end of the matter. The Government's position is that prior judicial authorization is still not necessary under the fourth amendment if the wiretapping is an otherwise reasonable search. And the nominee's speeches claim that there should be no prior judicial approval because the Attorney General can adequately determine whether a search is reasonable and justified. To argue that the Attorney General, frequently a close political adviser to the President, is the kind of neutral buffer between the citizen and his Government envisaged by the framers of the fourth amendment, is to suggest a very superficial appreciation of that historical safeguard. Indeed, the provisions of the 1968 act only underline this concern, because Congress clearly thought that prior court approval was critical and specified its implementation in detail.

Moreover, the memorandum notes that Mr. Rehnquist's cavalier approach to the fourth amendment does not stop here:

> Mr. Rehnquist for his part seems to be willing to go even further than merely supporting wire taps without prior court order in this easily abused area. He took the position at Brown University, as reported in the Providence Journal of March 11, 1971, that the Justice Department 'must protect against . . . subversive domestic elements, yet often does not have the evidence of imminent criminal activity necessary for wire tap authorization. In other words, Mr. Rehnquist argued that *because* the Executive does not have enough evidence to get a warrant against 'elements' it deems in its sole discretion 'subversive,' it should not have to get one. This 'analysis' turns the Fourth Amendment precisely on its head. If it were ever accepted, it would reverse the whole course of Fourth Amendment law in this country.

SURVEILLANCE

Mr. Rehnquist's now famous statement that we should rely on the self-restraint of the executive branch, and occasional oversight hearings by Congress, to protect the individual from intrusive surveillance is discussed in detail in the memorandum. Two points stand out from the rebuttal offered by his supporters in the majority report.

First, they point to Mr. Rehnquist's testimony at the confirmation hearing. He said then that his earlier reference to self-restraint assumed the existence of the present safeguards in the 1968 Wiretap Act and in the first and fourth amendments. In that context, the nominee suggested, he was merely indicating opposition to additional machinery for judicial control of potential abuses, because such judicial scrutiny might hamper the investigators.

But the provisions governing wiretapping in the 1968 act are not applicable to other kinds of surveillance. Mr. Rehnquist knows that. In any event, much of the political surveillance which has alarmed Americans in recent years is precisely in the area which the administration and Mr. Rehnquist claim is exempt from the provisions in the 1968 act—the alleged threat of domestic "subversion."

He also knows that the safeguards in the first and fourth amendments are not self-executing. If the judiciary is not permitted to implement them by restraining executive action, then we are indeed thrust back upon the executive's own self-restraint.

Second, Mr. Rehnquist's lengthy testimony before the Senate Subcommittee on Constitutional Rights gave short shrift to the possibility that such surveillance might have a chilling effect on the exercise of first amendment freedoms. The majority report quotes Mr. Rehnquists's expression of distaste for some of the obvious excesses of surveillance revealed at the Senate hearings. It fails to mention the all-important distinction which Mr. Rehnquist himself drew between policies he personally thought unwise or unjustified, and those which he felt raised a question of constitutional dimensions. He made clear that the potential abuse of surveillance was not, in his view, a serious constitutional problem.

Under pointed questioning at the confirmation hearing, he did acknowledge that many persons may be deterred from vigorously exercising their first amendment rights, even if others are willing to risk their future careers or other dangers of a "Government file." But his consideration of this central purpose behind the first amendment hardly reflected a deep appreciation of the fundamental interests involved.

CONCLUSION

It is not necessary to argue that the nominee's position on any one issue in the area of criminal procedure or privacy is "extremist" or beyond the pale. That is not the point. In each of these areas, Mr. President, there is an unbroken pattern of undervaluing the constitutionally protected interests of personal liberty in marked contrast to the wide scope he would afford executive power.

For this reason, my colleagues and I have joined in our separate views in expressing very grave doubts about Mr. Rehnquist's likely approach to these urgent issues of protecting the individual which will come before the Court in the next several decades.

For this reason, too, in addition to his record on civil rights, I have concluded that I should withhold my consent from this nomination.

Mr. President, I express hope once again in the confidence that my colleagues will read our memorandum and will read it within the framework of the points I have discussed today in this discussion.

I am one of 100 Senators who hopes that our judgment on this nomination is correct.

I would be the first to acknowledge that there are no crystal balls which permit us to know the answer to the question of how anyone will perform once he goes on the Court. I acknowledge, as all of us must, that some men have gone on the Court with predictions that their decisions would reflect a constant, consistent and particularly philosophy and, in many cases, their performance has been consistent with those predictions; but in some cases they have moved ever gradually in a different direction.

But our responsibility, Mr. President, as I understand it, is to attempt, to the extent that the record of a nominee permits a judgment to be made, to determine whether a particular nominee will take to the Court a sensitivity and an awareness of the really great values of the Bill of Rights and the 14th amendment.

If we find in the record of the nominee, nothing that reflects this appreciation, but instead a steady pattern inconsistent with such awareness—indeed, on occasions, an affirmative opposition to those values—we ought not to consent to the nomination.

Mr. President, I yield the floor.

Exhibit 1

Civil Rights

The Supreme Court has played a crucial and proper role in the last 20 years in securing the rights guaranteed in the Constitution for all citizens, particularly our racial minorities. For many of those to whom America has made unfulfilled promises, the Supreme Court has often been the one responsive institution which can be counted on to dispense equal justice under law. President Nixon himself, in accepting his party's nomination in 1968 recognized this when he said:

"Let those who have the responsibility for enforcing our laws and our judges who have the responsibility to interpret them be dedicated to the general principles of civil rights."

Mr. Rehnquist's record, far from demonstrating such a commitment to civil rights, displays a consistent hostility toward efforts to secure rights for the victims of discrimination.

There are three specific episodes in the last seven years which show that Mr. Rehnquist is unwilling to allow law to be used to promote racial equality in America. There are his volunteered opposition in 1964 to a Phoenix public accommodations ordinance; his opposition in 1966 to two key provisions of a Model State Anti-Discrimination Act; and his public statement in 1967, offered in opposition to modest proposals toward integration, that "we are no more dedicated to an integrated society than to a segregated society." And these incidents are not offset in any way by an affirmative demonstration of commitment to equal rights.

A. THE 1964 PUBLIC ACCOMMODATIONS ORDINANCE

In June of 1964 the Phoenix City Council was considering a public accommodations ordinance which declared that—

"It is . . . contrary to the policy of the City and unlawful to discriminate in places of public accommodation against any person because of race, color, creed, national origin, or ancestry."

The ordinance applied only to "public places" offering entertainment, food or lodging, and specifically excluded "any place which is in its nature distinctly private." In testimony before the City Council, Mr. Rehnquist called this ordinance so "far reaching" that it should be submitted to the people for a vote rather than being passed by the Council. He also said:

"I am a lawyer without a client tonight. I am speaking only for myself. I would like to speak in opposition to the proposed ordinance because I believe that the values that it sacrifices are greater than the values which it gives. . . . There have been zoning ordinances and that sort of thing but I venture to say that there has never been this sort of an assault on the institution where you are told, not what you can build on your property, but who can come on your property. This, to me, is a matter for the most serious consideration and, to me, would lead to the conclusion that the ordinance ought to be rejected."

The ordinance was passed unanimously by the City Council the next day. Mr. Rehnquist, still without a client save himself, then wrote a letter to the editor of the *Arizona Republic* calling passage of the ordinance "a mistake." Incredibly, the letter first equated the indignity suffered by a victim of discrimination barred from a lunch counter with the "indignity" suffered by the segregationist forced to serve a meal, and then concluded:

"It is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this."

The freedom to which he referred was the freedom of the property owner to do with his property as he wished. As Mr. Rehnquist recognized in the letter, this freedom has been impinged upon by a great many laws, such as zoning laws, and health and safety regulations. While Mr. Rehnquist thought that imposition on property rights was acceptable for purposes of zoning, he thought an impingement on property rights designed to assure equal access regardless of race to places which hold themselves out to the public was unjustified. In other words, in 1964 the nominee, as he agreed at the hearings, "felt that personal property rights were more important than individual freedoms, the individual freedom of the black to go up to a lunch counter."

It is important to understand the time at which this ordinance was being considered. The fight to end discrimination in public accommodations was in full swing across the nation. The encounters at Selma and Birmingham were recent history. The Congress was in the midst of considering the broadest and most significant piece of civil rights legislation it had ever passed, and that legislation included a meaningful public accommodations section. By the time Mr. Rehnquist spoke in Phoenix, the House had passed the bill, and the Senate had invoked cloture on it. Even more important, the most substantial objections to the federal act came from those who doubted the federal government's constitutional power to enact public accommodations legislation. This was not an argument the nominee used. He fought the measure solely on its merits.

When questioned at the hearings about his opposition to the ordinance, Mr. Rehnquist said he has changed his mind. Asked why, he replied:

"I think the ordinance really worked very well in Phoenix. It was readily accepted, and I think I have come to realize since it, more than I did at the time, the strong concern that minorities have for the recognition of these rights."

Subsequently, Mr. Rehnquist, perhaps recognizing that a pragmatic argument is weak where principle in involved, stated that even if the ordinance had been less readily accepted he would no longer oppose it. Thus the real reason for Mr. Rehnquist's change of heart is, according to him, his realization within the past 7 years of the "strong concern that minorities have for the recognition of these rights." Significantly, it is still not a matter of the nominee's feeling that such discrimination is an injustice, but only that he now realizes that *others* may so view it.

While it is encouraging in some ways that Mr. Rehnquist says that he has come to realize the depth of concern among members of minority groups to be treated as individual human beings by all persons, it is very distressing to imagine a person on the Supreme Court who just seven years ago, when he was 40 years old, was as unaware of the depth of this feeling as Mr. Rehnquist was by his own admission. The insensitivity which Mr. Rehnquist's own statement reveals is hardly offset by an announcement at confirmation hearings that he would no longer oppose public accommodations measures—particularly when other actions by the nominee after 1964 are taken into account.

THE 1966 MODEL STATE ANTIDISCRIMINATION ACT

The second example of Mr. Rehnquist's opposition to the use of law in the promotion of racial equality came in 1966, when as an Arizona representative to the National Conference of Commissioners on Uniform State Laws he participated in deliberations on a proposed Model State Anti-Discrimination Act. The Act forbade discrimination in certain aspects of employment, public accommodations, education, and real property transactions, and it created a State Commission on Human Rights to enforce its provisions. The Act was finally approved by the States 37–2 (Alabama and Mississippi dissenting), with Arizona and Mr. Rehnquist voting in favor of it. But this came only after the Act was relegated to the status of a "Model" instead of a "Uniform" act, thereby relieving the Commissioners of the personal duty to seek passage of the Act in their home states. See Handbook of the National Conference of Commissioners on Uniform State Laws 406 (1966). And it came after Mr. Rehnquist attempted unsuccessfully to delete two key provisions of the Act.

The first was a proposal which was, in the words of the Commissioners' Comments, "designed to permit the adoption [by an employer] of voluntary plans to reduce or eliminate" racial, religious, or sex imbalance in its workforce. No compulsory hiring to achieve racial balance was involved; the Act merely permitted voluntary efforts. These plans were to be subject to the approval of the Commission on Human Rights, and they could apply only to the hiring of new employees or the filling of vacancies. According to the debates, four states already had enacted similar laws: Indiana, Massachusetts, Illinois, and California. Mr. Rehnquist opposed this provision, and, in effect, moved to delete it. Another Commissioner called this motion "a direct attack upon the power granted in the statute to eliminate racial imbalance." The issue then came to a vote and Mr. Rehnquist's motion was defeated. The provision now appears as Section 310 of the Model Act, which reads as follows:

"Section 310. [Imbalance Plans.] It is not a discriminatory practice for a person subject to this chapter to adopt and carry out a plan to fill vacancies or hire new employees so as to eliminate or reduce imbalance with respect to race, color, religion, sex, or national origin if the plan has been filed with the Commission under regulations of the Commission and the Commission has not disapproved the plan."

This opposition in 1966 reveals Mr. Rehnquist's unwillingness to allow law to be used in constructive ways to undo 200 years of discrimination in America. Audit also reveals that the nominee's much heralded responsibility for the Opinion of the Attorney General upholding the lawfulness of the "Philadelphia Plan"—which required that specified numbers of minority employees be hired to redress the effects of earlier discrimination—cannot be given much weight, for the nominee's personal philosophy and policy preference are to the contrary. Indeed, the inconsistency is shown even more clearly by the fact that the Philadelphia Plan is mandatory on all those covered, while the provisions Mr. Rehnquist sought to delete from the Model Act were merely permissive.

The second proposal that Mr. Rehnquist opposed was one designed to prohibit vicious "blockbusting" tactics by which realtors sometimes play on racial fears for their own profit. As the Reporter-Draftsman of the Act, Professor Norman Dorsen of New York University, said during the deliberations, a number of cities and at least one state (Ohio) had anti-blockbusting provisions by 1966. Mr. Rehnquist moved to delete this section. He said:

"It seems to me we have a constitutional question and a serious policy question, and in view of the combination of these two factors, plus the fact that it doesn't strike me this is a vital part of your bill at all, I think this would be a good thing to leave out."

Mr. Robert Braucher, then Chairman of the Special Committee on the Model Anti-Discrimination Act and a Professor at Harvard Law School, and now a Justice on the Supreme Judicial Court of Massachusetts, replied with an eloquent defense of the anti-blocking provision:

"However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth, and then they go around to the neighbors and say: Wouldn't you like to sell before the bottom drops out of your market?

"And the notion that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit."

A vote was then taken on Mr. Rehnquist's motion to delete the section, and the motion failed. The section now appears as Section 606 of the Model Act, which reads as follows:

"Section 606. [Blockbusting.] It is a discriminatory practice for a person, for the purpose of inducing a real estate transaction from which he may benefit financially

"(1) to represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located, or

"(2) to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located."

Some have argued that Mr. Rehnquist's vote in favor of the final Model Act which contained public accommodations provisions shows the nominee's change of heart from his 1946 position opposing a Phoenix public accommodations ordinance. But that is a vastly oversimplified view. In the first place, the Commissioners were dealing with model legislation, not a law about to be put into effect, so the situations are not comparable. And even more important, the nominee himself was twice asked to explain his change of heart, which was first announced at the confirmation hearings. Neither time did he mention his vote as a Commissioner in 1966. This means either that in the nominee's mind the vote approving the final draft was not significant in showing a change of heart or that he chose not to bring it up because of his opposition to the imbalance and anti-blockbusting provisions. Giving the nominee the benefit of the doubt, one concludes that in his own mind the 1966 vote was not important. There is then no reason it should be important to the Senate. In any event, the final vote is far less significant than Mr. Rehnquist's earlier opposition to the two sections of the act discussed above.

THE 1967 LETTER

The third incident was a letter to the editor Mr. Rehnquist wrote in September 1967 in response to a series of articles and a school official's proposals to deal with de facto segregation in Phoenix. The letter can be understood only in the context in which it was written.

Mr. Harold R. Cousland wrote a series of six articles for the *Arizona Republic* in late August 1967 concerning de facto segregation in Phoenix and what might be done to combat it. Mr. Cousland discussed the problem of racial segregation in the Phoenix schools, the reasons that segregation is self-perpetuating, the contention that minority group children are better off in integrated schools, compensatory education plans, and alternative proposals for integration: open enrollment, voluntary busing, school pairing, educational parks. Forced busing of students was not one of the proposals.

Just as Mr. Cousland's series was completed, the Superintendent of the Phoenix Union High School District, Dr. Howard Seymour, proposed a number of steps designed to combat de facto segregation in Phoenix. As reported in the Arizona Republic of September 1, 1967, at p. 19, these steps were:

Appointment of a policy adviser skilled in interpersonal relations and urban problems;

Organization of a citywide advisory committee representing minority groups;

Formation of a Human Relations Council at each high school;

Promotion of voluntary exchanges of pupils among racially imbalanced schools in various ways, including the location of special enrichment programs and extra-curricular activities;

In the long run, a series of seminars on the nature of prejudice;

Curriculum changes designed to accent the contributions of various ethnic groups and individuals;

Without setting a ratio of minority teachers at each school, the assignment of staff in a way which redressed the existing imbalance.

Mr. Rehnquist found the combination of Mr. Cousland's articles and Dr. Seymour's program "distressing" enough to write the following letter to the Arizona Republic:

" 'DE FACTO' SCHOOLS SEEN SERVING WELL

"[Editor, The Arizona Republic:] The combined effect of Harold Cousland's series of articles decrying "de facto segregation" in Phoenix schools, and The Republic's account of Superintendent Seymour's 'integration program' for Phoenix high schools, is distressing to me.

"As Mr. Cousland states in his concluding article, 'whether school board members take these steps is up to them, and the people who elect them.' My own guess is that the great majority of our citizens are well satisfied with the traditional neighborhood school system, and would not care to see it tinkered with at the behest of the authors of a report made to the federal Civil Rights Commission.

"My further guess is that a similar majority would prefer to see Superintendent Seymour confine his activities to the carrying out of policy made by the Phoenix Union High School board, rather than taking the bit in his own teeth.

"Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' Once more, it would seem more appropriate for any such broad declarations to come from policymaking bodies who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an 'integrated' society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.

"The neighborhood school concept, which has served us well for countless years, is quite consistent with this principle. Those who would abandon it concern themselves not with the great majority, for whom it has worked very well, but with a small minority for whom they claim it has not worked well. They assert a claim for special privileges for this minority, the members of which in many cases may not even want the privileges which the social theorists urge be extended to them.

"The schools' job is to educate children. They should not be saddled with a task of fostering social change which may well lessen their ability to perform their primary job. The voters of Phoenix will do well to take a long second look at the sort of proposals urged by Messrs. Cousland and Seymour."

Mr. Rehnquist was given several opportunities at the hearings to explain this letter. His reply always took the same line:

"I would still have the same reservations I expressed in 1967 to the accomplishment of this same result by transporting people long distances, from points where they live, in order to achieve this sort of racial balance, and what I would regard as rather an artificial way."

And later in the hearings:

"With respect to the 1967 letter which I wrote in the context of the Phoenix School system as it then existed, I think I still am of the view that busing or transportation over long distances of students for the purpose of achieving a racial balance where you do not have a dual school system is not desirable."

And again in answers to supplemental questions, Mr. Rehnquist explained that a statement by Dr. Seymour that he would "not dismiss busing of students as a partial solution" lay at the heart of this letter.

Thus, Mr. Rehnquist has tried to cloak his 1967 letter in the current controversy over mandatory busing of students. But a fair reading of the letter itself and the articles on which it is based demonstrates that Mr. Rehnquist was opposed to much more. The letter itself does not even mention busing, or, indeed, transportation of students in any form. And it is apparent from the most cursory glance at the proposals Dr. Seymour made that—as Mr. Rehnquist admitted in answers to supplemental questions—virtually all of the proposals are "entirely consistent" with the neighborhood school concept Mr. Rehnquist wrote about. Yet the letter specifically suggested that "the voters of Phoenix will do well to take a long second look at the *sort of proposals* urged by Messrs. Cousland and Seymour." (emphasis added)

Moreover, the newspaper story from the *Arizona Republic* of September 1, 1967, out of which Mr. Rehnquist takes Dr. Seymour's statement that he would "not dismiss busing of students" when read in full shows that Dr. Seymour had an extremely moderate view of the problem:

"He [Dr. Seymour] said he would not dismiss busing of students as a partial solution, but he discounted busing or the altering of district lines as complete approaches to the problem.

"'It is much more preferable for us to demonstrate a willingness to broaden the spectrum of school populations through such actions as voluntary transfers, a local peace corps of students and teachers, . . . and other devices intended to life the aspirations of those who live and learn without them.

"'The research evidence tentatively supports the premise that minority pupils achieve more in an atmosphere of high motivation,' he said."

And the *Phoenix Gazette* of August 31, 1967, reporting the same speech by Dr. Seymour makes the Superintendent's position equally clear:

"But he [Dr. Seymour] said he opposes gerrymandering district boundaries or 'busing' pupils from one part of town to another as means toward 'true integration.'

"'There is nothing more artificial in my judgment than to load a group of pupils from one district and disgorge them at another without making it possible for full, active participation in learning, socializing, sports and activities, and without integrating the adults along with busing pupils,' he continued."

Thus, far from being an advocate of forced busing, Dr. Seymour favored other ways of integrating the schools, such as encouraging voluntary transfers under a program already in effect. Viewed in this light, one sees rather clearly that just four years ago Mr. Rehnquist found "distressing" some rather minimal efforts of school officials to promote equality of educational opportunity. One also sees that his answers to the Committee's questions on this matter were more glib than candid.

The truly alarming aspect of this 1967 letter, however, is Mr. Rehnquist's statement, 13 years after *Brown* v. *Board of Education* that "we are no more dedicated to an 'integrated' society than we are to a 'segregated' society." As explained above, this statement cannot simply be written off by the nominee as made in the context of long-distance busing. It must stand on its own as representing his view of our society's obligation to its citizens. And Mr. Rehnquist has never disassociated himself from this statement. Yet at least since the Supreme Court declared that "separate is inherently unequal," this Nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed.

The statement is especially disturbing when put into context. The newspaper story which contains the quote by Dr. Seymour with which Mr. Rehnquist took issue reads:

"Commenting on teaching minority members, [Dr. Seymour] said the district should make no attempt to establish ratios of one type of teacher to the pupils they serve.

"'Since we are and must be concerned with achieving an integrated society," he said, "the Phoenix Union High School system recognizes an obligation to staff schools with personnel to help relieve cultural imbalance within the community. Pupils need to be exposed to the fine talents representative of all races.'"

Thus there is yet another part of a consistent pattern, complementing Mr. Rehnquist's opposition to the employment "imbalance" section of the Model State Anti-Discrimination Act, and to the public accommodations ordinance, of the nominee's hostility to programs which recognize 200 years of discrimination in America and take steps to rectify the tremendous burdens which that discrimination has imposed.

THE ABSENCE OF AFFIRMATIVE COMMITMENT TO EQUAL RIGHTS

Significantly, the disturbing inferences which flow from the incidents just described are not rebutted in any way by other, affirmative actions Mr. Rehnquist has taken to promote racial justice. Indeed, the absence of a demonstrated commitment to equal rights in the nominee's record is alone strong grounds for questioning his nomination.

Mr. Rehnquist was twice asked at the hearings to describe what in his record demonstrated a commitment to equal rights for all. His entire answer was as follows:

"It is difficult to answer that question, Senator. I have participated in the political process in Arizona. I have represented indigent defendants in the Federal and State courts in Arizona. I have been a member of the County Legal Aid Society Board at a time when it was very difficult to get this sort of funding that they are getting today. I have represented indigents in civil rights actions. I realize that that is not, perhaps, a very impressive list. It is all that comes to mind now.

* * * * *

"I think that there are some paragraphs in my Houston Law Day speech which recognize the great importance of recognition of minority rights, that the progress is not as fast as we would like and that more remains to be done. I am trying to think of some other public statement that may contain similar—well, you know, I am just coming back, not back to isolated passages in public statements."

This was subsequently expanded and clarified by Mr. Rehnquist in response to additional questions by certain members of the Committee. Mr. Rehnquist added that he had been an Associate Member of the American Bar Association Special Committee on the Defense of Indigent Persons Accused of Crime in 1963; that he had testified on behalf of the Administration in favor of ratification of the Genocide Treaty and in support of the Equal Rights Amendment; and that he had participated in the preparation of the Opinion of the Attorney General upholding the legality of the "Philadelphia Plan." Mr. Rehnquist also explained in somewhat greater detail the sorts of civil rights actions in which he represented indigents.

This record, compiled over the course of an 18 year career, reveals little more than the routine activities which may be expected of any private lawyer who becomes a high-ranking government official. It cannot be called a demonstrated commitment to fundamental human rights.

Representation of indigents, for example, is considered one of the duties of every member of the bar, and in criminal cases is usually done at the request of the court. The civil rights actions Mr. Rehnquist described in his response to written questions could more accurately be called civil cases than civil rights cases in the usual meaning of that term. And in response to additional questions, Mr. Rehnquist admitted that his membership on the Maricopa County Legal Aid Society Board had been *ex officio*, by virtue of his position as an officer of the County Bar Association.

Nor is any particular commitment shown by his record in the Department of Justice since 1969. His testimony in support of the Equal Rights Amendment was less than wholehearted. And any reliance which might otherwise be placed on his authorship of the Opinion of the Attorney General upholding the lawfulness of the Philadelphia Plan is undermined by his opposition to a far less reaching proposal in the Model State Anti-Discrimination Act in 1966, discussed above. Further, once put in chronological sequence, the significance of that Opinion is somewhat suspect. In June of 1969 the Labor Department, with Administration approval, promulgated the orders for minority hiring commonly referred to as the Philadelphia Plan. In August the Comptroller General held the Plan illegal. In September, Mr. Rehnquist's office prepared the Opinion of the Attorney General which, unsurprisingly, upheld the Labor Department's—and the Administration's—well publicized proposal.

In sum, Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights.

ALLEGED HARASSMENT OF VOTERS

There have been a number of charges and denials concerning Mr. Rehnquist's role in voter challenges by Republicans during various elections in the early 1960's in Phoenix. One serious charge was that made in sworn affidavits by Mr. Jordan Harris and Mr. Robert Tate alleging that Mr. Rehnquist harassed and intimidated a voter and engaged in a scuffle with Mr. Harris at the Bethune precinct in 1964. Messrs. Tate and Harris charge that Mr. Rehnquist made an improper attempt to administer personally a literacy test to a would-be voter. Mr. Harris says he approached Mr. Rehnquist, to whom he had been introduced, and "argued with him about the harassment of voters." A struggle ensued, in which Mr. Tate came to Mr. Harris' aid. A policeman, it is said, entered and took Mr. Rehnquist into an office, from which he soon left. Mr. Tate identified Mr. Rehnquist "from pictures I have seen lately in the papers . . . he did not, at that time, however, wear glasses."

These affidavits are corroborated by two additional ones sworn within the past few days. These came from the Rev. and Mrs. Snelson McGriff, who say that Mr. Rehnquist—or "his twin brother"—was at Bethune precinct in 1964. Rev. McGriff says that the challenger, Mr. Rehnquist, wore glasses while inside the voting place, but took them off when he came outside, before the scuffle took place. *See* the *National Observer*, Nov. 28, 1971, p. 4, col. 1.

Mr. Rehnquist has submitted a sworn affidavit which says that the affidavits of Messrs. Tate and Harris "insofar as they pertain to me . . . are false." He has denied having been at the Bethune precinct in 1964, and he denied that he ever personally "harassed or intimidated voters."

The conflict in the evidence before the Committee is not resolved simply by reference to Judge Charles Hardy's letter, as the Majority would have us believe. Judge Hardy only confirms what was already documented by contemporaneous news accounts and by an FBI report: that there was voter harassment and a fight at Bethune in 1962, and that Mr. Rehnquist was not involved in it. But Judge Hardy's letter does not by any stretch of the imagination stand for the proposition that no scuffle occurred at Bethune in 1964. Thus Mr. Rehnquist's statements and Judge Hardy's letter do not "completely refute the charges" made by Messrs. Tate and Harris. Indeed, Judge Hardy's letter which states that the "events in question" occurred in 1962, could not have been intended as a refutation of their charges since it is dated before their affidavits were made and released.

Nor does the fact that the Federal Civil Rights Act of 1964, in effect at the time, prohibited oral literacy challenges "undercut the credibility of these allegations" as the Majority Report claims. That fact means only that the challenges, if there were any, violated federal law. And at least in some parts of Arizona, a Justice Department investigation has revealed that "challenges . . . based on . . . ability to read the Constitution in English" were made in 1964. *See Apache*

County v. *United States,* 256 F. Supp. 903, 909 (D.D.C. 1966) (3-judge court).

Instead, it appears that the Committee lacks either the motivation or machinery to conduct the type of fact-finding which is needed to uncover which side of this dispute is mistaken. Therefore, each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial.

Whatever the actual facts are about the 1964 incident at Bethune, that dispute should not be permitted to obscure the larger question of the extent of Mr. Rehnquist's responsibility for the Republican efforts to intimidate and harass minority voters in Maricopa County from 1958 to 1964. Judge Hardy, whose letter is so heavily relied upon by the Majority, described those tactics as follows:

"In 1962, for the first time, the Republicans had challengers in all of the precincts in this county which had overwhelming Democratic registrations. At that time among the statutory grounds for challenging a person offering to vote were that he had not resided within the precinct for thirty days next preceding the election and that he was unable to read the Constitution of the United States in the English language. In each precinct the Republican challenger had the names of persons who were listed as registered voters in that precinct but who apparently had not resided there for at least thirty days before the election. In precincts where there were large numbers of black or Mexican people, Republican challengers also challenged on the basis of the inability to read the Constitution of the United States in the English language. In some precincts *every* black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people awaiting their turn to vote to grow tired of waiting and leave without voting.

"In addition, there was a well organized campaign of outright harassment and intimidation to discourage persons from attempting to vote. In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. There were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging were highly improper and violative of the spirit of free elections."

In response to a written question from several members of the Committee, Mr. Rehnquist stated that he felt "that there was no connection between my role [in 1962] and the circumstances related by Judge Hardy." He also stated that the practices Judge Hardy described "did not come to my attention until quite late in the day of the election in 1962" and that is why he took no steps to curb practices such as indiscriminate use of literacy challenges, which he believes improper. But this disavowal of involvement in the 1962 practices must be placed alongside the facts, established by Mr. Rehnquist's own answers, that in 1960, 1962 and 1964 the nominee played an important role for the Republican Party in Phoenix in voter challenges.

In 1960, Mr. Rehnquist was designated by the County Republican Chairman as co-chairman of the Ballot Security Program; he supervised and assisted in the preparation of envelopes mailed to Democrats—largely in black and Mexican-American districts—which were the foundation of residency challenges; he recruited lawyers to serve on a Lawyers' Committee; he advised challengers on the law; and he supervised in assembling returns of the mailings for challenging purposes.

In 1962, Mr. Rehnquist was designated Chairman of the Lawyers' Committee of the County Republican Party, and he again taught challengers the procedures they were to use. And, as in 1960, he served as a troubleshooter—going to precincts at which disputes had arisen, in order to help resolve them.

Finally, in 1964 Mr. Rehnquist was Chairman of the Ballot Security Program, selected by the County Republican Chairman. As such, he had overall responsibility for mailing out envelopes, recruiting challengers and recruiting members of the Lawyers' Committee, and for speaking, or seeing that someone spoke, at a training session of challengers. In 1964, as well, Mr. Rehnquist was general counsel to the County Republican Committee.

Thus while Mr. Rehnquist has sought to disassociate himself from the tactics employed by the Republicans in 1962 and other years, it cannot be overlooked that he held a high and responsible position in the Republican party's election day apparatus from at least 1960 to 1964, a period that saw very substantial harassment and intimidation of voters in minority group precincts.

CONCLUSION

A review of the nominee's entire record on civil rights reveals a persistent unwillingness on his part to allow law to be used to overcome racial injustice. There are two significant implications of this which argue strongly against confirmation. First, Mr. Rehnquist's views are such that one must fear the interpretation he may give to the great promise of the Fourteenth Amendment: equal protection of the laws. Indeed, one must also fear the limits he would impose on a legislature's efforts to redress 200 years of racial injustice. Second, there is the question of the very appearance of fairness and impartiality. At a time when many Americans, young and old alike, doubt the responsiveness of our system of government, we cannot afford to put on the Supreme Court a man consistently insensitive to the role that law must play in achieving a fair and just society.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I hope this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senate will resume consideration of legislative business.

ORDER FOR ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND VACATING ORDER FOR RECOGNITION OF SENATOR MONTOYA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the two leaders on tomorrow, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes and that the previous order recognizing the Senator from New Mexico (Mr. MONTOYA) be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Wisconsin (Mr. PROXMIRE) on tomorrow, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of Calendar No. 537, S. 2676, a bill to provide for the prevention of sickle cell anemia.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF THE NOMINATION OF WILLIAM H. REHNQUIST ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of S. 2676 on tomorrow, the Senate return to executive session and the resumption of the consideration of the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized under the standing order, the senior Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes. At the conclusion of routine morning business, the Senate will take up S. 2676, a bill to provide for the prevention of sickle cell anemia. The bill will be debated under a time limitation of not to exceed 30 minutes, and there will be a rollcall vote on final passage. The rollcall vote should occur at about 10 o'clock a.m.

Following the rollcall vote on S. 2676, the Senate will return to executive session to resume consideration of the nomination of William H. Rehnquist for the office of Associate Justice of the Supreme Court of the United States.

ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate, in accordance with the previous order, stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 14 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, December 8, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 7, 1971:

COMMISSION ON CIVIL RIGHTS

John A. Buggs, of Maryland, to be Staff Director for the Commission on Civil Rights, vice Howard A. Glickstein, resigned.

IN THE NAVY

Robert R. Groom (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy subject to the qualification therefor as provided by law:

William T. Bell
Donald J. Clausen
Daniel M. Harrigan
Frederick L. Hecht
Robert M. Rohen
John F. Suber
Jerry D. Thomley
William T. Wilson

Glenn C. Parrish (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

Steven M. Abelman
Kris T. Ackerbauer
Charles N. Adams III
James V. Ahearn, Jr.
Robert R. Ainslie
David E. Albin
John L. Alexander
James M. Allen
Kristin L. Allen
John S. Allison, Jr.
Lorin E. Andersen
John H. Anderson, Jr.
John N. Anderson
Larry E. Anderson
Stephen F. Anderson III
Kenton G. Andrews
Gary T. Archibald
Robert E. Ansley, Jr.
Richard L. Arfman
Brian S. Armstrong
Charles B. Askey
Jeromye L. Avery
Jack N. Bailey
Robert K. Baird
Neil D. Baker
Wilfred Baltazar, Jr.
David H. Barber
Timothy J. Barnes
Ralph C. Bartlett
Garrick W. R. Bauer
Anthony J. Bechem
Paul R. Becker
Kenneth R. Beeunas
Raymond B. Beimel
Vincent J. Beirne
John B. Bell
Frederick C. Bensch
James E. Benson
Paul R. Bernander
Michael S. Bertin
Robert E. Besal
Daryl L. Bever
Norman S. Biehler
Edward S. Bishop
David F. Blake
James M. Blakely
Jonathan H. Blanding
Edward H. Blohm, Jr.
Mark A. Bloom
Anthony K. Bollen
Robert M. Bond
William D. Bondy
William T. Boone
William G. Borden
Joseph E. Bottomley
Jon T. Boyd
Pelham G. Boyer
Joseph B. Brady
Philip E. Bray
Jonathan J. Bridge
Edward T. Brill
Michael A. Brogan
David A. Brown
Frank H. Brown
Franz K. Brown
Jesse H. Brown
Kelley A. Brown
Richard M. Bruns
Gary E. Buker
Thomas A. Bunker
Richard J. Burdge, Jr.
Michael E. Burke
Larry W. Burkhart
Timothy D. Caldwell
James R. Cambre
Christopher S. Canetti
Katsumi O. Cannell
Leonard W. Capello
Donald L. Capron
Dale R. Carlson
Orin O. Carman
William A. Caroli
Christopher E. Case
Anthony J. Cassano, Jr.
Douglas W. Charlton
Benjamin L. Chastain
Richard A. Chiasson
Peter C. Chisholm
Paul E. Cincotta
Irving B. Clayton III
Kevin R. Collins
Kevin E. Condon
Thomas P. Connair
Paul M. Connolly
Thomas I. Converse
Howard D. Coogler
Wilbur O. Cooke, Jr.
Michael R. Cooper
Kenneth E. Corkum
Mark E. Costello
Stephen T. Cox
John T. Crawford
Dennis P. Crimmins II
Douglas L. Crinklaw, Jr.
Raymond S. Cross
James R. Crossen
Indy C. Crowley
Terry S. Crozier
John F. Cullinan
James P. Cunningham
Samuel R. Curcio, Jr.
Bruce J. Currivan
John F. Dalby
Joseph T. Daly III
David M. Dankert
Wayne C. Darnell
Mark C. Davis
Robert E. Davis
Terry L. Daugherty
Rocklun A. Deal
Thomas C. Deas, Jr.
William D. Degolian
Michael J. Deibler
Christopher P. Depoix
John P. Deregt
Norman E. Derouin, Jr.
William M. Desgalier
Ted E. Dewalt
Craig R. Dolan
Robert E. Dolan
John R. Donahue
John P. Donnell
Richard H. Donohue
Donald R. Dreyer
Daniel E. Dubina
Neale A. Duffett
John S. Earwaker III
Justin D. Edmonds
John S. Elliker, Jr.
Mark E. Ellis
John D. Epley
David S. Epstein
Douglas J. Erbele
Hobart R. Everett, Jr.
James L. Everett IV
Uson Y. Ewart
Bruce K. Farwell
William A. Faust
David A. Fencl
Donald B. Fennessey
Richard W. Fife
David J. Firth
Alan D. Fisher
Steven S. Fitzgerald
Raymond M. Flamm
Gary J. Flor
Clifford W. Folland
Steven V. Fondren
Van Y. Fong
Larry A. Foster
Robert B. Frazier
James M. Frederickson
Curtis M. French
Brian D. Frenzel
Thomas A. Fulham, Jr.
Edward F. Gallagher, Jr.
Bruce T. Garrett
Patrick M. Garrett
Alan C. Gault, Jr.
James F. Gay
Gregory W. Gebhardt
Paul S. Giarra
Ronald M. Gibbs
David H. Gibbons
Steven M. Glover
Douglas T. Gordon
Leonard A. Goreham
Michael P. Gracey
David G. Grau
Kerry D. Green
Daniel E. Griffin
Hines N. Griffin
Jan W. Gripp
Edmund S. Gross
Austin B. Gunsel
William F. Hackett
Karl A. Hadley
Donald L. Hafer
Dennis K. Hakin
Peter G. Hanson
John T. Hardin
Joseph A. Harland
Raymond M. Harris, Jr.
Donald D. Harvey III
Franz Hatfield
Frederick R. Heaty
Michael C. Heck
Frederick G. Heppner
John M. Herzog
James R. Hess
Ronald C. Hessdoerfer
Gordon Heyworth
James A. Higbie
Peter L. Hilbig
Gordon R. Hill
Larkin D. Hipp
Henry R. Hitpas II
Robert N. Hobbs
Loius A. Hoffman, Jr.
Paul Edward Holley, Jr.
Robert C. Holmes, Jr.
Ronald D. Honey
Dennis D. Horsell
Nathan A. Horowitz
John M. House
Mark A. Housel
Kevin M. Huban
Leonard W. Huck, Jr.
William A. Hudson
William G. Hudson III
Anthoyn L. Impellitteri
Eric B. Jackson
John E. Jackson
Jack W. Jahn
Christopher P. Jamison
Thomas M. Jaskunas
Garrison W. Jaquess
Michael T. Meagher
Frank B. Mease
James Meetze
Charles F. Mello
Peter N. Mikhalevsky
Francis R. Miller
Michael W. Monkhouse
Leland R. Montgomery
Mark S. Moranville
James W. Morgan
John B. Morgan
Donald S. Morrison
Martin L. Morrissey
Lawrence J. Morse
David R. Mortensen
Robert G. Morton
Sammy Lee Moser
James N. Mullican
Timothy R. Murphy
George W. Myers, Jr.
Fred H. Naeve, Jr.
William M. Naylor
William D. Needham
William V. Jenkins
William E. Jennings III
Andrew A. Jensen
Martin W. Johnsen
Kenneth R. Johnson
David B. Jolly
Thomas H. Jones
William B. Jones
Peter L. Kallin
George J. Karlsven, Jr.
Walter J. Kasianchuk
Michael E. Kassner
Roger L. Kave
Douglas W. Keith
Christopher J. Kemper
James B. Kendall
Kristopher M. Kennedy
Jared T. Kieling
Mark D. Kilmartin
Murray O. King, Jr.
Robert F. Kissling, Jr.
Patrick J. Klinker
Carl T. Knos
Richard F. Kodzis
Lawrence R. Krahe, Jr.
Victor E. Kratzer
Richard F. Krochalis
Richard E. Kuhn
Terence P. Labrecque
William P. Larsen III
Michael P. Lazar
Daniel V. Leclair
David M. Laffoon
Milton D. Lane
Leopold H. Lemmelin II
John M. Lemmon
Raymond E. Leonard III
William H. Lewis III
Richard J. Liebl
George P. Lillard III
Stuart C. Lilly
Peter R. Lindsay
Jerry D. Lindstrom
David J. Llewellyn
Andrew F. Loomis
John B. Love
Rawlins Lowndes
George W. Lynn
Edward F. McClave
Daniel R. McCort
Harry J. McDevitt
Randal S. McDonald
Daniel McGrath
Daniel B. McGrath
James B. McKinney
William J. McKenney
Charles R. McLean
William D. McLean
James A. McCrae
John M. McCutchen
Brian L. McElmurry
Michael K. McEvoy
John M. McGrail
Gibson E. McMillan, Jr.
Scott J. N. McNabb
Breathitt R. McVay, Jr.
Robert C. Macdermid
William M. Machovina
Bruce K. Maclean
Steven M. Macpherson
Larry G. Madison
Gregory A. Major
John P. Makin
Nicholas A. Malarchik
Patrick J. Mallon
Paul F. Malloy
Michael W. Mann
Bruce D. Mason
Lee C. Mason II
William T. Matthews
John M. Kearney
James F. Keim
William R. Netro
Russell S. Noble
Lynn W. Norden
Timothy J. Norrbom
John W. Norris
Stefan A. Nyarady
Philip J. O'Brien
John T. Oconnell
Arthur J. Ogrady
Clifford M. Olson
Ernest G. Ovitz III
Steven W. Palmer
Richard S. G. Park
Timothy A. Patton
Douglas T. Peart
Andrew J. Peck
Kenneth A. Pedone
Kenneth W. Peters
Mark A. Pickett
Russell A. Pickett
Edward W. Pinion
Rand R. Pixa
Richard P. Pope
Francis J. Popek
Carl R Porterfield
William O. Poston
Jeffrey P. Powell
George L. Powers
Michael K. Price
William R. Price III
Larry R. Prill
Jeffrey D. Pulis
Michael N. Quarles
Donald R. Quartel, Jr.
Paul F. Quinn
Thomas L. Reeder III
Michael C. Rees
Jerry D. Reeves
James R. Reisdorfer
Jeffrey A. Reise
David P. Reistetter
Donald L. Reppert
Robert T. Rich
Howard V. Richardson III
Richard P. Riley
Thomas E. Ritchie
James A. Robb
Steven N. Robinson
Dennis E. Rocklein
Jeffrey L. Roddahl
Willard P. Roderick
Steven L. Romine
Christian Rondestvedt
Thomas W. Rossley
John H. Rothwell
Peter S. Rothwell
Sigurd K. Rottingen
James S. Rountree
James W. Roush
Gerald M. Rowe
Glenn H. Russell
William D. Russell
Jeffrey B. Ryan
William P. Ryan, Jr.
Jack G. Salyer
Thomas B. Salzer
Gregory L. Sample
Robert J. Sanders, Jr.
John B. Santino
Michael Sarraino
Marc Schaefer
Frederick J. Scheibl
George S. Scherer
Gregory J. Schlass
James M. Scholz
John M. Schooley
William Schopflin II
Donald E. Schrade
Randall C. Shultz
Murray J. Scott
Dean G. Sedivy
Robert N. Seebeck
Michael J. Seeley
William A. Seiss
William W. Selman
David M. Sevier
Siegfried L. Shalles
James T. Shaw III
John D. Shaw
Jon V. Shay
Richard W. Shriver
William H. Shurtleff IV
Philip W. Signor III
Irving Silver
Terrence C. Silverberg
Charles C. Simpson III
William M. Simpson, Jr.
Michael J. Sise
Donald E. Sliwinski
Joseph W. Sloan, Jr.
John A. Slusser
Charles E. Smith
Glenn R. Smith
Leigh R. Smith
Loren W. Smith
Robert E. Smith
Scott M. Smith

Terry A. Tarantino
Dennis L. Teitsworth
Richard C. Tennant
Nicholas J. Tennyson
Timothy L. Thickstun
Thomas W. Thiesse
Michael R. Thomas
John A. Thomson
Charles L. Threet, Jr.
Terran J. Tidewell
Frank A. Titus II
Michael R. Tofalo
James M. Tompkins
David M. Torbenson
Joseph E. Torgesen
John R. Traughber
Michael D. Trudeau
Anthony J. Twardziak, Jr.
Paul E. Tyre, Jr.
Jay P. Unwin
Peter M. Vandyk
Jerome J. Vanparys
Thomas G. Vetter
Dennis A. Vidmar
Kenneth A. Vincent
Michael P. Vincent
James C. Voter
Paul J. Vuchetich
Wayne L. Wagner
Howard E. Wagoner III
John G. Waldmann
James R. Wallace
James A. Walters
Charles R. Waters
Michael A. Wathen
Ralph S. Watts
Stephen F. Waylett
Gregg C. Weatherly
Walter L. Weber
James A. Werner
Paul D. Wesley
Lynn G. Wessman
Robert A. Wesolowski
James R. Wheeler
David G. White
George W. White
Millar J. C. White
William S. White
William T. White
Norman R. Wight
William J. Willkie
Charles W. Spradlin, Jr.
Donald C. Stanton
Richard D. Stark, Jr.
John A. Stauter, Jr.
Howard L. Steele III
John E. Steele
Peter W. Steele
Rodney C. Steffens
Kenneth M. Stein
Clyde E. Sterling
Don T. Stevens
John R. Stewart, Jr.
Jeffrey L. Stine
Jeffrey M. Stone
Bradley D. Storm.
Kevin S. Stotmeister
Michael Strong
Lawrence W. Strunk
Joseph Stusnick III
David B. Sutton
Jhan C. Swanson
Anthony G. Tamaccio
Bradley S. Tammes
Daniel F. Tandy
Herlis A. Williams, Jr.
John P. Wilmeth
Dallas G. Wilfong III
Paul S. Winberry
Neil S. Wingert
John S. Woodward
James R. Worth
James L. Wright
Richard C. Wright II
Robert J. Wright
William D. Wright, Jr.
Joseph C. Yancy, Jr.
Michael E. Yates
Robert W. Yerkes
William A. Young
Peter C. Zackrison
Ralph C. Zagrabbe
Philip L. Zeeck
Howell C. Zeigler
William R. Zeird
Dale O. Snodgrass
Richard E. Snook
Michael G. Somadelis
George F. Sparks
George E. Spaulding
Scott L. Speicher

The following named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Jonathan F. Davies
Richard I. Glasgow
Julius W. Eickenhorst

Stephen A. Grzenda (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Michael W. Lau (civilian college graduate) to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Bruce D. Noonan (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

DIPLOMATIC AND FOREIGN SERVICE

Anthony B. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

EXTENSIONS OF REMARKS

HOMER BABBIDGE, UNIVERSITY OF CONNECTICUT PRESIDENT, ANNOUNCES RETIREMENT

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McKINNEY. Mr. Speaker, like many residents of Connecticut and elsewhere, I was saddened to learn that Homer D. Babbidge had announced his retirement as president of the University of Connecticut. A scholar, author, and educator, Dr. Babbidge is more importantly a compassionate human who brought to the office of University of Connecticut president a deep understanding and grasp on how to communicate with his fellow man. He not only weathered a decade of turmoil on America's college campuses, but he came through it with the respect and admiration of all.

In recent days, John Peterson, a reporter for the New London, Conn., Day, has authored two articles which deal with the accomplishments and personality of Dr. Babbidge. These are excellent accounts of Dr. Babbidge's career and I would like to share them with my colleagues now.

The articles follow:

BABBIDGE WILL LEAVE MANY FRIENDS WHEN HE STEPS DOWN FROM THE UNIVERSITY OF CONNECTICUT

(By John Peterson)

STORRS, CONN.—Homer D. Babbidge, University of Connecticut president who retires next year, is a dime among 10 pennies.

While some college presidents stumble and fall, Dr. Babbidge walks with confidence and the support of thousands.

That support was exemplified 48 hours after he announced his resignation when 500 students demonstrated and presented Babbidge with petitions signed by 7,000 students and faculty members urging him to reconsider his position.

But Babbidge was keeping his first promise to the university: To limit his tenure to 10 years. Babbidge described it as a relay race, now he must hand over the baton.

Babbidge is described by those on campus as considerate, extremely interested, unbelievable and "cast in the mold of the gods."

The thought of a new president shook the university in October and a month later tremors remained.

As one veteran professor observed, "With Babbidge we could tread water, but I'm afraid we'll sink now."

Many faculty members feel that under Babbidge the university moved forward. But under a new president and a Board of Trustees influenced by the administration of Gov. Thomas J. Meskill, they look for the worse.

There were some who speculated that Meskill was one of the reasons Babbidge resigned. The two had a number of differences—some of them public and most of them heated.

One was the governor's push earlier this year for students to pay tuition costs. Another involved a confrontation between Babbidge and Meskill's finance and control commissioner, Adolph G. Carlson.

Carlson refused to approve contracts for 35 students to spend the year abroad. Babbidge was determined that the university would decide its educational programs, not any state agency.

Funds had been appropriated for the program, the students had paid their fares and were awaiting departure in New York when Babbidge, with trustee support, ordered them to leave.

"There's room for honest differences among honest men," Babbidge says of the incident.

When Babbidge became the eighth president of UConn in 1962, he was 36 years old and the youngest chief administrator of a major university. He had had a number of high-ranking positions. He was vice president of the American Council of Education in Washington when he became president of UConn.

In 1961 the Yale graduate received the Distinguished Service Medal of the Health, Education, and Welfare Department.

Born in Newton, Mass., but raised in New Haven, Babbidge is the author of "Noah Webster: On Being American" and co-authored the book, "The Federal Interest in Higher Education."

Despite a wide assortment of obstacles, Babbidge can count a number of accomplishments during his tenure at the university.

He has recruited a number of highly qualified persons for his staff and faculty. He doubled the faculty salaries and greatly decreased the student-teacher ratio.

Eight new departments were added and other curriculums were expanded. Next spring the university will graduate its first classes of dental and medical students.

It was under the pressure of the takeover of the administrative offices in 1968 that John Breen, then new to the faculty, first saw Babbidge in action.

"It was a bitterly cold night," Breen recalled. Students occupied the building while hundreds of others roamed about outside, threatening violence.

To Breen, Babbidge was the man in the tan coat, moving through the crowds calming students, urging them to talk it over with him. He led about 300 students to a nearby classroom and talked with them until the students dropped thoughts of violence.

Wallace S. Moreland, who came out of retirement to be Babbidge's special assistant, recalled Babbidge's actions during that disturbance and a second involving occupation of the ROTC building.

"During the time of tension he would talk with students, day or night for an hour, two hours or whatever it took," Moreland said.

He remembered Babbidge listening to the demands of students inside the ROTC building, being shouted over a bullhorn. The students wanted the university to convert the building into a day care center and provide its staff of students with free room and board for the summer.

"The answer to that question is, No!" Babbidge yelled back.

Moreland recalled the decision to call in state police to regain control of the administration building was a tough one for Babbidge and came after all other alternatives were exhausted.

"He knew he couldn't communicate with the hard core of 40 or 50," Moreland said. "We could have had a Kent State here, all the elements were present."

Moreland, who has worked for four university presidents, says, "In my score book, Homer Babbidge is one of the greatest.

"The tougher the going, the cooler he comes," Moreland said. "He has a way of getting at a problem quickly."

Babbidge also is described as a listener.

He is available to any student, at any time. As one faculty member observed: "It's often harder for a member of the faculty to see him then it is for a student."

Babbidge Wants To Quit Post at the University of Connecticut Quietly

(By John Peterson)

Storrs, Conn.—Dr. Homer Babbidge, outgoing president of the University of Connecticut, gives the impression he wishes he could fade away without fanfare.

"It makes me nervous to assign all this significance to myself," he says of the reaction on campus to the announcement that he is leaving.

"A Yankee can't stop to enjoy the good things that happen for fear they'll stop happening . . .," Babbidge says, borrowing a bit from Mark Twain.

During an interview he criticized the way people tend to dehumanize those in public jobs.

"I'm more of an ordinary person than some people think I am," Babbidge said.

"I keep reminding students that I put my pants on one leg at a time—just like everyone else," he said at another point.

Babbidge talks in generalities, declining to take any credit for accomplishments at UConn during his nine years as president.

"There were some very unpleasant times, but the casualties have been minimal," he said. "None died, only a couple injured and the psychic bruises seemed to have healed."

Leaning back in his chair, smiling, he added: "I'm pleased with the way things have gone."

Babbidge hedged when asked to outline the qualities of a good college president and the factors behind his success.

"I never sat down and asked myself that question," he said. After a pause, he added, "You have to say what makes a good president of this college at this time."

He mentioned such qualities as breadth of sympathy and interest, stamina and sense of humor.

"I can't say the qualities of a university president are any different from any position," he said. "Luck is the biggest factor in surmounting problems—and I had a lot of it."

He said a college president "is not an authority on everything that goes on in the institution . . . it's important to surround yourself with good people—people who are often better than you are."

He attributes any good qualities he might have to his upbringing which he termed an "old fashioned, moralist-Calvinist mold."

It was laced, he said with "not very philosophical-not very intellectual" sayings by his mother.

One, he recalled, was "Pride goeth before a fall."

The last nine years haven't left much time for Babbidge's personal interests.

"I haven't had much time for hobbies and I can't remember the last time I read a novel," he said.

The job has had its lighter moments.

Babbidge has answered the phone of his assistant, Wallace S. Moreland, after hours by saying, "Hello, Mr. Moreland's secretary."

He entered a turtle, "The Hustler," in the first invitational turtle tournament and during the "Loving Together" weekend in 1969 he joined students in love beads and kazooes.

As for the future, Babbidge says, "We'd like to stay in Connecticut." He notes he did not resign his professor's position in the university's History Department.

But, he adds, "I just might do something very different."

Some have mentioned him as a possible candidate for public office, perhaps governor.

THE MARINE MAMMAL PROTECTION ACT OF 1971

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. ANDERSON of California. Mr. Speaker, in order to amplify my earlier remarks on H.R. 10420, at this time I would like to include in the Record the comments of various conservationists regarding the Marine Mammal Protection Act of 1971.

In September 1971, our committee held 4 days of hearings on marine mammal legislation. The comments of various groups on the concept embodied in H.R. 10420 follows:

The National Audubon Society stated:

> H.R. 10420 would provide the directive and machinery for accomplishing a new look with fresh eyes at the Pacific fur seal program, and also needed investigation of the conditions and opportunities for improved management and protection, of other marine mammals. We endorse H.R. 10420 in principle . . .

The spokesman for the American Humane Association stated:

> The provisions of H.R. 10420 meet for the most part what we would expect in a marine mammal protection bill.

William E. Towell, executive vice president of the American Forestry Association, stated:

> I can enthusiastically support H.R. 10420.

He continued:

> Continuous overview by an independent Marine Mammal Commission and the assistance of a committee of expert scientific advisors would assure the safety of these ocean resources.

Robert Hughes, of the Sierra Club, stated:

> We have long recognized the benefits of scientific management practices in certain carefully regulated circumstances.

The Wilderness Society spokesman stated:

> H.R. 10420, the Marine Mammal Protection Act of 1971 offers the most viable basis for developing a sound program of protection and management. In addition to the broad protections it affords, this bill provides for organized research and management review, and directs the development of international agreements for the protection of marine mammals, two concepts we believe are indispensible to the eventual effectiveness of this legislation.

The executive director of the National Wildlife Federation endorsed H.R. 10420 as "it embraces the concept of resource management and sustained yield which is so vital to this issue."

Mr. Speaker, the concept embodied in H.R. 10420 was endorsed by the Izaak Walton League, the World Wildlife Fund, the Wildlife Management Institute, the North American Wildlife Federation, and other groups who are interested in preserving and protecting our wildlife.

HONEST LABEL ACT OF 1971

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. ROSENTHAL. Mr. Speaker, the recent incident involving contaminated vichyssoise that led to the death of a New York man from botulism points up an aggravating problem facing the food retailer and the consumer.

The fatal soup was produced by Bon Vivant, Inc., of Newark, N.J. The same company marketed vichyssoise under its own name as well as under at least 34 different labels and brands. When the producer began recalling its products, at the request of the Food and Drug Administration, confusion reigned.

How was a retailer to know if the soup on his shelf was not made by Bon Vivant? How was the housewife to know if the soup in her cupboard was not the suspected Bon Vivant?

Certainly not by the name on the can. That could have been any one of 34 different names, like Hickory Farms, Connoisseur, Cal Pre, White Rose, or Lord & Taylor. Yet all these and many more are a sort of gastronomic noms de plume for Bon Vivant.

To paraphrasc an old cliche, you cannot judge a can by its label. Or any other package, for that matter.

When the danger was clear and retailers and consumers wanted to rid their shelves of potentially harmful soup, they were stymied. The news was slow coming that Bon Vivant had marketed its product under a variety of names, and when that fact became known, it was still some time before all the names were out. Even at that, not all newspapers bothered printing the entire list, and certainly no one could be expected to memorize all those names while searching his shelves.

So what is to be done?

Mr. Speaker, I have an answer. It is the Honest Label Act of 1971, and I am introducing it today. This bill would require the name and place of business of the manufacturer, packager, and distributor be printed on the packages of food, drugs, and cosmetics.

Passage of this bill would be of great benefit to producers, sellers, and consumers alike, and it would be in the interest of public welfare and safety.

There is no valid reason to hide from the American consumer the name of the manufacturer, packager, and distributor of the products he buys. No honest businessman should support this type of concealment.

Mr. Speaker, until this legislation is enacted, I call on all manufacturers, packagers, distributors, and sellers of private label products to voluntarily disclose this information on their products in the public interest.

Part of what consumers are paying for today in the high price of the national brand goods they buy is an intangible element that adds nothing to the nutritional value of their food or the quality of other products. That element is usually nothing more than advertising and promotion.

Alert consumers know they often can get a better buy when they select the house brand over a nationally advertised label.

What I am talking about are those products sold under the name of a particular store—sometimes called the store label—and those goods offered under a brand name used only by that seller but different from the store name—sometimes called private brand. There is no way for the consumer to tell from the label who manufactured or packaged the product.

For example, Ann Page and Jane Parker brand items in supermarkets or A & P, the Nation's largest grocery chain, may have been manufactured by A & P itself or may have been produced by a larger company which also turns out identical or nearly identical nationally known brand name products.

A & P sells products under its own labels that are made by a wide variety of companies. Some of these include: Seabrook Farms; A & P frozen vegetables: Dole, A & P pineapple; Minute Maid, orange juice drink; Stokely Van-Camp and Libby, canned fruits; Del Monte, tuna and tomato sauce; Carnation, evaporated milk; Mrs. Filbert, margerine; Vicks, cough drops.

Giant Cream Cheese, marketed by Giant Foods, Inc., a Washington, D.C. chain, is produced by Bordens. Jumbo bread, sold by another Washington chain, Jumbo Food Stores, Inc., is produced by Continental Baking Co. which makes Wonder Bread.

Watsonville Canning Co. of California produces broccoli, lima beans, and other frozen vegetables under 42 different labels.

There is usually no way for the consumer to know who makes what when it comes to private labels, yet this may be very vital information. It is important not only for health and safety reasons, as I pointed out, but for economic reasons as well.

Private label goods tend to be lower in price and not nearly as heavily advertised as their nationally promoted brand name counterparts. But that does not mean they are any worse—or any better. In fact, they frequently are identical.

Consumers are catching on that they often can get a better buy when they select the house brand over the national brand. They also are becoming increasingly skeptical of brand names, losing their old loyalties and putting greater trust in their own judgment. And they are aware that brand names are used to isolate competition by creating the illusion of a different product when in fact there is no difference.

Between 10 to 15 percent of the grocery items in supermarkets today are private brands and store labels, and the number is growing.

With major manufacturers devoting an increasing portion of their output to private label products, the only difference between many products on shelves today is the label.

At stores where nearly identical products from the same manufacturer compete with themselves under different names, the private label item tends to be priced lower.

This whole area of one company manufacturing the same product under two or more competing names raises serious ethical questions, especially in the realm of advertising claims.

In some instances, a single private brand product may be manufactured simultaneously by several different producers.

The only way to determine this is by cracking the manufacturer's code. The maker's code appears on the package for his own use, but it is totally indecipherable for the consumer and, usually, for the retailer as well. This information should be openly stated in clear language.

Private labels also frequently mean bigger profits for retailers than national brands because the store often deals directly with the manufacturer and, through the elimination of large sales forces and huge advertising budgets, costs are cut considerably.

Surveys have shown that private label foods are priced as much as 25 percent below national brands. One investigation revealed that private brand foods tested contained 1 percent less product but cost 13 percent less than name brands. A study of 31 market basket items in Rochester, N.Y.'s four major grocery chains showed an average savings of 13.8 percent when private labels were substituted for brand name products, according to the Rochester Democrat and Chronicle.

My bill would help consumers police the marketplace themselves. For example, they could keep down the price of milk in Missouri. That State's Unfair Milk Sales Practices Act prohibits processors and distributors from discriminating in price between customers for dairy products.

Nevertheless, reports John Hardin, chief milk control inspector for the Missouri Department of Agriculture:

> Large chain grocery stores like to sell private label dairy products at a much lower price than the dairy brand products processed by the same dairy. I see no reason why the consumer should pay as much as 10 to 15 cents a half gallon more for dairy brand than for private label brand when it is the same milk, delivered on the same truck by the same company and processed at the same plant. Merchants take a larger percent markup on dairy brands than on private label brands.

Because the need for the Honest Label Act is most dramatically emphasized by the Bon Vivant episode, I wish to return to it for a moment.

Samuel Cochran, Jr., of Bedford, N.Y., died June 30 and his wife became paralyzed after eating Bon Vivant vichyssoise tainted by botulin toxin. This led to the recall of 5 million cans of Bon Vivant products under at least 34 different labels.

The cans were identified only by codes such as V-141/USA 71, V-154, V-174, BB-112, and so on. The use of such cryptic markings is not only confusing to consumers and retailers, but potentially harmful, as this incident shows.

Had consumers and retailers simply been told to beware of cans dated May 21, 1971, or June 3, June 23, April 22—that is what the above codes stand for—it would have been quicker and easier to remove the correct cans. And it could have protected the manufacturer against needless removal of safe products.

This is another reason for prompt enactment of my bill, H.R. 8438, the Open Dating Act, which would require all food packages should clearly show the date after which the product should no longer be sold.

But in this case, an open date would not have been enough. The name of the manufacturer also was necessary—but missing.

Shortly after the Bon Vivant incident, the FDA announced the recall of some Campbell's soups because of possible botulin contamination. Once again, retailers and consumers began searching their shelves. Campbell's, unlike Bon Vivant, does not produce soups under any name other than its own, but before that information became widespread, there was a possible shadow of uncertainty cast over every can of soup, regardless of its brand.

That would not have happened had my bill been in effect. Consumers and retailers could simply have looked at the label and seen the manufacturer's name. So you can see that my bill not only protects the retailer and the consumer, but it protects the producer as well.

It is another effort to put makers, sellers, and buyers on a more even footing in the marketplace and promote honesty in marketing.

The text of the Honest Label Act of 1971 follows:

A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Honest Label Act of 1971".

SEC. 2. The Congress finds that consumers have no ready means of determining when packaged foods, drugs, and cosmetics are actually manufactured or packed by persons other than the distributor. Disclosure on the labels of packaged goods of the name and place of business of the manufacturers, packers, and distributors would substantially improve consumer awareness and provide for safe and effective labeling. Therefore, it is the purpose of this Act to amend the Federal Food, Drug, and Cosmetic Act to require that labels of certain packaged goods contain a disclosure of the manufacturer, packer, and distributor of each such good.

SEC. 3. (a) Section 403(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

(b) Section 502(b) of Such Act (21 U.S.C. 352) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

(c) Section 602(b) of such Act. (21 U.S.C. 362) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

SEC. 4. The amendments made by this Act shall take effect upon the expiration of the 180 day period which begins on the date of the enactment of this Act.

EULOGY OF MRS. JOHN McCORMACK

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, today at St. Margaret's Church former President Lyndon B. Johnson and Mrs. Richard M. Nixon lead a large delegation of public figures at the funeral of Mrs. John McCormack.

More than 75 Members of Congress, the leadership, the Irish Ambassador in Washington, William Warnock; Terrence Cardinal Cooke, archbishop of New York; Patrick Cardinal O'Boyle, Archbishop of Washington, the Governor of Massachusetts and many local dignitaries attended the rites.

Boston Archbishop Humberto Medeiros was the celebrant of the Mass, and the eulogy was given by Rev. Walter Flaherty, who, until he entered the priesthood, was an aide to the former Speaker. I would like to share with my colleagues Father Flaherty's eulogy.

The eulogy follows:

EULOGY

"A perfect wife—who can find her? She is far beyond the price of pearls"—Book of Proverbs.

We are gathered here this morning to pray in a special way for Harriett Joyce McCormack and to remember her in the celebration of this Eucharist. Over fifty years ago she left this place—this very church. But today she is back home again. And so this morning we have come here to celebrate a homecoming—a homecoming that is a sorrowful task for her husband—her family—and her friends. Our task is not an easy one—but the burden becomes lighter—the sorrow becomes bearable—for those of faith and hope.

This is the lovely season of advent. It is a time of deepest longing and desire: a time of great expectation and hope; a time when we cry out "come, Lord Jesus." We know that the Lord Jesus is calling us to "come" to him—even as He has called Harriet McCormack to Himself. And we who are left behind yet await another coming. The final coming of Christ in glory—when we will be re-united with Him and our loved ones. And so we cry out, "Come Lord Jesus." This is the root of our Christian faith. This is the faith that sustained Harriet McCormack.

Advent, as we have said, is a time of hope. Man has an inborn desire to look to a future day that will bring happiness and fulfillment. This morning we are being asked to look ahead—to think big—to expand and extend our thoughts—away beyond our immediate grief and our immediate sorrow.

This may sound unrealistic to all—but to those of faith. If we have known the beginning of God's power in our lives as Harriet did—if our pride has been humbled by the humility of Christ—as was Harriet's—if our fears have been calmed by the peace that Christ imparts—as Harriet's was; if this saving work has begun in us—then we know—by the invincible logic of a living experience—that the final power will not fail. If faith in the Saviour does not lead us to a living hope—it is not genuine faith. For it is only by such a living hope that we can live and work—because the commitment of the Christian is so radical—so complete—so hazardous in an earthly sense—that no man can fulfill this commitment apart from hope in Christ. Harriet McCormack had that living hope. Harriet McCormack had that genuine faith. Harriet McCormack fulfilled the commitment of a Christian with dedication.

We know by faith that today is a new beginning for her—and not an ending. We know by faith that the reward that she is experiencing far surpasses what we can imagine; for: "Eye has not seen, nor ear heard, neither has it entered into the heart of man, what things God has prepared for those who love Him." (1 Cor. 2, 9)

"A perfect wife—who can find her? She is far beyond the price of pearls."

It is difficult to stand here and pay tribute to a grand and holy woman without mentioning her loyal and loving husband. Even in death it is difficult to speak only of one of the spouses of this marriage of fifty-one years. In the Vatican II documents, we read: "Let the spouses, themselves, made to the image of the living God and enjoying the authentic dignity of persons, be joined to one another in equal affection, harmony of mind, and the work of mutual sanctification. Thus they will follow Christ who is the principle of life." These words, taken from a chapter entitled "The nobility of marriage" are very beautiful, and very powerful words—and they describe what a Christian marriage is; they describe the McCormack marriage.

"A perfect wife—who can find her?

She is far beyond the price of pearls."

Harriet's husband, John, never left her side during her illness. Right up until the day of her death—he was at her side—not because it was a duty—but because he wanted to be there: And there, daily, they exchanged their promise of love. "Do you love me? Yes, I love you."

Harriet McCormack died as peacefully as she lived. And she lived and died heart to heart with her husband. She gave up a promising career in music to marry John McCormack. Her support, encouragement, and inspiration throughout their married life was so precious to her husband. She was untiringly active in Catholic activities and Catholic charities. She was honored and respected by many great church leaders—because she not only professed her faith—she truly lived it. She was awarded the pro pontifice ecclesia medal—a papal honor—by her late friend, Cardinal Cushing.

"A perfect wife—who can find her?

She is far beyond the price of pearls."

We are all familiar with the McCormack Love Story. We know how they both shunned the social life in Washington—so that they could spend quiet evenings at home. If a book were ever written about John and Harriet McCormack—it would have to be entitled, "The Greatest Love Story Ever Told."

She did not have her own family. She had her "official" family, made up of those close to her and those who worked with her husband. I can personally attest to her deep kindness. I was a member of that family. My life was truly enriched—and my faith made strong by knowing her.

When someone we love dies—our grief over the separation is natural. It is a witness to our affection and our love. And yet a deeper love demands that we go beyond grief. Beyond grief to a genuine faith—to a living hope in the resurrection of the Lord. In Harriet McCormack, we have a lasting memorial of a holy woman of God. A woman of faith—hope—and love.

This is a sad day, and yet a joyful day because we have the assurance that Harriet McCormack has received the reward that God promised to those "who have kept the faith."

We hear the word of God through the scriptures. What better way to think of Harriet Joyce McCormack than in these words from the ancient Book of Proverbs:

"A perfect wife—who can find her? She is far beyond the price of pearls.

Her husband's heart has confidence in her, from her he will derive no little profit.

Advantage and not hurt she brings him all the days of her life.

She finds her labour well worth while; her lamp does not go out at night.

She holds out her hand to the poor she opens her arms to the needy.

Her husband is respected at the city gates, taking his seat among the elders of the land.

She is clothed in strength and dignity, she can laugh at the days to come.

When she opens her mouth, she does so wisely, on her tongue is kindly instruction.

Her husband sings her praises, and he says: 'Many women have done admirable things, but you surpass them all.'

Charm is deceitful, and beauty empty; the woman who is wise is the one to praise.

Give her a share in what her hands have worked for, and let her works tell her praises at the city gates."—(Book of Proverbs—31).

COOPERATING SCHOOLS GET DRUG FILMS FROM PET, INC.

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SYMINGTON. Mr. Speaker, I would like to call to the attention of my colleagues and the public an extremely worthwhile drug education program instituted by a St. Louis firm, Pet, Inc. The company has made available to cooperating high schools, a film series titled, "Focus on Drugs."

Pet, Inc.'s action is more than good citizenship; it is evidence of the real concern all sectors of the St. Louis community have in dealing with the drug abuse problem that afflicts our youth.

At this point, I would like to insert in the RECORD a news article concerning the drug education program:

[From the St. Louis Post-Dispatch, Dec. 2, 1971]

COOPERATING SCHOOLS GET DRUG FILMS FROM PET, INC.

The Audiovisual Education Department of the Cooperating School Districts of the St. Louis Suburban Area has received 15 drug education films with a total value of $3000 from Pet Inc.

Pet Inc. which has world headquarters in St. Louis, said it had recognized the growing and widespread use of drugs among the youth of the metropolitan area. Pet made the grant available for purchase of three sets of five films dealing with the drug abuse problem produced particularly for the upper elementary and junior high school age levels.

Ronald D. Oesch, supervisor of firm programs, said that the amount will be matched by the Audiovisual Department in order to provide sufficient copies for circulation. The films will be available to the cooperating school districts in late January.

The film series titled, "Focus on Drugs," has won several national film competition awards including the Golden Eagle Award sponsored by the Congress of International Non-Theatrical Events.

Narrating the scenes are well-known personalities with whom young people can identify, includin Greg Morris of Mission Impossible, singer Tommy Roe and actor David Hartman.

The grant is particularly significant at this time because the State Department of Education of Missouri recently formulated plans to include drug education as a part of the public school curriculum throughout the state, said Oesch.

THE WIVES OF PRISONERS OF WAR AWAITING ANOTHER LONELY CHRISTMAS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to bring to the attention of the Members of the U.S. Congress a news article that appeared in today's edition of the Boston Herald Traveler by Columnist Pam Bishop. Mrs. Maureen Dunn of Randolph, Mass., has been awaiting some word about her missing husband, Lt. (jg.) Joseph P. Dunn, a Navy pilot, who was shot down February 14, 1963, over Chinese waters while on a ferry flight in his unarmed Sky Raider from the Philippines to the Gulf of Tonkin. The American Government later reported him missing and Mrs. Dunn has had no communication from him or the Peking Government.

The long wait day in and day out without any word is an unbearable hardship that wives and relatives have been forced to endure during these past several years. I am taking the liberty of forwarding a copy of this news item to the White House in the hope that when the President visits Peking he will be able to use his good office to bring the matter of POW's to the attention of the Red Chinese in the hope that an early release can be accomplished. As we approach the Christmas season we should do everything in our power to help resolve the problem of the POW's.

The news article follows:

[From the Boston Herald Traveler, Dec. 6, 1971]

POW WIVES AWAITING ANOTHER LONELY CHRISTMAS

(By Pam Bishop)

"Where do we lose out on concern?" wondered Maureen Dunn of Randolph yesterday.

Maybe it's the Christmas season or her cold that made her sound bitter, she said. But she can't understand why so few Bay Staters seem to care about the 37 Massachusetts men who are prisoners of war, or missing in action in Indochina.

This is the fourth Christmas since her husband, Lt. (j.g.) Joseph P. Dunn, a Navy pilot, was shot down Feb. 14, 1968, over Chinese waters while on a ferry flight in his unarmed Sky Raider from the Philippines to the Gulf of Tonkin. The American government later reported him missing and Mrs. Dunn has had no communication from him or the Chinese.

"It's only been four years for me, but it's been eight years for some of my best friends. I know other people's husbands die and they're buried in three days. But a living death for eight years?" said Mrs. Dunn who is northeast regional coordinator for the National League of Families of POWs and MIAs.

The children, nieces and nephews of Massachusetts POWs and MIAs were special guests at a Christmas-Hanukkah party yesterday at the Sonesta Hotel in Cambridge, given by United Commercial Travelers Bay State Council Number 584.

Mrs. Dunn brought her five-year-old son, "Joe-D," to the party. The guests included nine children of POWs and MIAs, 22 of their cousins, nine children from the Perkins School for the Blind and 160 children and grandchildren of UCT members, as well as adults.

"This is the first group in eight years that has ever done anything for our kids in Massachusetts at Christmastime," Mrs. Dunn said.

The Southern states are "much more involved" in helping the POW families, she said.

She has waited nine months for a response from the Massachusetts legislature to her request for a resolution about the POWs and MIAs.

"I'm not going to beg anymore," she said. "To ask people around here to help is a lost cause." She is touched especially by the lack of interest here because she was born and brought up in Boston.

She added, "I enjoy life, because it's my personality. I'm not going to let it get me down. My husband wouldn't like it."

RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

RESOLUTION 630

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantees by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

AFL-CIO TO PURSUE LATIN LABOR LINKS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FASCELL. Mr. Speaker, the American labor movement has had a long history of interest in developing free institutions in Latin America, particularly through the strengthening of labor unions in the countries of Central and South America. The AFL-CIO signified its interest by passing a resolution on this subject at its recent convention in Miami, and I insert in the RECORD an article from the AFL-CIO News of November 27, 1971, describing the AFL-CIO's attitude toward free institutions in Latin America:

[From the AFL-CIO News, Nov. 27, 1971]

FEDERATION TO PURSUE LATIN LABOR LINKS

BAL HARBOUR, FLA.—The AFL-CIO will continue to strive for full cooperation with bona fide labor movements throughout the Americas, a convention resolution declared.

"The great mass of the Latin American peoples are still plagued by widespread social injustice, massive poverty, inadequate housing and educational opportunities and dictatorial military rule," the convention said.

While noting "numerous turbulent changes within the last two years," the convention said that democratic trade union movements in Argentina, Mexico, Venezuela, Colombia, Ecuador and Honduras "are making significant gains in terms of collective action to benefit their membership."

The AFL-CIO pledged to keep abreast of developments in Latin America, to maintain its affiliation with the Inter-American Regional Organization of Workers (ORIT) and continue its efforts through the Inter-American Office and the American Institute for Free Labor Development (AIFLD).

"Latin American free labor and the AFL-CIO should be in the forefront" in fighting to preserve the Americas from Communist domination, the convention said, and it viewed some recent events with alarm. They are:

The expanding relations between Chile's Allende regime with Communist powers.

The continued delay in restoring constitutional government in Brazil.

The destructive activities of guerrilla groups acting like Fascist bands and keeping Uruguay in a state of siege.

Peru's unconstitutional and unrepresentative government, which has recognized and favored the Communist workers' federation.

THADDEUS RUDNICKI HONORED FOR 50 YEARS OF SCOUTING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. DULSKI. Mr. Speaker, 43 years ago, I was one of the charter members of Troop 36, Boy Scouts of America, when it was reorganized in my home city of Buffalo, N.Y.

The driving force and first scoutmaster was Thaddeus "Ted" Rudnicki, who already had been active in Scouting for 7 years in various capacities.

Last Friday evening, some 125 of Ted's friends gathered in the Polish National Hall to honor him for 50 years of devotion and leadership in the cause of Scouting.

It was an evening of inspiration for all, even including Ted who was appreciative but a little embarrassed by all of the attention. The testimonial was truly deserved and I am grateful that I was able to be on hand personally to join with Ted's many friends.

It is my firm belief that the Boy Scout movement is one of the greatest forces on behalf of boys and young men today when they need strong leadership and counsel in their daily lives. My only regret is that there are not more men like Ted Rudnicki who are willing to spend endless hours over the years in working with boys who will be our men of tomorrow.

Ted Rudnicki is and has been a dedicated Scout leader who made sure in his effective way that each Scout abided not only by the Scout oath but by the Scout laws.

TWO STRONG IMPRESSIONS

There are two strong impressions of Ted Rudnicki which are indelible in my mind. Both of them, as it happens, occurred when I went to camp at Scout Haven, located at Crystal Lake near Arcade.

I am deeply grateful to Ted Rudnicki for having given me my first opportunity at leadership. I was named a tent leader. My recollection of this opportunity for leadership is the close observation which Ted gave to my work while at the same time allowing me the full responsibilities that go with leadership.

The other occasion was the eve of the traditional camp ceremony known as "Good Indian." At this ceremony, each Scout was placed on his honor when he was called upon to state whether he felt he had been a "Good Indian" and deserving of the honor.

The night before the ceremony, Ted Rudnicki called my group together for a fatherly lecture that I will never forget. He impressed upon us the vital responsibility which we had to judge ourselves with complete honesty. Ted Rudnicki knows so very well how to tell a group of boys "like it is."

Over the years my friendship with Ted Rudnicki has continued and expanded. His counsel and friendship are invaluable and I am grateful that we have never lost touch.

In referring to the great dedication and influence of Ted Rudnicki, I feel sincerely that we cannot omit mention of his beloved wife, Clara, who passed on several years ago. Over the years they worked side by side in many, many ways and particularly in connection with Ted's devotion to the Boy Scout movement.

PRESENTED HIM U.S. FLAG

It was my pleasure to present to Ted an American flag which had been flown over the U.S. Capitol. Another charter member, Adam Bakowski, took part, as did Troop Committeemen Stephen Kuberka and Arthur Wyglon and former Committeeman Daniel Pawlak.

A special guest was Most Rev. Thaddeus Zielinski, formerly of Buffalo, prime bishop of the Polish National Catholic Church.

A citation from Buffalo's Common Council was presented to Ted by Leo Franczak, acting for his brother, Fillmore District Councilman Gus Franczak, who was ill.

Others taking part were Scoutmaster Eugene Wyglondalski and Felix Czerwonka, chairman of the board of trustees of Mother of Holy Rosary Cathedral.

Mr. Speaker, as part of my remarks, I include an article from Rola Boza—God's Field—a Polish-English biweekly of the Polish National Church, also an article from the Buffalo News:

BUFFALO CATHEDRAL BOY SCOUT TROOP NO. 36 TO HONOR THADDEUS "TED" RUDNICKI

Troop No. 36 will pay tribute to Thaddeus Rudnicki, honoring him on his 50 active years in the Boy Scout movement. Better known to hundreds of boys as Ted, he first joined Troop No. 36 as a young boy in 1921.

Lacking adult leadership, this troop ceased to exist, but in 1928 it was immediately reorganized by Mr. Rudnicki under a new sponsoring institution, the Holy Mother of the Rosary Cathedral of the Polish National Catholic Church, with the help of the Bishop of this Church, the late Rt. Rev. John Z. Jasinski.

The present leaders and members of the troop committee have invited prominent and distinguished guests to take part in this tribute which will take place in the auditorium of this Church, located at 150 Sobieski Street, Buffalo, New York, on Friday, December 3, 1971. Expected to attend will be the Prime Bishop of the Polish National Catholic Church of America and Canada, who formerly was Bishop-Ordinary of the Buffalo-Pittsburgh diocese, now residing in Scranton, Pennsylvania, and Congressman Thaddeus Dulski, former member of Troop No. 36. Efforts are being made by members to contact all who were boy scouts of Troop No. 36 during the past 50 years. These will be invited also, and the majority are expected to attend this testimonial.

Mr. Rudnicki, a prominent layman of the Holy Mother of the Rosary Cathedral, is holder of the Silver Beaver, the highest award presented by the National Council, Boy Scouts of America, for outstanding leadership in this movement. Major parts of his contribution to the Scouting program were widely recognized during his adult years.

WON MANY HONORS

He was a receipient of the Buffalo Council Training Key award in 1932, National Council Scoutmaster-Training Key in 1935 and is a member of the order of the Arrow in the Greater Niagara Frontier Council since 1953.

He took charge of the Nature Department at Camp Scouthaven throughout the camping season of 1932 and was Scoutmaster of Jamboree Troop No. 7, which was composed of a contingent of Buffalo Boy Scouts taking part in the National Jamboree, held in Santa Anna, California, in 1953. At the present time, he is still serving as Merit Badge Counsellor, a post he has held for many years.

In his boyhood years, Ted Rudnicki had held all leadership positions in Troop No. 36, from Assistant Patrol Leader to Scoutmaster. He served as scoutmaster from 1928 to 1958. An Eagle Scout award was presented to him in 1930.

After inaugurating the God and Country Award program in the Polish National Catholic Church of America, a religious award made to Boy Scouts and Explorers who are members of this faith, Mr. Rudnicki was designated Chairman of the Committee on Scouting by the Supreme Council of the Polish National Catholic Church in 1954. He had also prepared and instituted the Religion in life program of the Boy Scout movement in the Polish National Church of Canada.

Semi-retired from active participation in the Boy Scout program, Mr. Rudnicki is still registered as a Troop Committeeman of No. 36. He is presently occupied in doing a little farming and lives with his daughter Carol, in Newstead, New York. His other hobby, carving Totem Poles, reflects on His lifetime ambition, Scouting. His home site is adorned with numerous such decorative pieces, the latest masterpiece measuring twenty-six feet in height.

ACTIVE IN CHURCH, TOO

Being very interested and active in other endeavors, Mr. Rudnicki attain recognition as a very distinguished servant of the Polish National Catholic Church. He served on the Supreme Council of this Church from 1955 until 1964. Representing the Buffalo Cathedral in the Buffalo and Erie County Council of Churches, he was delegated by First Prime Bishop, the late Most Reverend Francis Hodur, to attend the World Conference of Christian Churches in the Youth Department, held in the Ontario Women's College, Whitby, Ontario, Canada, in 1950. He also took part as a delegate to the General Synods of the Polish National Catholic Church. He attended and worked on Youth and various other Commissions in seven of these Synods from 1931 until 1971.

The late Bishop-Ordinate, of the Buffalo-Pittsburg Diocese, Rt. Reverend John Z. Jasinski, also appointed Mr. Rudnicki to the Diocesan Council in 1948. He had also served on the faculty of the Christmas Workshop, sponsored by the Buffalo and Erie County Council of Churches in 1945, of which the Theme was, The Creche.

From 1929 until 1932, he was Editor of The National Informer (Informator Narodowy) a weekly publication of the Holy Mother of the Rosary Cathedral in Buffalo, New York.

Having a wide knowledge of the history of the Buffalo Cathedral, he was constantly selected as Chairman of the Editing Committee of Jubilee Souvenir Books which were published, commemorating the 35th, 40th, 45th, 50th and 75th Anniversaries of the Church.

Holding many citations and awards, presented to him by various Veteran and American Legion Posts, for Meritorious Service to our Nation and the Armed Forces, Mr. Thaddeus Rudnicki was chairman of the Patriotic Committee of the Buffalo Cathedral from 1941 until 1947. This Committee took active part in keeping contact with all members of this Church who were serving in the United States of America's Armed Forces during World War Two, by sending them various sorts of gifts and a Monthly Publication, The Cathedral Messenger, with all news round-ups of the Cathedral Parish. This Committee functioned until 1947, when the members presented and installed two Bronze Plaques in the Cathedral and also purchased a War Memorial which was erected at the Parish Cemetery and dedicated as a tribute to the memory of the six members of this Cathedral who gave up their lives in that war.

ROLE AT HOME IN WW II

Mr. Rudnicki, also, served as an Air-Raid Warden and was a Red Cross First-Aid Instructor during World War Two. He donated blood to the Red Cross Organization for a total of seventeen times. He received a Certificate from this Organization in recognition of Meritorious Service performed in behalf of the Nation, her Armed Forces and Suffering Humanity during this war.

In 1945, the Hamilton Ward Post No. 2956, presented him with an award from the Veterans of Foreign Wars, an Americanization and Citizenship Medal. In 1948, he also received a Citation from the Regular Veterans Association Cathedral Post No. 1084, for recognition of Patriotic Work in behalf of the Members of The Holy Mother of the Rosary Cathedral, who served in the Armed Forces of the United States of America. He was then made an Honorary Member of this Post with authorization issued by the National Office.

In 1951, Mr. Rudnicki received the Youth Work Award from the Joint Veterans Council of Erie County. Then in 1953, he also received an award for Americanism and Community Service from the Adam Plewacki Post No. 799, American Legion, at a Flag Day ceremony held in Buffalo's Humboldt Park.

Mr. Thaddeus Rudnicki and his daughter Carol are members of the Polish National Union, Branch No. 85, for many years.

[From the Buffalo (N.Y.) Evening News, Dec. 4, 1971]

FIFTY YEARS OF SCOUTING RECALLED AT TESTIMONIAL

(By Alan Pergament)

It all started more than 50 years ago when Thaddeus Rudnicki was thrilled by the sight of the Boy Scout uniform.

Friday evening in the Polish National Hall, 150 Sobieski St. the old memories were as numerous as merit badges as about 125 persons honored Mr. Rudnicki for his 50 years of service to Scouting and Troop 36.

Known as Mister Troop 36, Mr. Rudnicki joined the troop in 1921 and was scoutmaster from 1928 through 1958.

"There are so many of my scouts that I am proud of," Mr. Rudnicki said with a smile prior to the testimonial, "Doctor, lawyers, priests."

A procession of his scouts recalled the past. H. P. (Spike) Nagel, wearing his uniform for the first time in 10 years told of Mr. Rudnicki's pledge to earn every merit badge his troop did, while Bernard Basinski recalled a hilarious Columbus Day fishing trip to Scout Haven.

Letters to Mr. Rudnicki were assembled in a book. Some came from Buffalo, New England, Virginia and California.

"Twenty-five years ago, I joined Troop 36," wrote Daniel Bushley. "I was scared and shook like a kitten."

"I remember you put your hand on my arm and told me not to worry. You sure knew how to calm a kid down. From that time on, Friday was a day to look forward to."

Another letter came from Buffalo Congressman Thaddeus Dulski.

"I am deeply grateful to Thaddeus Rudnicki for having given me my first opportunity at leadership," wrote the Buffalo Democrat. "I was named a tent leader."

Mr. Dulski who also attended the testimonial, awarded his former scoutmaster a flag that flew over the Capitol on Monday.

Mr. Rudnicki, who bowed his head and scribbled with a pencil as his Scouts praised him "as a man who took the raw material of a boy and made a man."

LUDWIG VON MISES' 90TH BIRTHDAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. CRANE. Mr. Speaker, on September 29, 1971, the distinguished economist, Ludwig von Mises celebrated his 90th birthday. Dr. Von Mises understood, as have few men in our time, the intrinsic link between economic freedom and political and intellectual freedom.

Every time Government attempts to bypass the laws of the free market economy it finds itself on the road, not to solving economic problems, but to creating additional ones. In his classic work, "Human Action," Von Mises notes that:

> Princes and democratic majorities are drunk with power. They must reluctantly admit that they are subject to the laws of nature. But they reject the very notion of economic law. Are they not the supreme legislators? . . . In fact, economic history is a long record of government policies that failed because they were designed with a bold disinterest for the laws of economics.

Unfortunately, many American economists have rejected the idea of a free economy as an old-fashioned one, and have adopted the Keynesian view of Government intervention, and of a so-called mixed economy, with both a public and private sector. This approach has led us directly to the crisis of inflation, devaluation, and economic instability which we face today.

Commenting upon this view of the need and affirmative good of government involvement in the economy, Professor Von Mises shows that an act of intervention generates unintended consequences and difficulties, which then present the Government with the alternative: Either more intervention to solve these problems, or repeal of the whole interventionist structure.

In an important article in honor of Ludwig Von Mises' 90th birthday, Prof. Murray Rothbard points out that:

> The American economy has virtually reached the point where the crippling taxation, the continuing inflation, the grave inefficiencies and breakdowns in such areas as urban life, transportation, education, telephone and postal service, the restrictions and shattering strikes of labor unions, the accelerating growth of welfare dependency, all have brought about the full scale crisis of interventionism that Mises has long foreseen.

Professor Rothbard laments the fact that American students of economics spend so little time studying economic history, or studying competing theories and approaches. He writes:

> History of economic thought, once required in most graduate departments, is now a rapidly dying discipline, reserved for antiquarians alone. Graduate students are locked into the most recent journal articles, the reading of economists published before the 1960's is considered a dilettantish waste of time, and any challenging of fundamental assumptions behind current theories is severely discouraged.

The result has been disastrous for all of us. It has been the dominance of a theory which has little relationship to economic realities and whose implementation has led to economic crisis and a movement toward almost total government power.

Professor Rothbard, however, is not a pessimist. He concludes by stating that:

> Thanks in no small measure to the life and work of Ludwig Von Mises, we can realistically hope and expect that mankind will choose the path of life, liberty, and progress, and will at last turn decisively away from death and despotism.

I wish to share Professor Rothbard's article, which appears in the fall, 1971 issue of Modern Age, with my colleagues, and request its insertion into the RECORD at this time.

LUDWIG VON MISES AND THE PARADIGM FOR OUR AGE

(By Murray N. Rothbard)

Unquestionably the most significant and challenging development in the historiography of science in the last decade is the theory of Thomas S. Kuhn. Without defending Kuhn's questionable subjectivist and relativistic philosophy, his contribution is a brilliant *sociological* insight into the ways in which scientific theories change and develop.[1] Essentially, Kuhn's theory is a critical challenge to what might be called the "Whig theory of the history of science." This "Whig" theory, which until Kuhn was the unchallenged orthodoxy in the field, sees the progress of science as a gradual, continuous ever-upward process; year by year, decade by decade, century by century, the body of scientific knowledge gradually grows and accretes through the process of framing hypotheses, testing them empirically, and discarding the invalid and keeping the valid theories. Every age stands on the shoulders of and sees further and more clearly than every preceding age. In the Whig approach, furthermore, there is no *substantive* knowledge to be gained from reading, say, nineteenth century physicists or seventeenth century astronomers; we may be interested in reading Priestley or Newton or Maxwell to see how creative minds work into the history of the period; but we can never read them to learn something about science which we didn't know already. After all, their contributions are, almost by definition, incorporated into the latest textbooks or treaties in their disciplines.

Many of us, in our daily experience, know enough to be unhappy with this idealized version of the development of science. Without endorsing the validity of Immanuel Velikovsky's theory, for example, we have seen Velikovsky brusquely and angrily dismissed by the scientific community without waiting for the patient testing of the open-minded scientist that we have been led to believe is the essence of scientific inquiry.[2] And we have seen Rachel Carson's critique of pesticides generally scorned by scientists only to be adopted a decade later.

But it took Professor Kuhn to provide a comprehensive model of the adoption and maintenance of scientific belief. Basically, he states that scientists, in any given area, come to adopt a fundamental vision or matrix of an explanatory theory, a vision that Kuhn calls a "paradigm." And whatever the paradigm, whether it be the atomic theory or the phlogiston theory, once adopted the paradigm governs all the scientists in the field *without* being any longer checked or questioned—as the Whig model would have it. The fundamental paradigm, once established, is no longer tested or questioned, and all further research soon becomes minor applications of the paradigm, minor clearing

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Footnotes at end of article.

up of loopholes or anomalies that still remain in the basic vision. For years, decades or longer, scientific research becomes narrow, specialized, always within the basic paradigmatic framework.

But then, gradually, more and more anomalies pile up; puzzles can no longer be solved by the paradigm. But the scientists do not give up the paradigm; quite the contrary, increasingly desperate attempts are made to modify the particulars of the basic theory so as to fit the unpleasant facts and to preserve the framework provided by the paradigm. Only when anomalies pile up to such an extent that the paradigm itself is brought into question do we have a "crisis situation" in science. And even here, the paradigm is never simply discarded until it can be replaced by a new, competing paradigm which appears to close the loopholes and liquidate the anomalies. When this occurs, there arrives a "scientific revolution," a chaotic period during which one paradigm is replaced by another, and which never occurs smoothly and gradually as the Whig theory would suggest. And even here, the *older* scientists, mired in their intellectual vested interests, will often cling to the obsolete paradigm, with the new theory only being adopted by the younger and more flexible scientists. Thus, of the codiscoverers of oxygen in the late eighteenth century, Priestley and Lavoisier, Joseph Priestly never, till the day he died, conceded that he had in fact discovered oxygen; to the end he insisted that what he had discovered was merely "dephlogisticated air," thus remaining within the framework of the phlogiston theory.[3]

And so, armed with Kuhn's own paradigm of the history of scientific theories, which is now in the process of replacing the Whig framework, we see a very different picture of the process of science. Instead of a slow and gradual upward march into the light, testing and revising at each step of the way, we see a series of "revolutionary" leaps, as paradigms displace each other only after much time, travail, and resistance. Furthermore, without adopting Kuhn's own philosophical relativism, it becomes clear that, since intellectual vested interests play a more dominant role than continual open-minded testing, it may well happen that a successor paradigm is *less* correct than a predecessor. And if that is true, then we must always be open to the possibility that, indeed, we often know *less* about a given science now than we did decades or even centuries ago. Because paradigms become discarded and are never looked at again, the world may have *forgotten* scientific truth that was once known, as well as added to its stock of knowledge. Reading older scientists now opens up the distinct possibility that we may learn something that we haven't known—or have collectively forgotten—about the discipline. Professor de Grazia states that "much more is discovered and forgotten than is known," and much that has been forgotten may be more correct than theories that are now accepted as true.[4]

If the Kuhn thesis is correct about the physical sciences, where we can obtain empirical and laboratory tests of hypotheses fairly easily, how much more must it be true in philosophy and the social sciences, where no such laboratory tests are possible! For in the disciplines relating to human action, there are no clear and evident laboratory tests available; the truths must be arrived at by the processes of introspection, "common sense" knowledge, and deductive reasoning, and such processes, while arriving at solid truths, are not as starkly or compellingly evident as in the physical sciences. Hence, it is all the more easy for philosophers or social scientsts to fall into tragically wrong and fallacious paradigms, and thus to lead themselves down the garden path for decades, and even centuries. For once the sciences of human action adopted their fundamental paradigms, it becomes much easier than in the physical sciences to ignore the existence of anomalies, and therefore easier to retain erroneous doctrines for a very long time. There is a further well-known difficulty in philosophy and the social sciences which makes systematic error still more likely: the infusion of emotions, value judgments, and political ideologies into the scientific process. The angry treatment accorded to Jensen, Shockley, and the theorists of inequalities of racial intelligence by their fellow scientists, for example, is a case in point. For underlying the bulk of the *scientific* reception of Jensen and Shockley is that even if their theories are true, they should not say so, at least for a century, because of the unfortunate *political* consequences that may be involved. While this sort of stultifying of the quest for scientific truth has happened at times in the physical sciences, it is fortunately far less prevalent there; and whatever the intellectual vested interests at stake, there was at least no ideological and political buttressing for the phlogiston theory or the valence theory in chemistry.

Until recent decades, philosophers and social scientists harbored a healthy recognition of vast differences between their disciplines and the natural sciences; in particular, the classics of philosophy, political theory, and economics were read *not* just for antiquarian interest but for the truths that might lie there. The student of philosophy read Aristotle, Aquinas, or Kant not as an antiquarian game but to learn about the answers to philosophical questions. The student of political theory read Aristotle and Machiavelli in the same light. It was not assumed that, as in the physical sciences, all the contributions of past thinkers have been successfully incorporated into the latest edition of the currently popular textbook; and it was therefore not assumed that it was far more important to read the latest journal article in the field than to read the classical philosophers.

In recent decades, however, the disciplines of human action—philosophy and the social sciences—have been frantically attempting to ape the methodology of the physical sciences. There have been many grave flaws in this approach which have increasingly divorced the social sciences from reality; the vain substitute of statistics for laboratory experimentation, the adoption of the positivistic hypothesis-testing model, the unfortunate conquest of all of the disciplines—even history to some extent—by mathematics, are cases in point. But here the important point is that in the aping of the physical sciences, the social disciplines have become narrow specialties; as in the physical sciences, no one reads the classics in the field or indeed is familiar with the history of the discipline further back than this year's journal articles. No one writes systematic treatises anymore; systematic presentations are left for jejune textbooks, while the "real" scholars in the field spend their energy on technical minutiae for the professional journals.

We have seen that even the physical sciences have their problems from uncritical perpetuation of fundamental assumptions and paradigms; but in the social sciences and philosophy this aping of the methods of physical science has been disastrous. For while the social sciences were slow to change their fundamental assumptions in the past, they were eventually *able* to do so by pure reasoning and criticism of the basic paradigm. It took, for example, a long time for "marginal utility" economics to replace classical economics in the late nineteenth century, but it was finally done through such fundamental reasoning and questioning. But no systematic treatise—with one exception to be discussed below—has been written in economics, not a single one, since World War I. And if there are to be no systematic treatises, there can be no questioning of the fundamental assumptions; deprived of the laboratory testing that furnishes the ultimate checks on the theories of physical science, and now also deprived of the systematic use of reason to challenge fundamental assumptions, it is almost impossible to see how contemporary philosophy and social science can ever change the fundamental paradigms in which they have been gripped for most of this century. Even if one were in total agreement with the fundamental drift of the social sciences in this century, the absence of fundamental questioning—the reduction of every discipline to narrow niggling in the journals—would be cause for grave doubts about the soundness of the social sciences.

But if one believes, as the present author does, that the fundamental paradigms of modern, twentieth century philosophy and the social sciences have been grievously flawed and fallacious from the very beginning, including the aping of the physical sciences, then one is justified in a call for a radical and fundamental reconstruction of all these disciplines, and the opening up of the current specialized bureaucracies in the social sciences to a total critique of their assumptions and procedures.

Of all the social sciences, economics has suffered the most from this degenerative process. For economics is erroneously considered the most "scientific" of the disciplines. Philosophers still read Plato or Kant for insights into truth; political theorists still read Aristotle and Machiavelli for the same reason. But no economist reads Adam Smith or James Mill for the same purpose any longer. History of economic thought, once required in most graduate departments, is now a rapidly dying discipline, reserved for antiquarians alone. Graduate students are locked into the most recent journal articles, the reading of economists published before the 1960's is considered a dilettantish waste of time, and any challenging of fundamental assumptions behind current theories is severely discouraged. If there is any mention of older economists at all, it is only in a few perfunctory brush strokes to limn the precursors of the current Great Men in the field. The result is not only that economics is locked into a tragically wrong path, but also that the truths furnished by the great economists of the past have been collectively *forgotten* by the profession, lost in a form of Orwellian "memory hole."

Of all the tragedies wrought by this collective amnesia in economics, the greatest loss to the world is the eclipse of the "Austrian School." Founded in the 1870's and 1880's, and still barely alive, the Austrian School has had to suffer far more neglect than the other schools of economics for a variety of powerful reasons. First, of course, it was founded a century ago, which in the current scientistic age, is in itself suspicious. Secondly, the Austrian School has from the beginning been self-consciously *philosophic* rather than "scientistic"; far more concerned with methodology and epistemology than other modern economists, the Austrians early arrived at a principled opposition to the use of mathematics or of statistical "testing" in economic theory. By doing so, they set themselves in opposition to all the positivistic, natural-science-imitating trends of this century. It meant, furthermore, that Austrians continued to write fundamental treatises while other economists were setting their sights on narrow, mathematically oriented articles. And thirdly, by stressing the individual and his choices, both methodologically and politically, the Austrians were setting themselves against the holism and statism of this century as well.

These three radical divergences from cur-

Footnotes at end of article.

rent trends were enough to propel the Austrians into undeserved oblivion. But there was another important factor, which at first might seem banal: the language barrier. It is notorious in the scholarly world that, "language tests" to the contrary notwithstanding, no American or English economists or social scientists can *really* read a foreign language. Hence, the acceptance of foreign-based economics must depend on the vagaries of translation. Of the great founders of the Austrian School, Carl Menger's work of the 1870's and 1880's remained untranslated into English until the 1950's; Menger's student Eugen von Bohm-Bawerk fared much better, but even his completed work was not translated until the late 1950's. Bohn-Bawerk's great student Ludwig von Mises, the founder and head of the "neo-Austrian" school, has fared almost as badly as Menger. His classic *Theory of Money and Credit,* published in 1912, which applied Austrian economics to the problems of money and banking, and which contained the seeds of a radically new (and still largely unknown) theory of business cycles, was highly influential on the Continent of Europe, but remained untranslated until 1934. By that time Mises' work was to be quickly buried in England and the United States by the fervor of the "Keynesian Revolution," which was at opposite poles from Mises' theory. Mises' book of 1928, *Geldwerstabillisierung und Kanjunkturpolitik,* which predicted the Great Depression on the basis of his developed business cycle theory, remains untranslated to this day. Mises' monumental systematic treatise, *National okonomic,* integrating economic theory on the grounds of a sound basic spistemology, was overlooked also from its being published in 1940, in the midst of war-torn Europe. Again its English translation as *Human Action* (1949) came at a time when economics had set its methodological and political face in a radically different direction, and therefore Mises' work, as in the case of other challenges to fundamental paradigms in science, was not refuted or criticized but simply ignored.

Thus, while Ludwig von Mises was acknowledged as one of Europe's most eminent economists in the 1920's and 30's, the language barrier shut off any recognition of Mises in the Anglo-American world until the mid-1930's; then, just as his business cycle theory was beginning to achieve renown as an explanation for the Great Depression, Mises' overdue recognition was lost in the hoopla of the Keynesian Revolution. A refugee deprived of his academic or social base in Europe, Mises emigrated to the United States at the mercy of his new-found environment. But while, in the climate of the day, the leftist and socialist refugees from Europe were cultivated, fêted, and given prestigious academic posts, a different fate was meted out to a man who embodied a methodological and political individualism that was anathema to American academia. Indeed, the fact that a man of Mises' eminence was not offered a single regular academic post, and that he was never able to teach in a prestigious graduate department in this country, is one of the most shameful blots on the none too illustrious history of American higher education. The fact that Mises himself was able to preserve his great energy, his remarkable productivity, and his unfailing gentleness and good humor in the face of this shabby treatment is simply one more tribute to the qualities of this remarkable man whom we now honor on his 90th birthday.

Agreed then that Ludwig von Mises' writings are the embodiment of a courageous and eminent man hewing to his discipline and to this vision unheeding of shabby maltreatment. Apart from this, what substantive truths do they have to offer an American in 1971? Do they present truths not found elsewhere and therefore do they offer intrinsic interest beyond the historical record of a fascinating personal struggle? The answer—which obviously cannot be documented in the compass of this article—is simply and startlingly this: that Ludwig von Mises offers to us nothing less than the complete and developed *correct paradigm* of a science that has gone tragically astray over the last half-century. Mises' work presents us with the correct and radically divergent alternative to the flaws, errors, and fallacies which a growing number of students are sensing in present-day economic orthodoxy. Many students *feel* that there is something very wrong with contemporary economics, and often their criticisms are trenchant, but they are ignorant of any theoretical alternative. And, as Thomas Kuhn has shown, a paradigm, however faulty, will not be discarded until it can be replaced by a competing theory. Or, in the vernacular, "you can't beat something with nothing," and "nothing" is all that many present-day critics of economic science can offer. But the work of Ludwig von Mises furnishes that "something"; it furnishes an economics grounded not on the aping of physical science, but on the very nature of man and of individual choice. And it furnishes that economics is a systematic, integrated form that is admirably equipped to serve as a correct paradigmatic alternative to the veritable crisis situation—in theory and public policy—that modern economics has been bringing down upon us. It is not exaggeration to say that Ludwig von Mises is the Way Out of the methodological and political dilemmas that have been piling up in the modern world. But what is needed now is a host of "Austrians" who can spread the word of the existence of this neglected path.

Briefly, Mises' economic system—as set forth particularly in his Human Action—grounds economics squarely upon the Axiom of Action; on an analysis of the primordial truth that individual men exist and act, i.e. make purposive choices among alternatives. Upon this simple and evident axiom of action Ludwig von Mises deduces the entire systematic edifice of economic theory, an edifice that is as true as the basic axiom and the fundamental laws of logic. The entire theory is the working out of methodological individualism in economics, the nature and consequences of the choices and exchanges of individuals. Mises' uncompromising devotion to the free market, his opposition to every form of statism, stems from his analysis of the nature and consequences of individuals acting freely on the one hand, as against governmental coercive interference or planning on the other. For, basing himself on the action axiom, Mises is able to show the happy consequences of freedom and the free market in social efficiency, prosperity, and development; as against the disastrous consequences of government intervention in poverty, war, social chaos, and retrogression. This political consequence alone, of course, makes the methodology as well as the conclusions of Misesian economics anathema to modern social science.

As Mises puts it:

"Princes and democratic majorities are drunk with power. They must reluctantly admit that they are subject to the laws of nature. But they reject the very notion of economic law. Are they not the supreme legislators? . . . In fact, economic history is a long record of government policies that failed because they were designed with a bold disregard for the laws of economics.

"It is impossible to understand the history of economic thought if one does not pay attention to the fact that economics as such is a challenge to the conceit of those in power. An economist can never be a favorite of autocrats and demagogues. With them he is always the mischief-maker. . . .

"In the face of all this frenzied agitation it is expedient to establish the fact that the starting point of all praxocological and economic reasoning, the category of human action, is proof against any criticisms and objections. . . . From the unshakable foundation of the category of human action praxeology and economics proceed step by step by means of discursive reasoning. Precisely defining assumptions and conditions, they construct a system of concepts and draw all the inferences implied by logically unassailable ratiocination.[5]"

And again:

"The laws of the universe about which physics, biology, and praxeology [essentially economics] provide knowledge are independent of the human will, they are primary ontological facts rigidly restricting man's power to act. . . .

"Only the insane venture to disregard physical and biological laws. But it is quite common to disdain economic laws. Rulers do not like to admit that their power is restricted by any laws other than those of physics and biology. They never ascribe their failures and frustrations to the violation of economic law."[6]

A notable feature of Mises' analysis of "interventionism"—of government intervention in the economy—is that it is fundamentally what could now be called "ecological"; for it shows that an act of intervention generates unintended consequences and difficulties, which then present the government with the alternative: either more intervention to "solve" these problems, or repeal of the whole interventionist structure. In short, Mises shows that the market ecomomy is a finely constructed, interrelated web; and coercive intervention at various points of the structure will create unforeseen troubles elsewhere. The logic of intervention, then, is cumulative; and so a mixed economy is unstable—always tending either toward full-scale socialism or back to a free-market economy. The American farm-price support program, as well as the New York City rent-control program, are almost textbook cases of the consequences and pitfalls of intervention. Indeed, the American economy has virtually reached the point where the crippling taxation, the continuing inflation, the grave inefficiencies and breakdowns in such areas as urban life, transportation, education, telephone and postal service, the restrictions and shattering strikes of labor unions, the accelerating growth of welfare dependency, all have brought about the full-scale crisis of interventionism that Mises has long foreseen. The instability of the interventionist welfare-state system is now making fully clear the fundamental choice that confronts us between socialism on the one hand and free-market capitalism on the other.

Perhaps the most important single contribution of von Mises to the economics of intervention is also the one most grievously neglected in the present day: his analysis of money and business cycles. We are living in an age when even those economists supposedly most devoted to the free market are willing and eager to see the state monopolize and direct the issuance of money. Yet Mises has shown that:

1. there is never any social or economic benefit to be conferred by an increase in the supply of money;

2. the government's intervention into the monetary system is invariably inflationary;

3. therefore government should be separated from the monetary system, just as the free-market requires that government not intervene in any other sphere of the economy.

Here Mises emphasies that there is only one way to ensure this freedom and separation: to have a money that is also a useful *commodity,* one whose production is like other commodities subject to the supply and demand forces of the market. In short, that commodity money—which in practice means

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Footnotes at end of article.

the full gold standard—shall replace the fiat issue of paper money by the government and its controlled banking system.[7]

Mises' brilliant theory of the business cycle is the only such theory to be integrated with the economists' general analysis of the pricing system and of capital and interest. Mises shows that the business cycle phenomenon: the recurring alternations of boom and bust with which we have become all too familiar, cannot occur in a free and unhampered market. Neither is the business cycle a mysterious series of random events to be checked and counteracted by an ever-vigilant central government. On the contrary, the business cycle is *generated* by government: specifically, by bank credit expansion promoted and fueled by governmental expansion of bank reserves. The present-day "monetarists" have emphasized that this credit expansion process inflates the money supply and therefore the price level; but they have totally neglected the crucial Misesian insight that an even more damaging consequence is distortion of the whole system of prices and production. Specifically, expansion of bank money causes an artificial lowering of the rate of interest, and an artificial and uneconomic overinvestment in capital goods: machinery, plant, industrial raw materials, construction projects. As long as the inflationary expansion of money and bank credit continues, the unsoundness of this process is masked, and the economy can ride on the well-known euphoria of the boom; but when the bank credit expansion finally stops, as stop it must if we are to avoid a runaway inflation, then the day of reckoning will have arrived. For without the anodyne of continuing inflation of money, the distortion and misallocations of production, the overinvestment in uneconomic capital projects and excessively high prices and wages in those capital goods industries, become evident and obvious. It is then the inevitable recession sets in, the recession being the reaction by which the market economy readjusts itself, liquidates the unsound investments, and realigns the prices and outputs of the economy so as to eliminate the unsound consequences of the boom. The recovery arrives when the readjustment has been completed.

It is clear that the policy prescriptions stemming from the Misesian theory of the business cycle are the diametric opposite of the "post-Keynesian" policies of modern orthodox economics. If there is an inflation, the Misesian prescription is, simply, for the government to *stop* inflating the money supply. When the inevitable recession occurs, in contrast to the modern view that the government should rush in to expand the money supply (the monetarists) or to engage in deficit spending (the Keynesians), the Austrians assert that the government should keep its hands off the economic system—should, in this case, allow the painful but necessary adjustment process of the recession to work itself out as quickly as possible. At best, generating another inflation to end the recession will simply set the stage for another, and deeper, recession later on; at worst, the inflation will simply delay the adjustment process and thereby prolong the recession indefinitely, as happened tragically in the 1930's. Thus, while current orthodoxy maintains that the business cycle is caused by mysterious processes within the market economy and must be counteracted by an active government policy, the Mises theory shows that business cycles are generated by the inflationary policies of government, and that, once under way, the best thing the government can do is to leave the economy alone. In short, the Austrian doctrine is the only *consistent* espousal of *laisez-faire;* for, in contrast to other "free-market" schools in economics, Mises and the Austrians would apply *laisez-faire* to the "macro" as well as the "micro" areas of the economy.

If interventionism is invariably calamitous and self-defeating, what of the third alternative: socialism? Here Ludwig von Mises is acknowledged to have made his best-known contribution to economic science: his demonstration, over fifty years ago, that socialist central planning was irrational, since socialism could not engage in that "economic calculation" of prices indispensable to any modern, industralized economy. Only a true market, based on private ownership of the means of production and on the exchange of such property titles, can establish such genuine market prices, prices which serve to allocate productive resources—land, labor, and capital—to those areas and fields which will most efficiently satisfy the demands of consumers. But Mises showed that even if the government were willing to forget consumer desires, it could not even allocate efficiently for its *own* ends without a market economy to set prices and costs. Mises was hailed even by socialists for being the first to raise the whole problem of rational calculation of prices in a socialist economy; but socialists and other economists erroneously assumed that Oskar Lange and others had satisfactorily solved this calculation problem in their writing of the 1930's. Actually, Mises had anticipated the Lange "solutions" and had refuted them in his original article.[8]

It is highly ironic that, no sooner had the economics profession settled contentedly into the notion that Mises' charge had been refuted, when the Communist countries of Eastern Europe began to find, pragmatically and much against their will, that socialist planning was indeed unsatisfactory, especially as their economies were becoming industrialized. Beginning with Yugoslovia's breakway from state planning in 1952, the countries of Eastern Europe have been heading with astonishing rapidity away from socialist planning and toward free markets, a price-system, profit-and-loss tests for enterprises, etc. Yugoslavia has been particularly determined in its cumulative shift toward a free market, and away even from state control of investments—the last government stronghold in a socialistic economy. It is unfortunate but not surprising that, neither in the East nor in the West, has Ludwig von Mises' name been brought up as the prophet of the collapse of central planning.[9]

If it is becoming increasingly evident that the socialist economies are collapsing in the East, and, on the other hand, that interventionism is falling apart in the West, then the outlook is becoming increasingly favorable for both East and West to turn before very long to the free market and the free society. For this courageous and devoted champion of liberty, there could be no more welcome prospect in his ninetieth year. But what should never be forgotten is that these events are a confirmation and a vindication of the stature of Ludwig von Mises, and of the importance of his contribution and his role. For Mises, almost single-handed, has offered us the correct paradigm for economic theory, for social science, and for the economy itself, and it is high time that this paradigm be embraced, in all of its parts.

There is no more fitting conclusion to a tribute to Ludwig von Mises' than the moving last sentences of his greatest achievement, *Human Action:*

> "The body of economic knowledge is an essential element in the structure of human civilization; it is the foundation upon which modern industrialism and all the moral, intellectual, technological, and therapeutical achievements of the last centuries have been built. It rests with men whether they will make the proper use of the rich treasure with which this knowledge provides them or whether they will leave it unused. But if they fail to take the best advantage of it and disregard its teachings and warnings, they will not annul economics; they will stamp out society and the human race.[10]"

Thanks in no small measure to the life and work of Ludwig von Mises, we can realistically hope and expect that mankind will choose the path of life, liberty, and progress, and will at last turn decisively away from death and despotism.

FOOTNOTES

[1] Philosophically, Kuhn tends to deny the existence of objective truth and therefore denies the *possibility* of genuine scientific progress. Thomas S. Kuhn, *The Structure of Scientific Revolutions* (2nd ed., Chicago: University of Chicago Press, 1970 (first ed. 1962)).

[2] On the sociology of the reception of Velikovsky in the scientific community, see Alfred de Grazia, "The Scientific Reception Systems," in A. de Grazia, ed., *The Velikovsky Affair* (New Hyde Park, N.Y.; University Books, 1966), pp. 171–231.

[3] Kuhn, *op. cit.,* pp. 53–56.

[4] DeGrazia, *op. cit.,* p. 197.

[5] Ludwig von Mises, *Human Action* (New Haven, Conn.: Yale University Press, 1949), p. 67.

[6] *Ibid.,* pp. 755–56. As Mises indicates, the revolt against economics as the harbinger of a free-market economy is as old as the classical economists whom Mises acknowledges as his forebears. It is no accident, for example, that George Fitzhugh, the foremost Southern apologist for slavery and one of America's first sociologists, brusquely attacked classical economics as "the science of free society," while upholding socialism as "the science of slavery." See George Fitzhugh, *Cannibals All!* (ed. by C. Vann Woodward, Cambridge: Harvard University Press, 1960), p. xviii; and Joseph Dorfman, *The Economic Mind in American Civilization* (New York: Viking Press, 1946), II, 929. On the statist and anti-individualist bias embedded deep in the foundations of sociology, see Leon Bramson, *The Political Context of Sociology* (Princeton, N.J.: Princeton University Press, 1961), esp. pp. 11–17.

[7] Thus, see Ludwig von Mises, *The Theory of Money and Credit* (Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1971).

[8] Mises' classic article was translated as "Economic Calculation in the Socialist Commonwealth," in F. A. Hayek, ed., *Collectivist Economic Planning* (London: George Routledge & Sons, 1935), pp. 87–130. Mises' and other articles by Lange and Hayek are reprinted in Morris Bornstein, ed., *Comparative Economic Systems* (rev. ed., Homewood, Ill.: Richard D. Irwin, 1969). An excellent discussion and critique of the whole controversy may be found in Trygve J. B. Hoff, *Economic Calculation in the Socialist Society* (London: William Hodge, 1949).

[9] On Yugoslavia, see Rudolf Bicanic, "Economics of Socialism in a Developed Country," in Bornstein, *op. cit.,* pp. 222–35; on the other countries of Eastern Europe, see Michael Gamarnikow, *Economic Reforms in Eastern Europe* (Detroit: Wayne State University Press, 1968).

[10] Mises, *Human Action,* p. 881.

THE VIEWS OF NORTHWEST TEXANS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. PRICE of Texas. Mr. Speaker, in my efforts to more adequately represent the views of northwest Texas area residents here in the Congress, I have solicited their views on a variety of issues through the use of opinion postcard inquiries.

The text of the next questionnaire to be sent from my office shall read as follows:

> As part of my continuing effort to stay abreast of the views of the residents of northwest Texas, I would appreciate it very much if you could take a moment to express your opinion on issues facing our Nation.
>
> In your opinion, what are the three most important problems facing the United States today? Please rank—1-2-3—in order of importance.
>
> Viet Nam War; Inflation; Foreign Aid; Busing; Education; Communism; High Taxes; Welfare; Other.

ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the steadily rising rate of illegal immigration into the United States is due to many diverse factors contributing to a common result—the presence of millions of aliens illegally here and draining our economy.

One of the critical factors contributing to this situation is the lack of manpower to properly patrol our borders.

We are justly proud of the fact that our 4,000 mile border with Canada is the longest unguarded frontier in the world. But the very fact that it is unguarded is an open invitation to aliens who cannot legally pass our entry ports. The same, to a lesser extent, is true of our 2,000 mile border with Mexico.

The Immigration and Naturalization Service has only 1,655 men in its border patrol to man 6,000 miles of frontier. Most of these men are concentrated on the Mexican border, and even there it is estimated that coverage is far from satisfactory.

The Border Patrol seems to have been given a low priority where our immigration budget is concerned.

In order to cope with sharp increases in legal entries, the Immigration and Naturalization Service has had to beef up personnel at ports of entry. The magnitude of this problem can be seen in terms of 2 million entries from sea and airports in 1955 to 10.4 million in 1970, a jump of 420 percent. Meanwhile, entries at land border ports increased from 119.8 million in 1955 to over 238 million in 1970, almost 100 percent.

This increased the workloads of immigration examiners, Border Patrol agents, criminal investigators, deportation officers, and so forth. While the workloads increased, personnel totals went up only slightly. The Border Patrol has increased only 173 since 1955.

Because of budgetary limitations, the Border Patrol has not been able to expand enough to cope with the problem of illegal border crossers.

Our 4,000 mile Canadian border, between ports of entry, is truly unguarded, and offering a choice route into the country for those who could not enter legally.

BOY'S SETTLEMENT DOUBLED TO $550,000

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, we in the House have the opportunity and duty to concur with the Senate's action on Friday in funding the Nurse Training Act of 1971—Public Law 92-158—legislation which will substantially increase our presently critical supply of health manpower personnel. This legislation is yet another example of an excellent authorization measure ready for adequate appropriation.

At this point I would like to bring to the attention of my colleagues the following article from the Washington Post of November 28, 1971, which vividly illustrates the tragedy that can result from hospital attempts to cut corners by employing inadequately trained people in positions of responsibility for patient care. At the same time the article serves to dramatize the need for the training of more registered nurses to insure the best possible care for every patient in every hospital in this country. The tragedy experienced by George Rose, Jr., must be averted. The Congress must increase the number of registered nurses by adequately funding the Nurse Training Act of 1971.

The article follows:

Doctor, Hospital Both Pay in Blinding—Boy's Settlement Doubled to $550,000

(By Philip A. McCombs)

> George W. Rose Jr., 9, has become a bright student, a joy to his parents and a lively playmate for his brother, sister and other children in the Southeast neighborhood where the Roses live.
>
> All these things according to Mr. and Mrs. George W. Rose, 3619 Austin St. SE, are very close to being miracles.
>
> George Jr.—or "Geo (Gee-Oh)," his nickname—will probably spend the rest of his life blind and without muscular control in his arms and legs.
>
> A federal court jury ruled last February that the child's condition was due to negligent treatment during an operation at the Washington Hospital Center. It awarded the boy's parents a total of $294,777.25.
>
> Now the presiding judge at the trial, U.S. District Judge William B. Jones, has issued a complicated 35-page opinion, one effect of which is to insure that the Rose family will receive a total settlement in excess of $550,000.
>
> Judge Jones ruled that pretrial settlements (which informed legal sources said totaled about $260,000), paid to the family by the doctor and the anesthesiologists may not be credited against the money the jury awarded on Feb. 19 following a seven-week trial.
>
> The ruling, dated Nov. 10, found that the doctor who had performed the operation, Arcadius H. Hakim, and Associated Anesthesiologists, had not been negligent and thus their settlements were in the nature of voluntary contributions or gifts.
>
> Because Dr. Hakim and the anesthesiologists had settled before the verdict, the jury did not consider whether they had been negligent.
>
> Dr. Hakim said last night that both he and the anesthesiologists were covered by the same insurance company, which has paid the Roses.
>
> "If I have to fight in court, the insurance (company) might lose more that way," he said. "They wanted to get out of the case and settled and keep them on the safer side."
>
> Judge Jones' opinion dealt with cross claims filed by the various defendants and a request by the Hospital Center that the pretrial settlement be credited against the jury-imposed judgment.
>
> The hospital center had sought to have the judgment placed against Associated Anesthesioyogists; Associated Anesthesiologists contend the liability was with the hospital center; Dr. Hakim also argued that the liability was with the hospital center.
>
> The judge denied all the cross claims and the hospital center's request for credit against the settlement. The claims brought by the anesthesiologists and Dr. Hakim were disallowed because having been found free of negligence, they were not entitled to a voice in the determination of who was liable.
>
> The boy had entered the hospital for removal of his tonsils and adenoids, not an unusual procedure, but there were complications and, when George Jr. finally came home, as his father says, he was a "vegetable."
>
> Now that has changed. Though he still cannot see and his arms and legs are what his mother calls "floppy," George Jr. is doing well in mathematics, geography, history, science and other courses at the Melvin Sharpe School, a school for handicapped children in the District.
>
> "He's got a fantastic personality," his mother said the other day. "If people could come by and talk to him—he gives you so much to live for, to be thankful for. He can't see and he can't walk. You'd think he'd be the one complaining all the time, but he never complains."
>
> The boy's father, an insurance salesman with The Prudential Insurance Co. of America, said, "It's breathtaking to see him in action, wanting to dance, to walk, to do everything. . . . His attitude brightens up everyone else's day."
>
> The father said that relationships in the tightly knit, religious family of five (George Jr. has a brother, Darryl, 4, and a sister, Tracie, 11) are healthy, lively and natural.
>
> "My younger son is extremely helpful in feeding and dressing and playing with Geo" he said. "Tracie reads to him. Nobody has any pity on him—they fight just like cats and dogs."
>
> George Jr. discussed his schooling and said he liked it. He said that of all his subjects, "I'm best on science."
>
> Teachers at the Sharpe school testified during the trial that George Jr. would have the mental capacity to attend college, were he not prevented from doing so by his physical handicaps.
>
> The family has received the money from the out-of-court settlement, and has set up a trust fund for George Jr. When the jury-ordered settlement, held up pending the judge's opinion, is awarded, it too will go into the fund, Mrs. Rose said.
>
> Jones found in his opinion that the permanent brain damage with which George Jr. will have to live for the rest of his life was entirely caused by the hospital "through the negligent acts and omissions of its employees and the defective equipment utilized in the care of the infant plaintiff in the intensive care unit . . ."
>
> As a result of negligence by hospital staff members, one of whom was not a registered nurse "since she had passed only two of the subjects required to achieve that status," the boy suffered several convulsions that caused the brain damage following his operation, the judge found in his opinion.

A spokeswoman for the hospital said on Friday, that, "We have unregistered nurses with limited responsibilities." The spokeswoman said hospital administrators had no further comment on the Jones opinion and added, "We will be glad to comment when we've read it."

District of Columbia nursing standards require only that no one shall represent herself to be a trained nurse unless she is or has been registered, according to Joyce Elmore, president of the D.C. Nurses' Examining Board.

The Jones opinion said that during the operation on Feb. 21, 1968, the boy's heart stopped beating for 2½ minutes and was started again—not unusual because according to testimony, there were more than 1,000 cardiac arrests at the hospital between 1964 and 1970 and arrests "do happen during surgery without negligence." In this case, Jones found it was not the cardiac arrest that caused the brain damage, but what happened afterward.

After the operation, George Jr. was taken to the recovery room where, according to the judge, the doctor ordered many types of care and medicine for him, including a reduction to and maintenance of his body temperature at 90 degrees Fahrenheit through hypothermia, a mechanical cooling process involving a machine pumping cooling material through tubes in a blanket.

Increasing body temperature increases the brain's demand for oxygen and unless corrected will result in convulsions, wrote the judge—and thus, "It was to give the infant plaintiff's brain and heart the rest needed after the cardiac arrest that Hakim . . . ordered hypothermia at 90 degrees Fahrenheit."

At 10:30 p.m., George Jr., was transferred to the hospital's intensive care unit where, the judge said in his opinion:

The only resuscitator assigned to the intensive care unit "either wasn't there, or if it was there, it was broken and inoperative."

The unit did not have a glass thermometer that would register lower than 94 degrees Fahrenheit.

The unit nurses "knew" that the telethermometer attached to the hypothermia machine "was not always accurate."

The unit did not have, when George Jr. needed it, a heart monitor with a defibrilator on it to shock the heart if it started to fail, "or if it did have such a monitor it was not attached to the infant plaintiff."

The nurse assigned exclusively to care for George Jr. after 11 p.m. was not a registered nurse.

After his arrival in the intensive care unit, George Jr.'s temperature began to rise and he had small convulsions every 15 minutes, the judge wrote.

These were "observed and recorded by the unregistered nurse on duty . . . but she did not notify Hakim of those facts nor did anyone else," wrote the judge. "If Hakim had been called, he could have ordered various drugs to lower the temperature."

It was not until about 7 a.m. the next morning that a nurse took George Jr.'s temperature with a glass thermometer and found that, by comparison, the telethermometer on the hypothermia machine was recording a temperature 4.6 degrees lower than the actual temperature, the judge wrote.

By 1:30 a.m., the judge wrote, the telethermometer had registered 95.4 degrees while in fact George Jr.'s temperature was 4.6 degrees higher than that. At 1:45 a.m., George Jr. had suffered the first of three major convulsions, according to the judge's opinion.

Judge Jones wrote, "The attending nurse, upon noting the rising temperature during the night, did not give him aspirin, or increase the intravenous medication he was receiving, or pack him in ice, or sponge the infant plaintiff with alcohol. All of those things she should and could have done for her patient without further orders from a doctor. Her failure to do so failed to meet the standard of good nursing practice."

Further, the judge wrote, because the nursing staff knew that the telethermometer did not always accurately record the true temperature, they should have checked its accuracy with a glass thermometer "long before" the 1:45 a.m. convulsion.

When that convulsion took place, said Jones, George Jr. stopped breathing. Since there was no resuscitator available, he wrote, a nurse gave mouth-to-tube resuscitation for more than 10 minutes until a respirator machine was brought in.

George Jr. remained in the respirator all night, although he had two more major convulsions at 3:30 and 5:20 a.m., the judge wrote.

At 6:50 in the morning, he wrote, a nurse noted that George Jr. was not getting the necessary amount of oxygen and called the hospital's inhalation therapy unit. A member of that unit arrived at 7 a.m. and "discovered an obvious kink in one of the tubes of the . . . respirator and corrected it."

Dr. Hakim, according to Judge Jones, was not notified of any of the three major convulsions or of the respirator problem and did not learn of them until later on the morning of Feb. 22.

After the first major convulsion and until April 18 of that year, the judge wrote, George Jr. needed the respirator occasionally to breathe for him or to assist him in breathing.

After this summary of the facts, Judge Jones concluded that it was the "negligent acts and omissions" of hospital employees and the "defective equipment" that by denying to George Jr.'s brain, permanently damaged it.

UNITED STATES ASSISTS ST. VINCENT ISLAND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FASCELL. Mr. Speaker, bad news seems to pour in on us from every direction. It is therefore refreshing to be able to report that in at least one instance the United States seems to be literally on top of the situation.

The following press release from the Agency for International Development describes U.S. efforts to prevent loss of life from a possible volcanic eruption on the island of St. Vincent in the Lesser Antilles:

UNITED STATES KEEPING WATCH ON VOLCANO ACTIVITY IN THE CARIBBEAN

The Disaster Relief Center of the Agency for International Development is coordinating U.S. efforts to prevent loss of life on the island of St. Vincent in the event of a possible eruption of Mt. Soufriere, where lava flows and earth tremors have caused alarm in recent days. St. Vincent is located about 100 miles west of Barbados in the Lesser Antilles.

U.S. Ambassador to Barbados Eileen R. Donovan has exercised her authority to spend $25,000 for overseas disaster situations to pay for U.S. Coast and Geodetic Survey infrared photographs of volcanic activity taken from U.S. military aircraft. Experts from the USCGS should be able to predict a serious eruption in time to evacuate the 11,000 persons who would be affected.

Acting on a request from Premier Milton Cato of St. Vincent, the overflights of Mt. Soufriere are made about 5 times daily and will continue for some ten days. The water inside its crater has risen considerably, its temperature has increased and one fissure has emitted a ridge of molten lava some 100 meters long. Other smaller islands of lava have also appeared.

Infra-red aerial photography was used in the prediction of the eruption of the Taal Volcano in the Philippines in July of 1966, when the evacuation warning given by USCGS experts saved hundreds of lives.

Ambassador Donovan is also U.S. Special Representative to the West Indies Associated States, of which St. Vincent is a member. The funds are available from the President's Contingency Fund under a provision of the Foreign Assistance Act.

A PROGRAM TO CONSERVE WORLD FISHERY RESOURCES

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. PELLY. Mr. Speaker, the December 3, 1971, issue of Life contains an article with graphic color illustrations on the "Crisis At Sea: The Threat of No More Fish." This article reveals that the worlds multiplying population which badly needs control and conservation of fish for food is in danger of losing this valuable resource due to overfishing.

Life points out that there is no good reason for any fish to become extinct and actually the world could harvest twice the present catch if certain simple rules of conservation were followed.

Mr. Speaker, in 1973, an international convention is scheduled on the law of the sea.

As far as I know, representatives of the fishing industry are being shunted aside by our State Department officials because of the attitude that Government knows best. The leaders of the fishing industry say the State Department only gives lipservice to their views and makes it clear no outside interference is wanted.

Mr. Speaker, Life magazine suggests in the article on the fish crisis a program which is almost identical to the views I have long advocated and which offers a way of overcoming objections to most other plans by our Navy.

Under unanimous consent, Mr. Speaker, I include an excerpt from Life magazine addressing itself to their suggested program to avert disaster to world fisheries. This excerpt entitled "A Program That Could Avert Disaster" follows:

A PROGRAM THAT COULD AVERT DISASTER

In 1973 the U.S. will take part in a worldwide "Law of the Sea" conference in Geneva. We could lead a return to sanity by sponsoring three measures there:

Dual seaward limits for all coastal states: 12 miles as the limit of sovereignty, with an additional fishery conservation zone extending out to the point where the continental shelf slopes off into the ocean depths. Most fish live on the shelf, not in the depths. By placing responsibility for the world's fish stock in the hands of the nations bordering the seas, the world would take a practical step toward preservation and regulation. A coastal state should not be able to restrict all fishing to its own boats. But it should be able, through licensing, to limit the total catch to a sustainable yield.

International limits on the different species of tuna that would cut off the fishing worldwide when a set quota is reached. Tuna range through all the world's oceans, and tight conservation measures in one area mean nothing if it's open season at the fishers' next port of call.

Agreement that river-spawning fish such as salmon should never be caught on the high seas but only at the mouths of the rivers in which they are born and where they return to spawn and die. If salmon are netted during the oceanic part of their life cycle, it may well mean that when the time comes for them to return to their native rivers, none are left to strike up certain streams, while other rivers are glutted. Two improbable villains in the present situation are Denmark in the Atlantic and South Korea in the Pacific. Neither nation has a salmon river of its own and both insist on the right to catch salmon on the high seas. If their attitude wins out in the name of "freedom of the seas," the salmon may go the way of the whale.

There is no reason why laws cannot be written that would acknowledge the basic right of free passage and still allow for the conservation of the world's fisheries. In fact, unless such laws are written, we will be preserving only the right of passage over a dead sea.

TRIBUTE TO MR. AUBREY CLINTON (BUD) KEITH

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. VEYSEY. Mr. Speaker, at the end of this year one of Riverside County's most outstanding officials will retire—Mr. Aubrey Clinton (Bud) Keith, county road commissioner and county surveyor, after more than 45 years.

He entered the county service back in 1925 in the temporary position of a draftsman when the survey office and road department consisted of but a handful of men. Today he heads a combined department of more than 350.

When he began, the county roads, for the most part, were dirt roads with stretches of corduroy planking in desert regions. Today, because of population growth and a marked increase in highway use, we have over 3,000 miles of modern road in the county system, all under Bud Keith's supervision.

During his 46 years, Bud Keith has worked under more than 30 county supervisors. In 1947 he was made both surveyor and road commissioner—each of the five supervisors used to be commissioner for his own district.

As road commissioner, he has been active on a number of statewide committees which have made decisions that ended up as legislation. From 1955–56 he served as president of the County Engineers Association; in 1959 he was chairman of the engineering division of the Governor's Traffic Safety Conference; from 1965–66, he was chairman of the Metropolitan Transportation Engineering Board; and he is currently the president of the Southern California Regional Association of County Engineers.

As Bud Keith prepares to lay down the burdens of his many duties, his hundreds of friends and admirers wish him a long and happy retirement. I am proud to count myself amongst his well-wishers.

VIETNAM WAR BABIES: A SERIOUS PROBLEM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FRASER. Mr. Speaker, recently I cosponsored H.R. 8462 which provides for the issuance of special immigrant visas for children of Vietnamese-American parentage who have been orphaned or abandoned by either or both parents.

A Christian Science Monitor survey illuminates the problem. The 15,000 American-fathered Vietnam war children face a precarious future.

Social service organizations dealing with the problem in the United States and Asia disclose that thousands of American-fathered Japanese and Korean children have grown up ostracized by society which sweep them under the rug.

The U.S. Government also had a hand on the broom.

I commend the articles to my colleagues. I urge that we not repeat the mistakes in Vietnam that we have made elsewhere in Asia.

The articles follow:

[From the Christian Science Monitor, Nov. 2, 1971]

VIETNAM WAR BABIES: A SERIOUS PROBLEM

(By Florence Mouckley)

As United States forces pull out of Vietnam they leave behind some 15,000 American-fathered children to a precarious future.

A monitor survey finds that children of American-servicemen and Vietnamese women—especially half-black children—face serious problems of racial discrimination.

The survey of social-service organizations dealing with the problem in the U.S. and Asia disclose also that thousands of American-fathered Japanese and Korean children have grown up into misfits because their societies ostracized them and because their governments initially tried to sweep them under the rug.

The United States Government also had a hand on the broom.

The subject was taboo during the American occupation of Japan and in its own words the U.S. Government says today it ". . . has not established, by legislation, any special program for Korean-American or Japanese-American children."

And in Vietnam, after almost a decade of American military involvement, the first bills are pending in Congress which would recognize some U.S. responsibility and provide funds and programs specifically for these Amerasian children as well as other Vietnamese children victimized by the war.

Only a very small amount of U.S. Agency for International Development (AID) money has filtered down to any of the children in Vietnam. Now with the cutoff of U.S. foreign assistance even this small amount may not be forthcoming.

No one claims to know exactly how many Amerasian babies have been born since the Americans came to Vietnam. But officials of U.S. voluntary agencies providing social services in that country are almost unanimous in contending that there probably are between 10,000 and 15,000 of these children. This agrees with the estimate of the South Vietnam Ministry of Social Service and with which the United States concurs.

The figures of 200,000 to 400,000 which have gained some credence in the United States are considered "ridiculously high" by most child-welfare experts in South Vietnam.

MOST LIVE WITH MOTHERS

The vast majority of Amerasian children are living with their mothers or with their mothers' families.

It is believed that about 10 percent of the overall number are black American-Vietnamese. However, of the 400 children in orphanages 52 percent are half black. This suggests that the half-black child is more likely to be abandoned than the child that is half-white.

The racially mixed child is not a phonomenon Vietnam. The country has a long history of conquests and colonialism. And while a light-skinned child is considered beautiful, discrimination is likely to come about because his partly-Caucasian features may suggest to the Vietnamese that his mother is a prostitute and he is illegitimate.

But black is not beautiful in Vietnam.

And the half-black child faces an even more hostile situation because of this distinct prejudice against dark skin.

Some sources in Vietnam say it comes partly from the fact that the dark-skinned Montagnards of South Vietnam are considered inferior by the Vietnamese. Others say it results partly from the fear which the Vietnamese had for Sengalese troops who fought in the French expeditionary corps in the Indo-China war.

In any case, prejudice is likely to erupt when these children start school and leave the protection of their families.

SOME MADE GOOD LIVING

Many of the mothers are bar hostesses, some of whom were making a relatively good living as long as the American GIs were around. Some could afford not only to take care of their child or children but also to give financial help to their parents and sisters and brothers. Some of these girls have become prostitutes but many were able to earn a relatively good living simply by working in bars.

Some end up having steady relationships with one or more GIs during the GIs' one-year tours. And some apparently want to have babies in the hope that this might force their GI boyfriends to marry them or to take them to the United States.

The typical pattern, however, has been that after the soldier returns to the U.S. he writes a few times and perhaps sends some money but he soon loses interest probably because of renewed ties with loved ones at home. Sometimes the soldier promises to write and never does.

Now, with American troops withdrawing, many thousands of bar hostesses are being forced out of work. Without an income they will be more likely to abandon their children.

FACTS KEPT FROM KIN

One bar hostess interviewed by Monitor correspondent Daniel Southerland told him that although she was helping to put her sister and brother through school with her earnings, she was working far away from home in Qui Nohn so that her relatives in Saigon would not know what she was doing for a living and that she had a child by a U.S. Air Force Sergeant. Only her mother and father knew the true situation, she said.

The future of Amerasian children is as uncertain as that of South Vietnam itself. If anti-Western or anti-American feeling increases dramatically, then there may be an equally dramatic deterioration in the acceptance of racially-mixed children.

What the future holds for all children in war-ravaged Vietnam, not only for Amerasian children, is the prime concern of most of the American social-service organizations involved there.

"Let's not zero in on one specific group," says Miss Gloria C. Matthews, international executive director of the Foster Parents plan (FPP) whose donors support children in Vietnam as well as in many other countries around the world. The point is not to isolate

Amerasian children from the rest of the community.

It is estimated that more than 320,000 Vietnamese children have lost one or both parents in the war. Thousands of others have physical handicaps.

FLEXIBLE REGULATIONS

The official Saigon government position on adoption is that the racially mixed children are Vietnamese children and that consideration is given for their adoption overseas only after investigation by a recognized adoption agency.

But in practice, while never officially acknowledging it, the Saigon government has gone along with a number of other adoptions by foreigners.

According to one estimate, more than 100 children have been sent to the United States for adoption each year for the past two years. Most of them were sent under private auspices. It is not known how many of them were racially mixed children.

At the present time, the Ministry of Social Welfare does not control or supervise adoptions. But the red tape involved in carrying out an adoption here can be horrendous.

A newly proposed adoption law drawn up by the Saigon government would give the ministry a more active role in the adoption process and cut some of the red tape. In theory, the proposed law would provide the legal machinery to protect the rights of the adopted child.

Approximately 19,000 children are being cared for in 120 registered orphanages and another 6,000 in unregistered institutions. But about 50 percent of these children have only been placed there temporarily by their families.

"We've had our My Lais but we've also had thousands of GIs providing food, putting up buildings and organizing financial support on a company wide basis to maintain the orphanages," said one social-service official. "I don't know what we would have done without them. What happens when they all pull out?"

MINIMAL OFFICIAL SUPPORT

Only minimal financial support is given to family and child-welfare programs by the United States and South Vietnamese Governments.

The South Vietnamese Ministry of Social Welfare has a very small budget and is swamped with war priorities. Only $2 a month is provided for each child in registered orphanages. Most of the support comes from private sources.

The official U.S. Government position is: "Under current American legislation, there is no authority for the U.S. Government to assume responsibility for children who may have been fathered by Americans, who are born out of wedlock overseas of an alien mother, and who are not subsequently legitimized . . ."

In contrast the French Government extended the option of French citizenship to every French-Vietnamese child whose paternity could be proven when the French were involved in Vietnam.

The child also had the opportunity to go to France for an education. And under French law, a French soldier who officially acknowledged paternity could confer citizenship upon his offspring without marrying.

Further, the French organization En French social agencies dealing with Eurasian children, established 40 centers in France to receive these children. More than 4,000 French Vietnamese children have been sent to France from Vietnam under this system. If the mother did not want to send her child to France she could receive support from FOEFI until the child was eight years old.

PLAN CALLED UNFEASIBLE

U.S. officials in Saigon say that such a system while possible for a colonial power would not be feasible for the United States.

Wells C. Klein, general director, American Branch of International Social Service in New York, put it this way:

"We're realists. We have an obligation to give the government time to respond. However, if nothing is forthcoming, with our responsibility to the public and to our donors, it may be that we will have to make the public aware of what we feel are needs not being met by the government . . ."

Meanwhile the children of Vietnam wait.

[From the Christian Science Monitor, Nov. 3, 1971]

GI BABIES REARED IN HOSTILE WORLD

(By Elizabeth Pond and Florence Mouckley)

"Children of mixed parentage are considered nobodies. The girls usually become prostitutes; the fellows usually turn to crime. They have no future here."

This blunt statement comes from the director of the Holt Adoption Program in Seoul, Robert Chamnes, describing what has happened to illegitimate American-fathered Korean children.

In Japan, where there is perhaps less racial discrimination than in Korea, some Japanese-American children, now grown up, have found their mixed parentage an advantage. But usually this is only in the maverick worlds of fashion and entertainment. They were exotic; and they had good voices, perhaps a talent for rock music or the tall and leggy (and un-Japanese) figures prized in modeling.

A few, like this year's oriental middleweight boxing champion, find prominence in athletics.

Those who achieve success—a relative success at best—have been rewarded by having the public stop calling them "konketsu-ji" (mixed-blood child, implying an illegitimate child of the American occupation days) and begin calling them simply "konketsu" (a more neutral mixed-blood).

Many others have not fared so well. They have become prostitutes in Yokohama or have joined the crowd of "hippie" dropout "glue-sniffers" in Tokyo's Shinjuku Station. Some have attempted suicide.

Others are leading more obscure lives, driving bulldozers, sanding floors, or bellhopping in hotels.

This is the price they have paid for being illegitimately fathered by Americans.

There are no reliable figures for the number of these children in either Japan or Korea.

The subject was taboo in occupation years, with both American and Japanese Governments, and apparently it still is, at least officially, with the Korean Government.

COOPERATION GROWS

In the past several years, however, with the problem diminishing because of the cutback in American forces in Korea and far fewer Amerasian children being born, the Korean Government has cooperated closely on a local and community level with many of the foreign social-service agencies to work for intercountry adoptions.

In Japan the only government survey conducted in 1953 turned up only 4,000 Japanese-American children. However, guesses have ranged as high as 100,000 or 200,000. As a rule of thumb Tokyo journalists seem to have settled on 20,000 to 25,000.

It is estimated that there are at least 3,000 in Okinawa.

There are no clues at all as to how many black-American Korean children there are. In Japan the 1953 Social Welfare Ministry survey of 4,000 illegitimate Amerasians showed one-eighth black and the rest white.

For the port of Yokohama in 1960 journalists estimated two-thirds of these children were of black fathers.

VIETNAM LEAVE CITED

The major orphanage for these Japanese-American children reports that when it started in the early postwar years, there were more whites than blacks; now, however, out of dwindling numbers, more than half are black. Most in the orphanage now were fathered by GIs on leave from Vietnam.

Japan, one of the most homogeneous, racially unmixed nations in the world, has had essentially no problem of racial tension or prejudice as such. But at the same time Japan has had no experience in absorbing alien races into society.

In the initial contacts with the West and then again in the Meiji period (1868–1912), Westerners were often looked on as teachers of new techniques or modernization. But World War II attitudes included strong anti-foreign nationalism.

A TRIPLE ONUS

With this history, the illegitimate American-fathered Japanese babies after World War II were thrust into a society that carried the triple onus of being without fathers and without families in a highly family-structured society. They were children of enemy soldiers and half-foreign—just as an acute foreign prejudice was coming to a conscious focus because of frequent contact with occupying Americans.

For a start the children were often rejected by their maternal grandparents. When they were very young they were constantly taunted by other children. It was not uncommon for them to be stoned or beaten up unless they themselves developed into tough fighters. As they grew older they were ostracized by their schoolmates.

Still later they found they didn't have the crucial family connections necessary to get into the university, to get good jobs, or to marry into the more highly respected families.

ABANDONMENT IN KOREA

And all along the way many had identity problems ranging from simple curiosity about who or what their father was to a fundamental social alienation. In general, those with black fathers were subject to worse discrimination than whites.

Many Korean children were abandoned.

Those mothers who kept their children faced social ostracism.

In Korean society, less Westernized, less industrialized, and less urbanized than Japan, opportunities for grown Amerasians are few. Job openings in fashion and entertainment, such as those in Japan, are not available.

No assistance has been rendered to these Amerasian children by the United States, Korean, or Japanese Governments apart from very small assistance given to regular orphanages.

Pearl S. Buck, the Nobel Prize-winning author and a prime force in bringing attention to American-fathered children throughout Asia, points out that while new bills introduced in Congress would assist American-fathered Vietnamese children, nothing is being done in other countries where, she says, "Amerasians exist and are still being born."

BRIGHT NOTE

One bright note on a bleak situation:

In Korea, a major adoption program has been conducted since 1953 by the Holt agency. Interest in adoptions has increased in the past few years, as the birth-control pill and concern about overpopulation have taken effect in the attitudes of American and European couples. More than 4,000 children have been adopted since the end of the Korean war. Last year the orphanage placed more than 1,000 children in adoption, mostly in the United States and Europe. However, it is more difficult to find homes for blacks than for whites. This year the total is expected to reach 1,200. The current rate of adoptions is 135 a month. The Holt director says he is getting good reports on how these children are adjusting.

Also in Korea, the Pearl Buck Foundation concentrates on providing financial assistance for children who are living with their families.

SECOND GENERATION UNCLEAR

Relatively few Amerasian children have been adopted in Japan.

The second generation is still infant, so there are no clear answers yet. Prejudice against mixed blood still exists in Japan, and the derogatory nicknames still exist. But these children probably won't run into the same stone wall their parents did—particularly if they are not fatherless themselves.

Probably there will be considerably more difficulties in social integration in Korea than in Japan, even for second generation.

A KETTLE OF SNAKES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and constituent, Col. Matthew P. McKeon, editor of a periodical, Task Force, published in Annandale, Va., recently called my attention to an article in his November issue adding a frightening dimension to the many valid arguments against building a sea level canal to replace the Panama Canal.

As I believe many Americans may be unaware of the threat to the Atlantic posed by migration of certain marine animals from the eastern Pacific, I insert the text of the article, "A Kettle of Snakes," by Philip Conrad, at this point in the RECORD:

A KETTLE OF SNAKES

(By Philip Conrad)

(EDITOR'S NOTE.—If you own seashore property, or enjoy boating and swimming along the Atlantic coast, or water sports including fishing, both fun and commercial, or if you have a business dependent upon safe shoreline recreation anywhere along the gulf states north to the Virginia beaches, you will be especially interested in the following:)

The State Department is determined to negotiate a new treaty with Panama that would give away all or part of the 500-square-mile Panama Canal Zone to the communist infested government and people of Panama. After 17 meetings, since last June 29th, the United States and Panamanian negotiators are reported as just about ready to scrap the 1903 treaty, through which United States taxpayers purchased the land involved, and sign a new treaty that gives the land and the canal back to Panama for free. But wait, all is not lost. Our bright negotiators are insisting on the right of the United States to (a) operate and defend the strategic waterway, and (b) the right to either install a third set of locks at a cost of over 1.5 billion dollars. Or a sea level canal at over 3 billion dollars. Without title of ownership—for whom are we building? Without land to defend—for whom are we defending?

A presidential panel recommended that either a new canal or an improved canal be undertaken before the year 2,000. It is therefore apparent that the White House is backing the State Department in the further usurpation of powers not granted to the executive branch of government by the Constitution. Such a usurpation is in fact a swindle of American taxpayers out of billions of tax dollars already invested in the existing canal which we citizens, *at this writing*, still own.

On the 7th October an impatient Panama placed its case for a new canal treaty before the United Nations membership. On the 19th October the United States reacted by preparing to cede to Panama substantial grants of land, commercial concessions and legal jurisdictions in the 500-square-miles of United States territory. Meanwhile it has been reported in the popular *Woman Constitutionalist* of 6th November, "Russian technicians have been arriving in Panama to train Panamanians in the operation of the Canal as they trained Egyptians in the management of the Suez Canal".

It can hardly be expected that the decision to either improve the existing canal or to build a new sea-level canal will be long delayed. If the sea-level canal is decided upon, then the interests of many people, having nothing to do with the canal, will be immediately involved. No one will guarantee that the poisonous sea snakes in the Pacific will not swim through a sea-level canal to the snakefree Atlantic.

On the 16th October, this reporter attended a meeting of the Panama Canal Society at the highly respected COSMOS Club in Washington, D.C. Among the distinguished speakers a Dr. John C. Briggs, Professor of Biology, University of South Florida, and one of the nation's leading authorities on marine biology, discussed the ecological dangers of the proposed sea-level canal. Dr. Briggs' lecture was based in part upon the findings of a National Academy of Science Committee and in part upon his own lengthy and valued studies. Dr. Briggs stated, "there do exist in the Eastern Pacific a number of marine animals that originally came from the Indo-West Pacific, the largest and most diverse of all the tropical regions. Among them are such animals as the poisonous sea snake and the (coral island destroying) crown-of-thorns starfish. It is expected that these animals would be capable of migrating through a salt-water canal and, once having gained access to the Atlantic, would establish themselves in that ocean."

An illustrated nine page article entitled "The Sea Snakes are Coming", by William A. Dunson, appears in the November issue of the Journal of The American Museum of Natural Histroy and throws additional light on this frightening subject. The article reveals that the fanged bite of the sea snake is more poisonous than that of a rattlesnake and there is no antivenom for its poison. The snakes are about three feet long when full grown and, being air-breathers, are capable of staying underwater for 15 to 30 minutes at a time. Distinguished by a yellow belly, and often mistaken for a piece of harmless driftwood, they range from several miles to several hundred feet from land and are frequently washed up on the beach. On Gato Island, in the Philippines, as many as 100,000 sea snakes are killed for their skins each year. This could become a leading industry for Miami, for example, because who would care to fish, or swim, or even wade in snake infested waters?

FOREIGN-BORN AMERICANS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HELSTOSKI. Mr. Speaker, there has been considerable coverage in the press recently of the problem of illegal aliens holding jobs in the United States. While it is clear that our immigration laws must be fully enforced in order to protect the employment rights of American workers, I also believe that this problem must be kept in perspective.

Unless public discussion of the hiring of illegal aliens is kept restrained and rational, we might see the development of a witchhunt in which foreign-born Americans are held to be suspect or disloyal. In an effort to counter growing hysteria surrounding this subject, the Fur, Leather, and Machine Workers Union's joint board recently passed a resolution condemning attacks on the foreign born. As the resolution notes:

> Since the early days of our republic, the reactionary forces in our country have tried to make the foreign-born scapegoats for the failure of our government to solve the problems of the people.

Mr. Speaker, I strongly endorse the action of this union in blowing the whistle on prejudice against first generation Americans and include the resolution at this point in the RECORD under unanimous consent:

RESOLUTION ON ATTACKS ON THE FOREIGN-BORN

We are deeply disturbed by the campaign being conducted by some newspapers against the foreign-born in our midst. Scare headlines trumpet the charge that "illegal aliens" are depriving Americans of jobs and inflating relief rolls.

That there are some aliens who are here illegally or who have overstayed their authorized time is certainly true—but the extent of the problem is by no means as great as the headline writers would have us believe. Even the Immigration and Naturalization Service has conceded that 97% of the so-called "illegals" are Mexicans, who have been induced to come here by unscrupulous employers. Nevertheless, the House of Representatives Subcommittee on Immigration is holding hearings on an Administration bill that would impose criminal penalties on *all* employers knowingly hiring noncitizens in illegal status.

Since the early days of our republic, the reactionary forces in our country have tried to make the foreign-born scapegoats for the failure of our government to solve the problems of the people. In Jefferson's day, it was the Alien and Sedition Laws. Today, it is the Walter-McCarran Act and other legislation that persecutes the aliens in our country.

Unemployment and rising relief costs are real problems. They will not be solved by pitting the native-born workers against the foreign-born, but rather by measures that will provide jobs and security for *all* Americans. Such a program has nothing in common with the Nixon Administration's program for economic depression and political repression. We urge the defeat of any measure that would further intensify the second-class status of foreign-born Americans.

PROSPERITY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Florida. Mr. Speaker, during these trying times my colleagues in the Congress and I receive numerous letters from citizens demanding that our Government spend more and more to make them prosperous. We also hear that the Government should do more and more to help the poor and to raise their income above the definition of what is presumed to be the poverty level.

Everyone, it seems, wants the Government to bring prosperity to them but in most instances, their definition of prosperity means material accumulation, rather than spiritual and the enjoyment of the endowment which nature has bestowed up us.

Recently, Tom Mosier, who writes a column for the Miami Herald wrote his observation that the trouble with prosperity is that it has such a tendency to turn into poverty. His conclusion is that we are all rich if we take time to enjoy our blessings and that the more prosperous we have become, the poorer we are.

Mr. Mosier's column which appeared in the Broward County edition of the December 3 issue of the Miami Herald was entitled "Prosperity Turns Sour." His article is well thought out and his views worth contemplating. I take pleasure, therefore, in suggesting that my colleagues read this article which reads as follows:

PROSPERITY TURNS SOUR

(By Tom Mosier)

The trouble with prosperity is that it has such a tendency to turn into poverty.

Americans have been toying with the idea of universal prosperity for nearly 200 years without ever actually achieving it. We've had it just over the horizon from time to time, or so it seemed.

Herbert Hoover thought so. So did a lot of other people in the fall of 1928, and the prosperity that lurked just around the corner is now known as the Great Depression.

More recently Lyndon Johnson told us we were so prosperous we could have both guns and butter. He was half-right.

Now we have Phase Two and the President tells me I'm going to be much better off because he is going to control the rate at which my rising prosperity drives me into poverty—at least that's the way I interpret it.

Well, it's a step in a new direction. At least I'm not being promised unlimited riches.

WE ARE RICH

Actually, I think we've all been deceiving ourselves these 200 years. We've never been short of richness, not even during the Great Depression.

Our ancestors' original enthusiasm over this New World centered on its potential. Potential for growth and development, for personal freedom and a chance to begin again. They looked at the land, to paraphrase an earlier author, and saw that it was good.

The land has not betrayed us. No people could ask for more than we have extracted from it.

Along the Gold Coast we have turned a lush and fertile land into a sterile tangle of asphalt, concrete and polluted waterways. Hastily constructed drainage canals have threatened our supply of fresh water and the vast and unique Everglades faces threat after threat to its continued existence.

In our greed to turn potential into quick profit, growth and development have been measured in dollars and cents. Personal freedom has been subordinated to the needs of an exploding population as we continue to overcrowd the land in an effort to extract the last possible dollar from every inch of open space. And for many black or immigrant Americans, the chance to begin again has meant virtual slavery as they labor in vegetable fields or great hotels to power the illusion of prosperity in awe of which we all huddle.

GREED RUINS

And the more prosperous we have become, the poorer we are. The cruel hoax of prosperity is that it does not produce contentment—it produces greed. We judge prosperity in terms of what we do not have; what we expect that Midas Touch to provide for us.

So, like that ancient king, we measure our riches against our expectations and always come up short—until our riches are taken away.

Several years ago I lived for a short while in Tennessee, in the heart of the Appalachian poverty area. Natives there lived in the run-down remains of coal mine company towns, scratching out an existence on the scarred and rocky hillsides their fathers had labored so hard over in someone else's pursuit of prosperity.

They are a proud and contented people—poor as church mice by our Gold Coast standards, but with an inner peace that comes from having finally learned to live in harmony with the land.

They had betrayed the land and the land forgave them, teaching them a bitter but valuable lesson in the progress.

I left Tennessee in search of prosperity, for I had not learned that poverty, like prosperity, is really just a state of mind.

Must we too ruin our land to learn the richness of contentment?

OFFSHORE OIL LEASES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. WOLFF. Mr. Speaker, recently, the Department of Interior announced its intention to begin leasing offshore sites for the purpose of drilling for oil in Long Island Sound and in the general vicinity of the North Atlantic coast of the United States.

Technology has not advanced to the stage that we can prevent another disaster from occurring such as that which ravaged the Santa Barbara, Calif., coastline in January of 1969. Consequently, many citizens, conservationists, businessmen, scientists, and others have become increasingly alarmed at the possibility of another catastrophe of similar proportion, a very real likelihood in light of our present lack of technological safeguards. Clearly, the ecological and economic stakes are too high to risk another blowout or similar disaster.

The board of trustees of my hometown, the village of Kensington, N.Y., has clearly expressed this deep concern in a resolution which was passed on November 17, 1971. The resolution, which follows, expressly opposes the leasing of offshore oil drilling rights in the area of Long Island. Mr. Speaker, I commend the trustees of the village of Kensington for their forthright action, and I join them in calling for a termination of all leasing plans.

The resolution follows:

RESOLUTION

Whereas, it has come to the attention of the Board of Trustees of the Village of Kensington, County of Nassau, State of New York, that the U.S. Department of Interior is contemplating the leasing of off-shore sites for drilling of oil in an area which would affect Long Island, and

Whereas, it is the feeling of the Board of Trustees that such action by the Department of Interior would adversely affect the ecological conditions and esthetic appearance in the area of Long Island,

Now, therefore, be it unanimously resolved, at a regular meeting of the Board of Trustees of the Village of Kensington, County of Nassau, State of New York, held at the Village Hall on the 17th day of November, 1971, that the Mayor and Trustees do hereby declare they are firmly opposed to any action by the U.S. Department of Interior for the leasing of off-shore oil drilling rights in the area of Long Island and urge the Department of Interior to terminate such plans.

OVERREGULATION OF SURFACE TRANSPORTATION

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Tuesday, December 7, 1971

Mr. TAFT. Mr. President, on September 28 I placed in the RECORD the text of a study undertaken for the Brookings Institution by Prof. Thomas Gale Moore of Michigan State University. This study concluded that overregulation of surface transportation cost America's consumers and shippers approximately $7 billion per year. If we are able to cut back this overregulation and place surface transportation in a more competitive framework, we could translate these savings into cheaper cars and cheaper food for the American people.

On November 29 the Wall Street Journal published an editorial entitled, "Nobody Loves it but the People." It points out the need for a greater effort in behalf of the administration's proposals for partial deregulation. These proposals largely parallel those which I had made on March 3, when I introduced S. 1092, the Modern Railway Transportation Act.

Because of the importance of this subject to the consumers of this country, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 29, 1971]

NOBODY LOVES IT BUT THE PEOPLE

When the Nixon administration sent its long-awaited transportation regulation bill to Congress, the operation was almost surreptitious. Mr. Nixon didn't proclaim it on television or even radio, and even the plans for a quiet White House news conference were scrapped.

The administration's low-key approach is understandable, if regrettable. After all, the government has been trying for years to inject a little more competition into surface transportation, and it has yet to come up with any formula acceptable to the railroads, the truckers and the barge lines.

For varying reasons the industries also oppose the present bill. So the administration, with no shortage of problems already, scarcely could relish the prospect of a tooth-and-nail fight for a lost cause.

But is the cause really so hopeless? The purpose of all regulation is supposedly to protect the public's interest, not to suit the sensibilities of the regulated. And the public would indeed benefit from a move to make transportation more competitive.

The bill actually would be only a small step in that direction. Railroads would be allowed to raise or lower rates without Interstate Commerce Commission approval within a specified "zone of reasonableness." The government would rely more on competition and the antitrust laws, and less on the ICC, to protect the public.

In addition, the bill would make it easier for railroads to abandon unprofitable service. It would restrict the powers of regional industry rate-making bodies to set rates, while enjoying freedom from antitrust prosecution. And it would make it easier for truckers and barge lines to enter the market, thus encouraging more competition.

Truckers and barge lines don't like the plan. chiefly because it would permit the railroads to become more competitive. The railroads certainly have suffered most from the existing setup, but even they object to one aspect of the new proposal: the curb on regional rate-making groups. Those groups set identical rates for railroads competing in a certain market, and however anxious the roads may be to compete with barges and trucks they still would prefer to avoid competition with one another.

Competition can indeed be a messy system. Even in the limited form proposed by the administration it probably would cause serious trouble for some truckers and barge lines. It could even cause some inconveniences for the public.

For decades the nation's transportation resources have been allocated in large part in accordance with the dictates of the ICC. With the best of intentions the ICC has made mistakes: setting some rates too high and some too low, limiting service where it should have been expanded, preserving service unjustified by economic need.

If the market takes over more of these decisions there are bound to be some dislocations. Trains won't always operate where they used to, and neither will barges and trucks. Some rates will rise and some will fall. For an economy long accustomed to the long and laborious processes of the ICC, the changes at first might appear a bit overwhelming.

The chances for any really upsetting changes, though, are minimized by the timidity of the bill's approach. Part of the truck-barge opposition to the bill probably is rooted in a belief that the dislocations would be so minimal that Congress would then be encouraged to move farther toward deregulation.

In time, too, the public would see that less regulation would help bring down transportation costs. According to the Transportation Department, shippers and consumers pay "more than is required" in the amount of "billions of dollars annually" because of regulation-induced inefficiency.

The administration thus may make a mistake if it bows to special-interest groups and fails to fight for its measure. There's little political gain in neglecting a cause simply because no one loves it but the people.

ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. McDONALD of Michigan. Mr. Speaker, untold thousands of aliens enter the United States each year as visitors, then take jobs in violation of the law that prohibits these same tourists from working.

Tourist visas are not difficult to obtain from our overseas consulates. The individual wishing to visit America need only prove he has a home or job or family to return to, swear that he will return, produce a round-trip ticket or a bond and show he has enough money to sustain himself.

Now, the money matter is not much of a problem, because many have relatives already in this country who will help them. Visitor vias are issued for a period of 4 years and are limited at ports of entry to 6 months by immigration, but the "tourist" working illegally here can come and go as often as he pleases as long as he leaves every 6 months and is not caught holding a job.

Because of his plan to work, he usually will find an employee who specializes in hiring illegals, because they can be paid less than citizens and legal immigrants and can be denied those fringe benefits enjoyed by most American workers.

The illegal knows this, but he can make many times the amount of money he can make at home, and so it is a profitable arrangment which neither employer nor employee wishes to disturb.

Thus we can see that the "tourist" who comes here to work often can become a 6-month long-distance commuter.

Sometimes the immigration people catch these phony "visitors." But even when they do, the deportation process may be long and expensive, perhaps anywhere from 6 months to a year or more. And during this time, the illegal may continue working because he is at liberty.

Those who just vanish may never be found, because the Immigration and Naturalization Service has neither the means nor the manpower to keep track of them all.

THE VITAL AMERICAN DAIRY INDUSTRY

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ROY. Mr. Speaker, there are many aspects to our continuous effort to raise farm income. I have recently become aware of a situation involving the dairy industry which deserves our attention and action.

For several years dairy imports have been increasing. The United States has quotas on many dairy items, but importers continue to find new ways to evade these limits.

In 1969, several types of cheeses were placed under quota. It was decided, however, that any cheese in these categories which cost 47 cents or more would be exempt from this restriction. The reasoning was that cheese in this price range are specialty cheeses which are not normally manufactured in this country.

Importers quickly seized this loophole, so that last year the "over 47-cent" cheeses accounted for nearly 25 percent of all dairy imports. This year imports of these cheeses is up even more.

Last March, President Nixon asked the Tariff Commission to hold hearings and make recommendations on this matter. On July 28, the Tariff Commission issued its report, recommending that the 47-cent price break be abolished and that a quota be established for the various types of cheeses involved regardless of price. The decision was an eminently fair one, one demanded by the ever-increasing quantity of nonquota cheese coming into the country.

However, it has now been over 4 months since the Tariff Commission report, and still the President has not acted to implement its recommendation.

Mr. Speaker, I urge the President to take action in this matter by extending the quota as the Tariff Commission has recommended.

INEPT LATIN AMERICAN DIPLOMACY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BADILLO. Mr. Speaker, the recent Latin American trip of White House counselor Robert Finch simply highlights this administration's complete failure to understand or appreciate the sensitivities of our Western Hemisphere neighbors and once again indicates the absolute lack of any meaningful policy. Mr. Finch began his ill-fated venture by a partisan attack on the only two previous 20th century U.S. policies which sought to treat the Latin American republics as equals and which offered some hope for the future. As far as I can tell, little of substance was accomplished by this 14-day excursion and I am fearful that more damage may have been done to our already very tarnished image in Latin America.

Last Saturday the New York Times presented a rather perceptive editorial on the Finch mission's failure and I believe our colleagues should very carefully consider its message. I present this editorial herewith for inclusion in the RECORD:

[From The New York Times, Dec. 4, 1971]

FAILURE OF A MISSION

Robert H. Finch, Counselor to President Nixon, started his "goodwill" mission to Latin America by derogating the Good Neighbor policy of Franklin D. Roosevelt and the Alliance for Progress, begun by John F. Kennedy. He said these policies had "lumped the Latin-American countries together as banana republics."

Having thus launched his career in hemisphere diplomacy by denigrating the only two Presidents of the United States in this century to be almost universally esteemed in Latin America, Mr. Finch went off to visit six countries in two weeks. In Ecuador he said his goal was "to build bridges of understanding" and "open roads of friendship."

Ecuador's navy saluted his arrival by seizing four more American tuna boats (the 1971 total now exceeds fifty), and the Counselor had no luck building bridges or opening roads to a solution of this vexing problem. In Brazil, Mr. Finch made news by accusing Senator Fulbright of a "Fortress Arkansas" mentality with his opposition to the Administration's foreign aid bill.

Among other activities, Mr. Finch signed loans for reconstruction from earthquake devastation in Peru and a treaty ceding the Swan Islands (total area: three square miles) to Honduras, ending 108 years of United States sovereignty. In Mexico he inaugurated an exhibition of tourism.

The Finch mission is now home and one member, Herbert G. Klein, Mr. Nixon's Director of Communications publicly reported he and Mr. Finch gained the "feeling" that the Marxist Government of Chile (not one of their ports of call) "won't last long." Even if there may be a basis for Mr. Klein's "feeling," it is painfully embarrassing at such a time to have such a prediction emanate from the White House.

Chile's prompt protest makes the point: Mr. Klein's indiscretion has made much more difficult the "correct" relations Mr. Nixon has repeatedly said he desires with Chile. It is also clear that instead of a genuine policy for the hemisphere the Latin Americans have been given yet another "goodwill" mission, garnished with the clubfooted amateur diplomacy they find particularly offensive.

DELAWARE DAY

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, December 7, 1971

Mr. BOGGS. Mr. President, today marks the 184th anniversary of the ratification of the U.S. Constitution by the delegation from Delaware.

This action, taken unanimously by the 30-member delegation to the Constitutional Convention, made Delaware the first State, a title we have proudly retained over the intervening years.

Today there will be a ceremony honoring the occasion at the southern branch of the Delaware Technical and Community College at Georgetown, Del. This is a relatively new college in our State, but it has made great progress in its short history and is contributing much to our State's development. It is only fitting that this college be the site of today's program at which Bill Frank, columnist for the Wilmington News-Journal newspapers, will be the speaker.

This event culminates the celebration of the anniversary which began last Saturday with the annual banquet of the Delaware Society, Sons of the American Revolution.

At that banquet, Dr. James E. Marvil, an author, historian, and president of the Lewes Historical Society, was presented the Gold Good Citizenship Medal of the SAR for his role in preserving Delaware's heritage.

Others honored at that banquet included Capt. James L. Ford, Jr., of the Delaware State Police Training Academy, Mr. James P. Simpson, of the Sons of the American Revolution, Mrs. Charles I. Hoch, of the Daughters of the American Revolution, Miss Helen Cordelia Lyon of the Children of the American Revolution.

I would like to take this occasion to join their friends and colleagues in congratulating them on their great accomplishments.

Mr. President, our State derived its name from Lord De La Warr, an early Governor of Virginia. In 1610 Capt. Samuel Argall, sailing for Lord De La Warr, was blown off course and sailed into a strange bay which he named De La Warr Bay in honor of his Governor.

The Dutch made the first white settlement on Delaware soil. A party of approximately 30 individuals landed near the present town of Lewes in 1631. Their settlement, named Zwaanendael—Valley of the Swans—was destroyed by Indians in less than a year. In 1638 Swedish colonists led by Peter Minuit landed at a spot that is now part of downtown Wilmington. This first permanent settlement was called Fort Christina.

The Swedes expanded the colony of New Sweden in 1654 when they took over a Dutch post, Fort Casimir, which had been established in 1651. The following year the Dutch, coming down from New Amsterdam and led by Peter Stuyvesant, captured New Sweden, renamed it New Netherlands, and the colony continued to grow for several years.

In 1664 the British gained possession and ruled for the next 112 years. William Penn was deeded the colony in 1682, and the following year the territory was annexed to the Province of Pennsylvania and was known as the Lower Counties. Not until 1776 did Delaware become a separate State.

Delaware played a substantial role in the Revolution, sending nearly 4,000 men to fight in almost every principal engagement from the battle of Long Island to the siege of Yorktown. The only Revolutionary engagement fought on Delaware soil was the skirmish at Cooch's Bridge near Newark on September 3, 1777. Tradition has it that it was here that the American flag was first unfurled in land battle on U.S. soil.

Mr. President, Delaware Day has always been a great event in our State and I am happy that this tradition is continuing. I especially would like to congratulate this year's coordinator, Mr. John T. Purnell, of the Division of Historical and Cultural Affairs, for his work on the celebration. Many others also played parts and they, too, are to be commended.

Mr. W. Emerson Wilson of the News-Journal newspapers is one of Delaware's foremost historians. He wrote an excellent column in last Saturday's Morning News about the Delaware Day celebration in 1892. I take the liberty to ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DELAWARE DAY WAS ONCE A VERY GALA AFFAIR

Delaware Day back in 1892 saw the launching of two major projects which gained fame over the years. One of these was the first annual dinner of the Sons of Delaware in Philadelphia and the other the opening of the Central Hotel in Milford. Delaware Day went unnoticed in the rest of the state.

The Sons of Delaware were made up of natives of this state who had moved to Philadelphia and it was rather an exclusive organization since most of the members had gained prominence in their new home.

More than 150 persons attended this first dinner meeting in the Hotel Continental in Philadelphia. I. Layton Register, the president, acted as the toastmaster.

Sen. George Gray spoke of the importance of Delaware's becoming the first state through the ratification of the Constitution on Dec. 7, 1787, and described some of the leaders who attended that ratification convention.

He introduced his colleague, U.S. Sen. J. M. Carey of Wyoming but a native of Milton, Del., who surprised the assemblage by his knowledge of the state, insisting that it was one of the best in the Union and that Sussex was the best county in the state. His state of Wyoming if carved up would make 33 states the size of Delaware yet their populations were about the same, he said.

B. B. Comegys paid tribute to Thomas McKean and John Dickinson of Revolutionary times and compared them with the great Delawareans Thomas F. Bayard and George Gray of his time.

Judge R. W. Pennypacker spoke on the history of Delaware, stressing particularly Plockhoy's ill-fated colony near Lewes.

The menu of this gala affair listed blue point oysters, followed by Consomme Deslignac, then broiled lake white fish, with the entree of tenderloin of beef with spinach, peas, and potatoes followed by Punch Chateau La Rosa and ending with ice cream, fruits and nuts.

The Sons of Delaware, started in 1892, continued to hold annual dinner meetings on Delaware Day until the 1950s and these were often important social affairs with good speakers, good food, and good drinks.

The other big affair that Delaware Day was the formal opening of the Central Hotel in Milford, which had been completed some weeks before but whose opening had been deferred until that auspicious date.

The hotel was described as a large four-story brick structure, handsomely furnished and fitted with all of the latest electrical equipment. It had a bathroom on every floor and claimed to be the equal in convenience of any city hotel. Actually its owners claimed it was the finest hotel on the Delmarva Peninsula with the possible exception of the Richardson House in Dover.

It was thrown open to the public at noon and hundreds of persons inspected its special lobby and parlors on the first floors and the various rooms on the other floors.

Oglesby's orchestra, which had come from Chester, Pa., by train, played classical music in the parlors to entertain these visitors. In the evening the hotel was brilliantly illuminated by electricity from the ground floor to the roof.

At 7:30 the dining room was thrown open for the first time and more than 300 persons were served a varied menu of game, fowl, beef, pork and mutton dishes. Imported wines were served and the diners expressed great satisfaction with the offerings of the chef.

After the dinner there were brief addresses, mostly congratulating the owners of the new hotel by Secretary of State D. F. Marvel, Col. E. T. Cooper, H. C. Carpenter of Dover and John G. Gray of Wilmington.

At 9 p.m., the orchestra moved from the parlors to the large ballroom for dancing which continued until midnight when there was an intermission with entertainment by Dr. J. Porter, a ventriloquist and magician. Then the dancing was resumed and continued until the early morning hours.

Among the guests at the dance were Dr. and Mrs. George Marshall, Dr. and Mrs. Nathan Pratt, Dr. G. Layton Grier, Mrs. A. T. A. Torbert, the widow of the famous Civil War general, Prof. Samuel Adkins and Miss Maria Causey, to mention only a few of the more prominent Milford residents. There were other guests from Georgetown, Milton, Lewes, and Laurel.

Members of the Milford City Council expressed pride in the new establishment, taking it as an indication that Milford had a bright future ahead as possibly the most important of the Lower Delaware towns.

The young people of the town were delighted because it provided a place for wining and dining and for gala dances, something which Milford had lacked in the past.

U.S. RELATIONS WITH JAPAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAMILTON. Mr. Speaker, the November 11 issue of the Washington Post contains an excellent editorial on the recent hearings held by our colleague, Congressman JOHN CULVER, on the United States' Foreign Economic Policy Toward Japan.

Recognizing that the United States is at a watershed in its relations with Japan, Congressman CULVER, as chairman of the House Subcommittee on Foreign Economic Policy, brought together the Nation's foremost experts on United States-Japanese political and economic relations in order to find ways in which they could be refocused to contribute positively to economic and political cooperation.

Congressman CULVER's initiative comes at a time when our relations with Japan have plummeted to the lowest point in at least a decade. In rapid succession and without prior consultation, the U.S. confronted the Japanese first with an abrupt change in the policy toward mainland China and then with an abrupt shift in international economic policy. These actions have been taken with apparently little regard for their long term disruptive effects on United States-Japanese relations.

I hope the administration and Congress will take into consideration this important set of hearings before our relations with Japan deteriorate further.

It is only fitting, Mr. Speaker, that I place the following editorial by the Washington Post in the RECORD on Pearl Harbor Day.

The editorial follows:

A STRATEGY FOR THE DOLLAR

The questions of strategy are becoming urgent in the U.S. campaign to correct its balance of payments. This country has presented the rest of the world with a sweeping list of demands. Some can be met relatively quickly. Others will take years of bargaining. Mr. Nixon and Mr. Connally are approaching the point at which they must decide whether to settle now where they can get a settlement. While of course it may only be a feint, they currently give the impression that they have lumped the whole list together and intend to hold out for all or nothing.

All-or-nothing is particularly unwise in this case. The effectiveness of the present American weapons—particularly the 10 per cent surcharge on imports—will diminish sharply as time passes. The surcharge is currently exerting great pressure upon our trading partners because it disrupts their exports. But once they have adjusted to it (at whatever cost in bankruptcies and unemployment) they will have much less interest in making further painful concessions to get it removed.

The United States now wants three things from its trading partners. It wants new currency exchange rates, so that Americans will sell more and buy less. It wants new rules for world trade to make other countries more accessible to American goods and capital (and perhaps to make America less accessible to other people's goods). Finally, it wants other countries to help carry the U.S. overseas defense costs.

Congressman John C. Culver, chairman of the House Subcommittee on Foreign Economic Policy, has been holding a series of highly illuminating hearings on our commerce with Japan. From the former government officials, businessmen and academic economists who have testified, a remarkably clear consensus emerges.

Mr. Nixon and Mr. Connally are now within reach of the first and most important of their objectives, the new dollar exchange rates. By promising to lift the surcharge, they can obtain immediately a very substantial devaluation of the dollar. (The yen is already trading at 9.5 per cent above the mid-August parity.)

The wisest course now, for the United States, is clearly to split the exchange rates away from the much more tangled issues of trade restrictions and burden sharing. If the United States obtains promptly the exchange rates that it seeks, it can afford to leave the trade negotiations until later. If it drops the surcharge in order to obtain the exchange rates, the political atmosphere for negotiation will improve sharply.

In reorganizing world trade, Michael Blumenthal told the Culver subcommittee, the United States can get what it wants only through the most prolonged and arduous bargaining. Mr. Blumenthal speaks with great authority on the matter, since he was this country's chief negotiator in the Kennedy Round of tariff reductions. The Nixon administration's intentions, so far as they have been disclosed, appear to be far more radical than those of the Kennedy Round. And as Mr. Blumenthal also pointed out, a substantial reorganization of world trade cannot be carried out by countries acting individually. Japan cannot, as a practical matter, do all that the United States is asking without the participation of third countries, particularly in Europe.

There are still other strong reasons for deferring trade talks until after the new exchange parities are in effect. No one knows precisely what effect the new parities will have. All the forecasts are extremely foggy, and the United States needs actual experience under the new exchange rates before it can know exactly what other trade adjustments may be necessary.

Beyond the purely economic argument, there is the political truth that most governments consider it entirely legitimate for nations to cut their currency exchange rates in times of need. But trade restrictions are extremely inflammatory, and generate great emnity among nations.

As for the sharing of defense burdens, George Ball, under secretary of State in the Kennedy and Johnson administrations, spelled out in some detail the error in pressing Japan to expand its military power. The Nixon administration says that it is not pushing Japan to expand its forces, but merely wishes to see them better equipped—with, of course, American equipment. "I do not think," Mr. Ball observed, "that Japan can be led to lay out larger amounts for armaments without deciding to build its own arms industry . . . in fact, there are already reports of pressures in the industrial sector for domestic construction of sophisticated armaments." The development of the Japanese armaments industry would have very serious consequences throughout the Pacific.

Mr. Connally has now descended upon Tokyo, preceded by reports that the United States wants quotas, like the textile quotas, on a wide range of Japanese manufactured goods—automobiles, perhaps, and television sets. The United States risks giving the impression that it set up the surcharge last August with only the most general purposes in mind, and that, in the manner of a campus demonstration, it is now raising a variety of non-negotiable demands as it thinks of them.

In fact, the time has arrived to decide which advantages to press now, and which to leave until later. The proper choice seems clear: to settle on new exchange rates now, and leave the trade issues to the much longer and slower process of world conferences into which we must eventually enter.

The foreign half of Mr. Nixon's economic program is not, after all, independent of the domestic half. A cheaper dollar on the international markets will help Mr. Nixon's drive against unemployment and inflation at home. Quotas and a trade war will not.

PEARL HARBOR DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BIAGGI. Mr. Speaker, a constituent of mine, Mr. George Papanic, was a survivor of the terrible attack on Pearl Harbor 30 years ago. Now 46, and employed in the Yonkers, N.Y., public works department, he served in the U.S. Army from 1940–45 attaining the rank of sergeant.

I would like to present for my colleagues' benefit, his story of that ill-fated day of infamy that catapulted the United States into World War II. The article is reprinted from the December 7, 1966, Herald Statesman of Yonkers, N.Y.:

WHY WASN'T A WARNING GIVEN?

(By George Papanic)

It seems funny after 25 years that I can still recall incidents before, during and after the attack on the Island of Oahu, Territory of Hawaii.

Shortly before 8 a.m. on that unforgettable morning, the planes roared in from the north shore and thru Kole Kole Pass, hit Schofield Barracks, Wheeler Field, Hickham Field . . . then, at 7:55, Pearl Harbor.

I arrived at Schofield Barracks in early 1940 and was a member of Co. D. 19th Infantry. The next few months were routine training until the first week of June 1940, when the commanding general (Gen. Herron) issued an alert number three, which meant occupation of all field positions by all units, prepared for maximum defense of Oahu and the army installations of outlying islands.

The National Guard also was called for defense and ammunition was passed around like confetti.

This was called because intelligence reports indicated the Japanese Fleet was on manueuvers and disappeared somewhere east of the China Sea.

We stayed at our positions on the north shore, from Kaena Point to Wallua Bay, for about two weeks until the alert was called off as the Fleet returned to base.

After a short rest, we were more like engineers as we built concrete emplacements for machine guns and at the rear Echelon a concrete command post.

As the months rolled by a strange incident occurred at the Ololeu Lower Pier.

An Air Force colonel, returning from the Far East in civilian clothes, was disembarking from an ocean liner with a briefcase when he was questioned by Hawaiian-Japanese immigration officers as to its contents.

He showed his credentials and requested a military police release but was shot and killed by the officer as he walked away. The knowledge the colonel gained was never known. The briefcase was empty.

In another incident as I was coming out of a hotel with friends we were approached by a Japanese cab driver who asked if we cared to go to a club to drink after hours. He asked if we were Army men.

After seeing our credentials, he drove around to confuse our bearings. Finally we arrived at a big red barn near Fort Shafter. The area was well policed with dogs.

Upon entering I found mostly Navy officers with very attractive oriental girls. The one thing that interested me was that the wall had a phone every 10 feet.

About August 1941, our company was put on an alert number one, alert which meant a defense against acts of sabotage and uprising within the islands but no threat from without.

I must tell you that on Oahu we had about 145,000 Japanese, including 34,000 aliens.

Every three days our company patroled and checked all installations between Kawaihapi and Laie on the North shore of Oahu.

In November, 1941, during a patrol, I seized a would-be saboteur and took him to G–2 (Intelligence). I was then informed of a recent order from the commanding general that stated: "To all members concerned: Please do not molest or hold any Japanese or foreign agents."

Later I found out that it was because at that time they didn't want to cause trouble, as the Japanese ambassador was on a peace mission to Washington, D.C.

About Thanksgiving Day, the aircraft carrier Enterprise was sent on a mission toward Midway and the battleship Arizona occupied the spot left by the carrier.

There were three task forces out—all heading south or west—leaving the northern areas wide open.

I must admit at that time, during the summer of 1941, there were more than 200 agents acting under the Japanese consul in Honolulu.

On Dec. 6, 1941, a large transport loaded with U.S. Marines landed at Honolulu. That evening, I went to town for a little entertainment.

My friend suggested the Japanese Tea Room off Nuunao Avenue. Then we were informed that the tea room was closed and the girls were tired.

Little did I realize the tea room was told to cut activities. Returning back to post I was looking forward for a quiet, restful Sunday.

During Alert Number one Alert, planes from Hickham Field would take off before dawn and make a routine search of the area.

On Dec. 7, 1941, at 4:58 a.m. the submarine net was opened to let a U.S. minesweeper in and was left opened.

A Japanese two-man sub was rammed by the USS Ward and bombed by a U.S. Navy patrol bomber. No warning was relayed to increase patrol. Another Jap sub was depth-charged and sunk at 8:30. A third sub was grounded at Kanehoe Bay and captured.

At 7 a.m. the aircraft warning system detected planes in large numbers.

An inexperienced Army lieutenant, having information that certain U.S. planes may be in the vicinity at the time, assumed that the planes were friendly and took no action.

Range at that time was 130 miles north-northwest.

When our planes arrived, they were helpless because only .45 caliber pistols were available to protect the Norden bomb site in emergencies. The B–17s were forced to land at Kahuka and other golf courses.

Sunday or holiday mess call was at 7:45 a.m. and all services abided by the same schedule. Halfway through breakfast, we heard many planes coming down in a dive and then a great explosion. We thought no one pulled out.

Outside we saw the sons of Nippon hit Wheeler Field and start to strafe every quadrangle and zero on the big red crosses on the roofs of our station hospital.

We had just come off Saturday morning duty and all equipment was in plain sight.

We set up machine guns at all places for a field of fire. I set one up outside the quadrangle near post theatre area.

We normally had 27 boxes of ammo (250-round belts) for each gun. Truck drivers ran to the motor pool to scatter their trucks. They drove to our company area to load food, ammunition and equipment. All trucks had anti-aircraft mounts. We were trained to hit our area in 15 minutes.

At Wheeler field, all planes were lined up as if an inspection was due. The day before 10 P–40 Tomahawks were secretly moved to an emergency air field near Holeiwa.

They were gassed and armed with machine guns. When Wheeler Field was being bombed five pilots jumped in a convertible car and raced at 90 miles-per-hour to the emergency air strip, using Kamehameha Highway.

The only officers to my knowledge to engage the enemy were pilots named Brown, Roamusse, Taylor, Welsh and Sanders. Welsh shot down four Jap planes; Taylor two planes; and the others one each.

The post stockade is located near Wheeler Field and when the attack began all prisoners were released. Some were cut down by planes as they ran across the open ground. They would have been safer if they'd stayed in the stockade.

A National Guard non-commissioned officer near his installation outside Wahiawa saw a Jap plane coming very low. The non-com used his automatic rifle.

He emptied the clip of ammo and brought the plane down.

He examined the inside of the plane and found charts of Pearl Harbor, accurate and precise even to the depth of water. He also found propaganda leaflets.

The pilot carried packets of concentrated food, a first aid kit, mineral water, a bottle of whisky and chap sticks.

At Pearl Harbor, the fleet consisted of 88 ships. They were bunched six or eight together in brackets and no steam was up.

The Japanese planes used special torpedoes designed for shallow water.

I believe that if a warning had been given during the submarine attack at 6:30 a.m. or from the 7 a.m. air craft warning detections we would not have suffered as many losses of image. At this time, I will pause and try to forget this great tragedy of 25 years ago.

NO SUCH THING AS FREE TRADE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. QUILLEN. Mr. Speaker, many of us here in the Congress feel that where international trade is concerned, the United States has been on the short end of the stick for too long.

Tennessee's Second District Congressman John J. Duncan laid it on the line in a recent speech before a Knoxville civic club when he contended that the frequently used expression "free trade" is no longer applicable to the international trade situation.

Duncan asserted:

> There is no such thing as free trade among nations, and our trading partners have drifted from trade that is both free and fair.

Pointing out the effect of imports of textile goods and wearing apparel on the domestic economy, Duncan noted that unemployment in the textile field dropped 14 percent in Tennessee between 1947 and 1968, while employment in other manufacturing fields increased by more than 78 percent.

In a recent editorial, the Knoxville Journal said Duncan's remarks have special significance in light of the current squabbling over the import surcharge ordered by President Nixon in August as part of his new economic policy.

Congressman Duncan, now in his fourth term in the House, is doing an outstanding job as a member of the powerful Ways and Means Committee.

I would like to make the Journal's editorial available to readers of the Record.

Neither Free Nor Fair

"Some years ago in international trade we coined the expression 'free trade,' but the truth is that all we have today is the expression. There is no such thing as free trade among nations, and our trading partners have drifted from trade that is both free and fair."

This was how Rep. John Duncan summed up the question of America's deteriorating position in world commerce in a speech before a Knoxville civic club Friday.

His remarks have special significance in light of the current squabble over the import surcharge ordered by President Nixon in August as part of his new economic policy.

"Countries have been complaining because of our 10 per cent surcharge on their exports to the United States, imposed August 15," Congressman Duncan said, "but our manufacturers have had to face higher border taxes in other countries for years. To get its product into another country the U.S. firm pays from 11 per cent in Germany up to 23 per cent in France. On electrical appliances and television imports Japan charges 20 per cent and England 36 per cent."

Of special interest to Knoxville and East Tennessee is the effect of imports of textile goods and wearing apparel on the domestic economy. The 2nd District congressman noted that employment in the textile field dropped 14 per cent in Tennessee between 1947 and 1968, while employment in other manufacturing fields increased by more than 78 per cent.

In Knox County, Duncan pointed out, the 10,000 existing textile jobs are threatened by the upsurge in textile imports.

Part of the reason for this decline in domestic textile employment and the coinciding skyrocketing of textile imports, Duncan said, is the fact that the United States has been the only major import market with no quantitative restrictions on imports of wool and man-made fiber textiles and apparel. As a result, total imports have soared during the past five years—up by 157 per cent from Japan; Korea, 1,238 per cent; Hong Kong, 466 per cent, as examples.

Another important point, Duncan noted, is that many of this country's trading partners subsidize the exports of their manufactures, while U.S. manufactures get no help from their government.

Thus, while the United States has been operating its side of the international market with few restrictions on volume and little or no import tax, other countries have erected protective barriers to shield their shores from American goods which are competitive with their own products.

This circumstance, combined with soaring labor costs in the United States, has resulted in a flood of imports and a decline in certain areas of domestic employment.

As Duncan aptly noted, international trade is neither free nor fair. The howls of anguish over the U.S. surcharge should not be permitted to cloud the central issue of the matter, namely that the United States has been on the short end of the stick for entirely too long.

THWARTING CONGRESSIONAL INVESTIGATIONS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. SCHERLE. Mr. Speaker, certainly no group of citizens should receive the compassionate and efficient care of our Government more than those who are enrolled in the medicare program. An article in the December 5, 1971, Des Moines Sunday Register by one of their excellent investigative reporters, James Risser, highlights activities revealed during the House Governmental Operations Intergovernmental Relations Subcommittee's investigation into the effectiveness of the current medicare program. Of particular interest to all is the testimony that any bureaucrat would order evidence, which was sought by a congressional panel, to be destroyed. President Nixon has made it clear on many occasions that his administration will be an open administration. I certainly hope that the following article by Mr. Risser will be carefully read by my colleagues.

The article follows:

CITES ORDER ON PEROT DATA

(By James Risser)

WASHINGTON, D.C.—Early last spring, a high official of the federal Medicare program came to the desk of his chief contracts officer and told him, in a "quite excited and nervous" state, that there was going to be a congressional investigation of Medicare's dealings with a computer firm headed by Texas multi-millionaire H. Ross Perot.

"He said for me to take all of the material that I had, and all of the material that my section chiefs had, and have it destroyed," the contracts officer, Walker Evans, said.

The order to get rid of evidence dealing with Electronic Data Systems Corp. (EDS) was largely ignored, said Evans because when his own workers heard there was to be an investigation by Congress "they all said 'hallelujah'."

STARTLING TESTIMONY

Some startling testimony about the relationship between the Perot firm and the Social Security Administration (SSA), which administers the Medicare program of health-care for the elderly, was given last week before the House intergovernmental relations subcommittee, the panel that is now conducting the investigation into possible excessive payments for computer processing of Medicare claims.

Evans' testimony was disputed by the official involved. James L. Calhoon, assistant deputy director of Medicare program operations, said "I do not recall having told Mr. Evans to destroy anything . . . I am certain in my own mind that I did not ask him to destroy materials."

Calhoon, said all he had done was to ask Evans to pull all materials relating to EDS from the files and send them to Calhoon so they could be put in one place and thus provide a better "history" of the contracts.

But Evans reiterated his claim and insisted that "I got the clear impression, when he discussed it with me orally, it was for the purpose of these documents not falling into the hands of the (House) committee." Actually, said Evans, the House panel already had most of the SSA office materials relating to EDS because a committee investigator "was all around there like Grant around Richmond."

At the same hearing another lower-echelon Medicare official testified that last June Calhoon ordered destroyed a staff memorandum which recommended against awarding a contract to EDS to process Medicare claims in Arkansas.

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The memorandum stressed that EDS planned to charge $1.10 for each claim run through its computers, while another Dallas-based firm, Systems Resources, Inc., had submitted a proposal to do the same work at 88 cents a claim.

William C. Lanning, a systems officer, said that Calhoon issued "an instruction to destroy the memorandum, indicating that he did not want a conflicting document of that kind in front of him."

The memo was destroyed, but not before the House subcommittee's chief counsel, Sioux City native James R. Naughton, had obtained a copy. Subcommittee Chairman L. H. Fountain (Dem., N.C.,) charged that Calhoon apparently either wanted to keep the memo away from the subcommittee or "you just did not want to have to be bothered with something with which you did not agree."

Calhoon claimed the memo was "not a good staff document" and was "poorly drawn" and "incomplete." He said he ordered its destruction because "all of the documents that are prepared in Social Security eventually end up on Mr. Naughton's desk."

A redrawn version of the memorandum did not contain a recommendation on the Arkansas contract, and SSA officials now have given "verbal approval" to Arkansas Blue Shield to go ahead and hire the Perot firm, the subcommittee was told.

Calhoon and other top SSA officials insisted that the two competing proposals are actually about equal in cost and that EDS, which processes Medicare claims in Iowa and eight other states, was given the go-ahead largely on the basis of its prior experience.

FEWER WORKERS NEEDED

Naughton brought out in later testimony, however, that Arkansas Blue Shield had estimated it would take 112 employes to handle the data processing. Subsequently, Arkansas Blue Shield, which had made it clear it preferred EDS, said the Perot firm could do the work with only 66 employes while Systems resources would need 114.

SSA officials acknowledged the origin of the "66" estimate, and Naughton said that the new figure was the only reason EDS was even close to the bid submitted by Systems Resources. Discounting the personnel estimate, EDS's bid was $250,000-a-year higher than Systems Resources' bid, he noted.

Earlier subcommittee hearings have raised the question of whether EDS has reduced costs by cutting back on staffing, to the detriment of the quality of the claims processing work. A specific complaint to that effect was registered at one point by the SSA regional office in Dallas, with regard to the firm's handling of Texas Medicare claims.

During last week's hearing, Representative Bill Alexander (Dem., Ark.) disclosed that he has sent a letter to Elliot Richardson, secretary of Health, Education and Welfare, asking him to delay approval of the EDS-Arkansas Blue Shield data processing contract until "a thorough and objective review" has been made.

Alexander said in his letter that Systems Resources' bid is "at a substantially lower price per claim" than that proposed by EDS. He said he fears that the lower number of personnel now proposed by EDS could result in poor-quality work.

The Arkansas congressman also told Richardson that although Perot's firm has been paid more than $37 million under the Medicare program, "the subcommittee investigation has disclosed that federal auditors have never yet been able to obtain full access to pertinent cost records."

REASON FOR SPEEDY WORK?

Subcommittee counsel Naughton said during last week's hearing that in some states, EDS is able to show that it does better than other computer firms on speedy processing of claims. But, said Naughton, the reason EDS appears to be fast is that when it has reason to question a Medicare claim, it simply marks it "denied" rather than "pending." Then when the questions are cleared up, it is given a new claim number and either paid or rejected.

This gives EDS a good record on an SSA rating of "claims pending for more than 90 days" because the claim appears as two separate claims, each pending for only a short time, rather than one claim pending for a long time, said Naughton.

It also was disclosed during last week's hearing that EDS is already at work in Arkansas, even though final federal approval of its contract with Arkansas Blue Shield has not been received. It was not clear whether any federal payments have yet been made to Arkansas Blue Shield, which would include reimbursements for payments made to EDS by Blue Shield.

Calhoon's immediate superior, Robert Mayne, told the subcommittee that the Arkansas Medicare situation got into bad shape in 1970, from the standpoint of claims processing and over-all management. Arkansas Blue Shield was told it would be terminated as the Arkansas Medicare carrier if the situation were not corrected, he said.

As a result, the subcommittee was told, the National Association of Blue Shield Plans apparently helped Arkansas Blue Shield secure proposals from computer processing firms. Mayne said that EDS has shown it "can go into a place where there are difficulties and can quickly get the situation in hand." Also, he said, Systems Resources is newer and less experienced.

On that point, a subcommittee source recalled later that a recent audit by the Department of Health, Education and Welfare showed that the method used by EDS to clear up a 150,000-claim backlog in Iowa in early 1970 was to simply suspend the usual prepayment safeguards and approve all claims for payment without checking on their validity.

The question of comparative costs between EDS and other firms doing Medicare processing is expected to be explored further by the subcommittee in hearings next year.

At one earlier hearing, an SSA computer specialist estimated that EDS has made a 100 per cent profit on much of its Medicare business.

Perot's Washington attorney, Robert Martin, has attended all the subcommittee hearings. After each, he has supplied verbal and written information to newsmen covering the hearing, in an effort to refute some of the allegations about EDS services and costs.

Asked why Perot does not request to testify on his own behalf, Martin accused the subcommittee of prejudging the outcome and said it would do little good to have Perot come in.

It was learned that Perot has appeared and testified at least once before the subcommittee in a secret session.

"THE VANTAGE POINT" SCORES AS BEST SELLER

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. EDMONDSON. Mr. Speaker, a long-awaited book has just recently been published and already is a great success; last week the Washington Post listed "The Vantage Point," by former President Lyndon Baines Johnson, in seventh place in its second week on the best selling list.

This is a remarkable chronicle of the difficult decisions of a lonely man in a solitary position during the crucial years 1963–69. President Johnson has stressed that these memoirs do not attempt to set or elevate his place in our history. Rather, from his firsthand knowledge, they are an effort to discuss the problems, the alternatives available to solve them, and the reasons for the courses chosen. From the "vantage point" of his narrative his recent—and continuing—history makes absorbing reading for all Americans.

Robert Kirsch, in the Los Angeles Times of November 14, 1971, wrote a thoughtful and perceptive review of this work, and I would like to share it with you at this time.

The review follows:

L. B. J.: Search for an America That Wasn't There

(By Robert Kirsch)

Former President Lyndon Baines Johnson stands in that twilight zone between news and history. It is too early to assess his administration, his stewardship as chief executive of this nation. His memoir, The Vantage Point: Perspectives of the Presidency, 1963–69 (Holt, Rinehart & Winston: $15; illustrated), has received some back-page attention as political writers comb through it for its revelation of behind-the-scenes anecdotes.

Future generations will judge his place in history. He has made clear his intent in this work: "I have not written these chapters to say, 'This is how it was,' but to say, 'This is how I saw it from my vantage point.'" At this point in time we can only judge it by its own frame of reference. ". . . I have tried to avoid engaging in historical pamphleteering. I did not set out to write a propaganda piece in support of my decision. My purpose has been to state the problems that I faced, to list the alternatives available, and to review what I did and why I did it."

We who have lived through these years, far from the corridors of power, can only make a tentative judgment. There are those who will claim, despite President Johnson's reservations, that he has written here an apologia for his policies. Indeed, he has; he would be less than human if he hadn't. Those who see in this exactly what he has set out to do would be right as well. The answer to this seeming paradox lies precisely in President Johnson's character. He is a complex man, combining within himself politician and statesman, romantic and realist, sentiment and toughness, idealism and pragmatism.

This is the clue to the fascination and importance of the book. It is, at this point in time, a study in political psychology, in the relationship of traits to action, of personality to position. The Presidency may be regarded as a projective test, the challenges of which must inevitably reveal the nature of the man in "the glory and the agony of his office."

On this level, the question of right or wrong becomes secondary. Not because it lacks importance but because we do not yet have the distance and perspective necessary to make anything more than the most tentative of verdicts. We may see the shape and foreshadowing of verdicts, may feel deeply as to their moral and ethical implications. But how can we yet know?

ESSENCE OF TEST

I do not mean to imply that in the Presidency these questions do not exist. They do, and they are the very essence of the test. No man who has the lives and fates of millions resting on his decisions can avoid that terrible burden. But history is of what men did rather than what they intended, of what issues they had to face, rather than the issues they would have chosen. When President Johnson says, almost ruefully, "He (the President) cannot pick and choose his issues," that is precisely what he means.

At the center of his administration was the insistent issue of the Vietnamese conflict. It was endlessly debated, polarizing the country, leaving scars which still ache today and continue unresolved. Lyndon Johnson became the scapegoat of that contention. But here we see him as the prisoner of his own history, his own character.

At the moment Richard Nixon concluded his oath of office, President Johnson writes, ". . . I remember two thoughts running through my mind: first, that I would not have to face the decision any more of taking any step, in the Middle East or elsewhere, that might lead to world conflagration—the nightmare of my having to be the man who pressed the button to start World War III was passing; and second, that I had fervently sought peace through every available channel and at every opportunity."

Even more revealing are the words which follow. "Now my service was over, and it had ended without my having had to haul down the flag, compromise my principles, or run out on our obligations, our commitments, and our men who were upholding those obligations and commitments in Vietnam."

Then the passage printed as a headnote becomes significant, the words from his first address before the joint session of Congress, Nov. 27, 1963, after the burial of President Kennedy: "This nation will keep its commitments from South Vietnam to West Berlin."

President Johnson is above all a man of his times, not a man for all seasons. Conditioned by the Depression, apprenticed politically in the New Deal, inspired by President Franklin Delano Roosevelt, annealed in the unified nation which fought World War II, living through the Cold War, rightly or wrongly he tried to apply those lessons to a new time. It is not that he was unaware of change or the new realities of America. It was that he yearned for a patriarchal role, an attempt to heal or ameliorate, a bringing together. To accomplish his ends, he needed a unified America, resolved to attack its problems, to sacrifice for its vision of the Promised Land.

The irony was not so much that his perception was of a broad road to the goals of racial justice and economic opportunity, of education and housing, in which his administration made the most substantial advances since the New Deal. It was that he tended to underestimate the tide of reaction against the war in Vietnam. A whole new generation had arisen, beyond the Depression, the Cold War, the McCarthy Era, in a raucous, outspoken, and occasionally riotous resistance. Lyndon Johnson, the expert in the Old Politics, was off balance in the New Politics.

Not completely. He could understand and act on the demands of civil rights, of the war on poverty, the demand for a better life. But he could not bring himself to go down in history as the first President who had surrendered in an American war. He once told Stewart Alsop, "I'm always pressed for time. An hour late and a dollar short." Vietnam was the greatest pressure. An ambitious man, a fighter, suspected of deviousness and disingenuousness, his decision not to run in 1968 was an example of his preference to step down rather than give in. In retrospect he makes it clear he believes he could have won: ". . . I am convinced that if I had run again I would have been reelected . . . the American people do not casually turn an incumbent President out of office."

Nothing became him so well as the taking of office and the leaving of it. In the aftermath of the assassination, with vicious rumors and slanders raging against him, Lyndon Johnson tried to heal the wounds, to give continuity to American policy. On leaving office, he attempted to make his decision a factor in the achievement of a peace in Vietnam and he took pains to ease the transition from his administration to the next.

Much has been made of his personality conflicts with Robert Kennedy and Sen. J. William Fulbright. But, of the many faces pinned on the man, the least convincing is that of pique. He may have felt it (who does not?), but I am disposed to believe him when he expresses the shock he felt at the assassination of Senator Kennedy. "During the four and a half years of my Presidency I had never been able to establish a close relationship with Bobby Kennedy. It was not so much a question of issues; on most matters of national importance we had similar views, after he became a senator. We even agreed on Vietnam for a long time. We did not come to any sort of parting of the ways on that question until 1966.

PART OF THE PROBLEM

"Perhaps his political ambitions were part of the problem. Maybe it was just a matter of chemistry. I honestly do not know. I recognized and admired his leadership qualities. He had surrounded himself with loyal and able men and women, and he had organized them effectively.

"When tragedy had struck him down, I was glad that my last meeting with Bobby Kennedy had been friendly."

There are moments of bitterness here. Lyndon Johnson's long service in Congress had suited his personality. There could be hard fights between men of differing persuasions but there could also be respect and even affection for antagonists. In the rough and tumble of the New Politics, this component had changed. He writes: "Robert Kennedy's death seemed to symbolize the irrationality that was besieging our nation and the world. The summer months of 1968 brought no easing of disorder and unrest . . . That same week, fighting between police and students at the Democratic National Convention in Chicago proved to every television viewer in America how deep the cleavage was in our society, how intense the hatreds, and how wide the gulf between law enforcers and those who have nothing but contempt for the law. Those conflicts also exposed the ugly side of the New Politics, in spite of its claims of idealism."

Lyndon Johnson's own ideals of politics and policies collided with the new actuality. He had once given the tenets of his own beliefs: "First, I believe that every American has something to say and, under our system, a right to an audience.

"Second, I believe there is always a national answer to each national problem and, believing this, I do not believe that there are necessarily two sides to every question."

In that same speech, he had defined part of the complexity of his position: "I am a free man, an American, a United States senator and a Democrat in that order. I am also a liberal, a conservative, a Texan, a taxpayer, a rancher, a businessman, a consumer, a parent, a voter, and not as young as I used to be nor as old as I expect to be—and I am all those things in no fixed order."

When he became President, that unique office put his requirements on him. He said: "We will serve all of the nation, not one section or one sector, or one group, but all Americans. These are the United States—a united people with a united purpose."

By 1964, he knew that the unity was not there. He considered retiring. His sermons did not seem powerful enough to restore the unity. Perhaps no sermons could. There were those who mocked his notion of consensus as a search for the lowest common denominator. But he makes clear what the word means to him: ". . . First deciding what needed to be done regardless of the political implications and, second, convincing a majority of the Congress and the American people of the necessity for doing these things."

For a man brought up the rough-and-tumble of American politics, he reveals a sensitivity to criticism. "The burden of national unity rests heaviest on one man, the President. And I did not believe, any more than I ever had, that the nation would unite indefinitely behind any Southerner," he wrote, describing his conflict over entering the race in 1964. Like others, he blamed the "metropolitan press of the Eastern Seaboard . . . I was not thinking just of the derisive articles about my style, my clothes, my manner, my accent, and my family—although I admit I received enough of that kind of treatment in my first few months as President to last a lifetime.

"I was also thinking of a more deep-seated and far-reaching attitude—a disdain for the South that seems to be woven into the fabric of Northern experience . . . Perhaps it all stems from the deep-seated bitterness engendered by civil strife over a hundred years ago, for emotional cliches outlast all others and the Southern cliche is perhaps the most emotional of all."

He wanted an America which perhaps existed only in his imagination but what Lyndon Johnson got was a nation in ordeal. He did his best to reach the Promised Land but perhaps that was beyond the reach of any man. In these pages he accomplishes something rare in the annals of presidential memoirs. He compels empathy and understanding—and perhaps when the furore ends, sympathy as well.

THE COST OF ECOLOGY

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. PASSMAN. Mr. Speaker, for many months we have heard more about ecology and environment than almost any other subject. In fact, these words have almost become the daily passwords, and the Congress has gone so far in legislating and proposing additional legislation that we have frightened industry to the extent that in many instances they are actually reluctant to make capital investments so as to create jobs and support our economy.

I have supported several of the laws on the statute books, and I shall continue to support a well-planned program to clean our streams and air and control pollution. But we must not go too far with too many programs until we have devised a positive plan by which industry and the Government can live.

It has been estimated in many places that legislation presently on the statute books, if carried to conclusion, would cost the American taxpayers who, in reality, are American industry and the workingman, as much as $450 billion. Others have estimated that the cost could reach one-half trillion dollars. This would exceed our entire public debt.

In addition to the legislation presently on the statute books, it would appear that sooner or later S. 2770 will be considered by the House, and if this legislation should be enacted into law, it could conceivably have as bad an effect on the American economy as a mild depression because there is a limit to which industry could and should go. If we would only give industry time to absorb some of the present laws, in all probability, they would come up with a much better solution to some of our pollution problems than some of us who spend time thinking up ways to spend money that the other fellow earns.

So that the membership may have some idea of the sentiments of industry on this subject, I am including in my remarks a telegram from an American industrialist who must create jobs and meet payrolls as an executive of the Olin Mathieson Corp.:

Olinkraft, Inc.,
West Monroe, La.

Congressman Otto E. Passman,
Washington, D.C.:

The Muskie bill on water pollution S. 2770 as it passed the Senate November 2 contains long range costs and provides unconscionable administrative power that can cripple our national economy add major price inflation for all paper products and destroy our substantial and growing export markets for pulp and paper products.

The House Public Works Committee has announced public hearings on water pollution legislation beginning December 7 and on December 10 American industry will have a single day to express their views. Peter Wrist of Mead Corporation will give testimony for the entire paper industry and we hope you will be able to hear his remarks which by rule are restricted to ten minutes.

As you know, Olinkraft is dedicated to a sound program of control and abatement of water and air pollution. At our West Monroe kraft mill we have already spent millions of dollars in our commitment to improve the environment and we recognize that additional expenditures of capital and technical skills will be called for in the future.

However, if S. 2770 were to become law of the land exorbitant additional costs would be required to stay in business. Such costs would have to be passed on to the American and foreign buyers of our goods creating inflation and increasing imports at home and the loss to the United States of foreign markets.

Great discretionary power is left in the hands of the administrator so that the—best of the art—and—zero pollutant discharge—will mean repeated changes in standards which will result in unlimited capital spending and operating costs far beyond what is necessary to achieve clean water. Our current estimate of the added cost to meet phase I/1976/ requirements of the Muskie bill at our plant amount to 1.5 million dollars per year. Best estimates presently available for phase II /1976–1981/ requirements of the Muskie bill range from 10–15 times the cost of phase I requirements. Additionally the Muskie bill effluent treatment costs at West Monroe after 1981 could result in a 30–50 percent inflation in our costs. This will either drive us out of business or will add vastly to our domestic inflation and be ruinous in our overseas markets.

You have long and ably represented the people of your district and in behalf of the 4500 salaried and hourly employees of Olinkraft we now enlist your help in this serious threat to our national economy our industry and our Olinkraft enterprise. I am sure you will find a similar situation confronting the other pulp and paper mills in your district. The critical nature of our situation prompts us to ask for your support with the members of the Public Works Committee and your other associates in the House to secure major modifications in the Muskie bill so that we may have sensible federal legislation in the water pollution field.

M. H. Collet.

LEAVING THE POOR TO ROT

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BOLLING. Mr. Speaker, John P. Roche makes some interesting points concerning the poor in his column of Saturday, December 4, in the Washington Post. It follows:

Leaving the Poor To Rot

(By John P. Roche)

Some recent observations here about the barbarous character of the life of the poor have led to irate accusations that I am a "snob," and "elitist," and—worst of all—an "aristocrat!" Actually, what has aroused my ire is that so many of the antipoverty programs, particularly in the housing area, are not designed to bring the poor into the community. On the contrary, they provide a cosmetic cover for leaving the poor to rot in new buildings rather than old, for moving them and their culture of poverty around the landscape rather than breaking it up.

Underlying this view is the assumption that what I have called the "culture of poverty" is a bad thing. It is essentially an anticulture with no stable rules, no sense of organization. It is what the English philosopher Thomas Hobbes, would have called the "state of nature" where everyone is on his own in a savage environment. Many poor people do not live in this condition: they are part of a vital ethnic or religious tradition that orders their lives, provides ideals, and above all gives them a sense of belonging to society.

But increasingly the big-city poor—both black and white (and whites do constitute an overwhelming majority of poor Americans, though blacks are disproportionately represented)—are literally dropouts from society. Paradoxically, one of the major problems is that they are not "exploited" in the classical sense: they are not sweated in factories or hauled off in masses to dig subways or build railroads. They are economically marginal. If all the American poor were shipped to, say, Brazil tomorrow, the country would manage very well without them.

This means that poverty has to be seen as a social and political issue more than an economic one. Conservatives, applying traditional capitalist rules, scoff at special skill-training programs, noting that they cost more than a college education. What they fail to appreciate is that a successful training program is in fact more valuable to our society than a college. Colleges are augmenting the abilities of members of the community; training programs are providing a ticket of admission.

To put it another way, what the rootless poor need is a sense of social discipline—an operative "superego," to use Freud's term. The acceptance of regular patterns of life and work is a good example. (And before anyone sneers that I am trying to impose the "capitalist ethic," he might examine the Maoist model, which makes capitalism look like a hippie commune.) To accomplish this—to revert to the main theme—it is essential to break up the slums, instead of institutionalizing them in huge, low-income housing projects. And it is particularly important to extract the young people from what is for most of them a deadend; not just for their sakes, but for ours as well. God only knows what talents are lost in that jungle of random violence.

This is not a new problem in America. My father once told me that when he was a kid the police patrolled Red Hook in Brooklyn in trios. What is novel is that the traditional ladders to upward mobility seem to have lost many of their rungs. So now we have to look for new remedies, realizing that giving the poor money without changing their values is self-defeating. Nor can you inject "community organization" with a statutory hypodermic needle that just brings out the hustlers.

Obviously there is no pat answer, but one that seems to me to make the most sense is universal national service, the drafting of every young American for a two-year period. This is not a military draft, though some men might take that route, and the program would be organized and disciplined—not a progressive kindergarten.

This immense pool of man and womanpower could undertake all sorts of health and welfare projects, including the education of the young members, and could provide the sense of participation in American society that is lacking at both ends of the economic spectrum: the upper class because it is alienated; the poor because they have never had the values to become alienated from.

For those who consider this to be militaristic or utopian, I suggest a careful study of the fantastic job of "civilizing" that has been performed over the last 20 years by the Israeli Defense Force, the Israelis care about their "community"—do we?

HUNGARIAN REVOLT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BROOMFIELD. Mr. Speaker, 16 years have passed since the people of Hungary rose up against the oppressive tyranny of the Soviet Government so that they someday might live in a world of peace. The events of the 13 days following that memorable event will always be remembered as one of the most vivid examples of patriotism and love of liberty in the world. But those conditions, which so many gave their lives to eliminate, still remain; lack of sovereignty, Communist oppression, lack of regard of human dignity and economic poverty.

Seldom in history has man been so sorely tested—his beliefs, principles, and desires so magnificently demonstrated. It truly was one of the most heartbreaking and awe-inspiring events of our lifetime. Heartbreaking, because of the destruction and massacre wrought by the Soviet and Communist forces on the population of Hungary. Awe-inspiring, because virtually unarmed and unprepared, the valiant Hungarians fought for 13 days against suicidal, insurmountable odds.

In the face of Soviet troops and tanks, these brave men fought with few small arms, and whatever weapons they could muster; and for a short period, they succeeded in throwing off the chains of totalitarian government, and established a democracy that would truly represent the aspirations of the nation. The victory was short lived, for the Communist oppression prevailed after a short period of time.

However, the spirit of patriotism and liberty did not die with the suppression of the uprising. Although thousands died, and hundreds of thousands fled the country, there are still many freedom-loving Hungarians who hope that someday the tyrannical bonds will be broken and they can live in freedom, independence, and democracy.

Mr. Speaker, the Hungarian freedom fighter became the symbol of man's unconquerable faith in himself and his future. Dreams of liberty cannot be quenched under a hail of bullets, bombs, and mortars. Man will endure privation, but ultimately he will be free. The Hungarian freedom fighters died shouting their belief in a better world. Their cry of defiant faith was heard by all men, everywhere, enslaved or free.

In all parts of the land today, people still remember that bleak October of 1956 when the world waited, hoped, and prayed for those valiant men and women who pitted themselves against the overwhelming forces of the Soviet Army in order to free their nation.

I feel deeply honored to pay tribute to the courageous people who took part in this ill-fated revolution and sincerely hope that the future will bring realization of the Hungarian's hopes and dreams.

The Hungarian revolt had great significance for the entire world, not only because it was a contribution to man's historic struggle for independence and freedom, but also because it gave a true picture of Communist oppression.

Ideas cannot be suppressed forever; man's curiosity about himself and his neighbors on earth can never be denied.

WATER RESOURCES PROGRAM IN PERIL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. UDALL. Mr. Speaker, in a few extremely well chosen words, Chairman Wayne N. Aspinall of the House Committee on Interior and Insular Affairs recently warned the water resource leadership of this country: Wake up and change because the program is sick and in peril.

Speaking in Dallas at the annual convention of the National Water Resources Association, the chairman warned that the majority of American citizens no longer think that water resource programs are of great importance or even consistent with the national interest.

These are important words indeed coming from a man with Mr. Aspinall's broad overview of our water resources.

He suggests abandonment of the "old politics" and adoption of some basic reforms, not the least of which is to forgo narrow, short-range gains in favor of programs promising much broader and long-range benefits.

I hope everyone concerned with water—and we all better be—will read these remarks by Mr. Aspinall:

Remarks of Chairman Aspinall

My constituent and personal friend Bob Barkley, my Colleagues in the Congress, other distinguished head table guests, delegates to the convention, and friends—let me first state my sincere thanks for being asked to be here this week and to share with you some of my thoughts on the abiding issue of how to restore some life to our National water development programs and particularly those in the West.

Two years ago at your meeting in Spokane, I noted that the water resources community was in disarray and that the only thing that would cure it was a massive dose of investment capital. This may still be true to a large extent, but today I want to go beyond this generalized evaluation as I try to help you identify what you as individuals, State Associations, a great National Trade Association, and the water resources community in general can and must do if you are to preserve yourselves as factors in shaping the future.

What is this so-called water resources community? Perhaps I can best describe it as a secular trinity—of sorts—one body with three elements in the form of the Legislative, Executive, and private sectors. It is one body in the sense that it has a single public motivation; preservation of our economic well-being through balanced use of water and related land resources. A question may well be asked, however, whether this is the real motivation or are we, in varying degrees, being controlled and shaped by something else, like financial self-interest, petty elective partisanship, or perhaps personal ego? I feel that these factors may be shaping the attitude of some of us and may have in turn contributed to some degree to our present condition. If so, it is imperative that these trends be identified, acknowledged, and put aside, wherever they occur, before meaningful progress can be made toward restoration of the program.

Now—let's leave this theme for the moment while we look at some of the symptoms of this sick program, keeping in mind the tendency to mistake effects for causes. Obviously, the most easily-identified symptom is the shortage of money. To ascribe all of our difficulties to this problem, however, is to be overly simplistic and superficial in our analysis. We must go beyond and look for the real underlying cause.

Some might say, as indeed has been said, that the Indochina campaigns were taking all of our money and that purely domestic programs must await a happier time. This is, of course, specious and self-deluding; as the last few years of the Vietnam adventure have seen a steady decrease in the percentage represented by our overall defense expenditures; yet Water resources have not gained any from this shortfall.

Today, as everyone recognizes, it is convenient to attribute our problems to misguided opposition from so-called environmentalists. Once again, this is a symptom.

In previous times, we railed against the economic purists in the academic community, who found fault with our evaluations and our cost-sharing principles. These, too, are symptoms which we have been prone to ignore on the premise that water resources are unique in emphasizing economic studies and that Reclamation was unique among water programs in pioneering repayment.

More recently, we detect a new symptom about which we are certain to hear more in the months and years to come; as it is now apparently pretty good politics in some circles to claim that the Reclamation program has stolen all of the water from the Indians and is thus, root and stock, the cause of all Indian misery in the West.

Another matter which may become equally provoking is the tendency to tinker with acreage limitations. This issue has the momentum of some of our other problems, but it is drawing the attention of widespread viewpoints. They range all of the way from outright repeal on one end of the scale to a point of view that would have the government confiscate excess lands and give the proceeds to charity. Please understand that I am not bringing up this question with a view to resolving it today, but merely to list it as another area where there has been more talking than there has been thinking.

None of these problem areas are strangers to us. We have seen them develop over the years, preoccupy our concern for a while, and recede as a new one arises to capture our immediate attention. None of them have completely gone away and cumulatively they represent a serious threat to the health and existence of our institutions and accomplishment of our goals.

We don't have enough time to talk about all of these things today, but I would be remiss not to say a few words about the most acute problem facing water resources, indeed all resource-based economic development, at this time. I refer, of course, to the ecology binge as practiced by the lunatic fringe of the environmental movement. These are over-indulged zealots to whom balance means nothing and in my mind their motivation is suspect, indeed. While they are in the ascendancy at the moment there are signs that their issue is peaking out. This is not to say, however, that sober, sensible, well-considered attention to the environmental consequences of our actions will not be a continuing requirement for the indefinite future.

It seems quite clear to me that this issue has captured the imagination of a majority of our people, and regardless of my own sense of values, what is really important in this society is what most people think is important at any given moment. Given the fact that environmental concern is here to stay in one degree or another, accommodation to it represents the most difficult challenge facing water resources. It is difficult because it is widespread and easily understood. The average man may not really understand the high-flown rhetoric of project evaluation, interest rates, cost-sharing, water rights and acreage limitations; but he has no trouble grasping salinity, smog, sedimentation, erosion, and what have you.

Perhaps more than any other factor, the way in which we as a community, working in concert, adjust our activities to the legitimate positions of our environmental friends will determine whether water resources will continue to make a contribution to our economic posture.

These, then, are some of the more visible symptoms of a sick program. If they are merely symptoms, then what is the cause? I submit that the overriding cause is to be found in the simple fact that the majority of the American people no longer feel that water resource programs, as we now know them, are important to or consistent with the National interest as they are given to understand such interest. This insight is reflected, as our system contemplates, in the attitudes of legislators and executives, alike; and all too frequently in recent years in the findings of our courts In other words, water resource development has simply lost its base of political support. It is easy, indeed, for the budgeteers to slash programs whose political support is so marginal that the decision-maker does not have to be concerned with political redress.

What I am trying to say is that when our citizenry begins to believe that its affairs are being managed consistently, fairly, and in keeping with the wishes of the majority, then it will revest its confidence in the institutions that are then at hand, and the effect that we seek will be on the way to realization.

How are we to bring this about? I wish I knew for sure. There is one thing that is certain, however, we have nothing to lose by trying. For we are not going any place very fast at the present time.

Whatever we undertake to do, and I am now specifically talking about the Federal Water Reclamation program, will have to be accomplished jointly by the three elements of the community that I spoke of earlier; the Legislative, the Executive and the public. Moreover, there will have to be a "putting aside" of all vestiges of selfishness, partisanship, and personality. Instead, we must all think exclusively of what is good for the future of the West, leaving short-term considerations out of the picture.

You people of the National Water Resources Association actually hold the key to survival of this program. Whether you recognize it or not, the Legislative and Executive elements of this equation can do little or nothing more than you will have them do. This is certainly true of the Congress, which reflects most accurately the outlook and attitude of its constituents. This is to say that as far as general legislation is concerned, you are getting precisely what you ask for, and it will doubtless continue that way.

The Executive, on the other hand, with its money and staff resources, is situated to offer some leadership, but my instincts are that it, too, is generally mifroring the values and desires of its client groups. It certainly cannot be said to be innovating in terms of suggesting basic reforms or other desirable changes. So, if anything is to be changed, it is incumbent that NWRA take visible leadership. If your organization is not now structured to permit this type of activity, then my message to you is to get busy and change that first.

Your Program Chairman suggested that I tell you some of the things that you can do. I have hinted at some of them already, and I will now list them in specific terms. First of all—you must come to the realization that the old politics of water resource authorizations and funding will no longer get the job done. Second, you must start talking to people in terms of the basic reforms that must be taken if the program is to persevere. Third, organize your best minds to do some staff work, and some deep thinking about these problems. Fourth, let your administrators in government and your representation in the Congress know that you want a good hard look taken at possible solutions to all of these issues. Fifth, make them believe that you mean business by supporting things that sacrifice short-term gains for long-term benefits. An example of the latter might well be an idea about which some have been doing a little thinking; that is, a series of investigative-type hearings where a carefully selected list of witnesses representing a broad spectrum of interests are interviewed on the topic of the future role and nature of the Reclamation program. The purpose of this hearing would be to identify what National purpose is really sought to be achieved by the Federal reclamation program in this era; after which desirable changes in implementing statutes could be formulated.

There are any number of other areas of immediate program significance where vigorous and imaginative administrative action could be stimulated on behalf of new attitudes and ideas for attacking the causes of program decay. The question is—will you insist that your administrators and your legislators take action or support proposals calculated to improve public acceptability of water resource programs? Are you ready to pay the prices? Are you ready to face up to the fact that there is no more free or low-cost water in the West and accept a measure of pricing policy reform? Are you willing to abandon support of legislation designed only to give you even a better deal than you now have? Are you willing to accept the fact that the vast majority of the Nation's population still regard your program as a pork barrel, and identify with programs formulated to maximize the total public interest? Are you ready to entertain a serious introspective inquiry into the question of whether there should still be a Federal Reclamation Program and, if so, what should be its goals and objectives? If the answer to these queries is "yes", then we are ready to start the long road back. On the other hand, if your response is halting or negative, then God help you, for the Congress cannot.

THE U.S. PURSUIT OF DISASTER IN SOUTH ASIA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HELSTOSKI. Mr. Speaker, yesterday I called to my colleagues' attention the hypocrisy inherent in the State Department's attacks on India's role in initiating the current conflict between that country and Pakistan. An administration which has continually played ball with the Pakistani dictatorship and looked the other way as a reign of terror was established in Bangla Desh is hardly in a position to criticize India's resort to force to bring an end to the crisis in South Asia.

In reading the Washington Post this morning, I was happy to note that that newspaper's lead editorial reflected this view. As the Post points out—

> The United States should not only be failing to contribute to such a solution but could be making one more difficult to attain is a measure of how far we in fact have traveled under the much trumpeted Nixon Doctrine toward a new foreign policy.

Under unanimous consent, Mr. Speaker, I include in the RECORD the Post's timely and pointed editorial:

THE U.S. PURSUIT OF DISASTER IN SOUTH ASIA

Suppose President Nixon had deliberately set out: to aggravate tensions in South Asia; to identify the United States with a military regime almost universally condemned for its abuse of its own people; to shred American ties with the most populous and powerful nation of that region, a democracy and a traditional friend; to help drive that dominant state into a waiting Soviet embrace; and, once war had erupted, to diminish possibilities of political compromise and undermine what moderates might remain. What would he have done differently with respect to the developing conflict between India and Pakistan over the last eight months? In our view, not much.

The whole rationale of American policy eludes us. Some payment was owed Pakistan for helping arrange Henry Kissinger's first trip to Peking. And Mr. Nixon evidently has long had a soft spot in his heart for Pakistan, at one time a model military anti-Communist regime. But at some point as the tragedy grew, cold calculations of power politics should have overtaken these largely sentimental considerations. Sound policy dictated an effort to maintain friendship with both India and Pakistan; if that were not possible, why put all the American chips on a discredited failing regime in much the smaller and more trouble-ridden of the two nations involved? If the answer lies somewhere in the political geometry of the Moscow-Peking-Washington triangle, we fail to perceive it.

The announcement yesterday that the United States had suspended development aid in the pipe-line to India is equally puzzling. The stated grounds, that such aid contributes to short-term economic welfare and war-making potential, are laughable: the gesture was purely punitive and the party that is to be punished is not the government nearly so much as the impoverished people of India. A more telling abuse of foreign aid—at a more delicate moment, when a new aid bill is hanging by a thread in conference—could not be imagined.

As we have said before, India deserves sharp criticism for its calculated use of the refugee crisis to promote the dismemberment of Pakistan, although such criticism ill befits any government, such as the American government, which tolerated Pakistan's manufacture of that crisis. Where was the quick clampdown on arms aid to Pakistan then? India's invasion of West Pekistan and its now-open designs on Pakistan-held Kashmir are entirely unsupportable. But the source of the present crisis is Pakistani policy in East Pakistan. Only there can a solution be found. That the United States should not only be failing to contribute to such a solution but could be making one more difficult to attain is a measure of how far we in fact have traveled under the much trumpeted Nixon Doctrine toward a new foreign policy. In South Asia, we have moved backward—if we have moved at all—toward those early postwar cold war attitudes that gave us CENTO and SEATO and the heavy-handed employment of foreign aid as a bludgeon or a bribe.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

AN ENVIRONMENTAL MANIFESTO

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to share an article written by Prof. Jeffrey M. Elliot of Cerritos College in California. I do not share Mr. Elliot's fears that we in Government cannot meet the challenge of the environmental crisis, although it is clear that Government has not yet met the problem with the vigor that is required. However, Professor Elliot's fears are shared by many across the Nation and from the past performance of many in Government there may be grounds for these fears. Professor Elliot, in this article, also discusses the role of a new and emerging environmental group, the "People's Lobby." With the effort of dedicated groups such as this one and our own rededicated efforts I have no doubt that we can solve these problems. And, indeed, if we are to survive we must face and solve the problem of our deteriorating environment.

The article follows:

An Environmental Manifesto by Prof. Jeffrey M. Elliot, Department of Political Science, Cerritos College

In an eloquent and impassioned address to the American people, Senator George McGovern beckoned us to commit ourselves to the ecological struggle which now confronts our nation: "The challenge of our age is whether we shall seize the opportunity to decide what kind of life, what kind of environment, and what kind of opportunities we want for ourselves and for our children."

A bitter fact about twentieth century America is, that the most affluent of nations has, because of disinterest, avarice, and carelessness plunged itself into an environmental crisis of monumental proportions.

Although the problem of environmental pollution is grave, it is not unsolvable. It is clear, despite lofty denials from many of our public officials, that we can ill afford the luxury of waiting another decade for the answers. If we are to survive the ecological disaster which now theatens mankind, it is imperative that we face this sorry and perilous situation realistically.

Not long ago, Chris Kirkman, a ten-year-old boy died because he could not get enough oxygen. His doctors said he was "eaten alive" by smog. Although the dangers of pollution are known, we seem unwilling to save the planet from this dreaded predator. Moreover, the public has lulled itself into believing that utopia is just around the corner. Well, the truth of the matter is, the only way that there will be a better tomorrow is if we make it so.

The realities of the present suggest that we have been betrayed; betrayed by those we elected to represent us and, further, betrayed by those claiming to be the leaders of the fight to save our natural resources. The result of this betrayal is mirrored in the steady deterioration of our state, its unique beauty and plentiful resources.

Why this horrible failure to clean up the environment? Over the years, many groups and organizations have come into existence. Many of these survived for a short time and passed from the scene. However, a number of organizations continued their involvement until they came to regard the "environmental crisis" as sort of their own "pet project," thus making it extremely difficult for other concerned citizens to join them in that fight.

In addition, we trusted our public officials when they told us to have faith, that things were getting better, that the end of pollution was in sight. In fact, the reason so little has been done to combat smog is because neither the legislature nor the governor has been willing to enforce the laws against industrial polluters.

The inability of the State Legislature to enact tough, effective anti-pollution legislation was evidenced again last week. The most important coastline conservation bill of the 1971 legislative session was killed by a 4-4 vote of the Senate Natural Resources Committee.[1] Although the outcome was terribly disappointing, it was not really surprising. Actually, this tragic scenario of governmental indifference, corporate meddling, and public apathy is a rather common occurrence.

While campaigning, politicians traditionally speak of bringing the government closer to the people. Once in office, however, a functional gap develops between the people and their elected representatives. The issues on which rigorous campaigns are built are the same ones which are quietly ignored once these men take office. The lobby system takes control and these elected representatives are no longer faithful to the people. The system is so ingrained that when the interests of the people conflict with those of the lobbyists, the people invariably lose out. Now, all this doesn't mean that the system won't work. But it is worth noting that the State Capitol is not a citadel of raw courage or absolute reason but is composed now, as always, of men who act more on the basis of what is popular, than what is right.

Many Americans claim, and with some justification, that government has simply become too big, too complex to cope with

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Footnotes at end of article.

those social ills which blight the mind and spirit of man—hunger, poverty, racism, illiteracy, disease, pollution and war. In fact, they charge that in many problem areas, government is actually oblivious to human suffering. In denouncing what they consider abuses of power, these sincere people hope to reverse many of the government's present programs, particularly in the environmental arena.

Meanwhile, an overwhelming sense of hopelessness and futility consumes the average citizen who feels powerless not only to affect his own life, but that of his country as well. How can any pressing reforms be undertaken so long as those in positions of power respond to such grevious problems with disdain and contempt? There is in the end a feeling that the individual is helpless, quite unable to make any worthwhile contribution to the society in which he lives.

More than ever before, the very integrity of our social and political institutions are being questioned. A great many people have given up on our nation, its traditions and fundamental precepts. These skeptics, nurtured by the daily nightmare of violence and poverty, prejudice and pollution, are not so naive as to believe that all the men and women we send to the capitol to write our laws are always going to place the people's welfare ahead of their own private, vested interests.

There is really no point in continuing to diagnose the problem. We have come perilously close to studying ourselves out of a planet. There is information enough for action. All that is lacking is political will. The time for letter writing, picketing, or boycotts has passed. What is needed now, today, is a positive program to help remedy this ominous situation.

At long last, there is a responsible and realistic alternative to this environmental nightmare. An organization known as the People's Lobby, Inc., has appeared on the scene. Issue oriented, solution motivated, and armed with the initiative, injunction, and lawsuit, this group has qualified for the ballot in 1972, the toughest anti-pollution law in the country.[2]

What is so important about the People's Lobby as distinguished from all other environmental groups, is that it has found a viable way of circumventing all of this political chicanery while working within the system in order to effect meaningful change.

To those unbelievers who say that no man, no single organization can make a difference, the record of the People's Lobby is a dramatic example of what can be done when a dedicated group of concerned citizens accept responsibility for improving and enhancing the quality of life.

This small organization, with limited resources and no political experience, has begun to turn things around. In January 1970, People's Lobby asked for independent testing of Standard Oil's F–310. Soon after its initial investigation, it filed, on behalf of all Californians, a consumer fraud class action lawsuit against Standard Oil for its deceptive F–310 advertising. People's Lobby successfully held the suit in court (a first for California consumers); subpoenaed Astronaut Scott Carpenter and the Los Angeles County Board of Supervisors for depositions; and called for government hearings and quick action. Within a matter of days, the Federal Trade Commission filed a complaint against Standard Oil charging it with conducting a fraudulent advertising campaign.[3]

Not long ago a lawsuit was filed by the People's Lobby against the Los Angeles and Bay Area Pollution Control Districts charging that these two governmental agencies knowingly disseminate false reports on smog conditions. Mr. Roger J. Diamond, an attorney for the People's Lobby, maintained that under the constitution, the public had the right to receive correct and complete information from a public agency. In an unprecedented move by the Air Pollution Control Districts, Los Angeles deputy county counsel, Andrew Schutz, told the court that under the First and Fourteenth Amendments, it does not specify whether or not the public is entitled to receive accurate information from the government, therefore, the government, if it so chooses, has the right to lie. Judge Francis C. Whelan, after length deliberations, ruled that his court had no jurisdiction over the case. It is presently being appealed to a higher court, where a decision should be forthcoming.[4]

In a landmark case, the People's Lobby claimed it had a right, under the freedom of speech guarantee, to use the public areas of shopping centers for purposes of gathering signatures for initiative petitions on environmental and other matters. The California Supreme Court ruled in favor of the People's Lobby, basing its decision primarily on the grounds that peaceful, nondisruptive action of this kind is constitutionally protected. The high court said "modern shopping centers, serving as the business districts for the surrounding residential communities, have important public functions, and their owners may not rely on their private ownership to justify such usurpations of the First Amendment. Indeed, in many instances the contemporary shopping center serves as the analogue of the traditional town square."[5] This historic case, heralded by many jurists as one of the great victories for the Bill of Rights, was brought to fruition by the concerted efforts of the People's Lobby.

Just recently, the People's Lobby went directly to the California Supreme Court and won a unanimous decision guaranteeing the rights of 18–21 year olds to register to vote where they reside. The case centered around Mark Randall who lived in Bellflower, California and attended school in the same area. His parents resided in Woodland Hills, California. Both cities are in Los Angeles County, but they are in different congressional, senatorial and supervisorial districts. Before the court action, Mr. Randall would have been required to register in Woodland Hills, and he would have had no voice in determining the affairs of his own home community. By assuring the right of Randall to register and vote where he lives, the People's Lobby case also guarantees that same right for more than a million newly enfranchised 18–21 year olds.[6]

These are but a few of the more dramatic victories of the People's Lobby, a non-profit, non-partisan California corporation staffed entirely by volunteers and supported through contributions and memberships. This group of concerned citizens, dedicated as they are to solving the problems of people, particularly in the area of environmental pollution has come up with an answer for the pollution problem.

The "Clean Environment Act," drafted by the People's Lobby, is in the form of a people's initiative. It calls for a halt to new offshore oil drilling; it imposes a five-year moratorium on new nuclear power plants; it bans DDT and other dangerous agricultural pesticides; it provides for phasing out leaded gasolines by July 1, 1976 and; it shuts down polluters who are getting too many variances until they install stand-by pollution control equipment. In addition, it establishes the right of people for immediate injunctions against polluters; it makes public the records of the Air Pollution Control Districts; it suspends or revokes the dealer's license of those who sell vehicles which do not comply with the present State emission standards; it eliminates conflicts of interest from regional and state water boards; and it makes current, many of our present anti-pollution safeguard procedures.[7]

A recent investigation has confirmed the fact that California's major corporate polluters are presently raising a $6 million war chest to defeat the "Clean Environment Act."[8] Can't 6,705,000 voters beat the lobbyists and their cronies? Start now and fight back. If you are not registered, get registered. If you are, make sure you vote on election day. The very survival of our State depends on it.

It seems obvious that our surroundings can enrich or impoverish our lives. By conserving and prizing our environment, we can add immeasurably to our private and public happiness. Don't we owe at least that much to ourselves, our children, and future generations?

FOOTNOTES

[1] "State Senate Panel Kills Last Major Coastline Protection Bill," *Los Angeles Times*, November 16, 1971, sec. 1, p. 1. It is interesting to note that the ninth committee member, Senator James Q. Wedworth (D-Inglewood), who was the swing vote, did not attend the hearing. Before leaving, Wedworth told several of his colleagues that he supported the measure. When asked why he failed to show up, he said he was away on "personal business." Wedworth later admitted that he was out shopping for horses. The author of the bill, Assemblyman Alan Sieroty (D-Los Angeles), noted that "The 11th-hour activities of representatives for developments such as Sea Ranch, Pajaro Dunes, and other land developers and a number of utilities also played a role in the bill's defeat."

[2] People's Lobby maintains a staffed office 24 hours a day, 7 days a week in Los Angeles, California. In addition, it has other state offices in Santa Cruz and Pleasant Hills. It maintains voluminous files on pollution of all kinds, acting as an information and distribution center for students and other interested citizens. It also is actively engaged in registering voters. People's Lobby is a membership organization—$10 for adults and $2 for students. It receives monthly pledges and honorariums for speaking engagements, and derives much of its revenue from the sale of its newspaper, *AGENDA 71*, an anti-pollution tabloid.

[3] In its June 1970 issue of *We The People Talk*, the People's Lobby made a number of serious charges against Standard Oil which led to the Federal Trade Commission's subsequent investigation. The FTC charged that Standard Oil was falsely promoting its F–310 gasoline additive as an effective weapon against air pollution. It found that "Using Chevron F–310 will not significantly reduce air pollution generally, or air pollution caused by motor vehicles or automobile emissions of carbon monoxide and hydrocarbons." In an unprecedented move, the FTC proposed that all future gasoline advertisements by Standard should mention or display the charges against the company.

[4] "U.S. Has Right to Lie to Public," *Oakland Tribune*, May 30, 1970, sec. G, p. 3. This lawsuit was filed by the People's Lobby through Director Mrs. Joyce Koupal in January 1970, against the Los Angeles and Bay Area Pollution Control Districts. Since the advent of the lawsuit, the LAPCD has changed the way it reports on smog levels. It has also instituted "smog raids" on local industrial polluters. Its District Director, Mr. Louis Fuller, resigned his post "under fire" from the Lobby.

[5] "Nonviolent Protesters Can't Be Denied Use of Shopping Centers," *Wall Street Journal*, May 18, 1971, sec. 1, p. 2. The case was later appealed to the U.S. Supreme Court which refused to review it. Only Chief Justice Warren E. Burger and Justice Harry Blackman voted for review. The affirmative votes of at least four Justices are necessary for review.

[6] "18+ Voters Told They May Register At Places of Residence," *Los Angeles Times*, August 28, 1971, sec. 1, p. 1. This unanimous ruling countermanded an opinion issued February 17, 1971, by Attorney General Evelle

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Footnotes at end of article.

Younger. Under that opinion, county registrars have refused to place under-21 voters on the rolls except in the district where their parents live. "To compel minors living away from home to travel to their parents polling district to register and vote, or to cast an absentee ballot, will abridge their voting rights," the court held. Since the vote has been extended to 18-year-olds, fears have been expressed by residents of some communities, particularly college and university towns, that minors being away from home could dominate California elections. The new under-21 voters tend to be more liberal, registering about 3–1 Democratic over Republican. Where they are concentrated in a community, they could pose a definite challenge to an established conservative majority.

[7] People's Lobby successfully collected a half million signatures of registered voters to qualify the "Clean Environment Act" for the 1972 California primary ballot. Signatures are now being gathered by People's Lobby on the Santa Cruz County Coastal Protective Initiative, and will, if passed, save the coast for agriculture and recreation, declare Route 1 as scenic highway, require that any power plant must go to vote of the people, and maintain a five-year moratorium on the reconstruction of new nuclear power plants.

[8] "Polluters Plan Huge Outlay, Banker Says," *Los Angeles Times*, June 24, 1971, sec. 2, p. 3. Fortney H. (Pete) Stark, the president of Security National Bank, said he learned from an opponent of the environment act, whom he would not identify, that corporations plan to spend much more than the $350,000 spent last year to defeat Proposition 18, the so-called "clean air amendment," which would have permitted some gasoline tax funds to be used for mass transit, rather than highways only. Stark said he also learned $2 million was already allocated to a Republican campaign firm to conduct a statewide survey of voter attitude and plan an opposition campaign.

A MAN WITHOUT A COUNTRY—BECOMES FACTUAL

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAGAN. Mr. Speaker, sad indeed is the story of Thomas Jolley who renounced his country and is now a man without a country as the result of the Supreme Court's affirmation of the Immigration Board's order that Jolley must leave the country within 90 days.

Unlike many immature American draftees and prospective draftees, Jolley went the last mile and took an oath of renunciation of the United States and signed papers to back up his action. He was sure he was through with America because he did not like the draft law. Others have deserted from military duty, evaded their draft boards, and sought sanctuary in other countries, but took no oaths and signed no papers.

Jolley sneaked back into the country from Canada and for some months has been working on a newspaper in Florida. Now he has decided he likes this country and wants to stay, but it cannot be. He is through here.

Who has not shuddered over the strange tale of "A Man Without a Country" by Edward Everett Hale. Now we have a modern version that is true and every bit as forbidding as Hale's fictional "hero." What a lesson for American young people to ponder.

The following is an editorial from the Savannah Morning News of November 15, 1971, entitled, "Leaving Native Soil:"

LEAVING NATIVE SOIL

In 1863, author Edward Everett Hale wrote his famous tale of Philip Nolan, "The Man Without a Country." A pro-Union fable at the height of the Civil War, the story of Nolan—transferred from ship to ship and never allowed to see his forsaken country's flag—was written with such realism that many believed fiction to be fact.

Now, fact almost seems to be fiction.

Thomas Jolley has become a man without a country. Dodging the draft by fleeing to Canada in 1967 (he was a University of Georgia student at the time), Jolley eventually showed up before the U.S. Consul in Toronto. Stating the United States draft laws "conflict with my beliefs," Jolley then formally executed an oath of renunciation of his American citizenship.

Later, he slipped back into this country, got a job in Florida, and fought his battle against deportation through the courts. Last week, the Supreme Court affirmed the Immigration Board's order that Jolley must leave the country within 90 days. Unless a complete reversal takes place, he will.

If the decision to strip Jolley of his citizenship was an arbitrary one, many Americans would have risen in his defense. After all, the consequences not only are harsh but unusual. But Mr. Jolley's action was a voluntary one, perhaps made in the heat of war protest, but nonetheless made by him, and for him. It is not a tragedy in the sense that he was unaware of what he was doing; what is tragic is what must follow—for there is loneliness ahead, and there are "friends" who will seek only to use him for their own political purposes. In effect, a life is ruined.

In one sense, perhaps it is not fair because Jolley went through with the formality of renunciation, while others acted it out through desertion from active military service, through escape from their own respective draft boards, through violence at home directed against the government. They took no formal oath, signed no official papers, and will probably be reprimanded but forgiven when all of them decide to return.

And what makes the Jolley case especially pathetic, and eliminates any claim upon martyrdom, is that after renouncing his country he tried to become a part of her again. This, perhaps, is the tragedy of the ordeal of a real "man without a country."

EASTERN MICHIGAN UNIVERSITY

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ESCH. Mr. Speaker, earlier this month the University of Michigan was invited to represent the Big Ten at the Rose Bowl. I am now proud to announce that another football team in the Second Congressional District, Eastern Michigan University's Hurons, have been invited to the NCAA College Division's Pioneer Bowl at Wichita Falls, Tex. Finishing the season with a 7–0–2 record, the Hurons will face Louisiana Tech in the bowl game. I should like to insert in the RECORD the newspaper article announcing the bowl game:

Eastern Michigan University has accepted a bid to the NCAA's Pioneer Bowl at Wichita Falls, Texas, and reached the second of three goals set by the Hurons for the season.

At the beginning of the season our team had three main objectives, those of being undefeated, going to a bowl game and being ranked No. 1 in the final poll," said Coach Dan Boisture.

We've accomplished two of these objectives and are striving for the third, that of being the No. 1 team in the country.

The Pioneer Bowl will mark Eastern Michigan's first appearance in a postseason game, while Louisiana Tech took part in the NCAA Grantland Rice Bowl 2 years ago. I might add that despite the presence of All-American quarterback Terry Bradshaw, Louisiana Tech was thumped 34 to 14.

I would like to congratulate EMU's football team on their most successful season. I am particularly proud in that Eastern's success has now made ours the only congressional district with two bowl-bound teams.

MUST THERE BE ANOTHER PEARL HARBOR?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. SIKES. Mr. Speaker, today, December 7, marks the 30th anniversary of the attack on Pearl Harbor by the Japanese.

How quickly some of us forget the lessons learned in that tragic attack.

We were attacked 30 years ago, Mr. Speaker, because it was thought we were weak. Had it not been for the bravery of America's youth, the all-out patriotism and support of the American people, and the determination of American industry to place this Nation on a war footing, we might well have lost that war and with it, our freedom and our cherished traditions.

The determination and enthusiasm which saw us successfully through the world's greatest conflict is nowhere evidenced today. Regretfully, the great patriotic spirit which has so often guided America through periods of peril was not reawakened for the Vietnamese conflict. Failure to press for victory left the American people puzzled and uncertain. Those who opposed the war have had the stage very much to themselves. In part, as a result of this situation, there is growing emphasis for continued reductions in America's military strength. Some are seeking cuts in their zeal to strengthen America's domestic programs. Some feel that we now live in the kind of world where armed might is no longer essential for security. There also are a vocal few who denounce patriotic motivation, our country's uniform, and its flag. They would have us believe that America's military industry is dedicated primarily to fraud, deception, and profiteering.

It is unfortunately true that the sum total of these voices is pushing America toward the weakening of its military establishment to a dangerous level and to a cutback in military spending to the point that we may all too soon find ourselves with no effective weapons in our arsenal with which to defend our Nation.

In recent days raw, naked aggression has plunged a new part of the world into warfare. It is obvious that the Soviets are blocking attempts at conciliation in this conflict in order that they may control another piece of the world. This should make it clear that America's armed strength continues to be our first line of defense.

Did we not learn from the lesson of 30 years ago? Have we forgotten so soon?

Let us not forget that there also are those among us who see as the best way to achieve the goal of a United States taken over by enemies of the American system of government and the American way of life is to discredit the military, to take away our weapons, and to soften our industrial capability to manufacture the means with which to defend ourselves. This Communist-inspired and directed group will take advantage of every oportunity to confuse and confound the thinking of the American people on the vital issues of survival.

As we mark this 30th anniversary of the day President Roosevelt said would live in infamy, let us not be taken in by our enemies or misled by those who mean well but who are misguided. If ever the United States should bend to the will of those who would enslave us, we will stand convicted as having ignored the most basic lessons of history.

That, Mr. Speaker, would be a day far more infamous than the aniversary we mark today.

PROBLEMS OF THE AGING

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. GARMATZ. Mr. Speaker, the 1971 White House Conference on Aging brought some 4,000 interested individuals to Washington last week to discuss the problems of the elderly and to recommend means by which solutions to those problems may be found.

Since last August the Special Studies Subcommittee of the Committee on Government Operations has functioned as a House committee on problems of the aging. The Special Studies Subcommittee, of which I am ranking majority member, is chaired by the able and distinguished gentleman from Missouri, the Honorable WILLIAM J. RANDALL.

Mr. RANDALL and the subcommittee have had the unstinting support and encouragement of the chairman of the full committee on Government Operations, the Honorable CHET HOLIFIELD. Twenty days of exhaustive hearings have been held to date. The subcommitte has endeavored to pull together a virtual mountain of printed material that has been developed on this subject since the first White House conference was held more than 10 years ago. The major authoritative works on the various problems of peculiar application to the aged and aging have been researched.

In terms of desirability, the findings of the Special Studies Subcommittee to date have been highly consistent with the recommendations that emerged from the White House conference last week. But, when the subcommittee's recommendations are made some time next year for legislative programs to meet the needs of the Nation's senior citizens, who now comprise about 10 percent of our total population, the cooperation of many other House committees will be necessary in order to deliver new and badly needed services to the aged and aging. If that cooperation is not enthusiastically given, or if the legislative product is not commiserate with the value of our senior citizens or the urgency and legitimacy of their needs, then the efforts of the White House conference and the Special Studies Subcommittee will have been wasted.

Subcommittee Chairman RANDALL addressed one of the sessions of the White House conference on aging on Wednesday, December 1. As a part of these remarks I wish to include that address:

ADDRESS OF HON. WILLIAM J. RANDALL, CHAIRMAN, SPECIAL STUDIES SUBCOMMITTEE OF HOUSE COMMITTEE ON GOVERNMENT OPERATIONS BEFORE THE WHITE HOUSE CONFERENCE ON AGING, DECEMBER 1, 1971

The twentieth century has been an age of magnificent change. In the fields of science, technocracy and social consciousness greater progress has been made in the past 70 years than in all the years since the birth of our country. Who would have believed at the dawn of this century back in 1900 that within a few years women would not only be given the right to vote, but many would also hold high public office. Who would have believed that in the same time required in 1900 to travel from New York to Washington we would, by 1971, be able to span the continent or even cross the Atlantic Ocean.

Yet, what a shame it is—and I say it is a national shame—that in this age of change we have come to the last quarter of this most progressive century before starting to take positive action on the serious problems that confront one-tenth of the people in our country—our aging Americans.

We should not forget that those people who comprise our elderly population today helped to pay for two great wars and, yes, two so-called lesser ones. Some of that generation are not with us today because they gave their lives on the battlefields. The sons of many of our older citizens also died in the cause of our country's freedom. The senior citizens of 1971 endured the greatest economic depression in the history of our nation; they helped buy trips to the moon for our astronauts. These people have spent their lives in helping to respond to the problems of our nation. But until now the nation's response to their problems has been to talk only about "national policy." Now the time has come to implement that policy with action. And I believe that is what this White House Conference is all about.

It may be well, before proceeding further in my remarks, to tell you a little about the Special Studies Subcommittee, of which I am Chairman. We are a subcommittee of the House Committee on Government Operations. The Government Operations Committee, under the very able Chairmanship of Congressman Chet Holifield of California, has oversight responsibilities with respect to the economy and efficiency of operations of every Department and every agency of the Federal Government. The Government Operations Committee also has jurisdiction over any reorganization within the Government. So, if a new department or agency were to be created in the federal structure, including any special office or department to deal with the problems of the aging, it is most likely that the Government Operations Committee would handle the reorganization legislation.

Early in the 92nd Congress I enthusiastically co-sponsored legislation to create a Select Committee in the House of Representatives to study problems of the aging. But there are already 176 Committees and Subcommittees, repeating 176, on the House side of the Capitol. The space situation is so critical that we now have legislative subcommittees housed in storage rooms, in the basement garage and, in at least one case, a Committee has no office at all.

I doubt if there is a Member of either House of Congress who is not sensitive to the plight of our senior citizens; I doubt if there is a vote in either House against creating a Special Committee to consider this plight, if there were no other way to focus upon it. The House leadership, certainly, is aware of the need for action at the earliest possible time. That is why, instead of waiting perhaps years, one, two, three or more years, until more space becomes available, the House leadership asked the Special Studies Subcommittee to function as a Committee on the aged. It seemed like a practical or logical solution, particularly for this year. We already had a staff and office facilities and assigned hearing rooms. And, I hope you recall that I mentioned a moment ago that the Government Operations Committee, parent group of the Special Studies Subcommittee, has oversight jurisdiction in the case of all federal government departments and agencies. That, of course, includes the dozen or so offices charged with administering different programs for the aged, and including those which might or could become responsible for any new programs that will be proposed and enacted.

Since September 15, the Special Studies Subcommittee has held 20 days of hearings on problems of the aging. 17 of these hearings were in Washington; two in Chicago and one was in Baltimore.

Our staff has isolated nearly 50 separate problem areas of special application to the aged. These closely parallel the enumerations which you have made under the 14 sections of study associated with this White House Conference on Aging. Our hearings have already touched upon several of these. Before we finish our study and file our legislative recommendations sometime next year, we will have had expert testimony on every one of these subjects. The Subcommittee and its staff will have inspected as many of the various kinds of facilities across the United States as we need to see in order to have a comprehensive view of all the problems confronting the aged. Before the end of 1972 we will have researched every major authoritative work on various aspects of being old and growing old. I think you may agree this is a major project. I can report it is being undertaken by a group of hard-working committee colleagues who have shown they are willing to find and give as much time to the task as it may require.

As our hearings of problems of the aging progress, I realize more and more that determining *how* to meet the needs of our senior citizens is a greater challenge to the subcommittee than simply learning what those needs are. The White House Conference on the Aging which was held ten years ago, in 1961, clearly identified the needs. I, along with three other members of the Special Studies Subcommittee was in Congress when that Conference was held. We were aware of the recommendations that came out of the 1961 Conference. The importance and correctness of those recommendations have been more indelibly impressed upon each of us with the passing of time. We supported passage of the Older Americans Act, the creation of the Administration on Aging, and the Medicare-Medicaid legislation which had their genesis at least in part—in the 1961 White House Conference. Each of us have voted for adequate funding for activities under those acts.

But *more* needs to be done. *Much more.*

In many cases—indeed, in most cases, the States and local communities have moved more quickly and more positively than has the Federal Government, to answer the pleas of the aged for special consideration of their special needs. But I feel it necessary to digress for just a moment to call attention to one glaring failure on the parts of the States and local governments. I refer, of course, to the matter of safety standards and inspection practices as they apply to nursing homes and other facilities for caring for the disabled and homeless aged.

I completely disassociate myself from those who seem willing to issue a blanket indictment against all nursing homes as an evil institution.

The members and the staff of the subcommittee have inspected many nursing homes. We have seen some very good ones. True, and unfortunately, we have also seen some bad ones. I dislike saying it, but in most, if not all the cases of substandard conditions and deficiencies of service we have observed, studied or investigated, blame was traceable to varying degrees of inadequacies on the parts of local units of government in their setting of standards and supervisory practices. In many cases we have observed diverse and divergent regulations on the parts of city, county, and State governing bodies within the same general area. Where Federal funds are involved, as with medicare patients, or in construction loans, then Federal standards and requirements may encourage more orderly regulation at the local level. But many nursing homes and other health care facilities for the aged are not recipients of Federal funds and are, therefore, outside the reach of Federal regulatory bodies.

This was the case with the Pennsylvania nursing home in which the most recent tragic fire occurred. This home was in fastidious conformity with all State and local regulations respecting construction, fire prevention requirements and number of attendants on duty per patient. Yet, 15 elderly lives were lost in a few tragic minutes because in all respects these regulations were not sufficient to keep a wooden building with no fire or smoke warning devices or sprinkler systems from quickly going up in flames.

But let us talk about the positive.

The most frequent recommendation by witnesses before the Special Studies Subcommittee has been that better protection be afforded retired persons' incomes. This protection could take many forms, one of which is the opportunity to earn additional money within the limits prescribed for recipients of social security benefits. A variety of self-help programs have been devised by voluntary groups in some communities through which elderly persons are afforded the opportunity to render needed, worthwhile services on a part-time basis. We need more of these programs. But two things are needed from the Federal Government. One, there must be a more realistic limit placed upon outside earnings before reductions are made in social security payments. I have long recognized this need and have introduced legislation to raise these limits. Modest increases were made in social security amendments which passed the House in 1970, but failed to become law, and again in H.R. 1, which passed the House last May. I am hopeful the other legislative body on the north side of the Capitol will act on this bill in timely fashion during this session of Congress.

Another thing the Congress can do now is to provide more liberal funding of the Older Americans Act to permit an expansion of existing activities, such as green thumb and foster grandparents programs.

Another income protection device that has been extended to the elderly by State and local governments has been in different kinds of concessions made on real estate and other taxes due at those levels. I strongly believe those efforts should be matched by the Federal Government in the form of more realistic tax treatment of the incomes of the elderly.

Health care is second in frequency of requests our subcommittee hears as necessary to meet the needs of the elderly. Here again, there are many avenues of relief. My limited time will permit identification of only the most recent case of local effort I have observed along this line. In a visit to McNeal Memorial Hospital in a Chicago suburb last week the Administrator told us what they are doing. This hospital is freeing beds for other patients needing geriatric care by early releases of those patients who have homes and can live in them if only they can have a minimum amount of care. That hospital is preparing meals for patients released under this plan. Meals are delivered to patients by Church and other volunteer groups, which also provide certain homemaking services. This one plan operated by a single hospital is of course just a little thing, or a small beginning. But, when and if multiplied by the community and individual efforts in hundreds of cities in all of our States, then thousands of aged persons with limited abilities to care for themselves would be enabled to stay in their own homes where I believe they prefer to be. And for each of these individuals freed from hospital or other institutional care, space is made available for someone else who is even less able to care for himself. Of course, we need better institutions for the care of the elderly. But I am satisfied that the populations of these institutions could be reduced by 12% to 15% or more if voluntary programs of home care could be expanded to meet the food requirements, minor therapeutic and medicinal needs of some of our older citizens.

Statistically speaking, housing seems to be the third most important problem brought before our subcommittee by the elderly. Unfortunately, our crowded agenda has not yet permitted any on-site inspections of housing constructed under provisions of the Federal Housing Act addressed specifically to the needs of senior citizens. But we have had testimony to describe the efforts of private local groups which have taken leadership in constructing housing facilities designed to meet the special needs of our older citizens. We have seen plans for additional facilities of this type. Our studies so far indicate that, in view of limited financing available for this kind of construction from federal sources and the seemingly endless maze of red tape that must be sliced through in dealing with federal agencies, local efforts in this area are of yeoman proportions. It seems clear that some of the complexities of dealing with the federal government must be eliminated—not *only* in the matter of specialized housing, but in *all* aspects of government services.

My final point to be made in this brief summary of our subcommittee's study of problems of the aging to date really encompasses a vital element that threads its way through all the categories of needs felt by the elderly: human dignity. The dignity of remaining a *useful* member of the community even though the calendar may indicate the age of usefulness is past. The dignity of collecting for the services the elderly have already paid for by a lifetime of contributions to their national and local communities without having these collections branded as "welfare," as seems to be the tendency by lumping together or making into one package badly needed and long overdue social security reforms with measures heavily directed to, and called, "welfare reform." The dignity of being able to board a public transportation conveyance without the athletic exertion that can be expected of the much younger generation for whom these buses, trains and planes seem to have been designed. The dignity of being able to apply for and get employment—or to be able to keep a job on the basis of ability to perform, rather than being rejected solely and only on the basis of the date of birth.

The dignity of having all these needs and the special health, dietary and other personal and spiritual requirements met, without enduring the impatience and intolerance of those who cannot or prefer not to understand that all of these are the needs of those citizens who have supported this nation for three score or more years.

I realize that in the time allotted to me today it was possible to discuss only the broadest generalities. The two major points which I *tried* to make—I will attempt to summarize as follows:

1. State Agencies and voluntary groups at the local level have done and are doing a commendable job in delivering to the aged the benefits intended by the various laws Congress has passed for making the golden years more pleasant and more secure. These financially hard-pressed state and local governments, when taken in relation to their ability to perform, are doing a better job than the Federal Government in providing benefits for their elderly citizens.

2. The pipelines through which Federal programs are delivered to the states must be cleared of the obstructions created by ambiguity and unnecessary complexities. To avoid red tape or to cut through it, there should be a high-level office for the aging—*not* in HEW or HUD or DOT or elsewhere—but in the Executive Office of the President.

Perhaps a 3rd point should be made, and this one is directed toward my own branch of government, the United States Congress. The programs that have already been authorized for the elderly, the ones now on the books, should be backed by sufficient appropriations to make their benefits more universally available. I believe it is better to make self-help opportunities more generally available to all classes of needy citizens, and especially the elderly needy, than it is to provide alternative methods of caring for those who cannot care for themselves.

In meeting the needs stressed in this third point, Members of Congress, themselves, may have to relax some of their long and tightly held jealousies of prerogatives. Whether there is ever established a special or select committee in the House of Representatives to deal with problems of the aging or not, there will remain some stumbling blocks both in the House as well as in the Senate. In my judgment, it would be a parliamentary impossibility, touched by Constitutional overtones, to create a legislative committee on problems of the aging. Therefore, recommendations for legislation coming from any select or special committee studying problems of the aging would have to be considered by the legislative committee having jurisdiction over the specific recommendation. On the Senate side, this jurisdictional authority is spread among thirteen of the seventeen standing committees. On the House side, fourteen of the twenty-one standing committees have jurisdiction to consider various proposals to benefit the aging.

It is my devout hope that when recommendations are made in the House or the Senate by any committee working and dedicated to ease the process of growing old or being old, the appropriate jurisdicitional committees will receive and consider these recommendations without prejudice and without regard to the fact that they originated in another committee.

Changing America's attitude toward our aged citizens and meeting the needs of these very special people require a partnership that includes the good will and the sincere efforts of every branch of this government and the cooperation of state, local and voluntary groups. With such a team, we can meet the challenge to overcome all the past years of neglect of our aged. We can no longer afford to waste the valuable contributions older Americans can continue to make to our society. Existing programs must be funded and new programs created under which future generations of our elderly citizens will be treated with compassion and appreciation.

HARRY HOMEWOOD COMMENTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. DERWINSKI. Mr. Speaker, at the United Nations and all of the capitals of the world there is considerable speculation over political developments in Red China. One of the more thoughtful analyses of the situation that I have seen is by veteran news analyst Harry Homewood in the following article which appeared in the Suburbanite Economist on Sunday, November 28.

The article follows:

HARRY HOMEWOOD COMMENTS—NEWS ANALYST FOR WAIT RADIO

The mystery of Red China's political upheaval continues to stir speculation. Diplomatic sources in London which are reputed to have excellent sources within Red China have reported that President Nixon's visit to Peking will not take place until sometime in April, not sooner, as had previously been indicated.

The London sources say the reason for the delay is that Red China needs time to "prepare politically" for the visit of the American President. The phrase "prepare politically" is interpreted to mean that further purges are needed within the Red Chinese Communist party because there are still elements within the party that object violently to the visit of President Nixon and to any traffic with the United States.

There is no longer any doubt in world capitals that there has been a major upheaval within the ranks of the Chinese Communist party. The most credible theories revolve around the supposition that Lin Piao, the chosen successor to Mao Tse-tung and the chief of the Red Chinese Army, attempted a coup to displace Mao. The coup failed and Lin Piao, his wife and other conspirators attempted to flee Red China in an aircraft that was shot down over Mongolia on Sept. 12 or 13.

No one knows who shot the aircraft down. All that is known is that it was shot down. Nor has there been any confirmation of widespread reports that all nine passengers on the plane had been shot in the head. Mongolia, where the plane crashed, is under the protection of the Soviet Union.

What is known is that Lin Piao has not been seen in public since Sept. 8. Four other ranking officials, the chief of staff of the army, the political commissar of the navy, the head of the air force and the head of the army's supply services have also dropped out of public view since that same date, Sept. 8. It is known, also, that an issue of Mao Tse-tung's Little Red Book of his thoughts, which contained a forward by Lin Piao has been recalled and taken out of circulation. Nor has Lin or any of the other four officials been mentioned in Red Chinese newspapers, magazines or radio broadcasts.

All of this apparently adds up to a massive political upheaval within Red China's ruling hierarchy with Lin Piao and others leading the ultra-conservatives against Premier Chou En-lai, a known moderate.

The odds are that Lin has lost. But Lin controlled the army and the theory (and practice) in Red China has always been that control over the army is essential to control of the nation. It was Lin Piao who coined the phrase, "Power grows out of the barrel of a gun."

The diplomatic reports that indicate Red China needs more time to politically prepare for President Nixon's visit are taken to mean that Mao and Chou En-lai have not as yet whipped all the elements of the army into line and need a little more time to do so.

There is a significance to these developments. If the moderates in Red China are firmly in the saddle it is an indication that the time when Red China will reunite ideologically with the Soviet Union may not be as far off as everyone had surmised.

MODEL STATE ACT FOR THE TREATMENT AND REHABILITATION OF NARCOTIC ADDICTS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. FREY. Mr. Speaker, recently I had the opportunity to address the National Society of State Legislators Conference in Philadelphia. I presented to them a model State statute for a comprehensive approach to the drug problem facing us today. Following is a copy of my remarks on this subject:

MODEL STATE ACT FOR THE TREATMENT AND REHABILITATION OF NARCOTIC ADDICTS

DECLARATION OF POLICY

It is the intent of the Legislature that persons charged with or convicted of violating state criminal laws (with certain enumerated exceptions) or persons not charged with a criminal offense, who are determined to be addicted to narcotic drugs and who require medical treatment should be civilly committed for confinement and treatment for such condition and its underlying causes. Such treatment shall be carried out for nonpunitive purposes not only for the protection of the addict against himself, but also for the prevention of contamination of others and the protection of the public.

It is further policy of the Legislature that individualized, community-based treatment taking into account the degree of addiction, age of the addict, and behavior and criminal record of the addict, will be provided to those committed under this program so that they may be treated and rehabilitated in the shortest possible period of time and once again become functioning members of society. Such treatment will include assistance in developing job skills, securing employment, and finding suitable housing.

Title I: Civil commitment of persons charged with or convicted of a crime

Section 101. *Definitions:*

For the purposes of this title—

(a) "Addict" means any individual who habitually uses any narcotic drug as defined by section 102(16) of the Controlled Substances Act so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such narcotic drug as to have lost the power of self-control with reference to his addiction.

(b) "Treatment" includes confinement and treatment in an institution and/or supervised after care or out patient treatment in the community and includes, but is not limited to, medical, educational, social, psychological, vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction.

(c) "Felony" includes any offense in violation of a law of the State which at the time of the offense was classified as a felony by the law of the State.

(d) "Conviction" and "convicted" mean the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but do not include a final judgment which has been expunged by pardon, reversed, set aside or otherwise rendered nugatory.

(e) "Eligible individual" means any individual who is charged with an offense against the State, but does not include those determined unsuitable due to one or more of the following factors—

(1) Previous convictions of murder, assault with intent to commit murder, attempt to commit murder, kidnapping, arson, robbery, burglary in the 1st degree, mayhem, felonies involving bodily harm or attempt to inflict bodily harm or offense for which the minimum term is more than 5 years in state prison.

(2) Excessive Criminality. Persons whose histories include criminality of any nature which is evaluated as chronic and/or extensive are considered unsuitable for the civil addict program.

(3) Sale of Narcotics, Dangerous Drugs or Marijuana. Persons who are involved in a large-scale trafficking operation, or persons who are found to be trafficking or in possession of narcotics, marijuana, or dangerous drugs beyond that which might be reasonably necessary to support their own need for narcotics.

(4) Assaultive Behavior. Persons with a history of assaults, battery and other offenses against the person, including—a) those with a pattern of aggressive and assaultive behavior. This pattern may be developed either by acts committed over several years with periods of nonviolent adjustment in between or it may demonstrate itself in a series of acts preceding the instant arrest; b) those who have a pattern of aggression which precedes their narcotic addiction and continues after their addiction; c) those for whom it is adjudged that long-term institutionalization is indicated because of the seriousness of their behavior. Single acts of aggression may warrant exclusion when the act was of such nature that it demonstrates aggression which was aggravated or vicious, or when the individual was involved in using dangerous or deadly weapons in the commission of the instant or prior offenses.

(5) Other Relevant Reasons: a) Extreme Recalcitrance: Case history shows subject can reasonably be classified as an escape risk or is recalcitrant to the extent that he unduly threatens the good order and the security of the minimum security facilities of the civil addict program; b) Other Medical or Psychiatric Disorders: Those who, while they may be addicted to narcotics, have major behavior or medical disorders distinguishable from narcotics addiction, and which would need treatment (in addition to treatment for addiction) which the civil addict program is not able to provide, including—I. Sex deviates—case history or diagnosis shows person to be a sex deviate who needs treatment for this pathology in order that he may be controlled and that he becomes less of a threat or menace to society; II. Chronic psychotics—persons who would require treatment of their psychosis before the addiction problem could be approached. III. Serious medical disorders—A. Persons with such serious medical

problems that treatment for their narcotic addiction is secondary and B. Persons whose medical problems are severe and may be deemed irreversible.

(f) "Patient" means any individual with respect to whom a petition has been filed by the district attorney (or his equivalent) as provided in section 105 of this title.

Section 102:

(a) If the district attorney (or his equivalent) or judge has reason to believe that an individual charged with or convicted of a criminal offense against the State is an addict, then the district attorney (or his equivalent) or judge will request the State Narcotic Treatment Commission (SNTC hereafter) to determine if there is reasonable cause to believe such. If the SNTC determines that there is reasonable cause, the district attorney (or his equivalent) will file a petition with the court to have such person examined to determine if he is, in fact, addicted.

(b) Upon the filing of any such petition by a district attorney, the court may order the individual to appear before it for an examination as provided in subsection (d) of this section. The court shall cause a copy of such petition and order to be personally served upon the defendant.

(c) The court shall advise the individual to be examined of his right to have his own physician present for consultation during any examination conducted under this section, but in no event shall such physician be entitled to participate in any such examination or in the making of the report required under this section with respect to such examination.

(d) The court shall then appoint 2 qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination the court may order the individual committed for a period not to exceed 72 hours to the custody of the chairman of the SNTC for confinement in a suitable hospital or other facility designated by the chairman of the SNTC Center. Each physician appointed by the court shall, within such 72 hour period, examine the individual and at the end of the examination file with the court a written report with respect to such examination. The examination shall consist of a physical examination and a psychiatric examination, except the psychiatric examination shall not be administered, and the individual shall be immediately returned to the court for such further proceedings as it may direct, if the physical examination indicates that the individual is not a narcotic addict. Each such report shall include a statement of the examining physician's conclusions as to whether the individual examined is a narcotic addict and requires medical treatment. Upon the filing of such reports, the individual so examined shall be returned to the court for the completion of the criminal proceedings. Copies of such reports shall be made available to the individual and the district attorney (or his equivalent).

Section 103:

(a) If both examining physicians (referred to in section 102 (e)) conclude in their respective written reports that the individual is not a narcotic addict, or is an addict not requiring medical treatment, the court shall immediately enter an order discharging the individual and the pending criminal proceeding shall be immediately resumed. If the written report of either such physician indicates that the individual is a narcotic addict who requires medical treatment, or that the physican submitting the report is unable to reach any conclusion by reason of the refusal of the individual to submit to a thorough examination, the court shall promptly set the case for completion of the criminal proceedings.

Section 104:

(a) Any individual who has been examined and found to be a narcotic addict in need of medical treatment under this title may be detained by the court for a reasonable period of time in a suitable hospital or other facility designated by the State Rehabilitation Center until after the criminal proceeding has been concluded, and such hospital or facility may administer to the patient such interim medical treatment as is necessary.

(b) An individual committed for examination shall not be released on bail or on his own recognizance.

Section 105:

At the completion of the criminal proceedings, an individual who was found innocent of the criminal charge and who was examined and determined to be an addict in need of medical treatment may, after being advised of the consequences of such commitment under section 303 of this Act, petition to be committed under Title III of this Act. If, however, he does not volunteer for treatment, the district attorney (or his equivalent) may petition for his commitment under Title II of this Act.

Section 106:

(a) At the completion of the criminal proceedings, an individual who was found guilty of the criminal charge and who was examined and determined to be an addict in need of medical treatment will be advised by the court that if, after hearing as provided in this title, he is found to be a narcotic addict who requires medical treatment and an "eligible individual" as defined in section 101(e), and desires to be committed for treatment—

(1) he may be civilly committed to the SNTC for treatment;

(2) he may not voluntarily withdraw from such treatment;

(3) the treatment will last for an indeterminate period of time not to exceed 5 years but in no event shall it exceed the sentence which would otherwise have been imposed.

(4) during treatment, he may be confined in an institution;

(5) the imposition or execution of the sentence will be stayed, pending the successful completion of treatment;

(b) The court shall also advise the individual appearing before it pursuant to subsection (a) of this section of his right to have counsel at every stage of the civil judicial proceedings under this title and, if he is unable because of financial reasons to obtain counsel, the court will, at the patient's request, assign counsel to represent him.

Section 107:

If the individual referred to in section 106 desires to be committed for treatment and if the SNTC certifies that appropriate facilities and trained personnel are available for the treatment of the person and that such person is an "eligible individual" as defined in section 101(e), the district attorney (or his equivalent) will petition for his commitment. After such petition has been filed, the individual will be transferred to the court of competent jurisdiction (referred to in section 501) located at the State Hospital or facility designated by the SNTC.

(a) The court of competent jurisdiction (referred to in section 501) will promptly set the case for civil hearing to review the report of the examination conducted by the SNTC and other information coming to its attention to determine if the patient is an addict and if he is an "eligible individual" as defined in section 101(e) of this title. The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by him within fifteen days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged narcotic addiction determined by a jury. If no timely demand for a jury trial is made, the court, in conducting such hearing shall determine all issues of fact without a jury.

(b) In conducting any civil hearings under this title, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in section 102. Any patient with respect to whom such hearing is held shall be entitled to testify and to present and cross-examine witnesses.

Section 107:

Whenever an individual is committed to the custody of the SNTC for treatment under this chapter the sentence shall be continued without final disposition and shall be dismissed if the SNTC certifies to the court that the individual has successfully completed the treatment program. On receipt of such certification, the court shall discharge the individual from custody and waive the sentence. If prior to such certification the SNTC determines that the individual cannot be further treated as a medical problem, he shall advise the court. The court shall thereupon terminate the commitment and the patient shall be returned to the court for execution of the sentence.

Section 108:

An individual committed for treatment shall not be released on bail or on his own recognizance.

Section 109:

Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment, or whoever rescues or attempts to rescue or instigates, aids or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding 7 years. This section does not apply to unauthorized absence from a halfway house or other outpatient facility or program.

Section 110:

The total period of treatment for any individual committed to the custody of the SNTC under this title shall not exceed 5 years, but in no event shall it exceed the maximum sentence that could otherwise have been imposed. If, at the expiration of such maximum period, the SNTC is unable to certify that the individual has successfully completed his treatment program, the pending criminal proceeding shall be resumed.

Section 111:

An individual committed under this title may not be conditionally released until he has been treated for 6 months following such commitment in the State Treatment and Rehabilitation Center established by the SNTC and the Department of Corrections under section 402 of this Act.

Section 112:

Nothing in this title shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous treatments.

Section 113:

Whenever a pending criminal proceeding against an individual is resumed under this title, he shall receive full credit toward the service of any sentence which may be imposed for any time spent in the institutional custody of the SNTC or any other time spent in institutional custody in connection with the matter for which sentence is imposed.

Section 114:

The determination of narcotic addiction and the subsequent civil commitment under this chapter shall not be deemed a criminal conviction. The results of any tests or procedures conducted by the director of the State Rehabilitation Center or the supervisory aftercare authority to determine narcotic addiction may only be used in a further proceeding under this chapter. They shall not be used against the examined individual in any criminal proceeding except that the fact that he is a narcotic addict may be elicited on his cross-examination as bearing on his credibility as a witness.

Title II: Involuntary civil commitment of persons not charged or convicted of any criminal offense

Section 201. *Definitions:*

For the purpose of this title—

(a) "Addict" means any individual who habitually uses any narcotic drug as defined by section 102(16) of the Controlled Substances Act, so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such narcotic drugs as to have lost the power of self-control with reference to his addiction.

(b) "Treatment" includes confinement and treatment in an institution and/or supervised aftercare or outpatient treatment in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction.

(c) "Related individual" means any person with whom the alleged narcotic addict may reside or at whose house he may be, or the husband or wife, father or mother, brother or sister, or the child or the nearest available relative of the alleged narcotic addict.

(d) "Patient" means any individual with respect to whom a petition has been filed by a district attorney (or his equivalent) as provided for in section 202 of this title.

(e) "Eligible individual" means any individual who volunteers for treatment himself or who is volunteered by another, but does not include those determined unsuitable due to one or more of the following factors—

(1) Previous convictions of murder, assault with intent to commit murder, attempt to commit murder, kidnapping, arson, robbery, burglary in the 1st degree, mayhem, felonies involving bodily harm or attempt to inflict bodily harm or offense for which the minimum term is more than 5 years in state prison.

(2) Excessive Criminality. Persons whose histories include criminality of any nature which is evaluated as chronic and/or extensive are considered unsuitable for the civil addict program.

(3) Sales of Narcotics, Dangerous Drugs of Marijuana. Persons who are involved in a large-scale trafficking operation, or persons who are found to be trafficking or in possession of narcotics, marijuana, or dangerous drugs beyond that which might be reasonably necessary to support their own need for narcotics.

(4) Assaultive Behavior. Persons with a history of assaults, battery and other offenses against the person, including—a) those with a pattern of aggressive and assaultive behavior. This pattern may be developed either by acts committed over several years with periods of nonviolent adjustment in between or it may demonstrate itself in a series of acts preceding the instant arrest; b) those who have a pattern of aggression which precedes their narcotic addiction and continues after their addiction; c) those for whom it is adjudged that long-term institutionalization is indicated because of the seriousness of their behavior. Single acts of aggression may warrant exclusion when the act was of such nature that it demonstrates aggression which was aggravated or vicious, or when the individual was involved in using dangerous or deadly weapons in the commission of the instant or prior offenses.

(5) Other Relevant Reasons: a) Extreme Recalcitrance: Case history shows subject can reasonably be classified as an escape risk or is recalcitrant to the extent that he unduly threatens the good order and the security of the minimum security facilities of the civil addict program; b) Other Medical or Psychiatric Disorders: Those who, while they may be addicted to narcotics, have major behavior or medical disorders distinguishable from narcotics addiction, and which would need treatment (in addition to treatment for addiction) which the civil addict program is not able to provide, including—I. Sex deviates—case history or diagnosis shows person to be a sex deviate who needs treatment for this pathology in order that he may be controlled and that he becomes less of a threat or menace to society; II. Chronic psychotics—persons who would require treatment for their psychosis before the addiction problem could be approached. III. Serious medical disorders—A. Persons with such serious medical problems that treatment for their narcotic addiction is secondary and B. Persons whose medical problems are severe and may be deemed irreversible.

Section 202: Except as otherwise provided in section 212 of this title, whenever a related individual, or any law enforcement officer or health official has reason to believe that any person is a narcotic addict, such related individual law enforcement officer, or health official may file a petition with the SNTC requesting that such person be admitted to the SNTC for treatment of his addiction. Any such petition filed by a related individual, law enforcement officer, or health official with respect to a person believed by such related individual, law enforcement officer, or health official to be a narcotic addict shall set forth the name and address of the alleged narcotic addict and the facts or other data on which the petitioner bases his belief that the person with respect to whom the petition is filed is a narcotic addict.

Section 203:

(a) The SNTC will after receiving the request for treatment and rehabilitation of a suspected addict under section 202 of this title shall, if it is determined that there is reasonable cause to believe that the individual is a narcotic addict, that appropriate facilities and trained personnel are available for the treatment of the person, and that the person is an "eligible individual" as defined in section 201(e), advise the district attorney or his equivalent, to file a petition with the court of competent jurisdiction (referred to in section 501) to commit such individual to the SNTC for treatment.

(b) Upon the filing of any such petition by a district attorney or his equivalent, the court may order the individual to appear before it for an examination by physicians as provided under section 204 of this title and for a hearing, if required, under section 205 of this title. The court shall cause a copy of such petition and order to be served personally upon the patient.

Section 204:

The court shall immediately advise any patient appearing before it pursuant to an order issued under subsection (b) of section 203 of his right to have (1) counsel at every stage of the judicial proceedings under this title and that, if he is unable because of financial reasons to obtain counsel the court will, at the patient's request, assign counsel to represent him; and (2) present for consultation during any examination conducted under this section, a qualified physician retained by such patient, but in no event shall such physician be entitled to participate in any such examination or in the making of any report required under this section with respect to such examination. The court shall also advise such patient that if, after an examination and hearing as provided in this title, he is found to be a narcotic addict who requires medical treatment, he will be civilly committed to the SNTC for treatment; that he may not voluntarily withdraw from such treatment; that the treatment (including post-hospitalization treatment and supervision) may last 36 months; that he may be confined in an institution for up to, but not exceeding, 6 months for treatment or, in the alternative, he may be placed in an outpatient program established by the SNTC for treatment and supervision; that if he is confined in an inpatient facility he will, following his release, be placed under the care and custody of the SNTC for treatment and supervision under a posthospitalization program established by the SNTC; and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the SNTC to have relapsed to the use of naroctic drugs, he may be recommitted for additional confinement in an inpatient facility followed by additional posthospitalization treatment and supervision. After so advising the patient, the court shall appoint two qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the court may order the patient committed for such reasonable period of time as it shall determine, not to exceed 72 hours. The examination shall consist of a physical examination and a psychiatric examination except the psychiatric examination shall not be administered, and the patient shall be immediately returned to the court for such further proceedings as it may direct, if the physical examination indicates that the patient is not a narcotic addict. Each physician appointed by the court shall, within such period so determined by the court, examine the patient and file with the court, a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a narcotic addict and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the court for such further proceedings as it may direct under this title. Copies of such reports shall be made available to the patient and his counsel.

Section 205:

(a) If both examining physicians (referred to in section 204) conclude in their respective written reports that the patient is not a narcotic addict, or is not an addict who requires medical treatment, the court shall immediately enter an order discharging the patient and dismissing the proceedings under this title. If the written report of either such physician indicates that the patient is a narcotic addict who requires medical treatment, or that the physician submitting the report is unable to reach any conclusion by reason of the refusal of the patient to submit to a thorough examination, the court shall promptly set the case for hearing. The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by him within fifteen days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged narcotic addiction determined by a jury. If no timely demand for a jury is made, the court, in conducting such hearing, shall determine all issues of fact without a jury.

(b) In conducting any hearing under this title, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in section 204. Any patient with respect to whom a hearing is held under this title shall be entitled to testify and to present and cross-examine witnesses.

(c) Any patient with respect to whom a hearing has been set under this title may be detained by the court for a reasonable period of time not to exceed 30 days in a suitable hospital or other facility designated by the director of the State Rehabilitation Center until after such hearing has been concluded.

Section 206:

If the court determines after a hearing that such patient is a narcotic addict who requires medical treatment, the court shall order him committed to the care and custody of the SNTC for treatment in an inpatient facility or outpatient program to be established by the SNTC. The SNTC shall submit to the court written reports with respect to such patient at such times as the court may direct. Such reports shall include information as to the health and general condition of the patient, together with the recommendations of the SNTC concerning the continued confinement of such patient.

Section 207:

Any patient committed to the care and custody of the diretcor of the SNTC pursuant to section 206 of this title shall either be committed for a period up to six months in an inpatient facility subject to such posthospitalization program as may be established pursuant to section 208 of this title, or in the alternative, he may be placed in an outpatient program established by the SNTC for treatment and supervision. After the director of the SNTC certifies that the individual has recovered from addiction to the extent that release on an outpatient status is warranted, the Narcotic Addict Evaluation authority (see section 404) in its discretion may conditionally release the individual under supervision.

Section 208:

If, at any time during such three year period, any patient (1) fails or refuses to comply with the directions and orders of the SNTC in connection with such patient's posthospitalization treatment and supervision, or (2) is determined by the SNTC to be again using narcotic drugs, the SNTC may order such patient's immediate return to the committing court which may recommit such patient to the SNTC for additional treatment for a period of not to exceed six months, and may require such patient thereafter to submit to a posthospitalization program.

Section 209:

Nothing in this title shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

Section 210:

Any determination by the court pursuant to this title that a patient is a narcotic addict shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test or procedure to determine narcotic addiction of any patient under this title shall not be used against such patient in any criminal proceeding.

Section 211:

Any physician conducting an examination under this title shall be a competent and compellable witness at any hearing or other proceeding conducted pursuant to this title and the physician-patient privileges shall not be applicable.

Section 212:

The provisions of this title shall not be applicable with respect to any person against whom there is pending a criminal charge—whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release has not been fully served, except that such provision shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

Section 213:

Notwithstanding any other provisions of this title, no patient shall be examined pursuant to section 204 of this title unless the SNTC certifies that adequate facilities or personnel for treatment of such patient are available.

Section 214:

Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment under this title, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding 7 years. This section does not apply to unauthorized absence from a halfway house or other outpatient facility or program.

Section 215:

Any person who knowingly makes any false statement to the district attorney or his equivalent in any petition under section 202(b) of this title shall be guilty of a misdemeanor.

Title III. Treatment for noncriminal addicts who volunteer for treatment

Section 301. *Definition:*

(a) Addict.

(b) Treatment.

(c) Patient—any individual who has voluntarily petitioned for commitment under section 302 of this Title.

(d) Eligible individual.

Section 302:

Whenever any narcotic addict desires to obtain treatment for his addiction, such addict may file a petition with the Director of a community based multi-modality treatment program established pursuant to section 402(c) of this Act, requesting that he be examined and admitted for treatment for his addiction. Any such petition filed by a narcotic addict shall set forth his name and address and the facts relating to his addiction. Any person 13 years of age or older has the capacity to consent to such examination and treatment for any drug addiction or dependency.

Section 303. The Director of the community-based multi-modality treatment program will after receiving the request for treatment and rehabilitation of a suspected addict under section 302 advise the patient that if, after an examination as provided in section 304, he is found to be an "eligible" narcotic addict who requires medical treatment, he will be committed to the SNTC for treatment, that he may not voluntarily withdraw from such treatment; that the treatment (including post-hospitalization treatment and supervision) may last 24 months, that he may be confined in an institution for up to, but not exceeding, 6 months for treatment or, in the alternative, he may be placed in an outpatient program established by the SNTC for treatment and supervision; that if he is confined in an inpatient facility he will, following his release, be placed under the care and custody of the SNTC for treatment and supervision under a posthospitalization program established by the SNTC; and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the SNTC to have relapsed to the use of narcotic drugs, he may be recommitted for additional confinement in an inpatient facility followed by additional posthospitalization treatment and supervision.

Section 304:

After being so advised, if the patient knowingly and voluntarily agrees to be committed for treatment, the Director shall appoint two qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the Director may order the patient committed for such reasonable period of time as it shall determine but not to exceed 10 days. The examination shall consist of a physical examination and a psychiatric examination, except the psychiatric examination shall not be administered, and the patient shall be released, if the physical examination indicates that the patient is not a narcotic addict. Each physician appointed by the Director shall, within such period so determined by the Director, examine the patient and file with the Director a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a narcotic addict and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the Director for such further proceedings as he may direct under this title. Copies of such reports shall be made available to the patient.

Section 305:

(a) If both examining physicians (referred to in section 204) conclude in their respective written reports that the patient is not a narcotic addict, or is not an addict who requires medical treatment, the Director shall immediately enter an order discharging the patient. If the written report of either such physician indicates that the patient is a narcotic addict who requires medical treatment, and the Director determines that the patient is an "eligible individual," the Director shall commit him either to an inpatient program not to exceed 6 months, or to an outpatient program in the community for individualized treatment and supervision. After the Director certifies that the individual has recovered from addiction to the extent that release on an outpatient status is warranted, the Narcotic Addict Evaluation Authority (see section 404) in its discretion may conditionally release the individual under supervision.

Section 306:

If, at any time during such three year period, any patient (1) fails or refuses to comply with the directions and orders of the Director in connection with such patient's posthospitalization treatment and supervision, or (2) is determined by the Director to be again using narcotic drugs, the Director may order such patient's immediate return for additional in-patient treatment for a period of not to exceed six months, and may require such patient thereafter to submit to a posthospitalization program.

Section 307:

The provisions of this title shall not be applicable with respect to any person against whom there is pending a criminal charge—whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release has not been fully served, except that such provision shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

Section 308:

The patient may any time after being committed petition for release from the treatment facility and/or program if—

(a) the patient did not knowingly and voluntarily agree to such commitment;

(b) the patient can prove that he is not receiving any medical benefit from such confinement; or

(c) the patient ceases to be an addict.

Section 309:

Any determination pursuant to this title that a patient is a narcotic addict shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test or procedure to determine narcotic addiction of any patient under this title shall not be used against such patient in any criminal proceeding.

Title IV. State narcotic treatment commission

Section 401:

There is hereby established a state narcotic treatment commission either as a separate agency or within an existing agency. Such commission shall consist of five members, who shall be appointed by the governor, by and with the advice and consent of the senate. Insofar as practicable, the members of the commission shall possess broad knowledge and experience in medicine, psychology, social work, sociology, education or law. The term of office of each such member shall be for five years; provided that the members first appointed shall serve for terms of one, two, three, four and five years, respectively, from January first next succeeding their appointment, and provided, further, that any member appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he is to succeed.

(a) The members of such commission shall devote their whole time and capacity to their duties as such members. They shall receive an annual salary to be fixed by the governor within the amount made available therefor by appropriation, and shall be allowed their actual and necessary expenses in the performance of their duties hereunder.

(b) The governor may remove any member of the commission for cause after an opportunity to be heard. A statement of the cause of his removal shall be filed by the governor in the office of the secretary of state.

(c) The governor shall designate a member of the commission as chairman thereof to serve as such during the pleasure of the governor. The chairman shall direct the work of the commission and shall be the chief executive officer of the commission.

(d) The commission shall make an annual report to the governor and the legislature.

Section 402. Powers and Duties of Commission:

(a) The Commission shall assist the district attorney or his equivalent in making his decision to petition an individual for commitment by—

(1) Receiving the request from a person to commit himself or another suspected to be an addict under title II of this Act;

(2) Determining that there is reasonable cause to believe that a person is a narcotic addict and advising the district attorney or his equivalent as to such; and

(3) Determining that adequate facilities and trained personnel exist to treat the person for whom the petition was filed and advising the district attorney or his equivalent as to such.

(b) The commission shall survey and analyze the state's needs by gathering information and maintaining statistical and other records relating to narcotic addicts and narcotic addiction in the state. It shall be the duty of every physician, dentist, veterinarian or other person who is authorized to administer or professionally use narcotic drugs, or apothecaries, hospitals, clinics, dispensaries or persons authorized to dispense narcotic drugs and all public officials having duties to perform with respect to narcotic drugs or users of such drugs to report and supply such information in relation thereto as the commission shall by rule, regulation or order require.

(c) The commission shall promote, develop, establish, coordinate, and conduct through the utilization of federal, state, local and private resources, community-based multi-modality treatment programs in communities throughout the state which have severe narcotic addiction or drug dependency problems, for the treatment, after care, and rehabilitation of narcotic addicts certified to the care and custody of the SNTC. Such programs shall in order to provide comprehensive treatment at the community level, including, but not limited to, diagnostic, medical, educational, social, psychological, and vocational services, corrective and prevention guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction.

(1) coordinate such existing public and nonprofit private treatment agencies and organizations, provided that such existing programs and/or facilities meet the standards established pursuant to subsection (g); and

(2) develop with federal, state, local and private resources additional treatment programs to complement and supplement existing programs.

(d) The Commission together with the State Department of Corrections shall establish and operate through the utilization of federal, and state, resources, a state treatment and rehabilitation center for addicts committed under Title I of this Act who were found guilty of a criminal offense or addicts committed under either Title I, II, or III, who have exhibited such anti-social tendencies that confinement in the center is considered necessary. The Center should provide comprehensive treatment including, but not limited to, diagnostic medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction. State treatment and rehabilitation programs and/or facilities shall be established for persons under the age of 18 and for men and women.

(e) The Commission together with the Department of Corrections shall establish a treatment and rehabilitation program for the detoxification and treatment of inmates in the state prison system.

(f) The Commission shall establish, maintain, operate and designate medical examination or other facilities for alleged narcotic addicts for the purpose of determining whether such persons are narcotic addicts and for the care and custody of alleged narcotic addicts with respect to whom court proceedings are pending.

(g) The Commission shall together with the Department of Corrections establish an addict parole program. Rules and regulations governing the operation of the program will be established to closely supervise the patient after release from the facility, to make periodic and surprise testing for narcotics use, to counsel the patient and assist him in securing employment and a place to live, to recommend to the Director of the State Rehabilitation Center if it is in the best interests of the patient and society that a patient should be returned to inpatient status at the State Rehablitation Center, and to limit the caseload of each parole officer so that he can effectively assist the individual addict.

(h) The Commission shall establish standards for licensing treatment programs and/or facilities in effect immediately prior to the effective date of this Act and the establishment of new ones that are components of a commodity-based, multi-modality treatment program.

(i) The Commission should exercise complete flexibility in dealing with addicts committed to the custody and care of the Commission for treatment and rehabilitation or who volunteer for treatment and provide them with individualized, multi-modality treatment.

(j) The Commission shall provide education and training in prevention, diagnosis, treatment, rehabilitation and control of narcotic addiction for medical students, physicians, nurses, social workers and others with responsibilities for narcotic addicts either alone or in conjunction with other agencies, public or private.

(k) The Commission shall provide public education on the nature and results of narcotic addiction and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest and support.

(l) The Commission shall disseminate information relating to public and private services and facilities in the state available for the assistance of narcotic addicts and potential narcotic addicts.

Section 403:

Treatment for the maintenance or control of dependence on addicting drugs by the use of methadone and other heroin substitutes shall be strictly controlled, limited to narcotic addicts who are over 18 years of age and who have failed on two previous occasions to respond to treatment designed to end dependence on addicting drugs, and shall not be administered to pregnant women. Maintenance programs will not be administered for either detoxification or treatment purposes to addict inmates in the state prison system.

NARCOTIC ADDICT EVALUATION AUTHORITY

(a) There shall be established a Narcotic Addict Evaluation Authority, hereafter referred to in this Section as the Authority. The Authority shall be composed of five members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the Authority shall be designated by the Governor from the 5 members from time to time. The terms of the members first appointed to the Authority shall expire as follows: one on January 15, 1973, one on January 15, 1974, one on January 15, 1975, one on January 15, 1976 and one on January 15, 1977. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the Authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the Authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to an annual salary of ——— for attendance upon business of the Authority. The chairman shall be entitled to an annual salary of ———. In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The Authority shall maintain its headquarters at the State Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the State Rehabilitation Center.

(d) The Authority shall meet at the Center or its branches at such time as may be necessary for a full and complete study of the cases of all patients who are certified by the director of the State Rehabilitation Center to the Authority as having recovered from addiction or to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the Authority. The Authority panel shall consist of at least two members of the Authority. Three members of the Authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority of the members present.

(e) After an initial period of observation and treatment, whenever a person committed under this Act has recovered from his addiction to such an extent that, in the opinion of the director of the State Rehabilitation Center, release in an outpatient status is warranted, the director shall certify such fact to the Authority. If the director has not so certified within the preceding 6 months, his case shall automatically be referred to the Authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the Authority may release such person in an outpatient status subject to being retaken and returned to inpatient status by the committing court as described in section 208 of this Act. The supervision of such persons while in an outpatient status shall be administered by the State Rehabilitation Center in conjunction with the Department of Corrections.

A single member of the Authority may by written or oral order suspend the release in outpatient status of such person and cause him to be retaken, until the next meeting of the Authority. The written order of any member of the Authority shall be sufficient warrant for any peace officer to return such persons to physical custody.

It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

Title V. Civil commitment and the courts

Section 501:

It is the intent of the Legislature that, if possible, all hearings to be held pursuant to titles I and II of this Act for the civil commitment of alleged addicts will be held in a division of the court of competent jurisdiction to be located in the State Hospital or facility designated by the SNTC where such alleged addicts are confined for treatment and examination pending the hearing in order to facilitate the proceedings.

Section 502:

The Attorney General of the State is authorized and directed to establish training programs for the judges of the courts of competent jurisdiction who sit on the court referred to in section 401 of this title, and probation and parole officers under the addict parole program created in title III of this Act to better acquaint them with all aspects of the problems relating to drug addiction and dependency, and to enable them to carry out their duties and responsibilities regarding narcotic addiction in a manner that will best serve the interests of justice, safety, and humanity.

BOWS OUT WITH GRACEFUL AMUSEMENT

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BOLLING. Mr. Speaker, whether you are considering retirement or not, the attached advice from an old friend of mine, James L. Williams, is worth heeding. His article on this subject, which appeared in the Kansas City Times of December 2, follows:

[From the Kansas City Times, Dec. 2, 1971]

BOWS OUT WITH GRACEFUL AMUSEMENT

James L. Williams, former sheriff of Jackson County and a lawyer, farmer and politician here until his retirement to Port Angeles, Wash., 18 months ago, has written the following article on retiring. Although addressed specifically to lawyers, it should be of interest to any person approaching retirement age.

Retiring to most lawyers is like shaking hands with the undertaker, a matter which should be continued indefinitely, or at least put off until the next term of court. I know the feeling—I was scared, too, and remember how the judges and lawyers laughed in disbelief when I said I would retire at 65 and move away, never to return.

"But what will you do with your time?" they asked. "And how can you leave all your friends?" Well, the first was easy, the second, hard. But to tell the truth, now that I have juggled away a year "in the bliss of solitude" I hardly know what went with the time. This alone is encouraging.

If a lawyer can make a success of retirement, he ought in good conscience to pass along what he has learned to old friends who still labor in the vineyard. In doing this I tread softly and take my cue from the wisdom of that eminent American novelist, Kurt Vonnegut, who, when asked to reflect on his views of life, said: "A man standing on the gallows is asked if he has any last words and he says: 'not at this time.' "

Even so it is common knowledge that people grow old. This is nature's law of which everyone except the judge will take judicial notice. Judges, it seems, never grow old, are "as good as ever," and in some instances will not retire until they are no good at all. Realizing that proper legislation could cure this exception I will leave the judges out of this and confine my remarks to lawyers in the active practice. I will make some observations: I will give no advice on what happens to the average lawyer when he looks back and finds something gaining on him.

In my own case I saw that I was slipping when I lost a close one to Tommy Conway, and I decided I had better get out while there was still some hope. In leaving the practice I was comforted by what the writers tell us of the joys of seeing long endeavor come to ultimate fruition in retirement and a life of ease. Believe me, it was not that simple. It took me a whole year to get over the blues and the habit of waking up at midnight worrying about a certain lawsuit, how I had made a fool of myself in examining a witness or arguing a motion, and wondering what effect it would have on my future. After a year of this I found: "It is a great deal easier not to worry about the future when your future is behind you."

I know that you will worry about how the old law firm and associates will manage to keep the shop open, especially with all your own wit, wisdom and eloquence removed. Forget it. I worried, too, until this summer when one of my former associates and partners showed up out here in a brand new Lincoln Continental. Business was good. How transitory and how expendable is the passing of one man in our profession.

My next observation deals with that little streak of vanity common to all lawyers—the urge to write a book and give the young struggling members of the Bar the benefit of "my wide experience." You will do no such thing. You will find that others are already doing with ease what you could never do at your best. If you are honest you will be satisfied, even happy at being a quiet observer of the passing scene, and liking it. At 65 you have already seen your light on the road to Damascus, and the light grows dim. So why not get out while there is still some daylight left, and enjoy it? Let the young fellows write the books.

My next observation is a good one if it fits. Say you retire and move to another state; you will plan to file application for Admission under the Rules. You will plan to do it, but you will not. In the first place it costs $500, and in the second place it would be extremely unfair to the members of the local Bar to have to match wits with a lawyer who had tangled with Arthur Popham or Clay Rogers, or J. D. James or Hilary Bush or Tom Conway or Reed Gentry, Max Foust, Jack Beamer and a thousand others just as tough. You will decide not to distill such experience. It would be like pouring water in good whiskey.

I went to a tea one Sunday and was introduced to a Superior Court (circuit) judge. I was presented as a retired lawyer, nothing else. The judge passed me by. Had I been introduced as a Missouri lawyer his honor would have had to take notice. I bounced about the world a great deal before I moved here and have yet to find the peer of a genuine Missouri lawyer. Too bad the judge didn't know this, but he never will know.

A man who has practiced with Missouri lawyers before Missouri judges doesn't have to take his hat off to any foreign judge or lawyer that ever lived. You see being a retired Missouri lawyer means more than the average, we do not kow-tow, and this freedom is the chief consolation of our particular breed.

Many lawyers who could or should retire at 65 or 70 either hang on from force of old habit or from fear of boredom. All this despite the fact that they have passed the peak of their performance and know it. This should not be. No one would want a shaky or senile doctor to operate on the brain of his child. He would want a surgeon in his prime. And any man who attaches the least significance to the trifles of perfection, should, when he realizes that he cannot give his best, turn himself out to pasture and make room for those who can. Even a fan dancer has sense enough to stop hiding behind the fan when she no longer has anything to hide.

As for being bored in retirement or unable to adjust to the sudden change, the whole essence of education is the ability to adjust to environment, circumstances, change. Assuming that all lawyers are educated men and women, I see no great problem in adjustment or relocation of talent and domicile.

A lawyer wishing to retire at 65 is assured of a certain amount of income under Social Security, which when taken into account with savings and other income should make the average lawyer fairly independent financially. The question then is whether he prefers to walk out or keep on working until carried out.

If the lawyer should retire and move away from the old home town, he will make new friends without forgetting the old. He will find that geography has nothing to do with friendships. If he happens to be the restless type he will find the days much too short to do all the things awaiting him. He will not feel bored or useless. His services in other fields, his participation in the affairs of the community, will be eagerly sought and he will find all doors open and all signals go—civic clubs, educational, charitable, voluntary service organizations, churches and the Elks and other stimulating groups. He might even join the country club or the Republican party.

As for me I will take the fishing pole and meet you on the river. None of this action-packed retirement for me. The Good Book says six days to work and the seventh to rest, and I have reached the seventh day. If you are still Puritan enough to believe that happiness is a sin and that the only ticket to heaven is a pair of calloused hands, or as in the case of a lawyer, a calloused tongue, then you ought to see a doctor.

Look at old Chester A. Arthur. He was President of the United States—remember? But recently when those Michigan Friends of Chester A. Arthur organized a posse to go after something from among this forgotten man's belongings to place as a memento in the Smithsonian Institution, all they found was an old fishing reel. And so it begins to look as if everything depends on what you want out of life. Do you want money, fame, honors, glory, and a big funeral with politicians, statesmen, judges and a few clients vying for places on the front row, or do you want a well used fishing reel? It's up to you.

YOUTH UNEMPLOYMENT AND THE MINIMUM WAGE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ERLENBORN. Mr. Speaker, in the near future, the House of Representatives will be considering H.R. 7130, a proposal to increase the minimum wage. Members, I am certain, will want to know the effect of this proposal as it relates to our young people.

Present law, under the 1966 amendments to the Fair Labor Standards Act, provides that full-time students, under certain conditions certified by the Secretary of Labor, working fewer than 20 hours a week—except during vacation periods—in retail or service establishments, may not be paid less than 85 percent of the otherwise applicable minimum.

In spite of the aim of this student differential to encourage youth employment, the teenage unemployment rate, which was three times as high as the total unemployment rate in 1963, soared to four times as high by 1969. Today, the unadjusted jobless rate for teenagers stands at almost 20 percent. In the inner city poverty areas, it has gone from 23 percent in the first quarter of 1971 to more than 28 percent in the second. But for black teenagers in those areas, the extent and the increase of the unemployment rate is even more disturbing—it rose from 34 percent in the first quarter of 1971 to 39 percent in the second.

H.R. 7130, as reported by the Education and Labor Committee, will not remedy this situation. While it expands existing law by extending the youth differential beyond retail, service, and agricultural occupations, it excludes a long list of occupations: work in mines, factories, warehouses, storage, construction, longshoring, explosives, products containing explosives, plants storing the same, motor vehicle driving, logging, certain power-driven machines, slaughtering, meatpacking, bakery machines, brick and tile factories, wrecking, demolition, roofing, excavation, and other occupations determined by the Secretary to be hazardous for students.

Parenthetically, I cannot help but ask how such occupations can be hazardous if the salary is less than the minimum but magically become unhazardous if the minimum wage is paid.

In any event, the record demonstrates clearly that this modification will do nothing to result in more jobs for our unemployed young people. Rather, it will have the opposite effect, as evidenced by the following communication:

PHOENIX, ARIZ.,
November 29, 1971.

DEAR CONGRESSMAN ERLENBORN: The attached resolution by the Phoenix Metro National Alliance of Businessmen may be useful as additional ammunition in your laudable efforts to insert in H.R. 7130 the Administration's proposal to permit payment of a lower minimum wage to teenagers.

The gist of the resolution is that, through the year-round school, business and industry could greatly increase vacation employment for teenagers. Those who are pursuing this concept in the Phoenix area—including leading educators as well as businessmen—foresee an arrangement whereby vacation employment will be related directly to the high school curriculum.

In short, we want to do more for young people by providing meaningful employment, both to keep them in school and to aid them in shaping their careers.

This concept would be "shot down" if Congress chooses to continue pricing young people out of the labor market. Even though a small business wished to cooperate in the expanded youth program he could not afford to devote time to the training effort if trainees received the wage rate for fully qualified employees. This would be particularly true where his competitors were employing only fully qualified persons.

Sincerely,

BERL CAMPBELL,
Chairman, Industry-Education Committee, Phoenix NAB.

RESOLUTION

Whereas, young people of high school age are greatly in need of meaningful employment during school vacation periods, both (1) to further their knowledge of business and industry and thereby to aid in their preparations for successful careers and (2), for a disturbingly large number, to provide financial assistance necessary to the continuation of schooling and career training; and

Whereas, employment which would further career training of young people is not available to the extent now required, largely because all students are released from school and placed in competition for vacation employment at the same time during the summer months; and

Whereas, enforced idleness created by lack of constructive endeavor during summer months contributes directly to current unrest and uncertainties among younger people; and

Whereas, a school schedule which would release high school students for vacations in approximately equal numbers continuously throughout the year would enable business and industry: (1) to expand student vacation employment opportunities and (2) to coordinate such employment with courses of instruction in a manner which would further the objectives of "career education", wherein participating students might be graduated from high school with employable skills; and

Whereas, substantial economies could be achieved by operating existing schools on a year-round basis with staggered vacations; and

Whereas, high speed methods of recordkeeping and retrieval make it feasible adequately to consider family preferences and other matters related to vacation schedules of individual students;

Now, therefore, be it resolved, that the Board of Directors of the Phoenix Metro National Alliance of Businessmen, meeting in regular session this twenty-sixth day of October, 1971, urges the early adoption of a year-round school schedule with staggered vacations, preferably on a quarterly schedule with summer months divided between two vacation periods; and

Be it further resolved, that the Phoenix Metro Director be, and he hereby is, authorized and instructed to distribute copies of or otherwise to circulate information concerning this Resolution to individuals and organizations whose cooperation and assistance are necessary to its acceptance and implementation, to-wit: Members of the Arizona Legislature; State of Arizona, High School District and other appropriate school officials and administrators; Members of the business and industrial community; Members of the news media;

Be it resolved finally, that the Phoenix Metro National Alliance of Businessmen hereby offers to cooperate fully in the development of action leading to achievement of objectives set forth in this Resolution.

When H.R. 7130 comes to the House floor, an amendment will be offered to permit a minimum wage rate of 85 percent of the applicable wage rate, or $1.60, whichever is higher, to young people under the age of 18 and to full-time students under the age of 21. The minimum rate would not be limited to part-time jobs. There would be no restrictions on type of occupation, except as restricted by the applicable child labor laws; no limit on the number which an employer may hire at the lower youth rate; and no requirements of governmental certification and the inevitable burdensome red-tape which always accompanies official certification requirements. There would be a requirement that the Secretary of Labor issue regulations to insure that the youth differential would not reduce full-time employment opportunities for those who are neither under 18 nor full-time students under 21.

In light of communications such as the preceding, I believe the Members of this body will want to support this amendment to H.R. 7130.

ANNIVERSARY OF SIMAS KUDIRKA'S TRAGIC RETURN TO THE SOVIET UNION

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. RUPPE. Mr. Speaker, a tragic 1-year anniversary has quietly passed by the attention of most of our Nation. I therefore would like to take this opportunity to remind my esteemed colleagues of the fate of Simas Kudirka and his fellow Lithuanians.

Simas Kudirka, a courageous Lithuanian seaman seeking political asylum in the United States, was forcibly abducted by Soviet sailors from the deck of a U.S. Coast Guard vessel on November 14, 1970. Snatched from the freedom he desperately sought, this unfortunate man is now serving a 10-year sentence at hard labor in the Soviet Union.

The abduction of Simas Kudirka was not entirely in vain, however. Through his daring escape attempt, he brought to the world's attention the oppressive policies which the Soviet Union has inflicted upon his Lithuanian countrymen.

Neither did his capture silence this brave man. Continuing to flaunt his political bondage, Simas Kudirka told the Soviet court which sentenced him—

> I have nothing to add, only one wish, more specifically, a request both to the Supreme Court and the government of the Soviet Union; I ask that you grant my homeland, Lithuania, independence.

Simas Kudirka would not let the authorities stifle his plea for the liberty of Lithuania. Indeed, I firmly believe that those of who are blessed with freedom are the only ones who can silence a Simas Kudirka. It is we who will desecrate his valiant actions if we forget or ignore the injustices which humans such as Simas Kudirka and his countrymen are suffering.

Mr. Speaker, I implore the Congress and all Americans not to forget the courageous Lithuanian seaman. May we continue to strive for a world where no man can be denied the land of freedom which he seeks.

ALICE E. WILLARD: THE SPIRIT OF THE AMERICAN FRONTIER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BYRON. Mr. Speaker, the spirit of the American frontier is not dead. In fact, it will always remain with us as long as independent mountain women like Alice E. Willard continue to live. The strength of her character and the personification of her attitudes were aptly told in a recent article in the Frederick News-Post by freelance writer, Ann Burnside Love. I take a few minutes to share it with all of you:

ALICE E. WILLARD: INDEPENDENT MOUNTAIN WOMAN

(By Ann Burnside Love)

The spirit of pioneer America is alive and well and living in the Catoctin Mountains.

With her feet planted squarely on the mountain land where she was born, Alice E. Willard at 76 is a very independent self-reliant woman who knows exactly who she is.

Miss Alice drives her own tractor, farms her own land, cuts her own firewood, feeds her livestock, keeps house, quilts, sews her own clothes, bakes her own bread, cans her own fruits and vegetables. Except for an occasional boarder, she has lived alone on her isolated mountain farm since her only son died of cancer a few years ago.

She's a descendant of the Hauver and Bussard families and is related—having been one of eight children—to practically everyone living in her part of the mountains, which is to say scores of people.

The strength of character, dignity and beauty in her face tell their own story of years of hard work. She values her privacy, resents any encroachment upon her land or her rights, and is the personification of the attitudes and traditions of the mountain folk for over two centuries.

To understand a woman like Miss Alice, it's necessary to know a little about the mountain folk and their heritage.

These people are direct descendants of the pioneers who began the western movement 250 years ago. While there were multiple economic factors involved in immigration and the subsequent movement west, the primary motivation of the forefathers of today's mountain folk was a driving need to get away from any and all authority.

Tradition is an overwhelmingly powerful force among today's mountain people. Their thinking, like that of their ancestors, is perhaps reactionary in political matters, fundamentalist in religion, cautious, clever, clannish, and suspicious of outside people—especially government—an attitude which dates back to 1732 when their hardy ancestors began the western movement.

These pioneers had a solid tradition of disregard for government authority. They paid no attention, for example, to the government's treaties with the Indians. The fact that the government had made a deal which obligated its citizens had nothing to do with them, so they thought. And the descendants of these pioneers had the same attitudes as the pioneers themselves had toward King George or the colonial governments of Pennsylvania and Virginia: government encroachment on the rights of the people was wrong. Therefore they would do as they pleased.

Today it has become extremely difficult for mountain people—or indeed anybody—to do as they please. The government, both state and federal, has bought up thousands of acres of mountain land.

Whereas mountain land used to be in the public domain—meaning everybody had the right to hunt, fish, cut firewood for their own use—the government and private individuals from cities bought up the land, essentially it is now all owned.

What they were able to do when they were children, these folk expected to do the rest of their lives. They deeply resent city people coming up, any and all government control over their land use (such as suggestions that the government pay a farmer NOT to farm his land!) or anything at all restrictive.

Rumor has it that long-time property owners, such as Miss Alice and her relatives, could have sold their property most advantageously many times. Yet what's important to them is that they fully expect to live out their lives right where they are, working their land.

Miss Alice had her own dealings with the government; her land borders Cunningham State Park, and everyone knows, parks are acquisitive by nature.

So what is her life like up there in the hills? She lives in one of the loveliest spots nature ever created, her own private mountain dale, a little valley off to itself far from any hard road, many miles from stores or schools or banks or gas stations. She admits to owning 25 acres, 11 tillable, farms six.

She lives in a tall thin weathered shake-shingle house, one central room below and one above, with a jam-packed root cellar underneath—full of Miss Alice's own home-grown vegetables, canned goods and staples.

"My father built this house in 1895 after he was married. He split and shaped the shingles himself on a shaving horse."

She cooks, heats both water and the house with a heavy 1932 black iron wood stove set in the middle of the floor of a well-worn room that is as neat and functional a room as you'd ever wish to be welcomed into. She likes company, but only the kind that comes straight to her door, not the kind that wanders onto her land during hunting season or prowls the hills at night. She's prepared to discourage the latter.

The temperature in the house is ideal for plants: her Angel Wings and Christmas Cactus flourish, and she has lots of cuttings taking root in little cans and jars which she gives generously to people she likes.

"Can't rain or snow too much to suit me," she says. "Then I get to work indoors. I love to do my sewing. I've pieced three quilts already this year." She proudly unfolds three lovely quilt tops, plans to get the material for the backs if she ever gets to Frederick, something she does quite rarely. She doesn't drive, relies on others for transportation.

Her grey hair is always tucked neatly into a ruffled cap.

"I love these caps. Wouldn't be without one. Made 'em off the same pattern for years. Usually have one or two at a time."

Miss Alice and her brothers and sisters attended school at Philip's Delight, a one-room school house where her son also went to school.

"Worst thing the government ever did was close the community schools. The children up here used to really learn something. And there was discipline. They didn't dare mess around at school because they knew the teacher wouldn't stand for it and their folks wouldn't either.

"And the young'ens never took sick, neither. They never got all those diseases the children give each other now. They had better things to do than ride the school bus from before sun up till supper time. Terrible mistake. Government should have known better."

At an early age Miss Alice began a lifetime of domestic work. In her treasure box of photographs and clippings there's a snapshot of her as a beautiful slim young 18-year-old with her hair piled high and long skirts about her ankles, seated on a lawn chair at a house in Thurmont where she tended the family's babies.

Over the years she was employed by many families in Thurmont and other communities on both sides of the mountains.

"I washed and dried and tended and fed more than 25 babies," she says proudly. And many area residents recall Miss Alice with great warmth and affection from their childhood days.

No matter where she went to work, she always returned to her mountain home. Some of her jobs involved the mountain itself, such as the six years from 1928 to 1934 she spent manning the Foxville fire tower. For a month or six weeks each spring and fall during the dry months she spent several hours every day at the top of the fire tower on the lookout for forest fires.

Were there many fires?

"Indeed there were lots of fires! And no lightning ever set those fires. Men set fires! Tossing a cigarette or some other fool thing, that's what done it.

"Many's the fire that was set on purpose, too. Did you know that? I'll tell you just why! They'd set fires to burn off a clearing in the woods. Then the huckleberries would grow up thick in the burned out places. Huckleberries were a big cash crop here in those days. Many a berry's been picked and sold for three cents a quart. Every child on the mountains picked huckleberries at one time or other."

In recent years Miss Alice hasn't come down the mountain to work but she does come to Thurmont every week or so to do her shopping and errands.

She sells some of her potatoes and peppers and such, grows her own corn for her livestock. She cans enormous quantities of food and is prepared to be snowed in a few times every winter, which she enjoys immensely. Then she can sew and listen to her radio—and not even worry about getting out for mail and newspapers.

She has lots of friends who visit her, especially in fine weather and during the hunting season. She is intensely loyal to those she likes, outspokenly blunt about people she plainly could do without. Her treasure box is filled with photographs of herself with groups of friends standing outside her house, the cars in the pictures changing over the years along with the seasons and the clothing styles of her guests.

Miss Alice herself seems to be unchanging. In all the pictures the first thing you notice is the strength and self-sufficiency in her face and bearing.

If she's heard of Women's Liberation, she's probably dismissed the whole idea. She's lived her whole life on her own terms as her own person and asks no favors.

As long as Alice E. Willard lives, the spirit of the American frontier is with us still.

SALUTE TO MR. NEW YEAR'S EVE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ROONEY of New York. Mr. Speaker, Charles Richman, publisher of the Brooklyn Record, in taking note of the coming of the end of the year, has penned an appropriate salute to orchestra leader Guy Lombardo and his contribution over the decades to the bittersweet ceremonies marking New Year's Eve. For more years than I care to remember his rendition of "Auld Lang Syne" has been an integral part of New Year's Eve. May he have many more happy ones. Under permission unanimously heretofore granted to me I include tne editorial at this point:

Guy Lombardo: "Mr. New Year's Eve" Deserving of Recognition by U.S. Congress for His Contributions

Guy Lombardo, "Mr. New Year's Eve" and his Royal Canadians will be at it again comes December 31, ushering in 1972 with traditional songs and festivities from the Waldorf-Astoria Hotel in New York City. His musical message of hope, peace, happiness, prosperity and good-will towards all mankind, will be aired through the magic of radio and television throughout the world. We believe the time is now for the United States Congress to make official recognition of the magnificent humanitarian accomplishments of Guy Lombardo, a former Canadian who has brought pleasure and happiness to millions of Americans as we approach his day—the day he shares with all the world—New Year's Eve.

TAX DOLLARS FOR POLITICIANS—AN UNMITIGATED DISASTER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. WYMAN. Mr. Speaker, I am dismayed that the New York Times should editorially endorse one of the most dangerously unsound legislative proposals ever to pass the other body—the diversion of tax dollars to political campaigns.

If a citizen wants to make a contribution to a candidate or the political party of his choice, fine, but to authorize a taxpayer to divert a portion of his tax dollars to campaign costs designed to continue a party or particular candidates in office is patently wrong in principle as well as undesirable in practice.

Each citizen in this country has a right that taxes of other citizens should be applied to the cost of running the government of the country. He has a right to object if another citizen seeks to divert any portion of his taxes to designated political campaigns or politicians.

Even in the most remote and nebulous sense, it cannot be validly contended that campaign spending is a cost of government.

And it does not make any difference to which party's advantage such a proposal would inure, whether in the long or short run. The concept is wrong in principle. It is quite probably unconstitutional. It is wholly inimical to the right way of financing political campaigns which should remain in the private sector with the appropriate limitations and publication requirements before election.

I have said before and I repeat again that any elected official voting to divert the public funds to the expenses of a political campaign to reelect himself or his political party ought to be defeated for reelection on this issue alone.

The Times editorial follows:

Partisan Principles

President Nixon was all set, as a matter of principle, to veto a major revenue bill because it contained a tax checkoff plan for financing Presidential campaigns. Although that plan has been all but gutted by a conference committee, the same basic principle to which Mr. Nixon objected—letting taxpayers earmark $1 of their income tax for such campaigns—still remains in the bill. Yet the President's press secretary now clearly indicates that Mr. Nixon will sign it.

What, then, is the difference between the two versions? The first would be effective for the 1972 contest, in which the Republicans are otherwise assured of adequate private funds to finance Mr. Nixon's campaign for reelection against the nominee of the near-bankrupt Democrats. It would rescue the Democrats. The revised version would not come into effect until the election of 1976—when the situation could be very different. Yet conferees who supported the change piously argue that it removes the "partisan" nature of the provision.

The truth is that both the checkoff and the opposition to it have overwhelmingly partisan aspects. But the plan is much more than partisan. It would correct a dangerous imbalance between the two parties now. And it is surely better for millions of people to spend a dollar each to elect a President than for a handful of sponsors to have him forever in their debt. The case against the proposition boils down to a simple and natural desire of the G.O.P. to hold on to an undeserved advantage as long as possible. The Democrats would doubtless try to do the same if the situation were reversed.

Other compromises agreed to by the conferees gravely weaken the proposal, even apart from the question of timing. Congress would have to vote the appropriation every four years, and the President could always veto it, rendering the whole plan continually unpredictable and sporadic. The hope now is that it will be scrapped altogether and reintroduced in effective form in the next Congress. Sooner or later, the principle will finally be accepted that the election of a President is the business of all the people, not the private prerogative of special-interest groups.

SICKLE CELL ANEMIA: "A DISEASE DRAWS THE COLOR LINE"

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ROSENTHAL. Mr. Speaker, each year some 45,000 Americans are afflicted with sickle cell anemia; 99 percent of them are black. This hereditary blood disorder strikes down half of its victims by the age of 5. Almost all of its sufferers never reach their 40th birthday.

Sickle cell anemia is caused by a genetic deformation of the hemoglobin molecule. While normal red blood cells remain disc-shaped, diseased cells take on a crescent or sickle shape when their hemoglobin is deprived of oxygen. These deformed cells are unable to pass through the body's capillaries. Deprived of necessary oxygen, body tissues begin to die. The result is both traumatic and painful, a "crisis."

While little else is known about the disease, medical researchers have proven its hereditary nature. A person inherits one set of genes from each of his parents. When each parent contributes a sickle-cell gene, the offspring will have the disease. An individual receiving the deformed gene from only one parent is called a "trait." Producing a child with the disease requires that both parents be "traits." In this situation there is a 1 out of 4 chance that the child will have the disease.

Recently I introduced H.R. 11872, the National Sickle Cell Anemia Prevention Act. My bill calls for a comprehensive attack on this dread killer. In general, it provides for:

First. $75 million over 3 years to the Department of Health, Education, and Welfare for a program of identification, counseling, and education on the disease.

Second. $15 million over 3 years for demonstration grants to institutions to encourage research into the disease.

Third. A program of screening, counseling, and treatment of the disease in the armed services.

Fourth. A program of screening, counseling, and treatment of the disease by the Veterans' Administration.

One of the most tragic aspects of the disease is our near total ignorance about it. Surveys indicate that only three out of every 10 blacks have heard of sickle cell anemia. But, through greater publicity, awareness is beginning to increase. Recently, the National Observer published a valuable article on the subject titled "A Disease Draws the Color Line." I am inserting that article in the Record at this point:

A Disease Draws the Color Line—Researchers Arouse Public to Sickle-Cell Threat

(By Patrick Young)

Nellie Kendrick recalls a white friend who recently asked her if it were true that sickle-cell anemia—a painful and usually fatal blood disease—is found almost exclusively among blacks. Mrs. Kendrick, a black volunteer in the Milwaukee Community Sickle Cell Disease Project, assured her it was. "I thought it was just a lie spread to show that blacks were inferior to whites," the friend said.

Misconceptions abound about sickle-cell anemia, among blacks and whites, among physicians and laymen. The disease afflicts perhaps 45,000 black Americans. Nearly half of its victims die before age 5, and about 80 per cent by age 30. It occurs once in every 400 to 500 black births, a frequency 6 times greater than cystic fibrosis, and 20 times higher than phenylketonuria (PKU), both almost exclusively white diseases.

Yet for years medical researchers called sickle-cell anemia "the forgotten disease." One year ago, an editorial in the Journal of the American Medical Association complained that "the level of general ignorance concerning the nature of sickle-cell anemia remains depressingly high."

Now that ignorance is under attack. More money than ever is going into sickle-cell research. New diagnostic and treatment procedures are being developed. Large-scale testings are under way in several cities, including Milwaukee, to find blacks unknowingly suffering from the disease, and to determine who are carriers capable of passing on sickle-cell anemia to their children.

And blacks across the country are working to raise funds and to acquaint all Americans with the disease. As one example, more than 200 professional black athletes—including Willie Stargell and Dock Ellis of the Pittsburgh Pirates and boxer Muhammad Ali—have set up the Black Athletes Foundation for Research in Sickle Cell Disease.

BRINGING BLACKS TOGETHER

"This has brought black people together, from the Black Panthers to the Urban League," says Richard Campbell, director of the Foundation for Research and Education in Sickle Cell Disease in New York City.

Sickle-cell anemia, an inherited disease, is the most common long-term illness among black children (about 1 per cent of its victims in the United States are white). It is incurable, and despite considerable knowledge of the disease's mechanism, treatment methods remain poor.

The disease is caused by a defect in the hemoglobin molecules within red blood cells, which carry oxygen throughout the body. Each hemoglobin molecule contains 574 amino acids. In sickle-cell hemoglobin, two of these amino acids are replaced by two others.

"At the basic level, the change is so minuscule, so tiny," says Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases. "Yet for the individual it is a matter of life and death."

When sickle-cell hemoglobin is deprived of oxygen, the red blood cells lose their round, doughnutlike shape and take on a sickle or quarter-moon appearance.

When this happens, the red blood cells are unable to pass through the body's microscopic capillaries. The cells jam up like driftwood clogging a drainpipe. As a result tissue is deprived of the oxygen it needs, and dies. This painful event is called a "crisis."

In crisis, a person suddenly develops intense pain, usually in the abdomen, back, chest, hips, arms, or legs. The heart may be partly or fatally damaged, or a stroke may result. Sickle-cell sufferers are extremely vulnerable to infection, particularly pneumonia, and many develop skin ulcers at the ankle.

"Sickling can occur in any organ system and so it can mimic any disease state," says Dr. Edwin Bemis, a pathologist working with the newly established Southeastern Wisconsin Sickle Cell Center at Deaconess Hospital here. This causes diagnostic difficulties for doctors unfamiliar with sickle cell, and sometimes results in unnecessary surgery.

The disease results from a gene mutation that occurred centuries ago in Africa, and which became common because it offered a protection against malaria. For some unknown reason malaria parasites cannot survive in sickled red blood cells.

Each person inherits two sets of genes, one from each parent. A person with sickle-cell anemia has inherited a sickle-cell gene from each parent. A person who inherits a sickle-cell gene from only one parent is called a "trait." (Far less common than sickle-cell anemia are "variants," forms of the disease less severe than the anemia, but more troublesome than the trait.) Estimates place the number of blacks carrying the trait at between 8 and 13 per cent.

It requires two traits to produce a child with sickle-cell anemia, and the odds are one in four for such a birth. The chances of producing another trait are one in two. These odds of genetic roulette are for each birth. A Racine, Wis., couple produced three children, all with sickle-cell anemia.

The only guarantee that two traits will avoid a child with sickle-cell anemia is if they have no children. Currently several research teams are trying to develop prenatal tests for the disease. If they succeed, parents will know in advance if their child will be born with sickle-cell anemia, and will have the option for abortion.

"TRAIT IS NOT A "DISEASE"

Most sickle-cell traits live normal lives and never experience a crisis. "Overall, we try to stress that sickle-cell trait is not a disease," says Dr. Robert B. Scott of the Medical College of Virginia in Richmond.

Nevertheless, cautions Dr. Robert M. Nalbandian of Blodgett Memorial Hospital in Grand Rapids, "the trait under certain physiological-stress conditions can be hazardous, and has been."

Traits may crisis while flying, at high altitudes in unpressurized aircraft, under general anesthesia during surgery, or sometimes during great physical exertion.

Last year a team of Army doctors blamed sickle-cell trait for the deaths of four black recruits—over an 11-month period—during basic training at Fort Bliss, Texas. Their conclusion, however, has been challenged by other researchers, who contend the doctors did not rule out sufficienly other possible factors in the deaths.

Women with sickle-cell trait have a higher incidence of urinary infection during pregnancy, and trait sometimes pass blood in their urine. Pittsburgh pitcher Dock Ellis, a trait, says he occasionally passes clots. "I've gone to the team physicians and they say there's nothing they can do about it," he says.

The public awakening to sickle-cell anemia is a recent thing, among blacks and whites. A 1968 survey in Richmond found that only 30 per cent of the blacks questioned had heard of the disease. Today blacks are more willing to accept the disease and no longer regard it as a racial slur.

"Part of the new pride among blacks is enabling us to look at ourselves, and to look with more objectivity," says Hazel Maxwell, chairman of the Milwaukee Community Sickle Cell Disease Project's advisory committee.

Sickle-cell fighters say the message of concern is finally getting across. Congress, at President Nixon's request, increased the National Institutes of Health's sickle-cell research budget from $1,000,000 to $6,000,000 this year. A bill to provide $142,000,000 in sickle-cell funds over three years is pending in the Senate. The National Foundation and its local March of Dimes chapters are providing increasing funds for research.

"I think we're getting over our benign neglect," says Dr. Bemis. "We're waking up to the fact that there is a black portion of our population. Whites, too, are demanding that blacks be treated on an equal medical basis."

The new awareness of sickle-cell anemia has led to greater efforts to identify people with the trait. Here in Milwaukee, Deaconess Hospital's sickle-cell center plans to test 118,000 blacks in seven counties. Three screenings have tested 2,232 blacks since Sept. 18, in addition to over 5,000 patients routinely tested upon admission to the hospital since 1969.

It is a community effort utilizing more than 250 black and white volunteers and Boy Scout Troop 200, a ghetto unit, to spread the testing message. The center will provide genetic counseling and a registry of persons with sickle-cell trait.

AN EFFORT IN PITTSBURGH

The Black Athletes Foundation and six other groups are sponsoring a similar effort in an attempt to test 250,000 blacks in the Pittsburgh area. Smaller screening programs have taken place among school children in Grand Rapids and Hartford.

Testings to date have been voluntary. But New York State recently passed a law providing sickle-cell tests for youngsters entering public schools. And laws requiring testing of school children or marriage-license applicants before marriage are pending in several states, including California and Illinois.

Such law delights some blacks, but not all. "If testing is compulsory, children identified as carriers could be stigmatized as less desirable parents or as weak individuals," says Dr. Robert Murray of Howard University in Washington, D.C.

The Milwaukee program and several others use a test developed by Dr. Nalbandian and Dr. Paul Wolf of Stanford University. Its advantage over previous tests lies in cost. The chemicals needed for the test, which can be run automatically at the rate of 120 an hour, cost only pennies a sample.

The test is a preliminary screening. A positive indicates sickling, but not necessarily sickle-cell disease. A second test—electrophoresis, which measures the distinctive electrical charges of various types of hemoglobin—can determine if the patient has sickle-cell anemia or the trait.

Treating sickle-anemia is more complex. Efforts to reverse sickling crises in patients, says Dr. Scott, "have not been terribly effective."

Dr. Nalbandian and his research colleagues are experimenting with urea, a natural chemical waste occurring in the body, in a sugar solution to treat patients in crisis. This "molecular surgery" says Dr. Nalbandian, breaks apart sickle-cell hemoglobin molecules that have locked together and reverses the crisis.

"We have been able to abort sickle-cell crises in over 20 patients, without using narcotics, and without medical misadventure, therapeutic failure, or death," he says.

The technique is extremely complicated. Unless extreme care is taken, the urea can cause dehydration, which itself can bring on a crisis by reducing oxygen.

Last month Dr. Paul McCurdy and Dr. Laviza Mahmood of Georegtown University medical school in Washington, D.C., reported treating 24 crises in 14 patients with urea. Seventeen crises were successfully treated, through the researchers noted dehydration as a major side effect.

"These results suggest that urea therapy has a beneficial effect on the painful crises of sickle-cell disease, but the method is still experimental," they wrote in the New England Journal of Medicine.

Currently the National Heart and Lung Institute is supporting six studies comparing three sickle-cell therapies, including urea. A second corrects dehydration, and the third reduces blood acidity, another cause of sickling, by lowering body oxygen.

A PROMISING TREATMENT

Other researchers are trying to find other chemicals that will reverse sickling without urea's handicaps. Dr. Anthony Cerami and Dr. James Manning of Rockefeller University in New York City recently reported excellent test-tube results in preventing sickling in human blood with potassium cyanate. They expect to begin human tests within a year.

Dr. Nalbandian says urea, taken four times daily mixed in soda pop to hide its bitter taste, can safely and effectively prevent sickle-cell crises. But he acknowledges difficulties in getting patients to down their preventive doses regularly.

"Frequently they take it when they feel pain," he says. "They head off a crisis and they ignore their urea. There has to be a better way of delivering it."

Secret Lay in the Structure

Although there is no cure for sickle-cell anemia, and as yet no generally accepted treatment, the basic mechanism of "sickling" is no mystery.

Sickle-cell anemia was first described in 1910 by Dr. James Herrick of Chicago. In 1949, Nobel laureate Linus Pauling and Dr. Harvey Itano showed that the disease resulted from an inherited defect in the hemoglobin molecules within red blood cells. Nine years later, Dr. Vernon Ingram and John Hunt, working at England's Cambridge University, identified that defect.

Hemoglobin molecules, which transport oxygen throughout the body, contain a total of 574 amino acids, arranged in four chains. The four chains are actually two pairs of identical chains, called alpha and beta.

The English researchers found that at two points in the beta chain of sickle-cell hemoglobin an amino acid called valine exists where glutamic acid, another amino acid, exists in normal hemoglobin.

It remained for Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases, to explain in 1966 how this minute difference in amino acids causes sickling. Considering the Cambridge research, he says, "it occurred to me that maybe the secret lay in the structure."

Normal hemoglobin molecules, about 300,000,000 per red blood cell, move at random within their cells. But Dr. Murayama found that substituting valine for glutamic acid allows sickle-cell hemoglobins to lock together when oxygen is reduced. They form chains up to 6,000,000 molecules long. These chains twist into six-strand cables, and these cables, in turn, bunch together to form rigid lines.

"The end effect is that the cell wall, which is like a balloon, complies with the shape of these long fibers within," Dr. Murayama says.

Last year Dr. Murayama photographed these microcables for the first time. Using a stream of argon ions—a technique he learned about from scientists shaving microscopic layers from moon rocks—he stripped away part of the wall from a sickled cell. With a scanning electron microscope, he photographed clumps of sickled hemoglobin.

This year Dr. Murayama proposed a theory to explain why sickle-cell anemia is more severe in some patients than in others. He suggests that an organic molecule, which he calls the "hemoglobin S cofactor," plays a role in sickling. Its severity depends on the amount of this molecule present.

Dr. Murayama has yet to identify the molecule. "When and if it is identified," he says, "I think we will be able to revolutionize the mode of control and treatment of the disease."

INDIAN CLAIMS BILLS

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McKAY. Mr. Speaker, on October 16, 1962, the Indian Claims Commission filed an interlocutory order, made findings of fact, and delivered its opinion wherein the Commission found and concluded as a matter of law and fact that the Shoshone Tribe was a land-using entity composed of those Shoshone Indians who came under the leadership and influence of the famed Chief Washakie. The Shoshone Tribe consisted of the eastern bands, parties to the treaty of July 2, 1863; the northwestern bands, parties to the treaty of July 30, 1863; and the so-called "mixed bands of Bannocks and Shoshones," parties to the treaty of October 14, 1863. The foregoing decision of the Indian Claims Commission resulted in a gross judgment of $19,038,706 for the Shoshone Tribe for lands they had aboriginally occupied and which were taken by the United States.

This gross judgment was based upon a negotiated settlement using a valuation of $0.4968 per acre for 38,319,000 acres. The gross judgment was reduced by certain offsets previously paid to the groups either in cash or land, and out of this came costs and attorney fees. The sum was further augmented by an amount due specifically to the Shoshone-Bannock group at Fort Hall. A balance of approximately $13,678,500 is now left for distribution to the Indians themselves. The net judgment is now deposited in the U.S. Treasury and in certificates of deposit at the National Bank of Spokane, Wash., and the Bank of Boise, Idaho.

The disbursement of these funds fomented considerable controversy. Notwithstanding the fact that the Commission found that "there never existed a politically organized tribe embracing all Shoshone Indians which was a landholding entity," the judgment was awarded to the entire Shoshone Tribe. The identifiable group designated by the Indian Claims Commission as the Shoshone Tribe has no present-day organization. The Shoshone Tribe presently is divided into three groups: the Northwestern Bands, Washakie, Utah; the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho; and the Shoshone Tribe of the Wind River Reservation, Wyoming. The dispute arose over whether the proceeds should be divided on a per capita basis or on the basis of the amount of land aboriginally occupied by the group involved. Further, if a per capita basis for distribution were used the question arose as to whether the share should be based on the number in each group now or at the time of the taking. Finally, the dispute was complicated by the fact that the Wind River and Fort Hall groups had received reservation lands and the Northwest Bands had not.

The attorneys for the three groups met on several occasions in an effort to reach an agreement as to an equitable distribution of judgment funds, which agreement they, in turn, could recommend to their respective groups. These negotiations have taken over 2 years. It would serve no useful purpose to detail the history of those negotiations. It is enough to state that the three groups finally agreed upon a division and that this agreement is embodied in H.R. 10846, the bill before you today.

Mr. Speaker, I have reviewed that legislation and believe it to be a fair compromise. I urge its passage by the House.

CHARLES F. KENNEDY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to pause for a moment to remember, fondly and with appreciation, Mr. Charles F. Kennedy of Union City who died suddenly in an automobile accident last month. He left his wife, Rose, and three children, Helen, Patricia, and Charles.

Chuck became Union City's director of parks and recreation in 1964. Since that time, Union City has seen a tremendous growth in populations. Chuck was there to see that parks and open spaces were preserved and established to meet the needs of the growing city.

Not only was he a dedicated and civic-spirited man, but Chuck was the kind of warm and easygoing gentleman that one hopes for in good neighbors and friends. He will be remembered by all of Union City who will enjoy the fruits of his labor for many years and by all those who knew him, and knew him to be a fine and wonderful man.

ABOUT THOSE EXILES

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HARRINGTON. Mr. Speaker, the creative and innovative Congressman from New York (Mr. KOCH) has written a very balanced, intelligent, and calm analysis of the problem of the repatriation of those who have left this country to avoid military service in the Vietnam war. His article entitled "About Those Exiles" appeared in the New York Times of Saturday, November 27, 1971.

Between 20,000 and 60,000 young Americans have emigrated to other countries in order to avoid fighting in a war in which they do not believe. What will happen when the war ends and these men want to return home? As Congressman KOCH says:

> We should face up to the problem, controversial and painful as it may be. With the war dragging on, but hopefully closer to an end, I think it even more important to encourage discussion of this tender subject by reasonable men and women.

Mr. KOCH calls on all Americans to handle the situation with reason and understanding. He acknowledges that these young people, having broken the law "must face some penalty." But he calls for rationality in the determination of that penalty.

Whatever the solution, Mr. KOCH has defined the problem and brought to light a situation which we cannot and should not ignore any longer. We have thousands of young Americans who will want to come home. Let us show them justice.

The article follows:

ABOUT THOSE EXILES

(By Edward I. Koch)

WASHINGTON.—In a recent column on this page, Roger Williams, currently "in exile," stridently demanded as conditions of returning home, first, punishment of American political leaders and then an official apology to those, like himself, who left this country to avoid military service. Mr. Williams was among some forty exiles I met in Canada in December 1969. I thought and said then that we should face up to the problem, controversial and painful as it may be. With the war dragging on, but hopefully closer to an end, I think it even more important to encourage discussion of this tender subject by reasonable men and women.

Mr. Williams is not, however, a reasonable man. It seems quite clear that Mr. Williams speaks for only a tiny minority of those who resisted personal involvement in an immoral war by choosing to flee from their country and violate its laws. The great majority of these men—now numbering between 20,000 to 60,000, the estimates vary considerably—truly love the United States. They want to come home and take their places among their families and countrymen.

This problem should be resolved as soon as American troops are no longer fighting in Vietnam. Otherwise for more than a generation to come there will be bitterness, unhappiness and family tragedy. There are difficult issues of public policy, philosophy and fairness involved. The legitimate feelings of those who served in Vietnam, many of whom opposed the war, and the families of those who lost their lives there and in other wars cannot be ignored. Nevertheless, the problem can be approached constructively if the following premises are accepted.

First, we should eschew the juvenile shibboleths and rhetoric of the extremists on both left and right—those that espouse Williams' views that America should apologize to the exiles and invite them back as liberators and also those who consider all these men indiscriminately as despicable traitors.

Second, we should accept as an ultimate goal the return of the great majority of these young people and their speedy reintegration into American life.

Third, we should recognize that they are neither heroes nor traitors. They are simply young people who broke the law for a variety of motives—some selfish, most idealistic. Although many Americans may not find their conduct justifiable, it is at least to some degree explainable by the great moral, social and political transformations we have all witnessed these last few years.

Fourth, these young people, having broken the law, must face some penalty. But what penalty? We know enough about our system of criminal justice to recognize how counterproductive and how irrational it would be to impose jail terms on them. Jail would only brutalize or break them. Besides, it is not really a solution since it is an option presently available to them and obviously not one that will bring them back.

We can make progress on this subject by concentrating on the question of what new options should be made available in order to bring these men home. Prison is not a realistic option but some lesser penalty might be acceptable to them and to most Americans in a post-Vietnam era. For example, they might be given the option of working for a year or two in VISTA or at some other public service job. Such an obligation, together with the discomfort of years in exile, would in my view be more than an adequate penalty. But, it would be a penalty with a purpose. And it would be consistent with America's tradition of magnanimity at the end of hostilities. Indeed, after the Civil War we granted an immediate amnesty to all who fought against their own countrymen.

Let us reach out to all the victims of this monstrous war—the imprisoned, the bereaved, the wounded, the jobless, and those young men in self-imposed exile.

ABATING THE BACKLASH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. DINGELL. Mr. Speaker, the Christian Science Monitor of November 23, 1971, carried a most perceptive editorial under the heading "Abating the Backlash" concerning the desire of certain economic groupings to go slow on the drive to clean up our environment. So that my colleagues may have an opportunity to be aware of this editorial, I insert text at this point in the Record:

ABATING THE BACKLASH

Last week's weather conditions left a sack of seriously polluted air slung along the Appalachian backbone of the Eastern United States.

Birmingham, Alabama, had about the worst situation caused by the air movement lull—although atmospheric pollution neared the critical level in a number of other cities. When Birmingham's key polluting industries failed to comply willingly with air pollution alert warnings, the Environmental Protection Agency got a court order to make them do so.

Now what is significant in the Birmingham episode is not simply that it marked the first time the emergency provisions of the Clean Air Act of 1970 have been called into effect. This is an historic first, to be sure. One can marvel that such emergency measures, reminiscent in spirit of civil defense precautions in cold-war America, can be put into effect.

However, what most interests us is the increasingly apparent tension between the forces to control pollution and those who want to preserve the status quo. In the Birmingham instance, the polluters had to give ground. But the shutoff was only for a short period. And the fact that the air contamination was twice the safe level left officials no choice but to act.

Environmental experts in Washington in the past have boasted that air pollution stands a good chance of being beaten in the next few years. And yet EPA chief William Ruckelshaus said last Thursday that the 1975 clean-air deadlines can't be met if the full burden is put on smokestack cleanup or auto exhaust controls. He said auto bans, greater use of mass transit—even walking and bicycling— and staggered workshifts and work weeks might have to be used.

Was he preparing the nation for a shift of the pollution control burden from industry to the general public? Or was he really trying to detour an alleged White House campaign to do just this—was he suggesting to the public that they would have to pay in inconvenience for any letup in federal action?

In any event, it is clear that counterforces to pollution control are emerging. Mr. Ruckelshaus is perhaps quite right that a main drag on ending pollution is the limited state of American antipollution technology. Where this is true, as debatably in the case of the auto and the 1975 emissions deadline, no amount of wishing and willing may be able to do the job without invoking transit and work pattern inconveniences. But more than the state of technology and government intent is involved. As the Wall Street Journal reported Friday, labor is beginning to side with management to put off pollution controls. Job loss, of course, is the bogey.

From Florida where construction companies and workers want to revive the cross-Florida canal, up to the Maine coast where unionists want a new and environmentally hazardous oil refinery, evidence of pollution control backlash is appearing.

There can't really be a halt to the pollution control movement, even if labor joins management to fight it, most experts agree. But they add that the cleanup campaign could be slowed considerably.

There may be alternatives to unloading the onus of pollution abatement on the general public. No doubt many businessmen realize that an extensive overhaul of American industrial processes to end air and water pollution could also accomplish the discarding of a lot of outdated plant and equipment. In much this same way, Europe turned the catastrophe of World War II into an industrial-economic rebirth. If the pollution phaseout were imaginatively and positively handled, American technology could steal a step on the rest of the industrialized world in the creation of updated facilities. The point could be made that industry should perhaps be not made to bear the full brunt of the cost through punitive pollution enforcement laws, and that the government should absorb some of the cost as an investment in its technology as well as in its environment.

Similarly, though government will hardly pay full indemnities to workers displaced by pollution code enforcement, perhaps the generation of jobs through programs to upgrade the environment would yield a constructive alternative to the bushwacking of antipollution actions in which labor is increasingly engaging.

Russell E. Train, chairman of the President's Council on Environmental Quality, put the right perspective on the economic argument Friday. In a speech to New York State environmentalists he stressed the basic fact that cleanup is less costly than enduring pollution. The council has put the annual cost of air pollution alone—in its toll on health, vegetation, materials, and property values—at more than $16 billion a year. When the costs of water pollution and other forms of blight are added, the average U.S. investment in reclaiming the environment—put at some $20 billion a year through 1975—will prove a bargain. And as the council points out, environmental programs will not mean a lessening of jobs-creating economic activity, but a shift of it away from products and services that degrade the environment to those that enhance it.

SENATOR CLAIBORNE PELL PUTS STUDENT FIRST

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BRADEMAS. Mr. Speaker, the cover story of the current issue of Junior College Journal pays a well-deserved tribute to one of the most distinguished Members of the other body, Senator Claiborne Pell of Rhode Island.

As chairman of the Senate Subcommittee on Education, Senator Pell has labored long and hard to develop legislation appropriate to the needs of American education in the 1970's. During this session of Congress, Senator Pell's subcommittee has produced an omnibus higher education bill monumental for its comprehensiveness, and while the companion measure passed by the House differs substantially in many of its provisions, Senator Pell deserves to be congratulated for his efforts on behalf of higher education. I am confident that when the House and Senate go to conference on this legislation we will be able to agree on a measure that will inject new life into American education during the coming decade.

Mr. Speaker, it is my pleasure to insert in the Record at this point a copy of the article by R. Frank Mensel, "Pell: The Chairman Puts Students First":

PELL: THE CHAIRMAN PUTS STUDENTS FIRST

(By R. Frank Mensel)

In the same way that 1965 has been talked about as "education's year" in Congress—having produced so many landmark programs for education—1971 seems bound to go down as "higher education's year." For the colleges and their Washington representatives, it has been a year of landmark developments—the ultimate shape and force of which hinges not only on a House and Senate compromise, but also on the next round of the struggle to fund education programs. Like a chain-reaction collision, the year has piled surprise on surprise—leaving the higher education lobby reeling in despair one moment, soaring with optimism the next.

Example: Tiring of long discourses and platitudes from college administrators, Chairman Claiborne Pell called a panel of legislative officers from major associations before the Senate Education Subcommittee to probe them on priorities to help colleges.

Example: The priority with the widest college support, the long-dreamed-of general grants to institutions (also referred to as capitation grants and operating grants), tumbled in defeat in the House subcommittee, only to win decisively in full committee a week later.

Example: When the Special Education Subcommittee in the House stalled out the summer without mark-up of the Green bill, lobby veterans gloomily guessed the mark-up would be put off until January—or later. As quickly as Congress returned from vacation, Chairman Carl Perkins invoked the rarely used power of the Democratic caucus to force an instant mark-up.

Example: Early in the year, Administration spokesman voiced strong alarm over costs of the Pell bill's provision of automatic $1,400 grants to neediest students; late in the year, the Admiinstration plunged into the House action with an amendment to add the $1,400 standard to the House bill.

Example: Committees of the Senate and House both folded sweeping *vocational* education provisions into their higher education bills.

If history should eventually point to one figure who triggered all of this, its choice is likely to be the soft-spoken, methodical author of the Senate omnibus higher education bill—Chairman Pell, Democrat of Rhode Island. It could be said he pulled the trigger June 24.

On a day when most higher education eyes were fixed on Rep. Edith Green's continuing attempts to rally her Special Education Subcommittee for the mark-up of her omnibus bill, Senator Pell summoned his subcommittee into mark-up of S. 659.

The ranks of higher education rippled with surprise. They shouldn't have. They had been amply warned. On the day he offered S. 659, Senator Pell made it plain that he felt completely earnest about the central features of it. This was more than a vehicle for hearing and discussion. He told the Senate:

"The bill I now submit is landmark in nature . . . the first attempt to treat the subject of Federal support to higher education as a unified whole. . . . Student assistance is coupled with institutional aid; specialized study areas are treated as one. Unity has been achieved so that the total commitment of the Federal Government to higher education can be fully realized and understood—understood as to the philosophy motivating the Congress. . . .

"At the outset, let me say that it is my philosophical belief that the Federal Government must play a major and ever-expanding role in support of higher education. This role must not only be financial in nature, but must also indicate to students and institutions a commitment ot fostering excellence. . . . We are at a point in time when fundamental decisions regarding the future of higher education must be made. . . ."

To drive his point home, he listed every majority member of the Committee on Labor and Public Welfare as a co-sponsor of the bill.

In short, he wanted a bill that would put the focus of higher education primarily on the student—not the institution. And with student, he meant *every* student. As he had said often in his Senate career. "Not every boy or girl has to go to college, but no student should lose that chance for financial reasons."

His bill has fostered the concept of the automatic grant for the low-income student—$1,400 per year, less the parental contribution. Senator Pell wants these grants backed by cost-of-instruction grants to the institutions to ensure that disadvantaged students will have the best development courses and supporting services.

In the course of hearings, he hammered again and again on the priorities of this bill, and prodded witnesses to hammer back. Meanwhile, through May and early June, subcommittee staff labored feverishly at a complete rewrite of the bill. Folded into it in rewrite were, among other major changes, the key concepts and vision of Sen. Harrison A. Williams' original comprehensive community college bill, thus forming Title X of S. 659, and a broad reconstruction of the program for strengthening developing institutions. A stickler for systematizing bills before moving them into executive committee action, Senator Pell also ordered staff to both codify the bill's functions against existing law and streamline various existing titles which had as yet never gained funding by Congress (e.g., Education for the Public Service).

Thus armed, the chairman was ready to move. The subcommittee proved equally ready. It gave three days to intensive mark-up, then June 30 reported S. 659 to full committee.

The Committee on Labor and Public Welfare went into mark-up on July 14, and one day later reported out the bill.

Senator Pell now took aim at the prime target—Senate passage of the bill before the August recess. When a snag struck, he refused to break stride. Interior committee leadership spotted with alarm a technicality in the bill that could affect impact aid to Indian school children and wanted the bill held till after the Labor Day vacation. Senator Pell could see another course. He persuaded the leadership that the technicality in question could be excluded from the bill and reconsidered at another time. He made his point, and debate rolled toward a vote.

When the vote came, moments before recess, the Pell triumph was total. S. 659 carried 51–0. Momentum in the three-day debate, as well as the vote itself, reinforced what the author long wanted as basic intent—to alter the focus, as well as the scope, of the federal commitment in higher education. The Senate's leading minority voice on education, Senator Jacob Javits of New York, spearheading minority support for the bill, underscored that intent, when he said, "The key aspect of this bill is the emphasis on 'postsecondary.'"

The Pell priority is clearly the student, not the institution; the consumer, not the educator. He has always widely proclaimed his ultimate objective to be "universal opportunity."

People close to Senator Pell long ago ceased to ponder the contrast between his own Ivy League upbringing and his passion to help low-income students. In the tradition of the Kennedy brothers, the quest to expand opportunity for less advantaged Americans has been constant in his public life.

"Something like the GI bill, to help all high school graduates, was always my target," he recalls. "I think I was perhaps the first to push this approach to universalizing postsecondary opportunity.

"Take a hard look at history. At our cultural and economic strides. Who's to put another priority first? Better education, better health services, these come first with the Americans I know," he said.

He could always see the sweeping impact of education on his own generation. When the great depression struck, college loomed large for many as a road to recovery. Vast numbers of young adults scraped their way through college for two reasons: they had nowhere else to turn, and they hoped more education would equip them to change the nation's plight.

"We went a lot farther along the same road with the GI bill. College was the door we all looked to, from war back to normality," recalled the Senator.

"Let me say again every girl and boy does not need college. Education up and down the line has been too heavily and too long geared to the liberal arts tradition.

"I see so many young people in my own state giving up, and dropping out of high school. They need more options. Incentives and status are too much stacked on one choice, college. I want the encouragement and support spread widely—proprietary schools, community colleges, technical colleges, or the liberal arts—the student ought to feel he's going first-class, taking the best route for him, whatever choice he makes.

"Let's talk about education that equips Americans to lead full lives—to be useful to ourselves and to our neighbors day by day—as well as to think," said Senator Pell.

He believes both the greater college community and the U.S. Office of Education are not looking hard enough at changing public views, changing demands. Colleges have done their part to spread educational opportunity as an ageless "right." To talk "right" over "privilege" is to address the total public. And the greater public looks now for more from post secondary services than a traditional degree.

His cause picked up added steam in the House when, shortly before the House omnibus higher education bill went to the floor, the Administration threw its weight behind his basic student aid standard, the automatic $1,400 grant for low-income students.

He sees the automatic feature as especially benefitting community colleges since they have often fared poorly in competing with senior institutions in dollar distributions under the existing economic opportunity grants program. He further recognizes that any cost-of-instruction funds that might be allotted as a percentage of current E.O.G. and work-study distributions would only compound this injustice to the community college students.

To help the bureaucracy get into step with changing realities on the postsecondary scene, the bill has specifically mandated three new units in the U.S. Office of Education. One is the proposed unit to spearhead community college participation in the various existing higher education and occupational programs. The second is an office to direct a new $80 million program on consumer education. The third is a bureau of occupational and adult education.

When some higher education leaders called his bill "misleading" on the grounds that the automatic student grants and supporting cost-of-education allowances would never be fundable under present budget conditions, the Senator repudiated their view.

"They have lost sight of the true significance of this bill. If the American people want universal opportunity, and the Senate obviously thinks they do, then this bill is going to be funded. Here's an opportunity to do more than just talk about reordering national priorities.

"I am afraid the lobbies speak for institutions. They are blinded by their own short-term interests," said Senator Pell.

He was keenly conscious that only scattered pockets of higher education's total lobby helped him push the bill. Galleries of the Senate chamber showed only a few college faces during the historic debate.

"Those who say I was personally offended by this miss the whole issue. It has nothing to do with personalities.

"Most of the higher education forces were sitting on their hands while the biggest package that greatly magnifies the federal commitment, was rolling toward passage. And when that happens, I think college constituencies ought to know—students, taxpayers, everyone. That's why I raised the issue. On a 51–0 vote I felt a duty to speak out. Let the public judge."

The Senator talks like a man who knows that history will judge, too. And he's quite willing to stand with that.

ARE POLITICIANS SO REMOVED?

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mrs. GRASSO. Mr. Speaker, it is with pleasure that I present to my colleagues in the Congress the observations of young students on the Capitol scene. Their views of Capitol Hill, with special focus on the operations of the office of Congressman JAMES V. STANTON of Ohio, is tribute not only to his dedication, integrity, and service, but reflects as well the continuing effort of Members of Congress in the fulfillment of the duties and responsibilities of this office.

The article by Fairfield University students Joe Hasten and Joe Kern, which appeared in the December 1 issue of the Fairfield Free Press and Review, follows:

FROM THE RIGHT

(By Joe Hasten and Joe Kern)

ARE POLITICIANS SO REMOVED?

For too long, I have heard the conventional diatribe that all politicians are corrupt-infested hacks guided and manipulated by special interests. Indeed, this generalization has never sat well with me—for obvious reasons. One cannot deny that politics is a lucrative field, where wealth comes easily, if acquired dishonestly. I suspect, however, that the same opportunities exist in other fields of profession, and offer, at least as much, if not more, potential for unethical behavior. Naturally, trust is the operative factor in all positions of responsibility.

Personal integrity in public office has long been a virtue so over-applied that it has lost its essence. Strange, so it seems, that the actions of a few politicians, who have abused the trust placed in them, end up being the rule, rather than the exception to the rule. This, no doubt, is extremely frustrating to the honest and responsible politicians who are, thereby, statesmen, in the truest sense of the word.

Again, I have heard the inflated charge that a government such as ours, operating under the type of legislature that it does, cannot possibly perform and meet the needs of a nation of 200 million people. It seems as though a Congress of 535 members would have a difficult time attending to the needs of a nation so large; but, in reality, it does just that.

I was down in Washington not too long ago and after some observation, I came back instilled with renewed confidence in the responsiveness and integrity of legislators serving in the U.S. Congress.

I had the distinct advantage of touring the Offices of the House of Representatives (the Rayburn, Cannon, and Longworth Buildings) and the Old and New Senate Office Buildings. When I would, at random, step into one of their offices, I received the hospitality that would rival the number one man on any proctocol list. It was the same all over Capitol Hill.

In particular, I had the privilege of observing the Office of Congressman James V. Stanton (D-Ohio, 20th District). Calls came in, as did constituents, not to mention the bundles of letters, each with an individual, and personal response. As the quorum bells rang, the Congressman's staff toiled on with the work of the day, as "different from any other day. . ." The Congressman's Administrative Aide had worked with the Cleveland Plain-Dealer as Washington correspondent for twenty-two years. He left that job to work with Mr. Stanton. Stanton's Office manager is a remarkable lady, whose productivity level rivals that of a computer. It has to. Aside from answering all responses, and handling the communications of constituents, she has to manage the Congressman's schedule—a major feat. Mr. Stanton has both a legislative aide, who assists him in writing and researching legislation, and a receptionist, who has to be nothing short of a public relations expert. In addition, there is a case-worker, who handles the requests of all constituents.

Mr. Stanton, himself, besides overseeing this operation, must respond to a regular schedule of chamber sessions and Committee Meetings. (The Congressman is on both the Public Works and the Merchant Marine Committees). These tasks, needless to say, are quite time consuming.

One issue, in particular, which is typical of the Congressman and his staff's dedication, revolved around what Mr. Stanton related as "a violation of civil rights . . ." in regards to an incident concerning a constituent of his, Borojove M. Karapandzich. You remember Mr. Tito of Yugoslavia visiting this country. In relation to that, the Secret Service went to the home of Mr. Karapandzich and questioned him regarding a book he had written that was decidedly anti-Tito. Mr. Karapandzich, apparently taken aback, wrote to Mr. Stanton asking for his help. The Congressman flew back to Cleveland and paid a visit to Mr. Karapandzich. Consequently, after familiarizing himself of the facts, Mr. Stanton informed the Secret Service and the President that he wished an apology for his constituent. On Monday, November 1st, the Congressman stayed in Cleveland and announced, in a press conference with Mr. Karapandzich, that he intended to file suit in the U.S. District Court, unless this apology was not soon in coming. The Congressman felt very strongly about the issue and afforded his constituent some badly needed aid. This matter is elaborated in the November 3rd issue of the Congressional Record (Extensions of Remarks). I watched all this develop as I had the time, and I was most impressed with the technique in which the Congressman and his office went about aiding Mr. Karapandzich.

James V. Stanton is a freshman legislator. He is receptive, reserved, extremely impressive in stature, and hardworking (as you well may have noticed). I might say that if Mr. Stanton is typical of the type of politican that the people are electing, then the Congress has only to gain its duties to responsibly govern and serve the United States. This development is most beneficial to the nation as a whole and to the image of politicians, as a profession of public servants.

I command Mr. Stanton, and greatly admire him for his diligent attitude and his dedicated staff.

LATEST SUPREME COURT NOMINATIONS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to comment on the nominations of Mr. William Rehnquist and Mr. Lewis Powell to the U.S. Supreme Court. I commend the gentleman from Michigan (Mr. CONYERS) for having obtained a special order to give us an opportunity to express our opinions on the effect that these nominations will have on the continuing struggle for the attainment of full civil rights and civil liberties for all citizens under the Constitution of the United States. Once again Mr. CONYERS has shown himself to be a courageous and perceptive advocate of those disadvantaged people who cannot speak here today for themselves, but whose lives will be affected if these nominations are confirmed by the Senate.

The nominations of Mr. William Rehnquist and Mr. Lewis Powell to the Supreme Court are another indication of the insensitivity to the Nation's minorities which has been consistently evidenced by the Nixon administration. As chairman of the Civil Rights Oversight Subcommittee of the House Judiciary Committee, I have had the opportunity in recent months to observe the effects of this insensitivity in three of the areas in which our committee has held hearings. In the area of enforcement of the Voting Rights Act, the administration has sat by while the State of Mississippi has disenfranchised black voters in violation of the Voting Rights Acts of 1965 and 1970. In the community relations area the actions of the administration have served to heighten community tensions in several areas of the country through cutbacks in funding for poverty and other programs designed to alleviate the negative aspects of life for poor and minority people. In housing continued statements against "forced integration of the suburbs" threaten the minority poor with continued ghettoization and lack of access to jobs, education, and decent housing.

It has been apparent to us, however, that not only this administration has shown insensitivity to the needs of oppressed minorities. The records of past administrations are equally abysmal and have led directly to the mistrust and suspicion of government held by so many minority citizens. Contrary to the failure of the executive branch to exercise the kind of leadership which would make the promise of the civil rights laws enacted during the past decade a reality, the judiciary has steadfastly interpreted these laws as mechanisms for the achievement of the rights guaranteed to all Americans in the Constitution. If it were not for the strong, reinforcing interpretation of the civil rights laws by the judicial branch, it is apparent that the civil rights laws would have been long ago undermined.

The poor, the underprivileged, the disenfranchised, the hungry, and all those who are denied the benefits of the system, look toward the judiciary, and particularly the Supreme Court, as that branch of Government which is most likely to be responsive to their needs. It is before the bar of justice that there has been the greatest likelihood that the pure, bright light of the Constitution will be focused on the inequalities, discrimination, and deprivation of which too many of our citizens are a victim. In the courts, more than in the legislature and executive branch, are minority and other deprived citizens able to stand on equal footing with the privileged. Our judicial system filters out much of the influence for the maintenance of the status quo to which the other branches of Government are subject and allows those who are the victims of the system to plead their case for the America of equal opportunity for all citizens which is guaranteed by the Constitution.

Thus, the nominations of Mr. William Rehnquist and Mr. Lewis Powell to the Supreme Court are a cause for consternation, if not despair, by those of us who see the Supreme Court as the greatest hope for the enforcement of civil rights and civil liberties.

Mr. Rehnquist's record as a lawyer in Arizona and as Assistant Attorney General in the Department of Justice has been well documented. In Arizona, he actively opposed a State public accommodation law. Those who argue that this was fundamentally a conservative rather than a racist position have a more difficult time explaining away Mr. Rehnquist's efforts to deny the vote to blacks, Indians, and Mexican Americans in Arizona. Those who have opposed civil rights laws, because of conservative ideology have generally found common ground with supporters of these laws in the area of voting rights. The right to vote is so fundamental that few have questioned the need for governmental action to prevent a denial of that right. Yet, Mr. Rehnquist actively participated in attempts to bar minority voters from casting ballots in Arizona elections. He was personally present in precincts where attempts were made to prevent minority citizens from voting, and the Leadership Conference on Civil Rights has presented sworn affidavits from witnesses alleging Mr. Rehnquist's active involvement in these efforts. Mr. Rehnquist was also involved in the administration of literacy tests to black and Mexican-American voters in Arizona. Tests requiring black voters to read or recite parts of the U.S. Constitution were given in Arizona after the passage by Congress of the 1964 Civil Rights Act prohibiting the giving of oral literacy tests unless such tests are allowed by special exemption given by the Attorney General of the United States. Although Mr. Rehnquist's role in the administration of these tests is not clear, any degree of involvement in violation of Fedral law should serve as a disqualification of a nominee for the Supreme Court.

We are all familiar with Mr. Rehnquist's role as Assistant Attorney General in the illegal governmental repression of the May Day demonstrators. Under his direction the police conducted sweeps which resulted in thousands of arrests. The courts have almost uniformly held that these arrests were illegal and have invalidated them. This record alone should disqualify Mr. Rehnquist as an appointee to a court where he will have the responsibility for judgment on civil liberties questions. Mr. Rehnquist's advocacy of a police state in May should not recommend him in December for appointment to a court where such advocacy will affect all of our lives.

The record of Mr. Lewis Powell is not so blatantly anticivil rights and anticivil liberties as that of Mr. Rehnquist. In fact, he has been consistently pictured as a benign Southern gentleman whose career has not been marked by the expressing of strong segregationist or racist sentiment. The problem with Mr. Powell's nomination, however, is the same as that involved with the nomination of William Rehnquist. The nomination of Mr. Powell is a clear signal to those who depend on the court for interpretations which mandate strong enforcement of the civil rights laws that the court is being consciously changed in a way that will make it less concerned with such enforcement. No one claims that Mr. Powell will be a vigorous proponent of civil rights enforcement, and in the absence of strong executive and legislative commitment in this area, it is the Supreme Court to which the underprivileged must turn. Mr. Powell's nomination is wrong, because he has shown no commitment to the equality of opportunity in this society which a member of the Supreme Court must have if he is to serve on the Court as a guarantor of the constitutional rights denied the underprivileged.

It is my hope that the Senate will deny the nominations to these appointees as a continuing signal that Supreme Court nominees which do not share the goal of full equality under the Constitution for everyone are unacceptable.

NATIONAL COMMANDER ANTHONY R. ROSS, ITALIAN-AMERICAN WAR VETERANS, HONORED AT TESTIMONIAL BANQUET IN YOUNGSTOWN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CARNEY. Mr. Speaker, on Sunday, November 27, 1971, I had the privilege of attending a testimonial banquet honoring Anthony R. Ross, National Commander of the Italian-American War Veterans.

National Commander Anthony R. Ross was born and raised in Youngstown, Ohio. Born August 16, 1932, Tony is the oldest of two sons of Anthony and Anna Ross of Youngstown, Ohio. Tony attended Woodrow Wilson High School and Youngstown State University. He is married to the former Yuriko Teshima of Hiroshima, Japan, and they have three children, Linda, age 12; Anthony Jr., age 6, and Dennis, age 5. After some 38 years in Youngstown, Ohio, Tony and his family now reside in Canfield, Ohio.

On February 2, 1951, during the Korean conflict, Tony enlisted in the U.S. Marine Corps and served in both the 1st and 3d Divisions as a mechanic in motor transport. In June 1953, he was honorably separated, then served in the Active Reserves until August 1959 when he was honorably discharged.

Tony is a bricklayer by trade and a general contractor; he is president of the A. R. Ross Construction Co., Inc., and has been a contractor for the past 14 years.

Tony joined ITAMS in 1956 and served in nearly every position in the post and in 1969 was elected State commander and held that position for 2 years. In 1969 he was elected national junior vice commander. In 1970 he was elected national senior vice commander, and in August of 1971, in Philadelphia, Pa., he was elected to the highest position in the Italian-American War Veterans.

The national commander is an active member of UNITA, Sons of Italy, and Knights of Italy. Commander Ross is active in Canfield Boosters and also is a member of St. Michael's Catholic Church in Canfield, Ohio.

Tony Ross exemplifies the high ideals of Americanism that have made our country strong, free, and prosperous. I am proud to call him my friend and neighbor.

In my address to the Italian-American War Veterans, I spoke about the extraordinary contribution Italian Americans have made to the defense of the United States. Mr. Speaker, at this time I insert my address in the CONGRESSIONAL RECORD.

ADDRESS TO ITALIAN-AMERICAN WAR VETERANS

(By Hon. CHARLES J. CARNEY)

It is a pleasure and a privilege for me to appear here today and to address to you these remarks concerning Italian-Americans and their distinguished record of service in the defense of America. You who are gathered here today are especially conscious of the part played by Italians in the American story: All Americans share your pride in that part of our national history.

It is a remarkable fact that Italy, a land smaller in size than almost any one of the western states in this Nation, has contributed more immigrants to American shores than has any other nation in the world, with the single exception of Germany. Today, some 25 millions of our people lay claim to Italian descent. Their story is the story of America—of blood, sweat, and tears, of courage, enterprise, and loyalty, all expended freely in the upbuilding of this country's life and freedom from 1776 to 1971.

Italians and those of Italian descent have made great contributions to the physical, intellectual, cultural, and spiritual development of this Nation. Italians have built our railroads and bridges and have constructed many of our buildings. Every industry in the United States today feels the effect and influence of Italian capital and energy; that Americans of Italian descent recently have made great progress in the field of politics. Everyone knows that Cristoforo Colombo discovered America, that Giovanni Cabota (John Cabot) first explored its mainland; that Amerigo Vespucci provided its name—all three Italians; that Giovanni d'Verrazzano discovered New York Bay; that Alessandro Malaspina was the first white man to explore Alaska, Vancouver, and the coast of California.

My special concern here today is to highlight briefly the great achievements of Italian Americans in the wars of our national existence. Here is the saga which inspires the members of this organization, the Italian-American war veterans.

From the very first days of the Republic, Italians have been active participants in America's struggle for liberty. The story of their courage and sacrifice has often been neglected in our textbooks. As members of the Italian-American war veterans, you are in a unique position to make that story known and to acquaint all our people of every ethnic and religious background with the full dimensions of the Italian contribution to our history.

Most informed citizens these days have heard of Philip Mazzei and William Paca, enlightened and dedicated patriot leaders of the Revolutionary war Mazzei, a friend of Jefferson, Washington, and other Founding Fathers, was among the first to declare that "all men are by nature created free and independent"—as early as 1774, a witness to the inextinguishable love of freedom in the Italian soul.

However, the role of Italian soldiers in the revolution—and in all the wars of our history—is often forgotten or overlooked. It is to this that I direct your attention.

Numerous Italian names may be found among the regimental lists of the Continental Army. In the complete registers for the period, only officers were listed, and so the names of many Italians who served in the revolution will probably never be known. Nevertheless, two and perhaps three regiments were recruited in Italy and served here with distinction. The name of Francis Vigo, born in Mandovi, Italy, in 1749, stands out. A companion of George Rogers Clark, he played a major role in the winning of the Northwest Territory.

Of the first five warships commissioned by the Continental Congress, no less than three bore the names of great Italian mariners—*Christopher Columbus, John Cabot,* and *Andrea Doria*—a measure of the esteem in which Italy was then held.

Italians serving with notable distinction in later conflicts included Salvatore Catalano, the brilliant pilot of the *Intrepid,* the warship of Stephen Decatur, at Tripoli in 1804. In the War of 1812, the name of Joseph Lemetti, born in Modena, Italy, is still remembered. Italians in the Mexican War (1848–50) included Commodore Louis C. Sartori and Admiral Bancroft Gherardi. Italian names are to be found among those who served in the Indian wars and in the Spanish-American war.

The greatest expenditure of Italian blood for America, prior to the great wars of this century, was in the tragic conflict between the States, the Civil War. Here was a baptism of fire, indeed, wherein Italian Americans covered themselves with honor both in defense of the Union and in behalf of the lost cause. Some one hundred Italian officers commanded troops from New York State alone. Three Italians won the Congressional Medal of Honor—Joseph Sova, Orlando Caruana, and Luigi Palma di Cesnola. Three were raised to rank of general—Enrico Fardella, Eduadro Ferrero, and Francis Spinola.

During that bitter struggle President Lincoln offered a major general's commission to the great Garibaldi, whose leadership in the movement for Italian Liberation and unification had fired the imagination of the world. Because of his commitment to Italy, Garibaldi declined. However, the Garibaldi guard, formed during the war, served with distinction under Lt. Fernando Maggi at Gettysburg and elsewhere, proudly bearing the motto, "God and the People!"

In the First World War, some 400,000 American with Italian names served under the stars and stripes, again with honor and distinction. No less than 83 American soldiers born in Italy received the distinguished service cross in the great war, while another 20 went to American soldiers of Italian descent. Italians, though only about 4 percent of the whole population at that time, supplied a full ten percent of the casualty lists. The heroes of that war included Privates Michael Valente and Joe Mastine, who helped to break the last German defenses at the Hindenburg line. The first U.S. seamen killed in the war was John Eopolucci.

It is impossible to know precisely how many Americans of Italian lineage have served in our wars, but Italian names have never been absent from the rosters of those men and women who responded to the call of this Nation in its hours of greatest trial.

In the second World War, it is estimated that over a million—some say 1,500,000—Americans of Italian background served in the armed forces of this country, comprising some 10 percent of our total armed might. Italian-Americans fought on every battlefield of that war.

An almost unprecedented situation occurred when the United States declared war on Italy in 1942. Nearly 600,000 foreign-born and unnaturalized Italians became "Alien Enemies." They were restricted and put under surveillance, but after ten months of watching, on Columbus Day, 1942, United States Attorney-General Biddle announced.

"Out of the total of 600,000, there has been cause to intern only 228 or fewer than one twentieth of 1 percent! Italian Aliens will no longer be classed as Alien Enemies. They will be free to travel and to go about their lives as any other person."

In this statement was expressed a trust and confidence seldom equaled, and Italian-Americans responded in enthusiastic support of every phase of the war effort.

The tribute of Gen. Mark Clark, Commander-in-Chief of Allied Forces in Italy, is deservedly famous. General Clark said:

"No one surpassed (the Italian-Americans) in their devotion to American ideals and the American cause. Into their fighting spirit went their sense of gratitude for the great opportunities offered to them in America."

Italian heroes of the Second World War are known and honored throughout the Nation: Lt. Willibald Bianchi, hero of Bataan and holder of the Congressional Medal of Honor; Salvatore Battaglia, recipient of the Distinguished Service Cross for his role at the battle of Midway; Lt. Col. Henry Mucci, who helped head the liberation of the Philippines; and many more.

The names of Don Gentile of Ohio, who shot down 30 Nazi planes, and John Basilone, holder of the Congressional Medal of Honor for his courage at Guadalcanal, rank among the great warrior-champions of American survival. No less than four Italian-Americans were raised to the rank of brigadier general—Daniel Noce, Robert Ignico, Ralph Palladino, and Joseph Michela.

In the Korean conflict, it is said that some 300,000 Italian-Americans served in the American uniform. One of the best known Italian-American heroes of that war was Private Battista Mastroianni, killed in battle, deeply loyal to America, yet loving Italy, the land of his birth. He lies buried—at his own wish—in Gizzeria, Catanzaro Province, the flag of the United States above his grave.

Italians are serving in Southeast Asia today, as may readily be seen by examining the casualty lists from Viet Nam. We may well expect that their contribution will continue to be in keeping with the great service and sacrifices Italian-Americans have made for this country.

Today there are in America some 25 million citizens of Italian descent and lineage. They constitute a precious part of the strength and vitality of this Nation. Their willingness to serve in defense of our freedoms has been attested to in every generation. It reflects the dedication of Italian-Americans to the ideals and principles of American democracy. In these troubled times, it is the surest guarantee of our survival as a people, a people drawn from many and various origins and backgrounds, yet one in mutual respect and love of liberty.

AMERICAN ECONOMIC ASSISTANCE TO VIETNAM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CRANE. Mr. Speaker, the American program of economic assistance to Vietnam has been misunderstood by many critics of that program, both in our own country and elsewhere.

It has been charged, for example, that AID financing is supporting the standard of living in South Vietnam at levels which could not be supported in peacetime. It has also been charged that Vietnam is now importing at a level which it could not support, in balance of payment terms, in peacetime.

In an important speech before the American Chamber of Commerce in Saigon, John P. Mossler, director of the U.S. AID Mission to Vietnam, attempted to set the record straight.

He pointed out that over a million men are under arms in South Vietnam, representing about a sixth or a seventh of the total labor force. He stated that—

> These men are not producing for the economy. A sharp decline in already low standards of living would be inevitable without outside help. Our imports under the Commodity Import Program and the Food for Peace Program help to substitute for the additional volume of goods that, in the absence of the military burden, would be produced here.

The stabilization program being conducted by the U.S. AID mission is designed primarily to provide economic support for the military effort, but it has important developmental aspects as well. Mr. Mossler points out that it finances imports of equipment and industrial materials essential to development, and the price stability that is its goal is in itself important to growth.

One example of such a developmental effort was described in these terms by Mr. Mossler:

> Vietnam used to be a rice exporter. But with land going out of production for security reasons and a continuous drain of manpower for defense, there was a steady decline in production. By 1968, Vietnam had to import nearly 700,000 tons of rice—about 20 per cent of its requirements. Something had to be done. Fortunately the new "miracle rice" seeds—primarily IR–8 and IR–5—were just becoming available. An accelerated rice production program was developed cooperatively by the Ministry of Land Reform, Agriculture and Fishery Development and USAID . . . The ultimate goal was self-sufficiency in rice during 1971.

It is essential that Americans understand the real goals which the AID program in Vietnam is attempting to accomplish. I share Mr. Mossler's speech, which was presented May 13, 1971, with my colleagues and insert it in the Record at this time:

American Economic Assistance to Vietnam

(By John P. Mossler)

INTRODUCTION

Others have spoken to you about the security situation, the political situation and the economic situation in Vietnam. All are relevant to what we in USAID do. Today I'm going to discuss the USAID program primarily as it relates to the economic situation. It's a unique program. It is massive and complex. We believe it has also been effective.

What I'll try to do here is to give you an overview of the activities in Vietnam which are USAID-Managed. By this I mean that I will include some programs we manage although they are not funded under AID legislation, and on the other hand, exclude discussion of the CORDS pacification program, although it is in part AID-funded.

The total program defined in that way runs to about $500 million in this fiscal year. Of that, some $250 million is in the AID-funded Commercial Import Program, $100 million in Food for Peace, and the remainder of roughly $150 million is project aid, some funded by AID and some by the Department of Defense.

THE STABILIZATION PROGRAM

Let me take up first that part of our total effort that we call the stabilization program—a program concerned essentially with helping to offset the inflationary effect of the massive Vietnamese military effort. As measured in dollars, this is by far the largest part of the program.

The overall purpose, method and effect of the stabilization program are relatively straightforward, despite some complexities in the mechanics of its formulation and implementation.

The way it works is essentially as follows: The GVN is devoting a very substantial part of the total resources of the country to the war effort. Over a million men are under arms, about a sixth or a seventh of the total labor force. These men are not producing for the economy. A sharp decline in already low standards of living would be inevitable without outside help. Our imports under the Commodity Import Program and the Food for Peace Program help to substitute for the additional volume of goods that, in the absence of the military burden, would be produced here.

Another way of viewing this program of support is in local currency financial or monetary terms. The GVN military budget this year will be approximately 165 billion piasters, equivalent to roughly one-fifth of the Gross National Product. This is obviously more than could be financed by increases in taxation. In the absence of large external support, the only alternative would be the printing press. Inflation is just a disguised form of taxation, so it could not prevent the lowering of living standards. But it is a very inefficient form of taxation. And, on the scale that would be required, it would rapidly degenerate into hyper-inflation and economic chaos.

The imports under the stabilization program help fill this inflationary gap in two important ways. The sale of dollars to the importers for piasters plus the import duties levied on the goods, some at a very substantial level, provide a very significant revenue source for the Government of Vietnam. Although some deficit remains, the program assists in holding inflationary pressures to manageable proportions.

It is believed by some that AID-financed imports have permitted the Vietnamese people to live on a much higher standard than they had before the war.

Although good statistics are difficult to come by in Vietnam, I do not believe this is correct. Our data show that average per capita consumption has not increased to any great degree over the last six or eight years. That is, imports, largely financed with U.S. assistance, have made up for war losses and kept pace with the requirements of an increasing population. During the past ten years, the population of Vietnam has increased by about 30 percent, and that huge additional requirement for food, clothing and every other human need has had to be met. While some Vietnamese have gained in standard of living over the last few years, especially the Delta farmers, others have lost, and the average although up moderately has probably increased by less than 2% a year. The maintenance of the level of per capita income by importation of durables which last for several years has given the illusion that per capita consumption has risen by staggering amounts.

Another widespread belief holds that AID financing is supporting the standard of living at levels which could not be supported in peacetime. Now that is undoubtedly true in one sense: if the war were to end today, the economy would be in a turmoil, and would not be self-sustaining for a number of years. But put the question another way: suppose that there had been no war during the last ten years. Would the Vietnamese be living at the present standard, or higher, or lower? I suggest there is reason to believe in would be higher. The Vietnamese have a fairly substantial array of natural resources, they are energetic and dynamic people. I don't see any real reason, except the war, to think they would not have emulated countries such as Korea, and reached an economic growth rate of more than six percent per year. Had they done that well, the standard of living here today might be as much as 20 or 25 percent higher than it now is.

While I am dealing with popular misconceptions, I think I might as well attack another one. This one is that Vietnam is now importing at a level which it could not support, in balance of payment terms, in peacetime. The point is made that Vietnamese imports have reached a level of about $700 million, while exports are only $15 million.

Again, the argument is a good one if one considers it in the very limited sense, that a sudden end to the war would leave Vietnam in a position requiring a number of years to correct. But look at it in a larger time period. If there had not been a war during the last decade, would Vietnamese imports and exports be balanced at, say, $200 million or $300 million? I suggest to you that they would more like'y have been balanced at the much higher present level. Korea and Taiwan have reached higher levels, and without any great advantages over Vietnam, except peace. I also believe that, regardless of whether the war ends soon or drags on, Vietnam should not aim for a restricted economy with low imports, but for a high export economy which should aim to support an import level of over $700 million per year.

U.S. imports are only one side of the stabilization program. Equally important are the economic policies of the Government of Vietnam. As you know, a number of anti-inflationary policies were undertaken last fall with additional ones instituted this spring. I'll note a few of them. The creation of the parallel market with a piaster-dollar rate of 275:1 has increased the piaster yield of a large volume of imports. The increase in bank interest rates last fall has increased savings substantially, as have the higher rates on Treasury Bills instituted this spring. The recent increase in official prices for such commodities as sugar, although having a slight direct inflationary effect, has a much more than off-setting anti-inflationary effect by helping to fill the budget deficit. As the higher sugar prices make clear, the adoption of necessary economic policies is sometimes not politically attractive. They cannot all be undertaken at once. And more will be needed. We are continuing to work with the Government in their development and implementation. But those economic reforms already undertaken have had considerable success. The Saigon retail price index has risen only some three or four percent since last September as compared to annual averages of thirty percent or more since 1965. But there have been some previous periods of several months of relative price stability, so the victory over inflation is by no means assured. For the current year it is hoped that inflation will not exceed ten percent.

As has been noted, the stabilization program is designed primarily to provide economic support for the military effort. But it has important developmental aspects as well. It finances imports of equipment and industrial materials essential to development. And the price stability that is its goal is in itself important to growth.

We have been having quite a lot of discussion recently about the relationship between stabilization and economic growth. Inflation hampers development by discouraging savings and deflecting capital into speculation and other non-productive channels. A reasonable degree of price stability over a long enough period to restore confidence sets the stage for sustained and well-balanced growth. Therefore, stabilization remains a priority concern, even as we begin to plan and organize for development.

TECHNICAL ASSISTANCE AND CAPITAL PROJECTS

With that said, I would like to turn now to the part of our program which is explicitly aimed at development: the project program. This program, which involves most of our personnel, helps to develop the resources of the economy in a broad sense—we are seeking to create human and institutional strengths as well as to put steel and concrete in place.

We have at present several dozen distinct development projects. Rather than trying to summarize the whole range, I'll note a few of our major accomplishments and some of the problems still ahead of us.

The "miracle rice" program is an accomplishment of which we can all be proud. It dealt with a very serious problem, and it dealt with it successfully.

As you probably all know, Vietnam used to be a rice exporter. But with land going out of production for security reasons and a continuous drain of manpower for defense, there was a steady decline in production. By 1968, Vietnam had to import nearly 700,000 tons of rice—about 20 percent of its requirements.

Something had to be done. Fortunately the new "miracle rice" seeds—primarily IR–8 and IR–5—were just becoming available.

An accelerated rice production program was developed cooperatively by the Ministry of Land Reform, Agriculture and Fishery Development and USAID, with assistance by CORDS at the field level. An extensive training and information program was established, and strong leadership was provided by Ministry officials. The ultimate goal was self-sufficiency in rice during 1971.

The immediate target was 44,000 hectares planted with the new high-yielding varieties in the 1968–69 crop year. That target was met, and yields of the new varieties were nearly five metric tons of paddy per hectare, as compared with an average of two tons for traditional varieties.

For 1969–70 the target was set at 200,000 hectares of "miracle rice" and for the crop year just now ending the goal was 500,000 hectares. Both have ben exceeded, providing increases in production of more than 1.3 million tons of paddy. In two years rice production has increased by 30 percent, and the goal of self-sufficiency appears to be at hand with over 5,700,000 m/t of rice production during the crop year just ended. We still have the problem of conveying to deficit areas in Central Vietnam the Delta surplus, but I am confident this can be handled.

Primary education provides another example of a successful GVNAID activity. This program was carried out country-wide and largely at the hamlet level. The U.S. contribution consisted primarily of assistance in classroom construction and teacher training and help in the planning and management of the project. From 1963 to 1970 nearly 20,000 low-cost classrooms have been built, more than 20,000 emergency teachers were trained, and a million and a quarter rural children were enrolled in elementary schools. These numbers take on added meaning when we look at the proportion of children in school. Fifteen years ago, only about a quarter of the children of elementary school age were actually in school. As recently as five years ago the proportion was not much more than half. But today more than 85 percent of these school age children are being provided a primary education.

One of our largest and most urgent programs today is the land reform program. The target is ambitious—to distribute ownership of one million hectares of rice land in three years. Its success should totally refute the

Viet Cong charges that the GVN is dominated by landlords. The program when completed will benefit an estimated six million citizens.

The GVN and the USAID have worked together in planning the program. We have supplied technical assistance in organization and training and in such specific practical areas as computer print outs of land titles. And we are supplying large-scale financial assistance to help offset the inflationary impact of compensating the landowner. Ten million dollars has already been committed, and we have programmed $15 million for the current fiscal year and are asking the Congress for an additional $15 million for next year.

This program has moved forward swiftly. The Land to the Tiller law was passed only a little more than a year ago. By mid-April this year applications had been approved for the distribution of 228,000 hectares to 180,000 farm families. Titles for most of these have been printed and more than half of those have actually been distributed to the new owners. The Government continues to give this program strong support, and there is every reason to expect that the current-year goal of 400,000 hectares will be met or exceeded.

We are proud of the success of our efforts to help the Vietnamese in such programs as I have just mentioned and I think our pride is justified.

However, there are also areas calling for increased attention as a result of the developments within the Vietnamese economy. Agricultural diversification and industrial growth are two of the more important ones.

The achievement of self-sufficiency in rice and the prospect of further increases in productivity pose a problem—and an opportunity. A resumption of exports on any significant scale is unlikely and the danger of surpluses is, therefore, a real one. But the opportunity is equally real. Higher productivity in rice production will require less land for rice, thus freeing land for other uses. This in turn will permit higher standards of consumption. The main effort of the crop diversification program is in increasing feed-grains for livestock, primarily corn and sorghum. This will permit both increases in livestock production, with their contribution to higher standards of living, and a reduction in present levels of feed-grain imports. The joint GVN-USAID program in feed-grain production, initiated in 1969, has moved more slowly than the rice program, but significant progress has been made over the past year.

In the field of industry, security conditions continue to inhibit development in some sectors, for example the rubber and lumber industries. Despite some continuing limitations the opportunities for industrial growth are expanding. Industrial development, as we see it, should be largely a private sector activity. The government can do much to support it by providing a favorable climate. Capital availability, particularly in the form of foreign exchange, is also an essential. Increased attractiveness for foreign private investment and funds for industrial loans are two important ways of helping to meet this need. We have undertaken work with the Government in a number of aspects of encouraging industrial growth. This is one area in which most of our work still lies ahead of us.

PERSPECTIVE OVER TIME

In concluding, let me take a minute or two to put what I have said in a time perspective.

The program of AID, and its predecessor agencies, in Vietnam has a history of two decades. Some of the accomplishments of the earlier years have been obliterated by the war. Many of them remain as a part of the foundation on which we are now building. For example, the National Institute of Administration, which provides essential training for government officials, was created with our assistance in the 1950's.

With the rapid build-up of the U.S. military effort starting in 1965, there was a parallel build-up in economic assistance. With the stakes so high and the time so short, the program was not subject to many of the usual AID constraints. The relevant question was not "Can you prove it will succeed?" but rather "Does it have a reasonable prospect of succeeding?" And, inevitably, some of the efforts did not succeed.

Today we are in the process, especially in technical assistance activities, of scaling down portions of our project program. During the current fiscal year total direct hire American personnel is being reduced from 1,830 to about 1,650, and a similar percentage reduction is in prospect for next year. Some of this scaling down is a reduction or elimination of activities that have proved to be marginal. But much of it is a closing out of activities that have accomplished their purpose. One example is the primary education project of which I spoke. With the tremendous increase in the proportion of school-age children in school, the ultimate goal of primary education for all is now within reach. We and the Government feel that they can move on toward this goal without further assistance from us. Of course, development is a continuing process. As we phase out some activities where we feel our pob is done, we undertake new activities where we believe we can be of help. The pace can now be a slower one, and our choices more selective.

On the stabilization program and capital assistance, the future necessarily holds many uncertainties. But some broad indications can be foreseen.

With the reduction of Food-for-Peace imports and of Department of Defense piaster purchases, a larger USAID Commodity Import Program is in prospect. We are estimating $250 million this fiscal year as compared to $238 million last year. But the decline in non-AID foreign exchange sources will be even more rapid in the next year. We have proposed a Commercial Import Program of $300 million for fiscal year 1972, about the maximum that can be used under the limitations and special conditions of that program, but this will be inadequate to the need.

We have, therefore, requested from Congress an Economic Support Fund of $150 million for fiscal year 1972. This would be available to the GVN for uses similar to those now made of dollars available from U.S. military piaster purchases. Let me emphasize that this $150 million fund is at present just an Administration request to the Congress; the appropriation is, of course, not assured. If our total request to the Congress is approved, the AID portion of total stabilization import funding will increase from about $250 million this fiscal year to an authorized $450 million next year. The total amount of dollar import financing from all sources will remain roughly stable—around $700–750 million.

Looking farther ahead, both the requirements and the availabilities for the stabilization program are inherently uncertain. The need—and opportunities—for investment in development will surely grow. Assuming that security continues to improve, the prospects for productive investment in utilities and agriculture and industry—particularly those with export potential—will multiply. Foreign private investment should help to meet the need. We believe that Vietnam can look forward to increasing support from other donors—the Asian Development Bank, Japan, Germany, Australia and others.

Finally, improving circumstances should bring increased savings in Vietnam, and perhaps a reflow to the country of flight-capital, so that investments by Vietnamese themselves will play an important role.

To sum up, I visualize a situation, say four or five years from now, in which the part played by U.S. economic aid will be reduced though still important. Capital investment by foreign private interests and by Vietnamese, aid from other countries and development loans from multilateral institutions will have taken up a share of the burden.

One major cost of the war has been the losses of potential economic growth. And no one can foresee just how long those losses will continue. But as security improves and if the military burdens decrease, there will be some new assets that can be put to use. Military requirements have helped to develop what is perhaps the best transportation system of any of the lower income countries. And the war, despite its human costs, has developed many new skills. The most important resource is the people themselves. Their demonstrated intelligence, industry and skill provide the most important single element in the hope for successful long-term economic development.

A SHORT ACCOUNT OF THE OPERATION KEELHAUL CASE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ASHBROOK. Mr. Speaker, on a number of occasions I have inserted in the CONGRESSIONAL RECORD extensive information detailing the many aspects of "Operation Keelhaul," that pathetic operation at the end of World War II in which the United States cooperated with other Allied countries in sending back to the Soviet Union several million Russian prisoners of war and displaced civilians against their strenuous protests. As previously pointed out, Julius Epstein, presently with the Hoover Institution at Stanford University, unearthed the depressive story of the forced repatriation after many years of dogged research. Mr. Epstein's forthcoming book, "Operation Keelhaul, the Story of Forced Repatriation," will soon be available to the public, and many aspects of the case will be publicized for the first time.

There yet remains the release of official information contained in the Operation Keelhaul file compiled by the Department of the Army and still retaining a classified status. Mr. Epstein will again have recourse to the courts to compel release of the classified information, having been denied certiorari by the Supreme Court in his first judicial effort.

The December 1971 issue of New Guard, the official publication of Young Americans for Freedom, carried a short, but complete treatment of the Operation Keelhaul tragedy written by Mr. Epstein himself. It details his efforts to date, to have the full story made public, in addition to enough material to indicate the scope of this human tragedy. I insert at this point in the RECORD the article, "Operation Keelhaul—A Case of Censorship" by Mr. Julius Epstein, as it appeared in the New Guard issue of December 1971:

OPERATION KEELHAUL: A CASE OF CENSORSHIP

(By Julius Epstein)

What does "keelhaul" mean? According to Webster, second edition, "keelhaul" means: "To haul under the keel of a ship, either athwartships or from bow to stern by ropes attached to the yardarms on each side. It was formerly a punishment in the Dutch and British navies and a method of torture used by pirates."

"Operation Keelhaul" was the code-name chosen by the U.S. Army for the Top Secret documentary dossier describing the forced repatriation of between two and five million anti-Communist prisoners of war and civilian displaced persons, including men, women and children, to Stalin's executioners and slave labor camps.

In 1954, when I started my research into the history of forced repatriation during and after World War II, I discovered in the historical archives of the U.S. Army in Alexandria, Va. the index card of the "Operation Keelhaul" dossier. It read: "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." The class mark was "183.7–14.1."

I ordered the Keelhaul dossier only to be told by Mr. Sherrod East, the librarian, that it was Top Secret and could not be given out. This poor man had a lot of trouble having allowed an index card for a Top Secret classified dossier to appear in a catalogue accessible to the general public. Needless to say, that card immediately vanished from the catalogue.

From that day on, I have been fighting to gain access to the Keelhaul dossier to get it declassified and released to the American people who have the right to know it. But before I shall deal with my long drawn-out legal fight against the Pentagon, including a lawsuit against former Secretary of the Army, Mr. Stanley Resor, I want to say a few words—a quintessence in a nutshell—about Operation Keelhaul itself and about the way it was carried out by our GIs as well as by the British and French armies occupying Germany after the end of hostilities in 1945.

For the purpose of this article, it may suffice to give just one or two verified examples of how Operation Keelhaul was carried out by the American and the British troops.

AN AMERICAN ATROCITY

Let me begin with a scene which took place on February 24, 1946 in an American camp for Soviet war prisoners at Plattling, Germany.

At about six o'clock in the morning, the prisoners, awakened by searchlights suddenly flooding the entire camp, were hustled out of their barracks. They were frisked for weapons—not weapons of assault but weapons for suicide. Those who resisted were beaten up; skulls were cracked and ribs smashed. Despite careful planning of the macabre business, many of the victims succeeded in slashing their wrists and throats with concealed razor blades and jagged glass.

In batches the men were driven onto the waiting trucks, each guarded by American soldiers flaunting rubber clubs and machine pistols. Hour after hour, the trucks hauled away their freight of betrayed prisoners, some of them bleeding and dying, to the Communist fate they dreaded far more than death.

Even in our age of mass violence, this scene has a nightmarish quality. Who were the unfortunate prisoners? What was their crime? Who were their captors, so intent upon providing targets for Stalin's firing squads, gallows and slave labor camps?

For Americans with a conscience the answers to such questions are deeply distressing. Yet they must be faced. Whether crime or blunder or both, we can cleanse the national record on this score only by acknowledging the terrible facts.

The victims were veterans of General Andrei Vlasov's "Russian Army of Liberation," which had fought under German auspices in the desperate hope of overthrowing the Stalinist despotism and incredible tyranny in their homeland. Knowing that torture and death awaited them in the Soviet Union, they had surrendered to the American victors after the latter had dropped billions of leaflets, inviting them to surrender and promising them good and humane treatment according to the Geneva Convention. Therefore, they indulged in the naive belief that the Americans would accord them political asylum.

Plattling is just one example. No less gory tragedies of violence were being played out at dozens of detention points for displaced Soviet citizens in Germany, Austria, Italy, France, England and even in the United States.

Nor was the brutality unleashed only against those who like the Vlasov soldiers had donned German uniforms. It was also directed against the vast number of Red Army war prisoners liberated by the Western allies from German camps against many millions of civilians, including women and children; in short against all Soviet nationals who at the war's end, though they loved their native land, refused to return to the Kremlin yoke, a fact easily understandable when we remember that Stalin had issued an order of the day, shortly after the Nazi invasion of the Soviet Union, according to which it was a punishable crime if a Red Army soldier became a prisoner of war of the Germans. It was equivalent to treason committed against the fatherland, the USSR. Even if he had become a prisoner while wounded and possibly unconscious, he was to be punished after his return to the Soviet Union. No wonder that practically not a single one wanted to return.

In view of this unique fact, unheard of in modern history, one must pause to savor the extraordinary facts. The democratic governments in their hour of victory used force—ranging from deceitful persuasion and threats to raw violence—to return men, women and children against their will to Stalin's mercies!

ALLIED PLEDGES BROKEN

The British did not behave any better. They forcibly repatriated more than 30,000 Cossacks from their camp in Lienz in Austria. Many of these Cossacks were old men over 75 years of age who had left Russia in 1910 and 1918, long before the Soviet Union was proclaimed. By no stretch of the imagination could they ever fall under the Yalta Agreement on the exchange of prisoners of war and civilians. Moreover, the Yalta Agreement made no mention of force. This was a completely arbitrary interpretation by the Joint Chiefs of Staff (Under General Marshall and General Eisenhower as chairmen.) In Lienz as well as in the American camps, British and American officers had deceived the prisoners. They had solemnly pledged their word of honor that there would be no forced repatriation to the Soviets.

In my forthcoming book *Operation Keelhaul, The Story of Forced Repatriation.* I have tried to give a comprehensive story with all the incredible details of this American-British-French crime against humanity. That it was a crime will be shown by many American documents, never published before.

During the Korean war, when the Communists insisted that we should repatriate all the prisoners in United Nations hands, by force if necessary, our then Secretary of State, Dean Acheson, delivered a speech before Committee One of the General Assembly on October 24, 1952. In this speech Acheson fought this demand tooth and nail. He said: "As increasing numbers of prisoners came into United Nations hands, it began to be found out that more and more of these prisoners (Chinese and North Vietnamese) believed that, if they were returned to Communist hands, they would be executed or imprisoned or treated brutally in some way. They therefore took the position that they would not be exchanged and that, if an attempt was made to exchange them, they would resist by force. Finally, they (the representatives of the Communist group) say that the Geneva Convention and international practice require this forcible repatriation. We, on the other hand, have said that we have lived up to the humanitarian principles of the Geneva Convention. We have said that we have abided by them, and that our position on repatriation is wholly consistent with that Convention."

The bitter irony of Acheson's speech, though few noted it, was that its every argument, its every appeal to the law of God and the law of man, applied also to the forcible repatriation of Soviet nationals after World War II when Dean Acheson was Under Secretary of State in our State Department.

If it was "wrong, improper, illegal and unnecessary to return prisoners by force" in 1952, as Dean Acheson said in his speech before the U.N., why was it "right, proper, legal and necessary" in 1945?

NOTE TO SOVIETS SAID "NO"

On February 1, 1945, during the absence of the then Secretary of State, Stettinius, Under Secretary of State Joseph C. Grew addressed a diplomatic note to the Soviet Attache Novkov who had demanded the forcible return of all the Vlasov prisoners of war then in U.S. POW camps. Joseph C. Grew told the Soviet Attache that the United States would never forcibly return these prisoners because they were captured in German uniforms and the Geneva Convention does not allow looking "behind the uniform." Besides, forced repatriation would be a complete abandonment of the time-honored American tradition of ready asylum to political exiles. Grew even sent a telegram to Edward Stettinius, Jr., who was already in Yalta, warning him against any agreement which could result in forced repatriation. Grew's position represented the correct policy of the Department of State at that time. But our Secretary of State, Stettinius, did not want to be bothered by any concern for the Geneva Convention or the American tradition of the right of asylum. And he told Grew so.

The tragedy could now unfold.

To enumerate the innumerable attempts I made to get access to the "Operation Keelhaul" files would be beyond the framework of this article. Besides myself, several Senators and Congressmen tried to see the documentary dossier. Their attempts were as unsuccessful as mine.

A new light of hope appeared on the horizon when on July 4, 1967 the new law, the so-called "Freedom of Information Act" went into force. A tremendous publicity greeted this Freedom of Information Act, sponsored by Congressman John E. Moss of California.

I decided to test the Act in court. On March 20, 1968, I filed my complaint in the District Court of San Francisco. I was represented by the Palo Alto law firm of McCloskey (the father of Congressman McCloskey), Wilson, Mosher & Martin. The defendant in my lawsuit was Mr. Stanley Resor, then Secretary of the Army.

The presiding Judge in the District Court of San Francisco was Oliver J. Carter. He was not sure what the real intent of Congress was when it created the Freedom of Information Act. To enlighten him about that intent, I asked Congressman Moss, the sponsor and author of the Act, to submit a sworn affadavit to the court in which he should explain it. Congressman Moss granted my request and submitted the following affadavit to the District Court.

"John E. Moss, being first duly sworn, deposes and says: That I am a United States Congressman from the State of California; that on June 9, 1955, a House Government Information Subcommittee with myself as chairman was established to investigate charges that Federal agencies had withheld information from those entitled to receive it; namely the American public; it was discovered by the subcommittee that agencies, in refusing to permit public disclosure were citing as authority 5 U.S.C. Section 301, which provided that the head of each department was authorized to established regulations concerning the performance of his department business and the use of its records; Congress amended that statute in 1958 to make it clear that the statute could not be relied upon as legal authority for the withholding of information from the public; the agencies, however, then began relying on the restrictive reading of Section 3 to deny this disclosure; subsequent hearings on the availability of Government information were held by my subcommittee on Administrative Practice and Procedure; since 1957, each succeeding Congress had before it a bill to substantially revise Section 3 of the Act; after nine years of hearings and debate before the two Subcommittees, Congress passed a new Public Information Law; it was the overriding concern of Congress that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and not the person who requests it, the individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was the intent of Congress to grant to the District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section "(e)" of the Act; and that the powers granted to the Court and the burdens placed upon the Government in Section "(c)" were meant to include rather than exclude the exemptions."

Judge Carter disregarded Congressman Moss' affadavit and granted the defendants' motion for summary judgment by asserting that the "Operation Keelhaul" files were correctly classified Top Secret in the interest of "the national defense or foreign policy."

How Judge Carter could find that the Top Secret classification was correctly applied to the Keelhaul files without having seen a single document of the three-volume dossier will always remain a major mystery in American judicial history.

CLASSIFICATION UNJUSTIFIED

The fact that I lost in Judge Carter's District Court of San Francisco is all the more amazing since Executive Order 10501 issued by President Eisenhower, specifically enumerates the only valid reason for the application of a Top Secret classification. It reads:

"Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave danger to the nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, on the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

How Judge Carter or anybody else could ever maintain that disclosure of the "Keelhaul" files could possibly result in any one of the results described in Executive Order 10501, is simply absurd.

Not willing to accept defeat in the District Court, I filed my appeal on February 6, 1970 in the United States Court of Appeals for the Ninth Circuit (San Francisco). The Court consisted of three Judges: Merrill, Koelsch and Hufstedler.

The Appeals Court for the Ninth Circuit confirmed the District Court's judgment.

I decided to file a petition for a writ of certiorari in the Supreme Court of the United States in Washington, D.C.

In my appeal to the Ninth Circuit as well as in my petition for a writ of certiorari, I was supported by the American Civil Liberties Union of Northern California which submitted to both courts amicus curae briefs.

On June 15, 1970, my lawyers were informed by the Assistant Clerk of the Supreme Court that "The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition."

The Supreme Court had finally confirmed the miscarriage of justice in the lower courts. By doing this, it declared the Freedom of Information Act a dead letter.

This unfortunate outcome of my legal battle, the first test case for the Freedom of Information Act, left only two avenues open to me: The direct approach to the President and an appeal to Congress to amend the Freedom Act in order to prevent its misinterpretation by the Courts.

I drafted an amendment to the Freedom of Information Act and wrote to the President.

PASSING THE BUCK

My letter to the President resulted in an interesting answer from the White House. In a letter of October 22, 1970, the White House informed me that "The U.S. Government has absolutely no objection (based on the contents of the files) to the declassification and release of the 'Operation of Keelhaul' files. However, given the joint origin of the documents, British concurrence is necessary before they can be released and this concurrence has not been received. Thus, we have no alternative but to deny your request."

By this letter, President Nixon removed one of the main obstacles to the release of the Keelhaul files, Executive Order 10501. The President approved my contention that Top Secret classification cannot any longer be justified by reference to President Eisenhower's Executive Order. As we have seen, the courts expressed the opinion that Keelhaul must remain classified in the interest of national defense and foreign policy. This argument has now been destroyed once and for all by the President's letter to me of October 22, 1970.

The remaining "reason" for the maintenance of the classification doesn't hold water either.

As I pointed out in another letter to the President, it should be possible to release those "Keelhaul" documents which are of purely American origin, classified by American authorities. If the Administration maintains that those 100 percent American documents cannot be released to the American people without British permission, it would amount to the admission that a foreign government has still the power to prevent the American people from learning their own history based upon American documentary evidence.

On June 14/15, 1971, I attended the National Archives Conference on Research on World War II. In my remarks at this conference, I summarized my battle for the release of Keelhaul.

On June 28, 1971, I testified before the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations (Chairman: Congressman William S. Moorhead of Pennsylvania).

In the debate after having presented my statement, it was suggested to me that I should file a new complaint since the Supreme Court had now permitted the *New York Times* and the *Washington Post* to publish the Pentagon study on Vietnam. It is hard to believe that the same Court which allowed the aforementioned newspapers to print the Vietnam Paper in accordance with the first amendment, would prohibit the release of the "Operation Keelhaul" Papers.

I took this reasonable suggestion up and have now filed my second legal action against the Secretary of the Army, Mr. Robert F. Froehlke.

In this action, I am again supported by the American Civil Liberties Union.

CHAIRMAN MILLS IS SPEAKER AT BUFFALO TAX INSTITUTE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. DULSKI. Mr. Speaker, in 1954 Millard Fillmore College of the University of Buffalo organized an institute to digest and review the sweeping changes made in the Internal Revenue Code of 1954.

The institute was conducted in cooperation with the Buffalo area chapter of the New York State Society of Certified Public Accountants and became an annual event. In 1960, sponsorship was broadened to include the bar association of Erie County.

The 18th annual institute on Federal taxation was held last week in my home city of Buffalo, N.Y., and was honored by the appearance of our distinguished colleague, the Honorable Wilbur D. Mills, chairman of the House Committee on Ways and Means. He was the principal speaker at the Friday luncheon.

The institute was most fortunate in having Mr. Mills as a guest since he is without question one of the best informed individuals on Federal taxation in our country today.

Only a few days earlier, a House-Senate conference committee had reached agreement on the proposed Revenue Act of 1971. Mr. Mills, of course, served as chairman of the House conferees.

SUPPORTING THE MILLS BILL

Earlier in the week, Chairman Mills introduced his own revenue-sharing bill, based on his long and thorough study of this controversial subject.

He has made some welcome improvements over previous legislative recommendations and I feel there is reason to hope that there soon can be a meeting of the minds on this subject.

I introduced a different version of so-called revenue-sharing legislation when the Congress convened last January.

Last Thursday, I introduced the Mills bill (H.R. 12038) and thus became a cosponsor of his proposal because I believe it is a reasonable and practical approach to providing assistance to the States and to the communities in their great fiscal crisis.

Chairman Mills was introduced by Donald C. Lubick, an attorney, and the toastmaster was V. Dennis McDade, a certified public accountant. Greetings on behalf of my city were extended by Deputy Mayor Stanley M. Makowski, who gave Mr. Mills one of our famous token Buffalo bisons.

Mr. Speaker, those who attended the Institute on Federal Taxation at Buffalo last Friday were treated to a fine presentation of the general subject by Chairman Mills and I am including the text of his speech as a part of my remarks.

I am also including the text of a news article and an editorial.

The material follows:

[Editorial from the Buffalo Evening News, Dec. 2, 1971]

Welcome Move on Revenue Sharing

Having been the most influential congressional foe of the Nixon administration's plan for federal revenue-sharing with the states and the localities, Chairman Wilbur Mills of the House Ways & Means Committee now has come forward at last with a detailed alternative plan of his own.

Though Mr. Mills has been slow in fulfilling last spring's promise to offer his own substitute, his unveiling of it now is an encouraging acknowledgment that the worsening fiscal crisis in New York and other big urban states makes urgent some form of federal assistance.

While it is difficult to evaluate all the complexities of the Mills plan on the basis of the details presently available, it appears that he has moved closer to the White House approach with constructive modifications of his earlier position.

Having held out in the past for restricting any revenue-sharing plan to the cities, Mr. Mills now calls for direct financial assistance to the states and local government alike. This goes at least part way to satisfy objections that a city-only plan would undermine the current trend among states seeking to deal constructively with urban problems, incurring the risk of making the cities "wards" of the federal government.

Mr. Mills' plan promises a net aid to states and localities of $5.3 billion annually for five years, slightly in excess of that proposed by the administration. While assigning higher priority to the needs of cities and counties, by gearing aid allocations in part to numbers of low-income families, the Mills plan would distribute to the states strictly in relation to their own income-tax effort—a test that, while seemingly advantageous to New York with its highest-in-the-nation tax burdens, takes too little account of the pressures of population on state and local tax burdens. In contrast, the Nixon plan blends population with a bonus-incentive to states in accordance with their tax effort.

Though Mr. Mills has moved away from the conventional "papa knows best" philosophy about federal dictation of how aid funds are spent, it is less clear whether he has genuinely been converted to the "no strings attached" concept of revenue-sharing under which states and localities can be trusted to make their own spending decisions.

Nevertheless, there are enough basic similarities between the Mills approach and that of the White House to suggest that an accommodation should be within reach—a hope strengthened by the fact that Mr. Mills to his credit has shunned any brittle take-it-or-leave-it stance.

Gov. Rockefeller's meeting tomorrow with the New York congressional delegation for the purpose of seeking federal assistance will dramatize the need for returning a fairer share of the people's tax money from Washington to the states and localities where the most severe problems are. In the light of this state's desperate financial crisis, and the fact that federal welfare reform as the other main avenue of relief is stalled in the Senate, let's hope that Mr. Mills' move now signals a long-overdue initiative on revenue-sharing.

[From the Buffalo (N.Y.) Courier-Express, Dec. 4, 1971]

Mills Criticizes Excess Spending

(By Ray Dearlove)

Rep. Wilbur D. Mills, D-Ark., chairman of the House Ways and Means Committee, said here Friday that the federal government must learn to control its spending if the nation is to have a healthy economy.

Mills said the Bureau of the Budget should be the real control over government spending, but the government continues to spend more than it takes in. He said it would take a constitutional amendment to restrict spending by the federal government to the amount it receives in income.

The powerful congressional figure made his remarks at a press conference prior to his appearance as luncheon speaker at the 18th annual Institute on Federal Taxation in the Statler Hilton Hotel. The institute is sponsored by the Buffalo Area Chapter, New York State Society of Certified Public Accountants, the Erie County Bar Assn., and the University of Buffalo.

TIES TO INFLATION

"An important contributing factor to our present economic problems, particularly inflation and the large deficits in our balance of payments, has been the failure to keep the federal budget under control," said Mills. "If we want to eliminate inflation, and if we want a long-run solution to our balance-of-payments problems, then we must learn to control our spending."

Mills fielded a variety of questions, including the possibility of his being tapped for the Democratic presidential nomination. Although he said he would be too busy to campaign next year and isn't seeking the nomination, he said "if the party wants me, I won't turn it down."

In his luncheon talk, Mills said he is satisfied with the 1971 Revenue Act. He said the tax relief in the bill "will be quite substantial for both individuals and business."

CRITICAL OF PROGRAM

"The bill provides a balanced program of tax reductions for individuals and tax incentives for business," said Mills. "It differs significantly in this respect from the initial administration proposal which was weighted heavily against consumers."

Touching on federal aid to states and local governments, Mills said President Nixon's revenue sharing plan "is not the answer to the financial problems of state and local governments." He said the plan makes no attempt to apply federal funds where they will do the most good.

Mills has introduced a counterproposal to the Nixon plan that would give $5.3 billion a year in aid for states and localities, limited to five years and retaining some congressional control. Although he said there are no actual figures as to how much would be available to the Buffalo area, he said his plan "will do a great deal for Buffalo and Erie County."

Regarding President Nixon's Phase II economic policy, Mills said he has endorsed the policy but warned that if the policy is rescinded prior to minimizing inflationary pressures, it will result in "higher inflation than before the Phase I period."

"Everyone seems to be treated fair under the policy," said Mills. "If it is to work, however, there must be a minimum of exceptions made by the wage and price boards."

Remarks of Congressman Wilbur D. Mills Before the Tax Institute of the University of Buffalo

I am particularly glad to have this opportunity to address the Tax Institute of the University of Buffalo. With the 1971 Revenue Act so near completion, it seems to me that it would be desirable to try to look down the road ahead to see some of the tax issues that are likely to confront us next. This meeting of the Tax Institute of the University of Buffalo offers an especially appropriate place and time to discuss these issues in view of the most impressive amount of tax expertise represented here.

At the outset, I would like to express my satisfaction with the 1971 Revenue Act. I, of course, do not agree with every provision in in it, but I believe it is a good bill.

The bill is badly needed because this country cannot afford the economic stagnation the Administration has permitted to continue all too long. We must attain a rate of real economic growth significantly higher than the present 3 percent. Nor can we afford a 5.8 percent unemployment rate or the currently depressed level of investment in the Nation's productive equipment.

The 1971 bill coupled with better control on government spending, an adequate incomes policy and a change in our export situation should help to get the economy back on a high growth path again. I do not want to go into all the specific details of the new bill at this time, particularly since you tax experts are undoubtedly aware of most of them. But I do want to emphasize that the tax relief in this bill will be quite substantial for both individuals and business. The result is a balanced program of tax reductions for individuals and tax incentives for business—one which differs significantly in this respect from the initial Administration proposal which was weighted heavily against consumers. This bill will encourage business investment, stimulate exports, and at the same time significantly increase consumption. As a result, the Act can be expected to provide more jobs for our expanding population, increase our standard of living and ameliorate our serious balance-of-payments problems.

LACK OF BUDGET CONTROL

An important contributing factor to our present economic problems, particularly inflation and the large deficits in our balance of payments, has been the failure to keep the budget under control. Since the begining of the 1960's, the Federal Government has had budgetary surpluses in only two years and these surpluses have been quite modest. In contrast, the budget deficits have been both frequent and large. In fiscal 1971, for example, the Federal budget deficit on a unified basis amounted to $23 billion. And for the current fiscal year, 1972, the outlook according to the Administration is for a $28 billion budget deficit. I suspect it will be larger. In any event this means that in just two years, our budget deficits will exceed $50 billion. On a Federal funds basis—which is the basis on which the public debt is computed—these two deficits will amount to about $65 billion. Both history and reason tell us that if we want a healthy economy, if we want to eliminate inflation, and if we want a long-run solution to our balance-of-payments problems, then we must learn to control our spending.

Let me turn now to some of the specific tax issues that are likely to face us in the years ahead. One problem which deserves additional attention concerns the treatment of self-employed people under the tax provisions dealing with pension plans. Although we have dealt with this problem on a piecemeal basis in various Acts over the years, it seems to me that we have not yet arrived at a satisfactory general solution.

Our tax laws have long granted significant tax advantages with respect to qualified employer financed pension plans that provide nondiscriminatory coverage and benefits for employees. Since 1962, self-employed people have also been allowed to establish nondiscriminatory pension plans for themselves and their employees. Nonetheless, it is apparent that full equality of pension treatment for the self-employed as compared with corporate executives has not been reached. In part, this is because the pensions of self-employed people under the so-called H.R. 10 plans are generally limited to 10 percent of income up to a maximum of $2,500 a year, while there are no similar limitations on contributions or benefits under employer-financed plans.

REGARDING SELF-EMPLOYED

In view of the substantial difference in treatment between the self-employed and corporate employees, it was only natural that self-employed people have attempted to secure the full tax advantages associated with corporate pension plans. One approach tried in the past has been to form Subchapter S corporations. Since the self-employed would then be employees of the corporation, the objective was to secure the pension advantages accruing to corporate employees without the disadvantage of having to pay corporate income tax. The 1969 Tax Reform Act, however, by imposing the H.R. 10 type limitations on Subchapter S corporations, prevented self-employed people from using this type of organization to increase their pension advantages.

Other self-employed individuals, especially professional people, appear to have been successful in securing the tax advantages associated with corporate pension plans by forming so-called professional corporations. Although the Service in the Kintner regulations for a long time refused to recognize the validity of these corporations for Federal tax purposes, the courts have sided with the taxpayers. As a result, the Internal Revenue Service now recognizes these professional associations as corporations.

The net effect is that we now have a twofold problem with respect to the tax laws affecting pensions. These provisions not only appear to grant better treatment to corporate employees than to self-employed people doing business in a nonincorporated form; they also provide different treatment among the self-employed themselves, giving more advantageous treatment to those self-employed people who can arrange to incorporate as compared with those who do not find it practical to do so.

The remedy for such obvious differences in tax treatment is not easy to find. On the one hand it seems to be generally agreed that it would not be appropriate to lift all the restrictions and limitations applying to H.R. 10 plans covering the self-employed. It is thought that this would lend itself to abuse in view of the fact that many plans of this type cover only the self-employed person himself and a very few employees.

PENSION CONTRIBUTIONS

On the other hand, I have some difficulty with a proposal that has been made recently to raise the limits on the contributions that can be made by the self-employed on their own behalf on H.R. 10 pension plans and at the same time to impose comparable limits on all employer-financed pension plans with regard to the amounts that may be contributed on behalf of any particular employee. While I believe there are grounds for increasing the allowable pension contributions for self-employed people, I have reservations about imposing the same contribution or pension limits on all pension plans. There already appear to be important practical constraints on pension contributions under employer-financed plans covering substantial numbers of employees which do not apply to smaller plans for the self-employed or closely-held corporations. The large corporate plan, if it is to provide the corporate executive with a substantial pension, must also incur heavy costs to provide nondiscriminatory pensions for large numbers of rank and file employees. Such a constraint does not operate to the same extent for plans covering the self-employed or small corporate plans.

As a result, while I believe that proposals to raise the allowable contribution limits for self-employed people and to impose some limits on small corporate plans may have some merit, I question whether it would be desirable to impose similar limits on pension plans established by all corporate plans regardless of the size of the coverage.

Of course, other problems, such as vesting and funding of pension plans, also deserve attention.

Another tax area which deserves further consideration is estate and gift taxation. There appears to be a need to make these taxes fairer and more relevant to present conditions. They have not been thoroughly restudied since their initiation and have not even been significantly changed since 1948. Certainly an important aspect of any reconsideration of these taxes should be a review of estate tax rates. The present rates which rise to a level of 77 percent are in my view much too high. It would seem desirable to combine a significantly lower rate level with a revision designed to secure greater equity and uniformity in transfer tax burdens than now exists. A significant advance in uniformity, for example, can be obtained by coordinating the estate and gift taxes. A further step toward uniformity might be obtained by reconsidering the taxation of property passed on through trusts. At present transferring property in this manner results in substantial savings in taxes. The whole area of estate and gift taxation, however, is one which is fraught with controversy and complex problems and therefore is not one for which satisfactory solutions are likely to be found easily.

REVENUE SHARING PLANS

Still another issue concerns proposals for Federal aid to States and local governments, including the Administration's revenue sharing proposals. The Committee on Ways and Means was forced to suspend deliberations on this subject because of the need to give prompt consideration to the Administration's proposals which had led to the 1971 Revenue Bill. It has been further postponed by our hearings on the Administration proposal for national health insurance. Incidentally, it has become quite popular to berate us for not acting on an Administration proposal while we are busy considering another of their proposals.

In any event, careful study of the substantial volume of evidence that has been presented to us to date in extensive public hearings and executive sessions has, if anything, reinforced the initial reaction on the part of the overwhelming majority of the Committee that the Administration's revenue sharing plan is not the answer to the financial problems of the State and local governments, and that we must look elsewhere for a solution.

Revenue sharing has too many basic deficiencies. It makes no attempt to get at the root financial problems of State and local governments—it makes no attempt to apply Federal funds where they will do the most good. Instead it would pour out money indiscriminately to all State and local governments without regard to need and without making any attempt to encourage State governments to improve their tax systems in a way to enable them to meet their own problems. It also does not assign priorities as to how the money is to be spent. Finally, by tying the amount of the aid automatically to the income tax base, it saddles the Federal Government with an additional uncontrollable item of expenditure which will continue to grow on into the indefinite future. As a result, revenue sharing is a wasteful and inefficient way to give Federal aid.

REQUIRES BASIC NEW CONCEPT

Accordingly, if Federal aid is to be granted—and in view of limited Federal resources, this depends on the priorities assigned to the various competing demands for Federal funds—then we must develop a new and fundamentally different approach that avoids the basic defects of revenue sharing.

I believe that any Federal aid to the State governments should be designed primarily to encourage them to help themselves. One possibility along this line is the so-called "piggyback" procedure under which the Federal Government would help to collect State income taxes. Another possibility is to divide a specified amount of Federal payments among the States on the basis of their individual income tax collections in order to encourage them to raise additional revenue from this source. Alternatively this goal could be achieved by the use of tax credits.

I also believe that so far as Federal aid is concerned, we should recognize that in many cases the local units are so limited in terms of financial resources that they cannot, by their own action, today meet their own fiscal problems. This is particularly true of those local governments where there are large numbers of poor who are unable to contribute their share toward the cost of local government.

SERVING LOCAL NEEDS

It seems to me that the needs of the local governments would be recognized by granting them direct Federal grants along the following lines.

First, the total amount to be distributed to the local units could be set at some specified sum rather than tied to a specified portion of the Federal income tax base along the lines of the President's revenue sharing proposal.

Second, the grant could be made initially for a limited number of years. This would give the Congress an opportunity to review the program after it has been in operation a few years to see whether it should be discontinued, modified or continued as it is. This also enables Congress to review these demands for funds in light of other competing priorities.

Third, the aid could be distributed in a way that varies the amount of the aid according to the need of the local government. One possible approach to this objective would be to vary the amount of the grant not only with the population of the local government but also with the relative number of its low-income families and urban population. This would avoid the defect of revenue sharing which spreads the available funds to all cities and local governments on the basis of the revenue raised from their own sources.

Finally, the distribution to the cities and local governments could be limited to the financing of expenditures, which are recognized as fulfilling national high priority needs. These need categories for which the funds could be spent should, it seems to me, be sufficiently broad so that there would be flexibility to meet varying needs of the different communities.

I want to emphasize that the Committee on Ways and Means has not yet acted on this or any other approach. However, so far the response from representatives of State and local governments to my views in this regard has been encouraging.

TAX SIMPLIFICATION

Finally, there is the issue of tax simplification—especially for taxpayers with modest incomes. Few aspects of the tax laws are so important to the average taxpayer. Complications in the tax laws can for many taxpayers produce just as much irritation and dissatisfaction as the heavy tax burdens themselves. But probably more important, our income tax, the backbone of our tax system, depends on self-assessment, and if this self-assessment procedure is to work, it is essential that the income tax law be as simple as possible.

Although the objective of simplification is clear-cut and obvious, it is difficult to achieve. We have sought tax simplification eagerly on numerous occasions but few taxpayers, I suspect, will think we have achieved it. Nevertheless, we have some accomplishments to our credit in this regard. For example, although the 1939 Act had a number of complex provisions with regard to high income taxpayers, it did simplify the tax laws and the filing of tax returns for many millions of taxpayers. It did this by increasing the standard deduction, by raising personal exemptions and by adopting a low-income allowance. The standard deduction increase for many millions of taxpayers meant truly simpler tax returns. The other changes removed many low-income individuals from the rolls, and thus the need for them to file returns. The 1971 Revenue Act will also contribute to simplification by further increasing the low-income allowance and in this manner raising still further the income levels for filing returns.

Despite these and other substantial improvements, many taxpayers still find it difficult to prepare their tax returns—as is shown by the fact that large numbers of them, even though they have only modest incomes, now pay private firms to have their tax returns prepared.

In large measure, our tax laws are complicated because they deal with complex situations. In addition, equity and revenue considerations frequently conflict with the objective of tax simplicity. This is why there are few areas in our tax laws that bear out better than tax simplification Browning's words, "Alas, that a man's reach should exceed his grasp." nonetheless, tax simplification is so important that I believe we must continue to study this problem in the hope of making further improvements. I am continuing to work in this area as is evidenced by the fact that I have had prepared a bill to remove from the Tax Code the obsolete provisions in the tax laws and to make other simplifications. I might add that while I do not expect to eliminate altogether the difference between our reach and our grasp in this area, I am hopeful of substantially reducing this difference.

TESTIMONY ON NATION'S HEALTH CARE SYSTEM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HARRINGTON. Mr. Speaker, our colleague Edward I. Koch testified before the Ways and Means Committee recently on our Nation's health care system. As was expected, the testimony was thoughtfully prepared and accurately depicted the weaknesses of our health care system while offering suggestions which would improve it.

In his testimony, Congressman Koch noted the importance of continuing title V of the Social Security Act, and he has introduced legislation to do that by funding the program for an additional 5 years at $630 million.

Speaking for the National Health Security Act, he stressed the fact that our health care has been inadequate, but more importantly, he said, it has "done little to encourage improved health care or even to allay peoples' fears about the expense of medical care." Unfortunately, we all know that is true.

With a national shortage of fresh blood available, Congressman Koch has also recognized the need to replenish the supplies. His bill H.R. 853 would do that by permitting a $25 tax deduction for each pint of blood donated by an individual to a non-profit blood collecting agency.

Because I think Congressman Koch's testimony reflected a cogent analysis of the health care crisis, I insert it into the Record for my colleagues at this time.

Statement by Representative Edward I. Koch

Mr. Chairman and Members of the Committee: I appreciate the opportunity to appear before you today to speak about three bills I have sponsored: H.R. 8799 to extend for five years the federal funding for the Children and Youth and Maternal and Infant Care projects authorized under Title V of the Social Security Act; H.R. 22, the National Health Security Act of 1971; and H.R. 853 to provide a $25 tax deduction for blood donations.

H.R. 8799.—TO EXTEND FOR 5 YEARS THE FEDERAL FUNDING FOR THE CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROJECTS AUTHORIZED UNDER TITLE V OF THE SOCIAL SECURITY ACT

I would like to speak to you concerning an extraordinarily successful program which is scheduled to terminate on June 30. 1972 after 5 years of existence—the special project grants under Title V of the Social Security Act. I have introduced legislation to extend the federal funding for these Children and Youth and Maternal and Infant Care projects for an additional five years at a funding level of $630,000,000. This bill, H.R. 8799 is cosponsored by 86 Members of the House and has been introduced in the Senate by Senators Gaylord Nelson and Edward Kennedy with 15 other sponsors.

There are at present 68 regional Children and Youth programs with additional satellites and 56 Maternal and Infant Care programs in existence delivering comprehensive health care to ½ million children and youth of lower socioeconomic levels in central cities and rural areas. Although it was the intent of Congress that these existing projects should continue with State support, that now seems highly unlikely given the budgetary strain on all of the states, as, for example, New York which has 9 C&Y and 4 MIC projects.

These projects render quality medical care at low cost to mothers and children in low income families within medically deprived communities. Medical services provided include hospital services, family planning, dental care, nursing and social services, speech and hearing therapy, nutritional services, psychological services, physical and occupational therapy, health education, transportation and follow-through on patients.

We all know from experience, and from scientific data, the serious consequences emanating from a lack of medical care during pregnancy and in childhood and adolescence—lead poisoning which undetected leads to brain damage, lack of proper nutritional care causing mental retardation, unwanted children resulting from a lack of birth control guidance and infant deaths and birth defects caused by poor prenatal care. The economic and social as well as medical benefits reaped from quality comprehensive health care are considerable.

The national average health care cost per year per man, woman and child is $350. The cost for care under these C&Y and MIC projects as of June 30, 1971 was $129.81 per patient. In spite of inflation, the estimated cost by June 30, 1972 will have *decreased* to $126. And even with this reduced cost there has been an *increase* in the quality of care. The statistics are impressive. Hospitalization is less for indigent children in C&Y projects than for indigent children not enrolled, and their average hospital stay is shorter. The underprivileged families keep appointments and follow the therapies prescribed more than does the general public. In one area of New York City, the MIC project is responsible for a 50% drop in the infant mortality rate.

H.R. 8799 provides for the funding level for Title V to be increased to $630,000,000. There are 11 million underprivileged children in this country. The C&Y and MIC projects serve ½ million children. Only ⅕ of indigent obstetric patients are covered by MIC or similar projects. These programs are operating with only modest funding and could serve a much greater population if provided with a modest increase in funds.

Continued federal funding for these special projects has the endorsement among others of the American Medical Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists and the National Association for Retarded Children. These projects constitute an existing delivery system of comprehensive health care serving those persons who would be among the first beneficiaries of a national health insurance program. They must soon receive the assurance from the Congress that continued funding will be forthcoming so that personnel will continue to serve, rather than look elsewhere for new positions fearing the program's termination date.

We must provide medical care for our nation's poor—especially the children of our deprived citizens who suffer in so many ways. The men and women involved in these projects are dedicated persons who have been giving the highest quality of medical care at the lowest cost to these underprivileged mothers, infants, children and adolescents for the past 5 years. In some very unique way they have given more than physical health to their patients. They have eradicated a sense of helplessness for those they serve.

H.R. 22.—THE NATIONAL HEALTH SECURITY ACT

We are also considering here today HR 22, The National Health Security Act, of which I am a co-sponsor.

I don't think there is anyone in this room now who can deny that American health care standards do not measure up to what this country could and should be providing for its citizens. Our doctors and scientists have consistently over the years been developing new medical techniques and methods of diagnosis and treatment, and to the few who can afford it, research and specialization among doctors in this country has made possible the most advanced health care available anywhere in the world. Yet there has been comparatively little progress in delivering these achievements to all of the American people.

How has it happened that the U.S., which spends more on health care services than any other country in the world, now ranks 13th in infant mortality, 7th in maternal mortality, 11th in life expectancy for women, and 18th in life expectancy for men among the industrialized nations? I know these figures have probably been repeated to you several times during these hearings, but I repeat them again here because they are so staggering and indicate the seriousness of the present crisis in our health care programs.

There has been a lot of talk in the past few months about the need to curb inflation, to free Americans from the fear of rising consumer prices; and the Nixon Administration has taken some decisive steps to confront this problem. Now here in this committee we have an opportunity to adopt a program which would eliminate the prospect so frightening to most Americans of facing catastrophic illness in the family and having their savings and assets wiped out defraying medical expenses. Not only are medical costs already exorbitant and impossible for the average American to finance with dignity, but they are growing at twice the rate of other consumer costs.

Many Americans are so afraid of being financially destroyed by those medical costs that they do not go to doctors for the preventive care and diagnosis which would save them further and more drastic future expenses. We must adopt a program which provides real "health" care, not simply "sick" care. And I believe that one of the best aspects of the proposed National Health Security Act is that it will provide not only for the payment of the cost of illness but will also emphasize preventive care. It is, after all, much less costly to prevent illness than to treat it.

The health care Americans have been receiving has clearly been inadequate, and the present health insurance programs have done little to encourage improved health care or even to allay people's fears about the expense of medical care. Americans have been paying high premiums for insurance that covers only a meager percentage of health costs. 16 percent of those under 65 have no health insurance at all, and those who do have only spotty coverage often not covering all or part of hospitalization, surgical costs, doctor visits in the hospital and home, or x-ray and laboratory costs. Hundreds of insurance companies, each having its own forms, methods of payment, and fine print qualifications have led to and indeed can only continue the chaos in health care. On the other hand, National Health Security would create one financing system and guarantee at least a minimum of medical benefits for all Americans, and one source of payment to providers of health care. The result would be the most efficient system of health care—where the providers of services are compensated in full and the individuals receive the quality care every American deserves and indeed has a right to—regardless of his or her ability to pay.

Opponents of a comprehensive national health program will argue that it will cost too much. But when analyzed, we find that in fact it will cost no more than what we are paying now for inadequate care and over the long run it will cut costs because of increased productivity of a healthier public. Actually we would only be rechanneling money that is now being spent inefficiently by government agencies, insurance companies, and individuals.

One of the most important aspects of this bill is its provision for the adequate supply and efficient use of medical facilities and trained personnel. No health security program can be effective in extending quality care to all Americans unless we provide incentives for the expansion of our medical resources. A percentage of the Health Security Trust Fund proposed in this bill would be earmarked for the recruitment and training of providers of medical services and for the enlargement and improvement of the institutions furnishing health care services.

Let me remind you that every major industrialized nation except for the U.S. now has a national health care program. For two years the Committee for National Health Insurance, initiated by the late Walter Reuther, worked with consumers, providers of health services, and authorities in the economics of health care to develop a sound program for reorganizing the health care system and financing health care by a means which would make medical services available to all Americans at a reasonable cost. One of the Committee's three vice-chairmen, Mrs. Albert D. Lasker, is an outstanding national leader in health care matters. The product of their efforts is embodied in HR 22.

Surely, we are all in agreement that the opportunity for adequate health care must be available to all Americans, and I support the National Health Security Act because I believe it to be the very best vehicle to do that.

H.R. 853.—A BILL TO PROVIDE A $25 TAX DEDUCTION FOR BLOOD DONATIONS

At least 150,000 people will contract hepatitis this year, the majority of them by the means of blood transfusions. Approximately 3,000 of these people will die. This is a tragic loss, particularly when it is one that can be averted.

I have introduced H.R. 853 providing that blood donations be considered a charitable contribution deductible from a taxpayer's gross income. The bill allows a $25 deduction for each pint of blood donated to a nonprofit blood collecting agency, setting a $125 annual limitation for each donor. The purpose of this bill is to provide incentives for "voluntary" blood donating, thereby increasing the number of voluntary donations and eliminating the demand for commercially collected blood.

Most of the hepatitis ridden blood comes from commercial blood banks. The dangers of contracting hepatitis are 10 to 12 times greater from a commercial pint of blood than a donated pint. This is because commercial blood banks maintain poor health standards, and many of their suppliers are addicts, derelicts, and winos. Many of these donors are unhealthy, and many sell their blood more frequently than they should—some as often as once a week.

Only 3% of the potential donor population now gives blood. More than half of those donors are middle income taxpayers. My bill would provide an incentive for the middle income wage earner to give blood, and to give blood regularly. If we can just increase the percentage of blood donors by one or two percentage points, we will be able to eliminate the demand for commercial blood.

Most important, the nature of a tax deduction is such that it would provide the voluntary donor an incentive to give blood, but it would not be attractive to the dope addict or derelict who is only interested in the immediate on-the-spot cash offered by the commercial blood banks.

The opponents of my bill have suggested that providing a tax deduction would encourage people to falsify their medical histories, and give blood when they shouldn't. I don't think this would happen. The monetary rewards would come at the end of the taxable year, not immediately. While the tax deduction would provide an incentive sufficient to encourage people to develop regular blood donating habits, it would not be so great to be worth falsifying one's medical record.

Most people in this country think of blood donations as a charitable contribution. But, because the Internal Revenue Service regards blood donations as donations of "service" rather than of "property," a tax deduction for a blood donation is not allowed. It is ironic that while someone can take a tax deduction for a $25 monetary contribution the American Red Cross—perhaps the money gained from selling a pint of blood to a commercial blood bank—a deduction for the pint of blood given to the American Red Cross is not allowed. But what greater personal property can a person give than his blood to save another person's life. For someone who is sick or dying, a pint of blood is much more important than $25 in cash donated to the American Red Cross.

The pivotal facts in this matter are: blood cannot be synthetically reproduced, it must be obtained from human donors; hepatitis cannot be accurately detected nor eliminated from bottled blood; blood usually is given to our hospitals' sickest patients—patients that can ill afford to be struck by hepatitis; and the demand for transfusable whole blood and blood components is growing.

Your Committee is now considering legislation to provide a national health insurance program. The victims of hepatitis contaminated blood transfusions will be an expense to this program. As I have indicated, at least 150,000 people will contract hepatitis this year, the majority of them through blood transfusions. And, there is every reason to believe that the number of these victims will increase in future years, particularly since the number of drug addicts in this country is still growing. Would it not be better in economic terms, say nothing of the human terms, to spend some money on an incentive program to provide the needed number of healthy donors?

Furthermore, the enactment of H.R. 853 would mean an acknowledgement by the federal government of the importance of voluntary blood giving. It would establish a national policy, which we now do not have, that blood giving is a practice to be encouraged. In this country we expend great sums of federal money to maintain resources for the purpose of national security. Shouldn't we do the same, at a comparatively small cost, for the health security of our people?

While the Treasury Department has yet to submit to the Committee its report on this bill, it would appear that the costs of H.R. 853 are calculable and modest. The National Institutes of Health estimates that approximately 6.6 million units of blood were collected in 1969. This includes commercial blood (approximately 50% of the 6.6 million) collections. With the $25 tax deduction actually costing the federal government an average $5, the cost of this incentive program provided by H.R. 853 would be approximately $33 million.

Is it not worth $33 million a year to save the lives of 3,000 people and prevent the illness of over 100,000 more costing millions of dollars in hospital care?

I urge this Committee's favorable consideration of this bill. I would add in conclusion that earlier this year, the National Research Council Panel of Consultants on Transfusion Hepatitis (a component of the National Academy of Sciences which is part of the President's advisory Office of Science and Technology) indicated in a report on transfusion hepatitis that the basic need is to encourage a wider base of voluntary donors. The Panel indicated that H.R. 853 would be helpful in achieving this objective.

Thank you.

A BIOGRAPHICAL SKETCH

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mrs. GRIFFITHS. Mr. Speaker, on November 21, the magazine section of the Detroit Free Press carried a story by Sam Hudson about his colleague Wilson William "Eddie" Edgar of the Observer papers. Mr. Edgar is one of the best writers in the business and this story recounts some of his most interesting scoops. It is with great pleasure that I place this biographical sketch of him in the CONGRESSIONAL RECORD for all to read:

THE LEGEND FROM LIVONIA WHOM JOE LOUIS PUNCHED, WILLIAM JENNINGS BRYAN HARANGUED AND PULITZER MISSED

(By Sam Hudson)

"There's a man on the platform who looks like William Jennings Bryan, and he's got a 45 minute wait between trains."

The informant: a friendly ticket agent at the local railway station. The place: a newspaper office in eastern Pennsylvania, circa 1920. All of the reporters are out on assignment.

Enter the 22-year-old sports editor.

"Hey, Eddie! Beat it down to the depot right away. William Jennings Bryan is there. Get us an interview, Hurry."

The man on the platform is big. His wide black fedora covers long hair, curled up at the back, the trademark of the silver-tongued orator himself.

"What? No, I never give interviews in small towns. I get misquoted too often. I can't gamble on your getting it right."

The "great commoner" looks at the reporter; asks if he has some paper. He sits down on a bench and writes out a three-page statement. Something about silver, or maybe it was in support of prohibition, or why the theory of evolution should not be taught in schools.

Eddie hustles back to the newspaper.

"Did you get the interview?"

"No. He says he never gives interviews."

The editor's jaw drops.

"But he wrote out this statement for me."

Sounds of the Allentown Record's front page being ripped out. The editor writes a banner head. Bryan's statement, in his own handwriting covers the front page. No by-line for the young sports editor, Wilson William "Eddie" Edgar, but there's a mention of how he got his first major story.

His second came a few weeks later. Again, Eddie is the only reporter in the office. This time the caller is a friendly nurse at the local hospital. Boise Penrose, Mr. G. O. P. himself, is playing hooky from the Republican national convention in Columbus, O. He is in a private room at the Allentown hospital for a physical check-up.

Sure, he'll talk to a reporter. Send him in.

"When do you think the deadlock at the convention will be broken?"

"Boss" Penrose—huge, stout, mustachioed, smooth-talking maker of presidents—looks at the young reporter and smiles.

"I'm expecting a phone call in half an hour. I'll tell you after that."

The phone rings. "Sit down," says Penrose. "You needn't leave."

Eddie listens. The convention is still deadlocked. "All right, here's what you do," says Penrose over the phone. "See the fellows whose names I gave you. Tell them I said to go with Harding. You can win with him."

Penrose turns to Eddie.

"There's your story, son. Better hurry back to your office. Warren Harding will be nominated before your paper goes to press."

That was 50 years ago. Today, Eddie Edgar is still hurrying to get his stories in before press time. Eddie, now 74, is probably the oldest and is one of the best known working newsmen in Michigan.

Eddie is now roving editor and columnist for the Observer newspapers, which cover parts of Wayne and Oakland counties.

Thinking about his luck in getting the Bryan and Penrose stories Eddie says: "I always seemed to be in the right place at the right time. I got my job at the Free Press in 1924 by a similar coincidence.

"Eddie Guest, the poet of the Free Press was scheduled to speak in Allentown. I went to hear him and asked for an introduction. I remember the warm greeting he gave me and his interest in my sports-writing job for the Allentown Record.

"Guest said to me, 'Some big city paper is going to gobble you up some day.'

"I don't know where I got the nerve, but I said, 'Do you know any that would like to gobble me up now?'

"He grinned at me. 'Send me a letter about yourself and I'll give it to the sports editor at the Free Press.' I wrote him the next day."

Eddie got the job as a sports reporter on the Free Press on a two week trial. He stayed for the next 24 years.

Eddie was also in the right place at the right time the day Ralson Goss came into the Free Press sports department and said: "From now on, all you guys on this side of the room," *waving an arm*, "will be writers; all of you on that side will edit copy. We've got to start specializing."

"I was sitting on the side of the room with those Goss said would be writers," says Eddie. "It was a break for me. A wave of a man's arm determined that I would be a writer whose name the public got to see instead of a copy reader who never gets known."

Eddie's first encounter with a sports immortal took place when he was 10 years old in Catasauqua, Pa. where he was born in 1897. Eddie's father owned a small restaurant. To help business he put in a pool table and took on customers for the price of the game. Eddie began taking instructions from him at age seven before he was tall enough to reach the table without standing on a box.

"For a year, my father had me roll the ball without a cue. He wanted me to get the feel of the ball and how it rolled. After a year he had me use a cue. (Years later when he watched Willie Hoppe play, Eddie won a bet from a friend, by wagering that Hoppe learned to play pool by standing on a box. He could tell by the way Hoppe reached for the ball.) When he was busy, my father would have me play for the house. By the time I was nine, I was taking on all comers."

Eddie won the Lehigh Valley pool championship when he was 12. A couple of years before, someone arranged a match between Eddie and a youngster who was later to become champion of the world—Ralph Greenleaf. Greenleaf was then about 15, Eddie 10.

"I left the winning ball on the lip of the pocket," says Eddie. "I went home and cried."

Mention of almost any major sports brings to Eddie's mind his encounters with the champs. In 1933, Eddie told Gar Wood, who had just set a world's water speed record at Algonac, that the story was timed wrong for the Free Press.

"What can I write about at 4 p.m.?" asked Eddie. "Harry LaDuc's got me beat already. I know—tell me about your emotions just as you broke the record."

Wood slapped a helmet and goggles on Eddie, told him to jump into the boat. Eddie said he kept watching the needle go up and up until it hit 124.85 m.p.h., the speed that broke the record.

"Now, write about your own emotions," Gar told Eddie. "Whatever you felt, I felt."

In 1935 Eddie rode 130 m.p.h. with Wilbur Shaw at Indianapolis just to get the feel of it. He always tried to get involved in the action in whatever sport he was covering.

"I had the gloves on with Dempsey and with Joe Louis," he says.

Eddie's eyes light up most when telling of his experiences with Joe Louis. When asked what was the highlight of the 52 years since he got his first job on a newspaper, Eddie says, without hesitation: "Being with Joe throughout his career."

Eddie was running the Golden Gloves for the Free Press in 1932 when a tall black boy walked into his office and asked where he could sign up. Eddie Edgar was virtually Joe's amateur manager until 1934, when John Roxborough became his professional manager.

Eddie says the most exciting moment he ever had in sports was on June 22, 1937, in Comiskey Park in Chicago when the referee raised Louis' hand as heavyweight champion of the world.

"You can't compare generations, but Joe had the fastest hands I ever saw. He was the smoothest fighter and the hardest puncher I ever saw."

Eddie's proudest achievement in his long career?

"That I helped to bring bowling from an adjunct of a saloon out to the main corner."

Eddie is also proud of his part in establishing the Bowling Hall of Fame in 1957. Among the 36 Bowling Hall of Fame plaques located in the Detroit Historical Museum is one dated 1962, with Eddie Edgar's name on it.

Eddie concedes that he has had a few bad breaks in the 52 years since he wrote his first news story. There was the time, for example, when he talked himself out of a share of the Pulitzer Prize.

It happened in 1931. Managing Editor Malcolm Bingay had assigned a group of reporters to cover the huge American Legion parade held that year in Detroit. Eddie was drafted from the sports room to serve as one of the team that Bingay sent in various directions to come up with a story. Eddie wrote two columns of the compromise article.

The day the story was to appear, Eddie heard Bingay and some of his assistants debating the matter of how to assign credits. They had decided on a community by-line of six names when Eddie entered the discussion.

"That's a silly thing to do," said Eddie. Take my name off it. We'll be the laughing stock of the business." They took him at his word and removed his name.

"That article won the Pulitzer Prize," Eddie relates, without any trace of rancor. "I got no part of the glory or the trip to New York, or the prize money. But I had no one else to blame but myself."

Edgar's boss, Phil Power, publisher of the Observer papers, where Eddie writes "The Stroller" says, "Eddie is more than a living legend, he's one damn fine newsman. He knows what's going on."

Eddie's eyes sweep over the cool green expanse of his neatly trimmed backyard with its evergreens, apple trees, and a timid ceramic faun crouched beneath a wide-spreading bush. But his mind's eye seems to see other places and other times—smoke-filled fight rings, dusty ball fields, rumbling bowling alleys and exciting newsrooms—as he knew them in the golden age of sports.

MEMORIAL SERVICE TO DECEASED MEMBERS OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HOGAN. Mr. Speaker, we owe a great debt to our policemen and firemen because they place their lives on the line daily to enforce our laws and insure our safety.

Their jobs have become ever more dangerous in recent years because of an appalling increase in the number of assaults on these guardians of law and safety.

Recently I was privileged to attend a memorial servivce at St. Patrick's Church in Washington for deceased members of the District of Columbia Metropolitan Police Department. The sermon at this ceremony was given by Rev. R. Joseph

Dooley, Catholic chaplain of the District of Columbia Metropolitan Police and Fire Department. Father Dooley's sermon was so timely that I insert it into the RECORD at this point:

There are three classes of people who find it difficult to render their services to today's modern world—the policeman, the fireman, and the religious leader. The policeman's job is difficult because he stands for law and order and is always on the defensive; the fireman because he risks his life daily for the safety of others; and the religious leader because he has the burden of being the spiritual head of a large family.

It is not just your religious acts that make you great men and women, but it is your service, humdrum routine lives can be divinized. Your work, therefore, is considered divine as mine is. We are in this together.

The image of the fireman and policeman is created by you the individual member; by your example, your judgment and faithfulness to your vocation. Your vocation is truly an exalted one.

The somber and depressing sight of shrouded police badges is now rapidly becoming more common. During 1970, over 100 police officers were killed in line of duty—the highest number in our history. In a one year period, 82 firefighters lost their lives in the line of duty.

There is an air of hatred for authority in this country today. A grim testimony of this hatred has been the growing number of attacks, bombings, and assaults against law enforcement officers and firemen.

Nothing short of all-out civil war could be more savage, more perverse or more damaging to a civilized nation than the slaughter of police officers now taking place in some American cities.

This is a war against the police. These deliberate attacks are too widespread, the incidents too numerous; the tactics too similar—to suggest separate and isolated acts of violence.

Persons who blow up police stations or gun down unsuspecting police officers in cold blood are at war with the law. They deserve no sympathy—no mercy—from the society they seem so determined to destroy.

Already this year here in our own city, we have lost four police officers, one U.S. marshal and one fire fighter in line of duty.

Our deepest sympathy goes to their families and loved ones. But, in equal measure, our gratitude goes to the men and women who are carrying on their duties despite the increasing danger.

The slaying of a police officer and the death of a firefighter has a definite impact on his brother policemen and firemen. If it happened as a consequence of a police action or fireground performance, his brothers in blue are saddened, of course, but they can accept his death as a reality of the job. But, if he is cut down from ambush or by a deliberate plan, the morale of every law enforcement officer suffers and a cloud of frustration, futility, and anger hampers effective performance of duty. The same is true of a firefighter. So often, history has shown that a tragedy is needed to prove a point. The untimely death of a fireman at an abandoned building fire greatly emphasizes the hazards faced by each firefighter every time he mounts the apparatus to respond to an alarm of fire.

When a policeman is assaulted or slain, when firefighters are attacked at the scene of a fire or disaster, the criminal significance of the incident extends far beyond the victim officer or fireman. It extends to the door of every law-abiding citizen.

The price of enforcing the law is costly. Perhaps no one knows just how costly, except the slain policeman's family and his fellow officers, who stand at rigid attention by his graveside and hear the echoing volleys of the farewell salute and the fading strains of taps.

All of you and your families must now draw on inner strengths and faith in order not to lose your heads or perspectives.

Those whom we remember today—whose names shall be read shortly—are not only those who have died in line of duty, but all the men and women, active and retired, who have died since the mass was held a year ago. Some who are here loved them as a husband and father, son and brother. Others loved them as wife and mother, daughter and sister. To others of us, they worked along side of us.

They gave us strength in time of trouble; wisdom in time of uncertainty; and sharing in time of happiness. They were always by our side.

Love is not an easy feeling to put into words. Nor is loyalty or trust or joy. But they have been all these. They loved life completely and lived it intensely.

They shared with us the same short moment of life. Each of us will have a different recollection; a different remembrance—for they touched our lives.

It may be that he was your scout car partner or the one whom you first met when you reported to your engine company for the first time. He was the sergeant who saved you on more than one occasion from making a mistake or the rescue squadsman who performed an act of bravery in your presence. He may have been the official who made you a better policeman or firefighter because of his own love of his work and the demands he made on you to do your best. He or she may have had a long and painful illness or they may have died very suddenly. His life may have been snuffed out by a bullet or by a falling wall while you stood by helpless. He may have been a close friend—a golf buddy—a fellow bowler—a neighbor. They have all made their place and their mark because they came across the stage of our life.

Surely this bond of common faith; this bond of common goal—can begin to teach us something. That is why occasions of this kind are so important, and yet so rare anymore.

In the book of Maccabees, we are told that it is a good and wholesome thing to pray for the dead. We gather here this morning to pray for the dead as we offer this memorial mass for those who have gone before us.

Undoubtedly, some of the pain and grief that we experienced when he or she was taken from us is renewed today. There is still loneliness and a vacant place in our hearts and in our lives, when we think of this person who meant so much to us.

However, the pain is not so intense, so heart-rending as it was on that occasion. Time has healed our sense of loss, but it hasn't erased it.

Please God, we will keep them always before us, particularly in our prayers. Let us hope that our lives and the lives of all our fellow citizens have been enhanced because of their life of service and dedication.

In closing let me read this prayer:

"We seem to give them back to you, O God, who gave them to us. Yet, as You did not lose them in giving, so we do not lose them in their return. Not as the world gives do You give, O Lover of Souls.

"What You give You take not away, for what is Yours is ours also. And life is eternal and love immortal and death is only a horizon, and a horizon is nothing save the limit of our sight.

"Lift us up, dear Lord, that we may see further; cleanse our eyes that we may see more clearly; draw us closer to Yourself that we may know ourselves to be nearer to our loved ones who are with You.

"And while You prepare a place for us, prepare us also for that happy place that where You are, we may be also forever."

DIFFERENCES OVER PANAMA CANAL

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. FLOOD. Mr. Speaker, on November 8, 1971, my distinguished and able colleague, now chairman of the House Subcommittee on the Panama Canal (Mr. MURPHY of New York), announced that public hearings on the interoceanic canal problem would start on November 29. These hearings are now underway and already there have been some startling revelations and interesting developments. Among the latter is a campaign of villification in the Panama press against Chairman MURPHY and the work of his subcommittee, which is probably the most comprehensive inquiry in the canal policy subject since early in the 20th century.

I read with much interest in the New York Times of December 2, 1971, two letters to the editor, the first by a citizen of Panama obviously reflecting the views of the revolutionary Government of his country and the second by a retired U.S. naval officer long associated with the Panama problem.

The first flatly states that the positions of Panama and the United States are irreconcilable and that Panama wishes the United States out of the Isthmus. It also quotes General Torrijos as stating that Panama is reaching the limit of patience and contains an implied threat to invade the Canal Zone. The second defends U.S. treaty based sovereignty over the Canal Zone.

The two letters, written at different times and in different parts of the hemisphere, are so interesting that I quote them as parts of my remarks:

DIFFERENCES OVER THE PANAMA CANAL

To the EDITOR:

The position of Panama and the United States concerning the Canal are irreconcilable. We want you out of our country. You want to stay. Such disparate stands cannot be negotiated.

Feelings here have reached such a pitch that our people will not accept anything but total sovereignty and jurisdiction over the present and any future canal, and the continued presence of U.S. military bases on our soil is out of the question.

You can be certain that any treaty that does not spell out, in unmistakable terms, those aspirations will be violently rejected and that no government will have the remotest chance of having it ratified.

In a talk at a recent rally, General Torrijos said, "We are reaching the limit of our patience. . . . The moment Panama feels let down at the negotiating table, I will come and tell you they are deceiving us—that the moment has come for one generation to offer its lives so that another generation can live in a free country."

But I believe that there is a rational, civilized and legal way of obtaining our goal. Panama should forget about negotiating the unnegotiable and announce to the world, preferably at the United Nations General Assembly, that it is opening to universal bidding, in cooperation with the U.N., the construction of a sea-level canal through its territory.

Also, Panama has a bill for over $13 billion for collection from the United States—for all the fresh water the U.S. tapped from Panamanian watersheds over the years, for the operation of the Canal and other profitable ventures. If the U.S. refused to pay, Panama would sue in the World Court at The Hague.

The day Panama opens its own canal to international maritime traffic, the 1903 treaty expires because its *raison d'être* ceases to exist. There is no point in arguing about the U.S. having a new canal, expanding the present one or keeping its bases. Out you go, legally evicted, the lease having expired.

How can the U.S. prevent Panama from having its own canal built? Or having its day in court? It can incinerate us all. Only thus—perhaps.

LEOPOLD ARAGON ESCALONA.

PANAMA, *November 3, 1971.*

To the EDITOR:

"Your Oct. 7 news story, "Panama informs U.N. of U.S. Talks" referred to Panama's action in placing its demand for canal treaty modification before the United Nations an "unusual procedure." Another news story, "Panama's Leader Warns on Canal" (Oct. 12), reported on inflamatory anti-American mass demonstrations adjacent to the Canal Zone—demonstrations staged by Brig. Gen. Omar Torrijos to intimidate our negotiators and timed to coincide with Panama's attempt to delude the U.N. into considering a false claim, concerning a matter solely under the exclusive jurisdiction of the United States.

Panama's charge of U.S. aggression must be emphatically rejected. Panama alone engaged in aggression in 1959 and 1964 by riotous attacks at the Canal Zone—consistently recognized sovereign territory of the United States by all responsible Panamanian governments, ever since the Hay-Bunau Varilla treaty of 1903. These are invulnerable facts—conclusions and opinions such as expressed in your Oct. 19 news story "U.S. Concessions to Panama Seen" to the contrary notwithstanding.

Former Treasury Secretary Anderson headed the emissaries appointed by President Johnson in 1967 for Canal treaty revision. Despite chaotic confusion resulting from the preposterous concessions to Panama proposed in the 1967 draft agreements—not approved by either nation—Anderson was reappointed by President Nixon not only as chairman of the Atlantic-Pacific Interoceanic Canal Study Commission, but also as head of a new treaty negotiating group.

The Oct. 7 news story states "The negotiations . . . broke down in 1967 and languished until last June." True, but for a very good reason—spontaneous massive waves to protest within Congress and among citizens informed of the ominous threat of the planned and totally unnecessary give-away of our legitimate sovereign rights in Panama, rights always diligently exercised with justice to all nations, with great economic and financial benefit to Panama, and for the defense of the free world.

Like the Bourbons, concerning whom Talleyrand said "They have learned nothing and forgotten nothing," our "negotiators" now recommend more disastrous proposals—proposals which, if adopted, would set the stage for a "Suez Canal" type disaster in Panama. Moreover, although unintended, there was a clear invitation to Communist take-over of the Canal itself implicit in Assistant Secretary of State Charles A. Meyer's recent statement, published on July 23 in the Torrijos-controlled El Panama America:

"If the Communists should cut off Venezuela's oil shipments or if the Santo Domingo incidents should be repeated, the United States would not intervene. There will be no United States intervention in Panama."

Forces which thwarted the planned give-away in 1967 will be much stronger and more determined than they were at that time and will, it is hoped, successfully prevent planned surrender now.

FRANZ O. WILLENBUCHER,
Captain, U.S.N., (retired.)

BETHESDA, MD., November 19, 1971.

WHAT IS THE ANTI-DEFAMATION LEAGUE?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. RARICK. Mr. Speaker, the average man on the street usually responds to the mention of the Anti-Defamation League with the question, "What is the Anti-Defamation League?"

Perhaps an introduction to the answer is provided by the ADL itself in its author's acknowledgment in the book, "Danger on the Right":

> Situated strategically in 27 cities across the country and in the national offices of the Anti-Defamation League in New York City are men and women whose daily assignment is the accumulation of data about extremist movements on the American scene.

To many Americans it seems incredible that a master snooping organization could exist in the United States without the common knowledge of the average American who reads the newspapers and watches his TV and tries to stay abreast of what is going on in his country. To such citizens it is inconceivable beyond belief that an organization of such size and devious operation could exist in their country without somehow being brought to their attention. In Washington, D.C., their plush and expensive office and operations are located at 1640 Rhode Island Avenue NW., Phone No. Ex 3-5284.

Yesterday in my speech under a special order entitled "ADL—Super Pressure Group—Gestapo of the Establishment," page H11869, I extended my remarks with a comprehensive report on the ADL authored by the late State Senator Jack B. Tenney of California. In Senator Tenney's writing, he explains in great detail how and why the ADL has been able to use its power to remain almost unknown to the American public.

Another description of the Anti-Defamation League was prepared by the Church League of America, 422 North Prospect Street, Wheaton, Ill., and published in its report, "News and Views," for January 1965, volume 28, No. 1.

I include the article, "What is the Anti-Defamation League of B'nai B'rith" by the Church League of America in the RECORD at this point, followed by the preface to the ADL's publication, "Danger on the Right":

WHAT IS THE ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH?

Definitions:

Semitic, a. 1. of, characteristic of, or like a Semite or the Semites.

2. designating or of a major group of languages of southwestern Asia and northern Africa, related to the Hamitic languages and divided into East Semitic (Akkadian), North West Semitic (Phoenician, Punic, Aramaic, Hebrew, Modern Hebrew, etc.), and South West Semitic (Arabic, Ethiopic, Amharic)

anti-Semitic, a. 1. having or showing prejudice against Jews; dislike and fear of Jews and Jewish things.

2. discrimination against or persecution of Jews.

(From Webster's New Twentieth Century Dictionary, Unabridged, Second Edition, 1956)

The word "Anti-Semitism" conjures up immediately in the minds of most Americans and those who recall the horrors of the Hitler regime a terrible thing. No normal American or Christian could condone persecution of anyone of another religion, either mental or physical.

The definitions given above from Webster's Dictionary are puzzling, however. Puzzling because the first word defined includes Akkadians, Phoenicians, Punics, Aramaics, Hebrews, Modern Hebrews, Arabs, Ethiopians and Ambarics while the second defined word (the *first* with the prefix "anti," meaning "against," in front of it) includes only Jews, to the exclusion of all the rest of the Semites. How can it be that the word "Semite" can lose its inclusive meaning when the prefix "anti" is added to it and be applied only to one of the ethnic groups of the eight originally named?

When, where and how were the other ethnic groups excluded from slander and persecution as connotated by the present day use of the word "anti-Semitism?"

Are words being stolen out of their dictionary meanings and being used as smear terms by individuals and organizations who are seeking word weapons with which to defame and destroy the characters and influences of those who have no use for "anti-Semitism" in any form, no matter which branch of the Semite family is affected, but with whom the smear peddlers may disagree on some political issue or economic theory?

We have received numerous inquiries asking—"What is the Anti-Defamation League of B'nai B'rith?" We present here a survey made in an effort to give our friends some factual information about this organization that recently sponsored a slanderous book called "Danger on the Right" in which the two authors (officials of the Anti-Defamation League) arrogated to themselves the liberty to include the Church League of America in public print in a way to give the impression that we are a collaborating part of some hideous mythical thing they have designated as "the Radical Right."

These authors have dressed this fanciful ogre—this new plaything of the Left—in ugly and odious garments with a clear purpose of stigmatizing with suspicion the Church League of America and the thousands of good and honorable people who are part and parcel of the Christian-American work we are doing.

A compounding damage resulting from this maliciously imaginative book is that it serves to stimulate and to encourage press-reviewers and a certain brand of commentators to reinforce their own pathological excitement by giving further currency to this politically inspired romanticism.

In issuing this survey by our task force we have no intention of being baited into retaliation with a barrage of name-calling invectives or any other kind of verbal brawling. It is with pity and reluctance that we give answer at all to a group-voice that, according to never-ending plaints about "minority persecution," would seem to need friends more than the natural results that come from provoking antagonisms. Nevertheless this group that capitalizes its own persecution has made a target of the Church League of America (whose work is directed at defending the Christian religion from its avowed Communist-network enemy) and we must perforce defend against this unprovoked attack by examining the source to find, if possible, the reason why our good name was included in this volume of fuss and fury—a book that one reader has termed "an irresponsible and incredulous effort at muckraking."

Literature that emphasizes "enemies." We find that over a considerable period of years this vaguely known organization called the Anti-Defamation League of B'nai B'rith has been publishing and distributing books similar to its latest "Danger on the Right"—and a vast amount of other literature—for the apparent purpose of dramatizing its own particular conception of how our American mores should be changed to fit a new left-liberal "social order." This literature and a related activities program would indicate a purpose to frighten an unorganized public into non-resistance by making it appear that those who believe in time-honored and time-tested conservatism have suddenly become something evil called the "Radical Right." There is another clear reason also for invective literature that dramatizes hideous and evil "enemies" (such as a monstrous "Radical Right") and that is to keep the checks coming.

One of the most vitriolic papers in the race-stirring business is the Heritage published in Los Angeles. It was one of the first to take up the "radical right" as a war cry and with that general theme it has within a few years skyrocketed from nothing to a considerable following. Its issue of June 28, 1962 carried a story headlined "'Rights' Threat to U.S. Jews." The story quoted Benjamin Epstein, national director of the Anti-Defamation League of B'nai B'rith as warning that "the 'radical right' is fertile soil for anti-Semitism." This is the same man who co-authored the latest literary effort of the Anti-Defamation League—a book called "Danger on the Right" which, for reasons best known to these artful authors, has managed to bring references to the Church League of America into its "loving embrace." One of the fine arts of the left-liberal crusaders has been adroitly to destroy its conservative opposition by manipulating, through vulgar innuendo or by manufacturing some devious association, an image to create the impression that the opponent "is anti-Semitic." This has been widely practiced with deadly effect. While these authors have not been bold or foolish enough to charge the Church League of America with such an odious offense, yet this characteristic attention in a book like this certainly arouses a suspicion of purpose.

Some of our friends may be interested in knowing the background of the left-liberal crusade against what it calls the "Radical Right." In October-November of 1960 the Soviets convened a "Meeting of Representatives of the Communist and Workers' Parties" in Moscow which was attended by delegates from 81 Communist Parties throughout the world representing 36 million voluntary and involuntary Communists. At the close of the meeting the Communist leaders issued a Manifesto which was a scorching attack on the "reactionaries" of America as the principal enemies of what the Communists call progressive change. At that meeting a world "party-line" was laid down to start a drive on those reactionaries who stand in the way of the new social order.

The Communists in America almost immediately began the crusade against what they termed the "Ultra-Right." This party-line was announced to the comrades at large and the hitch-hiking liberals in a Party magazine called *Political Affairs* which is regularly used for that purpose. In its issue of August, 1961, Communist leader Gus Hall did the announcing with an article titled "The Ultra-Right, Kennedy and the Role of Progressives." All through the article he pounded hard on the terms "Ultra-Right" and "extreme right." This was the same Gus Hall who, in the Communist Daily Worker, April 5, 1950, was the first on record to introduce the term "McCarthyism." Our American liberal-coterie quickly grabbed that shibboleth and wore it threadbare flagellating the individuals and groups they did not like. Almost everyone not left of center suddenly became a "McCarthyite." When time dulled the edge of that ugly word, the crusading-left eagerly grasped the new slogan-weapons of "Ultra-Right"—"Extremists"—and "Radical-Right" so conveniently provided for them.

This survey, if it is to serve any useful purpose, must necessarily be both factual and forthright. It will, however, hold to a vocabulary that will not retaliate in kind. It will simply go to the record and let that speak for itself. Wherever the term Anti-Semitism appears it will do so only as an unavoidable part of an over-all record of our assailants which reveals such continuous use of this revolting term in reference to others that it becomes inescapably suspect as an instrument of opprobrium in an ever-widening assault on our traditional pattern of American conservatism by people who, for reasons best known to themselves, have elected to point some kind of a finger of suspicion at the Church League of America.

To clear any misconception: It should be explained that the Anti-Defamation League is not an independent organization as some people probably imagine but is a "Committee" attached to a very large organization with branches and lodges in American cities and towns from coast to coast where there are Jewish people in substantial numbers. This parent organization is known as B'nai B'rith—and it has grown to represent Jewry throughout the world. This reference is not to cast reflection upon B'nai B'rith in its honorable role as a Jewish fraternal organization—but is made solely as a matter of identification for its sub-organization (or committee)—the Anti-Defamation League. This identification is necessary to show that the actions and policies of A.D.L. are rooted in the largest Jewish membership organization in the world. While the management-control of the Anti-Defamation League may have been appropriated by a small aggressive clique—and it may be even true that B'nai B'rith members in general may not know what this A.D.L. is doing—nevertheless the wide membership responsibility is there and this fact cannot be ignored or omitted from a factual examination of this issue in which the Church League of America has been introduced into the dark room of suspicion.

It is through B'nai B'rith prestige that its Anti-Defamation League is able to raise incredulously large sums of money to issue such muckraking literature as "Danger On The Right" and it must be left to the American public as the final arbiter as to what is right and who is right in the conflict that is now raging to change the basic pattern of Americanism.

While the Anti-Defamation League functions as a committee of B'nai B'rith it appears that orthodoxy has not always been its rigid rule. Editor Fishbein of the Chicago Sentinel (Nov. 15, 1951) in his full page editorial dealt with some of the shortcomings of Jewish organizations:

"The Anti-Defamation League," he wrote, "is involved in a somewhat different quandary. It appears that some leaders of the Chicago B'nai B'rith have recently uncovered a most amazing fact—namely, that the majority of the A.D.L.'s Board are not even selected by B'nai B'rith. This has been no secret to anyone familiar with the workings of this 'defense agency.' Its policies in the main, have always been dictated by members of the American Jewish Committee who have nothing in common with the average B'nai B'rither. The two are as far apart as day and night. Eli Aaron, for instance, who represented Chicago at the recent national meeting of the Joint Defense Appeal upon whom the A.D.L. is totally dependent for its funds, is not even a member of B'nai B'rith. He is the Chicago Chairman of the American Jewish Committee. This explains why the A.D.L. has rarely, if ever, reflected the thinking of the men and women of B'nai B'rith whom they are supposed to be serving."

After a number of years of being harnessed together through the money-raising agency called Joint Defense Appeal, the American Jewish Committee and the Anti-Defamation League dropped the arrangement in 1962 with some intimation that each would raise its own funds. In 1963, however, the Anti-Defamation League, continuing as an adjunct of B'nai B'rith, was back in the general over-all Jewish fund distributing organizational arrangement. The funds for A.D.L.'s work covers a wide range of activity (as this survey will indicate) including the publishing of such books as "Danger On The Right" where a strained effort is made to derogate the Church League of America.

The parent organization: B'nai B'rith (meaning roughly 'Children of the Covenant') was organized October 13, 1843 in Sinsheimer's Cafe on New York's East Side where most of the Jews then in this country (some 20,000 immigrants, according to the Chicago Sentinel) were living. It was, of course, a natural thing for these people, mainly speaking a foreign language and not understanding American ways, to organize for social and fraternal purposes. Gradually Jewish communities, through propagation and immigration, spread and likewise did the B'nai B'rith lodges, until today they are scattered all over the country. This is now widely recognized as a tremendously active and powerful bloc in America.

The offspring: In 1913 Sigmund Livingston, a well known Chicago lawyer, with a small number of his friends, feeling a need for an educational movement to improve the image of the Jewish people in a milieu where there was considerable criticism of a rapidly expanding immigrant population, often strangers to our American traditions, organized the Anti-Defamation League and succeeded in having it made a Committee of B'nai B'rith where it was called the "educational unit" of that organization. There certainly could be no proper objection to an organization which appeared to have a fine, cultural purpose.

Actually, however, the Committee hung more or less lifeless for at least its first ten years. Very little was heard of it and very little was done by it—largely because of the general mores of the times (the American *zeitgeist*) causing its sponsors apparently to tread softly with it. The years, in one way and another, have brought great change in this situation. Today the Anti-Defamation League of B'nai B'rith is widely recognized as a powerfully active movement (which is supported by its record) and by some is considered to be one of the most potent factors of compelling influence in the political and social-action fields in America today.

The leap forward begins: In 1931 a young man (about 43) named Richard H. Gutstadt, who had made quite a record as an organizer in the Jewish community field, was appointed as National Director of the Anti-Defamation League which was now about to take on a new career.

Mr. Gutstadt was the man-of-the-times for the A.D.L. job as it began to take its stride. He quickly made something out of nothing. He put A.D.L. into action with vim and vigor—on both the offensive and defensive—with "Anti-Semitism" or Semitism (whichever is the more applicable) as the war cry. By that is meant that A.D.L. went into vigorous action against all individuals, organizations, and policies that were considered to be inimical to Jewish interests. Some of this was understandably appropriate—but there is always the danger that self-anointed power will inflate itself to the status of "extremism" and even arrogance.

Great liberals like Felix Frankfurter, New York's Senator Wagner and others were, about that time, grooming Franklin Roosevelt for the Presidency. He was elected in 1932 and by the time the revolutionary New Deal had begun to roll and stir the country into turmoil in 1933 Mr. Gutstadt sent out a letter that fitted well into the new political climate. The letter was on Anti-Defamation League stationery (with the words "of B'nai B'rith" omitted—and dated December 13, 1933. It read in part as follows:

"Scribner & Sons have just published a book by Madison Grant entitled 'The Conquest of a Continent.' It is extremely antagonistic to the Jewish interests . . . We are interested in stifling the sales of this book. We believe that this can be best accomplished by refusing to be stampeded into giving it publicity . . . We therefore appeal to you to refrain from comment on this book . . . It is our conviction that a general compliance with this request will sound the warning to other publishing houses against engaging in this type of venture." (The letter was signed by Richard H. Gutstadt, Director.)

Madison Grant was a highly regarded writer and historian of the time. His book "Conquest of a Nation" dealt with the opening of America, showing how the Nordic peoples had contributed to the conquest of the American wilderness. That was his sin. The Anti-Defamation League group complained that the book (1) had emphasized the Nordic theory; (2) had negated the melting-pot philosophy; and (3) the book was generally objectionable to Jewish interests.

From this period came a development that has reached its ultimate in the book-selling and publishing field where these business people now well know what books to leave alone. The late John T. Flynn, notable writer with a liberal background, suddenly discovered after he became an outspoken conservative that his books were no longer being pushed by either his publisher or the large bookstores. It was not long until he learned that rumors of "anti-Semitism" had been skillfully sneaked into the right places about him—*rumors that were completely without foundation!*

More book suppression: On October 4, 1955 Henry E. Schultz, national chairman of the Anti-Defamation League, wrote a lengthy irritating letter to Lt. General George E. Stratemeyer requesting him to withdraw his endorsement of Dr. John O. Beaty's "Iron Curtain Over America" dealing with Communism. The distinguished soldier replied with a scorching letter excoriating the A.D.L. official for insinuating an "anti-Semitic" angle, and also said: "Not until I read John Beaty's book did I learn what was going on back in the United States while I was overseas fighting for my country" and then demanded to know if the A.D.L. letter was "a veiled threat to my free expression and thoughts? If so," General Stratemeyer continued, "your letter is the most outrageous communication I have ever received."

On February 19, 1954, Rabbi Robert E. Kahn of Houston, Texas, known for his vigilance in such matters, wrote a letter to L. E. Page, Commander, American Legion, Department of Texas, about the Beaty book (which had been endorsed in a Legion list of books) demanding that the Un-American Activities Committee of the Hutchinson County Post be asked to "disavow this book (and any others of similar character on the list) by (1) dispatching a letter to those to whom the original list was sent, and (2) publishing their regrets in the Texas Legionnaire and the American Legion Magazine . . . I should like to hear from you about this."

Dr. John Beaty, who aroused the A.D.L. people to such militant ire and action, was a well-recognized professor of English at Southern Methodist University, Dallas, Texas; author of numerous books (some of which were used in hundreds of colleges and universities); a scholar of high repute holding several university degrees including earned and honorary doctorates; fluent in several languages; a patriot who had served his country for five years in Military Intelligence Service in World War II.

American citizens feel keenly the importance of free choice and free expression. The first Article of the Bill of Rights states forcefully that the Government (Congress) shall make no law "abridging the freedom of speech." In the face of this we find other forces continuously trying to tinker with these basic freedoms.

Early in Mr. Gutstadt's administration of A.D.L. an interesting situation arose in Oklahoma. The brilliant editor of the Tulsa Daily Tribune, Richard Lloyd Jones, wrote an editorial that became a cause celebre in A.D.L. ranks. It seems that Mr. Jones, along with other newspaper editors, had been receiving continual appeals from a New York headquartered "Committee for the Jewish Army" urging publishers to raise money for an advertising campaign and to aid in organizing local groups to help establish and officer a "Jewish army" to deal, in some undefined way, with Hitler's Germany. One of the New York committee's communications that had perhaps nettled Mr. Jones, declared: "We shall not rest until the American people are aroused to their full responsibilities." Editor Jones took his pencil in hand and wrote a stirring editorial titled "The American Flag For All of Us" which ran in his paper February 27, 1943. Here are brief extracts from that editorial:

"This committee shrieks at the outrage of Germans murdering Jews. So do we all. We go further. We shriek at the outrage of Germans murdering Gentiles as well as Jews. Our Government and our Allies have an increasingly growing army to halt the Germans . . . No one ever spoke of a German-Gentile, but this committee asks for an army to protect the German-Jew . . . The Jews in America have for many years maintained an anti-defamation society. We have had no anti-defamation black-mailers among the Americans of Scotch, Danish, Dutch or any other antecedents."

This rather hard-hitting but respectful pointing-up of rather unpleasant facts stirred a furor in A.D.L. ranks. The Jewish Examiner (April 9, 1943) said in part: "When the editorial appeared, the wires were burned up with frantic telegrams. Richard Gutstadt of the A.D.L. hopped on a plane to Tulsa and with a delegation of local leaders called upon the editor. There was quite a pow-pow, but the writer of the diatribe stuck to his guns." To which was appended a rather unfavorable characterization of the editor.

Do the anti-defamation league people believe in freedom of expression where it conflicts with their interests? In Al Smith's words, "let us look at the record." The National Jewish Post of May 19, 1950 reported how the A.D.L. bluntly banned the speech of a high Government official at its Chicago convention in mid-May of 1950. The following excerpt is taken from the Jewish Post story: "Several hours before Benjamin J. Buttenwieser, assistant High Commissioner of Germany, was to speak to the Anti-Defamation League of B'nai B'rith at its annual meeting here (Chicago), he was told that he had been removed from the program because of his views on denazifiaction." The action was widely criticized—even by some members of B'nai B'rith such as Brig. Gen. Julius Klein.

An example of indirect action: In Seattle a nationally known women's organization invited a Chicago author to address them on March 1, 1951. He spoke on Communist Activities in the United States. 500 women were present. Sometime later the chairman received a letter from a local furniture dealer saying—"I am sure you would not have had this man as a speaker if you had known his background," and enclosed a three-page anonymous "report" on the man. The chairman asked for its source. The furniture man replied (by letter) that it came from the Anti-Defamation League and gave its Seattle address. The report of twisted insinuations was analyzed paragraph by paragraph with the facts and the chairman agreed it was meaningless. The speaker was charged with having defended Colonel Charles Lindbergh. This one point was factual. It happened at a time when a hand-maiden New York front called "Friends of Democracy" was defaming Colonel Lindbergh with scurrilous booklets because it had not liked a speech he made in Des Moines in 1941 for "America First," naming three forces that were pushing America into World War II.

Few people today realize what has been happening in the free speech forums such as service clubs, civic organizations, college halls, and even churches. A "climate" has been created where very few of the institutions mentioned now have the courage to book a speaker who has factual information on Communism or its net-work—or on any critical aspect of the left-liberal Establishment that is now slowly closing its pincer embrace on the traditions that have made this the country it is—or was. All that is necessary to make a speaker or almost any one person non grata in public today is to get him labeled with something like "bigot"—"extremist"—or "radial Rightist." The purpose of such labeling is to destroy. Traditional American courage to resist is slowly succumbing to asphyxia from the left.

None dare call it extremism: In the May, 1955 issue of an old established trade magazine (The North American Veterinarian) published in Evanston, Illinois, there appeared a small want-ad by a Detroit veterinarian who wanted an assistant and who asked the applicant to "State religious denomination." Some time later the publisher in Illinois received a letter from the New York State Commission Against Discrimination signed by Commissioner N. R. Pinto, a New York lawyer, explaining that this ad violated this New York law (enacted through minority pressure)—and requesting a statement that the offense would not be repeated. It was found as a matter of record that the complaint had been filed by Monroe R. Sheinberg, New York Regional Director of the Anti-Defamation League of B'nai B'rith. Demands for submission kept coming for months—but were ignored. Complaints from the same general source have also been filed with the Commission Against Discrimination against certain resort hotels for having posted signs reading "Churches Nearby." This was claimed to be a ruse to indicate that the hotels wanted only Gentile or Christian guests.

The watchful eye sees all. "In the Anti-Defamation League of B'nai B'rith we have a unique opportunity to watch the professional bigots, the superpatriots, the dark reactionaries, under the pretense of fighting Communism—striking not at Communism, but the free institutions that have made America great." So spoke Henry R. Schultz, national chairman, Anti-Defamation League—Chicago Sentinel, May 21, 1963. "Such coalition," continued Mr. Schultz, "faces us with a constant threat for it gives sanction to bigotry and provides an atmosphere in which organized anti-Semitism can play upon the fears of the people." The Sentinel article quoted the late New York banker and Senator, Herbert H. Lehman who was also Honorary Chairman of the Anti-Defamation League, as spelling out the danger of "creeping McCarthyism" and calling it a "subtle poison which has already eaten deep into the muscles and sinews of our body politic."

The use of the term "McCarthyism" by the redoubtable Mr. Lehman is interesting. It is a matter of unchallenged record that this ugly symbolism was first used by Communist leader Gus Hall in the Daily Worker, April 5, 1950. It was quickly grasped as a destructive psychological instrument by the whole battle-front of liberals—all of whom seemed to have something at stake in Senator McCarthy's disclosures. True, he was a hard-hitting "spot-lighter" of the Communist mess when Communism had spread its espionage cells throughout Government agencies (all a matter of record) and such political crucifixion seems to be the price any exposer of Communism must pay today.

A.D.L. and "McCarthyism." The anti-Semitic cry was injected into the crusade against Senator McCarthy when he began an exposure of a security situation at the Army's strategic signal corps and radar center at Fort Monmouth, New Jersey where, according to the Chicago Sentinel (April 22, 1954) 45 employes "41 of whom were believed to be Jews" were suspended for inquiry because of security reasons.

The New Jersey Anti-Defamation League went into action. The matter was so big that the national office of A.D.L. soon took charge. The Chicago Sentinel quoted Arnold Forster, director of civil rights of the Anti-Defamation League, to the effect that A.D.L. had made a thorough investigation of anti-Semitic elements in the situation and had forwarded a report to Secretary of the Army Stevens. This report was reliably otherwise described as placing a charge of "Anti-Semitism" against the U.S. Army. Washington responded to this like it was a bubonic plague. The McCarthy committee was turning up information about the Fort Monmouth personnel and the commander there, Major Gen. Kirke B. Lawton was doing his duty in suspending them. Without further details as to what happened, it may be said this was the beginning of the end for the McCarthy committee.

The Anti-Defamation League seems to entertain a dim view of Congressional committees investigating Communist activities. The New York Post (November 22, 1953) carried a story headed—"Sees Red Probes Spreading Fear" in which it said "The chairman of B'nai B'rith's Anti-Defamation League has charged that Congressional committees often spread fear and confusion in their efforts to capture headlines." The Chicago Sentinel (August 31, 1950) reported that the Anti-Defamation League and other Jewish Groups Condemn the Mundt Bill." This was a proposed bill to deal with Communist subversion which later was passed as the Internal Security Act of 1950, often referred to as the "McCarran Act." This is legislation that the Communists have derided and fought and have accomplished essential destruction of the Act through Supreme Court decisions while a cacophony of Act-criticism by our great liberals has cheered them on. The proposed Mundt bill, according to the A.D.L. group, "represents a hysterical approach," to the subversion problem. They preferred a softer bill like the ones proposed by their own Congressman Celler or liberal Mr. Magnuson.

A.D.L. interest in Congress and its activities is further highlighted by a report in the Congresional Record of November 20, 1947. Congressman Clare Hoffman (Mich.) was discussing on the House floor an investigation made by the House Committee on Expenditures in the Executive Department to learn if Federal funds had been used to install in the Civil Service Commission's office an extensive file of some 250,000 cards containing "information, statements, rumors, hearsay, and gossip bearing on the views, opinions and actions of Senators. Senators' wives, Congressmen and individuals in public life." Congressman Hoffman then inserted into the Congressional Record some of the questions and answers of the investigation. The Chairman of the Congressional committee asked the questions. James E. Hatcher, Chief of the Investigations Division of the U.S. Civil Service Commission, gave the answers. The Committee chairman said:

"It is my understanding that on many of these cards, or at least on some of them, there is a notation, or was a notation, like this: 'The above was copied from the subversive files in the possession of attorneys Mintzer and Levy, 39 Broadway, New York City, room 3305. Their files were made up in cooperation with the American Jewish Committee and the Anti-Defamation League. The source of this information must not be disclosed under any circumstances nor be quoted. However, further information concerning above may be secured by contacting officers of Mintzer and Levy.' That information," continued the chairman, "is on the bottom of cards that carry information to the effect that individuals named, Senators and Congressmen, were disloyal, belonged to subversive groups, engaged perhaps in traitorous activities." Mr. Hatcher replied that the "card system" had been started without any proper authority and such particular cards would be disposed of—but the whole matter raises grave questions.

Congressman Hoffman in introducing this matter observed that a public official, especially a Congressman, invites disaster when he enters into controversy with reporters, editors, commentators and other powerful forces—but that making this a matter of public record was likewise a matter of principle with him. On November 13, 1952, Milton Friedman of the Jewish Telegraph Agency, reported in the Chicago Sentinel that "Rep. Clare E. Hoffman, of Michigan, is listed by the A.D.L. as hostile 'to the Jewish people' . . . He is described by the A.D.L. as a defender of American bigots tried for sedition during World War II. . . As a distributor of anti-Jewish literature through the Congressional Record." The A.D.L. was further quoted by Friedman as claiming that Rep. Hoffman, in 1949, had told a House Committee considering an F.E.P.C. bill that "There is no such thing as discrimination against the Jews. In this country, if I understand the situation clearly, the Jews have the world by the tail. They are on top."

Among the activities of the Anti-Defamation League is its eagerness to help Christian churches, schools and other organizations prepare their literature and form their policies. In a 38-page booklet titled FACTS, the American Jewish Committee (at the time, March, 1951, closely associated with the Anti-Defamation League) had a statement of program and policy showing the many working arrangements with other organizations. "We supply Christian religious publications with prepared materials, articles, and stories, depicting Jewish life (the booklet says) and . . . current issues which particularly affect American Jews." * * * "Through the newly created Division of Christian Education of the National Council of Churches, the A.J.C. and A.D.L. will jointly have an unprecedented opportunity to aid in the preparation of lesson materials, study guides, audio-visual aids, etc., for use in educational activities sponsored by the Protestant churches and organizations." * * * "An analysis of films depicting the Crucifixion story, used in religious educational activities, was completed during 1950 and the results made available to community councils. . . . A more complete survey is currently under way to discover distortions as well as omissions with respect to Jews and Judaism, past and present. Since over 3,000 Protestant churches now use films and film strips as part of their educational program, this provides an important area in which corrective action is indicated." * * *

From page 34 of the 1953 A.J.C. Report (of its 45th annual meeting) we read: "In the months just passed, A.J.C. and A.D.L have cooperated closely with the National Council of Churches of Christ in the planning and execution of special leadership training courses for ministers and religious educators. . . . Meetings with top Protestant leaders were established on a regular basis in 1952, not alone for discussion of religious education but on issues and problems of concern to all of us: church-state matters, immigration, Unesco, and Human Rights Cooperative programs of education and social action. . . "

Interesting cooperation. Many Christians who find but little solace in the policies of the National Council of Churches will be interested to find the A.D.L. people so anxious to work with the N.C.C. During the period mentioned of close cooperation, the National Council of Churches has come under heavy criticism from a wide range of Christians because of its radical-liberalism. This cooperation is also interesting because the historic Christian movement is centered around the diety of Jesus which is a doctrine completely unacceptable to the A.D.L.-A.J.C. religious viewpoint.

Activities in field of education: According to the New York Journal (Oct. 5, 1956) "The Anti-Defamation League of B'nai B'rith today refused to accept partial censorship of its 'Social Memo and Date Book' for teachers as requested by the superintendent of schools of Dade County (Miami, Florida)." "The refusal," says the New York paper, "was made by Henry E. Schultz, national chairman of A.D.L. after the Florida board voted 4 to 1 yesterday to ban the book . . . Schultz said they would, under no circumstances submit to censorship." The Memo books had spaces for "Appointments" — "Memoranda" — and "Reminders" which covered three pages of recommendations for films, pamphlets, books, records, plays, songs, and other Anti-Defamation League offerings on race, bigotry and the ideologies with which A.D.L. deals. * * * The Alhambra (Calif.) Post-Advocate (Sept. 17, 1954) carried a story headed—"A.D.L. Glives Book Covers to Local High Schools." "One thousand paper book covers, attacking racial prejudice," the paper said, "were presented to the Alhambra and Mark Keppel High Schools yesterday. Stephen S. Tessler, regional chairman of the Anti-Defamation League made the presentation." The book covers depicting imaginary "racial" incidents "were distributed to the students." One of the incidents showed a group of boys about to play a sand-lot game. Two of the boys are differing and arguing about another who is a Negro youth. Dramatizing such improbable matters has been widely criticised.

Among A.D.L. films and booklets for children (and adults as well) are imaginary conflicts of rather extreme race situations. Typical is a 38-page booklet titled "The Three Rabbits." It consists of rabbit cartoons with some wording on each page—a sort of running story starting with Joe and George, twin white rabbits. While growing up they play together and watch the same TV programs. Joe soon begins to develop prejudices—and this makes him want to hurt other rabbits—tell bad jokes about them—and he grows really mean when a brown colored rabbit moves in next to him. Joe crosses the street rather than meet a rabbit of another color—and so on. It brings the racial issue to school children early—probably before most of them are conscious of race. A.D.L. sponsors a vast amount of films, booklets, car-cards, blotters and other materials emphasizing what seems to be extremes in imaginary racial conflicts.

An astonishing tendency to suppress has been noted in many A.D.L. activities as documented in this survey. One well publicized case was an attempt to ban the British film "Oliver Twist" from showing in this country when, in 1951, Britain's foremost film producer, Sir Arthur Rank, released this dramatization of the story by Charles Dickens. The A.D.L. (according to the Chicago Sentinel, July 19, 1951) charged that the general behavior of the character Fagin in the play, including his 'hooked nose' appearance—"could fan anti-Semitic sentiment in this country." This same Sentinel (Aug. 8, 1951) carried the column of the late Rabbi G. George Fox (closely associated with A.D.L.) which they titled "Rabbi Warns Community of Inherent Dangers in Fagin Caricature; asks Boycott of British-Produced Film." The protests stopped the film showing. It was admitted, however, that the film had been shown in Canada without stirring 'Anti-Semitism'. The British producer, nevertheless, had to retake parts of the film until it was "acceptable" to the hypersensitive protesters before being shown in the United States.

Is discrimination a one-way street? Here are a few more examples of how the A.D.L. battle "to make America over" is being waged on many fronts. An A.D.L. Bulletin (one of their many publications) was quoted in a full page of the Chicago Sentinel (Aug. 30, 1956) with this headline: "Are We Winning the Fight Against Medical School Quotas?" The article discussed what it called a "quota system" (limiting school admittance to population percentages) in the New York Medical schools—and what to do about it. Since then the Albert Einstein Medical School at Yeshiva University has been opened. Out of the $171 million received by Yeshiva last year, $12.6 million went to the medical school.

Fraternities and sororities. The Sentinel (Nov. 15, 1956) carried a story titled "U. of Arizona Asked Not to Lease State Land to Biased Frats." The story explained that the Anti-Defamation League had been in discussion over this matter of "discrimination" of private fraternities with the University authorities. It is not news that A.D.L. has been an important force in the drive to take from fraternities and sororities the right to have certain rules restricting selection of their own members. * * * Private clubs, hotels and other organizations also have been under A.D.L. fire to prohibit discriminative selection. The Pittsburgh Sun-Telegraph (Nov. 1, 1953) carried a story which read in part—"Judge Samuel A. Weiss, an officer of the Anti-Defamation League of B'nai B'rith called for prompt legal action against a leading Pocono resort hotel accused of discriminating against Jews." * * * From the Chicago Sentinel (April 17, 1952) "Justice Meier Steinbrink, national chairman of the Anti-Defamation League of B'nai B'rith, this week filed a formal complaint with the New Jersey Division Against Discrimination, charging that he was denied accommodations by hotel in Atlantic City." * * * A news story in the Chicago Sentinel (Nov. 25, 1954) told of how Deputy U.S. Attorney General William P. Rogers had promised Henry Edward Schultz, national chairman of the Anti-Defamation League of B'nai B'rith, that he would not register at a certain hotel in Phoenix, Arizona where a meeting of the National Association of Attorneys General was being held—because of an alleged policy of discrimination by that hotel.

The anti-defamation league type of complex or super-sensitivity (which has been called "super-Semitism") has resulted in so many cases of "resistance" such as those already cited that there are many, both Gentiles and Jews, who believe this sort of aggressive and provocative propaganda and action is doing as much harm as good. For instance, the controversy over prayer in schools has stirred widespread feeling. The (Jewish) American Examiner (Sept. 6, 1962) carried a story showing antagonisms can easily spread out of induced super-sensitivity. The story indicates that quite a ruckus developed when the Hicksville (N.Y.) school board complied with a ruling by New York State Educational Commissioner that a part of the National Anthem that contains the phrase "In God We Trust" could not be used as an official school prayer. According to the American Examiner, the State Commissioner had made the ruling in response to a demanding petition presented by Mrs. Miriam Rubenstein, and the liberal Catholic weekly "America" ran an editorial (first week of September, 1962) "asserting that Jewish espousal of bans on religious practices in public schools was responsible for creating anti-Semitic reactions among Catholics."

The editorial in "America" was challenged by the American Jewish Committee and Dore Schary, now chairman of the Anti-Defamation League. The liberal "Christian Century" jumped into the fray on the side of the Jews and the American Legion distributed 100,000 copies of a prayer for the schools. Is it too much to say that this continuous agitation among the Jewish people, financed by millions of dollars in a so-called "anti-defamation program is heightening rather than lessening frictions?

Here is another illustration. The late Rabbi George Fox of Chicago, in his August 7, 1952 column in the Sentinel, quoted a letter he had received from a lady "who had been all her life vitally interested in Jewish matters. She had complained to the Rabbi that he had not dwelt enough on the "Jewish issue involved in the Rosenberg case." The lady "maintained that the Rosenbergs were singled out because they were Jews." It made no difference to her that it was a Jew (Judge Kaufman) who had sentenced them to death for betraying atomic secrets to Russia.

Is it not reasonable to assume that the constant flow of literature to the Jewish people magnifying the issue of "anti-Semitism" could encourage rather than discourage suspicions?

The very same column quoted another letter from an unnamed person who wished to "present a bouquet" to the Anti-Defamation League. The letter explained that "the enemies of Israel" (no further identification), held a meeting in Chicago concurrently with the political convention. They had a lot of literature to distribute when "participating in, if not directing the selection of General MacArthur for the Republican nomination of President . . . The A.D.L. wise-heads caught some hints about this action and got busy . . ." The letter goes on to say that the national executive of A.D.L. and some of his co-workers "persuaded the police department that it was for the best interests of our country to prevent the distribution of this subversive propaganda . . . not a leaf got into the amphitheater . . ." Regardless of how much truth about the police participation, the story was printed in one of America's largest Jewish papers.

It seems hardly necessary to go on with further documentation on the background and influence of the Anti-Defamation League—all of which is presented in reply to inquiries from people who have either seen or heard about the Church League of America being "listed" in a recent book sponsored by the Anti-Defamation League and suggestively titled "Danger on the Right."

ANTI-DEFAMATION LEAGUE—ORGANIZATIONAL STRUCTURE

A natural question that arises as one becomes familiar with the wide-range activity and programs of the Anti-Defamation League of B'nai B'rith is: How is it possible for one organization to have such network coverage of the whole United States?

The first answer to that is that the Anti-Defamation League is the hub of a great working wheel. It has friendly working arrangements with countless other organizations and thousands of willing individuals who may be outside the organizational structure of A.D.L. itself. In addition to their own Jewish organizations, most of which are sympathetic and cooperative with A.D.L. objectives, there has been established other project-collaborating organizations like the National Conference of Christians and Jews—and working arrangements have been accomplished also with many non-Jewish Church groups, educational institutions, Foundations, labor groups, and political or Government agencies. The ramifications that have been established by A.D.L. during the last 30 years are almost unbelievable.

The Anti-Defamation League has a pyramidic structure. At the top is its National Office in New York City. It maintains three major offices with extensive files and dossiers covering hundreds of thousands of individuals, organizations and subjects. These main offices are in New York, Chicago and Los Angeles. These are major activity centers with large personnel, investigators, and promotion workers. It is not possible, of course, to know just how or where files are kept. There was a time when banks of filing cabinets were in the main Chicago ADL office. In the report by Congressman Hoffman (included in this survey) it is indicated that files may also be kept in collaborating lawyers' offices—and even in Washington Government offices.

Next in line below these three main offices are Regional Divisions, scattered strategically all over the country. We do not know the precise number at this date. In 1951 there were 25 and three others known as Joint Offices. Each of these Districts has a working territory which it covers well—gathering information—keeping a watchful eye on everything in that area that may have any significance to the A.D.L. objectives and program. Very little escapes its close observations.

Some of the scope of an A.D.L. Division and national working apparatus may be estimated from a six-page, legal size, Annual Report issued by the Seattle, Washington Regional Office. We quote from the 1954 report as it describes this working machinery quite succintly:

"Through the ADL Regional office, the tremendous resource materials of ADL including films, records, posters, books, pamphlets, study kits, etc., have been utilized by thousands of individuals and many hundreds of groups. These countless thousands have had an opportunity to learn about what Jews believe, the problems of minority groups in housing, education, employment, etc., the nature of prejudice, and other related topics. When organizations and communities from tiny Chimcum on the Olympia peninsula to Colville in the northeastern corner of the State, from the Seattle Public School system to the Methodist Church in Grandview, the southern-most part of the State, request and receive films, literature and kits of religious articles about the Jewish religion, the Jewish holidays, inter-group relations, civil rights and civil liberties, immeasurable but constant progress is made towards creating greater understanding. This understanding, particularly among young people, is the insurance policy for the Jewish Community."

The report details its State activities as a Regional branch of the Anti-Defamation League, how it distributes materials, works with organizations of all kinds and how it deals with people who are suspected of being "anti-Semitic." The report, typical we judge of other Regional branches, is too long and detailed to reproduce here. It serves, however, to give some idea of the nationwide operations of the Anti-Defamation League which is widely considered as one of the most powerful and influential organizations operating in the United States today.

A. D. literature: Outside of its investigative and pressure operations, the Anti-Defamation League leans heavily upon "literature" to carry out its work. We include in the following pages of this survey a report on A.D.L.'s "book enterprise" which is its dynamic project to reach and influence the public.

One of A.D.L.'s communications to "its

people" is The *A.D.L. Bulletin.* The lead article in the March, 1963 issue was "The New Segregation" by Ralph Lazarus, A.D.L. member and president of Federated Department Stores (operators of a large number of department stores, under their old names, throughout the country). The article is about people who live in suburbia and enjoy their seclusion. He calls such communities "Classville" because they are not integrated. In the issue of February, 1963, Dore Schary (now head of A.D.L.) has an article explaining his views on race and religion. In general the Bulletin is a sort of house-organ for A.D.L.

There is also the A.D.L. Regional Quarterly Report. We quote from a copy of the April 1, 1954 Pacific Southwest report because it contains some descriptive statements. The first page is by the President. He explains A.D.L. as "a philosophy"—as "a program"—and then he says—"A.D.L. is people. A dedicated group of skilled, creative staff, educators, social scientists, writers, researchers, motion picture and radio producers, rabbis, artists, lawyers, clerical workers, 2,500 community leaders from every part of the nation, serving America and Jewry with vigilance and distinction as lay leaders and regional board members of the A.D.L. committees in every B'nai B'rith lodge and chapter; and, finally, the mighty strength of 350,000 members of B'nai B'rith itself, the most energetic force for the public good ever mobilized within the American Jewish community." The 18-page report described their various activities functioning out of Los Angeles.

Freedom pamphlets. Around 1948 the Anti-Defamation League began publishing a series of booklets which it calls "Freedom Pamphlets"—each by a different author dealing with some special subject. Among the earlier editions were such titles as "Modern Education and Better Human Relations" by the late Dr. William E. Kilpatrick, co-parent of "Progressive Education" with Professor John Dewey. Another of the early issues was "ABC's of Scapegoating" by Gordon Allport. Among the later ones are "Prejudice and Politics" by Taft and Felknor, "Patterns of Minority Relations" by Mack and Duster. The earlier editions sold for 25 cents each but the later ones cost twice that. The Freedom Pamphlets cover subjects that implement the A.D.L. program and get a wider reading because the authors are usually well known in certain fields.

An A.D.L. "Christian Friends Bulletin" was published as a contact messenger with what was organized in 1944 as the Christian Friends of the Anti-Defamation League. The last copy we have of the Bulletin is from 1955 and we have no further information on it than that.

There are publications like "A Group Action Guide" on "Making Democracy Work in Your Community" and many such publications to help in A.D.L.'s program of working with civic groups in its "race relations" activities program.

It would be beyond our scope here to attempt a description of the pamphlets, booklets, folders, posters and other forms of literature that are printed and distributed throughout the nation by the vast network of functioning agencies that are part of the A.D.L. organization proper together with collaborating organizations. The volume and the reach is fantastic.

How financed? An authentic source of information on money receipts is the Year Book of the American Jewish Committee. We quote as follows from the 1964 (the latest) A.J.C. Year Book (pages 109–110):

"The preliminary data for 1963 indicates that the Anti-Defamation League received $3.2 millions—including almost $0.6 million from the Joint Distribution Agency campaigns for prior years, and that the American Jewish Committee, similarly, had received $3.2 millions. (Both agencies had additional income from sales of publications, and the like.)

"N.C.R.A.C. (National Community Relations Advisory Council) served as the coordinating clearance agency for the A.J.C. (American Jewish Congress), J.L.C. (Jewish Labor Committee), J.W.V. (Jewish War Veterans), the three Congregational Associations, and 69 local and regional community relations councils. These four organizations participate in the cooperative budget review process of the Large City Budgeting Conference. In 1963 they were joined by A.D.L. The five national operating agencies and the N.C.R.A.C. received $7.9 millions in 1962 compared with $7.7 million in 1961."

Listed above are only a few of the main agencies of the network of agencies that also come in for financing. Some of those listed here (American Jewish Committee and American Jewish Congress) have programs that compliment the work of the Anti-Defamation League of B'nai B'rith.

BOOKS ABOUT THE "RIGHT"—NONE ABOUT THE "LEFT"

The Anti-Defamation League of B'nai B'rith has gone into the book-writing business in a big way to put its "point of view" over to the public. Before taking a look at some of these A.D.L. books it may be noted that this group has long recognized the impressiveness of "words in print." Today as one notes the authors and the nature of their stories in almost any magazine (as well as the flood of paperback books) there is reason to believe that the A.D.L. 1949 "call for writers" may have paid off well. In the March, 1949 issue of Writer's Digest magazine there appeared a letter which read in part:

"The Anti-Defamation League is a non-profit agency that supports civil rights and combats prejudice and discrimination against minority groups. In our campaigns we use many media including advertising, radio, special movie shorts, records, and interest groups such as veterans' Americanism committees, educational associations and the like.

"We have now established a press and magazine department. Its main job is to work for a better coverage of human relations subjects in the nation's press and magazines. Our 18 regional offices are in a position to establish contact with regional publications throughout the country. Here, at our national office we use our sources and contacts to place stories in the big general interest magazines. . . . We have orders for stories now, orders that may be filled by some of your readers. Because this is a non-profit agency, we charge no commission. . . . Our only job is to see that such stories do get published. . . . Please ask your readers to send us their stuff if they think they are qualified."

MORTON PUNER,
*Anti-Defamation League
of B'nai B'rith.*

We do not know how many of the stories we see in magazines and newspapers today are by A.D.L. inspired writers but we are ready to admit that the Writers' project initiated in 1949 could, by this time, have produced wide-range results.

Our purpose here is to take a look at some of the A.D.L. books which have blanketed the country during the last twenty years—and measure in some degree the impact that they may have made.

The first book sponsored by A.D.L. directly was titled "Must Men Hate?" It was authored by Sigmund Livingston (father of A.D.L.) and published by Harper & Brothers in 1944. The book was devoted to the historical aspects of Jewry and the author's assumption as to the causes of anti-Semitism. It contained a great deal of worthwhile information and was not reckless, as some of their later books have been, in smearing with innuendo and vulgar phrases.

The next A.D.L. book, to be openly sponsored, appears to have been "How Secure These Rights?" authored by Ruth G. Weintraub and published in 1949 by Doubleday & Company. The New York Post devoted its "Week-End Magazine" (a supplement) to excerpting its strong points for its New York circulation. The book was described as "The Anti-Defamation League's Documented Report of Anti-Semitism Today." John Howard Lawson also reviewed the book with Marxist overtones in the WORKER (Oct. 15, 1950). The book was an examination of "patterns of anti-Semitism" as claimed to exist in the United States. At no place in any of the A.D.L. books or literature about Anti-Semitism do we find any precise definition of the term. Its extravagant use in the A.D.L. meaning is an ethnological error. There are millions of Arabs and other groups who are Semites and they make no fuss about "anti-Semitism." In fact the term was hardly known in the United States until it began to be capitalized and publicized by the A.D.L. a few years ago.

"A Measure of Freedom" was the next A.D.L. offering. It was published in 1950, also by Doubleday, and authored by A.D.L.'s Arnold Forster. *LOOK* magazine devoted several pages (April 11, 1950) to publicizing it. With this book there began a noticeable change in tone in A.D.L.'s "book voice." Here we begin to hear "thunder across the bay" about bigotry. In it lightning flashes and dark clouds roll. On its jacket Walter Winchell flashed "This is a Must." Winchell was also a main radio trumpeter for a 1943 book called "Under Cover" (sponsored by a convenient hand-maiden called "Friends of Democracy") which ended in the Federal Court with some black marks.

"The Trouble Makers" was the Anti-Defamation League's next book. It was authored by Arnold Forster and Benjamin Epstein (A.D.L.'s top publicists) and published by Doubleday & Company in 1952. Meier Steinbrink, then national chairman of A.D.L., in his Foreword in the book said: "It is about the trouble makers in our midst—the peddlers and practitioners of prejudice." As one reads these books it is easy to get the impression that all America is afire with something called "bigotry."

"Cross Currents" came out as the next A.D.L. book—authored also by Forster and Epstein—and published in 1956 by Doubleday & Company. The review release of the book put out for the press said, in part: "Cross Currents . . . uncovers the bigotry, lies and anti-Semitic propaganda plots existing in the United States, Germany and the Middle East. Chronologically the authors list the documents dealing with the anti-Semitic problems in this country." Many newspapers, wishing to please some of their readers and advertisers, take the easy way out with a difficult subject and run the release-blurbs verbatim.

"Some of My Best Friends . . ."—a strange title—was given the next A.D.L. book which was published in 1962 by Farrar, Straus & Cudahy, authored by A.D.L.'s two masterminds—Forster and Epstein. The title is intended, of course, as a crack at those "bigots" who excuse some deeply felt forthright expression by adding—"Some of my best friends are Jews." The Foreword to the book by Henry E. Shultz (at that time national chairman of the Anti-Defamation League) says of the authors: "The burden of their message is that anti-Semitism in America today expresses itself not in the crudities of a lunatic-fringe as in the 1930s . . . American anti-Semitism today is expressed in patterns of discrimination built into many of the basic institutions of our society . . . This is the big scandal which this book reveals in its myriad details." We will not go into the contents of this book as it follows the same general pattern of its forerunners—belaboring those whom it charges with being anti-Semitic, bigots, hate-mongers and Right-wingers. These scribes are champions at the business of "labeling" which is the very crime they charge against others. In their books, pamphlets, magazines, films and other propaganda media they present a sort of blurred tapestry of evil gnomes who are pictured as being everywhere at work but, outside of a few names which they have horsewhipped for years, they have to be content with dramatizing a mystical world which is filled with their pet shibboleths such as "bigots" and other overworked terms of detestation. The question has been asked that if there is as much bigotry and anti-Semitism in the world as these books (and other A.D.L. literature) seem to indicate, could not part of the cause be due to the natural law of physics—reaction or response to the excited stimulus of resistance? Something of a hint that all of this fuss and fury may be a bit overdone comes from one of A.D.L.'s own friends. Mr. Nathan Ziprin, writing in the B'nai B'rith Messenger (April 27, 1962) said:

"So much has been written about anti-Jewish discrimination that I have developed a resistance to new material on the subject. I make this confession in the full knowledge of the implications. But let us be frank, not even books on anti-Semitism are sacrosanct. Therefore when I recently received a review copy of 'Some of My Best Friends . . .' I was tempted to place it on my reference shelf . . . However, on examining the index, I was intrigued by its general lack of reference to overt anti-Semitism. I found the reason . . . the central focus . . . is on the institutions and patterns of prejudice which exclude Jews from full participation in all facets of American life"

If the central focus of these books is, as Mr. Ziprin concludes, that Jews are excluded from full participation in all facets of American life, it would seem that these authors have been doing too much "home work" and not getting around enough. They should take a look at our great banking institutions—at industry—at the great stores and chains in the retail field—at the newspaper business—at the entertainment world including music, pictures, radio and TV—in all the bureaucratic departments of Government—in just about every activity in America—and they will find that their people have been doing very well indeed in this country.

DANGER ON THE RIGHT

Now we come to 1964—and the A.D.L. book called "Danger on the Right." This is authorized by the seasoned A.D.L. scribes—Forster and Epstein—who have become quite proficient in giving the same old theme a slightly different stage-setting each time. On the cover of this book is the statement that it deals with "The Attitudes, Personnel and Influence of the Radical Right and the Extreme Conservatives." The book is divided into 16 chapters—each of which deals with some group who is anathema to the A.D.L. authors—and then these chapters (or groups) are classified into two sections of the book. One section is called "The Radical Right" and the other is called "The Extreme Conservatives."

The book has a Preface which begins with these words: "The Anti-Defamation League of B'nai B'rith is deeply concerned with the American political process, but it does not engage in partisan politics." This could be the major understatement of the 1964 Presidential election year. On the opening page is a Testimonial "To the Memory of John F. Kennedy." Then comes a Foreword by Dore Schary, the Hollywood producer who was elected as chairman of the Anti-Defamation League February 3, 1963. In his Foreword chairman Schary says: "The authors of Danger on the Right have attempted to write a definitive book on the attitudes, personnel and influence of the Radical Right and the Extreme Conservatives on the American scene. I believe they have succeeded." Schary builds up an image of what he regards to be the "radical Right," mentioning the "radical left" very softly and then says—"The Radical Rightists . . . are, in short, irresponsible and, therefore, necessarily dangerous." Not so, apparently, the "radical Left," judging by his indictment only of the radical Right.

Proceeding, he says—"It has been estimated that some 20 per cent of the American electorate can be grouped as Extremists on the Right-wing. Therein dwell the Radical Rightists and the Extreme Conservatives." Then he proceeds with some intemperate definitions of whom these befuddled persons would vote for. "Opposing them," he says, "are some 25 or 30 per cent of Americans." He doesn't classify the first 20 per cent as "Americans." Then he says this leaves some 50 or 55 per cent as "the prize to be won." We judge, then, that this book is dedicated to the purpose of persuading or frightening this 50 per cent, who are wandering helplessly somewhere in between these two groups, to join with the dedicated left-liberal "true Americans."

In the Preface of the book the authors reveal more about themselves than they prove about their mythical enemies. They say—"Ironically, the Radical Right's analysis of all national and international problems is rooted in a conspiratorial concept. Everything is blamed on a 'Communist conspiracy'." Two questions arise out of this. First some of their readers might suspect they are being soft with the Communists by picturing them as only a figment of the imagination of the Right. Could it be also that the authors have so long bemused themselves as to a "conspiratorial plot" against the Jews that they now have become obsessed with the delusion that other people also have a 'conspiracy neurosis?'

"In the eyes of the Radical Right," the Preface continues, "the American Republic is imperiled on almost every front by this Communist conspiracy which, says the Radical Right, has been entrenched in Washington for the last thirty years, and which has been softening up the country for an imminent 'Communist takeover'." The answer to that is that it was during this last thirty years that Communist espionage cells were implanted in our Government agencies—that our atomic secrets were betrayed to the Soviets—that over 600 Communist-front organizations operated in the United States (as recorded in Congressional records)—that Hollywood became the easy prey of Communist manipulators (also in the record)—that the Morgenthau-White and other scandals developed in Government—that spy episodes and other exposures of Communists and their dupes culminated in what became widely known as "the mess in Washington." All of this cannot be brushed aside by these A.D.L. writers for it is all in the records—including the names of those who were the main actors in that tragic drama. The authors of "Danger on the Right" must have either short or convenient memories.

"These Radical Rightists, all too often," say Forster and Epstein, "aided by their conservative allies, pose a threat to our democratic institutions." Here is a completely hypothetical and meaningless statement which presumably the authors hope the careless reader will rationalize into some kind of actuality. The book's preface then taking to its favorite theme about "peddlers of racial and religious bigotry" says further—"These racists and anti-Semites like the Radicals, believe the Republic has been and is being sold out from within . . . The conspiratorial theory of the bigots is the same as that of the Radical Right, but with the extra noxious ingredient of racial and religious hatred."

This ugly language reflecting dire semantic poverty is apparently intended to stir imaginations and excite emotions. The identification of these evil-doers is not given, except by devious inference, that is, by also including in the book certain groups who are listed as part of a mythical "Radical Right" or "Extreme Conservatives." It is by this disingenuous linking that the authors would seem to create an unfavorable impression of the Church League of America. The chapter dealing with the Church League of America is included in "The Radical Right" section—and this further identification is given: "In the field of religion, no Far-Rightest group has exercised greater influence among clergymen themselves than has the Church League of America." The remainder of the chapter is mainly a brief story of its structure and work. It is not this particular part of the story to which the Friends and Sponsors of the Church League of America object. The book has not dared directly to implicate the Church League with such ugly words as "anti-Semitism" or "bigotry." They have, however, apparently undertaken to accomplish this very thing by preceding these organization-chapters with a Preface that is loaded with inferential and libelous innuendo which have the intentional or otherwise effect of applying these opprobrious terms to any organization or person otherwise included in the book. If it should be allowed to stand, it could be expected very soon that the name of the Church League of America would be bandied about by careless (or not so careless) persons in the same breath with these nasty terms which, by the record, seem to be the stock-in-trade of the Anti-Defamation propagandists.

This book "Danger On the Right" may be more dangerous to its sponsors than to anyone else!

DANGER ON THE RIGHT

(By Arnold Forster and Benjamin R. Epstein)

PREFACE

The Anti-Defamation League of B'nai B'rith is deeply concerned with the American political process, but does not engage in partisan politics. Our interest is democracy, which includes our system of public elections insofar as the political process can be misused to destroy our democracy.

Many Americans have the inaccurate impression that the Anti-Defamation League's sole concern is anti-Semitism. Even in its beginnings, at the turn of the century, this agency was not concerned solely with anti-Semitic activities. We believed at the time, as we believe now, that to defend and strengthen the rights of any group of Americans reinforces the right of all—and therefore the very structure of our democracy.

Citizens who have observed our activities must have noticed our continuing concern with domestic extremist political movements. In the thirties the ADL fought communism and Nazism in this country, not only because these movements victimized minority groups, but because ADL recognized that they tore at the democratic structure of our society. Over the years the League joined in the struggle against an amorphous isolationist movement crystalized at different times in an America First Committee, a Christian Front, and in McCarthyism. ADL fought the resurgence of the Klan after the Supreme Court desegregation decisions, as well as the anti-Catholic propaganda which made its appearance in the 1960 election.

Today the United States faces new attacks on our democracy by an extremist movement which has mushroomed in the past few years and which is broadly referred to as the Radical Right. This movement, together with its allies among Right-Wingers, now spends a minimum of $14,000,000 a year in an assault on our democratic progress; consequently, the Radical Right, its conservative allies and those who support them, become a vital concern.

Considerable research by ADL's staff into the operations of this movement turned up no evidence that the Radical Right—as distinguished from its conservative allies—should be regarded as part of this nation's responsible political fabric. On the contrary, the evidence is that in reality it is a fringe political activity, and no more sound as a political position than the troublesome Communist conspiracy. The Radical Right sometimes has surrounded itself and often functions with certain characteristics of secrecy, furtiveness, and hidden motivation—marks of an organized conspiracy, which it is not. Ironically, the Radical Right's analysis of all national and international problems is rooted in a conspiratorial concept. Everything is blamed on a "Communist conspiracy."

In the eyes of the Radical Right, the American Republic is imperiled on almost every front by this Communist conspiracy which, says the Radical Right, has been entrenched in Washington for the last thirty years, and which has been softening up the country for an imminent "Communist takeover." The softening-up process, in the mythology of the Radical Right, has resulted from the advocacy by the "conspiracy" of socialism in domestic policy, and sellout and softness in foreign affairs.

This Radical Right mythology differs in degree and intensity, but not in kind, from the viewpoint of the Extreme Conservatives. The latter also view American domestic policy of the last thirty years as socialistic and dangerous, and our foreign policy of the same period as prone to softness and appeasement in dealing with the Communist threat.

The basic difference is that, unlike the Radical Right, the Extreme Conservatives generally do not tend to ascribe the alleged socialism and softness to any sinister plot in high places, but rather to blindness, stupidity, and bungling on the part of four Presidents and their liberal advisers.

Nevertheless, if there are some differences in interpretation of recent history between the Radicals of the Right and the Extreme Conservatives, there are also similarities which are noteworthy. If these two wings of the American Right differ on the *reasons* for the fancied perils and problems the country faces, they agree basically on the nature of the "evils" they fight—Federal taxes, Federal spending, Federal social welfare programs, and Federal regulation of private business, as well as foreign aid, UN activities, and negotiations with the Soviets.

This basic similarity of viewpoint has led to an ideological blur between these two segments of the American Right. The less extreme often "fellow-travel" with the Radicals of the Right, much as some Liberals fellow-traveled with the Communist Left twenty or thirty years ago. As a result, individual Conservatives today often lend their names, their sponsorship, and their financial support to organizations and causes of the Extremists.

Since 1960, the Radical Right and the Extreme Conservatives have been pouring millions of dollars into a propaganda campaign aimed at influencing American public opinion, often by disseminating pure fright along with distrust of respected American leaders and established institutions. These Radical Rightists, all too often aided by their conservative allies, pose a threat to our democratic institutions. They undermine confidence in the integrity and patriotism of our elected leaders, our judicial system, our military leaders, our educators, our clergy, our labor leaders—from Washington all the way out to the smallest community in the country. They attack the integrity and patriotism of local officials, clergymen, teachers, and librarians.

This multimillion-dollar-a-year propaganda campaign is financed by an impressive but comparatively small number of tax-exempt foundations, business corporations, and wealthy individuals—plus the one- to five-dollar contributions of hundreds of thousands of average citizens who have been frightened by this propaganda barrage and who, to an alarming extent, have succumbed to it.

The rabble-rousing gutter bigot, who combines political extremism with promoting racial and religious hatred, is often classified as part of the Radical Right. That is an easy error, for the peddlers of racial and religious bigotry who have sullied the national scene in the last thirty years have been, almost without exception, far to the Right in their political thinking. These racists and anti-Semites, like the Radicals, believe the Republic has been and is being sold out from within by a sinister conspiracy, deeply entrenched in the national capital. But their view of recent American history differs from the picture of the alleged conspiracy which is painted by the Radicals of the Right, who do not normally peddle race and religious hate. In the eyes of the rabble-rousers, the fancied sellout of the American Republic over the last three decades results not from the mere presence in powerful positions of leaders who are pro-Communist, but from a sinister, secret, powerful pro-Soviet Jewish conspiracy. The bigots equate liberalism, socialism, and communism with Judaism. Often they chide the Radical Rightists for "pussyfooting" and for failing to brand Jews as the real culprits in American political life who have, since the days of the New Deal, instigated the policies at home and abroad that have brought the Republic to the brink of an internal Red take-over.

The conspiratorial theory of the bigots is the same as that of the Radical Right, but with that extra noxious ingredient of racial and religious hatred.

In the gradations of American Right Wing activity, the opinions of the Radical Right, expressed by men such as Robert Welch, Founder of the John Birch Society, may blur with those of the Extreme Conservative. This "blurring" merits study and is examined in this book. But, to repeat, neither the Birchers and their like-minded Radical Right allies, nor the Conservatives who often fellow-travel with them, should be confused with gutter-type extremists like George Rockwell, head of the minuscle American Nazi Party. Rockwell is a publicity-seeking nuisance, a concern only at the police precinct level, and forms no part of the really capable, efficient, well-financed, and truly dangerous movement of the Radical Right, which, quite unlike Rockwell, poses a very real threat to American democracy.

The Anti-Defamation League has continuously fought against all racial and religious bigotry. Anti-Semitism is one aspect of such bigotry. Anti-Jewish discrimination still persists in American life. But despite Rockwell and a handful of similar gutter-level bigots, there is no such thing in the United States today as an effective, nationally organized anti-Semitic movement. Such scattered overt activities as do exist are carried out by a corporal's guard of rabble-rousers, street-corner hoodlums, and old-time platform spellbinders and pamphleteers.

The dozen or so professional hate racketeers such as Rockwell, Gerald Smith, and the late Conde McGinley will therefore not be the measure of this book's concern. The Radical Right (and its conservative allies) will be—because it is a force that receives and spends millions of dollars every year to influence untold numbers of Americans with extremist propaganda.

There can be no doubt Radical Rightists are motivated by a hatred and fear of many twentieth-century developments in the economic and political life of our nation and the world, in which we Americans now play a major role. They make a profession of warning America about hazards they think they see. They urge people to watch out lest coddling of labor unions brings the welfare state one step closer. They sound the warning that fluoridation is but a chemical softening-up process preliminary to Communist brain-washing. They shout to beware of social security as a large step forward in socializing the Republic. They signal an alarm that the income tax is simply a means of pauperizing the rich in favor of the poor in order to communize the United States. They admonish in urgent voice for all to believe that the United Nations is a weapon the enemy is using to destroy American sovereignty and deliver us to the Bear.

Their fears and warnings are, to all purposes, baseless. The real danger is that in continuing endlessly to cry wolf, they confuse and divide America, diminishing her ability to recognize a real peril when it appears on the horizon. They constitute a serious threat to our democratic processes. The Radical Right (and their conservative supporters) are the real and proper concern of this book, as they should be the concern of all Americans.

H.R. 12075—AMENDING THE INTERNAL REVENUE CODE

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, I am today introducing legislation amending the Internal Revenue Code to exempt from taxation nonprofit corporations organized to insure the shareholdings of individual members credit unions.

Mr. Speaker, some States, including Wisconsin, have passed special statutes that permit credit unions to form a nonprofit corporation to insure the shareholdings of individual members of such credit unions, and to cooperate with the member credit unions under the supervision of the appropriate State agency in order to improve the general welfare of the credit unions within the State.

The member credit unions that form the new corporation are already exempt from taxation under section 501(c)(14)(A) of the Internal Revenue Code, which exempts "credit unions without capital stock organized and operated for mutual purposes and without profit." However, the Internal Revenue Service has ruled that although the individual credit unions are exempt from tax, a corporation formed by these credit unions in order to promote their common interests and insure the shareholdings of their members is not exempt. The Service has taken the position that in order to be tax exempt under section 501(c)(14)(A) of the Code, the organization must be organized under the sections of State law that specifically relate to credit unions. Since the corporation formed by the credit unions to insure the interests of their shareholders is formed under another section of State law, they are not exempt under the Service's interpretation.

The distinction made under present law seems artificial, and should be changed. The States have, in enacting these statutes, attempted to meet a real need of credit unions and their shareholders. The insurance provided is analogous to insurance provided depositors of banks by the Federal Deposit Insurance Corporation. The bill I am introducing would only grant tax exemption in cases where the credit unions which formed the new corporation are themselves exempt from tax and where the new corporation is organized and operated for mutual purposes and without profit, pursuant to a special statute enacted by a State legislature. Additionally, the corporation would have to be under the supervision of the State agency charged with responsibility for supervising financial institutions.

PEARL HARBOR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BIAGGI. Mr. Speaker, 30 years ago, the Japanese launched an attack at Pearl Harbor which catapulted the United States into the bloodiest war in history. The men who died on December 7, 1941, were the first U.S. casualties in the war and much of the war in the Pacific was fought with the idea in mind to avenge their deaths. I am sure that each battle fought after that first one was fought with the memories of the fallen comrades whom we honor today.

That was 30 years ago. And what have we learned in the last 30 years since that ill-fated sneak attack at Pearl Harbor? Have we learned the ways of peace? Have we learned to live without war or the fear of war? Have we abandoned armaments so that our productive capacity can be devoted to life and not death?

Have we learned that only through preparedness and watchfulness can we meet the enemy and survive?

What have we learned?

Surely not peace, since two wars have intimately involved this Nation in recent years—the Korean war and the Vietnamese war. Additionally, numerous other wars and conflicts have marked international relations throughout the world in the last 30 years.

Surely we do not live without the fear of war, since the development of the atomic bomb has pushed us further toward the brink of a martial holocaust. In fact today rather than living in fear of war, we live in terror of the consequences of war—the ruination of our lands and peoples.

And most assuredly, we have not abandoned weapons since our stockpile of armaments of various sorts exceeds all bounds imaginable 30 years ago. Today our defense expenditures is the largest single cost for the Federal Government.

Nor have we sufficiently prepared ourselves to protect against another sneak attack with our naval fleets rapidly becoming outdated, with our armaments rapidly becoming outnumbered, and with power rapidly becoming impotent.

But we have learned that peace still rests on mutual trust. Peace without an understanding of the motives of the other side is only a temporary truce. That is what more closely characterizes the last 30 years—a temporary truce.

What must we as a nation and as individuals do to make the lives of the men who fought and died for peace and democracy 30 years ago seem justified? Can we continue to rattle the sabres of war while speaking the rhetoric of peace?

No this country must take the initiative to develop peaceful solutions to world conflict. A third world war will destroy life in the United States as we know it. Fortunately, the other side recognizes that the same fate awaits them. Therefore, our efforts must be directed toward a world detente and abandonment of nuclear threats aimed at maintaining a balance of terror.

I believe we as a nation have taken steps toward that mutual trust we so desperately need by engaging in the strategic arms limitation talks with the Soviet Union. We have sought to minimize superpower confrontation, by taking a cautious, peacemaker stance in the current India-Pakistan conflict. We have sought peaceful solutions—and in fact were responsible for the present truce—in the Middle East.

But America must move further. Our every diplomatic effort must be directed toward settlement of conflicts and elimination of the points of controversy that may lead to armed conflict. As the greatest power in the world today, we have not only the ability, but the obligation to truly make peace. We as individuals must press our public officials at all levels of government to utilize the instruments of peace—not war.

Shall the men we honor here today feel they died in vain because the peace and freedom they fought for is a tenuous one—if not lost completely? Shall your efforts in World War II be considered merely a waste of time since war and conflict are still with us? Shall your children live today only to die in another war tomorrow?

Our gross national product this year will exceed the 1 trillion mark. How about a billion dollars for peace? Ladies and gentlemen, I seek not a surrender to our enemies or a unilateral renunciation of armaments. That would be foolhardy. We need a strong defense and a strong martial postion to guard against exactly what we are recalling here today. A weak nation militarily in these days and times is truly an impotent nation.

However, I am calling for an all-out effort by every citizen in this country to think about how he can contribute to peace and the elimination of war as an instrument of government policy. Not through weakness but in strength and preparedness.

Pearl Harbor was a warning to the people of the United States in 1941 that Japan wanted war. Let it also be a warning to us here today—and a reminder—that war benefits no one and ravages everyone. Let it be a warning that the next sneak attack will not permit a retaliatory action. Let it be a warning that in peace there will be a United States safe for freedom and democracy, but in war there will be no world.

THE ROBERT BENT BRIGHAM HOSPITAL

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, there is a very unique hospital located in my district in Boston, Mass., the Robert Bent Brigham Hospital, the only hospital in the Nation devoted solely to arthritis and the rheumatic diseases.

It is my pleasure to include a very interesting roundtable discussion of three rheumatologists and a medical student, as well as a biographical sketch of this dedicated group of specialists.

The biographical sketch and discussion follows:

Sketch

Dr. Theodore B. Bayles joined the Medical Staff at the Robert Bent Brigham Hospital in 1939; at that time, he was one of only several dozen rheumatologists in the nation.

The Robert Bent Brigham was established as a residential institution for incurables, and many of its early patients were disabled victims of arthritis and rheumatic diseases. Dr. Bayles arrived during a period of transition, as the hospital's purpose was changing from caring for the disabled to preventing disability through enlightened treatment.

A dedicated teacher and crusader for expanded training programs in rheumatology, Dr. Bayles directs the Rheumatology Training Grants at the Hospital and is an Association Clinical Professor in Medicine at the Harvard Medical School. Physicians from throughout North America came to attend a five-day American College of Physicians course on rheumatic diseases at the Hospital recently, which Dr. Bayles directed.

Dr. Bayles also vice-chairs the hospital's Joint Venture development campaign for its future home in the Affiliated Hospitals Center.

Dr. Jean Jackson is a second-year Fellow in Rheumatology at the Peter Bent Brigham Hospital. Her time is divided between seeing patients and learning to use research tools and facilities. Dr. Jackson chose rheumatology, after being exposed to rheumatologists who were dynamic teachers.

Dr. Jackson received her medical degree from the University of Maryland Medical School and stayed at that school's University Hospital for three years as a medical intern and resident. She will return to the 708-bed hospital in Baltimore, Md., next year to become Chief Resident in Medicine. Then, after ten years of professional medical education, Dr. Jackson plans to combine teaching with a private practice in rheumatology.

Dr. Arthur P. Hall followed his father to the Robert Bent Brigham Hospital, as one of the hospital's first Fellows in Rheumatology.

His father, Dr. Francis D. Hall, was a pioneering rheumatologist who retired from the Medical Staff in 1966.

In addition to his private practice and teaching responsibilities, as an Assistant Clinical Professor of Medicine, at the Harvard Medical School, Dr. Hall has led the movement for improved and expanded ambulatory care within the hospital. He is the current president of the New England Rheumatism Society.

Douglas Kelling came to the Hospital to get a better understanding of the problem. In his fourth and final year at Harvard Medical School, Doug elected to take a comprehensive one month course in rheumatology and allergy sponsored by the Robert Bent Brigham.

The one-to-one student-teacher relationship enabled him to see at first hand the decision-making process that dictates care for arthritis patients. The training played an important role in Doug's future plans. He plans a career in internal medicine, specializing in family care.

DISCUSSION

Dr. HALL. Literally, rheumatology is the study of rheumatic diseases, diseases characterized by inflammation, particularly in the joints. The field is a sub-specialty of internal medicine, and internists who study rheumatic diseases either in patients or in the laboratory could be called rheumatologists.

Dr. BAYLES. You must realize that, since I've been in rheumatology, rheumatic fever has practically disappeared. Gout is now treatable, infectious arthritis, tubercular arthritis of the joints—all of that is essentially gone. I'd say thirty per cent of the type of patients I saw when I first came to this hospital in 1939 are no longer here. We're left with the problems that are as yet unanswered-rheumatoid arthritis, degenerative joint changes, some of the rarer forms of acute inflammatory diseases.

And steady gains are being made by researchers. About eighty per cent of our patients at the hospital have rheumatoid arthritis. Until a very few years ago, the disease was believed to be related to inheritance. Current work disproves this, so scientists at this and other centers are no longer looking for some kind of metabolic defect, but rather for an entirely new event—a virus perhaps—that might set off the process. Like all specialized hospitals that are deeply committed to research and training in addition to patient care, everyone—the medical men, the surgeons, the paramedical personnel—everyone is devoted to a single goal, everyone is working on the same problem.

Dr. HALL. But in addition to being focused on a single goal, we approach that goal in a unique fashion. You'll rarely see the integration of medicine and surgery that's found in this hospital.

Dr. JACKSON. This is certainly true from my experience. Major medical centers usually have rheumatologists and always have an orthopedic surgery service. Yet the rehabilitation and care of arthritis patients is seldom such a cooperative effort.

DOUG KELLING. This should really be emphasized. In our education as medical students, there is a big separation between the medical and surgical aspects of treatment, and that's true at almost every hospital.

But in the short time I have been here at the Robert Bent Brigham Hospital, I have become more sensitive to the possibilities for coordinated care. One day, when I am seeing my own patients, I'll know that there's expertise, available not only on the medical side, but on the surgical side as well.

Dr. BAYLES. Cooperation would be the one word I would select if I had to describe the approach to patient care at the Robert Bent Brigham. There is a lot of talk about team care, but we have made it work.

DOUG KELLING. More and more it is becoming obvious that unless the efforts of the whole medical team are closely coordinated, from the nurses through the physicians, the best patient care cannot be achieved. This is especially true for chronic diseases like rheumatoid arthritis.

Dr. BAYLES. In addition to providing comprehensive care for today's patients, we assure better care for future patients through extensive on-site training programs.

Dr. HALL. I think this is practically the only place in the country that can offer really in-depth clinical training in the area of rheumatic diseases-training on the house officer level and primarily on the fellowship level. It is one of the most valuable things that we are doing.

There are about two thousand rheumatologists in this country. They are too few in number, and they are concentrated in too few places. A clinical study I made showed that a third of the patients traveled more than fifty miles to get here. That's an indication of the need for our training programs.

We've finally reached the point where we're really turning out people with solid training in the field. It's very gratifying to attend professional meetings and see doctors from all over the country who are making valuable contributions—doing the kinds of things they were taught to do at the Robert Bent Brigham.

But you can't teach rheumatology off the cuff. Sometimes it takes patients three months, six months to respond, so it's essential for the student to be able to see a large patient population.

Dr. JACKSON. I came here as a Fellow in Rheumatology for precisely that reason. This hospital is one of the few places where large numbers of patients with rheumatic diseases can be seen over the long term. I need this sort of experience to learn what can be done with drugs and therapy, to learn when surgery is indicated, to learn just what surgery can accomplish. It's been a tremendous experience!

The training program here for fellows in rheumatology is relatively equally divided between clinical and research responsibilities. That's another reason that brought me to the Robert Bent Brigham.

It is essential that a physician treating patients with rheumatic diseases has an understanding of research. Today's research may have a role in the treatment of patients five years from now. The rheumatologist must be able to understand and evaluate the implications of research and apply them to his practice.

Dr. BAYLES. There is no end to the training programs initiated by the Robert Bent Brigham. We offer a graduate course for orthopedic surgeons. Residents come here from other hospitals. Practicing physicians from throughout the country come here to attend post-graduate courses in rheumatology. The members of our medical staff travel all over the world to speak at professional meetings. And, of course, we're committed to educating the public as well.

Dr. HALL. It is a particularly difficult disease in that there is practically nothing else which combines this constant discomfort or the continuous threat of discomfort with decreasing physical independence. People with heart disease can feel quite comfortable when they're not having a chest pain; diabetics can often take a pill or a shot and forget about it. It's awfully difficult for someone with rheumatoid arthritis to forget.

Arthritis patients have a general reputation for being difficult to get along with. Usually this is because nobody's doing anything for them and they know it. They fear being crippled or confined to a wheel chair.

Arthritis is an off and on disease, and rheumatologists may see a patient over many years during his difficult periods. For the rheumatologist the greatest reward is the knowledge that without him there are many patients who probably wouldn't have received help.

CONCERNING THE FUTURE OF THE AFFILIATED HOSPITALS CENTER

Dr. HALL. The waiting period here for hospitalization and ambulatory care now exceeds eight weeks. We'll have 120 beds in our tower of the Affiliated Hospitals Center—a twenty per cent increase—and this will allow us to lower the waiting period and enlarge our medical staff.

Dr. BAYLES. Of course the facilities will be newer and better, and the economies of pooling resources with the Peter Bent Brigham Hospital and the Boston Hospital for Women will be tremendous. The operating rooms, for example, will be in the Peter Bent's tower, and the physical and occupational therapy departments will be in the Robert Brigham.

I think the geographic situation will be one of the biggest improvements for this hospital. We will have access to a number of services that are not usually available to a small chronic disease hospital—back-up anesthesia, greater ease of consultation, a critical care unit.

In the past thirty-two years I have seen the Robert Bent Brigham Hospital become a hospital specializing in the rheumatic diseases, a teaching hospital of the Harvard Medical School, a major research center in immunology and rheumatology and a renowned postgraduate training institution. The Affiliated Hospitals Center is our next big step!

THIRTY YEARS LATER

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HELSTOSKI. Mr. Speaker, today, December 7, 1971, is the anniversary of a day which the then President, Franklin D. Roosevelt, described as "the day that will live in infamy," the bombing of the U.S. Naval Base at Pearl Harbor.

The next day, December 8, 1941, President Roosevelt addressed the joint session of the Congress and war was declared on Japan on that date. Then Germany and Italy declared war upon the United States on December 11, 1941, and a few hours later the United States declared war on Germany and Italy, and we were fully involved in World War II.

In the 5 years of our involvement in World War II we suffered over 1 million casualties of which nearly 300,000 were actual battle deaths, about 115,000 deaths from other causes and 670,000 men were wounded, although not mortally.

Mr. Speaker, the United States-Japanese war saw the first atomic bomb ever used in a war dropped by a U.S. plane on August 6, 1945, on Hiroshima, Japan, a town of over 340,000 population. The second U.S. bomb dropped on Nagasaki and its population of over 252,000 on August 9, 1945. Estimates of deaths from the bombs and radiation exposure vary: Hiroshima, 80,000 to over 200,000; Nagasaki, 39,000 to 74,000. Within 5 days of the dropping of these atomic war weapons, Japan surrendered on August 14, however formal surrender did not occur until September 2, 1945 when the articles of surrender were signed on board the U.S.S. *Missouri*.

Those who remember Pearl Harbor, well remember such names as the battle of the Coral Seas—May 1942; Guadalcanal—August 1942; Battle for Leyte Gulf—October 1944; and Iwo Jima—February 1945.

Now, 30 years later, Japan and its Axis ally, Germany, are among our best partners in world trade, but we have not learned the lesson that the world desires peace.

Since World War II we have been engaged in the Korean war, the conflict in Vietnam and now see conflicts in the Middle East, Cambodia, the continuation of the conflict in Vietnam and the latest outbreak of hostilities between India and Pakistan.

Mr. Speaker, it is my fervent hope and

prayer that we will be able to conclude our participation in Vietnam very soon and that we will be able to keep clear of any involvement in the present conflicts.

Mr. Speaker, our own domestic problems need our attention and we should strive to conquer them rather than take sides with foreign powers and ally ourselves with them and get involved in a conflict which is of little interest to us, and over which we have no influence as to its settlement.

As we recall Pearl Harbor this day, let us devote our future energies to the keeping of the peace in this world. With the spirit of Christmas upon us let us again repeat the slogan of the season, "Peace on Earth and to Men of Good Will."

FAT PAY ON PUBLIC TV

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD a fine statement concerning the salaries being paid to some of the "stars" of public broadcasting. I think it very appropriate for this body to look into the salaries and operations of the Corporation for Public Broadcasting since it requires so very much of the taxpayers' money to operate.

The statement follows:

FAT PAY ON PUBLIC TV

As a result of recent revelations of high salaries being paid some of its stars, the Corporation for Public Broadcasting is threatened with investigation by a House of Representatives committee.

This doubtless will lead to charges (as it did when a commercial network was under inquiry) that Congress is trying to tell public TV how to program its operation; and the committee should be discreet enough to avoid evidence of any such intent.

But the inquiry is proper if it is concerned with the size of the salaries, which largely come from taxpayer money. For instance, Sander Vanocur, former NBC newscaster, is getting $85,000 a year; Bill Moyers, once press secretary to President Johnson, gets $75,000; William F. Buckley Jr., newspaper columnist and magazine publisher, upwards of $500,000 for 44 weekly forum-type shows.

Directly or indirectly, most of the money for these plush jobs comes from the Federal Treasury; some from foundations. It is tax money in either case, since foundations are tax-exempt; what they don't pay in taxes others do.

In the beginning, public television was to be nonprofit, highly educational, noncompetitive with commercial television and unconcerned about viewer ratings. It is, of course, non-profit—when it depends on the public till it doesn't need to make money. Its educational virtues are a question of taste and judgment.

But in hiring personalities from commercial television, it obviously is trying to compete and raise its viewer ratings.

In the beginning, sponsors of the public TV idea indicated they could raise enough from private donors to carry off the idea; all they needed from Congress was a little seed money to get started.

But the seed money now has grown into an annual appropriation of $35 million and a bill in Congress calls for $65 million next year and ultimately an annual grant of up to $160 million.

Which certainly gives the House committee good cause to inquire into the propriety of paying public TV personages more than the Chief Justice of the United States gets, $62,500 annually.

CONSUMER ROLE IN CIVIL AERONAUTICS BOARD

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ROONEY of Pennsylvania. Mr. Speaker, exactly 1 year ago this week, through the foresight of Chairman Secor Browne and his endeavors to promote aviation, the Civil Aeronautics Board inaugurated a new effort to aid the American consumer through the creation of an Office of Consumer Affairs within the CAB staff.

The thrust of this consumer-oriented program is to assist the public with problems associated with air travel. Thus, the CAB, on December 9, 1970, became the first Federal regulatory agency to establish a Consumer Affairs Office.

Heading this new CAB service is Jack A. Yohe, a native of my congressional district and former newspaperman with the Allentown, Pa., Morning Call and the Washington Evening Star. He and his staff have attained a high degree of success, as evidenced both by the attention this program has received from the media around the Nation and by the testimonials of some of my own constituents who have had occasion to seek the help of the CAB Office of Consumer Affairs.

Last week, Mr. Speaker, Mr. Yohe returned to Allentown, Pa., to discuss this new consumer role of the CAB in an address to the Allentown Kiwanis Club. In his address, he stressed that both the air traveler and the host airline have responsibilities to deal fairly and honestly with each other.

I would like to include in the RECORD for the information of my colleagues a news account of Mr. Yohe's address and the CAB's program of consumer help.

[From the Allentown, Pa., Evening Chronicle, Dec. 2, 1971]

CUSTOMERS-AIRLINE RELATIONSHIP TWO-WAY STREET, CAB AIDE STATES

(By Bill Gernerd)

While a consumer is entitled to know what the fine print says before he buys, he likewise has responsibilities to "meet spirit with spirit," and be guided by the slogan "honesty is the best policy."

These were admonitions expressed today by Jack A. Yohe, head of the Office of Consumer Affairs of the Civil Aeronautics Board, as he addressed the luncheon meeting of Allentown Kiwanis Club in the Lehigh Valley Club, speaking on the topic, "The Aviation Consumer: His Rights and Obligations."

RIGHT TO KNOW

Yohe, a former Call-Chronicle reporter, said, "As in any other contractual relationship between the consumer and the provider of the product or service he buys, the airline passenger has a right to know, in advance, the service he can expect, the cheapest available fare, the restrictions and conditions applicable to the fare and any additional charges he will have to pay for visual and audio entertainment and beverages he may consume.

He added, "He has the right to be fully apprised, in advance, of the carrier's limit of liability for damaged or lost baggage, and of alternatives open to him to protect his possessions beyond those liability limits.

"And the oversold passenger has the right to be fully apprised of the carrier's obligations to him. In other words, the carrier should tell him—before he asks—what the fine print says," Yohe said.

CUSTOMER RESPONSIBILITIES

But, he cautioned, "You, the consumer, also have responsibilities."

Yohe went on to explain that it strains the good nature of reservation clerks and affects the airlines pocketbooks when individuals book flights on two or three airlines, or on several different flights of the same airline so he will be certain to get a seat.

He said, "In all honesty, a passenger with a lost baggage problem should claim only its true value," adding, "There are often those embarrassing moments when the airline finds the baggage and the value of its contents make it obvious that the passenger has falsified his claim.

He indicated that there also are times when baggage has been reported stolen or lost when this actually is not fact.

"In other words," Yohe stated, "as passengers and shippers, as consumers of anything, we have got to meet spirit with spirit. 'Honesty is the best policy' is not only a slogan of the provider of the service we buy. It must also be our personal guide."

He warned, "Anything less on our part can drive up the cost of whatever we buy, whether it be air travel or automobile insurance."

The CAB official indicated that he feels very strongly that the air carriers, including indirect air carriers and their agents, "have a responsibility to give measure for measure in their dealings with their customers."

MAN LOSES LIFE IN RESCUE ATTEMPT

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BEVILL. Mr. Speaker, in these times when there seems to be so much indifference and reluctance on the part of many to become involved in other people's troubles, the heroic example of Carlton Allen Thomas, of Albertsville, Ala., stands as a shining example that some people do care and will get involved.

Mr. Thomas, who could not swim, recently lost his life in 30 feet of icy water in Lake Guntersville trying to save another man's life.

To insure that this heroic action does not go unnoticed, Mr. Speaker, I am inserting a newspaper article from the Birmingham Post-Herald, which describes his lifesaving attempt:

[From the Birmingham Post-Herald, Nov. 27, 1971]

MAN WHO COULDN'T SWIM DROWNS IN RESCUE ATTEMPT

GUNTERSVILLE.—A 29-year-old Guntersville man, who family members say couldn't swim, drowned in 30 feet of icy water in Lake

Guntersville Thursday trying to save another man's life.

Marshall County Coroner Billy Dyar said Carlton Allen Thomas Jr., 29, of Albertville Rt. 5, drowned trying to save the life of James Breedlove of Albertville, who had lost control of his car and run off in the lake.

The accident happened at about 3:30 p.m. in the Spring Creek section of the lake off Alabama Highway 227.

Dyar and State Trooper Cpl. Larry Hardin said Thomas was traveling along the road behind Breedlove and saw him lose control and go off into the lake.

Thomas immediately stopped his car, his wife told officers, and said he was going to try and save the man whom he didn't know who had left the road. Mrs Thomas said she urged her husband not to try the rescue because he couldn't swim, but he insisted he would be all right, she said.

Mrs. Thomas said her husband said he didn't think the water was too deep, and he was going to try and save the man.

A policeman who arrived on the scene in minutes was able to get Breedlove to shore but couldn't find Thomas.

A local rescue squad came and in their first dive, located Thomas' body.

Breedlove was taken to a Guntersville hospital where he was treated and released.

In addition to his wife, Audrey, Thomas is survived by his parents, Mr. and Mrs. Carlton Thomas.

Funeral arrangements will be announced by Adams Funeral Home in Albertville.

NORTHERN ILLINOIS GAS CITED FOR GENERAL ENVIRONMENTAL IMPROVEMENT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. COLLINS of Texas. Mr. Speaker, Northern Illinois Gas has been recognized as an industry leader for its positive achievements in environmental improvement. We are tremendously proud of Northern Illinois Gas for taking first place in Petroleum Engineer's Environmental Control Development Program for its broad range programs designed to improve the general environment.

We salute Northern Illinois Gas and the entire petroleum industry for their programs to protect our country against pollution, and we urge them to continue as leaders in the nationwide effort to improve America's environment in the years to come. The awards statement to Northern Illinois Gas reads:

Objectives of Northern Illinois Gas Co.'s environmental improvement program are: 1) company's construction projects will include scenic and functional restoration, 2) company's land will be used for purposes which preserve natural resources, 3) company's regulator stations will harmonize with surrounding environment, and 4) company will support the environmental improvement efforts of others.

This year five miles of underground pipe in Evanston, Ill., have been installed. Old city walks were replaced with new 5-ft wide sidewalks and 5-ft sodded grasslands.

In 1969 a construction project through three suburbs and a forest preserve minimized disruption by working quickly and trucking in 8-ft lengths of welded pipe to lessen on-site congestion. Restoration included adequate backfilling, permanent street resurfacing and reforesting.

On NI-Gas' own land at least 90% of company-owned right-of-way and most of fee-owned property is being used for agriculture, residential landscaping or recreation.

Company maintains 314 regulator stations above ground to control gas flow and pressure. In the past five years all have satisfied or exceeded noise, appearance and housekeeping requirements of local governmental officials.

One station was redesigned and rebuilt to reduce noise level. Several stations have been extensively landscaped to resemble residential yards.

NI-Gas participated vigorously in program to pass the 1970 clean water bond act.

Each aspect of the program is based on company's determination to be responsible for improving the environment.

INDUSTRY AND ECOLOGY

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CEDERBERG. Mr. Speaker, these days we hear a great deal about the necessity of examining our individual and group actions in the light of the potential damage which we might have on the environment we all share. It is becoming increasingly evident that we all must look to the consequences of our activities if we hope to leave our children the legacy of a cleaner America and a program for the conservation of those natural resources which have made our country the great and beautiful Nation that it is.

Along these lines industry must take a leading role in the effort to provide products which minimize the damage to the environment and, in fact, contribute to cleaning up our Nation. New products and new methods of utilizing the waste of old products are demanding an increasing share of the time of the manufacturing industries.

In this regard I wish to bring to the attention of my colleagues a speech delivered by the chairman of the board of the Dow Chemical Co., one of the largest chemical concerns in the world. Mr. Carl Gerstacker, in addressing the annual meeting of the Drug, Chemical, and Allied Trades Association, notes the need for a commitment on the part of industry to meet the challenge presented by the ecology issue and offers some very pointed thoughts on how his company in particular, and industry in general, can and are working in this area.

I believe that Mr. Gerstacker's thoughts deserve our attention and I recommend that my colleagues take a moment to review his comments:

The Ecological Challenge

(Remarks by Carl A. Gerstacker)

There are two main points I'd like to make this morning, and both of them have to do with the challenge we as businessmen are being presented by the environmental crisis.

For one thing, I firmly believe that protecting the environment is good business as well as good citizenship, and that we ought to look at the opportunity presented by this crisis to tighten up our production processes and build up our profits.

Secondly, I want to talk about product stewardship—the idea that we have a responsibility for our product from beginning to end, not only for its safe production and safe use, but also for its safe disposal once used.

I am sure that with this audience I do not need to emphasize the very real threats that are being marshaled and have been marshaled against your business and mine. Many products have already been barred from the markets for ecological reasons. You are quite aware of this, I'm sure. If you are not, I'd suggest that you take a good look at some of the current measures pending in Congress, such as the proposed Toxic Substances legislation.

Unfortunately, we in industry too often give the impression that all the progress we are making in cleaning up the environment occurs because we are dragged into it, kicking and screaming and fighting it all the way. The credit for our progress is often given not to us but to the politician who makes a speech about it or to Ralph Nader, who makes even more speeches about it.

We are going to continue looking as if we're only doing as much as we're forced to do by the government, backed up by public opinion, so long as we ourselves see the cleaning up of pollution as an expense—but not as an opportunity.

Every American manufacturing company, in my view, should be conducting a review (if it has not already) of its manufacturing processes with an eye to eliminating every possible pollutant generated during that process. This is simply good business. Wasting raw materials has always been bad business. Any waste product we can reduce or eliminate means that much more product to sell.

I'd like to give you a couple of examples from my own company: one is a plant we're building in Texas that incorporates a better process design that will prevent waste and thereby eliminate the cost of disposing of that waste. The better design will cost us $900,000 more than we would otherwise have spent; but the savings in recovered waste products will amount to about $265,000 per year—which is a good return on capital.

Second, let me mention one of our product lines in which we have 11 very similar plants, scattered around the world, making the same basic products. We had a contest among the managers of these plants to see which one could increase his average yield the most over a five-year period. This was tough, because the yield was already about 94 per cent when we started. During the five-year period the average product yields climbed up over the 98 per cent mark—a highly attractive result in itself. And while we improved the product yield four or five per cent we simultaneously achieved a 70 per cent reduction in the wastes generated. With this kind of an approach you can make money on both ends.

We should all try to be like the meatpackers, who say they use every part of the pig except the squeal. There's a profit opportunity in pollution prevention that we have only just begun to realize.

The July issue of Fortune magazine, discussing the environmental problems of industry, said "Probably in the best position of all is the chemical industry, where significant control of pollution can be achieved through process changes that transform by-product streams into new sources of raw materials." Harold Bosscher, the general manager of Dow's Midland plant, is quoted as saying: "From an operating man's standpoint, the emphasis on waste control is one of the better things that has happened to us. It sharpened up our whole operation. We will not accept a plant today that doesn't have its pollution control in hand before it's built. Pollution control measures at Midland reduced raw material leakages and losses and made possible a yield improvement worth $6 million in the past three years."

Protecting the environment—preventing pollution—is simply good business. I do not think enough of us in the business world have as yet looked at the environmental crisis as the business opportunity that it really is. It should be a great challenge to our ingenuity to eliminate wastes and convert them into product. That is the first part of the challenge to us today as I see it.

The second challenge to business today is to assume what I call "product stewardship."

Let me give you a bit of process background to explain what this means.

In the very early days of American industry, the maker of a product was held accountable only to God and the tax collector, and sometimes very little to them. If his workmen were injured, that was their fault, and their tough luck; if his product was misused, that didn't bother anyone very much; and if his waste or his product or its wrapper were disposed of in field or stream, no one protested at all.

The responsibility charged to the manufacturer increased rather gradually over a long period of time, and is now shooting upwards on an exponential curve. It was recognized and accepted fairly early that the manufacturer did have a responsibility for seeing that his product was manufactured in a safe environment, and the lead in this was taken by progressive, individual manufacturers rather than being forced by governmental fiat, I might point out. Government regulations in this area have tended to confirm, by and large, what industry has already been doing.

More recently the manufacturer has been held much more rigidly accountable for the safe use of his product. Labeling laws have become more stringent over the last century. Here again progressive businessmen have set the pace and the laws have tended to set the floor-level requirements for instructions in safe use. But in recent years as you well know, the "safe use" responsibility of industry has rapidly been growing more severe. We see large court awards to people who misuse a product; we have automobiles being called in for repair or replacement of parts, and the like. The consumerism movement is holding the manufacturer responsible for the safe use of his product in a way that we would not have found conceivable a generation ago.

We are now in the relatively early stages of a movement to make the manufacturer responsible for the safe disposal of his product as well. The current flap about non-return bottles is one example, and the New York Plastics Tax is another. Many of us are looking into ways of recycling various of our products, particularly containers. Dow, for example, has worked with a dairy in Los Angeles in a process for recycling plastic milk bottles into drain tile and other products.

It is not difficult to discern that industry is being asked or will shortly be asked, to assume complete stewardship over the products it makes, ranging all the way from the beginning (the strip-mining controversies are an example of that) to the end of the product's life. And that includes its packaging material.

The wise course for us, I am convinced, is to assume this role of complete product stewardship before it is forced upon us by public opinion and government regulation.

My own company is moving swiftly in this direction. I believe other responsible and progressive companies are doing so as well, although they may not call it "product stewardship" or even have a name for it. This is what the Federal government has begun to call the "advanced analysis" concept, by the way, in its terminology. I'd like to give you briefly a few examples of how we are going about this at Dow:

One example is what we call our Environmental Testing Advisory Board. This is a panel of experts whose job, in sum, is to provide us with scientific methods and data concerning the environmental impact of any Dow product. This has mostly to do with new products, but even products that have been marketed for many years sometimes come under question. The testing of products for their ecological impact requires a high degree of knowledge and skill. These experts of ours perform a vitally needed function for us in this area.

A *second* example is what we call Environmental Health Services, which are an outgrowth of Dow's long and intensive concern for the well-being of its employees. We have developed considerable expertise over many years of time in the evaluation and control of employee health hazards connected with exposure to chemicals and other work hazards such as heat, noise, light, and radiation. While this expertise has been used extensively *within* Dow, we are now making it available to other companies as well as government units as a commercial venture. Dow's Environmental Health Services specializes in identifying adverse environmental factors in workplaces, and prescribing controls.

A *third* example is what we call our Interpretive Analytical Services. This is an effort to make available to others the technology we have developed over the years in solving some of the highly complex industrial problems posed by the new requirements being imposed upon us by government and society. Suppose the government wants to know the precise level of mercury in a foodstuff ingredient; or that you need to know whether any of your product, used on a given farm crop, winds up as residue on the harvested food; or that you need to know about some trace organics appearing in your river water so that you can treat a waste stream properly; or that you've got some spoilage problems because of gas formation in a packaged product and need to know what gas is being formed. Dow has highly sophisticated tools for determining the answers to these and a great many other questions that are being raised today.

This raising of the plateau of expectation I have referred to—that is, the higher levels at which the public expects us to perform ecologically—is something we had better promptly recognize and meet. Once it was enough if we merely produced our materials safely; then we began to think it was enough if they were also used safely; but now we are having to face up to the problem that we must also make certain they are disposed of safely. They are our responsibility from the very beginning to the very end.

I like to compare our situation today with the problems we used to have in plant safety. We used to have fairly frequent injury accidents to our work force, but we eventually went to work seriously on cutting down those accidents. We applied ourselves to that problem because it was the simple humanitarian thing to do, not because we thought it would save us money or increase our earnings.

But now that we have got down to perhaps one injury accident per million manhours worked, we have found that what we thought we were doing as good citizens turns out to be good business practice as well. Cutting out injuries to our workmen does as a by-product help us make a profit. I think we all have come to realize that preventing pollution is the same type of opportunity. We are being asked to do it today in the name of good citizenship. I believe we will find that it is also good business. It's a waste to throw away a product you should sell, but that's exactly what you do if you don't use your raw materials properly.

The challenge to us is clear. We must make pollution prevention our by-word and make it into the good business opportunity that it really is, and we must likewise assume stewardship responsibility for our products that the public is asking us to take.

Challenges are always taken up by leaders. The DCAT is a leadership organization, and I am pleased to have had the opportunity this morning to define the ecological problems we face, as I see them. I am sure I came to the right place.

CAMPAIGN TAX PLAN USELESS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the House will soon have before it as a rider to the Revenue Act of 1971, the proposal passed in the Senate by the margin of 49 to 46 and supported exclusively by the majority party, providing for the use of Federal tax money to subsidize presidential election campaigns. In the House-Senate conference on the Revenue Act, the effective date of this proposal has been postponed until after the 1972 election. Considering the many facets of this problem this is perhaps the best compromise that could be achieved at this time. Nevertheless, it is my opinion that this is an innovation that the Congress should thoroughly reexamine before it becomes effective. In this regard I was particularly impressed by the editorial appearing in the State Journal of Lansing, Mich., on Tuesday, November 30 and I commend it to the attention of my colleagues:

[From the State Journal, Mich., Nov. 30, 1971]

CAMPAIGN TAX PLAN USELESS

The U.S. Senate, not to its everlasting credit, has labored mightily on a political campaign spending reform measure and has produced a sparkling but almost meaningless package which it hopes to send to the President's desk.

It reminds one of the guy who is trying to sell a used car by extolling the beauty of the paint job and the chrome. We suggest that voters still take a look under the hood.

The proposal, now before a conference committee, provides among other things that a taxpayer can voluntarily check off one dollar on federal tax returns (which otherwise would be paid in taxes) and assign it to the presidential campaign of the party of his or her choice. Two dollars are allowed for joint returns.

The tax money would be stockpiled for the Republican and Democratic party campaign kitties, with a lesser amount to the George Wallace candidacy. The top amount any party could get is $20.4 million for a presidential candidate. In order to get the money, the party would have to pledge not to spend more than that amount or receive more from any other source.

Senate Democrats backed the measure because the Democratic national fund is in deep financial trouble. Republicans generally opposed it because the GOP reportedly is in good shape and is not expected to need such a handout in 1972.

The measure appears to be a nice reform because it suggests that taxpayers will now finance national presidential campaigns and big parties supposedly won't have to rely so much on special interests that can command influence and favors after a president is elected.

Unfortunately, there is a loophole as big as the Grand Canyon. Neither party is bound to accept the $20.4 million, if indeed that amount is actually raised by tax checkoff. If one party feels it can raise all the cash it needs by traditional solicitations, it may do so. Thus one party may limit itself to the taxpayer kitty limit while another may bypass this gift, and go out and raise twice that amount from special interests. So where is the reform?

Too, even if both major parties agree to accept the $20.4 million limit, there apparently is nothing to prevent special money interests from supporting their candidate through channels outside of the political party framework.

And the Senate proposal, which is tacked on to President Nixon's tax cut program, makes no provision for financing of congressional candidates or those at lower party levels. It also makes no provision for primaries and no prohibition on primary spending.

In short, it provides the big parties a fat public kitty if they want to use it, but gives absolutely no assurance that private interests will not be just as deeply involved financially as they have always been. So where is the reform?

Such a plan could also tend to lock up most of the tax financial potential with the two major parties and make it even more difficult for potential third or fourth parties to get off the ground.

The President is faced with vetoing the proposal, and along with it, his tax cut program, or accepting a bad package. Hopefully, the House-Senate conference will come up with something more realistic.

If not, we believe the President should veto it and send it back for rewriting into a serious campaign spending reform measure.

FARMERS HOME ADMINISTRATION PROGRAMS DEVELOP RURAL AMERICA

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, in rural areas such as our Third District of northwest Arkansas, we have learned not to hope for much concentrated attention from agencies that are oriented toward city problems. But we are getting fine assistance in rural communities because of the excellent service developed through a rural agency, the Farmers Home Administration.

The Third District accounts for $89½ million of $278 million in farm, housing, and community facility credit now outstanding in Arkansas through the rural FHA. We believe it is in order that we commend the Administration, the Farmers Home agency and its able administrator, former Congressman James V. Smith of Oklahoma, on what is being accomplished to insure that the family farm and rural community can survive and prosper in this country.

Many small communities in our hill and mountain areas flourished in the early 1900's, then dwindled away by the middle 1900's. They were given up for lost by those who concluded that the small country town, once on the skids, could never make a comeback.

But a growing number of towns in our district have refuted those predictions and are newly alive and thriving once again. Primarily, they have been reborn not through any formalized government plan of salvation, but rather through the enterprise and determination of their local people. However, some Federal as well as State programs have made substantial contributions, and as their stories are reviewed, the Federal agency whose name recurs most often is the Farmers Home Administration.

An example is found in the history of Bellefonte, a small community in Boone County, Ark., a few miles from my home town of Harrison.

Bellefonte is now in its 100th year. It was incorporated on July 1, 1872, and was one of the first towns to develop in this section of northern Arkansas. But in its early years it lost out to Harrison for designation as the county seat, and by the 1950's Bellefonte had declined to the point that it lost its status as an incorporated town.

However, the nucleus of a town remained—families determined to keep alive the community of Bellefonte.

In the mid-1960's, the people remaining there resolved to restore their name to the map of Arkansas. They reincorporated the town of Bellefonte.

A vital part of their plan to rebuild the community called for installation of a modern water system. They found the financing for this project at their county office of the Farmers Home Administration. Much fine assistance was provided by FHA county supervisor Bob Hankins, who today carries on his good work on a statewide scale as State Director of the Farmers Home Administration in Arkansas.

Bellefonte's new water system was financed with a loan through the rural community facilities program administered by Farmers Home. This project gave Bellefonte one of the necessary elements for home renewal and the attraction of new business.

The next community project was aimed at meeting a need for decent low-cost rental housing. Bellefonte's school building, built as a WPA project in 1936, had ceased to function as a school in 1965. Again with a Farmers Home Administration rental housing loan, this building was converted into an apartment building where two-bedroom and three-bedroom apartments were available to elderly people and other families not yet in position to buy their own homes.

Bellefonte now has attracted a new tractor and farm equipment firm as an important addition to its business. Farmers Home Administration rural housing credit to individual families has accounted for 27 new family-owned homes. With tax base broadened and business stimulated by these building activities, natural gas has been brought into the town, streets are paved, and a movement has started to organize a fire department. Population has increased from 300 to 450 over the past 2 years. School enrollment is up by 7 percent over last year. Plans are being made by one of the four church congregations to erect a new building.

Thus, with financial resources opened up by the Farmers Home Administration in projects that provide a springboard for community effort, Bellefonte approaches its 100th anniversary next summer, not as a town fading away, but as a growing and prosperous community with a bright future.

This spirit of renewal is found today in many progressive towns such as Bellefonte, and services of the Farmers Home Administration are making a comparable contribution to almost every such community.

The rural community facilities program has brought modern water systems to some 55 localities of our district the past 10 years, with 34 of these systems realized during the past 2 years. Systems range in coverage from single small communities such as Bellefonte to large town-and-country sections of counties—as in the case of Washington County's $2.7 million White River Association system now under construction, to serve some 2,000 families in the eastern part of that county, and Benton County's district No. 1 system, which will bring modern water service to 3,000 families in the west-central portion of that county.

Rural housing credit through the Farmers Home Administration has more than tripled in Arkansas since 1969. Statewide volume reached $60 million in the fiscal year 1971, providing more than 5,880 new and improved homes for families of low and moderate income. Our district accounted for 1,600 of these homes and a $17 million share of the year's rural housing credit.

As a stronghold of the family-size farm, the third district also leads the State in farm credit service from FHA. More than 2,500 families in our 25 counties own farms financed through the agency's farm ownership program, and 1,800 lacking other sources of production credit financed operations the past year by way of FHA. Farmers Home added $8 million in our district and more than $23 million in the State to farm ownership and production credit available to Arkansas' family-farm agriculture.

Thus a credit agency of the U.S. Department of Agriculture is performing unique and invaluable service, both in support of the family farm and the rural community working to renew its prosperity and improve conditions of living for its people.

One of President Nixon's most effective actions in support of rural America has been to place more resources behind the insured credit programs of the Farmers Home Administration.

We are confident that he means to preserve in the Federal system a strong and effective agency dedicated to the special problems and requirements of rural areas.

And we congratulate Administrator James V. Smith, State Director Robert Hankins, and the people in FHA county offices throughout our part of Arkansas who conduct one of the public services most valued and respected by people of our district.

HUNGARIAN REVOLUTION ANNIVERSARY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. McKINNEY. Mr. Speaker, some 6 weeks ago, I shared with the Members of this House some of the thoughts I had concerning the anniversary which was then upon us—the 15th anniversary of the fight for freedom in Hungary.

It is with a special sense of pride that I join with my colleague, Mr. HORTON, in reflecting on these thoughts again today.

Late in 1956, the living symbol of Hungarian freedom, Jozsef Cardinal Mindszenty, spoke for all of his countrymen when he said that:

> We Hungarians want to live and progress as the standard bearers of the family of peaceful European nations. We want to live in a spirit of friendship with all the people of Europe and not on the basis of an artificially-created friendship. And turning our eyes toward more distant parts, we, a small nation, want to live in friendship, in undisturbed, peaceful and mutual esteem with the great United States, as well as the powerful Russian empire, and in goodneighborly relations with Prague, Bucharest, Warsaw and Belgrade.

But sadly, Mr. Speaker, in that same speech, he had to agree that:

> There is no country which in the course of its thousand years of history has suffered more than we have.

This is a truly unfortunate commentary on the world in which we live. A small nation: with peace in its heart, in a lifelong struggle for freedom. In large measure, the primary force contesting this independence has come from the great plains to the east: the Mongols, the Soviets. The domination continues today and the presence is only exceeded by the spirit of freedom which burns as a glowing undercurrent. The Hungarian people, and the world, will remember always the men and women of courage who gave their lives during those 17 days of freedom in 1956. The historical resolution which came to the fore during that time lives on as it did then. Sadly, the good Cardinal has now joined the Holy Crown of St. Stephen in exile but he, like it, will return and this proud nation will some day see its legacy become reality.

In recent days, Mr. Speaker, a poignant poem has come to my attention and it was written in the midst of the 1956 fighting by one of Hungary's foremost poets, Lajos Tamasi.

Mr. Speaker, I would like to share that poem with my colleagues at this time:

RED BLOOD ON THE STREETS OF PEST

(By Lajos Tamasi)

We march and now our hearts are stirred
and quickened by some mystic powers.
Although our song may falter, now
we know the streets of Pest are ours.

Nothing is left for us but this,
our only haven now is here:
we know we are about to see
a holy radiance appear.

Our banners jubilantly rise,
they float above like glowing flowers;
the silken colours billow wide,
the streets of Pest again are ours.

Our brave song once again is heard,
our free hearts follow their own star.
To fire the guns we now confront,
whom do you order, Commissar?

The blood is on the streets of Pest,
young men our brave defenders are.
Their blood is on the streets of Pest—
whom do you order, Commissar?

Whom do you order now to fire,
you, Ministers, who cringe with fear?
No secret police can save you now,
the hour of reckoning is near.

And in the name of those you kill,
where are you running in defeat?
where will you hide your blood-stained hands,
you murderers in full retreat?

The streets of Pest are running red,
until the storm sends down the rain
and washes all the blood away,
yet cannot wash away the stain.

The streets of Pest are red with blood,
on these the blood of youth is spilled.
Beside the tricolour on high
hoist mourning banners for the killed.

Beneath the tricolour above
we make a solemn, threefold vow:
first, we must sorrow for the dead
and second, hate the tyrant now.

And third, a pledge for this small land,
let those who still with life are blessed,
remember: freedom has been bought
with blood upon the streets of Pest.

REV. AND MRS. GEORGE J. HADJIS, HONORED BY TESTIMONIAL DINNER IN YOUNGSTOWN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CARNEY. Mr. Speaker, on Sunday, December 5, 1971, the members of St. Nicholas Greek Orthodox Church and the Hellenic Community of greater Youngstown, Ohio, held a testimonial dinner in honor of Rev. and Mrs. George J. Hadjis.

The testimonial dinner marked the retirement of Reverend Hadjis after 19 years of worthy and dedicated service to his church and community and 30 years in the ministry.

A native of Greece, Father Hadjis came to St. Nicholas Church early in 1953 after serving his first parish in America in Cedar Rapids, Iowa. He was also a chaplain in veterans hospitals in Clinton and Iowa City, Iowa, in 1950 and 1951.

Father Hadjis is a graduate of the University of Athens, Greece, and served in the Greek Army during World War II. He was ordained in 1941 and served as dean of St. Nicholas Cathedral in Kozani and also as dean of the Metropolis Kozani. In 1942–45, he was vice president of the Committee of the International Red Cross, president of the Greek Red Cross and director of the National Organization of Christian Brotherhood in Kozani County.

Because of his position as dean of the Metropolis Kozani, he spent 6 months as prisoner in a concentration camp in Thessalonica, Greece, during the 1943 occupation by the Germans. He is a charter member of the committee for recognition of the Greek Orthodox Church as the fourth major faith by the State of Ohio.

Father Hadjis was the first president of the Eastern Orthodox Clergy Association of Mahoning Valley in 1963–64, president of the sixth district of the Greek Orthodox Archdiocese in 1958–59, member of its ecclesiastical court during 1964–65 and chaplain of the Eastern Orthodox Men's Society.

Under his leadership St. Nicholas progressed steadily by purchasing the parish house and constructing the present $350,000 church and auditorium and the purchase of adjoining properties. The entire interior has been decorated.

Married to the former Katina Mamatsou, a teacher, in 1936, they have a married son, John Hadjis, in Huntington Beach, Calif., where they plan to make their home after their retirement on December 13, 1971.

Reverend Hadjis was a true leader of our community. He and Mrs. Hadjis will be sorely missed by everyone who knew them. May God grant them both many happy years in retirement.

AMERICA'S DARKEST HOUR

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. GRIFFIN. Mr. Speaker, on this day, the 30th anniversary of the attack on Pearl Harbor, it is fitting that we reflect on the history of our Nation.

December 7, 1941, was one of the brightest days for America because her citizens mobilized as one to engage in mortal combat international enemies of freedom. We won that struggle against atheism because we were right and God looked with favor on our efforts.

In the view of many, forces of atheism are rising rapidly in influence in the United States and they are being helped by complacency and inertia on the part of school, church, and government officials.

Moral and spiritual values built this Nation in my opinion, and there must be a resurgence and reassertion of those values if we long survive.

In a sermon on July 4, 1971, Rev. Jack E. Noble, pastor of the Riverside Independent Methodist Church, eloquently voiced this concern about America. With logic, he contends that today—not the winter at Valley Forge—is America's darkest hour.

I would like to share with my colleagues Reverend Noble's thoughts which were reprinted in the October 27, issue of the Presbyterian Journal. His sermon follows:

[From the Presbyterian Journal, Oct. 27, 1971]

America's Darkest Hour—July 4, 1971

(By Jack E. Noble)

As Americans we have the greatest heritage of any nation on earth. I can remember when our history books showed pictures of veterans standing with tears running down their cheeks as the flag went by. To them it was not just a piece of cloth. In that flag they saw the dreams and ideals of all this country hoped to be, the dream for which they had fought and for which their fellow countryman had died.

I can remember when we pledged and covenanted anew that we would die ourselves, if need be, to preserve that great dream which was on its way to becoming reality, a dream which had begun on the East coast and stretched across this continent to the Pacific: to create a land where men and women could worship God together in the church of their choice, where people of all nationalities would come together to mold a great nation.

A GREAT HERITAGE

We have a great heritage, and the time has come in our history when we need to take it seriously. In recent years our young people have not been taught about their heritage. In only very few of our schools and churches have the things which were given to us as a sacred trust been taught to our young people. In the average history book today, our great patriots such as Patrick Henry, Samuel Adams and other leaders of the War for Independence, are cast in the role of radicals, and what is written of them reflects not much, if any, credit upon these famous men.

The Pilgrims came to this country from the security of Europe with its walled cities and paved streets to carve out of the wilderness a new life in which they could worship God and build a community of freedom.

Yet much of the modern teaching about the Puritans emphasizes only their hanging of witches. This dark episode in time, however, must not obscure the great heritage which they left us: their determination to keep the Sabbath holy, respect for the dignity of work and service to their country, and their concern to be law abiding citizens, to rear children who feared and respected God.

Today these characteristics of the Puritans are not emphasized. Our children have been denied from kindergarten through the university a right view and presentation of the heritage they have as Americans.

A people that have lost contact with their past and have no knowledge of their heritage will not continue to carry on the ideals nor perpetuate that which is dear and worthy. America is facing the greatest challenge in its history. The Communists have made the statement that on America's 200th anniversary they are going to pull down the Stars and Stripes and raise the Red flag.

If you were to poll the American people, I am sure a great percentage of them would say this will never happen, that the claim is ridiculous. But if we judge the next five years by the past ten years, we not only know that it is real, they will even have to slow down in order to postpone it for five years.

Lenin said, "First we will take Eastern Europe; next the masses of Asia. Then we shall encircle the last bastion of capitalism, the United States of America. We shall not have to attack; it will fall like an overripe fruit into our hands."

We only have to look at history to see how successful this strategy has been. Eastern Europe fell soon after World War II and then China went into the Communist camp. In 1961 Cuba became a Communist dominated island influencing the Western hemisphere. Chile is ruled by a Marxist president and is fast moving to become a totally Communist nation.

All we have to do is to look at the events of the last 20 years to see how well the Communists have been successful in carrying out the policies enunciated by Lenin. As for falling into their hands, we are getting riper all the time. We are losing our moral perspective. We have anarchy in the streets; lawlessness and all the elements of dissolution are growing beyond our imagination. We know any newly published FBI report will tell of the increase in the crime rate. The only surprise is the size of the percentage it has risen since the last report.

When I was teaching high school history in the '50's, I taught my class that America's darkest hour was at Valley Forge. All of us have a mental picture of George Washington praying at Valley Forge. We know it was a dark hour in the history of this republic.

DAYS OF OUR YOUTH

The Continental Congress was an unwieldly body which lacked direction, and the only thing that held us together at that time was the pressure of the war. Desertions were on the increase, Congress was not supplying Washington with food and clothing or the necessary equipment for his army. It was said that when he marched, a thousand men were barefoot and could be tracked through the snow from the blood of their bleeding feet.

In those days not all were patriots in America; some sold their produce to the British for hard cash because they were afraid the Continental currency would be worthless, and while Washington was at Valley Forge with his army, the social elite were entertaining the British in Philadelphia.

It was a bleak and a barren hour in the history of this nation, but we had one asset: Washington served our nation as a leader, as a general in the army, and later as a devoted statesman. Time and time again he told those who were nearest him, "We are going to win because we are right and because it is God's will."

During those days at Valley Forge days which would have broken an ordinary man, Washington would leave camp in the early morning and journey into the woods. An old Quaker noted that when he returned his face was always brighter and showed a greater sense of determination. He knew he was going to win. One morning the Quaker followed Washington and discovered that each morning he was going to pray alone and ask God for the strength and direction it would take to bring fulfillment to the dreams in which he believed.

BASED ON GOD'S LAW

Our government was based from the beginning on God's law. God was acknowledged and His will was sought. The early patriots realized the odds that were against them; they knew there would be suffering and hardship but they also realized that if they hoped to bring about the realization of their endeavors, it would come only through the blessing of God. Their leader was a godly man, and their government and their hopes were based and placed upon God's Word.

We see another illustration of this shortly after the war ended in victory. The Articles of Confederation, because of its looseness, was falling apart and it seemed that anarchy would reign. The Constitutional Convention was called. Each man was a strong individualist and each one was trying to do the most for his section of the country. Different philosophies were represented at the convention; some believed in almost a pure democracy and others believed in a strong central government.

Day after day they debated during the summer heat, the only thing being accomplished that tempers were growing shorter. Benjamin Franklin suggested that they have prayer, that they look to God and seek His guidance. After that, each session was opened with prayer and from that time on progress began, and as a result we have our Constitution.

Our forefathers pledged not only their honor, but also their properties and their very lives in many instances. Many times all they had left was their honor. They invariably lost their property.

Although today the charge is made that it was wealthy men who wanted to preserve and form a new country so that they could have "advantages," the greatest advantage they had was the fulfillment of their dreams to form a country under God with freedom and justice, and the right to liberty and the pursuit of happiness.

NATIONAL SCHIZOPHRENIA

Now we have been told for the last 20 or 25 years that Communism is our enemy. This would be a most logical assumption because the Communist system is militantly atheistic and we are a Christian nation. They are a socialist nation and we are built upon the premise of free enterprise; they rule by tyranny, and we rule by freedom and liberty, and the direction of the government is in the hands of the people under law. From all their publications we know the Communists are set on world conquests. We have always been a nation that has believed in and strived for the self-determination of all nations.

On this assumption we have spent billions in defense and many billions in foreign aid, supposedly to contain Communism. Over 100,000 American lives have been lost since World War II fighting Communism. Now if we are really fighting Communism, we are suffering from a national schizophrenia because we sat by and allowed China to fall, and then we fought a no-win war in Vietnam. When Russia was weak militarily we were armed to the teeth and spent billions each year for new weaponry. Now that Russia is equal to us, or ahead in every area, we are pursuing a policy of unilateral disarmament.

We are becoming more and more demoralized at home. The only freedom we have left, it seems, is the freedom to sin and break laws. We talk about our problems, but our problem is basically spiritual and will require a spiritual answer.

We have millions of dreamers every four years. The American people believe they can elect the right man for president who will go to Washington and make everything right. This is an idle dream. We have educational programs and social programs which we hope will solve our ills, and we hope economic pressures will change, but these things will never be the answer. There will have to be a revival at the grass roots. We, the American people, will have to care enough, be willing to sacrifice enough and be willing to do what has to be done to rebuild.

This country has moved from God. In Psalm 127, verse 1, we read, "Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain," and in the 33rd Psalm, verse 12, "Blessed is the nation whose God is the Lord." All our efforts will come to naught without God.

BUILT ON ROCK OR SAND?

The reason we became the most powerful nation in the world, the reason we were able to help more people in the world than any other nation was because we were a nation that acknowledged God and built our nation on His Word.

I remember hearing a Korean when I was in college. He said that as he and another Korean were traveling from the East to the West coast, through the great grain fields of the Midwest and out through the majestic Rockies of the West, his traveling companion asked, "Why is it that God has so richly blessed this country and has not blessed ours?"

Our speaker challenged us by telling us that his answer was, "These people came to these shores seeking God and His will. This is why this nation was so blessed. They sought God." Then the young Korean speaker further challenged us by saying, "Are you going to continue to serve God?"

Our heritage has been created by people who were seeking the will of God. The model for our Constitution was the Mayflower Compact. It was a document under God whereby free people covenanted together so they could be ruled by men whom they had appointed themselves, who would look to God for the final answer and be directed by Him. It was never the intention of our forefathers that this nation would be a nation that would be free from God; they founded a nation that was to be obedient under God.

Benjamin Franklin said, "I have lived, sir, a long time, and the longer I live the more convincing proof I see of this truth that God governs the affairs of men."

We can read the documents, the speeches and the statements of our forefathers and find their dependence upon God clearly shown. They acknowledged Him all the way. Yet the pronouncements from our high court today reflect nothing to indicate that spiritual considerations enter into any decision. We are fast becoming a nation that is known to be a nation free from God. We have created and encouraged a permissive society.

We were in our original intent a nation ruled by law and not by men. The law was derived from God and so therefore the law was transcendent and above any man. It was objective and all men, the educated, the uneducated, the high and the low, were judged alike by the laws derived from God's Ten Commandments.

TIME IS RUNNING OUT

When man moves away from this foundation to make judgments based on his own understanding, and on psychology and sociology, no longer does he have an objectivity but a subjectivity whereby one man's ideas and thoughts are of equal weight to any other. This will inevitably lead to anarchy, a condition which existed in Israel at its lowest period. We read in Judges 17:6, "In those days there was no king in Israel, but every man did that which was right in his own eyes." Out of anarchy there is always the prayer for a king or dictator to restore order.

The day of apathy and complacency in America is running out. We have to be blind and we have to be foolish not to see that things cannot go on indefinitely as they are. If America is going to have a free 200th anniversary, there will have to be a change of direction. We are at the midnight hour.

If God's people, and I would certainly like to think we are among them, will come into His house to repent and confess their sins, to ask Him for a rebirth of freedom and be willing to do what is necessary to make the sacrifice, God can turn the midnight hour into a bright and shining morning. We will never return to anything better until we have a revival in this nation.

There are some encouraging signs among our youth and among other elements which I never expected to see. These are good signs, but we need not wait. Where we live is here. What we do will be here. The hour is at hand when we must act. Do we feel the responsibility enough to be willing to say, "God, here am I, send me; work through me. Make me an instrument to Thy glory."

AVOIDING A TRADE WAR

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HANNA. Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues in the House an interesting and very well stated argument for expanding our foreign trade and avoiding the dangers of a free world trade war. The article appeared in the October 1971 issue of the Reader's Digest. It cites specific cases which will serve to amplify the points that I and other Members have tried to make in recent weeks—that our economy will be seriously damaged by trade restrictions:

The Free World Must Avoid a Trade War

(By James Atwater)

An 11-year-old boy poses proudly with his new baseball glove while his father snaps a picture. The scene could not be more American—except that the camera is German, the glove Japanese. What's more, the family car that will take father and son to today's ball game is Swedish, and this evening they will eat Polish ham served on English china at their Danish dining table.

Sound familiar? It should, for Americans have come to accept the internationalization of their lives without giving it a second thought.

The remarkable postwar economic comebacks, first of Europe, then of Japan, were fueled in large part by exports. Since 1949, for example, Volkswagen alone has collected $9 billion from Americans for the sale of 4.6 million cars. At the same time, the rest of the world is rushing to buy American, and U.S. sales abroad are zooming for everything from aircraft to blue jeans.

This great boom in world trade has made life not only pleasant for the buyers but prosperous for the sellers. U.S. exports are expanding at a faster rate than the economy as a whole—up to $42.7 billion in 1970, about 14 percent of the world's total. An estimated three million Americans now owe their jobs to exports, and one acre in every five of American farmland is tilled for crops to be shipped abroad. Over the last ten years, private U.S. investments in Europe amounted to $15 billion, and Europe in turn is starting to invest heavily here.

Now, however, the whole structure of international trade is threatened—and with it the prosperity, the unity and perhaps the security of the free world. While the present world-trade system is clearly producing the greatest good for the greatest number, it is also endangering the few—those industries and occupations faced with strong competition from imports. U.S., European and Japanese leaders are all under political pressure to give more help to these special groups. Farmers in Japan, for example, want protection against rising imports of American food. Europe's aerospace manufacturers want help against their huge U.S. rivals. Textile companies here want relief from imports of Japanese cloth.

Whatever form the protection may take—higher tariffs (taxes paid when a product crosses the border), quotas (definite limits on the amount of a product that can be imported within a certain period) or, more subtly, the setting up of special safety or technical standards difficult for foreign imports to meet—the effect would be the same. What one of the three giants does can be expected to produce retaliation in kind from the other two. So, slowly, step by step, the United States, Europe and Japan could blunder into what they all fear: a trade war.

INITIAL SKIRMISHES

As Americans see it, the European Common Market* fired the first major volley in 1968, when a new policy to protect its farmers—most farms were so small that they could not produce food as cheaply as large American farms—came fully into effect. All of the major nations, the United States included, shield their farmers to some degree, but the Market's solution was a perfect model of protectionism. To reduce imports of some basic foods, notably American grains, it imposed high tariffs. And it bought up surplus produce of its own farmers at prices that were often double those of the world market. Then the Market took the money raised by the tariffs and subsidized exporters so that they could sell the growing mountain of surplus abroad—undercutting American sales. It gave preferential treatment, too, to 24 African and Mediterranean nations. (For example, a Market importer has to pay a duty of only 12 cents on a box of oranges from Morocco, but pays 60 cents on a box from California.)

While this was happening in Europe, U.S. trade with Japan was also going through a revolution. As recently as 1964, the United States had *sold* goods to Japan that were worth $240 million more than the goods bought in return. Last year we *bought* $1.2 billion more than we sold. One reason: the Japanese government was protecting its home industries with tight import quotas, set up after the war to guard the country's fragile economy. Although the Japanese economy had grown into a robust giant, it was still being coddled like a sickly child.

Not long ago, American businessmen began to complain that they were being taken for a ride by the Japanese, just as American farmers complained that Europeans were discriminating against them. And, in fact, the ability of the United States to turn an overall "profit" on trade had slipped badly; in 1964, U.S. exports were worth $7.8 billion more than imports; by 1970, only $2.7 billion more—and government officials predict that the margin will drop to $1.2 billion in 1971. American industries, both large and small, have appealed to Washington for help.

"Uncle Sucker"? A major step in the growing trade dispute was taken by the United States in May 1970, when the House of Representatives began to consider a trade bill that included ways of imposing quotas on textile and shoe imports. Suddenly, all of the protectionist sentiment that had been building up in the country broke loose. During hearings on the bill, a total of 377 witnesses gave 4600 pages of testimony, which included pleas for special help by everyone from bicycle manufacturers to mink ranchers, from mushroom growers to candlestick makers.

Even Secretary of Commerce Maurice Stans testified that some of the present rules of international trade put American firms at a disadvantage. "We have in many respects been 'Uncle Sucker' to the rest of the world," he said. "The time has come when we must put our cards on the table and say, 'Let's play fair now.' "

In November 1970, the House passed a highly protectionist piece of legislation that became known as the "Mills bill," after its sponsor, Wilbur Mills, the influential chairman of the House Ways and Means Committee. Opposed by the Administration as going much too far, the bill died in the Senate last December during the scramble for adjournment, but was reintroduced in the present Congress.

Infuriated by the Mills bill, the Common Market is prepared to strike back if it or anything like it ever becomes law. Common Market officials joke wryly that they should erect a statue to Wilbur Mills as the man who has done more to unite Europe than anyone since Stalin.

How, exactly, would a trade war be fought? One small example was the 1962 "Chicken War." Europeans tripled their levies on imports of U.S. chickens, mainly to help German poultry growers, and the United States struck back by raising tariffs, mainly the one on Volkswagen trucks. As a result, U.S. chicken sales to the Market dropped from $56 million in 1962 to $11 million last year, while Volkswagen truck sales here fell from $29 million to $5 million.

Clearly, no country won that fight, and the stakes were negligible compared to what they would be in an all-out battle. Not only would world trade be crippled by a major trade war but the U.S. economy would be severely damaged. The jobs of hundreds of thousands of Americans would be jeopardized. U.S. inflation would rise at an increasingly faster pace—since one of the main benefits of imports is that they increase the supply of goods available to the consumer, thus tending to keep prices down. (Andrew F. Brimmer, a member of the board of governors of the Federal Reserve System, estimated that the Mills bill would raise the cost of clothing to the American consumer by $1.8 billion in 1975).

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* Belgium, France, Italy, Luxembourg, The Netherlands, West Germany.

TO CHECK THE SLIDE

Another facet: economic isolationism would lead to political isolationism. A trade war would certainly weaken the North Atlantic Treaty Organization, very possibly even blow it apart. The Common Market, which counts much more heavily upon foreign sales than the United States does, would have to find new customers, turning inevitably to Russia and its satellites. In similar fashion, Japan would be driven toward Communist China.

During the first few months of 1971, as the United States continued its alarming trend of buying more and more from abroad, the Administration began to charge that the United States was indeed playing "Uncle Sucker" to the rest of the world. Cabinet officers pointed out that Europe and Japan were free to develop their trade so vigorously in part because they were being protected by the United States, which was spending $5 billion a year abroad for the defense of the free world. The Administration put heavy pressure on Europe to share more of the financial burdens of NATO.

U.S. complaints narrowed down to three main points: Japanese restrictions on American products; the Common Market's restrictions on American farm goods; and the Market's blatant discrimination against Japanese exports, which had the effect of diverting the products to the United States. Responding to the criticism, Europe's leaders scornfully noted that the United States had some restrictions of its own and was still jealousy protecting its dairy industry. What was more, they charged, the inability—or the unwillingness—of the United States to check its growing inflation was causing serious problems abroad. The Europeans claimed that they were bumping along in the wake of the United States like water skiers being towed behind a careering speedboat.

Early this summer, some steps were taken to check the slide toward a trade war. Japan promised to reduce its quota system and voluntarily restricted some of its exports of cloth to the United States, although not enough to please either the Administration or the textile industry. Prodded by U.S. Secretary of State William Rogers, the Paris-based Organization for Economic Coöperation and Development agreed to set up an international panel of experts to find ways of avoiding a trade war.

The steps were encouraging, but they were certainly not enough to solve the complicated and explosive problem. Indeed, the time has come for top-level political leaders, such as Cabinet members, to take on the job of reaching basic agreements. They should meet regularly, and they must avoid arguing over relatively minor issues. "The United States and the European community must develop the will to discuss our problems in the broadest context," says Jean Monnet, the French statesman whose vision started the nations of Europe drawing together 20 years ago. "We'll never get anywhere bickering over poultry or grain."

SANE SOLUTIONS

Basically, the United States, the Common Market and Japan have to try to solve their own problems without resorting to flagrant protectionism. In line with this, some liberal-trade backers in both parties in Congress now favor giving only temporary tariff protection to industries that are being hurt by imports and then helping them—and their workers—either to adjust to the competition or to switch to other work.

In the long run, the United States may simply have to phase out some of its chronically troubled industries. "If you don't," warns one Market official, "you will find someday that you have protected marginal industries at the expense of the economy as a whole. We have spent a lot of money to help failing industries—coal, some textiles, leather goods. It doesn't pay. You are helping an old man to have a lot of friends around him when he dies."

Time is getting short. Both the Common Market and Japan are rapidly gaining strength. If, as expected, Great Britain, Denmark, Norway and Ireland join the Market, the European community will control 40 percent of the world's trade. And the economy of Japan is still climbing like a jet.

For the United States, the growth of its two great trading partners can be either an opportunity or a threat. If the trade barriers stay down, both Europe and Japan are bound to buy more American goods as time goes by. If the barriers go up, the United States will find that its old friends have developed the commercial muscle to be very tough customers indeed.

Now is the time for the United States to take the lead once again in pushing for a new breakthrough in international trade. Otherwise, we and our trading partners may learn to our sorrow a hard but unavoidable fact: in a trade war, there are no winners, only losers.

HERO-POET JOYCE KILMER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BIAGGI. Mr. Speaker, I would like to take time out today to pay homage to a great hero-poet. I refer to Joyce Kilmer who was born 85 years ago—December 6, 1886—in the little New Jersey town of New Brunswick.

Like all artists, poets belong to neither place nor time. Their song is universal and it goes on forever. Kilmer's poetry of the early 20th century still holds relevance today. As a policeman in New York, I was fully aware of the perils that beset us all in this uncertain life. I paused many times before the statue of Father Francis P. Duffy of the Fighting 69th. No more inspirational figure can be found for emulation by American youth. Father Duffy was a peacemaker—not a pacifist. There is a world of difference between the two—a difference that the poet, Joyce Kilmer, recognized better than anyone else.

It was as a peacemaker that Kilmer joined the Fighting 69th. He was a married man of 30. He had four children. At that early age he had already laid the foundation for a brilliant career whose horizons seemed limitless.

Joyce Kilmer, revered as a poet, regarded as the shining light of the New York Times whose magazine and book sections his writings illuminated, nevertheless, invited the horrors of World War I to seek peace. He died in action July 30, 1918, in the battle of Ourcq.

The facts were these: At dawn of July 28 Joyce Kilmer, then serving as an aide to the battalion commander, although he was but a sergeant, discovered that in nearby woods the enemy had a nest of machineguns. After reporting that fact he led a patrol in an effort to establish the exact location. It was his last mission. His comrades later found him with a bullet in his head.

Now Joyce Kilmer lies buried in what is known as the Wood of the Burned Bridge. Enlisted men are not buried with their officers, but in the case of Joyce Kilmer, tradition was cast aside. He was buried alongside his lieutenant.

Joyce Kilmer is known throughout the world today for his poem, "Trees." How fitting that he could see the ecological wonder of the tree long before we awakened to the savage fact that man has been destroying what only God could create. However, great that poem may be, I feel his poem, "The Peacemaker" has an even more fundamental message for all of us. This poem takes on special meaning the day before Pearl Harbor Day and all its thoughts of the World War II carnage.

> What matters Death, if Freedom be not dead?
> No flags are fair, if Freedom's flag be furled.
> Who fights for Freedom, goes with joyful treat
> To meet the fires of Hell against him hurled,
> And has for captain Him whose thorn-wreathed head
> Smiles from the Cross upon a conquered world.

In this poem, Joyce Kilmer also said:

> To banish war, he must a warrior be.

We should never forget the message of that poignant poem.

Said Father Duffy over Kilmer's grave:

> Joyce was one of those soldiers who had a romantic love of death in battle.

Of many American heroes, these same words are true. To seek man's most cherished possession, freedom, we cannot fear or evade death.

When I think of those fallen heroes in Vietnam, I am reminded of Kilmer's poem that memorializes all heroes—"Rouge Bouquet." It goes like this:

ROUGE BOUQUET

In a wood they call the Rouge Bouquet
There is a new-made grave today,
Built by never a spade nor pick
Yet covered with earth ten metres thick.
There lie many fighting men,
Death in their youthful prime,
Never to laugh nor love again
Nor taste the summertime.

For Death came flying through the air
And stopped his flight at the dugout stair,
Touched his prey and left him there,
Clay to clay.

He hid their bodies stealthily
In the soil they sought to free
And fled away.
Now over the grave abrupt and clear
Three volleys ring;
And perhaps their brave young spirits hear
The bugle sing:

"Go to sleep!
"Go to sleep!"

"Slumber well where the shell screamed and fell.
"Let your rifles rest on the muddy floor,
"You will not need them any more.

"Danger's past;
"Now at last,
"Go to sleep!"

There is on earth no worthier grave
To hold the bodies of the brave
Than this place of pain and pride
Where they nobly fought and nobly died.

Never fear but in the skies
Saints and angels stand
Smiling with their holy eyes
On this new-come band.

St. Michael's sword darts through the air
And touches the aureole on his hair
As he sees them stand saluting there,
His stalwart sons:

And Patrick, Brigid, Columkill
Rejoice that in veins of warriors still
The Gael's blood runs.

And up to Heaven's doorway floats
From the wood called Rouge Bouquet,
A delicate cloud of buglenotes
That softly say:

"Farewell!
"Farewell!

"Comrades true, born anew, peace to you!
"Your souls shall be where the heroes are
"And your memory shine like the morning-star.

"Brave and dear,
"Shield us here.
"Farewell!"

THREE VETERANS WITH THE SAME PROBLEM

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAGAN. Mr. Speaker, we know that a large number of people today cannot find suitable jobs. This is an increasingly distressing situation among returning veterans of the Vietnam war.

After a stretch on foreign battlefields and with the activity involved, it must be frustrating for a veteran to have to stand around and wait for a job to open up. All Americans need to be diligent to help solve the discouraging adjustments necessary for those who are job hunting.

Ann Marshall, staff writer for the Savannah Evening Press, interviewed three veterans about their job-hunting experiences, which the Press carried on November 20, 1971. Her interview tells the situation so well that I would like to call it to the attention of my colleagues. The interview follows:

Three Veterans With the Same Problem: All They Really Need—and Want—Right Now Is a Job

(By Ann Marshall)

The rising level of living costs and the tightening job market have caught Vietnam veteran Edward Johnson in a squeeze.

"Not today," he hears everywhere he asks for work.

"They just don't need anybody right now. I went by City Hall, but the city's not hiring anyone," Johnson said.

"I asked at several places along the road where there's construction going on, and they don't need anyone, they said."

Because he was wounded in Vietnam, Johnson, 24, has a small income from the Veterans Administration.

"NOT ENOUGH"

"But I can't make it. It's not enough. I've got to find work," he said.

He's competing with 1,500 other vets in Chatham County. Only 240-odd have found jobs in the last nine weeks.

On July 4, 1968, Johnson, in Vietnam two months, walked with his reconnaissance squad into an ambush.

Shrapnel shattered in both his legs and the right side of his jaw.

He couldn't talk or walk, but he was fully aware of the shooting going on over him for the hour he lay there before someone could get out to pick him up, he said.

His rescuers placed him on a tank for the ride back to where a helicopter could take him to a field hospital for preliminary medical care.

RUSHED TO HOSPITAL

Then he was rushed to Lai Nhe Hospital. By July 7 he arrived for hospitalization in Japan.

After a long period of recuperation and therapy at Ft. Gordon, he faced civilian life again in May, 1969, and it took almost a year before he felt competent to apply for his pre-service job at a paper machine at Union Camp Corp.

It didn't work out. He's never been given another Union Camp position, he said.

"The work was to heavy because of my legs," Johnson said. "They said they would call me about another job, but I never heard from them."

Johnson said his disability pension from the Veterans Administration isn't enough nowadays for the vet, his wife, and their eight-month-old son.

He supplements the family food budget with hunting and fishing, which are his favorite pastimes.

He said he didn't know of any agencies geared to help him obtain retraining of some type so that he would have a skill that he can manage.

When he went once to the VA office to ask for help in job hunting, he was referred to the Georgia Employment Service. They, in turn, sent him to apply for a welder's job, which he got and held for a while, he said.

Unlike Johnson, who was drafted, Jack Ray, 28, and Nathaniel Lowman, 26, who also are looking for jobs, volunteered for military service.

Both have several qualifications and skills to offer an employer.

Both have worked hard much of their lives and left good records behind them.

Yet Ray and Lowman say they continue to get the glassy-eyed response, "We'll call you" at the end of the job interviews.

WIFE EXPECTING

Ray and his wife have a son, 5, and a daughter, 3, and are expecting a baby in March.

"It's rough, to go to bed at night knowing you need a job, and wake up in the morning and you still need a job. It's a terrible strain on my wife," he said.

He hustles about to the addresses suggested by Gary Lane, his counselor at the Georgia State Employment Service.

"You tell them all about your experience and they ask lots of questions. Then they look at you and say: 'I've got two other men I'm considering for the job. I'll let you know.'

"So you spend two days at home waiting for them to call.

"You are wasting job-hunting time, but you're afraid if you leave the phone. You'll miss the call.

"They don't call. Then you call them. So far, I haven't gotten the job."

At first, he felt that he would get a job "tomorrow."

Then he began to realize it might be longer.

OVER FEAR

By now, Ray said, he's gotten over any fear of an interview.

"I've talked to so many," he said.

Also, he's gotten over being discouraged and has a dogged outlook.

For Ray, the approaching cold weather is going to complicate his chances. An electrical worker, he's fine with an outdoor job until cold temperatures set in.

After three years and 10 months in the Navy, Ray suffered acute, painful attacks of rheumatoid arthritis. He was taken off the aircraft carrier USS Independence, where he served as a petty officer 3rd class just before the boat sailed to Vietnam.

For another 10 months he stayed in hospitals.

Now he gets a monthly check of approximately $75, not enough to live on alone, much less with a family, he said. His family also gets medical care at Hunter Army Airfield hospital or other federal institutions.

"The situation is very tight in Savannah. Money is scarce. It's bad for the businesses. And I've got to get a job," Ray said.

NO JOBS

"I feel the country owes it to us all, us veterans. Sure they try. But we haven't got any jobs."

Lowman, who celebrated his birthday Thursday by continuing his hunt for a job, said he doesn't hold any rancour.

Lowman said he has found that to be black is sometimes a handicap, and sometimes not.

He served in the infantry right after graduating from Beach High School when he was 17.

"I went to Korea in the occupation forces," he said. "I didn't get to Vietnam."

"I was a staff sergeant."

For Lowman, things looked best when he was chosen by Grumman Aerospace Corp. for training as an aircraft sheet metal worker about four years ago.

"I worked on the night shift. So I went to Savannah State College in the mornings. I majored in accounting.

DROPS OUT

"When Grumman took me off the night shift and put me on in the day time, I had to give up classes," Lowman said. After awhile, Grumman closed out the whole assembly line—and his job.

With part-time jobs, his time and finances became too difficult so he dropped out of college.

So with VA advice, Lowman entered the Manpower Development Training Center.

Lowman went there for retraining as a welder in a program sponsored jointly by MDTC and the Veteran's Administration.

While attending he received VA compensation.

Now he's had his last VA check.

About half of the 21 students in his class already have found jobs, some with the help of the Georgia State Employment Office.

TURN WILL COME

Lowman's turn will come soon, Alex L. Chew, supervisor at the MDT center, said.

The picture is better in Savannah now than for some time as far as welding jobs go, Chew said.

Lowman put in a perfect attendance record while attending welding class May 17–Oct. 29, he said.

"We gave him a letter of commendation. He is reliable, punctual and competent to handle a job as welder at the entry level with no problems at all," Chew said.

Lowman's now broke, but there are agencies trying to help, and if he fails to find a job within three to six months, he plans to try to go back to Savannah State College on the GI Bill.

A bachelor, Lowman lives with an aunt, Mrs. Pauline Wilson, at 2005 Exley Ave. in Tremont Park.

WEMA SUPPORTS 4-DAY, 40-HOUR WORKWEEK

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, I recently introduced legislation to amend the Walsh-Healy and the Contract Works Hours Standards Acts to permit Government contractors to initiate a 4-day, 40-hour workweek. I would like to call my colleagues' attention to several articles in support of this concept. The first is the testimony of WEMA, a trade association for electronic and information technology industries, before the Labor Department. The second is an article from the Washington Star by Marya Mannes describing recent innovations in the standard workweek.

The articles follow:

STATEMENT OF W. HUNTER SIMPSON IN BEHALF OF WEMA BEFORE THE EMPLOYMENT STANDARDS ADMINISTRATION OF THE U.S. DEPARTMENT OF LABOR, SEPTEMBER 8, 1971

My name is Hunter Simpson and I am President of Physio-Control Corporation in Seattle, Washington. I am also a past Director of WEMA, a trade association whose membership includes 600 companies engaged in electronics and information technology in 11 western states—Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. Our industries employ more than 325,000 people in the West, and almost all of our member companies operate in fields of high technology, designing and manufacturing sophisticated equipment to meet the needs of both commercial and government markets.

I am pleased to appear before you today to present WEMA's position with respect to the need to change the Walsh-Healey Public Contracts Act of 1936 and the Contract Work Hours Standards Act of 1962 in order to permit government contractors to establish modifications in the standard five-day, 40 hour workweek—such as the establishment of a 40-hour workweek consisting of four 10-hour days—without paying overtime for work in excess of eight hours a day.

I am accompanied by Chuck Shaw, a member of WEMA's Industrial Relations Committee and Eben Tisdale, WEMA's Government Affairs Manager.

Briefly, it is WEMA's position that the Walsh-Healey and the Contracts Work Hours Standards Acts should be amended to permit firms with government contracts in excess of $10,000 to restructure their workweek where both management and employees find it desirable to do so.

We are aware of the fact that, following the notice of this hearing, Senator Marlow Cook introduced S. 2463, a bill to amend the eight-hour provisions of the Walsh-Healey and Contract Work Hours Standards Acts. In his remarks on introducing the bill, Senator Cook stated:

"The Honorable James D. Hodgson, likewise recognizes the importance and popularity of the current 4-day, 40-hour trend. In testimony on S. 1861 before the Senate Labor Subcommittee on May 26, 1971, he stated:

The 8-hour requirement apparently poses serious scheduling problems for firms desiring to work more than 8 hours a day as part of their 4-day workweek plan.

At that time the Secretary of Labor further stated:

In view of the growing interest in the 4-day workweek and the problems already being encountered with the 8-hour standards under the public contract laws, I believe that adoption of such a standard under the Fair Labor Standards Act, the Federal law with the greatest applicability to hours of work, would be inappropriate at this time.

Mr. President, the lucid implication of Secretary Hodgson's testimony recognizes the growing desire and evolving impetus to adopt the restructured workweek. I feel, as does the Secretary of Labor, that the 4–40 plan deserves a candid examination at this time, both by management and labor."

These comments reflect WEMA's views on this matter. We expect to support S. 2463 when it is heard by the Senate Labor and Public Welfare Committee.

I. INTRODUCTION

From the early 19th Century until the passage of the Davis-Bacon Act, Public Contracts Act, and Fair Labor Standards Act, there was continuing pressure (coming primarily from organized labor) to reduce the basic work day and workweek. The standard work day had been twelve hours in the early 19th Century, gradually giving way to 10 hours and finally, largely through legislation, the eight hour day.[1]

The concern of management prior to the passage of these various Wage and Hour laws of the 1930's was that productivity would be lowered with a corresponding rise in labor cost. This concern proved to be largely unfounded. Industrial engineering played a major role as a growing field by redesigning the work content of jobs so that productivity, defined as output per man-hour, continued to rise in this country. In recent years, however, productivity growth has peaked and is starting to fall. The following curve (not reproduced) showing output per man-hour as compared to compensation per man-hour figured against the constant dollar, illustrated the problem facing not only company management, but each of us in this room since all of us depend on a healthy overall economy to protect our future.

The concept of overtime premium pay after 8 hours in one day or 40 hours in one week, as established by the Walsh-Healey Act, was not intended to provide a larger paycheck to the individual worker, but to make overtime so expensive to the employer that it would be more economical for him to hire more workers to handle an expanding work load than to work the existing employees on overtime basis. This concept, obviously, had a great appeal during the depression years following 1929, and still has validity. These efforts towards reducing the basic workweek to 40 hours made a great contribution to the economy of the United States. The 40-hour week is considered just short of optimum by industrial engineering standards, thereby providing close to maximum efficiency.[2]

II. PURPOSE OF APPEARANCE

WEMA is pleased that the Department of Labor has called these hearings. This in itself reflects the fact that a potential revolutionary movement affecting the basic workweek is taking place in this country. Some 400 employers in the United States, including my own company, have adopted some version of an abbreviated workweek for the majority of their employees. The most common among these innovations is the so-called Four-Day, Forty-Hour Plan, a program which my company has implemented. Other companies have instituted similar schedules for limited numbers of their employees in special areas. However, companies adopting these new workweek schedules represent only a small portion of the 1.5 million corporations in existence in the United States today.

It is not my purpose today to defend the Four-Day, Forty-Hour Week per se, but rather to recommend that the Department of Labor take whatever steps are necessary to permit exceptions to be granted under the Walsh-Healey and the Contract Work Hours Standards Acts to permit government contractors to modify their basic workweek without having to pay overtime premiums for hours worked beyond eight in one day. The requirement for these employers to pay overtime after 40 hours in any one workweek would not be affected by this change.

III. FACTORS NECESSITATING A CHANGE

This current movement towards a shorter workweek has been initiated by management for various reasons. These can be summarized as an attempt to create an optimum working situation for their employees to improve their morale, and thereby motivate them to work more efficiently. Although I will discuss this point in more detail in a moment, I would like to point out that companies which have made a successful transition to a reduced week do, in fact, report that these goals are being achieved.

WEMA believes that today it is becoming necessary to take steps to meet foreign and domestic competition that would not have been considered necessary five or ten years ago. Inflation has caused an increase in labor, raw material and capital equipment costs to the point where domestic suppliers are having increasing difficulties in competing on the open market with foreign suppliers.

The observed value of the 4–40 plan has been a more highly motivated and, therefore, a more highly productive employee. Equally important, the plan has provided companies with the opportunity to make more efficient use of land, buildings and capital equipment. With respect to the latter point, it is worth noting that companies are not necessarily closing down operations for three days even though they are operating on a shorter workweek. Rather, the short workweek permits a company to schedule a longer work day without paying overtime, while, at the same time, it permits management to hire additional employees on a staggered work schedule, thereby obtaining 25% more use of its equipment during the basic workweek.

On August 15 of this year, President Nixon proposed, as a first item in his speech on Wage and Price Controls, the establishment of a 10 percent job development credit to stimulate investment in new equipment and machinery. Even with a 10 percent tax credit, companies may not be able to acquire exotic equipment if it is not used for significant periods during the day. This is the reason that foremost among the groups adopting the short workweek are those associated with large computer processing centers, sophisticated automated machines, or processing plants requiring longer start-up or shut-down time.

WEMA believes that the four-day week is, for many industries a companion measure to the Administration's new economic game plan. As a result of President Nixon's apparent success in causing a devaluation of the dollar abroad, American products should be more competitive. Now is the time to take advantage of this opportunity, and do all that is possible to revitalize the American economy, restore our balance of payments, and

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Footnotes at end of article.

promote full employment. Any measure designed to raise productivity and improve worker morale should be supported at this time.

For the past year-and-a-half, government contractors—especially those which have been involved in our national defense and space programs—have been asked to redirect their efforts and the efforts of the engineers, scientists and technicians they employ. Many proposals have been presented to the Congress and to state agencies, proposing ways to stimulate this redirection of technical effort. In actuality, however, any such transition will be made gradually. During this redirection period, all of the formal rules and regulations covering government contracting (including Walsh-Healey) are, by practical necessity, extended to all of a company's employees because it is not normally possible to set-up two separate operating entities involving different people, equipment and facilities for government and commercial work. The inability of a company to modify its basic workweek because of existing federal laws and regulations could have the effect of forcing defense and space contractors into an unfair competitive position relative to companies whose primary activities are consumer oriented or commercial in nature.

As you are well aware, there are some companies covered by the Walsh-Healey Act which have adopted the 4-40 plan. Some of these have merely decided to pay the 10 percent premium overtime pay in lieu of an annual wage increase. This is an inflationary action, and appears to us to be against the spirit if not the letter of the current Wage-Price Freeze. Other companies have reduced the base pay of employees to 90.9 percent of their original pay, and then paid overtime on the new rate after eight hours. This makes an employee's new 40-hour pay the same as it was before the pay cut.

After 40 hours, overtime is paid at a rate based on the average of the rate for the first 40 hours, again making the total pay the same as it was prior to the initiation of the shorter workweek. In this way all of the provisions of the law (Walsh-Healey, FLSA, FICA, State Laws, etc.) are followed, but the employee is now paid an artificially lowered base rate. This latter method of payment may be satisfactory for some small non-union firms, but it has much broader implications in larger or organized companies. Not only is the rate of pay a bargaining issue, but such fringe benefits as vacation pay, holidays, profit sharing or bonuses, retirement pay, etc., must also be considered.

For example, in most companies, retirement pay is based on annual straight-time earnings under plans that must be approved by the Internal Revenue Service.

New plans would have to be written and submitted covering all employees in some uniform manner, requiring compromises which might be difficult to establish in larger companies.

Companies which have made a successful transition to the Four-Day, Forty-Hour week report lower turnover, less absenteeism and a far greater unsolicited job application rate. At the same time, employees working under this new plan are also finding a number of benefits such as more leisure time, lower transportation and other work-related costs, as well as greater flexibility in arranging their personal business schedules. Female employees in particular, who were expected to have negative reactions to longer hours, have welcomed the additional day off because it means less child care expense, more time for major housework and more time with their families.

Urban development has provided an additional impetus to the desire for more leisure time and the shorter workweek. Traffic congestion in major cities during peak hours can be greatly alleviated by a variation in the basic workweek. Less environmental pollution would be expected if workers had to travel to urban centers only four days a week rather than five.

Additional impetus was given to the four-day week when the national holidays were moved to Monday. Very soon after this legislation passed, the overwhelmingly positive reactions of workers induced management to make proposals for reduced workweeks. For employees on this work schedule, if eight days are assumed for vacation and seven for holidays, only 193 days per year would be worked with 172 free. Thus, the short workweek plan is in the best interest of the worker from almost every viewpoint.

Companies adopting a short workweek have not made these changes unilaterally. Employee opinions were sought regarding their attitudes toward a longer day, but shorter week.[3] Few companies exist today where unsolicited questions have not been raised by employees asking when their company will go on the shorter workweek. The results of the Gallup Poll published in February, 1971, showed that the general population strongly favors the reduced workweek, especially female workers and those who are college-educated. This survey included the rank-and-file members of organized labor.

Although organized labor is not officially in favor of the reduced workweek at this time, most of the major unions have smaller locals or units currently working under four-day week contracts. Comments by Mr. Woodcock[4] and Mr. Frazer (UAW Solidarity June, 1971, pg. 10) of the UAW show their receptivity toward the short workweek experiments.

IV. PROBLEMS FREQUENTLY RAISED

Opponents of any change in the Walsh-Healey Act will attempt to show that any work day in excess of eight hours, or even six, is detrimental to health, and that excessive hours (ten to more per day) will induce fatigue more readily with a corresponding drop in productivity. In certain occupations, undoubtedly these allegations will be correct. However, for the vast majority of employees covered under the Walsh-Healey Act, especially those in the electronics and information technology industries, there is no reason to believe this to be true.

Few comprehensive studies have been conducted on the subject of worker fatigue.

"At the present time there is no satisfactory way of measuring fatigue. Physiological measurements promise to provide objective means of determining the time and duration of periods of rest and work during the day. However, in this country we have not as yet done the research and testing to validate this procedure."[5]

In those studies which have been conducted, however, the fatigue noted is more commonly related to the state of the mind of the employee toward his job and his working conditions than to the length of hours worked. It has been generally shown, for example, that an interesting or varied job results in lower fatigue symptoms during any given period of time than a highly repetitive or physically demanding one. Studies showing the effects of music or color on various jobs have shown an increased or reduced tension and a corresponding change in fatigue. Similarly, highly motivated employees interested in a company and well informed about their individual contribution show a fatigue factor much lower than their less motivated co-workers.

"Fatigue is by no means the simple defined thing that many would have us believe it to be. Catheart, Dill, and Mayo, all of whom have written very clearly on the subject point out the many-sided nature of fatigue."

"A carefully conducted study, lasting over a period of several years, of fatigue of factory operators on a regular production work at The Western Electric Company showed that mental attitude of the workers was by far the most important factor governing their efficiency."[6]

Proponents of the reduced workweek report that this is one of the positive results of the change. Employees are more interested and enthusiastic; they have not demonstrated the effects of fatigue. Obviously, there is a breaking point beyond which an employee becomes so exhausted that his efficiency drops considerably and his health and safety are impaired. Comments obtained from the vast majority of companies and workers who have adopted a short workweek indicate that the ten-hour day is more than compensated for by the three-day weekend rest period.

In addition, the work force is undergoing a radical, though gradual, change. The chart below (not reproduced) illustrates the changing ratio of blue collar workers to white collar workers over the last twenty years.

The significant shift toward white collar work, coupled with the trend toward lighter physical work in better working environments for the blue collar worker, makes the shorter work day less significant in 1971 than it was in 1936. Ultimately, management of the companies adopting a reduced workweek have done so because they expect to find that the employees will be better motivated and that productivity will increase, or at least remain the same, while other benefits are achieved. To propose a system that results in greater fatigue and lower productivity (a standard measure of fatigue) is self-defeating, and would certainly have resulted in more companies abandoning efforts to change the workweek.

Much has been alleged about the problems associated with increased leisure time. It has been suggested that employees are not capable of properly utilizing an additional day off, that their spending habits will change, that more employees will moonlight, etc. However, WEMA believes that a shorter workweek will eventually come about, whether in the form of the 4-40 or in some other form (such as that proposed by the UAW in recent negotiations during which pressure was exerted for the 4-day, 32-hour workweek). If the three-day weekend is coming, either within the provisions of the Walsh-Healey Act or some other way, the problem of effective use of leisure time will have to be faced ultimately. It should not be a major deterrent for any action on the part of the Department of Labor.

In addition—and as I noted earlier—this year, for the first time, the country's work force will automatically get a taste of the 3-day weekend, 4-day workweek. Under the new Federal Monday holiday law, five of our 10 national holidays will fall on Monday. This means that for 10 percent of the year, workers will be working a 4-day week. The effect of this law is that it has provided us with a preview of reactions from a broad-based reaction from both management and labor on the shorter workweek. From all reports, this reaction is favorable.

It is also worth noting that Riva Poor and others have conducted interviews with employees in companies which have adopted the 4-day, 40-hour plan or similar work schedules. These interviews were conducted both before and after implementation of the new work schedule. While the employees surveyed expressed both favorable and unfavorable opinions of the new work schedule both before the plan was implemented and afterwards, it should be observed that the percentage of employees favoring the 4-40 have never decreased in the second poll, conducted after implementation of the plan.

V. LEGAL IMPLICATIONS

In making this presentation today, I am not at all unmindful of the complex legal prob-

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Footnotes at end of article.

lems that have to be faced. Hopefully, the outcome of this hearing will be the decision of the Secretary of Labor to support legislation such as S. 2463 amending the Walsh-Healey and Contracts Work Hours Standards Acts.

Such an action would not be without precedent. The Walsh-Healey Public Contracts Act of 1936 has been significantly affected by the Fair Labor Standards Act of 1936, the Health and Safety Standards Act of 1971, court decisions such as *Wirtz vs. Baldor Electric Company* (16 WH cases 551, 1964) and a change in the minimum age as required under Title VII of the Civil Rights Act of 1964.

In fact, the only significant sections of the Walsh-Healey Act that have not been affected by legislative or court actions have been the eight-hour and convict labor provisions. In discussing the Walsh-Healey Act, my comments apply equally to the Contract Work Hours and Safety Standards Act of 1962 which, coupled with the Davis-Bacon Act, essentially form a body of law similar to the Walsh-Healey but with application to different employer groups.

In addition to the Walsh-Healey Act, approximately 33 states have protective laws which apply to women and minors, most of which contain the requirement to pay overtime after 8 hours at the rate of 1½ times base pay. As a result of the Civil Rights Act, there is a significant doubt as to the constitutionality of the whole body of law described as state protective laws applying to women and minors (Rosenfeld vs. Southern Pacific, 293 F. Supp. 1219, C.D. Calif. 1968). There is also the question whether these same state protective laws should apply equally to men (Potlatch Forests, Inc. vs. Hays—318 F. Supp. 1368, E.D. Ark. 1970). In many states covered by state protective laws, bills have been introduced in the current state legislatures to provide for either the elimination of the entire body of state protective codes, or, at least, certain portions thereof, especially the eight-hour overtime pay provision, maximum hours of work, and the weight-lifting limitatons.

WEMA hopes that this body of state law, which appears to us to conflict with federal statutes, will be eliminated. A change in the Walsh-Healey Act allowing for a shorter workweek will, we believe, provide strong impetus in this direction.

FOOTNOTES

[1] "Labor Economics and Labor Relations," L. G. Reynolds, Prentice-Hall Inc., 1956 Englewood Cliffs, N.J., pg. 248.

[2] ibid, pg. 255.

[3] "4 Days, 40 Hours" Riva Poor (Ed.), Bursk and Poor Publishing, 1970, Cambridge, Mass.

[4] "Reflections on the Ten-Hour Day, Four-Day Week," H. R. Northrup, *Daily Labor Report* July 27, 1971, Pub. Bureau of National Affairs, Washington, D.C.

[5] "Motion and Time Study," R. M. Barnes, John Wiley & Sons, Inc., New York, N.Y. 1966, pg. 402.

[6] ibid, pg. 584–585.

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3. "Effect of Walsh-Healey Minimum Wages on Regional Industries," R. C. Buehner, *Research Report to Federal Reserve Bank of Boston*, 1962.

4. U.S. Bureau of the Census, *"Statistical Abstract of the United States: 1970* (91st Edition) Washington, D.C., 1970.

5. "Labor Economics and Labor Relations," L. G. Reynolds, Prentice-Hall Inc., 1956 Englewood Cliffs, N.J.

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7. *Motivation and Morale in Industry*, M. S. Viteles, W. W. Nortan & Co., Inc., New York, N.Y., 1953.

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[From the Washington, D.C., Star, Nov. 14, 1971]

NEW LIFE FOR WORKERS: PICK YOUR OWN HOURS

(By Marya Mannes)

NEW YORK.—Some people are seeing the light. They know that sooner or later the five-day 40-hour work week must go. Why? Because it is not only dehumanizing for men and women, but counter-productive for business itself.

For one thing, any motorist (let alone the trapped rail commuter) who listens to the helicopter traffic reports on radio must feel that something is terribly wrong with a system that puts millions of wage-earners on roads or tracks at exactly the same time in the morning and exactly the same time at night, going to and from the big cities for two or three hours of carbon-monoxide and frustration for five days a week.

The theory of course, is that business cannot function otherwise. Because goods and money have always been made that way, they always will be. A further assumption is that if men and women are on the job eight hours a day, they produce eight hours of work.

But these assumptions are being challenged in many quarters. One, for instance, is a recently formed New York agency called Newtime; another involves some of West Germany's most important offices and factories.

One typical sampling of job profiles shows what Newtime (the brainchild of young businesswomen) is now accomplishing with increasing success:

Field: Market Research.

Position: Administrative Coordinator.

Problem: Need for a highly skilled administrative person to be the assistant to three executives. Lunch hours have to be covered, and very often there is an overload of work which has to get done, but in the present situation gets carried over to the next day for lack of time.

Solution: They hired two people on a "tandem" basis. They share the work-load; one works from 9 to 1, the other from 1 to 5. There is coverage all day and the work load does not strain either employe. There is an added benefit that was not foreseen: the chance of both employes being out on the same day is remote and so there is never the panic which occurs when a strategic person is ill. The job allows two people to work on a schedule which accommodates their needs, resulting in optimum productivity and morale.

As for the Germans, in Cologne, for example, men and women at the Lufthansa headquarters, and at many other offices and factories now go to work when they want and stay as long as they want—within reason.

FLEXIBLE

As reported in the New York Times a while ago, "this fast-spreading arrangement is being hailed by those who have tried it as a blessing to employers and employes alike." The workers still have to keep a time-clock accounting for their total work-hours, but the fact that each can work according to his peak productivity (we all know "morning people" and "afternoon people") means their output in fewer hours is much greater than during times of lowered capacity stretched over more.

JOHN P. McGILLOWEY, MASSACHUSETTS STATE COMMANDER OF THE DISABLED AMERICAN VETERANS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, it is my privilege to bring to the attention of my distinguished colleagues today, the Massachusetts State Commander of the Disabled American Veterans, Mr. John P. McGillowey, who was recently honored at a testimonial banquet at the Statler Hilton Hotel in Boston, on November 20, 1971. The invited guests were:

Reverend Carl E. Bergstrom, National Chaplain, D.A.V.

Boyd H. Bowers, National Executive Committeeman, D.A.V.

Clara C. Bowers, National Executive Committeewoman, D.A.V. Auxiliary.

Honorable James A. Burke, United States Congressman.

Charles N. Collatos, Commissioner, Veterans Services.

William F. Connors, Manager, Boston VA Regional Office.

Senator Edward T. Conroy, National Commander, D.A.V.

Honorable John F. X. Davoren, Secretary of State, Commonwealth of Massachusetts.

Charles Denehy, Commander, Braintree #29, D.A.V.—Banquet Chairman.

Dorothea Donovan, 4th National Jr. Vice Commander, D.A.V.

Warren Driscoll, Deputy National VAVS Representative—Toastmaster.

Blanche M. Dufour, State Commander, D.A.V. Auxiliary.

Robert Dufour.

William Fandel, Building Superintendent, Jordan Marsh Company.

Walter T. Greaney, 2nd National Jr. Vice Commander, D.A.V.

Honorable Louise Day Hicks, United States Congresswoman.

Carl Johnson, Chairman, Board of Selectmen, Braintree.

Honorable Hastings Keith, U.S. Congressman.

Margaret Kelleher, Commander, Braintree #29, D.A.V. Auxiliary.

Reverend Father Joseph Kelly, St. Joseph's Church, Somerville.

Honorable Donald J. Laing, State Representative, Braintree Selectman.

Honorable James R. McIntyre, Mayor of Quincy.

John Quigley, Commandant, Chelsea Soldiers Home.

William A. Tabb, Department Sr. Vice Commander, D.A.V.

Arthur Tobin, State Senator.

George A. Wells, Former Mayor of Worcester.

James White, Executive Vice President in Charge of Operations, Jordan Marsh Company.

Honorable David B. Williams, Presiding Justice Ayer District Court, Past National Commander, D.A.V.

John P. McGillowey was born in Boston, Mass., and was educated in Mission Grammar School and Mission High School in Roxbury. He was employed as an elevator mechanic in Jordan Marsh Co., in Boston until he enlisted in the Army Signal Corps in 1942 and served in the Southwest Pacific area in Australia as a crytograph mechanic. He was hospitalized in the 42d General Hospital in Australia and transferred to the Letterman Hospital. From there he was sent to the Cushing Hospital in Framingham, Mass. He was discharged with a medical discharge in August of 1944.

Upon his discharge he was promoted to supervisor of elevator mechanics at Jordan Marsh Co.

John became active in the Disabled American Veterans and was one of the organizers of Braintree Chapter No. 29 of which he has served as commander. He was also commander of District Council No. 2 in Massachusetts. He served as DAV's representative of the Boston Veterans' Administration Hospital in 1963, of the Brockton VA Hospital from 1964 to 1967, and of the West Roxbury VA Hospital from 1964 to 1969.

Having served as department junior vice commander, and department senior vice commander, John McGillowey was elected State commander of the DAV in Hyannis, Mass., in June of 1971.

John P. McGillowey has received numerous national and department citations for his membership and hospital work; he has spent his life serving his country, first in World War II and then in the Disabled American Veterans, helping those who were wounded fighting for the American principles of freedom and democracy.

I have been honored to know John P. McGillowey, as one of the residents of my district, and I invite my colleagues to join with me in thanking him for his magnificent contributions to the American people.

COMMUNISM VERSUS FREEDOM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. PRICE of Texas. Mr. Speaker, as a result of President Nixon's foreign policy decisions, the American role in the war in Vietnam and the American presence in that war-torn country are being steadily reduced. The Vietnamese people are successfully shouldering the burdens of their struggle for freedom and the right of self-determination.

Our war-weary Nation has had a tortuous history and tortuous involvement in Southeast Asia for the past two decades. And our war-weary people, in ever increasing numbers, are asking such critical questions as, why did this Nation get itself so heavily involved in Southeast Asia? Why did this Nation commit such large amounts of blood and treasure to the war in Vietnam? What possible interests do American people have in that corner of the world that are significant enough to balance off the national sacrifices that have been made there?

Some students of history have couched this conflict in basic terms of good against evil, God against the Devil, tyranny against freedom. Whatever its fundamental nature, however, since the early part of this century, the struggle has taken a highly ideological turn and has been characterized by a battle between communism and freedom.

In my lifetime, the Communists have waged a relentless war to extend their influence and control over men and nations. In the process, countries have been treated as pawns in a global chess game, a game that has as its goal the eradication of freedom, and the establishment of a world order based on tyranny and atheism.

From the time the Communists demonstrated their real objectives, the United States has attempted to counter and frustrate their conspiratorial designs whenever and wherever possible. Despite all efforts, though, the ideological map of the world has changed greatly in the last 25 years.

Although communism, as a form of government, emerged from the Russian revolution of 1917, it did not become a world threat until the close of World War II. After the war the Soviets consolidated a primary base of illegitimate power by ringing down the Iron Curtain in Europe. Behind this Iron Curtain millions of individuals in the 12 nations of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Rumania, East Germany, Yugoslavia, and Bulgaria, were forced to submit to the totalitarian will of the Communist state.

One of the first major postwar confrontations between the Soviet Union and the United States occurred in 1946. During World War II, Russia agreed to withdraw its troops from Iran at the cessation of hostilities. After the close of the war, however, the Soviets refused to honor their agreement; they finally did so only after substantial political pressure was applied by the United States.

In the following year, the Russians and their East European allies aided the Greek Communist guerrillas in their attempt to forcefully overthrow the Greek Government. This endeavor was defeated by American military and economic aid which was channeled under the Truman doctrine to the embattled country.

During 1948, a direct confrontation between the Soviet Union and the United States occurred in Berlin. In June, in a bold attempt to force the United States, Great Britain, and France to relinquish their joint control of the city, the Soviets blockaded Berlin. The allies responded with a counterblockade and initiated a massive airlift to relieve the beleaguered city. One year later, Russia lifted its quarantine, and the Berlin crisis subsided.

These initial confrontations influenced the United States to reverse its traditional policy of avoiding permanent alliances. In 1949, the United States and 11 European nations signed the North Atlantic Treaty, and NATO was born. In this fashion, the countries of Belgium, Canada, Denmark, France, Great Britain, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal and the United States, with the subsequent additions of Greece, Turkey, and West Germany, banded together to safeguard the freedom of the Atlantic community.

During the same year, however, the Communist cause gained great impetus when China fell to a Communist revolution led by Mao Tse-tung. The United States continued to support Chiang Kai-shek and the Republic of China, which set up headquarters on Taiwan. Soon Taiwan and the offshore islands, notably Quemoy and Matsu, became a source of recurring international tension.

Faced with a new Communist threat from China and fearing its growth in Asia and possible spread to Latin America and Africa, the United States instituted the point 4 program. This was a program designed to share U.S. technological skills, knowledge, and equipment with underdeveloped nations in an effort to help them develop their industrial, agricultural, political, and human resource potentialities. It also encouraged the flow of U.S. private investment capital to these nations.

Despite U.S. efforts, however, the strife continued, and in 1950, the most serious confrontation of the early cold war occurred. The scene was not Europe, but the Far East. In June of that year North Korean forces, with the support of the Soviet Union and Communist China, invaded South Korea. The free world swiftly responded and the United States, on behalf of the United Nations, intervened and waged a relentless battle until a cessation of hostilities was finally agreed to in 1953.

During the latter part of the fifties, the cold war centered again in Berlin. In November 1958, Khrushchev initiated the second Berlin crisis by unilaterally renouncing the validity of the wartime agreements upon which the four country occupation of the city was based, and demanded a new settlement strictly on Soviet terms. The United States and its allies resisted Soviet pressures, however, and the crisis temporarily abated when Premier Khrushchev and President Eisenhower reached an understanding at Camp David in September of 1959.

When John F. Kennedy assumed the Presidency in 1961, this understanding evaporated. Once again Khrushchev began to build up international pressures over Berlin. The United States, Great Britain, and France resisted the pressures and prepared for all contingencies. A virtual stalemate thus existed until the fall, when Khrushchev abandoned his demands, and world tensions subsided once more.

In the following year, the Communists heated up the cold war again, this time almost to the boiling point. In September, Khruschev placed intermediate-range ballistic missiles and medium-range bombers in Cuba, which had been secured as a forward Communist position by Castro's revolution of the late fifties. The United States responded by threatening to unleash its nuclear power against the Soviets if their offensive weapons were not removed from the island. After a week of crisis, the Russians removed their missiles and bombers and the world relaxed.

While the removal of these instruments of war from Castro's Cuba helped remove communism's sting from our shores, it did not help remove its influence from the Western Hemisphere. Since that time, both the Soviets and the Red Chinese have been using the island as a staging base to promote Communist revolutions in the countries of South America. The United States has reacted by refining some of its Latin aid programs and the Alliance for Progress. To date, our actions have helped combat the spread of communism in South America, but prevailing Latin economic and social conditions make any predictions of the future impossible.

Mr. Speaker, the United States has been waging the cold war for over 25 years. During that time we have joined with other nations of the free world and formed regional defense and security pacts. I have already discussed NATO; chief among the others, are SEATO and CENTO in Asia and the Pacific, and the OAS in South America.

While these agreements provide a broad-based bulwark against communism, the United States has not been content to rely solely upon them. In an effort to contain the spread of Chinese communism, for example, we have helped certain Asian and Pacific nations build their social, political, and economic institutions. South Korea, the Philippines, and Formosa proudly stand today as dramatic proof of the benefits of some forms of American foreign aid.

In this process of nationbuilding, we have also constructed an arc of defense posts in strategic areas of the world. Major U.S. strike bases are located in South Korea, Okinawa, Taiwan, the Philippines, South Vietnam, and Thailand, as well as the Pacific islands of Guam, Mariannas, Marshall Islands, and Midway. This line of defense has been drawn in Asia and in the Pacific and not on the shores of the continental United States because, as aptly stated by Gen. Douglas McArthur, the islands of the Pacific are the stepping stones to our defeat. Thus, we will fight the enemy on our own shores only as a last resort.

The strength of this arc of defense is nowhere better illustrated than by our Okinawa airbase. We possibly have enough nuclear firepower located on the island to reduce Red China to a sandy beach. Moreover, it is estimated that it would take only 400 atomic weapons to insure this total destruction. Of course, we would not unleash this nuclear holocaust unless forced to, but I am convinced that the knowledge we have the power and would use it if necessary, helps keep the Communists in line.

Mr. Speaker, based on the nature and history of the cold war, I submit it is obvious that the Communists are fomenting revolution in Southeast Asia as a means of facilitating the achievement of their goal of world conquest and domination.

It was to frustrate these conspiratorial plans that the United States became heavily involved in the Asian conflict. In this connection, our actions in that war-torn area have been proof to the free world that this country will not permit the destiny of beleaguered nations that ask for our assistance to be forcefully decided by alien aggressors.

Mr. Speaker, while our national attention and energies have been focused on Southeast Asia, the Communists have been dramatically increasing their presence and involvement in the Middle East. The Soviets have been using Arab-Israel problems as a means of extending Communist influence in that part of the world. This is not a new happenstance; the Russians mounted a program of expansion in the Middle East in 1955. At that time they agreed to supply Egypt with arms from Communist bloc countries. Following this agreement, Russia became an outspoken supporter of Egypt on the international scene. In addition, during the Middle East war of 1956, involving Britain, France, and Israel, the Soviets seized on the volatile situation and exploited it. They initiated far-reaching economic and military aid programs for the Arab States, and in the course of the next decade were able to fashion considerable influence and control in Arab councils.

We know the Soviets have renewed their expansionist efforts in the Middle East. We know they have supplied the Arab States with military advisers, combat pilots, ground-to-air missile experts, modern airpower, armaments and munitions. We know if these ominous trends continue, and if Communist influence in the Middle East is consolidated, the area could become hostile territory to U.S. and allied military forces. Should this happen, NATO security and the global balance of power would be greatly affected. In addition, the natural resources of the oil rich Middle East could be denied to the United States and Europe, thereby placing potential economic strains on the free world.

To avert such an eventuality is why the United States must weigh the course of events in the Middle East carefully, and cast its weight in strategic places and at appropriate times. Moreover, the United States has a vested interest in helping the nations concerned work out a mutually agreeable resolution to the conflict, a resolution that will insure the territorial integrity of the countries involved and that will preserve the East-West balance of power in the Mediterranean.

Mr. Speaker, by way of summary, for 25 years, the United States and the Communists have been locked in a titanic struggle that has spanned the globe. In the process some nations have been subverted, overthrown, and dominated by the Reds, while the sovereignty of other nations has been protected and preserved by the United States.

I predict this struggle will not be ended in Vietnam. Neither will it be decided in the Middle East. Instead, I believe it will continue until one side absorbs the other, until both sides destroy each other and the world, or until we learn to live together in peace.

For the present, however, I believe it is of crucial importance for Americans young and old to understand the nature, the background, and the present state of the struggle between communism and freedom. Understanding is necessary if the resources of his great country are to be fully focused on the battle at hand, a battle that has cost great losses of American life and treasure; a battle that will probably cost us more of the same in the years to come.

The mantle of world leadership falls heavy on the nation that wears it; the costs of freedom come high to the people who preserve it. Our Nation has not shirked its leadership responsibility in the past; our people have always proved equal to the sacrifices they have been called upon to make in the cause of freedom. I am confident such will be the case in the future.

Mr. Speaker, the United States is the only nation in the world today that possesses sufficient human, industrial, and military resources to lead the fight against communism. Should this generation of Americans decide that the battle between communism and freedom is not worth pursuing, and that the United States should surrender its leadership position, I believe this generation will not pass before the forces of communism dominate the world.

If the United States did not lead the fight for freedom, what nation would? If the United States faltered in its historic task, what nation would pick up the fallen standard?

FRANCHISING

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. PEPPER. Mr. Speaker, today's neighborhood businessman is frequently the holder of a franchise. Franchising has grown explosively in the past 20 years, or—more explicitly—since World War II. During that interval, we have seen the chainstore and the superstore replace "Mom and Pop" operations. Owners of corner groceries, drugstores and food counters went down in the flood, one wave of which is represented by the banner proclaiming the sale of hamburgers by the billions.

Franchising of small stores looked like a solution. But inevitably, franchising itself has become big business. Bigness, in turn, has brought charges of abuse, claims that the small investor has been victimized by the fast-buck artist.

The Federal Trade Commission has now issued a notice that it plans to promulgate, "a trade regulation rule concerning franchising." The Commission advances 27 points for the protection of franchisees or prospective franchisees. Prominent among those 27 points are "procedures whereby franchise fees may be recovered."

One of the Nation's most outstanding authorities on franchising, Mr. Coleman R. Rosenfield, says:

> This payment of earnest money by the prospective purchaser is very seldom afforded the dignity due it.

Mr. Rosenfield is the author of, "The Law of Franchising," published in 1970 by the Lawyers Cooperative Publishing

Co. and Bancroft Whitney. Mr. Rosenfield practices law in Hollywood, Fla., and is active in the franchising field, having been western division director of Mister Donut of America and President of Spudnut Industries.

In the American Bar Association's Law Notes for July 1971, Mr. Rosenfield wrote an article entitled "Negotiating the Franchise Deposit." In that article, Mr. Rosenfield comments that the odds for safety and return of franchise deposits are comparable to the prospects for winning at the baccarat table. Mr. Rosenfield says that the franchise deposit goes by a variety of names, but that:

> Whatever the name, keeping the deposit seems to be the game. The franchise company often embellishes the deposit with conditions that make its return to the prospective franchisee all but impossible. Some franchisors or their sales agents blatantly make the deposit nonrefundable. When the frustrated depositor tries to get his money back, he is met with the words of the contract that clearly preclude any recovery. The attorney for the purchaser generally comes on the scene at this point, faced with the necessity of improvising a cause of action to recover the funds.
>
> This dilemma can be avoided if the attorneys present a clear understanding to their respective clients.

Now, belatedly, the Federal Trade Commission seems to have become aware of the hazard of loss to funds that are deposited in good faith. In the announcement of its proposal to issue a rule, the Commission declares that—as item 7—that it would be unfair competition for a franchisor to fail to issue:

> A description of the franchise fee; and a statement indicating whether all or part of the franchise fee may be returned to the franchisee and the conditions under which the fee will be refunded.

Up to now, franchisors have treated deposits as income. Mr. Rosenfield writes:

> Many franchisors use the franchise fees as a source of income for funding themselves. This can be a proper and legitimate use of such funds. However, it is imperative that the franchisor be made to understand that the franchise fee, or any part of it, as a deposit that is prepaid, is not the property of the franchisor until the conditions surrounding payment have been fulfilled. Until that time, the funds ought to be designated to a special account and held in escrow, or with a dignity of an escrow. No title to the deposits should be permitted to vest in the franchisor before the conditions accompanying the deposit have occurred.
>
> The temptation of the franchisor's company to make premature use of the cash flow generated by the payments of deposits and franchise fees can be an awesome obstacle for an attorney to overcome. Yet, diligence in this regard will deter what has become a trend towards a growing number of law suits. This type of litigation is expensive, time consuming and very bad for the corporate image. And, as these corporations become tarnished, the pressure on state and federal regulatory agencies builds to police franchise companies and the practices within franchising. Only by self-regulation will franchising avert governmental regulation.

Mr. Rosenfield's warnings have come to fulfillment. Government regulation is now upon those who would not practice self-regulation.

Aside from treating the fee as income, a popular practice has been to handle the payment as salesman's commission. Mr. Rosenfield sees nothing wrong with a commission, provided that the franchise fee is not either misidentified or wrongfully converted. He writes:

> A good many franchises are sold through sales companies who specialize in merchandising several franchises. These companies are paid by commission which, oddly enough, generally equal the deposit required.
>
> They are the agents of the franchisor and any attempts, direct or deceptive, to alter that relationship and etsablish them as agents of the purchaser must be clearly and effectively squelched. The implications in the relationship between the sales agent and the franchisor-franchisee are far-reaching and merit appraisal and definition. It is patently clear, therefore, that any attempt to disassociate the sales agent and the payment it receives from the same liability, imposed or assumed, by the franchisor should be firmly discouraged.

Happily, the Federal Trade Commission acknowledges in its proposed rule, the validity of Mr. Rosenfield's position. In its very first point, the Commission proposes to direct that there be full information on trademarks and on "all companies which employ the franchise salesmen."

Mr. Speaker, I believe Coleman Rosenfield would agree that the proposed rule does not go far enough, that on the issue of commission alone, its proposal does not correct the fee-commission problem.

A more fundamental omission is the absence of any protection against comingling of funds. Mr. Rosenfield describes the hazard in the following way:

> The pitfall most flagrant in these practices is the comingling of deposited funds with those of the company's general use. The money often gets spent, sometimes wasted, and almost always is dissipated by the time the depositor demands a return of his funds. There is no way to trace the money and a rash of such claims can be a prelude to heavy litigation and bankruptcy proceedings. This is disastrous for both parties.

The required action, Mr. Rosenfield suggests is a reporting procedure for such income emphasizing, "the need to treat deposits and prepaid fees with the dignity due escrow funds."

The FTC has made a commendable start. Mr. Rosenfield and other persons such as he have scored. They now have until February 7, 1972, to declare their desires to be heard on the rule itself, thereby gaining an opportunity to score again, and to secure the inclusion of additional essential safeguards.

With so much of the small business investment dollar going into franchises, it is imperative that a thorough job be done. Whether the investor be "Mom and Pop," a small neighborhood minority enterprise or an established entrepreneur looking for an added outlet, the investment dollar must be safeguarded. The franchise field must be cultivated and tended, rather than to be left to be overgrown with the weeds of exploitation. Mr. Rosenfield has performed a service by suggesting the course correction should take.

SAVANNAH HONORS DOORKEEPER AND HIS ALMA MATER

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAGAN. Mr. Speaker, certain occasions always stand out as being something special and out of the ordinary and last Friday night's football game at Memorial Stadium in Savannah, Ga., between the Mississippi Gulf Coast College of Perkinston, and Fort Scott Community College of Kansas is just one of those outstanding events.

Some of the reason for this is due to the fact that I was accompanied to the Alee Temple Shrine Bowl National Junior College Championship Football Game by one of Mississippi Gulf Coast College's most illustrious alumni and biggest fans—the Honorable William M. "Fishbait" Miller.

Never have I been more impressed with college athletes than when Fishbait Miller and I were invited by the president of the college, Dr. J. J. Hayden, to visit the team's locker room where I met many of the players of the winning team which was Fishbait's fine alma mater, Mississippi Gulf Coast College of Perkinston. I shall never forget the thrill when I witnessed the whole team down on their knees, offering their thanks to God for their fine victory and then, spontaneously, reciting the Lord's Prayer.

I want to share with my colleagues the reception received in Savannah by our famous Doorkeeper which is quite evident from the clipping which follows from the Savannah Morning News. In addition, I feel the report of Friday's night game and the Mississippi team's victory should be shared and it, too, follows:

[From the Savannah Morning News, Dec. 4, 1971]

RIBS ROUSAKIS—"FISHBAIT": JOKER SUPREME

(By Ron Pratt)

William M. "Fishbait" Miller, the colorful Doorkeeper of the U.S. House of Representatives, accepted a "key to the city" Friday from Mayor John P. Rousakis in a typically unorthodox "Fishbait" fashion.

"You've got it upside down," Miller said, pointing to the key in Mayor Rousakis' hand. "Ain't you never give out keys before, boy?"

The mayor responded with a laugh and said the key had been "especially made for the backrooms Fishbait uses in Washington."

Miller's friends and admirers wouldn't have expected anything less from the crusty alumnus of Gulf-Coast Junior College, Perkinston, Miss., one of the contenders in Friday night's Shrine Bowl classic at Memorial Stadium.

Miller was the guest of honor at an afternoon reception hosted by city officials.

First District Rep. G. Elliott Hagan arranged for Miller to be on hand at the gridiron battle for the National Junior College Athletic Assn.

He said he has "never had a dull moment" in 22 years at his House post, considered an extremely influential one.

He said "his most unusual experience" was meeting Princess (later Queen) Elizabeth and Prince Phillip of England during their 1952 visit to the U.S.

"I said 'howdy, ma'am' to the princess and 'howdy, suh' to the prince," Miller said.

He said President Truman had forewarned the monarchs they would meet "a character" when they entered the House chambers.

"When I ushered the prince and princess to the Speaker's platform, I leaned over to Prince Phillip and said 'we in America think you're the most handsome brute around, suh'," he said.

"Then I'm at your service," the prince replied laughing.

Miller then asked Prince Phillip to wave to House office workers assembled in the chamber gallery "just to make them feel at home."

Miller recalled Gen. Douglas MacArthur's farewell address to a joint session of the House and Senate as "the most memorable event" in his career.

"I got all goose-pimply when the general said 'old soldiers never die, they just fade away'," he said.

Miller said he watched Gen. MacArthur, at the conclusion of the famous speech, bow to his wife who was seated in the gallery.

"There wasn't a dry eye on either side of the chamber," he said.

During the reception Miller was presented a bottle of his "favorite drink," Barqs root beer, by Gulf Coast Junior College President Dr. J. J. Hayden.

Miller, obviously delighted, took the bottle and held it to his chest.

"I told my wife that, when I'm laid out to my final rest, she should put one of these bottles in each hand and write that 'he died happy'," Miller said.

He revealed that he had once worked for the Barqs family, manufacturers of the root beer, in his hometown, Pascaguola, Miss.

While at Gulf Coast, known then as Harrison-Stone-Jackson Junior College, Miller was manager of the football team.

"The team's come a long way since then," he said.

In addition to his duties in Washington, Miller has served as Chief Doorkeeper for every Democratic National Convention since 1944.

FORT SCOTT UPSET—GULF COAST'S NO. 1 AFTER 22-TO-13 WIN

(By Marcus Holland)

	MGC	*FS*
First downs	18	10
Yards rushing	252	207
Yards passing	163	49
Passes	8-16-0	2-6-0
Return yardage	12	28
Fumbles lost	2	4
Punts	3-36.7	3-36.3
Penalties	95	45

Mississippi Gulf Coast unleashed a bevy of fine running backs and a devastating aerial assault to upset top-ranked Fort Scott 22-13 in the 15th Shrine Bowl Friday night at Memorial Stadium.

A crowd of 4,000 braved freezing weather and a steady second half drizzle to watch Gulf Coast capture its first National Junior College Athletic Association football championship.

And the Bulldogs did the job in convincing style, bolting for 252 yards on the ground and 163 more through the air against what was billed as one of the stingiest defenses in the country.

The victory extended Gulf Coast's winning streak to 18 games and halted the Fort Scott string at 27.

Jerald Thomas, a 177-pound running back, staked Gulf Coast to a 14–0 lead before Fort Scott got on the scoreboard midway in the second period on a 63-yard gallop by Tommy Reamon. Thomas bolted 64 yards from scrimmage with 8:16 left in the first period to make it 6–0, and placekicker Jim Beck added the PAT to make it 7–0.

Thomas scored again on the first play of the second period, taking a 33-yard scoring pass from quarterback Jim (Dinky) McKay without breaking a stride. This time the PAT attempt was blocked.

That's the way it stood at the half, but Gulf Coast quickly changed the outlook with 11:31 remaining in the third period. Big Gene Ganucheau gathered in another McKay pass and travelled 40 yards to make it 19–7, and early in the fourth period Beck boomed a 30-yard field goal to give Gulf Coast a 22–13 margin with 9:49 left on the clock.

Between Ganucheau's touchdown grab and Beck's field goal, Fort Scott put six on the board when quarterback Kurt Nieman plunged one yard to cap a 68-yard Greyhound march. Steve Hall, who kicked the first PAT, was foiled on this attempt by a bad snap from center.

That was all the scoring, although Gulf Coast could have easily put three more scores on the board. Once a Gulf Coast receiver dropped a sure TD pass, again a receiver slipped down while in the clear, and one touchdown was called back because of an off-side penalty.

Fort Scott, ranked No. 2 at the time, upset Mesa College, 41–20, in the Shrine Bowl last year and was a solid favorite to become the first school to win two NJCAA championships in a row.

But, Mississippi Gulf Coast proved who was No. 1, without a doubt. Both schools went into the game rated No. 1 by various polls.

It was evident from the start that Gulf Coast was 'keying' on Fort Scott's Reamon, who shattered four records and tied another in the 1970 game. The little speedster "only" got 182 yards in 22 carries Friday night, but wasn't allowed to get loose after he broke the 63-yard touchdown run.

Reamon's Shrine Bowl worksheet is something to behold. In 51 carries Reamon has gained 426 yards and scored four touchdowns.

But it was Gulf Coast's sticky defense that shut off Reamon's outside runs, thus putting a damper on the Greyhounds offensive machine. Big Skip Holland did a fantastic job at defensive end for Gulf Coast, and John McDougle and Jerry Brown plugged the middle.

Fort Scott also had its defensive stars, namely Joe Wunderly, Gary Lindsay and safety Dave Dill, who made numerous tackles.

It took Gulf Coast only three plays to get its first score. After one incomplete pass, McKay hit Thomas for 24 yards to the "Dogs" 37, and Thomas broke off left tackle on the next play for the score.

Gulf Coast went 40 yards for the second score, using five plays to do it. McKay connected on three passes enroute to the score, including the 33-yard payoff pitch.

Reamon's TD run came on the first play of a series, after McKay was thrown for a six yard loss on fourth and six at the Greyhounds 31. Reamon took the pitch out from Nieman, turned the left corner and out ran 11 Bulldogs.

Ganucheau's touchdown run in the third period was one of the most determined anybody will witness. After pulling in McKay's pass, Ganucheau cut toward the sidelines, turned back toward the middle, bounced off five tacklers and sped into the end zone.

Fort Scott's final touchdown was a time-consuming 68-yard march that needed 11 plays. Reamon was the big man on the drive, carrying seven times for 41 yards.

Reamon finished was 182 yards for the night, and Gulf Coast's Thomas had 133 in 22 carries. Thomas also caught three passes for 61 yards. Ganucheau's three catches were good for 67 yards.

Gulf Coast	7	6	6	3—22
Fort Scott	0	7	6	0—12

M—Thomas 64, run; Beck kick.

M—Thomas 33, pass from McKay; kick blocked.

S—Reamon 63, run; Hall kick.

M—Ganucheau 40, pass from McKay; pass failed.

S—Nieman 1, run; kick failed.

M—Beck 30, field goal.

THE UNITED STATES AND FRANCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BIAGGI. Mr. Speaker, a few months ago, I and several of my colleagues boycotted the address of French President George Pompidou to a joint session of Congress. At the time, we were protesting France's failure to supply the Mirage jets that Israel had ordered.

Now the correctness of that move is confirmed. France has disclosed its hand to the world by canceling Israel's order and returning the money paid.

Israel needed those jets and needed the money to keep up her fight for freedom. To deny her the jets and the money for all these years was as much as if France were fighting on the side of the Arabs and their Communist allies.

Clearly, the French Government has now revealed that it is not interested in maintaining Israel as a democratic state, free from the threats of aggression and annihilation that daily hangs over its head.

Similarly, the French hand has been revealed in its treatment of the illegal narcotics traffic that freely flows through its country. For years we have heard how hard France is working to clean up Marseilles and rid the city of its drug purveyors and processors. But little action has really been taken. In fact, the very officials that are mouthing these fantasies are working with the traffickers in illegal drugs.

For a long time now I have called on the U.S. Government to put pressure on the French to eliminate the drug processors and traffickers in their country. The State Department continues to aver that France is doing something. However, by now it must be apparent that what they are doing is aiding the illegal drug flow, not stopping it.

With such discrepancies in their policies and pronouncements, there is more than ample justification for a boycott of French goods, as has been proposed. The public pronouncements published these days are just as empty and meaningless as the Pompidou speech I boycotted.

France will have to learn that cooperation with the world, and honesty in its dealings, will go much further than the issuance of two-faced policy statements that they have no intention of backing up with action. I urge that the boycott be supported by all Americans and that President Nixon exert every pressure on France to clear out the drug operations in its country.